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3-10-81
Vol. 46 No. 46
Pages 15855-16098

federal register

Tuesday
March 10, 1981

Highlights

15855 **Eligibility of Rwanda to Purchase Defense Articles and Defense Services** Presidential determination

16090 **Polychlorinated Biphenyls (PCB's)** EPA addresses the manufacture process, distribution in commerce, use in electrical equipment and the court order on inspection and maintenance of PCB's; effective 5–11–81 for the inspection and maintenance program (Part III of this issue)

16096 **Polychlorinated Biphenyls (PCB's)** EPA publishes advanced notice of proposed rulemaking regarding PCB's in electrical equipment; comments by 12–7–81 (Part III of this issue)

15953 **Continental Shelf** Interior/GS issues receipt of a proposed development and production plan for oil and gas and sulphur operations

15938 **Chemicals** EPA announces the availability of two reports on population exposure to selected chemicals of concern that are emitted into the atmosphere; comments by 5–11–81

15873 **Hydroelectric Power** DOE/FERC publishes final rule regarding small hydroelectric power projects with an installed capacity of five megawatts or less

CONTINUED INSIDE

Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

15864 **Banking** Federal Financial Institutions Examination Council jointly eliminate certain reporting requirements imposed on financial institutions; effective 3–10–81

15866 **Securities** SEC announces adoption of rule establishing procedures and requirements for joint industry plans in connection with planning, developing, operating or regulating a national market system; effective 5–11–81

16058 **Administrative Practice and Procedure** Foreign Service Labor Relations Board, FLRA and the Foreign Service Impasse Disputes Panel release an interim rule governing the processing of cases; effective 2–15–81; comments by 6–15–81 (Part II of this issue)

15895 **Model Regulations** Administrative Conference of the United States requests comments by 4–24–81, on draft model regulations for the implementation of the Equal Access to Justice Act

16020 **Sunshine Act Meetings**

Separate Parts of This Issue

16058 **Part II, Foreign Service Labor Relations Board, FLRA and the Foreign Service Impasse Disputes Panel**

16090 **Part III, EPA**

V 46 / 46 MR 10 81 UMI

Contents

Federal Register
Vol. 46, No. 46
Tuesday, March 10, 1981

The President
ADMINISTRATIVE ORDERS
15855 Rwanda, eligibility to purchase defense articles and defense services under the Arms Export Control Act (Presidential Determination No. 81-3 of Feb. 27, 1981)

Executive Agencies

Administrative Conference of United States
NOTICES
15895 Equal Access to Justice Act; implementation; inquiry

Agency for International Development
NOTICES
Authority delegations:
16001 Near East, Deputy Assistant Administrator

Agricultural Marketing Service
RULES
15864 Lemons grown in Ariz. and Calif.
PROPOSED RULES
15888 Cherries grown in Mich. et al.

Agriculture Department
See Agricultural Marketing Service.

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
16001 Borden, Inc., et al.

Arts and Humanities, National Foundation
NOTICES
Meetings:
16009 Humanities Panel

Commerce Department
See International Trade Administration; National Technical Information Service.

Comptroller of Currency
RULES
15864 Minimum security devices and procedures; Bank Protection Act; elimination of form reports

Defense Department
NOTICES
Meetings:
15908 Science Board task forces (2 documents)

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
16004 Ontario Drugs, Inc., et al.; denial

Energy Department
See also Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
15909 Advisory committees; annual review
Meetings:
15908 International Energy Agency Industry Advisory Board

Environmental Protection Agency
RULES
Toxic substances:
16090 Polychlorinated biphenyls (PCBs) and PCB-containing transformers, capacitors and electromagnets; use prohibitions; court order on interim measures program for inspection and maintenance of PCB transformers and PCB-contaminated transformers
PROPOSED RULES
15893 Motor vehicle pollution control; waiver of oxides of nitrogen emission standards; opportunity for public hearing
Toxic substances:
16096 Polychlorinated biphenyls (PCBs) and PCB-containing transformers, capacitors and electromagnets; use prohibitions; advance notice
NOTICES
Air pollutants, hazardous; national emission standards:
15938 Human exposure to atmospheric concentrations of selected chemicals, assessments; availability and inquiry
Pesticides; emergency exemption applications:
15940 Botran and orthophenylphenol
15943 Naled
15940 Permethrin
Pesticides; experimental use permit applications:
15939 Abbott Laboratories
15942 Monsanto Co. et al.
15942 Nor-Am Agricultural Products, Inc.
Pesticides; temporary tolerances:
15941 Monsanto Co.
15943 Sandoz, Inc.
Toxic and hazardous substances control:
15944 Premanufacture notices receipts
15946 Premanufacture notices receipts; correction

Equal Employment Opportunity Commission
NOTICES
16020 Meetings; Sunshine Act

Export-Import Bank
PROPOSED RULES
15888 Conduct stadards; bank employees, executive personnel financial disclosure requirements

Federal Aviation Administration
NOTICES
Aircraft certification status, etc.:
16014-16016 Gates Learjet (2 documents)

Federal Communications Commission
NOTICES
15946 AM broadcast applications accepted for filing and notification of cut-off date
Hearings, etc.:
15946 B.L.P., Inc., et al.
15947 Cincinnati Bell Inc.; pleading cycle establishment
15947 Southern New England Telephone Co.; pleading cycle establishment
15948 Spicer, Steven
15949 Waterman Broadcasting Corp. of Texas et al.

Federal Deposit Insurance Corporation
RULES
15864 Minimum security devices and procedures; Bank Protection Act; elimination of form reports

Federal Energy Regulatory Commission
RULES
Electric utilities:
15873 Hydroelectric projects with installed capacity of 5 megawatts or less; exemption; rehearing denied
Natural gas companies:
15878 Annual reports (Form No. 2) revision; rehearing denied
15874 Small producers; rehearing denied, and application form requirement
Natural Gas Policy Act of 1978:
15879 Incremental pricing; mechanical cogeneration facilities, exemption; order granting waiver of certain affidavit filing requirements
NOTICES
Hearings, etc.:
15926 Appalachian Power Co.
15928 Buckeye Pipe Line Co.
15909, 15910 Columbia Gas Transmission Corp. (3 documents)
15918 Consolidated Gas Supply Corp.
15915 Consolidated Hydroelectric, Inc.
15918 Continental Hydro Corp.
15910 Continental Hydro Corp. et al.
15916, 15919 Enagenics (2 documents)
15911 Gulf States Utilities Co.
15930 Indiana & Michigan Electric Co.
15920 International Paper Co.
15920 Kansas Gas & Electric Co.
15922 Louisiana Gas Intrastate, Inc. of Shreveport
15913 Mason County Public Utility District No. 3
15922 Michigan Wisconsin Pipe Line Co.
15912 Mitchell Energy Co., Inc., et al.
15930 Mountain Fuel Supply Co. et al.
15934 National Fuel Gas Supply Corp.
15934 Natural Gas Pipeline Co. of America
15935 Navajo Refining Co.
15923 Niagara Mohawk Power Corp.
15914 Pacific Gas Transmission Co.
15935 Public Service Co. of Oklahoma
15911 Sanchez, Jorges
15935 Seagull Interstate Corp.
15924 Shenandoah Gas Co.
15924, 15936 South Columbia Basin Irrigation District et al. (3 documents)
15925 Southern Natural Gas Co.
15914 Transcontinental Gas Pipeline Corp.
15925 United Gas Pipe Line Co. et al.
15926 Virginia Electric & Power Co.
15915 Washington Water Power Co.
15915 Yolo County Flood Control and Water Conservation District
Natural gas companies:
15929 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend
Small power production facilities; qualifying status; certification applications, etc.:
15917 Columbus, Ohio
15929 Henwood Associates, Inc.
15921 La Habra, Calif.
15937 Potsdam, N.Y.
15937 Spaulding Fibre Co., Inc.

Federal Financial Institutions Examination Council
RULES
15864 Minimum security devices and procedures; Bank Protection Act; elimination of form reports

Federal Home Loan Bank Board
RULES
15864 Minimum security devices and procedures; Bank Protection Act; elimination of form reports

Federal Labor Relations Authority
RULES
16058 Foreign service; organization, functions, authority delegations, systems of records, and processing of cases; interim

Federal Maritime Commission
NOTICES
15950 Agreements filed, etc.
Complaints filed:
15950 Bekaert Steel Wire Corp.

Federal Mine Safety and Health Review Commission
NOTICES
16020 Meetings; Sunshine Act

Federal Reserve System
RULES
15864 Minimum security devices and procedures; Bank Protection Act; elimination of form reports
NOTICES
Applications, etc.:
15952 Commerce Bancshares of Wyoming, Inc.
15952 First Texas Bancshares, Inc.
15953 First Banks, Inc.
15953 Southeastern Banking Corp.
Bank holding companies; proposed de novo nonbank activities:
15951 Citicorp
15951 Citicorp et al.
16020 Meetings; Sunshine Act

Food and Drug Administration
RULES
Human drugs:
15880 Cepha antibiotic drugs; cefadroxil capsules; correction
15880 Cepha antibiotic drugs; cefadroxil monohydrate tablets; correction
15880 Cyclacillin; correction

NOTICES
GRAS or prior sanctioned ingredients:
15953 Glucose isomerase enzyme preparation

Foreign Service Impasse Disputes Panel
RULES
16058 Foreign service; organization, functions, authority delegations, systems of records, and processing of cases; interim

Foreign Service Labor Relations Board
RULES
Authority delegations:
16085 Federal Labor Relations Authority, General Counsel
16058 Foreign service; organization, functions, authority delegations, systems of records, and processing of cases; interim

General Accounting Office
RULES
Personnel Appeals Board:
15857 Organization and procedures; interim rules and request for comments
PROPOSED RULES
Personnel Appeals Board:
15884 Labor-management relations program; representation hearings, and unfair labor practices

Geological Survey
NOTICES
Coal lease areas; maximum economic recovery and fair market value:
15954 Southern Appalachian Coal Region, Alabama Subregion; inquiry; correction
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
15953 Conoco Inc.

Health and Human Services Department
See Food and Drug Administration.

Hearings and Appeals Office, Energy Department
NOTICES
Remedial orders:
15938 Objections filed

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; pending nominations:
15954 California et al.

Interior Department
See Geological Survey; Heritage Conservation and Recreation Service; Land Management Bureau; National Park Service.

Internal Revenue Service
PROPOSED RULES
Estate and gift taxes:
15893 Generation-skipping transfers; definitions and special rules; hearing
Income taxes:
15892 State and local government deferred compensation plans; hearing
15892 Trade shows, qualified, sponsored by exempt organizations; hearing

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Scientific articles; duty free entry:
15905 Bucknell University
15906 University of Arkansas et al.
15906 University of Colorado
15906 Veterans Administration Medical Center

Interstate Commerce Commission
RULES
Accounts, uniform system:
15880 Motor, rail, and water carriers, etc.; reduction of accounting and reporting requirements; correction
Reports:
15881 Railroad companies; quarterly reports of operating statistics; elimination, etc.
NOTICES
15970 Long and short haul applications for relief
Motor carriers:
15999 Operating rights applications
15971 Operating rights applications; republication of grants
15963–15970, 15972–15987 Permanent authority applications (13 documents)
Petitions filed:
15971 Southern Pacific Transportation Co.; exemption for contract tariff
Rail carriers:
15998 Norfolk & Western Railway Co.; contract tariff exemption
Railroad operation, acquisition, construction, etc.:
15956 Burlington Northern, Inc.
15957 Chesapeake & Ohio Railway Co.
15959 Consolidated Rail Corp.
15961 Delaware Otsego Corp.
15997 Louisiana & Arkansas Railway Co.

Justice Department
See Antitrust Division; Drug Enforcement Administration.

Labor Department
See also Mine Safety and Health Administration.
NOTICES
Adjustment assistance:
16006 American Sunroof Corp.
16007 Chrysler Corp.
16007 Exolon Co.
16008 Optique Du Monde, Ltd.
16008 Perfection Pattern & Manufaturing Co. et al.

Land Management Bureau
NOTICES
Environmental concerns; designation of critical areas:
15954 Bannock-Oneida Resource Area, Idaho

Outer Continental Shelf; oil and gas lease sales:
Gulf of Alaska (Editorial note: This document, appearing at page 15668 in the **Federal Register** for March 6, 1981, was incorrectly identified as Gulf of Mexico in that issue's table of contents)

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
16005 Cress Coal Co.
16005 International Salt Co.
16006 Kentucky Elkhorn Coals, Inc.

National Credit Union Administration
RULES
15864 Minimum security devices and procedures; Bank Protection Act; elimination of form reports

National Park Service
NOTICES
Concession permits, etc.:
15955 Rocky Mountain National Park
Management and development plans:
15954 Grand Canyon National Park, Ariz.
Meetings:
15955 Cuyahoga Valley National Recreation Area Advisory Commission

National Science Board
NOTICES
16020 Meetings; Sunshine Act

National Technical Information Service
NOTICES
15907 Inventions, Government-owned; availability for licensing

National Transportation Safety Board
NOTICES
16021 Meetings; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
16010 National Bureau of Standards test reactor, Gaithersburg, Md.; report and scoping meeting
16010 Federal Tort Claims Act determination; General Public Utilities
Meetings:
16009 Reactor Safeguards Advisory Committee
16010 Reactor Safeguards Advisory Committee; change of time/location
16009 Reactor Safeguards Advisory Committee; postponement

Overseas Private Investment Corporation
NOTICES
16021 Meetings; Sunshine Act

Postal Service
NOTICES
16021 Meetings; Sunshine Act

Securities and Exchange Commission
RULES
15866 National market system plans; procedures and requirements
NOTICES
Hearings, etc.:
16010 Louisiana Power & Light Co. et al.
16011 Mississippi Power & Light Co. et al.
Self-regulatory organizations; proposed rule changes:
16012 National Association of Securities Dealers, Inc.
16013 Options Clearing Corp.
Self-regulatory organizations; unlisted trading privileges:
16014 Philadelphia Stock Exchange, Inc.

Transportation Department
See Federal Aviation Administration.

Treasury Department
See Comptroller of Currency; Internal Revenue Service.

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
16018 Illinois State Veterans Cemetery, Quincy, Ill.; facility upgrading
16018 Massachusetts National Cemetery, Bourne, Mass.; crossover road

MEETINGS ANNOUNCED IN THIS ISSUE

ARTS AND HUMANITIES, NATIONAL FOUNDATION
16009 Humanities Panel, Washington, D.C., 3-24-81

DEFENSE DEPARTMENT
Office of the Secretary—
15908 Defense Science Board Task Force on Mapping, Charting and Geodesy, Washington, D.C., 3-30 and 3-31-81
15908 Defense Science Board Task Force on review of M-X environmental impact statement, Arlington, Va., 3-30 and 3-31-81

ENERGY DEPARTMENT
15908 International Energy Agency, Industry Advisory Board, Paris, France, 3-24 and 3-25-81

INTERIOR DEPARTMENT
National Park Service—
15955 Cuyahoga Valley National Recreation Area Advisory Commission, Peninsula, Ohio, 3-26-81

NUCLEAR REGULATORY COMMISSION
16010 National Bureau of Standards, National Bureau of Standards Test Reactor, availability of applicant's environment report and notice of intent of publish an environmental impact statement, Bethesda, Md., 3-20-81
16009 Reactor Safeguards Advisory Committee, Electrical Power Systems Subcommittee, Washington, D.C., 3-25-81

CHANGED MEETING

NUCLEAR REGULATORY COMMISSION
16010 Reactor Safeguards Advisory Committee, Virgil C. Summer Nuclear Station Subcommittee, Washington, D.C., 3-11-81 (time and locations changes)

POSTPONED MEETING

NUCLEAR REGULATORY COMMISSION
16009 Reactor Safeguards Advisory Committee, NRC Safety Research Program Subcommittee, Washington, D.C., 4-8-81 (tentatively)

HEARINGS

ENVIRONMENTAL PROTECTON AGENCY
15893 Motor vehicle pollution control; waiver of oxides of nitrogen emission standards, 3-25-81

TREASURY DEPARTMENT
Internal Revenue Service—
15893 Generation—skipping transfers; definitions and special rules, 5-20-81
15892 Income from trade shows, 4-22-81
15892 State and local government deferred compensation plans, 5-5-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Administrative Orders:
Presidential Determinations:
No. 81-3 of February 27, 1981 15855

4 CFR
27 15857
28 15857
Proposed Rules:
28 15884

7 CFR
910 15864
Proposed Rules:
930 15888

12 CFR
21 15864
216 15864
326 15864
563a 15864
748 15864
Proposed Rules:
400 15888

17 CFR
240 15866

18 CFR
4 15873
250 15874
260 15878
282 15879

21 CFR
430 15880
436 15880
440 15380
442 (2 documents) 15880

22 CFR
Ch. XIV (2 documents) 16058, 16085

26 CFR
Proposed Rules:
1 (2 documents) 15892
26 15893

40 CFR
761 15090
Proposed Rules:
86 15893
761 15096

49 CFR
1240 15880
1243 15881

V 46 / 46 MR 10 81 UMI

Federal Register
Vol. 46, No. 48
Tuesday, March 10, 1981

Presidential Documents

Title 3—

The President

Presidential Determination No. 81–3 of February 27, 1981

Eligibility of Rwanda To Purchase Defense Articles and Defense Services Under the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the sale of defense articles and defense services to the Government of Rwanda will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73–10 of January 2, 1973 (38 FR 7211), as amended by Presidential Determinations No. 73–12 of April 26, 1973 (38 FR 12799), No. 74–9 of December 13, 1973 (39 FR 3537), No. 75–2 of October 29, 1974 (39 FR 39863), No. 75–21 of May 20, 1975 (40 FR 24889), No. 76–1 of August 5, 1975 (40 FR 37205), No. 76–11 of March 25, 1976 (41 FR 14163), No. 76–12 of April 14, 1976 (41 FR 18281), No. 77–5 of November 5, 1976 (41 FR 50625), No. 77–17 of August 1, 1977 (42 FR 40169), No. 77–20 of September 1, 1977 (42 FR 48867), No. 79–5 of February 6, 1979 (44 FR 12153), No. 79–11 of June 21, 1979 (44 FR 38437), No. 80–12 of March 3, 1980 (45 FR 16095), No. 80–14 of March 13, 1980 (45 FR 19211), No. 80–29 of December 4, 1980 (45 FR 82619), and No. 81–1 of December 31, 1980 (46 FR 3491), shall be published in the Federal Register.

Ronald Reagan

THE WHITE HOUSE,
Washington, February 27, 1981.

[FR Doc. 81–7809
Filed 3–6–81; 4:21 pm]
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Rule

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SUMMARY
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Rules and Regulations

Federal Register
Vol. 46, No. 46
Tuesday, March 10, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

GENERAL ACCOUNTING OFFICE

4 CFR Parts 27 and 28

General Accounting Office Personnel Board; Organization and Procedures

AGENCY: General Accounting Office Personnel Appeals Board.

ACTION: Interim rules with requests for comment.

SUMMARY: This rule (1) establishes on an interim basis the procedures pursuant to which the General Accounting Office Personnel Appeals Board will operate when performing its duties under section 4 of the General Accounting Office Personnel Act of 1980, 94 Stat. 29, while the Board is seeking and considering comments on proposed final regulations to implement this Act, and (2) requests comments on these interim procedures to implement section 4 of the Act. This interim issuance is necessary in order to provide the Board a means of addressing matters under its cognizance while considering adoption of its final rules.

DATES: The rules are effective on an interim basis as of March 1, 1981. Comments which are received by May 1, 1981, will be considered.

ADDRESS: Send comments to: Personnel Appeals Board, General Accounting Office, Room 4057, 441 G Street, N.W., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Carl D. Moore, General Counsel, Personnel Appeals Board at telephone (202) 275–6137.

SUPPLEMENTARY INFORMATION: On February 15, 1980, Congress passed the General Accounting Office Personnel Act of 1980 (Pub. L. No. 96–191). The Act establishes an independent personnel system for employees of the General Accounting Office. The legislation was intended to address a congressional concern regarding the potential for conflict of interest between GAO and various executive branch agencies such as the Office of Personnel Management, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

On the one hand, GAO has responsibility for evaluating personnel programs across agency lines, concentrating on policy and control agencies, such as the three agencies recited above. On the other hand, these agencies regulated personnel management in GAO. To minimize these conflicts of interest, the legislation exempts GAO from executive branch administered laws and regulations relating to matters such as appointments, promotions, reassignments, details, classifying and downgrading positions, compensation, adverse actions, reductions-in-force, and appeals.

Congress was also concerned, however, that the legislation provide adequate safeguards for the rights of employees and applicants. Under the provisions of the legislation, GAO must establish a personnel management system which adheres to principles of merit and existing provisions of law relating to personnel management as set forth in the GAO Personnel Act. Employee appeals and complaints are to be adjudicated fairly and impartially by an independent personnel appeals board established by the legislation. These interim rules establish the procedures to be followed by the General Accounting Office Personnel Appeals Board.

In general, the Personnel Appeals Board is designed to perform at GAO the same functions performed in the executive branch by the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the Special Counsel of the Merit Systems Protection Board, and the Federal Labor Relations Authority. Under the statute and these proposed rules, the Board has appellate authority over personnel actions that allegedly violate merit system principles or that allegedly constitute prohibited personnel practices and over a wide range of labor relations matters. The General Counsel for the Board under the statute and under these rules has broad investigative responsibilities in matters dealing with equal employment opportunity, prohibited political activities, prohibited personnel practices, and unfair labor practices. The Board is authorized to take corrective action in this broad spectrum of personnel jurisdiction as well as disciplinary action against employees who violate the provisions of the statute.

Informal and Formal Procedures

It is the intention of the Board to establish a process for hearing appeals and complaints that is as simple and non-legalistic as possible, but with sufficient structure to insure a fair and impartial process and to insure that employees are accorded all the rights due them under the various statutory provisions. To this end, all appeals and complaints are filed in the same manner with the General Counsel of the Board. Most appeals and complaints are processed in accordance with the formal procedure found in Subpart B. To the extent that certain types of appeals and complaints require some special rules, these special rules are briefly set out at Subparts D, E, and F (EEO cases, representation proceedings, and labor relations disputes, respectively). Under the formal procedure of Subpart B, the General Counsel of the Board receives all appeals and complaints, and investigates the allegations. The General Counsel will make an effort to resolve the dispute before referring the matter to the Board for final action. When the General Counsel finds little or no merit to the employee appeal or complaint, the employee is so advised and may elect to pursue the appeal or complaint, on his/her own. When the General Counsel finds merit to the employee appeal or complaint, the General Counsel will represent the employee in settlement negotiations with management and, if necessary, will represent the employee in proceedings before the Board.

Once the appeal or complaint is referred to the Board by the General Counsel, the Board will, at the request of one of the parties or on its own motion, hold a hearing in the matter. In any event, the Board will decide the appeal or complaint based upon the submissions from the General Counsel and the parties and, where a hearing is held, upon the evidence developed in the hearing.

Oversight Procedures

Subpart C sets out the general authority of the Board in its oversight of

the Equal Employment Opportunity Program at GAO. This includes review by the Board of GAO equal employment opportunity programs; investigative authority in the General Counsel to inquire into possible equal employment opportunity violations with or without an allegation of discrimination; and prosecutorial responsibility in the General Counsel where violations of the equal employment opportunity program are found.

Special Procedures

Subpart D provides special rules for complaints and appeals that involve alleged discrimination. One of the difficulties under the Civil Service Reform Act is the question of how to deal with cases that allege discrimination and, therefore, suggest one appeals process, but also allege another basis for appeal, suggesting a different appeals process. Under the Civil Service Reform Act such cases before the Merit Systems Protection Board are referred to as "mixed cases." However, the problem can arise in other circumstances.

A discrimination complaint is also a prohibited personnel practice and subject to the investigative jurisdiction of the Special Counsel for the Merit Systems Protection Board. A discrimination allegation might also arise in the context of a labor dispute and be heard by the Federal Labor Relations Authority with ultimate review by the Equal Employment Opportunity Commission. The GAO Board's general policy is to simplify the procedures and avoid, to the maximum extent possible, such potential conflict or confusion in procedures.

Therefore, these rules require that an employee, who is alleging EEO violations, exhaust the agency complaint process before perfecting an appeal to the Board. These rules reflect the policy of the Board to encourage the use of the agency EEO complaint process and the settlement of disputes at the lowest possible level. Therefore, an EEO complaint filed in the agency complaint process dealing with allegations of discrimination, but also with allegations regarding any other area of jurisdiction for the Board, including, for instance, disciplinary action, an alleged unfair labor practice, or other alleged prohibited personnel practice, would be handled by the agency in the complaint process. A subsequent timely appeal to the Board from the agency EEO complaint process would be regarded by the Board as a timely appeal of the other issues raised in the complaint.

Subparts E and F deal with representation issues and other labor-management matters such as unfair labor practices, national consultation rights, negotiability disputes, negotiation impasses, standards of conduct for labor organizations, and review of arbitration awards. Prior to the publication of these rules, the Board held a series of meetings with representatives of management and employee groups at GAO. Comments were received at that time suggesting that Subparts E and F exceeded the Board's statutory authority. In order not to impede the regulatory process, the Board chose to issue most of its rules as interim rules and for public comment with the exception of Subparts E and F. These two Subparts are being published simultaneously as proposed rules. Further details appear in the Background material accompanying Subparts E and F. In these interim rules, Subparts E and F are reserved. Should any labor issues arise before final rules are published, the Board is confident they can be adequately dealt with under the procedures of Subpart B.

Disciplinary and Stay Proceedings

The Act provides that the Board may request the General Counsel of the Board to investigate matters under the jurisdiction of the Board. Subpart G acknowledges the statutory authority of the General Counsel to investigate allegations of prohibited personnel practices and prohibited political activities and further specifies that the Board may request the General Counsel to investigate any personnel action under the Board's jurisdiction to determine whether reasonable grounds exist upon which to bring disciplinary action against the employee of GAO or whether implementation of any personnel action should be stayed. It shall not be the policy of the Board or of the General Counsel to preempt management at GAO in the discipline of employees. Nevertheless, the General Counsel is charged with initiating and conducting investigations regarding violation of EEO laws and the Board is charged with initiating and the General Counsel with conducting investigations dealing with misconduct in any other area subject to the Board's jurisdiction and, where the General Counsel deems appropriate, charges may be brought against GAO employees for such misconduct. Also under this Subpart, the General Counsel is empowered to initiate stay proceedings where the General Counsel has reasonable grounds to believe that the personnel action involved was taken, or is to be taken, in violation of the rights guaranteed under the Act.

Appeals by Members of the Senior Executive Service

Subpart H provides that members of the senior executive service may appeal to the Board in accordance with the provisions of subchapter V, Chapter 75 of Title 5 of the U.S. Code and in accordance with the general procedures of Subpart B of these rules.

Freedom of Information and Privacy Act

Subpart I provides for Freedom of Information Act and the Privacy Act procedures.

Excluded from these interim regulations (and proposed regulations) published here are proposed regulations which are published elsewhere in today's edition of the **Federal Register** which deal with labor management and representation matters. Therefore, Title 4 of the Code of Federal Regulations is amended by adding Parts 27 and 28 to read as follows:

PART 27—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD—ORGANIZATION

Sec.
27.1 The board.
27.2 The chair.
27.3 The general counsel.

Authority: Sec. 4, Pub. L. 96-191, 94 Stat. 29 (31 U.S.C. 52-3).

§ 27.1 The Board.

The General Accounting Office Personnel Appeals Board, hereinafter the Board, is composed of five members appointed by the Comptroller General, in accordance with the provisions of Section 4 of Public Law No. 96-191, 94 Stat. 29, the General Accounting Office Personnel Act of 1980. The Board may designate a panel of its members or an individual Board member to take any action within the scope of the Board's authority, subject to later reconsideration by the Board.

§ 27.2 The Chair.

The members of the Board shall select from among the members of the Board a chairperson, hereinafter the Chair, who shall serve as the chief executive and administrative officer of the Board.

§ 27.3 The General Counsel.

The Comptroller General shall appoint the individual selected by the Chair to serve as the General Counsel of the Board.

The General Counsel, at the request of the Board or of any member of the Board, shall investigate matters under

the jurisdiction of the Board, and otherwise assist the Board in carrying out its functions.

PART 28—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD—PROCEDURES

Subpart A—Purpose and General Definitions

28.1 Purpose and scope.
28.3 General definitions.

Subpart B—Informal and Formal Procedures

28.5 Informal procedures.
28.7 Formal procedures—general.
28.9 Notice of appeals rights.
28.11 Filing of petition.
28.13 Amendments to petitions.
28.15 GAO response.
28.17 General Counsel's procedures.
28.19 Board procedures—pre-hearing.
28.21 Board procedures—formal hearing.
28.23 Burden and degree of proof.
28.25 Board procedures—decisions and orders.
28.27 Board procedures—judicial review.

Subpart C—Oversight Procedures

28.31 General.
28.33 Oversight of GAO EEO program.

Subpart D—Special Procedures—Equal Employment Opportunity Cases

28.41 Purpose and scope.
28.43 Applicability of general procedures.
28.47 Class action appeals.
28.51 Petitions to the Board.
28.53 Processing petitions.
28.55 Civil action—discrimination complaints.

Subpart E—Reserved

Subpart F—Reserved

Subpart G—Disciplinary and Stay Proceedings

28.101 General authority.
28.103 Investigative authority.
28.105 Disciplinary proceedings.
28.107 Stay proceedings.

Subpart H—Appeals by Members of the Senior Executive Service

28.111 Appeals by SES members.

Subpart I—Public Information, Privacy and Disclosure

28.121 Freedom of information.
28.123 Privacy.

Authority: Sec. 4, Pub. L. 96-191, 94 Stat. 29 (31 U.S.C. 52-3).

Subpart A—Purpose and General Definitions

§ 28.1 Purpose and scope.

(a) The purpose of these rules is to establish the procedures to be followed:

(1) by the GAO, in its dealings with the Board;

(2) by employees of the GAO or applicants for employment by the GAO, or by groups or organizations claiming to be affected adversely by the operations of the GAO personnel system;

(3) by employees or organizations petitioning for protection of rights or extension of benefits granted to them under the Act; and

(4) by the Board, in carrying out its responsibilities under the Act.

(b) The scope of the Board's operations encompasses the investigation and, where necessary, adjudication of cases arising under section 4(h) of the Act. In addition, the Board performs the oversight function of reviewing the policies, evaluating the operations, and, where necessary, ordering corrective action respecting the equal employment opportunity programs of the GAO.

(c) The intent of the Act is to provide the GAO independence in administering its labor and employee relations function intended by the Act, while ensuring that "GAO employees are entitled to the same rights and protections as employees in the executive branch." H.R. Rep. No. 96-494, 15 (1980). Such a broad scope of authority would normally require the promulgation of rules and regulations, in respect to the GAO, as extensive as those of all the agencies covering the relevant activities of the entire executive branch. To do so for but one agency, however, seems to the Board to be unnecessarily burdensome to all concerned. Instead, these regulations are designed to establish general guidelines which meet the immediate purpose of providing to all parties early and clear access to the Board.

§ 28.3 General Definitions.

In this part—

(a) "Act" means the General Accounting Office Personnel Act of 1980.

(b) "Board" means the General Accounting Office Personnel Appeals Board as established by Section 4 of the Act.

(c) "Comptroller General" means the Comptroller General of the United States.

(d) "Days" means calendar days.

(e) "GAO" means the General Accounting Office.

(f) "General Counsel" means the General Counsel of the General Accounting Office Personnel Appeals Board, as provided for under Section 4 (f) and (g) of the Act.

(g) "Hearing Officer" means any individual designated by the Board to preside over a hearing conducted on matters within its jurisdiction, and authorized to prepare a recommended Decision and Order of the Board. A Hearing Officer may be a member of the Board, an employee of the Board, an Administrative Law Judge or any individual qualified by experience or training to conduct a hearing.

(h) "Labor Organization" means any organization or employee representative committee or group in which employees participate, and which exists for the purpose, in whole or in part, of dealing with the GAO concerning any aspect of labor-management relations or working conditions.

(i) "Person" means an employee or applicant for employment, a labor organization or the GAO.

(j) "Personnel Management System" means the personnel management system established by the Comptroller General, as required by Section 3(a) of the Act.

(k) "Petition" means any request filed with the Board for action to be taken on matters within the jurisdiction of the Board, under the provisions of the Act.

(l) "Petitioner" means any person filing a petition for Board consideration.

Subpart B—Informal and Formal Procedures

§ 28.5 Informal procedures.

(a) Petitioners or prospective petitioners may seek informal advice on all aspects of the Board's procedures by contacting the General Counsel.

(b) Informal procedural advice will be supplied within the limits of available time and staff.

§ 28.7 Formal procedures—general.

The procedures described in this Subpart are generally applicable to the processing of all matters presented for consideration by the Board. Where special procedures are to be followed, they will be prescribed in those subsequent Subparts to which they are particularly applicable.

§ 28.9 Notice of appeal rights.

The GAO shall be responsible for insuring that employees are regularly advised of their appeal rights to the Board and that employees, who are the object of an adverse action, are, at the time of the action, adequately advised of their appeal rights to the Board.

§ 28.11 Filing of petition.

(a) Who may file. Any GAO employee or applicant for employment claiming to be affected adversely by GAO action or inaction within the provisions of the Act.

(b) When to file. (1) Petitions for review of adverse actions based on conduct or performance must be filed

within 20 days after the effective date of the action.

(2) Petitions for review of other personnel actions must be filed within 20 calendar days after the petitioner knew or should have known of the action.

(3) Petitions for review of discrimination complaints may be filed any time after 45 days have passed since the filing of a formal complaint of discrimination with GAO, except that, when GAO has issued a final agency decision, the petition for review must be filed within 20 calendar days from receipt by the petitioner of the final agency decision. See Subpart D.

(4) The General Counsel or the Board may waive these time limits for good cause shown.

(c) How to file. Petitions may be filed with the Board in person at the Office of the Board (GAO Building, Room 4057, Washington, D.C.) or by certified mail addressed to the General Counsel, GAO Personnel Appeals Board, Room 4057, Washington, D.C. 20548. The General Counsel shall serve copies of the petition on affected persons with directions regarding response to the petition.

(d) What to file. The petitioner should include in any petition for Board action the following information:

(1) Name of the petitioner or a clear description of the group or class of persons on whose behalf the petition is being filed;

(2) The names of organizational affiliations and titles of persons, if any, responsible for actions the petitioner wishes to have the Board review;

(3) The actions being complained about, including dates, reasons given, and internal appeals taken;

(4) Petitioner's reasons for believing the actions to be improper, including specific references to each section of the Act which the petitioner alleges has been violated;

(5) Remedies sought by the petitioner;

(6) Name of the representative, if any, who will act for the petitioner in any further stages of the matter;

(7) Copies of all relevant documentation;

(8) Signature of the petitioner and representative, if any.

§ 28.13 Amendments to petitions.

The Board at its discretion may allow amendments to a petition as long as all persons who are parties to the proceeding have adequate notice to prepare for the new allegations.

§ 28.15 GAO response.

Within 20 days after receiving a copy of a petition filed in accordance with § 28.11, where GAO is a party from whom the petitioner seeks relief, the GAO shall file a response containing at least the following:

(a) A complete statement of the GAO position with respect to each of the issues raised by the petitioner, including admissions, denials or explanations of each allegation made in the petition.

(b) All documents or true copies thereof contained on the GAO records regarding the matter.

(c) Designation of, and signature by, the GAO representative authorized to act for GAO in the matter.

§ 28.17 General Counsel procedures.

(a) All petitions filed in accordance with § 28.11 will be received by the General Counsel for the Board. The General Counsel will investigate the matter, refine the issues where appropriate, and attempt settlement of all matters at issue.

(b) The General Counsel may issue subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence and order the taking of depositions and order responses to written interrogatories in connection with any investigation under these Rules by the General Counsel. Employees of GAO who are required by the General Counsel to participate in any investigation under these Rules shall be on official time.

(c) If, following the investigation, the General Counsel determines that there is not a prima facie case of prohibited discrimination or that there is not reasonable evidence to believe that the petitioner's rights under the Act have been violated, then the General Counsel shall issue to the petitioner a Right to Appeal Letter. This letter advises the petitioner of the results of the General Counsel's investigation and advises the petitioner of his/her right to pursue an appeal to the Board. This letter is not subject to discovery and may not be introduced into evidence in any proceeding before the Board.

(d) If, following the investigation, the General Counsel determines that there is a prima facie case of prohibited discrimination or that it is reasonable to believe that the petitioner's rights under the Act have been violated, then the General Counsel shall—

(1) transmit to the Board an investigative report together with a settlement of the case that has been agreed to by the parties;

(2) transmit to the Board an investigative report together with a proposed disposition of the case and a waiver by the parties to a hearing. Copies of the report will be transmitted to the parties, who will have 30 calendar days from receipt in which to furnish further argument to the Board; or

(3) transmit to the Board an investigative report specifying the basis for petitioner's appeal and represent the petitioner in proceedings before the Board or a hearing officer of the Board.

§ 28.19 Board procedures—pre-hearing.

(a) Where the petitioner under § 28.17(c) receives a Right to Appeal Letter and petitions the Board for relief, the Board shall order a hearing at the request of the petitioner or, absent such request, may issue a Decision and Order based upon the written submissions of the parties and, where it deems necessary, an oral argument called for the purpose of eliciting further views.

(b) Where the General Counsel under § 28.17(d)(1) transmits a settlement agreed to by the parties, the settlement agreement shall be the final disposition of the case.

(c) Where the parties under § 28.17(d)(2) have not requested a hearing, and where the Board does not consider it necessary to conduct a hearing, the Board may issue a Decision and Order based on the General Counsel's proposed disposition, the written submissions before it, and, where it deems necessary, on an oral argument called for the purpose of eliciting further views.

§ 28.21 Board procedures—formal hearings.

(a) After a petition is filed and processed in accordance with §§ 28.17 and 28.19, the Board shall order a hearing on a petition at the request of any party or on a motion by the Board.

(b) Where two or more parties have filed petitions containing identical or similar issues, the Board may consolidate such petitions for hearing purposes.

(c) Where a petitioner has filed two or more petitions, the Board may join these for purposes of conducting the hearing.

(d) A formal hearing on a petition may be conducted:

(1) before the Board as a whole, in which case the Chairman shall preside;

(2) before one of its members chosen by the Board to be the Hearing Officer;

(3) before a panel of two or more Board members chosen by the Board for the purpose, one of whom shall preside;

(4) before a qualified Hearing Officer chosen by the Board for that purpose.

(e) The Board shall issue a notice to all parties specifying the date, time and place of the scheduled hearing. In no case shall the hearing be held earlier than 15 days after the notice is issued,

unless all parties agree to an earlier date.

(f) Upon request by the Board, the GAO shall provide appropriate space to hold the hearing.

(g) The Hearing Record shall be prepared and maintained under the supervision of the Hearing Officer. It shall include a transcript of all testimony, exhibits, motions, and other material submitted by the parties and accepted by the Hearing Officer. This transcript shall constitute the sole official record of the proceeding. Copies of all or portions of the Record shall be provided to the petitioner and the GAO upon request; other parties may be furnished a copy, at their request and at their own expense, or they may examine a copy at a time and place set by the Board.

(h) Generally, hearings shall be closed to the public unless the petitioner requests the Hearing Officer to order the hearing or part of the hearing to be open. However, the Hearing Officer may, for good cause shown, close any or all portions of the hearing, over the petitioner's objections, stating the reason therefor on the record.

(i) Although the rules of evidence shall not apply, the Hearing Officer shall conduct the hearing so as to ensure that all relevant and material facts are placed into the record and all parties are given full opportunity to present their evidence on the issues.

(j) The Hearing Officer shall conduct the hearing in a manner designed best to achieve a balance of fairness, justice and equity in terms of the objectives of the Act and the proper interests of the parties; he/she shall have the authority needed to function effectively, including, but not restricted to authorizing the taking of depositions, ruling on admissibility of evidence, issuing subpoenas, requiring briefs, and administering oaths.

(k) The Hearing Officer shall rule on all questions of procedure and conduct raised at the hearing following appropriate administrative procedures consistent with 5 U.S.C. 7701 and 7702. Objections to rulings of the Hearing Officer, with reasons therefor, shall be part of the record; however, the hearing shall proceed as ordered by the Hearing Officer.

(l) Upon application to the Board, or to the Hearing Officer at a hearing already in progress, any party prospectively affected by matters at issue in any petition may be given the status of an intervenor in all formal proceedings relating to the petition. As such, any intevenor shall have the right to participate in the hearing and to be notified, as is the petitioner, of all Board actions respecting the processing of the case. However, intervenors shall pay any costs related to their participation in the processing of the petition.

(m) The costs involved in the appearance of witnesses in any Board hearing shall be allocated as follows:

(1) Persons employed by the GAO shall, upon request by the Hearing Officer to GAO, be made available to participate in the hearing and shall be in official duty status for this purpose. They shall not receive witness fees.

(2) Employees of other Federal agencies called to testify at a Board hearing shall, at the request of the Hearing Officer to such agencies, be in official duty status during any period of absence from normal duties caused by their testimony, and shall not receive witness fees. In the event that the employing agency refuses the request to release the employee-witness in an official duty status, the employee-witness may be paid a witness fee in accordance with paragraphs (m)(3) and (p) of this section.

(3) The fees and expenses of other persons called to testify at a Board hearing shall, in the first instance, be paid by the party requesting their appearance, subject to a subsequent decision otherwise in accordance with paragraph (p) of this section.

(n) Prior to closing the hearing, the Hearing Officer may permit oral argument by representatives of each of the parties.

(o) The Hearing Officer may afford the parties an opportunity to file briefs within a specific period after the close of the hearing, copies of which shall be served by the submitting party on all other parties.

(p) Within 20 days after a decision of the Board becomes final, the employee-petitioner may submit a request for reasonable attorney fees and costs. After providing GAO with a reasonable period in which to respond, the Board or a member of the Board shall rule on the request. This decision on attorney fees shall be final and appealable in accordance with § 28.27.

§ 28.23 Burden and degree of proof.

(a) In appealable actions, as defined by 5 U.S.C. 7701(a), agency action must be sustained by the Board if:

(1) it is a performance based action and is supported by substantial evidence; or

(2) it is brought under any other provision of law, rule or regulation as defined by 5 U.S.C. 7701(a) and is supported by a preponderance of evidence

(b) Notwithstanding paragraph (a) of this section, the agency's decision may not be sustained if the petitioner—

(1) shows harmful error in the application of the agency's procedures in arriving at such decision;

(2) shows that the decision was based on any prohibited personnel practice described in 5 U.S.C. 2302(b);

(3) shows that the decision was not in accordance with law.

(c) In any other appeal to the Board, the petitioner shall have the responsibility of presenting the evidence in support of the appeal and shall have the burden of proving the allegations of the appeal by a preponderance of the evidence.

§ 28.25 Board procedures—Decisions and Orders.

(a) Where a Board member or panel of Board members hears a case, a recommended decision shall be issued to the Board, the General Counsel, and to the parties. The recommended decision shall contain the date upon which the decision will become final, which will be at least 30 days from issuance. The recommended decision shall be final on the date indicated in the decision unless, prior to that date, a party files a motion to reopen and reconsider or unless the Board reopens on its own motion. If the Board reopens a case, the subsequent decision of the Board shall be final.

(b) A motion to reopen and reconsider a recommended decision may be filed with the Board in person at the Office of the Board (GAO building, Room 4057, Washington, D.C.) or by certified mail addressed to the Personnel Appeals Board, GAO, Room 4057, Washington, D.C. 20548. The petition for review shall set forth objections to the initial decision, supported by references to applicable laws or regulations, and with specific reference to the record. After providing an opportunity for response by other parties, the Board may grant a petition for review when it is established that:

(1) New and material evidence is available that, despite due diligence, was not available when the record was closed; or

(2) The decision of the Hearing Officer is based on an erroneous interpretation of statute or regulation.

(c) A person required to take any action under the terms of a Board Order shall carry out its terms promptly, and shall, within 30 days of its issuance, provide the Board with a compliance report specifying:

(1) the manner in which the provisions of the Order have been complied with;

(2) the reasons any provisions have not yet been fully complied with; and

(3) the steps being taken to ensure full compliance.

(d) Where the Board's Decision or Order is being appealed to the United States Court of Appeals in accordance with section 4(l)(1) of the Act, the person so appealing shall be afforded a delay in filing the compliance report required under paragraph (c) of this section; however, such a delay shall apply only to those matters which are the subject of the appeal.

§ 28.27 Board procedures—judicial review.

(a) Appeals other than discrimination complaints. Any final decision by the Board under subsections 4(h) (1), (2), (3), (6), and (7) of the Act may be appealed to the United States Court of Appeals in which the petitioner resides or to the United States Court of Appeals for the District of Columbia. See also § 28.55.

(b) The Board may designate the General Counsel or any other qualified individual to represent it in any judicial appeals from its Decisions taken in accordance with Section 4(l) of the Act.

Subpart C—Oversight procedures

§ 28.31 General.

Section 3(g) of the Act provides that, with respect to employees and applicants for employment in the GAO, the authority granted in the legislation under section 3(g)(3) of the Act, which involves oversight of the EEO program and appeals relating to EEO matters, shall be exercised by the Board. The appeals procedures are delineated in Subpart D of these regulations. This Subpart specifies the oversight procedures required to ensure that the goals of the legislation will be attained through the development and administration of personnel procedures as well as by dealing with specific cases involving allegations of illegal practices.

§ 28.33 Oversight of GAO EEO program.

(a) In order to carry out the purpose of this Subpart, the Board may require from GAO the following:

(1) Such plans, procedures and regulations as GAO may develop in order to carry out the purposes enumerated in § 28.41;

(2) Reports regarding its efforts to publicize to its employees the procedures to be followed for receiving advice and for filing complaints regarding the enforcement of laws prohibiting discrimination in employment;

(3) Monthly reports of pre-complaint counseling and of pending complaints, in a manner prescribed by the Board;

(4) An annual report on its equal employment opportunity affirmative action program and its Federal Equal Employment Opportunity Recruitment Program; and

(5) Any other information requested by the Board regarding equal employment opportunity within the GAO.

(b) The Board shall review and evaluate the regulations, procedures and practices of the GAO, including the reports filed with it in accordance with § 28.33(a), and shall:

(1) Require the GAO to make any changes the Board determines are needed to meet the objectives of the Act.

(2) Report to the Congress on the overall progress being made in effectuating the purposes of the Act.

(c) The Board delegates to the General Counsel responsibility for conducting investigations, in the absence of an allegation, for the purpose of determining whether there are reasonable grounds to believe that a violation of 3(g)(3) of the Act exists. For these purposes the provisions of § 28.17(b) shall apply.

(d) If the General Counsel determines that disciplinary action should be taken against an employee after any investigation under this section, the General Counsel shall prepare a written complaint against the employee containing his/her determination, together with a statement of the supporting facts, and present the complaint and the statement to the employee and the Board for processing in accordance with Subpart G.

Subpart D—Special Procedures—Equal Employment Opportunity Cases

§ 28.41 Purpose and scope.

The procedures in this Subpart relate to complaints filed against any GAO policies or specific actions which petitioners claim are in violation of:

(a) Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16), prohibiting discrimination based on race, color, religion, sex or national origin;

(b) Sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a) prohibiting discrimination on account of age;

(c) Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), prohibiting discrimination in wages on the basis of sex;

(d) Sections 501 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794a) prohibiting discrimination on the basis of handicap; or

(e) "[A]ny other law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status or handicapping condition * * *" Act, Section 3(g)(3).

§ 28.43 Applicability of general procedures.

Except where a different procedure is provided for in this Subpart, the procedures to be followed by all parties in cases arising under this subpart shall be the General Procedures as prescribed in Subpart B of these regulations.

§ 28.47 Class action appeals.

(a) Petitions alleging violation of rights of employees of the GAO under this Subpart may be filed by individuals, by labor organizations on behalf of a member or group of members, or by any individual or group or labor organization on behalf of a class of persons affected adversely by a GAO action, or to be affected by a proposed action, which it is alleged may violate rights encompassed by the legislation referred to in § 28.41. The Board may hear the case as a class action if it finds a class action to be the most efficient and fair way to adjudicate the appeal and will adequately protect the interests of all parties.

(b) In determining whether it is appropriate to treat an appeal as a class action, the Board will be guided but not controlled by the applicable provisions of the Federal Rules of Civil Procedure.

§ 28.51 Petitions to the Board.

(a) The purposes and policies of the various statutes that prohibit discrimination can best be achieved through conscientious use by employees and management of the agency complaint process. To this end, the Board and the General Counsel will encourage full utilization by the parties of the EEO complaint process with GAO. Therefore, if an employee is alleging EEO related improprieties, the employee must generally pursue the agency EEO complaint process before petitioning the Board.

(b) A petition for review of GAO's disposition of any EEO complaint may be submitted for consideration of the Board when:

(1) The complaint or a portion thereof has been rejected by the GAO;

(2) A period of more than 45 days has elapsed since the complaint was filed, and the GAO has not issued a final decision; or

(3) The complaint has been resolved by a GAO decision which, in whole or in part, has not satisfied the complainant.

(c) Where a complaint filed in the agency EEO complaint process raises allegations that are within the Board's

jurisdiction in addition to EEO related allegations, the subsequent petition to the Board under subparagraph (b) of this section shall be considered a timely appeal of the non-EEO issues.

(d) A petition filed with the General Counsel under the provisions of this subpart shall state the issues briefly, and shall spell out clearly the reason the petitioner believes the action of the GAO to be contrary to the law.

(e) The petitioner shall file the petition with the General Counsel in accordance with § 28.11. The General Counsel shall serve the GAO with a copy of the petition and request any GAO complaint file that may exist.

(f) Within 10 days after receipt of a request filed in accordance with paragraph (e) of this section, the GAO shall transmit the complaint file or the certified copy thereof to the General Counsel.

§ 28.53 Processing of petitions.

(a) In addition to submitting the complaint file under § 28.51(f), GAO may file a response to the petition in accordance with § 28.15.

(b) The provisions of sections 28.17 through 28.25, inclusive, shall govern the Board's procedures in processing petitions filed under this subpart.

(c) Remedial action provided in Board orders in these cases may include:

(1) Provision for offers of employment, re-employment or promotion, with or without back-pay, when the Board decides such action is required to make whole the individual found to have been discriminated against.

(2) Notification to all GAO employees of the action ordered to be taken to expunge the effect of the discrimination;

(3) Correction of GAO personnel records, as necessary, to reflect the purpose of the Board order; and,

(4) Any other action the Board believes is proper to correct the effect of the discrimination found to have occurred.

§ 28.55 Civil action—discrimination complaints.

(a) An employee alleging violations of 42 U.S.C. 2000e–16 (Title VII of the Civil Rights Act of 1964, as amended) may file suit in Federal District Court after 120 days from filing a complaint with GAO if there is no final decision on that complaint or within 30 days of receipt of notice of final action taken by GAO.

(b) An employee alleging violations of 42 U.S.C. 2000e–16 (Title VII of the Civil Rights Act of 1964, as amended) may file suit in Federal District Court after 120 days from filing an appeal with the Board if there is no final decision on that discrimination appeal or within 30 days of receipt of notice of final action taken by the Board.

(c) Employees or applicants for employment alleging discrimination based upon a handicapping condition (29 U.S.C. 791, 794a—Rehabilitation Act), or age discrimination (29 U.S.C. 631, 633a—Age Discrimination in Employment Act), or salary inequity due to sex (29 U.S.C. 206d—Equal Pay Act provisions of the Fair Labor Standards Act) need not exhaust administrative appeals to GAO or to the Board before filing suit in the Federal District Court.

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Disciplinary and Stay Proceedings

§ 28.101 General authority.

The procedures in this Subpart relate to the Board's functions "to consider, decide and order corrective or disciplinary action (as appropriate) in cases arising" from any area within the Board's jurisdiction.

§ 28.103 Investigative authority.

In addition to the authority vested by the Act in the General Counsel to investigate allegations of prohibited personnel practices and prohibited political activities, the Board may request the General Counsel to investigate any personnel matter in a case under the Board's jurisdiction to determine whether reasonable grounds exist upon which to bring disciplinary action against an employee of GAO.

§ 28.105 Disciplinary proceedings.

(a) If the General Counsel determines after any investigation under § 28.103 of this part or § 4(g) of the Act that disciplinary action should be taken against an employee, the General Counsel shall prepare a written complaint against the employee containing his/her determination, together with a statement of the supporting facts, and present the complaint and the statement to the employee and the Board in accordance with paragraph (b) and (c) of this section.

(b) In the case of an employee in a confidential, policy making, policy-determining, or policy-advocating position appointed by the President, by and with the advice and consent of the Senate, the complaint and statement referred to in paragraph (a) of this section with any response by the employee, shall be presented to the President and the Congress for appropriate action in lieu of being presented under paragraph (d) of this section.

(c) Any employee against whom a complaint has been presented to the Board under paragraph (a) of this section is entitled to:

(1) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

(2) be represented by an attorney or other representative;

(3) a hearing before the Board or a member designated by the Board;

(4) have a transcript kept of any hearing under paragraph (c)(3) of this section; and

(5) a written decision and reasons therefor at the earliest practicable date, including a copy of a final order imposing disciplinary action.

(d) A final order of the Board may impose disciplinary action consisting of removal, reduction in grade, debarment from GAO employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of civil penalty not to exceed $1,000.

(e) There may be no administrative appeal from an order of the Board under subparagraph (d). An employee subject to a final order imposing disciplinary action under this section may obtain judicial review of the order in the United States Court of Appeals for the judicial circuit in which the employee resides or to the United States Court of Appeals for the District of Columbia in accordance with § 4(1) of the Act.

§ 28.107 Stay proceedings.

(a) If the General Counsel determines after an investigation under these rules that there are reasonable grounds to believe that a personnel action was taken, or is to be taken, in violation of the rights guaranteed under the Act, the General Counsel may request any member of the Board to order a temporary stay of the personnel action for a period of not more than 60 days.

(b) A Board member shall order a temporary stay under paragraph (a) of this section unless the member determines that such a stay would not be appropriate. Unless denied, any temporary stay requested shall be granted within 3 working days after the date of request.

(c) The Board may grant a further temporary stay or a permanent stay if the Board concurs in the determination of the General Counsel and after an opportunity for oral or written comment by the General Counsel and GAO.

Subpart H—Appeals by Members of the Senior Executive Service

§ 28.111 Appeals by SES members.

Appeals by members of the Senior Executive Service established by GAO shall generally be conducted in accordance with the procedures set forth at Subpart B and subchapter V of Chapter 75 of title 5 of the U.S. Code.

Subpart I—Public Information, Privacy and Disclosure

§ 28.121 Freedom of information.

(a) In the administration of the Act, the Board shall carry out the purposes of the Freedom of Information Act, as amended, 5 U.S.C. 552, to disseminate information on matters of interest to the public, and to disclose to members of the public, on request, such information contained in its records as is compatible with the discharge of the responsibilities of the Board.

(b) any individuals wishing to obtain material from the Board shall file a request in a form prescribed by the Board.

(c) When the Board finds it appropriate to grant the request for information, it shall supply such information and may charge reasonable fees for searching, copying and transmitting it.

(d) If the Board finds the material requested to be included among matters not required to be divulged, it may refuse the request.

§ 28.123 Privacy.

(a) In the administration of the Act, the Board shall carry out the purposes of the Provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, applying to all records containing information about an individual.

(b) The Board shall:

(1) authorize an individual's access to any records it maintains concerning that individual;

(2) limit access by any other person to those records; and

(3) permit an individual to request the amendment or correction of records about the individual.

(c) The Board may assess reasonable charges for supplying information in response to requests filed under this subpart.

Edward C. Gallas,

Chairman.

[FR Doc. 81-7408 Filed 3-9-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 294, Amdt. 2]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 1–7, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: This amendment is effective for the period March 1–7, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This is not a major rule under E.O. 12291. This amendment is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again on March 4, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports continued good order business for lemons.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 910.594 Lemon Regulation 294 (46 FR 14339; 15493) is revised to read as follows:

§ 910.594 Lemon Regulation 294.

The quantity of lemons grown in California and Arizona which may be handled during the period March 1, 1981, through March 7, 1981, is established at 260,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 5, 1981.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-7524 Filed 3-9-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

12 CFR Parts 21, 216, 326, 563a and 748

Joint Notice of Elimination of Form Reports Required Under Regulations Implementing the Bank Protection Act

AGENCIES: The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the National Credit Union Administration, and the Office of the Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: The agencies represented on the Examination Council have reviewed the reporting requirements imposed on financial institutions under the above regulations. These regulations (except for those imposed by the National Credit Union Administration) were originally adopted pursuant to the Bank Protection Act (12 U.S.C. 1881–84). The agencies have determined that certain of these reporting requirements impose unnecessary reporting burdens upon the financial institutions. The usage of these forms is quite limited. Accordingly, in keeping with the objective of removing regulations that are no longer justified,

the agencies are deleting their "reports on security devices" regulations and, for those that have them, their requirements that financial institutions submit copies of their written security programs and exceptions statements for agency filing. Federal examiners will continue to review each institution's compliance with agency security regulations during regular supervisory examinations.

EFFECTIVE DATE: March 10, 1981.

FOR FURTHER INFORMATION CONTACT: Stephen M. Lovette, Board of Governors of the Federal Reserve System, (202) 452–3622; Jesse G. Snyder, Federal Deposit Insurance Corporation, (202) 389–4415; James Stewart, Federal Home Loan Bank Board, (202) 377–6457; Layne Bumgardner, National Credit Union Administration, (202) 357–1066; and Robert M. Taylor, III, Office of the Comptroller of the Currency, (202) 447–1880.

SUPPLEMENTARY INFORMATION: This amendment revises 12 CFR 21.5, 216.5, 326.5, 563a.5, and 748.4 by removing the requirements for submission of "Reports on security devices." Currently, four of the five regulatory agencies represented on the Examination Council have regulations which require financial institutions to submit, periodically, form reports on security devices. These form regulations are contained in 12 CFR 21.5(c) (Comptroller of Currency Form CC–9030–01); 12 CFR 216.5(b) (Federal Reserve Board Form P–1); 12 CFR 326.5(c) (Federal Deposit Insurance Corporation Form P–1); and 12 CFR 563a.5(b) (Federal Home Loan Bank Board Form P–1). The National Credit Union Administration requires a similar report from insured credit unions pursuant to the insuring of the credit union (12 CFR 748.4 and appendix to 12 CFR Part 748).

The Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board and the National Credit Union Administration also are amending their regulations to eliminate a requirement that the financial institutions under their respective jurisdictions file with those agencies copies of their written security programs and their statements of justification for exceptions to the agencies' standards for security. The Board of Governors is deleting the filing requirements for state member banks found in 12 CFR 216.3 and 216.4; the Federal Home Loan Bank Board is deleting the filing requirements for FSLIC-insured savings and loan associations in 12 CFR 563a.3 and 563a.4; and the National Credit Union Administration is deleting the filing requirements for Federally-insured credit unions found in 12 CFR 748.0(b), 748.3(c) and 748.4(a). The existing regulations of the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency do not include these filing requirements.

This amendment will lessen the regulatory burden upon financial institutions by relieving them of unnecessary reporting requirements. Therefore, the agencies have determined, in accordance with 5 U.S.C. 553, that notice and public procedure requirements and delayed effectiveness are unnecessary and would be contrary to the public interest.

The notices of individual agency actions to amend their respective regulations follow.

Drafting Information:

The principal drafter of this document is Robert M. Taylor, III, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219.

Adoption of Amendments:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

12 CFR Part 216—Notice of Amendment

12 CFR Part 216 is amended as follows:

PART 216—MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

1. The authority citation for Part 216 is as follows:

Authority: 12 U.S.C. 1881–1884.

§ 216.3 [Amended]

2. Section 216.3 is amended by removing from the last sentence of paragraph (c) the words: "and forward a copy of that statement to the Federal Reserve Bank for the District in which its main office is located."

§ 216.4 [Amended]

3. Section 216.4 is amended by removing from the last sentence of paragraph (a) the words: "and a copy shall be filed with the Federal Reserve Bank for the District in which the main office of the bank is located."

§ 216.5 [Amended]

4. Section 216.5 is amended by removing paragraph (b), redesignating paragraph (c) as paragraph (b), and redesignating paragraph (d) as paragraph (c).

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 326—Notice of Amendment

12 CFR Part 326 is amended as follows:

PART 326—MINIMUM SECURITY DEVICES AND PROCEDURES FOR INSURED NONMEMBER BANKS

1. The authority citation for Part 326 is as follows:

Authority: 12 U.S.C. 1881–1884.

§ 326.5 [Amended]

2. Section 326.5 is amended by removing paragraph (c), redesignating paragraph (d) as paragraph (c), and redesignating paragraph (e) as paragraph (d).

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563a—Notice of Amendment

PART 563—OPERATIONS

12 CFR Part 563a is amended as follows:

1. The authority citation for Part 563a is as follows:

Authority: 12 U.S.C. 1881–1884.

§ 563a.3 [Amended]

2. Section 563a.3 is amended by removing the phrase "and forward a copy of that statement to the Chief Examiner" at the end of paragraph (c).

§ 563a.4 [Amended]

3. Section 563a.4 is amended by removing the phrase "and a copy shall be filed with the Chief Examiner" at the end of paragraph (a).

§ 563a.5 [Amended]

4. Section 563a.5 is amended by removing paragraph (b), redesignating paragraph (c) as paragraph (b), and redesignating paragraph (d) as paragraph (c).

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 748—Notice of Amendment

12 CFR Part 748 is amended as follows:

PART 748—MINIMUM SECURITY DEVICES AND PROCEDURES

1. The authority citation for Part 748 is as follows:

Authority: Section 206 (12 U.S.C. 1785).

§ 748.0 [Amended]

2. Section 748.0(b) is amended by removing "If a federally insured credit

union does not believe it can comply with any section of this Part, such credit union shall submit the reasons therefor to the Regional Director for approval or disapproval."

§ 748.3 [Amended]

3. Section 748.3(c) is amended by removing "and forward a copy of that statement to the Regional Director. In the case of federally insured State-chartered credit unions, this statement shall be mailed to the Regional Director. If the appropriate State supervisory authority desires, this statement shall be mailed to the Regional Director via the State supervisory authority. In any event, a copy of the statement shall always be sent to the appropriate State supervisory authority.", and by inserting a period (.) after "decision."

§ 748.4 [Amended]

4. Section 748.4(a) is amended by removing "and a copy shall be filed with the Regional Director with the certification required by Section 748.5 below and with the appendix to this Part pertaining to the Report on Security Measures. In the case of federally insured State-chartered credit unions, these items shall be mailed to the Regional Director. If the appropriate State supervisory authority desires, these items shall be mailed to the Regional Director via the State supervisory authority. In any event, copies of these items shall always be sent to the appropriate State supervisory authority.", and by inserting a period (.) after "effectiveness."

5. Remove Part 748 appendix "Report on Security Measures."

OFFICE OF THE COMPTROLLER OF THE CURRENCY

12 CFR Part 21—Notice of Amendment

12 CFR Part 21 is amended as follows:

PART 21—MINIMUM SECURITY DEVICES AND PROCEDURES FOR NATIONAL AND DISTRICT BANKS

1. The authority citation for Part 21 is as follows:

Authority: 12 U.S.C. 1881–1884

§ 21.5 [Amended]

2. Section 21.5 is amended by removing paragraph (c), redesignating paragraph (d) as paragraph (c), and redesignating paragraph (e) as paragraph (d).

On behalf of their respective agencies:

Dated: March 3, 1981.

James McAfee,

Assistant Secretary, Board of Governors of the Federal Reserve System.

Dated: March 3, 1981.

Hoyle L. Robinson,

Executive Secretary, Federal Deposit Insurance Corporation.

Dated: March 3, 1981.

J. J. Finn,

Secretary to the Board, Federal Home Loan Bank Board.

Dated: March 3, 1981.

Rosemary Brady,

Secretary to NCUA Board, National Credit Union Administration.

Dated: March 3, 1981.

Paul M. Homan,

Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency.

[FR Doc. 81-7386 Filed 3-6-81; 8:45 am]

BILLING CODE 6722-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17590; File No. S7-814]

National Market System Plans; Procedures and Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission announces the adoption of a rule establishing procedures and requirements for joint industry plans in connection with planning, developing, operating or regulating a national market system (or a subsystem thereof) or one or more facilities thereof. The rule establishes procedures relating to Commission approval of national market system plans and amendments to such plans.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce Beatt (202-272-2838), Room 390, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission" or "SEC") today announced the adoption of Rule 11Aa3-2 [1] under the Securities Exchange Act of 1934 [2] ("Act"), which establishes procedures for filing and amending national market system plans ("NMS Plans") and establishes certain minimum procedural requirements applicable to NMS Plans.

I. Background

On December 7, 1979, the Commission issued a release ("Proposing Release") publishing for comment proposed Rule 11Aa3-2 ("Rule") under the Act.[3] The proposed Rule, which was designed to implement the provisions of Section 11A(a)(3)(B) of the Act,[4] would have established certain procedures and requirements applicable to NMS Plans,[5] including the following:

[1] 17 CFR 240.11Aa3-2.

[2] 15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975), 89 Stat. 97, [1975] U.S. Code Cong. & Ad. News 97.

[3] *See* Securities Exchange Act Release No. 16488 (December 7, 1979), 44 FR 72806.

[4] 15 U.S.C. 78k-1(a)(3)(B). Section 11A(a)(3)(B) authorizes the Commission, in furtherance of the statutory directive to facilitate the development of a national market system, by rule or order, to authorize or require self-regulatory organizations to act jointly with respect to matters as to which they share authority under [the Act] in planning, developing, operating or regulating a national market system (or a subsystem thereof) or one or more facilities thereof. In the Proposing Release, the Commission reviewed its historical commitment to joint industry action to achieve the goals and facilities of a national market system. *See* Proposing Release, *id.*, at 2-11, 44 FR 72807-72808.

[5] Currently, NMS Plans include (1) the joint industry plan to govern the implementation and operation of the consolidated transaction reporting system ("CTA Plan") (*see* Securities Exchange Act Release Nos. 10787 (May 10, 1974) and 16589 (February 19, 1980), 39 FR 17799 and 45 FR 12377); (2) the joint industry plan to govern the implementation and operation of the consolidated quotation system ("CQ Plan") (*see* Securities Exchange Act Release No. 16518 (January 22, 1980), 45 FR 6521); (3) the joint industry plan to govern the implementation and operation of the Intermarket Trading System ("ITS Plan"), approved by the Commission on a temporary basis (*see* Securities Exchange Act Release No. 16214 (September 21, 1979), 44 FR 56069). In addition, a joint industry plan to govern the reporting of options last sale and quotation information has been filed with the Commission in order to obtain Commission approval of the plan under Section 11A(a)(3)(B). *See* Securities Exchange Act Release No. 16519 (January 22, 1980), 45 FR 6677.

Furthermore, the Commission recently has adopted Rule 11Aa2-1 under the Act, which establishes procedures by which securities or classes of securities would be designated as qualified for trading in a national market system. *See* Securities Exchange Act Release No. 17549 (February 17, 1980) ("Designation Release"). Paragraph (c) of that rule requires that, by July 15, 1981, the National Association of Securities Dealers, Inc., ("NASD") file with the Commission a designation plan to establish various designation procedures. Because the designation plan would be filed by a single self-regulatory organization ("SRO"), it would not be subject to Rule 11Aa3-2,

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(1) procedures relating to the filing and approval of NMS Plans and amendments thereto as proposed by NMS Plan sponsors;[6] (2) procedures relating to amendments to NMS Plans proposed by the Commission;[7] (3) requirements regarding the content of NMS Plans;[8] (4) subject to various exceptions, a requirement that competitive bidding be conducted in connection with certain aspects of the development or operation of facilities contemplated by NMS Plans;[9] (5) a requirement that NMS Plans required to be filed pursuant to another Commission rule comply with all other provisions of that rule;[10] and (6) a requirement that NMS Plan sponsors and participants comply with the terms of NMS Plans and that each SRO, absent reasonable justification or excuse, enforce compliance with any NMS Plan by its members and persons associated with its members.[11]

II. Discussion of Comments

In response to the proposal of Rule 11Aa3–2, the Commission received comments from six persons, including three national securities exchanges, the NASD, one broker-dealer and one securities information vendor.[12] While the commentators were generally in favor of adoption of the Rule, all but one of the commentators strongly criticized the competitive bidding requirement contained in the Rule. In addition, various commentators suggested changes in the procedural provisions of the Rule. After considering these comments, the Commission has determined to adopt Rule 11Aa3–2 in a revised format, effective sixty days following publication in the Federal Register. In particular, the Commission has withdrawn the competitive bidding requirement and replaced it with a requirement that NMS Plan sponsors provide the Commission with a statement explaining the reasons for the selection of any person to act as plan processor in connection with the operation of any NMS Plan facility. In addition, the Commission has made certain changes in the procedural provisions of the Rule.[13]

A. *Competitive Bidding.* As indicated, commentators strongly criticized the competitive bidding requirement contained in the Rule. The SROs argued that a competitive bidding requirement was not necessary to deal with any perceived national market system concern, was inconsistent with the industry cooperation which has characterized national market system developments to date, and would involve substantial costs which could not be justified by the benefits which might be obtained.[14] On the other hand, the only securities information processor which commented on the Rule supported the competitive bidding requirement.[15]

The Commission believes that the differing positions of commentators may reflect differing competitive interests. Most national market system and related facilities implemented to date have been designed and built by the SROs themselves or related entities.[16] While the Commission has not determined that the resultant facilities have been poorly designed or inefficiently operated, it would appear that securities information processors which do not possess any control relationship with an SRO have found it difficult to participate effectively in national market system planning and development.

The Commission's responsibility under the Act is not to act as the arbiter of individual competitive interests but instead to further the objectives set forth in Section 11A of the Act, including those relating to the enhancement of competition in the securities industry.[17] While the Commission has not concluded that competitive bidding is a necessary requirement to further these objectives,[18] the Commission believes that it is important that SROs give adequate consideration to alternative plan processors in connection with the operation of national market system facilities. Consideration of alternative processors would appear to be in the sponsors' interest since such consideration may result in achieving long-run cost savings and operating efficiencies. On the other hand, the Commission recognizes the concerns expressed by commentators that any effective competitive bidding requirement would be burdensome and costly. As a consequence, the Commission has determined to withdraw the competitive bidding requirement contained in the Rule as proposed and to replace it with a requirement that, in connection with the selection of any person to act as an NMS Plan processor, the NMS Plan sponsors file with the Commission a statement identifying the person selected, describing the material terms under which such person is to serve as plan processor and indicating the solicitation efforts, if any, for alternative plan processors, the alternatives considered and the reasons for selection of such person.[19] The Commission

although it will be subject to similar procedural provisions, which are contained in paragraphs (d) and (e) of Rule 11Aa2–1. However, if in connection with a designation plan filed pursuant to Rule 11Aa2–1, other changes are made to an existing NMS Plan, such as the CTA Plan, those changes would be subject to the Rule.

Finally, the Commission has requested the various SROs to develop and implement a joint plan to provide a mechanism to ensure price protection for public limit orders. *See* Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20960. *See also* Securities Exchange Act Release No. 15770 (April 26, 1979), 44 FR 25062.

[6] Proposed Rule 11Aa3–2(b) and (c).

[7] *Id.*

[8] Proposed Rule 11Aa3–2(b).

[9] Proposed Rule 11Aa3–2(b)(6).

[10] Proposed Rule 11Aa3–2(b)(5).

[11] Proposed Rule 11Aa3–2(d).

[12] *See* letter from J. Stephen Putnam, President, F.L. Putnam & Company, Inc. to George A. Fitzsimmons, Secretary, SEC, dated January 30, 1980; letter from James E. Buck, Secretary, New York Stock Exchange, Inc. ("NYSE"), to George A. Fitzsimmons, Secretary, SEC, dated March 14, 1980 ("NYSE Letter"); letter from Scott L. Lager, Executive Vice President and General Counsel, Chicago Board Options Exchange, Inc. ("CBOE"), to George A. Fitzsimmons, Secretary, SEC, dated March 19, 1980, re File No. S7–807 ("CBOE Letter I"); further letter from Scott L. Lager, Executive Vice President and General Counsel, CBOE, to George A. Fitzsimmons, Secretary, SEC, dated March 19, 1980, re File No. S7–814 ("CBOE Letter II"); letter from Murray Sumner, Bunker Ramo Corporation, to George A. Fitzsimmons, Secretary, SEC, dated March 14, 1980 ("Bunker Ramo Letter"); letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, SEC, dated April 1, 1980 ("NASD Letter"); and letter from Robert J. Birnbaum, President, American Stock Exchange, Inc. ("Amex"), to George A. Fitzsimmons, Secretary, SEC, dated April 8, 1980 ("Amex Letter"). These letters (including CBOE Letter II) are contained in File No. S7–814.

[13] In connection with the adoption of the Rule, the Commission is also modifying Rule 11Aa3–1 [17 CFR 240.11Aa3–1] to conform that rule to the provisions of the Rule. See Securities Exchange Act Release No. 16589 (February 19, 1980), at 10 n. 10, 45 FR 12377, 12379 n. 10, and Proposing Release, *supra* note 3, at 12 n. 18, 44 FR 72606 n. 18. In incorporating the appeals provision contained in the Rule, the modification of Rule 11Aa3–1 deletes the words "and other users of transaction reports or last sale data" in former paragraph (g) of Rule 11Aa3–1. However, this modification is not intended to have the effect of limiting the class of aggrieved persons who may bring appeals to the Commission. Finally, the modifications to Rule 11Aa3–1 do not reflect the amendments to that rule adopted recently in the Designation Release (*see* note 5, *supra*) because those amendments are not due to be effective until February 1982.

[14] *See, e.g.*, NYSE Letter, *supra* note 12, at 7–8 and Appendix 1 thereto; and NASD Letter, *supra* note 12.

[15] *See* Bunker Ramo Letter, *supra* note 12.

[16] For example, the Securities Industry Automation Corporation, the CTA, CQ and ITS Plan processor, is a joint subsidiary of the Amex and NYSE, and NASD Market Services Inc., which is involved in ongoing enhancements of the NASDAQ system, is a subsidiary of the NASD.

[17] *See* Section 11A(a)(1) (C)(ii) and (D) of the Act, 15 U.S.C. 78k–1(a)(1) (C)(ii) and (D).

[18] *See Bradford National Clearing Corp.* v. *SEC*, 590 F. 2d 1085 (D.C. Cir. 1978). *Cf.* Securities Exchange Act Release No. 17562 (February 20, 1981).

[19] *See* Rule 11Aa3–2(b)(6). The new requirement would not apply to any selection of a plan processor

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anticipates that the information obtained in connection with the receipt of these statements will enable it ultimately to determine whether it is necessary to require competitive bidding or any other measure in order to foster competition and enhance efficiency in this aspect of the securities industry.

B. *Procedural Requirements.* A number of commentators argued that the procedures contained in Rule 11Aa3–2 should be analogous in all relevant respects to the procedural requirements contained in Section 19 of the Act.[20] Specifically, these commentators asserted that the Rule should be modified to require Commission action on NMS Plans and amendments thereto within the time periods specified in Section 19(b) of the Act, to provide for summary effectiveness of certain filings as also specified in Section 19 of the Act and to provide more precise parallels between the appeals procedure contained in the Rule and that contained in Section 19 of the Act.

The Commission does not believe that it was the intent of Congress to treat NMS Plans as analogous to SRO rules and thereby incorporate the provisions of Section 19 into Section 11A(a)(3)(B). To the contrary, the legislative history of the Securities Acts Amendments of 1975 [21] ("1975 Amendments") indicates that Congress viewed the Commission's authority in Section 11A(a)(3)(B) as distinct from its authority contained in Section 19 or any other provision of the Act.[22] Moreover, had Congress wished to make clear an intention that Section 11A(a)(3)(B) be subject to the procedures contained in Section 19, it could have simply incorporated by reference the provisions contained in Section 19 into Section 11A(a)(3)(B) or repeated those provisions in Section 11A(a)(3)(B).[23]

Notwithstanding the foregoing, the Commission believes that certain of the specific suggestions of the commentators with respect to the procedures governing NMS Plans are appropriate and should be included in the Rule.[24] First, the Rule as adopted provides that, within 120 days of the date of publication of notice of filing of an NMS Plan or an amendment to an effective NMS Plan, or within a longer period of up to 180 days if the Commission finds such longer period appropriate or such longer period as to which the NMS Plan sponsors consent, the Commission shall approve the NMS Plan or amendment subject to the Commission having made the necessary findings required by the Rule.[25] Second, the Rule as adopted provides that a proposed amendment to an NMS Plan may be put into effect upon filing with the Commission if designated by the NMS Plan sponsors as (a) establishing a fee or other charge collected on behalf of all of the NMS Plan sponsors and/or participants in connection with access to, or use of, any facility contemplated by the NMS Plan; (b) concerned solely with the administration of the NMS Plan; or involving the governing or constituent documents relating to any person (other than an SRO) authorized to implement or administer the NMS Plan; or (c) involving only technical matters. However, at any time within 60 days of the filing of any such amendment, the Commission may summarily abrogate the amendment and require that it be refiled in accordance with the otherwise applicable procedures contained in the Rule.[26] Third, the Rule as adopted contains procedures relating to Commission review of any action taken or failure to act by any person in connection with an NMS Plan which more closely parallel the provisions of Sections 19(d) and (f) of the Act than the Rule as proposed.[27]

C. *Commission Initiation of Amendments to NMS Plans.* While no commentator questioned the Commission's authority to initiate amendments to MNS Plans,[28] several commentators [29] argued that the procedures followed by the Commission in initiating any amendment should be analogous to those required in connection with Commission action to amend the rules of an SRO under Section 19(c) of the Act.[30] In addition, one commentator suggested that, because of the broad authority which the Commission could exercise in initiating amendments to an NMS Plan, and the possibility that the potential exercise of this authority might reduce cooperation among NMS Plan participants, the circumstances under which the Commission might initiate amendments to NMS Plans "should be set forth in the Rule with greater specificity." [31]

For the reasons articulated above, the Commission does not believe that there is any legal requirement that Commission initiated amendments to NMS Plans be processed in accordance with the procedures specified in Section 19(c) of the Act. Moreover, as a policy matter, the Commission does not believe it is appropriate to require oral presentation of views at an on-the-record hearing for Commission initiated

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prior to the effective date of the Rule. In addition, the requirement would not apply to the selection of a person to supply hardware or software in connection with an NMS Plan facility. In this connection, the Commission notes that the SROs have generally purchased hardware and software for national market system related facilities from independent entities and that, as a result, the selection of a person to provide hardware or software does not necessarily involve regulatory concerns similar to those related to the selection of a person to act as NMS Plan processor.

[20] *See, e.g.*, NYSE Letter, *supra* note 12, at 9–10; CBOE Letter II, *supra* note 12, at 1–10. Thus, the NYSE took the position that "NMS Plans are conceptually simply joint SRO rules—in effect, a special series of rules subject to Section 19." The CBOE stated that "[b]ecause of the similarity between amending SRO rules and amending joint SRO plans it appears to us that the starting point for the establishment of procedures to be followed under section 11A should be those that are contained in subsections 19 (b) and (c), modified as may be necessary to reflect their application to joint SRO action under section 11A." Among other things, Section 19 of the Act contains requirements applicable to the filing by SROs of proposed rule changes. *See* Section 19(b) of the Act, 15 U.S.C. 78s(b).

[21] Pub. L. No. 94–29 (June 4, 1975).

[22] Thus, the Senate Report on the bill which was the precursor of the 1975 Amendments, in discussing proposed Section 19(c) of the Act (authorizing the Commission to amend SRO rules and providing certain specialized procedures applicable to Commission action), stated that

> In order to avoid any doubt as to the SEC's authority in areas where its direct authority overlaps its indirect authority, Section 19(c)(4) would make clear that where the Commission has direct authority, it would not be required to proceed under Section 19(c) or to follow the procedures specified in that section.

See Senate Comm. on Banking, Housing & Urb. Aff., *Report to Accompany S. 249*, S. Rep. No. 94–75, 94th Cong., 1st Sess. 31 (1975), reprinted in [1975] U.S. Code Cong. & Ad. News 179, 209.

[23] In this regard, it is noteworthy that the modifications in Commission oversight of SRO rulemaking in Section 19 and the inclusion of Section 11A(a)(3)(B) were both considered in connection with the enactment of the 1975 Amendments.

[24] In addition, the Commission has retained various other provisions in the proposed Rule which are analogous to provisions contained in Section 19. For example, the Commission has retained, with certain modifications, the provision permitting the Commission to approve an amendment summarily upon publication of notice on a temporary basis, Rule 11Aa3–2(c)(4). *Cf.* Section 19(b)(3)(B) of the Act.

[25] *See* Rule 11Aa3–2(c)(2). *Cf.* Section 19(b)(2) of the Act.

[26] *See* Rule 11Aa3–2(c)(3). *Cf. Section 19(b)(3)(A) and (C) of the Act.*

[27] *See* Rule 11Aa3–2(e).

[28] *See* Proposing Release, *supra* note 3, at 14 n. 22. 44 FR 72808 n. 22. The Rule provides that Commission initiation of an amendment to an NMS Plan shall be by rule. The Commission would note, however, that the Commission is also authorized under Section 11A(a)(3)(B) to act by order.

[29] *See e.g.*, NYSE Letter, *supra* note 12, at 12; Amex Letter, *supra* note 12, at 10–12.

[30] The Commission's action under Section 19(c) is governed by the requirements contained in the Administrative Procedure Act, 5 U.S.C. 553 *et seq.*, for rulemaking not on the record, with certain exceptions. Most significantly, the Commission is required under Section 19(c) to give interested persons an opportunity for oral presentation of data, views, and arguments (in addition to an opportunity to make written submissions), and a transcript must be kept of any oral presentation.

[31] *See* Amex Letter, *supra* note 12, at 11.

amendments to NMS Plans. The Commission believes that, in light of Congress' desire to provide the Commission with maximum flexibility in facilitating the development of a national market system, such a requirement would be inappropriate. The Commission has, however, provided procedures which are similar to those for SRO sponsored amendments which have been derived from Section 19(b) of the Act.

With respect to the comment that the Commission should specifically set forth the circumstances under which the Commission might initiate amendments to NMS Plans, the Commission would reiterate its views expressed in the Proposing Release.[32] The Commission hopes that the Commission and industry will cooperate to the maximum extent feasible in the development of the national market system and therefore anticipates that it will be necessary to use the Commission's authority only in extraordinary circumstances. In addition, the Commission does not believe that it would be practicable to attempt to delineate the particular circumstances in which the Commission might deem it appropriate to exercise its authority. For these reasons, the Commission has determined not to attempt to set forth in the Rule as adopted the circumstances under which it might exercise its authority to propose amendment to NMS Plans.

D. *Information Contained in NMS Plans.* For a number of reasons, several commentators criticized paragraphs (b)(3) and (4) of the Rule which specify certain information required to be contained in any NMS Plan filed with the Commission.[33] Specifically, these commentators argued that the actual manner in which an NMS Plan facility may develop is unpredictable and that as a result the requirement to provide particularized information with respect to the implementation and operation of the NMS Plan at the time the NMS Plan is filed with the Commission might adversely affect the administration of an NMS Plan. In addition, a number of the specific items of information were criticized. In particular, it was argued that the requirement in Rule 11Aa3–2(b)(3)(iv) as proposed that the NMS Plan or amendment include "an analysis of the impact on competition of implementation of the plan or amendment or any facility contemplated by the plan or amendment" was unclear without an indication of how the Commission would interpret the term "analysis," and it was suggested that this requirement be revised to require only a statement as to whether any burden on competition would be imposed by the adoption of the plan or amendment and, if so, an explanation of why the imposition of the burden would be consistent with the requirements of the Act.[34] In addition, it was argued that the specific fees or charges in connection with the NMS Plan should not be required to be contained in the NMS Plan because of the administrative burdens and delays which could occur after the NMS Plan was filed, unless these fees and charges could be changed without obtaining prior Commission approval.[35]

With one exception, the Commission has retained the substance of the informational requirements contained in Rule 11Aa3–2(b)(3) and (4).[36] While the Commission recognizes that NMS Plans may well be modified in the course of their development, the Commission does not believe that this factor should preclude the requirement of particularized information with respect to the NMS Plan when it is filed with the Commission.[37] Rather, the Commission would anticipate that the NMS Plan participants will use their best efforts to provide the required information. In the event that material changes occur in the development of the NMS Plan which would make the information filed inaccurate, the NMS Plan participants should file an amendment to the NMS Plan with the Commission. The Commission will cooperate with the NMS Plan participants in minimizing administrative concerns by exercising its authority to approve amendments to NMS Plans summarily on a temporary basis where appropriate.[38]

This Commission is unable to agree with the view that an analysis of the impact on competition of implementation of the NMS Plan should not be required of the NMS Plan sponsors. It would seem beyond question that the NMS Plan sponsors are in the best position to provide the information necessary for the Commission to ascertain the effects of an NMS Plan on competition. In addition, because NMS Plans involve joint action by NMS Plan sponsors and participants, the Commission believes that it must be particularly cognizant of, and sensitive to, the effects of an NMS Plan on competition in connection with the exercise of the Commission's statutory authority to approve NMS Plans. Accordingly, the Commission believes that statements made by the NMS Plan sponsors with respect to the effects of the NMS Plan on competition must be sufficiently detailed and specific to support a Commission finding that the NMS Plan furthers the objectives [39] set forth in Section 11A of the Act with respect to competition.[40]

Finally, the Commission believes that it has met concerns expressed regarding the required description of specific fees or charges in an NMS Plan by its addition to the Rule of a provision permitting such fees or charges to be put into effect immediately upon publication of notice of the filing thereof, subject to the Commission's right to abrogate those fees or charges summarily within 60 days thereafter.[41]

E. *Compliance Provisions.* One commentator argued that the provisions contained in paragraphs (b)(5) and (d) of the Rule as proposed should be deleted.[42] Proposed Rule 11Aa3–2(b)(5) provided that any NMS Plan required to be filed pursuant to a Commission rule [43] comply with all other provisions of that Commission rule. Rule 11Aa3–2(d) provided that every SRO and non-member broker or dealer shall comply with the terms of any NMS Plan of which it is a sponsor or a participant. In addition, it provided that every SRO shall, absent reasonable justification or excuse, enforce compliance with any NMS Plan by its members and persons

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[32] *See* Proposing Release, *supra* note 3, at 13, 44 FR 72808.

[33] *See, e.g.*, NYSE Letter, *supra* note 12, at 3–4; CBOE Letter II, *supra* note 12, at 4–6; Amex Letter, *supra* note 12, at 13.

[34] *See* Amex Letter, *supra* note 12, at 13.

[35] *See* Amex letter, *supra* note 12, at 14–15; CBOE Letter I, *supra* note 12, at 5–7.

[36] Since the Commission has withdrawn the proposed competitive bidding requirement, the Commission has determined to withdraw the requirement contained in proposed Rule 11A3–2(b)(3)(iii) that an NMS Plan provide a statement of the method by which any significant contracts for any phase of development and implementation will be let.

The requirements contained in paragraphs (b)(3) and (4) of the Rule as proposed are contained in paragraphs (b)(4) and (5) of the Rule as adopted.

[37] However, the informational requirements would not apply to any NMS Plan or amendment approved prior to the effective date of the Rule.

[38] In addition, the Commission would note that it has delegated to the staff its authority to approve NMS Plan amendments. *See* 17 CFR 200.30–3(29).

[39] *See* text and note at note 17, *supra*.

[40] It may be noted that similar comments were received in connection with the Commission's proposal to amend Form 19b–4, the form on which SRO proposed rule changes are filed, to specify in detail the information that a SRO should provide in a discussion of effects of a proposed rule on competition. For reasons similar to those articulated herein, the Commission rejected the view that a detailed discussion would be too burdensome, and it adopted the proposal. *See* Securities Exchange Act Release No. 17258 (October 30, 1980), at 14–15, 45 FR 73908, 73909.

[41] *See* text and note at note 26, *supra*.

[42] CBOE Letter II, *supra* note 12, at 12–13.

[43] This provision would, for example, apply to plans filed pursuant to Rule 11Aa3–1 under the Act. *See* notes 5 and 13, *supra*.

associated with its members.[44] Although the validity of these provisions was not questioned, it was argued that the burdens imposed by these provisions were excessive and inappropriate. In this connection, it was asserted that NMS Plans should be analogized to contractual relationships, subject to ordinary legal means for enforcing contracts and assessing damages, rather than rule-type measures.[45]

The Commission has determined to retain these provisions.[46] Since the enactment of the federal securities laws in the 1930's, the concept of self-regulation has been a cornerstone of Commission and industry regulatory structure. While the Commission recognizes that the SROs should have flexibility in the operation of NMS Plans and facilities, the Commission believes that an essential part of the self-regulatory structure should be the obligation on the part of these entities to enforce the provisions of NMS Plans. Thus, the Commission continues to believe that Rule 11Aa3-2(b)(7) and (d) are appropriate provisions which advance the important role that the Commission has historically attached to joint industry action to achieve the goals and facilities of a national market system.[47] The Commission anticipates that the legal significance accorded NMS Plans by these provisions will underscore the need for SROs and broker-dealers to treat NMS Plans as controlling their behavior and thereby further the goals of a national market system. The Commission also would note that these provisions are analogous to other provisions added by the 1975 Amendments.[48]

F. Technical Amendments. The Commission has made a number of technical changes in the Rule in response to comments. First, several commentators argued that the definition of the term "national market system plan" in the Rule as proposed[49] was not confined to NMS Plans between or among two or more SROs and that as a result virtually any individual SRO facility might be deemed to come within the definition.[50] While the Commission believes that the definition of the term and other provisions of the Rule as proposed were adequately circumscribed,[51] the Commission has added the term "joint self-regulatory organization plan" to the Rule in order to remove any doubt that the Rule was not intended to apply to facilities which relate solely to an individual SRO.[52] Second, several commentators argued that the requirement for a description of fees or charges in proposed Rule 11Aa3-2(b)(4)(ii) might be broad enough to require a description of the fees or charges collected on behalf of an individual SRO rather than all NMS Plan sponsors jointly.[53] The Commission has modified this provision of the Rule to clarify that the required description would apply only to fees or charges collected on behalf of all NMS sponsors jointly. Finally, the Commission has removed certain definitions and modified other provisions of the Rule in order to simplify the Rule.

III. Effects on Competition

Section 23(a)(2) of the Act[54] requires the Commission, in adopting rules under the Act, to consider the anticompetitive effects of such rules, if any, and to balance any anticompetitive impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has examined Rule 11Aa3-2 in light of the standards set forth in Section 23(a) and concludes that adoption of the Rule will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

IV. Text of Rule and Amendments

The Securities and Exchange Commission hereby amends Title 17, Chapter II, of the Code of Federal Regulations pursuant to its authority under the Securities Exchange Act of 1934[55] and particularly Sections 2, 3, 6, 9, 10, 11A, 15, 15A, 17 and 23[56] as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By adding § 240.11Aa3-2, to read as follows:

§ 240.11Aa3-2 Filing and amendment of national market system plans.

(a) *Definitions.* For purposes of this section, (1) The term "national market system plan" shall mean any joint self-regulatory organization plan in connection with

(i) The planning, development, operation or regulation of a national market system (or a subsystem thereof) or one or more facilities thereof, or

(ii) The development and implementation of procedures and/or facilities designed to achieve compliance by self-regulatory organizations, their members or non-member brokers and dealers with any section of this subpart promulgated pursuant to section 11A of the Act.

(2) The term "effective national market system plan" shall mean any national market system plan approved by the Commission (either temporarily or on a permanent basis) pursuant to this section.

(3) The term "self-regulatory organization" shall mean any national securities exchange ("exchange") or national securities association ("association").

(4) The term "joint self-regulatory organization plan" shall mean a plan as to which two or more self-regulatory organizations, acting jointly, are sponsors.

(5) The term "sponsors," when used in connection with a national market system plan, shall mean any self-regulatory organization which is a signatory to such plan and has agreed to act in accordance with the terms of the plan.

(6) The term "participant," when used in connection with a national market system plan, shall mean any self-regulatory organization or non-member broker or dealer which has agreed to act in accordance with the terms of the plan but which is not a signatory of such plan.

(7) The term "plan processor" shall mean any self-regulatory organization or securities information processor acting as an exclusive processor in connection with the development, implementation and/or operation of any facility contemplated by an effective national market system plan.

(8) The term "vendor" shall have the meaning provided in § 240.11Aa3-1 (Rule 11Aa3-1 under the Act).

(9) The term "non-member broker or dealer" shall mean any broker or dealer which is not a member of an exchange or association.

(b) *Filing of national market system plans and amendments thereto.* (1) Any two or more self-regulatory

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[44] These provisions would, of course, apply to all NMS Plans approved by the Commission, whether or not approved by the Commission prior to the effective date of the Rule.

[45] On the other hand, this commentator, in arguing that the procedures contained in the Rule should be analogous to those in Section 19 of the Act, analogized NMS Plans to joint SRO rules. *See* CBOE Letter II, *supra* note 12, at 2-3.

[46] Proposed Rule 11Aa3-2(b)(5) has been redesignated as Rule 11Aa3-2(b)(7).

[47] *See* notes 4 and 5, *supra.*

[48] *Cf.* Sections 6(b)(1), 15A(b)(2) and 19(g)(1) of the Act.

[49] Proposed Rule 11Aa3-2(a)(1).

[50] *See, e.g.,* NYSE Letter, *supra* note 12, at 3-8.

[51] *See* proposed Rule 11Aa3-2(b)(2).

[52] *See* Rule 11Aa3-2(a)(4).

[53] *See, e.g.,* NYSE Letter, *supra* note 12, Appendix 2 at 4.

[54] 15 U.S.C. 78w(a)(2).

[55] 15 U.S.C. 78a *et seq.,* as amended by Pub. L. No. 94-29 (June 4, 1975).

[56] 15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78k-1, 78o, 78o-3, 78q, and 78-w(a).

organizations, acting jointly, may file a national market system plan or may propose an amendment to an effective national market system plan ("proposed amendment") by submitting the text of the plan or amendment to the Secretary of the Commission, together with a statement of the purpose of such plan or amendment and, to the extent applicable, the documents and information required by paragraphs (b)(4) and (b)(5) of this section.

(2) The Commission may propose amendments to any effective national market system plan by publishing the text thereof, together with a statement of the purpose of such amendment, in accordance with the provisions of paragraph (c) of this section.

(3) Self-regulatory organizations are authorized to act jointly in (i) planning, developing, and operating any national market subsystem or facility contemplated by a national market system plan, (ii) preparing and filing a national market system plan or any amendment thereto, or (iii) implementing or administering an effective national market system plan.

(4) Every national market system plan filed pursuant to this section, or any amendment thereto, shall be accompanied by (i) copies of all governing or constituent documents relating to any person (other than a self-regulatory organization) authorized to implement or administer such plan on behalf of its sponsors and (ii), to the extent applicable,

(A) A detailed description of the manner in which the plan or amendment, and any facility or procedure contemplated by the plan or amendment, will be implemented;

(B) A listing of all significant phases of development and implementation (including any pilot phase) contemplated by the plan or amendment, together with the projected date of completion of each phase;

(C) An analysis of the impact on competition of implementation of the plan or amendment or of any facility contemplated by the plan or amendment;

(D) A description of any written understandings or agreements between or among plan sponsors or participants relating to interpretations of the plan or conditions for becoming a sponsor or participant in the plan; and

(E) In the case of a proposed amendment, a statement that such amendment has been approved by the sponsors in accordance with the terms of the plan.

(5) Every national market system plan, or any amendment thereto, filed pursuant to this section shall include a description of the manner in which any facility contemplated by the plan or amendment will be operated. Such description shall include, to the extent applicable,

(i) The terms and conditions under which brokers, dealers, and/or self-regulatory organizations will be granted or denied access (including specific procedures and standards governing the granting or denial of access);

(ii) The method by which any fees or charges collected on behalf of all of the sponsors and/or participants in connection with access to, or use of, any facility contemplated by the plan or amendment will be determined and imposed (including any provision for distribution of any net proceeds from such fees or charges to the sponsors and/or participants) and the amount of such fees or charges;

(iii) The method by which, and the frequency with which, the performance of any person acting as plan processor with respect to the implementation and/or operation of the plan will be evaluated; and

(iv) The method by which disputes arising in connection with the operation of the plan will be resolved.

(6) In connection with the selection of any person to act as plan processor with respect to any facility contemplated by a national market system plan (including renewal of any contract for any person to so act), the sponsors shall file with the Commission a statement identifying the person selected, describing the material terms under which such person is to serve as plan processor, and indicating the solicitation efforts, if any, for alternative plan processors, the alternatives considered and the reasons for selection of such person.

(7) Any national market system plan (or any amendment thereto) which is intended by the sponsors to satisfy a plan filing requirement contained in any other section of this subpart shall, in addition to compliance with this section, also comply with the requirements of such other section.

(c) *Effectiveness of national market system plans.* (1) The Commission shall publish notice of the filing of any national market system plan, or any proposed amendment to any effective national market system plan (including any amendment initiated by the Commission), together with the terms of substance of the filing or a description of the subjects and issues involved, and shall provide interested persons an opportunity to submit written comments. No national market system plan, or any amendment thereto, shall become effective unless approved by the Commission or otherwise permitted in accordance with paragraph (c)(3) of this section.

(2) Within 120 days of the date of publication of notice of filing of a national market system plan or an amendment to an effective national market system plan, or within such longer period as the Commission may designate up to 180 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the sponsors consent, the Commission shall approve such plan or amendment, with such changes or subject to such conditions as the Commission may deem necessary or appropriate, if it finds that such plan or amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act. Approval of a national market system plan, or an amendment to an effective national market system plan (other than an amendment initiated by the Commission), shall be by order. Promulgation of an amendment to an effective national market system plan initiated by the Commission shall be by rule.

(3) A proposed amendment may be put into effect upon filing with the Commission if designated by the sponsors as (i) Establishing or changing a fee or other charge collected on behalf of all of the sponsors and/or participants in connection with access to, or use of, any facility contemplated by the plan or amendment (including changes in any provision with respect to distribution of any net proceeds from such fees or other charges to the sponsors and/or participants);

(ii) Concerned solely with the administration of the plan, or involving the governing or constituent documents relating to any person (other than a self-regulatory organization) authorized to implement or administer such plan on behalf of its sponsors; or

(iii) Involving solely technical or ministerial matters. At any time within 60 days of the filing of any such amendment, the Commission may summarily abrogate the amendment and require that such amendment be refiled in accordance with paragraph (b)(1) of this section and reviewed in accordance with paragraph (c)(2) of this section, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and

orderly markets, to remove impediments to, and perfect mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

(4) Notwithstanding the provisions of paragraph (c)(1) of this section, a proposed amendment may be put into effect summarily upon publication of notice of such amendment, on a temporary basis not to exceed 120 days, if the Commission finds that such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

(5) Any plan (or amendment thereto) in connection with (i) the planning, development, operation or regulation of a national market system (or a subsystem thereof) or one or more facilities thereof, or (ii) the development and implementation of procedures and/or facilities designed to achieve compliance by self-regulatory organizations and/or their members of any section of this subpart promulgated pursuant to section 11A of the Act, approved by the Commission pursuant to section 11A of the Act (or pursuant to any rule or regulation thereunder) prior to the effective date of this section (either temporarily or on a permanent basis) shall be deemed to have been filed and approved pursuant to this section and no additional filing need be made by the sponsors with respect to such plan or amendment; *Provided, however,* That all terms and conditions associated with any such approval (including time limitations) shall continue to be applicable; and, *Provided, further,* That any amendment to such plan filed with or approved by the Commission on or after the effective date of this section shall be subject to the provisions of, and considered in accordance with the procedures specified in, this section.

(d) *Compliance with terms of national market system plans.* Each self-regulatory organization and non-member broker or dealer shall comply with the terms of any effective national market system plan of which it is a sponsor or a participant. Each self-regulatory organization also shall, absent reasonable justification or excuse, enforce compliance with any such plan by its members and persons associated with its members.

(e) *Appeals.* The Commission may, in its discretion, entertain appeals in connection with the implementation or operation of any effective national market system plan as follows:

(1) Any action taken or failure to act by any person in connection with an effective national market system plan (other than a prohibition or limitation of access reviewable by the Commission pursuant to section 11A(b)(5) or section 19(d) of the Act) shall be subject to review by the Commission, on its own motion or upon application by any person aggrieved thereby (including, but not limited to, self-regulatory organizations, brokers, dealers, issuers, and vendors), filed not later than 30 days after notice of such action or failure to act or within such longer period as the Commission may determine.

(2) Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of any such action unless the Commission determines otherwise, after notice and opportunity for hearing on the question of a stay (which hearing may consist only of affidavits or oral arguments).

(3) In any proceedings for review, if the Commission, after appropriate notice and opportunity for hearing (which hearing may consist solely of consideration of the record of any proceedings conducted in connection with such action or failure to act and an opportunity for the presentation of reasons supporting or opposing such action or failure to act) and upon consideration of such other data, views and arguments as it deems relevant, finds that the action or failure to act is in accordance with the applicable provisions of such plan and that the applicable provisions are, and were, applied in a manner consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system, the Commission, by order, shall dismiss the proceeding. If the Commission does not make any such finding, or if it finds that such action or failure to act imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, the Commission, by order, shall set aside such action and/or require such action with respect to the matter reviewed as the Commission deems necessary or appropriate in the public interest, for the protection of investors, and the maintenance of fair and orderly markets, or to remove impediments to, and perfect the mechanisms of, a national market system.

(f) *Exemptions.* The Commission may exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, non-member broker or dealer, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system.

(Secs. 2, 3, 6, 9, 10, 15, 17, and 23, Pub. L. 73-291, 48 Stat. 881, 882, 885, 889, 891, 895, 897, and 901, as amended by secs. 2, 3, 4, 11, 14, and 18, Pub. L. 94-29, 89 Stat. 97, 104, 121, 137, and 155 (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78o, 78q, and 78w); sec. 15A, as added by sec. 1, Pub. L. 75-719, 52 Stat. 1070, as amended by sec. 12, Pub. L. 94-29, 89 Stat. 127 (15 U.S.C. 78-3); sec. 11A, as added by sec. 7, Pub. L. 94-29, 89 Stat. 111 (15 U.S.C. 78k-1))

2. Section 240.11Aa3-1 is amended as follows:

(a) By removing paragraphs (a)(8), (b)(3), (b)(5), and (c);

(b) By redesignating paragraphs (a)(9) through (a)(13), and (b)(4) as paragraphs (a)(8) through (a)(12) and (b)(3) respectively. The introductory text of redesignated paragraph (b)(3) is revised. Paragraphs (d) through (h) are redesignated as paragraphs (c) through (g) respectively. A new paragraph (b)(4) is added and redesignated paragraphs (d) and (f) are revised to read as follows:

§ 240.11Aa3-1 Dissemination of transaction reports and last sale data with respect to transactions in reported securities.

* * * * *

(b) *Filing and effectiveness of transaction reporting plans.* * * *

* * * * *

(3) Any transaction reporting plan, or any amendment thereto, filed pursuant to this section shall be filed with the Commission, and considered for approval, in accordance with the procedures set forth in paragraphs (b) and (c) of § 240.11Aa3-2 governing national market system plans. Any such plan, or amendment thereto, shall specify, at a minimum:

* * * * *

(4) No transaction reporting plan filed pursuant to this section, or any amendment to an effective transaction reporting plan, shall become effective unless approved by the Commission or otherwise permitted in accordance with the procedures set forth in § 240.11Aa3-2 (Rule 11Aa3-2 under the Act) governing national market system plans.

* * * * *

(d) *Retransmission of transaction reports or last sale data.* On and after

July 5, 1980, notwithstanding any provision of any effective transaction reporting plan, no exchange or association may, either individually or jointly, by rule, stated policy or practice, transaction reporting plan or otherwise, prohibit, condition or otherwise limit, directly or indirectly, the ability of any vendor to retransmit, for display in moving tickers, transaction reports or last sale data made available pursuant to any effective transaction reporting plan: *Provided, however,* That an exchange or association may, by means of an effective transaction reporting plan, condition such retransmission upon appropriate undertakings to ensure that any charges for the distribution of transaction reports or last sale data in moving tickers permitted by paragraph (e) of this section are collected.

* * * * *

(f) *Appeals.* The Commission may, in its discretion, entertain appeals in connection with the implementation or operation of any effective transaction reporting plan in accordance with the provisions of paragraph (e) of § 240.11Aa3–2.

* * * * *

(Secs. 2, 3, 6, 9, 10, 15, 17 and 23, Pub. L. 78–291, 48 Stat. 881, 882, 885, 889, 891, 895, 897 and 901, as amended by secs. 2, 3, 4, 11, 14 and 18, Pub. L. 94–29, 89 Stat. 97, 104, 121, 137 and 155 (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78o, 78q, and 78w); sec. 15A, as added by sec. 1, Pub. L. 75–719, 52 Stat. 1070, as amended by sec. 12, Pub. L. 94–29, 89 Stat. 127 (15 U.S.C. 78–3); sec. 11A, as added by sec. 7, Pub. L. 94–29,89 Stat. 111 (15 U.S.C. 78k–1))

By the Commission.

George A. Fitzsimmons,

Secretary.

February 28, 1981.

[FR Doc. 81-7300 Filed 3-9-81; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket No. RM80–65]

Final Rule Governing Exemption From All or Part of Part I of the Federal Power Act of Small Hydroelectric Power Projects With an Installed Capacity of Five Megawatts or Less

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order modifying order and denying rehearing.

SUMMARY: The Federal Energy Regulatory Commission modifies a previous order dismissing as untimely an application for rehearing of the order establishing a case-specific procedure of exempting from all or part of Part I of the Federal Power Act any small hydroelectric power project with a proposed installed capacity of 5 megawatts or less and denies the application for rehearing on its merits. The application raises no new issues that would serve as a basis on which to grant rehearing.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Order Modifying an Order Granting Rehearing for Purposes of Further Consideration and Denying Rehearing of Order No. 106

Issued: March 2, 1981.

On November 7, 1980, the Commission issued Order No. 106 in Docket No. RM80–65. Order No. 106 establishes a case-specific procedure for exempting from all or part of Part I of the Federal Power Act (Act) any small hydroelectric power project with a proposed installed capacity of 5 megawatts or less. The rule implements in part section 408 of the Energy Security Act of 1980 (ESA) and creates Subpart K of Part 4 of the Commission's regulations.

On January 7, 1981, the Commission granted rehearing for the purpose of affording further time for consideration of two timely petitions for rehearing.[1] In that order, the Commission also dismissed a similar application for rehearing filed by the Municipal Electric Utilities of Wisconsin and the City of Shawano, Wisconsin (MEUW) because it appeard not to have been filed within the period provided for that purpose in § 1.34(a) of the Commission's regulations.

MEUW now applies to the Commission for rehearing of the order of January 7, 1981, based on its contention that the Commission received its petition for rehearing within the 30-day period provided in the regulations and that the petition was therefore timely filed, although not date stamped until after the last date for filing applications. MEUW requests that the order be modified to indicate that the application was timely filed.

Evidence of MEUW's timely filing under § 1.34(a) consists of Federal Express forms which demonstrate that a package allegedly containing the application at issue was received in the Commission mailroom, with a variety of unrelated material, on the last date for filing applications. MEUW argues that such delivery consititues proper filing because the Commission's regulations specify neither the office number of Commission's Secretary nor any other appropriate room for filing such documents.

Section 375.105(c) of the Commission's regulations states that hand-delivered documents must be filed in Room 3110 of the Commission's Washington headquarters. However, that section is of questionable applicability here. The filing provision in § 1.14(a) of the Commission's regulations, relied on by the applicant, does not identify a specific location for hand delivery. In any case, it may be difficult to obtain hand delivery to a specific room in a Federal building by means of courier service from outside the District of Columbia.

While the evidence submitted in support of MEUW's application does not conclusively show that the document which arrived on December 8, 1980 was the rehearing application at issue, the Commission will accept MEUW's attestation to that effect.

The Commission has previously addressed the issues raised in MEUW's application for rehearing of Order No. 106 and disposed of those arguments.[2] The Commission still finds no basis on which to grant rehearing of Order No. 106.

The Commission Orders

1. The request for modification of the Order Granting Rehearing for Purposes of Further Consideration filed in the form of an application for rehearing by the Municipal Electric Utilities of Wisconsin and the City of Shawano, Wisconsin is granted and its

[1] The Commission denied these petitions for rehearing of Order No. 106 on January 28, 1981, 46 FR 10458, February 3, 1981.

[2] The Commission's Order Denying Rehearing in Docket No. RM80–65, after reviewing the arguments made by other applicants with respect to construction of section 408 of the Energy Security Act of 1980, stated in a footnote (*mimeo*, at 3):

"This and related arguments are made in an application for rehearing filed by the Municipal Electric Utilities of Wisconsin and the City of Shawano, Wisconsin which was not filed on a timely basis and was therefore dismissed. Were the Commission to consider that application, it would find its arguments for rehearing similarly unpersuasive for the same reasons stated in this order."

Application for Rehearing of Order No. 106 is deemed timely filed.

2. The application for rehearing of Order No. 106 filed by the Municipal Electric Utilities of Wisconsin and the City of Shawano, Wisconsin in Docket No. RM80-65 is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7344 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 250

[Docket No. RM78-15]

Regulation of Small Producers Order Denying Rehearing

Issued: March 3, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying rehearing and amending regulation.

SUMMARY: On August 10, 1977, and August 15, 1977, applications for rehearing and/or clarification of Order No. 568, *Order Amending and Clarifying Small Producer Regulations*, issued July 14, 1977, were filed. Order No. 568 amended regulations exempting small producers from certain filing requirements in 18 CFR 157.40. On September 7, 1977, the Commission granted rehearing for purposes of further consideration. This order denies the petitions for rehearing, and amends § 250.10 by inserting a copy of the application form small producers are required to file.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT:

Richard E. Kelly, (202) 357-8315.

SUPPLEMENTARY INFORMATION: On August 10, 1977, and August 15, 1977, respectively, applications for rehearing and/or clarification of Order No. 568, *Order Amending and Clarifying Small Producer Regulations*, issued July 14, 1977, were filed by Texas Oil & Gas Corp., *et al.* (TXO) and American Liberty Company (American Liberty). Order No. 568 amended regulations exempting small producers from certain filing requirements in § 157.40. On September 7, 1977, the Commission [1] granted rehearing for purposes of further consideration.

[1] The term "Commission," when used in the context of action taken prior to October 1, 1977, refers to the Federal Power Commission; when used otherwise, the reference is to the Federal Energy Regulatory Commission.

I

Section 157.40(a)(1) provides that a small producer applicant's total annual jurisdictional sales volumes include the jurisdictional sales volumes of a pipeline company with which the applicant is affiliated. In its application for rehearing TXO contests this provision.

TXO states that the regulations provide that a producer need only include its own sales and sales by "affiliated producers" in computing its total annual jurisdictional sales volumes. It follows, TXO claims, that sales made by a pipeline company should not be included since a pipeline, by definition, is not a producer.

TXO further asserts that the same volumes may be counted twice where the small producer applicant makes sales to its affiliated pipeline since the gas will be counted once in the producer's sale and a second time in the pipeline's resale. TXO also states that if the jurisdictional sales of an affiliated pipeline company are to be considered, it is unclear whether the direct sales volumes of the pipeline are to be included.

We will deny rehearing. Prior to Order No. 568 the small producer regulations did not permit a producer to qualify as a small producer if it was affiliated with a natural gas pipeline company. The rationale for this policy was set forth in Order No. 308 [2] wherein the Commission first adopted the small producer regulations. There the Commission stated:

> El Paso has suggested that pipeline companies be excluded from the definition of "affiliated producers" under the common control test. We do not adopt this suggestion and make clear, to the contrary, that a company which is affiliated with a pipeline company is not eligible for the "small producer" classification, even though its jurisdictional sales be small. The rationale underlying the special relief afforded small producers applies only to fully-independent entities and not to companies which have the advantage of a pipeline affiliation.

In Order No. 568 the Commission relaxed this blanket pipeline affiliation prohibition and provided that a producer which was affiliated with a pipeline company other than a Class A pipeline could qualify for small producer status. The Commission also provided, however, that such a producer, in computing its total jurisdictional sales volume, would have to include the jurisdictional sales of its pipeline affiliate [3] as its own in the same fashion producer is required to include not only its own jurisdictional sales, but also the jurisdictional sales of the producer with which it is affiliated.[4] In this way the Commission sought to ascertain more accurately whether, in terms of jurisdictional sales, a small producer applicant was in fact "small." In our view, the approach adopted in Order No. 568 is reasonable and we will adhere to it.[5]

TXO also seeks rehearing of the Commission's decision to limit a small producer to the applicable large producer rate ceiling for sales from reserves developed by it while in large producer status. TXO states that the result of the new restriction is to limit severely the volumes which the small producer can sell at small producer rates. TXO also asserts that many producers which now qualify as small producers were regulated as large producers prior to the issuance of Order No. 428 [6] and are not now precluded from receiving small producer rate treatment for sales from reserves developed while they were so regulated.

One of the reasons that the Commission instituted the instant rulemaking proceeding was to amend the small producer regulations insofar as they apply to a situation such as that described by TXO.[7] In *Suburban Propane Gas Corporation*, Docket No. CS75-396, issued May 27, 1976, the Commission permitted sales from reserves developed by a large producer which then became a small producer to receive small producer rate treatment. The Commission there recognized, however, that while this interpretation of the regulations was dictated by the plain language of the regulations, such interpretation was not consistent with the purpose of the small producer program.[8] It was the Commission's view then, and it is our view now, that where the costs and risks associated with the development of gas reserves are borne by a large producer, those reserves

[2] 34 FPC 1202, 1203 (1965).

[3] As to a non-jurisdictional pipeline, the jurisdictional volumes would be those sold under the emergency provisions of the Commission's regulations.

[4] Direct sales volumes of a pipeline are not to be included since direct sales are not jurisdictional.

[5] Where the possibility of a double counting of volumes arises, the small producer applicant may request a waiver of the regulations.

[6] 45 FPC 454 (1971).

[7] Notice of Proposed Rulemaking, issued May 25, 1976, at 2.

[8] Section 157.40(c) of the Commission's regulations in effect at that time provided that small producers were limited to large producer rates for jurisdictional sales where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer. Since Suburban had not purchased reserves from a large producer, the Commission permitted it to collect small producer rates for the reserves developed by it while in large producer status.

should not be accorded small producer rate treatment.[9]

TXO's claim of discrimination against those former large producers which attain small producer status subsequent to July 13, 1977, is not persuasive. The Commission in Order No. 568 concluded that large producers which become small producers on or after July 14, 1977, should not be permitted small producer treatment for those reserves developed by them while they were large producers, thus eliminating for future small producers the ruling in *Suburban Propane*. The Commission has not imposed this rule on those who acquired small producer status prior to the issuance of Order No. 568, and it is not required to do so in order to apply the rule prospectively to those who become small producers after issuance of Order No. 568.[10]

II

American Liberty in its petition requests that the Commission confirm that sales from processing plants and gathering facilities made by small producers qualify as small producer sales. It asserts that any change in the regulations brought about by Order No. 568 which excludes such sales from small producer treatment was not discussed or justified by the Commission in its notice of rulemaking and thus does not comply with the Administrative Procedure Act.[11] American Liberty further asserts that any such change was required to be explained by the Commission.

Order No. 568 effected no modifications in the small producer regulations with respect to sales made by small producers from processing plants or gathering facilities. Under the regulations a small producer plant operator or gatherer who purchases gas from a small producer is entitled to collect small producer rates for its resales of the gas. Where the small producer plant operator or gatherer purchases gas from a large producer, however, it is limited to large producer rates for its resales.[12]

III

Order No. 568 left the proceedings in this docket open as to proposed revisions of Form Nos. 314–A, Application for Small Producer Certificate, and 314–B, Annual Statement for Independent Producer Holding Small Producer Certificate. Passage of the Natural Gas Policy Act of 1978 has reduced substantially the number of small producer certificate applications. Accordingly, we believe that the proposed revisions of the small producer certificate application form are no longer necessary. We will, however, incorporate Form 314–A into the Commission's regulations (§ 250.10) in the same manner as other prescribed producer application forms.

Elimination of Form 314–B is being proposed in another docket. All matters relating to the revision of Form 314–B will be considered in that docket.

The Commission orders:

(A) TXO's application for rehearing is denied.

(B) American Liberty's application for rehearing and/or clarification is granted only to the extent provided hereinabove. In all other respects the application is denied.

(C) Section 250.10 of Part 250, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations, is amended to incorporate Attachment A hereto. Because the amendment does not change any substantive rule, and only places in the regulations a copy of the application form small producers have been required to file, good cause exists to make it effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

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[9] In addition, acceptance of TXO's argument would encourage large producers whose annual sales are just above the 10,000,000 Mcf level to limit production or sell some producing properties so as to reduce sales to just under that level and thereby receive small producer rates for all of their sales. We do not believe this result to be in the public interest.

[10] We also note that most current small producers were "small" during the time prior to Order No. 428 when they were being regulated as large producers. In this context, therefore, it was reasonable for the Commission in Order No. 428 to permit small producers to receive small producer treatment for sales from reserves developed while they were regulated as large producers.

[11] 5 U.S.C. 551, *et seq.*

[12] *See Neleh Gas & Oil Corporation, et al.*, Docket No. CS75–383, issued April 12, 1977.

Docket No. RM76-15

Section 250.10 is amended by inserting after the parenthetical Attachment A to read as follows:

Attachment A - Pg. 1 of 2.

§ 250.10

APPLICATION FOR SMALL PRODUCER EXEMPTION

(See § 157.40(b)(4))

NOTE: Independent Producers of natural gas whose total jurisdictional sales on a nationwide basis for the preceding calendar year, combined with those of "affiliated producers," were not in excess of 10,000,000 Mcf may file the information called for in this form for a Small Producer Exemption to sell gas (in four copies). Include volume of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producer seeking to come within Section 157.40 has an interest in such sales. Do not include sales made pursuant to percentage sales contracts. If insufficient space is given for a complete answer, continue the answer on the reverse side or on a separate sheet, noting the relevant number.

1. NAME OF APPLICANT

2. STATE OF ORGANIZATION

3. LOCATION OF PRINCIPAL PLACE OF BUSINESS

4. TYPE OF ORGANIZATION (Corporation, partnership, joint venture, etc)

5. PERSON RESPONSIBLE FOR APPLICATION

NAME AND TITLE

MAILING ADDRESS

6. TOTAL JURISDICTIONAL SALES VOLUMES AT _____ PSIA FOR CALENDAR YEAR PRECEDING APPLICATION. (If more than one applicant is to be covered by this exemption, give the total jurisdictional sales volumes of each applicant separately.)

7. LIST ALL CERTIFICATES PRESENTLY HELD BY DOCKET NUMBER AND LIST ALL CONTRACTS ON FILE WITH THE COMMISSION AS RATE SCHEDULES BY RATE SCHEDULE NAME AND NUMBER. INCLUDE IN SUCH LISTING APPLICANTS' INTERESTS IN GAS SALES COVERED BY OTHER PRODUCERS' CERTIFICATES AND RATE SCHEDULES. LIST ALL INTEREST OWNERS AND THE AMOUNT OF THEIR INTEREST FOR EACH SALE TO BE COVERED BY THIS EXEMPTION. (See reverse side for reporting)

8. LIST ALL OWNERS OF MORE THAN 10 PERCENT INTEREST IN APPLICANT: (A) INDIVIDUAL NAME; (B) PERCENT OF OWNERSHIP

9. LIST ALL INTEREST OWNED BY THE INDIVIDUALLY NAMED OWNERS IN OTHER NATURAL GAS COMPANIES: (A) INDIVIDUAL NAME; (B) COMPANY NAMES; (C) PERCENT OF APPLICANT OWNERSHIP.

10. LIST FOR EACH OWNER THE POSITIONS HELD BY THESE INDIVIDUAL OWNERS IN APPLICANT COMPANY OR ANY OTHER NATURAL GAS COMPANY.

11. IS APPLICANT OR ANY INDIVIDUAL OWNER LISTED, AFFILIATED WITH ANY PURCHASER OF JURISDICTIONAL GAS FROM APPLICANT? (If so list name of buyer and seller for each sale and nature of affiliation.)

SIGNATURE	TITLE	DATE

Docket No. RM76-15

Attachment A - Pg. 2 of 2.

SALES UNDER RATE SCHEDULE OF APPLICANT				
			INTEREST OWNERSHIP UNDER RATE SCHEDULE	
APPLICANT	DOCKET NUMBER	RATE SCHEDULE NUMBER	NAME	PERCENT INTEREST

APPLICANTS SALES UNDER RATE SCHEDULE OF OTHERS			
OTHER SELLER	DOCKET NUMBER	RATE SCHEDULE NUMBER	APPLICANTS PERCENT INTEREST IN RATE SCHEDULE

NOTE: Place an asterisk (*) after each co-owners name whose interest is not to be covered by the Small Producer Exemption applied for.

[FR Doc. 81-7380 Filed 3-9-81; 8:45 am]
BILLING CODE 6450-85-C

18 CFR Part 260

[Docket No. RM80-56]

Order Denying Applications for Rehearing of Final Rule To Revise Form No. 2

Issued: March 3, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying rehearing.

SUMMARY: By this draft order, the Federal Energy Regulatory Commission (Commission) denies the applications for rehearing of Commission Order No. 121, Revision of Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), issued January 9, 1981 (Docket No. RM80-56, 46 FR 6885, January 22, 1981).

The applications, filed by the Citizen/Labor Energy Coalition, the Public Interest Campaign, Public Action, and the Bennett Agency, challenged, in very general terms, the wisdom of the Commission's decision to reduce the reporting requirements in Form No. 2. They alleged, among other things, that the negative effects to the public resulting from the deletion of information would outweigh benefits to the reporting companies which no longer would be required to report that information.

These rehearing requests are denied by this draft order because significant savings, which cannot be dismissed in general arguments, will be experienced by most reporting companies as a result of the deletions in Form No. 2; the Commission should not usurp the role of Energy Information Administration to collect general energy information, especially since the information deleted from Form No. 2 is not used by the Commission to discharge its regulatory responsibilities; and finally, the public may still obtain information which has been deleted from Form No. 2 through discovery procedures in connection with natural gas ratemaking and licensing proceedings before the Commission.

FOR FURTHER INFORMATION CONTACT: Kathy Ciaglo, (202) 357-8528.

Final Rule Revising Form No. 2; Annual Report for Natural Gas Companies (Class A and Class B)

A. Background

On January 9, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule to revise FERC Form No. 2, the major annual reporting form filed by interstate natural gas pipelines (Order No. 121, 46 FR 6885, January 22, 1981).

In brief, Order No. 121 significantly eased the reporting burdens imposed on the pipelines by the previous version of Form No. 2 by eliminating a number of superfluous or duplicative reporting requirements, and by revising, clarifying, and reducing the scope of other reporting requirements set by the form. This Order and the rulemaking proceeding that preceded it, are part of the Commission's continuing program of reviewing all of its reporting requirements. In this specific proceeding the Commission sought to complete a fresh, overall review of reporting requirements that have been gradually increased and expanded over a period of many years; to verify whether, in light of recent significant changes in the statutory and regulatory requirements imposed upon the pipeline industry, each data item required to be reported is, in fact, needed by the Commission; and to halt the further collection of any data that is not needed by the Commission to carry out its decisionmaking and regulatory duties. Such a reduction in reporting burdens not only benefits the reporting pipelines by reducing their regulatory costs, but also benefits their customers who ultimately pay those costs.

B. Rehearing Petitions

Petitions for rehearing of Order No. 121 were timely filed by the Citizen/Labor Energy Coalition, the Public Interest Campaign, Public Action, and the Bennett Agency.

None of these petitions challenge any specific deletions of particular reporting requirements that were made by the final rule.

Instead, the petitions generally challenge the wisdom of the Commission's decision to curb the Form No. 2 reporting requirements "in a period of rising gas prices;" assert that the Commission is obligated, as a "regulatory watchdog," to closely monitor the gas industry in general and make available to the general public "reliable and comprehensive information on the workings of the energy industry;" contend that this rule's reduction of reporting requirements will "further contribute to the decline in American confidence in American industry and government;" state that the final rule is a "dangerous precedent" that will make energy companies less accountable to the public; warn that the rule will "put subtle pressure on the [State] PUC's to reduce their [own] reporting requirements; and finally, assert that the cost reductions for reporting pipelines made possible by the rule are, in any event, "minimal" or "negligible."

Hence, the petitioners conclude, the significant adverse effects upon the public caused by the loss of information outweigh the minimal gains afforded to the reporting pipelines by virtue of the now-deleted reporting requirements. Accordingly, they urge the Commission to modify the final rule to require the pipelines to retain the higher level of data in their Form No. 2 reports.

C. Conclusion

After full consideration of these objections, the Commission believes that rehearing must be denied in all respects, for the following reasons:

First, the Commission does not believe that its proper role is to serve merely as a collector and disseminator of general energy information for the public. Indeed, under the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7101-7352), that general information-collecting role is assigned to another agency, the Energy Information Administration, which is specifically:

> Responsible for carrying out a central, comprehensive and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs." (Section 205(a)(2) of the DOE Act.)

The Commission believes that it should only collect data that will enable it to effectively carry out the specific regulatory duties which it is charged to administer. If information is not used for these valid Commission purposes, then it should not be collected by the Commission. That was the rationale for the Commission's decision to delete some of the reporting requirements previously set out in Form No. 2, and the Commission hereby reaffirms its adherence to that standard.

Second, the Commission does not agree that the benefits to reporting pipelines resulting from the deletions at issue here are "negligible" or "minimal," as one comment so characterized the cost-benefits flowing from the deletions. In the Commission's view, the reductions in reporting requirements are indeed significant and will inevitably yield a savings for the reporting companies. The exact amount of which cannot be precisely determined; but the extent of savings should not be a deciding factor here, for again, as a matter of policy, this Commission should

not require any reports that are, in fact, not used by the Commission to discharge its regulatory duties.

Finally, we do not believe that the deletions in Form No. 2 will in any way "deprive the public of the opportunity to participate in democratic decisionmaking" as one petition contended. We note, for example, that Form No. 2 still requires annual reports on hundreds of different items; that many other separate reporting and filing requirements applicable to different sectors of the natural gas industry remain in effect and are not altered by this rule. Data requests and other discovery procedures remain available to participants in natural gas ratemaking and licensing proceedings before the Commission and can be used to obtain any necessary data that are not set out in Form No. 2. In view of these factors, we think the petitioners' generalized concerns do not warrant modification or rehearing.

The Commission Orders: The applications for rehearing filed by the Citizen/Labor Energy Coalition, the Public Interest Campaign, Public Action, and the Bennett Agency are hereby denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7261 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 282

[Docket No. RM80-62]

Section 206(d) Exemption for Mechanical Cogeneration Facilities From Incremental Pricing Provisions of Natural Gas Policy Act of 1978; Order Granting Waiver of Certain Exemption Affidavit Filing Requirements

Issued: March 2, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Granting Waiver of Certain Exemption Affidavit Filing Requirements.

SUMMARY: Part 282 of the Commission's regulations (18 CFR Part 282) governs the incremental pricing program established by Title II of the Natural Gas Policy Act of 1978. Specifically, § 282.204(d)(7) provides that if an end-user of natural gas files the requisite affidavit with the Commission his facility may be exempted from incremental pricing as of the first full month *following* the date the affidavit is filed. This Order grants a waiver of § 282.204(d)(7) for end-users claiming exemptions as mechanical cogeneration facilities.

This waiver was found appropriate by the Commission in order to permit affected end-users to gain an immediate benefit from a rule (45 FR 71787, October 30, 1980) permitting mechanical cogeneration exemptions from incremental pricing, which rule became effective March 1, 1981.

EFFECTIVE DATE: March 2, 1981.

Under the Order, if an affidavit is filed by March 25, 1981, the facility may gain an exemption as of March 1, 1981 (instead of the month following the filing).

FOR FURTHER INFORMATION CONTACT: Carol Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8511.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) hereby waives certain filing requirements set forth in Part 282 of its regulations (18 CFR Part 282) in order to permit qualified facilities to gain a mechanical cogeneration exemption from incremental pricing as of March 1, 1981.

Background

On October 23, 1980, the Commission issued a final rule (45 FR 71787, October 30, 1980) in the instant docket under Title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432) (NGPA) providing an exemption from incremental pricing surcharges for natural gas used in mechanical cogeneration facilities. The rule was transmitted to Congress for review, as required by section 206(d) of the NGPA. During the period for Congressional review set forth in section 507(b) of the NGPA, neither House disapproved the submittal. The exemptive rule thus became effective on the day following expiration of the review period, March 1, 1981.

In order for an individual facility to obtain the above-described exemption, its owner or operator is required to file an exemption affidavit with the Commission and to send a copy of such affidavit to the facility's natural gas supplier. The date upon which such exemption affidavits take effect is governed by the general rule set forth in § 282.204(d)(7) of the Commission's regulations, which states:

> If the owner or operator of an industrial boiler fuel facility files an exemption affidavit with the Commission in order to obtain an exemption under this part, and sends a copy to the facility's natural gas supplier, the facility shall be exempt from incremental pricing, in accordance with this part, as of the first full month following the date the affidavit is filed.

Accordingly, in order for a mechanical cogeneration facility to be exempted from incremental pricing surcharges for the month of March 1981, an affidavit to that effect would have to have been filed with the Commission and sent to the supplier before March 1, 1981. However, it would have been impossible for the owner or operator of such a facility to have met this deadline, since the exemption itself did not go into effect until March 1, 1981, and exemption affidavits were not available from the Commission until that date. Accordingly, under § 282.204(d)(7), affidavits filed March 1, 1981, or thereafter in that month would not take effect until April 1, 1981.

Discussion and Findings

The Commission believes that § 282.204(d)(7) should be waived in order that the mechanical cogeneration exemption may be made available to qualified end-users as of March 1, 1981, the date the rule became effective. The Commission notes that this exemption was promulgated in October of 1980 and that Congress took no steps to disapprove it during the 30-day review period prescribed by the statute. The review period extended until February 28, 1981, only because of Congressional recesses which occurred after the rule was submitted to the Congress. Now that the review period has expired, the Commission finds that qualified facilities should be permitted to take advantage of the exemption immediately.

Accordingly, § 282.204(d)(7) is being waived to provide that if a mechanical cogeneration exemption affidavit is filed with the Commission by March 25, 1981, with a copy sent to the natural gas supplier, the subject facility shall be exempt from surcharges (or partially exempt as appropriate) as of March 1, 1981.[1]

Since supplier billings for the month of March 1981, will take place on or after April 1, 1981, the Commission finds that this waiver will not cause any undue hardship to affected natural gas suppliers.

The Commission Orders:

Section 282.204(d)(7) of the Commission's regulations is waived to the following extent:

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[1] A supplier who receives a copy of an exemption affidavit is under no obligation to verify that such affidavit was actually filed with the Commission by a certain date. Such responsibility rests with the person filing the affidavit.

If the owner or operator of an industrial boiler fuel facility files an affidavit with the Commission by March 25, 1981, in order to obtain an exemption from incremental pricing as a mechanical cogeneration facility, and sends a copy to the facility's natural gas supplier by that date, the facility shall be exempt from incremental pricing surcharges, in accordance with Part 282, as of March 1, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7332 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 440

[Docket No. 80N-0294]

Antibiotic Drugs for Human Use; Cyclacillin

Correction

In FR Doc. 81-1060 appearing on page 2979 in the issue of Tuesday, January 13, 1981, make the following corrections:

(1) In the heading of the document, change the designation "**21 CFR Parts 430, 436 and 444**" to read "**21 CFR Parts 430, 436 and 440.**"

(2) In the third column of page 2979, in § 430.5(a)(67) and (b)(67), the terms "cyclacillin working standard" and "cyclacillin master standard" were reversed. For the convenience of the reader the paragraphs are reprinted below:

§ 430.5 Definitions of master and working standards.

(a) * * *

(67) *Cyclacillin.* The term "cyclacillin master standard" means a specific lot of cyclacillin that is designated by the Commissioner as the standard of comparison in determining the potency of the cyclacillin working standard.

(b) * * *

(67) *Cyclacillin.* The term "cyclacillin working standard" means a specific lot of homogeneous preparation of cyclacillin.

(3) On page 2979, in the table in § 436.33(b), the heading under "Test dose" now reading "Concentration in milligrams units or of activity per milliliter" should have read "Concentration in units or milligrams of activity per milliliter".

(4) On page 2980, in the table under § 436.105(a), "Media to be used (as listed by medium number in § 438.102(b))" should have read "Media to be used (as listed by medium number in § 436.102(b))".

(5) In the same section, the table under paragraph (b) contained errors and is reprinted as follows:

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 436.200)	Working standard stock solutions: Initial solvent	Working standard stock solutions: Diluent (solution number as listed in § 436.101(a))	Working standard stock solutions: Final concentration units or milligrams per milliliter	Working standard stock solutions: Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
*	*	*	*	*	*	*	*
Cyclacillin	Not dried		Distilled water	1 mg	1 day	3	0.64, 0.80, 1.0, 1.25, 1.56 µg. (Prepare the standard response line simultaneously with the sample solution.)
*	*	*	*	*	*	*	*

* * * * *

(6) On page 2981, in the third column, under § 440.17(a)(1), ". . . dimeth–7 . . ." should have read ". . . dimethyl–7 . . .".

(7) In § 440.117a (b)(4), in the line that is second from the bottom of the first column on page 2985, ". . . Allow the same solution . . ." should have read ". . . Allow the sample solution . . .".

(8) In § 440.117b(b)(1), in the line that is 19th from the top of the first column on page 2986, change ". . . iolometric . . ." to read ". . . iodometric . . .".

BILLING CODE 1505-01-M

21 CFR Part 442

[Docket No. 80N-0305]

Cepha Antibiotic Drugs; Cefadroxil Capsules

Correction

In FR Doc. 81-1062 appearing on page 2991 in the issue of Tuesday, January 13, 1981, make the following corrections:

(1) On page 2992 in the fifth line of the second column, the date now given as "March 13, 1981" should have read "March 16, 1981".

(2) In the third complete paragraph in the same column, ". . . between 9 a.m. and 4 p.m., Monday and Friday" should have read ". . . between 9 a.m. and 4 p.m., Monday through Friday".

BILLING CODE: 1505-01-M

21 CFR Part 442

[Docket No. 80N-0371]

Cepha Antibiotic Drugs; Cefadroxil Monohydrate Tablets

Correction

In FR Doc. 81-1064 appearing on page 2992 in the issue of Tuesday, January 13, 1981, make the following corrections:

(1) In the third column of page 2992, four lines from the bottom of the page, the section heading now designated **§ 442.106 Cefadroxil monohydrate tablets** should have been designated **§ 442.106b Cefadroxil monohydrate tablets.**

(2) In the third column of page 2993, the date now given as March 13, 1981 should have been March 16, 1981.

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1240

[No. 37523]

Reduction of Accounting and Reporting Requirements; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rule on reduction of accounting and reporting requirements that appeared on page 9115 in the **Federal Register** of Wednesday, January 28, 1981 (46 FR 9114). The action is necessary to correct

an inadvertent omission from Appendix A of the final rule.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–7448.

Accordingly, the Interstate Commerce Commission is correcting 49 CFR Part 1240 as follows:

PART 1240—CLASSIFICATION OF CARRIERS

Subpart E—§ 1240.6 [Removed]

1. Remove 49 CFR Part 1240, Subpart E—*Freight Forwarders.*

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7823 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1243

[Docket No. 37514]

Revision to Class I Railroad Quarterly Report Form CBS and Elimination of Forms OS–A, OS–B, and OS–C

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is eliminating three quarterly reports of operating statistics currently filed by Class I railroad companies; Form OS–A, Train and Yard Service; Form OS–B, Revenue Traffic; and, Form OS–C, Motive Power and Car Equipment. This data is no longer required on a quarterly basis. The data which is needed will be filed on an annual basis in Annual Report Form R–1. This data is necessary for rail costing purposes. Data on revenue tons and revenue ton-miles will be reported on a revised format in quarterly report Form CBS, Quarterly Condensed Balance Sheet.

DATES: Effective for the reporting year beginning January 1, 1981.

ADDRESSES: Send comments with 10 copies, if possible, to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., 202–275–7448.

SUPPLEMENTARY INFORMATION: The Commission has reviewed its information needs and believes Form OS–A, Train and Yard Service, Form OS–B, Revenue Traffic and Form OS–C, Motive Power and Car Equipment, can be eliminated. The information in Forms OS–A and OS–C, which is currently used on an annual basis, can be transferred to Annual Report Form R–1 for 1981. Form OS–B can be eliminated entirely under our proposed arrangement.

Form CBS, Quarterly Condensed Balance Sheet, is revised to a balance sheet format similar to Annual Report Form R–1. Operating statistics on revenue tons and revenue ton-miles from OS–B will be included in revised Form CBS.

The specific revisions are summarized as follows:

1. Lines 1 and 2 from OS–B, which already appear on OS–A, will be eliminated. OS–B line 3 which already appears on Form RE&I (Quarterly Report of Revenue, Expenses and Income) and lines 4 through 18 which deal with passenger statistics will be eliminated since they are no longer needed.

2. The entire Form OS–A along with lines 27, 29, and 36 from Form OS–C will be transferred to Form R–1, and the remaining information will be eliminated because it is no longer needed.

3. Operating statistics on revenue tons and revenue ton-miles would be included on lines 30 and 31 in revised Form CBS. (See Appendix A.)

This reporting requirement shall apply to Class I railroad companies beginning January 1, 1981.

This action represents another step in the Commission's efforts to minimize reporting burden on carriers. The remaining operating statistics are vital for rail costing purposes. This information is an integral part of Rail Form H cost data which is used to develop car-hire rates which the railroads pay each other for use of their cars. This data will also be an important element in future rail costing methodologies which the Commission is continuing to study to comply with Section 11142 of the Interstate Commerce Act.

The Commission finds that this revision does not require a rulemaking proceeding under Section 553 of the Administrative Procedure Act (5 U.S.C. 553). The rule involved is procedural in nature and revisions will actually lessen the reporting requirements for all Class I railroad companies. However, in keeping with our belief that any rule can benefit from public scrutiny, we are requesting the public study the rule and report any suggested changes. If the Commission concludes after reviewing the comments that it is necessary to make changes in the final rule; a further notice will be published in the Federal Register identifying the changes made.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources or small businesses.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553. This rule shall apply to the reporting of data for the reporting year beginning January 1, 1981, provided that the Comptroller General of the United States finds that it complies with the Federal Report Act.

Decided: February 25, 1981.

§ 1243.3 [Removed]

Accordingly, we remove 49 CFR 1243.3, Operating statistics.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum absent and not participating.

Agatha L. Mergenovich,

Secretary.

BILLING CODE 7035-01-M

APPENDIX A (page 1)

FOR ICC USE ONLY	FORM	QUARTER	YEAR	INTERSTATE COMMERCE COMMISSION
	CBS	1st [ ] 2nd [ ] 3rd [ ] 4th [ ]	19	QUARTERLY CONDENSED BALANCE SHEET RAILROADS

FULL NAME AND ADDRESS OF REPORTING RAILROAD *(If a system report, names of all operating roads included should be shown under (REMARKS))*

Approved by GAO
B-180230 (R0403
Expires 83-12-31

DESCRIPTIONS (a)	CODE NO.	BALANCE AT END OF QUARTER THIS YEAR (b)	BALANCE AT END OF QUARTER LAST YEAR (c)
ASSETS			
Cash (Account 701)	1		
Temporary cash investments and Special Deposits (Accounts 702 and 703)	2		
Accounts Receivable (Accounts 704-709.5)	3		
Prepayments and working funds (Accounts 710, 711 and 714)	4		
Materials and supplies (Account 712)	5		
Other current assets (Account 713)	6		
Total Current Assets	7		
Special funds and other investments and advances (Accts. 715-717 & 722-728)	8		
Investments and advances; affiliated companies (Accounts 721, 721.9)	9		
Transportation property - net (Accounts 731-736)	10		
Property used in other than carrier operations (Accounts 737 and 738)	11		
Other assets and deferred debits (Accounts 739, 741, 743 and 744)	12		
Total Assets	13		
LIABILITIES			
Current liabilities (Accounts 751-761.5, 762, 763, and 764)	14		
Long term debt due after one year (Accounts 765-770.2)	15		
Deferred revenues - Transfers from governmental authorities (Account 783)	16		
Accumulated deferred income tax credits (Account 786)	17		
Other liabilities and deferred credits (Accts. 771, 772, 774, 775, 781, 782 and 784)	18		
Total Liabilities	19		
SHAREHOLDERS EQUITY			
Capital stock (Accounts 791-793)	20		
Additional capital (Accounts 794 and 795)	21		
Retained earnings (Accounts 797, 798, and 798.1)	22		
Less: Treasury stock (Account 798.5)	23		
Equity in undistributed earnings (losses) of affiliated companies	24		
Total Shareholders Equity	25		
Total Liabilities and Shareholders Equity	26		

GROSS EXPENDITURES FOR ADDITIONS AND BETTERMENTS *(Accounts 731 and 732)*	FIGURES FOR THE QUARTER THIS YEAR (a)	FIGURES FOR THE QUARTER LAST YEAR (b)		CUMULATIVE FIGURES THIS YEAR (c)	CUMULATIVE FIGURES LAST YEAR (d)
Road			27		
Equipment			28		
Total			29		

		FIGURES FOR QUARTER	CUMULATIVE FIGURES
No. of Revenue Tons Carried	30		
No. of Revenue Tons Carried One Mile (thousands)	31		

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APPENDIX A (page 2)

INSTRUCTIONS

1. Under order of the Commission, Class I railroads, excluding switching and terminal companies, are required to file quarterly reports of balance sheet items, Form CBS, in duplicate, in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of each quarter. Reports should be prepared on a calendar quarter basis beginning with the first day of January, April, July and October.
2. The items reported on Form CBS should be taken from and agree with the accounts kept in conformity with current Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission. Report undistributed earnings from certain investments in account 721, in accordance with Docket No. 35949, The Equity Method of Accounting for Certain Long-Term Investments in Common Stocks. The account numbers refer to the accounts in the Uniform System of Accounts. Reverse items should be shown in parentheses. Dollar amounts should be shown in thousands.
3. Unusual transactions or items which reflect an important change in the financial condition of the carrier should be identified and explained in a footnote under "Remarks."
4. The certification must be completed by an officer of the carrier.

REMARKS

I, THE UNDERSIGNED, _____ of _____ state
(Name and title of officer in charge of accounts) *(Full name of reporting company)*
that this report was prepared by me or under my supervision; that I have carefully examined it; and on the basis of my knowledge, belief, and verification (where necessary) declare it to be a full, true and correct statement of the balance sheet accounts named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Signature _____

Telephone Number _____
(Area Code) *(Number)*

Date _____ 19____

[FR Doc. 81-7343 Filed 3-6-81; 8:45 am]
BILLING CODE 7035-01-C

Proposed Rules

Federal Register
Vol. 46, No. 46
Tuesday, March 10, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

GENERAL ACCOUNTING OFFICE

4 CFR Part 28

Personnel Appeals Board; Procedures

AGENCY: General Accounting Office Personnel Appeals Board.

ACTION: Proposed rule.

SUMMARY: This proposed rule would add Subparts E and F to Part 28 of title 4 CFR, to establish a labor-management relations program for the employees of the General Accounting Office. The establishment of this program is felt to be necessary in order for the Board to fulfill its duties under section 4 of the General Accounting Office Personnel Act of 1980, 94 Stat. 29. However, certain issues have been raised concerning the Board's authority in this area. Consequently, we are requesting comments on these proposed regulations including the authority of this Board to issue them.

DATES: Comments received by April 10, 1981 will be considered.

ADDRESS: Send comments to: Personnel Appeals Board, General Accounting Office, Room 4057, 441 G Street, NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Carl D. Moore, General Counsel, Personnel Appeals Board at telephone number (202) 275–6137.

SUPPLEMENTARY INFORMATION: On February 15, 1980, Congress passed the General Accounting Office personnel Act of 1980 (Pub. L. 96–191). The Act establishes an independent personnel system for employees of the General Accounting Office (GAO). The statute creates the GAO Personnel Appeals Board (Board) as an independent adjudicatory agency within the GAO to perform at GAO the same functions that are performed by the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the Special Counsel of the Merit Systems Protection Board, and the Federal Labor Relations Authority in the executive branch.

We have published elsewhere today in the **Federal Register**, procedures (and proposed rules) for the Board to implement section 4 of the Act. However, Subparts E and F of Part 28 are being published here only as proposed rules since questions have been raised concerning the authority of the Board to issue regulations on the subject of labor-management relations and representation.

Subparts E and F deal with representation issues and other labor-management matters such as unfair labor practices, national consultation rights, negotiability disputes, negotiation impasses, standards of conduct for labor organizations, and review of arbitration awards. Prior to the publication of these rules, the Board held a series of meetings with representatives of management and employee groups at GAO. Comments were received at that time suggesting that Subparts E and F exceeded the Board's statutory authority. In order not to impede the regulatory process, the Board chose to issue most of its rules as interim rules and for public comment with the exception of Subparts E and F. The Board now invites comment on these Subparts, which are published as proposed rules.

In order to focus the comments, it may be helpful to summarize the arguments developed this far regarding Subparts E and F. On the one hand, the legislative history makes it clear that Congress intended for the Board to assume an independent adjudicatory role similar to that of the EEOC, the MSPB, and the FLRA. Furthermore, the GAO Personnel Act clearly states that the labor relations program at GAO is to be "consistent with chapter 71 of title 5, United States Code." 32 U.S.C. 52–2(e). Accordingly, chapter 71 charges the FLRA with establishing regulations for the conduct of the labor-management relations program in the executive branch. 5 U.S.C 7105.

Therefore, it can be argued that, in order to be consistent with chapter 71, it is necessary that the Board, rather than GAO management "publish criteria and resolve issues relating to the granting of national consultation rights, . . . prescribe criteria and resolve issues relating to compelling need for agency rules", and otherwise "provide leadership in establishing policies and guidance relating to" labor relations matters in GAO. 5 U.S.C. 7105(a) (1) and (2).

On the other hand, it can be argued that the Board has no general regulatory authority in the development of the GAO labor relations program. The GAO Personnel Act states:

> The Board may consider, decide, and order corrective or disciplinary action (as appropriate) in cases arising from * * *
>
> (6) Any labor practice prohibited under the labor-management system established under section 3(e) and any other matter appealable to the Board under that system; . . . .

31 U.S.C. 52–3(h). Section 3 of the Act states that the "Comptroller General shall . . . establish by regulation a personnel system for the General Accounting Office" and that, among other things:

> The personnel system shall provide for procedures to ensure that each employee of the General Accounting Office has the right, freely and without fear of reprisal, to form, join, and assist an employee organization, or to refrain from such activity, and shall provide for a labor-management relations program, consistent with Chapter 71 of Title 5, United States Code.

31 U.S.C. 52–2(e).

Therefore, it can be argued that the Board's authority in labor relations is limited to "cases arising from" the "labor-management relations program" established by the Comptroller General as a part of the GAO personnel system.

The Board looks forward to any statutory analysis or review of the legislative history that will assist the Board in defining its proper role in the area. Therefore, it is proposed that 4 CFR, Chapter I, Part 28, be amended by adding Subparts E and F as follows:

PART 28—GENERAL ACCOUNTING OFFICE, PERSONNEL APPEALS BOARD; PROCEDURES

* * * * *

Subpart E—Special Procedures; Representation Hearings

Sec.
28.61 Purpose and scope.
28.63 Definitions.
28.65 Who may file petitions.
28.67 Contents of representation petitions.
28.69 Pre-investigation proceedings.
28.71 Processing of petitions.
28.73 Conduct of elections.

Subpart F—Special Procedures; Unfair Labor Practices

28.81 Authority of the Board.

Sec.
28.63 Unfair labor practices—Board procedures.
28.65 Board authority beyond unfair labor practices.
28.67 National consultation rights.
28.91 Negotiation impasses.
28.93 Standards of conduct for labor organizations.
28.95 Review of arbitration awards.

Authority: Sec. 4, General Accounting Office Personnel Act of 1980, Pub. L. 96-191, 94 Stat. 29 (31 U.S.C. 52-3).

Subpart E—Special Procedures—Representation Hearings

§ 28.61 Purpose and scope.

The procedures in this Subpart relate to the Board's duty under section 4(h) (4) and (5) of the Act to determine appropriate units of GAO employees for collective bargaining, to conduct elections in order to determine whether the employees in any such units wish to select a labor organization to represent them in collective bargaining, and, thereafter, to certify labor organizations so selected as the designated exclusive bargaining representative. They are referred to in these regulations as "representation proceedings".

§ 28.63 Definitions.

In subparts E and F—

(a) "Employee" means an individual employed by GAO, but not a supervisor or a management official.

(b) "Supervisor" means an individual employed by the GAO who has the authority, in the interest of GAO, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or who has the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(c) "Management Official" means an individual employed by the GAO in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency.

(d) "Confidential Employee" means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(e) "Professional Employee" means an employee who has completed courses of specialized intellectual instruction and study and who is performing related work or an employee engaged in the performance of work:

(1) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by specialized intellectual instruction and study;

(2) Requiring the consistent exercise of discretion and judgment in its performance;

(3) Which is predominantly intellectual and varied in character; and

(4) Which is of such character that the result accomplished cannot be standardized in relation to a given period of time.

§ 28.65 Who may file petitions.

(a) Representation petitions may be filed by:

(1) A labor organization which wishes to be designated as the exclusive representative for collective bargaining by the GAO employees in an appropriate unit, or by a labor organization which desires to replace another currently having that status;

(2) An employee or a group of employees (or an individual on his/her/their behalf) desiring a new election to determine whether a labor organization has ceased to represent a majority of employees in a unit;

(3) The GAO if it has a good faith reason to doubt the continued desire of a group of its employees to be represented by a labor organization which is currently the exclusive representative of the employees in an appropriate unit;

(4) The GAO or a labor organization currently recognized as an exclusive representative, desiring the Board to clarify an earlier unit determination or certification;

(5) A labor organization which does not have exclusive bargaining rights, but which desires to become eligible for a legal dues allotment system in accordance with 5 U.S.C. 7115(c).

(6) The GAO, a labor organization, or both, desiring to consolidate existing units recognized as exclusive bargaining representatives of those units.

(b) Notwithstanding the provisions of (a) of this section, no petition may be filed which seeks representation rights for employees in a unit where an existing collective bargaining contract is in effect, or where an election has been held within the preceding 12 months.

§ 28.67 Contents of representation petitions.

(a) The contents of representation petitions filed under § 28.65(a)(1) of this part shall consist of:

(1) A detailed identification of the unit of employees to which the petition applies, and geographical location within the GAO, the classifications of employees to be included and excluded, and the number of employees involved.

(2) Names, addresses and officers of any other labor organizations known by the petitioner to be interested in representing employees covered by the petition, including a labor organization which is party to a current collective bargaining agreement covering any employees in the unit;

(3) Name, address, affiliation, if any, and telephone number of the petitioning organization;

(4) A copy of the consititution and bylaws of the organization, together with a statement that these documents as well as a roster for the organization's officers and representatives and a statement of the objectives have also been supplied to the GAO and to the Assistant Secretary of Labor for Labor-Management Relations;

(5) A declaration by the signer of the pettion, under penalties of the Criminal Code (18 U.S.C. § 1101), that the petition's contents are true and correct, to the best of his/her knowledge and belief;

(6) The signature of the representative of the petitioner, including title and telephone number; and

(7) Membership cards, dues records, or signed statements by employees indicating their desire to be represented by the labor organization, or similar evidence acceptable to the Board, showing that at least 30 percent of the employees in the proposed unit wish to be represented by the petitioner.

(b) The contents of petitions filed under § 28.29(a)(2) shall conform to those provided for in paragraph (a) of this section, except that the information required by paragraph (a)(4) and (a)(7) need not be supplied. Additionally, a petition under § 28.29(a)(2) shall include evidence satisfactory to the Board that at least 30 percent of the employees in the unit no longer wish to be represented by the labor organization currently having bargaining rights.

(c) The contents of petitions filed under § 28.29(a)(3) shall conform to those provided in petitions under paragraph (a) of this section, except that the information required by paragraph (a) (4) and (7) need not be supplied, but shall include a detailed statement giving the objective considerations which support the GAO's good faith reason for doubting the labor organization's continued status as the exclusive representative.

(d) The contents of petitions filed under § 28.29(a)(4) shall include the information required under paragraph (a) of this section, with the exception of the information required by paragraph (a) (4) and (7). Also, instead of the information required in paragraph (a)(1)

of this section, the petition shall identify the existing unit and the date the organization was recognized by the GAO or certified as the exclusive representative, and shall explain the changes desired in the unit and the reasons therefor.

(e) Petitions under § 28.29(a) (5) and (6) shall be filed on forms to be supplied by the Board, upon request.

§ 28.69 Pre-investigation proceedings.

(a) Upon the filing of a valid petition, the General Counsel may request GAO to notify employees as to the existence of the petition by posting a notice for at least 10 days in locations appropriately selected to reach all employees in the unit covered by the petition. The notice shall include a request that the Board's General Counsel be notified of the existence of any other interested parties.

(b) GAO shall supply the General Counsel with any information in its possession concerning other potentially interested labor organizations, copies of relevant correspondence, and copies of existing or recently expired agreements covering any employees in the unit. The GAO shall also provide a list of employees it believes should be included in the unit together with their classifications and the names and classifications of those employees it proposed to exclude from the unit.

(c) All interested parties shall meet as soon as possible after the expiration of the ten-day posting period and shall attempt to resolve any issues, including those relating to the appropriate unit and to whether an election should be held.

(d) A labor organization may become an intervenor in any representation proceeding by satisfying the General Counsel within the ten-day posting period that it represents at least ten percent of the employees in the proposed unit.

§ 28.71 Processing of petitions.

(a) Upon the expiration of the ten-day posting period, and after the General Counsel considers an appropriate period has elapsed for consultation among the parties to resolve or identify issues, the General Counsel shall prepare a report to the Board which may recommend:

(1) approval of any agreement entered into by the parties during their consultations including an agreement on the appropriate units, on the withdrawal of the petition, or on a joint request to conduct an election to determine which labor organization, if any, the employees select to be their exclusive bargaining representative;

(2) dismissal of the petition as being without merit; or

(3) issuance of a notice of hearing for the purpose of disposing of the remaining issues raised in the petition.

(b) The General Counsel's report shall be supplied to all interested parties, and, unless all parties agree to a shorter period, they shall have 15 days during which to file any response with the Board.

(c) The Board, as expeditiously as feasible after the expiration of the period specified in paragraph (b) of this section but no later than 30 days thereafter, shall either approve the report and order appropriate steps to carry out its recommendations, or remand it to the General Counsel with further instructions.

(d) Where a hearing is ordered, a Hearing Officer shall be designated by the Board, and the hearing shall be conducted in accordance with the procedure described at § 28.21.

(e) After receiving the recommended Decision and Order from the Hearing Officer, and after following the procedures at § 28.25, the Board shall issue a Decision and Order determining the appropriate unit, directing an election, dismissing the petition or making some other appropriate disposition of the matter.

(f) Final Decisions and Orders issued by the Board based on hearings held in accordance with subparagraph (d) of this section shall not be considered final decisions subject to appeal before the Circuit Courts of Appeal.

§ 28.73 Conduct of elections.

(a) The Board may itself supervise any election it orders to be conducted, or may delegate this function to any qualified independent organization; where the Board deems it appropriate for such purposes, the services of members of the Board's staff or temporary employees hired for this purpose may be utilized.

(b) The GAO shall cooperate with the Board in all reasonable ways in the conduct of the election, including:

(1) Posting notices as requested by the Board;

(2) Avoiding the appearance of supporting any alternative made available to participants in the election; *and*

(3) Facilitating voting procedures by providing space and time during normal working hours to all qualified voters.

(c) The Board shall, through its agents chosen to conduct the election:

(1) Provide the opportunity for all qualified voters to indicate their choices in secrecy;

(2) Offer qualified voters the opportunity to vote for any labor organization on the ballot, or to reject all labor organizations;

(3) Permit all parties to observe all aspects of the election procedure other than any which would interfere with the secrecy of the ballot;

(4) Provide for all parties to challenge the eligibility of any voters, and to impound the ballots of such voters, subject to later determination of eligibility should the number of challenges potentially affect the results;

(5) Certify to all parties the results of the election.

(d) Upon receiving a report of the results of the election, the Board shall:

(1) If necessary rule on the challenges and adjust the results accordingly;

(2) Formally announce the results and, where appropriate, designate a labor organization as the exclusive collective bargaining agent, or withdraw such a designation;

(3) Where none of the choices offered the voters has gained a majority of the votes cast, order a runoff election between the two choices receiving the largest number of votes in the original election, unless, because of a tie vote or for some other reason, the result is inconclusive; and,

(4) Where the result is inconclusive, conduct no more than one additional election on that petition to clarify the result.

Subpart F—Special Procedures—Unfair Labor Practices

§ 28.81 Authority of the Board.

(a) The procedures in this subpart relate, in part, to the Board's functions "to consider, decide, and order corrective or disciplinary action (as appropriate) in cases arising from * * * any labor practice prohibited under the labor management system established * * *" by the GAO. (*Act*, Sec. 4(h)(6)).

(b) The system so established is required "to ensure that each employee of the GAO has the right, freely and without penalty or reprisal, to form, join and assist an employee organization, or to refrain from such activity, and shall provide for a labor-management relations program, consistent with Chapter 71 of Title 5, U.S. Code." (*Act*, Sec. 3(3)).

§ 28.83 Unfair labor practices—Board procedures.

An allegation that unfair labor practices within the definition of the Act have been committed shall be subject to the procedures appearing in Subpart B for the filing of petitions, response by the GAO, investigation by the General

Counsel and the Board's disposition, except as follows:

(a) As set forth at 5 U.S.C. 7118(a)(4), no complaint will generally be issued based on any alleged unfair labor practice which occurred more than 6 months before the filing of the petition with the General Counsel; and

(b) In an effort to promote cooperative labor-management relations, the General Counsel shall encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, to resolve such matters prior to the filing of a petition with the General Counsel and prior to the issuance of a complaint by the General Counsel.

§ 28.85 Board authority beyond unfair labor practices.

In addition to the unfair labor practice aspects of Sec. 4(h)(6) of the Act, referred to at § 28.81 that sub-section of the Act also refers to cases arising from "any other matter appealable to the Board under that system." The Board, therefore, concludes that the requirement to provide a program "consistent with Chapter 71 of Title 5 of the U.S. Code" means that the Board should decide, among others, matters relating to national consultation rights (5 U.S.C. 7113), representation rights and duties (5 U.S.C. 7114), duty to bargain in good faith (5 U.S.C. 7117), and negotiation impasses (5 U.S.C. 7123). In addition, consistent with the provisions of 5 U.S.C. § 7105(a)(1), the Board "shall provide leadership in establishing policies and guidance" on matters concerning the labor-management relations program of the GAO.

§ 28.87 National consultation rights.

The GAO shall grant national consultation rights, as described below, to any labor organization which holds exclusive representation rights for 10 percent or more of GAO employees. The Board, upon receiving a petition requesting such rights, as supported by evidence supplied by the labor organization, and after obtaining the views of the GAO, shall determine whether such consultation rights are warranted, and shall issue a Decision as to its findings. Any organization afforded consultation rights shall be furnished reasonable advance notice of proposed substantive changes in conditions of employment, and shall be given a reasonable period during which to present its views on the proposed changes before they are made effective. Subsequently, the GAO shall provide the labor organization with a written statement of its reasons for making any changes which are contrary to the views of the labor organization. However, nothing in this section shall be construed to interfere with the normal processes of collective bargaining.

§ 28.89 Negotiability issues—compelling need.

Where the GAO and an exclusive bargaining representative disagree on whether a matter is subject to negotiation as part of the requirement to bargain in good faith, the matter shall be appealable to the Board as an unfair labor practice under section 28.35. Wherever feasible, negotiability petitions shall be treated on an expedited basis.

§ 28.91 Negotiation impasses.

(a) Where an impasse is reached in negotiations between the GAO and an exclusive bargaining representative, and mediation efforts by an impartial individual or group brought in by the parties have been exhausted, either or both of the parties may appeal to the Board for assistance in resolving the impasse. Such an appeal shall:

(1) Identify the GAO administrative unit and the labor organization involved;

(2) Describe the matters at issue;

(3) Summarize the positions of both parties on those issues; and

(4) Describe the negotiation steps that were followed, including the extent to which voluntary mediation efforts were utilized.

(b) Upon consideration of the appeal for assistance, the Board shall choose an appropriate method for resolving the impasse, as it sees fit in accordance with the law.

(c) Final Board action on impasse appeals shall be transmitted to the parties and shall be considered accepted within 30 days of receipt, unless an appeal is taken to the United States Courts of Appeal under 4(e) of the Act.

§ 28.93 Standards of Conduct for Labor Organizations.

(a) The GAO shall only accord recognition to labor organizations that are free from corrupt influences and from influences opposed to basic democratic principles. An organization is not required to prove it is free from such influence if it is subject to governing requirements calling for the maintenance of:

(1) Democratic procedures;

(2) Freedom from totalitarian influence;

(3) Independence on the part of its agents and officers from any business or financial interests which represent conflicts of interest or potential conflicts of interest; and;

(4) Fiscal integrity, including provision for the dissemination of regular financial reports to its members.

(b) A labor organization which has or seeks recognition as a representative of employees under this chapter shall file financial and other reports with the Assistant Secretary of Labor for Labor Management Relations, (hereinafter referred to as "the Assistant Secretary"), provide for bonding of officials and employees of the organization, and comply with trusteeship and election standards.

(c) A labor organization which has or seeks recognition under these Rules, shall adhere to principles enunciated in the Regulations issued by the Assistant Secretary regarding standards of conduct for labor organizations in the public sector. Complaints of violations of this section shall be filed with the Assistant Secretary. In any matter arising under this section, the Assistant Secretary may require a labor organization to cease and desist from violations of this section and require it to take such actions as he considers appropriate to carry out the policies of this section.

(d) This chapter does not authorize participation in the management of a labor organization or acting as a representative of a labor organization by a management official, a supervisor, or a confidential employee, or by any employee if the participation or activity would result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee.

(e) In the case of any labor organization which by omission or commissoin has willfully and intentionally called or participated in a strike, work stoppage or slowdown, or picketed in manner which interferred with the operations of a government agency, or has condoned such activity, the Board shall, upon an appropriate finding it has made of such a violation—

(1) revoke the recognition status of the labor organization; or

(2) take any other approriate disciplinary action.

(f) The Assistant Secretary may petition the Board to enforce any order he/she may issue in a case arising under this section. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(g) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

(h) A decision and order of the Assistant Secretary shall be enforced unless it is arbitrary and capricious or based upon manifest disregard of the law.

(i) The Board shall issue its decision on the case enforcing, enforcing as modified, refusing to enforce, or remanding the decision and order of the Assistant Secretary.

§ 28.95 Review of Arbitration Awards.

(a) Either party to an arbitration proceeding conducted in accordance with the GAO's labor-management grievance procedures may file an exception to the arbitrator's award within 30 days of its receipt, and shall serve such to all other parties.

(b) An opposition to the exception may be filed with the Board, and shall be served on all other parties, within 30 days after receipt of the exception.

(c) An exception shall be carefully documented as to the reasons therefor.

(d) The Board's decision regarding an exception shall be based on:

(1) a finding that the award is contrary to any law, rule or regulation; or

(2) other grounds similar to those applied by federal courts in private sector labor-management relations.

(e) If no exception to an arbitrator's award is filed within 30 days after it is issued, the award shall be final and binding.

Edward C. Gallas,

Chairman.

[FR Doc. 81-7407 Filed 3-9-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland; Referendum Order

AGENCY: Agricultural Marketing Service.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers and handlers of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland to determine whether they favor continuance of the marketing order.

DATES: Referendum period March 22 through March 31, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 80 handlers. This action is taken under Marketing Order 930 (7 CFR Part 930) regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Section 930.73(d) of the marketing order specifies that a referendum shall be conducted during the month of March of every fifth year after the effective date of the order to ascertain whether growers and handlers favor continuance of the order. It is hereby directed that a referendum be conducted during the period March 22 through March 31, 1981, among growers and handlers who, during the period May 1, 1980 through December 31, 1980 (which period is hereby determined to be a representative period for purposes of this referendum), were engaged, in the States specified above, in the production or processing of cherries for market, to ascertain whether such growers and handlers favor the continuance of the marketing order.

Raymond C. Martin III and Ronald L. Cioffi, of the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended." (7 CFR Part 900.400 *et seq.*)

Harry C. Mussman,

Acting Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-7427 Filed 3-9-81; 8:45 am]

BILLING CODE 3410-02-M

EXPORT-IMPORT BANK

12 CFR Part 400

Financial Disclosure Requirements for Bank Employees

AGENCY: Export-Import Bank of the United States.

ACTION: Proposed regulations on financial disclosure requirements for bank employees.

SUMMARY: The Export-Import Bank of the United States is revising its regulations dealing with financial disclosure requirements to make such regulations consistent with the requirements of disclosure of personal financial interests established by Title II of the Ethics in Government Act of 1978, as amended, and regulations issued by the Office of Personnel Management 5 CFR Part 734.

DATE: Comments must be received on or before May 11, 1981.

ADDRESS: Office of the General Counsel Export-Import Bank of the United States, 811 Vermont Avenue, NW., Washington, D.C. 20571.

FOR FURTHER INFORMATION CONTACT: Warren W. Glick, General Counsel, (202) 566-8334 at the above address.

SUPPLEMENTARY INFORMATION: It is proposed to amend Chapter IV of Title 12 by (a) the deletion of Subpart C—Special Categories of Bank Employees and substituting therefor a new Subpart C—Executive Personnel Financial Disclosure Requirements. The new Subpart C covers the insertion in this Part for the first time of reporting requirements of presidential appointees and top-ranking personnel in the grade of GS-16 and above (and equivalent positions). As a result of the deletion of old Subpart C, it will become necessary to relocate some provisions formerly in that Subpart. This will be proposed in a future rulemaking document.

Title 12 of the Code of Federal Regulations is amended in Part 400 revising Subpart C as follows:

PART 400—STANDARDS OF CONDUCT

. . . . .

Subpart C—Executive Personnel Financial Disclosure Requirements for Bank Employees

Sec.
400.735–30 General policies.
400.735–31 Persons required to file—general requirements for filing.
400.735–32 Contents of reports—reports of incumbents.
400.735–33 Reports of other reporting individuals.
400.735–34 Special rules.
400.735–35 Special provisions.

Authority: Pub. L. 95–521, Title II of the Ethics in Government Act of 1978, 5 U.S.C. app.

Subpart C—Executive Personnel Financial Disclosure Requirements for Bank Employees

§ 400.735–30 General policies.

(a) *Authority.* Title II of the Ethics in Government Act of 1978, (the "Act") (Pub. L. 95–521, as amended), requires certain high level federal employees to disclose personal financial interests and a description of other employment relationships in order to avoid potential conflicts of interest, and the appearance of such conflicts, which may arise as they carry out the duties of their positions. The Act has directed the Office of Government Ethics ("OGE") to provide for the systematic review of the financial holdings of both current and prospective officers and employees. The Office of Personnel Management ("OPM"), on the recommendation of the Director of OGE, has promulgated regulations establishing the procedures for the filing, review and public availability of the disclosure forms. (5 CFR Part 734)

(b) *Purpose.* The purpose of these regulations is to provide guidelines for those Bank employees who are required to submit financial disclosure forms under the Act and the OPM regulations to which reference should be made for detailed statements of the law, definitions, exemptions, limitations and illustrative examples. (5 CFR § 734.103)

(c) *General policies.* (1) Under Title II of the Act, Directors of the Bank and top-ranking Bank personnel in the grade of GS–16 and above under 5 U.S.C. 5332 (and equivalent positions) are required to complete financial disclosure forms, disclosing any other employment relationships, any income received (other than from Bank employment), assets and liabilities. These reports, however, are not net worth statements, as only those assets held as investments and certain other items must be reported—not items for personal use, such as a residence, a personal automobile or jewelry not held for sale.

(2) Although the reports can be made public, subject to compliance with the appropriate procedures set out in the accompanying regulations, they cannot be used for any commercial purpose, for establishing credit rating or, directly or indirectly, in the solicitation of money for any political, charitable or other purpose. In the event that the reports are used for one of these prohibited purposes, or the Bank employee making the report fails to file or falsifies a report, the Attorney General may institute a civil action against such individual.

(3) The accompanying regulations set out in abbreviated detail those items of income, gifts, liabilities and properties of the Bank employee and certain members of his family which must be disclosed. In addition, employment relationships (other than that with the Bank) must also be reported.

§ 400.735–31 Persons required to file—general requirements for filing.

Each Director of the Bank and each Bank employee whose position is classified at GS–16 or above of the General Schedule prescribed by 5 U.S.C. 5332, and any other employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification and certain others unless excluded pursuant to 5 CFR 734.203 (hereinafter referred to as a "reporting individual") shall file a report in accordance with the rules set forth below.

(a) *Incumbents.* A reporting individual who, during any calendar year, performs the duties of his or her office for more than sixty days shall file a report on or before May 15 of the succeeding year.

(b) *New entrants.* Within thirty days of assuming a position or office at the Bank, a reporting individual shall file a report, unless such individual—

(1) Has left another position within the thirty days prior to the assumption of the Bank position in which a report required by 5 CFR 734.201 has previously been filed, or

(2) Has already filed such a report as a nominee for the Bank position.

(c) *Termination of employment.* On or before the thirtieth day after termination of his or her Bank employment, a reporting individual shall file a report for the period from the end of the calendar year with respect to which a report was last filed pursuant to paragraph (a) of this section to the date on which the individual left such office or position. If the individual assumes employment within thirty days of leaving the Bank in another position or office in which a report is required to be filed pursuant to Title II of the Act, he or she need not file a report under this paragraph.

(d) *Extensions.* The General Counsel may, for good cause shown, grant to any employee or class of employees an extension of up to 45 days. OGE may grant an additional extension of up to forty-five days if it makes a determination, based upon the reporting individual's specific reasons which have been forwarded to OGE by the General Counsel along with his or her own comments on the request, that there is good cause shown for an extension.

(e) *Employment of sixty days or less.* Any reporting individual who, as determined by the General Counsel, is not reasonably expected to perform the duties of his or her office for more than sixty days in a calendar year need not file a report.

(f) *Exception.* Notwithstanding the provisions of paragraph (e) of this section, if the reporting individual does perform the duties of his or her office or position for more than sixty days in a calendar year, and (1) if such individual is a new entrant or a nominee, he or she shall file a report within fifteen calendar days after the sixty-first day unless the individual has filed a request for a waiver which is subsequently granted or (2) if such individual is terminating employment, he or she shall file a report required by paragraph (c) of this section.

(g) *Special waiver.* In unusual circumstances, the Director of OGE may grant a request for a waiver of any reporting requirement otherwise applicable under this section for a reporting individual who is reasonably expected to perform, or has performed, the duties of his or her office for less than 130 days in a calendar year. Such a determination will be made after OGE has received advice from the Bank and shall be in accordance with the guidelines established in 5 CFR 734.205.

§ 400.735–32 Contents of reports—reports of incumbents.

Each report shall include a full and complete statement, prescribed on the forms and in accordance with the instructions of OGE. Although Subpart C of 5 CFR Part 734 provides a more complete statement of the contents of such report, the following is a summary of the principal items to be covered:

(a) *Income.* (1) *In general.* The source and amount or value of: (i) Income, including type of income, other than that referred to in paragraph (a)(2) of this section and other than that from current employment by the Bank, and (ii) any honoraria, including the date, received during the preceding calendar year from any source, which total $100 or more in value;

(2) *Certain income.* The source and type of income which consists of dividends, rents, interest, and capital

gains from any source received during the preceding calendar year, which exceeds $100 in amount or value; such income shall be categorized as to amount in accordance with the table set forth in 5 CFR 734.301(a)(2).

(b) *Purchases, sales and exchanges of certain property.* A brief description (including the date) of any purchase, sale or exchange of property during the preceding calendar year, in any case in which the fair market value of such property exceeds $1,000 (1) of real property, other than a personal residence, and (2) of stocks, bonds, commodities futures and other forms of securities, which shall be categorized as to each transaction in accordance with 5 CFR 734.304. Notwithstanding the preceding sentence, any transaction solely by and between the reporting individual, the spouse and dependent children need not be reported.

(c) *Gifts and reimbursements.* (1) *In general.* The identity of the source, a brief description and the value of all gifts (other than gifts described in paragraph (c)(2) of this section), received during the preceding calendar year from any source other than a relative of the reporting individual, which total $100 or more in value.

(2) *Certain gifts.* The identity of the source, a brief description, and the value of any gifts of transportation, lodging, food or entertainment received during the preceding calendar year from any source other than a relative of the reporting individual, which total $250 or more in value. Notwithstanding the preceding sentence, any food, lodging or entertainment received as the "personal hospitality of an individual," as defined in 5 CFR 734.105(i) need not be reported.

(3) *Reimbursements.* The identity of the source, a brief description, and the value of any reimbursements not otherwise reportable under the provisions of this subpart received during the preceding calendar year from any source which total $250 or more in value.

(4) *Valuation of gifts and reimbursements.* The value of a gift or reimbursement is its fair market value. (For valuation of items not readily available in the market, see 5 CFR 734.301(c)(4).)

(5) *De Minimis exception.* Any gift with a fair market value of $35 or less need not be aggregated for purposes of this paragraph.

(d) *Interests in property.* (1) *In general.* A brief description of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value in excess of $1,000 as of the close of the preceding calendar year. Each item of real and personal property shall be listed separately and shall be categorized as to its fair market value in accordance with 5 CFR 734.304. The reporting individual should also consult 5 CFR 734.303 as to the detailed rules for determining the value of interest in property.

(2) *Exceptions.* Notwithstanding the provisions of paragraph (d)(1) of this section, the following need not be reported:

(i) Any personal liability owed to the reporting individual by a relative,

(ii) Personal savings accounts in a single financial institution or holdings in a single market mutual fund, where the reporting individual, spouse, and dependent children have deposits or holdings aggregating $5,000 or less in that institution or fund, and

(iii) A personal residence.

(e) *Liabilities.* (1) *In general.* A brief description of the maximum liabilities owed to any creditor, other than a relative, which exceeded $10,000 at any time during the preceding calendar year; such amounts shall be categorized in accordance with 5 CFR 734.304.

(2) *Exceptions.* Notwithstanding the provisions of paragraph (e)(1) of this section, the reporting individual need not report:

(i) Any mortgage secured by a personal residence,

(ii) Any loan secured by a personal motor vehicle, household furniture or appliances, which loan does not exceed the purchase price of the item which secures it, or

(iii) Any revolving charge account with an outstanding liability which does not exceed $10,000 as of the close of such preceding calendar year.

(f) *Positions held.* (1) *In general.* Identification of all positions held on or before the date of filing during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any non-profit organization, any labor organization, or any educational or other institution other than the United States.

(2) *Exceptions.* Notwithstanding the provisions of paragraph (f)(1) of this section, the following need not be reported:

(i) Positions held without compensation in any religious, social, fraternal or political entity, and

(ii) Positions solely of an honorary nature.

(3) *Initial Reports; Special Rules.* A reporting individual who has not filed a report pursuant to § 400.735–31(a) during the preceding calendar year shall report in addition:

(i) For purposes of paragraph (f)(1) of this section, all such positions held during the preceding two calendar years, and

(ii) The identity and a brief description of the nature of the duties performed or services rendered with respect to each source of compensation which exceeded $5,000 in either of such preceding two calendar years.

Notwithstanding the provisions of paragraph (f)(3)(ii) of this section, the reporting individual is not required to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person, or with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(g) *Certain agreements and arrangements.* Identification of the parties to and a brief description of the terms of any agreement or arrangement, including the date, in existence at any time during the period beginning on January 1 of the preceding calendar year and ending on the date of filing, with respect to—

(1) Future employment;

(2) A leave of absence during the term of Bank employment;

(3) Continuation of payments by a former employer other than the United States Government; and

(4) Continuing participation in an employee welfare or benefit plan maintained by a former employer.

§ 400.735–33 Reports of other reporting individuals.

(a) *New entrants.* In addition to information required of incumbents by § 400.735–32 (except for paragraphs (b) and (c)), each report of a new entrant shall include:

(1) Income received during a period which begins on January 1 of the preceding calendar year and ends on the date on which such report is filed;

(2) Interests in property held during a period which begins on January 1 of the preceding calendar year and ends less than thirty-one days before the date on which such report is filed; and

(3) Liabilities owed during a period which begins on January 1 of the preceding calendar year and ends less than thirty-one days before the date on which such report is filed.

(b) *Spouses and dependent children.* Each report required by the provisions of §§ 400.735–31, 32 and 33 shall include—

(1) *Income.* For purposes of § 400.735–32(a),

(i) With respect to a spouse, only the sources of items of outside earned income (as defined in § 400.735.3(b)) which exceed $1,000 and, in the case of such items derived from a spouse's self-employment in a business or profession, only the nature of such business or profession, and

(ii) With respect to interests in property of a spouse or dependent child, only income derived from such interests which are reported or reportable under § 400.735–32(d).

(2) *Purchases, sales and exchanges of certain property.* Any purchase, sale or exchange of an interest in property specified in § 400.735–32(b) of a spouse or dependent child which is reportable under § 400.735–32(d);

(3) *Gifts and reimbursements.* For purposes of § 400.735–32(c), the identity of the source and a brief description of gifts and reimbursements received by such spouse or dependent child by reason of such spouse's or dependent child's relationship to the reporting individual;

(4) *Interests in property and liabilities.* For purposes of § 400.735–32 (c) and (d), information with respect to any interests in property or liabilities specified in those paragraphs of a spouse or dependent child, other than with respect to items—

(i) Which the reporting individual certifies both that they represent the spouse's or dependent child's sole financial interest or responsibility, and that the reporting individual has no specific knowledge of such items,

(ii) Which are not in any way, past or present, derived from or related to the income, assets or activities of the reporting individual, and

(iii) From which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

§ 400.735–34 Special rules.

(a) *Termination reports.* In any case in which information is required by § 499.735–31 to be reported for the preceding calendar year with respect to any item, transaction or occurrence, the reporting individual shall also include all such information for a period which begins on January 1 of the current calendar year and ends on the date on which that report is filed.

(b) *Trusts.* Each report required by the provisions of §§ 400.735–32 and 33 shall include the information otherwise required by such provisions, with respect to the holdings of, and the income from, any trust or other financial arrangements.

(1) From which income is received by, or

(2) With respect to which a beneficial interest in principal or income is held by the reporting individual, spouse or any dependent child. For proper treatment of a non-vested beneficial trust, the reporting individual should consult the General Counsel of the Bank. (See 5 CFR Part 734(D) for a detailed discussion on the reporting requirements relating to trusts.)

(c) *Gifts received when not in government employment.* Any information with respect to gifts and reimbursements which are received during a period in which such reporting individual was not an officer or employee of the Federal Government need not be reported.

(d) *Special rule in the case of certain gifts.* For special rules relating to the waiver of public reporting for certain gifts see 5 CFR § 734.303(g).

(e) *Campaign funds.* Political campaign funds, including campaign receipts and expenditures, need not be included in any report.

(f) *Divorce and separation.* A reporting individual need not file any information with respect to:

(1) A spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation,

(2) A former spouse or a spouse from whom such individual is permanently separated, or

(3) Any income or obligations arising from the dissolution of the marriage or the permanent separation from the spouse.

§ 400.735–35 Special provisions.

(a) *Filing of reports.* A reporting individual shall file the report with the General Counsel of the Bank, who shall note on the report or supplemental report the date it is received. The General Counsel shall submit the report of each Director, as well as his or her own report, to the Director of OGE after he or she has reviewed it (except that the President of the Bank shall review the report of the General Counsel).

(b) *Custody of and public access to reports.* The Bank shall, within fifteen days after any report is received by the General Counsel, make each report filed with it under this part available to the public by permitting inspection of such report by, or furnishing a copy of such report to, any person who makes a written application stating (1) the person's name, occupation and address, (2) the name and address of any other person or organization on whose behalf the inspection or copy is requested, and (3) that such person is aware of the prohibitions on obtaining or using the report for (i) any unlawful purpose, (ii) any commercial purpose, other than by news and communications media for dissemination to the general public, (iii) determining or establishing the individual's credit rating, or (iv) use, directly or indirectly, in the solicitation of money for any political, charitable or other purpose. The Bank may require a reasonable fee to be paid which is necessary to recover the direct cost of reproduction or mailing of such report, or may waive or reduce the fee if the Bank determines that such waiver or reduction is in the public interest.

All reports shall be retained by the Bank for six years, during which time they shall be made available to the public. After the six year period the report shall be destroyed, unless needed in an ongoing investigation.

(c) *Review of reports.* The General Counsel shall review each report within 60 days after the date of filing (or earlier if required by the expedited procedure of 5 CFR § 734.604(c)) in order to determine that the individual is in compliance with applicable laws and regulations and that the interests or positions disclosed on the form do not violate any applicable statute or regulation. Such review shall be conducted pursuant to 5 CFR § 734.604.

(d) *Failure to file or falsifying reports.* The President of the Bank shall refer to the Attorney General the name of any individual he or she has reasonable cause to believe has willfully falsified or willfully failed to file information required to be reported, and may take any appropriate personnel or other action in accordance with applicable law or regulation against such individual.

(e) *Outside earned income.* (1) *Limitation.* Any reporting individual who is serving as a Director of the Bank may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of such compensation.

(2) *Defined.* For purposes of this section, the term "outside earned income" means wages, salaries, commissions, professional fees and other compensation received for personal services actually rendered, other than for services provided for the Bank in the reporting individual's official capacity. Income received by an inactive partner or income from royalties for a book published during a

prior calendar year or from passive investments shall not be deemed outside earned income for purposes of this section.

(3) *Other Employment Limitations.* The provisions of this paragraph shall not preclude the application of limitations on outside employment otherwise imposed by the Bank under other regulations.

Warren W. Glick,

General Counsel.

February 28, 1981.

[FR Doc. 81-7[illegible] Filed 3-9-81; 8:45 am]

BILLING CODE 6690-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-155-78]

Income From Trade Shows; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the treatment of income from qualified trade shows sponsored by certain exempt organizations.

DATES: The public hearing will be held on April 22, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 8, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE-155-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 513(d) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, December 9, 1980 (45 FR 81066).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 8, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Acting Commissioner of Internal Revenue.

George H. Jelly,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 81-7399 Filed 3-9-81; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[EE-176-78]

State and Local Government Deferred Compensation Plans; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to deferred compensation plans maintained by State and local governments and rural electric cooperatives.

DATES: The public hearing will be held on May 5, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 21, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE-176-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 457 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Wednesday, December 24, 1980 (45 FR 85077).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 21, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Acting Commissioner of Internal Revenue.

George H. Jelly,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 81-7400 Filed 3-9-81; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 26

[LR-205-76]

Definitions and Special Rules Relating to Generation-Skipping Transfers; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the new tax on certain generation-skipping transfers.

DATES: The public hearing will be held on May 20, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 6, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-205-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 2611 thru 2613 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 2, 1981 (46 FR 120).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by May 6, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Acting Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-7200 Filed 3-9-81; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL 1773-6]

Motor Vehicle Pollution Control; Waiver of Oxides of Nitrogen Emission Standards; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Opportunity for Public Hearing to Consider Applications for Waivers.

SUMMARY: General Motors Corp. (GM) has submitted an application to EPA requesting a waiver of the 1982 through 1984 model year NO_x emission standard for certain of its diesel light-duty vehicles pursuant to section 303(b)(6)(B) of the Clean Air Act (Act).

This notice announces that EPA has tentatively scheduled a public hearing for March 25, 1981, to consider GM's application for waiver of the oxides of nitrogen (NO_x) emission standard applicable to diesel-powered light-duty vehicles for the 1982 model year only. EPA will consider GM's waiver requests for the 1983 and 1984 model years in future proceedings to be announced in the **Federal Register**.

Any party desiring to present oral testimony for the record at a public hearing, instead of or in addition to written comments, must notify EPA by March 12, 1981. If no party informs EPA that it wishes to testify, EPA will consider the waiver request based on written submissions to the record.

DATES: EPA has tentatively scheduled a public hearing for March 25, 1981, beginning at 9:00 a.m., if any party notifies EPA by March 12, 1981, that it wishes to present oral testimony regarding GM's waiver request. Any party also may submit written comments regarding the waiver request to the same address by April 3, 1981. All public portions of waiver applications and other relevant information will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A-120), Gallery I, Waterside Mall, 401 M Street, S.W., Washington, D.C. (Docket Number EN-81-4).

ADDRESSES: EPA will hold the public hearing announced in this notice at: EPA Conference Room 2126, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. Parties wishing to present oral testimony at the public hearing should notify in writing the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W. Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Schwartz, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-7421.

SUPPLEMENTARY INFORMATION:

I. Background

Section 202(b)(6)(B) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(6)(B)(1977), allows any manufacturer to petition the Administrator of EPA for waiver of the 1981-1984 model year NO_x standard of 1.0 gpm. The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model year period, beginning in model year 1981, up to a maximum level of 1.5 gpm, if the manufacturer can show that the waiver is necessary to permit diesel engine technology to be used on the subject vehicles. The waiver may be granted if the Administrator determines:

(i) That the waiver will not endanger public health;

(ii) That the waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.

Guidelines for diesel NO_x waiver applications were published in the **Federal Register** at 43 FR 30341, July 14, 1978, in order to apprise manufacturers

of the information deemed necessary to demonstrate that a waiver should be granted.

II. Waiver Application

On February 6, 1981, GM submitted an application to EPA for waiver of the 1982 through 1984 NO_x emission standard for its 4.3 liter diesel passenger cars.

EPA will hold a public hearing to consider GM's application for the 1982 model year only, if any party notifies EPA on or before March 12, 1981, that it wishes to present oral testimony. EPA will consider GM's waiver requests for the 1983 and 1984 model years in future proceedings that will be announced in the **Federal Register**.

EPA has tentatively scheduled the hearing for March 25, 1981, beginning at 10:30 a.m., at EPA Conference Room 2126, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. If no party notifies EPA that it wishes to appear, EPA will publish a cancellation notice in the **Federal Register**.

In order to grant a waiver, the Administrator must determine that the applicant has provided information sufficient to satisfy each of the waiver criteria set out above. The Administrator is not required to make his determination solely on the record of the hearing, and may consider any additional information as well. Whether or not EPA holds a public hearing, EPA will enter any written comments it receives before April 3, 1981, into the record for this waiver request for the Administrator's consideration in making his waiver determination. All information considered by the Administrator for this waiver decision will be included in public docket EN-81-4.

III. Hearing Procedures

If the tentatively scheduled hearing takes place, it will provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of the proposed testimony and other relevant material with the Director of EPA's Manufacturers Operations Division at the address listed above no later than March 12, 1981. If feasible, these parties also should submit at least 25 copies of their statements or material for the hearing record for general circulation to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing, which the hearing panel may propound to witnesses to the extent practicable. Relevant statements and information not specifically required by the hearing panel may be filed in the public docket until April 3, 1981, to ensure their consideration as part of the waiver decision.

If the hearing is held, the Presiding Officer will have the responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, directing participants to submit corroborative material in writing and, to the extent possible, notifying participants of the time at which they may appear.

Presentations by the participants at the hearing, if any, and interested parties who make written submissions should address the considerations set forth in detail by the guidelines for submission of waiver requests published in the **Federal Register**, 43 FR 30341, July 14, 1978. Participants should also be prepared to address the following issues:

1. Whether a waiver is necessary to permit the use of diesel engine technology in the class or category of vehicles or engines for which an applicant requests a waiver;
2. Whether the waiver would endanger the public health;
3. Whether the waiver would result in significant fuel savings at least equal to the fuel economy standard applicable under the Energy Policy and Conservation Act (EPCA);
4. Whether the technology utilized in the class or category for which a waiver is sought: (a) has a potential for long-term air quality benefit, and (b) has the potential to meet or exceed the average fuel economy standard applicable under EPCA at the expiration of the waiver, and;
5. The level of NO_x emissions, not to exceed 1.5 gpm, which an applicant's diesel vehicle class or category could meet in each of the model years for which an applicant requests a wavier.

Whether or not EPA holds a hearing the record will remain open until April 3, 1981, for the submission of written information for consideration by the Administrator in formulating his waiver decision. If EPA does hold the hearing, the agency will make a verbatim record of the proceeding. Interested persons may obtain a copy of the transcript at their own expense from the reporter during the hearing. The Administrator will base his determination with regard to GM's waiver request on the record of the public hearing, if any, and on any other relevant written submissions. This information will be available for public inspection at the EPA Central Docket Section in docket number EN-81-4. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: March 5, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-7805 Filed 3-9-81; 8:45 am]

BILLING CODE 6560-33-M

Notices

Federal Register
Vol. 46, No. 46
Tuesday, March 10, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Implementation of the Equal Access to Justice Act

AGENCY: Office of the Chairman, Administrative Conference of the United States.

ACTION: Requests for comments on draft model rules.

SUMMARY: The Chairman, Administrative Conference of the United States, requests comment on draft model regulations for the implementation of the Equal Access to Justice Act. [Pub. L. 96-481, 94 Stat. 2325.] The act provides for the award of attorneys fees and other expenses to parties who prevail over the Federal government in certain administrative proceedings. It requires the agencies conducting these proceeding to adopt regulations establishing procedures for making awards, after consultation with the Chairman of the Administrative Conference of the United States. The model regulations are intended to serve as a guideline for agencies in developing their own regulations. These draft model regulations have been developed with the assistance of an interagency task force composed of volunteers from numerous Federal departments and agencies.

DATES: Comments must be received on or before April 24, 1981.

ADDRESSES: Interested persons are invited to submit written comments to the Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037. The comments received will be available for public inspection at the same address from 9 a.m. to 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Stephen L. Babcock, Executive Director, or Mary Candace Fowler, attorney, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington D.C. 20037; (202) 254-7020.

SUPPLEMENTARY INFORMATION: On October 21, 1980, the President signed the Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325, authorizing the award of attorneys fees and other expenses to certain parties who prevail against the United States in administrative and judicial proceedings. Under the Act, eligible parties are entitled to an award fees and expenses unless the United States can demonstrate that its position in the litigation was substantially justified, or other circumstances make an award unjust. The Act applies to civil court actions (other than tort actions) brought by or against the United States and to "adversary adjudications" conducted by Federal agencies, defined as administrative adjudications under section 554 of the Administrative Procedure Act, 5 U.S.C. 554, in which the position of the United States is represented by counsel or otherwise. For categories of parties are eligible for fee awards: (1) individuals whose net worth is no more that $1 million; (2) businesses (including sole owners of unincorporated businesses), associations and organizations with a net worth of no more than $5 million and no more than 500 employees; (3) organizations that are tax exempt under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with no more than 500 employees, regardless of net worth, and (4) agricultural cooperative associations as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with no more than 500 employees, regardless of net worth.

The act assigns to agencies the responsibility to make fee awards in their own covered proceedings. Under section 203 of the Act (which is codified in 5 U.S.C. 504), each agency is to establish uniform rules for the submission and consideration of applications for awards, after consultation with the Chairman of the Administrative Conference of the United States. We interpret this provision to mean that each agency must give the Chairman a reasonble opportunity to review and suggest changes to its regulations before they are adopted.

We have decided to prepare model regulations in order to facilitate this process. We believe sound, workable guidelines will simplify the agencies' task and, while not binding on agencies, will encourage the uniformity of procedures, to the extent practicable, contemplated by Congress. The model regulations will also facilitate consultation between agencies and the Chairman of the Administrative Conference, which will focus on agencies' proposed departures from the model rules, and the reasons for them.

The Act is scheduled to become effective on October 1, 1981. The Administrative Conference plans to issue final model regulations in May, 1981, to provide agencies with adequate time to adopt their own regulations before the effective date. To meet this schedule, we have set a 45-day deadline for comments on the draft model rules.

Realistically, agency regulations for processing applications for awards cannot be identical. Each agency's rules will have to correspond to its existing organization and procedures. The awards process may also be affected by the types of covered proceedings handled by an agency and their complexity. The model regulations should both provide a common basic approach to the process of awarding fees and, to the extent possible, incorporate alternative procedures that reflect the differences among agencies.

We invite commenters to help us achieve these goals by evaluating the draft model rules in the context of particular agencies' activities and procedures. We also encourage Federal agencies to solicit the views of their constituencies on the draft, so that we will have some indication of whether these procedures seem to potential applicants to be workable.

In general, as directed by the Act, the draft rules concern the procedures for making awards. They are not intended to establish substantive standards for determination, such as whether the government's position in a proceeding is substantially justified, except to the extent that such standards have been clearly suggested by Congress in the Act or in legislative history. The draft also includes provisions which define or explain the terms used in the statute. We invite comment on whether the draft rules go too far, or not far enough, in fleshing out the substantive provisions of the Act.

The draft model regulations include six subparts covering the following

subjects: (1) general provisions explaining the Act and its standards and eligibility requirements; (2) the fees and expenses allowable under the Act; (3) the contents of applications for awards; (4) procedures for considering application; (5) payment of awards, and (6) procedures for rulemaking to increase the ceiling on hourly rates for attorneys. A detailed explanation of the draft model follows.

The model contains a few terms that require a brief explanation. The Act assigns certain responsibilities for making fee determinations to the "adjudicative officer," defined in 5 U.S.C. 504(b)(1)(D) as "the deciding official, without regard to whether the official is designated as an administratve law judge, a hearing officer or examiner, or otherwise, who presided at the adversary adjudication." In the vast majority of cases, of course, this will be an administrative law judge, but it may not always be. We have used the statutory term throughout to refer to this official. In drafting model rules, we have also sought some way of distinguishing between the agency as a deciding or award-paying body and the agency as party to the proceeding. The draft rules generally use "counsel representing the agency" or "agency counsel" to indicate the agency as a party to the proceeding, "the agency" to indicate the agency in its other roles. The terms are used only for convenience, since the Act applies whether or not the person representing the agency in a proceeding is an attorney. In drafting their own rules, agencies could use terms that reflect their own practices, or the actual names of litigating units of the agency.

Subpart A—General Provisions

Subpart A contains general provisions explaining the Equal Access to Justice Act and its coverage and some miscellaneous provisions. Several of these are simple and require no extended explanation: § 0.101 states the purpose of the agency's rules; § 0.102 sets forth the effective date of the Act; § 0.107 would include whatever delegations of authority an agency finds necessary to implement the regulations. Other provisions deal with the proceedings covered, eligibility, the standards for awards, and proceedings involving more than one agency.

Covered Proceedings: Section 0.103 identifies the types of proceedings subject to the Act. The section describes what is meant by an adversary adjudication and states that certain ratemaking and licensing proceedings are not covered by the Act. As adopted by a particular agency, the section would also include a list of the specific kinds of proceedings at that agency that are ordinarily covered.

The section reflects our belief that Congress intended the Act to have broad applicability in cases involving the legality of individual conduct rather tha prospective, legislative issues. Thus we have interpreted the exceptions to the Act narrowly. Reports from both houses of Congress on S. 265, a bill substantially identical to the Act as passed, state that the exception for licensing proceedings to suspend, annul, modify or condition a license (H. Rep. 96–1418, House Judiciary Committee Report on S. 265, September 26, 1980, at 15; S. Rep. 96–253, Senate Judiciary Committee Report on S. 265, July 20, 1979, at 17), and the proposed rule reflects this approach. Similarly, we have interpreted the ratemaking exception to the Act to include only prospective ratemaking and not proceedings to determine the legality of past rates or practices. Under paragraph (c) of the proposed section, prevailing parties on proceedings including both covered and excluded issues could still seek an award of the fees allocable to the covered issues. In some cases, of course, the issues will be difficult to separate. For example, determination of a future lawful rate and the legality of the present rate may be inextricably linked, or denial of a license renewal may be one of several possible sanctions for alleged illegal conduct. We invite comment on how these situations should be handled under the Act.

The Act applies to adversary adjudications "under section 554" of the Administrative Procedure Act. Paragraph (b) of § 0.103 would permit the award of fees and expenses when agencies voluntarily use the formal procedures of section 554 as well as when those procedures are required. We believe this approach will avoid extended debate about whether particular proceedings are "under" section 554. If the proceeding otherwise qualifies as an "adversary adjudication" and involves issues complex enough, or individual rights important enough, to justify the use of formal procedures, we think it is within the intendment of the Act. We encourage comment on this question, however.

Eligible parties: Section 0.104 deals with eligibility for awards under the Act. The section recites the categories of parties eligible for awards and the applicable limitations on net worth and number of employees. The Act states that eligibility should be determined as of the time the adversary adjudication was initiated, and the rules reflect a literal interpretation of this provision. In some cases, however, an eligible party may intervene in, or be joined in, a proceeding well after it begins. Should the Act be construed to require determination of a party's eligibility on the date that party begins participation in the proceeding?

We propose to define "employees" to include all persons regularly providing services for remuneration for the applicant as of the date the proceeding began. Should the definition make some special provisions for part-time employees or seasonal workers? Is there any other existing test of "employment"—such as one widely used by a Federal agency—that would be fair and simpler to use? Commenters who object to the definition proposed here should suggest suitable alternatives.

The section also contains three provisions intended to prevent ineligible parties from obtaining fee awards indirectly. We believe that such provisions are consistent with the purpose of the Act, and that they may be especially important since the Act applies even if the party seeking an award has initiated the litigation. However, the Act contains no explicit authority for any of these limits. We invite comment on both the legality and the advisability of the provisions.

Paragraph (f) would make it clear that when an applicant has apparently disposed of assets or incurred financial obligations in order to meet the net worth limitations of the Act, the transfers of assets or the obligations will be disregarded in calculating the applicant's net worth. Transactions for less than reasonably equivalent value would be presumed to be for this purpose.

In paragraph (g), the draft rule deals with the problem of affiliates, such as wholly-owned subsidiaries or businesses under common control. Some or all of these affiliates might be eligible for awards if treated separately, but not if considered together. The draft provision requires aggregation of the net worth and number of employees of affiliated individuals or entities. Although the Act does not explicitly authorize this type of treatment for affiliated entities, permitting such entities to receive awards seem logically inconsistent with the eligibility provisions of the Act. We invite comment on whether this approach is permissible under the statute.

Assuming it is permissible, additional questions remain. The draft rule defines "affiliates" as individuals or entities connected to an applicant by a chain or

ownership or control of a majority interest. Many other definitions are possible, and commenters are invited to suggest alternatives. Instead of providing for aggregation of the net worth and employees of all affiliated entities, regardless of individual size, the rule could cover only entities affiliated with individuals or entities that are themselves ineligible. There may be circumstances in which entities may have interests different from those of their affiliates, and should be treated separately. Should the rules provide for this? Should special provisions by made for non-business organizations? We encourage comments and suggestions on all these issues.

Finally, paragraph (h) of § 0.104 provides that parties will not be eligible for awards when it appears they have participated in proceedings only on behalf of other persons or entities that are ineligible. The rule is designed to prevent ineligible parties planning litigation with the government from using other organizations, which are eligible, to conduct their litigation in order to qualify for fee awards. We note that it is not intended to exclude intervenors on behalf of the "public interest" from eligibility; the legislative history indicates that the Congress considered this question and specifically declined to do so. Rather, it is intended to reach the situation in which an ineligible entity solicits and finances participation by an eligible one. It is very difficult, however, to draw clear lines in this area. As an example, how should the rules treat a trade association whose members include both eligible and ineligible businesses? We invite comment on whether this type of rule should be included at all and, if so, how it can be drafted more precisely.

Standards for awards: Section 0.105 sets out the Act's standards for making fee awards. The applicant is ordinarily entitled to an award if the agency's position in the proceeding (or in a significant, separable issue) was not substantially justified, with the burden of proof being onthe agency to demonstrate the justification of its position. The draft rule's definition of "substantially justified" reflects the legislative history's explanation that the standard is "reasonableness in the law and fact." H. Rep. 96–1434, Conference Report on H.R. 5612, September 30, 1980, at 22. Because a position that is reasonable at one stage in a proceeding may become unreasonable at a later point—when, for example, new information comes to light—the rule refers to the agency's position at relevant times. Beyond this, we have not attempted to include in the rules substantive standards for determining when a position is substantially justified. These determinations will, we believe, depend a great deal on the particular substantive laws and litigating postures an agency ordinarily deals with. We welcome comment, however, on whether the grant of rulemaking authority now contained in the Act permits agencies to go further in developing standards, and on whether we should attempt to develop them.

Under paragraph (b) of § 0.105, awards could include fees and expenses incurred before the date a proceeding begins, if they are reasonably necessary to prepare for the proceeding. Paragraph (c) explains the Act's provision that awards may be reduced or denied if applicants unduly protract proceedings, or if special circumstances make an award unjust.

Awards against other agencies: There are certain situations in which an agency may be a party to proceedings before another agency. Sometimes this occurs because the deciding agency is institutionally separate from the agency that litigates cases before it. The Occupational Safety and Health Review Commission, for example, is an independent agency that hears cases brought by the Occupational Safety and Health Administration of the Department of Labor. Similarly, the National Transportation Safety Board hears cases in which the Federal Aviation Administration seeks revocation of airman certificates. In other situations, an agency such as the Department of Justice may voluntarily seek to intervene in a proceeding conducted by another agency, in which the deciding agency may also have a litigating unit involved. what happens if these "outside" agencies take unjustified positions that would ordinarly entitle the opposing party to an award?

Narrowly interpreted, the Act seems to contemplate that the deciding agency and the litigating agency will necessarily be the same. We believe, however, that the purpose of the Act would be ill served if these dual-agency situations, particularly those of the first type, were not covered. The burden on the private party will be no less because the litigating agency is one different from the deciding agency. In fact, if both the agency conducting the proceeding and an intervening agency take unjustified positions, the burden on the private party may increase significantly.

Logically, the deciding agency would have to make the award in this situation (since its adjudicative officer handled the underlying proceeding), but the litigating agency or agencies should be responsible for payment. This presents some difficult jurisdictional questions, however. Does the deciding agency's general authority to issue orders that bind all parties to the case, including a separate litigating agency, extend to an order that the litigating agency is liable for an award of fees? Can an agency limit participation in proceedings before it to agencies willing to honor any fee award made in the proceeding? The answer to this question may vary depending on whether an agency has an explicit statutory right to participate or intervene in another agency's proceedings.

The draft rules include a preliminary treatment of this problem. Section 0.106 would condition a litigating agency's right to participate in proceedings before the deciding agency on its willingness to accept the latter agency's determination as to awards. We believe the problem needs a fuller expoloration, however, and we encourage comments on whether the Act contemplates awards in these situations, whether deciding agencies have authority to make litigating agencies pay awards, and whether the draft rule is a reasonable approach to the problem.

Subpart B—Allowable Fees and Expenses

This subpart states generally the fees and expenses that may be awarded under the Act. § 0.201 covers the fees and expenses of attorneys, agents and expert witnesses. The provision restates the Act's direction that awards should be based on prevailing market rates for services, applying this principle even where the services are provided by employees of the party at a reduced rate. This approach is generally consistent with the legislative history of S. 265. *See* H. Rep 96–1418, House Judiciary Committee Report on S. 265, September 26, 1980, at 15. We note, however, that the salary and overhead arrangements of in-house attorneys employed by businesses are usually quite different from those of attorneys in private practice. Should awards for the services of these in-house attorneys be made at the prevailing rates for private attorney's services? Also, how should the rules deal with awards for the services of individuals, or non-attorney employees of businesses, who represent themselves, without legal assistance?

The provision also includes the Act's ceilings on fees: $75 per hour for attorneys or agents and, for expert witnesses, the agency's maximum rate for the payment of such experts. (Included in brackets is an hourly rate, $24.09, equivalent to the current

government-wide ceiling of $50,112.50 per year on employee salaries.)

The provision identified some factors to be used in determining the reasonableness of the fee request—the customary fee of the attorney or agent for similar services, the actual time spent on the case, and the time reasonably spent in light of the difficulty or complexity of the issues in the proceeding. These factors are based loosely on those used by courts in awarding attorneys fees. They differ from those standards (developed primarily in Civil Rights Act cases), however, in that greater emphasis is placed on the "regular rate" of the attorney, agent or expert witness, when that person is in the business of acting as an attorney, agent or expert witness. We propose to include them for general guidance to applicants and to adjudicative officers making awards; they are not intended to provide a hard formula for making determinations on the reasonableness of fees. We would like to know whether commenters believe this approach will be helpful, or whether the standards will raise more questions than they answer.

Section 0.201 provides that reasonable expenses of attorneys, agents and witnesses may be itemized separately from hourly charges, but does not identify the types of expenses covered. "Reasonable expenses" is intended to include the types of expenses customarily charged to clients, such as travel expenses or photocopying, but not items ordinarily included in hourly fees, such as secretarial services. It is intended, moreover, to include only the reasonable portion of such expenses, not items such as first class airfare or duplicating costs far above prevailing rates. Should the rules specifically list the type of expenses that may be included? Should they explicity cover fees and expenses of paralegals?

Section 0.202 covers awards for the cost of studies, reports and tests. The rule restates the Act's provision that awards may include the reasonable cost of these items when they are necessary for the preparation of the party's case. If the charge for an item exceeds a reasonable cost for the preparation of similar items, the applicant could recover the reasonable portion of the cost. Parties may sometimes enter evidence that is cumulative or studies that are far more elaborate than necessary to make their points. The phrase "reasonable cost" is also intended to be a safeguard against the possibility that agencies would have to pay for such unnecessary items.

What standards for awards should be applied when two or more parties are jointly represented by the same attorneys, but not all of the parties are eligible for an award of fees? Award could be based on the actual amount the eligible party has agreed to pay for the representation. Alternatively, an agency making an award could determine a reasonable fee for the entire representation, and then award some proportionate share based on the total number of parties jointly represented or on the proportion of the actual fees the eligible party has agreed to pay. Should the model rules specify one of these approaches, and if so, which one?

Subpart C—Form of Application

Subpart C identifies the information to be included in an application for an award of fees and expenses. The Act itself requires submission of "an application which shows that the party is a prevailing party and is eligible to recieve an award under this section, and the amount sought, including an itemized statement from any attorney, agent, or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed." 5 U.S.C. 504(a)(2). The Act also requires the applicant to allege that the position of the agency was not substantially justified.

The goal of the draft provision is to solicit sufficient information on these subjects for agency personnel to make an informed determination on the application without unduly burdening the applicant. The provisions divide the application into three parts: the basic application (§ 0.301), the statement of net worth (§ 0.302), and statements of fees and expenses (§ 0.303).

In the basic application, the applicant is to identify itself, the proceeding, and the issues on which it believes it has prevailed and as to which the agency's position was not substantially justified. The applicant then states its type (*e.g.*, individual, agricultural cooperative, etc.) and provides basic information on eligibility: the number of employees on the date the proceeding began, for applicants other than individuals; a description of affiliated individuals or entities, if any, for applicants other than individuals and sole owners of unincorporated businesses; and a statement that the applicant's net worth when the proceeding began did not exceed the ceiling for its type, for all applicants except tax exempt organizations and agricultural cooperatives. In lieu of the net worth declaration, a tax exempt organization would be required either to state that it was included in the current edition of IRS Bulletin 78 (which identifies most qualified tax exempt organizations) when the proceeding began, or, if the organization is a religious organization which is not required to seek IRS approval of its tax exempt status, to submit a description of the organization and an explanation of its belief that it is exempt. An agricultural cooperative would have to include a copy of its charter or articles of incorporation and bylaws to demonstrate its eligibility. The application is to be signed by the applicant or a responsible official of the applicant, who must state that it is true and complete and that he or she is aware that making a false statement in the application is a felony under 18 U.S.C. 1001.

The applicant would not be required to include documentary proof of its statements as to number of employees, affiliated corporations, or tax-exempt status. We believe the statement, subject to the penalties of 18 U.S.C. 1001, should be adequate in the first instance. An agency could request documentation if there were any reason to question the accuracy of the statements made. We invite comments on whether additional documentation should be required on these items in the initial application.

All applicants except tax exempt organizations and agricultural cooperatives would also have to file a statement of net worth under § 0.302. The statement would list the applicant's assets and liabilities, grouped as described in the rule. We solicit comments on whether the groups identified in the rule will provide sufficiently detailed information to permit an informed decision on eligibility, and also on whether they will be convenient and workable for applicants.

The legislative history of S. 265, which was substantially identical to the Act as passed, states that assets should be valued at their acquisition cost, rather than their fair market value. H. Rep. 96–1418, House Judiciary Committee Report on S. 265, September 26, 1980, at 15; S. Rep. 96–253, Senate Judiciary Committee Report on S. 265, July 20, 1979, at 17. We believe this reflects a Congressional intent to permit the lowest possible valuation of assets, which in most cases will be the acquisition cost. Sometimes, however, fair market value will be lower than acquisition cost. It seems unfair, for example, to require an applicant to value common stock at acquisition cost if the value of the stock has dropped considerably since purchase. The draft rule thus would permit valuation of assets at the lower of acquisition cost or fair market value. On the other hand, a system in which only acquisition cost is

used will be easier to administer, since fair market value may often be difficult to prove. We invite comments on whether the draft rule's approach is fair, whether it is workable, and whether it accurately reflects the intent of Congress.

For the convenience of applicants who may have prepared a financial statement for another purpose (such as to obtain a bank loan or to file with an income tax return) near the time the proceeding started, the rule would permit the filing of net worth information in any other form that is sufficient to make an eligibility determination. The applicant would have to include a statement describing any adjustments necessary for the material to reflect net worth on the date the proceeding began. The optional form is designed primarily for applicants whose net worth is well below the ceiling. For these applicants a precise figure is obviously irrelevent, and, consequently, there is need for less detail on this point. This provision is, in effect, a form of "tiering" of the kind encouraged by the Regulatory Flexibility Act, Pub. L. 96-354, 5 U.S.C. 601-612.

Finally, the net worth statement is to include either a description of any transfers of assets or obligations incurred within the three months before the beginning of the proceeding that reduced the applicant's net worth below the applicable net worth ceiling, or a statement that none occurred. One possible disadvantage of this provision as drafted is that it will be difficult to enforce. If an applicant, whether deliberately or because of an error made in good faith, incorrectly reports that no such transactions occurred, the agency will have no readily available information with which to evaluate this assertion. A broader provision, requiring the reporting of all transfers made or obligations incurred, all those that reduce net worth, or all those involving assets or obligations above a certain value, would afford information with which the agency, rather than the applicant, could determine whether these transactions brought the applicant within the eligibility limit, and whether they were undertaken with that purpose. On the other hand, a broader provision would be more burdensome on applicants, and would unnecessarily inconvenience those applicants who were clearly eligible at all times during the three-month period and who nevertheless would be required to report their transfers. Which approach is preferable? If the reporting requirement should be broader, how broad should it be? Also, is the three-month period a reasonable one?

The applicant could request confidential treatment for its statement of net worth by submitting it in a sealed envelope. Under the rule, a statement so submitted would not be disclosed to the public except to enforce 18 U.S.C. 1001 (if the applicant is prosecuted for making a false official statement) or as required by law. In practical terms, "as required by law" means an agency would not disclose the information unless it received a request under the Feedom of Information Act, 5 U.S.C. 552, and then determined that the material could not be withheld under the exemptions to that Act. (In this case, the one most likely to apply would be Exemption 4, 5 U.S.C. 552(b)(4), which protects "trade secrets and commercial or financial information obtained from a person and privileged or confidential.") We have included this provision because we believe applicants should not have to forfeit their privacy to any greater extent than is legally required in order to receive an award. It is unclear, however, whether these statements can usually be withheld under the Freedom of Information Act, and we solicit comment on this issue.

The third section in the subpart explains what must be included in statements of fees and expenses. The provision would require a separate itemized statement of work performed, and fees and expenses claimed, for each attorney (or firm), witness, or agent for whose services an award is requested, verified by the person (or representative of the firm) who performed the services. The application would not have to include documentation of expenses incurred, but records of those expenses would have to be kept in accordance with the Internal Revenue Service's requirements for documentation of business expenses, so that the expenses could be verified on request by the agency. We invite comment on whether the section is specific enough to elicit the information neccessary to determine the reasonableness of a request for a free award.

Subpart D—Procedures for Considering Fee Applications

Proposed subpart D contains the procedures that would govern the consideration of applications for awards. We believe these procedures should achieve two objectives. First, they should be easy to integrate with agencies' existing procedures. Inevitably, the model rules will not conform exactly to existing agency procedures, which vary enormously. They may also duplicate provisions in an agency's general procedural regulations. In some places the draft rules make explicit cross-references to material presumably included in an agency's existing regulations; in others, they do not, although they could. Ultimately, each agency will probably adopt rules that vary from the model rules in order to conform with existing practice; many may be able to shorten this section significantly by reference to existing procedures. We encourage commenters to consider subpart D in this light, offering suggestions as to where the rules should defer to existing practice and where, on the contrary, separate uniform standards for this Act are more appropriate.

The proceedings on the fee application should also be as brief and simple as possible. Each party must have a full and fair opportunity to challenge the other party's assertions and to present opposing evidence. But the applicant must be allowed to receive any award to which it is entitled within a reasonable period of time. Procedures should not permit the agency to frustrate the purpose of the Act by pursuing unreasonable or unnecessary objections to a legitimate application. Nor should unfounded challenges to an agency's showing of substantial justification be permitted to drive up the costs of administering the Act. It should be kept in mind that the time spent by the applicant's counsel in successfully prosecuting an application will also be compensable; thus an additional incentive for establishing procedures that are as simple as possible exists here. We invite comments on whether proposed subpart D adequately balances these interests.

The proposed rules in subpart D provide for two responsive pleadings: counsel representing the agency from which an award is sought may answer the application, and the applicant may reply to the answer. The application and responsive pleadings are to be filed and served under the agency's usual rules. The rules would encourage decision on a written record whenever possible. Responsive pleadings that rely on facts not in the record would have to be accompanied by affidavits or by requests for further proceedings to develop the necessary evidence. On request or on his or her own inititative, the adjudicative officer could order such proceedings, including informal conferences, oral argument, additional written submissions, or evidentiary hearings, when necessary to provide an adequate record for decision.

The draft rules direct the adjudicative officer to issue a decision on the fee

application as soon as possible after the conclusion of the proceedings conducted, including written findings in accordance with the mandate of the Act. When applicable, the decision is also to include an allocation of responsibility for payment of an award among agencies participating in the proceeding. This situation may arise when both a litigating unit of an agency conducting a proceeding and an intervening agency have taken unjustified positions. The rules do not include specific standards for such allocation, since we believe the adjudicative officer should make this determination based on the history of the particular proceeding. Should the rules more closely limit the adjudicative officer's discretion in this area? The model rules provide for discretionary agency review of the award determination. They also include a cross-reference to the Act's provision for judicial review.

The draft rules contain various deadlines for the filing of pleadings. The time allowed in many cases is somewhat short; even with these deadlines, however, a deserving applicant might have to wait a long time before obtaining an award. The 30-day deadline for filing an application is set by the statute, and the draft rules reflect our belief that the agencies cannot legally extend this deadline. We intend, however, that the other deadlines could be extended as necessary according to agencies' normal procedures. In this context, do the time limits provided seem reasonable? Should the model rules encourage agencies to use their own standard time limits for responsive pleadings instead?

The rules also direct adjudicative officers to hold necessary proceedings and issue decisions on applications for awards as promptly as possible. We considered setting a time limit, such as 30 days after filing of the last document or conclusion of the hearing, for issuance of the adjudicative officer's award determination, but concluded that such a limit might not adequately provide for situations in which an officer's current case load is very heavy or the issues presented in proceedings on the award are especially difficult. Should there be a specific deadline for decisions?

The rules would strongly encourage settlement on awards. They provide that counsel representing the agency may defer filing an answer objecting or consenting to an award for 30 days if he or she has agreed with the applicant to negotiate a settlement. This provision is not intended to limit settlement negotiations to 30 days, but only to provide that amount of time for informal discussions before the agency must take a formal position on the merits of the application.

The rules also state (in § 0.406) that awards may be settled either in connection with a settlement of the underlying issues in the proceeding or separately. Simultaneous settelment of the merits of a proceeding and of related attorneys' fee claims may potentially create a conflict of interest between parties and their attorneys. We believe, however, that when an award of fees is a likely possibility in a proceeding, attorneys fees will inevitably be a consideration in settlement negotiations. Permitting a settlement of both aspects of the proceeding at once will be more direct and efficient than requiring a two-part settlement. We invite comments on the advisability of this approach.

The rule provides that proposed settlements involving awards would be handled acording to an agency's standard settlement procedures. We believe that this approach will be more efficient and sensible than setting up a special settlement procedure for awards of fees. Since, however, some agencies' existing settlement procedures do not involved adjudicative officers, there is a potential conflict between this approach and the Act's direction that the adjudicative officer determine whether the position of the agency was substantially justified. We believe this conflict is more apparent than real, since in a settlement situation counsel for the agency has effectively agreed not to contest the allegation that its position lacked substantial justification. We invite comments, however, on whether this interpretation of the Act is correct, as well as on whether, as a matter of policy, the model rules should establish a separate procedure under which proposed settlements involving fee awards are always submitted to the adjudicative officer for review. If the rules do establish a separate settlement procedure, should they limit the power of the adjudicative officer, or of the agency, to disapprove a proposed settlement agreed to by counsel for the litigating arm of the agency?

A few features of subpart D require more explanation. § 0.402 of the draft specifies when applications can be filed. The Act requires the submission of applications within 30 days of a final disposition in the adversary adjudication. The section attempts to explain when such a final disposition may occur, as well as when an applicant may have prevailed before that time (when the agency has taken final action on a significant, separable issue in the proceeding). The legislative history reveals Congress' intent to define "prevailing" broadly, as it has been in case law under existing statutes:

> In cases that are litigated to conclusion, a party may be deemed "prevailing" for purposes of a fee award in a civil action prior to the losing party having exhausted its final appeal. An award may thus be appropriate where the party has prevailed on an interim order which was central to the case, *Parker v. Mathews*, 411 F. Supp. 1058, 1064 (D.D.C. 1976), or where an interlocutory appeal is "sufficiently significant and discrete to be treated as a separate unit", *Van Hoomissen v. Xerox Corp.*, 503 F.2d 1131, 1133 (9th Cir. 1974). H. Rep. 96-1434, Conference Report on H.R. 5612, September 30, 1980, at 21-22.

To guide our efforts to apply these standards in an administrative context, we invite comment on whether a party to an administrative proceeding can prevail on an issue before final disposition of that issue, and on what clear guidelines can be developed to explain when this occurs. This question should be considered in light of another provision of the Act, section 504(c)(1), which states that if a court reviews the agency's decision in the adversary adjudication, only the court can make a fee award.

Under § 0.405, parties to proceedings other than the applicant and the agency could file comments on an application or on the agency's answer. In multiparty proceedings, other parties may feel they have some stake in whether the applicant receives an award. Additionally, their views on the reasonableness of the request or on the justification of the agency's position as a party to the proceeding may be helpful. On the other hand, these parties do not have a direct financial interest in the award determination, and they should not be permitted to prolong award proceedings simply to inconvenience an applicant who may be a competitor or have interests generally adverse to theirs. Unless the adjudicative officer believes that the public interest requires additional exploration of matters in the comments, these parties would not be permitted to participate further in award proceedings. Is this a reasonable, fair way of handling third-party participation? Should other parties be allowed to participate at all?

Under § 0.409, either the agency unit that is a party to the proceeding or the applicant may seek review of the adjudicative officer's determination on the application. The agency would have discretion to deny review; it could also decide to review the decision on its own initiative. The rule provides that the agency would apply its ordinary

standard of review, except that the adjudicative officer's determination on three questions—whether the agency's position was substantially justified, whether the applicant unduly prolonged the proceeding, and whether special circumstances make an award unjust—would be reversible only for abuse of discretion. The Act explicitly assigns determination of these three issues to the adjudicative officer rather than the agency, without stating whether the agency can review the determination. For a decision by an adjudicative officer to be completely unreviewable by the agency, however, would be inconsistent with traditional agency practice. The draft model rule is intended to achieve the Congressional intent in a way that takes into account the usual decision-making process of agencies. We invite comment on how well it succeeds.

Subpart E—Payment

This subpart of the draft explains how an applicant who has received a favorable determination on an application may obtain payment. To avoid any appearance of footdragging or unnecessary delay by the agency, it would commit the agency to pay within 60 days after the applicant shows it is entitled to payment. The rule also states that an agency will not pay an award if any party has sought court review of the agency's action on the award or in the underlying proceeding. This appears to be required by the Act (5 U.S.C. 504(c)(1)), which provides that if a court reviews the agency's decision in the underlying proceeding, *only* the court may make an award. Note that this statutory provision seems to withhold from the agency the ability to make any payment to an applicant if any party to the proceeding asks for judicial review of the underlying decision, even if the applicant has not initiated the appeal. Can the statute be construed in any way, consistent with its terms, that will avoid this result?

Should the model rules also provide for interim fee payments to parties who are so short of funds that they may be unable to complete a proceeding at the agency level without an award? Such a rule would promote the purpose of the Act in hardship cases; however, it may well be beyond the scope of the authority granted agencies by the statute. An interim payment program could also prove very challenging to administer. If interim fee payments should be allowed, what standard of need should be applied? How strong a showing should the applicant have to make that it is likely to prevail and that the agency's position is likely to be found not substantially justified? What, if any, security should the recipient of an interim payment have to provide to guarantee repayment in case the recipient is later found not to be entitled to the award?

Subpart F—Rulemaking on Maximum Rates for Attorneys' Fees

The Act provides that agencies may, by rule, provide for payment of attorneys at rates higher than $75 per hour, if necessary because of inflation or because of factors such as the limited number of qualified attorneys available. The subpart includes basic provisions restating the statutory provision and describing the process for filing a petition for rulemaking. The subpart does not cover the interrelationship between such a rulemaking proceeding and any adversary adjudications occurring contemporaneously. Should higher rates adopted in a rulemaking be applied to all awards made after adoption of the rule, or only to awards for services provided after adoption of the rule? Should the model rules cover this issue at all?

These draft model regulations have been developed with the assistance of an interagency task force composed of volunteers from a number of Federal departments and agencies. The views and suggestions of task force members have been extremely helpful to the Office of the Chairman, and we gratefully acknowledge them. The text of the draft model regulations follows.

PART 0—MODEL RULES FOR IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT

Subpart A—General Provisions

Sec.

0.101 Purpose of these rules.
0.102 When the act applies.
0.103 Proceedings covered.
0.104 Eligibility of applicants.
0.105 Standards for awards.
0.106 Awards against other agencies.
0.107 Delegations of authority.

Subpart B—Allowable Fees and Expenses

0.201 Attorney, agent and expert witness fee.
0.202 Studies, analyses, engineering reports, tests and projects.

Subpart C—Form of Application

0.301 Contents of basic application.
0.302 Statements of net worth.
0.303 Statements of fees and expenses.

Subpart D—Procedures for Considering Applications

0.401 Filing and service of documents.
0.402 When applications can be filed.
0.403 Answers to applications.
0.404 Replies.
0.405 Comments by other parties.
0.406 Settlements.
0.407 Further proceedings.
0.408 Decisions.
0.409 Finality; agency review.
0.410 Judicial review.

Subpart E—Payments

0.501 Payment of awards.

Subpart F—Rulemaking on Maximum Rates for Attorney's Fees

0.601 General.
0.602 Petitions for rulemaking.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)]; 5 U.S.C. 575(c)(2).

Subpart A—General Provisions

§ 0.101 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 and 504 note, provides for awarding attorney fees and other adjudication expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before this agency. Parties may be able to receive awards when they prevail over the agency, unless the agency's position in the proceeding was substantially justified. These rules define eligible parties and identify the kinds of proceedings covered. They also explain how to apply for awards, and the procedures and standards that this agency will use to make them.

§ 0.102 When the Act applies.

The Act applies to any adversary adjudication pending before the agency at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs.

§ 0.103 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by this agency. An adversary adjudication is an adjudication under 5 U.S.C. 554 in which the position of this or any other agency, or any component of an agency, is represented by an attorney or other representative who enters an appearance and participates in the proceeding. The Act specifically excludes proceedings for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license, but proceedings to determine the reasonableness of past rates or terms and conditions of service and proceedings to modify or revoke licenses are included if they are "adversary adjudications." For this

agency, cases ordinarily covered are: [Here list].

(b) If this agency orders a particular matter to be determined as an adversary adjudication under the procedures set out in 5 U.S.C. 554, the Act will apply, and this agency will so state in its order designating the matter for hearing.

(c) If a proceeding includes both issues covered by the Act and issues specifically excluded, such as a case involving the modification of a license as well as the renewal of a license, any awards made will include only fees and expenses related to covered issues.

§ 0.104 Eligibility of applicants.

(a) In order to be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). For the purpose of determining eligibility, the "party" shall be the person or entity identified in the order or notice initiating the proceeding or permitting intervention in it. All conditions of eligibility set out in this subpart and in subpart C must be satisfied.

(b) The types of eligible applicants are as follows:

(1) Individuals with a net worth of not more than $1 million;

(2) Sole owners of unincorporated businesses if the owner has a net worth of $5 million or less and not more than 500 employees;

(3) Charitable or other organizations exempted from taxation by section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) having not more than 500 employees;

(4) Cooperative associations as defined in secion 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) having not more than 500 employees, and

(5) All other partnerships, corporations, associations or public or private organizations having $5 million or less net worth and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) Whether an applicant who owns an unicorporated business will be considered as an "individual" or a "sole owner of an unincorporated business" will be determined by whether the applicant's participation in the proceeding is related primarily to individual interests or to business interests.

(e) The employees of an applicant include all those persons regularly providing services for remuneration for the applicant on the date on which the proceeding was initiated, whether or not at work on that date.

(f) An applicant's net worth includes the value of any assets disposed of for the purpose of meeting an eligibility standard and excludes any obligations incurred for this purpose. Transfers of assets or obligations incurred for less than reasonable equivalent value will be presumed to have been made for this purpose.

(g) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. "Affiliates" are other individuals, corporations or other entities directly or indirectly connected to the applicant by a chain of ownership or control of a majority of the voting shares or other interest.

(h) An applicant is not eligible if it appears from the facts and circumstances that it has partcipated in the proceeding only on behalf of other persons or entities that are ineligible.

§ 0.105 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses unless the position of an agecy during the proceeding, or with respect to an ancillary or subsidiary issue in the proceeding that is sufficiently significant and discrete to merit treatment as a separate unit, was substantially justified. To avoid an award, the agency must carry the burden of proof that its position at relevant times was reasonable in fact and law.

(b) Awards for fees and expenses incurred before the date on which a proceeding was initiated are allowable only if the applicant can demonstrate that they were reasonably incurred in preparation for the proceeding.

(c) Awards will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if other special circumstances make an award unjust.

§ 0.106 Awards against other agencies.

No other agency may intervene or otherwise participate as a party in proceedings of this agency covered by this part unless it has agreed that it will pay any fee awards for which this agency determines it is liable under these rules, subject to judicial review.

§ 0.107 Delegations of authority.

[This section is necessary only if a department or agency now delegates authority to take final agency action, in adjudications to which this Act will apply, to subsidiary officers or bodies.] The [Department Review Board] is hereby delegated the authority to take final action on matters pertaining to the Equal Access to Justice Act 5 U.S.C. 504, in actions arising under [List acts or types of cases.] The [Agency, Secretary] may by order delegate authority to take final action on matters pertaining to the Equal Access to Justice Act in particular cases to other subordinate officials or bodies.

Subpart B—Allowable Fees and Expenses

§ 0.201 Attorney, agent and expert witness fees.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses. Awards will be calculated on this basis even if the services were provided by an employee of the applicant or were made available free or at a reduced rate.

(b) Under the Act, an award for the fees of an attorney or agent may not exceed $75.00 per hour, regardless of the actual rates charged by the attorney or agent. An award for the fees of an expert witness may not exceed the highest rate at which this agency pays expert witnesses, which is [$24.09 per hour], regardless of the actual rates charged by the witness. These limits apply only to fees; an award may include the reasonable expenses of the attorney, agent, or witness as a separate item.

(c) In determining the reasonableness of the fees sought for attorneys, agents or expert witnesses, the adjudicative officer shall consider factors bearing on the request, such as:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for like services;

(2) The prevailing rate for similar services in the community in which the attorney, agency or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant, and

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding.

§ 0.202 Studies, analyses, engineering reports, tests and projects.

The reasonable cost (or the reasonable portion of the cost) of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded to the extent that:

(a) The charge for the service does not exceed the prevailing rate payable for similar services, and

(b) The study or other matter was necessary to the preparation of the party's case.

Subpart C—Form of Application

§ 0.301 Contents of basic application.

(a) Applications shall be in writing and shall contain (1) the name of the applicant and the identification of the proceeding, (2) a declaration that the applicant believes that it has prevailed, and an identification of each issue as to which the position of an agency or agencies in the proceeding was not substantially justified, (3) a statement of the applicant's type (in terms of the types of applicants described § 0.104), (4) for each applicant other than an individual as defined in § 0.104, a statement of the number of its employees on the date on which the proceeding was initiated, (5) for each applicant other than an individual or a sole owner of an unincorporated business, a description of any affiliated individuals or entities, as the term "affiliated" is defined in § 0.104, or a statement that none exist, (6) where applicable, a statement that the applicant has a net worth not more than the ceiling established for its type, as of the date on which the proceeding was initiated, and (7) any other matter that the applicant believes appropriate.

(b) Applications filed by a tax exempt organization described in § 0.104 shall also contain either (1) a statement that the applicant was listed, on the date of the initiation of the proceeding, in the then-current edition of IRS Bulletin 78, "Organizations qualified under section 170(c) of the Internal Revenue Code of 1954," or (2) if the applicant is a tax exempt religious organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a brief description of the organization and a statement of the basis for its belief that it is exempt. Qualified tax exempt organizations are not required to file a statement of net worth.

(c) Applications filed by a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) shall also include a copy of the cooperative's charter or articles of incorporation and of its bylaws. Qualified cooperatives are not required to file a statement of net worth.

(d) All applications shall be signed by the applicant, or a responsible and knowledgeable official of an applicant that is not an individual. The individual signing the aplication shall state that the application and the statement of net worth (if any) are true and complete to the best of his or her information and belief, and that he or she understands that the application and statement are official statements subject to section 1001 of the United States Criminal Code (18 U.S.C. 1001), which provides that making a false official statement is a felony punishable by fine and imprisonment. The individual signing the application shall also provide the address and telephone number at which he or she can be contacted to verify or explain any information in the application.

§ 0.302 Statements of net worth.

(a) A statement of net worth must be filed by all applicants except qualified tax exempt organizations and cooperatives.

(b) If the applicant wishes its statement of net worth to be kept confidential, it should submit its statement with its application in a sealed envelope marked with the applicant's name and labeled "Confidential Statement of Net Worth". If a statement of net worth is so labeled it will not be disclosed to the public except as may be required by law, or or the purpose of enforcing 18 U.S.C. 1001, and after 10 days notice to the applicant.

(c) The statement must be filed and served with the application. It need not be served on parties to the proceeding other than the counsel for the agency over which the applicant asserts that it has prevailed.

(d) The statement may be in either standard or optional form.

(1) The standard form statement will include a listing of all the assets and liabilities of the applicant and any affiliates (as defined in § 0.104(g)) as of the date the proceeding was initiated.

(i) Assets must be grouped in the following categories, and the value must be given for each category: cash on hand and in banks; time deposits; bonds, stocks and other securities; debts owed to the applicant (including accounts receivable); merchandise inventory; furniture and fixtures; machinery and equipment; vehicles, aircraft and vessels; real property; intangibles, and all other assets. Individuals and sole proprietors of unincorporated businesses must also list a value for all personal property, including household effects. Each asset may be valued at the lower of either acquisition cost or fair market value as of the date on which the proceeding was initiated.

(ii) Liabilities will be grouped in the following categories: installment debt; accounts payable; unpaid principal of notes and bonds; mortgage and other secured debt; accrued and unpaid taxes, and all other liabilities. Stockholders equity, partnership capital and the like are not liabilities for the purpose of the statement.

(iii) The applicant's and any affiliates' net worth (total assets less total liabilities) shall be stated.

(2) An optional form statement may be in any form convenient to the applicant that provides full disclosure and is sufficient to determine whether the applicant qualifies under the standards set out in this part. For example, if the applicant prepared a financial statement to obtain a bank loan at approximately the same time that the proceeding was initiated, the applicant may submit a copy of that statement, accompanied by a description of any additions or adjustments needed to disclose the applicant's net worth, as defined here, at the time the proceeding was initiated. Or, if the applicant is a business corporation or partnership, it may wish to submit copies of Schedule L to its Federal income tax returns filed at the beginning of the year in which the proceding was initiated and at the beginning of the next year. Again, the applicant must accompany the copies with a statement describing any additions or adjustments necessary to determine whether the applicant was qualified, under the standards set forth in this part, on the date on which the proceeding was initiated. The agency or adjudicative officer has discretion to require an applicant to file a standard form statement if the optional form is not believed to provide sufficient disclosure.

(3) all statements of net worth shall describe any transfers of assets from or obligations incurred by the applicant or any affiliate, occurring in the three month period prior to the date on which the proceeding was initiated, that reduced the net worth of the applicant and its affiliates below the applicable net worth ceiling. If there were none, the applicant shall so state.

§ 0.303 Statements of fees and expenses.

(a) All applications shall be accompanied by an itemized statement or statements of the fees and expenses of attorneys, expert witnesses, and agents, incurred in connection with the proceeding, for which an award is sought.

(b) A separate itemized statement, showing the hours spent in working in connection with the proceeding by each individual and a description of what was accomplished, the rate at which fees were computed, the total claimed, and the total amount agreed to be paid by the applicant, must be submitted for each person, firm or other entity for which the applicant seeks an award.

(c) The rules governing the allowance of fees and expenses, set forth in subpart B of this part, shall be followed. Expenses must be verifiable in accordance with the standards published by the Internal Revenue Service for the documentation of business expenses.

(d) Each separate statement must be verified by the person, firm or other entity performing services for which an award is sought, in accordance with the requirements set forth in paragraph (d) of § 0.301.

Subpart D—Procedures for Considering Applications

§ 0.401 Filing and service of documents.

All applications for an award of fees, answers, replies, comments, and other pleadings and documents related to applications shall be filed in the same manner as other pleadings in the proceeding and served on all parties to the proceeding [cross-reference to agency's general rule on filing and service of documents in hearing proceedings], except as provided in § 0.302(c) for Confidential Statements of Net Worth.

§ 0.402 When applications can be filed.

(a) The Act provides that an application for an award may not be made later than thirty days after final agency action on the proceeding. This agency does not have the power to allow exceptions for later filings, and thus the applicant must file and serve the application no later than 30 days after the later of (1) the date on which this agency declines to review an initial decision or other proposed disposition of the proceeding by an adjudicative officer, or (2) the date on which the agency issues an order disposing of petitions to reconsider the agency's final action, or (3) if no petitions for reconsideration were filed, the date on which they were due.

(b) An application may be made at any time, before the last filing date as determined under paragraph (a) of this section, that the applicant believes that it has prevailed. An applicant has prevailed when the agency has taken favorable action of one of the types specified in subparagraphs (1) through (3) of paragraph (a) of this section with respect either to the entire proceeding or to an ancillary or subsidiary issue in the proceeding that is sufficiently significant and discrete to merit treatment as a separate unit.

§ 0.403 Answers to applications.

(a) *General.* Within 15 days after service of the application, counsel representing the agency against which an award is sought shall file an answer of one of the types described in paragraphs (b) through (d) of this section. Unless counsel requests and is granted an extension of time for filing, failure to file an answer within the 15-day period will be treated as a consent to the award requested.

(b) *Consent.* If the agency counsel does not object to the award requested, he or she shall file an answer consenting to the award.

(c) *Negotiation.* If the agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file an answer stating their intent to negotiate a settlement. Within 30 days thereafter the agency counsel shall file an answer consenting or objecting to an award, or a proposed settlement on the application.

(d) *Objection.* If the agency counsel objects to the award requested, he or she shall file an answer objecting, which shall explain in detail the agency counsel's position and identify the facts relied on in support. If the objection is based on any alleged facts not already in the record of the proceeding, the agency counsel shall include with the objection either supporting affidavits or a request for further proceedings under § 0.407.

§ 0.404 Replies.

Within 15 days after service of an objection, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under section § 0.407.

§ 0.405 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application or an answer within 15 days after service of the application or answer. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires additional exploration of matters raised in the comments.

§ 0.406 Settlements.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the issues in the underlying proceeding, or after the underlying proceeding has been concluded, according to [cross-reference to agency's general rule on settlements]. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 0.407 Further proceedings.

(a) *General.* Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or the agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, including an informal conference, oral argument, additional written submissions or an evidentiary hearing, as provided in this section. Further proceedings should not be considered routine and, where necessary, will be conducted as promptly as possible.

(b) *Informal conferences; oral argument.* The adjudicative officer may schedule an informal conference to discuss an application or an oral argument on any issues related to the application whenever he or she believes the conference or argument may be helpful in resolving or in encouraging settlement of the issues.

(c) *Written submissions.* The adjudicative officer may order an applicant, agency counsel, or a party filing comments under § 0.405 to make additional written evidentiary submissions whenever he or she believes they are necessary to provide a record adequate to decide the issues related to the application. A request that the adjudicative officer order written submissions shall specifically identify the information sought and shall explain why the information is necessary to decide the issues.

(d) *Hearings.* The adjudicative officer shall hold an oral evidentiary hearing only on disputed issues of material fact that cannot be adequately resolved through written submissions. A request for hearing shall specifically identify the disputed issues and the evidence to be presented at the hearing and shall explain why an oral evidentiary hearing is necessary to resolve the issues. The procedures for the hearing are those that apply to the underlying proceeding.

§ 0.408 Decisions.

The adjudicative officer shall issue a decision on the application as promptly as possible after the filing of the last document or the conclusion of the hearing. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, but shall not disclose the net worth of the applicant. The decision on the reasonableness of the

amount requested shall include an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings or whether other special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 0.409 Finality; agency review.

(a) *Finality of adjudicative officer's decision.* Unless the applicant or agency counsel seeks review under paragraph (b) of this section or the agency issues an order taking review of the decision on its own initiative, the adjudicative officer's decision on the application shall become a final decision of the agency 30 days after it is issued.

(b) *Agency review.* Either the applicant or the agency counsel may seek review of the adjudicative officer's decision on the fee application by filing and serving [exceptions or a petition for review] within [20] days after issuance of the decision. The agency may also decide to review an adjudicative officer's decision on its own initiative. Whether to review a decision is a matter within the discretion of the agency. Procedures on review will be those described in [cross-reference to agency's regular review procedures]. The standard of review will be that ordinarily applied to [recommended or] initial decisions, except that an adjudicative officer's determination on the justification of the agency's position as a party, on whether the applicant unduly prolonged the proceeding and on whether other special circumstances make an award unjust will be reversible only for abuse of discretion. The agency will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

§ 0.410 Judicial review.

Judicial review of final agency decisions on awards may be obtained as provided in 5 U.S.C. 504 (c)(2).

Subpart E—Payment

§ 0.501 Payment of awards.

An applicant seeking payment of an award shall submit to the [Comptroller or othr paying official of the paying agency a copy of the agency's final award along with a statement that it will not seek review (or further review) of the agency decision, or on the award, in the United States courts. [Include here address for submissions at specific agency.] The agency will pay the applicant the amount awarded within 60 days after receiving the applicant's submission, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Subpart F—Rulemaking on Maximum Rates for Attorneys Fees

§ 0.601 General.

If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the agency may adopt regulations providing that attorneys fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The agency will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

§ 0.602 Petitions for rulemaking.

Any person may file with the agency a petition for rulemaking to increase the maximum rate for attorneys fees. The petition [should be filed in accordance with agency's rule on petitions for rulemaking] [should be filed with the (appropriate office) of the agency, where it will be given a docket number and placed in a public file]. The petition should identify the rate the petitioner believes the agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The agency will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

(Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)]; 5 U.S.C. 575(c)(2))

Dated: March 4, 1981.

Reuben B. Robertson,

Chairman.

[FR Doc. 81-7415 Filed 3-9-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Bucknell University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertainint ot this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket No. 80-00380. Applicant: Bucknell University, Lewisburg, PA 17837. Article: Microthermometry Apparatus. Manufacturer: Chaixmeca Ltd., France. Intended use of article: See notice on page 68984 in the Federal Register of October 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a temperature range of −180° Centigrade (°C) to +600°C. The National Bureau of Standards advises in its memorandum dated December 12, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7390 Filed 3-9-81; 8:45 am]

BILLING CODE 3510-25-M

University of Colorado; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 3:30 a.m. and 5:00 p.m. in Room 3109 of the Department fo Commerce Building, 14th and Constitution Avenue NW, Washington, D.C. 20230.

Docket No. 80–00316. Applicant: University of Colorado, Health Sciences Center, 4200 E. 9th Avenue, Denver, CO 80262. Article: Mass Spectrometer, Model MM 7070H and Accessories. Manufacturer: VG Micromass, United Kingdom. Intended use of article: See Notice on page 45936 in the **Federal Register** of July 8, 1980.

Comments: No comments have been recieved with respect to this application.

Decision: Application approved. No domestic manufacturer was both able and willing to manufacture an instrument or apparatus of equivalent scientific value to the foreign article for such purposes as the foreign article is intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.11(c) of the regulations, at the time the foreign article was ordered (April 17, 1980).

Reasons: A letter dated March 19, 1980 listing the applicant's requirements and requesting that Nuclide Corporation (Nuclide) respond with a quotation was forwarded to this manufacturer. Nuclide did not respond to this Request for Quotation (RFQ).

Mass spectrometers fall in a category of instruments that are produced on order. Section 301.11(b) of the Department's regulations provides that in determining whether a produced on order instrument is "manufactured in the United States" the Department shall determine whether a U.S. manufacturer is able and willing to produce the instrument and have it available without unreasonable delay, taking into account "the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category."

On December 2, 1980 the Department wrote Nuclide about its failure to respond to the applicant's RFQ and requested a reply by December 19, 1980. To date, Nuclide has not answered.

The Department interprets Nuclide's failure to respond to the applicant's RFQ or the Department's letter as evidence that this firm (which might be capable of meeting the applicant's needs) was unwilling to do so.

Accordingly, the Department of Commerce finds that with respect to this importation no domestic manufacturer was both "able and willing" to manufacture a domestic instrument of equivalent scientific value to the foreign article for such purposes as the foreign article is intended to be used at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–7301 Filed 3–9–81; 8:45 am]

BILLING CODE 3510–25–M

Veterans Administration Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 80–00369. Applicant: Veterans Administration Medical Center, 4100 W. Third Street, Building 115–151B, Dayton, Ohio 45428. Article: Monochromatic Spectro Irradiator, Model CRM–FA. Manufacturer: Japan Spectroscopic Co. Ltd., Japan. Intended use of article: See Notice on page 66830 in the **Federal Register** of October 8, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a high level of radiant energy (20 milliwatts/square centimeter) in its 350–450 nanometer range. The Department of Health and Human Services advises in its memorandum dated December 11, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Frank W. Creel.

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81–7302 Filed 3–9–81; 8:45 am]

BILLING CODE 3510–25–M

Consolidated Decision on Applications for Duty-Free Entry of Nuclear Magnetic Resonance Spectrometers

The following is a consolidated decision on applications for duty-free entry of nuclear magnetic resonance spectrometers pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW, Washington, D.C. 20230.

Docket No. 80–00052. Applicant: University of Arkansas, Department of Chemistry, Fayetteville, AR 72701. Article: NMR Spectrometer, Model FX–90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 75439 in the **Federal Register** of December 20, 1979. Advice submitted by: National Bureau of Standards: January 13, 1981. Article ordered: June 19, 1979.

Docket No. 80–00065. Applicant: University of Iowa, Department of Chemistry, Iowa City, Iowa 52242. Article: NMR Spectrometer, JNM/FX–90Q and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 2677 in the **Federal Register** of January 14, 1980. Advice submitted by: National Bureau of Standards: January 13, 1981. Article ordered: July 2, 1979.

Comments: No comments have been received with respect to either of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article provides the capability for measuring T_{1-rho}, the spin-lattice relaxation time in the rotating frame. The most closely comparable domestic instrument is the Model XL-200 manufactured by Varian Associates. The currently available XL-200 measures T_{1-rho}. However, at the time each foreign article was ordered, the Model XL-200 did not measure T_{1-rho}. The National Bureau of Standards advises in its respectively cited memoranda that the feature described above is pertinent to the purposes for which each of the foreign articles to which these applications relate is intended to be used. NBS also advises that it knows of no domestic instrument which provided the pertinent feature at the time each article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 81-7388 Filed 3-9-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent Application 6-156,006: The Log-Log Scale Lens; filed June 9, 1980

Patent Application 6-162,333: High Power Laser Irradiance Display Material; filed June 23, 1980

Patent Application 6-165,924: Uranium-Excimer Nuclear Reactor Laser; filed July 3, 1980

Patent Application 6-166,720: Crane Assembly; filed July 7, 1980

Patent Application 6-166,872: Pulsed Laser Beam Intensity Monitor; filed July 7, 1980

Patent Application 6-170,330: High Energy Laser Target Board; filed July 21, 1980

Patent Application 6-170,387: Variable Pressure Fuel Injection System; filed July 21, 1980

Patent Application 6-171,672: Energy Management Damper; filed July 24, 1980

Patent Application 6-172,803: Improved Hollow Beam Electron Source; filed July 28, 1980

Patent Application 6-177,032: Means and Method for Testing Laser Range Finders; filed August 11, 1980

Patent Application 6-179,309: High Power Attenuator and Termination; filed August 18, 1980

Patent Application 6-181,038: Instant Start Thyratron; filed August 25, 1980

Patent Application 6-182,917: PUV/NUV Processing Circuit; filed September 2, 1980

Patent Application 6-183,608: Focus Meter; filed September 2, 1980

Patent Application 6-183,656: Method of Coating Silicon Nitride Bodies; filed September 2, 1980

Patent Application 6-184,867: Temperature Responsive Control Circuit; filed September 8, 1980

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administration Service Division, Federal Building, Science and Education Administration, Hyattsville, MD 20782

Patent Application 6-180,542: Improving the Removal of Lint from Cottonseed; filed August 25, 1980

Patent Application 6-180,546: Solubilization of Lignocellulosic Materials; filed August 25, 1980

Patent 4,225,512: Ternary Salts of Tris(Aminomethyl)Phosphines and their oxides prepared by the hydrolysis of 1,3,5-Triaza-7-Phosphaadamantane and its oxide; filed July 26, 1979, patented September 30, 1980; not available NTIS

Patent 4,231,747: Shrinkproofing Wool with Copper Salts of Carboxylic Acids; filed July 16, 1979, patented November 1980; not available NTIS

U.S. Department of Commerce, National Technical Information Service, Office of Government Inventions and Patents Springfield, Va. 22161

Patent 4, 233, 107: Ultra-Black Coating Due to Surface Morphology; field April 20, 1979, patented November 11, 1980; not available NTIS

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, D.C. 20545

Patent Application 6-080,726: Conversion of Aklaal Metal Sulfate to the Carbonate; filed October 1, 1979.

Patent 4,211,889: Theromoelectric Module; filed September 18, 1968, patened July 8, 1980; not available NTIS

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md 20205

Patent Application 6-025,157; Improved Multi-Step Process for the Production of Methanesulfon-m-anisidide, 4-(9-acnidinylamino)-: filed March 29, 1979

Patent Application 6-110,045: Method for Treating Intraocular Malignancies; filed January 7, 1980

Patent Application 6-110,293: Ethiodized Oil Emulsion for Intravenous Hepatography; filed January 8, 1980

Patent Application 6-115,411: Facile Synthesis of Codeine Precursors from Thebaine; filed January 25, 1980

Patent Application 6-115,900: Seven-Membered Ring Compounds as Inhibitors of Cytidine Deaminase; filed December 19, 1979

Patent Application 6-133,786: Improved Synthesis of 2,4-Diamino-6 Hydroxymethlpteridine; filed March 25, 1980

Patent Application 6-143,129: Separation of Triphenylphosphine Oxide from Methotrexate Ester and Purification of Said Ester; filed April 23, 1980

Patent Application 6-150,320: Inactivation on Non-A, Non-B Hecatitis Agent; filed May 16, 1980

Patent Application 6-170,570: Water Soluble Forms of Retinoids; filed July 21, 1980

Patent Application 6-172,066: alpha-Mehylnorethirdrare Enanthate and Its Use in Long Term Suppression of Fertility in Female Mammals; filed July 24, 1980

Patent Application 6-175,594: Improved Method for the Use of Orally Administered 13-Cis-Retinoic Acid in the Treatment of Acne; filed August 5, 1980

Patent Application 6-161,465: Nondenaturing Zwitterionic Detergents for Membrane Biochemistry; filed August 20, 1980

Patent Application 6-190,064: N-Acetyl-Cysteine Protects Against Cardiac Damage from Subsequently-Administered Cardio-

Toxic Anthracycline in Cancer Therapy; filed 23, September 1980

Patent 4,228,950: Horizontal Flow-Through Coil Planet Centrifuge; filed December 4, 1978; patented October 21, 1980; not available NTIS

Patent 4,232,154: Carbocyclic Analogs of Cytosine Nucleosides Exhibiting Antiviral and Antineoplasticactivity; filed July 17, 1979, patented November 4, 1980, not available NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent Application 6-155,281: Manchester Code Decoding Apparatus; filed July 2, 1980

Patent Application 6-157,910: An Improved Performance Rotating Heat Pipe; filed June 5, 1980

Patent Application 6-171,860: Coaxial Termination for Cable In-Line Electronic Applications; filed July 24, 1980

Patent Application 6-177,707: Interleaved Sweep Radar Display for Improved Target Detection; filed August 13, 1980

Patent Application 6-181,292: Method of Making GeTe Infrared Detector; filed August 25, 1980

Patent Application 6-181,926: Fragment-Tolerant Transmission Line; filed August 27, 1980

Patent Application 6-188,419: Solid State Power Transformer; filed September 16, 1980

Patent Application 6-189,245: Survey Spar System for Precision Offshore Seafloor Surveys; filed September 22, 1980

Patent Application 6-189,497: Method of Providing Phase Biasing in a Continuous Single-Mode Fiber Ring Interferometer; filed September 22, 1980

Patent Application 6-190,296: Optical Fiber Waveguide for Measuring Magnetic Fields; filed September 24, 1980

Patent Application 6-191,563: Fused Single-Mode Fiber Bidirectional Coupler; filed September 29, 1980

Patent Application 6-192,962: Dispersion Compensated Acoustic Surface Waveguides Using Diffused Substrates; filed October 2, 1980

Patent Application 6-193,864: Flexible Semiconductive Polymers; filed October 3, 1980

Patent Application 6-194,166: A Two-Stage Spatial Frequency Filter; filed October 6, 1980

Patent Application 4,223,241: Electrostatic Charge Generator; filed August 28, 1978; patented September 16, 1980; not availatle NTIS

Patent 4,223,661: Portable Diver Heat Generating System; filed August 13, 1979; patented September 23, 1980; not available NTIS

Patent 4,225,520: Room Temperature Two Color Infrared Detector; filed July 13, 1979; patented September 23, 1980; not available NTIS

Patent 4,224,626: Ellipticized Lens Providing Balanced Astignatism; filed October 10, 1978; patented September 23, 1980; not available NTIS

Patent 4,227,948: Growth Technique for Preparing Graded Gap Semiconductors and Devices; filed December 27, 1977; patented October 14, 1980; not available NTIS

Tennessee Valley Authority, Division of Law, Muscle Shoals, AL 35660

Patent 4,213,924: Granulation and Coating by Improved Method of Heat Removal; filed June 19, 1978, patented July 22, 1980; not available NTIS

[FR Doc. 81-7513 3-9-81; 8:45 am]

BILLING CODE 3810-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Mapping, Charting and Geodesy; Advisory Committee Meeting

The Defense Science Board Task Force on Mapping, Charting and Geodesy (MC&G) will meet in close session on 30-31 March 1981 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At its meeting on 30-31 March 1981 the Defense Science Board Task Force on MC&G will review the Defense Department's plans and programs concerning generation, derivation, collection and transmission of MC&G data which is critical to the guidance of cruise missiles and other future weapons systems.

In accordance with 5 U.S.C. App. 1§ 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 4, 1981.

[FR Doc. 81-7413 Filed 3-9-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on Review of M-X Environmental Impact Statement; Advisory Committee Meeting

The Defense Science Board Task Force on the Review of the M-X Environmental Impact Statement will meet in open session on 30-31 March 1981 in the 400 Army Navy Drive Building, Arlington, Virginia. Each session will start at 8:30 a.m.

The mission of the Defense Science Board is to advise the Secretary of Defense and Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The objective of this specific Task Force is to make an independent review of the adequacy of the M-X Environmental Impact Statement (EIS) as prepared by the Air Force. Each member of the Task Force has previously reviewed the draft EIS and the planned agenda for this meeting includes discussions of each individual's analysis and of the form and content of the Task Force report. Areas requiring additional research and/or analysis will be identified.

The Air Force will be conducting open hearings on the draft M-X EIS. The purpose of those hearings, in contrast to this meeting, will be to obtain active public participation.

Because of the desire to accommodate as many people as reasonably possible, it is requested that persons interested in attending the DSB Task Force meeting notify the office of Colonel W. R. McDonald, USAF, (202) 695-0292, in the Pentagon, Washington, D.C. as soon as possible.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 4, 1981.

[FR Doc. 81-7414 Filed 3-9-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(a)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided that a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 24 and 25, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 2:30 p.m. on March 24. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris on those dates. The agenda for the meeting is as follows:

1. Adoption of draft agenda—IEA/SEQ/A/81/3
2. Summary Record of the 35th Meeting—IEA/SEQ/M/81/1 and Corrigendum I
   Summary Record of the 36th Meeting—IEA/SEQ/M/81/2
3. Emergency Management Manual Amendments:

- Start date of the sharing after a trigger—IEA/SEQ/81/17
- Retroactive oil reallocation—IEA/SEQ/80/84 1st Revision
- Trade discrepancies—IEA/SEQ/80/82 1st Revision

4. AST–3 Follow-Up:
   A. Draft of Appraisal Report on AST–3 for the Governing Board—IEA/SEQ/81/ * * *
   B. Report of NESO Debriefing Meeting—IEA/SEQ/81/ * * *
   C. New ISAG, ISAG Training and ISOM Manual update—IEA/SEQ/81/ * * *
5. Demand Restraint and Fair Sharing Reviews:
   A. Review of Australia—IEA/SEQ/81/ * * *
   B. Review of Denmark—IEA/SEQ/81/ * * *
   C. Fair Sharing Preparations—IEA/SEQ/80/81 * * *
   D. Cross Border Traffic—Oral Report by the Secretariat and EEC.
6. Legal Basis:
   A. Position after the 15th March—Oral Report by the Secretariat, U.S. Government and the IAB.
   B. Plan-of-Action/U.S. and EEC—Oral Report by U.S. Government and EEC.
   C. DSC Progress Report—Oral Statement by Legal Adviser.
7. Extension of Emergency System:
   A. Synthetic fuels—IEA/SEQ/80/69
   B. Inclusion of Naphtha in Emergency Reserve Obligation—IEA/SEQ/81/16
8. Data System:
   A. Oil Market surveillance system to replace Q A/B in non-crisis periods—IEA/SEQ/81/ * * *
   B. Progress report of the expert group on the energy data systems—IEA/SEQ/81/ * * *
   C. Feb/March Q A/B submission trade discrepancies—IEA/SEQ/81/ * * *
   D. Insufficient data base for Emergency Sharing System—IEA/SEQ/81/14 1st Revision
   E. Countries' options to calculate stocks under IEA obligation—IEA/SEQ/81/22
   F. Quarterly oil forecast—IEA/SEQ/81/22 * * *
9. Destination restrictions and their influence on the sharing system—IEA/SEQ/81/ * * *
10. Stocks-at-sea for forward months and non-reporting companies/analysis of 1Q81 experience—IEA/SEQ/81/ * * *
11. Any other business.
12. Future meeting dates.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., March 4, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-7522 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-01-M

Management and Administration; Review of Advisory Committees

The Department of Energy (DOE) is conducting a comprehensive review of its advisory committees in accordance with Office of Management and Budget Circular No. A–63, Transmittal Memorandum N. 5. Public comment is invited.

All agencies have been directed to conduct this review for each committee which was in existence on December 31, 1980, to determine (a) whether such committee is carrying out its purpose; (b) whether consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised; (c) whether it should be merged with other advisory committees; or (d) whether it should be abolished.

DOE is now in the process of conducting this review for the following advisory committees:

Advisory Committee on Atmospheric Carbon Dioxide
Consumer Affairs Advisory Committee
DOE/NSF Nuclear Science Advisory Committee
Dose Assessment Advisory Group
Energy Research Advisory Board
Environmental Advisory Committee
Federal Photovoltaic Utilization Program Advisory Committee
Food Industry Advisory Committee
Fossil Energy Advisory Committee
High Energy Physics Advisory Panel
National Energy Extension Service Advisory Board
National Petroleum Council
Solar Photovoltaic Energy Advisory Committee of the Energy Research Advisory Board
State Planning Council on Radioactive Waste Management

The following committees were terminated on the dates indicated below and therefore are not included in this review:

Local Government Energy Policy Advisory Committee—February 15, 1981
Fuel Oil Marketing Advisory Committee—February 28, 1981
Gasoline Marketing Advisory Committee—February 28, 1981

We are required to complete our review and submit our determination to the Committee Management Secretariat, General Services Administration, not later than April 15, 1981. Therefore, any public comments and recommendations should be provided to DOE not later than March 26, 1981. Interested persons should direct their comments to Georgia Hildreth, Advisory Committee Management Office, CA–201, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Issued at Washington, D.C. on March 4, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-7520 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP77–258]

Columbia Gas Transmission Corp.; Motion To Vacate Order

March 4, 1981

Take notice that on February 10, 1981, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP77–258 a motion pursuant to § 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.12) to vacate the order issued May 3, 1977, in said docket which authorized the transportation of natural gas for Fruehauf Corporation (Fruehauf), all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Columbia states that by order issued May 3, 1977, it was authorized to transport up to 200 Mcf of natural gas per day for Fruehauf for ultimate delivery to its Uniontown, Pennsylvania, plant pursuant to a January 27, 1977, gas transportation agreement between Columbia and Fruehauf. It is stated that no gas was ever transported pursuant to the authorization because the Uniontown plant was never subject to curtailment by its retail supplier of natural gas. Columbia states that by an August 7, 1979, letter it has advised Fruehauf that that gas transportation agreement which was the basis for the transportation service was terminated as permitted under the terms of that agreement. Columbia, accordingly, requests the Commission to vacate the May 3, 1977, order.

Any person desiring to be heard or to make any protest with reference to said motion should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7487 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-486]

Columbia Gas Transmission Corp.; Motion To Vacate Order

March 4, 1981.

Take notice that on February 10, 1981, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, Filed in Docket No. CP77-486 a motion pursuant to § 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.12) to vacate the order issued December 21, 1977, in said docket which authorized the transportation of natural gas for Ball Corporation (Ball), all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Columbia states that by order issued December 21, 1977, it was authorized to transport up to 160 Mcf of natural gas per day for use in Ball's Muncie, Indiana, plant pursuant to a May 19, 1977, gas transportation agreement between Columbia and Ball. It is stated that the order authorized a two-year transportation service but that no gas was ever transported under the arrangement. Columbia also states that the related gas sales agreement between Ball, Montara Petroleum Company and Mutual Oil & Gas Company has already been terminated. Applicant asserts that by a January 14, 1980, letter it has advised Ball that the gas transportation agreement which was the basis for the transportation authorized herein was terminated. Columbia, accordingly, requests the Commission to vacate the December 21, 1977, order.

Any person desiring to be heard or to make any protest with reference to said motion should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7488 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-59]

Columbia Gas Transmission Corp.; Motion To Vacate Order

March 4, 1981.

Take notice that on February 10, 1981, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP78-59 a motion pursuant to Section 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.12) to vacate the order issued August 9, 1978, in said docket which authorized the transportation of natural gas for Fruehauf Corporation (Fruehauf) all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Columbia states that by order issued August 9, 1978, it was authorized to transport up to 400 Mcf of natural gas per day for Fruehauf for ultimate delivery to Fruehauf's Memphis, Tennessee, plant pursuant to an October 6, 1977, gas transportation agreement between Columbia and Fruehauf. It is stated that no gas was ever transported pursuant to the authorization because the retail company supplying Fruehauf's Memphis plant apparently never invoked curtailment. Columbia stated that by a September 23, 1980, letter it has advised Fruehauf that the gas transportation agreement which was the basis for the transportation service was terminated as permitted under the terms of that agreement. Columbia, accordingly, requests the Commission to vacate the August 9, 1978, order.

Any person desiring to be heard or to make any protest with reference to said motion should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7489 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No 3644 etc.]

Continental Hydro Corp. et al; Application for Preliminary Permit

March 3, 1981.

Take notice that Continental Hydro Corporation (CHC), Dam Nine Development Ltd (DND), and Enagenics, filed, respectively, on November 3, 1980, November 5, 1980, and January 12, 1981, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project Nos. 3644, 3678, and 3963 to be known as Kentucky River Lock and Dam No. 9 located in Jessamine and Madison Counties, Kentucky. The applications are on file with the Commission and are available for public inspection. Correspondence with CHC should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Correspondence with DND should be directed to: Mr. Kenneth Lever, Partner, Dam Nine Development Ltd, 6566 France Avenue South, Minneapolis, Minnesota 55435. Correspondence with Enagenics should be directed to: Mr. Thomas H. Clark, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Descriptions.—The proposed projects would utilize an existing dam owned by the U.S. Corps of Engineers. Applicants' facilities would be located mostly on U.S. lands.

Project No. 3644 would consist of: (1) A proposed powerhouse constructed on top of the dam at the east abutment, and containing generating units having a total installed capacity of 7.9 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The estimated average annual energy output would be 27,900 MWh.

Project No. 3678 would consist of: (1) A proposed powerhouse constructed on top of the existing auxiliary dam adjacent to the navigation lock, and containing generating units having a total installed capacity of 3.8 MW; (2) proposed 69 kV transmission lines; and (3) appurtenant facilities. The estimated

average annual energy output would be 16,600 MWh.

Project No. 3963 would consist of: (1) A proposed powerhouse, located at the east end of the existing dam, with generating units having a total installed capacity of 21.5 MW, (2) proposed 69 kV transmission lines; and (3) appurtenant facilities. The estimated average annual energy output would be 37,100 MWh.

Purpose of Projects—Energy produced by CHC, Project No. 3644, DND, Project No. 3678, and Enagenics, Project No. 3963 would be sold to Kentucky Utilities Company.

Proposed Scope and Cost of Studies under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time they would determine the economic feasibility of the project, apply for DOE funding, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license. CHC estimates the cost of the studies for the project to be approximately $65,000. DND estimates the cost of the studies to be approximately $100,000, and Enagenics estimates the cost of the studies to be approximately $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3644, 3678, and 3963. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7486 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-29-000]

Gulf States Utilities Co.; Application

March 4, 1981

Take notice that on February 25, 1981, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to Section 204 of the Federal Power Act to issue 750,000 additional shares of Common Stock, without par value, pursuant to a Employee Stock Ownership Plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7480 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3850-000]

Jorges Sanchez; Application for Preliminary Permit

March 3, 1981.

Take notice that Jorges Sanchez (Applicant) filed on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3850 to be known as Structure 65–C located at the South Florida Water Management District Structure 65-C on Kissimme Canal 38 in Okeechobee County, Okeechobee, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize South Florida Water Management District Structure 65-C used for irrigation, flood control and navigational purposes. Project 3850 would consist of: (1) an existing reinforced concrete rigid lock, which measure 30 feet x 90 feet, with a normal lift of 7.2 feet and a sill depth of 6 feet;

(2) a proposed powerhouse to be located on the southern bank of the canal, with an estimated installed capacity of 3.2 MW; (3) a proposed penstock approximately 30 to 40 feet in length; (4) proposed transmission lines to be interconnected with facilities owned by the Florida Power and Light Company; (5) an existing impoundment area, Canal 38, which has a normal pool elevation of 34.0 feet and a drainage area of 2,742 square miles at the site; and (6) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be approximately 8,000,000 kWh.

Purpose of Project—The Applicant intends to sell the generated output of energy to the Florida Power and Light Company, public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $52,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d)(1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding.

To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3850. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7380 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3804-000 and Project No. 4003-000]

Mitchell Energy Company, Inc. and Enagenics; Application for Preliminary Permit

March 3, 1981.

Take notice that Mitchell Energy Company, Inc. and Enagencies (Applicants) filed on December 1, 1980 and January 13, 1981, respectively, applications for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. proposed Projects Nos. 3804 and 4003, respectivley, both to be known as the Caesar Creek Dam Project located on Caesar Creek in Warren County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02110, and Thomas H. Clarke, Jr., President, Enagencies, 1727 Q Street, N. W., Washington, D.C. 20009.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize a U. S. Army Corps of Engineers dam. Project No. 3804 would consist of: (1) a proposed powerhouse located just below the existing structure, and having an estimated installed generating capacity of 6 MW; (2) proposed transmission lines; and (3) appurtenant facilities.

Project No. 4003 would consist of: (1) a proposed powerhouse located southwest of the dam and having an estimated installed generating capacity of 4.8 MW; (2) proposed transmission lines, approximately three miles long; and (3) appurtenant facilities.

The projects would both be located on Federal lands.

Mitchell Energy Company and Enagenics estimate that the average annual energy generation will be 15.0 GWh and 9.3 Gwh, respectively.

Purpose of Project—Mitchell Energy Company plans to sell the generated output of energy to Ohio Edison Company or another utility. Enagenics

proposes to sell the generated output to Dayton Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicants seek issuance of a mutually exclusive preliminary permit for a period of 36 months. During that period the Applicants intend to conduct engineering, environmental, and legal examinations. The cost of the proposed studies are estimated to be $50,000 (Mitchell Energy), or $40,000 (Enagenics).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the commission, on or before May 1, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 30, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 1, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in respones to this notice of applications for preliminary permit for Projects Nos. 3804 and 4003. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N. W., Washington, D. C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7301 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4089-000]

Mason County Public Utility District No. 3; Application for Preliminary Permit

March 3, 1981.

Take notice that Mason County Public Utility District No. 3 (Applicant) filed on January 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4089 to be known as the Vance Creek Hydroelectric Project located on the Vance Creek in Mason County, near Shelton, Washington. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis E. Rohr, General Manager, Mason County, PUD No. 3, P.O. Box 490, Shelton, Washington 98584, and Mr. Benjamin N. Settle, P.O.. Box 306, Shelton, Washington 98584. with copies to CH2M Hill, Attention: Mr. Abbas Orumchian, 1500 114th Avenue SE, Bellevue, Washington 98004. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new concrete, thin-arch dam, 25 feet high by 45 feet long creating a pondage with negligible storage capacity; (2) a 3000-foot long, 60-inch diameter pipe; (3) a surge tank; (4) a 100-foot long, 60-inch diameter steel penstock leading to; (5) a powerhouse to operate under a head of 100 feet and to contain one turbine-generating unit with a rated capacity of 1,300 kW; (6) a tailrace channel and; (7) a new 1.6-mile long, 12.5-kV transmission line to connect to an existing Applicant transmission line.

The Applicant estimates that the average annual energy output would be 4.5 million kWh.

Purpose of Project—The power output would be used to meet the Applicant's load growth and to offset power purchases now being made by the Applicant to supply its customers.

Proposed Scope and Cost of Studies under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $83,000. The Applicant has filed a detailed work plan for new dam construction. No test pits, borings, or other foundation exploration would be required during the permit period. No studies would be undertaken that would adversely affect the environment.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and

environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confirmed to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rule of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments fild, but a person who merly files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION', "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4089. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this Notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7302 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-32]

Pacific Gas Transmission Co.; Rate Change

March 2, 1981.

Take notice that on January 19, 1981, Pacific Gas Transmission Company tendered for filing a "Notice of Rate Change to Reflect Increase in the Price of Canadian Gas in Cost of Service Charges and Request for Expedited Consideration."

PGT states that its filing is made in compliance with the Federal Power Commission's orders in Docket No. RP73-111 which require PGT to make filings pursuant to Section 4 of the Natural Gas Act before there is reflected in PGT's cost of service charges any increase in the cost of gas imposed or required by Canadian authorities.

PGT indicates that its filing will effect increases in rates charged under its PL-1 Rate Schedule which is applicable to sales of gas made by PGT to its one customer for sale, Pacific Gas and Electric Company.

The filed changes in rates will reflect in PGT's cost of service charges certain increases mandated by Canadian authorities in the price of gas imported from Canada, commencing April 1, 1981. PGT presently obtains more than 99% of its entire supply of gas from Canada at a border price which is the Canadian dollar equivalent of $4.47 (U.S.) per Mcf of 1000 Btu gas. PGT recites that on January 15, 1981, it was notified by its Canadian supplier that existing National Energy Board (NEB) export licenses would be amended, effective April 1, 1981, to increase the border export price to the Canadian dollar equivalent of $4.94 (U.S.) per Mcf of 1000 Btu gas payable in Canadian dollars in accordance with a monetary exchange formula specified by the NEB. On the basis of the volumes and Btu content expected to be purchased in the year commencing April 1, 1981, PGT estimates that the effect of the April 1, 1981 increase would be approximately $143,750,000 (U.S.) on an annualized basis.

PGT advises that copies of its filing have been mailed to its customers and to interested state commissions. PGT requests that expedited consideration be given to the instant filing and that the filing be allowed to become effective on April 1, 1981, without suspension.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.18 and 1.10). All such petitions or protests should be filed on or before March 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7303 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-20-002 (PGA81-1, IPR81-1, DCA81-1 and LFUT81-1)]

Transcontinental Gas Pipeline Corp.; Erratum Notice

March 2, 1981.

Due to an inadvertent clerical error, the following language which appears at the end of Ordering Paragraph (H) on page 6 of the Commission's February 28, 1981 order issued in these dockets should be deleted:

"However, the Commission denies New York's and North Carolina's request for an investigatory hearing."

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7304 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2545 (Phase II)]

Washington Water Power Co.; Extension of Time

March 2, 1981.

On February 24, 1981, Washington Water Power Company (WWPC) filed a request for an extension of time to file briefs opposing exceptions to the Initial Decision issued December 9, 1980, in the above-docketed proceeding. The motion states that additional time is required because of the lengthy nature of the brief on exceptions filed by the Coeur d'Alene Tribe of Indians and because of mailing delays typically occurring between Spokane and Washington, D.C. affecting receipt of both the receipt of the Secretary of Interior's brief and the filing of WWPC's brief.

Upon consideration, notice is hereby given that an extension of time for the filing of briefs opposing exceptions is granted to and including April 10, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7505 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4063-000]

Yolo County Flood Control and Water Conservation District; Application for Preliminary Permit

March 3, 1981.

Take notice that Yolo County Flood Control and Water Conservation District (Applicant) filed on January 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4063 to be known as Clear Lake Hydroelectric Project located on Cache Creek in Lake County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. McAnlis, Manager, Yolo County Flood Control and Water Conservation District, P.O. Box 767, Woodland, California 95695. Any person who wishes to file a response to this notice read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) the existing Clear Lake Dam—a concrete structure 38 feet in height and 280 feet in length; (b) the existing Clear Lake with gross storage capacity of 313,000 acre-feet at elevation 1328 feet (m.s.l.); (c) either (1) a powerhouse at the foot of the dam, containing two generating units with a total rated capacity of 2,000 kW; or (2) a powerhouse 6000 feet downstream of the dam containing two generating units with a total rated capacity of 5,800 kW; and (d) appurtenant facilities.

The Applicant estimates that the average annual energy output would be either 7.5 or 22 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $101,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4063. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7506 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3886-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on December 18, 1980, an application for

preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3886 to be known as the Canyon Lake Hydroelectric Project located on the Guadalupe River in Comal County, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gerald W. Haddock, Consolidated Hydroelectric, Inc., 4543 Post Oak Place, Suite 208, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Corps of Engineers' Canyon Lake Dam, intake and spillway, and would consist of a powerhouse containing four generating units with a total rated capacity of 6,600 kW, a tailrace, a 1 mile long transmission line, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 18, 631 MWh.

Purpose of Project—The energy generated by the proposed project would be sold to Pedernales Co-op, Inc.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3635 filed on October 31, 1980 under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3886. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7487 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3810-000]

Enagenics; Application for Preliminary Permit

March 3, 1981.

Take notice that Enagenics (Applicant) submitted on December 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3810 to be known as Spring Valley Canal Station 581 Hydroelectric Project located on the Spring Valley Canal in Fairfield, Teton County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Department of the Interior's (Water and Power Resources Service) Spring Valley Canal. Project No. 3810 would consist of: (1) a proposed one-unit powerplant located at Sta. 591 + 50; (2) a proposed gate intake structure with trashrocks and a radialgate check structure located between Sta. 580 + 25 and Sta. 580 + 50; (3) a proposed 102 inch diameter surface penstock extending 1,170 in length to connect intake to the powerhouse; (4) a proposed tailrace connected to the stilling basin; (5) transmission lines having operating voltage of 69 kV interconnected 5.5 miles from the site; (6) a switchyard located at the powerplant; and (7) appurtenant facilities. Applicant estimates the capacity of installed

generating unit to be 3.9 MW. The project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 18.3×10^6 kWh.

Purpose of Project—Energy produced at the site would be sold to the Montana Power Company or other public users.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to develop a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be 40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Greenfields Irrigation District's Sun River Electric Cooperative, Inc., Project No. 3554 on Lower Turnbull Project Station 581+00 on the Spring Valley Canal under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3810. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7489 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2943-001]

City of Columbus, Ohio; Application for Exemption for Small Hydroelectric Power Project Under 5 mW Capacity

March 5, 1981.

Take notice that on January 15, 1981, the City of Columbus, Ohio (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611]) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed O'Shaughnessy Dam small hydroelectric project (FERC Project No. 2943) would be located at the city's existing O'Shaughnessy Dam on the Scioto River, in Delaware County, Ohio. Correspondence with the Applicant should be directed to: Mr. Robert C. Parkinson, Director, City of Columbus, Department of Public Service, 90 West Broad Street, Columbus, Ohio 43215.

Project Description—The proposed project would consist of: (1) the existing O'Shaughnessy Dam, a compacted earth-fill dam with an 879-foot-long uncontrolled concrete gravity spillway section topped by flashboard 2.9 feet in height; (2) an existing reservoir with a gross storage capacity of 16,900 acre-feet; (3) a new single-room powerhouse, with 2 generating units having a total rated capacity of approximately 5,000 kW; (4) a new penstock approximately 270 feet long connecting the proposed powerhouse with the existing bulkheaded power gate chamber and vaulted conduit in the dam; (5) a new discharge conduit, 60 feet long; (6) a new 34 kV underground transmission line, 2000 feet long; and (7) appurtenant facilities.

Purpose of the Project—Project energy would be utilized by the City of Columbus for municipal purposes.

Agency Comment—The U.S. Fish and Wildlife Service and the Ohio Department of Natural Resources are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide *Competing Applications*—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 15, 1981 either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than June 15, 1981. Applications for a preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 2943. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7473 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-187-000]

Consolidated Gas Supply Corp.; Application

March 4, 1981.

Take notice that on February 10, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-187-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon a storage service presently rendered by Applicant for its affiliate, The Peoples Natural Gas Company (Peoples) and for a certificate of public convenience and necessity authorizing a related change in service under Applicant's currently effective full requirements service agreement with Peoples, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the storage service which it renders for Peoples in accordance with the terms of Applicant's Rate Schedule SSO.

Applicant further proposes to modify its existing full requirements service agreement with Peoples dated November 8, 1976, so as to eliminate the language obligating Applicant to sell Peoples its full requirements under Applicant's Rate Schedule RQ in excess of volumes of gas available to Peoples from gas stored for Peoples' account at the effective date of the agreement and to revise Peoples' minimum billing quantities under Applicant's Rate Schedule RQ.

Applicant states that the proposed abandonment is sought as part of a rate settlement agreement now pending approval by the Commission and reserves the right to withdraw the instant application in the event that the rate settlement agreement is not approved in accordance with its terms.

Applicant asserts that the proposed abandonment of the SSO storage service would not affect Peoples' peak day, winter or annual gas supplies.

Applicant further requests that the aforementioned authorization be made effective as of April 1, 1981, the beginning of the annual storage injection season.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7464 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3883-000]

Continental Hydro Corp., Application for Preliminary Permit

March 4, 1981.

Take notice that Continental Hydro Corporation (Applicant) submitted on December 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3883 to be known as Lake Sherburne Dam located at the Water and Power Resources Service Lake Sherburne Dam, part of the Milk River project, on Swiftcurrent Creek in Glacier County, Babb, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Water and Power Resources Service Lake Sherburne Dam. Project No. 3883 would consist of : (a) a proposed powerhouse

to be located on the southeastern bank of the stilling basin; (2) a modification of the headworks to accommodate the power project; (3) a proposed penstock estimated to be 340 feet long running from the headworks through an existing conduit; (4) proposed transmission lines; and (5) appurtenant facilities. The applicant estimates that the installed generating capacity would be 1.4 MW. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 4,660,000 kWh.

Purpose of Project—The applicant intends to sell the generated output of energy to the Water and Power Resources Service, an industrial user or public institution.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economc feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 7, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3883. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7485 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4001-000]

Enagenics; Application for Preliminary Permit

March 4, 1981.

Take notice that Enagenics (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4001 to be known as Palo Verde Diversion Dam Project located on Colorado River in Riverside County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas H. Clarke, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government dam owned by the United States Water and Power Resources Services and would consist of a powerplant with a total installed capacity of 11.5 MW.

The Applicant estimates that the average annual energy output would be 63.7 GWh.

Purpose of Project—Applicant intends to market the power generated by the project to the Western Area Power Administration, nearby public institutions, or other local industrial users.

Proposed Scope and Cost of Studies under Permit—The proposed studies would include economic analysis, preliminary engineering, and environmental impact assessment. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and preparation of application for license to construct and operate project. Applicant estimates cost of studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of

application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3699 filed on November 7, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before *April 13, 1981.*

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4001. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7466 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2375]

International Paper Co.; Extension of Time

March 4, 1981.

On February 18, 1981, International Paper Company filed a request for an extension of time to file a feasibility study as required by Article 32 of the Order Amending License issued September 4, 1980, by the Director, Office of Electric Power Regulation, in the above-docketed proceeding. On October 14, 1980, an errata notice was issued in this proceeding which shortened the established date for complying with Article 32 of the Order Amending License.

In their motion for an extension of time, the company requests that the date for complying with Article 32 be extended for six months, as originally set forth in the September 4, 1980 order. In support of this request, the motion states that the company requires additional time to receive and evaluate recommendations of technical consultants and to incorporate this data into its feasibility study.

Upon consideration, notice is hereby given that an extension of time for complying with Article 32 of the Order Amending License be granted to and including September 4, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7474 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-793-001, ER80-793-000, and ER80-259]

Kansas Gas & Electric Co.; Order Accepting for Filing and Suspending Rate Schedule Change, Consolidating Dockets, Waiving Notice Requirements, and Establishing Procedures

Issued: March 4, 1981.

On September 22, 1980, in Docket No. ER80-793-000, Kansas Gas and Electric Company (KG&E) filed an unexecuted service agreement which provided for a rate increase to the City of Burlington, Kansas (Burlington). The filing superseded an expiring contract between these parties, and incorporated rates for service to Burlington identical to those proposed by KG&E for other of its customers and subject to investigation in Docket No. ER80-259.

By order dated November 28, 1980, the Commission, *inter alia,* suspended the filing in Docket No. ER80-793-000 with the pending proceeding previously suspended and set for hearing in Docket No. ER80-259.

Subsequently, on January 8, 1981, KG&E filed a proposed revision to paragraph 3.8 of the superseding Burlington rate schedule in Docket No. ER80-793-000 for one day to become effective on December 2, 1980, subject to refund pending a hearing. The Commission also consolidated Docket No. ER80-793-001, which would amend the existing reserve capacity requirement provision.[1] The reason for this latest filing, according to KG&E, is that paragraph 3.8, as previously filed, was not totally clear in conveying the intent of the paragraph. Therefore, the subsequent filing has been submitted to amend and more accurately reflect the understanding of the parties with respect to the reserve capacity requirement.

The original filing by KG&E for Burlington on September 22, 1981, would require the city to maintain an amount of capacity equal to the city's annual peak load plus reserve capacity of at least 25 percent of such peak load.[2] The currently proposed reserve capacity provision would require Burlington to maintain capacity equal to its annual peak load (including firm sales at wholesale) minus firm purchases from KG&E or firm sales at wholesale) minus

[1] Designated as: *Kansas Gas & Electric Company.* Supplement No. 5 to Rate Schedule FERC No. 144.

[2] This provision is identical to the reserve capacity provisions contained in Burlington's expired fixed rate contract as well as capacity reserve provisions contained in eight of the ten contracts which KG&E has on file for partial requirements service to municipal customers.

firm purchases from KG&E or other suppliers, plus a reserve capacity of 25 percent of such amount.

Notice of the instant filing was issued on January 16, 1981, with responses due on or before February 9, 1981. On February 11, 1981, a Notice of Opposition was filed by certain Kansas cities (Cities).[3] Having been granted intervenor status in both Docket Nos. ER80–259 and ER80–793–000, the Cities express their belief that they are also intervenors in the instant docket.[4] The Cities reaffirm their continuing opposition to KG&E's proposed contract. In addition, the Cities complain that KG&E's various filings and amendments create a "moving target" which they find difficult to analyze. They assert that the instant filing, which purports simply to clarify the contract language, in fact changes Burlington's projected purchases of firm and supplemental power by $239,699 and $162,233, respectively. Cities complain that these changes are not reflected in any other company analysis and are not coordinated with KG&E's other projections.

Discussion

Our analysis indicates that KG&E's revision to paragraph 3.8 of the Burlington rate schedule has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the revision for filing and suspend its operation as directed below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We note that the instant submittal represents a modification in the nature of a correction to the rate schedule which, by order of November 28, 1980, was suspended for one day and permitted to become effective subject to refund on December 2, 1981. While we are unable to conclude that the revision is itself just and reasonable, it does appear that the amended provision will result in decreased revenues from Burlington as compared to the original submittal.[6] Moreover, while the intervening Cities continue to challenge various aspects of KG&E's proposed rate schedules, they have not requested a maximum suspension of the instant submittal. As a result, we believe that a one day suspension will provide adequate protection to Burlington pending the outcome of a hearing.

In light of the fact that DG&E's revision is designed to clarify the intent of its earlier submittal, and considering the consequent reduction in anticipated charges to Burlington, we find that good cause exists to permit an effective date in December of 1980, to coincide with the effective date of the prior filing. Accordingly, we shall accept the submittal in Docket No. ER80–793–001 for filing as of December 1, 1980, and we shall suspend the revised rate schedule provision for one day to become effective, subject to refund, on December 2, 1980.

Included as an issue in the consolidated proceeding in Docket Nos. ER80–793–000 and ER80–259 was the reserve capacity requirement contained in paragraph 3.8 of KG&E's proposed service agreement. Because the currently proposed change would supersede paragraph 3.8, common questions of law and fact are presented and we believe it appropriate to consolidate these proceedings for purposes of hearing and decision.

We note that KG&E has indentical reserve capacity requirement provisions in its rate schedules applicable to other partial requirements customers. The scope of the consolidated hearing ordered in this proceeding shall include an inquiry into whether the provision has been properly applied with respect to the remaining customers.

The Commission orders

(A) Waiver of the notice requirements is hereby granted.

(B) KG&E's rate schedule change filed on January 6, 1981, is hereby accepted for filing and suspended for one day to become effective on December 2, 1980, subject to refund pending hearing and decision.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the revised rate schedule provision filed by KG&E in Docket No. ER80–793–001.

(D) Docket No. ER80–793–001 is hereby consolidated with the consolidated proceeding in Docket Nos. ER80–259 and ER80–793–000, for purposes of hearing and decision.

(E) The administrative law judge previously designated to preside in the consolidated proceeding in Docket Nos. ER80–259 and ER80–793000, shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER80–793–001 with the existing proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7475 Filed 3–9–81; 8:45 am]

BILLING CODE 6450–85–M

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[3] The Cities are Arcadia, Arma, Augusta, Blue Mound, Bronson, Burlington, Chanute, Coffeyville, Elsmore, Erie, Fredonia, Girard, Haven, Iola, Lafiarpe, Moran, Mt. Hope, Mulberry, Mulvane, Neodesha, Oxford, Savonburg, Wellington, and Winfield, Kansas.

[4] We note that the cities are correct in this assumption. Having been granted intervenor status in Docket No. ER80–793–000, they need not renew their request to intervene in Docket No. ER80–793–001, an ancillary proceeding.

[5] *E.g., Boston Edison Co.*, Docket No. ER80–608 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–609, *et al.*, (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one-day suspension).

[6] Billing data submitted by KG&E indicate that this decrease in revenues will be on the order of $77,468 (8.0%) for the twelve-month period ending November 30, 1981. The revenue decrease reflects the fact that a lower billing demand is applicable to Burlington than was originally calculated and firm power energy rates are only applicable up to a maximum annual load factor of 60% with the remaining energy sales billed under a supplemental (economy) energy rate.

[Project No. 3797–000]

City of La Habra, California; Application for Exemption for Small Conduit Hydroelectric Facility

March 4, 1981.

Take notice that on November 25, 1980, the City of La Habra, California (Applicant) filed an application under Section 30 of the Federal Power Act (Act) (16 U.S.C. 823(a)) for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Lambert Road Hydroelectric Unit (FERC Project No. 3797) would be located at Applicant's connection to the Metropolitan Water District's line at

Lambert Road. The connection is the main water supply for domestic purposes to the City of La Habra. Correspondence with the Applicant should be directed to: Mr. Lee Risner, City Manager, P.O. Box 337, Civic Center, La Habra, California 90631.

Purpose of Project—Project energy would be sold to Southern California Edison Company.

Project Description—The proposed project would consist of a single generating unit rated at 87 kW located in an underground concrete vault. The Applicant estimates that the average annual energy output would be 565 MWh.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. (A copy of the application may be obtained directly from the Applicant.) No other formal requests for comment, will be made.

Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 30, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-7483 Filed 3-9-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ST79-28-001]

Louisiana Gas Intrastate, Inc. of Shreveport; Extension of Sale

March 4, 1981.

Take notice that on February 5, 1981, Louisiana Gas Intrastate, Inc. of Shreveport (Petitioner), 890 Dresser Tower, 601 Jefferson Street, Houston, Texas 77002, filed in Docket ST79-28-001 a notice of the proposed extension pursuant to Section 311(b) of the Natural Gas Policy Act of 1978 (NGPA) of the sale of natural gas to United Gas Pipe Line Company (United), all as more fully set forth in the notice which is on file with the Commission and open to public inspection.

Petitioner states that it has entered into a gas purchase agreement with United dated April 18, 1979, under which it sells natural gas to United. It is submitted that the initial two year term of the contract commenced on May 11, 1979, and will expire on May 11, 1981. Petitioner further states that the contract has been extended for an additional two-year term by a letter agreement dated January 7, 1981.

Petitioner estimates that the daily quantities of natural gas to be delivered to United under the contract would be 5 billion Btu per day with an estimated total quantity of 3.65 trillion Btu to be delivered during the extended two-year term. It is further asserted that Petitioner's deliveries to United may vary considerably from month to month.

Petitioner states that the rate to be charged is (a) Petitioner's weighted average acquisition cost of gas as determined in accordance with § 284.143 of the Regulations plus (b) adjustment to Petitioner's weighted average acquisition cost determined in accordance with § 284.144(a)(2) and (b) of the Regulations plus (c) $0.20 per million Btu as compensation for expenses incurred by Petitioner and associated with the gathering, treatment, processing, transportation and delivery of gas under the contract including a reasonable profit on such services.

Any person desiring to be heard or to make any protest with reference to said notice should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7487 Filed 3-9-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-197-000]

Michigan Wisconsin Pipe Line Co.; Application

March 4, 1981.

Take notice that on February 19, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-197-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in service provided for Fountaintown Gas Company, Inc. (Fountaintown) from Applicant's Rate Schedule SGS-1 to Applicant's Rate Schedule CD-1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued November 1, 1979, in Docket No. CP79-289 it was authorized to provide Fountaintown with 5,916 Mcf of natural gas per day and an entitlement of 1,045,000 Mcf of natural gas per year. Applicant states that Fountaintown has informed Applicant that it desires to change its presently effective service agreement under Rate Schedule SGS-1 to a service agreement under Rate Schedule CD-1 with its entitlements stated thermally. Accordingly, Applicant requests authorization to sell gas to Fountaintown under Rate Schedule CD-1 commencing April 1, 1981.

Applicant states that the requested change would not result in any increase in peak day or annual entitlement nor adversely affect Applicant's ability to meet the requirements of its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-7488 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2713-001]

Niagara Mohawk Power Corp.; Application for Major License

March 5, 1981.

Take notice that the Niagara Mohawk Power Corporation (Applicant) filed on December 1, 1980, an application for a major license pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r) for continued operation of the constructed Oswegatchie River Project, FERC No. 2713, located on the East Branch of the Oswegatchie River and the Oswegatchie River, a tributary of the St. Lawrence River, in the Towns of Oswegatchie, Edwards, Fine, and Clifton, and the Village of Heuvelton, St. Lawrence County, New York. Correspondence concerning the application should be directed to: John H. Terry, Esquire, Senior Vice President, General Counsel and Secretary, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202.

Project Description—The existing Oswegatchie Project consists of six Developments:

A. The Eel Weir Development at river-mile 5.1 comprising: (1) an 894-foot long and 23-foot high concrete Ambursen-type dam having crest elevation 272.0 m.s.l.; (2) a reservoir having a surface area of 96 acres and a usable storage capacity of 136 acre-feet at normal pool elevation 272.0 m.s.l.; (3) an integral concrete powerhouse at the right (east) bank including intake head gates, stop logs, and trash racks and containing three generating units having a total rated capacity of 2,700-kW; and (4) appurtenant facilities.

B. The Heuvelton Development at river-mile 12.0 comprising: (1) a 213-foot long and 8-foot high concrete gravity-type dam with concrete containing walls at both ends and having crest elevation 276.5 m.s.l., and surmounted by five 10.5×28-foot Taintor gates and one 28-foot wide by of stoplogs, each separated by 4-foot wide and 27-foot long and 20-foot high concrete piers; (2) a reservoir having a surface area of 239 acres and a usable storage capacity of 405 acre-feet at normal pool elevation 286.7 m.s.l.; (3) an integral masonry powerhouse at the left (south) bank including a concrete intake structure and steel trash racks and containing two generating units having a total rated capacity of 1040-kW and (4) appurtenant facilities.

C. The Oswegatchie Development at river-mile 86.6 comprising: (1) a 70-foot long and 12-foot high concrete overflow dam with a 20-foot long and 5-foot high concrete wall at the right (east) end and having a spillway crest elevation of 758.6 m.s.l.; (2) a reservoir having a surface area of 6 acres and usable storage capacity of 23 acre-feet at normal pool elevation 758.6 m.s.l.; (3) a 116-foot long and 12-foot high concrete headgate and steel trash rack structure along the left (west) bank; (4) a forebay about 80 feet in length; (5) a 17-foot wide, 20-foot high and about 60-foot long steel and wood flume containing a turbine; (6) a concrete and wood powerhouse containing a generator with a rated capacity of 560-kW; (7) a 90-foot long tailrace; (8) a 1,250-foot long 2.4kV transmission line; and (9) appurtenant facilities.

D. The South Edwards Development at river-mile 87.1 comprising: (1) a 200-foot long and 51-foot high concrete gravity-type dam having a spillway section with crest elevation 843.2 m.s.l. about 88 feet long surmounted by 2-foot flashboards and having an intake section with steel trash racks and timber sliding gates; (2) two concrete dikes one 240-foot long the other, 510-foot long, both 5-foot high surmounted by 10-inch flashboards along the left (south) reservoir bank; (3) a reservoir having a surface area of 81 acres and a usable storage capacity of 851 acre-feet at normal pool elevation 843.2 m.s.l.; (4) a 10-foot diameter 1,142-foot long fiberglass pipeline; (5) a surge tank; (6) a concrete powerhouse containing three generating units having total rated capacity of 2,680-kW; (7) a short tailrace; (8) a substation; (9) a 2,259-foot long 34.5-kV transmission line; and (10) appurtenant facilities.

E. The Flat Rock Development at river-mile 95.5 comprising: (1) a 568-foot long and 79-foot high concrete gravity-type dam with a 120-foot long concrete core earth embankment at the right (east) end and having spillway section with crest elevation 1060.0 m.s.l. 229 feet long and an intake section with trash racks, stoplogs, and roller gates; (2) a reservoir having a surface area of 228 acres and a usable storage capacity of 3,362 acre-feet at normal pool elevation 1060.0 m.s.l.; (3) an integral brick and concrete powerhouse at the left (east) bank containing two generating units having a total capacity of 6,000-kW; and (4) appurtenant facilities.

F. The Browns Falls Development at river-mile 96.9 comprising: (1) an 870-foot long and 67-foot high concrete gravity-type dam having a spillway section with crest elevation 1347.0 m.s.l. about 192 feet long surmounted by 2-foot flashboards and having an intake section with steel trash racks and headgates; (2) a reservoir having a surface area of 171 acres and a usable storage capacity of 2,215 acre-feet at normal pool elevation 1349.0 m.s.l.; (3) a 12-foot diameter 3,600-foot long welded steel pipeline connected to an 11-foot diameter 2,388-foot long riveted steel pipeline; (4) a surge tank; (5) two 8-foot diameter 142-foot long steel penstocks; (6) a brick and concrete powerhouse along the left (south) river bank containing two generating units having a total rated capacity of 15,000-kW; (7) a tailrace; (8) a 110-foot long 115-kV transmission line; and (9) appurtenant facilities.

The total installed capacity of the Oswegatchie Project is 27,980-kW. The six developments were constructed between 1912 and 1928 and have been operated continually in essentially the same manner. Applicant proposes the development of two small day-use recreational areas. No other construction or change in project operation is proposed.

Purpose of Project—All power generating by the project is and will continue to be incorporated into the Applicant's transmission distribution network for use within its service area.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 7, 1981, either the competing application itself or a notice of intent to

file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 7, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7476 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-177-000]

Shenandoah Gas Co.; Application

March 4, 1981.

Take notice that on February 4, 1981, Shenandoah Gas Company (Applicant), P.O. Box 2400, Winchester, Virginia 22601, filed in Docket No. CP81-177-000 an application for pursuant to Section 7(f) of the Natural Gas Act for a determination that its distribution system located in the Shenandoah Valley of Virginia and West Virginia is a service area within which Applicant may enlarge or extend its facilities for the purpose of supplying increased market demands in such area without further Commission authorization, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is engaged in the distribution and retail sale of natural gas in the Northern Shenandoah Valley in West Virginia and Virginia and proposes the following service area for determination: Shenandoah, Warren, Frederick and Clarke Counties and the cities and communities of Winchester, Front Royal, Strasburg, Middletown, Stephens City and New Market, Virginia; Berkeley County, a very small portion of Jefferson County abutting Berkeley County and the City of Martinsburg, West Virginia.

Applicant further states that there are three minor exclusions to the proposed geographic area. These include (1) the Stonewall District in Shenandoah County, Virginia, a 50-foot strip of land approximately 4.5 miles in length from the vicinity of Coffmantown easterly to the vicinity of Willow Grove generally paralleling Virginia Highway Routes 680 and 605. It is asserted that Washington Gas Light Company (Washington Gas) is authorized to furnish gas service in this area. (2) The area in Shenandoah County, Virginia, adjacent to Columbia Gas Transmission Corporation's transmission pipelines and two small areas in the vicinity of Strasburg, Virginia. It is asserted that Columbia Gas of Virginia, Inc. (Columbia Virginia) is authorized to provide gas service in this area.

Applicant states that all gas which it receives within or at the boundary of its service area is distributed and consumed within its service area, that it makes no sales for resale and that no retail natural gas service is rendered within the service area by companies other than Applicant except that Washington Gas serves the area covered by Exclusion 1 above and Columbia Virginia serves the area covered by Exclusion 2 above.

Applicant further states that its rates, service and facilities are subject to regulation within its service area by the Virginia State Corporation Commission and the West Virginia Public Service Commission and that Applicant is currently attaching customers as authorized by said Commissions.

Applicant submits that the Commission should determine the requested service area since it (a) would not involve a questionable abdication of the Commission's jurisdiction, (b) would allow Applicant without further Commission approval to enlarge or expand its facilities, (c) would minimize the cost of regulation and (d) would not interfere with the Virginia and West Virginia Commission's exercise of their jurisdictional responsibilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the requested determination should be made. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7471 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2849-001]

South Columbia Basin Irrigation District, et al.; Application for License for Major Project; Existing Dam

March 4, 1981.

Take notice that on December 23, 1980, the South Columbia Basin Irrigation District, East Columbia Basin Irrigation District, and Quincy-Columbia Basin Irrigation District (Applicant) filed a joint application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for a major license for the unconstructed Main Canal Headworks Power Plan (FERC Project No. 2849). The project would be located near Coulee City in Grant County, Washington. Correspondence with the Applicant should be directed to: Mr. Russell Smith, Secretary-Manager, South Columbia

Basin Irrigation District, P.O. Box 1000, Pasco, Washington 99301.

The proposed Main Canal Headworks Power Plant Project would consist of: (1) an underwater diversion channel; (2) an intake structure located adjacent to the existing Main Canal Headworks intake structure at the Water and Power Resources Service's Dry Falls Dam; (3) a 26-foot diameter power tunnel, excavated in bedrock, passing underneath Dry Falls Dam; (4) a powerhouse, located immediately downstream of the toe of the dam, containing two 9-MW generating units; (5) a tailrace channel returning flows to the Main Canal; (6) a 4.16/115-kV substation adjacent to the powerhouse; and (7) 600 feet of 115-kV transmission line.

The proposed project would have a total rated capacity of 18 MW and an average annual generation of 75.96 GWh at an estimated 1982 cost of $31,822,000. Power would be marketed to the cities of Seattle and Tacoma.

All project facilities would be constructed on U.S. owned lands administered by the Water and Power Resources Service of the Department of the Interior.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application not later than August 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7469 Filed 3-9-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP70-7-017 (Phase II)]

Southern Natural Gas Co.; Petition To Amend

March 4, 1981.

Take notice that on February 10, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7-017 (Phase II) a petition to amend the order issued October 29, 1969,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize a change in the applicable rate schedule under which Petitioner renders natural gas to the City of Jasper, Alabama (Jasper), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 29, 1969, it was authorized to sell and deliver a maximum of 5,000 Mcf of natural gas per day to Jasper. Petitioner further states that it currently renders natural gas to Jasper under its Rate Schedule OCD-2 ;as provided for by a service agreement between Petitioner and Jasper.

Petitioner submits that Jasper has requested that Petitioner amend their service agreement to change the applicable Rate Schedule from OCD-2 to G-2. It is asserted that the modification requested herein would not change the amount of natural gas which Petitioner would be required to deliver to Jasper but would result in a reduction in Jasper's purchased gas cost.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7470 Filed 3-9-81; 8:45 am]
BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP81-181-000]

United Gas Pipe Line Co., Florida Gas Transmission Co.; Application

March 4, 1981.

Take notice that on February 6, 1981, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-181-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a letter agreement dated October 29, 1980, United and Florida Gas agreed to exchange up to 10,000 Mcf of natural gas per day for a fifteen-year period and from year to year thereafter, it is stated. The service commenced on November 21, 1980, pursuant to Part 284 of the Commission's Regulations under the Natural Gas Policy Act of 1978, it is stated.

United states that it would receive the gas for the account of Florida Gas' at an existing interconnection from the Lake Broussard Field and United's 6-inch South Creole main line in Cameron Parish, Louisiana. United, it is asserted, would redeliver gas for Florida Gas' account at the existing interconnection between the pipeline facilities of United and Florida Gas at Arnaudville, St. Landry Parish, Louisiana.

Florida Gas states that it would receive the gas for the account of United at a mutually agreeable interconnection in Arnaudville, St. Landry Parish, Louisiana, for redelivery to an existing interconnection between the parties in Montpelier, St. Helena Parish, Louisiana, it is stated.

It is stated that facilities necessary for delivery of gas to United on the 6-inch South Creole Field main line were installed pursuant to United's budget-type authorization as United also purchases gas from Lake Broussard Field. It is stated that all other gas deliveries would be made through existing facilities.

It is stated that this is a gas-for-gas exchange with no monetary compensation to be paid by either party.

Any person desiring to be heard to make any protest with reference to said application should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7472 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-121-000]

Virginia Electric and Power Co.; Order Denying Rehearing

Issued: March 4, 1981.

On February 5, 1981, ElectriCities of North Carolina (ElectriCities), an organization of municipal wholesale customers of Virginia Electric and Power Company (VEPCO), submitted an application for rehearing of the Commission's order of January 13, 1981, in this docket. That order accepted for filing and suspended for one day rates filed by VEPCO for service to its municipal and cooperative customers on November 14, 1980.

The application of ElectriCities seeks rehearing as to the length of the suspension period ordered by the Commission for the newly-filed VEPCO rates. In particular, ElectriCities contends that the Commission should have ordered the rates to be suspended for five months. ElectricCities further contends that the Commission improperly failed to consider ElectricCities' allegation that a price squeeze would likely result if less than a five month suspension was ordered for the rates. ElectricCities also contends that the Commission erred in failing to order a five month suspension because the Commission did not find that VEPCO was experiencing a clear financial emergency.

ElectriCities contends that the Commission has not given a reason why its price squeeze allegations do not warrant a longer suspension period. As noted in our order of January 13, 1981, the Commission's analysis of VEPCO's submittal indicated that the rates proposed by VEPCO may not yield excess revenues. Considering all of the substantive challenges to the rate filing advanced by the intervenors, including the initial allegation of price squeeze, we concluded that it would be unfair to defer collection by VEPCO of rates which may not be excessive.

The issue of price squeeze frequently is raised in initial protests in the most general of terms. Often the matter is never pursued through hearing. Moreover, a determination as to whether a price squeeze in fact exists requires comparison of the relevant retail rate with the wholesale rate which would be considered just and reasonable in the absence of a price squeeze. In addition, we must consider the respective costs of serving the different customer classes. We believe that, except in extraordinary circumstances, it would be unfair to a utility to determine on the basis of preliminary pleadings that an otherwise appropriate suspension period should be modified solely on the basis of unproved price squeeze allegations.

ElectriCities further contends that the Commission's order in *Alabama Power Company*, Docket No. ER81-95-000, issued January 2, 1981, means that a finding of "clear financial emergency" must be made in order to justify a suspension period of less than five months. This interpretation misconstrues the intent of the Commission's *Alabama Power Company* order. That order concerned a situation in which the applicant had raised the issue of financial distress in responding to a protest to its rate filing. The Commission was discussing the question of independent grounds for a shorter suspension period.

Nothing in the *Alabama Power Company* order modified the Commission's practice of imposing a shorter suspension period in a case where the Commission's preliminary analysis shows that the proposed rates may not produce excessive revenues. *See, e.g., Cleveland Electric Illuminating Company*, Docket No. ER80-486, order issued August 22, 1980. VEPCO's proposed rates fell into this category, and it was for this reason that the Commission determined to suspend the rates for one day.

The Commission orders:

(A) The application for rehearing of ElectriCities is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7477 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-785 and ER81-5-000]

Appalachian Power Co.; Order Accepting for Filing and Suspending in Part Revised Interconnection Agreement, Granting Waiver in Part, Initiating Hearing and Consolidating Proceedings

Issued March 4, 1981.

On September 22, and October 6, 1980, American Electric Power Corporation (AEP) on behalf of Appalachian Power Company (APCO), filed in Docket Nos. ER80-785 and ER81-5-000, respectively, modifications to an interconnection agreement with Carolina Power and Light Company (CP&L) revising emergency, short-term and limited-term power service schedules. CP&L filed a certificate of concurrence with respect to each of the two filings.[1] By letter dated November 5, 1980, the Director of the Office of Electric Power Regulation determined that the submittals in these dockets were deficient and requested additional information regarding certain rates proposed by CP&L. On December 1, 1980, and January 5, 1981, CP&L filed responses to the November 5, 1980 requests.

In Docket No. ER80-785, the parties propose to increase demand charges for

[1] See Attachment A for rate schedule designations.

short-term and limited-term power to $0.85 kw/week and $4.50/kw/month, respectively. AEP and CP&L also propose to increase related third party short-term and limited-term transmission charges to $0.24/kw/week and $1.00/kw/month, respectively.

In Docket No. ER81–5–000, the parties propose an adder of 1 mil/kWh in addition to the short-term and limited-term third party transmission charges proposed in Docket No. ER80–785. They also propose to revise their emergency service schedules. For self-generated energy, the proposed schedules provide for a charge of the greater of 110% of out-of-pocket costs or 30 mills/kWh. For third party emergency energy, the proposed schedules contain a demand charge of 2 mills/kWh, and an energy charge of cost (including losses) plus 1 mill/kWh.

No comments, protests, or petitions to intervene have been filed in response to public notice of these submittals.[2]

Discussion

As to the proposed demand charges for short-term and limited-term services, the Commission notes that in Docket No. ER80–195, on behalf of APCO, AEP filed charges identical to those now proposed for the same services. Those rates were accepted for filing by letter order issued in that docket on May 29, 1980. The Commission finds that these charges now proposed by APCO are just and reasonable. We further find that these same charges as proposed by CP&L are cost justified.

The Commission also finds that the charges proposed by APCO and CP&L for related short-term and limited-term third party transmission charges are cost justified.

With respect to self-generated emergency energy, our analysis indicates that the charges proposed by APCO and CP&L are cost justified. As to the proposed charges for third party emergency energy, the Commission notes that APCO filed identical charges for third party emergency energy in Docket Nos. ER80–592, *et al.* Consistent with the Commission's order issued in that docket on October 3, 1980, our analysis indicates that these charges proposed by APCO may be unjust and unreasonable. We further find that the charge for third party emergency service proposed by CP&L may produce excessive revenues.

[2] Public notice of the filing in Docket No. ER80–785 was issued on October 1, 1980, with responses due on or before October 20, 1980. Notice of the filing in Docket No. ER81–5–000 was issued on October 14, 1980, with responses due by November 3, 1980.

Conclusion

The Commission's analysis indicates that CP&L's and APCO's third party charges for emergency service, as proposed in Docket No. ER81–5–000, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission will accept these rates for filing and suspend them as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We have consistently imposed a nominal suspension for interchange arrangements of the type involved in these dockets, recognizing that such arrangements provide for the mutual availability of necessary services. A one day suspension and the imposition of a refund obligation should protect the affected ratepayers pending the outcome of these proceedings. We shall therefore accept the revised rates for filing, and we shall suspend the rates identified above for one day to become effective on March 8, 1981, subject to refund.

As noted, the rates under investigation in Docket Nos. ER80–592, *et al.* share issues of fact and law with the rates herein suspended. We shall therefore consolidate these proceedings for purposes of hearing and decision.

The Commission's analysis also indicates that (1) APCO's and CP&L's demand charges for short-term and limited-term services and related third party transmission charges, all as proposed in Docket No. ER80–785; and (2) APCO's and CP&L's charges for short-term and limited-term third party transmission services, and their charges for self-generated emergency energy, all as proposed in Docket No. ER81–5–000, are just and reasonable. The Commission will therefore accept these portions of the two filings and, except as modified below, authorize them to become effective on March 7, 1981, 60 days after completion of the filings, without suspension.

In its September 16, 1980 filing in Docket No. ER80–785, AEP also requested that the Commission waive the notice requirements to allow the charges it proposed in that docket to become effective retroactively on July 25, 1980. In support of its request, AEP stated that it was necessary for APCO to commence delivery of short-term power to CP&L on July 26, 1980, as CP&L has immediate need for such power and that, therefore, supply of this power was in the public interest. As noted, we have determined that all charges proposed in that docket are just and reasonable. In light of these considerations, the Commission believes that the requested waiver should be granted.

The Commission Orders:

(A) The request for waiver of the notice requirements is granted with respect to APCO's and CP&L's demand charges for short-term and limited-term services and their charges for related third party transmission service, all as proposed in Docket No. ER80–785.

(B) The charges proposed by APCO and CP&L in Docket No. ER80–785 are hereby accepted for filing to become effective as of July 25, 1980, without suspension.

(C) APCO's and CP&L's third party charges for emergency service, as proposed in Docket No. ER81–5–000, are hereby accepted for filing and suspended for one day to become effective, subject to refund, on March 8, 1981.

(D) APCO's and CP&L's charges for short-term and limited-term third party transmission services, and their charges for self-generated emergency energy, all as proposed in Docket No. ER81–5–000, are hereby accepted for filing to become effective on March 7, 1981, without suspension.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by subsection 402(a) of the Department of Energy Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter 1 (1980)], a public hearing shall be held concerning the justness and reasonableness of the charges referenced in ordering paragraph (C) above.

[3] *E.g., Boston Edison Company*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension) *Cleveland Electric Illuminating Company*, Docket No. ER80–486 (August 22, 1980) (one day suspension).

(F) Docket No. ER81–5–000 is hereby consolidated with Docket Nos. ER80–592, *et al.*, for purposes of hearing and decision.

(G) The administrative law judge previously designated to preside in the consolidated proceeding in Docket Nos. ER80–592, *et al.*, shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81–5–000 with existing proceeding.

(H) Docket No. ER80–785 is hereby terminated.

(I) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

American Electric Power Service Corp.

Docked Nos. ER81–5–000 and ER80–785

Filed: January 5, 1981.

Dated: (1) July 25, 1980, (2) through (4) August 1, 1980, (5) and (6) August 10, 1980, (7) through (9) undated.

Effective: (A) Modification No. 4—July 25, 1980, as requested. (B) Section 2.12 of CP&L's and APCO's Service Schedules E—March 8, 1981, subject to refund. (C) Modification Nos. 5 and 6 and the balance of service schedules D, F and E—March 7, 1981 (60 days after filing).

Appalachian Power Co.

Designation and Description

(1) Supplement No. 3 to Supplement No. 8 to Rate Schedule FPC No. 24—Modification No. 4
(2) Supplement No. 4 to Supplement No. 8 to Rate Schedule FPC No. 24 (Supersedes Supplements Nos. 1, 2 and 3 to Supplement No. 8 to Rate Schedule FPC No. 24)—Modification No. 5
(3) Supplement No. 1 to Supplement No. 4 to Supplement No. 8 to Rate Schedule FPC No. 24—Service Schedule D
(4) Supplement No. 2 to Supplement No. 4 to Supplement No. 8 to Rate Schedule FPC No. 24—Service Schedule F
(5) Supplement No. 10 to Rate Schedule FPC No. 24 (Supersedes Supplement No. 5 to Rate Schedule FPC No. 24)—Modification No. 6
(6) Supplement No. 1 to Supplement No. 10 to Rate Schedule FPC No. 24—Service Schedule E

Carolina Power & Light

(7) Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 44 (Concurs in (1) above)—C/C
(8) Supplement No. 2 to Supplement No. 3 to Rate Schedule FPC No. 44 (Supersedes Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 44 and concurs in (2) through (4) above—C/C
(9) Supplement No. 4 to Rate Schedule FPC No. 44 (Concurs in (5) and (6) above)—C/C

[FR Doc. 81–7479 Filed 3–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. IS80–76 and IS80–47, et al.]

Buckeye Pipe Line Co.; Order Supplementing Prior Order So As To Permit the Recoupment (Subject to Refund) of Revenues Lost by Reason of Oil Pipeline Rate Suspensions That the Commission Has Found To Have Been Overlong [1]

Issued March 4, 1981.

Sufficient reason therefor to it appearing, the Commission hereby supplements its order herein of December 24, 1980,[2] by:

(A) Ordering that the suspension period in these dockets shall be deemed to have terminated on September 14, 1980;

(B) Authorizing the Buckeye Pipe Line Company to:

(i) Recoup *nunc pro tunc* and subject to refund the revenues that it would have collected from September 15, 1980 to December 23, 1980, had he duration of the instant suspensions been fixed at one day to begin with;

(ii) Impose any and all surcharges needed to recover the sums referred to in the preceding subparagraph;[3] and

(iii) File a tariff supplement providing that the aforementioned amounts will be billed to the shippers involved, with the proviso that those shippers may elect to pay the amount due under that tariff supplement and under this supplemental order:

(a) In a lump sum all at once; or

(b) In four (4) equal monthly installments; or

(c) Through a 5% increment to the bills that the particular shipper would otherwise have had to pay—provided, however, that any unpaid balance must be discharged in full on or before December 31, 1981;

(C) Instructing the Commission's Oil Pipeline Board to review Buckeye's aforementioned tariff supplement with dispatch and in the event said supplement is found to be in order and unobjectionable to advise Buckeye as promptly as possible that the supplement has been accepted for filing; and

(D) Further authorizing the Buckeye Pipe Line Company to put the aforementioned tariff supplement into effect as soon as the Company has been notified of its acceptance for filing.

The Secretary shall cause this supplemental order to be published in the **Federal Register.**

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[1] When this case was last here, it presented basic questions of oil pipeline rate suspension policy. We dealt with them in our order of December 24, 1980. Those interested in the background of the matter should consult that document.

[2] The re-examination that led in due course to this supplemental order was made as a result of the Buckeye Pipe Line Company's application for a rehearing of the prior order. That application was made pursuant to 49 C.F.R. § 1100.97.

[3] Compare *Texaco, Inc.* 41 F.P.C. 833 (1969); *Valley Gas Transmission, Inc.*, Docket No. RP80–88 (order issued August 22, 1980). See *Tennessee Valley Municipal Gas Association* v. *Federal Power Commission*, 470 F. 2d 446, 453 (D.C. Cir. 1972): "What the Commission *must* [emphasis added] do on remand . . . is to compensate for its erroneous dismissal."; *Boston Edison Co.* v. *Federal Power Commission*, 557 F. 2d 845, 849 (D.C. Cir. 1977), *cert. denied sub nom. Town of Norwood, Massachusetts* v. *Boston Edison Co.*, 434 U.S. 956 (1977) (Commission directed to give retroactive effect to an erroneously rejected rate increase filing); *Indiana & Michigan Electric Company* v. *Federal Power Commission*, 502 F.2d 336, 343–348 (D.C. Cir. 1974) and the numerous authorities there cited. See also *Maine Public Service Co.*, Docket No. E–8264 (order issued November 9, 1977); *Boston, Edison Co.*, Docket No. ER77–558 (order issued September 15, 1977); *Tennessee Natural Gas Lines, Inc.*, Docket Nos. RP71–11, *et al.* (order issued April 23, 1979); *United Gas Pipe Line Company*, Docket Nos. RP–75–30, *et al.* (order issued May 24, 1979); *Cities Service Gas Company*, Docket No. RP79–4 (order issued January 22, 1979); *Public Service Company of Indiana*, Docket No. ER78–513 (order issued January 8, 1979); Area Rate Proceedings, et al. (Southern Louisiana Area), Docket Nos. AR61–2, *et al.* (orders issued June 27, 1978 and July 31, 1978); *Jersey Central Power & Light Company*, Docket No. ER76–813 (order issued January 20, 1978). *Cf.* Section 74 of the American Law Institute's Restatement of Restitution (1937).

Also in point is our order of September 8, 1977, in *Central Power & Light Company*, Docket No. ER77–514. See the last sentence on page 4 of the mimeographed release. See also ordering paragraph (E) on page 6 of the mimeographed release. An effort to obtain judicial review of that order failed. *Central Power & Light Company* v. *Federal Energy Regulatory Commission*, No. 77–1843 (D.C. Cir.) (petition for review dismissed in an unreported order of November 30, 1977, by Bazelon, C.J. and Leventhal, J.). We read footnote 1 to that unreported order as a judicial affirmance of the course that we have consistently followed in situations of this sort and to which we once again adhere. That this footnote was written by two distinguished jurists, both of them very much at home in the law and lore of rate regulation, enhances its authority.

True it is that Rule 8(f) of the Rules of the Court of Appeals of the District of Columbia Circuit forbids the citation of unreported dispositions. Hence *Central Power & Light* may be of questionable status as a precedent in the court that decided it. But that is by no means axiomatic. See Reynolds and Richman, *The Non-Precedential Precedent—Limited Pubication and No-Citation Rules in the United States Courts of Appeals*, 78 Colum. L. Rev. 1167, 1197 (1978): "If Karl Llewellyn was right in his suggestion that following precedent is a basic human urge [footnote citation to Llewellyn, *Case Law*, in 3 Encyclopedia of the Social Sciences 249 (1930)], then it is natural that the court will attempt to follow its earlier decisions—at the very least, for the sake of consistency and collegial harmony." And even if *Central Power & Light* is of no precedential weight in the Court of Appeals, humbler tribunals such as this Commission may (and perhaps must) look to that case as a guide to the state of the law. See *Mohr* v. *Jordan*, 370 F. Supp. 1149 (D. Md. 1974); *Durkin* v. *Davis*, 380 F. Supp. 249 254 (E.D. Va. 1975), *rev'd on other grounds*, 538 F.2d 1037 (4th Cir. 1976).

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7479 Filed 3-9-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. C81-217-000]

Robert Cargill; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 4, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft.[3]	Pressure base
C81-217-000 (G-1377) B Feb. 23, 1981.	Robert Cargill, P.O. Box 992, Longview, Texas 75601.	Arkansas Louisiana Gas Company, Willow Springs, Gregg County, Texas.	(2)	
C81-216 (C81-278) B Feb. 18, 1981.	CRA, Inc., P.O. Box 7305, Kansas City, Missouri 64116.	Lone Star Gas Company, South Alma Field, Stephens County, Oklahoma.	(2)	

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.
[1] The Petit Formation has been depleted such that its wellhead pressure is insufficient to allow gas from the formation to be placed into the same line carrying Travis Peak and Bodenheim production.
[2] No sales made under this certificate. Lease ownership has been transferred.

[FR Doc. 81-7482 Filed 3-9-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3247]

Henwood Associates, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 mW Capacity

March 4, 1981.

Take notice that on November 7, 1980, Henwood Associates, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Pub. L. 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed Graeagle Hydroelectric Project (FERC Project No. 3247) would be located on Gray Eagle Creek, near the town of Graeagle, in Plumas County, California. Correspondence with the Applicant should be directed to: Dr. Kenneth Henwood, Henwood Associates, Inc., P.O. Box 7, Smartville, California 95977. Any person who wishes to file a response to this notice should be read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 4-foot high rock-filled, timber-crib diversion dam; (2) a 3,800-foot long, 20-inch diameter pipeline; (3) a 1,470-foot long, 20-inch diameter steel penstock; (4) a wood powerhouse containing one generating unit rated at 300 kW; and (5) a 3,800-foot long 7.2-kV transmission line. The project would be operated on a run of the river basis. Natural flows to the creek are augmented during low flow conditions by Graeagle Water Company releases from Long Lake for irrigation and domestic uses. The average annual energy generation is estimated to be 2.8 million kWh.

Purpose of Project—The power and energy generated by the project would be used as marginal power within the California power grid.

Estimated Cost—The cost of the project is estimated by the Applicant to be $200,000.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than August 11, 1981. Applications for a preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTESTS" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3247. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7480 3-9-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. E-8329 (Limited Issue), ER76-792, and ER76-716]

Indiana and Michigan Electric Co.; Filing

March 4, 1981.

The filing company submits the following:

Take notice that on February 17, 1981, Indiana and Michigan Electric Company submitted for filing a revised compliance filing.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before March 25, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7491 Filed 3-9-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-274, etc.]

Mountain Fuel Supply Co., et al.; Order Consolidating Proceedings, Granting Petitions To Intervene and Providing for Oral Presentation

Issued: March 3, 1981.

In the matter of Mountain Fuel Supply Co. and Mountain Fuel Resources, Inc., Docket No. CP80-274; Mountain Fuel Supply Co. and Wexpro Co., Docket No. CP80-275; Celsius Energy Co., Docket No. CI80-233; and Mountain Fuel Supply Co., Docket No. CP76-397.

Applications

On March 7, 1980, Mountain Fuel Supply Co. (Mountain Fuel) and Mountain Fuel Resources, Inc. (Resources), a wholly owned subsidiary of Mountain Fuel, filed a joint application in Docket No. CP80-274 requesting authority under Sections 7(b) and 7(c) of the Natural Gas Act for Mountain Fuel to abandon to Resources and Resources to acquire certain transmission and storage facilities, gas purchase agreements and sales and service obligations. Specifically, Mountain Fuel proposes to abandon all interstate transmission facilities east of its Sunset, Porter Lane and Sunnyside metering and regulating stations, all Hinshaw transmission facilities east of its Payson Canyon metering and regulating station, all non-jurisdictional transmission lines within Utah (other than Mountain Fuel's Line No. 48), and all gas purchase agreements and all agreements covering Mountain Fuel's interstate transportation for others. Resources proposes to acquire the transferred facilities and properities for at least depreciated book value in exchange for issuance of Resources' stock and assumption of certain Mountain Fuel debt in such proportions that Mountain Fuel's and Resources' stock maintain approximately a 75:25 debt-equity ratio. Mountain Fuel also seeks abandonment authority to permit certain jurisdictional facilities west of the metering stations to become non-jurisdictional.

Mountain Fuel is currently a vertically integrated company engaged in the exploration, development, production, transmission and distribution of natural gas. As a result of these proposed transfers, Mountain Fuel would become a local distribution company serving Wyoming and Utah and would maintain a limited production program within Utah. Resources would provide interstate transportation services for Mountain Fuel and others and would sell natural gas to Mountain Fuel under a proposed new CD rate schedule. Although Resources proposes no changes from Mountain Fuel's currently effective transportation rates, orders or stipulations in several Mountain Fuel proceedings provide for the development of a new systemwide transportation rate, whether in this proceeding or in a separate proceeding under Section 4 (e) of the Natural Gas Act.[1]

In its application in Docket No. CP76-397, filed June 17, 1976, Mountain Fuel requests a disclaimer of jurisdiction over and authority to abandon its jurisdictional facilities west of its Sunset, Porter Lane and Sunnyside metering stations. In Docket Nos. G-313

[1] See, *e.g.*, Order in Docket No. CP79-19 (Oct. 28, 1980); also the proposed stipulation in Docket Nos. CP79-80, *et al.*

and G–957,[2] the Commission [3] certificated certain Mountain Fuel facilities west of these three metering stations and east of Mountain Fuel's alleged historical city gate. Mountain Fuel alleges that its distribution service has increased, thereby requiring it to install additional facilities and taps. Mountain Fuel alleges these additional facilities and taps, while west of its historical city-gate, actually function as distribution facilities and should not be deemed jurisdictional.[4] In Docket No. CP76–397 Mountain Fuel seeks to clarify the non-jurisdictionality of these facilities through establishing what it contends are more realistic city-gate locations.

On January 16, 1980, Mountain Fuel requested the Commission to defer processing its application in Docket No. CP76–397 for 90 days, during which time Mountain Fuel filed its application in Docket No. CP80–274. The application in Docket No. CP80–274 does not supersede the application in Docket No. CP76–397. These applications are apparently filed in the alternative. If the application in Docket No. CP80–274 were granted, however, Mountain Fuel would retain facilities between the metering stations and the historical city-gate as non-jurisdictional distribution facilities.

Mountain Fuel has historically held its undeveloped leaseholds in a utility account and included in rate base the costs of acquiring and maintaining these interests. It expensed exploration and development expenditures associated with these leaseholds against its cost of service. It classified its producing properties as oil or gas based upon the relative value of the initial oil and gas product from the property. Properties which by value produced primarily oil were classified as oil wells, transferred to Mountain Fuel's non-utility division accounts and removed from rate base. Properties classified as gas properties were transferred to a second Mountain Fuel utility account.

Between 1972 and 1977, Mountain Fuel's non-utility account funded increasing percentages of Mountain Fuel's pre-classification exploration and development expenses until in 1976 Mountain Fuel's utility and non-utility divisions each contributed 50 percent of these expenses. The Utah Division of Public Utilities (Division), part of the staff of the Public Service Commission of Utah (PSCU), urged the PSCU to require Mountain Fuel to credit oil revenues against its gas cost of service. The Division reasoned that Utah gas ratepayers had funded lease acquisition, exploration and development to the extent these expenditures were accounted for in rate base. It contended that the customers had borne certain exploration risks and were entitled to resulting benefits.

In light of its uncertainty as to whether the PSCU would require crediting of oil revenues, Mountain Fuel formed Wexpro Co., a wholly-owned subsidiary, in 1976, to which it transferred its non-utility oil accounts effective January 1, 1977. Thereafter, Mountain Fuel and Wexpro each acquired additional undeveloped leasehold acreage. Mountain Fuel and Wexpro entered a Joint Exploration Agreement (JEA) under which each contributed half the cost of annual exploration expenses. Mountain Fuel capitalized acquisition and maintenance costs attributable to undeveloped leaseholds. It classified its productive properties as oil or gas properties based on the relative values of the oil and gas initially produced from the acreage. Mountain Fuel transferred its oil properties from its capital account to Wexpro and Wexpro reimbursed Mountain Fuel for Mountain Fuel's 50 percent share of expenses. Mountain Fuel transferred its gas properties to a second Mountain Fuel utility account, reimbursing Wexpro for its 50 percent share of expenses. Dry hole expenses were borne equally.

The PSCU approved the JEA,[5] and the Division and the Utah Committee of Consumer Services (Committee), a committee under the Utah Department of Business Regulation, appealed to the Utah Supreme Court.[6] The Court reversed the PSCU, remanded the proceedings, and directed the PSCU to determine which of the oil properties transferred to Wexpro were utility assets.[7]

Mountain Fuel alleges that given the uncertainty surrounding oil revenue treatment, it cannot continue to finance a viable exploration and production program, particularly with regard to its undeveloped leasehold acreage. Mountain Fuel and Wexpro have discontinued their joint exploration program. Mountain Fuel has continued a limited exploration program on those leases on which drilling has been required to avoid drainage or loss of lease, or to respond to partner or USGS demand. Mountain Fuel and its affiliates propose the reorganization of production facilities in Docket Nos. CP80–275 and CI80–233 in order to limit the scope of the Wexpro remand proceedings to Mountain Fuel's Utah holdings.

In Docket No. CP80–275, on March 7, 1980, Mountain Fuel and Wexpro filed a joint application under Sections 7(b) and 8 of the NGA for authority to sell, assign and convey certain leasehold properties and production, processing, and appurtenant facilities to Celsius Energy Co., a wholly-owned subsidiary of Resources. Mountain Fuel and Wexpro propose to transfer to Celsius, Mountain Fuel's gas properties outside Utah, including properties dedicated to sales for resale in interstate commerce, Mountain Fuel's undeveloped leasehold acreage both within and outside Utah, those of Wexpro's oil properties outside Utah previously owned by Mountain Fuel, and appurtenant facilities. Mountain Fuel proposes to retain most of its gas properties located within Utah.

Mountain Fuel also proposes to transfer its F–1 and F–2 rate schedules to Celsius. Currently under these jurisdictional tariffs Mountain Fuel sells gas to Resources in Colorado for resale to Mountain Fuel in Utah for transmission through Mountain Fuel's Hinshaw facilities.

In its application in Docket No. CI80–233, filed March 7, 1980, Celsius seeks authority to acquire the abandoned properties. Celsius proposes to acquire the properties and facilities at depreciated book value in in exchange for issuing its common stock to Resources and assuming certain Resources debt. Again, stock would be issued and debt assumed in such proportions that Celsius and Resources would obtain a 75:25 debt to equity ratio. Mountain Fuel would also redeem a portion of Wexpro's stock.

Celsius also proposes to afford Resources a right of first refusal to purchase gas for the account of Mountain Fuel in a sale for resale in interstate commerce. Mountain Fuel claims this sale would constitute a first

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[2] Order, Docket No. G–313 (May 7, 1943) ("grandfather" certificate); Order, Docket No. G–957, 7 FPC 414 (1948).

[3] The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[4] The Commission has previously challenged Mountain Fuel's failure to obtain certificates of public convenience and necesity for these additional facilities and taps. Pursuant to an agreement between Mountain Fuel and staff, the Commission determined that Mountain Fuel shall file applications in two other dockets. *See* Appendix of Order Granting Rehearing, Dockets Nos. CP75–131, CP76–129 and CP76–94 (Nov. 14, 1977). The first of these is Docket No. CP76–397.

[5] *In re Petition of the Division of Public Utilities, Report and Order on Rehearing*, Case No. 76–057–14 (April 11, 1978.) (PSC Wexpro Order).

[6] *Committee of Consumer Services* v. *Public Service Commission*, 595 P. 2d 871 (Utah, 1979). (Wexpro Decision.)

[7] The remanded proceedings are still pending before the PSCU.

sale within the meaning of the Natural Gas Policy Act of 1978 (NGPA).[*]

Motion To Dismiss

On December 22, 1980, the Division and Committee filed a motion to dismiss the applications in Docket Nos. CP80–274, CP80–275 and CI80–233. The Division and Committee invoked the Commission's discretion to refuse to assert jurisdiction. They alleged the Commission's decision whether or not to assert jurisdiction in these proceedings depends upon the existence or lack of a "regulatory gap," that is, whether the Commission's failure to assert jurisdiction would leave certain transactions or activities unregulated by either state or federal authority. The motion alleges the Commission has no good reason for asserting jurisdiction, as the issues before it concern local matters which have been the subject of extensive litigation before the PSCU. The PSCU, by separate pleading, supports the Division's and Committee's motion to dismiss.

On February 13, 1981, the Division and Committee supplemented their motion to dismiss, arguing that the Commission has no jurisdiction to regulate Mountain Fuel's ability to transfer its nonfederally certificated producing and exploratory properties included in rate base. They contend the Commission lacks jurisdiction on two grounds. First, they allege the Commission lacks jurisdiction over the transfer of undeveloped leaseholds. They allege that the transfer of the leases is not equivalent to a sale of gas. They conclude that absent a sale in interstate commerce of natural gas for resale, the Commission lacks jurisdiction over the transfer of production properties. Second, the Committee and Division allege the PSCU has acted within its mandate under Utah law in a manner not preempted by federal law. On January 9, 1981, Mountain Fuel, Resources, Wexpro and Celsius filed an answer to the motion to dismiss, contending that summary dismissal is improper and that a hearing is necessary. The applicants also claim that the PSCU's jurisdiction may properly extend only to the intrastate aspects of Mountain Fuel's operations, to wit, only leases within Utah, and that to the extent conflicts arise between Utah and federal jurisdiction, federal authority is primary and preemptive.

Interventions and Opposition to Interventions

The application in Docket No. CP80–274 was noticed on March 19, 1980, with petitions to intervene due by April 10, 1980. The applications in Docket Nos. CP80–275 and CI80–233 were noticed on March 26, 1980, and November 28, 1980, with petitions to intervene due by April 16, 1980 and December 22, 1980. Timely petitions to intervene were filed by Colorado Interstate Gas Company (CIG) in Docket No. CP80–274 and by Northwest Pipeline Corporation (Northwest) in Docket Nos. CP80–274, CP80–275 and CI80–233. Neither CIG or Northwest take a position in these matters.

The Division and Committee filed a joint protest and petition to intervene in Docket Nos. CP80–275 and CI80–233. They contend that Mountain Fuel and its affiliates propose the reorganization, specifically the spin-off of producing properties and acreage to Celsius, for the sole purpose of limiting the scope of the *Wexpro* decision. They allege that the Utah rate customers have supported Mountain Fuel's exploration program through rate base treatment of property and the expensing of exploration and development costs. Arguing that gain must follow risk, the Division and Committee contend that Utah's customers are entitled to crediting of oil production revenues against gas cost-of-service prices. They finally allege that the proposed reorganization would result in substantially higher rates for Utah customers. The Division and Committee then request that the applications in Docket Nos. CP80–274, CP80–275 and CI80–233 be consolidated and set for hearing, and they petition for leave to intervene. (As discussed *supra*, the Division and Committee have also filed a motion to dismiss the several applications filed by Mountain Fuel, *et al.*)

Mountain Fuel challenges the Division's and Committee's protest and intervention, alleging that the protest is *ultra vires*. Moreover, Mountain Fuel contends that its capital investors, not the Utah ratepayers, have borne the risks of Mountain Fuel's and Wexpro's exploration program. Mountain Fuel then requests the Commission to deny the Division's and Committee's joint protest and petition to intervene.

On April 12, 1980, the Wyoming Public Service Commission (PSCW) filed a Notice of Intervention in Docket Nos. CP80–274, CP80–275, and CI80–233. It fully supports the Division's and Committee's right to intervene in these proceedings, including the request for a full hearing and consolidation of dockets. A motion to dismiss the pending applications was filed by the PSCU on February 17, 1981.

On May 7, 1980, the Division and Committee replied to Mountain Fuel's answer to their petition to intervene. The Division alleged that it is not limited to participation in cases before the PSCU and has, in fact, intervened and fully participated in other cases before this Commission. Nevertheless, we have been cited no Utah statute or regulation which sets forth a relevant mandate, such as that the Division is charged with representing the public interest in utility matters in fora outside Utah. We, therefore, hold in abeyance the Division's petition to intervene and direct the Division to substantiate further its claim that it has authority to represent the public interest of Utah in matters before this Commission. Until such authority is found lacking, however, it is appropriate to permit the Division to participate in the oral presentation provided for hereinafter.

As to the Committee, Mountain Fuel agrees that it is charged with representing small business and residential consumers in utility rate matters, but alleges this authority extends only to administrative or judicial law in Utah. Utah laws seems to provide otherwise. While the Committee may be limited in bringing its own actions, U.C.A. Sec. 54–10–4, the Attorney General's representative assigned to the Committee is charged with representing the Committee at all hearings or other proceedings affecting services, rates or charges in Utah and is authorized to prosecute all actions which the Committee deems necessary. U.C.A. Sec. 65–10–78. We do not presume to interpret Utah law. Nor do we determine that the Committee's actions in this proceeding are not *ultra vires*. We do not believe such determinations are necessary. We merely find that the Committee has presented a colorable claim of authority to represent before us the interests it claims to represent. Upon that finding, we conclude that the Committee's intervention may be in the public interest and should be permitted.

McCulloch Interstate Gas Corporation (McCulloch) filed a petition to intervene

[*] On October 31, 1980, Mountain Fuel, Wexpro and Celsius filed a Supplement to Joint Application in Docket Nos. CP80–275 and CI80–233 in which Mountain Fuel proposed to transfer several undeveloped leaseholds to Celsius and Celsius proposed to sell any natural gas produced therefrom to Resources at NGPA prices, for resale on a right of first refusal basis to Mountain Fuel. These arrangements were allegedly necessary to prevent drainage, loss of lease, and other economic penalties resulting from Mountain Fuel's reduction of its production activities in light of *Committee of Consumer Services* v. *Public Service Commission of Utah*, 595 P.2d 871 (Utah 1979). Applicants requested "such temporary authority as (the Commission) may deem necessary" and indicated the transfer of leaseholds and price charged by Celsius would be subject to reconveyance or refund under any subsequent and non-appealable Commission order. This request for authorization is still pending before the Commission.

out-of-time in Docket Nos. CP80–275 and CI80–233. McCulloch states it is a direct competitor and indirect customer of Mountain Fuel. It alleges, moreover, that due to the division of its own interstate and intrastate activities among itself and its affiliates, it may be directly affected by any determination in these proceedings concerning the interrelationship between federal and state regulatory schemes. McCulloch states that due to the complexity of the issues involved in any potential restructuring of its own operations, it was unable earlier to ascertain the likely impact of any determinations in these proceedings on its own operations. Finally, McCulloch alleges that Mountain Fuel's strong protest against the intervention of the Division and Committee furthered its resolve to participate in these proceedings.

Mountain Fuel replies that McCulloch's untimely intervention should be denied for lack of sufficient interest or good cause. Mountain Fuel alleges McCulloch's interests as an indirect purchaser and competitor will not be affected. However, in light of Mountain Fuel's claim that it cannot maintain a viable, competitive production program under the *status quo*, McCulloch's interests as a competitive producer may very well be affected. Further, Mountain Fuel states that McCulloch's argument of ". . . regulatory precedent is nonsensical given the prior precedents that exist for similar restructuring." Again, we believe these proceedings may directly affect McCulloch's potential restructuring of its own operations, particularly with respect to resolution of the jurisdictional issues raised in this proceeding. We, therefore, find that McCulloch has alleged both sufficient interest to intervene and good cause for its tardy filing.

The PSCU also filed a late Notice of Intervention in Docket Nos. CP80–274, CP80–275, and CI80–233. The PSCU states it regulates the rates and service provided the public by utilities operating within its jurisdiction and claims to have jurisdiction over a substantial portion of the properties, facilities, and service obligations which applicants propose to transfer.

Mountain Fuel, Resources, Wexpro and Celsius filed an answer to the PSCU's notice of intervention on February 13, 1981. The applicants claim the PSCU indicated no explanation of or good cause for late intervention. Further, the applicants contend that if the Commission accepts the PSCU's late intervention, the interventions of the Division and Committee should be denied. Finally, the applicants argue that the issues presented before us are different from those before the PSCU and that the PSCU's prior actions cannot divest this Commission of whatever jurisdiction it may have. We find that good cause exists to honor the late notice of intervention of the Utah PSCU. Moreover, the stated interests of the PSCU, the Division and the Committee, both as expressed in their filings and as provided by Utah law, appear distinct.

The pleadings show this proceeding to be particularly complex. It involves multiple factual situations and strong differences of opinion on legal and jurisdictional issues. The pleadings filed with the Commission thus far do not explain, as clearly as the Commission requires, the underlying factual circumstances or views and supporting legal analyses as to the relevant jurisdiction of this Commission in these circumstances.

The contemplated presentation is not an oral argument within the technical meaning of our rules nor is it to be an evidentiary hearing. It is, instead, an exercise of the Commission's discretion to allow parties to present their views directly to the Commission and to explain to the Commission matters contained within their filings. This is more in the nature of an apparance of the parties at a Commission meeting to make oral presentations and to respond to such clarifying questions as the Commission might ask.

In particular, we would ask the applicants to describe precisely what they believe to be this Commission's jurisdiction with respect to the proposed corporate reorganization, *viz.* (1) what facilities, services, and leaseholds require our abandonment authorization, and on what theories; and (2) what certificate authorization would we then need to issue? To this end, we would expect the applicants first to describe factually the different types or classes of facilities, services, and leaseholds that are involved and, in this sense, establish the factual bases that may require different jurisdictional determinations. Thereafter, the state parties could clarify the actual circumstances, to the extent they believe that is necessary, and then describe their jurisdictional views and analyses.

While we do not intend to limit the presentations of the parties or to suggest in any way the views of the Commission in this matter, we set out the following issues as examples of the type of matters that may be presented by the applications before us:

(1) Whether in light of Section 7 of the Natural Gas Act or Section 2(18) of the Natural Gas Policy Act, notwithstanding the absence of any sale for resale, Mountain Fuel's or Wexpro's developed leaseholds outside Utah have been committeed or dedicated to interstate commerce by virtue of a service obligation which arose once gas from those leases was transported pursuant to Mountain Fuel's Section 7 transportation certificate, for sale in Utah;

(2) Whether in light of FERC Order Nos. 58, 98 and 102, and in particular the preamble to Order No. 98, the transfer of Mountain Fuel's or Wexpro's developed and undeveloped leaseholds have become subject to our abandonment jurisdiction to the extent lease acquisition and maintenance costs and exploration and development expenses have been included in Mountain Fuel's retail rates as set by the Utah and Wyoming PSC's;

(3) Assuming that the transfer of any of Mountain Fuel's or Wexpro's leaseholds are subject to the Commission's Natural Gas Act abandonment jurisdiction, does any section of the NGPA remove this transfer from the Commission's jurisidiction.

(4) Whether the Utah PSC may properly exercise jurisdiction over the transfer of developed or undeveloped leaseholds outside Utah for which the costs of acquiring, exploring or developing have been included in the cost-based retail rates of Mountain Fuel, and whether, for lack of such authority, a "regulatory gap" might exist;

(5) Whether the Commission has jurisdiction over any of the production-related facilities (*e.g.* processing plants, separators, etc.) proposed to be transferred;

(6) Which of the transmission facilities which Mountain Fuel proposes to transfer to Resources are subject to Commission jurisdiction?

These, and other similar issues deemed relevant by the parties, go primarily to the threshhold question of the nature and extent of this Commission's involvement in the proposed reorganization. In addition, we would request that the parties discuss the difference in effects on ratepayers between state and federal regulation assuming alternately that the proposed reorganization ultimately is disapproved or, on the other hand, approved. In this regard, assuming reorganization, could this Commission impose cost-of-service treatment similar to that imposed by the state? In responding to this question, the parties should discuss not only Order No. 98, for example, but also those Commission cases dealing with the treatment of acquisition, exploration

and development costs under and the allocation of revenues from a joint oil/gas production program.

So that the oral presentation might be facilitated, we would urge the applicants and the state entities to limit the number of spokespersons to one for each group, if possible and appropriate. We would think the other intervenors would not need to make presentations, but they are not precluded from doing so. Finally, the applicants and the state entities are encouraged to coordinate the manner and order of their presentations. All parties intending to participate in the oral presentation shall notify the Secretary by close of business on Thursday, March 12, 1981, of such intent and any agreement among the parties as to their presentations. While we do not believe it appropriate to impose time limits in this instance, we would hope the oral presentation would take no longer than a total of two hours.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the applications for certificate of public convenience and necessity, abandonment authority and accounting authority in Docket Nos. CP80–274, CP80–275, CI80–233 and CP76–397 be consolidated and that these matters be set for oral presentation, as hereinbefore discussed.

(2) Participation in this proceeding by CIG, Northwest and the Committee may be in the public interest.

(3) Good cause exists to permit the late intervention by McCulloch, and its participation in this proceeding may be in the public interest.

(4) Good cause exists for accepting the late notice of intervention submitted by PSCU.

The Commission orders:

(A) Docket Nos. CP80–274, CP80–275, CI80–233 and CP76–397 and hereby consolidated.

(B) An oral presentation, as discussed above, shall be held in these consolidated proceedings at 10:00 a.m. on Tuesday, March 17, 1981, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

(C) CIG, Northwest, the Committee and McCulloch are permitted to intervene in this consolidated proceeding subject to the Commission's Rules and Regulations; *provided, however,* that participation of said intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and, *provided, further,* that the admission of said intervenors shall not be construed by the Commission that they might be aggrieved by any other entered in this consolidated proceeding.

(D) The late notice of intervention submitted by PSCU is accepted for filing.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7461 Filed 3–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–198–000]

National Fuel Gas Supply Corp.; Application

March 4, 1981.

Take notice that on February 19, 1981, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP81–198–000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to provide short-term transportation service to other interstate pipeline companies. It states that it would comply with § 284.221(d) of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7462 Filed 3–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–195–000]

Natural Gas Pipeline Company of America; Application

March 4, 1981.

Take notice that on February 17, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81–195–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas transportation agreement with Mich Wis dated February 6, 1981, under which Applicant would transport up to 3,900 Mcf of natural gas per day for Mich Wis. Mich Wis would make delivery to Applicant through joint facilities being constructed by Mich Wis, Applicant and others to the U–T Offshore System (UTOS) 42-inch pipeline in West Cameron Block 116, offshore Louisiana, it is stated. Applicant would subsequently redeliver equivalent volumes of natural gas to Mich Wis at the existing interconnection between the offshore facilities of Mich Wis, UTOS and the High Island Offshore System in West Cameron Block 167, offshore Louisiana, it is asserted.

It is further stated that the equivalent volumes redelivered to Mich Wis would contain thermally equivalent heating value to the volume of gas delivered by Mich Wis at West Cameron Block 116 after reducing deliveries to account for

processing, loss and unaccounted for gas, gas used for fuel and operation, and variation due to the transportation of liquids.

Applicant asserts that Mich Wis' monthly demand charge would be equal to one-half of the current effective transportation rate being paid by Applicant to UTOS for each Mcf of the contract transportation quantity in effect.

It is further submitted that the transportation agreement is for a term of ten years from the date of initial delivery.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7493 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-46-000]

Navajo Refining Co.; Filing of Petition

March 4, 1981.

Take notice that Navajo Refining Company on February 26, 1981, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before March 30, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before March 30, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7494 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-299-000]

Public Service Company of Oklahoma; Filing

March 4, 1981.

The filing Company submits the following:

Take notice that on February 26, 1981, the Public Service Company of Oklahoma (PSO) tendered for filing its request for a change in the rates of the Markham Ferry Coordination Agreement identified as Rate Schedule FERC No. 206 for calendar year 1981.

The filing contends that the agreement provides for annual review of the capacity and energy rates charged by the parties to reflect changes in production and investment costs. The filing revises the capacity and energy charge rates to reflect those costs as of December 31, 1980.

PSO requests that the Commission waive its rules on notice requirements in order that the proposed rate schedule can become effective on January 1, 1981.

According to PSO the Oklahoma Corporation Commission and the Authority have been served a copy of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7496 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-16]

Seagull Interstate Corp.; Amendment To Application

March 4, 1981

Take notice that on June 16, 1980, Seagull Interstate Corporation (Applicant), 1800 Capital National Bank Building, 1300 Main Street, Houston, Texas 77002, filed in Docket No. CP80-16 an amendment to its application filed in said docket on October 9, 1979, pursuant to Section 7(c) of the National Gas Act so as to provide for a mechanism by which the Commission may establish a permanent just and reasonable rate for the transportation service to be performed pursuant to the blanket authorization sought in the aforementioned application, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application, Applicant requested blanket authorization pursuant to

Section 7(c) of the Natural Gas Act to construct and operate facilities for the transportation of natural gas in interstate commerce.

Applicant proposed to incorporate into its application the procedure with respect to rates expressed by the Commission in Section 284.123 of its Regulations which relates to transportation under Section 311 of the Natural Gas Policy Act of 1978 as a substitute for the mechanism originally proposed by Applicant.

Applicant states that under such amended proposal, upon commencement of the transportation service Applicant would file with the Commission the proposed interim rate with all information necessary to show the interim rate is just and reasonable. This interim rate would be deemed just and reasonable unless within 150 days after filing this rate and the supporting date the Commission either extends the time for action or institutes a proceeding for the determination of a just and reasonable rate, it is submitted.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7488 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3842-000]

South Columbia Basin Irrigation District, et al.; Application for License

March 4, 1981.

Take notice that on December 1, 1980, the South Columbia Basin Irrigation District, East Columbia Basin Irrigation District, and Quincy-Columbia Basin Irrigation District (Applicant) filed a joint application [pursuant to the Federal Power Act (Act), 16 U.S.C. 791(a)–825(r)] for a major license for the unconstructed E.B.C. 4.6 Power Plant (FERC Project No. 3842). The project would be located at mile 4.6 of the Water and Power Resources Service's Eltopia Branch Canal in Franklin County, Washington. Applicant has also requested exemption (under Section 30 of the Act and 4.90–4.94 of the Commission's regulations) from portions of Sections 4, 6 through 10, 13 through 15, 17, 20, 22, and 26 of Part I of the FPA. Correspondence with the Applicant should be directed to: Mr. Russell Smith, Secretary—Manager, South Columbia Basin Irrigation District, P.O. Box 1006, Pasco, Washington 99301.

The proposed project would consist of: (1) a diversion canal; (2) an intake structure; (3) a 5-foot diameter, 1,300-foot long buried concrete penstock; (4) a powerhouse containing a single generating unit with a capacity of 2.2 MW; (5) a tailrace canal; and (6) electrical transmission equipment.

The proposed project would have an average annual generation of 8.5 GWh at an estimated 1980 cost of $3,000,000. Power would be marketed to the cities of Seattle and Tacoma.

All project facilities would be constructed on privately owned lands upon which the Water and Power Resources Service of the Department of the Interior holds an easement for irrigation facilities.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 13, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7483 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3843-000]

South Columbia Basin Irrigation District, et al.; Application for License

March 4, 1981

Take notice that on December 1, 1980, the South Columbia Basin Irrigation District, East Columbia Basin Irrigation District, and Quincy-Columbia Basin Irrigation District (Applicant) filed a joint application [pursuant to the Federal Power Act (Act), 16 U.S.C. 791(a)–825(r)] for a major license for the unconstructed P.E.C. 66.0 Power Plant (FERC Project No. 3843). The project would be located at mile 66.0 of the Water and Power Resources Service's Potholes East Canal in Franklin County, Washington. Applicant has also requested exemption (under Section 30 of the Act and §§ 4.90–4.94 of the Commission's Regulations) from portions of Sections 4, 6 through 10, 13 through 15, 17, 20, 22, and 26 of Part I of the FPA. Correspondence with the Applicant should be directed to: Mr. Russell Smith, Secretary-Manager, South Columbia Basin Irrigation District, P.O. Box 1006, Pasco, Washington 99301.

The proposed project would consist of: (1) a diversion canal; (2) an intake structure; (3) a 4-foot diameter, 2,700-foot long, buried concrete penstock; (4) a powerhouse containing a single generating unit with a capacity of 2.3 MW; (5) a tailrace canal; and (6) electrical transmission equipment.

The proposed project would have an average annual generation of 11.8 GWh at an estimated 1980 cost of $3,000,000. Power would be marketed to the cities of Seattle and Tacoma.

All project facilities would be constructed on privately owned lands upon which the Water and Power Resources Service of the Department of the Interior holds an easement for irrigation facilities.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 11, 1981. A notice of intent must

conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 13, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7484 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3084-000]

Spaulding Fibre Company, Inc.; Application for Exemption

March 5, 1981.

Take notice that on January 9, 1981, the Spaulding Fibre Company, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Pub. L. 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The South Milton small hydroelectric project is located on the Salmon Falls River in Strafford County, New Hampshire and York County, Maine. Correspondence with the Applicant should be directed to Attorney Howard M. Moffett, Orr and Reno, 95 North Main Street, Concord, New Hampshire 03301.

Project Description—The proposed project would consist of the following existing works: (1) a 15-foot high rock crib and timber dam, with a 140-foot wide spillway topped with 5-foot flashboards; (2) a 3.3-acre impoundment; (3) a 3600-foot long penstock, separating at its lower end into three channels leading to three mill generator rooms; (4) a 250-kW turbine and generator set and a 450-kW turbine and generator set; and (5) appurtenant works.

The Applicant proposes to install an additional 300-kW of new generating capacity in the currently unused third generator room.

Purpose of Project—Project energy would be used by the Applicant for industrial purposes or sold to a local public utility.

Agency Comments—The U.S. Fish and Wildlife Service, the New Hampshire Department of Fish and Game and the Maine Department of Inland Fisheries and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Water Power Development Corporation's application, Project No. 3222, submitted on June 20, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 17, 1981.

Filing an Service of Responsible Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3084. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7485 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Project 2869-001]

Village of Potsdam, New York; Application for Exemption

March 5, 1981.

Take notice that the Village of Potsdam, New York (Applicant) filed with the Federal Energy Regulatory Commission on December 22, 1980, an application for exemption for its Potsdam Project No. 2869 from all of Part I of the Federal Power Act pursuant to 18 CFR Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Raquette River in the Village of Potsdam, St. Lawrence County, New York. Correspondence with the Applicant should be directed to: Ruth F. Garner, Mayor, Village of Potsdam, Potsdam Civic Center, Potsdam, New York 13676.

Project Description—The proposed run-of-the-river project would consist of existing Village-owned project works including: (1) two dams separated by Fall Island: (a) the 310-foot long gravity-type West Dam comprising a 130-foot long and 6-foot high timber-crib plank-faced spillway section with crest elevation 404.8 m.s.l., a 14-foot high concrete section on the left (west) side with crest elevation about 408 m.s.l., and a 10-foot high concrete section on the right (east) side with crest elevation

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

about 410 m.s.l.; (b) the 165-foot long and 7-foot high concrete and masonry gravity-type East Dam with a spillway crest elevation 405.1 m.s.l.; (2) a reservoir having a surface area of about 300 acres and a gross storage capacity of about 750 acre-feet at normal pool elevation 405.3 m.s.l.; (3) a brick and concrete powerhouse at the right (east) river bank including intake trash racks and head gates and containing an inoperative generating unit rated at 150-kW; (4) a short tailrace; and (5) appurtenant facilities.

Applicant proposes to: (1) replace the existing generating unit with a new unit rated at 400-kW; (2) install a new generating unit rated at 400-kW in the existing unused powerhouse bay; (3) install a monorail crane in the powerhouse; (4) modify the tailrace; (5) construct a retaining wall upstream from the powerhouse along the right bank; (6) rehabilitate both dams; and (7) make other miscellaneous repairs and improvements.

Applicant estimates that the average annual energy output would be 5,920,000 kWh.

Purpose of the Project—Project energy would be used by the Village in Village-owned facilities.

Purpose of Exemption—an exemption, if issued, gives the exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 2869. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7488 3-9-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Objection to Proposed Remedial Order Filed

On December 15, 1980, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before March 30, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 3, 1981.

Sycamore Shell, Danville, California, BRO-1385, motor gasoline

On December 15, 1980, A.J. Atale d/b/a Sycamore Shell, 1 Boone Court, Danville, California 94526 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on July 30, 1980. In the PRO the Western District found that during December 15, 1979 to June 13, 1980, the firm committed pricing violations of $13,135.43 in connection with the sale of motor gasoline in the State of California.

[FR Doc. 81-7521 Filed 3-9-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL 1771-6]

Assessments of Human Exposure to Atmospheric Concentrations of Selected Chemicals; Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of document availability and request for public comment.

SUMMARY: EPA announces the availability of two reports on population exposure to selected chemicals of concern that are emitted into the atmosphere. The first report includes a description of the methodology for performing population exposure assessments and applies that methodology to 29 chemicals or groups of chemicals listed below. The second report contains population exposure assessments for four additional chemicals. EPA is seeking public comment on the adequacy of the methodology and the accuracy of the assessments.

DATES: Comments on the above reports should be postmarked no later than May 11, 1981.

ADDRESSES:

Availability of documents: Copies of the reports containing the methodology and the exposure assessments for the chemicals listed below may be obtained from the U.S Environmental Protection Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number 919-541-2777 (FTS 629-2777).

Please request the Systems Applications, Inc. report or the SRI International report when ordering.

Comments: Comments should be sent in duplicate to Mr. Michael Dusetzina, Strategies and Air Standards Division, (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone number 919–541–5201 (FTS 629–5201).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Dusetzina, (919) 541–5201 (FTS 629–5201).

SUPPLEMENTARY INFORMATION: EPA has identified a number of substances which may be airborne carcinogens. As part of the assessment of these substances, EPA contracted with Systems Applications, Inc. (SAI) and SRI International to perform for selected chemicals a preliminary population exposure analysis relying upon readily available information on the production, uses, properties, air concentrations, and other indices useful in assessing the potential for public exposure. The first report, prepared by SAI, consists of two volumes containing the methodology and exposure assessments for the following chemicals or groups of chemicals:

Acetaldehyde
Acrolein
Allyl chloride
Benzyl chloride
Beryllium
Carbon tetrachloride
Chlorobenzenes
Chloroform
Chloroprene
Cresols (ortho, meta and para)
Dimethylnitrosamine
Dioxin (2,3,7,8-TCDD)
Epichlorohydrin
Ethylene oxide
Formaldehyde
Hexachlorocyclopentadiene
Manganese
Methylene chloride
Methyl chloroform (1,1,1-Trichloroethane)
Nitrosomorpholine
Nickel
Nitrobenzene
PCB
Phenol
Phosgene
Propylene oxide
Toluene
Trichloroethylene
Xylenes (ortho, meta and para)

The second report contains the following SRI International exposure assessments:

Assessment of Human Exposures to Atmospheric Acrylonitrile
Atomspheric Ethylene Dibromide: A Source Specific Assessment
Assessment of Human Exposures to Atmospheric Ethylene Dichloride
Assessment of Human Exposures to Atmospheric Perchloroethylene.

The exposure assessments identify types and locations of sources of air pollution; estimate emissions, ambient concentrations, and surrounding populations; and provide rough estimates of the number of people exposed to various concentrations on a nationwide basis. These exposure assessments may be used in conjunction with assessments of the health effects of the pollutant (which will be performed in those cases where the exposure assessment indicates a potentially significant public exposure) to determine the need or regulation under the Clean Air Act (e.g., whether the pollutant should be listed as a hazardous pollutant under Section 112 of the Act). Since these exposure estimates are order-of-magnitude assessments of the national level, more detailed exposure assessments will generally be carried out in determining the need for, and degree of control appropriate for, individual source categories. Although the purpose of the preliminary assessment does not warrant the large expenditures of time and money needed to provide definitive information, EPA desires to use the most accurate information readily available. Of particular interest are the accuracies of the identification of the types and locations of sources and the emissions of pollutants from the identified sources. The methodology used for estimating the extent of public exposure represents the degree of expense and complexity considered appropriate for a rough approximation of national-level exposure.

EPA is through this notice soliciting comments from all concerned public parties on the methodology used and the accuracy of the exposure assessments in light of the original design and intended use of the documents. Some or all of these assessments have been made available previously, e.g., for the meeting of the Subcommittee on Airborne Carcinogens of the Science Advisory Board, September 4–5, 1980, and for various interested industry organizations. Those that have previously commented on these exposure assessments need not resubmit those comments. In making any decisions on the basis of these exposure assessments EPA will consider all comments received previously or as a result of this notice.

Dated: March 3, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-7429 Filed 3-9-81; 8:45 am]
BILLING CODE 6560-26-M

[OPP–50526; PH–FRL 1771–8]

Abbott Laboratories; Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued extensions of experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Room 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA has extended the following experimental use permits:

275–EUP–13. Abbott Laboratories, North Chicago, IL 60064. This experimental use permit allows the use of the mixture of 8 pounds (4 pounds each) of the plant growth regulators gibberellic acid and 6-benzyladenine on apples to evaluate improvement of typiness or shape of fruit. A total of 224 acres are involved. The program is authorized only in the States of California, Idaho, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Utah, Vermont, Washington, and Wisconsin. The program is effective from March 19, 1981 to March 19, 1982. Permanent tolerances for residues of the active ingredients in or on apples have been established (40 CFR 180.224 and 180.376).

275–EUP–16. Abbott Laboratories, North Chicago, IL 60064. This experimental use permit allows the use of the mixture of 8 pounds (4 pounds each) of the plant growth regulators gibberellic acid and 6-benzyladenine in a tank mixture on apples to evaluate improvement of typiness or shape of fruit. A total of 224 acres are involved. The program is authorized only in the States of California, Idaho, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Utah, Vermont, Washington, and Wisconsin. The program is effective from March 18, 1981 to March 18, 1982. A permanent tolerance for residues of the active ingredient in or on apples has been

established (40 CFR 180.224 and 180.376).

Persons wishing to review these experimental use permits are referred to the designated product manager. Inquiries concerning these permits should be directed to the person cited above. It is suggested that interested persons call before visitng the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (21 U.S.C. 136))

Dated: February 27, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-7411 Filed 3-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180564; PH-FRL 1772-6]

California; Issuance of Specific Exemption for Botran and Orthophenylphenol on Kiwi Fruit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") for the use of a Botran and orthophenylphenol combination post-harvest treatment on a maximum of 16 million pounds of kiwi fruit to control *Alternaria alternata* and *Botrytis cinerea*. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: The post-harvest diseases attacking kiwi fruit during storage are Alternaria surface mold and Botrytis rot. The Applicant claims that there are no registered pesticides for control of Alternaria or Botrytis on kiwi fruit. Cultural controls do not exist that can control this problem economically, according to the Applicant. Data submitted for an experimental use permit for KIWI LUSTR 277, the proposed pesticide product, indicate it is effective against these pests. This product contains the active ingredient (a.i.) 2,6-dichloro-4-nitroaniline and o-phenylphenol. The Applicant claims a loss of $3.25 million could occur without the use of KIWI LUSTR 277.

EPA has determined that residues from the proposed use are not expected to exceed 20 parts per million of each of the active ingredients in or on kiwi fruit. These levels have been judged adequate to protect the public health. While there are data gaps with respect to both of the active ingredients, the increase in exposure to the public from use under the exemption are expected to be nominal.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted permission to use the pesticide noted above until March 31, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product KIWI LUSTR 277 Concentrate, manufactured by the Pennwalt Corp., may be used.

2. One post-harvest application may be made using 1 gallon of spray mixture per 5,000 pounds of kiwi fruit. The spray mixture will be prepared using 1 gallon of KIWI LUSTR 277 Concentrate per 9 gallons of soft water.

3. A maximum of 16 million pounds of kiwi fruit may be treated.

4. Applications must be made by or under the direct supervision of an applicator State-certified for this category of pest control.

5. This product is toxic to fish. It must not be discharged into lakes, streams, ponds, or public waters unless in accordance with an NPDES permit. The regional office of EPA will provide guidance.

6. Kiwi fruit treated in accordance with the above program is not expected to exceed residue levels of 20 ppm each of orthophenylphenol and 2,6-dichloro-4-nitroaniline. Kiwi fruit with residues not exceeding these levels may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

7. Labeling accepted on December 6, 1979, for experimental use permit number 4581-EUP-33 must be used for shipment of this product.

8. All applicable precautions and restrictions on the labeling used in conjunction with experimental use permit 4581-EUP-33 should be adhered to.

9. The EPA shall be immediately informed of any adverse effects resulting from the use of KIWI LUSTR 277 Concentrate in connection with this exemption.

10. A full report summarizing the results of this program must be submitted to the EPA by the Applicant by August 1, 1981.

11. All unopened containers of KIWI LUSTR Concentrate must be returned to the manufacturer. Pesticide, spray mixture, or rinse water that cannot be used, should be disposed of in a landfill approved for pesticides. The EPA regional office will supply information concerning the location of approved landfill sites.

12. A residue analysis must be made to determine residue levels of both of the active ingredients present in the rind and those levels present in the pulp. Analysis should be performed promptly following treatment of kiwi fruit. This analysis must be submitted as soon as it becomes available.

(Sec. 18 as amended 92 Stat. 819 (7 U.S.C. 136))

Dated: February 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7409 Filed 3-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180556; PH-FRL 1772-7]

Florida; Issuance of Specific Exemption for Permethrin on Celery

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use permethrin for control of the vegetable leafminer on 11,000 acres of celery in four counties in Florida. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: Leafminers have periodically plagued Florida celery since the late 1940's. Leafminer damage to the celery results in reduced quality and leaf death; ultimately, the plant branches die. This damage necessitates stripping, trimming,

and culling which drastically reduce yield and quality. According to the Applicant, complete fields may be lost or marketed only as a salvage operation. The Applicant claims that permethrin plays an important role in the Integrated Pest Management program (IPM) that is being developed in Florida to control leafminers.

The following insecticides are registered for leafminer control: Cygon, Dibrom, Diazinon, Orthene, and Vydate. According to the Applicant, the registered alternatives are ineffective to the extent necessary to control the insect due to the leafminer's developed resistance to these pesticides. The Applicant estimates that without the use of an effective pesticide, losses of millions of dollars could be incurred by the Florida celery industry.

The Applicant proposed to use permethrin, manufactured by ICI Americas, Inc. as Ambush, and by FMC Corp. as Pounce, at a rate of 0.05 to 0.20 pound active ingredient (a.i.) per acre. Applications will be made by State-certified commercial applicators or persons under their direct supervision, using ground or air equipment in the following areas: Orange, Palm Beach, Sarasota, and Seminole Counties.

Residues of permethrin in or on celery are not expected to exceed 5 parts per million (ppm), residues of the metabolite DCVA are not expected to exceed 4 ppm, and residues of the metabolite 3-PBA are not expected to exceed 1.2 ppm as a result of this program. These residue levels have been judged by EPA to be adequate to protect the public health.

Environmental problems associated with permethrin's extreme toxicity to aquatic organisms should be reduced by the restrictions imposed by EPA. These restrictions should also minimize danger to two endangered species, the Everglade Kite and Southern Bald Eagle, both of which feed on aquatic organisms. The proposed use is not expected to pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that the proposed use is an important component of Florida's Integrated Pest Management program, and that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above to the extent and in the manner set fourth in the application until June 30, 1981. The specific exemption is also subject to the following conditions:

1. Use of the products Ambush 2E (EPA Reg. No. 10182-18) and Pounce 3.2 EC (EPA Reg. No. 2791-3014), is authorized.

2. Total acreage treated may not exceed 11,000 acres in the counties named above.

3. Permethrin will be applied at a rate of 0.05 to 0.20 pound a.i. per acre per application. A maximum of 3 pounds a.i. per acre may be applied.

4. A maximum of 21 applications may be made. Applications may be made at 5- to 14-day intervals. There is no preharvest interval.

5. A 60-day crop rotation restriction is imposed.

6. A maximum of 33,000 pounds a.i. may be applied.

7. Applications of permethrin may be made by ground or air equipment.

8. Permethrin spray mixture volumes of 40 to 50 gallons of water per acre will be made by ground application, and a minimum of 5 gallons of water per acre will be made by aerial application.

9. All applications will be made by State-certified applicators or persons under their direct supervision.

10. Permethrin is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It must not be applied, or allowed to drift to weeds or crops in bloom where bees are actively foraging. Protective information may be obtained from the Florida Cooperative Agricultural Extension Service.

11. Permethrin should not be applied any closer to fish-bearing waters than indicated in the chart below:

Permethrin Application Rate

[Buffer zone—feet]

Height and method	Pounds per acre		
	(0.5)	(0.1)	(0.2)
2 feet/ground spray:			
Freshwater	25	50	80
Saltwater	130	200	350
8 feet/aerial spray:			
Freshwater	100	200	350
Saltwater	1,847	2,770	3,950

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or aquatic invertebrate kills.

12. Precautions must be taken to avoid or minimize spray drift to nontarget areas. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour.

13. Permethrin is extremely toxic to fish and aquatic invertebrates. It must not be applied directly to any body of water, and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposing of waste or excess pesticides.

14. Two endangered species, the Florida Everglade Kite and the Southern Bald Eagle, are endemic to regions in the treatment area. Application of the pesticide according to the above instructions and restrictions is expected to minimize the risk to these animals. Permethrin should not be applied in areas where spray drift could possibly impact aquatic ecosystems containing federally designated endangered or threatened species. Liasion should be established between the Applicant and the Florida Fresh Water Fish and Game Commission in order to protect fish and wildlife.

15. Celery treated according to the above provisions is not expected to have residues in excess of 5.0 ppm permethrin, 4.0 ppm of the metabolite DCVA, and 1.2 ppm of the metabolite 3-PBA. Celery with residues not exceeding these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

16. All applicable directions, restrictions, and precautions on the product label must be followed.

17. The EPA shall be informed immediately of any adverse effects resulting from this use of permethrin.

18. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by September 1, 1981.

(Sec. 18 as amended 92 Stat. 819 (7 U.S.C. 136))

Dated: February 26, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7404 Filed 3-9-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 8G2060/T287; PH-FRL 1772-2]

Glyphosate; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been renewed for the combined residues of the herbicide glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid in or on forage legumes at 0.4 part per million (ppm) and the liver and kidney

of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm.

DATE: These temporary tolerances expire January 29, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of December 20, 1978 (43 FR 59431) that Monsanto Co., 1101 17th St. NW., Washington, D.C. 20036, had submitted a pesticide petition (PP 8G2080) to the EPA. The petition proposed the establishment of temporary tolerances for the combined residues of the herbicide glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid in or on forage legumes at 0.4 ppm and the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm.

Monssanto Co. has requested a renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (524–EUP–46) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The Scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are being renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Monsanto Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The Company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire January 29, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances.

These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: February 27, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–7409 Filed 3–9–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50527; PH–FRL 1772–3]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

524–EUP–55. Monsanto Co., 1101 17th St. NW., Washington, D.C. 20036. This experimental use permit allows the use of a total of 8,000 pounds of the herbicides glyphosate and alachlor on corn and soybeans to evaluate control of weeds. A total of 2,000 acres are involved. The program is authorized only in the States of Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, Wisconsin, and Virginia. This experimental use permit is effective from January 22, 1981 to January 22, 1983. Permanent tolerances for residues of the active ingredients in or on corn and soybeans have been established (40 CFR 180.249 and 180.364).

400–EUP–60. Uniroyal Chemical, Div. of Uniroyal Inc., 74 Amity Road, Bethany, CT 06525. This experimental use permit allows the use of 296 pounds of the herbicide UBI–S734 on cotton, peanuts, potatoes, soybeans, sugar beets, and sunflowers to evaluate control of weeds. A total of 197 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from February 1, 1981 to February 1, 1982. This permit is issued under the special condition that the crops are to be destroyed or used for research purposes only.

Persons wishing to review these experimental use permits are referred to the designated product manager. Inquiries concerning these permits should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136))

Dated: February 27, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–7408 Filed 3–9–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50490A; PH–FRL 1772–1]

NOR–AM Agricultural Products, Inc.; Issuance of Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice amends experimental use permit 2139–EUP–24, for use of the fungicide propyl [3-(dimethyl-amino)propyl] carbamate monohydrochloride by including additional States.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of July 23, 1980, (45 FR 49146) that Nor–Am Agricultural Products, Inc., Naperville, IL 60540, had

been issued an experimental use permit for use of the fungicide propyl [3-(dimethylamino) propyl] carbamate monohydrochloride on turf grass to evaluate control of pythium blight. A total of 96 acres are involved.

Nor-Am has submitted an amendment to the permit to include the States of Nebraska and New York. The experimental use permit is effective from June 6, 1980, to May 1, 1981.

Persons wishing to review the experimental use permit are referred to the product manager. Inquiries regarding this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: February 27, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-7410 Filed 3-9-81; 8:45 am]

BILLING CODE 6560-32-M

[PPOG2326/T268; PH-FRC 1771-7]

Norflurazon; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been established for residues of the herbicide norflurazon and its desmethyl metabolite in or on the raw agricultural commodity soybeans at 0.10 part per million (ppm).

DATE: This temporary tolerance expires on April 20, 1982.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, RM. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, Suite 204, San Diego, CA 92180, has submitted a pesticide petition (PP OG2326) to the EPA. The petition proposed the establishment of a temporary tolerance for residues of the herbicide norflurazon [4-chloro-5-(methylamino)-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone], and its desmethyl metabolite [4-chloro-5-amino-2-(alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone] in or on the raw agricultural commodity soybeans at 0.10 part per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (11273-EUP-16) which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Sandoz, Inc., will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 20, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j))

Dated: February 27, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-7412 Filed 3-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180490A; PH-FRL 1773-1]

Department of Agriculture; Issuance of Specific Exemption for Naled in California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, (hearafter referred to as the "Applicant") for use of naled to eradicate the oriental fruit fly in California. The Applicant initiated a crisis exemption for this use of naled on July 1, 1980, in San Diego County and on August 4, 1980, in Orange County and so notified the Administrator. Notification of the crisis exemptions was published in the **Federal Register** of September 30, 1980 (45 FR 64706). The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: The oriental fruit fly is a serious pest of fruits and vegetables in Hawaii and the Orient. This pest has been eradicated in California on several occasions. The source of the present infestations found in San Diego and Orange Counties may be Hawaii, which is currently infested. In order to deal more effectively with the eradication of this pest, the Applicant has requested that the specific exemption allow treatment anywhere within California that an oriental fruit fly is captured. Serious economic losses could occur if this pest becomes established, according to the Applicant. The Applicant claims that there is no pesticide currently registered or available for use against the oriental fruit fly in California. Based on past experience with naled, it is expected that the naled bait will be successful in eradicating this fly from California.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted permission to use the pesticide noted above until October 8, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Lure baits consisting of 10 percent naled, 67 percent methyl eugenol, and 23 percent Min-U-Gel 400 may be used.

2. Placement of lure baits to trunks of trees, telephone poles, and other inanimate objects will be made using hand equipment.

3. All lure baits will be placed out of the normal reach of children and pets.

4. Applications will be made by or under the supervision of trained

pesticide applicators of the Applicant's Plant Protection Quarantine Programs, Animal and Plant Health Inspection Service, or the California Department of Food and Agriculture, Division of Plant Industry.

5. Treatments may be made to a 9 square mile area around each fly find. A maximum of 600 spots (stations) may be treated per square mile.

6. Treatments may be made on a biweekly basis for a period of time sufficient to cover three generations of the oriental fruit fly.

7. No treatment may be made to food or feed items.

8. Prior to initiation of this treatment program, notification should be made through public media as to the time and area to be treated. Individual property owners should also be contacted and advised of the treatment and appropriate precautions.

9. The EPA shall be immediately informed of any adverse effects resulting from use of naled in connection with this program.

10. The Applicant is responsible for ensuring that these conditions are met and must submit a report summarizing the results of this program by February 15, 1982.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: March 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7403 Filed 3-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51230; TSH-FRL 1772-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81-42—March 31, 1981.
PMN 81-46, 81-47, 81-48—April 3, 1981.

ADDRESSES: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, D.C. 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN Number 81-42, Notice Manager Kirk Maconaughey, Telephone (202-426-3936), Room No. E-210

For PMN Nos. 81-46, 81-47, 81-48, Notice Manager Janet Thompson, Telephone (202-755-1188), Room No. E-519A

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50444—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and rorms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may

submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51230]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 3, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-42

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 30, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Substitutedphenoxy) alkanoic acid, alkyl ester.

Use. Site-limited chemical intermediate. The final chemical will be a minor constitutent of a consumer article.

Import/Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	200
2d year	200	400
3d year	400	800

Physical/Chemical Properties.

Solubility:

Water—<0.1%.

Dimethyl sulfoxide—>1.0%.

Actone—>0.1%.

Corn oil—<0.1%.

Octanol—<0.1%.

Melting point—58°C.

Toxicity Data

Acute oral LD_{50} (mice and rats)—>3,000 mg/kg.

Acute dermal LD_{50}—>1,000 mg/kg.

Skin irritation—Slight.

Skin absorption—No evidence.

Repeated 10-day skin application—Slight exacerbation.

Skin sensitization potential—Moderate.

Eye irritation—Slight.

Ames *Salmonella* assay—Negative.

Repeated 2-week feeding study 0.1% and 1.0% in diet (rats)—Normal weight gain in both groups; hematology, clinical chemistry, and pathology normal in both groups; slight increase in liver weights in high-dose group.

Environmental Test

Chemical oxygen demand—1.88 g/g.

Secondary waste treatment compatibility study—A solution of 5,000 ppm nominal concentration did not affect microbial carbon metabolism.

Acute effects on fathead minnows, daphnids, *Helisoma* snails, and sideswimmers—A saturated solution, at a nominal concentration of 100 ppm, had no effects on the four species.

Exposure

Activity	Exposure route(s)	Maximum number exposed	Maximum duration		Concentrations	
			Hour/day	Day/year	Average unit	Peak mg/m³
Manufacture	Skin inhalation	2	1	5	0-1	1-10
Use	Skin inhalation	2	0.25	2	0-1	1-10

The manufacturer states that exposure may occur during the following transfer procedures: the damp chemical to the drying equipment, the dry chemical to storage, and the chemical to the reactor.

Environmental Release/Disposal. The manufacturer states that there will be negligible release of the new substance into the air and none released into land and water. Solid and liquid wastes are incinerated. Flue gases pass through a high energy scrubber system; scrubber and ash quench waters are discharged to a wastewater treatment system.

PMN-81-46

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 3, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Neutralized polymer of a modified epoxy resin.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin, eye, and inhalation contact for both chemical and non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	75,000	175,000
2d year	375,000	875,000
3d year	750,000	1,750,000

Physical/Chemical Properties

Milliequivalents acid—.510 MEQ acid/gm non-volatile

Milliequivalents base—1.22 MEQ base/ gm non-volatile

% Total solids by weight—39.6%.

Flash point—149°F.

Density—8.86 lbs/gal.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at three manufacturing sites 131 workers may be exposed to the new substance through skin and eye contact for 6-8 hr/da, 18 to 55 da/yr, during sampling, quality control sampling, and filling of shipping containers. At a processing site, 17 workers have potential skin and eye exposure for 6 hr/da, 150 da/yr, during filling of the mixing vessel, extracting samples for quality control, cleaning of equipment, and filling operations.

At the site of a typical user, 12 workers have potential eye and skin exposure for 8 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at both manufacturing and processing sites, less than 80 kg/yr of the new substance will be released into the air and water and from 130-1,300 kg/yr to land. Particulate emissions are contained by a baghouse, solvents and reactor vapors are cleaned by scrubbers, and sludge is incinerated, landfilled, or sold as fuel.

At the site of a typical user, less than 20 kg/yr of the new substance will be released into the air and water and from 1,000 to 10,000 kg/yr to the land.

PMN-81-47

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 3, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Neutralized polymer from modified epoxy resin.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an open use that will release more than 5,000 but less than 50,000 kg per year into the environment with potential skin and eye exposure to both chemical and non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	225,000	525,000
2d year	1,125,000	2,625,000
3d year	2,250,000	5,250,000

Physical/Chemical Properties

Total solids by weight]—39.2%.
Density determination—8.83 lb/gal.
Flash point—191°F.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 2 manufacturing sites, 84 workers have potential skin and eye exposure to the new substance for 6 hr/da, 8 to 250 da/yr. At the manufacturer's processing sites, 17 workers have potential skin and eye exposure 6 hr/da, 250 da/yr. At a typical user's site not controlled by the manufacturer, a maximum of 12 workers may be exposed through the skin and eyes, 8 hr/da, 250 da/yr. Exposure at these sites could occur during filling of mixing vessels, extracting samples for quality control, and filling of shipping containers.

Environmental Release/Disposal. The manufacturer states that at the manufacturing and processing sites, 60 kg/yr of the new substance would be released into the air and water and from less than 20 to 1,000 kg/yr to the land. Sludges are landfilled or sold as fuel.

PMN–81–48

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 3, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organization description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted polyamine.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye exposure to chemical employees. There is no potential non-chemical industry employee contact or consumer contact.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	11,250	26,250
2d year	56,250	131,250
3d year	112,500	262,500

Physical/Chemical Properties

MEQ amine—9.2
% total solids—70.0
Flash point—85°.
Density—7.249 lbs/gal.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 2 manufacturing sites 81 workers have potential skin and eye exposure to the new substance for 6 hr/da, 4 to 28 da/yr, during sampling, quality control, and filling storage containers. At 3 processing sites, 131 workers have potential skin and eye exposure for 6 hr/da, 4 to 55 da/yr.

Environmental Release/Disposal. The manufacturer states that at the manufacturing and processing sites, less than 100 kg/yr of the new substance will be released into the air and water and from 230 to 2,300 kg/yr to land. Sludge and other organic wastes are either landfilled or sold as fuel.

[FR Doc. 81-7401 Filed 3-9-81; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51218; TSH-FRL 1753-6]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 81-5089 appearing at page 12314 in the issue of Friday, February 13, 1981; on page 12315, second column, under *PMN 81-6*, paragraph designated *Exposure*, second line, "two" should read "one".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-9]

AM Broadcast Application Accepted for Filing and Notification of Cutoff Date

Released: March 6, 1981.

Cutoff Date: April 13, 1981.

Notice is hereby given that the following application has been accepted for filing. Because it is in conflict with one previously accepted for filing and listed as subject to cutoff dates for conflicting applications, no application which would be in conflict with this application will be accepted for filing.

Petitions to deny this application must be on file with the Commission not later than the close of business on April 13, 1981.

Minor amendments to this application, and to the one it is in conflict with, may be filed as a matter of right not later than the close of business on April 13, 1981.

BP–810209AJ—New, Winston, Oregon, Gospel Hymn Time, Inc., Req: 700 kHz, 500 W, 25 kW–LS, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc 81-7421 Filed 3-9-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket 81-118; File No. BP-21,112; BC Docket 81-119; File No. BP-781201AE]

B.L.P., Inc. and Joe F. Bryant, M.D. d.b.a. Bryant Radio Co.; Construction Permit Applications

In re Applications of B.L.P., Inc., Fairview, Tennessee, Req: 850 kHz, 500 W, Day [BC Docket 81-118, File No. BP-21,112] and Joe F. Bryant M.D. d.b.a. Bryant Radio Co., Charlotte, Tennessee, Req: 850 kHz, 500 W, Day [BC Docket 81-119, File No. BP-781201AE], For Construction Permit; Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: February 25, 1981.

Released: March 6, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) the above-captioned mutually exclusive applications of B.L.P., Inc. (BLP) and Joe F. Bryant d.b.a. Bryant Radio Co. (Bryant) for a construction permit for a new AM broadcast station; (b) BLP's petition to deny Bryant's application; and (c) related pleadings.

2. BLP's self-styled petition to deny Bryant's application is based on the following allegations: (a) Bryant's application failed to show the area and population that would receive interference from stations KFUO, Clayton, Missouri, and WYDE,

Birmingham, Alabama; [1] (b) Bryant's proposal would cause prohibited interference to a hypothetical super-power operation of WHAS, Louisville, Kentucky, in violation of former Section 73.3580(b)(2)(ii) of the Rules; and (c) Bryant improperly incorporated engineering data from BLP's application to demonstrate that his proposal would not cause prohibited interference to WHAS. In its reply pleading, BLP additionally objects to two Bryant technical amendments as untimely under former Section 1.522(a)(2) of the Commission's Rules.

3. Under Section 1.522(a)(2) of the Rules, Bryant could amend his application as a matter of right until the date specified in the Commission's public notice announcing the acceptance for filing of Bryant's (not BLP's) application. Since Bryant's application had not yet been accepted when the disputed amendments were filed, the amendments could not have been untimely. One of the amendments satisfactorily responded to one of BLP's objections by supplying the missing information relating to interference received from KFUO and WYDE. Further, subsequent to the pleadings in this case, the Commission deleted Section 73.3580 of its Rules. *Clear Channel Broadcasting in the AM Broadcast Band*, 78 FCC 2d 1345 (1980), *reconsid. denied*, FCC 80-725 (see News Release December 4, 1980, Report No. 16079, Mimeo No. 04561). The question of possible overlap to the super-power service contours of WHAS is thus moot, as are BLP's two arguments relating to it. Since petitioner's arguments are all found to be without merit, the petition is dismissed.

4. Applicants for new broadcast stations are required by Section 73.3580 of the Commission's Rules to give local notice of the filing of their applications and to file with the Commission a statement of publication. We have no evidence that Bryant published the required notice. To remedy this deficiency, Bryant will be required to demonstrate his compliance by filing a statement of publication with the presiding Administrative Law Judge.

5. The two proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. Both applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

7. Accordingly, It is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That the petition to deny that B.L.P., Inc. filed against the application of Bryant Radio Co. is dismissed.

9. It is further ordered, That Bryant publish local notice of his application (if he has not already done so) and file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order is published in the **Federal Register**.

10. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to Section 1.221(c) of the Commission's Rules, the applicants herein shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, the applicants herein shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

By: Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-7419 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Bryant's proposal complies with Section 73.37(b) of the Commission's Rules because even though it would receive interference from KFUO and WYDE within its normally protected 0.5 mV/m contour, it would not receive interference within its 1mV/m contour and the proposed station would be the first in Charlotte, a community wholly outside an urbanized area.

Commission Establishes Pleading Cycle on SNET Motion for Declaratory Ruling

February 27, 1981.

By Motion for Declaratory Ruling filed February 20, 1981, Southern New England Telephone Company (SNET) has sought relief from the structural separation requirements imposed upon affiliates of the American Telephone and Telegraph Company (AT&T) by the Final Decision and Reconsideration Order in the Second Computer Inquiry, Docket 20828.[1] In the alternative SNET has requested an extension of the time by which it must comply with these requirements.

The Commission will adopt the following pleading cycle for the SNET motion. Interested parties may file comments on the motion on or before March 30, 1981. Replies may be submitted on or before April 14, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7423 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

Commission Establishes Pleading Cycle on CBI Motion for Declaratory Ruling

February 27, 1981.

By Motion for Declaratory Ruling filed February 11, 1981, Cincinnati Bell Inc. (CBI) has sought relief from the structural separation requirements imposed upon affiliates of the American Telephone and Telegraph Company (AT&T) by the Final Decision and Reconsideration Order in the Second

[1] In the *Final Decision in Docket 20828* (the Second Computer Inquiry), 77 FCC 2d 384 (1980), the Commission determined that after March 1, 1982, all carriers under the direct or indirect control of AT&T could provide enhanced services and customer premises equipment (CPE) only through separate subsidiaries. On reconsideration, the Commission affirmed this decision. *See* Memorandum Opinion and Order in Docket 20828, FCC 80-628, released December 30, 1980 (Reconsideration Order).

Computer Inquiry, Docket 20828.* In the alternative CBI has requested an extension of the time by which it must comply with these requirements.

The Commission will adopt the following pleading cycle for the CBI motion. Interested parties may file comments on the motion on or before March 30, 1981. Replies may be submitted on or before April 14, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7424 Filed 3-9-81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81-113; PR Docket No. 81-114]

Steven Spicer; Licensee Revocation and Renewal Application

In the Matter of Revocation of License of Steven Spicer, 250 72nd Street, Niagara Falls, New York, License for Radio Station KAUH-7065 in the Citizens Band Radio Service [PR Docket NO. 81-113] and Designation of Renewal Application of Steven Spicer, 250 72nd Street, Niagara Falls, New York [PR Docket NO. 81-114], For Amateur Radio Station WB2QHC and Amateur Advance Class Operator License; Order to show Cause and Designation order designating applications for consolidated Hearing on stated issues.

Adopted: February 27, 1981.

Released: March 5, 1981.

The Chief, Private Radio Bureau, has under consideration the license of Steven Spicer, for Citizens Band (CB) radio station KAUH-7065, issued May 24, 1977, for a five year term. Also under consideration is Spicer's renewal application for Amateur radio station license WB20HC and Amateur Advanced Operator license, issued September 23, 1975, for a five year term. Spicer's Amateur station and operator licenses expired September 23, 1980. On October 25, 1980, Spicer filed a renewal application for his Amateur licenses.[1]

1. Information before the Commission indicates that on December 5 and 24, 1979, and January 16, 1980, Steven Spicer made radio transmissions containing threats to injure another person, Edward W. Jackson.

2. Further information before the Commission indicates that on December 19, 1979, Spicer made radio transmission containing obscene and profane language.

3. As a result of these transmissions, Spicer pled guilty to violating 47 CFR Sections 97.116 and 97.119, in violation of Title 47 U.S.C. 502 in the United States District Court for the Western District of New York, on June 27, 1980. Factual matters in that proceeding will not be relitigated in this proceeding, under the doctrine of collateral estoppel.

4. Section 312(a)(2) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application. Section 312(a)(4) of the Act provides that a radio station license may be revoked for wilful or repeated violation of the Act or Commission Rule. Accordingly, it is ordered, That Spicer show cause why the license for the captioned radio station should not be revoked.

5. It is further ordered, that if Spicer wants a hearing on this matter, he must file a written request for a hearing within thirty (30) days.[2] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent order.

6. It is further ordered, that if Spicer declines his right to a hearing, this proceeding will be certified to the Commission for Administrative disposition pursuant to Section 1.92(c) of the Rules.

7. It is further ordered, that the matters in this proceeding will be resolved upon the following issues:

(a) To determine the effect of the June 27, 1980, criminal conviction of Spicer on his qualifications to be a Commission licensee.

(b) To determine whether Steven Spicer possesses the requisite qualifications to remain a Commission licensee.

(c) To determine, based upon the evidence adduced in issues (a) and (b), whether the license for CB station KAUH-7065 should be revoked.

8. The conduct described in this Order, to which Spicer pled guilty on June 27, 1980, raises a substantial and material question of fact as to whether Spicer possesses the requisite qualifications to become a licensee in the Amateur Radio Service. Spicer's conduct precludes that Commission from determining that a grant of Spicer's Amateur application would serve the public interest, convenience, and necessity. Section 309(e) of the Communications Act requires the Commission to designate an application for hearing where it cannot find that grant of the application would serve the public interest, convenience, and necessity.

9. Accordingly, it is further ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 1.973(b) and 0.331 of the Commission's Rules, that Spicer's application for Amateur station license WB2QHC and Advanced Class Operator licensee is designated for hearing, at a time and place to be specified by subsequent Order upon the following issue:

(d) Whether, in light of the evidence adduced under Issues (a) and (b) above, the public interest, convenience and necessity would be served by a grant of the Amateur radio station and Advanced Class operator license application of Steven Spicer.

10. It is further ordered, That to obtain a hearing on his application, Spicer, in person or by his attorney, shall within thrity days of the mailing of this Order,[3] file with the Commission in triplicate, a written notice of appearance stating an intent to appear on a date fixed for hearing to present evidence on the issues specified in the foregoing paragraph. Failure to file a written appearance within thirty days will result in the dismissal of the application with prejudice.

11. It is further ordered, pursuant to the provisions of Section 1.227 of the Commission's Rules, that the proceedings on the above-stated issues regarding the Order to Show Cause and the Designation Order are consolidated for hearing.

12. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof for revocation of the Citizens Band radio station license is on the Bureau, pursuant to Section 312(d) of the Communications Act of 1934, as amended; and the burden of introduction of evidence and the burden of proof for grant of the application is on the applicant, pursuant to Section 309(e) of the Communications Act.

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*In the *Final Decision in Docket 20828* (the Second Computer Inquiry), 77 FCC 2d 384 (1980), the Commission determined that after March 1, 1982, all carriers under the direct or indirect control of AT&T could provide enhanced services and customer premises equipment (CPE) only through separate subsidiaries. On reconsideration, the Commission affirmed this decision. *See* Memorandum Opinion and Order in Docket 20828, FCC 80-628, released December 30, 1980 (Reconsideration Order).

[1] Pursuant to Section 97.47(b) of the Commission Amateur Rules, Spicer has no continuing operating privileges since his application was filed after expiration of his Amateur licenses.

[2] The enclosed form should be used to either request or decline hearing. It should be mailed to the Federal Communications Commission, Washington, D.C. 20554.

[3] The 20 day response time specified by Section 1.221(c) is waived.

13. It is further ordered, That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to Steven Spicer at his address of record as shown in the caption.

Chief, Private Radio Bureau.

By: Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-7422 Filed 3-9-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-111, File No. BPCT-791016KE; BC Docket No. 81-112, File No. BPCT-800124KF]

Waterman Broadcasting Corp. of Texas (WBBH-TV) and Gainesville Television, Inc. (WCJB(TV)); Applications

In re Applications of Waterman Broadcasting Corportion of Texas (WBBH-TV), Fort Myers, Florida, [BC Docket No. 81-111; File No. BPCT-791016KE] and Gainesville Television, Inc. (WCJB(TV)), Gainesville, Florida [BC Docket No. 81-112; File No. BPCT-800124KF]. For Construction Permits for Changes in Television Facilities; *Hearing designation order* designating applications for consolidated hearings on stated issues.

Adopted: February 25, 1981.

Released: March 5, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Quello dissenting and issuing a statement in which Commissioner Fogarty joins.

1. The Commission has under consideration: (a) the above-captioned applications of Waterman Broadcasting Corporation of Texas (Waterman or WBBH-TV) for a minor change in the facilities of WBBH-TV, Channel 20, Fort Myers, Florida, and Gainesville Television, Inc. (GTI or WCJB(TV)) for a major change in the facilities of WCJB(TV), Channel 20, Gainesville, Florida; (b) an informal objection filed January 7, 1980, by GTI against Waterman's application; (c) a July 21, 1980, joint request of the applicants for simultaneous and expeditious grant of both applications; and (d) related pleadings.

2. At their present sites, WBBH-TV in Fort Myers and WCJB(TV) in Gainesville comply with all spacing requirements. On October 16, 1979, Broadcasting-Telecasting Services, Inc. (Waterman's predecessor) applied for a construction permit to move the transmitter site of WBBH-TV and to increase its antenna height and maximum visual effective radiated power. Waterman's proposed site would be short-spaced to the existing site of co-channel WCJB(TV), Gainesville, Florida, and, accordingly, Waterman requests waiver of the Commission's spacing requirements (47 CFR § 73.610(d)).[1] On January 24, 1980, GTI applied for a construction permit to move its transmitter site to a point 190.7 miles from Waterman's proposed site, so that the two sites would be 14.3 miles short of the required 205 mile separation between co-channel UHF stations in Zone III. Because the two proposed sites are short-spaced to each other, the applications are mutually exclusive.

3. The applicants, in their joint request for grant of both applications, contend that although their proposed sites are short-spaced to one another, there would be no objectionable mutual interference.[2] The Commission's spacing requirements are intended to allow for the efficient processing of applications. The Table of Assignments was designed to allow applicants to comply with these requirements and to permit the orderly processing of applications to occur without the Commission having to do extensive engineering studies for each application. The Television and FM Tables of Assignments have succeeded in simplifying and accelerating the processing procedures as compared to AM radio, where spacing requirements and a Table of Assignments do not exist. It would not be in the public interest to entertain requests for waiver similar to the one requested here on the processing line. To do so would be to negate the advantages of the allocation tables and spacing requirements. The time consumed in analyzing such requests would delay the processing and grant of other applications that do comply with our Rules. Consequently, we are unable to find that grant of both applications would serve the public interest, and a hearing is, therefore, required. An issue will be specified to determine whether circumstances exist which would warrant waiver of § 73.610(b)(1) of the Rules and grant of both applications. Among the circumstances to be considered are whether there would be significant co-channel interference and, if so, the extent thereof; whether other sites are available which would meet all separation requirements and achieve the applicants' purposes; gains and losses in service; other television service available in the gain and loss areas; the need for the move, etc.

4. If it is found that both applications can be granted, the hearing will proceed no further. If, however, it is found that only one of the applications can be granted, it will first be determined whether circumstances exist which would warrant waiver of Section 73.610(b)(1) of the Rules with regard to the short-spacing between Waterman's proposed site and GTI's existing site. If it is found that sufficient circumstances for waiver do not exist, GTI's application will be granted and Waterman's application denied. If, however, it is found that sufficient circumstances for waiver do exist, the proposals will be considered on a comparative basis. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

5. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the extent of the short-spacing between the applicants' proposed sites and the degree of interference that would be caused, if any.

2. In the event that it is determined that interference would be caused, to determine whether circumstances exist which would warrant waiver of § 73.610 of the Rules and grant of both applications.

3. In the event that it is determined that grant of both applications would be inconsistent with the public interest, to determine whether circumstances exist which would warrant waiver of § 73.610 of the Rules as to the short-spacing between Waterman's proposed site and GTI's existing site.

4. In the event that it is determined in Issue 3, above, that the waiver is warranted, to determine, on a comparative basis, which of the applications would better serve the public interest, convenience and necessity.

5. To determine, on the basis of the evidence adduced above, which of the applications should be granted.

6. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of

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[1] The required mileage separation between co-channel stations WBBH-TV and WCJB(TV) is 205 miles. Waterman's proposed site would be 2.4 miles short-spaced to GTI's existing site.

[2] The applicants contend that they would cause no more interference from their proposed sites operating at their proposed power than they would cause operating from their present sites at maximum power.

this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.[3]

William J. Tricarico,

Secretary.

Dissenting Statement of FCC Commissionier James H. Quello in which Commissioner Joseph R. Fogarty joins.

In re: Applications of Waterman Broadcasting Corporation of Texas (WBBH–TV, Fort Myers, Florida) and Gainesville Television, Inc. (WCJB (TV), Gainesville, Florida) for changes in facilities.

WBBH–TV has applied for a construction permit to move its transmitter to a site where it would be 2.4 miles short-spaced to co-channel WCJB (TV). Subsequently, WCJB (TV) applied to move its transmitter to a location where it would be 14.3 miles short-spaced with WBBH–TV's proposed site. The applications are thus mutually exclusive. The applicants have submitted a joint request for simultaneous grant of both applications contending that there would be no significant mutual interference.

This is an unusual case. I believe that it is so unusual as to qualify for "purple cow" status; that is, it is doubtful that the Commission will be faced with a flood of such applications. In this instance, both applicants are seeking a mutually beneficial result which does no violence ot the main purpose of the Table of Assignments which was, and is, to equitably distribute television service throughout the nation. Were the applicants seeking such an accommodation between themselves at the expense of the public that would be, of course, a cause of great concern. That, however, is not the case. Should these joint proposals be granted, an estimated 120,000 viewers would gain new service while only some 1,600 would lose a part of their existing service.

The majority has rejected these applications because of its concern that a precedent would be established which would erode the Table of Assignments. Again, I believe that this case is virtually unique. In the vast majority of situations, one party wants to move or upgrade while the other party prefers to *status quo*. In the instant case, however, *both* parties seek an opportunity to improve their service and the public only stands to gain.

I strongly suspect that the hearing which is being forced upon these applicants will result in a grant of both applications. The sheer weight of common sense, it seems to me, will ultimately prevail. In the meantime, the burden of the full panoply of a hearing will fall upon the parties and the government alike with all of the requisite delay and expense such a process entails. The hearing process, of course, is a valuable and necessary tool in many instances for reaching just and equitable decisions. In this case, I believe that it is being misused to serve the interests of administrative convenience at the expense of the public interest.

Therefore, I dissent.

[FR Doc 81-7420 Filed 3-9-81; 8:45 am]

BILLING CODE 6712-01-M

[3] See attached dissenting statement of Commissioner James H. Quello in which Commissioner Joseph R. Fogarty joins.

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Sta. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 30, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 5200–38.

Filing Party: David C. Nolan, Esquire, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 5200–38 amends the basic agreement of the Pacific Coast European Conference to provide for a right of independent action by Area Groups.

Agreement No. 9902–13.

Filing Party: Edward Schmeltzer, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 9902–13 amends the Euro-Pacific Joint Service between Hapag—Lloyd Aktiengesellschaft, Compagnie Generale Maritime and Intercontinental Transport (ICT) B. V. The purpose of the amendment is to enable Euro-Pacific Joint Service to offer intermodal service to and from inland points in the United Kingdom, Scandinavia and Continental Europe.

Agreement No. 10411.

Filing Party: John D. Straton, Jr., Director, Rates and Conferences, Moore McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Summary: Agreement No. 10411 is a proposed discussion agreement among Companhia de Navegacao Lloyd Brasileiro, Companhia de Navegacao Maritima Netumar S. A., and Moore McCormack Lines, Incorporated, in the trade between the U.S. Atlantic Coast and ports of Brazil. The parties propose to discuss vessel scheduling and coordination, perform joint studies of vessel deployment, and exchange such data as is necessary. The agreement is scheduled to terminate on December 31, 1981.

Dated: March 5, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-7508 Filed 3-9-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-21]

Bekaert Steel Wire Corp. v. Sea-Land Service, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Bekaert Steel Wire Corporation against Sea-Land Service, Inc. was served March 3, 1981. Complaint alleges that respondent has improperly applied its tariff in assessing charges for ocean transportation.

This proceeding has been assigned to Chief Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-7512 Filed 3-6-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continued to engage in an earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 1, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (consumer and commercial finance, insurance and industrial loan company activities; Utah): to engage through a de novo office of its indirect subsidiary, Citicorp Person-to-Person Financial Center of Utah, to be located in Orem, Utah, in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center of Utah, and to the extent permissible under applicable state insurance laws and regulations; the operating as an industrial loan company and the issuing of thrift certificates and thrift passbook certificates; and the sale at retail of money orders, travelers checks, U.S. savings bonds and consumer-oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The service area of the *de novo* office would be comprised of the entire state of Utah. Citicorp also wishes to expand the previously approved service area of an existing office of Citicorp Person-to-Person Financial Center at the same location in Orem, Utah to include the entire state of Utah. The previously approved activities of the office include all the aforementioned activities except the operating as an industrial loan company and the issuing of thrift certificates and thrift passbook certificates and the servicing, for any person, of loans and other extensions of credit. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center of Utah and Citicorp Person-to-Person Financial Center.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 2, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7514 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commended *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 3, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CITICORP, New York, New York, (insurance activities; Virginia): to engage, through its subsidiary, Citicorp Person-to-Person Financial Center, Inc., in the sale of credit related single interest insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the

extent permissible under applicable state insurance laws and regulations. This activity would be conducted from the subsidiary's office in Vienna, Virginia, serving all of Virginia.

2. This notice corrects a previous **Federal Register** document (FR Doc. 81-6618) published at page 14820 of the issue for Monday, March 2, 1981. This notice is for the expansion of activities at an existing office.

Horizon Bancorp, Morristown, New Jersey (mortgage and financing activities; United States, Western Europe and South America): already engages through its subsidiary, Horizon Creditcorp, in making acquiring for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortgage and finance company. This application is to expand its activities to include servicing loans and other extensions of credit for the account of others. Typically, the persons for whom such loans would be serviced would be other financial institutions. These activities would be conducted from an office in Morristown, New Jersey, serving the United States, Western Europe and South America. Comments on this application must be received by March 25, 1981.

B. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking activities; Georgia, South Carolina): to engage through its subsidiary, The Kissell Company, in mortgage banking activities including making or acquiring and servicing for its own account and or the accounts of others, loans and other extensions of credit. These activities would be conducted from an office in Savannah, Georgia, serving the following Georgia counties: Chatham, Effingham, Bryan, Liberty, McIntosh, Long, and Evans; and the following South Carolina counties: Jasper, Hampton and Beauford.

C. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Utica Bankshares Corporation, Tulsa, Oklahoma (lending activities; Oklahoma and contiguous states): to engage directly in making or acquiring commercial and industrial, agricultural, real estate, natural resources, and consumer short term (one year or less) loans and other extensions of credit (including issuing letters of credit and accepting drafts) for its own account and the account of its subsidiaries. These activities would be conducted from the Applicant's offices in Tulsa, Oklahoma, serving Oklahoma, Arkansas, Texas, New Mexico, Colorado, Kansas, and Missouri.

D. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Security Pacific Corporation, Los Angeles, California, Colorado, Georgia, Hawaii, Kentucky, Maryland, Nevada, Utah): to engage through its subsidiary, Security Pacific Mortgage Corporation, in acting as broker or agent for the sale of credit-related life, accident and health insurance. These activities would be conducted from offices of Security Pacific Mortgage Company in Phoenix and Tucson, Arizona; Carson, Downey, Riverside, Sacramento, San Diego, San Jose, Tustin, Van Nuys, and West Covina, California; Arvada, Aurora, Colorado Springs, Englewood, Evergreen, Fort Collins, Grand Junction, Greeley and Lakewood, Colorado; Atlanta and Columbus, Georgia; Honolulu, Hawaii; Louisville, Kentucky; Glen Burnie, Maryland; Las Vegas and Reno, Nevada; and Murray, Utah; serving those states. Comments on this application must be received by March 22, 1981.

2. Security Pacific Corporation, Los Angeles, California (financing and insurance activities; Pennsylvania): to engage through its subsidiary, Security Pacific Consumer Discount Company, in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be make by a factoring company or a consumer finance company and acting as broker or agent for the sale of credit life, health and accident insurance. These activities would be conducted from an office of the subsidiary located in Pottsville, Pennsylvania, serving the State of Pennsylvania, and would constitute a relocation of an existing office of the subsidiary located in Tamaqua, Pennsylvania.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7515 Filed 3-9-81; 8:45 am]

BILLING CODE 6210-01-M

Commerce Bancshares of Wyoming, Inc.; Acquisition of Bank

Commerce Bancshares of Wyoming, Inc., Sheridan, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Security Bank of Gillette, Gillette, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7516 Filed 3-9-81; 8:45 am]

BILLING CODE 6210-01-M

East Texas Bancshares, Inc.; Acquisition of Bank; Correction

This notice corrects a previous **Federal Register** document (FR Doc. 81-6211) published at page 13814 of the issue for Tuesday, February 24, 1981. The applicants location, listed in the first sentence, is corrected so that the sentence reads as follows:

East Texas Bancshares, Inc., Tyler, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Peoples National Bank of Sulphur Springs, Sulphur Springs, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 20, 1981. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7517 Filed 3-9-81; 8:45 am]

BILLING CODE 6210-01-M

First Banks, Inc.; Formation of Bank Holding Company

First Banks, Inc., Carnesville, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First Bank and Trust, Carnesville, Georgia, and at least 50 per cent of the voting shares of The Bank of Toccoa, Toccoa, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7518 3-9-81; 8:45 am]

BILLING CODE 6210-01-M

Southeastern Banking Corp.; Formation of Bank Holding Company

Southeastern Banking Corporation, Folkston, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the proposed successor by merger to The Citizens Bank, Folkston, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7519 Filed 3-9-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81G-0048]

GB Fermentation Industries, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that GB Fermentation Industries, Inc., has filed a petition (GRASP 1G0271) proposing affirmation that high fructose corn syrup, prepared from corn syrup glucose by the action of an immobilized glucose isomerase enzyme preparation for use as a sweetening agent in foods, and the immobilized enzyme prepartion, consisting of gelatin, glucose isomerase derived from *Actinoplanes missouriensis* and glutaraldehyde, are generally recognized as safe (GRAS).

DATE: Comments by May 11, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Donna A. Dennis, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St., SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (Sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 1G0271) has been filed by GB Fermentation Industries, Inc., One North Broadway, Des Plaines, IL 60016, proposing affirmation that high fructose corn syrup, prepared from corn syrup glucose by the action of an immobilized glucose isomerase enzyme prepartion, for use as a sweetening agent in foods, and the immobilized enzyme preparation, consisting of gelatin, glucose isomerase derived from *Actinoplanes missouriensis*, and glutaraldehyde, are GRAS.

The petition has been placed on display at the Dockets Management Branch (HFA-305), Food and Drug Administration.

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as preliminary indication of suitability for affirmation.

Interested persons may, on or before May 11, 1981, review the petition and/or file comments (four copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 25, 1981

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-7441 Filed 3-9-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Development and Production Plan; Conoco, Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to

conduct on Lease OCS–G 2820, Block 36, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 2, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico ODS Region.

[FR Doc. 81–7307 Filed 3–9–81; 8:45 am]

BILLING CODE 4310–31–M

Southern Appalachian Coal Region—Alabama Subregion; Request for Public Comments on Maximum Economic Recovery and Fair Market Value; Correction

Correction

In FR Doc. 81–6541 appearing at page 14830 in the issue for Monday, March 2, 1981, make the following correction:

On page 14831, in **Table I**, in the listing for "Jess Creek", in the "Probable type of mine" column, "Surface" should have read "Underground".

BILLING CODE 1505–01–M

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 27, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 25, 1981.

Carol Shull,

Acting Chief, Registration Branch.

CALIFORNIA

Orange County

San Clemente, *San Clemente Beach Club,* Avenida Boca De La Playa.

San Diego County

Dan Diego, *Pythias Lodge Building,* 211 E St. and 870 3rd Ave.

INDIANA

Dearborn County

Lawrenceburg, *Dearborn County Courthouse,* High and Mary Sts.

LOUISIANA

St. Martin Parish

St. Martinville, *St. Martin Parish Courthouse,* S. Main St.

St. Mary Parish

Morgan City, *Morgan City City Hall and Courthouse,* Everett and 1st Sts.

Ouachita Parish

Monroe, *Ouachita Parish High School,* 500 S. Grand St.

MICHIGAN

Houghton County

Hancock, *Hancock Town Hall and Fire Hall,* 399 Quincy St.

South Range, *South Range Community Building,* Trimountain Ave.

NEW YORK

Onondaga County

Syracuse, *Central Technical High School,* 700–745 S. Warren St.

[FR Doc. 81–7110 Filed 3–9–81; 8:45 am]

BILLING CODE 4310–03–M

Bureau of Land Management

Designation of Certain Public Lands in the Bannock-Oneida Resource Area as an Area of Critical Environmental Concern

AGENCY: Bureau of Land Management, Burley District Office, Idaho.

ACTION: Designation of certain public lands in the Bannock-Oneida Resource Area as an area of critical environmental concern (ACEC).

SUMMARY: Pursuant to the Authorities in the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701 and 1712) and the Authorization from the Director received January 1979, I hereby designate the following described public lands as an ACEC under the name Bowen Canyon Bald Eagle Sanctuary:

Boise Meridian

	Acres
T.9 S., R.31 E.:	
Section 1: NE¼, SW¼SW¼, SE¼	361.03
Section 2: SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼	240.00
Section 11: W½NE¼	80.00
Section 12: E½NE¼, NW¼NE¼, W½SW¼, E½SE¼	280.00
Section 13: E½NE¼, SW¼NE¼, NW¼, SW¼SE¼	600.00
T.9 S., R.32 E.:	
Section 6: W½	242.17
Section 7: W½	250.72
Section 18: W½	254.16
Total	2,308.08

A copy of the ACEC Plan Element is available at the Burley BLM District Office, Route 3, Box 1, Burley, Idaho 83318.

Effective Date: February 19, 1981.

Nick James Cozakos,

District Manager.

[FR Doc. 81–7377 Filed 3–9–81; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Colorado River Management Plan; Grand Canyon National Park, Arizona; Amendment

Based on Public Law 96–514, Department of the Interior and Related Agencies Appropriations for Fiscal Year 1981, the National Park Service will be moving immediately to revise the approved Colorado River Management Plan for Grand Canyon National Park. This action will be done in two phases.

Phase One will be to rescind the stated objective of elimination of moterized watercraft between Lees Ferry and Separation Canyon for the 1981 season. Also as directed by Congress, the National Park Service will not require any reduction in commercial motorized watercraft use below the 1978 authorized use level. The number of visitor use days for commercial operators during the preferred use season will be permitted to increase from 89,000 to 105,500. This is in accord with the approved plan but the preferred use season has been reduced from six to five months. The number of launches for commercial watercraft for 1981 will not be less than the number of launches in 1978.

Maximum user days for noncommercial trips will be permitted to

reach 43,920 days during the five month preferred use season. This use level will achieve the plan objective of a higher ratio of noncommercial to commercial trips.

Phase Two will be to immediately begin the revision of the 1979 approved Colorado River Management Plan. The revision of this river management plan will proceed with public involvement and under the procedures of the National Environmental Policy Act.

Since Phase Two will be completed too late in 1981 to be implemented for the 1982 rafting season, the National Park Service proposes to continue the Phase One 1981 actions through the 1982 operating season. The draft revised plan will be released during the summer of 1981. The final revised plan will be completed by November 1981.

The impact of the level of commercial use being called for in Phase One has been fully analyzed under the no-action alternative in the draft and final environmental impact statements on the Colorado River Management Plan (DES 77–37 and FES 79–30, respectively). Therefore, no further environmental documentation is required at this time.

This does not imply that the National Park Service has adopted the no-action alternative and rejected the entire plan. At the time of approval of the existing plan it was recognized that periodic modifications could be necessary. Therefore flexibility was integrated into that plan. Although phasing out of motorized craft was an important consideration in the plan and has been set aside, other elements of the plan can and will be implemented. The existing plan will still meet 11 out of the 14 management objectives for the Colorado River corridor (see page 11 of the Colorado River Management Plan).

Several sections of the plan are hereby accordingly modified until a revised plan is approved.

(1) Total elimination of motors is no longer an element of this plan. References to elimination of motors contained in Sections I.C.—Legislative and Planning Influences, Section IIIA.—Management Objectives and Section III.C.2—Philosophy are no longer valid.

Discussions of phasing out of motorized craft over the long-term are also eliminated. Specifically, Table 1 and the discussions under Section IV.A.—Phase-out of motorcraft are eliminated.

(2) There will be no reduction in launches for commercial motorized craft. References in Section IV.8.—Annual use, to specific use levels and definition of the summer and winter use seasons should be disregarded.

Dated: February 19, 1981.

Russell E. Dickenson,

Director, National Park Service.

Dated: March 4, 1981.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 81-7416 Filed 3-9-81; 8:45 am]

BILLING CODE 4310-70-M

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Statute 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EST), on Thursday, March 26, 1981, at Happy Days Center located on State Route 303 (Streetsboro Road), 1 mile west of State Route 8, near Peninsula, Ohio. Parking is on the north side of Route 303, and a pedestrian tunnel leads to the building on the south side of the highway.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matter to be discussed at this meeting include:

1. Discussion of the proposal to acquire the undeveloped portion of Greenwood Village.
2. Update on Park operations.

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650–4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: March 4, 1981.

Robert C. Milne,

Acting Chief, Office of Cooperative Activities, National Park Service.

[FR Doc. 81-7417 Filed 3-9-81; 8:45 am]

BILLING CODE 4310-70-M

Intention to Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director of the Rocky Mountain Region, National Park Service, proposes to negotiate a concession contract with Mr. Rex Ross Walker d.b.a. Hi Country Stables, authorizing him to continue to provide saddle livery facilities and services for the public at Rocky Mountain National Park for a period of five (5) years from January 1, 1981, through December 31, 1985.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment and finding of no significant impact may be reviewed at the following location: National Park Service, Rocky Mountain Region, Concessions Management Division, 655 Parfet Street, Denver, Colorado 80225.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1980, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants Hi Country Stables, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Hi Country Stables is substantially equal to others received. In the event a responsive proposal superior to that of Hi Country Stables (as determined by the Secretary) is

submitted, Hi Country Stables, will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Hi Country Stables. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before May 11, 1981.

Interested parties should contact the Regional Director, Rocky Mountain Region, 655 Parfet Street, Denver, Colorado 80225, for information as to the requirements of the proposed contract.

Dated: March 3, 1981.

Lorraine Mintzmyer

Regional Director, Rocky Mountain Region.

[FR Doc. 81-7443 Filed 3-9-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29547]

Burlington Northern, Inc.—Abandonment of a 3.33-Mile Segment Near Lake Kapowsin in Pierce County, WA—Exemption Under 49 U.S.C. 10505

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by Burlington Northern, Inc. (BN) of a 3.33 mile line segment near Lake Kapowsin in Pierce County, WA, from the requirement of prior approval under 49 U.S.C. 10903.

DATES: This Exemption will be effective 30 days after the date of this publication in the **Federal Register**. Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., Washington, D.C. 20423; and

(2) Petitioner's representatives: Douglas J. Babb, Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101. Pleadings should refer to Finance Docket No. 29547.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Exemption Request

BN has filed a petition to exempt the abandonment of a 3.33-mile line segment near Lake Kapowsin, WA (between milepost 6.70 and 10.03) from the requirements of 49 U.S.C. 10903. Alternatively, BN requests an exemption from the system diagram publishing requirements of 49 U.S.C. 10904 only, to permit the immediate initiation of abandonment proceedings. The segment is located at the end of a branch line running from Ortung to Lake Kapowsin, WA.

On March 3, 1979, a bridge spanning the Puyallup River near milepost 8.3 collapsed and was damaged beyond reasonable repair. BN estimates that it will cost approximately $1,976,125 to replace the bridge in addition to general maintenance costs. While the branch is still serviceable to the bridge, the collapse has caused service on the branch to be discontinued.

Prior to the collapse, the only shipper using the branch line was St. Regis Paper Company (St. Regis) at Lake Kapowsin. This shipper moved approximately 4,645 carloads over the line to Tacoma annually. This traffic moved entirely over the BN. Following the bridge collapse, St. Regis has used motor carrier services to transport its product. St. Regis has found that motor carrier transportation is more cost efficient, flexible, and responsive to its marketing and mill usage requirements. St. Regis has filed a statement in support of the exemption petition.

The trackage between milepost 6.70 and milepost 10.03 is located on a permanent easement held by BN. Upon abandonment, BN will relieve its easement and St. Regis will convert a portion of the BN roadbed to a truck road. Additionally, St. Regis will replace the Puyallup River bridge with a truck bridge. St. Regis has obtained the necessary and appropriate permits from state and local authorities for this construction. Since these permits allow a very limited construction period (June 15 through September 15), St. Regis need to make necessary preparations for construction within this period.

The Statute

Rail abandonments require the approval and authorization of this Commission under 49 U.S.C. 10903–10906. To obtain Commission approval an application must be filed in compliance with *Abandonment of Railroad Lines and Discontinuance of Service*, 49 CFR Part 1121 (1978).

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96-448, 94 Stat. 1895, October 14, 1980), the Commission is authorized to exempt a transaction when we find that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

BN argues that this proposal is one that does not require regulatory oversight and should be exempted. The Railway Labor Executives' Association (RLEA) has submitted a letter in opposition to the exemption petition. RLEA seeks the imposition of employee protective conditions.

Discussion and Conclusion

Our detailed scrutiny of the abandonment under existing procedures is not necessary to carry out the goals of the rail transportation policy of section 10101a. A grant of this exemption, on the other hand, would advance these transportation goals by eliminating unnecessary regulation. See for example, H.R. Rep. No. 96-1430, 96th Cong., 2nd Sess., 104-105 (1980) and 49 U.S.C. 10101a(2). The power to exempt from regulation enables the Commission and railroads to commit their limited resources in areas where they are most needed by enabling the Commission to effectively deregulate those areas which have no significant bearing on the overall regulatory scheme.

The proposed abandonment is the type of transaction which Congress intended us to exempt.

The contemplated abandonment is limited in scope and application of the statute is not necessary to protect shippers from an abuse of market power. The exemption will affect only a relatively short track segment which has not been used in rail operations since 1979. The sole shipper along the branch has found more satisfactory transportation services and fully supports the exemption. There is no indication that the community of Lake Kapowsin, other shippers or other carriers will be adversely affected by authorization of this petition.

Since we have decided to exempt the transaction from 49 U.S.C. 10903, it is unnecessary to consider applicant's alternate request. To this extent the petition is dismissed.

Public Use Condition and Offers of Financial Assistance. In abandonment proceedings filed pursuant to 49 U.S.C. 10903, the Commission is specifically required to consider two matters that have not been considered in this exemption proceeding. First, 49 U.S.C. 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we impose certain conditions

to allow interested persons an opportunity to obtain the property. Similarly, 49 U.S.C. 10906, as modified by section 402 of the Staggers Rail Act of 1980 (Pub. L. 96–448, 94 Stat. 1895, October 14, 1980), allows interested persons to make financial assistance offers to assure the continuation of operations over the line. Under the procedure provided by this section, financial offers may lead to continued subsidized operation of the line or sale of the line for continued operations by others.

Since the provisions of 49 U.S.C. 10905, and 10906 apply only to applications under section 10903, we are not required to allow offers of financial assistance or impose any public use conditions when an exemption is granted, because no application is filed. We note, however, that these matters may be raised in petitions for reopening of this proceeding.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2). Therefore, as a condition to this exemption, we will afford the same level of labor protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction.

Energy and Environmental Consideration. Our initial review of the proposal indicates that the abandonment will not significantly affect energy consumption or the quality of the human environment. However, in line with our recent decision in F.D. No. 29352, *Central of Georgia Railroad Company—Petition for Exemption from the Filing of an Abandonment Petition, 49 U.S.C. 10903–10906,* (not printed), decided December 9, 1980, we shall require BN to notify the following Washington State agencies of this proceeding and of their opportunity to file a petition to reopen this proceeding on environment grounds: Betty Rodrick, Department of Game, Non-Game Program, 600 N. Capital Way, Olympia, WA 98504; Dean Cole, Planning and Commission Affairs, 400 Capitol Center Building, Olympia, WA 98504; Peter R. Haskin, Environment Review Section, Office of Comprehensive Programs, State of Washington, Department of Ecology, Olympia, WA 98504; Dave McKim, Supervisor, Land Acquisition, Washington State Parks, 7150 Cleanwater Lane, Olympia, WA 98504; Mr. Charles Woelke, Assistant Director, Intergovernmental Operations, Washington Department of Fisheries, 115 General Administration Building, (AX–11), Olympia, WA 98504; John Conrad, Manager, State Rail Branch, Highway Administration Building, KF01 Olympia, WA 98504; Dwayne Wegner, Department of Ecology, PV–11, State of Washington, Olympia, WA 98504; Jean Welsh, Department State Historic Preservation, Office of Archaeology and Historic Preservation, 111 West 21st, Olympia, WA 98504; Mr. John Wirsing, Endangered Species, Coordinator, Washington Department of Natural Resources, Public Lands Building, State Capitol, Olympia, WA 98504; and Mr. E. Reade Brown, Chief, Wildlife Management Division, Washington Department of Game, 600 North Capitol Way, Olympia, WA 98504. BN must notify these agencies within 5 days of the publication of this decision in the **Federal Register.** Correspondence and/or memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

The exemption granted here will become effective 30 days from the date this decision is published in the **Federal Register.** Any party may file a petition to reopen this proceeding for reconsideration in accordance with 49 CFR 1100.98(d). This petiton must be filed no later than 20 days following the date of publication. The filing of a petition will not automatically stay the effect of this action; we may, on our own motion or on peition, stay the effective date. A petition to stay must be filed no later than 10 days following the date of publication.

We find:

(1) The application of the requirements of 49 U.S.C. 10903 to the abandonment by Burlington Northern, Inc. of the described 3.33-mile segment of its line in Pierce County, WA, is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope and regulation is not necessary to protect shippers from the abuse of market power.

(3) This decision will not operate to relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707, or (b) to protect the interests of its employees as required by 49 U.S.C. Subtitle IV.

(4) In light of the condition imposed in the first ordering paragraph below this decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt from the requirements of 49 U.S.C. 10903 the abandonment by Burlington Northern, Inc. of the described line segment, subject to the conditions for the protection of employees embodied in *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979), and subject to the further condition that it notify the State agencies named in the body of this decision within 5 days of the date of this publication in the **Federal Register.** Copies of correspondence and/or memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

(2) The alternative proposal seeking exemption from the system diagram publishing requirements of 49 U.S.C. 10904 is dismissed.

(3) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, **Federal Register,** for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. BN must abandon the involved line segment during that time in order to take advantage of this exemption.

(5) This decision shall be effective 30 days following the date of its publication in the **Federal Register.**

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register.**

(7) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: March 3, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7498 Filed 3–9–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29495]

Chesapeake & Ohio Railway Co.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10903

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment

by the Chesapeake and Ohio Railway Company (C&O) of a segment of its line of railroad in Newport News, VA, from the requirement of prior Commission approval under 49 U.S.C. 10903.

DATE: This exemption is effective 30 days after the date of this publication in the **Federal Register**. Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:
(1) Office of Proceedings, Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representatives:
Rene J. Gunning, Chessie System, Suite 2204, 100 North Charles Street, Baltimore, MD 21201
and
Peter J. Schudtz, Chessie System, Suite 840, Washington Bldg., 15th St. and New York Ave., N.W., Wahington, D.C. 20005.

Pleadings should refer to Finance Docket No. 29495.

FOR FURTHER INFORMATION CONTACT:
Ellen D. Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION: On October 6, 1980, the C&O requested an exemption under 49 U.S.C. 10505 from the provisions of 49 U.S.C. 10903–10906 with respect to a proposed abandonment and sale of a segment of its line of railroad.

The Proposal

The line proposed to be abandoned is located in Newport News, VA, between Valuation Station 0+00 and Valuation Station 10+80, a distance of 1,080 feet. The line terminates on a wooden pier which once was used as a terminal in connection with C&O's passenger service between Newport News and Norfolk, VA. C&O discontinued all passenger service on the line in 1950 and no freight has moved over the line since 1973. The only current rail use of the line is by the National Railroad Passenger Corporation (Amtrak). Amtrak passenger trains originate and terminate on the line and are serviced there by C&O employees under a contract which also allows Amtrak to use part of C&O's former passenger station.

C&O has contracted to sell a portion of the line along with certain adjoining property to the Oyster Point Development Corporation (Oyster Point), a funding arm of the City of Newport News. After consummation of the sale, the property is to be consolidated with the facilities of an adjoining ship repair business. Oyster Point has agreed to build a new passenger station for Amtrak in the Huntington Park area of Newport News (about 3 miles west of the present station). The new facility, it is claimed, will be a substantial improvement over the present station. C&O would continue to service Amtrak passenger trains at a new location approximately 1,000 feet west of the existing service facilities. Amtrak operations and passenger service will continue at the existing station until the new facilities are completed. Except for $60,000 which Amtrak has agreed to contribute to the cost of the new station, the new facilities will be provided without additional cost to Amtrak. Amtrak does not object to the proposed abandonment and exemption request if satisfactory new facilities are provided prior to the termination of the existing ones.

C&O asserts that the abandonment would not result in any loss of service, while it would benefit C&O by making available to it either the proceeds from sale of the involved track or the track itself for use elsewhere on C&O's lines.

The Statute

Rail abandonments require Commission approval under 49 U.S.C. 10903. To seek Commission approval, an application must be filed in compliance with *Abandonment of Railroad Lines and Discontinuance of Service*, 49 CFR Part 1121 (1978) (abandonment regulations). Petitioner has requested an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–448, 94 Stat. 1895, October 14, 1980), the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Since the proposed abandonment will not result in any loss of current rail service or involve any substantial change in rail operations, it will have no impact on interstate commerce or any of the 15 objectives listed in the rail transportation policy of section 10101a. Our detailed scrutiny of this proposal under the criteria of 49 U.S.C. 10903 is not necessary to carry out the objectives of section 10101a. Indeed, our approval of the exemption will be consistent with at least one of those objectives; the second objective listed is to minimize the need for regulatory control and to require expeditious decisions when regulation is necessary.

Furthermore, in enacting the Staggers Act, Congress intended for us to eliminate unnecessary regulation. See, for example, H.R. Rep. No. 96–1430, 96th Cong., 2nd Sess., 104–105 (1980) and 49 U.S.C. 10101a(2). The power to exempt from regulation enables the Commission and railroads to commit their limited resources in areas where they are most needed by enabling the Commission effectively to deregulate those areas which have no significant bearing on the overall regulatory scheme. The proposed abandonment is the type of limited transaction which Congress intended us to exempt from our regulatory power.

The line to be abandoned is limited to only a small amount of track which C&O has not used for over 7 years. Although Amtrak currently uses the line in connection with its passenger service, this service will continue to be provided at a nearby location. The abandonment will not result in any loss of rail service or significantly changed rail operations, nor will it have any adverse effects on other carriers or any railroad employees. We conclude that the abandonment is of limited scope. Having so concluded, we need not consider whether regulation is needed to protect shippers from the abuse of market power. We note, however, that the proposal is not likely to have any significant or adverse effect on shippers, especially since the line has not been used for freight traffic since 1973.

Public Use Condition and Offers of Financial Assistance. In abandonment applications filed pursuant to 49 U.S.C. 10903, the Commission is required to consider two matters that have not been specifically considered in this exemption proceeding. First, 49 U.S.C. 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we may impose certain conditions to allow interested persons an opportunity to obtain the property. Second, 49 U.S.C. 10905, as modified by section 402 of the Staggers Act, allows interested persons to make financial assistance offers to assure the continuation of operations over the line. Under the procedure provided by this section, financial offers may lead to continued subsidized operation of the line or sale of the line for continued operations by others.

Since the provisions of 49 U.S.C. 10905 and 10906 apply only to applications under section 10903, we are not required to allow offers of financial assistance or impose any public use conditions in exemption situations because no

application need be filed if the exemption is granted. We note, however, that these matters may be raised in petitions for reopening of this proceeding, as discussed below.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C., Subtitle IV. (See 49 U.S.C. 10505(g)(2).) The proposed abandonment is likely to have no employee impacts whatsoever. Nevertheless, in accordance with section 10505 (g) (2), we will afford the same level of labor protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line, R. Co.—Abandonment-Goshen,* 360 I.C.C. 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction. Therefore, the exemption will be granted subject to those protective provisions.

Energy and Environmental Considerations. Our initial review of the proposal indicates that the abandonment will not significantly affect energy consumption or the quality of the human environment. However, in line with our recent decision in Finance Docket No. 29352, *Central of Georgia Railroad Company—Petition for Exemption from the Filing of an Abandonment Petition, 49 U.S.C. 10903–10906* (not printed), decided December 9, 1980, C&O shall notify the following state agencies within 5 days of the publication of this decision in the **Federal Register:**

(1) Mr. William H. Higgins, Sr. Rail Transportation Engineer, Rail Transportation Division, Va. Dept. of Transportation, 1221 E. Broad Street, Richmond, VA 23219.
(2) Mr. Robert R. Blackmore, Director, Va. Commission on Outdoor Recreation, Eighth and Franklin Street, Richmond, VA 23219.
(3) Mr. Don West, Dept. of Highways and Transportation, 1401 E. Board Street, Richmond, VA 23219.
(4) William Roland, Director, Direct Research and Policy Division, Dept. of Planning and Budget, Ninth Street Office Building, Richmond, VA 23219.
(5) Dr. Junius R. Fishburne, Jr., Executive Director, Virginia Historic Landmarks Commission, 221 Governor Street, Richmond, VA 23219.
(6) Mr. R. H. Cross, Jr., Assistant Director, Commission of Game and Inland Fisheries, Post Office Box 11104 Richmond, VA 23230.
(7) Mr. William H. Matheny, Virginia Dept. of Agriculture, 203 N. Governor Street, Richmond, VA 23219.

The notification shall advise the agencies of their right to request reconsideration of this decision on environmental grounds. Copies of correspondence and memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

We find:

(1) The application of the requirements of 49 U.S.C. 10903 to the abandonment of the described segment of railroad line of C&O in Newport News, VA, is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to (a) relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with the provisions of 49 U.S.C. 11701, or (b) relieve a carrier of its obligation to protect the interests of its employees as required by 49 U.S.C., Subtitle IV.

(4) In light of the condition imposed in the first ordering paragraph below, this decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt Chesapeake and Ohio Railway Company, from the requirement of 49 U.S.C. 10903 for the limited purpose of abandoning its segment of rail line extending from Valuation Station 0+00 to Valuation Station 10+80 in Newport News, VA, subject to the conditions for the protection of employees embodied in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979), and subject to the further condition that the state agencies named in the body of this decision be notified within 5 days of the date of publication in the **Federal Register.** Copies of correspondence and memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register,** for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. C&O must abandon the involved line segment during that time in order to take advantage of this exemption.

(4) This decision shall be effective 30 days following the date of its publication in the **Federal Register.**

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register.**

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: February 26, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7439 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29527]

Consolidated Rail Corporation—Abandonment of a 595-foot Segment of the Newark and New York Branch Located in Newark, NJ—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10903.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 595-foot segment of the Newark and New York Branch of Consolidated Rail Corporation (Conrail) from the requirement of prior Commission approval under 49 U.S.C. 10903.

DATES: Exemption effective 30 days after the date of this publication in the **Federal Register.** Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., Washington, DC 20423.
and
(2) Petitioner's representative: Charles E. Mecham, 1138 Six Penn Center Plaza, Philadelphia, PA 19104.

Pleadings should refer to Finance Docket No. 29527.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION:

The Proposed Transaction

Conrail has filed a petition to exempt the abandonment of a 595-foot segment of its Newark and New York Branch

located in Newark, NJ from the requirements of 49 U.S.C. 10903.

Conrail currently conducts no rail operations over the track. There are no stations, public delivery track, or private rail sidings located on the segment. Present Conrail operations serving industries located on the branch to the east and west of the abandonment segment will continue. No other freight rail carrier operates lines within several miles of the involved track.

Following abandonment, Conrail plans to sell the right of way and additional property on either side of the right of way to private industry.

Conrail claims that abandoment will not affect any shippers or receivers of freight and will have no measurable effect its revenues and expenses. Moreover, Conrail predicts that there will be no impact upon rail employees or the environment and energy consumption. Other carriers and the public generally should not be effected.

The Statute

Rail abandonments require the approval and authorization of the Commission under 49 U.S.C. 10903. To obtain Commission approval, and application must be filed in compliance with *Abandonment of Railroad Lines and Discontinuance of Service*, 49 CFR Part 1121 (1978) (abandonment regulations). Conrail requests an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–448, 94 Stat. 1895, October 14, 1980), the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the goals of the rail transportation policy of section 10101a. In enacting section 10505, and the recent amendments of the Staggers Act, Congress intended for us to eliminate unnecessary regulation. See, for example, H.R. Rep. No. 96–1430, 96th Cong., 2nd Sess., 104–105 (1980) and 49 U.S.C. 10101a(2). The power to exempt from regulation enables the Commission and railroads to commit their limited resources in areas where they are most needed by enabling the Commission to effectively deregulate those areas which have no significant bearing on the overall regulatory scheme. The proposed abandonment is the type of transaction which Congress intended us to exempt from our regulatory power.

The proposed abandonment is very limited in scope. It will effect only a relatively short track segment which is currently not used in any rail operations. Service to shippers will continue to be conducted in the same manner as in the past. Since no changes in operations are involved, shippers, employees and competitors should be unaffected.

Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

Public Use Condition and Offers of Financial Assistance. In abandonment procedures filed pursuant to 49 U.S.C. 10903, the Commission is required to consider two matters that have not been specifically considered in this exemption proceeding. First, 49 U.S.C. 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we impose certain conditions to alllow interested persons an opportunity to obtain the property. Second, 49 U.S.C. 10905, as modified by section 402 of the Staggers Rail Act of 1980, (Pub.L. 96–448, 94 Stat. 1895, October 14, 1980), allows interested persons to make financial assistance offers to assure the continutation of operations over the line. Under the procedure provided by this section, financial offers may lead to continued subsidized operation of the line or sale of the line for continued operations by others.

Since the provisions of 49 U.S.C 10905 and 10906 apply only to applications under section 10903, we are not required to allow offers of financial assistance or impose any public use conditions when an exemption is given, because no application need be filed. We note, however, that these matters may be raised in petitions for reopening of this proceeding.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2).)[1] Therefore, as a condition to this exemption, we will afford the same level of labor protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line, R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction.

Energy and Environmental Considerations. Our initial review of the proposal indicates that the abandonment will not significantly affect energy consumption or the quality of the human environment. However, in line with our recent decision in F.D. No. 29352, *Central of Georgia Railroad Company—Petition for Exemption from the Filing of an Abandonment Petition, 49 U.S.C. 10903–10906*, (not printed) decided December 9, 1980, we shall require Conrail to notify the following New Jersey agencies of this proceeding and their opportunity to file a petition to reopen this proceeding on environmental grounds: Mr. Paul McLain, Deputy Director, Division of Fish an Game and Shellfisheries, Post Office Box 1809, Trenton, NJ 08625; Mr. George H. Pierson, New Jersey Bureau of Forest Managmeent, Department of Environmental Protection, CN–028, Trenton, NJ 08625; New Jersey Office of State Economic Planning, Office of Policy and Planning, 142 W State Street, Trenton, NJ 08625; Parks and Recreation, Department of Environmental Protection, Division of Parks and Forestry, Box 142D, Trenton, NJ; Division of Transportation, Systems Planning, New Jersey Department of Transportation, 1035 Farway Avenue, Trenton, NJ 08625; Division of Fish Game and Wildlife, Box 1809, Trenton, NJ; Betty Wilson, Deputy Commissioner, Department of Environmental Protection, P.O. Box 1390, Trenton, NJ 08625; and John Weingart, Bureau of Coastal Planning and Prtoection, P.O. Box 1889, Trenton, NJ 08625. Conrail must notify these agencies within 5 days of the publication of this decision in the **Federal Register**. Copies of correspondence and/or memoranda of communciations with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

The exemption granted here will become effective 30 days from the date this decision is published in the **Federal Register**. Any party may file a petition to reopen this proceeding for reconsideration in accordance with 49 CFR 1100.98(d). This petition must be filed no later than 20 days following the date of publication. The filing of a petition will not automatically stay the effect of this action; we may, on our own

[1] The Railway Labor Executives' Association filed a letter in opposition to this exemption on December 8, 1980. RLEA argues that any exemption must be conditioned to protect employees who may be affected by the proposal.

motion or on petition, stay the effective date. A petition to stay must be filed no later than 10 days following the date of publication.

We find:

(1) The application of the requirements of 49 U.S.C. 10903 to the abandonment by Consolidated Rail Corporation of the described 595-foot segment of its Newark and New York branch is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707, or (b) to protect the interests of its employees as required by 49 U.S.C., Subtitle IV.

(4) In light of the condition imposed in the first ordering paragraph below, this decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt from the requirements of 49 U.S.C. 10903, the abandonment by Consolidated Rail Corporation of the 595-foot segment of its Newark and New York branch, subject to the conditions for the protection of employees embodied in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), and subject further to the condition that applicant notify the State agencies named in the body of this order within 5 days of the date of publication in the **Federal Register**. Copies of correspondence and/or memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

(2) If Consolidated Rail Corporation abandons this line, it shall have 60 days after consummation of the transaction to submit three copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, **Federal Register**, for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line segment must occur during that time in order to take advantage of this exemption.

(5) This decision shall be effective 30 days following the date of its publication in the **Federal Register**.

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register**.

(7) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register**.

Decided: March 3, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7457 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29444]

Delaware Otsego Corp., Control of New York, Susquehanna & Western Railway Corp.—Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343–11347

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 11343 for the control by the Delaware Otsego Corporation (DO) of the New York, Susquehanna & Western Railway Corporation, a new corporation formed to acquire and operate the New York, Susquehanna and Western Railroad Company, Debtor (Walter G. Scott, Trustee).

DATES: This exemption will be effective 30 days from the date of this publication in the **Federal Register**. Petitions for reconsideration of this action must be filed within 30 days of this publication.

ADDRESSES: Send pleadings to: (1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Ave., NW., Washington, DC 20423

and

(2) Petitioner's representative: William P. Quinn, Fell, Spalding, Goff & Rubin, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106.

Pleadings should refer to Finance Docket No. 29444.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION: On August 15, 1980, Delaware Otsego Corporation (DO), a noncarrier, filed a petition requesting an exemption under 49 U.S.C. 10505 of its proposed control of the New York, Susquehanna & Western Railway Corporation (NYS&W) from the provisions of 49 U.S.C. 11343. NYS&W is a New Jersey corporation formed to acquire and operate the lines of the New York, Susquehanna and Western Railroad Company, Debtor (Walter G. Scott, Trustee) (Susquehanna)

Section 10505 (as amended by Section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448, October 14, 1980) allows the Commission to exempt a transaction if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either the transaction is limited in scope, or regulation is not needed to protect shippers from the abuse of market power.

Exemption Request

DO owns the outstanding capital stock of the following Class III rail carriers:

Cooperstown and Charlotte Valley Railway Corporation (C&CV)—a rail carrier operating 16 miles of line between Cooperstown, NY, and a connection with Delaware and Hudson Railway Company (D&H) at Cooperstown Junction, near Oneonta, NY. This line, the former Cooperstown Branch of D&H, is located entirely in Otsego County, NY.

Fonda, Johnstown & Gloversville Railroad Company, Inc. (F]&G)—a rail carrier operating 20 miles of line from a connection with the line of Consolidated Rail Corporation (Conrail) at Fonda, NY to the communities of Johnstown and Gloversville in Fulton and Montgomery Counties, NY. This line was operated as a short-line railroad before DO's acquisition.

Central New York Railroad Corporation (CNY)—the former Richfield Springs Branch of the Erie Lackawanna Railway (EL), extending 22 miles to Richfield Springs from a connection with Conrail at Richfield Junction in Herkimer County, NY.

Lackawaxen & Stourbridge Railroad Corporation (LABS)—a rail carrier operating 26 miles of line from a connection with Conrail at Lackawaxen to Honesdale, all in Wayne County, PA. This line was formerly the Honesdale Branch of EL.

DO plans to acquire all capital stock of NYS&W. In Finance Docket No. 29421, *The New York, Susquehanna and Western Railway Corporation—Purchase—New York, Susquehanna and Western Railroad Company, Debtor (Walter G. Scott, Trustee)*,[1] NYS&W

[1] This proceeding is embraced in Finance Docket No. 28098 (Sub-No. 1), *The New York, Susquehanna and Western Railroad Company, Debtor (Walter G. Scott, Trustee)—Plan of Liquidation, et al.*, served December 29, 1980. In that decision the Commission approved the liquidation plan of the Susquehanna, the application of NYS&W to acquire and operate the bankrupt carrier's lines, and an application by NYS&W to issue securities.

10901 to acquire and operate the rail lines of the Susquehanna. The main line extends from Croxton Yard to Sparta, NJ, a distance of 59.9 miles in Hudson, Bergen, Passaic, Morris, and Sussex Counties, NJ. NYS&W also proposes to acquire Susquehanna's non-connecting branch line known as the Suscon Branch, consisting of 5 miles of track extending from Suscon to Hillside Junction in Luzerne and Lackawanna Counties, PA.

The Susquehanna is now in reorganization under Section 77 of the Bankruptcy Act, 11 U.S.C. 205(d), before the United States District Court for the District of New Jersey (The Bankruptcy Court). (See *In the Matter of the New York, Susquehanna & Western Railroad Co., Debtor,* No. B76–182, slip opinion filed May 28, 1980.) The Bankruptcy Court has ordered the Trustee to liquidate all assets of the Susquehanna and to cease operations.

DO states that none of the railroads it controls compete with each other, nor are they connected to each other. Each railroad has a separate Board of Directors, drawn from the community served by the particular carrier. Although DO's officers contribute managerial time to each railroad, the business of each is separate.

None of the railroads is located in New Jersey. Except for the Suscon Branch in Pennsylvania, Susquehanna's line is located entirely in New Jersey. The highway distance between Susquehanna and the nearest DO controlled line is approximately 100 miles. Because the market served by each railroad is separate, the Susquehanna does not, and NYS&W will not, compete for traffic with any of the railroads controlled by DO.

The total mileage of DO's currently controlled rail system is 84 miles. With the inclusion of Susquehanna's 64.9 miles, the total mileage operated will be 148.9 miles. DO's gross revenues for 1979 were $3,573,329, and Susquehanna's were $2,691,755. In 1979, DO carried 3,200 carloads of shipments, whereas Susquehanna carried 6,939 carloads.

In the slip opinion in No. B–76–182, *supra,* the Bankruptcy Court stated that DO's proposal was the best of three competing offers to acquire the assets of Susquehanna. The Court found, among other facts supporting its holding, that DO "has the ability to continue rail service evidenced by its operation of other short line railroads."

Discussion and Conclusions

Rail transportation policy. We do not believe that regulation of this transaction is necessary to carry out the goals of the rail transportation policy outlined in section 10101a. The objective of NYS&W's acquisition and operation of Susquehanna is to continue service to a segment of the rail transportation system; the control of NYS&W by DO will further that objective. The proposed transaction will not adversely affect any of the parties, but will be of significant benefit to all concerned. Additionally, the aggregate carloads and revenues to the DO system, as it would be enlarged by control of Susquehanna, would have only a minimal impact on interstate commerce.

Limited scope. We believe that the scope of the transaction is limited and will have no direct impact on any other railroad. There will be no change in the competitive balance with other carriers. The underlying transaction concerns a small geographic area, 65 miles in New Jersey and 5.0 miles in Pennsylvania. The Susquehanna and the other railroads controlled by DO each have separate operations and serve separate markets; there are no physical connections between any of the involved rail lines.

Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

Labor Protection

In granting an exemption under section 10505, the Commission may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C., Subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective provisions developed in *New York Dock Ry-Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees involved in rail control transactions for which approval is sought under 49 U.S.C. 11343. Accordingly, these employee protective provisions will be imposed here as a condition to the exemption.

Prior criteria. In addition to meeting the criteria of section 10505, as amended by the Staggers Act, this proposal also meets the criteria of former section 10505. We have already indicated that this transaction is of limited scope. Furthermore, the discussion relating to 49 U.S.C. 10101a also applies to the National Transportation Policy of 49 U.S.C. 10101. Because of the transaction's limited scope and the resources required to prepare and review a formal application under 49 U.S.C. 11343, our review of the transaction would be an unreasonable burden on petitioner, and would serve little or no useful public propose.

The exemption granted here will become effective 30 days from the date this decision is published in the **Federal Register.** Any party may file a petition to reopen this proceeding for reconsideration in accordance with 49 CFR 1100.98(d). This petition must be filed no later than 20 days following the date of publication. The filing of a petition will not automatically stay the effect of this action; we may, on our own motion or on petition, stay the effective date. A petition to stay must be filed no later than 10 days following the date of publication.

We find:

(1) The application of the requirements of 49 U.S.C. 11343 for the approval of control by DO of NYS&W is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a, and the transaction is of limited scope.

(2) This decision will not relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707 or (b) to protect the interests of employees as required by 49 U.S.C. 11347.

(3) This action will not significantly affect either energy consumption or the quality of the human environment.

It is ordered:

(1) The proposed control of NYS&W by DO is exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343, subject to the employee protective provisions set forth in *New York Dock Ry.-Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

(2) If DO obtains control of NYS&W, it shall have 60 days after the transaction is completed to submit three copies of a sworn statement showing all journal entries, if any, required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register,** for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. DO must consummate this transaction during that time in order to take advantage of the exemption.

(5) This decision shall be effective 30 days from the date of its publication in the **Federal Register.**

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days following the date of publication in the **Federal Register.**

(7) Petitions to reopen the proceeding must be filed no later than 20 days following the date of publication in the **Federal Register.**

Decided: February 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7455 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP43-004

Decided: February 26, 1981.

By the Commission Review Board No. 2, Members Chandler, Eaton and Liberman.

MC 29555 (Sub-199), filed February 9, 1981. Applicant: BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-0375. Transporting *general commodites* (except classes A and B explosives), between points in the U.S. (except ME, NH, VT, MA, CT, RI, NY, NJ, PA, VA, WV, DE, MD, AK, HI, and DC).

MC 59655 (Sub-43, filed February 9, 1981. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Rd., Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 99825 (Sub-3), filed February 9, 1981. Applicant: AUG. DEIKE TRANSFER, INC., P.O. Box 727, Mankato, MN 56001. Representative: Timothy H. Butler, 4200 IDS Center, 80 South 8th St, Minneapolis, MN 55402, (612) 371-3211. Transporting *general commodities* (except classes A and B explosives), between Minneapolis, MN, on the one hand, and, on the other, points in Blue Earth, Waseca, Nicollet and LeSueur Counties, MN. Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration MC 99825 Sub 1.

MC 106195 (Sub-33), filed February 9, 1981. Applicant: CLARK BROS. TRANSFER, INC., 900 North First St., Norfolk, NE 68701. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *general commodities* (except classes A and B explosives), between points in Knox, Cedar, Dixon, Dakato, Pierce, Wayne, Madison, Thurston, Stanton, Cuming, Burt, Platte, Colfax, Dodge, Washington, Polk, Nance, Merrick, Douglas, Sarpy, and Scotts Bluff Counties, NE, Yankton, Clay, Union, Lincoln, Turner, and Minnehaha Counties, SD, and Woodbury, Pottawattamie, Monona, and Harrison Counties, IA, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MN, MO, NE, SD, and WI.

Note.—Applicant intends to tack the requested authority with MC 106195 Sub 2.

MC 116254 (Sub-324), filed February 9, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: Hampton M. Mills (same address as applicant), (205) 766-9111. Transporting *silicon metal and silica dust*, between points in AL, on the one hand, and, on the other, points in KS, NE, OK, and TX.

MC 116544 (Sub-243), filed February 9, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10081, Palo Alto, CA 94303, (415) 856-0117. Transporting *food and related products*, between the facilities of Ivy Food Sales, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116915 (Sub-143), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, 502 227-2254. Transporting *metal products*, between points in Porter County, IN, Baltimore County, MD, and Erie County, NY, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MI, MS, MO, NY, NC, OH, PA, SC, TN, TX, VA, WV, and WI.

MC 117685 (Sub-6), filed February 9, 1981. Applicant: CONSOLIDATED TRUCK SERVICE, INC., 1 Scout Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *such commodities* as are dealt in by retail department stores and discount houses, between points in the U.S., under continuing contract(s) with S. E. Nichols, of New York, NY.

MC 119774 (Sub-111), filed February 9, 1981. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H.

English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 713–8431. Transporting *barite* and *mud compounds*, between points in Washington County, MO, on the one hand, and, on the other, points in the U.S.

MC 127745 (Sub-9), filed February 9, 1981. Applicant: GEORGE B. KING, d.b.a. KING TRANSFER, 714 Pearl Street, Onawa, IA 51040. Representative: Robert A. Wichser, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102, 402 494–5466. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with CENEX, Saint Paul, MN.

MC 129645 (Sub-86), filed February 9, 1981. Applicant: SMEESTER BROS. INC., 1330 South Jackson St., Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certification No. MC 129645 and subs thereunder.

MC 133405 (Sub-14), filed February 9, 1981. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, LaPlata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014, 301–654–2240. Transporting *malt beverages*, between points in the U.S. in and east of TX, AR, MO, IA, and WI.

Note.—Issuance of a certificate is conditioned upon prior or coincidental cancellation, at applicant's written request of Certificate No. MC 133405 Subs 3, 5, 7, 10, 12, and 13.

MC 143304 (Sub-22), filed February 9, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop, (same address as applicant), (205) 249–2425. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Delaware Valley Shippers Association, Bristol, PA.

MC 144115 (Sub-14), filed February 9, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 Sixth Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. 971, West Bend, WI 53095; 414–677–2586. Transporting *foods and related products*, between the facilities of Banner Beef Company, in the U.S. on the one hand, and, on the other, points in the U.S.

MC 146865 (Sub-3), filed February 9, 1981. Applicant: M.T. SERVICES, INC., d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson Street, Suite 102, Rockville, MD 20850, 301 414–2420. Transporting *such commodities* as are dealt in or used by manufacturer and distributors of cooling towers and evaporative condensers, between points in the U.S., under continuing contract(s) with Baltimore Aircoil Company, Inc., of Baltimore, Md.

MC 147574 (Sub-1), filed February 9, 1981. Applicant: MARINE TRUCKING, INC., 47595 North Gratiot Ave., Mt. Clemens, MI 48045. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (313) 776–1706. Transporting boats, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 147864 (Sub-1), filed February 9, 1981. Applicant: YANTICAW TRUCKING CORPORATION, 69 Yanticaw St., Clifton, NJ 07013. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *machinery*, between points in Hudson County, NJ, on the one hand, and, on the other, points in the U.S.

MC 148965 (Sub-3), filed February 9, 1981. Applicant: CLARK BROS. TRANSPORTATION, INC., 1808 North 30th Street, Brimingham, AL 35207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX.

MC 153394 (Sub-1), filed Feb. 9, 1981. Applicant: FULLER BROS., INC., 3912 Oakbrook Dr., Del City, OK 73115. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma, City, OK 73106, (405) 528–3884. Transporting *petroleum, natural gas and their products*, between points in OK, on the one hand, and, on the other, West Memphis, AR, New Orleans, LA, Kansas City and St. Louis, MO, Dallas, Houston, and Port Arthur, TX.

MC 154185, filed February 9, 1981. Applicant: RENN TRANSPORTATION CO., INC., 780 North Water St., Milwaukee, WI 53202. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Warner-Lambert Company, of Morris Plains, NJ, (2) Chicago Shortening Corp., of Chicago, IL, (3) DCA Food Industries, Inc., of New York, NY, (4) Borden Incorporated, of Columbus, OH, (5) A. E. Staley Manufacturing Company, of Decatur, IL, (6) Chef Pierre, Inc., of Traverse City, MI, (7) Amstar Corporation, of New York, NY, (8) Gourmet Food, Inc., of St. Paul, MN, (9) The Pillsbury Company, of Minneapolis, MN, (10) Central Soya Company, Inc., of Fort Wayne, IN, (11) Standard Brands Incorporated, of New York, NY, (12) Armour and Company, of Phoenix, AZ, (13) R.T. French Company, of Rochester, NY, (14) Nabisco, Inc., of East Hanover, NJ, (15) M&M/Mars, a Division of Mars Incorporated, of Hackettstown, NJ, (16) Hygrade Food Products Corporation, of Detroit, MI, (17) Oscar Mayer & Co., Inc., of Madison, WI, (18) The J. M. Smucker Company, of Orrville, OH, (19) Packerland Packing Co., Inc., of Green Bay, WI, (20) Galloway Company, Inc., of Neenah, WI, (21) Wilson Foods Corporation, of Oklahoma City, OK, (22) Swift Independent Packing Company, of Chicago, IL, (23) Giant Eagle Markets, Inc., of Pittsburgh, PA, (24) Kraft, Inc., of Chicago, IL, (25) Land O'Lakes, Inc., of Minneapolis, MN, (26) L.D. Schreiber Cheese Co., Inc., of Green Bay, WI, (27) The Nestle Company, Inc., of White Plains, NY, and (28) Leaf Confectionery, Inc., of Chicago, IL.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7428 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–57

Decided February 27, 1981.

By the Commission Review Board No. 2, members Chandler Eaton and Liberman.

MC 59666 (Sub-6), filed February 6, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: A. Joseph Mege (same address as applicant). Transport (1) *chemicals and related products*, (2) *metal products*, and (3) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with George Mann & Co., of Providence, RI.

MC 100597 (Sub-10), filed February 6, 1981. Applicant: FAIRFIELD TRUCKING, INC., P.O. Box 272, Hamburg, AR 71646. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in AL, AR, KY, LA, MS, MO, OK, TN, TX, and those points in IL on and south of U.S. Hwy 40.

MC 110656 (Sub-20), filed February 6, 1981. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Ave., SW., Grand Rapids, MI 49507. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, OH, PA, WI, and Erie, Niagara, Cattaraugus, and Chautauqua Counties, NY.

MC 121236 (Sub-10), filed February 6, 1981. Applicant: SERVICE TRANSPORTATION LINES, INC., 729 34th Ave., Rock Island, IL 61201. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *general commodities* (except classes A and B explosives), between points in IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, SD, and WI.

MC 129326 (Sub-37), filed January 27, 1981. Applicant: CHEMICAL TANK LINES, INC., Highway 60 West, Mulberry, FL 33860. Representative: Charles A. Webb, Suite 1111, 1826 L St., NW., Washington, DC 20036. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with USAMEX Fertilizers, Inc., of Tampa, FL.

MC 143066 (Sub-1), filed February 5, 1981. Applicant: BGM TRUCKING, INC., 12634 E. Freeway, Houston, TX 77015. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. Transporting *food and related products*, between points in Galveston County, TX, Mobile County, AL, and Harrison County, MS, on the one hand, and, on the other, points in the U.S.

MC 153197 (Sub-1), filed February 6, 1981. Applicant: ILLINOIS AUTO DELIVERY, INC., d.b.a., AUTO DELIVERY CO., 706 Center St., Des Plaines, IL 60016. Representative: Keith G. O'Brien, 1729 H Street, NW., Washington, DC 20006. Transporting *transportation equipment*, between points in the U.S.

MC 153697 (Sub-1), filed February 4, 1981. Applicant: MONTEZUMA WEST, INC., 11884 Ehlen Rd., NE., Aurora, OR 97002. Representative: John A. Anderson, Suite 1600, One Main Place, 101 SW Main St., Portland, Or 97204. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Navajo Forest Products Industries, of Navajo, NM.

MC 154026 (Sub-1), filed January 29, 1981. Applicant: ADVANCE EXPRESS, INC., 410 Coitsville Rd., Campbell, OH 44405. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the United States Steel Corporation, Jones & Laughlin Steel Corporation, and Ductmate Industries, Incorporated all of Pittsburgh, PA, and United States Service, Inc., of Brookfield, OH.

MC 154227, filed January 21, 1981. Applicant: LARRY GEORGE and IRMA THOMPSON, a partnership, d.b.a., INVECON COMPANY, 550 W. 1st South, P.O. Box 1557, Salt Lake City, UT 84110. Representative: Mark K. Boyle, Suite 400, 10 Broadway Bldg., Salt Lake City, UT 84101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Welding, Inc., Deseret Press, and Sorenson Research Company, all of Salt Lake City, UT.

MC 154307, filed February 5, 1981. Applicant: PETROLEUM TRANSPORT, INC., 1790 16th St., SE., Salem, OR 97302. Representative: Lawrence V. Smart, Jr., 419 NW. 23d Ave., Portland, OR 97210. Transporting *petroleum, natural gas and their products*, between points in OR, WA, ID, MT, NV, UT, and those in CA in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, Amador, and El Dorado Counties, CA.

MC 154316, filed February 5, 1981. Applicant: ATLANTIC TRUCKING, INCORPORATED, 15 Coachman Dr., Branford, CT 06405. Representative: William E. Hitchcock III (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Atlantic Wire Company, of Branford, CT, and Orban Industries, of Buffalo, NY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7429 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by

Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY—14

Decided: March 4, 1981.

By The Commission, Review Board No. 3, members Krock, Joyce and Dowell.

MC 154286, filed February 3, 1981. Applicant: NATIONWIDE BROKERAGE CO., INC., 105 West 21st St., Sioux Falls, SD 57105. Representative: Bruce E. Mitchell, Forth Floor, Lenox Towers So., 3390 Peachtree Rd., NE., Atlanta, GA 30326, (404) 262–7855. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7460 Filed 3-9-81, 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–194

Decided: March 4, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher and Williams.

MC 29854 (Sub-35), filed February 6, 1981. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Ave., Jersey City, NJ 07306. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at points in Rockland County, NY, and extending to Atlantic City, NJ.

MC 38154 (Sub-17), filed February 5, 1981. Applicant: C. S. HENRY TRANSFER, INC., 1621 North Church Street, P.O. Box Drawer 2306, Rocky Mount, NC 27801. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Transporting *general commodities* (except classes A and B explosives),

between points in CT, DE, GA, MD, NJ, NY, NC, PA, SC, VA, and DC.

MC 107064 (Sub-149), filed February 5, 1981. Applicant: STEERE TANK LINES, INC., P.O. Box 220990, Dallas, TX 75202. Representative: Hugh T. Matthews, 555 Griffin Square, Suite 850, Dallas, TX 75202. Transporting *comodities in bulk*, between points in AZ, AR, CO, KS, LA, NM, OK, TX and UT, on the one hand, and, on the other, points in the U.S.

MC 107515 (Sub-1412), filed February 6, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *electrical equipment and supplies*, and *rubber and plastic products*, between the facilities used by Union Carbide Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 97275 (Sub-42), filed February 6, 1981. Applicant: ESTES EXPRESS LINES, a Corporation, 1405 Gordon Ave., Richmond, VA 23224. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in GA, NC, TN, and VA.

Note.—Applicant intends to tack this authority with its existing authority.

MC 108835 (Sub-58), filed February 6, 1981. Applicant: HYMAN FREIGHTWAYS, INC., 2380 Wycliff, P.O. Box 43388, St. Paul, MN 55114. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives), between points in AR, CO, IA, IL, IN, KS, LA, MI, MN, MO, NE, ND, OH, OK, SD, TX, and WI, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate Nos. MC 108835 Subs 24, 39, 42, 46, 47, 49, 51, 52 and 55..

MC 135605 (Sub-15), filed February 5, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Camp Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149404 (Sub-1), filed February 6, 1981. Applicant: POTAWATOMI TRAILS, INC., 51585 Winding Waters Lane North, Elkhart, IN 46514. Representative: Paul D. Borghesani, Suite 300, Comunicana Bldg., 421 So. Second St., Elkhart, IN 46516. Transporting *storage tanks and pressure vessels*, between points in Hamilton County, OH and Grayson County, KY, on the one hand, and, on the other, points in the U.S.

MC 151014, filed February 5, 1981. Applicant: WITTE ASSOCIATES, INC., a Michigan Corporation, d.b.a. Witte Travel, 7195 Thornapple River Drive, Ada, MI 49301. Representative: Curtis D. Jonker, 880 Union Bank Building, Grand Rapids, MI 49503. Transporting *passengers and their baggage*, in special and charter operations, between Grand Rapids, MI and Chicago, IL, restricted to traffic having prior or subsequent movement by air.

MC 153706 (Sub-1), filed February 5, 1981. Applicant: SATURN FREIGHT SYSTEM, INC., 420–B2 W. Stone Rd., Villa Park, IL 60181. Representative: JOEL H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. Transporting *food and related products*, between Chicago, IL, and Joplin, MO, Friendswood, TX, Portland, OR, LaJunta, CO, Norris, TN, Lubbock, TX, Richmond, CA, Philadelphia, PA, Minneapolis, MN, Rialto, CA, Grimes, IA, Phoenix, AZ and Detroit, MI, on the one hand, and, on the other, points in the U.S.

MC 152874 (Sub-2F), filed December 4, 1980, previously published in the Federal Register issue of January 6, 1981. Applicant: MIDWEST EXPRESS, INC., P.O. Box 550, Miami, OK 74354. Representative: David Hunter (same address as applicant). Transporting (1) *lawn mowers, garden tractors, and chain saws*, and (2) *parts and accessories* for the commodities in (1) above, between points in OK, on the one hand, and, on the other, points in AR, CO, CT, GA, IL, KS, OR, TN, and TX.

Note.—This republication corrects the State of KS, which was erroneously published as KY.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7401 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in

interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor codntract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-15

Decided: March 4, 1981.

By the Commission Review Board No.l 3, 1981. Members Krock, Joyce and Jones.

MC 2066 (Sub-7), filed February 13, 1981. Applicant: R. M. SULLIVAN TRANSPORTATION, INC., 649 Cottage St., P.O. Box 155, Highland Station, Springfield, MA 01104. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103 (413) 732-1136. Transporting *general commodities* (except classes A and B explosives), between points in Westchester, Rockland, Dutchess, Greene, Sullivan, Orange, Ulster, Columbia, Rensselaer, Schenectady, Washington, Saratoga, Warren, Putnam, Albany, and Amsterdam Counties, NY, and points in MA, CT, RI, and NH.

MC 138286 (Sub-7), filed February 9, 1981. Applicant: JOHN F. SCOTT CO., 404 Washington Ave., Dravosburg, PA 15034. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471-1800. Transporting (1) *metal products* and (2) *machinery*, (a) between points in Cuyahoga and Lorain Counties, OH, on the one hand, and, on the other, points in CT, DE, IN, ME, MD, MA, NH, NJ, PA, RI, VT, and WV, and (b) between points in Allegheny, Beaver, and Bucks Counties, PA, on the one hand, and, on the other, points in CT, IL, IN, KY, ME, MA, MI, NH, RI, and VT, and (c) between points in Cook County, IL and Lake County, IN, on the one hand, and, on the other, points in CT, ME, MD, MA NH, NY, NJ, OH, PA, RI, VT, and WV.

MC 142336 (Sub-2), filed February 24, 1981. Applicant: D. TERRY CHAMNESS d.b.a. TERRY'S ROAD, TRUCK & WRECKER SERVICE, 4331 So. 12th St., Kalamazoo, MI 49009. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933 (517) 489-5724. Transporting *building materials*, between points in Kalamazoo County, MI, on the one hand, and, on the other, points in IN, IL, OH and PA.

MC 154216, filed February 19, 1981. Applicant: DAY TRIPPERS, INC., 153 Farist Rd., Fairfield, CT 06430. Representative: Muriel Lefsetz (same address as applicant), (203) 368-0528. To engage in operations, in interstate of foreign commerce as a *broker* at Fairfield, CT, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, ending at Fairfield, Bridgeport and Stratford, CT, and extending to points in MA, RI, ME, VT, CT, NY, NJ, PA, DE, VA, and DC.

MC 154256, filed February 9, 1981. Applicant: THE TOUR COMPANY, INC., 1703 Clifton Ave., Lakewood, NJ 08701. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722. To engage in operations, in interstate or foreign commerce as a *broker* at Lakewood, NJ, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, between points in Monmouth and Ocean Counties, NJ, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7462 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 34]

Restriction Removals; Decision-Notice

Decided: March 4, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, approporiate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 42866 (Sub-19)X, filed February 24, 1981. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats (same as above). Applicant seeks to remove restrictions in its lead certificate to (1) remove the exception which probibits transportation of household goods to AK and HI in its nationwide authority, and (2) expand the commodity description household goods as defined by the Commission to "household goods and furniture and fixtures". The purpose of this republication is to reflect the requested commodity expansion in the first part of its lead certificate. This republication renders moot the prior publication.

MC 89861 (Sub-17)X, filed February 23, 1981. Applicant: GOUVERNEUR TRUCKING, INC., Box 114, Gouverneur, NY 13642. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions from its lead certificate to broaden the territorial scope by replacing city-wide (Emeryville, NY and Carteret, NJ) authority with county-wide (St. Lawrence County, NY and Middlesex County, NJ), and one-way authority with radial between St. Lawrence County, NY and points in MA, OH, NJ, and PA and New York, NY and between Middlesex County, NJ and points in 10 NY counties.

MC 116371 (Sub-23)X, filed February 19, 1981. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, Canada, L5J 2Y4. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 8, 11F, 13F, 15F, 16F, and 21F certificates to (1) broaden the commodity description to "commodities in bulk," from liquid commodities in bulk such as coal tar residual oil, liquid packinghouse products, liquid rendering plant products, liquid edible oil refinery products, liquid sugar, liquid commodities, sulfonic acid, and non-exempt foods or kindred products; (2) expand specific ports of entry on the international boundary line between the United States and Canada to authorize all border crossing points within the State, remove facilities limitations and authorize radial service in (a) Sub-No. 2, between Cleveland and Warren, OH and Buffalo, NY and ports of entry in MI and NY (Detroit, MI and Buffalo, NY); (b) Sub-No. 4, between points in NY (except 4 counties), OH, MI, IN, and IL and ports of entry in NY and MI (Buffalo, NY, Detroit and Port Huron, MI); (c) Sub-No. 8, between ports of

entry in MI (located on the Detroit and St. Clair Rivers in MI) and MI and OH; (d) Sub-No. 11F, ports of entry in NY (on the Niagara River) and points in NY, OH, and PA; (e) Sub-No. 13F, ports of entry in MI and NY (on the Detroit and Niagara Rivers) and Memphis, TN (facilities at Memphis); (f) Sub-No. 15F, between Detroit and Port Huron, MI and Chicago, IL (facilities at Chicago); (g) Sub-No. 16F between ports of entry on the international boundary line between the United States and Canada, and points in IL, IN, and NJ; (h) Sub-No. 21F, between ports of entry in MI and NY and Du Page County, IL, (3) in Sub-Nos. 2 and 8, remove, the restriction limiting service to the transportation of traffic originating at or destined to points in Canada; (4) in Sub-No. 11F, 13F, 15F, and 16F, remove the foreign commerce restriction and (5) remove the in tank vehicle restrictions in all Sub-Nos. except 21F.

MC 116459 (Sub-81)X, filed February 20, 1981. Applicant: RUSS TRANSPORT INC., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 3, 16, 29, 30, 42, 44, 46, 53, 55, 65, 66, 69, and 75F, certificates to (1) change the commodity description from road tar, creosote oil, pipe dip compounds, pitch, and compounds, in bulk, in its lead, liquid asphalt and liquid asphalt products in Sub-No. 1, coal tar products, in bulk, in Sub-No. 2, residual fuel oil, in bulk in Sub-Nos. 3 and 53, vegetable oils and fats, and blends thereof, in bulk, in Sub-No. 16, fuel oils, in bulk, in Sub-No. 29, salt and salt products, in bulk, in Sub-No. 44, animal and poultry feed ingredients, in bulk, in Sub-No. 46, asphalt and asphalt products, in bulk, in Sub-Nos. 55 and 75F, fertilizer and fertilizer materials, in bulk, in Sub-No. 65, feric chloride, in bulk, in Sub-No. 66, and liquid coal tar, in bulk, in Sub-No. 69, to "commodities in bulk"; (2) remove originating at or destined to restrictions in Sub-Nos. 42 and 46; (3) remove facilities limitations in Sub-No. 46, 55, 65, and 69; (4) remove a restriction requiring prior or subsequent movement by rail in Sub-No. 66; (5) broaden the territorial description by (a) substituting Hamilton County, TN for Chattanooga, TN in its lead and Sub-Nos. 1, 2, 3, 16, 29, 42, 46, 53, and 69; Knox County, TN, for Knoxville, TN, in Sub-Nos. 3, 55, 66 and 75F, and (b) changing one-way to radial authority between the named counties, Shelby and Bradley Counties and Tyner, TN and AL, AR, FL, GA, IL, IN, KY, MS, NC, SC, TN, VA and WV, and (6) remove vehicle restrictions in its lead and Sub-Nos. 1, 2, 3, 16, 29, 46, 53, 55, 65, 66, 69, and 75F.

MC 116859 (Sub-27)X, filed February 26, 1981. Applicant: CLARK TRANSFER, INC., P.O. Box 190, Burlington, NJ 08016. Representative: David A. Sutherlund, Suite 400, 1150 Connecticut Ave., NW, Washington, DC 20036. Applicant seeks to remove restrictions from its Sub-No. 15F certificate to (1) remove the exceptions of "uncrated", and "when moving as displays and display materials to and from conventions, . . .", from its authority to transport store, restaurant, and bar fixtures and equipment, and (2) eliminate the exceptions to AK and HI, on its radial authority between Chicago, IL and points in the United States.

MC 121496 (Sub-59)X, filed February 23, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Streeet, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 45F certificates, to (1) broaden the commodity description from chemicals, in bulk, in tank vehicles, to "commodities in bulk", and (2) broaden the territorial description by removing the facilities restriction at LeMoyne, AL, and changing to county-wide authority of Mobile County, AL, to authorize radial service between Mobile County and TX and LA.

MC 121496 (Sub-61)X, filed February 23, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Streeet, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 41F certificates, to (1) broaden its commodity description from liquefied petroleum gases, in bulk, in tank vehicles, to "commodities in bulk"; (2) replace its city-wide authority in Mont Belvieu, TX, Arcadia, LA, and Petal, MS, with county-wide authority to authorize radial service between Chambers County, TX, Bienville County, LA, and Forrest County, MS, and points in the U.S.; and (3) eliminate the AK and HI exception.

MC 123124 (Sub-7)X, filed February 26, 1981. Applicant: BOOTH DELIVERY SERVICE, INC., P.O. Box 1364, Fargo, ND 58107. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5 and 6 certificates to (1) broaden the commodity description from meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, (except commodities in bulk and hides) to "food and related products" in all Sub-Nos., (2) obtain county-wide for city authority and authorize radial service in place of one-way authority between Cass County, (Fargo) ND, on the one hand, and on the other, points in ND and named MN counties, and (3) eliminate the restriction limiting service to shipments having a prior movement in interstate commerce by rail or motor vehicle in lead certificate.

MC 133932 (Sub-3)X, filed February 20, 1981. Applicant: CATAWBA VALLEY MOTOR LINES, INC., P.O. Box 370, Claremont, NC 28610. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from uncrated upholstered furniture to "furniture and fixtures", and (2) authorize radial authority for existing one-way authority to serve between Catawba, Alexander, Burke, and Caldwell Counties, NC, and, in described parts of VA, MD, PA, and points in NJ, DE and DC.

MC 145623 (Sub-11)X, filed February 19, 1981. Applicant: O. K. MESSENGER SERVICE, INC., 9107 Telegraph Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F and 8F permits, which authorize the transportation of iron and steel articles, to broaden the territorial description to authorize between points in the United States, under continuing contract(s) with a named shipper.

MC 147313 (Sub-1) X, filed February 20, 1981. Applicant: JOHN PFROMMER, INC., P.O. Box 307, Douglassville, PA 19518. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101. Applicant seeks to remove restictions in its MC-118745 and Sub-Nos. 2, 3, 4, 6, 7, 8, 9, 11, 12, 16F, 22F, 23F, 26F, 27F, 28F, and 29F permits to (1) change the commodity description (a) from lime and crushed stone in its lead, lime and limestone in Sub-No. 2, trap rock in Sub-No. 6, sand and stone in Sub-No. 9, and overburden and crushed stone in Sub-No. 26F, to "ores and minerals," (b) from cement, in bulk, in Sub-No. 8 to "clay, concrete, glass or stone products," (c) from stone, lime, cement, sand in bags, mixtures of the foregoing, and mineral rock wool in Sub-No. 3, lime and limestone, and mixtures and products thereof in Sub-No. 4, lime, limestone, and limestone products in Sub-Nos. 11 and 16, lime and limestone products in Sub-No. 22F, and

slag, sand, gravel, lime, limestone, and limestone products in Sub-No. 29F, to "ores and minerals" and "clay, concrete, glass or stone products"; (d) from scrap metal in Sub-Nos. 12 and 28F to "waste or scrap materials not identified by industry, producing"; and (e) from petroleum coke in Sub-Nos. 7, 23F, and 27F to "coal and coal products" and "petroleum, natural gas and their products"; (2) remove restrictions (a) requiring commodities to move in specific types of equipment in Sub-Nos. 3, 12, 16, 23F, 26F, and 28F, (b) against the transportation of sand and stone between points in NJ, and the transportation of cement, in bags in Sub-No. 3 and (c) against the transportation of lime and limestone to named NY counties, and (3) change the territorial description in Sub-Nos. 2, 3, 4, 6, 7, 8, 9, 11, 12, 16F, 22F, 23F, 26F, 27F, 28F, and 29F to between points in the U.S. under contract(s) with named shippers.

MC 147831 (Sub-20) X, filed February 20, 1981. Applicant: CENTRAL STATES EXPRESS, INC., 20 Bayberry Drive, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No 19F certificate to broaden the commodity descriptions from foodstuffs (except in bulk), and materials, equipment and supplies used in the manufacture and distribution of foodstuffs to "food and related products"; and to broaden the territorial scope by substituting countywide authority for the named facility at or near Humboldt, TN, and removing the exceptions of AK and HI as follows: between points in Gibson County, TN, and points in the U.S.

MC 147913 (Sub-3)X, filed February 23, 1981. Applicant: ACME TRANSFER & STORAGE CO., INC., 201 5th Ave., SW, New Brighton, MN 55112. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW, Washington, DC 20036. Applicant seeks to remove restrictions from its Sub-No. 1F certificate to (1) eliminate the facilities restriction at Minneapolis, MN, and (2) remove all exceptions to its general commodities authority (except classes A and B explosives)

[FR Doc. 81-7483 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

Long-and-Short-Haul Applications for Relief (Formerly Fourth Section Application)

March 5, 1981.

These applications for long-and-short-haul or aggregate-of-intermediates relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

Aggregate-of-Intermediates

No. 43906, Trans-Continental Freight Bureau, Agent's No. 559, rates on motor vehicles, passenger or passengers, or hi-level or tri-level cars, from Toledo, OH to Pacific Northwest points in states of Oregon and Washington, primarily destinations being Kent, Seattle, Spokane, WA and Tigard and Portland, OR. Rates are to be published in Trans-Continental Freight Bureau Tariff ICC TCFB 3001-C. Grounds for relief-maintenance of the rates covered hereby to meet market competition without use of such rates as factors in constructing combination rates beyond objective origins.

Long-and-Short-Haul

No. 43907, Southwestern Freight Bureau, Agent's No. B-115, rates on lime, in carloads, minimum 50,000 pounds, from points in Alabama to Point Comfort, TX, also, returned shipments in reverse direction. Rates are published to become effective March 31, 1981, in Item No. 4885-A, Supplement No. 77, to ICC SWFB 4798. Grounds for relief-market competition.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7438 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP5-69]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: March 5, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.
Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 35628 (Sub-442), filed January 9, 1981. Initially published in the **Federal Register** on January 28, 1981. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 110 Ionia Avenue NW., P.O. Box 175, Grand Rapids, MI 49501. Representative: Michael P. Zell (same

address as applicant). Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S.

Note.—This application is republished to except "household goods." The date for filing statements in opposition to this application remains unchanged, that is, March 16, 1981.

[FR Doc. 81-7439 Filed 3-6-81; 8:45 am]
BILLING CODE 7035-01-M

[EX Parte No. 387 (Sub-11)]

Southern Pacific Transportation Company Exemption for Contract Tariff ICC-SP-C-0002; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed will become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed February 26, 1981, Southern Pacific Transportation Company (SP) has reqested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract tariff ICC-SP-C-0002 be made effective on a minimum of 30 days' notice. SP seeks to file the contract tariff on one day's notice with an effective date of March 1, 1981. The duration of the contract is six months with an option to extend for three additional months.

The contract involves the movement of pipe for the Northern Border Pipeline Project over the lines of SP, the St. Louis Southwestern Railway Company, and Burlington Northern Inc. The pipe will be used for construction of a pipeline in the northern tier States as part of the overall Pipeline Project. Because the pipe is being imported, a shipping schedule had to be planned even before fianalizing the contract. Similarly, SP argues that it was necessary for the receiver to develop a production schedule which requires initiation of shipments on March 1, 1981. SP states that, in regognition of the statutory notice requirement of section 10713(e), the parties engaged in vigorous negotiation over terms of the shipping contract. Although each party worked diligently to resolve problems which arose, negotiations took longer than expected. Petitioner thus contends that a 30 day waiting period would be extremely disruptive to the scheduling to which the shipper and receiver have already committed themselves.

SP does not expect any protests of the contract tariff to be filed. It alleges that the contract is of limited scope because it involves a single commodity moving over a single route and has only a six month duration. It also contends that the 30 day notice period is not required to protect shippers from any abuse of market power. SP will use a pool of leased rail cars to provide service under the contract, so its own fleet of rail cars will be avilable to meet its common carrier obligation to serve other shippers. For these reasons, petitioner argues that the requested exemption is warranted.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. CF. former section 10762(d)91). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contract at issue is designed to allow responsive transportation services in connection with a major energy project. To permit the contract to become effective only after a 30 day period could seriously disrupt shipping and production schedules already in place. The contract proposal should enhance carrier service by encouraging efficient use of transportation facilities. It should not impair the carriers' obligation to provide service to other shippers because SP will use a pool of leased cars to move the pipe. Thus, we conclude that a provisional exemption should be granted.

SP has already agreed in its petition to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposed of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it during the periods specified in 49 U.S.C. 10713.

In this proceeding as in other requests for exemptions from the statutory notice provisions for contract tariffs, we have acted as expeditiously as possible in order to meet the stated needs of the shippers and carriers involved. We will continue to make all efforts to avoid undue regulatory delay. We take note here, however, that SP filed its petition on February 26, only two working days before the requested effective date of March 1 for its contract tariff. Petitioner has not given any reasons why the petition could not have been filed earlier, giving this Commission a more reasonable period for considering the request. SP is advised that, in the future, the filing of an exemption request on such short notice with no explanation as to why the request was not made earlier will be considered a strong indication that the requested exemption is not actually required.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication of the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: February 27, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Gilliam. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7438 Filed 3-6-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Volume No. OPI-057]

Republications of Grants of Operating Rights Authority Prior to Certification.

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 82841 (Sub-295F) (Republication) filed October 8, 1980, previously noticed

in the FR issue of November 4, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 I St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. A Decision by the Commission, Review Board Number 1, decided February 2, 1981, and served February 13, 1981, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *lumber or wood products, except furniture*, (2) *clay, concrete, glass, or stone products*, (3) *primary metal products, including galvanized, except coating or other allied processing*, (4) *fabricated metal products, except ordnance, machinery, or transportation equipment, and* (5) *machinery except electrical, as described in Items 24, 32, 33, 34, and 35, respectively, of the Standard Transportation Commodity Code*, between points in Allegheny and Beaver Counties, PA, Mahoning, Cuyahoga, and Stark Counties, OH, Lake County and Indianapolis, IN, Macomb County, MI, and Windham County, CT, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wisconsin. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to add specified counties in CT, IN, and MI.

Agatha L. Mergenovich

Secretary.

[FR Doc. 81-7437 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-012

Decided: February 27, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

MC 5227 (Sub-84), filed February 9, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, 220 N. Phillips Ave., Sioux Falls, SD 57101, (605) 335-1777. Transporting *lumber and wood products*, between points in WA, OR, WY, ID, CA, MT, and SD, on the one hand, and, on the other, points in NE, IA, and MN.

MC 30237 (Sub-46), filed February 10, 1981. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt (same address as applicant), (804) 369-5695. Transporting (1) *rubber and plastic products*, (2) *toys*, (3) *metal products*, and (4) *pulp, paper and related products*, between those points in the U.S. in and east of IL, KY, TN, and MS.

MC 42487 (Sub-1031), filed February 10, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-6692. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Port of Seattle, of Seattle, WA.

MC 63417 (Sub-303), filed February 17, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant), (703) 342-1835. Transporting *furniture and fixtures*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 63417 (Sub-304), filed February 10, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant), (703) 342-1835. Transporting (1) *rubber and plastic products*, and (2) *chemicals and related products*, between the facilities of Mobil Chemical Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 110567 (Sub-23), filed February 17, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245-2730. Transporting *clay, concrete, glass or stone products*, between points in AR, KS, and OK, on the one hand, and, on the other, points in the U.S.

MC 111967 (Sub-12), filed February 10, 1981. Applicant: CADDELL TRANSIT CORPORATION, P.O. Box 146, Lawton, OK 73502. Representative: Wilburn L. Williamson, Suite 615-East, The Oil

Center, 2801 Northwest Expressway, Oklahoma City, OK 73113, (405) 848–7946. Transporting *petroleum, natural gas and their products*, between points in Jones County, TX, on the one hand, and, on the other, points in OK.

MC 113297 (Sub-1), filed February 18, 1981. Applicant: ALGONQUIN ASSOCIATES, INC., d.b.a. TWELVE GATE HORSE TRANSPORTATION, 63A Community Place, Long Branch, NJ 07740. Representative: Harold L. Rockson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 792–2270. Transporting *livestock*, other than ordinary livestock, and in connection therewith, *personal effects* of attendants, and *supplies and equipment*, including mascots, used in the care and/or exhibition of such animals, between points in NJ and NY, on the one hand, and, on the other, points in FL, GA, and KY.

MC 117427 (Sub-87), filed February 18, 1981. Applicant: G.G. PARSONS TRUCKING COMPANY, a corporation, P.O. Box 1085, N. Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8585. Transporting *lumber and wood products*, between points in the U.S.

MC 120257 (Sub-56), filed February 10, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *metal products*, between points in Gregg County, TX and Warren County, MO, on the one hand, and, on the other, points in the U.S.

MC 120257 (Sub-57), filed February 10, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *machinery*, between points in Gregg and Cameron Counties, TX, and Warren County, MS, on the one hand, and, on the other, points in the U.S.

MC 134477 (Sub-429), filed February 17, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., W. St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164, (612) 457–9712. Transporting *food and related products*, between points in IA, MN, WI, NE, and MO, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 134477 (Sub-433), filed February 17, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164, (612) 457–9700. Transporting *freezers*, between points in Stearns County, MI, on the one hand, and, on the other, points in the U.S.

MC 144017 (Sub-3), filed February 10, 1981. Applicant: GEORGE W. NOFFS MOVING AND STORAGE, INC., 1735 E. Davis St., Arlington Heights, IL 60005. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036, (202) 463–6044. Transporting *household goods*, as defined by the Commission, between Chicago, IL and points in Boone, McHenry, Lake, Winnebago, Ogle, Lee, Dekalb, kane, DuPage, Kendall, Will, Grundy, LaSalle, Bureau, Putnam, Marshall, Woodford, Livingston, McLean, Ford, Iroquois, Kankakee, Vermilion and Champaign Counties, IL, points in Kenosha, Racine, Walworth, Milwaukee, Waukesha, Jefferson and Rock Counties, WI, Cass, Van Buren, and Berrien Counties, MI, Warren, Benton, Newton, Jasper, Lake, Porter, LaPorte, Starke, Pulaski, White, Carroll, Tippecanoe, Cass, Fulton, Marshall, St. Joseph, Elkhart and Kosciusko Counties, IN, on the one hand, and, on the other, points in TX, MD, CA, AZ, OK, NV, UT, LA, WA, OR, ID, WY, NM, NE, MS, and DC.

MC 145517 (Sub-5), filed February 10, 1981. Applicant: MANITO TRANSIT CO., a corporation, Box No. 8, Ashkum, IL 60911. Representative: Douglas G. Brown, 913 So. Sixth St., Springfield, IL 62703, (217) 758–3925. Transporting *petroleum, natural gas and their products*, between points in Lake, White and Tippecanoe Counties, IN, on the one hand, and, on the other, points in Iroquois, Ford, Kankakee, Livingston, Grundy, Vermilion and Will Counties, IL.

MC 146717 (Sub-8), filed February 19, 1981. Applicant: JACK MYER & BUDDY C. MOORE, d.b.a., MIDWEST VIKING, Johnson, NE 68378. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting (1) *lumber and wood products*, and (2) *furniture and fixtures*, between points in Jackson, Josephine, Douglas, Lane, Linn, Coos, and Deschutes Counties, OR; Clark and Pierce Counties, WA; Missoula, Flathead, and Lincoln Counties, MT; and Ada, Elmore, Boise, Gem, Payette, Kootenai, Nez Perce, and Clearwater Counties, ID, and TX, LA, and AR, on the one hand, and, on the other, points in IN, IL, MI, WI, IA, AR, OH, MS, TX, AZ, CA, CO, GA, KS, MN, MO, and OK.

MC 152807 (Sub-1), filed February 10, 1981. Applicant: L. R. CONNELL, INC., Route 4, Box 74, Arkadelphia, AR 71923. Representative: Sarah Lea Connell (same address as applicant), (501) 246–6259. Transporting (1) *metal products*, (2) *machinery*, (3) *lumber and wood products*, and (4) *building materials*, between points in Clark and Garland Counties, AR, on the one hand, and, on the other, points in LA, TN, OK, TX, and MS.

MC 153067 (Sub-1), filed February 11, 1981. Applicant: BILL LUTZ, d.b.a. J & B TRUCKING, 301 N. Main, Springfield, MO 65806. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting *general commodities* (except classes A and B explosives), between points in Greene County, MO, on the one hand, and, on the other, points in AR and MO.

MC 154177, filed February 9, 1981. Applicant: TRI-STATE AIR CARGO, INC., Box 712, Cierto, WV 25507. Representative: James W. Muldoon, 50 W. Broad, Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between points in Boyd, Carter, Floyd, Greenup, Johnson, Lawrence, Martin, Perry, and Pike Counties, KY, Gallia, Lawrence, and Scioto Counties, OH, and Boone, Cabell, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam and Wayne Counties, WV, on the one hand, and, on the other, points in KY, OH, PA, and WV.

MC 154207, filed February 10, 1981. Applicant: J.C. ELLIS TRANSPORTATION, INC., P.O Box 1009, Washington Park, IL 62204. Representative: Denis M. Neill, 1156 15th St., N.W., Washington, DC 20003. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Banquet Foods Corporation of St. Louis, MO.

Volume No. OPY–913

Decided: February 27, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton and Liberman.

MC 148487 (Sub-3), filed February 9, 1981. Applicant: DAN L. HUFFMAN, d.b.a. HUFFMAN TRUCKING CO., P.O. Box 973, Chatsworth, CA 91311. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPI–869

Decided: February 28, 1981.

By The Commission, Review Board No. 3, Members Parker, Fortier and Hill.

MC 720 (Sub-89), filed February 9, 1981. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Wayne W. Wilson, 150 E. Gilman, Madison, WI 53703. Transporting *general commodities* (except classes A and B explosives), (a) between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, and (b) between points in AL, AR, CO, CT, DE, FL, GA, KS, LA, ME, MD, MA, MS, NE, NH, NJ, NY, NC, ND, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and DC, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

MC 730 (Sub-523), filed February 9, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving points in Emery and Carbon Counties, UT, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 35320 (Sub-637), filed February 9, 1981. Applicant: T.I.M.E.-DC, INC., 2596 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving points in Barnstable County, MA, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 85970 (Sub-48), filed February 10, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *machinery* between points in Dyer County, TN, on the one hand, and, on the other, points in the U.S.

MC 93840 (Sub-62), filed February 10, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *chemicals and related products*, between points in IA and IL.

MC 94790 (Sub-3), filed February 9, 1981. Applicant: BILL GERLOCK TOWING CO. (a corporation), 702 NE Schuyler St., Portland, OR 97212. Representative: Jerry R. Woods, Suite 1600, One Main Place, 101 SW Main St., Portland, OR 97204. Transporting (1) *transportation equipment*, and (2) *machinery*, between points in CA, ID, MT, NV, OR, and WA.

MC 115730 (Sub-82), filed February 9, 1981. Applicant: THE MICKOW CORP., 531 S.W. Sixth St., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines, IA 50307. Transporting *machinery*, between points in Boone County, MO, on the one hand, and, on the other, points in the U.S.

MC 115821 (Sub-57), filed February 9, 1981. Applicant: BEELMAN TRUCK CO. (a corporation), P.O. Box 93, St. Libory, IL 62282. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *general commodities* (except classes A and B explosives), (1) between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, and NM (except HI). Condition: Prior to issuance of a certificate in this proceeding, applicant must request cancellation of those certificates which duplicate the above authority.

MC 119821 (Sub-6), filed February 9, 1981. Applicant: OCHROCH TRANSPORTATION CO., INC., 2nd St. and Erie Ave., Philadelphia, PA 19140. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Transporting *machinery*, (1) between Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, MS, NJ, NY, NC, OH, RI, SC, VA, WV, and DC, and (2) between points in Spartanburg, County, SC, on the one hand, and, on the other, points in Franklin County, OH.

MC 133841 (Sub-22), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *machinery*, between the facilities used by Komline-Sanderson Engineering Co., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145130 (Sub-4), filed February 10, 1981. Applicant: ATICO TRANSPORT, INC., 6700 S. LeClaire Ave., Chicago, IL 60638. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by manufactureres and distributors of chemicals, building materials, and floor covering, between points in IL, on the one hand, and, on the other, points in Marshall County, KY, and Union County, NJ.

MC 148791 (Sub-9), filed February 9, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Road, Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with McGraw Edison Company, of Rolling Meadows, IL.

MC 148791 (Sub-10), filed February 9, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Road, Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Associated Grocers, of Phoenix, AZ.

MC 152360 (Sub-3), filed February 9, 1981. Applicant: WILCO TRANSPORTATION, INC., Route 16, Box 73, Springfield, MO 65803. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Wil Fischer Distributing Company, of Springfield, MO.

MC 153190 (Sub-1), filed February 9, 1981. Applicant: C. & O. TRANSFER, INC., 2120 Prairieton Rd., Terre Haute, IN 47802. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *clay, concrete, glass or stone products*, between points in Vigo County, IN, Houston County, GA, Okmulgee County, OK, Monmouth County, NJ, and Scott County, MN, on the one hand, and, on the other, points in the U.S. .

MC 153220 (Sub-1), filed February 9, 1981. Applicant: RECOVERY SPECIALISTS, INC., P.O. Box 255, Saline, MI 48176. Representative: Norman a. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *hazardous materials*, between points in MI, on the one hand, and, on the other, points in the U.S. Condition: To the extent that any certificate issued in this proceeding authorizes the transportation of hazardous materials, it shall expire 5 years from its date of issuance.

MC 153280 (Sub-1), filed February 9, 1981. Applicant: ROYAL FOODS, INC., P.O. Box 385, Salt Lake City, UT 84110. Representative: Kathryn Denholm, 660 South 200 East #100, Salt Lake City, UT 84111. Transporting *food and related products*, between points in UT, NV, CA, and ID.

MC 153830 (Sub-1), filed February 9, 1981. Applicant: LORI-MATT CARRIERS, INC., 6603 Meadow Parkway, Omaha, NE 68138. Representative: Marshall D. Becker,

Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Sperry Vickers, of Omaha, NE.

MC 154120, filed February 9, 1981. Applicant: R.F.D., INC., d.b.a. RURAL ROUTE TOURS INTERNATION AND AMERICAN GROUP TRAVEL SERVICE, 308 West 79th Terrace, Kansas City, MO 64114. Representative: J. Mike Schulze, 408 West 61st Terrace, Kansas City, MO 64113. As a *broker*, at Kansas City, MO, in arranging for the transportation of *passengers and their baggage*, in round trip, special and charter operations, between points in the U.S.

MC 154121, filed February 9, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities used by The Enterprise Companies and Insilco Company, their subsidiaries, and divisions, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154121 (Sub-1), filed February 9, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Gladstone, N.J. 07934. Representative: George A. Olsen (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Montgomery Elevator Company, of McKinney, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7432 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-058

Decided: February 28, 1981.

By The Commission, Review Board No. 3, members Parker, Fortier, and Hill.

MC 108341 (Sub-198), filed February 5, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *those commodities*, which because of their size or weight require the use of special handling or equipment, *transportation equipment*, and *machinery*, between the facilities used by Tower Cranes of America, Inc., at those points in the U.S. in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 127610 (Sub-7), filed February 6, 1981. Applicant: J. P. NOONAN TRANSPORTATION, INC., 436 West Street, West Bridgewater, MA 02379. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *petroleum, natural gas and their products*, between points in CT, ME, MA, NH, RI and VT.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

MC 129480 (Sub-54F), filed January 5, 1981, and previously noticed in **Federal Register** issue of January 28, 1981. Applicant: TRI-LINE EXPRESSWAYS LTD., 9559–40th Street, SE., Calgary, Alberta, Canada 52H 2J1. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, CO 80264. *In foreign commerce only*, transporting (1) *lumber and wood products and forest products*, between ports of entry on the International Boundary Line between the U.S. and Canada, on the one hand, and, on the other, points in AR, DE, FL, GA, IA, IL, IN, KY, LA, MD, MI, MO, MS, NC, OH, PA, SC, TN, VA, WI, WV, and DC, (2) *those commodities which because of their size or weight require the use of special handling or equipment, Mercer commodities, transportation and materials handling equipment, and industrial, construction, mining and agricultural machinery, equipment, materials and supplies*, between ports of entry on the International Boundary Line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except CT, HI, MA, ME, NH, NJ, NY, RI, and VT), and (3) *chemicals and related products*, between ports of entry on the International Boundary Line between the U.S. and Canada, on the one hand, and on the other, points in the U.S. (except CT, HI, MA, ME, NH, NJ, NY, RI, and VT).

Note.—This republication clarifies the commodity description in part (2) above.

MC 138000 (Sub-83), filed February 6, 1981. Applicant: ARTHUR H. FULTON, INC., PO Box 86, Stephens City, VA

22855. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., PO Box 1417, Hagerstown, MD 21740. Transporting *asbestos brake lining*, between points in Frederick County, VA and Rowan County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK and TX.

MC 141281 (Sub-3), filed February 6, 1981. Applicant: SOUTHERN FURNITURE TRANSPORT, INC., 2003 Viscount Row, Orlando, FL 32809. Representative: Arthur J. Pikens, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374. Transporting *furniture and fixtures*, (1) between points in GA and AL, on the one hand, and, on the other, those points in FL, on, north, and west of a line beginning at the FL–GA State line and extending along U.S. Hwy 441 to Gainesville, FL, then along FL Hwy 24 to Cedar Key, FL, at the Gulf of Mexico, and (2) between points in TN, on the one hand, and, on the other, points in AL, FL, and GA.

MC 142431 (Sub-11), filed January 23, 1981. Applicant: WAYMAR TRANSPORT CORP., 1755 S.E. 108th St., Runnells, IA 50237. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 151900 (Sub-2), filed February 4, 1981. Applicant: AL-WAYS TRUCKING COMPANY, 2315 East Olive, Arlington Heights, IL 6000. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. Transporting *rubber and plastic products*, between Chicago, IL, on the one hand, and, on the other, points in WI, MI, MO, OH, MN, IA, IN and Ky.

MC 154241, filed February 6, 1981. Applicant: SVS TRUCKING, INC., PO Box 990, Minneapolis, MN 55440. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Transporting (1) *food and related products*, (2) *such commodities as are dealt in or used by grocery stores and food business houses*, (3) *such commodities* as are dealt in or used by retail catalog merchandise stores and department stores, and (4) *medical equipment and supplies*, between points in the U.S.

Volume No. OP2–023

Decided: February 18, 1981.

By the Commission, Review Board No. 3 Members Fortier, Hilland, Parker.

FF–332 (Sub-2), filed February 6, 1981. Applicant: TEXAS SHIPPERS ASSOCIATION, INC., 2311 Butler St., Dallas, TX 75235. Representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017, 212–532–5100. To operate, in interstate commerce, as a *freight forwarder*, in connection with the transportation of *general commodities* (except classes A and B explosives) (1) between points in TX, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, NH, NJ, NY, OH, PA, RI, TX, VT, VA, WV, WI, WA, and DC, and (2) between points in GA and FL, on the one hand, and, on the other, points in IL, IN, MI, MN, OH, and WI.

MC 107522 (Sub-3), filed January 30, 1981. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway St., Wallington, NJ 07057. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10123, (212) 239–4610. Transporting *metal products* between points in the U.S., under a continuing contract(s) with the Swedish Wire Corporation, of Mt. Vernon, NY.

MC 106223 (Sub-41F), filed February 3, 1981. Applicant: CENTURY–MERCURY MOTOR FREIGHT, INC., 2160 Mustang Dr., P.O. Box 43060, St. Paul, MN 55164. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Minneapolis-St. Paul, MN and Houston, TX: from Minneapolis-St. Paul over Interstate Hwy 35 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to junction Interstate Hwy 45, then over Interstate Hwy 45 to Houston and return over the same route, serving all intermediate points and serving the off-route points of Forest City, IA, Topeka, KS and Tulsa, OK.

MC 111432 (Sub-13), filed January 30, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, (217) 753–3925. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with Onyx Chemical Company of Blue Island, IL.

MC 113362 (Sub-413), filed January 30, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, (507) 433–3427. Transporting *general commodities* (except classes A and B explosives), between the facilities of the Hammermill Paper Company and as suppliers at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 124813 (Sub-234), filed February 3, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *machinery*, between points in Wright County, IA, on the one hand, and, on the other, points in the U.S.

MC 129383 (Sub-3), filed February 4, 1981. Applicant: MCCARLEY MOVING & STORAGE CO., INC., 4245 Milgen Road, Coumbus, GA 31907. Representative: Price Y. McCarley (same address as applicant), 404–561–5585. Transporting *household goods*, between points in GA, FL, AL, MS, TN, SC, NC, LA, KY, and TX.

Note.—The person or persons who appear to be engaged in common control with another carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 136553 (Sub-105), filed February 2, 1981. Applicant: ART PAPE TRANSFER, INC., 1080. East 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309.Transporting *lumber and wood products* between points in Grundy County, IA, on the one hand, and, on the other, points in the U.S.

MC 138432 (Sub-22), filed February 2, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *printed matter*, between points in the U.S.

MC 146183 (Sub-35), filed January 29, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004, (202) 737–2188. Transporting *machinery* between points in Hall County, GA, on the one hand, and, on the other, points in AL, FL, IL IN, LA, MI, MS, NC, OH, SC, TX, TN and WI.

MC 129712 (Sub-32), filed January 28, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569 McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30328, 404–237–6472. Transporting *iron and steel articles*, between points in the U.S., under continuing contract(s) with Nucor Corporation, of Charlotte, NC.

MC 129712 (Sub-33), filed January 27, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569 McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree

Rd., NE. Atlanta, GA 30328, 404–237–8472. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Beall Manufacturing, Division of Barlan Corp., of Alton, IL.

MC 152282 (Sub-2), filed January 30, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: Stanley C. Olsen, Jr. 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *Lumber and wood products* between points in the U.S., under continuing contract(s) with Sprenger-Midwest, Inc., of Minneapolis, MN.

MC 153882, filed January 28, 1981. Applicant: CREATIVE HOLIDAYS UNLIMITED INC., 2013 Morris Ave., Union, NJ 07083. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. 201–435–7140. As a *broker*, at Union, NJ, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in round-trip, special, and charter operations, between points in the U.S.

MC 153902, filed January 23, 1981. Applicant: ANDERS TRUCKINGS, INC., Union Center, SD 57787. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701, 605–343–4036. Transporting (1) *such commodities* as are dealt in or used by farm, ranch supply stores, and food markets, and (2) *building materials*, between points in CO, IA, MN, MT, NE, ND, OR, UT, WA, and WY, on the one hand, and, on the other, those points in SD on and west of the MO River.

MC 153922, filed January 27, 1981. Applicant: M. A. TRANSPORTATION, INC., P.O. Box 2322, Peachtree City, GA 30269. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349, 404–996–9266. Transporting *Rubber and plastic products*, between points in the U.S., under continuing contract(s) with (a) Southeastern Plastic Container Co., of Arlington, TN, and (b) M.A. Industries, Inc., of Peachtree City, GA.

MC 153923, filed January 27, 1981. Applicant: OMNI, INC., 78–8 Buddington Road, Groton, CT 06340. Representative: Fred S. O'Donnell (same address as applicant), 203–449–0936. Transporting *petroleum, natural gas and their products*, between points in CT, RI, MA, NH, VT, ME, NY, and NJ.

Volume No. OP4–55

Decided: February 27, 1981.

By the Commission, Division 1 Acting as Appellate Division, Commissioners Clapp, Alexis and Gilliam.

MC 153227F, filed December 16, 1981. Applicant: FASTWAY FREIGHT, INC., Ro. 3, Box 186, Pell City, AL 35125. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Volume No. OP4–58

Decided: March 3, 1981.

By the Commission, Review Board No. 2 members Chandler, Eaton and Liberman.

MC 152117 (Sub-1), filed February 3, 1981. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 824 27th Ave., S.W., Cedar Rapids, IA 52404. Representative: Virginia A. Wilson (same address as applicant). Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

Volume No. OP4–59

Decided: March 3, 1981.

By the Commission, Review Board No. 1 members Carleton, Joyce and Jones.

MC 145357 (Sub-2), filed January 19, 1981, previously notice in the Federal Register issue of February 4, 1981, and republished this issue. Applicant: WESTMAR TRUCK LINES, INC., 801 So. Holgate St., Seattle, WA 98124. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting *such products* as are dealt in or used by a full line ship supplier and exporter, between points in CA, OR, WA, ID, and MT.

Note.—The purpose of this republication is to correctly state the requested authority.

Volume No. OP4–60

Decided: March 2, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton and Liberman.

MC 144606 (Sub-6), filed February 9, 1981. Applicant: FRED M. ANDERSON, d.b.a. DELTA VALLEY TRUCKING, 69 N. 200W, P.O. Box 51, Delta, UT 84624. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Delta Valley Farms, Inc., of Delta, UT.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–7433 Filed 3–6–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or before July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–056

Decided: March 2, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier and Hill.

MC 145260 (Sub-1F) (republication), filed September 22, 1980, published in the **Federal Register** of October 14, 1980 and republished this issue. Applicant: GLOUCESTER LOBSTER CO., INC., 3630 East St., Landover, MD 20785. Representative: Melvin Spitz (same address as applicant). A decision by the Commission, Review Board No. 3, decided December 29, 1980, served January 23, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from points in MD and VA to points in CT, MA, ME, NH, RI and VT. Conditions: Applicant must conduct its for-hire motor carrier activities independently from its other business activities and maintain separate records for each. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to include NH in the destination points.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7430 Filed 3–9–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unoppsed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract"

Volume No. OP3–034

Decided: February 25, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce and Jones.

MC 80443 (Sub-46), filed February 6, 1981. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *machinery*, between Dallas, TX, Fayetteville, AR, Harrisburg, PA, Louisville, KY, Zion, IL, and points in Los Angeles County, CA, on the one hand, and, on the other, hand, points in the U.S.

MC 104523 (Sub-61), filed January 29, 1981. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *metal products*, between Houston, TX, on the one hand, and, on the other, points in the U.S.

MC 130223 (Sub-1), filed February 5, 1981. Applicant: PETER PAN WORLD TRAVEL, INC., 1778 Main St., Springfield, MA 01103. Representative: Charles A. Webb, Suite 1111, 1828 L St., N.W., Washington, DC 20036, (202) 296–2929. As a *broker*, at points in the U.S. in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 134922 (Sub-340), filed January 28, 1981. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price (same address as applicant), (501) 758–0777. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 144222 (Sub-14), filed February 5, 1981. Applicant: RONALD HACKENBERGER, d.b.a. RON'S TRUCKING SERVICE, Rt. 3, Norwalk, OH 44812. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Transporting *machinery and ores and minerals*, between points in MN, IA, MO, KS, AR, TN, KY, VA, WV, DE, MD, NJ, IL, IN, OH, PA, WI, MI, MA, CT, RI, NH, NY, VT, ME and DC, on the one hand, and, on the other, points in Crawford, Delaware and Wyandot Counties, OH.

MC 144622 (Sub-201), filed January 27, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021.

Transporting *rubber and plastic products*, between Los Angeles, CA, Chicago, IL, and points in Kern and Yolo Counties, CA, Fairfield County, CT, Fulton and Newton Counties, GA, Morgan and Will Counties, IL, Middlesex County, MA, Kent and Wayne Counties, MI, Ontario and Wayne Counties, NY, Warren County, NJ, Pottawatomie County, OK, Multnomah County, OR, Bell and Jefferson Counties, TX, and Wayne County, WA, on the one hand, and, on the other, points in the U.S.

MC 146632 (Sub-4), filed January 27, 1981. Applicant: BETS TRUCK LEASING, INC., P.O. Box 1050, Bennington, VT 05201. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8206. Transporting *machinery*, between the facilities used by U.S.T., Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148522 (Sub-9), filed February 3, 1981. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-3030. Transporting *food and related products*, (1) between South Volney Township, NY, Eden, NC, and Albany, GA, on the one hand, and, on the other, Milton, PA, points in Luzerne County, PA, points in Ocean, Union, Passaic, and Monmouth Counties, NJ, (2) between Newark, NJ, on the one hand, and, on the other, Geneva, NY, points in Northumberland, Susquehanna, Lycoming, and Mifflin Counties, PA, (3) between Winston-Salem, NC, on the one hand, and, on the other, points in Union and Monmouth Counties, NJ, points in Lycoming, Chester, Centre, Mifflin, and Clinton Counties, PA, (4) between points in Monroe County, NY, on the one hand, and, on the other, points in Ocean, Union, and Monmouth Counties, NJ, points in Chester County, PA, and (5) between Newark and Merrimack, NJ, Williamsburg, VA, points in Franklin County, OH, on the one hand, and, on the other, Easton and Allentown, PA, points in Northumberland, Schuykill and Wayne Counties, PA.

MC 151193 (Sub-4), filed January 23, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Dr., Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant), (202) 499-3860. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Progresso Foods Corporation, of Vineland, NJ.

MC 152743 (Sub-1), filed January 28, 1981. Applicant: AMERICAN CLEANING & MAINTENANCE ENTERPRISES, INC., 524 S. Union, Springfield, MO 65802. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, Mo 65804. Transporting *clay, concrete, and glass or stone products* and *metal products*, between points in the U.S., under continuing contract(s) with Concrete Company, of Springfield, MO.

MC 153212 (Sub-1), filed January 28, 1981. Applicant: JANE WINGER, d.b.a., SUN STATE TRUCKING, P.O. Box 1641, Haines City, FL 33844. Representative: James E. Wharton, Suite 611, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Orchard Hill Farms, Inc., of Red Hook, NY.

MC 153772, filed January 21, 1981. Applicant: R & J TRANSPORTATION CO., INC., 1329 S. Johnson Ct., Lakewood, CO 80226. Representative: Gerald A. Seigal (same address as applicant). Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE.

MC 153832, filed January 27, 1981. Applicant: DACHSHUND BUS LINES, LTD., P.O. Box 662, 837 S.W. Hurbert St., Newport, OR 97365. Representative: William D. Threlkeld, (same address as applicant), (503) 265-5616. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S.

MC 153833, filed January 29, 1981. Applicant: POWELL-CHRISTENSEN, INC., d.b.a. GENERAL TRANSPORT CO., 801 East Main, Grandview, WA 98930. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453-0312. Transporting *petroleum, natural gas and their products*, between points in WA, OR, and ID.

MC 153872F, filed January 28, 1981. Applicant: MENDELSON EGG AND HENSLEY, INC., Route 1, Osakis MN 56360. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424. Transporting *food and related products*, between points in ND and MN, on the one hand, and, on the other, points in Fulton and Williams Counties, OH, and points in MI.

MC 153873, filed January 26, 1981. Applicant: JIM JACOBS TRUCKING, INC., 21850 Lemoyne Rd., Luckey, OH 43443. Representative: Michael M. Briley, P.O. Box 2068, Toledo, OH 43603. Transporting *clay, concrete, glass or stone products*, between points in Fresno County, CA, Worcester County, MA, Monroe and Wayne Counties, MI, Wood and Wyandot Counties, OH, and Navarro County, TX, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-7621 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new

entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP5-61

Decided: February 20, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier and Hill.

MC 105269 (Sub-92F), filed November 28, 1980, previously noticed in the **Federal Register** issue (republication) of January 8 and February 5, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI. Transporting *general commodities* (except commodities in bulk, in tank vehicles), between points in IL, IN, KY, MI, MN, MO, NY, OH, PA, WV, and WI, WV, and WI, restricted to the traffic originating at or destined to the facilities and warehouses of International Paper Company, its subsidiaries and Suppliers.

Note.—This republication is to include MI in territorial description, which was inadvertently omitted.

MC 109028 (Sub-15F), filed December 31, 1980, previously noticed in the **Federal Register** issue (republication) of January 29, 1981. Applicant: S & W TRANSFER, INC. 312 E. Wisconsin Ave., Milwaukee, WI 53202. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in the U.S., under continuing contract(s) with (1) Amoco Foam Products Company of Chippewa Falls, WI, (2) Badger Paper Mills, Inc., of Peshtigo, WI, (3) Dura-Products, Inc., of Neenah, WI, (4) Green Bay Plastics, division of Mosinee Paper Corp., of Green Bay, WI, (5) Heywood-Wakefield Co., of Menominee, MI, (6) Pope & Talbot, Inc. of Eau Claire, WI, (7) Presto Products, Inc., of Appleton, WI, and (8) Tape, Inc., of Green Bay, WI.

Note.—Purpose of republication is to insert word "except" to show complete exception inadvertently omitted in original publication.

MC 141108 (Sub-14F), filed October 27, 1980. Applicant: D & C EXPRESS, INC., P.O. Box 746, Wilson, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *shaftings, bearings, bushings, crusher equipment and conveyor belt pulleys*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) between points in the U.S. restricted to traffic originating at or destined to the facilities of R. J. Dick, Inc., its subsidiaries, affiliates and jobbers.

Volume No. OP5-62

Decided: February 25, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce and Jones.

MC 40978 (Sub-81F), filed December 8, 1980, previously noticed in the **Federal Register** issue of January 27, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 South Business Dr., Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting (1) *office furniture and office equipment*, and (2) *parts and supplies* for the commodities in (1), between points in Dodge and Washington Counties, WI, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, and DC.

Note.—This republication adds Washington County, WI to the base of the territorial description.

MC 126899 (Sub-135), filed February 3, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., on the one hand, and, on the other, the facilities of Dealers Tire and Supply, Inc., in KY, IL, AR, IN, and MO.

Volume No. OP5-63

Decided: February 23, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

MC 100449 (Sub-128), filed January 28, 1981. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK.

MC 107478 (Sub-86), filed January 22, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, High Point, NC 27261. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 109449 (Sub-54), filed February 2, 1981. Applicant: KUJAK TRANSPORT, INC., 6300 West 6th St., Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). Transporting *food and related products*, between points in Hennepin County, MN, on the one hand, and, on the other, Denver, CO, and points in TX.

MC 121699 (Sub-14), filed January 23, 1981. Applicant: VOLUNTEER EXPRESS, INC., 404 Arlington Ave., P.O. Box 100886, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *metal products*, between points in Carroll County, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with existing regular-route authority.

MC 126899 (Sub-134F), filed December 4, 1980. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, KY 42001. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601. Transporting (1) *lumber and wood products*, and (2) *fabricated metal products*, between points in Jefferson County, KY, on the one hand, and, on the other, points in AR, IL, IN, MO, OH, TN, and WV.

MC 133119 (Sub-188), filed January 27, 1981. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *food and related products*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 141768 (Sub-1), filed February 2, 1981. Applicant: WESTERN ASPHALT (1972) LTD., P.O. Box 3195, Sherwood Park, Alberta T8A 2A6 Canada. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *chemicals and related products*, between ports of entry on the international boundary line between the United States and Canada in MT, on the one hand, and, on the other, points in MT.

MC 142678 (Sub-2), filed January 29, 1981. Applicant: LES RAY & SONS, INC., Box 114A, Route 2, Lindsborg, KS 67456. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *general commodities, (except classes A and B explosives)*, between points in the U.S., under continuing contract(s) with Farmer's Union Elevator Co., Inc., of Lindsborg, KS.

MC 144189 (Sub-13), filed February 2, 1981. Applicant: CORPORATE TRANSPORT, INC., 107 7th North St., Liverpool, NY 13088. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *printing inks*, between points in the U.S., under continuing contract(s) with H. Blacker Printing Inks, of Hamilton, OH.

MC 144969 (Sub-27), filed February 2, 1981. Applicant: WHEATON CARTAGE COMPANY, a corporation, 3rd and "G" Sts., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *clay, concrete, glass or stone products*, between the facilities used by Bartlett-Collins Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145548 (Sub-5), filed February 6, 1981. Applicant: COMMUNITY TRANSIT LINES, INC., 315 Howe Ave., Passaic, NJ 07055. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Over regular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, between junction Garden State Parkway and Interstate Hwy 280 at East Orange, NJ, and New York, NY: from junction Garden State Parkway and Interstate Hwy 280 over Interstate Hwy 280 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 495 at Secaucus, NJ, then over Interstate Hwy 495 via the Lincoln Tunnel to New York, NY, and return over the same route, serving no intermediate points.

MC 146689 (Sub-6), filed January 29, 1981. Applicant: RONALD D. DINNOCENTI, ANGELINE DINNOCENTI, ROBERT L. LIST, AND CHARLES W. YETTER, III, a partnership, d.b.a. LARK LEASING CO., 261 Maplewood Drive, Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Perk Foods Company, Div. of C.H.B. Foods, of Camp Hill, PA. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 147008 (Sub-3), filed February 4, 1981. Applicant: ALBERT NEAL WEBBER, JR., d.b.a. A. N. WEBBER, P.O. Box 95, Chebanse, IL 60922. Representative: Joel H. Steiner, 39 South LaSalle St., Suite 600, Chicago, IL 60603. Transporting *appliances, and water and air heating equipment*, between points in Kankakee County, IL and Chesterfield County, SC, on the one hand, and, on the other, points in the U.S.

MC 147388 (Sub-5), filed February 2, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., R. R. 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between points in NE, on the one hand, and, on the other, points in the U.S.

MC 151028 (Sub-2), filed November 19, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with R. T. French Co., of Rochester, NY.

MC 151298 (Sub-1), filed December 2, 1980. Applicant: REGILLES ST.-ARNEAULT, P.O. Box 84, La Reine, Abitibi, Quebec, Canada JOZ 2LO. Representative: Richard H. Streeter, 1729 H St. NW., Washington, DC 20006. Transporting *lumber* between points in the U.S., under continuing contract(s) with J. H. Normick, Inc., of La Sarre, Quebec, Canada.

MC 151489 (Sub-1), filed January 27, 1981. Applicant: BOYD L. COLLINS, d.b.a. BOYD'S HOTSHOT SERVICE, 5440 Magnolia St., Commerce City, CO 80022. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *machinery and transportation equipment*, between Denver, CO, on the one hand, and, on the other, points in CO, KS, MT, NE, NM, OK, ND, SD, TX, UT, and WY.

MC 153769, filed January 16, 1981. Applicant: RITEWAY TRUCKING, INC., 1111 West Mockingbird, Dallas TX 75247. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, No. 301, Dallas TX 75237. Transporting (1) *waste or scrap materials not identified by industry producing*, (2) *metal products*, and (3) *chemicals and related products*, between points in the U.S.

MC 153878, filed January 28, 1981. Applicant: ZALE TRANSPORT, INC., 2600 Walnut St., McKeesport, PA 15132. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Transporting (1) *such commodities* as are dealt in or used by manufacturers of drug store merchandise, between points in the U.S., under continuing contract(s) with The Kent Fixture Corp., of Hingham MA, Revco D.S., Inc., of Twinsburg, OH, and Pennex Products Co., Inc., of Verona, PA.

MC 153888, filed January 29, 1981. Applicant: JOSEPH VALLES, d.b.a. J. VALLES TRUCKING, 43116 Gallegos Ave., Fremont, CA 94538. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *metal products, and rubber and plastic products*, between points in the U.S., under continuing contract(s) with Pacific Pipe Company, of Oakland, CA.

Volume No. OP5-64

Decided: February 27, 1981.

By the Commission Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 1778 (Sub-8), filed February 3, 1981. Applicant: MOTOR EXPRESS, INC., 6501 West 65th St., Chicago, IL 60638. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sweetheart Cup and Northwest Cone, Divisions of Maryland Cup Corporation, of Chicago, IL.

MC 5618 (Sub-6), filed February 3, 1981. Applicant: GEM CITY TRANSFER LINE, INC., 1811 North 30th St., Quincy, IL 62301. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703. Transporting *store fixtures*, between points in the U.S., under continuing contract(s) with Huck Fixture Company, of Quincy, IL.

MC 5619 (Sub-8), filed February 2, 1981. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., One Van St., Staten Island, NY 10310. Representative: Edward F. Bowes, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *gypsum and gypsum products*, (2) *building materials*, (3) *pulp, paper and related products*, (4) *chemicals and related products*, and (5) *plastic products*, between points in the

U.S., under continuing contract(s) with Georgia-Pacific Corporation, of Rosemont, PA.

MC 6078 (Sub-94), filed February 6, 1981. Applicant: D. F. BAST, INC., P.O. Box 2288, 1425 North Maxwell St., Allentown, PA 18001. Representative: Sander M. Bieber, Suite 920, 1100 Connecticut Ave. NW., Washington, D.C. 20036. Transporting (1) *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, NE, KS, OK and TX, and (2) transportation equipment, between points in the U.S.

MC 119038 (Sub-3), filed February 2, 1981. Applicant: EAGLE TRANSFER CO., INC., P.O. Box 617, Wenatchee, WA 98801. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives), between points in Chelan, Okanogan, Grant, Douglas, and Kittitas Counties, WA, on the one hand, and, on the other, points in WA.

MC 121568 (Sub-80), filed February 6, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant) Transporting *machinery*, between points in TN, AR, TX, and OK.

Note.—Applicant intends to tack this authority with its existing authority in MC 121568.

MC 129908 (Sub-76), filed February 6, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. Transporting *chemicals and related products*, between points in UT, on the one hand, and, on the other, points in OK and TX.

MC 133219 (Sub-30), filed February 2, 1981. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, NE 68317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *general commodities* (except classes A an B explosives), between the facilities of Archer-Daniels-Midland Company, at points in the U.S., on the one hand, and, on the other points in the U.S., and (2) *transportation equipment*, between points in Lancaster County, NE, on the one hand, and, on the other, points in the U.S.

MC 134798 (Sub-5), filed February 5, 1981. Applicant: BLAIR CARTAGE, INC., 11330 Kinsman Rd., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Transporting *general commodities*, between points in Fayette County, KY, and points in OH, on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 135678 (Sub-31), filed February 2, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *printed matter*, between points in AZ, CA, CO, NV, NM, OK, TX, UT, and WY.

MC 138039 (Sub-8), filed February 2, 1981. Applicant: BAY DELIVERY CORP., 1919 Broadhollow rd., Farmingdale, NY 11735. Representative: Bruce J. Robbins, 118-21 Queens Blvd., Forest Hills, NY 11375. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 138069 (Sub-13), filed February 5, 1981. Applicant: LUCIUS, INC., 2512 South 163rd Street, Omaha, NE 68130. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *food and related products*, between Omaha, NE, on the one hand, and, on the other, points in the U.S.

MC 140549 (Sub-22), filed February 5, 1981. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *food and related products*, between points in Clark County, SD, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 143098 (Sub-3), filed February 5, 1981. Applicant: LAUGHLIN TRUCKING, INC., Rt. 1 B 95, Carlton, OR 97111. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210. Transporting *chemicals and related products*, between points in OR, WA, CA, ID, and UT.

MC 144188 (Sub-28), filed January 29, 1981. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *general commodities* (except classes and A and B explosives), between points in the U.S.

MC 146728 (Sub-3), filed February 6, 1981. Applicant: GOLDEN BROS., INC., 234 East McClure Street, Kewanee, IL 61433. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. Transporting *metal products*, between points in IL, on the one hand, and, on the other, points in the U.S. (except AK, ID, HI, MT, NV, and WY).

MC 148198 (Sub-3), filed February 5, 1981. Applicant: A. MATTEO TRUCKING, INC., 1465 Crown Point Rd., Verga, NJ 08093. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *cat litter*, between Pennsauken, NJ, on the one hand, and, on the other, points in MD, NY, PA, and VA.

MC 149049 (Sub-2), filed February 5, 1981. Applicant: MOTORWAYS FREIGHT SYSTEMS, INC., 10360 Stoudertown Rd., Pickerington, OH 43147. Representative: Frank L. Calvary, 3066 N. Star Rd., Columbus, OH 43207. Transporting (1) *athletic goods*, between points in Franklin and Greene Counties, OH, on the one hand, and, on the other, points in the U.S., and (2) *lumber and wood products*, between points in IN, IL, IA, KY, MI, MN, MO, NY, OH, PA, and WI, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, LA, MS, NM, NC, ND, OR, SC, SD, TN, TX, VA, WA, and WY.

MC 150388 (Sub-1), filed February 6, 1981. Applicant: BOSS TRANSPORTATION CO., INC., P.O. Box 40977; Memphis, TN 38104. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *general commodities* (except classes A and B explosives) between points in MA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 150388 (Sub-2), filed February 6, 1981. Applicant: BOSS TRANSPORTATION CO., INC., P.O. Box 40977, Memphis, TN 38104. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *rubber and plastic products*, between points in Worcester County, MA, Tarrant County, TX, Mohave County, AZ, on the one hand, and, on the other, points in the U.S.

Volume No. OP5-65

Decided: February 27, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton and Liberman.

MC 52858 (Sub-128), filed February 6, 1981. Applicant: CONVOY COMPANY, a corporation, 3900 N.W. Yeon Ave., Portland, OR 97210. Representative:

Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *transportation equipment*, between points in Keweenaw, Houghton, Ontonagon, Gobebic, Iron, Baraga, Marquette, Dickinson, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac and Chippewa Counties, MI, and points in AR, AZ, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, ND, OK, OR, SD, TX, UT, WA, WI, and WY. Condition: issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of all of its existing certificates except No. MC 52658 Sub 124.

MC 83539 (Sub-542), filed February 5, 1981. Applicant: C & H TRANSPORTATION CO., INC., 9787 Military Parkway, P.O. Box 270633, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). Transporting *classes A, B and C explosives*, between points in the U.S. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of the issuance of the certificate.

MC 99936 (Sub-10), filed February 2, 1981. Applicant: VAN'S AUTO & AIR EXPRESS, INC., C.P.O. Box 609, Kingston, NY 12401. Representative: Bruce J. Robbins, 118-21 Queens Blvd., Forest Hills, NY 11375. Transporting *general commodities* (except classes A and B explosives), between New York, NY, and points in Albany, Columbia, Delaware, Dutchess, Greene, Orange, Otego, Putnam, Rennselaer, Rockland, Sullivan, Ulster, and Westchester Counties, NY, New York, NY, and points in Otego County, NY.

Note.—The purpose of this application is the conversion of applicant's certificate or registration in MC 99936 Sub 8 to a certificate of public convenience and necessity. Issuance of a certificate here is conditioned upon the prior or coincidental cancellation at applicant's request of the named certificate of registration.

MC 109708 (Sub-104), filed February 5, 1981. Applicant: INDIAN RIVER TRANSPORT COMPANY, INC., P.O. Box AG, Dundee, FL 33838. Representative: Russell E. Haas (same address as applicant). Transporting *food and related products*, between points in Shelby County, TN, Allegheny County, PA, Sandusky County, OH, Ottawa County, MI, Muscatine County, IA, Mecklenburg County, NC, and Winchester, VA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, and VA.

MC 111729 (Sub-769), filed February 3, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, NY 11042. Representative: Elizabeth L. Henock (same address as applicant). Transporting *printed matter*, between points in the U.S., under continuing contract(s) with Federal Loan Bank of Atlanta, of Atlanta, GA.

MC 114569 (Sub-376), filed Feburary 5, 1981. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). Transporting *floor coverings*, between points in Kankakee County, IL, and Hinds County, MS, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NY, NJ, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV, WI, and DC.

MC 120999 (Sub-138), filed February 6, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting *such commodities* as are dealt in by manufacturers or converters of paper and paper products, between points in the U.S. on the one hand, and, on the other, the facilities of Westvaco Corporation, in U.S.

MC 135518 (Sub-30), filed January 29, 1981. Applicant: WESTERN CARRIERS, INC., 53 South Dawson St., Seattle, WA 98108. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *food and related products*, between points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, OK, OR, TX, UT, WA, and WY.

MC 136276 (Sub-1), filed February 4, 1981. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Blvd., Detroit, MI 48217. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting (1) *commodities* in bulk, and (2) *salt and salt products*, between points in AL, DE, GA, IL, IN, IA, KY, MD, MI, MN, MO, NC, NJ, NY, OH, PA, SC, TN, VA, WI, WV, and DC.

MC 138068 (Sub-5F), filed November 20, 1980. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, Urbana, OH 43078. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Drackett Products Company, of Cincinnati, OH.

MC 138069 (Sub-14), filed February 5, 1981. Applicant: LUCIUS, INC., 2512 South 103rd Street, Omaha, NE 68130. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting food and related products, between points in York County, NE, on the one hand, and, on the other, points in the U.S.

MC 138306 (Sub-129F), filed November 6, 1980. Applicant: KLM, INC., P.O. Box 6096, Jackson, MS 39206. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *fertilizer compounds, and materials, equipment, and supplies* used in the manufacture and distribution of fertilizer compounds (except commodities in bulk), between points in Fayette County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138306 (Sub-140), filed February 5, 1981. Applicant: KLM, INC., P.O. Box 6096, Jackson, MS 39206. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., on the one hand, and, on the other, the facilities used by Levi Strauss & Co., in the U.S.

MC 142059 (Sub-158), filed February 6, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). Transporting *metal products*, between points in the U.S., on the one hand, and, on the other, the facilities used by Freedom Stove Work, its customers and suppliers, in the U.S.

MC 142399 (Sub-3), filed February 6, 1981. Applicant: ELLERBROCK TRUCKING, INC., Highway 20 East, Sac City, IA 50583. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *metal products*, and (2) *lumber and wood products*, between points in Buena Vista County, IA, on the one hand, and, on the other, points in CO, ID, IL, IN, KS, MN, MO, MS, MT, NE, NY, UT, OR, and WI.

MC 143188 (Sub-3), filed February 4, 1981. Applicant: THE G & K HAULING COMPANY, a Corporation, 744 Water St., Toledo, OH 43604. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Transporting *commodities in bulk, and clay, concrete, glass, or stone products*, between points in IL, KY, MI, NY, OH, PA, TN, WI, and WV. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 146888 (Sub-7), filed February 6, 1981. Applicant: GLASS CONTAINER TRANSPORT, INC., Route 1, Box 271, Ridgeway, SC 29130. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *such commodities* as are dealt in by manufacturers and distributors of household products, between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 151198 (Sub-1), filed January 29, 1981. Applicant: JOHN R. SEASHOLTZ, JR. and THOMAS M. TATE, a partnership, d.b.a. MERRIMACK SHUTTLE AND EXPRESS SERVICE, 28 Constance St., Merrimack, NH 03054. Representative: John R. Seaholtz, Jr. (same address as applicant). Transporting *passengers and their baggage and express in the same vehicle with passengers*, in special and charter operations, between Merrimack and Nashua, NH, on the one hand, and, on the other, Logan International Airport at Boston, MA.

MC 151599 (Sub-2), filed February 6, 1981. Applicant: J. L. McCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *general commodities*, (except classes A and B explosives) between points in the U.S., under continuing contract(s) with the L. B. Foster Company, of Doraville, GA.

MC 153328 (Sub-2), filed February 5, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree, Cape Girardeau, MO 63701. Representative: Joel H. Steiner, 39 South Lasalle, Suite 600, Chicago, IL 60603. Transporting *metal products*, between points in Jefferson County, IL, on the one hand, and, on the other, points in the U.S.

Volume No. OP5-66

Decided: February 24, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton and Liberman.

MC 143699 (Sub-4), filed February 4, 1981. Applicant: QUALITY CONTRACT CARRIERS, INC., 1009 West Edgewood Ave., Indianapolis, IN 46217. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with R. R. Donnelley & Sons Company, of Crawfordsville, IN.

MC 145088 (Sub-7), filed January 27, 1981. Applicant: S & T TRUCKLOAD, INC., 2527 N.E. 28th St., Fort Worth, TX 76106. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. Transporting *machinery*, between points in Henderson County, TX, on the one hand, and, on the other, points in the U.S.

MC 147329 (Sub-3)(MIF), (M2F), and (M3F), filed February 5, 1981. Petitioner: All STATE TRANSPORT, INC., 5959 South Alameda St., Los Angeles, CA 90001. Representative: Bobbie F. Albanese, Suite 310, Whittier Square Bldg., 13215 East Penn St., Whittier, CA 90602. Transporting *ferrous and non-ferrous metals, raw, and ferrous and non-ferrous metal articles*, between points in CA, CO, ID, MT, NM, NV, OR TX, UT, WA, and AZ, under continuing contract(s) with (a) California Steel Works, Inc. and Capitol Metals Co., Inc., of Livermore, CA, (b) Capitol Metals Co., Inc., of Torrance, CA, (c) Omni Steel Co., Inc., of Sherman Oaks, CA, (d) Champion Metal Company, of Klamath Falls, OR, and (e) Wa-Lu Supply, Inc., of Murrary, UT. Condition: Issuance of a modified permit in this proceeding is conditioned upon coincidental cancellation at applicants written request of Permit MC 147329 (Sub-3F), issued January 21, 1981.

Note.—The purpose of this application is to add additional contracting shippers.

MC 151618 (Sub-1), filed February 4, 1981. Applicant: H. F. RADANDT, INC., 3106 Locust Lane, 2nd Crossing, Eau Claire, WI 54701. Representative: John L. Bruemmer, 121 West Doty St., Madison, WI 53703. Transporting *those commodities* which, because of their size or weight, require the use of special handling or equipment, between points in Eau Claire County, WI, on the one hand, and, on the other, points in IA, IL, MI, and MN.

MC 152619 (Sub-1), filed February 4, 1981. Applicant: CLARENCE E. SCHMIDT, d.b.a. C & J TRUCKING, Route 2, Beaver Dam, WI 53916. Representative: John L. Bruemmer, 121 West St., Madison, WI 53703. Transporting *foods and related products*, between points in Dodge County, WI, on the one hand, and, on the other, points in IL, MD, MI, NY, NJ, OH, PA, and DC.

MC 152768 (Sub-1), filed February 3, 1981. Applicant: HAMILTON TRUCK CORP., 141 Willis St., Bedford, OH 44146. Transporting *machinery, transportation equipment, and chemicals, and related products*, between points in Lorain, Cuyahoga, Medina, Summit, Portage, Geauga, and Lake Counties, OH, on the one hand, and, on the other, points in MI, IL, and NY.

MC 152998 (Sub-1), filed February 3, 1981. Applicant: LYNWAY TRUCKING CORP., 147-61 77th Ave., Flushing, NY 11367. Representative: Ronald Podolsky, 15 Park Row, New York, NY 10038. Transporting *general commodities* (except classes A and B explosives), between New York, NY, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, PA, DE, MD, VA, FL, and DC.

MC 153328 (Sub-1), filed January 29, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree, Cape Girardeau, MO 63701. Representative: Joel H. Steiner, 39 South LaSalle St., Suite 600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in New Madrid County, MO, on the one hand, and, on the other, points in the U.S.

MC 153379 (Sub-1), filed February 3, 1981. Applicant: FRANK LACKEY TRUCKING, Route 4, Tuscumbia, AL 35674. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transportation *general commodities* (except classes A and B explosives), continuing contract(s) with International Minerals and Chemical Corp. of Florence, AL.

MC 153838 (Sub-1), filed February 3, 1981. Applicant: VALLEY TRANSPORT, INC., 1810 East Hwy. 30, Lexington, NE 68850. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting (1)(a) *such commodities* as are dealt in or used by manufacturers of livestock handling and feeding equipment and supplies, livestock and metal products, between points in Dawson County, NE, on the one hand, and, on the other, points in the U.S., and (2) *lumber and wood products, and forest products*, between those points in that part of NE on and west of U.S. Hwy 81, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, GA, ID, KY, LA, MS, MT, NV, ND, NM, OK, OR, SD, TN, TX, UT, WA, and WY.

MC 154068, filed February 2, 1981. Applicant: ROTELLE, INC., P.O. Box 273, Spring House, PA 19477. Representative: Steven L. Weiman, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Transporting *food and related products*, between points in CT, DE, IL, MA, MD, NJ, NY, PA, and VA, on the one hand, and, on the other, points in Montgomery County, PA.

Volume No. OP5-67

Decided: February 27, 1981.

By the Commission, Review Board No. 2 members Chandler, Eaton and Liberman.

MC 30448 (Sub-12), filed February 6, 1981. Applicant: MURFREESBORO FREIGHT LINE CO., P.O. Box 1113, Murfreesboro, TN 37130. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *general*

commodities (except classes A and B explosives) between Louisville, KY and Atlanta, GA.

MC 43068 (Sub-466), filed February 6, 1981. Applicant: COMMERCIAL CARRIERS, INC., 29300 Civic Center Dr., Fourth Floor, Box CS 5027, Southfield, MI 48037. Representative: Nicholas W. Hetman, 3800 Frederica St., Owensboro, KY 42301. Transporting *motor vehicles*, between points in the U.S., under continuing contract(s) with Mazda Motors of America (Central), Inc., of Compton, CA.

MC 52579 (Sub-215), filed January 30, 1981. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *wearing apparel*, between Long View and San Antonio, TX, on the one hand, and, on the other, Greer, SC, Tucker, GA, Wilmington, DE, Chicago, IL, Los Angeles, and North Bergen, NJ.

MC 55669 (Sub-70), filed January 28, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Over *regular* routes, transporting *general commodities*, (except classes A and B explosives) (1) between McAllen, TX, and Alva, OK, over U.S. Hwy 281, (2) between San Antonio and Laredo, TX over U.S. Hwy 81, (3) between San Antonio and Van Horn, TX over U.S. Hwy 90, (4) between Lake Charles, LA and Las Cruces, NM over Interstate Hwy 10, (5) between Laredo, TX and Miami, OK over U.S. Hwy 59, (6) between Brownsville, TX and Newkirk, OK over U.S. Hwy 77, (7) between Galveston and Dallas, TX, over Interstate Hwy 45, (8) between Memphis, TN and Albuquerque, NM, over Interstate Hwy 40, (9) between Birmingham, AL and junction Interstate Hwy 20 and U.S. Hwy 10 near Kent, TX over Interstate Hwy 20, (10) between Beaumont, TX and Boise City, OK over U.S. Hwy 287, (11) between Del Rio, TX and Oklahoma City, OK over U.S. Hwy 277, (12) between Port Lavaca and Dalhart, TX over U.S. Hwy 87, (13) between Las Vegas, NM and Laurel, MS over U.S. Hwy 84, (14) between Montgomery, AL and El Paso, TX over U.S. Hwy 80, (15) between De Ridder, LA and Brady, TX over U.S. Hwy 190, (16) between Dallas, TX and Bartlesville, OK over U.S. Hwy 75, (17) between Dallas and San Antonio, TX over Interstate Hwy 35, (18) between Miami and Oklahoma City, OK over Interstate Hwy 44, (19) between Little Rock, AR and Dallas, TX over Interstate Hwy 30, (20) between Memphis, TN and Rogers, AR, from Memphis over U.S. Hwy 63 to Imboden, AR, then over U.S. Hwy 62 to Rogers, and return over the same routes, (21) between Montgomery, AL and Las Cruces, NM over U.S. Hwy 82, (22) between Lufkin, TX and Vinita, OK over U.S. Hwy 69, (23) between Las Cruces, NM and Little Rock, AR over U.S. Hwy 70, (24) Between Las Vegas and Las Cruces, NM over Interstate Hwy 25, (25) between Brownfield and El Paso, TX over U.S. Hwy 62, (26) between Farwell, TX and Vinita, OK over U.S. Hwy 60, (27) between Shreveport, LA and Rogers, AR over U.S. Hwy 71, (28) between Ruston, LA and Horseshoe Bend, AR over U.S. Hwy 167, (29) between Harrison, AR and Tallulah, LA over U.S. Hwy 65, (30) between Round Rock, TX and Memphis, TN over U.S. Hwy 79, (31) between Boise City, OK and Little Rock, AR over U.S. Hwy 64, (32) between Newbern, TN and Turrell, AR from Newbern over U.S. Hwy 51 to junction Interstate Hwy 155, then over Interstate Hwy 155 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Turrell, and return over the same routes, (33) between Memphis, TN and junction Interstate Hwy 55 and Interstate Hwy 10, over Interstate Hwy 55, (34) between Memphis, TN and New Orleans, LA over U.S. Hwy 61, (35) between Memphis, TN and Birmingham, AL over U.S. Hwy 78, (36) between Waynesboro, MS and Jackson, TN over U.S. Hwy 45, (37) between Tupelo and Clarksdale, MS over MS Hwy 6, (38) between Hattiesburg and Yazoo City, MS over U.S. Hwy 49, (39) between Memphis, TN and Birmingham, AL, from Memphis over U.S. Hwy 72 to Athens, AL, then over Interstate Hwy 65 to Birmingham, and return over the same routes, (40) between Hattiesburg and Natchez, MS over U.S. Hwy 98, and (41) between Walnut and Laurel, MS over MS Hwy 15; serving in routes (1) through (41) above, (a) all intermediate points, and (b) the off-route points in Dona Ana, Otero, Eddy, Lea, Lincoln, Chaves, Roosevelt, Curry, Sante Fe, De Baca, Socorro, Sierra, Guadalupe, Quay, San Miguel, Bernalillo, Sandoval, Torrance, and Valencia Counties, NM, and points in AR, LA, MS, OK, and TX, in connection with applicants otherwise authorized regular route operations.

Note.—Applicant intends to tack this authority with its existing regular and irregular route operations.

MC 106119 (Sub-280), filed February 5, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment*, (2) *self-propelled articles*, (3) *metal products*, (4) *contractors' equipment*, (5) *construction equipment*, and (6) *machinery*, (1) between those points in the U.S. in and east of MN, IA, MO, AR, and LA, and (2) between those points in the U.S. in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX.

MC 106119 (Sub-283), filed February 4, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Donald A. Morken, 1800 TCF Tower, Minneapolis, MN 55402. Transporting *such commodities* as are dealt in or used by manufacturers of (1) pollution control equipment, (2) energy producing, reclamation and mining equipment, and (3) self-propelled vehicles and self-propelled machinery, between points in the U.S. on the one hand, and, on the other, the facilities used by Envirotech Corporation and its subsidiaries in the U.S.

MC 110288 (Sub-22), filed February 5, 1981. Applicant: HARRY HENERY, INC., 3517 West Washington St., Indianapolis, IN 46214. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities*, between points in the U.S., under continuing contract(s), with Hoover Universal, Inc., of Georgetown, KY. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 114629 (Sub-26), filed January 29, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 61081. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers of paper, paper products, and containers between points in the U.S., under continuing contract(s) with Stone Container Corporation and Weyerhauser Company of Chicago, IL, Container Corporation of America of Carol Stream, IL, and Brothers Paperbox Company of Sioux City, IA.

MC 114989 (Sub-97), filed February 4, 1981. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, P.O. Box 232, Milford, OH 45150. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting (1) *petroleum, natural gas*

and their products, and (2) *chemicals and related products*, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 121318 (Sub-14F), filed February 3, 1981. Applicant: YOURGA TRUCKING, INC., 145 Shenango Street, P.O. Box 335, Wheatland, PA 16161. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, P.O. Box 1281, Alexandria, VA 22313. Transporting (1) *metal products*, (2) *building materials*, (3) *machinery*, (4) *rubber and plastic products*, and (5) *transportation equipment*, between points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NY, NJ, OH, PA, RI, VT, VA, WV, and DC.

MC 124328 (Sub-142), filed February 3, 1981. Applicant: BRINK'S, INCORPORATED, Thorndal Circle, Darien, CT 06820. Representative: Keith G. O'Brien, 1729 H. St., NW., Washington, DC 20006. Transporting *precious metals*, between points in the U.S., under continuing contract(s) with Jackson Precious Metals, Inc., of Jackson, OH.

MC 126899 (Sub-136), filed February 4, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton, Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting *general commodities* (except classes A and B explosives) between points in Fayette County, KY, on the one hand, and, on the other, points in U.S.

Volume OP5–68

Decided: February 23, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 126899 (Sub-137), filed February 4, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton, Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting *coal and coal products, chemicals and related products, and petroleum, natural gas and their products*, (1) between points in Alexander County, IL, and Mississippi and Pemiscot Counties, MO, on the one hand, and, on the other, points in AR, IL, KY, MO, and TN, and (2) between points in Gibson and Posey Counties, IN, on the one hand, and, on the other, points in KY.

MC 127799 (Sub-11), filed January 29, 1981. Applicant: LUPPES TRANSPORT COMPANY, INC., Box 101, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *chemicals and related products*, (1) between points in IA, MN, and IL, and (2) between points in MN, on the one hand, and, on the other, points in ND and SD.

MC 133119 (Sub-189), filed February 3, 1981. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Dr., Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *food and related products*, between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA, and MS.

MC 136228 (Sub-42), filed February 4, 1981. Applicant: LUISI TRUCK LINES, INC., P.O. Box H, Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Transporting *food and related products*, between points in Whitman County, WA, on the one hand, and, on the other, points in CA.

MC 136818 (Sub-125), filed February 3, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Transporting *general commodities* (except classes A and B explosives), between Kansas City, MO, on the one hand, and, on the other, points in the U.S.

MC 142059 (Sub-157), filed January 27, 1981. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *machinery*, between Minneapolis, MN, and points in Madison County, AL, on the one hand, and, on the other, points in the U.S.

MC 143059 (Sub-160), filed February 3, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers or distributors of building materials, between points in the U.S.

MC 143059 (Sub-161), filed February 6, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant). Transporting *general commodities*, between the facilities of Abex Corporation in the U.S. on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding to the extent it authorizes the transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 145219 (Sub-21), filed February 4, 1981. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 500, Camden, SC 29020. Representative: William P. Sullivan, 618 Connecticut Ave., NW., Washington, D.C. 20006. Transporting *rubber and plastic products*, between Trumbull County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 148978 (Sub-3), filed January 30, 1981. Applicant: OHIO SWIFTWAY, INC., 105 Jamison Ave., Cadiz, OH 43907. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Wilgus & Co., Truss & Panel, Inc., and Lumber Wholesalers, Inc., all of Cadiz, OH, (b) Medina Door, Inc., of Medina, OH, (c) Florida Made Door Corp., of Ashtabula, FL, (d) L. J. Smith Inc., of Bowerston, OH, (e) Dealers Warehouse Corporation of Knoxville, TN, (f) Bennett Supply Company of Pittsburgh, PA, and (g) Schultz, Snyder & Steele Lumber Co., of Lansing, MI.

MC 149269 (Sub-1), filed February 3, 1981. Applicant: PALMER INDUSTRIES, INC., P.O. Box 838, Macon, GA 31202. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *plastic products*, between points in Franklin County, OH, and Tuscaloosa County, AL, on the one hand, on the other, points in the U.S.

MC 151078 (Sub-3), filed January 27, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey City, NJ 07305. Representative: Charles A. Webb, 1828 L Street NW., Suite 1111, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between Jersey City, NJ, and points in Hartford, Middlesex, New Haven, and New London Counties, CT, Bristol and Middlesex Counties, MA, and points in RI.

MC 151709 (Sub-1), filed January 28, 1981. Applicant: U. S. SERVICES, CORP., 470 Mall Circle Dr., Monroeville, PA 15146. Representative: Michael J. Peretto (same address as applicant). Transporting *waste or scrap materials not identified by industry producing*, between those points in the U.S. in and east of MS, TN, KY, IL, and WI.

MC 151768 (Sub-11), filed February 3, 1981. Applicant: ARM TRANSPORTATION CORPORATION, P.O. Drawer 9480, Amarillo, TX 79105. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Transporting *such commodities* as are dealt in or

used by the manufacturers and distributors of floor tile, between the facilities of Kentile Floors, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152208 (Sub-1), filed January 29, 1981. Applicant: KEN WILKINSON, d.b.a. WILKINSON FREIGHT LINES, 15 S Main St., Belmont, NC 28012. Representative: Ken Wilkinson (same address as applicant). Transporting *textile mill products*, between points in NC on and west of Interstate Hwy 77, on the one hand, and, on the other, points in Florence, Chesterfield and York Counties, SC.

MC 153009, filed February 2, 1981. Applicant: FREIGHT SERVICES, INC., P.O. Box 96, Smithboro, IL 62284. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with USS Agri-Chemicals Division, United States Steel Corporation, of Atlanta, GA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7434 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-028

Decided: February 23, 1981.

By the Commission, Review Board No. 3, members Fortier, Hill, and Parker. (Member Hill not participating)

MC 24943 (Sub-2), filed February 2, 1981. Applicant: WOODBURN TRUCK LINE, INC., 1365 N Front St., Woodburn, OR 97071. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Avenue, Portland, OR 97210, (503) 226-3755. Transporting *Chemicals and related products* between points in OR and WA.

MC 32882 (Sub-154F). Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217, (503) 285-0481. Transporting *metal products*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S.

MC 43993 (Sub-32), filed February 8, 1981. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Transporting *commodities which because of size or weight require the use of special equipment; lumber and wood products, metal products, machinery and transportation equipment*, between points in IL, IN, OH and WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 52323 (Sub-3), filed January 15, 1981. Applicant: E. L. BRANDT TRUCKING CO., INC., 560 No. George Washington Blvd., P.O. Box 125, Yuba City, CA 95991. Representative: E. L. Brandt (same address as applicant), (916) 673-7323. Transporting *lumber and wood products, and pulp, paper and related products*, between points in CA, on the one hand, and, on the other, points in OR and WA.

MC 59292 (Sub-46), filed February 6, 1981. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant), (301) 355-5800. Transporting *metal products*, between points in CT, DE, MD, NJ, NY, NC, OH, PA, VA, WV, and DC.

MC 61993 (Sub-11), filed January 22, 1981. Applicant: KEYSTONE TOURS, INC., R.D. 2, Box 116, Bath, PA 18014. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *passengers, and their baggage*, in charter and special operations, between points in PA, NJ, and NY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant may now provide charter service in the area applied for, by tacking its charter authority between points in NY, NJ, and PA with its incidental charter authority under its regular route between Bangor, PA and Atlantic City, NJ via a tacking point in PA or NJ authorized to be served on its regular route.

MC 63562 (Sub-81F), filed February 3, 1981. Applicant: BN TRANSPORT, INC., P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *such commodities* as dealt in by wholesale and retail restaurant supply houses, grocery stores, hotels, schools and institutions, between points in CO and NM, on the one hand, and, on the other, points in the U.S.

MC 72442 (Sub-49), filed February 6, 1981. Applicant: AKERS MOTOR LINES, INCORPORATED, P.O. Box 34303,

Charlotte, NC 28234. Representative: Jay R. Hanson (same address as applicant), (704) 523–6448. Transporting *general commodities* (except classes A and B explosives), between points in FL and GA.

Note.—Applicant indicates intention to tack at points in GA, and with other existing authority.

MC 77972 (Sub-38), filed January 26, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, 601–948–6620. Transporting over regular routes, *general commodities* (except classes A and B explosives), (1) between Dallas, TX and Jackson, MS over U.S. Hwy 80 and Interstate Hwy 20, serving all intermediate points and Tyler, TX as an off-route point, (2) between the AL–GA State line and Atlanta, GA and Covington, GA as an off-route point, (3) between the AL–GA State line and Chattanooga, TN over U.S. Hwy 11 and Interstate Hwy 59, serving all intermediate points, and (4) serving all points in MS as off-route points in connection with applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack the above requested authority with existing regular route authority.

MC 109822 (Sub-3), filed January 30, 1981. Applicant: JAMES F. ENTSMINGER, 2572 Johnstown Road, Columbus, OH 43299. Representative: James F. Entsminger (same address as above), (614) 252–0055. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in MI, IL, IN, WI, IA, NE, KS, OK, OH, AR, TX, CA, TN, AL, MS, LA, FL, GA, NC, SC, VA, WV, MD, DE, PA, NJ, NY, MO and KY.

MC 110012 (Sub-80), filed January 27, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives), between Hamblen and Grainger Counties, TN on the one hand, and, on the other, points in the U.S.

MC 110012 (Sub-81), filed February 6, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004, (202) 737–1030. Transporting *furniture and fixtures*, between Jackson County, FL on the one hand, and, on the other, points in the U.S.

MC 111302 (Sub-177), filed January 30, 1981. Applicant: HIGHWAY TRANSPORT, INC., 1500 Amherst Road, P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant), (615) 584–8631. Transporting *commodities in bulk*, between points in LA and TX, on the one hand, and on the other, points in the U.S.

MC 112113 (Sub-12), filed February 5, 1981. Applicant: GYPSUM HAULAGE, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *building materials*, between points in the U.S., under continuing contract(s) with National Gypsum Company, of Charlotte, NC.

MC 114822 (Sub-1), filed December 15, 1980. Applicant: RUDOLPH PAFFRATH, WILLIAM PAFFRATH, AND THOMAS PAFFRATH, d.b.a. PAFFRATH BROS., 1415 Clinton Street, Linden, NJ 07036. Representative: Charles J. Williams, P.O. Box 186, 1615 Front Street, Scotch Plains, NJ 07076. Transporting *metal products*, in dump vehicles, between points in CT, NY, NJ, PA, DE and MD.

MC 117313 (Sub-10), filed February 4, 1981. Applicant: TRYON TRUCKING, INC., P.O. Box 68, Fairless Hills, PA 19030. Representative: A. Charles Tell, 100 E. Broad Street, Columbus, OH 43215. Transporting *metal products*, between those points in the U.S. in and east of MN, WI, IL, KY, TN, AR and TX.

MC 119522 (Sub-53), filed February 6, 1981. Applicant: MCLAIN TRUCKING, INC., 2425 Walton Street (P.O. Box 2159), Anderson, IN 46011. Representative: John B. Leatherman, Jr. (same address as applicant). Transporting *metal products*, between points in Jay County, IN, on the one hand, and, on the other, points in KY, IL, MI, and OH.

MC 121082 (Sub-23), filed February 5, 1981. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 40238. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, 313–649–6650. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and west of NM, OK, KS, NE, SD, and ND, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 121372 (Sub-12), filed February 6, 1981. Applicant: EXPRESS TRANSPORT COMPANY, 1333 W. 7th Street, Cincinnati, OH 45203. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. Transporting *metal products*, between Boyd and Greenup Counties, KY, on the one hand, and, on the other, points in AL, GA, FL, LA, MS, NC, SC, TN, VA, and WV.

MC 123993 (Sub-93), filed January 30, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768, (512)476–6063. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Proctor & Gamble Company of Cincinnati, OH.

MC 124673 (Sub-58), filed February 6, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE.

MC 126693 (Sub-3), filed February 2, 1981. Applicant: NEWARK INDUSTRIAL SUPPLY, 409 Wallingford Terrace, Union, NJ 07083. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. Transporting *such commodities* as are dealt in or used by a manufacturer of paints, between points in Union County, NJ, on the one hand, and, on the other, points in ME, NH, MA, RI, CT, NY, DE, VA, and FL.

MC 127303 (Sub-84), filed February 6, 1981. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *rubber and plastic products, chemicals and related products, metal products, textile mill products, and petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 128462 (Sub-9), filed February 3, 1981. Applicant: PRAIRIE REFRIGERATED EXPRESS, INC., P.O. Box 36, Long Prairie, MN 56347. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *meats, meat products and meat byproducts, dairy products, articles distributed by meat-packing house, and such commodities as are used by meat*

packers in the conduct of their business when destined to and for use by meat packers, between points in the U.S., under continuing contract(s) with Held Beef Industries, Inc., of West Fargo, ND.

MC 128772 (sub-20), filed February 6, 1981. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, MN 56073. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *General Commodities* (except Class A and B explosives) between points in the U.S. under continuing contract(s) with (a) the Kroger Company and (b) Pace Dairy Foods Co., a division of the Kroger Company, of Cincinnati, OH.

MC 135653 (Sub-11), filed January 26, 1981. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 1100 W. Smith, Medina OH 44256. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. *General commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s), with Shell's, Inc., of Wadsworth, OH.

MC 136123 (Sub-14), Filed February 4, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as applicant). Transporting *machinery* between the facilities of Addison Products, its division and subsidiary, at points in the U.S., on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Addison Products Company, of Addison, MI.

MC 136123 (Sub-15), Filed February 3, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers or distributors of air conditioning equipment, furnaces, and stoves, between the facilities of the Carrier Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136123 (Sub-18), Filed February 3, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant). Transporting *rubber and plastic products*, between the facilities of Cooper Tire Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 140273 (Sub-27), Filed February 6, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *commodities in bulk*, between points in MT, WY, CO, KS, NE, SD, ND, MN, IA, MO, IL, IN, WI, MI, OH, and KY.

MC 142603 (Sub-41), Filed February 6, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by pool manufacturers or distributors, between points in the U.S., under continuing contract(s) with Major Pool Equipment Corp. and its Division Burton Pools, of Clifton, NJ.

MC 143032 (Sub-35), Filed February 2, 1981. Applicant: THOMAS J. WALCZYNSKI d.b.a. WALCO TRANSPORT, 3112 Truck Center Dr., Duluth, MN 55806. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minniapolis, MN 55401. Transporting *metal products*, between points in Muscatine County, IA, on the one hand, and, on the other, points in the U.S.

MC 144303 (Sub-42), Filed February 3, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ashley Outlet Store Group, a Division of Kellwood Company, of New Haven, MO.

MC 144533 (Sub-2), Filed February 4, 1981. Applicant: FRANK PAGLIUGHI, d.b.a. GENERAL TRANSFER COMPANY, East Landis Avenue, Vineland, NJ 08360. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. Transporting *food and related products* between points in DE, MD, NJ, NY, PA, VA and DC.

MC 144622 (Sub-200), Filed January 28, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Transporting *(1) food and related products* between Chicago, IL and points in Jefferson County, AL, Orange, Santa Clara, and Solano Counties, CA, Polk County, FL, Fulton County, GA, Minidoka County, ID, La Porte and Marion Counties, IN, Wyandotte County, KS, Cumberland County, ME, Hennepin and Martin Counties, MN, Oktibbeha County, MS, Hudson and Union Counties, NJ, Onondaga and Seneca Counties, NY, Van West County, OH, Linn County, OR, Berks, Northumberland, and Tioga Counties, PA, Chester and York Counties, PA, Dallas and Harris Counties, TX, King County, WA, and Fond Du Lac, Milwaukee, and Sheboygan Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 144622 (Sub-204), Filed February 5, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Transporting *chemicals and related products*, between points in Phillips County, AR, Fairfield County, CT, De Kalb County, GA, Story County, IA, Wicomico County, MD, Bristol County, MA, Midland County, MI, St. Louis County, MO, Shelby County, TN, and Chesterfield County, VA and points in CA, DE, IL, NJ, NY, NC, PA, and TX, on the one hand, and, on the other, points in the U.S.

MC 144622 (Sub-206), Filed February 2, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Transporting *general commodities* (except classes A and B explosives) between the facilities of American Cyanamid Company and its affiliates and subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144693 (Sub-9F), filed February 6, 1981. Applicant: GLENN'S TRUCK SERVICE, INC., No. 1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Joseph George Distributor, of Santa Clara, CA.

MC 146293 (Sub-77), filed February 5, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *such commodities* as are dealt in or used by manufacturers of lighting fixtures, between points in the U.S.

MC 146563 (Sub-3), filed February 5, 1981. Applicant: TERRAIN TAMERS, INC.—INTERSTATE TRANSPORT, Box 1457, Roseburg, OR 97470. Representative: Thomas Y. Higashi, 3762 Bayonne Dr., S.E., Salem, OR 97301, (503) 362–0005. Transporting *waste or scrap materials not identified by Industry Producing*, between points in Douglas County, OR, on the one hand, and, on the other, points in CA, WA, OR, ID and NV.

MC 146822 (Sub-4), filed February 4, 1981. Applicant: EUGENE L. FRAZIER, d.b.a. SUNSET TRANSPORT SYSTEMS, 2200 N. Parmalee, Compton, CA 90222. Representative: Milton W. Flack, 6363 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting *leather and leather products, food and related products, chemicals and related products, and metal products,* between points in the U.S.

MC 146703 (Sub-27), filed February 5, 1981. Applicant: ROBERT A OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St, NW, Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), between points in AR, GA, IN, IL, IA, KS, KY, MN, MO, NE, OH, OK, SD, TN and WI, on the one hand, and, on the other, points in AL, LA and MS.

MC 147993 (Sub-4) (M1F) (notice of filing of petition to modify permit), filed February 5, 1981. Applicant: C. H. MASLAND & SONS, Box 40, Carlisle, PA 17013. Representative: J. Roger Gratz (same as applicant). Petitioner holds motor *contract carrier* permit in MC 147993 Sub-4, issued February 5, 1981, authorizing over irregular routes: *motor vehicle parts and motor vehicle accessories* used in the manufacturing of cars, trucks and trailers, between points in the U.S., under continuing contract(s) with Chrysler Corp., of Detroit, MI. By the instant petition, petitioner seeks to add American Motors Corporation as a shipper to the above authority.

MC 150473 (Sub-2), filed February 6, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: William P. Sullivan, 818 Connecticut Ave. NW., Washington, D.C. 20006, 202–331–1174. Transporting *chemicals and related products,* and *food and related products,* between points in the U.S., under continuing contract(s) with Morton Salt Division of Morton-Norwich Products, Inc., of Chicago, IL.

MC 129712 (Sub-34F), filed February 3, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA. 30326. Transporting *metal products* between points in the U.S., under continuing contract(s) with DuBose Steel, Inc., of Roseboro, NC.

MC 150783 (Sub-7), filed January 30, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant), 501–636–1979. Transporting *food and related products,* between points in AR, CA, IA, IL, MI, NJ, OH, PA, TN and TX, on the one hand, and, on the other, points in the U.S.

MC 150683 (Sub-6), filed February 6, 1981. Applicant: PDR TRUCKING, INC., P.O. Box 609, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 434, 1511 K St. NW., Washington, D.C. 20005, 202–347–9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 151392 (Sub-1F), filed February 1, 1981. Applicant: ALPHA MOTOR WAYS, INC., 25 County Ave., Secaucus, NJ 07094. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. Transporting *general commodities* (except classes A and B explosives) between St. Louis, MO, and points in IL and IN, on the one hand, and, on the other, points in IL, IN, ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, OH, MI and DC.

MC 151752 (Sub-1), filed January 21, 1981. Applicant: BOSS INDUSTRIES, INC., 3801 West Reno, P.O. Box 75147, Oklahoma City, OK 73107. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884.Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with T. G. & Y. Stores Co., of Oklahoma City, OK 73125.

MC 152553 (Sub-1), filed February 5, 1981. Applicant: M. L. KREDOVSKI, d.b.a. LONE TRAIL KENNELS, P.O. Box 46, Friedensburg, PA 17933. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Transporting *hazardous materials and waste or scrap material not identified by Industry producing,* between points in the U.S., under continuing contract(s) with Applied Technology, Inc., of Toms River, NJ. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 152622 (Sub-1), filed February 4, 1981. Applicant: DARYL THOMASON TRUCKING, INC., P.O. Box 1087, Broken Bow, OK 74728. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 332–4718. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Thomason Lumber Co., of Broken Bow, OK.

MC 152763 (Sub-2), filed February 5, 1981. Applicant: EXPRESSCO, INC., 105 Rhine St., Madison, TN 37215. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *general commodities,* (except Classes A & B explosives), between points in the U.S., under continuing contract(s) with IKG Industries, Inc., Division of Harsco Corporation.

MC 152782 (Sub-2), filed February 5, 1981. Applicant: EDWARDS FAMILY ENTERPRISES, 1821 E. Diana Ave., Anaheim, CA 92805. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting *food and related products* between points in the U.S., under a continuing contract(s) with Packers Bar M Meat Company of Los Angeles, CA.

MC 153192 (Sub-1F), filed February 4, 1981. Applicant: ORVIN HELGESON, d.b.a. HELGESON TRUCKING, 814 19th Street South, Fargo, ND 58103. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting *general commodities,* (except Classes A and B explosives), Between points in the U.S., under continuing contract(s) with Stein Chemical Company of Moorhead, MN, and Interstate Seed Corp., and Thermo-Pak Manufacturing, Inc., of Fargo, ND.

MC 153983 (Sub-1), filed February 5, 1981. Applicant: STEAM KAT CORPORATION, P.O. Box 1686, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. Transporting *hazardous materials, and waste or scrap materials not identified by industry producing,* between points in MD, on the one hand, and, on the other, points in the U.S. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 154123, filed February 5, 1981. Applicant: V.C. TRANSPORTATION CO., INC., 140 Bay Street, Jersey City, NJ 07302. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Aceto Chemical Co. and its subsidiaries: Roehr Chemicals, Inc.; Pfaltz & Bauer, Inc.; Arsynco, Inc.; and Aceto Agricultural Chemicals Corporation, of Flushing, NY.

Volume No. OP2–029

Decided: February 23, 1978.

By the Commission, Review Board No. 3, members Fortier, Hill, and Parker. (Member Parker not participating.)

MC 10343 (Sub-42), filed February 4, 1981. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36, West, P.O. Box 250, Chillicothe, MO 64601. Representative: Vernon M. Masters (same address as applicant), 816-646-1590. Over *regular routes*, transporting *general commodities* (except classes A and B explosives), serving points in Dickinson County, KS, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 16503 (Sub-12), filed February 2, 1981. Applicant: GUEX TRUCKING, INC., P.O. Box 359, Shawano, WI 54166. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, (414) 273-7410. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Lakeside Packing Company, of Manitowoc, WI.

MC 29643 (Sub-18), filed February 2, 1981. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Ave., Massena, NY 13662. Representative: Morton E. Kiel, Suite 1632, 2 World Trade Center, New York, NY 10048, 212-466-0220. Transporting *metal products*, between points in St. Lawrence County, NY, on the one hand, and, on the other, points in IL, KY, OH, IN, VA, WV, MI, TN, PA, and DC.

MC 32882 (Sub-155), filed February 2, 1981. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217, (503) 285-0481. Transporting *rubber and plastic products*, between points in Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 42343 (Sub-20), filed January 23, 1981. Applicant: CORPENZA, INC., 310 Chestunut Ave., Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, 202-737-2188. Transporting *petroleum, natural gas and their products*, (1) between points in Camden County, NJ, and New Castle County, DE, on the one hand, and, on the other, points in Chester, Lebanon, Lehigh, and Northampton Counties, PA, and (2) between points in Camden County, NJ, on the one hand, and, on the other, points in DE.

MC 61502 (Sub-12), filed February 6, 1981. Applicant: WM. McCULLOUGH TRANSPORTATION CO., INC., 1130 U.S. Highway No. 1, Elizabeth, NJ 07102. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, 212-239-4610. Transporting *general commodities* (except classes A and B explosives), between points in MD, VA, NY, NJ, CT, MA, PA, RI, DE, and DC.

MC 65112 (Sub-1), filed February 5, 1981. Applicant: POGARTY VAN LINES, INC., 1103 Cumberland Ave., Tampa, FL 33602. Representative: Bernard C. Pestcoe, 700 Brickell Ave., Suite 401, Miami, FL 33131, 305-379-0867. Transporting *household goods*, between points in AZ, AR, CA, CO, DE, WA, OR, ME, NV, NH, NM, NC, OK, RI, SC, TX, UT, and VT.

MC 67523 (Sub-117), filed February 4, 1981. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St. NW., Washington, DC 20036, 202-296-2900. Transporting *pulp, paper, and related products*, between points in ME, NH, VT, MA, and NY, on the one hand, and, on the other, points in ME, NH, VT, MA, NY, RI, CT, NJ, PA, DE, MD, VA, WV, OH, and DC.

MC 103993 (Sub-1074), filed February 5, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant), 219-295-2200. Transporting *rubber and plastic products*, between points in Cooke County, TX, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-653), filed February 4, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *furniture and fixtures*, between points in Hamblen County, TN, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, ME, MS, NC, NH, SC, and VA.

MC 107012 (Sub-658), filed February 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *clay, concrete, glass or stone products*, between points in Westmoreland County, PA, on the one hand, and, on the other, points in Cook County, IL and Desha County, AR.

MC 107012 (Sub-666), Filed February 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *furniture and fixtures*, between the facilities of S & H Furniture, Inc., a Division of Spery & Hutchinson Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 108053 (Sub-182), Filed February 6, 1981. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601, (312) 332-5106. Transporting *general commodities* (except classes A and B explosives) between points in the U.S. (except AK, AL, FL, GA, HI, MS, NC, SC, TN and VA).

MC 109373 (Sub-4), Filed February 6, 1981. Applicant: NATIONAL TRUCKING, INC., P.O. Box 18081, Houston, TX 77022. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703-893-3050. Transporting *mercer commodities*, between points in the U.S., under continuing contract(s) with (a) The Brandt Company, (b) FMC Corporation—Wellhead Equipment Division, (c) Hydril Co., (d) International Tool & Supply Co., Inc., (e) NL/Atlas Bradford/NL Industries, Inc., (f) NL Baroid/NL Industires, (g) Plastic Applicators, Inc., and (h) Smith Industries, Inc., all of Houston, TX.

MC 110012 (Sub-83), Filed February 4, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Rd., Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg. 425-13th St. NW., Washington, D.C. 20004, 202-737-1030. Transporting *general commodities* (except classes A and B explosives), between points in Jefferson County, TN, on the one hand, and, on the other, points in the U.S.

MC 110012 (Sub-87), Filed January 30, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Rd., Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St. NW., Washington, D.C. 20004, 202-737-1030. Transporting *general commodities* (except classes A and B explosives), between points in Knox County, TN, on the one hand, and, on the other, points in the U.S.

MC 110012 (Sub-88), filed February 5, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Rd., Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St. NW., Washington, DC 20004, 202-737-1030. Transporting *furniture and fixtures*, between the facilities of S & H Furniture, Inc., Division of Sperry & Hutchinson Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 113313 (Sub-3), filed February 2, 1981. Applicant: UNION TRUCKING CO., INC., 315 North 14th St.,

Kenilworth, NJ 07033. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *general commodities* (except classes A and B explosives), between points in NJ and CT, and points in Bucks, Chester, Delaware, Monroe, Montgomery, Northampton, Philadelphia, and Pike Counties, PA, Dutchess, Putnam, Orange, Rockland, Nassau, Suffolk, Sullivan, and Ulster Counties, NY, and New York, NY.

MC 115543 (Sub-2), filed February 5, 1981. Applicant: MINNESOTA STONE TRUCKING COMPANY, Rt. 5, Mankato, MN 56001. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *clay, concrete, glass or stone products,* between points in the U.S., under continuing contract(s) with Vetter Stone Company, of Kasota, MN.

MC 124083 (Sub-62), filed January 30, 1981. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Ave., Indianapolis, IN 46203. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, 317–638–1301. Transporting *metal products,* between points in Winnebago County, WI, on the one hand, and, on the other, points in IN.

MC 125023 (Sub-87), filed February 2, 1981. Applicant: SIGMA–4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005, 202–347–3987. Transporting *food and related products,* between points in WI, IL, IN, KY, MI, OH, PA, NY, RI, NJ, MD, VA, NC, and GA, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, NE, KS, MO, TN, and MS.

MC 128302 (Sub-19), filed January 30, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Amstar Corporation, of New York, NY.

MC 128302 (Sub-20), filed February 3, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215, 614–228–1541. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with The Cotton Club Bottling Company, of Cleveland, OH.

MC 129203 (Sub-3), filed January 9, 1981. Applicant: M & Y FREIGHT SYSTEM, INC., Box 36, Topeka, IN 46571. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 South Second St., Elkhart, IN 46514, 219–293–3597. Transporting *chemicals and related products,* between points in Harrison County, TX, on the one hand, and, on the other, points in the U.S.

MC 135953 (Sub-20), filed February 4, 1981. Applicant: CHEROKEE LINES, INC., 1113 North Little St., Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, 402–392–1220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 138432 (Sub-26), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726–6525. Transporting *containers, carriers or devices,* shipping, returned empty, between the facilities of Kerr Glass Manufacturing Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 140273 (Sub-25), filed February 6, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *commodities in bulk,* between points in MN.

MC 140273 (Sub-26), filed February 6, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *metal products,* between Minneapolis, MN, on the one hand, and, on the other, points in the U.S.

MC 142872 (Sub-163), filed February 3, 1981. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Harry Keifer (same address as applicant), 501–977–1683. Transporting *general commodities* (except classes A and B explosives), between points in AR, on the one hand, and, on the other, points in the U.S.

MC 142873 (Sub-12), filed February 6, 1981. Applicant: D & W TRUCK LINES, INC., 200 First Street, Parsons, WV 26287. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001 (202) 628–9243. Transporting *food and related products,* between points in Morgan County, IL, on the one hand, and, on the other, points in the U.S.

MC 144022 (Sub-205), filed February 2, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219 Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021, 817–282–6344. Transporting *machinery,* between Los Angeles, CA, Chicago, IL, New York, NY, and points in Chilton, Jefferson, and Shelby Counties, AL, Denver County, CO, Pinellas County, FL, Fulton County, GA, Huntington and Miami Counties, IN, Linn County, IA, Boone and Fayette Counties, KY, St. Joseph and Wayne Counties, MI, Boone County, MO, Lancaster County, NE, Bergen, Burlington, and Hudson Counties, NJ, Genessee County, NY, Buncombe and Wake Counties, NC, Butler County, OH, Lehigh County, PA, Richland County, SC, Rutherford County, TN, Dallas County, TX, King, Pierce, and Spokane Counties, WA, and Milwaukee and Winnebago Counties, WI, on the one hand, and, on the other, points in the US.

MC 145102 (Sub-72), filed February 4, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 606–256–7444. Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses,* between the facilities of Wilson Foods Corporation (1) at points in the U.S., on the one hand, and, on the other, points in AZ and NV, and (2) between Omaha, NE and Sioux City, IA, on the one hand, and, on the other, points in AZ, CA, and NV.

MC 145163 (Sub-8), filed February 4, 1981. Applicant: DON MULDER d.b.a. DON MULDER TRUCKING, 1735 North 50th St., Lincoln, NE 68504. Representative: Lavern R. Holdeman, P.O. Box 81848, Lincoln, NE 68501, 402–476–1144. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 146703 (Sub-28), filed February 6, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St. NW., Washington, D.C. 20006, 202–223–6270. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, MS, NC, SC, and TN, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI.

MC 147173 (Sub-2), filed February 6, 1981. Applicant: C & T TRUCKING, INC., 1050 Brookside Drive, Richmond,

CA 94806. Representative: Brian S. Stern, 5411–D Backlick Road, Springfield, VA 22151, 703–941–6200. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Cascade Steel Rolling Mills, Inc., of Stockton, CA.

MC 150622 (Sub-4), filed February 6, 1981. Applicant: VIRGINIAN ELECTRIC COMPANY, d.b.a. VIRGINIAN POWER TRANSPORT, 630 29th St., Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526, 304–562–3400. Transporting *food and related products*, between points in Wayne, Macomb, and Oakland Counties, MI, Monroe County, NY, Seneca, Hancock, Wood, and Belmont Counties, OH, and Lehigh and Northampton Counties, PA, on the one hand, and, on the other, those points in the U.S., in and east of WI, IL, KY, TN, AR, and LA.

MC 150622 (Sub-5), filed February 6, 1981. Applicant: VIRGINIAN ELECTRIC COMPANY, d.b.a. VIRGINIAN POWER TRANSPORT, 630 29th St., Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *metal products*, between points in Mercer and Westmoreland Counties, PA and Guilford County, NC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, AR and LA. Note: The person or persons who appear to be engaged in common control with another carrier must either file an application under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 129712 (Sub-35F), filed February 3, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326, (404) 237–6472. Transporting *metal products*, between points in the U.S., under a continuing contract(s) with Southwest Steel Supply Company, of St. Louis, MO.

MC 151423 (Sub-1), filed February 5, 1981. Applicant: KENGRAPHIC INTERIORS, INC., 1011 Lake Rd., Medina, OH 44256. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, 614–889–2531. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Plasti-Kote, Inc., of Medina, OH.

MC 152713 (Sub-1), filed February 3, 1981. Applicant: RAD, INC., Rural Route, Wannaska, MN 56761. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232, 503–288–8141. Transporting *lumber and wood products*, between points in OR, WA, ID, CA, NV, UT, AZ, ND, SD, MN, CO, and NM.

MC 152783 (Sub-1), filed February 5, 1981. Applicant: REYNOLDS TRUCK LINES, INC., 215 Cherry St., Madison, TN 37215. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, 615–255–6575. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with IKG industries, Inc., Division of Harsco Corporation, of Nashville, TN.

MC 153383 (Sub-1), filed January 21, 1981. Applicant: SIERRA RENTAL AND TRANSPORT COMPANY, INC., 1305 Kleppe Lane, Sparks, NV 89431. Representative: Mike Soumbeniotis, 402 North Division St., Carson City, NV 89701, 702–882–0202. Transporting (1) *ores and minerals*, (2) *clay, concrete, glass or stone products*, (3) *machinery*, and (4) *waste or scrap materials not identified by industry producing*, between points in NV and CA.

MC 153633 (Sub-1), filed February 2, 1981. Applicant: FREIGHT ASSEMBLY DISTRIBUTION INC., 740 24th Street, Detroit, MI 48216. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684, (616) 941–5313. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with Eastman Kodak Company, of Rochester, NY.

MC 153913 filed January 29, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 406 Thompson Bldg., Tulsa, OK 74103. Representative: Robert J. Wiruth (same address as applicant), 314–636–6135. Transporting *petroleum, natural gas and their products*, between points in MO, IA, and IL.

MC 153962 (Sub-1F), filed February 4, 1981. Applicant: BOEHIE'S EXPRESS, INC., 230 Sandbank Road, P.O. Box 906, Cheshire, CT 06410. Representative: John E. Fay, 663 Maple Avenue, Hartford, CT 06114. Transporting *general commodities* (except Classes A and B explosives), between points in CT and Springfield, MA.

Volume No. OP2-031

Decided: February 24, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce and Jones.

MC 3252 (Sub-115), filed February 2, 1981. Applicant: MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, 617–749–0500. Transporting *petroleum, natural gas and their products*, between Boston, MA, and points in Norfolk County, MA, on the one hand, and, on the other, points in NH and VT.

MC 2633 (Sub-68), filed February 6, 1981. Applicant: CROSSETT, INC., P.O. Box 946, Warren, PA 16365. Representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, NY 14701, 716–664–5210. Transporting *petroleum, natural gas and their products*, between points in Warren County, PA, on the one hand, and, on the other, points in NJ.

MC 58852 (Sub-4), filed February 6, 1981. Applicant: SALEM MOTOR TRANS., INC., 121 Webster Avenue, Chelsea, MA 02150. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC.

MC 59902 (Sub-22), filed February 2, 1981. Applicant: MANLEY TRUCK LINE, INC., P.O. Box 1575 SSS, Springfield, MO 65806. Representative: A. J. Whisler (same address as applicant), (417) 865–2800. Over regular routes, transporting *general commodities* (except classes A and B explosives) (1) between Ft. Smith, AR and Oklahoma City, OK, from Ft. Smith over U.S. Hwy 64 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Oklahoma City, and return over the same route, serving all intermediate points and off-route points in Sequoyah, Haskell, McIntosh, Okmulgee, Seminole, Okfuskee, Pottawatomie, and Oklahoma Counties, OK, (2) between Muskogee, OK and Lawton, OK, from Muskogee over U.S. Hwy 69 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 81, then over U.S. Hwy 81 to junction OK Hwy 7, then over OK Hwy 7 to Lawton, and return over the same route, serving all intermediate points and the off-route points in Muskogee, Pittsburg, Atoka, Bryan, Marshall, Johnson, Carter, Love, Jefferson, Stephens, and Comanche Counties, OK, (3) between Tulsa and Lawton, OK, from Tulsa over U.S. Hwy 66 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 277, then over U.S. Hwy 277 to Lawton, and return over the same route, seving all intermediate points and the off- route points in Tulsa, Creek, Lincoln, McClain, Grady, and Caddo Counties, OK, (4) between Tulsa and Ponca City, OK, from Tulsa over OK Hwy 51 to junction U.S. Hwy 81, then over U.S. Hwy 81 to junction OK Hwy 11, then over OK Hwy 11 to junction U.S. Hwy 177, then over U.S. Hwy 177 to

Ponca City, and return over the same route, serving all intermediate points and the off-route

points in Payne, Garfield, and Grant Counties, OK, (5) between Tulsa OK and Caney, KS, over U.S. Hwy 75, serving all intermediate points and the off-route points in Oswego and Washington, KS, (6) between Little Rock, AR, and Dallas, TX, over Interstate Hwy 30, serving all intermediate points and the off route points in Pulaski, Saline, Hot Springs, Clark, Nevada, Hempstead and Miller Counties, AR, and Bowie, Titus, Franklin, Hopkins, Hunt, Rockwall, and Dallas Counties, TX, (7) between Ft. Smith and Texarkana, AR, over U.S. Hwy 71, serving all intermediate points and the off-route points in Sebastian, Scott, Polk, Sevier, and Little River Counties, AR, (8) between Lawton, OK and Dallas, TX, from Lawton over U.S. Hwy 281 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction Interstate Hwy 30, then over Interstate Hwy 30 to Dallas and return over the same route, serving all intermediate points and the off-route points in Cotton County, OK and Wichita, Clay, Montague, Wise and Tarrant Counties, TX, (9) between Coffeyville, KS, and Dallas, TX, from Coffeyville over U.S. Hwy 166 to Junction U.S. Hwy 77, then over U.S. Hwy 77 to Dallas and return over the same route, serving all intermediate points and the off-route points in Chautauqua, and Cowley Counties, KS and Kay, Noble, Payne, Logan, Cleveland, Garvin, and Murray Counties, OK, and Cooke and Denton Counties, TX, (10) between Enid and Chickasha, OK, over U.S. Hwy 81, serving all intermediate points and the off route points in Kingfisher, Canadian and Caddo Counties, OK, (11) between Oklahoma City, OK, and Texarkana, TX, from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 177, then over U.S. Hwy 177 to junction OK Hwy 3E, then over OK Hwy 3E to junction OK Hwy 3, then over OK Hwy 3 to junction U.S. Hwy 271, then over U.S. Hwy 271 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 259, then over U.S. Hwy 259 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Texarkana and return over the same route, serving all intermediate points and the off-route points in Seminole, Pontotac, Coal, Choctaw, Pushmataha, and McCurtain Counties, OK, (12) between Tulsa, OK and Paris, TX, from Tulsa, OK over U.S. Hwy 75 to junction Indian National Turnpike, then over Indian National Turnpike to junction U.S. Hwy 271, then over U.S. Hwy 271 to Paris, and return over the same route, serving all intermediate points, (13) between Durant, OK and Dallas TX, over U.S. Hwy 75, serving all intermediate points and the off-route points in Collin County, TX, (14) between Wichita Falls, TX, and Texarkana, AR, over U.S. Hwy 82, serving all intermediate points and the off-route points in Garyson, Fannin, Lamar, and Red River Counties, TX, (15) between Ft. Smith, AR, and Greenville, TX, from Ft. Smith over U.S. Hwy 271 to junction TX Hwy 24, then over TX Hwy 24 to Greenville and return over the same route, serving all intermediate points and the off-route points in Leflore and Latimer Counties, OK, and Delta County, TX and (16) serving points in Ottawa, Craig, Rogers, Mayes, Delaware, Wagoner, Cherokee, and Adair Counties, OK, as off-route points in connection with existing authorized regular-route authority.

Note.—Applicant intends to tack this authority with its otherwise authorized regular-route authority in MO, KS, OK, and AR.

MC 58973 (Sub-8), filed January 30, 1981. Applicant: ABLER TRANSFER, INC., 1006 South 8th Street, Norfolk, NE 68701. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of laboratory and medical supplies, between the facilities used by Sherwood Medical Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 59292 (Sub-45), filed February 6, 1981. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same as applicant), (301) 355–5800. Transporting *such commodities* as are dealt in by hardware stores, drug stores, discount houses, grocery and food business houses between points in the U.S., in and east of WI, IL, KY, TN, MS and LA.

MC 71593 (Sub-82), filed February 4, 1981. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. Representative: David W. Swenson (same as above), (201) 322–5380. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. restricted to traffic originating at or destined to the facilities of the Pillsbury Company or its subsidiaries.

MC 73533 (Sub-13), filed October 20, 1980. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant). Transporting *books and printed matter*, from Baltimore, MD, and points in Baltimore County, MD, to Philadelphia, PA, Albany, NY, New York, NY, Boston, MA, and Somerset, NJ.

MC 73533 (Sub-15), filed February 4, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same as applicant), (301) 327–5800. Transporting *metal products* between points in the U.S., under continuing contract(s) with K–D Manufacturing Company of Lancaster, PA.

MC 82063 (Sub-121), filed February 6, 1981. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 666 Eleventh Street, NW., No. 805, Washington, DC 20001, (202) 628–9243. Transporting *commodities in bulk*, between points in MO on the one hand, and, on the other, points in the U.S.

MC 94742 (Sub-41), filed February 6, 1981. Applicant: MICHAUD BUS LINES, INC., 61–63 Jefferson Ave., Salem, MA 01970. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip and charter operations, beginning and ending at points in York and Cumberland Counties, ME, Essex, Middlesex, Norfolk and Suffolk Counties, MA, and Hillsborough, Rockingham and Strafford Counties, NH, and extending to points in the U.S.

MC 107002 (Sub-585), filed January 22, 1981. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Harold D. Miller, Jr., 17 Floor, Deposit Guaranty Plaza; P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., and continuing contract(s) with (a) Hunt Oil Company, of Tuscaloosa, AL, (b) Research Solvents & Chemicals, Inc., of Pelham, AL, (c) Exxon Company, U.S.A. (a division of Exxon Corporation), of Houston, TX, (d) Texaco U.S.A., a division of Texaco, Inc., of Houston, TX, (e) Kerr-McGee Corporation, of Oklahoma City, OK, (f) VGS Corporation d.b.a. Southland Oil Company, of Jackson, MS, (g) Plaskolite, Incorporated, of Columbus, OH, (h) American Cyanamid Company, of Wayne, NJ, and its affiliates and subsidiaries, (i) Delta Refining Company, of Memphis, TN, (j) Vulcan Asphalt Refining Co., Inc., of Cordova, AL, (k) Mississippi Chemical Corporation, of Yazoo City, MS, and (l)

Chevron U.S.A. Inc., of San Francisco, CA.

MC 107012 (Sub-654), filed February 4, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as above), (219) 429–2110. Transporting *printed matter* between Muscatine, IA, Nashville, TN, and points in Du Page County, IL, Lake and Marion Counties, IN, Fayette and Woodford Counties, KY, Bristol County, MA, and Westchester County, NY, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-656), filed February 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *metal products* between points in Sheboygan County, WI, on the one hand, and, on the other, points in the U.S.

MC 109533 (Sub-136F), filed Feburary 6, 1981. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1000 Semmes Avenue, Richmond, VA 23224. Representative: John C. Burton, Jr., (same address as applicant), (804) 231–8281. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Chattanooga and Memphis, TN, over U.S. Hwy 72, serving all intermediate points, and (2) serving points in TN on and west of U.S. Hwy 31 and 31–E, and those in AL as intermediate or off-route points in conjunction with applicant's existing regular-route authority.

Note.—Applicant intends to tack the authority with existing authority held in Docket MC–109533 and subs.

MC 109593 (Sub-14), filed February 3, 1981. Applicant: H. R. HILL, Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, 1503 East 19th St., P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting *food and related products* between points in the U.S., under a continung contract(s) with Cole Grain Co., of Muskogee, OK.

MC 109593 (Sub-15), filed January 30, 1981. Applicant: H. R. HILL, Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *such commodities* as are dealt in by manufacturers of containers between points in the U.S., under a continuing contract(s) with Brockway Glass Company, Inc., of Brockway, PA.

MC 110012 (Sub-84), filed February 4, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, N.E., Washington, DC 20004, (202) 737–1030. Transporting *such commodities* as are dealt in by discount and department stores between points in the U.S.

MC 110012 (Sub-85), filed February 5, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, N.E., Washington, DC 20004. Transporting *general commodities* between points in Sullivan County, TN, on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding to the extent it authorized classes A and B explosives shall be limited in term to a period expiring 5 years from its date of issuance.

MC 111812 (Sub-758), filed February 5, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma, (same as applicant), (605) 339–8424. Transporting *printed matter, pulp, paper and related products*, between the facilities of Time, Inc., at points in IL, KY, OH, TN and WI, on the one hand, and, on the other, points in the U.S.

MC 115672 (Sub-25), filed January 30, 1981. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, KY 42240. Representative: James Clarence Evans, 1800 3rd National Bank Bldg., Nashville, TN 37219, 615–244–1440. Transporting *machinery*, between points in the U.S., under continuing contract(s) with York Division of Borg-Warner Corporation, of Madisonville, KY.

MC 117173 (Sub-1), filed January 21, 1981. Applicant: JON W. McCARTER, d.b.a. McCARTER TRANSIT, 2569 Darlington Road, Beaver Falls, PA 15010. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip and one-way charter and special operations, (a) between points in Hancock, Brooke, Ohio, and Marshall Counties, WV, and Washington County, PA, on the one hand, and, on the other, points in the U.S., and (b) between points in that portion of Allegheny County, PA on and west of a line beginning at the Allegheny-Butler County line, then south along PA Hwy 8 to junction PA Hwy 28, then southwesterly along PA Hwy 28 to junction U.S. Hwy 19, then south on U.S. Hwy 19 to junction PA Hwy 51, then south on PA Hwy 51 to the Allegheny-Westmoreland County line, on the one hand, and, on the other, points in the U.S.

MC 119192 (Sub-17F), filed February 6, 1981. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT 06607. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (a) *furniture and fixtures, and giftware*, and (b) *such commodities* as are dealt in or used by retail department stores, (except those in (a) above) between the facilities of The Hitchcock Chair Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119702 (Sub-82F), filed February 6, 1981. Applicant: STAHLY CARTAGE CO., 119 S. Main St., Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *commodities* in bulk, between points in the U.S. on the one hand, and, on the other, its facilities of Dow Chemical U.S.A. and The Carter-Waters Corporation in the U.S.

MC 119923, filed January 5, 1981. Applicant: ORFAC TRUCKING CO., a corporation, 254 Port Street, Port Newark, NJ 07114. Representative: Nathaniel H. Yohalem, Engelhard Building, Woodbridge, NJ 07095, (201) 549–5600. Transporting *food and related products*, between points in the U.S., under a continuing contract with Peter Paul Cadbury, Inc., Naugatuck, of Naugatuck, CT.

MC 124692 (Sub-359), filed February 5, 1981. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT. 59806. Representative: J. David Douglas (same address as applicant), (406) 728–2600. Transporting *building materials* between points in Albany County, WY, on the one hand and, on the other, points in US.

MC 124692 (Sub-361), filed February 3, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant), (406) 728–2600. Transporting: *Machinery, between points in MT, on the one hand, and, on the other, points in AL, CA, CO, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, NY, TN, SD, WA, WI, and WY.*

MC 134783 (Sub-72F), filed February 6, 1981. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491,

Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839–5856. Transporting *Foods and related products*, between points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S.

MC 136123 (Sub-16), filed February 3, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant), (813) 722–0506. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Delaware Valley Shippers Association, of Bristol, PA.

MC 138432 (Sub- 24), filed February 5, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602, (312) 726–6525. Transporting *clay, concrete, glass or stone products* between points in McKean County, PA and Logan County, IL, on the one hand, and, on the other, points in IL, IN, MI, MO, MN, NY, OH and TN.

MC 139083 (Sub-12), filed February 3, 1981. Applicant: BUILDING SYSTEMS TRANSPORTATION, INC., P.O. Box 142, Washington Court House, OH 43160. Representative: Marshall Kragen, 1919 Pennsylvania Avenue NW, Suite 300, Washington, DC. 20006, (202) 466–3778. Transporting (1) *metal products*, (2) *lumber and wood products, rubber and plastic products*, and (3) *clay, concrete, glass, or stone products*, between points in Jessamine and Fayette Counties, KY on the one hand, and, on the other, points in the U.S.

MC 140273 (Sub-24), filed February 6, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels Street, Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *ores and minerals*, between Minneapolis, MN and points in Scott County, MN, Jackson, Green Lake, Eau Claire, Fond du Lac and Marinette Counties, WI, and Story County, IA, on the one hand, and, on the other, points in the U.S.

MC 143023 (Sub-2), filed January 29, 1981. Applicant: CHIWAUKEE TRUCK LINES, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601, (312) 332–5106. Transporting *food and related products, chemicals and related products, rubber and plastic products, and printed matter*, between points in IL, on the one hand, and, on the other, points in MN.

MC 143603 (Sub-10), filed February 2, 1981. Applicant: DFC TRUCKING COMPANY, a corporation, 17872 Cartwright Road, Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Avenue, Suite 415, Fullerton, CA 92631, (714) 773–4111. Transporting *food and related products, pulp, paper and related products, machinery, chemicals and related products, miscellaneous products of manufacturing, apparel and other finished textile products or knit material, metal products, and furniture and fixtures*, between points in the U.S., under continuing contract(s) with (a) Denny's, Inc., of La Mirada, CA, (b) Delly Food Company, of Irvine, CA, (c) Proficient Food Co., of Irvine, CA, (d) Portion-Trol Foods, Inc., of Mansfield, TX, (e) Winchels Donut House, of La Mirada, CA, and (f) Anderson Clayton Foods, of Dallas, TX.

MC 144572 (Sub-47), filed February 5, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202 (303) 892–6700. Transporting *pulp, paper and related products*, between Los Angeles, CA, on the one hand, and, on the other, points in CO.

MC 144913 (Sub-5), filed February 2, 1981. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Road, Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949–7756. Transporting *such commodities* as are dealt in by discount *department stores*, between points in CT, NY, PA, OH, NJ, and WV, on the one hand, and, on the other, Atlanta, GA.

MC 147832 (Sub-4F), filed January 28, 1981. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE COMPANY, 3395 Wright Street, Wheat Ridge, CO 80033. Representative: Truman A. Stockton, Jr., 1365 Logan Street, Suite 100, Denver, CO 80203. Transporting (1) *food and related products*, between points in the U.S., and (2) *instruments and photographic goods, chemicals and related products, and tobacco products*, between points in AL, AR, AZ, CA, FL, GA, IA, ID, IL, KS, KY, LA, MI, MN, MO, MS, MT, NE, ND, NM, NV, OK, OH, OR, SD, TN, TX, UT, WA, WI and WY, on the one hand, and, on the other, points in CO.

MC 148323 (Sub-4), filed January 21, 1981. Applicant: A.B. & K. TRUCKING, INC., 5535 Walter Avenue, Hammond, IN 46320. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting (1) *pulp, paper and related products*, (2) *metal products*, and (3) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Corrugated Supplies Corporation, of Chicago, IL, and Cleaners Hanger Company, of Massillon, OH.

MC 148352 (Sub-3F), filed February 2, 1981. Applicant: R & B TRUCKING CO., INC., P.O. Box 351, Millport, AL 35576. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. Transporting *forest products and lumber and wood products*, between points in AL, MS, AR, GA, and LA, on the one hand, and, on the other, those points in the U.S., in and east of TX, OK, KS, NE, IA, and MN.

MC 149063 (Sub-2), filed February 3, 1981. Applicant: NICK MIELE TRUCKING CO., INC., 475 Sonia Avenue, Matawan, NJ 07747. Representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, NY 11743, (516) 427–0100. Transporting (1) *clay, concrete, glass or stone products*, and (2) *food and related products*, between points in U.S., under continuing contract(s) with (a) Midland Glass Co., of Cliffwood, NJ, and (b) Coca-Cola Co., Foods Division, of Hightstown, NJ.

MC 150102 (Sub-5F), filed February 6, 1981. Applicant: MUSTANG TRANSPORTATION, INC., 1101 Rue Corton, Slidell, LA 70458. Representative: Albert T. Riddle (same address as applicant), (504) 649–1333. Transporting *cleaning compounds and related products*, between points in the United States, under continuing contract(s) with Economics Laboratory, Inc., of St. Paul, MN.

MC 150522 (Sub-3), filed February 6, 1981. Applicant: VIRGINIAN ELECTRIC COMPANY, d.b.a. VIRGINIAN POWER TRANSPORT, 530 29th Street, Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526, 304–562–3460. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Scott Lumber, of Bridgeport, OH.

MC 150663, filed January 28, 1981. Applicant: JAMES LUCAS, 4060 E. Leonard Road, NE., Grand Rapids, MI 49506. Representative: George A. Pendleton, P.O. Box 51, 5116 Brookgate NW., Comstock Park, MI 49321, (616) 784–1937. Transporting *chemicals and related products*, between Cincinnati, OH, points in Boone, Kenton, and Campbell Counties, KY, Vigo County, IN, Will County, IL, and Lucas County, OH, on the one hand, and, on the other, points in MI.

MC 151302 (Sub-1), filed February 5, 1981. Applicant: DONALD E. REYNOLDS, d.b.a. BAR-TRAN CO., 506 Manor, Box 119, Rock Port, MO 64482. Representative: Donald E. Reynolds (same as applicant), (816) 744-2700. Transporting *petroleum, natural gas and their products*, (1) between points in Wyandotte, Johnson, and Doniphan Counties, KS, on the one hand, and, on the other, points in MO, and (2) between points in Cass and Douglas Counties, NE, on the one hand, and, on the other, points in Atchison and Holt Counties, MO.

MC 152892 (Sub-1), filed January 28, 1981. Applicant: AGRI-GAINS, INC., Red Oak, IA 51566. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting chemicals and related products, (1) between points in Jasper County, MO, on the one hand, and, on the other, points in NE, and (2) between points in Douglas County, NE, on the one hand, and, on the other points in IA.

MC 153822 (Sub-1), filed February 3, 1981. Applicant: RICHARD A. JONES, d.b.a. JONES TRUCK LINE, 1206½ 3rd Avenue NW., Fort Dodge, IA 50501. Representative: Larry Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *malt beverage*, between Peoria, IL, on the one hand, and on the other, points in Webster County, IA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7435 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29549 (Sub-No. 1)]

Louisiana & Arkansas Railway Co.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343(a)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements for prior approval under 49 U.S.C. 11343 the trackage rights agreement for Louisiana & Arkansas Railway Company (L&A) to operate over a 3-mile segment of the Atchison, Topeka and Santa Fe Railway Company (Santa Fe) track in Dallas, TX.

DATES: This exemption is effective immediately. Petitions for reconsideration of this decision must be filed no later than 20 days following this publication.

ADDRESSES: Send petitions for reconsideration to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th Street and Constitution Ave. NW., Washington, DC 20423
and
(2) Petitioner's representative: Robert K. Dreiling, Attorney for Louisiana and Arkansas Railway Company, 114 West 11th Street, Kansas City, MO 64105.

Pleadings should refer to Finance Docket No. 29549 (Sub-1).

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Background

The lines of L&A, a subsidiary of the Kansas City Southern Lines, extend from Dallas, TX, through Shreveport, LA, to the Gulf Port of New Orleans, LA. until May, 1977, L&A used Santa Fe's yard and terminal facilities in Dallas in providing rail service to, from, through the Dallas terminal. But it was forced to terminate this arrangement because increased traffic rendered joint use of the Santa Fe facilities impractical. Since then L&A has been using the Chicago, Rock Island and Pacific Railroad Company (Rock Island) track and terminal facilities in its Cadiz Yard at Dallas, TX, in providing such service.

To reach the Rock Island yard, which is situated beyond the Santa Fe yard, L&A must operater over a portion of Santa Fe track, between milepost 53 plus 1,802.2 feet and milepost 50 plus 4,100 feet, in Dallas. Santa Fe granted L&A use of such track by an agreement dated May 12, 1977. From May 19, 1977, through December 30, 1980, L&A operated over the Santa Fe track pursuant to various service orders issued by us under 49 U.S.C. 11123(a).[1] L&A's request to extend service beyond December 30, 1980, was denied because it failed to meet the new criteria established by the Staggers Rail Act of 1980 (Pub. Law No. 96-448, October 14, 1980) for issuance of service orders under section 11123(a)).[2]

L&A indicated that it had entered into agreements with both Rock Island and Santa Fe for permanent authority to use the involved facilities and trackage, and that it would soon file applications with the Commission for permanent authority to operate over the Santa Fe track. To avoid a disruption in rail service, we granted L&A a temporary exemption under 49 U.S.C. 10505, enabling it to continue operating over the Santa Fe track for 2 additional months without having to obtain prior approval under either 49 U.S.C. 10901 or 49 U.S.C. 11343(a). This exemption is scheduled to expire on March 1, 1981. See Finance Docket No. 29549, *Louisiana & Arkansas Railway Company—Exemption under 49 U.S.C. 10505 from 49 U.S.C. 10901 and 49 U.S.C. 11343(a)*, served on December 30, 1980 and published at 46 FR 1763 (January 7, 1981). No objections or comments have been received in response to our granting the temporary exemption.

On January 15, 1980, L&A filed a petition for clarification and waiver of certain filing requirements concerning its applications for permanent authority to operate over the Santa Fe trackage. This petition was amended on February 9, 1981, to include an alternative request for either exemption of the entire trackage rights transaction or an extension of the temporary exemption.

Discussion and Conclusions

The acquisition by a rail carrier of trackage rights over another rail line requires the Commission's prior approval under 49 U.S.C. 11343[3] in accordance with regulations established in *Railroad Acquisition, Control, Merger, Consolidation Coordination Project, Trackage Rights and Lease Procedures*, 49 CFR Part 1111 (1979). See also *Railroad Consolidation Procedures*, 363 I.C.C. 200 (1980).

Pursuant to 49 U.S.C. 10505, as amended by section 213 of the Staggers Act, we are authorized to exempt a transaction from regulation when we find that (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a, and (2) either the transaction is of limited scope or regulation is not

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[1] On May 19, 1977, we issued Service Order No. 1267, *Louisiana & Arkansas Railway Company Authorized to Operate Over Tracks of the Atchison, Topeka & Santa Fe Railway Company*, which became effective on May 19, 1977, and was extended through 6 amendments. The last amendment extended Service Order No. 1267 until November 30, 1980. On December 1, 1980, Service Order No. 1491, *Louisiana & Arkansas Railway Company Authorized to Operate Over Tracks of the Atchison, Topeka and Santa Fe Railway Company*, was issued. It became effective on December 1, 1980, and expired on December 30, 1980.

[2] The Staggers Act limits the Commission's authority to issue service orders under section 11123(a) to emergency situations of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States.

[3] Approval under 49 U.S.C. 10901 is required for the acquisition, operation and construction of a line of railroad. However, where a carrier receives approval of its trackage rights application under 49 U.S.C. 11343, it may operate the line without approval under section 10901. The temporary exemption which we granted for the transaction involved here exempted L&A from section 10901 as well as section 11343(a) because of uncertainty as to whether section 10901 would apply in the absence of express authorization under section 11343. After further review of this matter, we believe that section 10901 would not apply and, therefore, L&A does not need to be exempted from section 10901 in order to conduct the proposed operation.

necessary to protect shippers from an abuse of market power. We believe the instant proposal satisfies the criteria of section 10505 and should be exempted.

Although technically the proposal is an extension of L&A's route from Shreveport to Dallas, it is an extension of only 3 miles and will not allow an expansion of L&A's service. It will simply allow L&A to continue an arrangement which has been in effect for over 3 years and which resulted from a necessary relocation of operations from one terminal facility to another in the same service area. This arrangement has not resulted in significantly changed rail operations, but it has allowed for a more effective mode of operation. The proposal will have no impact on interstate commerce.

Our detailed scrutiny of the transaction under the criteria of 49 U.S.C. 11343–11344 is not necessary to carry out any of the 15 objectives listed in the rail transportation policy of section 10101a. Indeed, our exempting this minor transaction from regulation will facilitate at least one of those objectives: to minimize the need for regulatory control and to require expeditious decisions when regulation is necessary. 49 U.S.C. 10101a(2).

Additionally, the transaction is of limited scope because (1) it involves only a small segment of track; (2) it will not result in significantly changed rail operations; and (3) is will not adversely affect any railroad employees, shippers, other carriers, or the environment. This conclusion is consistent with our prior denial of service order authority for the proposed operation because of L&A's failure to show that the operation was of national or regional significance.

Having concluded that the transaction is of limited scope, we need not determine whether regulation is necessary to protect shippers from the abuse of market power. We note, however, that since the exemption will merely allow a continuation of operations which have been in effect for over 3 years, it is not likely to have any adverse impact whatsoever on shippers. This conclusion is supported by the fact that no shipper has objected to the temporary exemption which we previously granted to L&A.

Since we have determined that the transaction should be exempted, L&A's request for clarification and waiver of various filing requirements is moot and need not be considered further.

Labor protection. In granting this exemption we may not relieve a carrier of its obligation to protect the interests of employees. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective conditions set forth in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), satisfy the statutory requirements for protection of employees involved in trackage rights transactions. Accordingly, these conditions are imposed here as a condition to exercise of this exemption.

We find:

(1) Application of the requirements of 49 U.S.C. 11343(a) for prior approval of L&A's trackage rights and operations over the Santa Fe rail line between milepost 50 plus 4,100 feet and milepost 53 plus 1802.2 feet is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to relieve L&A from an obligation either (a) to provide contractual terms for liability and claims, which are consistent with 49 U.S.C. 11707, or (b) to protect the interest of its employees.

(4) This decision is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt L&A's acquisition of trackage rights over the Santa Fe rail line from 49 U.S.C. 11343, subject to the employee protective conditions imposed in *Norfolk & Western Ry. Co.—Trackage Rights—BM*, 354 I.C.C. 650 (1978), as modified by *Mendocino Coast Ry., Incx.—Lease and Operate*, 360 I.C.C. 653 (1980).

(2) Within 60 days after this transaction is consummated, L&A shall submit three copies of a sworn statement showing all journal entries necessary to record the transaction.

(3) This exemption shall continue in effect for one year from the effective date of this decision. The parties must consummate the transaction during that time in order to take advantage of this exemption.

(4) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(5) This decision shall be effective immediately.

(6) Petitions to reopen this proceeding for reconsideration must be filed no later than 20 days after the date of publication in the **Federal Register**.

Decided: February 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis and Commissioner Gilliam were absent and did not participate.

Agatha L. Mergenovich,

Secretary.

FR Doc. 81-7459 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-6)]

Norfolk & Western Railway Co. Exemption for Contract Tariffs ICC-NW-C-5002, C-5003, C-5004, and C-5005

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariffs will become effective on 20 days' notice. This exemption may be revoked if protests are filed within 30 days of the initial filing of the tariffs.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 275–7656 or Richard Schiefelbein (202) 275–0626.

SUPPLEMENTARY INFORMATION: Norfolk and Western Railway Company (N&W) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract tariffs ICC–NW–C–5002, C–5003, C–5004, and C–5005 be made effective on a minimum of 30 days' notice. These tariffs are currently scheduled to take effect on March 16, 1981 (C–5002, C–5003, and C–5004), and March 22, 1981 (C–5005). N&W seeks to advance these effective dates by 10 days to March 6 and March 12, respectively. The tariffs reflect contracts of 30 days' duration with the exception of C–5002, which has a 45-day duration.

The contracts are designed to expedite the loading, line-haul movement, and dumping of export coal at N&W's Lamberts Point Piers located at Norfork, VA. Each contract relates to one or more vessel loads of coal and, with respect to each load, establishes a restricted number of origin mines, a specified period for carloading, a rail transit period, and a vessel berthing date. Non-contract operations are not subject to such schedules. N&W believes that the contracts will result in reductions in car detention times at origin and destination and in line-haul movement times. Coordination of coal and vessel arrivals at the piers and contractual limitations on blending operations should also improve utilization of pier facilities. Petitioner

states that these facilities are now extremely congested.

N&W takes the position that the 30-day notice period unnecessarily delays these benefits. It further points out the approaching expiration of the United Mine Workers' contract on March 27, 1981, and the possibility of a strike on that date. Such a strike would jeopardize full performance of the contracts if they did not become effective until March 16 and March 22. N&W believes that the requested 10-day advancement of these dates would allow performance even in the event of a strike. Petitioner states that it is not aware of any protests which will be filed against the tariffs.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contracts will allow the most efficient use of N&W's Norfolk pier facilities. To permit the contracts to become effective only after a 30 day period could frustrate this purpose in the event of a coal miners' strike. We believe that the contract proposals will enhance carrier service by encouraging efficient use of transportation facilities and should not impair the carrier's obligation to provide service to other shippers. We thus conclude that authorization of a provisional exemption is warranted.

N&W has already indicated in its petition a willingness to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contracts to become effective on 20 days' notice, this fact neither shall be construed to mean that these are Commission approved contracts for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contracts and to disapprove them during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. These interests can be fully protected by allowing the contracts to become effective on 20 days' notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed by March 18, 1981, with respect to tariffs ICC–NW–C–5002, C–5003, or C–5004, and by March 22, 1981, with respect to tariff ICC–NW–C–5005.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: February 26, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7464 Filed 3-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 415]

Petitions and Applications

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

MC 117344 (Sub-283M1F), filed January 19, 1981, notice of filing of a petition to modify a certificate. Petitioner: THE MAXWELL CO., a corporation, 10380 Evendale Dr., Cincinnati, OH 45215. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Petitioner was issued *common carrier* authority in MC 117344 Sub 283 on January 8, 1981, transporting *petroleum, petroleum products, and chemicals,* (in bulk), between the facilities of Ashland Oil, Inc., in Boyd County, KY, Lawrence County, OH, and Wayne County, WV, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. By the instant petition, petitioner seeks to modify the authority to read: "*Commodities in bulk,* between Boyd County, KY, Lawrence County, OH, and Wayne County, WV, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA."

MC 134404 (Sub-51), M1F, filed January 1, 1981, notice of filing of a petition to modify a permit. Petitioner: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Petitioner holds motor *contract* carrier Permit in MC–134404 Sub 51, issued January 31, 1981. MC–134404 Sub 51 authorizes transportation, over irregular routes, of *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the U.S. in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation, of Wayne, NJ. By the instant petition, petitioner seeks to modify the permit by adding "Georgia Pacific Corporation, of Darien, CT, as a contracting shipper."

Note.—This proceeding was previously published in Volume 157, in error.

MC 149145 (Sub-2M1F), filed November 10, 1980, notice of filing of a petition to add a contracting shipper. Petitioner: NATIONAL TRANSPORTATION SYSTEMS, INC. (formerly ITOFCA TRUCK LINE, INC.), 2285 183d Place, Lansing, IL 60438. Representative: Charles W. Singer, P.O. Box 2298, Green Bay, WI 54306. Petitioner has applied for *contract carrier* authority in MC 149145 Sub 2 transporting *general commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and comodities requiring special handling or equipment), between points in the U.S. (except AK and HI), under continuing contract(s) with ITOFCA, Inc., of Clarendon Hills, IL. That proceeding was published July 10, 1980, and is now unopposed. By the instant petition, petitioner seeks to add Charter Oak

Shippers Cooperative Association, Inc., as a contracting shipper.

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: February 3, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendment to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 128114 (Sub-10), filed March 14, 1980, previously noticed in the **Federal Register** issue of June 26, 1980, and February 13, 1981. Applicant: SAVAGE & SONS, INC., P.O. Box 2422, Building 141, Pasco Airport, Pasco, WA 99302. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *fertilizer* and *fertilizer ingredients*, (1) from Finley Hedges, WA, to points in MT, and (2) from Three Forks, MT, to Finley Hedges, WA.

Note.—This republication corrects the commodity description. This was previously published in the FR of February 13, 1981 with the incorrect prefix.

[FR Doc. 81-7452 Filed 3-9-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Deputy Assistant Administrator for the Near East; Redelegation of Authority

1. Pursuant to the authority delegated to me as Assistant Administrator, Bureau for the Near East, I hereby delegate to the Deputy Assistant Administrator, Bureau for the Near East, authority to act as my alter ago, and to be responsible, under my direction and concurrently with me, for all aspects of the activities of said Bureau. In accordance with this delegation, said Deputy Assistant Administrator is authority to represent me and to exercise my authority, with respect to all functions now or hereafter conferred upon me by A.I.D. Delegations of Authority, regulations, manual orders, handbook provisions, directives, notices, or other documents, by law or by any competent authority.

2. Redelegation of Authority No. 5.2 dated August 6, 1962 is hereby rescinded.

3. This Delegation of Authority is effective immediately. Dated February 20, 1981.

Alfred D. White,

Acting Assistant Administrator, Bureau for the Near East.

[FR Doc. 81-7270 Filed 3-9-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Borden, Inc. et al.; Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Sections 16 (b)–(h), that a proposed consent judgment and a Competitive Impact Statement, as set forth below, have been filed with the United States District Court for the District of Arizona in *United States* v. *Borden, Inc. et al.*

The complaint in this case alleged that Borden, Inc. conspired with other dairies (1) to fix, raise, maintain and stabilize the wholesale prices of dairy products; (2) to fix the terms of discounts on dairy products; (3) to submit collusive bids to public agencies; and (4) to allocate customers for dairy products in violation of Section 1 of the Sherman Act.

The proposed judgment prohibits Borden from entering into any agreement or understanding with any other dairy to fix, raise, maintain or stabilize prices or discounts, to submit collusive bids, or to allocate markets or customers for dairy products sold at wholesale in the State of Arizona.

The judgment requires Borden to distribute copies of the judgment to its officers and directors and to those employees with responsibility for pricing or sale of dairy products in Arizona. It also requires that Borden institute an antitrust compliance program which it must continue for five years from the date of the judgment.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the Federal Register and filed with the Court. Comments should be directed to Anthony E. Desmond, Chief, San Francisco Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, San Francisco, California 94102.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court for the District of Arizona

Anthony E. Desmond, Don B. Overall, Glenda R. Jermanovich, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Room 16216C, Box 36046, San Francisco, CA 94102, Telephone: 415/556-6300.

United States of America, Plaintiff, v. *Borden, Inc.; and Shamrock Foods Company,* Defendants.

Civ 74-680 PHX-CAM.

Filed: February 25, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties hereto consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or any other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding.

Dated: February 25, 1981.

For the Plaintiff: Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, Anthony E. Desmond, Glenda R. Jermanovich, Charles F. B. McAleer, *Attorneys, Department of Justice.*

For the defendant Borden, Inc.: By Nathan P. Elmer, *Attorney for Defendant Borden, Inc.*

U.S. District Court for the District of Arizona

Attorneys for the United States:

Anthony E. Desmond, Don. B. Overall, Glenda R. Jermanovich, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, Room 16216C, San Francisco, California 94102, Telephone: (415) 556-6300.

United States of America, Plaintiff, v. *Borden, Inc.; and Shamrock Foods Company,* Defendants.

CIV 74-680 PHX CAM.

Filed: February 25, 1981.

Final Judgment as to Defendant Borden, Inc.

(As to Count I—Injunctive Relief)

Plaintiff, United States of America, having filed its Compliant herein on August 16, 1974, and plaintiff and defendant, by their respective attorneys, having each consented to the making and entry of this Final Judgment as to Count I of the Complaint (hereinafter "Final Judgment") without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by plaintiff or defendants, or any of them, in respect to any such issue;

Now, Therefore, before any testimony has been taken herein and without trail or adjudication of any issues of fact or law herein, and upon consent of the parties as aforesaid, it is hereby Ordered, Adjudged and Decreed as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Compliant in Count I states claims upon which relief may be granted against the defendant under Section One of the Sherman Act, 15 U.S.C. § 1.

II

As used in this Final Judgment:

(a) "Person" means any individual, sole proprietorship, trusteeship, partnership, association, corporation, or any other business or legal entity;

(b) "Dairy products" means fluid pasteurized and homogenized milk, two percent milk, skim milk, chocolate milk, buttermilk, whipping and table cream, half and half, sour cream, yogurt, cottage cheese, ice cream and ice milk, and butter; and in addition means related products which are not processed from raw milk but which are regularly marketed by diaries such as margarine, non-diary creamers, orange and other fruit drinks, sherbert, popsicles, and other frozen novelties;

(c) "Dairy" means any person which processes raw milk into dairy products and/or sells and distrubutes dairy products to customers such as grocery stores, restaurants, hotels, schools, hospitals, military, installations, other government agencies and home delivery purchasers.

III

The provisions of the Final Judgment are applicable to Borden, Inc. (when acting through its combined Foods and Dairy Divisions, dairy group or any successor thereto), hereinafter referred to as "Borden", and to any successor entity thereto and to the parents, subsidiaries, successors and assigns, directors, officers, agents and employees of defendants and to all persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Borden as defined in Section III above, shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets of its dairy business or dairy operations within the State of Arizona and/or within the geographic region which serves Arizonia that the acquiring party agree to be bound by the provisions of this Final Judgment. An acquiring party subject to this provision shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

V

Borden is enjoined and restrained from directly or indirectly:

(a) Entering into, maintaining or furthering any contract, agreement, understanding, combination or conspiracy to fix, raise, stabilize or maintain the wholesale prices of any dairy products to be sold to any third person in the State of Arizona;

(b) Entering into, maintaining or furthering any contract, agreement, understanding, combination or conspiracy to reduce, fix or stabilize discounts for the sale at wholesale of any dairy products offered to any third person in the State of Arizona;

(c) Entering into, maintaining or furthering any contract, agreement, understanding, combination or conspiracy to submit collusive or rigged bids or quotations for the sale of dairy products in the State of Arizona to any person seeking bids or quotations such as schools, hospitals, military installations or other government agencies; and

(d) Entering into, maintaining or furthering any contract, agreement, understanding, combination or conspiracy to allocate customers, territories or markets for the sale at wholesale of any dairy products in the State of Arizona.

VI

Borden is enjoined and restrained from communicating to or exchanging with any other dairy any actual or proposed prices, price lists, price changes, or other terms or conditions of sale at or upon which any dairy product is to be or has been sold at wholesale in the State of Arizona. *Provided*, however, that the defendant may (a) communicate such information with a person acting as a distributor of the defendant's dairy products pursuant to a bona fide distributorship agreement; and (b) solely in connection with a proposed or actual bona fide sales transaction, quote to any person a price and other applicable terms and conditions of sale for a specific dairy product.

VII

Borden is ordered and directed to:

(a) Furnish within thirty (30) days after the date of entry of this Final Judgment, a copy thereof to each of its officers and directors, and to each of its employees and agents who have responsibility for the pricing or sale of dairy products in the State of Arizona;

(b) Furnish a copy of this Final Judgment to each successor to those officers, directors, employees, or agents described in Paragraph (a) of this Section, within thirty (30) days after such successor is employed by or becomes associated with Borden;

(c) File with this Court and with plaintiff within sixty (60) days after the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Paragraph (a) of this Section; and

(d) Obtain from each officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (a) of the Section, and from each successor to each such officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (b) of this Section, a written statement evidencing such person's receipt of a copy of this Final Judgment; and to retain such statements in its files.

VIII

(A) Borden shall advise each of its officers and employees who have responsibility for or authority over the establishment of prices for dairy products for use in the State of Arizona and/or the determination and submission of bids to the State of Arizona or to any federal agency for dairy product contracts in or for the State of Arizona, of its and their obligations under this Final Judgment. For a period of five (5) years from the entry of this Final Judgment, Borden shall maintain a program to insure compliance with this Final Judgment, which program shall include at a minimum the following with respect to each of the persons described immediately above:

(1) The annual distribution to them of this Final Judgment;

(2) The annual submission to them of a written directive setting forth the defendant's policy regarding compliance with the Sherman Act and with this Final Judgment, with such directive to include (a) an admonition that non-compliance with such policy and this Final Judgment will result in appropriate disciplinary action determined by the defendant and which may include dismissal, and (b) advice that the defendant's legal advisors are available at all reasonable times to confer with such persons regarding any compliance questions or problems;

(3) The imposition of a requirement that each of them sign and submit to his employer, once a year, a certificate in substantially the following form:

"The undersigned hereby (1) acknowledges receipt of a copy of the 1981 Arizona Milk Final Judgment and a written directive setting forth the Company policy regarding compliance with the antitrust laws and with such Final Judgment, (2) represents that the undersigned has read and understands such Final Judgment and directive, (3) acknowledges that the undersigned has been advised and understands that non-compliance with such policy and Final Judgment will result in appropriate disciplinary measures determined by the company and which may include dismissal, and (4) acknowledges that the undersigned has been advised and understands that non-compliance with the Final Judgment may also result in conviction for contempt of court and imprisonment and/or fine";

(4) The holding of one or more meetings with them to review the terms of this Final Judgment and the obligations it imposes, with such meetings to be arranged and conducted so that each of them attends at least one such meeting within each twelve-month period; and

(B) For a period of five (5) years from the entry of this Final Judgment, Borden shall file with the plaintiff and under seal with the Court, on or before the anniversary date of this Final Judgment, a sworn statement, by a responsible official designated by the defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under this Section VIII. This statement shall be accompained by copies of all written directives issued by Borden concerning the manner of compliance with Paragraph A of this Section VIII.

Upon motion of the plaintiff or upon this Court's own motion, responsible officials of Borden may from time to time be ordered to appear before this Court to give sworn testimony relating to Borden's manner of compliance with the provisions of this Final Judgment.

For the purposes of determing or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(a) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Borden made to its principal office, be permitted:

(1) Access during Borden's office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Borden, who may have counsel present, relating to any matters contained in this Final Judgment, and;

(2) Subject to the reasonable convenience of Borden and without restraint or interference from it, to interview officers, employees, and agents of Borden, who may have counsel present, regarding any such matters.

(b) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to Borden's principal office, Borden shall submit such written reports, under oath if requested, with respect to any of the matters, contained in this Final Judgment as may be requested.

(c) No information or documents obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except

in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment or as otherwise required by law. If at the time information or documents are furnished by Borden to plaintiff, Borden represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and marks each pertinent page of such material, "Subject to protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to Borden prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which Borden is not a party.

XI

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or compliance therewith and punishment of any violation of any of the provisions contained herein.

XII

This Final Judgment shall be in force and effect for a period of ten (10) years from the date of entry.

XIII

The entry of this Final Judgment is in the public interest.

Dated:

United States District Judge

U.S. District Court for the District of Arizona

Attorneys for the United States:

Anthony E. Desmond, Don B. Overall, Bernard H. Meyers, Glenda R. Jermanovich, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, Room 16216C, San Francisco, California 94102, Telephone: (415) 556-6300.

United States of America, Plaintiff, v. *Borden, Inc.; and Shamrock Foods Company*, Defendants.

CIV 74-560 PHX CAM.
Filed: February 25, 1981.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. Nature of the Proceeding

On August 16, 1974, the United States filed a three count civil complaint under Section 4 of the Sherman Act and Section 4A of the Clayton Act [15 U.S.C. §§ 4 and 15a] and under the False Claims Act [31 U.S.C. §§ 231-233] against defendant Borden, Inc., and against Carnation Company, Foremost-McKesson, Inc., and Shamrock Foods Company. The Complaint alleged that beginning sometime prior to 1966 the defendants, along with unnamed co-conspirators, engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce the substantial terms of which were: (a) to fix, raise, stabilize and maintain the prices of dairy products sold to their wholesale customers; (b) to reduce, fix and stabilize discounts for the sale of dairy products to certain customers; (c) to submit collusive and rigged bids for the sale of dairy products to customers seeking bids such as schools, hospitals, military installations and other government agencies; and (d) to allocate among themselves customers for the sale of dairy products.

In a federal grand jury indictment, also filed on August 16, 1974, the same corporate defendants and certain of their employees were charged with a criminal violation of the Sherman Act, arising out of the same alleged conspiracy. All defendants in the criminal case were permitted to enter pleas of *nolo contendere*. In February 1975 United States District Court Judge Carl A. Muecke sentenced the corporate defendants to pay a fine of $50,000 each. In February 1975 and January 1976 the individual defendants received sentences of fines and probation which were subsequently reduced because defendants had fulfilled an "alternative" program of supplying milk to and working for charitable organizations.

Counts II and III of the civil complaint, which pertained to the damages incurred by the United States and to the False Claims Act, were terminated in July 1977 when defendants Borden, Inc. Carnation Company and Foremost-McKesson, Inc. agreed to pay a total of $300,000 and in July 1979 when defendant Shamrock Foods Company agreed to pay $225,000 to the United States in settlement.

On March 31, 1980, Count I was dismissed as to defendants Carnation Company and Foremost-McKesson, Inc., because existing nationwide, perpetual consent judgments contained all the injunctions which the government would have sought to obtain against them under Count I.

Count I will be terminated as to defendant Borden, Inc. by entry by the Court of the proposed consent judgment, except insofar as the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of the provisions of the judgment.

II. Description of Practices Involved in the Alleged Violation

Within the time period covered by the complaint, each of the four defendant corporations was engaged in the business of processing and selling dairy products in Arizona. Their total sales in 1973 in Arizona were approximately $80 million, which accounted for approximately 90 percent of the total sales of dairy products by dairies in Arizona.

The government would have been prepared to prove at trial that defendant Borden, Inc (hereinafter "Borden") and the other corporate defendants, through their employees, had frequent communications and meetings about various aspects of the dairy business. Evidence would have been offered that, at various times during the alleged conspiracy, defendants' employees met, discussed, and agreed on raising wholesale prices to their customers. Evidence would also have been offered to prove that defendants' employees agreed to limit discounts to certain customers. The government was also prepared to prove that on several occasions, representatives of the defendant corporations met, discussed and reached an understanding as to who would be the successful bidder on contracts being offered by public agencies (federal, state and local) and that there existed an agreement among the defendants to divide the public agency business among themselves pursuant to discussions among their representatives.

According to the complaint, the alleged conspiracy had the following effects: (a) competition between and among the defendants and co-conspirators in Arizona had been restrained; (b) purchasers of dairy products in Arizona had been deprived of free and open competition in the sale of dairy products; and (c) wholesale prices of dairy products in Arizona had been raised, fixed and maintained at artificial and noncompetitive levels.

Borden, in its formal pleadings filed in the case, denied all the allegations in the government's complaint and was prepared to dispute the evidence to be offered by the government at a trial.

III. Explanation of the Proposed Consent Judgment

The United States and Borden have stipulated that the proposed consent judgment, which is in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment by the Court is conditioned upon a determination by the Court that the judgment is in the public interest.

A. Prohibited Conduct

The proposed judgment applies to Borden when acting through its combined Foods and Dairy Division, dairy group or any successor thereto.

The proposed judgment will expire ten years from the date of its entry and prohibits Borden from entering into, maintaining or furthering any agreements or arrangements to fix, raise, stabilize or maintain the wholesale prices of or to reduce, fix or stabilize discounts for any dairy products to be sold to any third person. The judgment prohibits Borden from entering into, maintaining or furthering any agreement to submit collusive bids to schools, hospitals, military installations or other government agencies in the State of Arizona. The judgment also prohibits Borden from agreeing to allocate customers, territories or markets for wholesale sales of dairy products in Arizona.

Borden is further enjoined from communicating to or exchanging with any other dairy the prices or other terms or

conditions of sale upon which any dairy product is to be or has been sold at wholesale in Arizona.

B. Required Conduct

For the purpose of notifying all responsible employees of the prohibitions of the judgment, Borden is required, within 30 days of the entry of the judgment, to serve a copy of the judgment on each of its directors and officers, and upon each of its employees or agents who have any responsibility for the pricing or sale of dairy products in the State of Arizona. If new employees are hired in these positions in the future, Borden must also serve a copy of the judgment on these new employees. Requiring the defendant to give such notice to its responsible personnel serves two purposes: it enables the affected employees to know what activities they are prohibited from engaging in, and it facilitates prosecution for criminal contempt of those employees who disregard the provisions of the judgment.

The judgment further requires Borden to maintain, for a period of five years, a program to insure compliance with the judgment. At a minimum, the program must include: (1) the annual distribution of the judgment to the officers and other company employees described above; (2) the annual submission to these officers and employees of a directive setting forth the defendant's policy for compliance with the Sherman Act and this judgment, with a warning that non-compliance will result in disciplinary action and advice that defendant's legal advisors are available to answer any questions concerning compliance; (3) the annual submission by each of these officers and employees of a certificate acknowledging that he or she has received and understands the judgment and the directive; and (4) annual meetings for these officers and employees to review the terms of the judgment and the obligations it imposes. Each year for a period of five years, a responsible official of the defendant is also required to file with the plaintiff and under seal with the Court, a sworn statement setting forth all the steps it has taken during the preceding year to discharge these obligations, along with copies of all directives issued by the company in compliance with this judgment. Such officials may also be required to give sworn testimony before the Court relating to defendant's manner of compliance.

If Borden sells all or substantially all of its assets of its dairy business in Arizona, the judgment compels the defendant to require the acquiring party to be bound by the provisions of the judgment and to file with the Court and the plaintiff its written consent to be bound by the judgment.

Under the proposed judgment, the Department of Justice is given access to the files and records of the defendant corporation for the purpose of examining such records for compliance or non-compliance with the judgment.

IV. Alternatives to the Proposed Consent Judgment

The proposed judgment is the product of lengthy negotiations. In accordance with the Antitrust Division's policy and with past consent judgments against other dairy companies in various parts of the country, the government originally sought a nationwide judgment. The government also sought a judgment not limited to the wholesale market. However, since the complaint was limited in its terms to wholesale sales, and since the evidence the government would adduce at trial was limited to the State of Arizona, the parties agreed to limit the judgment to wholesale sales in the State of Arizona.

V. Remedies Available to Potential Private Plaintiffs

Section 4 of the Clayton Act [15 U.S.C. § 15] provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. Following the filing of the government's complaint in this action, several lawsuits were brought on behalf of various classes of persons allegedly injured as a result of the violation of the antitrust laws alleged in the government's suit. These lawsuits are pending before the United States District Court for the District of Arizona under the caption *In Re Arizona Dairy Products Litigation*, Civ. No. 74-569-A PHX CAM. The plaintiffs in these actions and any other potential plaintiffs will retain the same rights to seek monetary damages and equitable remedies that they would have had if the proposed judgment had not been entered. However, pursuant to Section 5(a) of the Clayton Act, as amended 15 U.S.C. § 16(a), the judgment may not be used as *prima facie* evidence in private litigation.

VI. Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, San Francisco, California 94102, within the 60-day period provided by the Act. The comments and the government's responses to them will be filed with the Court and published in the **Federal Register**. All comment will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of the judgment is necessary to the public interest. The proposed judgment itself provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification or enforcement of the judgment.

VII. Determinative Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)] were considered in formulating this proposed judgment.

Dated:

Glenda R. Jarmanovich,
Bernard H. Meyers,
Attorneys, U.S. Department of Justice.

[FR Doc. 81-7379 Filed 3-9-81; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket Nos. 79-20 and 79-21]

Ontario Drugs, Inc., Fullerton-Kedzie Pharmacy, Inc.; Denial of Applications

On October 18, 1979, the Administrator of the Drug Enforcement Administration [DEA] issued Orders to Show Cause proposing to deny the pending applications for registration of Ontario Drugs, Inc. ["Ontario"], and Fullerton-Kedzie Pharmacy, Inc. ["Fullerton-Kedzie"]. Both of these applicants, through their attorney, requested hearings on the issues raised by the Orders to Show Cause. At various stages of the proceedings leading toward a hearing, the requests for hearing were withdrawn and proceedings pending before the Administrative Law Judge were terminated.

These matters have reached the Administrator, under the provisions of 21 CFR 1301.54(e), for resolution without a hearing, based upon facts contained in the investigative file and the record of the administrative proceedings, such as they were. After a thorough consideration of all of this information, and pursuant to 21 CFR 1316.67, the Administrator hereby publishes his final order, based upon findings of fact and conclusions of law as set forth below.

On August 18, 1978, the Illinois Department of Registration and Education revoked the pharmacy licenses of both Ontario and Fullerton-Kedzie as well as the personal license of Morton Einstein as a registered pharmacist in the State of Illinois. DEA Certificate of Registration AE3875765, previously issued to Fullerton-Kedzie expired on August 31, 1978. On December 11, 1978, Mr. Einstein surrendered that registration.

On December 1, 1978, Mr. Einstein applied for renewal of DEA registration AO3861590 on behalf of the Ontario Drug pharmacy. In his application, Mr. Einstein falsely stated that the pharmacy was currently licensed by the State of Illinois and that it was thus authorized to handle controlled substances under the laws of that State. On January 18, 1979, the Administrator issued an Order to Show Cause proposing to revoke Ontario's DEA registration. As stated in the Order to Show Cause, the proposed action was based upon the registrant's lack of current State licensure and the

submission of a materially false application for renewal of that registration. The Administrator also found that the registrant's continued possession of a registration during the pendency of the proceedings initiated by the Order to Show Cause posed an imminent danger to the public health and safety. This finding was based upon the fact that Mr. Einstein had continued to use the Ontario registration to obtain controlled substances in spite of the fact that the pharmacy had been unlicensed since August 18, 1978, and could not, therefore, lawfully dispense the controlled substances it was ordering. Accordingly, the Administrator ordered the immediate suspension of Ontario's registration. The Order to Show Cause and Immediate Suspension Order were served on Mr. Einstein on January 25, 1979. Ontario Drugs failed to respond to the Order to Show Cause and, on March 5, 1979, the Administrator ordered that DEA registration AO3661590 be revoked. Thus, by March 5, 1979, neither Ontario nor Fullerton-Kedzie had a valid DEA registration—Ontario's registration had been suspended on January 18, 1979, and has subsequently been revoked; and Fullerton-Kedzie's registration had expired on August 31, 1978, and had subsequently been formally surrendered on December 11 of the same year.

By July 2, 1979, Mr. Einstein had obtained at least interim relief from the terms of the August 1978 revocation order of the Illinois Department of Registration and Education. On that date, he submitted on behalf of both Ontario and Fullerton-Kedzie the new applications which became the subject matter of the instant proceedings. These applications rekindled the investigation of Mr. Einstein and his pharmacies. The investigation revealed that Mr. Einstein had been using the Fullerton-Kedzie registration, which he had surrendered on December 11, 1978, to obtain controlled substances from a distributor in Niagara Falls, New York, and that when the distributor asked for proof of current registration, Mr. Einstein provided a photocopy of the Fullerton-Kedzie registration on which the expiration date had been altered to read August 31, 1980. The investigation also revealed that Mr. Einstein had been using the Ontario Drug registration number to obtain controlled substances, both after that registration had been suspended and after it had been formally revoked. Again, when the distributor in Long Island, New York, asked for evidence of current registration, Mr. Einstein provided an altered photocopy of the then-revoked Ontario Drug registration certificate. The expiration date in this case had been changed to read December 31, 1979.

The Administrator concludes that there is a lawful or statutory basis for the denial of each of the applications for registration herein. Mr. Einstein has materially falsified an application for registration under the Controlled Substances Act. Additionally, on April 6, 1980, Mr. Einstein was convicted, in the Circuit Court of Illinois, in and for Cook County, of ten counts of theft and 142 counts of forgery; these offenses stemmed from his submission of fradulent prescriptions to the Illinois Department of Public Aid. A number of these prescriptions involved controlled substances. Thus, the Administrator finds that there are additional grounds for denial under 21 U.S.C 824(a)(2).

Having concluded that there are lawful grounds, pursuant to 21 U.S.C. 824(A)(2) and 824(a)(3), se *In the Matter of S & S Pharmacy, Inc.*, 46 FR 13051 (1981), and cases cited therein, and having determined that Morton Einstein has most casually disregarded the law and abused the registrations previously issued to him, it is the Administrator's decision that the applications of the Ontario and Fullerton-Kedzie pharmacies must be denied.

Accordingly, under the authority vested in the Attorney General by Section 304 of the Controlled Substances Act, 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the applications of Ontario Drug, Inc., and Fullerton-Kedzie Pharmacy, Inc., for registration as retail pharmacies under Section 303 of the Act, 21 U.S.C. 823, be, and they hereby are, denied.

Dated: March 4, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-7435 Filed 3-9-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-14-C]

Cress Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Cress Coal Company, 100 E. Main Street, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment, general) to its #1 Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed, it would be activated on knuckles and curves, when no emergency existed, causing a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 9, 1981. Copies of the petition are available for inspection at that address.

Dated: March 3, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-7440 Filed 3-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-5-M]

International Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

International Salt Company, 3846 Retsof Road, Retsof, New York 14539

has filed a petition to modify the application of 30 CFR 57.14–13 (canopies) to its Retsof Mine located in Livingston County, New York. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fork-lift trucks, front-end loaders, and bulldozers be provided with substantial canopies when necessary to protect the operator.

2. Petitioner is presently using an electric lift truck with three wheels which is used only near the bottom of the production shaft. Because the vehicle moves so slowly, the greatest distance it travels is approximately one hundred yards to the underground mine shop area.

3. Petitioner states that with the canopy attached to the lift truck, the truck becomes top heavy and the truck could tip over easily.

4. Petitioner believes that the use of the canopy results in a diminution of safety for the miners affected and requests a modification to operate the lift truck without a canopy.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 9, 1981. Copies of the petition are available for inspection at that address.

Dated: March 3, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc 81-7430 Filed 3-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-16-C]

Kentucky Elkhorn Coals, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Kentucky Elkhorn Coals, Inc., Box 229, Virgie, Kentucky 41572 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its No. 2–A Mine located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's face equipment.

2. The coal bed has irregularities in height and ascending and descending grades, creating dips and rolls in the roof and floor.

3. Because of these irregularities, canopies must be installed in such a manner as to prevent them from destroying roof support; this limits the visibility of the operator to such a degree that it creates a hazard to not only the operator but other nearby miners.

4. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 9, 1981. Copies of the petition are available for inspection at that address.

Dated: March 3, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-7431 Filed 3-9-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-6039G]

American Sunroof Corp.; Negative Determination Regarding Application for Reconsideration

By letter of February 9, 1981, after being granted a filing extension, counsel for the workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of the Wixom, Michigan plant of the American Sunroof Corporation. The determination was published in the **Federal Register** on December 30, 1980, (45 FR 85859).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel claims that the work performed at the Wixom, Michigan facility of the American Sunroof Corporation and its relationship to the Ford Motor Company's Wayne Assembly Plant would support a certification. Specifically, counsel claimed that Ford employees were present at the Sunroof plant directing and supervising the work of the Sunroof employees.

The Department's review showed that the petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of American Sunroof Corporation's customers showed that none imported automobile roof packages during the period under investigation.

The Department does not see any relationship between the Wixom facility of the American Sunroof Corporation and the Ford Motor Company's Wixom and Wayne Assembly plants that would provide a basis for certification. Workers at the American Sunroof's Wixom facility produced only component parts for the vehicles produced at Ford Motor Company's Wixom and Wayne Assembly plants. Increased imports of directly competitive components parts did not contribute importantly to their layoffs. Given the above, workers at American Sunroof's Wixom facility may then only be certified if their primary customer, the Ford Motor Company, whose workers at the Wixom and Wayne Assembly plants were certified eligible to apply for adjustment assistance, (TA-W-6955A and 6957) is the "workers' firm" within the meaning of Section 222 of the Act. Ford may be determined to be the "workers' firm" if Ford and American Sunroof are related by ownership or by a substantial degree of proprietary control, or if the workers are *de facto* employees of Ford. The Ford Motor Company is not the "workers' firm" under either test. The American Sunroof Corporation is an independent firm. Further, its workers are not *de facto* employees of Ford since all payroll transactions, personnel actions and employee benefits are under the control of American Sunroof. The mere fact that American Sunroof's Wixom facility is located near the Ford Wixom and Wayne Assembly plants and installs roof packages in Ford cars and that some Ford employees have supervisory and perhaps task control over American Sunroof workers is not sufficient in itself

to support a determination that the Ford Motor Company is the "workers' firm."

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 3rd day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-7444 Filed 3-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7187, 7280 through 7297 TA-W-8033, and 8265 A through U]

Chrysler Corp.; Negative Determination on Reconsideration

On December 1, 1980, the Department reopened the instant investigations on behalf of workers and former workers at certain Service and Parts Depots and Divisional Officers of the Chrysler Corporation, Detroit, Michigan. The Department's Negative Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance in the instant cases were published in the Federal Register on May 2 and 16, 1980 and August 8, 1980 (45 FR 29437), (45 FR 32450) and (45 FR 52980) in seriatim.

The Department's original denial of certification of workers at the instant facilities was based on the finding that they did not produce an article within the meaning of Section 222(3) of the Trade Act of 1974 and a direct connection could not be established between the production declines at certified Chrysler manufacturing plants and declines in part sales and employment at various Chrysler Service and Parts Division depots and offices.

The Department reconsidered the denials following written representations made by Chrysler Corporation officials.

Chrysler contends that Chrysler Service and Parts Depot and Office workers should have been certified because they work for Chrysler whose vehicles are import-impacted and the depots receive and distribute basically all replacement parts for Chrysler cars and trucks—the fact that most of the parts are not manufactured by Chrysler should have no bearing on the determination. Chrysler also argued that consideration should have been given to the fact that approximately eighty percent of the Division's parts sales are made exclusively to Chrysler, Plymouth and Dodge new vehicle dealerships.

The Department's position, with respect to service workers generally, is that they may be certified eligible to apply for adjustment assistance only if an important cause of their separations was a reduction in demand for their services which (1) directly and substantially related to the articles adversely impacted by imports, and (2) originated at a facility of the same firm (or another firm related by ownership or control) at which workers independently meet the group eligibility requirements (Section 222 of the Trade Act of 1974). In this particular case, the Department's position is that the Chrysler Service and Parts Depot and Office workers do not meet the above criteria.

The Department recognizes two bases on which program coverage might be extended to Chrysler Service and Parts Depots and Offices. One, an indirect link to import competition, would be if the parts activities were directly and substantially dependent on the production or sale of new import-impacted Chrysler vehicles. The other, a direct link to import competition, would be if the parts activities were adversely affected by increased imports of parts like or directly competitive with those produced by Chrysler and handled by these workers. On neither basis does the evidence support a certification.

(1) In its investigation the Department found that virtually all of the activity of the Service and Parts Division Depots and Offices was associated with providing parts to Chrysler vehicles which had already been sold. Direct import competition is felt at the point of sale and reflected back up the earlier stages in the manufacturing chain. While there may be an adverse subsequent impact on follow-on parts activity—because of the import-related decline in new car sales—the reduced demand for such activity is less direct. The service and parts depots are not a direct link in the production-sales chain but rather operate at a later stage, subsequent to the sale of the new vehicles. The activities carried out by workers at the Service and Parts Division Depots take place after title to the new vehicle has passed from Chrysler to the dealership or to the individual consumer. The impact of automobile import competition on replacement part operations might occur after a lag of several years. There is no evidence in the Trade Act of 1974 or in the legislative history that it was Congress' intent to extend program coverage to these kinds of indirect and delayed import effects.

With respect to the warranty workers, who might under certain circumstances be eligible for assistance, the record shows that some of the parts handled by the service and parts depots are for warranty work, but the amount of activity by the depots associated with warranty does not constitute a substantial share of overall service and parts depot activity. Moreover, the workers at the depots are not separately identifiable along the lines of warranty versus non-warranty parts. The fact that the depots engaged in some warranty work and that warranties may play a role in the promotion and sale of new cars would not provide an adequate basis for coverage.

(2) The parts handled by the Chrysler Service and Parts Depots were predominantly produced by independent parts companies and not by Chrysler-owned plants which produce parts. Chrysler-owned facilities generally only produce parts as original equipment for Chrysler-assembled vehicles. The predominant share of Chrysler's own parts production is used for this purpose. Chrysler parts production for the replacement market or for warranty activity is not substantial. Under the circumstances, increased imports of directly competitive parts—if indeed there are any—would not provide an adequate basis for covering the workers at Chrysler's Service and Parts Depots since most of the parts handled by the Chrysler depot workers are not parts produced by the Chrysler Corporation.

Conclusion

In view of the above it is concluded that increased imports of passenger cars and trucks did not contribute importantly to the separation of workers at the Chrysler Corporation Service and Parts Depots.

Signed at Washington, D.C. this 3rd day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-7445 Filed 3-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,864]

The Exolon Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on September 8, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Tonawanda, New York plant of the Exolon Company. Workers at the Tonawanda plant produce abrasive and refractory materials, primarily aluminum oxide and silicon carbide.

The investigation revealed that criterion (3) has not been met.

The Exolon Company sells its abrasive and refractory materials (aluminum oxide and silicon carbide) to a variety of markets, including the automotive industry. Petitioners allege tht increased imports of automobiles contributed importantly to the decline in sales, production and employment at the Tonawanda, New York plant of the Exolon Company. Although abrasive and refractory materials are utilized in the production of imported automobiles, imports of automobiles are not like or directly competitive with abrasive and refractory materials. Imports of abrasive and refractory materials must be considered in determining import injury to workers producing such products at the Tonawanda, New York plant of the Exolon Company.

U.S. imports of silicon carbide decreased in quantity absolutely and relative to domestic production in 1979 from 1978. Imports remained relatively stable in the January–September period of 1980 compared to the same period of 1979. U.S. exports exceeded imports of silicon carbide during this period.

U.S. imports of aluminum oxide decreased in quantity in the January–September period of 1980 compared to the same period of 1979. U.S. exports significantly exceeded imports of aluminum oxide in 1979 and the January–September period of 1980.

U.S. imports of silicon carbide and aluminum oxide amounted to a relatively small proportion of total domestic production of each product during the period under investigation.

Conclusion

After careful review, I determine that all workers of the Tonawanda, New York plant of the Exolon Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc 81-7448 Filed 3-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,905]

Optique Du Monde, Limited; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on September 15, 1980 in response to a petition which was filed on behalf of workers at Optique Du Monde, Limited, Trumbull, Connecticut. Workers at the plant produced eyeglass frames.

The investigation revealed that criterion (3) has not been met.

Optique Du Monde, Limited began operations in 1975 as an importer of eyeglass frames. Additionally, from April 1979 through April 1980, the firm experimented with an innovative production technique manufacturing eyeglass frames domestically. The domestic production venture proved unsuccessful due to technical problems resulting in financial losses. The firm discontinued domestic production in April 1980, and filed for Chapter II bankruptcy in May 1980. The company reorganized and resumed operations solely as an importer in July 1980.

Conclusion

After careful review, I determine that all workers of Optique Du Monde, Limited, Trumbull, Connecticut are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7447 Filed 3-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8143, et al.]

Perfection Pattern and Manufacturing Co., et al., Affirmative Determination Regarding Application for Reconsideration

In the matter of TA-W-8143, Perfection Pattern and Manufacturing Company, Madison Heights, Michigan; TA-W-8144, Automotive Pattern, Foundry Tooling Division, Detroit, Michigan; TA-W-8145, Coventry Pattern Company, Troy, Michigan; TA-W-8146, Commerce Engineering and Pattern Company, Walled Lake, Michigan; TA-W-8147, Sherwood Pattern Company, Walled Lake, Michigan; TA-W-8148, Admiral Pattern Works, Inc., Warren, Michigan; TA-W-8149, Progress Pattern, Division of Lear Siegler, Inc., Southfield, Michigan; TA-W-8150, J & I Pattern Company, Troy, Michigan; TA-W-8151, Annex Pattern Company, Inc., Southfield, Michigan; TA-W-8152, Sherwood Metal Products, Inc., Drayton Plains, Michigan; and TA-W-8166, Mack Pattern Works, Inc., Detroit, Michigan.

By an application dated December 3, 1980, Counsel for the Pattern Makers Association of Detroit requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing wood and/or metal patterns for the automobile industry at the various above-listed firms. The determinations were published in the **Federal Register** seriatim: November 7, 1980 (45 FR

74121); November 7, 1980 (45 FR 74121); November 25, 1980 (45 FR 78299); November 7, 1980 (45 FR 74120); November 7, 1980 (45 FR 76273); November 7, 1980 (45 FR 74120); November 7, 1980 (45 FR 74121); November 7, 1980 (45 FR 74120); November 18, 1980 (45 FR 76273); and November 7, 1980 (45 FR 74120). The determination on Mack Pattern Works, Inc. (TA-W-6186) will be published shortly.

The petitioner maintains that a proper review of the actual facts would show that the work of automotive pattern makers is being done outside of the United States, resulting in layoffs for persons represented by the Pattern Makers Association of Detroit. Petitioner cites, for example, that a pattern making job on which local companies bid was awarded to FIAT and that the work was to be performed in Italy.

Conclusion

After review of the application, I conclude that the petitioner's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 2nd day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-7448 Filed 3-9-81; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

March 3, 1981.

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

Date: March 24, 1981.
Time: 4 p.m. to 6 p.m.
Room: 911.
Program: This meeting will review applications submitted for the Media Humanities Projects Program, Division of Public Programs, for projects beginning after May 15, 1981.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0307.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-7511 Filed 3-9-81; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Power Systems; Meeting

The ACRS Subcommittee on Electrical Power Systems will hold a meeting at 8:30 a.m. on March 25, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC to discuss matters relating to the safety implications of reactor control systems.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Wednesday, March 25, 1981, 8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, members of industry, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5, U.S.C. 552b(c)(4).

Dated: March 4, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-7373 Filed 3-9-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on NRC Safety Research Program; Postponement

The ACRS Subcommittee meeting on the NRC Safety Research Program has been postponed to April 8, 1981 (Tentatively). Notice of this meeting was published February 23, 1981.

Dated: March 4, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-7374 Filed 3-9-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Virgil C. Summer Nuclear Station; Change of Time/Location

The ACRS Subcommittee on Virgil C. Summer Nuclear Station will hold a meeting on March 11, 1981. The meeting time and location has been changed to 8:30 a.m. in Room 1046 at 1717 H Street, N.W., Washington, D.C. instead of 3:00 p.m. in Room 762.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Wednesday, March 4, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 5, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–7375 Filed 3–9–81; 8:45 am]

BILLING CODE 7590–01–M

Determination of the Federal Tort Claim of General Public Utilities

The Nuclear Regulatory Commission has decided that the Federal tort claim of the General Public Utilities group (GPU) will be ruled on by the Commission rather than the Executive Director for Operations or his designee. Accordingly, the Commission will not apply the provisions of 10 CFR 14.6, as to authority regarding tort claims, to the GPU claim. GPU filed an administrative claim with NRC under the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) on December 8, 1980, for $4,010,000,000.00 for property damages arising from the TMI–2 accident.

Dated: February 27, 1981.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–7376 Filed 3–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–184]

National Bureau of Standards, National Bureau of Standards Test Reactor; Availability of Applicant's Environmental Report and Notice of Intent To Publish an Environmental Impact Statement; Scoping Meeting

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the National Bureau of Standards has filed an environmental report as part of their application for renewal of the operating license for the National Bureau of Standards Test Reactor in Gaithersburg, Md. The original request for renewal was submitted on December 2, 1980 as supplemented by letter dated December 11, 1980, and Notice of Consideration of Application for Renewal at Increased Power was published in the **Federal Register** on December 24, 1980 (45 FR 85235). The report, which discusses environmental considerations related to the continued operation of the facility is available for public inspection at the Commission's Public Document Room, 1717 H. Street, N.W., Washington, D.C. 20555. Copies of the report are also being made available at the State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201 and at the Metropolitan Washington Council, 1225 Connecticut Avenue, N.W., Washington, D.C. 20036.

In order to determine the scope of the issues to be addressed in the Environmental Impact Statement and to identify the significant issues related to the proposed license renewal, an open scoping meeting will be held in Room P–110 of the Phillips Building, 7920 Norfolk Avenue in Bethesda, Maryland at 9:30 a.m. on March 20, 1981.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register** a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and Local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the **Federal Register.**

Any questions regarding the proposed license renewal or the environmental impact statement should be addressed to James R. Miller, Chief, Standardization & Special Projects Branch, Division of Licensing, Office of Nuclear Reactor Regulation, Washington, D.C. 20555, (301) 492–7014.

Dated at Bethesda, Maryland, this 27th day of February 1981.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization & Special Projects Branch, Division of Licensing.

[FR Doc. 81–7325 Filed 3–9–81; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[70–6553; Release No. 21949]

Louisiana Power & Light Co. and Middle South Utilities, Inc.; Notice of Proposal To Issue and Sell Common Stock to Parent

March 4, 1981

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, and Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, an electric utility subsidiary, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9(a), 10 and 12(f) and Rules 43 and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana proposes to issue and sell to Middle South, and Middle South proposes to acquire, from time to time through December 31, 1981, at a price of approximately $6.60 per share, or $40,000,000 in the aggregate, up to 6,060,700 shares of Louisiana's common stock, no par. Louisiana presently has 75,746,400 shares of no par common stock outstanding all of which are owned by Middle South. Upon consummation of the sale, Louisiana will have issued and outstanding 81,807,100 shares of common stock, no par, stated in its Common Stock Account at an aggregate of $538,900,000. The proceeds will be used to finance, in part, Louisiana's construction program, to repay short-term borrowings and for other corporate purposes. The construction program contemplates expenditures of approximately $280,000,000 in 1981 and will require funds in excess of available treasury funds. The company will have short-term borrowings up to an aggregate principal amount of $165,000,000 outstanding at any one time during the remainder of 1981 as authorized by order of this Commission dated December 1, 1980 (HCAR No. 21811).

To the extent funds are required from external sources to acquire the new common stock, Middle South will obtain such funds through the issuance and sale of its unsecured promissory notes issued under a revolving credit agreement dated as of June 27, 1980, as amended, with a group of banks, authorized by this Commission by order dated June 17, 1980 (HCAR No. 21628) or pursuant to other future bank borrowing arrangements for which authorization would be sought.

The fees and expenses to be incurred in connection with the proposed transaction are estimated not to exceed $3,000. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarants at the above stated addresses, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7362 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

[70-8554; Rel. No. 21948]

Mississippi Power and Light Co. and Middle South Utilities, Inc.; Notice of Proposal To Issue and Sell Common Stock to Parent

March 4, 1981.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South") P.O. box 1640, Jackson, Mississippi 39205, a registered holding company, and Mississippi Power & Light Company ("MP&L"), 225 Baronne Street, New Orleans, Louisiana 70112, an electric utility subsidiary, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9(a), 10 and 12(f) and Rules 43 and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

MP&L proposes to issue and sell to Middle South, and Middle South proposes to acquire, up to 870,000 shares of MP&L common stock, no par, at $23.00 per share for an aggregate purchase price of $20,010,000. MP&L presently has 4,540,000 shares of no-par common stock outstanding. All of these shares are owned by Middle South and have an aggregate book value of $176,547,000. Upon consummation of the proposed transaction, MP&L will credit its common stock capital account with $20,010,000 and Middle South with the same amount to reflect its investment.

MP&L proposes to use the net proceeds from the issuance and sale of the new common stock to pay short-term indebtedness incurred to finance the company's budget as set forth in the exhibits to the filing. MP&L and Middle South propose that the common stock be sold in installments and at such times during calendar year 1981 as the companies determine based upon MP&L's construction financing requirements.

MP&L has sought Commission authorization for an amendment to its Restated Articles of Incorporation to increase the authorized number of common shares from 5,000,000 to 15,000,000 shares. Notice of this proposal was issued on February 20, 1981 (HCAR No. 21928). The issuance and sale of more than 460,000 shares of the proposed 870,000 shares is contingent upon authorization by this Commission and approval by MP&L's sole stockholder, Middle South.

To the extent funds are required from external sources to acquire the new common stock, Middle South will obtain such funds through the issuance and sale of its unsecured promissory notes issued under a revolving credit agreement dated as of June 27, 1980, as amended, with a group of banks authorized by Commission order dated June 17, 1980 (HCAR No. 21628) or pursuant to other bank borrowing arrangements for which Commission authorization would be sought.

The fees and expenses to be incurred in connection with the proposed transaction are estimated not to exceed $3,000. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarants at the above stated addresses, and proof of service by (affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7363 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. SR-NASD-80-21; Rel. Nos. 17599 and 11662]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change and Related Interpretation Under Section 26 of the Investment Company Act

March 4, 1981.

On November 21, 1980, the National Association of Securities Dealers, Inc. ("the NASD"), 1735 K Street, N.W., Washington, D.C. 20546, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("the Act"), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder, copies of a proposed rule change to amend portions of Article III, Section 26 of its Rules of Fair Practice, governing the distribution of investment company securities, and to repeal certain interpretations thereof. In particular, the proposal would modify Section 26(k) of the NASD Rules of Fair Practice and related interpretations ("the Anti-Reciprocal Rule"). The amended Anti-Reciprocal Rule would no longer prohibit, subject to certain restrictions, members from seeking or granting brokerage commissions in connection with the sale of fund shares and would permit members to sell shares of investment companies that follow a disclosed policy of considering sales of their shares as a factor in the selection of broker-dealers to execute portfolio transactions, subject to best execution. In addition, the proposal would limit and codify the NASD's "Special Deals Interpretation" to allow underwriters of an investment company to pay non-uniform amounts of compensation to dealers if such payments are disclosed in the prospectus of the investment company.

Notice of the filing together with its terms of substance was given by publication of a Commission Release (Securities Exchange Act Release No. 17367, December 11, 1980) and by publication in the **Federal Register** (45 FR 82777, December 16, 1980). One comment was received on the filing, that comment favoring approval.

The NASD Anti-Reciprocal Rule presently prohibits NASD members, acting as broker-dealers or principal underwirters of open-end management investment companies,from selling a fund's shares based upon brokerage received or expected, or allocating brokerage to a particular broker-dealer in return for that broker-dealer's sale of investment company shares. The amended rule would extend the provisions of Section 26 to all investment companies and, subject to certain restrictions, would no longer prohibit members from seeking or granting brokerage commissions in connection with the sale of investment company shares. The amended rule would also provide that, subject to certain restrictions, nothing therin prohibits NASD members from selling shares of investment companies which follow a disclosed policy of considering sales of their shares as a factor in the selection of broker-dealers to execute portfolio transactions, subject to best execution.

The NASD Special Deals Interpretation presently prohibits principal underwriters from making special payments, which are not available to all dealers, to individual broker-dealers or their employees for sales of a specific investment company's shares. The proposed revision, codified in Section 26(1) of the Rules of Fair Practice, would not require such uniformity and would permit special arrangements with individual selling dealers of investment company shares if accompanied by adequate specific prospectus disclosure. The proposed rule would also permit non/cash concessions if disclosed and if selling dealers have an option to recieve cash equivalents.

Other portions of the proposal would repeal a NASD interpretation concerning "Contractual Plan Withdrawal and Reinstatement Privileges." Withdrawal and reinstatement privileges allow shareholders in certain contractual plans to redeem their shares and later repurchase new shares without being charged a sales load. The NASD interpretation concerning this practice prohibits borker-dealers from encouraging investors to use these privileges for speculative purposes. Repeal of this interpretation is suggested since the forward pricing provisions of Rule 22c–1 under the Investment Company Act of 1940 ("1940 Act") have largely eliminated the possibility of abuse in this area. The proposed rule change will also make other technical revisions to Section 26.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations applicable to registered national securities associations, and in particular, with the requirements of Section 15A of the Act and the rules and regulations thereunder, and Section 22 of the 1940 Act. The Commission believes that since the recently adopted rule 12b–1 under the 1940 Act[1] authorizes open-end management investment companies to bear expenses associated with the distribution of their shares, subject to certain conditions and procedures, it is not inappropriate for investment companies to seek to promote the sale of their shares through the placement of brokerage *without* the incurring of any additional expense. In addition, the Commission believes that the adoption by an investment company of a policy with respect to brokerage is, because of its importance and the conflicts of interest which may be involved, required to be determined by the board of directors of the investment company in the exercise of their fiduciary duties. Moreover, the Commission believes that the directors of an investment company have a continuing fiduciary duty to oversee the company's brokerage practices. A director's breach of these duties may serve as a basis for action pursuant to Section 36 of the 1940 Act. The Commission expects that in considering the adoption of a policy to consider the sale of an investment company's shares as a factor in the selection of broker-dealers to execute portfolio transactions, subject to the requirements of best execution, the company's board of directors will carefully weigh the possible advantages to the investment company and its shareholders and the possible abuses that may stem from the use of portfolio brokerage to encourage the sale of investment company shares. The Commission also expects that the board of directors will approve such a policy only if they find the policy in the interest of the company and its shareholders, being mindful of their continuing duty to assure that the company's brokerage allocation practices are designed to obtain best price and execution and to avoid any unnecessary trading.

The Commission believes that the NASD proposal, which allows underwriters flexibility in setting different compensation rates to different dealers selling shares of the same investment company and which requires specific prospectus disclosure designed to inform investors, may increase dealer competition for selling investment company shares.

The Commission believes the NASD's proposals are not designed to permit unfair discrimination between brokers and dealers. In addition, the Commission finds that the proposals will not significantly, if at all, increase burdens upon competition, and that any burdens on competition are necessary and appropriate in furtherance of the purposes of the Act.

Copies of the proposed rule change, all written statements with respect to

[1] *See Securities Act Rel. No. 6254 (Oct. 28, 1980), 45 FR 73898 (Nov. 7, 1980).*

the proposed rule change which were filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons were considered and are available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. (file No. SR–NASD–80–21).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7384 Filed 3–6–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17698; File No. SR–OCC–81–2]

Self-Regulatory Organization; Proposed Rule Change by the Options Clearing Corp. Relating to the Issuance of Options on GNMA Securities, the Clearance and Settlement of Transactions Therein, and the Processing and Settlement of Exercises Thereof

Comments requested by March 31, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1981, The Options Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is Publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would provide for the issuance of options of GNMAs, the clearance and settlement of GNMA options transactions, and the processing and settlement of GNMA option exercises. In general, the OCC rules applicable to stock options would apply to GNMA options as well, with only such changes as are expressly specified in the proposed rule change.

Specifically, the proposed rule change would establish definitions applicable to GNMA options, provide for the establishement of a separate Clearing Fund to protect OCC against losses sustained in connection with GNMA options and other debt securities options, fix margin requirements for short positions in dept securities options, and establish procedures for the settlement of GNMA option exercises.

The main difference between the OCC rules governing stock options and the proposed rules governing GNMA options is in the exercise settlement system. Under the proposed rule change, exercises of GNMA options would be settled on a monthly, rether than a daily, basis. Settlements would be conducted member-to-member, under a form of balance order system, rather than though the continuous net settlement systems of correspondent clearing corporations. In general, the proposed exercise settlement system for GNMA options is similar to the system currently in use for the settlement of GNMA transactions in the primary market.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory oranization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory oganization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit the trading of GNMA options as proposed by the CBOE and the NYSE. The proposed rule change would establish a separate Debt Securities Clearing Fund, Designed to protect OCC against losses sustained in connection with options on GNMAs and government securities. To the extent that Fund is insufficient to make good such losses, the Stock Clearing Fund would be available for such purpose. The proposed rule change also provides for the margining of short positions in debt securities options. The proposed margin system for debt securities options is similar to the system used by OCC for margining short positions in stock options, except that OCC's protective "cushion" would consist of minimum dollar amount per contract (ranging from $250 for deep-out-of-the-money positions to $1,000 or more for in-the-money positions) rather than a percentage of the premium value of a corresponding long position.

The proposed rule change would also establish an exercise settlement system for GNMA options, similar to the system used for settling GNMA transactions in the primary market. Settlement would take place monthly in New York City, on a member-to-member basis, with OCC specifying the receiving Clearing Members with whom each delivering Clearing Member would be required to make settlement.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 because it would apply to GNMA options substantially the same procedures and safeguards that have been used successfully by OCC in connection with stock options, with only such variations as are necessary to reflect the special characteristics of GNMAs and GNMA options and the differences between the manner in which GNMA transactions are settled and the settlement system for stock transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would have any material impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street,

Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory orgnaization. All submissions should refer to the file number in the caption above and should be submitted March 31, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 3, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7285 Filed 3-9-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

March 4, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Rowan Companies, Inc., Common Stock, $.25 Par Value (File No. 7-7568)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 25, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7286 Filed 3-9-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Certification Docket No. CT4574CE-D]

Application for Amendment to Type Certificate; Gates Learjet Models 54/55/56 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Announcement of certification status and statement of amended type certification basis.

SUMMARY: The Gates Learjet Corporation (Learjet) has applied to amend Type Certificate A10CE for their Models 54/55/56 series airplanes. This announces the type certification program for these airplanes and provides information on the type certification basis to be established under Section 21.101 of the Federal Aviation Regulations (FARs). This is a non-rulemaking proceeding within the meaning of the administrative procedure provisions of 5 U.S.C. 551, *et. seq.*

The issuance of special conditions under Sections 21.16 and 21.101 is required where it is found that the airworthiness regulations otherwise applicable to an aircraft do not contain adequate or appropriate safety standards because of a novel or unusual design feature. Special conditions required as part of the certification basis for these aircraft are discussed under the topic *Special Conditions* of this announcement. In accordance with the policy announced in Amendment 21-51, Airworthiness Review Program (45 FR 60154), effective October 14, 1980, the issuance of special conditions is usually initiated by Notice of Proposed Rule Making. However, the application for amendment of Type Certificate A10CE had been filed and the special conditions thereto have been accepted by the applicant and incorporated into the aircraft type design prior to the adoption of Amendment 21-51.

Furthermore, the certification program has been substantially completed and, pursuant to the program schedule, the amendment to the type certificate should be issued March 16, 1981, or shortly thereafter. Accordingly, the special conditions are being issued concurrent with the status report. In this connection, it should be noted that the special conditions are substantially the same as those issued by the FAA for previous Gates Learjet models, and service experience has shown they adequately provide for the novel and unusual design features in the models 54/55/56 series airplanes. It has also been determined that delaying the issuance of the amended type certificate would cause unnecessary production delays and impose an undue financial burden and hardship on the applicant and users of the airplane.

DATE: Comments on this announcement will be considered if received prior to the amendment of the aircraft type certificate. Learjet is proposing to complete the certification program for the Model 55 in mid-March 1981.

FOR FURTHER INFORMATION CONTACT: Barry D. Clements, Chief, Aircraft Certification Progam (ACE-211), Room 238, Terminal building 2299, Mid-Continent Airport, Wichita, Kansas 67209, Telephone (Area Code 316) 942-4285.

Availability of Additional Copies of Announcement

Any person may obtain additional copies of this Announcement by submitting a request to the Federal Aviation Administration, Public Affairs Officer, Central Region, 601 East 12th Street, Kansas City, Missouri 64106. Telephone (Area Code 816) 374-5449. Each communication must identify the docket number which is CT4574CE-D.

Background

On August 2, 1976, Learjet applied to the FAA Central Region to amend Type Certificate A10CE by adding the Model PD1311. In November 1977, the Model PD1311 was defined as the Learjet Models 54/55/56. These models have the same exterior configuration but have different size fuel tanks in the aft fuselage area. The Models 54/55/56 are "executive jet" airplanes having a low wing with supercritical winglets. There are two aft fuselage-mounted, Garrett TFE-731-3A-2B engines each producing 3700 pounds thrust. These models have the characteristic Learjet T-tail. The Models 54/55/56 will accommodate a maximum of 10 passengers. The Models 54/55/56 will have a maximum takeoff weight of 18,500, 19,500 and 20,500 pounds respectively. The maximum approved operating altitude of the airplanes will be 51,000 feet.

Program Process

The statutory prerequisite for the issuance of an aircraft type certificate or an amendment thereto is a finding by the Administrator that the aircraft is of proper design, material, specification, construction and performance for safe operation and meets the standards, rules and regulations prescribed therefore. (Section 603(a) of the Federal Aviation Act of 1958 (Act), 490 U.S.C. 1423(a)(1).) In exercising his powers and duties under the Act, the Administrator must do so consistently with any obligation assumed by the United States in any treaty or other international agreement (Section 1102 of the Act, supra). For example, when components are produced by an aircraft overseas supplier and they are not readily inspectable during assembly, they are subject to reciprocal agreements, known as "bilaterals," which have been consummated between this country and the exporting country. In such cases, the FAA would notify the foreign certifying authority of the applicable design data, test and quality control requirements to be met.

The type certifications process for aircraft projects in which complete type certification is involved generally consists of the following major steps:

1. Establishment of a Type Certification Board which programs its meetings according to need but generally includes at least three significant phases (preliminary, preflight, and final);

2. Issuance of a Type Inspection Authorization (TIA) when the examination of the technical data required for type certification is completed or has reached a point where it appears that the aircraft will meet the pertinent regulations. The TIA is the authorization for FAA personnel to begin flight testing and assure that the test aircraft meets design standards. The preflight type board is also held at this time. After flight testing is completed, the final type board is held to resolve any outstanding matters.

3. Issuance of the amended Type Certificate Data Sheet which becomes a part of the type certificate, setting forth the limitations prescribed by the applicable airworthiness regulations and any other limitations and information found necessary for type certification.

4. Issuance of a "decision document," which will be a public document, that summarizes the basis for the decision to issue a type certificate, or an amendment thereto, including an identification of all applicable regulations, issues, means of compliance (including tests and analyses) and resolution of issues.

After an amended Type Certificate Data Sheet has been prepared, all outstanding items have been resolved, all applicable regulations have been met, the decision document has been approved, the airplane is considered safe in its operational environment, and the airplane flight manual has been approved, an amendment to the aircraft type certificate will be issued. Throughout the type certification process, from the time the Type Certification Board is convened to the final issuance of the amended type certificate, reviews are conducted to establish the operational suitability of the aircraft. These reviews include evaluation of the aircraft for operations under FAR 91, FAA operational advisory circulars, airport and air traffic control compatibility, minimum equipment lists, training requirements, and other areas. Thereafter, a Type Inspection Report (TIR) is prepared which provides an official record of the inspection and flight test conducted to show compliance with the applicable regulations.

Program Status

Type Certification Board meetings were held as follows: Preliminary—December 21, 1977; First Interim—March 21, 1979; Preflight—May 23, 1980; and the Second Interim—November 21, 1980. At the Preflight Type Certification Board meeting, Learjet expressed their primary interest in certification of the Model 55 first with the Models 54 and 56 to be certified at a later time. The initial Type Inspection Authorization for the Model 55 was issued May 1980, and it has been revised through Revision F as of November 1980. All substantiating reports were to be submitted to the FAA by the first week in February. Flight testing is scheduled to be completed in early March, with subsequent amendment of the Type Certificate scheduled for mid-March 1981.

Type Certification Basis—General

The applicable airworthiness standards are those regulations designated in accordance with Section 21.101 of the FAR Part 21, which are collectively known as the "type certification basis" for the airplane design. Special conditions are issued, and amended as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with Section 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of the Learjet Models 54/55/56 series airplanes.

Statement of Type Certification Basis

Based on the existing certification requirements presented on Type Certificate Data Sheet No. A10CE for the Gates Learjet Models 35A and 36A plus other later FAR sections established in separate correspondence, the type certification basis of the Learjet Models 54/55/56 airplanes will be:

Part 25 of the Federal Aviation Regulations (FARs) effective February 1, 1965, as amended by Amendments 25–2, 25–3, 25–4, 25–7, 25–10, 25–12, 25–18, 25–21, 25–22 and 25–30, plus Section 25.955(b)(2) of Amendment 25–11, Section 25.954 of Amendment 25–14, Sections 25.803(e), 25.811(f), 25.853(a), 25.853(b) and 25.855(a) of Amendment 25–15, Section 25.1359 of Amendment 25–17, Section 25.785(c) of Amendment 25–20, Sections 25–251(c), 25.251(d), 25.251(e), 25.303, 25.305(b), 25.307(d), 25.331(a)(3), 25.335(b), 25.335(f), 25.337(b), 25.349(b), 25.351(a), 25.363, 25.395(a), 25.395(b), 25.471(a)(1), 25.471(a)(2), 25.473, 25.493(b), 25.499(b), 25.499(c), 25.499(d), 25.509(a)(3), 25.561(b)(3), 25.561, 25.607, 25.615, 25.619, 25.625, 25.629, 25.677, 25.697, 25.699, 25.701, 25.721, 25.723, 25.725, 25.727, 25.729, 25.733, 25.735, 25.865, 25.867, 25.781, 25.903(d), 25.934, 25.994, 25.1103(d), 25.1143(e), 25.1303, 25.1307, 25.1331, and 25.1585(c) of Amendment 25–23, Sections 25.1013(e), 25.1305(c)(4), and 25.1305(c)(6) of Amendment 25–36, Sections 25.815, 25.1322 and 25.1403 of Amendment 25–38, Sections 25.903(e), 25.939 and 25.943 of Amendment 25–40, Section 25.255 of Amendment 25–42; and Section 25.1326 of Amendment 25–43;

Part 36 of the Federal Aviation Regulations effective, December 1, 1969, Amendments 36–1 through 36–10;

Part 27 of the Special Federal Aviation Regulations, effective February 1, 1974, Amendments 27–1 and 27–2;

Exemption

As of the date of this announcement, Learjet has not petitioned the FAA for any exemptions relative to the type certification of the Models 54/55/56 series airplanes.

Findings of Equivalencies

FAR Section 21.21(b)(1) permits the FAA to accept deviations from the applicable airworthiness requirements if the deviation is compensated by a factor that provides an equivalent level of safety. Learjet has requested four equivalent level of safety findings as provided for in FAR 21 Section 21.21(b)(1). These findings involve the following regulations:

FAR 25.201 thru 25.207—Stalls
FAR 25.253—High-Speed Characteristics
FAR 25.773(b)(2)—Pilot Compartment View
FAR 25.1305(f)—Powerplant Instruments

Special Conditions

There are additional design features and airworthiness standards which pertain to the certification basis for the Learjet Models 54/55/56 series airplanes that have been considered. They are being included as part of the certification basis as special conditions pursuant to Section 21.101 to the extent they involve novel or unusual design features. These features which involve special conditions for operation to 51,000 feet are:

1. Airframe—Pressure Vessel Integrity.
2. Systems—Ventilation; Air Conditioning; Pressurization; Oxygen Equipment and Supply; Operation Without Normal Electrical Power; Stability Augmentation and Automatic and Power Operated Systems.
3. Flight—Environmental Testing.

Finally, design evaluation does not end with the issuance of the amended type certificate. The FAA continues to monitor the safety performance of the design after the type design is approved and the product is introduced into service. This is accomplished through the various reports and data the FAA receives daily and which regulations require aircraft owners and operators to submit, as well as, in some cases, post-certification design reviews. The airworthiness standards published in the FARs such as Part 25, as well as the operational regulations in Parts 91 and 121, are amended from time to time to consider new technologies and to upgrade the existing level of safety. If during any evaluation an unsafe condition is found as a result of service experience and that condition is likely to exist or develop in other products of the same type, the FAA issues an airworthiness directive under Part 39 to require a change to the type design or to define special inspection or operational limitations. In effect, these are also retroactive applications of required type design changes.

Issued in Kansas City, Missouri, on March 5, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-7504 Filed 3-9-81; 8:45 am]
BILLING CODE 4910-13-M

[Docket No. 21490; S.C. No. 25-99-CE-14]

Special Conditions: Gates Learjet Models 54, 55, and 56 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued pursuant to § 21.16 and § 21.101 of the Federal Aviation Regulations (FAR) to Gates Learjet Corporation (Learjet) for the amended type certification of the Learjet Models 54, 55, and 56 series airplanes. These airplanes will have novel or unusual design features associated with the unusually high operating altitude (51,000 feet) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. These special conditions are therefore necessary to establish a level of safety equivalent to that established in the regulations.

DATE: Effective March 10, 1981.

ADDRESSES: Comments on this action may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21490, 800 Independence Avenue SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C., 20591. All comments must be marked: Docket No. 21490. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, WA 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1976, Gates Learjet Corporation (Learjet), Mid-Continent Airport, Box 7707, Wichita, Kansas 67277, filed an application for an amendment to Type Certificate No. A10CE to include its Models 54, 55, and 56 airplanes. The Learjet Models 54, 55, and 56 are derivatives of the Learjet Models 35 and 36. Wings are extended, wingtip tanks deleted, and supercritical winglets are added. The fuselage diameter has been increased and the fuselage has been lengthened by 48 inches. The engines have been moved aft and up and have been changed from Garrett AiResearch TFE-731-2-2B's to TFE-731-3A-2B's. The vertical stabilizer area has been increased and the horizontal stabilizer has been raised approximately 30 inches. The right-hand plug-type escape hatch has been replaced with a large outward-opening hinged door which also serves as a baggage door. Baggage compartments have been added to the tail cone and in the enlarged nose compartment. A larger windshield with separate openable side windows and a new cockpit arrangement have been added. The maximum certificated weight has been increased from 18,000 pounds to 19,500 pounds with an option to 20,500 pounds.

The applicable airworthiness standards are those regulations designated in accordance with § 21.101 of the FAR which are collectively known as the "type certification basis" for the airplane design. Special conditions may be issued, and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of the Learjet Models 54, 55, and 56 series airplanes.

The type design of the Learjet Models 54, 55, and 56 contains a number of novel and unusual design features for an airplane type certificated under the applicable provisions of Part 25 of the FAR. Those features include a relatively small passenger cabin volume and a high operating altitude. The applicable airworthiness requirements do not contain adequate or appropriate safety standards for the Learjet Models 54, 55, and 56. Therefore, special conditions are necessary to establish a level of safety equivalent to that established in the regulations.

The special conditions require a higher degree of pressure vessel integrity than envisioned by the original type certification basis to assure that depressurization at high altitude is unlikely. The ventilation, air conditioning, and pressurization systems requirements have been upgraded to assure survivability in the event of certain system failures at altitudes above 40,000 feet. The special conditions also redefine the oxygen system, since § 25.1441(d), incorporated into type certificate A10CE, does not define the oxygen system required for operations above 40,000 feet. Finally, the special conditions require the applicant to show that the airplane can be operated safely in Visual Flight Rules (VFR) conditions with the electrical power inoperative. Service experience has shown that loss of normal electrical power is not a sufficiently remote possibility to assure an acceptable level of safety.

Type Certification Basis

The type certification basis for the Learjet Models 54, 55, and 56 is: Part 25 of the Federal Aviation Regulations (FAR) effective February 1, 1965, as amended by Amendments 25-2, 25-3, 25-4, 25-7, 25-10, 25-12, 25-18, 25-21, and 25-30; plus § 25.955(b)(2) of Amendment 25-11; § 25.954 of Amendment 25-14; §§ 25.803(e), 25.811(f), 25.853(a), 25.853(b), and

25.855(a) of Amendment 25–15; § 25.1529 of Amendment 25–17; § 25.785(c) of Amendment 25–30; §§ 25.251(c), 25.251(d), 25.251(e), 25.303, 25.305(b), 25.307(d), 25.331(a)(3), 25.335(b), 25.335(f), 25.337(b), 25.349(b), 25.351(a), 25.363, 25.395(a), 25.395(b), 25.471(a)(1), 25.471(a)(2), 25.473, 25.493(b), 25.499(b), 25.499(c), 25.499(d), 25.509(a)(3), 25.561(b)(3), 25.561, 25.607, 25.615, 25.619, 25.625, 25.629, 25.677, 25.697, 25.699, 25.701, 25.721, 25.723, 25.725, 25.727, 25.729, 25.733, 25.735, 25.865, 25.867, 25.871, 25.903(d), 25.934, 25.994, 25.1103(d), 25.1143(e), 25.1303, 25.1307, 25.1331, and 25.1585(c) of Amendment 25–23; §§ 25.1013(e), 25.1305(c)(4) and 25.1305(c)(6) of Amendment 25–36; §§ 25.615, 25.1322, and 25.1403 of Amendment 25–38; §§ 25.903(e), 25.939, and 25.943 of Amendment 25–40; § 25.255 of Amendment 25–42; § 25.1326 of Amendment 25–43; Part 36 of the FAR effective December 1, 1969, either as amended through Amendment 36–10 or as amended at the time of the noise test; SFAR 27 effective February 1, 1974, as amended through Amendment SFAR 27–2; and the special conditions set forth herein.

Need for Immediate Adoption

The issuance of special conditions under §§ 21.61 and 21.101 is required where it is found that the airworthiness regulations otherwise applicable to an aircraft do not contain adequate or appropriate safety standards because of a novel or unusual design feature. In accordance with the policies announced in Amendment 21–51, Airworthiness Review Program (45 FR 60154), effective October 14, 1980, the issuance of special conditions is usually initiated by a Notice of Proposed Special Conditions; however, the application for the amendment to Type Certificate A10CE had been filed and the special conditions applicable thereto had been accepted by the applicant and incorporated into the airplane type design prior to the adoption of Amendment 21–51. Furthermore, the certification program has been substantially completed, and, pursuant to the program schedule, the amendment to the type certificate should be issued March 16, 1981, or shortly thereafter. Accordingly, the special conditions are being issued concurrent with the status report. In this connection it should be noted that the special conditions are substantially the same as those issued by the FAA for previous Learjet models, and service experience has shown that they adequately provide for the novel and unusual design features in the previous Learjet models. It has also been determined that delaying issuance of the amended type certificate would cause unnecessary production delays and impose an undue financial burden and hardship on the applicant and users of the airplanes. Accordingly, the FAA has determined, in accordance with § 553 of the Administrative Procedure Act, that good cause exists for making the special conditions effective in less than 30 days.

Interested persons, however, are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. A report summarizing each FAA public contact concerned with the substance of these special conditions will be filed in the Rules Docket.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued to Learjet for the type certification of the Learjet Models 54, 55, and 36 series airplanes under Type Certificate A10CE:

A. *Pressure Vessel Integrity.* 1. The maximum extent of failure and pressure vessel opening that can be demonstrated to comply with paragraph D of these special conditions must be determined. It must be demonstrated by crack propagation and fail-safe testing that a larger opening or a more severe failure than demonstrated will not occur in normal operations.

2. Inspection schedules and procedures must be established to assure that cracks and normal fuselage leak rates will not progress or that the pressurization system capability will not deteriorate to the extent that an unsafe condition could exist during normal operation.

3. The pressure vessel structure, including doors and windows, must comply with § 25.365(d) using a factor of 1.67 in lieu of the 1.33 factor prescribed therein.

4. In addition to the requirements of § 25.571, the loads prescribed in § 25.571(c) and this paragraph must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered. In addition, the following apply as ultimate loading conditions:

(a) The normal operating pressures combined with the expected external aerodynamic pressures must be applied simultaneously with the flight loading conditions specified in § 25.571(c); and

(b) The combined pressures set forth in subparagraph (a) of this paragraph multiplied by a factor of 1.67 must be applied to the pressurized cabin without any other load.

B. *Ventilation.* In lieu of the requirements of § 25.831(a), the following applies: The ventilation system must be designed to provide a sufficient amount of uncontaminated air to enable the crewmembers to perform their duties without undue discomfort or fatigue and to provide reasonable passenger comfort during normal operating conditions and in the event of any minor failure of any system on the airplane which would adversely affect the cabin ventilating air. For normal operations, crewmembers and passengers must be provided with at least 10 cubic feet of fresh air per minute per person, or the equivalent in filtered recirculated air, based on the volume and composition at the corresponding cabin pressure altitude of no more than 8,000 feet.

C. *Air Conditioning.* In addition to the requirements of § 25.831 (b) through (e), cabin cooling systems must be designed to meet the following conditions during flight above 15,000 feet MSL:

1. After any probable failure, the cabin temperature/time history may not exceed the values shown in Figure 1.

2. After any improbable failure, the cabin temperature/time history may not exceed the values shown in Figure 2.

D. *Pressurization.* In addition to the requirements of § 25.841, the following apply:

1. The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude/time histories for operations above 45,000 feet:

(a) The cabin altitude/time history may not exceed that shown in Figure 3 after each of the following:

(1) Any probable double failure in the pressurization system.

(2) Any single failure in the pressurization system combined with the occurrence of a leak produced by a complete loss of a door seal element or a fuselage leak through an opening having an effective area 2.0 times the effective area which produces the maximum permissible fuselage leak rate approved for normal operation, whichever produces a more severe leak.

(b) The cabin altitude/time history may not exceed that shown in Figure 4 after each of the following:

(1) The maximum pressure vessel opening resulting from crack propagation for a period encompassing two normal inspection intervals. The initial crack must be at least one-half the local panel width in length. Mid-panel cracks and cracks through skin/

stringer and skin/frame combinations must be considered.

(2) The pressure vessel opening resulting from probable damage, while under maximum operating cabin pressure differential due to a tire burst, engine rotor burst, loss of antennas, or stall warning vanes, or any probable equipment failure.

(3) Complete loss of thrust from all engines.

2. In showing compliance with paragraph 1 of this special condition, it may be assumed that an emergency descent is made in accordance with an approved emergency procedure. In showing compliance with paragraph 1(b) of this special condition, a 17-second crew recognition and reaction time must be applied between cabin altitude warning and the initiation of an emergency descent.

E. *Oxygen Equipment and Supply.* In addition to the requirements of § 25.1441(d), the following apply:

1. A quick-donning oxygen mask system with a pressure-demand, mask mounted regulator must be provided for the flightcrew. It must be shown that each quick-donning mask can, with one hand and within 5 seconds, be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand.

2. A continuous-flow oxygen system must be provided for the passengers.

F. *Operation without Normal Electrical Power.* In addition to the requirements of §§ 25.1309 and 25.1351, it must be shown by analysis, test, or both, that the airplane can be operated safely in VFR conditions, for a period of not less than 5 minutes, with the normal electrical power (electrical power sources, excluding the battery) inoperative, with critical type fuel (From the standpoint of flameout and restart capability) and with the airplane initially at the maximum certificated altitude. Parts of the electical system may remain on if—

1. A single malfunction, including a wire bundled or junction box fire, cannot result in loss of the part turned off and the part turned on;

2. The parts turned on are electrically and mechanically isolated from the parts turned off; and

3. The electrical wire and cable insulation, and other materials, of the parts turned on are self-extinguishing when tested in accordance with § 25.1359(d).

G. *Stability Augmentation and Automatic and Power-Operated Systems.* In lieu of the requirements of § 25.672, as amended by Amendment 25–23, if the functioning of stability augmentation or other automatic or power-operated systems is necessary to show compliance with the flight characteristics requirements of Part 25, such systems must comply with the following:

1. A warning which is clearly distinguishable to the pilot under expected flight conditions without requiring the pilot's attention must be provided for any failure in the stability augmentation system or in any other automatic or power-operated system which could result in an unsafe condition if the pilot were not aware of the failure. Warning systems must not activate the control systems.

2. The design of the stability augmentation system or of any other automatic or power-operated system must allow initial counteraction of failures without requiring exceptional pilot skill or strength, either by the deactivation of the system or a failed portion thereof or by overriding the failure by movement of the flight controls in the normal sense.

3. It must be shown after any single failure of the stability augmentation system or any other automatic or power-operated system that:

(a) The airplane is safely controllable when the failure or malfunction occurs at any speed or altitude within the approved operating limitations that is critical for the type of failure begin considered;

(b) The controllability and maneuverability requirements of part 25 are met within a practical operational flight envelope (for example speed, altitude, normal acceleration, and airplane configurations) which is described in the Airplane Flight Manual; and

(c) The trim, stability, and stall characteristics are not impaired below a level needed to permit continued safe flight and landing.

H. *Environmental Testing.* An investigation shall be made in turbulence to determine the airplane's dynamic response with the primary considerations for controllability and the pilot's physiological reactions which may affect the pilot's ability to see and use the flight instruments. This evaluation shall be conducted with the yaw damper both operative and inoperative.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28 and 11.29(b))

Note.—This action is not a regulation under Executive Order 12291 or the President's Memorandum of January 29, 1981.

Issued in Washington, D.C., on March 6, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-7689 Filed 3-9-81; 8:45 am]

BILLING CODE 4910-13-M

VETERANS ADMINISTRATION

Crossover Road, Massachusetts National Cemetery, Bourne, Mass.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a Crossover Road at the Massachusetts National Cemetery, Bourne, Massachusetts.

The proposed project involves the construction of a roadway to interconnect the east/west traffic lanes of Connery Avenue with the new entrance of the National Cemetery. The project will include landscaping, earthwork and storm water drainage.

Present cemetary access via the main entrance road can be reached only by traveling east on Connery Avenue. Additionally, exiting traffic must turn right, travel approximately 650 feet, turn left, and then complete another turn to gain access to the west travel lane of Connery Ave. All of the road construction will be outside the cemetary boundary.

Project alternatives are being considered in the planning process. One alternative will be the construction of the roadway as a divided road consisting of two separated 20 ft. wide lanes.

The other considered plan is to develop a non-divided two-way road consisting of two 12 ft. lanes; one for each direction. Primary advantage with this plan would be less area required and lower cost.

The "No Action" option would sustain all current traffic patterns which presents a significant number of traffic movements and results in a hazardous highway condition when larger numbers of automobiles are involved.

Development of the project will have impacts on the human and natural environment in only minor ways. Primarily, these are limited in time and effect. They include visual/aesthetic impact of tree removal, soil erosion related to construction, and construction noise. All environmental attributes analyzed would not be affected to any extent should the "No Action" alternative be selected.

The commitment of resources, energy and labor to implement the development of the project is irreversible and permanent once the project is in place.

Mitigation will occur during project development. Construction contract documents will include Environmental Protection specifications, section EP, which specifically address the actions that will be undertaken to avoid adverse environmental effects described above.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27). This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. 20420, (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: March 3, 1981.

By direction of the Acting Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 81-7281 Filed 3-9-81; 8:45 am]

BILLING CODE 3320-01-M

Facility Upgrading, Illinois State Veterans Cemetery, Quincy, Ill.; Finding of no Significant Impact

The Veterans Administration (VA) and the State of Illinois have assessed the potential environmental impacts that may occur as a result of the construction of a Facilities Upgrading project at the Illinois State Veterans Cemetery, Quincy, Illinois.

The proposed Facility Upgrading action includes an entrance gate and bituminous roadway with all necessary landscaping and drainage procedures incorporated into the design and implementation. The entrance gate will be a security type gate located at the intersection of the new entrance road and State Route 24. The new roadway will be approximately 1000 feet in length and 20 feet in width. The roadway will traverse land owned by the State of Illinois Veterans Home.

Temporary construction related impacts which will exist through project completion include noise, dust, fumes and visual impacts. These environmental impacts will be minimal.

The project will comply with Federal, State, and local codes. Mitigating actions will be implemented to reduce the temporary construction impacts as identified in the Environmental Assessment.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. 20420, (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: March 3, 1981.

By direction of the Acting Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 81-7280 Filed 3-9-81; 8:45 am]

BILLING CODE 3320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 46
Tuesday, March 10, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Mine Safety and Health Review Commission	2
Federal Reserve System	3
National Science Board	4
National Transportation Safety Board	5
Overseas Private Investment Corporation	6
Postal Service	7

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, March 10, 1981.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Public Affairs Information Brochure.
2. Report on Commission Operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued March 3, 1981.

[S-375-81 Filed 3-6-81; 10:01 am]

BILLING CODE 6570-06-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 3, 1981.

TIME AND DATE: 10 a.m., Wednesday, March 11, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following case.

1. Local 781, District 17, UMWA v. Eastern Associated Coal Corporation, Docket No. WEVA 80-473-C.

Following the oral argument, the Commission will consider and act on the following cases:

2. Indian Coal Land Company, WEVA 80-5 (Petition for Discretionary Review; issues include whether the order of default was proper).
3. NACCO Coal Mining Company, VINC 76X99-P, IBMA 77-15 (Issues include whether violation of 30 CFR § 75.200 occurred).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-379-81 Filed 3-6-81; 1:20 pm]

BILLING CODE 6820-12-M

3

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 8 a.m., Saturday, March 14 and Sunday, March 15, 1981.

PLACE: The Sheraton Inn, Fredericksburg, Virginia.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Conference concerning possible directions for the Federal Reserve System in the 1980's in meeting new regulatory and service needs evolving from a changing financial system. Discussions will be informal and tentative among members of the Board, Federal Reserve Bank officials, and Board senior staff. However, it is recognized the possibility exists that the discussions might lead to such collegial consideration or crystalization of members' opinions as to constitute a meeting under the Government in the Sunshine Act and therefore notice is being given under the Act of a meeting that will be closed to public observations.

The conference is intended to provide preliminary and exploratory consideration regarding the Federal Reserve System's role in the payments system, its provision of financial services and its financial institutions regulatory and supervisory responsibilities. These discussions may include discussion of new legislative and regulatory initiatives in these areas.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated March 6, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-381-81 Filed 3-6-81; 1:49 pm]

BILLING CODE 6210-01-M

4

NATIONAL SCIENCE BOARD.

DATE AND TIME:

March 19, 1981
8:30 a.m. Open Session
10:30 a.m. Closed Session
March 20, 1981
9:00 a.m. Open Session

PLACE: 1800 G Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS: Thursday, March 19, 8:30 a.m.:

1. Minutes—Open Session—223rd Meeting.
2. Chairman's Items.
3. Director's Report:
   a. Report on Grant & Contract Activity—2/19-2/18/81.
   b. Organizational and Staff Changes.
   c. Congressional and Legislative Matters.
   d. NSG Budgets for fiscal Years 1981 and 1982.
   e. Other Items.
4. Board Committees-Reports on Meetings (continued on March 20).
5. Board Representation at Future Events.
6. Program Review—Behaviorial and Neural Sciences.

Friday, March 20, 9 a.m.:

4. Board Committees—Reports on Meetings (continued from March 19).
7. Other Business.
8. Next Meeting National Science Board—April 15-16, 1981.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION: Thursday, March 19, 10:30 a.m.:

A. Minutes—Closed Session—223rd Meeting.
B. Grants, Contracts and Programs.
C. NSF Budget Requests and Proposed Changes for Future Fiscal Years.
D. Export of Technological Data.
E. NSB Annual Reports.
F. NSB and NSF Staff Nominees.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357-9582.

[S-380-81 Filed 3-6-81; 1:56 pm]

BILLING CODE 7555-01-M

5

[NM-81-7]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Tuesday, March 17, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: The first three items will be open to the public, the last item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Commercial Fishing Boat *Arlon* Capsizing in the Pacific Ocean while being towed by a Coast Guard 44-foot Motor Life Boat near Grays Harbor, Washington, July 3, 1980.
2. *Discussion:* Medical Examinations of Surving Crewmembers.
3. *Recommendation* to the Federal Aviation Administration regarding Human Physiology of Aerobatic Maneuvers.
4. *Opinion and Order:* Administrator v. Booher, Docket SE-4395.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

March 6, 1981.

[S-179-81 Filed 3-6-81; 11:39 am]

BILLING CODE 4910-58-M

6

OVERSEAS PRIVATE INVESTMENT CORPORATION.

DATE AND TIME: Meeting of the OPIC Board of Directors: Tuesday, March 17, 1981 at 9 a.m. (closed portion); 11 a.m. (open portion).

PLACE: Offices of the Corporation, seventh floor board room; 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 11 a.m. will be closed to the public. The open portion of the meeting will start at 11 a.m.

MATTERS TO BE CONSIDERED: Closed to the public: 9 a.m. to 11 a.m.:

1. 1981 Legislative Renewal.
2. Insurance Project in Central American Country.
3. Insurance Project in Mediterranean Country.
4. Insurance Project in South Asian Country.
5. Claims Report.
6. Information Reports.

Open to the public: 11 a.m.

1. Approval of the Minutes of the Previous Board Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Personnel Actions: Testimonials.
4. Financial Statements.
5. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653-2949.

March 6, 1981.

Elizabeth A. Burton,

Corporate Secretary.

[S-177-81 Filed 3-6-81; 11:44 am]

BILLING CODE 3210-01-M

7

POSTAL SERVICE.

BOARD OF GOVERNORS

Vote to Close Meeting

At its meeting of March 2 and 3, 1981, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its next meeting, currently scheduled for April 6, 1981. Each of the members of the Board present voted in favor of closing the meeting, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Ching, Hughes, Hyde, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

The meeting to be closed will consist of discussions of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July of 1981, and of prospects for identifying additional measures to curb postal deficits. Both discussions are likely to involve information prepared for use in connection with the negotiation of collective-bargaining agreements under chapter 12 of title 39, United States Code, and the latter discussin is likely to include information prepared for use in connection with proceedings under chapter 36 of that title.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Further, the Board is of the opinion that public access to the discussion would be likely to disclose matters whose disclosure would be inconsistent with the public interest in having the Board able to provide policy guidance to postal management on issues that may come before the Postal Rate Commission under chapter 36 of title 39, without concern for unreasonably influencing particular litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

Further, the Board has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information prepared for use in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification,

and postal service), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5 § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and the initiation of a particular case involving a determination on the record after opportunity for a hearing. Finally, the Board of Governors has determined that the public interest does not require that the Board's discussion of its possible chapter 36 strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), (9)(B), and (10) of title 5 and section 410(c)(3) and (4) of title 39, United States Code, and §§ 7.3(c) and 7.3(i) and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-378-81 Filed 3-6-81; 8:45 am]

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federal register

Tuesday
March 10, 1981

Part II

Foreign Service Labor Relations Board, Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority, and Foreign Service Impasse Disputes Panel

Processing of cases; interim rules

FOREIGN SERVICE LABOR RELATIONS BOARD

FEDERAL LABOR RELATIONS AUTHORITY

GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

FOREIGN SERVICE IMPASSE DISPUTES PANEL

22 CFR Chapter XIV

Processing of Cases; Interim Rules

AGENCY: Foreign Service Labor Relations Board, Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and the Foreign Service Impasse Disputes Panel.

ACTION: Interim rules and regulations.

SUMMARY: These interim rules and regulations principally govern the processing of vases by the Foreign Service Labor Relations Board (Board), Federal Labor Relations Authority (Authority), the General Counsel of the Federal Labor Relations Authority (General Counsel), and the Foreign Service Impasse Disputes Panel (Panel) under Chapter 41 of title 22 of the United States Code. These interim rules and regulations are required by title 1 of the Foreign Service Act of 1980, and will expire no later than July 30, 1981.

DATES:

Effective Date: February 15, 1981.
Comment date: June 15, 1981.

ADDRESS: Sent comments to: Foreign Service Labor Relations Board, 1900 E Street, NW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT:

Jerome P. Hardiman, Director, Office of Operations, Authority (202) 254–7362
Harold D. Kessler, Deputy Executive Director, Authority (202) 632–3920
S. Jesse Reuben, Deputy General Counsel, (202) 254–8305
Howard W. Solomon, Executive Director, Panel (202) 653–7078

SUPPLEMENTARY INFORMATION: 1. Paragraph referring to savings clause of the Foreign Service Act:

Consistent with 22 U.S.C. 4172, all determinations, authorizations, regulations, orders, agreements, exclusive recognition of an organization, or other actions made, issued, undertaken, entered into, or taken under the authority of the Foreign Service Act of 1946 or any other law, including Executive Order 11636, repealed, modified, or affected by this Act shall continue in full force and effect until modified, revoked, or superseded by appropriate authority. Any grievances, claims, or appeals which were filed or made under any such law, including Executive Order 11636, and are pending resolution on the effective date of this Act shall continue to be governed by the provisions repealed, modified, or affected by this Act.

2. Paragraph referring to Privacy Act:

No systems of records, as defined in the Privacy Act, are maintained by the Foreign Service Labor Relations Board or the Foreign Service Impasse Disputes Panel. Accordingly, no regulations pertaining to the Privacy Act are included below. All requests for access to, or amendment or correction of, records maintained by the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority and the Federal Service Impasses Panel that are contained in a system of records and contain information about an individual, will be processed in accordance with the Rules and Regulations of the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority and the Federal Service Impasses Panel, Title 5, Code of Federal Regulations, Part 2412 (effective January 28, 1980).

3. Processing of Pending Cases:

All cases pending before the Employee-Management Relations Commission on February 14, 1981, shall be processed by the Foreign Service Labor Relations Board in accordance with the regulations of the Employee-Management Relations Commission, Title 22, Code of Federal Regulations, Part 801 *et seq.* (Revised as of April 1, 1980), to the extent practicable, except that the word "Board" shall be substituted, as appropriate, wherever the word "Commission" appears in such regulations.

Title 22 of the Code of Federal Regulations is amended by establishing Chapter XIV—Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel and adding Subchapter B, consisting of Parts 1411, 1413, 1414, Subchapter C, consisting of Parts 1420, 1421, 1422, 1423, 1424, 1425, 1427, 1428, 1429 and Subchapter D, consisting of Parts 1470 and 1471 and Appendix A to Chapter XIV to read as follows:

CHAPTER XIV—FOREIGN SERVICE LABOR RELATIONS BOARD; FEDERAL LABOR RELATIONS AUTHORITY; GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY; AND THE FOREIGN SERVICE IMPASSE DISPUTES PANEL

Subchapter A—[Reserved]

Subchapter B—General Provisions

Part
1411 Availability of official information.
1413 Open meetings.
1414 Ex parte communications.

Subchapter C—Foreign Service Labor Relations Board and General Counsel of the Federal Labor Relations Authority

1420 Purpose and scope.
1421 Meaning of terms as used in this subchapter.
1422 Respresentation proceedings.
1423 Unfair labor practice proceedings.
1424 Expedited review of negotiability issues.
1425 Review of implementation dispute actions.
1427 General statements of policy or guidance.
1428 Enforcement of Assistant Secretary standards of conduct decisions and orders.
1429 Miscellaneous and general requirements.

Subchapter D—Foreign Service Impasse Disputes Panel

1470 General.
1471 Procedures of the panel.
Appendix A to Chapter XIV—Current Addresses and Geographic Jurisdictions
Appendix B—[Reserved]

SUBCHAPTER A—[Reserved]

SUBCHAPTER B—GENERAL PROVISIONS

PART 1411—AVAILABILITY OF OFFICIAL INFORMATION

Sec.
1411.1 Purpose and scope.
1411.2 Delegation of authority.
1411.3 Information policy.
1411.4 Procedure for obtaining information.
1411.5 Identification of information requested.
1411.6 Time limits for processing requests.
1411.7 Appeal from denial of request.
1411.8 Extension of time limits.
1411.9 Effect of failure to meet time limits.
1411.10 Fees.
1411.11 Compliance with subpenas.
1411.12 Annual report.

Authority: 5 U.S.C. 552.

§ 1411.1 Purpose and scope.

This part contains the regulations of the Foreign Service Labor Relations Board (the Board), the General Counsel of the Federal Labor Relations Authority (the General Counsel) and the Foreign Service Impasse Disputes Panel (the Panel) providing for public access to

information from the Board, the General Counsel or the Panel. These regulations implement the Freedom of Information Act, as amended, 5 U.S.C. 552, and the policy of the Board, the General Counsel and the Panel to disseminate information on matters of interest to the public and to disclose to members of the public on request such information contained in records insofar as is compatible with the discharge of their responsibilities, consistent with applicable law.

§ 1411.2 Delegation of authority.

(a) *Foreign Service Labor Relations Board/General Counsel of the Federal Labor Relations Authority.* Regional Directors of the Federal Labor Relations Authority, the Freedom of Information Officer of the Office of the General Counsel, Washington, D.C., and the Solicitor of the Federal Labor Relations Authority are delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization under § 1411.4(a).

(b) *Foreign Service Impasse Disputes Panel.* The Executive Director of the Federal Service Impasse Panel is delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization under § 1411.4(b).

§ 1411.3 Information policy.

(a) *Foregin Service Labor Relations Board/General Counsel of the Federal Labor Relations Authority.* (1) It is the policy of the Foreign Service Labor Relations Board and the General Counsel of the Federal Labor Relations Authority to make available for public inspection and copying: (i) final decisions and orders of the Board and administrative rulings of the General Counsel; (ii) statements of policy and interpretations which have been adopted by the Board or by the General Counsel and are not published in the Federal Register; and (iii) administrative staff manuals and instructions to staff that affect a member of the public (except those establishing internal operating rules, guidelines, and procedures for the investigation, trial, and settlement of cases). Any person may examine and copy items (i) through (iii) at each regional office of the Authority and at the offices of the Authority and the General Counsel, respectively, in Washington, D.C., under conditions prescribed by the Board and the General Counsel, respectively, and at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Authority, the Board and the General Counsel. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted and, in each case, the justification for the deletion shall be fully explained in writing.

(2) It is the policy of the Board and the General Counsel to make promptly available for public inspection and copying, upon request by any person, other records where the request reasonably describes such records and otherwise conforms with the rules provided herein.

(b) *Foreign Service Impasse Disputes Panel.* (1) It is the policy of the Foreign Service Impasse Disputes Panel to make available for public inspection and copying: (i) procedural determinations of the Panel; (ii) factfinding and arbitration reports; (iii) final decisions and orders of the Panel; (iv) statements of policy and interpretations which have been adopted by the Panel and are not published in the Federal Register; and (v) administrative staff manuals and instructions to staff that affect a member of the public. Any person may examine and copy items (i) through (v) at the offices of the Federal Service Impasses Panel in Washington, D.C., under conditions prescribed by the Panel, and at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Federal Service Impasse Panel and the Panel. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted and, in each case, the justification for the deletion shall be fully explained in writing.

(2) It is the policy of the Panel to make promptly available for public inspection and copying, upon request by any person, other records where the request reasonably describes such records and otherwise conforms with the rules provided herein.

(c) The Board, the General Counsel and the Panel shall maintain and make available for public inspection and copying the current indexes and supplements thereto which are required by 5 U.S.C. 552(a)(2) and, as appropriate, a record of the final votes of each member of the Board and of the Panel in every agency proceeding. Any person may examine and copy such document or record of the Board, the General Counsel or the Panel at the offices the Authority, the General Counsel, or the Federal Service Impasse Panel, as appropirate, in Washington, D.C., under conditions prescribed by the Board, the General Counsel or the Panel at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Authority, the Board, the General Counsel, the Federal Service Impasse Panel, or the Panel.

(d) The Board, the General Counsel or the Panel may decline to disclose any matters exempted from the disclosure requirements in 5 U.S.C. 552(b), particularly those that are:

(1)(i) Specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such executive order;

(2) related solely to internal personnel rules and practices of the Authority, the general Counsel or the Federal Service Impasses Panel;

(3) Specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b)), provided that such statute:

(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

(i) Interfere with an enforcement proceeding;

(ii) Deprive a person of a right to a fair trail or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(v) Disclose investigative techniques and procedures; or

(vi) Endanger the life or physical safety of law enforcement personnel.

(e)(1) The formal documents constituting the record in a case or proceeding are matters of official record

and, until destroyed pursuant to applicable statutory authority, are available to the public for inspection and copying at the appropriate regional office of the Authority, or the offices of the Authority, the General Counsel or the Federal Service Impasses Panel in Washington, D.C., as appropriate, under conditions prescribed by the Authority, the general Counsel or the Federal Service Impasses Panel at reasonable times during normal working hours so long as it does not interfere with the efficent operations of the Authority, the General Counsel or the Federal Service Impasses Panel.

(2) The Board, the General Counsel or the Panel, as appropriate, shall certify copies of the formal documents upon request made a reasonable time in advance of need and payment of lawfully prescribed costs.

(f)(1) Copies of forms prescribed by the Board for the filing of charges and petitions may be obtained without charge from any regional office of the Authority.

(2) Copies of forms prescribed by the Panel for the filing of requests may be obtained without charge from the offices of the Federal Service Impasses Panel in Washington, D.C.

§ 1411.4 Procedure for obtaining information.

(a) *Foreign Service Labor Relations Board/General Counsel of the Federal Labor Relations Authority.* Any person who desires to inspect or copy any records, documents or other information of the Board or the General Counsel, covered by this part, other than those specified in paragraphs (a)(1) and (c) of § 1411.3, shall submit a written request to that effect as follows:

(1) If the request is for records, documents or other information in a regional office of the Authority, it should be made to the appropriate Regional Director;

(2) If the request is for records, documents or other information in the Office of the General Counsel and located in Washington, D.C., it should be made to the Freedom of Information Officer, Office of the General Counsel, Washington, D.C.; and

(3) If the request is for records, documents or other information in the offices of the Authority in Washington, D.C., it should be made to the Solicitor of the Authority in Washington, D.C.

(b) *Foreign Service Impasse Disputes Panel.* Any person who desires to inspect or copy any records, documents or other information of the Panel covered by this part, other than those specified in paragraphs (b)(1) and (c) of § 1411.3, shall submit a written request to that effect to the Executive Director, Federal Service Impasses Panel, Washington, D.C.

(c) All requests under this part should be clearly and prominently identified as a request for information under the Freedom of Information Act and, if submitted by mail or otherwise submitted in an envelope or other cover, should be clearly identified as such on the envelope or other cover. If a request does not comply with the provisions of this paragraph, it shall not be deemed received by the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Counsel, the Solicitor of the Authority, or the Executive Director of the Federal Service Impasses Panel, as appropriate, until the time it is actually received by such person.

§ 1411.5 Identification of information requested.

(a) Each request under this part should reasonably describe the records being sought in a way that they can be identified and located. A request should include all pertinent details that will help identify the records sought.

(b) If the description is insufficient, the officer processing the request will so notify the person making the request and indicate the additional information needed. Every reasonable effort shall be made to assist in the identification and location of the record sought.

(c) Upon receipt of a request for records, the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Counsel, the Solicitor of the Authority, or the Executive Director of the Federal Service Impasses Panel, as appropriate, shall enter it in a public log. The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to paragraphs (b) and (c) of § 1411.6, the date(s) any records are subsequently furnished, the number of staff-hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

§ 1411.6 Time limits for processing requests.

(a) All time limits established pursuant to this section shall begin as of the time at which a request for records is logged in by the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Counsel, the Solicitor of the Authority, or the Executive Director of the Federal Service Impasses Panel, as appropriate, processing the request pursuant to paragraph (c) of § 1411.5. An oral request for records shall not begin any time requirement. A written request for records sent to other than the appropriate officer will be forwarded to that officer by the receiving officer, but in that event the applicable time limit for response set forth in paragraph (b) of this section shall begin upon the request being logged in as required by paragraph (c) of § 1411.5.

(b) Except as provided in § 1411.8, the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Counsel, the Solicitor of the Authority, or the Executive Director of the Federal Service Impasses Panel, as appropriate, shall, within ten (10) working days following receipt of the request, respond in writing to the requester, determining whether, or the extent to which, the request shall be complied with.

(1) If all the records requested have been located and a final determination has been made with respect to disclosure of all of the records requested, the response shall so state.

(2) If all of the records have not been located or a final determination has not been made with respect to disclosure of all of the records requested, the response shall state the extent to which the records involved shall be disclosed pursuant to the rules established in this part.

(3) If the request is expected to involve an assessed fee in excess of $25.00, the response shall specify or estimate the fee involved and shall require prepayment of any charges in accordance with the provisions of paragraph (a) of § 1411.10 before the records are made available.

(4) Whenever possible, the response relating to a request for records that involves a fee of less than $25.00 shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the Board, the General Counsel or the Panel.

(c) If any request for records is denied in whole or in part, the response required by paragraph (b) of this section shall notify the requester of the denial. Such denial shall specify the reason therefor, set forth the name and title or position of the person responsible for the denial, and notify the person making the request of the right to appeal the denial under the provisions of § 1411.7.

§ 1411.7 Appeal from denial of request.

(a) *Foreign Service Labor Relations Board/General Counsel of the Federal*

Labor Relations Authority. (1) Whenever any request for records is denied, a written appeal may be filed within thirty (30) days after the requester receives notification that the request has been denied or after the requester receives any records being made available, in the event of partial denial. If the denial was made by a Regional Director or by the Freedom of Information Officer of the Office of the General Counsel, the appeal shall be filed with the General Counsel in Washington, D.C. If the denial was made by the Solicitor of the Authority, the appeal shall be filed with the Chairperson of the Board in Washington, D.C.

(2) The Chairperson of the Board or the General Counsel, as appropriate, shall, within twenty (20) working days from the time of receipt of the appeal, except as provided in § 1411.8, make a determination on the appeal and respond in writing to the requester, determining whether, or the extent to which, the request shall be complied with.

(i) If the determination is to comply with the request and the request is expected to involve an assessed fee in excess of $25.00, the determination shall specify or estimate the fee involved and shall require prepayment of any charges due in accordance with the provisions of paragraph (a) of § 1411.10 before the records are made available.

(ii) Whenever possible, the determination relating to a request for records that involves a fee of less than $25.00 shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the Board or the General Counsel.

(b) *Foreign Service Impasse Disputes Panel.* (1) Whenever any request for records is denied by the Executive Director of the Federal Service Impasses Panel, a written appeal may be filed with the Chairperson of the Panel within thirty (30) days after the requester receives notification that the request has been denied or after the requester receives any records being made available, in the event of partial denial.

(2) The Chairperson of the Panel, within twenty (20) working days from the time of receipt of the appeal except as provided in § 1411.8, shall make a determination on the appeal and respond in writing to the requester, determining whether, or the extent to which, the request shall be complied with.

(i) If the determination is to comply with the request and the request is expected to involve an assessed fee in excess of $25.00, the determination shall specify or estimate the fee involved and shall require prepayment of any charges due in accordance with the provisions of paragraph (a) of § 1411.10 before the records are made available.

(ii) Whenever possible, the determination relating to a request for records that involves a fee of less than $25.00 shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the Panel.

(c) If on appeal the denial of the request for records is upheld in whole or in part by the Chairperson of the Board, the General Counsel, or the Chairperson of the Panel, as appropriate, the person making the request shall be notified of the reasons for the determination, the name and title or position of the person responsible for the denial, and the provisions for judicial review of that determination under 5 U.S.C. 552(a)(4). Even though no appeal is filed from a denial in whole or in part of a request for records by the person making the request, the Chairperson of the Board, the General Counsel or the Chairperson of the Panel, as appropriate, may, without regard to the time limit for filing of an appeal, sua sponte initiate consideration of a denial under this appeal procedure by written notification to the person making the request. In such event the time limit for making the determination shall commence with the issuance of such notification.

§ 1411.8 Extension of time limits.

In unusual circumstances as specified in this section, the time limits prescribed with respect to initial determinations or determinations on appeal may be extended by written notice from the officer handling the request (either initial or on appeal) to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in a total extension of more than ten (10) working days. As used in this section, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(b) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single requests; or

(c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

§ 1411.9 Effect of failure to meet time limits.

Failure by the Board, the General Counsel or the Federal Service Impasses Panel either to deny or grant any request under this part within the time limits prescribed by the Freedom of Information Act, as amended, 5 U.S.C. 552, and these regulations shall be deemed to be an exhaustion of the administrative remedies available to the person making this request.

§ 1411.10 Fees.

Persons requesting records from the Board, the General Counsel or the Panel shall be subject to a charge of fees for the direct cost of document search and duplication in accordance with the following schedules, procedures and conditions:

(a) The following fees shall be charged for disclosure of any record pursuant to this part:

(1) *Copying of records.* Ten cents per copy of each page.

(2) *Clerical searches.* $1.25 for each one-quarter hour spent by clerical personnel searching for and producing a requested record, including time spent copying any record.

(3) *Nonclerical searches.* $2.50 for each one-quarter hour spent by

professional or managerial personnel searching for and producing a requested record, including time spent copying any record.

(4) *Forwarding material to destination.* Postage, insurance and special fees will be charged on an actual cost basis.

(b) All charges may be waived or reduced whenever it is in the public interest to do so.

(c) Requests for copies of transcripts of hearings should be made to the official hearing reporter. However, a person may request a copy of a transcript of a hearing from the Board, the Panel or the General Counsel, as appropriate. In such instance, the Board, the Panel or the General Counsel, as appropriate, may, by agreement with the person making the request, make arrangements with commercial firms for required services to be charged directly to the requester.

(d) No charge shall be made for the time spent in resolving legal or policy issues or in examining records for the purpose of deleting nondisclosable portions thereof.

(e) Payment of fees shall be made by check or money order payable to the U.S. Treasury.

§ 1411.11 Compliance with subpenas.

No member of the Board or the Panel, or the General Counsel, or employee of the Authority, the Federal Service Impasses Panel, or the General Counsel shall produce or present any files, documents, reports, memoranda, or records of the Board, the Panel or the General Counsel, or testify in behalf of any party to any cause pending in any arbitration or in any court or before the Board or the Panel, or any other board, commission, or administrative agency of the United States, territory, or the District of Columbia with respect to any information, facts, or other matter to their knowledge in their official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, the Panel or the General Counsel, whether in answer to a subpena, subpena duces tecum, or otherwise, without the written consent of the Board, the Panel or the General Counsel, as appropriate. Whenever any subpena, the purpose for which is to adduce testimony or require the production of records as described above, shall have been served on any member of the Board or of the Panel or employee of the Authority, the Federal Service Impasses Panel or the General Counsel, such person will, unless otherwise expressly directed by the Board, the Panel or the General Counsel, as appropriate, and as provided by law, move pursuant to the applicable procedure to have such subpena invalidated on the ground that the evidence sought is privileged against disclosure by this rule.

§ 1411.12 Annual report.

On or before March 1 of each calendar year, the Executive Director of the Authority shall submit a report of the activities of the Board, the General Counsel and the Panel with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress. The report shall include for such calendar year all information required by 5 U.S.C. 552(d) and such other information as indicates the efforts of the Board, the General Counsel and the Panel to administer fully the provisions of the Freedom of Information Act, as amended.

PART 1413—OPEN MEETINGS

Sec.

1413.1 Purpose and scope.
1413.2 Public observation of meetings.
1413.3 Definition of meeting.
1413.4 Closing of meetings; reasons therefor.
1413.5 Action necessary to close meeting; record of votes.
1413.6 Notice of meetings; public announcement and publication.
1413.7 Transcripts, recordings or minutes of closed meeting; public availability; retention.

Authority: 5 U.S.C. 552b.

§ 1413.1 Purpose and scope.

This part contains the regulations of the Foreign Service Labor Relations Board implementing the Government in the Sunshine Act, 5 U.S.C. 552b.

§ 1413.2 Public observation of meetings.

Every portion of every meeting of the Board shall be open to public observation, except as provided in § 1413.4, and Board members shall not jointly conduct or dispose of agency business other than in accordance with the provisions of this part.

§ 1413.3 Definition of meeting.

For purposes of this part, "meeting" shall mean the deliberations of at least two (2) members of the Board where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations to determine whether a meeting should be closed to public observation in accordance with the provisions of this part.

§ 1413.4 Closing of meetings; reasons therefor.

(a) Except where the Board determines that the public interest requires otherwise, meetings, or portions thereof, shall not be open to public observation where the deliberations concern the issuance of a subpena, the Board participation in a civil action or proceeding or an arbitration, or the initiation, conduct or disposition by the Board of particular cases of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing, or any court proceedings collateral or ancillary thereto.

(b) Meetings, or portions thereof, may also be closed by the Board, except where it determines that the public interest requires otherwise, when the deliberations concern matters or information falling within the reasons for closing meetings specified in 5 U.S.C. 552b(c)(1) (secret matters concerning national defense or foreign policy); (c)(2) (internal personnel rules and practices); (c)(3) (matters specifically exempted from disclosure by statute); (c)(4) (privileged or confidential trade secrets and commercial or financial information); (c)(5) (matters of alleged criminal conduct or formal censure); (c)(6) (personal information where disclosure would cause a clearly unwarranted invasion of personal privacy); (c)(7) (certain materials or information from investigatory files compiled for law enforcement purposes); or (c)(9)(B) (disclosure would significantly frustrate implementation of a proposed agency action).

§ 1413.5 Action necessary to close meeting; record of votes.

A meeting shall be closed to public observation under § 1413.4, only when a majority of the members of the Board who will participate in the meeting vote to take such action.

(a) When the meeting deliberations concern matters specified in § 1413.4(a), the Board members shall vote at the beginning of the meeting, or portion thereof, on whether to close such meeting, or portion thereof, to public observation and on whether the public interest requres that a meeting which may properly be closed should nevertheless be open to public observation. A record of such vote, reflecting the vote of each member of the Board, shall be kept and made available to the public at the earliest practicable time.

(b) When the meeting deliberations concern matters specified in § 1413.4(b),

the Board shall vote on whether to close such meeting, or portion thereof, to public observation, and on whether there is a public interest which requires that a meeting which may properly be closed should nevertheless be open to public observation. The vote shall be taken at a time sufficient to permit inclusion of information concerning the open or closed status of the meeting in the public announcement thereof. A single vote may be taken with respect to a series of meetings at which the deliberations will concern the same particular matters where such subsequent meetings are scheduled to be held within thirty (30) days after the initial meeting. A record of such vote, reflecting the vote of each member of the Board, shall be kept and made available for the public within one (1) day after the vote is taken.

(c) Whenever any person whose interests may be directly affected by deliberations during a meeting, or a portion thereof, requests that the Board close that meeting, or portion thereof, to public observation for any of the reasons specified in 5 U.S.C. 552b(c)(5) (matters of alleged criminal conduct or formal censure), (c)(6) (personal information where disclosure would cause a clearly unwarranted invasion of personal privacy), or (c)(7) (certain materials or information from investigatory files compiled for law enforcement purposes), the Board members participating in the meeting, upon request of any one of its members, shall vote on whether to close such meeting, or a portion thereof, for that reason. A record of such vote, reflecting the vote of each member of the Board participating in the meeting, shall be kept and made available to the public within one (1) day after the vote is taken.

(d) After public announcement of a meeting as provided in § 1413.6, a meeting, or portion thereof, announced as closed may be opened, or a meeting, or portion thereof, announced as open may be closed only if a majority of the members of the Board who will participate in the meeting determine by a recorded vote that Board business so requires and that an earlier announcement of the change was not possible. The change made and the vote of each member on the change shall be announced publicly at the earliest practicable time.

(e) Before a meeting may be closed pursuant to § 1413.4, the Solicitor of the Authority shall certify that in the Solicitor's opinion the meeting may properly be closed to public observation. The certification shall set forth each applicable exemptive provision for such closing. Such certification shall be retained by the agency and made publicly available as soon as practicable.

§ 1413.6 Notice of meetings; public announcement and publication.

(a) A public announcement setting forth the time, place and subject matter of meetings, or portions thereof, closed to public observation pursuant to the provisions of § 1413.4(a), shall be made at the earliest practicable time.

(b) Except for meetings closed to public observation pursuant to the provisions of § 1413.4(a), the agency shall make public announcement of each meeting to be held at least seven (7) days before the scheduled date of the meeting. The announcement shall specify the time, place and subject matter of the meeting, whether it is to be open to public observation or closed, and the name, address, and phone number of an agency official designated to respond to requests for information about the meeting. The seven (7) day period for advance notice may be shortened only upon a determination by a majority of the members of the Board who will participate in the meeting that agency business requires that such meeting be called at an earlier date, in which event the public announcements shall be made at the earliest practicable time. A record of the vote to schedule a meeting at an earlier date shall be kept and made available to the public.

(c) Within one (1) day after a vote to close a meeting, or any portion thereof, pursuant to the provisions of § 1413.4(b), the agency shall make publicly available a full written explanation of its action closing the meeting, or portion thereof, together with a list of all persons expected to attend the meeting and their affiliation.

(d) If after public announcement required by paragraph (b) of this section has been made, the time and place of the meeting are changed, a public announcement shall be made at the earliest practicable time. The subject matter of the meeting may be changed after the public announcement only if a majority of the members of the Board who will participate in the meeting determine that agency business so requires and that no earlier announcement of the change was possible. When such a change in subject matter is approved, a public announcement of the change shall be made at the earliest practicable time. A record of the vote to change the subject matter of the meeting shall be kept and made available to the public.

(e) All announcements or changes thereto issued pursuant to the provisions of paragraphs (b) and (d) of this section or pursuant to the provisions of § 1413.5(d) shall be submitted for publication in the Federal Register immediately following their release to the public.

(f) Announcements of meetings made pursuant to the provisions of this section shall be made publicly available by the Executive Director of the Authority.

§ 1413.7 Transcripts, recordings or minutes of closed meeting; public availability; retention.

(a) For every meeting, or portion thereof, closed under the provisions of § 1413.4, the presiding officer shall prepare a statement setting forth the time and place of the meeting and the persons present, which statement shall be retained by the agency. For each such meeting, or portion thereof, there shall also be maintained a complete transcript or electronic recording of the proceedings, except that for meetings closed pursuant to § 1413.4(a), the Board may, in lieu of a transcript or electronic recording, maintain a set of minutes fully and accurately summarizing any action taken, the reasons therefor and views thereon, documents considered and the members' vote on each rollcall vote.

(b) The agency shall make promptly availabe to the public copies of transcripts, recordings or minutes maintained as provided in accordance with paragraph (a) of this section, except to the extent the items therein contain information which the agency determines may be withheld pursuant to the provisions of 5 U.S.C. 552 (c). Copies of transcripts or minutes, or transcriptions of electronic recordings including the identification of speakers, shall to the extent determined to be publicly available, be furnished to any person, subject to the payment of duplication costs in accordance with the schedule of fees set forth in § 1411.10 of this subchapter and the actual cost of transcription.

(c) The agency shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two (2) years after such meeting or until one (1) year after the conclusion of any agency proceeding with respect to which the meeting or portion was held whichever occurs later.

PART 1414—EX PARTE COMMUNICATIONS

Sec.
1414.1 Purpose and scope.
1414.2 Unauthorized communications.
1414.3 Definitions.
1414.4 Duration of prohibition.
1414.5 Communications prohibited.
1414.6 Communications not prohibited.
1414.7 Solicitation of prohibited communications.
1414.8 Reporting of prohibited communications; penalties.
1414.9 Penalties and enforcement.

Authority: 22 U.S.C. 4107(c).

§ 1414.1 Purpose and scope.

This part contains the regulations of the Foreign Service Labor Relations Board relating to ex parte communications.

§ 1414.2 Unauthorized communications.

(a) No interested person outside this agency shall, in any Board proceeding subject to 5 U.S.C. 557(a), make or knowingly cause to be made any prohibited ex parte communication to any Board member or Authority employee who is or may reasonably be expected to be involved in the decisional process of the proceeding.

(b) No Board member or Authority employee who is or may reasonably be expected to be involved in the decisional process of the proceeding relevant to the merits of the proceeding shall: (1) request any prohibited ex parte communications; or (2) make or knowingly cause to be made any prohibited ex parte communications about the proceeding to any interested person outside this agency relevant to the merits of the proceeding.

§ 1414.3 Definitions.

When used in this part:

(a) The term "person outside this agency," to whom the prohibitions apply, shall include any individual outside the Board or the Authority, labor organization, agency, or other entity, or an agent thereof, and the General Counsel or his representative when prosecuting an unfair labor practice proceeding before the Board pursuant to 22 U.S.C. 4116.

(b) The term "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, subject however, to the provisions of §§ 1414.5 and 1414.6.

§ 1414.4 Duration of prohibition.

Unless otherwise provided by specific order of the Board entered in the proceeding, the prohibition of § 1414.2 shall be applicable in any Board proceeding subject to 5 U.S.C. 557(a) beginning at the time of which the proceeding is noticed for hearing, unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of such person's acquisition of such knowledge.

§ 1414.5 Communications prohibited.

Except as provided in § 1414.6, ex parte communications prohibited by § 1414.2 shall include:

(a) Such communications, when written, if copies thereof are not contemporaneously served by the communicator on all parties to the proceeding in accordance with the provisions of Part 1429 of this chapter; and

(b) Such communications, when oral, unless advance notice thereof is given by the communicator to all parties in the proceeding and adequate opportunity afforded to them to be present.

§ 1414.6 Communications not prohibited.

Ex parte communications prohibited by § 1414.2 shall not include:

(a) Oral or written communications which relate solely to matters which the Hearing Officer, Regional Director, Administrative Law Judge, General Counsel or member of the Board is authorized by law or Board rules to entertain or dispose of on an ex parte basis;

(b) Oral or written requests for information solely with respect to the status of a proceeding;

(c) Oral or written communications which all the parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis;

(d) Oral or written communications proposing settlement or an agreement for disposition of any or all issues in the proceeding;

(e) Oral of written communications which concern matters of general significance to the field of labor-management relations or administrative practice and which are not specifically related to any agency proceeding subject to 5 U.S.C. 557(a); or

(f) Oral or written communications from the General Counsel to the Board when the General Counsel is acting on behalf of the Board under 22 U.S.C. 4109(d).

§ 1414.7 Solicitation of prohibited communications.

No person shall knowingly and willfully solicit the making of an unauthorized ex parte communication by any other person.

§ 1414.8 Reporting of prohibited communications; penalties.

(a) Any Board member or Authority employee who is or may reasonably be expected to be involved in the decisional process of the proceeding relevant to the merits of the proceeding to whom a prohibited oral ex parte communication is attempted to be made, shall refuse to listen to the communication, inform the communicator of this rule, and advise such person that if the person has anything to say it should be said in writing with copies to all parties. Any such Board member or Authority employee who is or may reasonably be expected to be involved in the decisional process of the proceeding relevant to the merits of the proceeding who receives, or who makes or knowingly causes to be made, an unauthorized ex parte communication, shall place or cause to be placed on the public record of the proceeding: (a) the communication, if it was written; (b) a memorandum stating the substance of the communication, if it was oral; (c) all written responses to the prohibited communication; and (d) memoranda stating the substance of all oral responses to the prohibited communication. The Executive Director of the Authority, if the proceeding is then pending before the Board, the Administrative Law Judge, if the proceeding is then pending before any such judge, or the Regional Director, if the proceeding is then pending before a Hearing Officer or the Regional Director, shall serve copies of all such materials placed on the public record of the proceeding on all other parties to the proceeding and on the attorneys of record for the parties. Within ten (10) days after the mailing of such copies, any party may file with the Executive Director of the Authority, Administrative Law Judge, or Regional Director serving the communication, as appropriate, and serve on all other parties, a statement setting forth facts or contentions to rebut those contained in the prohibited communication. All such responses shall be placed in the public record of the proceeding, and provision may be made for any further action, including reopening of the record, which may be required under the circumstances. No action taken pursuant to this provision shall constitute a waiver of the power of the Board to impose an appropriate penalty under § 1414.9.

§ 1414.9 Penalties and enforcement.

(a) Where the nature and circumstances of a prohibited

communication made by or caused to be made by a party to the proceeding are such that the interests of justice and statutory policy may require remedial action, the Board, Administrative Law Judge, or Regional Director, as appropriate, may issue to the party making the communication a notice to show cause, returnable before the Board, Administrative Law Judge, or Regional Director, within a stated period not less than seven (7) days from the date thereof, why the Board, Administrative Law Judge, or Regional Director should not determine that the interests of justice and statutory policy require that the claim or interest in the proceeding of a party who knowingly makes a prohibited communication or knowingly causes a prohibited communication to be made, should be dismissed, denied, disregarded or otherwise adversely affected on account of such violation.

(b) Upon notice and hearing, the Board may censure, suspend or revoke the privilege of practice before the agency of any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication. However, before the Board institutes formal proceedings under this subsection, it shall first advise the person or persons concerned in writing that it proposes to take such action and that they may show cause, within a period to be stated in such written advice, but not less than seven (7) days from the date thereof, why it should not take such action.

(c) The Board may censure, or, to the extent permitted by law, suspend, dismiss, or institute proceedings for the dismissal of, any Board agent who knowingly and willfully violates the prohibitions and requirements of this rule.

SUBCHAPTER C—FOREIGN SERVICE LABOR RELATIONS BOARD AND GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

PART 1420—PURPOSE AND SCOPE

§ 1420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of the Foreign Service Labor-Management Relations Statute. They prescribe the procedures and basic principles or criteria under which the Foreign Service Labor Relations Board or the General Counsel of the Federal Labor Relations Authority, as applicable, will:

(a) Supervise or conduct elections and determine whether a labor organization has been selected as an exclusive representative by a majority of the employees who cast valid ballots and otherwise administer the provisions of the Statute relating to the according of exclusive recognition to a labor organization;

(b) Resolve complaints of alleged unfair labor practices;

(c) Resolve issues relating to the obligation to bargain in good faith;

(d) Resolve disputes concerning the effects, the interpretation, or a claim of breach of collective bargaining agreement, in accord with 22 U.S.C. 4114; and

(e) Take any action considered necessary to administer effectively the provisions of the Foreign Service Labor-Management Relations Statute.

(22 U.S.C. 4107(c))

PART 1421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

Sec.
1421.1 Foreign Service Labor-Management Relations Statute.
1421.2 Terms defined in section 1002 of the Foreign Service Act of 1980 (22 U.S.C 4102).
1421.3 Exclusive Recognition; Unfair Labor Practices.
1421.4 Department.
1421.5 Regional Director.
1421.6 Executive Director.
1421.7 Hearing Officer.
1421.8 Administrative Law Judge.
1421.9 Chief Administrative Law Judge.
1421.10 Secretary.
1421.11 Party.
1421.12 Intervenor.
1421.13 Certification.
1421.14 Bargaining unit.
1421.15 Secret ballot.
1421.16 Showing of interest.
1421.17 Grievance Board.
1421.18 Regular and substantially equivalent employment.

Authority: 22 U.S.C. 4107(c).

§ 1421.1 Foreign Service Labor-Management Relations Statute.

The term "Foreign Service Labor-Management Relations Statute" means chapter 10 of title 1 of the Foreign Service Act of 1980, codified as chapter 41 of title 22 of United States Code.

§ 1421.2 Terms defined in section 1002 of the Foreign Service Act of 1980 (22 U.S.C. 4102).

(a) The terms "Authority," "Board," "collective bargaining," "collective bargaining agreement," "conditions of employment," "confidential employee," "dues," "employee," "exclusive representative," "General Counsel," "labor organization," "management official," "Panel," and "person," as used herein shall have the meanings set forth in 22 U.S.C. 4102.

(b) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§ 1421.3 Exclusive Recognition; Unfair Labor Practices

(a) "Exclusive Recognition" has the meaning as set forth in 22 U.S.C. 4111; and

(b) "Unfair Labor Practices" has the meaning as set forth in 22 U.S.C. 4115.

§ 1421.4 Department.

"Department" means the Department of State, except that with reference to the exercise of functions under this Act with respect to another agency authorized by law to utilize the Foreign Service personnel system, such term means that other agency.

§ 1421.5 Regional Director.

"Regional Director" means the Director of a region of the Authority with geographical boundaries as fixed by the Authority.

§ 1421.6 Executive Director.

"Executive Director" means the Executive Director of the Authority.

§ 1421.7 Hearing Officer.

"Hearing Officer" means the individual designated to conduct a hearing involving a question concerning the appropriateness of a unit or such other matters as may be assigned.

§ 1421.8 Administrative Law Judge.

"Administrative Law Judge" means the Chief Administrative Law Judge or any Administrative Law Judge designated by the Chief Administrative Law Judge to conduct a hearing in cases under 22 U.S.C. 4115, and such other matters as may be assigned.

§ 1421.9 Chief Administrative Law Judge.

"Chief Administrative Law Judge" means the Chief Administrative Law Judge of the Authority.

§ 1421.10 Secretary.

"Secretary" means the Secretary of State, except that (subject to 22 U.S.C. 3921) with reference to the exercise of functions under the Foreign Service Act of 1980 with respect to any agency authorized by law to utilize the Foreign Service personnel system, such term means the head of that agency.

§ 1421.11 Party.

"Party" means (a) any person: (1) filing a charge, petition, or request; (2) named in a charge, complaint, petition, or request; (3) whose intervention in a proceeding has been permitted or directed by the Board; (4) who participated as a party (i) in a matter

that was decided by an agency head under 22 U.S.C. 4105 or (ii) in a matter where action by the Grievance Board was taken; and (b) the General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 1421.12 Intervenor.

"Intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Authority, its agents or representatives.

§ 1421.13 Certification.

"Certification" means the determination by the Board, its agents or representatives, of the results of an election.

§ 1421.14 Bargaining unit.

"Bargaining unit" has the meaning as set forth in 22 U.S.C. 4112 for the purpose of exclusive recognition under 22 U.S.C. 4111, and for purposes of allotments to representatives under 22 U.S.C. 4118.

§ 1421.15 Secret ballot.

"Secret Ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 1421.16 Showing of interest.

"Showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current exclusive recognition or certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently recognized or certified labor organization; or other evidence approved by the Authority.

§ 1421.17 Grievance Board.

"Grievance Board" means the Foreign Service Grievance Board established under 22 U.S.C. 4135.

§ 1421.18 Regular and Substantially Equivalent Employment.

"Regular and substantially equivalent employment" means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, and seniority rights if any, of an employee prior to the cessation of employment in a Department because of any unfair labor practice under 22 U.S.C. 4115.

PART 1422—REPRESENTATION PROCEEDINGS

Sec.

1422.1 Who may file petitions.
1422.2 Contents of petition; filing and service of petition; challenges to petition.
1422.3 Timeliness of petition.
1422.4 Investigation of petition and posting of notice of petition; action by Regional Director.
1422.5 Intervention.
1422.6 Withdrawal, dismissal or deferral of petitions; consolidation of cases; denial of intervention; review of action by Regional Director.
1422.7 Agreement for consent election.
1422.8 Notice of hearing; contents; attachments; procedures.
1422.9 Conduct of hearing.
1422.10 Motions.
1422.11 Rights of the parties.
1422.12 Duties and powers of the Hearing Officer..
1422.13 Objections to conduct of hearing.
1422.14 Filing of briefs.
1422.15 Transfer of case to the Board; contents of record.
1422.16 Decision.
1422.17 Election procedure; request for authorized representation election observers.
1422.18 Challenged ballots.
1422.19 Tally of ballots.
1422.20 Certification; objections to election; determination on objections and challenged ballots.
1422.21 Preferential voting.
1422.22 Inconclusive elections.

Authority: 22 U.S.C. 4107.

§ 1422.1 Who may file petitions.

(a) A petition for exclusive recognition may be filed by a labor organization requesting an election to determine whether it should be recognized as the exclusive representative of employees of the Department in the unit described in 22 U.S.C. 4112 or should replace another labor organization as the exclusive representative of employees in such unit.

(b) A petition for an election to determine if a labor organization should cease to be the exclusive representative because it does not represent a majority of employees in the unit described in 22 U.S.C. 4112 may be filed by any employee or employees or an individual acting on behalf of any employee(s).

(c) A petition seeking to clarify a matter relating to representation may be filed by the Department where the Department has a good faith doubt, based on objective considerations, that the currently recognized or certified labor organization represents a majority of the employees in the unit described in 22 U.S.C. 4112.

(d) A petition for clarification of the unit described in 22 U.S.C. 4112 or for amendment of recognition or certification may be filed by the Department or by a labor organization which is currently recognized by the Department as the exclusive representative.

(e) A petition for determination of eligibility for dues allotment may be filed by a labor organization in accordance with 22 U.S.C. 4118(c).

§ 1422.2 Contents of petition; filing and service of petition; challenges to petition.

(a) *Petition for exclusive recognition.* A petition by a labor organization for exclusive recognition shall be submitted on a form prescribed by the Board and shall contain the following:

(1) The name of the Department, its address, telephone number, and the persons to contact and their titles, if known;

(2) A description of the unit described in 22 U.S.C. 4112. Such description shall indicate the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit;

(3) Name, address, and telephone number of the recognized or certified representative, if any, and the date of such recognition or certification and the expiration date of any applicable agreement, if known to the petitioner;

(4) Names, addresses, and telephone numbers of any other interested labor organizations, if known to the petitioner;

(5) Name and affiliation, if any, of the petitioner and its address and telephone number;

(6) A statement that the petitioner has submitted to the Department and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(7) A declaration by such person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(8) The signature of the petitioner's representative, including such person's title and telephone number; and

(9) The petition shall be accompanied by a showing of interest of not less than

thirty percent (30%) of the employees in the unit described in 22 U.S.C. 4112 and an alphabetical list of names constituting such showing.

(b) *Department petition seeking clarification of a matter relating to representation; employee petition for an election to determine whether a labor organization should cease to be an exclusive representative.* (1) A petition by the Department shall be submitted on a form prescribed by the Board and shall contain the information set forth in paragraph (a) of this section, except subparagraphs (6) and (9), and a statement that the Department has a good faith doubt, based on objective considerations, that the currently recognized or certified labor organization represents a majority of the employees in the unit described in 22 U.S.C. 4112. Attached to the petition shall be a detailed explanation of the reasons supporting the good faith doubt.

(2) A petition by any employee or employees or an individual acting on behalf of any employee(s) shall contain the information set forth in paragraph (a) of this section, except subparagraphs (6) and (9), and it shall be accompanied by a showing of interest of not less than thirty percent (30%) of the employees in the unit indicating that the employees no longer desire to be represented for the purposes of exclusive recognition by the currently recognized or certified labor organization and an alphabetical list of names constituting such showing.

(c) *Petition for clarification of unit or for amendment of recognition or certification.* A petition for clarification of unit or for amendment of recognition or certification shall be submitted on a form prescribed by the Board and shall contain the information required by paragraph (a) of this section, except subparagraphs (2), (6) and (9), and shall set forth:

(1) A description of the unit and the date of recognition or certification;

(2) The proposed clarification or amendment of the recognition or certification; and

(3) A statement of reasons why the proposed clarification or amendment is requested.

(d) *Petition for determination of eligibility for dues allotment.* A petition for determination of eligibility for dues allotment in the unit may be filed if there is no exclusive representative. The petition shall be submitted on a form prescribed by the Board and shall contain the information required in subparagraphs (1), (4), (5), (6), (7), and (8) of paragraph (a) of this section, and shall set forth:

(1) A description of the unit described in 22 U.S.C. 4112. Such description shall indicate the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in this unit; and

(2) The petition shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit and an alphabetical list of names constituting such showing.

(e) *Filing and service of petition and copies.* (1) A petition for exclusive recognition, for an election to determine if a labor organization should cease to be the exclusive representative, for clarification of unit, for amendment of recognition or certification, or for determination of eligibility for dues allotment, filed pursuant to paragraphs (a), (b), (c), or (d) of this section respectively, shall be filed with the Regional Director for the region in which the unit exists, or, if the claimed unit exists in two or more regions, the petition shall be filed with the Regional Director for the region in which the affected employees are located.

(2) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence relating to the question concerning representation.

(3) Copies of the petition together with any attachments shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Regional Director: *Provided, however,* That the showing of interest or the showing of membership submitted with a petition filed pursuant to paragraphs (a), (b)(2), (d), or (h) of this section shall not be furnished to any other person.

(f) *Adequacy and validity of showing of interest or showing of membership.* (1) The Regional Director shall determine the adequacy of the showing of interest or the showing of membership administratively, and such determination shall not be subject to collateral attack at a unit or representation hearing. If the petition is dismissed or the intervention sought pursuant to § 1422.5 is denied, a request for review of such dismissal or denial may be filed with the Board in accordance with the procedures set forth in § 1422.6(d).

(2) Any party challenging the validity of any showing of interest or showing of membership of a petitioner, or a cross-petitioner filing pursuant to § 1422.5(b), or of a labor organization seeking to intervene pursuant to § 1422.5, must file its challenge with the Regional Director, with respect to the petitioner or a cross-petitioner, within twenty (20) days after the initial date of posting of the notice of petition as provided in § 1422.4(a), and with respect to any labor organization seeking to intervene, within twenty (20) days of service of a copy of the request for intervention on the challenging party. The challenge shall be supported with evidence including signed statements of employees and any other written evidence. The Regional Director shall investigate the challenge and thereafter shall take such action as the Regional Director deems appropriate which shall be final and not subject to review by the Board, unless the petition is dismissed or the intervention is denied on the basis of the challenge. Such request for review shall be filed with the Board in accordance with the procedures set forth in § 1422.6(d).

(g) *Challenge to status of a labor organization.* Any party challenging the status of a labor organization under chapter 41 of title 22 of the United States Code must file its challenge with the Regional Director and support the challenge with evidence. With respect to the petitioner or a cross-petitioner filing pursuant to § 1422.5(b), such a challenge must be filed within twenty (20) days after the initial date of posting of the notice of petition as provided in § 1422.4(a), and with respect to a labor organization seeking to intervene pursuant to § 1422.5, within twenty (20) days after service of a copy of the request for intervention on the challenging party. The Regional Director shall investigate the challenge and thereafter shall take such action as the Regional Director deems appropriate, which shall be subject to review by the Board. Such request for review shall be filed with the Board in accordance with the procedures set forth in § 1422.6(d).

§ 1422.3 Timeliness of petition.

(a) When there is no certified exclusive representative of the employees, a petition will be considered timely filed provided a valid election has not been held within the preceding twelve (12) month period in the unit described in 22 U.S.C. 4112.

(b) When there is a certified exclusive representative of the employees, a petition will not be considered timely if filed within twenty-four (24) months after the certification as the exclusive representative of employees in unit described in 22 U.S.C. 4112, unless a signed and dated collective bargaining agreement covering the unit has been entered into in which case paragraphs (c) and (d) of this section shall be applicable.

(c) When a collective bargaining agreement covering the unit described in 22 U.S.C. 4112 has been signed and dated by the Department and the

incumbent exclusive representative, a petition for exclusive recognition or other election petition will not be considered timely if filed during the period of review by the Secretary as set forth in 22 U.S.C. 4113(f), absent unusual circumstances.

(d) A petition for exclusive recognition or other election petition will be considered timely when filed as follows:

(1) Not more than one hundred and five (105) days and not less than sixty (60) days prior to the expiration date of a collective bargaining agreement having a term of three (3) years or less from the date it became effective.

(2) Not more than one hundred and five (105) days and not less than sixty (60) days prior to the expiration of the initial three (3) year period of a collective bargaining agreement having a term of more than three (3) years from the date it became effective, and any time after the expiration of the initial three (3) year period of such a collective bargaining agreement; and

(3) Any time when unusual circumstances exist which substantially affect the unit or the majority representation.

(e) When a collective bargaining agreement having a term of three (3) years or less is in effect between the Department and the incumbent exclusive representative, and a petition has been filed challenging the representation status of the incumbent exclusive representative and the petition is subsequently withdrawn or dismissed less than sixty (60) days prior to the expiration date of that collective bargaining agreement, or any time thereafter, the Department and incumbent exclusive representative shall be afforded a ninety (90) day period from the date the withdrawal is approved or the petition is dismissed free from rival claim within which to consummate a collective bargaining agreement: *Provided, however,* That the provisions of this paragraph shall not be applicable when any other petition is pending which has been filed pursuant to paragraph (d)(1) of this section.

(f) When an extension of a collective bargaining agreement having a term of three (3) years or less has been signed more than sixty (60) days before its expiration date, such extension shall not serve as a basis for the denial of a petition submitted in accordance with the time limitations provided herein.

(g) Collective bargaining agreements which go into effect automatically pursuant to 22 U.S.C. 4113(f) and which do not contain the date on which the agreement became effective shall not constitute a bar to an election petition.

(h) A petitioner who withdraws a petition after the issuance of a notice of hearing or after the approval of an agreement for an election, shall be barred from filing another petition for the unit described in 22 U.S.C. 4112 for six (6) months, unless a withdrawal request has been received by the Regional Director not later than three (3) days before the date of the hearing.

(i) The time limits set forth in this section shall not apply to a petition for clarification of unit or for amendment of recognition or certification, or to a petition for dues allotment.

§ 1422.4 Investigation of petition and posting of notice of petition; action by Regional Director.

(a) Upon the request of the Regional Director, after the filing of a petition, the Department shall post copies of a notice to all employees in places where notices are normally posted affecting the employees in the unit described in 22 U.S.C. 4112.

(b) Such notice shall set forth:

(1) The name of the petitioner;

(2) The description of the unit;

(3) If appropriate, the proposed clarification of unit or the proposed amendment of recognition or certification; and

(4) A statement that all interested parties are to advise the Regional Director in writing of their interest and position within twenty (20) days after the date of posting of such notice: *Provided, however,* That the notice in a petition for determination of eligibility for dues allotment shall contain the information required in subparagraphs (1), (2), and (4) of this paragraph.

(c) The notice shall remain posted for a period of twenty (20) days. The notice shall be posted conspicuously and shall not be covered by other material, altered or defaced.

(d) The Department shall furnish the Regional Director and all known interested parties with the following:

(1) Names, addresses and telephone numbers of all labor organizations known to represent any of the employees in the unit described in 22 U.S.C. 4112;

(2) A copy of all relevant correspondence;

(3) A copy of existing or recently expired agreement(s) covering any of the employees described in the petition;

(4) A current alphabetized list of employees in included in the unit, together with their job classifications; and

(5) A current alphabetized list of employees described in the petition as excluded from the unit, together with their job classifications.

(e) The parties are expected to meet as soon as possible after the expiration of the twenty (20) day posting period of the notice of petition as provided in paragraph (a) of this section and use their best efforts to secure agreement on the unit.

(f) The Regional Director shall make such investigation as the Regional Director deems necessary and thereafter shall take action which may consist of the following, as appropriate:

(1) Approve an agreement for consent election in the unit as provided under § 1422.7;

(2) Approve a withdrawal request;

(3) Dismiss the petition; or

(4) Issue a notice of hearing.

(g) In processing a petition for clarification of unit or for amendment of recognition or certification, or dues allotment, where appropriate, the Regional Director shall prepare and serve a report and findings upon all parties to the proceedings and shall state therein, among other pertinent matters, the Regional Director's conclusions and the action contemplated. A party may file with the Board a request for review of such action of the Regional Director in accordance with the procedures set forth in § 1422.6(d). If no request for review is filed, or if one is filed and denied, the Regional Director shall take such action as may be appropriate, which may include issuing a clarification of unit or an amendment of recognizition or certification, or determination of eligibility for dues allotment.

(h) A determination by the Regional Director to issue a notice of hearing shall not be subject to review by the Board.

§ 1422.5 Intervention.

(a) No labor organization will be permitted to intervene in any proceeding involving a petition filed pursuant to § 1422.2 (a) or (b) unless it has submitted to the Regional Director a showing of interest of ten percent (10%) or more of the employees in the unit described in 22 U.S.C. 4112 together with an alphabetical list of names constituting such showing, or has submitted a current or recently expired agreement with the Department covering any of the employees involved, or has submitted evidence that it is the currently recognized or certified exclusive representative of any of the employees involved: *Provided, however,* That an incumbent exclusive representative shall be deemed to be an intervenor in the proceeding unless it serves on the Regional Director a written disclaimer of

any representation interest for the employees involved: *Provided, further,* That any such incumbent exclusive representative that declines to sign an agreement for consent election because of a disagreement on the matters contained in § 1422.7(c) as decided by the Regional Director, or fails to appear at a hearing held pursuant to § 1422.9, shall be denied its status as an intervenor.

(b) No labor organization may participate to any extent in any representation proceeding unless it has notified the Regional Director in writing, accompanied by its showing of interest as specified in paragraph (a) of this section, of its desire to intervene within twenty (20) days after the initial date of posting of the notice of petition as provided in § 1422.4(a), unless good cause is shown for extending the period. A copy of the request for intervention filed with the Regional Director, excluding the showing of interest, shall be served on all known interested parties, and a written statement of such service should be filed with the Regional Director: *Provided, however,* That an incumbent exclusive representative shall be deemed to be an intervenor in the proceeding in accordance with paragraph (a) of this section.

(c) Any labor organization seeking to intervene in a proceeding involving a petition for determination of eligibility for dues allotment filed pursuant to § 1422.2(d) may intervene solely on the basis it claims to be the exclusive representative of some or all the employees specified in the petition and shall submit to the Regional Director a current or recently expired agreement with the Department covering any of the employees involved, or evidence that it is the currently recognized or certified exclusive representative of any of the employees involved.

(d) Any labor organization seeking to intervene must submit to the Regional Director a statement that it has submitted to the Department and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives.

(e) The Regional Director may grant intervention to a labor organization in a proceeding involving a petition for clarification of unit or a petition for amendment of recognition or certification filed pursuant to § 1422.2(c), or a petition for determination of eligibility for dues allotment filed pursuant to § 1422.2(d), based on a showing that the proposed clarification, amendment or dues allotment affects that labor organization's existing exclusively recognized unit(s) in that it would cover one or more employees who are included in such unit(s).

§ 1422.6 Withdrawal, dismissal or deferral of petitions; consolidation of cases; denial of intervention; review of action by Regional Director.

(a) If the Regional Director determines, after such investigation as the Regional Director deems necessary, that the petition has not been timely filed, the unit is not as described in 22 U.S.C. 4114, the petitioner has not made a sufficient showing of interest, the petition is not otherwise actionable, or an intervention is not appropriate, the Regional Director may request the petitioner or intervenor to withdraw the petition or the request for intervention. In the absence of such withdrawal within a reasonable period of time, the Regional Director may dismiss the petition or deny the request for intervention.

(b) If the Regional Director determines, after investigation, that a valid issue has been raised by a challenge under § 1422.2 (f) or (g), the Regional Director may take action which may consist of the following, as appropriate:

(1) Request the petitioner or intervenor to withdraw the petition or the request for intervention;

(2) Dismiss the petition and/or deny the request for intervention if a withdrawal request is not submitted within a reasonable period of time;

(3) Defer action on the petition or request for intervention until such time as issues raised by the challenges have been resolved pursuant to this part; or

(4) Consolidate such issues with the representation matter for resolution of all issues.

(c) If the Regional Director dismisses the petition and/or denies the request for intervention, the Regional Director shall serve on the petitioner or the party requesting intervention a written statement of the grounds for the dismissal or the denial, and serve a copy of such statement on the Department, and on the petitioner and any intervenors, as appropriate.

(d) The petitioner or party requesting intervention may obtain a review of such dismissal and/or denial by filing a request for review with the Board within twenty-five (25) days after service of the notice of such action. Copies of the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the request for review. Requests for extensions of time shall be in writing and received by the Board not later than five (5) days before the date the request for review is due. The request for review shall contain a complete statement setting forth facts and reasons upon which the request is based. Any party may file an opposition to a request for review with the Board within ten (10) days after service of the request for review. Copies of the opposition to the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the opposition to the request for review. The Board may issue a decision or ruling affirming or reversing the Regional Director in whole or in part or making any other disposition of the matter as it deems appropriate.

§ 1422.7 Agreement for consent election.

(a) All parties desiring to participate in an election being conducted pursuant to this section or § 1422.16, including intervenors who have met the requirements of § 1422.5, must sign an agreement providing for such an election on a form prescribed by the Board. An original and one (1) copy of the agreement shall be filed with the Regional Director.

(b) The Department, a petitioner, and any intervenors who have complied with the requirements set forth in § 1422.5 may agree that a secret ballot election shall be conducted among the employees in the unit to determine whether the employees desire to be represented for purposes of exclusive recognition by any or none of the labor organizations involved.

(c) The parties shall agree on the eligibility period for participation in the election, the date(s), hour(s), and place(s) of the election, the designations on the ballot and other related election procedures.

(d) In the event that the parties cannot agree on the matters contained in paragraph (c) of this section, the Regional Director, acting on behalf of the Board, shall decide these matters without prejudice to the right of a party to file objections to the procedural conduct of the election under § 1422.20(b).

(e) If the Regional Director approves the agreement, the election shall be conducted by the Department, as appropriate, under the supervision of the Regional Director, in accordance with § 1422.17.

(f) Any qualified intervenor who refuses to sign an agreement for an election may express its objections to the agreement in writing to the Regional Director. The Regional Director, after careful consideration of such objections, may approve the agreement or take such other action as the Regional Director deems appropriate.

§ 1422.8 Notice of hearing; contents; attachments; procedures.

(a) The Regional Director may cause a notice of hearing to be issued involving any matters related to the petition.

(b) The notice of hearing shall be served on all interested parties and shall include:

(1) The name of the Department, petitioner, and intervenors, if any;

(2) A statement of the time and place of the hearing, which shall be not less than twenty (20) days after service of the notice of hearing, except in extraordinary circumstances;

(3) A statement of the nature of the hearing; and

(4) A statement of the authority and jurisdiction under which the hearing is to be held.

(c) A copy of the petition shall be attached to the notice of hearing.

(d) Hearings on matters related to the petition pursuant to paragraph (a) of this section shall be conducted by a Hearing Officer in accordance with §§ 1422.9 through 1422.15.

§ 1422.9 Conduct of hearing.

(a) Hearings shall be conducted by a Hearing Officer and shall be open to the public unless otherwise ordered by the Hearing Officer. At any time another Hearing Officer may be substituted for the Hearing Officer previously presiding. It shall be the duty of the Hearing Officer to inquire fully into all matters in issue and the Hearing Officer shall obtain a full and complete record upon which the Board can make an appropriate decision. An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript may be examined in the appropriate regional office during normal working hours. Requests by parties for copies of transcripts should be made to the official hearing reporter.

(b) Hearings under this section are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record. The rules of relevancy and materiality are paramount; there are no burdens of proof and the technical rules of evidence do not apply.

§ 1422.10 Motions.

(a) *General.* (1) A motion shall state briefly the order or relief sought and the grounds for the motion: *Provided, however,* That a motion to intervene will not be entertained by the Hearing Officer. Intervention will be permitted only to those who have met the requirements of § 1422.5.

(2) A motion prior to, and after a hearing and any response thereto, shall be made in writing. A response shall be filed within five (5) days after service of the motion. An original and two (2) copies of such motion and any response thereto shall be filed and copies shall be served on the parties and the Regional Director. A statement of such service shall be filed with the original.

(3) During a hearing a motion may be made and responded to orally on the record.

(4) The right to make motions, or to make objections to rulings on motions, shall not be deemed waived by participation in the proceeding.

(5) All motions, rulings, and orders shall become part of the record.

(b) *Filing of motions.* (1) Motions and responses thereto prior to a hearing shall be filed with the Regional Director. During the hearing motions shall be made to the Hearing Officer.

(2) After the transfer of the case to the case to the Board, except as otherwise provided, motions and responses thereto shall be filed with the Board: *Provided,* That following the close of a hearing, motions to correct the transcript should be filed with the Hearing Officer within ten (10) days after the transcript is received in the regional office.

(c) *Rulings on motions.* (1) Regional Directors may rule on all motions filed with them, or they may refer them to the Hearing Officer. A ruling by a Regional Director granting a motion to dismiss a petition may be reviewed by the Board upon the filing by the petitioner of a request for review pursuant to § 1422.6(d).

(2) Hearing Officers shall rule, either orally on the record or in writing, on all motions made at the hearing or referred to them, except that a motion to dismiss a petition shall be referred for appropriate action at such time as the record is considered by the Regional Director or the Board. Rulings by a Hearing Officer reduced to writing shall be served on the parties.

(3) The Board shall consider the rulings by the Regional Director and the Hearing Officer when the case is transferred to it for decision.

§ 1422.11 Rights of the parties.

(a) A party shall have the right to appear at any hearing in person, by counsel, or by other representative, and to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence. Two (2) copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) A party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Such oral argument shall not preclude a party from filing a brief under § 1422.14.

§ 1422.12 Duties and powers of the Hearing Officer.

It shall be the duty of Hearing Officers to inquire fully into the facts as they relate to the matters before them. With respect to cases assigned to them between the time they are designated and the transfer of the case to the Board, Hearing Officers shall have the authority to:

(a) Grant requests for subpenas pursuant to § 1429.7 of this subchapter;

(b) Rule upon offers of proof and receive relevant evidence and stipulations of fact;

(c) Take or cause depositions or interrogatories to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant or unduly repetitious;

(e) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct;

(f) Strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(g) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon the Hearing Officer's own motion;

(h) Dispose of procedural requests, motions, or similar matters, which shall be made part of the record of the proceedings, including motions referred to the Hearing Officer by the Regional Director and motions to amend petitions;

(i) Call and examine and cross-examine witnesses and introduce into the record documentary or other evidence;

(j) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(k) Continue the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(l) Rule on motions to correct the transcript which are received within ten (10) days after the transcript is received in the regional office; and

(m) Take any other action necessary under this section and not prohibited by the regulations in this subchapter.

§ 1422.13 Objections to conduct of hearing.

Any objection to the introduction of evidence may be stated orally or in writing and shall be accompanied by a short statement of the grounds of such objection, and be included in the record. No such objection shall be deemed waived by further participation in the hearing. Automatic exceptions will be allowed to all adverse rulings.

§ 1422.14 Filing of briefs.

A party desiring to file a brief with the Board shall file the original and three (3) copies within thirty (30) days from the close of the hearing. Copies thereof shall be served on all other parties to the proceeding. Requests for additional time in which to file a brief under authority of this section shall be made to the Regional Director, in writing, and copies thereof shall be served on the other parties and a statement of such service shall be filed with the Regional Director. Requests for extension of time shall be in writing and received not later than five (5) days before the date such briefs are due. No reply brief may be filed in any proceeding except by special permission of the Board.

§ 1422.15 Transfer of case to the Board; contents of record.

Upon the close of the hearing the case is transferred automatically to the Board. The record of the proceeding shall include the petition, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing with any corrections thereto, stipulations, objections, depositions, interrogatories, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

§ 1422.16 Decision.

The Board will issue a decision directing an election or dismissing the petition, or making other disposition of the matters before it.

§ 1422.17 Election procedure; request for authorized representation election observers.

This section governs all elections conducted under the supervision of the Regional Director pursuant to § 1422.7 or § 1422.16. The Regional Director may conduct elections in unusual circumstances in accordance with terms and conditions set forth in the notice of election.

(a) Appropriate notices of election shall be posted by the Department. Such notices shall set forth the details and procedures for the election, the unit described in 22 U.S.C. 4112, the eligibility period, the date(s), hour(s) and place(s) of the election and shall contain a sample ballot.

(b) The reproduction of any document purporting to be a copy of the official ballot, other than one completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Board endorses a particular choice, may constitute grounds for setting aside an election upon objections properly filed.

(c) All elections shall be by secret ballot. An exclusive representative shall be chosen by a majority of the valid ballots cast.

(d) Whenever two or more labor organizations are included as choices in an election, any intervening labor organization may request the Regional Director to remove its name from the ballot. The request must be in writing and received not later than seven (7) days before the date of the election. Such request shall be subject to the approval of the Regional Director whose decision shall be final.

(e) In a proceeding involving an election to determine if a labor organization should cease to be the exclusive representative filed by the Department or any employee or employees or an individual acting on behalf of any employee(s) under § 1422.2(b), an organization currently recognized or certified may not have its name removed from the ballot without having served the written request submitted pursuant to paragraph (d) of this section on all parties. Such request shall contain an express disclaimer of any representation interest among the employees in the unit.

(f) Any party may be represented at the polling place(s) by observers of its own selection, subject to such limitations as the Regional Director may prescribe.

(g) A party's request to the Regional Director for named observers shall be in writing and filed with the Regional Director not less than fifteen (15) days prior to an election to be supervised or conducted pursuant to this part. The request shall name and identify the authorized representation election observers sought, and state the reasons therefor. Copies thereof shall be served on the other parties and a written statement of such service shall be filed with the Regional Director. Within five (5) days after service of a copy of the request, a party may file objections to the request with the Regional Director and state the reasons therefor. Copies thereof shall be served on the other parties and a written statement of such service shall be filed with the Regional Director. The Regional Director shall rule upon the request not later than five (5) days prior to the date of the election. However, for good cause shown by a party, or on the Regional Director's own motion, the Regional Director may vary the time limits prescribed in this paragraph.

§ 1422.18 Challenged ballots.

Any party or the representative of the Board may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded.

§ 1422.19 Tally of ballots.

Upon the conclusion of the election, the Regional Director shall cause to be furnished to the parties a tally of ballots.

§ 1422.20 Certification; objections to election; determination on objections and challenged ballots.

(a) The Regional Director shall issue to the parties a certification of results of the election or a certification of representative, where appropriate: *Provided, however,* That no objections are filed within the time limit set forth below; the challenged ballots are insufficient in number to affect the results of the election; and no rerun election is to be held.

(b) Within twenty (20) days after the tally of ballots has been furnished, a party may file objections to the procedural conduct of the election, or to conduct which may have improperly affected the results of the election, setting forth a clear and concise statement of the reasons therefor. The objecting party shall bear the burden of proof at all stages of the proceeding regarding all matters raised in its objections. An original and two (2) copies of the objections shall be filed with the Regional Director and copies shall be served on the parties. A statement of such service shall be filed with the Regional Director. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Within ten (10) days after the filing of the objections, unless an extension of time has been granted by the Regional Director, the objecting party shall file with the Regional Director evidence, including signed statements, documents and other material supporting the objections.

(c) If objections are filed or challenged ballots are sufficient in number to affect the results of the election, the Regional Director shall investigate the objections or challenged ballots, or both.

(d) When the Regional Director determines that no relevant question of

fact exists, the Regional Director (1) shall find whether improper conduct occurred of such a nature as to warrant the setting aside of the election and, if so, indicate an intention to set aside the election, or (2) shall rule on determinative challenged ballots, if any, or both. The Regional Director shall issue a report and findings on objections and/or challenged ballots which shall be served upon all parties to the proceeding. Such report and findings shall state therein any additional pertient matters such as an intent to rerun the election or count ballots at a specified date, time, and place, and if appropriate, that the Regional Director will cause to be issued a revised tally of ballots.

(e) When the Regional Director determines that no relevant question of fact exists, but that a substantial question of interpretation or policy exists, the Regional Director shall notify the parties in the report and findings and transfer the case to the Board in accordance with this subchapter.

(f) Any party aggrieved by the findings of a Regional Director with respect to objections to an election or challenged ballots may obtain a review of such action by the Board by following the procedure set forth in § 1422.6(d) of this subchapter: *Provided, however,* That a determination by the Regional Director to issue a notice of hearing shall not be subject to review by the Board.

(g) Where it appears to the Regional Director that the objections or challenged ballots raise any relevant question of fact which may have affected the results of the election, the Regional Director shall cause to be issued a notice of hearing. Hearings shall be conducted and decisions issued by Administrative Law Judges and exceptions and related submissions filed with the Board in accordance with §§ 1423.14 through 1423.28 of this subchapter excluding § 1423.18 and § 1423.19(j), with the following exceptions:

(1) The Administrative Law Judge may not recommend remedial action to be taken or notices to be posted, as provided under § 1423.26(a); and

(2) Reference to "charge, complaint" in § 1423.26(b) shall be read as "report and findings of the Regional Director."

(h) At a hearing conducted pursuant to paragraph (g) of this section the party filing the objections shall have the burden of proving all matters alleged in its objections by a preponderance of the evidence. With respect to challenged ballots, no burden of proof is imposed on any party.

(i) The Board shall take action which may consist of the following, as appropriate:

(1) Issue a decision adopting, modifying, or rejecting the Administrative Law Judge's decision;

(2) Issue a decision in any case involving a substantial question of interpretation or policy transferred pursuant to paragraph (e) of this section; or

(3) Issue a ruling with respect to a request for review filed pursuant to paragraph (f) of this section affirming or reversing, in whole or in part, the Regional Director's findings, or make such other disposition as may be appropriate.

§ 1422.21 Preferential voting

In any election in which more than two choices are on the ballot and no choice receives a majority of first preferences the Board shall distribute to the two choices having the most first preferences the preferences as between those two of the other valid ballots cast. The choice receiving a majority of preferences shall be declared the winner. A labor organization which is declared the winner of the election shall be certified by the Board as the exclusive representative.

§ 1422.22 Inconclusive elections.

(a) An inconclusive election is one in which none of the choices on the ballot is declared the winner. If there are no challenged ballots that would affect the results of the election, the Regional Director may declare the election a nullity and may order another election providing for a selection from among the choices afforded in the previous ballot.

(b) Only one further election pursuant to this section may be held.

PART 1423—UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.

1423.1 Applicability of this part.
1423.2 Informal proceedings.
1423.3 Who may file charges.
1423.4 Contents of the charge; supporting evidence and documents.
1423.5 Selection of the unfair labor practice procedure or the negotiability procedure.
1423.6 Filing and service of copies.
1423.7 Investigation of charges.
1423.8 Amendment of charges.
1423.9 Action by the Regional Director.
1423.10 Determination not to issue complaint; review of action by the Regional Director.
1423.11 Settlement or adjustment of issues.
1423.12 Issuance and contents of the complaint.
1423.13 Answer to the complaint; extension of time for filing; amendment.
1423.14 Conduct of hearing.
1423.15 Intervention.
1423.16 Rights of parties.
1423.17 Rules of evidence.
1423.18 Burden of proof before the Administrative Law Judge.
1423.19 Duties and powers of the Administrative Law Judge.
1423.20 Unavailability of Administrative Law Judges.
1423.21 Objection to conduct of hearing.
1423.22 Motions.
1423.23 Waiver of objections.
1423.24 Oral argument at the hearing.
1423.25 Filing of brief.
1423.26 Transmittal of the Administrative Law Judge's decision to the Board; exceptions.
1423.27 Contents of exceptions to the Administrative Law Judge's decision.
1423.28 Briefs in support of exceptions; oppositions to exceptions; cross-exceptions.
1423.29 Action by the Board.
1423.30 Compliance with decisions and orders of the Board.
1423.31 Backpay proceedings.

Authority: 22 U.S.C. 4107.

§ 1423.1 Applicability of this part.

This part is applicable to any charge of alleged unfair labor practices filed with the Board on or after February 15, 1981.

§ 1423.2 Informal proceedings.

(a) The purposes and policies of the Foreign Service Labor-Management Relations Statute can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges with the Board.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the six (6) month period of limitation set forth in 22 U.S.C. 4116(d), it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the issuance of a complaint by the Regional Director.

§ 1423.3 Who may file charges.

The Department or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 22 U.S.C. 4115.

§ 1423.4 Contents of the charge; supporting evidence and documents.

(a) A charge alleging a violation of 22 U.S.C. 4115 shall be submitted on forms

prescribed by the Board and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the Department or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 41 of title 22 of the United States Code alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Foreign Service Impasse Disputes Panel or the Foreign Service Grievance Board for consideration or action; or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 1424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the Regional Director any supporting evidence and documents.

§ 1423.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to Part 1424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the appropriate Regional Director and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an agency's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under Part 1424 of this subchapter.

§ 1423.6 Filing and service of copies.

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the Regional Director for the region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more regions may be filed with the Regional Director for any such region.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the Regional Director. The Regional Director will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

§ 1423.7 Investigation of charges.

(a) The Regional Director, on behalf of the General Counsel, shall conduct such investigation of the charge as the Regional Director deems necessary.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the Regional Director.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the Regional Director.

(d) The purposes and policies of the Foreign Service Labor-Management Relations Statute can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§ 1423.8 Amendment of charges.

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in § 1423.6.

§ 1423.9 Action by the Regional Director.

(a) The Regional Director shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to issue a complaint;

(3) Approve a written settlement agreement in accordance with the provisions of § 1423.11;

(4) Issue a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after issuance of a complaint, a stipulation of facts in accordance with the provisions of § 1429.1(a) this subchapter; or

(6) Withdraw a complaint.

(b) Parties may request the General Counsel to seek appropriate temporary relief (including a restraining order) under 22 U.S.C. 4109(d). The General Counsel will initiate and prosecute injunctive proceedings under 22 U.S.C. 4109(d) only upon approval of the Board. A determination by the General Counsel not to seek approval of the Board for such temporary relief is final and may not be appealed to the Board.

(c) Upon a determination to issue a complaint, whenever it is deemed advisable by the Board to seek appropriate temporary relief (including a restraining order) under 22 U.S.C. 4109(d), the Regional Attorney or other designated agent of the Board to whom the matter has been referred will make application for appropriate temporary relief (including a restraining order) in the United States District Court for the District of Columbia. Such temporary relief will not be sought unless the record establishes probable cause that an unfair labor practice is being committed, or if such temporary relief will interfere with the ability of the Department to carry out its essential functions.

(d) Whenever temporary relief has been obtained pursuant to 22 U.S.C. 4109(d) and thereafter the Administrative Law Judge hearing the complaint, upon which the determination to seek such temporary relief was predicated, recommends dismissal of such complaint, in whole or in part, the Regional Attorney or other designated agent of the Board handling the case for the Board shall inform the United States District Court for the

District of Columbia of the possible change in circumstances arising out of the decision of the Administrative Law Judge.

§ 1423.10 Determination not to issue complaint; review of action by the Regional Director.

(a) If the Regional Director determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the Regional Director may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to issue a complaint.

(b) If the Regional Director determines not to issue a complaint on a charge which is not withdrawn, the Regional Director shall provide the parties with a written statement of the reasons for not issuing a complaint.

(c) The charging party may obtain a review of the Regional Director's decision not to issue a complaint by filing an appeal with the General Counsel within twenty-five (25) days after service of the Regional Director's decision. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based. A copy of the appeal shall also be filed with the Regional Director. In addition, the charging party shall notify all other parties of the fact that an appeal has been taken, but any failure to give such notice shall not affect the validity of the appeal.

(d) A request for extension of time to file an appeal shall be in writing and received by the General Counsel not later than five (5) days before the date the appeal is due. The charging party should notify the Regional Director and all other parties that it has requested an extension of time in which to file an appeal, but any failure to give such notice shall not affect the validity of its request for an extension of time to file an appeal.

(e) The General Counsel may sustain the Regional Director's refusal to issue or re-issue a complaint, stating the grounds of affirmance, or may direct the Regional Director to take further action. The General Counsel's decision shall be served on all the parties. The decision of the General Counsel shall be final.

§ 1423.11 Settlement or adjustment of issues.

(a) *General settlement policy.* At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Regional Director with whom the charge was filed, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

(b)(1) *Precomplaint informal settlements.* Prior to the issuance of any complaint or the taking of other formal action, the Regional Director will afford the charging party and the respondent a reasonable period of time in which to enter into an informal settlement agreement to be approved by the Regional Director. Upon approval by the Regional Director and compliance with the terms of the informal settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the informal settlement agreement, the Regional Director may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to an informal settlement agreement offered by the respondent, if the Regional Director concludes that the offered settlement will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the agreement shall be between the respondent and the Regional Director and the latter shall decline to issue a complaint. The charging party may obtain a review of the Regional Director's action by filing an appeal with the General Counsel in accordance with section 1423.10(c). The General Counsel shall take action on such appeal as set forth in section 1423.10(e).

(c) *Post complaint settlement policy.* Consistent with the policy reflected in paragraph (a) of this section, even after the issuance of a complaint, the Board favors the settlement of issues. Such settlements may be either informal or formal. Informal settlement agreements shall be accomplished as provided in paragraph (b) of this section. Formal settlement agreements are subject to the approval of the Board. In such formal agreements, the parties shall agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily the formal settlement agreement also contains the respondent's consent to the Board application for the entry of a decree by the United States Court of Appeals for the District of Columbia enforcing the Board's order.

(d)(1) *Post complaint—prehearing formal settlements.* If, after issuance of a complaint but before opening of the hearing, the charging party and the respondent enter into a formal settlement agreement, and such agreement is accepted by the Regional Director, the formal settlement agreement shall be submitted to the Board for approval.

(2) If, after issuance of a complaint but before opening of the hearing, the charging party fails or refuses to become a party to a formal settlement agreement offered by the respondent, and the Regional Director concludes that the offered settlement will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the agreement shall be between the respondent and the Regional Director. The charging party will be so informed and provided a brief written statement by the Regional Director of the reasons therefor. The formal settlement agreement together with the charging party's objections, if any, and the Regional Director's written statements, shall be submitted to the Board for approval. The Board may approve or disapprove any formal settlement agreement or return the case to the Regional Director for other appropriate action.

(3) *Post complaint—prehearing informal settlements.* After issuance of a complaint but before opening of the hearing, if the Regional Director concludes that it will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the Regional Director may withdraw the complaint and approve an informal settlement agreement pursuant to paragraph (b) of this section.

(e)(1) *Informal settlements after the opening of the hearing.* After the issuance of a complaint and after opening of the hearing, if the Regional Director concludes that it will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the Regional Director may request the Administrative Law Judge for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve an informal settlement pursuant to paragraph (b) of this section.

(2) *Formal settlements after the opening of the hearing.* If, after issuance of a complaint and after opening of the hearing, the parties enter into a formal settlement agreement, the Regional Director may request the Administrative Law Judge to approve such formal settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a formal settlement agreement offered by the respondent, and the Regional Director concludes that the offered settlement will effectuate the policies of the Foreign Service Labor-Management Relations

Statute, the agreement shall be between the respondent and the Regional Director. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the formal settlement, the Regional Director may request the Administrative Law Judge to approve such formal settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any formal settlement agreement or return the case to the Administrative Law Judge for other appropriate action.

§ 1423.12 Issuance and contents of the complaint.

(a) After a charge is filed, if it appears to the Regional Director that formal proceedings in respect thereto should be instituted, the Regional Director shall issue and cause to be served on all other parties a formal complaint: *Provided, however,* That a determination by a Regional Director to issue a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Notice that a hearing will be held before an Administrative Law Judge;

(3) Notice of the time and place fixed for the hearing which shall not be earlier than five (5) days after service of the complaint;

(4) A statement of the nature of the hearing;

(5) A clear and concise statement of the facts upon which assertion of jurisdiction by the Board is predicated;

(6) A reference to the particular sections of chapter 41 of title 22 of the United States Code and the rules and regulations involved; and

(7) A clear and concise description of the acts which are claimed to constitute unfair labor practices, including, where known, the approximate dates and places of such acts and the names of respondent's agents or other representatives by whom committed.

(c) The Chief Administrative Law Judge may, upon such judge's own motion or upon proper cause shown by any other party, extend the date of the hearing or may change the place at which it is to be held.

(d) A complaint may be amended, upon such terms as may be deemed just, prior to the hearing, by the Regional Director issuing the complaint; at the hearing and until the case has been transmitted to the Board pursuant to § 1423.26, upon motion by the Administrative Law Judge designated to conduct the hearing; and after the case has been transmitted to the Board pursuant to § 1423.26, upon motion by the Board at any time prior to the issuance of an order based thereon by the Board.

(e) Any such complaint may be withdrawn before the hearing by the Regional Director.

§ 1423.13 Answer to the complaint; extension of time for filing; amendment.

(a) Except in extraordinary circumstances as determined by the Regional Director, within twenty (20) days after the complaint is served upon the respondent, the respondent shall file the original and four (4) copies of the answer thereto, signed by the respondent or its representative, with the Regional Director who issued the complaint. The respondent shall serve a copy of the answer on the Chief Administrative Law Judge and on all other parties.

(b) The answer: (1) Shall specifically admit, deny, or explain each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) Shall state that the respondent admits all of the allegations in the complaint. Failure to file an answer or to plead specifically to or explain any allegation shall constitute an admission of such allegation and shall be so found by the Board, unless good cause to the contrary is shown.

(c) Upon the Regional Director's own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

(d) The answer may be amended by the respondent at any time prior to the hearing. During the hearing or subsequent thereto, the answer may be amended in any case where the complaint has been amended, within such period as may be fixed by the Administrative Law Judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the Administrative Law Judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the Administrative Law Judge or the Board.

§ 1423.14 Conduct of hearing.

(a) Hearings shall be conducted not earlier than five (5) days after the date on which the complaint is served. The hearing shall be open to the public unless otherwise ordered by the Administrative Law Judge. A substitute Administrative Law Judge may be designated at any time to take the place of the Administrative Law Judge previously designated to conduct the hearing. Such hearing shall, to the extent practicable, be conducted in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code, except that the parties shall not be bound by the rules of evidence, whether statutory, common law, or adopted by a court.

(b) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript may be examined in the appropriate regional office during normal working hours. Requests by parties for copies of transcripts should be made to the official hearing reporter.

§ 1423.15 Intervention.

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in § 1423.22. The motion shall state the grounds upon which such person claims involvement.

§ 1423.16 Rights of parties.

A party shall have the right to appear at any hearing in person, by counsel, or by other representative, and to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, and to submit rebuttal evidence, except that the participation of any party shall be limited to the extent prescribed by the Administrative Law Judge. Two (2) copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

§ 1423.17 Rules of evidence.

The parties shall not be bound by the rules of evidence, whether statutory, common law, or adopted by court. Any evidence may be received, except that an Administrative Law Judge may exclude any evidence which is immaterial, irrelevant, unduly repetitious or customarily privileged.

§ 1423.18 Burden of proof before the Administrative Law Judge.

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§ 1423.19 Duties and powers of the Administrative Law Judge.

It shall be the duty of the Administrative Law Judge to inquire fully into the facts as they relate to the matter before such judge. Subject to the rules and regulations of the Board and the General Counsel, an Administrative Law Judge presiding at a hearing may:

(a) Grant requests for subpenas pursuant to § 1429.7 of this subchapter;

(b) Rule upon petitions to revoke subpenas pursuant to § 1429.7 of this subchapter;

(c) Administer oaths and affirmations;

(d) Take or order the taking of a deposition whenever the ends of justice would be served thereby;

(e) Order responses to written interrogatories whenever the ends of justice would be served thereby unless it would interfere with the Board's and the General Counsel's policy of protecting the personal privacy and confidentiality of sources of information as set forth in § 1423.7(d);

(f) Call, examine and cross-examine witnesses and introduce into the record documentary or other evidence;

(g) Rule upon offers of proof and receive relevant evidence and stipulations of fact with respect to any issue;

(h) Limit lines of questioning or testimony which are immaterial, irrelevant, unduly repetitious, or customarily privileged;

(i) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in contemptuous conduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(j) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon the judge's own motion;

(k) Dispose of procedural requests, motions, or similar matters, including motions referred to the Administrative Law Judge by the Regional Director and motions for summary judgment or to amend pleadings; dismiss complaints or portions thereof; order hearings reopened; and, upon motion, order proceedings consolidated or severed prior to issuance of the Administrative Law Judge's decision;

(l) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(m) Continue the hearing from day-to-day or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(n) Prepare, serve and transmit the decision pursuant to § 1423.26;

(o) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice: *Provided, however,* That the parties shall be given adequate notice, at the hearing or by reference in the Administrative Law Judge's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary;

(p) Approve requests for withdrawal of complaints based on informal settlements occurring after the opening of the hearing pursuant to § 1423.11(e)(1), and transmit formal settlement agreements to the Board for approval pursuant to § 1423.11(e) (2) and (3);

(q) Grant or deny requests made at the hearing to intervene and to present testimony;

(r) Correct or approve proposed corrections of the official transcript when deemed necessary;

(s) Sequester witnesses where appropriate; and

(t) Take any other action deemed necessary under the foregoing and not prohibited by the regulations in this subchapter.

§ 1423.20 Unavailability of Administrative Law Judges.

In the event the Administrative Law Judge designated to conduct the hearing becomes unavailable, the Chief Administrative Law Judge shall designate another Administrative Law Judge for the purpose of further hearing or issuance of a decision on the record as made, or both.

§ 1423.21 Objection to conduct of hearing.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Formal exceptions to adverse rulings are unnecessary. Automatic exceptions will be allowed to all adverse rulings. Except by special permission of the Board, and in view of § 1429.11 of this subchapter, rulings by the Administrative Law Judge shall not be appealed prior to the transmittal of the case to the Board, but shall be considered by the Board only upon the filing of exceptions to the Administrative Law Judge's decision in accordance with § 1423.27. In the discretion of the Administrative Law Judge, the hearing may be continued or adjourned pending any such request for special permission to appeal.

§ 1423.22 Motions.

(a) *Filing of motions.* (1) Motions made prior to a hearing and any response thereto shall be made in writing and filed with the Regional Director: *Provided, however,* That after the issuance of a complaint by the Regional Director any motion to postpone the hearing should be filed with the Chief Administrative Law Judge at least five (5) days prior to the opening of the scheduled hearing. Motions made after the hearing opens and prior to the transmittal of the case to the Board shall be made in writing to the Administrative Law Judge or orally on the record. After the transmittal of the case to the Board, motions and any response thereto shall be filed in writing with the Board: *Provided, however,* That a motion to correct the transcript shall be filed with the Administrative Law Judge.

(2) A response to a motion shall be filed within five (5) days after service of the motion, unless otherwise directed.

(3) An original and two (2) copies of the motions and responses shall be filed, and copies shall be served on the parties. A statement of such service shall accompany the original.

(b) *Rulings on motions.* (1) Regional Directors may rule on all motions filed with them before the hearing, or they may refer them to the Chief Administrative Law Judge.

(2) Except by special permission of the Board, and in view of § 1429.11 of this subchapter, rulings by the Regional Director shall not be appealed prior to the transmittal of the case to the Board, but shall be considered by the Board when the case is transmitted to it for decision.

(3) Administrative Law Judges may rule on motions referred to them prior to the hearing and on motions filed after the beginning of the hearing and before the transmittal of the case to the Board. Such motions may be ruled upon by the Chief Administrative Law Judge in the absence of an Administrative Law Judge.

(4) Except by special permission of the Board, and in view of § 1429.11 of this subchapter, rulings by Administrative Law Judges shall not be appealed prior to the transmittal of the case to the Board, but shall be considered by the Board when the case is transmitted to it for decision. In the discretion of the Administrative Law Judge, the hearing may be continued or adjourned pending any such request for special permission to appeal.

§ 1423.23 Waiver of objections.

Any objection not made before an Administrative Law Judge shall be deemed waived.

§ 1423.24 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

§ 1423.25 Filing of brief.

Any party desiring to submit a brief to the Administrative Law Judge shall file the original and two (2) copies within a reasonable time fixed by the Administrative Law Judge, but not in excess of thirty (30) days from the close of the hearing. Copies of any brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the Administrative Law Judge. Requests for additional time to file a brief shall be made to the Chief Administrative Law Judge, in writing, and copies thereof shall be served on the other parties. A statement of such service shall be furnished. Requests for extension of time shall be received not later than five (5) days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

§ 1423.26 Transmittal of the Administrative Law Judge's decision to the Board; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the Administrative Law Judge shall prepare the decision expeditiously. The Administrative Law Judge shall prepare a decision even when the parties enter into a stipulation of fact at the hearing. The decision shall contain findings of fact, conclusions, and the reasons or basis therefor including credibility determinations, and conclusions as to the disposition of the case including, where appropriate, the remedial action to be taken and notices to be posted.

(b) The Administrative Law Judge shall cause the decision to be served promptly on all parties to the proceeding. Thereafter, the Administrative Law Judge shall transmit the case to the Board including the judge's decision and the record. The record shall include the charge, complaint, service sheet, answer, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, interrogatories, exhibits, documentary evidence and any briefs or other documents submitted by the parties.

(c) An original and three (3) copies of any exception to the Administrative Law Judge's decision and briefs in support of exceptions may be filed by any party with the Board within twenty-five (25) days after service of the decision: *Provided, however,* That the Board may for good cause shown extend the time for filing such exceptions. Requests for additional time in which to file exceptions shall be in writing, and copies thereof shall be served on the other parties. Requests for extension of time must be received no later than five (5) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served on all other parties, and a statement of such service shall be furnished to the Board.

§ 1423.27 Contents of exceptions to the Administrative Law Judge's decision.

(a) Exceptions to an Administrative Law Judge's decision shall:

(1) Set forth specifically the questions upon which exceptions are taken;

(2) Identify that part of the Administrative Law Judge's decision to which objection is made; and

(3) Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief.

(b) Any exception to a ruling, finding or conclusion which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

§ 1423.28 Briefs in support of exceptions; oppositions to exceptions; cross-exceptions.

(a) Any brief in support of exceptions shall contain only matters included within the scope of the exceptions and shall contain, in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued; and

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(b) Any party may file an opposition to exceptions and cross-exceptions and a supporting brief with the Board within ten (10) days after service of any exceptions to an Administrative Law Judge's decision. Copies of the opposition to exceptions and the cross-exceptions and any supporting briefs shall be served on all other parties, and a statement of service shall be filed with the opposition to exceptions and cross-exceptions and any supporting briefs.

§ 1423.29 Action by the Board.

(a) After considering the Administrative Law Judge's decision, the record, and any exceptions and related submissions filed, the Board shall issue its decision affirming or reversing the Administrative Law Judge, in whole, or in part, or making such other disposition of the matter as it deems appropriate: *Provided, however,* That unless exceptions are filed which are timely and in accordance with § 1423.27, the Board may, at its discretion, adopt without discussion the decision of the Administrative Law Judge, in which event the findings and conclusions of the Administrative Law Judge, as contained in such decision shall, upon appropriate notice to the parties, automatically become the decision of the Board.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the Department or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in subparagraphs (1) through (3) of this paragraph (b) or such other action as will carry out the purpose of the Foreign Service Labor-Management Relations Statute.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§ 1423.30 Compliance with decisions and orders of the Board.

When remedial action is ordered, the respondent shall report to the appropriate Regional Director within a specified period that the required remedial action has been effected. When the General Counsel finds that the required remedial action has not been effected, the General Counsel shall take such action as may be appropriate, including referral to the Board for enforcement.

§ 1423.31 Backpay proceedings.

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the Regional Director that a controversy exists between the Board and a respondent which cannot be resolved without a formal proceeding, the Regional Director may issue and serve on all parties a

backpay specification accompanied by a notice of hearing or a notice of hearing without a specification. The respondent shall, within twenty (20) days after the service of a backpay specification accompanied by a notice of hearing, file an answer thereto in accordance with § 1423.13 with the Regional Director issuing such specification. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the procedures provided in §§ 1423.14 to 1423.29, inclusive, shall be followed insofar as applicable.

PART 1424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Sec.

1424.1 Conditions governing review.
1424.2 Who may file a petition.
1424.3 Time limits for filing.
1424.4 Content of petition; service.
1424.5 Selection of the unfair labor practice procedure or the negotiability procedure.
1424.6 Position of the department; time limits for filing; service.
1424.7 Response of the exclusive representative; time limits for filing; service.
1424.8 Additional submissions to the Board.
1424.9 Hearing.
1424.10 Board decision and order; compliance.

Authority: 22 U.S.C. 4107(c).

PART 1424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

§ 1424.1 Conditions governing review.

Pursuant to the authority contained in 22 U.S.C. 4107(a)(3) and (c)(1) the Board will consider a direct appeal concerning whether a matter proposed to be bargained is within the obligation to bargain under the Foreign Service Act of 1980 as follows: If the Department is involved in collective bargaining with an exclusive representative and alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with applicable law, rule or regulation the exclusive representative may appeal the allegation to the Board when it disagrees with Department's allegation that the matter as proposed to be bargained is inconsistent with applicable law, rule or regulation.

§ 1424.2 Who may file a petition.

A petition for review of a negotiability issue may be filed by the exclusive representative which is a party to the negotiations.

§ 1424.3 Time limits for filing.

The time limit for filing an appeal under this Part is fifteen (15) days from the Department's allegation, which was requested in writing by the exclusive representative, is served on the exclusive representative. The Department shall make the allegation in writing and serve a copy on the exclusive representative: *Provided, however,* that review of a negotiability issue may be requested by the exclusive representative under this part without a prior written allegation by the Department if a written allegation has not been served upon the exclusive representative within ten (10) days after the date of receipt by any Department bargaining representative at the negotiations of a written request for such allegation.

§ 1424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the matter proposed to be bargained as submitted to the Department;

(2) A copy of all pertinent material, including the Department's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(3) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under Part 1423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the Secretary and on the principal Department bargaining representatives at the negotiations.

§ 1424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to Part 1423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the appropriate Regional Director and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve the Department's allegation that the duty bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§ 1424.6 Position of the Department; time limits for filing; service.

(a) Within thirty (30) days after the date of receipt by the Secretary of a copy of the petition for review of a negotiability issue the Department shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation.

(b) A copy of the Department's statement of position including all attachments thereto shall be served on the exclusive representative.

§ 1424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of receipt by an exclusive representative of a copy of the Department's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for disagreeing with the Department's allegation that the matter, as proposed to be bargained, is inconsistent with applicable law or rule or regulation.

(b) A copy of the response of the exclusive representative including all attachments thereto shall be served on the Secretary and on the Department's representative of record in the proceedings before the Board.

§ 1424.8 Additional submissions to the Board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under §§ 1424.2 through 1424.7 unless such

submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§ 1424.9 Hearing.

A hearing may be held, in the discretion of the Board, before a determination is made under 22 U.S.C. 4107(a)(3). If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§ 1424.10 Board decision and order; compliance.

(a) Subject to the requirements of this part the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the Department a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the Department shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be bargained, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the Department, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the Department or exclusive representative shall report to the appropriate Regional Director within a specified period failure to comply with an order that the Department shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter. If the Board finds such a failure to comply with its order, the Board shall take whatever action it deems necessary, including enforcement under 22 U.S.C. 4109(b).

PART 1425—REVIEW OF IMPLEMENTATION DISPUTE ACTIONS

Sec.

1425.1 Who may file an exception; time limits for filing; opposition; service.
1425.2 Content of exception.
1425.3 Grounds for review.
1425.4 Board decision.

Authority: 22 U.S.C. 4107(c).

§ 1425.1 Who may file an exception; time limits for filing; opposition; service.

(a) Either party to an appeal to the Foreign Service Grievance Board under the provisions of 22 U.S.C. 4114 may file an exception to the action of the Foreign Service Grievance Board taken pursuant to the appeal.

(b) The time limit for filing an exception to a Foreign Service Grievance Board action is thirty (30) days after such action is communicated to the parties.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§ 1425.2 Content of exception.

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the decision or other document representing the action taken by the Foreign Service Grievance Board, together with legible copies of other pertinent documents pertaining to the action.

§ 1425.3 Grounds for review.

The Board will review an action of the Foreign Service Grievance Board to which an exception has been filed to determine if it is deficient—

(a) Because it is contrary to any law, rule, or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§ 1425.4 Board decision.

The Board shall issue its decision taking such action and making such recommendations concerning the Foreign Service Grievance Board action as it considers necessary, consistent with applicable laws, rules, and regulations.

PART 1427—GENERAL STATEMENTS OF POLICY OR GUIDANCE

Sec.

1427.1 Scope.
1427.2 Requests for general statements of policy or guidance.
1427.3 Content of request.
1427.4 Submissions from interested parties.
1427.5 Standards governing issuance of general statements of policy or guidance.

Authority: 22 U.S.C. 4107(c).

§ 1427.1 Scope.

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 22 U.S.C. 4107(c)(2)(F).

§ 1427.2 Requests for general statements of policy or guidance.

(a) The head of the Department (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of the Foreign Service Labor-Management Relations Statute.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board, General Counsel, Panel or Assistant Secretary.

§ 1427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under § 1427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the Foreign Service Labor-Management Statute.

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, the Panel, and the Assistant Secretary, where appropriate.

§ 1427.4 Submissions from interested parties.

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§ 1427.5 Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under the Foreign Service Labor-Management Relations Statute.

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the Foreign Service and would otherwise promote the purposes of the Foreign Service Labor-Management Relations Statute.

PART 1428—ENFORCEMENT OF ASSISTANT SECRETARY STANDARDS OF CONDUCT DECISIONS AND ORDERS

Sec.
1428.1 Scope.
1428.2 Petitions for enforcement.
1428.3 Board decision.

Authority: 22 U.S.C. 4107(c).

§ 1428.1 Scope.

This part sets forth procedures under which the Board, pursuant to 22 U.S.C. 4107(a)(5) enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120.

§ 1428.2 Petitions for enforcement.

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 22 U.S.C. 4117. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such position. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§ 1428.3 Board decision.

(a) A decision and order of the Assistant Secretary shall be enforced unless it is abitrary and capricious or based upon manifest disregard of the law.

(b) The Board shall issue its decision on the case enforcing, enforcing as modified, refusing to enforce, or remanding the decision and order of the Assistant Secretary.

PART 1429—MISCELLANEOUS AND GENERAL REQUIREMENTS

Subpart A—Miscellaneous

Sec.
1429.1 Transfer of cases to the Board.
1429.2 Transfer and consolidation of cases.
1429.3 Transfer of record.
1429.4 Referral of policy questions to the Board.
1429.5 Matters not previously presented; official notice.
1429.6 Oral argument.
1429.7 Subpenas.
1429.8 Stay of action taken by Grievance Board; requests.
1429.9 Amicus curiae.
1429.10 Advisory opinions.
1429.11 Interlocutory appeals.
1429.12 Service of process and papers by the Board.
1429.13 Official time.
1429.14 Witness fees.
1429.15 Board requests for advisory opinions.
1429.16 General remedial authority.

Subpart B—General Requirements

1429.21 Computation of time for filing papers.
1429.22 Additional time after service by mail.
1429.23 Extension; waiver.
1429.24 Place and method of filing; acknowledgement.
1429.25 Number of copies.
1429.26 Other documents.
1429.27 Service; statement of service.
1429.28 Petitions for amendment of regulations.

Authority: 22 U.S.C. 4107(c).

Subpart A—Miscellaneous

§ 1429.1 Transfer of cases to the Board.

(a) In any representation case under Part 1422 of this subchapter in which the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may transfer the case to the Board; and the Board may decide the case on the basis of the papers alone after having allowed twenty-five (25) days for the filing of briefs. In any unfair labor practice case under Part 1423 of this subchapter in which, after the issuance of a complaint, the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may upon agreement of all parties transfer the case to the Board; and the Board shall decide the case on the basis of the case papers alone after having allowed twenty-five (25) days for the filing of briefs. The Board may remand any such case to the Regional Director if it determines that a material question of fact does exist. Orders of transfer and remand shall be served on all parties.

(b) In any case under Parts 1422 and 1423 of this subchapter in which it appears to the Regional Director that the proceedings raise questions which should be decided by the Board, the Regional Director may, at any time, issue an order transferring the case to the Board for decision or other appropriate action. Such an order shall be served on the parties.

§ 1429.2 Transfer and consolidation of cases.

In any matter arising pursuant to Parts 1422 and 1423 of this subchapter, whenever it appears necessary in order to effectuate the purposes of the Foreign Service Labor-Management Relations Statute or to avoid unnecessary costs or delay, Regional Directors may consolidate cases within their own region or may transfer such cases to any other region, for the purpose of investigation or consolidation with any proceedings which may have been instituted in, or transferred to, such region.

§ 1429.3 Transfer of record.

In any case under Part 1425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the Grievance Board, to the Board.

§ 1429.4 Referral of policy questions to the Board.

Notwithstanding the procedures set forth in this subchapter, the General Counsel, the Assistant Secretary, or the Panel may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested

persons, orally or in writing, as it deems necessary and appropriate.

§ 1429.5 Matters not previously presented; official notice.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Regional Director, Hearing Officer, Administrative Law Judge, or Grievance Board. The Board may, however, take official notice of such matters as would be proper.

§ 1429.6 Oral argument.

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances as they deem appropriate.

§ 1429.7 Subpenas.

(a) Any member of the Board, the General Counsel, any Administrative Law Judge appointed by the Board under 5 U.S.C. 3105, and any Regional Director, Hearing Officer, or other employee of the Board designated by the Board may issue subpenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence. However, no subpena shall be issued under this section which requires the disclosure of intramanagement guidance, advice, counsel, or training within an agency or between an agency and the Office of Personnel Management.

(b) Where the parties are in agreement that the appearance of witnesses or the production of documents is necessary, and such witnesses agree to appear, no such subpena need be sought.

(c) A request for a subpena by any person, as defined in 22 U.S.C. 4102 shall be in writing and filed with the Regional Director, in proceedings arising under Parts 1422 and 1423 of this subchapter, or filed with the Board, in proceedings arising under Parts 1424 and 1425 of this subchapter, not less than fifteen (15) days prior to the opening of a hearing, or with the appropriate presiding official(s) during the hearing.

(d) All requests shall name and identify the witnesses or documents sought, and state the reasons therefor. The Board, General Counsel, Administrative Law Judge, Regional Director, Hearing Officer, or any other employee of the Board designated by the Board, as appropriate, shall grant the request upon the determination that the testimony or documents appear to be necessary to the matters under investigation and the request describes with sufficient particularity the documents sought. Service of an approved subpena is the responsibility of the party on whose behalf the subpena was issued. The subpena shall show on its face the name and address of the party on whose behalf the subpena was issued.

(e) Any person served with a subpena who does not intend to comply, shall, within five (5) days after the date of service of the subpena upon such person, petition in writing to revoke the subpena. A copy of any petition to revoke a subpena shall be served on the party on whose behalf the subpena was issued. Such petition to revoke, if made prior to the hearing, and a written statement of service, shall be filed with the Regional Director, who may refer the petition to the Board, General Counsel, Administrative Law Judge, Hearing Officer, or any other employee of the Board designated by the Board, as appropriate, for ruling. A petition to revoke a subpena filed during the hearing, and a written statement of service, shall be filed with the appropriate presiding official(s). The Regional Director, or the appropriate presiding official(s) will, as a matter of course, cause a copy of the petition to revoke to be served on the party on whose behalf the subpena was issued, but shall not be deemed to assume responsibility for such service. The Board, General Counsel, Administrative Law Judge, Regional Director, Hearing Officer, or any other employee of the Board designated by the Board, as appropriate, shall revoke the subpena if the evidence the production of which is required does not relate to any matter under investigation or in question in the proceedings, or the subpena does not describe with sufficient particularity the evidence the production of which is required, or if for any other reason sufficient in law the subpena is invalid. The Board, General Counsel, Administrative Law Judge, Regional Director, Hearing Officer, or any other employee of the Board designated by the Board, as appropriate, shall make a simple statement of procedural or other ground for the ruling on the petition to revoke. The petition to revoke, any answer thereto, and any ruling thereon shall not become part of the official record except upon the request of the party aggrieved by the ruling.

(f) Upon the failure of any person to comply with a subpena issued, upon the request of the party on whose behalf the subpena was issued, the General Counsel shall, on behalf of such party, institute proceedings in the appropriate district court for the enforcement thereof, unless, in the judgment of the General Counsel, the enforcement of such subpena would be inconsistent with law and the policies of the Foreign Service Labor-Management Relations Statute. The General Counsel shall not be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court thereafter.

§ 1429.8 Stay of action taken by Grievance Board; requests.

(a) A request for a stay shall be entertained only in conjunction with and as a part of an exception to an action taken by the Grievance Board under Part 1425 of this subchapter. The filing of an exception shall not itself operate as a stay of the action involved in the proceedings.

(b) A timely request for a stay of an action taken by the Grievance Board to which an exception has been filed shall operate as a temporary stay of the award. Such temporary stay shall be deemed effective from the date of the action and shall remain in effect until the Board issues its decision and order on the exception, or the Board or its designee otherwise acts with respect to the request for the stay.

(c) A request for a stay of an action taken by the Grievance Board will be granted only where it appears, based upon the facts and circumstances presented, that:

(1) There is a strong likelihood of success on the merits of the appeal; and

(2) A careful balancing of all the equities, including the public interest, warrants issuance of a stay.

§ 1429.9 Amicus curiae.

Upon petition of an interested person, a copy of which petition shall be served on the parties, and as the Board deems appropriate, the Board may grant permission for the presentation of written and/or oral argument at any stage of the proceedings by an amicus curiae and the parties shall be notified of such action by the Board.

§ 1429.10 Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

§ 1429.11 Interlocutory appeals.

The Board and the General Counsel ordinarily will not consider interlocutory appeals.

§ 1429.12 Service of process and papers by the Board.

(a) *Methods of service.* Notices of hearings, reports and findings, decisions of Administrative Law Judges, complaints, written rulings on motions, decisions and orders, and all other

papers required by this subchapter to be issued by the Board, the General Counsel, Regional Directors, Hearing Officers and Administrative Law Judges, shall be served personally or by certified mail or by telegraph.

(b) *Upon whom served.* All papers required to be served under paragraph (a) of this section shall be served upon all counsel of record or other designated representative(s) of parties, and upon parties not so represented. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Proof of service.* Proof of service shall be the verified return by the individual serving the papers setting forth the manner of such service, the return post office receipt, or the return telegraph receipt. When service is by mail, the date of service shall be the day when the matter served is deposited in the United States mail. When service is to be made to an addressee outside the United States, the date of service shall be the date received, as evidenced by official receipt.

§ 1429.13 Official time.

If the participation of any employee in any phase of any proceeding before the Board, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the General Counsel, any Administrative Law Judge, Regional Director, Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status. In addition, necessary transportation and per diem expenses shall be paid by the Department.

§ 1429.14 Witness fees.

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpennaed witnesses in the courts of the United States: *Provided,* That any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to § 1429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to (the preceding section).

§ 1429.15 Board requests for advisory opinions.

Whenever the Board, pursuant to section 1007(c)(2)(f) of the Foreign Service Act of 1980 (22 U.S.C. 4107) requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifeen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§ 1429.16 General remedial authority.

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 41 of title 22 of the United States Code.

Subpart B—General Requirements

§ 1429.21 Computation of time for filing papers.

In computing any period of time prescribed by or allowed by this subchapter, except in agreement bar situations described in § 1422.3(c) of this subchapter, the day of the act, event, or default from or after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or a Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday: *Provided, however,* In agreement bar situations described in § 1422.3(c) and (d), if the sixtieth (60th) day prior to the expiration date of an agreement falls on Saturday, Sunday or a Federal legal holiday, a petition, to be timely, must be received by the close of business of the last official workday preceding the sixtieth (60th) day. When the period of time prescribed or allowed is seven (7) days or less, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations. When this subchapter requires the filing of any paper, such document must be received by the Board or the officer or agent designated to receive such matter before the close of business on the last day of the time limit, if any, for such filing or extension of time that may have been granted.

§ 1429.22 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to this subchapter within a prescribed period after service of a notice or other paper upon such party, and the notice or paper is served on such party by mail, five (5) days shall be added to the prescribed period.

§ 1429.23 Extension; waiver.

(a) Except as provided in subsection (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be filed in writing no later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in subsection (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) The time limits prescribed by 22 U.S.C. 4114(c) may not be waived.

§ 1429.24 Place and method of filing; acknowledgement.

(a) A document submitted to the Board pursuant to this subchapter shall be filed with the Board at the address set forth in the Appendix.

(b) A document submitted to the General Counsel pursuant to this subchapter shall be filed with the General Counsel at the address set forth in the Appendix.

(c) A document submitted to a Regional Director pursuant to this subchapter shall be filed with the appropriate regional office, as set forth in the Appendix.

(d) A document submitted to an Administrative Law Judge pursuant to this subchapter shall be filed with the

appropriate Administrative Law Judge, as set forth in the Appendix.

(e) All documents filed pursuant to paragraphs (a), (b), (c) and (d) of this section shall be filed by certified mail or in person, or if the filing party is outside the United States, by the most appropriate available means.

(f) All matters filed under paragraphs (a), (b), (c) and (d) of this section shall be printed, typed, or otherwise legibly duplicated: carbon copies of typewritten matter will be accepted if they are clearly legible.

(g) Documents in any proceedings under this subchapter, including correspondence, shall show the title of the proceeding and the case number, if any.

(h) The original of each document required to be filed under this subchapter shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party, and shall contain the address and telephone number of the person signing it.

(i) A return postal receipt may serve as acknowledgement of receipt by the Board, General Counsel, Administrative Law Judge, Regional Director, or Hearing Officer, as appropriate. The receiving officer will otherwise acknowledge receipt of documents filed only when the filing party so requests and includes an extra copy of the document or its transmittal letter which the receiving office will date stamp upon receipt and return. If return is to be made by mail the filing party shall include a self-addressed, stamped envelope for the purpose.

§ 1429.25 Number of copies.

Unless otherwise provided by the Board or the General Counsel, or their designated representatives, as appropriate, or under this subchapter, any document or paper filed with the Board, General Counsel, Administrative Law Judge, Regional Director, or Hearing Officer, as appropriate, under this subchapter, together with any enclosure filed therewith, shall be submitted in an original and four (4) copies. A clean copy capable of being used as an original for purposes such as further reproduction may be substituted for the original.

§ 1429.26 Other documents.

(a) The Board or the General Counsel, or their designated representatives, as appropriate, may in their discretion grant leave to file other documents as they deem appropriate.

(b) A copy of such other documents shall be served on the other parties.

§ 1429.27 Service; statement of service.

(a) Except as provided in § 1423.10 (c) and (d), any party filing a document as provided in this subchapter is responsible for serving a copy upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any interested person who has been granted permission by the Board pursuant to § 1429.9 to present written and/or oral argument as amicus curiae. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Service of any document or paper under this subchapter, by any party, including documents and papers served by one party on another, shall be made by certified mail or in person. A return post office receipt or other written receipt executed by the party or person served shall be proof of service.

(c) A signed and dated statement of service shall be submitted at the time of filing. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person. When service is to be made to an addressee outside the United States, the date of service shall be the date received, as evidenced by official receipt.

§ 1429.28 Petitions for amendment of regulations.

Any interested person may petition the Board or General Counsel in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

SUBCHAPTER D—FOREIGN SERVICE IMPASSE DISPUTES PANEL

PART 1470—GENERAL

Subpart A—Purpose

Sec.
1470.1 Purpose.

Subpart B—Definitions

1470.2 Definitions.

Authority: 22 U.S.C. 4107(c), 4110.

Subpart A—Purpose.

§ 1470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 4110 of title 22 of the United States Code. They prescribed procedures and methods which the Foreign Service Impasse Disputes Panel may utilize in the resolution of negotiation impasses.

Subpart B—Definitions

§ 1470.2 Definitions.

(a) The term "Department" as used herein shall have the meaning set forth in 22 U.S.C. 3902 and 4103, and § 1421.4 of subchapter C of these regulations.

(b) The terms "labor organization," and "conditions of employment" as used herein shall have the meanings set forth in 22 U.S.C 4102.

(c) The term "Executive Director" means the Executive Director of the Federal Service Impasses Panel as defined in 5 U.S.C. 7119(c).

(d) The terms "designated representative" or "designee" of the Panel means a Panel member, a staff member, or other individual designated by the Panel to act on its behalf pursuant to 22 U.S.C. 4110(c)(1).

(e) The term "hearing" means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 22 U.S.C. 4110.

(f) The term "impasse" means that point in the negotiation of a collective bargaining agreement at which the parties are deadlocked, notwithstanding their efforts to reach agreement by direct negotiations and other voluntary arrangements, if any.

(g) The term "Panel" means the Foreign Service Impasse Disputes Panel described in 22 U.S.C. 4110(a) or a quorum thereof.

(h) The term "party" means the Department or the labor organization participating in the negotiation of a collective bargaining agreement.

(i) The term "quorum" means three (3) or more members of the Panel.

(j) The term "voluntary arrangements" means any appropriate technique, not inconsistent with the provisions of 22 U.S.C. 4110, used by the parties to assist in the negotiation of a collective bargaining agreement.

PART 1471—PROCEDURES OF THE PANEL

Sec.
1471.1 Request for Panel consideration.
1471.2 Content of request.
1471.3 Where to file.
1471.4 Copies and service.
1471.5 Investigation of request; Panel recommendation and assistance.
1471.6 Preliminary hearing procedures.
1471.7 Conduct of hearing and prehearing conference.

Sec.
1471.8 Report and recommendations.
1471.9 Duties of each party following receipt of recommendations.
1471.10 Final action by the Panel.

Authority: 22 U.S.C. 4107(c), 4110.

§ 1471.1 Request for Panel consideration.

If direct negotiations and other voluntary arrangements for settlement, if any, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Panel to consider the matter by filing a request as hereinafter provided; or

(b) The Panel may, pursuant to 22 U.S.C. 4110(a), undertake consideration of the matter upon request of the Executive Director.

§ 1471.2 Content of request.

A request from a party or parties to the Panel for consideration of an impasse must be in writing and include the following information:

(a) Identification of the parties and individuals authorized to act on their behalf;

(b) Statement of issues at impasse and the summary of positions of the initiating party or parties with respect to those issues; and

(c) Number, length, and dates of negotiation sessions held, including the nature and extent of all other voluntary arrangements utilized.

§ 1471.3 Where to file.

Requests to the Panel provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be directed to the Executive Director, Federal Service Impasses Panel, Suite 209, 1730 K Street NW., Washington, D.C. 20006.

§ 1471.4 Copies and service.

Any party submitting a request for Panel consideration of an impasse and any party submitting a response to such requests shall file an original and one copy with the Panel, shall serve a copy promptly on the other party to the dispute, and shall file a statement of such service with the Executive Director. When the Panel acts on a request from the Executive Director, it will notify the parties to the dispute.

§ 1471.5 Investigation of request; Panel recommendation and assistance.

Upon receipt of a request for consideration of an impasse, the Panel or its designee will promptly conduct an investigation. After due consideration, the Panel shall either:

(a) Decline to assert jurisdiction in the event that if finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(b) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Panel considers appropriate.

§ 1471.6 Preliminary hearing procedures.

When the Panel determines that a hearing is necessary under 1471.5 it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) Issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state (1) the names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representative appointed by the Panel; and (5) the issues to be resolved.

§ 1471.7 Conduct of hearing and prehearing conference.

(a) A designated representative of the Panel, when so appointed to conduct a hearing, shall have the authority on behalf of the Panel to:

(1) Administer oaths, take the testimony of deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted (An original and one (1) copy of each brief, accompanied by a statement of service, shall be submitted to the designated representative of the Panel with a copy to the other party.); and

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Panel in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

(c) An official reporter shall make the only official transcript of a hearing. Copies of the offical transcript may be examined and copied at the Office of the Executive Director in accordance with Part 1411 of this chapter.

§ 1471.8 Report and recommendations.

(a) When a report is issued after a hearing conducted pursuant to §§ 1471.6 and 1471.7, it normally shall be in writing and, when authorized by the Panel, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Panel with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Panel shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§ 1471.9 Duties of each party following receipt of recommendations.

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Panel or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

(c) All papers submitted to the Executive Director under this section shall be filed in duplicate, along with a statement of service showing that a

copy has been served on the other party to the dispute.

§ 1471.10 Final action by the Panel.

(a) If the parties do not arrive at a settlement as a result of or during action taken under §§ 1471.5(a)(2), 1471.6, 1471.7, 1471.8, and 1471.9, the Panel may take whatever action is necessary and not inconsistent with 22 U.S.C. 4110 to resolve the impasse, including but not limited to methods and procedures which the Panel considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Panel deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Panel may hold hearings, administer oaths, take the testimony or deposition of any person under oath, and issue subpenas as provided in 22 U.S.C. 4110(c)(2), or it may appoint or designate one or more individuals pursuant to 22 U.S.C. 4110(c)(1) to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in § 1471.7 shall apply.

(d) Notice of any final action of the Panel shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

(e) All papers submitted to the Executive Director under this section shall be filed in duplicate, along with a statement of service showing that a copy has been served on the other party to the dispute.

Appendix A to Chapter XIV—Current Addresses and Geographic Jurisdictions

(a) The Office address of the Board is as follows: 1900 E Street, NW., Room 7469, Washington, D.C. 20424. Telephone: Office of Executive Director, FTS—254–9595; Commercial—(202) 254–9595. Office of Operations, FTS—254–7362; Commercial (202) 254–7362.

(b) The Office address of the General Counsel is as follows: 1900 E Street, NW, Room 7469, Washington, D.C. 20424. Telephone: FTS—632–6264; Commercial—(202) 632–6264.

(c) The Office address of the Chief Administrative Law Judge is as follows: 1111 20th Street, NW., Room 416, Washington, D.C. 20036. Telephone: FTS—653–7378.

(d) The Office addresses of Regional Directors of the Authority are as follows:

(1) *Boston Regional Office,* 441 Stuart Street, 8th Floor, Boston, MA 02116. Telephone: FTS—223–0020; Commercial—(617) 223–0020.

(2) *New York Regional Office,* 26 Federal Plaza, Room 241, New York, NY 10278. Telephone: FTS—264–4934; Commercial—(212) 264–4934.

(3) *Philadelphia Sub-Regional Office,* 325 Chestnut Street, Mall Building, Room 5000, Philadelphia, PA 1906. Telephone: FTS—597–1527; Commercial—(215) 597–1527.

(4) *Washington Regional Office,* 1133 15th Street, NW., Suite 300, Washington, D.C. 20005. Telephone: FTS—653–8452; Commercial—(202) 653–8452.

(5) *Atlanta Regional Office,* 1776 Peachtree Street, NW., Suite 501, North Wing, Atlanta, GA 30309. Telephone: FTS—257–2324; Commercial—(404) 881–2324 or 881–2325.

(6) *Chicago Regional Office,* 175 W. Jackson Blvd., Suite 1359–A, Chicago, IL 60604. Telephone: FTS—886–3466–69; Commercial—(312) 353–6306.

(a) *Cleveland Sub-Regional Office,* Room 821, Federal Office Building, 1240 E. Ninth Street, Cleveland, Ohio 44199. Telephone: FTS—293–3855; Commercial—(216) 522–3855.

(8) *Dallas Regional Office,* Downtown Post Office Station, Bryan and Ervay Streets, P.O. Box 2940, Dallas, TX 75221. Telephone: FTS—729–4996; Commercial—(214) 767–4996.

(7) *Kansas City Regional Office,* City Center Square, 1100 Main Street, Suite 680, Kansas City, MO 64105. Telephone: FTS—758–2199; Commercial—(816) 374–2199.

(a) *Denver Sub-Regional Office,* Room 170, U.S. Customs House, 721–19th Street, Denver, CO 80202. Telephone: FTS—327–5224; Commercial—(303) 837–5224.

(8) *Los Angeles Regional Office,* 350 So. Figueroa Street, 10th Floor, World Trade Center, Los Angeles, CA 90071. Telephone: FTS—798–3805; Commercial—(213) 688–3805.

(a) *Honolulu Sub-Regional Office,* Room 3208, 300 Alamoana Blvd., Honolulu, Hawaii 96850. Telephone: FTS—556–0220 through San Francisco FTS Operator; Commercial—(808) 546–8255.

(9) *San Francisco Regional Office,* 450 Golden Gate Avenue, Room 11408, P.O. Box 36016, San Francisco, CA 94102. Telephone: FTS—556–6105; Commercial—(415) 556–6105.

(e) The Office address of the Panel is as follows: 1730 K Street, NW., Suite 209, Washington, D.C. 20006. Telephone: FTS—653–7078; Commercial—(202) 653–7078.

(f) The geographic jurisdictions of the Regional Directors of the Authority, are as follows:

State or other locality	Regional Office
Alabama	Atlanta.
Alaska	San Francisco.
Arizona	Los Angeles.
Arkansas	Dallas.
California	Los Angeles/San Francisco.[1]
Colorado	Kansas City.
Connecticut	Boston.
Delaware	New York.
District of Columbia	Washington, D.C.
Florida	Atlanta.
Georgia	Atlanta.
Hawaii and all land and water areas west of the continents of North and South America (except coastal islands) to long. 90½E.	Los Angeles.
Idaho	San Francisco.
Illinois	Chicago.
Indiana	Chicago.
Iowa	Kansas City.
Kansas	Kansas City.
Kentucky	Atlanta.
Louisiana	Dallas.
Maine	Boston.
Maryland	Washington, D.C.
Massachusetts	Boston.
Michigan	Chicago.
Minnesota	Chicago.
Mississippi	Atlanta.
Missouri	Kansas City.
Montana	Kansas City.
Nebraska	Kansas City.
Nevada	San Francisco.
New Hampshire	Boston.
New Jersey	New York.
New Mexico	Dallas.
New York	Boston/New York.[2]
North Carolina	Atlanta.
North Dakota	Kansas City.
Ohio	Chicago.
Oklahoma	Dallas.
Oregon	San Francisco.
Pennsylvania	New York.
Puerto Rico	New York.
Rhode Island	Boston.
South Carolina	Atlanta.
South Dakota	Kansas City.
Tennessee	Atlanta.
Texas	Dallas.
Utah	Kansas City.
Vermont	Boston.
Virginia	Washington, D.C.
Washington	San Francisco.
West Virginia	Washington, D.C.
Wisconsin	Chicago.
Wyoming	Kansas City.
Virgin Islands	New York.
Panama/Limited FLRA jurisdiction	Dallas
All land and water areas east of the continents of North and South America to long. 90½E, except the Virgin Islands, Panama (limited FLRA jurisdiction), Puerto Rico and coastal islands.	Washington.

[1] San Francisco includes the following California counties: Monterey, Kings, Tulare, Inyo, and all counties north thereof. All counties in California south thereof are within the Los Angeles jurisdiction.

[2] New York includes the following counties: Ulster, Sullivan, Greene, Columbia and all counties south thereof. All counties in New York state north thereof are in the jurisdiction of Boston.

Note.—The Foreign Service Labor Relations Board, the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Foreign Service Impasses Disputes Panel have determined that this document does not require preparation of a Regulatory Flexibility Analysis as required under section 605(b) of the Regulatory Flexibility Act of 1980.

Dated: February 23, 1981.

Foreign Service Labor Relations Board.

Ronald W. Haughton,

Chairperson.

Arnold Ordman,

Member.

Arnold M. Zack,

Member.

H. Stephan Gordon,

General Counsel.

[FR Doc. 7288 Filed 3-9-81; 8:45 am]

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FOREIGN SERVICE LABOR RELATIONS BOARD

22 CFR Ch. XIV

Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority Under the Foreign Service Labor-Management Relations Statute

AGENCY: Foreign Service Labor Relations Board.

ACTION: Foreign Service Labor Relations Board memorandum describing the authority and assigned responsibilities of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Labor-Management Relations Statute.

SUMMARY: This memorandum of the Foreign Service Labor Relations Board describes the statutory authority and sets forth the prescribed duties and authority of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Labor-Management Relations Statute.

EFFECTIVE DATE: February 15, 1981.

FOR FURTHER INFORMATION CONTACT:

James J. Shepard, Executive Director, Board (202) 254–9595

S. Jesse Reuben, Deputy General Counsel, (202) 254–8305

SUPPLEMENTARY INFORMATION: The Foreign Service Labor Relations Board was established by Chapter 10 of title 1 of the Foreign Service Act of 1980, effective February 15, 1981 (94 Stat. 2128). Pursuant to 5 U.S.C. 552(a)(1), the Board hereby publishes, the following memorandum of the Board describing the authority and assigned responsibilities of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Labor-Management Relations Statute (Foreign Service Statute).

22 CFR Chapter XIV is amended by adding the following Appendix B to read as follows:

Appendix B to Ch. XIV—Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority Under the Foreign Service Labor-Management Relations Statute

The statutory authority and responsibility of the General Counsel of the Federal Labor Relations Board are stated in section 4108 subsections (1), (2) and (3), of the Foreign Service Labor-Management Relations Statute as follows:

Section 4108 Functions of the General Counsel

The General Counsel may—

(A) Investigate alleged unfair labor practices under this chapter,

(B) File and prosecute complaints under this chapter, and

(C) Exercise such other powers of the Board as the Board may prescribe.

This memorandum is intended to describe the statutory authority and set forth the prescribed duties and authority of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Statute, effective February 15, 1981.

I. *Case handling.*

A. *Unfair labor practice cases.* The General Counsel has full and final authority and responsibility, on behalf of the Board, to accept and investigate charges filed, to enter into and approve the informal settlement of charges, to approve withdrawal requests, to dismiss charges, to determine matters concerning the consolidation and severance of cases before complaint issues, to issue complaints and notices of hearing, to appear before Administrative Law Judges in hearings on complaints and prosecute as provided in the Board's and the General Counsel's rules and regulations, and to initiate and prosecute injunction proceedings as provided for in section 4109(d) of the Foreign Service Statute. After issuance of the Administrative Law Judge's decision, the General Counsel may file exceptions and briefs and appear before the Board in oral argument, subject to the Board's and the General Counsel's rules and regulations.

B. *Compliance actions (injunction proceedings).* The General Counsel is authorized and responsible, on behalf of the Board, to seek and effect compliance with the Board's orders and make such compliance reports to the Board as it may from time to time require.

On behalf of the Board, the General Counsel will, in full accordance with the directions of the Board, initiate and prosecute injunction proceedings as provided in section 4109(d) of the Foreign Service Statute: *Provided however,* That the General Counsel will initiate and conduct injunction proceedings under section 4109(d) of the Foreign Service Statute only upon approval of the Board.

C. *Representation cases.* The General Counsel is authorized and has responsibility, on behalf of the Board, to receive and process, in accordance with the decisions of the Board and with such instructions and rules and regulations as may be issued by the Board from time to time, all petitions filed pursuant to sections 4111 and 4118(c) of the Foreign Service Statute. The General Counsel is also authorized and has responsibility to supervise or conduct elections pursuant to section 4111 of the Foreign Service Statute and to enter into consent election agreements in accordance with section 4111(g) of the Foreign Service Statute.

The authority and responsibility of the General Counsel in representation cases shall extend, in accordance with the rules and regulations of the Board and the General Counsel, to all phases of the investigation through the conclusion of the hearing (if a hearing should be necessary to resolve disputed issues), but all matters involving decisional action after such hearings are reserved by the Board to itself. In the event a direction of election should issue by the Board, the authority and responsibility of the General Counsel, as herein prescribed, shall attach to the conduct of the ordered election, the initial determination of the validity of challenges and objections to the conduct of the election and other similar matters, except that if appeals shall be taken from the General Counsel's action on the validity of challenges and objections, such appeals will be directed to and decided by the Board in accordance with its procedural requirements. If challenged ballots would not affect the election results and if no objections are filed within five days after the conduct of the Board-directed election under the provisions of section 4111 of the Foreign Service Statute, the General Counsel is authorized and has responsibility, on behalf of the Board, to certify to the parties the results of the election in accordance with regulations prescribed by the Board and the General Counsel.

Appeals from the refusal of the General Counsel to issue a notice of hearing, from the conclusions contained in a report and findings issued by the General Counsel, or from the dismissal by the General Counsel of any petition, will be directed to and decided by the Board, in accordance with its procedural requirements.

In processing election petitions filed pursuant to section 4111 of the Foreign Service Statute and petitions filed pursuant to section 4118(c) of the Foreign Service Statute, the General Counsel is authorized to conduct an appropriate investigation as to the authenticity of the prescribed showing of interest and, upon making a determination to proceed, where appropriate, to supervise or conduct a secret ballot election or certify the validity of a petition for determination

of eligibility for dues allotment. After an election, if there are no challenges or objections which require a hearing by the Board, the General Counsel shall certify the results thereof, with appropriate copies lodged in the Washington, D.C., files of the Board.

II. *Liaison with other governmental agencies.* The General Counsel is authorized and has responsibility, on behalf of the Board, to maintain appropriate and adequate liaison and arrangements with the Office of the Assistant Secretary of Labor for Labor-Management Relations with reference to the financial and other reports required to be filed with the Assistant Secretary pursuant to section 4117 of the Foreign Service Statute and the availability to the Board and the General Counsel of the contents thereof. The General Counsel is authorized and has responsibility, on behalf of the Board, to maintain appropriate and adequate liaison with the Foreign Service Grievance Board with respect to functions which may be performed by the Foreign Service Grievance Board.

IV. To the extent that the above-described duties, powers and authority rest by statute with the Board, the foregoing statement constitutes a prescription and assignment of such duties, powers and authority, whether or not so specified.

Dated: February 23, 1981.

Foreign Service Labor Relations Board.

Ronald W. Haughton,

Chairperson.

Arnold Ordman,

Member.

Arnold M. Zack,

Member.

[FR Doc. 81-7394 Filed 3-9-81; 8:45 am]

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Part III

Environmental Protection Agency

Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment; Court Order on Inspection and Maintenance

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[TS FRL 1773-3; OPTS 62014]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment; Court Order on Inspection and Maintenance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related court order and enforcement notice.

SUMMARY: On October 30, 1980, the U.S. Court of Appeals for the District of Columbia Circuit ruled, in relevant part, that regulations issued by EPA which characterized intact, non-leaking transformers, capacitors, and electromagnets containing polychlorinated biphenyls (PCBs) as "totally enclosed" for purposes of section 6(e) of the Toxic Substances Control Act (TSCA) were unsupported by the rulemaking record and remanded the regulations to EPA for further consideration. In response to a motion by EPA and certain other parties to the case, the Court issued an Order on February 12, 1981 requiring EPA to undertake rulemaking concerning the use of PCBs in electrical equipment and staying issuance of the Court's mandate for a period of eighteen months. During the period of the stay, the existing PCB regulations will remain in effect with the additional requirement that certain owners and users of transformers containing 50 parts per million (ppm) of PCBs or greater must undertake certain inspection and maintenance procedures known as the Interim Measures Program.

DATES: The Interim Measures Program for inspection and maintenance of PCB Transformers and PCB-Contaminated Transformers goes into effect on May 11, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C. (554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 6(e) of the Toxic Substances Control Act (TSCA) prohibits all manufacture, processing, distribution in commerce, and use of PCBs after July 1, 1979. The statute sets forth only limited exceptions to this broad prohibition. Section 6(e)(2) provides that EPA may allow the continued use of PCBs in a "totally enclosed manner". A "totally enclosed manner" is defined to be "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant as determined by the Administrator by rule." Section 6(e)(2) also allows EPA to authorize, by rule, the continued use of PCBs in a manner other than in a "totally enclosed manner" if EPA finds such use "will not present an unreasonable risk of injury to health or the environment."

EPA promulgated regulations under 40 CFR Part 761, published in the **Federal Register** of May 31, 1979 (44 FR 31514), to implement section 6(e) of TSCA. The regulations designated all intact, non-leaking, electrical capacitors, electromagnets, and non-railroad transformers as "totally enclosed", thus permitting their continued use. The regulations also defined "PCB" for purposes of section 6(e) as PCBs in concentrations of 50 ppm or greater, thus excluding manufacturing, processing, distribution in commerce, and use of PCBs in concentrations below 50 ppm from regulation.

The Environmental Defense Fund (EDF) petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review three aspects of these PCB regulations, including the determination that intact, non-leaking transformers, capacitors, and electromagnets are "totally enclosed" and the 50 ppm cutoff for applicability of the regulations *(Environmental Defense Fund, Inc.* v. *Environmental Protection Agency,* No. 79-1560). On October 30, 1980 the Court rendered its decision. The Court found that the Agency did not have an adequate rulemaking record to support the determination that the use of PCB-containing transformers, capacitors, and electromagnets are "totally enclosed" uses of PCBs or to support the 50 ppm regulatory cutoff. The Court remanded these parts of the regulations to EPA for further action.

The effect of the Court's October 30, 1980 decision, once the mandate issues, would be to make the continued use of PCB-containing transformers, capacitors, and electromagnets and the continued manufacture, processing, distribution in commerce, and use of PCBs below 50 ppm a violation of section 6(e) of TSCA subjecting the persons involved in these activities to possible EPA enforcement actions or citizen suits under section 20 of TSCA.

Certain industry representatives had intervened in the *EDF* v. *EPA* case. They filed petitions for rehearing which were denied on December 15, 1980. On December 19, 1980, EPA, EDF, and certain intervenors asked the Court to stay its mandate until January 21, 1981 to allow the parties and others to reach agreement on such further rulemaking by EPA as might be necessary. The Court granted this request. During the period of this stay, EPA, EDF, the intervenors, and other interested persons from industry held extensive discussions to mutually develop a Joint Motion to submit to the Court.

On January 21, 1981, EPA, EDF, and certain intervenors from industry filed the Joint Motion with the Court asking for an eighteen-month stay of the Court's mandate with respect to the part of the decision which set aside the classification of transformers, capacitors, and electromagnets as totally enclosed. During the period of the stay, EPA would undertake a rulemaking relating to the use of PCBs in electrical equipment beginning with an Advance Notice of Proposed Rulemaking (ANPR). In addition, the Edison Electric Institute (EEI), through the Utility Solid Waste Activities Group (USWAG), agreed to undertake the development of some of the factual material necessary for further rulemaking. The movants agreed on certain interim, risk-reduction measures that could be taken with respect to transformers containing PCBs at 50 ppm or greater and suggested that the Court make these measures a condition of the eighteen-month stay. The movants indicated to the Court that the stay would be necessary in order to avoid the adverse impacts of the decision. If the mandate issued, persons who had been adhering to the PCB regulations would have found themselves in violation of section 6(e) of TSCA. Transformers and capacitors are widely used by electric utilities and industry for efficient energy transmission. Sudden cessation of their use would cause substantial dislocation. On February 12, 1981, the Court granted the requests of the Joint Motion and entered an Order.

The January 21, 1981 Joint Motion also requested a stay of that portion of the decision which set aside the 50 ppm regulatory cutoff. For the use of transformers, capacitors, and electromagnets with PCBs in concentrations below 50 ppm, the stay would be eighteen months. For all other manufacturing, processing, distribution in commerce, and use of PCBs below 50 ppm the Joint Motion requested a stay of only thirty days. This was because, as of

the time of the January 21, 1981 Joint Motion, a program for further action by EPA in response to the 50 ppm issue had not been developed. The Court granted this 30-day stay in its February 12, 1981 Order, and during the period of the stay, EPA, EDF, and industry representatives developed a plan which was submitted to the Court in another Joint Motion on February 20, 1981. The Court has not yet acted on the February 20, 1981 Joint Motion. If the Court grants the February 20, 1981 Joint Motion, EPA will publish further notices in the Federal Register discussing the 50 ppm problem. As of the present time, the stay with respect to the 50 ppm cutoff is still in effect.

II. The Court's February 12, 1981 Order

The text of the Court's Order of February 12, 1981 is set forth at the end of this Notice. The Order has a number of requirements as follows:

A. Stay of the Mandate

The Court's Order stays the mandate of the Court insofar as it set aside the classification of transformers, capacitors, and electromagnets containing PCBs in concentrations of 50 ppm or greater as totally enclosed uses of PCBs for a period of eighteen months. In other words, the Court does not allow the effect of its decision to take place for eighteen months. This means that the PCB regulations promulgated on May 31, 1979 regarding this classification (40 CFR 761.30) remain in effect for the duration of the stay. Thus, those persons who use such transformers, capacitors, and electromagnets may continue their use during the period of the stay as long as they comply with the May 31, 1979, PCB regulations and with the Interim Measures Program, detailed in the Court's Order. In addition, the use of transformers, capacitors, and electromagnets containing PCBs in concentrations below 50 ppm may continue during the stay because the stay also retains the 50 ppm regulatory cutoff for such equipment. During the stay EPA will be considering what action to take with respect to all PCBs in electrical equipment, including equipment with PCBs in concentrations below 50 ppm.

B. The EEI/USWAG Study

The Court's Order directs EEI, through USWAG, to undertake a factual study of the usage of PCBs in equipment used by the electric utility industry, the propensity of such equipment to leak or rupture, and an analysis of the feasibility of various measures to reduce or eliminate the risk of PCB contamination from such equipment. The details of the study are set forth in Appendix A to the Court's Order and are discussed more fully in the related ANPR which follows this Notice.

C. EPA Rulemaking for PCBs in Electrical Equipment

The Court's Order requires EPA to publish an ANPR relating to the use of PCBs in electrical equipment. The ANPR appears in today's Federal Register following this Notice. The Order also requires EPA to promulgate a final rule within six months of receipt of the EEI/USWAG study. This rulemaking activity is discussed more fully in the ANPR. Each person potentially affected by the Court's decision is encouraged to read and comment upon the ANPR.

D. Further Action by the Court

The Order provides that, if EEI or EPA fails to comply with the Order, any party may apply to the Court for appropriate relief, including immediate issuance of the Court's mandate. Immediate issuance of the mandate would place most users of PCB-containing transformers, capacitors, and electromagnets in violation of section 6(e) of TSCA. EPA does not anticipate that this circumstance will occur. However, if the EEI study and the request for information in the ANPR do not produce information sufficient to enable EPA to pursue rulemaking for PCB-containing electrical equipment, it is possible that EPA or another party would return to the Court seeking a change in the stay and possibly the issuance of the mandate.

III. The Interim Measures Program

Section 6(e)(2) of TSCA prohibits the use of any PCBs unless the use has been authorized by EPA or determined by rule to be "totally enclosed". As noted above, the Court set aside EPA's determination that transformers, capacitors, and electromagnets are totally enclosed. Since EPA has not authorized the use of PCBs in such units, section 6(e)(2) would prohibit the use of any transformer, capacitor, or electromagnet containing any PCBs in the absence of the Court's stay.

The Court stayed for a period of eighteen months the effectiveness of that portion of its decision which set aside EPA's designation of intact, non-leaking transformers, capacitors, and electromagnets as totally enclosed uses of PCBs. However, that stay was granted only for those persons who institute the risk reducing activities of the Interim Measures Program. The full text of the Interim Measures Program appears as Appendix B to the Court's Order. The major requirements of the program are as follows:

1. PCB Transformers (those that contain 500 ppm PCBs or greater) and PCB-Contaminated Transformers (those that contain between 50 ppm and 500 ppm PCBs) posing an exposure risk to food and feed products must be inspected for leaks once every week.

2. All other PCB Transformers must be inspected for leaks at least once every three months.

3. Any "moderate leak" discovered by the inspection must be repaired and cleaned or the transformer replaced beginning within 2 days from the time the leak is observed. Moderate leaks from transformers posing an exposure risk to food or feed products must be reported to EPA within 5 days from the date the leak is observed.

4. Records must be kept of the following:

(a) The location of each transformer subject to the Program.

(b) The date of each inspection and the name of the inspector.

(c) All leaks observed.

(d) A description of all servicing on the transformer after the date of the first inspection.

These requirements go into effect on May 11, 1981. This means that the first inspection of transformers posing an exposure risk to food or feed products must be completed by May 18, 1981, and the first inspection of other transformers subject to this Program must be completed by August 10, 1981.

A. Applicability

1. *Which transformers are subject to these requirements?* The requirements of the Interim Measures Program apply to all transformers containing PCBs in concentrations of 500 ppm or greater and to those transformers containing PCBs in concentrations of 50 ppm or greater which pose an exposure risk to food or feed products. Anyone complying with all applicable requirements of the Interim Measures Program may continue to use capacitors, electromagnets, and other transformers containing PCBs in compliance with the existing PCB regulations. EPA encourages owners and users of any PCB-containing equipment to perform voluntary inspections or institute other appropriate risk reduction measures to avoid exposure of humans or the environment to PCBs.

The weekly inspection requirement applies to any transformers containing PCBs in concentrations of 50 ppm or greater and "posing a risk of exposure to food and feed products." Included in this category is any transformer used in a facility manufacturing, processing, packaging or holding human food or

animal feed, or in any federally inspected meat, poultry product, and egg product establishment. The weekly inspection requirement applies to transformers in a location such that a discharge of the dielectric fluid could contaminate the food or feed products or processes. It does not apply to transformers in retail establishments such as grocery stores and restaurants. Because of the peculiar risks presented by the ingestion of PCBs, EPA intends to interpret the phrase "posing an exposure risk to food and feed products" very broadly. Although it does not include establishments such as paperboard manufacturers whose products may be sold to food packagers, or facilities manufacturing, processing or storing agricultural chemicals or fertilizers, it does include any establishment whose product(s) will be ingested by humans or animals, including additives. If there is any doubt whether or not a transformer poses an exposure risk to food and feed products, the weekly inspection and maintenance should be performed.

2. *Who is responsible for these requirements?* The owner of the PCB-containing transformer has the obligation to comply with the Interim Measures Program. There is one exception to this obligation. A user, who is not the owner, of a PCB Transformer or PCB-Contaminated Transformer which poses an exposure risk to food or feed products, has the obligation to comply with the Interim Measures Program until the user has informed the owner that the transformer poses an exposure risk to food or feed products.

B. Effect on Existing Agency PCB Regulations

The Interim Measures Program supplements, but does not replace, existing Agency regulations and policies regarding PCBs, including the marking and disposal regulations in 40 CFR Part 761. Thus, existing Agency rules and policies regarding PCBs are not changed by the Program. For example, under the regulations, transformers, capacitors, and electromagnets that are leaking or otherwise not intact are not totally enclosed and cannot lawfully be used. Compliance with the Interim Measures Program does not change this restriction. The existing regulation provides that any uncontrolled discharge of PCBs constitutes disposal. The requirement in the Interim Measures Program to begin servicing any leak within two days does not change the fact that the leak, while occurring, is an illegal disposal of PCBs. Of course, the Agency will take into account compliance with the Interim Measures Program, including prompt servicing and reporting, when determining the appropriate enforcement response. Additionally, under the existing regulations, intact, non-leaking transformers, capacitors, and electromagnets sold for purposes other than resale before July 1, 1979 can be distributed in commerce under 40 CFR 761.30. This exception will continue to be available for owners of equipment used pursuant to the Interim Measures Program.

C. Enforcement

EPA intends to enforce the Interim Measures Program and the PCB regulations vigorously. Compliance will be monitored by all means legally available to the Agency. This includes inspections pursuant to section 11 of TSCA. Persons who are not in strict compliance with the Interim Measures Program cannot claim the benefits of the Court's stay. The use of PCBs in transformers, capacitors, and electromagnets by persons not complying with both the Interim Measures Program and the regulations is a violation of section 6(e) of TSCA. Thus, continued use of PCB-containing transformers, capacitors, and electromagnets in violation of either the Interim Measures Program or the regulations in 40 CFR Part 761 is a violation of section 15 of TSCA for which the Agency can seek civil or criminal penalties under section 16 of TSCA. The Office of Enforcement is currently formulating guidelines for the assessment of civil penalties for violations of the Interim Measures Program.

D. Reporting

There is no required form for notices to the Agency required by the Interim Measures Program. The required information may be reported in letter form. Although it is not required by the Interim Measures Program, EPA requests that all notices to the EPA concerning transformer leaks contain the following information:

1. The cause of the leak and the total amount of dielectric fluid spilled.
2. The proximity of the transformer to areas where food or feed products are handled.
3. A brief description of the possible pathways for dielectric fluid from the transformer to reach food or feed products.
4. The type and amount of food or feed products contaminated, if any.
5. The steps taken to repair and clean up the leak and to assure proper disposal of all contaminated materials.

Notices must be sent to the appropriate EPA Regional Office as follows:

Region 1

(Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Chief, General Enforcement Branch, Enforcement Division, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203

Region 2

(New Jersey, New York)

Chief, Toxic Substances Inspection Section, Surveillance and Analysis Division, Environmental Protection Agency, Raritan Depot, Woodbridge Avenue, Edison, New Jersey 08817.

Region 3

(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

Chief, Environmental Emergency Branch, Surveillance and Analysis Division, Environmental Protection Agency, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106

Region 4

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Chief, Toxic Substances Section, Air and Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Region 5

(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Toxic Substances Coordinator, Air and Hazardous Materials Division, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Region 6

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Deputy Director, Surveillance and Analysis Division, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270

Region 7

(Iowa, Kansas, Missouri, Nebraska)

Chief, Toxics and Pesticides Enforcement Section, Air & Hazardous Materials Division, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106

Region 8

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Chief, Field Operations Section, Pesticides and Toxic Substances Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295

Region 9

(Arizona, California, Hawaii, Nevada)

Chief, Hazardous Materials Section, Enforcement Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105

Region 10

(Alaska, Idaho, Oregon, Washington)

Chief, Pesticides and Toxic Substances Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington, 98101.

E. Recordkeeping

There is no specified format for records required by the Interim Measures Program. The information may be kept in any form as long as all the required information is available.

IV. Text of the Court's February 12, 1981 Order

Upon consideration of the joint motion filed by respondent, petitioner, and certain intervenors on January 21, 1981, to stay further the issuance of the mandate in this case, it is

Ordered: By the Court, that the mandate of the Court is stayed for a period of eighteen months insofar as the decision of the Court set aside the regulation promulgated by the Environmental Protection Agency (classifying the use of intact, non-leaking, PCB-containing transformers, capacitors, and electromagnets as uses of PCBs in a "totally enclosed manner,") 40 CFR 761.30 (44 FR 31530, 31531, 31548–9); this stay shall apply only where those claiming the benefit of the stay comply with any applicable requirements of the Interim Measures Program attached as Appendix B to this Order.

Further Ordered: That the mandate of the Court, insofar as the decision of the Court set aside the regulation promulgated by the Environmental Protection Agency defining "PCBs" (for purposes of the statutory prohibition on further manufacture, processing, distribution in commerce, and use of PCBs) as PCBs in concentrations of 50 parts per million or greater, 40 CFR 761.2(x) (44 FR 31444), is stayed for the following periods:

With respect to use of PCBs in transformers, capacitors, and electromagnets, for a period of eighteen months;

With respect to all other manufacture, processing, distribution in commerce and use of PCBs, for a period of thirty days.

Further Ordered: That Intervenor Edison Electric Institute undertake the actions set out in Appendix A to this Order.

Further Ordered: That Respondent Environmental Protection Agency publish in the Federal Register within three weeks after the date of this Order, an Advanced Notice of Proposed Rulemaking relating to the use of PCBs in electrical equipment.

Further Ordered: That Respondent Environmental Protection Agency promulgate a final rule with respect to the use of electrical equipment containing PCBs within six months of receipt of the material set out in Appendix A.

Further Ordered: That if the Edison Electric Institute or the Environmental Protection Agency fails to comply with the orders of this Court set out above, any party may apply to the Court for appropriate relief, including the immediate issuance of the Court's mandate.

Further Ordered: That the parties submit to the Court a status report on October 1, 1981.

Per Curiam
For the Court:
George A. Fisher,
Clerk.

Appendix A—Proposal To Supply EPA With Information for Rulemaking on Uses of PCBs by the Electric Utility Industry

Intent to Provide Information

To assist EPA in the development of an adequate rulemaking record for the regulation of PCBs, USWAG will retain independent contractor(s), acceptable to EPA and EDF,[1] to conduct a study on current PCB usage in utility equipment.[2] This study will address the effects of the use of PCB-containing equipment on human health and the environment. It is expected that data will be supplied on: types of electrical equipment; leakage phenomena, including the incidence and magnitude of leaks; feasibility of containment, inspection and maintenance; and feasibility of transformer and capacitor phase out. Additionally, several other areas of inquiry will be included, such as the impact of a regulatory cutoff above or below 50 ppm; the health effects of PCBs; a pathway analysis for PCBs that may be released into the environment from electrical systems; nonelectrical materials potentially containing PCBs; and viable substitutes for PCBs. Finally, an overall economic analysis would be developed to reflect both costs incurred to date to comply with the TSCA–PCB regulations as well as the incremental costs of new regulatory approaches.[3]

It is contemplated that the study will be completed within nine months and portions of it will be submitted to EPA prior to that time.[4] If it appears that USWAG will be unable to complete Tasks 1 through 4 below within nine months despite good faith efforts to do so, it may request of EPA and EDF an additional period of up to three months for its work. EPA and EDF will not unreasonably withhold their consent to such extension, after considering USWAG's efforts to date and the circumstances which USWAG believes necessitate the extension.

Scope of the Information Gathering Effort

The scope of information gathering will be divided into several discrete tasks, as set forth below.

1. *Compilation of a complete listing of all types of electrical equipment that contain mineral oil or other fluid containing PCBs.* The first task will be to list and quantify such equipment, describe its use, geographical location,[5] and distribution of ranges of PCB concentrations. Descriptions of equipment maintenance procedures and of measures taken for worker protection also will be provided. The inventory of equipment will include: transformers, capacitors, electromagnets, electrical switches, voltage regulators, and underground cable systems as well as any other utility equipment identified as containing PCBs. A complete narrative on each category of equipment will be provided covering its function, configuration and chemical content.

2. *Frequency of leaks or ruptures.* For purposes of the study, "leak" will be

[1] To insure the timely commencement of the study, EPA and EDF will promptly respond as to the acceptability of the contractor(s) proposed.

[2] Other uses of similar equipment by other industries may vary and for this reason will not be covered. In addition, other equipment containing PCBs, such as small capacitors, that is used more broadly throughout the industrial, commercial and residential sectors will not be included.

[3] In addition to the information contained in the study, USWAG reserves the right to submit to EPA such other studies, information, and data (e.g., problems of testing and development of testing protocols) as USWAG believes are necessary or appropriate to further rulemaking.

[4] Since some brief period of time will be necessary to engage consultants and develop sampling protocols following acceptance of the scope of work by the parties, the study period should commence no later than two months following the issuance of a stay of mandate by the Court. It is contemplated that Task 1 would be completed within three months of the commencement of the study and Task 2, with respect to PCB Capacitors and PCB Transformers, would be completed within six months of the commencement of the study.

[5] Geographical location shall include not only various geographical regions of the United States but also various types of terrains (e.g., deserts, swamps, near or over waterways).

defined quantitatively. Leaks may be described as small, as moderate or as ruptures.[6] Small leaks include all instances in which a PCB Article has any PCBs on any portion of its external surface, but no PCBs have run off the surface of the PCB Article.[7] Moderate leaks include instances in which a leak results in any quantity of PCBs running off the surface of the PCB Article. Initially, ruptures will mean leaks causing immediate cessation of equipment function, although other definitions may be applied. For each type of electrical equipment, an attempt will be made to determine the frequency of leak or rupture, the volume of liquid lost, equipment type, and geographical location. These leaks may conform to a frequency distribution of magnitude according to different variables. Equipment type, geographic location, age and electrical loading (to the extent data are available) are factors to be evaluated. The relationship between equipment failure and subsequent leaking will be studied.

3. *Feasibility of a program to contain, inspect and maintain different electrical equipment items.* This task will be to identify a number of inspection and maintenance programs and to provide costs estimates and technological feasibility evaluations with respect to each program. Variables to be considered may include electrical equipment type, geographical location, and potential for exposure to different concentrations and quantities of PCBs. At a minimum, the following programs shall be evaluated:

(a) A program to provide complete containment of any PCBs which might leak from each category of electrical equipment identified in Task 1.

(b) A program to inspect visually, at various frequencies ranging from weekly to annually, all items within each category of electrical equipment for leakage and to correct all moderate leaks detected.

4. *Feasibility of a phase-out program for transformers and capacitors.* The approach to this effort will be similar to the feasibility of inspection, maintenance and containment as described above.[8] Alternative approaches will be assessed, including the following:

(a) 2, 5, 10 and 20-year phase outs of PCB Transformers.

(b) 2, 5, 10 & 20-year phase outs of PCB-Contaminated Transformers.

(c) 2, 5, 10 & 20-year phase outs of PCB Capacitors.[9]

In this aspect of the study, the availability of replacement equipment and liquids will be examined, as well as their suitability,[10] the availability of storage and disposal facilities, and the feasibility of reducing or eliminating PCB concentrations by retrofilling.[11] An attempt also will be made to analyze the effect an increased demand for replacement equipment may have on prices.

5. *Literature Search.* A comprehensive literature search and review of the health effects of PCBs will be undertaken and an attempt will be made to assess the risks posed by phenomena such as small leaks and ruptures.

6. *Pathway analysis.* An attempt will be made to examine the environmental pathways that PCBs could take if they escape from electrical equipment. Conditions reflecting normal operation of transformers and capacitors will be evaluated, as well as those involving equipment that has exploded or otherwise suddenly released PCB-containing fluid into the environment. For example, volatility and transport mechanisms (such as surface water drainage, groundwater infiltration and ground cover embodiment and/or release) would be considered.

7. *Non-electrical system sources of PCBs.* The study will also seek to determine the risks and benefits of permitting the continuation of certain non-enclosed uses of PCBs, such as burning of fuel oil.

Sampling Procedures

The study must reflect a statistical approach that assures a high degree of confidence in the validity of the results.

EPA and EDF Review

It is contemplated that EPA, EDF, USWAG and the contractor performing the study will meet for progress reports periodically and with sufficient frequency to keep EPA and EDF abreast of the progress of the study. EPA and EDF, at their own expense, will have the right to review all underlying data generated in connection with the study. It is understood that identification of particular companies, facilities and locations may be masked. While it is not anticipated, review of the ongoing study may result in the need for additional information or for the refocusing of certain portions of this study. Such revisions may result in an extension of the completion date as set forth above.

Appendix B—Interim Measures Program

This document describes the interim measures required for all owners and users of PBC Transformers and certain owners and users of PCB-Contaminated Transformers who wish to continue to use, or store for reuse, transformers containing PCBs while EPA conducts further rulemaking with respect to PCB uses which the Agency previously had designated as "totally enclosed." To continue to use transformers containing PCBs during this interim period, owners and users of this equipment must comply with the requirements set forth in this document within sixty days after the publication by EPA of the Federal Register Notice announcing the Interim Measures Program or within ninety days after January 21, 1981 (the date of filing the Joint Motion for Further Stay of the Issuance of the Mandate), whichever is later.

I. Definitions

The following definitions apply to this document. The definitions which are part of EPA's PCB Ban Rule, 40 CFR Part 761, also apply to this document unless they are inconsistent with the definitions set forth below.

A. "leak" means any instance in which a PCB Unit has any PCBs on any portion of its external surface.

B. "moderate leak" means any leak which results in any quantity of PCBs running off or about to run off the external surface of the PCB Unit.

C. "PCB Unit" means any PCB Transformer or PCB-Contaminated Transformer in use or stored for reuse.

D. "posing an exposure risk to food and feed products" means any potential exposure of food and feed products to PCBs as defined below. PCB Units used by federally inspected meat, poultry product, and egg product establishments, as well as facilities manufacturing, processing, packaging or holding human food or animal feed, but excluding retail establishments such as grocery stores and restaurants, are considered to pose an exposure risk to food and feed products, unless the PCB Unit is in a location such that a discharge of the dielectric fluid cannot contaminate the food and feed products or processes.

E. "servicing" means repairing and cleaning or replacing the PCB Unit to eliminate the source of the leak.

[6] Further differentiations of leaks may be necessary.

[7] "PCB Article" is defined at 40 CFR 761.2(t).

[8] The evaluation will also reflect the viability of substitutes.

[9] The time frames will be measured from January 1982.

[10] For example, it may be necessary to assess the toxicity and flammability of substitute fluids, in addition to developing data on the availability of equipment and raw materials.

[11] In evaluating substitutes for PCBs, including retrofilling, the contractor performing the study shall seek and consider information from manufacturers of substitutes and independent servicing companies.

Cleaning of the PCB Unit means removing any unsolidified dielectric fluid on its external surface.

F. "visual inspection" means to investigate for any leak of dielectric fluid on or around the PCB Unit. A visual inspection should not require an electrical shutdown of the PCB Unit being inspected. The extent of the visual inspection will depend on the physical constraints of each PCB Unit installation.

II. The Following Procedures Must Be Followed With Respect to All PCB Units Posing an Exposure Risk to Food and Feed Products

A user of a PCB Unit posing an exposure risk to food and feed products shall notify the owner of the PCB Unit that the Unit poses an exposure risk to food and feed products. If the user fails to notify the owner, the user is responsible for the inspection, recordkeeping, reporting and servicing of the PCB Unit as set forth below.

The Owner of a PCB unit posing an exposure risk to food and feed products shall perform the following activities:[12]

A. A visual inspection of each PCB Unit posing an exposure risk to food and feed products shall be performed at least once every week.

B. All leaks shall be recorded. All moderate leaks shall be reported to the appropriate EPA regional office within five business days from the date the leak is observed. If a PCB Unit is found to have a moderate leak, servicing is required and must commence within two business days from the date the leak is observed.

C. Records, containing inspection/servicing history, with respect to all PCB Units posing an exposure risk to food and feed products shall be maintained for a period of three years and shall be made available for inspection, upon request, by EPA. Such records shall contain the following information for each PCB Unit:

(1) Its location.

(2) The date of each visual inspection made of the Unit, together with an identification of the person performing the inspection.

(3) All leaks observed in the Unit, together with the date observed, and whether the leak was a moderate leak.

(4) A description of all servicing performed on the Unit commencing as of the date the Unit is first inspected pursuant to these Interim Measures, together with the date of such servicing.

D. Reports to EPA regional offices shall be in writing and shall contain the location of the PCB Unit involved, the date the moderate leak was observed, an estimate of the extent of the leak and a description of the servicing performed, including the date(s) of the servicing performed.

III. The Following Procedures Must Be Followed With Respect to All PCB Transformers In Use or Stored for Reuse Posing No Exposure Risk to Food and Feed Products

(All PCB Transformers Not Covered in Section II)

Owners of PCB Transformers in use or stored for reuse posing no exposure risk to food and feed facilities shall perform the following activities:

A. A visual inspection of each PCB Transformer posing no exposure risk to food and feed products shall be performed at least once every three months.

B. All leaks shall be recorded. If a PCB Transformer is found to have a moderate leak, servicing is required and must commence within two business days from the date the leak is observed.

C. Records, containing inspection/servicing history, with respect to all PCB Transformers in use or stored for reuse shall be maintained for a period of three years and shall be made available for inspection, upon request, by EPA. Such records shall contain the following information for each PCB Transformer:

(1) Its location.

(2) The date of each visual inspection made of the PCB Transformer, together with an identification of the person performing the inspection.

(3) All leaks observed in the PCB Transformer, together with the date observed, and whether the leak is a moderate leak.

(4) A description of all servicing performed on the PCB Transformer commencing as of the date the PCB Transformer is first inspected pursuant to these Interim Measures, together with the date of such servicing.

IV. Related Rulemaking

Appearing immediately after this Notice is the Advance Notice of Proposed Rulemaking required by the Court's February 12, 1981 Order. Persons reading this Notice are encouraged to read the Advance Notice of Proposed Rulemaking which discusses EPA's future rulemaking regarding the use of PCBs in electrical equipment.

Dated: March 5, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-7510 Filed 3-9-81; 8:45 am]

BILLING CODE 6560-31-M

[12] If the owner of the PCB Unit is not the owner of the food and feed establishment, the owner of the PCB Unit shall have no obligation to perform the inspections required in this section, until the owner is notified by the establishment that the establishment is a food and feed facility or until the owner of the PCB Unit has other knowledge that the establishment is a food and feed facility. To inform food and feed establishments of the necessity of notifying owners of PCB Units used at their establishments, utilities undertake to mail to their commercial and industrial customers an announcement requesting food and feed establishments to contact the utility or other owner of the PCB Unit.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[TS FRL 1773-2; OPTS-62015]

Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: On October 30, 1980, the U.S. Court of Appeals for the District of Columbia Circuit ruled, in relevant part, that regulations issued by EPA which characterized intact, non-leaking transformers, capacitors, and electromagnets containing polychlorinated biphenyls (PCBs) as "totally enclosed" for purposes of section 6(e) of the Toxic Substances Control Act were unsupported by the rulemaking record and remanded the regulations to EPA for further consideration. In response to a motion by EPA and certain other parties to the case, the Court issued an Order on February 12, 1981 requiring EPA to undertake rulemaking concerning the use of PCBs in electrical equipment, beginning with this Advance Notice of Proposed Rulemaking, and staying issuance of the Court's mandate for a period of eighteen months during which time EPA will implement rulemaking activities.

DATES: Comments upon the issues raised in this Notice must be submitted by December 7, 1981.

ADDRESSES: All comments should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460. Comments, preferably in triplicate, should include the docket number OPTS-62015. Comments received on this Notice will be available for reviewing and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Room 107 East Tower, EPA Headquarters, 401 M St. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C. (554-1404).

SUPPLEMENTARY INFORMATION: Appearing in today's **Federal Register**, immediately preceding this document is a Notice entitled "Polychlorinated Biphenyls; Use in Electrical Equipment; Court Order on Inspection and Maintenance" which discusses the impact of an Order issued by the U.S. Court of Appeals for the District of Columbia Circuit in the case *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, No. 79-1560. That Notice should be read before reading this Advance Notice of Proposed Rulemaking (ANPR) in order to better understand the issues discussed in this ANPR as well as the interim requirements placed upon persons who own or use PCB-containing transformers, capacitors, and electromagnets.

I. Background

As discussed in the "Court Order on Inspection and Maintenance," section 6(e) of TSCA prohibits all manufacture, processing, distribution in commerce, and use of PCBs after July 1, 1979. This statute sets forth only limited exceptions to this broad prohibition. Section 6(e)(2) provides that EPA may allow the continued use of PCBs in a "totally enclosed manner". A "totally enclosed manner" is defined to be "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant as determined by the Administrator by rule." Section 6(e)(2) also allows EPA to authorize by rule the continued use of PCBs in a manner other than in a "totally enclosed manner" if EPA finds such use "will not present an unreasonable risk of injury to health or the environment." EPA promulgated regulations under 40 CFR Part 761, published in the **Federal Register** of May 31, 1979 (44 FR 31514), to implement section 6(e) of TSCA. The regulations designated all intact, non-leaking electrical capacitors, electromagnets, and transformers as "totally enclosed", thus permitting their continued use without regulation. The regulations also defined "PCB" for purposes of section 6(e) as PCBs in concentrations of 50 parts per million (ppm) or greater, thus excluding manufacturing, processing, distribution in commerce, and use of PCBs in concentrations below 50 ppm from regulation.

The Environmental Defense Fund (EDF) petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review three aspects of the PCB regulations, including the determination that intact, non-leaking transformers, capacitors, and electromagnets are "totally enclosed" and the 50 ppm cutoff for applicability of the regulations (*Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, No. 79-1560). In an October 30, 1980 decision in the case the Court found that there was "no substantial evidence in the record to support" the Agency's classification of transformers, capacitors, and electromagnets as totally enclosed or the Agency's decision "to establish a regulatory cutoff at fifty ppm." The Court remanded these portions of the regulations to EPA for further action. The effect of the Court's decision would be to make the continued use of PCB-containing transformers, capacitors, and electromagnets and the continued manufacture, processing, distribution in commerce, and use of PCBs below 50 ppm a violation of section 6(e) of TSCA subjecting the persons involved in these activities to possible EPA enforcement actions or citizen suits under section 20 of TSCA.

On January 21, 1981, EPA, EDF, and certain industry intervenors in *EDF* v. *EPA* filed a Joint Motion with the Court asking for an eighteen-month stay of the Court's mandate with respect to the part of the decision which set aside the classification of transformers, capacitors, and electromagnets as totally enclosed. During the period of the stay, EPA would undertake a rulemaking relating to the use of PCBs in electrical equipment beginning with an ANPR. In addition, the Edison Electric Institute (EEI) through the Utility Solid Waste Activities Group (USWAG) would undertake the development of some of the factual material necessary for further rulemaking. In addition, the movants agreed on certain interim, risk-reduction measures that could be taken with respect to transformers containing PCBs at 50 ppm or greater and suggested that the Court make these measures a condition of the eighteen-month stay. The movants indicated to the Court that the stay would be necessary in order to avoid the adverse impacts of the decision. If the mandate issued, persons who had been adhering to the PCB regulations would have found themselves in violation of section 6(e) of TSCA. Transformers and capacitors are widely used by electric utilities and industry for efficient energy transmission. Sudden cessation of their use would cause substantial dislocation. On February 12, 1981, the Court granted the requests of the Joint Motion and entered an Order.

The January 21, 1981 Joint Motion also requested a stay of that portion of the decision which set aside the 50 ppm regulatory cutoff. For the use of transformers, capacitors, and electromagnets with PCBs below 50 ppm, the stay would be eighteen months. For all other manufacturing, processing, distribution in commerce, and use of

PCBs below 50 ppm the January 21, 1981 Joint Motion requested a stay of only thirty days. This was because, as of the time of the Joint Motion, a program for further action by EPA in response to the 50 ppm issue had not been developed. The Court granted this 30-day stay in its February 12, 1981 Order, and during the period of the stay, EPA, EDF, and industry representatives developed a plan which was submitted to the Court in another Joint Motion on February 20, 1981. The Court has not yet acted on the February 20, 1981 Joint Motion. If the Court grants the February 20, 1981 Joint Motion, EPA will publish further notices in the Federal Register discussing the 50 ppm issue. As of the present time, the stay with respect to the 50 ppm cutoff is still in effect.

II. The Court's February 12, 1981, Order

The text of the Court's Order of February 12, 1981 is set forth at the end of the "Court Order on Inspection and Maintenance" appearing in today's Federal Register. The Order has a number of requirements as follows:

A. *Stay of the Mandate*

The Court Order stays the mandate of the Court insofar as it set aside the classification of transformers, capacitors, and electromagnets containing PCBs in concentrations of 50 ppm or greater as totally enclosed uses of PCBs. This means that the PCB regulations promulgated on May 31, 1979 regarding this classification (40 CFR 761.30) remain in effect for the duration of the stay. The terms of the stay and the Interim Measures Program are set forth in the "Court Order on Inspection and Maintenance". Interested persons should read that document for a complete discussion.

B. *The EEI/USWAG Study*

The Court's Order directs EEI, through USWAG, to undertake a factual study of the usage of PCBs in equipment used by the electric utility industry, the propensity of such equipment to leak or rupture, and an analysis of the feasibility of various measures to reduce or eliminate the risk of PCB contamination from such equipment. The details of the study are set forth in Appendix A to the Court's Order appearing at the end of the "Court Order on Inspection and Maintenance" Notice.

The study will begin within two months after February 12, 1981, the date of the Order. The study will be completed within nine months after it commences. However, EPA and EDF can agree to an extension of up to three months if necessary for completion of the work. Certain portions of the study will be delivered before the end of the nine months as set forth in Appendix a to the Court's Order.

C. *EPA Rulemaking for PCBs in Electrical Equipment*

The Court's Order requires EPA to publish an ANPR relating to the use of PCBs in electrical equipment. This publication meets that requirement. The Order also requires EPA to promulgate a final rule within six months of receipt of the EEI/USWAG study. The schedule for further rulemaking, includes publication of a proposed rule within sixty days after receipt of the EEI/USWAG study. The proposal will have a sixty-day comment period. At or near the end of the comment period a public hearing would be held, if necessary. The final rule would be promulgated within sixty days after the end of the comment period. The Order does not require EPA to await completion of the EEI/USWAG study in order to proceed with rulemaking. If EPA believes circumstances warrant, it can proceed with rulemaking as to some or all of the matter relating to PCBs in electrical equipment at any time.

D. *Further Action by the Court*

The Order provides that, if EEI or EPA fails to comply with the Order, any party may apply to the Court for appropriate relief, including immediate issuance of the court's mandate. Immediate issuance of the mandate would place most owners and users of PCB-containing transformers, capacitors and electromagnets in violation of section 6(e) of TSCA. EPA does not anticipate that this circumstance will occur. However, if the EEI study and the request for information in this ANPR do not produce information sufficient to enable EPA to pursue rulemaking for PCB-containing electrical equipment, it is possible that EPA or another party would return to the Court seeking a change in the stay and possibly the issuance of the mandate. Accordingly, it is important that persons having an interest in the outcome of this rulemaking provide their comments and the requested technical information in order to support further rulemaking.

III. Further Rulemaking by EPA

A. *Effects of the Court's Decision*

In light of the Court's decision in *EDF v. EPA*, EPA will be compiling a factual record to support further rulemaking with respect to transformers, capacitors, electromagnets and other electrical equipment containing PCBs. Information gathered during the rulemaking could lead EPA to conclude that some or all of these uses of PCBs are "totally enclosed". This information could also lead EPA to conclude that these PCB uses are non-totally enclosed uses which EPA should authorize pursuant to section 6(e)(2)(B) of TSCA. Detailed factual information will be necessary to support EPA decisions to make exceptions to section 6(e)'s prohibition with respect to the continued use of PCBs, whether the exceptions are based on a conclusion that certain uses are "totally enclosed" or on a conclusion that they should be authorized. Without a convincing factual record to support one of these exceptions, EPA would implement the statutory ban of section 6(e) of TSCA.

Use authorizations for electrical equipment determined not to be "totally enclosed" can be implemented by promulgating rules under section 6(e)(2)(B) of TSCA. To promulgate such rules, EPA would have to determine that the use of PCBs in such equipment "will not present an unreasonable risk of injury to health or the environment." To make this determination, EPA would need to balance the risks against the benefits presented by these uses of PCBs. Thus, EPA is seeking to develop factual information on the use of such electrical equipment, the propensity of the equipment to rupture or leak, the nature of human or environmental exposure that might result from such leaks or rupture, and the costs of measures to reduce exposure or eliminate the use of PCBs in such equipment. Some necessary information will result from the EEI/USWAG study. However, a great deal more will be necessary, especially in those areas where the EEI/USWAG study will not be producing any information, such as non-utility use of electrical equipment containing PCBs.

B. *Information Development*

As set forth in Appendix A to the Order, EEI/USWAG is conducting a study to provide information on the use and other characteristics of PCB-containing electrical equipment in the utility industry. EPA hopes that this will provide a broad, useful data base. The EEI/USWAG study is required to supply data on the:

1. Types of utility electrical equipment which contain PCBs.
2. Frequency and magnitude of equipment leaks and ruptures.
3. Feasibility of various programs of containment, inspection, and maintenance of utility electrical equipment which contain PCBs.
4. Feasibility of phase out for electric utility transformers and capacitors.

The study will also provide information on:

1. The impact of compliance with current PCB regulations.
2. The impact of compliance with new regulatory approaches.
3. The health effects of PCBs.
4. The environmental pathways for PCBs released from utility electrical equipment.
5. Viable substitute dielectric fluids for PCBs.
6. Non-electrical systems which contain PCBs.

A more detailed outline of this proposed study appears as Appendix A to the Court's Order in the "Court Order on Inspection and Maintenance" Notice.

C. *Request for Comments and Further Information to Support Rulemaking*

Before developing new regulations which might permit the continued use of PCBs in electrical equipment, EPA must build a substantial factual rulemaking record. This record must document the facts concerning PCB use in electrical equipment, including transformers, capacitors, and electromagnets. Development of a rulemaking record will begin with pertinent material contained in the records of previous PCB rulemakings. Additional information for the rulemaking record must come from public comments regarding transformers, capacitors, electromagnets, and other electrical equipment containing PCBs, as well as from the EEI/USWAG study regarding electric utility equipment which contain PCBs. Without such information the Agency cannot sustain granting exceptions to the prohibitions of section 6(e) of TSCA.

EPA invites public comments and data relevant to determinations as to whether or not transformers, capacitors, and electromagnets are "totally enclosed" uses of PCBs. EPA also requests comments relevant to determinations as to whether or not these uses of PCBs present an unreasonable risk of injury to health or the environment. Comments should include a discussion of the risks from using such equipment and possible means of limiting those risks.

The information obtained from the EEI/USWAG study of electric utility equipment will not represent all uses of PCBs in electrical equipment. The study is not expected to contain information regarding non-utility industry applications of transformers and capacitors. The industry study will not specifically address uses of electromagnets and small capacitors (those containing less than 1.36 kg (3 lbs) of dielectric fluid), which are normally found in electronic circuitry, fluorescent light ballasts, high intensity discharge lighting fixtures, and motor control circuitry throughout industrial, commercial, and residential sectors.

Therefore, persons who believe the EEI/USWAG study of utility electrical equipment will not reflect their specific uses of PCBs in electrical equipment should submit information relating to the risks and benefits of the use of PCBs in applications not covered by the EEI/USWAG study. If possible, these comments should supply information similar to the data outlined for the EEI/USWAG study. Information about types of electrical equipment which contain PSCs; leakage rates and magnitudes; containment, inspection, and maintenance alternatives; and phase out feasibilities are especially important, including recommendations or suggestions for regulating PCBs in various equipment and applications.

D. *Comment Period and Further Rulemaking*

The comment period for this ANPR is 270 days. This comment period closes shortly before the completion of the EEI/USWAG study. EPA has chosen this time period in order to receive and analyze the information concerning use of PCBs in electrical equipment in an orderly manner. The EEI/USWAG study is scheduled to deliver portions of the study during the comment period. EPA hopes that public comments will be received throughout the comment period so that, if those comments contain matters that EPA feels would be of interest to other submitters of comment, EPA would have time to inform comment submitters of those developments. In addition, timely submission of the comments will facilitate EPA meeting the Court-Ordered, eighteen-month deadline for final rules.

EPA will consider the need for public meetings during the rulemaking process and will entertain requests for such meetings from interested persons.

E. *Importance of Participation in This Rulemaking*

If EPA does not develop a factual record which indicates convincingly that the use of PCB-containing electrical equipment should be permitted, EPA will permit the Court's stay of mandate to expire without issuing new rules. Consequently, the prohibitions of section 6(e) of TSCA would be in effect, and the uses of PCBs that are now permitted under the eighteen-month stay would become unlawful.

Dated: March 5, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-7509 Filed 3-9-81; 8:45 am]

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Reader Aids

Federal Register

Vol. 46, No. 46

Tuesday, March 10, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	523-5230
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	523-5230
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders and problems (GPO)	783-3238
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884.....2
14885-15128.....3
15129-15256.....4
15257-15490.....5
15491-15684.....6
15685-15854.....9
15855-16096.....10

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12296.....15129

Proclamations:
4822.....14885
4823.....15491

Administrative Orders:

Presidential Determinations:
No. 81-3 of February 27, 1981.....15855

4 CFR

27.....15857
28.....15857

Proposed Rules:
26.....15884

5 CFR

550.....14887

7 CFR

907.....15257
910.....15493, 15864
2024.....15493

Proposed Rules:
930.....15888
1004.....15713
2851.....14899
2859.....15512

9 CFR

75.....15494

Proposed Rules:
308.....15512
381.....15512

10 CFR

35.....15683
212.....15257

Proposed Rules:
30.....15278
40.....15278
50.....15278
51.....15154
70.....15278
72.....15278
211.....15112
376.....15484
390.....15484

12 CFR

Ch. VII.....14887
21.....15864
216.....15864
326.....15864
546.....14727
563.....14727
563a.....15864
748.....15864
1204.....15131

Proposed Rules:
400.....15888
545.....15175

14 CFR

39.....14728-14729, 15259
71.....14730-14734
95.....14735
97.....15259
121.....15480

Proposed Rules:
Ch. I.....14749, 15278, 15746
39.....15479
71.....15478
93.....15458
159.....15458

15 CFR

503.....15496
935.....14741
936.....14741
937.....14741
938.....14741

16 CFR

13.....15261, 15262
1.....14888
13.....14741

17 CFR

15.....15132
211.....15496
240.....15496, 15866
240.....14888, 15133, 15134, 15713

Proposed Rules:
210.....15278
240.....14749, 15178

18 CFR

4.....15873
250.....15874
260.....15878
282.....14742, 15496, 15879

Proposed Rules:
Ch. I.....15512
1.....14751
4.....14751
34.....15513
131.....15513
154.....14899
157.....14899
250.....14899
260.....14899

19 CFR

353.....15135

21 CFR

73.....15500
81.....15500
430.....15680

436.....15860
440.....15860
442.....15860
540.....14889
561.....14889
864.....14890

Proposed Rules:
109.....15518
110.....15518
193.....15261
225.....15518
226.....15518
500.....15518
509.....15518
872.....15519

22 CFR
Ch. XIV.....16058, 16085
41.....15504

24 CFR
203.....14743
207.....14743
220.....14743
300.....15505

25 CFR
43c.....14890
700.....15720

Proposed Rules:

26 CFR
1.....15262, 15685
55.....15262

Proposed Rules:
1.....15892
26.....15893

28 CFR

Proposed Rules:
2.....14904

29 CFR
1910.....14897
2200.....14744

32 CFR
201.....15505
286.....14890
369.....15506
875.....15506

33 CFR
1.....15685
230.....14745

39 CFR
111.....14746, 15263, 15266

40 CFR
52.....15136–15139, 15686
55.....15686
81.....14891, 14892, 15140
86.....15686
162.....15104
180.....14894, 15122–15125
761.....16090

Proposed Rules:
52.....15180, 15181, 15284, 15743
60.....14905
81.....15744, 15744
86.....15893
180.....15181, 15182, 15285
430.....15267
431.....15267
761.....16096
763.....14905

41 CFR
101–40.....14894

42 CFR
110.....15141

43 CFR

Public Land Orders:
5797.....15506
5798.....15506
5799.....15506
5802.....15506
5804.....15506
5805.....15506
5806.....15506
5809.....15506
5810.....15506
5812.....15506
5814.....15506
5817.....15506
5818.....15506
5819.....15506
5821.....15506
5824.....15506
5825.....15506
5826.....15506
5827.....15506
5828.....15506
5830.....15506
5831.....15506
5832.....15506
5833.....15506
5834.....15506
5836.....15506
5837.....15506
5838.....15506
5839.....15506
5840.....15506
5841.....15506
5842.....15506
5844.....15506
5845.....15506
5846.....15506
5848.....15506
5849.....15506
5850.....15506
5851.....15506
5852.....15506
5853.....15506
5854.....15506
5855.....15506

44 CFR
64.....15267, 15269
65.....15142

Proposed Rules:
67.....14907, 15183, 15287

45 CFR
1060.....15270
1357.....14895

46 CFR
3.....15746
14.....15746
24.....15746
188.....15746
189.....15746

47 CFR
2.....15146, 15690
73.....15147–15151, 15271, 15707, 15709–15711
81.....15690
83.....15690
90.....15152, 15273
97.....15146

Proposed Rules:
Ch. I.....14907, 15184, 15296
0.....15297
22.....15749
25.....15754
73.....15754, 15756, 15757
81.....15297
83.....14754, 15297
73.....15184–15186, 15298

49 CFR
1033.....14895, 14896, 15507
1039.....15509
1132.....15509
1240.....15880
1243.....15881
1331.....15277

Proposed Rules:
1057.....15300
1206.....15302
1207.....15302

50 CFR
652.....15510

Proposed Rules:
230.....15746
410.....15188

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing February 18, 1981

V 4 6 / 4 6 MR 10 81

V.46/46
MR10 81

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3-11-81
Vol. 46 No. 47
Pages 16099-16234

federal register

Wednesday
March 11, 1981

Highlights

16131 **Elections** FEC announces filing dates for Maryland special primary and general elections and amends filing dates for Michigan special primary and general elections (2 douments)

16139 **Petroleum** Interior/BLM requests comments by 4-10-81, on proposed schedule for oil and gas lease sales in the National Petroleum Reserve in Alaska

16230 **Biomedical Waste** NRC permits greater leeway in disposing of liquid scintillation media and animal carcasses containing tracer levels of hydrogen-3 (tritium) or carbon-14; effective 3-11-81 (Part III of this issue)

16135 **Kidney Transplants** HHS/PHS plans evaluation of safety and clinical effectiveness of anti-lymphocytic globulin as an immunosuppressive technique; comments by 6-9-81

16101 **Veterans Benefits** VA increases monetary allowance payable in lieu of Government-furnished headstones or markers from $53 to $59; effective 10-1-80

16101 **Veterans Education** VA states that veterans pursuing farm cooperative courses must be engaged in relevant agricultural employment requiring an average of at least 40 hours of activity per week; effective 2-19-81

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

16100 **Prisoners** Justice defers until 3-30-81, effective date of rule creating Office of Inmate Grievance Procedures

16109 **Grant Programs—Minority Business** Commerce/MBDA solicits applications by 4-1-81, for consulting service program in Dallas Region

16132 **Consumer Protection** FHLBB adopts resolution describing consumer program

16104 **Radio** FCC proposes to facilitate interservice sharing of frequencies in private land mobile service; comments by 4-3-81; reply comments by 4-20-81

16200, 16225 **Moving of Household Goods** ICC proposes performance standards and revises operational regulations applicable to motor common carriers; comments by 4-10-81; effective 6-9-81 (Part II of this issue) (2 documents)

16109 **Antidumping** Commerce/ITA initiates investigation of truck trailer axles-and-brake assemblies and parts thereof from Hungary; effective 3-11-81

16158 **Antidumping** ITC denies petition to expand scope of investigation on potassium chloride from Canada

16099 **Customs Duties** Commerce/ITA revokes countervailing duty order on glass beads from Canada; effective 3-11-81

16103 **Foreign Fisheries** Commerce/NOAA reinstates reserve amounts of Atlantic squid for fishing year 1981-1982; effective 4-1-81

Privacy Act Documents

16110 DOD/AF
16111 DOD/Army
16114 DOD/Sec'y
16173 VA

16175 **Sunshine Act Meetings**

Separate Parts of This Issue

16200, 16225 **Part II, ICC**
16228 **Part III, NRC**

V. 46 / 47 MAR 11 1981 UMI

Contents

Federal Register
Vol. 46, No. 47
Wednesday, March 11, 1981

Administrative Office of United States Courts
NOTICES
16108 United States Court of Appeals, Circuit Executive; certification and notice of meeting

Agriculture Department
See Forest Service.

Air Force Department
NOTICES
16110 Privacy Act; systems of records

Army Department
NOTICES
16111 Privacy Act; systems of records

Civil Aeronautics Board
NOTICES
16175 Meetings; Sunshine Act

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
16108 Tennessee

Commerce Department
See also International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration.
NOTICES
Committees; establishment, renewals, terminations, etc.:
16110 National Bureau of Standards Visiting Committee

Defense Department
See also Air Force Department; Army Department.
NOTICES
16114 Privacy Act; systems of records

Education Department
NOTICES
Meetings:
16114 Vocational Education National Advisory Council and Women's Educational Programs National Advisory Council

Energy Department
See Environment Office, Energy Department; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Environment Office, Energy Department
NOTICES
Meetings:
16115 Environmental Advisory Committee

Environmental Protection Agency
NOTICES
Environmental statements; availability, etc.:
16129 Topeka, Kans.; wastewater treatment facilities
Pesticides; emergency exemption applications:
16118 Carzol
16130 Napropamide
16130 Paraquat CL
16127, 16128 Permethrin (2 documents)
Toxic and hazardous substances control:
16118–16125 Premanufacture notices receipts (3 documents)
16130 Premanufacture notices review period extensions

Federal Communications Commission
PROPOSED RULES
Radio services, special:
16104 Land mobile services; interservice sharing of frequencies below 470 MHz; elimination of waiver action or rulemaking proceeding for "out-of-service" frequency assignment
NOTICES
16175 Meetings; Sunshine Act (2 documents)

Federal Deposit Insurance Corporation
NOTICES
16176, 16177 Meetings; Sunshine Act (2 documents)

Federal Election Commission
NOTICES
16131 Maryland special primary and general elections; filing dates
16131 Michigan special primary and general elections; filing dates; amendment

Federal Energy Regulatory Commission
NOTICES
16178 Meetings; Sunshine Act

Federal Home Loan Bank Board
NOTICES
16132 Consumer program; final

Federal Maritime Commission
NOTICES
Freight forwarder licenses:
16134 Hansen International et al.

Federal Reserve System
RULES
Securities of member State banks (Regulation F):
16099 Safe harbor from liability for projections, corporate governance, tender offers, etc.; correction
NOTICES
Applications, etc.:
16134 Detroitbank Corp.
16134 First Banc of Indiana Holding Co., Inc.
16134 Mark Twain Bancshares, Inc.
16135 Welcome Bancshares, Inc.

Forest Service
NOTICES
16108 Timber export and substitution restrictions; Pacific yew, surplus; results of comments

General Services Administration
RULES
Procurement:
16102 ADP standards, government-wide; equipment, software, maintenance services, and supplies acquisition and contracting; consolidation and clarification of policies and procedures; correction
Property management:
16102 ADP standards, government-wide; equipment, software, maintenance services, and supplies acquisition and contracting; consolidation and clarification of policies and procedures; correction

Geological Survey
NOTICES
Coal resource areas:
16140 Texas; inquiry; correction

Health and Human Services Department
See Public Health Service.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
16115 Cases filed
16117 Decisions and orders

Indian Affairs Bureau
NOTICES
Environmental statements; availability, etc.:
16135 Ak-Chin Indian Reservation, interim water supply and delivery system, Arizona; draft availability and hearings

Interior Department
See Geological Survey; Indian Affairs Bureau; Land Management Bureau; Water and Power Resources Service.

Internal Revenue Service
RULES
Income taxes:
16100 Foreign corporations doing business in United States; allowance of deduction; correction
16100 Investment credit; first-in-first-out rule (FIFO), energy credit, etc.; correction

International Trade Administration
RULES
Countervailing duties:
16099 Glass beads from Canada
NOTICES
Antidumping:
16109 Truck trailer axles-and-brake assemblies and parts from Hungary
Steel trigger price mechanism:
16108 Second quarter 1981 price levels; correction

International Trade Commission
NOTICES
Import investigations:
16158 Airless paint spray pumps and components
16158 Coin-operated audio-visual games and components
16159 Food slicers and components
16159 Multicellular plastic film
16158 Potassium chloride from Canada
16159 Precipitated barium carbonate from West Germany and strontium nitrate from Italy
16160 Shell brim hats
16161 Slide fastener stringers and machines and components for producing slide fastener stringers
16162 Tobacco
16162 Tubeless-tire valves from West Germany

Interstate Commerce Commission
RULES
Motor carriers:
16200 Household goods transportation; revision of operational regulations
Tariff and schedules:
16102 Motor carrier rate bureaus; conforming amendments to CFR; extension of time; correction
PROPOSED RULES
Motor carriers:
16106 Commercial zones; expansion of Charleston, S.C.
16225 Household goods transportation; operational regulations; performance standards
NOTICES
Agreements under sections 5a and b, applications for approval, etc.:
16150 Western Railroads
Motor carriers:
16141, 16144 Finance applications (2 documents)
16146-16150, 16154 Permanent authority applications (4 documents)
16151 Permanent authority applications; correction
16151 Temporary authority applications

Justice Department
RULES
16100 Inmate grievance procedures; standards; partial deferral of effective date
NOTICES
Pollution control; consent judgments:
16163 Flintkote Co. et al.

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
16136 Chignik River Ltd.
Applications, etc.:
16140 Wyoming
Classification of lands:
16137 California
Environmental statements; availability, etc.:
16136 San Gorgonio Wind Leasing Program, Calif.; meetings
Management framework plans, review and supplement, etc.:
16139, 16140 Wyoming (2 documents)
Meetings:
16139 Canon City Grazing Advisory Board
16139 Oil and gas leasing; National Petroleum Reserve Alaska (formerly PET-4); proposed schedule of sales; inquiry
Resource management plans:
16136 Pine Island Sound-Sanibel, Fla.

V 46 / 47 / MR 11 81

Minority Business Development Agency
NOTICES
16109 Financial assistance application announcements

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
16103 Foreign fishing; Northwest Atlantic squid fishery
PROPOSED RULES
Fishery conservation and management:
16107 Foreign fishing; trawl fishery off Wash., Oreg., and Calif.; hearing

Nuclear Regulatory Commission
RULES
Radiation protection standards:
16230 Biomedical waste disposal; liquid scintillation media and animal carcasses containing hydrogen-3 (tritium) or carbon-14; lessening of restrictions
NOTICES
16178 Meetings; Sunshine Act (2 documents)

Postal Rate Commission
NOTICES
16169 Visits to shipping facilities

President's Economic Policy Advisory Board
NOTICES
16170 Meetings

Public Health Service
NOTICES
Medical technology scientific evaluations:
16135 Anti-lymphocytic globulin as an immunosuppressive technique in renal transplantation

Railroad Retirement Board
NOTICES
16178 Meetings; Sunshine Act

Securities and Exchange Commission
NOTICES
Hearings, etc.:
16170 Jersey Central Power & Light Co. et al.
16171 Panhandle Eastern Pipe Line Co. et al.
Self-regulatory organizations; proposed rule changes:
16171 National Association of Securities Dealers, Inc.

Small Business Administration
NOTICES
Meetings; advisory councils:
16173 California
16173 Indiana
16173 Texas; cancellation

Treasury Department
See Internal Revenue Service.

Veterans Administration
RULES
Adjudication; pensions, compensation, dependency, etc.:
16101 Headstone or marker, Government furnished; increase in payment
Vocational rehabilitation and education:
16101 Farm cooperative courses
NOTICES
Meetings:
16174 Wage Committee
16173 Privacy Act; systems of records

Water and Power Resources Service
NOTICES
Contract negotiations:
16141 Boise Project Board of Control, Idaho

MEETINGS ANNOUNCED IN THIS ISSUE

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS
16108 United States Courts of Appeals, Certification Board, Circuit Executive, Chicago, Ill., 4–30–81

CIVIL RIGHTS COMMISSION
16108 Tennessee Advisory Committee, Nashville, Tenn., 4–3–81

EDUCATION DEPARTMENT
16114 Women's Educational Programs National Advisory Council and Vocational Education National Advisory Council, Washington, D.C., 3–25–81

ENERGY DEPARTMENT
Environment Office—
16115 Environmental Advisory Committee, Clean Air Act Reauthorization Subcommittee, Washington, D.C., 3–27–81

EXECUTIVE OFFICE OF THE PRESIDENT
16170 President's Economic Policy Advisory Board, Washington, D.C., 3–25–81

INTERIOR DEPARTMENT
Land Management Bureau—
16139 Canon City District Grazing Advisory Board, Salida, Colo., 4–16–81
16136 San Gorgonio Wind Leasing Program; Banning, Calif., 4–2–81; Palm Springs, Calif., 4–3–81

INTERNATIONAL TRADE COMMISSION
16162 Tubeless-tire valves from Federal Republic of Germany, Washington, D.C., 3–17–81

SMALL BUSINESS ADMINISTRATION
16173 Region V Advisory Council, Indianapolis, Ind., 4–15–81
16173 Region IX Advisory Council, Hayward, Calif., 4–8–81

VETERANS ADMINISTRATION
16174 Wage Committee, Washington, D.C., 4–2, 4–16, 4–30, 5–14, 5–28, 6–11, and 6–25–81

CANCELLED MEETING

SMALL BUSINESS ADMINISTRATION
16173 Region VI Advisory Council, San Antonio, Tex., 4–3–81, cancelled

HEARINGS

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
16107 Trawl Fisheries off Washington, Oregon, and California, 3–20–81

INTERIOR DEPARTMENT
Indian Affairs Bureau—
16135 Ak-Chin Water Supply Project, 4–28 and 4–29–81

INTERNATIONAL TRADE COMMISSION
16159 Precipitated barium carbonate from Federal Republic of Germany and strontium nitrate from Italy, 5–18–81
16162 Tobacco, 5–11–81

RESCHEDULED HEARING

INTERNATIONAL TRADE COMMISSION
16158 Airless paint spray pumps, rescheduled for 3–31–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

10 CFR
20 16230

12 CFR
206 16099

19 CFR
355 16099

26 CFR
1 (2 documents) 16100

28 CFR
0 16100
40 16100

38 CFR
3 16101
21 16101

41 CFR
1–4 16102
101–35 16102
101–36 16102

47 CFR
Proposed Rules:
90 16104

49 CFR
1003 16200
1005 16200
1056 16200
1310 16200
1322 16200
1331 16102
Proposed Rules:
1048 16106
1056 16225

50 CFR
611 16103
Proposed Rules:
611 16107

V 46 / 47 MR 11 81 UMI

Rules and Regulations

Federal Register
Vol. 46, No. 47
Wednesday, March 11, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 206

[Reg. F; Docket No. R-0327]

Securities of Member State Banks

Correction

In FR Doc. 81-4218 appearing on page 11237 in the issue of Friday, February 6, 1981, make the following corrections:

(1) In the third column of page 11238, the amendatory instruction preceding § 206.5 contained errors and should have read as follows:

"In § 206.5, paragraphs (b)(5) and (e)(6) are added; paragraphs (a), the introductory text of (b), (c)(1) and (5), (d), (g)(1) (i) and (ii), (g)(2) (ii) and (iii), (g)(3), (h)(1), (i)(3) (i), (ii) and (iii), (i)(6), and (k)(1) through (k)(4) are revised, and (c)(2) is amended to read as follows:"

(2) Because paragraph (c)(2) of § 206.5 is being amended in part and not revised in its entirety, three asterisks should be inserted after the portion of text that ends three lines from the top of the middle column of page 11239.

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Glass Beads From Canada; Final Results of Administrative Review and of Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review and of Revocation of Countervailing Duty Order.

SUMMARY: On January 15, 1981, the Department of Commerce published a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke" with respect to glass beads from Canada. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral comments. The Department received no comments. Therefore, the Department is revoking the order on glass beads from Canada on the grounds that the aggregate net subsidy has been *de minimis* for at least two years (January 1978 through June 1980) and is assessing countervailing duties equal to the calculated values of the net subsidies for 1976 and 1977. Part 355, Annex III of the Commerce Regulations is amended to reflect this revocation.

EFFECTIVE DATE: March 11, 1981.

FOR FURTHER INFORMATION CONTACT: Edward F. Haley, Office of Compliance, Room 2126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1767).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 2, 1976, a notice of "Final Countervailing Duty Determination" with respect to glass beads from Canada was published in the **Federal Register** as Treasury Decision 76-247 (41 FR 37103). On January 15, 1981, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order (46 FR 3581).

Scope of the Review

Imports covered by this review are dutiable glass beads not over six millimeters in diameter manufactured by Canasphere Industries Limited (Canasphere), the sole Canadian manufacturer subject to the countervailing duty order. They are used primarily in a mixture with paint to increase the visibility of road lines at night, but are also used in impact processing for cleaning, finishing, peening, and deburring metals. Such imports are currently classifiable under item 540.33, Tariff Schedules of the United States.

This review is based upon information for the period September 2, 1976, through June 1980 and is limited to a grant from the Federal Department of Regional Economic Expansion (DREE) and an interest-free loan from the Saskatchewan Economic Development Corporation (SEDCO), which were the only programs found countervailable in the final determination.

The preliminary results of this review stated that net subsidies amounted to 0.9 percent *ad valorem* of the f.o.b. invoice price for the period September 1976 through December 1976 and 0.53 percent for calendar year 1977, and that for over a two-year period (January 1978 through June 1980) the aggregate net subsidy amounted to not more than 0.43 percent per annum. This level is considered to be *de minimis*. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

As a result of this review, we conclude that the imported merchandise has not benefited from more than a *de minimis* aggregate net subsidy for at least the two-year period specified in § 355.42, Commerce Regulations (19 CFR 355.42). As further required by this section, Canasphere has agreed in writing to an immediate suspension of liquidation and, if appropriate, reinstatement of the order if circumstances develop which indicate that the imported merchandise benefits from a net subsidy. Therefore, the Department revokes the countervailing duty order concerning glass beads not over 6 millimeters in diameter manufactured by Canasphere Industries Limited (T.D. 76-247) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after January 15, 1981.

The Department will instruct the Customs Service to assess countervailing duties of 0.9 percent and 0.53 percent *ad volorem* of the f.o.b. invoice price on all unliquidated entries of these glass beads entered, or withdrawn from warehouse, for consumption during the periods September 2, 1976 through December 31, 1976, and calendar year 1977, respectively. Additionally, unliquidated entries from January 1, 1978 to January 15, 1981 will be liquidated without regard to countervailing duties.

PART 355—COUNTERVAILING DUTIES

Annex III [Amended]

Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Canada" by removing from the column headed "Commodity," the words "Glass beads"; from the column headed "Treasury Decision," the number "76-247"; and from the column headed "Action," the words "Bounty declared-rate."

This revocation, administrative review, and notice publication are in accordance with sections 751(a)(1), (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,

Deputy Assistant Secretary from Import Administration.

March 3, 1981.

[FR Doc. 81-7308 Filed 3-10-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7751]

Income Tax; Taxable Years Beginning After December 31, 1953; FIFO and Other Ordering Rules for Investment Credit

Correction

In FR Doc. 80-40836 appearing on page 1676 in the issue of Wednesday, January 7, 1981; on page 1679, first column, § 1.46-1, paragraph (n), *Example (3)*, third line, "ended" should read "ending".

BILLING CODE 1505-01-M

26 CFR Part 1

[T.D. 7749]

Income Tax; Taxable Years Beginning After December 31, 1953; Allowance of Deductions to Foreign Corporations

Correction

In FR Doc. 80-40838 appearing on page 1681 in the issue of Wednesday, January 7, 1981; on page 1686, first column, § 1.882-5, paragraph (d), sixth line, insert "open" after "to".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Parts 0 and 40

[Order No. 935-81]

Office of Inmate Grievance Procedure, Certification Methods for Inmate Grievance Procedures; Deferral of Effective Date

AGENCY: Department of Justice.

ACTION: Notice of deferral of effective date of part of final rule.

SUMMARY: On January 12, 1981, the Attorney General issued a final rule (Attorney General Order No. 924-81, FR Doc. No. 81-1528, appearing at 46 FR 3843 (January 16, 1981)) promulgating minimum standards for inmate grievance procedures, establishing methods of certifying such procedures, and creating an Office of Inmate Grievance Procedures, as required by "The Civil Rights of Institutionalized Persons Act." That rule was to become effective thirty legislative days after publication. By a memorandum dated January 29, 1981, the President directed the Attorney General and other agency heads to defer, until March 30, 1981, the effective dates of and to review most final regulations scheduled to become effective within sixty days after January 29th. Accordingly, the effective dates of the following parts of Attorney General Order No. 924-81 are deferred to March 30, 1981 to permit the review called for by the President's memorandum: (a) that part of paragraph (1) of the Order (at 46 FR 3845ff) which added Part 40 Subpart B to Title 28, Code of Federal Regulations; and (b) paragraph (2) of the Order (at 46 FR 3852) which added § 0.18 to Part 0.

Subpart A of Part 40 as added by paragraph (1) will take effect as scheduled.

EFFECTIVE DATE: The new effective date of the parts of Attorney General Order No. 924-81 covered by this order (i.e. that part of paragraph (1) of the Order which added Part 40 Subpart B to Title 28, Code of Federal Regulations, and paragraph (2) of the Order) is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: William R. Yeomans, Attorney-Advisor, Office for Improvements in the Administration of Justice, Department of Justice, Room 4250, Main Justice Building, Washington, D.C. 20530 (202-633-4582).

SUPPLEMENTARY INFORMATION: "The Civil Rights of Institutionalized Persons Act" of 1980 requires that the Attorney General develop minimum standards for prisoner grievance mechanisms in adult correctional and detention facilities. States and their political subdivisions may voluntarily submit plans for grievance mechanisms to the Attorney General for certification that they comply with the standards. Courts may continue cases filed pursuant to 42 U.S.C. 1983 by adults confined in correctional or detention facilities for a period of up to 90 days in order to allow exhaustion of the grievance mechanism, if the Attorney General has certified a plan, or the court determines that the grievance mechanism is in substantial compliance with the minimum standards promulgated by the Attorney General.

Attorney General Order No. 924-81 promulgated those minimum standards, established methods for accomplishing the certification, and created a new Office of Inmate Grievance Procedure in the Department of Justice. The President's memorandum of January 29, 1981 required all agency heads to defer to March 30, 1981 the effective dates of most final regulations scheduled to become effective within sixty days after January 29th. The President further directed that, in the period prior to March 30, such regulations be subjected to review within the agency. Excluded from the President's directive were regulations which could not be deferred without violating a statutory deadline.

Accordingly, the effective dates of the parts of Attorney General Order No. 924-81 which established the methods of certification and created the Office of Inmate Grievance Procedure are deferred to March 30, 1981, to permit the review directed by the President. The effective date of that part of Attorney General Order No. 924-81 which promulgated minimum standards for inmate grievance procedures is determined by the language of the statute, and is therefore exempt from the President's directive and unaffected by the present order.

Nevertheless, it is the intention of the Department of Justice to review the minimum standards for inmate grievance procedures as well, and, if changes are deemed desirable, those standards will be published again and comments will be solicited.

Dated: March 6, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-7302 Filed 3-10-81; 8:45 am]

BILLING CODE 4410-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Government-Furnished Headstone or Marker

AGENCY: Veterans Administration.

ACTION: Final Regulation.

SUMMARY: The Veterans Administration has increased the monetary allowance payable in lieu of a Government-furnished headstone or marker from $53 to $59. The need for this action resulted from the fact that the actual cost of a Government-furnished headstone or marker increased from $53 to $59. The effect of this proposed amendment is to permit payment of up to $59 in lieu of a Government-furnished headstone or marker.

DATE: This change is effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202–389–3005).

SUPPLEMENTARY INFORMATION: On page 81787 of the **Federal Register** of December 12, 1980, the Veterans Administration published a proposed amendment to 38 CFR 3.1612. Interested persons were given until January 19, 1981 to submit comments, suggestions, or objections to the proposed amendment of § 3.1612.

We received no comments, suggestions, or objections to the proposed amendment of § 3.1612. The amendment is adopted as proposed.

Approved: February 18, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

In § 3.1612, paragraph (e)(2)(ii) is revised to read as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

* * * * *

(e) *Payment and amount of the allowance.* * * *

(2) The amount of the allowance payable is the lesser of the following:

* * * * *

(ii) The average actual cost, as determined by the Veterans Administration, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased. The average actual cost of headstones and markers furnished at Government expense for fiscal year 1979 (October 1, 1978 through September 30, 1979) is $53 and $59 for fiscal year 1980 (October 1, 1979 through September 30, 1980).

* * * * *

[FR Doc. 81-7570 Filed 3-10-81; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21

Veterans Education; Farm Cooperative Courses

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is amending a regulation to state that a veteran pursuing a farm cooperative course must be engaged in relevant agricultural employment requiring an average of at least 40 hours of activity per week. Previously, Veterans Administration policy required that agriculture be the principal source of earning the student's livelihood before a veteran or eligible person could receive educational assistance allowance for enrolling in a farm cooperative course. This policy was criticized by some who stated that it is possible for a farmer to work full time on his or her farm and still have an off-farm income greater than his or her farm income. This amended regulation responds to this criticism by basing the determination on whether an individual is a farmer solely on the individual's weekly agricultural efforts.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On pages 77050 and 77051 of the **Federal Register** of November 21, 1980 there was published a notice of intent to amend part 21 to change the method of determining whether a veteran could receive educational assistance allowance while attending a farm cooperative course.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposal. The Veterans Administration received twelve letters containing comments. These letters approved the proposal and urged that it be adopted. Accordingly, the agency is adopting the proposal without change.

The proposed changes to § 21.4264 are deemed proper and are hereby approved.

Approved: February 19, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Therefore, the Veterans Administration is amending 38 CFR Part 21 by revising § 21.4264 to read as follows:

§ 21.4264 Farm cooperative courses.

(a) *Description of a farm cooperative course.* A farm cooperative course is an institutional agricultural course. It provides training on a reduced basis to those engaged in farming, compared to other types of training. Part-time benefits are provided for students whose farming operation will not permit them to attend class at least 10 hours per week. (38 U.S.C. 1682; 1732)

(b) *Farm cooperative students must be farmers.* In order to receive educational assistance allowance a veteran or eligible person must be engaged concurrently in agricultural employment for an average of at least 40 hours per week. This agricultural employment must be relevant to the farm cooperative course. (38 U.S.C. 1682; 1732)

(c) *Acceptable class schedules.* (1) The institutional portion of a farm cooperative course—

(i) May be on a term, quarter or semester basis, or

(ii) May consist of courses which—

(A) Are offered during at least 44 weeks of the year, and

(B) Require a minimum of 5 clock hours per week.

(2) The time involved in field trips and individual and group instruction, sponsored and conducted by the educational institution offering farm cooperative courses may be counted toward meeting the clock-hour requirements. See § 21.4270(b) for measurement of farm cooperative courses. (38 U.S.C. 1682, 1732)

(d) *Application.* (1) Any school desiring to enroll veterans, spouses or children in farm cooperative courses—

(i) Will submit to the appropriate State approving agency a written application for approval in accordance with § 21.4253 or § 21.4254 as appropriate; and

(ii) Must submit statements of fact showing at least the following:

(A) That the course is set up in the school catalog or other literature of the school;

(B) That the agricultural course is offered concurrently with agricultural employment; and

(C) That the school itself verifies on a continuing basis that students are engaged for an average of at least 40 hours per week in suitable agricultural employment which is relevant to the institutional agricultural course offered by the school and is in an area consistent with their institutional training program.

(2) For the purposes of this paragraph suitable agricultural employment must include employment on a farm or other agricultural establishment where the basic activity is either—

(i) The cultivation of the ground such as the raising and harvesting of crops including fruits, vegetables and pastures, or

(ii) The feeding, breeding and managing of livestock, including poultry and other specialized farming.

(3) The Veterans Administration does not consider employment in training establishments which are engaged primarily in the processing, distribution or sale of agricultural products or combinations thereof, such as dairy processing plants, grain elevators, packing plants, hatcheries, stockyards or florists shops to be suitable agricultural employment. (38 U.S.C. 1682, 1732)

(e) *Approval criteria.* The appropriate State approving agency may approve the school's application when the agency finds upon investigation that the school and its courses have met the following conditions:

(1) The criteria specified in § 21.4253 or § 21.4254, as appropriate; and

(2) The requirements of paragraph (d) of this section. (38 U.S.C. 1682, 1732)

[FR Doc. 81-7569 Filed 3-10-81; 8:45 am]

BILLING CODE 8320-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-4

[FPR Amendment 211]

Automatic Data Processing Contracting; Special Types and Methods of Procurement

Correction

In FR Doc. 81-92 appearing on page 1196 in the issue of Monday, January 5, 1981, make the following corrections:

(1) In the third column of page 1196, in the paragraph numbered (26), "* * * (BLM) * * *" should have read "* * * (BML) * * *".

(2) In § 1-4.1104(c), in the line that is fourth from the top of the center column of page 1201, "* * * have been received by * * *" should have read "* * * have been reviewed by * * *".

(3) On page 1204, in the fifth line of paragraph (d) of § 1-4.1109-3, "* * * DML * * *" should have read "* * * BML * * *".

(4) In the center column of page 1212, the paragraph **Option for Increased Quantity** should have been enclosed in brackets, with the asterisk retained after the bracket.

BILLING CODE 1505-01-M

41 CFR Parts 101-35 and 101-36

[FPMR Amendment F-44]

Management, Acquisition, and Utilization of Automatic Data Processing (ADP) Resources

Correction

In FR Doc. 81-93 appearing on page 1213 in the issue of Monday, January 5, 1981, make the following corrections:

(1) On page 1216, third column, in paragraph (d) of § 101-35.205, "Specific make and model descriptions * * *" should have read "Specific make and model purchase descriptions * * *".

(2) In § 101-35.206-1(b)(6), in the line that is thirteenth from the bottom of the first column of page 1217, "* * * its system life" should have read "* * * during its system life".

(3) On page 1219, the date "December 29, 1980" should have appeared with Ray Kline's signature.

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1331

[Ex Parte No. 297 (Sub-No. 5)]

Motor Carrier Rate Bureaus—Implementation of Pub. L. 96-296; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction: Notice of extension of date for new or amended agreements.

SUMMARY: Petitions were filed by eleven major motor carrier rate bureaus and the National Association of Specialized Carriers, Inc. (NASC) requesting that the March 5, 1981 date for filing new or amended agreements be extended. By notice published in the **Federal Register** on January 22, 1981 (46 FR 8071) we had previously extended the date for filing agreements to March 5. The major motor rate bureaus ask for an extension until 15 day after we act on their appeal of the Commission's decision of January 29, 1981. In that decision we denied petitions for stay pending judicial and administrative review of our December 30, 1980 decision in this proceeding. NASC requests that we extend the filing deadline pending disposition of petitions to reopen and/or pending judicial review and that we subsequently set the deadline for filing within not less than 60 days of the effective date of standards ultimately and finally determined. The petitions are granted in part. In order to avoid repetitive filings, the date for submitting new or amended agreements is extended to 15 days after service of our decision on the petitions to reopen our December 30 decision. The major rate bureaus stated in their petition that they have been complying with our December 30 decision since the February 2, 1981 effective date. As required under 49 U.S.C. 10706(e)(2) all motor rate bureaus must continue this indicated compliance with the requirements of our December 30 decision until the new or amended agreements are filed on the prescribed date and acted upon by the Commission. Postponement of the filing date in no way affects the implementation of our December 30 decision.

DATE: In the **Federal Register** issue of March 5, 1981, 46 FR 15277, in this proceeding, the dateline incorrectly reads: "The date for filing new or amended agreements is now 15 days from the February 27, 1981 service date of our decision on the petitions to reopen our December 30, 1980 decision in this proceeding." This notice is correcting this document to read: The date for filing new or amended agreements is now 15 days from service of our decision, now pending, on the petitions to reopen our December 30, 1980 decision in this proceeding.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275-7656.

Dated: March 9, 1981.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7706 Filed 3-10-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing; Northwest Atlantic Squid Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of reinstatement of reserve amounts of Atlantic squid.

SUMMARY: Reserve amounts of Atlantic squid are reinstated for fishing year 1981–1982. During the fishing year April 1, 1980 to March 31, 1981, the Northeast Regional Director, National Marine Fisheries Service, released Atlantic squid from the reserves to the total allowable levels of foreign fishing (TALFFs). The Fishery Management Plan for the Squid Fishery of the Northwest Atlantic Ocean requires the initial reserves to be reinstated at the beginning of a new fishing year.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, State Fish Pier, Gloucester, Massachusetts, telephone (617)–281–3600.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this 6th day of March 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR 611.20 Appendix I is amended by revising entry 1–D as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

Appendix I—Optimum yield (OY), Domestic Allowable Harvest (DAH), Domestic Allowable Processing (DAP), Joint Venture Processing (JVP), Domestic Nonprocessed Fish (DNP), Reserve, and Total Allowable Level of Foreign Fishing (TALFF), All in Metric Tons.

	Species and species code	Area	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
1. Northwest Atlantic Ocean Fisheries:									
D. Squid Fishery	Squid, long-finned, 802		44,000	7,800		0		19,000	19,000
	Squid, short-finned, 804		30,000	5,000		0		13,000	12,000

[FR Doc. 81-7607 Filed 3-10-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 47
Wednesday, March 11, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 81-110; RM-3389; FCC 81-70]

Interservice Sharing of Frequencies in the Private Land Mobile Service below 470 MHz; Facilitation

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: The FCC proposes to amend Part 90 of the Commission's Rules and Regulations to adopt procedures which would facilitate the interservice sharing of frequency assignments in the private land mobile radio services. If adopted, these procedures would eliminate the need for a waiver action or rule making proceeding each time an "out-of-service" radio frequency assignment is requested.

DATES: Comments are due on or before April 3, 1981 and replies on or before April 20, 1981.

ADDRESS: Federal Communications Commission Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Neal Pike or Charles Turner, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Released: March 9, 1981.

Adopted: February 25, 1981.

By the Commission: Chairman Ferris not participating.

In the Matter of Amendment of Subpart H of Part 90 of the Commission's Rules and Regulations to facilitate Interservice Sharing of Frequencies in the Private Land Mobile Service below 470 MHz; PR Docket No. 81-110, RM-3389; Notice Of Proposed Rule Making.

Petition

1. The Central Committee on Telecommunications of the American Petroleum Institute (API), Forest Industries Telecommunications (FIT) and the Special Industrial Radio Service Association, Inc., (SIRSA) have filed a petition (RM-3389) [1] for amendment of Subpart H, Part 90 (47 CFR 90.1 *et seq.*) of the Commission's Rules and Regulations to facilitate interservice sharing of private land mobile radio service frequency assignments.

2. The stated purpose of the petition is, "to create a permissive mechanism for the broader interservice sharing of private land mobile frequency assignments." In this regard, the petitioners note that the sharing of frequencies on an interservice basis ordinarily requires either a waiver of the rules, or a rule making proceeding. The petition, therefore, seeks an administrative mechanism which would obviate the need for a waiver or a rule making proceeding when an out-of-service frequency assignment was sought, provided certain pre-established conditions were met by the applicant seeking the out-of-service assignment. Specifically, the petition proposed that the private land mobile rules be amended to facilitate the interservice sharing of frequencies under the following conditions:

(1) There be a Master Interservice Sharing Plan drawn up by the coordinators for the private land mobile services and submitted to the Commission that includes a listing of available frequencies;

(2) There are no frequency assignments available in the radio service in which the applicant is primarily eligible;

(3) The frequency requested by the applicant is one on the Master Interservice Sharing Plan list;

(4) The frequency advisory committee(s) having responsibility for the coordination of the frequency concur in its "out-of-service" assignment;

(5) The proposed "out-of-service" assignment will not result in harmful interference to any existing or planned systems;

(6) The "out-of-service" user agrees to comply with all of the technical requirements of the service to which the assignment is regularly allocated; and

(7) The Commission finds that the assignment is in the public interest.

3. The petitioners were opposed to "absolute frequency pooling" (i.e. sharing frequencies without constraint) because they felt that it "subverts" the flexibility required to reserve a minimal amount of spectrum for critical "in-service" use, and ignores advantages associated with having systems with like-uses sharing the same channel assignment. On the other hand, they also felt that block allocations (that is assignment of frequencies to different radio services for use by discreet types of systems, e.g. only by taxi companies, power companies, police departments, etc.) results in inflexibility in allocations that leads to unreasonable imbalances in frequency utilization between one service and another. They concluded that "expanded interservice frequency sharing" could eliminate some of these imbalances, while striking a compromise between these two approaches.

4. Comments were filed by the Manufacturers Radio Emergency Advisory Committee (MFRAC), and the Associated Public Safety Communications Officers, Inc. (APCO). Reply comments were submitted by the Special Industrial Radio Service Association, Inc. (SIRSA). The comments and replies generally endorsed the concept of the petition.

Background

5. In land mobile frequency bands below 470 MHz, users with similar functions and requirements are grouped in the same radio service and share the same block of frequencies (See *e.g.*, the Power Radio Service 47 CFR 90.63; the Fire Radio Service 47 CFR 90.21; and the Railroad Radio Service 47 CFR 90.91). However, as petitioners note, this restricts the availability of these frequencies "out-of-service", even when there is little or no "in service" use and can result in imbalanced uses of frequencies in different geographic areas, an illustrative example being Forest Products frequencies in New York City. Some interservice sharing between and among radio services traditionally has been permitted by the Commission. The procedure in these cases usually involves a user first determining that there are no frequencies available in the service in which he or she is eligible. After a search and usually coordination with a radio service coordinator, an unused frequency in another service is located and a request for a waiver, or a rule making petition, is submitted to the Commission to permit sharing of the frequency by the user outside of the

[1] The petition was submitted on June 18, 1979.

radio service to which it is assigned. A decision is then, by the Commission, made whether or not to grant the request in the public interest.[2]

Proposal

6. As we have noted, interservice sharing of frequencies is not novel, and from time to time the Commission has adopted rules for interservice frequency sharing to provide greater flexibility in frequency use.

7. We have considered the petition and the comments and we believe it is appropriate to establish administrative procedures to enhance flexibility for interservice frequency sharing. We also believe this approach has general applicability to all of the private land mobile radio services. We are, therefore, proposing procedures to govern such an approach which, if adopted, would lead to expeditious handling of requests for out-of-service use of frequencies by private land mobile radio services eligibles.

8. Since we are presently exploring the possibility of differentiating between public safety licensees and other private land mobile licensees in how we approach the allocation and assignment of private radio service spectrum, we propose to establish two categories of eligibles. Eligibles within a category would be able to access the frequencies assigned to other radio services within the same category. Interservice sharing across categories, however, would not be covered by these proposed rules. The first category would include all of the public safety radio services and governmental entities eligible in the Special Emergency Radio Services. (See 47 CFR 90.17–90.45.) The second category would include all other eligibles in the Special Emergency Radio Service and all eligibles in the Industrial and Land Transportation Radio Services (except for the Industrial Radiolocation Service which would appear to have little need for this ability in view of the nature of that radio service). (See 47 CFR 90.35–90.103.)

9. The criteria for sharing a frequency assigned to another radio service within an applicant's category would be that the applicant provide us at the time of application with:

1) A determination by his or her frequency advisory committee, or a demonstration by a field study, that there is no satisfactory frequency available within the applicant's own radio service in the area of desired operation;

2) A demonstration that the frequency(s) requested in another radio service is not assigned in that radio service in the desired area of operation;[3]

3) A statement that the frequency coordinator(s) having responsibility for the coordination in the radio service(s) in which the frequency in question is assigned concurs in its assignment in the manner proposed, and that it will not result in harmful interference to existing or applicants for pending systems in the service(s) in which the frequency is assigned; and

4) A statement or showing that the proposed use of the assignment will not violate any of the technical limitations applicable in the service or services to which the frequency is regularly allocated.

10. Interservice sharing under this approach would be confined to the following frequency bands: 25–50, 150–174, and 450–470 MHz and would not extend to frequencies which are not assigned to the private land mobile radio services on a primary basis. In addition, we are further excluding the frequencies allocated to the Special Emergency Radio Services because of the nature of the service, the number of frequencies available in this service below 450 MHz, and the specialized use of the 403/409 MHz group of frequencies for medical purposes. The frequencies above 470 MHz are not included in this proposed rule change because these frequencies are not assigned in the manner as below 470 MHz.

11. The Commission concludes after an analysis of these proposed rules that they are not likely to have a significant economic impact on a substantial number of small entities, and, therefore, we are not preparing an accompanying initial regulatory flexibility analysis. See section 603 of the Regulatory Flexibility Act of 1980. (Pub. L. 96–354).

12. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

13. Authority for issuance of this Notice of Proposed Rule Making is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to the procedures set out in §1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before April 3, 1981 and reply comments on or before April 20, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

14. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All

[2] 47 CFR 90.151 of the rules states that a waiver shall set forth the nature of the request or exception desired as well as the unique circumstances involved and a showing that there is no reasonable alternative available. 47 CFR 1.401 sets forth the procedures for submitting a petition for rule making.

[3] We are not adopting petitioners' suggestion that only frequencies designated as eligible for sharing on a Master Interservice Frequency list be made available for interservice sharing because we believe the safeguards we are proposing are adequate to protect against the concerns that petitioners' expressed and we see no need to limit the range of frequencies which could be shared.

documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. For further information on this proceeding, contact Neal Pike, Private Radio Bureau, Federal Communication Commission, Washington, D.C. 202-632-7597.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

1. The table of sections to Part 90 is amended to add a new § 90.176 to read as follows:

* * * * *

§ 90.176 Interservice sharing of frequencies in the 25–50, 150–174, and 450–470 MHz bands.

* * * * *

2. Section 90.173 of the Commission's rules is amended to add paragraph (j) to read as follows:

§ 90.173 Policies governing the assignment of frequencies.

* * * * *

(j) Except for those frequencies that are not allocated to the Private Land Mobile Radio Services on a primary basis and those frequencies shared with the Federal Government.

Frequencies allocated to specific services and listed in the tables in Subparts B, D, and E may also be available for assignment in services other than those to which they are allocated provided that such interservice sharing assignments meet the requirements of § 90.176 of the rules.

3. A new § 90.176 is added to read as follows:

§ 90.176 Interservice sharing of frequencies in the 25–50, 150–174, and 450–470 MHz bands.

(a) Eligibles in the Police, Fire, Local Government, Highway Maintenance, Forestry Conservation, and governmental entities in the Special Emergency Radio Service may apply to use any of the frequencies allocated to these services. Applications must be accompanied by:

(1) A determination by the applicant's frequency advisory committee, or a demonstration by a field study, that there are no satisfactory frequencies available within the applicant's own radio service in the area of desired operation;

(2) A demonstration that the frequency(s) requested in another radio service is not assigned in that radio service in the area of desired operation;

(3) A statement that the frequency coordinator(s) having responsibility for the coordination in the radio service(s) in which the frequency in question is assigned concurs in its assignment in the manner proposed and it will not result in harmful interference to existing or planned systems in the service(s) in which the frequency is assigned;

(4) A statement or showing that the proposed use of the assignment will not violate any of the technical limitations applicable in the service or services to which the frequency is regularly allocated.

(b) Non-government eligibles in the Special Emergency Radio Service and eligibles in the Industrial and Land Transportation Radio Services may apply to use any of the frequencies allocated to these services. Applications must be accompanied by:

(1) A determination by the applicant's frequency advisory committee, or a demonstration by a field study, that there are no satisfactory frequencies available within the applicant's own radio service in the area of desired operation;

(2) A demonstration that the frequency(s) requested in another radio service are not assigned in that radio service in the area of desired operation;

(3) A statement that the frequency coordinator(s) having responsibility for the coordination in the radio service(s) in which the frequency in question is assigned concurs in its assignment in the manner proposed and that it will not result in harmful interference to existing or planned systems in the service(s) in which the frequency is assigned. In uncoordinated services or bands, in lieu of the foregoing, a statement from all co-channel users within 75 miles and in the 150–174 MHz band from all licensees within 10–35 miles of the proposed station on a frequency 15 kHz removed that they concur in the assignment of the requested frequency; and

(4) A statement or showing that the proposed use of the assignment will not violate any of the technical limitations applicable in the service or services to which the frequency is regularly allocated.

[FR Doc. 81-7586 Filed 3-10-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub-No. 34)]

Commercial Zones and Terminal Areas; Charleston, S.C., Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rules.

SUMMARY: The Commission has been requested to consider whether to amend its existing regulations at 49 CFR 1048.3 to expand the Charleston, S.C., commercial zone to include a specified area adjacent to the present zone. The proposed expansion would increase the zone within which interstate motor carrier operations would be exempt from Federal economic regulation.

DATES: Comments must be filed with the Commission on or before April 10, 1981.

ADDRESS: Send comments (an original and 15 copies where possible) to: Ex Parte No. MC-37 (Sub-No. 34), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Barbara Rue, (202) 275-7919 or Edward E. Guthrie, (202) 275-7929.

SUPPLEMENTARY INFORMATION: The commercial zone of Charleston, S.C., is defined specifically in 49 CFR 1048.3, to include all points within 6 miles of the municpal limits of Charleston, points in Charleston County, S.C., and points in a portion of Berkeley County, S.C. The Charleston Trident Chamber of Commerce requests that the limits of the Charleston commercial zone be expanded to include points in a portion of Dorchester County, S.C. Dorchester County is adjacent to the boundary of the present zone, but no points within this county are presently part of the Charleston commercial zone. Petitioner proposes that 49 CFR 1048.3 be amended by adding to the existing description, the following:

§ 1048.3 Charleston, S.C.

* * * * *

(f) Points in Dorchester County, S.C., south of a line beginning at Dorchester, S.C., and extending northeast along State Hwy 25 to Hwy 78, then along Hwy 78, straight across to the Dorchester-Berkeley County line; and extending northwest from Dorchester

along State Hwy 28 to State Hwy 10, then along State Hwy 10, straight across to the Dorchester-Colleton County line.

Petitioner is essentially seeking the redefinition of the limits of the Charleston commercial zone to extend to the southern half of Dorchester County, which includes the town of Summerville, S.C., and the Carolina Trade Zone and certain manufacturing plants located near Summerville.

It is Commission policy to describe specifically defined zones along readily identifiable boundaries. For the sake of clarity, a county line or one continuous line extending along named highways is generally used. We, therefore, request that interested persons submit comments proposing a more feasible way to describe the involved area.

The Charleston Trident Chamber of Commerce presents various geographic, demographic, and economic information in support of its position that the area should be considered adjacent to and commercially a part of Charleston. Petitioner states that Dorchester County is the second fastest growing county in South Carolina, and that manufacturing has increased significantly in recent years. Dorchester County is at a disadvantage, however, compared to points within the commercial zone, including neighboring Berkeley County. Attached to the petition are 22 letters from representatives of government agencies, commercial groups, and individual businesses which favor the proposed expansion of the Charleston Commercial Zone.

Comments and Procedural Matters

No oral hearing in this proceeding is contemplated. Any person (including petitioner) wishing to participate in the proceeding, in support of or in opposition to the proposal, is invited to submit written representations, views, and arguments. Comments suggesting modifications to the description of the proposed extension of the zone are encouraged. We do not believe that the action proposed will have an adverse effect on either the quality of the human environment or conservation of energy resources. Nor do we believe that the action proposed will have a significant economic impact on a substantial number of small entities, since the action would reduce government regulation of these small organizations, businesses and governmental entities. Pursuant to 5 U.S.C. 605, a copy of this decision will be served on the Chief Counsel for Advocacy of the Small Business Administration. However, anyone may comment on these aspects of the proposal. Written material or suggestions submitted will be available for public inspection at the Office of the Secretary of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C., during regular business hours.

This notice of proposed rules is issued under authority of 49 U.S.C. 10321, 49 U.S.C. 10526, and 5 U.S.C. 553.

Decided: February 27, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7587 Filed 3-10-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Trawl Fisheries off Washington, Oregon, and California; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of public hearing.

SUMMARY: The National Marine Fisheries Service will conduct a public hearing on the proposed 1981 amendment (Amendment 4) to the Preliminary Fishery Management Plan (PMP) for the Trawl Fisheries off Washington, Oregon, and California, and its Environmental Assessment. Particular emphasis will be given to receiving public comments on the proposed joint venture experimental fishery for shortbelly rockfish in the San Francisco-Monterey area.

DATES: The public hearing on the 1981 proposed PMP amendment will be held on March 20, 1981, at 1:00 p.m. at Ferrante Room No. 1, Monterey Conference Center, Monterey, California. Written comments may be submitted to the Northwest Regional Director or the Southwest Regional Director at the address listed below. Written comments received before March 25, 1981, will receive the greatest consideration.

ADDRESSES: The public hearing will be held in Ferrante Room No. 1, Monterey Conference Center, One Portola Plaza, Monterey, California. Comments should be addressed to the Director, Northwest Regional Office, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109 (206-442-7575) or Chief, Fisheries Management Division, Southwest Region, 300 S. Ferry Street, Room 2011, Terminal Island, California 90731 (213-548-2518).

FOR FURTHER INFORMATION CONTACT:
Gary J. Smith, Chief, Fisheries Management Division, Southwest Region, or the Northwest Regional Director at the above address.

SUPPLEMENTARY INFORMATION: The proposed fourth amendment includes an assessment of the 1980 season as well as proposed management measures for 1981. The proposed management measures which differ from 1980: (1) establish new quotas for 1981; (2) simplify the inseason adjustment to the total allowable level of foreign fishing (TALFF); (3) add a procedure for inseason increases to incidental catch percentages; (4) clarify gear restrictions; and (5) authorize and set conditions for a limited experimental joint venture fishery for shortbelly rockfish to be harvested by U.S. vessels and received by foreign vessels. As soon as possible after approval of the amendment by the Assistant Administrator, copies will be mailed to all individuals and organizations currently on the Northwest Region's PMP mailing list. A limited number of copies will be available at the public hearing and the Northwest Regional Office at the above address.

It is likely that proposed regulations implementing the amendment will be available by the date of the public hearing. In that event, the proposed regulations will be made available at the hearing and the public is invited to comment on them.

Dated: March 6, 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7608 Filed 3-10-81; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 47
Wednesday, March 11, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

Board of Certification; United States Courts of Appeals; Circuit Executive; Meeting

AGENCY: Board of Certification, United States Courts of Appeals, Circuit Executive.

ACTION: Notice of meeting of Board of Certification in Chicago, Illinois on April 30, 1981 to interview applicants who are interested in being certified for the positions of circuit executive.

Individuals who wish to serve as circuit executive in the United States judicial system must be certified as qualified by the statutorily created Board of Certification (28 U.S.C. Section 332(F)). While certification is a prerequisite for appointment as circuit executive, it does not insure employment.

A personal interview with the Board is necessary for certification and the Board cannot reimburse candidates for attendant travel expenses.

Details on how to apply may be had by writing to: Board of Certification, Federal Judicial Center, 1520 H Street, N.W., Washington, D.C. 20005.

The next meeting of the Board will be held in Chicago, Illinois on April 30, 1981. Applications must be received well in advance in order to be considered for a possible appointment on this date.

Dated: March 6, 1981.

William E. Foley,

Secretary of the Board and Director, Administrative Office of the U.S. Courts

[FR Doc. 81-7556 Filed 3-10-81, 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Timber Export and Substitution Restrictions; Results of Comments

Comments were solicited in the **Federal Register** on December 16, 1980, as to whether a public hearing should be scheduled to determine if Pacific yew is surplus to domestic needs (36 CFR 223.10). From the comments received, there is no basis to support holding a hearing on the issue.

Dated: February 27, 1981.

R. Max Peterson,

Chief.

[FR Doc. 81-7531 Filed 3-10-81, 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Tennessee Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 5:30 p.m., on April 3, 1981, at the Sheraton-Nashville Hotel, Suite 206, 920 Broadway, Nashville, Tennessee 37203. The purpose of this meeting is to review draft of Knoxville Affirmative Action Study; orientation for new State Advisory Committee member; and to plan programs for remainder of FY 81.

Persons desiring additional information or planning a presentation to the Committee, should contact the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 6, 1981

John I. Binkley,

Advisory Committee Management Officer

[FR Doc. 81-7532 Filed 3-10-81, 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Imported Steel Mill Products Trigger Price Announcement; Correction

AGENCY: Department of Commerce.

ACTION: Correction of Second-Quarter 1981 Trigger Price Announcement.

The Department of Commerce's notice on second quarter 1981 trigger prices that was published in the **Federal Register** (46 FR 14282) contained errors on page 14-2, freight charges for pipe and tube products. The revised page 14-2 follows:

Ocean Freight Charges on Pipe and Tube Products [1]

[Applies to all products in categories 14 and 15 dollars per m.t.)]

Outside diameter	Pacific	Gulf	Atlantic	Great Lakes
4 in or less	40	50	54	66
Over				
4 in thru 5 in	41	51	56	69
5 in thru 6 in	42	51	56	71
6 in thru 8 in	43	52	57	73
8 in thru 10 in	43	53	58	75
10 in thru 12 in	44	55	60	77
12 in thru 14 in	45	56	62	79
14 in thru 16 in	46	57	64	80
16 in thru 18 in	47	59	66	82
18 in thru 20 in	49	60	68	84
20 in thru 22 in	51	62	70	87
22 in thru 24 in	52	64	71	89
24 in thru 26 in	53	66	72	91
26 in thru 28 in	54	67	74	94
28 in thru 30 in	56	69	76	96
30 in thru 32 in	58	72	80	98
32 in thru 34 in	61	74	82	100
34 in thru 36 in	63	77	86	104
36 in thru 38 in	66	81	90	106
38 in thru 40 in	68	85	94	110
40 in thru 42 in	72	88	98	114
42 in thru 44 in	75	91	101	118
44 in thru 46 in	78	95	106	123
46 in thru 48 in	81	99	110	127

[1] For pipe and tube exceeding 40 ft 2 in in length, the total freight component is the appropriate amount from the chart above plus the appropriate amount from the chart below

Over 40 ft 2 in thru 50 ft 2 in	4	6	6	6
50 ft 2 in thru 60 ft	8	10	10	10

Dated: March 6, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-7584 Filed 3-9-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

Truck Trailer Axles-and-Brake Assemblies and Parts Thereof From Hungary; Initiation of Antidumping Investigation

AGENCY: U.S. Department of Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether truck trailer axles-and-brake assemblies, and parts thereof, from the Hungarian People's Republic are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission of this action so that it may determine whether these imports are injuring or are threatening to materially injure a U.S. industry.

EFFECTIVE DATE: March 11, 1981.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Import Administration Specialist, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230 (202-377-3464).

SUPPLEMENTARY INFORMATION:

Initiation of Antidumping Investigation

On February 12, 1981, we received a petition that complies with the requirement of § 353.36 of the Commerce Regulations (19 CFR 353.36). Filed by Rockwell International Corporation in Pittsburgh, Pennsylvania, on behalf of the U.S. industry producing truck trailer axles and brake assemblies and parts thereof ("axles"), the petition alleges that axles from the Hungarian People's Republic ("Hungary") are likely to be sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act"). It also alleges that these imports are likely to cause material injury to a U.S. industry. The allegations of both sales at less than fair value and material injury are supported by sufficient evidence to warrant initiation of an antidumping investigation.

The petitioner has alleged that Hungary is a state-controlled economy country as defined in section 773(c) of the Act (19 U.S.C. 1677b(c)). Accordingly, the petitioner bases its analysis on prices for such or similar merchandise in non-state-controlled economy countries (Canada, Italy and the United Kingdom).

Currently classified under items 692.32 and 692.90 of the Tariff Schedules of the United States, these axles are tubular or rectangular beams with brakes attached. In their most common configuration, truck trailer axles are combined with a trailer which is joined to a tractor to form what is colloquially known as "eighteen wheelers." Separate brake assemblies are not included in this investigation.

Upon examining this petition, we have found that the information presented reasonably supports the allegations. Therefore, in accordance with section 732 of the Act, we are initiating an investigation to determine whether there is a reasonable indication to believe or suspect that axles from Hungary are being, or are likely to be, sold in the United States at less than fair value. If the normal time limits apply to this investigation, we will announce our preliminary determination by July 22, 1981.

Notification to the ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of this action and to provide it with a copy of the information we used to arrive at this determination. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 30, 1981, whether there is a reasonable indication that imports of these axles from Hungary are likely to injure a U.S. industry. If its determination is negative, this investigation will terminate without further notice; otherwise, it will proceed to its conclusion.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 4, 1981.

[FR Doc. 81-7533 Filed 3-10-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

March 4, 1981.

Expert and Consulting Services

This announcement under Federal Assistance Catalogue No. 11.800 is to solicit applications for a consulting service program in the MBDA Dallas Region which includes Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado, New Mexico, Oklahoma, Texas, Arkansas, and Louisiana. Project will operate at a cost not to exceed $370,000 and the Project I.D. No. is 06-10-80024-01. Executive Order 11625 authorizes the Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, to fund projects which will provide technical and management assistance to minority business enterprise. This proposed project is specifically designed to provide specialized assistance to satisfy the needs of the minority business firms, management and technical assistance and to develop special impact projects in growth and high leverage industries.

Program Description

A. The grantee, as an independent grantee and not as an agent of the government, shall provide the necessary personnel, material and facilities to provide a program of professional consultant services to supplement the expertise and capabilities of MBDA grantees to minority business persons and firms which meet the MBDA fiscal year 1981 policy statement which appears as Attachment I.

B. The grantee shall render assistance in all disciplines of the general business framework, including construction contracting.

C. The grantee shall contract with qualified consultants in the full gamut of business and construction expertise in as wide a geographical area as possible to assure timely economical and effective services to clientele.

D. The recipient shall accept appropriate clients to provide service only on referral from the Regional Director or his designee or principals of MBDA funded organizations. Task orders referred by principals of MBDA funded organizations will include proper documentation to support the assistance being requested.

E. Unless the Regional Director or his representative provides prior written approval, the recipient shall not provide

any client with more than $10,000 of outside consultant services.

F. The grantee shall make available, on a regular basis, the principal assigned to the administration of this grant to meet with the Regional Director or his representative to review accomplishments and projected activities.

G. The grantee shall develop and implement a delivery system for:

1. Receiving referrals of persons and firms requiring assistance.

2. Coordinating with the referring organizations.

Eligibility Requirements

Any for-profit or non-profit institution is eligible to submit an application. If an award is made, continuation of awards of up to two additional years may be made to the successful recipient without competition, provided that: (1) funds have been appropriated for a project of this kind, (2) MBDA has determined that such funds are available, (3) there is a continuing need for a project of this kind, and (4) the recipient has performed satisfactorily.

Application

The closing date for submitting an application is April 1, 1981. Applications received after this date will not be considered for funding.

Expected award date for this grant is May 1, 1981. A pre-application conference will be held in the U.S. Federal Building, 1100 Commerce Street, Room 7A23, 7th Floor, Dallas, Texas on March 18, 1981, to all interested applicants at 9:00 a.m.

An application kit is available by written request to the Department of Commerce—Minority Business Development Agency, Dallas, Texas 75242. Attn: Richard L. Greene, Grant/Cooperative Agreement Specialist.

Richard H. Sewing,

Regional Director.

[FR Doc. 81-7530 Filed 3-10-81; 8:45 am]

BILLING CODE 3510-21-M

Office of the Secretary

National Bureau of Standards Visiting Committee; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and under the authority of, and as directed by statue, the Secretary of Commerce has authorized the renewal of the charter of the National Bureau of Standards Visiting Committee.

The NBS Committee was first established by Section 10 of the Act of March 3, 1901, which created the National Bureau of Standards. Its statutory purpose is to advise and report to the Secretary of Commerce upon the efficiency of the Bureau's scientific work and the condition of its equipment.

As legally required, the Committee will continue with a balanced representation of five members prominent in the fields of science, engineering, or technology who are not in the employ of the U.S. Government. Balance on the Committee is achieved by maintaining representation from both the business and academic communities and by consideration of primary technical interest (e.g., physics, chemistry, engineering). The appointment of each member of the Committee is for five years, and the periods of service are so arranged that one member retires each year. The Chairperson of the Committee is appointed by the Secretary of Commerce and is ordinarily the senior member in terms of service.

The NBS Visiting Committee is uniquely suited to evaluate overall operations and equipment of NBS from an external point of view and report to the Secretary of Commerce. Its function cannot be accomplished by any other committee or organizational element of the Department.

The Visiting Committee functions solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Ms. Kathryn J. Byerly, Office of the Director, Administration Building, Room A-1111, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234, telephone: (301) 921-3413, or the Department's Committee Management Analyst, telephone: (202) 377-4217.

Dated: March 3, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-7531 Filed 3-10-81; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE

Department of the Air Force

New Systems of Records

AGENCY: Department of the Air Force.

ACTION: Notice of a new system of records.

SUMMARY: The Air Force proposes to establish a new system of records subject to the Privacy Act of 1974. The system notice for this new system of records is published below.

DATES: This system shall be effective as proposed without further notice on April 10, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments including written data, views or arguments concerning the proposed system should be addressed to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, HQ USAF/DAAD, Room 4A-1066I, The Pentagon, Washington, D.C. 20330, telephone 202/694-3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 have been published to date in the Federal Register at:

(FR Doc. 81-697 (46 FR 6443) January 21, 1981)

The Department of the Air Force has submitted a new system report January 26, 1981 for this new system notice under the provisions of 5 U.S.C. 552a(o) as implemented by Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda, No. 1 and No. 3, dated September 30, 1975 and May 17, 1976 respectively. The OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

M. S. Healy,

OSD Federal Register Liaison Officer Washington Headquarters Services Department of Defense.

March 5, 1981.

F05002 SAC B

SYSTEM NAME:

Space, Warning and Surveillance Operations Personnel Training Management System.

SYSTEM LOCATION:

Director of Operations at Air Force installations within the Strategic Air Command (SAC) and Deputy Chief of Staff for Space, Warning and Surveillance at Strategic Air Command Headquarters. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Strategic Air Command military personnel assigned to operational duties

with Space, Warning and Surveillance Systems equipment subsequent to 1 March 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files related to qualifications, training/evaluation accomplishment, crew alphanumeric identifier, type training/evaluation, scores, name, grade, unit assigned, and dates of training or evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To develop a record source of operations personnel qualifications, capabilities and historical data at unit level to determine individual overall job qualifications; and to develop historical data for analysis by unit and Strategic Air Command Headquarters personnel responsible for maintaining the space operational systems training program. The files will provide a source of data to help insure weapon system currency and adequacy of future training requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually manipulated file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. File folders are stored in locked rooms or drawers.

RETENTION AND DISPOSAL:

Manual files are destroyed when superseded or upon reassignment from space, warning and surveillance operations duties. Destruction is by burning, shredding, tearing, pulping or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff Space, Warning and Surveillance Systems, Directorate of System Management, Standardization/ Evaluation and Training Division, Headquarters Strategic Air Command or Director of Operations at Strategic Air Command bases with a space, warning or surveillance mission.

NOTIFICATION PROCEDURE:

Deputy Chief of Staff, Space, Warning and Surveillance Systems, Headquarters Strategic Air Command or Director of Operations at Strategic Air Command bases. Requests to determine existence of record should include full name, grade and whether currently assigned to Strategic Air Command space, warning and surveillance duties.

RECORD ACCESS PROCEDURES:

Access to manual files is controlled by Deputy Chief of Staff, Space, Warning and Surveillance Systems at Headquarters Strategic Air Command and by Director of Operations at each Strategic Air Command organization with a space, warning or surveillance mission.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information will be obtained from the individual and from instructors for Standardization Evaluators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-7886 Filed 3-10-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Privacy Act of 1974; Deletions/ Amendment to Notices for Systems of Records

AGENCY: Department of the Army.

ACTION: Notice of deletions/amendment to notices for systems of records.

SUMMARY: The Department of Army proposes to amend an existing system notice by consolidating several homogenous file segments now contained in separately identified system notices in to it. This proposal incorporates information now contained in seventeen separate notices and will facilitate ease of reference as well as access by the public. System notices being deleted by this action are identified below, followed by proposed revised system notice A1201.02MTMC printed in its entirety. Access to the individual segments of the amended system of records will not be increased by this amendment.

DATES: The proposed action shall become effective without further notice on April 10, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–R, 1000 Independence Avenue, SW, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Christian, The Adjutant General's Office, HQDA (DAAG–AMR–R), Washington, D.C. 20310; telephone: 202/693–0973.

SUPPLEMENTARY INFORMATION: The Army's inventory of system notices has been published in the following editions of the **Federal Register**:

FR Doc. 79–37052 (44 FR 73729), December 17, 1981
FR Doc. 81–85 (46 FR 1002), January 5, 1981
FR Doc. 81–897 (46 FR 6460), January 21, 1981
FR Doc. 81–3374 (46 FR 9992), January 29, 1981
FR Doc. 81–5885 (46 FR 13544), February 23, 1981

The system of records being amended is not deemed to be within the purview of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of an altered system report pursuant to Office of Management and Budget guidance set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 6, 1981.

DELETIONS

A1201.02bMTMC

System Name:

1201.02 Discrepancy in Shipment Report (DISREP) (44 FR 73984), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1201.07bMTMC

System Name:

1201.07 Transportation Reference Paper Files (44 FR 73985), December 17, 1979.

Reason:

Records are described in amended system A11201.02MTMC, Personal Property Movement and Storage, published herein.

A1201.07cMTMC

System Name:

1201.07 Surface Cargo Export System (SURS) (44 FR 73985), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1201.07dMTMC

System name:

1201.07 Surface Retrograde Cargo Accountability/Control System (44 FR 73986), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1201.07eMTMC

System name:

1201.07 Terminal Management system-TOLS, CARDPAC, PRELODGE (44 FR 73986), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1201.07fMTMC

System name:

Mechanized Export Traffic System (METS) (44 FR 73986), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1202.15aUSAREUR

System name:

Statistical Files-Household Goods and Baggage System (44 FR 73987), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1203.12aMTMC

System name:

Bill of Lading Files (44 FR 73988), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1203.14aMTMC

System name:

Prepaid Inbound Bill of Lading Files (44 FR 73988), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1203.18aMTMC

System name:

Household Shipment Contract Files (44 FR 73989), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1203.19aAMC

System name:

Household Shipment Contract Files (44 FR 73989), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1203.19cMTMC

System name:

Household Shipment Contract Files (44 FR 73990), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1203.19dMTMC

System name:

Household Shipment Contract/ Nontemporary Storage (44 FR 73990), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1203.20aMTMC

System name:

Household Shipment Reimbursement Files (44 FR 73990), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1203.27aMTMC

System name:

Privately Owned Vehicle Shipment Files (44 FR 73991), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

A1205.19aDALO

System name:

Baggage Inspection and Clearance Files (44 FR 73992), December 17, 1979.

Reason:

Records are described in amended system A1201.02MTMC, Personal Property Movement and Storage, published herein.

AMENDMENT

A1201.02aMTMC

System name:

Transportation Administrative Files (44 FR 73983), December 17, 1979.

Changes:

System identification:

Amend to read: "A1201.02MTMC."

System name:

Amend to read: "Personal Property Movement and Storage."

System location:

Amend to read: "Installation Transportation Offices and Joint Personal Property Shipping Offices, world-wide."

Categories of individuals covered by the system:

Amend to read: "Military members of the Army, Navy, Marine Corps, and Air Force; civilian employees; dependents; personnel of other government agencies when sponsored by Department of Defense (DOD)."

Categories of records in the system:

Amend to read: "Orders authorizing shipment/storage of personal property to include privately owned vehicles (POV) and house trailers/mobile homes; Department of Defense (DD) Form 1131 (Cash Collection Voucher), DD Form 1299 (Application for Shipment and/or Storage of Personal Property), DD Form

1384 (Transportation Control and Movement Document), DD Form 1797 (Personal Property Counseling Checklist), Standard Form 1103 (Government Bill of Lading), storage contracts, and other related documents."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Amend to read: DOD: To arrange for the movement, storage, and handling of personal property; to identify/trace lost or damaged shipments; to answer inquiries and monitor effectiveness of personal property traffic management functions.

Commercial carriers: To identify ownership, verify delivery of shipment, support billing for services rendered and justify claims for loss, damage, or theft.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Change period to a comma and add: "microfilm, magnetic tapes, and computer printouts."

Retrievability:

Amend to read: "Last name of individual."

Safeguards:

Amend to read: "Information is maintained in secured areas, accessible only to authorized personnel having an official need-to-know. Automated segments are further protected by code number/passwords."

Retention and disposal:

Amend to read: "Documents relating to packing, shipping and/or storing of household goods within continental United States destroyed after 3 years; those relating to oversea areas destroyed after 6 years. Documents regarding shipment of POV/house trailers destroyed after 2 years. Shipment discrepancy reports destroyed after 2 years or when claim/investigation is settled, whichever is later. Administrative files reflecting queries and responses are retained for 2 years; then destroyed."

Notification procedure:

Amend to read: "Information may be obtained from the Installation Transportation Office which processed the shipping/storage documents."

Record access procedures:

Amend to read: "Written requests should contain requester's full name, social security number, current address/telephone number, and any information which will be of assistance in locating the records requested (e.g., type of shipment, origin, destination, date of application, etc.).

Personal visits may be made to the Installation Transportation Office from which or to which personal property was shipped/stored. Individual must provide personal identification such as a valid driver's license or military/civilian identification card."

Contesting record procedures:

Amend to read: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505)."

Record source categories:

Amend to read: "Provided by the individual whose personal property is shipped/stored; by the carrier/storage facility."

A1201.02SETMC

SYSTEM NAME:

Personal Property Movement and Storage.

SYSTEM LOCATION:

Installation Transportation Offices and Joint Personal Property Shipping Offices, worldwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Army, Navy, Marine Corps, and Air Force; civilian employees; dependents; personnel of other government agencies when sponsored by Department of Defense (DOD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Orders authorizing shipment/storage of personal property to include privately owned vehicles (POV) and house trailers/mobile homes; Department of Defense (DD) Form 1131 (Cash Collection Voucher), DD Form 1299 (Application for Shipment and/or Storage of Personal Property), DD Form 1384 (Transportation Control and Movement Document), DD Form 1797 (Personal Property Counseling Checklist), Standard Form 1103 (Government Bill of Lading), storage contracts, and other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DOD: To arrange for the movement, storage, and handling of personal property; to identify/trace lost or damaged shipments; to answer inquiries and monitor effectiveness of personal property traffic management functions.

Commercial carriers: To identify ownership, verify delivery of shipment, support billing for services rendered and justify claims for loss, damage, or theft.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfilm, magnetic tapes, and computer printouts.

RETRIEVABILITY:

By last name of individual.

SAFEGUARDS:

Information is maintained in secured areas, accessible only to authorized personnel having an official need-to-know. Automated segments are further protected by code numbers/passwords.

RETENTION AND DISPOSAL:

Documents relating to packing, shipping and/or storing of household goods within continental United States destroyed after 3 years; those relating to oversea areas destroyed after 6 years. Documents regarding shipment of POV/house trailers destroyed after 2 years. Shipment discrepancy reports destroyed after 2 years or when claim/investigation is settled, whichever is later. Administrative files reflecting queries and responses are retained for 2 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, Military Traffic Management Command, Washington, DC 20315.

NOTIFICATION PROCEDURE:

Information may be obtained from the Installation Transportation Office which processed the shipping/storage documents.

RECORD ACCESS PROCEDURES:

Written requests should contain requester's full name, social security number, current address/telephone number, and any information which will be of assistance in locating the records requested (e.g., type of shipment, origin, destination, date of application, etc.).

Personal visits may be made to the Installation Transportation Office from which or to which personal property was shipped/stored. Individual must provide personal identification such as a valid driver's license or military/civilian identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Provided by the individual whose personal property is shipped/stored; by the carrier/storage facility.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-7521 Filed 3-10-81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Privacy Act of 1974; Deletion of Two Systems Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of two systems notices.

SUMMARY: The Office of the Secretary of Defense (OSD) is deleting the systems notices for systems DCOMP MSO8, entitled: List of Personnel and Security Clearances; (45 FR 74098, December 17, 1979) and DCOMP PBO4, entitled: Personnel Roster, (45 FR 74098, December 17, 1979). These actions are being taken as these two systems are no longer being maintained.

DATES: These deletions shall be effective April 10, 1981.

ADDRESSES: Send any comments to the Systems Managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C–315, Pentagon, Washington, D.C. 20301. Telephone (area code 202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93–579 were published in the **Federal Register** at:

(FR Doc. 81–897 (46 FR 6427) January 21, 1981)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 5, 1981.

[FR Doc. 81-7387 Filed 3-10-81; 8:45 am]

BILLING CODE 3810-10-M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs and National Advisory Council on Vocational Education; Forum

AGENCY: National Advisory Council on Women's Educational Programs and the National Advisory Council on Vocational Education, Education Department.

ACTION: Notice of Forum.

SUMMARY: This notice sets forth the schedule and proposed agenda for a forthcoming forum to be held by the National Advisory Council on Women's Educational Programs and the National Advisory Council on Vocational Education. It also describes the functions of both Councils. Notice of the meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). This document is intended to notify the general public of its opportunity to attend.

DATE: March 25, 1981, 1:00 p.m. to 4:30 p.m.

ADDRESS: The forum will be held in the Education Department's Conference Room, FOB–6, Room 3000, 400 Maryland Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Martine Brizius, National Advisory Council on Women's Educational Programs, 1832 M Street NW., Suite 821, Washington, DC 20036, (202) 653–5846; or Ralph Bregman or Sarah Bennett, National Advisory Council on Vocational Education, 425 13th Street NW., Suite 412, Washington, DC 20004, (202) 376–8873.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95–561. The Council is mandated to (a) advise the Secretary on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The National Advisory Council on Vocational Education was established under Section 104 of the Vocational Education Amendments of 1968, Public Law 90–657. The Council is directed to: (a) advise the President, Congress, and the Secretary concerning the administration of, preparation of general regulations for, and operation of vocational education programs supported with assistance under this title; (b) review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and (c) conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

On March 25, 1981, from 1:00 p.m. to 4:30 p.m. the National Advisory Council on Women's Educational Programs and the National Advisory Council on Vocational Education will hold the second of two forums in Washington, D.C. on sex equity in vocational education. The purpose of the forum is to encourage discussion of issues and concerns regarding the sex equity provisions of the Vocational Education Amendments of 1976, and other legislative matters which will impact the future direction of the provisions. Participants will include members of the vocational education community and other informed citizens and organizations.

The agenda will include presentations by major education groups and organizations as well as open discussion of issues by other attendees.

The meeting will be open to the public. Records will be kept of the proceedings and will be available at the Council's Offices for public inspection.

Signed at Washington, D.C. on March 4, 1981.

Joy R. Simonson,

Executive Director, National Advisory Council on Women's Educational Programs.

Raymond C. Parrott,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 81-7529 Filed 3-10-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Environment

Environmental Advisory Committee; Clean Air Act Reauthorization Subcommittee; Open Meeting

Pursuant to the provisions of the Federal Advisory Commitee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Environmental Advisory Committee, Subcommittee on Clean Air Act Reauthorization

Date and time: Friday, March 27, 1981—9:00 to approximately 5:00 p.m.

Place: Department of Energy Forrestal Building, Room 4A110, 1000 Independence Avenue, SW., Washington, D.C. 20585

Contact: Rhoda Shechtel, Department of Energy, Forrestal Building, Room 4G052, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202–252–4615

Purpose of parent committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative agenda: To review and discuss recommendations concerning the Clean Air Act

Public participation: The meeting is open to the public. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statement pertaining to the agenda should contact the Advisory Committee Management Office at 202–252–5107. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Members of the public who have not previously requested an opportunity to make an oral presentation, but who wish to speak, will be permitted to do so at a time determined by the Chairman.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on March 5, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-7005 Filed 3-10-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of February 13 Through February 20, 1981

During the week of February 13 through February 20, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 5, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of February 13 through February 20, 1981]

Date	Name and location of applicant	Case No.	Type of Submission
Feb. 17, 1981	Chevron, U.S.A./Indiana Farm Bureau Cooperative, Washington, D.C.	BEJ-0188	Motion for Protective Order. If granted: Chevron, U.S.A. would enter into a Protective Order with Indiana Farm Bureau Cooperative regarding the release of proprietary information to Chevron, U.S.A. in connection with Indiana Farm Bureau Cooperative's Application for Exception (Case No. BEE-1629).
Feb. 17, 1981	Office of Enforcement/Commonwealth of Virginia, Washington, D.C.	BRZ-0085	Interlocutory Order. If granted: Hydrocarbon Industries U.S.A., Inc. and JOC Oil, Inc. would be joined to the Proposed Remedial Order issued to Welbean Oil, Inc. (Case No. DRO-0360).
Feb. 17, 1981	Pioneer Refining, Inc., Washington, D.C.	BEE-1634 and BEL-1634	Exception from the Entitlements Program. If granted: Pioneer Refining, Inc. would receive an exception and temporary exception from the provisions of 10 CFR 211.67 which would modify the firm's entitlements purchase obligations.
Feb. 17, 1981	Saber Refining Corporation, Washington, D.C.	BFA-0609	Appeal of Information Request Denial. If granted: The January 14, 1981 Information Request Denial issued by the Southwest District Manager, Economic Regulatory Administration, would be rescinded and Saber Refining Corporation would receive access to information relating to a DOE audit of Saber's sales of No. 2 fuel oil.
Feb. 17, 1981	Sabre Refining, Inc., Bakersfield, California	BEX-0162	Supplemental Order. If granted: The September 26, 1980 Decision and Order (Case No. DEX-0044) issued to Sabre Refining, Inc. would be modified.
Feb. 17, 1981	Troy Potter, Inc., Dumas, Texas	BEE-1633	Price Exception. If granted: Troy Potter, Inc. would be permitted to sell the waste crude oil produced at market prices.
Feb. 18, 1981	Exxon Company, U.S.A., Houston, Texas	BFA-0609	Appeal of Information Request Denial. If granted: The December 19, 1980 Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Exxon Company, U.S.A. would receive access to statements and resolutions of "issues" under the provisions of ERA Enforcement Manual § 5.107.
Feb. 18, 1981	Horizon Petroleum Company, Washington, D.C.	BFA-0610	Appeal of Information Request Denial. If granted: The Office of Hearings and Appeals would direct the Economic Regulatory Administration to immediately comply with the October 2, 1980 Decision and Order (Case No. BFA-0483) issued to Horizon Petroleum Company.
Feb. 18, 1981	Kentucky Oil & Refining Co., Inc., Washington, D.C.	BEX-0165	Supplemental Order. If granted: Kentucky Oil & Refining Company's obligation to purchase entitlements pursuant to the provisions of 10 CFR 211.67 on the Entitlement Notice issued in the month of March 1981 for January 1981 crude oil receipts and runs to stills would be stayed.
Feb. 18, 1981	Laketon Asphalt Refining Company, Washington, D.C.	BEX-0164	Supplemental Order. If granted: Laketon Asphalt Refining Company's obligation to purchase entitlements pursuant to the provisions of 10 CFR 211.67 on the Entitlement Notice issued in the month of March 1981 for January 1981 crude oil receipts and runs to stills would be stayed.
Feb. 18, 1981	Mobil Oil Corporation, New York, New York	BRD-1148	Motion for Discovery. If granted: Discovery would be granted to Mobil Oil Corporation in connection with the Statement of Objections submitted in response to the February 20, 1980 Proposed Order of Disallowance (Case No. BRD-1148) issued to Mobil by the Office of Special Counsel for Compliance.
Feb. 18, 1981	Powerine Oil Company, Los Angeles, California	BES-0142 and BET-0142	Request for Stay and Temporary Stay. If granted: Powerine Oil Company would receive a stay and temporary stay of the provisions of 10 CFR 211.67 (the "Entitlements Program") pending a final determination on its Application for Exception (Case No. BES-1619).
Feb. 18, 1981	Southland Oil Co./VGS Corp., Washington, D.C.	BEX-0166	Supplemental Order. If granted: Southland Oil Co./VGS Corp.'s obligation to purchase entitlements pursuant to the provisions of 10 CFR 211.67 on the Entitlement Notice issued in the month of March 1981 for January 1981 crude oil receipts and runs to stills would be stayed.
Feb. 19, 1981	Elk Trading Company, Inc., Mobile, Alabama	BEX-0167	Supplement Order. If granted: The February 2, 1981 Decision and Order (Case No. BFA-0536) issued to Elk Trading Company, Inc. by the Office of Hearings and Appeals would be modified.
Feb. 19, 1981	Squire, Sanders, Dempsey (Thomas), Washington, D.C.	BFA-0611	Appeal of Information Request Denial. If granted: The February 6, 1981, Information Request Denial issued by the Office of General Counsel for Programs would be rescinded, and Squire, Sanders, & Dempsey would receive access to the memorandum entitled "Department Participation in the Ohio PURPA Proceeding".
Feb. 20, 1981	Aliso Oil Company, Red Bluff, California	BEE-1636	Exception from Reporting Requirements. If granted: Aliso Oil Company would not be required to file Form EIA-9A ("No. 2 Distillate Price Monitoring Report").
Feb. 20, 1981	Consumers Power Company, Washington, D.C.	BEA-0612 and BES-0612	Appeal of an ERA Decision and Order. If granted: The February 22, 1981, Decision and Order issued by the Economic Regulatory Administrations's Office of Crude Oil Operations would be rescinded, and Consumers Power Company would be eligible to earn entitlements for the Canadian plant condensate processed in its Marysville Synthetic natural gas plant from February 1, 1976 to June 16, 1976. The firm would receive a stay of the Decision and Order pending a final determination on the Appeal.
Feb. 20, 1981	Merit Petroleum, Inc., Washington, D.C.	BEE-1637, BES-1637, BET-1637	Price Exception, Request for Stay, Request for Temporary Stay. If granted: Merit Petroleum, Inc. would receive an exception, stay, and temporary stay from the provisions of 10 CFR 205.191, and would not be required to reply to the January 28, 1981 Notice of Probable Violation issued by the Office of Enforcement, Economic Regulatory Administration.

Notices of Objection Received

[Week of February 13, 1981 to February 20, 1981]

Date	Name and location of applicant	Case No.
Feb. 17, 1981.	Golden Valley Electric Assoc., Fairbanks, Arkansas.	BEE-1328
Feb. 19, 1981.	Page Petroleum, Ltd., Golden, Colorado.	BEE-1227 BEE-1228 BEE-1229
Feb. 20, 1981.	USA Petroleum Corp., Washington, D.C.	BEE-1357

[FR Doc. 81-7000 Filed 3-10-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of February 9 Through February 13, 1981

During the week of February 9 through February 13, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 5, 1981.

City of Long Beach, California, Long Beach California, BXE-1522, crude oil

The City of Long Beach, California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Fault Block II Unit for the benefit of the working interest owners at upper tier ceiling prices. On February 13, 1981, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted.

Conoco, Inc., Houston, Texas, BEE-1542, crude oil

Conoco Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced and sold for the benefit of the working interest owners from the 7400 SUA, Jeanerette L&S 5 Lease located in Iberia Parish, Louisiana, at market price levels. On February 9, 1981, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Consumers Power Company, Jackson, Michigan, DPI-0001, residual fuel oil

Consumers Power Company (Consumers) filed an Application for Exception from the provisions of Section 213.35(c) of the Mandatory Oil Import Program. If granted, Consumers' request would result in the return to Consumers of license fees it paid with respect to volumes of residual fuel oil imported by the firm since May 1977. On February 13, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that Consumers' exception request should be denied.

Flying J, Inc., Williston, North Dakota, DEE-1594, crude oil

Flying J, Inc., filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Flying J to receive entitlements for any crude oil which it purchases to enlarge its inventory at its Williston, North Dakota refinery. On February 13, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Golden Valley Electric Association, Inc., Washington, D.C., BEE-1328, crude oil

Golden Valley Electric Association, Inc. (GVEA) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would reduce the entitlement purchase obligation of North Pole Refining and direct North Pole to pass through the benefits of this reduction to GVEA. On February 10, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Hunt Oil Company, Dallas, Texas, BEE-0078, crude oil

Hunt Oil Company (Hunt) filed an Application for Exception from the provisions of 10 CFR 211.67. Hunt's Application concerns adjustments on the October 1979 Entitlements Notice for previous errors in the reporting of crude oil volumes which the firm purchased and received during the period from November 1974 through September 1977. If the firm's exception request were granted, Hunt would receive entitlements benefits equal, to the nearest entitlement, to $220,066.40. This figure corresponds to the portion of Hunt's reporting error adjustments which relates to periods in which the firm was exempt from entitlement purchase obligations under the DOE Regulations. On February 11, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Monsanto Company, Houston, Texas, BEE-1502 through BEE-1505, crude oil

Monsanto Company (Monsanto) filed an Application for Exception from the provisions of Section 212.131 of the Mandatory Petroleum Price Regulations. Monsanto's request, if granted, would permit the firm to recertify crude oil produced from the Belitz, Pipkin, Cody and Dwinell properties during March 1980. On February 13, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the Monsanto exception request should be granted.

Page Petroleum, Inc., Golden, Colorado, BEE-1227, BEE-1228, BEE-1229, crude oil

Page Petroleum, Inc. filed three Applications for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception requests, if granted, would permit the firm to sell a certain portion of the crude oil produced and sold for the benefit of the working interest owners from the Ute Tribe C-1, G-1 and K-1 Leases located in Ducheene County, Utah, at market price levels. On February 9, 1981, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

USA Petroleum Corporation, Washington, D.C., BEE-1357, crude oil.

USA Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit USA to receive additional entitlements to compensate it for entitlements purchases made during July 1980 relating to receipts of ANS upper-tier crude oil during May 1980. On February 13, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-7001 Filed 3-10-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180570; PH-FRL 1774-2]

California; Issuance of Specific Exemption for Carzol on Strawberries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") for the use of formetanate hydrochloride (Carzol) to control the two-spotted spider mite on 11,300 acres of strawberries in California. The specific exemption is issued under the Federal Insecticide, Fungicide, and rodenticide Act.

DATE: The specific exemption expires on November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Gross, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: The Applicant reports that the two-spotted spider mite which infests strawberries has developed resistance to registered pesticides such as Kelthane and Plictran, the most commonly miticide. The Applicant states that some registered pesticides, such as Omite, are too phytotoxic to be used after fruit set when they are needed most. Data indicate that Carzol, which contains the active ingredient (a.i.) formetanate hydrochloride, is effective against the two-spotted spider mite on strawberries. The Applicant estimates a crop loss of $15.2 million on 4,000 acres if Carzol were not available.

The Applicant proposed to apply a maximum of 79,100 pounds of the a.i. when the mites reach a level of at least 20 mites and eggs per leaf. A maximum of 5 applications will be made and a 3-day preharvest interval will be observed.

EPA has determined that residues of the a.i., in or on strawberries should not exceed 3 parts per million (ppm) from the proposed use. This level has been judged adequate to protect the public health. EPA anticipates no undue hazard to the environment from the proposed use.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted permission to use the pesticide noted above until November 1, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Five applications of Carzol SP (EPA Reg. No. 2139-99) are authorized at a dosage rate of 1.5 pounds product per acre (1.4 pounds a.i. per acre).
2. A maximum of 79,100 pounds a.i. may be used on a maximum of 11,300 acres of strawberries.
3. Applications are authorized only when California State Extenstion agents or licensed private consultants determine that two-spotted spider mite populations reach levels requiring treatment with Carzol SP (20 mites and eggs per leaf).
4. Applications are to be made with ground spray equipment. All applications must be made by or under the supervision of a State-licensed commerical applicator.
5. There is to be a preharvest interval of 3 days. Treated fields are not to be planted to any crop other than strawberries for 18 months following treatment.
6. Strawberries with a residue level of foremetanate hydrochloride not exceeding 3 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.
7. A full report of the results of this program, including effects on fish and wildlife, must be submitted to the EPA by the end of June 1982.
8. The EPA shall be immediately informed of any adverse effects resulting from the use of Carzol SP in connection with this exemption.
9. In order to minimize adverse effects to natural preadators, precautions must be taken to avoid or minimize drift to nontarget areas.
10. All applicable directions, precautions, and restrictions on the EPA-registered label must be followed.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: March 2, 1981.

Edwin L. Johnson,

Deputy Assistance Administrator for Pesticide Programs.

[FR Doc. 81-7173 Filed 3-10-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51227; TSH-FRL 1774-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of ten PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-20, 81-22, 81-35—March 23, 1981.
PMN 81-25, 81-27, 81-28—March 23, 1981.
PMN 81-29, 81-30—March 23, 1981.
PMN 81-32—March 23, 1981.
PMN 81-36—March 23, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202) 426-2610.

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-20, 81-22, 81-35.	Carolyn Brown	202-426-2960	E221
81-25	George Bagley	202-426-2606	E210
81-27, 81-28	Denise Devoe	202-426-2960	E221
81-29	David Dull	202-426-2601	E206
81-30	Rick Green	202-426-8816	E206
81-32	Kirk Macconaughey	202-426-2606	E210
81-36	Rachel Diamond	202-426-2960	E221

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmentral Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identify and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identify of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identify, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51227]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 3, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-20

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 19, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Sodium salts of *N*-methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carbobeterocycle) consisting principally of 2-2'-substituted *bis* ethyl amine.

Use. Scale inhibitor.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties:

Appearance and odor—Clear golden liquid with bland odor.

Color—3.0.

Reid vapor pressure at 100°F—121.92mmHg.

Flash point—67°F PMCC.

Viscosity at 60°F—9.54 CTS.

Specific gravity at 60°—1.162.

pH—4.9.

Corrosivity to carbon steel—0.0657 ipy.

Corrosivity to aluminum—0.0129 ipy.

Toxicity Data:

Acute oral toxicity (male and female albino rats)—LD_{50}>5 g/kg.

Primary skin irritation (male and female albino rabbits)—Minimally irritating.

Acute eye irritation (albino rabbits)—Minimally irritating.

Acute dermal toxicity (male and female albino rabbits)—LD_{50}>2 g/kg.

Subchronic 90-day feeding study (beagle dogs and albino rats)—Non-toxic at levels of 50, 500, or 5,000 ppm.

Exposure. The manufacturer states that the new PMN substance is manufactured in a closed system minimizing worker exposure, and that skin and inhalation exposure is only possible during quality control sampling, drumming, and accidental leaks in the system. At a site controlled by the submitter, manufacture and processing would expose two workers with a maximum exposure of 10 man-hours per batch. At various customer sites not controlled by the submitter, four workers would be exposed through the skin and by inhalation for 15 minutes during a 1-3 week period.

Environmental Release/Disposal. The manufacturer states that a minimal amount of the PMN substance will be released into the water at the manufacturing site.

PMN 81-22

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 19, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—Less than $1 million.

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—2869.

Specific Chemical Identity. 1,3-Bis(4-hydroxybutyl)-1, 3-didecyldimethyldisiloxane.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used as a lubricant additive in a contained use that will release less than 50 kg per year into the environment with potential exposure to chemical industry employees and consumers.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	100
2d year	64	125
3d year	150	224

Physical/Chemical Properties:

Molecular weight—530 unimodal distribution.

Surface tension at 25°C—28 ± 1 dyne/cm.

Refractive index at 25°C—1.461 ± 0.001.

Viscosity at 25°C—85–150 centipoise.

Density at 25°C—0.89 ± 0.02 g/ml.

Solubility—Soluble in heptane; insoluble in water.

Vapor pressure at 25°C—$<1 \times 10^{-6}$ atmosphere.

Optical absorption—<0.10 (at 400 nm); 0.5 (Optical density for (at 300 nm); free of 1.0 cm path cell from particulate matter by visual UV-visible absorption). Inspection.

Toxicity Data. (20% of PMN substance in lubricant). Acute dermal toxicity LD_{50} (male, and female albino rabbits)—>2.0 g/kg.

Exposure

Activity	Exposure route(s)	Max. No. exposed	Max. duration Hr/da	Max. duration da/yr	Concentrations (ppm) Average	Concentrations (ppm) Peak
	Site controlled by submitter					
Manufacture	Inhalation	2	10	42		0–1
	Skin					>100
	Site not controlled by submitter					
Processing	Inhalation	6	8	90		0–1
	Skin					>100
Disposal	Inhalation	2	0.5	52		0–1
	Skin					<100

The manufacturer states that in normal processing, only inhalation exposure would occur; skin exposure would be accidental during manual transfers.

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter, less than 10 kg/yr of the new substance will be released into the air for 10 hr/da, 42 da/yr, and that from 10 to 100 kg/yr organic and water waste will be landfilled via a disposal company.

At a site not controlled by the submitter, less than 10 kg/yr will be released into the air for 16 hr/da, 350 da/yr, and less than 10 kg/yr will be released into the land.

PMN 81–25

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeastern U.S.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Derivatized copolymer of acrylic acid and *N*-(1,1-dimethyl-3-substituted butyl) acrylamide.

Use. Claimed confidential business information. The manufacturer states that the PMN substance will be used in a way that will release more than 50 but less than 5,000 kg of the substance to the environment per year. The end use will involve incorporating the chemical into an article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	30,000
2d year	10,000	30,000
3d year	10,000	30,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure

Activity	Exposure route(s)	Max. No. exposed	Max. duration Hr/da	Max. duration Da/yr	Concentrations (mg/m³) Average	Concentrations (mg/m³) Peak
Manufacture	Skin	54	24	322	0–1	0–1
(Total sites)	Inhalation					
Processing	Skin	180	24	235–250	0–1	0–1
(Total sites)	Inhalation					
Disposal	Skin	4	24	336	0–1	0–1

Environmental Release/Disposal. Claimed confidential business information. The manufacturer states that more than 50 but less than 5,000 kg/yr of the PMN substance will be released to publicly owned treatment works (POTW) or to a chemical landfill.

PMN 81–27

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic description provided:

Annual sales—$100 million—$499,999,999.

Manufacturing site—Northwestern U.S.

Standard Industrial Code—285, "Paints, Varnish, Lacquers, Enamels, Allied Products".

Specific Chemical Identity. Claimed confidential business information. Generic Name provided: Alkyd resin.

Use. Resin for low volatile organic content industrial coatings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	5,000	20,000
1982	20,000	40,000
1983	40,000	80,000

Physical/Chemical Properties

Boiling range—149.8°C.
Vapor density—Heavier than air.
Evaporation rate—Slower than ether.
% Volatile by volume—0.
Weight/gal—7.38 lb.

Toxicity Data. No data were submitted.

Exposure

Activity	Exposure route(s)	Max. No. exposed	Max. duration Hr/da	Max. duration Da/yr	Concentration (ppm) Average	Concentration (ppm) Peak
Manufacture	Skin	11	8	18		
Processing	Skin	12	8	100		
Use	Skin	30	8	250	> 100	> 100
	Eye					
	Inhalation					

Environmental Release/Disposal. The manufacturer states that at the manufacturing and processing sites, less than 20 kg/yr of the new substance will be released to the air from 12–24 hr/da, 18–100 da/yr; 200–2,000 kg/yr will be released to land; and less than 20 kg/yr will be released to water, 12 hr/da, 100 da/yr.

At a user's site, 10–100 kg/yr will be released to the air 8 hr/da, 250 da/yr; more than 10,000 kg/yr to land; and 10–100 kg/yr to water.

PMN 81–28

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—Between $100 million and $499,999,999.

Manufacturing site—Northwestern U.S.

Standard Industrial Classification Code—285, "Paints, Varnish, Lacquers, Enamels, Allied Products".

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyd resin.

Use. The manufacturer states that the PMN substance will be used in an industrial use as a resin for low volatile organic content coatings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	5,000	25,000
1982	15,000	50,000
1983	25,000	100,000

Physical/Chemical Properties

Vapor density—Heavier than air.
Boiling range—149.8°C.
Weight—7.38 lb.
Evaporation rate—Slower than ether.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing, 23 workers would be exposed through the skin and by inhalation 8 hr/da, 18–100 da/yr.

At a user site, 30 workers would be exposed by inhalation, eye, and skin for 8 hr/da, 250 da/yr, at average and peak concentrations of more than 100 ppm.

Environmental Release/Disposal. The manufacturer states that during manufacture and processing, less than 20 kg/yr of the new substance will be released into the air, 12–24 hr/da, 18–100 da/yr; between 200–2,000 kg/yr to land; and less than 20 kg/yr, 12 hr/da, 100 da/yr to a publicly owned treatment works (POTW). Sludge and other solid wastes are incinerated or landfilled.

At a user's site, from 20 to 200 kg/yr would be released into the air and water for 8 hr/da, 250 da/yr, and more than 10,000 kg/yr released into the land.

PMN 81–29

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—$5,000,000 and up.

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Reaction product of olefins, vegetable oil, and sulfur.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the new substance will be used in a contained use that will release more than 50 kg but less than 5,000 kg per year into the environment with a low potential for skin exposure to chemical industrial and commerical employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Density at 20°C—0.961.
Appearance—Brown liquid.
Flash point—>204°C.
Viscosity, Gardner-Holdt at 25°C—U–Z.
Vapor pressure—<1.0 mm at 20°
Pour pressure—-9°C.

Toxicity Data

Acute oral LD_{50}—>5 g/kg.
Acute dermal LD_{50}—>2 g/kg.
Primary skin irritation index—1.2/8.
Primary eye irritation—8.3/110 at 1 hr decreasing to 0 by 72 hr.
Ames mutagenicity assay—Negative.

Exposure. Claimed confidential business information. The manufacturer states that at a user's site not controlled by the submitter there will be negligible skin and no expected inhalation exposure.

Environmental Release/Disposal. Claimed confidential business information. The manufacturer states that at a user's site, there will be no release of the PMN substance into the air; that release to land and water is unknown at this time.

PMN 81–30

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.

Manufacturing site—East North Central U.S.

Standard Industrial Classification Code—2851.

Specific Chemical Identity. Claimed confidential business information. Polyester resin derived from a mixture of phthalic acids with alkylene glycols and higher polyols.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg into the environment per year with exposure to non-chemical industrial employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Non-volatile—100%.

Molecular weight (estimate)—2,000–5,000.

Equivalent weight—500–700.

Glass transition temperature—50–65°C.

Viscosity—25–70 poises at 200°C.

Solubility:

Water—Insoluble.

Aromatic hydrocarbons—Soluble.

Ketones—Soluble.

Ester solvents—Soluble.

Aliphatic hydrocarbons—Partially soluble.

Toxicity Data. No data were submitted.

Exposure

Activity	Exposure route(s)	Max. No. exposed	Max. duration		Concentrations	
			Hr/da	da/yr	Average	Peak
Manufacture	Skin	10	8	200		
	Inhalation					
Use	Skin	15,000	8	3,000		
	Eye					
	Oral					
	Inhalation					

The manufacturer states that because the new substance is manufactured in a closed system, worker exposure will be minimal with incidental skin contact only during sampling, accidental spills and periodic plant shutdowns.

Environmental Release/Disposal. Claimed confidential business information. The submitter states that some waste disposal is by incineration, other waste will be routed to a sewer system after adjustment to required pH, and some will be disposed of by release to commercial landfill.

PMN 81–32

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 23, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Substituted phenoxy) alkanoic acid.

Use. Claimed confidential business information. The manufacturer states that the PMN substance is a site-limited chemical intermediate for use in the manufacture of another chemical intermediate. The final chemical will be a minor constitutent of a consumer article.

Production Estimates. The manufacturer states that up to 800 kg/yr will be produced.

Physical/Chemical Properties

Solubility:

Water—>0.1%.

Dimethyl sulfoxide—>1.0%.

Acetone—>0.1%.

Corn oil—>0.1%.

Octanol—>0.1%.

Melting point—90°C.

Toxicity Data

Acute oral LD_{50} (mice and rats)—>3,000 mg/kg.

Skin dermal LD_{50}—>1,000 mg/kg.

Skin absorption—No evidence.

Skin irritation—Moderate.

Repeated 10-day skin application.—Moderate exacerbation with eschar formation.

Skin sensitization potential—None.

Eye irritation—Strong.

Ames Salmonella assay (with and without metabolic activity)—Negative.

Repeated 2-week feeding study—Results of study available for inspection at the agency.

Environmental Test Data

Chemical oxygen demand—2.1 g/g.

Secondary waste treatment—2.9 mg/L caused a 50% decrease in glucose metabolism.

Acute effects on four aquatic species—A saturated solution, at a nominal concentration of 100 ppm, had no effects on the four aquatic species.

Exposure

Activity	Exposure route(s)	Maximum Number exposed	Maximum duration		Concentrations	
			Hr/da	Da/yr	Average	Peak (mg/m³)
Manufacture	Skin	2	1.5	4	0–1	1–10
	Inhalation					
Use	Skin	2	0.5	2	0–1	1–10

Environmental Release/Disposal. The manufacturer states that release of the PMN substance into the environment will range from negligible to none.

PMN 81–35

The following summary is taken from the data submitted by the manufacturer in the PMN.

Close of review period. April 19, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: *N*-Methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carboheterocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.

Use. chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance and odor—Clear amber liquid with bland odor.

Color—3.5.

Reid vapor pressure at 100°F—68.58 mmHg.

Flash point—163°F PMCC.

Vicosity 60°F—46.27 CTS.

Specific gravity 60°F—1.328.

pH—5.0.

Corrosivity to carbon steel—0.0933 ipy.

Corrosivity to aluminum—0.0302 ipy.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that the new PMN substance is manufactured in a closed system minimizing worker exposure, and that skin and inhalation exposure is only possible during quality control sampling, drumming, and accidential leaks in the system. At a site controlled by the submitter, manufacture and processing would expose a worker with a maximum exposure of 1 man-hour per batch. At various customer sites not controlled by the submitter, two workers would be exposed through the skin and by inhalation.

Environmental Release/Disposal. The manufacturer states that a minimal amount of the PMN substance will be released into the water at the manufacturing site.

PMN 81-38

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 28, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—$100 million to $499 million.

Manufacturing site—West-North Central U.S.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl acid phosphoric esters.

Use. The manufacturer states that the PMN substance will be used as a contained-destructive use chemical and that its use will release more than 60 but less than 5,000 kg per year into the environment with potential eye and skin contact to chemical industrial employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Water solubility—Dispersible, hydrolyzes slowly.

Vapor pressure—None up to 350°F.

Boiling point—Decomposes at 330°F.

Melting point—<−40°F.

Density—1.14 gm/ml.

Flash point—>200°F.

Octanol/water—Log P −0.05 to + 0.07.

Persistence test (BOD)—>28% Degraded in 5 days.

Toxicity Data

Acute oral LD_{50} (rats)—1.15gm/kg.

Primary skin irritation—Corrosive.

Primary eye irritation—Corrosive.

Acute dermal LD_{50} (rabbits)—4.0 gm/kg.

DOT skin corrosivity—Not corrosive.

96-hr LC_{50} (bluegill sunfish)—30 ppm.

Exposure. The manufacturer states that manufacture of the PMN substance would expose four to eight workers through the skin and eyes from 8 to 10 hr/da, 12 da/yr, at a peak concentration of 10-100 ppm. Exposure would occur during drumming and disposal operations.

Exposure to workers during use will occur briefly during material transfer.

Environmental Release/Disposal. The submitter states that manufacture of the PMN substance will release less than 10 kg/yr into the air and land and approximately 120 kg/yr into a publicly owned treatment works (POTW). Off-specification material will be disposed of by incineration.

The submitter states that enviornmental release of the new substance to air, land, and water is practically non-existent.

[FR Doc. 81-7577 Filed 3-10-81; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51225; TSH-FRL 1774-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of five PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81-21—March 25, 1981.
PMN 81-36—March 29, 1981.
PMN 81-41, 81-43—March 31, 1981.
PMN 81-44—April 3, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:
For PMN No. 81-21, 81-43; Notice Manager Karen Blumenfeld; Telephone (202-472-3316); Rm. No. E-623B.
For PMN No. 81-38, 81-44; Notice Manager George Bagley; Telephone (202-426-3936); Rm. No. E-210.
For PMN No. 81-41; Notice Manager Denise Devoe; Telephone (202-426-3960); Rm. No. E-221.
Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemcial substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemcial substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 505444—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of

the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemcial use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "Dates", submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51229]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

[Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)]

Dated: March 3, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–21

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 19, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Annual sales—$100,000,000 to $499,999,999.

Standard Industrial Classification Code—2891.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Halogenated conjugated diene, polymer with haloalkyl benzene, and alkenoic acid.

Use. Water-carried adhesive component.

Production Estimates

First year—4,000 kg.
Second year—6,000 kg.
Third year—10,000 kg.

Physical/Chemical Properties. Molecular weight (M_w) (minimum average): > 1,000,000.

Toxicity Data. No data were submitted.

Exposure. Manufacture. The manufacturer states that potential dermal or respiratory exposure could occur as follows:

Reactor charging (monomers)—5 hours/batch
Preemulsion transfer (monomers)—3 hours/batch
Blending (PMN substance)—4 hours/batch
Packaging (PMN substance)—2 hours/batch

Exposure will be for 4–10 batches per year.

Processing. The submitter states that products containing the PMN substance will be distributed widely in the finished mechanical goods market, however, no estimate of worker exposure is available.

Consumer. The manufacturer claims that the product is used as an adhesive, is completely encased by the substrates which are bonded, hence, the potential for general population exposure is nil.

Environmental Release/Disposal. The manufacturer states that manufacture of the new substance will generate 200 gallons aqueous waste (reactor washings), 180 gallons organic waste (methylene chloride), and 35 pounds solid waste per 500-gallon batch. Disposal is by contract with a RCRA licensed waste facility.

PMN 81–38

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. April 26, 1981.

Importer's Identity. Naarden International USA Inc., 919 Third Avenue, New York, NY 10022.

Specific Chemical Identity

±62% Bicyclo[3.2.1]octan-8-ol, 1,5-dimethyl-, acetate;
±11% Bicyclo[3.3.0]octan-2-ol, 1,5-dimethyl-, acetate; and
±6% Bicycloo[3.3.1]nonan-1-ol, 5-methyl-, acetate.

Use. The importer states that the PMN substance is an aroma chemical to be used in fragrance compounds for soaps, detergents, household products, cosmetics, toiletries, and fine perfumery products.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	200	500
2d year	700	1,000
3rd year	1,400	1,700

Physical/Chemical Properties

Spectral data—Mass of main component 196(M^+)–7.5%/136–66%/121–28%/108–41.5%/107–64%/95–21%/93–28%/81–23%/55–21%/43–100%/41–30%.

Density at 20°C—0.973–0.980.

Refraction index at 20°C—1.457–1.463.

Solubility in alcohol 70% at 20°C—1:3.5 and more.

Boiling point—65°C at −100 mm; Hg, 52°C at 12 mm Hg.

Flash point (Closed cup)— −290°C.

Toxicity Data

Acute oral toxicity LD_{50} (male and female rats)—5,600 mg/kg.

Acute dermal toxicity LD_{50} (male and female albino rabbits)>8,800 mg/kg.

Primary skin irritation (albino rabbits)—Slight irritation.

Eye irritation (albino rabbits)—No irritation.

Sensitization (male albino guinea pigs)—No sensitization.

Mutagenicity (Ames test)—No mutagenic activity.

Exposure. The importer states that a total of 24 employees would be exposed by inhalation, only when the PMN substance is used for compounding, at a maximum concentration of 1 to 10 ppm.

The importer also states that the average consumer would be exposed to the new substance as 0.1 to 5 percent of a perfume that is incorporated in a consumer product.

Environmental Release/Disposal. No data were submitted. The importer states that discharge of this perfume compound to land or water would only result from an accidental spill and that disposal, if required, will be by incineration.

PMN 81–41

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. April 30, 1981.

Importer's Identity. Ilford, Inc., West 70 Century Road, Paramus, NJ 07652.

Specific Chemical Identity. 5-Methyl-4*H*-1,2,4-triazole-3-selenol; 1,2-dihydro-5-methyl-3*H*-1,2,4-triazole-3-selone.

Use. Catalyst in a photographic solution.

Import Estimates

	Pounds per year	
	Minimum	Maximum
1st year	20	40
2d year	25	50
3d year	30	60

Physical/Chemical Properties

Appearance—Fine, buffish-orange colored needles.

Melting point—212–219°C.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—800 mg/kg.

Primary skin irritation (albino rabbits)—Slight.

Eye irritation (albino rabbits)—Minimal.

Exposure. The importer states that seven to nine processing workers would be exposed to the new substance during the estimated 1,100 hr/yr the new chemical will be dispersed in solutions at concentrations of 0.1 percent to .02 percent.

The importer also states that the average consumer would be exposed to approximately 3 to 9 grams per year of the new substance in weak solutions.

Environmental Release/Disposal. The submitter states that during processing, any spillage of the dry PMN substance or the substance in solution will be contained and disposed of through the processer's on-site wastewater treatment facility. Consumers will dispose of the new substance in solution through various public and private sanitary wastewater treatment facilities.

PMN 81–43

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 30, 1981.

Manufacturer's Identity. Milliken & Company, Milliken Service Division, PO Box 1926, Spartanburg, SC 29304.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Chromophore substituted poly (oxypropylene).

Use. The manufacturer states that the PMN substance will be used as a colorant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted. The manufacturer states that the LD_{50} of closely related products indicates the PMN substance will also have a very low order of toxicity.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–44

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 3, 1981.

Manufacturer's Identity. The Upjohn Co., 410 Sackett Point Road, North Haven, CT 06473.

Specific Chemical Identity. 3,4,5,6-Tetrahydro-2(1*H*)pyrimidinone.

Use. Site-limited, captive intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	200	400
2d year	400	600
3d year	600	[1]

[1] Unknown.

Physical/Chemical Properties

Appearance—Off-white, crystalline powder.

Melting point—263–65°C.

Sublime—At 120–150°C.

Sublimed crystals melt—At 264–66°C.

Solubility:

Water—Soluble.

Ethanol—Slightly soluble.

Chloroform—Slightly soluble.

Organic solvents—Insoluble.

(Identified by KBr infrared and protons nmr spectra).

Toxicity Data

Acute oral toxicity LD_{50} (male and female albino rats)—>5.0 g/kg.

Primary eye irritation study (albino rabbits)—Minimally irritating.

Exposure. The submitter states that manufacture of the new substance would expose four workers dermally and by inhalation for 8 hr/da, 20 da/yr, at a peak concentration of 1–10 ppm. Because the new chemical is manufactured in a closed system, exposure would occur only during emptying and bagging of this chemical intermediate for use in preparation of the final product.

Environmental Release/Disposal. The manufacturer states that none of the new substance will be released into the air and land; less than 10 kg/yr will be released into the water. The manufacturer also states that small amounts of the new substance will be disposed of in a waste drum in accordance with RCRA regulations.

[FR Doc. 81-7571 Filed 3-10-81; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51231; TSH-FRL 1774-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81–23, 81–24—March 27, 1981
PMN 81–45—April 3, 1981

ADDRESSES: Written comments to:
Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, D.C. 20460, (202–426–2610)

FOR FURTHER INFORMATION CONTACT:
For PMN No. 81–23, 81–24; Notice Manager Rachel Diamond; Telephone (202–426–3980); Room No. E–221

For PMN No. 81-45; Notice Manager David Dull; Telephone (202-426-2601); Room No. E-206

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51231]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above office between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 3, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-23

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. **April 21, 1981.**

Manufacturer's Identity. **Armak Company, 8401 W 47th Street, McCook, IL 60525.**

Specific Chemical Identity. **Claimed confidential business information.**

Generic name provided: Di(hydrogentatedtallowalkyl) quaternary ammonium compounds.

Use. **Textile softener in a commercial and consumer use.**

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	115,000	450,00
2d year	450,000	1,360,000
3d year	900,000	2,250,000

Physical/Chemical Properties

Melting point—45°C.
pH 5% in water—8.9
Flash point (closed cup)—120°F.
Specific gravity 140/60°F—0.945
Viscosity:
135°F Cp—11,400
155°F Cp—7,800
Corrosivity to mild steel (mils per year)—0.003
Vapor pressure at 20°C—~25 mm Hg.
Pour point—~39°C.
Solubility in H_2O at 20°—~10% by wt.

Toxicity Data

Acute oral Ld_{50} (rats)—>5 g/kg.
Acute dermal Ld_{50} (rabbits)—>2 g/kg.
Primary skin irritation (rabbits):
70-75% active—2.83
3% solids—0.0
Acute eye irritation (rabbits):
Non-rinsed eye (70-75%)—Eye irritant
Rinsed eye—Mild irritant.
3% solids—Not an eye irritant.

Exposure. **The manufacturer states that eight manufacturing workers will have skin exposure to the new substance 2 hr/da, 150 da/yr, at a peak concentration of more tha 100 ppm. Exposure will occur only during sampling and protective clothing and glasses are mandatory.**

At each of a maximum of 40 user sites, 5 to 8 processing employees will be exposed dermally and ocularly for 1-2 hr/da, 150-200 da/yr to peak concentrations of >100 ppm. In case of

spillage at these user sites, one to two employees would be exposed for less than 1 hr/da, 150–200 da/yr at concentrations of >100 ppm.

Environmental Release/Disposal. The manufacturer states that none of the new substances will be released into the air and that from 2,000 to 20,000 kg/yr will be released into the land and the water of a publicly owned treatment works (POTW). Washings from the reactor are landfilled; washings from the mix tank, filter, storage, and drumming station are sent to the POTW.

PMN 81–24

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 21, 1981.

Manufacturer's Identity. Armak Company, 8401 W 47th Street, McCook, IL 60525.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ditallowalkylquaternary ammonium compounds.

Use. Textile softener in a commercial and consumer use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	115,000	450,000
2d year	450,000	1,350,000
3d year	900,000	2,250,000

Physical/Chemical Properties

Melting point—45°C.
pH 5% in water—8.9
Flash point (closed cup)—120°F.
Specific gravity 140/60°F—0.945
Viscosity:
135°F Cp—11,400
155°F Cp—7,800
Corrosivity to mild steel (mils per year)—0.003
Vapor pressure at 20°C—~25 mm Hg.
Pour point—~45°C.
Solubility in H_2O at 20°—~10 by wt.

Toxicity Data

Acute oral LD_{50} (male Sprague-Dawley albino rats)—>5 g/kg.
Acute dermal LD_{50} (New Zealand white rabbits)—>2 g/kg.
Primary skin irritation (rabbits)—70–75% active—3.58 3% solids—0.37
Acute eye irritation (rabbits):
as supplied 70–75%, non-rinsed eye—Irritant
as supplied 70–75%, rinsed eye—Mild irritant
3% solids—Not irritating

Exposure. The manufacturer states that 8 manufacturing workers will have dermal and/or ocular exposure to the new substance 2 hr/da, 150 da/yr at a peak concentration of more than 100 ppm. Exposure will occur only during sampling, and protective clothing and glasses are mandatory.

At each of a maximum of 40 user sites, 5 to 8 processing employees will be exposed dermally and ocularly for 1–2 hr/da, 150–200 da/yr to peak concentrations of >100 ppm. In case of spillage at these user sites, one to two employees would be exposed for less than 1 hr/da, 150–200 da/yr at concentrations of >100 ppm.

Environmental Release/Disposal. The manufacturer states that none of the new substance will be released into the air and that from 2,000 to 20,000 kg/yr will be released into the land and the water of a publicly owned treatment works (POTW). Washings from the reactor are landfilled; washings from the mix tank, filter, storage, and drumming station are sent to the POTW.

PMN–81–45

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 3, 1981.

Manufacturer's Identity. E. I. DuPont de Nemours and Co., Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Generic name provided: Polyester (1,4-butanediol/isophthalic acid, dimethyl ester/poly (oxyethylene/oxypropylene)/terephthalic acid, dimethyl ester).

Use. Extrusion resin, molding resin.

Production Estimates. No data were submitted.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted; however, the manufacturer states that the PMN polyester is expected to have very low toxicity.

Exposure. The manufacturer states that there will be no worker exposure to the PMN substance.

Environmental release/Disposal. The manufacturer states that the PMN substance will be disposed in an approved landfill.

[FR Doc. 81-7374 Filed 3-10-81; 8:45 am]
BILLING CODE 6560-31-M

[OPP—180555; PH–FRL 1773–8]

Florida; Specific Exemption for Permethrin on Lettuce

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use permethrin to control leafminers on 12,000 acres of lettuce in eight counties in Florida. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: Leafminers have periodically plagued Florida vegetable growers. The primary damage by the vegetable leafminer is caused by the tunneling larvae which destroy the leaf tissue. The mines left by these pests are also excellent points of entry for bacterial and fungal pathogens which cause the heads of lettuce to break down with decay in transit or in the market. The nature of the leafminer limits its control to a contact adulticide since the other stages of its life cycle are either concealed within the host tissue or sheltered among the lettuce leaves. Of the various pesticides tried and registered for control of this pest, the Applicant claims that only acephate shows positive efficacy, but its use is prohibited after the beginning of head formation which precludes protection during the period it is needed most. The Applicant claims that permethrin plays an important role in the Integrated Pest Management (IPM) program that is being developed in Florida to control leafminers. The Applicant estimates a loss in the millions of dollars to the lettuce crop due to leafminer infestation without an effective control program.

The Applicant proposed to use permethrin at a rate of 0.1 to 0.2 pound active ingredient (a.i.) in a minimum of 3 gallons of water per acre. State-certified applicators or qualified growers will apply permethrin using air equipment. There will be a maximum of 10 applications made at 5-day intervals. Treatment will be made in Collier, Hendry, Highland, Hillsboro, Orange, Palm Beach, Sarasota, and Seminole Counties.

Residue levels of permethrin on lettuce are not expected to exceed 10 parts per million (ppm), 8 ppm of the metabolite DCVA, and 5 ppm of the metabolite 3-PBA from this use. These levels have been deemed adequate to

protect the public health, EPA has prohibited the feeding of wrapper leaves to livestock. EPA has also imposed other limitations to ensure that permethrin does not adversely affect the environment.

After reviewing the application and other available information, EPA has determined that this use is an important component of Florida's Integrated Pest Management program and that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1981, to the extent and in the manner set forth in the application, subject to the following conditions:

1. Use of the products Ambush 2E (EPA Reg. No. 10182–18), manufactured by ICI Americas Inc., and Pounce 3.2 EC (EPA Reg. No. 279–3014), manufactured by FMC Corp., is authorized.

2. Total acreage may not exceed 12,000 acres.

3. Permethrin will be applied at a rate of 0.1 to 0.2 pound a.i. per acre per application. A maximum of 10 applications is authorized.

4. Applications may be made at 5-day intervals. A pre-harvest interval of 1 day must be observed.

5. A 60-day crop rotation restriction is imposed.

6. A maximum of 24,000 pounds a.i. may be applied.

7. Applications of permethrin may be made by ground or air equipment. Permethrin will be applied in a minimum of 3 gallons of water per acre.

8. Lettuce will be field trimmed to remove wrapper leaves. Lettuce trimmings from treated fields must not be fed to livestock.

9. All applications will be made by State-certified applicators or persons under their direct supervision.

10. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It must not be applied or allowed to drift to weeds or crops in bloom where bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service.

11. Permethrin should not be applied any closer to fish-bearing waters than indicated in the chart below:

Permethrin Application Rate

(Buffer zone—feet)

Height and method	Pounds per acre (0.1)	Pounds per acre (0.2)
2 feet/ground spray:		
Freshwater	50	80
Saltwater	200	350

Permethrin Application Rate—Continued

(Buffer zone—feet)

Height and method	Pounds per acre (0.1)	Pounds per acre (0.2)
8 feet/aerial spray:		
Freshwater	300	350
Saltwater	900	1,400

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or aquatic invertebrate kills.

12. Precautions must be taken to avoid or minimize spray drift to nontarget area. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour.

13. Permethrin is extremely toxic to fish and aquatic invertebrates. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken not to contaminate water by the cleaning of equipment or disposing of waste or excess pesticides.

14. Two endangered species, the Florida Everglade Kite and the Southern Bald Eagle, are endemic to regions in the treatment area. Application of the pesticide according to the above instructions and restrictions is expected to minimize the risk to these animals. Permethrin should not be applied in areas where spray drift could possibly impact aquatic ecosystems containing federally designated endangered and threatened species. Liaison should be established between the Applicant and the Florida Freshwater Fish and Game Commission in order to protect fish and wildlife.

15. Lettuce treated according to the above provisions is not expected to have residues in excess of 10 ppm permethrin, 8 ppm of the metabolite DCVA, and 5 ppm of the metabolite 3-PBA. Lettuce with residue levels of permethrin not exceeding these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

16. All applicable directions, restrictions, and precautions on the product label must be followed.

17. The EPA shall be immediately informed of any adverse effects resulting from this use of permethrin.

18. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by September 1, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 23, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7575 Filed 3-10-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180557; PH FRL 1774-8]

Florida; Issuance of Specific Exemption for Permethrin on Tomatoes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use permethrin to control vegetable leafminers and tomato pinworms on 40,000 acres of tomatoes in Florida. The specific exemption is issued under the Federal Insecticide, Rodenticide, and Fungicude Act.

DATE: The specific exemption expires on June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: The vegetable leafminer, *Liriomyza sativae*, and the tomato pinworm, *Keiferia lycopersicella*, have become the most serious pests in commercial tomato production in Florida. The leafminer destroys the tissue of tomato plants by laying eggs within the leaf structure. The resulting larvae can cause rapid defoliation of the plant which reduces yields and exposes fruit to sun scald, thus lowering its quality. In addition, the punctures to leaves from the egg-laying process serve as points of entry for plant pathogens which hasten leaf destruction. The pinworn does severe damage to the fruit by the boring of the larvae directly into the tomato, so that a single pinworm larva renders the fruit inedible. The Applicant estimates a possible loss of more than $25 million due to leafminer and pinworn damage without an effective control program.

In the past, the Florida Cooperative Extension Service has recommendced the use of various organophosphates for control of leafminers; however, the

Applicant claims that they no longer control the pest. Methomyl and methamidophos also do not provide adequate control of the leafminer and pinworm, the Applicant states. The Applicant reports that permethrin plays an important role in the Integrated Pest Management (IPM) program that Florida is developing to control the leafminer.

The Applicant proposed to use Ambush 2E and Pounce 3.2 EC (permethrin) at a rate of 0.05 to 0.1 pound of active ingredient (a.i.) in a minimum of 20 gallons of water per acre. Up to 10 applications per season would be made using ground equipment, at 5- to 10-day intervals. Treatment is to be made in Gadsden County, and the Dade, Ft. Pierce-Pompano, Southwest, and Palmetto-Ruskin areas of Florida.

EPA has determined that residues from the proposed use should not exceed 1.5 parts per million (ppm) permethrin, 0.5 ppm of the metabolite DCVA, and 0.5 ppm of the metabolite 3–PBA. Residues of permethrin resulting from feeding tomatoes or tomato parts to animals should not be in excess of 0.3 pm in milk; 0.5 pm in eggs; 1.5 ppm in the fat and 0.1 pm in the other tissues of cattle, goats, hogs, horses, and sheep; 1.0 ppm in liver and fat of poultry; and 0.15 ppm in other tissues of poultry. These levels have been judged adequate to protect the public health. EPA has imposed appropriate restrictions to prevent adverse effects on endangered species in the area.

After reviewing the application and other available information, EPA has determined that permethrin is an important factor in the Integrated Pest Management program being developed in Florida, and that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1981, to the extent and in the manner set forth in the application, subject to the following conditions:

1. Use of the products, Ambush 2E (EPA Reg. No. 10182–18), manufactured by ICI Americas, Inc., and Pounce 3.2 EC (EPA Reg. No. 279–3014), manufactured by FMC Corp., is authorized.

2. A maximum of 40,000 acres may be treated in the areas named above.

3. Permethrin will be applied at a rate of 0.05 to 0.01 pound a.i. per acre per application.

4. A maximum of ten applications is authorized. Application may be made at 5- to 7-day intervals. There is no preharvest interval.

5. A 60-day crop rotation restriction is imposed.

6. A maximum of 40,000 pounds a.i. may be applied.

7. Application may be made by ground equipment only in a minimum of 20 gallons of water per acre.

8. All applications will be made by State-certified applicators or persons under their direct supervision.

9. Permethrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It must not be applied or allowed to drift to weeds or crops in bloom where bees are actively foraging. Protective information may be obtained from the Florida Cooperative Extension Service.

10. Permethrin should not be applied any closer to fish-bearing waters than indicated in the chart below:

Permethrin Application Rate

[Buffer zone—feet]

Height and method	Pounds per acre	
	(0.05)	(0.1)
2 feet/ground spray:		
Freshwater	25	50
Saltwater	100	200

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills.

11. Precautions must be taken to avoid or minimize spray drift to nontarget areas. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour.

12. Permethrin is extemely toxic to fish and aquatic invertebrates. It may not be applied directly to any body of water, and drift reduction precautions must be observed. It may not be applied where excessive runoff may occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of waste or excess pesticide.

13. Two endangered species, the Florida Everglade Kite and the Southern Bald Eagle are endemic to regions in the treatment area. Application of the pesticide according to the above instructions and restrictions is expected to minimize the risk to these animals. Permethrin should not be applied in areas where spray drift could possibly impact aquatic ecosystems containing federally designated endangered and threatened species. Liaison should be established between the Applicant and the Florida Fresh Water Fish Commission in order to protect fish and wildlife.

14. Tomatoes treated according to the above provisions are not expected to have residues in excess of 1 part per million (ppm) permethrin, 0.5 ppm of the metabolite DCVA, and 0.5 ppm of the metabolite 3–PBA. Residues of permethrin are not expected to exceed 60 ppm in wet tomato pomace, and 300 ppm in dry tomato pomace. Residues resulting from the feeding of treated tomatoes or tomato parts to animals will not be in excess of 0.3 ppm in milk; 0.5 ppm in eggs; 1.5 ppm in the fat and 0.1 ppm in the other tissues of cattle.

15. All applicable directions, restrictions, and precautions on the product label must be followed.

16. Any adverse effects from the use of permethrin under this exemption must be reported immediately to EPA.

17. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by September 1, 1981.

(Sec. 18 as amended 92 Stat. 819, (7 U.S.C. 136))

Dated: February 26, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7578 Filed 3-10-81; 8:45 am]

BILLING CODE 6560-32-M

[ER-FRL 1773-5]

Intent to Prepare an Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA), Region VII.

ACTION: Notice of Intent to prepare an environmental impact statement (EIS).

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Ms. Mary J. O'Donnell, Environmental Review Branch, Environmental Protection Agency, Region VII, 324 E. 11th Street, Kansas City, Missouri 64106, Telephone: (Commercial) 816/374–2921, (FTS 758–2921).

SUMMARY: 1. Description of the Proposed Action: The EPA action would be the approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater treatment facilities located in Metropolitan Topeka, Kansas.

2. Description of Alternatives: Regional or subregional treatment alternatives in the nine subareas of the study area, in addition to the No Action alternative, will be evaluated, especially

in relation to land use changes, user chargers, and water quality impact to the Kansas River.

3. Public and Private Participation in the EIS Process: Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

4. Scoping: The EPA Region VII, in conjunction with the City of Topeka, will be holding meetings to discuss the alternatives and the scope of the draft EIS. A scoping meeting will be held March 5, 1981, at 7:00 pm in the New City Commission Chambers (located in the South end of the Municipal Building), 8th and Quincy Streets in Topeka, Kansas. Public notice will be given prior to all subsequent meetings.

5. Timing: EPA estimates the draft EIS will be available for public review and comment about February 1982.

6. Requests for Copies of Draft EIS: All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices.

Dated: March 3, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-7584 Filed 3-10-81; 8:45 am]

BILLING CODE 6560-37-M

[OPTS-51157B; TSH-FRL 1774-3]

Methylaziridinylcarbonylimino Oleyl Trimido Diisophorone Poly(Propylene) Glycol; Premanufacture Notice Recommencement of the Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the recommencement of the review period for a premanufacture notice (PMN) for which the review period was voluntarily suspended by the manufacturer and the Agency on November 7, 1980 (46 FR 1333 January 6, 1981). The submitter of P80-256 voluntarily suspended the review period in response to the Agency's identification of significant concerns regarding the PMN chemical. EPA completed its review of possible concerns and has resolved these to its satisfaction.

The review period recommenced as of January 13, 1981, and expired as scheduled February 22, 1981.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-210, 401 M Street SW., Washington, D.C. 20460, (202-426-3936).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, EPA is generally allowed 90 days to evaluate the potential health and environmental effects of a PMN chemical. EPA may extend the period under section 5(c) for up to an additional 90 days.

The submitter of P80-256, whose identity has been claimed confidential, voluntarily suspended its 90 day review period when EPA's initial evaluation of the possible risks associated with the PMN chemical raised concerns which were best examined out side of the rigid time limits imposed by the law.

EPA completed its review of possible concerns and determined not to take regulatory action on the PMN chemical at this time.

Dated: March 4, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-7572 Filed 3-10-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-180554; pH-FRC 1773-4]

Texas; Crisis Exemption for Paraquat CL on Dry Beans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Texas Department of Agriculture (hereafter referred to as "Texas") availed itself of a crisis exemption for the use of Paraquat CL as a desiccant on a maximum of 800 acres of dry beans in Goliad and adjacent counties, Texas.

DATE: The crisis period was from October 31, 1980, through November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: On October 31, 1980 Texas initiated a crisis exemption for the use of Paraquat CL as a harvest aid on mung beans and other dry beans, and so notified the Administrator. According to Texas, drought conditions in the State resulted in total loss of production from most growing areas. In the area treated under the crisis exemption, heavy rains spawned by Hurricane Allen flushed pre-emergence herbicides from the soil and negated their effectiveness. These rains resulted in heavy weed infestations as well as increased foliar growth of the beans themselves, making harvesting impossible without the use of a good desiccant, Texas reported.

A single application was to be made using a maximum of 400 pounds of the active ingredient, paraquat dichloride, at a rate of 0.25 to 0.5 pound per acre. Application volume was 20 to 40 gallons of water per acre using ground equipment, and 5 gallons of water per acre using aerial application. A preharvest interval of 7 days was to be observed. A residue level of no more than 0.3 part per million of paraquat dichloride was anticipated. Treated plants were not to be used as feed for animals, nor were animals to be grazed in treated fields. All applications were to be made by or under the direct supervision of a State-certified applicator. Sale and use records were to be kept and the total amount of product used was to be reported to Texas. Texas was to make observations for any adverse effects to the environment. It was anticipated that the use of Paraquat CL under this crisis exemption would end on November 14, 1980.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7575 Filed 3-10-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180565; PH-FRL 1774-7]

Washington; Issuance of Specific Exemption for Napropamide on Mint

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use napropamide to control annual grasses on up to 15,000 acres of mint in Washington. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Libbvy Welch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, RM. 502C, CM#2, 1921 Jefferson Davis

Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, annual grasses are serious weed pests in mint. Weed competition during the growing season reduces yields and the quality of the oil and affects recovery of the mint after harvest to the extent that the crop is weakened. This results in winter kill and poor stands of mint the succeeding year. The Applicant claims that currently registered herbicides either provide inadequate control or are phytotoxic to the furrow-irrigated mint grown in these areas. Data indicate that napropamide would be an effect alternative for control of annual grasses in mint.

The Applicant estimates that uncontrolled annual grass infestations could result in a loss of from $780,000 to $1.17 million to Washington mint growers.

The Applicant plans to make a single application of Devrinol 50–WP, which contains the active ingredient (a.i.) napropamide, using ground equipment. Two to four pounds a.i. in 20 to 40 gallons of water per acre will be used to treat approximately 15,000 acres of mint.

EPA has determined that residues of napropamide (*N,N*-diethyl-2-(1-naphthalenyloxy)propionamide) from the proposed use are not expected to exceed 0.1 part per million (ppm) in the fresh or spent mint hay and oil. This residue level has been judged adequate to protect the public health. The proposed use should not pose an unreasonable hazard to the environment.

After reviewing the applications and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until April 30, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Use of the product Devrinol 50–WP, EPA Reg. No. 476–2108, manufactured by Stauffer Chemical Co., is authorized.
2. A single application of Devrinol will be made by ground equipment at a maximum rate of 4 pounds a.i. in 20 to 40 gallons of water per acre.
3. Application should be made in late fall or early winter. For Sprinkler-irrigated mint, application may be made in the spring if irrigation follows within 24 hours.
4. A maximum of 15,000 acres may be treated.
5. A maximum of 60,000 pounds a.i. may be applied.
6. All applications will be made by State-licensed commercial applicators or certified growers.
7. All applicable directions, restrictions, and precautions on the EPA-registered product label must be followed.
8. Devrinol 50–WP must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes.
9. This pesticide may not be applied in the vicinity of apiaries nor may it be allowed to drift to weeds in bloom on which significant numbers of bees are actively foraging.
10. Treatment of mint as proposed should not result in residues of napropamide exceeding 0.1 ppm in or on fresh mint hay, oil, and spent mint hay. These commodities with residues not exceeding that level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.
11. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.
12. The Applicant shall be responsible for assuring that all provisions of this specific exemption are met and must submit a report summarizing the results of this program by October 31, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7579 Filed 3-10-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL ELECTION COMMISSION

[Notice 1981–3]

Filing Dates for Maryland Special Primary and General Elections

AGENCY: Federal Election Commission.

ACTION: Notice of Filing Dates for Maryland Special Primary and General Elections.

SUMMARY: Committees required to file reports in connection with the special primary election to be held in the 5th Congressional District of Maryland on April 7, 1981 must file the 12-day pre-primary report by March 26, 1981. Committees required to file reports in connection with *both* the special primary election and the special general election to be held on April 7, 1981 and May 19, 1981, respectively, must file the 12-day pre-primary report by March 26, 1981, the 12-day pre-general report by May 7, 1981, and the 30-day post-general election report by June 18, 1981.

After filing these reports, committees should resume filing reports on a semi-annual basis.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Corley, Public Information Office, 1325 K Street NW., Washington, D.C. 20463, Tel. (202) 523–4068, Toll-free: (800) 424–9530.

Notice of Filing Dates for Special Primary and Special General Elections, 5th Congressional District, Maryland

All principal campaign committees of candidates in the special primary election and all other semi-annually filing political committees supporting candidates in this special primary election shall file a 12-day pre-election report due on March 26, 1981, with coverage dates from date of candidacy, or last report, through March 18, 1981.

All principal campaign committees of candidates in the special general election and all other semi-annually filing political committees supporting candidates in this special general election shall file a 12-day pre-election report due on May 7, 1981 with coverage dates from April 1, 1981 through April 29, 1981, and a 30-day post-election report due on June 18, 1981, with coverage dates from April 30, 1981 through June 8, 1981.

After filing these reports, committees should resume filing reports on a semi-annual basis.

Dated: March 6, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81-7622 Filed 3-10-81; 8:45 am]

BILLING CODE 6715-01-M

[Notice 1981–4]

Filing Dates for Michigan Special Primary and General Elections

AGENCY: Federal Election Commission.

ACTION: Amended notice of filing dates for Michigan special primary and general elections.

SUMMARY: Committees required to file reports in connection with the special primary election to be held in the 4th Congressional District of Michigan on March 24, 1981 must file the 12-day pre-primary report by March 12, 1981. Committees required to file reports in connection with *both* the special primary election and the special general election to be held on March 24, 1981 and April 21, 1981, respectively, must

file the 12-day pre-primary report by March 12, 1981, and the 12-day pre-general report by April 9, 1981, and the 30-day post-election report by May 21, 1981.

After filing these reports, committees should resume filing reports on a semi-annual basis.

This notice amends Notice 1981-2, published on February 24, 1981 at 46 FR 13810.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Corley, Public Information Office, 1325 K Street NW., Washington, D.C. 20463, Tel: (202) 523-4068, Toll-free: (800) 424-9530.

Notice of Filing dates for Special Primary and Special General Elections, 4th Congressional District, Michigan

All principal campaign committees of candidates in the special primary election and all other semi-annually filing political committees supporting candidates in this special primary election shall file a 12-day pre-election report due on March 12, 1981, with coverage dates from date of candidacy, or last report, through March 4, 1981.

All principal campaign committees of candidates in the special general election and all other semi-annually filing political committees supporting candidates in this special general election shall file a 12-day pre-election report due on April 9, 1981, with coverage dates from March 5, 1981 through April 1, 1981, and a 30-day post-election report due on May 21, 1981, with coverage dates from April 2, 1981 through May 11, 1981.

After filing these reports, committees should resume filing reports on a semi-annual basis.

Dated: March 6, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81-7823 Filed 3-10-81; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 81-81]

Description of Consumer Program

Dated: February 19, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of Consumer Program—Final action.

SUMMARY: The Board has adopted a resolution describing its consumer program, in voluntary response to Executive Order 12160. The Executive Order, issued by the President on September 26, 1979, established criteria for improving the management, coordination, and effectiveness of Federal consumer affairs activites. The Board's consumer program outlines its consumer affairs perspective, procedures for consumer participation, informational materials, education and training, complaint handling and general oversight.

ADDRESS: Cynthia N. Graae, Assistant Director for Consumer and Civil Rights, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, DC 20552 (202/377-6237).

SUPPLEMENTARY INFORMATION: On September 30, 1980, by Resolution No. 80-617, the Board proposed for public comment a description of its consumer programs and the functions of the office at the Board responsible for administering and implementing these programs (45 FR 66871; published on October 8, 1980).

The Board received two comments from the public in response to the October 8, 1980 publication. The comments addressed technical points about consumer participation in the supervisory process. These points have been clarified in Section II of the description.

The Board programs are presented as they relate to the five elements of the Executive Order.

Description of Consumer Programs of the Federal Home Loan Bank Board

I. Consumer Affairs Perspective

The Department of Consumer and Civil Rights (DCCR) was established in January, 1980 within the Office of Examinations and Supervision to assist the Board in fulfilling its short-and long term goals of adminstering and enforcing the civil rights and consumer protection laws and regulations applicable to thrift institutions regulated by the Board. The Department maintains its own budget within the Office of Examinations and Supervision.

DCCR consists of an Assistant Director for Consumer and Civil Rights, two Consumer/Civil Rights Officers, three Consumer/Civil Rights Specialists and two clerical personnel. Each staff member has particular expertise in various aspects of consumer credit and civil rights requirements.

DCCR has assumed the responsibilites listed under Section 1-4 of Executive Order 12160. The staff participates in the development and review of all agency regulations, rules, policies, programs and legislative proposals which have potential consumer impact. While DCCR coordinates the consumer affairs policy functions under the Order, the other Board offices play integral parts in their implementation. The Federal Home Loan Bank Board District offices examine institutions to ensure compliance with Board rules and regulations, including consumer statutes. Further, the Board relies on the supervisory agents in the twelve Federal Home Loan Banks to carry out policies established by the Board, and to implement the Board's directives.

The Board monitors and enforces compliance with the following consumer and civil rights statues through the regular examination and supervision of thrift institutions: Truth in Lending Act, the Civil Rights Acts of 1964 and 1968 including the Fair Housing Act and the Equal Employment Opportunity Act, Fair Credit Billing Act, Consumer Leasing Act, Equal Credit Opportunity Act, Home Mortgage Disclosure Act, Community Reinvestment Act, Federal Trade Commission Improvement Act, Real Estate Settlement Procedures Act, Fair Credit Reporting Act, Fair Debt Collecton Practices Act, the Electronic Funds Transfer Act, and other laws, regulations, and policy statements affecting consumers. DCCR recommends policy direction for examiners. Additionally, DCCR participates in training and general education on consumer and civil rights laws and regulations to examiners and staff.

DCCR, in coordination with the Office of General Counsel, assists in the preparation of testimony for Board members when they are called upon to testify on proposed consumer legislation before Congress, or submit comments on proposed regulations before the Federal Reserve Board, the Federal Trade Commission and other agencies. In addition, it reviews formal comments prepared by Board offices to assure that the comments take into consideration the consumer impact of the proposed action. DCCR reviews and comments, when appropriate, on the consumer impact of the Board's proposed rules and regulations before they are acted on by the Board and published in the **Federal Register**. In addition, DCCR reviews all proposed general policies and programs for consumer impact before they are submitted to the Board.

II. Consumer Participation

The Board generally conducts its business at open meetings. Except in cases involving sensitive financial matters, all meetings are open to the public pursuant to the Government in the Sunshine Act. The public is invited to attend these meetings which are announced in the **Federal Register**.

The Board holds hearings on proposals when appropriate, which are announced in the Federal Register and news releases. The public is invited to present written comment. Transcripts of the public hearings are part of the public record and are reviewed by the Board in formulating policy.

The public may also participate when a rule or regulation has been proposed for public comment. The Board has established procedures pursuant to 5 U.S.C. 553(b), to promote public participation in the rulemaking process. Announcements are made in the Federal Register and also by news releases. The public is generally given 30 to 60 days to comment on proposed regulations. The name and telephone number of the staff member handling the proposal appears in the Federal Register and in the news release. In addition, in making recommendations for policy changes to the Board, DCCR includes ideas or suggestions for policies, programs and regulations which private citizens and consumer groups send to DCCR.

DCCR maintains liaison with both consumer and civil rights groups to expand the scope of contact with consumers and encourage their participation in Board activities. Furthermore, DCCR participates in numerous consumer seminars and conferences around the country by providing speakers and attendees.

Consumers often state views on policy issues when filing complaints. These views are taken into account when changes in relevant matters are being considered by the Board.

Further, the supervisory staff is encouraged to contact the complainant during the investigation or review of complaints, and is required to do so when the complainant alleges discrimination. Such contact reinforces consumer participation. The complaint process is explained in further detail in Section V, Complaint Handling.

The Community Reinvestment Act (CRA) requires the Board to take into account the record of a supervised thrift institution in helping to meet the credit needs of its community, including low- and moderate-income neighborhoods, in its evaluation of any application by that institution for a charter, deposit insurance, branch or other deposit facility, office relocation, merger or acquisition of another institution, and in connection with savings and loan holding company acquisitions. The Board requires supervised thrift institutions to publish notice of their applications in a newspaper of general circulation in the relevant community. These notices apprise the public that an institution has filed an application and give the public the opportunity to comment on the proposal. Upon specific request, the appropriate Federal Home Loan Bank holds an oral argument when material objections are raised so that community groups and individual consumers may state their views on the proposal. Absent formal applications, individuals can state their views about an institution to that institution and the Federal Home Loan Bank pursuant to CRA. In this way, consumers provide the Board with information that is used in the supervisory process. The Board also uses the CRA mailing lists of the twelve Federal Home Loan Banks to disseminate information to consumers.

III. Informational Materials

The Board has developed two brochures for consumers thus far. One is entitled "FSLIC=SAFETY" and explains the protections of the Federal Savings and Loan Insurance Corporation. The second, entitled "There Ought to Be a Law * * * There Is," explains the general Consumer Credit Protection Act protections and other consumer rights in an easy-to-read, concise pamphlet and attaches a consumer complaint/inquiry form, so that the agency may receive complaints and information from consumers. These publications are available in quantity for consumer groups and thrift institutions for distribution in their lobbies. Availability has been announced by news releases. The Board also publishes frequent news releases and fact sheets on current topics of interest to consumers.

Board regulations require supervised institutions to provide consumers with useful information about the institution. Specifically, consumers can obtain copies of an institution's written underwriting standards upon request. The underwriting standards explain the bases upon which the institution makes decisions on whether to grant particular loans. Institutions also must publish CRA statements that explain where in an area they will lend and the types of loans they make.

The Board publishes *The Journal*, which provides a wide range of information to the industry and consumers, and a number of other publications regarding operations and financial statistics of savings and loan associations and their operations in relation to other mortgage lenders in the country. Consumers having an interest in these publications should contact the Board's Office of Communications, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

The Board has produced two films on compliance with the Equal Credit Opportunity Act and consumer counseling. These films are available to the thrift industry and consumers from the Office of Communications.

IV. Education and Training

DCCR is responsible for participating in the education of Board staff about Executive Order 12160, which is has done.

DCCR also assists in the training of examiners with respect to consumer and civil rights issues. It provides lecturers at training sessions and is involved in the development of the curricula. The Board is also currently participating with the Federal Reserve Board, Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration in the development of an interagency school for the training of examiners. This school will expand the training provided by this agency. DCCR also furnishes information to examiners on relevant subject areas on a regular basis.

DCCR furnishes technical information and comments on consumer matters to consumer groups, other agencies and Congress whenever such assistance is requested.

In addition, staff members may participate in examinations and investigations in the field. Staff are also members of consumer professional organizations which allow them to maintain expertise about current issues and to provide other professionals in the field with information concerning the Board's programs.

V. Complaint Handling

The Board accepts complaints against thrift institutions within its supervisory jurisdiction. DCCR manages the Board's complaint processing system which uses computer entry and retrieval of information. The complaint system includes record maintenance, investigation, and resolution of complaints. The Board reviews and evaluates complaints and uses information gained from complaint categories in the development of policy.

DCCR has a standardized system for logging complaints, inquiries, and comments from consumers. This standardized data-collection method permits tracking of cases and flexibility in analyzing results for management purposes. Complainants who telephone or personally appear are encouraged to file written complaints.

Office procedures ensure proper referrals, while the tracking system indicates the status of cases and any unusual delays in processing.

Procedures also exist for investigations, types of responses, and appropriate follow-up action.

Complaints are generally investigated by the Board's supervisory agent in the appropriate Federal Home Loan Bank in which the institution is located. Written procedures set forth the type and extent of investigation and complainants may be interviewed if necessary to obtain additional information. In special cases complaints with extensive impact will be investigated directly by board examiners. The Board takes appropriate actions to correct conditions resulting from violations of its regulations and Federal statutes.

DCCR produces statistical reports on consumer complaints to highlight patterns and provide information for agency policymaking. DCCR provides reports to the twelve Federal Home Loan Banks for use in general complaint handling and individual investigations. It also furnishes reports to key agency officials for policy formulation.

DCCR monitors the complaint handling system on a sample basis to ensure proper resolution of individual cases. It evaluates data frequently to determine the operating efficiency of the system and to ascertain patterns which suggest management action.

By Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-7565 Filed 3-10-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Hansen International (Jens Hansen, d.b.a.), 1121 Walker, Melrose Bldg., Rm. 1501, P.O. Box 61853, Houston, TX 77208

Air-Ocean International, Inc., 12850 Reeveston Rd., P.O. Box 60741, Houston, TX 77039, Officers: Howard C. Braddy, Jr., President; Sally C. Braddy, Secretary/Treasurer

Intermodal Exports Ltd., 849 Davis Place, Wantagh, N.Y. 11793; Norman R. Fisher, President, et al.

Westwind Maritime International, Inc., 10555 Waveland Avenue, Franklin Park, IL 60131; Officers: Ingrid M. Mac Cready, President; Edward M. Korleski, Vice President/Secretary

Ark International Forwarding (Ruth M. Goldweber, d.b.a.), 6401 Cow Pen Road, H-109, Village Oaks Apts., Miami, FL 33014

Ex-im Air Cargo, Inc., 7127 Barry Avenue, Rosemont, IL 60015; Officers: Victor Morales, President/Treasurer; Helga Morales, Secretary; Richard W. McEllen, Vice President

Midwest Transatlantic Lines, Inc., 20365 Progress Drive, Strongsville, OH 44136; Officers: Edward L. Evans, Jr., President; Richard A. Gareau, Secretary/Treasurer; Walter J. F. Haverhals, Vice President; Jean J. E. Huybrechts, Vice President

Warner Forwarders, Inc., 5D Sandlwood Court, Glenwood Bldg., Rm. 5D, Old Bridge, NJ 08857; Officers: Michael J. Reynolds, President; Lynn Reynolds, Secretary/Treasurer

Export Data International, Inc., 911 Western Avenue, Suite 327, P.O. Box 3383, Seattle, WA 98104; Officers: Terry Howard McCasland, President/Secretary

Phillip Chalmers, 23-158th Place, Apt. 6, Calumet City, IL

Dated: March 6, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-7600 Filed 3-10-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

DETROITBANK Corp.; Acquisition of Bank

DETROITBANK Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to First Bank Corporation, Midland, Michigan, and thereby indirectly acquire 100 per cent of First Midland Bank & Trust Company, Midland, Michigan; 100 per cent of Shepherd State Bank, Shepherd, Michigan; and 99 per cent of First Community Bank, N.A., West Branch, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 5, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7544 Filed 3-10-81; 8:45 am]

BILLING CODE 6210-01-M

First Banc of Indiana Holding Co., Inc.; Formation of Bank Holding Company

First Banc of Indiana Holding Company, Inc., Madison, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First Bank of Madison, Madison, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 5, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board

[FR Doc. 81-7545 Filed 3-10-81; 8:45 am]

BILLING CODE 6211-0-M

Mark Twain Bancshares, Inc.; Acquisition of Bank

Mark Twain Bancshares, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of Mid-Continent Bank of Kansas City, Kansas City, Missouri. The factors that are

considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 5, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7546 Filed 3-10-81; 8:45 am]

BILLING CODE 6210-01-M

Welcome Bancshares, Inc.; Formation of Bank Holding Company

Welcome Bancshares, Inc., Welcome, Minnesota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.3 per cent or more of the voting shares of Welcome State Bank, Welcome, Minnesota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 5, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7547 Filed 3-10-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of anti-lymphocytic globulin as an immunosuppressive technique in treatment of renal transplantation.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than June 9, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4090.

Dated: March 4, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-7536 Filed 3-10-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[INT DEIS 81-10]

Ak-Chin Water Supply Project; DEIS Availability and Notice of Public Hearing

AGENCY: Bureau of Indian Affairs.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Statement on the construction of an interim water supply and delivery system capable of providing the Ak-Chin Indian Reservation, Pinal County, Arizona, with an emergency supply of up to 85,000 acre-feet of water, annually, from nearby Federal lands.

The proposed action is the selection by the Department of the Interior of one of three alternative water supply basins from which the Ak-Chin Reservation will be supplied. The project itself was authorized by Pub. L. 95-328, July 28, 1978.

This DEIS addresses the impacts which would result from the withdrawal and transportation of water from each of the three water supply basins to the Ak-Chin Indian Reservation.

Public hearings on this DEIS will be held at the Francisco Grande Resort, Casa Grande, Arizona, at 7:00 p.m. on Tuesday, April 28, 1981; at the First Federal Savings Building Auditorium, 3003 N. Central Avenue, Phoenix, Arizona, at 9:00 a.m. on Wednesday, April 29, 1981; and at the CosMo Restaurant and Lounge, 34400 South Highway 85, Buckeye, Arizona, at 7:00 p.m. on Wednesday, April 29, 1981. Persons wishing to testify at the hearings should notify James Crowther, Ak-Chin Project EIS Coordinator, Bureau of Indian Affairs, 3030 North Central, Room 502, Phoenix, Arizona, 85012, telephone (602) 241-2275, FTS 261-2275.

Public comments received within 60 days from the date of this Notice will be considered and evaluated during the preparation of the final environmental impact statement.

Copies of the DEIS are available for review at the following locations:

Bureau of Indian Affairs, Department of the Interior, Environmental Quality Services, Room 4552, Interior Building, 1951 Constitution Avenue N.W, Washington, D.C. 20245, telephone: (202) 343-8248

Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, Room 502, Phoenix, Arizona, 85012, telephone: (602) 241-2275, FTS 261-2275

Pima Agency, Bureau of Indian Affairs, Branch of Real Property Management, Sacaton, Arizona, 85247, telephone: (602) 562-3377

Single copies of the DEIS may be obtained from the Phoenix Area Office at the above address.

Dated: March 6, 1981.

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-7563 Filed 3-10-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California; San Gorgonio Wind Leasing Program; Intent To Prepare an Environmental Impact Statement and Scoping Meetings

The Department of Interior, Bureau of Land Managment, California State Office, the California Energy Commission and the County of Riverside will jointly be preparing an Environmental Impact Report/ Environmental Impact Statement (EIR/ EIS) to evaluate the potential for leasing areas in the San Gorgonio Pass, Riverside County, California for wind energy development. The EIR/EIS will evaluate areas as to their potential for development, environmental conflicts, and general feasibility.

Two public scoping meetings will be held to identify issues of public concern and alternative development. The following meetings will be held at 6:30 p.m.:

April 2, 1981—Allstate Savings & Loan Association, Theatre Room, 1118 West Ramsey, Banning, California

April 3, 1981—Doctor Frey—Jaycee Building, 1911 East Baristo, Palm Springs, California

Interested parties may attend any of the meetings or submit written comments to the address below. For further information please contact:

Chuck Najarian, California Energy Commission, 1111 Howe Avenue, MS 32, Sacramento, California 95825, Telephone: Area Code (916) 920–7502.

William D. Payne, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone: Area Code (916) 484–4541.

Dated: March 3, 1981.

James B. Ruch,

State Director.

[FR Doc. 81-7538 Filed 3-10-81; 8:45 am]

BILLING CODE 4310-84-M

Florida; Pine Island Sound-Sanibel Resource Management Plan

Pursuant to the responsibilities outlined in 43 CFR 1601.5–2(a), the Eastern States Office of the Bureau of Land Management, U.S. Department of the Interior, announces that the *Final Issues and Criteria Document* has been released for the Pine Island Sound-Sanibel Resource Management Plan (RMP), now in preparation. The RMP will cover public lands, islands, and Federal mineral ownership under Bureau of Land Management jurisdiction in Lee, Charlotte, and Collier Counties, Florida. Preparation of the RMP, along with a list of anticipated issues and planning steps, was announced in the October 22, 1980 **Federal Register.**

The availability of draft issues and planning criteria for public review was announced in the December 29, 1980 **Federal Register,** and the public comment period concluded on January 30, 1981. As a result of the 30-day review and comment period, an addendum to the draft issues and criteria has been prepared. The draft and addendum now comprise the final document. Copies of the addendum are being mailed to an extensive list of Federal, State, and local agencies and planning councils; congressional offices; interest groups; and concerned individuals, all of whom already have copies of the draft issues and criteria.

Single copies of the *Final Issues and Criteria Document* are available from the Tuscaloosa Office, Bureau of Land Management, 1315 McFarland Blvd., East, Tuscaloosa, Alabama 35405. Copies are available for inspection at the Tuscaloosa Office and at the Eastern States Office, Bureau of Land Management, 350 S. Pickett St., Alexandria, Virginia 22304.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 81-7542 Filed 3-10-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-6655-A2]

Alaska Native Claims Selections

On December 9, 1975, Chignik River Limited, for the Native village of Chignik Lake, filed selection application AA–6655–A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (ANCSA), for the surface estate of certain lands in the vicinity of Chignik Lake.

On October 25, 1974, Chignik River Limited, for the Native village of Chignik Lake, filed selection application AA–6655–H pursuant to Sec. 12(a) of ANCSA for the surface estate of certain lands in the vicinity of Chignik Lake. The following described lands have been properly selected by Chignik River Limited both under Secs. 12(a) and 12(b) of ANCSA. By letter of October 13, 1977, Chignik River Limited elected to receive conveyance of these lands pursuant to Sec. 12(b) of ANCSA. Therefore, village selection application AA–6655–H is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 44 S., R. 62 W.
Secs. 17 to 23, inclusive, all.
Containing approximatey 4,471 acres.

Further action on village selection application AA–6655–H as to those lands not rejected herein will be taken at a later date.

On December 5, 1975, Bristol Bay Native Corporation filed regional selection application AA–8097–4 pursuant to Sec. 12(c) of ANCSA for the surface and subsurface estates of certain lands in the Chignik Lake area. The following described lands have been properly selected by Chignik River Limited and Departmental regulation 43 CFR 2651.4(d) states:

Village corporation selections within sections 11 (a)(1) and (a)(3) areas shall be given priority over regional corporation selections for the same lands.

Therefore, regional selection application AA–8097–4 is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 44 S., R. 62 W.
Secs. 17 to 23, inclusive, all;
Secs. 29 and 30, all.
Containing approximately 5,749 acres.

Further action on regional selection application AA–8097–4 as to those lands not rejected herein will take place at a later date.

As to the lands described below, the application submitted by Chignik River Limited, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, aggregating approximately 5,749 acres, is considered proper for acquisition by Chignik River Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 44 S., R. 62 W.
Secs. 17 to 23, inclusive, all;
Secs. 29 and 30, all.
Containing approximately 5,749 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identificaton number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–6655–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 4 D9) An easement for a proposed access trail twenty-five (25) feet in width from EIN 6 D9 in Sec. 17, T. 44 S., R. 62 W., Seward Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 6 D9) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 16, T. 44 S., R. 62 W., Seward Meridian, southwesterly and generally along the right bank of the West Fork of the Chignik River, to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Chignik River Limited has been reallocated 6,388 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 5,749 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 639 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Chignik River Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There were no inland water bodies considered to be navigable within the above-described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 10, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Chignik River Limited, Chignik Lake, Alaska 99564

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-7386 Filed 3-10-81; 8:45 am]

BILLING CODE 4310-84-M

[S–598, S–811, S–1477, S–2701 A]

California; Modification of Multiple Use Classification: Termination of Mineral Entry Segregation

February 27, 1981.

Pursuant to the authority delegated by Bureau Order No. 701 of July 23, 1964 (29 FR 10526), it is hereby ordered that Bureau of Land Management Multiple Use Classification Order S–598, S–811, S–1477, and S–2701A be modified as follows:

1. The mineral segregation that closes the lands to appropriation under the mining laws (30 U.S.C. Chap 2) is hereby terminated, insofar as it affects the following described lands classified for multiple use management:

S–598 dated December 21, 1967, published in **Federal Register** Vol. 32, No. 246, at page 20661, December 21, 1967, corrected in **Federal Register** Vol. 33, No. 24, at page 2571:

Mount Diablo Meridian, California

T. 18 N., R. 11 W.,
Sec. 7, SW¼SE¼;
Sec. 18, NW¼NE¼;
Sec. 20, NE¼NE¼;
Sec. 26, SE¼SE¼;
Sec. 30, Lot 1 and NE¼SW¼;
T. 20 N., R. 11 W.,
Sec. 1, NE¼NW¼.
T. 21 N., R. 11 W.,
Sec. 30, SE¼SW¼.
T. 18 N., R. 12 W.,
Sec. 5, Lot 2, W½ Lot 6;
Sec. 8, N½S½, SE¼SW¼, and SW¼SE¼;
Sec. 9, N½SW¼;
Sec. 12, SE¼NE¼;
Sec. 13, SW¼NW¼, and NW¼SW¼;
Sec. 14, S½NE¼, SE¼NW¼, and N½S½;
Sec. 24, SE¼NW¼, NE¼SE¼, and SW¼SE¼.
T. 19 N., R. 12 W.,
Sec. 6, Lots 2 to 5, inclusive, Lots 10 and 11, S½NE¼, and SE¼NW¼;

Sec. 7, Lots 1 to 8, inclusive, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 17, SW¼NW¼ and NW¼SW¼;
Sec. 18, Lots 1 to 14, inclusive, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 19, N½ Lot 1 to NW¼;
Sec. 25, Lots 2, 5, 6, and 7, N½SW¼, SE¼SW¼, and NW¼SE¼;
Sec. 33, NE¼SW¼;
Sec. 35, SE¼SE¼.
T. 20 N., R. 12 W.,
Sec. 31, Lots 4, 5, 8, and 9.
T. 21 N., R. 12 W.,
Sec. 35, NE¼NE¼ and SE¼NW¼.
T. 25 N., R. 12 W.,
Sec. 24, SW¼;
Sec. 25, Lots 3, 4, 9, 10, 11, and 12, N½NW¼.
T. 18 N., R. 13 W.,
Sec. 1, W½ Lot 5, Lot 6, SW¼ and SW¼SE¼;
Sec. 2, Lots 6, 7, and SE¼.
T. 19 N., R. 13 W.,
Sec. 1, Lots 9, 10, 15, and 16;
Sec. 12, Lot 1;
Sec. 13, Lot 1;
Sec. 23, Lot 1;
Sec. 24, Lots 4 and 13;
Sec. 25, Lots 4 and 5.
T. 16 N., R. 14 W.,
Sec. 10, Lots 1, 2, and 3;
Sec. 11, SW¼SW¼;
Sec. 14, NE¼NW¼, W½NW¼, and NW¼SW¼;
Sec. 15, Lot 1;
Sec. 23, SW¼NE¼.

The area described aggregates 5,336.73 acres in Trinty and Mendocino Counties, California.

S–811 dated April 4, 1968, published in **Federal Register** Vol. 33, No. 66, at page 5371, April 4, 1968:

Mount Diablo Meridian, California

T. 10 N., R. 4 W.,
Sec. 18, SW¼NE¼ and W½SE¼.
T. 12 N., R. 4 W.,
Sec. 3, SE¼SW¼ and SW¼SE¼.
T. 10 N., R. 5 W.,
Sec. 2, SE¼NE¼ and E½SE¼.,
T. 11 N., R. 5 W.,
Sec. 18, Lots 5 to 12 inclusive, and NE¼SW¼;
Sec. 26, NW¼SE¼.
T. 12 N., R. 5 W.,
Sec. 28, SE¼SW¼ and SW¼SE¼;
Sec. 33, NW¼NE¼ and NE¼NW¼, unsurveyed;
Sec. 34, NE¼ and N½NW¼.
T. 13 N., R. 5 W.,
Sec. 19, NE¼SE¼;
Sec. 27, NW¼SE¼.
T. 13 N., R. 6 W.,
Sec. 24, Lot 2 (SE¼NE¼) and W½NE¼.
T. 14 N., R. 6 W.,
Sec. 5, Lots 2 and 3, and SW¼NE¼.

The area described aggregates approximately 1,402.40 acres in Lake, Colusa, Yolo, and Napa Counties, California.

S–1477, dated November 27, 1968, published in **Federal Register** Vol. 33, No. 238, at page 18243, December 7, 1968:

Lacks Creek Block

Humboldt Meridian, California

T. 9 N., R. 3 E.,
Sec. 15, NE¼SE¼, W½SE¼;
Sec. 28, NW¼NE¼.
T. 9 N., R. 4 E.,
Sec. 8, Lot 3;
Sec. 9, Lots 19 and 20;
Sec. 17, Lots 5 and 6 (north of the Hoopa Valley Indian Reservation boundary).

Larabee Buttes Block

Humboldt Meridian, California

T. 1 S., R. 4 E.,
Sec. 2, SE¼NE¼ and NE¼SE¼.

The area described aggregates 361.12 acres in Humboldt County, California.

S–2701A dated November 20, 1970, published in **Federal Register** Vol. 35, No. 230, at page 18128, November 28, 1970, corrected in **Federal Register** Vol. 41, No. 162, at page 35060, August 19, 1976:

Humboldt Meridian, California

Block A

T. 2 S., R. 2 W.,
Sec. 31, N½ Lot 2 of SW¼.

The area described contains 43.40 acres in Humboldt County, California.

2. Of the lands described under *S–598* classification order, the SW¼NE¼ of Sec. 23, T. 16 N., R. 4 W., Mount Diablo Meridian, California is patented with all minerals reserved to the United States. The land was patented pursuant to the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741, as amended, 43 U.S.C. 869 (1964), under which the reserved minerals will be subject to disposition under regulations to be established by the Secretary of Interior.

3. Effective at 10:00 a.m. on April 9, 1981, the mineral segregation imposed by the subject classification orders will terminate on the above-described lands, as provided by 43 CFR 2461.5(c)(2).

4. The lands remain classified for multiple use management, segregated from appropriation under the agricultural land laws as pertain to 43 U.S.C. Chap. 9; 25 U.S.C. Sec. 334, Passage of the Federal Land Policy and Management Act of October 21, 1976, repealed the agricultural land laws as pertain to 43 U.S.C. Chap. 7 and sales as pertain to 43 U.S.C. 1171 (Sec. 2455 of the Revised Statutes).

Ron Hofman,

Associate State Director.

[FR Doc. 81–7583 Filed 3–10–81; 8:45 am]

BILLING CODE 4310–84–M

Eastern Powder River Basin Management Framework Plan

This notice is to advise you that the Casper, Wyoming District Office of the Bureau of Land Management will amend portions of the Eastern Powder River Management Framework Plan (MFP) in the Recluse Review Area.

The reasons for the review and amendment are to make certain the MFP reflects, as completely as possible, current statutory requirements and policies, and to continue carrying out the requirements of Section 522 of the Surface Mining Control and Reclamation Act of 1977. Planning procedures, and other aspects of the Federal Coal Management Program, are described in Title 43, Code of Federal Regulations, Part 3400.

Areas found acceptable through the MFP amendment will be available for further consideration for new leasing which includes lease exchange and modification, and new competitive leasing.

Activity planning will then be completed for new competitive leasing. It will include delineation of possible lease tracts and their ranking and selection by the Powder River Regional Coal team. Tracts which are cleared by activity planning will be available for the coal lease sale planned in 1984 for the Powder River Basin of Wyoming and Montana.

The Recluse Review Area, which contains high and moderate potential coal, is located in the northwestern portion of Campbell County, Wyoming. The Review Area generally includes:

Portions of T. 58 N. Rs. 71, 72, 73, 74, 75, and 76 W., south of the Montana state boundary.
T. 57 N., Rs. 71, 72, 73, 74, 75, and 76 W.
T. 56 N., Rs. 71, 72, 73, 74, 75, and 76 W.
T. 55 N., Rs. 71, 72, 73, 74, 75, and 76 W.
T. 54 N., Rs. 74, 75, and 76 W.
T. 53 N., Rs. 74, 75, and 76 W.
T. 52 N., Rs. 74, 75, and 76 W.
T. 51 N., Rs. 74, 75, and 76 W.

An area of low potential coal has been identified for possible in-situ coal development and will be included in this MFP amendment. That area is generally located in:

T. 44 N., Rs. 70, 71, and 72 W.
T. 44 N., Rs. 70, 71, and 72 W.

Other areas within Campbell County may be considered for in-situ development if written expression of interest is received by the BLM, at the address given below, within 30 days from the date of this notice. Consideration for including such areas in this amendment will be based on budget, schedules, and the availability

of information required to complete land-use planning.

The affect of potential coal development on wildlife, archeologic and historic values are anticipated planning issues. Potential conflict between oil and gas and coal development is another anticipated issue.

An interdisciplinary team will complete the review and amendment. Disciplines to be represented include archeology, hydrology, geology, realty, recreation, socioeconomics, soils, and wildlife.

Public participation opportunities will be provided in the following ways: 1) A draft MFP Amendment brochure is scheduled to be distributed for public review in March 1982. Ninety days will be provided for public review and comment. 2) a public meeting and hearing will be held during the 90-day review period.

Public comments will be considered in preparation for the final amendment which is scheduled to be completed and available to the public in June of 1982. Public comment on the draft amendment will be invited and definite dates and locations for a public meeting and hearing will be announced. Comment periods and public meetings will be announced in the **Federal Register**, newspapers, and by direct mailing to the interested members of the public.

For further information, contact Don Whyde at the Bureau of Land Management, Casper District Office, 951 Rancho Road, Casper, Wyoming, 82601, phone (307) 265–5550, ext. 5101. Documents relative to the planning process are also available at the above address.

Robert E. Wilber,

District Manager.

[FR Doc. 81–7288 Filed 3–10–81; 8:45 am]

BILLING CODE 4310–84–M

Canon City Grazing Advisory Board, Colorado; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Canon City District Grazing Advisory Board to be held at 10:00 a.m., Thursday, April 16, 1981 at the Department of Agriculture Service Center, 230 W. 16th Street, Salida, Colorado.

The purpose of the meeting will be to review allotment management plans being developed in the Royal Gorge Resource Area, discuss the Royal Gorge Rangeland Program Summary, and to initiate, conduct, and settle business pertaining to expenditure of Range Betterment Funds.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first come, first served basis. Any member of the public may file with the Board, a written statement concerning matters to be discussed.

Persons wishing further information concerning the meeting may contact Melvin D. Clausen, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado at (303) 275–0631.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

Dated March 3, 1981.

Melvin D. Clausen,

District Manager.

[FR Doc. 81–7289 Filed 3–10–81; 8:45 am]

BILLING CODE 4310–84–M

National Petroleum Reserve in Alaska (Formerly PET–4); Request for Comments on Proposed Schedule for Oil and Gas Lease Sales

On February 20, 1981, the Bureau of Land Management (BLM) in consultation with the U.S. Geological Survey selected approximately 5.8 million acres of the National Petroleum Reserve in Alaska (NPRA) for study to determine the tracts to be initially offered for oil and gas leasing. As a part of the President's initiative to accelerate onshore mineral leasing of Federal lands, BLM is proposing to lease 2 million acres in Fiscal Year 1982. The first sale is proposed for December 1981 and the second sale, if necessary, in July 1982. BLM proposes to sell as much acreage as possible at the first sale with the balance being sold at the second sale. Additional lease sales are proposed yearly thereafter occurring in July of each year until all suitable land is offered.

BLM is requesting comments on the schedule of the first two lease sales and on the proposal for subsequent sales. The BLM is particularly interested in learning industry's and the general public's views on the amount of acreage to be offered at each sale and the timing of the lease sales. Any proposal for a different schedule should be supported with specific rationale.

Over the next five months, an intensive review of the study areas will be conducted. Oil and gas potential, environmental values, implications of development for the Native people and the effect of development on the State of Alaska and on national economic objectives will be considered in that review. Comments on the proposed lease sale schedules are to be submitted by April 10, 1981 to: State Director (910), Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513. For further information, contact Jerry Wickstrom, NPRA Project Manager, (907) 271–3632 in Anchorage, Alaska, or Lee Barkow at (202) 343–6511 in Washington, D.C.

Curt McVee,

State Director, Alaska.

[FR Doc. 81–7290 Filed 3–10–81; 8:45 am]

BILLING CODE 4310–84–M

Proposed Amendments to Pioneer Trails/Sublett Management Framework Plans, Rock Springs District, Wyoming

AGENCY: Bureau of Land Management.

ACTION: Notice of Proposed Amendments to Pioneer Trails/Sublette Management Framework Plans, Rock Springs District, Wyoming.

SUMMARY: The Rock Springs, Wyoming District Office of the Bureau of Land Management is reviewing and will amend portions of the Pioneer Trails Management Framework Plan (MFP) and the Sublette MFP. The reasons for the review are to make certain that the MFPs reflect, as completely as possible, current statutory requirements and policies; to continue carrying out the requirements of Section 522 of the Surface Mining Control and Reclamation Act of 1977; and to evaluate the wilderness suitability of the Raymond Mountain and Lake Mountain WSAs in order to meet BLM deadlines for wilderness evaluation of the Overthrust Belt.

Background standards and procedures for this MFP review and amendment preparation are contained in the **Federal Register**, Vol. 44, No. 140, 42584–42852 of July 19, 1979; and Vol. 44 No. 153, 46386–46401 of August 7, 1979. The standards for the coal review are discussed in a final environmental statement describing the Secretary of Interior's preferred coal program and alternatives released in Aprol 1979, and the Federal Coal Management Regulations of 43 CFR 3400. The standards for the wilderness review are the Draft Wilderness Study Policy contained in the **Federal Register**, Vol. 45, No. 246, 83780–83804 of December 19, 1980; Instruction Memo No. WY–80–450 dated August 5, 1980; and Wyoming's Interim Guidelines for Wilderness Studies of June 13, 1980.

The MFP amendment, planned for completion by September 30, 1981 will identify both areas acceptable for further consideration for coal leasing

and the suitability for wilderness of the Raymond Mountain and Lake Mountain Wilderness Study Areas (WSAs). The amendment will be followed by activity planning for coal which includes the identification of tracts for lease, their ranking by economic and environmental factors, and preparation of a regional environmental impact statement for lease sales (sales proposed for 1984). If the amendment recommends that either Raymond Mountain or Lake Mountain WSAs are suitable for wilderness, an environmental impact statement will be initiated after October 1, 1981.

The coal review area is part of the BLM Kemmerer Resource Area and includes the entire area within the Kemmerer Known Recoverable Coal Resource Area (KRCRA) that is determined to have high-to-moderate coal development potential. The Kemmerer KRCRA encompasses two areas in Lincoln and Uinta Counties in Southwestern Wyoming. The larger area is a 3–10 mile band running north and south from 10 miles north of Kemmerer to 15 miles south of Interstate–80 at Sulphur Creek Reservoir (roughly 60–mile long band). The smaller area of the KRCRA is an area about 3 square miles in size located 2 miles north of Evanston, Wyoming. The Kemmerer KRCRA is within the Pioneer Trails Planning Unit of the BLM Kemmerer Resource Area.

The two wilderness review areas are located near the Bridger National Forest in the Overthrust Belt. The Raymond Mountain Wilderness Study Area WSA) is located in Lincoln County near the western borndary of the Bridger National Forest, on the Idaho-Wyoming border. It extends from Thomas Fork Canyon on the north to 3 miles above Cokeville on the south and is an irregular band of 1–5 miles in width constituting the Sublette Range of mountains. The Raymond Mountain WSA is located in the Pioneer Trails Planning Unit of the BLM Kemmerer Resource Area. The Lake Mountain WSA is located in Sublette County adjacent to the eastern boundary of the Bridger National Forest, and 3 miles east of the Lincoln-Sublette County boundary at LaBarge Creek. Its northern boundary is Deadline Ridge and southern boundary is LaBarge Creek. Its western juncture is near the Forest with the southeastern boundary terminating near Viola, Wyoming. The Lake Mountain WSA is located in the Sublette Planning Unit of the BLM Pinedale Resource Area.

A major issue in the planning amendment is the determination of mineral resources values (largely oil and gas) in relation to wilderness values of the two WSAs. Another issue, in coal, will be the assessment of coal development potential area and in relation to other natural values of the area and in relation to other mineral values (coal-oil/gas conflicts) of the Kemmerer KRCRA.

An interdisciplinary team will complete the review and amendment. Disciplines to be represented include geology, recreation, wildlife, and socioeconomics.

Public participation opportunities will be provided in the following ways: (1) District Planning Newsletter informing the public of progress in the reviews, (2) public information meetings to discuss initial results of the coal screening steps of the Federal Coal Management Program (43 CFR 3400) and initial results of wilderness suitability application, (3) solicitation of comments through interviews and workshops with public interest groups involved in the areas, (4) a final opportunity for public comment will be provided when the draft MFP amendment is distributed for public review about July of 1981. Forty-five days will be provided for public review and comment. A final public hearing will be held during the 45 day period in Kemmerer and Pinedale, Wyoming. Upon considering all public comments, the final amendment will be produced and available to the public by the fall of 1981. A thirty day protest period will follow prior to the amendment being approved; completing the amendment before the end of 1981.

DATES: Dates and location of all public meetings, hearings, and workshops will be announced through publication in the **Federal Register** (for hearings), local news media announcements, and in the District Planning Newsletter.

ADDRESSES: Documentation of the coal and wilderness reviews and MFPs will also be available at the:

1. Rock Springs District Office, Highway 187 North, Rock Springs, Wyoming
2. Kemmerer Resource Area, U.S. 30, Across from Port of Entry, Kemmerer, Wyoming
3. Pinedale Resource Area, 431 West Pine Street, Pinedale, Wyoming

FOR FURTHER INFORMATION: For further information, or if you wish to be placed on the District mailing list, contact Don Dutcher at the Bureau of Land Management, Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming 82901, phone (307) 382–5350.

Donald H. Sweep,

Rock Springs District Manager.

[FR Doc. 81–7588 Filed 3–10–81; 8:45 am]

BILLING CODE 4310–84–M

[W–73796]

Wyoming; Application

February 27, 1981.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company of Casper, Wyoming, filed an application for a right-of-way for existing 4", 6", 7", 8", 9" and 12" pipelines and related facilities for the purpose of transporting oil and other synthetic liquid fuels across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 36 N., R. 97 W.,
- Sec. 19, SE¼SE¼;
- Sec. 28, lot 58M;
- Sec. 29, lots 1, 2, 4, NW¼NW¼, and SW¼SW¼;
- Sec. 30, lot 2, NE¼NE¼, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
- Sec. 31, NE¼NE¼;
- Sec. 32, lots 1, 6, and W½NW¼;
- Sec. 33, lot 1.

T. 35 N., R. 98 W.,
- Sec. 13, W½SW¼;
- Sec. 14, SE¼NE¼, and NE¼SE¼;
- Sec. 24, NW¼NW¼, S½NW¼, NE¼SW¼, and SE¼;
- Sec. 25, NE¼NE¼.

The pipelines and related facilities serve to transport oil and other synthetic liquid fuels and additions to Marathon Pipe Line Company's gathering system within Park and Big Horn Counties, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–7587 Filed 3–10–81; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Texas; Request for Public Comment on Maximum Economic Recovery and Fair Market Value; Correction

AGENCY: U.S. Geological Survey, Interior.

ACTION: Correction.

In FR Doc. 81-5781 appearing on page 13384 in the issue of Friday, February 20, 1981, the entire last paragraph is deleted and the following paragraph is substituted:

Departmental policy calls for release of all non-proprietary data which is used as input in the discounted cash flow evaluation model. Under this policy we are releasing for public comment and review our initial estimates of 1. the coal selling price, which is an estimate of the range of current market prices and is based on the quality of the coal; 2. the unit mining cost, which is an estimate of the range of all operating costs used to produce the coal; 3. the nominal discount rate, which is the discount rate obtained from using a ten percent real discount rate and a nine percent inflation factor. These values are presented as table 2:

Table 2

Coal selling price (per short ton)	Unit mining cost (per short ton)	Nominal discount rate (percent)
$7.74	$3.856	19.9

These values may change as a result of comments received from the public and changes in the market conditions between now and when the final discounted cash flow evaluations are completed.

James W. Sutherland,

Conservation Manager, South Central Region.

[FR Doc. 81-7281 Filed 3-10-81; 8:45 am]

BILLING CODE 4310-31-M

Water and Power Resources Services

Contract Negotiations With Boise Project Board of Control, Idaho; Intent To Begin Contract Negotiations for a Short-Term Agricultural Water Service Contract

The Department of the Interior, through the Water and Power Resources Service, intends to open negotiations with the Boise Project Board of Control (BPBC), Boise, Idaho, leading to a short-term water service contract pursuant to the Reclamation Act of June 17, 1902 (32 Stat. 388), and the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), for the 1981 irrigation season.

The BPBC is the operating entity for Nampa and Meridian, Wilder, Boise-Kuna, New York, and Big Bend Irrigation Districts and has reserved 22,800 acre-feet of Arrowrock Reservoir storage for the proposed Hillcrest Division for about 60 years. During those years, the BPBC has paid a substantial portion of the capital costs and all operation and maintenance costs associated with that block of storage. The water was used, when needed, to augment the supplies distributed to the five irrigation districts under the BPBC jurisdiction. The Hillcrest Division has not developed; the current contract for the space expires in April 1981; and the BPBC has indicated a continuing need for the Hillcrest Division storage to supplement the Boise Project water supply. Further, consideration is being given to negotiating a long-term contract with BPBC to serve the 22,800 acre-feet of storage for the existing water users.

Because of the time required for completion of a long-term contractual or permanent attachment of the Hillcrest space to the Boise Project's storage rights, a short-term agricultural water service contract is proposed for the 1981 irrigation season. The proposed contract would provide for a capital cost recovery at a rate of $0.40 per acre-foot to apply to all 22,800 acre-feet of space. In addition, the BPBC will be required to pay annual operation and maintenance charges for the reserved works assigned to Hillcrest Division storage space in Arrowrock Reservoir.

The terms and conditions of the proposed contract will be submitted to the Secretary of the Interior for approval as to form.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and must specify that the requesting party is interested in the proposed BPBC contract. Inquiries should be addressed to the Regional Director, Water and Power Resources Service, Attention: Code 440, 550 West Fort Street, Box 043, Boise, Idaho 84724.

A proposed draft contract will be made available for public review and receipt of written comments for a 30-day period. All written correspondence concerning the proposed contract will be made available for review or inspection upon receipt of written request pursuant to the Freedom of Information Act, (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact Ms. Cathy Kent, Repayment Contract Assistant, Repayment and Statistics Branch, Division of Water, Power, and Lands, Water and Power Resources Service, at the above address, or telephone (208) 334-9011.

Dated: March 5, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-7282 Filed 3-10-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable

provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 27, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC-F-14565, filed February 2, 1981. TRANSPO INTERNATIONAL, INC. (Transpo) (5565 East 52nd Avenue, Commerce City, CO 80022)—MERGER—. J. B. MONTGOMERY, INC. (a Delaware Corporation); J. B. MONTGOMERY, INC. (an Iowa Corporation); and DUNKLEY REFRIGERATED TRANSPORT, INC. (all of 5565 East 52nd Avenue, Commerce City, CO 80022). Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Authority is sought for the merger of the operating rights and other assets and liabilities of J. B. Montgomery, Inc. (a Delaware Corporation), J. B. Montomery, Inc. (an Iowa Corporation), and Dunkley Refrigerated Transport, Inc., into Transpo for ownership, management, and operation, and for control by George W. Plavec, Edward R. Driskell, and Raymond A. Cheeney, of such rights, assets, and liabilities through the transaction. Operating rights sought to be transferred from J. B. Montgomery, Inc. (a Delaware corporation) are contained in Certificate of Public Convenience and Necessity MC 140024 and sub numbers thereunder, authorizing the transportation of (1) *Food or kindred products*, (2) *Pharmaceutical materials, supplies, and products*, (3) *Alcoholic beverages*, (4) Tobacco products, (5) *Pet foods*, (6) *such commodities* as are dealt in by distribution or consolidation warehouses for the commodities described in (1) through (5) above, (7) *Chemicals*, (8) *Laboratory supplies and equipment*, (9) *Graphic art supplies and equipment*, (10) *Electroplating supplies and equipment*, (11) *Laundry supplies and equipment*, (12) *Dry cleaning supplies and equipment*, (13) *Swimming pools, supplies and equipment*, (14) *Materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities described in (7) through (13) above, (15) *Iron and steel articles*, (16) *Building materials*, (17) *Hides and pelts*, (18) *Paper and paper products*, (19) *Plastic and plastic products*, (20) *General commodities*, and (21) *Miscellaneous* other specified commodities: between various points and places throughout the U.S. Operating rights sought to be transferred from J. B. Montgomery, Inc. (an Iowa corporation) are contained in Certificate of Public Convenience and Necessity MC 123639, (Sub-2) authorizing the transportation, over irregular routes, of *such commodities* as are usually dealt in or used by meat, fruit and vegetable packinghouses and wholesale and retail department stores; between points and places in CO and IL.
Operating rights sought to be transferred from Dunkley Refrigerated Transport, Inc. are contained in Certificate of Public Convenience and Necessity MC 117823, and sub numbers thereunder, authorizing the transportation, over irregular routes, of (1) *General commodities* on behalf of the U.S. Government, (2) *Food or kindred products*, and (3) *Such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses between points and places in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY. Transpo International, Inc. holds no operating authority at this time.

Notes.—(1) Transferors and transferee are now commonly controlled under Commission approval in MC-F-12188. The objective of this application is corporate simplification.

(2) Transpo has filed three directly related applications, MC 153928 and MC 153928 (Sub-1 and 2), which are published in this same Federal Register issue.

(3) The above description of operating rights involved does not purport to be a complete description of the rights involved.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: February 27, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC 153928, filed February 2, 1981. Applicant: TRANSPO INTERNATIONAL, INC.—gateway elimination, 5565 East 52nd Avenue, Commerce City, CO 80222. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Transporting *chemicals and related products*, between points in DE, IL, IN, MD, MI, NJ, NY, OH, PA, WV, and DC, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA.

Note:—This application is directly related to Docket No. MC–F–14565, wherein applicant seeks approval of the merger into it of its wholly-owned subsidiaries, J. B. Montgomery, Inc. (Delaware) and Dunkley Refrigerated Transport, Inc., and of J. B. Montgomery, Inc. (Iowa), a wholly-owned subsidiary of J. B. Montgomery, Inc. (Delaware). This application seeks to eliminate a gateway of Denver, CO, that would be created by approval of that merger. Traffic is presently moving in joint interline service between the subsidiary carriers.

MC 153928, (Sub-1), filed February 2, 1981. Applicant: TRANSPO INTERNATIONAL, INC.— gateway elimination, 5565 East 52nd Avenue, Commerce City, CO 80222. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Transporting (1) *Food and related products*, (2) *Pharmaceutical materials, supplies, and products*, (3) *Chemicals*, (4) *Alcoholic beverages*, (5) *Tobacco products*, (6) *Pet Foods*, and (7) *such commodities* as are dealt in by distribution or consolidation warehouses for the commodities described in (1) through (6), between points in the U.S. in and west of AR, IA, LA, MN and MO.

Note:—This application is directly related to Docket No. MC–F–14565, wherein applicant seeks approval of the merger into it of its wholly-owned subsidiaries, J. B. Montgomery, Inc. (Delaware) and Dunkley Refrigerated Transport, Inc., and of J. B. Montgomery, Inc. (Iowa), a wholly-owned subsidiary of J. B. Montgomery, Inc. (Delaware). This application seeks to eliminate a gateway of Denver, CO, that would be created by approval of that merger. Traffic is presently moving in joint interline service between the subsidiary carriers.

MC 153928, (Sub-2), filed February 2, 1981. Applicant: TRANSPO INTERNATIONAL, INC.— gateway elimination, 5565 East 52nd Avenue, Commerce City, CO 80222. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Transporting *general commodities* (except classes A and B explosives, (1) between points in the Kansas City, KS–MO commercial zone, on the one hand, and, on the other, points in that part of IL north of a line beginning at the IL–MO state line from a point directly west of Springfield, IL, and extending through Springfield to the IL–IN state line and (2) between points in that part of CO on and east of U.S. Hwy. 87 from the WY–CO state line to its junction with CO Hwy 1 at or near Wellington, thence on and east of CO Hwy 1 to its junction with U.S. Hwy 87 at or near Denver, thence on and east of U.S. Hwy 87 to its junction with U.S. Hwy 50 at or near Pueblo, and on and north of U.S. Hwy 50, on the one hand, and, on the other, points in and west of AR, IA, LA, MN and MO, and points in that part of IL north of a line beginning at the IL–MO state line from a point directly west of Springfield, IL, and extending through Springfield to the IL–IN state line.

Note:—This application is directly related to Docket No. MC–F–14565, wherein Applicant seeks approval of the merger into it of its wholly-owned subsidiaries, J. B. Montgomery, Inc. (Delaware) and Dunkley Refrigerated Transport, Inc., and of J. B. Montgomery, Inc. (Iowa), a wholly-owned subsidiary of J. B. Montgomery, Inc. (Delaware). This application seeks to eliminate gateways of Chicago and/or Blue Island, IL, and Denver, CO, that would be created by approval of that merger. Traffic is presently moving in joint interline service between the subsidiary carriers.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–7561 Filed 3–10–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–FC–35483. By decision of February 5, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the lease to Petroleum Transport Company, of Kenner, LA, of Certificate No. MC–98807 (Sub-4), issued January 28, 1981, to Rajac, Inc., of Kenner, LA, authorizing the transportation of (1)(a) *machinery, materials, supplies and equipment* used in connection with the discovery, development, and production of natural gas and petroleum, and (b) *petroleum products*, in bulk, between points in Louisiana, and (2) *commodities which because of size or weight require the use of special equipment, and parts thereof*, and *utility poles*, from points in Louisiana South of U.S. Highway 190 at the Mississippi-Louisiana State line, thence west Louisiana Highway 12, and continuing west to the Louisiana-Texas State line. Subject to the following conditions: If no application is filed with the Commission for the permanent transfer of the authority, the least shall terminate at the end of 1 year, and shall be renewable only if unusual

circumstances are involved. Applicants' representative: William D. Lynch, P.O. Box 912, Austin, TX 78767.

MC-FC-78888. By decision of February 5, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Hoosier Transportation System, Inc. of Permit No. MC 136318 and sub-numbers thereunder, issued to Coyote Truck Line, Inc. authorizing the transportation of *new furniture, new store fixtures, new laboratory equipment, new lamps, and accessories, carpets and carpet padding,* from points in Buncombe, Burke, Catawba, Davie, McDowell, Cleveland, and Cuilford Counties, NC, to points in (a) California, Nevada, Arizona, Utah, New Mexico, and Texas, (b) Colorado, Nebraska, Kansas, Oklahoma, and Iowa, and (c) Washington, Oregon, Idaho, Montana, and Wyoming, (2) *New furniture,* (a) from Pleasant Garden, Thomasville, Lenoir, and Winston-Salem, NC, to points in California, Arizona, and Colorado, (b) from High Point, Marion, Morganton, and Spruce Pine, NC, to points in Arizona, California, Colorado, and Texas, (c) from the plantsites of Henredon Furniture Industries, Inc., at or near Marion, High Point, Morganton, and Sprice Pine, NC, to points in Washington, Oregon, Montana, Nevada, Utah, Idaho, Wyoming, New Mexico, Kansas, Nebraska, North Dakota, and South Dakota, (d) from the plantsites of Thomasville Furniture Industries, at or near Thomasville, Winston-Salem, Lenoir, and Pleasant Garden, NC, to points in Washington, Oregon, Nevada, Montana, Idaho, Utah, Wyoming, New Mexico, North Dakota, and South Dakota, (e) from Lenoir, Shelby, Statesville, and Troutman, NC, to points in California, Oregon, and Washington, (f) from Appomattox, VA, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, (g) from Appomattox, VA, to points in North Dakota, and South Dakota, (h) from Los Angeles, CA, to points in the United States (except Alaska and Hawaii) , (i) from Lenoir, Shelby, Statesville and Troutman, NC, to points in Arizona and Nevada, (j) from points in Lenoir, Pleasant Garden Thomasville and Winston-Salem, NC, and Appomattox, VA, to points in Kansas, Nebraska, Oklahoma, and Texas, (k) from High Point, Marion, Morganton and Spruce Pine, NC, to points in Arkansas, Iowa, Minnesota, Mississippi, and Oklahoma, (1) from Mt. Airy, NC, to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, (m) from Brookneal, VA, and Hickory, NC, to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, (n) from Appomattox, VA, to points in Illinois, Indiana, Iowa, and Missouri, (o) from Lenoir, Shelby, Statesville and Troutman, NC, to points in Idaho, Montana, Utah, and Wyoming, (p) from points in North Carolina and Virginia, to points in Arizona, California, and Nevada, (q) from Bedford Park, IL, to those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (r) from Bedford Park, IL, to Atlanta, GA, Boston, MA, Buffalo, NY, Charlotte, NC, Philadelphia, PA, Chattanooga and Memphis, TN, and Washington, DC, (s) from the facilities of Boyd Furniture Manufacturing at or near Los Angeles, CA, to those points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, (3) *new furniture, new store fixtures, new laboratory equipment, new lamps, and accessories, and home, commercial and institutional furnishings and materials, supplies and equipment* used in the manufacture production, distrubution and installation of the commodities named above, from points in Georgia, North Carolina, and Tennessee (except points in the Memphis Commercial Zone as defined by the Commission), to points in that part of the United States in and west of Arkansas, Illinois, Louisiana, Missouri, and Wisconsin, (4) *Pressed wood board,* from points in Oregon, to Lenoir, Pleasant Garden, Thomasville, and Winston-Salem, NC, and Appomattox, VA, (5) *television sets, radios, phonographs, stereo systems, recorders, players, recording material, television stands, speaker systems and audio equipment, and accessories, components* and *parts* of the commodities set forth above, (a) between points in Indiana and California, and (b) between points in Indiana and California, on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, and Tennessee, and of Certificate No. MC-145481 and sub-numbers thereunder, authorizing the transportation of (1) *commodities* dealt in by women's clothing stores, *fasteners and metal articles, and materials, supplies and equipment* utilized in the manufacture of fasteners and metal articles, between points in Los Angeles, CA, West Chicago, IL, Ontario, OH, Dallas, TX, and North Bergen, NJ, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (2) *drugs, medicines, cosmetics, plastic boxes, plastic articles, weed killing compounds, and animal and poultry feed suplements, and materials, supplies and equipment* used in the manufacture, production and distribution of the above described commodities, between the facilities used by Eli Lilly & Co. at Indianapolis, Lafeyette and Clinton, IN, on the one hand, and, on the other, points in California, Idaho, and Arizona, and Nevada, (b) between the facilities used by Eli Lilly & Co. at or near Indianapolis, Lafayette and Clinton, IN, on the one hand, and, on the other, Atlanta, GA, Raleigh, NC, Memphis, TN, and Norfolk, VA, (3) *general commodities,* between Los Angeles, CA, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Nebraska, Kansas, Oklahoma, and Texas. Representatives: Briam K. Ridenour, P.O. Box 82028, 1200 N Street, 500 The Atrium, Lincoln, NE 68501, and Steven K. Kuhlmann, 2600 Energy Center 717 17th Street, Denver, CO 80202.

Notes.—(1) An application has been filed for temporary authority. (2) The commodity and territorial description does not purport to be a complete description. (3) Hoosier Transportation System, Inc. presently holds no operating authority from the Interstate Commerce Commission.

MC-FC-78927. By decision of January 27, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Truman L. Flatt & Sons Co., Inc. of Certificate of Registration No. MC-43123 (Sub-3), issued November 28, 1975 to Tab Transportation, Inc., authorizing the tranportation of *General commodities* (except household goods, cement, empty tin cans, empty bottles, empty jugs, commercial papers, documents and written instruments as are used in the conduct and operation of banks and banking institutions, redioactive pharmaceuticals, isotopes and related products, exposed and processed film, flowers, and auditing and accounting media processing centers as input or output of computers) within a fifty (50) mile radius of 300 East Laurel Street, Springfield, IL, and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area (Restriction): there shall be no transportation service performed in van type trailers, there shall be no transportation of mineral

filler, sand, rock, gravel, dry fertilizer, coal and blacktop mix to or from or between points on and south of Interstate Highways 70 and 270, there shall be no transportation of steel between Granite City, IL, on the one hand, and Decatur, IL, on the other, and there shall be no transportation of gasoline, fuel oil or liquid chemicals (in bulk in tank trailers); also, ground compounds (in bags) between the plant site of Solomon Grinding Company at Springfield, IL, on the one hand, and all points in the State of Illinois, on the other; *machinery parts* between Springfield, IL, on the one hand, and all points in the State of Illinois, on the other. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701 (212) 544–5426.

MC–FC–78930. By decision of January 28, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to James N. Allen, Inc., of New Bethlehem, PA, Certificate No MC–610 and Sub-6 issued to H. M. Skinner & Sons, Inc., of New Bethlehem, PA, authorizing the transportation of *Brick, firebrick, refractory products, ground fire clay, and structural tile*, Between New Behtlehem, PA, and points within 20 miles thereof, except Templeton, Meredit, Cowanshonnoc, Summerville, and Brookville, PA, on the one hand, and, on the other, points in Maryland, Ohio, West Virginia and New York (except Buffalo, Jamestown, and Fredonia). *Brick, firebric, refractory products, ground fire clay and structural tile*, Between the facilities of A. P. Green Refractories Company, New Bethlehem Tile Company, and St. Charles Refractory Company, all located in Porter Township, Clarion County, PA, on the one hand, and, on the other, Buffalo, NY. Applicant's representative is: Kent S. Pope (Pope and Pope), 10 Grant Street, Clarion, Pennsylvania 16214. Transferee holds no authority. TA lease is not sought.

MC–FC–78949. By decision of February 6, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to Mel Motor Express, Inc., of New Orleans, LA, of Certificate No. MC 142610 (Sub-3 and 6) and Permit No. MC 140421 (Sub-3, 8, 12, 16, and 21F) issued January 6, 1978; May 12, 1978; August 17, 1976; May 5, 1977; March 5, 1977; March 1, 1978; and November 25, 1980, respectively, to Action Motor Express, Inc. of New Orleans, LA. The certificates authorize transportation by motor common carrier over irregular routes transporting: (Sub-3) *canned goods*, from the facilities of B. F. Trappey's Sons, Inc., at Lafayette and New Iberia, LA, to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin; and *materials and supplies* used in the manufacture of the commodities above (except in bulk), from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin, to the facilities of B. F. Trappey's Sons, Inc., at Lafayette and New Iberia, LA; and (Sub-6) *canned and bottled drinks* and *can ends*, from the facilities of Coastal Canning Enterprises located at Reserve, LA, to points in Alabama, Texas, Mississippi, and Florida, and *materials and supplies* used in the manufacture of the commodities above (except commodities in bulk), from points in Alabama, Mississippi, Texas, and Florida, to Reserve, LA. Neither certificate may be joined or tacked with the carrier's other irregular-route authority. The permits authorize transportation of motor contract carrier over irregular routes transporting: (Sub-3) *empty tin cans*, from New Orleans, LA, to Shreveport, LA, and Little Rock, AR, with no transportation for compensation on return except as otherwise authorized; (Sub-8) *cans* and *can ends*, from New Orleans, LA, to Memphis, TN, with no transportation for compensation on return except as otherwise authorized; (Sub-12) *plywood* and *lumber*, from the plantsite of Delta Pine Plywood Company, at Beaumont, 115, to New Orleans and Baton Rouge, LA, and points in Louisiana east of the Mississippi river, under a continuing contract or contracts with Delta Pine Plywood Company, of Beaumont, MS; (Sub-16) *foodstuffs* (except in bulk), not frozen, from the facilities of Woldert Canning Company, at Lindale, TX, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia; and *materials and supplies* used in the manufacture of foodstuffs, not frozen, (except any commodities in bulk), from points in the destination States above to the origin above; and (Sub-21F) *paper, paper products, containers, containers ends*, and *components, materials and supplies* used in the manufacture of the commodities above, (except commodities in bulk), between the facilities of American Can Company, Inc., at points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Texas, Illinois, Indiana, Missouri, Ohio, Michigan, Georgia, South Carolina, North Carolina, Virginia, West Virginia, and Florida, under continuing contract(s) with American Can Company, Inc., of Oak Brook, IL. Applicant's representative is: James T. Harmon III, P.O. Box 29056, New Orleans, LA 70189 (504) 246–8221.

MC–FC–78950. By decision of February 3, 1981, Review Board Number 5 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Speedy Distribution Services, Inc., of Carteret, NJ, of the following certificates issued Capital Trucking Corp., of Farmingdale, NY: (1) MC 8015, issued July 18, 1978 authorizing the transportation in interstate or foreign commerce as a motor carrier, a) over regular routes of *general commodities*, (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Philadelphia, PA, and New York, NY, and Trenton, NJ, as follows: From Philadelphia over U.S. Hwy 1 to New York, from Philadelphia across the Delaware River to Camden, NJ, then over city streets to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction unnumbered hwy (near Burlington, NJ), then over unnumbered highway via Burlington to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction unnumbered hwy (near Bordentown, NJ), then over unnumbered hwy via Bordentown to junction U.S. Hwy 206, and then over U.S. Hwy 206 to Trenton; from Philadelphia over U.S. Hwy 13 to Morrisville, PA, then over U.S. Hwy 1 to Trenton; and return over these routes to Philadelphia. Service is authorized to and from all intermediate points and the off-route points of Lawrenceville, Perth Amboy, Princeton, Rahway, Irvington and New Brunswick, NJ, b) over irregular routes of *foodstuff*, between points in Philadelphia County, PA: *groceries*, between Philadelphia, PA, and Camden, NJ: *sugar*, between Philadelphia, PA, on the one hand, and, on the other, Paulsboro, Delaware, Wrighstown and Camden, NJ; *carbonated beverages*, between Philadelphia, PA, on the one hand, and, on the other, Jersey City, Trenton, Wrightstown, Wildwood, Asbury Park, Ocean City, Somers Point, Atlantic City, Phillipsburg, Tuckerton, Bridgeton, Egg Harbor City, Salem, Vineland, Hammonton, Glassboro, Mount Holly, Clementon, Palmyra, Camden, Merchantville, Newark, Elizabeth, Paterson, Passaic, Orange, Orange Valley, South Orange, West Orange,

Woodbridge, Long Branch, Perth Amboy, Hightstown, New Brunswick, South River, Red Bank, Hazel Landing, Woodbine and Toms River, NJ, New York, NY, and Wilmington and Dover, DE: *floor coverings* and related commodities, from New York, NY, to points in Nassau and Westchester Counties, NY, and Essex, Bergen, Passaic, Union and Hudson Counties, NJ. (2) MC 8015 (Sub-6), issued July 11, 1978, authorizing the transportation, in interstate or foreign commerce, as a motor carrier over irregular routes of *general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading,) between points in Nassau and Suffolk Counties, NY, and those in the New York, NY Commercial Zone as defined by the Commission in 1 M.C.C. 665. Applicant's representative is: Bruce J. Robbins, Esq., Robbins & Newman, DC, 118–21 Queens Boulevard, Forest Hills, NY 11735. Transferee and affiliates are not carriers.

MC–FC–78953. By decision of January 28, 1981 issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to Cataract Truck & Car Rental Corp., Niagara Falls, New York, of Certificate MC 97239 (Sub-1), issued November 8, 1963 to Carmello Savarino, Joseph Savarino and Vincent Savarion, co-partners, d.b.a. Speed Motor Express, Buffalo, New York, authorizing the common carrier transportation of *General Commodities:* Between the Village of Blasdell and the city of Niagara Falls via U.S. 62, NY 266, NY 384, NY 265, NY 324, NY 325, and NY 18 including service to, from and between the following intermediate points: Buffalo, Tonawanda, North Tonawanda and the off-route point of: Lackawanna. Applicant's representative is: William J. Hirsch P. C. (713) 8953–0200, 1125 Convention Tower, Court Street, Buffalo, NY 14202.

MC–FC–78954. By decision of January 29, 1981 issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Creteways Transportation, Inc. of Crete, NE of Certificate No. MC 120427F (Sub-27F), issued December 26, 1979 to Williams Transfer, Inc. of Grand Island, NE authorizing the transportation of operating rights as a *common carrier,* over irregular routes, of *meats, meat products and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk),* from Fremont and Schuyler, NE, to points in CA. Applicants' representative: Max H. Johnson, Johnson & Associates, P.O. Box 6597, Lincoln, NE 68506.

MC–FC–78957. By decision of January 29, 1981, issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Harley Kruse, Tom Fitzgerald, Dodge Wilson, Larry Callahan, Gene Hibbs and Dale Hill, Co-Partners, Doing Business As Speedy Oilfield Service, of Liberal, KS, of Certificate MC 57563 (Sub-2), issued June 24, 1975 to John A. Kester, Doing Business As C & K Construction, of Elkhart, IN, authorizing the transportation over irregular routes, of (1) machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development and production of natural gas and petroleum, between points in Oklahoma and Kansas, (2) machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products; and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or truck pipelines, between points in Baca County, CO, on the one hand, and on the other, points in Kansas and Oklahoma. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized herein. Applicant's representative is: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, KS 66603.

Note:—Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78960. By decision of issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to Marc Baggage Lines, Inc. of Des Plaines, IL of Certificate MC 127172, issued October 26, 1971 to Francis Margolies d.b.a. Marc Baggage Lines of Des Plaines, IL and Certificate MC 127172 (Sub-2), issued August 8, 1966 to Marc Truck Lines and transferred to Francis Margolies d.b.a. Marc Baggage Lines in MC–FC–71597, which was consummated December 10, 1970. The certificates authorize transportation of camp baggage (1) between Chicago, IL, and points in De Kalb, Cook, Du Page, Grundy, Kane, Kendall, Kankakee, Lake, McHenry and Will Counties, Illinois, on the one hand, and, on the other, points in Michigan, Minnesota and Wisconsin, restricted to service to be performed between May 1 and October 30, inclusive, of each year; and (2) between points in Michigan, Minnesota and Wisconsin, and points in Indiana, Kentucky, Michigan, Missouri, Ohio and Tennessee. Applicant's representative is: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60018 (312) 694–2330.

MC–FC–78969. By decision of January 29, 1981 issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Fourteenth Avenue Cartage Company, Inc. of Certificate MC 123445 issued March 28, 1961 to Fourteenth Avenue Cartage Co. authorizing the transportation, over irregular routes, of meats, packinghouse products, and commodities used by meat packinghouses as described in Appendix I to the report in *Description in Motor Carrier Certificate,* 61 M.C.C. 209 and 766, *canned goods;* and *drugs,* restricted to shipments moving from, to, or between meat packinghouses, from Detroit, MI to points in Michigan within 10 miles of Detroit. Applicant's representative is: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–1662 Filed 3–10–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request

and payment to applicant's representative of $10.00.

Amendents to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. Opy-2-604

Decided: March 2, 1981.

By The Commission, Review Board No 1, members Parker, Chandler, and Taylor. (member Taylor not participating.)

MC 2202 (Sub-664), filed February 9, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting over regular routes *general commodities* (except Classes A and B explosives), serving points in Tipton County, TN as off-route points, in connection with applicant's otherwise authorized regular route authority.

MC 2232 (Sub-16), filed February 9, 1981. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd. and Corbin Lane, Morrisville, PA 19063. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of paper, paper and plastic products, and containers, between points in the U.S.

MC 44513 (Sub-6), filed February 10, 1981. Applicant: MATCO TRANSPORTATION, INC., 3rd St. and Hackensack Ave., South Kearny, NJ 07306. Representative: Piken & Piken, 95–25 Queens Blvd., Rego Park, NY 11374, 212–275–1000. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, PA, MD, CT, and MA, on the one hand, and, on the other, points in TX, LA, MO, NY, PA, NJ, DE, MD, VA, WV, OH, IN, MI, WI, IL, KY, NC, SC, GA, FL, AL, MS, TN, and DC.

MC 63562 (Sub-82), filed February 9, 1981. Applicant: BN TRANSPORT, INC., 6775 East Evans Ave., P.O. Box 22684, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *food and related products* between points in Denver County, CO and points in AZ, CA, ID, NV, NM, OR, UT, WA, and WY.

MC 63562 (Sub-85), filed February 9, 1981. Applicant: BN TRANSPORT, INC., 6775 East Evans Ave., P.O. Box 22684, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Gates Rubber Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 82063 (Sub-122), filed February 24, 1981. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 666 Eleventh Street NW., No. 805, Washington, D.C. 20001, (202) 628–9243. Transporting *commodities* in bulk, between points in AL, AR, CT, IA, IL, IN, KS, LA, MA, MD, MO, NJ, NY, OH, PA, TN, TX, and WV, on the one hand, and, on the other, points in AL, AR, CO, DE, GA, IL, IN, IA, KS, LA, MD, MI, MN, MS, MO, NE, NJ, NM, NY, OH, OK, OR, PA, TN, TX, VT, WV, WI, and WY.

MC 125433 (Sub-461), filed February 20, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant), (801) 973–4242. Transporting *general commodities* (except classes A and B explosives) between the facilities used by N.D.S., Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133203 (Sub-4), filed February 18, 1981. Applicant: ANDERSON ARMORED CAR SERVICE, INC., P.O. Box 244, Anderson, SC 29622. Representative: Richard C. Otter, P.O. Box 273, Anderson, SC 29622, (803) 225–2571. Transporting *miscellaneous products of manufacturing*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in SC.

MC 138242 (Sub-5), filed February 17, 1981. Applicant: WESTERN CARTAGE, INC., 2921 Dawson Road, Tulsa, OK 74135. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135, (918) 496–3122. Transporting (1) *food and related products*, (2) *clay, concrete, glass or stone products*, and (3) *containers, carriers or devices*, shipping, returned empty, between points in the U.S., under continuing contract(s) with Hiram Walker & Sons, Inc., of Peoria, IL.

MC 144503 (Sub-40), filed February 9, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Bldg., La Crosse, WI 54601. Transporting *chemicals and related products* between points in Wayne County, MI, on the one hand, and, on the other, points in the U.S.

MC 145993 (Sub-2), filed February 11, 1981. Applicant: SUPERIOR ASSEMBLY AND DISTRIBUTION CENTER, INC., 970 E. Third St., Los Angeles, CA 90013. Representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives) (1) between points in CA, and (2) between points in CA, on the one hand, and, on the other, points in AZ, OR, NV, WA, and NM.

MC 146703 (Sub-29), filed February 17, 1981. Applicant: ROBERTS & OAKE,

INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St., NW., Washington, DC 20006, (202) 223–6270. Transporting *general commodities* (except classes A and B explosives) between points in AR, CO, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI.

MC 146782 (Sub-42), filed February 17, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue North, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201 (615) 244–2926. Transporting *machinery,* between points in DeSoto County, FL and Jefferson County, AR, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 146782 (Sub-43), filed February 23, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue North, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201 (615) 244–2926. Transporting *material handling equipment,* between points in the U.S., under continuing contract(s) with Equipment Engineering Co., of Memphis, TN.

MC 147552 (Sub-10), filed February 9, 1981. Applicant: CAJUN CARTAGE & WAREHOUSING CORP., 1205 St. Louis St., New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in LA.

MC 148312 (Sub-2), filed February 10, 1981. Applicant: N.D.T., INC., 4171 Winters Chapel Rd., Dorasville, GA 30340. Representative; Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, 404–321–1765. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery stores and drugstores, between points in Clayton and Fulton Counties, GA, on the one hand, and, on the other, points in AL, FL, KY, MS, NC, SC, and TN.

MC 148423 (Sub-14), filed February 10, 1981. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, 404–321–1765. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 148832 (Sub-3), filed February 17, 1981. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Blvd., P.O. Box 1063, Poplar Bluff, MO 63901. Representative: Ronald D. Dodds (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), between Poplar Bluff and Holcomb, MO, from Poplar Bluff over U.S. Hwy 60 to junction MO Hwy 25, then over MO Hwy 25 to Holcomb, and return over the same route, serving all intermediate points and off-route points of Wappapello, MO.

Note.—Applicant intends to tack this authority with its otherwise authorized existing regular-route authority.

MC 149313 (Sub-3), filed February 11, 1981. Applicant: BESTWAY CARTAGE, INC., P.O. Box 2157, Memphis, TN 38101. Representative: Ronald N. Cobert, Suite 501, 1730 M St. NW., Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives) (1) between points in Dallas, Harris, and Bexar Counties, TX, on the one hand, and, on the other, points in AR, LA, OK, and TX, and (2) between points in Shelby County, TN, on the one hand, and, on the other, points in AL, AR, KY, MS, TN, points in IL, in and south of Monroe, Randolph, Perry, Franklin, Hamilton, and White Counties, points in Posey and Vanderburgh Counties, IN, points in Carroll, Claiborne, East Carroll, Franklin, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, and Union Parishes, LA, and points in MO, IN, east, and south of Stone, Christian, Greene, Dallas, Laclede, Pulaski, Phelps, Crawford, Washington, and Jefferson Counties.

MC 150592 (Sub-5), filed February 10, 1981. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, York, NE 68467. Representative: Charles R. Wallace (same address as applicant) 402–362–7491. Transporting *metal products,* between points in Hall County, NE, on the one hand, and, on the other, points in the U.S.

MC 150783 (Sub-12), filed February 10, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant) 501–636–1979. Transporting *food and related products,* between the facilities of Star Kist Foods, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152163 (Sub-2), filed February 10, 1981. Apoplicant: DARTMOUTH CONTRACT CARRIERS, INC., 70 Jenkins St., New Bedford, MA 02740. Representative: Thomas F. Silvia (same address as applicant) 617–996–5671. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chelsea Industries, Inc., of Boston, MA.

MC 152533 (Sub-1), filed February 10, 1981. Applicant: THE BUDD MOVING COMPANY, INC., Bartley Rd., Flanders, NJ 07836. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *Household goods,* between points in the U.S.

MC 152542 (Sub-1), filed February 10, 1981. Applicant: DAVID TAYLOR, 8265 Shallowford Rd., Lewisville, NC 27023. Representative: David Taylor (same address as applicant) 919–945–5620. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Broyhill, Inc., of Winston-Salem, NC.

MC 153323 (Sub-2), filed February 9, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products,* between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counties, MN, on the one hand, and, on the other, points in AZ, CA, IL, IN, KS, LA, MI, NV, NM, OK, OH, TX and WI.

MC 153323 (Sub-3), filed February 17, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309 (515) 245–4300. Transporting *food and related products,* between points in Buena Vista, Cherokee, Woodbury and Polk Counties, IA, on the one hand, and, on the other, points in AZ, CA, LA, NM, and TX.

MC 153962 (Sub-13F), filed February 9, 1981. Applicant: NEBRASKALAND CONTRACT CARRIERS, INC., P.O. Box 1190, Kearney, NE 68847. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *such commodities* as are dealt in by manufacturers and distributors of lumber yards and hardware stores, between points in the U.S., under continuing contract(s) with Payless Building Center, Inc. of Kearney, NE, and Georgia-Pacific Corporation, of Portland, OR.

MC 153972 (Sub-1), filed February 9, 1981. Applicant: WILLIAM W. SCHROEDER, d.b.a. SCHROEDER & SONS CARTAGE, 8020 North Central Avenue, Morton Grove, IL 60053. Representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602 (312) 782–8668. Transporting *general*

commodities between points in the U.S., under continuing contract(s) with Felt Products Mfg. Co.,-Fel-Pro, Inc., of Skokie, IL. Condition: To the extent that this permit authorizes classes A and B explosives it shall be be limited in term to a period expiring 5 years from its date of issuance.

MC 154133 (Sub-1), filed February 17, 1981. Applicant: PAUL A. STOVER doing business as C.A.N. TRANSPORT, 2500 E. 28th St., Vernon, CA 90058. Representative: John C. Russell 1545 Wilshire Blvd., No. 608, Los Angeles, CA 90017. Transporting *general commodities* (except classes A and B explosives), between points in CA, AZ, and NV.

MC 154233, filed February 13, 1981. Applicant: LEWIS KNOPFEL, JR., Rural Delivery No. 2, New Florence, PA 15944. Representative: Sally A. Davoren, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lucerne Industries, Division of Advanced Mining Systems, of Lucerne Mines, PA.

MC 154242, filed February 10, 1981. Applicant: STEVEN THERRY d.b.a. S. THERRY CO., 108 Alan Ave., Massapequa Park, NY 11762. Representative: Piken & Piken, 95–25 Queens Blvd., Rego Park, NY 11374, 212–275–1000. Transporting *metal products*, between points in the U.S., under continuing contract(s) with J. Gerber & Co., Inc., and H.B. Lust Co., Division of J. Gerber & Co., Inc., both of New York City, NY.

MC 154333, filed February 17, 1981. Applicant: THE MINER–OL COMPANY, INC., South Water Street, Warsaw, IL 62379. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101 (314) 241–9333. Transporting *coal and coal products*, (1) between points in McDonough County, IL, on the one hand, and, on the other, points in Hancock County, IL, and (2) between points in McDonough County, IL, on the one hand, and, on the other, those points in IA on and east of Interstate Hwy 35.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7888 Filed 3-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume Number OPY–2–003

Decided March 2, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Member Taylor Not Participating.)

MC 263 (Sub-238), filed February 12, 1981. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same address as applicant). Transporting, for the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 135732 (Sub-45), filed February 9, 1981. Applicant: AUBREY FREIGHT LINES, INC., 975 East Linden Ave., Linden, NJ 07036 Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152033 (Sub-3), filed February 9, 1981. Applicant: WILLIAM J. TIGHE TRUCKING COMPANY, INC., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154223, filed February 9, 1981. Applicant: ROLAND J. MONTBRAND AND SONS, 526 North Pampas Ave., Rialto, CA 92376. Representative: Roland J. Montbrand (same address as applicant), 714–875–4627. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural*

limestone and fertilizers, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L Mergenovich,

Secretary.

[FR Doc. 81-7557 Filed 3-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in **Federal Register** on July 3, 1980, at 45 FR 45549. For Compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherewise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume Number Op2-036

Decided March 5, 1981.

By Commission, Review Board No.1, Members, Parker, Chandler and Taylor.

MC 151413, filed February 3, 1981. Applicant: JOHN S. CONNOR, INC., 33 South Gay Street, Baltimore, MD 21202. Representative: Paul F. Connor (same address as applicant), (301) 332-4817. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154292, filed February 4, 1981. Applicant: CENTURY COMMODITY BROKERS, INC., P.O. Box 855, Jonesboro, GA 30236. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd. NE., Atlanta, GA 30326, (404) 262-7855. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7559 Filed 3-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Section 5b Application No. 2[1]]

Western Railroads—Agreement; Postponement of Compliance Date

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Postponement of Compliance Date.

SUMMARY: The March 7, 1981, compliance date for filing an implementation plan and an amended agreement in this proceeding is extended to April 6, 1981. The time for filing comments on the plans is extended to April 27, 1981. Interim approval of the proposed rate bureau agreements entered October 26, 1976, in Ex Parte No. 297 (Sub-No. 1), is extended to May 21, 1981. The extensions granted will apply to all parties.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: In a decision served January 21, 1981, and noticed in the **Federal Register** on January 28, 1981 (46 FR 9218), the Commission ordered the rate bureaus to comply with the decision by filing conforming amended agreements and an implementation plan by March 7, 1981. Other parties were given until March 27, 1981 to comment on the plans. Interim approval of the proposed rate bureau agreements entered October 26, 1976, in Ex Parte No. 297 (Sub-No. 1), was extended to April 21, 1981. Interim approval for American-Canadian through routes agreements was also extended to April 21.

In a letter petition filed February 23, 1981, the rail carriers party to the Western Agreement seek 30-day extensions of these deadlines. Petitioners state that their legal and traffic representatives have made diligent efforts to develop rate bureau procedures in compliance with the January 21 decision. These efforts have included testing proposed procedures in mock bureau meetings using proposals acted on in the past. The carriers assert that additional time is necessary to refine procedures now under consideration and to revise or possibly rewrite entirely the current bureau agreement. Although progress has been made, petitioners believe the requested extensions will permit drafting of an effective compliance plan and a comprehensive agreement.

The 30-day extensions will be granted. Petitioners have shown a need for these extensions in order to allow systematic and full compliance with our decision of January 21, 1981. The date for filing an implementation plan and an amended agreement is extended to April 6, 1981. Interim approval of the existing rate bureau agreements and of American-Canadian through route agreements is extended to May 21, 1981. Pending this

[1] This proceeding also embraces Section 5b Application No. 3, Eastern Railroads—Agreement, and Section 5b Application No. 6, Southern Railroads—Agreement.

date, antitrust immunity is in effect only to the extent bureau operations conform to the provisions of Subtitle IV of Title 49, United States Code, and the decision of January 21, 1981.

This decision does not affect the January 21, 1982, deadline for full implementation of the provisions of 49 U.S.C. 10706(a)(3)(A)(iii).

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Decided: March 2, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissenting with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum, dissenting:

In our January 21, 1981 decision we unanimously agreed to the schedule that is now being extended. Yet the petitioners have not shown a compelling need for these extensions.

The carriers and bureaus have had ample opportunity, beyond the 45 day period at issue, to prepare for implementation. They have been on notice of the "direct connectors" definition for over six months—i.e., since August 13, 1980. In fact, they have known for more than five years that the Railroad Revitalization and Regulatory Reform Act of 1976 imposed the "practicable participation" concept. I will be pleasantly surprised if we do not see more requests for delay as a result of today's decision.

[FR Doc. 81-7360 Filed 3-10-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-5448 appearing at page 12886 in the issue for Wednesday, February 18, 1981, make the following correction:

On page 12887, in the second column, under "MC 48848, application of "Universal Deliveries, Inc.", in the first line, "MC 48848" should have read "MC 148848".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be not significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-101

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 40757 (Sub-5-2TA), filed February 26, 1981. Applicant: CREECH BROTHERS TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Contract; irregular: *Petroleum products and materials, equipment and supplies used in the processing, manufacturing and distributing of petroleum products* between all points in the U.S. pursuant to contracts with Kansas City Refinery, Inc., Pow'r Oil & Chemical, Inc. and Synergy Oil Industries, Inc. Supporting shippers: Kansas City Refinery, Inc., 60 S. James, Kansas City, KS 66118; Pow'r Oil & Chemical, Inc., 60 S. James, Kansas City, KS 66118; and Synergy Oil Industries, Inc., 60 S. James, Kansas City, KS 66118.

MC 106398 (Sub-5-80TA), filed February 27, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson (same as applicant). *Metals, metal products, materials, equipment and supplies used in the manufacture and distribution of commodities listed above,* between points in AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, NE, NH, NJ, NY, NC, OH, OK, PA, OR, RI, SC, TN, TX, VT, WV, VA, WI and WA, on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: St. Joe Zinc Company, P.O. Box A, Monaca, PA 15061.

MC 107496 (Sub-5-56TA), filed February 27, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Recycled wastes, waste materials for recycling and hazardous waste materials* between Dane and Milwaukee Counties, WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Hydrite Chemical Company, 2655 N. Mayfair Road, Milwaukee, WI 53226.

MC 111401 (Sub-5-33TA), filed February 26, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same address as applicant). *Quick lime,* in bulk, in tank vehicles, from the facilities of McDonough Brothers, Inc. at or near San Antonio, TX to Brownsville, TX, in foreign commerce only. Supporting shipper: McDonough Brothers, Inc., Rt. 2, Box 222, San Antonio, TX 78229.

MC 119493 (Sub-5-52TA), filed February 27, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Glass and glass articles and materials and supplies used in the manufacturing and distribution thereof (except commodities in bulk)* between points in the U.S. (except AK and HI). Restricted to traffic shipped by or for the account of Big Bear Glass & China Company of Deep Gap, NC and/or The Glass Place of Bowling Green, KY. Supporting shippers: E. F. Webster, Owner, Big Bear Glass & China Company, P.O. Box 33, Deep Gap, NC 28018, and Don Maynard, Owner, The Glass Place, Route 4, Box 423, Bowling Green, KY 42101.

MC 124774 (Sub-5–5TA), filed February 27, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 West Dodge Road, Omaha, NE 68114. *Feed, feed ingredients, and related products,* between Monmouth County, NJ, on the one hand, and, on the other, points in IL, IN, IA, MN, MO, and NE. Supporting shipper: American Cyanamid Company, Agricultural Division, Berdan Avenue, Wayne, NJ 07470.

MC 124813 (Sub-5–26TA), filed February 27, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Lumber and wood products,* from points in ID, MT, OR and WA to points in IA. Supporting shipper: Mid Continent Lumber Dealers Supply, Inc., 701 South 22nd, Fort Dodge, IA 50501.

MC 124813 (Sub-5–27TA), filed February 27, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Lumber and wood products,* between points in Howard County, IA, on the one hand, and, on the other, pointsts in IL, IN, KS, MN, MO, NE, ND, SD and WI. Supporting shipper: Seedorf Masonry Industries, Box 25, Chester, IA 52134.

MC 126589 (Sub-5–1TA), filed February 27, 1981. Applicant: FRED QUINN d.b.a. QUINN MOVING AND STORAGE, P.O. Box 20063, San Antonio, TX 78220. Representative: Charles Ephraim, 406 World Center Building, 918 16th Street, NW., Washington, D.C. 20006. *Used household goods* which transportation is incidental to a pack and crate service on behalf of the Department of Defense, between points in Atascosa, Bandera, Bexar, Blanco, Comal, DeWitt, Duval, Frio, Gillespie, Gonzales, Guadalupe, Hays, Jim Hogg, Karnes, Kendall, Kerr, LaSalle, Lavaca, McMullen, Medina, Webb, Wilson and Zapata Counties, TX. Supporting shipper: U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

MC 127253 (Sub-5–1TA), filed February 27, 1981. Applicant: STEWCO, INC., P.O. Box 728, Waskom, TX 75692. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. *Petroleum products and chemicals, in bulk, in tank vehicles,* between Caddo Parish, LA on the one hand, and, on the other, points in TX, LA, AR, KS, MO, IL, IN, OH, PA, WA, NJ, FL, VA, NC, SC, TN, GA, AL, MS, OK, KY, and CO; and from Greenville, MS to AL, LA, and AR. Supporting shipper: Atlas Processing, P.O. Box 3099, Shreveport, LA 71103.

MC 128868 (Sub-5–1TA), filed February 27, 1981. Applicant: TEXAS CONSTRUCTION SERVICE COMPANY OF AUSTIN, 15000 FM Road 1825, Round Rock, TX 78664. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768. *Limestone, in bulk,* from Bosque, Harris, Hill, McLennan and Travis Counties, TX to points in AR and LA. Supporting shippers: Austin White Lime Company, Box 9556, Austin, TX 78766. Tonk Products, Inc., P.O. Box 688, Crawford, TX. Chemical Lime Co., Box 12702, Ft. Worth, TX 76116.

MC 135691 (Sub-5–3TA), filed February 27, 1981. Applicant: DALLAS CARRIERS CORP., 12861 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 South 33rd St., P.O. Box 6645, Lincoln, NE 68506. *Fireplaces* from Dallas County, TX, to points in the U.S. Supporting shipper: National Fireplace, 1280 N. Greenville Avenue, Richardson, TX 75080.

MC 142872 (Sub-5–20TA), filed February 26, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Such Commodities as are used or dealt in by grocery and food business houses, and Equipment, Materials and Supplies used in the conduct of such businesses*—From points in OH and IL—To Los Angeles, CA; Dallas, TX; and, Memphis, TN—Restricted to the transportation of traffic originating at or destined to the facilities of The Kroger Company. Supporting shipper: The Kroger Company, 1014 Vine Street, Cincinnati, OH 45202.

MC 143433 (Sub-5–4TA), filed February 26, 1981. Applicant: B. L. GILBERT, an individual, d.b.a. GILBERT TRUCKING COMPANY, 310 South First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *Meat, meat products, meat by-products, articles distributed by meat packing houses, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766* (except hides and commodities in bulk) from points in KS to points in the US (except AK, HI, WA, OR, ID, MT, and WY), restricted to traffic originating at the facilities of Thies Packing Company. Supporting shipper: Thies Packing Company, 3215 East 6th, Topeka, KS 66607.

MC 144622 (Sub-5–71TA), filed February 27, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Candy, confectionery, and cough drops* between Reading, PA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Luden's Incorporated, 200 N. 8th Street, Reading, PA 19603.

MC 144622 (Sub-5–72TA), filed February 27, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Such commodities as are dealt in by wholesale, retail, and discount stores* between points in Chenango County, NY, on the one hand, and, on the other, points in CA and TX. Supporting shipper: Borden Chemical, 180 East Broad St., Columbus, OH 43215.

MC 144622 (Sub-5–73TA), filed February 27, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Such merchandise as is dealt in by wholesale and retail grocery stores* from (1) Columbus and Cincinnati, OH to Little Rock, AR; Los Angeles, CA; and Dallas, Houston, and San Antonio, TX.; (2) Albany, GA and Jackson, TN to Dallas, Houston, San Antonio, TX; Los Angeles, CA; Little Rock, AR; Ft. Wayne, IN; Peoria, IL, and Cincinnati and Columbus, OH.; (3) St. Louis, MO to Los Angeles, CA.; and (4) Points in FL to Dallas, Houston, and San Antonio, TX; Los Angeles, CA; Little Rock, AR; Ft. Wayne, IN; Peoria, IL; and Cincinnati and Columbus, OH. Supporting shipper: The Kroger Company, 1014 Vine Street, Cincinnati, OH 45201.

MC 146336 (Sub-5–6TA), filed February 27, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609–109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Contract, irregular; medicine, drugs and toilet preparations;* from Dallas, TX to all points in AR, LA, OK and TX. Supporting shipper: Osco Drug, Inc., 2401 Lunt Avenue, Elk Grove Village, IL 60007.

Note.—Traffic moving from Dallas to points in TX is shipped via rail TOFC from Chicago to Dallas preconsigned to the various representative points in TX.

MC 147156 (Sub-5–1TA), filed February 27, 1981. Applicant: MANUFACTURERS' MOBILE HOME TRANSPORT, INC., P.O. Box 1519,

Athens, TX 75763. Representative: Thomas F. Sedberry, P.O. Box 2185, Austin, TX 78768. *(1) Trailers designed to be drawn by passenger automobiles, and (2) buildings, in sections mounted on wheeled undercarriages,* between pts in Dallas County, TX, on the one hand, and, on the other, pts in AR, LA, NM and OK. Supporting shipper: Redman Homes, Inc., Grand Prairie, TX 75051.

MC 147196 (Sub-5–21TA), filed February 27, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, La. 70150. Representative: Donald A. Larousse P.O. Box 50262, New Orleans, La. 70150. Contract Irregular. *Iron and Steel Pipe, Casings, Fittings and Related Accessories* between Harrison County, TX on the one hand, and, on the other, the 48 states, under a continuing contract or contracts with Chickasaw Distributors, Inc., Houston, TX. Supporting shipper: Chickasaw Distributors, Inc., 800 Bering Drive, Suite 130 Houston, TX 77057.

MC 151364 (Sub-5–2TA), filed February 26, 1981. Applicant: SOUTHERN EXPRESS, INC., P.O. Box 1068, Cape Girardeau, MO 63701. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. *Printing paper,* from Harris County (Sheldon), TX, to Jefferson County (Louisville), KY. Supporting shipper: Standard Gravure, a subsidiary of Louisville Courier Journal & Times, 6th & Broadway Streets, Louisville, KY 40202.

MC 151519 (Sub-5–5TA), filed February 27, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Glass, bottles or containers;* from Corsicana, TX; Gulfport and Mineral Wells, MS to points in the U.S. Restricted to traffic originating at the facilities of the Chattanooga Glass Co. Supporting shipper: Chattanooga Glass Co., 45th St., Chattanooga, TN.

MC 153840 (Sub-5–1TA), filed February 27, 1981. Applicant: H. L. MCGEHEE, d.b.a. MEGEHEE'S TRUCKING COMPANY, 3619 North Pan Am, San Antonio, TX 78219.Representative: Timothy J. Herman, 522 First Federal Plaza, Austin, TX 78701. *Cheese and Cheese Products,* from Marathon, Taylor, Grant, Green, Dunn, Lafayette, Brown and Wood Counties, WI; Stephenson County, IL; Clark County, MO; and Clayton County, IA to pts in the U.S. (Except AK and HI). Supporting shipper: Milkhouse Cheese Corporation, 9119 South Gessner, #200, Houston, TX 77074.

MC 154114 (Sub-5–1TA), filed February 27, 1981. Applicant: POOL CHEMICAL, INC., P.O. Box 8, Texline, TX 79087. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Fertilizer,* 1) from pts in Jackson County, OK to pts in CO & TX; 2) from pts in Dallam County, TX to pts in CO; NM; OK & KS; 3) from pts in Rogers County, OK to pts in CO; TX; KS; AR & MO; 4) from pts in Mayes County, OK to pts in TX; KS & MO; 5) from pts in Castro County, TX to pts in NM & OK; 6) from pts in Woodward County, OK to pts in NE; CO; NM; TX; KS; AR & MO; 7) from pts in Beaver County, OK to pts in CO; NM; TX & KS; 8) from pts in Moore County, TX to pts in OK; 9) from pts in Hutchinson County, TX to pts in OK & KS and 10) from pts in Finney County, KS to pts in NE; CO & OK. Supporting shipper: Terra Chemicals International, Inc., P.O. Box 1828, Sioux City, IA 51102; Willard Grain and Feed, Inc., R.R. #2, Box 41, Celina, TX, Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101.

MC 154405 (Sub-5–1TA), filed February 26, 1981. Applicant: JAMES GOAD, d.b.a. JOPLIN PITTSBURG EXPRESS, Route 2, Box 4, Liberal, MO 64762. Representative: Bruce McCurry, Dickey, Allemann & McCurry, 910 Plaza Towers, Springfield, MO 65804. *General commodities (except Class A & B explosives and commodities in bulk in tank vehicles)* between Jasper County, MO on the one hand and Allen, Bourbon, Cherokee, Crawford, Labette and Neosho Counties, KS on the other hand. Supporting shippers: Pennington Drug Co., 5th and Grand, Joplin, MO 64801; Jack Ward Auto Trim and Glass Shop, 720 St. Louis, Joplin, MO 64801; 66 Truck and Foreign Salvage, Route 6, Box 77, Joplin, MO 64801; Joplin Supply Co., 4th & Michigan, Joplin, MO 64801.

MC 154419 (Sub-5–1TA), filed February 27, 1981. Applicant: PAUL GAILEY, P.O. Box 3703, Enid, OK 73701. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Beer,* between St. Louis, MO and Belleville, IL, on the one hand, and on the other, Ponca City and Enid, OK. Supporting shippers: 101 Beverage, Inc., 800 N. First, Ponca City, OK 74601; H & B Distributing Co., 517 N. Independence, Enid, OK 73701.

MC 154426 (Sub-5–1TA), filed February 27, 1981. Applicant: DITZFELD TRANSFER, INC., 104 West Pacific, Sedalia, MO 65301. Representative: Jeremiah D. Finnegan, Finnegan & Kopp, 501 East Armour Boulevard, Kansas City, MO 64109. Contract; Irregular. *Clothing and materials and supplies used in the manufacturing of clothing,* between Sedalia, MO on the one hand, and all points in KY, TN, VA, NC, SC, TX and NV, on the other hand. Supporting shipper: J. A. Lamy Manufacturing Company, 108 West Pacific, Sedalia, MO 65301.

MC 154428 (Sub-5–1TA), filed February 27, 1981. Applicant: JIM AND BEE, INC., P.O. Box 4077, Lone Star, TX 75668. Representative: William P. Parker, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Coal Tar Pitch Products and Coal Tar Pitch By-Products* between the facilities of Reilly Tar and Chemical Co. at or near Lone Star, TX on the one hand, and, on the other, points in AL, AR, CO, CA, KS, LA, MS, NM and OK. Supporting shipper: Reilly Tar and Chemical Co., P.O. Box 247, Lone Star, TX 75668.

The following protests were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 149138 (Sub-6–3TA), filed February 25, 1981. Applicant: CKM EXPRESS COMPANY, 4250 Oneida St., Suite 130, Denver, CO 80239. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Malt beverages and related advertising material,* from the facilities of Anheuser-Busch, St. Louis, MO to the facilities of Anheuser-Busch, Denver, CO for 270 days. Supporting shipper: Anheuser-Busch, Inc., Denver Beer Branch, 5180 Fox St., Denver, CO 80216.

MC 138904 (Sub-6–1TA), filed February 26, 1981. Applicant: CARGO AND TRANSPORTATION SERVICES, INC., 2622 McCormick Ave., Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *General commodities* (except Classes A and B explosives) between Scott City, KS and its commercial zone, on the one hand, and, on the other, Great Bend, Wichita, Atchison, Leavenworth and Garden City, KS and St. Joseph and Kansas City, MO and their commercial zones for 270 days. Applicant intends to tack this authority with its existing authority and to interline with other carriers. An underlying ETA seeks 120 days authority. Supporting shippers: There are 22 supporting shippers. Their statements may be examined at the office listed above.

MC 135989 (Sub-6–7TA), filed February 25, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative:

William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Contract* carrier, irregular routes: *Store fixtures and wall systems* from Muskegon, MI and Liberty, NC to points in AZ, CA, OR, WA and TX under continuing contract(s) with American Store Equipment Company for 270 days. Supporting shipper: American Store Equipment Company, 716 Nims, Muskegon, MI 49433.

MC 152242 (Sub-6–2TA), filed February 25, 1981. Applicant: STEVE W. GLEASON, 620 W. Market St., Aberdeen, WA 98520. Representative: (Same as applicant). *Commercial fertilizer,* between Hillsboro, OR, and Montesano, WA, for 270 days. Supporting shipper: Grays Harbor Grange Supply, Olympic Hy. & Hewitt St., Satsop, WA 98583.

MC 1515 (Sub-6–124TA), filed February 24, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same as applicant). *Common carrier;* regular routes: *passengers and their baggage and express and newspapers* in the same vehicle with passengers; between Oneonta, NY and the N.Y. State Thruway at Exit 19: From Oneonta, NY over NY State Route 28 to the N.Y. State Thruway (I–87) at Exit 19, for 180 days. Applicant intends to tack the authority here applied for to authority held in MC–1515. An underlying ETA seeks 90 days authority. There are 15 supporting shippers. Their statements may be examined at the office listed above.

MC 154406 (Sub-6–1TA), filed February 26, 1981. Applicant: H.S.C. LOGGING, INC., P.O. Box 306, Carson, WA 98610. Representative: Mr. Ottis D. Holwegner (same address as applicant). *Logging, Road Building, Farming Machinery and Equipment* between points in Klickitat, Skamania, Cowlitz, Yakima and Clark counties of WA on the one hand, and points in Multonomah, Marion, Lane, Hood River, Wasco and Eugene counties of OR on the other hand for 270 days. Supporting shipper: There are 8 supporting shippers. Statements may be examined at the Regional Office listed.

MC 147712 (Sub-6–21TA), filed February 25, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same as applicant). *Such commodities as are dealt in Grocery Stores or Food Business Houses, (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment),* Between points in the U.S. for 270 days. Supporting shipper: Arden Mayfair Markets, 6191 Peachtree, City of Commerce, CA 90040.

MC 146401 (Sub-6–2TA), filed February 25, 1981. Applicant: NEU-WAY, INC., 23720 72nd Ave., Langley, B.C. CD, V3A 4P9. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *Iron and Steel Articles and Fabricated Steel; Wire and Wire Rope on carriers; and Materials, Equipment and Supplies used in the manufacture and distribution of the same; Foodstuffs* between points in WA and Ports of Entry on the U.S./CD Boundary Line in WA on the one hand, and, on the other, points in WA, OR, CA, NV, AZ, ID, MT, CO, NM, WY, UT and Ports of Entry on the U.S./CD Boundary Line in WA for 270 days. Supporting shipper: Davis Wire Industries Ltd., 960 Derwent Way, Annacis Island, B.C.; Great West Steel Industries Ltd., 6010 Trapp Rd., Burnaby, B.C.; Neu-Way Distributing, 23720 72nd Ave., Langley, B.C.

MC 153833 (Sub-6–1TA), filed February 26, 1981. Applicant: POWELL-CHRISTENSEN, INC., d.b.a. GENERAL TRANSPORT CO., 501 East Main, Grandview, WA 98930. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Liquid fertilizer and fertilizer ingredients* from Umatilla County, OR to Benton County, WA, for 270 days. Supporting shipper: Custom Agricultural Service, Inc., P.O. Box 792, Paterson, WA 99345.

MC 154409 (Sub-6–1TA), filed February 25, 1981. Applicant: SABRE TRANSPORTATION, INC., P.O. Box 996, Bakersfield, CA 93302. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Transporting *corrosion inhibitors and crude oil treating compounds in bulk in tank vehicles* from Bakersfield, CA to points in WY for 270 days. Supporting shipper: C–E Natco Chemicals, P.O. Box 1854, Bakersfield, CA 93302.

MC 141867 (Sub-6–9TA), filed February 23, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as applicant). *Commodities dealt in or used by the manufacturers, retailers, wholesalers of building and construction products,* between points in the Seattle, WA commercial zone and points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Metal Building Insulation, 6838 S. 190th, Kent, WA 98031.

MC 142248 (Sub-6–1TA), filed February 25, 1981. Applicant: SPEEDY HEAVY HAULING, 2345 2nd Ave. "A", North, Leathbridge, AL, CN T1J3Z1. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. *Mercer* commodities, between ports of entry on the U.S.-Canada Boundary Line located in WA, ID, MT, and ND on the one hand and on the other points in CA, CO, ID, MT, ND, OK, SD, TX, UT, and WY for 270 days. ETA seeks 120 days authority. Supporting shipper: There are thirteen (13) supporting shippers. Their statements may be examined at the regional office listed.

MC 126327 (Sub-6–9TA), filed February 25, 1981. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Wooden louvered doors and moldings,* from Nampa, ID, to points in Maricopa County, AZ; and Los Angeles, Orange, and San Diego Counties, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Meridian Wood Products, Inc., P.O. Box 558, Nampa, ID 83651.

Agatha L. Mergenovich,
Secretary.

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[Volume No. 35]

Motor Carrier Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: March 5, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 297 (Sub-14)X, filed February 23, 1981. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 N.W., 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-8F certificate by (1) enlarging the commodity description from doors to door components to "building material", and (2) expanding its one-way authority to authorize radial service between (a) points in Washington, and points in Oregon, Idaho and Utah, and (b) points in Oregon, and points in Washington, Idaho, and Utah.

MC 3581 (Sub-31)X, filed February 23, 1981. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, NE., Suite 107, Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-1 certificate to (1) broaden the commodity description from automobiles, trucks, chassis, tractors and tractor attachments and accessories to "transportation equipment" (2) authorize radial service in the first portion of its authority between Fulton County, GA (for Hapeville, GA) and points in AL, FL, GA, MS, NC, SC, and TN and (3) remove the restriction against the transportation of shipments moving from Guntersville, AL, and Memphis, TN, which have previously moved to such points by barge and which have originated at Detroit, MI, or Toledo, OH, and are destined to any point in NC or SC.

MC 11207 (Sub-575)X, filed February 23, 1981. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Applicant seeks to remove restrictions in its lead and Sub-Nos. 359, 382, 415F, 524F, 525F, 537F, 557F, 566F, and 573F certificates to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except Classes A and B explosives)", in each certificate; (2) remove the restrictions limiting service to Montgomery and Uniontown, AL, for joinder only, in the regular route portion of the lead certificate, (3) authorize service at all intermediate points on described routes in AL, LA, and MS in the regular route portion of its lead certificate; (4) replace its facilities and/or cities with county-wide authority in its irregular route authorities: (a) named facilities in Tishomingo County, MS, with Tishomingo County, MS, in Sub-No. 359, (b) named facilities in Tishomingo and Alcorn Counties, MS, to Tishomingo and Alcorn Counties, MS, in Sub-Nos. 382 and 524F, (c) Canton, MS, with Madison County, MS, in Sub-No. 415F, (d) named facilities in Alcorn County, MS, with Alcorn County, MS, in Sub-No. 525F, (e) West Blockton and Brent, AL, with Bibb County, AL, in Sub-No. 537F, and (f) named facilities at or near Birmingham, Mobile, and McIntosh, AL, Baton Rouge, Port Allen, and St. Gabriel, LA, and Memphis, TN, with Birmingham and Mobile, AL, Washington County, AL, East Baton Rouge, West Baton Rouge, and Iberville Counties, LA, and Memphis, TN, in Sub-No. 557F; and (4) remove the AK and HI exceptions in Sub-Nos. 537F and 573F.

MC 24563 (Sub-39)X, filed February 20, 1981. Applicant: FRED STEWARD COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. Applicant seeks to remove restrictions in its Sub-Nos. 16F, 21F, 26F and 36F certificates to (1) change the commodity descriptions from liquid chemicals, in bulk, in tank vehicles to "chemicals and related products" in Sub-No. 16F and 26F; (2) eliminate the commodity restriction "in packages" in Sub-No. 21F, and "in bulk, in shipper owned trailers" in Sub-No. 36F; (3) broaden the territorial descriptions by removing the facilities restrictions at Columbia County, AR in Sub-No. 16F and 26F, and at Magnolia, AR and changing to county-wide authority Columbia County, AR in Sub-No. 36F; and (4) change one-way authority to radial authority between: Columbia County, AR and points in AL, LA, MS, MO, OK, TN, and TX in Sub-Nos. 16F and 26F; Union County, AR and points in LA, TX, OK, MS, TN, MO, and KY in Sub-No. 21F; and Columbia County, AR and those points in the U.S. on and east of U.S. Hwy 85 in Sub-No. 36F.

MC 32882 (Sub-156)X, filed February 20, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-No. 50 certificate to (1) "general commodities (except Classes A and B explosives)" from general commodities (except explosives, blasting supplies and motor vehicles); and (2) eliminate the restrictions in containers, and "having an immediately prior or subsequent movement by water".

MC 110191 (Sub-41)X, filed February 19, 1981. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, Norfolk, Virginia 23501. Representative: W. P. Davis, P.O. Box 1006, Norfolk, Virginia 23501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 17, 19, 20, 21, 22, 25, 37 and 40 certificates (1) by broadening the commodity description in its lead from general commodities with the usual exceptions to "general commodities except Classes A and B explosives"; in its Sub-No. 22 from margarine and in its Sub-No. 37 from non-alcoholic beverages to "food and related products"; (2) by authorizing service at all intermediate points along its regular routes between Virginia and New York; (3) by expanding irregular authority to appropriate countywide authority, in Sub-No. 17 from Ahoskie, NC, to points in Hertford County, NC; in Sub-No. 20 from Charleston, Clarksburg, Fairmont, Flemington, Huntington, Parkersburg, Princeton, and Morgantown, WV, to points in Cabell, Harrison, Kanawha, Marion, Mercer, Monogalia, Taylor and Wood Counties, WV; in Sub-No. 21 from named plantsite and storage facilities at Franklin, VA, to points in Isle of Wight and Southampton, VA; in Sub-No. 22 from named plantsite and storage facilities at Pennsauken, NJ, to points in Camden County, NJ, in Sub-No. 25 from Exmore, VA, to points in Accomack and Northampton Counties, VA; (4) by broadening in its lead and Sub-Nos. 20, 21, 22, 37, and 40 one-way authority on routes extending throughout the eastern United States; and (5) by removing restrictions in its lead limiting service to service for purposes of joinder only, and limiting service to points within a certain number of specified miles of New York, NY, Philadelphia, PA, Newark, NJ, Baltimore, MD, Washington, DC, Norfolk, VA, and points within Accomack and Northampton Counties, VA; in Sub-No. 17 limiting service to traffic originating at or destined to points north of the Maryland-Virginia State line and against the transportation of meats, etc. between New York, Newark, and Philadelphia; in Sub-No. 19 prohibiting service in bulk and that requiring special equipment, and having prior or subsequent motor movements from

Norfolk or Suffolk, VA, or a prior or subsequent rail or water movement from any point; in Sub-No. 20 limiting serivce against transportation of imported foodstuffs, requiring vehicles equipped with mechanical refrigeration, and restricting service to traffic originating at a namned plantsite and destined to name points; in Sub-No. 21 restrictive service to traffic originating at a named plantsite and destined to named points; in Sub-No. 22 requiring service in vehicles equipped with mechanical refrigeration; and in Sub-No. 25 restricting service to shipments originating at or destined to named facilities at Exmore, Va.

MC 117327 (Sub-9)X, filed February 25, 1981. Applicant: AIR CARGO TERMINALS, INC., 3163 Fairfax Trafficway, Kansas City, KS 66115. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead and Sub-No. 8 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in both certificates, (2) eliminate the restriction limiting service to traffic having an immediately prior or subsequent movement by aircraft in both Sub-Nos.; (3) replace airport designations of Mid-Continent Airport, Municipal Airport, the Kansas City International Airport, and the Fairfax (Field) Airport with the Kansas City KS-Kansas City, MO, commercial zone, in the lead and Sub-No. 8; and Lambert-St. Louis Municipal Airport with the St. Louis, MO-East St. Louis, IL, commercial zone in Sub-No. 8.

MC 119988 (Sub-277)X, filed February 19, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood (same as applicant). Applicant seeks to remove restriction in its Sub-Nos. 98, 155F, 172F, 174F, 191F, 197F, 215F, 247F, and 256F certificates to (1) delete the except commodities in bulk restriction in all Subs, (2) in Sub-No. 98(a) delete the restriction limiting transportation to traffic originating at or destined to named facilities, and (b) broaden the territorial description from one-way authority to radial authority between (1) points in TX (except Dallas, Fort Worth, Houston, San Antonio, and points in their respective commerical zones), and, points in AR, CO, (except Denver and points in its commerical zones), LA, and OK and (2) points in AR, CO (except Denver and points in its commerical zones), IA, KS, LA, MO, OK, and NE, and, points in TX (except Dallas, Fort Worth, Houston, San Antonio, and points in their respective commerical zones), (3) in Sub-No. 155F (a) broaden the territorial description by replacing city-wide authority of Hattiesburg, MS with county-wide authority in Forrest County, MS, deleting the facilities limitation, and replacing one-way authority with radial authority between points in AL, AK, CA, CT, FL, IL, IN, IA, KY, LA, ME, MD, MA, MI, MO, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WA, WV, and WI, and Forrest County, MS and Atlanta, GA, and (b) broaden the commodity description from such commodities as are dealt in by retail discount stores to such commodities as are dealt in by retail stores, (4) in Sub-No. 172F (a) broaden the commodity description from (1) play ground apparatus, wheel goods, and motorized bicycles, (2) parts and accessories for the above commodities and (3) materials, equipment and supplies to "transportation equipment and miscellaneous products of manufacturing," (b) delete the originating at and destined to named facilities restriction and replace city-wide authority with county-wide authority in Richland County, IL and Pulaski County, AR (5) in Sub-No. 174 (a) delete the restriction to transportation of traffic originating at or destined to named facilities, (b) broaden the territorial description from one-way authority to radial authority between the facilities of named shippers associations in GA, IL, MA, NJ, NC, and PA, and, points in TX; (6) in Sub-No. 191F (a) broaden the commodity description from adhesives, sealants, stains, and wood preservatives to "chemicals" in part (1), (b) remove the facilities limitation at Vancouver, WA and Los Angeles County, CA (c) remove the restriction against transportation to and from AK and HI, (7) in Sub-No. 197F delete the facilities limitation and originating at and destined to facilities at Houston, TX and in Dallas County, TX, (8) in Sub-No. 215F (a) delete the restriction against the transportation of frozen commodities, (b) delete the facilities limitation at Houston, and (c) broaden the territorial description from one-way authority to radial authority between Houston, and, points in AR, LA, OK, and NM, (9) in Sub-No. 247F (a) broaden the commodity description from such commodities as are dealt in or used by discount and variety stores to "such commodities as are dealt in or used by retail stores." (b) remove the restriction against transportation to and from AK and HI, (c) replace the facilities at Bentonville, Searcy, and Fort Smith, AR, Springfield, MO and Palestine, TX with county-wide authority in Benton and White Counties, and Fort Smith, AR, Green County, MO, and Anderson County, TX, repectively, and (d) broaden the territorial description from one-way authority to radial authority between points in the United States, and Benton and White Counties and Ft. Smith, AR, Green County, MO, and Anderson County, TX, and (10) in Sub-No. 256F (a) delete the facilities limitation at Houston, TX, (b) remove the restriction against transportation to and from AK and HI, and (c) broaden the territorial description from one-way authority to radial authority between points in the United States, and Houston, TX.

MC 121496 (Sub-60)X, filed February 23, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 20F certificate to (1) broaden the commodity description from chemicals, in bulk, to "commodities in bulk"; (2) broaden the territorial scope by replacing the facility at or near Taft, LA with Parish-wide and one-way with radial authority as follows: between points in St. Charles Parish, LA and points in TX.

MC 133897 (Sub-2)X, filed February 20, 1981. Applicant: MILLVILLE TRUCKING COMPANY, INC., P.O. Box 181, Millville, NJ 08332. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions from its lead and Sub-No. 1 permits by (1) broadening the territorial description in each permit to read "between points in the United States", under contract(s) with a named shipper; (2) boadening the commodity description in each permit from industrial sand, gravel, and clay to "clay, concrete, glass or stone products"; (3) removing the facilities limitation at Millville, NJ; in Sub-No. 1; and (4) removing the restriction against transportation to named facilities at Falls Townships, Bucks County, PA, in Sub-No. 1.

MC 134670 (Sub-7)X, filed February 20, 1981. Applicant: DIVERSIFIED TRANSPORTATION, INC., P.O. Box 1406, Mountain View, CA 94042. Representative: Wilmer B. Hill, 805 McLachlen Bank bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 3 and 6F certificates to (1) broaden the commodity description to (a) in Sub-No. 3, "chemicals and related products, and, instruments,

photographic goods and optical goods, and watches and clocks" from radiopharmaceuticals and radioactive chemicals, and diagnostic kits, and (b) in Sub-No. 6F, "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions); (2) in both certificates, eliminate the restriction against the transportation of traffic having a prior or subsequent movement by air; and (3) in Sub-Nos. 6 F, remove the weight restriction limiting traffic to that not exceeding 500 pounds from one consignor to one consignee on any one day.

MC 138144 (Sub-63)X, filed February 20, 1981. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 27F, 30F and 48 F certificates to (1) broaden the commodity description in its Sub 30F from "face brick and glazed structural facing tile" to "clay, concrete, glass or stone products;" and to broaden the commodity description in its Sub 48 F Certificate from "railroad ties, timbers, poles, pilings, and lumber" to "lumber and wood products"; (2) replace radial authority in the Sub 27F, 30 F and 48 F certificates where only one-way authority exists; (3) to substitute named counties for named cities: in the Sub 27F, Buchanan County, MO for St. Joseph, MO; and, in Sub 48F, Madison and Williamson Counties, IL for Madison and Cambria, IL, Marion, Monroe, Pike and Vigo Counties, IN for Indianapolis, Bloomington, Winslow and Terre Haute, IN; and Jefferson and Graves Counties, KY for Louisville and Mayfield, KY; (4) to remove restrictions against service from Sulphur Springs, MI and 3 MT Counties to points in 9 of the destination states, Sub 27F; (5) to remove an "originating at or destined to" restriction in the Sub 30 F.

MC 139211 (Sub-1)X, filed February 23, 1981. Applicant: VENETIAN TRUCKING CORP., 66 Wolf Avenue, Malverne, NY 11565. Representative: Morton E. Kiel, Suite 1632, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its lead permit to (1) broaden the commodity description from new furniture, used furniture and returned new furniture to "furniture and fixtures", and (2) expand its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

MC 141167 (Sub-10)X, filed February 23, 1981. Applicant: LANGDON TRANSPORTATION, INC., 5202 Industry Ave., Pico Rivera, CA 90660. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3F, 4F, 5, 6F, and 7F permits to (1) broaden the commodity descriptions to (1) "rubber and plastic products" from plastic cups, dishes, containers, and covers and other plastic food servers in part (1) of the lead, (2) "leather and leather products" from trunks, traveling bags, suitcases, and footlockers in part (2) of the lead, (3) "metal products, rubber and plastic products, textile mill products, and pulp, paper and related products" from hardware, plastic articles, fabric, steel, paper cartons, and other articles necessary in the manufacture of trunks, traveling bags, suitcases and footlockers in part (3) of the lead, (4) "textile mill products" from materials and supplies used in the manufacture of seat belts and of seat belt parts in Sub 3F, (5) "metal products" from coil steel, in vehicles equipped with mechanical refrigeration in Sub-Nos. 3F and 4F, (6) remove the restriction against the transportation of printed matter from points originating in KY, IL, IN, and OH, and heating and air conditioning equipment from points originating in OH in Sub-No. 5, and (7) authorize service between points in the U.S. under continuing contract(s) with named shippers in the permits named above.

MC 144789 (Sub-2)X, filed February 23, 1981. Applicant: ERNIES MOBILE HOME TRANSPORT, 5779 Feather River Blvd., Marysville, CA 95901. Representative: William D. Taylor, 100 Pine Street, San Francisco, CA 94111. Applicant seeks to remove restrtictions in its Sub-No. 1F certificate to (1) remove "in initial movements only" restriction from its authority to transport trailers in part (a), (2) remove the restriction limiting service to shipments originating at points of manufacture or assembly from its authority to transport buildings, in part (b), and (3) change the one-way authority to radial authority between CA and OR, and, CA, OR, NV, AZ, UT, ID, MT, and WA.

MC 145312 (Sub-5)X, filed February 23, 1981. Applicant: SUNBELT SYSTEMS TRANSPORT, INC., 1256 La Quinta Drive, Orlando, FL 33809. Representative: M. Craig Massey, 215 East Lime Street, P.O. Drawer 1109, Lakeland, FL 33802. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F permits, and in permit No. MC-139163 and Sub-Nos. 3, 6, 7, and 9 thereunder acquired in MC-FC-77804, to (1) broaden the commodity descriptions from such commodities as are dealt in or used by manufacturers of data processing equipment (except commodities in bulk, in tank vehicles) and copying machines, parts, materials and supplies to "machinery," and (2) broaden the territorial descriptions to authorize between points in the United States, under continuing contract(s) with named shippers.

MC 146890 (Sub-34)X, filed February 20, 1981. Applicant: C & E TRANSPORT, INC. d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburge, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 18F certificate to (1) remove the restriction against the transportation of "commodities in bulk in tank vehicles," (2) broaden the territorial description by (a) eliminating the "except AK and HI" restriction from its nationwide radial authority and (b) replace Des Plaines, with Cook County, IL.

MC 148405 (Sub-3)X, filed February 20, 1981. Applicant: BODIE CORPORATION, P.O. Box 7097, Long Beach, CA 90807. Representative: John C. Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Applicant seeks to remove restrictions from its Sub-No. 2 permit by (1) broadening the commodity description from sucker rods and accessories, and sub-surface pump barrels to "mercer commodities" and, (2) expanding the territorial description to between points in the U.S., under contract(s) with a named shipper.

MC 149192 (Sub-3)X, filed February 23, 1981. Applicant: JOHN T. SISTRUNK, d.b.a. J & S TRUCKING, Route 2, Box 288D, Auburn, AL 36830. Representative: William P. Sullivan, 818 Connecticut Avenue, NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description to "lumber and wood products" from wood chips, bark and sawdust, and, green rotary cut lumber, and (2) authorize service between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-7006 Filed 3-10-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 751-TA-3]

Potassium Chloride From Canada; Denial of Petition To Expand the Scope of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Denial of petition to expand scope of investigation No. 751-TA-3 on potassium chloride from Canada.

SUMMARY: This action notifies all interested persons of the denial of a petition filed on behalf of PPG Industries Canada Ltd., Kalium Division (PPG), requesting the Commission to expand the scope of investigation No. 751-TA-3 to include all exporters of potassium chloride from Canada currently covered by T.D. 69-265, the dumping finding at issue in this case. (T.D. 69-265 was originally published at 34 FR 19904 (Dec. 19, 1969).) The scope of the Commission review investigation of potassium chloride covers all Canadian producers of potassium chloride that have not previously been excluded from the scope of the order. It is the understanding of the Commission, at this time, that Texasgulf, Inc., is the only Canadian producer so situated.

U.S. Borax & Chemical Co. was exempted from the original finding when published in 1969; it was never covered by the order. The following companies—AMAX Potash, Ltd.; Brockville Chemical Industries, Ltd.; Central Canada Potash Co., Ltd.; Cominco, Ltd.; CF Industries, Inc.; Duval Corp. of Canada; Hudson Bay Mining and Smelting Co., Ltd.; International Minerals and Chemical Corp.; PPG Industries Canada Ltd., Kalium Division; Potash Co. of America; Potash Co. of Canada; Potash Co. of Saskatchewan; and Swift Canadian Co., Ltd.—were originally covered by the order; however, they have subsequently been excluded from the scope of the order by the Department of the Treasury (the administering authority of the dumping statute prior to the passage of the Trade Agreements Act of 1979).

To qualify for an exclusion, the administering authority requires that a company demonstrate that "any sales at less than fair value have been terminated for a substantial period of time," and that the company provide the administering authority with "assurances" that future sales will not be at less than fair value. 19 CFR 153.44.

PPG's petition was based entirely on the assumption that the companies excluded from the purview of T.D. 69-265 after providing the administering authority with assurances remain, nonetheless, subject to the order. PPG posited that the exclusion "with assurances" from the order was not a revocation of the T.D. 69-265; rather, it was a conditional revocation of a portion of the antidumping order, or a conditional exclusion from the order.

According to information received by the Commission staff from the U.S. Department of Commerce (the administering authority since the passage of the Trade Agreements Act of 1979), this premise is not correct. Commerce informed the Commission staff that it considers the exclusion of a company from an antidumping order, based on the absence of LFTV sales and pricing assurances, to be a revocation of the order as to that company, i.e., a partial revocation of the order. The absence of LTFV sales and the assuances are preconditions for qualification for a revocation, and no more. Commerce does not distinguish between an exclusion with assurances and a revocation.

In light of the information provided by Commerce to the Commission, the arguments and concerns expressed in PPG's petition become moot. Accordingly, the Commission denied PPG's request to expand the scope of investigation No. 751-TA-3 on potassium chloride from Canada.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-1627.

By order of the Commission.

Issued: March 4, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-7626 Filed 3-10-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-80]

Certain Airless Paint Spray Pumps and Components Thereof; Notice Amending Hearing Date

Notice is hereby given that the hearing schedule noticed in Order No. 6, issued December 30, 1980, is amended as follows:

Prehearing Conference and Hearing shall commence on March 31, 1981, at 10:00 a.m. in Suite 201, 1010 Wisconsin Avenue NW., Washington, D.C.

The Secretary shall serve a copy of this notice on all parties and publish it in the **Federal Register**.

Issued: February 27, 1981.

Judge Donald K. Duvall,

Presiding Officer.

[FR Doc. 81-7612 Filed 3-10-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-87]

Certain Coin-Operated Audio-Visual Games and Components Thereof; Termination of Universal Co., Ltd., Universal U.S.A., Inc., and Sunrise New Sound, Inc., as Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Termination of Universal Co., Ltd., Universal U.S.A., Inc., and Sunrise New Sound, Inc., as party respondents in the above-captioned investigation.

SUMMARY: Having determined that this matter is properly before the Commission and having reviewed the record in this investigation, including the recommendation of the presiding officer, the joint motion to terminate (Motion No. 87-15), and papers in support thereof, the Commission on March 3, 1981, granted a motion to terminate Universal Co., Ltd., Universal U.S.A., Inc., and Sunrise New Sound, Inc., as party respondents in Investigation No. 337-TA-87.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain coin-operated audio-visual games and components thereof. The complainant, Midway Manufacturing Co., and respondents, Universal Co., Ltd., Universal U.S.A., Inc., and Sunrise New Sound, Inc., jointly moved to terminate the investigation as to the above-named respondents on the basis of a license agreement entered into on October 10, 1980. The presiding officer certified the motion to the Commission on November 24, 1980, with her recommendation that it be granted. The Commission then published for comment in the **Federal Register** notice of the motion to terminate and a nonconfidential version of the settlement agreement forming the basis therefor.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission's Action and Order. Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56).

Copies of the Commission's Action and Order in this matter and any other

public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523–0148.

By order of the Commission.

Issued: March 5, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–7614 Filed 3–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–76]

Certain Food Slicers and Components Thereof; Termination of Albert E. Price, Inc. as Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Termination of Albert E. Price as a party respondent in the above-captioned investigation.

SUMMARY: Having determined that this matter is properly before the Commission and having reviewed the record in this investigation, including the recommendation of the presiding officer and the joint motion to terminate (Motion No. 76–13), and papers in support thereof, the Commission on March 2, 1981, granted a motion to terminate Albert E. Price, Inc., as a party respondent in Investigation No. 337–TA–76.

SUPPLEMENTARY INFORMATION: This investigation, under Section 337 of the Tariff Act of 1930, concerns alleged infringement of U.S. Letters Patent 3,766,817 by respondents E. Mishan and Sons, Albert E. Price Inc., Crest Industries Corporation, and Taiwan Timing Trading Co. The Commission instituted the investigation on December 4, 1979, and published notice thereof in the **Federal Register** on December 21, 1979 (44 FR 75733). On January 6, 1981, complainant Prodyne Enterprises, Inc., filed a motion (Motion No. 76–13) to terminate the investigation as to respondent Price on the basis of a settlement agreement entered into by Prodyne and Price on December 1, 1980. The presiding officer certified the motion to the Commission on January 19, 1981, and recommended that the motion be granted. The Commission published notice of a previous, very similar motion (Motion No. 76–1) to terminate the investigation as to respondent Price in the **Federal Register** on July 16, 1980 for public comment (45 FR 47770), and, in addition, requested comments from government agencies pursuant to 19 CFR 210.14(a)(2).

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission Action and Order. Such petitions must be in accord with Commission Rule 210.56 (19 CFR 210.56).

Copies of the Commission's Action and Order in this matter and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, Telephone (202) 523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523–0143.

By order of the Commission.

Issued: March 2, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–7615 Filed 3–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–54A]

Certain Multicellular Plastic Film; Commission Action and Order

Background

The U.S. International Trade Commission conducted investigation No. 337–TA–54A, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), to determine whether the process used by Huang Well Industrial Co., Ltd., of Taipei, Taiwan, to manufacture multicellular plastic film abroad would, if practiced in the United States, infringe claims 1 or 2 of U.S. Letters Patent 3,416,984.

Action

Having reviewed the record in this matter, the Commission on February 27, 1981, determined that the Huang Well process, if practiced in the United States, would not infringe claims 1 or 2 of U.S. Letters Patent 3,416,984.

Order

Accordingly, it is hereby ordered that—

1. Investigation No. 337–TA–54A is terminated as to all issues and all parties based on the Commission's determination that the process used by Huang Well Industrial Co., Ltd., to manufacture multicellular plastic film would, if practiced in the United States, not infringe claim 1 or 2 of U.S. Letters Patent 3,416,984; and

2. This Action and Order be published in the **Federal Register** and served, on each party of record in this investigation and upon the U.S. Department of Health and Human Services, U.S. Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

By order of the Commission.

Issued: March 3, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–7616 Filed 3–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–31 (Final) and 731–TA–33 (Final)]

Precipitated Barium Carbonate From the Federal Republic of Germany and Strontium Nitrate From Italy

AGENCY: United States International Trade Commission.

ACTION: Institution of final antidumping investigations.

SUMMARY: As a result of affirmative preliminary determinations by the United States Department of Commerce that there is a reasonable basis to believe or suspect that exports of precipitated barium carbonate form the Federal Republic of Germany and strontium nitrate from Italy are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission (hereinafter "the Commission") hereby gives notice of the institution of investigations Nos. 731–TA–33 (Final)—Precipitated Barium Carbonate from the Federal Republic of Germany—and 731–TA–31 (Final)—Strontium Nitrate from Italy—to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. For purposes of these investigations, precipitated barium carbonate and strontium nitrate mean those products provided for under items 472.06 and 421.74, respectively, of the Tariff Schedules of the United States (TSUS). These investigations will be conducted according to the provisions of part 207,

subpart C, of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457).

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, U.S. International Trade Commission, Room 348, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0312.

SUPPLEMENTARY INFORMATION: On October 24, 1980, the Commission unanimously determined, on the basis of the information developed during the course of investigations Nos. 731-TA-31 (Preliminary) and 731-TA-33 (Preliminary), that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of precipitated barium carbonate from the Federal Republic of Germany and strontium nitrate from Italy, provided for in items 472.06 and 421.74, respectively, of the TSUS, which were allegedly being sold in the United States at LTFV. As a result of the Commissions's affirmative preliminary determinations, the Department of Commerce continued its investigations into the question of LTFV sales. Unless the investigations are extended, the final LTFV determinations will be made by the Department of Commerce on or before May 4, 1981.

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of these investigations. A signed original and nineteen (19) true copies of each submission must be filed at the office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before May 14, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any submission of business information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of fact in each investigation will be available to all interested parties on April 29, 1981.

Public Hearing

The Commission will hold a public hearing in connection with these investigations on May 18, 1981, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10 a.m., e.d.t. Testimony will be received separately at the hearing for each investigation. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than close of business (5:15 p.m., e.d.t.), April 27, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10 a.m., e.d.t., on April 28, 1981, in Room 117 at the United States International Trade Commission Building. Prehearing statements must be filed on or before May 14, 1981.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a non-confidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearing, as would otherwise be provided for by rule 201.12(d). All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with rule 207.22. Posthearing briefs will also be accepted within a time specified at the hearing.

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458).

By order of the Commission.

Issued: March 3, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-7013 Filed 3-10-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-86]

Certain Shell Brim Hats; Commission Request for Comments Concerning Consent Order Agreement

AGENCY: United States International Trade Commission.

ACTION: Request for public comment on proposed consent order agreement.

SUMMARY: Commission acceptance of the consent order agreement that appears in full below would result in termination of this investigation. This notice requests comments on the agreement within thirty days.

DATES: Comments will be considered if received within thirty (30) days of this notice. Comments should conform with Commission rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0359.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) of alleged unfair methods of competition and unfair acts in the importation or sale of certain shell brim hats in the United States, the complainant and the Commission investigative attorney on January 22, 1981, moved to terminate this investigation on the basis of a consent order agreement (Motion No. 86-3). On February 4, 1981, the administrative law judge to which the case was assigned issued his recommendation that the Commission accept the consent order agreement and terminate the investigation. The consent order agreement printed below contains certain technical amendments that have not been reviewed by the ALJ.

The full text of the consent order agreement appears below:

Consent Order Agreement

I. Recitals

Zwicker Knitting Mills (Complainant) filed a complaint (the complaint) on May 4, 1980, with the United States International Trade Commission (Commission) under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) (section 337).

The Commission, having determined that it has jurisdiction over the subject matter alleged in the complaint and that the complaint states a cause of action under section 337, instituted investigation no. 337-TA-86, on June 20, 1980, and published a Notice of Investigation (45 FR 42094, June 25, 1980) to that effect.

The subject matter of this investigation is the alleged importation

and sale by Aris-Isotoner Gloves, Inc. and Aris (Philippines), Inc. (collectively respondents) of certain shell brim hats alleged to infringe the claims of U.S. Letters Patent 3,869,699 ('699 patent) owned by complainant, with the alleged effect or tendency to destroy or substantially injure an industry efficiently and economically operated in the United States.

Complainant, and respondents, desire to resolve the issues involved in the investigation before the ruling by the Commission on any findings of fact or conclusions of law and before the hearing or adjudication of any issue of fact or law related thereto.

M. Brooke Murdock is the Commission investigative attorney for the U.S. International Trade Commission appointed in the Notice of Investigation and represents the Commission as a party to this investigation.

II. Agreement

Now therefore in consideration of the foregoing, complainant, respondents, and the Commission investigative attorney, subject to approval by the Commission, agree to entry by the Commission of the following order. IT IS HEREBY ORDERED THAT:

1. *Jurisdiction.* The Commission has, and respondents concede that the Commission has jurisdiction of the subject matter of investigation and jurisdiction over respondents for purposes of issuing and enforcing this Consent Order.

2. *Settlement Purposes Only.* This Consent Order is for settlement purposes only and does not constitute a determination by the Commission or an admission by respondents that section 337 has been violated as alleged in the Complaint or Notice of Investigation, that there has been an infringement of U.S. Patent No. 3,869,699, owned by the complainant, or that said patent is valid in law.

3. *Applicability.* This Consent Order shall apply to respondents, singly and jointly, and to their respective officers, directors, employees, successors or assigns.

4. *Conduct Prohibited.* The respondents agree not to import or cause to be imported the shell brim hat product of the type which has been offered for sale and/or sold by the respondent as shown in exhibit 6 attached to the Complaint as filed.

5. *Service of Consent Order.* Respondents shall serve, within thirty (30) days after the effective date of this Consent Order, a copy of this Consent Order upon each of its officers and directors.

6. *Modification.* Any of the parties to this Consent Order may apply to the Commission at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Consent Order, for the amendment or modification of any of the provisions hereof, or for the enforcement or compliance herewith.

7. *Violations.* Any violation of this Consent Order may result in proceedings before the Commission to determine what, if any, action should be taken with respect to such violation including, an exclusion order, cease and desist order and possible fines.

If the Commission receives written notice that respondent is not complying with the Consent Order the Commission reserves the right to require the respondents to provide documents including, but not limited to, invoices, books and records, as requested by the Commission which relate to compliance or lack of compliance with this order as applies to the importation of the subject hats.

8. *Waiver.* The parties waive (1) further procedural requirements including the requirement that the Commission make a determination under section 337, (2) judicial review of this Consent Order, such waiver not to include any final Order made by the Commission as to compliance as referred to in section 7, (3) any requirement that the Commission decision contain findings of fact and conclusions of law, and (4) any other challenge or contest to the validity of this Consent Order, such waiver not to include any final Order made by the Commission as to compliance referred to in section 7.

9. *Termination.* This investigation is hereby terminated.

Comments Requested

In light of the Commission's duty to consider the public interest in its investigation, the Commission requests written comments from persons concerning the effect of the termination of this investigation based upon the consent order agreement upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. These written comments must be filed with the Secretary to the Commission no later than thirty days after publication of this notice in the **Federal Register**. The Commission will consider requests for oral argument or oral presentation on this matter if such requests are received in the Office of the Secretary not later than fifteen days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such request should be directed to the Secretary and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's office.

By order of the Commission.

Issued: March 2, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-7617 Filed 3-10-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-85]

Certain Slide Fastener Stringers and Machines and Components Thereof for Producing Such Slide Fastener Stringers; Termination of Investigation

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: Having reviewed the record of the investigation and the recommendation of the presiding officer, the Commission has voted to grant Motion Docket No. 85-7 and has ordered the termination of Investigation No. 337-TA-85, *Certain Slide Fastener Stringers and Machines and Components Thereof For Producing Such Slide Fastener Stringers,* as to all issues and all respondents.

PETITIONS FOR RECONSIDERATION: Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days after service of the Commission's Action and Order. Such petitions must be in conformity with § 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

SUPPLEMENTARY INFORMATION: This investigation was instituted on June 13, 1980 (45 FR 40242), following receipt of a complaint filed on behalf of Talon Division of Textron, Inc., a manufacturer of slide fastener stringers and machines and components thereof for producing such slide fastener stringers. The complaint alleged the violation of section 337 of the Tariff Act of 1930 with respect to the importation into the United States and sale of certain slide fastened stringers which were alleged to infringe claim 1 of U.S. Letters Patent 3,143,779, and of certain machines and

components thereof for producing such slide fastener stringers which were alleged to infringe claim 5 of U.S. Letters Patent 3,123,103. Named as respondents were Yoshida Kogyo K.K. and Y.K.K. (USA), Inc.

The complaint, *inter alia*, Requested that the Commission issue an order excluding the subject goods from importation into the United States during the pendency of the investigation. On August 21, 1980, the Commission voted to deny such temporary relief. In light of this vote and the impending expiration dates of the patents in issue, the parties concluded that the public interest could not be served by further pursuit of this investigation. Therefore, on December 5, 1980, they moved to terminate this investigation (Motion Docket No. 85–7). The presiding officer has recommended that the motion be granted and that the investigation be terminated.

Additional Information

The Commission's Action and Order, and all other public documents on the record of this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 226, Washington, D.C. 20436, telephone 202–523–0480.

By order of the Commission.

Issued: March 3, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–7618 Filed 3–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 22–43]

Certain Tobacco; Institution of Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 22(a) of the Agricultural Adjustment Act (7 U.S.C. 624(a)) to determine whether tobacco, currently provided for in items 170.3210, 170.3500, 170.6040, and 170.6045 of the Tariff Schedules of the United States Annotated (TSUSA), is being or is practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such domestic tobacco.

EFFECTIVE DATE: March 5, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William Lipovsky, 202–724–0097.

SUPPLEMENTARY INFORMATION:

Background

The current investigation (No. 22–43) is being instituted following receipt of a letter dated January 18, 1981, from the President requesting that the Commission make an investigation under section 22 of the Agricultural Adjustment Act to determine whether the above-described tobacco is being, or is practically certain to be, imported under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such domestic tobacco, and to report its findings and recommendations to the President at the earliest practicable date.

Prehearing Procedures

To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business on May 5, 1981. Copies of any prehearing briefs submitted will be available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with § 201.12(d) of the Commission's Rules of Practices and Procedure (19 CFR 201.12(d)), it is unnecessary to submit such a statement if a prehearing brief is submitted instead. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs.

A prehearing conference will be held on Thursday, April 23, 1981, at 9:00 a.m., e.s.t., in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined above.

Public Hearing

The Commission will hold a public hearing in connection with this investigation beginning at 10 a.m., e.d.t., on May 11, 1981, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) on April 22, 1981. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 204 (19 CFR Part 204) and Part 201 (19 CFR Part 201).

Written Submissions

In addition to or in lieu of an appearance at the hearing, interested persons may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Written statements should be addressed to the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, and must be received not later than May 18, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential must be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

By order of the Commission.

Issued: March 5, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–7619 Filed 3–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–39 (Preliminary)]

Tubeless-Tire Valves From the Federal Republic of Germany; Institution of Preliminary Antidumping Investigation and Scheduling of Conference

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with

material injury, or the establishment of an industry is materially retarded, by reason of imports from the Federal Republic of Germany of tubeless-tire valves allegedly sold or likely to be sold at less than fair value. For the purposes of this investigation, the term "tubeless-tire valve" means any tubeless-tire valve suitable for use with passenger automobile and light truck wheels,[1] provided for in item 692.32 of the Tariff Schedules of the United States.

EFFECTIVE DATE: February 24, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator (202–523–0439).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted following receipt of a petition on February 24, 1981, filed by Nylo-Flex Manufacturing Company, Inc., Mobile, Alabama. The petition requested the imposition of additional duties in an amount equal to the amount by which the foreign market value exceeds the United States price of tubeless-tire valves imported from the Federal Republic of Germany.

Authority

Section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) requires the Commission to make a dertermination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the administering authority. Such a determination must be made within 45 days after the date on which a petition is filed under section 732(b) or on which notice is received from the Department of Commerce of an investigation commenced under section 732(a). Accordingly, the Commission, on March 3, 1981, instituted preliminary antidumping investigation No. 731–TA–39. This investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457) and particularly, subpart B thereof.

Written Submissions

Any person may submit a written statement of information pertinent to the subject matter of this investigation to the Commission on or before March 23, 1981. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data". Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10:00 a.m., e.s.t., on March 17, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. John MacHatton (202–523–0439). It is anticipated that parties in support of the petition for antidumping duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of Petition

The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

By order of the Commission.

Issued: March 4, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–7620 Filed 3–10–81; 8:45 am]

BILLING CODE 7020–02–M

[1] Light trucks are defined, for purposes of this investigation, as trucks having a gross vehicle weight (GVW) of 10,000 pounds or less.

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. The Flintkote Company, et al. Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Final Judgment, Stipulations and Competitive Impact Statement, as set forth below, have been filed with the United States District Court for the District of Columbia in *United States v. The Flintkote Company, et al.*, Civil Action No. 80–2495. A separate stipulation between the United States, G. & W. H. Corson, Incorporated and IU International Corp. also filed with the court will result in the dismissal of the suit against those defendants if the court enters the decree.

The Complaint in this case alleged that the April 11, 1980, acquisition of the Home-Crete Division of Corson, a subsidiary of IU International, by Flintkote violated Section 7 of the Clayton Act, 15 U.S.C. Section 18. The Complaint further alleges that the acquisition may substantially lessen competition in the manufacture and sale of dry-mixed concrete products in two geographic markets: the Washington/Baltimore market and the Philadelphia/New York market.

The proposed Final Judgment requires Flintkote to divest itself of the Gibbsboro, New Jersey, dry-mixed concrete products plant acquired by it from Corson. If Flintkote does not accomplish this divestiture within six months of the date of entry of the Final Judgment, a trustee may be appointed to sell the plant; if the divestiture is not accomplished within one year, a trustee will be appointed. The proposed Final Judgment also requires Flintkote to make available up to 200,000 units annually of dry-mixed concrete products, bagged sand and bagged blacktop to certain actual or potential competitors. The proposed Final Judgment also bans certain additional acquisitions by Flintkote of dry-mixed concrete products manufacturers.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony V. Nanni, Chief, Trial Section, Antitrust Division, U.S. Department of Justice, 10th Street & Constitution Avenue, N.W., Room 3200, Washington, D.C. 20530, (telephone: 202/633–2541).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

In the United States District Court for the District of Columbia

United States of America, Plaintiff, v. *the Flintkote Company, et al.*, Defendants.

Civil Action No. 80–2495, Judge Johnson.

Filed: February 27, 1981.

Stipulation

It is stipulated by and between the undersigned parties, plaintiff United States of America and defendant The Flintkote Company, by their respective attorneys, that:

1. The parties consent that a final judgment in the form attached hereto may be filed and

entered by the court, upon the motion of either party or upon the court's own motion, at any time after compliance the with requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16) and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn it consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the court.

In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: February 27, 1981.

For the plaintiff: Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, Charles F. B. McAleer, Anthony V. Nanni, *attorneys, U.S. Department of Justice;* Robert E. Bloch, Robert J. Zastrow, Jr., Diane R. Kilbourne, *Attorneys, U.S. Department of Justice, Antitrust Division, Washington, D.C. 20530 (202) 633–2475.*

For the defendant: Lucian C. Jones, Shearman & Sterling, 53 Wall Street, New York, New York 10005, *Attorneys for the Flintkote Company (212) 483–1000;* Samuel K. Abrams, Jeffrey S. Holik, Baker & Hostetler, 818 Connecticut Avenue, N.W., Washington, D.C. 2006, *Attorneys for the Flintkote Company (202) 861–1500.*

In the United States District court for the District of Columbia

United States of America, Plaintiff, v. *The Flintkote Company, G. & W. H. Corson, Incorporated and IU International Corporation,* Defendants.

Civil Action No. 80–2405 (Johnson, J.).

Filed: February 27, 1981.

Stipulation

It is stipulated by and between the undersigned parties, plaintiff United States of America, and defendants G. & W. H. Corson, Incorporated and IU International Corporation, by their respective attorneys, that:

1. The parties consent to a discharge and dismissal with prejudice of defendants G. & W. H. Corson, Incorporated and IU International Corporation at the time the Court enters a final judgment in the above captioned matter.

2. In the event plaintiff withdraws its consent or if a final judgment is not entered in the above captioned matter, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

3. Defendants G. & W. H. Corson, Incorporated and IU International Corporation consent to the release to The Flintkote Company of the following documents which previously have been supplied to the United States Department of Justice: documents Nos. 2, 3, 4, 5, 6, 173, 181, 322, 332, 346, 388, 413; a document labeled "Distributor Price Sheet"; document No. 068; a memorandum with attachments addressed to Martin Cohen from Harold G. Gerber, dated August 2, 1978; and documents Nos. 369, 370, 376, 379, 380, 383, 384 and 385(c).

4. Defendants G. & W. H. Corson, Incorporated and IU International Corporation agree to use their best efforts in turning over to The Flintkote Company any strategic planning financial documents defendants may discover which are similar in subject matter to the documents listed in paragraph three.

5. Defendants G. & W. H. Corson, Incorporated and IU International Corporation state that to the best of defendants' information and belief, defendants have provided the United States Department of Justice with the financial information regarding the Gibbsboro, New Jersey plant, which was requested by the United States Department of Justice in its letter to A. D. Lagomarsino, President of G. & W. H. Corson, Incorporated, dated May 21, 1980.

For the Plaintiff: Sanford M. Litvack, *Assistant attorney General;* Joseph H. Widmar, Charles F. B. McAleer, Anthony V. Nanni, *Attorneys, U.S. Department of Justice;* Robert E. Bloch, Robert J. Zastrow, Jr. Diane R. Kilbourne, *Attorneys, U.S. Department of Justice, Antitrust Division, Washington D.C. 20530 (202) 633–2475.*

For the defendants: Joseph A. Artabane, J. David Officer, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, N.W., Suite 700, Washington, D.C. 20036 (202) 293–6300, *Attorneys for G. & W. H. Corson, Incorporated and IU International Corporation.*

February 27, 1981.

In the United States District Court for the District of Columbia

United States of America, Plaintiff, v. *THE FLINTKOTE COMPANY, et al.,* Defendants.

Civil Action No. 80–2405

Judge Johnson.

Filed: February 27, 1981.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on September 30, 1980, and each defendant, having appeared by its respective counsel and having filed its answer to said complaint, and plaintiff and defendant The Flintkote Company, by their respective counsel, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence against or an admission by any party with respect to any issue of fact or law herein:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby, Ordered, Adjudged, and Decreed:

I

This court has jurisdiction over the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendant under Section 7 of the Clayton Act (15 U.S.C. § 18).

II

As used in this Final Judgment:

A. "Flintkote" means the defendant The Flintkote Company, a wholly-owned subsidiary of Genstar Ltd., a Canadian corporation.

B. "Gibbsboro plant" means the plant, real property, capital equipment, and any other interests, assets or improvements associated with the facility for producing dry-mixed concrete products which is located in Gibbsboro, New Jersey and owned by Flintkote, including but not limited to the registered trademarks "Home Crete" and "Tru-Bond" and any rights which Flintkote may have to the trademark "Easy Crete". For purposes of this Final Judgment, trademarks and other industrial property rights owned by or licensed to Flintkote prior to April 11, 1980 (including but not limited to the registered trademarks "Sakrete", "Ultracrete", "top 'n bond", "Camel-Bond" and "Flintkote", the trademarks "Pour 'n Fill" and "Hide 'n Style" and trade secrets, patent applications and patents relating to vinyl concrete) shall not be regarded as associated with any facility for producing dry-mixed concrete products.

C. "Milford plant" means the plant, real property, capital equipment, and any other interests, assets or improvements associated with the facility for producing dry-mixed concrete products which is located in Milford, Virginia and owned by Flintkote.

D. "White Marsh plant" means the plant, real property, capital equipment, and any other interests, assets or improvements associated with the facility for producing dry-mixed concrete products which is located in White Marsh, Maryland and owned by Flintkote.

E. "Dry-mixed concrete products" means packaged combinations of (1) dry sand with dry portland or masonry cement or (2) dry sand and dry stone with dry portland cement which combinations are standard in the trade. The term "dry-mixed concrete products" includes products generally referred to in the trade as sand mix, concrete or gravel mix, mortar mix and vinyl concrete but does not include products generally referred to in the trade as special mixes, such as those made to meet a customer's specifications or the requirements of a particular industry.

F. "Independent buyer" means a person not owned by Flintkote, directly or indirectly, or, in the case of an individual, a person who is not an officer, director, employee or agent of Flintkote, which either (1) is know by, or hereafter becomes known by, Flintkote to be a manufacturer of dry-mixed concrete products in any of the states of Virginia, Maryland, Delaware, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Rode Island, Massechusetts or in the District of Columbia or (2) hereafter expresses in a writing addressed and delivered to Flintkote a good faith intention to commence such manufacture, provided that such person within a reasonable period of time (e.g., one year) thereafter proceeds in good faith to do so, as evidenced by acquiring

an interest in real estate for that purpose and commencing the construction of a facility for producing dry-mixed concrete products. At the date of entry of this Final Judgment, the independent buyers are those persons listed on Schedule I attached hereto.

G. "Dedicated product" means one or all of the products which Flintkote shall make available to independent buyers pursuant to Section VIII of this Final Judgment.

H. "Person" means any individual, partnership, association, firm, corporation, proprietorship, joint venture, or other legal or business entity.

III

This Final Judgment shall apply to the defendant Flintkote, its parent Genstar, to their subsidiaries, successors and assigns, to each of their officers, directors, agents and employees, and to all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

A. Flintkote shall divest itself within six (6) months of the date of entry of this Final Judgment of its entire interest in the Gibbsboro plant. Divestiture shall be made to a person or persons approved by plaintiff or, failing such approval, by the court and shall be made in a way that does not restrict or impair the ability of the purchaser to operate the Gibbsboro plant as a going concern in the manufacture and sale of dry-mixed concrete products.

B. Flintkote shall promptly begin to solicit offers to purchase the Gibbsboro plant by, among other things, advertising its availability in *Concrete Products* and the *Wall Street Journal*, and by sending written solicitations to each person listed on Schedule I attached hereto.

C. Flintkote shall furnish to all *bona fide* prospective purchasers (or to a trustee appointed under Section IV) on an equal and non-discriminatory basis all necessary information, including business records and such documents as have been released to Flintkote by defendants G. & W. H. Corson, Incorporated and IU International Corporation, regarding the Gibbsboro plant. Flintkote shall permit such prospective purchasers (or a trustee appointed under Section IV) to make such inspections as may be reasonably necessary, provided that Flintkote may schedule any such inspection in such a manner as will not unduly interfere with its business operations.

D. If Flintkote has not accomplished this divestiture within six (6) months, (1) Flintkote and plaintiff may, by a stipulation filed with this court prior to the expiration of such six (6) months, provide for Flintkote to have up to an additional six (6) months in which to consummate the divestiture or (2) Flintkote may petition this court for up to an additional six (6) months in which to consummate the divestiture. Plaintiff may oppose the petition and may petition this court for the appointment of a trustee.

E. If plaintiff petitions this court pursuant to Section IV.D. for the appointment of a trustee, then plaintiff and Flintkote shall promptly begin negotiations to identify a mutually acceptable candidate for trustee. Should the parties agree on such a candidate, the candidate's name will be submitted to the court; should the parties fail to agree on a candidate within fifteen (15) business days, then each party shall identify not more than two (2) candidates for trustee no later than two (2) weeks after such fifteen (15) business days and submit the names of such candidates to the court. After the names of such candidates have been submitted to the court, the court shall determine whether to grant the plaintiff's petition. If it grants the petition, it shall appoint a trustee from the candidates so named. Notwithstanding Flintkote's foregoing obligations, it may oppose the petition for appointment of a trustee under this Section IV.E.

F. If the six (6) months in which divestiture is to occur is extended as comtemplated by Section IV.D. and divestiture is not effected within two (2) months prior to the end of such extension, then plaintiff and Flintkote shall promptly begin negotiations to select a mutually acceptable trustee. Should the parties agree on a trustee, the trustee's name will be submitted to the court for approval. Should the parties fail to agree on a trustee prior to the end of such extension, then each party shall nominate not more than two (2) candidates for trustee no later than two (2) weeks after the end of such extension. Thereafter, the court, upon application of either party, shall appoint a trustee from the candidate nominated by plaintiff and Flintkote.

G. The purpose of a trust established pursuant to Section IV.E. or F. shall be the prompt sale of the Gibbsboro plant in accordance with the provisions of this Final Judgment. Such sale must be approved by this court. The trustee shall have all powers necessary and proper to accomplish the purpose of the trust. The trustee shall serve at the expense of Flintkote on such terms and conditions as this court may set and shall account for all monies derived from the sale and all expenses incurred. After approval by this court of the account of the trustee, including fees for the trustee's services, all remaining monies shall be paid to Flintkote and the trust shall be terminated. Upon the appointment of a trustee, Flintkote shall use its best efforts to assist the trustee to accomplish the purpose of the trust. If the trustee has not sold the Gibbsboro plant within two (2) years after its appointment, the trustee shall thereupon promptly file with the court a report setting forth (1) the trustee's efforts to sell the plant, and (2) the trustee's recommendations. The trustee shall at the same time furnish a copy of its report to both parties, who shall each have the right to be heard and to make additional recommendations. The court shall thereafter enter such orders as it shall deem appropriate.

H. Nothing in this Final Judgment shall prohibit Flintkote from securing full payment for the purchase of the Gibbsboro plant by retaining, accepting, enforcing and settling a *bona fide* lien, mortgage, deed of trust or other form of security on all or any part of the Gibbsboro plant, provided that the purchaser of the Gibbsboro plant shall have requested that Flintkote extend credit to the purchaser in connection with that purchase. If, after divestiture of the Gibbsboro plant, Flintkote by enforcement or settlement of such security reacquires ownership or control of the Gibbsboro plant, Flintkote shall notify the plaintiff of such event and Sections IV, V, VI and VII shall again become applicable to Flintkote with the same effect as if this Final Judgment were entered on the date of such reacquistion, except that a trustee shall promptly be appointed pursuant to the procedure set forth in Section IV.F.

I. At the request of the purchaser of the Gibbsboro plant, Flintkote will use its best efforts to negotiate with that purchaser a written contract pursuant to which Flintkote will purchase annually from that purchaser, at a reasonable market price and upon reasonable terms and conditions, up to 400,000 units of dry-mixed concrete products produced at the Gibbsboro plant. Agreement by that purchaser to such a contract shall not be a condition of Flintkote's (or the trustee's) sale of that plant.

V

After the divestiture under Section IV is consummated, no officer, director, agent or employee of Flintkote shall, at the same time, be an officer, director or employee of the purchaser of the Gibbsboro plant.

VI

A. Flintkote shall promptly report the details of any proposed sale of the Gibbsboro plant and produce all relevant documentation to the plaintiff.

B. Following the receipt of any plan of sale, plaintiff shall have fifteen (15) business days in which to object to the proposed sale by written notice to Flintkote or to request additional information from Flintkote. If plaintiff so requests additional information from Flintkote, then Flintkote shall promptly furnish to plaintiff all requested information that it can along with a statement identifying the requested information not furnished and the reasons the information was not furnished. Plaintiff shall have fifteen (15) business days from the date of its receipt of such response to so object to the proposed sale. If plaintiff does not object to the proposed sale as provided herein, it may be consummated after notice of the proposed sale is given to the court. If plaintiff does so object, the proposed sale shall not be consummated until Flintkote obtains the court's approval of the proposal sale or until plaintiff withdraws its objection.

C. Flintkote shall maintain records of its efforts to sell the Gibbsboro plant, whch shall include (1) identification of all persons to whom Flintkote has offered to sell the plant or who expressed to Flintkote an interest in purchasing the plant; (2) the terms and conditions of each offer to sell or purchase; and (3) all correspondence between Flintkote and the prospective purchasers.

D. At the conclusion of each sixty (60) day period from entry of this Final Judgment until divestitute has been completed, and at the time that Flintkote reports to plaintiff regarding a plan of sale, Flintkote (1) shall file with this court and serve on the plaintiff an affidavit as to the fact and anner of compliance with Sections IV.A., IV.B. and

IV.C. and (2) shall furnish to plaintiff documents relevant thereto. Such affidavit shall include, among other things, a list of persons whom Flintkote contacted or who contacted Flintkote in connection with the contemplated sale of the Gibbsboro plant and a copy of any advertisement which Flintkote has placed in connection with the sale. Such documents shall include a description of the consideration offered by any prospective purchaser or the consideration which Flintkote has asked a prospective purchaser to provide and copies of the documents described in Section VI.C.

VII

Flintkote shall not cause or permit the destruction, removal or impairment of any of the assets to be divested in accordance with Section IV of the Final Judgment except in the ordinary course and operation of Flintkote's business and except for normal wear and tear. Prior to such divestiture, Flintkote shall continue the normal business operations of the Gibbsboro plant as presently conducted (including the continued use of the trademarks "Home Crete", "Easy Crete" and "Tru-Bond") and shall maintain the personnel, assets and working capital for the Gibbsboro plant at a level commensurate with its normal and seasonal level of business activity.

VIII

For so long as the Milford plant is under the direct or indirect ownership or control of Flintkote, Flintkote shall make available to independent buyers in accordance with the following procedures (1) for the period April 1, 1981 to December 31, 1981, 175,000 units of one or more dry-mixed concrete products, bagged sand or bagged blacktop produced at either the Milford plant or the White Marsh plant and (2) for each of the years 1982 through 1990, inclusive, 200,000 units of such products, sand or blacktop, in each case for delivery from Flintkote's White Marsh, Maryland, or Milford, Virginia, plant or plants, as the case may be, at which the particular dedicated product is produced:

A. Except for the year 1981, Flintkote shall, during or before the three (3) months immediately preceding each calendar year (hereinafter the "Offering Period"), solicit orders from independent buyers for all or part of the dedicated product for that year and offer to sell such dedicated product to the independent buyers at a reasonable price and on reasonable terms and conditions consistent with the price and delivery provisions of Section VIII. To satisfy its obligations under this subparagraph, Flintkote shall, among other things, send to each independent buyer a notice soliciting such orders; making such offer and describing the terms of this Section VIII. and advertise the availability of the dedicated product in *Concrete Products* and the *Wall Street Journal*. Such advertisements of availability of the dedicated prodcut shall appear monthly in *Concrete Products* during the Offering Peirod, and in the *Wall Street Journal* on the first and third Monday of each month during the Offering Period. The advertisements in each publication shall be in at least 10 point boldface print and shall occupy at least four square inches.

For the year 1981, Flintkote shall solicit such orders in the manner prescribed herein in the months of April and May, which two months shall constitute the Offering Period for 1981.

B. At its option, Flintkote may limit the purchases by independent buyers (1) of vinyl concrete in a given year to a maximum of 25 percent of the units of dedicated product to be made available in that year, (2) of dedicated products to be delivered from the Milford plant to 23,000 units in any month (or to the ratable portion of 23,000 units for part of a month) and (3) of dedicated products to be delivered from the White Marsh plant to 27,000 units in any month (or to the ratable portion of 27,000 units for part of a month).

C. A particular dedicated product which is at the time being produced by Flintkote at both the White Marsh plant and the Milford plant is herein called a "two-plant product". Subject to Section VIII.B., a two-plant product shall be made available for delivery from either plant, or both, at the option of the independent buyer(s). Should Flintkote determine in good faith that it cannnot make that two-plant product available from the plant so specified by the independent buyer(s), then Flintkote may make that two-plant product available from the White Marsh plant, if the independent buyer(s) specified the Milford plant, or vice-versa. In each such circumstance Flintkote will absorb any increased transportation costs that would not otherwise have been incurred by the independent buyer(s).

D. Any independent buyer who wishes to purchase dedicated product offered pursuant to Section VIII.A. Shall submit to Flintkote either a written acceptance of Flintkote's offer or a written offer expressing the independent buyer's willingness to purchase during that year a specified quantity of the dedicated product at a specified price and on specified terms and conditions. Any such acceptance or offer must be submitted before the end of the calendar month immediately following the Offering Period. Flintkote shall enter into final agreements seriatim to sell to one or more of those independent buyers at a reasonable market price all dedicated product so offered for which Flintkote received either such acceptances or such offers to buy at a reasonable market price and on reasonable terms and conditions consistent with the price and delivery provisions of Section VIII. Such agreements shall be entered into in the order in which these acceptances or offers are received. Flintkote shall not in any event be obligated to enter into any agreement with any independent buyer to sell more dedicated product in a particular year than the number of units of dedicated product for that year which remain uncommitted immediately before that agreement is made. Nor shall Flintkote in an event be obligated to sell or agree to sell on credit to any independent buyer whose credit standing is determined in good faith to be unsatisfactory on the basis of Flintkote's credit standards as previously applied to comparable customers for comparable sales.

E. The dedicated product shall be made available in whatever bag size is specified by the independent buyer(s), provided such size is within a range from 20 pounds to 90 pounds, inclusive, for dedicated product to be produced at the Milford plant and within a range from 10 pounds to 90 pounds, inclusive, for dedicated product to be produced at the White Marsh plant. The legends appearing on bags of dedicated product shall be specified by the independent buyer(s), provided that such legends do not violate and statutory or other legal requirements, or use any trademark which is the property of Flintkote, either as the trademark owner or as the trademark licensee. Flintkote may require any independent buyer to obtain and furnish to Flintkote in timely fashion bags to contain dedicated product. Flintkote may require that those bags conform to reasonable and appropriate quality, safety and other requirements (including specification requirements so that the bags may be filled efficiently at the White Marsh or Milford plant, as the case may be) and that those bags be suitably weather-wrapped on pallets for outdoor storage.

F. The price at which Flintkote may sell dedicated product shall be as follows:

1. To the extent that an agreement to sell dedicated product to an independent buyer calls for Flintkote to deliver that product in a standard bag size of the same weight as is then produced at the plant at which such dedicated product is to be produced, the price for any delivery pursuant to that agreement shall be no greater than the lowest price (including all applicable discounts, whether appearing on a price list of not, and pallet or freight allowances or concessions) at which Flintkote shall have agreed during the three months immediately preceding that delivery to sell a similar quantity of the same product to another Flintkote customer for delivery on a comparable basis in the same geographic delivery zone specified by the independent buyer or on an F.O.B. basis, as the case may be.

2. To the extent that an agreement to sell dedicated product to an independent buyer calls for Flintkote to deliver that product in a bag size other than one described in 1. above, then the price for any delivery pursuant to that agreement shall be a reasonable one agreed upon by Flintkote and the independent buyer.

3. An independent buyer which has agreed to purchase dedicated product for Flintkote under this Section VIII. shall have the option at all times during which that dedicated product is to be purchased to have the product either delivered by Flintkote or made available on an F.O.B. basis.

G. Flintkote's obligations under Section VIII.A. and VIII.D. shall be satisfied for any Offering Period if Flintkote and one or more independent buyers, prior to the commencement of the Offering Period, execute supply contracts for the entire amount of the dedicated product for the calendar year following that Offering Period, provided such contracts comply with the requirements of Sections VIII.C., F. and J.

H. Any supply contract entered into between Flintkote and an independent buyer may provide that Flintkote's obligations are subject to force majeure.

I. Flintkote shall record (and shall maintain the data so recorded): (1) the total units of dry-mixed concrete products produced by each of the Milford and White Marsh plants, by product and calendar year up to and including 1980; and (2) the total units of dedicated product sold to each independent buyer from each of the Milford and White Marsh plants, by product, for each calendar year up to and including 1980. Flintkote shall also maintain copies of all correspondence regarding dedicated product which Flintkote sends to or receives from any person to whom Flintkote offers to sell or sells dedicated product pursuant to Section VIII, or sends to or receives from any person who contacts Flintkote in connection with a contemplated purchase of dedicated product pursuant to Section VIII. At the end of each calendar year, Flintkote shall report to plaintiff the identity of each independent buyer, the number of units and type of product purchased by each independent buyer, and the Flintkote plant which provided the products purchased.

J. Flintkote is enjoined from directly or indirectly entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program or conspiracy to:

1. share in the profit realized by any independent buyer from the resale of dedicated product purchased from Flintkote;

2. provide for the price of dedicated product sold by Flintkote to any independent buyer to vary in relation to the selling price or margin or net realization of the independent buyer on its resale of dedicated product;

3. furnish to or receive from any independent buyer to which Flintkote has sold or contracted to sell dedicated product any information pertaining to:

a. the cost of production or of sale to others of dedicated product (other than information necessary to comply with Section VIII. C.); or

b. the sale price or the price realized by the independent buyer from the resale of dedicated product purchased from Flintkote.

IX

Flintkote is enjoined from acquiring, directly or indirectly, without plaintiff's consent any equity interest in any person engaged in the manufacture of dry-mixed concrete products, if such person owns a facility for the manufacture of dry-mixed concrete products located in: Virginia, Maryland, the District of Columbia, Pennsylvania, New Jersey, Delaware, New York, Connecticut, Rhode Island or Massachusetts. Flintkote is further enjoined from acquiring, directly or indirectly, without plaintiff's consent the assets of any facility that manufactures dry-mixed concrete products located in the geographic areas enumerated in this Section.

X

A. Flintkote shall require, as a condition of the sale or other disposition of all, or substantially all, of the total stock or assets of its dry-mixed concrete products business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the court, and serve on the plaintiff, its consent to be bound by this Final Judgment.

B. As a condition of the sale of the White Marsh and Milford plants to the same person, Flintkote shall require that the acquiring party agree to be bound by the provisions of Section VIII. The acquiring party shall file with the court, and serve on the plaintiff, its consent to be bound by Section VIII.

XI

For the purpose of securing or determining compliance with this Final Judgement, and subject to any legally recognized privilege:

A. Any duly authorized representative or representatives of the Department of Justice shall, upon written request by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Flintkote made to its principal office, be permitted:

1. access during the office hours of Flintkote, which may have counsel present, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Flintkote relating to any matters contained in this Final Judgment; and

2. subject to the reasonable convenience of Flintkote and without restraint or interference from it, to interview officers or employees of Flintkote, who may have counsel present, regarding any such matters.

B. No information or documents obtained by the means provided in Section XI hereof shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

C. If at the time information or documents are furnished by Flintkote to plaintiff, Flintkote represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Flintkote marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by plaintiff to Flintkote before divulging such material in any legal proceeding (other than a grand jury proceeding) to which Flintkote is not a party.

XII

Jurisdiction is retained by this court for the purpose of enabling any of the parties to this Final Judgment to apply to this court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XIII

Except to the extent a shorter period is specified herein, this Final Judgment shall be in effect until December 31, 1990, at which time this Final Judgment shall terminate.

XIV

Entry of this Final Judgment is in the public interest.

Schedule I

Ace Crete Products, Inc., Bayville, NJ
Bell Concrete, Middlesboro, KY
Buffalo Dry Mix Co., Steelawan Avenue, Buffalo, NY
Burrell Construction & Supply Co., One Fifth Street, New Kensington, PA 15068
Capital Quikrete, 8401 Kirby Road, Clinton, MD 20735
Cisco Company, P.O. Box 134, Highway 460, Pounding Mill, Va 24637
Cleveland Builders Supply Co., Cleveland, OH
Connecticut Dry Mix Co., Green Hollow Road, Wauregan, CT 06387
Construction Products, Inc., P.O Box 368, Hooksett, NH 03106
Cushing Redi-Mix, Sacandaga Road, Scotia, NY
W. F. Saunders & Sons, Inc., Drawer A, Nedrow, NY 13120
Set Products, 2224 Fairhill Road, Cleveland, OH 44106
Stamm Supply, Inc., 357 Main Street, Turbotville, PA 17772
Union Sand & Supply Co., Painesville, OH
B. Vitalini, Inc., 12 South Free Street, Milford, MA
Watta-Crete Company, Inc., Clayton Road, Canaan, CT 06018
James River Limestone Co., Buchanan, VA 24066
F. B. Jones Co., 69 Norman Street, Everett, MA 02148
Lee Lime Corporation, P.O. Box 803, Lee, MA 01238
Muti-Crete Sales Co., Utica, NY 13501
Pennsylvania Supply, Harrisburg, PA
Quikrete Co., 6225 Huntley Road, Columbus, OH 43229
Quikrete Div.-Package Pavement Co., Stormville, NY
Quikrete of Virginia, 3412 Virginin Beach Blvd., Norfork, VA 23502
Quikrete of West Virginia, Charleston, WV 25103
Ralph Coal & Supply Co., Toledo, OH
Redi-Crete Corp. 150 Gold Mine Road, Flanders, NJ

In the United States District Court for the District of Columbia

United States of America, Plaintiff, v. *The Flintkote Company, et al.*, Defendants.
Civil Action No. 80-2495.
Judge Johnson
Filed: February 27, 1981.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

On September 30, 1980, the United States filed a civil antitrust complaint under Section 15 of the Clayton Act, 15 U.S.C. 25, challenging the acquisition of the Home-Crete

Division of G. & W. H. Corson, Incorporated ("Corson") by The Flintkote Company ("Flintkote") as a violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The complaint alleged that the acquisition eliminated actual and potential competition between Flintkote and Corson in the production and sale of dry-mixed concrete products; that competition generally in the production and sale of those products may be substantially lessened; and that concentration in the production and sale of those products may be substantially increased. The complaint alleged that the acquisition would have these effects in two geographic markets: the Washington/Baltimore market, consisting of the cities of Washington, D.C., Baltimore, their surrounding metropolitan areas and various intermediate points; and the Philadelphia/New York market, consisting of the cities of Philadelphia, New York City, their surrounding metropolitan areas and various intermediate points. The complaint sought divestiture of the two plants acquired by Flintkote from Corson located in Milford, Virginia (near Fredericksburg) and Gibbsboro, New Jersey (near Camden), or in the alternative, sought recission of the transaction. In addition, the complaint sought a ban on further acquisitions by Flintkote of dry-mixed concrete products manufacturers in the northeastern United States.

The United States and Flintkote have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the proposed Final Judgment will terminate this action, except that the court will retain jurisdiction to construe, modify or enforce the proposed Final Judgment. The stipulation between Flintkote and plaintiff will no longer be in effect upon entry of the proposed Final Judgment. A separate stipulation between the United States and defendants Corson and IU International Corp. will result in the dismissal of this action against those defendants if the court enters the proposed Final Judgment.

II. Description of Practices Involved in the Alleged Violation

On April 11, 1980, Flintkote acquired Corson's Home-Crete Division for total consideration in excess of $1.9 million. Before that date, Flintkote and Corson competed in the manufacture and sale of dry-mixed concrete products. These products are packaged and dried combinations of cement and sand, or cement, sand and stone. They are used for a number of purposes, including cementing bricks, repairing concrete structures, and building small concrete structures.

Before April 11, 1980, Flintkote was the largest and Corson was the second largest manufacturer of dry-mixed concrete products in the northeastern United States. Flintkote owned two plants that competed with Corson's plants, and they were located in Kenvil, New Jersey (west of New York City) and White Marsh, Maryland (near Baltimore). Flintkote's total 1979 sales of dry-mixed concrete products were approximately $15.5 million, and Corson's 1979 sales of these products were approximately $2.1 million. Flintkote's 1979 market share in the Washington/Baltimore market was approximately 67 percent, and Corson's share was approximately 28 percent. In the Philadelphia/New York market, Flintkote's 1979 share was approximately 68 percent and Corson's share was approximately 9 percent.

III. Explanation of the Proposed Final Judgment

Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the court that it is in the public interest.

A. Divestiture

The proposed Final Judgment requires Flintkote to divest itself, by its own efforts, of its entire interest in the Gibbsboro plant within six months from the date of entry of the Final Judgment. If Flintkote cannot accomplish this divestiture within six months, it may petition the court for up to another six months; plaintiff, however, may oppose the petition and seek the appointment of a trustee to sell the plant. divestiture must be made to a person approved by the plaintiff, or failing such approval, by the court. Any divestiture must be accomplished in a way that does not impair the ability of the purchaser of the Gibbsboro plant to operate as a going concern in the manufacture and sale of dry-mixed concrete products.

If Flintkote does not divest the Gibbsboro plant within one year, or if the court grants plaintiff's petition for appointment of a trustee, a trustee will be appointed to sell the plant. Should this event occur, the trustee shall have full power to dispose of the plant in accordance with the provisions of the Final Judgment subject to the court's approval. Flintkote will pay the expenses of the trustee and will assist it in bringing about a sale.

In order to advertise the availability of the plant, Flintkote must, among other things, place advertisements in publications that are likely to reach potential purchasers, as well as notify certain manufacturers of dry-mixed concrete products who may have an interest in purchasing the plant. Flintkote must also report periodically to plaintiff regarding the status of its efforts to sell the Gibbsboro plant. When a purchaser is found, the details of the proposed sale must be reported to the plaintiff. In addition, plaintiff will have time to investigate the proposed transaction and to seek additional information from Flintkote. Should plaintiff object to a sale, it cannot be consummated until plaintiff withdraws its objection or the court approves the sale.

Flintkote has also agreed to use its best efforts to negotiate a contract to purchase up to 400,000 units annually of dry-mixed concrete products at a reasonable market price from the purchaser of the Gibbsboro plant. The purchaser is not required to enter into such a contract as a condition of sale of the plant, and is free to accept or reject this offer.

The Final Judgment also contains provisions which are designed to ensure that divestiture will be effective. Flintkote must, for example, continue to use the trademarks acquired by it from Corson, and must also maintain the personnel, assets and working capital of the Gibbsboro plant at a level commensurate with its normal and seasonal business activity. In addition, the Final Judgment provides that after the divestiture is consummated, no officer, director, agent, or employee of Flintkote shall be at the same time an officer, director, or employee of the purchaser of the Gibbsboro plant. This provision is designed to ensure that the divested plant operates independently of Flintkote's control.

B. Dedicated Product

In each year from 1982 through and including 1990, Flintkote is required to make available 200,000 units of dry-mixed concrete products, bagged sand and bagged blacktop for delivery from either of the two Flintkote plants that serve the Washington/Baltimore market, namely, the White Marsh, Maryland plant and the Milford, Virginia plant. In 1981, Flintkote must make available 175,000 units of these products. The proposed Final Judgment refers to this output which Flintkote shall make available as "dedicated product," and the class of persons who are entitled to purchase the dedicated product are defined as "independent buyers." Those persons are actual or potential competitors of Flintkote, and they must either own a dry-mixed concrete products manufacturing facility in Virginia, Maryland, Delaware, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts or in the District of Columbia, or must have expressed a good faith intention to begin manufacturing such products in one of those areas. An independent buyer cannot be a company which is owned by Flintkote, either directly or indirectly. The purpose of this provision is to strengthen Flintkote's present competitors, or to induce persons who are not competitors of Flintkote in the Washington/Baltimore or Philadelphia/New York markets to become competitors.

Flintkote must make available 27,000 units per month from the White Marsh plant and 23,000 units per month from the Milford plant. The dry-mixed concrete business is a seasonal one, and most of the sales of these products occur during the spring and summer months. Thus, this provision ensures that all of the dedicated product will be made available to Flintkote's actual or potential competitors during those months if the independent buyers so desire. In addition, a portion of the units of dedicated product will consist ov vinyl concrete. Products such as vinyl concrete, which many manufacturers of dry-mixed concrete products do not produce, are important in strengthening a manufacturer's product line.

The proposed Final Judgment also contains a number of provisions to ensure that Flintkote cannot manipulate the price of dedicated product to discourage purchases. For example, Flintkote is prevented from sharing in the profit realized by an independent buyer from the resale of dedicated product. Other provisions require that the price of certain bag sizes of dedicated product be no greater than the most favorable price at which Flintkote has agreed to sell the product to a similarly

situated customer within the three months preceding the delivery of dedicated product.

Flintkote must take certain steps to notify potential independent buyers that dedicated product is available for purchase. The proposed Final Judgment sets up an offering period of three months immediately preceding each calendar year in which dedicated product is to be made available (or, for 1981, the months of April and May). If Flintkote has not already executed supply contracts with one or more independent buyers for the entire amount of the dedicated product for the calendar year, Flintkote must place advertisements and offer to sell dedicated product to independent buyers. An independent buyer who wishes to purchase dedicated product must either accept Flintkote's offer or submit its own offer to Flintkote by the end of the month following the offering period.

In addition, the proposed Final Judgment contains provisions relating to the bag sizes of dedicated product, bag labels, and other matters. These provisions are designed to ensure that orders by independent buyers are filled in a way that is consistent with Flintkote's normal business operations, and that the dedicated product conforms to requirements such as labeling laws.

C. Miscellaneous Provisions

The Final Judgment enjoins any further acquisitions by Flintkote, without plaintiff's consent, of dry-mixed concrete products manufacturing facilities located in any of the following areas: Virginia, Maryland, the District of Columbia, Pennsylvania, New Jersey, Delaware, New York, Connecticut, Rhode Island or Massachusetts. In addition, should Flintkote dispose of substantially all of its dry-mixed concrete products business, the acquiring party must agree to be bound by the provisions of this Final Judgment. Should Flintkote dispose of its White Marsh and Milford plants to the same person, that person must agree to be bound by the provisions of the Final Judgment relating to dedicated product.

The Final Judgment also contains provisions which enable the United States to secure and determine compliance. Plaintiff may, subject to certain conditions, interview Flintkote employees and gain access to Flintkote's records. Flintkote must also report to the plaintiff periodically regarding its efforts to sell the Gibbsboro plant and to make dedicated product available to independent buyers. Finally, the Final Judgment will be in effect until December 31, 1990, unless a shorter period is specified.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against the defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The proposed Final Judgment may be entered by the court after compliance with the provisions of the Antitrust Procedures and Penalities Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the court's determination that the proposed Final Judgment is in the public interest.

The Act provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the government written comments regarding the proposed Final Judgment. The United States will evaluate and respond to any comments. The comments and the response of the United States will be filed with the court and published in the **Federal Register**. Written comments should be submitted to: Anthony V. Nanni, Chief, Trial Section, U.S. Department of Justice, Antitrust Division, Room 3296, 10th Street & Constitution Avenue NW., Washington, D.C. 20530. The proposed Final Judgment provides that the court will retain jurisdiction over this action, and that the parties may apply to the court for such orders as may be necessary or appropriate for its modification or envorcemnet.

VI. Alternatives to the Proposed Final Judgment

The United States considered one alternative to the proposed Final Judgment: divestiture of both the Milford, Virginia and Gibbsboro, New Jersey plants sold to Flintkote by Corson. However, this alternative was rejected for three principal reasons. First, it is not clear whether the Milford plant could have been divested to a third person. Second, certain provisions of the Final Judgment may have a more favorable effect on competition than the complete divestiture which could have been obtained in a litigated judgment. Third, complete divestiture or recision would have required plaintiff to proceed to trial on the merits, which in view of the size of this transaction, would have resulted in a significant expenditure of resources and judicial time.

The Milford plant accounted for only one-third of the total output of Corson's Home-Crete Division which Flintkote acquired. The plant has several other characteristics, which appear to be widely known throughout the industry, that might make it difficult to sell. In addition to its relatively low ouput, the plant was heavily dependent on one customer. The plant also appears to have been poorly designed. Because of these features, which would have discouraged potential purchasers, divestiture of the Milford plant alone or both plants as a package may have been difficult.

In addition, the proposed Final Judgment has certain features to which Flintkote has agreed in lieu of divestiture of the second plant. Some of these features may not have been obtainable in a litigated judgment. As an illustration, the time period for divestiture is extremely short. Since divestiture is generally more effective when it is accomplished quickly, this provision should significantly enhance the likelihood that competition will be restored effectively and quickly. Flintkote's agreement to negotiate in good faith to purchase a portion of the output of the divested plant further ensures the likelihood of a successful divestiture. The provisions relating to dedicated product will also assist new competitors to Flintkote, (such as the purchaser of the Gibbsboro plant) or strengthen existing competitors. In addition, the ban on acquisitions by Flintkote is broader than the marketing areas that were the subject matter of this complaint. Plaintiff estimates that most of Flintkote's production of dry-mixed concrete products is sold in the areas covered by the acquisition ban.

The proposed Final Judgment will dispose of the United States' claim for injunctive relief against Flintkote. The only alternative available to the Department of Justice is a trial of this case on the merits. Such a trial would require a substantial expenditure of public funds and judicial time. While the relief that plaintiff would expect to obtain after winning a trial on the merits would be different in some respects from that in the proposed Final Judgment, the procompetitive effects of this Final Judgment are substantially similar, if not greater, than those which could be obtained after trial. Thus, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII. Determinative Documents

Pursuant to 15 U.S.C. 16(b), there are no determinative documents. Consequently none are filed with this competitive impact statement.

Respectfully submitted,

Robert E. Bloch,
Robert J. Zastrow, Jr.,
Diane R. Kilbourne,

Attorneys, U.S. Department of Justice, Antitrust Division, Room 3236, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530, (202) 633-2475.

[FR Doc. 81-882 Filed 3-10-81; 8:45 am]
BILLING CODE 4410-01-M

POSTAL RATE COMMISSION

Visit of Facilities

March 6, 1981.

Notice is hereby given that Acting Chair Janet D. Steiger, Vice Chairman Simeon M. Bright, and the Director, Office of Technical Analysis and Planning will visit the facilities of the Florida Fruit Shippers Association in Orlando, Florida, on Friday, March 6, 1981, for the purpose of acquiring general knowledge of a major shipping operation.

A report of the visit will be on file in the Commission's docket room.

David F. Harris,

Secretary.

[FR Doc. 81-7340 Filed 3-10-81; 8:45 am]

BILLING CODE 7715-01-M

THE PRESIDENT'S ECONOMIC POLICY ADVISORY BOARD

Meeting

March 10, 1981.

The President's Economic Policy Advisory Board will meet on March 25, 1981 at the White House, Washington, D.C. from 10 a.m. to 2 p.m. The purpose of this meeting is to review the current state of the national and international economy.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraphs (8) and (9) thereof, and will be closed to the public.

For further information, please contact the Office of Policy Development, The White House at (202) 456-6515.

Martin Anderson,

Assistant to the President for Policy Development.

[FR Doc. 81-7870 Filed 3-10-81; 8:45 am]

BILLING CODE 3115-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21851; 70-6572]

Jersey Central Power and Light Co., et al.; Proposed Sale of Utility Assets to a Nonassociate Co.

March 5, 1981.

In the Matter of Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605; and Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 19507; (70-6572); proposed sale of utility assets to a nonassociate company.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L"), Metropolitan Edison Company ("Met-Ed"), and Pennsylvania Electric Company ("Penelec"), public-utility subsidiary companies of General Public Utilities Corporation, a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

JCP&L, Met-Ed, and Penelec (the "Owners") respectively own 25%, 50%, and 25% undivided interests in the Three Mile Island Nuclear Generating Station Unit No. 2, near Middletown, Pennsylvania ("TMI-2"). On March 28, 1979, a nuclear accident occurred at TMI-2 which has made the nuclear steam supply components of that unit inoperable. TMI-2 has been out of service since March 28, 1979, and it will remain out of service until the contaminated and damaged parts of the plant are decontaminated, inspected, and repaired, and suspension of the right to operate the unit is restored, a process which is expected to take between five and seven years to complete. To the best of the Owners' knowledge and belief, the various components of the turbine generator, including its roters, were not damaged or otherwise affected by the accident.

On January 15, 1981, representatives of Virginia Electric and Power Company ("VEPCO"), an electric utility company with a service area in Virginia, North Carolina, and West Virginia, contacted the Owners and informed them that they discovered during a scheduled outage that the low pressure roter No. 2 in one of VEPCO's North Anna nuclear generating units had to be replaced or else the affected unit would be required to be operated at a reduced power rating and later possibly suffer an unscheduled outage. VEPCO requested the Owners to make available to VEPCO a Westinghouse-manufactured turbine generator low-pressure roter (and certain associated equipment) from TMI-2 because the lead time for purchasing a replacement roter from the manufacturer, Westinghouse Electric Corporation, would take perhaps two years.

Recognizing VEPCO's urgent needs, its assistance to the Owners during the immediate aftermath of the TMI-2 incident, and the likelihood that the requested roter would not be needed for TMI-2 operations for the next five to seven years, the Owners agreed to sell the requested roter to VEPCO in consideration of an amount equal to the Owners' respective book costs of the roter (including applicable overhead and allowance for funds during construction), less accumulated depreciation, if any, charged to customers prior to the removal of TMI-2 from base rates, which at December 31, 1980, was $4,605,856 (the "contract price"). VEPCO will also pay the Owners an amount equal to the sum of (a) the income tax effect on the difference between the Owners' book cost of the roter and their income tax basis for the roter plus (b) an additional amount to compensate for income taxes on such difference which is estimated to be $1,299,455, and the sales and use taxes applicable to the transaction, if any.

VEPCO will bear the costs and pay all expenses associated with dismantling, detaching, rigging, blocking, loading, inspecting, testing, crating, and shipping the roter from TMI-2 to its North Anna Station, and will also pay the costs of proceedings before this Commission and other regulatory bodies, and obtaining title opinions and releases from the indenture trustees and others. The roter is being purchased in its "as is, where is" condition.

VEPCO is required to purchase and deliver to TMI-2 at VEPCO's cost and risk, a new Westinghouse-manufactured turbine generator low-pressure roter of the same type as is to be sold to VEPCO (or, if a roter of the same type is not then available, of a type which is then available and is satisfactory for the purpose and is compatible with the other TMI-2 equipment), upon payment to VEPCO of an amount equal to the contract price.

It is stated that the proposed sale will furnish the owners with immediate cash which can be used for their urgent business purposes, including sinking fund or maintenance fund payments, and will relieve the Owners of the cost and risk of maintaining and securing the roter during the period of inactivity before TMI-2 is restored to service.

The declaration states that the Board of Public Utilities of the State of New Jersey has jurisdiction over the sale by JCP&L, one of the Owners, of its undivided 25-percent interest in the roter and that the Pennsylvania Public Utility Commission may have jurisdiction over the proposed sale. The fees and expenses to be incurred in connection with the proposed transaction are to be furnished by amendment.

Notice is further given that any interested person may, not later than March 30, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange

Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7539 Filed 3-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17601; SR-NASD-81-1]

National Association of Securities Dealers, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

March 4, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act"), notice is hereby given that on March 4, 1981, the National Association of Securities Dealers, Inc., ("NASD"), 1735 K Street, N.W., Washington, D.C. 20006, filed with the Commission copies of a proposed rule change that describes a Computer Assisted Execution System ("CAE" or "System") which has been designed, developed, and placed in operation by NASD Market Services, Inc., a subsidiary of the NASD. The CAE is an order routing and execution system which is an enhancement to the NASD's NASDAQ system. The CAE will enable participating firms to route their orders in listed securities to participating market makers for automatic execution. The CAE will provide order routing and execution capability as well as a capacity for linkage with the Intermarket Trading System ("ITS").

CAE initially will commence operation on a pilot basis. Market makers and order entry firms will be able to enter orders into the System either through a computer interface with the firm's internal order routing system or through a terminal. Participating market makers will enter their quotations and sizes at which they are prepared to trade automatically through their terminals. The quotes and sizes of CAE participating market makers will be displayed in the Consolidated Quotations Service ("CQS") along with the quotes and sizes of other market makers and exchanges exactly as they are today, except that participant market makers will be identified on the screen with a special symbol.

The System is designed so that orders may be entered into the System for execution either at the market or at a specified limit price. Further, the order entry firm may specify the market maker to which the order should be directed, request the System to direct the order to a participating market maker or request the System to direct the order to the highest bid or lowest offer with size.

Publication of notice of the amended proposed rule change is expected to be made in the Federal Register during the week of March 9, 1981. Interested persons are invited to submit written data, views and arguments concerning the proposed rule change on or before April 1, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NASD-81-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's public reference Room, 1100 L Street, N.W., Washington, D.C.

As the Commission has previously indicated,[1] the implementation of the CAE is an important step toward the development of a national market system which should enhance competition, pricing efficiency and the ability of brokerage firms to ensure best execution of their customers' orders. Accordingly, the Commission finds that the amended proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular, the requirements of Section 11A and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof since, as noted, immediate implementation of the CAE is an important step in the development of a national market system.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7540 Filed 3-10-81; 8:45 am]

BILLING CODE 8010-01-M

[1] See Securities Exchange Act Release Nos. 16888 (June 18, 1980) and 17516 (February 5, 1981), 45 FR 41125, 40 FR 12379.

[Release No. 21952; 31-780]

Panhandle Eastern Pipe Line Co., et al., Application for Order Pursuant to Section 2(a)(4)

March 5, 1981.

In the Matter of Panhandle Eastern Pipe Line Company, Trunkline Gas Company, Anadarko Production Company, Pan Eastern Exploration Company, and Panhandle Western Gas Company, P.O. Box 1642, Houston, Texas 77001, (31-780); application for order pursuant to section 2(a)(4).

Notice is hereby given the Panhandle Eastern Pipe Line Company ("PEPL"), an interestate pipeline company, and its subsidiaries Trunkline Gas Company ("Truckline"), Anadarko Production Company ("Anadarko"), Pan Eastern Exploration Company ("Pan East") and Panhandle Western Gas Company ("Pan West"), have filed with this Commission an application and amendments thereto pursuant to Section 2(a)(4) of the Public Utility Holding Company Act of 1935 ("Act") for an order declaring each of them not to be a "gas utility company" under the Act. All interested persons are referred to the amended application, which is summarized below, for a description of the applicants and a statement of the bases upon which the exemptions are sought.

PEPL and its subsidiaries are engaged in the purchase, transmission and sale of natural gas in interstate commerce, oil and gas exploration and production, and in other non-utility businesses.

PEPL contemplates the formation of a holding company which would own all of the outstanding common stock of

PEPL. PEPL would transfer to the holding company its ownership of Anadarko and certain other companies, and transfer to Anadarko PEPL's investment in Pan East. Trunkline and its subsidiaries, and Pan West, would remain subsidiaries of PEPL. In connection with the formation of such a holding company, PEPL is applying for a Commission order declaring that it and its major subsidiaries engaged in gas sales are not "gas utility companies" within the meaning of section 2(a)(4) of the Act so that the proposed holding company would not be a "holding company" as defined in Section 2(a)(7) of the Act.

PEPL and Trunkline sell gas in 12 midwestern and south-central states, principally to investor-owned and municipal distribution systems which resell the gas to the public, and to industrial users, other pipeline companies and certain rural customers. PEPL and Trunkline also transport gas for unafiliated companies, and Trunkline has a subsidiary which transport gas for Trunkline and another subsidiary engaged in a project to import liquefied natural gas from Algeria which gas will be sold to Trunkline. Anadarko, Pan East and Pan West are Primarily engaged in domestic oil and gas exploration and production.

Applicants' gas sales for the year ended December 31, 1980, were as follows:

	PEPL	Trunkline	Anadarko	Pan East	Pan West
Municipal	$14,860	$11,130	$662	.....	.....
Utilities:	.....	.....	.....	.....	.....
Gas	1,239,965	470,942	.....	.....	.....
Electric	.....	.....	10,817	.....	.....
Manufacturers and Other Industrial	133,962	179	316	.....	.....
Pipeline Companies and Gas Producers	33,267	80,444	25,849	9848	821
Farm and Rural	4,899	234	22	.....	.....
Total	1,426,934	572,929	37,466	848	821
Intercompany Sales Excluded	.....	474,857	76,716	57,556	7,090

With respect to sales to manufacturers and other industrial consumers, it is stated that sales were made by PEPL, Trunkline and Anadarko to 54, 2 and 2 customers, respectively, and that $96,418,089 of PEPL's sales were for use in products.

With respect to sales to farm and rural customers, it is stated that such sales were made by PEPL, Trunkline and Anadarko to 1782, 24 and 31 customers, respectively. Such sales include (1) sales to irrigation districts and cooperatives which use the gas for purposes of operating pumping equipment, grain drying and providing other services to their members and (2) sales to certain farmers and other rural landowners.

It is further stated with respect to sales to farm and rural customers that the company permits the landowner to tap gas directly from that portion of its main pipeline located on the landowner's property as consideration for the granting of a right of way or easement. The purchaser is billed directly by the company upon terms agreed upon privately by the purchaser and the company at the time the purchaser granted the right of way or easement. This arrangement, it is stated, is standard in the southwest.

The service provided by PEPL and Trunkline to wholesale customers is regulated by the Federal Energy Regulatory Commission ("FERC") under the Natural Gas Act (15 U.S.C. 717 *et seq.*). The construction and operation of facilities to transport gas to industrial, farm and rural customers and the transportation of such gas requires certificates of public convenience and necessity from FERC. The abandonment of service and curtailment of deliveries to such customers is also regulated by FERC. FERC does not fix the rates charged such customers.

In nearly all of the states in which PEPL and Trunkline operate, the respective public utility or public service commissions have been statutorily empowered to regulate rates with respect to gas sales to industrial and farm and rural customers. Such sales are presently made by PEPL in Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan and by Trunkline in Texas, Louisiana, Tennessee, Kentucky and Illinois. The service provided by Anadarko to industrial and farm and rural customers, including rates, is regulated by the State Corporation Commission of the State of Kansas.

Section 2(a)(4) provides, in part, that the Commission may declare a company not to be a "gas utility company" if it finds that "(a) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (b) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors and consumers that such company be considered a gas utility company for the purposes of [the Act]." Rule 10(a)(1) under the Act provides, further, that a company shall be exempt from the duties, liabilities and obligations imposed under the Act upon it as a "holding company" with respect to a subsidiary which, insofar as it is a public utility company, is declared not to be a "gas utility company" under Section 2(a)(4). Applicants state that for reasons stated in their amended application none of them is a "gas utility company" as defined in Section 2(a)(4).

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 2, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address and proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it deems appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 5, 1981.

[FR Doc. 81-7541 Filed 3-10-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Indianapolis, Indiana, will hold a public meeting at 10:00 a.m. (EST), on Wednesday, April 15, 1981, at the Essex Hotel, 421 North Pennsylvania Street, Indianapolis, Indiana, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, or others attending.

For further information, write or call Robert D. General, District Director, U.S. Small Business Administration, 575 North Pennsylvania Street, Room 578, Indianapolis, Indiana 46209—(317) 269-7275.

Dated: March 6, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7010 Filed 3-10-81; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of San Francisco, California, will hold a public meeting at 9:30 a.m., on Wednesday, April 8, 1981, at the California State University, Hayward, Director's Conference Room, California State Library, Administration Building, Hayward, California, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Donald J. Marvin, District Director, U.S. Small Business Administration, 211 Main Street, 4th Floor, San Francisco, California 94105—(415) 556-7490.

Dated: March 6, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7011 Filed 3-10-81; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of San Antonio, Texas, public meeting scheduled for 9:00 a.m., on Friday, April 3, 1981, at the Federal Building, 727 East Durango, Room A-206, San Antonio, Texas, has been cancelled.

For further information, write or call Julio Perez, District Director, U.S. Small Business Administration, 727 East Durango, Room A-513, San Antonio, Texas 78206—(512) 229-6105.

Dated: March 6, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7009 Filed 3-10-81; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Additional Routine Use Statement

Notice is hereby given that the Veterans Administration (VA) is considering adding a new routine use statement to the system of VA records entitled "Repatriated American Prisoners of War—VA" (60VA07) as set forth on page 36287 of the Federal Register of June 21, 1979. The Armed Forces Institute of Pathology (AFIP) has requested that the Veterans Administration provide a duplicate of the tape listing which identifies individuals who are repatriated prisoners of war of World War II, the Korean Conflict and the Vietnam era. The information of the tape (e.g. name, rank, identification number, camp, length of internment, compensation and pension data and hospital discharge data) is needed by AFIP, or contractor thereof, to ascertain the POW status of individuals on an existing AFIP computer tape which contains 1.5 million names of patients on whom tissue diagnoses have been received by AFIP by matching the VA computer listing with the AFIP tape. The individuals who are identified will then be used in connection with the establishment of a special Prisoner of War Registry at the AFIP in accordance with a recommendation of the study conducted in connection with Pub. L. 95-479. The VA has determined the release of information from this system of records for this purpose is a necessary and proper use of information in this system and that a specific routine use for this information disclosure is appropriate. The matching of these two computer listings is for other than anti-fraud purposes as defined in paragraph 7(a)(1) of the OMB Computer Computer Matching Guidelines. The information that is generated by this match will not be used by the AFIP or contractor thereof for any purposes other than those identified above.

Interested persons are invited to submit written comments, suggestions, or objectives regarding the proposed routine use to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before April 10, 1981, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until April 20, 1981. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnish the address and the room number.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the Federal Register by the Veterans Administration, the new routine use statement included herein is effective March 4, 1981.

Approved: March 4, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

In the system identified as 60VA07, "Repatriated American Prisoners of War—VA," appearing at 44 FR 36287, the following routine use statement is added to read as follows:

60VA07

SYSTEM NAME:

Repatriated American Prisoners of War—VA.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The name, rank, identification number (service or SSN), camp, length of internment, compensation and pension data, and hospital discharge data of individuals who are repatriated prisoners of war of World War II, the Korean Conflict and the Vietnam era may be disclosed to the Armed Forces Institute of Pathology (AFIP) or contractor thereof, in order for AFIP to identify former prisoners of war who were also patients in AFIP records on whom tissue diagnoses have been received. This information will be used by AFIP in the establishment of a special Prisoner of War Registry in accordance with a recommendation of the study conducted in connection with Public Law 95-479 and will not be used

for any other purpose by AFIP or contractor thereof.

* * * * *

[FR Doc. 81-7300 Filed 3-10-81; 8:45 am]
BILLING CODE 3320-01-M

Veterans Administration Wage Committee; Meetings

Under the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, April 2, 1981
Thursday, April 16, 1981
Thursday, April 30, 1981
Thursday, May 14, 1981
Thursday, May 28, 1981
Thursday, June 11, 1981
Thursday, June 25, 1981

The meetings will convene at 2:30 p.m. and will be held in Room 1175A, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these schedules meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as amended by Pub. L. 94-409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b(c)(4)).

Accordingly, I hereby determined that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention.

Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: March 4, 1981.

Rufus H. Wilson,
Acting Administrator.

[FR Doc. 81-7304 Filed 3-10-81; 8:45 am]
BILLING CODE 3320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 47
Wednesday, March 11, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Federal Communications Commission	2, 3
Federal Deposit Insurance Corporation	4, 5
Federal Energy Regulatory Commission	6
Nuclear Regulatory Commission	7, 8
Railroad Retirement Board	9

1

[M-309; March 5, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., March 12, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

*2. Dockets 36866 and 36718, *Air International Fitness Investigation, Application* of Air International. (Memo No. 031-A, OGC)

3. Dockets 30240 and 31333—Termination of rulemaking proceedings. (OGC)

4. Dockets 36300 and 36325, Notice of Proposed Rulemaking to eliminate the 10 percent limit on charter price increases, and instead require charter operators to disclose a maximum price. (Memo No. 330 and 330-A, OGC, BDA, BCCP)

5. Docket 33066, *Transpacific Low Fare Route Investigation;* Dockets 36911, 36941 and 36836, *Applications of Continental Air Lines/Air Micronesia, Northwest Airlines and Transamerica Airlines;* Order Denying Petition. (OGC)

6. Docket EAS-755, Determination of eligibility and definition of essential air service for Waycross, Georgia. (Memo No. 331, BDA, OCCR)

7. Dockets 36445, 36538 and EAS-348, Century Airlines' Petition to require the Board to discontinue WestAir's compensation for the provision of EAS at Chico, California. (Memo No. 241-B, BDA, OCCR)

8. Dockets 39257, 39258, 39289, 39290—Braniff's notices to suspend service at Colorado Springs, Detroit, Jacksonville and West Palm Beach. Docket 39262, Braniff's exemption application to suspend early. (Memo No. 336, BDA)

9. Dockets 39064 and EAS-102, Republic Airlines' notice to suspend all service at Gadsden, Alabama. (Memo No. 332, BDA)

10. Docket 39162, Republic's notice of intent to suspend all service at Beloit/Janesville, Wisconsin. (Memo No. 326, BDA)

11. Docket 37703, Sun International Airways' notice of intent to suspend service at Aguadilla, Puerto Rico. (Memo No. 333, BDA, OCCR)

12. Docket 38230, Southern Air Transport, Inc.—Petition for Board review of staff action and for formal investigation of staff handling of application. (BDA)

13. Docket 38524, revocation of charter air carrier certificates of Air Fleets International under section 401(r) of the Act. (Memo No. 045-A, BDA)

14. Docket 32660, IATA agreement proposing proportional fares for the construction of transatlantic through fares to/from U.S. points. (Memo No. 327, BIA)

15. Docket 38623, IATA agreements establishing various new Pacific fare structures. (Memo No. 329, BIA)

16. Docket 37031, Application of Leico, Inc. d.b.a. Air Berlin USA for a certificate of public convenience and necessity pursuant to section 401 of the Act to engage in foreign air transportation of persons, property and mail in the Ft. Lauderdale/Tampa/Orlando-Brussels-West Berlin market. (BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-363-81 Filed 3-6-81; 3:41 pm]

BILLING CODE 6320-01-M

*Hearing case.

2

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a Closed Meeting on the subject listed below on Wednesday, March 11, 1981, following the Open Meeting, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Disposition after remand of Cowles Broadcasting, Inc., Daytona Beach, Florida, television comparative renewal proceeding (Docket Nos. 19166 and 19170).
General—1—Proposed Personnel Actions.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office telephone number (202) 254-7674.

Issued: March 4, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-362-81 Filed 3-6-81; 10:11 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, March 11, 1981, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D. C.

Agenda, Item No., and Subject

Presentation by Mayor Marion S. Barry Jr., on Relocation of FCC.
General—1—*Title:* Notice of Proposed Rule Making to clarify the requirements for qualification for the six months service endorsement for radio officers on ship board in the maritime services. *Summary:* The Commission proposes to modify certain of its rules to clarify the requirements which must be met by radio officers aboard ocean going vessels to obtain the six month service endorsement. Radio officers who serve as the sole radio officer on a ship must have this license endorsement. The present rules do not clearly define the requirements.
General—2—*Title:* Report and Order in Gen. Docket No. 78-185 regarding a proposal to establish a minimum for field strengths emitted by compulsory ship telegraph installations utilizing vertical antennas. *Summary:* The FCC will consider a Report and Order (Gen Docket 78-185) terminating the proceeding on minimum field strengths initiated by the Notice of Proposed Rulemaking adopted on June 20, 1978.
General—3—*Title:* Report and Order in Docket No. 18946 and Gen. Docket No. 80-106 regarding a proposal to amend Part 83 of the Commission's Rules for the purpose of implementing a provision of the new (1974) Safety Convention regarding compulsory carriage of radar on board vessels of 1600 tons gross tonnage and over. *Summary:* The FCC will consider whether to adopt a Report and Order (Docket No. 18946 and Gen. Docket No. 80-106) regarding technical and operational specifications for radars required by the Safety Convention to be installed on certain ships of United States registry. This would entail amending Rule Sections 83.70, 83.107, 83.110, 83.115, 83.138, 83.405, 83.442, 83.447 and adding two new sections: 83.464, and 83.465. These sections relate to applications, antennas, power, logs, ship radar stations and installations, power supply and equipment specifications.

General—4—*Title:* Amendment of Part 2 of the Commission's Rules concerning identification of equipment. *Summary:* The Commission considers amendment of the equipment identification rules adopted in 1979 in Docket No. 20780.

General—5—*Title:* In the Matter of Amendment of Part 15 to redefine and clarify the rules governing restricted radiation devices and low power communication devices. *Summary:* This item discusses the merits of clarifying the Commission's rules with respect to personal computer peripheral equipment so as to not needlessly burden computer peripheral manufacturers whose products are not marketed for use in residential environments.

General—5—*Title:* Final Order in Gen. Docket 80-439 to clarify which electronic games are exempt from certification under Section 15.634(a)(1). *Summary:* The Commission considers whether to change the basis for the exemption from certification of certain categories of hand held games. (Coin operated electronic games, RM-3738 and RM-3789, will be treated in a separate rule making.)

Common Carrier—1—*Title:* Application for Review of *Memorandum Opinion and Order, Edward R. Buckmaster and Burton R. Gigoux d/b/a Communication Services,* Mimeo 30463 (Com. Car. Bur., released March 20, 1980. *Summary:* Before the Commission is an Application for Review filed by Advanced Electronics, Inc., asking that the Commission reverse its grant, by delegated authority, of the application of Edward R. Buckmaster and Burton R. Gigoux d/b/a. Communication Services, File No. 21076-CD-P-2-79, because the Commission erred when it found that Communication Services had adequately demonstrated that there is a public need for the proposed facilities.

Common Carrier—2—*Title:* Application for Review of *Memorandum Opinion and Order, Airsignal International of Pittsburgh, Pennsylvania, Inc.,* Mimeo 33000 (Com. Car. Bur., released June 27, 1980). *Summary:* Before the Commission is an Application for Review filed by Philadelphia Mobile Telephone Company asking that the Commission reverse the Common Carrier Bureau's (Bureau) developmental grant of the application of Airsignal International of Pittsburgh, Pennsylvania, Inc. (Airsignal), File No. 20934-CD-P-2-80, because the Bureau applied the wrong standard in determining that Airsignal has the requisite character to be a Commission licensee, and because the grant relied on an erroneous finding of fact.

Common Carrier—3—*Title:* CC Docket No. 79-105 Accounting for Station Connection Costs, Sales of Terminal Equipment and Other Related Items. *Summary:* The Commission will consider the Staff's proposal to phase-in the change in accounting for station connections. This matter was last before the Commission on January 29, 1981. The accounting for sales of terminal equipment and other related items were discussed and adopted by the Commission on November 6, 1980.

Common Carrier—4—*Title:* In the Matter of Deregulation of Customer Premises Inside Wiring, CC Docket No. 79-105. *Summary:* The Commission will consider whether to issue a Further Notice of Proposed Rulemaking in this docket designed to further its objective of assuring that the cost of inside wiring is charged to the cost causative customer through the detariffing of inside wiring. The Further Notice would also seek comments on methods to ensure that the provision of inside wiring is not cross-subsidized by regulated carriers.

Common Carrier—5—*Title:* MCI Services Corp. v. American Telephone and Telegraph Co. *et al.* (File No. TS 16-76). *Summary:* The Commission will consider a formal complaint filed by MCI Services and a Petition for Declaratory Ruling filed by AT&T. Both deal with interconnection between a "stand-alone" switching system and the public switched telephone net work.

Common Carrier—6—*Title:* Complaint by Western Union Telegraph Company against Wiltek, Inc. (File No. TS-4-75). *Summary:* The Commission will consider whether the provision of switching without transmission facilities (i.e., "stand-alone" switching), is subject to common carrier regulation under Title II.

Common Carrier—7—*Title:* Application of Communications Satellite Corporation to construct a 14/11 GHz communications satellite earth station at Lenox, West Virginia and a terrestrial interconnecting link via Laurel Mountain, for operation with communications satellite systems. *Summary:* The Commission will consider the pleadings submitted in CC Docket No. 80-60 concerning the referenced application.

Renewal—1—*Title:* License renewal application of Broadcast Communications, Inc. for Station WOJO(FM), Evanston, Illinois, and mutually exclusive application of Genesis Broadcasting, Ltd., for construction permit. *Summary:* Broadcast Communications, Inc. (BCI) filed for renewal of license for Station WOJO(FM), Evanston, Illinois. Genesis Broadcasting, Ltd., (GBL) filed a construction permit application for the facilities of WOJO(FM). Also under consideration are an informal objection against BCI's application and a petition to deny GBL's application. The Commission considers designating the applications for a comparative hearing.

Renewal—2—*Title:* Petition to Deny the Renewal Application of Ball State University for Station WBST(FM), Muncie, Indiana, filed by McGraw-Hill Broadcasting Company, Inc. *Summary:* McGraw-Hill claims that it is suffering interference to its channel 6 television station (WRTV) in Indianapolis, Indiana, from the modified facilities WBST is using under Program Test Authority, and that the renewal application for WBST should not be granted unless and until the problem is resolved. McGraw-Hill also has currently pending a challenge to the application of WBST for a license for the modified facilities.

Renewal—3—*Title:* Petition to Deny the Renewal Application of KSDK, Inc., for Station KSDK-TV, St. Louis, Missouri, by the St. Louis Broadcast Coalition. *Summary:* The Commission considers allegations by the St. Louis Broadcast Coalition that Station KSDK-TV, St. Louis, Missouri, is not aggressively pursuing its affirmative action responsibilities.

Aural—1—*Title:* Applications of Hamshire County Broadcasting Co., Inc. and Amherst Broadcasting, Inc. for a construction permit for a new FM station for Amherst, Massachusetts. *Summary:* The Commission considers designating the above captioned mutually exclusive applications for a comparative hearing.

Television—1—*Title:* Application for review of the Broadcast Bureau's action 47 RR 2d 1175 (1980) denying the Petition for Ashbacker Relief filed by Saddleback Broadcasting Company, Inc. (Saddleback)(BPCT-5204). *Summary:* Saddleback, applicant for a CP for a new television station on Ch. 40 seeks review of the Broadcast Bureau's denial of Saddleback's Petition for Ashbacker Relief. Petitioner alleges that the Bureau's finding was erroneous. The issue before the Commission is whether the petitioner has made a showing justifying grant of its application for review.

Broadcast—1—*Title:* Memorandum Opinion and Order in the matter of Petition for Rule Making to Amend Television Table of Assignments to Add New VHF Stations in the Top 100 Markets and to Assure that the New Stations Maximize Diversity of Ownership, Control and Programming. *Summary:* South Central Broadcasting Corporation filed a Petition for Stay of the Commission's *Report and Order* in the above-described proceeding pending the resolution of its Petition for Reconsideration of that *Report and Order.* This *Memorandum Opinion and Order* addresses the issues raised by petitioner in its stay request.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: March 4, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-388-81 Filed 3-9-81; 2:25 pm]

BILLING CODE 6712-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on

Monday, March 16, 1981, to consider the following matters:

Disposition of minutes of previous meetings.
Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed consolidation of Valley Bank of Shawano, N.A., Shawano, Wisconsin, and Farmers State Bank, Cecil, Wisconsin.
Memorandum and Resolution re: Amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, and Notices of Acquisition," delegating authority to the General Counsel, or his designee, to initiate and prosecute any action to enforce, in the appropriate United States District Court, any effective and outstanding order to cease and desist issued by the Board of Directors.
Memorandum and Resolution re: Amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, and Notices of Acquisition," delegating authority to the Director of the Division of Bank Supervision to discontinue proceedings to terminate deposit insurance or cease-and-desist proceedings which are pending when the bank is closed by a Federal or State authority.
Memorandum and Resolution re: Conforming amendments to Part 335 of the Corporation's rules and regulations entitled "Securities of Insured State Nonmember Banks" (Required by section 12(i) of the Securities Exchange Act of 1934).
Memorandum and Resolution re: Delegations of Authority—Employment of Accounting Services in Connection With Liquidation Functions: Norman R. Roth.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the General Counsel:

Memorandum re: Reports of Actions Approved Under Delegated Authority—Attorney's Fees Approved for Payment and Settlement of Claims.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 9, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-394-81 Filed 3-9-81; 11:20 am]
BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 16, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4, (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Application for Federal deposit insurance:

Municipal Trust and Savings Bank, a proposed new bank, to be located at 475 Municipal Center Drive, Bourbonnais, Illinois.

Application for consent to establish a branch:

The Morris County Savings Bank, Morristown, New Jersey, for consent to establish a branch at 200 Madison Avenue, Convent Station, New Jersey.

Application for consent to change the location of the main office:

Empire State Bank, Salt Lake City, Utah, for consent to move its main office from 123 East 200 South to 142 East 200 South, both locations within Salt Lake City, Utah.

Application for consent to merge and establish branches:

St. Petersburg Bank and Trust Company, St. Petersburg, Florida, for consent to merge, under its charter and with the title "Rutland Bank," with Rutland Central Bank, St. Petersburg, Florida, and Central Plaza Bank & Trust Co., St. Petersburg, Florida, and to establish the three approved offices of Rutland Central Bank and the four approved offices of Central Plaza Bank & Trust Co. as branches of the resultant bank.

Application for consent to merge and establish branches and a public accommodation office:

Franklin Savings Bank of New York, New York (Manhattan), New York, for consent to merge, under its charter and with the title "American Savings Bank," with American Savings Bank, New York (Manhattan), New York, and Empire Savings Bank, New York (Manhattan), New York, and to establish the eight full-service offices and one public accommodation office of American Savings Bank and the eleven offices of Empire Savings Bank as nineteen full-service branches and one public accommodation office of the resultant bank.

Application for consent to merge, establish branches, and repurchase and retire common stock:

Bankers Trust of South Carolina, Columbia, South Carolina, for consent to merge, under its charter and title, with Spartanburg Bank and Trust Company, Spartanburg, South Carolina, to establish the seven offices of Spartanburg Bank and Trust Company as branches of the resultant bank, and to purchase and retire common stock of Bankers Trust of South Carolina.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,661–L—Franklin National Bank, New York, New York
Case No. 44,700–L—First State Bank of Northern California, San Leandro, California
Case No. 44,701–L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico
Memorandum and Resolution re: American Bank & Trust Company, New York, New York

Recommendation with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 9, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-385-81 Filed 3-9-81; 11:29 am]
BILLING CODE 6714-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

March 6, 1981

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND PLACE: 10 a.m., March 13, 1981.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Docket No. EL79–20, Buckeye Power, Inc.
(2) Docket No. E–9206, McDowell County Consumers Council v. American Electric Power Company, *et al.*
(3) Commission Deliberations Concerning a Preliminary Investigation of Possible Violations of the Federal Power Act
(4) Docket No. CP79–102, Southern California LNG Terminal Company
(5) Docket No. RI75–112, Certain Producer and Pipeline Respondents
(6) Docket No. IN79–8, Sales of Natural Gas from North Minoak Field, Bee County, Texas
(7) Docket No. CP77–590, Fair Environmental Deals for United People v. National Fuel Gas Supply Corporation and National Fuel Gas Storage Corporation
(8) Docket No. IN80–7, Texaco, Inc.
(9) Conoco Inc.
(10) Commission Deliberations Concerning an Investigation of Potential Illegal Transportation of Natural Gas in Violation of the Natural Gas and Natural Gas Policy Acts

CONTRACT PERSON FOR MORE INFORMATION: Kenneth P. Plumb, Secretary (202) 357–8400.

[S-382-81 Filed 3-9-81; 8:57 am]
BILLING CODE 6450-85-M

7

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 9.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, March 9:

10 a.m.: Discussion of Policy, Planning and Program Guidance for fiscal year 1983–87 (public meeting) (Continued from March 4)
2 p.m.: Briefing on Final Programmatic Environmental Impact Statement on TMI (public meeting, as announced)

Tuesday, March 10:

10 a.m.: Dicussion of Application of the Hearing Process to Pending Proceedings (closed, rescheduled from March 6)
2 p.m.: Discussion of revised Licensing Procedures (public meeting, as announced but *retitled*)

Wednesday, March 11:

10 a.m.: Discussion of Revised Licensing Procedures (public meeting, continued from March 10)
2 p.m.: Discussion and Possible Vote on Full-Power License for Farley (public meeting, as announced)

Thursday, March 12:

10 a.m.:

1. Discussion of Policy on Proceeding with Pending Construction Permit and Manufacturing License Applications (approxatimately 1½ hours, public meeting)
2. Affirmation/Discussion Session (public meeting)

Affirmation and/or Discussion and Vote:
a. NRC Transportation Rulemaking (as announced)
b. Fire Protection Rule for Future Plants (as announced)
c. Proposed Rulemaking, "Qualification of Reactor Operators"

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the satus on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:
Walter Magee (202) 634–1410.

March 5, 1981.
Walter Magee,
Office of the Secretary.
[S-386-81 Filed 3-9-81; 2:11 pm]
BILLING CODE 7590-01-M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Wednesday, March 11 and Thursday, March 12, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:
Wednesday, March 11:

10 a.m.: Discussion of Management-Organization and Internal Personnel Matters (closed—Exemptions 2, 6)
2 p.m.: Discussion and Possible Vote on Full-Power License for Farley (public meeting)

Thursday, March 12:

10 a.m.:

1. Briefing on Action Plan, Items Due 1–1–81 (public meeting)
2. Affirmation/Discussion Session (public meeting) Affirmation and/or Discussion and Vote:
   a. NRC Transportation Rulemaking.
   b. Fire Protection Rule for Future Plants.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

March 4, 1981.
Walter Magee,
Office of the Secretary.
S-387-81 Filed 3-9-81; 2:11 p.m.
BILLING CODE 7590-01-M

9

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 10:45 a.m., March 19, 1981.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Appeal from referee's denial of widow's annuity, Gertrude Gordon.
(2) Appeal of nonwaiver of overpayment, Amos A. McAllister.

Portion closed to the public:

(A) Appeal from referee's denial of disability annunity, Glenn W. Hall.
(B) Appeal from referee's denial of disabled widow's annuity, Evelyn E. McDonald.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board; COM No. 312–751–4920, FTS No. 387–4920.

[S-389-81 Filed 3-9-81; 3:19 pm]
BILLING CODE 7905-01-M

federal register

Wednesday
March 11, 1981

Part II

Interstate Commerce Commission

Practices of Motor Common Carriers of Household Goods (Revision of Operational Regulations and Performance Standards)

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1005, 1056, 1310 and 1322

[Ex Parte No. MC-19 (Sub-36)]

Practices of Motor Common Carriers of Household Goods; Revision of Operational Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final operational rules.

SUMMARY: The Commission is adopting rules which replace the operational regulations now appearing in 49 CFR 1056 applicable to motor common carriers of household goods. The new rules conform with the mandates of the Household Goods Transportation Act of 1980. The adopted rules reduce the paperwork burden on household goods carriers, encourage rate and service options, and eliminate regulation to the maximum extent feasible consistent with the protection of individual shippers.

DATES: Operational regulations are effective June 9, 1981.

ADDRESS: An original and 15 copies, if possible, of comments on the proposed performance standards should be sent to: Ex Parte No. MC-19 (Sub No. 36), Room 7205, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Lewis, (202) 275-7811; or W. F. Sibbald, Jr., (202) 275-7148.

SUPPLEMENTARY INFORMATION: Section 6 of the Household Goods Transportation Act of 1980, enacted October 15, 1980, directed that regulations and paperwork required of motor carriers providing transportation of household goods be minimized to the maximum extent feasible consistent with the protection of individual shippers.

The act reaffirmed the Commission's existing authority to issue regulations protecting the individual consumer. It should be noted that section 6 of the act does not establish new substantive rulemaking authority; rather it simply clarifies the Commission's existing authority.

On October 16, 1980, we instituted this proceeding by issuing a notice of proposed rulemaking published in the **Federal Register** on October 27, 1980 at 45 FR 70923 to implement the mandates of the new statute. In that notice, we announced that the Commission was undertaking a complete review of the existing household goods regulations. Our primary objective was to reevaluate the existing regulations appearing in 49 CFR 1056, in light of the new congressional mandate. We invited public comment and over 100 statements were received from individuals and groups representing small businessmen, major carriers agents, carrier associations, consumer organizations, and governmental units.

Performance Standards

We also requested comments and recommendations in regard to those proposed regulations to which performance standards should be applied and to establish the basis for such standards. We received very few comments in this area. After consideration of the responses received we have formulated proposed standards and are publishing concurrently with the issuance of this Decision a Notice of Proposed Rulemaking, Ex Parte No. 19 (Sub-No. 36A), *Practices of Motor Common Carriers of Household Goods (Performance Standards)*, to obtain further comments.

Procedural Matters

North American Van Lines, Inc., (NAVL) filed a motion requesting oral hearings and an opportunity for cross-examination and rebuttal of evidence. NAVL contends that principles of equity and fairness require "trial-type" hearings; that the Commission must afford interested parties an opportunity to rebut factual evidence; and that Congress intended the Commission to conduct an adjudicatory oral hearing in this proceeding.

Section 6 of the Household Goods Transportation Act of 1980 required the Commission to institute a rulemaking proceeding to review and revise household goods operational regulations. The statute further required the proceeding to be instituted by December 16, 1980, and to be completed by July 12, 1981.

Congress has not required oral hearings be held in this proceeding. The issue involved is legislative in nature; it is to minimize regulation to the maximum extent feasible consistent with the protection of individual shippers. The means of accomplishing this balanced goal is subject to numerous interpretations by individual and groups representing large business, small business, governmental, and consumer interests.

We further believe the principles of equity and fairness dictate that comments on the Commission's proposed operation regulations be submitted in writing. This method affords each individual or group wishing to participate and be heard a means of expressing their opinions without incurring large expense of traveling to a hearing site. Finally, oral hearings in "legislative" rulemakings are not required by law, therefore, NAVL's motion will be denied.

NAVL also filed a motion to renotice this proceeding, contending that the Commission instituted this proceeding without adequate reference to its legal authority, that it is engaging in a rate prescription, and that it failed to apprise interested persons of the nature and scope of this proceeding.

NAVL's motion will be denied. The "Summary" contained in the notice of proposed rulemaking made reference to the fact that this proceeding was instituted in compliance with the Household Goods Transportation Act of 1980. Furthermore, Congress made it quite clear that the Commission has authority to institute this proceeding under its general authority without the new legislation. Page 11 of the House Reports accompanying S. 1798 states:

> Subsection (a)(2) authorizes the Commission to issue regulations to carry out this subtitle and clearly reaffirms its authority to issue regulations protecting individual shippers. It should be noted that this provision does not establish new substantive authority; rather, it simply clarifies the Commission's existing authority.

The Commission is not engaging in any rate prescriptions by conducting this proceeding. In fact, both the proposed and final rules permit significant rate flexibility. Finally, the first sentence of the "Supplemental Information" section of the notice of proposed rulemaking clearly states that this proceeding provides for a "complete review" of all household goods regulations. This is sufficient notice to all interested parties as to the scope of this proceeding.

The American Movers Conference (AMC) suggested that the Commission consider its proposal for so called "zero-based" regulations. AMC contends that a "new start" is required for the Commission to give full effect to Congressional intent rather than a reworking of existing regulations. The ten "zero based" proposed rules set forth general guidelines of carrier responsibilities and substantially reduce Commission regulations.

We have carefully studied AMC's proposal and have come to the conclusion that although its general approach is desirable, the lack of any specific requirements does not comply with the Congressional mandate to reduce regulation of the moving industry to the maximum extent feasible consistent with the protection of

individual shippers. Past practices of this industry have clearly demonstrated that significant numbers of individual shippers have had serious complaints with the companies moving their household goods. Patterns of these complaints have demonstrated deficiencies in estimating practices, reasonable dispatch, and in complaint handling. To adopt the AMC proposal, at this time, would be a derogation of the Commission's responsibility to offer some protection to individual shippers where the facts clearly indicate that protection is necessary.

The Commission has completely reviewed each of its existing regulations with a view towards reducing Commission interference with carrier operations while still protecting the consumer. We believe that the final regulations contained in Appendix B to this report fairly balance the needs of the individual shipper with the desirable goal allowing carriers the freedom of offering price and service options unencumbered by needless regulations and paperwork.

The Household Goods Transportation Act of 1980 together with the final regulations give carriers the opportunity to offer binding estimates, guaranteed pick up and delivery of shipments with penalty payments for delays, and a wide latitude in the resolution of disputes and the assumption of liability in the settlement of claims. The use of such options, we believe, will significantly reduce the number of shipper complaints and the Commission's role in oversight of the moving industry.

Proposed Rules—Discussion and Comments

Certain individual and group comments will not be discussed specifically; however, all comments filed were read carefully and considered.

Proposed § 1056.1 Applicability and Definitions

(a) The regulations in this part are applicable to the operations of motor carriers engaged in the transportation of household goods as defined in paragraph (B)(1) in interstate or foreign commerce.

(b) *Definitions.* As used in this part:

(1) *Household Goods.* The term "household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and such other similar property as the Commission may provide by regulation; except that this definition shall not be construed to include property moving from a factory or store except such property as a householder has purchased with intent to use in his dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder. The regulations under this part do not apply to the transportation of property transportable under 49 USC 10102(10) (B) and (C).

(2) *Reasonable dispatch.* The term "reasonable dispatch" means the performance of transportation, excluding transportation provided under tariff provisions requiring guaranteed service dates, on the dates or during the period of time agreed upon by the carrier and the shipper and shown on the Order for Service/Bill of Lading. *Provided, however,* that the defenses of force majeure as construed by the courts shall not be denied the carrier.

(3) *Advertisement.* The term "advertisement" means any communication to the public, in written or printed form, in connection with an offer or sale of any interstate or foreign transportation service, but shall not be construed to include a listing of a carrier name, address, and telephone number in a telephone directory or similar publication.

(4) *Certified Scales.* As used in this part, a certified scale is any scale designed for weighing motor vehicles, including trailers or semi-trailers not attached to a tractor, designed, installed and maintained in compliance with the minimum standards of Handbook 44 as published by the National Bureau of Standards and certified by an authorized scale inspection and licensing authority to meet those standards. A certified scale may also be a platform or warehouse type scale meeting the Handbook 44 standards and properly inspected and certified. The use of axle scales for the weighing of vehicles is prohibited.

(5) *Individual Shipper.* As used in this part, "individual shipper" refers to any person who is the consignor and/or consignee of a household goods shipment and who pays the transportation charges out of his or her own funds without the payment of the charges being guaranteed in the bill of lading contract by a third person, normally the employer of the consignor and/or consignee. Shipments for individual shippers may be transported on a prepaid, collect on delivery or credit basis at the discretion of the carrier.

(6) *Commercial Shipper.* As used in this part, "commercial shipper" refers to (a) any person who is the consignor and/or consignee of a household goods shipment which is transported under a bill of lading agreement that the transportation charges are guaranteed and/or paid by a third party, normally the employer of the consignor and/or consignee; or, (b) any person, excluding the federal government, which is named as the consignor and/or consignee in a bill of lading contract who is not the owner of the goods being transported but who assumes the responsibility for payment of the transportation charges for the account of the beneficial owner of the goods, normally an employee of the consignor and/or consignee; or, (c) a freight forwarder which tenders a shipment to a carrier in furtherance of authorized or exempt freight forwarder operations. Shipments for commercial shippers may be transported on a prepaid, collect on delivery or credit basis at the discretion of the carrier.

(7) *Government Bill of Lading Shipper.* As used in this part, "government bill of lading shipper" refers to any person whose property is transported under the terms and conditions of a government bill of lading issued by any department or agency of the federal government to the carrier responsible for the transportation of the shipment.

(8) *Other terms.* Where any other terms used in the regulations in this part are defined in 49 U.S.C. 10102, such definitions shall be controlling. Where terms are used in this part which are neither defined herein nor in 49 U.S.C. 10102, they shall have the ordinary practical meaning of such terms.

Comments and Discussion

Consumers Union of the United States, Inc., (CU) states that the definition of advertisement in § 1056.1(b)(3) should be broadened to include advertisements conveyed by means of the broadcast and other electronic media. We agree that the phrase in the proposed rule "in written or printed form" appears to limit the definition beyond normal usage; therefore, the phrase will be deleted.

Many individual agents and carrier associations commented on proposed rule § 1056.1(b)(4) contending that the rule is unduly restrictive and difficult to ascertain compliance. Specifically, most parties ask that the limitation to the use of scales meeting the standards of Handbook 44 be deleted. We agree that reference to Handbook 44 standards is inappropriate. Most states and localities do follow Handbook 44 guidelines and the record indicates that a scale certified by local or state inspection or licensing authorities would protect the shipper without unduly burdening the carrier. We will also modify this definition by permitting the use of duly certified axle scales. Congress has directed the Commission to issue regulations which permit carriers the maximum possible flexibility in weighing shipments, consistent with assurance to the shipper of accurate weighing practices. If an axle scale is duly certified by state or local licensing authorities the shipper is afforded sufficient protection that the weight obtained is accurate.

Turning to the proposed definitions of individual and commercial shippers, consumer groups generally suggest that individual shippers, regardless of who pays for their move, are entitled all protections and information given to shippers who incur their own moving costs. An analysis of the evidence submitted demonstrates that the term "individual shipper" should be simplified and defined as a person who is the consignee or consignor of a household goods shipment and owns the goods being transported. This change will permit all individuals moving their own household goods to have access to

the pre-move information and protections afforded by the Commission. Commercial shippers will be defined as to those consignees or consignors identified in a bill of lading who do not own the goods being transported but who assume the responsibility for payment.

Proposed § 1056.2 Information for Shippers

(a) Prior to the execution of an order for service relating to the proposed transportation for an individual shipper, of a shipment of household goods as defined in 49 CFR 1056.1(b)(1), every motor common carrier holding out to perform the service shall cause to be furnished to the prospective shippers the following publications.

(1) Publication OCP–100, *Your Rights and Responsibilities When You Move*, as prescribed in the appendix to this Section.

(2) A concise easy-to-read, accurate summary of any dispute settlement program, as provided in 49 U.S.C. 11711 and approved by the Commission, in which the carrier participates.

(b) Class I and II motor common carriers of household goods shall also furnish each prospective individual shipper:

(1) A copy of the Form OCP–101, *Annual Performance Report*, most recently filed with the Commission if the carrier is required by 49 CFR 1056.19 to prepare and file such report. In lieu of furnishing a copy of the actual report the carrier may reproduce and distribute the reported data appended to Publication OCP–100 provided the data is reproduced on a separate page in the same format as that of the Form OCP–101 without alteration or amendment and without any subjective evaluation or commentary appearing on the same page as the required performance information.

(2) A publication describing the customer complaint and inquiry handling procedures established and maintained by the carrier as required by 49 CFR 1056.13. Included in this publication there shall be a telephone number, either for a toll-free service or for a regular telephone service at which collect calls will be accepted, which the shipper may use to communicate with the principal office of the carrier.

Proposed § 1056.2 (Appendix)

Requirements for Publication OCP–100, *Your Rights and Responsibilities When You Move.*

General Requirements

(1) The text, format and arrangement of the publication shall not be changed without the written approval of the Director, Office of Consumer Protection, Interstate Commerce Commission.

(2) The Director, Office of Consumer Protection, Interstate Commerce Commission, shall, within 60 days following the effective date of a decision of the Interstate Commerce Commission changing any rule or regulation published at 49 CFR 1056, cause to be published in the **Federal Register** a notice of amendment to Publication OCP–100 reflecting such change or changes. Future amendments to Publication OCP–100 will become effective 60 days after publication in the **Federal Register**.

(3) The dimensions of the publication shall be optional, *Provided, however*, the product of multiplying the length by the width shall be not less than 36 square inches.

(4) The color and design of the front and back cover of the publication shall be optional, providing, however, the only words printed or appearing on the front cover shall be *Your Rights and Responsibilities When You Move.*

Comments and Discussion

Since the definition of "individual shipper" has been broadened it is anticipated that all individuals moving their own household goods, regardless of who pays for the move, will be furnished with the required pre-move information. All consumer groups and carrier organizations, as well as many individual comments, drew attention to the fact that class III carriers should not be excluded from providing performance reports and written descriptions of their customer complaint procedures. The comments submitted provide no basis for a conclusion that the need for shipper information varies with the carrier's size; therefore, these requirements will be made to apply to all classes of household goods carriers.

The National Furniture Warehouseman's Association (NFWA), the AMC, and most carriers and agents vigorously attack the proposal requiring carriers and agents to maintain certain toll free telephone numbers or designate a number at which collect calls will be accepted. They generally argue that such a service would be an unjustified financial burden on the carriers, especially the numerous small businesses in the moving industry. Consumer groups were generally silent on this proposal.

Although many businesses maintain toll free telephone numbers, such a service is assumed voluntarily as a means of improving customer communications and enhancing sales. Comments have been submitted indicating that it would cost businesses many thousands of dollars to maintain a toll-free service. To mandate toll-free service or to require all moving companies to accept collect calls would impose an undue financial hardship on the smaller carriers and agents. Therefore, this proposal will be modified to require carriers to list a telephone number which the shipper may use to communicate with the carrier, accompanied by a clear statement concerning who shall pay for such telephone calls. Having available this information, the informed shipper may select a carrier that offers the services and price options the shipper deems most important.

Several individuals and groups offer constructive suggestions for improving the readibility of Publication OCP–100, *Your Rights and Responsibilities When You Move.*

Many of these suggestions have been adopted. The publication has been further modified to reflect changes made in the final rules. The publication appears in Appendix A. Lastly, any amendment to publication OCP–100 will be published in the **Federal Register** within 30 days (rather than the proposed 60 days).

Proposed § 1056.3 Estimates of Charges

(a) *Binding Estimates.* Motor common carriers engaged in the transportation of household goods as defined in 49 CFR 1056.1(b)(1) may provide in their tariffs for the preparation and furnishing to shippers of binding estimates of the costs which the shippers will be required to pay for the services included in the estimates. Such estimates must be furnished in writing to the shipper or other person responsible for payment of the freight charges and a copy of each such estimate must be retained by the carrier as an addendum to the bill of lading. All such estimates shall have clearly indicated on the face thereof that the estimate is binding upon the carrier and that the charges shown are the maximum charges which will be assessed for the services identified in the estimate.

(b) *Non-binding Estimates.* Motor common carriers engaged in the transportation of household goods as defined in 49 CFR 1056.1(b)(1) may, without charge, provide estimates of the approximate costs which will be assessed for the transportation of such shipments. Estimates of approximate costs shall not be binding on the carriers providing such estimates. The final charges on such estimated shipments shall be those appearing in the carriers' tariffs applicable to the transportation. Non-binding estimates must be furnished in writing to the shipper or other person responsible for payment of the freight charges and a copy of each such estimate must be retained by the carrier as an addendum to the bill of lading. All such estimates shall have clearly indicated on the face thereof that the estimate is not binding on the carrier and that the charges shown are the approximate charges which will be assessed for the services identified in the estimate. Non-binding estimates of approximate costs shall specify the units used in setting charges for all line-haul, accessorial and storage charges and valuation or insurance charges; the carrier's charge per unit; and the estimated units included in the estimate.

(c) *Estimated Charges Required to be Entered on the Order for Service and Bill of Lading.* Motor common carriers furnishing non-binding estimates of approximate cost under provisions of pargraph (b) shall enter on the order for service, if an order for service is required to be prepared under the provisions of 49 CFR 1056.5, and the bill of

lading relating to the shipment the amount of the approximate charges estimated and the maximum amount required to be paid at time of delivery as provided in paragraph (d).

(d) *Maximum Charges Required to be Paid At Time of Delivery on Collect on Delivery Shipments Subject to Non-binding Estimates of Approximate Costs.* At time of delivery of a collect on delivery shipment, except when such shipment is delivered to a warehouse for storage at the request of the shipper on which a non-binding estimate of the approximate costs has been furnished by the carrier under the provisions of paragraph (b), the shipper or his or her representative may request delivery of the shipment upon payment, in a form acceptable to the carrier of an amount not exceeding 110 percent of the estimated charges. The carrier shall relinquish possession of the shipment upon payment of not more than 110 percent of the estimated charges and shall defer demand for the payment of the balance of any final charges for a period of 30 days following the date of delivery. A carrier relinquishing possession of a collect on delivery shipment without payment of the total final charges under the provisions of this paragraph may require that the shipper or other person responsible for payment of the freight charges sign a 30-day non-interest bearing promissory note for the unpaid portion of the final charges as a condition precedent to relinquishing possession of the shipment. Any document used for this purpose must be clearly identified as a non-interest bearing promissory note requiring payment of a sum certain on a specific date and shall not be incorporated in or be part of any other document.

Comments and Discussion

Nearly all parties filing statements had significant comments on this proposed rule. Individual agents generally did not favor the Commission permitting the use of binding estimates. The Commission, however must permit carriers to offer binding estimates. Section 4 of the Household Goods Transportation Act of 1980 (49 USC 10734) provides that a carrier may establish a rate for the transportation of household goods which is based upon the carrier's written binding estimate. The only qualifications to the use of binding estimates is that provisions for giving such estimates must be published in the carrier's tariff and such estimates must be made available on a non-preferential basis to shippers and must not result in charges to shippers which are predatory.

The NFWA and several individual carriers request that a 60-day time limitation be placed upon the duration of all written binding estimates. We will not require any time limitation; however, an individual carrier may provide for such a time limitation for its binding estimates as long as the time limitation is reflected in the carrier's tariff and is clearly shown on the written estimate. Subsection (a) of § 1056.3 has also been rewritten for clarity. The last sentence of Subsection (b) dealing with non-binding estimates has also been restated so that it must clearly describe the shipment and all services to be provided. Subsection (c) has also been rewritten for clarity without substantive change.

Turning to subsection (d), the NFWA argues that the 110 percent rule be abolished and that carriers be able to retain possession of the shipment until full payment has been made. They also contend the proposed extension of the 15 day grace period to 30 days is unwarranted, and that the use of a promissory note for any balance due is ineffective. The AMC also questions the need for a promissory note and maintains that a carrier be permitted to collect up to 120 percent of the estimated charges (non-binding) prior to relinquishing the shipment.

Organizations representing consumer interests universally attack the requirement that the shipper must sign a promissory note for payment of the remaining amount due the carrier. They cite numerous reasons for their position, all of which in essence put the consumer or shipper at an unfair disadvantage to the carrier. Inasmuch as there is no support in the record for the requirement and no valid reason for its retention, it will be deleted.

Concerning the increase in time to 30 days for an extension of credit, we believe that the 15 day increase is warranted. The additional time will make it easier for shippers to obtain the necessary funds to satisfy a contractual debt which was not reasonably anticipated.

Contrary to AMC arguments, the Commission believes that the 110 percent rule has generally benefited both shippers and carriers. The rule will not be changed. More accurate estimating practices, refusal to handle additional tendered items without a new estimate, and the use of binding estimates all permit a carrier to solve any problems arising in this area.

Proposed § 1056.4 Final Charges on Shipments Subject to Minimum Weight or Volume Provisions

(a) Motor common carriers engaged in the transportation of household goods, and defined in 49 CFR 1056.1(b)(1), providing service for individual shippers on rates based on the transportation of a minimum weight or volume shall, prior to the execution of an order for service relating to shipments which appear to be subject to minimum weight or volume based rates, advise the shipper of the minimum weight or volume based rates and the minimum line-haul charges applicable to the shipment.

(b) Failure to comply with the requirements of paragraph (a) shall require and the governing tariff shall contain a rule providing that the final line-haul charges relating to such a shipment be computed based on the actual weight or volume of the shipment and the rate applicable to a minimum weight or volume shipment.

Comments and Discussion

NAVL contends that in order to comply with the proposed regulation the carrier will need to establish a form to document the shipper's receipt of the notification of minimum charges. They argue that this is an additional paperwork burden on the carrier. The U.S. Office of Consumer Affairs (USOCA) states that, as written, the rule is unenforceable, since any dispute as to notice will be reduced to the agents word against the consumer's. Their argument support NAVL's contention that a receipt form would be required. Inasmuch as the Commission is attempting to reduce the paperwork burden on carriers while still protecting the consumer, the proposed rule will be modified to require carriers to disclose any minimum or volume based rates and the minimum line haul charges on the order for service. This method of disclosure informs the prospective shipper of such minimum charges without burdening carriers with maintaining additional forms or filings.

Proposed § 1056.5 Order for Service

(a) *Order For Service Required.* Every motor common carrier shall, prior to the receipt of a shipment of household goods as defined in 49 CFR 1056.1(b)(1) to be moved for an individual shipper, prepare an order for service which contains the following minimum information:

(1) Shipper's name, address and telephone number.

(2) Consignee's name, address and telephone number.

(3) Name, address and telephone number of the delivering carrier's office or agent located at or nearest to the destination of the shipment.

(4) A toll-free telephone number, or the number of a telephone at which collect calls will be accepted, by which means the shipper/consignee may contact the carrier.

(5) Agreed pickup date and agreed delivery date, or in lieu of specific dates, the agreed period or periods of time within which pickup, delivery, or the entire move will be accomplished. If the shipment is to be transported on a guaranteed service basis, the guaranteed dates or periods of time or pickup, transportation and delivery and the penalty or per diem requirements of the agreement shall be entered under this item.

(6) Complete description of any special or accessorial services ordered.

(7) Any identification or registration number assigned the shipment by the carrier.

(8) Amount of estimated approximate charges and method of payment of total charges and maximum amount required to be paid at time of delivery to obtain possession of the shipment by the consignee or his representative under the provisions of 49 CFR 1056.3(c).

(9) Amount of charges required to be paid based on a binding estimate and the terms of payment under that estimate.

(10) Whether the shipper requests notification of the charges prior to delivery and telephone number or address at which such communications will be received.

(11) A statement concerning the shipper's right to request the reweighing of a shipment reading as follows:

Important Information About the Reweighing of Your Shipment

As the person responsible for paying the charges on a shipment of household goods, or a representative of that person, you have the right to request the reweigh of a shipment weighed at the origin at any time prior to the actual commencement of the unloading. The carrier is required to inform you of the total charges and the weight of the shipment before commencing unloading. The carrier and/or delivering driver must perform the reweigh as requested; you must be advised of the time and specific location where each weighing will be performed and you must be given a reasonable opportunity to be present to observe both weighings.

Should the weight of the shipment as determined by the reweigh be greater or less than the weight now shown on the freight bill, the carrier may recompute the total charges based on the reweigh net weight if the net weight is increased and must reduce charges if the net weight is decreased based on the reweigh net weight if both the gross and tare reweighs are performed on the same scale and are observed by the person responsible for paying the charges or a representative of that person or unless the right to observe the weighings is specifically waived.

(11) Signatures Required. The order for service shall be signed by the shipper or his or her representative who is ordering the service and by the carrier or its agent. A copy of the order for service shall be dated and furnished the shipper or his or her representative at the time it is executed.

(b) *Amendments to an Order For Service.* Following the preparation and signing of an Order For Service, any change or amendment of the agreed service dates, as provided in paragraph (a)(6) or the amount of the estimated charges or amount required to be paid at time of delivery, as provided in paragraph (a)(9), shall be in writing and must be signed by the shipper or his or her representative who is ordering the service and by the carrier or its agent. A copy of the amendment shall be dated and furnished the shipper or his or her representative at the time it is executed.

Comments and Discussion

Consumer groups want the order for service to be made available to all shippers. Since the definition of "individual shipper" in § 1056.(b)(5) has been significantly broadened, most consumers moving would receive an order for service. The AMC suggests the order for service be renamed an ordering document. We see no basis for changing the name. Based upon the comments received and the decision not to require a toll-free telephone number, we have modified the contents of the order for service. We have added to this document the name, address and ICC docket number of the carrier who is responsible for performing the service. This gives the shipper vital information as to who he or she is actually dealing with. The shipper's or consignee's telephone number will be only required if it is available. Notice of minimum weight, volume based, or minimum line-haul charges must be included in accordance with § 1056.4(a). Part (11) has been deleted because this information is set forth in publication OCP–100. Finally, subsection (b) has been simplified.

Proposed § 1056.6 Receipt or Bill of Lading

(a) *Issuance of a receipt or bill of lading.* Every motor common carrier engaged in the transportation of household goods as defined in 49 CFR 1056.1(b)(1) shall issue a receipt or bill of lading at the time a shipment is received for transportation. The receipt or bill of lading containing the minimum information required by Section 1056.6(b) and the terms and conditions of the contract shall be furnished to the shipper, or his or her representative, prior to the commencement of the loading of a shipment, *Provided, however,* That the receipt or bill of lading when furnished to the shipper, or his or her representative, shall not impose on the carrier any liability for the property to be transported prior to the acceptance of the shipment for transportation as provided by Section 1056.6(c).

(b) *Minimum information required on a receipt or bill of lading.* Whenever a receipt or bill of lading is issued in compliance with paragraph (a) of this section, the carrier shall cause to be included therein the following minimum information:

(1) The name and address of the motor carrier issuing the receipt or bill of lading.

(2) The names and addresses of any other motor carriers which will participate, through interline, in the transportation of the shipment.

(3) The name, address and telephone number of the office of the carrier issuing the receipt or bill of lading that should be contacted in relation to the transportation of the shipment.

(4) When the transportation is to be performed on a collect on delivery basis, the name, address and telephone number of a person to whom notification provided for in Section (1056.7(b) of the regulations in this part shall be given.

(5) When the transportation is to be performed for an individual shipper, and except when the transportation is to be performed subject to tariff provisions for guaranteed service dates, the agreed date or period of time for pickup of the shipment and the agreed date or period of time for delivery of the shipment. The agreed dates or periods of time for pickup and delivery entered on the receipt or bill of lading shall conform to the agreed dates or periods of time for pickup and delivery entered on the order for service or a proper amendment to the order for service.

(6) When the transportation is to be performed subject to tariff provisions providing for guaranteed pickup, transportation and delivery service, the dates for pickup and delivery and the penalty or per diem entitlements due the shipper under the agreement.

(7) The actual date of pickup.

(8) The company or license numbers of the vehicle on which the shipment is loaded.

(9) The terms and conditions for payment of the total charges.

(10) When the transportation is to be performed on a collect on delivery basis and if a pre-move estimate of the charges is provided to the shipper, the maximum amount required to be paid at the time of delivery to obtain delivery of the shipment.

(11) The released rates valuation statement required by 49 CFR 1307.201(c).

(12) Evidence of any insurance coverage sold to or procured for the shipper, including the amount of the premium for such insurance.

(c) *Requirement for an inventory of items in a shipment.* Every motor common carrier of household goods as defined in 49 CFR 1056.1(b)(1) shall prepare an inventory of the individual items included in each shipment. The inventory shall either be incorporated in the format of the receipt or bill of lading issued at the time of tender and acceptance of the shipment for transportation or prepared on a separate inventory form. In the event a separate inventory form is used, a true copy of the completed inventory form shall be appended to, and become part of, the receipt or bill of lading. The inventory shall be signed by the carrier, or its representative. In the preparation of the inventory cartons, boxes and other similar shipping containers containing more than one item shall be listed on the inventory as one item. Items disassembled into their component parts for the purposes of transportation shall be listed on the inventory by a separate entry to identify each component part.

(d) *Copy of Receipt or Bill of Lading to accompany shipment.* A copy of the receipt or bill of lading, with a copy of the completed inventory appended thereto, shall accompany a shipment at all times while in the possession of a carrier. When the shipment is loaded on a vehicle for transportation, the receipt or bill of lading shall be in possession of the driver responsible for the shipment.

Comments and Discussion

Based on comments submitted and in consideration of other changes made in the final rules, some parts of this proposed rule have been modified or deleted. Subsection (a) has been modified to make clear that issuance of a bill of lading is required prior to the

commencement of loading a shipment. Part (2) of subsection (b) has also been modified by requiring this information only when it is known to the carrier. In part (4) the telephone number is only required if it is made available to the carrier. The requirement for license numbers in part (8) has been deleted and the carrier identification number has been substituted. Part (9) has also been modified to include notice of any minimum charges.

Subsection (c) has been deleted. Current regulations do not require the preparation of an inventory and the new legislation cannot be viewed as a directive to increase paperwork. It should be noted, however, that most carriers now prepare inventories and will likely continue to do so.

Subsection (d) has been modified to reflect the fact that inventory lists will not be required.

Proposed § 1056.7 Edtermination of Weights

(a) *Tare weight, gross weight and net weight.*

(1) Every motor common carrier transporting household goods under this part shall determine the weight of each shipment transported prior to the assessment of any charges dependent on the shipment weight. Except as otherwise provided herein, the weight shall be obtained on a scale meeting the definition of a certified scale as provided in 49 CFR 1056.1(b)(4).

(2) *Weighing procedure.* Except as otherwise provided herein, the weight of each shipment shall be obtained by determining the difference between the tare weight of the vehicle on which the shipment is to be loaded prior to the loading and the gross weight of the same vehicle after the shipment is loaded thereon or, when suitable scales are not reasonably available at the point of loading, the gross weight of the vehicle with the shipment loaded thereon and the tare weight of the same vehicle after the shipment is unloaded.

(3) At the time of both weighings the vehicle shall have installed or loaded thereon all pads, dollies, handtrucks, ramps and other equipment required in the transportation of such shipments. No packing or crating materials or supplies shall be loaded on the vehicle at the time of the tare weighing. Neither the driver nor any other persons shall be on the vehicle at the time of either weighing.

(4) The fuel tanks on the vehicle shall be full at the time of each weighing or, in the alternative, no fuel may be added between the two weighings when the tare weighing is the first weighing performed.

(5) The trailer of a tractor-trailer vehicle combination may be detached from the tractor and weighed separately at each weighing providing the length the scale platform is adequate to accommodate and support the entire trailer at one time. The use of axle scales is prohibited at all times.

(6) When an automobile is included in a shipment, the manufacturer's shipping weight entered on the certificate of title or certificate of registration for the vehicle being transported may be used in lieu of a scale weight obtained at the time of transportation.

(7) Shipments weighing 1000 pounds or less may be weighed on a certified platform or warehouse scale prior to loading for transportation or subsequent to unloading.

(8) The net weight of shipments transported in containers shall be the difference between the tare weight of the container, including all pad, blocking and bracing used or to be used in the transportation of the shipment and the gross weight of the container with the shipment loaded therein. No packing or crating materials or supplies shall be loaded in the container at the time of the tare weighing.

(9) The shipper or any other person responsible for the payment of the freight charges or a representative thereof shall have the right to observe all weighings performed with respect to the determination of the weight of any shipment. The carrier must advise the shipper or any other person entitled to observe the weighings of the time and specific location where each weighing will be performed and must give that person a reasonable opportunity to be present to observe the weighings. Waiver by a shipper of the right to observe any weighing or reweighing is permitted and does not affect any rights of the shipper under these regulations or otherwise.

(b) *Weight tickets.*

(1) The carrier shall obtain a separate weight ticket for each weighing required under this section except when both weighings are performed on the same scale one weight ticket may be used to record both weighings. Every weight ticket must be signed by the person performing the weighing and must contain the following minimum information:

(1) The complete name and address of the scale owner or operator.

(2) The date and time of each weighing.

(3) Identification of the weight entries thereon as being the tare, gross and/or net weights.

(4) The license number and State registration of the vehicle. In the event of the weighing of a tractor-trailer unit, the license numbers and State of registration of both the tractor and the trailer shall be entered.

(5) The last name of the shipper as it appears on the Bill of Lading.

(6) The carrier's shipment registration or Bill of Lading number.

(7) The original weight ticket or tickets relating to the determination of the weight of a shipment must be retained by the carrier as part of the file on the shipment. All freight bills presented to collect any shipment charges dependent on the weight transported must be accompanied by true copies of all weight tickets obtained in the determination of the shipment weight.

(c) *Reweighing of shipments.*

Prior to the actual commencement of the unloading of a shipment, which shall not commence until the shipper or other person responsible for payment of the freight charges is informed in writing of the billing (net) weight and total charges due, the shipper, or his or her representative, may request a reweigh of a shipment which was weighed to determine the transportation charges prior to the tender for delivery. Such request must be in writing on a form furnished by the carrier with the following notice printed thereon in contrasting color in letters at least double the height of any other print on the form:

IMPORTANT—READ BEFORE REQUESTING REWEIGHING OF YOUR SHIPMENT

As the person responsible for paying the charges on a shipment of household goods, or a representative of that person, you have the right to request the reweigh of a shipment weighed at origin at any time prior to the actual commencement of the unloading. The carrier is required to inform you of the total charges and the weight of the shipment before commencing unloading. The carrier and/or delivering driver must perform the reweigh as requested; you must be advised of the time and specific location where each weighing will be performed and you must be given a reasonable opportunity to be present to observe both weighings.

Should the weight of the shipment as determined by the reweigh be greater or less than the weight now shown on the freight bill, the carrier may recompute the total charges based on the reweigh net weight if the net weight is increased and must reduce charges if the net weight is decreased based on the reweigh net if both the gross and tare reweighs are performed on the same scale and are observed by the person responsible for paying the charges or a representative of that person or unless right to observe the weighing is specifically waived.

DO NOT SIGN THIS REQUEST FOR REWEIGH UNTIL YOU HAVE THOROUGHLY READ AND UNDERSTAND THE ABOVE NOTICE

A copy of the written request for reweigh must be given to the shipper, or his or her representative, at the time the request is made. The original request for reweigh must be retained by the carrier as part of the file on the shipment.

Comments and Discussion

NAVL, AMC and numerous individual carriers and agents submitted comments and proposed changes in this rule. Subsection (a)(1) will remain as proposed, except for the definition of "certified scale" which has been changed to include scales approved by state or local authorities. NAVL contends that a portion of Subsection (a)(2) would permit backweighing of a shipment only when suitable scales are not reasonably available at point of loading. NAVL argues that it is the clear intent of Congress that the Commission cannot prohibit or condition carriers from backweighing shipments.

We agree with NAVL's comments in this regard and the final rule will be modified. The Household Goods Transportation Act of 1980 does not give the Commission discretion to impose

conditions on the use of backweighing shipments. See 49 U.S.C. 11110(c).

Subsection (a)(3) will be modified by deleting the second sentence which provides that no packing or crating materials or supplies shall be loaded on the vehicle at the time of tare weighing. Such a requirement is not in the existing rule and it interferes with carrier operations. Furthermore, it is unnecessary for the protection of shippers because if such items are included in the tare weight it will result in lower charges to the shipper.

The last sentence of subsection (a)(5) will also be deleted so as to conform to the broadened definition of certified scales in 49 CFR 1056.1(b)(4).

Almost all parties submitting comments opposed the option given in subsection (a)(6) which permits the use of manufacturer's weight of automobiles in lieu of actual weights. Most parties agreed that the manufacturer's weight is inaccurate because it does not include weight of such items as air conditioners, radios, spare tires and other accessories which might be added on by a dealer. Manufacturers' weights would also not include gasoline and any items placed in the automobiles by the shipper. Upon review of the comments, we believe this subsection should be deleted. A scale weight is required to ensure the automobile's true weight. The last sentence in subsection (a)(8) will be deleted to conform to the changes made in subsection (a)(3). The subsections have been renumbered for clarity.

Turning to subsection (b) "weight tickets," we find that the evidence demonstrates that the actual address of the scale may be difficult to obtain; therefore, only its location will be required on the weight ticket. Similarly, there is no need demonstrated to have the time of each weighing indicated on the ticket. Such information would be impossible to verify. Subsection (b)(4) has also been modified to permit the company or carrier identification number to be used on the weight ticket. This change was necessitated since each vehicle may have several licenses.

After carefully reviewing all the comments filed relating to subsection (c), we have decided to delete this section in its entirety and replace it with the following sentence:

> Before the actual commencement of unloading of a shipment and after the shipper is informed of the billing weight and total charges, the shipper, or his or her representative, may request a reweigh of the shipment. The charges shall be based on the reweigh weight.

This modification was necessitated by the fact that the proposed rule is entirely too confusing. It would impose a burdensome paperwork requirement on carriers without providing any evident protection to shippers. Publication OCP-100, which is required to be given to all individual shippers before the move, sets forth the shippers' rights and the carriers' responsibilities in this area.

Proposed § 1056.8 Reasonable Dispatch

(a) Except when accepted for transportation subject to tariff provisions providing for guaranteed pickup, transportation and delivery service on agreed dates:

(1) *Reasonable dispatch required.* Each motor common carrier accepting shipments of household goods as defined in 49 CFR 1056.1(a) for transportation for the account of individual shippers shall cause such shipments to be transported with reasonable dispatch as defined in 49 CFR 1056.1(b). The carrier may publish tariffs which provide for the payment of per diem to the shipper when pickup or delivery does not fall on the dates or during the periods of time specified in the order for service. Incentive tariffs for expedited delivery may also be published.

(2) *Notification of delay in providing service with reasonable dispatch.* Whenever a carrier is unable to perform either or both the pickup and delivery of a shipment being transported for an individual shipper on the dates or during the periods of time specified in the order for service, the carrier shall notify the shipper or his or her representative by telephone or in person, at the carrier's expense, of the delay. Such notification shall be given as soon as it becomes apparent to the carrier that it will be unable to provide the service in compliance with the terms of the order for service.

(3) *Carrier-shipper agreement on extended dates or periods of time for the providing of service.* At the time of notification of delay the carrier shall advise the shipper of the dates or periods of time that pickup and/or delivery can be made and obtain the consent of the shipper to the amended dates or periods of time. If the notification of delay occurs prior to the pickup of the shipment, the amendment shall be in writing as required by 49 CFR 1056.4(b). If the notification of delay occurs subsequent to the pickup of the shipment, the carrier representative notifying the shipper of the delay shall prepare a written record of the date, time and manner of notification and the amended date or period of time for delivery agreed to by the carrier and shipper, which record shall be retained by the carrier as part of its file on the shipment and a true copy thereof shall be furnished, by first class mail or in person, to the shipper.

(b) *False or misleading information.* No carrier or carrier agent, employee or representative shall knowingly and willfully give false or misleading information as to the reasons for delay in picking up and delivering shipments.

(c) *Tendering for delivery.* Except upon the request or concurrence of the shipper, or his representative, a shipment being transported for an individual shipper shall not be tendered for delivery prior to the agreed delivery date or period of time specified on the bill of lading: *Provided, however,* That whenever a carrier is able to tender such a shipment for final delivery more than 24 hours prior to such specified date or the first day of such specified period of time, and the shipper or his representative has not requested or concurred in such early delivery, the carrier may, at its option, place the shipment in storage for its own account and at its own expense in a warehouse located in close proximity to the destination point of the shipment. Whenever a carrier shall exercise such option, it shall immediately notify the shipper of the name and address of the warehouse in which the shipment has been placed, and shall make and keep a record of such notification as a part of its record of shipment. The carrier's responsibility for the shipment under the terms and conditions of the bill of lading and its responsibility for the charges for redelivery, handling and storage thereof shall continue until final delivery: *Provided, however,* That the carrier's responsibility under the bill of lading shall not extend beyond the agreed delivery date or the first day of the period within which delivery was to have been accomplished as specified in the bill of lading.

Comments and Discussion

Consumer groups argue that reasonable dispatch rules should apply to all shippers. Inasmuch as the term "individual shipper" has been redefined and broadened, we believe that most shippers will be covered by this rule. The last two sentences of Subsection (a)(1) have been deleted. These deleted sentences would constitute redundant regulation since the Household Goods Transportation Act of 1980 expressly provides that carriers may publish tariffs for per diem payments and expedited delivery is implicit in this statutory scheme. See (49 U.S.C. 10734(b)(1)). Many carriers and agents contended that a telephone number may not be available at a new residence and that many times it is not possible to notify a shipper in person of a delay. The use of a telegram has been included in subsection (a)(2) as another method of notifying a shipper of a delay in providing service with reasonable dispatch.

Carriers, industry associations, and individual agents vigorously attack the proposed rule in subsection (a)(3) which would require obtaining the shipper's consent for setting a new pickup or delivery date. The USOCA suggests that the new dates should be "mutually agreeable" while the AMC offered alternative language which would permit the carrier to choose alternate dates which considers the needs of the shipper. The comments demonstrate that the rule, as written, is not practical. Requiring the shipper's consent to alternate dates not only can unduly delay subsequent shipments but may also impair the shipper's right to collect

damages for late pickup or delivery. It is possible that carriers can use as a defense, the shipper's "consent" to an alternate date. On balance, we believe that the carrier can unilaterally set alternate pickup or delivery dates as long as the carrier takes into consideration the needs of the shipper. This substitute language offers the shipper the opportunity to consult with the carrier and arrive at an alternate period for service. The carrier will have every incentive to accommodate the shipper inasmuch as the shipper can sue for damages for breach of contract and penalties may be assessed for shipper harm after considering any good faith efforts of the carrier.

Subsection (b) will be deleted since it is an unnecessary regulation.

Proposed § 1056.9 Notification of Charges

(a) Whenever an individual shipper of a shipment being transported on a collect on delivery basis specifically requests notification of the actual weight or volume and charges on a shipment, and supplies the carrier with an address or telephone number at which the communication will be received, the carrier shall comply with such request immediately upon determining the actual weight and charges.

(b) Such notification shall be made by telephone, telegraph, or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of such notification shall be collected from the shipper.

(c) Whenever a shipper, or his or her representative, requests notification of the weight or volume and charges on a shipment as provided in paragraph (a), the notification must be received by the shipper, or his or her representative, at least one full 24-hour day, excluding Saturdays, Sundays and legal holidays, prior to any tender of the shipment for delivery. The 24-hour notification requirement shall not apply on a shipment which, with the agreement of the shipper, or his or her representative, is to be picked up and delivered within a time period encompassing two consecutive week days, or on a shipment on which the charges have been estimated and the maximum amount required to be paid at time of delivery is 110 percent of the estimated charges.

Comment and Discussion

The Transportation Consumer Action Project (TCAP) and CU strongly disagree with the proposal to allow carriers to charge for notification of charges. We believe that the clear intent of Congress in passing the Household Goods Transportation Act of 1980 was to permit carriers to have the maximum flexibility in pricing their services; therefore, we will not require carriers to incur such costs even though it might be a good business practice to do so. Such business judgments will be left to the market place. We encourage consumers to shop around for the best price consistent with service meeting their needs. TCAP also contends that the 24-hour notification requirement is too brief and should be increased to 48 hours. NAVL correctly points out that the proposed regulation is fundamentally incompatible with a carrier's statutory right to backweigh, where a shipment must be unloaded before the final charges can be computed. We believe the 24-hour notification period provides a reasonable opportunity for a shipper to acquire the necessary funds to pay for the move. If the move was performed under a non-binding estimate, the shipper has known from the beginning the maximum amount he or she would be required to have available at the time of delivery (the 110 percent rule). Increasing the notification period to 48 hours could unduly delay the delivery of a shipment, and thereby subject shippers to needless delays. Carriers choosing to backweigh shipments will be excluded from the 24-hour notification requirement since compliance would be impossible.

Proposed § 1056.10 Signed Receipt for Shipment-Release Prohibited

No delivery acknowledgment on any shipping document to be signed by the consignee at time of delivery shall contain any language which purports to release or discharge the carrier or its agents from liability, other than a statement that the property has been received in apparent good condition except as noted on the shipping documents.

Comments and Discussion

No significant comments were received concerning this rule. The final rule has been made more clear.

Proposed § 1056.11 Selling of Insurance to Shippers

(a) When a shipment is released for transportation at a value not exceeding 60 cents per pound per article, and the shipper does not declare a valuation of $1.25 or more per pound and pay or agree to pay the carrier for assuming liability for the shipment equal to the declared value, any common carrier of household goods as defined in 49 CFR 1056.1(b)(1), or any employee, agent, or representative thereof, may sell, or offer to sell or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage in excess of the specified carrier liability to a shipment or shipments of household goods to be transported in interstate or foreign commerce by such carrier; *Provided*, that the shipper is issued a policy or other appropriate evidence of the insurance purchased, and a copy thereof be furnished to the shipper at the time the insurance is sold or procured. Carrier issued policies shall be written in plain English and shall clearly specify the nature and extent of coverage. Failure to issue a policy or other appropriate evidence of insurance purchased shall subject the carrier to full liability for any claims to recover for loss or damage attributed to the carrier.

(b) Any carrier offering or selling or procuring insurance as provided in (a) shall provide in its tariff for the provision of such service. The tariff shall also provide for the base transportation charge to include assumption by the carrier for full liability for the value of the shipment in the event a policy or other appropriate evidence of the insurance purchased by the shipper is not issued to the shipper at the time of purchase.

Comments and Discussion

Consumer organizations generally recognized and were mindful of the previous abuses which prompted the Commission to prohibit the sale of insurance by carriers. They contend that if the Commission decides to permit the sale of insurance by carriers, consumers should be protected by disclosure forms and a careful monitoring of the program of the Commission.

Carrier associations did not offer significant comments or suggestions in this area, and some individual carriers suggested it was a bad idea because it would subject them to additional paperwork burdens. Some individual carriers suggested modified insurance regulations. NAVL strongly opposes the proposed rule. Some carriers suggest modified insurance regulations. They argue that if the proposed rule were to be adopted carriers would be permitted to sell insurance with complete disregard to the current released rates order and circumvent the intent of Congress that the Commission monitor released rates. They contend consumers may be harmed because unsophisticated shippers may not be able to distinguish between bargain insurance with low rates and high deductibles and full coverage insurance with higher premiums. Moreover, they state that the proposed regulation would split responsibility for cargo loss and damage between an insurance company and the carrier, thereby causing consumers numerous problems. Finally, NAVL contends that the proposed regulation would ultimately minimize a carrier's responsibility to exercise diligent care in handling household goods shipments.

Based on the record before us, we have decided to adopt the proposed rule. Carriers will be permitted to sell insurance if requested by the shipper. A record of the insurance purchase will be required on the bill of lading and a policy or other appropriate evidence of insurance must be given to the shipper. This will protect shippers against the possibility that they may pay for insurance and find later that such insurance was not made effective.

Carriers or agents that find the paperwork requirements of this regulation too burdensome need not offer insurance.

Proposed § 1056.12 Liability of Carriers

(a) *Liability restricted.* Except as provided in § 1056.11(a), common carriers by motor vehicle of household goods as defined in 49 CFR 1056.1(b)(1) shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(b) *Limitations of Liability.* A common carrier by motor vehicle of household goods shall be liable for loss of or damage to any articles caused by it while being transported or while being held for storage-in-transit, including incidental pickup or delivery, and including liability for loss or damage to any article or applicance resulting from the servicing of such article or appliance by a third person engaged by the carrier to perform such service, to the extent provided in the outstanding released rates order; except that the carrier may exempt its liability in the following instance:

(1) No liability need be assumed for perishable articles included in the shipment without the knowledge of the carrier; and a carrier accepting for shipment perishable articles may impose reasonable conditions necessary to insure the safe transportation of such commodities.

(c) *Storage-in-transit.* A common carrier by motor vehicle of household goods holding goods for storage-in-transit (S.I.T.) shall, no less than 10 days prior to the expiration of either the specified period of time during which the goods are to be held in such storage or the maximum period of time provided in the carrier's tariff for storage-in-transit, notify the shipper in writing (1) of the date of conversion to permanent storage, (2) of the existence of a nine-month period subsequent to the date of conversion to permanent storage during which shipper may file claims against the carrier for loss and/or damage which occurred to the goods in transit or during the S.I.T. period, and (3) of the fact that on the date of conversion the liability of the carrier shall terminate and the property shall be subject to the rules, regulations, and charges of the warehouseman. Notification shall be by certified mail, return receipt requested. A common carrier by motor vehicle of household goods holding goods for storage-in-transit for a period of time less than 10 days shall, no less than one day prior to the expiration of the specified time during which the goods are to be held in such storage, give notification to the shipper of the information specified in paragraph (d)(1), (2), and (3) of this section, and maintain a record thereof as part of its record of the shipment. Failure or refusal of a carrier to notify the shipper in accordance with the foregoing shall automatically effect a continuance of carrier liability pursuant to the applicable tariff provisions with respect to S.I.T., until the end of the day following the date upon which notice is given.

Comments and Discussion

No significant comments were received regarding this proposed rule. It will be adopted as proposed.

Proposed § 1056.13 Complaint and Inquiry Handling

(a) Class I and II motor common carriers engaged in the transportation of household goods as defined in 49 CFR 1056.1(a) shall establish and maintain a procedure for responding to complaints and inquiries from shippers for which such transportation is provided. As a minimum the procedure shall provide:

(1) A means whereby shippers may communicate with the principal office of the carrier by telephone without expense to the shipper during the period of time commencing with the date of the signing of an order for service and ending with the date of final settlement of all claims arising out of the transportation as provided in 49 CFR 1005 or, if no claim is filed, the expiration of the period provided for the filing of claims.

(2) The carrier shall retain and make part of the file relating to a shipment a written record of all complaints and inquiries received from a shipper by any means of communication. The record shall include, as a minimum, the date of the complaint or inquiry; the nature or description of the complaint or inquiry; the date of resolution or final handling of the complaint or inquiry and the full name of the carrier or employee responsible for the handling or resolution.

(b) The carriers shall publish in their tariffs applicable to the transportation a full description of the complaint and inquiry handling procedure and shall not amend or otherwise change the published procedure in any manner which will result in the providing of a diminished complaint and inquiry handling procedure without filing notice of the amendment or change by appropriate amendment of the applicable tariffs.

Comments and Discussion

CU argues that the application of this rule should not be limited to Class I and II carriers. We agree that the rule, as revised, should apply to all carriers. Carrier organizations and individual carriers generally oppose this proposed rule as not being cost effective. AMC states that adoption of the proposed rule would entail significant additional expenses and enormous paperwork.

Considering the record and all the comments we received on this issue, we have decided to promulgate a final rule which deletes several requirements. As stated before, the final rule will apply to all carriers. Subsection (a)(1) has been modified by deleting the requirement that the carrier absorb the expense of all telephone calls. We will leave this cost decision to the marketing practices of each carrier. Some large carriers may provide for free telephone service, while other carriers may decide that it is more economical and efficient to have its local agent communicate directly with the shipper. Although we will continue to require all carriers to maintain written records of all complaints, the final rule will not specify what minimum information must be maintained. This requirement is necessary to establish the time when possible shipper harm occurred and what actions were taken by the carrier to resolve the matter. Finally, subsection (b) will be entirely deleted. Very few consumers would ever have access to, or interest in, a carrier's tariff. Moreover, forcing carriers to seek Commission approval to modify their internal complaint and inquiry procedures serves no purpose other than to inhibit innovation in providing such procedures.

Proposed § 1056.14 Responsibility of Principal Carrier for Acts of Agents

(a) Each principal carrier shall be absolutely responsible for all acts or omissions of any of its agents which relate to the performance of household goods transportation services (including accessorial or terminal services) in interstate or foreign commerce when those services are held out or performed for the principal carrier or when the shipper is led to believe that those transportation services would be performed by the principal carrier.

(b) Each principal carrier shall use due diligence and reasonable care in selecting and maintaining agents who are sufficiently knowledgeable, fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), and to fulfill obligations imposed upon them by the Commission and by their principal.

Comments and Discussion

This proposed rule will be deleted. The Household Goods Transportation Act of 1980 establishes the legal responsibility of principal carriers for the acts of their agents. See 49 U.S.C. 10934. A restatement of the statute serves no useful purpose.

Proposed § 1056.15 Reporting and Disclosure Requirements

(a) For the purpose of Section 1056.14, agents employed by or providing transportation services for any principal carrier shall be defined as follows:

(1) Prime agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide any transportation service for or on behalf of the principal carrier, including the selling of or arranging for any transportation service, and who perform such services on other than an emergency or temporary basis.

(2) Military agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide origin and/or destination services only on shipments transported on Government bills of lading issued by the Department of Defense, and

who perform such services on other than an emergency or temporary basis.

(3) Temporary agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide origin and/or destination services on behalf of the principal carrier, excluding the selling of or arranging for any transportation service, and who perform such services on an emergency or temporary basis.

(b) Each principal carrier must disclose the following information to each prospective prime agent and to each prospective military agent:

(1) The names under which the principal will do business.

(2) Official names and addresses and principal places of business of the principal carrier and any affiliated carriers that will engage in business with the prospective agent.

(3) A balance sheet and a profit and loss statement for each year of the most recent three-year period of the principal carrier's opefations.

(4) A statement of the standards (if any) by which the principal carrier determines whether the agency should be terminated. If no such standards are generally applicable, the principal carrier must state either that the agency may be terminated at will or that standards governing termination are subject to negotiation between the principal carrier and the prospective retained agent.

(5) A complete statement of the rights and obligations of the principal and the agent, including rights and obligations with respect to training, advertising, claims handling, and frequency and method of payment. The principal carrier also must furnish a copy of its most recent performance report (as described in 49 CFR 1058.19); state the number of vehicles in its vehicle fleet; and list the tariffs under which it operates.

(6) The names, addresses, and telephone numbers of the five agencies whose principal offices are in the closest geographic proximity to the prospective agent. If the principal maintains fewer than five agencies, it shall furnish a statement that it maintains fewer than five agencies.

(7) A statement of the territorial protection offered by the principal carrier or a statement that no such territorial protection is offered.

(8) A statement of the training required of the agent and its employees and the rules and regulations with which the agent and its employees must be familiar and for which they must be responsible.

(9) A statement concerning the methods (if any) by which disputes between the principal and its agents are settled.

(c) The information required by § 1058.15(b) must be received in writing by a prospective prime or military agent prior to the signing of an agency agreement, and the principal must obtain a receipt for that written information, signed by the prospective agent on the date of its receipt.

(d) Agreements between principal carriers and their prime or military agents must be reduced to writing and signed by the principal and the retained agent, and copies of any such agreements must be retained in the files of the principal carrier for a period of not less than 24 months following the date of termination of each agreement.

Comments and Discussion

The AMC and NAVL suggest that subsection (a) of the proposed rule should be redrafted to make clear that agents are not employees of carriers. The final rule has been modified accordingly. The NFWA strongly opposes subsection (b)(4), as proposed, since it gives carriers "unfettered discretion * * * to principals to terminate the agency relationship at will." They contend that this is unconscionable since an agent may potentially be released at anytime, for any reason, without notice. We believe, based on the record in this proceeding, that mutuality of obligation and commercial fairness require principals to furnish to prospective agents standards of termination. However, we will not impose any specific standards. Such standards should be left to business negotiation between the principal and agent prior to commencement of the agency relationship.

Subsections (b) and (c) have been deleted as being unnecessary regulations. The final rule has been renumbered, re-entitled "Agency Agreements" and will appear as 49 CFR 1056.14.

Proposed § 1058.16 Collection of Freight Charges on Household Goods Shipments Involving Loss or Destruction in Transit

(a) No motor common carrier of household goods in interstate or foreign commerce shall collect, or shall require a shipper thereof to pay, any published freight charges (including any charges for accessorial or terminal services) when that shipment is totally lost or destroyed in transit. The provisions of this subsection shall apply only to the transportation of household goods as defined in § 1058.1(b)(1) of these rules. Notwithstanding any other provisions of this subsection, a carrier shall collect, and the shipper shall be required to pay, any specific valuation charge that may be due. This subsection shall not be applicable to the extent that any such loss or destruction is due to the act or ommission of the shipper.

(b) In the event that any portion, but less than all, of a shipment of household goods is lost or destroyed in transit, no motor common carrier of household goods in interstate or foreign commerce shall collect, or shall require a shipper thereof to pay, at the time of delivery, that proportion of its published freight charges (including any charges for accessorial or terminal services) corresponding to that portion of the shipment which is lost or destroyed in transit. In order to calculate the charges applicable to the shipment as delivered, the carrier shall multiply the percentage corresponding to the portion of the shipment delivered by the total charges (including accessorial and terminal charges) applicable to the shipment as tendered by the shipper. If the charges computed in the manner set forth above exceed the charges otherwise applicable to the weight or volume corresponding to the weight or volume of the shipment as delivered, the lesser of those charges shall apply. The provisions of this subsection shall apply only to the transportation of household goods as defined in § 1058.1(b)(1) of these rules. Notwithstanding any other provisions of this subsection, a carrier shall collect, and the shipper shall be required to pay, that proportion of any accessorial or terminal services rendered which corresponds to the proportion of the shipment not lost or destroyed in transit and any specific valuation charge that may be due. In the event that any shipment of household goods to which this subsection applies shall sustain loss or destruction in transit amounting to 10 percent or less of that shipment, by weight or volume, notwithstanding any other provisions of this subsection, the carrier may collect freight charges (including charges for accessorial or terminal services) for that portion of the shipment lost or destroyed in transit; *Provided*, that such charges shall not be considered due or owing to the carrier, and provided further that the carrier must, within 90 days of the date of delivery of any portion of that shipment, refund to the shipper any charges (including charges for accessorial or terminal services) assessed for that portion of the shipment lost or destroyed in transit. The provisions of this subsection shall not be applicable to the extent that any such loss or destruction is due to the act or omission of the shipper. Carriers shall determine, at their own expense, the weight or volume of that part of the shipment not lost or destroyed in transit.

(c) The rights provided by this section are in addition to, and not in lieu of, any other rights which the shipper of household goods may have with respect to a shipment of household goods which is lost or destroyed, or partially lost or destroyed, in transit, whether or not that shipper has exercised the rights provided in paragraphs (a) and (b) of this section.

Comments and Discussion

Consumer groups oppose the provision which would permit carriers to collect total freight charges where 10 percent or less of the shipment was lost or destroyed and then allow the carriers 90 days to refund any charges assessed on the part of the shipment that was lost or destroyed. Upon review of the record we will delete this provision. There is no good reason why the shipper, who has suffered loss, should be made to pay for any service not duly rendered. Furthermore, permitting a carrier to hold the aggrieved shipper's funds for up to 90 days is totally unreasonable.

NAVL and AMC propose the Commission adopt a *de minimus* rule which would allow carriers to forego making refunds to customers in amounts of $10 or less (AMC suggests a $15 limitation). We do not accept this

proposal. Although the carrier's processing costs may exceed the total amount due to a shipper, the fact remains that the shipper is entitled to be compensated for his or her loss.

Proposed § 1056.17 Collection of Freight Charges on Shipments Transported on More Than One Vehicle

(a) Whenever a shipment of household goods, as defined in 49 CFR 1056.1(b)(1), is transported on more than one vehicle on a collect on delivery basis, the carrier delivering such split or divided shipment shall observe the requirements of subparagraphs (1), (2) and (3) in the collection of the charges.

(1) The collection of the charges attributable to the transportation of the portion of the shipment transported on each vehicle may be deferred until all portions of the shipment are delivered, or,

(2) Providing that all portions of the shipment have been weighted or that the total volume of the shipment has been determined and the final charges determined as if the entire shipment was transported on one vehicle, the carrier may collect at the time of delivery of any portion of the shipment that percentage of the final charges represented by the portion of the shipment tendered for delivery or,

(3) In the event that the combined weight or volume of all portions of the shipment and the final charges due the carrier for the transportation of the entire shipment cannot be reasonably determined at the time any portion of the shipment is tendered for delivery, the carrier shall determine the weight or volume of the portion of the shipment being delivered and collect the charges due the carrier for the transportation of a shipment of that weight or volume: *Provided,* That at the time of tender of delivery of the final portion of the shipment the total charges due the carrier for the transportation of the entire shipment shall be determined and the charges required to be paid at the time of delivery of the final portion of the shipment shall be not more than the difference between the total of the charges paid at the time of delivery of previously delivered portions of the shipment and the total charges due from the transportation of the entire shipment.

(b) In the event of the loss or destruction of any part of a portion of a shipment being transported on more than one vehicle the collection of charges as provided in paragraph (a) of this section shall also be in conformity with the requirements of 49 CFR 1056.16.

Comments and Discussion

The final rule has been modified to make clear that it is the carrier who has the option of selecting the method of collecting charges.

Proposed § 1056.18 Advertising by Motor Common Carriers of Household Goods

(a) Every motor common carrier engaged in the transportation of household goods in interstate or foreign commerce, including any carriers providing any accessorial service incidental to or part of such interstate or foreign transportation, shall include, and shall require each of its agents to include, in every advertisement as defined in § 1056.1(d), the name or trade name of the motor carrier under whose operating authority the advertised service will originate, and the certficate or docket number assigned to such operating authority by the Interstate Commerce Commission.

(b) Such certificate or docket number shall be in the following form in every advertisement: "ICC No. MC-———" but shall not include any sub numbers which may have been assigned.

(c) No motor common carrier engaged in the transportation of household goods, as defined in 49 CFR 1056.1(a), or any agent or other representative of such a carrier, shall publish or cause to be published or use any advertisement as defined in 1056.1(c), which is false, misleading or deceptive.

(d) No agent of a motor common carrier engaged in the transportation of household goods, as defined in 49 CFR 1056(b)(1) which is also a motor common carrier of household goods under authority issued by the Interstate Commerce Commission shall, in the solicitation of the sale of transportation or transportation related services to be performed under the authority of the agent employ, use or distribute to a prospective shipper any sales literature, brochure, form, document or advertisement bearing the name, emblem, logo, certificate or docket number or any other written or printed matter, picture or color scheme which, regardless of intent, might cause the prospective shipper to assume or believe that the transportation or transportation services will be performed by any motor common carrier other than the agent.

(e) No motor common carrier engaged in the transportation of household goods as defined in 49 CFR 1056.1(b)(1), shall in the performance of such transportation employ, use or distribute any forms, documents or other written or printed material bearing a name, emblem, logo, certificate or docket number or any other written or printed matter, picture or color scheme which might cause the shipper, or his representative, to assume or believe that the transportation is being performed by any motor common carrier other than the carrier responsible for the issuance of the bill of lading, provided, however, the names and addresses of connecting carriers and agents employed in the performance of the service may appear on the bill of lading and other documents when required.

Comments and Discussion

Many individual agents strongly object to the inclusion of subsections (d) and (e). They argue that the regulation, as written, would require a double expenditure on all advertising and promotional material. Some agents pointed out that a literal reading of the regulation would require them to purchase two sets of vehicles because the sides of the trailers contain advertising. United Van Lines contends that subsection (d) would prohibit its agents from using any item which associated the agent with United when the agent was contracting under its own authority. This, United claims, includes tractors, trailers, single units, packing vans, driver's uniforms, and packing materials. Upon consideration of the comments received, we find that proposed subsections (d) and (e) should be deleted from the final rule. Duplication of all advertising and promotional material constitutes an undue financial burden on the numerous agents who also hold individual authority. Such a regulation would further inhibit agents from seeking new or additional individual authority which would be contrary to the intent of both the Motor Carrier Act of 1980 and the Household Goods Transportation Act of 1980. The shipper will be adequately protected against false, misleading and deceptive advertising by retention of subsection (c) and by the requirements of 49 CFR 1056.5(a)(1) which provides that the name, address, and I.C.C. docket number of the carrier responsible for performing the service be written on the Order for Service.

Proposed § 1056.19 Preparation and Filing of Annual Performance Report

(a) Minimum Filing Requirement—Each motor common carrier for household goods as defined in 49 CFR 1056.1(b)(1), which delivers 100 or more interstate shipments to individual shippers as defined in 49 CFR 1056.1(b)(5), during any calendar year shall, on or before March 31 of the following year, cause to be filed with the Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423, a report of the service performed during the report year. The report shall be submitted on Form OCP-101.

(b) Prescribed Annual Performance Report Form

INTERSTATE COMMERCE COMMISSION

Office of Consumer Protection

Annual Performance Report for Year Ended December 31, 19—

Carrier's Name———
Carrier's Address ———
ICC Number ———

PART A

During the year the total number of shipments delivered for each type of shipper was:

1. Individual shipper ..... ———
2. Government Bill of Lading shipper ..... ———
3. Commercial shipper ..... ———

PART B

With reference to shipments delivered for individual shippers as defined in 49 CFR 1056.1(b)(5):

1. The number of shipments delivered upon payment of the amount of a binding estimate (49 CFR 1056.3(3)) ..... ———

PART B

2. Percent of the shipments on which a non-binding estimate was furnished for which the final charges for the service included in the estimate did not exceed the amount of the estimate ..... ——
3. Percent of shipments delivered which were picked up on or before the last date for pickup specified in the order for service/bill of lading ..... ——
4. Percent of shipments delivered which were delivered on or before the last date for delivery as specified in the bill of lading contract ..... ——
5. Percent of shipment delivered which did not result in the filing of a claim by the shipper within 60 days following the date of delivery for property loss or damage in excess of $50 ..... ——
6. Percent of shipments delivered which did not result in the filing of a claim in excess of $50 by the shipper within 60 days following the date of delivery for damages and expenses arising out of the delayed pickup or delivery of the shipment ..... ——
7. The average number of days between the date of filing of a claim for property loss or damage or delay in excess of $50 and the date of final settlement of such a claim ..... ——
8. The percent of all claims for amounts in excess of $50 filed for property loss or damage or for damages or expenses incurred as result of delayed pickup or delivery ..... ——
   a. Which were resolved through the use of a dispute settlement (arbitration) program maintained or participated in by the carrier ..... ——
   b. Which were not referred to a dispute settlement program and which were concluded after the carrier received legal notice of suit by claimant to recover ..... ——

(c) Instructions for Preparation of Annual Performance Report, Form OCP-101

INSTRUCTION FOR PREPARATION

PART A

1. Enter the total number of shipments delivered which were transported for individual shippers.

2. Enter the total number of shipments delivered on Government Bills of Lading. Do not include shipments transported for a freight forwarder.

3. Enter the total of all other shipments transported for commerical shippers as defined in 49 CFR 1056.1(b)(6). Include shipments transported for freight forwarders in this total.

PART B

1. Enter the number of shipments delivered on which a binding estimate was furnished and on which the final charges were the same as the estimated charges.

2. Enter the percent of the shipments on which a non-binding estimate of approximated costs was furnished which were delivered upon payment of an amount not exceeding the estimated approximated costs.

3. Enter the percent of the shipments entered under Part A item 1 which were picked up on or before the last date for pickup as specified in the order for service. *Include in the computation of the percent all shipments picked up late, regardless of the reason or the party responsible for the delay.*

4. Enter the percent of all shipments entered under Part A item 1 which were delivered on or before the last date for delivery as specified in the bill of lading. *Include in the computation of the percent all shipments picked up late, regardless of the reason or the party responsible for the delay.*

5. Enter the percent of the shipments entered under Part A item 1 which did not result in the filing of a claim by the shipper within 60 days following the date of delivery for property loss or damage in excess of $50. For the purposes of this report, a "claim filed" shall be considered as any claim otherwise meeting the minimum requirements of 49 CFR 1005.2(b) and for an apparent loss in excess of $50.

6. Enter the percent of the shipments entered under Part A item 1 which did not result in the filing of a claim by the shipper within 60 days following the date of delivery for damages or expenses in excess of $50 incurred as a result of the delayed pickup and/or delivery of the shipment. For the purposes of this report, a "claim filed" shall be considered as any claim otherwise meeting the minimum requirements of 49 CFR 1005.2(b) and for apparent damages or expenses in excess of $50.

7. Enter the average number of days required to reach a final settlement of all claims for $50 or more relating to the transportation of shipments entered under Part A item 1 arising out of property loss or damage or the delayed pickup and/or delivery of shipments during the report year. For the purposes of this report a claim shall be considered to be a "claim filed" if it meets the criteria set forth in (7) and (8) and shall be considered as being finally settled on the 60th day following the date on which a written offer of settlement is mailed or delivered in person to a claimant unless the offer of settlement is accepted prior to the 60th day or on the 60th day following the date on which a written denial of liability is mailed or delivered in person to the claimant unless the claimant assents to denial prior to the 60th day.

8a. Enter the percent of the loss and damage claim for $50 or more arising out of the transportation of shipments entered under Part A item 1 which were settled during the report year through the use of a dispute resolution or arbitration procedure maintained or participated in by the carrier.

8b. Enter the percent of loss and damage or delay claims for $50 or more arising out of the transportation of shipments entered under Part A item 1 which were settled during the year on a date subsequent to the date on which legal notice of suit to recover was received by the carrier.

GENERAL INSTRUCTIONS

1. Data for the completion of Form OCP-101 may be obtained by random sampling providing that in every instance the universe sampled is all shipments delivered for individual shippers during the report year or all claims arising out of the transportation of individual shipper shipments which were received or settled, as appropriate during the report year.

2. When random sampling is used, the minimum sample size in every instance shall be 400 shipments or claims, as appropriate, in replicates of 100 shipments or claims each. All samples must conform to standard deviation with a 95% confidence level.

3. Carriers submitting Form OCP-101 shall retain and make available for review by an authorized Commission employee all working papers, notes and other files relating to the preparation of each report for a period of not less than 24 months following the date of filing such a report.

Comments and Discussion

Consumer organizations object to the design of the questions on the form which presents the carrier's performance in an affirmative manner. In the past such questions were presented in a negative format; e.g., What percentage of shipments were delayed? We believe the affirmative format satisfies the numerous objections of the moving industry without significantly affecting the ability of the prospective shipper to select a carrier on the basis of past performance. For example, in the past, a shipper would probably select a carrier which had the lowest percentage of late deliveries. Under the proposed format, the same consumer would probably select a carrier with the highest percentage of on-time deliveries, all other things being equal.

Public Citizen Congress Watch believes that carriers should not be permitted to use random sampling techniques in compiling the annual report. We disagree. Properly controlled random sampling techniques produce statistically valid results without overwhelming the carrier with burdensome paperwork requirements.

Carrier organizations suggest that the minimum dollar amount on claims which must be reported be increased from $50 to $100 to account for the effects of inflation over the past several years. We believe that there is adequate economic justification supporting the carriers position. The $50 guideline has been in

use for several years and an increase to $100 appears warranted. This increase would alleviate additional paperwork burdens without seriously affecting consumer knowledge concerning the carriers' handling of significant claims. The instructions to the annual performance report will be amended accordingly. Finally, it should be noted that the pack and crate carriers (so called Kingpack carriers) will not be required to prepare annual peformance reports.

Proposed § 1056.20 Use of Charge Card Plans

Motor common carriers of household goods, as defined in 49 CFR 1056(b)(1), may provide in their tariffs for the acceptance of charge cards for the payment of freight charges whenever shipments are transported under agreements and tariffs requiring payment by cash, certified check or money order payment by charge card shall be considered the same as payment by cash, certified check or money order. Any tariff rule or item permitting the acceptance of charge cards shall identify the charge card plans participated in by the carrier.

Proposed § 1322.6 Charge Card Plans Not Included (Under Credit Regulations)

It is proposed to amend § 1322.6 to read as follows:

The provisions of this Part shall not apply to the payment of interstate transportation charges by use of charge cards as provided in 49 CFR 1059.19 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account.

Comments and Discussion

No substantive comments were received concerning these complementary proposed rules. It should be noted that the acceptance of charge cards is left to the business judgment of each carrier. The final rule simply permits another payment option not previously available.

Proposed Deletion of 49 CFR 1056.18 and 1056.21

Carrier organizations oppose the deletion of these existing regulations which taken together presently inhibit rate and service competition between carriers and their agents. The AMC argues retention of these rules is:

(a) Not contrary to anti-trust provisions

(b) Needed to prevent shipper discrimination

(c) Needed to prevent shipper confusion

AMC states that deletion of these rules would:

(a) Adversely affect pooling arrangements

(b) Create a competitive relationship between principal and agent

Considering all the above arguments we believe that the benefits derived from deletion of these two rules far outweigh any of the feared consequences. Deletion of the rules will permit price and service competition between and among principal carriers and their agents. The intention to foster such competition is now part of the National Transportation Policy and was the prime motivation, along with reduced regulation, for enactment of both the new motor carrier and household goods legislation.

Proposed §§ 1065.1 and 1310.15

No significant comments were received regarding these proposals. They will be adopted as final rules based upon the justifications contained in the notice of proposed rulemaking. Section 1310.15 has been modified to conform to the decision in Ex Parte No. MC-19 (Sub-No. 34), *Household Goods Transportation (Storage-In-Transit Charges).*

This proceeding is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

The rules in 49 CFR 1056 are vacated, except the performance report form required by rule 1056.18 which will remain in effect until the Office of Management and Budget (OMB) approves the proposed form.

We adopt the rules set forth in Appendix B.

This action is taken under the authority of 49 U.S.C. 10321, 11109, 11110, and 5 U.S.C. 553.

Decided: February 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham dissenting in part.

Agatha L. Mergenovich,

Secretary.

[Note.—Appendix A will not appear in the CFR]

Appendix A—Your Rights and Responsibilities When You Move

Prepared By the Interstate Commerce Commission, Office of Consumer Protection

Furnished By Your Mover

Note.—The name of the carrier distributing the publication may be substituted for "Your Mover."

Publication OCP-100

Contents

Introduction
Moving service questionnaire
Estimates
  Binding estimates
  Non-binding estimates of approximate cost
Order for service
Bill of lading contract
Inventory
Shipments subject to minimum weight charges
Determining the weight of your shipment
Reweighing of shipments
Picking up and delivering shipments on the agreed dates
Space reservation, expedited service, exclusive use of a vehicle, and guaranteed pickup and delivery
Notification of charges
Receipt for delivery of a shipment
The mover's liability for loss and damage
Complaints and inquiries about the mover's service
Payment of the transportation charges
Payment of the transportation charges on shipments moved on two or more vehicles
Payment of the transportation charges on shipments lost or destroyed in transit
Filing of claims for loss and damage or delay, dispute resolution programs
In Conclusion

Introduction

The Interstate Commerce Commission (ICC) regulations protect consumers on interstate moves and define the rights and responsibilities of consumers and movers.

The mover gives you this pamphlet to provide information about your rights and responsibilities as a shipper of household goods. You should talk to your mover if you have further questions. The mover will also furnish you with a pamphlet describing its procedure for handling your questions and complaints. The pamphlet includes a telephone number you can call to obtain additional information about your move.

If, after discussing your move with the mover, you still need information or assistance, you may obtain help from the National Consumer Assistance Center, Interstate Commerce Commission, Washington, D.C. 20423, or by calling the center using the toll-free number (800) 424-9312 (275-0660 within the District of Columbia).

Moving Service Questionnaire

Included with this pamphlet is a brief questionnaire which we ask you to complete and mail, postage free, to the Interstate Commerce Commission's National Consumer Assistance Center. The information which you provide will help the Commission to further assist consumers.

Please answer every question. The name and ICC number of the moving company is found at the top of the bill of lading. The shipment registration or identification number is found on the order for service and the bill of lading of your shipment.

The Service Questionnaire is not a complaint or inquiry form. If you have a complaint or inquiry concerning the mover's services either call or write to the National Consumer Assistance Center mentioned above.

INTERSTATE COMMERCE COMMISSION MOVING SERVICE QUESTIONNAIRE

(Not a Complaint Form)

1. Name of the moving company _____
2. Mover's ICC number _____
3. Your shipment registration or identification number _____
4. Moved from (State) _____ Moved to (State) _____
5. Date your shipment was picked up (Date) _____ (Delivered (Date) _____
6. Did you receive an estimate _____ ☐ Yes ☐ No
7. Was the estimate binding? _____ ☐ Yes ☐ No
8. Were the final charges the estimated charges? (Check One) _____ ☐ More ☐ Less ☐ Same As
9. Was your shipment picked up the agreed pickup date? (Check One) _____ ☐ Before ☐ On ☐ After
10. Was your shipment delivered the agreed delivery date? _____ ☐ Before ☐ On ☐ After
11. Have you or do you intend to file a claim with the mover for property loss or damage in excess of $100? _____ ☐ Yes ☐ No
12. Would you use the same mover again? _____ ☐ Yes ☐ No
13. Was the *Your Rights and Responsibilities When you Move* booklet helpful to you in your move? _____ ☐ Yes ☐ No

Please show return address in upper left corner of reverse side of this card.

NOTE: THIS QUESTIONNAIRE WILL BE PRINTED ON A PREPAID POST CARD ADDRESSED TO THE INTERSTATE COMMERCE COMMISSION, NATIONAL CONSUMER ASSISTANCE CENTER, WASHINGTON 20432. THIS CARD IS TO BE INSERTED BETWEEN PAGES 2 AND 3 OF THE BOOKLET AND SHOULD BE PERFORATED TO PERMIT EASY REMOVAL. THE CARRIER'S NAME AND ICC NO. MAY BE PRE-PRINTED ON THE QUESTIONNAIRE

_____

_____

_____

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST CLASS PERMIT NO. 12815 WASH. DC

POSTAGE WILL BE PAID BY THE ICC

INTERSTATE COMMERCE COMMISSION
NATIONAL CONSUMER ASSISTANCE CENTER
WASHINGTON DC 20423

Estimates

Although the ICC cannot require that moving companies give estimates most movers do provide estimates when requested. There are two types of estimates, binding and non-binding.

Binding Estimates

The mover may charge you for providing a binding estimate.

Binding estimates must clearly describe the shipment and all services provided.

When you receive a binding estimate, you cannot be required to pay any more than the amount of the estimate. To be effective, a binding estimate must be in writing and a copy given to you before you move. A copy of the binding estimate must also be attached to the bill of lading.

If you agree to a binding estimate, you are responsible for paying the charges by cash, certified check, or money order at time of delivery unless the mover agreed before you move to extend credit or to accept payment by charge card. If you are unable to pay the amount required at the time the shipment is delivered, the mover may place your shipment in storage at your expense until the charges are paid.

Non-Binding Estimates of Approximate Cost

The mover is not permitted to charge for giving a non-binding estimate.

A non-binding estimate does not bind the mover. When you receive a non-binding estimate there is no guarantee that the final cost will not be more than the estimate.

Non-binding estimates must be in writing and clearly describe the shipment and all services provided. Any time a mover provides such an estimate it is required that the amount of the charges estimated must be entered on the order for service and bill of lading relating to your shipment. If you are given a non-binding estimate, do not sign or accept the order for service or bill of lading unless the amount estimated is entered on each form when prepared by the mover.

If you are given a non-binding estimate, the mover cannot require you to pay more than the amount of the original estimate plus 10 percent, at time of delivery. You will then have at least 30 days after the date of delivery to pay any remaining charges.

If you request the mover to provide more services than those included in the estimate, the mover may demand full payment for those added services at time of delivery.

Order for Service

Moving companies are required to prepare an order for service on every shipment transported for an individual shipper. You are entitled to a copy of the order for service when it is prepared.

The order for service is not a contract. Should your move be cancelled or delayed or if you decide not to use the services of the mover, you should promptly cancel the move.

Should there by any change in the dates on which you and the mover agreed that your shipment will be picked up and delivered, or any change in the non-binding estimate, the mover

may prepare a written change to the order for service. The written change should be attached to the order for service.

Bill of Lading Contract

The bill of lading is the *contract* between you and the mover. The mover is required by law to prepare a bill of lading for every shipment it transports. The information on a bill of lading is required to be the same information shown on the order for service. The driver who loads your shipment must give you a copy of the bill of lading before loading your furniture. You must also sign the bill of lading.

It is your responsibility to read the bill of lading before you sign it. If you do not agree with something on the bill of lading *do not sign* it until you are satisfied that the bill of lading shows what service you want.

The bill of lading requires the mover to provide the service you have requested, and you must pay the mover the charges for the service. *The bill of lading is an important document. Do not lose or misplace your copy.* Have it available until your shipment is delivered, all charges are paid and all claims, if any, are settled.

Inventory

At the time the mover's driver loads your shipment he or she, although not required to do so, usually inventories your shipment listing any damage or unusual wear. The purpose of this is to make a record of the condition of each item. If the driver does not make an inventory you should make one yourself.

After completing the inventory, the driver will usually sign each page and ask you to sign each page. It is important before signing that you make sure that the inventory lists every item in your shipment and that the entries regarding the condition of each item are correct. You have the right to note any disagreement. When your shipment is delivered if an item is missing or damaged, your ability to recover from the mover for any loss or damage may depend on the notations made.

The driver will give you a copy of each page of the inventory. Attach the complete inventory to your copy of the bill of lading. It is your receipt for the goods.

At the time your shipment is delivered, it is your responsibility to check the items delivered against the items listed on your inventory. The driver usually places a small numbered tag on each item as the inventory is prepared. The numbers should correspond to the numbered items on the inventory form and facilitate checking off the items off as they are brought into your new residence. Check each item for damage that did not exist when the shipment was loaded. If new damage is discovered, make a record of it in the space provided on the inventory form. Be sure to call the damage to the attention of the driver and request that a record of the damage be made on the driver's copy of the inventory.

After the complete shipment is unloaded, the driver will request that you sign the driver's copy of the inventory to show that you received the items listed. Do not sign the inventory until you have assured yourself that it is accurate and that proper notations have been entered on the form regarding any mission or damaged items. When you sign the inventory at the time of unloading, you are giving the driver a receipt for your goods.

Shipments Subject to Minimum Weight or Volume Charges

Movers usually have a minimum weight or volume charge for transporting a shipment. Usually the minimum is the charge for transporting a shipment of at least 500 pounds.

If your shipment appears to weight less than the mover's minimum weight, the mover is required to advise you on the order for service of the minimum cost before agreeing to transport the shipment. Should the mover fail to advise you of the minimum charges and your shipment is less than the minimum weight, the final charges must be based on the actual weight instead of the minimum weight.

Determining the Weight of Your Shipment

If charges are to be based upon weight of the shipment, the mover is required to weigh the shipment. Unless your shipment weighs less than 1,000 pounds and can be weighed on a warehouse platform scale, the mover is required to determine the weight of your shipment by one of the following processes.

Origin Weighing—If your shipment is weighed in the city or area from which you are moving, the driver is required to weigh the truck on which the shipment is to be transported before coming to your residence. This is called the *tare weight.* At the time of this first weighing the truck may already be partially loaded with one or more other shipments. This will not affect the weight of your shipment. The truck should also contain pads, dollies, handtrucks, ramps, and other equipment normally used in the transportation of household goods shipments.

After loading, the truck will be weighed again to obtain the loaded weight, called the *gross weight.* The net weight of your shipment is then obtained by subtracting the tare weight from the gross weight.

Destination Weighing—The mover is also permitted to determine the weight of your shipment at the destination at the time of unloading. The fact that a shipment is weighed at the destination instead of at the origin will not affect the accuracy of the weight of your shipment. *The most important difference is that the mover will not be able to determine the exact charges on your shipment before it is unloaded.*

Destination weighing is done in reverse to origin weighing. After arriving in the city or area to which you are moving, the driver will weigh the truck, with your shipment loaded on it to obtain the gross weight before coming to your new residence to unload. After unloading your shipment, the driver will again weigh the truck to obtain the tare weight. The net weight of your shipment will then be obtained by subtracting the tare weight from the gross weight.

Each time a weighing is performed the driver is required to obtain a weight ticket showing the date and place of weighing and the weight obtained. The ticket must also have your name and shipment number entered on it along with the ID number of the truck. The ticket must be signed by the person who performed the weighing. If both the empty (tare) and loaded (gross) weighings are performed on the same scale, the record of both weighings may be entered on one weight ticket.

At the time the mover gives you the freight bill to collect the charges, a copy of every weight ticket relating to your shipment must accompany your copy of the freight bill.

You have the right to observe every weighing. The mover is required to inform you of the specific location of each scale that will be used and to allow you a reasonable opportunity to be present. If you desire to observe either or both of the weighings, you should tell the mover at the time the order for service is prepared or, in any event, before the day of your move. This will enable the mover to contact you before the weighing to advise you of the location of the scale.

Reweighing of Shipments

If your shipment is weighed at origin and you agree with the mover that you will pay the charges at time of delivery, the mover is required to give you written notice of the weight and charges on your shipment before commencing to unload at your destination residence. If you believe that the weight is not accurate,

you have the right to request that the shipment be reweighed before unloading.

The mover is not permitted to charge for the reweighing. If the weight of your shipment at the time of the reweigh is different from the weight determined at origin, the mover must recompute the charges based on the reweigh weight.

Before requesting a reweigh, you may find it to your advantage to estimate the weight of your shipment using the following method:

(1) Count the number of items in your shipment. Usually there will be either 30 or 40 items listed on each page of the inventory. For example, if there are 30 items per page and your inventory consists of four complete pages and a fifth page with 15 items listed, the total number of items will be 135. *If an automobile is listed on the inventory do not include that item in the count of the total items.*

(2) Subtract the weight of any automobile included in your shipment from the total weight of the shipment. If the automobile was not weighed separately, its weight can be found on the title or license receipt.

(3) Divide the number of items in your shipment into the weight. If the average weight resulting from this exercise ranges between 35 and 45 pounds per article, it is unlikely that a reweigh will prove beneficial to you and could result in your payment of higher charges.

Experience has shown that the average shipment of household goods will weigh about 40 pounds per item. If a shipment contains a large number of heavy items, such as cartons of books, boxes of tools or heavier than average furniture, the average weight per item may be 45 pounds or more.

Picking Up and Delivering Shipments on the Agreed Dates

Agree with your mover on set times for pick up and delivery. You and your mover must reach an agreement as to when your shipment is to be picked up and delivered. It is your responsibility to determine on what date, or between what dates, you need to have the shipment picked up and on what date or between what dates, you require delivery. It is the mover's responsibility to tell you if the service can be provided on or between those dates or, if not, on what other dates the service can be provided.

In the process of reaching an agreement with a mover, it may be necessary for you to alter your moving and travel plans if no mover can provide service on the specific dates you desire.

Do not agree to have your shipment picked up or delivered "as soon as possible." The dates or periods of time you and the mover agree on should be definite.

Once an agreement is reached on the dates service is to be provided, the mover is required to enter those dates on the order for service. Do not sign or accept an order for service that does not have the agreed dates for service entered on the form. Do not sign or accept an order for service which has dates for the pickup or delivery entered on it which are different from those dates to which you have agreed. The dates you have agreed upon must also be entered on the bill of lading and become part of your contract with the mover.

Once your goods are loaded, the mover is contractually bound to provide the service described in the bill of lading. The only defense for not providing the service on the dates called for in the contract is the "defense of force majeure." This is a legal term which means that if circumstances which could not have been foreseen and which are beyond the control of the mover prevent the performance of the service as agreed to in the bill of lading, the mover is not responsible for damages resulting from the non-performance.

If, after an order for service is prepared, the mover is unable to make pickup or delivery on the agreed upon dates, the mover is required to notify you by telephone, telegram or in person about the delay. The mover must at that time tell you when your shipment can be picked up or delivered. If for any reason you are unable or unwilling to accept pickup or delivery on the dates named by the mover, you should attempt to reach agreement with the mover on alternate dates.

The establishment of a delayed pickup or delivery date does not relieve the mover from liability for damages resulting from the failure to provide service as agreed. However, when you are notified of alternate delivery dates it is your responsibility to be available to accept delivery on the dates specified to. If you are not available and willing to accept delivery, the mover has the right to place your shipment in storage at your expense or hold the shipment on its truck and assess additional charges.

If after the pickup of your shipment, *you* request the mover to change the delivery date, most movers will agree to do so providing your request will not result in unreasonable delay to their equipment or interfere with another customer's move. However, the mover is not required to consent to amended delivery dates and has the right to place your shipment in storage at your expense if you are unwilling or unable to accept delivery on the date agreed to in the bill of lading.

If the mover fails to pick up and deliver your shipment on the date entered on the bill of lading and you have expenses you otherwise would not have had, you may be able to recover those expenses from the mover. This is what is called an inconvenience or delay claim. Should a mover refuse to honor such a claim and you continue to believe that you are entitled to be paid damages, you may sue the mover. *The Interstate Commerce Commission has no authority to order the mover to pay such claims.*

While it is hoped that your shipment will not be delayed, you should consider this possibility and find out before you agree for a mover to transport your shipment what payment you can expect if the service is delayed through the fault of the mover.

Space Reservations, Expedited Service, Exclusive Use of a Vehicle and Guaranteed Pickup and Delivery

It is customary for movers to offer price and service options.

The total cost of your move may be increased if you want additional or special service. Before you agree to have your shipment moved under a bill of lading providing special service, you should have a clear understanding with the mover what the additional cost will be. You should always consider that you may find that other movers who can provide the service you require without requiring that you pay the additional charges.

One service option is a *space reservation.* If you agree to have your shipment transported under a space reservation agreement, you are required to pay for a minimum number of cubic feet of space in the moving van regardless of how much space in the van is actually occupied by your shipment.

Another service option is *expedited service* to aid shippers who must have their shipments transported on or between specific dates which the mover could not ordinarily agree to do in its normal operation.

Another customary service option is *exclusive use of a vehicle.* If for any reason you desire or require that your shipment be moved by itself on the mover's truck or trailer, most movers will provide such service.

Still another service option is *guaranteed service on or between agreed dates.* If you take this service option you enter into an agreement with the mover that provides for your shipment to be picked up, transported to

destination and delivered on specific guaranteed dates. If the mover fails to provide the service as agreed, you are entitled to be compensated at a predetermined amount or a daily rate (per diem) regardless of the expense you actually might have incurred as result of the mover's failure to perform.

Before requesting or agreeing to any of these price and service options, be sure to ask the mover's representative about the final costs you will be required to pay and consider all possible alternatives if you feel that the charges will be more than you are willing to pay.

Notification of Charges

You must advise the mover at the time you make the arrangements for the move if you wish to be notified of the weight or volume and charges on your shipment. You are required to give the mover a telephone number or address at which the notification will be received.

The mover must notify you of the charges at least one 24-hour weekday prior to the delivery, unless when the shipment is to be delivered the day after pickup. The 24-hour requirement does not apply when you obtain an estimate of the costs prior to the move or when the shipment is to be weighed at the destination.

Receipt for Delivery of the Shipment

At the time of delivery the mover expects you to sign a receipt for your shipment. This is usually accomplished by having you sign each page of the mover's copy of the inventory.

Movers are prohibited from having you to sign a receipt which relieves the mover from all liability for loss or damage to the shipment. Do not sign any receipt which does not provide that you are signing for your shipment *in apparent good condition except as noted on the shipping documents.*

The Mover's Liability for Loss or Damage

All moving companies are required to assume liability for the value of goods which they transport. However, there are different levels of liability, and consumers should be aware of the amount of protection provided and the charges for each plan.

First, unless you make specific arrangements otherwise, the mover is required to assume liability for the entire shipment at an amount equal to $1.25 per pound times the weight of your shipment. For example, if your shipment weighs 4000 pounds, the mover will be liable to you for loss or damage up to $5000. Though you have made no specific arrangements for this plan, the mover is entitled to charge you $5.00 for each $1000 of liability beyond the "released value" (which will be discussed below) of your shipment. Under this arrangement, if you shipped a 10 pound painting valued at $1000 in your 4000 pound shipment, you could collect for the full value of the painting if it was lost or damaged. Under this plan, your valuables are somewhat protected, but you pay for it.

Next, if the value of your shipment exceeds $1.25 per pound, you may obtain additional liability protection from the mover. You do this by declaring a specific dollar value for your shipment. The amount you declare must exceed $1.25 per pound times the weight of the shipment. If you declare that your 4000 pound shipment is worth $10,000, the mover will charge you $5.00 for each $1000 of declared value, which in this case would result in a charge of $50.00. If you ship articles that are usually expensive, such as art or antiques, be sure to declare its full value. You must do this in writing.

The least amount of liability a mover can assume when transporting your goods is the "released value" referred to above. Movers publish what are known as released value rates. Under such rates, the mover assumes liability for not more than 60 cents per pound, per article. Under this arrangement, if that 10 pound painting which was described in the previous example were lost or damaged, and you had agreed to released value shipment, the mover would be liable for not more than $6.00. Obviously, the consumer should think carefully before agreeing to such an agreement. There is no extra charge for this minimal protection, but you must sign a specific statement on the bill of lading agreeing to it. Remember that unless you do sign such an agreement, the mover is liable for $1.25 per pound, and can charge you for it.

The mover pays for loss or damage in each of the three forms of liability described above. These are not insurance agreements. An additional option for the consumer is to agree to the released value transportation and obtain insurance directly from the moving company or from an insurance company. Your regular insurance company should be able to quote you a rate for your move. Some consumers have found this to be an inexpensive and satisfying alternative.

Your mover can sell you or procure for you liability insurance in the amount you require if you release your shipment for transportation at a value of 60 cents per pound per article. In the event of loss or damage which is the responsibility of the mover the mover would be liable only for an amount not exceeding 60 cents per pound per article and the balance of the loss would be recoverable from the insurance company up to the amount of insurance purchased. The mover's representative can advise you of the availability of such liability insurance and the cost per $1,000 of coverage.

If you purchase liability insurance from or through the mover, it is required that the mover issue a policy or other written record of the purchase and to provide you with a copy of the policy or other document at the time of purchase. If the mover fails to comply with this requirement, it becomes fully liable for any claim for loss or damage attributed to its negligence.

Complaints and Inquiries About the Mover's Service

All movers are expected to respond promptly to complaints or inquiries from their customers. Should you have a complaint or question about your move, you should first attempt to obtain a satisfactory response from the mover's local agent, the sales representative who handled the arrangements for your move, or the driver assigned to your shipment.

If for any reason you are unable to obtain a satisfactory response from one of these persons, you should then contact the mover's principal office. When you make such a call be sure to have available your copies of all the documents relating to the move. Particularly important is the number assigned to your shipment by the mover.

If you do not receive a satisfactory answer, you may contact the Interstate Commerce Commission's National Consumer Assistance Center. The toll-free telephone number is (800) 424-9312. (In the Washington, D.C., dialing area, call 275-0660.) The mailing address is: Interstate Commerce Commission, National Consumer Assistance Center, Washington, D.C. 20423.

Anytime you call the National Consumer Assistance Center regarding your shipment, please have available the name of the mover and the number assigned to your shipment. If you write to the Center, be sure to include that information in your letter.

All interstate moving companies are required to maintain a complaint and inquiry procedure to assist their customers. At the time you make the arrangements for your move, you should ask the mover's representative for a description of the mover's procedure, the telephone number to be used to contact the carrier and whether the mover will pay for such telephone calls.

Payment of the Transportation Charges

At the time of payment of the transportation charges, the mover is required to give you a freight bill identifying the service provided and the charge for each service. It is customary for most movers to use a copy of the bill of lading as a freight bill; however, some movers use an entirely separate document for this purpose.

Except in those instances where a shipment is moving on a binding estimate, the freight bill must specifically identify each service performed, the rate per unit for each service, and the total charges for each service. *Do not accept or pay a freight bill which does not contain this information.*

If your shipment was transported on a collect on delivery basis (COD), you will be expected to pay the total charges appearing on the freight bill at the time of delivery unless the mover provided a non-binding estimate of approximate cost and the total charges *for the services included in the estimate* exceed 110 percent of the estimated charges.

It is customary for movers to provide in their tariffs that freight charges must be paid in cash, by certified check, or money order. When this requirement exists, the mover will not accept personal checks. At the time you make arrangements for your move, you should ask the mover about the form of payment that is acceptable.

Some movers permit payment of freight charges by use of a charge card. However, do not assume that because you have a nationally recognized charge or credit card that it will be acceptable for payment. Ask the mover at the time the arrangements are made.

If you do not pay the transportation charges at the time of delivery the mover has the right under the bill of lading to refuse to give you your goods. The mover may place them in storage at your expense until the charges are paid.

If, before payment of the transportation charges, you discover an error in the charges, you should attempt to correct the error with the driver, the mover's local agent, or by contacting the mover's main office. If an error is discovered after payment, you should write the mover (the address will be on the freight bill) explaining the error and request a refund.

Movers customarily check all shipment files and freight bills after a move has been completed to make sure the charges were accurate. If an overcharge is found you will be notified and a refund made. If an undercharge occurred you will be billed for the additional charges due.

Payment of the Transportation Charges on Shipments Transported on Two or More Vehicles

Although all movers try to move each shipment on one truck it becomes necessary at times to divide a shipment among two or more trucks. This frequently occurs when an automobile is included in the shipment and it is transported on a vehicle specially designed to transport automobiles. When this occurs your transportation charges are the same as if the entire shipment moved on one truck.

If your shipment is divided for transportation on two or more trucks you are not required to pay the *total* charges until all portions of the shipment have been delivered. However, as each portion of the shipment is delivered, the mover can require payment for that portion.

Movers are also permitted, but not required, to delay the collection of all the charges until the entire shipment is delivered. At the time you make the arrangements for your move, you should ask the mover about its policies in this respect.

Payment of Transportation Charges on Shipments Lost or Destroyed in Transit

Movers customarily make every effort to assure that while your shipment is in their possession for transportation, no items are lost, damaged or destroyed. However, despite the precautions taken, articles are sometimes lost or destroyed during the move.

In addition to any money you may recover from the mover to compensate for lost or destroyed articles, you are also entitled to recover the transportation charges represented by the portion of the shipment lost or destroyed.

Should your entire shipment be lost or destroyed while in the mover's possession, the mover cannot require you to pay any of the charges except the amount you have paid or agreed to pay for added liability protection. The fact that you do not pay any transportation charges does not affect any right you may have to recover reimbursement for the lost or destroyed articles providing you pay the charges for added liability protection.

Filing of Claims for Loss and Damage or Delay

Dispute Resolution Programs

Should your move result in the loss or damage to any of your property you have the right to file a claim with the mover to recover money for such loss or damage.

You have nine months following either the date of delivery or the date on which the shipment should have been delivered to file a claim. However, you should file a claim as soon as possible. If you fail to file a claim within 120 days following delivery and later bring a legal action against the mover to recover the damages, you may not be able to recover your attorney fees even though you win the court action.

The Interstate Commerce Commission cannot resolve loss and damage claims. If you cannot settle a claim with the mover, you may file a civil action to recover in court. If the mover participates in a dispute resolution program, you may find submitting your claim to arbitration under such a program a less expensive and more convenient way to seek recovery. Movers which participate in a dispute resolution program are required to advise all shippers of the existence and details of the program before they accept a shipment to be transported. If the mover does not provide information about a dispute resolution program at the time an order for service is prepared, you should ask whether the mover participates in such a program.

In Conclusion

Should you have any questions about your move which are not answered in this pamphlet, do not hesitate to ask the mover's representative who handled the arrangements for your move, the driver who transports your shipment or the mover's main office for additional information.

For further advice or assistance, call or write the Interstate Commerce Commission, National Consumer Assistance Center, Washington, D.C. 20423. The toll-free telephone number is (800) 424-9312. (In the Washington, D.C., dialing area, 275-0660.)

Points to Remember

- Movers may give binding estimates.
- Non-binding estimates may not be accurate; actual charges may often exceed the estimate.
- Specify pick up and delivery dates in the *order for service.*
- The *bill of lading* is your contract with the mover * * * read it carefully * * * if you have any questions ask your mover or call the ICC.
- Be sure that you understand the extent of your mover's liability for loss and damage.
- You have the right to be present each time your shipment is weighed.
- You may request a reweigh of your shipment.

- If you have moved on a non-binding estimate, you should have enough cash or a certified check to pay the estimated cost of your move plus 10 percent more at time of delivery.

Appendix B

49 CFR is amended by revising Part 1056 to read as follows:

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Sec.

1056.1 Applicability and definitions.
1056.2 Information for shippers.
1056.3 Estimates of charges.
1056.4 Final charges on shipments subject to minimum weight or volume provisions.
1056.5 Order for service.
1056.6 Receipt or bill of lading.
1056.7 Determination of weights.
1056.8 Reasonable dispatch.
1056.9 Notification of charges.
1056.10 Signed receipt for shipment-release prohibited.
1056.11 Selling of insurance to shippers.
1056.12 Liability of carriers.
1056.13 Complaint and inquiry handling.
1056.14 Agency agreements.
1056.15 Collection of freight charges on household goods shipments involving loss or destruction in transit.
1056.16 Collection of freight charges on shipments transported on more than one vehicle.
1056.17 Advertising by motor common carriers of household goods.
1056.18 Preparation and filing of annual performance report.
1056.19 Use of charge card plans.

Authority: 49 U.S.C. 10321, 11109, 11110 and 5 U.S.C. 553.

§ 1056.1 Applicability and definitions.

(a) The regulations in this part are applicable to the operations of motor carriers engaged in the transportation of household goods as defined in paragraph (b)(1) in interstate or foreign commerce.

(b) *Definitions.* As used in this part:

(1) *Household Goods.* The term "household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and such other similar property as the Commission may provide by regulation; except that this definition shall not be construed to include property moving from a factory or store except such property as a householder has purchased with intent to use in his dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder. The regulations under this part do not apply to the transportation of property transportable under 49 U.S.C. 10102(10) (B) and (C).

(2) *Reasonable dispatch.* The term "reasonable dispatch" means the performance of transportation, excluding transportation provided under tariff provisions requiring guaranteed service dates, on the dates or during the period of time agreed upon by the carrier and the shipper and shown on the Order For Service/Bill of Lading. *Provided,* That the defenses of force majeure as construed by the courts shall not be denied the carrier.

(3) *Advertisement.* The term "advertisement" means any communication to the public in connection with an offer or sale of any interstate or foreign transportation service, but shall not be construed to include a listing of a carrier name, address, and telephone number in a telephone directory or similar publication.

(4) *Certified Scales.* As used in this part, a certified scale is any scale designed for weighing motor vehicles, including trailers or semi-trailers not attached to a tractor, and certified by an authorized scale inspection and licensing authority. A certified scale may also be a platform or warehouse type scale properly inspected and certified.

(5) *Individual Shipper.* As used in this part, "individual shipper" refers to any person who is the consignor or consignee of a household goods shipment and is identified as such in the bill of lading contract and owns the goods being transported.

(6) *Commercial Shipper.* As used in this part, "commercial shipper" refers to (a) any person, excluding the federal government, who is named as the consignor and/or consignee in a bill of lading contract who is not the owner of the goods being transported but who assumes the responsibility for payment of the transportation and other tariff charges for the account of the beneficial owner of the goods, normally an employee of the consignor and/or consignee; or, (b) a freight forwarder which tenders a shipment to a carrier in furtherance of authorized or exempt freight forwarder operations.

(7) *Government Bill of Lading Shipper.* As used in this part, "government bill of lading shipper" refers to any person whose property is transported under the terms and conditions of a government bill of lading issued by any department or agency of the federal government to the carrier responsible for the transportation of the shipment.

(8) *Other terms.* Where any other terms used in the regulations in this part are defined in 49 U.S.C. 10102, such definitions shall be controlling. Where terms are used in this part which are neither defined herein nor in 49 U.S.C. 10102, they shall have the ordinary practical meaning of such terms.

§ 1056.2 Information for shippers.

(a) Prior to the execution of an order for service of a shipment of household goods, as defined in 49 CFR 1056.1(b)(1), every motor common carrier holding out to perform the service shall cause to be furnished to the prospective individual shipper the following publications.

(1) Publication OCP–100, *Your Rights and Responsibilities When You Move.*

(2) A concise, easy-to-read, accurate summary of any dispute settlement program in which the carrier participates, as provided in 49 U.S.C. 11711 and approved by the Commission.

(3) A copy of the Form OCP–101, *Annual Performance Report,* most recently filed with the Commission if the carrier is required by 49 CFR 1056.17 to prepare and file such report.

(4) A written description of the customer complaint and inquiry handling procedures established and maintained by the carrier. Included in this description shall be a telephone number which the shipper may use to communicate with the carrier, accompanied by a clear and concise statement concerning who shall pay for such calls.

General Requirements

(1) The text and format of the publication shall not be changed without the written approval of the Director, Office of Consumer Protection, Interstate Commerce Commission.

(2) The Director, Office of Consumer Protection, Interstate Commerce Commission, shall, within 30 days following the effective date of a decision of the Interstate Commerce Commission changing any rule or regulation published at 49 CFR 1056, cause to be published in the **Federal Register** a notice of amendment to Publication OCP–100 reflecting such change or changes.

(3) The dimensions of the publication shall be optional, *Provided, however,* The product of multiplying the length by the width shall be not less than 36 square inches.

(4) The color and design of the front and back cover of the publication shall be optional. *Provided,* the only words printed or appearing on the front cover shall be "*Your Rights and Responsibilities When You Move.*"

§ 1056.3 Estimates of charges.

(a) *Binding Estimates.* Motor common carriers engaged in the transportation of

household goods as defined in 49 CFR 1056.1(b)(1) may provide in their tariffs for the preparation and furnishing to shippers of binding estimates of the costs which the shippers will be required to pay for the services included in the estimates. Binding estimates must be furnished in writing to the shipper or other person responsible for payment of the freight charges and a copy of each such estimate must be retained by the carrier as an addendum to the bill of lading. All such estimates shall have clearly indicated on its face that the estimate is binding on the carrier and that the charges shown are the charges which will be assessed for the services identified in the estimate. Binding estimates must clearly describe the shipment and all services to be provided.

(b) *Non-binding Estimates.* Motor common carriers engaged in the transportation of household goods as defined in 49 CFR 1056.1(b)(1) may provide estimates of the approximate costs which will be assessed for the transportation of such shipments. Non-binding estimates shall be reasonably accurate. Estimates of approximate costs shall not be binding on the carriers providing such estimates. The final charges on shipments moved on non-binding estimates shall be those appearing in the carriers' tariffs applicable to the transportation. Non-binding estimates must be furnished without charge and in writing to the shipper or other person responsible for payment of the freight charges and a copy of each such estimate must be retained by the carrier as an addendum to the bill of lading. All such estimates shall have clearly indicated on the face thereof that the estimate is not binding on the carrier and that the charges shown are the approximate charges which will be assessed for the services identified in the estimate. Non-binding estimates must clearly describe the shipment and all services to be provided.

(c) *Estimated Charges Required To Be Entered on the Order for Service and Bill of Lading.* Motor common carriers furnishing non-binding estimates shall enter the estimated charges on the order for service, if an order for service is required, and on the bill of lading.

(d) *Maximum Charges Required To Be Paid at Time of Delivery on Collect on Delivery Shipments Subject to Non-binding Estimates of Approximate Costs.* At time of delivery of a collect on delivery shipment, except when such shipment is delivered to a warehouse for storage at the request of the shipper, on which a non-binding estimate of the approximate costs has been furnished by the carrier under the provisions of paragraph (b), the shipper may request delivery of the shipment upon payment, in a form acceptable to the carrier, of an amount not exceeding 110 percent of the estimated charges. The carrier shall, upon request of the shipper, relinquish possession of the shipment upon payment of not more than 110 percent of the estimated charges and shall defer demand for the payment of the balance of any remaining charges for a period of 30 days following the date of delivery.

§ 1056.4 Final charges on shipments subject to minimum weight or volume provisions.

(a) Motor common carriers engaged in the transportation of household goods, as defined in 49 CFR 1056.1(b)(1), providing service for individual shippers on rates based on the transportation of a minimum weight or volume, must indicate on the order for service the minimum weight or volume-based rates, and the the minimum charges applicable to the shipment.

(b) Failure to comply with the requirements of paragraph (a) shall require, and the governing tariff shall contain, a rule providing that the final charges relating to such a shipment be computed based on the actual weight or volume of the shipment.

§ 1056.5 Order for service.

(a) *Order for Service Required.* Every motor common carrier shall, prior to the receipt of a shipment of household goods as defined in 49 CFR 1056.1(b)(1) to be moved for an individual shipper, prepare an order for service which contains the following mimunum information:

(1) Name and address and ICC docket number of carrier who is responsible for performing the service.

(2) Shipper's name, address and, if available, telephone number.

(3) Name, address and telephone number of the delivering carrier's office or agent located at or nearest to the destination of the shipment.

(4) A telephone number at which the shipper/consignee may contact the carrier or its designated agent.

(5) Agreed pickup date and agreed delivery date, or the agreed period or periods of time within which pickup, delivery, or the entire move, will be accomplished. If the shipment is to be transported on a guaranteed service basis, the guaranteed dates or periods of time for pickup, transportation and delivery and any penalty or per diem requirements of the agreement shall be entered under this item.

(6) Complete description of any special or accessorial services ordered; and minimum weight or volume charges applicable to the shipment.

(7) Any identification or registration number assigned the shipment by the carrier.

(8) Amount of estimated non-binding charges; method of payment of total charges; and, maximum amount required to be paid at time of delivery to obtain possession of the shipment; or, the amount of charges required to be paid based on a binding estimate and the terms of payment under that estimate.

(9) Whether the shipper requests notification of the charges prior to delivery and the telephone number or address at which such communications will be received.

(10) Signatures Required. The order for service shall be signed by the shipper who is ordering the service, and by the carrier or its agent. A copy of the order for service shall be dated and furnished the shipper at the time it is executed.

(b) *Amendments to an Order For Service.* Prior to loading an order for service may be amended by agreement of both parties.

§ 1056.6 Receipt or bill of lading.

(a) *Issuance of a receipt or bill of lading.* Every motor common carrier engaged in the transportation of household goods as defined in 49 CFR 1056.1(b)(1) shall issue a receipt or bill of lading. The bill of lading shall contain the minimum information required by § 1056.6(b) and the terms and conditions of the contract. The carrier shall furnish a complete copy of the bill of lading to the shipper prior to the commencement of the loading of a shipment.

(b) *Minimum information required on a receipt or bill of lading.* Whenever a receipt or bill of lading is issued in compliance with paragraph (a), the carrier shall cause to be included therein the following minimum information:

(1) The name and address of the motor carrier issuing the receipt or bill of lading.

(2) The names and addresses of any other motor carriers, when known, which will participate, through interline, in the transportation of the shipment.

(3) The name, address and telephone number of the office of the carrier that should be contacted in relation to the transportation shipment.

(4) When the transportation is to be performed on a collect on delivery basis, the name, address and, if furnished, the telephone number of a person to whom

notification provided for in § 1056.9(b) shall be given.

(5) When the transportation is to be performed for an individual shipper, and except when the transportation is to be performed subject to tariff provisions providing for guaranteed service dates, the agreed date or period of time for pickup of the shipment and the agreed date or period of time for the delivery of the shipment. The agreed dates or periods of time for pickup and delivery entered on the receipt or bill of lading shall conform to the agreed dates or periods of time for pickup and delivery entered on the order for service or a proper amendment to the order for service.

(6) When the transportation is to be performed subject to tariff provisions providing for guaranteed pickup, transportation and delivery service, the dates for pickup and delivery and any penalty or per diem entitlements due the shipper under the agreement.

(7) The actual date of pickup.

(8) The company or carrier identification number of the vehicle on which the shipment is loaded.

(9) The terms and conditions for payment of the total charges including notice of any minimum charges.

(10) When the transportation is to be performed on a collect on delivery basis and if a pre-move estimate of the charges is provided to the shipper, the maximum amount required to be paid at the time of delivery to obtain delivery of the shipment.

(11) The released rates valuation statement required by 49 CFR 1307.201(c).

(12) Evidence of any insurance coverage sold to or procured for the shipper, including the amount of the premium for such insurance.

(c) *Copy of Receipt or Bill of Lading to accompany shipment.* A copy of the receipt or bill of lading shall accompany a shipment at all times while in the possession of a carrier. When the shipment is loaded on a vehicle for transportation the receipt or bill of lading shall be in possession of the driver responsible for the shipment.

§ 1056.7 Determination of weights.

(a) Every motor common carrier transporting household goods on a non-binding estimate shall determine the weight of each shipment transported prior to the assessment of any charges dependent on the shipment weight. Except as otherwise provided herein the weight shall be obtained on a scale meeting the definition of a certified scale as provided in 49 CFR 1056.1(b)(4).

(1) *Weighing procedure.* Except as otherwise provided herein the weight of each shipment shall be obtained by determining the difference between the tare weight of the vehicle on which the shipment is to be loaded prior to the loading and the gross weight of the same vehicle after the shipment is loaded; or, the gross weight of the vehicle with the shipment loaded and the tare weight of the same vehicle after the shipment is unloaded.

(2) At the time of both weighings the vehicle shall have installed or loaded all pads, dollies, handtrucks, ramps and other equipment required in the transportation of such shipments. Neither the driver nor any other persons shall be on the vehicle at the time of either weighing.

(3) The fuel tanks on the vehicle shall be full at the time of each weighing or, in the alternative, no fuel may be added between the two weighings when the tare weighing is the first weighing performed.

(4) The trailer of a tractor-trailer vehicle combination may be detached from the tractor and the trailer weighed separately at each weighing providing the length of the scale platform is adequate to accommodate and support the entire trailer at one time.

(5) Shipments weighing 1,000 pounds or less may be weighed on a certified platform or warehouse scale prior to loading for transportation or subsequent to unloading.

(6) The net weight of shipments transported in containers shall be the difference between the tare weight of the container, including all pads, blocking and bracing used or to be used in the transportation of the shipment and the gross weight of the container with the shipment loaded therein.

(7) The shipper or any other person responsible for the payment of the freight charges shall have the right to observe all weighings of the shipment. The carrier must advise the shipper or any other person entitled to observe the weighings of the time and specific location where each weighing will be performed and must give that person a reasonable opportunity to be present to observe the weighings. Waiver by a shipper of the right to observe any weighing or reweighing is permitted and does not affect any rights of the shipper under these regulations or otherwise.

(b) *Weight tickets.* The carrier shall obtain a separate weight ticket for each weighing required under this section except when both weighings are performed on the same scale, one weight ticket may be used to record both weighings. Every weight ticket must be signed by the person performing the weighing and must contain the following minimum information:

(1) The complete name and location of the scale.

(2) The date of each weighing.

(3) Identification of the weight entries thereon as being the tare, gross and/or net weights.

(4) The company or carrier identification of the vehicle.

(5) The last name of the shipper as it appears on the Bill of Lading.

(6) The carrier's shipment registration or Bill of Lading number.

(7) The original weight ticket or tickets relating to the determination of the weight of a shipment must be retained by the carrier as part of the file on the shipment. All freight bills presented to collect any shipment charges dependent on the weight transported must be accompanied by true copies of all weight tickets obtained in the determination of the shipment weight.

(c) *Reweighing of shipments.* Before the actual commencement of the unloading of a shipment weighed at origin and after the shipper is informed of the billing weight and total charges, the shipper may request a reweigh. The charges shall be based on the reweigh weight.

§ 1056.8 Reasonable dispatch.

(a) Unless accepted for transportation on the basis of guaranteed pickup and delivery dates:

(1) *Reasonable dispatch required.* Each motor common carrier accepting shipments of household goods as defined in 49 CFR 1056.1(b)(1) for transportation for the account of individual shippers shall cause such shipments to be transported with reasonable dispatch as defined in 49 CFR 1056.1(b)(2).

(2) *Notification of delay in providing service with reasonable dispatch.* Whenever a carrier is unable to perform either or both the pickup and delivery of a shipment on the dates or during the periods of time specified in the order for service, the carrier shall notify the shipper by telephone, telegram or in person, at the carrier's expense, of the delay. Such notification shall be given as soon as it becomes apparent to the carrier that it will be unable to provide the service in compliance with the terms of the order for service.

(3) *Carrier notification of delay.* At the time of notification of delay the carrier shall advise the shipper of the dates or periods of time that pickup and/or delivery can be made, which considers the needs of the shipper. If the notification of delay occurs prior to the pickup of the shipment, the amendment shall be in writing as required by 49 CFR

1056.4(b). If the notification of delay occurs subsequent to the pickup of the shipment, the carrier representative notifying the shipper of the delay shall prepare a written record of the date, time and manner of notification and the amended date or period of time for delivery by the carrier which record shall be retained by the carrier as part of its file on the shipment and a true copy thereof shall be furnished, by first class mail or in person, to the shipper.

(b) *Tendering for delivery.* Except upon the request or concurrence of the shipper, a shipment being transported for an individual shipper shall not be tendered for delivery prior to the agreed delivery date or period of time specified on the bill of lading: *Provided,* That whenever a carrier is able to tender such a shipment for final delivery more than 24 hours prior to such specified date or the first day of such specified period of time, and the shipper has not requested or concurred in such early delivery, the carrier may, at its option, place the shipment in storage for its own account and at its own expense in a warehouse located in proximity to the destination of the shipment. Whenever a carrier shall exercise such option it shall immediately notify the shipper of the name and address of the warehouse in which the shipment has been placed, and shall make and keep a record of such notification as a part of its record of shipment. The carrier's responsibility for the shipment under the terms and conditions of the bill of lading and its responsibility for the charges for redelivery, handling and storage thereof shall continue until final delivery: *Provided,* that the carrier's responsibility under the bill of lading shall not extend beyond the agreed delivery date or the first day of the period within which delivery was to have been accomplished as specified in the bill of lading.

§ 1056.9 Notification of charges.

(a) Whenever an individual shipper of a shipment being transported on a collect on delivery basis specifically requests notification of the actual weight or volume and charges on a shipment, and supplies the carrier with an address or telephone number at which the communication will be received, the carrier shall comply with such request upon determining the actual weight and charges. Such notification shall be made by telephone, telegram, or in person.

(b) Whenever a shipper requests notification of the weight or volume and charges on a shipment as provided in paragraph (a), the notification must be received by the shipper, at least one full 24-hour day, excluding Saturdays, Sundays and legal holidays, prior to any tender of the shipment for delivery. The 24-hour notification requirement shall not apply on a shipment to be backweighed or on a shipment which, with the agreement of the shipper, is to be picked up and delivered within a time period encompassing two consecutive week days, or on a shipment on which the charges have been estimated and the maximum amount required to be paid at time of delivery is 110 percent of the estimated charges.

§ 1056.10 Signed receipt for shipment-release prohibited.

A shipping document to be signed by the consignee at time of delivery shall not contain any language which purports to release or discharge the carrier or its agents from liability, but may contain a statement that the property has been received in apparent good condition except as noted on the shipping documents.

§ 1056.11 Selling of insurance to shippers.

(a) When a shipment is released for transportation at a value not exceeding 60 cents per pound per article, and the shipper does not declare a valuation of $1.25 or more per pound and pay or agree to pay the carrier for assuming liability for the shipment equal to the declared value, any common carrier of household goods as defined in 49 CFR 1056.1(b)(1), or any employee, agent, or representative thereof, may sell, or offer to sell or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage in excess of the specified carrier liability to a shipment or shipments of household goods to be transported in interstate or foreign commerce by such carrier; *Provided,* that the shipper is issued a policy or other appropriate evidence of the insurance purchased, and a copy thereof be furnished to the shipper at the time the insurance is sold or procured. Carrier issued policies shall be written in plain English and shall clearly specify the nature and extent of coverage. Failure to issue a policy or other appropriate evidence of insurance purchased shall subject the carrier to full liability for any claims to recover for loss or damage attributed to the carrier.

(b) Any carrier offering or selling or procuring insurance as provided in (a) shall provide in its tariff for the provision of such service. The tariff shall also provide for the base transportation charge to include assumption by the carrier for full liability for the value of the shipment in the event a policy or other appropriate evidence of the insurance purchased by the shipper is not issued to the shipper at the time of purchase.

§ 1056.12 Liability of carriers.

(a) *Liability restricted.* Except as provided in § 1056.11(a), common carriers by motor vehicle of household goods as defined in 49 CFR 1056.1(b)(1) shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(b) *Limitations of liability.* A common carrier by motor vehicle of household goods shall be liable for loss of or damage to any articles caused by it while being transported or while being held for storage-in-transit, including incidental pickup or delivery, and including liability for loss or damage to any article or appliance resulting from the servicing of such article or appliance by a third person engaged by the carrier to perform such service, to the extent provided in the outstanding released rates order; except that the carrier may exempt its liability in the following instance:

(1) No liability need be assumed for perishable articles included in the shipment without the knowledge of the carrier; and a carrier accepting for shipment perishable articles may impose reasonable conditions necessary to insure the safe transportation of such commodities.

(c) *Storage-in-transit.* A common carrier by motor vehicle of household goods holding goods for storage-in-transit (S.I.T.) shall, no less than 10 days prior to the expiration of either the specified period of time during which the goods are to be held in such storage or the maximum period of time provided in the carrier's tariff for storage-in-transit, notify the shipper in writing (1) of the date of conversion to permanent storage, (2) of the existence of a nine-month period subsequent to the date of conversion to permanent storage during which shipper may file claims against the carrier for loss and/or damage which occurred to the goods in transit or during the S.I.T. period, and, (3) of the fact that on the date of conversion, the liability of the carrier shall terminate and the property shall be subject to the rules, regulations, and charges of the warehouseman. Notification shall be by certified mail, return receipt requested. A common carrier by motor vehicle of household goods holding goods for storage-in-transit for a period of time less than 10 days shall, no less than one day prior to the expiration of the specified time during which the goods are to be held in such storage, give

notification to the shipper of the information specified in paragraph (d) (1), (2), and (3) and maintain a record thereof as part of its record of the shipment. Failure or refusal of a carrier to notify the shipper in accordance with the foregoing shall automatically effect a continuance of carrier liability pursuant to the applicable tariff provisions with respect to S.I.T., until the end of the day following the date upon which notice is given.

§ 1056.13 Complaint and inquiry handling.

(a) Motor common carriers engaged in the transportation of household goods as defined in 49 CFR 1056.1(a) shall establish and maintain a procedure for responding to complaints and inquiries from shippers for which such transportation is provided. The procedure shall include a means whereby shippers may communicate with the principal office of the carrier by telephone.

(b) The carrier shall retain and make part of the file relating to a shipment a written record of all complaints and inquiries received from a shipper by any means of communication.

§ 1056.14 Agency agreements.

(a) Household Goods Agents are defined as follows:

(1) Prime agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide any transportation service for or on behalf of the principal carrier, including the selling of or arranging for any transportation service, and who perform such services on other than an emergency or temporary basis.

(2) Military agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide origin and/or destination services only on shipments transported on Government bills of lading issued by the Department of Defense, and who perform such services on other than an emergency or temporary basis.

(3) Temporary agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide origin and/or destination services on behalf of the principal carrier, excluding the selling of or arranging for any transportation service, and who perform such services on an emergency or temporary basis.

(b) Agreements between principal carriers and their prime or military agents must be reduced to writing and signed by the principal and the retained agent, and copies of any such agreements must be retained in the files of the principal carrier for a period of not less than 24 months following the date of termination of each agreement.

§ 1056.15 Collection of freight charges on household goods shipments involving loss or destruction in transit.

(a) No motor common carrier of household goods in interstate or foreign commerce shall collect, or shall require a shipper thereof to pay, any published freight charges (including any charges for accessorial or terminal services) when that shipment is totally lost or destroyed in transit. The provisions of this subsection shall apply only to the transportation of household goods as defined in § 1056.1(b)(1) of these rules. Notwithstanding any other provisions of this subsection, a carrier shall collect, and the shipper shall be required to pay, any specific valuation charge that may be due. This subsection shall not be applicable to the extent that any such loss or destruction is due to the act or omission of the shipper.

(b) In the event that any portion, but less than all, of a shipment of household goods is lost or destroyed in transit, no motor common carrier of household goods in interstate or foreign commerce shall collect, or shall require a shipper to pay, at the time of delivery, that proportion of its published freight charges (including any charges for accessorial or terminal services) corresponding to that portion of the shipment which is lost or destroyed in transit. In order to calculate the charges applicable to the shipment as delivered, the carrier shall multiply the percentage corresponding to the portion of the shipment delivered by the total charges (including accessorial and terminal charges) applicable to the shipment as tendered by the shipper. If the charges computed in the manner set forth above exceed the charges otherwise applicable to the shipment as delivered, the lesser of those charges shall apply. The provisions of this subsection shall apply only to the transportation of household goods as defined in § 1056.1(b)(1) of these rules. Notwithstanding any other provisions of this subsection, a carrier shall collect, and the shipper shall be required to pay, that proportion of any accessorial or terminal services rendered which corresponds to the proportion of the shipment not lost or destroyed in transit and any specific valuation charge that may be due. The provisions of this subsection shall not be applicable to the extent that any such loss or destruction is due to the act or omission of the shipper. Carriers shall determine, at their own expense, the proportion of the shipment not lost or destroyed in transit.

(c) The rights provided by this section are in addition to, and not in lieu of, any other rights which the shipper may have with respect to a shipment of household goods which is lost or destroyed, or partially lost or destroyed, in transit, whether or not that shipper has exercised the rights provided in paragraphs (a) and (b) of this section.

§ 1056.16 Collection of freight charges on shipments transported on more than one vehicle.

(a) Whenever a collect on delivery shipment of household goods, as defined in 49 CFR 1056.1(b)(1), is transported on more than one vehicle the carrier delivering such split or divided shipment shall observe the requirements of subparagraphs (1), (2) or (3) of this section in the collection of the charges.

(1) At the option of the carrier, the collection of the charges attributable to the transportation of the portion of the shipment transported on each vehicle may be deferred until all portions of the shipment are delivered; or,

(2) Providing that the charges for the entire shipment have been determined, the carrier may collect at the time of delivery of any portion of the shipment that percentage of the charges represented by the portion of the shipment tendered for delivery; or,

(3) In the event that the charges due the carrier for the transportation of the entire shipment cannot reasonably be determined at the time any portion of the shipment is tendered for delivery, the carrier shall determine and collect the charges for the portion of the shipment being delivered. The total charges assessed by the carrier for the transportation of the separate portions of the shipment shall not exceed the charges due for the entire shipment.

(b) In the event of the loss or destruction of any part of a shipment being transported on more than one vehicle, the collection of charges as provided in paragraph (a) of this section shall also be in conformity with the requirements of 49 CFR 1056.15.

§ 1056.17 Advertising by motor common carriers of household goods.

(a) Every motor common carrier engaged in the transportation of household goods in interstate or foreign commerce, including any carriers providing any accessorial service incidental to or part of such interstate or foreign transportation, shall include, and shall require each of its agents to include, in every advertisement as defined in § 1056.1(b)(3), the name or

trade name of the motor carrier under whose operating authority the advertised service will originate, and the certificate or docket number assigned to such operating authority by the Interstate Commerce Commission.

(b) Such certificate or docket number shall be in the following form in every advertisement: "I.C.C. No.———" but shall not include any sub numbers which may have been assigned.

(c) No motor common carrier engaged in the transportation of household goods, as defined in 49 CFR 1056.1(b)(1), or any agent or other representative of such a carrier, shall publish or cause to be published or use any advertisement as defined in § 1056.1(b)(3), which is false, misleading or deceptive.

§ 1056.18 Preparation and filing of annual performance report.

(a) Minimum Filing Requirement.—Each motor common carrier for household goods as defined in 49 CFR 1056.1(b)(1), which delivers 100 or more interstate shipments to individual shippers as defined in 49 CFR 1056.1(b)(5), during any calendar year shall, on or before March 31 of the following year, cause to be filed with the Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423, a report of the service performed during the report year. The report shall be submitted on Form OCP–101.

(b) Prescribed Annual Performance Report Form

INTERSTATE COMMERCE COMMISSION

Office of Consumer Protection

Annual Performance Report for Year Ended December 31, 19—

Carrier's Name———
Carrier's Address———
ICC Number———

PART A

During the year the total number of shipments delivered for each type of shipper was:

1. Individual shipper ——
2. Government Bill of Lading shipper ——
3. Commercial shipper ——

PART B

With reference to shipments delivered for individual shippers as defined in 49 CFR 1056.1(b)(5):

1. The number of shipments delivered upon payment of the amount of a binding estimate (49 CFR 1056.3(a)) ——

PART B

2. Percent of the shipments on which a non-binding estimate was furnished for which the final charges for the services included in the estimate did not exceed the amount of the estimate ——
3. Percent of shipments delivered which were picked up on or before the last date for pickup specified in the order for service/bill of lading ——
4. Percent of shipments delivered which were delivered on or before the last date for delivery as specified in the bill of lading contract ——
5. Percent of shipments delivered which did not result in the filing of a claim by the shipper within 60 days following the date of delivery for property loss or damage in excess of $100 ——
6. Percent of shipments delivered which did not result in the filing of a claim in excess of $100 by the shipper within 60 days following the date of delivery for damages and expenses arising out of the delayed pickup or delivery of the shipment ——
7. The average number of days between the date of filing of a claim for property loss or damage or delay in excess of $100 and the date of final settlement of such a claim ——
8. The percent of all claims for amounts in excess of $100 filed for property loss or damage or for damages or expenses incurred as result of delayed pickup or delivery ——
   a. Which were resolved through the use of a dispute settlement (arbitration) program maintained or participated in by the carrier ——
   b. Which were not referred to a dispute settlement program and which were concluded after the carrier received legal notice of suit by claimant to recover ——

(c) Instructions for Preparation of Annual Performance Report, Form OCP–101

INSTRUCTIONS FOR PREPARATION

PART A

1. Enter the total number of shipments delivered which were transported for individual shippers.

2. Enter the total number of shipments delivered on Government Bills of Lading. Do not include shipments transported for a freight forwarder.

3. Enter the total of all other shipments transported for commerical shippers as defined in 49 CFR 1056.1(b)(5). Include shipments transported for freight forwarders in this total.

PART B

1. Enter the number of shipments delivered on which a binding estimate was furnished on which the final charges were the same as the binding estimate.

2. Enter the percent of the shipments on which a non-binding estimate of costs was furnished which were delivered upon payment of an amount not exceeding the non-binding estimate.

3. Enter the percent of the shipments entered under Part A item 1 which were picked up on or before the last dated for pickup as specified in the order for service. *Include in the computation of the percent all shipments picked up last, regardless of the reason or the party responsible for the delay.*

4. Enter the percent of all shipments entered under Part A item 1 which were delivered on or before the last date for delivered as specified in the bill of lading. *Include in the computation of the percent all shipments delivered late regardless of the reason or the party responsible for the delay.*

5. Enter the percent of the shipments entered under Part A item 1 which did not result in the filing of a claim by the shipper within 60 days following the date of delivery for property loss or damage in excess of $100. For the purposes of this report, a "claim filed" shall be considered as any claim otherwise meeting the minimum requirements of 49 CFR 1005.2(b) and for an apparent loss in excess of $100.

6. Enter the percent of shipments entered under Part A item 1 which did not result in the filing of a claim by the shipper within 60 days following the date of delivery for damages or expenses in excess of $100 incurred as a result of the delayed pickup and/or delivery of the shipment. For the purposes of this report, a "claim filed" shall be considered as any claim otherwise meeting the minimum requirements of 49 CFR 1005.2(b) and for apparent damages or expenses in excess of $100.

7. Enter the average number of days required to reach a final settlement of all claims for $100 or more relating to the transportation of shipments entered under Part A item 1 arising out of property loss or damage or the delayed pickup and/or delivery of shipments during the report year. For the purpose of this report a claim shall be considered to be a "claim filed" if it meets the criteria set forth in (5) and (6) and shall be considered as being finally settled on the 60th day following the date on which a written offer of settlement is mailed or delivered in person to a claimant unless the offer of settlement is accepted prior to the 60th day or on the 60th day following the date on which a written denial of liability is mailed or delivered in person to the claimant unless the claimant assents to the denial prior to the 60th day.

8a. Enter the percent of the loss and damage or delay claim for $100 or more arising out of the transportation of shipments entered under Part A item 1 which were settled during the report year through the use of a dispute resolution or arbitration

procedure maintained or participated in by the carrier.

8b. Enter the percent of loss and damage or delay claims for $100 or more arising out of the transportation of shipments entered under Part A item 1 which were settled during the year on a date subsequent to the date of which legal notice of suit to recover was received by the carrier.

GENERAL INSTRUCTIONS

1. Data for completion of Form OCP-101 may be obtained by random sampling providing that in every instance the universe sampled is all shipments delivered for individual shippers during the report year or all claims arising out of the transportation of individual shipper shipments which were received or settled, as appropriate, during the report year.

2. When random sampling is used, the minimum sample size in every instance shall be 400 shipments or claims, as appropriate, in replicates of 100 shipments or claims each. All samples must conform to standard deviation with a 95% confidence level.

3. Carriers submitting Form OCP-101 shall retain and make available for review by an authorized Commission employee all working papers, notes and other files relating to the preparation of each report for a period of not less than 24 months following the date of filing such a report.

§ 1056.19 Use of charge card plans.

Motor common carriers of household goods, as defined in 49 CFR 1056(b)(1), may provide in their tariffs for the acceptance of charge cards for the payment of freight charges whenever shipments are transported under agreements and tariffs requiring payment by cash, certified check or money order. Payment by charge card shall be considered the same as payment by cash, certified check or money order. Any tariff rule or item permitting the acceptance of charge cards shall identify the charge card plans participated in by the carrier.

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Section 1322.6 is revised to read:

§ 1322.6 Charge card plans not included (under credit regulations).

The provisions of this Part shall not apply to the payment of interstate transportation charges by use of charge cards as provided in 49 CFR 1059.19 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account.

PART 1003—LIST OF FORMS

§1003.1 Motor carrier and broker forms.

In§ 1003.1, *Quarterly Report of Underestimates and Overestimates* and Form BOp-103, *Summary of Information For Shippers of Household Goods* are removed. Forms Publication OCP-100, *Your Rights and Responsibilities When You Move* and Form OCP-101, *Annual Performance Report* are added.

PART 1005—PRINCIPLES AND PRACTICES FOR THE INVESTIGATION AND VOLUNTARY DISPOSITION OF LOSS AND DAMAGES CLAIMS AND PROCESSING SALVAGE

49 CFR 1005.1 is amended by removing that portion of the section following the words *Interstate Commerce Act* and by removing the semi-colon following *Act* and inserting instead a period. As amended, the section will read:

§ 1005.1 Applicability of regulations.

The regulations set forth in this part shall govern the processing of claims for loss, damage, injury, or delay to property transported or accepted for transportation, in interstate or foreign commerce, by each railroad, express company, motor carrier, water carrier, and freight forwarder (hereinafter called carrier), subject to the Interstate Commerce Act.

49 CFR 1005.5 is amended by redesignating the present paragraph under that section as paragraph (a) and adding paragraph (b) to read:

§ 1005. Disposition of claims.

* * * * *

(b) When settling a claim for loss or damage, a common carrier by motor vehicle of household goods as defined in 49 CFR 1056.1(b)(1) shall use the replacement costs of the lost or damaged item as a base to apply a depreciation factor to arrive at the current actual value of the lost or damaged item: *Provided,* That where an item cannot be replaced or no suitable replacement is obtainable, the proper measure of damages shall be the original costs, augmented by a factor derived from a consumer price index, and adjusted downward by a factor depreciation over average useful life.

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATIONS OF MOTOR COMMON CARRIERS

49 CFR 1310.15 is amended by adding additional material at the end of paragraph (a)(3). This sub-paragraph has been modified to conform to the decision in Ex Parte No. MC-19 (Sub-No. 34), *Household Goods Transportation (Storage-In-Transit Charges).*

§ 1310.15 Terminal and other services—charges and allowances (Rule 15).

(a) * * *

(3)* * * Tariffs containing line-haul rates for the transportation of household goods shall not provide for the inclusion in the line-haul rates of any accessorial services normally associated with or required in the transportation of household goods. Tariffs establishing such accessorial charges shall separately state each such service to be rendered and the charge therefor. The separate tariff charges so established for containers, for packing and for unpacking are to be stated in amounts per container. Charges for other services shall be separately stated on a unit or hourly basis, whichever is appropriate. Charges for storage-in-transit shall be stated in an amount per 100 pounds per day or fraction thereof. Tariffs may state an hourly labor charge applicable to miscellaneous labor service performed at the request of a shipper in connection with the transportation, when a rate is not separately stated for the service so requested. Except as otherwise provided by orders of the Commission tariffs containing rates for the line-haul transportation of household goods or changes for accessorial services incidental to the transportation of household goods shall not provide for the providing of such transportation or services "free" or "without charge" unless such terms are published to apply on transportation which is authorized to be performed free by the Interstate Commerce Act.

[FR Doc. 81-7588 Filed 3-10-81; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub-No. 36A)]

Practices of Motor Common Carriers of Household Goods (Performance Standards)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission intends to establish appropriate performance standards with regard to certain of the new operational regulations applicable to motor common carriers of household goods in 49 CFR 1056 and other regulatory provisions, in conformity with the Household Goods Transportation Act of 1980. The proposed performance standards would establish minimum acceptable levels of performance for such carriers in the critical areas of accuracy of estimating moving charges, transportation of shipments with reasonable dispatch, and timely handling of claims for loss, damage or delay, as a means of encouraging an improved level of performance in the moving industry. The Commission has determined that these areas are ones in which individual consumers may suffer substantial harm in the absence of adequate performance by carriers. The proposed performance standards may form the basis for enforcement action by this Commission for protection of the public, where that is deemed necessary. The Commission also intends to approve the use of random sampling as a means to verify compliance with the standards proposed.

DATE: Comments must be filed on or before April 10, 1981.

ADDRESS: An original and 15 copies if possible, of comments should be sent to: Ex Parte No. MC–19 (Sub-No. 36A), Room 7205, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Lewis, (202) 275–7611, or W. F. Sibbald, (202) 275–7148.

SUPPLEMENTARY INFORMATION: In our Notice of Proposed Rulemaking in this proceeding issued on October 16, 1980, and published on October 27, 1980 at 45 FR 70223, we solicited the comments of all interested persons regarding the adoption of proposed new regulations to be included in 49 CFR 1056, to govern the movement of household goods by motor common carriers. At the same time, the Commission indicated its intent that performance standards be developed, wherever appropriate, to apply to those regulations. The Commission solicited the comments and recommendations of interested persons with respect: (1) to identifying those regulations to which performance standards should be applied; (2) to establishing the guidelines or basis for such standards; and, (3) to determining the most effective application of the standards once established.

We requested further that, in commenting on the development and implementation of performance standards, all parties take into account and provide comments regarding six criteria. Section 6(a)(1) of the Household Goods Transportation Act of 1980 [49 U.S.C. 11110], sets forth those criteria and requires the Commission to take them into account in establishing reasonable performance standards for the transportation of household goods. They are:

(A) The level of performance that can be achieved by a well-managed motor common carrier transporting household goods;

(B) The degree of harm to individual shippers which could result from a violation of the regulation;

(C) The need to set the level of performance at a level sufficient to deter abuses which result in harm to consumers and violations of regulations;

(D) Service requirements of the carriers;

(E) The cost of compliance in relation to the consumer benefits to be achieved from such compliance; and,

(F) The need to set the level of performance at a level designed to encourage carriers to offer service responsive to shippers needs.

The Commission received limited response to its request for comments regarding performance standards. Comments were received from several consumer groups, industry groups, and Federal agencies, including the Transportation Consumer Action Project, Consumers Union of the United States, the American Movers Conference, Barrett Moving and Storage Company, the U.S. Office of Consumer Affairs, the U.S. Department of Transportation, and the Commission's Office of Special Counsel.

The Commission anticipates that all motor carriers of household goods will attempt to attain full operational compliance with all the provisions of 49 CFR Part 1056 and related sections being adopted. Even in the absence of specific performance standards for all provisions, we expect that carriers will make every effort to achieve full compliance with those rules. We nevertheless recognize that the Household Goods Act of 1980 requires establishing standards in some areas of household goods transportation in order to invoke the Commission's authority to take certain administrative actions. The three areas where we believe such standards are needed are those involving: (1) ensuring the accuracy of non-binding estimates of charges provided to the public by motor carriers of household goods [§ 1056.3]; (2) ensuring that shipments of household goods accepted for movement by the carriers are transported with reasonable dispatch [§ 1056.8]; and, (3) ensuring that motor carriers of household goods observe the requirements for timeliness in handling and disposing of claims for loss, damage, or delay of household goods transported [49 CFR Part 1005].

The principal considerations which the Commission has taken into account in putting forward these proposed performance standards for public comment are as follows:

Estimating

The Commission proposes to establish a performance standard holding carriers to a performance level in which at least 90 percent of non-binding estimates are for amounts not less than 90 percent of total charges. This proposed standard is based upon a review of the Household Goods Carriers Performance Reports filed with the Commission for the years 1974 through 1979, which show that the nation's largest movers of household goods underestimated an average of 23.9 percent of shipments on which estimates were provided, with a resulting average accuracy level of 76.1 percent. The

carriers are now permitted to provide binding estimates and to use more flexible and innovative estimating procedures. They should now be able and motivated to provide a higher level of accuracy with non-binding estimates. This required level of performance should be within the abilities of a well managed carrier and deter the estimating abuses which occurred in the past. While increasing the accuracy of estimates given to individual shippers, the proposed standard should not significantly interfere with carriers' service requirements or impose substantial additional costs of compliance. Based on actual industry averages these standards should also encourage carriers to offer service responsive to shipper needs, either by providing more accurate non-binding estimates or by offering binding estimates.

Proposed § 1056.18(a):

Estimating.—Motor common carriers providing non-binding estimates to shippers under 49 CFR 1056.3(b) shall cause such estimates to be prepared in a manner which will ensure that, on a calendar year basis, not less than 90 percent of such estimates are for amounts equivalent to not less than 90 percent of the total final charges found to be due and payable for such transportation and other services, including valuation protection charges, and any lawful surcharges included in the non-binding estimates.

Reasonable Dispatch

It is proposed that carriers be held to a performance standard under which at least 95 percent of shipment pickups and no less than 90 percent of shipment deliveries must take place on the agreed-upon dates or within the agreed-upon periods of time. Comments submitted by the consumer representatives identify untimely pickup and delivery as practices causing consumers great harm and inconvenience. Our own review of the Household Goods Carriers Performance Reports for 1974–1979 with regard to the major moving companies shows that on-time pickups occurred on an average 95.0 percent of shipments and that on-time deliveries were reported in 85.1 percent of shipments. In consideration of increased operational flexibility provided carriers by the new regulatory framework the standards proposed reflect a level of performance which can be achieved by well-managed carriers. We believe that the benefits of these standards are sufficient to outweigh any increased cost of compliance. The proposed performance standard should also encourage carriers to provide service more responsive to shipper needs.

Proposed Section 1056.18(b):

Reasonable Dispatch.—Excluding shipments transported under tariff provisions requiring guaranteed service performance, not less than 95 percent of all shipments must be picked up and not less than 90 percent of shipments must be delivered on the dates or within the periods of time agreed to by a carrier and set forth in the order for service and/or bill of lading relating to a shipment.

Handling of claims for loss, damage or delay

The Commission proposes performance standards requiring that carriers acknowledge not less than 95 percent of all claims for loss damage, or delay of household goods shipments within 30 days of receipt, and that the carriers must pay, decline, or make a firm compromise settlement offer with respect to 90 percent of such claims within 60 days and with respect to 95 percent of such claims within 120 days of receipt.

Acknowledgment of claims by the carriers is the first step for fair handling of consumer claims and assures the public that the industry intends to abide by its service obligations. All further steps in the claims process are based upon acknowledgment of receipt of the claim. We are aware that in the past some carriers have not acted promptly in acknowledging claims. For that reason, the Commission is proposing this performance standard as a means to insure that the carriers abide by their notice obligation.

The proposed performance standards for settlement and disposition of claims within 60 and 120 days, respectively, are based upon the Commission's experience with claim complaints and data in the Household Goods Carriers Performance Reports filed with the Commission for the years 1976–1979. These reports show that the nation's largest movers were able to settle an average of 84 percent of the loss and damage claims within 60 days after filing. The Commission believes that the proposed standards are within the means of well-managed carriers. Additionally, we believe that the proposed performance levels are necessary to prevent monetary losses and mental anguish to individual shippers.

The carriers' strict compliance with the acknowledgment and settlement standards should reduce the cost of claims handling by significantly shortening the period of time and reducing the amounts of resources devoted to claims handling. In any event, the consumer benefits to be derived far outweigh any additional costs of compliance.

The performance standards here proposed for application under 49 CFR 1005 will be applicable only to household goods claims for loss, damage or delay.

Proposed § 1056.18(c):

Handling of Claims For Loss, Damage or Delay.—Not less than 95 percent of all claims for loss, damage, or delay of household good shipments filed by individual shippers shall be acknowledged within 30 days of receipt by a carrier, as provided in 49 CFR 1005.2(a), unless paid or declined within that time. A motor carrier who receives a written claim for loss, damage, or delay of household good shipments shall, pursuant to 49 CFR 1005.5, pay, decline, or make a firm compromise settlement offer to a claimant within 60 days of receipt with respect to 90 percent of claims filed and within 120 days of receipt with respect to 95 percent of all such claims.

Additional Comments

The Commission has given consideration to comments received recommending performance standards with respect to other regulatory areas. We do not believe that any additional performance standards are necessary. Should we determine that additional performance standards are necessary, we will not hesitate to propose them.

Method for Ascertaining Compliance with Standards

The Commission will use the random sampling procedures described in the General Instructions for the preparation of Form OCP–101 to review carrier compliance.

Regulatory Flexibility: Certificate of No Significant Adverse Impact

Section 603 of the Regulatory Flexibility Act [5 U.S.C. 603] requires that the Commission examine the impact of proposed rules on small businesses and small organizations.

Although the proposed standards are generally somewhat higher than the existing practices in the industry, increased flexibility under the Household goods Transportation Act of 1980 should facilitate compliance with

these requirements. No significant adverse economic impact on small businesses or organizations is anticipated. It should be noted that carriers handling less than 100 shipments a year will not be required to file annual performance reports. We do, however, invite comments on this issue.

It does not appear that this proposal will significantly affect the quality of the human environment or conservation of energy resources.

This Notice of Proposed Rulemaking is issued under the authority of 49 U.S.C. 10321, 11109, 11110, and 5 U.S.C. 553.

Decided: February 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7468 Filed 3-10-81; 8:45 am]

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Wednesday
March 11, 1981

Part III

Nuclear Regulatory Commission

Biomedical Waste Disposal

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Biomedical Waste Disposal

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations to permit licensees greater leeway in disposing of liquid scintillation media and animal carcasses containing tracer levels of hydrogen-3 (tritium) or carbon-14. These rule changes will primarily affect NRC licensed hospitals and medical research institutions. Most licensees presently dispose of these items by sending them to a radioactive waste burial ground or by obtaining special authorization from NRC for incineration or onsite burial. Under the new regulations, the licensee may dispose of specified concentrations of these materials without regard to their radioactivity. The NRC is also amending its regulations to raise the annual limits for disposal of hydrogen-3 and carbon-14 by release to the sanitary sewerage systems. The rule changes will conserve waste burial capacity that is already in short supply.

EFFECTIVE DATE: March 11, 1981.

ADDRESSES: Copies of the value/impact analysis and the analysis of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies of the value/impact analysis are available from John R. Cook, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301–427–4240).

FOR FURTHER INFORMATION CONTACT: John R. Cook, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301–427–4240).

SUPPLEMENTARY INFORMATION:

Background

Radionuclide tracers are used extensively in biomedical research and for the diagnosis of diseases in humans. One of the end products of these research and medical activities is radioactive wastes. These wastes are usually shipped to radioactive waste burial grounds although certain water soluble or dispersible wastes are released into sanitary sewerage systems. Two of the most commonly used radionuclides in biomedical research (and to a lesser extent in medical procedures) are hydrogen-3 and carbon-14. The concentrations of these radionuclides in biomedical waste are minute, generally less than 0.05 microcuries per gram.

Liquid scintillation media and animal carcasses, both containing tracer quantities of hydrogen-3 or carbon-14, constitute the largest volume of radioactive biomedical waste.

Liquid scintillation counting has become a widespread technique for detecting radioactivity in biological samples such as blood or urine. Typically, a fraction of a milliliter of the biological sample containing tracer levels of hydrogen-3 or carbon-14 is combined with 20 milliliters or less of an organic solvent, primarily toluene, in a small vial to make a liquid scintillation medium. The vial is placed in a liquid scintillation counter, and the biological sample is assayed. The vials are used once and then collected for shipment to a radioactive waste burial ground.

Research laboratories and hospitals throughout the country presently use between 84 and 159 million vials per year, which represents between 200,000 and 400,000 gallons of liquid scintillation media. Disposal of this waste in radioactive waste burial grounds requires approximately 400,000 cubic feet of space at a cost of over $13 million per year for packing materials, transport, and disposal (this does not include the cost of licensee labor or overhead). Liquid scintillation media are approximately 43% of the total volume of radioactive waste shipped to burial grounds that is not related to industrial applications or nuclear power generation and its supporting fuel cycle.

Animals are used in research mainly for the development and testing of new drugs. Virtually every chemical compound that is considered for use as a human or veterinary drug is first tagged with a hydrogen-3 or carbon-14 tracer and injected into research animals to study how the chemical compound behaves. These research animals include mice, rats, dogs, monkeys, swine, and sheep. The animal carcasses containing tracer quantities of hydrogen-3 and carbon-14 are usually shipped to radioactive waste burial grounds. Animal carcasses annually require about 80 thousand cubic feet of burial space at a cost of almost $3 million per year. Animal carcasses are approximately 9% of the total volume of radioactive waste shipped to burial grounds that is not related to industrial applications or nuclear power generation and its supporting fuel cycle.

There are other hydrogen-3 and carbon-14 waste streams in the research laboratory that do not result in liquid scintillation vials and animal carcasses: for example, the solutions and attendant material used to prepare the research samples. These materials also contain tracer levels of hydrogen-3 and carbon-14.

Under present NRC regulations, hydrogen-3 and carbon-14 wastes that are readily soluble or dispersible in water can be disposed of by release to the sanitary sewerage systems. The annual limit for release to the sanitary sewerage systems is found in 10 CFR 20.303 and is limited to a total of 1 curie for all radionuclides per year for each licensee. Several associations of academic institutions have together asked the Radiation Policy Council to suggest that NRC raise this limit to 5 curies per year for hydrogen-3, 1 curie per year for carbon-14, and 1 curie per year for all other radionuclides. This rule amends the regulations accordingly. This change will result in a negligible addition to the level of these radionuclides already present in the natural environment.

There are alternatives for disposal of liquid scintillation media and animal carcasses containing hydrogen-3 and carbon-14 other than consignment to a radioactive waste burial ground. Liquid scintillation media can be evaporated, distilled, burned, or buried on a licensee's site if an appropriate location is available. Animal carcasses can be incinerated in a pathogen incinerator. Currently, one of these alternatives to radioactive waste burial are readily available. Generally, liquid scintillation media and animal carcasses with *any* added hydrogen-3 or carbon-14 are being handled as radioactive waste and consigned to a radioactive waste burial ground under NRC's regulations (10 CFR 30.41 and 20.301) and similar Agreement State regulations.

The state agencies that control the existing radioactive waste burial gounds do not want to accept liquid scintillation media or animal carcasses. Liquid scintillation media are flammable and are suspected of leaching other radioactive chemicals out of the burial trenches. Also, some of the shipping containers arrive at the burial grounds leaking. Liquid scintillation media are chemically toxic and are suspected of being carcinogenic and thus pose a waste hazard unrelated to their radioactive character. Animal carcasses decompose and can be a pathogen hazard. Sometimes the animal carcasses will cause their containers to burst during shipment. The voids formed in the burial trenches by the decaying animal carcasses are also believed to contribute to migration of chemicals by

increasing rain water percolation in the trenches.

The three operating commercial radioactive waste burial grounds in the U.S. are located in Barnwell, South Carolina; Beatty, Nevada; and Richland, Washington. The Richland, Washington and Beatty, Nevada sites accept both liquid scintillation media and animal carcasses. However, after December 1984, the Richland, Washington site will not accept liquid scintillation media. The Barnwell, South Carolina site does not accept liquid scintillation media but does accept animal carcasses. At all three sites, the state regulatory bodies are attempting to reduce the volume of incoming waste to prolong site use.

During a temporary state-imposed embargo in mid-1979, some hospitals and research institutions across the country apparently came within days of curtailing operations involving liquid scintillation counting and animal research before the radioactive waste burial gounds in Richland, Washington and Beatty, Nevada resumed accepting liquid scintillation vials and animal carcasses.

The Rule

This final rulemaking will allow NRC licensees to dispose of liquid scintillation media and animal carcasses containing less than 0.05 microcuries of hydrogen-3 or carbon-14 per gram without regard to their radioactivity. This regulation will not relieve licensees from complying with other applicable regulations of federal, state, and local government agencies regarding the disposal of non-radioactive materials. Scintillation media are toxic and flammable, and animal carcasses are sometimes pathogenic. These characteristics, which are a more important public health problem than their radioactivity, may require them to be disposed of under applicable federal, state, and local laws governing chemical and biological hazards. This rulemaking will also allow licensees to dispose by release to sanitary sewerage systems of up to 5 curies of hydrogen-3 and 1 curie of carbon-14 per year, in addition to the presently allowed 1 curie per year for all radionuclides. Neither the rulemaking allowing disposal of liquid scintillation media and animal carcasses without regard to their radioactivity nor that raising the limit for disposal of hydrogen-3 and carbon-14 to sanitary sewerage systems, authorizes disposal of liquid scintillation media (e.g., toluene) into the sanitary sewerage systems.

The rule will essentially remove any NRC restrictions on the disposal of liquid scintillation media and animal carcasses. It will no longer be necessary for NRC licensees to ship these materials, which could pose a chemical and biological hazard, up to thousands of miles across the country for disposal in a radioactive waste burial ground. NRC Agreement States could make similar amendments to their regulations in order to extend the benefit of this action to their licensees.

The value/impact analysis prepared by the NRC staff to support the rule concludes that this rule change is the best solution to the problem of disposal of liquid scintillation media and animal carcasses containing tracer amounts of hydrogen-3 and carbon-14. If also adopted by the Agreement States, this action would save hospitals and research institutions in excess of $13 million annually ($16 million for the cost of packaging materials, transportation, and disposal, minus the $3 million estimated for non-radioactive waste disposal). Also, it will save almost one-half million cubic feet of radioactive waste burial capacity annually, or half of that used for radioactive waste not related to industrial applications or nuclear power generation and its supporting fuel cycle.

The value/impact analysis indicates that the action is non-substantive and insignificant from the standpoint of environmental impact. The amount of hydrogen-3 and carbon-14 that might be released to the environment each year as a result of the rule change pertaining to scintillation media and animal carcasses is small (28 curies and 6 curies respectively), particularly when compared to the steady state environmental inventory of 28 million curies of hydrogen-3 and 280 million curies of carbon-14. Calculations employing conservative assumptions indicate that if radiation exposure occurs as a result of the rule change, the maximum dose to exposed individuals is likely to be less than 1 millirem per year.

The value/impact analysis shows that highest estimated collective dose results from the assumed incineration of all 6 curies of carbon-14 contained in liquid scintillation media and animal carcasses. We calculate this release will result in a total of about 0.4 health effect during the next 1,000 generations. The average lifetime dose per person would be about 0.000001 millirem (this is a fraction of a percent of the dose and health effects attributable to natural background radiation). If incineration were to continue for the next 50 years, the average lifetime dose would be about 0.00005 millirem (for perspective, the average dose per person from a coast-to-coast airline flight is about 2.5 millirem). Further, the doses resulting from incineration of hydrogen-3 or the release to the sanitary sewerage systems of hydrogen-3 and carbon-14 are calculated to be much less than the dose from incineration of carbon-14.

In summary, the amendments concerning the disposal of tracer levels of hydrogen-3 and carbon-14 in liquid scintillation media and animal carcasses are appropriate because: (a) the amendments will not pose an unreasonable risk to the common defense and security and to the health and safety of the public; (b) disposal of these wastes in radioactive waste burial grounds is expensive and without benefit commensurate with the expense; (c) the flammability of liquid scintillation media (organic solvents) and the decomposition of animal carcasses cause a significant problem in transporting these wastes to burial grounds; and (d) these wastes consume a significant portion of radioactive waste burial capacity which is in short supply.

Similarly, the amendment raising the limit for sanitary sewerage disposal of hydrogen-3 and carbon-14 is appropriate because it will not pose an unreasonable risk to the public. In addition, the shipment of this waste to radioactive waste burial grounds is costly and consumes valuable burial space that could be made available for more hazardous radioactive waste.

The Comments

This rule was published as a proposed rule in the Federal Register of October 8, 1980 (45 FR 67018). The final rule is essentially the same as the proposed rule except for minor editorial changes and an additional statement regarding the non-radioactive hazardous and toxic properties of the wastes. This additional statement was included at the request of the Environmental Protection Agency and is discussed below under the heading *Fate of Wastes*. The Federal Register notice on the proposed rule contained essentially the same background information provided above, and invited public comments for a 45 day period ending November 24, 1980.

NRC received 321 comments on the proposed rule from academic institutions, medical facilities, state governments, professional groups, private individuals and special interest groups. Two hundred seventy one commenters supported the rule, 44 opposed it and 7 commented without indicating support or opposition. The comments supporting the rule came primarily from institutions, professional

groups and individuals whose work would benefit from the rule and they cited those benefits both to their research and to society. The comments opposing the rule were split between individuals who were opposed to any release of radioactive material into the environment and individuals or special interest groups who were concerned about where this rule would lead, e.g., to a policy of dispersal of radioactive material as opposed to containment.

The comments addressed the following aspects of the proposed rule.

Need

Most of the 271 commenters who supported the rule stated their reasons. Their reasons are basically the same as those stated in the preamble to this rulemaking. The estimates of annual savings offered by the commenters if the proposed regulations went into effect ranged from $2,000–$250,000, depending on the size of the institution's biomedical program. Some of the organizations that supported the rule were the National Institutes of Health, the American Medical Association, the American College of Nuclear Physicians, the American College of Radiology, the American Hospital Association, the Joint Commission on Accreditation of Hospitals, the Society of Nuclear Medicine, the Endocrine Society, the American Council on Education, Scientists for Public Safety and the Intersociety Council for Biology and Medicine.

A few of the opposing comments questioned the need for the rulemaking. One of these commenters asked, "If there were no space problems, would the question of changing the regulations ever have arisen?"

The answer to this question is, yes, the regulations need changing even without the problem of space in the burial grounds because present regulations impose an economic and administrative burden on licensees that is not justified. As one commenter who favored the proposed rule observed:

"* * * My own experience is that the strict regulations now in effect have resulted in the holding of hundreds of dead carcasses until money becomes available for proper packaging of these materials for disposal. The result has been a significant reduction in research and a reluctance to undertake projects which involve low levels of radioactivity in animals. Thus, my experience indicates that present restrictions have inhibited research * * *"

There are additional reasons for the rule changes regarding safety at the burial grounds, transportation to the burial grounds and safety in the laboratory. The problems in shipping these wastes to the burial grounds and the problems that these wastes cause in the burial trenches are discussed above under *Background*. Regarding safety in the laboratory, one commenter favoring the regulation observed:

"I believe the effort expended in meeting previous regulations has been more damaging to the health of my laboratory personnel than the small amount of radiation, i.e., difficulties of lung and skin exposure to toluene-based fluids (despite the use of hoods, gloves, etc.). I hope these hazards will decrease with these rules."

Scope

While one-third of the commenters supporting the rule urged NRC to expand the scope of the rule to include other hydrogen-3 and carbon-14 waste streams or to include other radionuclides in various waste streams, several of the commenters opposing the rule urged NRC to abandon the rule because it might lead to other rulemakings identifying further waste streams or radionuclides as candidates for disposal without regard to their radioactivity. These latter comments most often cited the need for a comprehensive environmental analysis covering all possible radionuclides and all possible waste streams as their reason for opposing this present rulemaking.

The Commission is aware of the merit of having one comprehensive rulemaking to include many or perhaps all of the possible radionuclides and waste streams. This type of comprehensive rulemaking and its associated generic environmental analysis of all of the benefits and risks is theoretically an optimum approach, but as a practical matter it is an unworkable approach. The practical approach is to examine the specific waste streams which contribute a large volume to the burial grounds as candidates for alternative regulatory approaches. The U.S. Radiation Policy Council at their September 25, 1980 public meeting discussed both the generic approach and the specific waste streams approach. At that meeting the Council:

"Adopted a Federal policy acknowledging that there are concentrations of specific radionuclides in specific waste streams which pose such small risks that control for radiation protection purposes is not necessary. In accordance with this policy requested that the NRC present to the (Council's) Working Group by November 18 an interim plan for identification and analysis of specific waste streams beginning with the C–14 and H–3 (tritium) medical waste streams for which early action is appropriate and develop a proposed regulatory framework for this activity."

Single copies of that interim plan, called for by the Council, are available from John R. Cook at the above address.

Fate of Wastes

Several commenters, both for and against the proposed rule, expressed concern about the fate of these biomedical wastes if the NRC allowed disposal without regard to their radioactivity. Most of these commenters were concerned that the liquid scintillation medium toluene, which is flammable and toxic, would be poured down the drain and into the sanitary sewerage systems. The Environmental Protection Agency (EPA), while supporting NRC's amendment covering liquid scintillation media and animal carcasses, recommended that the regulation itself include a clarifying statement that disposal of scintillation media and animal carcasses without regard to their radioactivity will not relieve licensees from complying with other applicable regulations of federal, state and local government agencies regarding chemical and biological hazards. This recommendation was echoed by two other commenters. Also, a group of sanitation workers expressed concern that they might face an increased occupational hazard from the radioactive wastes, which they believed might concentrate in certain sewerage system components.

The preambles to both the proposed rule and this final rule include a statement similar to that recommended by EPA and others. However, the Commission agrees with EPA and those commenters who would like to see such a clarifying statement in the regulation itself regarding the non-radioactive hazards of liquid scintillation media and animal carcasses. Therefore, a statement has been added to the final rule at 10 CFR 20.306(d) as follows:

"(d) Nothing in this section relieves the licensee from complying with other applicable federal, state, and local regulations governing any other toxic or hazardous property of these materials."

Finally, regarding the question of a radiation hazard to sanitation workers from deposition in sewerage system components, because the hydrogen-3 and carbon-14 behave chemically the same as non-radioactive hydrogen and carbon, there is no reason to expect significant deposition or accumulation in sewerage system components. Further, hydrogen-3 and carbon-14 emit weak beta radiations, which are completely shielded by piping, conduit, ground, water, etc.

Concentration Limit

A few commenters questioned the concentration limit in the proposed rule which was set at 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of liquid scintillation medium or animal tissue. Some commenters simply asked about the basis for the 0.05 microcuries per gram value. One commenter said the concentration limit should be raised to 0.1–0.2 microcuries per gram. Another commenter said that the concentration limit should be lowered to 0.02 or 0.025 microcuries per gram.

The commenter who suggested raising the concentration limit said that this could be done on the basis of the analysis of risks due to releases at these levels. The commenter who suggested lowering the proposed concentration limit offered an analysis which shows that 0.05 microcuries per gram is too high an activity for liquid scintillation counting and that 0.02 microcuries per gram will cover most applications of liquid scintillation counting. This latter commenter pointed out that the "as low as is reasonably achievable" (ALARA) concept of radiation protection dictates going to the lower concentration limit. This same commenter argued for an overall release limit for each licensee based on his analysis which assumes that all of the 200,000–400,000 gallons of liquid scintillation media are released at the maximum 0.05 microcuries per gram level.

The 0.05 microcuries per gram concentration limit was recommended to the Commission by its expert consultants as a level that would cover most biomedical research involving tracer use in animals. The Commission adopted the same level for liquid scintillation media as an administrative simplification, recognizing that the 0.05 microcuries per gram level will be higher than that normally encountered in liquid scintillation work. If the limit were set much closer to the concentrations actually used, licensees would be required to perform more exacting calculations and analytical steps to demonstrate compliance with the rule. This adds to the cost of administration for both the licensees and NRC. Setting the concentration limit at 0.05 microcuries per gram for both animal carcasses and liquid scintillation media does not violate the ALARA principle because the concentrations actually used are controlled by the sensitivity of the counting equipment and the cost of hydrogen-3 and carbon-14 labelled compounds which typically are quite expensive.

The Commission derived its estimates of the potential quantities of hydrogen-3 and carbon-14 released to the environment as a result of this rulemaking from actual production and use data. It would be erroneous to assume that all of the liquid scintillation media would be released at the maximum 0.05 microcuries per gram concentration. This assumption leads to release estimates that exceed the total produced for such uses.

Basically, the value/impact analysis does not indicate the need for a maximum release limit for each licensee. The Commission does not believe that setting the concentration limit higher than that actually used in practice will result in unnecessary (non-ALARA) releases to the environment. The Commission does believe that these higher limits will reduce the cost of administration of these regulations.

Value/Impact Analysis

Several commenters both for and against the proposed rule commented on the preliminary value/impact analysis. A few commenters suggested that the final value/impact analysis consider the impact of multiple users on a common sewerage system disposing of hydrogen-3 and carbon-14 under the new limits. Also, the Environmental Protection Agency recommended lower dilution factors for this part of the analysis. The Commission agrees with these comments and the final value/impact analysis addresses the impact of multiple users and employs adjusted dilution factors. The conclusion of the analysis, however, has not changed, i.e., the amendment raising the limit for sanitary sewerage disposal of hydrogen-3 and carbon-14 is appropriate because it will not pose an unreasonable risk to the public.

The Environmental Protection Agency and at least one other commenter observed that the information presented in the preliminary value/impact analysis was not sufficient to support the need to raise the limits for hydrogen-3 and carbon-14 which can be discharged to sanitary sewers. The EPA also stated that the increased health risk from the release of hydrogen-3 and carbon-14 in the quantities now in use appears to be very low.

The Commission believes that raising the limits for release of hydrogen-3 and carbon-14 to the sanitary sewerage systems will benefit perhaps 20–30 NRC licensees. The dollar savings in radioactive waste burial capacity are not known; however, even some savings in the cost of medical research and some savings in radioactive waste burial capacity are a direct benefit to the public and should not be foregone because they are difficult to quantify.

Finally, the Environmental Protection Agency noted that the preliminary value/impact analysis gave estimates of the individual doses which might result from the proposed changes; however, they suggested that the final value/impact analysis include an assessment of the collective dose commitment. The preliminary value/impact analysis included a brief treatment of the collective dose commitment. The final value/impact analysis includes a more rigorous treatment of this question. However, the conclusion of the final value/impact analysis has not changed. Basically, the value/impact analysis concludes this rulemaking is non-substantive and insignificant from the standpoint of environmental impact.

Clarifications

Several commenters requested clarification on the boundaries of the rule change. Does the term liquid scintillation media include the vials containing the media? Does the term animal tissue include organs or fluids which may have been removed from the carcasses for analysis?

The regulation in 10 CFR 20.306(a) applies to the disposal of liquid scintillation media of 0.05 microcuries or less of hydrogen-3 or carbon-14 per gram of medium. Licensees may dispose of liquid scintillation media containing this concentration of hydrogen-3 or carbon-14 without regard to its radioactivity. Scintillation vials themselves are not radioactive. Rather, it is the scintillation media remaining in the vials that contains the radioactivity. The rule covers that material. Therefore, it would be permissible to dispose of the used vials along with the media.

Similarly, the regulation in 10 CFR 20.306(b) applies to the disposal of animal tissue of 0.05 microcuries or less of hydrogen-3 or carbon-14 per gram of tissue *averaged over the weight of the entire animal,* whether the tissue (or organ) is ultimately removed from the carcass or not. However, the regulation does not apply to either the radioactive chemicals before they are administered to the animals or to the animal feces or urine or contaminated bedding.

Finally, some commenters asked if the rule change would permit incineration of the scintillation media and animal carcasses without obtaining permission from NRC via a license amendment. The answer is, yes, liquid scintillation media and animal carcasses may be incinerated without a license amendment to the extent permitted by applicable non-radioactive waste disposal regulations.

This rule is being made effective on March 11, 1981, because it relieves licensees from restrictions.

Authority: Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20, are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. In § 20.301, paragraph (c) is revised to read as follows:

§ 20.301 General requirement.

* * * * *

(c) As provided in § 20.303, applicable to the disposal of licensed material by release into sanitary sewerage systems, or in § 20.306 for disposal of specific wastes, or in § 20.106 (Radioactivity in effluents to unrestricted areas).

2. In § 20.303, paragraph (d) is revised to read as follows:

§ 20.303 Disposal by release into sanitary sewerage systems.

* * * * *

(d) The gross quantity of licensed and other radioactive material, excluding hydrogen-3 and carbon-14, released into the sewerage system by the licensee does not exceed one curie per year. The quantities of hydrogen-3 and carbon-14 released into the sanitary sewerage system may not exceed 5 curies per year for hydrogen-3 and 1 curie per year for carbon-14. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this section.

3. Section 20.305 is revised to read as follows:

§ 20.305 Treatment or disposal by incineration.

No licensee shall treat or dispose of licensed material by incineration except for materials listed under § 20.306 or as specifically approved by the Commission pursuant to §§ 20.106(b) and 20.302.

4. A new § 20.306 is added to read as follows:

§ 20.306 Disposal of specific wastes.

Any licensee may dispose of the following licensed material without regard to its radioactivity:

(a) 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of medium, used for liquid scintillation counting; and

(b) 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of animal tissue averaged over the weight of the entire animal; provided however, tissue may not be disposed of under this section in a manner that would permit its use either as food for humans or as animal feed.

(c) Nothing in this section, however, relieves the licensee of maintaining records showing the receipt, transfer and disposal of such byproduct material as specified in § 30.51 of Part 30 of this chapter; and

(d) Nothing in this section relieves the licensee from complying with other applicable federal, state and local regulations governing any other toxic or hazardous property of these materials.

(Sec. 81, 161b, Pub. L. 83-703, 68 Stat. 935, 948 as amended (42 U.S.C. 2111, 2201), Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C., this 6th day of March 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-7580 Filed 3-10-81; 8:45 am]

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Reader Aids

Federal Register

Vol. 46, No. 47

Wednesday, March 11, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders and problems (GPO)	783-3238
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16232	11

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12296 15129

Proclamations:
4822 14885
4823 15491

Administrative Orders:

Presidential Determinations:
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857

Proposed Rules:
28 15884

5 CFR

550 14887

7 CFR

907 15257
910 ..... 15493, 15864
2024 15493

Proposed Rules:
930 15888
1004 15713
2851 14899
2859 15512

9 CFR

75 15494

Proposed Rules:
306 15512
381 15512

10 CFR

20 16230
35 15683
212 15257

Proposed Rules:
30 15278
40 15278
50 15278
51 15154
70 15278
72 15278
211 15112
376 15484
390 15484

12 CFR

Ch. VII 14887
21 15864
206 16099
216 15864
326 15864
546 14727
563 14727
563a 15864
748 15864
1204 15131

Proposed Rules:
400 15888
545 15175

14 CFR

39 ..... 14728-14729, 15259
71 14730-14734
95 14735
97 15259
121 15480

Proposed Rules:
Ch. I 14749, 15278, 15746
39 15479
71 15476
93 15458
159 15458

15 CFR

503 15496
935 14741
936 14741
937 14741
938 14741

16 CFR

13 ..... 15261, 15262
1 14888
13 14741

17 CFR

15 15132
211 15496
240 ..... 15498, 15866
240 ..... 14888, 15133, 15134, 15713

Proposed Rules:
210 15278
240 ..... 14749, 15178

18 CFR

4 15873
250 15874
260 15878
282 ..... 14742, 15498, 15879

Proposed Rules:
Ch. I 15512
1 14751
4 14751
34 15513
131 15513
154 14899
157 14899
250 14899
260 14899

19 CFR

353 15135
355 16099

21 CFR

73 15500
81 15500
430 15880
436 15880
440 15880
442 15880
540 14889
561 14889
864 14890

Proposed Rules:

109 15518
110 15518
193 15281
225 15518
226 15518
500 15518
509 15518
872 15519

22 CFR

Ch. XIV 16058, 16085
41 15504

24 CFR

203 14743
207 14743
220 14743
300 15505

25 CFR

43c 14890
700 15720

Proposed Rules:

26 CFR

1 ..... 15262, 15685, 16100
55 15262

Proposed Rules:

1 15892
26 15893

28 CFR

0 16100
40 16100

Proposed Rules:

2 14904

29 CFR

1910 14897
2200 14744

32 CFR

201 15505
286 14890
369 15506
875 15506

33 CFR

1 15685
230 14745

36 CFR

3 16101
21 16101

39 CFR

111 ..... 14746, 15263, 15266

40 CFR

52 ..... 15136–15139, 15686
55 15686
81 ..... 14891, 14892, 15140
86 15686
162 15104
180 ..... 14894, 15122–15125
761 16090

Proposed Rules:

52 ..... 15180, 15181, 15284, 15743
60 14905
81 ..... 15744, 15744
86 15693
180 ..... 15181, 15182, 15285
430 15287
431 15287
761 16098
763 14905

41 CFR

1–4 16102
101–35 16102
101–36 16102
101–40 14894

42 CFR

110 15141

43 CFR

Public Land Orders:

5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15267, 15269
65 15142

Proposed Rules:

67 ..... 14907, 15183, 15287

45 CFR

1060 15270
1357 14895

46 CFR

3 15746
14 15746
24 15746
166 15746
169 15746

47 CFR

2 ..... 15146, 15690
73 ..... 15147–15151, 15271, 15707, 15709–15711
81 15690
83 15690
90 ..... 15152, 15273
97 15148

Proposed Rules:

Ch. I 14907, 15184, 15296
0 15297
22 15749
25 15754
73 ..... 15754, 15756, 15757
81 15297
83 ..... 14754, 15297
73 ..... 15184–15186, 15298
90 16104

49 CFR

1003 16200
1005 16200
1033 ..... 14895, 14896, 15507
1039 15509
1056 16200
1132 15509
1240 15880
1243 15881
1310 16200
1322 16200
1331 ..... 15277, 16102

Proposed Rules:

1048 16106
1056 16225
1057 15300
1206 15302
1207 15302

50 CFR

611 16103
652 15510

Proposed Rules:

230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The reminders below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments On Proposed Rules for the Week of March 15 through March 21, 1981

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—

9618 1–29–81 / Honey; 1981 crop price support program; comments by 3–16–81

Federal Crop Insurance Corporation—

3236 1–14–81 / Canning and freezing sweet corn crop insurance regulations; comments by 3–16–81

3229 1–14–81 / Corn crop insurance regulations; comments by 3–16–81

3221 1–14–81 / Cotton crop insurance regulations; comments by 3–16–81

3232 1–14–81 / Dry bean crop insurance regulations; comments by 3–16–81

3539 1–15–81 / Flax crop insurance regulations, additional counties; comments by 3–16–81

3537 1–15–81 / Grain sorghum crop insurance regulations; additional counties; comments by 3–16–81

3536 1–15–81 / Grape crop insurance regulations; additional counties; comments by 3–16–81

3224 1–14–81 / Oat crop insurance regulations; comments by 3–16–81

3223 1–14–81 / Peanut crop insurance regulations; comments by 3–16–81

3538 1–15–81 / Potato crop insurance regulations; additional counties; comments by 3–16–81

3226 1–14–81 / Soybean crop insurance regulations; comments by 3–16–81

3540 1–15–81 / Sunflower crop insurance regulations; additional counties; comments by 3–16–81

3233 1–14–81 / Tobacco (Dollar Plan) crop insurance regulations; comments by 3–16–81

3235 1–14–81 / Tobacco (guaranteed production) crop insurance regulations; comments by 3–16–81

3234 1–14–81 / Tobacco (quota plan) crop insurance regulations; comments by 3–16–81

3541 1–15–81 / Tomato crop insurance regulations; additional counties; comments by 3–16–81

Food and Nutrition Service—

4642 1–16–81 / Food Stamp Program; 1980 amendments to the Food Stamp Act of 1977; policy interpretations, misc. technical amendments; comments by 3–17–81

3905 1–16–81 / National School Lunch Program and School Breakfast Program; Competitive foods; comments by 3–17–81

3903 1–16–81 / National School Lunch Program; Nutritional requirements; comments by 3–17–81

Rural Electrification Administration—

3906 1–16–81 / Electric loan policies and application procedures—supplemental resource financing; comments by 3–17–81

3908 1–16–81 / Loan terms and conditions and supplemental financing policies; comments by 3–17–81

3906 1–16–81 / Procedures for cable television system; comments by 3–17–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

10182 2–2–81 / Pacific Fishery Management Council; amendments to "Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Wash. and Oreg. and Calif. Commencing in 1978"; comments by 3–16–81

9658 12–31–80 / South Atlantic Fishery Management Council, draft fishery management plan for Atlantic Billfish; comments by 3–20–81

10182 2-3-81 / South Atlantic Fishery Management Council. Billfish Fishery Management Plan; comments by 3-20-81

COMMODITY FUTURES TRADING COMMISSION

79496 12-1-80 / Minimum financial and related reporting requirements; comments by 3-21-81

3053 1-16-81 / Terms and conditions of the three-month Domestic Certificates of Deposit Futures Contract of the Chicago Mercantile Exchange; comments by 3-17-81

3055 1-16-81 / Terms and conditions of the three-month Euro Dollar Futures Contract of the Chicago Mercantile Exchange; comments by 3-17-81

3057 1-16-81 / Terms and conditions of the 90-day Certificates of Deposit Futures Contract of the New York Futures Exchange Inc.; comments by 3-17-81

COMMUNITY SERVICES ADMINISTRATION

5032 1-19-81 / Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from financial assistance provided by CSA; comments by 3-20-81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

85057 12-24-80 / Retirement accounts; comments by 3-20-81

EDUCATION DEPARTMENT

5410 1-19-81 / Centers for independent living program; comments by 3-20-81

[*See also* 46 FR 12495, 2-17-81]

5236 1-19-81 / Financial assistance to local and State agencies to meet special educational needs; and financial assistance to local educational agencies for children with special needs; comments by 3-20-81

[*See also* 46 FR 12495, 2-17-81]

4560 1-16-81 / General Education Assistance for Cuban and Haitian Refugee Children Program; comments by 3-17-81

3400 1-14-81 / Graduate and Professional Study Fellowships; comments by 3-16-81

[*See also* 46 FR 12496, 2-17-81]

3956 1-16-81 / Guaranteed Student Loan Program; comments by 3-17-81

[*See also* 46 FR 12495, 2-17-81]

3922 1-16-81 / Guaranteed Student Loan Program; comments by 3-17-81

5238, 5295 1-19-81 / National direct student loan program, college work-study program, and supplemental educational opportunity grant program; comments by 3-20-81

[*See also* 46 FR 12490, 2-17-81]

4956 1-19-81 / Parent loans for undergraduate students (PLUS) program; comments by 3-20-81

5416 1-19-81 / Vocational rehabilitation service projects; comments by 3-20-81

[*See also* 46 FR 12490, 2-17-81]

ENERGY DEPARTMENT

4482 1-16-81 / Commercial and Apartment Conservation Service Program; comments by 3-17-81

5514 1-19-81 / Loans for bid or proposal preparation by minority business enterprises seeking DOE contracts and assistance; comments by 3-20-81

12646 2-17-81 / Procurement regulations; comments by 3-19-81

Federal Energy Regulatory Commission—

12208 2-13-81 / Rate return on equity for electric utilities; comments by 3-16-81

ENVIRONMENTAL PROTECTION AGENCY

12023 2-12-81 / Air quality planning, Kentucky; redesignation of nonattainment areas for sulfur dioxide and ozone; comments by 3-16-81

12022 2-12-81 / Ambient air quality monitoring, data reporting and surveillance provisions; N.Y., N.J., P.R., V.I. State implementation plan revisions; comments by 3-16-81

13735 2-24-81 / Approval and promulgation of nonattainment area plans; Ohio; comments by 3-19-81

8587 1-27-81 / Standards of performances for new stationary sources; bulk gasoline terminals; comments by 3-20-81

5816 1-19-81 / State hazardous waste programs; requirements for public participation in the State enforcement process during interim authorization; comments by 3-20-81

12522 2-17-81 / State Implementation Plan; Iowa; comments by 3-19-81

FEDERAL COMMUNICATIONS COMMISSION

9975 1-30-81 / FM broadcast station in Clinton and Bald Knob, Ark.; changes in table of assignments; comments by 3-16-81

3029 1-16-81 / Further proposal regarding implementation of requirements of the International Maritime Satellite Telecommunications Act; comments by 3-20-81

11846 2-11-81 / Implementation of final acts of the World Administrative Radio Conference, Geneva 1979; reply comments period extended to 3-16-81

[*See also* 46 FR 3060, 1-13-81]

85126 12-24-80 / International Telecommunication Union World Administrative Radio Conference; preparation; use of the geostationary-satellite orbit and the planning of the space services utilizing it; reply comments by 3-18-81

[Comment period extended at 46 FR 12032, 2-12-81]

14754 3-3-81 / MTS and WATS market structure; reply comment period extended to 3-18-81

[*See also* 45 FR 53777, 8-21-80]

14358 2-27-81 / Radio services, special; multiple address radio systems in the public land mobile radio service; private operational fixed microwave service; and establishment of new frequency tolerances in the 952-960 Mhz band; comment period extended to 3-20-81

[*See also* 46 FR 10768, 2-4-81]

9145 1-28-81 / TV broadcast stations; New Smyrna Beach, Orlando and Winter Park, Florida; table of assignments; reply comments by 3-16-81

FEDERAL MARITIME COMMISSION

5008 1-19-81 / Cargo inspection services, and/or self-policing; rate and exemption agreements; comments by 3-20-81

FEDERAL RESERVE SYSTEM

12561 2-19-81 / International Banking Facilities; comments by 3-16-81

[*See also* 45 FR 84070; 12-22-80]

FEDERAL TRADE COMMISSION

3545 1-15-81 / Owens-Corning Fiberglas Corp.; proposed consent agreement to divest asphalt roofing plants; comments by 3-16-81

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

3240 1-14-81 / Records management; interagency reports management program; comments by 3-16-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

2977 1-13-81 / Labeling; requirements for designating manufacturer's name on a drug product; comments by 3-16-81

[*See also* 45 FR 25780, 4-15-80]

4634 1-16-81 / Reclassification procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended, or suggested conditions of use; comments by 3-17-81

Health Care Financing Administration—

66812 12-31-80 / Adoption assistance and child welfare services, foster care; State eligibility requirements for additional payments; comments by 3-16-81

66817 12-31-81 / Foster care maintenance and adoption assistance, child welfare services; Federal financial participation; comments by 3-16-81

66850 12-31-80 / Medicaid program; entitlement of individuals receiving cash assistance under Foster Care Maintenance payments and adoption assistance program; comments by 3-16-81

3794 1-15-81 / Renal disease, end-stage services, self-dialysis and home dialysis training; conditions for coverage of supplies of service; comments by 3-16-81

5003 1-19-81 / Requirements applicable to sterilizations (Hysterectomies); comments by 3-20-81

Office of the Secretary—

3527 1-15-81 / State claims; time limits to file for plans approved under the Social Security Act; comments by 3-16-81

Public Health Service—

5003 1-19-81 / Requirements applicable to sterilizations (Hysterectomies); comments by 3-20-81

Social Security Administration—

4984 1-16-81 / Disability insurance and supplemental security income; determinations of disability; comments by 3-17-81

4949 1-19-81 / Supplemental security income for the aged, blind, and disabled income; earned income; comments by 3-20-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

14021 2-25-81 / Alaska National Wildlife Refuges; comments extended to 3-16-81

[Originally published at 46 FR 5969, 1-19-81]

82474 12-15-80 / Proposed endangered status and critical habitat for the Chihuhua Chub; comments by 3-16-81

Heritage Conservation and Recreation Service—

5986 1-19-81 / Archaeological Resources Protection Act of 1979; proposed uniform rulemaking; comments by 3-20-81

National Park Service—

14021 2-25-81 / National Park system units in Alaska; comments extended to 3-16-81

[Originally published at 46 FR 5941, 1-19-81]

Office of the Secretary—

3350 1-14-81 / Acreage limitation; water and power rules and regulations; comments by 3-16-81

INTERSTATE COMMERCE COMMISSION

9114 1-26-81 / Motor, rail and water carriers, etc.; reduction of accounting and reporting requirements; comments by 3-16-81

[Corrected at 46 FR 15880, 3-10-81]

10160 2-3-81 / Regulations governing designation of process agents by motor carriers and brokers—modification; comments by 3-19-81

JUSTICE DEPARTMENT

Parole Commission—

81213 12-10-80 / "Salient factor score" revision to assess risk of recidivism; comments by 3-20-81

LABOR DEPARTMENT

Employment and Training Administration—

3910 1-16-81 / Labor certification process for the permanent employment of aliens in the U.S.; certification of Canadian Railway workers; comments by 3-17-81

Occupational Safety and Health Administration—

3916 1-16-81 / Conveyor standard; comments by 3-17-81

14867 3-3-81 / Occupational exposure to lead; comments by 3-20-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

5955 1-26-81 / Contractor acquisition of automatic data processing equipment; comments by 3-20-81

SECURITIES AND EXCHANGE COMMISSION

14132 2-26-81 / Customer Complaint Registries; comments by 3-20-81

8568 1-27-81 / Net capital requirements for brokers and dealers; comments by 3-16-81

1298 1-6-81 / Separate reports of other accountants; amendments to proxy rules and Regulation S-X; comments by 3-15-81

12756 2-18-81 / Standardization of financial statement requirements in investment company registration statements and reports to shareholders; comments extended to 3-16-81

[Originally published at 45 FR 83517, 12-19-80. Corrected at 46 FR 12760, 2-18-81]

SMALL BUSINESS ADMINISTRATION

4937 1-19-81 / Business loans; Delegation of certain authority and responsibility to preferred lending institutions; comments by 3-20-81

TRANSPORTATION DEPARTMENT

Coast Guard—

75712 11-17-80 / Foreign tank vessles, minimum manning levels; comments by 3-16-81

83290 12-16-80 / Tankerman requirements; comments by 3-16-81

Federal Aviation Administration—

10163 2-2-81 / Airworthiness directives; Hamilton Standard Hydromatic Propellers; comments by 3-16-81

National Highway Traffic Safety Administration—

12033 2-12-81 / Occupant crash protection, delay of automatic restraint requirements; comments by 3-16-81

82293 12-15-80 / Tire identification and record keeping; comments by 3-16-81

Urban Mass Transportation Administration—

5932 1-19-81 / Technology introduction program; comments by 3-20-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

83530 12-19-80 / Labeling and advertising of wine, distilled spirits, and malt beverages; comments by 3-19-81

Internal Revenue Service—

4950 1-19-81 / Windfall profit tax administrative provisions; comments by 3-20-81

Comments On Proposed Rules for the Week of March 22 through March 28, 1981

AGRICULTURE DEPARTMENT

Food and Nutrition Service—

7748 1-23-81 / Food Stamp Program; photo identification; comments by 3-24-81

7678 1-23-81 / Special Supplemental Food Program for Women, Infants, and Children; food delivery systems; comments by 3-24-81

Rural Electrification Administration—

7387 1-23-81 / Remanufactured distribution transformers; proposed revision of REA Specification D-17; comments by 3-27-81

CIVIL AERONAUTICS BOARD

11827 2-11-81 / Uniform system of accounts and reports for certificated air carriers; comments period extended to 3-25-81

[*See also* 45 FR 85064, 12-24-80]

COMMERCE DEPARTMENT

International Trade Administration—

5965 1-21-81 / Short supply controls; establishment of criteria for consideration of applications for exceptions (final rules); comments by 3-23-81

National Oceanic and Atmospheric Administration—

15188 3-4-81 / Fish and Wildlife Coordination Act; Notice re-opening comment period on proposed rulemaking and draft environmental statement; comments by 3-25-81

[Originally published at 45 FR 83412, 12-18-80]

COMMODITY FUTURES TRADING COMMISSION

6032 1-21-81 / Terms and conditions of the 30-year U.S. Treasury Bond Futures Contract of the Chicago Mercantile Exchange; comments by 3-23-81

CONSUMER PRODUCT SAFETY COMMISSION

85772 12-30-80 / Safety standards; proposed methodology for Commission consideration of findings under section 9(c) of Consumer Product Safety Act; comments by 3-24-81

[Comment period extended at 46 FR 9636, 1-29-81]

DEFENSE DEPARTMENT

Corps of Engineers, Department of the Army—

13733 2-24-81 / Danger zone; Pacific Ocean between Point Sal and Point Conception, Calif.; comments by 3-27-81

10923 2-5-81 / Portsmouth Naval Shipyard, Kittery, Maine; restricted area; comments by 3-20-81

EDUCATION DEPARTMENT

7196, 7206 1-22-81 / Children residing on Indian lands, special impact provisions for local educational agencies that claim entitlements (2 documents); comments by 3-23-81

[*See also* 46 FR 12495, 2-17-81]

6322 1-21-81 / Pell Grant, National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant, Guaranteed Student Loan, and Parent Loans for Undergraduate Students programs (final regulations); comments by 3-23-81

[*See also* 46 FR 12496, 2-17-81]

ENERGY DEPARTMENT

13519 2-23-81 / Patent Compensation Board regulations; comments by 3-25-81

Conservation and Solar Energy Office—

8016 1-26-81 / Residential energy efficiency program; comments by 3-27-81

Federal Energy Regulatory Commission—

10165 2-2-81 / Application for license for major unconstructed projects and major modified projects; application for license for transmission lines only; and application for amendment to license; comments by 3-27-81

ENVIRONMENTAL PROTECTION AGENCY

9128 1-26-81 / Air quality implementation plan; Pennsylvania; proposed revision; comments by 3-27-81

7004 1-22-81 / Air quality, La.; submission of volatile organic compound regulations for Set II control technique guideline sources; comments by 3-23-81

7007 1-22-81 / Air quality, Mo.; revisions to State implementation plan; start-up shutdown, and malfunction conditions; comments by 3-23-81

7009 1-22-81 / Air quality, Nebr., designation of areas for planning purposes; comments by 3-23-81

7193 1-22-81 / Air quality; ozone modeling techniques; comments by 3-23-81

6200 1-26-81 / Asbestos; Reporting and recordkeeping requirements; comments by 3-27-81

[*See also* 46 FR 14905, 3-3-81]

13242 2-20-81 / Hazardous waste management program; Oregon application for interim authorization; comments by 3-23-81

8291 1-26-81 / Requirements for authorization of State Hazardous Waste Programs; comments by 3-27-81

6033 1-28-81 / Review of standards of performance for new stationary sources; Ferroalloy production facilities; comments by 3-27-81

8352 1-28-81 / Standards of performance for new stationary sources; comments by 3-27-81

8312 1-26-81 / State hazardous waste programs; requirements for compliance evaluation programs during interim authorization; comments by 3-27-81

FEDERAL COMMUNICATIONS COMMISSION

9665 1-29-81 / Aeronautical mobile services on world wide basis; frequency allotment changes; reply comments by 3-23-81

14361 2-27-81 / FM broadcast station in Marshfield, Wis., changes in table of assignments; comments by 3-23-81

9141 1-28-81 / FM broadcast station; Norton, Kansas; table of assignments; reply comments by 3-23-81

14369 2-27-81 / FM broadcast stations in Albion, Avilla, Auburn, Garrett, and Legrange, Ind., changes in table of assignments; comments by 3-24-81

10963 2-5-81 / FM broadcast stations in Glendale and Phoenix, Ariz.; changes in table of assignments; comments by 3-23-81

11897 2-11-81 / Geographic reallocation of certain channels in the Detroit area to the business radio service; reply comments by 3-27-81

15184 3-4-81 / Implementation of final acts of the World Administrative Radio Conference, Geneva 1979; reply comments period extended to 3-23-81

[*See also* 46 FR 3060, 1-13-81 and 46 FR 11846, 2-11-81]

FEDERAL TRADE COMMISSION

6976 1-22-81 / Funeral industry practices; comments by 3-23-81

7360 1-23-81 / Gould Inc.; proposed consent agreement with analysis to aid public comment; comments by 3-24-81

GENERAL SERVICES ADMINISTRATION

10924 2-5-81 / Procurement and contracting by Federal agencies; automatic data processing services; comments by 3-28-81

3519 1-15-81 / Procurement; purchases from foreign business concerns; temporary regulation; comments by 3-23-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

6949 1-22-81 / Determination of Federal share of collections by State agencies; comments by 3-23-81

Food and Drug Administration

84837 12-23-80 / Cafferine; deletion of GRAS status, proposed declaration that no prior sanction exists, and use on an interim basis pending additional study; comments by 3-23-81

7562 1-23-81 / Classification of gastroenterology-urology devices (58 documents); comments by 3-24-81

7271 1-23-81 / Content and format for labeling for human prescription drugs; amendment of effective date for certain biological products (final rule); comments by 3-24-81

84837 12-23-80 / Soda Water; amendment to standard, extension of comment period; comments by 3-23-81

Health Care Financing Administration—

6296 1-21-81 / Medicare program; medigap; certification of medicare supplemental health insurance policies; comments by 3-23-81

6903 1-22-81 / Supplemental security income benefit, continuation and Medical eligibility for severely impaired recipients into work; comments by 3-23-81

Human Development Services Office—

7240 1-22-81 / Adoption Assistance and Child Welfare Act; complementation and amendments to social services programs; comments by 3-23-81

6903 1-22-81 / Supplemental security income benefits; continuation and Medicaid eligibility for severely impaired recipients into work; comments by 3-23-81

Public Health Service—

7166 1-22-81 / Health systems agencies, governing body requirements; comments by 3-23-81

Social Security Administration—

6903 1-22-81 / Supplemental Security Income Benefits; continuation and Medicaid eligibility for severely impaired recipients who work; comments by 3-23-81

7269 1-23-81 / Supplemental Security Income for the Aged, Blind, and Disabled; State supplementation provisions; agreements; payments-use of regression formula in computing Federal liability (final rule); comments by 3-24-81

7393 1-23-81 / Supplementary security income; income of ineligible individual for deeming purposes; exclusion of payments for in-home supportive services; comments by 3-24-81

INTERIOR DEPARTMENT

Office of the Secretary—

15188 3-4-81 / Fish and Wildlife Coordination Act; Notice reopening comment period on proposed rulemaking and draft environmental Statement; comments by 3-25-81

[Originally published at 45 FR 83412, 12-18-80]

Surface Mining Reclamation and Enforcement Office—

6983 1-22-81 / Surface coal mining and reclamation operations regulatory program; use of explosives; comments by 3-23-81

INTERSTATE COMMERCE COMMISSION

13244 2-20-81 / Business entertainment expenses; comment period extended to 3-23-81

[*See also* 46 FR 13231, 1-6-81]

13749 2-24-81 / Elimination of notification procedure in the processing of emergency temporary authority applications under 49 U.S.C. 10922; comments by 3-26-81

11566 2-9-81 / Regulations governing minimum amounts of cargo insurance, bonds or other security required to be filed by motor common carriers of property and freight forwarders; modification of regulations; comments by 3-20-81

LABOR DEPARTMENT

7392 1-23-81 / Subpoenas served upon departmental employees; procedure to be followed; comments by 3-24-81

Employment and Training Administration—

7395 1-23-81 / Comprehensive Employment and Training Act; allowability of legal expenses; comments by 3-24-81

7796 1-23-81 / Unemployment Compensation for Ex-Service members; revision of regulations; comments by 3-24-81

7786 1-23-81 / Unemployment Compensation for Federal Civilian Employees Program; comments by 3-24-81

Occupational Safety and Health Administration—

7392 1-23-81 / Subpoenas served upon departmental employees; procedures to be followed; comments by 3-24-81

Office of the Secretary—

7756 1-23-81 / Hospital employee protection program guidelines; comments by 3-24-81

7392 1-23-81 / Subpoenas served upon departmental employees; procedure to be followed; comments by 3-24-81

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

13337 2-20-81 / Discretionary funds; procedures for submission, review, approval, and administration of applications for financial assistance; comments by 3-23-81

NUCLEAR REGULATORY COMMISSION

11666 2-10-81 / Availability of draft generic environment impact statement; comments by 3-23-81

7388 1-23-81 / Periodic and systematic review of regulations; comments by 3-24-81

PERSONNEL MANAGEMENT OFFICE

6022 1-21-81 / Procurement regulations for Federal employees health benefit plans; comments by 3-23-81

STATE DEPARTMENT

Office of the Secretary—

6358 1-21-81 / Hostage relief provisions; assistance to American hostage and members of their families and households; comments by 3-23-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

9629 1-29-81 / Air carriers certification and operation; definition of "exclusive use"; comments by 3-27-81

9868 1-29-81 / Air carriers; supplemental, and commercial operators; exiclusive use requirements; comments by 3-27-81

8347 1-26-81 / Proposed exception in definition of "acoustical change" to permit temporary, limited engine/Nacelle Intermix for Turbojet engine powered transport category/ large airplanes; comments by 3-27-81

Federal Highway Administration—

77466 11-24-80 / Interstate truck and bus drivers; prohibition of use of drugs and other substances; comments by 3-24-81

National Highway Traffic Safety Administration—

8067 1-26-81 / Federal motor vehicle safety standards; glazing materials; comments by 3-27-81

8062 1-26-81 / Federal motor vehicle safety standards; low tire pressure warning devices; comments by 3-27-81

TREASURY DEPARTMENT

Internal Revenue Service—

7401 1-23-81 / Books and records of foreign corporations and operations; comments by 3-24-81

7397 1-23-81 / Income Tax; investment credit for single purpose agricultural or horticultural structures; comments by 3-24-81

VETERANS ADMINISTRATION

12967 2-19-81 / Changes in Veterans' disability compensation and survivors benefits; comments by 3-23-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

13247 3-20-81 / Sierra National Forest Grazing Advisory Board, Fresno, Calif. (open), 3-20-81

NATIONAL FOUNDATION ON ARTS AND HUMANITIES

12564 2-17-81 / Design Arts Panel (Communication and Exploration/Research Section), Washington, D.C. (close), 3-17 and 3-18-81

13435 2-20-81 / Expansion Arts Panel, Performing Arts Section, Washington, D.C. (closed), 3-16 through 3-20-81

11638 2-9-81 / Humanities Panel, Washington, D.C. (closed), 3-16 through 3-19-81

9269 1-28-81 / Humanities Panel, Washington, D.C. (closed), 3-18 through 3-20-81

14966 3-2-81 / Museum Panel, Washington, D.C. (partially open), 3-16 and 3-17-81

14966 3-2-81 / Visual Arts Panel (Crafts Fellowships/ Apprenticeships), Washington, D.C. (closed), 3-16 through 3-20-81

DEFENSE DEPARTMENT

Air Force Department—

14374 2-27-81 / USAF Scientific Advisory Board, Traveling Wave Tube Amplifier Ad Hoc Committee, Washington, D.C. (closed), 3-19 and 3-20-81

Army Department—

13544 2-23-81 / Army Science Board, Kelly Air Force Base, Tex. (partially open), 3-16 and 3-17-81

Office of the Secretary—

11574 2-9-81 / Advisory Committee, Defense Science Board Task Force on Water in Southwest Asia, Arlington, Va. (closed), 3-18 and 3-19-81

7428 1-23-81 / Wage Committee, Washington, D.C. (closed), 3-17-81

EDUCATION DEPARTMENT

14375 2-27-81 / Community Education Advisory Council, Washington, D.C. (open), 3-17 and 3-18-81

ENERGY DEPARTMENT

Western Area Power Administration—

14434 2-27-81 / Central Valley Project Proposed Centralia and Northwest Power rate adjustment, Sacramento, Calif. (open), 3-17-81

ENVIRONMENTAL PROTECTION AGENCY

12106, 12107 2-12-81 / National Air Pollution Control Techniques Advisory Committee, Raleigh, N.C. (open), 3-17 and 3-18-81

FEDERAL COMMUNICATIONS COMMISSION

15210 3-4-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 3-18 and 3-19-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

13373 2-20-81 / Meetings, Washington, D.C. (open), 3-19-81

FEDERAL TRADE COMMISSION

15253 3-4-81 / Meeting, Washington, D.C. (partially open), 3-19-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Disease Control Center—

13580 2-23-81 / Epidemiologic Study of Portsmouth Naval Shipyard, Cincinnati, Ohio (open), 3-17-81

13580 2-23-81 / Work Group to Review Clinical Trail Data on Hepatitis B Vaccine, Phoenix, Ariz. (open), 3-17-81

Food and Drug Administration—

12549 2-17-81 / Consumer Exchange, White Plains, N.Y. (open), 3-16-81

11712 2-10-81 / Miscellaneous Internal Drug Products Panel, Chevy Chase, Md. (open), 3-21 and 3-22-81

Health Care Financing Administration—

13515 2-24-81 / National Professional Standards Review Council, Washington, D.C. (open), 3-16 and 3-17-81

National Institutes of Health—

13515 2-24-81 / Advisory Committee to the Director, NIH, Bethesda, Md. (open), 3-16 and 3-17-81

11714 2-10-81 / Aging Review Committee, Bethesda, Md. (partially open), 3-19 and 3-20-81

12332 2-13-81 / Allergy and Clincial Immunology Research Committee, Bethesda, Md. (partially open), 3-16 and 3-17-81

11716 2-10-81 / General Research Support Review Committee, Bethesda, Md. (partially open), 3-19 and 3-20-81

11716 2-10-81 / Genetic Basis of Disease Review Committee, Bethesda, Md. (partially open), 3-16 and 3-17-81

11717 2-10-81 / Maternal and Child Health Research Committee, Bethesda, Md. (partially open), 3-17 and 3-18-81

12336 2-13-81 / Transplantation Biology and Immunology Committee, Bethesda, Md. (partially open), 3-20-81

Public Health Service—

13581 2-23-81 / Health Care Technology Study Section, Washington, D.C. (open), 3-16-81

INTERIOR DEPARTMENT

Geological Survey—

13045 2-19-81 / Reclamation of the Jackpile-Paguate Uranium Mine Complex on the Laguna Indian Reservation in Northwestern New Mexico, Laguna, M. Mex. (open), 3-16-81

Land Management Bureau—

12239 2-13-81 / Butte District Multiple Use Advisory Council, Butte, Mont. (open), 3-16 and 3-17-81

13384 2-20-81 / Canyon Management Framework Plan, Jerome, Idaho (open), 3-16-81

13367 2-20-81 / Ely District Advisory Council, Ely, Nev. (open), 3-16-81

10642 2-3-81 / Moab District Grazing Advisory Board, Moab, Utah, (open), 3-20-81

12144 2-12-81 / Montrose District Grazing Advisory Board, Montrose, Colo. (open), 3-16-81

14830 3-3-81 / Outer Continental Shelf Advisory Board, Newark, N.J. (open), 3-19-81

11716 2-10-81 / Rawlins District Advisory Council, Lander, Wyo. (open), 3-19-81

12961 2-18-81 / Salem District Advisory Council, Salem, Oreg. (open), 3-16-81

12144 2-12-81 / Salmon District Advisory Council, Salmon, Idaho (open), 3-17-81

14458 2-27-81 / Susanville District Advisory Council, Ranerdale, Calif. (open), 3-17 and 3-18-81

9790 1-29-81 / Winnemucca District Multiple Use Advisory Council, Winnemucca, Nev. (open), 3-16 and 3-17-81

National Park Service—

14196 2-26-81 / San Antonio Missions Advisory Commission, San Antonio, Tex. (open), 3-17-81

INTERNATIONAL COMMUNICATION AGENCY

15217 3-4-81 / United States Advisory Commission on Public Diplomacy, Washington, D.C., (open), 3-20-81

INTERNATIONAL CONVENTION ADVISORY COMMISSION

12911 2-18-81 / Meeting, Washington, D.C., 3-18-81

NATIONAL SCIENCE FOUNDATION

14502 2-27-81 / National Science Foundation Advisory Council, Task Group No. 14, continuing education of engineers and computer professionals, Cambridge, Mass. (open), 3-18-81

14502 2-27-81 / Physiology, Cellular and Molecular Biology Advisory Committee, Metabolic Biology Subcommittee, Washington, D.C. (closed), 3-19 through 3-21-81

13512 2-23-81 / Special Research Equipment Advisory Committee (Biology Subcommittee), Washington, D.C. (closed), 3-16 and 3-17-81

SMALL BUSINESS ADMINISTRATION

14245 2-26-81 / Region VI Advisory Council, Little Rock, Ark. (open), 3-20-81

14245 2-26-81 / Region IX Advisory Council, San Diego, Calif. (open), 3-19-81

14245 2-26-81 / Region X Advisory Council, Anchorage, Alaska (open), 3-20-81

14245 2-26-81 / Region X Advisory Council, Seattle, Wash. (open), 3-19-81

STATE DEPARTMENT

Office of the Secretary—

14877 3-3-81 / Antartic Mineral Regime Negotiation, Washington, D.C (open), 3-18-81

VETERANS ADMINISTRATION

52765 12-16-80 / Wage Committee, Washington, D.C. (closed), 3-19-81

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

14912 3-3-81 / Eastern Air Lines, Inc., Civil penalties for violations of Part 252, Washington, D.C., 3-19-81

COMMERCE DEPARTMENT

Foreign Trade Zones Board—

12041 2-12-81 / Application to establish general-purpose foreign-trade zone in Indianapolis, Ind., Indianapolis, Ind., 3-19-81

CONSUMER PRODUCT SAFETY COMMISSION

11188 2-5-81 / Urea-formaldehyde foam insulation; proposed ban; Washington, D.C., 3-20-81

ENVIRONMENTAL PROTECTION AGENCY

7684 1-23-81 / Incinerator standards for owners and operators of hazardous waste mangement facilities, Washington, D.C., 3-19-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing February 19, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

15208 3-5-81 / ED—Pell Grant Program applications for determining on expected family contribution and other related actions; submit forms by 3-10, 5-5, 6-5, and 7-31-81

15200 3-4-81 / ED—Regional Education Programs for deaf and other handicapped persons; apply by 4-17-81

15201 3-4-81 / ED—Undergraduate International Studies Program; Noncompeting Continuation Projects for Fiscal Year 1981; apply by 4-3-81

15202 3-4-81 / ED—Undergraduate International Studies and Foreign Language Program; New Projects for Fiscal Year 1981; apply by 4-20-81

14915 3-3-81 / ED—Veterans' cost-of-instruction payments program; payments to institutions of higher education; apply by 5-18-81

15533 3-6-81 / DOE—Appropriate energy technology program, Region VII (Iowa, Kansas, Missouri, and Nebraska); apply by 4-20-81

15533 3-6-81 / DOE—Small-scale hydro development program, Region I (Connecticut, Maine, Vermont, Massachusetts, New Hampshire, and Rhode Island); apply by 3-2-81

MEETINGS

15205 3-4-81 / EPA—1990 Construction Grants Strategy, change in the development, public workshops postponed, 3-10, 3-12, 3-17, and 3-20-81

14822 3-2-81 / HHS/NIH—Meetings for review of grant applications:

Bladder and Prostatic Cancer Review Committee, Arlington, Va. (partially open), 3-12 and 3-13-81

Clinical Cancer Program Project and Cancer Center Support Review Committee Cancer Program Project Subcommittee, Bethesda, Md. (partially open), 3-30 through 4-1-81

14823 3-2-81 / HHS/NIH—Dental Research, National Institute, Special Grants Review Committee, Bethesda, Md. (partially open), 3-10 and 3-11-81

14823 3-2-81 / HHS/NIH—Vision Research Program Committee, Bethesda, Md. (partially open), 3-27-81

14866 3-2-81 / NFAH—Arts National Council, Washington, D.C. (closed), 3-10-81

14866 3-2-81 / NFAH—Museum Panel, Washington, D.C. (partially open), 3-16 and 3-17-81

14866 3-2-81 / NFAH—Visual Arts Panel (Crafts Fellowship/Apprenticeships), Washington, D.C. (closed), 3-16 through 3-20-81

OTHER ITEMS OF INTEREST

15001 3-3-81 / Justice/NIC—Grant and Contract Review Process; Procedures

14867 3-2-81 / NFAH—Dance Advisory Panel, renewal

14867 3-2-81 / NFAH—Design Arts Advisory Panel, renewal

15015 3-3-81 / NSF—Committee on Equal Opportunities in Science and Technology; establishment

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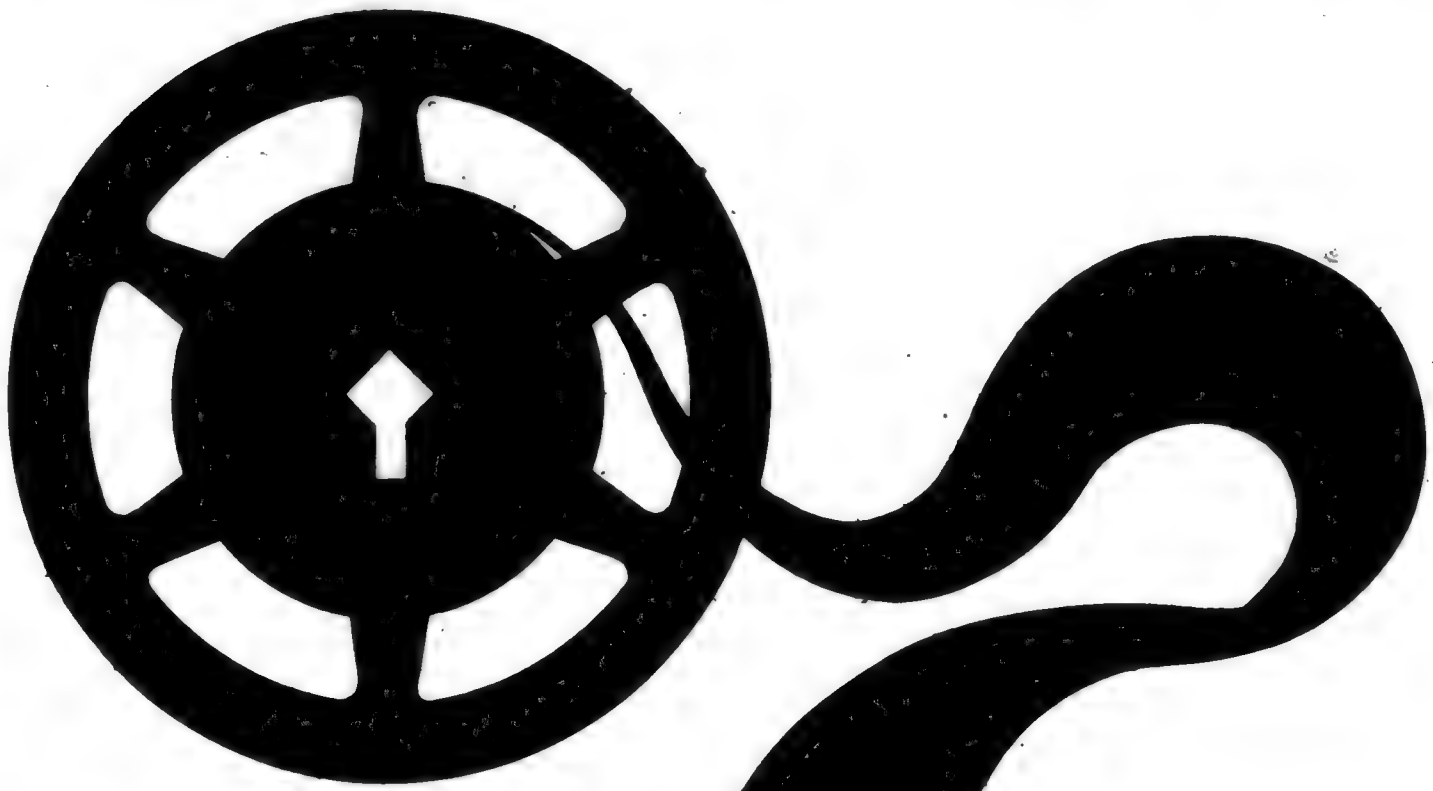

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3-12-81
Vol. 46 No. 48
Pages 16235-16852

federal register

Thursday
March 12, 1981

Highlights

16235 **Determination To Authorize the Furnishing of Immediate Military Assistance to El Salvador** Presidential determination

16251 **National Security Information** Commerce/Sec'y publishes final rule regarding classification, declassification and public availability of National Security Information; effective 9-80

16240 **Securities** Treasury/Comptroller publishes regulations regarding eligibility of securities for purchase, dealing in underwriting and holding by national banks

16295 **Grant Programs—Education** ED invites applications for new projects under the Capacity-Building for Statistical Activities in State Agencies program; apply by 4-27-81

16293 **Grant Programs—Education** ED invites applications for new projects under National Resource Centers and Fellowship Program; apply by 4-27-81

16292 **Grant Programs—Education** ED invites applications for new and/or continuation projects under the International Research and Studies Program; apply by 4-27-81

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

16404 **Postal Rates** PS gives notice of changes in certain postal rates, fees and mail classifications

16452 **Recombinant DNA** HHS/NIH gives notice of actions under guidelines for research involving recombinant DNA molecules; effective 3–12–81 (Part II of this issue)

16366 **Probation and Parole** Justice/PARCOM describes procedures for granting parole on the record without in-person hearings; effective 2–12–81

16403 **Foreign Exchange** Treasury/Sec'y announces 5–31–81 is the deadline for comments on foreign exchange discussion draft issued on December 8, 1980

16282 **Transportation** DOT/Sec'y proposes comprehensive revision of minority business enterprise rule, as part of Administration's program of reducing regulatory burdens; comments by 3–26–81

16342 **Transportation** Interior/Sec'y gives notice of draft consolidated application form for transportation and utility systems in Alaska; comments by 4–13–81

16258 **Motor Vehicle Pollution** EPA publishes final rule revising motor vehicle exhaust emission standards for oxides of nitrogen (NO_x) for 1982 model year light-duty diesel vehicles; effective 4–13–81

16259 **Air Pollution** EPA publishes final rule regarding control of air pollution from new motor vehicles and new motor vehicle engines for small-volume manufacturers; effective 4–13–81

Privacy Act Documents

16330 HUD
16460 Treasury/Sec'y

16429 **Sunshine Act Meetings**

Separate Parts of This Issue

16452 **Part II, HHS/NIH**
16460 **Part III, Treasury/Sec'y**

Contents

Federal Register
Vol. 46, No. 48
Thursday, March 12, 1981

The President
ADMINISTRATIVE ORDERS
16235 El Salvador, authorizing the furnishing of immediate military assistance (Presidential Determination No. 81-4 of March 5, 1981)

Executive Agencies

Agency for International Development
NOTICES
Authority delegations:
16365 Korea, Mission Director; foreign assistance program residual activities
Meetings:
16365 Voluntary Foreign Aid Advisory Committee (2 documents)

Agricultural Marketing Service
RULES
16238 Onions grown in Texas
16237 Oranges, grapefruit, tangerines, and tangelos grown in Florida
16237 Oranges (navel) grown in Arizona and California
PROPOSED RULES
Milk marketing orders:
16270 St. Louis-Ozarks et al.

Agriculture Department
See also Agricultural Marketing Service; Forest Service.
NOTICES
Transportation and utility systems in Alaska; consolidated application form; inquiry (Editorial note: For a document on this subject see entry under Interior Department)

Air Force Department
NOTICES
Meetings:
16291 Scientific Advisory Board (2 documents)

Army Department
See also Engineers Corps.
NOTICES
Meetings:
16291 Science Board

Civil Aeronautics Board
NOTICES
Hearings, etc.:
16285 Qantas Airways Ltd.; excess-baggage charges

Coast Guard
NOTICES
Bridges, highway; proposed construction:
16397 Columbia River, Richland, Wash.; intent to prepare environmental statement

Commerce Department
See also International Trade Administration; Minority Business Development Agency.
RULES
16251 National security information program; implementation

Commodity Futures Trading Commission
RULES
Reports:
16255 Futures commission merchants, foreign brokers and traders; position levels; correction
NOTICES
16429 Meetings; Sunshine Act (3 documents)

Comptroller of Currency
RULES
Investment securities:
16240 Bank holdings, purchase, dealings, and underwritings; publication of rulings

Copyright Royalty Tribunal
NOTICES
16429 Meetings; Sunshine Act

Defense Department
See also Air Force Department; Army Department; Engineers Corps.
NOTICES
Meetings:
16292 Electron Devices Advisory Group

Economic Regulatory Administration
NOTICES
Consent orders:
16296 J. M. Huber Corp.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
16298 Brown Co.
16297 Owatonna Public Utilities

Education Department
NOTICES
Grant applications and proposals, closing dates:
16292 International research and studies program
16293 National resource centers and fellowships program
16295 State agencies; capacity building for statistical activities

Energy Department
See also Economic Regulatory Administration; Energy Research Office; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
16296 European Atomic Energy Community and Switzerland

Energy Research Office
NOTICES
Meetings:
16311 DOE/NSF Nuclear Science Advisory Committee

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
16291 Shingle Creek flood control project, Orange and Osceola Counties, Fla.

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
16259 Emission certification procedure, optional; small-volume manufacturers of 1981 and later model year light-duty vehicles and trucks and heavy-duty engines
16258 Nitrogen oxides (NO_x) exhaust emission standards; 1982 model year light duty diesel vehicles
Air quality planning purposes; designation of areas:
16258 Utah
Pesticides; tolerances in food:
16256 Ethephon
PROPOSED RULES
Air quality implementation plans; approval and promulgation, etc.:
16280 Nonattainment area new source review; definition of "source" as being an entire plant only, construction moratorium coverage, and "reconstructions" requirement eliminated
Uranium mill tailings standards:
16278 Cleanup standards for contaminated buildings and open lands; and residual radioactive materials disposal from inactive processing sites; hearings
NOTICES
Air pollution control, new motor vehicles and engines:
16325 Nitrogen oxides (NO_x) emission standards, diesel-powered light-duty vehicles and engines; 1981–1982 model years; applications for waiver
Environmental statements; availability, etc.:
16325 Orange County, Calif.; wastewater sludge air drying and composting facilities, design and construction
Grants, contracts, and loans, administration of Clean Air Act and Federal Water Pollution Control Act:
16324 Violating facilities; list
Pesticides; emergency exemption applications:
16322 Benomyl
16322 Heptachlor
16321 Sodium cyanide
16324 Zinc phosphide
Toxic and hazardous substances control:
16319 Premanufacture notices receipts

Federal Aviation Administration
RULES
Airworthiness directives:
16247 Bell
16247 British Aerospace
16248 Frost Engineering Development Corp.
16249 Standard instrument approach procedures
PROPOSED RULES
Aircraft products and parts, certification:
16270 CASA Model C-212 series airplanes; automatic takeoff power control system; novel or unusual design features
NOTICES
Aircraft certification status, etc.:
16397, 16399 Gates Learjet; republication (2 documents)

Federal Communications Commission
RULES
Radio stations; table of assignments:
16268 Arkansas and Missouri
NOTICES
Hearings, etc.:
16329 Santa Barbara Aviation, Inc., et al.

Federal Deposit Insurance Corporation
NOTICES
16429 Meetings; Sunshine Act

Federal Election Commission
NOTICES
16429 Meetings; Sunshine Act

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
16282 Ohio; correction

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
16252 Incremental pricing; mechanical cogeneration facilities, exemption; effective date and exemption affidavit availability
NOTICES
Hearings, etc.:
16303 Alaskan Northwest Natural Gas Transportation Co.
16304 ANR Storage Co.
16305 Arkansas Louisiana Gas Co.
16305 Colorado Interstate Gas Co.
16305 Dayton Power & Light Co.
16305 El Paso Natural Gas Co.
16299–16301 Enagenics (3 documents)
16306 Florida Gas Transmission Co.
16307 Great Lakes Gas Transmission Co.
16307 Louisiana Intrastate Gas Corp.
16307–16309 Mississippi Power & Light Co. (4 documents)
16301 North Unit Irrigation District et al.
16310 Ohio Edison Co.
16310 Pacific Gas & Electric Co.
16310 Pacific Interstate Transmission Co.
16302 Pacific Northwest Generating Co. et al.
16310 Public Service Co. of Colorado
16310 Southern Natural Gas Co.
16303 Southland Oil Co./VGS Corp.
16303 Tacoma, Wash.
16311 Texas Eastern Transmission Corp.
16311 Tucson Electric Co.
16430 Meetings; Sunshine Act

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
16402 Boise, Idaho; notice of intent
16402 Salt Lake County, Utah; intent to prepare

Federal Home Loan Bank Board
RULES
Federal savings and loan system:
16246 Branching of Federal associations; policy statements; consistency with provisions on undue injury considerations

Federal Maritime Commission
NOTICES
16430 Meetings; Sunshine Act (2 documents)

Federal Reserve System
NOTICES
16430 Meetings; Sunshine Act (2 documents)

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
16274 George Irvin Chevrolet Co.

Forest Service
NOTICES
Environmental statements; availability, etc.:
16285 Bridger-Teton National Forest, land and resource management plan, Wyo.
Meetings:
16285 Gospel-Hump Advisory Committee

Health and Human Services Department
See Health Care Financing Administration; National Institutes of Health.

Health Care Financing Administration
NOTICES
Drugs, limitations on payment or reimbursement; maximum allowable cost:
16329 Griseofulvin
16329 Methenamine hippurate, etc.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
16312, 16315 Decisions and orders (2 documents)

Housing and Urban Development Department
See also Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.
NOTICES
Authority delegations:
16330 Greensboro Area Office (Region IV); Acting Area Manager
16330 Privacy Act; systems of records

Indian Affairs Bureau
NOTICES
Irrigation projects; operation and maintenance charges:
16331 Fort Hall Irrigation Project, Idaho
16333 Wapato Irrigation Project, Wash.

Interior Department
See also Indian Affairs Bureau; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.
NOTICES
16342 Transportation and utility systems in Alaska; consolidated application form; inquiry

Internal Revenue Service
RULES
Excise taxes:
16257 Crude oil windfall profit tax, administrative provisions; temporary; correction

International Communication Agency
NOTICES
Art objects, importation for exhibitions:
16331 Egypt and Syria; "Renaissance of Islam: Art of the Mamluks"

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
16287 Menthol from China
16287 Unrefined montan wax from East Germany
Consent agreements:
16286 Team Corp.

Interstate Commerce Commission
NOTICES
Motor carriers:
16358–16360 Finance applications (2 documents)
16347–16356 Permanent authority applications (6 documents)
Rail carriers:
16356 Southern Pacific Transportation Co.; reduced rates for shippers affected by fire in tunnel between Searles and Mojave, Calif.
Rerouting traffic:
16356 Southern Pacific Transportation Co.

Justice Department
See Parole Commission.

Land Management Bureau
NOTICES
Airport leases:
16340 Idaho
Coal leases, exploration licenses, etc.:
16334 North Dakota
Environmental statements; availability, etc.:
16334 Big Dry Resource Area, Mont.; vegetation allocation
16334 Hualapai-Aquarius Planning Area, Ariz.; grazing management program
Meetings:
16339 Cedar City District Multiple Use Advisory Council
16337 Craig District Grazing Advisory Board
16339 Grand Junction District Grazing Advisory Board
16337 Iditarod Trail Advisory Council
16340 Lakeview District Advisory Council; date change
16339 Outer Continental Shelf Advisory Board
16338 Ukiah District Advisory Council
Resource management plans:
16335 Shoshone-Eureka Resource Area, Nev.; land use planning
Sale of public land:
16338 Washington
Wilderness areas; characteristics, inventories, etc.:
16340 Utah; corrected republication

Withdrawal and reservation of lands, proposed, etc.:
16337, 16338 Oregon (2 documents)
16335, 16336 Utah (2 documents)

Legal Services Corporation
RULES
16267 Funds awarded; restrictions on certain activities (legislative advocacy, etc.)

Management and Budget Office
NOTICES
16385 Agency forms under review

Merit Systems Protection Board
NOTICES
16430 Meetings; Sunshine Act

Minority Business Development Agency
NOTICES
16290 Financial assistance application announcements

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
16403 Firestone Tire & Rubber Co.; new pneumatic tires on passenger cars

National Institutes of Health
NOTICES
Recombinant DNA molecules research:
16452 Actions under guidelines

National Park Service
NOTICES
Boundary establishment, descriptions, etc.:
16342 Carl Sandburg Home National Historic Site, N.C.
16342 Chickamauga and Chattanooga National Military Park, Ga. and Tenn.
Meetings:
16342 Upper Delaware Citizens Advisory Council

National Transportation Safety Board
NOTICES
16366 Accident reports, safety recommendations and responses, etc.; availability

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
NOTICES
Meetings:
16330 Women and affordable housing in the '80s, consumer forum

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
16382 Cincinnati Gas & Electric Co. et al.
16368 Consolidated Edison Co. of New York, Inc.
16382, 16383 Consumers Power Co. (3 documents)
16378, 16379, 16383 Florida Power & Light Co. (3 documents)
16379 Florida Power Corp. et al.
16380 Georgia Power Co. et al.
16384 Long Island Lighting Co.
16384 Nebraska Public Power District (2 documents)
16385 Northern Indiana Public Service Co.
16380 Northern States Power Co. (2 documents)
16367 Pennsylvania Power & Light Co. et al.
16381 Power Authority of State of New York
16381 Tennessee Valley Authority (2 documents)
16382 Virginia Electric & Power Co.
Meetings:
16383 Safety goal frameworks development workshop
16430 Meetings; Sunshine Act
16385 Regulatory guides; issuance and availability

Parole Commission
NOTICES
Federal prisoners; paroling, recommitting, and supervising:
16366 "Parole on the record" for selected prisoners; experimental procedure

Postal Service
NOTICES
Rates and fees:
16404 Domestic rates, fees and mail classifications

Securities and Exchange Commission
RULES
16255 Sunshine Act; implementation; certification of meetings as closed by persons in absence of General Counsel
NOTICES
Hearings, etc.:
16389 ASA Ltd.
16390 Consolidated Natural Gas Co. et al.
16390 Dreyfus Liquid Assets, Inc.
16392 Husco Broadcasting & Electronics Corp. et al.
16393 Shearson Daily Dividend Inc. et al.
16394 Toronto-Dominion Bank
16396 Western Massachusetts Electric Co.
16431 Meetings; Sunshine Act (2 documents)
Self-regulatory organizations; proposed rule changes:
16394 Bradford Securities Processing Services, Inc., et al.

Small Business Administration
NOTICES
Applications, etc.:
16396 DeStan Capital Corp.

State Department
RULES
Passports:
16257 Diplomatic and official passports; simplification of application procedures
NOTICES
Meetings:
16396 International Investment, Technology, and Development Advisory Committee
16396, 16397 International Radio Consultative Committee (3 documents)
16396 International Telegraph and Telephone Consultative Committee

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Surface coal mining and reclamation enforcement operations:
16276 Permanent regulatory program; performance bonding forfeiture; petition receipt

Textile Agreements Implementation Committee
NOTICES
Export visa requirements; certification, authorization of officials, etc.:
16290 Pakistan; cotton textiles and products

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.
PROPOSED RULES
16282 Minority business enterprise participation in DOT programs
NOTICES
Transportation and utility systems in Alaska; consolidated application form; inquiry (Editorial note: for a document on this subject see entry under Interior Department)

Treasury Department
See also Comptroller of Currency; Internal Revenue Service.
NOTICES
16403 Foreign exchange gains and losses, tax treatment; discussion draft; inquiry; comment deadline
16460 Privacy Act; systems of records; annual publication

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
16403 Hampton, Va.; 200-bed domiciliary

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
16285 Gospel-Hump Advisory Committee, Grangeville, Idaho, 3–30–81

DEFENSE DEPARTMENT
Air Force Department—
16291 USAF Scientific Advisory Board, Langley Air Force Base, Va., 4–13 and 4–14–81
16291 USAF Scientific Advisory Board, Peterson Air Force Base, Colo., 4–1 and 4–3–81
Army Department—
16291 Army Science Board, Washington, D.C., 4–2 and 4–3–81
Office of the Secretary—
16292 DOD Advisory Group on Electron Devices, Arlington, Va., 4–7–81

ENERGY DEPARTMENT
Energy Research Office—
16296 DOE/NSF Nuclear Science Advisory Committee, Washington, D.C., 3–30 and 3–31–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—
16330 Consumer forum on "Women and Affordable Housing in the '80's", Washington, D.C., 3–26 and 3–27–81

INTERIOR DEPARTMENT
Land Management Bureau—
16339 Cedar City District Multiple Use Advisory Council, Cedar City, Utah, 4–15–81
16337 Colorado, Craig District Grazing Advisory Board Meeting, Craig, Colo., 4–30–81
16339 Grand Junction District Grazing Advisory Board, Grand Junction, Colo., 4–30 and 5–1–81
16337 Iditarod Trail Advisory Council, Anchorage, Alaska, 4–3–81
16339 Intergovernmental Planning Program, Gulf of Mexico and South Atlantic Regional Technical Working Groups, New Orleans, La., 4–28 and 4–29–81
16338 Ukiah District Advisory Council, Ukiah, Calif., 4–9–81
National Park Service—
16342 Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y., 3–27–81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Agency for International Development—
16365 Voluntary Foreign Aid Advisory Committee, Washington, D.C., 4–7–81
Agency for International Development—
16365 Voluntary Foreign Aid Advisory Committee, Washington, D.C., 4–8–81

STATE DEPARTMENT
16396 International Investment, Technology, and Development Advisory Committee, Washington, D.C., 3–30–81
16396 U.S. Organization for the International Radio Consultative Committee (CCIR), Study Group 2, Washington, D.C., 3–27–81
16397 U.S. Organization for the International Radio Consultative Committee (CCIR), Study Group 8, Washington, D.C., 4–2–81
16397 U.S. Organization for the International Radio Consultative Committee (CCIR), Study Groups 10 and 11, Washington, D.C., 4–9–81
16396 U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT), Study Group A, Washington, D.C., 3–25–81

CHANGED MEETING

INTERIOR DEPARTMENT
Land Management Bureau—
16340 Lakeview District Advisory Council, Lakeview, Oreg., 3–24–81 changed to 5–12–81

HEARING

ENVIRONMENTAL PROTECTION AGENCY
16278 Proposed remedial action standards for inactive uranium processing sites, 4–24, 4–25, 4–27, 4–28, 5–14 and 5–15–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Administrative Orders:
Presidential Determinations:
No. 81-2 (Supplemented by No. 81-4 of March 5, 1981)..... 16235
No. 81-4 of March 5, 1981..... 16235

7 CFR
905..... 16237
907..... 16237
959..... 16238
Proposed Rules:
1007..... 16266
1011..... 16266
1030..... 16266
1032..... 16266
1046..... 16266
1049..... 16266
1050..... 16266
1062..... 16266
1064..... 16266
1065..... 16266
1068..... 16266
1071..... 16266
1073..... 16266
1076..... 16266
1079..... 16266
1094..... 16266
1096..... 16266
1097..... 16266
1098..... 16266
1099..... 16266
1102..... 16266
1104..... 16266
1106..... 16266
1108..... 16266
1120..... 16266
1126..... 16266
1131..... 16266
1132..... 16266
1138..... 16266

12 CFR
1..... 16240
556..... 16246

14 CFR
39 (3 documents)... 16247, 16248
97..... 16249
Proposed Rules:
21..... 16270

15 CFR
4a..... 16251

16 CFR
Proposed Rules:
13..... 16274

17 CFR
15..... 16255
200..... 16255

18 CFR
282..... 16256

21 CFR
193..... 16256

22 CFR
51..... 16257

26 CFR
150..... 16257

30 CFR
Proposed Rules:
606..... 16276

40 CFR
81..... 16258
86 (2 documents)... 16258, 16259
Proposed Rules:
51..... 16280
52..... 16280
192..... 16278

44 CFR
Proposed Rules:
67..... 16282

45 CFR
1612..... 16267

47 CFR
73..... 16268

49 CFR
Proposed Rules:
23..... 16282

Federal Register
Vol. 46, No. 48
Thursday, March 12, 1981

Presidential Documents

Title 3—

The President

Presidential Determination No. 81–4 of March 5, 1981

Determination To Authorize the Furnishing of Immediate Military Assistance to El Salvador

Memorandum for the Secretary of State, the Secretary of Defense

Pursuant to the authority vested in me by section 506(a) of the Foreign Assistance Act of 1961, as amended (the Act), I hereby determine that:

1) an unforeseen emergency exists which requires immediate military assistance to El Salvador; and

2) the aforementioned emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except section 506(a) of the Act.

Therefore, I hereby authorize the furnishing of up to $20,000,000 in defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, to El Salvador under the provisions of chapters 2 and 5 of part II of the Act.

This determination, which supplements Presidential Determination No. 81–2 of January 16, 1981 (46 FR 11225), shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, March 5, 1981.

[FR Doc. 81-7921
Filed 3-10-81; 4:35 pm]
Billing code 3195-01-M

V. 46 / 48 MAR 12 '81 UMI

Rule

This secti
contains
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of which
the Code
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AGENCY:
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Rules and Regulations

Federal Register
Vol. 46, No. 48
Thursday, March 12, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 4, Amdt. 11]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action lowers the minimum diameter requirement for domestic shipments of Florida pink seedless grapefruit and imports of pink seedless grapefruit from 3$^{9}/_{16}$ inches to 3$^{5}/_{16}$ inches. The change in minimum size recognizes current and prospective demand for smaller sizes of pink seedless grapefruit and is consistent with the available crop in the interest of growers and consumers.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Statement relative to this rule is available on request from Mr. Doyle.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this change in minimum size factors does not materially affect handler operating procedures or costs.

The regulation with respect to Florida pink seedless grapefruit is issued under the marketing agreement and Order No. 905, (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. The minimum size requirement for imported pink seedless grapefruit is consistent with Section 8e of the act. This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Under the terms of the regulation, size requirements for imported pink seedless grapefruit change to conform to the size requirements for domestic shipments of Florida pink seedless grapefruit. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified. This amendment relieves restrictions on shipments of Florida pink seedless grapefruit and imports of pink seedless grapefruit.

Accordingly, it is found that the provisions of § 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4 (45 FR 67047; 76851; 79002; 80269; 81199; 83192; 46 FR 5859; 1089; 11655; 11656; 14115) should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, to read as follows:

§ 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4.

(a) * * *

Table I

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (in.)
Grapefruit: Seedless, pink.	Mar. 6, 1981, through Aug. 23, 1981.	Improved No. 2.	3$^{5}/_{16}$
	Aug. 24, 1981, through Oct. 18, 1981.	Improved No. 2.	3$^{9}/_{16}$

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 6, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-7749 Filed 3-11-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Reg. 513; Navel Orange Reg. 512, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 13–March 19, 1981, and increases the quantity of such oranges that may be so shipped during the period March 6–March 12, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective March 13, 1981, and the amendment is effective for the period March 6–12, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation and amendment are issued under the marketing agreement, as

amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 10, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.813 is added as follows:

§ 907.813 Navel Orange Regulation 513.

The quantities of navel oranges grown in Arizona and California which may be handled during the period March 13, 1981, through March 19, 1981, are established as follows:

(1) District 1: 1,530,000 cartons;
(2) District 2: 153,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 17,000 cartons.

2. Section 907.812 Navel Orange Regulation 512 (46 FR 15257), is hereby amended, by revising subparagraphs (1) through (4) to read:

§ 907.812 Navel Orange Regulation 512.

* * * * *

(1) District 1: 1,530,000 cartons;
(2) District 2: 136,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 34,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1981.

D. S. Kuryloski,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-7981 Filed 3-11-81; 12:03 pm]
BILLING CODE 3410-02-M

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7 CFR Part 959

Onions Grown in South Texas; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of onions grown in designated counties in South Texas to be inspected and meet minimum size and quality requirements. The regulation should promote orderly marketing of such onions and keep less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Final Impact Statement relating to this final rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This is not a major rule under E.O. 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated 48 handlers.

Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959) regulate the handling of onions grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

Notice was published in the **Federal Registers** of December 5, 1980 (45 FR 80533) and December 22, 1980 (45 FR 84070) regarding the proposal. The notice afforded interested persons an opportunity to file written comments by February 4, 1981. None was received.

This regulation is based upon recommendations made by the committee at its public meeting in Laredo, Texas, on October 23, 1980. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1981 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin about March 2, 1981.

The grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

Thus, only onions that contain not more than 20 percent defects of U.S. No. 1 grade and are not packed or loaded on Sunday except for export may be shipped from March 12 through May 9, 1981. Again this season in order to provide more orderly marketing from all districts, the inspection and container requirements are extended through June 13, 1981.

The container requirements prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, they do not preclude the use of containers customarily packed for the retail trade. The prohibition on packaging and loading onions on Sunday is intended principally to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings. Again this season handlers are permitted, with the approval of the committee, to grade, package and load onions on Sunday for export, provided that they shut down packing and loading operations on the first working day after shipment for the same length of time as they operated on Sunday. This will prevent handlers who ship on Sunday for export from gaining a competitive advantage due to longer packing hours over handlers who do not have export orders.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 110 pounds of onions may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of onions.

The requirements with respect to special purpose shipments allow the shipment of onions for experimental purposes or the use of containers including bulk bins which have been the subject of test shipments during past seasons, and encourage exports by allowing the use of containers required for such purposes. Onions for canning and freezing are exempt under the legislative authority for this part. Shipments for relief or charity also are exempt since no useful purpose would be served by regulating such shipments.

Findings

After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) shipments of onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during the previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective date hereof.

Section 959.320 (45 FR 7243, February 1, 1980) is removed and a new § 959.321 is added as follows:

§ 959.321 Handling regulation.

During the period March 12 through June 13, 1981, no handler may package or load onions on Sunday or handle any onions except red varieties, unless they comply with paragraphs (a) through (d) or (e) or (f) of this section. However, the requirements of paragraphs (a) and (b) and the Sunday prohibition shall terminate at 11:59 p.m. on May 9, 1981.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3⅛ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) Tolerances for size in the U.S. onion standards shall apply except that for "repacker" and "medium" sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply.

(c) *Container requirements.* Except as provided in paragraph (f), only the following containers may be used:

(1) 25-pound bags, with an average net weight in any lot of not more than 27⅛ pounds per bag, and with inside dimensions not larger than 29 inches by 21 inches; or

(2) 50-pounds bags, with an average net weight in any lot of not more than 55 pounds per bag, and with inside dimensions not larger than 33 inches by 29⅛ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies or for export.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (e) or (f)(1) of this section, unless an inspection certificate has been issued by the Texas-Federal Inspection Service covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document is surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Handlers shall pay assessments on all assessable onions according to the provisions of § 959.221.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 110 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 110 pounds of onions.

(f) *Special purpose shipments.* (1) The minimum grade, size, quality, container, and inspection requirements set forth in paragraphs (a) through (d) shall not be applicable to shipments of onions for charity, relief, canning and freezing if handled in accordance with paragraph (g) of this section.

(2) Onions may be packed in 50-pound cartons or in 2, 3 or 5 pound containers customarily used for the retail trade. Such shipments shall be exempt from paragraph (c) of this section but must meet the provisions of paragraphs (a), (b) and (d) or paragraph (e) and be handled in accordance with paragraph (g) of this section.

(i) Shipments of such containers shall not exceed 10 percent of a handler's total weekly onion shipments.

(ii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iii) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(3) *Experimental shipments.* (i) Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37⅛ inches x 36 inches deep and having a volume of 63,450 cubic inches, or containers deemed similar by the committee. Each container shall have a new perforated polyethylene liner at least 2 mils in thickness. Also, onions may be shipped in 40-pound cartons, upon approval of the committee. Such experimental shipments shall be exempt from paragraph (c) of this section but shall not exceed ten percent of a handler's total weekly onion shipments and shall be handled in accordance with safeguard provisions of § 959.54 and paragraph (g) of this section. The receiver shall furnish the committee with a report on the arrival condition of each shipment.

(ii) Upon approval of the committee, onions may be shipped for other experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60, provided they are handled in accordance with safeguard provisions of § 959.54 and paragraph (g) of this section.

(4) *Export shipments.* (i) Upon approval of the committee, the prohibition against packaging or loading onions on any Sunday may be modified or suspended to permit the handling of onions for export provided such handling complies with the procedures and safeguards specified by the committee.

(ii) Following approval, if the handler grades, packages and ships onions for export on any Sunday, such handler shall on the first weekday following shipment, cease all grading, packaging and shipping operations for the same length of time as the handler operated on Sunday. Upon completion of such shipments, the handler shall report thereon as prescribed by the committee.

(iii) Export shipment shall also be exempt from all container requirements of this section.

(5) *Onions failing to meet requirements:* Onions failing to meet the grade, size and container requirements of this section, and not exempt under paragraphs (e) or (f) of this section, may be handled only pursuant to § 959.126. Such onions not handled in accordance with paragraph (g) of this section shall be mechanically mutilated at the packing shed rendering them unsuitable for fresh market.

(g) *Safeguards.* Each handler making shipments of onions for relief, charity, canning, freezing, or experimental purposes or onions packed in 50-pound cartons or 2, 3 or 5 pound containers customarily packed for the retail trade shall:

(1) Apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Furnish reports of each shipment made under the applicable Certificate of Privilege;

(3) Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Each handler shall maintain records of such shipments pursuant to § 959.80(c), and the records shall be subject to review and audit by the committee to verify reports thereon.

In addition to the above, each handler making shipments for canning or freezing shall:

(4) Weigh or cause to be weighed each shipment prior to arrival at the canner or freezer.

(5) Attach a copy of the weight ticket to a completed copy of the Report of Special Purpose Onion Shipment and return both promptly to the committee office.

(6) Bill each shipment directly to the applicable processor and attach a copy of the Report of Special Purpose Onion Shipment.

(7) Each canner or freezer who receives cull onions shall weigh the onions upon receipt, complete the Report of Special Purpose Onion Shipment which accompanies each load and mail it immediately to the committee office.

(8) Each canner or freezer who receives cull onions shall make available at its business office at any reasonable time during business hours, copies of all applicable purchase orders, sales contracts, or disposition documents for examination by the Department or by the committee, together with any other information which the committee or the Department may deem necessary to enable it to determine the disposition of the onions.

(h) *Definitions.* "U.S. onion standards" mean the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195–2851.3209), or the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (7 CFR 2851.2830–2851.2854), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(i) *Applicability to imports.* Onions imported during the period March 16 through May 9, 1981, will be in most direct competition with onions produced in South Texas and regulated under Marketing Order No. 959, as amended. Therefore, under Section 8e of the act and Section 980.117 "Import Regulations" such imported onions shall have not more than 20 percent defects of U.S. No. 1 grade and be at least 1 inch in diameter for white varieties and at least 1¾ inches in diameter for all other varieties. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerance in the U.S. Grade Standards shall apply to in-grade lots.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 6, 1981 to become effective March 12, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-7084 Filed 3-11-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 1

[Docket No. 81-5]

Eligibility of Securities for Purchase, Dealing in Underwriting and Holding by National Banks; Rulings Issued by the Comptroller

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of rulings.

SUMMARY: The Comptroller is publishing those investment securities rulings issued during 1980, that are considered to be of significant public interest. The rulings were issued to advise banks on the application of federal banking law and regulations to securities which the bank holds, or desires to purchase, deal in or underwrite.

EFFECTIVE DATE: The rulings became effective when originally issued in letter form. The date of issuance is indicated in parentheses at the end of each ruling.

FOR FURTHER INFORMATION CONTACT: Radcliffe Park, Assistant Director, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1880.

SUPPLEMENTARY INFORMATION: On December 28, 1979, the Comptroller discontinued the codification of individual investment securities rulings in 12 CFR Part 1, 44 FR 76263. However, the Comptroller determined that certain individual rulings issued during the year beginning in December, 1978, but not theretofore published in the Federal Register were sufficiently significant to warrant their publication, 45 FR 8934 (February 11, 1980). He has made the same determination with respect to rulings issued during calendar year 1980.

The rulings in question were issued in response to specific requests from banks or bank counsel made in accordance with 12 CFR 1.9 relating to the application of federal banking law and regulations to securities which the bank holds, or desire to purchase, deal in, or underwrite.

The rulings are numbered in sequence to those published earlier in order to facilitate future references.

Sec.

488 Dormitory Authority of the State of New York (City University Community College).

489 Jackson Redevelopment Authority (Mississippi).

490 Michigan Comprehensive Transportation Bonds.

Sec.

491 Massachusetts Health and Education Facilities Authority GNMA Collateralized Revenue Bonds (New England Medical Center Hospital).

492 Redevelopment Agency of the City and County of San Francisco, Residential Mortgage Bonds (Opera Plaza).

493 Michigan State Hospital Finance Authority (Henry Ford Hospital).

494 Granite School District Tax Anticipation Notes (Salt Lake County, Utah).

495 Health and Education Facilities Board, Shelby County, Tennessee (Methodist Hospital Project).

496 New York State Urban Development Corporation.

§ 488 Dormitory Authority of the State of New York (City University Community College).

(a) *Request.* Ruling on the eligibility of $91,450,000 Dormitory Authority of the State of New York, Revenue Bonds, City University Community College Issue, Series D, for purchase and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* The Dormitory Authority is a body corporate and politic constituting a public benefit corporation created in 1944 to provide dormitories and related facilities at colleges in the State of New York and authorized to issue bonds for that purpose. The bonds are payable primarily from the rental paid to the Authority by the City University Construction Fund, a public benefit corporation established under the provisions contained with the New York Education Law (Fund Act) to provide facilities for the City University. The payment is further secured by a refillable debt reserve fund in accordance with the provisions of the Dormitory Authority Act (Act).

(2) The State and City of New York are each required by the Fund Act to pay to the Fund one-half of the amount of the annual rental. The annual rental consists of amounts sufficient to pay for the annual debt service on the bonds, and other necessary expenses. In the event the City fails to make such annual payments, the Fund Act provides for the payment of the deficiency by the State Comptroller, but not to exceed $65,000,000 in any one City fiscal year, out of the next succeeding payment of the state per capita aid apportioned to the City. In the past decade, the State's per capita aid to the City has been increasing and in 1979 amounted to $461,569,000. It also appears that the $65,000,000 aid ceiling is approximately twice the amount of the total annual obligations of the City which would be covered by this provision.

(3) In order to ensure the payment of the capital and interest on the bonds issued by the Dormitory Authority, the Act provides that each bond issued be secured by a debt service reserve fund of an amount equal to the amount of principal and interest maturing in any succeeding calendar year. In the event of a deficiency in the fund, the Act provides that, upon the certification of the deficiency by the Chairman of the Authority the State shall annually apportion and pay to the Authority the necessary funds to restore the fund. The State has thus promised to provide funds sufficient to meet the payments on the bonds.

(4) While the State legislature cannot be compelled to make the annual rental payments, or to appropriate any per capita aid or reserve fund deficiency the failure to make such appropriations would seriously affect the state's ability to raise funds in the public market. In the past, the State legislature has not failed to refill the deficiencies in the debt service reserve fund. Thus, it appears that the State has, to the extent stated above, committed its faith and credit to provide funds for the payment of the funds.

(c) *Ruling.* It is our conclusion that the $91,450,000 Dormitory Authority of the State of New York Revenue Bonds City University Community College Issue, Series D, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24, and are eligible for purchase and unlimited holding by national banks within their prudent banking judgment. (Letter dated January 7, 1980.)

§ 489 Jackson Redevelopment Authority (Mississippi).

(a) *Request.* Ruling on the eligibility of the $6,100,000.00 Urban Renewal Revenue Bonds, Parking Facility #3 Project, issued by the Jackson Redevelopment Authority, Jackson, Mississippi for dealing in, underwriting, and unlimited holding by national banks.

(b) *Opinion.* (1) The bond proceeds are to be used by the Redevelopment Authority to construct a parking facility in the central business district of the City of Jackson in an area determined by the City Council to be a slum area or blighted area or combination thereof and designated by the Council as appropriate for an urban renewal project. The parking facility will, in turn, be leased to the City of Jackson for a term that will be coterminous with the final maturity of the bonds. The lease, however, only becomes effective if the revenues derived from operation of the parking facility are insufficient to pay all principal and interest amounts on the bonds as they become due. The rents payable under the lease will be sufficient to meet all debt service requirements in connection with the bonds. Both the revenues derived from operation of the parking facility and the rents payable under lease are unconditionally and irrevocably pledged to the payment of principal and interest on the bonds.

(2) The Jackson Redevelopment Authority is a public body corporate and politic created by statute and called into effect at the election of the City Council of Jackson for the purpose of exercising the municipality's urban renewal project powers. Miss. Code Ann. §§ 43–35–31 and 43–35–33 (1972 & Supp. 1979). Among the general urban renewal project powers granted by Article 1 of Chapter 35 of Title 43 of the Mississippi Code to municipalities and urban renewal agencies are the powers to acquire land in a slum or blighted area and to construct improvements necessary for carrying out urban renewal objectives. Miss. Code Ann. §§ 43–35–3(j) and 43–35–15(a) (1972 & Supp. 1979). Among the additional powers granted by Article 5 of Chapter 35 to municipalities and urban renewal agencies are the powers to construct municipal parking facilities, to lease them, and, in order to defray the costs of construction, to issue bonds payable solely from revenues derived from operating or leasing the facilities. Miss. Code Ann. §§ 43–35–201, 43–35–203, and 43–35–211 (1972 & Supp. 1979). The Redevelopment Authority has determined that construction and operation of the parking facility is an appropriate urban renewal project and thus falls within its general powers as well as its additional powers.

(3) Under Miss. Code Ann. § 43–35–15(i) (Supp. 1979), there are reserved to municipalities the powers to "appropriate such funds and make such expenditures as may be necessary to carry out the purposes of [Article 1] and to levy taxes and assessments for such purposes." Further, under the same statutory provision, municipalities may "enter into agreements with . . . an urban renewal agency . . . (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), respecting action to be taken by such municipality pursuant to any of the powers granted by this Article." A similar power, to "enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or other public body [including an urban renewal agency]

respecting action to be taken pursuant to any of the powers granted by [Article 1], including the furnishing of funds or other assistance in connection with an urban renewal project," is granted to all public bodies, including municipalities, in Miss. Code Ann. § 43-35-27(a)(5) (1972).

(4) Using these powers to contact, the City of Jackson has entered into its conditional lease agreement and pledged to make moneys available from its general fund, if necessary, to cover all principal and interest payments on the bonds as they become due. The City of Jackson possesses general powers of taxation in addition to the special powers set out above. While not obligated to make a special levy to cover any payments that may become due under the lease, the City may do so if it chooses or if the general fund is insufficient for that purpose. Counsel for the issuer has opined that the obligation to make payments under the lease is enforceable against the City of Jackson, and this opinion appears to be fully supported by the cited statutory provisions. Thus, a political subdivision possessing general and special powers of taxation has pledged its full faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $6,100,000.00 Urban Renewal Revenue Bonds (Parking Facility #3 Project) issued by the Jackson Redevelopment Authority of Jackson, Mississippi, constitute general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are therefore eligible for dealing in, underwriting, and unlimited holding by national banks. (Letter dated January 15, 1980.)

§ 490 Michigan Comprehensive Transportation Bonds.

(a) *Request.* Ruling on the eligibility of $106,250,000 State of Michigan Comprehensive Transportation Bonds, 1979 Series A, for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh, 12 U.S.C. 24.

(b) *Opinion.* (1) The Constitution of Michigan provides that certain gasoline and other motor vehicle taxes, aeronautical taxes, and sales taxes imposed by law shall be set aside for the payment of bonds issued for the purpose of certain comprehensive transportation projects. The bonds in question are issued in accordance with authorization in Act 51, Public Acts of Michigan, 1951, as amended, Section 18(b), and pursuant to resolutions adopted by appropriate state agencies. The proceeds of the sale of the bonds will be used for the purpose of providing funds to pay part of the costs of constructing and acquiring certain comprehensive transportation projects, thus qualifying the payment of the bonds from the taxes mentioned above.

(2) Although the State Constitution irrevocably pledges a substantial amount of funds for the payment of the bonds, such funds are limited to those derived from excise taxes. The bonds are therefore not general obligations supported by the full faith and credit of the State.

(c) *Ruling.* It is our conclusion that the $106,250,000 State of Michigan Comprehensive Transportation Bonds, 1979 Series A, are not eligible for dealing in and underwriting by national banks under paragraph Seventh of 12 U.S.C. 24. However, the bonds are eligible for investment by national banks within the 10% limitation set forth in the same paragraph and within the prudent banking judgment of the national banks. (Letter dated February 14, 1980.)

§ 491 Massachusetts Health and Educational Facilities Authority GNMA Collateralized Revenue Bonds (New England Medical Center Hospital).

(a) *Request.* Ruling on the eligibility of the $55,560,000 Massachusetts Health and Educational Facilities Authority GNMA Collateralized Revenue Bonds, New England Medical Center Hospital Issue, Series A, for underwriting, dealing in, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24 and by state banks which are members of the Federal Reserve System pursuant to 12 U.S.C. 335.

(b) *Opinion.* (1) The Authority is issuing these bonds to finance the construction of new facilities for the New England Medical Center Hospital in Boston, Massachusetts. The proceeds from sale of the bonds will be held by a trustee and released periodically through a mortgage banker to finance the construction of the facilities according to the procedure described below. The Hospital will request monthly advances from the mortgage banker to pay construction costs. Federal Housing Administration (FHA) will approve the advances, which will be evidenced by a note or notes and secured by a mortgage insured as to principal and interest by FHA. Concurrently with making each advance the mortgage banker will apply to Government National Mortgage Association (GNMA) for approval to issue a Construction Loan Certificate (CLC), which will be a fully modified pass-through mortgage backed security guaranteed by GNMA which guaranty is supported by the full faith and credit of the United States.

(2) The mortgage banker will use its own funds to make the first advance, and once GNMA has approved the issuance of a CLC, the mortgage banker will sell it to the trustee for the amount of the advance. Each subsequent advance will be funded by the trustee out of bond proceeds, prior to GNMA's approving the issuance of a CLC, upon presentation of certain documents by the mortgage banker, including evidence of FHA's approval of the advance and certification that the mortgage banker is in compliance with all provisions of the GNMA CLC Guaranty Agreement. GNMA has provided written assurance to the mortgage banker that it will approve the issuance of a CLC even if one or both of the following events should occur subsequent to the mortgage banker's making the advance: (1) default by the Hospital on the FHA mortgage; (2) default by the mortgage banker under its GNMA CLC Guaranty Agreement. The CLC, when approved, will be issued and transferred to the trustee.

(3) Upon making the final advance the mortgage banker will apply to GNMA for approval to issue a Permanent Loan Certificate (PLC). When issued by the mortgage banker the PLC will be exchanged with the trustee for all of the CLC's. Like the CLC's the PLC will be a fully modified pass-through security guaranteed by GNMA. The PLC will be in a face amount equal to all of the advances, which will, in turn, equal the amount of the bond issue, and which will not exceed the amount of the FHA mortgage note. The CLC's and the PLC will pay interest when due on a like amount of bonds. Upon completion of the project, the FHA mortgage note will begin to be amortized, and the principal repayments by the Hospital will be passed through to the trustee to be applied to principal repayments on the bonds.

(4) In addition to being secured by the CLC's the PLC and GNMA's assurance that issuance of CLC's will be approved, as described above, the bonds will be secured by permitted investments of undisbursed bond proceeds. These permitted investments will be limited to obligations of or guaranteed by the United States of America or repurchase agreements with large banks collateralized by such securities. The repurchase agreements must provide that the market value of the obligations serving as collateral will at all times be at least equal to the principal amount of the repurchase agreements and that the obligations serving as collateral will be segregated in a bank, other than the

bank entering into the repurchase agreements, that is acceptable to the Authority.

(c) *Ruling.* On the basis of these facts, it is my conclusion that the $55,500,000 Massachusetts Health and Educational Facilities Authority GNMA Collateralized Revenue Bonds, New England Medical Center Hospital Issue, Series A, are indirect obligations of the United States and are therefore eligible for underwriting, dealing in, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24 and by state banks which are members of the Federal Reserve System under 12 U.S.C. 335. (Letter dated April 23, 1980.)

§ 492 Redevelopment Agency of the City and County of San Francisco, Residential Mortgage Bonds (Opera Plaza).

(a) *Request.* Ruling on the eligibility of the $100,000,000 Redevelopment Agency of the City and County of San Francisco, California, Residential Mortgage Revenue Bonds, Issue of 1980, for dealing in and underwriting by national banks under paragraph Seventh of 12 U.S.C. 24, subject to the 10 percent limitation thereof.

(b) *Opinion.* (1) The purpose of the bond issue is to provide funds for residential mortgage loans to purchasers of housing units being constructed in redevelopment projects sponsored by the Redevelopment Agency. The loans will be originated by certain lenders, not including your bank, which will sell the loans to the trustee without recourse. These lenders will continue to service the mortgage loans, and it is expected that the payments on the loans, together with certain other funds that will be available as security for the bond issue, will be sufficient to meet all debt service requirements on the bonds.

(2) Security for the bonds will include bond proceeds awaiting investment or permitted investments thereof, revenues from mortgages and collections on insurance or sales related to the loans, the loans and mortgages themselves, certain reserve funds provided initially from bond proceeds, and a letter of credit issued by your bank. The letter of credit authorizes the trustee to draw upon the bank to cover debt service requirements if any of the loans secured by mortgages on units in Opera Plaza (the major redevelopment project benefitting from the bond issue) is in default and a deficiency relative to the bonds exists. The bank's maximum liability under its irrevocable letter of credit is the total amount of principal and interest due on the bonds allocable to the Opera Plaza mortgage loans until sheduled maturity or sinking fund redemption. Advances under the letter of credit are repayable by the Agency from revenues on all mortgage loans related to the bond issue.

(3) In addition to its involvement in the Opera Plaza project as issuer of the letter of credit, the bank will lead a group of lenders providing construction financing to the developer of the residential portion of Opera Plaza and will provide all financing for the commercial portion thereof. The bank's involvement as construction lender and as issuer of the letter of credit is fully disclosed in the official statement for the bond issue.

(4) The questions related to the irrevocable letter of credit relate first to the application of 12 U.S.C. 84 and 12 U.S.C. 82. Under Interpretive Ruling 7.1160, 12 CFR 7.1160, it is clear that the letter of credit is a standby letter of credit and therefore subject to the lending limits of 12 U.S.C. 84. The amount of the Agency's obligation, for this purpose, would be its maximum liability under the letter of credit, as that may vary from time to time. As to the application of 12 U.S.C. 82, we have in the past ruled that a standby letter of credit should come under the bank's indebtedness limitation where it is, in effect, a repurchase agreement for loans being sold out of the bank's portfolio. Since the bank is not originating any of the mortgage loans to be purchased with the bond proceeds, the standby letter of credit does not appear to be in the nature of a repurchase agreement subject to 12 U.S.C. 82. This view is not altered by the fact that the bond proceeds will, in part, be used indirectly to provide the funds for repayment of the construction loans made by the bank. However, because of the potential risk faced by the bank on its letter of credit in this type of situation, we recognize that unforeseen factors may render the letter of credit the equivalent of a repurchase agreement. Accordingly, we do not believe that this letter should be used as a precedent for any transactions other than the one before us at the moment.

(5) The final point concerning the bank's letter of credit relates to the question of whether the bank's multiple roles with respect to the securities present any conflict of interest. The bank has fully and adequately disclosed these roles. Nevertheless, we note in this regard that the Municipal Securities Rulemaking Board in its Rule G–25, prohibits municipal securities dealers from guaranteeing their customers against loss under certain circumstances in connection with the securities they sell. While we believe this provision may not be intended to reach traditional banking activities, such as the issuance of standby letters of credit covering the risk of default by a third party, we express no opinion on the proper application of this rule.

(c) *Ruling.* Your final question concerns the eligibility of these bonds for underwriting by national banks. The provisions of paragraph Seventh of 12 U.S.C. 24 indicate that a national bank may underwrite and deal in revenue securities issued by an agency of a state or political subdivision for housing purposes, subject to the limit of 10 percent of the bank's capital and surplus, provided the securities are otherwise eligible for purchase by the bank. The Redevelopment Agency of the City and County of San Francisco is a public body corporate and politic organized under the Health and Safety Code of California and is thus an agency of a state or political subdivision. The bonds are clearly issued for housing purposes, since no portion of the proceeds will be used to fund mortgage loans on the commercial portions of the redevelopment projects. Therefore, as long as the bonds are otherwise eligible for purchase by national banks, *i.e.*, as long as they satisfy the marketability and investment quality tests of the definition of investment security—they will be eligible under paragraph Seventh of 12 U.S.C. 24 for underwriting and dealing in, subject to the 10 percent limitation with respect to aggregate holdings of housing obligations issued by the Redevelopment Agency of the City and County of San Francisco. (Letter dated June 10, 1980.)

§ 493 Michigan State Hospital Finance Authority (Henry Ford Hospital).

(a) *Request.* Ruling on the eligibility of $47,000,000 Michigan State Hospital Finance Authority, Hospital Revenue and First Mortgage Bonds (Henry Ford Hospital), Series B for dealing in, underwriting and holding by national banks under paragraph Seventh of 12 U.S.C. 24 subject to the ten percent limitation thereof.

(b) *Opinion.* (1) The Michigan State Hospital Finance Authority is a public body corporate and politic of the State created by the Michigan Hospital Finance Authority Act in 1969. The Act declares that it is essential for the benefit of the people of the state and the improvement of their health, welfare and living conditions that hospitals within the state be provided with appropriate means to maintain, expand and establish health care, hospitals and other related facilities. The Authority is authorized by the Act to issue its bonds

to finance and refinance the construction of health facilities.

(2) The Authority is issuing these bonds principally to finance the construction and equipping of a seven-floor clinical services building and for the remodeling of an existing clinic building at the Henry Ford Hospital. The new building which will be adjacent and connected to an existing 17-story clinic building will include an emergency room having direct access to operating room facilities, intensive care beds, radiology and laboratory facilities, an extension of the surgical suite and recovery room.

(3) The Henry Ford Hospital is a private non-profit corporation located in the south central section of Detroit. It opened in 1918 and now serves a diverse patient population. In addition to the Main Clinic associated with the Hospital, it operates three satellite clinics at suburbs to the west, northwest and north of Detroit. It serves as a regional referral center for communities throughout Southeastern Michigan and the Midwest and engages in extensive teaching and research programs. The Hospital's medical staff consists of approximately 350 medical doctors. In addition, house staff (interns and residents) number 350. All members of the staff are full time and salaried with their practice limited to the Hospital.

(4) The Hospital is a primary affiliate of the University of Michigan, a relationship which began in 1969. As a result of the affiliation, 124 members of the Medical Staff of the Hospital currently hold faculty appointments at the University of Michigan. In addition, the Director of Medical Education is an Assistant Dean of the University of Michigan Medical School. Some third year students in the University of Michigan Medical School spend that entire year in a clinical clerkship at the Hospital. These are therefore full time University students conducting their studies at the Hospital under the direction of Hospital staff who are members of the faculty of the University of Michigan. A number of fourth year students also spend one or more months in training at the Hospital. In 1979 a total of 157 such fourth year students spent an average of two months at the Hospital.

(5) The University Hospital at the University of Michigan is not large enough to accommodate the Medical School's needs, particularly in connection with the third year clinical studies, and Henry Ford Hospital, therefore, serves a significant function in the undergraduate education program.

(6) Henry Ford Hospital is further important to the undergraduate training function in that it provides a patient population having different characteristics than the University of Michigan Hospital, or the other three hospitals with which the University has a similar affiliation. This patient population is somewhat more aged and provides a much broader spectrum of ethnic, cultural, and social backgrounds. Furthermore the Hospital probably has a more active emergency room with attendant opportunity for education and experience with trauma and trauma-related conditions.

(7) Graduate medical education is provided in the programs for interns and residents which offer 31 specialty and subspecialty areas. Approximately 350 persons are currently in these programs. Such programs are substantially similar to those available at the University of Michigan Hospital and those who successfully complete such programs take the same examination and receive the same certificate from the same national residency and/or accreditation boards as is the case with those completing such programs at the University of Michigan.

(8) The educational, clinical and research programs of the Hospital and its affiliation with the University indicates that both institutions have a common concern at the University level for the education and training of doctors and for health services education and research generally.

(c) *Ruling.* It is our conclusion that the $47,000,000 Michigan State Hospital Finance Authority, Hospital Revenue and First Mortgage Bonds (Henry Ford Hospital), Series B are issued by an agency of a State for university purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for dealing in, underwriting and holding by national banks within the ten percent limitation with respect to aggregate holdings of obligations issued by the Michigan State Hospital Finance Authority. (Letter dated July 14, 1980.)

§ 494 Granite School District Tax Anticipation Notes (Salt Lake County, Utah).

(a) *Request.* Ruling on the eligibility of the $5,000,000 Tax Anticipation Notes, Series 1980, to be issued by the Board of Education of Granite School District, Salt Lake County, Utah, for underwriting, dealing in, and unlimited holding by national banks pursuant to paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The notes are being issued by the Board of Education for the purpose of maintaining schools within the district, purchasing school sites, and erecting school buildings during the fiscal year of the Board, beginning July 1, 1980, and ending June 30, 1981. The notes will be dated August 1, 1980, and will mature on June 30, 1981. They will be issued in anticipation of taxes to be levied and collected during the fiscal year beginning July 1, 1980. The Board will covenant to levy taxes on property within the district sufficient to pay principal of and interest on the notes as they come due and will appropriate a sufficient fund for the payment of the principal of and interest on the notes as they come due.

(2) The Constitution of the State of Utah limits debts of school district *inter alia* to the revenues of the current year unless approved by the voters. Utah Const. art. XIV, § 3; *Muir v. Murray City*, 186 P. 433 (Utah 1920). Consistent with this provision, Utah law permits school districts to borrow money and issue notes or bonds therefor "not in excess of the taxes and other estimated revenues of the school district for the current school year." Utah Code Ann. § 53-10-1. The statute provides that the borrowing may take place prior to imposition or collection of the taxes and revenues. It further states that the Board of Education of the school district may covenant to provide for "the imposition and collection of sufficient taxes and other revenues to pay such indebtedness."

(3) Judicial decisions in the State of Utah indicate that municipalities and political subdivisions in the State may, pursuant to the referenced constitutional and statutory authority, incur indebtedness in anticipation of tax and other revenues, provided such debt does not exceed the potential revenues for the current year, and provided further that the municipality or political subdivision intends to repay the debt with those current year's revenues. The legality of the debt will be determined as of the time it is incurred and will not be altered by subsequent events, such as the failure to levy or collect the requisite tax revenues. Thus, the Utah Supreme Court, in a similar context stated:

> So long as the proposed indebtedness is within the potential revenue of the city for the current year, we are unable to see any reason or lack of authority on the part of the city commissioners to create such indebtedness. Any failure on the part of the city authorities to levy a tax necessary to repay such indebtedness could not defeat the indebtedness or render it any less a legal and binding obligation against the city.

Dickinson v. Salt Lake City, 195 P. 1110, 1112 (Utah 1921). If the issuer meets the legal requirements stated above, then the debt may be repaid from income of a subsequent year even if

unforeseen events render current revenues inadequate.

State v. Spring City, 260 P.2d 527, 529 (Utah, 1953).

(4) The approved budget of the Granite School District for fiscal year 1981 provides for the payment of all current obligations, including principal of and interest on these notes, out of current revenues, including ad valorem property taxes. The district thus intends to use only its potential current revenues for repayment of the notes. Accordingly, the notes will be a legal debt of the district under the relevant Utah law and will constitute a continuing obligation on the district if, for any reason, current revenues prove inadequate for repayment of the notes.

(c) *Ruling.* It is therefore our conclusion that the $5,000,000 Tax Anticipation Notes, Series 1980, of the Board of Education of Granite School District, Salt Lake County, Utah, are a general obligation of the district and are therefore eligible for underwriting, dealing in, and unlimited holding by national banks pursuant to paragraph Seventh of 12 U.S.C. 24. (Letter dated July 28, 1980.)

§ 495 Health and Education Facilities Board, Shelby County, Tennessee (Methodist Hospital Project).

(a) *Request.* Ruling on the eligibility of the $72,700,000 Health and Education Facilities Board of the County of Shelby, Tennessee (Methodist Hospital Project) Bonds for dealing in, underwriting and holding by national banks under paragraph Seventh of 12 U.S.C. 24 subject to the ten percent limitation thereof.

(b) *Opinion.* (1) The Health and Education Facilities Board of the County of Shelby, Tennessee is a public corporation, an instrumentality of the County of Shelby, created in accordance with the Tennessee Health and Education Facilities Act of 1969. The Act declares that ". . . for the benefit of the people of the State of Tennessee, the increase of their commerce, welfare and prosperity and the improvement and maintenance of their health and living conditions, it is essential that the people of this state have access to adequate medical care and hospital facilities . . . and that the youth of this state be given the fullest opportunity to learn and to develop their intellectual and mental capacities; . . . it is the purpose of this chapter to provide a measure of assistance and an alternative method to enable hospital institutions . . . to provide facilities which are solely needed to accomplish the purposes of this chapter . . . ."

(2) The Board is issuing these bonds principally to finance the construction and equipping of a three floor base and six floor nursing tower for the Methodist Hospital. The new building will be adjacent to and connected to the other existing hospital facilities, including emergency room, operating room facilities, intensive care unit, laboratory facilities, surgical suites, and recovery rooms.

(3) The Methodist Hospital is a private non-profit corporation located in the medical center area of mid-town Memphis. The Hospital is over 50 years old and serves a diverse patient population. In addition to the main hospital facilities, it operates two satellite clinics and hospitals in suburban areas of Memphis. The Hospital's medical staff consists of approximately 850 medical doctors, plus approximately 125 interns and residents and approximately 1,800 nursing personnel.

(4) In Memphis the College of Medicine of the University of Tennessee, which has no large hospital of its own, has long used existing community facilities in educating medical students, interns and residents. Four years ago a fifty year contract expired between the University and the City of Memphis Hospital. This permitted the University to strengthen its relationship with Methodist and other community hospitals, all of which it now regards as major teaching resources for the University.

(5) The affiliation of the University with Methodist Hospital involves numerous teaching programs, including pathology, internal medicine, ophthalmology, orthopedic medicine and surgery. As a result of the affiliation, 275 members of the Medical Staff of the Hospital currently hold teaching appointments at the University of Tennessee. The University anticipates appointing in the near future a Methodist Hospital staff doctor as an Assistant Dean of the University. Third and fourth year students in the University's College of Medicine take clinical clerkship courses through hospital rotations and are assigned by University departments to the Hospital.

(6) Methodist Hospital provides extensive educational training to nurses and technicians through its allied health programs. The Hospital currently has 385 nursing students and 124 non-nursing students in the allied health programs.

(7) Allied health programs include, but are not limited to, radiologic technology, histotechnology, respiratory therapy, medical technology, and physical therapy. These programs and the associated clinical training provided by the Hospital will allow 71 of the 124 allied health students to receive college degrees. The nursing program of the Hospital will provide students with 48 college credit hours and is recognized as three semesters for credit purposes. Credit affiliation agreements are primarily with Memphis State University School of Nursing and the University of Tennessee Center for the Health Sciences. Although the exact number of students pursuing a college Bachelor of Science degree in nursing is not known, approximately 30% of the 385 Hospital nursing students continue their education at the university level after completing the Methodist Hospital nursing program.

(8) Graduate medical education is provided in the programs for interns and residents which offer numerous specialty and sub-specialty areas. Approximately 150 persons are currently in these programs.

(9) The educational, clinical and research programs of the Hospital and its affiliation with the University of Tennessee and Memphis State University indicates that these institutions have a common concern at the University level for the education and training of doctors and nurses and for health services education and research generally.

(c) *Ruling.* It is our opinion that the $72,700,000 Health and Education Facilities Board of the County of Shelby, Tennessee (Methodist Hospital Project) Bonds are issued by an agency of a political subdivision of a State for university purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for dealing in, underwriting and holding by national banks within the ten percent limitation with respect to aggregate holdings of obligations issued by such board. (Letter dated September 11, 1980.)

§ 496 New York State Urban Development Corporation.

(a) *Request.* Ruling on the eligibility of $70,470,000 New York State Urban Development Corporation, Revenue Bonds, 1980 Series A, for purchase, dealing in and holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The New York State Urban Development Corporation is a corporate governmental agency of the State, a political subdivision and a public benefit corporation created in April 1968 by the New York State Urban Development Corporation Act. Prior to 1975 UDC acted primarily as a lender to low, moderate and middle income residential projects.

(2) The proceeds of these bonds will be used to purchase certain general purpose bonds issued by UDC in 1974 which have relatively short terms to maturity and which require correspondingly higher payments of debt service in each year than bonds previously issued by UDC. The 1980 Series A bonds will have a term to maturity of approximately thirty-one years and the application of the proceeds to the purchase and cancellation of the 1974 bonds will reduce UDC's annual debt service requirements through 1984.

(3) Debt service on the 1980 bonds will be payable from pledged revenues consisting primarily of subsidy payments from the United States Department of Housing and Urban Development (HUD). Annual payments from HUD plus certain other investment income are required to at least equal 1.3 times the maximum debt service on the Bonds. The payments from HUD are interest reduction subsidy payments made pursuant to contracts between UDC and HUD under Section 236(b) of the National Housing Act with respect to a group of 34 mortgages owned by UDC which will be pledged to secure the Bonds. UDC has the right at any time to add mortgages on other projects and the related HUD subsidy contracts to the lien of the General Resolution in order to satisfy this requirement.

(c) *Ruling.* It is our conclusion that the $70,470,000 New York State Urban Development Corporation, Revenue Bonds, Series A, are issued by an agency of a State for housing purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the ten percent limitation with respect to the revenue obligations of UDC. (Letter dated October 28, 1980.)

Dated: March 6, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-7737 Filed 3-11-81; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 556

[No. 81-126]

Amendment of Policy Statement on Branching

March 5, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is correcting its recently-adopted policy statement on branching of Federal associations to be consistent with the provisions regarding undue injury considerations in the new regulations on branching of Federal associations.

EFFECTIVE DATE: March 5, 1981.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley [(202) 377-6444], Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 545.14(a) of the Board's Federal Savings and Loan System regulations (12 CFR 545.14(a)) provides that branch offices of Federally-chartered savings and loan associations may not be established without prior written approval of the Board or its Principal Supervisory Agent. Since 1964, the Board's regulations on branch offices have required as a condition of approval that "the branch can be established without undue injury to properly conducted existing local thrift and home-financing institutions" (12 CFR 545.14(h)(1)(i); see 29 FR 18154, Dec. 22, 1964). This "undue injury" criterion was adopted verbatim from section 5(e) of the Home Owners' Loan Act (12 U.S.C. 1464(e)), which prohibits the granting of a Federal charter unless the new institution "can be established without undue injury to properly conducted existing local thrift and home-financing institutions." The Board has historically construed this language to require consideration of undue injury solely to thrift institutions engaged in home financing. The Board's historical interpretation of the language has been consistently upheld by the courts. (See Bank of Ozark v. Federal Home Loan Bank Board, 402 F. Supp. 162 (W.D. Ark. 1975).)

On May 5, 1980, the Board adopted new regulations regarding branch offices of Federal associations (45 FR 31046, May 12, 1980). Although this action substantially revised the Board's requirements and procedures relating to branch offices, the new regulations retained verbatim the undue injury test found in the old regulations. (See 12 CFR 545.14(h) (1981).) The new regulations became effective on January 1, 1981.

The Board adopted on December 4, 1980, a policy statement on branching that appears at 12 CFR 556.5 (45 FR 83196, Dec. 16, 1980). The policy statement complements the branching regulations by interpreting their provisions and setting forth a general statement of the Board's policies regarding branching of Federal associations. The policy statement erroneously stated that § 556.5(d) provides for disapproval of a branch application if the proposed branch office would cause undue injury to "any properly conducted local thrift *or* home-financing institution" (emphasis supplied). The preamble to the policy statement explained that this language was intended to encompass non-thrift institutions, such as commercial banks, if they are sufficiently engaged in home financing. The new policy statement became effective on January 1, 1981, along with the new branching regulations.

By this action, the Board is amending § 556.5(d) of the policy statement to provide for consideration of undue injury to "thrift and home financing institutions." The effect of this amendment is to correct the inadvertent error in the policy statement, and to make the language of the policy statement consistent with that of the branching regulations to make clear that the Board is continuing its existing policy to consider undue injury solely to thrift institutions engaged in home financing and not to other types of financial institutions such as commercial banks.

The new language of the undue injury test in the policy statement has given rise to confusion because it is inconsistent with the language of the branching regulations. The policy statement requirement that the Board consider the undue injury protest of a "thrift or home-financing institution" is not consistent with the well-established meaning of the language "thrift and home-financing institutions" found in the branching regulations. This inconsistency creates uncertainty as to the state of the law regarding undue injury considerations in branching activities of Federal associations. In the interest of preventing further confusion of the public, the Board has determined that prompt correction of this inconsistency is desirable.

The Board finds that observance of the notice and comment period and 30-day delay of effective date provided by 12 CFR 508.12 and 508.14 and 5 U.S.C. 553 is unnecessary because this amendment constitutes a clarification of the Board's existing policy. The amendment becomes effective immediately in order to prevent further confusion due to the present inconsistency between the Board's policy statement and regulations on branching.

Accordingly, the Board hereby amends Part 556, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 556—STATEMENTS OF POLICY

Amend the first sentence of subparagraph (d) of § 556.5, to read as follows:

§ 556.5 Establishment of branch offices.

* * * * *

(d) *Undue injury.* A branch will not be approved if its establishment will have a substantial adverse economic impact on any properly conducted local thrift and home-financing institution. * * *

* * * * *

(12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-7564 Filed 3-11-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 67-SW-66; Amdt. 39-4060]

Bell Model 47 Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to certain Bell Model 47 series helicopters by extending the date for mandatory installation of the improved tail rotor blade kit. A sufficient number of parts of the kit are not available from Bell Helicopter Textron (BHT) to permit compliance with this part of the AD for many operators.

DATE: Effective February 28, 1981. Compliance required as indicated in the AD.

ADDRESS: A copy of letters and information concerning this matter may be examined in the docket file of Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: J. H. Major or H. A. Armstrong, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624–4911, extension 515.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3770 (45 FR 32659), AD 80–10–04, which currently requires replacement of tail rotor blades, P/N 47–642–102, prior to or on attaining 300 hours' total time in service after June 9, 1980, on certain Bell Helicopter Textron (BHT) Model 47 and OH–13 series helicopters. The AD also requires installation of the improved tail rotor blades on or before February 28, 1981. After issuing Amendment 39–3770, BHT provided further information that an adequate supply of improved tail rotor kits may not be available to meet the actual demands for compliance by the date of February 28, 1981. Letters were also received from many Bell Model 47 operators confirming this information and requesting an extension to this date. Both standard and restricted category helicopter operators have requested this relief to allow continued operations until BHT can fulfill the demand for improved tail rotor blade kits.

Amendment 39–3770, AD 80–10–04, was issued because of tail rotor blade failures on standard and restricted category helicopters. The FAA has determined from operators and BHT that scores of helicopters could not be modified by February 28, 1981, as prescribed by the AD due to a shortage of parts. Therefore, it is in the public's interest to extend the date to November 30, 1981. Retiring blades, P/N 47–642–102, prior to or on attaining 300 hours' total time in service and complying with the frequent inspections specified in AD 70–10–6 for these blades should maintain airworthiness of the affected helicopters until installation of the improved tail rotor blade kit is accomplished. Therefore, the FAA is amending amendment 39–3770 by extending the date from February 28, 1981, to November 30, 1981, to allow continued operation until the improved tail rotor blade kits are available and installed.

Since this amendment relieves a restriction by extending the compliance date and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13), Amendment 39–3770 (45 FR 32659), AD 80–10–04 paragraph (c), is amended by deleting February 28, 1981, and inserting November 30, 1981.

This amendment becomes effective February 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to prevent an undue burden on aircraft operators. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on February 27, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-7527 Filed 3-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21482; Amdt. 39-4065]

British Aerospace Model HS/DH/BH–125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires a one time inspection of the left engine fuel feed line for adequate clearance between that line and the flap control unit input lever, and correction as necessary, on certain British Aerospace HS/DH/BH–125 series airplanes. This AD requires actions to prevent interference between the flap

control unit input lever and the left engine fuel feed line which could result in restricted movement of the flap system and release of flammable fluids.

DATE: March 26, 1981.

Compliance required within 50 hours after the effective date of this AD.

ADDRESSES: The applicable service bulletin may be obtained from:

British Aerospace, Aircraft Group
Hatfield-Chester Division
Hatfield, Hertfordshire
England

A copy of the service bulletin is contained in the Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: There have been reports that insufficient clearance can exist between the flap control unit input lever and the left engine fuel feed line on certain British Aerospace HS/DH/BH-125 series airplanes which could restrict movement of the flap system or chafe the left engine fuel feed line and permit release of flammable fluid into unprotected zones of the airplane which could cause an uncontrollable fire. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires a one time inspection for recommended clearance between the flap control unit input lever and the left engine fuel feed line, correction of any improper clearance, detected, and replacement of the left engine fuel feed line if chafing or other damage is found to exist.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Admendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace. Applies to Model HS/DH/BH-125 airplanes series 3A/R, -3A/RA, and -3A/RA with British Aerospace Modification 25/2600 installed; series -400A and -400A with British Aerospace Modification 25/2550 or STC SA3870WE installed; and series -600A and -600A with British Aerospace Modification 25/2668 installed, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent restricted movement of the flap control unit input lever and chafing of the left engine fuel line due to possible interferences, accomplish the following:

(a) Within 50 hours time in service after the effective date of this AD, inspect:

(1) For chafing of the left engine fuel feed line; and

(2) For recommended clearance between the fuel feed line and the flap control unit input lever in accordance with paragraph 2A(1), (2), and (3) of the Accomplishment Instructions of British Aerospace Service Bulletin 28-60, Revision 1, dated June 25, 1979 (hereinafter referred to as the service bulletin) or an equivalent approved by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Office, Brussels, Belgium.

(b) If as a result of the inspections required in paragraph (a) of this AD—

(1) Chafing or other damage to the fuel line is found, before further flight, except that aircraft may be flown in accordance with FAR § 21.197 to a base where the work can be performed, replace the fuel line with a serviceable fuel line of the same P/N.

(2) Clearance between the engine fuel feed line and the flap control unit input lever is found to be less that 0.15 inches, before further flight, increase the clearance in accordance with paragraph 2A(4) of the service bulletin.

(c) Upon completion of the actions required in paragraphs (a) and (b) of this AD, return the aircraft to service in accordance with paragraphs 2A(5) and 2A(6) of the service bulletin.

This amendment becomes effective March 26, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Aircraft Group, Hatfield-Chester Division, Hatfield, Hertfordshire, England. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Washington, DC, on March 3, 1981.

M. C. Beard,
Director of Airworthiness.

Note.—The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-7526 Filed 3-11-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-9-AD, Amdt. 39-4069]

Frost Engineering Development Corporation Emergency Descent Devices Installed on Boeing 747, Lockheed L-1011, and Airbus Industrie A-300 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule adopts a new Airworthiness Directive (AD) which requires inspection and replacement as necessary of Frost Engineering Development Corporation Emergency Descent Devices installed on Boeing 747, Lockheed L-1011, and Airbus Industrie A-300 airplanes. On several of these descent devices, the handle straps and descent lines were made from a type of

metal which is subject to corrosion, and instances have been reported where the corrosion progressed to the point the handle straps were broken. This action is necessary to ensure that the descent devices will function properly if used during an evacuation.

DATES: Effective date March 19, 1981.

ADDRESSES: The service bulletins specified in this directive may be obtained upon request to Frost Engineering Development Corporation, P.O. Box 1294, Englewood, Colorado 80150. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Roger S. Young, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Several Frost Engineering Development Corporation Emergency Descent Devices have been found to have broken handle straps. This breakage has been attributed to corrosion. Investigation disclosed that the straps which corroded were made from Type 420 stainless steel instead of Type 302, 304, or 316 stainless steel. Type 420 stainless steel handle straps are magnetic. The handle straps can be inspected in the airplane by using a small magnet. Type 420 stainless steel is more susceptible to corrosion than the other types. The descent lines on some of the descent devices, P/N 379103-1 serial numbers below 0134, were also made from Type 420 stainless steel.

Separation of the handle straps or descent lines could result in serious injury during an evacuation. These devices are used primarily by the flight crew, and are not utilized as an emergency means of evacuation for passengers.

It is estimated that 550 aircraft worldwide will be affected by this action, that the required inspections will take approximately ½ manhour per airplane, and that the average labor cost will be $35 per hour. Based on these assumptions the total cost of the inspections required by this Airworthiness Directive is estimated to be approximately $10,000. Of the units inspected, it is anticipated that no more than 200 will require replacement, and that replacement with an overhauled unit will cost $75. Based on these assumptions the fleetwide cost for replacement of the affected units is estimated to be no more than $15,000. The total cost impact of this action is therefore estimated to be approximately $25,000.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Frost Engineering Development Corporation Emergency Descent Devices Installed on Boeing 747, Lockheed L-1011, and Airbus Industrie A-300 Airplanes

Compliance required as indicated. To prevent failure of emergency descent devices accomplish the following:

A. Within 30 days from the effective date of this AD, unless already accomplished, inspect Frost Engineering descent devices for broken handle straps in accordance with paragraph 2, steps (1), (2), and (4) of Frost Engineering Development Corporation Service Bulletin 379103-25-002 dated September 29, 1980, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

B. Descent devices found to have a broken handle strap must be modified in accordance with paragraph 2, steps (6) through (9) of Frost Engineering Development Corporation Service Bulletin 379103-25-002 dated September 29, 1980, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

C. Within 120 days from the effective date of this AD, unless already accomplished, modify the descent devices found to have a magnetic handle strap in accordance with paragraph 2, steps (5) through (9) of Frost Engineering Development Corporation Service Bulletin 379103-25-002 dated September 29, 1980, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

D. Within 120 days from the effective date of this AD, replace descent devices P/N 379103-1, serial numbers 1 through 0134, with other FAA approved descent devices.

E. Upon request of the operator, and subject to prior approval by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, an FAA Aviation Safety Inspector may adjust the compliance times if the request contains substantiating data to justify the change.

The manufacturer's specification and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Frost Engineering Development Corporation, P.O. Box 1294, Englewood, Colorado 80150. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective March 19, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on February 27, 1981.

Charles R. Foster,

Director, Northwest Region.

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-7525 Filed 3-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 21372; Amdt. No. 1184]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new

or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective April 16, 1981*

Mobile, AL—Bates Field, VOR Rwy 32, Original, cancelled
Parker, AZ—Parker Muni, VOR/DME-A, Original
St. Johns, AZ—St. Johns Muni, VOR/DME-A, Amdt. 1
Burbank, CA—Burbank-Glendale-Pasadena, VOR Rwy 7, Amdt. 2
Los Angeles, CA—Los Angeles Intl, VOR or TACAN Rwy 7L/R, Amdt. 14
Montague, CA—Siskiyou County, VOR-B, Amdt. 3
Palm Springs, CA—Palm Springs Muni, VOR Rwy 30, Original
Reedley, CA—Reedley Muni, VOR-A, Original
Ocala, FL—Ocala Muni (Jim Taylor Field), VOR Rwy 36, Amdt. 11
West Palm Beach, FL—Palm Beach County Park, VOR Rwy 15, Amdt. 2
Donalsonville, GA—Donalsonville Muni, VOR/DME-A, Amdt. 1
Jekyll Island, GA—Jekyll Island, VOR-A, Amdt. 5
East St. Louis, IL—Bi-State Parks, VOR/DME-A, Amdt. 7
Rockton, IL—Wagon Wheel, VOR-A, Amdt. 2, cancelled
New Orleans, LA—Lakefront, VOR-B, Amdt. 5
New Orleans, LA—Lakefront, VOR/DME Rwy 36, Amdt. 2
Slidell, LA—Slidell, VOR/DME-A, Amdt. 1, cancelled
Starkville, MS—Oktibbeha, VOR-B, Amdt. 6
Ava, MO—Bill Martin Memorial, VOR-A, Amdt. 1
Fallon, NV—Fallon Muni, VOR/DME-B, Amdt. 2
Greensboro, NC—Greensboro-High Point-Winston Salem Regional, VOR Rwy 5, Amdt. 8
North Lima, OH—Youngstown Elser Metro, VOR-A, Amdt. 1, cancelled
Youngstown, OH—Youngstown Elser Metro, VOR-C, Original
San Juan, PR—Puerto Rico Intl, VOR Rwy 25, Amdt. 6
Rock Hill, SC—Bryant Field, VOR-A, Amdt. 4
Rock Hill, SC—Bryant Field, VOR/DME-B, Original
Muleshoe, TX—Edward Warren Field, VOR/DME-A, Amdt. 1
Madison, WI—Morey, VOR-A, Amdt. 5
Madison, WI—Morey, VOR-B, Amdt. 4

* * * *Effective March 19, 1981*

Baudette, MN—Baudette Intl, VOR Rwy 12, Original
Baudette, MN—Baudette Intl, VOR Rwy 30, Amdt. 5

* * * *Effective February 3, 1981*

Ames, IA—Ames Muni, VOR Rwy 31, Amdt. 5

** * * Effective January 30, 1981*

Austin, TX—Bird's Nest, VOR/DME–B, Amdt. 2

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

** * * Effective April 16, 1981*

Ocala, FL—Ocala Muni (Jim Taylor Field), LOC Rwy 35, Amdt. 2

** * * Effective January 30, 1981*

Harlingen, TX—Harlingen Industrial Airpark, LOC BC Rwy 35L, Amdt. 6

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective April 16, 1981*

Miami, FL—Tamiami, NDB Rwy 9R, Amdt. 3
Sanford, FL—Sanford, NDB Rwy 9, Amdt. 10
Atlanta, GA—The William B. Hartsfield Atlanta Intl, NDB Rwy 9L, Amdt. 6
Atlanta, GA—The William B. Hartsfield Atlanta Intl, NDB Rwy 9R, Amdt. 6
Cairo, GA—Cairo-Grady County, NDB Rwy 12, Amdt. 1
East St. Louis, IL—Bi-State Parks, NDB Rwy 30, Amdt. 13
Litchfield, IL—Litchfield Muni, NDB Rwy 9, Original
Litchfield, IL—Litchfield Muni, NDB Rwy 27, Amdt. 2
Venice, LA—Garden Island Bay Seaplane Base, NDB–A, Original
Gothenburg, NE—Gothenburg Muni, NDB Rwy 32, Amdt. 1
Oneida, TN—Scott Muni, NDB Rwy 23, Original, cancelled
Falfurrias, TX—Brooks County, NDB Rwy 35, Original

** * * Effective February 3, 1981*

Ames, IA—Ames Muni, NDB Rwy 13, Amdt. 1
Ames, IA—Ames Muni, NDB Rwy 31, Amdt. 7

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

** * * Effective April 16, 1981*

Burbank, CA—Burbank-Glendale-Pasadena, ILS Rwy 7, Amdt. 26
Los Angeles, CA—Los Angeles Intl, ILS Rwy 6L, Amdt. 2
Los Angeles, CA—Los Angeles Intl, ILS Rwy 6R, Amdt. 8
Los Angeles, CA—Los Angeles Intl, ILS Rwy 7L, Amdt. 15
Los Angeles, CA—Los Angeles Intl, ILS Rwy 7R, Amdt. 1
Sanford, FL—Sanford, ILS Rwy 9, Amdt. 1
Lakeland, FL—Lakeland Muni, ILS/DME Rwy 5, Amdt. 1
Miami, FL—Tamiami, ILS Rwy 9R, Amdt. 1
Atlanta, GA—The William B. Hartsfield Atlanta Intl, ILS Rwy 8, Amdt. 53
Atlanta, GA—The William B. Hartsfield Atlanta Intl, ILS Rwy 26, Amdt. 14
East St. Louis, IL—Bi-State Parks, ILS Rwy 30, Amdt. 2
Hickory, NC—Hickory Muni, ILS Rwy 24, Amdt. 3
North Myrtle Beach, SC—Grand Strand, ILS Rwy 23, Amdt. 3
El Paso, TX—El Paso Intl, ILS Rwy 22, Amdt. 28
Madison, WI—Dane County Regional/Truax Field, ILS Rwy 18, Amdt. 1
Madison, WI—Dane County Regional/Truax Field, ILS Rwy 36, Amdt. 23

** * * Effective April 2, 1981*

St. Louis, MO—Lambert-St. Louis Intl, ILS Rwy 30R, Original

** * * Effective March 19, 1981*

Louisville, KY—Standiford Field, ILS Rwy 1, Amdt. 5

** * * Effective February 11, 1981*

New Haven, CT—Tweed-New Haven, ILS Rwy 2, Amdt. 9
New Beford, MA—New Bedford Muni, ILS Rwy 5, Amdt. 16

** * * Effective February 5, 1981*

Racine, WI—Horlick-Racine, ILS Rwy 4, Amdt. 1

** * * Effective January 30, 1981*

New York, NY—LaGuardia, ILS Rwy 13, Amdt. 1

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective April 16, 1981*

Beaumont-Port Arthur, TX—Jefferson County, RADAR 1, Amdt. 4
Madison, WI—Morey, RADAR–1, Amdt. 3, cancelled

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective April 16, 1981*

Sanford, FL—Sanford, RNAV Rwy 9, Amdt. 9
East St. Louis, IL—Bi-State Parks, RNAV Rwy 30, Amdt. 5
Ava, MO—Bill Martin Memorial, RNAV Rwy 31, Amdt. 1
Madison, WI—Morey, RNAV Rwy 13, Amdt. 1

** * * Effective February 3, 1981*

Ames, IA—Ames Muni, RNAV Rwy 13, Amdt. 2
Ames, IA—Ames Muni, RNAV Rwy 31, Amdt. 2

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation. The FAA has also determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Washington, D.C. on February 27, 1981.

John S. Kern,
Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81-7535 Filed 3-11-81; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4a

Classification, Declassification and Public Availability of National Security Information

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Final rule.

SUMMARY: U.S. Department of Commerce Department Administrative Order 207–2, signed by the Secretary of Commerce effective December 13, 1978, provides for the issuance of a Department of Commerce Handbook of Security Regulations and Procedures. The Handbook comprises a complete set of guidelines and instructions for implementing Executive Order 12065, "National Security Information," and the Information Security Oversight Office Directive No. 1, concerning national security information. The guidelines and instructions will enable Commerce employees to protect national security information and to make available to the public that information which is releasable under these regulations.

EFFECTIVE DATE: September 1980.

FOR FURTHER INFORMATION CONTACT: Alan F. Brown, 202–377–1722.

SUPPLEMENTARY INFORMATION:

Authority

This regulation shall be published in the **Federal Register** in accordance with Section 5–402, E.O. 12065.

Purpose

The Handbook of Security Regulations and Procedures, hereinafter called the "Handbook," prescribes the Department's security policies, procedures and minimum requirements for safeguarding national security information. The Handbook governs the Department of Commerce Information Security Program and takes precedence over all supplemental regulations which implement that program. It establishes

throughout the Department uniform policies, standards, criteria, and procedures for the classification, downgrading, declassification, and safeguarding of national security information.

Responsibility

The Director, Office of Investigations and Security, has overall responsibility for security matters throughout the Department of Commerce. The Director is responsible for implementing within the Department the provisions of Executive Order 12065. All Department of Commerce employees, components, offices, and contractors are bound by these regulations, unless specifically excepted in writing.

For the reasons set out in the Preamble, 15 CFR Part 4a is revised as follows.

PART 4a—CLASSIFICATION, DECLASSIFICATION AND PUBLIC AVAILABILITY OF NATIONAL SECURITY INFORMATION

Subpart A—Classification of National Security Information

Sec.

4a.1 General.
4a.2 Department of Commerce Information Security Program Committee.
4a.3 Classification designations.
4a.4 Classification authority.
4a.5 Duration of classification.

Subpart B—Declassification.

4a.6 Systematic review of declassification.
4a.7 Mandatory review for declassification.
4a.8 Requests under the Privacy Act and the Freedom of Information Act involving classified records.
4a.9 Public availability of declassification information.

Subpart C—Access to Classified Information

4a.10 Access by persons outside the Executive Branch.
4a.11 Access by industrial, educational and commercial entities.
4a.12 Access by historical researchers and former Presidential appointees.
4a.13 Access by foreign nationals, foreign governments, international organizations and immigrant aliens.

Authority: Sec. 5-402, D E.O. 12065.

Subpart A—Classification of National Security Information

§ 4a.1 General.

Executive Order 12065, as implemented by this Part 4a (this Handbook), provides the only basis for classifying information within the Department, except as provided in the Atomic Energy Act of 1954. It is the policy of the Department of Commerce to make available to the public as much information concerning its activities as possible consistent with the need to protect the national security. Accordingly, security classification shall be applied only to protect the national security.

§ 4a.2 Department of Commerce Information Security Program Committee.

(a) By memorandum of December 22, 1978, the Secretary has established the Department of Commerce Information Security Program Committee pursuant to Section 5-404 of E.O. 12065. The committee is chaired by the Director, Office of Investigations and Security, and composed of representatives from the Offices of the General Counsel, Organization and Management Systems, and Personnel. Additionally, the Chair may from time to time identify other organizations of the Department to furnish representation.

(b) The Committee shall have responsibility (1) to act on all suggestions, complaints, and appeals not otherwise resolved, concerning the implementation and administration of E.O. 12065 and any implementing directives, and (2) to decide all appeals from denials of requests under the Freedom of Information Act (Title 5 U.S.C., Section 552) or the Mandatory Review provision of E.O. 12065, when the proposed denial is based on continued classification under the Order.

(c) All suggestions, complaints or appeals to this Committee should be addressed to the Chair, Department of Commerce Information Security Program Committee, c/o Office of Investigations and Security, Room 5044, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

§ 4a.3 Classification designations.

The only information which may be classified is that which, if disclosed, would cause at least identifiable damage to the national security as determined by a designated original classifier of the Department. The designations established by E.O. 12065 (Top Secret, Secret, and Confidential) are the only terms which may be applied to national security information. These terms shall not be used, either singly or in conjunction with any other term, to identify other than national security information.

§ 4a.4 Classification authority.

Authority to classify information as Secret or Confidential may be exercised only by the Secretary of Commerce and by officials to whom such authority is specifically delegated. No official of the Department of Commerce is authorized to originally classify information as Top Secret.

§ 4a.5 Duration of classification.

Information shall be classified only so long as its unauthorized disclosure would result in at least identifiable damage to the national security. At the time a determination is made by an authorized official to originally classify information, a simultaneous decision must be made by that official as to the duration of time such classification must remain in force. In arriving at the latter decision, the classifier must exercise careful judgment as to how far in the future the basis for original classification will remain valid. Dates or events on which declassification should occur shall be no more than six years from the date of original classification. Classification may be prolonged for more than six years only by the Secretary of Commerce. Any extension beyond the six year period is a violation of the provisions of this Handbook unless authorized by the Secretary of Commerce.

Subpart B—Declassification

§ 4a.6 Systematic review for declassification.

Classified information constituting permanently valuable records of the Government, as defined by U.S.C. 2103, and information in the possession and control of the Archivist of the United States, shall be systematically reviewed for declassification by the Archivist as it becomes twenty years old. In this review, the Archivist will separate and keep protected only such Commerce-produced material as is specifically identified by the systematic review guidelines approved by the Secretary of Commerce. A determination that continued classification is warranted may be made only by the Secretary. When classification is extended beyond twenty years, a date no more than ten years later shall be set for declassification or for the next review. Subsequent reviews for declassification shall be set at no more than ten year intervals. The documents shall be marked to reflect the date for declassification or review.

§ 4a.7 Mandatory review for declassification.

(a) Upon request by a member of the public or a government employee or agency to declassify and release such information, any classified information shall be subject to review by the originating Department of Commerce component or office, or one with

primary interest, for declassification. The Director, Office of Investigations and Security, is designated as the official to whom a member of the public or another department or agency shall submit a request for mandatory review of classified information produced by or under the primary cognizance of the Department of Commerce.

(b) Requests: Requests for mandatory review of Department of Commerce classified information shall be submitted in writing and reasonably describe the information sought with sufficient particularity to enable the Department to identify documents containing that information. The request shall be reasonable in scope, e.g., not involving such a large number or variety of documents as to leave uncertain the identity of the particular information sought. Requests should be addressed as follows: Director, Office of Investigations and Security, U.S. Department of Commerce, Room 5044, Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

(c) Processing Requirements: (1) Upon receipt of a mandatory review request, the recipient in the Department shall acknowledge receipt of the request directly to the requester. When a request is not complete or is unreasonable in scope, the requester shall be notified that unless additional information is provided or the scope of the request narrowed, no further action will be undertaken. The Director, Office of Investigations and Security, shall coordinate all mandatory review requests received by the Department.

(2) The Commerce component or office assigned action on the request shall complete its review within twenty working days and respond to the Director, Office of Investigations and Security. The designated office shall determine whether, under the declassification provisions of this regulation, the requested information may be declassified, and, if so, make recommendation to the Director that such information be made available to the requester unless withholding is otherwise warranted under applicable statutes. Upon the determination that continued classification is not required, the information shall be declassified and the material remarked. If the determination is made that the information may not be released in whole or in part, the reviewing official shall give a brief statement as to the reasons for denial. When the classification is a derivative decision based on classified source material of another Federal agency, the action office shall advise in writing the originator of the source information and the Director, Office of Investigations and Security. The action office will also coordinate with its legal counsel and Freedom of Information offices to determine if the information is otherwise available for public release under Title 5, U.S.C. Section 552 (The Freedom of Information Act) and implementing regulations. If the material is not releasable, the reviewing official shall advise the Director, Office of Investigations and Security, that the material has been declassified but that the information is exempt from disclosure, citing the appropriate exemption of the Freedom of Information Act and applicable regulations.

(3) The Director, Office of Investigations and Security, shall respond to the requester within thirty-five working days of initial receipt of the request. If the request for declassification is denied in whole or in part, the Director shall notify the requester of the right to appeal the determination within sixty days to the Department of Commerce Information Security Program Committee, and of the procedures for such an appeal. If the request for declassification is granted but it is determined that the information is exempt from disclosure under the Freedom of Information Act, the requester shall be advised of those procedures for appeal.

(d) Fees: If the request requires the rendering of services for which fees may be charged, the Commerce component assigned action may calculate the anticipated amount of fees to be charged and ascertain the requester's willingness to pay the allowable charges as a precondition to taking further action upon the request in accordance with Section 4.9 of the Department's Freedom of Information Act rules and Section 4b.11 of the Department's Privacy Act rules.

(e) Right of Appeal: (1) A requester may appeal to the Chair, Department of Commerce Information Security Program Committee, whenever a component or office has not acted on an initial request within sixty days, or whenever the requester has been notified that requested information may not be declassified and released in whole, or in part. Within thirty days after receipt of an appeal, the Committee shall determine whether continued classification of the requested information is required in whole or in part, notify the requester of its determination, and make available to the requester any information determined to be releasable. If continued classification is required under the provisions of this regulation, the requester shall be notified of the reasons therefor. The requester shall also be advised of the right to appeal the Committee's decision to the Information Security Oversight Office.

(2) Upon receipt of an appeal from a classification review determination based upon continued classification, the Department of Commerce Information Security Program Committee shall immediately acknowledge receipt and act on the matter within 30 days. With respect to information originally classified by or under the primary cognizance of the Department of Commerce, the Committee, acting for the Secretary, has authority to overrule previous determinations in whole or in part when, in its judgment, continued protection in the interest of national security is no longer required. When the classification of the Commerce-produced material was based upon a classification determination made by another department or agency, the Information Security Program Committee will immediately consult with its counterpart committee or the originator in that department or agency. If it is determined that the material no longer requires classification, it shall be declassified and remarked. The Committee shall advise the original reviewing office or component in Commerce of its decision.

§ 4a.8 Requests under the Privacy Act and the Freedom of Information Act involving classified records.

(a) The Freedom of Information Act (FOIA), Title 5, U.S.C., Section 552(b)(1) and the Privacy Act of 1974 (PA), Title 5, U.S.C. Section 552a(k)(1), authorize withholding of records from public availability which are "(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (2) are in fact properly classified pursuant to such Executive Order."

(b) Time limits are imposed for determinations on PA/FOIA requests. A determination on an initial request must be made within ten working days after receipt of the request. In case of an appeal to an initial denial, a determination must be made within twenty working days after receipt of an FOIA appeal and within thirty working days of a PA appeal. Except for unusual circumstances, failure to make a determination within the stated time limits means that a requester has exhausted the administrative remedies and may bring suit immediately.

(c) Persons who request records from an agency under the provisions of the Act, and whose requests are denied on appeal, may petition the courts to enjoin the agency from withholding the record and, in this event, the burden is on the agency to sustain its actions.

(d) To assure that PA/FOIA requests involving classified records are subjected to a thorough classification review and that a response is made within the specified time limits, the procedures in the following paragraphs shall apply as well as those of DAO 205–14, "Processing Requests Under the Freedom of Information Act," and DAO 205–15, "Implementing the Privacy Act of 1974."

(e) Initial requests involving classified records:

(1) The office having responsibility to act upon a PA/FOIA request shall consult immediately with the appropriate security officer who shall assist in the conduct of a declassification review.

(2) If the record is declassified, the action office shall determine releasability with consideration only for the legality of release within the purview of PA/FOIA. In making such a determination, the action office will coordinate with its designated General Counsel representative. A copy of the declassification decision shall be forwarded to the Director, Office of Investigations and Security.

(3) If the record warrants continued classification, the action office shall so advise the requester, and further advise the requester of the right of appeal.

(4) If the classification review cannot be completed within the prescribed time limit, due to unusual circumstances, the action office will so advise the requester. The action office will arrange for an extension of time in accordance with the FOIA (5 U.S.C. 552 (a)(6)(B)) and implementing Departmental PA/FOIA rules.

(5) A copy of the determination to deny the request based on continued classification of the record shall be forwarded immediately to the Director, Office of Investigations and Security, through the appropriate component security officer.

(f) Receipt of an appeal for reconsideration of denial of a classified record under FOIA/PA:

(1) Appeals under this section shall be referred to the Department of Commerce Information Security Program Committee which shall conduct a declassification review. If, for any reason, such an appeal is received by another Departmental official, it shall be referred immediately to the Committee. With respect to information originally classified by or under the primary cognizance of the Department, the Committee, acting for the Secretary, has authority to overrule previous determinations in whole or in part when, in its judgment, continued protection in the interests of national security is no longer required. When the classification of the record produced in the Department is based upon a classification determination made by another department or agency, the Information Security Program Committee shall consult immediately with its counterpart committee for that department or agency. Before reaching a decision the Committee may consult with additional departments or committees as may be appropriate.

(2) If the Committee determines that the record is in fact properly classified pursuant to E.O. 12065, the Committee shall so inform the head of the Commerce component concerned and issue a final denial to the requester. The Committee will also advise of the right of appeal, for Presidential material only, to the Information Security Oversight Office.

(3) If the Committee determines that the record no longer requires classification, the head of the component concerned will be so informed. The Committee shall determine if the material is otherwise available for public release and notify the requester.

(4) In its deliberations and notification to the head of the Commerce component, the Committee shall determine, to the maximum extent possible, what portions of a requested record contain information properly classified and what unclassified portions may be reasonably segregated for the purpose of public availability.

(5) The Committee shall act upon appeals for reconsideration of requested records within ten days of receipt.

§ 4a.9 Public availability of declassified information.

It is a fundamental policy of the Department of Commerce to make information available to the public to the maximum extent permitted by law. Information which is declassified, for any reason, loses its protective status in the interest of national security. Accordingly, declassified information shall be handled in every respect on the same basis as all other unclassified information.

Subpart C—Access to Classified Information

§ 4a.10 Access by persons outside the Executive Branch.

Classified information may be made available to persons outside the Executive Branch provided that (a) such persons are engaged in historical research projects or previously have occupied policy-making positions to which they were appointed by the President, or (b) the information is necessary for their performance of a function from which the Government will derive a benefit or advantage, and (c) such release is not prohibited by the originating department or agency. The Director, Office of Investigations and Security, shall determine, prior to the release of classified information under this provision, the propriety of such action in the interest of national security and obtain assurance of the recipient's trustworthiness and need to know.

§ 4a.11 Access by industrial, educational and commercial entities.

Bidders, contractors, grantees, educational, scientific or industrial organizations may be determined to be eligible for access to classified information only when it is essential to the accomplishment of a function which is necessary in the interest of promoting the national security, provided the individuals are appropriately cleared. Requests for information shall be coordinated with the Director, Office of Investigations and Security, prior to release of such information.

§ 4a.12 Access by historical researchers and former Presidential appointees.

(a) Persons who are engaged in historical research projects or who previously have occupied policy-making positions to which they were appointed by the President may be authorized access to classified information provided that the head of the component with classification jurisdiction over the information:

(1) Makes a written determination that access is consistent with the interests of national security;

(2) Is assured by the Director, Office of Investigations and Security, or the component security officer, that the requestors have an appropriate determination of trustworthiness as a precondition to access;

(3) Obtains written agreements from requestors to safeguard the information to which they are given access in

accordance with these regulations; (Components providing information under this section shall maintain custody of classified materials at a Commerce installation or activity.)

(4) Obtains written consent to the Department's review of their resultant notes and manuscripts for the purpose of determining that no classified information is contained therein; and

(5) Limits access granted to former Presidential appointees to items that the person originated, reviewed, signed, or received while serving as a Presidential appointee.

(b) The material requested should be clearly identified so that it can be located and compiled with a reasonable amount of effort. If the access requested by historical researchers and former Presidential appointees requires the rendering of services for which fair and equitable fees may be charged, the requestor shall be so notified.

(c) The provisions of this subsection apply only to persons who are conducting research as private individuals or under private sponsorship, and do not apply to research conducted under Government contract or sponsorship. Further, the provisions are applicable only to situations where the classified information concerned, or any part of it, was originated by the Department of Commerce or where the information, if originated elsewhere, is now in the sole custody of the Department. If any person requests access to material originated in another agency or to information under the exclusive jurisdiction of the National Archives and Records Service, General Services Administration, that person should be referred to the other agency or to the National Archives and Records Service.

§ 4a.13 Access by foreign nationals, foreign governments, international organizations and immigrant aliens.

Foreign nationals employed by the Department of Commerce may be granted access to classified information originated within the Department only for the specific classified project to which they are assigned and only after they have met those requirements set forth in DAO 207-3, "Security Requirements for Research Associates, Guest Workers and Trainees," and Appendix B of DAO 207-4, "Security and Suitability Investigations of Personnel." If a need for access by foreign nationals (other than employees) is indicated, the Director, Office of Investigations and Security, shall be consulted for decision on a case-by-case basis.

William H. Randolph,
Director, Office of Investigations and Security, U.S. Department of Commerce.

[FR Doc. 81-7640 Filed 3-11-81; 8:45 am]
BILLING CODE 3510-BX-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 15

Position Levels for Reports Filed by Large Traders, Future Commission Merchants and Foreign Brokers; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a legal citation contained in final regulations implementing changes in position levels for reporting which were published March 4, 1981 [46 FR 15132].

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-3310.

In FR Doc. 81-6818 appearing on page 15133 in the issue for Wednesday, March 4, 1981, in the second column, "Part 18" should read "Section 18.00." As corrected, the first sentence should read:

* * * * *

(c) The quantities fixed for the purpose of reports filed under Section 18.00 of this chapter are as follows:

* * * * *

Issued in Washington, D.C. on March 9, 1981.

Jane K. Stuckey,
Secretary to the Commission.

[FR Doc. 81-7745 Filed 3-11-81; 8:45 am]
BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6296; 34-17603; 35-21953; 39-614; IC-11668; IA-752; FOIA-62]

Government in the Sunshine Act; Public Observation of Commission; Meetings

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The rule being amended, which lists in hierarchical rank those persons who may certify a meeting closed in the absence of the General Counsel, fails to include a reference to the Solicitor to the Commission, upon whom, as a matter of practice, the duty of certifying a meeting closed first falls, in the absence of the General Counsel. In order to conform this rule to actual Commission practice, the Commission is amending it to first reference the Solicitor as that person on whom the duty of certifying a matter closed would fall in the absence of the General Counsel.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: Theodore S. Bloch, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2454.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced an amendment to its rules under the Government in the Sunshine Act, pertaining to the public observation of Commission Meetings. The Commission has amended 17 CFR 200.21(b), which lists the persons who, in the absence of the General Counsel, may certify a meeting closed, to include the Solicitor to the Commission.

Accordingly, Part 200 of Title 17 of the Code of Federal Regulations is amended by revising paragraph (b) of § 200.21 to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

§ 200.21 The General Counsel.

* * * * *

(b) The General Counsel also is responsible to the Commission for the administration of the Government in the Sunshine Act for publicly certifying, pursuant to § 200.406, that, in his or her opinion, particular Commission meetings may properly be closed to the public. In the absence of the General Counsel, the Solicitor to the Commission shall be deemed the General Counsel for purposes of § 200.406. In the absence of the General Counsel and the Solicitor, the most senior Associate General Counsel available shall be deemed the General Counsel for purposes of § 200.406. In the absence of the General Counsel, the Solicitor and every Associate General Counsel, the most senior Assistant General Counsel available shall be deemed the General Counsel for purposes of § 200.406. In the absence of the General Counsel, the Solicitor, every Associate General Counsel and every Assistant General

Counsel, such attorneys as the General Counsel may designate (in such order of succession as the General Counsel directs) shall exercise the responsibilities imposed by § 200.406.

The Commission finds that this amendment, concerning who, in the absence of the General Counsel, may certify that a Commission meeting properly may be closed to the public, pertains only to procedural matters; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. *et seq.*, requiring advance notice and opportunity for comment. Accordingly, it is effective March 12, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 5, 1981.

[FR Doc. 81-7741 Filed 3-11-81; 8:45 am]

BILLING CODE 6010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-62]

Section 206(d) Exemption for Mechanical Cogeneration Facilities From the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978; Effective Date and Availability of Exemption Affidavits

Issued: March 2, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Effective Date and Availability of Exemption Affidavits.

SUMMARY: On October 23, 1980, the Federal Energy Regulatory Commission (Commission) issued a rule (45 FR 71787, October 30, 1980) under Title II of the Natural Gas Policy Act of 1978 (NGPA) providing an exemption from incremental pricing surcharges for natural gas used in mechanical cogeneration facilities. The rule was transmitted to Congress for review as required by section 206(d) of the NGPA. During the period for Congressional review set forth in section 507(b) of the NGPA, neither House disapproved the submittal. The exemptive rule thus became effective on March 1, 1981, the day following expiration of the review period.

EFFECTIVE DATE: March 1, 1981.

FOR FURTHER INFORMATION CONTACT:

James Liles, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8158.

SUPPLEMENTARY INFORMATION: Affidavits for claiming an exemption from incremental pricing have been revised to reflect the mechanical cogeneration exemption and are available through the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426. By order issued March 2, 1981, the Commission waived its regulations in § 282.204(d)(7) [18 CFR Part 282] (46 FR 15879, March 10, 1981) to provide that if the owner or operator of an industrial boiler fuel facility files, by March 25, 1981, an affidavit with the Commission claiming a mechanical cogeneration exemption, and sends a copy to the facility's natural gas supplier, the facility shall be exempt from incremental pricing as of March 1, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7753 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 0H5263/T61; PH-FRL 1775-6]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Ethephon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation for the plant growth regulator ethephon at 7 parts per million (ppm) in sugarcane molasses. This regulation is established in conjunction with an experimental use permit requested by Union Carbide. This rule will permit the marketing of sugarcane molasses while further data are collected on the subject on pesticide.

EFFECTIVE DATE: Effective on March 12, 1981.

ADDRESSES: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager, (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of June 13, 1980 (45 FR 40220) that Union Carbide Agricultural Products Co., Inc., Brookside Ave., Ambler, PA 19002 had filed a food additive petition (FAP 0H5263). This petition proposed that 21 CFR Part 193 be amended by establishing a regulation permitting the residues of the plant growth regulator ethephon [(2-chloroethyl)phosphonic acid] in sugarcane molasses resulting from application of the plant growth regulator to growing sugarcane in conjunction with a proposed experimental program with a tolerance limitation of 7 parts per million (ppm). No comments were received by the agency in response to this notice of filing.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the pesticide may result in sugarcane molasses from the agricultural uses provided for in the experimental use permit, the food additive regulation should be established and should include a tolerance limitation.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included an acute oral toxicity study in rats with a lethal dose (LD_{50}) of 4.2 grams (g)/kilograms (kg) of body weight (bw); a 90-day rat feeding study with a NOEL of 200 ppm; a 3-generation rat reproduction study with a NOEL of greater than 1,500 ppm; a neurotoxicity study that was negative at up to 1,000 milligrams (mg)/kg/day; a 2-year dog chronic feeding study with a NOEL of 30 ppm (for cholinesterase inhibition) and a NOEL of 300 ppm for systemic effects and a rat chronic feeding/oncogenic study with a systemic NOEL of 3,000 ppm; and a NOEL of 30 ppm for cholinesterase effects and no observed oncogenic effects.

Desirable studies that are lacking or to be repeated are a teratology study and a screening battery of mutagenicity tests. The petitioner has agreed to perform these studies.

Tolerances have previously been

established for ethephon residues. The current tolerances occupy 10.15 percent of the acceptable daily intake (ADI) and the current theoretical maximal residue contribution (TMRC) is 0.4566 mg/day/1.5 kg. Granting this tolerance and PP 0G2360 (concerning cane and beet sugar) will change the percentage of the occupied ADI to 11.43 percent. The new TMRC will be 0.5144 mg/day/1.5 kg. The dog 2-year chronic feeding study with a systemic NOEL of 300 ppm was used with a safety factor of 100 to calculate the ADI.

The metabolism of ethephon is adequately understood, and an adequate analytical method is available for enforcement purposes. (A related document establishing a temporary tolerance for residues of ethephon on sugarcane appears elsewhere in this issue of the Federal Register.)

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973; 76 U.S.C. 136 et seq.).

Therefore, the regulation establishing a tolerance of 7 parts per million of ethephon in sugarcane molasses is being established as set forth below.

Any person adversely affected by this regulation may, on or before April 13, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

Under procedures to implement Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: March 12, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1))

Dated: February 12, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by adding § 193.186 to read as follows:

§ 193.186 Ethephon.

(a) A tolerance of 7.0 parts per million is established for residues of ethephon [(2-chloroethyl)phosphonic acid] in sugarcane molasses, resulting from application of the plant growth regulator to growing sugarcane in accordance with an experimental use permit that expires February 12, 1983.

(b) Residues in sugarcane molasses not in excess of 7.0 ppm resulting from the use described in paragraph (a) of this section remaining after expiration of the experimental program will not be considered to be actionable if the plant growth regulator is legally applied during the term of and in accordance with the provisions of the experimental use permit and food additive regulation.

(c) Union Carbide Co. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 81-7745 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF STATE

22 CFR Part 51

[Departmental Regulation 108.804]

Diplomatic and Official Passport Applications

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending its passport regulations to allow persons eligible to receive diplomatic and official passports to apply for such passports on the same terms as applicants for other types of U.S. passports.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Sharon Palmer-Royston, Office of Citizenship and Legal Assistance, Bureau of Consular Affairs, (202) 632-3721.

SUPPLEMENTARY INFORMATION: Under the provisions of 22 CFR 51.21(c) and 51.21(d), certain persons previously issued United States passports are not required to appear personally before authorized officials to execute applications for new passports. As amended, applicants for diplomatic and official passports now may use that simplified application procedure if otherwise qualified.

Compliance with the provisions of Title 5, Section 553, requiring general publication of proposed rulemaking and delayed effective date is unnecessary because the amendment effected by this rule will improve passport operations and service, as well as benefit the class affected.

Accordingly, Title 22 of Code of Federal Regulations, § 51.21(e) is removed.

(Sec. 1, 44 Stat. 887; Sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 2658); E.O. 11295, 36 FR 10603; 3 CFR 1966-70 Com., P. 507)

Dated: March 3, 1981.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 81-7646 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 150

[T.D. 7755]

Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Windfall Profit Tax Administrative Provisions

Corrections

In FR Doc. 81-1850 appearing at page 4873 in the issue of Monday, January 19, 1981, make the following changes:

(1) On page 4878, third column, § 150.4995-2(c)(3), the subdivision designated "(i) *Contents of Certificate.*" should read "(ii) *Contents of Certificate.*"

(2) On page 4879, second column, § 150.4995-3(a), subparagraph (2) should be deleted and also the first nine lines in the third column.

(3) On page 4880, third column, § 150.4995-3(g)(2)(ii), fifteenth line from the top, insert a comma between "1" and "A".

(4) On page 4881, first column, § 150.4995-4(a), fourth line from the bottom, "§ 150.4995-4" should read "§ 150.4995-3"; second column, paragraph designated 6, third line, delete "§"; third column, § 150.4995-5(b)(1), second line, "§ 150.4995-1(j)" should read "§ 150.4996-1(j)".

(5) On page 4883, first column, § 150.4995–1(g)(1), fourth line, "i.e." should read *"i.e."*.

(6) On page 4884, third column, § 150.4997–2(c)(2), second line from the bottom, insert *"in"* after *"information"*.

(7) On page 4886, first column, § 150.6050c–1(e), second line, "§ 150.4995–1" should read "§ 150.4995–5".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-6-FRL 1772-5]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations—Utah

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice decreases the nonattainment area boundaries for sulfur dioxide in Tooele County and for total suspended particulates in Davis, Salt Lake, Utah, and Weber Counties. These modifications were requested by the State on the basis of the most recent ambient monitoring or diffusion modeling estimates.

DATES: This action is effective March 12, 1981.

ADDRESSES: Copies of the request from the State are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

Environmental Protection Agency: Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David S. Kircher, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–3711.

SUPPLEMENTAL INFORMATION: On March 3, 1978 (40 CFR 81.345), EPA published the nonattainment area designations for Utah. In that publication, along with other designations, David County was shown to be in violation of the secondary standard for total suspended particulates (TSP), Salt Lake, Utah, and Weber Counties were in violation of the primary standards for TSP and Tooele County was in violation of the primary standards for sulfur dioxide.

On March 11, 1980, the Governor of Utah submitted a SIP revision for TSP in Davis, Salt Lake and Weber Counties. Included in the revision was a request to change the nonattainment area boundaries in these counties on the basis of ambient monitoring or diffusion modeling conducted by the State. EPA has reviewed the boundaries proposed by Utah and believes that the modifications would result in a more accurate definition of the nonattainment areas in these counties.

On May 27, 1980, the Governor submitted a request to redesignate Tooele County as an attainment area for sulfur dioxide with the exception of a portion of the Oquirrh Mountains above the 5600 foot contour and north of Middle Canyon. At EPA's request, the Governor submitted a map of the proposed nonattainment area on July 7, 1980. EPA has reviewed the proposed change to the nonattainment boundary and believes that the State's action is consistent with EPA's modeling estimates for the area.

On November 13, 1980, the Governor submitted a request to revise the boundaries of the TSP nonattainment area in Utah County. As with the other proposed redesignations for TSP, the revised boundaries were based on ambient monitoring or diffusion modeling conducted by the State. EPA believes that the requested revision is acceptable.

On January 29, 1981 (46 FR 9661), EPA proposed to approve all of Utah's requests and asked for public comment. No comments were received. On the basis of its review, EPA is amending the TSP nonattainment area boundaries in Davis, Salt Lake, Utah and Weber Counties, and the SO_2 nonattainment area boundary in Tooele County. Maps showing the revised boundaries are available for public inspection at the addresses indicated above.

EPA finds good cause exists for making the action taken in this notice immediately effective for the following reasons:

(1) This action removes a regulatory burden;

(2) This action removes the moratorium on stationary source construction currently in effect for the portions affected.

"Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. No regulatory requirements will become necessary as a result of this action.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This rulemaking is issued under the authority of section 107 of the Clean Air Act (42 U.S.C. 7407).

Dated: March 6, 1981.

Walter Barber,

Acting Administrator.

Title 40, Part 81 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.345 [Amended]

1. In § 81.345 the sulfur dioxide table is amended by changing the nonattainment area of Tooele County to read "portions of Tooele County."

2. In § 81.345 the particulate matter table is amended by preceding the designated areas Davis, Salt Lake, Utah, and Weber Counties with the term "portions of."

[FR Doc. 81-7798 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-FRL 1770-3]

40 CFR Part 86

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1982 Model Year Light-Duty Diesel Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This regulation revises the oxides of nitrogen (NO_x) emission standards for 1982 model year light-duty vehicles belonging to certain diesel vehicle classes to be manufactured by Volkswagen of America (VW) for which I have granted waivers from the standard otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(B). I have determined that these VW vehicles qualify under the statutory criteria for waivers of the NO_x standard in model year 1982. Specifically, VW has shown me that waivers are necessary to permit it to use diesel engines in these vehicle classes in the 1982 model year; that granting the waivers will not endanger

public health; and that the vehicle classes have the potential for long-term fuel economy and air quality benefits. This rule has the effect of setting an interim NO_x standard at the most stringent level that will still permit VW to market its diesel vehicles in model year 1982.

EFFECTIVE DATE: April 13, 1981.

ADDRESS: Information relevant to this rule is contained in Public Docket EN–80–21 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, S.W., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services.

FOR FURTHER INFORMATION CONTACT:
Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472–9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7521(b)(1)(B) requires that regulations applicable to NO_x emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which provide that such emissions from vehicles or engines shall not exceed 1.0 gram per vehicle mile. Regulations implementing this requirement have established this NO_x standard.

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO_x standard for the 1981 through 1984 model years for any class or category of light-duty diesel vehicles or engines for which the Administrator can make the required statutory findings. I must promulgate interim NO_x standards applicable to the subject light-duty diesel classes for those model years for which I have granted waivers.

Volkswagen of America Corp. (VW) submitted a request for waivers covering several diesel vehicle classes which its latest plans schedule for marketing in the 1982 model year. The statutory criteria, my determinations with respect to the vehicle models covered by the waiver applications, and my decision to grant the waiver applications appear in the decision published along with this notice. In that decision, I granted waivers covering the following vehicle classes for the 1982 model year:

Manufacturer	Engine family
VW	1.6 Liter (L)-naturally aspirated (NA)-2750 pound, inertia weight class (I.W.).
VW	1.6L-NA-2500 I.W.
VW	1.6L-Turbocharged (TC)-2750 I.W.

Having decided to grant waiver applications for these diesel vehicle classes, I am simultaneously promulgating regulations adopting emission standards not permitting NO_x emissions from 1982 model year vehicles of these vehicle classes to exceed the prescribed levels. The public has received an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this rule. For this reason, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation is impracticable and unnecessary.

Note.—Because the decision accompanying this rulemaking is based on a detailed analysis indicating this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

In addition, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim NO_x emission standards established by this rulemaking only directly impact VW, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b) I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: March 6, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

40 CFR Part 86 is amended as follows:

40 CFR 86.082–8(a)(1)(iii), is revised to read as follows:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks and 1977 and Later Model Year New Heavy-Duty Engines

§ 86.082–8 Emissions standards for 1982 model year light-duty vehicles.

(a) * * *

(1) * * *

(iii) Oxides of nitrogen—1.0 grams per vehicle mile, except that: (A) oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (B) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 model year engine families shall not exceed the prescribed levels:

Manufacturer	Engine family	Standard (gpm)
General Motors Corp	5.7 liter (L)	1.5
	1.6L	1.5
Daimler-Benz AG	2.4L	1.25
	3.0L naturally aspirated (NA).	1.5
	3.0L turbocharged (TC)	1.5
AB Volvo	2.4L NA	1.5
Peugeot	2.3L-TC-XD2S	1.5
Volkswagen AG	1.6L-NA-2250 pound inertia weight class (I.W.).	1.3
	2.0L-NA-3000 I.W	1.5
	1.6L-TC-2250 I.W	1.3
	1.6L-TC-2500 I.W	1.4
	2.0L-TC-3000 I.W	1.5
	1.6L-NA-2750 I.W	1.4
	1.6L-NA-2500 I.W	1.4
	1.6L-TC-2750 I.W	1.4
Nissan Motor Company	2.8L	1.5
Isuzu Motors Ltd	1.8L	1.5

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521, 7601(a) (Supp. I 1977))

[FR Doc. 81–7747 Filed 3–11–81; 8:45 am]
BILLING CODE 6560–33–M

40 CFR Part 86

[AMS FRL 1741–7]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines Small-Volume Manufacturers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action establishes an optional emission certification procedure for 1981 and later model years for small-volume manufacturers of light-duty vehicles, light-duty trucks, and heavy-duty engines. Manufacturers must receive EPA's permission to participate in the optional procedures. This rulemaking defines small-volume manufacturers as those whose projected combined U.S. sales of all vehicles and engines is fewer than 10,000 units for the model year in which they seek certification. EPA believes that this action will reduce certification compliance costs for both the small-volume manufacturer and EPA. In addition, the modified certification procedure will make it less complicated for new small-volume manufacturers to certify their product lines. We intend to propose mandatory small-volume manufacturers' certification procedures for 1983 and later model years. The voluntary program being established here will remain in effect until

specifically amended or until the mandatory program is adopted.

EFFECTIVE DATE: April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles D. Cole, Certification Policy and Support Branch, Certification Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668–4444.

SUPPLEMENTARY INFORMATION: EPA believes the changes in the certification procedure resulting from this rule will reduce certification compliance costs for small-volume manufacturers and will improve the use of EPA resources. This rulemaking does not affect the stringency of the emission standards because small-volume manufacturers will still be required to complete emission tests and comply with the applicable emission standards before a certificate of conformity is granted. Also, light-duty vehicles and light-duty trucks will remain subject to selective enforcement auditing (subpart G of Part 86), thereby assuring compliance with emission standards. This action does not change the small-volume manufacturer's responsibility for providing fuel economy data or providing vehicles for fuel economy confirmatory testing, if requested, as required by 40 CFR Part 600.

For a manufacturer that has obtained EPA approval to participate in the small-volume manufacturers' certification procedures, EPA does not contemplate requiring the manufacturer to routinely submit vehicles[1] to EPA for confirmatory testing. However, confirmatory testing will continue to be performed at EPA's discretion.

EPA is also significantly reducing the reporting requirements for the manufacturers participating in this optional program. The manufacturer must continue to affirm that the vehicles (engines) have been tested in accordance with the applicable regulations and will conform to applicable emission standards. The manufacturer must also submit to EPA a brief description of its product line and emission test data and other information necessary to demonstrate compliance. The manufacturer must also retain in its records, for six years, all the data and information that EPA requests in the application for certification format for the model year in which certification is sought. This documentation need not be retained in any specific format or submitted to EPA unless specifically requested by EPA. The sections of this preamble entitled "Small-Volume Manufacturer Certification Procedure" and "Reporting Requirements" provide more detail on the information requirements placed on the participating small-volume manufacturers.

[1] For ease of presentation, this preamble specifically references the light-duty vehicle and light-duty truck certification procedures wherein *vehicles* are tested for emission compliance after being driven for a number of *miles*. The references are equally applicable to the heavy-duty engine certification procedures wherein *engines* are tested after being operated on an engine dynamometer test stand for a number of *hours*. Therefore, unless otherwise specifically noted, references in this preamble to "vehicles" or "miles" also pertain to the heavy-duty engine certification procedure references of "engine" or "hours."

Applicability

The optional provisions of these regulations apply to 1981 and later model year light-duty vehicles, light-duty trucks, and heavy-duty engines.

Background

Section 203(a)(1) of the Clean Air Act (Act) prohibits the sale, offering for sale, the introduction into commerce, the delivery for introduction into commerce, or the importation of any new motor vehicle unless the vehicle is covered by a certificate of conformity issued under regulations prescribed under sections 202 and 206 of the Act. Section 206(a)(1) of the Act directs the EPA Administrator each year to test or "require to be tested in such manner as he deems appropriate" any new vehicle submitted by the manufacturer to determine it the vehicle conforms with the regulations.

The certification program in 40 CFR Part 86 currently provides two possible procedures which manufacturers can use to certify vehicles. The two procedures are: (1) the complete EPA review (the original full certification procedure) and (2) the voluntary abbreviated certification review.

1. Complete EPA Review: Under the complete EPA review, the manufacturer submits an application for certification describing its anticipated product line to EPA. Upon review and approval of the application, EPA selects a test fleet representing the product line. The manufacturer then accumulates mileage on the durability-data vehicles and performs emission tests for the purpose of establishing deterioration factors (d.f.'s). Upon establishing d.f.'s the manufacturer accumulates mileage on emission-data vehicles and performs emission tests. Compliance with emission standards is determined by adjusting the emission-data vehicle test results by the d.f. The manufacturer is continously contacting EPA, and EPA is reviewing and approving or disapproving the manufacturer's action.

2. Abbreviated Certification Review: Manufacturers who participate in the abbreviated certification review procedure (the program is optional): (a) conduct a complete certification program with limited or no day-to-day interaction with EPA, (b) prepare and maintain a full, up-to-date, and complete application, (c) make many of the decisions normally made by EPA to accomplish the certification process (such as durability-data vehicle selection, emission-data vehicle selection, unscheduled maintenance decisions, etc.), and (d) upon completion of the certification process, including manufacturer testing, submit an application plus appropriate documentation to EPA along with a request for certification. EPA audits the manufacturers to check for continued compliance with the certification regulations during the certification process. EPA reserves the option of selectively requiring confirmatory testing at EPA's laboratory. Upon receipt of final applications and supporting documentation, EPA assesses the eligibility of each engine family for certification and issues a certificate of conformity if all requirements are met.

The manufacturers' response to the optional abbreviated certification review procedure has been favorable. As a result, nearly 100 pecent of all manufacturers requesting certification participate in the abbreviated certification review procedure. Therefore, the abbreviated certification review procedure is essentially EPA's current certification program. Any comparison in this rulemaking to the small-volume manufacturers' certification procedure is a comparison with the abbreviated certification review procedure.

Small-Volume Manufacturer Certification Procedures

The certification procedures for small-volume manufacturers reduce the number of test vehicles, the associated service accumulation requirements, and the paperwork manufacturers must submit to EPA under the current abbreviated certification procedure. The small-volume manufacturers' certification procedures allow the manufacturer to select its test vehicles, accumulate any mileage up to a maximum of 4,000 miles on emission-data vehicles (125 hours on emission-data engines), complete emission testing, and submit a simplified application for certification to EPA.

The small-volume manufacturers' certification procedures are described below:

1. Participation is voluntary on the part of the manufacturer. The

manufacturer must obtain EPA's approval to participate in the small-volume manufacturers' certification procedure.

2. The manufacturer has the option to: (1) use assigned d.f.'s provided by the Administrator (because of the cost savings involved) in lieu of running durability-data vehicles or engines or (2) run durability-data vehicles or engines to establish d.f.'s.

3. The manufacturer will select emission-data vehicles, accumulate mileage on the vehicles up to a maximum of 4,000 miles (125 hours), complete emission tests and provide the emission test results to EPA with an abbreviated-type (see No. 5) application for certification.

4. The manufacturer may accumulate less than 4,000 miles (125 hours) on the emission-data vehicles. However, the emission test results when adjusted by a deterioration factor must be equal to or below the emission standards before a certificate of conformity will be issued.

5. The application for certification the small-volume manufacturer submits must contain:

(a) A brief description of the vehicles to be covered by the certificate of conformity (the manufacturer's sales data book or advertising including specifications may satisfy this requirement for most manufacturers). The description must include, at a minimum, information identifying the vehicles (model names, etc.), projected sales, engine specifications (displacement, number of cylinders, etc.) and emission control system components (number of catalytic converters, volume, and composition, etc.). For 1982 and later model year light-duty vehicles and light-duty trucks, the description must also include vehicle adjustments or modifications necessary to assure that they conform to high-altitude emission standards.

(b) The results of all emission tests completed by the manufacturer.

(c) Statements signed by an authorized representative on conformance with the requirements of Subparts A, B, D, or I, whichever are applicable. These statements concern adjustable parameters, unregulated emissions, defeat devices, high-altitude emission compliance and the emission testing procedure.

6. EPA suggests that the small-volume manufacturer include in the application for certification the emission warranties required by sections 207 (a) and (b) of the Act. However, issuance of the certificate of conformity is in no way affected by or conditioned on the inclusion or content of the emission warranties.

Issues Considered

EPA considered the following issues in developing a modified certification procedure for small-volume manufacturers:

1. Definition of a small-volume manufacturer: The individual manufacturer's annual U.S. sales of light-duty vehicles, light-duty trucks and heavy-duty engines for the 1979 and recent prior model years ranged from under 20 vehicles to over 1 million vehicles per model year. The combined total sales of vehicles and engines for the 1979 model year exceeded 10 million. Currently, approximately 68 percent of the manufacturers requesting certification account for over 99 percent of the vehicles or engines sold in or imported into the U.S. Further analysis indicates that the manufacturers who account for less than 1 percent of the annual U.S. sales, sell or import less than 10,000 vehicles or engines per model year.

Establishing a cutoff point of an annual U.S. sales volume of fewer than 10,000 units will allow EPA to concentrate its resources on those manufacturers who have the largest potential air quality impact. Therefore, annual U.S. sales volume of fewer than 10,000 total units (combined sales for light-duty vehicles, light-duty trucks, and heavy-duty engines) was chosen as the cutoff point for determining a manufacturer's size.

When a manufacturer applies for certification, its eligibility to be included in the small-volume procedure will be based on projected sales. In judging whether a manufacturer may certify vehicles using the small-volume procedure, EPA will consider the likelihood that actual sales will exceed 10,000 units. If EPA is not reasonably assured that the manufacturer's actual sales will remain under 10,000 units (for example, based on previous model year sales or other information), EPA will not approve the manufacturer's participation. However, EPA recognizes that a sales projection very near 10,000 units or a rapidly shifting sales situation may cause a manufacturer's actual sales to exceed 10,000 units. As long as EPA is satisfied that the original sales projection was valid at that time, the Agency will take no action against the manufacturer. However, EPA will use this information in judging the manufacturer's eligibility for the next year.

Importers or distributors often certify their product line instead of the original manufacturer certifying its product. If more than one importer or distributor is handling a manufacturer's product line, it is possible that more than one importer or distributor may request certification of the same product. Therefore, when more than one importer or distributor requests certification of vehicles or engines manufactured by the same person, EPA will use the combined projected or actual sales of vehicles and/or engines by all importers or distributors to determine eligibility for participation in the small-volume manufacturers' certification procedure. Total projected sales of vehicles and engines manufactured by the same person exceeding 10,000 will preclude certification under the small-volume manufacturer certification procedure.

2. Number of Emission-Data Vehicles: 40 CFR 86.061–24(b) specifies the selection requirements for emission-data vehicles and engines. In general, these requirements result in the selection of one vehicle of the highest selling combination (engine displacement-emission control system) within the engine family and up to four additional emission-data vehicles (two additional engines in the case of heavy-duty gasoline and one in the case of heavy-duty diesel) based on features indicating that they may have the highest emission levels. Manufacturers who would qualify for the small-volume certification procedure have, in past certification years, had normally only two emission-data vehicles, one selection based on sales and one selection based on features indicating it may have the highest emissions.

EPA is reducing the number of emission-data vehicles required for the small-volume manufacturers' certification procedure. This can be accomplished without increasing the risk of inappropriately certifying an engine family if we can determine that all the untested designs are expected to have the same or lower emission levels than the tested designs. Thus, one test vehicle per engine family will be selected based on features indicating that it will have the highest emissions (worst-case) of all vehicles within the engine family. If this worst-case vehicle meets emission standards then it can be assumed that all other vehicles within the family will meet emission standards.

3. Emission-Data Test Vehicle Selection: Test vehicle selection has, in the past, been performed by EPA (complete EPA review procedure) or by the manufacturer (abbreviated review procedure). The manufacturer's vehicle selections were based on written guidelines which were issued by EPA. Small-volume manufacturers' product lines normally contain a limited number of models and few, if any, options.

Because of the limited product line and the availability of written guidelines, EPA believes that there is a very minimal risk in small-volume manufacturers selecting an emission-data test vehicle incorrectly. Therefore, the small-volume manufacturer shall select its test vehicles based on the criteria provided by EPA.

The small-volume manufacturers will select emission-data vehicles which are expected to exhibit the highest (worst-case) emissions within the engine family. The selection will be based on such items as weight, frontal area, displacement, fuel flow, and axle ratio in the order of priority established by EPA in the small-volume manufacturers; certification regulations.

4. Deterioration Factors: Compliance with emission standards is determined by adjusting the emission test results from emission-data vehicles by deterioration factors. In the existing program deterioration factors are obtained by the manufacturer either by running a durability-data vehicle to generate a deterioration factor or by using an assigned deterioration factor [Ref: 40 CFR 86.061–24(e) if projected sales are less than 2,000 units] which is generated by EPA based on the average of deterioration factors generated by similar durability-data vehicles run in previous model years. The use of an assigned deterioration factor provides a deterioration factor without the necessity of running a durability-data vehicle, thereby reducing the manufacturers' certification program costs. Because of this cost savings, EPA is expanding the use of assigned deterioration factors to include all manufacturers meeting the revised definition of a small-volume manufacturer (less than 10,000 projected sales) and electing to participate in this voluntary program. However, a small-volume manufacturer may desire to run a durability-data vehicle or engine because it believes that a particular design will result in a lower deterioration factor. Therefore, EPA is also allowing small-volume manufacturers to use deterioration factors established by running durability-data vehicles (engines).

5. Defeat Devices: 40 CFR 86.080–2 defines a "defeat device" as meaning an Auxiliary Emission Control Device (AECD) that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

Under the current certification program EPA reviews the manufacturer's vehicle description and determines if any AECD is a prohibited defeat device. In establishing a small-volume manufacturer's certification procedure EPA could still continue to require that descriptions of the AECD's be submitted for review and make any necessary determinations based on EPA review, or hold the manufacturer responsible for not including defeat devices in its design even though EPA will not positively make determinations. Should EPA continue to make the review and determinations, the small-volume manufacturer would have to submit descriptions of all AECD's utilized in its design. This would not reduce to a minimum the information required of the manufacturer nor would it decrease substantially the EPA time required to review the manufacturer's application for certification.

Based on the Part 86 definition of a defeat device and other existing EPA guidelines on defeat devices, the small-volume manufacturer can accurately determine if it employs defeat devices. Therefore, for small-volume manufacturers participating in this voluntary program, the manufacturer will be fully responsible for determining prior to certification that its designs do not include defeat devices. The manufacturer will have to make a statement in its application for certification that its vehicles or engines do not have defeat devices installed. The sanctions involving certificate suspension or revocation in 40 CFR 86.079–30(c) will apply to manufacturers that falsely state in their applications for certification that their vehicles do not contain defeat devices. EPA will be available for consultation should questions arise.

6. Service Accumulation: 40 CFR Part 86 currently requires light-duty vehicle and light-duty truck manufacturers to accumulate 4,000 miles on the emission-data test vehicles (125 hours on heavy-duty emission-data engines). Four thousand miles was selected as a point where both EPA and the manufacturers could be assured that a new engine has been broken in and emission performance stabilized. The manufacturers have, in the past, requested EPA to consider reducing the service accumulation requirements because of the belief that the test vehicles' and engines' emission levels had stabilized at some point prior to the required mileage or hours. Therefore, EPA considered reducing service accumulation requirements for small-volume manufacturers' emission-data vehicles or engines.

The alternatives EPA considered include (1) establishing lower required mileage (e.g., 2,000 instead of 4,000 miles) or hour requirements, (2) maintaining the current requirements, (3) establishing minimum-maximum requirements (e.g., 2,000 to 4,000 miles), and (4) providing the manufacturer the option of accumulating any mileage less than 4,000 miles. Establishing lower requirements was not adopted because some vehicles may not be stabilized at a fixed lower point. Conversely, maintaining the current requirements would not benefit those manufacturers whose vehicles or engines stabilized prior to the required operating mileage or hours. Therefore, the manufacturer, at its discretion, may optionally accumulate any amount less than the 4,000 miles. The emission test results from a stabilized vehicle or engine when adjusted by the applicable deterioration factor must be below or equal to the applicable emission standard before EPA will grant certification. This procedure benefits those manufacturers whose vehicles attain stabilized emission performance prior to the 4,000-mile point while maintaining assurance that the vehicles meet emission standards. This alternative is further supported by the comments submitted by those manufacturers commenting on the selective enforcement audit rulemaking. In the comments, the manufacturers made basically the same suggestions that they be allowed to accumulate on the vehicles selected for testing as few miles as they thought necessary to stabilize emissions, and that the results so measured be treated as the 4,000-mile results. The selective enforcement audit regulation adopted a procedure which allows manufacturers to accumulate as few miles as they wish, up to a maximum of 4,000 miles (Ref: 41 FR 31477, July 28, 1976).

7. Confirmatory Testing: Section 206(a)(1) of the Clean Air Act as amended in 1977 states, "The Administrator shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act." Under the current 40 CFR Part 86 certification procedure, EPA conducts confirmatory testing on either a routine basis (full certification review) or on a selected basis (voluntary

abbreviated certification review). EPA typically tests a small portion of the emission-data vehicles and no durability-data vehicles to confirm the manufacturer's test results under the abbreviated certification review program. In the small-volume manufacturers' certification program EPA considered either continuing to perform selective confirmatory testing as under the abbreviated certification review program or accepting manufacturer's test data.

EPA could continue, under the small-volume manufacturers' certification procedure, to perform some confirmatory testing to verify emission compliance and the accuracy of the manufacturers' test data. However, there would be very little benefits from more routinely confirmatory testing small-volume manufacturers' test vehicles for emissions because of the minimal potential impact on air quality of the small number of vehicles and engines involved.

The expected reduction in confirmatory testing of small-volume manufacturers' test vehicles would further reduce certification compliance costs and allow EPA to utilize its testing capabilities to test vehicles from other manufacturers representing considerably larger production volumes while not substantially increasing the risk of inappropriate certification. However, the complete elimination of confirmatory testing may increase the possibility of a manufacturer attempting to certify a non-conforming vehicle or engine.

To reduce the possibility of a manufacturer attemping to certify a non-conforming vehicle or engine, EPA is retaining the option of performing confirmatory tests. As explained earlier, EPA will usually only confirmatory test when we suspect that a manufacturer's test vehicles may not comply with the applicable emission standards. Limiting confirmatory testing in this manner will reduce certification compliance costs for the majority of small-volume manufacturers while maintaining a minimum risk of inappropriate certification. EPA is continuing to require that small-volume manufacturers affirm in writing that test vehicles have been tested according to 40 CFR Part 86 and comply with the applicable emission standards.

8. High-Altitude Certification: 40 CFR Part 86 contains specific requirements concerning high-altitude emission performance for 1982 and later model year light-duty vehicles and light-duty trucks. In establishing the small-volume manufacturers' certification procedure EPA considered alternative methods of demonstrating compliance at high-altitude.

The combined small-volume manufacturers' high-altitude sales will be minimal. Therefore any impact on air quality of vehicles or engines produced by these manufacturers will be minimal. Considering the very small potential impact on high-altitude air quality, EPA will not require small-volume manufacturers to test certification vehicles under high-altitude conditions if they participate in these small-volume manufacturer procedures. However, this does not relieve the manufacturer of its responsibility to comply with all other high-altitude certification requirements and to produce vehicles which will meet emission standards at high-altitude.

EPA will require the manufacturer to submit the following information in the application for certification: (1) a description of any vehicle adjustments or modifications necessary to assure that vehicles conform to emfssion standards when operated at high-altitude locations, (2) a statement that the vehicles described in the manufacturer's application comply with high-altitude emission regulations (based on either the manufacturer's engineering evaluation documented in writing or emission tests), and (3) a description of the light-duty vehicles and 1982 model year light-duty trucks which are exempted from the high-altitude emission standards.

9. Running changes: Manufacturers often make design changes (running changes) during the model year to make improvements, reduce costs or use alternative suppliers. Under the current certification procedures, manufacturers are required to obtain approval for running changes prior to incorporating those changes into production that are expected to affect emission performance. EPA then evaluates the requested change to determine if the changed vehicles still comply with emission standards. The determination is based on engineering judgment, test data submitted by the manufacturer, or confirmatory tests conducted by EPA.

Considering that small-volume manufacturers, as a group, submit less than 3 percent of the total running changes per model year, and that manufacturers are capable of determining the emission performance effect of their own running changes, resources can be saved and reporting requirements reduced by allowing small-volume manufacturers to evaluate their own running changes to assure that the certificate of conformity is still valid after the running change. Therefore, small-volume manufacturers participating in this voluntary program may put running changes into production without prior EPA approval. However, manufacturers are responsible for determining that all vehicles will still comply with emission regulations with the running change in effect. This determination, either emission tests or engineering analysis, must be made before the running change is incorporated into production. They are then required to notify EPA of the running change, thus updating their application information on file with EPA.

Reporting Requirements

A manufacturer making application for certification is required by 40 CFR Part 86 to submit an application containing certain information describing its product line. This information is essential to EPA when the manufacturer is certifying its product line under the current certification programs. However, under the small-volume manufacturer certification program, the manufacturers will perform many of the functions (e.g., determining the appropriate emission-data vehicle) previously performed by EPA. Therefore, EPA no longer needs all the information previously required and has consequently reduced to a minimum the information a small-volume manufacturer must submit to EPA in its application for certification. Each year, EPA publishes a recommended application format which details the information EPA requires in order to determine that the manufacturer has complied with the regulations. While the participating small-volume manufacturer need not submit all this information nor maintain it in the recommended format (only the information specifically requested in these regulations need be routinely submitted), it must all be maintained and made available to EPA on request. We recommend, therefore, that early in the certification process for a model year, the manufacturers request a copy of the applicable recommended format from EPA and review it for necessary documentation.

Public Participation

The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking and public comment. This finding is based on the facts that (1) the program is voluntary on the part of the regulated industry, (2) the action reduces the economic burden of the emission regulations on the regulated industry and EPA, (3) no adverse environmental impacts are anticipated, and (4) immediate implementation of the

program will permit it to be utilized on a limited basis for certification for the 1981 model year.

Interested parties will be invited to comment on the proposed amendments anticipated for 1983 and later model years which EPA will publish as a notice of proposed rulemaking in the near future.

Regulatory Analysis

The EPA has determined that this is not a "Major" regulation and, therefore, does not require a Regulatory Impact Analysis. However, EPA has evaluated the potential impact of this action.

This action will reduce the reporting and test vehicle service accumulation requirements currently imposed on small-volume manufacturers. Therefore, small-volume manufacturers' certification program costs should be reduced. The actual cost reduction will vary from manufacturer to manufacturer depending on the number of engine families involved, the amount of reduction in service accumulation chosen by the manufacturer, and the number of durability-data vehicles no longer required. EPA estimates that all small-volume manufacturers combined will save more than $1 million per year as a result of this action.

Due to the relatively few vehicles and engines affected by this rulemaking, EPA expects no environmental impact from these administrative changes. Emission standards are unchanged. Small-volume manufacturers will still be required to complete low altitude emission tests (high altitude tests are optional) and comply with the applicable emission standards before a certificate of conformity is granted. However, due to the decrease in reporting requirements and relaxation in emission-data vehicle and engine requirements, this action could result in an increased risk to EPA of certifying vehicles which would not have complied with standards if subjected to the current certification program. However, we expect that small-volume manufacturers will be fully capable of following the remaining procedural requirements of the regulations. Furthermore, due to the relatively limited product line typical of a small-volume manufacturer, the relaxation in emission-data vehicle and engine requirements should not decrease the emission representativeness of the data obtained or the technical validity of the resultant certification decisions when compared to the current program.

Note.—Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The optional small-volume certification procedure established by this rulemaking should reduce the burden, including costs, of compliance with certification requirements for small-volume manufacturers. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Date: March 5, 1981.

Walter C. Barber,

Acting Administrator.

EPA amends 40 CFR Part 86 as follows:

1. The table of contents of Subpart A of Part 86 is amended by adding the following sections:

Subpart A—General Provisions for Emission Regulations for 1981 and Later Model Year New Light-Duty Vehicles, 1981 and Later Model Year New Light-Duty Trucks, and for 1981 and Later Model Year New Heavy-Duty Engines

* * * * *

Section

86.081–14 Small-volume manufacturers certification procedures.

86.082–14 Small-volume manufacturers certification procedures.

* * * * *

2. Section 86.081–1 is amended by adding paragraph (e).

§ 86.081–1 General applicability.

* * * * *

(e) *Small-volume manufacturers.* Special certification procedures are available for any manufacturer whose projected combined U.S. sales of light-duty vehicles, light-duty trucks, and heavy-duty engines in its product line is fewer than 10,000 units for the model year in which the manufacturer seeks certification. In order to certify its product line under these optional procedures, the small-volume manufacturer must first obtain the Administrator's approval. Vehicles produced at facilities leased, operated, controlled, supervised, or in ten percent or greater part owned by the manufacturer shall be counted in calculating the total sales of the manufacturer. The small-volume manufacturer's certification procedures are described in § 86.081–14.

3. A new section, 86.081–14, is added.

§ 86.081–14 Small-volume manufacturers certification procedures.

(a) The small-volume manufacturers certification procedures described in paragraphs (b) and (c) of this section are optional. Small-volume manufacturers may use these optional procedures to demonstrate compliance with the general standards and specific emission requirements contained in this subpart.

(b)(1) The optional small-volume manufacturers certification procedures apply to light-duty vehicles, light-duty trucks, and heavy-duty engines produced by manufacturers with projected U.S. sales (for the model year in which certification is sought) of fewer than 10,000 units (LDV, LDT and HDE combined).

(2) For the purpose of determining the applicability of paragraph (b)(1) of this section, where there is more than one importer or distributor of vehicles and/or engines manufactured by the same person, the sales the Administrator shall use shall be the aggregate of the projected or actual sales of those vehicles and/or engines by all of the importers and distributors.

(c) Small-volume manufacturers shall demonstrate compliance with the applicable sections of this subpart as follows:

(1) Sections 86.081–1 through 86.081–11 of this subpart are applicable.

(2) Section 86.081–12 of this subpart is not applicable.

(3) Sections 86.081–13 through 86.081–20 of this subpart are applicable.

(4) Section 86.081–21. Small-volume manufacturers are covered by the following:

(i) The manufacturers shall include in its records all of the information that EPA requires in § 86.081–21 of this subpart. This information will be considered part of the manufacturer's application for certification. However, the manufacturer is not required to submit the information to the Administrator unless the Administrator requests it.

(5) Section 86.081–22 is applicable except as noted below.

(i) Small-volume light-duty vehicle and light-duty truck manufacturers may satisfy the requirements of § 86.081–22(e) by including a statement of compliance on adjustable parameters in the application for certification. In the statement of compliance the manufacturer shall state that the limits, stops, seals, or other means used to inhibit adjustment have been designed to accomplish their intended purpose based on good engineering practice and past experience. If the vehicle parameter is adjustable the vehicle must meet emission standards with the parameter set any place within the adjustable range (reference § 86.081–21).

(ii) Paragraphs (a), (b), (c), and (d) of § 86.081–22 are not applicable.

(6) Section 86.081–23 is applicable except that small-volume light-duty vehicle manufacturers may test emission-data vehicles at any service accumulation distance less than the

6,436-kilometer (4,000-mile) test point. Small-volume heavy-duty manufacturers may provide compliance emission data at less than 125 hours of operation instead of the 125-hour test point.

(7) Section 86.081–24 of this subpart is applicable except as noted below.

(i) Small-volume manufacturers may satisfy the requirements of paragraph (b) and (c) of § 86.081–24 by:

(A) Selecting emission-data test vehicles (engines) by the worst-case emissions criteria as follows:

(*1*) *Light-duty vehicles and light-duty trucks.* The test vehicle shall be selected based on the following criteria: The manufacturer shall select the heaviest (including options) vehicle within the family. Then within that vehicle it shall select, in the order listed, the largest frontal area, largest displacement, highest fuel flow per stroke at the speed of maximum rated torque and the highest numerical axle ratio with the largest tire offered in that engine family.

(*2*) *Heavy-duty gasoline fueled engines.* The manufacturer shall select the worst case emission-data engine first based on the largest displacement within the engine family. Then within the largest displacement the manufacturer shall select, in the order listed, highest fuel flow per stroke at the speed of maximum rated torque, the engine with the most advanced spark timing, no EGR or lowest EGR flow, and no air pump or lowest actual flow air pump.

(*3*) *Heavy-duty diesel engines.* The manufacturer shall select the worst case emission data engine based on the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed.

(B) Using assigned deterioration factors that the Administrator determines and prescribes. However, the manufacturer may, at its option, accumulate miles (hours) on a durability-data vehicle (engine) and complete emission tests for the purpose of establishing its own deterioration factor.

(iv) Paragraphs (d) and (e) of § 86.081–24 are not applicable.

(8) Section 86.081–25 of this subpart is applicable to durability-data light-duty vehicles, light-duty trucks, and heavy-duty engines if the manufacturer does not use assigned deterioration factors.

(9) Sections 86.081–26 and 86.081–27 of this subpart are not applicable.

(10) Sections 86.081–28 and 86.081–29 of this subpart are applicable.

(11)(i) Section 86.081–30 of this subpart is applicable, except for paragraphs (a)(2) and (b) of that section. In the place of these paragraphs, small-volume manufacturers shall comply with paragraphs (c) (11)(ii) through (11)(v) of this section, as shown below.

(ii) Small-volume manufacturers shall submit an application for certification containing the following:

(A) The names, addresses, and telephone numbers of the persons the manufacturer authorizes to communicate with EPA.

(B) A brief description of the vehicles (or engines) covered by the certificate (the manufacturer's sales data book or advertising, including specifications, may satisfy this requirement for most manufacturers). The description shall include, as a minimum, the following items as applicable:

(*1*) Engine families and vehicle (or engine) configurations.

(*2*) Vehicle or engine models to be listed on the certificate of conformity.

(*3*) The test weight and horsepower setting for each vehicle or engine configuration.

(*4*) Projected sales.

(*5*) Engine combustion cycle.

(*6*) Engine cooling mechanism.

(*7*) Number of engine cylinders.

(*8*) Engine displacement.

(*9*) Fuel system type.

(*10*) Number of catalytic converters, volume, and composition.

(*11*) Method of air aspiration.

(*12*) Thermal reactor characteristics (if applicable).

(*13*) Suppliers' and/or manufacturer's name and model number of any emission related items of the above items if purchased from a supplier who uses the items in its own certified vehicle(s) or engine(s).

(*14*) A list of emission component parts numbers.

(*15*) Drawings, calibration curves, and descriptions of emission related components, including those components regulated under § 86.081–22(e) of this subpart, and schematics of hoses and other devices connecting these components.

(C) The results of all emission tests the manufacturer performs.

(D)(*1*) The following statement signed by the authorized representative of the manufacturer: "The vehicles (or engines) described herein have been tested in accordance with the [list of applicable subparts: A, B, D, or I] of Part 86, Title 40, United States Code of Federal Regulations, and on the basis of those tests are in conformance with that subpart. All of the data and records required by that subpart are on file and are available for inspection by the EPA Administrator. We project the total U.S. sales of vehicles (engines) subject to this subpart to be fewer than 10,000 units."

(*2*) A statement as required by and contained in paragraph 86.081–14(c)(5) of this subpart signed by the authorized representative of the manufacturer.

(*3*) A statement that the vehicles or engines described in the manufacturers application for certification are not equipped with auxiliary emission control devices which can be classified as a defeat device as defined in § 86.081–2 of this subpart.

(*4*) A statement of compliance with section 206(a)(3) of the Clean Air Act.

(iii) If the manufacturer meets requirements of this subpart, the Administrator will issue a certificate of conformity for the vehicles described in the application for certification.

(iv) The certification will be issued for such a period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new vehicle or engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

"The certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification required by 40 CFR 86.081–14(c)(11)(ii), and the records required by 40 CFR 86.081–14(c) and which are produced during the ——— model year production period of the said manufacturer, as defined in 40 CFR 86.081–2.

"It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.078–7(c) which concern either the vehicle (or engine) certified, or any production vehicle (or production engine) which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.078–7(c) with respect to any such vehicle (or engine) may lead to revocation or suspension of this certificate as specified in 40 CFR 86.081–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.081–30 (c) or (d)."

(v)(A) If, after a review of the statements and descriptions submitted by the manufacturer, the Administrator determines that the manufacturer has not met the applicable requirements, the Administrator shall notify the manufacturer in writing, setting forth the basis for his determination. The manufacturer may request a hearing on the Administrator's determination.

(B) If the manufacturer does not request a hearing or present the required information the Administrator will deny certification.

(12) Sections 86.081–31 through 86.081–32 of this subpart are not applicable.

(13) Section 86.081–33. Small-volume manufacturers are covered by the following:

(i) Small-volume manufacturers may make production changes (running changes) without receiving the Administrator's prior approval. The manufacturer shall assure (by conducting emission tests as it deems necessary) that the affected vehicles (engines) remain in compliance with the requirements of this part.

(ii) The manufacturer shall notify the Administrator within seven days after implementing any production change (running changes) that could affect vehicle emissions. This notification shall include any changes to the information required under paragraph (c)(11)(ii) of this section. The manufacturer shall also amend as necessary its records required under paragraph (c)(4) of this section to conform with the production change.

(14) Section 86.081–34 of this subpart is not applicable.

(15) Sections 86.081–35 through 86.081–39 of this subpart are applicable.

4. A new § 86.082–14, is added.

§ 86.082–14 Small-volume manufacturers certification procedures.

(a) The small-volume manufacturers certification procedures described in paragraphs (b) and (c) of this section are optional. Small-volume manufacturers may use these optional procedures to demonstrate compliance with the general standards and specific emission requirements contained in this subpart.

(b)(1) The optional small-volume manufacturers certification procedures apply to light-duty vehicles, light-duty trucks, and heavy-duty engines produced by manufacturers with U.S. sales (for the model year in which certification is sought) of fewer than 10,000 units (LDV, LDT and HDE combined).

(2) For the purpose of determining the applicability of paragraph (b)(1) of this section, where there is more than one importer or distributor of vehicles and/or engines manufactured by the same person, the sales the Administrator shall use shall be the aggregate of the projected or actual sales of those vehicles and/or engines by all of the importers and distributors.

(c) Small-volume manufacturers shall demonstrate compliance with the applicable sections of this subpart as follows:

(1) Sections 86.082–1 through 86.082–11 of this subpart are applicable.

(2) Section 86.082–12 of this subpart is not applicable.

(3) Sections 86.082–13 through 86.082–20 of this subpart are applicable.

(4) Section 86.082–21. Small-volume manufacturers are covered by the following:

(i) The manufacturer shall include in its records all of the information that EPA requires in § 86.082–21 of this subpart. This information will be considered part of the manufacturer's application for certification. However, the manufacturer is not required to submit the information to the Administrator unless the Administrator requests it.

(5) Section 86.082–22 is applicable except as noted below.

(i) Small-volume light-duty vehicle and light-duty truck manufacturers may satisfy the requirements of § 86.082–22(e) by including a statement of compliance on adjustable parameters in the application for certification. In the statement of compliance the manufacturer shall state that the limits, stops, seals, or other means used to inhibit adjustment have been designed to accomplish their intended purpose based on good engineering practice and past experience. If the vehicle parameter is adjustable the vehicle must meet emission standards with the parameter set any place within the adjustable range (Reference § 86.081–21).

(ii) Paragraphs (a), (b), (c), and (d) of § 86.082–22 are not applicable.

(6) Section 86.082–23 is applicable except that small-volume light-duty vehicle manufacturers may test emission-data vehicles at any service accumulation distance less than the 6,436-kilometer (4,000-mile) test point. Small-volume heavy-duty manufacturers may provide compliance emission data at less than 125 hours of operation instead of the 125-hour test point.

(7) Section 86.082–24 of this subpart is applicable except as noted below.

(i) Small-volume manufacturers may satisfy the requirements of paragraph (b) and (c) of § 86.082–24 by:

(A) Selecting emission-data test vehicles (engines) by the worst-case emissions criteria as follows:

(*1*) *Light-duty vehicles and light-duty trucks.* The test vehicle shall be selected based on the following criteria: The manufacturer shall select the heaviest (including options) vehicle within the family. Then within that vehicle it shall select, in the order listed, the largest frontal area, largest displacement, highest fuel flow per stroke at the speed of maximum rated torque and the highest numerical axle ratio with the largest tire offered in that engine family.

(*2*) *Heavy-duty gasoline fueled engines.* The manufacturer shall select the worst case emission-data engine first based on the largest displacement within the engine family. Then within the largest displacement the manufacturer shall select, in the order listed, highest fuel flow per stroke at the speed of maximum rated torque, the engine with the most advanced spark timing, no EGR or lowest EGR flow, and no air pump or lowest actual flow air pump.

(*3*) *Heavy-duty diesel engines.* The manufacturer shall select the worst case emission data engine based on the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed.

(B) Using assigned deterioration factors that the Administrator determines and prescribes. However, the manufacturer may, at its option, accumulate miles (hours) on a durability-data vehicle (engine) and complete emission tests for the purpose of establishing its own deterioration factor.

(iv) Paragraphs (d) and (e) of § 86.082–24 are not applicable.

(8) Section 86.082–25 of this subpart is applicable to durability-data light-duty vehicles, light-duty trucks, and heavy-duty engines if the manufacturer does not use assigned deterioration factors.

(9) Sections 86.082–26 and 86.082–27 of this subpart are not applicable.

(10) Sections 86.082–28 and 86.082–29 of this subpart are applicable.

(11)(i) Section 86.082–30 of this subpart is applicable, except for paragraph (a)(2) and (b) of that section. In the place of these paragraphs, small-volume manufacturers shall comply with paragraphs (c)(11)(ii) through (11)(v) of this section, as shown below.

(ii) Small-volume manufacturers shall submit an application for certification containing the following:

(A) The names, addresses, and telephone numbers of the persons the manufacturer authorizes to communicate with us.

(B) A brief description of the vehicles (or engines) covered by the certificate (the manufacturers' sales data book or advertising, including specifications, may satisfy this requirement for most manufacturers). The description shall include, as a minimum, the following items as applicable:

(*1*) Engine families and vehicles (or engine) configurations

(*2*) Vehicle or engine models to be listed on the certificate of conformity

(*3*) The test weight and horsepower setting for each vehicle or engine configuration.

(*4*) Projected sales.

(*5*) Combustion cycle.

(*6*) Cooling mechanism.

(*7*) Number of cylinders.

(*8*) Displacement.

(*9*) Fuel system type.

(*10*) Number of catalytic converters, volume, and composition.

(*11*) Method of air aspiration.

(*12*) Thermal reactor characteristics.

(*13*) Suppliers' and/or manufacturer's name and model number of any emission related items of the above, items if purchased from a supplier who uses the items in its own certified vehicles(s) or engine(s).

(*14*) A List of emission component part numbers.

(*15*) Drawings, calibration curves, and descriptions of emission related components, including those components regulated under § 86.082–22(e) of this subpart, and schematics of hoses and other devices connecting these components.

(*16*) Vehicle adjustments or modifications necessary for light-duty vehicles and light-duty trucks, to assure that they conform to high-altitude standards.

(*17*) A description of the light-duty vehicles and 1982 model year light-duty trucks which are exempted from the high-altitude emission standards.

(C) The results of all emission tests the manufacturer performs.

(D)(*1*) The following statement signed by the authorized representative of the manufacturer: "The vehicles (or engines) described herein have been tested in accordance with the [list of the applicable subparts; A, B, D, or I] of Part 86, Title 40, United States Code of Federal Regulations, and on the basis of those tests are in conformance with that subpart. All of the data and records required by that subpart are on file and are available for inspection by the EPA Administrator. We project the total U.S. sales of vehicles (engines) subject to this subpart to be fewer than 10,000 units."

(*2*) A statement as required by and contained in § 86.081–14(c)(5) of this subpart signed by the authorized representative of the manufacturer.

(*3*) A statement that the vehicles or engines described in the manufacturers application for certification are not equipped with auxiliary emission control devices which can be classified as a defeat device as defined in § 86.082–2 of this subpart.

(*4*) A statement of compliance with section 206(a)(3) of the Clean Air Act.

(*5*) A statement that based on the manufacturers engineering evaluation and/or emission testing the vehicles sold for principle use at designated high-altitude locations comply with the high-altitude emission requirements and that all other vehicles are at least capable of being modified to meet high-altitude standards unless exempt under § 86.082–9(g)(2) and § 86.082–9(g)(2).

(iii) If the manufacturer meets requirements of this subpart, the Administrator will issue a certificate of conformity for the vehicles described in the application for certification.

(iv) The certificate will be issued for such a period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new vehicle or engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

"This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that apply to those vehicles (or engines) described in the application for certification required by 40 CFR 86.082–14(c)(11)(ii), and the records required by 40 CFR 86.082–14(c) and which are produced during the ——— model year production period of the said manufacturer, as defined in 40 CFR 86.082–2."

"It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR §§ 86.078–7(c), and 86.608, and authorized in a warrant or court order. Failure to comply with the requirements of such a warrant or court order may lead to revocation or suspension of this certificate as specified in 40 CFR § 86.082–30(c), and (d). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.082–30(c), and (d)."

(v)(A) If, after a review of the statements and descriptions submitted by the manufacturer, the Administrator determines that the manufacturer has not met the applicable requirements, the Administrator shall notify the manufacturer in writing, setting forth the basis for his determination. The manufacturer may request a hearing on the Administrator's determination.

(B) If the manufacturer does not request a hearing or present the required information the Administrator will deny certification.

(12) Sections 86.082–31 through 86.082–32 of this subpart are not applicable.

(13) Section 86.082–33. Small-volume manufacturers are covered by the following:

(i) Small-volume manufacturers may make production changes (running changes) without receiving the Administrator's prior approval. The manufacturer shall assure (by conducting emission tests as it deems necessary) that the affected vehicles (engines) remain in compliance with the requirements of this part.

(ii) The manufacturer shall notify the Administrator within seven days after implementing any production related change (running change) that would affect vehicle emissions. This notification shall include any changes to the information required under paragraph 86.082–14(c)(11)(ii) of this section. The manufacturer shall also amend as necessary its records required under paragraph 86.082–14(c)(4) of this section to conform with the production design change.

(14) Section 86.082–34 of this subpart is not applicable.

(15) Sections 86.082–35 through 86.082–39 of this subpart are applicable.

(Secs. 206 and 301(a) of the Clean Air Act, as amended at 42 U.S.C. 7525 and 7601–(a))

[FR Doc. 81–7762 Filed 3–11–81; 8:45 am]
BILLING CODE 6560–26–M

LEGAL SERVICES CORPORATION

45 CFR Part 1612

Restrictions on Certain Activities

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: Section 1007(a)(5)(A) of the Legal Services Corporation Act, 42 U.S.C. 2996f, requires the Corporation to ensure that funds awarded to recipients are not used for legislative advocacy except as part of the representation of an eligible client, at the request of a legislative body, or in connection with a measure which directly affects the activities under the provisions of the Act of the recipient or the Corporation. On July 28, 1978, the Corporation promulgated Part 1612, § 1612.4, in order to implement the limitations of the Act. After some experience with these provisions, it has become necessary to impose new requirements in order to ensure that day-to-day observance of these limitations by recipients.

DATES: Effective April 13, 1981.

ADDRESS: Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Linda Hanten, 202–272–4010.

SUPPLEMENTARY INFORMATION: On December 31, 1980 (46 FR 86511) these requirements were published for comment in the **Federal Register**. All comments received supported their adoption. The Board of Directors of the Legal Services Corporation authorized the publication of these requirements as final at their March 6, 1981 meeting.

These requirements are part of an overall effort to ensure that all recipient legislative advocacy is conducted in compliance with the congressionally imposed restrictions. In addition to

promulgating these regulatory changes, the Corporation is focusing on monitoring and training to ensure that recipients are aware of and understand congressional limitations on legislative advocacy. Further, a formal complaint procedure is being initiated so that complaints of impermissible legislative advocacy will be resolved in a consistent and timely manner.

The first addition to Part 1612, § 1612.4(b), will require recipients to implement a system under which appropriate documentation will be secured before any legislative advocacy is undertaken by an employee. If legislative advocacy is to be undertaken on behalf of an eligible client, the recipient will secure an agreement in writing or other appropriate documentation specifically authorizing such representation. Similarly, if the recipient has been requested by a member or a committee of the legislature to engage in legislative advocacy, the request must be appropriately documented. Finally, if legislative advocacy is undertaken because of possible legislation directly affecting the activities of a recipient, the executive or program director will authorize the initiation of such advocacy in writing. Recipients will further be required to notify their staff of this system of prior authorization for legislative advocacy and to insure that it is complied with.

A second addition to Part 1612.4, §1612.4(c) will prohibit programs from establishing legislative offices until the recipient's board of directors, primarily composed of attorneys, approves such an action consistent with the programs' priorities, the attorneys' professional responsibility and as an economical and efficient approach to meeting clients' needs for legislative representation.

Finally, because of the amendments, it will be necessary to redesignate current § 1612.4(b) as § 1612.4(d).

Section 1612.4 is amended by redesignating paragraph (b) as (d) and adding new paragraphs (b) and (c) to read as follows:

§ 1612.4 Legislative and administrative representation.

* * * * *

(b) Recipients shall adopt appropriate procedures and forms to document that the legislative activities in which they engage fall within the activities permitted in § 1612.4(a).

(c) Recipients may not establish full time legislative offices unless the decision to establish such an office is formally made by the Board of Directors of the recipient consistent with the provisions of Section 1620, provided that the legislative activities of these offices are solely activities permitted under § 1612.4(a).

* * * * *

Mario Lewis,

General Counsel, Legal Services Corporation.

[FR Doc. 81-7667 Filed 3-11-81; 8:45 am]

BILLING CODE 6820-35-M

FEDERAL COMMUNICATION COMMISSION

47 CFR Part 73

[BC Docket No. 80-177; RM-3373, 3495]

Radio Broadcast Services; FM Broadcast Stations, in Springdale, Ark. and Washburn, Mo.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 237A to Washburn, Missouri, in response to a request from William Carney. A separate request to assign Channel 237A to Springdale, Arkansas, by Robert R. Estes, has been denied.

DATE: Effective April 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

By the Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Springdale, Arkansas, and Washburn, Missouri); BC Docket No. 80-177, RM-3373, RM-3495; Report and Order (Proceeding Terminated).

Adopted: February 24, 1981.

Released: March 4, 1981.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 FR 29665, published May 6, 1980, which proposed to assign Channel 237A to either Springdale, Arkansas, or Washburn, Missouri. The *Notice* was adopted in response to two separate petitions for rule making. The first was filed by Robert R. Estes ("Estes") and requested the assignment of Channel 237A to Springdale, Arkansas. The second, filed by William Carney ("Carney"), proposed assignment of the same channel to Washburn, Missouri. Since the distance between Springdale and Washburn is 47 kilometers (30 miles) and the required separation for co-channel Class A assignments is 104 kilometers (65 miles), the proposals are mutually exclusive. No other channels are available for assignment to either community.[1] Both petitioners filed comments restating their intent to file for the channel, if assigned to their respective communities. Monett Communications, Inc. ("Monett"), licensee of radio Stations KRMO(AM) and KKBL(FM), Monett, Missouri, filed comments in support of the Springdale proposal. Numerous letters supporting each proposal were submitted with the respective petitions. Estes, Carney and Monett all filed reply comments.

2. Springdale (pop. 20,100)[2] is located in Washington County (pop. 77,370), approximately 232 kilometers (145 miles) northwest of Little Rock, Arkansas. Springdale is being served locally by FM Station KCIZ, fulltime AM Station KBRS, and daytime-only AM Station KSPR. Washburn (pop. 233) is located in Barry County (pop. 19,597), approximately 92 kilometers (57 miles) south of Springfield, Missouri. Washburn has no local aural broadcast service. In the case of Springdale, this assignment would provide the second FM service to a community of over 20,000 persons. In the case of Washburn, this assignment would provide the community with its first local aural broadcast service.

3. The option of assigning a different channel (249A) to Washburn was raised in Carney's comments. A Channel 249A assignment to Washburn is limited by Channel 247 in Springfield (KWFC) and presently unused Channel 252A in Bentonville, for which there are two applications pending. Depending on which application is granted, a Channel 249A assignment to Washburn would require site restrictions of either 10.7 or 11.3 miles southeast. Both locations are too far removed from Washburn to provide the 70 dBu signal required under § 73.315 of the Commission's Rules. This possible assignment would be further limited by a pending application to move the site for FM Station KLUP, Poteau, Oklahoma (Channel 250). Therefore, Channel 249A is not a viable option for assignment to Washburn.

4. Comments and reply comments filed by Estes and Carney focused on the relative desirability of the proposals. Estes emphasized that Springdale has recorded substantial and steady growth in population, income, retail sales, bank resources, and residential building and utilities use. According to Estes, Springdale experienced a fifty percent

[1] *See* paragraph 3, *infra*.

[2] Population figures are taken from the 1970 U.S. Census.

population growth between 1970 and 1980, and 300 percent increase in per capita income over the same period. Assignment of Channel 237A to Washburn, Estes contends, would deprive 20,000 people of a second local FM broadcast outlet, and create the anomalous result foreseen in *Anamosa, Iowa*, 46 F.C.C. 2d 520, 525 (1974), of favoring the much smaller community. Estes also claims that at least three FM stations "serve a substantial portion of the proposed Washburn coverage area" and that "no portion of the Washburn primary coverage area is without a minimum of five existing daytime aural broadcast services." [3] In his comments and reply comments, Carney contests Estes' statements regarding the broadcast services provided to Washburn, and claims that no FM station provides a 60 dBu contour over Washburn. In addition, Carney pointed out that agriculturally related industry is the most prevalent occupation in Washburn, creating a need for a local broadcast service to provide accurate and current weather information. Carney argues that provision of first local service to a community should outweigh provision of an additional outlet to a community already sufficiently served, regardless of size.

5. In its comments, Monett expressed the opinion that an additional outlet to a community of over 20,000 should take precedence over assignment of a channel to a small community which, it claims, already receives substantial attention from stations licensed to other communities. Monett stated that its own station, KKBL, Monett, Missouri, places a "particularly strong signal" over Washburn and does some programming for the community.[4] In reply, Carney contested Monett's claims, stating that Monett's Station KKBL places only a .25 mV/m signal over Washburn.

6. In the *Notice* we requested the petitioners to submit information about the extent of aural services received in each community from nearby stations. Information submitted in response to the request, and a staff study of the service provided to both Springdale and Washburn show that at least six FM stations place a 60 dBu or better signal over all or parts of Springdale and that there are seven AM stations operating within twenty miles of the community.[5] With regard to Washburn, only one FM station (KKEG, Fayetteville) places a 60 dBu signal over the community, and two AM stations operate within twenty miles of Washburn.

7. In the *Notice*, we stated a preference for a first local aural service over a second FM service to a community in accordance with established Commission priorities. However, because of the sizes of the communities and the small population of Washburn, we expressed a belief that additional factors should be taken into account, namely estimates of population growth and the extent of aural services from nearby stations. Such information has been carefully considered and we believe it fully supports our initial inclination favoring the first local service to Washburn. While Springdale is a much larger community than Washburn, it is adequately served by three local and 5 other FM stations. Washburn, on the other hand, has no local broadcast service and receives service from only one FM station in Fayetteville, Arkansas.

8. In order to comply with the Commission's minimum distance separation requirements, a site restriction of approximately 10 kilometers (6.3 miles) is required.

9. Accordingly, it is ordered, That effective April 27, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended for the community listed below, as follows:

City	Channel No.
Washburn, Mo	237A

10. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules and Regulations.

11. It is further ordered, That the petition of Robert R. Estes to assign Channel 237A to Springdale, Arkansas, is denied.

12. It is further ordered, That this proceeding is terminated.

13. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-7827 Filed 3-11-81; 8:45 am]

BILLING CODE 6712-01-M

[3] Comments of Robert R. Estes, Docket No. 80-177, at 3-4.

[4] Comments of Monett Communications, Inc., Docket No. 80-177, at 1-2.

[5] The six FM stations are: KNWA and KKEG (Fayetteville, Ark.), KISR (Fort Smith, Ark.), KAMO (Rogers, Ark.), KCIZ (Springdale, Ark.), and KMCK (Siloam Springs, Ark.). In addition, depending on site location, a station authorized in Bentonville (Channel 252A) may also place a 60 dBu signal over Springdale. There are two applications presently pending for the Bentonville channel.

Proposed Rules

Federal Register
Vol. 46, No. 48
Thursday, March 12, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, and 1138

[Docket Nos. AO-10-A54, et al.]

Milk in the St. Louis-Ozarks and Certain Other Marketing Areas; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	AO numbers
1062	St. Louis-Ozarks	AO-10-A54.
1007	Georgia	AO-366-A17.
1011	Tennessee Valley	AO-251-A22-RO1.
1030	Chicago Regional	AO-361-A18.
1032	Southern Illinois	AO-313-A31.
1046	Louisville-Lexington-Evansville.	AO-123-A47.
1049	Indiana	AO-319-A31.
1050	Central Illinois	AO-355-A21.
1064	Greater Kansas City	AO-23-A63.
1065	Nebraska-Western Iowa	AO-86-A40.
1068	Upper Midwest	AO-178-A38.
1071	Neosho Valley	AO-227-A35-RO1.
1073	Wichita, Kansas	AO-173-A37-RO1.
1076	Eastern South Dakota	AO-290-A25.
1079	Iowa	AO-296-A34.
1094	New Orleans-Mississippi	AO-103-A41.
1096	Greater Louisiana	AO-257-A29.
1097	Memphis, Tennessee	AO-219-A37.
1098	Nashville, Tennessee	AO-184-A42.
1099	Paducah, Kentucky	AO-183-A37.
1102	Fort Smith, Arkansas	AO-237-A31.
1104	Red River Valley	AO-298-A30-RO1.
1106	Oklahoma Metropolitan	AO-210-A43-RO1.
1108	Central Arkansas	AO-243-A35.
1120	Lubbock-Plainview	AO-328-A23.
1126	Texas	AO-231-A48-RO1.
1131	Central Arizona	AO-271-A23.
1132	Texas Panhandle	AO-262-A33.
1138	Rio Grande Valley	AO-335-A28.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning proposed amendments to 29 milk orders. The additional time was requested by several cooperative associations.

DATE: Exceptions now are due on or before March 24, 1981.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49594).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision is hereby extended to March 24, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: March 9, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-7766 Filed 3-11-81; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 21491, Notice No. SC-81-1]

Special Conditions: CASA Model C-212 Series Airplanes; Type Certification Basis

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the modified CASA Model C-212 series airplane which is to be manufactured in Spain and imported into the United States. This airplane will have novel or unusual design features, associated with an automatic takeoff power control system (ATPCS) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations by reason of the novel or unusual features.

DATES: Comments must be received by April 13, 1981.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21491, 800 Independence Avenue SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. All comments must be marked: Docket No. 21491. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: James Walker, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on this proposal. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date in the Rules Docket for examination by interested persons.

Type Certification Basis

The applicable airworthiness standards for import products are those regulations designated in accordance with § 21.29 and are known as the "type certification basis" for the airplane design. Special conditions may be issued and amended, as necessary, as a part of the type certication basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.17(a)(2).

Background

On July 23, 1980, Construcciones Aeronautics, S.A., Rey Francisco, 4, Madrid 8 Spain, applied for an amendment to United States Import Type Certificate No. A43EU for its CASA Model C–212 series airplane. The Model C–212 is a twin-engine, pressurized transport category airplane having a high wing and a maximum takeoff weight of 16,427 pounds. The airplane is equipped with two Airesearch TPE331–10–501C turbo-propeller engines, each producing 900 shaft horsepower; it has a maximum seating capacity of 30 persons, including the crew, and has a maximum altitude of 25,000 feet.

The modification covered under the amendment ot the type certificate is the installation of an automatic takeoff power control system (ATPCS). With the ATPCS installed, takeoffs would normally be made with engine power set at less than the maximum takeoff power approved for the airplane under existing conditions. In the event of an engine failure on takeoff, the automatic system will reset the fuel control fuel metering schedule on the operating engine to provide the maximum takeoff power. Provisions are also made for the manual selection of the maximum takeoff power. The application of maximum takeoff power, whether set by the automatic system or manually, will not result in the takeoff operating limits of the engine being exceeded.

The type certification basis for the CASA Model C–212 airplane with the ATPCS installed to be incorporated in the type certificate is Part 25, Amendments 25–1 through 25–35; Part 36, Amendments 36–1 through 36–4; § 21.29; and the special conditions that may result from this notice.

The type design of the Model C–212 series airplane, with the automatic system installed, contains a number of novel or unusual design features for an airplane type certificated under the airworthiness requirements incorporated by reference in Type Certificate No. A43EU or under the applicable airworthiness requirements in effect on the date of application for change to that type certificate. In either case, the applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate and to support a finding by the Administrator that no feature or characteristic of the airplane with the automatic system installed makes it unsafe for the category in which certification is requested. These special conditions specify limits on the maximum power increment which may be applied to the operating engines by the automatic takeoff power control system, prescribe system reliability and status monitoring requirements, require provisions for manual selection of the maximum takeoff power approved for the airplane under existing conditions, prohibit approval of the system if the automatic or manual application of maximum takeoff power would result in an engine operating limit being exceeded, and require the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

The FAA developed special conditions for an Automatic Takeoff Thrust Control System (ATTCS) for current turbine-powered transport category airplanes, and sent the proposal to U.S. user groups and various foreign Civil Air Authorities for review and comment in November 1977. Comments were received, reviewed, and the special conditions were revised and sent to the same groups in May 1978. This procedure was repeated again in November 1978. Cooperating with the FAA in this development were the Aerospace Industries Association (AIA), Air Transport Association of America (ATA), Air Line Pilots Association (ALPA), Allied Pilots Association (APA), Rolls Royce (RR), Hawker Siddeley Aviation Ltd. (HS), British Civil Air Authority (BCAA), the Civil Air Authorities of Australia and Japan, the French Technical Commission Navigation (FTCN) and the French Civil Air Authorities (FCAA), Lockheed, Boeing, McDonnell Douglas, and Rockwell International.

Based on the comments received and on further review by the FAA, a number of changes were made to the special conditions (SC) proposal. These provide for consideration of the following specific matters:

1. For the fail-operational (able to perform its intended function after a single failure or combination of failures not shown to be extremely improbable within the ATTCS system) system proposed, a reduction of the ATTCS failure probability from extremely improbable to improbable for the ATTCS alone, the addition of an extremely improbable failure probability for the combined ATTCS and engine failure, and deletion of the all-engine performance criteria.

2. For the nonfail-operational system proposed, a reduction in the failure probability from improbable to 10^{-3} for the ATTCS alone, introduction of a climb gradient for the combined ATTCS and engine failure case, and deletion of an engine failure warning means if the inherent characteristics of the engine failure are clearly made known to the pilot; and

3. Clarifying changes, including a graphical presentation to clarify the definition of the term "Critical Time Interval."

The proposed special conditions differ in one major respect from similar special conditions previously issued for other airplane models. The certification basis for the CASA C–212 includes Amendment 25–23 to FAR Part 25 which includes the requirements of § 25.1309(b)(2). Previous model airplanes to which special conditions for an ATTCS were applied do not have to meet the current requirements of § 25.1309(b)(2). The current rules in § 25.1309(b)(2) are more stringent than the previous special condition requirements; therefore, the option to provide an ATPCS with reduced reliability if an specific level of minimum performance is available with both the ATPCS and an engine failed has been deleted from these special conditions.

The modification covered under the amendment to the type certificate is the installation of an ATPCS (ATTCS) system. ATTCS special conditions issued to date for other airplanes without automatic limiters that prevent engine limits from being exceeded require the ATTCS be designed to allow manual decrease or increase in thrust (power) up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of

power levers. The ATPCS system installed on the engines of the C–212 airplane contains an automatic "torque and gas temperature limiting" system which automatically limits the torque and exhaust gas temperature to a predetermined limit and prevents the engine operating limits from being exceeded under normal conditions associated with the takeoff power setting procedures. In the event of an engine failure, the ATPCS system, when "armed" or "ON", will automatically increase the fuel flow and increase the exhaust gas temperature (EGT) as maintained by the SRL (single red line limit). In the event of an ATPCS failure with an engine failure, the crew would be required to deactivate the system to achieve maximum takeoff power. Because of this design feature where the pilot must move his hand off the throttle to activate the maximum power available, the agency has determined that the special conditions for aircraft with automatic limiters should be modified under "Powerplant Controls—General" to provide that such activation is allowed providing that the means to increase power is located on or forward of the power levers, is easily operated by either pilot, and meets the requirement of § 25.777. These special conditions incorporate that provision.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions for the CASA C–212 series airplanes equipped with an automatic takeoff power control system installed:

A. General

With the automatic takeoff power control system (ATPCS) and associated systems functioning normally as designed, all applicable requirements of FAR Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase power. In addition, the ATPCS system must meet the following special conditions:

B. Definitions

An Automatic Takeoff Power Control System (ATPCS) is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled power increase, and furnish cockpit information on system operation.

1. *Critical Time Interval.* When conducting an ATPCS takeoff, the critical time interval is the time interval between V_1 minus 1 second and a point on the minimum performance all-engine flight path where, assuming a simultaneous engine and ATPCS failure, the resulting minimum flight path thereafter intersects the FAR Part 25 required gross flight path at not less than 400 feet from the takeoff surface. This definition is shown in the following graph:

BILLING CODE 4910-13-M

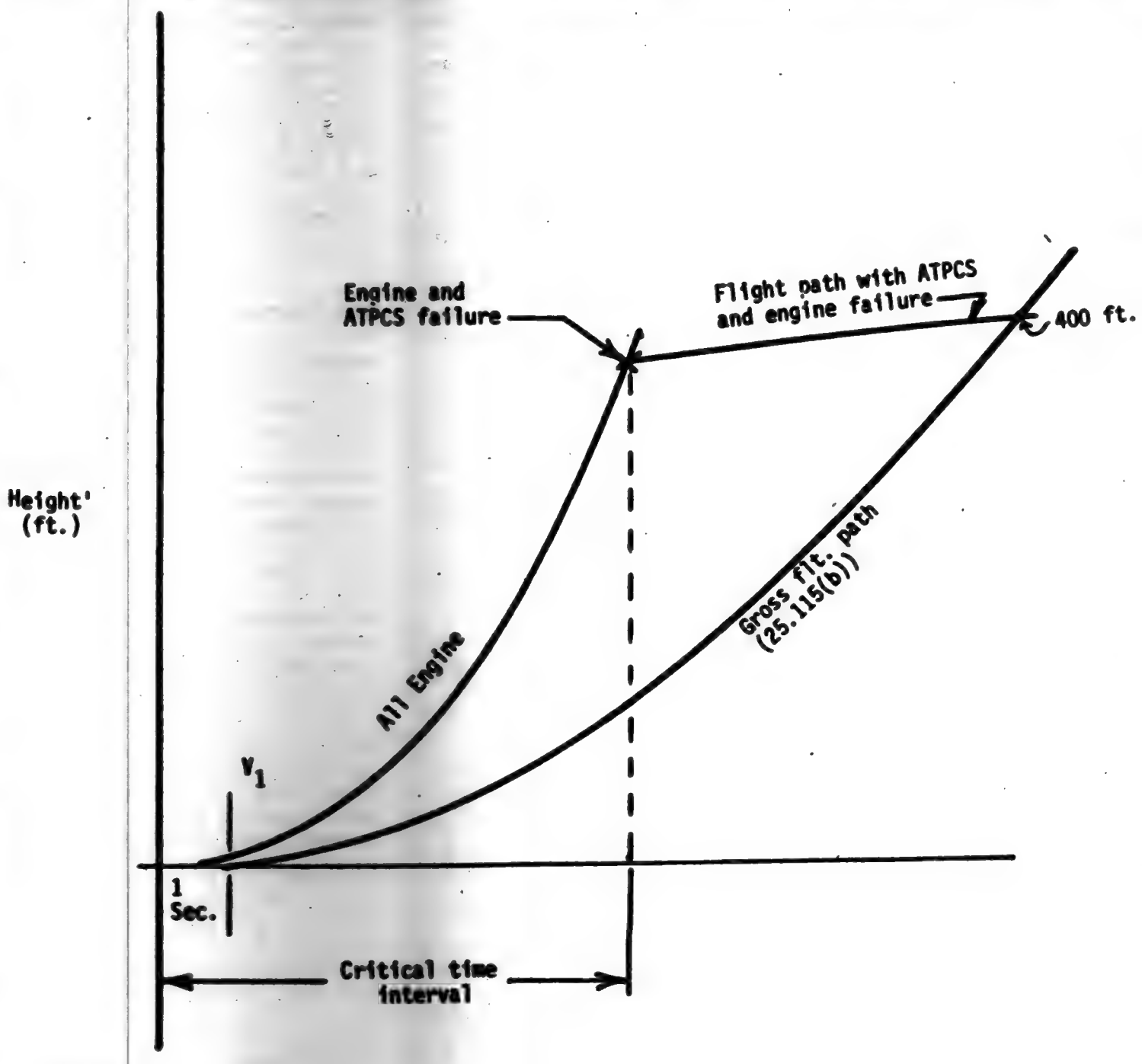

BILLING CODE 4910-13-C

2. *Takeoff Power.* Notwithstanding the definition of "Takeoff Power" in Part 1 of the Federal Aviation Regulations, "Takeoff Power" means each power obtained from each initial power setting approved for takeoff under these special conditions.

C. Performance Requirements

The following reliability and performance criteria apply:

1. An ATPCS system failure during the critical time interval must be shown to be improbable.

2. The concurrent existence of an ATPCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

3. All applicable performance requirements of FAR Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATPCS system functioning.

D. Power Setting

The initial takeoff power set on each engine at the beginning of the takeoff roll may not be less than—

1. Ninety (90) percent of the power level set by the ATPCS (the maximum takeoff power approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety-related systems and equipment dependent upon engine power or power level position; or

3. That shown to be free of hazardous engine response characteristics when power is advanced from the initial takeoff power level to the maximum approved takeoff power.

E. Powerplant Controls—General

1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probably combination thereof, of the ATPCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATPCS must be designed to—

(a) Apply power on the operating engine following an engine failure during takeoff to achieve the selected takeoff power without exceeding engine operating limits;

(b) Allow manual decrease or increase in power up to the maximum takeoff power approved for the airplane under existing conditions through the use of the power levers. For aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, however, other means may be used to increase the maximum level of power controlled by the power levers in the event of an ATPCS failure. In this case, the means must be located on or forward of the power levers, it must be easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers, and must meet the requirements of § 25.777 (a), (b), and (c).

(c) Provide a means to verify to the flightcrew before takeoff that the ATPCS is in a condition to operate; and

(d) Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

F. Powerplant Instruments.

In addition to the requirements of § 25.1306—

1. A means must be provided to indicate when the automatic takeoff power control system is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATPCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28 and 11.29(b))

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, DC, on March 6, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-7643 Filed 3-11-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 9124]

George Irvin Chevrolet Co.; Proposed Consent Agreement With Analysis to Aid

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Denver, Colorado motor vehicle dealer to cease failing to make all the credit disclosures required by federal law. Further, the firm would be prohibited from using certain credit terms in advertisements promoting credit sales, unless those advertisements also include statutorily required information in the manner prescribed by law.

DATE: Comments must be received on or before May 11, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Sharon J. Devine, Assistant Director, 6R, Denver Regional Office, Federal Trade Commission, Suite 2900, 1405 Curtis Street, Denver, Colo. 80202. (303) 837-2271.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America—Before Federal Trade Commission

In the matter of George Irvin Chevrolet Co., a corporation; Docket No. 9124, Agreement Containing Consent Order To Cease and Desist.

The agreement herein, by and between George Irvin Chevrolet Co., a corporation, hereafter sometimes referred to as respondent, and its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent George Irvin Chevrolet Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its office and principal place of business located at 300 South Colorado Boulevard, in the City of Denver, State of Colorado.

2. Respondent has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violation of §§ 226.6(a), 226.10, and 226.10(d)(2) of Regulation Z, the implementing regulation of the Truth-in-Lending Act and Section Five of the Federal Trade Commission Act, and has filed an answer to said complaint denying said charges.

3. Respondent admits all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondent, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondent, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondent's address as stated in this agreement shall constitute service. Respondent waives any right it might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

8. Respondent has read the complaint and the order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

It is ordered that respondent George Irvin Chevrolet Co., a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation or other device, in connection with any advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth-in-Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Stating that no downpayment is required, or stating the amount of the downpayment or of any installment payment required (either in dollars or as a percentage), the dollar amount of any finance charge, the number of installments or the period of repayment, or stating that there is no charge for credit, unless all of the following items are also clearly and conspicuously set forth in terminology prescribed by § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, the amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

2. Failing in connection with all television and radio advertisements in which cost of credit disclosures must be made pursuant to § 226.10(d)(2) of Regulation Z, to make such disclosures clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z. The following standards shall be met in order for a television advertisement to be deemed a "clear and conspicuous" disclosure within the meaning of this order:

(a)(i) The finance charge expressed as an annual percentage rate shall be presented simultaneously in both the audio and video portions of the television advertisement;

(ii) The remaining disclosures required by § 226.10(d)(2) of Regulation Z shall be presented in the video portion of the television advertisement;

(iii) Any of the remaining disclosures required by § 226.10(d)(2) of Regulation Z may be presented in the audio portion of the television advertisement, but if so presented, shall be presented simultaneously and in identical sequence in both the audio and video portions of the television advertisement;

(b) The video portion of the required credit disclosures shall contain letters large enough to be easily seen and read with reasonable ease on all television sets, regardless of picture tube size, that are commercially available to the consuming public;

(c) The video portion of the required credit disclosures shall contain letters of a color or shade that readily contrasts with the background on both color and black and white television sets. The background shall consist of only one color or shade;

(d) During the video portion of the required credit disclosures, no words or images shall appear on the television screen which are not part of the required disclosures; provided however, that during said disclosures two-thirds of the television screen may contain images which do not obscure or detract attention from the required disclosures;

(e) The video presentation of the required credit disclosures shall be no less than ten seconds' duration;

(f) During the audio portion of the required credit disclosures, no sounds which obscure or detract attention from the required disclosures may be presented;

(g) The audio portion of the required credit disclosures shall be spoken with sufficient deliberateness, clarity, and volume, so as not to obscure or detract attention from the required disclosures made in either the video or audio portion;

(h) The audio and video portions of the required credit disclosures shall immediately follow the specific representation which triggers the affirmative disclosure requirement contained in § 226.10(d)(2) of Regulation Z;

(i) the audio and video portion of the required credit disclosures shall not give such emphasis to any disclosure as to obscure or detract attention from the other credit disclosures.

It is further ordered that respondent, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions and to each person responsible for or connected with preparation of its television advertisements and secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered that respondent notify the Commission at least 30 days prior to any proposed change in respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, or any other circumstances which may affect any compliance obligation arising out of this order.

It is further ordered that respondent George Irvin Chevrolet Co., shall, within sixty (60) days after this order becomes final, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Analysis of Proposed Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from George Irvin Chevrolet Co.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that the respondent, a Denver automobile dealer, televised advertisements that promoted

credit sales of its automobiles. The advertisements allegedly failed to:

1. Disclose all of the credit terms required by § 226.10(d)(2) of Regulation Z, the regulation that implements the Truth-in-Lending Act;

2. Disclose all of the credit terms required by § 226.10(d)(2) of Regulation Z in terminology prescribed by the regulation; and

3. Disclose all of the credit terms required by § 226.10(d)(2) of Regulation Z clearly, conspicuously, and in meaningful sequence.

According to the complaint, these failures violated the Truth-in-Lending Act, Regulation Z, which implements that act, and the Federal Trade Commission Act.

The order in this matter requires the respondent to cease and desist from stating in its television and radio advertisements that no downpayment is required, the amount of the downpayment, the amount of any installment payment, the amount of any finance charge, the number of installment payments, the period of repayment, or that there is no charge for credit without stating all of the following terms, in the prescribed terminology clearly, conspicuously and in meaningful sequence:

1. The cash price of the product;

2. The amount of the downpayment or that no downpayment is required (as appropriate);

3. The number and amount of installment payments, together with the due dates of the installment payments or the period required to repay the debt;

4. The annual percentage rate applicable to the extension of credit; and

5. The deferred payment price of the product.

The order also defines the standards that respondent must adhere to so that its television credit advertisements will be deemed "clear and conspicuous:"

1. The annual percentage rate must be displayed in print on the television screen and, at the same time, an announcer must state the annual percentage rate orally.

2. The other credit terms required to be disclosed must be presented in print on the television screen. If an announcer orally states any of these terms, the oral statement must be made at the same time the credit term appears in print on the television screen.

3. The print in which the credit terms appear must be large enough to be easily seen and read by the viewer, regardless of the size of the viewer's television screen.

4. The print in which the credit terms appear must be a color or shade that contrasts with the background on the television screen. The background must be only one color or shade.

5. While the credit terms are being displayed in print, no words or pictures that are not part of those terms may appear on the television screen. There is an exception to this rule, however: two-thirds of the television screen may be used to show pictures that do not obscure the credit terms or detract the viewer's attention from the credit terms.

6. The credit terms must be displayed in print for at least ten seconds.

7. When the announcer orally states a credit term, whether it be the annual percentage rate or any other term, there must not be any sounds made that obscure the announcer's statement of the term, or detract the viewer's attention from the announcer's statement.

8. The announcer must state a credit term with sufficient care, clarity and volume so as not to obscure the other terms, or detract the viewer's attention from the other terms.

9. If the announcer states, or the advertisement displays in print, that no downpayment is required, the amount of any downpayment that is required, the amount of any finance charge, the number of installment payments, or the time required for repayment, or that there is no charge for credit, all of the credit terms required to be disclosed by Regulation Z must be displayed in print immediately after the announcer's statement or the advertisement's print display. In addition, the applicable annual percentage rate must be stated by the announcer when it appears in print on the television screen. Therefore, each time one of the credit terms noted above appears in print or is stated orally, all of the required credit terms must be disclosed in the appropriate way.

10. No credit term required to be disclosed may be stated by the announcer, or displayed in print, in a way that emphasizes that term so that the other terms are obscured or the viewer's attention is distracted from the other credit terms.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-7748 Filed 3-11-81; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 808

Surface Coal Mining and Reclamation Operations Permanent Program Regulations; Performance Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Announcement of receipt of petition for rulemaking and request for public comment.

SUMMARY: OSM seeks comments and recommendations regarding the granting or denying of a petition, submitted pursuant to Section 201(g) of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1211(g), to amend the bonding forfeiture regulations. The requested change would modify the present authorization in 30 CFR 808.12(c). Presently, the regulation allows a reclamation bond posted for an increment of a permit area to be used for reclamation on any part of the permit area for which a forfeiture has been declared. The change would limit use of the proceeds of a bond posted for an increment of the permit area to just that increment.

DATE: Comments must be received no later than 5:00 p.m. on April 13, 1981 at the address indicated below.

ADDRESS: Written comments must be mailed or hand-delivered to: Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; phone: (202) 343-4728.

FOR FURTHER INFORMATION CONTACT: Mr. Russell Price, Division of Technical Services, Office of Surface Mining, Washington, D.C. 20240; phone: (202) 343-4022.

SUPPLEMENTARY INFORMATION: OSM received a letter dated January 13, 1981, from the President of the Mining and Reclamation Council of America presenting a petition for revision of the bonding regulation found at 30 CFR 808.12(c). Pursuant to the Surface Mining Act, § 201(g); 30 U.S.C. 1211(g), any person may petition for a change in the permanent program rules, 30 CFR Chapter VII. The Act allows for a period of 90 days within which to decide to grant or deny a petition. Section 201(g)(4); 30 U.S.C. 1211(g)(4). Under the applicable regulations for rulemaking petitions, 30 CFR 700.12(c), the Director must first determine whether the petition has a reasonable basis. If it has,

notice is to be published in the Federal Register seeking comments on the petition. The Acting Director has determined that the petition for amendment of the bonding regulation has a reasonable basis. The basis for the determination is that the petition seeks a change in the present regulation so that it may be limited in the manner it was as originally proposed in the permanent program regulations. See 43 FR 41662, 41673 (September 18, 1978), as discussed below under background.

This notice seeks public comments on the proposed amendment. At the close of the comment period and within 90 days of the receipt of the petition, a decision will be made whether to grant or deny it. If the decision is made to grant the petition, rulemaking proceedings will be initiated in which public comment will again be sought before a final rulemaking notice appears. If the decision is made to grant the petition, a decision may be made to suspend the regulation pending final rulemaking.

Public Comment Period: The comment period on the petition will extend until April 13, 1981. All written comments must be received at the address listed above by 5:00 p.m. on that date. Comments received after that date will not be considered or included in the administrative record on the petition. The Office cannot insure that written comments received or delivered during the comment period to any location other than that specified above will be considered and included in the administrative record on this petition.

Availability of copies: In addition to its publication here, copies of the petition and copies of 30 CFR Subchapter J on bonding are available for inspection and may be obtained at the address indicated above.

Public meetings: No public hearing is being set. However, the headquarters staff of the Office will be available to meet with members of the public during business hours, 7:45 a.m. to 4:15 p.m., during the comment period. In order to arrange such a meeting, the person listed above for further information should be contacted.

Background

The genesis of the current provision which the petition seeks to revise may be of help in understanding the basis for the petition.

The initial proposed permanent program bonding regulations, 43 FR 41662, 41673 (September 18, 1978) provided for forfeiture of bonds in order to satisfy completion of reclamation. They did not specify, as the regulation now sought to be changed does, that a bond covering any increment in the permit area could be used for reclamation work on another increment of the permit area where reclamation had failed.

The final rulemaking notice of the permanent program regulations, 44 FR 14902, 15123, 15393 (March 13, 1979), saw the addition of a provision which allowed for the forfeiture of all bonds for a permit area *with respect to the hydrologic balance*. The rationale for the extension of bond liability beyond that for the particular area for which it was posted is that the Surface Mining Act in § 515(b)(10) and § 516(b)(9), 30 U.S.C. §§ 1265(b)(10) and 1266(b)(9), require that the hydrologic balance be protected not just within the immediate permit area but also in associated offsite areas. Furthermore, because of the nature of a hydrologic regime damage to the hydrologic balance is a matter that cannot be confined to particular increments within a permit area. If such damage occurs, it in all likelihood extends to the whole of the permit area.

In litigation concerning the permanent program regulations, *In Re: Permanent Surface Mining Regulations Litigation*, No. 79–1144, U.S.D.C. D.C., the issue was raised of the limitation of the final sentence of § 808.12(c) to the hydrologic balance. Litigation of bonding issues was pretermitted, however, so that the Office could consider broad-based revision of the bonding regulations. As a result of the review prompted by the litigation, a notice was published suspending the with-respect-to-hydrologic-balance phrase of § 808.12(c). *See* 44 FR 67942 (November 27, 1979).

On January 24, 1980, a notice of rulemaking proposing the broad-based revision of the bonding regulations appared. 45 FR 6028. The notice proposed deletion of the qualifying phrase "with respect to hydrologic balance" in the last sentence of § 808.12(c) as the court in the regulations litigation had been advised earlier. In the final rulemaking notice for the amendment of the bonding regulations, 45 FR 52308 (August 6, 1980), the only comment received with respect to the section requested the deletion of all of the last sentence. 45 FR at 52317. However, the comment was not adopted so that the only change made as a result of the re-evaluation of the bonding regulations in this regard was to expand the availability of a bond beyond the particular increment within the permit area for which it is posted and beyond the protection of the hydrologic balance to which the regulation was originally limited. Thus, what appears to have been an attempt to limit liability on a bond beyond the increment for which it is posted to just hydrologic consequences, resulted in potentially unlimited liability with deletion of the qualifying phrase in the final rulemaking notice.

Publication of this notice of the receipt of the petition for rulemaking is not a major rulemaking. This is a preliminary step in the rulemaking process. If a decision is made to grant the petition, a formal rulemaking process will be commenced. Thus, no regulatory analysis is needed at this stage; nor is a regulatory impact analysis necessary under Executive Order No. 12291.

It is determined that publication of this notice does not constitute a major Federal action having a significant effect on the human environment for which an environmental impact statement under the National Environmental Policy Act, 42 U.S.C. § 4322(2)(C), is needed.

Dated: March 7, 1981.

Andrew V. Bailey,

Deputy Director, Office of Surface Mining.

The text of the petition attached to the January 13, 1981, letter from the President of the Mining and Reclamation Council of America is as follows:

Department of the Interior, Office of Surface Mining Reclamation and Enforcement

Mining and Reclamation Council of America, and The Surety Association of America, Petitioners.

Petition to Initiate Rulemaking.

Petition

Pursuant to the provisions of Section 201(g) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201–1328 (supp. 1980) (the "Act") and the requirements of 30 CFR 700.12 (1977), the Mining and Reclamation Council of America and the Surety Association of America hereby petition the Director of the Office of Surface Mining Reclamation and Enforcement to amend Section 808.12(c) of the Performance Bond Forfeiture Criteria and Procedures Regulations (45 FR 52.324 (1980) to be codified at 30 C.F.R. 808.12(c)) issued pursuant to the Act.

Petitioner Mining and Reclamation Council of America (MARC) is the national trade organization in Washington representing the surface mining industry. Through its 400 corporate members and 31 affiliated state and regional coal associations, MARC represents more than 3,000 coal operators and industry suppliers nationwide.

These companies account for more than 70% of our nation's total coal production. MARC's primary goals are to reestablish coal as the keystone of America's energy supply and to achieve a healthy regulatory atmosphere which will encourage expanded production and utilization of domestic coal.

Petitioner the Surety Association of America (SSA) is a nonprofit trade association of more than 490 member

companies which write fidelity and surety bonds in the United States. It is licensed as a writing organization in 48 states, the District of Columbia and Puerto Rico, and as an advisory organization in Hawaii and Illinois. The SAA has also been designated by all states as a statistical agent for the reporting of experience developed by fidelity and surety bonds.

Section 808.12(c), as it is currently written, effectively prevents sureties from writing reclamation bonds on an incremental basis. Specifically, this section extends to the entire permit area liability under bonds posted to cover only those discrete increments of the permitted acreage set forth in the mine operator's reclamation plan. Accordingly, the regulatory authority can hold one surety liable for a reclamation failure on an increment bonded by another surety, or, conceivably, on parts of the permit for which no bond at all has been deposited.

Petitioners seek an amendment to Section 808.12(c) which would enable sureties to limit their liability to the bonded increment; therefore, paragraph 808.12(c) would be amended to read:

808.12(c) Upon default, the regulatory authority may forfeit any or all bonds deposited to complete those reclamation operations for which bonds were posted.

. . . in lieu of the existing paragraph which reads:

808.12(c) The regulatory authority may forfeit any or all bonds deposited for an entire permit area or any increment thereof in order to satisfy 30 CFR 808.11–808.14. Liability under any bond covering any increment of the permit area shall extend to the entire permit area.

This change would ensure that 808.12(c) complies with the requirements of the Act and the intent of Congress, and supports sound reclamation and protection of the environment.

Justification

The Language and Legislative History of the Act Prohibit the Regulatory Authority from Extending Liability on Incremental Bonds to the Entire Permit Area.

The Act specifically provides for incremental bonds, carefully distinguishing them from bonds deposited for the entire permit area. Section 509 provides that the bond "cover *that area of land within the permit area* upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding *increments* of surface coal mining and reclamation operations are to be initiated and conducted *within the permit area*, the permittee shall file with the regulatory authority an additional bond or bonds to *cover such increments*. . . ." (Emphasis added.) The drafters intended that incremental bonds cover a limited area, not the entire permit.

A further example of the Act's intent to distinguish between incremental bonds and bonds deposited for the entire permit area can be found in Section 509(a), which discusses the amount required for each bonded area but concludes by setting a minimum amount for a bond for the entire permit area.

Finally, just as Section 509 authorizes the bonding of discrete increments, so does Section 519 allow the release of the entire pedrformance bond before the permit is fully reclaimed. In seeking a release, the operator must place a newspaper advertisement which contains, among other things, the precise location of the land affected. Because this release can occur well before the entire permit area is reclaimed or even disturbed, the "land affected" must be less than the whole permit.

The Report of the House Committee of Interior and Insular Affairs on H.R. 25, a predecessor of the Act, contains an explanation of Section 509 which is consistent with the foregoing interpretation. Specifically, the drafters saw Section 509 as authorizing bonds which cover *part or all of the area under permit* so long as they cover that land on which the operator is conducting surface mining operations. If the bond is for *only part of a permit area*, the Report explains, it must be adjusted and increased as new portions of the permit area are disturbed or affected.[1]

This interpretation allows bonds to be limited to a particular geographical area within the permit. Indeed, the purpose behind allowing incremental bonds—to limit the surety's liability and accordingly ease the financial burden on the operator—would be defeated were the provision read otherwise.

Limiting Surety Liability to the Bonded Increment Will Support Sound Reclamation and Protection of the Environment.

Since Section 808.12(c) was originally promulgated, rulemaking and official guidance have cleared the way for a variety of bonding options, including "phased" bonds, which may be limited to an increment or encompass the entire permit. The idea behind these changes was to "fine tune" the regulations so that all parties involved—mine operators, regulators and sureties—could more precisely define their obligations and more wisely allocate their financial resources.

Section 808.12(c) as written diminishes the value of these efforts to provide bonding flexibility as it is almost wholly inconsistent with reasonable control of liability. Once a bond has been deposited for part of a permit, however discrete, the regulatory authority can forfeit it to reclaim any of the permitted acreage.[2]

Quick action is necessary since the time has passed for approval of state plans or implementation of the federal program. Kentucky's Department of Natural Resources recently issued revised incremental bonding guidelines setting forth the principle of liability emobdied in Section 808.12(c). As more states adopt the mandatory language of Section 808.12(c), it will become increasingly difficult to reverse the trend and attempt to keep the bond market open.

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[1] H.R. Rep. No. 94-45, 94th Cog., 1st Sess. 107 (1975).

[2] Mine operators and sureties could conceivably limit their liability consistent with Section 808.12(c) by undertaking the substantial administrative burden of treating each increment as a permit area. The need to repermit each succeeding increment, all agree, would be cumbersome, time-consuming and expensive, and confer no greater benefit than is available through this proposed amendment.

Petitioner does not require a public hearing.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 192

[RH-FRL-1773-7]

Proposed Remedial Action Standards for Inactive Uranium Processing Sites; Instructions and Schedule for Public Hearings

AGENCY: Environmental Protection Agency.

ACTION: Information regarding public hearings.

SUMMARY: In the Federal Register of April 22, 1980 (45 FR 27370–75), and January 9, 1981 (46 FR 2556–2563), EPA published proposed standards for the cleanup and disposal of residual radioactive materials (mainly tailings) from inactive uranium processing sites. EPA developed these proposed standards (40 CFR Part 192) pursuant to Section 275(a) of the Atomic Energy Act, 42 U.S.C. Section 2022(a), as added by Section 206(a) of Pub. L. 95–604, the Uranium Mill Tailings Radiation Control Act of 1978. Pub. L. 95–604 requires the Department of Energy to conduct remedial actions for designated inactive uranium processing sites in accordance with standards promulgated by EPA.

We are now announcing the dates and addresses of public hearings on these proposed standards. In addition, we describe the purpose and form of the hearings, and the procedures for submitting and presenting information and comments regarding the proposed standards.

DATES: The hearings will be held on April 24, 25, 27 and 28, and May 14 and 15, 1981.

ADDRESSES: Following is the schedule for public hearings to be held in April and May 1981:

a. Salt Palace Convention Center, Room 220, Salt Lake City, Utah 84101
Friday, April 24, 9:00 AM–5:00 PM
Saturday, April 25, 9:00 AM–5:00 PM (as required)

b. Strater Hotel, 699 Main Avenue, Durango, Colorado 81301
Monday, April 27, 9:00 AM–5:00 PM
7:00 PM–10:00 PM (as required)
Tuesday, April 28, 9:00 AM–5:00 PM (as required)

c. General Services Administration Auditorium, 18th and F Streets NW., Washington, D.C. 20405
Thursday, May 14, 9:00 AM–5:00 PM
7:00 PM–10:00 PM (as required)

Friday, May 15, 9:00 AM–5:00 PM (as required)

FOR FURTHER INFORMATION CONTACT: Dr. Stanley Lichtman, Criteria and Standards Division (ANR–460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460; telephone number (703) 557–8977.

SUPPLEMENTARY INFORMATION: Public hearings on 40 CFR Part 192 (proposed) will be held as indicated above under the headings "Dates" and "Addresses." The following conditions and procedures will govern the conduct of the hearings.

1. Purpose, Type, and Scope

These hearings are to provide opportunities for people to present facts, views, and arguments to aid EPA in developing final remedial action standards under Pub. L. 95–604. The hearings will be informal and legislative in nature rather than adjudicatory or formal rulemaking hearings. Technical rules of evidence, discovery, subpoena powers, testimony under oath, and similar formalities will not apply.

Participants should confine their remarks to issues that are directly related to EPA's responsibility under section 275(a) of the Atomic Energy Act, as added by Section 206 of Pub. L. 95–604. In brief, this responsibility is to " * * * promulgate standards of general application * * * for the public health, safety, and the environment from radiological and nonradiological hazards associated with residual radioactive materials located at inactive uranium mill tailings sites and depository sites for such materials * * * ." Therefore, the hearings should focus on the adequacy and appropriateness of the standards EPA has proposed.

2. Presiding Officer and Panel

The hearings will be conducted by a presiding officer, who may be assisted by panelists. A principal responsibility of panelists will be to assist the presiding officer to clarify the testimony by eliciting views, comments, and information from participants. Panelists will not present views or respond to questions. The panelists may vary from time to time.

The presiding officer and panelists shall have the joint responsibility to assure a fair and impartial hearing and encourage the development of testimony that will contribute to informed decision-making. It will not be the function of the presiding officer or panelists to issue an opinion or to make decisions at the conclusion of the hearings. The presiding officer shall conduct the hearings in an orderly, fair, and expeditious manner and make procedural decisions. His/her functions shall include, but not be limited to, the following:

a. Regulating the course of the hearings and the conduct of participants, including establishing reasonable time limits for the hearings, establishing the sequence and length of presentations and questioning, and opening and closing each hearing session;

b. Making determinations concerning procedure and similar matters;

c. Assuring that questioning of speakers by panelists and others is consistent with the nature and purpose of these hearings;

d. Making determinations, in consultation with the panelists, of the relevance of oral testimony and questions to the purposes and scope of the hearings and, as necessary, terminating irrelevant presentations;

e. Ruling on late requests to participate;

f. Deciding how long the hearing record will remain open for written comments and additional data after the end of the oral proceedings.

3. Participation in the Hearings

Persons or organizations who wish to give presentations longer than ten minutes or present extensive data and evidence must give written notice to the Director, Criteria and Standards Division (ANR–460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460, no later than 21 days prior to the scheduled date of a hearing. The notice should include: (1) The name, address, and telephone number of the participant; (2) the hearing at which they wish to testify; (3) the organization (if any) that they will represent; (4) the amount of time requested; and (5) which aspects of the proposed standards or other issues they want to address. Oral presentations by individuals or organizations will generally be restricted to 30 minutes. Detailed or lengthy material should be summarized orally and presented in full in written submissions. Requests for longer times for oral presentations will be considered only on the basis of a detailed summary of the material to be presented. The Agency will notify participants in advance if their allocated time is less than that requested.

An opportunity will be provided each day of the hearings for persons who have not submitted a notice as specified above to make brief oral statements. A minimum period will be set aside for such statements in the agenda for each hearing, and the presiding officer may allocate additional time, as necessary. The maximum time allowed for each such statement will depend on the number of registrants and the availability of time, but will generally be no more than 5 to 10 minutes. We advise persons wishing to make such statements to register promptly at the beginning of the hearing at a facility that will be provided for that purpose.

Attendance at the hearings will be open to all members of the public, and seating will be on a first-come first-served basis.

4. Testimony and Written Submissions

a. The oral proceedings will be recorded verbatim and a transcript made available promptly for inspection and copying, as specified below under the heading "The Public Hearing Record." It will help the panelists if speakers supply written copies of their oral testimony before they give it. This is not required however.

b. Two copies of any written statements and documents on which speakers intend to base their oral statements must be submitted to the Director (see item 3, above) no later than 10 days before the beginning of the hearing in which they will testify. We would appreciate it if speakers would also provide three additional copies for the use of the panelists.

c. At the discretion of the presiding office, questions may be directed to speakers by panelists, by other speakers, and by other members of the public. Speakers may respond or not, as they wish. Such informal questioning should be designed to elicit relevant information and not repeat questions asked by others. The views of questioners should be expressed in their statements and not as prefaces to questions.

d. Members of the public who are not able to attend the hearings or prefer not to ask questions themselves may suggest questions for the presiding officer to ask of speakers. These must be submitted to the Director (see item 3, above) no later than 10 days before any hearing. The presiding officer will decide whether or not to ask these questions.

e. Members of the public may also submit comments during the post-hearing comment period set by the presiding officer. These post-hearing comments should be confined to responses to information and comments submitted at the hearings or to written comments received by the Agency.

f. In addition to these public hearings, we would appreciate any written comments on the proposed standards. Oral and written comments will be

given equal consideration in formulating final recommendations. The procedure for submitting such written comments was given in each of the **Federal Register** notices in which the proposed standards were announced (see "Summary," above). Participants in the hearings may refer to and comment on such written comments, which will be available for public inspection and copying as specified below under "The Public Hearing Record."

5. Opening Statement

At the opening of each hearing, EPA will provide a summary statement of the proposed recommendations and of the major issues involved. At that time speakers and other members of the public may ask questions of the EPA representatives in order to clarify the proposed standards and the reasons why EPA is proposing them.

6. The Public Hearing Record

The procedures for filing documents in these hearings will be specified by the presiding officer, except as already provided herein. The hearing record will include the transcript of oral statements, the questions and answers, and all written materials filed in connection with these hearings. Items in this public hearing record will be filed under EPA Docket No. A–79–25. They will be available for public inspection and copying, as soon as possible following their receipt, as the U.S. Environmental Protection Agency's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460.

Dated: March 4, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–7580 Filed 3–11–81; 8:45 am]
BILLING CODE 6560–26–M

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40 CFR Parts 51 and 52

[AD–FRL 1775–2]

Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: EPA regulations published on August 7, 1980 (45 FR 52676) adopted a different definition of "source" for the PSD rules (which require review of new or modifed major sources in clean air areas) than for the nonattainment area new source review rules (which govern review of new or modified major sources in area where air quality does not meet Federal standards). Under the PSD rules a source is, in essence, an entire plant. Under the current nonattainment area rules a source is *either* an entire plant *or* an individual piece of process equipment within the plant. EPA is now proposing to conform the nonattainment area definition of source to that contained in the PSD rules by changing the nonattainment area definition of source to be an entire plant only. The practical significance of this change will be to reduce the coverage of nonattainment area new source review. The same change will also apply to the rules governing the construction moratorium under Section 110(a)(2)(I) of the Act (which prohibits major new construction in nonattainment area lacking EPA-approved State Implementation Plans), which will similarly shrink the coverage of the moratorium. In addition, EPA proposes to drop its current requirement that "reconstructions" be subject to nonattainment area new source review.

DATES: The deadline for submitting comments is April 13, 1981.

ADDRESS: Comments should be addressed to Michael Trutna, Standards Implementation Branch (MD–15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, 919–541–5292.

FOR FURTHER INFORMATION CONTACT: Michael Trutna (919–541–5292) or Eric Smith (202–755–0788).

SUPPLEMENTARY INFORMATION: On August 7, 1980 EPA published amended rules affecting PSD new source review, nonattainment area new source review and the construction noratorium. 45 FR 52676. The Prevention of Significant Air Quality Deterioration (PSD) program requires new or modified "major" [1] air pollution sources locating in areas where national ambient air quality standards (NAAQS) are being attained (or where air quality data is insufficient to determine whether or not NAAQS are being attained) to obtain construction permits which meet the requirements of Part C of Title I of the Clean Air Act. The basic purpose of the PSD program is to protect air quality in clean air areas. In areas where NAAQS are not being attained new or modified "major" [2] sources which would emit the pollutant(s) for which the area is nonattainment must obtain construction permits under Section 173 of the Act. In addition, where a nonattainment area lacks an EPA-approved State Implementation Plan (SIP) that meets the requirements of Part D of Title I of the Act, new or modified major sources that would emit the nonattainment pollutant(s) may not construct at all. This "construction moratorium" is required by Section 110(a)(2)(I) of the Act. See 40 CFR 52.24. The definitions in EPA's regulations governing the applicability of the construction moratorium are the same as those used in the nonattainment new source review rules. 40 CFR 52.24(f).

EPA's amended rules define "source" differently for PSD and nonattainment purposes. The difference revolves around the treatment of a plant that contains a number of individual pieces of process equipment that themselves each emit more than 100 tons per year. For PSD, EPA generally defines "source" in terms of an entire plant. For the nonattainment program, however, EPA defines "source" as both the entire plant and each of those "major" pieces of process equipment within it.

An example will show how these different definitions work. Suppose that a plant has three pieces of process equipment each of which has a potential to emit about 400 tons per year. The owners of the plant decide to expand operations at one piece of equipment resulting in an increase of 70 tons per year of a criteria pollutant,[3] and they further intend to curtail operations at another piece of equipment so as to reduce emissions of the same pollutant by 70 tons per year. If the plant were subject to PSD requirements, these changes would not "modify" any "source". The plant as a whole is the source, and since the reduction at the second piece of equipment balances the increase at the first, there is no significant plant-wide increase in emissions. As noted earlier, a change at a source is not a modification subject to review unless it results in a significant overall increase in emissions. Thus, no permit would be needed. But if the plant were located in an area which is nonattainment for the pollutant involved, then each piece of process

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[1] "Major" sources for PSD purpose are those which emit more than either 100 tons per year or 250 tons per year (depending on the type of source) of any pollutant. See Section 169(1) of the Act, 40 CFR 51.24(b)(1), 52.21(b)(1)).

Each new "major" source must get a permit. In addition, any modification to a major source that causes a "significant" increase in emissions must get a permit. "Significant" increases in emissions are specified at 40 CFR 51.24(b)(23)(i), 52.21(b)(23)(i).

[2] "Major" sources for nonattainment purpose are those which emit more than 100 tons per year. 40 CFR 51.18(j)(1)(v).

The "modification" test for nonattainment areas is the same as for PSD. See 40 CFR 51.18(j)(1)(xii).

[3] A criteria pollutant is one for which EPA has established a NAAQS.

equipment is independently viewed as a source and the change at the first piece of equipment would have to undergo preconstruction review, because the piece of equipment is *itself* a major source and there is a significant net increase in emissions at that source. Compensating reductions obtained elsewhere at the plant could not be used to escape review, because these reductions did not occur at the same "source."

There would be a similar potential for differing results if the plant added a new piece of equipment with a potential to emit 300 tons per year. For PSD purposes, the relevant "source" is the plant, so that if the plant reduced emissions by 300 tons per year at the existing equipment, there would be no net increase at the source. But for nonattainment purposes, the new piece of equipment is itself a major source and so would be subject to review (or the construction moratorium) even if there had been no significant increase in emissions from the plant as a whole.

These different definitions of source mean that more new construction projects are subject to review in nonattainment areas (or, if there is no EPA-approved Part D SIP, more new construction projects are subject to the construction moratorium) than in areas subject to PSD requirements.

EPA also requires new source review in nonattainment areas based on a capital investment test of "reconstruction". Specifically, whenever a company rebuilds a "source" so that more than 50% of the capital in it represents new investment, EPA will require new source review no matter how emissions are affected.

The Proposed Amendment

EPA today is proposing to change the definition of "source" contained in the rules governing nonattainment area new source review and the construction moratorium so as to make that definition conform to that contained in the PSD rules. The result will be to eliminate the differences in coverage between the PSD and nonattainment programs that were described above. The change is being carried out by amending the definition of the terms "building", "structure", "facility" and "installation", which are the components of the term "source." EPA is also proposing to delete the definition of "reconstruction."

Discussion

The decision to reconsider the scope of nonattainment area new source review has been made in the context of a Government-wide reexamination of regulatory burdens and complexities that is now in progress. EPA has also reevaluated all of the arguments on all sides of these definitional issues. The Agency has concluded that the amendments to the August 7 rules being proposed today will substantially reduce the burdens imposed on the regulated community without significantly interfering with timely achievement of the goals of the Clean Air Act.

The issue of the proper scope of the nonattainment area definition of "source" is not a clear-cut legal question. The statute does not provide an explicit answer, nor is the issue squarely addressed in the legislative history. The D.C. Circuit (in *Alabama Power Co.* v. *Costle*) has stated by implication that EPA has substantial discretion to define the constituent elements of this term.

The question thus involves a judgment as to how to best carry out the Act. Two issues have been reexamined here. The first is whether the definition of "source" in nonattainment areas should be modified to conform to the one in PSD areas. The second is whether new source review based on "reconstruction" should be required at all.[*]

EPA believes for the following reasons that the proposed change in the definition of "source" is appropriate.

1. The August 7 definition forbids *any* construction or modification of major pieces of process equipment in areas where the construction moratorium is in effect, even where no increase in emissions at a plant would result. There are a substantial number of such nonattainment areas nationwide at present.

2. Even outside of these "construction moratorium" areas under the present regulatory scheme the August 7 definition can act as a disincentive to new investment and modernization by discouraging modifications to existing facilities.

3. For both these reasons, under the current overall regulatory system, the August 7 definition can actually retard progress in air pollution control by discouraging replacement of older, dirtier processes or pieces of equipment with new, cleaner ones.

4. The proposed definition would simplify EPA's rules by using the same definition of "source" for PSD, nonattainment new source review and the construction moratorium. This reduces confusion and inconsistency.

5. States will remain subject to the requirement that for all nonattainment areas they demonstrate attainment of NAAQS as expeditiously as practicable and show reasonable further progress toward such attainment. Thus, the proposed change in the mandatory scope of nonattainment new source review should not interfere with the fundamental purpose of Part D of the Act.

6. New Source Performance Standards (NSPS) will continue to apply to many new or modified facilities and will assure use of the most up-to-date pollution control techniques regardless of the applicability of nonattainment area new source review.

7. In order to avoid nonattainment area new source review, a major plant undergoing modification must show that it will not experience a significant net increase in emissions. Where overall emissions increase significantly, review will continue to be required.

For these reasons EPA has reconsidered the concerns it expressed in the August 7 preamble (See 45 FR 52697–8) and has decided that the "dual definition" is excessively and unnecessarily burdensome.

In light of the change to the nonattainment area definition of source, there is good reason to abandon the "reconstruction" test for nonattainment area new source review. That test by itself only requires review in cases where there is reconstruction, but a "significant" increase in emissions is absent. With a plant-wide definition of source, the reconstruction provision would only trigger review in cases of plant-wide reconstruction. Few instances of plant-wide reconstruction are expected. Thus, there is little justification for the added complexity this provision entails. Moreover, this change will further reduce inconsistency with the PSD rules which do not have a reconstruction provision.

The Clean Air Act, in Section 111, recognizes an independent, long-term interest in making sure that new facilities install state-of-the-art pollution controls when they are built. This results in the most cost-effective long-term air quality improvement by controlling pollution at the design stage, rather than requiring costly retrofits. Of course, this approach, unlike the nonattainment area requirements of Part D, is not based on the location of particular sources.

For these reasons, EPA believes that a "reconstruction" definition is appropriate for the new source performance standards under Section 111. However, the arguments for it are

[*] Of course, States always retain the right to choose to impose more stringent new source requirements than Federal rules mandate.

considerably weaker where a program of review basically designed to meet air quality standards in particular places is at issue, and EPA proposes to drop it there.

EPA solicits comments on the proposed rule. All such comments will be carefully considered prior to any final action.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposal will reduce regulatory burdens since fewer sources will be subject to new source review and the construction moratorium.

The Director of the Office of Management and Budget, acting under Section 8(b) of Executive Order 12291, has granted this proposal an exemption from the provisions of that order because of its burden-relieving and deregulatory nature.

This Notice of Proposed Rulemaking is issued under Section 301 of the Clean Air Act, 42 U.S.C. Sec. 7601.

Dated: March 6, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

1. Section II, Subsection A of the Emissions Offset Interpretative Ruling, 40 CFR Part 51 Appendix S, as revised 44 FR 3274 (January 16, 1979), 45 FR 31307 (May 13, 1980), and 45 FR 52741 (August 7, 1980) is proposed to be amended as follows:

a. By changing the words "Building, structure or facility" at the beginning of paragraph 2 to read "Building, structure, facility or installation";

b. By removing paragraph 3 and renumbering the succeeding paragraphs accordingly, and

c. By removing paragraph 9 and renumbering the succeeding paragraphs accordingly.

§ 51.18 [Amended]

2. Section 40 CFR 51.18(j)(1) is proposed to be amended as follows:

a. By changing the words "Building, structure or facility" at the beginning of subparagraph (ii) to read "Building, structure, facility or installation";

b. By removing subparagraph (iii) and renumbering the succeeding subparagraphs accordingly, and

c. By removing subparagraph (ix) and renumbering the succeeding subparagraphs accordingly.

§ 52.24 [Amended]

3. Section 40 CFR 52.24(f) is proposed to be amended as follows:

a. By changing the words "Building, structure or facility" at the beginning of subparagraph (2) to read "Building, structure, facility or installation";

b. By removing subparagraph (3) and renumbering the succeeding subparagraphs accordingly, and

c. By removing subparagraph (9) and renumbering the succeeding subparagraphs accordingly.

[FR Doc. 81-7704 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5078]

National Flood Insurance Program; Proposed Flood Elevation Determinations

Correction

In FR Doc. 81-4035, published at page 10754, on Wednesday, February 4, 1981, make the following corrections:

(1) On page 10759, in the table under "Ohio", in the seventh line under "Gregory Creek", in the last column "*298" should be corrected to read "*606".

(2) On page 10760, in the table under "Indian Creek", in the last line, in the last column should appear "*754".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Participation by Minority Business Enterprise in Department of Transportation Programs

49 CFR Part 23

[Docket 64a]

AGENCY: Office of the Secretary of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Transportation intends to propose a comprehensive revision of its minority business enterprise rule, as part of the Administration's program of reducing regulatory burdens. The Department expects to publish a notice of proposed rulemaking in the near future to effect this comprehensive revision. At this time, the Department is proposing to amend certain provisions of the existing rule on an interim basis. Comments are invited on the interim amendment.

DATE: Comment closing date: Comments are requested on or before March 26, 1981.

ADDRESS: Comments should be sent to the following address: Docket Clerk (Docket 64a), 400 7th Street, S.W., Room 10421, Washington, D.C., 20590. Comments are available for public inspection between 9:00 a.m. and 5:30 p.m. Monday through Friday at this address. Persons wishing to have their comments acknowledged should send a stamped, self-addressed card along with their comments. The docket clerk will return these cards when the comments are docketed.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, 400 7th Street, S.W., Washington D.C., 20590. 202-426-4723.

SUPPLEMENTARY INFORMATION:

Background

The Department of Transportation (DOT) published a final minority business enterprise (MBE) regulation on March 31, 1980 (49 CFR Part 23; 45 FR 21172). The regulation requires recipients of DOT financial assistance to prepare and submit for DOT approval MBE affirmative action programs. The rule requires that these programs contain several elements. Among these are provisions requiring prospective contractors to submit the names of and other information about their MBE subcontractors (§ 23.45(h)) and requiring recipients to ensure that contracts are awarded to bidders that meet MBE goals or make sufficient reasonable efforts to do so (§ 23.45(i)). The latter provision establishes a conclusive presumption that, if one bidder meets the goal and offers a reasonable price, bidders that did not meet the goal did not exert sufficient reasonable efforts, and hence are ineligible to receive the contract.

Sections 23.45 (h) and (i) have been criticized as establishing an illegal quota system, conflicting with the principle of awarding contracts to the lowest bidder, and unnecessarily raising costs. A significant number of state transportation agencies and other recipients have requested exemptions from these provisions. Seventeen lawsuits have been filed in various federal district courts challenging the regulations.

In Executive Order 12291 and other directives, President Reagan has told Federal agencies to review their existing regulations to determine which among them can be modified or rescinded to reduce regulatory burdens. The Department of Transportation has identified the MBE rule as one of the costly or controversial rules deserving priority review. After reviewing the rule

and the controversy and litigation surrounding it, the Department has concluded that the rule should be changed. The Department intends to publish a notice of proposed rulemaking (NPRM) to revise the rule comprehensively in the near future.

Proposed Interim Amendment

Given the requirements of the rulemaking process, it will be at least three to four months before the Department can promulgate a final rule based on this planned NPRM. Consequently, the Department intends to take steps to deal with the problems created by the present rule in the meantime.

To this end, as an interim measure, the Department proposes to amend 49 CFR Part 23 by deleting sections 23.45 (h) and (i). In their place, the Department proposes to promulgate a new § 23.45(h). This new § 23.45(h) would require that recipients' MBE programs require bidders and contractors, as a condition of participation in DOT-assisted contracts, to make good faith efforts to meet MBE contract goals.

Under the proposed interim provision, the apparent successful bidder or offeror, as a condition of being awarded a contract for which MBE contract goals have been established, would have to submit to the recipient information concerning the MBE participation it has obtained for the contract. This information, including the names of the MBE firms involved, a description of the work they will be doing on the contract, and the dollar amount of their participation, would have to be submitted at a time before contract award designated by the recipient. In the event that the apparent successful bidder or offeror had not met the MBE goals, the firm would have to demonstrate that it had made good faith efforts to do so. If the efforts were inadequate, the contractor would be ineligible to be awarded the contract.

Under this proposal, the basic judgment that would have to be made in evaluating the adequacy of a contractor's efforts is whether they really represent a good, hard try to meet MBE goals or whether the efforts were merely *pro forma*. Mere *pro forma* efforts should not be regarded as satisfying the requirement of good faith. The Department is not including in the proposed amendment a mandatory checklist of documentation that contractors would have to provide to demonstrate good faith efforts.

However, the following factors are illustrative of matters which, under the proposal, the Department suggests that states should consider in judging whether contractors have made adequate good faith efforts:

(1) Whether the contractor attended any pre-bid meetings that were scheduled by the recipient to inform MBEs of subcontracting opportunities;

(2) Whether the contractor advertised in general circulation, trade association, and minority-focus media concerning the subcontracting opportunities;

(3) Whether the contractor provided written notice to a reasonable number of specific MBEs that their interest in the contract is being solicited;

(4) Whether the contractor followed up initial solicitations of interest by contacting MBEs to determine with certainty whether the MBEs were interested;

(5) Whether the contractor selected portions of the work to be performed by MBEs in order to increase the likelihood of meeting the MBE goals;

(6) Whether the contractor provided interested MBEs with adequate information about the plans, specifications and requirements of the contract;

(7) Whether the contractor negotiated in good faith with interested MBEs, not rejecting MBEs as unqualified without sound reasons based on a thorough investigation of their capabilities; and

(8) Whether the contractor made efforts to assist interested MBEs in obtaining bonding or insurance required by the recipient or contractor.

The Department intends this proposed amendment solely as an interim measure to relieve the problems associated with the existing sections 23.45 (h) and (i). It is not intended to propose a comprehensive or permanent revision of the regulation. The subsequent proposed rule that the Department plans to publish will undertake this larger task. While other parts of the existing regulation, such as goal-setting mechanisms, dual goals for minority and women-owned businesses, the certification system, the definition of "Hispanic," the application of the rule to MBE banks, and so forth, have also been the subject of comment, these and other portions of the existing rule will remain in effect during this interim period.

As a result of the proposed change, the Department, in the interim period during which this amendment would be in force, would be able to approve all recipients' MBE plans that provide for setting overall and contract goals for the use of MBEs, that require contractors to make good faith efforts to meet these goals, and otherwise conform to applicable provisions of the regulation. Consequently, the Department expects to be able to give formal approval to a number of recipients' MBE programs, approval of which has been withheld or denied for failure to comply with current § 23.45 (h) and (i). These recipients, as well as others who are implementing programs that conform to the current § 23.45 (h) and (i), could use the approach contained in this amendment without seeking an exemption from the Department. Recipients would be free, at their discretion, to continue to use existing MBE programs conforming to § 23.45 (h) and (i), although they would no longer be required to do so.

Request for Comments

Under section 12(b) of the Department of Transportation's Regulatory Policies and Procedures, the public is normally provided 60 days to comment on proposed significant regulations. When a shorter comment period is to be provided, the Procedures require a statement of the reasons for the shorter time period. In this case, the Department's reasons for a two-week comment period are the following:

1. If existing § 23.45 (h) and (i) were to remain in effect pending the completion of a 60-day comment period on this interim amendment, a number of problems would arise. Believing that a change is likely to be made following a comment period, recipients and contractors would be likely to postpone procurement actions or seek delays in bidding or resolicitations. This would delay the initiation of needed DOT-assisted transportation projects and, because of the effect of inflation on delayed projects, result in higher costs for these projects. Confusion and uncertainty in the administration of the MBE program by DOT and recipients would also be likely to result. The Department believes that it is necessary to mitigate the effect of these problems by shortening the comment period.

2. The Department has kept the public comment docket on its MBE rule open since the publication of the rule. The Department has received numerous comments from recipients, contractors, members of Congress, and other organizations and individuals requesting that § 23.45 (h) and (i) be changed or withdrawn. The many exemption requests from recipients have made, in effect, this same request. In other words, the Department has already received a significant number of public comments recommending action similar to that which the Department proposes to take in this interim amendment. Under these circumstances, the Department believes that a 60-day opportunity for comment before the interim amendment goes into effect would probably not be productive

of enough additional information essential to the Department's decision about interim measures to justify the additional time before an interim change went into effect.

3. Many of the most serious challenges to the affected provisions of the current rule are legal in nature, including allegations in the various lawsuits that the provisions are unconstitutional or outside the Department's statutory authority. While the Department remains convinced of the legal validity of the rule, the Department believes that it is highly advisable, while the revised rule is being prepared, to cure or mitigate what is widely perceived to be a legal defect in the existing regulation by changing § 23.45 (h) and (i). Particularly in the context of ongoing litigation, waiting 60 days to take interim action would be contrary to the interest of the public and the Department.

For all these reasons, the Department will accept comments for 14 days following the publication of this notice. Comments on the existing regulation will continue to be accepted for Docket No. 64. Suggestions for what the revision of the regulation as a whole should include should be sent to Docket No. 64.

The Department has considered the economic effect this proposed rule would have on small entities (i.e., small businesses, small organizations, and small governments) pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Based upon a review of the comments received after issuance of the existing MBE regulation in March 1980, it is possible that the interim rule changes proposed in this notice could result in some lower contract prices to certain small governments. However, at this time, there is no evidence that would lead the Department to believe that the economic impact would be significant. Furthermore, the Department does not believe that the overall effect, if any, on small businesses or organizations would be large, particularly in view of the interim nature of the proposal. For these reasons, the Department finds that the interim amendment proposed in this notice, if promulgated, will not have a significant economic impact upon a substantial number of small entities.

(Sec. 905 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C 803); Sec. 30 of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1730); Sec. 19 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1615); Title 23, U.S. Code; Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); Department of Transportation Act (49 U.S.C. 1651 et seq.))

Accordingly, it is proposed to amend 49 CFR Part 23 as follows: § 23.45 is amended by revising paragraphs (h) and (i).

§ 23.45 Required MBE program components.

* * * * *

(h) *A means to ensure that contractors make good faith efforts to meet MBE contract goals.* (1) In all solicitations for DOT-assisted contracts in which there are subcontracting possibilities and for which contract goals have been established, the recipient shall inform the competitors for the contract that the apparent successful competitor will be required to submit, at a time before award of the contract designated by the recipient, the following information:

(i) Information concerning the MBE participation in the contract:

(A) The names and addresses of MBE firms that will participate in the contract;

(B) A description of the work each named MBE firm will perform;

(C) The dollar amount of participation by each named MBE firm.

(ii) If the MBE participation submitted in response to subparagraph (A) does not meet MBE contract goals, information sufficient to satisfy the recipient that the competitor made good faith efforts to meet these goals.

(2) Meeting MBE goals or making good faith efforts to do so is a condition of being awarded a DOT-assisted contract for which contract goals have been established.

(i) (reserved)

Issued at Washington, D.C. on March 9, 1981.

Andrew L. Lewis,

Secretary of Transportation.

[FR Doc. 81-7707 Filed 3-11-81; 8:45 am]

BILLING CODE 4910-62-M

Notices

Federal Register
Vol. 46, No. 48
Thursday, March 12, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan: Bridger-Teton National Forest; Revised Notice of Intent To Prepare an Environmental Impact Statement

A Notice of Intent to Prepare an Environmental Impact Statement for the Bridger-Teton National Forest Land and Resource Management Plan was published in the **Federal Register**, Volume 45, No. 88, p. 29107, May 1, 1980.

The estimated dates for filing the Draft and Final Environmental Impact Statements with the Environmental Protection Agency and release to the public have been postponed. The Draft Environmental Impact Statement is now expected in December 1982, and the Final Environmental Impact Statement is proposed for release in July 1983.

All other conditions of the original Notice of Intent remain the same.

Dated: February 25, 1981.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 81-7727 Filed 3-11-81; 8:45 am]

BILLING CODE 3410-11-M

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 7:30 p.m., March 30, 1981, at the Nezperce National Forest Smokejumper Barracks conference room, Grangeville, Idaho. Purpose of this meeting is further review of potential transportation routes and to develop a committee recommendation on a preferred transportation alternative.

The meeting will be open to the public. Persons who wish to attend should notify Ed Laven, 319 East Main, Grangeville, Idaho 83530; telephone 208/983-1950. Written statements may be filed with the committee before or after the meeting.

Dated: March 3, 1981.

Don Biddison,

Forest Supervisor.

[FR Doc. 81-7728 Filed 3-11-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 81-3-38; Docket 37943]

Excess-Baggage Charges Proposed by Qantas Airways Limited; Tentative Decision

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of March, 1981.

On August 10, 1979 and September 12, 1979, Qantas Airways Limited (Qantas) filed tariffs proposing a charge for excess-baggage transported between Hawaii and California. The charge applies solely to passengers en route between Australia and California making a stop-over in Hawaii. By Order 80-3-145, we instituted an investigation to determine whether the excess-baggage tariff proposed by Qantas violated section 1108(b) of the Act. We acknowledged that the tariff might be unlawful but allowed it to take affect pending the resolution of our investigation. Since the issues were legal in nature and no material issues of fact were in dispute, we saw no reason to convene an oral hearing.[1] We did, however, request that interested parties file briefs on the issue of the lawfulness of Qantas' tariff.

Pan American, Qantas, and DHL have filed initial and reply briefs. DHL joins Qantas in support of the excess-baggage tariff. Pan American argues for cancellation.

In support of its argument, Pan American distinguishes between the right of Qantas to carry personal baggage and courier items. It does not claim that these fares could not apply to personal excess-baggage; rather, that since courier shipments are essentially property, their carriage between U.S. points on a foreign air carrier pursuant to the proposed tariff would violate section 1108(b) of the Act. Pan American admits that if courier shipments were construed as passenger baggage accompanying legitimate stop-over traffic, Qantas would be entitled to accommodate them on the domestic leg of an international journey. Pan American, however, urges the Board to find that courier shipments are property, since they are indistinguishable from cargo, and not incident to passenger transportation. Pan American alleges that the international passenger is merely a subterfuge to circumscribe the prohibition against transportation of traffic between U.S. points by foreign air carriers.

Qantas disagrees with Pan American's characterization of courier items as cargo. It claims that any items moved via a baggage service by a stop-over passenger are incident to the international transportation of passengers and therefore not violative of section 1108(b). Quantas states that the legality of transporting a stop-over passenger's baggage is unaffected by the quality or quantity of the baggage and that no legal basis exists to differentiate between courier and other passenger traffic. The carrier alleges that Pan American has failed to substantiate its claim that courier items should be classified as "property" for purposes of section 1108(b). Qantas asserts as justification for its tariff that it provides a reasonable rate for excess-baggage moved only on the Hawaii-California segment of an Australia-California journey. Finally, the carrier requests an opportunity to present these arguments before the Board by oral argument.

DHL also disagrees with Pan American's characterization of courier baggage as property or cargo. It agrees with Qantas that courier shipments are identical to any other baggage carried by an international passenger and should be treated as incident to the movement of passengers. DHL states that if courier shipments are classified as cargo, it would effectively destroy the courier industry which was established and has relied upon the airline industry's representation that courier items are baggage. DHL says that an interpretation which equates courier shipments with cargo would violate the due process protections of the Administrative Procedure Act. It states that further notice and procedures are required to alert all foreign air carriers with stop-over rights and all U.S. and

[1] On April 8, 1980, Pan American filed a motion requesting an oral evidentiary hearing. By Order 80-6-98, we deferred a decision on this motion pending the submission of briefs in this docket.

foreign air carriers which transport courier shipments of the restrictions which would result from cancellation of Qantas' tariff.

Based upon the original pleadings submitted in Dockets 36473 and 36715 by Pan American and Qantas, we initially described the issue to be resolved in this investigation as whether Qantas' tariff violated section 1108(b) of the Act. If excess-baggage were construed to be property for purposes of section 1108(b), carriage of these items by a foreign air carrier between two U.S. points would be unlawful. On the other hand, if the items were identified with passenger movement, then a foreign air carrier could hold sufficient authority for this air transportation.[2]

After a thorough review of the pleadings and all relevant facts of record, we have tentatively decided that Qantas' tariff is unlawful. However, after considering the arguments raised by the parties, we have concluded that the lawfulness of the proposed tariff does not depend upon whether its acceptance would violate section 1108(b) of the Act, but whether Qantas holds Board authority pursuant to its section 402 permit to provide the proposed service. We tentatively find that since Qantas does not possess the requisite authority under its foreign air carrier permit, its tariff is unlawful. [3]

Qantas provides service between Australia and California via Hawaii pursuant to a foreign air carrier permit issued under section 402 of the Act. This permit retricts Qantas to operations in foreign air transportation between the U.S. points and the foreign points described in the permit. However, the Board generally allows a foreign air carrier to move traffic between U.S. points listed in its permit where the same carrier transports that traffic to or from a foreign point. This is generally referred to as the "stop-over right" and is considered to be a privilege inherent in foreign air carrier permits unless otherwise restricted. This interpretation is consistent with the legislative history of the Act and comports with customary international aviation law practiced by our trading partners.[4] Accordingly, Qantas can move passengers between California and Hawaii that it transports either to or from Australia.

Contrary to Qantas' contention, however, the privilege accorded to foreign air carriers to move stop-over passengers and their accompanying baggage between U.S. points does not entitle such carriers to establish charges for only the domestic segment of an international journey. Indeed, such charges published for an international journey between a foreign point and a U.S. point of origin or destination encompass the stop-over passenger's carriage between two U.S. points since that portion of the trip is considered to be in foreign air transportation.[5] The proposed tariff would allow Qantas to carry the excess-baggage of a stop-over passenger between two U.S. points at a charge substantially different from that associated with the international fare. This would constitute a new and valuable service which has never before been authorized by the Board nor by any foreign government of which we are aware. We do not find this economic opportunity included in the penumbra of privileges inherent in foreign air carrier permits. In view of this conclusion we find that it is unnecessary, at this time, to determine whether the Board could, as a matter of law, amend Qantas' permit to authorize this service and accept this tariff proposal. Moreover, we perceive no factors of international reciprocity and comity that would currently warrant a grant of this valuable economic right to Qantas should we determine that such an award would not be unlawful.

We also disagree with DHL's assertion that our investigation procedures violate the due process rights of other parties. First, our order of investigation invited any interested party to participate in this proceeding. The absence of numerous participants does not indicate inadequate notice but rather demonstrates that the issues may not impact as heavily on the industry as DHL claims. Second, our action does not impose any additional limitations on either U.S. or foreign direct air carriers. As explained above, foreign direct air carriers have never held authority to file tariffs for the domestic segments of international journeys. Our provisional acceptance of Qantas' tariff is an inadequate basis to cite as precedent.

Since our order of investigation focused the attention on legal issues that we have tentatively decided are not dispositive of the lawfulness of Qantas' tariff, and since the comments only discussed the Section 402 issue tangentially to the Section 1108(b) issues, we have decided to allow an additional round of comments. We will give the participating parties and all other interested persons 10 days from the service date of this order (*i.e.* March 16, 1981) to file comments to our tentative findings and conclusions. Replies will be due five days thereafter.

By Order 80-6-99, we deferred Pan American's motion for an oral hearing until after briefs were submitted in this investigation to better evaluate whether any factual issues would be raised which required an oral hearing for their resolution. Since no such issues have surfaced, we have tentatively decided to deny that carrier's motion. Similarly, we have tentatively decided to deny the request of Qantas for an oral argument. We see no reason to use those procedures because the question at issue is legal in nature, and no material issues of fact are in dispute. However, based upon our tentative decision, any person may request an oral hearing if its motion is filed within 10 days of the service date of this order. The request must detail why such hearing is considered necessary and what relevant material facts would be established in an oral evidentiary hearing that could not be resolved in written pleadings. The Chief, Legal Division, Bureau of International Aviation, retains delegated authority to regulate the course and conduct of all procedural motions and requests filed in this docket (except for motions or requests for oral hearing).

Accordingly,

1. Any interested person may file comments concerning the lawfulness of Qantas' tariff within 10 days of service of this order; replies are due five days thereafter;

2. Requests for an oral evidentiary hearing shall be filed within 10 days of service of this order; and

3. We shall serve this order on Pan American World Airways, Inc., DHL Corporation, Qantas Airways Limited, Japan Air Lines Company, Ltd., and Philippine Airlines.

This order will be published in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[6]

Secretary.

[FR Doc. 81-7714 Filed 3-11-81; 8:45 am]

BILLING CODE 6320-01-M

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[2] We also acknowledged that a sub-issue was whether only courier excess-baggage should be considered property for purposes of section 1108(b).

[3] See § 221.7 of the Board's Economic Regulations.

[4] *See* Senate Report No. 1718, 82nd Cong., 2nd Session p. 7; Senate Report No. 512, 83rd Cong., 1st Session p. 4; House Report No. 941, 83rd Cong., 1st Session p. 3.

[5] *Petition of Qantas Empire Airways Limited for Interpretative Rule* 20 CAB 33 (1959).

[6] All Members concurred.

DEPARTMENT OF COMMERCE

International Trade Administration

Team Corp.; Consent Agreement

The Office of Export Administration, United States Department of Commerce,

having initiated administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979, (Pub. L. 96–72, 50 U.S.C. app. 2401, *et seq.*) (the "Act") and the Export Administration Regulations [15 CFR part 368, *et seq.* (1980)] (the "Regulations") against Team Corporation ("Team"), 9949 Hayward Way, South El Monte, CA, 91733, based on allegations that Team violated Sections 387.2, 387.4 and 387.6 of the Regulations; and

The Department and Team having entered into a Consent Agreement whereby each has agreed to settle this matter (1) by a denial of all exporting privileges for a three-month period terminating on May 31, 1981, (2) by payment of a civil penalty in the amount of $10,000, and (3) by undertaking certain corrective measures to ensure compliance with the Regulations; and

The terms of the Consent Agreement having been approved by me, *Now*, pursuant to the authority vested in me, 15 CFR, Part 388:

It is therefore ordered;

First, that Team, is denied all export privileges and shall not export any goods, commodities or technical data for a period terminating on May 31, 1981. However, (a) shipments pursuant to the contracts specified in the attached letter (mailed to the respondent) will be permitted and (b) shipments in connection with service and repairs may be permitted, upon notification to and authorization by the undersigned;

Second, that a civil penalty in the amount of $10,000 is assessed against respondent. The penalty shall be paid as follows:

(a) Pursuant to Section 11(c)(1) of the Act, Team shall pay to the Department, in the manner specified in the attached instructions, a civil penalty in the sum of $5,000, payable in installments of $1,000 each on the first day of the first five months of calendar year 1982;

(b) Payment of the remaining $5,000 shall be suspended during a probation period which is hereby imposed for the period June 1, 1981 to May 31, 1982 at which time such payment will be waived provided that respondent is then in full compliance with all terms and conditions of the Order;

Third, The terms of probation are:

(a) Respondent shall comply fully with all export laws and the Regulations and the terms of this Order;

(b) Team shall effect the corrective measures specified in the Consent Agreement, and

(c) Team shall submit a report in duplicate, to the Director, Compliance Division, Office of Export Administration, within six months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective measures specified in the Consent Agreement; and

Fourth, that because such report and accompanying documents will be available for public inspection and copying, one copy shall be submitted intact and another copy, marked "Public Inspection Copy," may be edited by Team to delete information which it believes would be properly exempt from public disclosure under 5 U.S.C. 552.

Entered this 3rd day of March 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-7086 Filed 3-11-81; 8:45 am]

BILLING CODE 3510-25-M

Natural Menthol From the People's Republic of China, Antidumping; Extension of Period for Final Determination

March 9, 1981.

AGENCY: United States Department of Commerce.

ACTION: Extension of period for final determination.

SUMMARY: We are extending by 30 days the period for final determination in the antidumping investigation of natural menthol from the People's Republic of China. We will make a final determination by April 22, 1981.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5498).

SUPPLEMENTARY INFORMATION: On January 7, 1981, we determined preliminarily that natural menthol from the People's Republic of China was being, or was likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673) ("the Act"). We announced our determination in the **Federal Register** on January 14, 1981. (46 FR 3258).

The China National Native Produce & Animal By-Products Import & Export Corporation (CNEC) in the sole exporter of natural menthol from the People's Republic of China. On February 19, 1981, counsel for CNEC requested that we extend by 30 days the period for final determination, in accordance with section 735(a)(2) of the Act. We are granting this request and extending the period for final determination to April 22, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 6, 1981.

[FR Doc. 81-7085 Filed 3-11-81; 8:45 am]

BILLING CODE 3510-25-M

Unrefined Montan Wax From the German Democratic Republic, Antidumping; Preliminary Determination, Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Preliminary affirmative determination of sales at less than fair value.

SUMMARY: We have determined that there is a reasonable basis to believe that unrefined montan wax from the German Democratic Republic (GDR) is being, or is likely to be, sold in the United States at less than fair value. Therefore, we have directed the U.S. Customs Service to suspend the liquidation of entries of this merchandise. A cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 29.5 percent will be required at the time of each entry, or withdrawal from warehouse for consumption in the United States. Unless there is an extension of the investigation, we will make our final determination by May 18, 1981.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, D.C. 20230 (202–377–3003).

SUPPLEMENTARY INFORMATION:

Case History

On September 5, 1980, we received an antidumping petition from the American Lignite Products Company (ALPCO) of Ione, California. The petition alleged that unrefined montan wax from the GDR is being, or is likely to be, sold in the United States at less than the fair value and that the sales were causing material injury to an industry in the United States within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act").

After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping investigation. Therefore, on September 30, 1980, we announced the initiation in the **Federal Register** (45 FR 64611).

On October 23, 1980, the U.S. International Trade Commission found that there is a reasonable indication that these imports are materially injuring or are threatening to materially injure a U.S. industry. It published its determination in the **Federal Register** on November 6, 1980 (45 FR 73921–26).

On January 30, 1981, we published a notice in the **Federal Register** (46 FR 9982) that we were postponing, under section 733(c)(2) of the Act, our preliminary determination. The extension was necessary since the case is extraordinarily complicated and the Department needed additional time to collect and analyze data needed for the preliminary determination.

Product Description

Currently classifiable under item 494.20 of the Tariff Schedules of the United States, unrefined montan wax is a nonoxidized mineral wax extracted from lignite, not advanced beyond extraction or cleansing by solvent. This product is primarily used in the United States as a flow agent in one-time carbon ink formulas. It is also used for producing polishes, mold release agents and for casting.

Nature of the Industry

Commercial production of montan wax requires deposits of lignite with a high wax content. Such deposits occur in very few places in the world. The world's major producer (accounting for some 85% of total production) is VEB Braunkohlenkombinat of the GDR. The petitioner in this case, ALPCO produces between 3 and 5% of world supply. These two firms are the only producers that sell unrefined montan wax in the U.S. market.

VEB Braunkohlenkombinat is part of a state owned combine. It exports montan wax through AHB Chemie-Export-Import of East Berlin, a government Foreign Trade Organization responsible for exporting chemical products. The sole U.S. importer of the product is Strohmeyer and Arpe of Millburn, New Jersey. Imports of unrefined montan wax from the GDR represented 56 percent of the U.S. consumption of the product in 1979.

The GDR is a major world producer of lignite, using it to supply more than 80 percent of its power and fuel requirements. The plant that produces montan wax is part of a vertically integrated power production facility. Lignite is mined primarily to provide both fuel for generating electricity and fuel in the form of compressed briquettes for other requirements. The on-site electric generation plant supplies commercial power for the surrounding area, for the mining operation, for the wax extraction plant, and for the briquette plant. The lignite briquettes that are produced are shipped throughout the GDR And also exported to other European countries.

When wax-bearing strata are encountered during the mining operation, the lignite with a high wax content is diverted from the production of other fuels to the wax plant. After the wax is extracted the residual lignite flows back into the production of briquettes. The plant produces approximately 80–110 million pounds of montan wax per year. This is less than one percent by weight of the plant's total production, which includes the lignite burned directly on site and the lignite used for briquette production.

Production of montan wax in the GDR contrasts sharply with production by petitioner. ALPCO does not mine its own lignite and does not produce montan wax as a co-product in the production of electric power and lignite briquettes. Rather, ALPCO purchases its lignite, must use purchased natural gas for energy in the process of extracting wax from the lignite, and depends almost entirely on montan wax sales for income since there is virtually no market for the residual lignite.

ALPCO produced approximately 4.1 million pounds of unrefined montan wax in 1979 and sold 3.2 million pounds domestically (44% of total U.S. consumption).

Methodology Fair Value Comparison

In this preliminary determination, we have made fair value comparisons by comparing the purchase price to the constructed value of comparable merchandise produced in the United States adjusted for certain differences in the costs of production in the GDR.

Purchase Price

We used purchase price as defined in section 772(b) of the Act, because the price to the unrelated customer was agreed to before the montan wax was imported. We calculated purchase price by deducting the cost of inland freight within the GDR and within the Federal Republic of Germany and the cost of harbor charges from the f.o.b. Humburg price.

Foreign Market Value

We have decided that the economy of the GDR is state controlled to the extent we are unable to determine the foreign market value of unrefined montan wax by normal standards. As a result, we are required by Section 773(c) of the Act to use prices, or the constructed value, of such or similar merchandise in a non-state-controlled country or countries. Our regulations establish a clear preference for a foreign market value based upon sales prices and stipulate that, to the extent possible, sales prices or constructed value should be determined on the basis of prices or costs in a non-state-controlled-economy country at a stage of economic development comparable to the state-controlled-economy country.

An immediate difficulty in this case is the limited worldwide production of unrefined montan wax. The wax is produced in the Federal Republic of Germany, but is used for further processing. We do not, at this stage, have a price or constructed value for wax produced in the FRG.

We have received pricing information on certain substitute products, in particular an oxidized microcrystalline wax with a high melting point (OMW) which is produced in the Netherlands. We understand that OMW has essentially identical (for commercial purposes) chemical and physical properties to montan wax, and, like montan wax, is a fossil fuel derivative, is a residual co-product in the production of fuel, and is used as an extender in higher value waxes and as a flow and coating agent in one-time carbon paper.

However, given the fact that OMW is derived from petroleum, not lignite, and there are likely to be differences in the manufacturing processes, we are not, at this point, willing to declare the products "similar" as within the meaning of the antidumping law.

Counsel for the importer has argued forcefully that since there is no commercial production of unrefined montan wax in a non-state-controlled-economy country (other than the United States), we must construct a fair value based on specific components or factors of production in the GDR, valued on the basis of prices in a non-state-controlled-economy country or countries "reasonably comparable" in economic development to the GDR. Counsel maintains that for purposes of valuing GDR production factors we should use U.K. prices for all but lignite and energy costs and, for those inputs, Canadian prices.

Laying aside the assertion that unrefined montan wax is not produced commercially in any non-state-controlled-economy country other than the U.S. (as noted above, we know of limited captive FRG production), we cannot, at this point, accept the use of a constructed value as urged by counsel for the importer.

First, we have not had an opportunity to fully analyze the U.K. data which was submitted on February 23, 1980. Second, and more importantly, on the basis of a preliminary review, we have concluded that if we were to construct a value for montan wax based on a non-state-controlled-economy valuation of the GDR factors of production, we would select values in the Federal Republic of Germany—not the U.K. and Canada.

We strongly believe that this factor analysis is to be performed in a single, non-state-controlled-economy country where all factors can be valued rather than to seek values in two or more countries. Unlike the UK, FRG produces lignite and montan wax. Furthermore, the FRG and the GDR are not only developed industrialized countries with a large manufacturing sector, but they also share a common cultural and ethnic heritage and remain linked economically.

Counsel for the importer contends that, notwithstanding these points, the disparity between the GDR and the FRG in per capita GNP and wages in the manufacturing sector is such as to invalidate FRG for purposes of developing surrogate values. Their arguments merit further analysis. We will continue examination of the issues involved in the use of surrogate non-state-controlled-economy values in preparation of our final determination.

Since we are, at this point, not in a position to construct a value for unrefined montan wax based on GDR factors of production valued at surrogate non-state-controlled-economy prices, we have, for purposes of this preliminary determination, established foreign market value on the basis of the constructed value of montan wax as produced in the U.S., adjusted for certain known differences in costs of production in the GDR.

The adjustments to the U.S. constructed value have been for the costs of lignite, direct labor, thermal energy and solvents. Of these, the most significant are economies in the use of lignite and energy in GDR production.

In California, the lignite left after the extraction of the wax has virtually no commercial value. Only a small portion of the lignite is sold for agricultural purposes. Thus, almost the entire cost of the lignite should be allocated to ALPCO's cost of production of the wax. In the GDR, however, the residual lignite is a commercially viable co-product. Because the lignite not consumed in the production of montan wax is used in the manufacture of lignite briquettes, the cost allocated to wax production only includes the value of lignite lost by briquette production.

The GDR producer's energy consumption is significantly lower than that of the California producer. This situation is the result of differences in the quality of the lignite input into the extraction process and in the operation of the respective plants. The lignite in the GDR has a much higher wax content and so less of the available wax is extracted in the GDR. The higher percent of wax extraction in California requires proportionally more thermal energy than is needed in the GDR. In addition, the plant in the GDR is run continuously, 365 days per year, 24 hours per day, whereas the California plant operates in response to specific orders. The high start up costs resulting from this non-continuous operation are reflected in high energy usage in California.

Verification

Although we have verified no information to date, all information relied on in making the final determination will be verified in accordance with section 776 of the Act (19 U.S.C. 1677e).

Negative Determination of Critical Circumstances

The petitioner asserts that "critical circumstances" exist with respect to imports of unrefined montan wax from the GDR. To determine that critical circumstances exist, we must find that there is a reasonable basis to believe that (1) there is a history of dumping of montan wax in the United States or elsewhere, *or* the importers knew or should have known that the exporter was selling montan wax at less than fair value, and (2) there have been massive imports of montan wax over a relatively short period.

We are unaware of any antidumping order concerning montan wax from the GDR. That the petitioner has alleged massive imports of montan wax from 1977 through 1979 does not establish a history of dumping by the foreign manufacturer. Consequently, the petitioner's information does not offer a reasonable basis to believe that importers knew, or should have known, that the GDR exporter was selling montan wax in the United States at less than fair value. Therefore, we have concluded that critical circumstances do not exist. Accordingly, we will not suspend liquidations retroactively.

Preliminary Determination

We have preliminarily determined that exports of unrefined montan wax from the GDR are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673). We found that the margins ranged from 23.3 percent to 39.3 percent and the weighted average margin was 29.5 percent.

Public Comment

As required by 19 CFR 353.47, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. If requested, this hearing is scheduled to begin at 10:00 a.m. on April 9, 1981, at the U.S. Department of Commerce, room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Interested parties who desire such a conference should so inform the Deputy Assistant Secretary for Import Administration, room 2800, at the address shown above. This request should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary no later than March 22, 1981.

Any written views should be filed at the above address in at least 10 copies, on or before April 13, 1981 (19 CFR 353.46(a)).

Suspension of Liquidation

In accordance with section 733(d)(1) and (2) of the Act (19 U.S.C. 1673b), we are directing the U.S. Customs Service to suspend, upon this notice's publication, the liquidation of this merchandise entered into the United States, or withdrawn from warehouse, for U.S. consumption. As of that date, a cash deposit, bond, or other security in the amount of 29.5 percent of the f.o.b. value of unrefined montan wax must be posted. This suspension of liquidation will remain in effect until further notice.

ITC Notification

As section 733(d)(3) of the Act requires, we are making available to the U.S. International Trade Commission all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

This determination is published in accordance with § 353.39, Commerce regulations (19 CFR 353.39).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 6, 1981.

[FR Doc. 81-7088 Filed 3-11-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its Construction Service Program to operate one project for 12 month period beginning June 15, 1981 within the states of Illinois, Indiana, Wisconsin, Michigan, Ohio and Missouri. The project will operate at a cost not to exceed $455,000 and the Project I.D. Number is 05-10-00107-00.

Program Description

The Construction Service Program of the Minority Business Development Agency (MBDA) provides management consulting services to minority construction businesses for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" of "commercial entities"). These firms must be capable of providing such services as:

—Preparation of business plans
—Capital development (financial)
—Management assistance
—Personnel management services
—Marketing planning

and a broad range of other business services excluding legal services.

Eligibility Requirements

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Application Materials

An application kit for this project may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603. Self-addressed mailing labels should be forwarded with written request. In requesting an application kit the applicant must specify its profit status; i.e., State or Local government, Federally recognized Indian tribal unit, educational institution or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 17, 1981. Applications received after April 17, 1981 will not be considered.

Pre-application Conference

A pre-application conference for all interested applicants will be held on March 24, 1981 at 10:30 a.m. at the John C. Kluczynski Federal Building, 230 S. Dearborn, Room 1098, Chicago, Illinois.

(11.800 Minority Business Development, Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: March 3, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-7035 Filed 3-11-81; 8:45 am]

BILLING CODE 3510-21-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Officials of the Government of Pakistan Authorized To Issue Export Visas for Cotton Textiles and Cotton Textile Products

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing the list of officials currently authorized by the Government of Pakistan to issue visas for cotton textiles and cotton textile products exported to the United States.

SUMMARY: The Government of Pakistan has notified the Government of the United States that a new list of officials is authorized to issue export visas. A complete list of those officials follows this notice and cancels and supersedes all previous lists.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On July 7, 1972 a letter dated June 28, 1972 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (37 FR 13365) which established an export visa requirement for cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements further amends the directive of June 28, 1972.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Officials of the Government of Pakistan Authorized To Issue Export Visas for Certain Cotton Textiles and Cotton Textile Products Exported to the United States

Abid Javed Akbar
Shaikh Bashir Ahmed
Shafiq Ahmad Bajwa
M. Y. Bhutta
Muhammad Ashraf Khan
Zahid Hussain Khan
Taj Mohammad Khan
M. Zafar Umar Khan
Abdul Wahab Khan
Abdul Malik
Allah Rakha
S. M. H. Tirmizi

Committee for the Implementation of Textile Agreements

March 9, 1981.

Commissioner of Customs, Department of the Treasury, *Washington, D.C. 20229.*

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products, produced or manufactured in Pakistan, for which the Government of Pakistan had not issued an appropriate export visa.

Under the terms of the Arrangement Regarding International Trade in Textiles

done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the final sentence of paragraph 2 of the June 28, 1972 letter is further amended, effective on March 9, 1981, to read as follows: "A facsimile of the stamp is enclosed".

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-7822 Filed 3-11-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Ad Hoc Committee on Turbine Engine Monitoring Systems; Meeting

February 25, 1980.

The USAF Scientific Advisory Board Ad Hoc Committee on Turbine Engine Monitoring Systems will meet at Headquarters Tactical Air Command, Langley Air Force Base, Virginia on April 13–14, 1981. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. on both days.

The Committee will review and evaluate the F100 Engine Diagnostic System Program. The briefings and discussions will be closed to the public in accordance with 552b(c) of Title 5, U.S.C., specifically subparagraph (4).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-7966 Filed 3-11-81; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Strategic Cross-Matrix Panel; Meeting

2 March 1981.

The USAF Scientific Advisory Board Strategic Cross-Matrix Panel will meet at the North American Air Defense Command, Peterson Air Force Base, Colorado on 1–2 April 1981. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. on both days.

The Panel will review the present U.S. air defense capability and the Air Force's future plans to improve that capability to meet the projected threat. The briefings and discussions will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-7845 Filed 3-11-81; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intent To Prepare Draft Environmental Impact Statement on Proposed Flood Control Project for Shingle Creek in Orange and Osceola Counties, Florida

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The project consists of enlarging a portion of the existing flood control channel and the construction of a water control stucture in the upper basin near the urban area of northwest Orlando, Florida. An upland bypass channel would be built in the lower basin near Lake Tohopekaliga in the area where Reedy Creek joins Shingle Creek.

2. Preliminary alternatives include:

a. Construction of a sheetpile weir across the natural channel immediately north of a large mid basin wetland area to encourage sheetflow through the existing cypress strand.

b. Construction of water control structures in the southerly discharge points of the cypress strand to regulate water surface elevations in the wetland.

3. a. Comments on alternatives and environmental concerns will be solicited by letters to Federal, State, and local agencies and private organizations. Participation in invited from any interested parties. Public meetings will be held as issues and alternatives are more clearly defined.

b. Significant issues to be analyzed in depth in the DEIS are preliminarily as follows:

1. Impact of channel improvements on water quality in Lake Tohopekaliga.

2. Effect of altered water regime on the biota.

3. Impact of possible new development in the floodplain due to improved flood control.

c. Consultation with appropriate Federal and State agencies will be performed under provisions of the Endangered Species Act, Section 404(b) of the Clean Water Act, and the National Historic Preservation Act.

4. The scoping process will be conducted by mail. A scoping meeting is not contemplated.

5. The DEIS is expected to be available for review in September 1981.

ADDRESS: Questions about the proposed action and DEIS may be referred to Dr. Lloyd Saunders; Chief, Environment and Resources Branch; U.S. Army Corps of Engineers; P.O. Box 4970; Jacksonville, Florida 32232; telephone (904) 791–2202.

Dated: March 3, 1981.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-7725 Filed 3-11-81; 8:45 am]

BILLING CODE 3710-AJ-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: 2–3 April 1981.

Place: The Pentagon, Washington, D.C. (exact location can be obtained by contacting H. Pipon, 697–9703).

Time: 0830–1700 hours, 2–3 April 1981 (Closed).

Proposed agenda:

The ASB 1981 Summer Study participants will receive classified briefings, hold discussion, and provide progress reports on "Equipping the Army in 1990–2000". Specifically, items to be presented will provide information to address these Terms of Reference:

1. What existing and emerging technologies could be exploited to significantly enhance the fighting capability of Army forces in the 1990's with emphasis given to exploiting those technologies in which the United States excels.

2. In an era of decreasing potential military manpower, how might technology be applied to produce a more manpower-economical force structure with increased combat potential? Which technologies appear to offer the highest payoff in hardware/people trade offs?

3. Considering each level of Army forces (e.g., Division, Battalion) as a mission oriented system, what weapons, support, and netting C^3 contribute most to efficient,

integrated combat capability with desired characteristics of deployability, survivability, flexibility, and sustainability?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-7729 Filed 3-11-81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary of Defense

DoD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on 7 April 1981, at the Palisades Institute for Research Services, AGED, 1925 N. Lynn St., Arlington, Virginia, 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, § 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1976), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-7730 Filed 3-11-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

International Research and Studies Program; Application Notice for New and Non-Competing Continuation Projects for Fiscal Year 1981

Applications are invited for new and/or continuation projects under the International Research and Studies Program.

Authority for this program is contained in Section 605 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1125)

This program issues awards to qualified institutions, organizations, and individuals.

The purpose of the awards is to assist researchers (1) to conduct studies and surveys to determine the need for increased or improved instruction in modern foreign languages and related fields; (2) to conduct research on methods of teaching foreign languages; (3) to develop testing procedures to evaluate the foreign language competence of studies; (4) to develop specialized materials for use in training and evaluating students and teachers; and (5) to conduct study, survey and materials development projects which contribute to the purposes of the Citizens' International Understanding Act (authorized under Part N of Title III of the Elementary and Secondary Education Act of 1965).

Closing Date for Transmittal of Applications

An application for a new grant must be mailed or hand delivered by April 27, 1981.

To be assured of consideration for funding, an application for a non-competing continuation award should be mailed or hand delivered by April 13, 1981. If the application is late, the Department of Education may lack sufficient time to review it with other non-competing continuation applications and may decline to accept it.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.017, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

Information regarding activities supported by this program and the selection criteria are set forth in the program regulations, 34 CFR Parts 655 and 660, which were published in the **Federal Register** on December 31, 1980, 45 FR 86872 and 86882.

Funding Priorities

Section 660.34 of the regulations governing the administration of this program provide for the establishment of priorities by the Secretary in any given year. This year the Secretary has not chosen to establish formal priorities. However, projects are encouraged in the following categories:

(1) Research which will lead to (a) improved methods of evaluating foreign language proficiency, with an emphasis on oral proficiency, and (b) appropriate test and measurement procedures and specialized testing materials;

(2) Studies and surveys, inlcuding conferences, to assess the state of the art of foreign language, foreign area and related studies, to determine the need for new emphases, and to identify needs for specialized materials;

(3) Research which will increase understanding about how foreign languages are learned and which shows promise of immediate application to improved language teaching methods;

(4) The preparation of specialized instructional materials for (a) modern foreign languages which are not widely taught in the United States and for which there is only a limited commercial market, and (b) foreign area and international studies concerned with the non-Western world (such as general reference works, specialized research tools, syllabi, or basic materials—particularly those for use in the elementary and secondary schools and undergraduate college programs).

In preparing applications under (4)(a) applicants may wish to consult the recommendations on language study needs resulting from national conferences (such as the Conference on Uncommonly-taught Languages held in Columbia, Maryland, from September 29 to October 2, 1974, which produced the report, *Materials Development Needs in the Uncommonly-taught Languages: Priorities for the Seventies*, published by the Center for Applied Linguistics, 3520 Prospect Street, N.W., Washington, D.C. 20007. Applicants may also wish to consult with the Department of Education in regard to any findings of conferences of language specialists representing a geographic or linguistic world area.

(5) Survey, study, and materials development projects which contribute to the effectiveness of the International Education programs under Title VI of the Higher Education Act of 1965, as amended, and the Citizens' International Understanding program under Part N of Title III of the Elementary and Secondary Education Act of 1965.

Available Funds

It is expected that approximately $1,200,000 will be available for the International Research and Studies program in fiscal year 1981.

It is estimated that these funds could support 28 new projects and 5 continuing projects.

The anticipated award for new projects is estimated at an average cost of $35,000 each. (Projects which exceed eighteen months should be planned and budgeted in yearly phases.)

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms

Application forms and program information packages are available.

They may be obtained by writing to the Research Section, International Studies Branch, Office of International Education, U.S. Department of Education, (Room 3669, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 10 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing the International Research and Studies program (34 CFR Parts 655 and 660) which were published in the Federal Register on December 31, 1980, 45 FR 85372; and

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 75 and 77. These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.

Further Information

For further information contact Julia A. Petrov, Research Branch, Office of International Education, U.S. Department of Education (Room 3669, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245–9819.

(20 U.S.C. 1122)

(Catalog of Federal Domestic Assistance Number: 84.017—International Research and Studies Program)

Dated: March 4, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-7824 Filed 3-11-81; 8:45 am]

BILLING CODE 4000-01-M

National Resource Centers and Fellowships Program; Application Notice for New Projects for Fiscal Year 1981

Applications are invited for new projects under the National Resource Centers and Fellowships Program.

Authority for this program is contained in Section 602 of the Higher Education Act of 1965, as amended. (20 U.S.C. 1122)

This program issues awards to institutions of higher education.

The purpose of the awards under the National Resource Centers portion of the program is to provide general assistance for nationally significant programs in language and area studies and in language and international studies. The purpose of the awards under the fellowship portion of the program is to assist individuals undergoing advanced training in modern foreign languages and related area studies through awards to approved institutions.

Closing Date for Transmittal of Applications

An application for a grant must be mailed or hand-delivered by April 27, 1981.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.015, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal Holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

The eligibility requirements for National Resource Centers are set forth in § 656.2 of the program regulations while the selection criteria are set forth in §§656.31 656.32 of the regulations. (34 CFR 656.2 and 656.31–656.32). The institutional eligibility requirements for fellowships are set forth in CFR 656.3(a) of the program regulations while the selection criteria are set forth in §§656.31 and 656.33 (34 CFR 656.3(a), 656.31 and 656.33). These regulations were published in the **Federal Register** on December 31, 1980 at 45 FR 86876–86878.

Priorities for National Resource Fellowships

The regulations governing the administration of this program have changed. The previous regulations establishing priorities for selected disciplines and languages are no longer in effect. The new regulations provide for the establishment of priorities for languages and disciplines as well as the assignment of a lower priority for certain languages levels of instruction, and categories of applicant. (34 CFR 656.35)

With regard to the establishment of priorities for languages and disciplines, available information on the need for trained specialists in modern foreign languages and area studies suggests that the supply of specialists in certain languages, disciplines, and world areas (such as Latin American Anthropology, East Asian History, and East European and Russian Language and Literature) may be exceeding the demand, while in other languages, discipline, and world areas the demand may be exceeding the supply (such as East European and Soviet Economics, Middle East Anthropology and Sociology and African Humanities). However definitive data on this subject are not yet available. therefore for this cycle we have not formally established any priorities for selected disciplines or languages.

With respect to § 656.35(b) of the regulations governing the National Resource Fellowships Program, 34 CFR 656.35(b), institutions are advised that although the Secretary has not assigned priorities, institutions are encouraged to give other than primary consideration to candidates:

(a) Who already have the equivalent fluency of native speakers in the language for which the award is sought, since the program seeks to increase American capability in language and international studies;

(b) Who are taking the first 18 semester hours (27 quarter hours) or their equivalent in Latin American Spanish, and Russian language instruction, since basic instruction in these languages is comparatively well-established and there is a greater need to encourage study of these languages at the more advanced levels;

(c) Who are taking the first 12 semester hours (18 quarter hours) in Chinese and Japanese language instruction, because instruction within these levels is well-established and the need is greater at the more advanced levels; and

(d) Who are studying French, Iberian Spanish, German or Italian, since these languages are already comparatively widely available and the need is therefore deemed to be less.

In accordance with the regulations governing the National Resource and Fellowships Program, (34 CFR 656.33) evaluators take into account the relationships between the applicant's proposed program of instruction and national needs and priorities; and the institution's recent record of placement of graduate students. Because the Secretary has not announced what the national needs and priorities are for this funding cycle, the first criterion will not be used to evaluate applications for this cycle. Therefore, strong emphasis will be placed on the second criterion. Applicants are thus advised to provide information concerning the placement of graduates at the masters and doctorate levels for the past three years.

The Department of Education expects that approximately five percent of the awards will be used to assist students from the professional fields who are willing to undertake joint degree programs at the Master's level or who are otherwise enrolled in cooperative programs involving the study of a language and area.

Available Funds

It is anticipated that approximately $10,500,000 will be available for the Centers Program in FY 81. These funds could support approximately 80 awards to Centers at an average level of approximately $130,000. It is anticipated that up to 20 percent of the awards will be used to established undergraduate centers and up to 20 percent of the awards will be used for centers in comparative area studies, or for international affairs or topic-oriented centers.

The Secretary anticipates that funds will be available for 8 to 15 centers for each of the following world areas: East Asia (including Japan, China, and Korea), South Asia, (India, Sri Lanka, Pakistan, Bangladesh, and Nepal), the Middle East, (includung North Africa), the Soviet Union and Eastern Europe, Africa, and Latin America.

The Secretary anticipates that assistance will also be available for approximately three centers in each of the following areas: Southeast Asia (including Indonesia and the Philippines as well as Thailand, Vietnam, Cambodia, Laos, Malaysia, and Burma) and contemporary Western Europe. In addition, proposals for approximately two centers in other world areas such as Canada, Inner Asia, and the Pacific Islands will be considered. Approximately $5,558,000 will be available for academic year fellowships in FY 1981. An additional $512,000 will be available for intensive summer language fellowships. This will permit stipends levels of $4,000 for an academic year fellowship and $1,000 for a summer intensive language fellowship.

The tentative allocation for fellowships by world area is as follows: Africa, 87 academic year and 28 summer; East Asia, 193 academic year and 62 summer; Inner Asia, 9 academic year and 3 summer; Eastern Europe and USSR; 120 academic year and 39 summer; Latin America, 73 academic year and 23 summer; Middle East, 145 academic year and 46 summer; South Asia, 96 academic year and 30 summer; Southeast Asia, 67 academic year and 23 summer; and Western Europe, 8 academic year and 2 summer.

These estimates do not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Application Forms

Application forms and program information packages are available.

They may be obtained by writing to the Division of International Research and Studies, Office of International Education, U.S. Department of Education, (Room 3671, ROB–3) 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 60 pages in length.

Applicable Regulation

Regulations applicable to this program include the following:

(a) Regulations governing the National Resource Centers and Fellowships

Program for Language and Area or Language and International Studies (34 CFR Parts 655 and 656) that were published in the **Federal Register** on December 31, 1980 at 45 FR 86872; and

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 75 and 77. These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.

Further Information

For further information contact Joseph F. Belmonte, Centers and Fellowships Branch, Office of International Education, U.S. Department of Education (Room 3923, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–2356.

(20 U.S.C. 1122)

(Catalog of Federal Domestic Assistance No. 84.015—National Resource Center and Fellowships program)

Dated: March 4, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-7625 Filed 3-11-81; 8:45 a.m.]

BILLING CODE 4000-01-M

Capacity-Building for Statistical Activities in State Agencies

AGENCY: Department of Education.

ACTION: Application Notice.

Applications are invited for new projects under the Capacity-Building for Statistical Activities in State Agencies program.

Authority for this program is contained in section 406(b)(3) and (e) of the General Education Provisions Act as amended (20 U.S.C. 1221e–1(b)(3) and (e)).

Eligible applicants are State agencies as defined in the applicable program regulations, cited in this notice.

The purpose of these grants is to develop or enhance the long-term capability of the State agency to collect, process, analyze, or report statistical data about education.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: Applications must be mailed or hand delivered by April 27, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.114, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping lable, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. If an application is determined late, the applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand-delivered must be taken to the Department of Education Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Grants under the program are intended to develop or enhance the long-term capability of a State agency to collect, process, analyze or report statistical data about education. Proposed projects may focus on reducing data burden; improving the timeliness of data reporting; improving the quality, comparability, or utility of data; increasing analytical capability; improving the flow of information to local educational agencies or other agencies of the States; or similar statistical objectives.

The following types of States agencies are eligible for grants:

(1) A State Educational Agency (elementary/secondary education). This is Category (A).

(2) An agency with Statewide responsibility for post-secondary education. This is Category (B).

(3) The State Board or agency responsible for the administration, or for the supervision of the administration, of programs authorized by Part A, Title I of the Vocational Education Act of 1963, as amended by Pub. L. 94–482. This is Category (C).

Applicants are requested to designate the appropriate category on their application.

Available Funds: The Department of Education has allocated the available funds in the following manner:

(1) For Category (A) approximately $250,000 is available for five (5) new projects in Fiscal Year 1981 with an average expected award of $50,000.

(2) For Category (B) approximately $250,000 is available for five (5) new projects in Fiscal Year 1981 with an average expected award of $50,000.

(3) For Category (C) approximately $800,000 is available for sixteen (16) new projects for Fiscal Year 1981 with an average award of $50,000.

These figures are only estimates and do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless the amount is otherwise specified by statute or regulations.

Application Forms: Application forms and instructions are mailed to all eligible agencies known to the Department when the Application Notice is published in the **Federal Register**.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program application package.

Applicable Regulations: The regulations applicable to this program are:

(1) The interim final regulations for Capacity-Building for Statistical Activities in State Agencies in 34 CFR Part 726 (redesignated from 45 CFR Part 164, November 21, 1980, 45 FR 77368), as published in the **Federal Register** on July 11, 1979 (44 FR 40613) and revised and republished in the **Federal Register** on January 19, 1981 (46 FR 5390) for the purpose of incorporating new selection criteria.

(2) Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (Direct Grant Programs) and (Definitions).

FOR FURTHER INFORMATION CONTACT: For further information contact MacKnight Black, Federal/State Coordination Branch, National Center for Education Statistics, 901 Presidential Building, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (301) 436–7919.

(Catalog of Federal Domestic Assistance Number 84.114; Capacity-Building for Statistical Activities in State Agencies)

Dated: March 9, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-7715 Filed 3-11-81; 8:45 am]

BILLING CODE 4001-01-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following retransfers from Belgium to Switzerland:

RTD/SD(EU)-35, 0.003 grams of plutonium-242
RTD/SD(EU)-36, 0.0001 grams of plutonium-241
RTD/SD(EU)-37, 0.0005 grams of plutonium-240

The above listed materials are to be used for reaction rate measurements in the zero-energy research reactor Proteus by the Swiss Federal Institute for Reactor Research, at Wurenlingen, Switzerland. Upon completion of measurements, the materials will be sent to waste disposal.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of these retransfers will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 9, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-7701 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

J.M. Huber Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

Comments by: April 13, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On February 23, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with J.M. Huber Corporation ("Huber"). Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Huber, with its home office located in Houston, Texas, is engaged in the processing and sale of natural gas liquids (NGL) and NGL products, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Huber, the ERA Office of Enforcement and Huber entered into a Consent Order, the significant terms of which are as follows:

The Office of Enforcement has examined Huber's books and records and reviewed all pertinent matters relating to Huber's compliance with the DOE petroleum price regulations in effect during the period from September 1, 1973 through January 28, 1981. All civil matters pertaining to compliance with the DOE petroleum price regulations and prices charged by Huber in sales of NGL and NGL products during the period September 1, 1973 through January 28, 1981 are resolved by this Consent Order.

2. Huber will refund the aggregate amount of $718,000, which includes interest through the date on which the Consent Order becomes effective.

3. Execution of the Consent Order constitutes neither an admission by Huber nor a finding by DOE that Huber has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Huber agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $207,000 within 30 days after the Consent Order becomes effective.

Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, overcharges may have been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

In addition Huber has voluntarily made previous refunds to various purchasers of NGL products in the amount of $511,000.

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim within 30 days after publication of this notice to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Huber Consent Order." We will consider all comments we receive on or before April 13, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 26th day of February 1980.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81-7728 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 65016-9153-27-22]

Owatonna Public Utilities, Unit No. 7; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Owatonna Public Utilities (Owatonna) granting a permanent peakload exemption from the prohibitions against (1) the use of petroleum or natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in Section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Background

On April 21, 1980, Owatonna filed a petition with ERA for a permanent peakload powerplant exemption to enable it to use oil/natural gas as a primary energy source in a 25,000 kilowatt oil/natural gas-fired combustion turbine powerplant to be known as Unit No. 7 and which is to be located in Owatonna, Minnesota. Additional information required by ERA pursuant to 10 CFR 503.41 was submitted by Owatonna on July 10, 1980. ERA accepted the petition on August 15, 1980, and published a Notice of Acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the Federal Register on August 25, 1980 (45 FR 56363). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, which ended on October 9, 1980, interested parties were also afforded an opportunity to request a public hearing.

Comments on Owatonna's petition were received from the United States Environmental Protection Agency-Region V (EPA). No public hearing was requested.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) recommended that ERA issue an order granting Owatonna a permanent peakload powerplant exemption to use oil/natural gas in Unit No. 7 subject to certain terms and conditions. A Notice of Availability of the TSA was published in the Federal Register on January 19, 1981 (46 FR 5045). The publication of the Notice of Availability opened a 14-day public comment period which ended February 2, 1981 and during which no comments were received.

On the basis of ERA's review of the entire record of this proceeding, including a review of the public comments received after publication of the Notice of Acceptance, ERA has determined to grant the exemption requested by Owatonna to use oil/natural gas in Unit No. 7, subject to the terms and conditions enumerated below.

On August 11, 1980, DOE published in the Federal Register (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Owatonna has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental Checklist completed and certified to by Owatonna pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. Owatonna's responses to the questions contained therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion status in this case. Therefore, no additional environmental review is deemed to be required.

DATES: This order will not take effect earlier than May 11, 1981.

ADDRESSES: For further information contact:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110 Washington, D.C. 20461, Phone (202) 653-4055

Louis T. Krezanosky, Office of Fuels Conversion Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653-4208

Douglas F. Mitchell Office of General Counsel, Department of Energy 1000 Independence Avenue S.W., Room 6B-178, Washington, D.C. 20585 Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION:

The Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted by ERA.

Owatonna Public Utilities (Owatonna) plans to install a 25,000 KW natural gas/oil-fired combustion turbine unit to be called Unit No. 7 on the western edge of the city of Owatonna, approximately two miles from Owatonna's present plant site. Based upon estimates by Owatonna, the proposed unit is expected to consume approximately 54,000 barrels of No. 2 fuel oil per year (118 bbl/day). Unit No. 7 is scheduled for commercial operation in May 1982.

Owatonna submitted a sworn statement with the petition signed by Mr. David M. Martin, General Manager of Owatonna, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Martin certified that Unit No. 7 will be operated solely as a peakload powerplant only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 25,000 KW and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 37,500,000 Kwh.

On November 13, 1980, the EPA-Region V advised ERA that EPA anticipates no problem if the turbine is operated on natural gas, but additional information should be developed, including a Prevention of Significant Deterioration applicability determination for Owatonna's boiler and an emissions inventory if No. 2 fuel oils with 0.3 percent and 0.5 percent sulfur content are used. Pursuant to 10 CFR 503.15(b)(1), Owatonna submitted to ERA on October 16, 1980, a certification that Owatonna will, prior to operating the unit under the exemption, secure all applicable environmental permits and approvals. A copy of EPA's comments have been transmitted to Owatonna.

ERA's staff reviewed the information contained in the record of this proceeding. A Tentative Staff Analysis recommended that ERA issue an order granting Owatonna a permanent peakload powerplant exemption to use oil/natural gas in Unit No. 7, subject to certain terms and conditions.

A Notice of Availability of the Tentative Staff Analysis was published in the **Federal Register** on January 19, 1981 (46 FR 5045). The publication of the Notice of Availability opened a 14-day public comment period which ended February 2, 1981. No additional comments were submitted during this period nor were any requests for a public hearing received.

Order

ERA hereby grants to Owatonna a permanent exemption from the prohibitions of FUA with respect to the use of oil/natural gas in Unit No. 7 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions imposed pursuant to the authority granted to ERA by section 214(a) of the Act:

Terms and Conditions

A. Owatonna shall not produce more than 37,500,000 KWH during any 12-month period with the proposed unit. Owatonna shall provide annual estimates of the expected periods (hours during specific months) of operation of Unit No. 7 for peakload purposes (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June-September period, etc.). Estimates of the hours during which Owatonna expects to operate Unit No. 7 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Owatonna shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. This order shall not take effect earlier than May 11, 1981.

Issued in Washington, D.C. on March 5, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7798 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-036; OFC Case No. 55039-2348-01-12]

Brown Co.; Order Granting Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration Department of Energy.

ACTION: Order Granting Exemptions from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On October 15, 1980, Brown Company (Brown) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for one new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBIs. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

Brown requested a permanent fuels mixture exemption in order to burn petroleum in a mixture with bark and wood waste in one 253 million Btu's per hour boiler to be installed at Brown's Kraft Pulp Mill in Berlin, New Hampshire.

Pursuant to Section 212(d) of the Act, and 10 CFR § 503.38, and subject to specified terms and conditions stated therein, ERA hereby issues this order granting a permanent fuels mixture exemption to Brown to permit the use of petroleum (No. 6 oil) in a mixture with bark and wood waste. As specified in the terms and conditions, the amount of petroleum used in the exemption unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the unit.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, DC 20461, (202) 653-4477

Christina Simmons, Office of the General Counsel, Department of Energy, 1000 Independence Avenue SW., Forrestal Building, Room 6B-178, Washington, DC 20585, (202) 252-2967.

The public file containing a copy of all documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 a.m.—4:30 p.m.

SUPPLEMENTARY INFORMATION: Brown's petition for a permanent fuels mixture exemption for the 253 million Btu per hour field-erected boiler certified that the unit would not burn more than 25 percent petroleum in a mixture with bark and wood waste (alternate fuels)

In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted Brown's petition and published notice of its acceptance in the **Federal Register** on December 1, 1980 (45 FR 74531). The Notice of Acceptance provided a 45-day public comment period during which interested persons could submit written comments on the petitions for exemption and could request that a public hearing

be convened. This period expired on January 15, 1981.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review completed a Tentative Staff Analysis on February 6, 1981. This analysis recommended that an order be issued to grant a permanent fuels mixture exemption to the Brown boiler permitting the use of petroleum and bark and wood waste, with the proviso that the amount of petroleum used in the unit will not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the unit. Notice of the availability of the Tentative Staff Analysis on Brown's petition was published in the Federal Register on February 13, 1981 at 46 FR 12284. In that notice a 14-day period was provided for interested persons to submit written comments on the Tentative Staff Analysis or to request a public hearing. No comments were received nor was a public hearing requested.

As required by section 701(f) and (g) of the Act, ERA provided a copy of Brown's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from either of these agencies.

ERA has determined that Brown has satisfied the requirements of 10 CFR 503.38(c). Accordingly, pursuant to section 212(d) of FUA, and subject to the terms and conditions stated below, ERA hereby grants Brown Company one permanent fuels mixture exemption to permit, in a mixture with bark and wood waste, the use of No. 6 fuel oil in the new boiler in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy source used in the boiler.

TERMS AND CONDITIONS: Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. ERA has determined that the conclusions reached in the Tentative Staff Analysis are consistent with the provisions of the final rule with the exception of the recommended terms and conditions. Accordingly, this order is granted subject to the following terms and conditions:

1. The amount of petroleum used in Boiler No. 14 shall not exceed 25 percent of the total annual Btu heat input of the primary energy source of the unit.

2. In accordance with the reporting requirement in 10 CFR 503.38(g) Brown shall submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461, each year on the anniversary of the boiler being placed in service. The certified statement should contain the following information and be presented in the format below.

Boiler No.	Fuel type	Amount used (tons/bbls)	Percent of annual fuel consumption
14	No. 6 Fuel Oil		
	Bark or wood waste		

3. The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

The exemptions granted by this order shall become effective May 11, 1981.

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time on or before May 11, 1981, petition for judical review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C., on March 3, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7757 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3994-000]

Enagenics; Application for Preliminary Permit

March 6, 1981.

Take notice that Enagenics (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3994 to be known as Kentucky River Lock and Dam No. 2 located on the Kentucky River in Henry County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineer's lock and dam. Project No. 3994 would consist of: (1) a proposed intake structure in the left end of the existing dam; (2) a proposed powerhouse located on the left (east) bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the project would be 3.8 MW, and the annual energy output would be 24.3 Gwh.

Purpose of Project—Energy produced at the proposed project would be sold to the residential, commercial and industrial consumers of the Kentucky Utilities Company, or to nearby public institutions or industries.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A

Notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before May 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3994. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7609 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4133-000]

Enagenics; Application for Preliminary Permit

March 6, 1981.

Take notice that Enagenics (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4133 to be known as Cagles Mill Lake located on Mill Creek River in Putnam County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cagle Mill Dam and Reservoir. Project No. 4133 would consist of: (1) a proposed penstock extending from the existing outlet conduit; (2) a proposed powerhouse located on the north bank of the river; (3) transmission lines; and (4) appurtenant facilities. The Applicant estimates the capacity of the project would be 7.2 MW, and the annual energy output would be 9,820,000 Kwh.

Purpose of Project—Energy produced by the Applicant at the proposed site would be sold to Public Service Company of Indiana.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with the obtaining agreements with other Federal, State and local agencies is estimated to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3389 filed on August 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 1, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4133. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory

Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7587 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4172]

Enagenics; Application for Preliminary Permit

March 6, 1981.

Take notice that Enagenics (Applicant) filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4172 to be known as the Easton Diversion Dam Project located on Yakima River in Kittitas County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, DC 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a power plant at the base of the existing U.S. Water and Power Resources Service's Easton Dam with a rated capacity of 3.2 MW; and (2) approximately 3 miles of 115-kV transmission line to connect to an existing Pudget Sound Power and Light Company transmission line. The Applicant estimates that the average annual energy output would be 12.5 million kWhs.

Purpose of Project—Applicant states that the power generated at the project would be sold to the Bonneville Power Administration, the Pudget Sound Power and Light Company, or other local electric users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks a preliminary permit for a period of 36 months during which it would conduct environmental, engineering, and economical studies to determine the feasibility of constructing and operating the proposed project. Applicant estimates that the cost of the feasibility studies would be about $35,000..

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application or license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comment—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the Application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Kittitas County PUD No. 1 Project No. 3486 filed on September 18, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 1, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4172. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications, Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, DC 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7588 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3560-000; Project No. 3998-000]

North Unit Irrigation District; Enagenics; Application for Preliminary Permit

March 6, 1981.

Take notice that North Unit Irrigation District (District) filed on October 14, 1980, and Enagenics filed on January 13, 1981, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 3560 and 3998, respectively, to be known as the Wickiup Dam Project located on the Deschutes River in Deschutes County, Oregon. The applications are on file with the Commission and are available for public inspection. Correspondence with the District should be directed to: Mr. Robert Wagner, Manager, North Unit Irrigation District, Airport Road, Madras, Oregon 97741. Correspondence with Enagenics should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize an existing government dam known as the Wickiup Dam and owned by the United States Water and Power Resources Service. The proposed Project No. 3560 would consist of a power plant with a total installed capacity of 7 MW that would generate an average annual energy output of 30 GWh. The proposed Project No. 3998 would consist of a power plant with a total installed capacity of 6.6 MW that would generate an average annual energy output of 20.6 GWh.

Purpose of Project—The District intends to market the power generated by the project to a local utility. Enagenics intends to market the power generated by the project to the Mid-state Electric Co-op, nearby public institutions, or other industrial users.

Proposed Scope and Cost of Studies Under Permit—The proposed studies would include economic analysis, preliminary engineering, and environmental impact assessment. Based on the results of the studies, the Permittee would decide whether to proceed with more detailed studies and an application for a license to construct and operate the project. The District estimates the costs of the studies would be $47,955 and Enagenics estimates the costs of the studies would be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to sumbit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—The applications were filed as competing applications to Cascade Waterpower Development Corporation's Project No. 3460, filed on September 12, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 1, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3560 and 3998. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7980 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4071]

Pacific Northwest Generating Co. and Arnold Irrigation District; Application for Preliminary Permit

March 6, 1981.

Take notice that Pacific Northwest Generating Company and Arnold Irrigation District (Applicant) filed on January 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4071 to be known as the Arnold Flume Hydroelectric Project located on the Deschutes River in Deschutes County, near Bend, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Howard, Mr. David E. Piper, Pacific Northwest Generating Company, 8383 N.E., Sandy Blvd., Suite 330, Portland, Oregon 97220 with copies to CH2M HILL, Attention: Mr. Curtis L. Bagnall, 200 S.W. Market Street, 12th Floor, Portland, Oregon 97201. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing diversion dam (a natural rock barrier); (2) a new 10-foot by 6-foot radial gate; (3) approximately 7000 feet of new pipeline; (4) 150 feet of penstock leading to; (5) a new powerhouse to operate under a head of 100 feet and to contain one turbine-generating unit with a rated capacity of 3.5 MW; (6) a tailrace channel; (7) approximately 0.75 mile of 12.5-kV transmission line; and (8) a step-up substation.

The proposed project would use excess flow generally available during the non-irrigation season, and during the spring and fall months of the irrigation season when demand is not at its peak. The 7000-foot long pipeline is to replace the existing Arnold Flume which is owned and operated by the Arnold Irrigation District.

The Applicant estimates that the average annual energy output would be 27.5 million kWhs.

Purpose of Project—The power output would be used to meet the Pacific Northwest Generating Company's (Company) load growth and to offset power purchases now being made by the Company to supply its customers.

Proposed Scope and Cost of Studies Under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of the feasibility studies is estimated by the Applicant to be about $41,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4071. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7681 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-9]

Southland Oil Co./VGS Corp.; Further Extension of Time

March 6, 1981.

On March 2, 1981, Southland Oil Company/VGS Corporation filed a request for an extension of time to file comments on the Proposed Order of Presiding Officer issued January 9, 1981, in the above-docketed proceeding. On March 4, 1981, the Commission issued a Notice of Extension of Time in this proceeding which extended the date for filing comments to and including March 9, 1981.

Upon further consideration of the March 2, 1981 motion, notice is hereby given that an extension of time for the filing of comments is granted to and including March 16, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7682 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2016]

City of Tacoma, Washington; Application for Approval of Exhibit R

March 6, 1981.

Take notice that the City of Tacoma, Washington (City) filed on January 6, 1981, an application for approval of a revised Exhibit R (Recreational Use Plan) for its Cowlitz River Project No. 2016. The project is located on the Cowlitz River in Lewis County, Washington. Correspondence with the City should be directed to: Paul J. Nolan, Director of Utilities, City of Tacoma, P.O. Box 11007, Tacoma, WA 98411.

The Exhibit R, filed in accordance with the Commission's order issued February 15, 1979, describes existing facilities and proposes to provide additional and upgraded facilities consisting of picnic units, camping units, beach areas, comfort and sanitary facilities, and a boat ramp. The ultimate recreational development would include an additional 496 acres of project land. The amended Exhibit R filed on January 6, 1981 and the Exhibit R drawings filed on June 13, 1979 would supercede all prior Exhibit R filings.

Comments, Protests or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 7, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7683 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-123-012, et al.]

Alaskan Northwest Natural Gas Transportation Co.; Amendment to Application

March 6, 1981

Take notice that on February 13, 1981, Alaskan Northwest Natural Gas Transportation Company (Applicant), Suite S-700, 1120 20th Street, N.W., Washington, D.C. 20036, filed in Docket No. CP 78-123-012, *et al.* an amendment to its application filed in the instant docket pursuant to the Alaskan Natural Gas Transportation Act of 1976 (ANGTA), the Natural Gas Act, and the Commission's Order Vacating Prior Proceedings and Issuing Conditional Certificate of Public Convenience and Necessity issued December 16, 1977, so

as to reflect inclusion in the rate base the pre-partnership qualified expenditures of Tetco Four, Inc. (Tetco Four) and the Columbia Alaskan Gas Transmission Corporation (Columbia Alaskan), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it made an original filing on February 2, 1979, seeking review and approval of preliminary construction expenditures incurred prior to the date of formation of a partnership for four companies which were part of the Arctic Gas Consortium and are now members of the Applicant partnership, and $17,800,000 (excluding AFUDC) expended by Northwest Alaskan Pipeline Company to prosecute its successful application prior to the formation of the Applicant partnership.[1]

Applicant submits that on September 19, 1980, it filed an amendment to its application including a request for approval of $8,000,000 (excluding AFUDC) pre-partnership expenditures of American Natural Alaskan Company (American Natural Alaskan). American Natural Alaskan was part of the Arctic Gas Consortium and became a member of the Applicant partnership effective January 1, 1980, as approved by Commission Order issued December 15, 1980.

Applicant further states that on August 1, 1980, Tetco Four and Columbia Alaskan became members of the Applicant partnership as approved by Commission Order issued December 15, 1980. It is submitted that affiliates of both Tetco Four and Columbia Alaskan were members of the Arctic Gas Consortium.

Applicant hereby requests the review and approval of the prepartnership expenditures, excluding AFUDC, of $7,900,000 (Appendix A) for Tetco Four and $8,000,000 (Appendix B) for Columbia Alaskan.

Applicant asserts that the legal authority for the Commission's ability to grant the requested approval is detailed in the Applicant partnership's original application and subsequent amendments to application.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

Appendix A.—*Alaskan Northwest Natural Gas Transportation Company Gas Arctic/Northwest Project Study Group—Now ANNGTC Partner Qualified Expenditures* [1]

	Tetco Four, Inc.
1. General and administration:	
Direct Operations	$1,318,452
Indirect Operations	281,494
Total	1,599,946
2. Outside services:	
Legal	406,578
Executive	39,060
Finance	242,100
Regulatory, Environmental and Civic Affairs	1,427,282
Administration	125,436
Public Relations	164,231
Engineering	3,478,016
Total	5,882,695
3. Termination and close-out cost	390,402
4. Government agencies	16,535
5. Other costs	52,205
Subtotal	7,941,773
AFUDC [2]	5,157,291
Total Qualified Expenditures including AFUDC	13,099,064

[1] Expenditures made prior to January 31, 1978.
[2] Includes only an interest component on funds spent accumulated through July 31, 1980 at prime plus 1%.

Appendix B.—*Alaskan Northwest Natural Gas Transportation Company Gas Arctic/Northwest Project Study Group—Now ANNGTC Partner Qualified Expenditures* [1]

	Columbia Alaskan Gas Transmission Corporation.
1. General and administration:	
Direct Operations	$1,328,836
Indirect Operations	283,712
Total	1,612,548
2. Outside services:	
Legal	408,780
Executive	39,368
Finance	244,007
Regulatory, Environmental and Civic Affairs	1,438,504
Administration	126,426
Public Relations	165,525
Engineering	3,505,411
Total	5,929,021
3. Termination and close-out cost	383,477
4. Government agencies	16,666
5. Other costs	52,616
Subtotal	8,004,328
AFUDC [2]	5,214,027
Total Qualified Expenditures including AFUDC.	13,218,355

[1] Expenditures made prior to January 31, 1978.
[2] Includes only an interest component on funds spent accumulated through July 31, 1980 at prime plus 1%.

[FR Doc. 81-7770 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This application also requested review and approval of the Applicant partnership's expenditures for the period February 1, 1978, through July 31, 1978. Applicant made additional filings on August 14, 1979, July 16, 1980, and September 19, 1980, covering the actual expenditures of Applicant covering the periods January 1, 1979, through March 31, 1980.

[Docket No. RP81-41-000]

ANR Storage Co.; Proposed Changes in FERC Gas Tariff of ANR Storage Company

March 6, 1981.

Take notice that ANR Storage Company (ANR), on Feb. 27, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 2. The proposed changes would increase the charges of ANR to its storage service customer, Southern Natural Gas Company, soley by reason of reflecting in its rates, the increase in interest cost level incurred since its Initial Rates were approved. All elements used to compute the rates proposed in the subject filing, other than interest rate, are the same as those used to compute the Initial Rates. The proposed changes would increase revenues from ANR's service to Southern by $2,013,000 per year.

Copies of the filing were served upon Southern Natural Gas Company.

Any party desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Sections. 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7771 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-31-000 (PGA 81-2, IPR81-2, LFUT81-2)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

March 6, 1981.

Take notice that on February 27, 1981 Arkansas Louisiana Gas Company (Arkla) tendered for filing 28th Revised Sheet No. 4 and 3rd Revised Sheet No. 4A to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G-2, to become effective April 1, 1981.

Arkla states that the purpose of 28th Revised Sheet No. 4 is to (1) reflect the cost of purchased gas for the six months period commencing April 1, 1981, (2) recover the accumulated deferred gas costs as of December 31, 1981, (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 3rd Revised Sheet No. 4A and (4) to reflect a revision in the Louisiana First Use Tax Adjustments effective April 1, 1981.

Arkla also states that copies of the revised tarriff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7772 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-32-000 (PGA81-2)]

Colorado Interstate Gas Co.; Proposed Changes in Rates Under Purchased Gas Adjustment Clause Provision

March 6, 1981.

Take notice that Colorado Interstate Gas Company, on February 27, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed changes would decrease the commodity rate under each of CIG's jurisdictional rate schedules by 2.41 cents per Mcf and decrease the demand rate by 6.00 cents per Mcf.

The filing was made to enable CIG to reflect in its rates, pursuant to Section 21 of CIG's FERC Gas Tariff, Original Volume No. 1, net decreased purchased gas costs it will experience as of April 1, 1981, as the result of rate filings made by certain of its pipeline suppliers.

CIG requests that the instant filing be made effective on April 1, 1981.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7773 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-304-000]

The Dayton Power and Light Co.; Filing

March 6, 1981.

The filing company submits the following:

Take notice that on February 26, 1981, the Dayton Power and Light Company (DP&L) tendered for filing a proposed revision to its FERC Electric Tariff, Original Volume No. 1. The proposed revision is to recognize a temporary increase in the excise tax on gross receipts imposed by Section 5727.38 of the Ohio Revised Code pursuant to the Tax Adjustment Clause contained in DP&L's FERC Electric Tariff. The temporary increase in the excise tax is for one year and the proposed revision which shall become effective May 1, 1981 is limited to the recovery of this temporary increase.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7774 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-33-000]

El Paso Natural Gas Co.; Proposed Change in Rates and Tariff Sheet Cancellations

March 6, 1981.

Take notice that on February 27, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of:

(i) a change in rates, effective as of April 1, 1981, for jurisdictional gas service rendered to customers served by its interstate gas transmission system under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in the General Terms and Conditions of El Paso's FERC Gas Tariff, Original Volume No. 1;

(ii) a change in rates, effective as of April 1, 1981, for sales occurring under applicable rate schedules affected by and subject to Section 22, Louisiana First-Use Tax Tracking Provision ("LFUT"), contained in said General Terms and Conditions of El Paso's FERC Gas Tariff, Original Volume No. 1;

(iii) a change in rates, effective as of April 1, 1981, attributable to advance payments, transportation costs and gas well royalty and production tax costs, pursuant to the adjustment mechanisms designed to track such costs provided for in El Paso's Stipulation and

Agreement as Restated and Amended dated and filed on January 16, 1980, at Docket No. RP79–12 (Extension), as approved by Commission order dated May 30, 1980; and

(iv) cancellation of the PGAC—Clean High Pressure Gas Provision ("PGAC–CHPG") contained in El Paso's FERC Gas Tariff, Original Volume No. 2A, and the rates associated therewith, effective as of April 1, 1981.

El Paso states that the total proposed net change in its currently effective rates attributable to the PGAC, LFUT and Docket No. RP79–12 (Extension) tracking mechanism adjustments is an increase of 16.41¢ per Mcf.

To implement the instant notice of change in rates (items (i), (ii) and (iii) above), El Paso filed the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A:

Tariff volume	Tariff sheet
Original Volume No. 1	Fourth Substitute Twenty-seventh Revised Sheet No. 3–B.
	Third Revised Sheet No. 156.
Third Revised Volume No. 2	Fourth Substitute Eighteenth Revised Sheet No. 1–D
Original Volume No. 2A	Fourth Substitute Nineteenth Revised Sheet No. 1–C.

As to item (iv) above, El Paso tendered Third Substitute Fourteenth Revised Sheet No. 1–D and Fourth Revised Sheet No. 1–E to its FERC Gas Tariff, Original Volume No. 2A, which tariff sheets serve to give notice of cancellation of the tariff sheet containing the PGAC–CHPG Statement of Rates and the tariff sheets containing the PGAC–CHPG provision, respectively. El Paso states that the special rate schedules affected by and subject to the PGAC–CHPG provision have been cancelled by superseding service agreements between El Paso and the respective parties, with the service continued under said superseding agreements which are subject to El Paso's Original Volume No. 1 Tariff. Therefore, El Paso has proposed to cancel the tariff sheets containing the PGAC–CHPG provision and PGAC–CHPG Statement of Rates effective April 1, 1981.

In connection with the cancellations, El Paso states that as of December 31, 1980, $56,220 remained in its Account 191, Unrecovered Purchased Gas Cost, applicable to the subject PGAC–CHPG rate schedules, including the applicable carrying charges. Because of the cancellation of all remaining special rate schedules subject to the PGAC–CHPG and the continuation of service under El Paso's Original Volume No. 1 Tariff, El Paso believes it appropriate to transfer such remaining PGAC–CHPG Account 191 balance to its regular PGAC Account 191. El Paso states that the estimated volumes associated with these customers whose service is being converted from Original Volume No. 2A to service agreements under Original Volume No. 1 have been included as a part of the total estimated jurisdictional sales volumes utilized in the calculation of its PGAC Account 191 surcharge rate. Therefore, in order to clear the PGAC–CHPG Account 191 balance, El Paso has requested the Commission to grant such waivers of its regulations and the applicable provisions of El Paso's currently effective FERC Gas Tariff, as may be deemed necessary, in order to permit the transfer of such remaining amount to the regular PGAC Account 191 balance, as of December 31, 1980.

El Paso has requested that waiver be granted of all applicable rules, orders and regulations of the Commission, as may be deemed necessary, to permit the effectiveness of its tendered revised tariff sheets on April 1, 1981.

El Paso states that copies of the filing and enclosures thereto have been served upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before March 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7775 Filed 3–11–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA81–2–34–000 (PGA)(IP)(LFUT)]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges Under Purchased Gas Adjustment and Incremental Pricing Provisions and the Louisiana First Use Tax Provision

March 6, 1981.

Take notice that on February 27, 1981 Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, tendered for filing the following tariff sheets to its F.E.R.C. Gas Tariff:

Original Volume No. 1

Second Substitute 25th Revised Sheet No. 3–A

Third Revised Sheet No. 3–B

Original Volume No. 2

Substitute 15th Revised Sheet No. 128

The aforementioned tariff sheets contain changes in its resale rates in Rate Schedules G and I and in Rate Schedule T–3 resulting from adjustment provisions in the Company's tariff for (i) cost of purchased gas, (ii) Incremental Pricing Provision, and (iii) Louisiana First Use Tax. FGT proposes to make the rate changes effective April 1, 1981.

According to FGT, the changes contained on Second Substitute 25th Revised Sheet No. 3–A and Substitute 15th Revised Sheet No. 128 are made in accordance with the purchased gas cost adjustment and incremental pricing provision in its tariff (Section 15, General Terms and Conditions) and adjust the currently effective rates for Rate Schedules G and I to reduce the Louisiana First Use Tax provision in accordance with Section 20 of the General Terms and Conditions of FGT's Gas Tariff, Original Volume No. 1. FGT also states that Third Revised Sheet No. 3–B contains the estimated incremental pricing surcharges by customer by month for the adjustment period.

The net effect of the above-mentioned adjustments for Rate Schedule G and I is to increase the currently effective rate by .676¢/therm. Based on estimated G and I sales for the next 12 months this results in an annual revenue increase of approximately $6,027,000. Below is a table comparing the G and I rates before and after the April 1, 1981 change.

	Cents per therm	
	Effective prior to April 1, 1981.	To be effective April 1, 1981
Rate Schedule G	23.856	24.532
Rate Schedule I	23.056	23.732

The net effect of the above-mentioned adjustments for Rate Schedule T–3 is a decrease of 1.46¢/Mcf. The rate for Rate Schedule T–3 in effect immediately prior to April 1, 1981 is 39.46¢/Mcf. The rate to be effective on April 1, 1981 is 38.00¢/Mcf. The annual effect on revenues from Rate Schedule T–3 is a decrease of $1,066,000.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Original Volume Nos. 1 and 2 and the Florida Public Service Commission and is being posted.

Any person desiring to be heard or to protest said application shoiuld file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7779 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-51-000]

Great Lakes Transmission Co.; Proposed Changes in PGA Gas Tariff Under Purchased Gas Adjustment Clause Provisions

March 6, 1981.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes"), on February 26, 1981, tendered for filing Thirty-Eighth Revised Sheet No. 57, to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective April 1, 1981.

Great Lakes states that its sole supplier of natural gas, TransCanada PipeLines Limited ("TransCanada"), will increase the rates for gas purchased by Great Lakes effective April 1, 1981. The increase is the result of the announcement by the Canadian Government that the border price of natural gas exported shall be at the rate of $4.94 per MMBtu in United States currency effective April 1, 1981. Great Lakes is seeking waiver of the Commission's Regulations in order to make the increase effective April 1, 1981.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.3, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7777 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-165-000]

Louisiana Intrastate Gas Corp.; Application

March 6, 1981.

Take notice that on February 13, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81–165–000 an application pursuant to Section 284.123(b)(2) of the Commission's Regulations under the Natural Gas Policy Act of 1978 for approval of rates charged for the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on January 23, 1981, it entered into a transportation agreement with Columbia to provide transportation service for gas owned by Columbia. It is stated that pursuant to the agreement, Applicant would accept gas from Columbia or for its account at specified points of delivery and redeliver a volume of gas having an equal thermal content less Columbia's *pro rata* part of fuel, company use and unaccounted for gas, as that delivered at the plant point(s) of delivery. Applicant herein proposes to charge Columbia a fee of 20.0 cents per million Btu, (i) redelivered by Applicant to Columbia at the point(s) of redelivery specified in the transportation agreement, and (ii) for the difference between the volume delivered to Columbia at the plant point(s) of delivery and the volume redelivered to Applicant at specified delivery points.

Applicant states that the transportation service would be for a term of two years from initial deliveries and that the gas to be transported hereunder is owned by Columbia and is for Columbia's system supply for resale.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be condidered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7778 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-300-000]

Mississippi Power & Light Co.; Filing

March 6, 1981.

The filing Company submits the following:

Take notice that on February 26, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an Assignment and Operating Agreement and an Amendment to this Agreement between it and Southern Pine Electric Power Association dated as of June 1, 1980. This Assignment served to release MP&L from its obligations under MP&L's Agreements for Purchase of Power at each separate Southern Pine Electric Power Association delivery point and assigned those certain Agreements for Purchase of Power to South Mississippi Electric Power Association (SMEPA). With this transfer of power supply responsibility from MP&L to SMEPA, MP&L commenced providing SMEPA with transmission service under MP&L Rate Schedule FERC No. 251 with supplements as accepted for filing by the Commission in Docket No. ER79–250 (now terminated).

Consistent with the rearrangement of rights and obligations agreed to in the

Assignment, MP&L proposes that its Agreements for Purchase of Power (designated as MP&L Rate Schedules, FERC Nos. 245, 226.1, 226.2, 226.3, and 226.5) be cancelled as of June 1, 1980. Under Section 9 of each Assignment, MP&L retained a contingent right to demand reassignment of the related assignments for Purchase of Power if SMEPA and Middle South Energy, Inc. (MSE) had not held a closing on the proposed acquisition by SMEPA of an ownership interest in the Grand Gulf Nuclear Station by June 1, 1981 pursuant to the Joint Construction, Acquisition, and Ownership Agreement between MSE and SMEPA, dated as of May 1, 1980. On October 31, 1980, however, the contemplated closing was held. Therefore, the rearrangements made by the June 1, 1980 Assignments are no longer subject to change. MP&L delayed the tender of this filing until this representation could be made. Accordingly, MP&L, with the concurrence of SMEPA and Southern Pine Electric Power Association, requests waiver of the Commission's notice requirements to permit an effective cancellation date of June 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7779 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-301-000]

Mississippi Power & Light Co.; Filing

March 6, 1981.

The filing Company submits the following:

Take Notice that on February 26, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an Assignment and Operating Agreement and an Amendment to this Agreement between it and Magnolia Electric Power Association (Magnolia) dated as of June 1, 1980. This Assignment served to release MP&L from its obligations under MP&L's Agreements for Purchase of Power at each separate Magnolia delivery point and assigned those certain Agreements for Purchase of Power to South Mississippi Electric Power Association (SMEPA). With this transfer of power supply responsibility from MP&L to SMEPA, MP&L commenced providing SMEPA with transmission service under MP&L Rate Schedule FERC No. 251 with supplements as accepted for filing by the Commission in Docket No. ER79-259 (now terminated).

Consistent with the rearrangement of rights and obligations agreed to in the Assignment, MP&L proposes that its Agreements for Purchase of Power (designated as MP&L Rate Schedules, FERC Nos. 244, 213, 185, 250, 227, 188, 186, 182, and 224) be cancelled as of June 1, 1980. Under Section 9 of each Assignment, MP&L retained a contingent right to demand reassignment of the related assignments for Purchase of Power if SMEPA and Middle South Energy, Inc. (MSE) had not held a closing on the proposed acquisition by SMEPA of an ownership interest in the Grand Gulf Nuclear Station by June 1, 1981 pursuant to the Joint Construction, Acquisition, and Ownership Agreement between MSE and SMEPA, dated as of May 1, 1980. On October 30, 1980, however, the contemplated closing was held. Therefore, the rearrangements made by the June 1, 1980 Assignments are no longer subject to change. MP&L delayed the tender of this filing until this representation could be made. Accordingly, MP&L, with the concurrance of SMEPA and Magnolia, requests waiver of the Commission's notice requirements to permit an effective cancellation date of June 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7778 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-302-000]

Mississippi Power & Light Co.; Filing

March 6, 1981.

The filing Company submits the following:

Take notice that on February 26, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an Assignment and Operating Agreement and an Amendment to this Agreement between it and Yazoo Valley Electric Power Association dated as of June 1, 1980. This Assignment served to release MP&L from its obligations under MP&L's Agreements for Purchase of Power at Yazoo Valley Electric Power Association delivery points of Midway, Redwood and Little Yazoo and assigned those certain Agreements for Purchase of Power to South Mississippi Electric Power Association (SMEPA). With this transfer of power supply responsibility from MP&L to SMEPA, MP&L commenced providing SMEPA with transmission service under MP&L Rate Schedule FERC No. 251 with supplements as accepted for filing by the Commission in Docket No. ER79-259 (now terminated).

Consistent with the rearrangement of rights and obligations agreed to in the Assignment, MP&L proposes that its Agreements for Purchase of Power (designated as MP&L Rate Schedules, FERC Nos. 237, 211, and 205) be cancelled as of June 1, 1980. Under Section 9 of each Assignment, MP&L retained a contingent right to demand reassignment of the related assignments for Purchase of Power if SMEPA and Middle South Energy, Inc. (MSE) had not held a closing on the proposed acquisition by SMEPA of an ownership interest in the Grand Gulf Nuclear Station by June 1, 1981 pursuant to the Joint Construction, Acquisition, and Ownership Agreement between MSE and SMEPA, dated as of May 1, 1980. On October 31, 1980, however, the contemplated closing was held. Therefore, the rearrangements made by the June 1, 1980 Assignments are no longer subject to change. MP&L delayed the tender of this filing until this representation could be made. Accordingly, MP&L, with the concurrence of SMEPA and Yazoo Valley Electric Power Association, requests waiver of the Commission's

notice requirements to permit an effective cancellation date of June 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7781 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-303-000]

Mississippi Power & Light Co.; Filing

March 6, 1981.

The filing Company submits the following:

Take Notice that on February 26, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an Assignment and Operating Agreement and an Amendment to this Agreement between it and Southwest Mississippi Electric Power Association dated as of June 1, 1980. This Assignment served to release MP&L from its obligations under MP&L's Agreements for Purchase of Power at each separate Southwest Mississippi Electric Power Association delivery point and assigned those certain Agreements for Purchase of Power to South Mississippi Electric Power Association (SMEPA). With this transfer of power supply responsibility from MP&L to SMEPA, MP&L commenced providing SMEPA with transmission service under MP&L Rate Schedule FERC No. 251 with supplements as accepted for filing by the Commission in Docket No. ER79-259 (now terminated).

Consistent with the rearrangement of rights and obligations agreed to in the Assignment, MP&L proposes that its Agreements for Puchase of Power (designated as MP&L Rate Schedules, FERC Nos. 216, 192, 222, 190, 249, 240, 207, 194, 212, 191, and 232) be cancelled as of June 1, 1980. Under Section 9 of each Assignment, MP&L retained a contingent right to demand reassignment of the related assignments for Purchase of Power if SMEPA and Middle South Energy, Inc (MSE) had not held a closing on the proposed acquisition by SMEPA of an ownership interest in the Grand Gulf Nuclear Station by June 1, 1981 pursuant to the Joint Construction, Acquisition, and Ownership Agreement between MSE and SMEPA, dated as of May 1, 1980. On October 31, 1980, however, the contemplated closing was held. Therefore, the rearrangements made by the June 1, 1980 Assignments are no longer subject to change. MP&L delayed the tender of this filing until this representation could be made. Accordingly, MP&L, with the concurrence of SMEPA and Southwest Mississippi Electric Power Association, requests waiver of the Commission's notice requirements to permit an effective cancellation date of June 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7782 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-306-000]

Ohio Edison Co.; Proposed Tariff Change

March 6, 1981.

The filing Company submits the following:

Take notice that Ohio Edison Company, on February 27, 1981, tendered for filing an application to effect the operation of the tax adjustment clause contained in its FERC Electric Schedules Nos. 123 through 142 and in its FERC Electric Tariff Original Volume No. 1.

The application would have the tax adjustment provisions effected to recover additional gross receipts taxes imposed by the State of Ohio on December 19, 1980. The exact amount of the tax increase is unknown at this time, but is estimated to be $353,000. Ohio Edison proposes to begin recovering the additional taxes effective May 1, 1981 by a percentage added to customers monthly invoices. Ohio Edison states that the effect of the application would be a one percent (1%) increase in the amount collected for the year ended April 30, 1981. There would be no change in return to Ohio Edison as such dollars collected will be paid out to the State of Ohio.

Copies of the Application were served upon The Public Utilities Commission of Ohio and the Municipal Wholesale Customers of Ohio Edison.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7783 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-308-000]

Pacific Gas and Electric Co.; Filing

March 6, 1981.

The filing Company submits the following:

Take notice that on February 27, 1981 Pacific Gas and Electric Company (PGandE) tendered for filing a contract dated November 10, 1980 entitled "Agreement for Sale of Electric Capacity and Energy by Pacific Gas and Electric Company to City of Biggs" (Agreement). The agreement provides for supplemental power deliveries from PGandE to City of Biggs (Biggs) in the event that Biggs' current supplier, United States of America, Department of Energy (Department), is unable to satisfy Biggs full electric power requirements.

Copies of the filing were served upon Biggs, Department, and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7784 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-39-000]

Pacific Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision and Incremental Pricing Provision

March 6, 1981.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on February 27, 1981 tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Seventeenth Revised Sheet No. 4
Second Revised Sheet No. 4–A
Fourteenth Revised Sheet No. 5

Pacific Interstate states that these tariff sheets are issued pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision and Incremental Pricing Provision as set forth in Sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2. The proposed effective date of these tendered tariff sheets and the rates reflected thereon is April 1, 1981.

Pacific Interstate further states that the tendered tariff sheets reflect a proposed S–G–1 commodity rate of 189.89¢ per decatherm, an increase of 20.01¢ from the 169.88¢ per decatherm rate effective October 1, 1980, the date of the last S–G–1 commodity rate change and that such increase reflects a Current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the Current Gas Cost Adjustment is based on an annualized gas cost increase of $96,490 and that the Surcharge Adjustment is designed to amortize, over a six-month period beginning April 1, 1981, an amount of ($119,481), which is the amount of Pacific Interstate's Unrecovered Purchased Gas Cost account at December 31, 1980. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since there only customer has no surcharge absorption capability.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Mar. 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7785 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-307-000]

Public Service Co. of Colorado; Proposed Tariff Change

March 6, 1981.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSCo) on February 27, 1981, tendered for filing a proposed change in its FERC Electric Service Tariff. PSCo states that the proposed change is a Supplement to an Agreement between Colorado-Ute Electric Association, Inc., (Colorado-Ute), and PSCo. PSCo further states that the Supplement modifies the PSCo-Colorado-Ute Transmission Interconnection and License Agreement (Agreement) on file with the Commission under Company's FERC Rate Schedule No. 12 as Supplement No. 10 to said Rate Schedule.

PSCo indicates that the Supplement changes the in-service date for rebuilding the Boone-Midway 115 KV line for 230 KV operation to a date no later than December 31, 1981, and further defines cost responsibility, methods of payment, ownership, and maintenance of the associated 230 KV terminal facilities.

PSCo states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protest or petitions should be filed on or before March 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7786 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-397-002]

Southern Natural Gas Co.; Petition to Amend

March 6, 1981.

Take notice that on February 17, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP 79–397–002 a petition to amend the order issued November 9, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional delivery point for the transporation of natural gas for the account of United Gas Pipe Line Company (United), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued November 9, 1979, it was authorized to transport for United Approximately 90 billion Btu of natural gas per day which United purchases from Blocks 72, 73, and 74 (Block 72 field), offshore, Louisiana, pursuant to a transportation agreement between the parties dated May 9, 1979. Petitioner proposes herein to include as an additional delivery point the point of interconnection between Petitioner's and United's pipeline facilities at or near milepost 12.601 on Petitioner's 18-inch South Main Pass 60 Line in Main Pass Block 148, offshore Louisiana, pursuant to a letter agreement dated November 3, 1980.

It is asserted that United has entered into a contract with Exxon, U.S.A. for a new gas supply in Main Pass Block 72. It is further asserted that United has constructed pursuant to its budget authorization a pipeline extending from the producer's platform in Main Pass Block 72 to Petitioner's existing facilities in Main Pass Block 148. Petitioner states that it would redeliver the gas to United at its Shadyside compressor station, St. Mary Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act 918 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make te protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7787 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 6, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 27, 1981, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Fifty-eighth Revised Sheet No. 14
Fifty-eighth Revised Sheet No. 14A
Fifty-eighth Revised Sheet No. 14B
Fifty-eighth Revised Sheet No. 14C
Fifty-eighth Revised Sheet No. 14D

Texas Eastern is reducing its rates pursuant to Article VI, Rate Reductions for Repayments of Advance Payments, of the Stipulation and Agreement in Docket No. RP78-67, as approved by Commission Order issued April 4, 1980. According to the terms and conditions of Article VI of the Stipulation and Agreement Texas Eastern is required to file any rate reduction pursuant to this article by the end of the month following the month during which repayments, requiring a rate reduction, are received. This filing is based on the balance of advance payments outstanding as of January 31, 1981.

The proposed effective date of the above tariff sheets is April 1, 1981.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7788 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-296-000]

Tucson Electric Co; Cancellation

March 6, 1981.

The filing Company submits the following:

Take notice that on February 23, 1981, Tucson Electric Power Company (Tucson) tendered for filing a Notice of Cancellation of Supplement No. 3 to Rate Schedule FERC No. 15, which became effective on May 1, 1978.

Tucson states that the aforementioned Rate Schedule is identified as Amendment No. 2 to the PNM-TGE 1978?-1979 Power Sale Agreement between Public Service Company of New Mexico and Tucson. Tucson requests and effective dare of April 30, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7789 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee

Date and time: Monday, March 30, 1981—9:00 a.m.–5:00 p.m.; Tuesday, March 31, 1981—9:00 a.m.–5:00 p.m.

Place: Department of Energy, Forrestal Building, Room 4A104, 1000 Independence Avenue, S.W., Washington, D.C. 20585

Contact: Enloe Ritter, ER-23, Division of Nuclear Physics, M.S. G-256, GTN, U.S. Department of Energy, Washington, D.C. 20545. Telephone: 301-353-3613

Purpose of committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda

- Discussion of NSF and DOE budget situations for FY 1982
- Final review and discussion of FY 1983 facility proposals and formulation of recommendations
- Discussion of procedures for updating Long Range Plan for Nuclear Science
- Discussion of charge to Subcommittee on Electromagnetic Interactions
- Reports from Subcommittees on Heavy Ion Facilities, Manpower, Universities, and Computational Needs of Nuclear Theorists
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in this judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m.,

Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on March 5, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-7739 Filed 3-11-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of February 2 Through February 6, 1981

During the week of February 2 through February 6, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Bracewell & Patterson, Washington, D.C.; BFA-0569, freedom of information

Bracewell & Patterson filed and Appeal from a denial by the Assistant General Counsel for Legal Counsel of the Department of Energy of A Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the withheld document was predecisional and recommendatory in character and was therefore exempt from mamdatory disclosure under Exemption 5. The DOE further found that disclosure of the document would be contrary to the public interest. The Appeal was accordingly denied.

Elk Trading Company, Mobile, Alabama; BFA-0535, freedom of information

Elk Trading Company filed an Appeal from partial denials by the ERA's Office of Enforcement (OE) of the Economic Regulatory Administration and the Special Investigation Division of the Office of General Cousel (OGC/SID) of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the request should be remanded in order that (i) the OE and the Division of Petroleum Price Regulations of the Office of Regulations and Emergency Planning conduct a search for responsive documents, (ii) OGC/SID process certain parts of Elk's request which had not been processed initially, and (iii) OGC/SID provide Elk with a detailed index with respect to certain categories of withheld documents or provide and explanation of how providing Elk with such and index would interfere with a pending enforcement proceeding.

National Treasury Employees Union, Washington, D.C., BFA-0571, freedom of information

The National Treasury Employees Union (NTEU) filed and Appeal from a partial denial by the DOE Inspector General of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the request should be remanded to the Inspector General in order that he (i) conduct a futher search for responsive documents and (ii) either release to the NTEU a copy of the report contained in Case File 8-1 with only the names of person interviewed deleted or issue a determination to the NTEU explaining why other names were deleted.

Pray, Walker, Jackman, Williamson & Marlar, Tulsa, Oklahoma; BFA-0586, freedom of information

Pray, Walker, Jackman, Williamson & Marlar filed an Appeal from a partial denial by the Director of the Division of Petroleum Allocation Regulations of the Office of Regulatory Policy of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that several offices within the DOE had incorrectly determined that the firm's request was not one for reasonably described documents and that these offices would be required to conduct searches for documents responsive to the firm's request.

Alan Ramo, Berkeley, California; BFA-0567, freedom of information

Alan Ramo (Ramo) filed an Appeal from a determination issued to him by the Director, Office of Safeguards and Security, Defense Program (Security Director) of the DOE in response to a Request for Information which Ramo had submitted under the Freedom of Information Act (the FOIA). In that determination, the Security Director released to Ramo twelve documents responsive to an amended request filed by Ramo on August 27, 1980. In his Appeal, Ramo alleged that the search performed pursuant to his request was inadequate, that unjustified deletions were made in two of the documents which were released to him, and that four documents referred to in materials previously released to him should also have been released. In considering the Appeal, the DOE found that the search performed by the DOE was adequate. However, in consultation with the Office of Safeguards and Security, it was determined that there was no agency objection to disclosing undeleted versions of the two documents specified in Ramo's Appeal, nor was there any apparent reason to withhold the four documents which had been referred to in the materials already released to Ramo. Accordingly, it was determined that the two documents specified by Ramo as containing deletions would be disclosed in undeleted form as an Appendix to the Decision and Order. It was further determined that the four documents referred to in previously released materials would also be released to Ramo by the Security Director, or a reasoned legal justification would be furnished for their non-disclosure.

Louis T. Rosenberg, San Antonio, Texas; BFA-0568, freedom of information

Louis T. Rosenberg appealed from a denial by the Director of DOE's Division of Freedom of Information and Privacy Acts Activities of a request for a waiver of fees submitted in connection with a Freedom of Information Act request. In considering the Appeal, the DOE found that a waiver of fees was not appropriate in this case. The DOE determined that there was no indication that the public at large would benefit from the release of the information sought or that Mr. Rosenberg's client does not plan to exploit the commercial potential of information contained in documents requested. The Appeal was therefore denied.

Sydney Morning Herald Limited, Washington, D.C.; BFA-0580, freedom of information

The Sydney Morning Herald Limited filed an Appeal from a denial by the Acting Chief Historian of the Department of Energy of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Acting Chief Historian's determination that the DOE did not have any documents concerning Australian research and development on nuclear weapons was based on an adequate search. Accordingly, the appeal was denied.

Request for Exception

Dr. Hooper Oil & Royalty Company, Montgomery County, Texas; BXE-1514, crude oil

Dr. Hooper Oil & Royalty Company (Dr. Hooper) filed an Application for Exception from the provisions of 10 C.F.R. Part 212, Subpart D. Exception relief was granted to permit Dr. Hooper to sell at market prices 39.46 percent, and at upper tier prices 60.54 percent of the crude oil produced at the W.P. McComb Lease.

Hogan's Marathon, Louisville, Kentucky, BEE-1438; East 60 Marathon, Henderson, Kentucky, BEE-1454; Dave's Marathon (Lansing), Lansing, Michigan, BEE-1458; Leon's Marathon, Dayton, Ohio, BEE-1462; Dry Ridge Marathon, Dry Ridge, Kentucky, BEE-1471; Motor Gasoline

Marathon Oil Company filed Applications for Exception from the provisions of 10 C.F.R. Part 211 on behalf of Hogan's Marathon, East 60 Marathon, Dave's Marathon (Lansing), Leon's Marathon and Dry Ridge Marathon. If the exception requests were granted, the applicants, branded independent retailers of gasoline, would receive increases in their base period allocations of gasoline. In considering the requests, the DOE found that the applicants were small, independent marketers that would incur a gross inequity and serious hardship, and might well have to close their businesses, in the absence of exception relief. Accordingly, exception relief was granted.

Pennzoil Producing Company, Houston, Texas; BXE-1527; crude oil

Pennzoil Producing Company filed an Application for Exception from the Provisions of 10 C.F.R. Part 212, Subpart D. Exception relief was granted to permit Pennzoil Producing Company to continue to sell at

market prices 100 percent of the crude oil produced from the Woodruff Sand Waterflood Unit located in Yazoo County, Mississippi through January 27, 1981.

Pennzoil Producing Company, Houston, Texas; EXE–1526, crude oil

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 C.F.R. Part 212, Subpart D. Exception relief was granted to permit Pennzoil to sell at upper tier prices 100 percent of the crude oil produced from the McGraw-Stevens Waterflood Unit located in the Tinsley Field in Mississippi.

Philip Sloan Oil Company, North Miami Beach, Florida, DEE–6280; Exxon Company, U.S.A., Washington, D.C. BEA–0138; Marathon Oil Company, Washington, D.C., BEA–0139, motor gasoline

Philip Sloan Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm requested that the DOE assign an alternate supplier(s) to provide it with additional volumes of motor gasoline. In considering the firm's request, the DOE found that Philip Sloan Oil Company had demonstrated that it was suffering a serious hardship and a gross inequity as a result of its base period supplier's inability to supply it with adequated volumes of motor gasoline. The DOE further found that Exxon Company, U.S.A. and Marathon Oil Company had not demonstrated (i) that they would be adversely affected to a significant degree if the proposed adversely affected to a significant degree if the proposed exception relief was made final, or (ii) that assignment orders issued to them were procedurally or substantively deficient. Accordingly, exception relief was granted.

T & H Automotive Enterprises, Inc., Indianapolis, Indiana, BEE–1468; Grogan's Marathon Service, Speedway, Indiana, BEE–1428, motor gasoline

Marathon Oil Company filed Applications for Exception from the provisions of 10 CFR Part 211 on behalf of T & H Automotive Enterprises, Inc. and Grogan's Marathon Service in which the firm sought increases in the stations' base period allocations of motor gasoline. In considering the request, the DOE found that the applicants would be unable to realize the benefits of substantial capital investments made in their facilities and, as a result, would incur a gross inequity and serious hardship in the absence of exception relief. Accordingly, exception relief was granted.

Young Refining Corporation, Washington, D.C.; BXE–0005, BED–0090, crude oil

Young Refining Corporation requested entitlement exception relief for the period October 1979 through March 1980. In considering the Young request under the *Delta* exception relief standards, the DOE concluded that Young would require a total of $6,193,037 in entitlements exception relief in order to achieve its historical profit margin. Accordingly, Young was granted $745,368 per month in relief from its entitlement obligations from October 1979 through March 1980.

Request for Stay

Thriftway Company, Bloomfield, New Mexico, BES–0129, crude oil

Thriftway Company filed an Application for Stay from the requirement that it meet its outstanding entitlement purchase obligation which the firm incurred during March 1980. In considering the Application, the DOE determined that a partial stay of the purchase obligation was warranted in view of Thriftway's cash flow difficulties. Accordingly, the stay request was granted in part.

Motion for Evidentiary Hearing

Energy Reserves, Group, Inc., Houston, Texas; BRH–0020, crude oil

Energy Reserves Group, Inc. filed a Motion for Evidentiary Hearing which, if granted, would have permitted the firm to present testimonial evidence from two of its employees concerning the levels of production from a number of wells on a crude oil producing property. The DOE denied the Motion, finding that the undocumented proffered testimony of the two employees was so completely unsubstantiated that the presentation of such evidence to controvert documentary evidence prepared contemporaneously with the production of crude oil would not "substantially assist" the DOE in determining whether to issue in final firm a Proposed Remedial Order which cited the form for crude oil pricing violations. However, the firm was granted twenty calendar days within which to submit into the record additional relevant documentary evidence.

Interim Order

Navajo Refining Company, Artesia, New Mexico; BEN–0082, BEN–0083, BEN–0084, crude oil

Navajo Refining Company filed a Request for Interim Relief in connection with three Proposed Decisions and Orders issued to the firm on December 12, 1980 (Case Nos. BEX–0131, BEX–0014, and DEX–0122). In considering the request, the DOE noted that there is a strong probability that the exception relief granted to the firm in the three Proposed Decisions will ultimately be approved. The DOE further determined that the expeditious implementation of the relief is appropriate in view of the impending termination of the Entitlements Program. Accordingly, the exception relief granted in the December 12 Proposed Decisions was implemented on an interim basis.

Interlocutory Order

Office of Special Counsel, Washington, D.C., BRZ–0080, crude oil

The DOE Office of Special Counsel filed a motion to compel Atlantic Richfield Company (ARCO) to file a Statement of Factual Objections to a Proposed Remedial Order which was issued to the firm on May 1, 1979 (Case No. DRO–0193). In considering the motion, the DOE determined that ARCO possesses sufficient information to file a comprehensive Statement of Factual Objections. Accordingly, the OSC's motion was granted, and ARCO was ordered to file a Statement of Factual Objections by May 1, 1981.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case No.

Abbe Road Marathon, BEE–1463
Ackerman Oil Company, BEE–0720
Advanced Sales Corporation, BXE–1348
AGC Building Materials, Inc., BEO–0977
Al's Texaco, BEO–0629
Almarc, BEE–0467
Anthony's Beach Gulf Service, BEO–1183
Antietam Exxon, DEE–7013
Arlin F. Road Standard, DEO–0392
Arnold's Arco & Rental, BEO–0580
Arrow Petroleum Company, DEE–3941
Art's Auto Sales, BEE–0807
Ashland Oil, Inc., BEO–1180
Aberdeen Superamerica, BEO–1227
Ashland Oil Company, DEE–2806
B.O.P. Corporation, BEE–0287
Baker Oil Company, Inc., BEE–0800
Ball Brothers Oil Company, BEE–0430
Banich's Marathon, BEE–1432
Bay Valley Marathon, BEE–1440
Bay Village Marathon, BEE–1436
Bear Lake S.W.D. System Inc., BEE–1589
Beavers Texaco Service, DEE–5008
Beer World, DEE–4371
Belden Village Shell, BEO–0303
Bell Haven Sunoco, BEE–1208
Belmont Mobil Service, DEE–3350
Ben-Al Oil Company, BEE–0612
Berkshire Marathon, BEE–1425
Best Petroleum Company, DEE–7942
Bi-rite Petroleum, Ltd., BEO–1174
Big Bear Lake Valley Chamber of Commerce, BEE–0369
Big Daddy Liquors, BEO–0299
Big "G" Hammond, Inc., BEO–0608
Big Wheel, BEE–0219
Bilger & Sons, Inc., BEE–0761
Bill Chun Texaco, DEE–8043
Biofuel, Inc., BEE–0077
Board of County Commissioners, BEO–0124
Bob's Chevron, DEE–2232
Boulder Valley Oil Company, BXE–0203
Bowman Petroleum Company, Inc., BEE–0363
Bradlee Texaco, BEO–1332
Bray Terminals, Inc., BEE–0746
Bray Terminals, Inc., DEE–7933
Broadway Spur Service Station, BEO–0317
Brook's Marathon, BEE–1474
Brown's Exxon, BEO–0483
Buckeye Petrofuels Company, DEE–8015
Bud Antle, Inc., BEO–0462
By-Rite Oil Company, BEE–0631
Byron D. Norman, BEE–1429
C & C Oil Company, Inc., BEE–0401
C & L Auto Service, BEO–1182
C. Joseph Boothe, BEE–0554
CAF Industries, Inc., DEE–5235
Carl L. Reed, BEE–1495
Charles' Marathon, BEE–1453
Charter Oil Company, BEE–1062
Cheker Cab Company, DEE–8072
Chevron USA, Inc., BXE–1403
Chevy Chase Exxon, BEE–0346
Chronalloy, DEE–4245
Chronister Oil, Inc., BEE–0475
Chuck & Ken's Marathon, BEE–1445
Cities Service Comany, BEE–0367
City of Ann Arbor, DEE–1980

Clark Oil & Ref. Corporation, BEE–1582
Clark's Ferry Auto/Truck Stop, DEE–2954
Clouse Oil Company, BEE–0636
Clowe 66 Oil Company, BEO–0728
College Service Chevron, BEO–0603
Combined Resources Group, BEE–1493
Cone Oil Company, BEE–0545
Consumers Gasoline Stations, Inc., DEE–3606
Cooper Oil Company, BEE–0734
Corner Pantry Food Marts, Inc., BXE–1566
Courtesy Tow Service, DEE–6950
Craig Oil Company, BEE–1278
Craig Oil Company, DXE–6138
Crown Central Petroleum Corporation, BEA–0428
Cruickshank, Richard, BEE–0564
Culpepper, Elton L. DEE–3270
Currie Brothers, Inc., BEO–0408
Cutlersville Marathon, BEE–1469
D. S. Buck, Inc., DEE–3930
Dadley's Exxon, BEO–0449
DAECO, BXE–1519
Danville Service Station, BEO–1158
Darrell B. Baird Dist., Inc., BEE–0366
Dave & Mike's Marathon, BEE–1434
Dave's Marathon (Xenia), BEE–1464
Deltona Corporation, DEO–0057 thru DEO–0059
Don Clock's Kentwood Marathon, BEE–1457
Don's FM Oil Company, BEE–0969
Downtown Marathon, BEE–1461
Drug Transport, Inc., BEO–0125
Duncan Oil Company, DXE–6624, BEL–0049, BEN–0020
Dupont Arco, BEE–0510
Eagle Rock Mini-Market, BEO–0772
East Bay Regional Park District, BEO–1099
Eastside Marathon Service, BEE–1535
Econ-O-Gas, DEE–1416, DSG–0031
Edward H. Wolf & Sons, DEE–2913
Elm City Filling Station, Inc., BEE–1060, BEL–1060
Energy Cooperation, Inc., BEE–1501
Ethonol Marketing & Refining, BEE–1245
F. L. Roberts & Company, BEE–0585
F. L. Roberts & Company, BEE–1070
Fannon Petroleum Services, Inc., BXE–1318
Farmers Co-op of Arkansas & Oklahoma, BEE–0708
Ferguson's Convenience Market, BEO–0828
Fischer's Auto Sales & Service, BEE–1231
Flash Car Wash, Inc., DEE–6034
Flour Corporation, BEE–1176
Fontana Car Wash, DEE–6564
Fountain Hills Servi-Center, Inc., DEE–2995
Four Corners Standard, DEO–0626
Frank Moody, BEE–1486
Frank's Service Center, BEO–0727
Fred's Marathon, BEE–1443
Freedom Car Wash, BEO–0585
Freedom Oil Company, BEE–0551
G. D. Armstrong, DEE–2962
G. O. Williams Oil, BEO–1226
G & G Alcohol Enterprises, BEE–1497
G & M Fuel Oil Company, Inc., BEO–0158
Garry's Marathon, BEE–1442
Gary S. Greenburg Union, BEO–0496
Gas Unlimited, BEO–0635
GAS 'N SAV, Inc., BEE–1606
Gasohol Inc., DEE–7912
Gasohol Enterprises, BEE–0619
Geiger Enterprises, BEE–1299
General Tire & Rubber, DEE–6054, DST–6054
Gerdes Marathon, BEE–1450
Gibble Oil Company, DEE–4343
Glen Ellyn Standard, BEE–0870
Golden Eagle Ref. Company, BEE–0694
Goodrich Oil Company, DEE–6467
Granite State Nurseries, BEE–1135
Greater Wash./MD Service Station Association, BEE–0763
Green Valley Auto Service, DEE–3007
Green's Mobil Service, DEO–0410
Greenbrook Marathon, BEE–1435
Grisez Oil Company, BEO–1068
Gulf Oil Corp., BEE–1244
Gulf Oil Corp., BEE–0814
H & H Manhattan Shell, DEE–7971
H & H Manhattan Shell, DMR–0061
H & M Oil Company, DEE–0693
Haber Oil Products, BEE–0362
Hank's Arco Mini Shop, DEE–3787
Harbor Grove Carwash, Inc., BEO–0410
Harmony Auto Center, BEO–1009
Harrison Farms Gasohol Plant, BEE–1531
Highland Park Exxon, DEE–7583
Highway Oil Company, BEE–0661, BEL–0061
Highway Petroleum Sales, BEE–1203
Hotchkiss Oil Company, BEO–1123
Howie Oil Company, DEE–2549
HRW Systems, Inc., BEE–0100
Huff's, Inc., DEE–4863, DES–4863
Hunt Industries, DXE–1679, DXE–0642
I. V. Cole Petroleum Company, BEE–0540
Imperial Exxon, BEO–0435
Independent Oil & Tire Company, BEE–0947
Inexco Oil Company, BEE–0270
Isthmus Ref. Corp., BEE–1577
J. C. Roberts, Jr. Company, BEE–0390
J. M. Davis Industries, Inc., DEE–6061
J & A Texaco, BEO–1270
Jack Pedley, BEE–1226
Jay Paul Roussel Gulf, BEO–0049
Jim Adams, BEE–0685
Jim's Standard Service, BEO–0522
Jim's Water Service, DEE–7062
Joe's Marathon, BEE–1431
John C. Manchester, Inc., DEE–4704
John King Shell Service, BEO–0053
Johnny's Petroleum, DEE–5249
Johnson Service Station, BEO–0611
Johnson's Arco Mini Mart, BEX–0130
K & K Inc., DEE–4946
Katz-Davis Oil Company, BEO–0234 thru BEO–0236
Kauk's Sunoco, BEO–0429
Keller-Piasa Terminals, DEE–2234
Kennedy Oil Company, DEE–5783
Kenny's Marathon, BEE–1424
Kentel Realty Corp., BEA–0430
Kern County Refinery, Inc., BEE–1580
Koch Exploration Company, (Sink Draw Lease), BXE–1597
L. S. Riggins Oil Company, BEE–1131
Larry's Standard Service, BEO–1184
Learn Brothers, BEO–0074
Leihser Oil Company, BEE–0742
Ligon's Service Station, BEE–1181
Lilyblad Petroleum Inc., DEE–7519
Loc-A-Hol, BEE–0786, BEL–0788
Locust Farm Dairy, BEE–0966
Lou Nargiso Service Center, DEE–7095
Lowery's Tire and Texaco, BEO–0579
M. W. Sewall & Company, BEE–0629
Mallard Oil Company, BEE–0757
Mark's Broadway Marathon, BEE–1427
Marte's Texaco Servi-Center, Inc., BEO–0762
Mayo's Stand. Service, DEE–6203
McDermott Oil Company, BEE–0712
McDowell Oil Company, DEE–7080
Milner Super Gas, Inc., BEE–0252
Mintzer Pet. Corp., BEE–0640
Missouri Terminal Oil, BEE–0420
Mitchell's Exxon, BEO–0616
Mobil Oil Corp., BEE–1344
Mocar Oil Corp., BEE–0696
Molo Oil Company, BEE–0349
Mosinee Alcohol, Inc., BEE–0900
Murray Oil Company, BEE–0507
Mutual Gas-A-Rama, Inc., DEE–6420
Naquins Super Conoco, BEO–0966
Nashville Electric Service, BEO–0563
National Convenience Stores, Inc., BSC–0022
National Pest Control Association, BEE–1522
Navy Exchange Service Station, DEE–6578
Nelson Oil Company, BEE–0144
New Jersey Highway Authority, BXE–1566
New York State Police Department, BEE–0266
Newark Intermodal Truck Shop, DEE–7745
Nick's Chevron, BEO–0787
Norman C. Straka, BEE–1430
Norman W. Elkins, BEE–1423
Norman-Stuart Service, BEO–1117
North River Gulf, DXE–7196
North Side Service, DEE–3341
Northern Arizona Gas Service, Inc., BEE–0438
Northern Plains Oil, BEE–1275
Northside 66, BEE–0151
Northville Industries, Inc., DEE–7009
Nusyen, Alex, DXE–6321
Oakville Amoco, BEO–1105
Orange Service Company, Inc., BEO–0122
P & W Oil Company, Inc., DEE–7439
Papago Car Wash, BEE–1343
Parker Energy & Petroleum Company, BEE–1209
Paul's Service Center, BEO–0992
Patterson Texaco, DEO–0394
Pennzoil Company, BEE–1024
Pet. Products Corp., DEE–2566
Pet. Wholesale, Inc., DEE–2568, DES–2568, DST–2568
Phillips Marathon, BEE–1441
PMM Corporation, BEE–0217
Power Test Petroleum Dist., Inc., BEE–0999
Price Oil Company, BEO–1043
Pro Sales, Inc., DEE–2914
Prospect Auto Repair, DEE–6383
Pryor Interprises, Inc., DEE–6441, BEN–0072
Purity Oil Company, BEE–0694
Quik-Stx Shoppe, BEO–0737
Quik Serv Marts, Inc., BEO–0035
Quik Stop Food Stores, BEO–0978
R. C. Michel Company, DEE–5806
R. L. Jordan Oil Company, DEE–6133
R. W. Murry, BEO–0004
Rainbow Oil of San Angelo, Inc., BXE–1564
Rainbow Willowridge Service, DEE–6281
Ramada Inn Texaco, DEO–0402
Raritan Oil Company, Inc., BEE–0411
Ray's State Street Texaco, BEO–0504
Red Rock Petroleum Company, Inc., BEE–0337
Roadrunner Food Mart, DEE–7393
Robandee Mobil, BEO–1015
Robert Cheatham, BEO–0566
Robt. H. Hart & Sons, BEE–0722
Robert M. Waters, BEA–0385
Robert's Marathon, BEE–1468
Robertson, Garvin, BEO–0416
Ruffin Oil Company, BEO–1124
Russell Distributing, DEE–4174
Ryder Truck Rental, Inc., BEA–0573
S/T, Inc., BEO–0347
S & P Sunoco Service, BEO–0763
Sage Creek Refinery, DEE–7025
Samir's Shell & Auto Center, BEO–0732
Scothorn Standard Services, Inc., BEO–0719

Sexton Oil Company, BEE–1068
Shell Oil Company, BEE–1518
Shepard Ambulance, Inc., BEO–0626
Skelly Self Serve, BEO–1165
Smith's Pet. Marketing Company, Inc., DEE–2186
South Florida Gasohol, BEE–0602
Southern Gulf Oil Distributor Assn., BER–0077
Southern Missouri Gasohol, Inc., DEE–7317
Southland Oil Company, DEE–6786
Southland Oil Company, DEE–3607, DES–3607
St. Louis County Police Department, DEE–8017
Stamp's Marathon, BEE–1455
Standard Oil Company of Ohio, BEE–1414
Steamboat Springs Station #1, DEE–7534
Stephen A. Fronk, BEE–1472
Stephen J. Zona Sunoco, BEO–1131
Stubbs Oil Company, BEE–0385
Sue Shelton's Texaco, DEE–7488
Sun-Ray Drive-In Dairy, Inc., DEE–6025
Swifty Distributors, BEE–0960
Tarpon Sprigs Fina Gas & Car Wash, BEO–0276
Tenneco Oil Company, BEE–1228
Texaco, Inc., BEE–0625
Texas Gas Exploration Corp., BEE–1568
The Happy Store, BEO–1111
The Whistle Stop, BEE–1040
Thomas Oil Company, DEE–2212
Tobey's General Store, BEO–1048
Tom's Fishermen Supply, BEO–1135
Total Pet., Inc., BES–1255, EST–1255
Township Line Texaco, BEO–1050
Tri-C Certified Service Center, BEO–0295
Tropicana Petroleum, Ltd., BEE–0426
10–10 Truck Stop, DEE–5304
Truckstops Corp. of America, DEE–0068
Tulane Avenue Gulf, DEE–3517, DES–3517
U-Haul Co. of Eastern Florida, BEA–0572
Union Oil Company, BEE–1300
United Energy Company, BEE–1288
United Engineers & Constructors, Inc., BEO–1279
Valley Patrol & Guard, BEO–1219
Vanway Gasohol, Inc., BEE–0978
Vermont Morgan Corp., DEE–1277
W & J Supply, DEE–6982
Wagoner Gas & Oil, Inc., BMR–0063
Walton Oil Company, DEE–6905, DST–6905
Wash World-Brett's, BEO–0618
Washington Street Food Store, BEE–1207
Welsh Oil, Inc., BXE–1563
West Fargo Truck Stop, BEE–0714
West Tire Corp., DEO–0354
Westcom II, Inc., BEO–1253
Western Oil of Nebraska, BEE–0472
Westside Residents Association, BEE–1536
Westside Service Center, BEE–1444
Wetherington & Houser Service, BEO–0948
White Petroleum, Inc., DEE–7395
Whitewater Petroleum Terminals, Inc., BEE–0403
Williams Lion Serv., BEO–0456
Winnie's Auto Service, DEE–7296
Winton's Corner, BEO–1129
Withrow Tractor Company, BEE–1136
Wo Wo Wash, DEE–4573
Wright & Company, BEE–1324
Yellow Cab Company of Tampa, BEO–0424
Yelo Jak Oil Company, BEO–1064
Yoder's Marathon, BEE–1465
Young Ref. Corp., DRO–0318

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: March 6, 1981.

George B. Breznay,
Director, Office of Hearings and Appeals.

[FR Doc. 81–7758 Filed 3–11–81; 8:45 am]
BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of December 8 Through December 12, 1980

During the week of December 8 through December 12, 1980, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Arent, Fox, Kintner, Plotkin & Kahn, Washington, D.C., Freedom of Information, BFA–0508

Arent, Fox, Kintner, Plotkin & Kahn filed an Appeal from a partial denial by the Freedom of Information Officer of the Strategic Petroleum Reserve Management Project Office of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain of the requested documents containing commercial information relating to a pending dispute between a DOE contractor and its former subcontractor were properly withheld from the public at this time. Additionally, the DOE determined that certain of the documents initially withheld from the requester under Exemption 5 should be released because they did not contain either confidential commercial information or material reflecting the deliberative process.

Blum & Nash, Washington, D.C., Freedom of Information, BFA–0521

Blum & Nash filed an Appeal from a denial by the Acting Assistant Administrator for Enforcement of the Economic Regulatory Administration of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the sole document which was initially withheld under Exemption 5 was not responsive to the request and, therefore, it was unnecessary to determine whether it was releasable. In addition, the DOE found that the request should be remanded for a determination concerning further responsive documents.

Duncan, Allen & Mitchell, Washington, D.C., Freedom of Information, BFA–0520

Duncan, Allen & Mitchell filed an Appeal from a denial by the General Counsel of Request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that one of the documents which was initially withheld under Exemption 5 should be released to the public. The DOE also found that the remaining documents were properly found to fall within Exemption 5 and that in view of pending litigation, it would not be in the public interest to release them.

Fulbright & Jaworski, Washington, D.C., Freedom of Information, BFA–0518

Fulbright & Jaworski filed an Appeal from a partial denial by the Disclosure Officer for the Office of Special Counsel of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain of the documents that were withheld under Exemption 5 of the FOIA should be released to the public. Important issues that were considered in the Decision and Order were (i) the adequacy of the search for responsive documents, (ii) the adequacy of the document description and (iii) the applicability of Exemptions 4 and 5 to the documents withheld.

Lucky Four Ltd. #2, Dexter, Missouri, BEA–0243, motor gasoline

Lucky Four Ltd. #2 filed an Appeal from a denial of its request for assignment issued by the Region VII Office of Petroleum Operations, ERA, on January 18, 1980. In considering the Appeal, the DOE found that ERA misinterpreted Section 205.35(b) of the DOE regulations with regard to the evaluation of Applications for Assignment of Supplier and Base Period use for new gasoline retail outlets. The DOE therefore concluded that the January 18 Order should be rescinded and that ERA Region VII should be directed to assign Lucky Four Ltd. #2 a supplier and base period volume of motor gasoline. An important issue discussed in the Decision and Order is whether the ERA can deny assignments to new independent outlets on the basis of competitive harm to existing independent markers.

Miller & Chevalier, Washington, D.C., Freedom of Information, BFA–0516

The law firm of Miller & Chevalier filed an Appeal from a denial by the Office of Special Counsel for Compliance (OSC) of the Department of Energy of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Disclosure Office of the OSC had conducted an adequate search in response to the request. The DOE further determined that it was not necessary to require the Disclosure Officer to submit affidavits concerning the scope of the search.

Smith's Petroleum Marketing Company, Inc., West Plains, Missouri, BEA–0397, motor gasoline

Smith's Petroleum Marketing Company, Inc. filed an Appeal of a March 21, 1980 Decision and Order issued by the Economic Regulatory Administration's Region VII

Office of Petroleum Operations (OPO). That Decision and Order concluded that Getty Refining and Marketing Company should supply directly the Ava, Missouri bulk plant owned by Orval Davis Tire Company with the plant's annual base period allocation of motor gasoline, rather than supplying it through Smith's Petroleum. Both Smith's and Davis claimed to have acquired the ongoing business and allocation entitlement of a former Getty jobber in Ava.

The DOE found that the OPO decision was neither procedurally deficient nor in excess of the authority of that Office. The DOE also concluded that the OPO had correctly determined that the Orval Davis Tire Company was the successor to the Ava wholesale business pursuant to 10 C.F.R. § 211.11(d). Accordingly, the DOE denied the Appeal filed by Smith's Petroleum Marketing Company.

Texaco, Inc., White Plains, New York, DEA–0607, crude oil

Texaco, Inc. filed an Appeal from a Decision and Order issued by the Economic Regulatory Administration to Golden Eagle Refining Company, Inc. In its decision the ERA granted Golden Eagle an emergency allocation of crude oil under the provisions of the Buy-Sell Program, 10 C.F.R. § 211.65(c)(2). In its Appeal, Texaco argued that it was precluded from making meaningful comments on Golden Eagle's application for an emergency allocation of crude oil because material had been deleted from the copy served on Texaco. In considering Texaco's Appeal, the DOE found that where applicable regulations do not provide for notice, there is nevertheless an implied obligation to provide potentially aggrieved parties with notice of a proceeding in some fashion. However, the DOE also found that this determination did not mean that all potentially aggrieved parties must be served with an applicant's entire written submission prior to DOE action. Texaco's Appeal was therefore denied.

Vickers Petroleum Corporation, Wichita, Kansas, DEA–0522 through DEA–0526, DES–0522 through DES–0526, motor gasoline

Vickers Petroleum Corporation appealed five redirection orders that had been issued to the firm by the Office of Fuels Regulation pursuant to 10 C.F.R. § 211.107(c). Vickers also requested that the orders be stayed. In considering the appeals, the Department of Energy determined that the orders at issue did not include the findings required by *Exxon Co., U.S.A.*, 4 DOE ¶ 80,193 (1979). The appeals were therefore granted and the applications for stay dismissed as moot.

Johnson Oil Company, Salt Lake City, Utah, Freedom of Information, BFA–0519

Johnson Oil Company filed an Appeal from a partial denial by the Deputy General Counsel for Enforcement and Litigation of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Deputy General Counsel correctly determied that memoranda consisting of opinions and recommendations concerning the processing of an investigation and a draft of a Remedial Order for Immediate Compliance were exempt from disclosure pursuant to Exemption 5 and that their disclosure would be contrary to the public interest.

Remedial Orders

Jones & Pellow Oil Co., Oklahoma City, Oklahoma, DRO–0074, crude oil

The Jones & Pellow Oil Co. objected to a Proposed Remedial Order which the Department of Energy Region VI Office of Enforcement issued to the firm on January 18, 1979. In the Proposed Remedial Order, the Region VI Office of Enforcement found that during the September 1, 1973 through September 30, 1975 audit period, Jones & Pellow erroneously sold crude oil at prices which were in excess of the applicable ceiling prices. In considering the firm's objections, the DOE found that Jones & Pellow had improperly grouped three wells as single property for purposes of the DOE price regulations and that the firm therefore overcharged the purchaser of crude oil from one of these wells by $35,006.07. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order.

Kenneth H. White d.b.a. Kenneth H. White Company, Kenneth H. White Company Inc., Birmingham, Michigan, DRO–0341, petroleum products

Kenneth H. White d.b.a. Kenneth H. White Company (White, the sole proprietorship) and Kenneth H. White Company, Inc. (White, Inc., the corporation) objected to a Proposed Remedial Order which was issued by the Central Enforcement District of the ERA Office of Enforcement on July 30, 1979. In the Proposed Remedial Order, the ERA determined that during the period November 1, 1973 through December 31, 1974 White had sold No. 2 fuel oil and residual fuel oil to its customers at prices which exceeded the firm's maximum lawful selling prices. In considering the objections of White, Inc. and White, the DOE determined that the corporation was a continuation of the sole proprietorship and could therefore be held liable for its predecessor's overcharges. The DOE dismissed White from the enforcement proceeding, finding that the sole proprietorship had not received adequate legal representation. In addition, the DOE found that the ERA had properly determined White's classes of purchaser and had correctly computed White's maximum lawful selling prices, based on the records available to the agency's auditors. However, the DOE also determined that the Proposed Remedial Order contained several minor errors relating to White's sales to specific firms. Accordingly, the Statements of Objections to the Proposed Remedial Order were granted in part, and the modified Proposed Remedial Order was issued as a final Order of the DOE.

United Petroleum, Inc., Tampa, Florida, DRO–0035, motor gasoline, diesel fuel

United Petroleum, Inc. (United) objected to a Proposed Remedial Order which the Region IV Office of the Economic Regulatory Administration (ERA) issued to the firm on March 30, 1978. In the Proposed Remedial Order, ERA found that United had charged prices to certain customers of motor gasoline and diesel fuel that exceeded the firm's maximum legal selling prices for those products as set forth in 10 CFR Part 212. In considering the firm's objections, the DOE found that during the period November 1, 1973 through March 31, 1974, the firm did not compute its prices in accordance with the provisions of 10 C.F.R. § 212.93, and consequently overcharged its customers of motor gasoline and diesel fuel by $150,222.12. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. Important issues discussed in the Decision and Order include (i) applicability of the regulations, and (ii) the use of "netting" in determining the overcharges.

W. B. Osborn, San Antonio, Texas, DRO–0107, crude oil

W. B. Osborn objected to a Proposed Remedial Order which the Department of Energy Region VI Office of Enforcement issued to the firm on August 15, 1978. In the Proposed Remedial Order, the Region VI Office of Enforcement found that during the audit period Osborn sold crude oil produced from a number of properties at prices which exceeded the applicable ceiling price levels. In considering the firm's objections, the DOE found that Osborn had improperly treated a portion of its production as stripper well oil and had also improperly computed the "posted price" for crude oil produced from several properties. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include whether an alleged offer by the Inexco Oil Company to purchase crude oil in the Wyoming fields constituted a "posted price."

Petition for Special Redress

Falcon Oil Company; Malco Petroleum Corporation; Malco Industries, Inc., Cleveland, Ohio, BSG–0032, motor gasoline

Falcon Oil Company, Malco Petroleum Corporation, and Malco Industries, Inc. filed a Petition for Special Redress with the DOE Office of Hearings and Appeals. The firms stated that they were being audited for the third time by the DOE Office of Enforcement and asked that the Office of Enforcement be enjoined from reauditing their prices and classes of purchaser during the base period. In considering the petitioners' request, the DOE determined that it was proper for the Office of Enforcement to reexamine the firms' base period data during the course of the new audit. The Petition for Special Redress was therefore denied.

Requests for Exception

Barnacle II, DEE–7112; Earman Oil Co., Inc., BEE–0642; E. L. Yeager Construction Co., Inc., DEE–5939; King and King Enterprises, Inc., DEE–2240; McCulloch Corporation, BEE–0429; Menard & Holmberg, DEE–8155; Mike Monahan, d.b.a. Dixie Automotive Service, DEE–

4380; Modern Oil Co., Inc., DEE-6295; Mousa's Gulf Service Center, DEE-7304; National Car Rental, DEE-6576; Ronald O. Stecht, DEE-6068, motor gasoline

On December 10, 1980, the Office of Hearings and Appeals of the Department of Energy issued an Order to Barnacle II *et al.* which finalized all the Proposed Decisions and Orders listed in Appendix A of that Order. The proposed decisions pertained to requests for increased allocations of motor gasoline or the assignment of new suppliers to furnish base period allocations of motor gasoline.

Bell's Service, Rialto, CA, DEE-5293, motor gasoline

Bell's Service filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to enable the firm to realize the intended benefits of an alteration it had made in its ongoing business practices. Accordingly, exception relief was granted.

Bennett's Amoco, West Palm Beach, Florida, BEO-0294, motor gasoline

Bennett's Amoco filed an Application for Exception from the provisions of 10 C.F.R. Part 211, Subpart F in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was experiencing a serious hardship or a gross inequity as a result of the DOE Allocation Regulations. Accordingly, exception relief was denied.

Brock Exploration Corp., Washington, D.C., BEE-1351, BEL-1351, crude oil

Brock Exploration Corporation filed an Application for Exception from the provisions of 10 C.F.R. Part 212, Subpart D. The exception request, if granted, would permit the firm to classify the crude oil that it produces from a unitized property that it operates as "imputed newly discovered crude oil." In addition, Brock requested retroactive exception relief in this matter. A Decision and Order was issued to the firm that determined that prospective exception relief should be granted to the unitized property.

Cornell Oil Company, Washington, D.C., BEE-1151, crude oil

Cornell Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 212, Subpart D. The exception request, if granted, would permit the firm to utilize the provisions of 10 C.F.R. § 212.78 in calculating the base production control level for a unitized property that it operates. On July 15, 1980, the DOE regulations were amended in a manner favorable to the position advanced by Cornell. As a result, exception relief was no longer necessary and the petition was dismissed.

GOLD OIL COMPANY, BELLEVILLE, ILLINOIS, DEE-4364, MOTOR GASOLINE

Gold Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm requested that it be assigned a new lower priced supplier of motor gasoline. In considering the request, the DOE found that exception relief was necessary to enable the firm to purchase competitively priced motor gasoline and thereby preserve its viability as an ongoing business entity.

Hempstead Resources, BEE-1407; Recovery Corporation; Arizona Chemical Company, BEE-1273; Powerine Oil Company, BEE-1289; Laketon Asphalt Refining, BEE-1312; Peerless Petrochemicals, BEE-1251; Giant Industries, Inc., BEE-1406; Coastal Petroleum Refiners, Inc., BEE-1405; Colonial Oil Industries, Inc., BEE-1364; Cadence Chemical Resources, BEE-1360; Milwaukee Metropolitan Sewerage District, BEE-1361; Northeast Petroleum Industries, Inc., BEE-1350; County Sanitation District of Orange County, California, BEE-1374; Nashville Thermal Transfer Corp, BEE-1371; American Can Company, BEE-1372; Yetter Oil Company, BEE-1367; Midwest Solvents Co., Inc., BEE-1370; Irving Oil Corporation, BEE-1366; Western Refining Co., BEE-1408; Coral Petroleum, Inc., BEE-1387; City of Los Angeles, BEE-1388; Val Verde International, Inc., Washington, D.C., BEE-1380 crude oil

Hempstead Resoruces Recovery Corp., *et al.* filed Applications for Exception from the provisions of 10 C.F.R. 211.67 (the Entitlements Program) in which the firms requested that the DOE issue them additional entitlements because of the failure of Sector Refining, Inc. (Sector) to consummate its entitlement purchase obligations to them. In considering the requests, the DOE found that exception relief was necessary to alleviate the economic burdens which could result from Sector's default. Accordingly, exception relief was granted

Ingram Creek Service, Westly, California, DEE-4547, motor gasoline

Ingram Creek Service filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the requests, the DOE found that the firm failed to show that it or its customers were experiencing a gross inequity as a result of the application of the current DOE regulations. Accordingly, exception relief was denied.

Kuhl, Edward, Highland, Illinois, BEO-1095, motor gasoline

Edward Kuhl filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought an increase in its allocation of motor gasoline. In considering the request, the DOE found that the firm was not suffering a serious hardship or unfair distribution of burdens as a result of the application of its supplier's allocation fraction to its gasoline allocation. Accordingly, exception relief was denied.

Maxwell Oil Company, Olympia, Washington, DEE-6658, motor gasoline

Maxwell Oil Company filed an Application for Exception in which the firm sought an increase in its base period allocation of gasoline. In considering the request, the DOE found that the firm had failed to submit evidence sufficient to demonstrate that it was experiencing a gross inequity under the criteria set forth in *Harrison Gas & Oil*, 4 DOE ¶ 81,033 (1979). Accordingly, the Application for Exception was denied.

Jerome P. McHugh, Denver, Colorado, DEE-2217, form EIA-23

Jerome P. McHugh filed an Application for Exception from reporting requirements in Form EIA-23 (Annual Survey of Domestic Oil and Gas Reserves). In considering the request, the DOE found that, contrary to the firm's contention, compliance with Form EIA-23 reporting requirements would not place an inordinate burden upon the firm. In particular, the DOE determined that (i) the required data should already exist in the firm's records, thus eliminating the alleged necessity for additional efforts to compile it and (ii) any inconvenience which the applicant may experience in supplying the information is outweighed by the substantial benefits which may be expected to result from the use of the data in the furtherance of national energy policy. Accordingly, exception relief was denied.

Montgomery Oil Co., Leeds, Alabama, BEE-0689, gasohol

Montgomery Oil Co. filed an Application for Exception from the provisions to 10 C.F.R. Part 211 in which the firm sought an increased allocation of unleaded gasoline with which to blend gasohol. In considering the request, the DOE found that the firm had not taken the necessary steps to ensure the viability of its gasohol marketing program. Accordingly, exception relief was denied.

Navajo Refining Co., Dallas, Texas, BXE-0811, crude oil

Navajo Refining Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought exception relief from its entitlement purchase obligations. In considering the request, the DOE found that exception relief was necessary to alleviate the adverse impact of the entitlement purchase obligations on Navajo's return on invested capital. Accordingly, exception relief was granted.

Raypak, Inc., Westlake Village, California, DEE-3439; Teledyne Laars, North Hollywood, California, DEE-3950

Raypak, Inc. and Teledyne Laars filed Applications for Exception in which the firms sought to be relieved of their obligations under the energy efficiency test procedures specified in 10 C.F.R. Part 430, the Energy Conservation Program for Consumer Appliances. In considering the requests, the DOE determined that the test procedures specified in 10 C.F.R. Part 430 do not properly measure the energy efficiency and fuel utilization of the copper tubed boilers with modulated inputs manufactured by the two firms. Accordingly, the two firms were granted exception relief until such time as 10 C.F.R. Part 430 is amended to provide energy efficiency and fuel utilization measures for copper tubed hydronic boilers with modulated inputs or until the DOE determines that the issue of modulation is not relevant to the determination of energy efficiency and fuel utilization for this type of boiler.

Region Oil Company, Bloomsburg, Pennsylvania, BEE-0405, gasohol

Region Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought to receive an increased allocation of unleaded motor gasoline for use in blending gasohol. On July 1, 1980, the DOE issued a Proposed Decision and Order which tentatively concluded that the firm's request should be granted. Subsequent to the issuance of the Proposed Decision, however, Region informed the DOE that it was not willing at that time to fulfill the requirements of the Proposed Decision and Order. The firm therefore requested that the DOE suspend any further action on its request. The DOE determined, however, that it could not hold the Region application in abeyance indefinitely, and that in view of Region's reluctance to honor the terms of the Proposed Decision, the firms's Application for Exception would be dismissed without prejudice to a refiling at a later date.

Roland's Exxon, Ojai, California, DEE-5392, motor gasoline

Roland's Exxon filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to show that the residents of its community were unable to meet their gasoline requirements with purchases at the retail outlets currently operating in the area. Accordingly, exception relief was denied.

Texas Electric Service Co., Fort Worth, Texas, BEO-0718, motor gasoline

Texas Electric Service Co. filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought an increase in its allocation of motor gasoline. In considering the request, the DOE found that the firm failed to demonstrate that it was suffering a gross inequity or unfair distribution of burdens as a result of the application of DOE regulations. Accordingly, exception relief was denied.

Texas Gas Exploration, Washington, D.C., DEE-2118, propane

On January 19, 1979, the Texas Gas Exploration Corporation filed an Application for Exception from the provisions of Subpart K of the Mandatory Petroleum Price Regulations, 10 C.F.R. §§ 212.161 through 212.173. In its Application, the firm requested that it be permitted to use an imputed May 1973 acquisition cost for purchased propane and the propane content of natural gas liquids acquired for further processing. In considering the request, the DOE found that an imputed acquisition cost for these products was necessary in order for the firm to obtain a profit margin on their resale. Accordingly, exception relief was granted.

Urbano Service Station, Sunnymead, California, BEE-0613, motor gasoline

Urbano Service Station filed an Application for Exception from the provisions of 10 C.F.R. § 211.102 in which the firm sought to increase its base period allocation of motor gasoline to 100,000 gallons per month. In considering the request, the DOE found that the firm failed to provide any evidence which indicates that it is suffering any serious hardships as a result of the DOE allocation program.

Village of Schaumburg, Schaumburg, Illinois; BEO-0988, motor gasoline

The Village of Schaumburg filed an Application for Exception from the provisions of 10 CFR Sec. 211.102 in which it requested an increase in its base period allocation of motor gasoline. The Village claimed that it needed additional gasoline to fuel new fire engines, police cars and public buses. The DOE found that in order to insure public health and safety, additional gasoline should be provided for the Village's emergency vehicles. The DOE further found that additional gasoline should be provided for new Village buses, as this would result in conservation of gasoline supplies.

Ward's Service Station, Johnson City, New York; BEO-0350, motor gasoline

Ward's Service Station filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the applicant failed to explain why it had not been able to realize during the base period the benefits of an investment it undertook in April 1978. The DOE therefore determined that the firm had not demonstrated that any hardship that it was experiencing was primarily attributable to the DOE allocation regulations. Exception relief was therefore denied.

Walt's Arco, Everett, Washington; BEO-0817, motor gasoline

Walt's Arco filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that its allocation was not representative of its normal operating level. Accordingly, exception relief was denied.

1-2-3 Messenger Service, Los Angeles, California; BEO-0599, motor gasoline

On August 22, 1979 1-2-3 Messenger Service filed an Application for Exception from the provisions of 10 CFR § 211.102 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to show that it was experiencing a serious hardship or gross inequity as a result of the DOE motor gasoline allocation regulations. Accordingly, exception relief was denied.

Supplemental Orders

Bill's Amoco, Lima, Pennsylvania; BEX-0068, motor gasoline

On October 22, 1979, the Office of Hearings and Appeals approved the extension of exception relief to a class of applicants, including Bill's Amoco, which had previously been found to meet the criteria for relief set forth in *Leo Anger, Inc.*, 4 DOE ¶ 81,037 (1979). The October 22 Decision required that each member of the class file a statement with the Office of Hearings and Appeals by July 31, 1980, providing a detailed accounting of the firm's operations for the period July 1, 1979 through June 30, 1980. In considering the submission which was filed by Bill's Amoco on July 30, 1980, the DOE found that the firm's operations would not be adversely affected to a significant degree in the absence of exception relief. Accordingly, the exception relief granted to Bill's Amoco in the October 22 Decision and Order was terminated on a prospective basis.

Hydrocarbon Trading and Transport Company, Inc., Houston, Texas; BEX-0124, motor gasoline

Hydrocarbon Trading and Transport Company, Inc. (Hydrocarbon) filed a Motion to Participate in connection with an enforcement action brought against Exxon Company, U.S.A. by the DOE Office of Special Counsel (Case number BRO-1271). In its Motion, Hydrocarbon sought to participate in all aspects of the Exxon enforcement proceeding. In considering the Motion, the DOE determined that Hydrocarbon had demonstrated that it had a significant interest in the enforcement proceeding and would substantially contribute to the resolution of the issues involved. Accordingly, Hydrocarbon's Motion was granted.

Kern County Refinery, Inc., Bakersfield, California; DEX-0008, crude oil

The DOE conducted a year-end review of the exception relief from the provisions of 10 CFR 211.67, the Entitlements Program, granted to Kern County Refinery, Inc. during its fiscal year ending June 30, 1978. In this Decision and Order, the DOE determined that the amount of relief that the firm received in its 1978 fiscal year was excessive, and that Kern should return $283,251 through the purchase of entitlements.

San Joaquin Refining Co., Newport Beach, California; DEX-0101, crude oil

The DOE conducted a year-end review of the exception relief from the provisions of 10 CFR 211.67, the Entitlements Program, granted to San Joaquin Refining Co. during its fiscal year ending April 30, 1978. In this Decision and Order, the DOE determined that the exception relief that San Joaquin received in its 1978 fiscal year was excessive, and that the firm should return $150,213 through the purchase of entitlements.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Name, Case No., and Location

Little America Refining Co., Inc./Marathon Oil, BEJ-0162; Wash., D.C.
Oklahoma Ref. Co., Mobil Oil Corp., BEJ-0160; Wash., D.C.

Interlocutory Order

Ft. Pierce Utilities, Gainsville Regional, Sebring Utilities, City of Homestead,

City of Kissimmee, City of Leesland, City of Starke, City of Tallahassee, Braintree Electric, Washington, D.C.; BRZ-0065 through 0071

Pursuant to the order of the United States District Court for the District of Columbia, the petitioners listed above were admitted as full parties in cases No. DRO-0193 through 0197, DRO-0192, and EFF-0007 pending before the Office of Hearings and Appeals.

Petition Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulation. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be denied.

Company Name, Case No., and Location

Concrete Coring Co., BEO-0193; Waipahu, HI.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case No.

Caribou Four Corners, Inc., BEE-1416
Fulbright & Jaworski, BEG-0040
Good Hope Refineries, Inc., BEE-0250
Inter-Americas Oil Co, BEE-1545
R.A. Irwin & J.R. Buck, BEE-1468
Walter B. Jayred, DEE-1992, DEE-1993
Natural Resources Defense Council, Inc., BFA-0517
Russell Stewart Oil Company, BEE-0570
Stuckey's Inc., DEE-0570, DES-0570, DST-0570
Texaco Inc., BSD-0060, BSJ-0060
Texas Standard Refining Co., Inc., BEE-1088
Wally Hutter Oil Co., DEE-2715
Wolter Wholesale Co., BEE-0697

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines* a commerical published loose leaf reporter system.

Dated: March 6, 1981.

George B. Breznay,
Director, Office of Hearings and Appeals.

[FR Doc. 81-7754 Filed 3-11-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51232; TSH-FRL 1775-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by:
81-49, 81-51—April 4, 1981.
81-53, 81-54—April 10, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, (202-755-2610).

FOR FURTHER INFORMATION CONTACT:
For PMN Number 81-49; Notice Manager Rick Green; Telephone (202-426-8816); Rm. No. E-208
For PMN No. 81-51; Notice Manager Carolyn Brown; Telephone (202-426-3960); Rm. No. E-221
For PMN No. 81-53; Notice Manager George Bagley; Telephone (202-426-3936); Rm. No. E-210
For PMN No. 81-54; Notice Manager Rachel Diamond; Telephone (202-426-3960); Rm. No. E-221
Mail Address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemicl. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determies that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "Dates", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that inividuals may submit single copies of comments. the comments are to be identifid with the document control number "[OPT-51232]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 5, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-49

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 4, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Sodium poly-4-vinyl-phenol-formaldehyde condensate.

Use. Claimed confidential business information.

Production estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that because the PMN substance is manufactured and drummed in a closed system, exposure and contact cannot occur under normal conditions. A maximum of three workers manufacturing the new chemical for 8 hr/da could be accidentally exposed to the new chemical in liquid solution during drumming and cleanup.

The manufacturer also states that, at the site of a typical user, one worker using the new substance will have inhalation exposure 7 hr/da, 260 da/yr, during transfer of the solution containing the PMN chemical.

Environmental Release/Disposal. Because the substance is prepared in a closed system, no release to the environment from the manufacturing site is anticipated by the submitter. Amounts of the new substance released accidentally from the closed system could be precipitated in a polymer that would then be disposed by landfill or incineration.

The manufacturer states that disposal by a typical user would be to a publicly owned treatment works (POTW) with 20 percent into the land by landfill or the air after incineration.

PMN 81-51

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 4, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—$100 million to $499,000,000

Manufacturing site—Northeastern U.S.

Standard Industrial Classification Code—285, "Paints, Varnish, Enamels, Allied Products".

Specific Chemical identity. Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid.

Use. Resin for low volatile organic content coatings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	5,000	25,000
1982	15,000	50,000
1983	25,000	100,000

Physical/Chemical Properties

Color—10 maximum
Viscosity—z-3 to z-4
Molecular weight (by GPC):
Minimum—1,758
Average—14,496
Acid value—10-12
Weight/gallon—8.9 lbs.
Non-volatile by weight—75%.
Volatile—Xylene.
Water solubility by 24-hour extraction—.073%.

Toxicity data. No data were submitted.

Exposure. The manufacturer states that 11 manufacturing workers would have skin exposure to the new chemical for 8 hr/da, 18 da/yr. Skin exposure to the PMN substance and exposure to solvent vapors could occur during sampling, filling drums or tank trucks, and cleaning the filter press. At a second site, 12 processing workers would have skin exposure for 8 hr/da, 100 da/yr.

At a user's site, 30 workers would have inhalation, skin, and eye exposure for 8 hr/da, 250 da/yr, when using the new substance during spray application.

Environmental Release/Disposal. The manufacturer states that at both the manufacturing and processing sites, less than 20 kg/yr, will be released into the air 12-24 hr/da, 18-100 da/yr; 200-2,000 kg/yr to land; and less than 20 kg/yr, 12 hr/da, 100 da/yr to water. Wastes disposal will either be by incineration, landfill or to a POTW.

At a user's site, 20 to 200 kg/yr of the new substance will be released into the air and water 8 hr/da, 250 da/yr, and more than 10,000 kg/yr into the land.

PMN 81-53

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. May 10, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ester of salicylic acid.

Use. Claimed confidential business information.

Import Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	10	100
2d year	10	1,000
3d year	100	2,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The importer states that the use of the substance by the importer or importer's customers may result in inhalation exposure at average concentration of 1 to 10 ppm. At the importer's site, two workers may be exposed for less than 1 hr/da, 20 da/yr.

Environmental Release/Disposal. The importer states that less than 10 kg/yr of the new substance will be released into the air less than 1 hr/da, less than 20 da/yr.

PMN 81–54

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided: Manufacturing site—South Atlantic U.S.

Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Disazo dye.

Use. Textile dye for carpets.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Physical form—Aqueous solvent solution

Specific gravity—1.06 at 25°C

Flash point—>200°F (closed cup)

Boiling point—102°C.

Toxicity Data

Acute oral toxicity LD_{50} (rates)—88.0 mg/kg

Skin irritation (albino rabbits)—Non-irritating

Eye irritation (albino rabbits)—Non-irritating

Acute dermal LD_{50} (albino rabbits)—>2,000 mg/kg.

Exposure. The manufacturer states that because the PMN substance is manufactured in a closed system, workers will not be exposed under normal conditions. One worker manufacturing the new substance could have accidental skin exposure 8 hr/da, 45 da/yr, while drumming out, quality control sampling, and reactor cleaning operations.

The manufacturer also states that, at each of approximately eight customers' textile dyeing plants two persons per shift using the new substance would have skin exposure for less than 1 hr/da, 250 da/yr.

Consumers of carpets dyed with the PMN substance will have daily skin exposure with the finished carpet containing from 0.05 to 2 percent of the PMN substance on the weight of the dyed fiber.

Environmental Release/Disposal. The manufacturer states during manufacture, less than 20 kg/yr of the new substance will be released into the air and land; waste water from equipment cleaning or spills will be disposed by an on-site biological waste-treatment facility.

At the approximately eight customers' textile dyeing plants, less than 100 kg/yr will be released into the air and land; from 80 to 800 kg/yr will be released into a POTW.

[FR Doc. 81-7720 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180581; PH-FRL 1775-7]

Department of the Interior; Specific Exemption for Sodium Cyanide in M–44 Device

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the Fish and Wildlife Service, U.S. Department of the Interior (hereafter referred to as the "Applicant") to use sodium cyanide-loaded M–44 devices to control coyotes and red foxes which are threatening an endangered species, the whooping crane, in the Grays Lake National Wildlife Refuge in Idaho.

DATE: This specific exemption ends on September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, a recovery project for restoring the endangered whooping crane populations began in 1975 at the Grays Lake National Wildlife Refuge in Idaho. It appears that the recovery program has been successful except for the predation of eggs and chicks by coyotes and red foxes. According to the Applicant, control methods such as calling, trapping, and aerial hunting have failed to provide adequate control. Failure to control these predators will result in a setback to the recovery program or its end. There is no registered pesticide for controlling coyotes and red foxes preying on wildlife populations.

A 1972 Presidential Order (Executive Order 11643) prohibits the use of chemical toxicants, such as the sodium cyanide-loaded M–44 device, on Federal lands except in emergency conditions. One of these conditions is for protection of one or more wildlife species threatened with extinction or likely within the foreseeable future to become so threatened. The U.S. Fish and Wildlife Service has the responsibility for restoration of endangered species under the Endangered Species Act of 1973. Since the whooping crane is an endangered species, there would be compliance with the Presidential Order.

In addition, the EPA has issued a registration to the Applicant for the use of the M–44 device to control coyotes, foxes, and feral dogs which prey upon livestock. Thus, issuance of the specific exemption is justified from the standpoint that the M–44 device is being employed under emergency conditions and by a qualified agency experienced in the use of this device for predator control.

Adverse effects resulting from the use of the sodium cyanide-loaded M–44 device in the Grays Lake National Wildlife Refuge area are unlikely. This refuge consits of approximately 15,000 acres of marsh and upland and is primarily a waterfowl refuge area. The M–44 device will be placed on only 3,000 acres in this refuge. Coyote control is considered necessary particularly because of the high avian population; thus, the use of the M–44 device here would also fit into the overall wildlife management program. Since refuge personnel and one grazier are the only persons permitted on the site, the chanes of humans accidentally discharging the M–44 devices are remote.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The use of a maximum of 40 M–44 devices and 1,020 sodium cyanide capsules containing approximately 905.56 grams of sodium cyanide is authorized.

2. The M–44 devices are to be placed on 3,000 acres of land and marsh at Grays Lake National Wildlife Refuge in Idaho.

3. Only trained Fish and Wildlife personnel shall hand place the M–44 devices.

4. All unused sodium cyanide capsules shall be recovered at the end of the season.

5. All precautions shall be taken to avoid or minimize hazards to nontarget species that may result from this program.

6. All applicable label precautions for M–44 cyanide capsules (EPA Reg. No. 6704–75), including the posting of warning signs, must be adhered to.

7. Any adverse effects resulting from the use of M–44 devices in connection with this specific exemption must be reported to the EPA immediately.

8. A report summarizing the results of this program must be submitted to the EPA by January 31, 1982.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: February 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7739 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180567; PH-FRL 1775-8]

Florida; Issuance of Specific Exemption for Heptachlor on Ornamental Plants and Nonbearing Citrus

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use a 5 percent granular heptachlor formulation as a soil treatment to control the West Indian Sugarcane Rootstalk Borer Weevil on ornamental plants and nonbearing citrus nursery stock on a maximum of 200 acres in 13 counties in Florida. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Gross, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, the West Indian Sugarcane Rootstalk Borer Weevil (*Diaprepes abbreviatus*) poses a serious threat to the citrus, ornamental, and sugarcane industries in the State of Florida. Most of the damage is done when the weevil is in the larval stage and feeds on root tissue. No pesticide is registered for use on *D. abbreviatus*. Heptachlor has been found to be effective in controlling the pest.

On March 6, 1978, the Administrator cancelled all uses of chlordane and heptachlor except for use as a subsoil treatment for termites and a root and top dip for nonfood plants. Notice of this action appeared in the **Federal Register** of March 24, 1978 (43 FR 2372). Under Subpart D, 40 CFR 164.131, the Administrator must hold hearings before permitting the use of a cancelled registration of a pesticide unless he determines to waive hearings as provided for in 40 CFR 164.133. However, heptachlor was not registered to control the West Indian Sugarcane Rootstalk Borer Weevil and its use to control this pest was determined to be beyond the scope of the hearing and thus the cancellation notice.

The Applicant reports that the judicious use of heptachlor as a potting soil amendment, as authorized by previous specific exemptions, has contained the pest within the quarantine areas of Broward, Orange, and Seminole Counties. In addition to the problem of infested plants from Puerto Rico, there is also in existence a present infestation in areas of Florida, completely independent of the problem of imported plants, the Applicant further reported.

The Applicant proposed to apply up to 40,000 pounds of heptachlor 5-percent granular on a maximum of 200 acres using ground equipment. EPA has imposed appropriate restrictions to minimize the exposure of applicators to heptachlor. The proposed use is not expected to pose a significant hazard to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 1, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Treatment shall be limited to nurseries located in the regulated areas in Broward, Orange, and Seminole Counties, and to nurseries located in the unregulated areas in Brevard, Broward, Charlotte, Collier, Dade, Lake, Manatee, Orange, Palm Beach, Polk, Sarasota, Seminole, and Volusia Counties, once infestations of the pest have been confirmed.

2. Heptachlor shall be used at a rate of 0.2 ounce active ingredient (a.i.) per cubic yard or 10 pounds a.i. per acre.

3. The maximum quantity of heptachlor authorized to be used is limited to 2,000 pounds a.i. (40,000 pounds of a 5 percent granular heptachlor formulation).

4. The use of heptachlor shall be restricted to use as a soil treatment for bedded, nonbearing, citrus nursery stock which is at least 2 years from commercial fruit production and as an amendment to planting medium for potted ornamentals.

5. Application of heptachlor shall be restricted to bedded nursery stocks and shall not be applied to fieldgrown nursery stock.

6. Applicators shall wear protective clothing and use proper equipment to minimize their exposure to heptachlor; these shall consist of a respirator, goggles, helmet, face protector, gloves, and waterproof boots.

7. The Florida Division of Plant Industries and the U.S. Department of Agriculture will supervise the application of heptachlor.

8. The Applicant shall continue vigorously to pursue research to develop alternative products to control this pest.

9. A final report shall be submitted to EPA by January 31, 1982, summarizing the results of this program including:

a. Time and place of application.

b. Location, quantity, and extent of use.

c. Adverse effects (if any) on man and the environment.

d. Final outcome of the program.

10. The EPA shall be informed immediately of any adverse effects to man or the environment resulting from this program.

11. The Applicant shall be responsible for ensuring that all the provisons of this specific exemption are observed.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7740 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180545; PH-FRC 1775-4]

Idaho, Oregon, and Washington; Issuance of Specific Exemptions for Benomyl on Wheat

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions to the Idaho, Oregon, and Washington State Departments of Agriculture (hereafter referred to as "Idaho," "Oregon," and "Washington," or the "Applicants") for the use of benomyl to control *Cercosporella* foot rot on 200,000 acres of fall seeded wheat in Idaho, 250,000 acres in Oregon, and 500,000 acres in Washington. These specific exemptions were issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: Idaho's specific exemption expires May 31, 1981, Oregon's and Washington's specific exemptions expire June 30, 1981.

FOR FURTHER INFORMATION CONTACT:
Libby Welch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION:
According to the Applicants, *Cercosporella* foot rot, caused by the fungal pathogen *Cercosporella herpotrichlorides*, is a chronic problem on wheat in the Northwest, and is most damaging to fall-seeded wheat. The severity of the infection is dependent upon climatic conditions, such as temperature and humidity. Because of heavy rains this year, conditions are conducive to the development of *Cercosporella* foot rot inoculum.

There are no pesticides registered for control of this disease and wheat strains resistant to this pathogen are not available. Specific exemptions for the use of benomyl to control this wheat disease have been issued annually since 1976 to Idaho, Oregon, and Washington. Estimated economic losses are put at nearly $1 million in Idaho, more than $5 million in Oregon, and $4,100,100 in Washington if an effective pesticide is not used.

The Applicants proposed to make a single application of benomyl, manufactured by E. I. du Pont de Nemours and Company as Benlate (EPA Reg. No. 352-354), at one-half pound active ingredient (lb. a.i.) per acre with ground equipment in 20 to 30 gallons of water or by aircraft in 5 to 10 gallons of water. The Applicants have also requested permission to apply benomyl in a tank-mix with nitrogen fertilizer solutions and with other pesticides registered for use on wheat providing that such mixtures are not prohibited by the various product labels. Idaho will make applications in the northern counties of Benewah, Clearwater, Kootenai, Latah, Lewis, and Nez Perce. Applications will be made in the eastern Oregon counties of Baker, Gilliam, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco, and in the Willamette Valley Counties of Benton, Clackamas, Lane, Linn, Marion, Polk, Yamhill, and Washington. Washington will make applications in the counties east of the crest of the Cascade Mountains.

EPA has determined that residues of benomyl are not likely to exceed 0.2 part per million (ppm) in or on wheat grain and 15 ppm in or on wheat straw from the proposed use. These levels have been judged adequate to protect the public health. Secondary residues transferring to meat, milk, poultry, and eggs would be covered by existing tolerances. Appropriate precautions have been imposed to protect employees working with benomyl. Based on past experiences, when no adverse effects were reported under similar specific exemptions, EPA does not anticipate any adverse effects to the environment from these specific exemptions.

It should be noted that notice of a rebuttable presumption against registration of pesticide products containing benomyl was published in the Federal Register of December 6, 1977 (42 FR 61788). As developed in Position Document % on benomyl, notice of availability of which was published in the Federal Registrer of August 30, 1979 (44 FR 51100), EPA has made a preliminary determination that information submitted is insufficient at this time to remove the agency's concern that benomyl poses risks of mutagenicity (as a spindle poison), teratogenicity, and spermatogenic depression to humans and acute toxicity to aquatic organisms. EPA has concluded that the potential to produce point mutations and the risk presumption for significant population reductions to nontarget organisms have been rebutted. Modification of labeling of benomyl pesticide products packaged in 5-pound or larger bags or with aerial application directions will be required in lieu of cancellation and denial.

After reviewing the applications and other available information, EPA has determined that the criteria for exemptions have been met. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until May 31, 1981, in Idaho, and until June 30, 1981, in Oregon and Washington, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. Use of the du Pont product Benlate 50W, EPA Reg. No. 352-354, containing the active ingredient benomyl, is authorized at a dosage rate of 1 pound of product (0.5 lb. a.i.) per acre in either 5 to 10 gallons of water (if applied aerially) or in 20 to 30 gallons of water (if applied by ground equipment). If an unregistered label is used in connection with this product, it must contain the identical, applicable precautions and restrictions which appear on the registered label.

2. A maximum of 100,000 lbs. a.i. may be applied in Idaho; a maximum of 125,000 lbs. a.i. may be applied in Oregon; and a maximum of 250,000 lbs. a.i. may be applied in Washington.

3. Benomyl may be applied in a tank-mix with nitrogen fertilizer solutions and with other pesticides registered for use on wheat providing that such mixtures are not prohibited by the various product labels and provided that all other conditions of these specific exemptions are followed.

4. Only one application per acre is authorized.

5. The pesticide may be used in the areas noted above.

6. Application may be made by State-licensed commercial applicators or growers.

7. The presence of *Cercosporella* foot rot must be verified by qualified State extension agents before any treatment with benomyl is made.

8. Wheat grain with residues of benomyl not exceeding 15 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of these actions.

9. All applicable directions precautions, and restrictions appearing on the EPA-registered label must be followed.

10. The EPA shall be immediately informed of any adverse effects resulting from the use of benomyl in connection with these exemptions.

11. All applicators involved in the preparation of spray suspension must wear protective gloves and masks.

12. All clothing worn during the preparation of spray suspension must be removed and cleaned after each day of use.

13. All individuals must wash immediately upon dermal contact with benomyl or the spray suspension.

14. EPA has made a preliminary determination that benomyl causes birth defects and reduced sperm production in laboratory animals. Exposure to benomyl might cause a depressed sperm count. In case of accidental spills or other unusual exposure, work must cease immediately and directions for contact with benomyl must be followed.

15. Idaho, Oregon, and Washington are each responsible for ensuring that all of the provisions of its specific exemption are met and must submit a full report on the results of its specific exemption to the EPA by December 31, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: March 3, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7082 Filed 3-11-81; 8:45]
BILLING CODE 6560-32-M

[OPP-180578; PH-FRL 1775-5]

Vermont, Crisis Exemption for Zinc Phosphide in Sugar Maple Orchards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that on January 27, 1981, the Vermont Department of Agriculture (hereafter referred to as "Vermont") availed itself of a crisis exemption for the use of zinc phosphide to control the red squirrel on approximately 18,000 acres of sugar maple orchards. Because the need for treatment will last longer than 15 days, Vermont requested a specific exemption for continuation of this program.

DATE: The emergency condition is expected to last until June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: According to Vermont, red squirrels are an extremely damaging problem to plastic pipelines in sugar maple orchards. Vermont reported that there is no pesticide registered for the control of red squirrels in maple orchards. Vermont had applied for a specific exemption before invoking the crisis exemption procedure but stated that there was insufficient time to wait for a specific exemption since treatment had to begin immediately.

The pesticides being used are Zinc Phosphide Mouse Bait 200 and Blue Ribbon Orchard Mouse Bait-Coated and are manufactured by the FMC Chemical Corp. and Agway, Inc. The active ingredient (a.i.) is zinc phosphide at 2 percent a.i. on cracked corn bait. Zinc phosphide treated bait is being applied at a rate of 4.5 pounds treated bait per acre. A maximum of 8 applications will be made during the baiting season. At the end of the baiting period, all applicators will be required to collect bait stations and properly dispose of the remaining unused bait. All applicators will be certified private or commercial applicators. Personnel of the Vermont Department of Forests, Parks and Recreation, University of Vermont Extension Service, and Vermont Department of Agriculture will make periodic checks on the applications. Vermont estimates that high losses in tubing systems requiring replacement of tubing, additional labor costs, and loss of the first run of sap could result without this program. Vermont anticipates no adverse effects on man and the environment from this program and will monitor applications to be sure that the environment is being adequately protected during the applications. Vermont indicates that the bait will not come in contact with the harvested commodity or the pipeline that harvests the commodity, and therefore, feels that the establishment of an action level or tolerance on maple sap is not necessary.

(Sec. 18 as amended, 92 Stat. 819; (7 U.S.C. 136)).

Dated: March 5, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7981 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-32-M

List of Violating Facilities

[En FRL-1775-1]

AGENCY: Environmental Protection Agency.

ACTION: Notice of placement of facility on EPA list of violating facilities.

SUMMARY: The EPA Listing Review Panel decided on January 29, 1981, to add to Sublist 1 of the EPA's List of Violating Facilities the Nitro, West Virginia facility of Chemical Formulators, Inc. based upon a criminal conviction under the Clean Water Act.

Accordingly, no Agency shall enter into, renew, or extend any non-exempt contract, subcontract, grant, subgrant, loan or subloan where the facility listed would be utilized for the contract, subcontract, grant, subgrant, loan or subloan.

FOR FURTHER INFORMATION CONTACT: Deborah Vitale, Listing Official, Office of Enforcement, Environmental Protection Agency, Rm. 1125, 401 M Street, SW., Washington, D.C. 20460. Telephone: 202-472-3065.

SUPPLEMENTARY INFORMATION: Pursuant to Section 306 of the Clean Air Act (42 U.S.C. 1857 *et seq.*, as amended by Public Law 91-604), Section 508 of the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*, as amended by Public Law 92-500), and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the Executive Order were promulgated in the **Federal Register** (see 40 C.F.R. Part 15, 40 F.R. 17124, April 16, 1975, as amended at 44 FR 6911, February 5, 1979). Section 15.20 of the regulations provides for the establishment of a List of Violating Facilities which will reflect those facilities ineligible for use in nonexempt Federal contracts, grants or loans.

The List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c)(1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of: any injunction, order, judgment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance with clean air or water standards; a conviction in a State or local court for noncompliance with clean air or water standards; noncompliance with an order under section 113(a) of the Clean Air Act or section 309(a) of the Federal Water Pollution Control Act; the initiation of court action under section 113(b) of the Clean Air Act or section 309(b) of the Federal Water Pollution Control Act; or equivalent State or local proceedings to enforce clean air or water standards.

No agency shall enter into, renew, or extend any nonexempt contract, subcontract, grant, subgrant, loan or subloan where a facility listed would be utilized for the contract, subcontract, grant, subgrant, loan or subloan.

The purpose of this Notice is to add to Sublist 1 the Nitro, West Virginia facility of Chemical Formulators, Inc. based upon its conviction under section 309(c) of the Federal Water Pollution Control Act.

Pursuant to the above-referenced authority, the Assistant Administrator for Enforcement, U.S. Environmental Protection Agency, certifies that the following facility is on the List of Violating Facilities as of January 29, 1981. The List of Violating Facilities will be revised periodically as any listings or delistings occur.

List of Violating Facilities

Sublist 1: Chemical Formulators, Inc., Nitro, West Virginia.

Sublist 2: No facilities listed.

Dated: February 11, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-6980 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-32-M

[ER-FRL 1774-8]

Intent To Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (EIS).

PURPOSE: To fulfill requirements of Section 102(2)(c) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7..

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Bruzas, Construction Grants Section, California Branch, Water Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105. Telephone: (415) 556–2834.

SUMMARY:

1. Description of proposed action: The EPA action would be the approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater sludge air drying and composting facilities at a site in Orange County, California.

2. Public and private participation in the EIS Process: Full participation by intended Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. Scoping: The final EIS for the Los Angeles/Orange County Metropolitan Area issued December 5, 1980, studied alternatives for sludge management within the major sanitation agencies. Air drying and composting was identified as the best alternative for the Orange County Sanitary Districts. Consequently, the focus of the supplemental EIS will be on site selection for the sludge management facilities. EPA Region IX will be holding meetings to discuss alternative sludge management sites. For additional information, contact the person indicated above. Public notice will be given prior to all subsequent meetings.

4. Timing: EPA estimates the draft supplemental EIS will be available for public review and comment around July 1981.

5. Requests for copies of Draft EIS: All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the draft supplemental EIS and related public notices.

Dated: March 6, 1981.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

[FR Doc. 81-7081 Filed 3-11-81; 8:45 am]

BILLING CODE 6560-37-M

[EN-FRL-1770-3a]

Application for Waiver of the 1981-1982 Model Year Oxides of Nitrogen Emission Standard for Light-Duty Diesel Motor Vehicles—Sixth Decision of the Administrator

I. Introduction

This is the sixth decision issued under section 202(b)(B) of the Clean Air Act, as amended (Act),[1] regarding applications from automobile manufacturers for waiver of the 1.0 gram per mile (gpm) oxides of nitrogen (NO_x) emission standard scheduled to apply to 1981 and subsequent model year light-duty diesel vehicles and engines.[2]

As the introductions to previous NO_x waiver decisions explain, section 202(b)(1)(B) of the Act establishes the standards applicable to NO_x emissions from light-duty vehicles and engines manufactured during and after model year 1977.[3] This section requires the Administrator of the Environmental Protection Agency (EPA) to promulgate regulations containing standards which provide that NO_x emissions may not exceed 2.0 gpm for model years 1977 through 1980, and may not exceed 1.0 gpm for 1981 and later model years. Section 202(b)(6)(B) of the Act provides that, upon the petition of a manufactuer, the Administrator may waive the 1.0 gpm NO_x standard to a level not to exceed 1.5 gpm, for any class or category of diesel-powered light-duty vehicles and engines manufactured during the four-model-year period beginning with model year 1981. In order to obtain a waiver, the manufacturer must show that the waiver is necessary to permit the use of diesel engine technology in the class or category of vehicles or engines for which it has requested a waiver. Moreover, the Administrator must determine:

(i) that such waiver will not endanger public health,

(ii) that such waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act (EPCA), and

(iii) that the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under EPCA at the expiration of the waiver.[4]

On November 5, 1980, EPA received an application from VW for waiver of the 1982 model year 1.0 gpm NO_x standard for three diesel vehicle classes.[5] The engines VW uses in these vehicle classes are the same as the engines VW planned to use in the vehicle classes for which EPA granted waivers in the second consolidated NO_x waiver decision. However, VW had to submit new waiver requests for several reasons which are discussed more fully below.

EPA held a public hearing to consider VW's waiver requests on November 17, 1980 at which it provided interested parties with an opportunity to present oral testimony. Because no parties presented oral testimony concerning VW's requests at this hearing, I have made my waiver decisions on VW's requests on the basis of all relevant information available to me, including VW's written submissions, and the record from the previous diesel NO_x waiver decisions. The materials submitted by the applicant in its waiver request, as well as other relevant documents, are included in EPA Public Docket EN-80-21. The records for the previous decisions on diesel NO_x waiver requests from VW are incorporated by reference in the record for this decision and may be found in EPA Public Dockets EN-79-3 and EN-80-3.[6]

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[1] 42 U.S.C. 7521(b)(6)(B) (Supp. I 1977).

[2] The first consolidated decision was published at 45 FR 5480 (January 23, 1980) (hereinafter "Original decision"). The second consolidated decision was published at 45 FR 34718 (May 22, 1980) (hereinafter "Second decision"). The third decision was published at 45 FR 65990 (October 2, 1980) (hereinafter "Third decision"). The fourth and fifth decisions were signed and sent to the Federal Register for publication on December 23, 1980 (hereinafter "Fourth decision" and "Fifth decision").

[3] 42 U.S.C. 7521(b)(1)(B) (Supp. I 1977). See the first diesel NO_x waiver decision for a discussion of the statutory history leading up to this provision. Original decision at 5480, n. 1.

[4] For a discussion of the Congressional purpose behind this provision, see the discussion accompanying notes 2 and 3 of the original decision at 5480. EPA published guidelines for the submission of applications under this waiver provision at 43 FR 30341 (July 14, 1978) (hereinafter "Guidelines").

[5] The three vehicle classes for which VW requested a waiver are the 1.6 liter (L)-naturally aspirated (NA)-2750 pound inertia weight class (I.W.), the 1.6L-NA-2500 I.W., and the 1.6L-turbocharged (TC)-2750 I.W.

[6] EPA Public Dockets EN-79-3, EN-80-3 and EN-80-21 can be found in EPA's Central Docket Section, Gallery I, 401 M St., S.W., Washington, D.C. 20460. Copies of materials in these dockets may be obtained by writing to this address at Mail Code (A-130).

II. Summary of Decision

I have decided to grant VW's waiver request covering the following vehicle classes for the model years specified:

Waiver Application Granted

Manufacturer	Engine family	Model year	Interim standard (gram per mile)
VW	1.6L-NA-2750 LW.	1982	1.4
VW	1.6L-NA-2500 LW.	1982	1.4
VW	1.6L-NA-2750 LW.	1982	1.4

As discussed more fully below, I have concluded that applications covering these vehicle classes meet each of the statutory criteria for receiving a waiver for the year noted. I am prescribed an interim NO_x standard of 1.4 gpm for each of these vehicle classes for the 1982 model year as shown in the chart above.

III. Discussion

A. Assessing the Need for Waivers

Section 202(b)(6)(B) of the Act expressly assigns to an applicant the burden of showing that the waiver is necessary to permit the use of diesel engine technology in a particular class or category of vehicles or engines. The major issue I must address under this criterion is whether the applicant has shown that unless I grant the waiver, the engine family which the waiver request covers will not be able to meet applicable emission standards, even with the addition of any device, equipment or aspect of diesel engine technology presently available or expected to become available during the period covered by the waiver request.[7]

VW's most recent application requests waivers of the 1982 model year NO_x standard for three classes of its light-duty diesels: 1.6L-NA-2500 I.W., 1.6L-NA-2750 I.W., and 1.6L-TC-2750 I.W.[8] VW sought a 1.4 gpm interim NO_x standard for each vehicle class. The standard chosen reflects VW's assessment of the lowest NO_x levels it can achieve in 1982 for these vehicle classes.

VW first applied for waivers of the 1.0 gpm NO_x standard for 1981 through 1984 for three classes of vehicles in May of 1979.[9] EPA denied those waiver requests on the grounds that the record for those requests contained insufficient data upon which the Administrator could base a determination to grant any of the requests.[10] On February 11, 1980, VW submitted a reapplication for waivers for its diesel vehicle classes.[11] In its reapplication, VW split the vehicle classes for which it requested waivers in its original application into smaller classes according to method of aspiration, engine displacement, and vehicle model. VW's purpose in distinguishing among vehicle models was to show the best emissions control capability for the different inertia weight classes associated with each model, and to make it clear that VW believed that vehicles with a higher inertia weight required a higher NO_x standard.[12] In response to VW's request, and because EPA concluded that setting lower interim standards for lighter inertia weight classes on the basis of their respective NO_x control capabilities would result in increased NO_x emissions control, EPA distinguished between VW's diesel classes on the basis of inertia weigh for the purposes of the second waiver decision.[13] EPA granted VW waivers of the 1.0 gpm NO_x standard to different interim NO_x standards for the 1981 and 1982 model year diesels of the specific intertia weight classes which VW described in its second waiver application.[14]

Due to several changes in VW's production and marketing plans for the 1982 model year, VW found that the waivers previously granted would not cover vehicles it planned to sell and it therefore was necessary to submit a third application for NO_x waivers.

The vehicle classes for which VW requested waivers in its present applicaton employ engines of the same design as those of the vehicle classes for which EPA granted waivers in the second decision, but because of several developments, the waivers then granted are not broad enough to cover the vehicles VW now plans to sell.

VW desires the three waivers now under consideration for the following reasons.[15] One requested waiver would cover in model year 1982 the naturally-aspirated 1.6L engine in the 2500 I.W. class that VW had originally planned to market only in model year 1981 and for which EPA granted a waiver for the 1981 model year in the earlier decision. The second requested waiver would cover the use of the 1.6L turbocharged engine in a slighly heavier 1982 model year vehicle than VW originally planned. The weight difference is enough to place the vehicle out of the 1.6L-TC-2500 I.W. class, for which EPA granted a waiver for the 1982 model year in the second decision, and into the 1.6L-TC-2750 I.W. class.[16] The third requested waiver would cover in model year 1982 the 1.6L-NA engine for which EPA granted a waiver in the 2500 I.W. vehicle class for model year 1981 and would accommodate VW's decision to install the engine in the slightly heavier (2750 I.W.) vehicle class slated for 1982 model year production.

VW's application indicates that it has reached a state in its development of NO_x emission controls at which it has narrowed the range of strategies it contemplates employing to meet applicable emission standards,[17] including the statutory 1.0 gpm NO_x standard, to, at most, a few alternative systems. To support its contention that waivers are necessary to permit the use of diesel technology for the vehicle classes in question, VW incorporated by reference in its present waiver application descriptions of the systems it has been using to meet 1981 and later model year emission standards that it provided in its earlier application.[18] VW also has provided additional information concerning the efforts it has made towards developing emission control technology since the May 22, 1980 waiver decision.

VW has concentrated its development efforts on the following two NO_x emission control techniques: engine modification, with emphasis on improvements in fuel injection and combustion chamber design, and exhaust gas recirculation (EGR).

The technical analysis of the data submitted by VW in its second waiver application showed the 1.6L-NA-2500 I.W. vehicle class to be incapable of meeting the 1981 model year NO_x standard, and the 1.6L-TC-2500 I.W. vehicle class to be incapable of passing

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[7] Guidelines, at 30342.

[8] Volkswagen of America, Inc. Application for Waiver of 1982 NO_x Emission Standard for Light-Duty Engines, dated November, 1980 (hereinafter "VW App.").

[9] VW's first NO_x waiver application (hereinafter "original App.") may be found in EPA Public Docket EN-79-3.

[10] Original decision, 34467.

[11] VW's reapplication may be found in EPA Public Docket EN-80-3.

[12] Second decision, 34721.

[13] Id.

[14] Id. See 45 FR 78123 (November 25, 1980) and 46 FR 81202 (December 5, 1980) for corrections to the chart of vehicle classes for which EPA granted waivers in the second decision.

[15] VW App., 5.1.

[16] The Second decision granted waivers for a number of engine families including the 1.6L-TC engine in the 2500 inertia weight class for 1981 and 1982, and the 1.6L-NA engine in the 2500 inertia weight class for 1982. An 80-pound difference in the weight of the 1982 model year Dasher into which VW now plans to install both the naturally-aspirated and turbocharged versions of the 1.6L diesel engine pushes both the 1.6L-NA and the 1.6L-TC diesel classes into the 2750 inertia weight class.

[17] In the 1982 model year the applicable emission standards will be 0.41 gpm hydrocarbons (HC), 3.4 gpm carbon monoxide (CO), 1.0 gpm NO_x, and 0.6 gpm particulates for light-duty diesels. The particulate standard becomes 0.2 gpm in the 1985 model year. 45 FR 14496 (March 5, 1980).

[18] VW App., 1.

the NO_x and HC standards in the 1982 model year.[20] The analysis projected that the 1.6L–TC–2500 l.W. vehicle class would be capable of meeting the 1.0 NO_x standard using a catalyzed trap oxidizer, but not until after the 1982 model year.[23] Although in its second application VW did not ask for a waiver in model year 1982 for the 1.6L–NA–2500 l.W. vehicle class covered in its latest application, the technical analysis of data then submitted showed that that vehicle class would not be able to meet the NO_x standard in model year 1982, even considering the effects of potentially available NO_x control improvements.[21]

The 80-pound weight increase that VW now plans for the two other 1982 model year 1.6L NA and TC Dasher models covered by VW's latest waiver application moves these models into the 2750 l.W. class. The weight increase is not a change that would alter the inability of these Dasher vehicle classes, as demonstrated by the record for VW's second waiver application, to attain a 1.0 gpm NO_x emission level in the 1982 model year. If anything, an increase in vehicle weight tends to put upward pressure on NO_x emissions. If, as the technical analysis for the second NO_x waiver decision shows, VW is unable to meet the 1.0 gpm NO_x standard in model year 1982 with the 1.6L NA and TC engines used in the 2500 l.W. Dasher, there is no reason to believe that it would be any more able to meet the standard with the same engines installed in a heavier Dasher which is otherwise of identical design.[22]

As a result, I may conclude that unless any additional NO_x control techniques have become available for the three 1982 model year VW vehicle classes at issue here since EPA rendered the second decision, these vehicle classes also are incapable of meeting the 1982 model year emission standards.

In its present application, VW submitted emission data generated since the last waiver decision on prototype vehicles tested over extended mileage for which VW submitted data in the prior waiver proceedings, as well as similar emission data on two new Dasher 1.6L–NA test vehicles. The data indicate that although the EGR-equipped vehicles tend to produce lower levels of NO_x than non-EGR-equipped vehicles with otherwise identical engine designs, the EGR vehicles still do not meet a 1.0 gpm NO_x standard.[25] Catalyzed trap oxidizer technology may permit VW to meet the 1.0 gpm NO_x standard by permitting the use of more EGR on its 1.6L engine families without increasing particulates or HC and without reducing fuel economy.[26] However, VW reiterated in its application that it is improbable that any add-on technology such as EGR, catalysts or trap oxidizers could be developed and installed on production vehicles by the 1982 model year.[27] In its application, VW described research that Ricardo, a private contractor, carried out on combustion chamber modifications.[28] This research was carried out as part of VW's effort to reach the 1.0 gpm NO_x standard in steps by improving combustion. VW has already incorporated the results of the Ricardo study, as well as the results of its own examination of fuel injection equipment modifications, into the designs for its development engines.[29] Even with combustion chamber design optimization, VW asserted that the data collected from a development vehicle fitted with the optimized calibrations indicate that the vehicle would still not, according to a Monte Carlo analysis, demonstrate an adequate likelihood of being able to meet 1982 model year statutory emission standards.[30]

VW has requested waivers to an interim level of 1.4 gpm NO_x for the vehicle classes in question.[29] No information contained in the record indicates that VW can employ any other technological improvements which might enable these vehicle classes to meet a 1.0 gpm NO_x standard in conjunction with other applicable emission standards in the 1982 model year. Further, granting these waivers will give VW the opportunity to use California as a "pilot market" in model year 1982 for emission control technology it will use nationally in model year 1983.[30] Therefore, I conclude after an analysis of the information in the record that effective emissions control technology is not available in model year 1982 for these vehicle classes to meet interim NO_x standards below 1.4 gpm.[31] As a result, I have determined that VW needs waivers of the 1982 model year statutory NO_x standard to 1.4 gpm in order to permit marketing of the three vehicle classes that are the subject of this decision.

B. Endangerment to Public Health

In order to grant a waiver request, section 202(b)(6)(B)(i) requires me to determine that a waiver of the statutory NO_x standard of 1.0 gpm would not endanger public health. Congress intended my assessment of this criterion to include consideration of the potential health effects of unregulated pollutants from diesel engines as well as the health effects associated with increased NO_x emissions.[32]

1. *Oxides of Nitrogen (NO_x).* In the first two decisions, the Administrator concluded that the potential impact on ambient NO_x levels resulting from NO_x waivers which EPA granted to VW would not be significant.[33] Granting waivers for the vehicle classes listed above will not alter this conclusion. The potential impact on NO_x levels resulting from granting these additional waivers, even when combined with the impact from the waivers granted earlier, will not be significant.

2. *Particulates.* My main health concern in these proceedings relating to emissions from diesel engines is the potential increase in emissions of diesel particulates. A Federal light-duty diesel particulate standard of 0.6 gpm goes into effect in model year 1982. However, in assessing health risks in this waiver proceeding, I do not terminate my analysis with a determination that the vehicle classes for which VW requested a waiver will not exceed the 1982 model year particulate standard, since the particulate standard was set on the basis of available technology rather than on the basis of public health.[34]

As discussed in the prior NO_x waiver decisions, there are serious concerns over the carcinogenic potential of diesel

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[20] Second decision at 34720.

[21] See Appendix A, Table II–2 of my Second decision at 34738 and Appendix A, § IV, at 34737–34743.

[22] Appendix A, § V of the Second decision at 34748.

[23] In applying for a waiver to an interim standard of 1.4 gpm NO_x, VW is agreeing to a standard that is likely to be slightly more difficult to meet with heavier Dasher classes that fall in the 2750 l.W. class than with the lighter model in the 2500 l.W. 1.6L vehicle classes which EPA granted waivers in the second decision.

[25] VW App. Table I, Table V, p. 8.

[26] Second decision at 34742.

[28] VW App., 10.

[29] VW App., 10.

[30] VW App., 6, 28.

[30] VW app., 6, 25. The Monte Carlo analysis is a statistical technique EPA has used to determine the likelihood, based on available extended-mileage emission data, that a given vehicle design will, for a given pollutant, pass EPA's "durability" testing requirements for certification purposes. For a more complete explanation, see Orig. decision at 5484. The particular Monte Carlo analysis noted here was performed by VW as part of its own emissions control research, rather than by EPA.

[29] VW App., 5.1. VW still does not plan on using EGR on its 49-state vehicles to achieve its requested interim standard in model year 1982. VW App., 10.

[32] See Second decision at 34722.

[31] See Second decision at Appendix A, § V, 34747–34749.

[32] See, e.g., H.R. Rep. No. 294, 95th Cong. 1st Sess, 19, 237, 250–51 (1977); S. Rep. No. 127, 95th Cong., 1st Sess. 70 (1977).

[33] Original decision at 5488–88; Second decision at 34722.

[34] 45 FR 14496 (March 5, 1980).

particulates, as well as their potential for increasing the incidence and severity of respiratory ailments.[36] It is also undisputed that the projected increase in light-duty diesel vehicle production will increase ambient total suspended particulates and consequently human exposure to respirable particulates.[36] These factors have convinced me to take action, where appropriate, that would minimize particulate emissions from light-duty diesels.

In the original decision the Administrator noted that to the extent waivers are granted, the applicants will be able to market diesel vehicles that emit more particulates than would gasoline powered vehicles. However, my assessment of the risk presented by these emissions must be made in light of the greater risk posed by the particulate emission levels that might result from waiver denial.[37]

If I deny a waiver, an applicant may attempt to manufacture the diesels and successfully certify them in compliance with the 1.0 gpm NO_x standard. Given the large sums that have been invested to develop and market these vehicles, a manufacturer might make a concentrated effort to meet the 1.0 gpm NO_x standard using technology such as EGR that has the potential to place upward pressure on particulate emissions.[38] This could result in total particulate emissions being greater if a wavier were denied than if one were granted.

EPA concluded in the second decision that granting VW's NO_x waiver requests was more protective of the public health than waiver denial, since VW had significant incentives to go ahead with production utilizing emission control technology that employed EGR, which exhibited significantly higher particulate emissions than the non-EGR technology VW planned to introduce if a waiver were granted.[39] This conclusion remains valid in the present waiver proceeding, since VW still cannot achieve 1.0 gpm NO_x for its 1.6L vehicle classes using combustion chamber modification techniques alone.[40]

C. Fuel Economy and Long-Term Air Quality Benefit

Under section 202(b)(6)(B), in order to grant a waiver of the NO_x standard I must find that granting the waiver will result in significant fuel savings, and that the diesel engine technology employed has the potential for long-term air quality benefit.[41] EPA concluded in the second decision that VW's 1.6L vehicle classes would be capable of meeting or bettering the fuel economy standards in both the long and the short term.[42] EPA also concluded that there was a substantial likelihood that the VW engine families for which waivers were granted would meet all applicable Federal emission standards at the end of the waiver period.[43] There is no substantive difference in the vehicle classes which I am now considering from the 1.6L-TC and 1.6L-NA vehicle classes discussed in the second decision that would alter these conclusions.

IV. Final Decision and Amended Rule

Section 202(b)(6)(B) of the Act grants me the authority to waive the statutory standard of 1.0 gpm NO_x and to prescribe interim standards which provide that NO_x emissions may not exceed 1.5 gpm for any class or category of diesel light-duty vehicles or engines manufactured during model years 1981, 1982, 1983 and/or 1984 which meet the statutory waiver criteria. VW requested that I modify the waiver "designation scheme" to prevent further problems such as those which prompted the present waiver application.[44]

VW suggested that the waiver designation scheme should be modified in the following manner so that any VW engine family whose entire sales are within a given range of inertia weight classes could be certified to the same waived standard: [45]

Model year	I.W.C. range	Standard
1981, 1982	<2250	1.3
1981, 1982	2400–2750 (inclusive)	1.4
1981, 1982	>3000	1.5

I have decided not to change the VW waiver designations as VW suggested for a number of reasons. First, VW does not provide any limits (other than inertia weight class) on the engine families which waivers would cover under its suggested waiver designation scheme. As a result, if I make the suggested modifications, VW might be able to market an engine family with a different displacement in one of the specified inertia weight class ranges that could achieve emission levels lower than the waived standard. Second, VW's suggested scheme would cover vehicles in inertia weight classes below 2250 pounds. I do not have any data before me on the emissions characteristics of light weight vehicles that would fall in inertia weight classes below 2250 pounds. VW might produce vehicles in that range which would be capable of achieving better NO_x control than VW showed could be achieved by vehicles at the heavier end of the same inertia weight class range.

Despite VW's suggestion that its scheme could avoid the need for conducting new waiver proceedings should VW again modify the inertia weights of some of its vehicle classes in a manner that would not improve the emission control capabilities of those classes, I am not adopting VW's suggestion due to the potential that the waivers then might also extend to vehicle classes that would not be entitled to waivers if examined individually. Further, there is no evidence that VW indeed plans any further design changes which would affect only inertia weight and would not improve emission control capabilities. Thus, the benefits from VW's suggestion are still hypothetical at this point and do not outweigh the suggestion's potential disadvantages, which I have discussed above.

Based upon the foregoing discussion of the classes or categories for which VW requested waivers, I am granting waivers and simultaneously promulgating interim standards for light-duty diesel vehicle classes for model year 1982 as follows:

Manufacturer	Engine family	Interim standard (gram per mile)
VW	1.6L-NA-2750 I.W.	1.4
VW	1.6L-NA-2500 I.W.	1.4
VW	1.5L-TC-2750 I.W.	1.4

[35] For example, See Original decision at 5489. As EPA has said previously, the uncertainty surrounding the potential health risk posed by diesel particulates warrants a cautious approach in regulating the vehicles which produce them.

[36] See Original decision at 5489.

[37] See Original decision at 5490.

[38] This is a real possibility, notwithstanding EPA's evaluation of VW's technological capabilities. The Monte Carlo evaluation is purposely conservative to assure that an engine classified as a "pass" would almost certainly meet certification requirements. In fact, VW planned to produce several vehicle classes at the 1.4 gpm interim standard it requested and received in my second decision even though the engines "failed" the Monte Carlo analysis at 1.4. Second decision at 34722 n. 38.

[39] Second decision at 34723.

[40] VW App., 20.

[41] For a full discussion of these criteria, see Original decision at 5493, Second decision at 34723.

[42] Second decision at 34723.

[43] Second decision at 34724.

[44] VW App., 5.1–5.2.

[45] Id. Presumably VW wishes to avoid having to reapply for waivers if it should decide in the future to modify inertia weights of some of its vehicle classes in a manner that would not improve the emission capabilities of those classes, but would remove them from the category for which waivers had already been granted.

Dated: March 6, 1981.
Walter C. Barber, Jr.,
Acting Administrator.
[FR Doc. 81-7788 Filed 3-11-81; 8:45 am]
BILLING CODE 4910-81-M

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 81-128, File Number 537-A-L-70 and PR Docket No. 81-129, File Number 540-A-L-80]

Santa Barbara Aviation, Inc., and Apollo Airways, Inc.; Application for an Aeronautical Advisory Station To Serve Santa Barbara Municipal Airport, Goleta, Calif.

Adopted: February 26, 1981.
Released: March 5, 1981.

1. Santa Barbara Aviation, Inc. (hereafter Santa Barbara) and Apollo Aviation, Inc. (hereafter Apollo) have filed applications for a new Aeronautical Advisory Station at Santa Barbara Municipal Airport, Goleta, California. Since § 87.251(a) of our rules provides that only one aeronautical advisory station may be authorized at an airport, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing, it is ordered, That pursuant to the provisions of Section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's Rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the aviation service organization and the proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other aviation service organizations;

(b) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. It is further ordered, That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) which is conclusory.

4. It is further ordered, That to avail themselves of an opportunity to be heard, Santa Barbara and Apollo pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

By the Federal Communications Commission.
Carlos V. Roberts,
Chief, Private Radio Bureau.
[FR Doc. 81-7637 Filed 3-11-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Suspension of Maximum Allowable Cost Limits on Specific Drug Products

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Suspension of maximum allowable cost limit on griseofulvin, microcrystalline, oral tablets, 500 mg.

SUMMARY: The Pharmaceutical Reimbursement Board hereby suspends the Maximum Allowable Cost (MAC) limit on griseofulvin, microcrystalline, oral tablets, 500 mg. The limit for this drug product was published October 24, 1980, (FR 70574–70584) and the effective date of the limit was to be December 8, 1980.

The suspension of the MAC limit for griseofulvin, microcrystalline, oral tablets, 500 mg, results from a recent price increase for this product by Ayerst Laboratories, the only approved alternate supplier for this product whose price was within the established MAC limit.

The Pharmaceutical Reimbursement Board may reinstitute procedures to establish a new MAC limit on this product.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Spalding, Acting Executive Secretary, Pharmaceutical Reimbursement Board, 1–D–5 East Low Rise, 6401 Security Boulevard, Baltimore, Maryland 21235 (301) 594–5403.

Dated: March 6, 1981.
Peter J. Radler,
Chairman, Pharmaceutical Reimbursement Board.
[FR Doc. 81-7641 Filed 3-11-81; 8:45 am]
BILLING CODE 4110-86-M

Pharmaceutical Reimbursement Board; Suspension of Maximum Allowable Cost Limits on Specific Drug Products

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Suspension of maximum allowable cost limits on methenamine hippurate, oral tablets, 1 Gram; fluocinolone acetonide, topical solution, 0.01%; fluocinolone acetonide, topical cream, 0.01%; and fluocinolone acetonide, topical cream, 0.025%.

SUMMARY: The Pharmaceutical Reimbursement Board hereby suspends the Maximum Allowable Cost (MAC) limits on methenamine hippurate, oral tablets, 1 Gram; fluocinolone acetonide, topical solution, 0.01%; fluocinolone acetonide, topical cream, 0.01%; and fluocinolone acetonide, topical cream, 0.025%. The limits for these drug products were published October 24, 1980, (FR 70574–70584) and the effective date of the limits was to be December 8, 1980.

The suspension of the MAC limit for methenamine hippurate, oral tablets, 1 Gram, results from a recent price increase for this product by Riker Laboratories, the only approved alternate supplier for this product.

The suspension of the MAC limits for fluocinolone acetonide, topical solution, 0.01%, fluocinolone acetonide, topical cream, 0.01% and fluocinolone acetonide, topical cream, 0.025% results from a recent price increase for these forms of fluocinolone acetonide by Herbert Laboratories, the only approved alternate supplier of this product.

The Pharmaceutical Reimbursement Board may reinstate procedures to establish new MAC limits on these products.

FOR FURTHER INFORMATION CONTACT:
Mr. Charles Spalding, Acting Executive Secretary, Pharmaceutical Reimbursement Board, 1–D–5 East Low Rise, 6401 Security Boulevard, Baltimore, Maryland 21235 (301) 594–5403.

Dated: March 6, 1981.

Peter J. Rodler,
Chairman, Pharmaceutical Reimbursement Board.

[FR Doc. 81–7042 Filed 3–11–81; 8:45 am]
BILLING CODE 4110–35–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–81–640]

Acting Area Manager, Region IV (Atlanta); Designation for Greensboro Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for Greensboro Area Office. The revision is necessary in order to expand the coverage in the absence of the Area Manager.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT:
George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 664, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303, 404–221–5199.

Designation of Acting Area Manager for Greensboro Area Office

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, Community Planning and Development Division.
4. Area Counsel.
5. Deputy Director of Housing for Development.
6. Deputy Director of Housing for Management.

This designation supersedes the designation effective June 18, 1978 (43 FR 39859, September 17, 1978).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3380, February 23, 1971))

This designation shall be effective as of December 15, 1980.

Betsy H. Stafford,
Area Manager, Greensboro Area Office.

Geraldine G. Thompson,
Regional Administrator Region IV (Atlanta)

[FR Doc. 81–7717 Filed 3–11–81; 8:45am]
BILLING CODE 4210–01–M

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N–81–1062]

Consumer Forum on "Women and Affordable Housing in the '80s"

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice is given announcing a National Consumer Forum.

SUMMARY: The General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection is announcing a consumer forum on the topic of "Women and Affordable Housing in the '80s." The forum is scheduled for March 26–27, 1981 and the description of forum is stated in the Supplementary Information section below.

DATE OF FORUM: A Consumer Forum on "Women and Affordable Housing in the '80s" is scheduled to be held on Thursday and Friday, March 26–27, 1981 from 9:00 a.m. to 5:00 p.m. at the Capitol Holiday Inn, 550 C Street, SW, Washington, D.C.

ADDRESS: Joseph Smith, Director, Consumer Liaison Division, Office of Consumer Affairs, Room 4144, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:
Alonzella Sneed, (202) 755–6996.

SUPPLEMENTARY INFORMATION: The two-day forum will focus on the special housing needs of female-headed families which are not being met either by the open housing market or by social programs aimed at assisting disadvantaged groups. Workshops will provide information on current HUD housing programs, and how low- and moderate-income women and women's organizations can better utilize them. Alternate financing strategies for increasing the supply of low cost housing will also be discussed.

The forum on "Women and Affordable Housing in the '80s" will be open to the public.

Issued at Washington, D.C., March 5, 1981.

William O. Anderson,
General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81–7716 Filed 3–11–81; 8:45 am]
BILLING CODE 4210–01–M

Office of the Secretary

[Docket No. N–81–1063]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of new system of records.

SUMMARY: The Department is giving notice of a new system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: The system shall become effective without further notice on April 11, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:
Robert English, Departmental Privacy Act Officer; Telephone 202–557–0605. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The system is Elderly Home Maintenance Demonstration Evaluation Data Files which will contain information about Elderly Home Maintenance Demonstration participants and their homes. The purposes for collecting this information are threefold: (1) to determine how the cost of providing repair services are affected by the type of local agency and the characteristics of elderly participants and their homes; (2) to determine the local agencies' priorities for the repairs performed and how these compare with the perceived needs of participants; and (3) to determine participant perceptions of and satisfaction with the demonstration. All of the information contained in reports produced from the system will be representative and will not identify specific individuals. Appendix A, which lists the addresses of HUD's Offices was published at 45 FR 67626 (October 10,

1980). A new system report was filed with the Speaker of the House, the President of the Senate and the Office of Management and Budget on February 5, 1981.

HUD/PD&R-6

SYSTEM NAME:

Elderly Home Maintenance Demonstration Evaluation Data Files.

SYSTEM LOCATION:

Urban Systems Research & Engineering, Inc. (USR&E), Cambridge, Massachusetts.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will contain data on Elderly Home Maintenance Demonstration (EHMD) participants and their homes from seven local service agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pre-demonstration and post-demonstration interview files will contain the following types of data on program applicants and their homes: name and address and identifier code number, home repair needs, income amount by source, housing characteristics, health status, household composition and family status. Interviews will also record disability type, disability status, and race. All these data are used by the local service agencies to assist with and improve service delivery and will be used to produce demonstration evaluation reports to the Department of Housing and Urban Development.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 501 and 502 of the Housing Act of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the HUD contractor for program evaluation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders and on magnetic tape/disc.

RETRIEVABILITY:

Records will be retrieved by identifier code number. Lists with names and addresses and identifier code will be provided separately by the local agencies and maintained separately. These lists are necessary to identify participants for the post-demonstration interview.

SAFEGUARDS:

System manual files will be kept in locked cabinets in a secured area; computer records will be maintained in a secured area. Access to either type of record will be restricted to authorized personnel. Lists with names and addresses and identifier codes will be kept separate from the manual files under lock and key. In all cases, name and address will be detached from the manual files and stored in a separate locked cabinet.

RETENTION AND DISPOSAL:

Once pre and post-demonstration interviews have been merged, names and addresses will be destroyed. Any stored data will not contain identifying names and/or addresses. Manual and automated records will be retained in accordance with officially approved mandatory standards contained in HUD Handbooks 2225.6 and 2228.2.

SYSTEM MANAGERS AND ADDRESS:

Director, Division of Housing Management and Special Users Research, TRS, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A, (ii) in relation to appeals in initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Demonstration participants.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., March 6, 1981.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

[FR Doc. 81-7713 Filed 3-11-81; 8:45 am]

BILLING CODE 4130-01-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition

Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Renaissance of Islam: Art of the Mamluks" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between foreign lenders and the Smithsonian Institution, Washington, D.C. I also determine that the temporary exhibition or display of the listed exhibit objects at various museums in the United States beginning on or about May 14, 1981, to on or about May 29, 1983, is in the national interest.

Public notice of this determination is ordered to be published in the Federal Register.

Dated: March 9, 1981.

John W. Shirley,

Acting Director.

[FR Doc. 81-7801 Filed 3-11-81; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on Fort Hall Irrigation Project, Idaho

This Notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10BIAM 3. The authority to

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

On January 8, 1981, in 46 FR 2194, there was published a notice of proposed assessment rates and related provisions on the Fort Hall Irrigation Project for Calendar Year 1981 and subsequent years until further notice. These assessment rates were proposed pursuant to the authority contained in the Acts of August 1, 1914, (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. During this period no comments, suggestions, or objections were submitted. Therefore, the assessment rates and related provisions as set forth below are adopted effective April 13, 1981.

Fort Hall Irrigation Project—Regulations and Charges

Administration

The Fort Hall Irrigation Project, which consists of the Fort Hall Unit including ceded area south of the Fort Hall Indian Reservation, the Michaud Unit and the Minor Units on the Fort Hall Indian Reservation, Idaho, is administered by the Bureau of Indian Affairs. The Superintendent of the Fort Hall Agency is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations (42 FR 30362, June 14, 1977).

Irrigation Season

Water will be available for irrigation purposes from April 15 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

Methods of Irrigation

Where soil, topography, and other physical conditions are unfavorable for surface irrigation, and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Officer-in-Charge may limit deliveries to this type of irrigation.

Distribution and Apportionment of Water

(a) *Delivery:* Water for irrigation purposes will be delivered throughout the irrigation season by either the continuous flow or rotation method at the discretion of the Officer-in-Charge. If during a time when delivery is by the rotation method, a water user desires to loan his turn to another eligible water user, he shall notify either the watermaster or the ditch rider who may permit such exchange, if feasible.

(b) *Preparation and Submission of a Water Schedule:* If the decision of the Officer-in-Charge is to deliver water by the rotation method, the watermaster will assist the water users on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the water users fail to exercise this right before March 1, the watermaster will prepare the schedule which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the lateral.

(c) *Application for Deliveries of Irrigation Water:* Requests for water changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditch rider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Duty of Water

Dependent upon available supplies of water for each unit of the Project, the duty of water is based on the delivery to the farm unit of 3.5 acre-feet of water per acre per irrigation season. This duty of water may be varied at the discretion of the Officer-in-Charge depending on supplies available, but each irrigable acre shall be entitled to its pro-rata share of the total water supply.

Charges

Bill covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of December 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian, when an approved lease contract is on file with the Superintendent of the Fort Hall Agency, operation and maintenance charges will be billed to the lessee of record.

Basic and Other Water Charges

(a) The annual basic water charges for the operation and maintenance of the Fort Hall Irrigation Project lands in non-Indian ownership, and assessable Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho, are fixed for the Calendar Year 1981 and subsequent years until further notice as follows:

(1) Fort Hall Unit basic rate, $15.35 per acre;

(2) Michaud Unit basic rate, $19.15 per acre; additional rate for sprinkler when pressure is supplied by project, $8.35 per acre; and

(3) Minor Units basic rate, $13.50 per acre.

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

Payments

The water charges become due on April 1 of each year and are payable on or before that date. To all assessments on lands in non-Indian ownership, and lands in Indian ownership which do not qualify for free water, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one-half percent per month, or fraction thereof, from the due date until paid. No water shall be delivered to any farm unit until all irrigation charges have been paid.

Assessments on Indian Owned Land

When land owned by members of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation is first leased to non-Indians or non-members of the tribe, and an approved lease is on file at the Fort Hall Agency, the leased land is not subject operation and maintenance assessments for three years. The three years the land is not subject to assessment need not run consecutively. When land has been leased for a total of three years, the land, when under lease to non-Indians or non-members of the tribe, is subject to operation and maintenance assessments the same as lands on non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M 28701, approved September 24, 1936, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of

December 1, 1938, approved December 17, 1938).

Richard M. Baisiger,

Acting Area Director.

[FR Doc. 81-7720 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-02-M

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Wapato Irrigation Project, Washington

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Section 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

On November 26, 1980, in 45 FR 78611, there was published a notice of proposed assessment rates and related provisions on the Wapato Irrigation Project for Calendar Year 1981 and subsequent years until further notice. These assessment rates were proposed pursuant to the authority contained in the Acts of August 1, 1914, (38 Stat 583), and March 7, 1928, (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. During this period no comments, suggestions, or objections were submitted. Therefore, the assessment rates and related provisions as set forth below are adopted effective April 13, 1981.

Wapato Irrigation Project—General

Administration

The Wapato Irrigation Project, which consists of the Ahtanum Unit, Toppenish-Simcoe Unit, and Wapato-Satus Unit within the Yakima Indian Reservation, Washington, is administrated by the Bureau of Indian Affairs. The Project Engineer of the Wapato Irrigation Project is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations (42 FR 30362, June 14, 1977).

Irrigation Season

Water will be available for irrigation purposes from April 1 to September 30 each year. These dates may be varied as much as 20 days when weather conditions and the necessity for doing maintenance work warrants doing so.

Request for Water Delivery and Changes

Requests for water delivery and changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditchrider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Time for Payment of Water Charges

The assessments fixed by these regulations shall become due April 1 of each year and are payable on or before that date. To all charges assessed against lands in patent in fee ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1 following the due date, there shall be added a penalty of one and one-half percent for each month, or fraction thereof, from the due date until the charges are paid.

Charges for Special Services

Charges will be collected for various special services requested by the general public, water users and other organizations during the Calendar Year 1981 and subsequent years until further notice, as detailed below:

(1) Requests for irrigation accounts and status reports, per report, $15;

(2) Requests for verification of account delinquency status, per report, $10;

(3) Requests for splitting of operation and maintenance bills (in addition to minimum billing fee), per bill, $10;

(4) Requests for billing of operation and maintenance to other than owner or lessee of record (in addition to minimum billing fee), per bill, 10;

(5) Requests for other special services similar to the above, when appropriate, per report, $10; and

(6) Requests for elimination of lands from the Project. In the event that the elimination is approved, a portion of the fee will be used to pay the Yakima County Recording Fee ($10).

Ahtanum Unit

Charges

(a) The operation and maintenance rate on lands of the Ahtanum Irrigation Unit for the Calendar Year 1981 and subsequent years until further notice is fixed at $6.25 per acre per annum for land to which water can be delivered from the project works.

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

Toppenish-Simcoe Unit

Charges

(a) The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Unit for the Calendar Year 1981 and subsequent years until further notice, is fixed at $6.25 per acre per annum for land for which an application for water is approved by the Project Engineer.

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

Wapato-Satus Unit

Charges

(a) The basic operation and maintenance rates on assessable lands under the Wapato-Satus Unit are fixed for the Calendar Year 1981 and subsequent years until further notice as follows:

(1) Minimum charge for all tracts, $20.50;

(2) Basic rate upon all farm units or tracts for each assessable acre except Additional Works lands, $20.50;

(3) Rate per assessable acre for all lands with storage water rights, known as "B" lands, in addition to other charges per acre, $2.20; and

(4) Basic rate upon all farm units or tracts for each assessable acre of Additional Works lands, $21.60.

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

Assessable Lands

The Assessable lands of the Wapato-Satus Unit are classified under these regulations as follows:

(a) All Indian trust (A and B) land designated as assessable by the Secretary of the Interior, except land which has never been cultivated if in the opinion of the Project Engineer the cost of preparing such land for irrigation is so high as to preclude its being leased at this time for agricultural purposes.

(b) All Indian trust (A or B) land not designated as assessable by the Secretary of the Interior for which application for water is pending or on which assessments had been charged the preceding year.

(c) All patent in fee land covered by a water right contract, except on land that because of inadequate drainage is no longer productive. The adequacy of the drainage is determined by the Project Engineer.

(d) At the discretion of Project Engineer and upon the payment of charges, patent in fee land for which an application for a water right or modification of a water right contract is pending.

Richard M. Balsiger,

Acting Area Director.

[FR Doc. 81-7719 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Coal Exploration License Application M 50086(ND), North Dakota; Invitation

March 6, 1981.

Members of the public are hereby invited to participate with The Nokota Company in a program for the exploration of coal deposits owned by the United States of America in the following-described lands located in Dunn County, North Dakota:

T. 144 N., R. 93 W., 5th P.M.,
Sec. 6, Lots 3,4,5,6,7, SE¼NW¼, E½SW¼.
T. 145 N., R. 93 W., 5th P.M.,
Sec. 32, SE¼;
Sec. 34, NE¼.
T. 144 N., R. 94 W., 5th P.M.,
Sec. 12, S½;
Sec. 14, SW¼;
Sec. 22, E½.

Any party electing to participate in this exploration program shall notify, *in writing*, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and The Nokota Company, 316 North 5th Street, P.O. Box 1633, Bismarck, North Dakota 58502. Such written notice must refer to serial number M 50086(ND) and be received no later than April 11, 1981 or 10 calendar days after the last publication of this Notice in this newspaper, whichever is later. This Notice will be published for two consecutive weeks.

The proposed exploration plan is fully described and will be conducted pursuant to an exploration plan to be approved by U.S. Geological Survey and the Bureau of Land Management. Copies of the exploration plan as submitted by The Nokota Company may be examined during normal business hours at the Bureau of Land Management State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-7720 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

Amended Notice of Intent To Prepare a Vegetative Allocation Environmental Impact Statement for the Big Dry Resource Area, Montana

1. Purpose of the Action

The Bureau of Land Management, Miles City District Office, will be preparing a Vegetation Allocation Environmental Impact Statement (EIS) for the Big Dry Resource area within the central portion of eastern Montana to analyze the environmental consequences of allocating vegetation to each competing use on approximately 1,750,000 acres of public lands. Supportive measures for implementation of an allocation process consist of fencing and water developments, and may include mechanical or chemical land treatments.

Potential alternatives being considered for analysis include: (1) No Action—This is defined as freezing the existing range program as it is today. No new range improvements would be constructed. Changes in levels of livestock use would not be allowed, regardless of need. (2) No Grazing—This is the exclusion of all domestic livestock grazing from Public lands within the Resource Area. (3) Enhanced Watershed Value and Wildlife Habitat—The major emphasis would be placed on watershed, wildlife, and to a limited degree, recreation. (4) Enhanced Livestock Forage—This would emphasize forage production for domestic livestock through the development of range improvements wherever they are feasible. (5) Enhanced Combined Vegetation Uses—This alternative would allow the Bureau to analyze the consequences of a middle course between alternatives 3 and 4 by analyzing a "mix" of vegetation allocations and accelerated range management activities. (6) Continuation of Present Management—This would examine what would happen to the environment on 1.1 million acres with continued use of the existing range management program on 759 allotments.

A preferred action will be chosen by the Miles City District Manager for discussion in the draft EIS.

2. Scoping Process

The following steps will be utilized to accomplish the scoping process:

(a) Open House planning and scoping meetings for the purpose of soliciting public input to issue identification and selection of alternative approaches for analysis in the EIS will be conducted. Meetings will be held March 24 in the Fallon County Library in Baker at 1 p.m. and March 23 in the Prairie County Grazing District Building in Terry at 2 p.m. A news release regarding public input to the EIS process will be issued by the Miles City District Office.

(b) Letters of invitation to participate in the EIS scoping process will be mailed to all affected federal, state and local agencies, public interest groups, and other interested persons concerning the issues of the Environmental Impact Statement.

Written comments on scoping will be accepted until April 1, 1981. Correspondence should be addressed to: Ray Brubaker, District Manager, P.O. Box 940, Miles City, Montana 59301.

Robert A. Teegarden,

Acting District Director.

[FR Doc. 81-7722 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 81-11]

Hualapai-Aquarius Grazing Management Program, Mohave and Yavapai Counties, Ariz.; Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement for the Hualapai-Aquarius Planning Area. The proposal involves implementing a grazing management program on public lands within the Hualapai-Aquarius Planning Area of the Phoenix District in west central Arizona.

The Bureau of Land Management invites written comments on the draft statement to be submitted within 60 days of filing the statement with the Environmental Protection Agency, to the State Director, Bureau of Land Management, 2400 Valley Bank Center,

Phoenix, Arizona 85073. Comments will be accepted through May 7, 1981.

A limited number of copies are available upon request to the State Director at the above address or the District Manager, Bureau of Land Management, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240; Telephone (202) 343–5717

Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone (602) 261–3706

Phoenix District Office, Bureau of Land Management, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017, Telephone (602) 241–2501

Oral and/or written comments will also be received at the formal public hearings to be held in Phoenix and Kingman, Arizona. The locations and time of the hearings will be published later.

A solicitor from the Department of the Interior will preside over the public hearings. Witnesses presenting oral comments should limit their testimony to ten (10) minutes. Written request to testify orally should be sent to the District Manager, Phoenix District Office, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017.

Comments received on the draft environmental impact statement, whether written or oral, will be given equal consideration during preparation of the final environmental impact statement on the Proposed Grazing Management for the Hualapai-Aquarius Planning Area.

Clair M. Whitlock,

State Director.

[FR Doc. 81-7730 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

Resource Management Plan; Shoshone-Eureka Resource Area, Intent To Commence Land Use Planning

Description of the Proposed Planning Action

The Bureau of Land Management's Battle Mountain District Office is in the process of initiating the development of a comprehensive land use plan for the Shoshone-Eureka Resource Area as required by Section 202 of the Federal Land Management Act of 1976. The resource management plan is scheduled for completion in September of 1984. The resource management plan will be designed to direct programs and management practices for approximately a ten year period of time. In order to determine the impacts of the recommendations made in the plan, an Environmental Impact Statement will be prepared in conformance with the National Environmental Policy Act of 1969. Several complete, reasonable alternatives will be analyzed in the statement. A no action alternative will assess the consequences of continuing present resource uses and management. Other alternatives will provide a range of choices from those favoring resource protection to those favoring resource production.

The Geographic Area Covered by the Resource Management Plan

The Shoshone-Eureka Resource Area contains approximately 4,399,000 acres of public land located in north-central Nevada. It contains the towns of Austin, Eureka, and Battle Mountain. The area includes most of Lander and Eureka counties and a portion of Nye County.

General Types of Issues Anticipated

The major issues to be addressed in the plan will be identified after consultation with state and local government officials, Indian tribes, other Federal agencies, and interested members of the public. It is anticipated that the following issues will be addressed in the plan: the allocation of vegetation to wildlife, wild horses, and livestock, the disposition of lands identified as Wilderness Study Areas, and the designation of off-road vehicle use areas. Other issues may be identified through public participation.

Disciplines Represented on the Planning Team

The planning team will consist of individuals with expertise in the following disciplines: (1) range management, (2) environmental planning, (3) wildlife biology, (4) geology, (5) archaeology, (6) outdoor recreation, (7) wilderness management, (8) fire management, (9) forestry, (10) wild horse management, (11) soils, and (12) watershed management.

Public Participation

Public comment will be solicited during the identification of issues, the development of the criteria to guide the planning process, and upon publication of the draft plan and environmental impact statement. The time, dates, and locations of public meetings and other public participation opportunities have yet to be determined. Persons interested in participating in the planning process should submit their name and address for inclusion on the Shoshone-Eureka RMP mailing list to the address given below.

A complete file of the resource management plan documents will be maintained at both the Battle Mountain District Office and the Bureau of Land Management's Nevada State Office in Reno.

For more information about the planning effort please contact Mr. Richard Depaoli, Acting Shoshone-Eureka Area Manager, Bureau of Land Management, P.O. Box 194, Battle Mountain, Nevada 89820. Phone (702) 635–5181.

Date signed: March 2, 1981.

Michael C. Mitchell,

Acting District Manager, Battle Mountain District, Nevada.

[FR Doc. 81-7731 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

[U-43004]

Dinosaur National Monument; Lifting of Segregative Effect of Withdrawal for Project No. 524 in Utah

By order issued October 3, 1973 the Federal Energy Regulatory Commission vacated the land withdrawal for Project No. 524 insofar as it pertains to lands in Dinosaur National Monument.

Under the authority delegated by Bureau of Land Management Order No. 701, dated July 23, 1964 (29 FR 10526), as amended, notice is hereby given that the segregative effect of the withdrawal for Project No. 524 is lifted subject to the withdrawal for the Dinosaur National Monument insofar as it pertains to the following described lands.

Salt Lake Meridian, Utah

T. 4 S., R. 23 E.,
- Sec. 24, E½NE¼, SE¼SW¼ and SE¼;
- Sec. 25;
- Sec. 26, NE¼SE¼ and S½SE¼;
- Sec. 35, Lot 7, SE¼NE¼.

T. 4 S., R. 24 E.,
- Sec. 1, Lots 3, 4, 7, 8, 10, 11, SW¼NW¼;
- Sec. 2, Lots 1, 2, 5, S½NE¼, N½SE¼ and SW¼SE¼;
- Sec. 11, Lots 1–5, Area B, Part of Area A excluding W½SW¼, and E½NW¼;
- Sec. 12, N½NW¼;
- Sec. 14;
- Sec. 15, Area B, Part of Area A excluding N½;
- Sec. 16, Area B, Part of Area A excluding N½ & N½S½;
- Sec. 17, S½S½;
- Sec. 18, S½S½;
- Sec. 19;
- Sec. 20, Area A, Part of Area B excluding S½SW¼ & SE¼;
- Sec. 21, Area B, Part of Area A excluding S½ & S½N½;
- Sec. 22, N½N½;

Sec. 23, N½N½;
Sec. 30;
Sec. 31, Lots 1–4, NE¼NW¼.
T. 3 S., R. 25 E.,
Sec. 29, S½S½;
Sec. 30, Lots 1–8, N½SE¼;
Sec. 31;
Sec. 32;
Sec. 33, Lots 2–7, Area A.
T. 4 S., R. 25 E.,
Sec. 6, Lots 1–10, SE¼NE¼, NE¼SW¼ and E½SE¼.

The area aggregate 8,100 acres in Uintah County.

Dean E. Stepanek,

Acting State Director.

[FR Doc. 81-7734 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

[U-43018]

Land Outside Right-of-Way for Olmstead-Park City Transmission Line; Lifting of Segregative Effect of Withdrawals for Project No. 765 in Utah

By order issued October 3, 1980, the Federal Energy Regulatory Commission vacated the land withdrawals for Project No. 765 insofar as they pertain to lands lying outside the 100-foot-wide right-of-way for the Olmstead-Park City transmission line as shown on map Exhibit K, FERC No. 765–36.

(1) Under the authority delegated by Bureau of Land Management Order No. 701, dated July 23, 1964 (29 FR 10526) as amended, notice is hereby given that the segregative effect of the withdrawals for Project No. 765 is lifted insofar as it pertains to the following described lands:

Salt Lake Meridian, Utah

T. 7 N., R. 1 E.,
Sec. 30.
T. 8 N., R. 1 E.,
Secs. 4, 20.
T. 9 N., R. 1 E.,
Sec. 34.
T. 1 N., R. 2 E.,
Sec. 22.
T. 12 N., R. 2 E.,
Secs. 22, 23, 24, 27, 28, 29, 30, 31, 32.
T. 12 N., R. 3 E.,
Secs. 18, 19.
T. 5 N., R. 4 E.,
Secs. 24, 34.
T. 5 N., R. 5 E.,
Sec. 10.
T. 5 N., R. 6 E.,
Sec. 6.
T. 6 N., R. 8 E.,
Sec. 20.
T. 7 N., R. 1 W.,
Sec. 26.
T. 13 N., R. 2 W.,
Sec. 26.
T. 10 S., R. 2 W.,
Secs. 14, 23, 26, 35.
T. 11 S., R. 2 W.,
Sec. 11.
T. 1 S., R. 3 W.,
Sec. 22.
T. 5 S., R. 3 W.,
Secs. 30, 31.
T. 6 S., R. 3 W.,
Secs. 7, 9, 15.
T. 10 S., R. 3 W.,
Secs. 18, 19, 23, 27, 28, 33.
T. 1 S., R. 4 W.,
Sec. 25.
T. 4 S., R. 4 W.,
Sec. 31.
T. 5 S., R. 4 W.,
Secs. 6, 7, 8, 16, 17, 20, 21, 24, 25, 27, 28.
T. 6 S., R. 4 W.,
Secs. 11, 12.
T. 10 S., R. 4 W.,
Sec. 13.
T. 4 S., R. 5 W.,
Secs. 13, 24.
T. 9 S., R. 1 E.,
Secs. 27, 34.
T. 10 S., R. 1 E.,
Secs. 15, 17, 34.
T. 11 S., R. 1 E.,
Secs. 10, 28.
T. 12 S., R. 1 E.,
Secs. 21,28.
T. 1 S., R. 2 E.,
Secs. 27, 34.
T. 2 S., R. 2 E.,
Secs. 13, 14, 20, 21, 22, 23.
T. 3 S., R. 2 E.,
Secs. 1, 2, 10, 11.
T. 4 S., R. 2 E.,
Sec. 31.
T. 2 S., R. 3 E.,
Secs. 17, 18, 19, 21, 22, 26, 27, 28, 30.
T. 3 S., R. 3 E.,
Secs. 6, 20, 25, 26, 27, 28.
T. 9 S., R. 3 E.,
Secs. 1, 12.
T. 2 S., R. 4 E.,
Secs. 14, 15, 24.
T. 9 S., R. 4 E.,
Secs. 18, 20.
T. 9 S., R. 5 E.,
Secs. 31, 33, 34.
T. 10 S., R. 5 E.,
Sec. 12.
T. 10 S., R. 6 E.,
Secs. 7, 17, 18, 24, 25.
T. 21 S., R. 6 E.,
Secs. 34, 35.
T. 22 S., R. 6 E.,
Sec. 3.
T. 3 S., R. 7 E.,
Secs. 18, 21.
T. 10 S., R. 7 E.,
Sec. 23.
T. 11 S., R. 7 E.,
Secs. 15, 22, 27.
T. 12 S., R. 7 E.,
Sec. 3.
T. 19 S., R. 7 E.,
Secs. 25, 26, 34.
T. 20 S., R. 7 E.,
Secs. 27, 34.
T. 21 S., R. 7 E.,
Secs. 3, 4.
T. 11 S., R. 8 E.,
Secs. 14, 15, 23, 24.
T. 13 S., R. 8 E.,
Sec. 26.
T. 15 S., R. 8 E.,
Secs. 9, 11, 12.
T. 11 S., R. 9 E.,
Sec. 31.
T. 12 S., R. 9 E.,
Secs. 5, 8, 17, 21, 22, 26, 27.
T. 13 S., R. 9 E.,
Secs. 11, 13, 14, 23, 26, 33, 34, 35.
T. 14 S., R. 9 E.,
Secs. 1, 12.
T. 17 S., R. 9 E.,
Sec. 1.
T. 13 S., R. 10 E.,
Secs. 17, 18, 22, 26, 27, 35.
T. 14 S., R. 10 E.,
Secs. 1, 7, 12, 19.
T. 16 S., R. 10 E.,
Sec. 31.
T. 14 S., R. 11 E.,
Secs. 7, 17, 18, 20, 21, 22, 23, 25, 26.
T. 15 S., R. 11 E.,
Secs. 10, 11, 12.
T. 14 S., R. 12 E.,
Secs. 28, 30, 33, 34.
T. 15 S., R. 12 E.,
Secs. 1, 3.
T. 15 S., R. 13 E.,
Secs. 6, 7, 8, 10, 13, 14, 25.
T. 15 S., R. 14 E.,
Secs. 7, 18, 19, 30, 31.
T. 16 S., R. 14 E.,
Secs. 5, 8, 17, 21, 28, 33.
T. 17 S., R. 14 E.,
Secs. 5, 8, 9, 21, 28, 33.
T. 18 S., R. 14 E.,
Secs. 4, 9, 10, 15, 22, 27, 34.
T. 19 S., R. 14 E.,
Secs. 3, 10, 15, 22, 27, 34, 35.
T. 20 S., R. 14 E.,
Secs. 11, 14, 23, 24, 25.
T. 21 S., R. 15 E.,
Secs. 3, 4, 5, 10, 11, 12.
T. 21 S., R. 16 E.,
Sec. 7.
T. 21 S., R. 17 E.,
Secs. 17, 18, 20, 21, 28, 27, 28, 35.
T. 21 S., R. 18 E.,
Sec. 31.
T. 22 S., R. 18 E.,
Secs. 1, 3, 4, 5, 6.
T. 21 S., R. 19 E.,
Secs. 25, 26, 27, 31, 33, 34.
T. 22 S., R. 19 E.,
Sec. 6.
T. 21 S., R. 20 E.,
Secs. 4, 9, 19, 20, 30.

(2) Those portions of the following described lands lying outside the 100-foot-wide right-of-way for the Olmstead-Park city transmission line as shown on map Exhibit K, FERC No. 765–36.

T. 5 S., R. 3 E.,
Secs. 13, 24, 33, 34.
T. 3 S., R. 4 E.,
Sec. 15.

Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-7735 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Craig District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Craig District Grazing Advisory Board will be held on April 30, 1981. The meeting will convene at 10 a.m. in the conference room at the Bureau of Land Management Office, 455 Emerson Street, Craig, Colorado.

The agenda for the meeting will include: (1) the status of the district's wild horse program; (2) the status of the implementation of the White River Range program; (3) the status of the Kremmling Resource Management Plan; (4) discussion of the inventory process in the Little Snake Resource area; (5) a review of range improvement projects being constructed in fiscal year 1981; (6) the expenditures of advisory board funds for range improvements; and (7) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 10 and 11 a.m. on April 30, 1981, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626, by April 24, 1981. Depending on the number of persons wishing to make oral statements, a person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: March 5, 1981.

David J. Walter,

Acting District Manager.

[FR Doc. 81-7721 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

Iditarod Trail Advisory Council

AGENCY: Bureau of Land Management.

ACTION: Notice of Meeting.

SUMMARY: The 20-member Iditarod Trail Advisory Council will conduct their first meeting as required by the National Trails System Act. Topics for discussion include organization, administration, duties of the council and the draft Iditarod management plan. The final management plan must be completed and submitted to Congress by September 30, 1981.

DATE: The meeting is scheduled as follows: Friday, April 3, 1981, 8:00 a.m. to 4:00 p.m., Anchorage, Alaska. Requests to present oral testimony must be received before April 3, 1981.

ADDRESS: The meeting will be held at the following location: BLM, Anchorage District Office, 4700 East 72nd Avenue, Anchorage, AK 99507. Send requests for oral testimony to the above address.

FOR FURTHER INFORMATION CONTACT: Cary Brown, Iditarod Project Leader, (907) 344-9661.

SUPPLEMENTARY INFORMATION:

Tentative Agenda

Introduction—Curt McVee, Alaska State Director; Richard Tindall, Anchorage District Manager
History of Council—Joette Storm, Public Information Officer
Administrative Requirements—Don Mueller, Chief of Administration
Organization—Cary Brown, Iditarod Project Leader, duties and role
Chronology of Events to date—Cary Brown
Lunch
Public Testimony
Draft Management Plan Review—Cary Brown and Terry O'Sullivan, Project Planner
Future—Cary Brown
Closeout—Cary Brown

Richard W. Tindall,

Anchorage District Office.

April 3, 1981.

[FR Doc. 81-7722 Filed 3-10-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20230]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of April 15, 1922, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 83

T. 24 S., R. 45 E.,
Sec. 14, SE¼SW¼.
T. 24 S., R. 46E.,
Sec. 11, NW¼SW¼.

Containing 80.00 acres in Malheur County, Oregon.

The purpose of the withdrawal is to protect existing permanent water sources. The lands are currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal, except that the segregative effect is proposed to be expanded to include all mineral location under the mining laws.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 20, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 20, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 5, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-7723 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 20220]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of February 27, 1917, be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 48

T. 37 S., R. 11 E.,
Sec. 27, NE¼SW¼.

Containing 40.00 acres in Klamath County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from location and entry under the public land laws generally, including non-metalliferous mineral location under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 20, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 20, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 5, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-7724 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

Ukiah District Advisory Council Meeting

Notice is hereby given in accordance with the Federal Land Policy and Management Act of 1976 (P. L. 94-579, Sec. 603 as amended; 90 Stat. 2743-2794) that a meeting of the Ukiah District Advisory Council will be held beginning at 9 a.m. on Thrusday, April 9, 1981, in the Conference Room of the Bureau of Land Management, Ukiah District Office, 555 Leslie, Ukiah, California.

Purpose: Substantive briefing on SYU-13 Timber Management Environmental Statement by the BLM staff for the Council—9 a.m. to 12 noon.

At 1:30 p.m., the Council will view a videotape on the sagebrush rebellion, to be followed by discussion.

All Advisory Council meetings are open to the public.

Public Comment Period: 3:30 p.m. to 4:30 p.m. Oral statements will be limited to 10 minutes each. Written statements may be filed with the District Manager by April 8. Only new information, not heretofore presented, will be accepted by the Council.

For further information, contact Van Manning, District Manager, P.O. Box 940, Ukiah, CA 95482, (707) 462-3873.

Dated: March 4, 1981.

Van Manning,

District Manager.

[FR Doc. 81-7718 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20640 (Wash.)]

Washington: Public Land in Walla Walla County, Washington; Realty Action—Sale

The following described land has been identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, at no less than the fair market value shown:

Township 7 North, Range 31 East, Willamette Meridian, Walla Walla County, Washington Adjacent to the Wallula Townsite

Parcel No.	Legal description	Acreage	Value
1	Section 14: Lot 1	25.89	$31,368.00
2	Lot 2	5.08	6,206.00
3	Lot 5	8.67	8,152.00
4	Lot 6	28.02	34,244.00
Total		66.46	80,000.00

The sale will be held on May 18, 1981, in the County Commissioners Chambers at the Walla Walla County Court House, 315 West Main Street, Walla Walla, Washington. Registration of bidders will begin at 10:30 a.m. and the sale will start upon completion of registration.

These lots are small and irregularly shaped isolated parcels which are difficult and uneconomic to manage as part of the public lands. They are unsuitable for management by another federal agency. There are no significant resource values which will be affected by this disposal. The sale of these lots will serve the important public objectives of expansion and economic development of the adjacent community of Wallula. The Bureau of Land Management (BLM) plans to dispose of the tracts since they do not complement BLM programs. Legal access is available to these parcels by U.S. Highway 395 and county roads.

The sale is consistent with the BLM's planning for the lands involved and has been discussed with the Walla Walla County Commissioners, Walla Walla County Planning Commission, Wallula Townsite Association, Washington State Department of Natural Resources, Washington State Game Department, residents of Wallula, and the State clearinghouse.

The terms and conditions applicable to this sale are:

1. The land will be subject to a reservation to the United States for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral rights in the land to be patented will be reserved to the United States pursuant to the Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1713.

3. Patents will be issued subject to one or more of the following valid existing rights:

a. Pipeline right-of-way OR 15049(W) to Two Rivers Partnership.

b. Telephone line right-of-way SPO 19070 to Pacific Northwest Bell.

c. Transmission line right-of-way OR 12602(W) to Pacific Power and Light.

d. Road right-of-way OR 14662(W) to Washington State Department of Natural Resources.

e. Pipeline right-of-way OR 13203(W) to Wallula Water District No. 1.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions, is available for review at the BLM Spokane District Office, Room 551, U.S. Court House, W. 920 Riverside, Spokane, Washington.

No bid will be accepted for less than the appraised price and bids for a parcel must include all the lands in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State of the United States.

Bids must be made by the principal or his agent, by either: (1) Sealed bids mailed or delivered to the Spokane District Office, or (2) oral bids made at the sale. Bids delivered or sent by mail must be received at the Bureau of Land Management, Spokane District Office, Room 551, U.S. Court House, West 920 Riverside, Spokane, WA 99201, before 4:00 p.m., May 7, 1981, to be considered. These bids must be in sealed envelopes accompanied by a certified check, money order, or cashier's check, made payable to the Bureau of Land Management for the full amount of each bid. The envelopes must be marked in the lower left-hand corner as follows: "Bid Parcel No. ———, Sale to be held May 11, 1981."

The highest sealed bid on each parcel will determine the base of the oral bidding conducted the day of the sale. In the case of identical sealed bids of the same amount for the same parcel, the one with the earliest time stamped on it either by the U.S. Postal Service, or, if hand delivered, by the Bureau of Land Management Office, will be determined the high sealed bid. The highest bid price, either by sealed or oral bid, will establish the sale price. The highest bidder will be required to pay the full bid price immediately at the sale.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

For a period of 30 days from the date of this notice, interested parties may submit comments to the Secretary of the Interior (LLM–320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Roger W. Burwell,

District Manager.

[FR Doc. 81–7640 Filed 3–11–81; 8:45 am]

BILLING CODE 4310–84–M

Cedar City District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on April 15, 1981.

The meeting will begin at 9:30 a.m. at the Cedar City District Office, 1579 North Main, Cedar City, Utah 84720. The agenda will include a report on recommendations from the last meeting, discussions on geothermal development, MX, wild horses and the new Bureau planning system. There will also be updates on the Black Mountain ski proposal and the Allen-Warner Valley Energy System proposal.

A major portion of the day will involve a tour in the Milford area. Those wishing to make the tour must furnish their own transportation. There will be a lunch stop scheduled in Milford.

All Advisory Council meetings are open to the public. Interested persons may make oral statements or file written statements for the council's consideration. Oral statements will be accepted at 1:30 p.m. in the Hong Kong Cafe, Milford, Utah. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by April 14, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Morgan S. Jenson,

District Manager.

March 5, 1981.

[FR Doc. 81–7628 Filed 3–11–81; 8:45 am]

BILLING CODE 4310–84–M

Grand Junction District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Grand Junction District Grazing Advisory Board will be held on April 30 and May 1, 1981.

On April 30 the meeting will begin at 1:00 p.m. in the third floor conference room of the Bureau of Land Management Office at 764 Horizon Drive, Grand Junction, Colorado. On May 1 the meeting will convene at 9:00 a.m. at the Oddfellows Hall in DeBeque, Colorado. Attendees will then tour an allotment under an allotment management plan.

The agenda for the meeting will include (1) the minutes of the previous meeting, (2) election of officers, (3) review of the new project accounting system, (4) review of current status of advisory board projects and funds, (5) new project proposals, (6) problems and prospective solutions associated with the Sunnyside Allotment Management Plan and (8) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:00 and 3:30 p.m. on April 30 or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, by April 24, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Persons desiring to make the tour should furnish their own transportation, food, and drink.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Further information on the meeting may be obtained at the above address or by calling (303) 243–6552.

Lee Carle,

Acting District Manager.

[FR Doc. 81–7629 Filed 3–11–81; 8:45 am]

BILLING CODE 4310–84–M

Intergovernmental Planning Program; Gulf of Mexico and South Atlantic Regional Technical Working Groups; Meeting

As authorized by the Secretary of the Interior and pursuant to 43 CFR 1784, a meeting of the Outer Continental Shelf

Advisory Board's Gulf of Mexico and South Atlantic Regional Technical Working Groups will be held on April 28 and 29, 1981. Scheduling of the meeting is as follows:

April 28 and 29—FY–1983 Draft Regional Studies Plan 8:30 a.m.–4:30 p.m.

The meeting will be held in the Bureau of Land Management's New Orleans OCS Office, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. The meeting is open to the public and interested persons may make oral or written presentations on April 29 at 3:30 p.m.

A taped transcript and complete summary minutes of all sessions will be available for public inspection at the New Orleans OCS Office not later than 60 days after the meeting. Further information in regard to this meeting is available from Sydney Verinder in this office, telephone number (504) 589–6541, during normal business hours.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

March 4, 1981.

[FR Doc. 81–7630 Filed 3–11–81; 8:45 am]

BILLING CODE 4310–84–M

[I–17330]

Airport Lease Application; Idaho

March 3, 1981.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214) Chet Brackett, Rogerson, Idaho, has applied for an airport lease for the following land:

Boise Meridian, Idaho

T. 16 S., R. 11 E.
Sec. 6, E½SE¼;
Sec. 7, NE¼NE¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705.

Eugene E. Babin,

Acting Chief, Branch of L&M Operations.

[FR Doc. 81–7629 Filed 3–11–81; 8:45 am]

BILLING CODE 4310–84–M

Lakeview District Advisory Council; Meeting Correction

This correction is made to change the date of the meeting published in the **Federal Register**, Volume 46, Number 33, Page 13045, on Thursday, February 19, 1981. The date of the Lakeview District Advisory Council meeting has been changed from March 24, 1981 to May 12, 1981.

Richard A. Gerity,

District Manager.

March 3, 1981.

[FR Doc. 81–7631 Filed 3–11–81; 8:45 am]

BILLING CODE 4310–84–M

[UT–910–4310–84]

Utah; Decision on Protests to State Director's November 14, 1980, Decisions on Statewide Inventory; Republication

Note.—This document, FR Doc. 81–7013, originally appeared in the **Federal Register** for Thursday, March 5, 1981 (46 FR 15332). In the summary, certain material was inadvertently published in paragraphs one and two. Therefore, these paragraphs are corrected and the entire document is being republished for the convenience of the reader.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The State Director's final decisions on the statewide wilderness intensive inventory in Utah was published in the **Federal Register** on November 14, 1980. The decision was on individual inventory units. In that notice, it was stated that any person(s) who had disagreements with the individual unit decision(s) and had information which would influence the decision(s), could file a protest with the Bureau of Land Management, Utah State Director by 4:30 p.m., December 15, 1980.

During the protest period, the Utah State Director received 69 protests to decisions announced in the statewide notice. These protests affected 61 inventory units. Each protestant is receiving, by certified mail, a decision responding in detail to the points of his/her protest. This notice summarizes the results of the decisions. The following protests are denied and the decisions remain consistent with those published in the November 14, 1980, **Federal Register:**

Protestant	Unit No.	Unit name	Protestant wanted	State director's decision on protest
Organized group	UT–020–037	Newfoundland Mountains	Unit added as WSA	No change from 11–14–80 final decision.
Do	UT–020–129/UT–050–130A	Dugway Mountains	——do	Do.
Do	UT–040–075	Horse Spring Canyon	——do	Do.
Do	UT–040–075	——do	——do	Do.
Do	UT–040–076	Carcass Canyon	12,180 acres added to WSA	Do.
Local government	UT–040–076	——do	Unit dropped from WSA status	Do.
Organized group	UT–040–077	Mud Spring Canyon	Unit added as WSA	Do.
Do	UT–040–078	Death Ridge	——do	Do.
Local government	UT–040–078	——do	Agreed with S.D.'s decision	Do.
Organized group	UT–040–079	Burning Hills	Unit added as WSA	Do.
Local government	UT–040–079	——do	Agreed with S.D.'s decision	Do.
Do	UT–040–080	Fifty Mile Mountains	Unit dropped from WSA status	Do.
Organized group	UT–040–080	——do	WSA boundary adjusted	Do.
Local government	UT–040–082	Scorpion	Unit dropped from WSA status	Do.
Organized group	UT–040–104	Mountain Home Range	Unit added as WSA	Do.
Do	UT–040–204B	Central Wah Wah Range	——do	Do.
Local government	UT–040–217	Moquith Mountain	Unit dropped from WSA status	Do.
Organized group	UT–040–230	Parunuweap Canyon	Cherrystemmed "road" added to WSA	Do.
Local government	UT–040–230	——do	Unit dropped from WSA status	Do.

Protestant	Unit No.	Unit name	Protestant wanted	State director's decision on protest
Do	UT-040-247	Paria-Hackberry	..... do	Do.
Organized group	UT-040-247	..... do	Acreage added to WSA	Do.
Do	UT-040-248	Wahweap	Unit added as WSA	Do.
Do	UT-040-255	Upper Kanab Creek	..... do	Do.
Do	UT-040-266	East of Bryce	..... do	Do.
Company	UT-060-001	Swasey Mountain	Acreage deleted from WSA	Do.
Organized group	UT-060-221B	Fremont Gorge	Parts of subunit B added as WSA	Do.
Do	UT-060-227	Horseshoe Canyon	Portions of unit added as WSA	Do.
Do	UT-060-228	Blue Hills-Mount Ellen	Acreage added to WSA	Do.
Do	UT-060-241	Fiddler Butte	..... do	Do.
Do	UT-060-248	Mount Pennell	..... do	Do.
Individual	UT-060-248A	..... do	..... do	Do.
Do	UT-060-248B	..... do	..... do	Do.
Organized group	UT-060-257	Notom Bench	Unit added as WSA	Do.
Individual	UT-060-023	Sid's Mountain	Acreage added to WSA	Do.
Do	UT-060-054	Mexican Mountain	WSA boundary adjusted	Do.
Organized group	UT-060-066B	Floy Canyon	Unit added as WSA	Do.
Do	UT-060-122/ [1] CO-070-132A	Granite Creek	..... do	Do.
Do	..... do	..... do	..... do	Do.
Do	UT-060-136	Negro Bill Canyon	..... do	Do.
Do	UT-060-165	Skyhooter Peak	..... do	Do.
Do	UT-060-171	Sweet Alice Canyon	..... do	Do.
Do	UT-060-181	Mancos Mesa	..... do	Do.
Do	UT-060-188	Pine Canyon	Unit combined with Grand Gulch ISA	Do.
Do	UT-060-191	Cheese Box Canyon	Acreage added to WSA	Do.
Individual	UT-060-194	Harmony Flat	Unit added as WSA	Do.
Organized group	UT-060-194	..... do	..... do	Do.
Do	UT-060-196	Bullet Canyon	Unit combined with Grand Gulch ISA	Do.
Do	UT-060-197/198	Slickhorn Canyon	..... do	Do.
Do	UT-060-204	Fish Creek Canyon	Acreage added to WSA	Do.
Do	UT-060-205A	Arch Canyon	Unit added as WSA	Do.
Do	UT-060-205A	..... do	Unit added as WSA and combined with UT-060-205B.	Do.
Individual	UT-060-205A	..... do	Unit added as WSA	Do.
Organized group	UT-060-224	Sheiks Flat	Unit combined with Grand Gulch ISA	Do.
Do	Grand Gulch ISA	Grand Gulch ISA	ISA combined with five other units	Do.
Do	UT-060-104	Wild Mountain	Unit added as WSA	Do.
Do	UT-060-110	Hoy Mountain	..... do	Do.
Do	UT-060-114	Pot Creek	..... do	Do.
Do	UT-060-730	Winter Ridge	..... do	Do.

[1] Interstate unit with Colorado—reviewed by Utah.

The following interstate units received a protest; the decision will be announced by the State listed below:

Unit No.	Unit name	Decision on protest
UT-040-143/AZ-1-41	Canaan Mountains	Arizona—No change in Utah portion.
UT-040-216/NV-040-202	White Rock Range	Nevada—No change in Utah portion.
UT-060-116/117/CO-070-113A	Wrigley Mesa/Jones Canyon	Colorado—No change in Utah portion.
UT-060-227/CO-030-265A	Squaw & Papoose Canyons	Do.
UT-060-228/CO-030-265	Cross Canyon	Do.
UT-060-113/CO-010-214	Diamond Breaks	Do.
UT-060-416/CO-010-001	Bull Canyon	Do.

The following protests are accepted in whole or in part:

Protestant	Unit No.	Unit name	Protestant wanted	State Director's decision on protest
Organized group	UT-040-132	Red Mountain	Acreage added to WSA	250 acres added to WSA.
Company	UT-060-023	Sid's Mountain	Unit dropped from WSA status	2 roads cherrystemmed.
Organized group	UT-060-066A	Desolation Canyon	100,000 acres added to WSA	40,845 acres added to WSA.
Do	UT-060-100B	Diamond Mountain	Acreage added to WSA	200 acres added to WSA.
Do	UT-060-100C	Cottonwood Canyon	..... do	1,770 acres added to WSA.
Individual	UT-060-139A	Mill Creek	Unit dropped from WSA status	Unit dropped as WSA (18,320 acres).
Do	UT-060-175	Middle point	..... do	Unit dropped as WSA (5,999 acres).
Organized group	UT-060-201	Road Canyon	..... do	30,280 acres added to WSA.
Do	UT-060-201	..... do	..... do	Do.
Do	UT-060-205B	Mule Canyon	..... do	280 acres added to WSA.
Do	UT-060-103/ [1] CO-010-226	West Cold Springs	..... do	3,095 acres added to WSA.

[1] Protest received Utah portion of Interstate Unit—reviewed by Utah.

Any person(s) who has information which he/she believes will show that the November 14, 1980, decision which is changed as a result of the protest decision is incorrect, may appeal to the Interior Board of Land Appeals. Also, each protestant is allowed the right of appeal to the Interior Board of Land Appeals within 30 days from the date of service on his/her individual decision(s). In the event no appeal is filed, the decision will become final as of 4:30 p.m., April 6, 1981.

The right of appeal to the Interior Board of Land Appeals, Office of the Secretary, on these units is allowed in accordance with the regulations in 43 CFR Part 4, Subpart E. Any notice of appeal must be filed with the Utah State Director (930), Bureau

of Land Management, 136 East South Temple, Salt Lake City, Utah 84111 (not with the board) so that the case file(s) can be transmitted with the appeal to the Interior Board of Land Appeals. To avoid summary dismissal of the appeal, these must be in strict compliance with the regulations found in 43 CFR 4.411. The rules of practice require that a copy of the notice of appeal, any statement of reason, written arguments, or briefs must be served on the Regional Solicitor, Intermountain Region, U.S. Department of the Interior, Suite 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, and provide proof of service in accordance with 43 CFR 4.401(c) within 15 days of filing any document in connection with an appeal.

No protests were received concerning 120 other units listed in the November 14, 1980, decision. The decision on these units became final at 4:30 p.m., December 15, 1980. Those units or portions of units, dropped from the wilderness review process on which no protest was received, were released from the management restrictions imposed by Section 603(c) of the Federal Land Policy and Management Act (FLPMA) as of 4:30 p.m., December 15, 1980.

Dated: February 26, 1981.

Dean Stepanek,

Acting Utah State Director.

[FR Doc. 81-7913 Filed 3-4-81; 8:45 am]

BILLING CODE 1505-01-M

National Park Service

Carl Sandburg Home National Historic Site, N.C.; Designation of Boundary

Section 105(a)(1) of the Act of March 5, 1980, (94 Stat. 67) authorized a revision of the boundaries of the Carl Sandburg Home National Historic Site.

Notice is given that the boundary of the Carl Sandburg Home National Historic Site has been revised pursuant to the act, to include the lands depicted on boundary map numbered 5160/80,000 dated January 1981, prepared by the Land Acquisition Division of the Southeast Region of the National Park Service.[1]

This map is on file and available for inspection in the administrative office of the Carl Sandburg Home National Historic Site, P.O. Box 395, Flat Rock, North Carolina 28731, and in the offices of the National Park Service, Department of the Interior, Washington, D.C. 20240.

Dated: February 20, 1981.

Joe Brown,

Regional Director, Southeast Region, National Park Service.

[FR Doc. 81-7742 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-70-M

Chickamauga and Chattanooga National Military Park, Ga. and Tenn.; Designation of Boundary

Section 105(a)(2) of the Act of March 5, 1980, (94 Stat 67) authorized a revision of the boundaries of the Chickamauga and Chattanooga National Military Park.

Notice is given that the boundary of the Chickamauga and Chattanooga National Military Park has been revised pursuant to the act, to include the lands depicted on boundary map numbered 301/80,000, dated January 1981, prepared by the Land Acquisition Division of the Southeast Region of the National Park Service.[1]

This map is on file and available for inspection in the administrative office of the Chickamauga and Chattanooga National Military Park, P.O. Box 2128, Fort Oglethorpe, Georgia 30742, and in the offices of the National Park Service, Department of the Interior, Washington, D.C. 20240.

Dated: February 20, 1981.

Joe Brown,

Regional Director, Southeast Region, National Park Service.

[FR Doc. 81-7743 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Upper Delaware National Scenic and Recreation River; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: March 27, 1981, 7:00 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764 (914/252-3947).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include (1) implementation of section 704 of Pub. L. 95-625, and (2) new business.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the temporary headquarters of the Upper Delaware National Scenic and Recreational River at the above address.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 81-7744 Filed 3-11-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Draft Consolidated Application Form for Transportation and Utility Systems in Alaska

AGENCY: Department of the Interior.

ACTION: Notice of draft Federal consolidated application form for transportation and utility systems in Alaska and request for comments.

SUMMARY: This notice publishes a draft consolidated application form for use in applying for federal approval of transportation or utility systems in the State of Alaska if any portion of the proposed system is within a Federal conservation system unit, national recreation area or national conservation area. Comments on the proposed application form are requested from the public.

DATE: Comments are due by April 13, 1981.

[1] Map filed with the original document, Office of the Federal Register.

ADDRESSES:
Bureau of Land Management, Division of Rights-of-Way and Project Review, Room 506, 1129 20th Street, Washington, D.C. 20036.
Bureau of Land Management, P.O. Box 13, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT:
John Hafterson or Bob Mollohan, Room 506, 1129 20th Street, Washington, D.C. 20036 (202) 343–5537.

SUPPLEMENTARY INFORMATION: Title XI of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, 94 Stat. 2371, ("the Act") directs the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Transportation, in consultation with the heads of other appropriate Federal agencies, jointly to prescribe and publish, within 180 days of enactment, a consolidated application form to be used for applying for the approval of all proposed transportation or utility systems in Alaska if any portion of the system is proposed to be within any Federal conservation system unit, national recreation area or national conservation area. The form is to be used by all federal agencies which have jurisdiction to grant any authorization, including any right-of-way, permit, license, lease, or certificate, without which a transportation or utility system cannot, in whole or in part, be established. A "conservation system unit" is any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument.

The consolidated application is required to be used for the following types of systems:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.
6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

All of the systems listed above include related structures and facilities, temporary and permanent, along the routes of such system.

Once a consolidated application form is adopted, no action by any Federal agency under applicable law with respect to the approval or disapproval of the authorization of any of the listed transportation or utility systems shall have any force or effect unless this consolidated application form procedure established in Title XI of the Act is used.

The applicant will be required to file the consolidated application form with each Federal agency having jurisdiction to grant the authorizations needed for the proposed system. Title XI of the Act provides a special procedure, including time limitations, for the review and approval or disapproval of these systems. The use of the application initiates these time limitations. Other applicable law, however, including existing agency regulations, applies with respect to the authorization and administration of the transportation and utility systems in the same way it applies to non-Title XI applications.

Both regulatory and land managing Federal agencies are included in the consolidated application procedure. After consultation with the following agencies, the Departments of Interior, Transportation and Agriculture developed the proposed consolidated application form: the Departments of Defense, Energy, Commerce and State, the Interstate Commerce Commission, the National Aeronautics and Space Administration, the Federal Communications Commission and the Environmental Protection Agency.

An attempt has been made to solicit only basic information which is required under current applicable law in determining whether to authorize a proposed system. The scope of response to the questions will vary for each applicant, depending on the simplicity or complexity of the project. In many instances, if the proposed form is completed properly, little or no further information will be required in order for the agency to approve or disapprove the system. However, because of the highly specialized nature of most regularly agency responsibility, in many instances, these agencies will require additional information from the applicant. The final application form will include, through the use of attachments, further regulatory agency requirements which are identified as being particularly applicable to systems in Alaska. Applicants will also be urged to contact all relevant agencies prior to an application submission to learn of any additional or unique submission requirements which have not been incorporated into the consolidated form. The ultimate goal is to develop a form which will meet the needs of most applicants but which can be supplemented when necessary.

By publication of this notice, the Departments of Interior, Transportation and Agriculture are seeking public involvement in the development of this consolidated application form. Accordingly, interested persons may submit written comments or suggestions to the address noted above. After reviewing the comments received, a final form will be developed and published in the Federal Register. The form will also be submitted to the General Services Administration for approval. The final form will include an explanation of each Federal agency's jurisdiction in Alaska, along with each agency's filing address and contact person for pre-application meetings.

Dated: March 6, 1981.

Donald P. Hodel,

Under Secretary, Department of the Interior.

BILLING CODE 4310-10-M

DRAFT

UNIFORM FEDERAL TRANSPORTATION AND UTILITY SYSTEM APPLICATION

FOR AGENCY USE ONLY
Application Number
Date filed
TELEPHONE *(include area code)*
Applicant
Authorized agent

1. Name and address of applicant *(include zip code)*

2. Name, title, and address of authorized agent if different from Item 1 *(include zip code)*

3. As applicant are you? ☐ Individual ☐ Corporation ☐ Partnership ☐ State Government ☐ Local Government ☐ Federal Agency

4. If an individual are you a citizen of the United States? ☐ Yes ☐ No

5. Specify what application is for: ☐ New authorization ☐ Renew existing authorization No._____; ☐ Amend existing authorization No._____; ☐ Assign existing authorization No._____; ☐ Existing use for which no authorization received; ☐ Other *(describe)*

6. Project description *(describe in detail)*: (a) Type of transportation system *(i.e. canal, pipeline, road)*; (b) related structures and facilities; (c) physical specifications *(length, width, grading, etc.)*; (d) term of years needed; (e) time of year of use or operation; (f) volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction. *(If additional space needed, attach extra page.)*

7. Attach map covering project area and show exact location on map.

8. State or local government approval: ☐ Attached ☐ Not required

9. Nonreturnable application fee: ☐ Attached ☐ Not required

10. Does project cross Canadian Boundary or affect international waterways? ☐ Yes ☐ No

11. Give statement of your technical and financial capability to construct, operate, and maintain the project for which authorization is being requested.

12. Describe in detail alternative routes and modes considered and explain why these routes or modes were chosen and why it is necessary to cross a conservation system unit.

13. List previous applications for similar projects in Alaska which may provide additional information to authorizing agency.

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14. Provide statement of need for project, including the economic feasibility. Statement should include items such as: (a) cost of proposed transportation/utility system *(construction, operation, and maintenance)*; (b) estimated cost of next best alternative system; and (c) expected net revenue or benefit of project to be served by the system.

15. Describe effects, if you are aware of any, on the population in area, including possible social and economic effects and statement of effect on traditional subsistence lifestyles.

16. Describe potential environmental effects, if you are aware of any, that the proposed project will have on; (a) air quality; (b) visual impact on the conservation unit; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) altering existing noise levels, particularly in areas near cities, villages, and homesites; and (f) altering the surface of the land, including vegetation, permafrost, soil, and effects on soil stability.

17. Describe the effects, if you are aware of any, that the proposed project will have on; (a) known populations of fish, plant, wildlife, and marine life, particularly with respect to rare and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing of these animals.

Signature and title of authorized agency	Date

I HEREBY CERTIFY, That I am of legal age and that the information contained in the application is correct to the best of my knowledge, and that I agree to be bound by the regulations of any department or agency with which this application is filed.

Signature of Applicant	Date

Title 18, U.S.C. section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

DRAFT

SUPPLEMENTAL

Note: If file block is checked, give application number _____.

I – PRIVATE CORPORATIONS *(Check appropriate block(s))*	ATTACHED	FILED
a. Articles of Incorporation	☐	☐
b. Corporation bylaws	☐	☐
c. Certificate from the Secretary of State that corporation is in good standing and is entitled to operate in Alaska if not incorporated in Alaska. Certificate is also required if incorporated under Alaska statutes.	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	☐ does not apply	☐
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	☐	☐
II – PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. Information required by Items "1f" and "1g" above are required for public corporations.	☐ does not apply	☐
III – PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of Association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is	☐	☐
c. Name and address of each participant, partner, association, or other	☐	☐
d. Information required by Items "1f" and "1g" above are required.	☐ does not apply	☐

Comments/Remarks *(attach additional sheets, if necessary and specify items involved)*

[FR Doc. 81-7879 Filed 3-9-81; 2:00 pm]
BILLING CODE 4310-10-C

INTERSTATE COMMERCE COMMISSION

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4-81

Decided March 5, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 59858 (Sub-67), filed February 5, 1981. Applicant: MOTOR FREIGHT EXPRESS, P.O. Box 1029, York, PA 17405. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107 (215) 735-3090. Over regular routes transporting *general commodities* (except classes A and B explosives), (1) between Savannah, GA, and Montgomery, AL, over U.S. Hwy 80, (2) between Montgomery, AL, and Louisville, KY; from Montgomery over U.S. Hwy 31 to Nashville, TN, then over U.S. Hwy 31E and 31W to Louisville, (3) between Macon, GA, and Henderson, KY, over U.S. Hwy 41; (4) between Charleston, SC, and Memphis, TN, over U.S. Hwy 78; (5) between Petersburg, VA and Swainsboro, GA, over U.S. Hwy 1; (6) between Memphis, TN, and St. Louis, MO, over U.S. Hwy 61; (7) between Hagerstown, MD, and Tuscaloosa, AL, (a) from Hagerstown, over U.S. Hwy 11 to Bristol, VA, then over U.S. Hwy 11W to Knoxville, TN, then over U.S. Hwy 11 to Tuscaloosa, (b) from Hagerstown, over U.S. Hwy 11 to Bristol, VA, then over U.S. Hwy 11E to Knoxville, TN, then over U.S Hwy 11 to Tuscaloosa; (8) between Beaufort, SC, and Cambridge, OH, over U.S. Hwy 21; (9) between Augusta, GA, and Cincinnati, OH, from Augusta over U.S. Hwy 25 to Newport, TN, then over U.S. Hwy 25E and 25W to junction of U.S. Hwy 25E and U.S. Hwy 25 (near Corbin, KY), then over U.S. Hwy 25 to Cincinnati; (1) between Columbia, SC, and Savannah, GA, from Columbia over U.S. Hwy 321 to junction U.S. Hwy 321 and U.S. Hwy 17 (near Hardeeville, SC), then over U.S. Hwy 17 to Savannah; (11) between Savannah, GA and Fredericksburg, VA, over U.S. Hwy 17; (12) between Tupelo, MS, and Effingham, IL, from Tupelo over U.S. Hwy 45 to junction of U.S. Hwy 45, 45W and 45E (near Fairview, TN), then over U.S. Hwy 45W to Fulton, KY, then over U.S. Hwy 45 to Effingham; (13) between Tuskegee, AL, and Washington, DC, over U.S. Hwy 29; (14) between New Bern, NC, and Memphis, TN, over U.S. Hwy 70; (15) between Wilmington, NC, and Asheville, NC, over U.S. Hwy 74; (16) between Chattanooga and Memphis, TN, over U.S. Hwy 72; (17) between Williamston, NC, and Memphis, TN, over U.S. Hwy 64; (18) between the junction of Interstate Hwy 20 and Interstate Hwy 95 (near Florence, SC), then over Interstate Hwy 20 to Tuscaloosa; (19) between Greensboro, NC, and Memphis, TN, over Interstate Hwy 40; (20) between Cincinnati, OH, and Macon, GA, over Interstate Hwy 75; (21) between Richmond, VA, and the junction of Interstate Hwy 95 and U.S. Hwy 80 (near Savannah, GA), over Interstate Hwy 95; (22) between the junction of Interstate Hwy 85 and 95 (near Petersburg, VA), and Montgomery, AL, over Interstate Hwy 85; (23) between Charleston, SC, and Asheville, NC, over Interstate Hwy 26; and (24) between Louisville, KY, and Washington, PA, from Louisville over Interstate Hwy 64 to Charleston, WV, then over Interstate Hwy 79 to Washington, serving all intermediate points in routes (1) through (24) and serving, off-route points in Autauga, Calhoun, Colbert, Elmore, Etowah, Jefferson, Lauderdale, Limestone, Madison, Marshall, Montgomery, Russell, St. Clair, Shelby, Tuscaloosa, and Walker Counties, AL, points in Crittenden County, AR, Bibb, Cryan, Butts, Catoosa, Chatham, Chattahoochee, Cherokee, Clayton, Cobb, Columbia, Columbus, Dade, DeKalb, Douglas, Effingham, Fayette, Forsyth, Fulton, Givinnet, Henry, Houston, Jones, Muscogee, Newton, Paulding, Richmond, Rockdale, Twiggs, Walker, and Walton Counties, GA, points in DeSoto County, MS, points in Franklin, Jefferson, St. Charles, and St. Louis Counties, MO, and points in NC, SC, and TN.

MC 138197 (Sub-4), filed February 6, 1981. Applicant: L. SURRATT TRUCKING, INC., 7900 Old Rockside Rd., Cleveland, OH 44131. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Alpha Concrete Corp., of S. Euclid, OH, and The Cleveland Builders Supply Company, of Cleveland, OH.

MC 147007 (Sub-6) (M1), (notice of filing of petition to add an additional contracting shipper), filed February 6, 1981. Petitioner: EVERFRESH TRANSPORTATION COMPANY, a corporation, 6431 East Palmer, Detroit, MI 48211. Representative: John S. Barbour, 2711 East Jefferson, Suite 202, Detroit, MI 48207. Petitioner holds motor *contract carrier* authority in MC–147007 Sub 6, issued January 28, 1981, authorizing transportation over irregular routes, of *frozen citrus juice concentrates*, in containers, between points in the U.S., under continuing contract(s) with Libby, McNeill & Libby, of Chicago, IL. By the instant petition, petitioner seeks to add as an additional contracting shipper Lykes Pasco Packing, Inc., of Dade City, FL.

MC 150327 (Sub-1) (M1), (notice of filing of petition to add an additional contracting shipper), filed February 6, 1981. Petitioner: AMANON INCORPORATED, 36294 Rickham Court, Westland, MI 48185. Representative: John S. Barbour, 2711 East Jefferson, Suite 202, Detroit, MI 48207. Petitioner holds motor *contract carrier* authority in MC–150327 Sub 1, issued January 28, 1981, authorizing transportation over irregular routes, of (1) *industrial paint finishing equipment*, and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the installation of the commodities in (1) above, between Plymouth, MI, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Otto Durr, Inc., of Plymouth, MI. By the instant petition, petitioner seeks to add as an additional contracting shipper Walcon Corporation, of Ecourse, MI.

MC 154337, filed February 6, 1981. Applicant: LAUREL TRUCKING CO., INC., P.O. Box 100, East Bernstadt, KY 40729. Representative: William H. Borghesani, Jr., 1150 17th St., NW, Suite 1000, Washington, DC 20036. Transporting *food and related products*, between points in Knox County, TN, Hamilton County, OH, and Jefferson County, KY, on the one hand, and, on the other, points in Laurel County, KY.

Volume No. OPY–4–020

Decided: March 6, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

FF 527 (Sub 1), filed February 10, 1981. Applicant: SOUTHERN FREIGHT, INC., P.O. Box 6862, Atlanta, GA 30315. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. As a *freight forwarder*, in connection with the transportation of *general commodities* (except classes A and B explosives), (1) between points in WI and IL, on the one hand, and, on the other, points in GA, FL, and SC, and (2) between points in TN, KY, AL, GA, NC, SC, VA, and WV, on the one hand, and, on the other, points in FL.

MC 15097 (Sub 1), filed February 9, 1981. Applicant: WILLIAM B. MEYER RIGGING, INC., P.O. Box 4206, Bridgeport, CT 06607. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440 (216) 652–5161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with William B. Meyer, Inc., of Stratford, CT.

MC 26377 (Sub 31), filed February 19, 1981. Applicant: LEONARDO TRUCK LINES, INC., 511 So. First St., Selah, WA 98942. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products*, between points in OR and WA, on the one hand, and, on the other, points in OR, WA CA, AZ, UT, NV, MT and ID.

MC 35227 (Sub 20), filed February 10, 1981. Applicant: EDSON EXPRESS, INC., 1270 Boston Ave., Longmont, CO 80501. Representative: Dale E. Isley, Steele St., Denver, CO 80209 (303) 320–6100. *Over regular routes*, transporting (1) *general commodities* (except classes A and B explosives), (a) between Gillette, WY and Rapid City, SD: from Gillette over Interstate Hwy 90 and U.S. Hwy 14 to Rapid City, and (b) from Gillette over U.S. Hwy 16 to Rapid City, serving all intermediate points in (a) and (b) and serving points in Meade, Pennington, Fall River, Lawrence, Butte, and Custer Counties, SD, as off-route points in connection with (a) and (b); and (2) *over irregular routes*, transporting the commodities named in (1) above, betwen points in CO, WY, and MT.

MC 42487 (Sub 1032), filed February 10, 1981. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208 (503) 226–4692. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) serving DeFuniak Springs, FL and intermediate points between DeFuniak Springs, FL and Marianna, FL, as intermediate points in connection with carrier's other wise authorized operations between Jacksonville, FL and Mobile, AL over U.S. Hwy 90; (2) between Cottondale, FL and Panama City, FL, over U.S. Hwy 231, serving all intermediate points; (3) between Panama City, FL and DeFuniak Springs, FL, from Panama City over U.S. Hwy 98 to junction U.S. Hwy 331, then over U.S. Hwy 331 to DeFuniak Springs, serving all intermediate points; (4) between Freeport, FL and Blountstown, FL, over FL Hwy 20, serving all intermediate points, and off-route points in connection with routes (1) through (4) serving points in Bay, Calhoun, Holmes, Jackson, Walton and Washington Counties, FL.

MC 53237 (Sub-1), filed February 17, 1981. Applicant: ST. LOUIS TRANSPORTATION CO., 3548 Valleywood Dr., St. Louis, MO 63114. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5466. Transporting *building materials, metal products*, and *pipe*, between points in AL, GA, IL, IN, FL, KS, LA, MO, OH, OK, and TX, on the one hand, and, on the other, points in the U.S.

MC 106707 (Sub-25), filed February 12, 1981. Applicant: ADAMS TRUCKING, INC., 1711 W. Second St., Webster City, IA 50595. Representative: Ronald D. Adams (same address as applicant) (515) 832–2613. Transporting *metal products*, between points in Clinton County, IA, on the one hand, and, on the other, points in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY.

MC 107107 (Sub-493), filed February 9, 1981. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42d Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant), (305) 688 3571. Transporting *such commodities* as are dealt in by grocery and food business houses and drug and department stores, between points in TX, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, MA, MD, ME, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VA, VT, WV, and DC.

MC 134477 (Sub-428), filed February 18, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164, (612) 457–9712. Transporting *chemicals and related products*, between the facilities of Minnetonka, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 134477 (Sub-430), filed February 17, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164, (612) 457–9712. Transporting *rubber and plastic products*, between the facilities

of Mobil Chemical Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 134477 (Sub-434), filed February 24, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43466, St. Paul, MN 55164, (612) 457-9712. Transporting *furniture and fixtures,* and *lumber and wood products,* between the facilities of Triangle Pacific Corp., on the one hand, and, on the other, points in the U.S.

MC 136827 (Sub-115), filed February 12, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting (1) *metal products,* (2) *machinery,* and (3) *building materials,* between points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, TX, WI, and WY, on the one hand, and, on the other, points in the U.S.

MC 144557 (Sub-21), filed February 24, 1981. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *food and related products,* between points in Dallas County, AL, on the one hand, and, on the other, points in the U.S.

MC 144867 (Sub-6), filed February 23, 1981. Applicant: R & J TRANSPORT, INC., 929 N. 24th St., Manitowoc, WI 54220. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703 (608) 256-7444. Transporting *those commodities* which because of their size or weight requires the use of special handling or special equipment, between points in Dickinson and Marquette Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 145997 (Sub-34), filed February 17, 1981. Applicant: J.E.M. EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701 (501) 521-8121. Transporting *food and related products,* between points in Jefferson County, LA, on the one hand, and, on the other, points in the U.S.

MC 146127 (Sub-31), filed February 9, 1981. Applicant: LINEHAUL EXPRESS CORP., P.O. Box 5078, Manchester, NH 03108. Representative: Neal Michaud (same address as applicant), (603) 669-9150. Transporting *rubber and plastic products,* between points in MA, NH, and NY, on the one hand, and, on the other, points in the U.S.

MC 150067, filed February 18, 1981. Applicant: LARRY LA PRADE TRUCKING, INC., P.O. Box 388, Grand Saline, TX 75140. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767 (512) 472-1101. Transporting (1) *ores and minerals,* and (2) *clay, concrete, glass or stone products,* between those points in OK on and south of Interstate Hwy 40 and on and east of Interstate Hwy 35, on the one hand, and, on the other, those points in TX on, east and north of a line beginning at the TX-OK state line and extending along U.S. Hwy 81 to its junction with U.S. Hwy 190, at or near Temple, TX, then along U.S. Hwy 190 to the TX-LA state line.

MC 150247 (Sub-4), filed February 9, 1981. Applicant: VANEERDEN TRUCKING COMPANY, INC., 1150 Freeman Ave., SW., Grand Rapids, MI 49503. Representative: J. Michael Smith, 465 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459-8311. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Indian Summer, Incorporated, of Belding, MI.

MC 150427 (Sub-2), filed February 9, 1981. Applicant: ARIETA M. LIVINGSTON, d.b.a. GOLDEN EMPIRE GRAIN CO., 6425 Brushwood Lane, Las Vegas, NV 89107. Representative: Arieta M. Livingston (same address as applicant), (702) 870-2690. Transporting *chemical and related products,* between Sweetgrass, MT, and South San Francisco, CA, under continuing contract(s) with Calgon Corporation, Subsidiary of Merck and Co., Inc., of South San Francisco, CA.

MC 152157, filed February 24, 1981. Applicant: CLARENCE R. MINKS, Route #2—Box 58D, Brosley, MO 63932. Representative: John A. Clark, 306 Vine St.—P.O. Box 310, Poplar Bluff, MO 63901 (314) 785-4606. Transporting *farm products,* between points in the U.S., under continuing contract(s) with Cargill, Inc., of Sikeston, MO.

MC 152317 (Sub-1), filed February 12, 1981. Applicant: SHOCKLEY & WILES, INC., Route 1, Box 177, Big Stone Gap, VA 24219. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526 (304) 562-3460. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hamer Lumber Company, a Division of The Celotex Corporation, of Kenova, WV.

MC 153837 (Sub-1), filed February 10, 1981. Applicant: ROTA-CARRUS CORPORATION, 900 Kindelberger Rd., Kansas City, KS 66115. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068, (816) 781-6000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bennett-Rogers Pipe Coating, Inc., of Kansas City, KS, The Gas Service Company, of Kansas City, MO, Lefebure Corporation, of Cedar Rapids, IA, and J. L. Cox & Son, Inc., of Odessa, MO.

MC 153977 (Sub-1), filed February 12, 1981. Applicant: ROBERT J. BURNS, d.b.a. DAILY DELIVERY, 1860 Fall River Ave., Seekonk, MA 02771. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960 (617) 535-5430. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Xerox Corporation of Greenwich, CT.

MC 153987 (Sub-1), filed February 10, 1981. Applicant: MARION SELMAN, d.b.a. SELMAN TRUCKING, P.O. Box 42, Lafayette, CO 80026. Representative: Marion Selman (same address as applicant) (301) 666-8735. Transporting *transportation equipment,* between points in the U.S., under continuing contract(s) with Elder/Quinn & McGill, Inc., of Denver, CO, Kit Manufacturing Company, of McPherson, KS, and Fleetwood Travel Trailers of Nebraska, Inc., of Omaha, NE.

MC 154147, filed February 9, 1981. Applicant: ARTHUR GORGIE, d.b.a. ARTHUR GORGIE TRUCKING, RD No. 1, Gibson Rd., P.O. Box 176, Canfield, OH 44406. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Sherwin-Williams Company of Hubbard, OH.

MC 154267, filed February 10, 1981. Applicant: TONY TAORMINA, INC., 1406 Boyer Blvd., Norristown, PA 19401. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting (1) *commodities in bulk,* (2) *metal products,* and (3) *ores and minerals,* between points in Berks, Bucks, and Montgomery Counties, PA, and Cumberland County, NJ, on the one hand, and, on the other, points in CT, DE, MA, MD, NH, NJ, NY, OH, and PA.

MC 154317, filed February 9, 1981. Applicant: G&J CARTAGE COMPANY, a corporation, 20532 Penn. Rd., Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting *clay, concrete, glass or stone products,* between points in MI, OH, IN, IL, and PA.

MC 154327, filed February 18, 1981. Applicant: P. J. GREEN ADVERTISING

SERVICE, INC., 449 Wurz Ave., Utica, NY 13503. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326 (404) 237-6472. Transporting *such commodities* as are dealt in or used by a manufacturer of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of New York, NY.

MC 154417 (Sub-1), filed February 27, 1981. Applicant: KNUDSON ENTERPRISES, INC., 2033 Kennicott Rd., Baltimore, MD 21207. Representative: Robert W. Baker, Jr., 100 So. Charles St., Baltimore, MD 21201 (301) 332-6846. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Comman Lift Corporation, of W. Palm Beach, FL.

Volume No. OP1-062

Decided March 4, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 200 (Sub-569), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *hides*, between points in the U.S.

MC 200 (Sub-571), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *chemicals and related products*, between points in Mercer County, NJ, on the one hand, and, on the other, points in CA.

MC 200 (Sub-572), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Tuscaloosa County, AL; Hancock County, IN; Wyandotte County, KS; Salem County, NJ; Washoe County, NV; Franklin, Lorain, and Summit Counties, OH; Ottawa County, OK; Montgomery County, PA; and Orange County, TX, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-587), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, ME, MI, MN, MS, MO, NJ, NY, OH, TX, OR, PA, SC, TN, WA, and WI, on the one hand, and, on the other, points in the U.S.

MC 381 (Sub-21), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *empty containers*, between points in VA, on the one hand, and, on the other, points in Gloucester County, NJ.

MC 381 (Sub-26), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except classes A and B explosives), between points in Gloucester, Camden and Atlantic Counties, NJ, on the one hand, and, on the other, points in the U.S.

MC 3581 (Sub-29), filed February 9, 1981. Applicant: THE MOTOR CONVOY, INC., Suite 107, 2175 Parklake Drive, N.E., Atlanta, GA 30345. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Transporting *transportation equipment*, between points in DE, KY, MD, NC, VA and WV.

MC 35320 (Sub-638), filed February 19, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving points in Sedgwick County, KS, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 52580 (Sub-8), filed February 23, 1981. Applicant: COLUMBIAN STORAGE & TRANSFER CO., 900 Hall St., S.W., Grand Rapids, MI 49502. Representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, NY 14701. Transporting *general commodities* (except classes A and B explosives), between Detroit, MI, on the one hand, and, on the other, points in MI, those in Williams, Fulton, Lucas, Wood, and Ottawa Counties, OH, those in Steuben, DeKalb, Allen, Lagrange, Noble, Elkhart, St. Joseph, LaPorte, Porter, Lake, Kosciusko, Marshall, Whitley, Wells, Adams and Huntingdon Counties, IN, and those in Lake, McHenry, DuPage, Will, Kane, and Cook Counties, IL.

MC 67450 (Sub-111), filed February 9, 1981. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *pulp, paper and related products*, between the facilities of Westvaco Corporation and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 75640 (Sub-155), filed February 9, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting (1) *chemicals and related products*, (2) *petroleum, natural gas and their related products*, and (3) *rubber and plastic products*, between points in St. Charles Parish, LA, on the one hand, and, on the other, points in AL, AR, CT, DE, GA, KY, LA, MD, MA, MS, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA and WV.

MC 105940 (Sub-12), filed February 9, 1981. Applicant: SAFEWAY TRUCKING CORPORATION, Bldg. 221, Elizabeth Port Authority Marine Terminal, McLester St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *food and related products*, between points in Waco County, TX, on the one hand, and, on the other, points in the U.S.

MC 106200 (Sub-6), filed February 23, 1981. Applicant: HOFFMAN TRANSFER, INC., 1019 Cheyenne Ave., Kansas City, KS 66105. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Transporting *general commodities* (except classes A and B explosives), between points in AR, CO, IA, IL, IN, KS, MI, MN, MO, ND, NE, OH, OK SD, TX, WI, and WY.

MC 115180 (Sub-104), filed February 9, 1981. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10011. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 97934. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 127651 (Sub-67), filed February 9, 1981. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705 Transporting *metal products*, between points in MN and WI, and points in Cook, DuPage, Kane, Lake, and Will Counties, IL and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MO, NE, ND, OH, and SD.

MC 133480 (Sub-4), filed February 9, 1981. Applicant: A. VIZZI, INC., 17 Crescent St., Keansburg, NJ 07734. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934.

Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 133841 (Sub-27), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Transporting *lumber and wood products,* between the facilities used by Escambia Treating Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133841 (Sub-28), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *metal products,* between points in the U.S.

MC 135070 (Sub-182), filed February 9, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135410 (Sub-122), filed February 9, 1981. Applicant: COURTNEY J. MUNSON, d.b.a., MUNSON TRUCKING, P.O. Box 268, North 6th St. Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068.Transporting *such commodities* as are dealt in or used by manufacturers of infant formula and health care products, between points in St. Joseph County, MI, Franklin County, OH, and Campbell County, VA, on the one hand, and, on the other, points in CT, DE, DC, IL, IN, IA, KS, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV and WI.

MC 140620 (Sub-15), filed February 9, 1981. Applicant: A & R TRANSPORT, INC., 2996 N. Illinois 71, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting (1) *rubber and plastic products* and (2) *clay, concrete, glass or stone products,* between those points in the U.S. on and east of U.S. Hwy 85.

MC 142941 (Sub-80), filed February 9, 1981. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: E. W. Scarborough (same address as applicant). Transporting *food and related products,* between points in CA, IL, IN, KY, MI, OH, CO and UT.

MC 143280 (Sub-14), filed February 9, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave., South, Eden Prairie, NM 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, NM 55118. Transporting *food and related products,* between points in Polk, Carver and Clay Counties, NM; Pembina and Traill Counties, ND, and Cerro Gorda County, IA, on the one hand, and, on the other, points in the U.S.

MC 144201 (Sub-7), filed February 9, 1981. Applicant: V.M.P. ENTERPRISES, INC., P.O. Box 15655, Milwaukee, WI 53215. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *transportation equipment,* between Los Angeles, CA, on the one hand, and, on the other, points in the U.S.

MC 146730 (Sub-10), filed February 9, 1981. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 195, Sedalia, MO 65301. Representative: Charles J. Fain, 333 Madison St., Jefferson City, MO 65101. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Progressive Fabricators, Inc., of St. Louis, MO.

MC 147851 (Sub-10), filed February 19, 1981. Applicant: KWESVA, INC., Route 10, Benson Valley Rd., Frankfort, KY 40601. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602. Transporting *clay, concrete, glass or stone products,* and *pulp, paper and related products,* between points in Cabell County, WV, on the one hand, and, on the other, points in Hamilton County, OH.

MC 148370 (Sub-7), filed February 9, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: A. Joseph Mega (same address as applicant). Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with CNC Chemical Corporation, of Providence, RI.

MC 148380 (Sub-5), filed February 9, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Leets Steel Company, of Youngstown, OH.

MC 148620 (Sub-5), filed February 9, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., Atlanta, GA 30303. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ebonite Corporation, Billiards and Games Division, of Miami, FL.

MC 151511 (Sub-2), filed February 9, 1981. Applicant: TOM O'CONNOR d.b.a. KERRY MOTOR SERVICE, 4433 South Halsted St., Chicago, IL 60609. Representative: Tom O'Connor (same address as applicant). Transporting *rubber and plastic products,* between Chicago, IL, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, and DC.

MC 151791 (Sub-1), filed February 9, 1981. Applicant: LES LINDEMAN & SON INC., 117 West Main St., Morenci, MI 49256. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting *chemicals and related products,* between points in Lenawee County, MI, on the one hand, and, on the other, points in MI, IN, and OH.

MC 151810 (Sub-2), filed February 19, 1981. Applicant: TRIPLE D TRANSPORT, INC., 3611 Acapulco Dr., Miramar, FL 33023. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Piggy Back Shippers Association of Florida, Inc., of Miami, FL.

MC 151941 (Sub-1), filed February 10, 1981. Applicant: DELMONT E. HARTT, INC., P.O. Box 26, Etna, ME 04435. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) North Star Lumber Company, Inc., of Enfield, ME, (b) Northern Products Log Homes, Inc., of Bangor, ME, and (c) R. N. Sylvester & Sons, Inc., of Augusta, ME.

MC 152180 (Sub-1), filed February 12, 1981. Applicant: CONTAINER EXPRESS, INC., 1809 Krug St., Building 1019, P.O. Box 2032, Albany, GA 31702. Representative: Norman L. Underwood, 3400 Peachtree Rd., Suite 1525, Atlanta, GA 30326. Transporting *containers, parts and accessories for containers,* and *clay, concrete, glass or stone products,* between the facilities used by Brockway Glass Company and its subsidiaries at points in AL, FL, GA, IN, NC, PA, SC, TN, and VA, on the one hand, and, on the other, points in AL, FL, GA, IN, NC, PA, SC, TN, and VA.

MC 152360 (Sub-2), filed February 9, 1981. Applicant: WILCO

TRANSPORTATION, INC., Route 16, Box 73, Springfield, MO 65803. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Queen City Beer Wholesale, of Brookline, MO.

MC 153291 (Sub-1), filed February 10, 1981. Applicant: MIDCOAST TRUCKING, 131 Beaverbrook Rd., Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in NJ, on the one hand, and, on the other, points in Rockland, Suffolk, Ulster and Westchester Counties, NY.

MC 154170, filed February 9, 1981. Applicant: BUNYON TRUCKING COMPANY, INC., 6500 Mt. Zion Blvd., Morrow, GA 30260. Representative: Alan E. Serby, 3390 Peachtree Rd., N.W., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bunyon Enterprises, Inc., and The Hyponex Company, of Morrow, GA.

MC 154260, filed February 9, 1981. Applicant: D & R LEASING, INC., 915 Broad St., Quakertown, PA 18951. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mr. Lift, Inc., and Quakerpane, of Quakertown, PA, Chick's Block Company, of Gibbsboro, NJ, Laminator's Incorportated, of Hatfield, PA, R.W. Keller Sales, of Perkasie, PA, and Pacific Bus Rebuilders, Inc., of San Ramon, CA.

MC 154281, filed February 9, 1981. Applicant: SAMMONS BEST WAY PARCEL SERVICE, INC., 1051 Judson St., Bensenville, IL 60106. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602. Transporting *pulp, paper and related products, and printed matter*, between points in IL, MI, WI, MN, OH, KY, IN, and IA.

MC 154321, filed February 9, 1981. Applicant: ROBERT G. CRONIN, d.b.a. PARTY COACH TOURS, P.O. Box 129, Mishicot, WI 54228. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *passengers and their baggage*, in round-trip charter operations, in executive coach service, limited to the transportation of not more than 22 passengers in any one vehicle, not including the driver, beginning and ending at points in Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon, and Schoolcraft Counties, MI, and those in Ashland, Brown, Calumet, Door, Florence, Forest, Iron, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Memominee, Milwaukee, Oneida, Outagamie, Portage, Shawano, Vilas, Waupaca, Waushara Winnebago, and Wood Counties, WI, and extending to points in the U.S.

MC 154361, filed February 10, 1981. Applicant: MIAMI FREIGHT, INC., 6887 N.W., 25th St. Miami, FL 33122. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except classes A and B exposives), between points in the U.S., under continuing contract(s) with Southern Freight, Inc., of Atlanta, GA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7865 Filed 3-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rule under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the rquirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY2-607

Decided March 6, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler and Taylor.

MC 154193, filed February 9, 1981. Applicant: LEP TRANSPORT, INC., One World Trade Center, New York, NY 10048. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201-234-0301. As broker of general commodities (except household goods), between points in the U.S.

Volume No. OPY2-607

Decided March 5, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher and Williams.

MC 154286 filed February 17, 1981. Applicant: MICHAEL G. HANUS, d.b.a. a trucking company, P.O. Box 721, Valley, NE 68064. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *food and other edible products, and byproducts intended for human consumption* (except Alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 154306, filed February 3, 1981. Applicant: COOPER AIR FREIGHT SERVICE, INC., 2810 Rudder Rd., Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103 (901) 526–4114. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–919

Decided: March 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 115557 (Sub-37), filed February 11, 1981. Applicant: CHARLES A. McCAULEY, 306 Leasure Way, New Bethlehem, PA 16242. Representative: Verne T. Mahood (same address as applicant), (814) 365–5811. Transporting *general commodities*, between Belspur, and East Sarasota, FL, Mount Airy Branch, MD, Bellewood, Belzoni, Black Bayou Junction, Blaine, Castleman, Doddsville, Drew, Inverness, Isola, Jacquith, Minter City, Moorhead, Parchman, Rome, Ruleville, Sunflower, Vance and Whitney, MS, Cedar Falls, Franklinville, Millboro, and Ramseur, NC, on the one hand, and, on the other, points in the U.S.

MC 154167, filed February 9, 1981. Applicant: TRACY BILANDZIJA, 12801 Manley, Garden Grove, CA 92640. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773–4111. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 154277, filed February 10, 1981. Applicant: EARL GOODSELL d.b.a. SENTINEL DISTRIBUTING CO., 227 Stone Street, Missoula, MT 59801. Representative: Jeremy G. Thane, P.O. Box 4747, Missoula, MT 59806 (406) 721–3400. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–21

Decided: March 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 154276, filed February 9, 1981. Applicant: DIAL A WAGON CORPORATION, 396 Ashford Ave., Dobbs Ferry, NY 10552. Representative: Roy Vining (same address as applicant), (914) 693–2220. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154406, filed February 12, 1981. Applicant: LOHMIER TRANSPORT, INC., 3700 28th St., P.O. Box 1356, Sioux City, IA 51102. Representative: Lawrence Merquette, P.O. Box 711, Pebble Beach, CA 93953, (408) 373–1510. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7686 Filed 3-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publiction.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the

Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. OP2–039

Decided March 6, 1981.

By the Commission, Review Board No. 1, Members Chandler, Parker, and Taylor.

MC 138313 (Sub-62), filed October 1, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *insulation board*, from Nephi, UT to the facilities of Sun Wise, Inc. at or near Great Falls, MT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7667 Filed 3-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by a Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–17

Decided: March 5, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 12806 (Sub-194), filed February 26, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 561–1030. Transporting *metal products*, between points in Allegheny County, PA, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, KS, NE, OK, and TX.

MC 147636 (Sub-16), filed February 26, 1981. Applicant: LARRY E. HOCKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *food and related products*, between points in the U.S.

MC 154046, filed February 17, 1981. Applicant: YELLOW TRANSPORTATION SERVICES OF BROOME COUNTY, INC., 385 State St., Binghamton, NY 13902. Representative:

Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of New York, NY.

Volume No. OPY–4–18

Decided: March 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 40446 (Sub-4), filed February 9, 1981. Applicant: BARON MOTOR CARRIERS, INC., 145 Blanchard St., Newark, NJ 07105. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in NJ, NY, PA, CT, and DE.

MC 60406 (Sub-1), filed February 24, 1981. Applicant: ANTHONY AUGLIERA, INCORPORATED, 410 Boulevard, New Haven, CT 06519. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510, (203) 787–1288. Transporting *household goods*, between points in New Haven and Fairfield Counties, CT, on the one hand, and, on the other, points in NY, NJ, MA, RI, ME, VT, NH, PA, MD, VA, DE and DC.

MC 91306 (Sub-39), filed February 20, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave., NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005, (202) 347–8332. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of health-care products, between points in Union County, NJ, on the hand, and, on the other, points in Cobb and Newton Counties, GA.

MC 109026 (Sub-31), filed February 23, 1981. Applicant: MANNING MOTOR EXPRESS, INC., Route 4, P.O. Box 665, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 347–8862. Transporting *general commodities* (except classes A and B explosives), between points in Barron County, KY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing operations.

MC 138126 (Sub-46), filed February 10, 1981. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., P.O. Box 47, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296 3555. Transporting *food and related products*, between Louisville, KY, and points in New Castle County, DE, and Cecil County, MD, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, MI, MS, NJ, NC, NY, OH, PA, RI, SC, TN, VA, WV, WI, and DC.

MC 139906 (Sub-148), filed February 20, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (404) 476–1144. Transporting *food and related products*, between points in Montgomery County, NY, San Jose, CA and Dallas, TX, on the one hand, and, on the other, points in the U.S.

MC 151136 (Sub-1), filed February 10, 1981. Applicant: CYCLE TRANSPORT, INC., 1418 E. Lake St., Minneapolis, MN 55407. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401, (612) 340 0606. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Kawasaki Motor Corp., U.S.A., of Lincoln, NE.

MC 153786, Filed February 9, 1981. Applicant: S. & W. WASTE, INC., 53 Pennsylvania Ave., South Kearny, NJ 07032. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 575–7700. Transporting (1) *waste or scrap materials not identified by industry producing* and (2) *hazardous materials*, between points in and east of ND, SD, NE, KS, OK, and TX.

MC 154296, Filed February 9, 1981. Applicant: S. R. SICILIA, INC., N. 10105 Wellen Lane, Spokane, WA 99218. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *ores and minerals, clay, concrete, glass or stone products*, and *machinery*, between Spokane County, WA and Boundary, Bonner, Kootenai Counties, ID.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7008 Filed 3-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy or simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in

interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4-64

Decided: March 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams

MC 6806 (Sub-1), filed November 25, 1980, previously published in the FR issue of January 29, 1980, and republished this issue. Applicant: SUPER-RITE FREIGHTWAYS, INC., 8002 31st St. West, Rock Island, IL 61201. Representative: Paul R. Bergant, 1113 Walnut St., Rogers, AR 72756. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in IL, IA, MO, and WI and points in Leavenworth and Johnson Counties, KS.

Note.—The purpose of this republication is to remove the restriction from the territorial description.

MC 105506 (Sub-5), filed February 6, 1981. Applicant: CARPENTER'S MOTOR TRANSPORT, INC., 35 King St., Burlington, VT 05402. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *general commodities* (except classes A and B explosives), between points in Clinton, Franklin, Saint Lawrence, Hamilton, Essex, Warren, Washington, Saratoga, Fulton, Montgomery, Schenectady, Albany, Rensselaer Counties, NY, and VT, NH, and MA.

MC 147286 (Sub-5), filed February 2, 1981, previously noticed in the FR issue of February 20, 1981, and republished this issue. Applicant: A & L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, D.C. 20005. Transporting *textile mill products*, between Savannah, GA, Charleston, SC, Newport News and Norfolk, VA; Mobile, AL; New Orleans, LA, and Jacksonville, FL, and points in Georgetown County, SC, New Hanover and Brunswick Counties, NC, on the one hand, and, on the other, those points in the GA north of Interstate Hwy 20.

Note.—The purpose of this republication is to correctly state the requested authority.

MC 151866 (Sub-3), filed February 2, 1981. Applicant: R. L. JONES & SONS, INC., 4900 E. 12th St., Kansas City, MO 64127. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068, (816) 781-6000. Transporting *telephone equipment*, between points in the U.S., under continuing contract(s) with Western Electric Corporation, of Lee's Summit, MO.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7686 Filed 3-11-81; 8:45 am]
BILLING CODE 7035-01-M

[Disaster Relief Decision No. 16]

South Pacific Transportation Co.; Reduced Rates for Shippers Affected by Fire in Tunnel Between Searles and Mojave, Calif.

Decided: March 6, 1981.

An application has been filed by Southern Pacific Transportation Company, on its own behalf, seeking authority under 49 U.S.C. 10724 [1] to publish allowances in order to provide reduced rates for persons who would normally ship via and SP but who cannot do so because of a fire in a tunnel at mileage post 427 between Searles and Mojave, CA.

It is ordered:

The applicant is authorized to publish and file allowances to afford reduced rates under 49 U.S.C. 10724 in the manner prescribed in 49 U.S.C. 10762 [2] except that publication may be made effective on one day's notice instead of ten, and includes authority to publish in blanket supplements with relief from rule 9(e) of the Commission's Tariff Circular 20 (49 CFR 1300.9) to publish in a separate non-counting supplement, all the authority granted herein to expire with June 4, 1981, unless otherwise ordered by the Commission.

The class of persons entitled to such allowance are shippers or receivers via and SP who, because of the fire in the tunnel, assume the cost of transporting freight by highway to the railroad stations of Mojave and/or Los Angeles, CA, on the SP.

During the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of 49 U.S.C. 10726, [3] maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate rates is a reduced rate established under authority of this order.

Any tariffs or tariff provisions published under this authority shall make reference to this decision by number and date.

Notice to the affected railroads and the general public shall be given by depositing a copy of this decision in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register. Copies will be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, NY; the Chairman of the Southern Freight Association, Atlanta, GA; the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, IL; and the Vice President, Economics and Finance Department of the Association of American Railroads, Washington, DC.

By the Commission, Special Docket Board; Members Llewellyn, Walker and Chesiock.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7689 Filed 3-11-81; 8:45 am]
BILLING CODE 7035-01-M

[1] Formerly Sec. 22 of the I.C. Act.
[2] Formerly Sec. 6 of the I.C. Act.
[3] Formerly Sec. 4 of the I.C. Act.

[ICC Order No. 6-A Under Service Order No. 1344]

Southern Pacific Transportation Co.; Rerouting Traffic

Upon further consideration of ICC Order No. 6, and good cause appearing therefor:

It is ordered, ICC Order No. 6 is vacated.

This order shall become effective February 28, 1981, and shall be served upon the Association of American Railroads, Car Service division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 28, 1981.

Interstate Commerce Commission.

Joel E. Burns,
Agent.

[FR Doc. 81-7684 Filed 3-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the

Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC 78772. By decision of September 19, 1980, issued under 49 U.S.C. 10928 and the transfer rules of 49 CFR 1132, Review Board No. 5 approved the transfer to FANCHER TRUCKING TEXCAVATING, INC. of Certificate MC 101269, issued October 9, 1941 to CHARLES LORENZ and ROBERT LORENZ, d.b.a. CHARLES LORENZ AND SON authorizing the transportation over irregular routes of *slag and cinders*, from steel mills in South Chicago, Ill., to points and places in Lake, LaPorte, and Porter Counties, Inc.; *flagstone and flagging*, from Joliet, Ill., to the above-specified Indiana points; *crushed stone, screenings, and limestone*, from Thornton, Ill., to the above-specified Indiana points; *coal*, from Wilmington, Ill., to the above-specified Indiana points; *clay*, (loam), from Chesterton, Inc., to Chicago, Ill. return, with no transportation for compensation, to the above-specified origin points. Transferee holds no permanent authority from the Commission. Application seeking temporary authority has been filed. Applicant's representative: Warren C. Moberly, Esquire, 320 N. Meridian Street, No. 777, Indianapolis, IN 46204.

MC-FC-78834. By decision of November 13, 1980 issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR Part 1132. Review Board Number 5 approved the transfer of SMART CARRIERS, INC., of Beaumont, TX, of Permit MC 135435 and subnumbers 2 and 3 thereunder issued July 6, 1973, March 3, 1976, and February 7, 1977, to either transferor Smart Transportation Company or its predecessor in interest DALE SMART, d.b.a. DALE SMART TRUCKING, both of Beaumont, TX, authorizing the transportation of *forgings* (a) from Beaumont and Houston, TX, to points in Illinois, Missouri, Ohio, Oklahoma, and Pennsylvania, and (2) from Beaumont, TX, to points in Louisiana, under continuing contract(s) with Beaumont Well Works Company, Inc., of Beaumont, TX. Applicant's representative is: James R. Boyd, 1000 Perry Brooks Building, Austin, TX 78701. Transferee presently holds no authority from this Commission.

MC-FR-78858. By decision of November 17, 1980, issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR 1132, the Interstate Commerce Commission, Review Board Number 5, Members Krock, Williams, and Taylor approved the transfer to GEETINGS, INC., of various authorities issued to THE ROCK ISLAND MOTOR TRANSIT COMPANY. The Board's action was published in the December 17, 1980, issue of the Federal Register at 45 FR 83044-83047. Its decision was affirmed by Appellate Division of the Commission, February , 1981. The following authority contained in Certificate MC 29130, issued November 23, 1964 to the Rock Island Motor Transit Company, was misdescribed in the Federal Register notice of transfer approval: 1(h) Route No. 45, authorizing the transportation over regular routes of *general commodities* except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Muscatine, IA, and Eldon, IA, serving the intermediate points of Columbus Junction, Cotter, Ainsworth, Washington, Brighton and Fairfield, IA, and the off-route points of Letts, Columbus City, Pleasant Plain, and Libertyville, IA: From Muscatine over U.S. Hwy 61 to junction IA Hwy 92, then over IA Hwy 92 to Washington, IA, then over Iowa Hwy 1 to Fairfield, IA, then over U.S. Hwy 34 to junction Iowa Hwy 16, and then over Iowa highway 16 to Eldon, and return over the same route; and 1(i) described as Route No. 46, authorizing the transportation, over regular routes of *general commodites*, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Eldon, IA, and Des Moines, IA, serving the intermediate points of Ottumwa, Eddyville, Fremont, Cedar, Oskaloosa, Pella, Ortley, Monroe, and Prairie City, IA, and the off-route points of Evans, Leighton, Given, and Beacon, IA: From Eldon over Iowa Hwy 16 to junction U.S. Hwy 35, then over U.S. Hwy 34 to Ottumwa, IA, then over U.S. Hwy 63 to Oskaloosa, IA (also from Ottumwa over Iowa Hwy 15 to Eddyville, IA, then over Iowa Hwy 137 to Oskaloosa), and then over Iowa Hwy 163 to Des Moines, and return over the same routes. Notations: (1) To the extent affected by this misdescription interested persons may file petitions to reopen the proceeding within 20 days following publication of this corrected Federal Register notice. Replies must be filed within 20 days after the final date for filing these petitions. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected. (2) Applicants have sought temporary authority under 49 U.S.C. 11349 from transferee to lease the rights, which was granted by a decision of the Commission, Division 2. Applicant's representative is: Larry D. Knox, Esq., 600 Hubbell Building, Des Moines, IA 50309.

MC-FC-78971. By decision of February 13, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to BETTER TRUCK LINE CO., of Cleveland, OH, of Certificate MC 99597 (Sub-2F) issue July 1, 1980, to CLEVELAND FREIGHT LINES, INC., of Cleveland, OH authorizing the transportation, over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, commodites in bulk, and those requiring special equipment), between Cleveland, OH, on the one hand, and, on the other, points in Ohio. Applicant's representative is: Kevin L. Shoemaker, Suite 1800, 100 E. Broad St., Columbus, OH 43215.

MC-FC-78996. By decision of February 13, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to ASSEMBLY AND DISTRIBUTION TERMINALS OF MA, INC., Portland, OR of Certificate MC 52983 (Sub-4) issued January 2, 1975, to

CAPE COD OVERLAND EXPRESS, INC., Avon, MA authorizing the transportation of General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Irregular routes: Between points within five miles of Boston, MA; including Boston, MA on the one hand, and, on the other, points in Rhode Island. Between points in Massachusetts. Regular routes: Between Boston, MA and Providence, RI, serving no intermediate points, From Boston, over U.S. Hwy 1 to Providence, and return over the same route. From Boston over Massachusett's Hwy 1A to junction U.S. Hwy 1, thence over U.S. Hwy 1 to Providence and return over the same route. *Shoes.* Irregular routes: Between Holbrook, MA and points in Massachusetts within 10 miles of Holbrook, on the one hand, and, on the other, Providence, RI. Applicant's representative is: John F. O'Donnell, Barret and O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187.

MC–FC–79003. By decision of February 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to RICHARD A. QUICK and JAMES C. QUICK, d.b.a. QUICK TRANSPORTATION OF GENEVA, NE; of Certificates MC 126489 (Subs-12 and 23) issued April 12, 1973 and October 15, 1975, respectively, to GASTON FEED TRANSPORTS, INC. of Hutchinson, KS, authorizing the transportation of (1) *dry cottonseed products,* from points in TX and OK to points in NM, KS, CO and NE and (2) *processed grain products* (except feed and feed ingredients and edible flour), from the facilities of McPherson Custom Products, Inc. at or near McPherson, KS to points in MN, IA, CO, NE, WY, ND, SD, and MT. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transferee holds no authority but is affiliated with G. Kay, Inc. who holds authority as a common carrier under Docket MC 148564 and as a contract carrier under Docket MC 52556. Application has been filed for temporary authority under 49 U.S.C. 11349.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7732 Filed 3-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 C.F.R. 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or than extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices with 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–FC–78369. By decision of February 2, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to GERALD D. HUSER, d.b.a. HUSER TRUCKING, of Frederic, WI, of Certificate MC 110379, issued April 3, 1972 to DON KOEPP TRUCKING, of Frederic, WI, authorizing the transportation interstate or foreign commerce, over irregular routes, (1) *general commodities,* between points in the Towns of Sterling and Laketown, Polk County, WI, and the Towns of Trade Lake and Anderson, Burnett County, WI, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, Stillwater, and Newport, MN; (2) *general commodities,* except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (a) between points in the Towns of Bone Lake, Luck, Georgetown, and Milltown, Polk County, WI, on the one hand, and, on the other, South St. Paul, St. Paul, and Minneapolis, MN, and (b) from Minneapolis, St. Paul, and South St. Paul, MN, to points in the Towns of West Sweden and Laketown, Polk County, WI, and the Towns of Trade Lake, Burnett County, WI; and (3) livestock and agricultural commodities, from points in the Towns of West Sweden and Laketown, Polk County, WI, and the Town of Trade Lake, Burnett County, WI, to Minneapolis, St. Paul, and South St. Paul, MN, subject to the condition that any repetition in the statement of the authority granted shall not be construed as conferring more than one operating right. Applicant's representative is: John Grindell, Box 585, Frederic, WI 54837.

MC–FC–78606. By decision of November 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to Mustand Trucking, Inc., of Manson, WA, of Certificate MC 145256 (Sub-1F) issued October 14, 1980 to LKM COMPANY, INC., of Seattle, WA, authorizing the transportation of (1) *wearing apparel,* and (2) *materials, equipment, and supplies* used in the manufacture of wearing apparel, (except commodities in bulk) between points in Washington and Utah, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Applicants' representative is: Jack R. Davis; Eart, Allison, Davis & Baldwin; 1100 IBM Building, Seattle, WA 98101.

Supplemental

MC–FC–78740. By decision of February 10, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to PIGGYBACK TRANSPORTATION SERVICE, INC., Greenwood, IN of Certificate MC 146686 (Sub-1F) issued May 19, 1980 to G.M.G. EXPRESS, INC. of Jeffersonville, IN authorizing the *common carrier* transportation over irregular routes transporting *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between those points in Indiana on and south of U.S. Highway 40 (including points in Marion County,

IN), on the one hand, and on the other, Louisville, KY, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. Applicant's representative is: Stephen M. Gentry, 1502 Main St., Speedway, Indiana 46224.

MC-FC-78874. By decision of February 5, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to C-WOLFE, INC., Granite Falls, WA of Certificate MC 107541 and subs thereunder issued April 4, 1978 and thereafter to WASHINGTON OREGON LUMBER FREIGHTERS, INC. d.b.a. WOLF, Vancouver, WA authorizing the *common carrier* the transportation over regular and irregular routes transporting general and specified commodities, and household goods, between points in Washington, Oregon, Indiana, Montana, Wyoming, North Dakota, South Dakota, Nebraska, New Mexico, Colorado, Arizona, Nevada, Utah, and California. Subject to the following conditions. Applicant's representative is: Boyd Hartman, P.O. Box 3641, Bellevue, Washington 98009.

Note.—Transfer of temporary authority is not permitted. Instead, transferee must file a motion to be submitted as applicant in each of those proceedings where transferor is applying for permanent authority.

MC-FC-78918. By decision of January 28, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to EAST TEXAS REFRIGERATED EXPRESS, INC., of Grand Saline, TX, of Certificate MC 133095 (Sub-1, 2, 4, 10, 15, 27, 30, 38, 53, 59, 60, 70, 84, 91, 134, 135, 137, 145, 156, 164, 180, 186, 187, 188, 201, 208, 216, 222, and 228), issued to TEXAS CONTINENTAL EXPRESS, INC. of Ft. Worth, TX, authorizing generally the transportation of (1) meats, meat products, meat by-products from Liberal, KS, to points in Kentucky, West Virginia, Pennsylvania, New York, New Jersey; (2) foodstuffs, from various plant sites in Texas to CT, MS, VT, NH, MA; (3) cured hams, from Hannibal, MO, to Watertown, MA; (4) shoes from and to various points throughout the United States; (5) canned goods from certain plant sites in ME and NJ to points in AR, LA, TX, OK, KS, NM, CO, UT, AZ, NV, and CA; (6) of human blood plasma, blood typing serums, and bovine serum from Arlington, TX to Raritan, NJ; (7) kidney dialysis equipment from McAllen, TX, to Cinnaminson, NJ and from Piscataway, NJ to McAllen, TX; (8) drugs, soap capsules, toilet preparations, from certain plant sites at Allen Park, MI to plant sites in Dallas, TX. Transferee is not affiliated with an ICC carrier and holds no authority.

MC-FC-78931. By decision of January 28, 1981 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to THE McCORD-LANE COMPANY, of Tyler, TX, of Certificate of Registration MC 121662, issued July 10, 1970, to FRANK TURNER, of Gilmer, TX, evidencing a right to engage in transportation in interstate commerce corresponding to scope to Certificate No. 35085, dated December 1, 1980, issued by the Railroad Commission of Texas Transportation Division. The Certificate authorizes the transportation as summarized, of oilfield equipment and pipe when moving as oilfield equipment, and commodities, the transportation of which because of size and weight require the use of special equipment, between all points within a 150-mile radius of Nacogdoches, TX. Applicant's representative is: Mike Cotten, P.O. Box 1148, Austin, TX 78767.

Notes.—Application for TA has not been filed. Transferee is a non-carrier.

MC-FC-78936. By decision of February 3, 1918 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to S & R WRECKER SERVICE, INC., of Charlotte, NC, of Certificate MC 123628 (Sub-5) issued May 25, 1978 to S & R AUTO AND TRUCK SERVICE, INC., of Charlotte, NC, authorizing the transportation of (1) *disabled, repossessed, and impounded motor vehicles,* from points in that part of the United States, located in and east of Wisconsin, Illinois, Missouri, Arkansas, and Texas, to points in North Carolina and South Carolina, and (2) *replacement motor vehicles for disabled motor vehicles in (1) above* (except trailers designed to be drawn by passenger automobiles), from points in North Carolina and South Carolina, to points in that part of the United States located in and east of Wisconsin, Illinois, Missouri, Arkansas, and Texas, restricted in parts (1) and (2) to the use of wrecker equipment only. Applicants' representative is: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Transferee presently holds no authority from the Commission.

MC-FC-78952. By decision of January 28, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to RUSSELL W. PARSONS of Dallas, PA of Certificates MC 136480 (Sub-1) issued December 5, 1978 to WALTER J. LUBINSKI and KENNETH E. KOCHER, d.b.a. L & K TRANSPORTATION of Dallas, PA authorizing transportation by common carrier over irregular routes transporting (1) *foodstuffs* (except in bulk) from Penn Yan, Long Island City, Maspeth, and New York, NY, Bridgeton, East Rutherford, Elizabeth, and Vineland, NJ, and La Grange, IL, to the warehouse facilities of Robert Sosnick located at Los Angeles and South San Francisco, Ca, Portland, OR, and Seattle, WA; (2) *wax candles,* from Newburgh and Brooklyn, NY, and Farmingdale, NJ, to the warehouse facilities of Robert Sosnick located at Los Angeles and South San Francisco, CA, Portland, OR, and Seattle, WA, (3) *wine* (except in bulk), from points in the New York, NY, Harbor Limits as defined in 49 CFR 1070.1(a) to the warehouse facilities of Robert Sosnick located at Los Angeles And South San Francisco, CA, Portland, OR, and Seattle, WA; (4) *foodstuffs* (except in bulk and except frozen), from Farmingdale, NJ, to the facilities of J. Sosnick & Son at Los Angeles and South San Francisco, CA, Portland, OR, and Seattle, WA, restricted in (1), (2), (3) and (4), above to the transportation of shipments originating at the named origins and destined to the named destinations; (5) *anthracite filter media,* from points in Wyoming, Lackawanna and Luzerne Counties, PA, to points in that part of the United States Lying on and west of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada subject in (4) and (5) above to the right of the Commission to impose terms, conditions, or limitations in the future as it may find necessary to assure conformance with section 10930 of the Interstate Commerce Act. Applicant's representative is: Joseph A. Keating, Jr., 121 So. Maine Street, Taylor, PA 18517.

MC-FC-78956. By decision of January 26, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132. Review Board Number 5, approved the transfer to PORFIRIO D. CASTRUITA, d.b.a. CASTRUITA TRUCKING COMPANY of Certificate MC 146721 (Sub-2F), issued December 9, 1981 to JESSE F. BURNETT; d.b.a. BURNETT TRUCKING INC., authorizing the irregular-route transportation of cement asbestos or pipe, plastic pipe and fittings and insulating materials, from the facilities of Johns-Manville Sales Corp., at points in CA to points in Arizona, Colorado, New Mexico and Texas. Applicant's representatives are: Jesse S. Burnett, 2626 E. 219th Place,

Long Beach, CA 90810, and Portirio D. Castruita, 593 Charmingdale Road, Diamond Bar, CA 91765, 714–595–0441.

MC–FC–78961. By decision of February 6, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to ROBERT S. FOWLER, d.b.a. JOHN F. FOWLER MOVING & STORAGE, INC., Philadelphia, PA, of Certificate MC 30396 issued April 28, 1944 to JOHN F. FOWLER, d.b.a. JOHN F. FOWLER MOVING & STORAGE, Philadelphia, PA, authorizing the *common carrier* transportation of *Household goods*, as defined by the Commission, over irregular routes, Between Philadelphia, PA., on the one hand, and on the other, points and places in New York, New Jersey, Delaware, Maryland, and the District of Columbia. *Office Furniture and equipment and store fixtures*, over irregular routes, Between Philadelphia, PA., on the one hand, and, on the other, points and places in Delaware, Maryland, New Jersey, New York, and the District of Columbia. Applicants' representative is: John F. Fowler, (215) 739–4992, 1905–07 East Clearfield Street, Philadelphia, Pennsylvania 19134.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7751 Filed 3–11–81; 8:45 am]

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[Permanent Authority Decisions Vol. No. 36]

Restriction Removals; Decision-Notice

Decided: March 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 4761 (Sub-29)X, filed February 20, 1981. Applicant: LOCK CITY TRANSPORTATION CO., 3213 10th Street, Menominee, MI 49858. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Applicant seeks to remove restrictions in a position of its lead, and (Sub-14, 18, 20, 21, 22, 23, 26, 27 and 28) certificates to (1) broaden the commodity descriptions to (a) "chemicals and related products" from alumina sulphate, sulphur dioxide, methyl chloride, in its lead; from chemicals in bulk (except sulphur dioxide and methyl chloride), and liquid chemical, in bulk, in (Sub-21); from sulphur dioxide and methyl chloride and sulphur dioxide in (Sub-27); and (b) to "petroleum, natural gas and related products" from petroleum products, in bulk, in its lead; from petroleum products, asphalt and residual fuel oils, asphalt, in bulk, in tank vehicles, in (Sub-14); from petroleum products (except asphalt), in bulk, in tank vehicles, in (Sub-14, 20 and 28); from asphalt and residual fuel oils, in bulk, in tank vehicles, in (Sub-18); from residual fuel oils, in bulk, in tank vehicles, in (Sub-23); and petroleum and petroleum products, in bulk, in (Sub-26); (2) remove in bulk restriction, in (Sub-22); (3) broaden the territorial authority by removing restrictions to traffic originating at or destined to a plantsite, substitute some county-wide authority in place of specified cities and plantsites in its irregular route authorities, and change one-way service to authorize radial service: in the irregular route portion of the lead certificate, between Winnebago County, MI (Menasha, WI) and Menominee County, MI (Menominee, MI); between Brown County, WI (Green Bay) and a portion of WI; between Menominee County, MI (Menominee, MI), and points in WI; and between Marinette County, WI (Marinette, WI), and points in 15 States; in (Sub-14, between Houghton, Delta, and Marquette Counties, MI (Dollar Bay, Gladstone, and Marquette, MI) and points in a described portion of WI; and between Brown, Kewaunee, Manitowoc, and Sheboygan Counties, WI (Kewaunee, Green Bay, Sheboygan, and Two Rivers, WI and points in the Upper Peninsula of MI (with exceptions); in (Sub-18), between Delta County, MI (Gladstone, MI), and points within 10 miles of Gladstone, MI and the port of entry on the U.S. Canada Boundary line at or near Sault T. Marie, MI; in (Sub-20), between Portage County, WI (facility at Junction City, WI), and points in the Upper Peninsula of MI; in (Sub-21), between Marinette County, WI (Marinette, WI), and points in 37 States and DC; in (Sub-22), between Menominee County, MI (Menominee, MI) and points in 17 States; in (Sub-23), between Brown, Kewaunee, Manitowoc, and Sheboygan Counties, WI (Kewaunee, Green Bay, Sheboygan, and Two Rivers, WI), and a described portion of MI; in (Sub-26), between Oneida County, WI (Rhinelander, WI), and points in MN and the Upper Peninsula of MI; in (Sub-27), between Marinette County, WI (facility at Marinette, WI) and points in 24 States and DC; and, in (Sub-28), between points in Delta and Marquette Counties, WI, and points in Alger and Marquette Counties, WI.

MC 24943 (Sub-3)X, filed February 23, 1981. Applicant: WOODBURN TRUCK LINE, INC., 1365 N. Front St., Woodburn, OR 97071. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its lead authority to (1) change general commodities with exceptions to "general commodities (except classes A and B explosives)" and (2) authorize service at all intermediate points on its regular routes between Portland and Gervais, OR.

MC 62110 (Sub-19)X, filed February 10, 1980, previously noticed in the **Federal Register** of February 24, 1981, republished as corrected this issue. Applicant: BILLINGS TRUCKING CORPORATION, 509 Cherry St., North Wilkesboro, NC 28659. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions from its (Sub-8, 10, and 12) certificates which authorize the transportation of new furniture and general commodities (with certain exceptions) from and to specified points, to (1) change the commodity description to "furniture and fixtures" in all Sub Nos. and "general commodities (except classes A and B explosives)" in (Sub-10), (2) authorize radial authority primarily between points in eastern and southern States where only one-way exists in each (Sub-No.), and (3) replace authority to serve named cities with

authority to serve the county: Wilkes County, NC, for North Wilkesboro, NC, and Surry County, NC for Elkin, NC in (Sub-8 and 10); Caldwell County, NC, for Lenoir, NC, Mercer County, NJ, for Trenton, NJ, Alleghany County, MD, for Cumberland, MD, Washington County, MD, for Hagerstown, MD, Cumberland County, NJ, for Bridgeton, NJ, Berks County, PA, for Reading, PA, York County, PA, for York, PA in (Sub-10); and McDowell County, NC, for Marion, NC, in (Sub-12). The purpose of this republication is to correct a typographical error in the original Federal Register publication on February 24, 1981.

MC 67666 (Sub-40)X, filed February 24, 1981. Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its (Sub-15) certificate which authorizes the transportation of general commodities (with the usual exceptions) to (1) remove all exceptions in its general commodity authority except classes A and B explosives, and (2) remove the restriction limiting service to the transportation of traffic having an immediately prior or subsequent movement by air.

MC 75192 (Sub-9)X, filed February 20, 1981. Applicant: CHAS. T. BROWN TRUCK LINES, INC., 1206 Buff Street, Greensboro, NC 27406. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its (Sub-5F and 8F) certificates to broaden the commodity description from iron and steel articles, in (Sub-5F), and iron and steel articles and aluminum articles, in (Sub-8F), to "metal products".

MC 85970 (Sub-50)X, filed February 24, 1981. Applicant: SARTAIN TRUCK LINE INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its (Sub-38F) certificate to (1) remove all exceptions in its general commodities authority except "classes A and B explosives"; (2) authorize radial authority in lieu of existing one-way service between Dresden, TN, and points in the U.S.; and (3) eliminate the restriction against service to AK and HI.

MC 93186 (Sub-12)X, filed February 23, 1981. Applicant: EUDELL WATTS, III, d.b.a. WATTS TRANSFER CO., 825 First Avenue, Rock Island, IL 61201. Representative: L. Steven Platt, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its (Sub-2F, and 7F) certificate and its permit in MC 148156F to (1) eliminate from its general commodity authority all exceptions except classes A and B explosives in (Sub-2F); (2) remove the restrictions "except commodities in bulk" in (Sub-6 and 7F); (3) broaden the territorial description by removing the facilities restrictions in (Sub-6 and 7F); (4) change one-way authority to radial authority between Davenport and Bettendorf, IA and Rock Island and Moline, IL and points in Illinois and Iowa in (Sub-7F); (5) remove a restriction limiting service to transportation of traffic having a prior or subsequent movement by rail in (Sub-2F); and (6) expand its territorial authority between points in the US under contining contract(s) with a named shipper in MC 148156F.

MC 96841 (Sub-2)X, filed February 20, 1981. Applicant: STEWART TRUCKING, INC., Rural Delivery No. 3, McDonald, PA 15057. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its MC 125385 (Sub-1) permit to (a) broaden the commodity description to "chemicals and related products, and metal products" from plasticizer, foundry binders, flours, sands, and core compounds, reclaimed solvents and oils, steel fluxing and purifying compounds, chemicals, oils and waste solvents, in bags and/or in drums, and hot top castings, and (b) broaden its territorial authority to between points in the United States, under continuing contract(s) with a named shipper.

MC 111302 (Sub-178)X, filed February 26, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). Applicant seeks to remove restrictions in its (Sub-37) certificate to (1) broaden the commodity description from uninhibited methyl methacrylate, in bulk, to "chemicals and related products", (2) remove the "in tank vehicles" restriction, (3) remove the facilities limitation from Knoxville, TN, (4) replace one-way with radial authority between Knoxville, TN, and Los Angeles and Orange Counties, CA, and (5) remove the originating at or destined to restriction.

MC 113310 (Sub-3)X, filed February 23, 1981. Applicant: C & J TRANSPORT, INC., 639 E. Polk St., Milwaukee, WI 53202. Representative: Eugene C. Ewald, 100 West Long Lake, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its lead and (Sub-2) certificates to (1) change the commodity description from automobiles, trucks, cabs and chassis, new automobiles to "transportation equipment" in its lead and from farm tractors to "machinery" in (Sub-2); (2) remove (a) the secondary movement restriction in its lead and (Sub-2), (b) the seasonal restriction in its lead, and (c) the facilities limitation and the restriction requiring a prior or subsequent movement by rail in (Sub-2); (3) replace Duluth, MN with St. Louis County, MN in its lead; and (4) change one-way to radial authority (a) between WI and Louisville, KY, Toledo, OH, Memphis, TN, and points in IL, IN, IA, MI, MO and WI, in paragraph 1 of its lead, (b) between St. Louis County, MN and specified portions of WI and MI, in paragraph 2 of its lead, and (c) between Milwaukee, WI and WI and named counties in IL, IA, and MN.

MC 116073 (Sub-383)X, filed February 23, 1981. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 S. Second St., Elkhart, In 46516. Applicant seeks to remove restrictions in its (Sub-365) certificate to (1) broaden its commodity description by removing "in secondary movements" from its authority to transport automobiles; (2) eliminate the restrictions prohibiting transportation to AK and HI; and (3) change its one-way authority to radial authority, between IN, OH, and MI, and points in the U.S.

MC 118838 (Sub-78)X, filed February 20, 1981. Applicant: GABOR TRUCKING, INC., Rural Route 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions from its (Sub-33F) certificate to (1) broaden the commodity description from gypsum and gypsum products, and materials and supplies used in the distribution and installation thereof, to "building materials"; (2) expand the territorial authority from the named origin facility at Blue Rapids, KS to Marshall County, KS; (3) authorize radial authority between Marshall County, KS, and, points in 11 western states.

MC 119702 (Sub-83)X, filed February 26, 1981. Applicant: STAHLY CARTAGE CO., 119 South Main St., Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington DC 20001. Applicant seeks to remove restrictions in its Sub-34, 37, and 74 certificates to (1) broaden the commodity description in all certificates to "commodities in bulk" from calcium

chloride, in bulk, and liquid calcium chloride and petroleum products, in bulk, in tank vehicles, and (2) substitute county-wide authority in lieu of specified cities and plantsites, and change one-way service to authorize radial service, as follows: Sub-34, between Dubuque County, IA (Dubuque, IA), and points in MN, WI, IA, and IL (except the St. Louis, MO/East St. Louis, IL commercial zone), and between Cook and La Salle Counties, IL (Lemont and Peru, IL), and points in WI; Sub-37, between Cook County, IL (plantsite at Lemont, IL), and points in three States; and, Sub-74, between Madison County, IL (facilities at Wood River, IL), and points in 19 States. Applicant also seeks to remove the exception to transportation of traffic from a plantsite at Peru, IL in Sub-34.

MC 119789 (Sub-729)X, filed February 17, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75226. Representative: James K. Newbold, Jr. (same as applicant). Applicant seeks to remove restrictions in its Sub-36, 153, 174, 254, 279, 298, 326, 354, 360, 362, 395, 441, 459, 484F, 499F, 508F, 602F, 624F, 690F, and 708F certificates, which authorize the irregular-route transportation generally of foodstuffs, to broaden the territorial description by removing restrictions limiting service to the transportation of shipments originating at the named plantsites and destined to the named destinations, and substituting some county-wide authority in place of specified plantsites and cities, as follows: Sub-36, Grayson County, TX (plantsite at Denison, TX); Sub-153, Los Angeles, CA (plantsite at Terminal Island, CA); Sub-174, Pittsburgh and Leetsdale, PA, Salem County, NJ (Salem, NJ), Sandusky and Wood Counties, OH (Fremont and Bowling Green, OH), and Toledo, OH; Sub-254, Chester County, SC (Chester, SC); Sub-279, Ottawa County, MI (facilities near Holland, MI); Sub-298, Kansas City, KS (facilities near Kansas City, KS); Sub-326, Wyandotte County, KS (facilities at Bonner Springs, KS); Sub-354, Chicago, IL (plantsite at Chicago, IL); Sub-360, Sheboygan County, WI (Plymouth, WI); Sub-382, St. Louis County, MO (facilities near Hazelwood, MO); Sub-395, Columbus, OH (facilities at Columbus, OH); Sub-441, Lima and Cincinnati, OH (facilities at Lima and Cincinnati, OH); Sub-459, La Porte County, IN (facilities near La Porte, IN); Sub-484F, Noble County, IN and Champaign County, IL (facilities at Kendallville, IN and Champaign, IL); Sub-499F, Campbell County, VA (facilities near Altavista, VA); Sub-508F, Memphis, TN (facilities near Memphis, TN); Sub-602F, Orange, San Joaquin, Monterey, and Santa Cruz Counties, CA (Fullerton, Ripon, Salinas, and Watsonville, CA); Sub-624F, Louisville, KY, and Newark, DE (facilities at Louisville, KY and Newark, DE); Sub-690F, Dallas, TX (facilities at Dallas, TX); Sub-708F, (a) La Porte County, IN (facilities near La Porte, IN), and (b) Solano County, CA (facilities near Vacaville, CA).

Applicant also seeks to remove restrictions in its Sub-186, 209, 236, 310, 334, 340, 346, 373, 396, 409, 450F, 455F, 527F, 530F, 589F, and 648F certificates, which authorize the irregular-route transportation generally of meats and packinghouse products, by removing restrictions limiting service to the transportation of shipments originating at the named plantsites and destined to the named destinations, and substituting some county-wide authority in place of specified cities and plantsites, as follows: Sub-209, Amarillo, TX (facilities near Amarillo, TX); Sub-236, Wichita, KS (facilities at Wichita, KS); Sub-310, Freeborn County, MN (facilities at Albert Lea, MN); Sub-340, Solano County, CA (facilities near Dixon CA); Sub-346, St. Joseph, MO (facilities at St. Joseph, MO); Sub-373, Omaha and Grand Island, NE (facilities at Omaha and Grand Island, NE), Polk, Mills, Marshall and Woodbury Counties, IA (Des Moines, Glenwood, Marshalltown, and Sioux City, IA); Sub-396, Linn, Cherokee, and Polk Counties, IA (facilities at Cedar Rapids, Cherokee, and Des Moines, IA); Sub-450F and 455, Denver, CO (facilities near Denver, CO); Sub-527, Kansas City, KS, Kansas City, MO (facilities at Kansas City, KS/MO), and Grand Island, NE (facilities at Grand Island, NE); Sub-530F, Ford County, KS (facilities near Dodge City, KS); Sub-589F, Freeborn County, MN (Albert Lea, MN) and Linn County, IA (Cedar Rapids, IA); Sub-684F, Madison County, NE (facilities near Madison, NE). Applicant also seeks to remove restriction in its Sub-46, 58, 64, 103, 131, 133, 183, 234, 247, 257, 268, 289, 282, 332, 374, 379, 380F, 405, 408, 457F, 470F, 477F, 479F, 498F, 503F, 538F, 540 (regular-route), 551F, 620F, 625, 636F, 664F, and 675F irregular-route certificates, which authorize the transportation of miscellaneous specific and general commodities, by removing restrictions limiting service to the transportation of shipments originating at the named plantsites and destined to the named destinations, and substituting some county-wide authority in lieu of specified plantsites and cities, as follows: Sub-46, Los Angeles County, CA (plantsite at North Hollywood, CA); Sub-58, Chambers, Lee, and Henry Counties, AL (Lanett, Huguley, Opelika, Shawmut, Abbeville, Fairfax, River View, and Langdale, AL); Sub-64, Los Angeles, CA (facilities at Los Angeles, CA); Sub-103, Columbus, OH (facilities at Columbus, OH); Sub-131, Jay County, IN (Dunkirk, IN); Sub-133, Dallas, TX (plantsites and facilities in Dallas, TX; Sub-183, Howard County, TX (facilities near Big Spring, TX); Sub-234, (a) Dallas, TX (facilities in Dallas County, TX), in both parts; Sub-268, Hunterdon County, NJ (Saddle Brook, NJ); Sub-289, Hancock County, WV (Newell, WV); Sub-282, Elkhart County, IN (Elkhart, IN); Sub-332, Baldwin County, GA (Milledgeville, GA); Sub-374, Jay County, IN (facilities at Dunkirk, IN); Sub-379, Richland and Summit Counties, OH (facilities at Barberton and Mansfield, OH); Sub-380, Erie, Jackson, Auglaize, Coshocton, Stark, Highland, Madison and Muskingum Counties, OH (Sandusky, Jackson, Wapakoneta, Coshocton, Massillon, Leesburg, Mt. Sterling, and Roseville, OH); Sub-408, Middlesex and Somerset Counties, NJ (New Brunswick, South Plainfield, and Somerset, NJ, Michigan City, IN, to King County, WA (Eastgate, WA), and La Porte County, IN (Michigan City, IN; Sub-457F, Middlesex and Somerset Counties, NJ (New Brunswick, Somerset, and South Plainfield, NJ); Sub-470F, Middlesex and Somerset Counties, NJ (New Brunswick, Somerset, and South Plainfield, NJ); Sub-477F, (a) Kearny and Bayonne, NJ (facilities near Kearny and Bayonne, NJ); Sub-479F, Athens, TN (facilities at Athens, TN and Los Angeles County, CA (Cerritos, CA); Sub-498F, Paducah, KY (facilities near Paducah, KY); Sub-503F, Sedgwick County, KS (Wichita, KS); Sub-538F, Howard County, TX (facilities near Big Spring, TX); Sub-551F, Dallas, TX (facilities at Dallas, TX); Sub-620F, NJ, Milwaukee, WI, Peoria, IL and Houston County, GA (facilities at Newark, NJ, Milwaukee, WI, Peoria, IL, and Pabst (Houston County) GA, and Portland, OR (facilities at Portland, OR); Sub-625F, Paducah, KY (facilities near Paducah, KY); Sub-638F, Los Angeles, CA (facilities near Los Angeles, CA); Sub-664F, Dallas County, TX (Addison, TX); Sub-675F, Orange County, CA (facilities near Tustin, CA).

MC 121496 (Sub-63)X, filed February 25, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-43F certificate to (1) broaden the commodity

description to "commodities in bulk" from liquid petroleum oils and petrochemicals, in bulk, in tank vehicles, (2) substitute county-wide authority in place of Natchez, MS, and change one-way service to authorize radial service between Adams County, MS, and points in AR, IL, IN, KS, LA, MO, OH, TN and TX.

MC 121566 (Sub-82)X, filed February 24, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Avenue, Nashville, TN 37211. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-10, 18F, and 28F certificates to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities, (except classes A and B explosives)," in each certificate; (2) broaden its territorial description by removing all service for joinder only restrictions and by authorizing service at all intermediate points, where service is limited to specified intermediate points or no intermediate point service (a) in Sub-10, part (6), between Memphis, TN, and Nashville, TN; in part (7), between Memphis, TN, and Brownsville, TN; in part (10), between Nashville, TN, and Bristol, TN; in part (17), between Knoxville, TN, and Greeneville, TN; in part (21), between junction of Interstate Highways 40 and 81 (in Jefferson County, TN) and Newport, TN; and in part (22), between Memphis, TN, and Fort Smith, AR; (b) in Sub-18F, part (6), between Memphis, TN, and Nashville, TN; in part (7), between Memphis, TN, and Brownsville, TN; in part (9), between Nashville and Bristol, TN; in part (16), between Knoxville and Greeneville, TN; in part (20), between the junction of I–40 and I–81 (in Jefferson County) and Newport, TN; and in part (21) between Memphis, TN, and Harrison, AR; and (3) in Sub-10, eliminate the restrictions (a) against service at points in the commercial zones of Bristol, Kingsport, and Memphis, TN, lying outside of TN, and (b) prohibiting transportation to traffic originating at, destined to, or received from or delivered to a connecting carrier at Memphis, TN, and points in the commercial zone of Memphis, TN.

MC 123667 (Sub-13)X, filed January 19, 1981, previously noticed in the Federal Register of February 3, 1981, republished as corrected this issue. Applicant: L. J. NAVY TRUCKING CO., a WV corporation, 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions from its lead and Sub-7, 9, and 12F certificates in order to broaden the commodity description in each certificate from malt beverages to "food and related products;" in addition, in its lead certificate, part (A), applicant seeks to expand its one-way city authority to in some instances county-wide authority and to serve radially between Peoria, IL, Allen County, IN, Louisville, KY, Campbell County, KY, Detroit, MI, St. Louis, MO, Cincinnati, Cleveland, and Columbus, OH, and Milwaukee, WI, to Cabell and Wayne Counties, WV, and in part (B) applicant seeks to expand its one-way authority to serve radially between Cabell and Wayne Counties, WV and points in 48 named counties in OH, Cabell, Wayne, and Mingo Counties, WV, and a described portion of KY; in Sub-7, applicant seeks to broaden its base point in Pabst, GA, to Houston County, GA, and to expand its one-way authority to serve radially between Houston County, GA, and points in WV; in Sub-9F applicant seeks (A) to broaden its one-way authority to serve radially between Louisville, KY, and a described portion in Ohio, and (B) expand its destination point of Logan, WV, to Logan County, WV, and to serve radially between Peoria, IL, and points in Logan County, WV; in Sub-12F applicant seeks to expand its limited service points in some cases to county-wide authority and to broaden its one-way authority to serve radially (a) between Rockingham County, NC, and points in Kanawha and Mingo Counties, WV, (b) between Newark, NJ, and points in Cabell and Wayne, Counties, WV, Lawrence and Scioto Counties, OH, and (c) between Peoria, IL, and Milwaukee, WI, and points in Lawrence and Scioto, OH. The purpose of this republication is to correct the scope of the removal sought to more closely represent that requested by applicant.

MC 125506 (Sub-38)X, filed February 20, 1981. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 W. Hawthorne Avenue, Valley Stream, NY 11580. Representative: Morton E. Kiel, 2 World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-2, 3, 5, 7, 9, 12, 13, 16, 17, 21, 23, 26, 28, 31, 34, 35, and 37 permits to (1) broaden the commodity descriptions in all Subs (except 23 and 26) from such merchandise as is dealt in by retail department or specialty (some dealing primarily with wearing apparel) stores, displays, advertising materials, store fixtures, furniture, wearing apparel, etc. (with exceptions) to "such merchandise as is dealt in or used by department stores"; and in Sub-23 and 26 from such merchandise as is dealt in by retail clothing stores or retail specialty shops (except appliances and furniture) and store fixtures and supplies not for resale to "such merchandise as is dealt in or used by clothing stores"; (2) to remove "in bulk" restrictions in Sub-34, 35 and 37 and (3) authorize service between points in the U.S. under continuing contract(s) with named shippers in all the permits named above.

MC 127306 (Sub-16)X, filed February 20, 1981. Applicant: M. W. McCURDY & CO., INC., 401 Nora's Lane, Houston, TX 77022. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-9F and 12F certificates to (1) broaden the commodity descriptions to (a) "chemicals and related products, and petroleum, natural gas and their products" from chemicals, cleaning compounds, petroleum, and petroleum products, in containers, in Sub-9F; (b) "food and related products" from precooked rice, and rice which is otherwise exempt from economic regulation, (2) replace named plantsites at or near Houston, TX with city-wide authority in both sub-numbers, (3) change the one-way authorities to radial authorities between Houston, TX, and AZ, CA, CO, ID, NV, NM, OR, UT, and WA, in Sub-9F and Houston, TX, and, AZ, CA, ID, NV, OR, UT, and WA in Sub-12F, and (4) remove the restriction limiting service to the transportation of traffic originating at the named facilities in Sub-12F.

MC 135070 (Sub-183)X, filed February 18, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-18F, 21F, 35F, 43F, 50F, 68F, 82F, 102F, 126F, 145F, and 148F certificates to (1) broaden the commodity description to allow transportation of commodities named in all Sections of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from limited authority to serve only certain Sections, and, remove the commodity restrictions "except hides and commodities in bulk" in all of the above Sub-Nos.; (2) replace plantsite facilities with county-wide authority: Saint Clair County for National Stockyards, IL, in Sub-18; Rock Island County for Joslin, IL, in Sub-21; Ford County for Dodge City, KS, in Sub-35; Rock Island County for Joslin, IL, and Scott County for Davenport, IA, in Sub-43; Montgomery County for Montgomery, AL, in Sub-50; Obion and Gibson Counties for Union

City and Humboldt, TN, in Sub-66; Jim Wells, Bexar, and Nueces Counties for Alice, San Antonio and Corpus Christi, TX, in Sub-102; Carroll, Crawford, Hardin, Polk and Webster Counties, IA for Carroll Denison, Iowa Falls, Des Moines, and Ft. Dodge, IA, Saline and Lancaster Counties, NE for Crete and Lincoln, NE and Sioux City, IA and Omaha, NE for named facilities, in Sub-126; Freeborn County for Albert Lea, MN, and, Linn, Cherokee, and Polk Counties for Cedar Rapids, Cherokee and Des Moines, IA, in Sub-145; and Saint Clair County for Stockyards, IL, in Sub-148; (3) remove the exceptions of AK And HI in Sub-35, 82, 102; (4) delete the restriction limiting traffic to that originating at named origins and destined to named destinations in Sub-18, 21, 43, 50, 102, 126, 145; (5) authorize radial service in lieu of existing one-way authority in all referenced Sub-Nos. between the named counties and various States in the eastern and midwestern United States.

MC 138035 (Sub-127)X, filed February 20, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, D.C. 20005. Applicant seeks to broaden the commodity description of Sub-21, 32, 39, 51F, 52F, 53F, 56F, 59F, 63F, 65F, 66F, 67F, 69F, 79F, 91F, and 101F, from wine (except in bulk); wine and brandies (except in bulk, in tank vehicles); frozen foods; frozen foods (except in bulk); confectionery; foods (except in bulk); foodstuffs (except commodities in bulk, in tank vehicles); non-alcoholic cocktail mixes; non-alcoholic beverage mixes; frozen foods; and materials and supplies used in the manufacture and distribution of frozen foods (except commodities in bulk), "to food and related products;" Sub-16, 19, 47, 48, 57F, 82F and 90F, from woven fiberglass and mechanically bonded fiberglass mat; fiberglass; glass fiber, glass fiber rovings; yarn, strand, mats, matting, fabric and waste; yarn; textiles and textile products, and materials and supplies used in the manufacture and sale of texittles and textile products (except commodities in bulk), to "textile mill products;" Sub-27 and 30, from new furniture and new furniture parts; vanities; vanity tops, shower doors, marble tops and kitchen cabinets, to "furniture and fixtures; "Sub-74F and 75 F, from plastic pipe and plastic pipe fittings, and accessories; rubber articles, plastic articles, and rubber and plastic products, and materials and supplies used in the manufacture thereof, to "rubber and plastic products;" Sub-58F and 77F, from materials and supplies used in the manufacture of ball and roller bearings; household appliances and electric appliances, and materials and supplies used in the manufacture and distribution thereof, to "machinery;" Sub-34 and 78F, from heating and cooling units for temperature-controlled commercial trailers, containers, or rail cars, and parts and accessories for heating and cooling units; electrical goods, and materials and supplies used in the manufacture and sale thereof (except commodities in bulk, and those which because of size or weight require the use of special equipment), to "machinery and metal products;" Sub-93F, from general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), to "general commodities (except class A and B explosives);" Sub-99F, from general commodities (except in bulk), to "general commodities;" Sub-45, from such commodities as are used in the construction, maintenance and operation of amusement facilities and theatrical productions (except in bulk), to "such commodities as are used in the construction, maintenance and operation of amusement facilities and theatrical productions;" Sub-19, from methyl ethyl ketone peroxide in dibutyl phthalate (except in bulk); dry chemical pigments (except in bulk); and polyester resin (except in bulk), to "chemicals and related products;" Sub-33 and 61F, from wood slat products, shades, draperies, dividers and doors, and materials and supplies used in the manufacture, marketing and sale of commodities described above, to "furniture and fixtures, textile mill products, and lumber and wood products;" Sub-43, from insulators, electric wiring and pottery, and parts thereof, to "clay, concrete, glass or stone products, and machinery;" Sub-55F, from straw florist forms, to "straw products;" Sub-64F, from such commodities as are dealt in or used by manufacturers of rubber and rubber products (except commodities in bulk), to "such commodities as are dealt in or used by manufacturers of rubber and rubber products;" Sub-73F, from lamps, lighting fixtures, and lampshades, to "machinery, metal products, rubber and plastic products, and clay, concrete, glass or stone products;" Sub 76F, from materials and supplies used in the manufacture and distribution of venetian blinds (except in bulk), to "such commodities as are used in the manufacture and distribution of venetian blinds;" Sub-80F, from petroleum, petroleum products, vehicle body sealer and sound deadener compounds (except commodities in bulk, in tank vehicles); filters, and materials, supplies and equipment used in the manufacture, sale and distribution thereof, to "petroleum, natural gas and their products, machinery, and chemicals and related products;" Sub-81F, from such commodities as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), to "such commodities as are dealt in by chain grocery and food business houses." Applicant seeks to broaden the territorial description of the below designated Sub-Nos. from city-wide authority and from authority restricted to facilities to either city-wide or county-wide authority: Sub-16, from Graham, TX, to Young County, TX; Sub-17, from Burbank, North Hollywood, Sun Valley and Mountain View, CA, to Los Angeles and Santa Clara Counties, CA; Sub-18, from Elyria, OH, to Lorain County, OH; from Burt, NY, to Niagara County, NY; from Auburn, Kirkland and Spokane, WA, to King and Spokane Counties, WA; from Grants Pass and Medford, OR, to Josephine and Jackson Counties, OR; from Boise, ID, to Ada County, ID; from Laurel, MD, to Prince Georges County, MD; from Graham, TX, to Young County, TX; from West Shelby, NC, to Cleveland County, NC; and from Amsterdam, NY, to Montgomery County, NY; Sub-30, from Van Nuys, CA, to Los Angeles County, CA; Sub-33, from Westminster, CA, to Orange County, CA; Sub-34, from Montebello, CA, to Los Angeles County, CA; Sub-38, from Ridgely, MD, to Caroline County, Md; Sub-43, from Sandersville, GA, to Washington County, GA; Sub-47, from South Lexington and West Shelby, NC, to Davidson and Cleveland Counties, NC; Sub-48, from Westminster, CA, to Orange County, CA; Sub-51F, from Plover, WI, to Portage County, WI; Sub-52F, from Forest, MS, to Scott County, MS; Sub-53F, from Sullivan, IL, to Moultrie County, IL; Sub-55F, from Dallas, NC, to Gaston County, NC; Sub-59F, from Cleveland, TN, to Bradley County, TN; Sub-61F, from Westminster, CA, to Orange County, CA; Sub-63F, from Stockton and Modesto, CA, to San Joaquin and Stanislaus Counties, CA; Sub-64F, from Lawton, OK, to Comanche County, OK; from Rockmart, Carterville and Cedartown, GA, to Polk and Bartow Counties, GA; Sub-66F, from Tucker, GA, to DeKalb County, GA; Sub-68F, from Rialto, CA, to San Bernardino County, CA; Sub-73F, from Pacoima, CA, to Los Angeles County, CA; Sub-74F, from Sun Valley, Santa Ana and Bakersfield, CA, to Los Angeles, Orange and Kern Counties, CA; Sub-75F, from

Irving, TX, to Dallas County, TX; Sub-76F, from Montoursville, PA, to Lycoming County, PA; and from Westminster, CA, to Orange County, CA; Sub-77F, from Asheboro, NC, to Randolph County, NC; from Mansfield, MA, to Bristol County, MA; from Edison, NJ, to Middlesex County, NJ; from Laurel, MD, to Prince Georges County, MD; from San Leandro, Garden Grove and San Pedro, CA, to Almeda and Los Angeles Counties, CA; from Lenexa, KS, to Johnson County, KS; and from Muskogee, OK, to Muskogee County, OK; Sub-78F, from Ontario, CA, to San Bernardino County, CA; from Lenexa, KS, to Johnson County, KS; from Grand Prairie, TX, to Dallas County, TX; from Edison, NJ, to Middlesex County, NJ; from Mansfield, MA, to Bristol County, MA; from Laurel, MD, to Prince Georges County, MD; from Tukwila, WA, to King County, WA; and from San Leandro, CA to Alameda County, CA; Sub-79F, from Byhalia, MS, to Marshall County, MS; Sub-82F, from Monroe, Balfour, Greensboro and Salisbury, NC, to Union, Henderson, Guilford and Rowan Counties, NC; Sub-91F, from Murfreesboro, TN, to Rutherford County, TN; Sub-101F, from Albany, GA, to Dougherty County, GA; and Sub-106F, from Gallatin, TN, to Summer County, TN. Applicant seeks to remove from the following authorities restrictions limiting service either to the facilities, plantsites, or to traffic originating at or destined to the facilities of, the named shipper: Sub-17, 39, 45, 51F, 52F, 53F, 58F, 59F, 63F, 69F, 75F, 80F, 81F, 82F, 91F, 93F, 101F. Applicant seeks radial authority in lieu of existing one-way authority for the below designated authorities: Sub-16, 19, 21, 27, 30, 32, 33, 34, 39, 43, 47, 48, 51F, 52F, 53F, 55F, 58F, 59F, 61F, 63F, 64F, 65F, 66F, 67F, 69F, 73F, 74F, 75F, 76F, 77F, 78F, 79F, 80F, 82F, 93F, 101F, and 106F between various combinations of States throughout the United States. Applicants also seeks to remove restrictions limiting service to vehicles equipped with mechancial refrigeration from the following authorities: Sub-21, 59F, 69F, and 81F.

MC 146129 (Sub-1)X, filed February 24, 1981. Applicant: DIRECT DELIVERY, INC., 900 W. Florence, Los Angeles, CA 90301. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives) and (2) remove a restriction requiring traffic to have an immediately prior or subsequent movement by air.

MC 149206 (Sub-8)X, filed February 26, 1981. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton, P.O. Box 508, Winnfield, LA 71483. Applicant seeks to remove restriction from its MC 145363F and Sub-8F permits to (1) broaden the commodity descriptions from lumber, lumber products, lumber mill products and forest products, in the lead, and building materials (except commodities in bulk, in tank vehicles) in Sub-8F, to "building materials"; (2) broaden the territorial scope in both authorities to allow service between points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 81-7783 Filed 3-11-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on April 7, 1981 (from 8:30 a.m. to 5:30 p.m.), at the Dean Acheson Auditorium in the Department of State Building, 2201 C Street NW., Washington, D.C. 20520.

The topic of the meeting will be "The United States and Third World Development: What Role for the U.S. Government? What Role for Private and Voluntary Organizations?" The agenda will include presentations and sharing of views on these issues by top officials of the new Administration and Congress and by members of the private and voluntary agency community.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

Mr. John G. Sommer will be the A.I.D. representative at the meeting. It is suggested that those desiring further information contact Mr. Sommer at 703-235-2708, or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: March 4, 1981.

Gordon K. Pierson,

Acting Assistant Administrator, Bureau for Private and Development Cooperation.

[FR Doc. 81-7839 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-02-M

Advisory Committee on Voluntary Foreign Aid; Registration Subcommittee; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Registration Subcommittee of the Advisory Committee on Voluntary Foreign Aid which will be held on April 8, 1981 (from 9:00 to 11:30) a.m.), in Room 1105 of the Department of State Building, 2201 C Street NW., Washington, D.C. 20520.

The entire agenda will be devoted to discussion of A.I.D.'s proposed new PVO registration policy.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

Mr. John G. Sommer will be the A.I.D. representative at the meeting. It is suggested that those desiring further information contact Mr. Sommer at 703-235-2708, or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: March 4, 1981.

Gordon K. Pierson,

Acting Assistant Administrator, Bureau for Private and Development Cooperation.

[FR Doc. 81-7838 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-02-M

[Delegation of Authority No. 140]

Korea; Delegation of Authority With Respect to Administration of AID Program

Pursuant to the authority delegated to me by Delegation of Authority No. 1 of October 1, 1979 from the Director of the United States International Development Cooperation Agency and Executive Order No. 12163 of September 29, 1979, I hereby delegate to the principal diplomatic officer of the United States in Korea, with respect to the administration of the foreign assistance program residual activities within the country to which he is accredited, the authorities delegated to Directors of

Missions of the Agency for International Development (AID) in AID. Handbooks, manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda, or other instructions as these may be amended, supplemented or superseded from time to time.

The exercise of the authorities delegation herein shall be subject to the limitations applicable to the exercise of such authorities by AID. Mission Directors.

The authority delegated herein may be redelegated to the officer at the post principally responsible for AID. activities and may be exercised by persons who are performing the functions of such officer in an "acting" capacity.

Dated: February 27, 1981.

Joseph C. Wheeler,

Acting Administrator, Agency for International Development.

[FR Doc. 81-7833 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Parole Commission

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: U.S. Parole Commission.

ACTION: Notice.

SUMMARY: This notice describes the U.S. Parole Commission's experimental procedure for granting parole on the record without in-person hearings to those selected prisoners whom the Commission would release on parole at the earliest possible date permitted by their sentence.

DATE: These procedures were put into effect on February 12, 1981.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, Staff Attorney, Office of General Counsel, 320 First Street, NW, Washington, D.C., telephone (202) 724-7567.

SUPPLEMENTARY INFORMATION: The U.S. Parole Commission is presently implementing an experimental procedure in its regional offices under which, prior to their initial hearings at federal correctional institutions, prisoners' files are reviewed on the record for completeness of essential information and for preparation of parole guideline calculations. In conjunction with these "pre-hearing reviews," and pursuant to the provisions of 18 U.S.C. 4206(a), the Commission has authorized "parole on the record" for selected prisoners where it appears that: (1) parole upon completion of the minimum sentence (at parole eligibility) is clearly warranted by applicable Commission standards and that (2) an in-person hearing does not appear necessary for further examination of the case.

The experimental "parole on the record" procedure applies only to prisoners for whom a minimum term has been set by the sentencing court (sentencing under 18 U.S.C. 4205(a) or 4205(b)(1)) and for whom the Commission would render a decision to parole on the earliest possible date permitted by the sentence. As no more favorable decision can be rendered, the prisoner will be notified that this decision is not appealable. For the same reason, a prisoner paroled at his minimum eligibility date under the experimental procedure will not be accorded a personal institutional hearing by the Commission, unless his/her case is reopened for consideration of disciplinary infractions or other new information. See 28 CFR 2.28 (b), (c), and (f).

The "parole on the record" procedure is intended to reduce the Commission's workload by eliminating the need for in-person hearings where parole at eligibility is clearly warranted and no purpose will be served by a hearing.

Dated: March 6, 1981.

Cecil C. McCall,

Chairman, U.S. Parole Commission.

[FR Doc. 81-7701 Filed 3-11-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-11]

Reports, Recommendations and Responses; Availability

Aircraft Accident Reports

Air Canada McDonnell Douglas DC-9-32 (CF-TLU), East of Boston, Massachusetts, September 17, 1979 (NTSB-AAR-80-13).—National Transportation Safety Board investigation established that about 14 minutes after takeoff from Boston's Logan International Airport, and at an altitude of about 25,000 ft m.s.l., the tailcone along with the aft cabin pressure access door and a portion of the aft cabin pressure bulkhead separated from the aircraft causing rapid decompression of the passenger and flightcrew compartments.

The Safety Board determined that the probable cause of the accident was a fatigue fracture of the aft cabin pressure bulkhead which resulted in a rapid decompression of the aircraft's cabin area. This fracture initiated from a crack below the aft bulkhead access door which was discernible on the X-rays taken during the aircraft's last maintenance inspection but was not detected by the inspectors.

Air Pennsylvania 501, Piper PA-31-350, N54S, Philadelphia, Pennsylvania, July 25, 1980 (NTSB-AAR-81-1). The aircraft crashed while making a visual approach to runway 27R at Philadelphia's International Airport. Witnesses stated that, when Flight 501 was about ½ mile on final approach, it rolled from side to side, pitched up, rolled inverted to the left, and flew into the ground nose first. All 3 persons aboard the aircraft were killed and the aircraft was destroyed.

The Safety Board determined that the probable cause of the accident was the loss of aircraft control due to an encounter with wake turbulence from the preceding aircraft at an altitude too low for recovery and the pilot's failure to follow established separation and flightpath procedures for wake turbulence avoidance.

Safety Recommendation Letters

Aviation: A-81-19 and -20, to the Federal Aviation Administration, February 27, 1981.—Citing 2 Boeing 727 crashes—one on May 8, 1978, near Pensacola, Florida; the other at Tenerife, Grand Canary Islands, April 25, 1980—the Safety Board recommends that FAA:

Instruct all air carriers to include in their flightcrew procedures instructions which require an immediate response to the ground proximity system's terrain closure "pull-up" warning when proximity to the terrain cannot be verified instantly by visual observation. The required response to this warning should be that the maximum available thrust be applied and that the aircraft be rotated to achieve the best angle climb without delay. (A-81-19)

Instruct air carriers to include in their initial and recurrent simulator training curricula situations involving radar controlled as well as noncontrolled flight wherein ground proximity warning system alarms are given and flightcrew response to those warning system alarms are evaluated. (A-81-20)

Aviation: A-81-23, to the Federal Aviation Administration, March 3, 1981.—Safety Board investigation of the crash last June 12 of Air Wisconsin Flight 965 near Valley, Nebraska, indicated that Air Traffic Control Handbook 7110.65B does not contain procedures for handling Center Weather Advisors (CWA's) which are prepared by meterorologists in the Air Route Traffic Control Centers (ARTCC). The Safety Board recommends that FAA:

Publish procedures in Air Traffic Control Handbook 7110.65B covering the handling of Center Weather Advisories. (A–81–23)

Pipeline; P–80–74, to the Research and Special Programs Administration, U.S. Department of Transportation, November 14, 1980.—On August 7, 1978, in Lafayette, Louisiana, natural gas at 15 psig pressure escaped from a corrosion leak in an inactive 1-inch steel service line and migrated beneath a concrete slab and into a building where it ignited. The resulting explosion and fire injured 6 persons and destroyed the building and its contents.

Investigation of an explosion and fire on June 17, 1975, in a house in Stroudsburg, Pennsylvania, disclosed that gas had been leaking into the basement of the house from a corrosion hole in an inactive gas service line that had been capped, but was still under pressure. As a result of these accidents, the Board recommends that RSPA:

Initiate rulemaking to prescribe a time limit when an inactive service line would be required to be abandoned and physically disconnected from the main. (P–80–74)

Each of the above 3 aviation and one pipeline safety recommendations is designated "Class II, Priority Action."

Responses to Safety Recommendations

Aviation

A–78–42, from the Federal Aviation Administration, February 19, 1981.—FAA provides a copy of its final rule, Certification and Operation Rules for Certain Large Airplanes, published in the Federal Register, October 9, 1980. FAA states that the amendment to 14 CFR Part 91 completes the regulatory action outlined in its letters of September 11 and October 4, 1978 (43 FR 46080 and 43 FR 46743, respectively).

A–81–1 through –5 from the Federal Aviation Administration, February 11, 1981.—Initial response to recommendations issued January 6 resulting from investigation of a Lockheed L–1011–200 airplane operated by a foreign carrier which experienced an inflight failure of a main landing gear outboard wheel flange on December 22, 1980. (See 46 FR 7113, January 22, 1981.)

Following an evaluation of Board recommendation A–81–1 to require early identification and removal of "thinner flange wheels" from "heavier airplanes," FAA finds no significant difference in safety between thinner wheels and other wheels and is unable to justify initiating recommended action. With respect to requiring appropriate inspections of wheels at each wheel disassembly, however, FAA will issue an appropriate Airworthiness Directive to require application of eddy current wheel flange radius inspections at appropriate intervals.

Re A–81–2, FAA completed a special Quality Assurance System Analysis Review (QASAR) audit of Goodrich wheel manufacturing facility at Troy, Ohio, January 12–14, emphasizing review of production and quality control procedures for manufacturing wheels for L–1011's. The QASAR team leader found no significant safety deficiencies that could have contributed to the subject wheel failure, or that would affect the safety of wheels being manufactured at the facility.

FAA does not plan to implement A–81–3, since experience with prior cracks in L–1011 wheels indicates that surface anomalies (corrosion pits, etc.) are the principal initiators of wheel flange fatigue cracks, which may occur at any wheel service life and are independent of variations in operational stress level due to differences in tire pressure. FAA is studying the wheel fatigue phenomenon on all U.S. manufactured transport category airplane types. FAA is concerned that the premature dissemination of the tire pressure effects information per the Board's recommendation could cause operators to reduce tire pressure wheel fatigue and this action could lead to a false sense of security without improving wheel safety.

FAA will implement A–81–4 as an integral part of the above-noted study. Details of the inspection procedure must be tailored to the principal failure causes and modes of each wheel type. Interim maintenance bulletins will be published and final results of the FAA study will be published in an Advisory Circular.

Re A–81–5, on January 9 FAA's Director of Airworthiness sent an "Urgent Maintenance Alert" telegraphically to airworthiness authorities of all countries having L–1011's on their registry. The alert, copied to ATA and International Air Transport Association for dissemination to member carriers, emphasized the importance of an eddy current inspection of the critical wheel flange area at each tire change. The information in that alert will be upgraded in FAA's AD referenced in A–81–1. FAA will make available to foreign authorities and all operators on a priority basis any new information gained as a result of its wheel study.

FAA believes that the preamble to recommendations A–81–1 through –5 contained a number of factual errors that need to be corrected for the record. A detailed statement is provided in the response letter.

M–80–5, from the U.S. Coast Guard, January 26, 1981.—Coast Guard does not concur in the recommendation to amend 46 CFR, Subpart 95.05–1, to require installation of a fire detection system in accommodation spaces of U.S. vessels that do not meet current structural fire protection standards. M–80–4 stemmed from investigation of the fire June 5, 1979, on board the Canadian bulk carrier M/V CARTIERCLIFFE HALL, Lake Superior. (See 45 FR 8390, Feb. 7, 1980.) Coast Guard, however, recognizes that the earliest possible detection provides the best response to a fire, and on April 2, 1980, published Navigation and Vessel Inspection Circular 7–80 urging voluntary installation of certain types of fire detection devices

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters and responses are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,
Federal Register Liaison Officer.
March 6, 1981.

[FR Doc. 81–7780 Filed 3–11–81; 8:45 am]
BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station Units 1 and 2; Order Extending Construction Completion Date

Pennsylvania Power and Light Company and Allegheny Electric Cooperative, Inc. are the holders of Construction Permit Nos. CPPR–101 and CPPR–102, issued by the Atomic Energy Commission [1] on November 2, 1973 for construction of the Susquehanna Steam Electric Station. This facility is presently under construction at a site in Northeastern Pennsylvania in the Salem Township, Luzerne County, Pennsylvania.

[1] Effective January 19, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

On January 23, 1981, the applicants requested an extension of the latest completion dates because construction has been delayed by the following events:

1. Changes in the scope of the project including increases in the amount of material and engineering required resulting in part from the accident at Three Mile Island Unit 2 and subsequent regulatory actions.

2. Construction delays and lower than estimated productivity which resulted in delays in installation of material and equipment and delays in completion of systems required to support plant testing.

3. Changes in plant design.

4. Delays in delivery of equipment and material.

5. Shortages of certain highly skilled workers and similar construction related factors.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in the staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

It is hereby-ordered that the latest completion date for Construction Permit No. CPPR-101 is extended from March 1, 1981 to December 31, 1982 and the latest completion date for Construction Permit No. CPPR-102 is extended from September 1, 1982 to March 31, 1984.

Date of Issuance: February 28, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-7080 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247; EA 81-11]

Consolidated Edison Co. of New York, Inc. (Indian Point Nuclear Power Station, Unit 2), Order Imposing Civil Monetary Penalties

I

The Consolidated Edison Company of New York, Inc. (the "licensee") is the holder or Operating License No. DPR-26 (the "license"), issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes operations of the Indian Point Nuclear Power Station, Unit 2 (the "facility"). The facility consists of a pressurized light water moderated and cooled reactor (PWR), located at the licensee's site in Buchanan, New York. The license was issued on October 19, 1971.

II

On October 17, 1980, the Indian Point Unit 2 Nuclear Power Plant experienced a flooding of the vapor containment. The Nuclear Regulatory Commission's Office of Inspection and Enforcement conducted an investigation of this incident during the period October 22 through November 21, 1980. The objectives of this investigation were: (1) to gather facts concerning the incident, its cause, effect(s), and the licensee's response to the incident; and (2) to evaluate these facts as a basis for corrective or enforcement action, as appropriate. The investigation findings are stated in Investigation Report 50-247/80-19, December 4, 1980. As a result of this investigation, it appears the licensee has not conducted its activities in full compliance with the conditions of its license and the requirements of the Commission. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated December 11, 1980, stating the nature of the items of noncompliance and the provisions of NRC requirements with which the licensee was in noncompliance and identifying the items of noncompliance for which civil penalties were imposed and the amount thereof. A letter dated January 5, 1981, with enclosures, in response to the Notice of Violation and Proposed Imposition of Civil Penalties, was received from the licensee. In addition, the licensee submitted additional information to the NRC in a letter dated February 11, 1981.

III

Upon consideration of Consolidated Edison's responses (January 5, 1981 and February 11, 1981) and the statements of fact, explanation and argument in denial or mitigation contained therein, as set forth in Appendix A to this order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the items of noncompliance designated in the Notice of Violation should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the total amount of Two Hundred Ten Thousand Dollars ($210,000) for Items IA, IIA, IIB, IIC, IID, IIE, IIIA, and IIIB as set forth in Appendix A to this order (No civil penalties were assessed for Items IB, IIF, IV or for the deviation) within twenty-five (25) days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

The licensee may, within twenty-five (25) days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

V

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) whether the licensee was in noncompliance with the Commission's regulations and the conditions of the license for which civil penalties were imposed as set forth in the Notice of Violation referenced in Section II above; and

(b) whether on the basis of such items of noncompliance the Order should be sustained.

Dated at Bethesda, Maryland this 2nd day of March, 1981.

For the Nuclear Regulatory Commission.
Victor Stello, Jr.,
Director Office of Inspection and Enforcement.

Appendix A Evaluations and Conclusions

For each item of noncompliance and associated civil penalty identified in the Notice of Violation (dated December 11, 1980), the original item of noncompliance is restated and the Office of Inspection and Enforcement's evaluation and conclusions regarding the licensee's responses to each item (dated January 5, and February 11, 1918) are presented.

Item I

The Commission regulations and the facility license require the licensee to report occurrences important to safety as indicated below:

Item I.A

Statement of Noncompliance. 10 CFR 50.72(a), "notification of significant events", requires that: "Each licensee of a nuclear power reactor, licensed under para. 50.21 or para. 50.22 shall notify the NRC Operations Center as soon as possible and in all cases within one hour by telephone of the occurrence of any of the following significant events and shall identify that event as being reported pursuant to this section:

(3) Any event that results in the nuclear power plant not being in a controlled or expected condition while operating or shutdown."

Contrary to the above, the following condition was not reported within one hour of identification:

The discovery on October 17, 1980 of unexpected conditions not specifically considered in the safety analysis report or technical specifications that required remedial action to prevent existence or development of an unsafe condition, specifically the existence of: a flooded reactor vessel pit, about four inches of river water on the vapor containment floor, and steam exiting the instrument thimble holes.

The containment flooding condition was found on October 17, 1980, but not reported to the NRC until October 20, 1980, which did not comply with the one hour reporting requirements of 10 CFR 50.72. Each day that the violation continued constitutes a separate violation for the purpose of computing the civil penalty.

This is a Severity Level III violation (Supplement I.C.2 of the Interim Enforcement Policy). Applying the civil penalty for each day that the violation continued results in a civil penalty of—$120,000.

Evaluation of Licensee Response. The licensee has argued that the standards by which the NRC considers a facility to be in an "unexpected" or "uncontrolled" condition are undefined by 10 CFR 50.72. In the licensee's view, it never considered the facility to be in an "unexpected" or "uncontrolled" condition and therefore, it did not consider the presence of water on the containment floor to be reportable to the NRC. Nevertheless, the licensee has conceded that it has violated 10 CFR 50.72 of the Commission's regulations. The licensee stated in its response of January 5, 1981 that:

Although the accumulation of water on the containment floor is to be expected, the actual amount of water discovered in the containment by plant personnel on October 17, 1980 did nonetheless represent, in the language of the regulation, an "unexpected condition," and in retrospect should have been promptly reported to the NRC. On this basis, we do not contest that a violation occurred as stated in paragraph I.A of the Notice of Violation, as the Office of Inspection and Enforcement has here interpreted 10 CFR 50.72.

The licensee contends, however, that the violation should be classified as Severity Level VI rather than Severity Level III and cites the vagueness of the regulation, the intent of the regulation as explained in Information Notice (IN) 80–06, the firm conviction of plant personnel that a "serious event" did not occur, and the contention that the flooding event had minor safety significance.

Despite its contention that the regulation is vague as to what must be reported to the NRC, the licensee has in fact conceded that the amount of water found on the containment floor was "unexpected" and therefore reportable under the meaning of the regulation.

Information Notice (IN) 80–06, issued on February 27, 1980 and a Supplement to IN 80–06, issued on July 29, 1980, both emphasize that "serious events that could result in an impact on the public health and safety" are the types of events that the NRC requires to be reported under 10 CFR 50.72. The wetting of the hot reactor vessel with cold river water had the potential of overstressing the reactor vessel, a condition that could cause vessel failure. The wetting of the stainless steel Incore Instrument Conduits with brackish river water had the potential for causing chloride stress corrosion and breeching of a component which is part of the Primary Coolant Pressure Boundary. The flooding of the Reactor Vessel Pit and Containment Floor had the potential for causing post-LOCA water levels to disable safety related equipment. The leaking Fan Cooler Units (FCUs), with faulty containment isolation valves, constituted a loss of Primary Containment Integrity. Each of these potential events could have resulted in a substantial safety hazard to the public. Hence this event does qualify for reporting under 10 CFR 50.72.

The fact that plant personnel erroneously concluded that the event was not potentially serious does not change the basic requirement to report the unexpected event. It should again be emphasized that the licensee has conceded that the amount of water on the containment floor was unexpected.

The licensee also maintains the event would not require an "open, continuous communication channel" with NRC as described in 50.72(b) and hence implies it need not be reported per 50.72(a). Had the licensee reported the event on 10/17/80, while water was still covering a portion of the Reactor Vessel, the NRC would, in all likelihood, have required that an open continuous communication channel be maintained. Furthermore, the fact that the NRC may receive a 50.72(a) report and decide to not maintain an open continuous communications channel, in no way negates the requirement to make the report in the first place.

The licensee contends that the event which was not reported had minor safety significance. This contention is based on information not known and in some cases unavailable to the licensee at the time the decision to not report was made. That the licensee initially considered the event of more than minor safety significance is illustrated by the licensee's decision to shutdown the reactor on the morning of October 20, 1980. That subsequent analysis and inspection has indicated no significant damage has occurred from this event is indeed fortunate, but not sufficient justification for failure to report the unexpected condition, which at the time had unknown significance.

The licensee contends that failure to report this event should be considered a Severity Level VI violation and argues that the Notice of Violation does not explain "which serious safety mitigative or preventive system was unable to perform" its functions. The NRC Interim Enforcement Policy (45 FR at 66754) (October 7, 1980) states that the "severity level of a violation involving the failure to make a required report to the NRC will be based upon the significance of and the circumstances surrounding the matter not reported." The proposed enforcement policy also states that violations that are not specifically identified in the

Supplements will be placed at the level best suited to the significance of the particular matter. The particular event not reported was considered significant and therefore placed at Severity Level III because of:

(1) the unreviewed safety question, which existed at the time, of operating a hot reactor vessel and stainless steel conduits in contact with cold brackish river water;

(2) the actual safety problems which existed, namely: loss of containment integity, post-LOCA loss of at least one FCU, some post-LOCA boron dilution of recirculated water, and post-LOCA submergence and hence potential failure of safety related valves; and

(3) the potential safety problem which would have existed had flooding continued for a short additional period of time; namely post-LOCA submergence of the recirculation pump motors.

Finally, the licensee states that there is no "appropriate basis for accruing separate violations for each day of licensee misinterpretation." Under Section 234 of the Atomic Energy Act, as amended (42 U.S.C. 2282), the Commission is authorized to impose civil penalties for each day that a violation continues. The containment flooding condition was reportable to the NRC as of October 17, 1980 yet was not reported until October 20, 1980. Thus, the licensee violated the reporting requirement for three days (October 17, 18, and 19) and is, therefore, subject to a civil penalty for each day of the violation. Civil penalties for each day the violation continued are particularly appropriate in this case, because during each of the three days the incident was not reported, the licensee's management were alerted again and again to the existing situation, had the opportunity to report the occurrence and yet did not conclude that a report to the NRC should be made.

Conclusion. The item as stated is an item of noncompliance. The information provided in the licensee's response does not provide a basis for modification of the enforcement action or for remission or mitigation of the proposed penalty.

Item I.B

Statement of Noncompliance. Technical Specification 6.9.1.7.1 states, in part, that: "The types of events listed below shall be reported within 24 hours of identification . . .

c. Abnormal degradation discovered in . . . primary containment. . . ."

Contrary to the above on October 17 and 18, 1980, leaks were discovered in several fan cooler units. These leaks constituted abnormal degradation of primary containment and were not reported to the NRC until October 20, 1980. This violates the 24 hour reporting requirement.

In accordance with Footnote 17 to Section B of the Interim Enforcement Policy this is categorized as a Severity Level III violation.

Evaluation of Licensee Response. The licensee contends that plant design features described in the FSAR to monitor and isolate the fan cooler units (FCUs) were operable on October 17 and 18, 1980, and that consequently, the requirements for containment integrity were satisfied. Thus, according to the licensee, no report pursuant to Technical Specification 6.9.1.7.c was required.

Although some of these features were operable, not all of them were. The outlet service water containment isolation valve for FCU #22 has been tested by the licensee and shown to be unable to hold pressure. The containment isolation valves for the other four FCUs were also tested and the licensee was unable to demonstrate their leak tight integrity. Thus primary containment integrity was clearly not maintained as evidenced by:

(1) multiple service water leaks inside containment in the piping and tubing to the FCUs;

(2) leaky containment isolation valves on the inlet and/or outlet service water lines for the FCUs; and

(3) service water system pressure to the FCUs in containment that is significantly below peak accident pressure in containment.

The licensee knew of the service water leaks on October 17, 1980 and was also aware of the status of the containment isolation valves, because personnel entering containment after the FCU service water valves were closed noted continued flow from the FCU condensate leak detection devices. Thus, upon identification of this abnormal degradation in primary containment, the licensee was required to report this fact to the NRC within 24 hours.

The licensee argues that prior to the flooding event at Indian Point 2 on October 17, 1980, service water leaks of the type experienced during this event were not considered reportable by the NRC. In support of this proposition, the licensee cites IE Bulletin 80-24 (November 21, 1980) and argues that the bulletin, as a result of the Indian Point 2 event, imposed the new requirement to report any service water system leaks within containment. The licensee argues that the NRC cannot apply this requirement retrospectively in order to sustain a violation against Consolidated Edison.

Despite this contention, IE Bulletin No. 80-24, "Prevention of Damage Due to Water Leakage Inside Containment (October 17, 1980, Indian Point 2 Event)," did not impose any new requirements but rather emphasized existing ones. Item 2.f of this Bulletin reemphasized the NRC's interest in receiving reports on degradation of primary containment. The NRC decided to emphasize in the Bulletin this already existing reporting requirement because at least one licensee (Consolidated Edison) had not considered it necessary to promptly report such leakage. This event should have been reported in accordance with technical specifications as described above, and is not a new requirement established in Bulletin 80-24 as the licensee contends.

The licensee contends that a separate violation for failure to report abnormal degradation in primary containment under Technical Specification 6.9.1.7.1.c is inappropriate, in light of the earlier cited violation for failure to report the plant in an unexpected condition under 10 CFR 50.72(a)(3). The licensee is required by TS 6.9.1.7.1 to report orally and in writing to the Director of Region I abnormal degradation in primary containment. The licensee is required by 10 CFR 50.72 (a) and (b) to report orally to the NRC Operations Center the discovery of an event that results in the plant being in an unexpected condition and, until notified otherwise, to maintain a continuous communication channel to the NRC Operations Center. Thus, despite the licensee's contention, the licensee committed two acts of non-reporting and violated two separate reporting requirements. Even if the items to be reported had been the same, which they were not in this case, neither reporting requirement can be substituted for the other, since the chain and mode of communications is different for each of the requirements.

Finally, the licensee argues that this violation, as well as the violation described in Item I.A of the Notice of Violation dated December 11, 1980, cannot be classified as a Severity Level III because neither violation involved actual or high potential impact on the public. The justification for assigning Severity Level III to Item I.A has been previously addressed. Item I.B. is associated with Item I.A in that together they indicate a problem with the licensee's lack of concern for NRC reporting requirements. Consequently, in accordance with footnote 17 of the Interim Enforcement Policy (45 FR at 66757), Item I.B has properly been assigned the same severity level as that of Item I.A.

Conclusion. The item as stated is a violation. The information provided in the licensee's response does not provide a basis for modification of the proposed enforcement action.

Item II

The station Technical Specifications and Quality Assurance Program prescribe the management controls designed to prevent or mitigate a serious safety event. A number of violations of management controls required in these documents occurred. The highest severity level associated with these violations is Severity Level III. Because you could reasonably have been expected to have taken effective measures to prevent this occurrence, civil penalties for these violations have been increased by 25%. Therefore a Civil Penalty—$50,000 is proposed. The civil penalty has been distributed to the separate violations as indicated below:

Item II.A

Statement of Noncompliance. Technical Specification 6.5.1.6 states in part that, "The Station Nuclear Safety Committee shall be responsible for: . . .

f. Review of facility operations to detect potential safety hazards . . .".

Contrary to the above, the Station Nuclear Safety Committee did not review, prior to a reactor startup on October 20, 1980, the potential safety hazards associated with the flooding event of October 17, 1980 during which the hot reactor vessel and various stainless steel components were wetted with cold, brackish river water.

This is a Severity Level III violation (Supplement I.C.2 of the Interim Enforcement Policy). Civil Penalty—$20,000.

Evaluation of Licensee Response. Although the licensee argues that "the accumulation of water on the containment floor was not considered a significant event from a safety standpoint requiring Station Nuclear Safety Committee review," it concedes that a Violation of Technical Specification 6.5.1.6 occurred. The licensee states:

> Even though there were no actual safety problems, and even though the Safety Committee was unaware of the vessel wetting at the time of this alleged violation, Consolidated Edison nonetheless agrees that the Committee should have reviewed all relevant safety considerations—however remote—after the discovery of substantial amounts of water inside containment and prior to reactor startup. We thus acknowledge that a violation occurred as set forth in paragraph II.A of the Notice of Violation.

The licensee does, however, dispute the severity level assigned to this violation. It argues that during the leakage event, there were no instances of actual or high potential impact on the public and that there was no deficiency in any "system" as that term is used in Supplement I.C.2 of the Interim Enforcement Policy.

Despite the licensee's contention that there was no actual or high potential impact on the public, there were potential safety problems in the following areas that could have had an impact on the public:

1. Degradation of service water piping and tubing creates the possibility of post-LOCA leakage from containment, particularly considering the approximately 15 psig service water pressure in the FCUs and a peak accident containment pressure of 47 psig. This was compounded by the excessive leak rates through the service water containment isolation valves. Also, if the leaking FCUs are isolated this renders them inoperable.

2. A LOCA coincident with the flooded containment would have submerged and made inoperable safety injection valves, as described by the licensee on page 11 of its response, thus reducing the redundancy and reliability of portions of the Safety Injection System.

Continued leakage after 10/17/80 would have further raised post-LOCA water levels, e.g.:

125,000 gallons, Elev. 51'7½".
150,000 gallons, Elev. 51'711".

The licensee depends on the next float level switch (in the recirculation sump) and subsequent operator action to prevent the flood from continuing. Both of these are subject to question since the operators did not react to the abnormal condition of a continuously actuated 51' level switch and apparently the 91' level switch did not actuate even though under water. Additionally, none of these switches had audible alarms, only white lights on a side panel in the control room. Thus, without early discovery, post-LOCA water levels could have easily reached 52'5", the bottom of the recirculation pump motors, or higher.

As to the licensee's contention that there was no deficiency in the "system", as that term is used in Supplement I.C.2 of the Interim Enforcement Policy, it should be emphasized that the term "system" is not restricted merely to hardware systems. Rather, "system" encompasses both hardware and management systems. In this instance, the violations for which the licensee was cited in Items II A–F represent violations of the licensee's Technical Specifications and Quality Assurance program. Both of these are management control systems that are by nature designed to prevent or mitigate serious safety events. As to the licensee's contention that isolated instances of personnel error have been characterized as a system breakdown, the large number of violations cited in Items II A–F emphasize that there were not "isolated instances" of errors, but rather a serious breakdown of the licensee's management control system.

The licensee also contends that it is inappropriate to increase the civil penalties assigned to the violations in Item II in that no basis is stated in the Notice of Violation for the NRC's finding that the licensee could reasonably have been expected to have taken effective preventive measure. In addition, the licensee contends that the Interim Enforcement Policy indicates that civil penalties will be increased by 25% only in cases "where the licensee disregards actual knpowledge of a condition gained from prior NRC license audits and the like." The standard for increasing civil penalties by 25% is described in the interim Enformcemnt Policy (45 FR at 66756) as when "the licensee could reasonably have been expected to have taken effective preventive measures." Thus, civil penalties can be increased by 25% any time the NRC determines the standard has been violated. Knowledge of a problem through various means of prior notice is just one example of the manner in which the standard can be violated. In this instance the NRC's basis for concluding that the licensee could reasonably have been expected to have taken effective measures to prevent the flooding incident is discussed in Investigation Report 50–247/80–19, paragraph 11, Meeting Report 50–247/80–19A, paragraph 2.c and is illustrated in Figures 4 and 6 of both reports. Specifically, the frequency of fan cooler unit leakage increased over the years and the licensee performed unqualified repairs of these leaks without adequate evaluation of their causes and took no particular care to ensure that systems were available or inspections performed to detect any failures or leaks that might develop. Thus, the licensee had prior notice of the potential for the flooding incident. Had proper attention been paid to these items upon their occurence, it is reasonable to expect that the flooding incident could have been avoided.

The licensee also contends that violations based on a failure in its management control system should be dismissed because an IE inspection report dated September 2, 1980 indicated that licensee management had the

proper regard for safe operation of the plant. However, the three day inspection conducted by the NRC was not all encompassing and in particular did not review management controls in the reporting, maintenance, surveillance and quality assurance areas, which constitute a significant portion of the areas identified above and cited in the Notice of Violation. Also, while no significant problems or noncompliances were found in the areas inspected in September 1980 this did not in any way grant the licensee immunity from subsequent adverse findings in these areas.

Corrective action commitments provided by the licensee are incomplete. It does not appear that items 1–4 of the licensee's response, if implemented prior to 10/17/80, would have resulted in a proper review of the facts by the SNSC prior to plant startup. A supplemental response is requested which will specify what additional changes and/or actions are planned to ensure that further similar violations will be avoided.

Conclusion. The item as stated is an item of noncompliance. The information provided by the licensee does not provide justification for modification of the enforcement action or for remission or mitigation of the proposed penalty.

Item II.B

Statement of Noncompliance. Technical Specification 6.8.1 requires that procedures shall be established, implemented and maintained to meet the requirements and recommendations of Appendix A to Regulatory Guide 1.33–1972, and ANSI N18.7–1972, sections 5.1 and 5.3.

1. Regulatory Guide 1.33–1972, Appendix A, paragraph H.1, calls for procedures of a type appropriate to the circumstances to assure that instruments and controls are properly calibrated and adjusted to maintain accuracy.

2. Regulatory Guide 1.33, Appendix A, paragraph H.2 calls for procedures to implement each surveillance test, inspection or calibration listed in the Technical Specifications. Technical Specification 3.1.F.1 requires a safety evaluation whenever reactor coolant system leakage is indicated by the means available.

3. ANSI N18.7–1972, Section 5.3, states that procedures shall provide an approved preplanned method of conducting operations. Section 5.3.2.6 states that limitations on parameters being controlled and appropriate corrective measures to return the parameter to the normal control band should be specified.

4. ANSI N18.7–1972, Section 5.1.6.1, states that maintenance or modifications that may affect functioning of safety related systems shall be performed to assure quality and that maintenance shall be properly preplanned and performed in accordance with written procedures appropriate to the circumstances.

Contrary to the above, procedures were not established, implemented and maintained in that, respectively:

1. No setpoints for containment sump pump operation were included in the surveillance test, PT–R2A, "Containment Sump Level Analog Test," Revision 2, which verified sump pump operability; and

2. Procedures were not established or implemented for the condensate flow leak detection system or the containment humidity detectors which would satisfactorily implement Technical Specification 3.1.F.1 to detect reactor coolant system leakage; and

3. Procedures were not established which would provide for a preplanned method of controlling the containment sump level. Specifically, no control band or maximum sump level was specified, nor were corrective measures detailed; and

4. Site administrative procedures were not established, implemented and maintained to provide guidance as to when written approved procedures were required for maintenance activities or as to when maintenance activities would constitute a modification, both of which require review and concurrence by the Station Nuclear Safety Committee.

In accordance with Footnote 17 to Section B of the Interim Enforcement Policy this is categorized as a Severity Level III. Civil Penalty—$10,000.

Evaluation of Licensee Response.

Paragraph II.B.1 and 3

The licensee contends that "ANSI N18.7–1972 states in Section 1 that the requirements of this Standard apply to all activities affecting the safety-related functions of nuclear powerplant structures, systems, and components." This statement is found in ANSI N18.7–1976, but not in the 1972 edition, which is pertinent here. The licensee further states that the containment sump pumps are not defined as safety-related and uses this to justify its lack of procedural coverage for those pumps. Technical Specification (TS) 6.8.1 calls for procedures in accordance with Regulatory Guide 1.33–1972 (RG 1.33–1972) and ANSI 18.7–1972, and not just for "safety-related" components. There are many important components and systems listed in these documents which require written approved procedures and that are not defined as "safety-related" by licensee Quality Assurance Programs. RG 1.33–72, Appendix A, paragraph G.1. a calls for procedures for Liquid Radwaste Collection Systems. This would include the Containment Sump and Sump Pumps. ANSI N18.7–1972 and paragraph H.1 of RG 1.33–72 give some of the types of items that these procedures should contain; this is what the licensee's procedures lacked in Items II.B.1 and II.B.3.

Relative to item II.B.1 the licensee states that appropriate procedures did exist for the sump pumps in that float settings for starting and stopping the pumps were set so as not to allow the level in the sump to reach the 46' elevation and that the absence of a float setpoint procedure did not contribute to the flooding. The intent to keep the level in the sump from the 46' elevation clearly was not met, since prior to 10/17/80 the 46' elevation was flooded. The lack of a float setpoint calibration value in the procedure contributed to this flooding by allowing the turn-on point for the sump pumps to be above the last sump level light (i.e. the 51" light) which could provide warning before the 46' elevation was flooded.

With respect to paragraph II.B.3, the licensee contends that a procedure was established to provide a pre-planned method of controlling the containment sump level. The licensee argues that level control switch settings were physically present and that licensee procedure PT–R2A was implemented to verify operability. Contrary to this implication, procedure PT–R2A is inadequate in that it does not specify any setpoints for pump operation.

The licensee also contends that the item of noncompliance is improperly assigned a Severity Level III because the item does not contain a violation which involves actual or high potential impact on the public and because the violations described in Item II.B are not in any way related to the violations contained in Item II.A. In Item II.A the licensee was assessed a civil penalty for its failure to have the Station Nuclear Safety Committee review potential safety hazards associated with the flooding incident prior to restarting the facility. The potential safety significance of the violation contained in Item II.A, and thus the justification for classifying the item as a Severity Level III violation, has been previously discussed. Item II.B. is associated with Item II.A. in that both constitute examples of the breakdown in the licensee's management control system. Accordingly, Item II.B., like all the violations contained in Items II.B–F, is assigned the same severity level as

that assigned to Item II.A pursuant to footnote 17 of the Interim Enforcement Policy (45 FR at 66756). The licensee has misinterpreted footnote 17 to mean that each violation in a series of items must be causally connected to the first violation in that series. The correct view is that each violation in a series of items must all relate to the same "event" or "problem" before they can be assigned the same severity levels pursuant to footnote 17. In this instance, the "problem" identified in Items II A–F, is the licensee's breakdown in the management control system. Throughout its response to Items II A–F, the licensee has made the same arguments pertaining to the assigned severity levels for each item of noncompliance. The above discussion with respect to severity levels is applicable to each of these items and accordingly will not be repeated under each item.

Paragraph II.B.2

Technical Specification (TS) 3.1.F.1 requires the licensee to conduct a safety evaluation within four hours of identification of reactor coolant system leakage. The methods used by the licensee to indicate such leakage are two systems of different principles, one of which is sensitive to radioactivity. The other system consists of humidity detectors and a condensate flow leak detection system. The licensee contends that its procedure SOP 1.7 adequately implements the TS applicable to reactor coolant system (RCS) leakage with regard to its dew point and fan cooler unit (FCU) flow monitoring systems. The NRC considers the procedures inadequate to implement the Technical Specifications as described in the Notice of Violation with respect to the FCU condensate leak detection system in that:

(a) Procedure SOP 1.7 has no required action level for weir water level;

(b) Procedure SOP 1.7 does suggest a water level of 2" and increasing in a weir as an action level, but this water level could correspond to an already significant RCS leak (between 7 and 14 gpm) and this suggested level was not used when exceeded (e.g., September 1980 data);

(c) The maximum water level limit of 4" identified in the control room log and the actual alarm setpoint of approximately 4" correspond to an already significant RCS leakage (greater than 14 gpm);

(d) No calibration procedures were established to calibrate or set the high level alarms for the FCU weir level detectors; and,

(e) In SOP 1.7, when evaluating weir levels, it was not clear what to use for initial values (step 4.1.A) or final values (step 4.1.B). Usually baseline data from October 25, 1979 were used, but not always. When these data were used, due to the length of time since established, it provided a baseline of questionable usefulness.

The procedures are inadequate with respect to the dew point system in that:

(a) The Procedure SOP 1.7 action level for dew point of 89°F and increasing and the control room log sheet's maximum dew point of 95°F, combined with a normal reading of 70°F or lower corresponded to an already significant RCS leakage (greater than 4 gpm per NRC calculations).

(b) The humidity detectors were not sensitive to incremental increases of water leakage as described in the FSAR and TS Bases, because they were normally off scale low (less than 70°F) as show in the control room logs for the majority of September 1980;

(c) No calibration procedures were established to calibrate or set the alarms for the humidity detectors; and,

(d) Graph RCS–8, which is used to quantitatively determine an RCS leak rate based on observed dew points, is not accurate since it apparently assumes a baseline dew point near 85°F, while actual baseline values are at or below 70°F.

The licensee's "Planned Actions to Modify Maintenance and Surveillance Program" does not address the specific inadequacies of Item II.B.2 as detailed above. A supplemental response is requested which specifies how RCS leak detection procedures and equipment will be upgraded to address Item II.B.2.

Paragraph II.B.4

The licensee contends that its site administrative procedures were adequate to provide guidance as to when written approved procedures were required for maintenance activities and when maintenance activities would constitute a modification, both of which require review and concurrence of the Station Nuclear Safety Committee (SNSC). The NRC considers these procedures inadequate. The licensee's maintainence practices onsite are performed using either an investigative checklist, a steplist or a maintenance procedure. Each of these is more formalized than the preceding one; each can be used on safety-related equipment; yet, only the maintenance procedure receives SNSC review and approval. ANSI N18.7–1972, paragraph 5.1.8.1 allows maintenance to be performed without a step by step written procedure where the skills required are possessed by qualified maintenance personnel. MAD–4, Rev. 1, as the licensee states, does give some examples of skills normally possessed by maintenance personnel. The examples given can be categorized as either troubleshooting or replacement of various parts in kind. However, maintenance activities other than troubleshooting or replacement in kind are performed using the steplists and checklists, such as the epoxy repairs to the FCUs. The licensee's administrative controls do not define when it is appropriate, for these types of circumstances, to perform the maintenance without written approved procedures.

Additionally, although the licensee's procedures require SNSC review of modifications, the administrative procedures established do not detail when a maintenance activity is to be considered a repair and when it is to be considered a modification. The licensee's response discusses the general guidance given in Site Administrative Directives but does not indicate that any specific guidance of the type discussed above exists.

The licensee's commitments for corrective action are incomplete. A supplemental response is requested which should indicate what corrective action will be taken to provide detailed guidance as to when written approved procedures are required for maintenance activities and as to when a maintenance activity constitutes a modification.

Conclusion. The item as stated is an item of noncompliance. The information provided by the licensee does not provide a basis for modification of the enforcement action or for remission or mitigation of the proposed penalty.

Item II.C

Statement of Noncompliance. 10 CFR 50, Appendix B, Criterion II requires that:

". . . The quality assurance program shall provide control over activities affecting the quality of the identified . . . systems, and components. . . ."

FSAR Volume A, Attachment A–2, "Quality Assurance Program (ANSI N18.7 Format) Revised June, 1977," Foreword, states that:

"The following quality assurance program conforms to the requirements of 10 CFR 50, Appendix B. Additionally, Con Edison commits to have a Quality Assurance Program satisfying the requirements and guidelines of the following ANSI Standards and complying with the regulatory position in the Regulatory Guides as modified by Table A and Table B.

ANSI Standards. ANSI N18.7–1976 'Administrative Control and Quality

Assurance for Operational Phase of Nuclear Power Plants'."

ANSI N18.7, Paragraph 5.2.7.1, "Maintenance Programs" states that "The causes of malfunctions shall be promptly determined, evaluated and recorded. . . ."

Contrary to the above, despite continued malfunctions (i.e., leaks) in the fan cooler units between 1973 and October 1980, the causes of the malfunctions had not been determined or recorded, and evaluations of the causes had not been completed.

In accordance with Footnote 17 to Section B of the Interim Enforcement Policy this is categorized as a Severity Level III Violation. Civil Penalty—$10,000.

Evaluation of Licensee Response. The licensee denies this violation although admitting that the evaluation of the cause of the leaks had not been completed. The licensee's contention is based in part on a documented evaluation performed in 1973 on the original ECU motor cooler heat exchangers (HXs) that developed leaks in brazed joints and were destructively examined. The licensee maintains that since the main ECU HXs are similar in design and fabrication to the motor cooler HXs, the main ECU HXs would be expected to fail in the same manner. Hence, the licensee indicates that he understood the failure mechanisms at work in the main ECU HXs and had no need to perform and record evaluations beyond the 1973 document. The investigation did not support this conclusion. During the time period 10/23/80 through 12/3/80, despite repeated requests by the investigation team of licensee personnel responsible for the design, performance and maintenance of the ECUs, the licensee was unable even to remember, much less provide, documentation of the 1973 failure analysis. Hence the use of the 1973 information and its significance in any decisions made by the licensee prior to the flooding event cannot be supported. Nevertheless the licensee never confirmed that the failure mechanism for the main ECU HXs brazed joints was in fact the same as that of the previously analyzed motor cooler HXs. Additionally, the licensee never evaluated the causes of the mid-tube failures on ECU #25. Finally the licensee's statement that all leaks were "promptly identified and corrected" is not accurate in that the estimated 10 gpm leak discovered on 10/17/80 was not identified and corrected until at least 110,000 gallons of water had accumulated on the Vapor Containment floor. Further, the temporary repairs and pipe clamps utilized over the years cannot be viewed as "correction" of the problem.

The licensee's proposed corrective action is unacceptable in that the licensee does not specify how and by whom the requirements of ANSI N18.7 to promptly determine, evaluate and record the causes of malfunctions will be accomplished. A supplemental response is requested to provide this information.

Conclusion. Item II.C, as stated, is an item of noncompliance. The information provided by the licensee does not provide a basis for modification of the enforcement action or for remission or mitigation of the proposed penalty.

Item II.D

Statement of Noncompliance. 10 CFR 50, Appendix B, Criterion II, states ". . . The quality assurance program shall provide control over activities affecting the quality of the identified . . . systems, and components . . ."

FSAR Volume A, Attachment A–2, "Quality Assurance Progam (ANSI N18.7 Format) Revised June 1977," Foreword, states "The following quality assurance program conforms to the requirements of 10 CFR 50, Appendix B. Additionally, Con Edison commits to have a Quality Assurance Program satisfying the requirements and guidelines of the following ANSI Standards . . .

ANSI STANDARDS. ANSI N18.7–1976 'Administrative Control and Quality Assurance for the Operational Phase of Nuclear Power Plants'."

ANSI 18.7–1976, Paragraph 5.2.7.1, Maintenance Programs, states in part, "A maintenance program shall be developed to maintain safety related . . . systems . . . at the quality required for them to perform their intended functions . . . Planning for maintenance shall include evaluation of the use of . . . materials in the performance of the task. . . ."

10 CFR 50.59(b) states, in part, that the licensee shall maintain records of changes in the facility which include a written safety evaluation that provides the bases for the determination that a change does not involve an unreviewed safety question.

Technical Specification 6.5.1.6 requires that "The Station Nuclear Safety Committee (SNSC) shall be responsible for: . . .

d. Review of all proposed changes or modifications to plant systems or equipment that affect nuclear safety . . ."

Contrary to the above, modifications were made to the fan cooler unit cooling coils and service water lines during maintenance performed between 1978 and July 1979 without review by the SNSC and without an evaluation being conducted to demonstrate that an unreviewed safety question was not involved or to demonstrate the suitability of epoxy sealant material to perform its intended function under loss of coolant accident (LOCA) conditions. In August 1979 an evaluation of the epoxy sealant material was made, which did not consider all of the post-LOCA conditions or the specific mode in which the sealant was used. Subsequent to this, the plant was operated at power and additional repairs were made on July 7 and 25, 1980 and on October 3, 18 and 19, 1980.

In accordance with Footnote 17 to Section B of the Interim Enforcement Policy this is categorized as a Severity Level III Violation. Civil Penalty—$5,000.

Evaluation of Licensee Response. The licensee indicates that the epoxy fixes performed on the Fan Cooler Units (FCUs) were "repairs", not modifications, which returned the equipment to its original leak tight condition without changing its safety function. The licensee has identified a number of historical documents which could, when taken together, appear to provide an adequate basis for the use of epoxy under controlled application conditions. The licensee did not state or otherwise demonstrate that licensee personnel had reviewed and evaluated the cited documents to determine the acceptability of the techniques used prior to applying epoxy to correct tube leaks.

The substitution of epoxy-bonded tube-to-header joints for brazed joints and the use of epoxy as pressure retaining fixes for leaky tubes is considered to be a modification because it changes or alters the basic joint and tube design, rather than merely repairing the component to its original design. As such, the modification should have received proper review by the SNSC for its suitability and an evaluation by the licensee to determine if an unreviewed safety question was involved. Documents reviewed by the investigation team do not demonstrate that the licensee had reviewed or evaluated available documents prior to use of epoxy. The fact that the licensee has subsequently identified documents which support the use of epoxy or that the licensee, after the incident, performed tests to qualify its use, does not excuse the licensee from the requirement to perform an evaluation of the materials to be used and the changes to be made. In 1979 the licensee's first documented evaluation of the suitability

of the epoxy (ESR No. I2-9019) concluded that "epoxy will not perform satisfactorily under certain application and operating procedures, and should therefore not be considered for use as a permanent repair."

The licensee also stated that a temporary repair was capable of 1 to 3 years satisfactory service, as documents in paragraph 11.f.(4) of the investigation report. It should be noted that in 1979 some of the epoxy modifications were already over 3 years old and that the basis for allowing an unsatisfactory use of epoxy to exist, even for 3 years, is unclear. Additionally, the NRC does not believe that a good method exists to verify the acceptability of epoxy to determine its margin of safety or operational life. None of the test results cited by the licensee document the lifetime of an epoxy modification. This is particular important considering the adverse conditions under which the modifications were sometimes made (reactor at power, ambient temperature around 120° F and maintenance personnel in respirators). Finally, contrary to the licensee's claim that no epoxy "repair" ever failed in service, MWR 25-2057, dated July 7, 1980 indicates that at least one application of epoxy to a cooling coil leak failed in service.

The licensee's proposed preventive action consists of general statements about new programs and as such could very well be acceptable and provide good controls for evaluating repairs, materials, changes and modifications. However, to properly evaluate the adequacy of the new programs with respect to the violation more information is needed. A supplemental response detailing the licensee's new program for evaluating repairs, materials, changes and modifications is requested.

Conclusion. The item as stated is a violation. The information provided by the licensee does not provide a basis for modification of the enforcement action or for remission or mitigation of the proposed penalty.

Item II.E

Statement of Noncompliance. 10 CFR 50, Appendix B, Criterion XVI requires that "Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected."

FSAR Volume A, Attachment A-2, "Quality Assurance Program (ANSI N18.7 Format) Revised June, 1977", Section 5.2.11, "Corrective Actions", states "Measures have been established which ensure that conditions adverse to plant safety which may occur during work, e.g. maintenance, are promptly identified in a Quality Control Inspection Report (QCIR) or a Deficiency Report (DR) and corrected. . . . The action addressee on the Quality Control Inspection Report (QCIR) . . . is responsible for either correcting the nonconformance or designating the organization responsible for completing the necessary corrective actions. The managements of these designated organizations are responsible for taking the necessary corrective actions." Implementing Procedure SAO-113, Quality Control Reports and Stop Work Authority, Revisions 0 and 1, Paragraph 2.7, states in part, "In any case where the recipient of a QCIR is unable to make a schedule . . . or does not agree with the specific action called for, he will so inform the . . . QA Engineer in writing. Feedback to the QA Engineer per the requirements above should be provided promptly, i.e., generally within three (3) working days of the QCIR receipt."

Contrary to the above, the measures established did not assure prompt correction in that:

1. The following QCIRs had not been responded to promptly as no response has been received as of October 29, 1980.

—79-2-14, issued April 2, 1979.
—79-2-27, issued May 27, 1979.
—79-2-43, issued July 17, 1979.
—79-2-44, issued July 20, 1979.
—79-2-74, issued September 17, 1979.
—80-2-17, issued February 16, 1980.
—80-2-19, issued March 17, 1980.
—80-2-33, issued September 4, 1980.

2. The following QCIRs were closed by the Quality Assurance Engineer based on various types of followup action but had never been responded to in writing.

—78-2-27, issued February 23, 1978.
—79-2-66, issued August 27, 1979.
—79-2-77, issued November 29, 1979.
—79-2-75, issued September 20, 1979.
—80-2-13, issued February 14, 1980.
—80-2-28, issued July 25, 1980.
—80-2-29, issued July 25, 1980.
—80-2-39, issued October 2, 1980.

3. The following QCIRs which are closed had not been responded to promptly.

—73-2-184, issued November 15, 1973; responded to May 5, 1974.
—76-2-001, issued January 19, 1976; responded to March 9, 1976.
—77-2-89, issued June 9, 1977; responded to August 3, 1977.
—80-2-25, issued May 13, 1980; responded to July 17, 1980.

In accordance with Footnote 17 to Section B of the Interim Enforcement Policy this is categorized as a Severity Level III Violation. Civil Penalty—$5,000.

Evaluation of Licensee Response. The licensee denies this violation and argues that its procedures did not require a response to be filled within three days.

The violation was issued because the measures established to assure prompt correction were not effective (e.g. their QA Program requirements) and not merely because the three-day time limit had expired. The 10 CFR 50, Appendix B, Criteria XVI requirement is to establish measures to assure prompt identification and correction of conditions adverse to quality. The licensee did establish the written controls, but the envidence indicates that the measures were such that they did not assure prompt correction. The length of time involved in the examples given, particularly where no responses had been made and no corrective action accomplished or stipulated, was excessive. Further, the licensee's claim that some QCIRs were used only to track repairs ignores the fact that those QCIRs had designated and "Action Addressee."

The licensee's proposed corrective action is a general statement and as such appears to be acceptable. However, based on the lack of effectiveness of the previous written controls discussed herein, the NRC reserves full acceptance of the proposed corrective action until the implementing procedures can be reviewed and their effectiveness determined.

Conclusion. This item, as stated, is an item of noncompliance. The information provided by the licensee does not provide a basis for modification of the enforcement action or for remission or mitigation of the proposed penalty.

Item II.F

Statement of Noncompliance. 10 CFR 50, Appendix B, Criterion VIII, "Identification and Control of Materials, Parts, and Components", states that:

"Measures shall be established for the identification and control of materials, parts, and components, including partially fabricated assemblies. These measures shall assure that identification of the item is maintained by heat number, part number, serial number, or other appropriate means, either on the item or on records traceable to the item, as required throughout fabrication, erection, installation, and use of the item. These identification and control measures shall be designed to prevent

the use of incorrect or defective material, parts, and components."

FSAR Volume A, Attachment A–2, "Quality Assurance Program (ANSI N18.7 Format) Revised June, 1977", Foreward, states that "The following quality assurance program conforms to the requirements of 10 CFR 50, Appendix B. Additionally, Con Edison commits to have a Quality Assurance Program satisfying the requirements and guidelines of the following ANSI standards. . .

ANSI Standards. ANSI N18.7–1976 'Administrative Control and Quality Assurance for the Operational Phase of Nuclear Power Plants'."

ANSI N18.7–1976, paragraph 5.2.7 states that:

> Maintenance or modifications which may affect functioning of safety-related structures, systems, or components shall be performed in a manner to ensure quality at least equivalent to that specified in original design bases. . . Maintenance or modification of equipment shall be preplanned and performed in accordance with written procedures, documented instructions or drawings appropriate to the circumstances which conform to applicable codes.

Contrary to the above, maintenance repairs on the fan cooler unit water heat exchanger flexible hoses were not conducted in a preplanned manner and did not provide for the control identification of materials in that: MWR 4156 and MWR 6508 completed in 1978 failed to identify the as installed flexible hoses as Inconel 625 per Addendum No. 1 (dated September 2, 1972) to Specification 9321–01–248–76, assumed the materials to be austenitic stainless steel, removed the center section of the existing hose leaving a short 2 inch stub section of the original hose and installed a stainless steel replacement. A P8 to P8, austenitic stainless steel welding procedure was utilizied for the P8 to Inconel dissimilar metal joint. An austenitic stainless steel flexible hose was substituted for the Inconel 625 hose required by the design specification.

In accordance with Footnote 17 to Section B of the Interim Enforcement Policy this is categorized as a Severity Level III violation.

Evaluation of Licensee Response. The licensee has admitted the violation. It concedes that "since there was an incorrect material identification, there was a violation as set forth in paragraph II.F of the Notice of Violation." The licensee contests the severity level of the violation. The assignment of severity levels for items II.A–F has been discussed previously under the NRC's *Evaluation of Licensing Response, Paragraph II.B.1 and 3.*

The NRC further notes that this violation is an example of measures not ensuring adequate control and identification of materials. In its response the licensee has not described what allowed this particular misidentification or what will ensure proper control so that misidentifications will be avoided in the future. A supplemental response is needed to provide this information.

Conclusion. The item as stated is a violation. The information provided by the licensee does not provide a basis for modification of the enforcement action.

Item III

NRC's Confirmatory Order to Consolidated Edison Company of New York, Inc., dated February 11, 1980 ordered the licensee to establish and man the Shift Technical Advisor (STA) position within ninety days.

NRC's letter to All Operating Nuclear Power Plants, dated September 13, 1979, titled "Followup Actions Resulting From The NRC Staff Reviews Regarding The Three Mile Island Unit 2 Accident," stated that licensees should establish the Shift Technical Advisor position by January 1, 1980, and that ". . . in order to provide both perspective in assessment of plant conditions and dedication to the safety of the plant, this function (Accident Assessment Function) should have a clear measure of independence from duties associated with the commercial operation of the plant."

Item III.A

Statement of Noncompliance. NUREG–0578, "TMI–2 Lessons Learned Task Force Status Report and Short-Term Recommendations," states: ". . . that additional technical and analytical capability, dedicated to concern for the safety of the plant, needs to be provided in the control room to support the diagnosis of off-normal events and to advise the shift supervisor on actions to terminate or mitigate the consequences of such events. . ."; that the position of Shift Technical Advisor (STA) be established to fulfill this function; and that ". . . when assigned as shift technical advisor, these personnel are to have no duties or responsibilities for manipulation of controls or command of operations."

During the investigation, from October 22, 1980 to November 21, 1980, the NRC interviewed STAs who performed duties during the period from 11:00 P.M. on October 16, 1980 to 07:00 A.M. on October 20, 1980. The STAs stated that, contrary to the above, they are not always called to the Control Room when problems are identified and that operations personnel utilize STAs for routine activities not involving engineering review or evaluation of plant safety, once the plant is shutdown.

Also, the STAs, on their shift, had not evaluated the propriety of a return to power when it occurred twice on October 17, 1980 and once on October 20, 1980, nor did they evaluate the potential significance of the degraded plant conditions involving leakage from the fan cooler units, wetting of the reactor vessel with cold brackish river water and steam exiting from the instrument thimble holes.

This is a Severity Level III violation (Supplement 1.C.2 of the Interim Enforcement Policy) Civil Penalty—$30,000. The civil penalty of $40,000 for Severity Level III violation has been distributed between this item of noncompliance and the following one, both of which together comprise an event.

Evaluation of Licensee Response. The licensee, in denying this violation, argues that its procedures regarding the use of Shift Technical Advisors (STAs) are consistent with NRC requirements, that STAs are not required to be on duty during cold shutdown or refueling, and that the STAs on duty during the flooding incident performed adequately and in a manner "consistent with their specified functions and the extent to which they had completed their ongoing training program."

The licensee's Operational Administrative Directive, OAD–9, Rev. 3, establishes the Shift Technical Advisors (STAs) responsibilities, authorities, position guides and job descriptions. NRC's confirmatory order to the licensee, dated 2/11/80, requires the STA to be on shift at all times, regardless of plant mode. By letters to the licensee dated 9/13/79, and 10/30/79, NRC required that STAs be dedicated to concern for safety and have independence from duties associated with commercial operations of the plant, thereby avoiding distractions from their primary functions, those being to perform engineering evaluations and assessments of the safety of operations and operational experiences. Since paragraph 7.4.4 of OAD–9 assigns to the STA as a major job function and responsibility, the ". . . coordination of activities during major outages . . .," a duty not specifically dedicated to concern for safety and one associated with expediting commercial operations, OAD–9, Rev. 3, is not consistent with NRC requirements.

The licensee contends that ". . . the use of the STAs for other than their

specified functions during cold shutdown outages is consistent with the intended use of the STA, as specified in NRC's own documents . . . " NRC's confirmatory order to the licensee, dated 2/11/80, requires the STA to be on shift at all times, regardless of plant mode. The implication that the plant was in cold shutdown for the period of violation, when the licensee used the STAs for other than their intended function, is false, since the plant was maintained in hot shutdown from 10/17/80 to 10/21/80.

Although the licensee argues that the STAs performed adequately during the period of the flooding incident, the NRC considers the actions of the STAs and the use of them by plant personnel to be unacceptable during this period. For example, the licensee contends that the STA is called to the Control Room when problems are identified that require his expertise. Contrary to the implication of the licensee's statements, the STA on shift the morning of 10/17/80 was not called to the Control Room upon discovery of a problem with nuclear instrumentation channel N42; this STA discovered the condition upon observing shift personnel evaluating the problem during one of his routine tours of plant areas.

The licensee also contends that STAs were aware of the accumulation of water on the containment floor, plant conditions, and future plans. As a result of interviews of individuals assigned as STAs from 1230 hours on 10/17/80 to 0700 hours on 10/20/80, the NRC determined that:

(1) All STAs were aware of fan cooler unit leaks and that service water had flowed to the vapor containment floor;

(2) Only the Chief Operations Engineer, when he acted as STA, was aware of the maximum extent of floor and reactor vessel pit flooding;

(3) Two STAs who were on shift while water was still in the reactor vessel pit, and thus should have been aware of this fact, did not learn of it until after their shifts; and,

(4) No STA was aware that the reactor vessel had been wetted.

The licensee did not directly respond to the NRC's allegation that STAs, on their shift, had not evaluated the propriety of a return to power when it occurred twice on 10/17/80. The licensee did acknowledge that ". . . the STA did not recognize the full range of possible effects of the water on reactor systems. . . ."

The licensee contends paragraph III.A of the Notice of Violation is incompatible with the findings contained in NRC Region I Inspection Report 50-247/80-11, dated September 2, 1980. A reading of the text selected by the licensee to support his contention shows that those findings were related to the adequacy and scheduling of the STA training program. The violation for which the licensee was cited related to the use and performance of the STAs and not their training program. Further, a satisfactory evaluation in an area does not in any way grant the licensee immunity from future adverse findings in that area.

The licensee also contests the severity level assigned to this violation. The licensee argues that "deficiencies in the STA program . . . could not properly be considered Security Level III, since there were no 'violations which involve actual or high potential impact on the public.' (45 FR at 86755)."

Supplement I.C.2 of the Interim Enforcement Policy, describes a Severity Level III violation as:

> A system designed to prevent or mitigate a serious safety event not being able to perform its intended function under certain conditions. . . .
>
> The STA position is an integral part of a system designed to prevent or mitigate the consequences of serious safety events. Personnel assigned to this position are expected to (1) prevent serious safety events by engineering review and evaluation of operating experience, plant conditions, and future plans; and, (2) mitigate the consequences of serious safety events by assessing accident conditions and providing advice for corrective actions to the shift supervisor. To minimize possible distractions from safety judgments and dedication to assurance of safety, a clear measure of independence from the demands for continued commerical operations is required for the individuals assigned STA duties.

The licensee's failure to require STAs to be called to the Control Room when problems were identified, and its failure to ensure that operations personnel did not use STAs for routine activities not involving engineering review or evaluation of plant safety, once the plant was shutdown, allowed the creation of conditions which prevented the STAs from performing their intended function of mitigating or preventing the consequences of serious safety events.

Conclusion. The item as stated is an item of noncompliance. The information provided in the licensee's response does not provide a basis for modification of the enforcement action or for remission or mitigation of the proposed penalty.

Item III.B

Statement of Noncompliance. NRC's letter to All Operating Nuclear, Power Plants, dated October 30, 1979, titled "Discussion of Lessons Learned Short Term Requirements," provided additional clarification of these requirements, and stated ". . . it is not acceptable to assign a person, who is normally the immediate supervisor of the shift supervisor to STA (Shift Technical Advisory) duties. . . ."

Contrary to the above, the Chief Operations Engineer, the immediate supervisor of the Senior Watch Supervisor, the licensee's equivalent title to a shift supervisor, was assigned to perform STA duties in the 7:00 AM to 3:00 PM shift of October 17, 1980.

This is a Severity Level III violation. (Supplement I.C.2 of the Interim Enforcement Policy) Civil Penalty—$10,000.

Evaluation of Licensee Response. The licensee concedes that a violation occurred. The licensee's response states:

> . . . Consolidated Edison admits that this person, in fulfilling the STA function from 7:00 AM to 3:00 PM on October 17, 1980, was not supposed to be doing so according to an NRC letter dated October 30, 1979. We thus acknowledge that a violation is stated by Paragraph III.B of the Notice of Violation.

The licensee denies, however, that the item is a Severity Level III violation because there was "no safety significance, much less 'actual or high potential impact on the public,' resulting from this individual having served as STA on October 17. . . ." The importance of the STA position to safety has been described under the NRC's *Evaluation of Licensee Response* to Item III.A and is incorporated here. In addition, the potential impact on safety that could have resulted from this violation is illustrated by the fact that the leaking Fan Cooler Units, the steam vapor exiting the nuclear instrument detector thimble hole, and the flooded Vapor Containment were first discovered on the 7:00 AM to 3:00 PM shift on 10/17/80, but the extent of the discovered problems and their potential safety consequences was not recognized. The Chief Operations Engineer (COE) was assigned as STA during this period, but continued to perform his normal duties.

Conclusion. The item as stated is an item of noncompliance. The information provided in the licensee's response does not provide a basis for modification of the enforcement action or for remission or mitgation of the proposed penalty.

Item IV

Statement of Noncompliance. Technical Specification 6.8.1 requires that: "Written procedures shall be established, implemented and maintained . . .". Procedure E–12, "Nuclear Instrument Malfunction", Rev. 3 dated 7/5/78, step C–4.1.3 requires as "Immediate Operator Action", if one channel fails, that reactor power level be reduced and maintained at 70% or below. Step C–5.5 of Procedure E–12 subsequently requires that all the nuclear bistables associated with the defective channel be tripped by removing the control power fuses.

Contrary to the above: On October 17, 1980, the licensee removed the control power fuses associated with the defective channel N42, with reactor power level at about 90%. This resulted in an automatic runback to less than 75% reactor power.

This is a Severity Level V Violation (Supplement I.E of the Interim Enforcement Policy).

Evaluation of Licensee Response. The licensee acknowledges that a violation is stated in paragraph IV of the Notice of Violation. The licensee maintains, however, that the violation should not be categorized as Severity Level V. Severity Level V violations are described in Supplement I.E to the Interim Enforcement Policy as "Other violations, such as failure to follow procedures, that have other than minor safety or environmental significance." (45 FR 66758). The example given in the supplement of failure to follow procedures is precisely what this violation is. Additionally, it is of more than minor safety significance. Arbitrary decisions by operators to omit steps in approved procedures negates the value of having such procedures for all significant matters and of having operators trained in these procedures. Further, the plant was required to respond to an unnecessary transient. The turbine runback transient resulted in a rapid reactor downpower transient, along with primary pressure and temperature increases.

Conclusion. The item as stated is an item of noncompliance. The information provided in the licensee's response does not provide a basis for modification of the proposed enforcement action.

Deviation.

Statement of Deviation. Based on the results of an NRC investigation conducted during the period October 22, 1980 to November 21, 1980, it appears that one of your activities was not conducted in accordance with standard industry practice or manufacturer's recommendations as indicated below:

Contrary to standard industry practice and the manufacturer's Technical Manual, "Goulds Installation, Operation, and Maintenance Instructions for Vertical Sump Pumps, Models 3171, 3172, 3173, 3174", the containment sump pump float rods were not attached or guided at the bottom from October 17, 1980 through October 20, 1980. This contributed to sump pump inoperability during the containment flooding incident. Also, contrary to guidance on page 9 of the manufacturer's Technical Manual, the pumps were not prevented from running against a shutoff head on September 14, 1980 and September 15, 1980 and at various times from October 17, 1980 to October 19, 1980 when the pump discharge valves were shut and power to the pumps was not secured.

Evaluation of Licensee Response. The licensee denies that a deviation has occurred. The licensee states in his response that the containment sump pumps were originally installed with only a single upper guide and does not indicate if there was ever any modification to add a lower guide. The investigation team was informed, by Mr. C. Jackson of Con Ed by phone on 11/24/80 that a lower guide had existed but became dislodged at some time. Additionally, the manufacturer's technical manual for the pump series installed at Indian Point pictures both lower and upper guides on the float mechanisms. The licensee further states that there are eleven other sump pumps at the Indian Point Station which have no lower guides and maintains that this is not contrary to standard industry practice. Investigation team experience with common sump pumps is that they typically have upper and lower guides. This was verified by examining two series of vertical sump pumps with float rods and balls: Pedestal Sump Pumps, Model PM–3600, PB–3600 and PC–3600 by Flotec, Inc.; and Flood Guard Sump Pumps Model P30, P31, and P32 by All Power Machine and Manufacturing Company. Both series of pumps had upper and lower guides and both sets of instructions referred to installing the guides. Additionally a technical representative recommended by the Sump Pump Manufacturer's Association (S.P.M.A.) of Chicago, Ill. told the investigation team on 2/19/81 that most vertical sump pumps with float rod controllers have both upper and lower rod guides. Thus by failing to attach lower guides to the float mechanisms, the licensee has deviated from standard industry practice. The NRC further requests that the licensee specify which systems at its facility currently contain sump pumps without lower guides and justify continued operation in this manner.

The licensee further maintains that prior to this incident the pumps have operated satisfactorily since initial plant operation. Given the sketchy records maintained for the maintenance of these pumps by the licensee, it is not clear that trouble free operation can be supported nor the original status of the guides determined. With only a single guide for the float ball and rod, the potential exists for the rod becoming cocked. This could cause sticking as the rod passes through the sump grating as occurred during the incident. The fact that the sump pump would not operate due to the stuck float rod allowed the water to accumulate in containment and removed the primary means of detecting service water leaks into containment (i.e. Waste Holdup Tank inleakage calculations). Thus it appears that the licensee, in accordance with standard industry practice and the manufacturer's technical manual, should have provided and maintained an upper and lower guide for the float rod assembly.

The licensee has admitted that there is potential harm in running the sump pumps against a shutoff head and that the pump vendor recommends a minimum flow. In this case no damage actually occurred, as shown by examination of the pumps.

Conclusion. The item as stated is a deviation. The information presented by the licensee does not provide a basis for modification of the enforcement action.

[FR Doc. 81–7589 Filed 3–11–81; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–335]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR–67, issued to Florida Power and Light Company, which revised Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to increase the limits on secondary containment bypass leakage and Control Room outside air intake.

The Application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 18, 1980, (2) Amendment No. 36 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-7883 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DFR-31, and Amendment No. 55 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments move a precipitation sample station to an uncontaminated area and are administrative in nature.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 31, 1980, (2) Amendment No. 63 and 55 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related letter dated February 23, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-7881 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment modifies the Appendix B Technical Specifications to delete certain nonradiological surveillance requirements that are adequately covered by Section 402 of the National Pollutant Discharge Elimination System (NPDES) Permit.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that since the surveillance requirements are covered by the NPDES Permit, the issuance of this amendment will not result in any environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 23, 1980, as supplemented December 31, 1980, (Change Request No. 62), (2) Amendment No. 37 to License No. DPR-72, and (3) the Commission's letter to the licensee dated February 25, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Crystal River Public Library, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-7882 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 and 50-366]

Georgia Power Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 81 and 22 to Facility Operating Licenses Nos. DPR-57 and NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2 (the facility) located in Appling County, Georgia. The amendments are effective as of the date of issuance.

These amendments revise the Administrative Controls section of the Technical Specifications to modify the requirements for inspections and audits performed by the plant's Safety Review Board.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environment impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 9, 1981, (2) Amendments Nos. 81 and 22 to Licenses Nos. DPR-57 and NPF-5, and (3) the Commission's letter to Georgia Power Company dated February 27, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-7094 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-22, issued to Northern States Power Company, which revises the license conditions for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment modifies the license conditions relating to the completion of facility modifications for fire protection in accordance with the requirements of 10 CFR 50.48 and 10 CFR 50, Appendix R.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 1 to License No. DPR-22, and (2) Supplement 1 to the Commission's Fire Protection Safety Evaluation. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of February 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-7095 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-42, and Amendment No. 40 to Facility Operating License No. DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to incorporate additional requirements as a result of reviews and modifications accomplished to satisfy the Category "A", TMI-2 Lessons Learned recommendations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 19, 1980, (2) Amendment Nos. 46 and 40 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related letter dated March 2, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation

Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of March, 1981.

For the Nuclear Regulatory Commission.

R. A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-7686 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Extension of Completion Dates

By letters dated February 11, 1981 and February 18, 1981, Power Authority of the State of New York (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) extend completion dates for the fire protection modifications for the James A. Fitzpatrick Nuclear Power Plant located in Oswego County, New York.

The modifications and extension dates are as follows: (1) Total Flooding CO_2 Suppression System—4/31/81; (2) Fire Detection and Signaling Systems—11/1/81; (3) Fire Door Supervision—11/1/81; (4) Signaling Circuits Supervision—11/1/81; (5) Exposed Structural Steel—11/1/81; (6) Electrical Cable, End of Fall 1981 Refueling Outage; (7) Pipe Penetrations—7/1/81; and (8) Crescent Area Fire Protection—HPCI by 4/1/81 and RCIC by 11/1/81.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the public health and safety. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's requests dated February 11 and 18, 1981, and (2) The Director's letter to the licensee dated February 19, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Penfield Library, State University College at Oswego, Oswego, New York 13126.

Dated at Bethesda, Maryland, this 24th day of February 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-7687 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-33, Amendment No. 63 to Facility Operating License No. DPR-52, and Amendment No. 39 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to modify the bases for scram insertion times by specifying 290 milliseconds as the time period to be used in the analytical treatment of transients for the start of control rod motion.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 24, 1980, (2) Amendment No. 67 to License No. DPR-33, Amendment No. 63 to License No. DPR-52, and Amendment No. 39 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon rquest addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of February 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-7689 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-33, Amendment No. 64 to Facility Operating License No. DPR-52, and Amendment No. 40 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2, and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to clarify calibration requirements for the Local Power Range Monitor, reduce the pressure at which scram time surveillance testing may be conducted and remove a preoperational startup test requirement which is no longer applicable.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in

connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 1, 1979, as supplemented by letter dated August 7, 1979, (2) Amendment No. 68 to License No. DPR–33, Amendment No. 64 to License No. DPR–52, and Amendment No. 40 to License No. DPR–68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of February 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc 81-7688 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 66 and 65 to Facility Operating License Nos. DPR–32 and DPR–37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to allow an increase in enrichment for new and spent fuel from 3.6 weight percent of U–235 to 3.7 weight percent of U–235.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in these license amendments. Prior public notice of these amendments were not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated May 15, 1980, as supplemented September 15, 1980, and December 4, 1980, (2) Amendment Nos. 66 and 65 to License Nos. DPR–32 and DPR–37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-7700 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358-OL]

Cincinnati Gas and Electric Company, et al., (William H. Zimmer Nuclear Power Station, Unit 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Cincinnati Gas and Electric Company, et. al.* (William H. Zimmer Nuclear Power Station, Unit 1), Docket No. 50–358–OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. M. Stanley Livingston. Mr. Glenn O. Bright was a member of this Board but, because of a schedule conflict, is unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Charles Bechhoefer, Chairman
Dr. M. Stanley Livingston
Dr. Frank F. Hooper

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new is: Administrative Judge M. Stanley Livingston, 1006 Calle Largo, Santa Fe, New Mexico 87501.

Issued at Bethesda, Maryland, this 5th day of March 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-7702 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329-OM, 50-330-OM]

Consumers Power Co., (Midland Plant, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Consumers Power Company* (Midland Plant, Units 1 and 2), Docket Nos. 50–329–OM and 50–330–OM, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Ralph S. Decker. Mr. Gustave A. Linenberger was a member of this Board but, because of a schedule conflict, is unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Charles Bechhoefer, Chairman
Mr. Ralph S. Decker
Dr. Frederick P. Cowan

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board is: Administrative Judge Ralph S. Decker, Route No. 4, Box 190D, Cambridge, Maryland 21613.

Issued at Bethesda, Maryland this 2nd day of March 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-7703 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329-OL, 50-330-OL]

Consumers Power Co. (Midland Plant, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Consumers Power Company* (Midland Plant, Units 1 and 2), Docket Nos. 50–329–OL and 50–330–OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Ralph S. Decker. Mr. Gustave A. Linenberger was a member of this Board but, because of a schedule conflict, is unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Charles Bechhoefer, Chairman

Mr. Ralph S. Decker
Dr. Frederick P. Cowan

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). the address of the new Board member is: Administrative Judge Ralph S. Decker, Route No. 4, Box 190D, Cambridge, Maryland 21613.

Issued at Bethesda, Maryland this 2nd day of March 1981.

B. Paul Cotter, Jr.,
Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-7704 Filed 3-11-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-329 OM, 50-330 OM, 50-329 OL, 50-330 OL]

Consumers Power Co., (Midland Plant, Units 1 and 2); Change in Date of Prehearing Conference

March 6, 1981.

Notice is hereby given that the prehearing conference previously scheduled for March 24–25, 1981 (see 46 FR 12915, February 18, 1981) is rescheduled to commence at 9:30 a.m. on Thursday, April 2, 1981, and to continue (if necessary) at 9:00 a.m. on Friday, April 3, 1981. The conference will be held in the Auditorium, Midland County Courthouse, 301 W. Main Street, Midland, Michigan 48640. The purpose of the conference will be as stated in the earlier notice. Parties may submit proposed agenda, which should reach the Board no later than Friday, March 27, 1981 (rather than March 20, 1981, as previously provided).

Dated at Bethesda, Maryland this 6th day of March 1981.

For the Atomic Safety and Licensing Board.
Charles Bechhoefer,
Chairman, Administrative Judge.

[FR Doc. 81-7705 Filed 3-11-81; 8:45 am]
BILLING CODE 7590-01-M

Development of a Safety Goal; Workshop

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Workshop on Frameworks for Developing a Safety Goal.

SUMMARY: The United States Nuclear Regulatory Commission is holding a workshop April 1–3 in Palo Alto, California to discuss frameworks for developing a safety goal for the agency. The meeting will be at: Rickey's Hyatt House, 4219 El Camino Real, Palo Alto, California 94306. The meeting times (subject to change) are 8:00 a.m. to 5:30 p.m. on April 1 and 2 and 8:00 a.m. to 11:30 a.m. on April 3.

The meeting will be open to members of the public for attendance as observers. (Participation in the workshop discussions will be by individual invitation only.)

The Commission has contracted with Brookhaven National Laboratory to make arrangements for accommodations and meeting facilities. For further information on these matters contact: Mr. Anthony Romano, Brookhaven National Laboratory, Upton, New York 11973, Telephone: (516) 345–4024.

Members of the public wishing to attend are urged to register in advance with Mr. Romano, since only a limited number of observers can be accommodated.

For further information on the project for development of a safety goal contact: Mr. George Sege, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (202) 634–3295.

Background Discussion

In October 1980 the United States Nuclear Regulatory Commission instituted a project to define more clearly the level of protection of the public health and safety that it believes is adequate. The Commission issued a Plan for Developing a Safety Goal (45 FR 71023, October 27, 1980). Subsequently, in accordance with the Plan, the Commission's Office of Policy Evaluation submitted for Commission consideration a preliminary policy paper indicating the kinds of considerations which may enter into an articulation of the agency's safety goal. A report reflecting those considerations is being issued as NUREG–0764, entitled "Toward a Safety Goal: Discussion of Preliminary Policy Considerations."

The Commission's Advisory Committee on Reactor Safeguards has prepared for Commission consideration "An Approach to Quantitative Safety Goals for Nuclear Power Plants" (NUREG–0739). The ACRS has described its study as "intended to serve as one focus of discussion" and "only one step in an iterative process."

The workshop on April 1–3 is designed to illuminate the important issues of safety goal formulation, including both quantitative and qualitative elements and economic, ethical, social, and political issues as well as technical considerations. It will be a discussion workshop, involving invited knowledgeable persons representing a broad range of viewpoints, drawn from technical and social disciplines, from industry, public interest groups, universities, and elsewhere. Participants will be organized into three panels: (1) Quantitative Safety Goal; (2) Qualitative Safety Goal; and (3) Economic, Ethical and Sociopolitical Issues.

The paper "Toward a Safety Goal: Discussion of Preliminary Policy Considerations" (NUREG–0764) will be a principal basis of discussion at the Workshop. However, it is not intended to constrain the scope or the substance of the discussions. The ACRS proposal (NUREG–0739) will serve in the discussions as one example of a concrete application of concepts discussed and as a point of reference for discussants who wish to use it.

This workshop is one of several measures in a program to elicit broad participation in NRC's safety goal project from interested groups and individuals, including both specialists in the various relevant fields and the public at large. NUREG–0764 will be issued for public comment. It will also be the basis for four public meetings to be held in different regions of the country.

A second workshop will be held in the summer of 1981 to discuss merits and problems of a reference safety goal statement and its chief alternatives.

The results of the written public comments, the public meetings, and the two workshops will be available to the Commission and will be used by the Office of Policy Evaluation in preparation of a policy paper, to be submitted for the Commission's consideration in later summer 1981.

Dated at Washington, District of Columbia, this 6th day of March 1981.

Edward J. Hanrahan,
Director, Office of Policy Evaluation.

[FR Doc. 81-7706 Filed 3-11-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-250-OLA and 50-251-OLA]

Florida Power & Light Co., (Turkey Point Nuclear Generating, Units 3 and 4); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Florida Power & Light Company* (Turkey Point Nuclear Generating, Units 3 and 4), Docket Nos. 50–250–OLA and 50–251–OLA, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Marshall E. Miller, Mrs. Elizabeth S. Bowers was a member of this Board but, because of a schedule conflict, is unable to serve:

As reconstituted, the Board is comprised of the following Administrative Judges:

Marshall E. Miller, Chairman
Dr. Oscar H. Paris
Dr. Emmeth A. Luebke

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Marshall E. Miller, U.S. Nucler Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 2nd day of March 1981.

B. Paul Cotter, Jr.,
Chief Administrative, Judge Atomic Safety and Licensing Board Panel.

[FR Doc. 81-7707 Filed 3-11-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-322-OL]

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Long Island Lighting Company* (Shoreham Nuclear Power Station, Unit 1), Docket No. 50-322-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Louis J. Carter. Mrs. Elizabeth S. Bowers was a member of this Board but, because of a schedule conflict, is unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Louis J. Carter, Chairman
Mr. Frederick J. Shon
Dr. Oscar H. Paris

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Louis J. Carter, 23 Wiltshire Road, Philadelphia, Pennsylvania 19151.

Issued at Bethesda, Maryland, this 2nd day of March 1981.

B. Paul Cotter, Jr.,
Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-7708 Filed 3-11-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

These changes to the Technical Specifications involve administrative changes and incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. The Category "A" requirements concern (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Shift Technical Advisor Augmentation, (5) Integrity of Systems Outside Containment, and (6) Iodine Monitoring.

The licensee's submittals comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior Public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittals dated January 30 and October 15, 1980 and January 6, 1981, (2) Amendment No. 68 to License No. DPR-46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118—15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this February 23, 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-7709 Filed 3-11-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised the license for operation of the Cooper Nuclear Power Station (the facility), located in Nemaha County, Nebraska. The amendment is effective as of the date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as part of the license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter, I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensee's filings dated September 5, 1979, revised by letters dated June 5 and August 29, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordnace with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 69 to License No. DPR-46 and (2) the Commission's related letter to the licensee dated February 25, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118 - 15th Street, Auburn, Nebraska. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 25th day of February 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-7710 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-367-CPA]

Northern Indiana Public Service Co., (Bailly Generating Station Nuclear 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Northern Indiana Public Service Company* (Bailly Generating Station Nuclear 1), Docket No. 50-367-CPA, is hereby reconstituted by appointing the following Administrative Judges to the Board: Dr. Robert L. Holton and Dr. J. Venn Leeds. Dr. Richard R. Cole and Mr. Glenn O. Bright were members of this Board but, because of schedule conflicts, are unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Herbert Grossman, Chairman
Dr. Robert L. Holton
Dr. J. Venn Leeds

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The addresses of the new Board members are:

Administrative Judge Robert L. Holton, School of Oceanography, Oregon State University, Corvallis, Oregon 97331

Administrative Judge J. Venn Leeds, 10807 Atwell, Houston, Texas 77096

Issued at Bethesda, Maryland, this 2nd day of March 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-7711 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.147, "Inservice Inspection Code Case Acceptability—ASME Section XI Division 1," lists those Section XI ASME Code Cases that are generally acceptable to the NRC staff for implementation in the inservice inspection of light-water-cooled nuclear power plants.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 3rd day of March 1981.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-7712 Filed 3-11-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms recieved for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

the office of the agency issuing this form;

the title of the form;

the agency form number, if applicable;

how often the form must be filled out;

who will be required or asked to report;

the Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

whether small businesses or organizations are affected;

a description of the Federal budget functional category that covers the information collection;

an estimate of the number of responses;

an estimate of the total number of hours needed to fill out the form;

an estimate of the cost to the Federal Government;

the number of forms in the request for approval;

the name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement,

instruction, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the noticie predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Extensions (No Change)

- Agricultural Stabilization and Conservation Service

Application for price support by heirs
CCC-686
On occasion
Individuals or households
Individual hears of farmer producers
Farm income stabilization 100 responses, 25 hours $24 Federal costs, 1 form
Charles A. Ellett, 202-395-7340

This form is used by heirs who certify to their interests in the commodity and family unit before a price support loan may be disbursed to them. (P.L. 806).

- Agricultural Stabilization and Conservation Service

Report of Unmarketed Tobacco
MQ-108-1
Annually
Farms
Tobacco producers
SIC: 011 013
Farm Income Stabilization, 478,300 responses, 23,915 hours; $56,248 Federal cost, 1 form
Charles A. Ellett, 202-395-7340

All tobacco producers upon written request furnish the Secretary of Agriculture a written report of production and disposition of all tobacco produced on the farm. (P.L. 430). This form contributes to this report.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

- Bureau of the Census

1982 Census of Agriculture (Test)
61-A1 (S) 61-A1-L1, & 61-A1-L2
Nonrecurring
Farms
Farms and ranches
SIC: multiple
Other advancement and regulation of Commerce, 3,250 responses, 2,292 hours; $100,000 Federal cost, 1 form
Off. of Federal Statistical Policy and Standard, 202-673-7974

This 1981 content test will provide a basis for reviewing the feasibility of the proposed items of data, as well as to constitute a vehicle for testing and refining proposed procedures for collecting and processing the 1982 Census of Agriculuture.

- National Telecommunications and Information Administration

Denver Study of Local Telecommunications Distribution
Nonrecurring
Business of other institutions
Bus./Org. W/Adv. Loc. Dist. Sys. or implementing such syst.
SIC: multiple
Other advancement and regulation of Commerce, 200 responses, 100 hours; $9,000 Federal cost, 2 forms
William T. Adams, 202-395-4814

To develop sound telecommunications policies, a keener understanding of the nation's requirements for local distribution services is needed. Information appears to be skimpy in this area. By conducting a survey of Denver metro area businesses our understanding of present and future local distribution requirements will be greatly enhanced. Survey will commence upon receipt of OMB clearance.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

Extensions (No Change)

- Department of the Air Force

Report of Government Vehicles, Equipment, and material in the Hands of Contractors
AFTO 439, AFLC 11, 392 814, and 815
On occasion
Business or other institutions
Mainte. repair contr. and interserving repair facilities
SIC: multiple
Small Businesses or Organizations
Multiple functions, 928,080 responses, 213,673 hours; $367,636 Federal cost, 5 forms
Edward C. Springer, 202-395-4814

1-Manual system to report GFM usage, inventory and production of a DOD maintenance contractor; prevents misuse of material furnished to contractors. 2-automated system to control GFM usage of contractors with high dollar inventories. 3-provides total Air Force owned spares and parts inventory located at contractor facilities. 4-collects data for effective management of contractor repair of Air Force motor vehicles, to program funds, schedule repair input.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montle—202-633-9424

Reinstatements

- Departmental and Others

"Claim for Bodily Injury, Death or Damage to, or Loss of Property Under Section 167, Atomic Energy Act of 1954"
NV-713 (Previously NV-DOE-369)
On occasion
Individuals or households
Property owners, their auth. agents and legal representatives
Small businesses or organizations
Multiple functions, 140 responses, 140 hours; $25,050 Federal cost, 1 form
Jefferson B. Hill, 202-395-7340

Form NV-713 is a claim for use by persons or their agents/legal representatives) to apply for compensation for loss, damage or injury attributable to detonation of an explosive device by the Nevada Operations Office.

Energy Information Administration
Coke Plant Report—Quarterly
EIA-5 EIA-3
Quarterly, monthly, quarterly
Businesses or other institutions
All U.S. coke plants
SIC: 299
Small businesses or organizations
Energy information, policy, and regulation, 236 responses, 1,416 hours; $32,240 Federal cost, 1 form
Jefferson B. Hill, 202-395-7340

The EIA-5 will provide data on a quarterly basis on the metallurgical coal receipts, carbonization and stocks and the production, distribution and stocks of coke and breeze at U.S. Coke plants. The data will be used in the compilation of aggregated statistical reports, and related analyses, including energy environmental studies and energy policy studies.

- Energy Information Administration

Coke Plant Report—Annual Supplement
EIA-5
Annually

Businesses or other institutions
All U.S. coke plants
SIC: 299
Energy information, policy, and regulation, 50 responses, 787 hours; $9,000 Federal cost, 1 form
Jefferson B. Hill, 202-395-7340

To provide data for continual monitoring of coal production, consumption, sales, distribution and coal-related analysis, including energy and environmental studies, energy policy and implementation of mandated coal programs. Data used for DOE and other Government publications and industry planning.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—245-7488

New

• Office of Assistant Secretary for Health
An Evaluation of Department of Health and Human Services
Sterilization Regulations
G-179/1, G-179/2, G-179/3
Nonrecurring
Individuals or households
Indiv. affected by the 1978 fed. sterilization regula.
Health, 6,450 responses, 1,129 hours; $132,569 Federal cost, 3 forms
Gwendolyn Pia, 202-395-6880

Forms submitted are mail survey instruments for use in an evaluation of regulations governing provision of federally funded sexual sterilizations. The forms are: G-179/1 administered primarily to a G-179/2 a variation of G-179/1 for guardians of the mentally retarded.

• Office of Assistant Secretary for Health
Demonstration Center Schools Program Survey
Nonrecurring
State or local governments
State education agencies and public schools
SIC: 821 941
Health, 143 responses, 60 hours; $26,312 Federal cost, 2 forms
Gwendolyn Pia, 202-395-6880

This survey will provide an assessment of the accomplishments of the demonstration schools program and the characteristics, effects, and the differences between individual demonstration schools and between State education agencies.

• National Institutes of Health
Conner's Parent and Teacher Questionnaire for Evaluation in Phototherapy Study
MH-0-35
Nonrecurring
Individuals or households
Subj. inclin trail of infants w/ hyperbilirubinemia, etc.
Health, 900 responses, 675 hours; $5,000 Federal cost, 2 forms
Gwendolyn Pia, 202-395-6880

These questionnaires are one of the modes being used to attempt to discern minor behavioral differences in a study of the treatment of jaundice in newborn infants. These questionnaires are to be used in the sixth and final year of evaluation.

• Centers for Disease Control
Nontuberculous Mycobacterial Disease Surveillance
Quarterly
State or local governments
Directors of TB control programs, state epidemiologists
SIC: 943
Health, 2,000 responses, 500 hours; $16,000 Federal cost, 2 forms
Gwendolyn Pia, 202-395-6880

The purpose of this surveillance program is to gather demographic, clinical, and laboratory information about patients from whom nontuberculous mycobacteria have been isolated. These data will be used to better define the prevalence and distribution of disease and to generate hypotheses concerning the epidemiology of these organisms.

Revisions

• Social Security Administration
Military Service Questionnaire
SSA 2512
on occasion
Individuals or households
Indiv. who are applying for SS bens. where the wage, etc.
General retirement and disability insurance, 56,000 responses, 9,333 hours; $25,000 Federal cost, 1 form
Barbara F. Young, 202-395-6880

Section 217 (A) and (E) of the Social Security Act provides for information regarding the crediting of military service to the wage earner's earnings record. This form is used to solicit sufficient information by the claims representative to make a determination for eligibility.

• Food and Drug Administration
Adverse Drug Reaction—Veterinary
FDA 1932 and 1932A
On occasion
Businesses or other institutions
Spon. of Approved appl. and 5 teaching instit. under contr.
SIC: 283
Consumer and occupational health and safety, 750 responses, 250 hours; $23,762 Federal cost, 2 forms
Gwendolyn Pia, 202-395-6880

Reports of suspected adverse drug effects are reviewed by FDA to determine is a specific drug caused the adverse effects and if any changes in the product or labeling are needed.

Reinstatements

• Health Care Financing Administration
Penalty Requirements Applicable to the EPSDT Program
HCFA-R-2
Other—See SF83
State or local governments
State medicaid agencies
Health, 100 responses, 2,800 hours; $2,486 Federal cost, 0 form
Richard Eisinger, 202-395-6880

This regulation will require States to maintain lists of newly approved AFDC cases to allow HCFA to monitor compliance with EPSDT requirements.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—382-755-5184

Revisions

• Policy Development and Research
Annual Housing Survey—National Sample
AHS-1 and AHS-2
Annually
Individuals or households
Households in 461 PSU design
Community development, 76,000 responses, 38,000 hours; $9,800,000 Federal cost, 2 forms
Richard Sheppard, 202-395-6880

The primary purpose of the annual survey is to provide a current and ongoing series of information on the size and composition of the housing inventory. It also helps measure the change in the housing inventory resulting from losses, new constructions and mobile home placements, the total number of vacancies, the physical condition of the inventory and characteristics of the occupants.

Extensions (No Change)

• Housing Programs
Credit Application for Property Improvement Loan
—56001 and (FH-1)
On occasion
Individuals or households/farms/ businesses or other institutions
Lending institutions
SIC: 656 953
Small businesses or organizations
Mortgage credit and thrift insurance, 350,000 responses, 70,000 hours; $4,000 Federal cost, 1 form
Richard Sheppard, 202-395-6880

This form is prepared by a borrower, or on behalf of a borrower by a dealer/contractor or official of a lending institution for the purpose of obtaining a title I property improvement loan. The form is a standard form application for credit. Instructions as well as a sample completed application are contained in the Title I property improvement loan operations H, 4700.1.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

Reinstatements

• Office of Justice Assistance, Research and Statistics
Claim for Death Benefits
LEAA 3650/1 OJARS 3650
On occasion
individuals or households
Eligible beneficiaries
Criminal justice assistance, 700 responses, 7,000 hours; 1 form
Andy Uscher, 202-395-4814

Pub. L. 94-430, The Public Safety Officers Benefits Act of 1976, authorizes LEAA to pay death benefits to eligible survivors of public safety officers who die in the line of duty. Form determines eligibility through providing information concerning the surviving relative of the decedent.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

Revisions

• Employment and Training Administration
Public and Private Nonprofit Employers Survey for Employment Opportunities Pilot Projects MT-300
Nonrecurring
State or local governments/businesses or other institutions
Public and private nonprofit employers in 37 EOPP pilot and SIC: Multiple
Training and Employment, 119,200 responses, 83,750 hours; $495,000 Federal cost, 5 forms
Arnold Strasser, 202-395-6880

The data collected will be used to evaluate the labor market impacts of the employment opportunities pilot projects (EOPP). These impacts include employer participation, net job creation and direct employment displacement, and their measurement is needed to gauge the effectiveness of large scale job creation efforts. Data collection will begin March 1, 1981.

Extensions (No Change)

• Employment Standards Administration
OFCCP Recordkeeping and Reporting Requirements
CC-60-2
On occasion, monthly, annually
Businesses or other institutions/individuals or households
Fed. contr. W/contr. in excess of $10,000 and compl., etc.
SIC: multiple
Small businesses or organizations
Other labor services, 1,560,000 responses, 1,280,000 hours; $53,400,000 Federal cost, 9 forms
Arnold Strasser, 202-395-6880

The recordkeeping and reporting requirements imposed by the current rules and regulations published in title 41 CFR chapter 60 are needed to assess the compliance of Federal contractors with Executive Order 11246 as amended, section 503 of the Rehabilitation Act of 1973 and section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5384

Extensions (Burden Change)

• United States Customs Service
Drawback Entry for Tax-Paid Alcohol
CF7579
On occasion
Businesses or other institutions
Manufacturers and producers
SIC: 208
Small businesses or organizations
Federal law enforcement activities, 10 responses, 2 hours; $2,417 Federal cost, 1 form
Warren Topelius, 202-395-7340

A document to allow the manufacturer or producer to file for drawback on Article manufactured from domestic tax-paid alcohol and exported.

• United States Customs Service
Ship's Crew Declaration
CF-1303
On occasion
Businesses or other institutions
Vessel carriers
SIC: 441
Small businesses or organizations
Federal law enforcement activities, 107,970 responses, 17,988 hours; $41,207 Federal cost, 1 form
Warren Topelius, 202-395-7340

A document to allow the importing carriers to declare ships' stores in a format that can be readily audited and checked by Customs.

• United States Customs Service
Certificate of Delivery of Alcohol—Tax Paid
CF-7545
On occasion
Businesses or other institutions
Manufacturers
SIC: 208
Small businesses or organizations
Federal law enforcement activities, 1,000 responses, 500 hours; $2,795 Federal cost, 1 form
Warren Topelius, 202-395-7340

A document that certifies to the withdrawal, paid taxes, delivery and receipt of specified merchandise and assists in determining that drawback merchandise has been properly transferred from one party to another and that correct taxes and duties have been remitted.

• United States Customs Service
Certificate of Delivery of Imported Merchandise
CF-7543
On occasion
Businesses or other institutions
Manufacturers
SIC: All
Small businesses or organizations
Federal law enforcement activities, 43,000 responses, 10,750 hours; $12,227 Federal cost, 1 form
Warren Topelius, 202-395-7340

Document provides evidence of delivery and tracing imported merchandise from the custody of the importer to the manufacturer, accounting for indirect transfers.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Mel Kollander—382-287-6754

New

• Application for Federal assistance, narrative statement Air Pollution Control Program Grants
EPA 5700-33A
Annually, other—see SF83
State or local governments
State and loc. air poll. contr. prog. resp. for plng., etc.
SIC: 951 100
Pollution control and abatement, 175 responses, 10,500 hours, 1 form
Edward H. Clarke, 202-395-7340

The narrative request is used to obtain program description, activity, priority, and progress information from State and local air pollution control agencies. The information in conjunction with budgeting information constitutes a request from these agencies for Federal dollars. The awards made to these agencies support development and implementation of air control programs at the State/local levels of government.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Katie Cudmore—202-653-8538

Reinstatements

• 8(A) Eligibility and Business Plan
1010A-E
On occasion, annually
Businesses or other institutions
Small business persons seeking government contracts
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce, 3,000 responses, 60,000 hours, $9,000 Federal cost, 5 forms
Edward C. Springer, 202-395-4814

The application process is separated into a three step process. The 1010A establishes the individual eligibility, the 1010B establishes the firms eligibility and the 1010C, D, E are completed depending on the type of business.

• SBA Application for Loan, Rox Form 40 and SBA Lender's Application for Guaranty or Participation, Rox Form 42
RO X 40 and RO X 42
Nonrecurring
Individuals or households/farms/businesses or other institutions
Small business firms
SIC: all
Small businesses or organizations
Other advancement and regulation of commerce, 1,6000 responses, 9,331 hours, 2 forms
Edward C. Springer, 202-395-4814

Forms use authorized through 2/28/81. When region is to convert to bank certification program. Central office revising forms which will take time to approve and distribute. Authority to continue region use of ROX Forms 40 and 42 thru 9-30-81 requested to avoid two form changes.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81-7788 Filed 3-11-81; 8:45 am]
BILLING CODE 8110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17988 (812-4793)]

ASA Limited; Filing of Application for an Order Permitting Amendment of Custodian Agreement

March 6, 1981.

Notice is hereby given that ASA Limited (formerly named American-South African Investment Company and hereinafter referred to as the "Applicant"), c/o Grayson M-P Murphy, Esq., Shearman & Sterling, 53 Wall Street, New York, New York 10005, a closed-end non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 18, 1980, and an amendment thereto on February 3, 1981, for an order of the Commission under Section 7(d) of the Act, permitting Applicant to amend a provision in its Custodian Agreement. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was incorporated in 1958 under the Companies Act of South Africa and that it was permitted to register as an investment company pursuant to Section 8 of the Act and to offer publicly its securities within the United States by an order of the Commission dated August 13, 1958 (Investment Company Act Release No. 2756). According to the application, one of the conditions and arrangements of that order required that all of ASA's securities and cash, other than an amount not exceeding $75,000, would be maintained in the custody of a bank in the United States. The application further states that although the form of the Custodian Agreement was not a specific condition in said order, its form and, in particular, the provision sought to be amended, were negotiated with the Commission's staff in connection with the granting of the said order and, therefore, were part of the basis of said order.

Applicant states that its Custodian Agreement, the form of which was filed as an exhibit to the application for the 1958 order, contains the following paragraph:

All cash received by the Custodian for the account of the Company shall be held by the Custodian for the account of the Company. All cash so held by the Custodian shall either be segregated by the Custodian from other cash held by it or segregated by separate recordation, in either case in such manner that the interest of the Company therein shall be readily identifiable so that the Company would, under then existing law, have a preference in respect of such cash as against general creditors of the Custodian.

Applicant seeks an order permitting deletion of the second sentence of the above paragraph so that it can invest its cash in time depostis and bank certificates of deposit to obtain interest income for its shareholders. Applicant states that the provision of the Custodian Agreement quoted above requiring that Applicant's cash be segregated so the Applicant would have a preference as against general creditors in the event of bankruptcy in effect prohibits earning interest on it.

Applicant states that it desires to be able to invest its dollar funds in Citibank N.A. certificates of deposit because it keeps its dollar funds with its custodian, Citibank N.A., and such investments are a convenient way of earning interest on such dollar funds. The application further states, however, that the Applicant does not believe that a preference as against general creditors of Citibank N.A., is available with respect to such certificates of deposit. In addition, the application states that inasmuch as the Commission considers certificates of deposit to be securities and Applicant's registration statement does not state that Applicant can invest in certificates of deposit, Applicant plans to ask its shareholders to vote to change Applicant's investment policy to permit it to invest in certificates of deposit.

The Applicant further states that because the policy of South African exchange control authorities could be influenced by national monetary considerations that may prevail at any given time, Applicant's management considers it desirable to keep enough U.S. dollars with its custodian to take care of its dollar needs for not less than two quarterly dividends and its dollar expenses for about a year. Applicant, which commenced business with net assets of about $31,000,000, had net assets at November 30, 1980, valued at about $818,000,000, and, based on current quarterly divident figures, the total amount for two quarterly dividends and Applicant's dollar expenses for a year is estimated to be roughly $21,000,000. Applicant contends that for its custodian to hold such a substantial amount of U.S. dollars without earning interest on it when, as was the case at the time of the filing of the application, bank certificates of deposit paid interest of roughly 20 percent, and time deposits somewhat less because of reserve requirements, would be disadvantageous for Applicant's shareholders.

Finally, Applicant represents that its original custodian, City Bank Farmers Trust Company, was a relatively small company in 1958. According to the application, City Bank Farmers Trust Company was merged in 1963 into Citibank, N.A. Applicant claims that Citibank is the second largest bank in the United States and submits that the possibility of Citibank becoming bankrupt is remote.

Notice is further given, that any interested person may, not later than March 30, 1981, at 5:30 p.m., submit to

the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of the course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7671 Filed 3–11–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21943A (70–6556; 70–6559)]

Consolidated Natural Gas Co., et al.; Supplemental Notice Correcting Error in File Number

March 6, 1981.

In the matter of Consolidated Natural Gas Company, Four Gateway Center, Pittsburgh, Pennsylvania 15222; CNG Producing Company, One Canal Place, New Orleans, Louisiana 70130; and CNG Development Company Ltd., 445 West Main Street, Clarksburg, West Virginia 26301.

In the notice issued March 2, 1981 (HCAR No. 21943) in this proceeding the captioned file number (70–6556) was incorrect and should have read (70–6559).

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7673 Filed 3–11–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11670; (812–4818)]

Dreyfus Liquid Assets, Inc.; Filing of an Application for an Order of the Commission Amending a Previous Order Pursuant to Section 6(c) of the Act Granting Exemption From the Provisions of Rules 2a–4 and 22c–1 Under the Act

March 6, 1981.

Notice is hereby given that Dreyfus Liquid Assets, Inc. ("Applicant"), 767 Fifth Avenue, New York, New York 10153, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on February 4, 1981, and an amendment thereto on February 17, 1981, requesting an order of the Commission amending in the manner described below an earlier order of the Commission dated November 30, 1978 (Investment Company Act Release No. 10501). This earlier order, pursuant to Section 6(c) of the Act, exempted Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share to the nearest one cent on a share value of one dollar. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund designed as an investment vehicle for investors who desire to place assets in money market investments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. Applicant further states that it seeks to provide a convenient means of investing short-term funds where the direct purchase of money market instruments may be undesirable or impractical.

According to the application, the Applicant's portfolio may be invested exclusively in a variety of short-term money market instruments consisting of securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities; certificates of deposit, including those issued by domestic banks, foreign branches of domestic banks and savings and loan and similar associations; and high-grade commercial paper. Applicant represents that all of its investments consist of obligations maturing within one year from the date of acquisition, and the dollar-weighted average maturity of all its investments is 120 days or less.

Applicant represents that pursuant to the earlier order of the Commission dated November 30, 1978, Applicant presently computes its net asset value per share to the nearest one cent on a share value of one dollar utilizing the "penny rounding" valuation method. Applicant now seeks an order of the Commission, pursuant to Section 6(c) of the Act, amending this earlier order, which amended order would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant's portfolio securities to be valued according to the amortized cost valuation method (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rules 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant represents that, as a result of the experience of its investment adviser in managing Applicant and other "money market" funds, it has become apparent that two qualities are helpful in order to attract investment, namely stability of principal and a steady flow of investment income. By utilizing high quality money market instruments of short maturities combined with a stable net asset value, preferably $1.00 per share, Applicant states that it would be possible to provide these features to a variety of investors. Applicant submits that investors are concerned that the daily income declared by Applicant reflect income as earned and that the sales and redemption prices not change.

Applicant also states that it will make investments only in instruments having a remaining maturity of one year or less and that its average portfolio maturity will not exceed 120 days. Applicant submits that such policies in combination with a stable price may accomplish both of the above investor aims—that is, the possibility of a change in the price per share is obviated, while at the same time a yield on portfolio instruments related to yields available in the general debt market is provided, which is otherwise not available with a portfolio having an average maturity of a shorter duration.

Applicant further states its belief that, given the nature of Applicant's policies and operations, there will normally be a relatively negligible discrepancy between market value and amortized cost value of its securities.

Applicant represents that its Board of Directors has determined in good faith that in light of the characteristics of the Applicant as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable and reflects the fair value Applicant's securities.

On the basis of the foregoing, Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit its shareholders by enabling Applicant to maintain more effectively a stable price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby its dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholderts—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review[1];

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the directors will promptly consider what action, if any, should be initiated; and

(c) Where the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include; redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1, above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the directors determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Applicant submits that the exemption it requests is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

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[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the directors in the exercise of their discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Notice is further given that any interested person may, not later than March 30, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exhange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing on request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of the Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7074 Filed 3–11–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11672 (811–2915; 811–2916)]

Husco Broadcasting and Electronics Corp. and Husco Cablevision Corp.; Filing of Application for an Order Pursuant to Section 8(f) of the Act Declaring That Applicants Have Ceased To Be Investment Companies

March 6, 1981.

Notice is hereby given that Husco Broadcasting and Electronics Corporation ("Company") and Husco Cablevision Corporation, ("Subsidiary") (collectively "Applicants"), c/o Baer, Napier & Colburn, L.C., 731 Fifth Avenue, Huntington, West Virginia 25701, a wholly-owned subsidiary of Company, each registered as a closed-end, non-diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on January 29, 1981, pursuant to Section 8(f) of the Act, for an order declaring that Applicants have each ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants, each a corporation organized under the law of the State of West Virginia, registered under the Act on March 23, 1979. Prior to registering under the Act, Company and Subsidiary were engaged in the business of operating cable television systems in West Virginia. According to the application, on June 1, 1977, pursuant to agreements entered into on March 6, 1977 ("1977 Agreement"), Applicants sold substantially all their assets to Century Huntington Company ("Century"), a wholly-owned subsidiary of Century Communications Corporation, in exchange for $2,500,000 in cash and secured promissory notes ("Notes") in the principal amount of $1,500,000. Applicants state that on February 1, 1980, Company, Subsidiary and Century entered into an agreement ("1980 Agreement") which modified the 1977 Agreement. Pursuant to the 1980 Agreement, Company and Subsidiary received $518,000 in cash in exchange for the Notes.

Applicants state that on August 23, 1980, the boards of directors of Applicants adopted and approved a plan of liquidation and dissolution of Applicants ("Plan"). Applicants further state that on October 1, 1980, a special meeting of shareholders of the Applicants was approved by the shareholders. According to the application, a distribution of $1.25 per share commenced on December 16, 1980 and that approximately $65,000 is being retained in the form of bank certificates of deposit to pay expenses of dissolution including secretarial and administrative expenses, legal and accounting expenses, reproduction and mailing expenses, filing and recording fees, and bank service charges.

Applicants state that they do not know the current address of 19 shareholders of the Company and that the distribution allocable to these shareholders will be paid as ordered by the Circuit Court of Cabell County, West Virginia. Applicants further state that they are not now engaged and do not propose to engage in any business activites other than those activities necessary for the final winding up of their affairs. Applicants further state that they have no debts or liabilities other than the expenses of dissolution described above and are not parties to any pending litigation or administration proceeding. Applicants state that they have filed a Statement of Intent to Dissolve, dated October 1, 1980, with the Secretary of State of West Virginia. Finally, Applicants represent that within the last eighteen months they have not transferred any of their assets to a separate trust, the beneficiaries of which were or are security holders of Applicants.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so delcare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 31, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements therein.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7075 Filed 3–11–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11671; (812-4815)]

Shearson Daily Dividend Inc., Shearson Government and Agencies Inc., Triangle Income Fund Inc., Shearson Loeb Rhoades Inc.; Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From Section 2(a)(19) of the Act

March 6, 1981.

Notice is hereby given that Shearson Daily Dividend, Inc. ("Daily Dividend"), Shearson Government and Agencies Inc. ("Government"), and Triangle Income Fund Inc. ("Triangle") (collectively "Funds"), each registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company; Shearson Loeb Rhoades Inc. ("Shearson"), 14 Wall Street, New York, New York 10005, principal underwriter of the Funds and whose wholly-owned subsidiary, Berstein-Macaulay, Inc., acts as investment adviser to the Funds; and any subsequently formed investment company as to which Shearson or any of its subsidiaries may act as investment adviser to or principal underwriter of (collectively "Applicants"), filed an application on February 2, 1981, and an amendment thereto on March 4, 1981, for an order of the Commission pursuant to Section 6(c) of the Act declaring that Judge James J. Crisona shall not be considered an "interested person" of the Applicants, as defined in Section 2(a)(19) of the Act, solely by reason of his status as the father of Cynthia Crisona, an employee of Shearson. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Daily Dividend is a Maryland corporation which registered under the Act on March 20, 1979. The investment objective of Daily Dividend is to provide as high a level of current income as is consistent with the preservation of capital and maintenance of liquidity and whose investment portfolio consists exclusively of short-term securities issued or guaranteed by the United States government or its agencies or instrumentalities, certificates of deposit, and high-grade commercial paper.

Government is a Maryland corporation and registered under the Act on March 24, 1980. The investment objective of Government is to provide as high a level of current income as is consistent with the preservation of capital and maintenance of liquidity and whose investment portfolio consists exclusively of short-term securities issued or guaranteed by the United States government or its agencies or instrumentalities.

Triangle, organized under the laws of Maryland, registered under the Act on May 22, 1980. The investment objective of Triangle is to provide high current income through investments in high yielding fixed income securities. The investment portfolio of Triangle consists principally of corporate bonds, debentures and notes, convertible securities, preferred stocks and domestic and foreign government obligations.

Judge Crisona is counsel to the law firm of Orenstein, Snitow, Sutak & Pollack, P.C., located in New York, New York. Prior to July 1, 1978, Judge Crisona was a justice of the Supreme Court of the State of New York. Applicants state that Judge Crisona has been a director of Daily Dividend and Government since their respective dates of organization and was a director of Triangle from its date of organization to November 5, 1980. According to the application, Judge Crisona resigned from the board of directors of Triangle because the board decided to elect as a director an official of Triangle's administrator, who would be deemed to be an interested person of Triangle.

Ms. Crisona has been employed as a registered representative of Shearson since the combination of the business of Loeb Rhoades Hornblower & Co. and Shearson Hayden Stone Inc. on or about December 3, 1979. According to the application, Ms. Crisona had been employed as a registered representative by Loeb Rhoades Hornblower & Co. for approximately one year prior to the above described combination of businesses. Applicants represent that Ms. Crisona maintains a separate household and is financially independent of Judge Crisona.

Section 2(a)(19) of the Act, in pertinent part, defines an interested person of an investment company, investment adviser or principal underwriter to be any member of the immediate family of any natural person who is an affiliated person of such investment company, investment adviser or principal underwriter. Section 2(a)(3) of the Act defines as "affiliated person" of another person to include any employee of such other person.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that each of the board of directors of the Funds has determined that the professional background, prior and current business experience and personal qualities of Judge Crisona enhance the boards of each of the Funds and provide broadened perspectives on investment policies and overall management. In addition, Applicants represent that no portfolio transactions of any of the Funds are executed through Shearson. As such, Applicants contend that Ms. Crisona receives no direct or indirect benefit by virtue of Judge Crisona being a director of the Funds. Furthermore, Applicants state that Ms. Crisona receives no additional compensation benefits or preferential or other special treatment because of her relationship to Judge Crisona. Applicants also state that in the event it is determined that portfolio transactions may be executed through Shearson, Judge Crisona will undertake not to vote nor participate in any deliberations with respect to allocation of brokerage to Shearson as long as Ms. Crisona is employed by Shearson. Applicants submit that Judge Crisona is in a position to act independently on behalf of the Funds and their shareholders without any impairment arising out of Ms. Crisona's employment with Shearson.

Accordingly, Applicants request that the Commission issue an order pursuant to Section 6(c) of the Act declaring that Judge Crisona shall not be deemed to be an interested person of the Applicants solely by reason of his status as the father of Ms. Crisona, an employee of Shearson.

Notice is further given that any interested person may, not later than March 31, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with

the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7879 Filed 3–11–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17662; (File Nos. SR–BSPS–77–5; SR–BSPS–80–3; SR–NSCC–78–2)]

Submission of Requests to Modify or Eliminate Conditions to the Commission's Approval of Proposed Rule Changes Filed by Bradford Securities Processing Services, Inc. and National Securities Clearing Corp.

March 5, 1981.

The Commission recently received three letters concerning the approval, subject to certain conditions, of proposed rule changes submitted by Bradford Securities Processing Services, Inc., ("BSPS") and National Securities Clearing Corporation ("NSCC"). The order approving those proposed rule changes appeared in Securities Exchange Act Release No. 17343 (November 26, 1980). In brief, that order authorized BSPS and NSCC to establish automated comparison and clearance systems for processing transactions in municipal securities.

In a letter dated February 27, 1981, BSPS informed the Commission that it had been unsuccessful in attracting enough participants to justify the continuing costs of developing and operating its system and that it was discontinuing operations. BSPS also requested that its proposal be withdrawn and rescinded its request for free interfaces with NSCC's system. In addition, BSPS expressed support for the prompt and unconditional approval of NSCC's system for processing transactions in municipal securities.

In a letter dated February 27, 1981, NSCC requested that the Commission, in view of BSPS' decision not to operate a municipal securities processing system, modify or eliminate certain of the conditions to the Commission's order approving NSCC's system. Among other things, NSCC requested that it not be required to establish interfaces with BSPS and that it be permitted to expand its system more rapidly than authorized by the order approving its proposal.

In a letter dated March 2, 1981, the participant members of the Joint Coordinating Committee, which had been established by NSCC and BSPS pursuant to the Commission's order, urged the Commission to permit NSC to expand its system promptly and unconditionally.

Because of the importance of automated comparison and clearance systems to the municipal securities industry, the Commission will consider NSCC's and BSPS's requests promptly. Interested persons are invited to submit data, views and arguments concerning NSCC's and BSPS's requests on or before March 26, 1981. Publication is expected to occur during the week of March 9, 1981. Persons that wish to comment but that are unable to do so within the fourteen day period should promptly notify Dan W. Schneider, Branch Chief, Branch of Clearing Agency Regulation, Division of Market Regulation, at (202) 272–3115.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File Nos. SR–BSPS–77–5; SR–BSPS–80–3 and SR–NSCC–78–2. Copies of the letters described above and any comments received will be available for inspection and copying at the Commission Public Reference Room, 1100 L Street, N.W. Washington, D.C.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7872 Filed 3–11–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11667; (812–4722)]

The Toronto-Dominion Bank; Application Pursuant to Section 6(c) of the Act Exempting Applicant From All Provisions of the Act

March 5, 1981.

Notice is hereby given that The Toronto-Dominion Bank ("Applicant"), c/o Leland J. Markley, Esq., Kelley, Drye & Warren, 350 Park Avenue, New York, New York 10022, filed an application on August 26, 1980, and an amendment thereto on January 29, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a bank chartered in Canada under the provisions of the Bank Act. According to the application, Applicant is the fifth largest commercial bank in Canada and the fifteenth largest bank in North America. Applicant represents that it has consolidated assets of approximately $27.4 billion, of which about $17.5 billion, approximately 64% of its consolidated assets, consisted of loans, and consolidated deposits of approximately $24.3 billion as of April 30, 1980. Applicant states that it has one class of outstanding stock, consisting of 37,968,780 shares of common stock outstanding which is held by 23,457 shareholders and had an aggregate market value of approximately $1.1 billion as of June 17, 1980.

According to the application, Applicant is primarily engaged in the business of banking and lending. Applicant states that it conducts a nationwide and international banking business through more than 1,000 branch offices offering domestic and international banking services. Applicant's principal office is located at Toronto-Dominion Centre, Toronto, Ontario, Canada M5K 1A2.

Applicant represents that the business of banking in Canada is a matter of exclusive Federal jurisdiction and each chartered bank is regulated under the Bank Act. According to the application, the Bank Act pertains to all aspects of banking in Canada, including the business and power of chartered banks, with detailed regulations as to the types of loans that can be made, shareholders and directors, capital stock and debentures, maintenance of reserves, auditing requirements, financial disclosure and regular inspections by the Inspector General of Banks. Applicant states that in the United States its activities are supervised and examined pursuant to the laws of the States of New York, Pennsylvania, California and Georgia. The application states that in connection with the Applicant's ownership of Toronto-Dominion Bank California, it is registered under the Bank Holding Company Act of 1956 with the Board of Governors of the Federal Reserve System which may examine the institution and requires the filing of annual reports regarding its operations.

According to the application, Applicant proposes to issue and sell unsecured prime quality commercial paper notes in bearer form in minimum denominations of $100,000 in the United States. Applicant represents that the notes will be sold through major United States commercial paper dealers to institutional and other sophisticated investors, including individuals who normally purchase commercial paper of this type. The application states that Applicant may also sell the notes directly to such investors and that the notes will not be advertised or otherwise offered for sale to the general public. Applicant indicates that the notes will provide an alternative source of supply of United States dollars supplementing those currently obtained through normal commercial sources and in the Eurodollar market. According to the application, Applicant does not currently expect that it would sell in excess of $500,000,000 of the notes in the United States at any one time outstanding. The application states that the notes will be direct liabilities of the Applicant and will rank *pari passu* among themselves and equally with all deposit liabilities of Applicant and all other unsecured, unsubordinated indebtedness of the Applicant, with the exception of any amounts due to the government of Canada or to any province thereof. In addition, the notes will rank prior to any subordinated indebtedness of Applicant, including all issues of debentures and claims of holders of Applicant's capital stock. Applicant plans to sell the notes without registration under the Securities Act of 1933 (the "1933 Act"), in reliance upon a written opinion of its United States counsel that the notes will qualify for the exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant states that it will not issue or sell the notes until it has received such opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and all future issues of securities in the United States shall have received prior to their respective issuances one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations and that its United States counsel shall have certified that such rating has been received.

Applicant undertakes to ensure that the commercial paper dealers in the United States through which it sells the notes, and the Applicant if it sells the notes directly, will provide to each offeree, prior to sale, a memorandum which describes Applicant's business and contains the most recent fiscal year end balance sheet and income statement of Applicant. Applicant states that the memorandum and financial statements will describe any material differences between Canadian accounting principles applicable to chartered banks and generally accepted accounting principles applicable to Unites States commerical banks, will be at least as comprehensive as those customarily used in commercial paper offerings by bank holding companies in the United States and will be updated periodically to reflect material changes in Applicant's financial status. In addition, the memorandum will contain a description of the information set forth above concerning the priority of the notes as against the Applicant's other liabilities.

Applicant further represents that any future offerings of its debt securities in the United States will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under such Act, and any such offering will be made on the basis of disclosure documents required for such registration or exemption and in any event at least as comprehensive in its description of the Applicant as is customary in such offerings of similar debt securities in the United States. Applicant consents to having any order granting the relief requested under Section 6(c) expressly conditioned upon the Applicant's compliance with the foregoing undertakings regarding disclosure memoranda.

Applicant represents that it will appoint a bank or trust company in the United States or its United States counsel as its agent to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of the notes and any other securities it may offer in the future, which will be limited to debt securities. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the city and state of New York in any such action. Applicant states that the appointment of an authorized agent to accept service of process and the consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes and any future securities have been paid by Applicant.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicant states that there is uncertainty as to whether it would be considered an investment company as defined under the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant submits that it is extensively regulated under the Bank Act by the Canadian Inspector General of Banks, as well as by the Board of Governors of the Federal Reserve and state banking authorities in connection with its United States operations. Applicant also submits that such an exemption would benefit institutional and other sophisticated investors because without such an exemption these investors would be unable to purchase securities of foreign banks such as the Applicant. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 30, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission,

Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7677 Filed 3-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21945A (70-6571)]

Western Massachusetts Electric Co.; Supplemental Notice Correcting Error in File Number

March 6, 1981.

[Release No. 2194A

In the matter of Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts.

In the notice issued March 3, 1981 (HCAR No. 21945) in this proceeding, the captioned file number 70–6511 was incorrect and should have read 70–6571.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7678 Filed 3-11-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0132]

DeStan Capital Corp.; Surrender of License

Notice is hereby given that DeStan Capital Corporation (DeStan), 4340 Connecticut Avenue, N.W., Washington, D.C. 20008, incorporated under the laws of the District of Columbia on October 17, 1977, has surrendered its License No. 03/03–0132, issued by the Small Business Administration on July 5, 1978.

DeStan has complied with all the conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the surrender of the license of DeStan is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 6, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7709 Filed 3-11-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on Monday, March 30, 1981, of the Working Group on UN/OECD Investment Undertakings of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30 a.m. to 4:00 p.m. The meeting will be held in the Loy Henderson Conference Room of the State Department, 2201 C Street, N.W., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to discuss the recent rapid growth of foreign investment in the United States, its magnitude and effects on the U.S. economy, and reactions generated by these trends among the business community, labor and government. Recent developments concerning the United Nations' work on a code of conduct for Transnational Corporations will also be reviewed.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: March 2, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-7680 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/360]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 25, 1981 at 10 a.m. in Room 856, of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group will deal with U.S. Government regulatory aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. In particular, this meeting of Study Group A will examine the questions and contributions relating to the upcoming May, 1981 meeting of CCITT Study Group I.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Earl S. Barbely, Federal Communications Commission, Washington, D.C., telephone (202) 632–3214.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

February 26, 1981.

[FR Doc. 81-7681 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/377]

Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 27, 1981 in Room 521] of the National Aeronautics and Space Administration, 600 Independence

Avenue SW., Washington, D.C. The meeting will begin at 9:30 a.m.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic) and to interference problems concerning the radio-astronomy and radar astronomy services. The purpose of the meeting is to review the work under way in preparation for the international meeting of Study Group 2 in October 1981.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: February 20, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-7285 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/381]

Study Group 8 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 8 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on April 2, 1981, from 9:30 a.m. until 4:00 p.m. in Room A-110, FCC Annex, 1229 20th Street NW., Washington, D.C.

Study Group 8 studies matters relating to systems of radiocommunications and radiodetermination for the mobile services. The purpose of the meeting will be to review the work under way in preparation for the international meeting of Study Group 8 in August-September 1981.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: March 2, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-7283 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-07-M

[CM-9/382]

Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. Organization of the International Radio Consultative Committee (CCIR) will meet jointly on April 9, 1981 in Room A110, FCC Annex, 1229 20th Street, N.W., Washington, D.C., at 9:30 a.m.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The purpose of the meeting is to review the work under way in preparation for the international meetings of Study Groups 10 and 11 in September/October 1981.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: March 2, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-7284 Filed 3-11-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD81-016]

Environmental Impact Statement, Proposed Bridge Across the Columbia River, Mile 343, Near Richland, Washington (Benton/Franklin Counties)

AGENCY: U.S. Coast Guard, Department of Transportation (DOT).

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Coast Guard is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared in conjunction with agency action (issuance or denial of a bridge permit) related to the approval of location and plans for the proposed construction of a toll bridge across the Columbia River and approximately 15 miles of approach roadways in the vicinity of Richland, Washington. The Columbia River at the site of the proposed toll bridge has been determined to be a navigable water of the United States; therefore, a Coast Guard bridge permit is required.

FOR FURTHER INFORMATION CONTACT: Wayne Lee or John Mikesell, Bridge Section, Aids to Navigation Branch, Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174, (206) 442-5864 / FTS 399-5864.

SUPPLEMENTARY INFORMATION: The Coast Guard, in cooperation with the Washington State Department of Transportation (WSDOT) will prepare an EIS on a proposal to provide access between State Route (SR) 240 in Benton County and SR 395 in Franklin County by constructing a toll bridge across the Columbia River north of Richland, Washington, in the vicinity of Horn Rapids Road with construction of approach roads to connect SR 240 to the west, Interstate 182 to the southeast, and SR 395 to the east. Alternative alignments and designs, including the no-action alternative, will be examined.

Numerous meetings have been held to date with Federal, State, and local authorities and with the general public concerning the need for and potential impacts of the proposed project. Although a formal scoping meeting is not anticipated at this time, any substantive input as to the impacts of or concerns with the project will be given careful consideration. It is anticipated that a public hearing will be held after the Draft EIS is issued for public and agency review and comment.

To ensure that the full range of impacts related to the proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and EIS should be directed to the Coast Guard at the above address.

Dated: March 4, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81-7760 Filed 3-11-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Certification Docket No. CT4574CE-D]

Application for Amendment to Type Certificate; Gates Learjet Models 54/55/56 Series Airplanes

Note.—This document originally appeared in the Federal Register for Tuesday, March 10, 1981. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See OFR notice 41 FR 32914, August 6, 1976.)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Announcement of certification status and statement of amended type certification basis.

SUMMARY: The Gates Learjet Corporation (Learjet) has applied to amend Type Certificate A10CE for their Models 54/55/56 series airplanes. This announces the type certification program for these airplanes and provides information on the type certification basis to be established under Section 21.101 of the Federal Aviation Regulations (FARs). This is a non-rulemaking proceeding within the meaning of the administrative procedure provisions of 5 U.S.C. 551, *et. seq.*

The issuance of special conditions under Sections 21.16 and 21.101 is required where it is found that the airworthiness regulations otherwise applicable to an aircraft do not contain adequate or appropriate safety standards because of a novel or unusual design feature. Special conditions required as part of the certification basis for these aircraft are discussed under the topic *Special Conditions* of this announcement. In accordance with the policy announced in Amendment 21–51, Airworthiness Review Program (45 FR 60154), effective October 14, 1980, the issuance of special conditions is usually initiated by Notice of Proposed Rule Making. However, the application for amendment of Type Certificate A10CE had been filed and the special conditions thereto have been accepted by the applicant and incorporated into the aircraft type design prior to the adoption of Amendment 21–51.

Furthermore, the certification program has been substantially completed and, pursuant to the program schedule, the amendment to the type certificate should be issued March 16, 1981, or shortly thereafter. Accordingly, the special conditions are being issued concurrent with the status report. In this connection, it should be noted that the special conditions are substantially the same as those issued by the FAA for previous Gates Learjet models, and service experience has shown they adequately provide for the novel and unusual design features in the models 54/55/56 series airplanes. It has also been determined that delaying the issuance of the amended type certificate would cause unnecessary production delays and impose an undue financial burden and hardship on the applicant and users of the airplane.

DATE: Comments on this announcement will be considered if received prior to the amendment of the aircraft type certificate. Learjet is proposing to complete the certification program for the Model 55 in mid-March 1981.

FOR FURTHER INFORMATION CONTACT: Barry D. Clements, Chief, Aircraft Certification Progam (ACE–211), Room 238, Terminal building 2299, Mid-Continent Airport, Wichita, Kansas 67209, Telephone (Area Code 316) 942–4285.

Availability of Additional Copies of Announcement

Any person may obtain additional copies of this Announcement by submitting a request to the Federal Aviation Administration, Public Affairs Officer, Central Region, 601 East 12th Street, Kansas City, Missouri 64106. Telephone (Area Code 816) 374–5449. Each communication must identify the docket number which is CT4574CE–D.

Background

On August 2, 1976, Learjet applied to the FAA Central Region to amend Type Certificate A10CE by adding the Model PD1311. In November 1977, the Model PD1311 was defined as the Learjet Models 54/55/56. These models have the same exterior configuration but have different size fuel tanks in the aft fuselage area. The Models 54/55/56 are "executive jet" airplanes having a low wing with supercritical winglets. There are two aft fuselage-mounted, Garrett TFE–731–3A–2B engines each producing 3700 pounds thrust. These models have the characteristic Learjet T-tail. The Models 54/55/56 will accommodate a maximum of 10 passengers. The Models 54/55/56 will have a maximum takeoff weight of 18,500, 19,500 and 20,500 pounds respectively. The maximum approved operating altitude of the airplanes will be 51,000 feet.

Program Process

The statutory prerequisite for the issuance of an aircraft type certificate or an amendment thereto is a finding by the Administrator that the aircraft is of proper design, material, specification, construction and performance for safe operation and meets the standards, rules and regulations prescribed therefore. (Section 603(a) of the Federal Aviation Act of 1958 (Act), 490 U.S.C. 1423(a)(1).) In exercising his powers and duties under the Act, the Administrator must do so consistently with any obligation assumed by the United States in any treaty or other international agreement (Section 1102 of the Act, supra). For example, when components are produced by an aircraft overseas supplier and they are not readily inspectable during assembly, they are subject to reciprocal agreements, known as "bilaterals," which have been consummated between this country and the exporting country. In such cases, the FAA would notify the foreign certifying authority of the applicable design data, test and quality control requirements to be met.

The type certifications process for aircraft projects in which complete type certification is involved generally consists of the following major steps:

1. Establishment of a Type Certification Board which programs its meetings according to need but generally includes at least three significant phases (preliminary, preflight, and final);

2. Issuance of a Type Inspection Authorization (TIA) when the examination of the technical data required for type certification is completed or has reached a point where it appears that the aircraft will meet the pertinent regulations. The TIA is the authorization for FAA personnel to begin flight testing and assure that the test aircraft meets design standards. The preflight type board is also held at this time. After flight testing is completed, the final type board is held to resolve any outstanding matters.

3. Issuance of the amended Type Certificate Data Sheet which becomes a part of the type certificate, setting forth the limitations prescribed by the applicable airworthiness regulations and any other limitations and information found necessary for type certification.

4. Issuance of a "decision document," which will be a public document, that summarizes the basis for the decision to issue a type certificate, or an amendment thereto, including an identification of all applicable regulations, issues, means of compliance (including tests and analyses) and resolution of issues.

After an amended Type Certificate Data Sheet has been prepared, all outstanding items have been resolved, all applicable regulations have been met, the decision document has been approved, the airplane is considered safe in its operational environment, and the airplane flight manual has been approved, an amendment to the aircraft type certificate will be issued. Throughout the type certification process, from the time the Type Certification Board is convened to the final issuance of the amended type certificate, reviews are conducted to establish the operational suitability of the aircraft. These reviews include evaluation of the aircraft for operations under FAR 91, FAA operational advisory circulars, airport and air traffic

control compatibility, minimum equipment lists, training requirements, and other areas. Thereafter, a Type Inspection Report (TIR) is prepared which provides an official record of the inspection and flight test conducted to show compliance with the applicable regulations.

Program Status

Type Certification Board meetings were held as follows: Preliminary—December 21, 1977; First Interim—March 21, 1979; Preflight—May 23, 1980; and the Second Interim—November 21, 1980. At the Preflight Type Certification Board meeting, Learjet expressed their primary interest in certification of the Model 55 first with the Models 54 and 56 to be certified at a later time. The initial Type Inspection Authorization for the Model 55 was issued May 1980, and it has been revised through Revision F as of November 1980. All substantiating reports were to be submitted to the FAA by the first week in February. Flight testing is scheduled to be completed in early March, with subsequent amendment of the Type Certificate scheduled for mid-March 1981.

Type Certification Basis—General

The applicable airworthiness standards are those regulations designated in accordance with Section 21.101 of the FAR Part 21, which are collectively known as the "type certification basis" for the airplane design. Special conditions are issued, and amended as necessary, as a part of the type certification basis if the Administratot finds that the airworthiness standards designated in accordance with Section 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of the Learjet Models 54/55/56 series airplanes.

Statement of Type Certification Basis

Based on the existing certification requirements presented on Type Certificate Data Sheet No. A10CE for the Gates Learjet Models 35A and 36A plus other later FAR sections established in separate correspondence, the type certification basis of the Learjet Models 54/55/56 airplanes will be:

Part 25 of the Federal Aviation Regulations (FARs) effective February 1, 1965, as amended by Amendments 25-2, 25-3, 25-4, 25-7, 25-10, 25-12, 25-18, 25-21, 25-22 and 25-30, plus Section 25.955(b)(2) of Amendment 25-11, Section 25.954 of Amendment 25-14, Sections 25.803(e), 25.811(f), 25.853(a), 25.853(b) and 25.855(e) of Amendment 25-15, Section 25.1359 of Amendment 25-17, Section 25.785(c) of Amendment 25-20, Sections 25-251(c), 25.251(d), 25.251(e), 25.309, 25.905(b), 25.907(d), 25.331(a)(3), 25.335(b), 25.335(f), 25.337(b), 25.349(b), 25.351(a), 25.363, 25.395(a), 25.395(b), 25.471(a)(1), 25.471(a)(2), 25.473, 25.493(b), 25.499(b), 25.499(c), 25.499(d), 25.509(a)(3), 25.561(b)(3), 25.561, 25.607, 25.615, 25.619, 25.625, 25.629, 25.677, 25.697, 25.699, 25.701, 25.721, 25.723, 25.725, 25.727, 25.729, 25.733, 25.735, 25.865, 25.867, 25.781, 25.903(d), 25.934, 25.994, 25.1103(d), 25.1143(e), 25.1303, 25.1307, 25.1331, and 25.1585(c) of Amendment 25-23, Sections 25.1013(e), 25.1305(c)(4), and 25.1305(c)(6) of Amendment 25-36, Sections 25.815, 25.1322 and 25.1403 of Amendment 25-38, Sections 25.903(e), 25.939 and 25.943 of Amendment 25-40, Section 25.255 of Amendment 25-42; and Section 25.1326 of Amendment 25-43;

Part 36 of the Federal Aviation Regulations effective, December 1, 1969, Amendments 36-1 through 36-10;

Part 27 of the Special Federal Aviation Regulations, effective February 1, 1974, Amendments 27-1 and 27-2;

Exemption

As of the date of this announcement, Learjet has not petitioned the FAA for any exemptions relative to the type certification of the Models 54/55/56 series airplanes.

Findings of Equivalencies

FAR Section 21.21(b)(1) permits the FAA to accept deviations from the applicable airworthiness requirements if the deviation is compensated by a factor that provides an equivalent level of safety. Learjet has requested four equivalent level of safety findings as provided for in FAR 21 Section 21.21(b)(1). These findings involve the following regulations:

FAR 25.201 thru 25.207—Stalls
FAR 25.253—High-Speed Characteristics
FAR 25.773(b)(2)—Pilot Compartment View
FAR 25.1305(f)—Powerplant Instruments

Special Conditions

There are additional design features and airworthiness standards which pertain to the certification basis for the Learjet Models 54/55/56 series airplanes that have been considered. They are being included as part of the certification basis as special conditions pursuant to Section 21.101 to the extent they involve novel or unusual design features. These features which involve special conditions for operation to 51,000 feet are:

1. Airframe—Pressure Vessel Integrity.
2. Systems—Ventilation; Air Conditioning; Pressurization; Oxygen Equipment and Supply; Operation Without Normal Electrical Power; Stability Augmentation and Automatic and Power Operated Systems.
3. Flight—Environmental Testing.

Finally, design evaluation does not end with the issuance of the amended type certificate. The FAA continues to monitor the safety performance of the design after the type design is approved and the product is introduced into service. This is accomplished through the various reports and data the FAA receives daily and which regulations require aircraft owners and operators to submit, as well as, in some cases, post-certification design reviews. The airworthiness standards published in the FARs such as Part 25, as well as the operational regulations in Parts 91 and 121, are amended from time to time to consider new technologies and to upgrade the existing level of safety. If during any evaluation an unsafe condition is found as a result of service experience and that condition is likely to exist or develop in other products of the same type, the FAA issues an airworthiness directive under Part 39 to require a change to the type design or to define special inspection or operational limitations. In effect, these are also retroactive applications of required type design changes.

Issued in Kansas City, Missouri, on March 5, 1981.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 81-7804 Filed 3-9-81; 8:45 am]
BILLING CODE 4910-13-M

[Docket No. 21490; S.C. No. 25-80-CE-14]

Special Conditions: Gates Learjet Models 54, 55, and 56 Series Airplanes

Note.—This document originally appeared in the Federal Register for Tuesday, March 10, 1981. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See OFR notice 41 FR 32914, August 6, 1976.)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued pursuant to § 21.16 and § 21.101 of the Federal Aviation Regulations (FAR) to Gates Learjet Corporation (Learjet) for the amended type certification of the Learjet Models 54, 55, and 56 series airplanes. These airplanes will have novel or unusual design features associated with the unusually high operating altitude (51,000 feet) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. These special conditions are therefore necessary to establish a level of safety equivalent to that established in the regulations.

DATE: Effective March 10, 1981.

ADDRESSES: Comments on this action may be mailed in duplicate to: Federal

Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21490, 800 Independence Avenue SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C., 20591. All comments must be marked: Docket No. 21490. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:
Iven Connally, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, WA 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1976, Gates Learjet Corporation (Learjet), Mid-Continent Airport, Box 7707, Wichita, Kansas 67277, filed an application for an amendment to Type Certificate No. A10CE to include its Models 54, 55, and 56 airplanes. The Learjet Models 54, 55, and 56 are derivatives of the Learjet Models 35 and 36. Wings are extended, wingtip tanks deleted, and supercritical winglets are added. The fuselage diameter has been increased and the fuselage has been lengthened by 48 inches. The engines have been moved aft and up and have been changed from Garrett AiResearch TFE-731-2-2B's to TFE-731-3A-2B's. The vertical stabilizer area has been increased and the horizontal stabilizer has been raised approximately 30 inches. The right-hand plug-type escape hatch has been replaced with a large outward-opening hinged door which also serves as a baggage door. Baggage compartments have been added to the tail cone and in the enlarged nose compartment. A larger windshield with separate openable side windows and a new cockpit arrangement have been added. The maximum certificated weight has been increased from 18,000 pounds to 19,500 pounds with an option to 20,500 pounds.

The applicable airworthiness standards are those regulations designated in accordance with § 21.101 of the FAR which are collectively known as the "type certification basis" for the airplane design. Special conditions may be issued, and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of the Learjet Models 54, 55, and 56 series airplanes.

The type design of the Learjet Models 54, 55, and 56 contains a number of novel and unusual design features for an airplane type certificated under the applicable provisions of Part 25 of the FAR. Those features include a relatively small passenger cabin volume and a high operating altitude. The applicable airworthiness requirements do not contain adequate or appropriate safety standards for the Learjet Models 54, 55, and 56. Therefore, special conditions are necessary to establish a level of safety equivalent to that established in the regulations.

The special conditions require a higher degree of pressure vessel integrity than envisioned by the original type certification basis to assure that depressurization at high altitude is unlikely. The ventilation, air conditioning, and pressurization systems requirements have been upgraded to assure survivability in the event of certain system failures at altitudes above 40,000 feet. The special conditions also redefine the oxygen system, since § 25.1441(d), incorporated into type certificate A10CE, does not define the oxygen system required for operations above 40,000 feet. Finally, the special conditions require the applicant to show that the airplane can be operated safely in Visual Flight Rules (VFR) conditions with the electrical power inoperative. Service experience has shown that loss of normal electrical power is not a sufficiently remote possibility to assure an acceptable level of safety.

Type Certification Basis

The type certification basis for the Learjet Models 54, 55, and 56 is: Part 25 of the Federal Aviation Regulations (FAR) effective February 1, 1965, as amended by Amendments 25-2, 25-3, 25-4, 25-7, 25-10, 25-12, 25-18, 25-21, and 25-30; plus § 25.955(b)(2) of Amendment 25-11; § 25.954 of Amendment 25-14; §§ 25.803(e), 25.811(f), 25.853(a), 25.853(b), and 25.855(a) of Amendment 25-15; § 25.1359 of Amendment 25-17; § 25.785(c) of Amendment 25-20; §§ 25.251(c), 25.251(d), 25.251(e), 25.303, 25.305(b), 25.307(d), 25.331(a)(3), 25.335(b), 25.335(f), 25.337(b), 25.349(b), 25.351(a), 25.363, 25.395(a), 25.395(b), 25.471(a)(1), 25.471(a)(2), 25.473, 25.493(b), 25.499(b), 25.499(c), 25.499(d), 25.509(a)(3), 25.561(b)(3), 25.581, 25.807, 25.815, 25.819, 25.625, 25.629, 25.677, 25.697, 25.699, 25.701, 25.721, 25.723, 25.725, 25.727, 25.729, 25.733, 25.735, 25.865, 25.867, 25.871, 25.903(d), 25.934, 25.994, 25.1103(d), 25.1143(e), 25.1303, 25.1307, 25.1331, and 25.1585(c) of Amendment 25-23; §§ 25.1013(e), 25.1305(c)(4) and 25.1305(c)(6) of Amendment 25-36; §§ 25.815, 25.1322, and 25.1403 of Amendment 25-38; §§ 25.903(e), 25.939, and 25.943 of Amendment 25-40; § 25.255 of Amendment 25-42; § 25.1326 of Amendment 25-43; Part 36 of the FAR effective December 1, 1969, either as amended through Amendment 36-10 or as amended at the time of the noise test; SFAR 27 effective February 1, 1974, as amended through Amendment SFAR 27-2; and the special conditions set forth herein.

Need for Immediate Adoption

The issuance of special conditions under §§ 21.61 and 21.101 is required where it is found that the airworthiness regulations otherwise applicable to an aircraft do not contain adequate or appropriate safety standards because of a novel or unusual design feature. In accordance with the policies announced in Amendment 21-51, Airworthiness Review Program (45 FR 60154), effective October 14, 1980, the issuance of special conditions is usually initiated by a Notice of Proposed Special Conditions; however, the application for the amendment to Type Certificate A10CE had been filed and the special conditions applicable thereto had been accepted by the applicant and incorporated into the airplane type design prior to the adoption of Amendment 21-51. Furthermore, the certification program has been substantially completed, and, pursuant to the program schedule, the amendment to the type certificate should be issued March 16, 1981, or shortly thereafter. Accordingly, the special conditions are being issued concurrent with the status report. In this connection it should be noted that the special conditions are substantially the same as those issued by the FAA for previous Learjet models, and service experience has shown that they adequately provide for the novel and unusual design features in the previous Learjet models. It has also been determined that delaying issuance of the amended type certificate would cause unnecessary production delays and impose an undue financial burden and hardship on the applicant and users of the airplanes. Accordingly, the FAA has determined, in accordance with § 553 of the Administrative Procedure Act, that good cause exists for making the special conditions effective in less than 30 days.

Interested persons, however, are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. A report summarizing

each FAA public contact concerned with the substance of these special conditions will be filed in the Rules Docket.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued to Learjet for the type certification of the Learjet Models 54, 55, and 56 series airplanes under Type Certificate A10CE:

A. *Pressure Vessel Integrity.* 1. The maximum extent of failure and pressure vessel opening that can be demonstrated to comply with paragraph D of these special conditions must be determined. It must be demonstrated by crack propagation and fail-safe testing that a larger opening or a more severe failure than demonstrated will not occur in normal operations.

2. Inspection schedules and procedures must be established to assure that cracks and normal fuselage leak rates will not progress or that the pressurization system capability will not deteriorate to the extent that an unsafe condition could exist during normal operation.

3. The pressure vessel structure, including doors and windows, must comply with § 25.365(d) using a factor of 1.67 in lieu of the 1.33 factor prescribed therein.

4. In addition to the requirements of § 25.571, the loads prescribed in § 25.571(c) and this paragraph must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered. In addition, the following apply as ultimate loading conditions:

(a) The normal operating pressures combined with the expected external aerodynamic pressures must be applied simultaneously with the flight loading conditions specified in § 25.571(c); and

(b) The combined pressures set forth in subparagraph (a) of this paragraph multiplied by a factor of 1.67 must be applied to the pressurized cabin without any other load.

B. *Ventilation.* In lieu of the requirements of § 25.831(a), the following applies: The ventilation system must be designed to provide a sufficient amount of uncontaminated air to enable the crewmembers to perform their duties without undue discomfort or fatigue and to provide reasonable passenger comfort during normal operating conditions and in the event of any minor failure of any system on the airplane which would adversely affect the cabin ventilating air. For normal operations, crewmembers and passengers must be provided with at least 10 cubic feet of fresh air per minute per person, or the equivalent in filtered recirculated air, based on the volume and composition at the corresponding cabin pressure altitude of no more than 8,000 feet.

C. *Air Conditioning.* In addition to the requirements of § 25.831 (b) through (e), cabin cooling systems must be designed to meet the following conditions during flight above 15,000 feet MSL:

1. * After any probable failure, the cabin temperature/time history may not exceed the values shown in Figure 1.

2. After any improbable failure, the cabin temperature/time history may not exceed the values shown in Figure 2.

D. *Pressurization.* In addition to the requirements of § 25.841, the following apply:

1. The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude/time histories for operations above 45,000 feet:

(a) The cabin altitude/time history may not exceed that shown in Figure 3* after each of the following:

(1) Any probable double failure in the pressurization system.

(2) Any single failure in the pressurization system combined with the occurrence of a leak produced by a complete loss of a door seal element or a fuselage leak through an opening having an effective area 2.0 times the effective area which produces the maximum permissible fuselage leak rate approved for normal operation, whichever produces a more severe leak.

(b) The cabin altitude/time history may not exceed that shown in Figure 4* after each of the following:

(1) The maximum pressure vessel opening resulting from crack propagation for a period encompassing two normal inspection intervals. The initial crack must be at least one-half the local panel width in length. Mid-panel cracks and cracks through skin/stringer and skin/frame combinations must be considered.

(2) The pressure vessel opening resulting from probable damage, while under maximum operating cabin pressure differential due to a tire burst, engine rotor burst, loss of antennas, or stall warning vanes, or any probable equipment failure.

(3) Complete loss of thrust from all engines.

2. In showing compliance with paragraph 1 of this special condition, it may be assumed that an emergency descent is made in accordance with an approved emergency procedure. In showing compliance with paragraph 1(b) of this special condition, a 17-second crew recognition and reaction time must be applied between cabin altitude warning and the initiation of an emergency descent.

E. *Oxygen Equipment and Supply.* In addition to the requirements of § 25.1441(d), the following apply:

1. A quick-donning oxygen mask system with a pressure-demand, mask mounted regulator must be provided for the flightcrew. It must be shown that each quick-donning mask can, with one hand and within 5 seconds, be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand.

2. A continuous-flow oxygen system must be provided for the passengers.

F. *Operation without Normal Electrical Power.* In addition to the requirements of §§ 25.1309 and 25.1351, it must be shown by analysis, test, or both, that the airplane can be operated safely in VFR conditions, for a period of not less than 5 minutes, with the normal electrical power (electrical power sources, excluding the battery) inoperative, with critical type fuel (From the standpoint of flameout and restart capability) and with the airplane initially at the maximum certificated altitude. Parts of the electical system may remain on if—

1. A single malfunction, including a wire bundled or junction box fire, cannot result in loss of the part turned off and the part turned on;

2. The parts turned on are electrically and mechanically isolated from the parts turned off; and

3. The electrical wire and cable insulation, and other materials, of the parts turned on are self-extinguishing when tested in accordance with § 25.1359(d).

G. *Stability Augmentation and Automatic and Power-Operated Systems.* In lieu of the requirements of § 25.672, as amended by Amendment 25–23, if the functioning of stability augmentation or other automatic or power-operated systems is necessary to show compliance with the flight characteristics requirements of Part 25, such systems must comply with the following:

1. A warning which is clearly distinguishable to the pilot under expected flight conditions without requiring the pilot's attention must be provided for any failure in the stability augmentation system or in any other automatic or power-operated system which could result in an unsafe condition if the pilot were not aware of the failure. Warning systems must not activate the control systems.

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* Filed with original document.

2. The design of the stability augmentation system or of any other automatic or power-operated system must allow initial counteraction of failures without requiring exceptional pilot skill or strength, either by the deactivation of the system or a failed portion thereof or by overriding the failure by movement of the flight controls in the normal sense.

3. It must be shown after any single failure of the stability augmentation system or any other automatic or power-operated system that:

(a) The airplane is safely controllable when the failure or malfunction occurs at any speed or altitude within the approved operating limitations that is critical for the type of failure begin considered;

(b) The controllability and maneuverability requirements of part 25 are met within a practical operational flight envelope (for example speed, altitude, normal acceleration, and airplane configurations) which is described in the Airplane Flight Manual; and

(c) The trim, stability, and stall characteristics are not impaired below a level needed to permit continued safe flight and landing.

H. *Environmental Testing.* An investigation shall be made in turbulence to determine the airplane's dynamic response with the primary considerations for controllability and the pilot's physiological reactions which may affect the pilot's ability to see and use the flight instruments. This evaluation shall be conducted with the yaw damper both operative and inoperative.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28 and 11.29(b))

Note.—This action is not a regulation under Executive Order 12291 or the President's Memorandum of January 29, 1981.

Issued in Washington, D.C., on March 6, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-7989 Filed 3-9-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Salt Lake County, Utah

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Salt Lake County, Utah.

FOR FURTHER INFORMATION CONTACT: William R. Gedris, Environmental Coordinator, Federal Highway Administration, 125 South State Street, P.O. Box 11563, Salt Lake City, Utah 84147, Telephone: (801) 524-5161, FTS Number 588-5161. Also, Lester Abbey, Environmental Engineer, Utah Department of Transportation, 408 State Office Building, Salt Lake City, Utah 84114, Telephone: (801) 533-5224 or (801) 533-5228.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Utah Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a new, limited access, multi-lane, divided highway in west Salt Lake Valley. More specifically, the north/south direction highway would be located in the vicinity of 3800 West and would extend from 9000 South in West Jordan northward through West Valley City to 2100 South Street, a distance of 10 miles. The proposed action is considered necessary to provide for the existing and projected traffic demand in a fast-growing community.

Alternatives under consideration include (1) Taking no action; (2) Transportation System Management to consist of widening and/or making other improvements to existing intersections and streets within the corridor. Incorporated into (and studied with) the "build" alternatives will be alternate design variations.

The Scoping Process will begin with personal visits to appropriate Federal, State, and local agency officials in order to describe the proposed action, to solicit preliminary comments, and to invite written comments addressing project development. Where personal visits for scoping are not feasible, letters or telephone calls will be made to appropriate officials. Comments will be solicited from private organizations and citizen groups who are affected by or express interest in this proposal. Public meetings will be held to involve officials, groups, and individuals in working out feasible solutions to environmental, social, economic, and design problems. In addition, after completion of the draft EIS, a public hearing will be held. Public notices will be given of the time and place of the scheduled meetings and hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or UDOT at the addresses provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on: March 4, 1981.

George W. Bohn,

Division Administrator, Salt Lake City, Utah.

[FR Doc. 81-7934 Filed 3-11-81; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Boise, Ada County, Idaho

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Boise, Ada County, Idaho.

FOR FURTHER INFORMATION CONTACT: Barry F. Morehead, Assistant Division Administrator, Federal Highway Administration, Boise, Idaho 83707, Telephone: (208) 334-1690.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Idaho Transportation Department and Ada County Highway District will prepare an Environmental Impact Statement on a proposal to construct a river crossing in the City of Boise. The proposed action intends to provide increased accessibility between those areas of Boise separated by the Boise River.

Alternatives under consideration include the No Major Action, and four Construction Alternatives. Three of the Construction Alternatives include a new river crossing. The longest Alternative would be less than 1.5 miles in length.

Information describing the proposed action has been made available to appropriate agencies and the public through contacts and public meetings and workshops. A public hearing will be held after completion of the draft Environmental Impact Statement. No additional formal scoping meetings are planned.

Comments or questions concerning this proposed action on the EIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects apply to this program.

Barry F. Morehead,

Assistant Division Administrator, Boise, Idaho.

[FR Doc. 81-7720 Filed 3-11-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP81-7; Notice 1]

Firestone Tire & Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

The Firestone Tire & Rubber Co. of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewalls of each passenger car tire be labeled with the maximum permissible inflation pressure and maximum load rating. Firestone has manufactured an unknown number of P195/75R14 Deluxe Champion Radial polyester fiberglass tires incorrectly marked on the serial, or blackwall side, as "MAX. LOAD 635 kg (1400 lbs.) AT 240 kPa (35 P.S.I.) MAX. LOAD." However, the white sidewall side is correctly marked with the words "MAX. LOAD 635 kg (1400 lbs.) AT 240 kPa (35 P.S.I.) MAX. PRESS." Firestone argues that the noncompliance is inconsequential because the white sidewall side is usually the side mounted outboard to the vehicle, the letters P.S.I. clearly refer to inflation pressure precluding confusion, and the sequencing of the words in the label virtually eliminates the possibility of misinterpreting the stamping.

Interested persons are invited to submit written data, views and arguments on the petition of Firestone Tire & Rubber Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: April 13, 1981.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: March 4, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-7442 Filed 3-11-81; 8:45 a.m.]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Deadline on Comments on Foreign Exchange

The Treasury Department announced that May 31, 1981 is the deadline for comments on the foreign exchange discussion draft issued on December 8, 1980. Treasury solicited public comments when the discussion draft, which presents a system for taxing foreign exchange gains and losses, was issued.

Persons wishing to submit comments should address them to Joel Rabinovitz, Deputy International Tax Counsel, U.S. Treasury Department, Washington, D.C. 20220.

Dated: March 9, 1981.

Emil M. Sunley,

Acting Assistant Secretary (Tax Policy).

[FR Doc. 81-7632 Filed 3-11-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

200-Bed Domiciliary; Veterans Administration Medical Center, Hampton, Virginia; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impact that may occur as a result of the construction of a 200-Bed Domiciliary at the Veterans Administration Medical Center (VAMC) Hampton, Virginia.

The proposed action provides for new construction of a five unit, single level structure. The new building will provide approximately 57,251 total net square feet of space. The planned site of the building is in proximity to VAMC support services, bus stops and community facilities. When the new building is ready for occupancy, existing domiciliary space will be vacated and converted to educational facilites for medical and paramedical personnel.

Temporary construction related impacts, which will exist through project completion, include noise, dust, fumes and visual impacts. The environmental impacts will be minimal.

The project will comply with all Federal, State and local codes as well as the VA regulations on environmental protection (38 CFR Part 26). Mitigating actions will be implemented as they apply to specific project impacts identified.

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC 20420, (202) 389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW, Washington, DC, 20420.

Dated: March 6, 1981.

By direction of the Acting Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

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POSTAL SERVICE

Notice of Changes in Certain Postal Rates, Fees and Mail Classifications; Effective Date

On April 21, 1980, the Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of postage and fees for postal services and changes in the mail classification schedule. An explanation of the Postal Service proposal was published in the **Federal Register** by the Postal Rate Commission on April 29, 1980 (45 FR 28552).

On February 19, 1981, as amended on February 27, 1981 and March 6, 1981, the Postal Rate Commission transmitted to the Governors of the Postal Service its recommended decision in which it recommended changes in permanent rates of domestic postage and fees for domestic postal services and changes in mail classifications. On March 10, 1981 the Governors allowed the Commission's recommended decision, except as noted below, to take effect under protest, and returned the Recommended Decision to the Commission for reconsideration and a further recommended decision, pursuant to Title 39, United States Code, Section 3625(c)(2).

The following provisions or parts of provisions of Schedule F (Recommended Changes in the Domestic Mail Classification Schedule) of Appendix One of the Recommended Decision of the Postal Rate Commission dated February 19, 1981, were not adopted by the Governors:

100.042 a. i., 100.042 a. ii., 200.0202, 200.021, 200.0218, 200.046, 200.047, 200.093 (part), 400.01 e., 400.0203.

Furthermore, the Governors rejected the Commission's recommended classification change dividing third-class bulk mail into light-weight and heavy-weight categories, and returned it to the Commission for further consideration. The Commission did not include an alternative rate schedule for bulk third-class mail to provide for rate changes in the event the classification change was not adopted. The Governors stated that the "Commission does not have authority to negate the classification review authority provided to the Governors in this manner by including a classification recommendation within a rate case and recommending only one set of rates that are coupled with the change." The Governors thus found that the Commission has not made a rate recommendation for bulk third-class mail within the statutory ten-month period. Consequently, and pursuant to the authority of 39 U.S.C. Section 3641, the Board of Governors decided to place into effect on a temporary basis the third-class bulk rates which appear at Appendix Three.

In addition, the recommendation to include ZIP–Code numbers identifying Bulk Mail service areas, as reflected in section 400.0204 of Schedule F, Appendix One of the Commission's Recommended Decision, was not adopted since the Governors found it to be clearly beyond the proper scope of the Domestic Mail Classification Schedule.

The Governors took no action with regard to the rates recommended by the Commission for expedited second-class, or red-tag, mail. The Governors stated that the August 15, 1980, Decision of the Board of Governors in Docket No. MC79–3 had fixed the effective date for the Domestic Mail Classification Schedule changes establishing a separate subclass for red-tag mail at June 1, 1981. Therefore, at this time there does not exist the subclass that must be a precondition to application of the rates recommended by the Commission for expedited, or red-tag, second-class mail.

The Board of Governors determined the effective date of the changes ordered placed into effect by the Governors under protest and the temporary rates for bulk third-class mail. (The Governors' decision, the record of the Commission's hearings, and the Commission's recommended decision may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Governors' decision and the Commission's recommended decision are available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.)

In accordance with action by the Governors and the Board of Governors, the Postal Service hereby gives notice that the rates, fees, and classification changes listed below become effective as of 12:01 A.M. on March 22, 1981.

In accordance with 39 U.S.C. § 3626, separate rate schedules for the classes of mail and kinds of mailers identified in section 3626 were adopted as set forth in Schedules 1 through 6 of Appendix Two, and the rates becoming effective on March 22, 1981 are those set forth in the "Year 9" column under the heading of "Phased Rates."

(39 U.S.C. 101(d), 401, 403, 404, 407, 3621, 3625, 3626, 3641)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

BILLING CODE 7710-12-M

RATES AND FEES AND CHANGES IN DOMESTIC MAIL CLASSIFICATION SCHEDULE

Appendix One

SCHEDULE A-1
First Class and Business Reply

Mail Type	Postage Rate Unit	RATE		
		Regular (cents)	Presorted 1/ (cents) 5-digit	Presorted 1/ (cents) carrier route
First Class:				
Letters	First Ounce	18	15	14
	Each additional ounce	17 2/	17	17
Cards	Piece	12	11	10
Business Reply 3/	With advance deposit account	5		
	Without advance deposit account	18		
Nonstandard Surcharge 4/		9		

1/ Presorted first-class mail must be presented in a single mailing of 500 or more pieces properly prepared and presorted. The higher presort rate applies only to each piece of a group of ten or more pieces destined for the same five-digit ZIP Code or each piece of a group of fifty or more pieces destinted for the same three-digit ZIP Code. The lower presort rate applies only to mail presorted to carrier route, with a minimum of 10 pieces per route. A mailing fee of $40 must be paid once each calendar year at each office of mailing by any person who mails presorted first-class mail.

2/ Rate applies through 12 ounces. Heavier pieces are subject to priority mail rates.

3/ Rates are applied on a per-piece basis in addition to regular postage. A fee of $40 must be paid once each calendar year for each business-reply permit. An accounting charge must be paid once each calendar year for each business-reply advance deposit account.

4/ Applies to the first ounce only.

SCHEDULE A-2
(Dollars)

Weight (not) Exceeding (Pounds)	Priority mail					
	L, 1, 2 &	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1	2.22	2.22	2.22	2.22	2.29	2.42
1.5	2.22	2.27	2.41	2.57	2.73	2.93
2	2.40	2.56	2.74	2.95	3.16	3.43
2.5	2.64	2.84	3.07	3.34	3.60	3.93
3	2.89	3.12	3.40	3.72	4.04	4.43
3.5	3.13	3.41	3.73	4.10	4.47	4.93
4	3.38	3.69	4.06	4.49	4.91	5.44
4.5	3.62	3.98	4.39	4.87	5.34	5.94
5	3.87	4.26	4.73	5.26	5.78	6.44
6	4.35	4.83	5.39	6.02	6.63	7.44
7	4.84	5.40	6.05	6.79	7.52	8.45
8	5.33	5.96	6.71	7.56	8.40	9.45
9	5.82	6.53	7.37	8.32	9.27	10.46
10	6.31	7.10	8.03	9.09	10.14	11.46
11	6.80	7.67	8.69	9.86	11.01	12.46
12	7.29	8.24	9.35	10.62	11.88	13.47
13	7.78	8.80	10.01	11.39	12.76	14.47
14	8.27	9.37	10.67	12.16	13.63	15.48
15	8.76	9.94	11.34	12.93	14.50	16.48
16	9.24	10.51	12.00	13.69	15.37	17.48
17	9.73	11.08	12.66	14.46	16.24	18.49
18	10.22	11.64	13.32	15.23	17.12	19.49
19	10.71	12.21	13.98	15.99	17.99	20.50
20	11.20	12.78	14.64	16.76	18.86	21.50
21	11.69	13.35	15.30	17.53	19.73	22.50
22	12.18	13.92	15.96	18.29	20.60	23.51
23	12.67	14.48	16.62	19.06	21.48	24.51
24	13.16	15.05	17.28	19.83	22.35	25.52
25	13.65	15.62	17.95	20.60	23.22	26.52
26	14.13	16.19	18.61	21.36	24.09	27.52
27	14.62	16.76	19.27	22.13	24.96	28.53
28	15.11	17.32	19.93	22.90	25.84	29.53
29	15.60	17.89	20.59	23.66	26.71	30.54
30	16.09	18.46	21.25	24.43	27.58	31.54
31	16.58	19.03	21.91	25.20	28.45	32.54
32	17.07	19.60	22.57	25.96	29.32	33.55
33	17.56	20.16	23.23	26.73	30.20	34.55
34	18.05	20.73	23.89	27.50	31.07	35.56
35	18.54	21.30	24.56	28.27	31.94	36.56
36	19.02	21.87	25.22	29.03	32.81	37.56
37	19.51	22.44	25.88	29.80	33.68	38.57
38	20.00	23.00	26.54	30.57	34.56	39.57
39	20.49	23.57	27.20	31.33	35.43	40.58
40	20.98	24.14	27.86	32.10	36.30	41.58
41	21.47	24.71	28.52	32.87	37.17	42.58
42	21.96	25.28	29.18	33.63	38.04	43.59
43	22.45	25.84	29.84	34.40	38.92	44.59
44	22.94	26.41	30.50	35.17	39.79	45.60
45	23.43	26.98	31.17	35.94	40.66	46.60
46	23.91	27.55	31.83	36.70	41.53	47.60
47	24.40	28.12	32.49	37.47	42.40	48.61
48	24.89	28.68	33.15	38.24	43.28	49.61
49	25.38	29.25	33.81	39.00	44.15	50.62
50	25.87	29.82	34.47	39.77	45.02	51.62
51	26.36	30.39	35.13	40.54	45.89	52.62
52	26.85	30.96	35.79	41.30	46.76	53.63
53	27.34	31.52	36.45	42.07	47.64	54.63
54	27.83	32.09	37.11	42.84	48.51	55.64
55	28.32	32.66	37.78	43.61	49.38	56.64
56	28.80	33.23	38.44	44.37	50.25	57.64
57	29.29	33.80	39.10	45.14	51.12	58.65
58	29.78	34.36	39.76	45.91	52.00	59.65
59	30.27	34.93	40.42	46.67	52.87	60.66
60	30.76	35.50	41.08	47.44	53.74	61.66
61	31.25	36.07	41.74	48.21	54.61	62.66
62	31.74	36.64	42.40	48.97	55.48	63.67
63	32.23	37.20	43.06	49.74	56.36	64.67
64	32.72	37.77	43.72	50.51	57.23	65.68
65	33.21	38.34	44.39	51.28	58.10	66.68
66	33.69	38.91	45.05	52.04	58.97	67.68
67	34.18	39.48	45.71	52.81	59.84	68.69
68	34.67	40.04	46.37	53.58	60.72	69.69
69	35.16	40.61	47.03	54.34	61.59	70.70
70	35.65	41.18	47.69	55.11	62.46	71.70

Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

SCHEDULE A-3
EXPRESS MAIL

SAME DAY AIRPORT SERVICE
(dollars)

LBS	ZONE 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	5.60	5.65	5.70	5.80	5.90	6.00	6.15	6.25
2	6.05	6.15	6.30	6.50	6.70	6.90	7.20	7.45
3	6.55	6.70	6.90	7.15	7.50	7.80	8.25	8.60
4	7.00	7.20	7.45	7.85	8.30	8.70	9.30	9.75
5	7.50	7.75	8.05	8.55	9.10	9.60	10.35	10.95
6	7.95	8.25	8.65	9.20	9.85	10.50	11.40	12.10
7	8.45	8.80	9.25	9.90	10.65	11.40	12.45	13.30
8	8.90	9.30	9.85	10.60	11.45	12.30	13.50	14.45
9	9.40	9.85	10.45	11.30	12.25	13.20	14.55	15.60
10	9.85	10.35	11.00	11.95	13.05	14.10	15.60	16.80
11	10.35	10.90	11.60	12.65	13.85	15.00	16.65	17.95
12	10.80	11.40	12.20	13.35	14.65	15.90	17.70	19.10
13	11.30	11.95	12.80	14.00	15.45	16.80	18.75	20.30
14	11.75	12.45	13.40	14.70	16.20	17.70	19.80	21.45
15	12.25	13.00	14.00	15.40	17.00	18.60	20.85	22.60
16	12.70	13.50	14.55	16.10	17.80	19.50	21.90	23.80
17	13.20	14.05	15.15	16.75	18.60	20.40	22.95	24.95
18	13.65	14.55	15.75	17.45	19.40	21.30	24.00	26.10
19	14.15	15.10	16.35	18.15	20.20	22.20	25.05	27.30
20	14.60	15.60	16.95	18.80	21.00	23.10	26.15	28.45
21	15.10	16.15	17.55	19.50	21.80	24.00	27.20	29.60
22	15.55	16.65	18.10	20.20	22.60	24.90	28.25	30.80
23	16.05	17.20	18.70	20.90	23.35	25.80	29.30	31.95
24	16.50	17.70	19.30	21.55	24.15	26.70	30.35	33.10
25	17.00	18.25	19.90	22.25	24.95	27.60	31.40	34.30
26	17.45	18.75	20.50	22.95	25.75	28.50	32.45	35.45
27	17.95	19.30	21.10	23.65	26.55	29.40	33.50	36.65
28	18.40	19.80	21.65	24.30	27.35	30.30	34.55	37.80
29	18.90	20.35	22.25	25.00	28.15	31.20	35.60	38.95
30	19.35	20.85	22.85	25.70	28.95	32.10	36.65	40.15
31	19.85	21.40	23.45	26.35	29.75	33.00	37.70	41.30
32	20.30	21.90	24.05	27.05	30.50	33.95	38.75	42.45
33	20.80	22.45	24.65	27.75	31.30	34.85	39.80	43.65
34	21.25	22.95	25.20	28.45	32.10	35.75	40.85	44.80
35	21.75	23.50	25.80	29.10	32.90	36.65	41.90	45.95
36	22.20	24.00	26.40	29.80	33.70	37.55	42.95	47.15
37	22.70	24.55	27.00	30.50	34.50	38.45	44.00	48.30
38	23.15	25.05	27.60	31.15	35.30	39.35	45.05	49.45
39	23.65	25.60	28.20	31.85	36.10	40.25	46.10	50.65
40	24.10	26.15	28.75	32.55	36.90	41.15	47.15	51.80
41	24.60	26.65	29.35	33.25	37.65	42.05	48.20	52.95
42	25.05	27.20	29.95	33.90	38.45	42.95	49.25	54.15
43	25.55	27.70	30.55	34.60	39.25	43.85	50.30	55.30
44	26.00	28.25	31.15	35.30	40.05	44.75	51.35	56.45
45	26.50	28.75	31.75	36.00	40.85	45.65	52.40	57.65
46	26.95	29.30	32.30	36.65	41.65	46.55	53.45	58.80
47	27.45	29.80	32.90	37.35	42.45	47.45	54.50	60.00
48	27.90	30.35	33.50	38.05	43.25	48.35	55.55	61.15
49	28.40	30.85	34.10	38.70	44.05	49.25	56.60	62.30
50	28.85	31.40	34.70	39.40	44.80	50.15	57.65	63.50
51	29.35	31.90	35.30	40.10	45.60	51.05	58.70	64.65
52	29.85	32.45	35.90	40.80	46.40	51.95	59.75	65.80
53	30.30	32.95	36.45	41.45	47.20	52.85	60.80	67.00
54	30.80	33.50	37.05	42.15	48.00	53.75	61.85	68.15
55	31.25	34.00	37.65	42.85	48.80	54.65	62.90	69.30
56	31.75	34.55	38.25	43.50	49.60	55.55	63.95	70.50
57	32.20	35.05	38.85	44.20	50.40	56.45	65.00	71.65
58	32.70	35.60	39.45	44.90	51.20	57.35	66.05	72.80
59	33.15	36.10	40.00	45.60	51.95	58.25	67.10	74.00
60	33.65	36.65	40.60	46.25	52.75	59.15	68.15	75.15
61	34.10	37.15	41.20	46.95	53.55	60.05	69.20	76.30
62	34.60	37.70	41.80	47.65	54.35	60.95	70.25	77.50
63	35.05	38.20	42.40	48.30	55.15	61.85	71.35	78.65
64	35.55	38.75	43.00	49.00	55.95	62.75	72.40	79.80
65	36.00	39.25	43.55	49.70	56.75	63.65	73.45	81.00
66	36.50	39.80	44.15	50.40	57.55	64.55	74.50	82.15
67	36.95	40.30	44.75	51.05	58.35	65.45	75.55	83.35
68	37.45	40.85	45.35	51.75	59.10	66.35	76.60	84.50
69	37.90	41.35	45.95	52.45	59.90	67.25	77.65	85.65
70	38.40	41.90	46.55	53.15	60.70	68.15	78.70	86.85

SCHEDULE A-4
EXPRESS MAIL
NEXT DAY SERVICE -- POST OFFICE TO POST OFFICE
(dollars)

LBS	ZONE 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	5.30	5.50	5.60	5.70	5.80	5.90	6.05	6.15
2	5.70	6.10	6.20	6.40	6.65	6.85	7.15	7.35
3	6.05	6.65	6.85	7.15	7.45	7.80	8.25	8.60
4	6.40	7.20	7.50	7.85	8.30	8.70	9.35	9.80
5	6.75	7.80	8.10	8.60	9.15	9.65	10.45	11.00
6	7.15	8.35	8.75	9.30	10.00	10.60	11.50	12.20
7	7.50	8.90	9.40	10.05	10.80	11.55	12.60	13.40
8	7.85	9.50	10.00	10.75	11.65	12.50	13.70	14.60
9	8.25	10.05	10.65	11.50	12.50	13.45	14.80	15.85
10	8.60	10.60	11.30	12.20	13.30	14.35	15.90	17.05
11	8.95	11.20	11.90	12.95	14.15	15.30	17.00	18.25
12	9.30	11.75	12.55	13.65	15.00	16.25	18.10	19.45
13	9.70	12.30	13.15	14.40	15.85	17.20	19.15	20.65
14	10.05	12.90	13.80	15.15	16.65	18.15	20.25	21.85
15	10.40	13.45	14.45	15.85	17.50	19.05	21.35	23.05
16	10.75	14.00	15.05	16.60	18.35	20.00	22.45	24.30
17	11.15	14.60	15.70	17.30	19.20	20.95	23.55	25.50
18	11.50	15.15	16.35	18.05	20.00	21.90	24.65	26.70
19	11.85	15.70	16.95	18.75	20.85	22.85	25.75	27.90
20	12.20	16.25	17.60	19.50	21.70	23.80	26.80	29.10
21	12.60	16.85	18.25	20.20	22.55	24.70	27.90	30.30
22	12.95	17.40	18.85	20.95	23.35	25.65	29.00	31.55
23	13.30	17.95	19.50	21.65	24.20	26.60	30.10	32.75
24	13.65	18.55	20.10	22.40	25.05	27.55	31.20	33.95
25	14.05	19.10	20.75	23.10	25.85	28.50	32.30	35.15
26	14.40	19.65	21.40	23.85	26.70	29.40	33.40	36.35
27	14.75	20.25	22.00	24.55	27.55	30.35	34.50	37.55
28	15.15	20.80	22.65	25.30	28.40	31.30	35.55	38.75
29	15.50	21.35	23.30	26.00	29.20	32.25	36.65	40.00
30	15.85	21.95	23.90	26.75	30.05	33.20	37.75	41.20
31	16.20	22.50	24.55	27.45	30.90	34.10	38.85	42.40
32	16.60	23.05	25.20	28.20	31.75	35.05	39.85	43.60
33	16.95	23.65	25.80	28.90	32.55	36.00	41.05	44.80
34	17.30	24.20	26.45	29.65	33.40	36.95	42.15	46.00
35	17.65	24.75	27.05	30.35	34.25	37.90	43.20	47.25
36	18.05	25.30	27.70	31.10	35.05	38.85	44.30	48.45
37	18.40	25.90	28.35	31.85	35.90	39.75	45.40	49.65
38	18.75	26.45	28.95	32.55	36.75	40.70	46.50	50.85
39	19.10	27.00	29.60	33.30	37.60	41.65	47.60	52.05
40	19.50	27.60	30.25	34.00	38.40	42.60	48.70	53.25
41	19.85	28.15	30.85	34.75	39.25	43.55	49.80	54.45
42	20.20	28.70	31.50	35.45	40.10	44.45	50.90	55.70
43	20.55	29.30	32.15	36.20	40.95	45.40	51.95	56.90
44	20.95	29.85	32.75	36.90	41.75	46.35	53.05	58.10
45	21.30	30.40	33.40	37.65	42.60	47.30	54.15	59.30
46	21.65	31.00	34.05	38.35	43.45	48.25	55.25	60.50
47	22.00	31.55	34.65	39.10	44.25	49.20	56.35	61.70
48	22.40	32.10	35.30	39.80	45.10	50.10	57.45	62.90
49	22.75	32.70	35.90	40.55	45.95	51.05	58.55	64.15
50	23.10	33.25	36.55	41.25	46.80	52.00	59.60	65.35
51	23.50	33.80	37.20	42.00	47.60	52.95	60.70	66.55
52	23.85	34.35	37.80	42.70	48.45	53.90	61.80	67.75
53	24.20	34.95	38.45	43.45	49.30	54.80	62.90	68.95
54	24.55	35.50	39.10	44.15	50.15	55.75	64.00	70.15
55	24.95	36.05	39.70	44.90	50.95	56.70	65.10	71.40
56	25.30	36.65	40.35	45.60	51.80	57.65	66.20	72.60
57	25.65	37.20	41.00	46.35	52.65	58.60	67.30	73.80
58	26.00	37.75	41.60	47.10	53.50	59.55	68.35	75.00
59	26.40	38.35	42.25	47.80	54.30	60.45	69.45	76.20
60	26.75	38.90	42.85	48.55	55.15	61.40	70.55	77.40
61	27.10	39.45	43.50	49.25	56.00	62.35	71.65	78.60
62	27.45	40.05	44.15	50.00	56.80	63.30	72.75	79.85
63	27.85	40.60	44.75	50.70	57.65	64.25	73.85	81.05
64	28.20	41.15	45.40	51.45	58.50	65.15	74.95	82.25
65	28.55	41.75	46.05	52.15	59.35	66.10	76.00	83.45
66	28.90	42.30	46.65	52.90	60.15	67.05	77.10	84.65
67	29.30	42.85	47.30	53.60	61.00	68.00	78.20	85.85
68	29.65	43.45	47.95	54.35	61.85	68.95	79.30	87.10
69	30.00	44.00	48.55	55.05	62.70	69.85	80.40	88.30
70	30.35	44.55	49.20	55.80	63.50	70.80	81.50	89.50

Add: $5.60 for each pickup stop.

SCHEDULE A-5

EXPRESS MAIL

NEXT DAY SERVICE -- POST OFFICE TO ADDRESSEE

(dollars)

LBS	ZONE 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	8.85	9.05	9.10	9.20	9.30	9.40	9.55	9.70
2	9.20	9.60	9.75	9.90	10.15	10.35	10.65	10.90
3	9.55	10.15	10.35	10.65	11.00	11.30	11.75	12.10
4	9.90	10.75	11.00	11.40	11.80	12.25	12.85	13.30
5	10.30	11.30	11.65	12.10	12.65	13.20	13.95	14.50
6	10.65	11.85	12.25	12.85	13.50	14.10	15.05	15.70
7	11.00	12.45	12.90	13.55	14.35	15.05	16.10	16.90
8	11.40	13.00	13.55	14.30	15.15	16.00	17.20	18.15
9	11.75	13.55	14.15	15.00	16.00	16.95	18.30	19.35
10	12.10	14.15	14.80	15.75	16.85	17.90	19.40	20.55
11	12.45	14.70	15.40	16.45	17.65	18.80	20.50	21.75
12	12.85	15.25	16.05	17.20	18.50	19.75	21.60	22.95
13	13.20	15.85	16.70	17.90	19.35	20.70	22.70	24.15
14	13.55	16.40	17.30	18.65	20.20	21.65	23.80	25.40
15	13.90	16.95	17.95	19.35	21.00	22.60	24.85	26.60
16	14.30	17.50	18.60	20.10	21.85	23.50	25.95	27.80
17	14.65	18.10	19.20	20.80	22.70	24.45	27.05	29.00
18	15.00	18.65	19.85	21.55	23.55	25.40	28.15	30.20
19	15.35	19.20	20.50	22.25	24.35	26.35	29.25	31.40
20	15.75	19.80	21.10	23.00	25.20	27.30	30.35	32.60
21	16.10	20.35	21.75	23.70	26.05	28.25	31.45	33.85
22	16.45	20.90	22.35	24.45	26.85	29.15	32.50	35.05
23	16.80	21.50	23.00	25.15	27.70	30.10	33.60	36.25
24	17.20	22.05	23.65	25.90	28.55	31.05	34.70	37.45
25	17.55	22.60	24.25	26.65	29.40	32.00	35.80	38.65
26	17.90	23.20	24.90	27.35	30.20	32.95	36.90	39.85
27	18.25	23.75	25.55	28.10	31.05	33.85	38.00	41.10
28	18.65	24.30	26.15	28.80	31.90	34.80	39.10	42.30
29	19.00	24.90	26.80	29.55	32.75	35.75	40.20	43.50
30	19.35	25.45	27.45	30.25	33.55	36.70	41.25	44.70
31	19.75	26.00	28.05	31.00	34.40	37.65	42.35	45.90
32	20.10	26.55	28.70	31.70	35.25	38.60	43.45	47.10
33	20.45	27.15	29.30	32.45	36.10	39.50	44.55	48.30
34	20.80	27.70	29.95	33.15	36.90	40.45	45.65	49.55
35	21.20	28.25	30.60	33.90	37.75	41.40	46.75	50.75
36	21.55	28.85	31.20	34.60	38.60	42.35	47.85	51.95
37	21.90	29.40	31.85	35.35	39.40	43.30	48.90	53.15
38	22.25	29.95	32.50	36.05	40.25	44.20	50.00	54.35
39	22.65	30.55	33.10	36.80	41.10	45.15	51.10	55.55
40	23.00	31.10	33.75	37.50	41.95	46.10	52.20	56.80
41	23.35	31.65	34.40	38.25	42.75	47.05	53.30	58.00
42	23.70	32.25	35.00	38.95	43.60	48.00	54.40	59.20
43	24.10	32.80	35.65	39.70	44.45	48.95	55.50	60.40
44	24.45	33.35	36.25	40.40	45.30	49.85	56.60	61.60
45	24.80	33.95	36.90	41.15	46.10	50.80	57.65	62.80
46	25.15	34.50	37.55	41.90	46.95	51.75	58.75	64.00
47	25.55	35.05	38.15	42.60	47.80	52.70	59.85	65.25
48	25.90	35.60	38.80	43.35	48.60	53.65	60.95	66.45
49	26.25	36.20	39.45	44.05	49.45	54.55	62.05	67.65
50	26.65	36.75	40.05	44.80	50.30	55.50	63.15	68.85
51	27.00	37.30	40.70	45.50	51.15	56.45	64.25	70.05
52	27.35	37.90	41.35	46.25	51.95	57.40	65.30	71.25
53	27.70	38.45	41.95	46.95	52.80	58.35	66.40	72.45
54	28.10	39.00	42.60	47.70	53.65	59.30	67.50	73.70
55	28.45	39.60	43.25	48.40	54.50	60.20	68.60	74.90
56	28.80	40.15	43.85	49.15	55.30	61.15	69.70	76.10
57	29.15	40.70	44.50	49.85	56.15	62.10	70.80	77.30
58	29.55	41.30	45.10	50.60	57.00	63.05	71.90	78.50
59	29.90	41.85	45.75	51.30	57.80	64.00	72.95	79.70
60	30.25	42.40	46.40	52.05	58.65	64.90	74.05	80.95
61	30.60	43.00	47.00	52.75	59.50	65.85	75.15	82.15
62	31.00	43.55	47.65	53.50	60.35	66.80	76.25	83.35
63	31.35	44.10	48.30	54.20	61.15	67.75	77.35	84.55
64	31.70	44.70	48.90	54.95	62.00	68.70	78.45	85.75
65	32.05	45.25	49.55	55.65	62.85	69.60	79.55	86.95
66	32.45	45.80	50.20	56.40	63.70	70.55	80.65	88.15
67	32.80	46.35	50.80	57.10	64.50	71.50	81.70	89.40
68	33.15	46.95	51.45	57.85	65.35	72.45	82.80	90.60
69	33.50	47.50	52.05	58.60	66.20	73.40	83.90	91.80
70	33.90	48.05	52.70	59.30	67.05	74.35	85.00	93.00

Add: $5.60 for each pickup stop.

SCHEDULE A-6
EXPRESS MAIL
CUSTOM DESIGNED SERVICE
(dollars)

LBS	ZONE 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	8.55	8.75	8.80	8.90	9.00	9.10	9.25	9.40
2	8.90	9.30	9.45	9.65	9.85	10.05	10.35	10.60
3	9.25	9.90	10.10	10.35	10.70	11.00	11.45	11.80
4	9.65	10.45	10.70	11.10	11.55	11.95	12.55	13.00
5	10.00	11.00	11.35	11.80	12.35	12.90	13.65	14.20
6	10.35	11.55	11.95	12.55	13.20	13.85	14.75	15.45
7	10.70	12.15	12.60	13.25	14.05	14.75	15.85	16.65
8	11.10	12.70	13.25	14.00	14.85	15.70	16.95	17.85
9	11.45	13.25	13.85	14.70	15.70	16.65	18.00	19.05
10	11.80	13.85	14.50	15.45	16.55	17.60	19.10	20.25
11	12.15	14.40	15.15	16.15	17.40	18.55	20.20	21.45
12	12.55	14.95	15.75	16.90	18.20	19.45	21.30	22.65
13	12.90	15.55	16.40	17.60	19.05	20.40	22.40	23.90
14	13.25	16.10	17.05	18.35	19.90	21.35	23.50	25.10
15	13.65	16.65	17.65	19.05	20.75	22.30	24.60	26.30
16	14.00	17.25	18.30	19.80	21.55	23.25	25.65	27.50
17	14.35	17.80	18.90	20.55	22.40	24.15	26.75	28.70
18	14.70	18.35	19.55	21.25	23.25	25.10	27.85	29.90
19	15.10	18.95	20.20	22.00	24.05	26.05	28.95	31.15
20	15.45	19.50	20.80	22.70	24.90	27.00	30.05	32.35
21	15.80	20.05	21.45	23.45	25.75	27.95	31.15	33.55
22	16.15	20.65	22.10	24.15	26.60	28.90	32.25	34.75
23	16.55	21.20	22.70	24.90	27.40	29.80	33.35	35.95
24	16.90	21.75	23.35	25.60	28.25	30.75	34.40	37.15
25	17.25	22.30	24.00	26.35	29.10	31.70	35.50	38.35
26	17.60	22.90	24.60	27.05	29.95	32.65	36.60	39.60
27	18.00	23.45	25.25	27.80	30.75	33.60	37.70	40.80
28	18.35	24.00	25.85	28.50	31.60	34.50	38.80	42.00
29	18.70	24.60	26.50	29.25	32.45	35.45	39.90	43.20
30	19.05	25.15	27.15	29.95	33.30	36.40	41.00	44.40
31	19.45	25.70	27.75	30.70	34.10	37.35	42.05	45.60
32	19.80	26.30	28.40	31.40	34.95	38.30	43.15	46.80
33	20.15	26.85	29.05	32.15	35.80	39.25	44.25	48.05
34	20.55	27.40	29.65	32.85	36.60	40.15	45.35	49.25
35	20.90	28.00	30.30	33.60	37.45	41.10	46.45	50.45
36	21.25	28.55	30.95	34.30	38.30	42.05	47.55	51.65
37	21.60	29.10	31.55	35.05	39.15	43.00	48.65	52.85
38	22.00	29.70	32.20	35.75	39.95	43.95	49.70	54.05
39	22.35	30.25	32.80	36.50	40.80	44.85	50.80	55.30
40	22.70	30.80	33.45	37.25	41.65	45.80	51.90	56.50
41	23.05	31.35	34.10	37.95	42.50	46.75	53.00	57.70
42	23.45	31.95	34.70	38.70	43.30	47.70	54.10	58.90
43	23.80	32.50	35.35	39.40	44.15	48.65	55.20	60.10
44	24.15	33.05	36.00	40.15	45.00	49.60	56.30	61.30
45	24.50	33.65	36.60	40.85	45.80	50.50	57.40	62.50
46	24.90	34.20	37.25	41.60	46.65	51.45	58.45	63.75
47	25.25	34.75	37.90	42.30	47.50	52.40	59.55	64.95
48	25.60	35.35	38.50	43.05	48.35	53.25	60.65	66.15
49	25.95	35.90	39.15	43.75	49.15	54.30	61.75	67.35
50	26.35	36.45	39.75	44.50	50.00	55.20	62.85	68.55
51	26.70	37.05	40.40	45.20	50.85	56.15	63.95	69.75
52	27.05	37.60	41.05	45.95	51.70	57.10	65.05	71.00
53	27.40	38.15	41.65	46.65	52.50	58.05	66.10	72.20
54	27.80	38.75	42.30	47.40	53.35	59.00	67.20	73.40
55	28.15	39.30	42.95	48.10	54.20	59.95	68.30	74.60
56	28.50	39.85	43.55	48.85	55.00	60.85	69.40	75.80
57	28.90	40.40	44.20	49.55	55.85	61.80	70.50	77.00
58	29.25	41.00	44.85	50.30	56.70	62.75	71.60	78.20
59	29.60	41.55	45.45	51.00	57.55	63.70	72.70	79.45
60	29.95	42.10	46.10	51.75	58.35	64.65	73.80	80.65
61	30.35	42.70	46.75	52.50	59.20	65.55	74.85	81.85
62	30.70	43.25	47.35	53.20	60.05	66.50	75.95	83.05
63	31.05	43.80	48.00	53.95	60.90	67.45	77.05	84.25
64	31.40	44.40	48.60	54.65	61.70	68.40	78.15	85.45
65	31.80	44.95	49.25	55.40	62.55	69.35	79.25	86.70
66	32.15	45.50	49.90	56.10	63.40	70.25	80.35	87.90
67	32.50	46.10	50.50	56.85	64.25	71.20	81.45	89.10
68	32.85	46.65	51.15	57.55	65.05	72.15	82.50	90.30
69	33.25	47.20	51.80	58.30	65.90	73.10	83.60	91.50
70	33.60	47.80	52.40	59.00	66.75	74.05	84.70	92.70

Add: $5.60 for each pickup or delivery stop.

SCHEDULE B-2
Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County

SCHEDULE B-1
Second-Class Mail: In-County and Transient

SCHEDULE B-1

Second-Class Mail: In-County and Transient

	Full Rate (cents)
In-County	
Pound-rate matter:	
Per-pound	5.8
Per-piece:	
Presorted to carrier route (Category C)	3.2
Not presorted to carrier route	3.7
Transient	
Up to 1 ounce	15
Over 1 up to 2 ounces	33
Over 2 up to 3 ounces	49
Each additional ounce up to 8 ounces	10
Each additional 2 ounces for pieces over 8 ounces	10

SCHEDULE B-2

Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County

	Postage Rate Unit	Full Rate (cents) 1/
Per-Pound		
Nonadvertising portion	Pound	10.0
Advertising Portion 2/		
Zones 1 & 2	Pound	13.3
3	Pound	14.3
4	Pound	16.0
5	Pound	18.7
6	Pound	21.5
7	Pound	24.8
8	Pound	27.7
Per-Piece		
Category A: Outgoing/incoming distribution required	Piece	7.8
Category B: Incoming distribution only required	Piece	6.2
Category C: Presorted to carrier route or finer	Piece	3.2
Commingled Pieces: The rate in schedule B-4 for regular mail.		

1/ Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the nonadvertising portion charge and the advertising portion charge, as applicable.

2/ Not applicable to publications containing 10 percent or less advertising content.

SCHEDULE B-3

Second-Class Mail:
Classroom Publications, Outside County

	Postage Rate Unit	Full Rate (cents) 1/
Per-Pound		
Nonadvertising portion	Pound	6.4
Advertising portion:		
Zone 1 & 2	Pound	8.6
3	Pound	9.7
4	Pound	11.7
5	Pound	14.7
6	Pound	17.9
7	Pound	21.6
8	Pound	24.9
Per-piece	Piece	3.6
Commingled pieces: The rate in Schedule B-4 for regular mail.		

1/ Charges for classroom publications are computed by adding the per-piece charge to the sum of the nonadvertising portion charge and the advertising portion charge, as applicable.

SCHEDULE B-4

Second-Class Mail:
Regular Rate Publications, Outside County
(cents)

	Regular	Limited 1/ Circulation
Subscriber copies and sample copies within 10 percent limitation:		
Per-Pound		
Nonadvertising portion	10.6	10.6
Advertising portion:		
Zones 1 & 2	14.2	14.2
3	15.4	15.4
4	17.7	17.7
5	21.5	21.5
6	25.8	25.8
7	30.1	30.1
8	34.8	34.8
Per-Piece A*	8.0	6.9
Per-Piece B**	6.4	5.3
Per-Piece C***	5.4	4.8

* Publications mailing 5,000 or more copies per issue outside county of publication, Category A: Outgoing/incoming distribution required (SCF, states, and mixed states).

** Publications mailing 5,000 or more copies per issue outside county of publication, Category B: Incoming distribution only required (3-digit city and 5-digit).

*** Publications mailing 5,000 or more copies per issue outside county of publication, Category C: By-pass outgoing and incoming distributions (carrier route or finer).

1/ Limited circulation rates apply to publications that mail less than 5,000 copies per issue to be delivered outside the county of publication. Commingled pieces of limited circulation publications are subject to the piece rate indicated for regular publications.

2/ Per-pound advertising portion rate for science of agriculture publications mailed to zones 1 and 2 is 13.3 cents.

SCHEDULE C

Third-Class Mail

SCHEDULE D-1

Fourth-Class Mail: Special and Library Rates

SCHEDULE C

Third-Class Mail

	Full Rate (cents)
Single Piece:	
First Ounce	18
Nonstandard Surcharge for pieces weighing one ounce or less	9
Each additional ounce up to 4 ounces	17
Over 4 to 6 ounces	70
Each additional 2 ounces up to 14 ounces	22
Last additional 2 ounces (over 14 to 15.999)	23
Keys and Identification Devices:	
First 2 ounces	53
Each additional 2 ounces	30
Regular Bulk: 1/	
(SEE APPENDIX THREE)	
Nonprofit Bulk: 1/	
(SEE APPENDIX THREE)	

1/ A fee of $40 must be paid once each calendar year for each bulk mailing permit.

SCHEDULE D-1

Fourth-Class Mail: Special and Library Rates

	Full Rate (cents)
Special:	
First pound	
Not presorted	63
Presorted to 5-digits 1/ 2/	46
Presorted to BMC 1/ 3/	50
Each additional pound through 7 pounds	33
Each additional pound over 7 pounds	14
Library:	
First pound	50
Each additional pound through 7 pounds	17
Each additional pound over 7 pounds	9.5

1/ A fee of $40 must be paid once each calendar year for each permit

2/ For mailings of 500 or more pieces properly prepared and presorted to five-digit destination ZIP Codes (§400.331a(1) of the Classification Schedule effective July 6, 1976).

3/ For mailings of 500 or more pieces properly prepared and presorted to Bulk Mail Centers.

SCHEDULE D-2

Fourth-Class Mail: Single-Piece Bound Printed Matter

Rates for Pieces Weighing Up To (Pounds)	Rate(Dollars) Zones							
	Local	1&2	3	4	5	6	7	8
1.5	.28	.39	.43	.49	.58	.68	.78	.91
2	.31	.43	.48	.56	.68	.82	.95	1.12
2.5	.34	.47	.53	.63	.78	.95	1.12	1.34
3	.37	.51	.59	.70	.88	1.09	1.29	1.55
3.5	.40	.55	.64	.77	.98	1.23	1.46	1.76
4	.42	.59	.69	.85	1.09	1.36	1.63	1.98
4.5	.45	.63	.74	.92	1.19	1.50	1.80	2.19
5	.48	.67	.80	.99	1.29	1.64	1.98	2.41
6	.54	.74	.90	1.13	1.49	1.91	2.32	2.83
7	.59	.82	1.01	1.28	1.70	2.18	2.66	3.26
8	.65	.90	1.11	1.42	1.90	2.45	3.00	3.69
9	.70	.98	1.22	1.57	2.11	2.73	3.34	4.11
10	.76	1.06	1.32	1.71	2.31	3.00	3.68	4.54
Per-Piece (cents)	20.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0
Per-Pound (cents)	5.6	7.9	10.5	14.4	20.4	27.3	34.1	42.7

SCHEDULE D-3

Fourth-Class Mail: Bulk Bound Printed Matter

Zones	Per Piece (cents)	Per Pound (cents)
Local	20	4.0
1 & 2	27	5.8
3	27	8.4
4	27	12.2
5	27	18.2
6	27	25.1
7	27	32.0
8	27	40.6

SCHEDULE D-4
Fourth Class (Parcel Post) Zone Rates
(Dollars)

ZONE Lbs.	LOCAL	1&2	3	4	5	6	7	8
2	1.52	1.55	1.61	1.70	1.83	1.99	2.15	2.48
3	1.58	1.63	1.73	1.88	2.06	2.30	2.55	3.05
4	1.65	1.71	1.84	2.02	2.29	2.61	2.94	3.60
5	1.71	1.79	1.96	2.18	2.52	2.92	3.32	4.07
6	1.78	1.87	2.07	2.33	2.74	3.14	3.64	4.54
7	1.84	1.95	2.18	2.49	2.89	3.38	3.95	5.02
8	1.91	2.03	2.30	2.64	3.06	3.63	4.27	5.55
9	1.97	2.11	2.41	2.75	3.25	3.93	4.63	6.08
10	2.04	2.19	2.52	2.87	3.46	4.22	5.00	6.62
11	2.10	2.28	2.69	3.00	3.68	4.51	5.38	7.15
12	2.17	2.36	2.66	3.10	3.89	4.80	5.75	7.69
13	2.21	2.41	2.72	3.19	4.02	4.96	5.95	7.97
14	2.26	2.46	2.78	3.28	4.13	5.12	6.14	8.24
15	2.31	2.51	2.83	3.36	4.25	5.26	6.32	8.48
16	2.35	2.56	2.89	3.44	4.35	5.40	6.49	8.72
17	2.40	2.59	2.94	3.51	4.45	5.53	6.65	8.94
18	2.44	2.64	2.99	3.59	4.55	5.65	6.80	9.15
19	2.48	2.68	3.04	3.66	4.64	5.77	6.94	9.35
20	2.52	2.72	3.10	3.73	4.73	5.89	7.09	9.55
21	2.56	2.76	3.14	3.79	4.82	6.00	7.22	9.73
22	2.60	2.81	3.20	3.86	4.90	6.10	7.35	9.91
23	2.64	2.84	3.26	3.92	4.99	6.21	7.48	10.08
24	2.68	2.93	3.36	4.02	5.07	6.31	7.60	10.24
25	2.72	3.00	3.47	4.15	5.14	6.40	7.75	10.40
26	2.76	3.04	3.56	4.27	5.27	6.58	8.02	10.56
27	2.79	3.08	3.65	4.40	5.44	6.79	8.28	10.71
28	2.83	3.13	3.70	4.47	5.59	7.00	8.53	10.85
29	2.87	3.17	3.75	4.53	5.76	7.17	8.64	10.99
30	2.90	3.21	3.80	4.59	5.84	7.27	8.75	11.13
31	2.97	3.25	3.85	4.65	5.91	7.36	8.86	11.29
32	3.01	3.30	3.90	4.71	5.98	7.44	8.96	11.41
33	3.05	3.34	3.95	4.76	6.05	7.53	9.06	11.53
34	3.08	3.38	4.00	4.82	6.12	7.61	9.16	11.76
35	3.12	3.42	4.04	4.88	6.19	7.69	9.26	12.07
36	3.16	3.44	4.08	4.93	6.25	7.78	9.36	11.88
37	3.20	3.50	4.14	4.98	6.32	7.86	9.45	12.20
38	3.23	3.54	4.18	5.04	6.39	7.93	9.54	12.51
39	3.27	3.58	4.23	5.09	6.45	8.01	9.63	12.82
40	3.31	3.62	4.27	5.14	6.51	8.09	9.72	13.08
41	3.34	3.66	4.32	5.19	6.58	8.16	9.81	13.20
42	3.38	3.70	4.36	5.24	6.64	8.24	9.90	13.31
43	3.42	3.74	4.40	5.29	6.70	8.31	9.98	13.42
44	3.46	3.78	4.45	5.34	6.76	8.38	10.14	13.53
45	3.49	3.81	4.49	5.39	6.82	8.45	10.36	13.64
46	3.53	3.85	4.53	5.44	6.88	8.52	10.58	13.74
47	3.56	3.89	4.58	5.49	6.94	8.66	10.80	13.85
48	3.60	3.93	4.62	5.54	6.99	8.83	11.02	13.95
49	3.64	3.97	4.66	5.59	7.05	9.01	11.24	14.05
50	3.67	4.01	4.71	5.64	7.13	9.18	11.46	14.15
51	3.71	4.04	4.75	5.69	7.27	9.36	11.68	14.25
52	3.74	4.08	4.79	5.79	7.40	9.53	11.90	14.35
53	3.78	4.12	4.83	5.90	7.54	9.71	12.12	14.44
54	3.82	4.16	4.87	6.00	7.67	9.88	12.34	14.54
55	3.85	4.19	4.94	6.11	7.81	10.06	12.56	14.76
56	3.89	4.23	5.02	6.21	7.94	10.23	12.78	15.02
57	3.92	4.27	5.11	6.32	8.08	10.41	13.00	15.28
58	3.96	4.32	5.19	6.42	8.21	10.58	13.22	15.54
59	3.99	4.39	5.28	6.53	8.35	10.76	13.44	15.80
60	4.03	4.46	5.36	6.63	8.48	10.93	13.66	16.06
61	4.06	4.53	5.45	6.74	8.62	11.11	13.88	16.32
62	4.10	4.60	5.53	6.84	8.75	11.28	14.10	16.58
63	4.13	4.67	5.62	6.95	8.89	11.46	14.32	16.84
64	4.17	4.74	5.70	7.05	9.02	11.63	14.54	17.10
65	4.20	4.81	5.79	7.16	9.16	11.81	14.76	17.36
66	4.24	4.88	5.87	7.26	9.29	11.98	14.98	17.62
67	4.27	4.95	5.96	7.37	9.43	12.16	15.20	17.88
68	4.31	5.02	6.04	7.47	9.56	12.33	15.42	18.14
69	4.34	5.09	6.13	7.58	9.70	12.51	15.64	18.40
70	4.38	5.16	6.21	7.68	9.83	12.68	15.86	18.66

For intra-BMC parcels, deduct 14¢.
For nonmachinable inter-BMC parcels, add 50¢.

UMI 1-8 2-RM 84\64

SCHEDULE E-1

Special Services: Address Corrections

Description	Fee
Per Correction	$0.25

SCHEDULE E-2

Special Services: Certificates of Mailing

Description	Fees (in addition to postage)
Individual Pieces	
Original certificate of mailing for individually listed pieces of all classes of ordinary mail.	$0.40 each
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and c.o.d. mail	0.40 each
Bulk Pieces	
Identical pieces of first- and third-class mail paid with ordinary stamps, precancelled stamps or meter stamps:	
Up to 1,000 pieces (1 certificate for total number)	1.35
Each additional 1,000 pieces or fraction	0.15
Duplicate copy	0.40

SCHEDULE E-3

Special Services: Certified Mail

Description	Fees (in addition to postage)
Per Piece	$0.75

SCHEDULE E-4

Special Services: Collect on Delivery

Amount to be Collected, or Insurance Coverage Desired	Fees (in addition to postage)
$ 0.01 to $ 10	$1.20
10.01 to 25	1.50
25.01 to 50	1.80
50.01 to 100	2.15
100.01 to 200	2.55
200.01 to 300	3.00
300.01 to 400	3.40
Notice of nondelivery of C.O.D.	1.10
Alteration of C.O.D. charges or designation of new addressee	1.10
Registered C.O.D.	1.20

SCHEDULE E-5

Special Services: Dead Letter Return

APPENDIX C:

SCHEDULE E-5

Special Services: Dead Letter Return

Description	Fee
Per-Piece (first-class letters and parcels only)	$0.70

SCHEDULE E-6

Special Services: Insured Mail

Liability	Fees (in addition to postage)
$ 0.01 to $ 20	$0.45
20.01 to 50	0.85
50.01 to 100	1.25
100.01 to 150	1.70
150.01 to 200	2.05
200.01 to 300	3.45
300.01 to 400	4.70

APPENDIX C:

SCHEDULE E-7

Special Services: Lockbox/Caller Service

A. Rental Rates for Lockboxes

Cubic inch capacity of lockboxes	Fee Per Semi-Annual Period				
	TO 265	266 to	500 to	1,000 to	2,000 and over
Box Size	1	2	3	4	5
Group I	$10	$13	$22.50	$34.50	$51.00
Group II	2.50	3.50	5.50	8.50	13.00
Group III	1.00	1.00	1.00	1.00	1.00

B. Caller Service

Description	Fees
For Caller Service (Semi-Annual)	$95
For Each Reserved Call Number (Annual)	$10

LIMITED 1-8-82-RM 84/64

SCHEDULE E-8

Special Services: Meter Setting on Site

Description	Fees
Meter Company Adjustments:	$ 8.50
All Other Meter Settings:	
First Meter	
By Appointment	14.00
Unscheduled Request	16.00
Additional Meters	4.00 each

Schedule E-9

Special Services: Money Orders

Amount	Fee
$ 0.01 to $ 25	$0.75
25.01 to 50	1.10
50.01 to 500	1.55
AFO-FTO	
$ 0.01 to $500	$0.25

SCHEDULE E-10

Special Services: Parcel Air Lift

Description	Fees (in addition to parcel post postage)
Up to 2 pounds	$0.30
Over 2 up to 3 pounds	0.60
Over 3 up to 4 pounds	0.90
Over 4 pounds	1.20

SCHEDULE E-11

Special Services: Permit Imprints

Description	Fee
Per Permit	$40

APPENDIX [illegible]

SCHEDULE E-13

Special Services: Restricted Delivery

SCHEDULE E-12
Special Services: Registered Mail

Value	Fees for Articles Not Covered By Insurance	Fees for Articles Covered By Insurance
$ 0.00 to $ 100	$3.25	$3.30
$ 100.01 to $ 500	3.55	3.60
$ 500.01 to $ 1,00	3.85	3.90
$ 1,000.01 to $ 2,000	4.10	4.20
$ 2,000.01 to $ 3,000	4.35	4.50
$ 3,000.01 to $ 4,000	4.60	4.80
$ 4,000.01 to $ 5,000	4.85	5.10
$ 5,000.01 to $ 6,000	5.10	5.40
$ 6,000.01 to $ 7,000	5.35	5.70
$ 7,000.01 to $ 8,000	5.60	6.00
$ 8,000.01 to $ 9,000	5.85	6.30
$ 9,000.01 to $10,000	6.10	6.60
$10,000.01 to $11,000	6.35	6.90
$11,000.01 to $12,000	6.60	7.20
$12,000.01 to $13,000	6.85	7.50
$13,000.01 to $14,000	7.10	7.80
$14,000.01 to $15,000	7.35	8.10
$15,000.01 to $16,000	7.60	8.40
$16,000.01 to $17,000	7.85	8.70
$17,000.01 to $18,000	8.10	9.00
$18,000.01 to $19,000	8.35	9.30
$19,000.01 to $20,000	8.60	9.60
$20,000.01 to $21,000	8.85	9.90
$21,000.01 to $22,000	9.10	10.20
$22,000.01 to $23,000	9.35	10.50
$23,000.01 to $24,000	9.60	10.80
$24,000.01 to $25,000	9.85	11.10
$25,000 to $1,000,000	$9.85 Plus handling charge of 25 cents per $1,000 or fraction over first $25,000	$11.10 Plus handling charge of 25 cents per $1,000 or fraction over first $25,000
$1,000,000 to $15,000,000	$253.60 Plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000	$254.85 Plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

SCHEDULE E-13
Special Services: Restricted Delivery

Description	Fee (in addition to postage)
Per Piece	$1.00

SCHEDULE E-14
Special Services: Return Receipts

Description	Fees (in addition to postage)
Requested at time of mailing	
Showing to whom (signature) and date delivered	$0.60
Showing to whom (signature), date, and address where delivered	0.70
Requested after mailing	
Showing to whom and date delivered	3.75

SCHEDULE E-15

Special Services: Second-Class Applications

Type	Fees
Original Entry	$160
New Agents	30
Re-entry	30
Additional Entry (all zones)	50

SCHEDULE E-16

Special Services: Special Delivery

Class/Weight	Fees (in addition to postage)
First-Class and Priority Mail	
Not more than 2 pounds	$2.10
Over 2 but not over 10 pounds	2.35
Over 10 pounds	3.00
All Other Classes	
Not more than 2 pounds	2.35
Over 2 but not over 10 pounds	3.00
Over 10 pounds	3.40

SCHEDULE E-17

Special Services: Special Handling

Weight	Fees (in addition to postage)
Not more than 10 pounds	$0.75
Over 10 pounds	1.30

SCHEDULE E-18

Special Services: Stamped Envelopes

Type	Price
Single Sale	$0.04
Bulk (500) #6-3/4 size	
Regular	5.85
Window	6.35
Precancelled	5.85
Bulk (500) #10 size	
Regular	6.85
Window	7.35
Precancelled	6.85
Printing Charge Per 500 Envelopes	
Minimum Order (500)	3.00
Order for 1,000 or more	3.00

SCHEDULE E-19

Special Services: Zip Coding of Mailing Lists

APPENDIX ONE

SCHEDULE E-19

Special Services: Zip Coding of Mailing Lists

Description	Fee
Per Thousand Addresses	$33

SCHEDULE E-20

Special Services: Correction of Mailing Lists

Description	Fee
Per Correction of Addresses	$0.13

SCHEDULE E-21

Special Services: Address Changes For Election Boards and Registration Commissions

Description	Fee
Per change of address	$0.13

APPENDIX ONE

The following changes in the Domestic Mail Classification Schedule are made in accordance with the action of the Governors:

1. Amend section 100.10 to read as follows:

   100.10 AUTHORIZATION AND LICENSES

   100.100 A presorted mailing fee as set forth in Rate Schedule 1000 must be paid once each calendar year at each office of mailing by any person who mails presorted mail.

2. Amend section 200.010 to read as follows:

   200.010 Second-class mail is mailable matter consisting of newspapers and other periodical publications which meet the qualifications listed in sections 200.0101 through 200.0109 or 200.0110.

3. Amend section 200.0105 to read as follows:

   200.0105 Second-class matter must have a legitimate list of persons who have subscribed by paying or promising to pay at a rate above nominal for copies to be received during a stated time, with such exception, as enumerated in section 200.0110.

4. Add new section 200.0110 to read as follows:

   200.0110 Notwithstanding section 200.0101 through 200.0109, publications which meet all the following criteria are second-class mailable matter.

   a. Must contain at least 24 pages;

   b. Must be issued at regular intervals at least four times a year;

   c. Must not be owned or controlled by one or more individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them;

   d. Must devote at least 25 percent of their pages to nonadvertising and not more than 75 percent to advertisements;

e. May be circulated free or mainly free;

f. Must have a legitimate list of persons who request the publication; 50 percent or more of the copies of the publication must be distributed to persons making such requests. Subscription copies paid for or promised to be paid for including those at or below a nominal rate may be included in the determination of whether the 50 percent request requirement is met. Persons will not be deemed to have requested the publication if their request is induced by a premium offer or by receipt of material consideration, provided that mere receipt of the publication is not material consideration. This subsection will not be effective prior to March 20, 1982;

g. Must have a known office of publication. A known office of publication is a public office where business of the publication is transacted during the usual business hours. The office must be maintained where the publication is authorized original second-class entry.

5. Amend section 200.012 to read as follows:

200.012 Publications designed primarily for advertising purposes, free circulation, or circulation at nominal rates (see 200.0105) do not qualify for second-class privileges. This section and its subsections shall not apply to publications qualifying for second-class privileges under § 200.0110.

6. Amend section 200.0122 to read as follows:

200.0122 Designed primarily for free circulation is defined as distribution of 50 percent or more of the copies of a publication for free or at a nominal rate. Copies mailed to persons who are not on a legitimate list of subscribers as set forth in sections 200.0105 and 200.0110 are free copies.

7. Amend section 200.0201 to read as follows:

200.0201 Regular

Regular second-class mail is all second-class mail except that to which sections 200.021 and 200.022 apply.

a) Regular second-class may be mailed only by publishers or registered news agents.

b) Nonsubscriber and nonrequester copies mailed at any time during the calendar year up to 10 percent of the total weight of copies mailed to subscribers and requesters during the calendar year are regular second-class mail provided that the nonsubscriber and nonrequester copies would have been regular second-class mail if mailed to subscribers or requesters. See Section 200.093 for mailings in excess of the 10 percent limitation.

8. Amend section 200.021 to read as follows:

200.021 Preferred

The preferred subclasses, except Science of Agriculture publications, will receive newspaper treatment under the eligibility conditions established by the Postal Service.

9. Amend section 200.0211 to read as follows:

200.0211 Within County

Within-county mail is second-class mail, other than matter mailed under section 200.0110, mailed in, and addressed for, delivery within the county where published and originally entered, from either the office of original entry or additional entry.

10. In section 200.0212, add "other than matter mailed under section 200.0110" after "Nonprofit mail is second-class mail."

11. In section 200.0213, add "other than matter mailed under section 200.0110" after "Classroom mail is second-class mail."

12. In section 200.0214, add "other than matter mailed under section 200.0110" after "Science of agriculture is second-class mail."

13. In section 200.0213, add "or 200.0110" after "200.0213."

14. Amend section 200.0217 to read as follows:

200.0217 Nonsubscriber copies mailed at any time during the calendar year up to 10 percent of the total weight of copies mailed to subscribers during the calendar year are preferred mail, provided that the nonsubscriber copies would have been preferred mail if mailed to subscribers. See Section 200.093 for mailings in excess of the 10 percent limitation.

15. Amend section 200.022b to read as follows:

b. mailed by publishers, not as a part of a commingled presorted mailing of subscriber or requester copies, to persons who may not be included in the legitimate list of persons as set forth in section 200.0105 or in section 200.0110, respectively;

16. Delete section 200.0221.

17. Amend section 200.044 to read as follows:

200.044 Nonsubscriber and nonrequester copies must be identified as required by the Postal Service.

18. In section 200.092, add "and requester" after "rates that apply to subscriber."

19. Amend section 200.093 to read as follows:

200.093 Nonsubscriber and nonrequester copies of any second-class mail mailed at any time during the calendar year, in excess of 10 percent of the total weight of copies mailed to subscribers and requesters during the calendar year which are presorted and commingled with subscriber or requester copies are charged the full rates for regular second-class shown in Rate Schedule 200. The 10 percent limitation for publication shall be determined on the combined total weight of all copies of that publication mailed to subscribers and requesters during the calendar year, subject to section 200.0217.

APPENDIX ONE

20. Delete section 200.094.

21. Delete Classification Schedule 250.

22. In section 300.010, delete subsection "c" and reidentify subsection "d" as new subsection "c".

23. Add new section 300.023 to read as follows:

300.023 Bulk Rate Presort Categories

Bulk rate mail sent under section 300.021 must meet the conditions of sections 300.0231 or 300.0232 to be eligible for the applicable presort level rate.

300.0230 Required Sortation

Mailers must sort third-class bulk mail as prescribed by the Postal Service. The basic sortation, other than the two described below, pays the "Required Presortation" rate in Rate Schedules 301 and 302.

300.0231 Five Digit Presort Level

Five-digit presort level mailings must contain at least 200 pieces or 50 pounds of five-digit presorted mail prepared in accordance with USPS regulations so as to avoid handling of individual pieces or packages until they reach the five-digit ZIP Code delivery unit.

300.0232 Carrier Route Presort Level

Carrier route presort level mailings must contain at least 200 pieces or 50 pounds of carrier route presorted mail, with at least 10 pieces to each carrier route. The mail must be properly prepared in the manner prescribed by the Postal Service.

24. Amend section 300.030 to read as follows:

300.030

a. There is no maximum size for single-piece third-class mail.

b. Except as provided in section 300.030c, the maximum size for mail qualifying for the carrier route presort level is 13.50 inches in length, 11.50 inches in width, and .75 inches in thickness.

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c. Merchandise samples with detached labels may be sent at the carrier route presort rate even though their dimensions may exceed the prescribed maxima, if they meet all other requirements of the carrier route presort level and the detached labels do not exceed those dimensions.

d. For bulk mail not presorted to the carrier route level, there is no size limitation.

25. In section 300.031, change "two ounces" to "one ounce."

26. Amend section 300.090 to read as follows:

300.090 The rates for third-class mail are set forth as follows:

	Rate Schedule
a. Single piece	300
b. Bulk regular	301
c. Bulk nonprofit	302
d. Keys and identification devices	303
e. Fees	1000

27. Add new section 400.0203 to read as follows:

400.0203 Intra-BMC Parcel Post Mail

Parcel post mail is eligible for the intra-BMC rate described in rate schedules 400 and 401 if it originates and destinates in the same BMC or ASF service area, Alaska, Hawaii or Puerto Rico.

28. Amend section 400.0212 to read as follows:

400.0212 Special Mail Presort Categories

Special rate mail sent under section 400.021 must meet the conditions of sections 400.0213 or 400.0214 to be eligible for the applicable presort level rate. Provisions for mailing nonidentical pieces are set forth in section 400.046.

29. Add new section 400.0213 to read as follows:

400.0213 Level A Presort

Level A presort mailings must contain at least 500 pieces of identical weight presorted to 5-digit destination ZIP codes. The mail must be properly prepared in a manner prescribed by the Postal Service.

30. Add new section 400.0214 to read as follows:

400.0214 Level B Presort

Level B presort mailings must contain at least 500 pieces of identical weight presorted to destination Bulk Mail Centers. The mail must be properly prepared in a manner prescribed by the Postal Service.

31. In section 500.082 add a new zone designation of "1 & 2" with a "Greater Than" mileage number of "0" and an "Up to and Including" mileage number of "150". Amend the "Greater Than" mileage number for zone 3 to read "150".

32. Add new section 500.090 to read as follows:

500.090 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of applicable fees:

	Classification Schedule
a Return Receipt:	SS-14

33. In section 8.020, change "$400" to "$500."

34. In sections 9.023 and 9.024, change "$15" to "$20."

35. In sections 9.050b and c, change "$15" to "$20."

36. In sections 13.070c and d, change "$15" to "$20."

37. In section 14.010, add "optional" before "indemnity."

38. In section 14.021, add "optional" before "insurance."

18424 Federal Register / Vol. 46, No. 48 / Thursday, March 12, 1981 / Notices

PHASED RATES

Appendix Two

39. In section 14.025, add "of insured articles" after "complete loss" and after "partial loss."

40. In section 14.026, add "on which optional insurance has been elected" after "registered mail."

41. In section 14.070, add "and related optional indemnity purchase" after "fees for registered mail."

42. In section 15.020c, change "$15" to "$20."

43. In section 16.020c, change "$15" to "$20."

44. In section 16.0212, add "after mailing" after "return receipt service."

SCHEDULE 1

Second-Class Phased Rates: In-County

Rate Category	Phased Rates (cents)							
	Year							
	9	10	11	12	13	14	15	16
Pound-Rate Matter:								
Per Pound	3.2	3.5	3.9	4.3	4.7	5.0	5.4	5.8
Per Piece:								
Presorted to Carrier Route	1.6	1.8	2.0	2.3	2.5	2.7	3.0	3.2
Other	1.6	1.9	2.2	2.5	2.8	3.1	3.4	3.7

SCHEDULE 2

Second-Class Phased Rates: Publications of Authorized Nonprofit Organizations, Outside County

Rate Category	Phased Rates (cents) Year							
	9	10	11	12	13	14	15	16
Editorial	6.3	6.8	7.3	7.9	8.4	8.9	9.5	10.0
Advertising 1 & 2	9.3	9.8	10.4	11.0	11.6	12.1	12.7	13.3
3	10.0	10.6	11.2	11.9	12.5	13.1	13.7	14.3
4	11.4	12.1	12.7	13.4	14.0	14.7	15.3	16.0
5	13.3	14.1	14.9	15.6	16.4	17.2	17.9	18.7
6	15.0	16.0	16.9	17.8	18.7	19.7	20.6	21.5
7	16.6	17.7	18.9	20.1	21.3	22.4	23.6	24.8
8	18.0	19.4	20.8	22.2	23.6	24.9	26.3	27.7
Pieces A	2.8	3.6	4.3	5.0	5.7	6.4	7.1	7.8
B	2.6	3.2	3.7	4.2	4.7	5.2	5.7	6.2
C	2.5	2.9	3.3	3.7	4.1	4.4	4.8	5.2

APPENDIX TWO

SCHEDULE 3

Second-Class Phased Rates: Classroom Publications

Rate Category	Phased Rates (Cents) Year							
	9	10	11	12	13	14	15	16
Editorial	4.0	4.4	4.7	5.0	5.4	5.7	6.1	6.4
Advertising 1 & 2	5.3	5.8	6.3	6.7	7.2	7.7	8.1	8.6
3	6.0	6.5	7.1	7.6	8.1	8.6	9.2	9.7
4	7.3	8.0	8.6	9.2	9.8	10.5	11.1	11.7
5	9.4	10.1	10.9	11.7	12.4	13.2	13.9	14.7
6	11.7	12.6	13.5	14.4	15.3	16.1	17.0	17.9
7	13.6	14.8	15.9	17.0	18.2	19.3	20.5	21.6
8	15.6	16.9	18.3	19.6	20.9	22.2	23.6	24.9
Piece	1.6	1.9	2.1	2.4	2.7	3.0	3.3	3.6

APPENDIX TWO

SCHEDULE 5

Third-Class Phased Rates: Nonprofit Bulk

APPENDIX TWO

SCHEDULE 4

Second-Class Phased Rates: Regular Rate Publications Outside County

Science of Agriculture

Rate Category	Phased Rates (cents)							
	Year							
	9	10	11	12	13	14	15	16
Advertising to Zones 1 & 2	9.3	9.9	10.5	11.0	11.6	12.2	12.7	13.3

Limited Circulation

Rate Category	Phased Rates (cents)							
	Year							
	9	10	11	12	13	14	15	16
A	2.7	3.3	3.9	4.5	5.1	5.7	6.3	6.9
B	2.1	2.6	3.0	3.5	3.9	4.4	4.8	5.3
C	2.1	2.5	2.8	3.2	3.6	4.0	4.4	4.8

SCHEDULE 5

Third-Class Phased Rates: Nonprofit Bulk

Rate Category	Phased Rates (cents)							
	Year							
	9	10	11	12	13	14	15	16
(SEE APPENDIX THREE)								

SCHEDULE 6

Fourth-Class Phased Rates: Library

Rate Category	Phased Rates (cents)							
	Year							
	9	10	11	12	13	14	15	16
First Pound	21.0	25.0	29.0	33.0	37.0	42.0	46.0	50.0
Each Additional Pound Thru 7 Pounds	8.0	9.0	10.0	12.0	13.0	14.0	16.0	17.0
Each Additional Pound	5.0	6.0	6.0	7.0	8.0	8.0	9.0	9.5

Appendix Three

Third-Class Mail

	Full Rate (cents)
Regular Bulk:	
Per pound	33*
Minimum-per-piece:	
Required presortation	10.4
Presorted to 5-digits	8.8
Presorted to carrier-route	6.4
Nonprofit Bulk:	
Per pound	23.4*
Minimum-per-piece:	
Required presortation	5.9
Presorted to 5-digits	5.0
Presorted to carrier-route	4.0

*Less the amount of difference between the minimum-per-piece rates for required presortation and the appropriate presortation level on a per piece basis.

Third-Class Phased Rates: Nonprofit Bulk

Rate Category	Year							
	9	10	11	12	13	14	15	16
Per pound *	14.0	15.3	16.7	18.0	19.4	20.7	22.1	23.4
Minimum-per-piece								
Required presortation	3.5	3.8	4.2	4.5	4.9	5.2	5.6	5.9
Presorted to 5-digits	3.3	3.6	3.8	4.1	4.3	4.5	4.8	5.0
Presorted to carrier route	3.1	3.2	3.4	3.5	3.6	3.7	3.9	4.0

*Less the amount of difference between the minimum-per- piece rates for required presortation and the appropriate presortation level on a per piece basis.

[FR Doc. 81-7911 Filed 3-11-81; 8:45 am]
BILLING CODE 7710-13-C

Sunshine Act Meetings

This section contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409, 5 U.S.C. 552b(e)(3).

CONTENTS

Commodity Futures Trading Commission 1
Copyright Royalty Tribunal 2
Federal Deposit Insurance Corporation 1
Federal Election Commission 1
Federal Energy Regulatory Commission 1
Federal Maritime Commission 2
Federal Reserve System 2
Merit Systems Protection Board 2
Nuclear Regulatory Commission 2
Securities and Exchange Commission 3

1
COMMODITY FUTURES TRADING COMMISSION.
TIME AND DATE: 10:00 a.m., Tuesday, March 17, 1981.
PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.
STATUS: Closed.
MATTERS TO BE CONSIDERED: Enforcement matters.
CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.
[S-394-81 Filed 3-11-81; 11:03 am]
BILLING CODE 6351-01-M

2
COPYRIGHT ROYALTY TRIBUNAL.
TIME AND DATE: 10:00 a.m., Tuesday, March 10, 1981.
PLACE: 2000 L Street, NW., Washington, D.C., eighth floor conference room.
STATUS: Closed.
MATTERS TO BE CONSIDERED: Enforcement matters.
CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.
[S-393-81 Filed 3-11-81; 11:03 am]
BILLING CODE 6351-01-M

3
COMMODITY FUTURES TRADING COMMISSION.
TIME AND DATE: 10:00 a.m., Friday, March 20, 1981.

Sunshine Act Meetings

Federal Register
Vol. 46, No. 48
Thursday, March 12, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1, 2, 3
Copyright Royalty Tribunal	4
Federal Deposit Insurance Corporation	5
Federal Election Commission	6
Federal Energy Regulatory Commission	7
Federal Maritime Commission	8, 9
Federal Reserve System	10, 11
Merit Systems Protection Board	12
Nuclear Regulatory Commission	13
Securities and Exchange Commission	14, 15

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, March 17, 1981.

PLACE: 2033 K Street NW., Washington, DC., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter.

CONTRACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-393-81 Filed 3-10-81; 9:47 am]
BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2:45 p.m., Tuesday, March 10, 1981.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-394-81 Filed 3-10-81; 9:47 am]
BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, March 20, 1981.

PLACE: 2033 K Street NW., Washington, DC., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTRACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-395-81 Filed 3-10-81; 9:47 am]
BILLING CODE 6351-01-M

4

[Docket No. CRT 80-5]

COPYRIGHT ROYALTY TRIBUNAL.

TIME AND DATE: 10 a.m., Tuesday, April 21, 1981.

PLACE: Room 410, 2100 K Street NW., Washington, D.C. 20036.

STATUS: Open.

MATTERS TO BE CONSIDERED: Distribution of 1979 Jukebox Royalty Fees.

Clarence L. James, Jr.,
Chairman, Copyright Royalty Tribunal.

[S-402-81 Filed 3-10-81; 3:41 pm]
BILLING CODE 1410-07-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 9, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum proposing that the Corporation conduct an accrual accounting survey of banks with assets of less than $25 million.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: March 9, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-396-81 Filed 3-10-81; 10:42 am]
BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: 10 a.m., Tuesday, March 17, 1981.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel, Compliance, Litigation, Audits.

* * * * *

DATE AND TIME: 10 a.m., Wednesday, March 18, 1981.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance.

* * * * *

DATE AND TIME: 10 a.m., Thursday, March 19, 1981.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Advisory opinions:
Draft AO 1980-145: Meg Bruce, Deputy Treasurer, Frey for Senate Campaign.
Draft AO 1981-3: Ann M. Robinson, Editor, The Spokesman.
Draft AO 1981-11: Eric O'Keefe, National Director, Libertarian National Committee.
Pending legislation
Legislative recommendations
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-402-81 Filed 3-10-81; 2:26 pm]
BILLING CODE 6715-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 15848, March 9, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 11, 1981.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CP-4. CP80-570, Frontier Gas Storage Company; CP80-571 and CP80-572, Montana-Dakota Utilities Company.

Kenneth F. Plumb,

Secretary.

[S-396-81 Filed 3-10-81; 10:24 am]

BILLING CODE 6450-85-M

8

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 15412, March 5, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 10, 1981.

CHANGES IN THE MEETING: Addition of the following items to the open session:

6. Agreement No. 7680-43: Modification of the American West African Freight Conference Agreement to permit negotiation of rates and practices with the Ministerial Conference of West and Central African States.

7. Agreement No. 57-117: Modification of the Pacific Coast Westbound Conference Agreement to extend its intermodal authority and to reduce the notice required for independent action.

Addition of the following item to the closed session:

2. Royal Hawaiian Cruises, Inc.—Application for Certificate of Financial Responsibility (Performance) to operate passenger vessel.

[S-382-81 Filed 3-9-81; 4:38 pm]

BILLING CODE 6730-01-M

9

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 15412 March 5,1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 10, 1981.

CHANGES IN THE MEETING: Withdrawal of the following item from the open sesson:

4. Proposed Exemption of exclusive and nonexclusive interchange arrangements of empty containers, chassis, LASH/SEABEE barges, and related equipment from filing and approval requirements of section 15 of the Shipping Act, 1916.

Withdawal of the following item from the closed session:

1. Agreement No. 10286-4: Modification of the Gulf Europe Express Joint Service Agrement to provide for intermodal authority.

[S-389-81 Filed 3-10-81; 2:13 pm]

BILLING CODE 6730-01-M

10

FEDERAL RESERVCE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Tuesday, March 17, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, DC. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals with respect to the Board's employment goals.

2. Personal actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: March 9, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-391-81 Filed 3-9-81; 4:38 pm]

BILLING CODE 6213-01-M

11

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, March 18, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:*

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposal to continue revised Senior Loan Officer Opinion Survey (FR 2018).

2. Proposal to conduct accrual accounting survey of selected commercial banks.

Discussion Agenda:

3. Proposals to revise Regulation Z (Truth in Lending) in connection with the passage of the Truth in Lending Simplification and Reform Act. (Proposed earlier for public comment; Docket No. R-0288)

4. Proposal to establish alternate-year examination programs with State Banking Departments.

5. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: March 10, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-400-81 Filed 3-10-81; 3:48 pm]

BILLING CODE 6210-01-M

12

MERIT SYSTEMS PROTECTION BOARD.

TIME AND DATE: 3 p.m., Wednesday, March 18, 1981.

PLACE: Hearing room, Merit Systems Protection Board, 1717 H Street NW., Washington, D.C. 20419.

STATUS: Open.

MATTERS TO BE CONSIDERED: Show Cause hearing involving enforcement of a MSPB decision in *Sherwin L. Circle v. Office of Personnel Management,* Docket No. DA831L09012.

CONTACT PERSON FOR MORE INFORMATION: Kathy W. Semone, Assistant to the Secretary, 632-4525.

March 10, 1981.

Merit Systems Protection Board.

Ruth T. Prokop,

Chairwoman.

[S. 404-81 Filed 3-10-81; 3:48 pm]

BILLING CODE 7400-01-M

13

NUCLEAR REGULATORY COMMISSION.

DATE: Monday, March 16, 1981.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

10 a.m.: Discussion of Management-Organization & Internal Personnel Matters (closed—Exemptions 2, 6)

2 p.m.: Meeting with Members of Advisory Panel for the Decontamination of TMI Unit 2 (tentative, public meeting)

ADDITIONAL INFORMATION: By vote of 4-0 on March 5, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that the

affirmation of "NRC Rulemaking to Implement EPA's 'Environmental Radiation Protection Standards for Nuclear Power Operations: (40 CFR Part 190)' ", held that day, be held on less than one week's notice to the Public.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

Walter Magee,

Office of the Secretary.

[S-400-81 Filed 3-10-81; 2:13 pm]

BILLING CODE 7590-01-M

14

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, March 2, 1981.

CHANGES IN THE MEETING: Additional item/meeting. The following item will be considered at a closed meeting scheduled for Tuesday, March 10, 1981, at 10:00 a.m.

Settlement of administrative proceeding of an enforcement nature.

The following item will be considered at a closed meeting scheduled for Thursday, March 12, 1981, at 10:00 a.m.

Regulation matter bearing enforcement implications.

Commissioners Loomis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Art Delibert at (202) 272–2467.

March 9, 1981.

[S-397-81 Filed 3-10-81; 10:42 am]

BILLING CODE 8010-01-M

15

SECURITIES EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 16, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, March 17, 1981, at 10:00 a.m. and at 2:30 p.m. An open meeting will be held on Wednesday, March 18, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Commissioners Loomis, Evans, Friedman, and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 17, 1981, at 10:00 a.m., will be:

Litigation matter.
Freedom of Information Act appeals.
Settlement of injunctive actions.
Institution of injunctive actions.
Report of investigation.

The subject matter of the closed meeting scheduled for Tuesday, March 17, 1981, at 2:30 p.m., will be:

Administrative proceeding of an enforcement nature.
Opinion.

The subject matter of the open meeting scheduled for Wednesday, March 18, 1981, at 10:00 a.m., will be:

1. Consideration of whether to issue an interpretative release concerning Rule 70 under the Public Utility Holding Company Act of 1935, which rule concerns exemptions from the prohibition of officers and directors of banks or investment bankers from serving as officers or directors of registered holding companies or their subsidiaries. The proposed release clarifies the interpretation of the rule in light of recent changes in banking laws and of a recent decision by the Federal Reserve Board that banks may underwrite third party commercial paper. For further information, please contact Aaron Levy at (202) 523–5691.

2. Consideration of whether to adopt proposed Rule 45(c), and the rescission of Rule 45(b)(6), under the Public Utility Holding Company Act of 1935, which rules concern the filing of consolidated tax returns by associate companies of a registered holding company system. For further information, please contact Grant G. Guthrie at (202) 523–5156.

3. Consideration of whether to approve a plan filed with the Securities and Exchange Commission by the Options Price Reporting Authority under Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 which, if adopted, would authorize participants in the plan to act jointly in developing, operating, and regulating a national market system facility for the collection and dissemination of consolidated options last sale reports and quotation information. For further information, please contact Steven L. Parker at (202) 272–2405.

4. Consideration of whether to authorize the transmission of a voluntary survey questionnaire to Form 146 filers. For further information, please contact Hugh R. Haworth at (202) 523–5629.

5. Consideration of whether to release two survey questionnaires: to (1) discount broker-dealers and (2) full-service firms. For further information, please contact Terry M. Chuppe at (202) 523–5624.

6. Consideration of whether to issue a release requesting comments on proposed amendments to Articles 7 and 7A of Regulation S–X. This proposal applies to insurance companies and is a continuation of the Commission's project to integrate disclosures under the Securities Act of 1933 and the Securities Exchange Act of 1934. For further information, please contact Arthur J. Schmeiser at (202) 272–2133.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

March 9, 1981.

[S. 401-81 Filed 3-10-81; 3:15 pm]

BILLING CODE 8010-01-M

V 4 6 / 4 8 M R 1 2 8 1 UMI

federal register

Thursday
March 12, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, HHS.

ACTION: Notice of actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Director, NIH, under the 1980 NIH Guidelines for Research Involving Recombinant DNA Molecules (45 FR 77384).

EFFECTIVE DATE: March 11, 1981.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205. (301) 496-6051.

SUPPLEMENTARY INFORMATION: I am promulgating today several major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules. These proposed actions were published for comment in the **Federal Register** of November 28, 1980, and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on January 8-9, 1981. In accordance with Section IV-E-1-b of the NIH Guidelines, I find that these actions comply with the Guidelines and present no significant risk to health or the environment.

Part I of this announcement provides background information on the actions. Part II provides a summary of the major actions.

I. Decisions on Actions Under Guidelines

I-A. Proposed Containment for Nonpathogens

Dr. Winston Brill, a RAC member, proposed in a letter dated November 14, 1980, that the Guidelines be amended to permit use of nonpathogenic prokaryotes and nonpathogenic lower eukaryotes as donors and recipients in recombinant DNA experiments under P1 containment conditions.

The following language was published in the November 28, 1980 **Federal Register** (45 FR 79386) for thirty days of comment:

A. A new section, III-O-2, would be added to the Guidelines, as follows:

"III-O-2. *Experiments Involving Non-Pathogenic Prokaryotes and Lower Eukaryotes.* Recombinant DNA experiments involving prokaryotes and lower eukaryotes, nonpathogenic [2A] for man, animals, or plants, can be conducted under P1 containment."

B. A new paragraph would be added just before Section III-O begins, as follows:

"When the reader finds that the containment level given for the same experiment is different in two different sections within Part III, he may choose which of the two levels he wishes to use for the experiment."

C. The second paragraph of Section III-B-3 would deleted. Revised Section III-B-3 would read as follows:

"III-B-3. *Non-HV1 Systems.* Containment levels for other classes of experiments involving non-HV1 systems may be approved by the Director, NIH. (See Sections IV-E-1-b-(1)-(b), IV-E-1-b-(2)-(c), and IV-E-1-b-(3)-(b))."

D. Section IV-E-1-b-3-(f) would be deleted. This Section currently reads as follows:

"IV-E-1-b-(2)-(f). Assigning containment levels for experiments in which both donor and recipient are non-pathogenic prokaryotes (see Section III-B-3)."

During the thirty day comment period eight letters supporting this proposal were received. Two additional letters, while supporting the proposal, recommended that containment be set at P2, rather than P1.

The RAC discussed the proposal at the January 8-9, 1981 meeting. Dr. Brill suggested that the proposed Section III-O-2 be modified in two ways: (1) following the word "plants" would be added the words, "and only DNA from such sources,"; and (2) text would be added specifying that the experiments must be reviewed with the local IBC with documentation that the organisms are not known pathogens. (Dr. Brill also initially recommended that containment for these experiments be raised from P1 to P2, but later said he was convinced by the arguments of some RAC members that P1 was appropriate).

During the ensuing discussion RAC members opposed to the motion pointed out that: (1) the proposal covers an enormous variety of organisms, (2) "nonpathogenic" may be defined differently by different IBCs and (3) no restriction is placed on the type of vectors to be used. A substitute motion was advanced by Dr. Gottesman which would provide for an expedited review procedure. Under this proposal, ORDA would review proposals involving nonpathogenic prokaryotes and lower eukaryotes on a case-by-case basis. The RAC, by a vote of six in favor, eight opposed, and two abstentions, denied this substitute motion.

The RAC continued discussion of Dr. Brill's motion. Some RAC members felt the proposal as written placed a burden of interpreting "pathogenicity" on IBCs. Nonetheless, sentiment supporting an expedited type of procedure for dealing with prokaryotic and lower eukaryotic nonpathogens was expressed. By a vote of nine in favor, eight opposed, and three abstentions, the RAC passed Dr. Brill's motion, as it had appeared in the **Federal Register**, with the two changes suggested by Dr. Brill at the meeting.

The substitute proposal which would permit ORDA to lower containment on proposals utilizing nonpathogenic prokaryotes and lower eukaryotes on a case-by-case basis, was again offered by Dr. Gottesman for consideration. The proposal was that, if Dr. Fredrickson should not accept Dr. Brill's proposal, it was the sense of the RAC that it would be preferable to the status quo to at least make two changes: (1) extend the current situation allowing cloning between nonpathogenic prokaryotes at P3 to also include lower eukaryotes; and (2) allow lowering below P3 for individual cases by ORDA rather than requiring RAC review. A motion to table this proposal failed; by a vote of eight in favor, eleven opposed. By a vote of fourteen in favor, one opposed, and three abstentions, the RAC then approved Dr. Gottesman's motion.

In deciding whether to accept the "Brill" motion, recommended by the RAC by a vote of nine in favor, eight opposed, and three abstentions, or the more conservative "Gottesman" motion, recommended by the RAC by a vote of fourteen in favor, one opposed, and three abstentions, I note that already in the Guidelines the following experiments are permitted:

1. Certain experiments with prokaryotes and lower eukaryotes are exempt from the Guidelines, under Sections I-E-3 and I-E-4.

2. Certain experiments with prokaryotes and lower eukaryotes may be done at P1 containment under Guideline Sections III-O, III-B-2 and III-C-6.

3. Certain experiments with prokaryotes and lower eukaryotes may be done at P2 containment under Guideline Sections III-A-1-a-(5) and III-A-1-b.

Dr. Brill's proposal covers an enormous number of organisms, many of which have not been well characterized. "Nonpathogenic" might be interpreted differently by different IBCs. The proposal does not require use of non-conjugative plasmids. For these reasons I am, at present, not accepting the "Brill" motion and instead I am accepting the more conservative "Gottesman" motion.

Accordingly a new section, III-O-2, is added to the Guidelines as follows:

"III-O-2. *Experiments Involving Prokaryotes Nonpathogenic for Man,*

Animals or Plants, and/or Lower Eukaryotes Nonpathogenic for Man, Animals or Plants.

Recombinant DNA experiments involving prokaryotes nonpathogenic for man, animals, or plants, and/or lower eukaryotes nonpathogenic for man, animals or plants, and only DNA from such sources, can be conducted under P3 containment (2A). Lower levels of physical containment may be assigned by ORDA on a case-by-case basis for specific donor-recipient combinations (see Section IV–E–1–b–(3)–(h))."

A new paragraph is added just before Section III–O begins, as follows:

"When the reader finds that the containment level given for the same experiment is different in two different sections within Part III, he may choose whichever of the two levels he wishes to use for the experiment."

The second paragraph of Section III–B–3 is deleted. Revised Section III–B–3 now reads as follows:

"III–B–3. *Non-HV1 Systems.* Containment levels for other classes of experiments involving non-HV1 systems may be approved by the Director, NIH. (See Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b))."

Section IV–E–1–b–(2)–(f) is deleted.

A new section IV–E–1–b–(3)–(h) is added as follows:

"IV–E–1–b–(3)–(h). Assigning containment levels for experiments in which both donor and recipient are nonpathogenic prokaryotes and/or nonpathogenic lower eukaryotes (see Section III–O–2)."

In order to clarify the relationship among Sections III–O, III–O–1, and III–O–2, the final sentence in the second paragraph under Part III is amended to read as follows:

"Prior IBC review is required for all other experiments described in the subsections of Part III, including III–O–1, III–O–2, etc."

I–B. Request for Approval of Schizosaccharomyces Pombe for Recombinant DNA Experiments

Dr. Benjamin D. Hall of the University of Washington, in letters dated November 3, 1980, and December 5, 1980, requested that the fission yeast, *Schizosaccharomyces pombe*, together with the *S. cerevisiae/E. coli* hybrid recombinant plasmids, be certified as an HV1 host-vector system. Dr. Hall further requested that this system be included under Section III–O of the Guidelines. In his submission, Dr. Hall noted that *Schizosaccharomyces pombe* is not a pathogen, it survives poorly outside of a controlled laboratory environment, it is rare in nature, and genetic exchange in the *Ascomycetes* occurs only with closely related organisms.

Dr. Hall's request was published in the November 28, 1980 Federal Register (45 FR 79387). No comments were received during the thirty day comment period.

The RAC, in discussing the proposal at the January 8–9, 1981 meeting, noted that specifications for HV1 certification have been defined in Section II–D–2–b of the Guidelines. It was suggested that only certain experiments be approved without certifying *S. pombe* as a general HV1 host-vector system. The RAC, therefore, recommended by a vote of fourteen in favor, one opposed and four abstentions, that DNA from non-pathogenic prokaryotes and lower eukaryotes may be cloned into *Schizosaccharomyces pombe* species under P1 containment conditions. It further recommended by a vote of fourteen in favor, none opposed and five abstentions, that DNA from higher eukaryotes may be cloned in *S. pombe* species under P3 containment conditions.

I accept these recommendations. Item 18 in Appendix E of the Guidelines is amended to read as follows:

"18. DNA from nonpathogenic prokaryotes and nonpathogenic lower eukaryotes may be cloned into *Schizosaccharomyces pombe* species under P1 containment conditions. DNA from higher eukaryotes may be cloned in *S. pombe* species under P3 containment conditions."

I–C. Request To Include Streptococcus Faecalis and Streptococcus Sanguis in Appendix A.

Dr. Donald Clewell of the University of Michigan requested in letters dated August 13, 1980 and September 10, 1980, that *Streptococcus faecalis* be included along with *Streptococcus sanguis* in a sublist of Appendix A. Recombinant DNA molecules composed entirely of DNA segments from organisms within each sublist of Appendix A are exempt from the Guidelines under Section I–E–4, which exempts "Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes. . . ." In support of his request, Dr. Clewell submitted data indicating that exchange of genetic information between the two species occurs by natural physiological processes.

A Federal Register announcement of Dr. Clewell's request appeared on November 28, 1980 (45 FR 79386). No comments were received during the thirty day comment period.

The RAC discussed Dr. Clewell's proposal at the January 8–9, 1981 meeting. The RAC was satisfied that the data demonstrated two-way plasmid transfer. By a vote of twelve in favor, two opposed and five abstentions, the RAC recommended that the request be approved, and that *Streptococcus faecalis* be added to sublist F of Appendix A.

I accept this recommendation, and Appendix A, Sublist F has been amended to read as follows:

"*Sublist F*

1. *Streptococcus sanguis*
2. *Streptococcus pneumoniae*
3. *Streptococcus faecalis*"

I–D. Request To Clone Saccharomyces Cerevisiae DNA in Tetrahymena Thermophilia

Dr. Eduardo Orias of the University of California, Santa Barbara in a letter dated December 18, 1980 requested permission to clone *Saccharomyces cerevisiae* DNA in *Tetrahymena thermophila* using *S. cerevisiae/E. coli* hybrid plasmids.

Dr. Orias supplied data outlining the genetics and ecology of *Tetrahymena*. He noted that *Tetrahymena thermophila* is a unicellular microbial eukaryote of no known pathogenicity. Dissemination of genetic information between members of the species by means other than eukaryotic conjugation has not been demonstrated.

Dr. Orias' request appeared in the November 28, 1980 Federal Register (45 FR 79387). No comments were received during the thirty day comment period.

During the RAC discussion of the proposal at the January 8–9, 1981 meeting, it was noted that the proposal involves nonpathogenic organisms, and approval at the P1 level of containment was recommended by a unanimous vote of nineteen in favor.

I accept this recommendation, and a new entry has been added to Appendix E to read as follows:

"26. *Saccharomyces cerevisiae* DNA may be cloned in *Tetrahymena thermophila* using *E. coli/S. cerevisiae* hybrid plasmids under P1 containment conditions."

I–E. Proposal To Amend Item 4 of Appendix E

Entry 4 of Appendix E of the Guidelines reads as follows:

"4. Cloned desired fragments from any non-prohibited source may be transferred into *Agrobacterium tumefaciens* containing a Ti plasmid (or derivatives thereof), using a nonconjugative *E. coli* plasmid vector

coupled to a fragment of the Ti plasmid and/or the origin of replication of an *Agrobacterium* plasmid, under containment conditions one step higher than would be required for the desired DNA in HV1 systems (i.e., one step higher physical containment than that specified in the subsections of Section III–A). Transfer into plant parts or cells in culture would be permitted at the same containment level (one step higher)."

Dr. Clarence Kado of the University of California, Davis, proposed in a letter dated October 2, 1980 that the fourth entry in Appendix E be modified to read as follows:

"4. Cloned desired fragments from any non-prohibited source may be transferred into *Agrobacterium tumefaciens* containing a Ti plasmid (or derivatives thereof), using a nonconjugative *E. coli* plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of an *Agrobacterium* plasmid, under containment conditions that would be required for the desired DNA in HV1 systems (i.e., that specified in the subsections of Section III–A). Transfer into plant parts or cells in culture would be permitted at the same containment level."

An announcement of Dr. Kado's proposed amendment was published in the **Federal Register** of November 28, 1980 (45 FR 79387). No comments were received during the thirty day comment period.

During the discussion of the proposal at the January 8–9, 1981 RAC meeting, it was noted that this proposal would effectively designate *Agrobacterium tumefaciens* an HV1 system.

It was pointed out that while *Agrobacterium tumefaciens* is a plant pathogen, plant tissue must be injured to permit infection. Further, the genetic information introduced into plant cells by the *Agrobacterium tumefaciens* Ti plasmid is not stably integrated into the plant genome and is not transmitted at meiosis into seeds. Reservations were expressed, however, about approving *A. tumefaciens* as an HV1 system. A motion to permit cloning of DNA from plants and nonpathogenic prokaryotes in *Agrobacterium tumefaciens* with subsequent transfer to plants or plant tissue under P2 containment conditions was recommended by a vote of seventeen in favor, none opposed and two abstentions.

I accept this recommendation, and entry 4 of Appendix E, is amended to read as follows:

"4. Cloned desired fragments from any non-prohibited source may be transferred into *Agrobacterium tumefaciens* containing a Ti plasmid (or derivatives thereof), using a nonconjugative *E. coli* plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of an *Agrobacterium* plasmid, under containment conditions one step higher than would be required for the desired DNA in HV1 systems (i.e., one step higher than that specified in the subsections of Section III–A). However, DNA from plants and nonpathogenic prokaryotes may be cloned under P2 containment conditions. Transfer into plant parts or cells in culture is permitted at the same containment level as is used for the cloning in *Agrobacterium tumefaciens*.

I–F. Request for Lowering of Containment Under Entry Four of Appendix E

Dr. Mary-Dell Chilton of Washington University in St. Louis, in a letter of September 10, 1980, requested a reduction in physical containment, to the P2 level, for the manipulation in *Agrobacterium tumefaciens* of (1) the *Saccharomyces cerevisiae* alcohol dehydrogenase 1 gene and (2) the gene coding for the maize (*Zea mays*) seed storage protein, zein. The cloned DNA and the cloning vectors will be introduced into tobacco plants. These experiments are currently covered under entry 4 of Appendix E which stipulates use of P3 containment. Dr. Chilton's proposal was published for comment in the November 28, 1980 **Federal Register** (45 FR 79387). No comments were received during the thirty day comment period.

Noting that the cloned DNA sequences to be manipulated are well characterized, the RAC at the January 8–9, 1981 meeting recommended, by a vote of fifteen in favor, none opposed and four abstentions, P1 containment conditions for the described experiments.

I accept this recommendation, and text has been added to entry 4 of Appendix E, so indicating.

I–G. Proposed Procedures for Previously Approved Large-Scale Recombinant DNA Experiments

1. *Application Procedures for Minor Modifications of Previously Approved Large-Scale Recombinant DNA Experiments.* The following procedures for handling minor modifications of previously approved large-scale recombinant DNA experiments, generated by a Working Group of the Recombinant DNA Advisory Committee (RAC), were published in the November 28, 1980 **Federal Register** (45 FR 79387):

"Procedures have been developed for considering applications to grow more than ten liters of an organism containing recombinant DNA. These procedures include consideration of the request by a working group of the NIH Recombinant DNA Advisory Committee, submission of the request to the full RAC after consideration by the working group, and subsequent submission to the Director, NIH, for final review. This procedure has taken a minimum of two months. Therefore, the following procedures are proposed to expedite consideration of requests to grow more than ten liters of recombinant DNA-containing organisms when these proposals represent minor modifications of previously approved experiments. Modifications include deletion of sequences from the recombinant DNA, changes in promoters, addition of short segments not affecting the nature of the expressed products, and minor changes in the properties of the host. Changes are considered minor if they do not affect either the containment properties of the vector or the host, or the nature of products made, or add new products. Therefore, the procedures for dealing with minor modifications have the objective of determining that the change is indeed minor. To determine whether a change is minor, two levels of review will take place:

"(1) By ORDA, which will decide upon receipt of a request to process it as a new request or as a minor modification, and in the latter case

"(2) by a working group of at least two members of RAC.

"The Working Group has proposed that the following language be added to the 'Application Procedures for Large-Scale Recombinant DNA Experiments':

"6. Proposals that the submitter considers to represent minor modifications of already approved experiments will be handled by an expedited procedure. A request must be submitted to ORDA. This request should include the changes made, the way in which these changes were made (e.g., mutagenesis, recloning), and the nature and results of any tests done to determine that no major change has occurred (e.g., restriction enzyme analysis, tests for produced products, tests of vector mobilization).

"ORDA will determine whether the submission represents a minor modification of an approved experiment. If so, the request will be submitted promptly to a working group of at least two RAC members. If possible, these members should have been present at the RAC discussion of approval of the original experiment. If any member of

the working group does not agree that the request represents a minor modification, the application will then be referred to the full RAC at its next meeting. If the working group is unanimous in concluding that the changes do not alter the organism in a way that is likely to affect containment of the organism or the vector, or the nature of the expressed product, significantly, from that presented originally to RAC, recommendation for approval will be transmitted to ORDA, and, through ORDA, to the submitters. Consideration of requests by working groups should explicitly address the following issues: Is the change likely to compromise biological containment provided by the host or the vector? Does the change add to the biological activities associated with the expressed products in a way not considered by the original submission?"

During the thirty day comment period, no comments were received.

Prior to publication in the Federal Register, the RAC discussed the proposal at the September 25–26, 1980 meeting; the proposed procedures were considered to be reasonable.

The RAC subsequently discussed the proposal at the January 8–9, 1981 meeting and by a vote of seventeen in favor, none opposed and one abstention, recommended approval of the proposed language.

I accept this recommendation. The complete text of the revised procedures for review of large-scale experiments appears in Part II of this announcement.

2. *Proposed Procedures for Change of Locale of Previously Approved Large-Scale Recombinant DNA Experiments.* During the discussion of proposed procedures dealing with minor modifications of previously approved large-scale recombinant DNA experiments at the January 8–9, 1981, RAC meeting, the question of how to process changes of site for large-scale production was raised. In this situation, recombinant clones, which had been approved for scale-up at one site, would be moved to another physical facility. A second IBC might then be charged with oversight responsibilities.

RAC recommended that a registration document, which would indicate compliance with the NIH Guidelines and its large-scale procedures should be filed with ORDA by the IBC of the new institution. ORDA could then give approval for large-scale growth of the clones at the new site. No RAC review would be required.

I accept this recommendation. Accordingly, the following additional language will be added to the "Application Procedures for Large-Scale Recombinant DNA Experiments":

"7. Should a clone, previously approved for scale-up at one physical facility, be proposed to be moved to a second physical facility, the IBC with oversight responsibility at the second site shall submit to ORDA a registration document and receive ORDA approval, prior to initiating scale-up. No RAC review would be required.

The complete text of the revised procedures for review of large-scale experiments appears in Part II of this announcement.

I–H. Proposals To Clone Genes of Foot and Mouth Disease Virus

The RAC at its December 6–7, 1979, meeting had reviewed a four stage proposal submitted by Dr. Howard Bachrach of the United States Department of Agriculture Plum Island Animal Disease Center and Dr. Dennis Kleid of Genentech, Inc., entitled "Cloning and Expression in *E. coli* of the VP3 protein of Foot and Mouth Disease Virus." In the Federal Register of January 17, 1980 (45 FR 3552), I, as Director, NIH, accepted the RAC recommendation to allow Stage I to proceed. At that time I noted, "Dr. Campbell stated that it was the sense of the RAC that this motion constituted the 'major action' and that future recommendations of the RAC approving further stages of the experiment would be 'minor actions.'"

In the Federal Register of July 29, 1980 (45 FR 50528), I, as Director, NIH, accepted a recommendation made by the RAC at its June 5–6, 1980, meeting that certain clones containing cDNA copies of pieces of the Foot and Mouth Disease virus, made on Plum Island under Stage I of the protocol, be allowed to be removed from Plum Island, as they "were well characterized, lacked infectivity, and represent, in aggregate, only 75% of the FMD viral genome."

On January 9, 1981, the RAC reviewed a request of October 17, 1980, from Dr. Kleid to modify Stage IV of the protocol, dealing with cloning of various FMD types. The RAC by a vote of 20 in favor, none opposed, and one abstention, recommended that this be accepted with the conditions that a working group of the RAC, but not the full RAC, would examine data on the infectivity of the clones produced on Plum Island, before they were allowed to leave Plum Island, and that such clones be well characterized, shown to lack infectivity, and shall not contain, individually or collectively, more than 75% of the viral genome.

I accept this recommendation.

I–J. Containment Levels for Recombinant DNA Experiments Involving Streptomyces and Other Non-Pathogenic Actinomycetes

Dr. Stanley Cohen of Stanford University Medical Center, in a letter dated November 18, 1980, submitted the following proposal for consideration by the RAC:

"That all members of the non-pathogenic *Actinomycetes* genus *Streptomyces* and the plasmids native to this genus be approved as host-vector systems for the cloning under P1 conditions of DNA derived from other non-pathogenic prokaryotic organisms such as *Streptomyces* and other non-pathogenic *Actinomycetes* species, *Escherichia coli* K–12, *Bacillus subtilis*, *Bacillus lichenformis*, *Bacillus circulans*, and other non-pathogenic *Bacillus* species, and for the cloning of DNA derived from non-pathogenic unicellular eukaryotic micro-organisms such as *Saccharomyces cerevisiae* and *Neurospora crassa*."

The RAC noted that they had recommended earlier in the meeting (see I–A above) that all experiments involving nonpathogenic prokaryotes and lower eukaryotes, be allowed at P1. Dr. Cohen's request involves a subset of these. The RAC, by a vote of 18 in favor, none opposed, and two abstentions, recommended that the proposal be accepted.

I accept this recommendation, and a new entry will be added to Appendix E as follows:

"*Z7.* All members of the nonpathogenic *Actinomycetes* genus *Streptomyces* and the plasmids native to this genus are approved as host-vector systems for the cloning under P1 conditions of DNA derived from other nonpathogenic prokaryotic organisms such as *Streptomyces* and other nonpathogenic *Actinomycetes* species, *Escherichia coli* K–12, *Bacillus subtilis*, *Bacillus lichenformis*, *Bacillus circulans*, and other nonpathogenic *Bacillus* species, and for the cloning of DNA derived from nonpathogenic unicellular eukaryotic microorganisms such as *Saccharomyces cerevisiae* and *Neurospora crassa*."

II. Summary of Actions Under Guidelines—Arranged According to Position in Guidelines

II–A. Amendment of Second Paragraph of Part III

The final sentence in the second paragraph under Part III is amended to read as follows:

"Prior IBC review is required for all other experiments described in the

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subsections of Part III, including III–O–1, III–O–2, etc."

II–B. Addition of New Paragraph to Part III

A new paragraph is added just before Section III–O begins, as follows:

"When the reader finds that the containment level given for the same experiment is different in two different sections within Part III, he may choose whichever of the two levels he wishes to use for the experiment."

II–C. Addition of New Section III–O–2

A new section, III–O–2, is added to the guidelines as follows:

"III–O–2. *Experiments Involving Prokaryotes Nonpathogenic for Man, Animals or Plants, and/or Lower Eukaryotes Nonpathogenic for Man, Animals or Plants.* Recombinant DNA experiments involving prokaryotes nonpathogenic for man, animals, or plants, and/or lower eukaryotes nonpathogenic for man, animals or plants, and only DNA from such sources, can be conducted under P3 containment (2A). Lower levels of physical containment may be assigned by ORDA on a case-by-case basis for specific donor-recipient combinations (see Section IV–E–1–b–(3)–(h))."

II–D. Amendment of Section III–B–3

The second paragraph of Section III–B–3 is deleted. Revised Section III–B–3, now reads as follows:

"III–B–3. *Non-HVI Systems.* Containment levels for other classes of experiments involving non-HVL systems may be approved by the Director, NIH. (See Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), IV–E–1–b–(3)–(b))."

II–E. Deletion of Section IV–E–1–b–(2)–(f)

Section IV–E–1–b–(2)–(f) is deleted.

II–F. Addition of Section IV–E–1–b–(3)–(h)

A new section IV–E–1–b–(3)–(h) is added as follows:

"IV–E–1–b–(3)–(h). Assigning containment levels for experiments in which both donor and recipient are nonpathogenic prokaryotes and/or nonpathogenic lower eukaryotes (see Section III–O–2)."

II–G. Amendment of Appendix A, Sublist F

Appendix A, Sublist F is amended to read as follows:

"Sublist F

1. *Streptococcus sanguis*
2. *Streptococcus pneumoniae*
3. *Streptococcus faecalis"*

II–H. Amendments of Appendix E

Entires 4 and 18 of Appendix E, are amended to read as follows:

"4. Cloned desired fragments from any non-prohibited source may be transferred into *Agrobacterium tumefaciens* containing a Ti plasmid (or derivatives thereof), using a nonconjugative *E. coli* plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of an *Agrobacterium* plasmid, under containment conditions one step higher than would be required for the desired DNA in HVI systems (i.e., one step higher than that specified in the subsections of Section III–A). However, DNA from plants and nonpathogenic prokaryotes may be cloned under P2 containment conditions; and the *Saccharomyces cerevisiae* alcohol dehydrogenase 1 gene and the gene coding for the maize (*Zea mays*) seed storage protein, zein, may be cloned under P1 conditions. Transfer into plant parts or cells in culture is permitted at the same containment level as is used for the cloning in *Agrobacterium tumefaciens.*

"18. DNA from nonpathogenic prokaryotes and nonpathogenic lower eukaryotes may be cloned into *Schizosaccharomyces pombe* species under P1 containment conditions. DNA from higher eukaryotes may be cloned in *S. pombe* species under P3 containment conditions."

The following new entries are added to Appendix E:

"26. *Saccharomyces cerevisiae* DNA may be cloned in *Tetrahymena thermophila* using *E. coli/S. cerevisiae* hybrid plasmids under P1 containment conditions."

"27. All members of the nonpathogenic *Actinomycetes* genus *Streptomyces* and the plasmids native to this genus are approved as host-vector systems for the cloning under P1 conditions of DNA derived from other nonpathogenic prokaryotic organisms such as *Streptomyces* and other nonpathogenic *Actinomycetes* species, *Escherichia coli* K–12, *Bacillus subtilis, Bacillus lichenformis, Bacillus circulans,* and other nonpathogenic *Bacillus* species, and for the cloning of DNA derived from nonpathogenic unicellular eukaryotic microorganisms such as *Saccharomyces cerevisiae* and *Neurospora crassa."*

II–I. Procedures for Review of Large-Scale Experiments

The following procedures, which are not incorporated into the Guidelines, have been adopted for the review of large-scale experiments. (They are an expansion of the procedures which appeared in the November 21, 1980 Federal Register (45 FR 77360)):

"Application Procedures for Large-Scale Recombinant DNA Experiments.

"1. For each research project proposing to exceed the 10-liter limit, the applicant shall file a request with the NIH Office of Recombinant DNA Activities (ORDA). The request should include the following information:

"a. The registration document submitted to the local Institutional Biosafety Committee (see Section III of the Guidelines). This should include, or have appended to it, a summary paragraph which describes the proposed project in language that is comprehensible to non-specialists.

"b. A statement of the rationale for wishing to exceed the 10-liter limit.

"c. Evidence that the recombinant DNAs to be employed in the research have been rigorously characterized and are free of harmful sequences.

"d. Specification of the P–LS level proposed to be used as defined in the NIH Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules (Federal Register, April 11, 1980).

"2. Each request submitted to ORDA shall be referred to a working group of the NIH Recombinant DNA Advisory Committee for review.

"3. Following review and approval by the working group, each request shall be submitted to the entire Recombinant DNA Advisory Committee for review.

"4. Following review and approval by the RAC, each request shall be submitted to the Director, NIH, for the final review.

"5. Applications for large-scale experiments which are submitted by institutions not receiving NIH funds for recombinant DNA research shall be kept confidential (provided the institutions so desire) in accordance with the provisions of the NIH Guidelines for Research Involving Recombinant DNA Molecules and to the extent permitted by law.

"6. Proposals that the submitter considers to represent minor modifications of already approved experiments will be handled by an expedited procedure. A request must be submitted to ORDA. This request should include the changes made, the way in which these changes were made (e.g., mutagenesis, recloning), and the nature and results of any tests done to determine that no major change has occurred (e.g., restriction enzyme analysis, tests for produced products, tests of vector mobilization). ORDA will

determine whether the submission represents a minor modification of an approved experiment. If so, the request will be submitted promptly to a working group of at least two RAC members. If possible, these members should have been present at the RAC discussion of approval of the original experiment. If any member of the working group does not agree that the request represents a minor modification, the application will then be referred to the full RAC at its next meeting. If the working group is unanimous in concluding that the changes do not alter the organism in a way that is likely to affect containment of the organism or the vector, or the nature of the expressed product significantly from that presented originally to RAC, recommendation for approval will be transmitted to ORDA, and, through ORDA, to the submitters. Consideration of requests by working groups should explicitly address the following issues: Is the change likely to compromise biological containment provided by the host or the vector? Does the change add to the biological activities associated with the expressed products in a way not considered by the original submission?

"7. Should a clone, previously approved for scale-up at one facility, be proposed to be moved to a second facility, the IBC with oversight responsibility at the second site shall submit to ORDA a registration document and receive ORDA approval, prior to initiating scale-up. No RAC review would be required.

"8. These procedures may be refined or revised on the basis of discussion and action by the NIH Recombinant DNA Advisory Committee."

Additional Announcements of the Director, NIH

Section IV–E–1–b–(3)–(d) of the Guidelines gives responsibility to the Director, NIH, for "authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences."

Accordingly, several requests for authorization to culture, on a large-scale, recombinant DNA host-vector systems have been received and reviewed by the NIH.

I. Genentech, Inc.

On February 2, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Genentech, Inc., for the large-scale culture of EK1 host-vector systems containing plasmids coding for human leukocyte interferons.

This request was approved with the understanding that Genentech, Inc., has agreed to permit an observer, designated by NIH, to visit the facilities if NIH should choose to inspect the site.

The principal investigator is Dr. Norm S. C. Lin. The work is to be done at the P1–LS level of containment at the research and development facility at 460 Point San Bruno Boulevard, South San Francisco, California 94080.

II. Genentech, Inc.

On February 2, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Genentech, Inc., for the large-scale culture of EK1 host-vector systems containing plasmids coding for bovine growth hormone.

This request was approved with the understanding that Genentech, Inc., has agreed to permit an observer, designated by NIH, to visit the facilities should NIH choose to inspect the site.

The principal investigator is Dr. Norm S. C. Lin. The work is to be done at the P1–LS level of containment at the research facility at 460 Point San Bruno Boulevard, South San Francisco, California 94080.

III. Hoffman-LaRoche, Inc.

On February 2, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Hoffman-LaRoche, Inc., for the large-scale culture of EK1 host-vector systems containing plasmids coding for human leukocyte and fibroblast interferons.

This request was approved with the understanding that Hoffman-LaRoche, Inc., has agreed to permit an observer, designated by NIH, to visit the facilities if NIH should choose to inspect the site.

The principal investigators are Drs. Philip A. Miller and Vishra Rai. The work is to be done at the P1–LS level of containment at the research and development facilities at 340 Kingsland Avenue, Nutley, New Jersey 07110.

IV. Burns-Biotec Laboratories, Inc.

On February 20, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Burns-Biotec, Inc., a wholly owned subsidiary of Schering-Plough Corporation, for the large-scale culture of EK1 host-vector systems containing plasmids coding for human leukocyte interferon.

This request was approved with the understanding that Burns-Biotec, Inc., has agreed to permit an observer, designated by NIH, to visit the facilities if NIH should choose to inspect the site.

The principal investigator is Dr. Donald Baldwin. The work is to be performed at the P1–LS level of containment at the facilities in Elkhorn, Indiana 68022.

V. Schering-Plough Corporation

On February 20, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Schering-Plough Corporation for the large-scale culture of EK1 host-vector systems containing plasmids coding for human leukocyte interferon.

This request was approved with the understanding that Schering-Plough Corporation has agreed to permit an observer, designated by NIH, to visit the facilities if NIH should choose to inspect the site.

The principal investigator is Dr. Paul J. Leibowitz. The work is to be performed at the P1–LS level of containment at the research and development facilities in Bloomfield, New Jersey 07003.

Dated: March 4, 1981.

Donald S. Fredrickson,

Director, National Institutes of Health.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8–(b)–(4) and (5) of that Circular.

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Part III

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Office of the Secretary

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; Systems of Records, Annual Publication

Pursuant to 5 U.S.C. 552a (e)(4), the Department of the Treasury republishes notices of the systems of records maintained by the Department. All of the systems have been previously published and adopted as of December 31, 1980. There are no changes requiring public comment. Numerous minor changes have been made, consisting principally of address changes, revision of organizational titles, and corrections of grammatical or typographical errors. Some items have been modified to clarify the descriptions. The consolidations of several systems into one system were made where systems were identical except for location.

The Department has deleted 29 systems of records, consolidated 47 systems, added 2 new systems, and revised 9 systems.

DATED: March 2, 1981.

Martha J. Thompson

Deputy Assistant Secretary

(Administration)

OFFICE OF THE SECRETARY (OS)

OS 020—Energy Policy Administrative File (Obsolete)

OS 036—Home Address and Telephone Number File (Obsolete)

OS 037—OIDB Employee and Employee Candidate File (Obsolete)

OS 042—OMO Management Consultant's File (Obsolete)

OS 044—Personnel and Payroll Data (Duplicative)

OS 048—Scheduled Annual Leave Records (Duplicative)

OS 055—EEO Counselor Complaint Files (Now under the jurisdiction of the Equal Employment Opportunity Commission)

OS 121—ORS Auditors' Address File (Not Privacy Act System)

OS 124—ORS Governors' Address File (Not Privacy Act System)

OS 125—ORS Governors' and Governors' Authorized Representatives List (Not Privacy Act System)

OS 126—Office of Revenue Sharing, Intergovernmental Relations Division Mailing List (Not Privacy Act System)

OS 129—ORS Public Affairs Personnel File (Obsolete)

OS 130—ORS Senate, House and Governors' Address File (Not Privacy Act System)

OS 131—ORS State Attorneys General Records (Not Privacy Act System)

OS 143—Chief Counsel for Revenue Sharing Personnel (Obsolete)

OS 195—Parking Permit Application (Not Privacy Act System)

OS 502—Reference Letters, Special Assignment Branch (Now under the jurisdiction of the Office of Personnel Management)

UNITED STATES CUSTOMS SERVICE (CS)

CS 104—Florida Boat Registration File (Not Privacy Act System)

BUREAU OF ENGRAVING AND PRINTING (BEP)

BEP 034—Time and Attendance Record (Duplicative)

INTERNAL REVENUE SERVICE (IRS)

IRS 26.005—File of Persons Making Threats of Force or Forcible Assaults, CP:C (Obsolete)

IRS 30.005—Accident Investigation Files System (Duplicative)

IRS 32.002—Payroll/Personnel System (Duplicative)

IRS 34.006—Property Pass for Government Property (Duplicative)

IRS 34.010—Damage and Injury Files Systems (Duplicative)

IRS 34.011—Driver Licensing Files Systems (Duplicative)

IRS 42.020—Highway Use Tax Examination Program (Enterpreneurial)

IRS 44.002—Appeals Officer Inventory and Unit Time Report (Obsolete)

IRS 46.007—Information Indexing System, Criminal Investigation Division (Duplicative)

IRS 46.088—Treasury/IRS Criminal Investigation Division, Information and Correspondence Files (Duplicative)

IRS 46.013—Project Files, Criminal Investigation Division (Duplicative)

CONSOLIDATIONS

UNITED STATES CUSTOMS SERVICE (CS)

CS 004—Accident and Injury Report File (See CS 002)

CS 006—Accounts Receivable (See CS 005)

CS 007—Accounts Receivable (See CS 005)

CS 008—Accounts Receivable (See CS 005)

CS 010—Acting Customs Inspectors (Excepted) (See CS 009)

CS 011—Acting Customs Inspectors (Excepted) (See CS 009)

CS 012—Acting Customs Inspectors (Excepted) (See CS 009)

CS 013—Acting Customs Inspectors (Excepted) (See CS 009)

CS 033—Biographical Information (See CS 032)

CS 062—Court Case Files (Region VIII) (See CS 061)

CS 063—Court Docket Records System (See CS 061)

CS 079—Disclosure of Information File (See CS 078)

CS 080—Disclosure of Information File (See CS 078)

CS 085—EEO Complaint File (See CS 088)

CS 091—Equipment Record File (See CS 090)

CS 097—Fines, Penalties, and Forfeitures (Supplemental Petitions) (See CS 099)

CS 101—Fines, Penalty, and Forfeitures (FP&F) Records System (See CS 099)

CS 117—Information and Investigative Reports from other Federal Agencies (See CS 122)

CS 118—Information Received File (See CS 122)

CS 119—Information Received File (Patrol Division-New Orleans, LA) (See OS 122)

CS 120—Information Received File (Patrol Division-New Orleans, LA) (See OS 122)

CS 121—Information Received (Moir) File (See CS 122)

CS 132—Justice Court Case File (See CS 133)

CS 149—Military Personnel and Civilians Employees' Claims Act File (See CS 148)

CS 150—Military Personnel and Civilian Employees' Claims Act File (See CS 148)

CS 183—Personal Search (Negative) (See CS 186)

CS 184—Personal Search NY District (Negative results) (See CS 186)

CS 185—Personal Search-Negative (District Director-Mobile, Alabama) (See CS 186)

CS 189—Personnel Action Records Systems (See CS 190)

CS 191—Personnel Case File (See CS 190)

CS 192—Personnel Case Files (Region VIII) (See CS 190)

CS 199—Property Assigned to Employee (See CS 201)

CS 200—Property File (See CS 201)

CS 203—Receipt for Property Assigned (See CS 201)

CS 204—Receipt for Property Assignment (See CS 201)

CS 026—Badge and Gun Report (See CS 201)

CS 027—Badge Number File (See CS 201)

CS 075—Customs Officer Badge Inventory (See CS 201)

CS 223—Suspect File (See CS 221)

CS 231—Tort Claims Act File (See CS 232)

CS 233—Tort Claims Act File (See CS 232)

CS 236—Tort Claims Records Systems (See CS 232)

CS 237—Federal Tort Claims Act File (See CS 232)

CS 094—Federal Tort Claims Act File (See CS 232)

CS 247—Uniform Allowance (See CS 249)

CS 248—Uniform Allowance (See CS 249)

ADDITIONS

OFFICE OF THE SECRETARY (OS)

OS 005—Grievance Records (Previously published by the Office of Personnel Management, OPM/Govt-2)

OS 075—Legislative Affairs Vote Tracking System

REINSTATEMENTS

OFFICE OF THE SECRETARY (OS)

OS 150—Disclosure Records (Inadvertently deleted from 1978 PA Compilation of Systems)

REVISIONS

OFFICE OF THE SECRETARY (OS)

OS 011—Office of Domestic Finance, General Correspondence

OS 193—Employee Locator and Automated Directory Systems

OS 194—Document Delivery Control Systems

INTERNAL REVENUE SERVICE (IRS)

IRS 24.030—Individual Master File (IMF); Data Service

IRS 26.019—TDA (Taxpayer Delinquent Accounts)

IRS 26.020—TDI (Taxpayer Delinquency Investigation) Files, CP:C

IRS 42.008—Audit Information Management

IRS 44.003—Counsel/Appeals Tracking System

IRS 90.016—Reports and Information Retrieval Activity Computer Microfilm Records

TABLE OF CONTENTS

OFFICE OF THE SECRETARY (OS)

OS 002—Treasury Payroll/Personnel Information System

OS 004—Personnel Security System

OS 005—Grievance Records

OS 010—Office of Domestic Finance, Actuarial Valuation System

OS 011—Office of Domestic Finance, General Correspondence

OS 032—OASIA Correspondence Files

OS 040—Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary.

OS 041—Management Analysis Division (MAD) Personnel Working Files.

OS 052—Travel Records.

OS 053—Treasury Emergency Preparedness Information Program.

OS 060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction.
OS 061—Employee Grade Complaint File.
OS 062—Executive Inventory File.
OS 065—Appointment at Above the Minimum Rate of the Grade File.
OS 066—Combined Applicant/Applicant Correspondence File.
OS 067—Detailed Employee Files.
OS 068—Written Amendment Exception Files.
OS 070—Office of Computer Science, Work Assignment and Control Form.
OS 075—Legislative Affairs Vote Tracking System
OS 081—Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (RESI).
OS 082—EEO Complaint Processing System.
OS 083—Spanish Speaking Informal Application File (S.F. 171).
OS 090—EOTA FOI Request/Appeals Files
OS 101—International Criminal Police Organizations (INTERPOL) Criminal Investigative Records
OS 102—Treasury Enforcement Communications System (TECS)
OS 110—Foreign Assets Control Administrative Records.
OS 111—FAC 1950 Census of Blocked Chinese Assets
OS 112—FAC 1970 Census of Blocked Chinese Assets
OS 113—FAC 1964 Census of Blocked Cuban Assets
OS 114—Foreign Assets Control Enforcement Records
OS 115—Foreign Assets Control General Correspondence Files
OS 116—Foreign Assets Control Litigation Files
OS 117—Foreign Assets Control Mailing List
OS 118—Foreign Assets Control Licensing Records
OS 123—ORS Contractors File
OS 128—ORS Personnel Records
OS 140—Annual Performance Rating and Annual Performance Analysis.
OS 141—Attorney Books.
OS 142—Attorneys Past and Present
OS 144—Civil Litigation Records
OS 145—Claimants, Disbursing
OS 146—Employee Inventions.
OS 147—Employee Promotion Information.
OS 148—Employment Applications.
OS 149—Foreign Assets Control Legal Files
OS 150—Disclosure Records
OS 151—Gifts to the United States
OS 152—General Counsel Personnel Files.
OS 153—Personnel: General Counsels, Deputy General Counsels, and Assistant Generals Counsels.
OS 154—Private Relief Bill System
OS 156—Tax Court Judge Applicants
OS 157—Employee Records Cards
OS 160—Abandoned Enrollment Applications
OS 161—Applicant Appeal Files
OS 162—Closed Files Containing Derogatory Information About Individuals' Practice Before the Internal Revenue Service and Files of Attorneys and Certified Public Accountants Formerly Enrolled to Practice
OS 163—Derogatory Information (No Action)
OS 164—Present Suspensions and Disbarments Resulting from Administrative Proceedings
OS 165—General Correspondence File
OS 166—Inventory
OS 167—Register of Docketed Cases and Applicant Appeals
OS 168—Resigned Enrolled Agents (Action pursuant to 31 CFR, Section 10.55(b))
OS 169—Roster of Former Enrollees
OS 170—Present Suspensions from Practice Before the Internal Revenue Service
OS 182—Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy
OS 183—Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy
OS 190—General Allegations and Investigative Records System
OS 191—Buildings Management Employee Folder.
OS 193—Employee Locator and Automated Directory System
OS 194—Document Delivery Control Systems
OS 240—Contracts and Research Proposals.
OS 243—Personnel: Personnel; Recruitment. Personnel; Evaluations
OS 244—Personnel Files.
OS 300—Personnel Files.
OS 400—Merit System Complaints.
OS 503—Roster of Office of the Secretary Employees.
OS 504—Summer Employees Listing.
OS 505—Upward Mobility Program; Counseling Application.

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

GFO 001—Administrative Records
GFO 002—Payment Issue Records for Regular Recurring Benefit Payments
GFO 003—Claims & Inquiry Records on Treasury Checks U.S. Currencies and International Claimants
GFO 004—Freedom of Information Requests
GFO 005—GFO Personnel Records
GFO 006—Identification Files on Individual Cashing Treasury Checks
GFO 007—Payroll & Pay Administration
GFO 008—Personnel Security Records
GFO 009—Postal Savings Deposits
GFO 010—Records of Accountable Officers' Authority with Treasury
GFO 011—Individual Retirement Cards
GFO 012—Precomplaint Counseling and Complaint Activities

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

ATF 001—Administration Record System
ATF 002—Correspondence Record System
ATF 003—Criminal Investigation Report System
ATF 004—Fiscal Record System
ATF 005—Freedom of Information Requests
ATF 006—Internal Security Record System
ATF 007—Personnel Record System
ATF 008—Regulatory Enforcement Record System
ATF 009—Technical and Scientific Services Record System

CUSTOMS SERVICE

CS 001—Acceptable Level of Competence, Negative Determination
CS 002—Accident Reports
CS 005—Accounts Receivable Correspondence and Follow-Up
CS 009—Acting Customs Inspector (Excepted)
CS 014—Advice Requests (Legal) (Region VIII)
CS 016—Aircraft Ownership File
CS 017—Aircraft Registers
CS 021—Arrest/Seizure/Search Report and Notice of Penalty File
CS 022—Attorney Case File
CS 028—Baggage Declaration
CS 030—Bankrupt Parties-In-Interest
CS 031—Bills Issued Files
CS 032—Biographical Files (Headquarters)
CS 037—Cargo Security File
CS 039—Carrier File
CS 040—Carrier File
CS 041—Cartmen or Lightermen
CS 042—Case and Complaint File
CS 043—Case Files (Regional Counsel-Region V)
CS 044—Certificates of Clearance
CS 045—Claims Act File
CS 046—Claims Case File
CS 047—Claims Files (Region VIII)
CS 048—Claims for Automobile Accidents
CS 049—Claims (Receivable and Payable)
CS 050—Community Leader Survey
CS 051—Complaints Against Customs Personnel.
CS 053—Confidential Source Identification File
CS 054—Confidential Statements, Employment/Financial Interests
CS 055—Congressional and Employment Correspondence
CS 056—Congressional and Public Correspondence File
CS 057—Container Station Operator Files
CS 058—Cooperating Individual Files
CS 060—Counseling Reports
CS 061—Court Case File
CS 064—Credit Card File
CS 067—Currency and Monetary Instrument Reporting System
CS 069—Customhouse Brokers File, Chief Counsel
CS 070—Customhouse Brokers Headquarters Records
CS 071—Customhouse Brokers Records
CS 077—Disciplinary Action/Resulting Grievance or Appeal File
CS 078—Disclosure of Information File
CS 081—Dock Passes
CS 277—Drivers License File
CS 083—Employee Relations Case Files
CS 089—Equal Opportunity Discrimination Complaint Case File
CS 088—Equal Opportunity Complaint Processing Records System
CS 090—Equipment Record File
CS 092—Exit Interview

CS 093—Federal-NYS Licenses for Commercial Importation of Alcoholic Beverages
CS 096—Fines, Penalties and Forfeiture Control/Info Retrieval System
CS 098—Fines, Penalties and Forfeitures Records
CS 099—Fines, Penalties, and Forfeiture Files (Supp. Petitions)
CS 100—Fines, Penalties and Forfeiture Records (HQ)
CS 102—Firearms Qualification Certificate Records
CS 103—Firearms Qualification Records
CS 105—Former Employees
CS 109—Handicapped Employee File
CS 111—I.D. Cards
CS 112—Immediate Delivery Violation Record
CS 265—Importer Name and Address Record System
CS 113—Import Specialist Activities—Investigation Referrals
CS 114—Import Specialist Activities—Laboratory Samples
CS 115—Import Specialist Activities Seminars
CS 116—Import Specialist Activities—220 Visits, Region IX
CS 122—Information Received File
CS 123—Injury Notice
CS 124—Inspector Training Quarterly Checklist and Correspondence Course Enrollment Forms
CS 125—Intelligence Log
CS 127—Internal Security Records System
CS 128—Investigations Program Analysis
CS 129—Investigations Record System
CS 130—Investigative Program Analysis
CS 133—Justice Department Case File
CS 135—Legal Case Inventory System
CS 136—Liquidated Damage Cases; Prior Violators
CS 137—List of Vessel Agents Employees
CS 138—Litigation Issue Files
CS 140—Lookout Notice
CS 142—Mail Entry Protest
CS 143—Mail Protest
CS 144—Mail Protest File
CS 148—Military Personnel and Civilian Employees' Claims Act File
CS 151—Motor Vehicle Accident Reports
CS 152—Motor Vehicle Operator's Identification Card
CS 153—Motor Vehicle Operators I.D. Card and Record
CS 155—Narcotics Suspect File
CS 156—Narcotics Violator File
CS 159—Notification of Personnel Management Division when an Employee is placed under investigation by the Office of Internal Affairs
CS 160—Operations Officer's (classification and Value) Work Accomplishments
CS 161—Optional Retirement List
CS 162—Organization (Customs) and Automated Position Management System (COAPMS)
CS 163—Outside Employment Requests
CS 164—Overtime Earnings
CS 165—Overtime Earnings
CS 166—Overtime Earnings Daily Log Book
CS 167—Overtime Earnings Record—Custom Warehouse Officers
CS 169—Overtime Log
CS 170—Overtime Reports
CS 171—Parking Permit File
CS 172—Parking Permits File (N.Y. Region)
CS 175—Patrol Division Daily Activity Report
CS 180—Payroll Record of Empl not Covered by Aut. System
CS 182—Penalty Case File
CS 186—Personal Search—Negative (District Patrol, New Orleans and Mobile)
CS 187—Personal Search File
CS 188—Personal Search Report
CS 190—Personnel Case File
CS 193—Operating Personnel Folder Files
CS 194—Personnel/Payroll System
CS 196—Preclearance Costs
CS 197—Private Aircraft/Vessel Inspection Reporting System
CS 201—Property File—Non-Expendable
CS 206—Regulatory Audits of Customhouse Brokers
CS 207—Reimbursable Assignment System
CS 208—Restoration of Forfeited Annual Leave Cases
CS 209—Resumes of Professional Artists
CS 210—Revocation of I. D. Privileges and Cash Basis Only for Reimbursable Services List.
CS 211—Sanction List
CS 212—Search/Arrest/Seizure Report
CS 214—Seizure File
CS 215—Seizure Report File
CS 217—Set Off Files
CS 219—Skills Inventory Records
CS 220—Supervisory Notes and SF-7B Files
CS 221—Suspect File
CS 224—Suspect Persons Index
CS 226—Television System
CS 227—Temporary Importation Under Bond (TIB) Defaulter Control System
CS 228—Temporary Importation Violation Record
CS 232—Tort Claims Act File
CS 234—Tort Claims Act File
CS 238—Training and Career Individual Development Plans
CS 239—Training Records
CS 240—Travel Advances
CS 241—Travel Advances
CS 242—Travel Advance File
CS 243—Travel Payment System
CS 244—Treasury Enforcement Communications System
CS 245—Treasury Enforcement Communications System-Card File
CS 249—Uniform Allowance—Unit Record
CS 251—Unscheduled Overtime Report
CS 252—Valuables Shipped Under Gov't Losses in Shipment Act
CS 253—Vehicle Microfiche Files
CS 257—Violators Card File
CS 258—Violator's Case Files
CS 260—Warehouse Proprietor Files
CS 262—Warnings to Importers in Lieu of Penalty
CS 266—Collection File
CS 268—Military Personnel and Civilian Employees' Claims Act File
CS 269—Accounts Payable Voucher File
CS 270—Background-Record File on Non-Customs Employees
CS 273—Employee Debts
CS 274—Importers, Brokers, Carriers, Individuals and Sureties Master File
CS 271—Cargo Security Record System
CS 272—Currency Declaration File (IRS Form 4790)
CS 276—Equal Opportunity Informal Discrimination Complaint Files
CS 277—Drivers License File
CS 278—Early Implementation System (EIS)
CS 284—Personnel Verification System
CS 285—Automated Index to Central Enforcement Files

BUREAU OF ENGRAVING AND PRINTING

BEP 002—Civilian Employee Claim File
BEP 003—Continuation of Pay Record
BEP 004—Counseling Records
BEP 005—Compensation Claims
BEP 006—Debt Files (Employees)
BEP 008—Emergency Contact Records
BEP 009—Employee Arrest Record
BEP 012—Employee Index File
BEP 013—Employee Locator Record
BEP 014—Employees Production Record
BEP 016—Employee Suggestions
BEP 018—Guard Uniform Control Account
BEP 019—Identification Files
BEP 020—Industrial Truck Licensing Records
BEP 021—Investigative Files
BEP 022—Monthly Equal Employment Opportunity Activity Report
BEP 023—Motor Vehicle Licensing Records
BEP 024—Payroll Records
BEP 025—Payroll Statistical Data
BEP 027—Security Access Control System (SACS)
BEP 029—Petition of Elections
BEP 030—Project REST, Minority Statistics
BEP 031—Reemployment Information Record
BEP 032—Retention Register
BEP 033—Roster of BEP Employees
BEP 035—Tort Claims Against the US
BEP 036—Union Dues Allotments
BEP 037—Union Index
BEP 038—Unscheduled Absence Record
BEP 040—Freedom of Information Requests
BEP 041—Record of Discrimination Complaints
BEP 042—Informal EEO Complaint Processing Records
BEP 043—Parking Program Records
BEP 044—Personnel Security Files and Indices

BUREAU OF THE MINT

Mint 001—Application & Info Grant Plaza Parking
Mint 002—Applicants for Assay Commission
Mint 003—Cash Receivable Accounting Information System
Mint 004—Confidential Statements of Financial Interest
Mint 005—Current Employee Security Identification
Mint 006—Employee & Former Employee Travel & Training Accounting Information System
Mint 007—Employee Former & Visitors Compensation Record
Mint 009—Employee Supervisor Performance, Evaluation, Counseling, and T & A
Mint 010—Examination Reports of Coins Forwarded to Mint from U.S. Secret Service
Mint 011—General Correspondence
Mint 012—Investigatory Files on Theft of Mint Property
Mint 013—Numismatic Coin Operations System
Mint 014—Purchases, Sales, Exchange and Assays of Precious Metal
Mint 015—Redemption of Uncurrent or Mutilated Coins
Mint 016—Grievances Union/Agency Negotiated
Mint 017—EEO Complaint Counseling Records

BUREAU OF THE PUBLIC DEBT

BPD 001—Personnel and Administrative Records
BPD 002—United States Savings Type Securities
BPD 003—US Securities (Other than Savings Type)

FEDERAL LAW ENFORCEMENT TRAINING CENTER

FLETC 001—FLETC Payroll System
FLETC 002—Trainee & Instructor Records
FLETC 003—FLETC Confidential Financial Records
FLETC 004—FLETC Employee Records

INTERNAL REVENUE SERVICE

IRS 10.001—Biographical Files, Public Affairs
IRS 10.004—Subject Files, Public Affairs
IRS 21.001—Tax Administration Advisory Resources File
IRS 22.003—Annual Listing of Undelivered Refund Checks
IRS 22.005—Audit Underreporter Case File
IRS 22.011—File Erroneous Refunds
IRS 22.012—Collection Case File
IRS 22.026—Form 1042S Index by Name of Recipient
IRS 22.027—Forms Filed by U.S. Citizens/Residents Relating to Foreign Companies
IRS 22.032—Individual Microfilm Retention Register
IRS 22.034—Individual Returns Files, Adjustments and Miscellaneous Documents File
IRS 22.036—Interest Equalization Tax Forms File
IRS 22.043—Potential Refund Litigation Case Files
IRS 22.044—P.O.W.-M.I.A. Reference File
IRS 22.054—Subsidiary Accounting Files
IRS 22.058—Tentative Carryback Allowance File
IRS 22.059—Unidentified Remittance File
IRS 22.060—Unit Ledger Cards
IRS 22.061—Wage and Information Returns Processing (IRP) File
IRS 24.013—Combined Account Number File
IRS 24.014—Discriminant Function File (DIF)
IRS 24.017—Employee Inquiry Look-Up for TDA Inquiries
IRS 24.029—Individual Account Number File (IANF)
IRS 24.030—Individual Master File (IMF)
IRS 24.046—Residual Master File (RMF)
IRS 24.057—Taxpayer Delinquent Investigation Notice File
IRS 26.001—Acquired Property Record
IRS 26.006—Form 2209 Courtesy Investigations
IRS 26.007—Form 2990—Miscellaneous Investigations
IRS 26.008—IRS and Treasury Employee Delinquency
IRS 26.009—Lien Files (Open and Closed)
IRS 26.010—Prospective Bidders at Sales of Seized Property
IRS 26.011—Litigation Case Files
IRS 26.012—Offer in Compromise (OIC) File
IRS 26.013—One Hundred Percent Penalty Cases
IRS 26.014—Record 21, Seizure and Sale of Real Property
IRS 26.016—Returns Compliance Program (RCP)
IRS 26.019—TDA (Taxpayer Delinquent Accounts)
IRS 26.020—TDI (Taxpayer Delinquency Investigations)
IRS 26.021—Transferee Files
IRS 26.022—Delinquency Prevention Programs.
IRS 30.003—Requests for Printed Tax Materials Including Lists
IRS 30.004—Security Violations
IRS 32.001—Travel Expense Record
IRS 32.003—Schedules of Collections and Canceled Checks
IRS 32.004—Scholarship Program Cost Record
IRS 34.003—Employee Accountability for Personal Property and Miscellaneous Items
IRS 34.005—Parking Space Application and Assignment
IRS 34.007—Record of Gov. Stocks of Transportation Requests
IRS 34.009—Accident Reporting Files System
IRS 34.012—Emergency Preparedness Cadre Assign/Alert Rosters
IRS 34.013—Identification Media Files System for Employees and others issued IRS ID
IRS 34.014—Motor Vehicle Regis. and Entry Pass File
IRS 34.016—Security Clearance Files System
IRS 34.018—Integrated Data Retrieval System (IDRS) Security Files
IRS 36.001—Appeals, Grievances & Complaints Records
IRS 36.002—Employee Activity Records
IRS 36.003—General Personnel Records
IRS 36.005—Medical Records
IRS 36.008—Recruiting, Examining and Placement Records
IRS 36.009—Retirement Life Ins. and Health Benefits Records System
IRS 38.001—General Training Records
IRS 42.001—Examination Administrative File
IRS 42.008—Audit Infor. Management System (AIMS)
IRS 42.012—Tax Shelter Program Files
IRS 42.013—Project Files for the Uniform Application of Laws re: tech. determinations/court decisions
IRS 42.014—IRS Employees Returns Control Files
IRS 42.016—Classification & Examination Selection Files
IRS 42.017—International Enforcement Program Files
IRS 42.018—Married Taxpayers Filing Separately and Multiple Files
IRS 42.021—Compliance Programs and Projects Files
IRS 42.023—Request & Submittal File for Tech. Advice, Assistance, Determination or Coordination
IRS 42.025—Appraisal and Valuation Files
IRS 42.027—Data on Foreign Corporations
IRS 44.001—Appeals Case Files
IRS 44.003—Appeals Case Data
IRS 46.002—Case Management and Time Reporting System, Criminal Investigation
IRS 46.003—Confidential Informants
IRS 46.004—Controlled Accts.—Open & Closed
IRS 46.005—Electronic Surveillance File
IRS 46.009—Information Items
IRS 46.011—Land Trust Files
IRS 46.015—Relocated Witnesses
IRS 46.016—Secret Service Details
IRS 46.022—Treasury Enforcement Communications Sys: (TECS)
IRS 48.001—Disclosure Records
IRS 48.007—Economic Stabilization Program Files
IRS 48.008—Defunct Special Service Staff File
IRS 49.001—Collateral and Information Requests Sys.
IRS 49.002—Collateral Files, Competent Authority and Index Card Retrieval System
IRS 49.003—Financial Statements File
IRS 49.007—Overseas Compliance Projects System
IRS 49.008—Taxpayer Service Correspondence System
IRS—50.001—Employee Plans/Exempt Organizations Correspondence Control Record
IRS 50.002—Employee Plan/Exempt Organizations, Determination Letter Records
IRS 50.003—Employee Plan/Exempt Organizations Reports of Significant Matters in Technical (M-5945)
IRS 60.001—Assault and Threat Investigation Files.
IRS 60.002—Bribery Investigation Files
IRS 60.003—Conduct Investigation Files
IRS 60.004—Disclosure Investigation Files
IRS 60.005—Enrollee Applicant Investigation Files
IRS 60.006—Enrollee Charge Investigation Files
IRS 60.007—Miscellaneous Infor. File
IRS 60.008—Security, Background, and Character Investigation File
IRS 60.009—Special Inquiry (Complaint) Investigation Files
IRS 60.010—Tort Investigation Files
IRS 70.001—Individual Income Tax Returns, Statistics of Income
IRS 80.001—Artist File, Assistant Commissioner
IRS 80.002—Expert Witness and Fee Appraiser Files
IRS 80.003—Correspondence Control and Records
IRS 80.004—Reference Index Digest Cards
IRS 80.005—Reports of Significant Matters (Form M-5945)
IRS 90.001—Chief Counsel Criminal Tax Case Files
IRS 90.002—Chief Counsel Disclosure Litigation Div. Case Files
IRS 90.003—Chief Counsel General Admin. Systems

IRS 90.004—Chief Counsel General Legal Services Case Files
IRS 90.005—Chief Counsel General Litigation Case Files
IRS 90.006—Chief Counsel Interpretative Division Case Files
IRS 90.007—Chief Counsel Leg. & Regs. Div. Corresp. & Private Bill Files
IRS 90.009—Chief Counsel Tax Litigation Case Files
IRS 90.010—Digest Room Files Containing Briefs & Digests of Docs.
IRS 90.011—Employee Recruiting Files, Admin. Ser. Div.
IRS 90.012—Internal Control Records for Chief Counsel Legal Files
IRS 90.013—Legal Case Files of the Chief Counsel, Deputy Chief Counsel/Staffs
IRS 90.014—Management Files other than OPM, OPF
IRS 90.015—Reference Records of the Library, Chief Counsel
IRS 90.016—Reports and Infor. Retrieval Activity, Chief Counsel
IRS 00.002—Corresp. Files and Corresp. Control Files (including inquiries about Enforcement Activities)

SECRET SERVICE

USSS 001—Administrative Operations Information System
USSS 002—Treasury/USSS Criminal Investigation Information System
USSS 003—Treas/USSS Financial Mgt Information System
USSS 004—Freedom of Information Request System
USSS 005—Treasury USSS Legal Counsel Record System
USSS 006—Non-Criminal Investigation Information System
USSS 007—Protection Information System
USSS 008—Public Affairs Record System
USSS 009—Training Information System

COMPTROLLER OF THE CURRENCY

CC 004—Consumer Complaint Letter File
CC 010—FBI Report Card Index
CC 012—Freedom of Information Log
CC 013—Enforcement and Compliance Information System
CC 014—Investigation Files/Employee Reference File
CC 221—Professional Qualification Records for Municipal Securities Principles and Municipal Securities Representatives
CC 300—Administrative Personnel System
CC 310—Fiscal Personnel System
CC 320—General Personnel System

U.S. SAVINGS BOND DIVISION

USSBD 001—Savings Bonds Employee Records System
USSBD 002—SB Sales Promotion/Volunteer Record System
USSBD 003—Savings Bond Sales Record System

Systems Covered By This Notice

This notice covers all systems of records adopted up to the date of this publication

Treasury/OS 002

System name: Treasury Payroll/Personnel Information System—Treasury/OS.

System location: Main Treasury Building, Washington, DC 20220; Internal Revenue Service Data Center, Room 1100, Detroit, Michigan 48232; and U.S. Old Mint Data Center Division, 88 5th Street, San Francisco, California 94103.

Categories of individuals covered by the system: Personnel and payroll data on all Treasury Department employees.

Categories of records in the system: Year-to-date and historical data on all Treasury Department employees.

Authority for maintenance of the system: The Office of Personnel Management Manual, 50 U.S.C. App 1705-1707, 31 U.S.C. and departmental circulars 145 and 830. The Department of the Treasury, Fiscal Requirements Manual, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Treasury Payroll/Personnel Information System is used to furnish payroll and personnel data, information and statistics to the Office of Personnel Management and other requesting agencies. It is also used to generate the necessary payroll information, deductions and allotments to pay the employees on a biweekly basis and to furnish the necessary payroll information to concerned agencies required by law. The basic payroll and personnel master file provides input to management information systems, as well as related accounting and budget systems.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape and reports. Disbursement records are stored at the Federal Records Center.

Retrievability: Records are retrieved primarily by name (filed alphabetically), secondary identifier are used to assure accuracy (date of birth, social security number, or employee identification number).

Retention and disposal: The Treasury Payroll/Personnel Information System master file is kept on disc and mag tape. Information concerning the employee is retrievable through the use of the individual's name and/or social security number. Information is reduced to hard copy in the form of reports and payroll information and documentation. Information is retained in automated form as long as the employee is active on the System. Reports are distributed to users and the master file is purged of inactive records on a yearly basis.

System manager(s) and address: Assistant Secretary (Administration), Room 3424, Main Treasury Building, Washington, DC 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought, and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) Address inquiries to Chief, Disclosure Branch (See Access below)

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The information contained in these records were provided by or verified by the subject of the record, employers and co-workers.

Treasury/OS 004

System name: Personnel Security System.

System location: Main Treasury Building, Washington, DC 20220.

Categories of individuals covered by the system: Government employees (current or former) or applicants occupying or applying for sensitive positions in the Department of the Treasury.

Categories of records in the system: Full field or limited background investigations and FBI name checks; investigative information related to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments for the purpose of granting security clearances and making suitability determinations; TD Form 67-32.2 (Notice of Personnel Security Investigation) reflecting identification data on incumbent and record type of E.O. 10450 investigation and degree and date of clearance.

Authority for maintenance of the system: Executive Order 10450, sections 2 and 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Such information is made available to the appropriate employing officials who have a need to know, in order to make final determinations on hiring, continued employment or access to classified material. Files are also made available to official investigative or security personnel from other U.S. Government agencies, upon request, when the employee or former employee is being considered for employment by another agency for a sensitive position.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and index cards.

Retrievability: Records are retrieved by name.

Safeguards: Records are stored in locked metal containers, and in locked rooms. Records are limited to officials who have a need to know in the performance of their duties and who have been cleared by a full-field background investigation and have been granted appropriate security clearances.

Retention and disposal: Active files are retained during encumbent employee tenure and subject to update investigation. Files of employees who affect intra-agency transfers (to Treasury Bureaus) are automatically transferred to those Bureaus. If an employee transfers to another government agency or leaves the government, the files are retained, separate from the active files, for five years, except for background investigations completed by the OPM which are returned to that agency or returned to the Federal Records Center one year after the employee leaves Treasury. Cards are maintained indefinitely after being retired.

System manager(s) and address: Assistant Director of Personnel (Personnel Security) Room 1064, Main Treasury Building, Washington, DC 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a written, signed request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: The information contained in these records were provided by or verified by the subject of the record, employers and co-workers, neighbors, acquaintances, educational records and police and credit checks.

Systems exempted from certain provisions of the act: Exempt under 5 U.S.C. 552a Subsection (K) and 31 CFR 1.36.

Treasury/OS 00.005

System name: Grievance Records

System location: These records are located in personnel or designated offices in the bureaus in which the grievances were filed.

Categories of individuals covered by the system: Current or former Federal employees who have submitted grievances with their bureaus in accordance with part 771 of the Office of Personnel Management's (OPM) regulations (5 CFR 771), the Treasury Employee Grievance System (TPM Chapter 771), or a negotiated procedure.

Categories of records in the system: The system contains records relating to grievances filed by Treasury employees under part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that bureaus and/or the Department may establish through negotiations with recognized labor organizations.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302, E.O. 10577,3 CFR 1954-1958 Comp., p. 218. E.O. 10987, 3 CFR 1959-1963 Comp., p. 519, agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing in a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

g. By the bureau maintaining the records of the Department in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit System Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards: These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal: These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address: ATF

Chief, Personnel Division, 1200 Pennsylvania Avenue, NW., Room 2212, Washington, D.C. 20226.

BGFO

Personnel Officer, Pennsylvania Avenue & Madison Pl. NW., Room 112, Annex, Washington, D.C. 20226.

Customs

Director, Personnel Management Division, 1301 Constitution Avenue NW., Room 1316, Washington, D.C. 20229.

E&P

Chief, Office of Industrial Relations, 14th & C Streets SW., Room 717-A, E&P Annex, Washington, D.C. 20226.

FLETC

Personnel Officer, Building 94, Room 1F-14, Glynco, Georgia 31520.

IRS

Director, Personnel Division, 1111 Constitution Avenue NW., Room 3316, IRS Building, Washington, D.C. 20224.

OS

Assistant Director for Personnel Management, 15th & Pennsylvania Avenue NW., Room 1330, Main Treasury Building, Washington, D.C. 20220.

PD

Personnel Officer, 13th & C Streets SW., Room 226, E&P Annex, Washington, D.C. 20226.

SB

Personnel Officer, 1111 20th Street NW., Room 225, Vanguard Building, Washington, D.C. 20226

SS

Chief, Personnel Division, 1800 G Street NW., Room 941, Washington D.C. 20226.

Mint

Assistant Director for Personnel, 501 13th Street NW., Room 921, Warner Building, Washington, D.C. 20004.

OCC

Director, Human Resources, 490 L'Enfant Plaza East SW., 2nd Floor, Washington, D.C. 20219.

Notification procedure: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified.

a. Name.
b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Record access procedures: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the bureau personnel or designated office where the action was processed.

Individuals must provide the following information for their records to be located and identified.

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Contesting record procedures: Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the bureau personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Record source categories: Information in this system of records is provided.

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By agency officials.

d. From related correspondence from organizations or persons.

Treasury/OS 00.010

System name: Office of Domestic Finance, Actuarial Valuation System—Treasury/OS.

System location: Office of the Secretary of the Treasury, Office of Government Financing, Office of the Government Actuary, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Participants and beneficiaries of the following pension plans: District of Columbia: Teachers, Policemen, Firemen, Judges. U.S. Tax Court Judges, U.S. Foreign Service officers and staff personnel, U.S.I.A. officers and staff personnel, and Agency for International Development officers and staff personnel.

Categories of records in the system: Information in the system is as follows: Active Records: name; social security number; salary; category-grade; year of entry into system; service computation date; year of birth; year of resignation or year of death, & refund if any; indication of LWOP status (if any); Retired Records: same as actives; annuity; year of separation; cause of separation (optional, disability, deferred, etc.); years and months of service by type of service; single or married; spouse's year of birth; principal's year of death; number and ages of children on annuity roll; year of termination of survivors.

Authority for maintenance of the system: Statutes require the Secretary of the Treasury to certify the valuation of pension funds as follows: D.C. Teachers, 60 Stat. 881; D.C. Judges, 78 Stat. 1061; U.S. Tax Court Judges 26 U.S.C. 7448; U.S. Foreign Service officers and staff, USIA officers and staff, AID officers and staff 22 USC 1101. In addition, the House District Committee formally requested certification of the pension funds for D.C. police and firemen.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Government Actuary performs mathematical computations to assess expected income and outlays of pension funds listed in the "Category of Individual" section. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Data are on punched cards and computer print-outs. Individuals are listed alphabetically. Records are stored in the Actuary's office in the locked and guarded Treasury Building. The records are retained on a year-to-year basis. When agencies whose pension funds are valued forward new records for valuation, older records are discarded.

System manager(s) and address: The Government Actuary, Office of the Secretary of the Treasury, 15th and Pennsylvania Ave., N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Data for actuarial valuation are provided by organizations responsible for pension funds listed under "Category of Individual," namely the District of Columbia Government, the U.S. Tax court, the U.S. Foreign Service and the U.S. Information Agency.

Treasury/OS 00.011

System name: Office of Domestic Finance, General Correspondence—Treasury/OS.

System location: Records are stored in the Administrative Office, Domestic Finance Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. A card file with each writer's name, address and subject of inquiry is maintained as a quick reference in the Administrative Office, Office of Domestic Finance.

Categories of individuals covered by the system: General public, other executive agencies and the Congress.

Categories of records in the system: Control logs on letters from the general public, other executive agencies and the Congress regarding the national debt, the economy and monetary and fiscal policy, debt, management, market analysis and agency finance, capital markets policy, State and local finance, Government financing and revenue sharing.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Previous correspondence with the same writer is reviewed to enable us to provide complete, nonrepetitive replies to current inquiries. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage: Locator file system stored in small desk top file box. The files are stored in a locked file cabinet in the Administrative Office.

Retrievability: Files are indexed by name of correspondent, subject, and an interoffice correspondence code.

Safeguards: Files are locked during non-business hours and are stored in a physically secured building.

Retention and Disposal: Correspondence is retained for one year, at which time it is destroyed.

System manager(s) and address: Administrative Officer for the Office of the Assistant Secretary (Domestic Finance) Room 1204, Main Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Letters are from the general public, other executive agencies and the Congress. They come directly to the Treasury or are referred to the Treasury by the White House, Congressional offices, or other executive agencies.

Treasury/OS 00.032

System name: OASIA Correspondence Files—Treasury/OS.

System location: (1) Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220. (2) Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

Categories of individuals covered by the system: (a) U.S. Foreign Service Officials (b) Officials of Municipalities and State Governments (c) Members of Congress and (d) the General Public.

Categories of records in the system: Incoming request for information concerning international financial, economic, and monetary matters, and reply to same by individuals in the Office of the Assistant Secretary for International Affairs, Department of the Treasury.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. Routine correspondence file is maintained to provide record of response to initial inquiry in the event of future correspondence. (b) Category of Users. Officials of the Department to respond to queries. (c) Purpose. Respond to inquiries. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carbon (file) copy attached to incoming letter maintained in File Folders. Identification of individuals maintained on alphabetical 3 x 5 card.

Retrievability: Retrieval controlled by card systems. Card, filed by name, shows folder identification in which correspondence is held.

Safeguards: Maintained in electronically secured area and vaults. Disclosure limited to official personnel of the Department.

Retention and disposal: Correspondence containing no substantive information of permanent value is called for destruction 3 years after the close of the calendar year in which the records were created. Destruction accomplished by burning. Substantive correspondence retained indefinitely.

System manager(s) and address: Acting Director, OAISIA Secretariat, Department of the Treasury, Room 5422, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access Below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access Above.

Record source categories: See categories of individuals and related responses from Treasury officials.

Treasury/OS 60.040

System name: Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary—Treasury/OS.

System location: Room 1064, Main Treasury Building, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Statements are required from all Treasury employees under the categories listed under Section 0.735-70, Department of the Treasury Minimum Standards of Conduct as reprinted from the Federal Registers, December 16, 1970, as amended.

Categories of records in the system: TDF 62-93.6 (Confidential Statement of Employment and Financial Interests) and TDF 62-935 (Statement of Employment and Financial Interests—For Special Government Employees) prepared by the incumbent or potential incumbent as prescribed.

Authority for maintenance of the system: In conformance with Sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, OS:PD and Title 5, Chapter I, Part 735, of the Code of Federal Regulations as published in the Department of the Treasury Minimum Standards of Conduct reprinted from the Federal Registers dated December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Statements are prepared by employees or applicants and are submitted through the Personnel Office to the agency reviewing officer. If there are no indications that a conflict of interest condition exists, the reviewing official signs and dates the form and returns it to the Personnel Office for submission to the Office of the Assistant Director of Personnel (Personnel Security) for retention. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: To meet the requirements of confidentiality set forth in Subchapter 4-10, Part 735, Federal Personnel Manual, each Statement of Employment and Financial Interests is filed alphabetically in three-ring binders which in turn are filed in metal containers designed for the storage of classified information and secured by government-approved three-position, combination locks.

Retrievability: Since these statements are filed alphabetically in three-ring binders, they are retrieved accordingly.

Safeguards: In addition to being stored in a secure, metal container with government-approved, combination locks, the metal container is situated in a room which, during normal work hours, is under the supervision of authorized employees, and during nonwork hours is locked. The files are in the custody of security specialists for secure storage and access is made only to personnel and administrative officials in the performance of their official functions or to the incumbents who executed the statements.

Retention and disposal: Statements of active employees are retained during incumbent employment tenure and subject to annual update as required by law. Records of personnel who depart are retired and maintained for two years, then destroyed as required by Item 26, Appendix B, General Records Schedule, Title 3.

System manager(s) and address: Assistant Director of Personnel (Personnel Security) Office of the Secretary, Department of the Treasury, Room 1064, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager Above

Record access procedures: See System Manager Above

Contesting record procedures: See System Manager above.

Record source categories: The information contained in these records is provided by the employee or applicant pursuant to the authority reflected above.

Treasury/OS 0.041

System name: Management Analysis Personnel Working Files—TreasuryOMO.

System location: Office of Management and Organization, (Management Analysis), Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: All prospective and current employees in Management Analysis.

Categories of records in the system: Standard Forms: 52 (Personnel Action), 171 (Employment Application), 1012 (Travel Voucher), 1038 (Travel Advance). Office of the Secretary Forms: 3015 (Travel Authorization), 3016 (Training Authorization). Personnal Data Summary Sheet, Summary of Employee Training, Letters of Appreciation, Position Descriptions.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by the Assistant Director (Management Analysis) for planning and managing staff development; by his secretary; and by individual employee, as reference files to obtain information stated under CATEGORY OF RECORD. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Alphabetical order by employee's last name.

Safeguards: All material is unclassified, kept in a secured file cabinet.

Retention and disposal: Records are maintained as long as person is employed in Management Analysis. Upon resignation, records are given to employee or discarded. Prospective employee files are held for twelve months then discarded.

System manager(s) and address: Assistant Director, (Management Analysis), Department of the Treasury, Room 4418, 1500 Pennsylvania Avenue, NW, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: Employees have free access to their individual files. Inquiries should be written addressed to the System Manager.

Contesting record procedures: See System Manager above.

Record source categories: Copies of official forms; data prepared by each individual employee; and material from any official who deems it appropriate to submit a letter of appreciation for services rendered by employee.

Treasury/OS 00.052

System name: Travel Records—Treasury/OS.

System location: Treas. Dept. Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Ave., NW, Washington, D.C. 20220.

Categories of individuals covered by the system: All individuals authorized to perform travel for the Office of the Secretary.

Categories of records in the system: Form OS-3015, Authorization to Perform Travel, with the SF 1012, Travel Voucher, which details travel performed and expenses incurred with necessary receipts to support the claim for reimbursement to the traveler. SF 1038. Request for Advance of Funds.

Authority for maintenance of the system: 5 USC 5701-5709.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The supporting documentation for entering a charge against, and disbursing funds from, the appropriation for salaries and expenses, Office of the Secretary of the Treasury and for the Exchange Stabilization Fund. For additional uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original document forms in file cabinet.

Retrievability: Filed by name on a fiscal year basis.

Safeguards: Non-sensitive material handled routinely in regular file cabinet.

Retention and disposal: Presently retained for ten years then burned or shredded.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Facts and figures are presented by the individual related to authorized travel.

Treasury/OS 00.053

System name: Treasury Emergency Preparedness Information Program—Treasury/OS.

System location: Preparedness and Physical Security Division (PPSD), Room 732 Washington Building, 1435 G Street, NW., c/o Main Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Treasury Emergency Executive Team Members (Teams Alpha, Bravo and Charlie), (2) Key Treasury Personnel.

Categories of records in the system: (1) Emergency Executive Team Member Lists (by Office of the Secretary and by Treasury Bureau listing); Name, Position Title, Office/Agency. (2) Key Treasury Personnel Alert Notification Lists; Name, Telephone Numbers (Office and Home), Office/Agency. (3) Information by individual application for Permanent Badge for FPA Special Facility; Name, Date of Birth, Physical Identification.

Authority for maintenance of the system: Treasury Emergency Planning Circular (EPC) No. 2 (Rev.) March 14, 1973; Office of Emergency Preparedness (OEP) Circular 9100.2, April 12, 1972; Executive Order 11490; Request for Permanent Badge for FPA Special Facility, General Services Administration (GSA) Form 9033 (Rev.) August 1975. Federal Preparedness Agency (WVOO) Order 604.1 dated August 15, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Emergency Executive Team Lists: Assigns key Treasury personnel (who are essential to the performance of essential emergency functions) to Teams Alpha, Bravo and Charlie. See EPC No. 2. Forms the basis for issuance of FPA Special Facility Badges. Forms the basis for the personnel on the Alert Notification Lists who are to be notified during an emergency situation and when Civil Readiness Levels are established or changed. See Department of the Treasury Directives Manual, Chapter 10-05. (2) Key Treasury Personnel Alert Notification Lists: Used by Treasury Telecommunications Center personnel and Emergency Planning officials in alerting key Treasury personnel and Emergency Executive Team Members during an emergency and the setting of Civil Readiness Levels. (3) FPA Special Facility Badge: Permits admission to Federal Preparedness Agency (FPA/GSA Special Facility, which is the emergency operating facility to which Team Bravo members are assigned. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic tapes, punch cards and reports. Emergency Executive Team Lists and Alert Notification Lists: Master copies maintained in P&PSD office. Copies are prepositioned within the Office of the Secretary, Telecommunications Center, Treasury Emergency Operating Facilities (TARS and FPA/GSA/SF). (2) Request for permanent badge for FPA Special Facility: original filed within Federal Preparedness Agency (FPA/GSA). Copy filed in P&PSD office.

Retrievability: All mentioned records are indexed by name.

Safeguards: Treasury Master Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

Retention and disposal: (1) Emergency Executive Team Member List, and (2) Key Treasury Personnel Alert Notification Lists are updated upon resignation, retirement or transfer of assigned employee. Obsolete, lists are destroyed by shredding or erasure. (3) Badges are retrieved and returned to FPA for accountability and destruction when employee no longer has official need for pass.

System manager(s) and address: Director, Preparedness and Physical Security Division, Room 732 Washington Building, 1435 G Street, NW., c/o Main Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought, and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The information in these records was provided by or verified by the subject of the record, employers, coworkers.

Treasury/OS 00.060

System name: Correspondence files and records on employee complaints and/or dissatisfaction—Treasury/OS.

System location: Office of Personnel, Room 2425, Main Treasury Bldg., Washington, D.C. 20220.

Categories of individuals covered by the system: Former or current Department employees.

Categories of records in the system: Correspondence dealing with employee complaints.

Authority for maintenance of the system: Departmental discretion on maintenance of correspondence files. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference purposes: evaluation of personnel management; responding to inquiries from Congressmen, the White House, and other government officials. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, file cabinets.

Retrievability: By employee name.

Safeguards: Filed in filing cabinet and released only to individuals with a legitimate right to review.

Retention and disposal: Records are maintained and disposed of in accordance with Treasury Department's Records Retention and Disposal Schedule for Administrative correspondence.

System manager(s) and address: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel, Employee Relations and Services, Department of the Treasury, Room 2425, Main Treasury Building, Washington, D.C. 20220.

Record access procedures: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

Treasury/OS 00.061

System name: Employee Grade Complaint file—Treasury/OS.

System location: Office of Personnel, 15th & Pennsylvania Avenue, N.W., Washington, D.C., Room 2426.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Category IV (memorandums and letters about individuals involved in any kind of case action).

Authority for maintenance of the system: Title V grants agencies authority to adjudicate classification and pay appeals. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in comparing similar case appeals in connection with the job, not specifically in reference to the employee. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By bureau and alphabetically by name of individuals.

Safeguards: File in file cabinets and released only to individuals with a legitimate right to review.

Retention and disposal: Policy is to destroy after 3 years of completion of appeal cases.

System manager(s) and address: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Memos to and from appellant, including bureau, Treasury and Civil Service Commission memorandums and letters on the subject.

Treasury/OS 00.062

System name: Executive Inventory Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: All GS and GG-15, 16, 17, 18 employees of the Department of the Treasury.

Categories of records in the system: A brief description of identifying biographical data, work experience, education, professional activities, honors, special qualifications and references.

Authority for maintenance of the system: Executive Order 11315 which authorized the Executive Assignment System and subsequent Civil Service Commission procedures and regulations which established the Executive Inventory Files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used in making personnel decisions and in processing personnel actions on executives in the Department of the Treasury. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: The records are kept by organizational units and position grade level in alphabetical order.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: The records are kept as long as the employee is assigned to a GS or GG-15, 16, 17, or 18 position, except for employees who retire. The records on retirees are kept for approximately one year from their date of retirement. The records are burned when we dispose of them.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual needs to provide his name, present organizational assignment, position title and grade.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The SF-161 and SF-161-A are provided by the employees or their servicing personnel offices.

Treasury/OS 00.065

System name: Appointment at Above the Minimum Rate of the Grade Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons proposed for employment by the Department of the Treasury at a salary rate above the minimum rate of the grade and for which approval is sought by Treasury from the U.S. Civil Service Commission.

Categories of records in the system: A collection of documents required for requesting approval by the U.S. Civil Service Commission of appointments at a salary rate above the minimum rate of the grade, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and in some instances, Request for Personnel Action (SF-52); Certification Form (SF-39); letters of justification; and general correspondence requesting approval of the action.

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of appointments at above the minimum rate of the grade by the U.S. Civil Service Commission. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as requests for approval are acted upon by the U.S. Civil Service Commission.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested by the Department of the Treasury.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Systems exempted from certain provisions of the act: See Access above.

Purpose(s): The documents which constitute this system, and which are listed under Category of Record, came from the individual applicant, his servicing personnel office, the U.S. Civil Service Commission, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.066

System name: Combined Applicant/Applicant Correspondence File—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

Categories of records in the system: Standard Applications for Federal Employment (SF-171).

Resumes providing a reflection of such personal or job related experience as the writer elected to furnish.

Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

Authority for maintenance of the system: Most material is not solicited, though on occasion applications are sought for specific positions.

The material, generally, is related to Treasury's personnel operations carried out under various provisions of Title 5, U.S. Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment inquiries received from applicants are routed to specific bureau personnel offices (if requested) or to all bureau personnel offices (if not specified). Should bureaus have vacancies for which outside applications are being accepted, they will be included for referral. Applicants are advised that we have referred their applications. Occasionally, applications are solicited from the general public for hard-to-fill jobs. When solicited, applicants are advised to apply directly to the bureau having the vacancy if they desire consideration. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: Records are maintained in a manual filing system, indexed alphabetically and retrievable by name of applicant. In addition, a written log is maintained on all applications circulated to bureau personnel offices. The log gives name of applicant, date received, and date circulated.

Safeguards: Physical security is provided by storage in file cabinets. Only authorized personnel officials have access to the files maintained in Room 2412. These files are not available to the general public or to persons outside the personnel office who have no "need to know."

Retention and disposal: Files are maintained for a period of two years at the end of which time they are burned.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. Since the system is filed alphabetically, only the applicant's name is required.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Applications (SF-171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

Treasury/OS 00.067

System name: Detailed Employee Files—Treasury/OS

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Department of the Treasury employees whose detail to other organizations and/or positions requires approval at the Departmental level.

Categories of records in the system: Correspondence requesting approval of details and Request for Personnel Action (SF-52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement, (SF-171), and attachments, Position Description (OF-8), and Request for Approval of Non-Competitive Action (SF-59).

Authority for maintenance of the system: The authority which authorizes the solicitations of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of details of employees requiring approval at the Departmental level. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as details are approved.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the detail requested requiring approval at the Departmental level.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.068

System name: Whitten Amendment Exception Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons employed by, or proposed for employment by, the Department of the Treasury and in whose behalf an exception to the Whitten Amendment is sought by Treasury.

Categories of records in the system: A collection of documents required for requesting approval by the U.S. Civil Service Commission of exceptions to the Whitten Amendment, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and, in some instances, Request for Personnel Action (SF-52); letters of justification; and general correspondence requesting approval of the exception.

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of exceptions to the Whitten Amendment by the U.S. Civil Service Commission. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinet in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as requests for exceptions are acted upon by the U.S. Civil Service Commission.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the Whitten Amendment exception requested by the Department of the Treasury.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.070

System name: Office of Computer Science, Work Assignment and Control Form—Treasury/OS.

System location: 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Categories of individuals covered by the system: All personnel in Office of Computer Science.

Categories of records in the system: List of projects and time spent on each project. List of projected project milestone dates and actual dates completed.

Authority for maintenance of the system: Implied authoritiy of manager to maintain records of staff assignments and workload. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assignment of work to individuals. (2) Record of manpower resources spent for each customer organization. (3) Performance evaluation. (4) Historical records used as examples for budget preparation. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, mag. tape files.

Retrievability: Indexed by name.

Safeguards: Under supervision of responsible manager during working hours. Room locked at other times.

Retention and disposal: Retained one year, then erased or discarded.

System manager(s) and address: Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Notification procedure: Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220. Identifying information—name.

Record access procedures: Written request, to: Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Forms filled out by staff members.

Treasury/OS 00.075

System name: Legislative Affairs Vote Tracking System.

System location: U.S. Treasury Department, Office of the Assistant Secretary (Legislative Affairs), 15th & Pennsylvania Ave. NW., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of the United States Senate and House of Representatives.

Categories of records in the system: Party, State and district of each Congressional Member, voting records on key Treasury-related legislation, and ratings by selected public interest organizations.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system will be used by the Legislative Affairs staff for background and research purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on disk files in computer.

Retrievability: By name of Congressional Member or key to selected Congressional floor votes.

Safeguards: The system is designed with computer access codes so that only Treasury-authorized personnel can retrieve records. All information stored in the system, however, are matters of public record.

Retention and disposal: The system will be maintained for six years, subject to review at the end of that period.

System manager(s) and address: Assistant Secretary of the Treasury (Legislative Affairs), U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought: (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Room 1322, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, D.C. 20220

Contesting record procedures: See Access above.

Record source categories: Congressional Record, Congressional Quarterly, Congressional Directory, daily news reports such as the Washington Post and New York Times.

Treasury/OS 00.081

System name: Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST)—Treasury/OS.

System location: Office of the Chief, Fiscal Division, Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 48232. This is the location of data processing support for the REST System.

Categories of individuals covered by the system: Employment statistics on Treasury minority groups and female employees.

Categories of records in the system: The following information is contained in the system: (1) Submitting Office Number, (2) Bureau, (3) Region, (4) Office, (5) Social Security Number, (6) Minority Designation Code, (7) Geographical Location Code, (8) Series (Occupational), (9) Pay Plan Code, (10) Grade, (11) Sex, (12) Code for Full-time, Part-time, and Intermittent, (13) Code for Seasonal (WAE), (14) Citizenship Code, (15) Supervisory Code, (16) Birth Month, (17) Birth Year, (18) Nature of Action Code, (19) Effective Date of Action, (20) On-Off Roll Code, (21) Salary (for Employees Who Do Not Have a Grade, i.e. Wage Systems, Special Emphasis, etc.)

Authority for maintenance of the system: The Civil Service Commission in the Federal Personnel Manual (Chapter 713, Subchapter 3A), establishes the full control of an automated minority group identification system under the agency Director, Equal Employment Opportunity (EEO), or his designated EEO Official.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The centralized system for Reporting Employment Statistics in the Treasury is used to furnish statistics on employment distribution to Personnel Officers, EEO Officers and Departmental staff as needed. Also, a periodic report of employment statistics on distribution of minority groups and female employees is provided to all Personnel and EEO Offices. Data will be provided OMB, the White House and Congress upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Centralized Automated System for Reporting Employment Statistics is kept on a mag-tape which is the master file for minority and female statistics. Information concerning the employee is retrievable through the use of the individual's social security number. The mag-tape is not kept more than a year and is reused normally for the same or similar data. Tape data is reduced to hard copy in the form of reports. The Director, Equal Opportunity Program (EOP), is the designated Treasury official responsible to insure that minority group identification of Department employees is maintained and used in such a manner that will guard against the invasion of privacy of employees as set forth in all regulations.

System manager(s) and address: Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. An individual requesting information should state his or her name, social security number, bureau employed by, and geographical location of facility or duty station to which assigned.

Record access procedures: Written requests for information on the procedures for gaining access to and contesting information is to be made to: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The Processing Clerk enters each new employee's minority group designation code, cost code or organization designation code, sex code, citizenship code and supervisory position code on one copy of the SF-50 and sends it to the IRS Data Center.

Treasury/OS 00.002

System name: EEO Complaint Processing System—Treasury-OS.

System location: Office, Equal Opportunity Program, Department of the Treasury, Room 1000, 1612 K Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment and aggrieved employees who have filed formal Equal Employment Opportunity complaints against the Department and its Bureaus.

Categories of records in the system: Each EEO investigative file contains: (a) a copy of each affidavit of the complainant, the alleged discriminatory official, and other witnesses; (b) a copy of each agency record obtained; and (c) a copy of the other information acquired in the investigation. When information concerning the agency's policies or procedures is essential to an understanding of matters covered by the investigation, a copy of, or an excerpt from this material will be included in the file. Files may include, depending on complainants exercising appeal rights, Hearing Transcripts and Decisions by Civil Service Commission Complaints Examiners, and Decisions by the Appeals Review Board.

Authority for maintenance of the system: Part 713.203(k) of the Civil Service Commission's Rules and Regulations, require agencies to "provide for the prompt, fair and impartial consideration and disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex or national origin." Federal Personnel Manual Letter No. 713-25, provides "an agency will process complaints of discrimination on account of age."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The EEO investigative record is used to resolve complaints of discrimination between aggrieved employees or applicants for employment, and agency management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The records are maintained in EEO complaint case file folders. The files are maintained by the name of the complaint in an alphabetical order. The Director, Equal Opportunity Program and his EEO staff, and the Civil Service Commission have access to these files. The Federal District Courts have access to the files in the event the complainant appeals to that level. Normally, the files are maintained in the Department of Treasury for a period of from two (2) to three (3) years before being forwarded to the Federal Records Center, Alexandria, Virginia.

System manager(s) and address: Director Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. The individual requesting the information must identify the date he or she filed a formal complaint, the Bureau against whom the complaint was filed, and if known, the date the complaint was closed.

Notification procedure: See System Manager above.

Record access procedures: To obtain information on the procedure for gaining access to and contesting records write to: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The information came from Affidavits of the parties involved and witnesses. Information also comes from personnel records, as well as from other documents relating to personnel management.

Treasury/OS 00.003

System name: Spanish Speaking Informal Application File (S.F. 171)—Treasury/OS.

System location: Office of Equal Opportunity Program, Spanish Speaking Program, Department of the Treasury, 1612 K Street NW., Room 1000, Washington, D.C. 20220.

Categories of individuals covered by the system: Spanish Speaking citizens who are seeking employment and/or promotions with the Federal Government.

Categories of records in the system: CSC Standard Form 171 (Personal Qualifications Statement).

Authority for maintenance of the system: Civil Service Commission EPM Letter 713-18.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Standard Forms 171 are referred to the Bureaus by the Spanish Speaking Program Coordinator to the Bureau Spanish Speaking Program Coordinators to assure that Spanish Speaking are fairly considered for job openings and/or promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The applications are kept in a file by name. Safeguards are taken to prevent unauthorized disclosures of records. The office is locked and physical security is maintained at the entrance of the building when closed. The Standard Forms 171 are kept at least one year and/or disposed of after individual has been employed or promoted. If no action is taken within one year, the application is returned to the individual concerned.

System manager(s) and address: Spanish Speaking Program Coordinator, U.S. Treasury Department, 1612 K Street, N.W., Room 1000, Washington, D.C. 20220.

Notification procedure: Same as above. No identifying information of an individual is required except his/her name.

Record access procedures: An individual can gain access to his/her records by requesting them by letter, or visit to the Office of Equal Opportunity Program's Director, Equal Employment Opportunity's Deputy Director, or the Spanish Speaking Program Coordinator at: Mailing Address: Office of the Secretary, Office of Equal Opportunity Program, U.S. Treasury Department, Washington, D.C. 20220. Office Location: Same as Systems Manager.

Contesting record procedures: See Access above.

Record source categories: All Standard Forms 171 (Federal Government applications) were submitted by the individuals and/or other Spanish Speaking Program Coordinators.

Treasury/OS 00.090

System name: EOTA FOI Request/Appeals Files—Treasury/OS.

System location: Office of the Assistant Secretary (Enforcement and Operations), Main Treasury Building, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals submitting original requests for information or appeals of initial denials to this office under the Freedom of Information Act.

Categories of records in the system: Copies of the requests or appeals under FOIA submitted by individual; other correspondence on the FOI matter; copies of disclosed material.

Authority for maintenance of the system: 5 USC 301, 5 USC 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Consult and advise other offices and bureaus of Treasury and of other Federal Departments and agencies; advise Members and committees of Congress. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy paper files.

Retrievability: Manual, by name and/or number assigned.

Safeguards: Locked file cabinet or safe-cabinet storage; access to personnel with need to know.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Official prescribing policies and practices—Assistant Secretary (Enforcement and Operations) Officials maintaining the system—Assistant to the Director, Office of Enforcement and Director of Operations, Director of Tariff Affairs.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify

the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Individual making FOI request or appeal; offices, bureaus, agencies, departments and personnel of Federal Government who have relevant information or must be consulted for appropriate processing.

Treasury/OS 00.101

System name: International Criminal Police Organization (INTERPOL) Criminal Investigative Records—Treasury/OS

System location: Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in crime which may or may not be associated with an individual. Certain victims of criminal violations in the U.S. or abroad.

Categories of records in the system: Information concerning an individual may be maintained in this system of records which includes but is not limited to records pertaining to fugitives, wanted persons, suspected persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 22 USC 263a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Criminal investigations being conducted by law enforcement agencies in the U.S. or abroad. Users—Local, State and Federal Agents and employees of the U.S. National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; disclosure required in administration of Freedom of Information Act (5 U.S.C. 552); referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering efforts to investigate the activities of and apprehend criminal offenders; translators of foreign languages as necessary; and for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Stored in file folders at the U.S. National Central Bureau and certain limited data in Treasury Enforcement Communications System (TECS). Upon inactivity for five years the file is destroyed except for judicial cases involving personnel in this NCB, which is retained for 20 years from the date of the judicial action. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing persons records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing interest may be destroyed at any time. Retrievability by name or file number and by weapons number and motor vehicle number. Access is limited to personnel of the U.S. NCB—INTERPOL except for certain fugitive/wanted records in TECS which are accessible to all TECS terminals. Disposal of records is by shredding or burning. Safeguards include need to know procedural and physical safeguards, such as accountability, restricted areas and alarm protection systems.

System manager(s) and address: Chief, U.S. National Central Bureau, INTERPOL, Department of Justice, Room 6649, 9th & Pennsylvania Ave., N.W., Washington, D.C. 20530.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsections (J)(2) and (K), 31 C.F.R. 1.36.

Treasury/OS 00.102

System name: Treasury Enforcement Communications System (TECS)—Treasury/OS.

System location: International Criminal Police Organization (INTERPOL) Criminal Investigative Records, Department of Justice, Room 6649, 9th & Pennsylvania Avenue, N.W., Washington, D.C. 20530

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in crime which may or may not be associated with an individual. Certain victims of criminal violation in the U.S. or abroad.

Categories of records in the system: Information concerning an individual may be maintained in this system of records which includes but is not limited to records pertaining to fugitives, wanted persons, suspected persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Criminal investigations being conducted by law enforcement agencies in the U.S. or abroad. Users—Local, State and Federal Agents and employees of the U.S. National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; disclosure required in administration of Freedom of Information Act (5 U.S.C. 552); referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering efforts to investigate the activities of and apprehend criminal offenders; translators of foreign languages as necessary; and for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Magnetic tape and disc storage and hard copy. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing persons records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing interest may be destroyed at any time. Retrievability by name, file number, personal identification number, system identification number, weapons or motor vehicle number. Access safeguards include need to know, procedural and physical safeguards, such as accountability, restricted areas and alarm protection systems backed up by armed security force. Upon inactivity for five years the file is destroyed except for judicial cases involving personnel in this NCB, which are retained for 20 years from the date of judicial action. Disposal of records is by shredding or burning.

System manager(s) and address: Chief, U.S. National Central Bureau, INTERPOL, Department of Justice, Room 6649, 9th & Pennsylvania Ave., N.W., Washington, D.C. 20530

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Exempt System.

Systems exempted from certain provisions of the act: Exempt under Subsections (J)(2) and (K), 31 C.F.R. 1.36.

Treasury/OS 00.110

System name: Foreign Assets Control Administrative Records—Treasury/OS

System location: Office of Foreign Assets Control, 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Office of Foreign Assets Control employees. Treasury Department General Counsel employees assigned to FAC work. Former Office of Foreign Assets Control employees. Applicants for employment with Treasury Department, Office of Foreign Assets Control.

Categories of records in the system: Applications for employment with the Office of Foreign Assets Control, or with the Office of Chief Counsel, Foreign Assets Control; records of grade promotions of Foreign Assets Control employees; records of within grade salary step increases of Foreign Assets Controls employees; analysis of performance of legal professionals assigned to Foreign Assets Control Work; supervisory evaluation of Foreign Assets Control Employees; confidential financial statements.

Authority for maintenance of the system: 5 U.S.C. Sections 301 and 302, Treasury Department Order No. 128, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As source of information in consideration of hiring of new Foreign Assets Control employees. To determine whether a grade promotion of an employee is indicated. To determine whether annual within grade salary step increase is warranted. To compile mailing list of employees for Foreign Assets Control uses and purposes. To determine what training of Foreign Assets Control employees is needed. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Foreign Assets Control administrative records are placed in folders which are kept in file cabinets, secured by approved detachable combination locks. FAC administrative records are retrieved from the administrative file by the name of the individual. Each FAC file cabinet containing administrative records is locked when not in use. Such files are located in an area which is manned during duty hours by FAC employees. No person other than the Director (Acting) is allowed access to such records, except as specifically designated by the Acting Director. During off-duty hours the file area is safe-guarded by appropriate electronic protective devices. FAC administrative records (other than application for employment) are kept indefinitely for so long as they are useful to the Office of Foreign Assets Control.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether Foreign Assets Control Administrative Records contain information relating to him should be (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220, (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in FAC Administrative Records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: All information contained in the FAC administrative records is usually obtained from the individual, or from Treasury Department Personnel Office.

Treasury/OS 00.111

System name: FAC 1950 Census of Blocked Chinese Assets—Treasury/OS.

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of the Peoples Republic of China. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Chinese national, Administrator or Executor of the estate of a Chinese national, heir of the estate of a Chinese national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category is individuals residing in China who had an interest in property in the U.S. on December 16, 1950. This category would include (a) U.S. citizens who left China after December 17, 1950; and (b) non-U.S. citizens who left China after December 17, 1950, and became U.S. citizens or permanent alien residents of the U.S.

In addition, this system includes individuals in the U.S. who had acted for or on behalf of the government of the Peoples Republic of China, or individuals who had an interest in property in which there was also an interest of a Chinese national on or since December 17, 1950, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (6) Reports containing a brief description, including location and value, of assets in the U.S. on December 16, 1950, in which, China or a Chinese "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print-out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App., Section 5(b)). Section 500.603 of the Foreign Assets Control Regulations (31 CFR 500.603).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system of records: (1) is used by staff to verify the accuracy of reports submitted under the 1970 Census of Blocked Chinese Assets; (2) is made available to the Chief of Enforcement, in connection with determining the present whereabouts of holders or custodians who cannot be located; (3) is made available to the Chief of Licensing for assistance in determining the propriety of the release of blocked property; (4) is made available to the Legal Section in connection with questions regarding the disposition of blocked property requiring a legal opinion; (5) is made available to the Acting Director in connection with questions regarding the property reported under the 1950 census; (6) is made available to the original holder or custodian of blocked Chinese property or his successor in interest to aid in preparation of the 1970 census report; (7) is made available to the legal representatives of persons listed in (1) to aid in preparation of the 1970 census report; (8) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and correspondence files.

Retrievability: Reports are indexed by name of holder or custodian of blocked property, by name of individual for whom blocked accounts are maintained, and by report number. Files are indexed by name of holder or custodian of blocked property or by name of individual.

Safeguards: The FAC 1950 Census of Blocked Chinese Assets records consist of documents in folders and a computer print out. Some of these files are stored in file cabinets secured by approved detachable combination locks. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safeguarded by appropriate security measures. The remainder of these files are stored in a supply room which is always locked except when in use by FAC personnel.

Retention and disposal: None have been destroyed.

System manager(s) and address: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Chinese assets.

Treasury/OS 00.112

System name: FAC 1970 Census of Blocked Chinese Assets—Treasury/OS.

System location: 1331 G. Street N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of the Peoples Republic of China. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Chinese national, Administrator or Executor of the estate of a Chinese national, heir of the estate of a Chinese national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category are Foreign nationals, namely Chinese who had interests in property in the U.S. on December 18, 1950, and on July 1, 1970. Also included are individuals in the U.S. who had been in China on or since December 17, 1950, or who had acted for or on behalf of the government of the Peoples Republic of China, or who had on either date an interest in property in which there was also an interest of a Chinese national on or since December 17, 1950, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (1) Reports containing a brief description including location and value, of assets in the U.S. on December 18, 1950, or on July 1, 1970, in which, on either date, China or a Chinese "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print-out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App., Section 5(b)). Section 500.610 of the Foreign Assets Control Regulations (31 CFR 500.610).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records: (1) is made available to the Director, Chief of Licensing, Chief of Enforcement, and the Legal Section for assistance with problems requiring their advice and expertise. (2) is made available to the Chief of Licensing in connection with applications to unblock property of Chinese nationals. (3) is used for statistical purposes. (4) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: files and index cards.

Retrievability: Files and index cards indexed by name of holder or custodian of property with I.D. number and by name of individual for whom blocked accounts are held with I.D. number.

Safeguards: The Foreign Assets Control 1970 Census of Blocked Chinese Assets records consist of documents in folders and a bound computer print out which are stored in file cabinets secured by approved detachable combination locks. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safeguarded by appropriate security measures.

Retention and disposal: None have been destroyed.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Chinese assets.

Treasury/OS 00.113

System name: FAC 1964 Census of Blocked Cuban Assets—Treasury/OS

System location: Federal Record Center, Suitland, Maryland

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of Cuba. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Cuban national, Administrator or Executor of the estate of a Cuban national, heir of the estate of a Cuban national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category is residents of Cuba, who had an interest in property in the U.S. on July 8, 1963. This category would also include (a) U.S. citizens who left Cuba after July 8, 1963, and (b) non-U.S. citizens who left Cuba after 1963 and became U.S. citizens or permanent alien residents of the U.S. In addition, this system includes individuals in the U.S. who had acted for or on behalf of the government of Cuba, or individuals who had an interest in property in which there was also an interest of a Cuban national on or since July 8, 1963, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (1) Reports containing a brief description, including location and value of assets in the U.S. on July 8, 1963, in which Cuba or a Cuban "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 USC, App., Section 5(b). Section 620(a) of the Foreign Assistance Act of 1961 (22 USC Section 2370(a)). Cuban Assets Control Regulations 31 CFR Part 515.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system of records may be used in connection with a future census of blocked Cuban assets. The uses may be as follows: (1) by staff to determine persons to whom specific correspondence should be addressed advising them of the census requirements; (2) by staff to verify the accuracy of reports submitted under a new census; (3) by the Chief of Enforcement, in connection with determining the present where-abouts of holders or custodians who cannot be located; (4) by the Chief of Licensing for assistance in determining the propriety of the release of blocked property; (5) by the Legal Section in connection with questions regarding the disposition of blocked property requiring a legal opinion; (6) by the Director in connection with questions regarding the property reported under the 1964 census; (7) may be made available to the original holder or custodian of blocked Cuban property or his successor in interest to aid in preparation of a new census report; (8) may be available to the legal representatives of persons listed in (7) to aid in preparation of a new census report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and correspondence.

Retrievability: All of these records are located at the Federal Record Center, Suitland, Maryland. They are retrievable by name of individual.

Safeguards: GSA.

Retention and disposal: None have been destroyed.

System manager(s) and address: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Cuban property.

Treasury/OS 00.114

System name: Foreign Assets Control Enforcement Records—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have engaged in unlicensed financial, commercial or other transactions which are prohibited under regulations administered by the

Office of Foreign Assets Control. Individuals who have made any unlicensed importation of prohibited merchandise from a foreign country which is a "designated country" under regulations administered by the Office of Foreign Assets Control. Individuals who have made an unlicensed remittance of funds or exportation of goods to a "designated country" or national thereof, or to a "specially designated national." Individuals who have otherwise violated any Treasury ruling, license or regulation issued under or pursuant to the Trading with the Enemy Act or the United Nations Participation Act. Individuals suspected of having engaged in activities or transactions which violated statutes or regulations administered by the controls. Individuals who have applied for Foreign Assets Control Licensing when there is reason to suspect the truth of statements contained in an individual's application. Individuals who have or are suspected of misuse or misappropriation of blocked property.

Categories of records in the system: Reports of investigations of suspected or actual violations by an individual of relevant statute and regulations administered by the Office of Foreign Assets Control; intelligence reports requested from other official sources regarding suspected or actual criminal or civil violations by an individual of the relevant statutes, or of the regulations administered by the Office of Foreign Assets Control; evidence obtained during investigation of suspected or actual violations by an individual of the relevant statutes and regulations administered by the Office of Foreign Assets Control.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)); Section 5 of the United Nations Participation Act (22 USC Section 287(c)); Foreign Assistance Act of 1961, (22 USC Section 2370 (a)). Executive Orders: E.O; 8389 E.O. 9193; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations (31 CFR, Sections 500.601 and 500.602), Cuban Assets Control Regulations (31 CFR, Sections 515.601 and 515.602), Rhodesian Sanctions Control Regulations (31 CFR Sections 530.601 and 530.602), Foreign Funds Control Regulations (31 CFR, Sections 520.601 and 520.602).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used as a source of reference in other FAC enforcement investigations. (2) As a source of information in consideration of applications for Foreign Assets Control specific licenses. (3) Referral of information to the Department of Justice in civil or criminal cases involving the individual. (4) Disclosure to U.S. Customs Service, Internal Revenue Service or Department of Commerce (Office of Export Administration), of information concerning possible violations of laws and/or regulations of such agencies. (5) Notice to the United States Customs Service (a) of importers who have made illegal commercial importations of prohibited publications, and, (b) of persons who are authorized to make commercial importations of prohibited publications (under regulations administered by the Office of Foreign Assets Control). (6) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Enforcement Records consist of documents, etc., in folders which are stored in locked file cabinets in secure file rooms. Enforcement records are retrieved by means of card-index file system containing the names of persons (individuals, corporations, etc.). The file rooms are manned by Foreign Assets Control personnel who are instructed not to admit unauthorized persons into the file areas, nor to release any material from the enforcement records to persons other than Foreign Assets Control personnel. During off duty hours the file rooms are secured by appropriate electronic protective devices. These Enforcement Records are maintained indefinitely, for so long as the assets and transactions involved are subject to regulation. Records are also stored at the Federal Record Center, Suitland, Maryland.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (K)(2), 31 C.F.R. 1.36.

Treasury/OS 00.115

System name: Foreign Assets Control General Correspondence Files-Treasury/OS.

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Records are maintained of all correspondence from individuals seeking information from the Office of Foreign Assets Control regarding embargoed or blocked foreign countries (and assets and nationals thereof), which are affected by implementing Treasury Department Regulations. Current regulations, and corresponding blocked or embargoed countries, are: Foreign Assets Control Regulations (China, Vietnam, and North Korea); Cuban Assets Control Regulations (Cuba); and the Rhodesian Sanctions Regulations (Rhodesia) and the Foreign Funds Control Regulations (World War II). Records are also maintained of letters to individuals initiated by the Foreign Assets Control.

Categories of records in the system: General correspondence of every kind, e.g.: individuals seeking information about FAC regulations re some particular country; requests for advice on proposed or possible transaction involving a designated country or a national thereof; letters reporting possible violation of some FAC administered regulation; requests from law students and other researchers; requests for copies of regulations administered by FAC; requests for information regarding possible employment opportunities with the Office of Foreign Assets Control.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC Section 287 c), Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC Section 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations 31 CFR Part 500, Cuban Assets Control Regulations 31 CFR Part 515, Rhodesian Sanctions Regulations 31 CFR Part 530; Transaction Control Regulations 31 CFR Part 505; Foreign Funds Control Regulations 31 CFR Part 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Intra-Agency—Used by the staff to effectuate the purposes of the Regulations which it is charged with administering: (1) Used by the Enforcement Section as background information in connection with investigations. (2) Used by the Licensing Section as background information in connection with the processing of license applications submitted by the individual. (3) Used by the Legal Section as background information in connection with preparation of briefs, etc. (4) Used by all staff as background information in connection with subsequent inquiries from an individual. (5) Used in connection with the formulation of or as examples of policy followed by the office. (6) Used by all staff to initiate correspondence with third parties mentioned in an individual letter regarding potential or apparent violations of the regulations. (7) Used by all staff to prepare statistics useful in implementing the Regulations. (8) Used by all staff to compile mailing lists for use by Foreign Assets Control to advise individuals interested in a particular aspect of the Regulations of changes relating to these aspects. (9) Used to detect an interest in a particular aspect of the Regulations which necessitate the publication of amendments to the Regulations regarding interpretations of the Regulations. (B) Inter-Agency: (1) Referred to the Department of State, Department of Commerce, Internal Revenue Service, Foreign Claims Settlement Commission, (and other agencies) where the individuals inquiry concerns matters under the jurisdiction of such agencies as well as under the jurisdiction of the Office of Foreign Assets Control. (2) Referred to the Department of Justice, where it appears likely that a crime or civil offense was committed. (3) Referred to other agencies where it appears that an individual has violated the laws, statutes or regulations of such agency. (C) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control General Correspondence Records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. General Correspondence records are retrieved by means of card-index file system containing the names of persons (individuals, corporations, etc.). The file rooms are manned by FAC personnel who are instructed not to admit unauthorized persons into the file-areas, nor to release any material from the enforcement record to persons other than FAC personnel. During off-duty hours, the file rooms are safeguarded by appropriate electronic protective devices. The General Correspondence records are maintained indefinitely for

so long as the assets or transactions involved are subject to regulation. Records are also stored at the Federal Record Center, Suitland, Maryland.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals who initiated correspondence with Treasury Department's Office of Foreign Assets Control or who responded to correspondence from the Office of Foreign Assets Control; other governmental agencies (Federal, State and Local); foreign individuals and official sources.

Treasury/OS 00.116

System name: Foreign Assets Control Litigation files—Treasury/OS

System location: 1331 G Street, N.W., Room 304, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have been criminally prosecuted, or involved in civil litigation (as plaintiff or defendant) with the United States, in matters which involve statutes and/or regulations which are administered by the Office of Foreign Assets Control (e.g.: criminal prosecution for violation of statutes and regulations; suits to enjoin the Office of Foreign Assets Control from holding bank accounts or other property in a blocked status; suits to compel the Office of Foreign Assets Control to issue licenses for import of merchandise from a designated country; suits seeking to have statutes and regulations administered by Foreign Assets Control held unconstitutional, in fact or as applied; etc.).

Categories of records in the system: Copies of the pleading and all other legal documents connected with civil litigation and criminal proceedings involving statutes and regulations administered by the Office of Foreign Assets Control, including memoranda of law, drafts of legal briefs, and other material prepared by the FAC legal staff for use in such litigation; material obtained pursuant to discovery under applicable court rules (depositions, written interrogatories, etc.); copies of final orders, decrees, and opinions of courts in such litigation, and copies of correspondence relating to activities of any party to such litigation (containing information relevant to the issues involved in the litigation).

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act, (50 USC, App. Section 5(b)); Section 5 of the United Nations Participation Act, (22 USC, Section 287c); Section 620 (a) of the Foreign Assistance Act of 1961, (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Funds Control Regulations (31 CFR, Part 520), Foreign Assets Control Regulations, (31 CFR, Part 500), Cuban Assets Control Regulations, (31 CFR, Part 515), Rhodesian Sanctions Regulations (31 CFR, Part 530), Transactions Control Regulations (31 CFR, Part 505).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Preparation and conduct of litigation in process by the Justice Department. (2) Research source for the FAC Enforcement section. (3) Source of information for the FAC Licensing section in consideration of applications for FAC license. (4) Source of legal precedents and for other legal research by the FAC Legal section. (5) Referral to Department of Justice in cases involving Statutes and Regulations administered by the Office of Foreign Assets Control. (6) Disclosure to U.S. Customs Service in cases which jointly involve similar matters, or which involve, jointly, both the FAC and the U.S. Customs Service. (7) Disclosure to the State Department in connection with foreign policy aspects of legal problems involved. (8) Disclosure to U.S. Department of Commerce where cases involve matters of interest to, or which are in the jurisdiction of that Department. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Litigation records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. The files are retrieved by name of the individual. During normal working hours, the room where these records are kept is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the room in which the records are kept is safe-guarded by appropriate electronic protective devices. The Litigation records are maintained indefinitely as research source and legal precedent.

System manager(s) and address: Director, Office of Foreign Assets Control, 1331 G Street, N.W., U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: PLEADINGS AND OTHER MATERIALS FILED DURING COURSE OF A LEGAL PROCEEDING; DISCOVERY OBTAINED PURSUANT TO APPLICABLE COURT RULES; Materials obtained from FAC Enforcement Section; material obtained pursuant to request made on other Federal agencies; Orders, opinions, decisions of courts.

Treasury/OS 00.117

System name: Foreign Assets Control Mailing List—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have asked to be advised of any amendments, announcements, etc., pertaining to the Regulations administered by this Office.

Categories of records in the system: Index cards and addressograph plates containing names and addresses of all persons to whom information regarding the Regulations is sent.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App., Section 5(b). Section 5 of the United Nations Participation Act (22 USC Section 287c). Section 620(a) of the Foreign Assistance Act of 1961 (22 USC Section 2370(a). Executive Orders: Executive Order 9193; Executive Order 9989; Executive Order 11322; Executive Order 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations, 31 CFR Part 500; Cuban Assets Control Regulations, 31 CFR Part 515; Rhodesian Sanctions Regulations, 31 CFR Part 530; Transaction Control Regulations, 31 CFR Part 505; Foreign Funds Control Regulations, 31 CFR Part 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in this system of records is used by FAC to enable the Government Printing Office to send out information regarding our Regulations to all interested parties. (2) For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and addressograph plates.

Retrievability: Indexed by name of individual or corporation.

Safeguards: The FAC mailing list records consist of index cards filed in index card boxes. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safe-guarded by appropriate security measures. The addressograph plates are stored at the Government Printing Office.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: See Category of Individual.

Treasury/OS 00.118

System name: Foreign Assets Control Licensing Records—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for license to import prohibited goods from countries designated in Regulations administered by Office of Foreign Assets Control. Applicants for license to remit funds to countries designated in Regulations of the Office of Foreign Assets Control. Applicants for license authorizing engagement in other transactions and activities which are prohibited by Regulations of the Office of Foreign Assets Control.

Categories of records in the system: Applications for Treasury license; information in support of applications submitted by applicant; information from other sources regarding such applications; copies of agency action granting or denying applications; requests for amendment of license; requests for rehearing or appeal of denial actions; other information related to any of the foregoing.

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC 287 (1)(c)(1)). Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations 31 CFR, Part 500; Transaction Control Regulations 31 CFR, Part 505; Cuban Assets Control Regulations 31 CFR, Part 515; Foreign Funds Control Regulations 31 CFR, Part 520; Rhodesian Sanctions Regulations 31 CFR, Part 530.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Furnishing of information to the FAC Enforcement Section where it appears that some willful violation of Treasury regulation or requirement may have occurred. (2) Comparison with subsequent application from same applicant. (3) Consultation with State, Commerce and Defense, as appropriate concerning applicable policy and relevant facts. (4) Furnishing information to the U.S. Customs Service where it appears that a Customs requirement or regulation has not been complied with. (5) Furnishing information to Internal Revenue Service where it appears that a matter within the jurisdiction of that agency is involved. (6) Furnishing of information to the Department of Commerce where it appears that a requirement or regulation of that agency is involved. (7) Notice to the U.S. Customs Service (a) of importers who have made illegal importations or prohibited publications, and (b) of persons who are authorized to make commercial importations of prohibited publications (under regulations administered by the Office of Foreign Assets Control). (8) Furnishing of report to Justice Department where it appears that some civil or criminal violation by applicant of a Treasury regulation or other requirement has occurred. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Licensing records consist of documents in folders which are stored in file cabinets. Each such file cabinet is outfitted with a detachable combination lock.

The records are retrieved by license numbers, and may also be obtained by means of a card-index file. During normal working hours, the file room is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the file rooms are safe-guarded by appropriate electronic protective devices. The FAC licensing records are maintained indefinitely for so long as the assets or transactions involved are subject to regulations. Records are also stored at the Federal Record Center, Suitland, Maryland.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: The majority of information concerning an individual applicant in a FAC License Record will typically have come from the applicant. On infrequent occasions some such information will have been obtained from other governmental agencies; or, during the course of an investigation by the FAC Enforcement Section.

Treasury/OS 00.123

System name: ORS Contractors File—Treasury/OS.

System location: 2401 'E' Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Contractors offering services.

Categories of records in the system: File containing individual contracts maintained in alphabetical sequence. Contents include: contract request, justification, source recommended, sole source when applicable, experience, references, bid for services.

Authority for maintenance of the system: For Administrative Officer in providing necessary services and Budget Analysis for payment of accounts. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Manager in checking services required. For Administrative Officer in securing contract. For Budget Analysis in payment for services. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Director's office, Managers and persons assigned to project may review file along with Contract Officers from Administrative Services, Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 'E' Street, N.W., Washington, D.C. 20226.

Record access procedures: Written request mailed to: Administrative Officer, 2401 'E' Street, N.W., Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from consultants giving services, contract officer for agreement, budget analysis for approval of funds and payment upon approved completion of the contract.

Treasury/OS 00.128

System name: ORS Personnel Records—Treasury/OS.

System location: 2401 'E' Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees.

Categories of records in the system: A current employees file, in alphabetical sequence, is maintained which includes: application, certification and appointment, promotional appraisals, performance appraisals, corrective action, absence and leave, training and development programs, recognition for outstanding performance.

A former employee's file, in alphabetical sequence, is maintained for six months at which time all material is sent to official file in Office of the Secretary, Main Treasury.

A recruitment file, in alphabetical sequence, is maintained for one year. Applicants submit forms and resumes for consideration.

Authority for maintenance of the system: Personnel records kept to furnish Office of the Secretary Personnel, Main Treasury, status and development of employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Managers and individual employees use in checking personnel records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Records maintained in locked file cabinet. Managers may request the files of their employees for review and approval. Individual employees may request files for update or review. Any other requests for personnel information is handled by Office of the Secretary Personnel Division at Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 'E' Street, N.W.—Room 1564, Washington, D.C. 20226.

Notification procedure: Same as above.

Record access procedures: Written request mailed to: Administrative Officer: ORS, 2401 'E' Street, N.W.—Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from individual employees, supervisors, Personnel, Main Treasury.

Treasury/OS 00.140

System name: Annual Performance Rating and Annual Performance Analysis—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Annual Performance Rating—Present and former employees of the Office of the General Counsel. Annual Performance Analysis—Present and former attorneys of the Legal Division.

Categories of records in the system: The information in this system takes the form of ratings and performance analyses prepared by the employee's supervisors.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules for promotion and Treasury Personnel Manual, Chapter 430, 8, D(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and review of employee's general work performance level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By year, name of employee, and bureau.

Safeguards: The files are kept in cabinets with an extremely limited number of employees permitted access (such as the General Counsel, Deputy General Counsel, Assistant General Counsels, or Chief Counsels).

Retention and disposal: The records are maintained for five years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Head of the office to which the employee is assigned.

Treasury/OS 00.141

System name: Attorney Books—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present attorneys of the Legal Division of the Treasury Department.

Categories of records in the system: The information in this system takes the form of brief personal and professional information on attorneys in the Legal Division. Includes date of birth, educational and professional data, and pay grade.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for employment and promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by General Counsel, Deputy General Counsel, and Administrative Officer for reference. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desk copies for three officials.

Retrievability: By name of individual and bureau or organization.

Safeguards: Copies kept in the office of the official to whom assigned.

Retention and disposal: The records are maintained only while the attorney is employed by the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.142

System name: Attorneys Past and Present—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of materials relating to the employee's application and employment with the Office of the General Counsel. It includes letters of recommendation, hiring recommendations, and other similar information concerning the employee.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and reviewing employee's general work performance level. With respect to former employees, information used for reference purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records contain information on all present attorney-employees of the General Counsel's Office and on former attorney-employees for the past two years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.c. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom record is maintained, employee's supervisors, and applicant's interviewer.

Treasury/OS 00.144

System name: Civil Litigation Records—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who are parties, plaintiff or defendant, in civil litigation (as described below) with the Treasury Department.

Categories of records in the system: This system of records contains information or documents related to litigation involving or concerning the Department or its officials. The records consist of pleadings, investigative reports, legal memoranda and related correspondence.

Authority for maintenance of the system: Title 31, U.S.C., Section 1009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to prosecute or defend court cases related to certain general civil litigation. For additional routine uses see Appendix AA except for tax matters or matters litigated in the U.S. Customs Courts, and to provide cooperation to the U.S. Department of Justice in marshalling facts, correlating evidence, and preparing pleadings and briefs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders with index cards.

Retrievability: These records are indexed by the title of the case.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained during the pendency of the litigation and approximately one year thereafter are transferred to the Federal Records Center, Suitland, Maryland. They are destroyed by the Federal Records Center when the records are 7 years old.

System manager(s) and address: Administrative Officer, Room 3006, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.145

System name: Claimants, Disbursing—Treasury/OS

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Claimants for Disbursements by the United States.

Categories of records in the system: Correspondence, memoranda, and related material.

Authority for maintenance of the system: 50 U.S.C. App. 1705-1707, Title 31, United States Code, Department Circulars No. 145 and 830.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To process disbursements in accordance with Departmental regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Boxes in Federal Records Center.

Retrievability: Name of claimant.

Safeguards: Files are in Records Center; access is limited to persons on official business.

Retention and disposal: Files kept for an indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals and their representatives.

Treasury/OS 00.146

System name: Employee Inventions—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, Opinion Section, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employee-Inventors.

Categories of records in the system: Information relating to inventions of employees.

Authority for maintenance of the system: 5 U.S.C., Section 301, 31 CFR Part 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in connection with Government and employee rights in employee inventions, disclosure to U.S. Patent Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Legal file in file cabinet.

Retrievability: By name of inventor-employee.

Safeguards: File cabinet is in office of attorney, but unlocked.

Retention and disposal: Indefinite as precedent files.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Employees involved.

Treasury/OS 00.147

System name: Employee Promotion Information—Treasury/OS.

System location: Room 2314, Main Treasury Building.

Categories of individuals covered by the system: Past and present employees of the Office of the Assistant General Counsel for International Affairs.

Categories of records in the system: The information in this system of records takes the form of recommendations for promotion of various past and present employees in the office.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal memoranda and accompanying forms circulated to Treasury Department officials authorized to grant promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Typed memoranda and required personnel forms.

Retrievability: The file is labeled "Personnel" and contains separate memoranda designating the employee's name after the heading "subject".

Safeguards: The file is kept in a locked file cabinet. A limited number of employees retain the combination to the file.

Retention and disposal: The records date back to 1969, the time of the first promotion arising under the last Assistant General Counsel for International Affairs.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: These records take the form of memoranda drafted by the Assistant General Counsel for International Affairs, recommending various members of his staff for grade and/or step increases.

Treasury/OS 00.148

System name: Employment Applications—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment as attorneys within the Office of the General Counsel.

Categories of records in the system: Contains original or copy of Standard Form 171, resume, and any correspondence between the applicant and the General Counsel, Deputy General Counsel and Administrative Officer.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules relating to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in making decisions on employment of attorneys by the Office of the General Counsel, responding to inquiries from members of Congress regarding constituents, and for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are maintained for a period of two years unless the applicant is subsequently employed by the Department. These latter records are transfered to the Treasury Department/OS; Attorneys Past and Present system.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom the record is maintained and other interested parties at the initiation of the individual concerned.

Treasury/OS 00.149

System name: Foreign Assets Control Legal Files—Treasury/OS

System location: 1331 G Street N.W., Room 504, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have corresponded with (or been the subject of correspondence) regarding legal matters and regulations administered by the Office of Foreign Assets Control; and individuals who have been criminally prosecuted, or involved in civil litigation (as plaintiff or defendant) with the United States, in matters involving statutes and/or regulations administered by the Office of Foreign Assets Control (e.g.: criminal prosecutions for violation of statutes and regulations; suits to enjoin the Office of Foreign Assets Control from holding bank accounts or other property in a blocked status; suits to compel the Office of Foreign Assets Control to issue licenses for import of merchandise from a designated country; suits seeking to have statutes and regulations administered by Foreign Assets Control held unconstitutional, in fact or as applied; etc.).

Categories of records in the system: Copies of the pleading and all other legal documents connected with civil litigation and criminal proceedings involving statutes and regulations administered by the Office of Foreign Assets Control, including memoranda of law, drafts of legal briefs, and other material prepared by the FAC legal staff for use in such litigation; material obtained pursuant to discovery under applicable court rules (depositions, written interrogatories, etc.); copies of final orders, decrees, and opinions of courts in such litigation, and copies of correspondence relating to activities of any party to such litigation (containing information relevant to the issues involved in the litigation); or other general correspondence regarding the Office of Foreign Assets Control legal matters.

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC, Section 287c). Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419: Proc. 3447. Regulations: Foreign Funds Control Regulations, (31 CFR, Part 520); Foreign Assets Control Regulations, (31 CFR, Part 500); Cuban Assets Control Regulations, (31 CFR, Part 515); Rhodesian Sanctions Regulations, (31 CFR, Part 530); Transactions Control Regulations, (31 CFR, Part 505).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Preparation and conduct of litigation in process by the Justice Department. (2) Research source for the FAC Enforcement section. (3) Source of information for the FAC Licensing section in consideration of applications for FAC license. (4) Source of legal precedents and for other legal research by the FAC Legal section. (5) Referral to Department of Justice in cases involving Statutes and Regulations administered by the Office of Foreign Assets Control. (6) Disclosure to U.S. Customs Service in cases which jointly involve similar matters, or which involve, jointly, both the FAC and the U.S. Customs Service. (7) Disclosure to the State Department in connection with foreign policy aspects of legal problems involved. (8) Disclosure to U.S. Department of Commerce where cases involve matters of interest to, or which are in the jurisdiction of that Department. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Litigation records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. The files are retrieved by name of the individual. During normal working hours, the room where these records are kept is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the room in which the records are kept is safe-guarded by appropriate electronic protective devices.

The Litigation records are maintained indefinitely as research source and legal precedent.

System manager(s) and address: Administrative Officer, Room 3006, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Pleadings and other materials filed during course of a legal proceeding; discovery obtained pursuant to applicable court rules; materials obtained from FAC Enforcement Section; material obtained pursuant to requests made on other Federal agencies; orders, opinions, decisions of courts.

Treasury/OS 00.150

System name: Disclosure Records

System location: Office of the Secretary, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington D.C. 20220

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Requests for records or information pursuant to the Freedom of Information Act, 5 USC 552, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552, 31 CFR Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making an FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file jackets.

Retrievability: By name and case number. Access to the files containing the records is by case number obtained from alphabetized card indices.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Chief, Disclosure Branch, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought: (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch at the above address.

Record access procedures: See System Manager and Access above.

Contesting record procedures: See System Manager and Access above.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/OS 00.151

System name: Gifts to the United States—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Donors of inter vivos and testamentary gifts to the United States.

Categories of records in the system: Correspondence, copies of wills and court proceedings, and other material related to gifts to the United States.

Authority for maintenance of the system: 50 U.S.C. 1151-1156. Department Circular No. 865 (revised).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To process gifts to the United States and claims against such gifts in accordance with Departmental regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Boxes in Federal Records Centers.

Retrievability: Name of donor.

Safeguards: Files are in Records Center; access is limited to persons on official business.

Retention and disposal: Files kept for an indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals, executors, administrators and other involved persons.

Treasury/OS 00.152

System name: General Counsel Personnel Files—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys and applicants for positions within the Office of the General Counsel.

Categories of records in the system: The information in this system consists of applications, letters of recommendation and other information concerning the qualifications of the individuals within the category.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with statutory and Department of the Treasury Office of the General Counsel rules for Presidential appointments, hiring and promotions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the General Counsel and other senior Department officials in connection with promotions and hiring of senior attorneys within the General Counsel's office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Filed alphabetically.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records include individuals who are or have been employed or sought employment with the General Counsel's Office since 1956.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual concerned, letters of recommendation, and other data submitted pursuant to the General Counsel's and the individual's request.

Treasury/OS 00.153.

System name: Personnel: General Counsel, Deputy General Counsels and Assistant General Counsels—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and past General Counsels, Deputy General Counsels, and Assistant General Counsels.

Categories of records in the system: Contains information on the individual's tenure in office: date of appointment and resignation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files in Office of the Administrative Officer, Office of the General Counsel.

Retrievability: By title of position and name of individual.

Safeguards: Administrative Officer controls access to the system.

Retention and disposal: Information retained on officials for indefinite periods.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.154

System name: Private relief bill system—Treasury/OS.

System location: Office of the General Counsel, Room 1417, Treasury Department, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have had private relief bills introduced in Congress on their behalf.

Categories of records in the system: Congressional committee or OMB request for Treasury views on proposed legislation plus comments on proposal from offices or bureaus of Treasury.

Authority for maintenance of the system: 5 U.S.C. 301. A function of the Office of the General Counsel is to handle and coordinate legislative work that concerns Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used to furnish reports on proposed legislation to Congress or OMB. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Indexed on 5 by 8 card by bill number but cross-indexed to individual's name. Complete file is kept by bill number and Congress. Permanent file.

System manager(s) and address: Administrative Officer, Room 3006, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Sources of the request are usually Congressional committees or OMB. Other information comes from Treasury bureau or office concerned in matter and from the individual concerned.

Treasury/OS 00.156

System name: Tax Court Judge Applicants—Treasury/OS.

System location: Room 3000, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals requesting consideration for appointment to Tax Court judgeships.

Categories of records in the system: Information concerning the qualification of individuals for appointment to the Tax Court.

Authority for maintenance of the system: In accordance with the requirements for Presidential appointments, 26 U.S.C. 7443.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by senior Treasury Department officials in making recommendations to the President on appointments to the Tax Court. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records relating to individuals date from 1966.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Individual concerned and letters of recommendation from other individuals submitted at the request of the individual and/or the Department.

Treasury/OS 00.157

System name: Employee Records Cards—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former employees of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of dates of personnel actions, pay increases, promotions, reassignments, change of rolls, retirement, transfer and resignation.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 295 (Standard Form 7-B).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and for verification of employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are retained on all present and former employees of the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: See Access above.

Record source categories: Standard Form 171 and Standard Form 50.

Treasury/OS 00.160

System name: Abandoned Enrollment Applications—Treasury/OS.

System location: Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals who applied for enrollment to practice before the Internal Revenue Service but subsequently abandoned their applications.

Categories of records in the system: Application for enrollment to practice before the Internal Revenue Service and, in some cases, information regarding individuals' fitness for enrollment.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original application form and information relating to it fastened to each other.

Retrievability: This system is indexed by name of applicant.

Safeguards: Those safeguards in effect at Federal Record Center.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Information contained in this system may have been provided by: (1) Applicant, (2) Individuals, (3) Internal Revenue Service, (4) Other government agencies, (5) Professional organizations.

Treasury/OS 00.161

System name: Applicant Appeal Files—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals whose applications for enrollment to practice before the Internal Revenue Service have been denied and who have appealed such denial to the Director of Practice.

Categories of records in the system: Information relating to individuals' applications and eligibility for enrollment to practice before the Internal Revenue Service.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Decision on appeal by Director of Practice from denial of application by the Internal Revenue Service. (2) Decision by Secretary of Treasury on appeal from Director of Practice's sustaining of denial of application for enrollment. (3) For individuals, denial of whose applications for enrollment is reversed by the Director of Practice, for use in connection with subsequent determinations by the Director of Practice as to whether violation of the regulations governing practice before the Internal Revenue Service has occurred. (4) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Secu-

rity investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.162

System name: Closed Files containing Derogatory Information about individuals' practice before the Internal Revenue Service and files of attorneys and certified public accountants formerly enrolled to practice—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals eligible to practice before the Internal Revenue Service (attorneys, certified public accountants and enrolled agents).

Categories of records in the system: Information relating to individuals' enrollments to practice before the Internal Revenue Service and, derogatory and other information regarding such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Transfer of information to Office of Chief Counsel, Internal Revenue Service so that that Office can represent the Director of Practice in hearings before administrative law judges held to determine whether violations of the regulations governing practice before the Internal Revenue Service have occurred and, if so, the appropriate disciplinary action. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding, or regulatory order with respect to apparent violations of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: The Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.163

System name: Derogatory Information (No Action)—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys, certified public accountants, enrolled agents and others.

Categories of records in the system: Such files contain derogatory information concerning attorneys, certified public accountants, and enrolled agents and others over whom there is no current jurisdiction, where such information is subject to future development, or where such information is not sufficiently serious to be currently considered a case file.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when office personnel are not present. Office personnel are cautioned against unnecessary exposure of office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose after 5 years by burning.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36

Treasury/OS 00.164

System name: Present Suspensions and Disbarments Resulting From Administrative Proceeding-Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals formerly eligible to practice before the Internal Revenue Service but now either suspended or disbarred from such practice after being accorded due notice and opportunity for hearing.

Categories of records in the system: Information relating to individuals' enrollment to practice before the Internal Revenue Service, derogatory and other information regarding such practice, and record of proceedings.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Maintain record of those who have been suspended or disbarred from practice before the Internal Revenue Service and reasons for such action. (2) Determina-

tions by the Director of Practice as to whether suspended or disbarred individuals' petition for reinstatement to practice before the Internal Revenue Service shall be granted. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law. (4) Transfer of information regarding suspension or disbarment of attorneys, certified public accountants and enrolled agents to professional organizations. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31, C.F.R. 1.36.

Treasury/OS 00.165

System name: General Correspondence File—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: General public.

Categories of records in the system: General inquiries and comments from the general public.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide answers to inquiries or other information regarding the operation of this Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folder.

Retrievability: Correspondence is indexed alphabetically by writer.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. File cabinets in which correspondence is stored are locked during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Destroyed after 3 years.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Office of Director of Practice, U.S. Department of the Treasury Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Information contained in records of this system has been provided by the writers of correspondence contained in the system.

Treasury/OS 00.166

System name: Inventory—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys, certified public accountants and enrolled agents about which alleged misconduct in their practice before the Internal Revenue Service is being reviewed and evaluated.

Categories of records in the system: Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, and information relating to their conduct in such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Use of information (ordinarily by Office of Chief Counsel, Internal Revenue Service, and the Department of Justice) at administrative hearings and court proceedings relating to individuals' eligibility to represent taxpayers before the Internal Revenue Service. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violations of Federal law or regulations. (4) Transfer of information to Internal Revenue Service for investigation with respect to apparent violation of the regulations governing practice before the Internal Revenue Service. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. File cabinets in which this system is stored are locked during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case is closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.167

System name: Register of Docketed Cases and Applicant Appeals—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals against whom complaints have been filed with the Office of Director of Practice pursuant to Title 31, CFR, Subpart C, Section 10.54, for alleged violation of the regulations governing practice before the Internal Revenue Service and individuals who have appealed to the

Director of Practice the denials of their application for enrollment to practice before the Internal Revenue Service.

Categories of records in the system: Record of actions taken in cases docketed for hearings and record of actions taken on appeals from denials of applications for enrollment.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office of Director of Practice administrative recordkeeping. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In loose-leaf binder.

Retrievability: This system is indexed by complaint number and by name of the individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Information contained in records in this system has been provided by: (1) this office, (2) administrative law judges, (3) Internal Revenue Service.

Treasury/OS 00.168

System name: Resigned Enrolled Agents (action pursuant to 31 CFR, Section 10.55(b))—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Those individuals who were formerly enrolled to practice before the Internal Revenue Service and who resigned from such enrollment.

Categories of records in the system: Information relating to individuals' applications for enrollment to practice before the Internal Revenue Service and derogatory and other information regarding such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Use in connection with resigned enrollees' future applications for enrollment to practice before the Internal Revenue Service. (2) In cases where resigned enrollees are again enrolled to practice before the Internal Revenue Service, for use in connection with determinations as to whether violations of the regulations governing such practice have occurred. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding, or regulatory order with respect to apparent violation of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.169

System name: Roster of Former Enrollees—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys and certified public accountants who were enrolled to practice before the Internal Revenue Service prior to enactment of the Agency Practice Act, Title 5 U.S. Code, Section 500.

Categories of records in the system: This system contains individuals' names, addresses, professions, the dates of their enrollments and the expiration dates of such enrollments.

Authority for maintenance of the system: 31 U.S. Code 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations as to whether the Office of Director of Practice has jurisdiction over an individual's violation of the regulations governing practice before the Internal Revenue Service. (2) Use of information (ordinarily by Office of Chief Counsel, Internal Revenue Service, and the Department of Justice) at administrative and court proceedings relating to individuals' eligibility to represent taxpayers before the Internal Revenue Service. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In loose-leaf binders.

Retrievability: This system is indexed by profession (i.e., attorney or certified public accountant) and by the individual's name.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Information contained in records in this system has been provided by: (1) Individuals, (2) Internal Revenue Service.

Treasury/OS 00.170

System name: Present suspensions from practice before the Internal Revenue Service.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Attorneys, certified public accountants and enrolled agents who have offered their con-

sent to voluntary suspension from practice before the Internal Revenue Service.

Categories of records in the system: Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, derogatory and other information relating to their conduct in such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Determinations by the Director of Practice as to whether suspended practitioners' petitions for reinstatement to practice should be granted. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of Office files and are instructed to lock file cabinets containing these records during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36

Treasury/OS 00.182

System name: Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Rooms 3112, 3122, 3108, 4217, 4045, 3064, 4222, 4028, 4004, 4040, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W. Washington, D.C. 20220, and Room 1036, 1425 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Past, present, and prospective employees and consultants of the Office of the Assistant Secretary and of certain other tax-related governmental institutions.

Categories of records in the system: Correspondence with and about past and prospective employees; memoranda of conversations; time, leave, pay, promotion records, evaluation records; et cetera.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory and administrative personnel of the Office of the Assistant Secretary as supplementary and complementary to official Departmental personnel files to record personnel actions regarding employees of the Office and as a reference tool in preparation for or review of anticipated or past personnel actions and for advising others, both within and without the Government, as to the qualifications and performance of past, present, and prospective employees of the Office of the Assistant Secretary. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on paper in writing.

Retrievability: The records are indexed by the name of the person with respect to whom the record is maintained.

Safeguards: Various.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Secretary for Tax Policy, Deputy Assistant Secretary for Tax Policy (Tax Legislation), Deputy Assistant Secretary for Tax Policy (Tax Analysis), Tax Legislative Counsel, Deputy Tax Legislative Counsel, Associate Tax Legislative Counsel, International Tax Counsel, Deputy International Tax Counsel, Associate Director Office of Tax Analysis, Director Office of Industrial Economics.

Notification procedure: Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, with sufficient identification as to individual's identity and information sufficient to determine within which office the records would most likely be located and the probable age of the record.

Record access procedures: By application to Freedom of Information Officer.

Contesting record procedures: By application to Freedom of Information Officer.

Record source categories: The records are developed from correspondence, memoranda, and official Treasury Department personnel forms.

Treasury/OS 00.183

System name: Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have had private relief tax bills introduced in Congress on their behalf.

Categories of records in the system: Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

Authority for maintenance of the system: 5 U.S.C. 301. A function of the Office of the Assistant Secretary for Tax Policy and the Office of the Tax Legislative Counsel is to coordinate legislative work in the tax field that concerns Treasury and to advise the Secretary with respect thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used to furnish reports and testimony to Congress or OMB. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: System manager(s) and address: Tax Legislative Counsel, Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Chief, Disclosure Branch (See Access below).

Record access procedures: Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: See Access above.

Record source categories: Principally the Congress and the Internal Revenue Service.

TREASURY/OS 00.190

System name: General Allegations and Investigative Records System—Treasury/OS.

System location: Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220

Categories of individuals covered by the system: A) Current and former employees of the Department of Treasury and such other persons whose association with current and former employees relate to the alleged violations of the Department's rules of conduct, the Civil Service merit system, or any other criminal or civil misconduct,

which affects the integrity or facilities of the Department of Treasury. The names of individuals and the files in their names may be:

1) received by referral; or

2) initiated at the discretion of the Office of the Inspector General in the conduct of assigned duties.

B) Individuals who are: witnesses; complainants; confidential or non-confidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General or by other agencies; constituent units of the Department of Treasury and members of the general public in connection with the authorized functions of the Inspector General.

C) Current and former senior Treasury and bureau officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

Categories of records in the system: Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct. Investigative files which include: reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; transcripts and documentation concerning requests and approval for consensual (telephone and consensual non-telephone) monitoring; reports from or to other law enforcement bodies; prior criminal or noncriminal records of individuals as it relates to the investigations; reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution.

Authority for maintenance of the system: Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 256, dated July 18, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system may be made to the Secretary and Deputy Secretary to the Treasury Department, to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and to the Office of the General Counsel in connection with requests for legal advice; and to authorized investigative offices of the Treasury Department, constituent units or other Federal Agencies. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal Agencies in connection with security procedures. Disclosures to those officers and employees of the Department of Treasury who have a need for the records such as those disclosures required for the administration of the Freedom of Information Act (5 U.S.C. 552) as amended. For additional routine uses see the Appendix entitled "Department of the Treasury Appendix Additional Routine Uses".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file jackets maintained in locked safes.

Retrievability: By name and case number. Access to the physical files containing records is by case number obtained from alphabetized card indices.

Safeguards: Records are maintained in locked safes and all access doors are locked when office is vacant. The records are available to personnel in the Office of the Inspector General on a need-to-know basis, each of whom have appropriate security clearances.

Retention and disposal: Investigative files are stored on-site for 3 years and indices to those files are stored on-site for 5 years. Upon expiration of their respective retention periods the investigative files and their indices are transferred to the Federal Records Center for retention and in most instances destroyed by burning, maceration, or pulping when 20 years old.

System manager(s) and address: Inspector General, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed under the Privacy Act for purposes of inspection or for the contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system contains investigatory material whose sources need not be reported.

Systems exempted from certain provisions of the act: This system is exempt under 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/OS 00.191

System name: Buildings Management Employee Folder—Treasury/OS.

System location: Office of Buildings Manager.

Categories of individuals covered by the system: All employees of Buildings Management—includes all shops as follows: Cabinet shop, Elevator shop, Electric shop, Engineer shop, Day and Night Maintenance, Paint shop, Locksmith.

Categories of records in the system: Each employee has individual folder containing items such as Letters of Counseling, suspensions, awards, step increases, evaluations as well as copies of official personnel actions such as SF-52's.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Normally a storage file for information purposes. Can be examined during periods of potential promotion, training needs, proposed advise actions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Normal 8 x 10 letter size paper.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet utilizing Treasury "Open" "Closed" security program.

Retention and disposal: Maintained until employee leaves Treasury service—purged annually to remove adverse comments not followed through with formal actions.

System manager(s) and address: Buildings Manager, The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220, Attn: Buildings Manager. Only personal identification required to review his own personal record.

Record access procedures: Simple presentation to the individual at the Buildings Management Office during normal work hours is sufficient to review personal record. Office is located in Main Treasury, Washington, D.C. 20220.

Contesting record procedures: See System Manager above.

Record source categories: Information received from official records such as time cards and SF-52's. Information also received through interviews and private counselings with the individual employee.

Treasury/OS 00.193

System name: Employee Locator and Automated Directory System.

System location: (1) Employee Locator: Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. (2) Automated Directory System: Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: (1) Employee Locator—name of individual, office address, office telephone extension, home address, home telephone, emergency notification data. (2) Automated Directory System—name of individual, office address, office telephone extension.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used at the Treasury Switchboard Information Positions to assist callers in locating Treasury employees and to notify a designated emergency contact in the event of an emergency involving the employee. (2) Used to compile Departmental and Bureau Telephone Directories. For additional routine uses see Appendix AA. USERS: Subscribers to Treasury Telephone System and Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Employee Locator—Card form TD F 73-50.1. (2) Automated Directory System—Diskette.

Retrievability: Indexed by name and/or block code numbers.

Safeguards: (1) Employee Locator—24-hour switchboard operation with controlled access. (2)Automated Directory System—computer access codes.

Retention and disposal: Maintained until notice of change or employment is terminated. The card form is destroyed by burning and the information on the diskette is erased.

System manager(s) and address: Assistant Director (Telecommunications Management), Office of Administrative Programs, Office of the Secretary, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information is provided by individual employees, who are given the option of non-release of the home address, telephone and emergency information.

Treasury/OS 00.194

System name: Document Delivery Control System.

System location: Department of the Treasury, Office of Administrative Programs, Information Services Division, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

Categories of individuals covered by the system: Department employees who are library users.

Categories of records in the system: Employees who borrow library materials or receive current news publications or library material on distribution.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used by the Information Services Division staff to locate materials withdrawn from the library collection, to distribute periodicals and current news publications, to conduct surveys of continuing user needs, and to complete pre-exit clearance procedures for employees leaving the Department.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records of items borrowed from the Treasury Library collection, distribution lists for publications and subscription control lists are maintained in computer disc and tape files. Hard copy printouts of data are used for working copies to update computer data bases. Computer files are maintained by name of subscriber or borrower, office locator information, office billing code (for subscription control module) and title of publication.

Retrievability: Data can be retrieved from the system by borrower or subscriber name, office or organization, and publication title.

Safeguards: Access to the computerized systems online requires knowledge of identification codes and protocols for calling up the data files; printed lists of borrower names are kept in a locked file. Access to the necessary protocols and identification codes is limited to staff of the Readers Services Branch and Acquisitions Unit responsible for maintenance and oversight of the circulation, subscription control, and distribution functions.

Retention and disposal: Only current data are maintained on line; hard copy of computer data for the circulation and distribution functions is kept on a current basis only; hard copy of the subscription control data is kept for current and preceding fiscal years only.

System manager(s) and address: Elisabeth S. Knauff, Manager, Information Services Division, Department of the Treasury, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification procedure: Inquires should be addressed to Chief, Disclosure Branch, Department of the Treasury, Room 1322, 1500 Pennsylvania Avenue, NW., Washington D.C. 20220.

Record access procedures: Same as notification above.

Contesting record procedures: Same as notification above.

Record source categories: Charge-out records completed by borrowers. Requests for subscriptions or distribution submitted by Treasury officials and employees.

Treasury/OS 00.240

System name: Contracts and Research Proposals—Treasury/OS.

System location: OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Contractors; and (2) Solicited and unsolicited research proposals by author.

Categories of records in the system: Contains information about technical and administrative aspects of external research contracts or proposals.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine administration of contract matters; (2) Evaluation of performance of contracts and utility of research proposals; and (3) If joint contract sponsored with another Federal agency, share information necessary to carry out contract. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Privacy Act Coordinator, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Information submitted by researcher voluntarily or by request; (2) Office notations on the status of contracts; and (3) Evaluations by Treasury personnel of contract work.

Treasury/OS 00.243

System name: Personnel. Personnel; Recruitment. Personnel; Evaluations—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, past employees, employee prospects.

Categories of records in the system: Files on personnel.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel recruitment and management. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notes in file folders.

Retrievability: Name.

Safeguards: Safe.

Retention and disposal: Until no longer useful.

System manager(s) and address: Director, Office of Statistical Reports, Deputy Director, Office of Statistical Reports. OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals, personnel actions, etc. Evaluations.

Treasury/OS 00.244

System name: Personnel Files—Treasury/OS.

System location: OASIA Research Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OASIA Research personnel and job applicants.

Categories of records in the system: Records on personnel and job applicants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Evaluate job applicants; (2) Routine administrative use of records on OASIA Research personnel; and (3) At the request of the individual, to provide potential employees with information on past work experience. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Deputy Assistant Secretary for Research, OASIA Research, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Employment applications; (2) Description of current work in office; (3) Personnel Office of OASIA; (4) Supervisor's observations; and (5) Information submitted by individuals for their own file.

Treasury/OS 00.300

System name: Personnel Files—Treasury/OS.

System location: Department of the Treasury, Office of the Secretary, Office of the Special Assistant to the Secretary for Public Affairs, Room 2324, Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in the Office of Public Affairs.

Categories of records in the system: SF-171s, Notification of within grade raises, Personnel action information, Letters of appreciation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by timekeeper for leave purposes; by supervisor, when information is needed; by employees, when requesting information from their files. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicates of original documents in file folders in safe.

Retrievability: Filed alphabetically by employee's last name.

Safeguards: Only the two persons authorized to use the safe have access to personnel files; Deputy Special Assistant to the Secretary for Public Affairs and his secretary.

Retention and disposal: Records are kept until employee is separated and then destroyed.

System manager(s) and address: Deputy Special Assistant to the Secretary for Public Affairs, Office of the Secretary, Room 2324, Main Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to the Deputy Special Assistant to the Secretary for Public Affairs: Department of the Treasury, Room 2324, Washington, D.C. 20220 or if he is not available, his secretary, same address. The individual must be inquiring about his own records and clearly identify himself, if not known to the persons named above.

Record access procedures: To obtain information on procedures for gaining access to and contesting records, mail the request to the Systems Manager.

Contesting record procedures: See Access above.

Record source categories: Informatoin for the personnel records are obtained from: 1. Office of the Secretary Personnel Division; 2. Information provided by employees themselves; and 3. Copies of letters from officials congratulating employees for special achievements.

Treasury/OS 00.400

System name: Merit System Complaints—Treasury-OS.

System location: Office of the Director, Office of Audit, Room 902, 1025 Vermont Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees who have a basis for believing that Civil Service personnel laws or rules are being violated, and the matter is not appropriate for the grievance or appeals procedure.

Categories of records in the system: Letters, personnel documents, memorandums, investigation reports, and extracts from investigation files.

Authority for maintenance of the system: Memorandum from the Secretary of the Treasury, dated November 21, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish direction and suggestions to Treasury Personnel Office for follow-up action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked combination safe.

Retrievability: By name.

Safeguards: Locked safe, access by Director of office only.

Retention and disposal: One year after matter resolved, material is then shredded.

System manager(s) and address: Office of Audit, Director, Room 902, 1025 Vermont Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Complainant, official personnel files, investigation files and grievance files.

Treasury/OS 00.503

System name: Roster of Office of the Secretary Employees—Treasury/OS.

System location: Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Office of the Secretary employees.

Categories of records in the system: Position titles, grades and salary for Office of Secretary employees.

Authority for maintenance of the system: Asistant Secretary (Administration) request.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Position control, ceiling control and general information for a very limited number of high level officials. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet.

Retrievability: By name.

Safeguards: Strict control of distribution.

Retention and disposal: Rosters are maintained for at least 3 years and after that time are destroyed.

System manager(s) and address: Personnel Officer.

Notification procedure: Room 1330, Main Treasury Building. Employee must give his name and office.

Record access procedures: Personnel Officer.

Contesting record procedures: Personnel Officer.

Record source categories: Standard Form 50.

Treasury/OS 00.504

System name: Summer Employees Listing Treasury/OS.

System location: Office of the Secretary Personnel Division, Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Summer Employees within the Office of the Secretary, excluding OASIA.

Categories of records in the system: Summer Employees' names, college majors, academic level, grade, position title and office.

Authority for maintenance of the system: Chapter 410 of the Federal Personnel Manual, Subchapter 3, Section 3-1, paragraph (b), Section (5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine who is eligible for seminars offered by the Office of the Secretary and the Department. Used also in the preparation of the 113 D Statistical Report for the Office of the Secretary. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Names listed on bond paper with respective information and stored in a file cabinet.

Retrievability: Alphabetical listing by name.

Safeguards: This list is used only by the Youth Employment Coordinator or others authorized by Personnel Officer.

Retention and disposal: Records are kept for one year then are destroyed by burning.

System manager(s) and address: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information taken from Official Personnel Folder and SF-171.

Treasury/OS 00.005

System name: Upward Mobility Program; Counseling Application—Treasury/OS.

System location: Room 1330, Main Treasury Building, Personnel Division, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees occupying positions within the Office of the Secretary, occupying GS-7 and below or equivalent, and Wage Board employees below WP-9 and WG-7 positions.

Categories of records in the system: Application form reflecting identification of employees, type of position, degree of education and skill, etc.

Authority for maintenance of the system: Affirmative Action Plan.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Application will be used in conjunction with interviews on Upward Mobility Counseling, to give an idea of what type of training and/or experience the applicant has, and what career goals the applicant may have. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The alphabetized applications are presently kept with other Upward Mobility materials, but will be filed into the Official Personnel Files shortly.

Retrievability: The system is indexed by name.

Safeguards: The applications are kept in a locked file, and will ultimately be inserted into Official Personnel Files which are also kept in locked files.

Retention and disposal: Maintained on left hand side of personnel folder and are retained until employee leaves Treasury.

System manager(s) and address: Upward Mobility Counselor, Room 1325, Main Treasury Building, Office of the Secretary, Department of the Treasury, Washington, D.C.

Notification procedure: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, N. W., Washington, D.C. 20220. The employee should submit name and social security number.

Record access procedures: Request for gaining access can be made orally. See access and notification above.

Record source categories: The information reflected on these applications was obtained from personal data provided by each applicant.

[Billing Code 4810-25]

Treasury/GFO 00.001

System name: Administrative Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Bureau personnel.

Categories of records in the system: (1) Civil Defense Cards, (2) Motor Vehicle Drivers Permits, (3) Distribution List of individuals requesting various Treasury publications, (4) Motor Vehicle Accident Reports, (5) Parking Permits, (6) Treasury Credentials.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on holders of Civil Defense Cards, drivers permits, parking permits, accident reports, credentials and for servicing public on Treasury publications. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hardcopy.

Retrievability: By name.

Safeguards: Locked containers.

Retention and disposal: (1) Destroy upon resignation, retirement or transfer; Hold—Individual no longer assigned relocation duties. (2) Destroy 3 years from date of separation or 3 years after rescission of authorization. (3) Destroy when superseded. (4) Indefinitely. (5) Destroy when superseded. (6) Destroy upon retirement, resignation or transfer.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Bureau personnel.

Treasury/GFO 00.002

System name: Payment issue records for regular recurring benefit payments—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Beneficiaries of Title II of the Social Security Act, (2) Beneficiaries of Title XVI of the Social Security Act, (3) Beneficiaries of the Civil Service Retirement System, (4) Beneficiaries of the Railroad Retirement System, (5) Beneficiaries of the Foreign Service Retirement System, (6) Holders of Series H Bonds (interest payment).

Categories of records in the system: Payment issue records for regular recurring benefit payments showing name, check number and symbol, or other identification, address, account number, payment amount, and date of issuance for each of the categories of individuals listed above.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment issue verification for banking industry, Federal investigative agencies, Division of Check Claims of this bureau, and Departments and agencies for whom payments are made, and payees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm-magnetic tape for categories of individuals 1 through 6.

Retrievability: By account number.

Safeguards: Held in secure buildings.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as

much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR, Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-566-8707.

Contesting record procedures: See Access above.

Record source categories: Vouchers certifications by departments and agencies for whom payments are made.

Treasury/GPO 00.003

System name: Claims and Inquiry Records on Treasury checks, U.S. currencies, and International claimants—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Payees and holders of Treasury checks, (2) Holders of mutilated currency, (3) Claimants awarded benefits under War Claims Act and International Claims Settlement Act of 1949.

Categories of records in the system: (1) Treasury check claim file: Treasury check, claim of payee with name and address, settlement action taken. (2) Mutilated currency claim file: Mutilated currency, name of bank assisting claim of individual, settlement action taken. (3) Awards for claims for losses sustained by individuals.

Authority for maintenance of the system: 5 U.S.C. 301; (1) For Treasury check claims—31 U.S.C. 71 with delegation of authority from Comptroller General of the U.S.; (2) Mutilated currency claims—31 CFR 100; (3) International claims—50 U.S.C. 2012; 22 U.S.C. 1627, 1641, 1642.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Check Claims—Information is used routinely by the Division of Check Claims and by indorsers on checks having liability, Federal agencies, State and Local Law enforcement agencies, General Accounting Office, Congressional offices and media assistance offices on behalf of payee claimants. (2) Mutilated Currency Claims—Information is furnished to the Internal Revenue Service for claims of 5000 dollars or more claimants, banks, state and local enforcement agencies. (3) International Claims—Information in files is used by employees of the Division of Financial Management, claimants (awardees) and their representatives; Foreign Claims Settlement Commission, and congressmen (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Claim file folders, Card checks, microfilm. (2) Correspondence files. (3) Claim file folders.

Retrievability: (1) Name of payee and check number and symbol. (2) Alpha cross-reference to case number. (3) Name of claimant or alpha reference to claim number.

Safeguards: (1) Secured building, (2) Secured building, (3) Secured files in secured building.

Retention and disposal: (1) Claim files and checks; six years seven months; Microfilm—indefinitely. (2) Seven years. (3) Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-566-8707.

Contesting record procedures: See Access above.

Record source categories: (1) Individual payees of Treasury checks, indorsers of Treasury checks, investigative agencies, disbursing officers issuing checks, contesting claimants. (2) Individual owners of mutilated currencies, commercial banks. (3) Awards certified to Treasury for payment by Foreign Claims Settlement Commission.

Treasury/GFO 00.004

System name: Freedom of Information Requests—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 CFR Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Special Assistant (F.O.I.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: See system manager.

Record access procedures: See system manager.

Contesting record procedures: See system manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/GFO 00.005

System name: GFO Personnel Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, Penn. Ave. and Madison Place, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: All Employees of Bureau (Separated employees—in certain cases) and applicants.

Categories of records in the system: (A) Official Personnel Folder, (B) Personnel Roster, (C) Logs of SF-52's, (D) Locator Cards, (E) Chronological Journal File, (F) Service Record Card (SF-7), (G) Correspondence File, (H) Written Verifications of Employment, (I) Roster of Retirement Eligibles, (J) Summary of Training (Card File), (K) Training Course Nominations, (L) Evaluation of Training Program, (M) Tuition Assistance Files, (N) GED Test Scores, (O) Executive Development File, (P) Position Listings, (Q) Position Descriptions with Evaluation Statements, (R) Personnel Management Evaluation Survey Reports, (S) Position Maintenance Reviews, (T) Applicant Supply File, (U) Suitability File, (V) Incentive Awards Record, (W) Request for Certification File, (X) Merit Promotion File, (Y) Exit Interview File, (Z) Skills and Appraisal File, (AA) Statistical Reports—(Which Show Names) (1) Personnel Status Report, (2) Monthly Retiree Report, (3) Monthly EEO report, (4) Direct Hire Authority Report, (BB) Registers Worked File, (CC) Statements of Employment and Financial Interest. (DD) Other similar files or registers.

Authority for maintenance of the system: Executive Order 10561 dated 9-13-54, Federal Personnel Manual, and Title 5 of US Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A—(1) Process Personnel Actions, (2) Verifying Service Computation Date, (3) Evaluating Qualifications for Promotion. B—(1) Compile Statistical Reports, (2) For Budget and Manpower Planning, (3) For Promotion Information, (4) Verification of Employment. C—(1) Control of Processing SF-52's, (2) Verify Receipt and Non Receipt of SF-52's. D—(1)

Emergency Notifications, (2) Listing for Bureau Phone Directory, (3) Verification of Employment. E—(1) Regulatory Audits, (2) Personnel Management Evaluations, (3) Compilation of Data for Statistical Reports on Personnel Actions. F—(1) Tickler System, (2) A Comprehensive and Continuing Record of each Employee's Status, Skills, etc., (3) Control over budgeted positions both filled and vacant, (4) Cards on Separated Employees are used to verify prior employment. G—(1) Data for Statistical Reports, (2) Reference of prior actions. H—(1) Verify current or past employment. I—(1) Retirement Planning Program, (2) Projected Staffing Plans. J-K-L-M-N—(1) Record of all training—used for reference by Employment Development Specialist for planning future training as needed. O—(1) Reference by Appraisal Committee and Employee Development. P-Q—(1) Documented duties of employees for original allocated positions. R—(1) Audit and Evaluation of programs and specific positions. S—(1) Official Record of annual review of positions required by FPM. T—(1) Current Source of Recruitment. U—(1) Reconstruction of case if appealed or grieved, (2) Assure continuity in handling troubled employees, (3) Document positive efforts made to rehabilitate employees, (4) Serve as source documents for suspensions or reprimands as cases warrant. V—(1) Quarterly and Annual Reports, (2) Used as reference to assure approval of an award or amount of award consistent with regulations. W—(1) Used as statistical base for planning future recruitment activities and reports for Fiscal Year. X—(1) Reconstruction of actions if appeal is filed, (2) Assure compliance with FPM regulations. Y—(1) Annual statistical report of turnover rate and reasons for leaving, (2) Obtain feedback from supervisors on advisability of rehiring. Z—(1) To determine skills and employee performance. AA—(1) Maintenance of records for reporting and informational purposes. BB—(1) Maintain records of recruitment activities for staffing reports, (2) Used to assure compliance with CSC regulations. CC—(1) Used to determine conflict of interest or possible conflict of interest. DD—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy and Magnetic Storage.

Retrievability: Alphabetically by name—also in some instances by organization, then social security number.

Safeguards: Personnel Records are locked when unattended—Access is limited to Personnel Employees, Supervisors, Promotion Panels, Investigators from CSC, etc., Top Management, and members of Fair Employment Staff.

Retention and disposal: Records are maintained and disposed of in accordance with General Services Administration Schedule.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual. Telephone: 202-566-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Applicant Personnel Action Forms (SF-50), SF-171 (Completed by applicant), Payroll Actions References, Educational Institutions, etc.

Treasury/GFO 00.006

System name: Identification files on individuals cashing Treasury checks—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: All individuals not employed by the Treasury Department cashing Treasury checks.

Categories of records in the system: (1) Identifying information by name, address, date of birth, social security number, and agency responsible for issuance of check. (2) Film records with picture and other identification.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identification for check cashing purposes. (2) Identification for check cashing purposes and for apprehension of forgers. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file in individual's handwriting; Film.

Retrievability: By name; By identification number and date.

Safeguards: Locked files; By contractor in secured building.

Retention and disposal: Indefinite.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/GFO 00.007

System name: Payroll & Pay Administration—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: All Employees of Bureau & Separated Employees.

Categories of records in the system: (A) Official Payroll Folder—(1) Levy & Garnishment Records; (2) SF-1192—Savings Bond Authorization; (3) SF-1198—Allotment of Pay to Saving Account; (4) SF-1189—Payment of Wages to Financial Organization; (5) Copies of SF-50—Notification of Personnel Action; (6) Withholding Tax Exemptions; (7) Copy of Health Benefit Designation; (8) Copy of Life Insurance Forms; (9) Payroll Change Slips; (10) Combined Federal Campaign Designations; (11) Copy of SF-1150. (B) Time & Attendance Reports (TUS-430)—(1) SF-71 Request for Leave; (2) Court Leave Documents; (3) Request for Advancement of Leave. (C) Payroll Comprehensive Listing—(1) Current Payment Information; (2) Record of Leave Earned and Used; (3) All Deductions from Pay; (4) Personnel Information such as Grade, Step, Salary, Title, Date of Birth, Social Security Number, Veterans Preference, Tenure, etc. (D) Payroll Control Registers.

Authority for maintenance of the system: Title 5—Pay, Leave & Allowances.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Payroll Preparation; (B) Issuance of W-2 Forms for Tax Purposes; (C) For additional routine uses see Appendix AA. Disclosure permitted to Federal Agencies and to State and Local Agencies for tax purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are stored, maintained and disposed of in accordance with General Services Administration Schedules.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular

record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: From individual Bureau employees.

Treasury/GFO 00.008

System name: Personnel Security Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees and applicants for position in the bureau.

Categories of records in the system: Results of full field investigations, national agency checks and written inquiries, and other limited investigations.

Authority for maintenance of the system: Title 5, U.S.C., Chap 73, Executive Order 10450 as amended, and Treasury Order 82.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are reviewed for purpose of granting clearances for employees to occupy nonsensitive and sensitive positions. Users—Federal Agencies, Federal, State and Local Law Enforcement Agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The records are hard copy, filed alphabetically by name and stored in a safe cabinet secured with a combination lock. Access to the records is restricted to key personnel who have been granted clearances to occupy critical-sensitive positions. The records on employees are retained by the bureau during their employment. The records on applicants not selected and separated employees are returned to the investigating agency.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual. Telephone 202-566-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Sources are applicants, employers, former employers, references, fellow workers, neighbors, educational authorities, military records, police and criminal records, credit records and others as required.

Treasury/GFO 00.009

System name: Postal Savings Deposits—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Postal Savings depositors.

Categories of records in the system: (1) Account cards of Open Deposits. (2) Paid cases from 1967. (c) Record of reissued certificates.

Authority for maintenance of the system: 39 U.S.C. 5225-5229; 31 CFR 257.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For payment by depositors, legal representatives, heirs; Internal Revenue Service Inspectors for tax purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing system.

Retrievability: Name, account number, within Post Office, City, State, by Postal Data Center.

Safeguards: In secured filing system. Accessible only to office personnel.

Retention and disposal: Closed cases; disposed after payment (10 yrs). Open accounts; indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-566-8707.

Contesting record procedures: See Access above.

Record source categories: Records received from the Post Office Department.

Treasury/GFO 00.010

System name: Records of Accountable Officers' authority with Treasury—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Disbursing Officers; (2) Certifying Officers; (3) Agent Cashiers; (4) Designated Agents.

Categories of records in the system: Records are maintained on the above listed accountable officers showing the designation or removal of the officer to act in the specified capacity pursuant to a proper authorization.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Banking institutions, Federal Reserve Banks, Government agencies and other bureaus and offices of the Treasury Department for verification of information on authority of accountable officers to determine propriety of actions taken by such individuals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card files.

Retrievability: By name.

Safeguards: Held in secured buildings. Disbursing Officers file is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S Department of the Treasury, Room 600, Treasury Annex No. 1. Pennsylvania Avenue and Madison Place, N.W., Washington, D.C 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1

Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/GFO 00.011

System name: Individual Retirement Cards, SF2806—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Employees of the Bureau.

Categories of records in the system: Individual retirement cards maintained to record annual contribution to the Retirement Fund of each employee.

Authority for maintenance of the system: 5 U.S.C. 8707; 5 CFR 831.102

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Bureau to record annual contribution to the Retirement Fund. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card.

Retrievability: By name.

Safeguards: All persons requesting information are screened.

Retention and disposal: Retained for tenure of employment then transferred to CSC or other Government agency.

System manager(s) and address: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above or telephone him at the following number 202-566-8707. All individuals are urged to examine the rules of the U.S. Department of the Treasury concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Bureau personnel office.

Treasury/GFO 00.012

System name: Precomplaint Counseling and Complaint Activities—GFO.

System location: B/GFO—U.S. Treasury Department, Treasury Annex No. 1 Madison Place & Penna. Ave., N.W. Washington, D.C. 20226.

Categories of individuals covered by the system: Employees seeking services of EEO Counselors.

Categories of records in the system: Monthly precomplaint activity reports from twelve Disbursing Centers and Headquarters.

Authority for maintenance of the system: 5 U.S.C. 7154; 42 U.S.C. 200e-16; E.O. 11478; and 5 CFR 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to keep records on EEO Counseling activities for monthly submission to Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed by station and date of receipt.

Safeguards: Staff supervision during day. Records under lock and key.

Retention and disposal: Reports destroyed at the end of four years.

System manager(s) and address: Special Assistant (P.A.): Bureau of Government Financial Operations, Treasury Annex No. 1, Madison Place & Penna. Ave., N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the PRIVACY ACT of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Monthly submissions by Disbursing Centers and Headquarters.

[Billing Code 4810-35]

Treasury/ATF 00.001

System name: Administrative Record System-Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Claimants against the Bureau of ATF.

Categories of records in the system: (1) Accident Report—nonvehicle (2) Accident Report—Vehicle (3) Accountability records for Government property (4) Credit card purchases (5) Disability reports (6) Fatality reports (7) Motor pool records (8) Injury reports (9) Motor vehicle operator's records. (10) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) Federal Claims Collection Act (2) Federal Employees Compensation Act (3) Federal Property and Administration Services Act of 1949 as amended. (4) Federal Tort Claims Act (5) Military Personnel and Federal Employees Claim Act (6) Occupational Safety and Health Act of 1970 (7) Small Claims Act. (8) 5 U.S.C. 1302, 3301, 3302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide administrative services for the Bureau; to maintain administrative records as required by law or regulation; and to be used in the adjudication of any claims for or against the Bureau. When required or authorized by statute, regulation, or executive order, information in the record system is made available to members of the public or employees of other government agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information if necessary to obtain information relevant to an agency decision concerning the letting of a contract, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the letting of a contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system may be disclosed as a routine use to Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; Local, state and Federal law enforcement agencies; Local, state and Federal regulatory agencies; Members of the public, employees of other Governmental agencies, or members of news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

Retrievability: Records are retrievable by name of individual.

Safeguards: Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety

of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules Numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Chief, Administrative Services Division Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226

Appeals may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: (1) Administrative records.(2) Claimants.(3) Doctors.(4) Employee records.(5) Fiscal records.(6) Former employees of the Bureau of ATF.(7) Former employers. (8) General Services Administration.(9) Individuals who have information relevant to claims.(10) Inspections records.(11) Internal Investigation reports.(12) Police reports.(13) Present employees of the Bureau of ATF.(14) Supervisors.(15) Witnesses.

Treasury/ATF 00.002

System name: Correspondence Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see address listed Appendix E-1.

Categories of individuals covered by the system: (1) Persons who correspond with the Bureau requesting information relating to Bureau personnel. (2) Persons who correspond with the Bureau requesting information relating to Bureau activities. (3) Persons who correspond with the Bureau requesting rulings, interpretations, or technical and scientific matters of a general nature. (4) Persons who correspond with others and whose correspondence is referred to ATF for response. (5) Persons referred to in correspondence with the Bureau. (6) Authors and publishers of technical and scientific matters relating to Bureau activities.

Categories of records in the system: Correspondence with individuals who contact the Bureau requesting information relating to Bureau personnel and/or activities, Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: 5 U.S.C. 301, E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of the system is to record the nature of reponses made to general public; to maintain a record of responses to individuals who correspond with the Bureau. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other Government agencies. A record in this system may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties, members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

Retrievability: Records are retrieved by name, subject matter and date of correspondence.

Safeguards: Transmitted to routine users on a need to know basis. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Assistant to the Director (Public Affairs) Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Appeals may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: Persons who correspond with the Bureau on general, technical or scientific matters.

Treasury/ATF 00.003

System name: Criminal Investigation Report System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. For nearest location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Criminal offenders or alleged criminal offenders acting alone or in concert with other individuals and suspects who have been or are under investigation for a violation or suspected violation of laws enforced by the Bureau. (2) Criminal offenders or alleged criminal offenders acting alone or in concert with individuals who have been referred to the Bureau of Alcohol, Tobacco and Firearms by other law enforcement agencies, governmental units and the general public. (3) Informants. (4) Persons who come to the attention of the Bureau in the conduct of criminal investigations. (5) Persons who have been convicted of a crime punishable by imprisonment for a term exceeding one year and who have applied for relief from disabilities under Federal law with respect to the acquisition, receipt, transfer, shipment, or possesion of firearms and explosives and whose disability was incurred by reason of such conviction. (6) Victims of crimes. (7) Witnesses.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable to an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records compiled and maintained by the Bureau as generally described in (a), (b), and (c) above including the following: (1) Abandoned property reports. (2) ATF Criminal Investigation Reports (not resulting in formal prosecution reports). (3) ATF referrals to foreign, Federal, State, and local law enforcement agencies. (4) Chief and Regional Counsel opinions. (5) Contemporaneous investigative notes. (6) Criminal in-

vestigatory correspondence from and to foreign, Federal, State and local law enforcement agencies. (7) Criminal intelligence information on individuals suspected to be violating ATF laws and regulations. (8) Documentary proof of defendant's criminal record; identity; or lack or registration of N.F.A. (as amended) firearm(s). (9) FBI Criminal Record Reports. (10) Fingerprints and palmprints. (11) Fugitive arrest warrants. (12) Handwriting exemplars. (13) Index cards, violation and reputation. (14) Illicit liquor and raw material surveys. (15) Laboratory reports of evidence analysis. (16) Memoranda of expected testimony of witnesses. (17) Organized crime members violating or suspected of violating ATF laws. (18) Parole and pardon reports. (19) Personal histories (address, employment, social security number, financial background, physical descriptions, etc.). (20) Photographs. (21) Purchase of evidence records. (22) Records of electronic surveillance by ATF. (23) Records received in response to summons and subpoenas. (24) Reliefs from disability. (25) Reports of interview with witnesses. (26) Search warrants and affidavits for search warrants. (27) Seized property reports. (28) Significant criminals, armed and dangerous, firearms, explosives, liquor, and wagering. (29) Special agent's daily activity diary (accessible by date only). (30) State and local law enforcement criminal investigative reports. (31) Statements of defendants. (32) Statements of witnesses. (33) Summons and subpoenas issued pursuant to criminal investigations. (34) Voice prints. (35) Wagering tax suspected violators. (36) Warning and demand letters. (37) Criminal violation reports (a formal report compiling all or portions of the foregoing for prosecutive purposes).

Authority for maintenance of the system: (1) 26 U.S.C. Chapters 35 and 40. (2) 26 U.S.C. Chapters 51 and 52. (3) 26 U.S.C. Chapters 53, as amended. (4) 26 U.S.C. Chapters 61 through 80, as amended. (5) 27 U.S.C. Chapter 8, as amended, (Federal Alcohol Administration Act). (6) 18 U.S.C. Chapter 40. (7) 18 U.S.C. Chapter 44. (8) 18 U.S.C. Chapter 59 (9) 18 U.S.C. App. 1201-1203 (Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title III of the Gun Control Act of 1968). (10) 22 U.S.C. section 414, (Mutual Security Act of 1954, as amended). (11) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan of 1950), Treasury Order 221, 5 U.S.C. section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to suppress traffic in illicit untaxpaid distilled spirits; to enforce the Federal laws relating to the illegal possession and use of firearms, destructive devices, explosives, explosive materials, and wagering activities; and to assist Federal, State, local and foreign law enforcement agencies in reducing crime and violence. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other Government agencies.

A record in this system may be disclosed as a routine use to: officers and employees of Department of the Treasury who have a need for the record in the performance of their duties; personnel of Department of Justice and other agencies, Federal, State, and local, foreign and domestic, having prosecutive and civil law enforcement functions; attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing and determining the parole and probation status of criminal offenders or suspected criminal offenders; Personnel of other Federal, State and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Bureau criminal investigations and for assisting law enforcement agencies in the investigation and prosecution of violations of the criminal laws those agencies are responsible for enforcing; Personnel of Federal, State, and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; Personnel of Federal, State and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; Employees and officials of financial and commercial business firms and private individuals for identification purposes pertaining to actual or suspected criminal offenders where it is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of, and when appropriate, to apprehend, criminal offenders and suspected criminal offenders; Defense attorneys under Discovery Procedures; Members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552, and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at ADP Division, Technical and Scientific Services Branch of Bureau Headquarters and at the IRS Data Center, Detroit, Michigan. Records are stored in on-line mass computer storage at San Diego, California. (Treasury Enforcement Communications System.)

Retrievability: Records are retrievable by name, date of birth, social security number, unique identifier, investigation number, serial number of firearm, or a combination of any of these; plus date and geographical location of incident giving rise to investigation.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records on tape or on-line mass storage are disposed of by degaussing.

System manager(s) and address: Assistant Director (Criminal Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington; D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

Record source categories: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(I).

Systems exempted from certain provisions of the act: Exempt under 5 USC 552a(j) and 31 CFR 1.36.

Treasury/ATF 00.004

System name: Fiscal Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvanina Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Present employees. (2) Former employees. (3) Recipients of rewards. (4) Vendors furnishing goods and services to the Bureau.

Categories of records in the system: (1) Advance of Funds. (2) Agreements. (3) Contracts. (4) Designated Agents or recommended Designated Agents. (5) Designated timekeepers and alternates. (6) Employee pay records. (7) Purchase Orders. (8) Payment vouchers. (9) Time and attendance records. (10) Travel and moving vouchers. (11) Travel request and authorization. (12) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan No. 26 of 1950), Treasury Order 221; 5 U.S.C. section 301. (2) E.O. 6166 (amended).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide fiscal services to employees of the Bureau and former employees of the Bureau; to record fiscal information as required by law and regulations; to prevent unauthorized disclosures; to provide accountability for government funds. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as the letting of a contract, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the letting of a

contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties, Employee of the General Accounting Office for review, Vendors of contractual services to the Bureau, members of the public, employees of other governmental agencies, or members of news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms); local, state and Federal law enforcement agencies; local, state and Federal regulatory agencies; for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, Michigan.

Retrievability: Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records Controls Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tapes, discs or in on-line mass storage, are disposed of by degaussing.

System manager(s) and address: Chief, Fiscal Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Appeals may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: (1) Former employees of the Bureau of ATF. (2) IRS Data Center. (3) Present employees of the Bureau of ATF. (4) Surviving spouse of deceased personnel. (5) Vendors of necessary goods and services for operations of Bureau of ATF.

Treasury/ATF 00.005

System name: Freedom of Information Requests—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records, and Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: See system manager.

Record access procedures: See system manager.

Contesting record procedures: See system manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/ATF 00.006

System name: Internal Security Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Applicants for employment.

Categories of records in the system: (1) Records containing investigative material compiled for law enforcement purposes including reports relating to: (a) conduct of employees. (b) integrity of employees. (2) Records containing investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information including reports relating to security clearances of employees.

Authority for maintenance of the system: (1) 18 U.S.C. 201 (2) E.O. 10450 (3) E.O. 11222

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system is used to assure the Bureau Director, the Department of the Treasury, and the public that the Bureau is taking strong and vigorous steps to maintain the highest standards of integrity, loyalty, conduct, and security among Bureau personnel. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the AT&F Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contact, or the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation to an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system of records may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; personnel of Department of Justice and other agencies, Federal, state, and local, foreign and domestic, having prosecutive and civil law enforcement functions; attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; personnel of other Federal, state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Bureau criminal investigations and for assisting law enforcement agencies in the investigation and prosecution of violations of the criminal laws those agencies are responsible for enforcing; personnel of Federal, state and local governmental agencies, where such referral is considered rea-

sonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; personnel of Federal, state and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; employees and officials of financial and commercial business firms and private individuals for identification purposes pertaining to actual or suspected criminal offenders where it is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; defense attorneys under Discovery Procedures; members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552, and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Center.

Retrievability: Records are retrievable by name.

Safeguards: Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules Numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Assistant Director, Inspection, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Employees of this Bureau. (2) Internal Investigative report forms. (3) witnesses. (4) informants. (5) Federal, State and local enforcement agencies. (6) Employers. (7) Educational institutions. (8) Credit agencies. (9) Neighbors. (10) References. (11) Professional Organizations. (12) other government agencies.

Systems exempted from certain provisions of the act: Portions exempt under 5 USC 552a(k) (relating to security clearances) and 5 USC 552a(k)(2) (relating to conduct and integrity) and 31 CFR 1.36.

Treasury/ATF 00.007

System name: Personnel Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E—1.

Categories of individuals covered by the system: (1) Present Employees of the Bureau of ATF. (2) Former Employees of the Bureau of ATF. (3) Applicants for employment with ATF.

Categories of records in the system: (1) Allotment and Dues. (2) Annual Tax Reports. (3) Applicants for employment. (4) Applications for reassignment. (5) Awards, honors, and fellowship records. (6) Classification appeal records. (7) Death claim records. (8) Educational history. (9) Employee indebtedness records. (10) Employees qualified as Grievance Examiners. (11) Employee Suggestions. (12) Employee history. (13) Employee relations case file. (14) Equal employment opportunity case file. (15) Health maintenance records. (16) Insurance records. (17) Military history. (18) Occupational injuries, disabilities, and Worker's Compensation Records. (19) Official personnel folder. (20) Outside employment and identification numbers, business or professional records. (21) Outside employment. (22) Outside financial interests. (23) Overtime and/or Premium Pay records. (24) Performance evaluation records. (25) Personal history. (26) Pocket commission, badge number. (27) Position description records. (28) Promotion/Selection Certificates Records. (29) Property custody records. (30) Retirement records. (31) Security clearance records. (32) Statement of career goals. (33) Supervisory or managerial potential records. (34) Temporary assignments and details. (35) Time application reports and records. (36) Training record. (37) U.S. Savings Bond participation records. (38) Upward mobility applications. (39) Vehicle accidents. (40) Withholding tax records. (41) Work schedule records. (42) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 5 U.S.C. Chapter 29, Subchapter II. (2) 5 U.S.C. Chapters 31 and 33. (3) 5 U.S.C. Chapter 43. (4) 5 U.S.C. Chapter 45. (5) 5 U.S.C. Chapter 51. (6) 5 U.S.C. Chapter 55, subchapter III. (7) 5 U.S.C. Chapter 61. (8) 5 U.S.C. Chapter 75. (9) 5 U.S.C. Chapter 83. (10) 5 U.S.C. Section 301. (11) 5 U.S.C. 4503. (12) 5 U.S.C. Section 5101—5115. (13) 5 U.S.C. Section 7151—7154. (14) 5 U.S.C. Section 7901. (15) P.L. 92—261 (Equal Employment Act of 1972). (16) P.L. 93—579. (17) Federal Employees Compensation Act. (18) Occupational Safety and Health Act of 1970. (19) Executive Order 10561. (20) E.O. 11222. (21) E.O. 11478. (22) E.O. 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide personnel services to employees of the Bureau, former employees of the Bureau, and applicants for employment with the Bureau; to record personnel information as required by law and regulations; to prevent unauthorized disclosures; provide identification information in accident or medical emergency situations. When required or authorized by statute, regulations, or executive order, information in the record system is made available to members of the public, news media or other governmental agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system maybe disclosed to the following as a routine use: (1) The Department of Labor; (2) Congressmen; (3) Equal Employment Opportunity Commission; (4) Members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms); (5) Officers and employees of Department of the Treasury who have a need for the record in the performance of their duties; (6) Federal, state and local law enforcement agencies; (7) Federal, state and local regulatory agencies. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, Michigan. Records are stored in on—line mass computer storage at San Diego, California (Treasury Enforcement Communications System).

Retrievability: Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the subetance and propriety of the request. Stored in lockable file cabinets in rooms locked during non—duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

System manager(s) and address: Assistant Director (Administration), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 522a (e) (4) (H).

Contesting record procedures: Same as access above.

Record source categories: (1) Administrative Records. (2) Applicants for employment with Bureau. (3) Acquaintances. (4) Business and professional associates. (5) Creditors. (6) Criminal records. (7) Educational institutions attended. (8) Employee records. (9) Equal Employment Opportunity Commission. (10) Financial institutions. (11) Fiscal records. (12) Former employees. (13) Former employers. (14) Inspection records. (15) Internal investigation reports. (16) Internal Revenue Service. (17) Military records. (18) Outside employers. (19) Physicians. (20) Police reports. (21) Position classification specialists. (22) Psychiatrists. (23) References. (24) Supervisors. (25) Training officers. (26) Unions, accredited. (27) U.S. Civil Service Commission. (28) Witnesses.

Systems exempted from certain provisions of the act: Exempt under 5 USC 552a(k) and 31 CFR 1.36.

Treasury/ATF 80.006

System name: Regulatory Enforcement Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this system of records are also geographically dispersed throughout ATF's regional and field offices. For locations, see addresses of regional and field offices listed in Appendix E—1.

Categories of individuals covered by the system: (1) Individuals who have been issued permits or licenses, have filed applications with ATF, or have registered with ATF as: (a) Brewers; (b) Claimants for refund, abatement, credit, allowance or drawback of excise or special occupational taxes; (c) Collectors of firearms or ammunition; (d) Distillers, bonded warehousemen, rectifiers, or bottlers of distilled spirits; (e) Importers of firearms, ammunition or implements of war; (f) Importers or wholesalers of beer, wine or distilled spirits; distillers, rectifiers, bottlers, or warehousemen of distilled spirits; or wine producers; (g) Individuals engaged in wagering activities; (h) Individuals who produce, receive, blend, store or treat wine or distilled spirits for experimental or research purposes; (i) Individuals who establish experimental distilled spirits plants; (j) Limited retail dealers in beer or wine; (k) Liquor bottle manufacturers; (l) Manufacturers of stills; (m) Manufacturers, importers, or dealers of firearms or ammunition; (n) Manufacturers, importers, dealers, or users of explosive materials; (o) Manufacturers, proprietors of export warehouses or importers of tobacco products; (p) Nonbeverage drawback claimants; (q) Operators of pilot brewing plants; (r) Possessors of stills and related equipment; (s) Producers of wine for family use; (t) Proprietors of vinegar plants, fruit—flavor concentrate plants or class 6 bonded warehouses; (u) Proprietors of bonded wine cellars, bonded wineries, taxpaid wine bottling houses, or bonded wine warehouses; (v) Reprocessors or rebottlers of specially denatured spirits; (w) Retailers of beer, wine or distilled spirits; (x) Users of tax—free alcohol, dealers or users of specially denatured spirits, or recoverers of specially denatured or completely denatured spirits.

(2) Individuals who are employed by businesses engaged in the activities specified in paragraph 1 and who are officers, directors, holders of 10 percent or more of the outstanding stock, designated agents, or responsible persons. (3) Individuals who are not qualified to engage in any of the activities listed in paragraph 1, but who are assessed excise or special occupational taxes. (4) Individuals who submit Offers in Compromise.

Categories of records in the system: Records containing investigative material compiled for law enforcement purposes which may consist of the following: (1) Abstracts of offers in compromise. (2) Administrative law judge decisions. (3) Assessment records: (a) notices of proposed assessments; (b) notices of shortages or losses; (c) notices to IRS to assess taxes; (d) recommendation for assessments. (4) Claim records: (a) claims; (b) letters of claim rejection; (c) sample reports; (d) supporting data; (e) vouchers and schedules of payment. (5) Comments on proposed rulemakings. (6) Complaints from third parties. (7) Correspondence concerning records in this system and related matters. (8) Financial statements. (9) Inspection and investigation reports. (10) Joint demands on principals and sureties for payment of excise tax liabilities. (11) Letters of reprimand. (12) Lists of permittees and licensees. (13) Lists of officers, directors and principal stockholders. (14) Mailing lists and addressograph plates. (15) Notices of delinquent reports. (16) Offers in compromise. (17) Operation records: (a) operating reports; (b) reports of required inventories; (c) reports of thefts or losses of firearms; (d) reports of thefts of explosive materials; (e) transaction records; (f) transaction reports. (18) Orders of revocation, suspension or annulment of permits or licenses. (19) Regional and Chief Counsel opinions and memoranda. (20) Reports of violations. (21) Permit status records. (22) Qualifying records: (a) access authorizations; (b) advertisement records; (c) applications; (d) bonds; (e) business histories; (f) criminal records; (g) diagrams of premises; (h) educational histories; (i) employment histories; (j) environmental records; (k) financial data; (l) formula approvals; (m) label approvals; (n) licenses; (o) notices; (p) permits; (q) personal references; (r) plant profiles; (s) plant capacities; (t) plats and plans; (u) registrations; (v) sample reports; (w) signature authorities; (x) special permissions and authorizations; (y) statements of process. (23) Show cause orders. (24) Tax records: (a) control cards relating to periodic payment and prepayment of taxes; (b) excise and special tax returns; (c) notices of tax discrepancy or adjustment.

Authority for maintenance of the system: (1) 26 U.S.C. 5172. (2) 26 U.S.C. 5271(b)(1). (3) 26 U.S.C. 5356. (4) 26 U.S.C. 5401. (5) 26 U.S.C. 5417. (6) 26 U.S.C. 5502(b). (7) 26 U.S.C. 5511(3). (8) 26 U.S.C. 5521(a). (9) 26 U.S.C. 5179(a). (10) 22 U.S.C. 204(c). (11) 26 U.S.C. 5105. (12) 26 U.S.C. 5275. (13) 26 U.S.C. 5301(b). (14) 26 U.S.C. 5132. (15) 26 U.S.C. 5042(a)(2). (16) 26 U.S.C. 7011. (17) 26 U.S.C. 5712. (18) 18 U.S.C. 923(a). (19) 18 U.S.C. 923(b). (20) 18 U.S.C. 843(a). (21) 22 U.S.C. 414. (22) 26 U.S.C. 4401(a). (23) 26 U.S.C. 6001. (24) 26 U.S.C. 6011(a). (25) 26 U.S.C. 5001. (26) 26 U.S.C. 5021—5023. (27) 26 U.S.C. 5041. (28) 26 U.S.C. 5051. (29) 26 U.S.C. 6201. (30) 26 U.S.C. 5008. (31) 26 U.S.C. 5044. (32) 26 U.S.C. 5056. (33) 26 U.S.C. 5705. (34) 26 U.S.C. 6423(b). (35) 26 U.S.C. 5009(a). (36) 26 U.S.C. 5006(a). (37) 26 U.S.C. 5055. (38) 26 U.S.C. 5062(c). (39) 26 U.S.C. 5106. (40) 26 U.S.C. 5131(c). (41) 26 U.S.C. 5064. (42) 26 U.S.C. 7122. (43) 27 U.S.C. 207. (44) 18 U.S.C. 843(d). (45) 18 U.S.C. 923(f). (46) 27 U.S.C. 204(e). (47) 26 U.S.C. 5312(a). (48) 26 U.S.C. 5042(a)(3). (49) Reorganization Act of 1949, 5 U.S.C. Sections 901 et seq.; Revenue Act of 1951, Section 616; Treasury Department Order 221 (37 F.R. 11696, June 19, 1972). (50) 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to determine suitability, eligibility or qualifications of individuals who are engaged or propose to engage in activities regulated by ATF; achieve compliance with laws under ATF's jurisdiction; assure full collection of revenue due from legal industries; eliminate commercial bribery, consumer deception and other improper trade practices in the distilled spirits, beer and wine industries; interact with Federal, state and local governmental agencies in the resolution of problems relating to industrial development, revenue protection, public health, ecology, and other areas of joint jurisdictional concern. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies.

In the event that a record in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, these records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in responses to its request, in connection with the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. When an ATF criminal investigation results in compilation of information contained in this system of records, the information shall be transferred to the Treasury ATF—Criminal Investigation Report System and shall become part of that system for all purposes of the Privacy Act of 1974. A record in this system may be disclosed as a routine use to: Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; Federal, State or local regulatory or law enforcement agencies in the performance of their duties on a

need to know basis; Members of the public, employees of other Governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in filing cabinets; card forms in card filing cabinets; and on magnetic tapes or microfiche at IRS Service Centers, ATF Headquarters, or Department of the Treasury.

Retrievability: Records are retrievable by name, permit or license number, or by document locator number.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and others upon verification of the substance and propriety of the request. Stored in file cabinets in rooms locked during non—duty hours. Wagering records are maintained in safes or file cabinets which are locked at all times.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

System manager(s) and address: Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Acquaintances. (2) Bureau Personnel. (3) Business and Professional Associates. (4) Creditors. (5) Criminal Records. (6) Financial Institutions. (7) Former Employers. (8) Internal Revenue Service. (9) Military Records. (10) Physicians. (11) Psychiatrists. (12) References. (13) Police Reports. (14) Witnesses. (15) Federal Law Enforcement Agencies. (16) State Law Enforcement Agencies. (17) Local Law Enforcement Agencies. (18) State Regulatory Agencies. (19) Federal Regulatory Agencies. (20) Local Regulatory Agencies. (21) Chief Counsel's Opinions. (22) Regional Counsel's Opinions. (23) Chief Counsel's Memoranda. (24) Regional Counsel's Memoranda. (25) Field Investigation Reports. (26) Third Parties.

Systems exempted from certain provisions of the act: Exempt under 5 USC 552a(k)(2) and 31 CFR 1.36.

Treasury/ATF 00.009

System name: Technical and Scientific Services Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. For nearest location, see addresses listed Appendix E—1.

Categories of individuals covered by the system: (1) Applicants to register firearms under the National Firearms Act. (2) Applicants for Surplus Military Firearms under the Director of Civilian Marksmanship Program. (3) Importers of implements of war as defined under the Mutual Security Act of 1954. (4) Licensed importers registered under the Mutual Security Act of 1954. (5) Manufacturers of National Firearms Act who are exempt from payment of Special (Occupational) tax provisions. (6) Non—Bureau chemists certified to make analysis of alcoholic beverages. (7) Persons involved in explosives tagging and detection program. (8) Registered owners of National Firearms Act firearms. (9) Special (Occupational) taxpayers as defined under title II of the Gun Control Act of 1968. (10) Victims of explosives. (11) Individuals involved in Government funded research projects.

Categories of records in the system: (1) Alterations of registered National Firearms Act firearms. (2) Applications for surplus military firearms. (3) Applications to register firearms and destructive devices under the National Firearms Act. (4) Applications to import articles on the U.S. Munitions list. (5) Blueprints. (6) Certifications of payment of Special (occupational) tax payments. (7) Changes of address for owner of firearms registered under the National Firearms Act. (8) Claims for erroneous Special (Occupational) taxes payments. (9) Descriptions of Inventions. (10) Delinquency notices regarding proof of importation of National Firearms Act Firearms. (11) Explosive reports. (12) Non—Bureau chemists' statements of qualification. (13) Patent information. (14) Registrations of firearms and destructive devices under the National Firearms Act. (15) Registration of war trophy firearms. (16) Requests and authorizations for temporary movement and/or temporary storage of National Firearms Act firearms. (17) Technical and scientific data. (18) Transaction records concerning National Firearms Act firearms. (19) Trade secrets. (20) U.S. Government contracts to manufacturers of National Firearms Act firearms. (21) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 18 U.S.C. Chapter 40. (2) 18 U.S.C. Chapter 44. (3) 18 U.S.C. Section 3056. (4) 26 U.S.C., Sections 6001(a), 5001, 5008, 5009(a), 5006(a), 5021—5023, 5041, 5042(a)(2), 5051, 5053, 5056, 5062(c), 5705, 6201, 6423(b), 5105, 5106, 5131(c), 5132, 5172, 5172(b)(1), 5275, 5301(b), 5356, 5401, 5417, 5502(b), 5511(3), 5521(a), 5179(a), 5712, 7011. (5) 27 U.S.C. Sections 204(c). (6) 26 U.S.C. Chapter 35. (7) Executive Order 10973 as amended by Executive Order 11432.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide technical and scientific support and expertise to Criminal and Regulatory Enforcement activities of the Bureau; to other Federal, State, local and foreign law enforcement agencies; and to industries involved in activities regulated by the Bureau. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the ATF Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

In the event that a record in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, these records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Records in this system may be disclosed as a routine use to: (1) Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties. (2) Federal law enforcement agencies. (3) State law enforcement agencies. (4) Local law enforcement agencies. (5) Foreign law enforcement agencies. (6) Industries involved in activities regulated by the Bureau. (7) Department of Defense. (8) Federal regulatory agencies. (9) State regulatory agencies. (10) Local regulatory agencies. (11) Members of the public, employees of other government agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). (12) Smithsonian Institution. (13) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in filing cabinets; on 3 by 5 and 5 by 8 cards stored in card file cabinets; on microfilm reels; magnetic tape reels and discs; and on keypunch cards.

Retrievability: Records are retrievable by name, by unique identifier, control number, serial number of National Firearms Act firearms.

Safeguards: Stored in file cabinets locked during non—duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tape discs or on—line mass storage are disposed of by degaussing.

System manager(s) and address: Assistant Director, Technical and Scientific Services, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be

exempt from compliance with the provisions of 5 U.S.C. 552 (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Individuals. (2) Companies. (3) Corporations. (4) Firearms Licensees. (5) Firearms Permittees. (6) Explosive Licensees. (7) Explosive Permittees. (8) Bureau personnel. (9) Federal law enforcement agencies. (10) State law enforcement agencies. (11) Local law enforcement agencies. (12) Foreign law enforcement agencies. (13) Federal Regulatory agencies. (14) State Regulatory agencies. (15) Local Regulatory agencies. (16) Non—Bureau Chemists.

Systems exempted from certain provisions of the act: Exempt under 5 USC 552a(k)(2) and 31 CFR 1.36.

APPENDIX E

(List of geographically dispersed offices referred to in the "Location" sections of each system of records)

Regional Offices

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 6 World Trade Center, Room 620 H, New York, New York 10048.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 360, 2 Penn Center, Philadelphia, Pennsylvania 19102.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 6519, 550 Main Street, Cincinnati, Ohio 45202.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 1502, 230 S. Dearborn Street, Chicago, Illinois 60604.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 204, 3835 Northeast Expressway, Atlanta, Georgia 30340.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 345, Main Tower, 1200 Main Street Dallas, Texas 75202.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, 34th Floor, San Francisco, California 94105.

CRIMINAL ENFORCEMENT OFFICES

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, J F Kennedy Federal Office Building, P.O. Box 9135, JFK PO, Boston, Massachusetts 02203.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Room 612, Federal Building, 11 Elmwood Avenue, Burlington, Vermont 05401/Essex Junction

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 232, CONCORD, NEW HAMPSHIRE 03301.

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[Billing Code 4810-31]

Treasury/Customs 00.001

System name: Acceptable Level of Competence, Negative Determination—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Any employee of U.S. Customs Service Region I, who receives a negative determination regarding acceptable level of competence.

Categories of records in the system: Employee's name, social security number, position description, grade, and correspondence containing specific reasons for negative determination.

Authority for maintenance of the system: Five U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include general reference to the records by supervisors when considering appropriate actions to take with regard to the individuals; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the

hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in locked file cabinets.

Retrievability: The records are filed by the individual's name.

Safeguards: Direct access is limited to the Director and five employees of the Personnel Division. In addition to being stored in locked cabinets, the area in which these records are stored is locked during non-duty hours and the building is guarded by uniformed security police.

Retention and disposal: Records are retained until the employee leaves the Customs Service.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is furnished by the employee, employee's supervisor and the Federal Employee Appeals Authority.

Treasury/Customs 00.002

System name: Accident Reports—Treasury/Customs.

System location: Logistics Management Division, Region IV, 99 S.E. 5th Street, Miami, Florida 33131; Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, California, 94105.

Categories of individuals covered by the system: Any employee of Region IV who has had an accident on Government property or in an official vehicle since 1973.

Categories of records in the system: Standard Government forms dealing with accidents and personal injuries.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Executive Order 11807 and Section 19 of Occupational Health & Safety Act of 1970; 5 U.S.C. 8101-8150, 8191-8193.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability by Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case folder is maintained in an unlocked drawer in chronological order by date.

Retrievability: Each case is identified by employee name and date of accident.

Safeguards: The metal container described above is maintained within the area assigned to the Logistics Management Division within the Region IV Headquarters Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: Accident Record files are retained in accordance with the Records Disposal Manual.

System manager(s) and address: Director, Logistics Management Division, Region IV, Headquarters, 99 S.E. 5th Street; Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, California, 94105.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctors' reports.

Treasury/Customs 00.005

System name: Accounts Receivable Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; Financial Management Division, District and Ports, 99 S.E. 5th Street, Miami, Florida, 33131; U.S. Customs Service, Financial Management Division, Increase and Refund Section, 6 WTC, New York, N.Y. 10048; Financial Management Division, U.S. Customs Service, Region V, 1440 Canal Street, New Orleans, Louisiana, 70112.

Categories of individuals covered by the system: Persons owing money for Customs duties and services and money owed to persons for overpayment of excessive duties and services.

Categories of records in the system: Correspondence and documentation of telephone calls with debtors and creditors or their representatives.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the personnel of the Financial Management Division to effect collections or refund overpayments for duties and services.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders which are contained in an unlocked metal file cabinet.

Retrievability: The file is retrieved by the name of the individual which is kept in alphabetical order within the work area of the Collection Section.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until collection or refund is effected and 2 years thereafter, then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110; Director of Financial Management, 99 S.E. 5th Street, Miami, Florida, 33131; Regional Commissioner, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048; Financial

Management Division, U.S. Customs Service, Region V, 1448 Canal Street, New Orleans, Louisiana, 70112.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in the system is obtained from data gathered from the automated billing system and ports of entry.

Treasury/Customs 00.009

System name: Acting Customs Inspector (Excepted)—Treasury/Customs.

System location: Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603, and Offices of the District Directors, Region IX, Chicago, Illinois; Inspection and Control Division, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas, 77002; Office of the District Director, San Diego, California; Offices of the Port Directors, San Ysidro, California; Calexico, California; Tecate, California; Andrate, California; San Diego Barge Office; and the Offices of the Patrol Division, San Diego California, San Ysidro, California; Calexico, California; Tecate, California; See Customs Appendix A; U.S. Customhouse, P.O. Box 111, District Director's Office, St. Albans, Vermont, 05478; Office of the District Director, P.O. Box 2112, San Juan, Puerto Rico, 00903.

Categories of individuals covered by the system: Employees or members of other Federal agencies who are designated by the District Directors as Customs Inspectors (Excepted).

Categories of records in the system: System has name, social security number, rank or grade and duty station of the individual.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Personnel Management Specialists and managers as a control and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF 55 forms kept in manila folders in file cabinet.

Retrievability: Filed alphabetically.

Safeguards: During non-working hours the offices and/or buildings in which records are located are locked.

Retention and disposal: Until individual transfers or designation is cancelled. Form is then destroyed.

System manager(s) and address: Director, Personnel Management Division; Region IX, 55 E. Monroe Street, Chicago, Illinois, 60603; Director, Inspection and Control Division, U.S. Customs Service, Region VI, 500 Dallas, Suite 1240, Houston, Texas, 77002; District Director, Port Directors, and Division Directors, within the San Diego Customs District (See Appendix A); District Director, U.S. Customs Service, St. Albans, Vermont, 05478, District Director, P.O. Box 2112, San Juan, Puerto Rico, 00903.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is supplied by the individual and his or her agency.

Treasury/Customs 00.014

System name: Advice Requests (Legal) (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Categories of individuals covered by the system: Individuals who are the subject of any request for legal advice by another office within Customs, another Government agency, or the private individual himself. An example would be a request by a District Director for advice as to whether or not a violation of a Customs law for which a penalty may be assessed has occurred.

Categories of records in the system: Intra-agency or inter-agency memoranda and reports of investigation and other documents submitted by the requesting office for use in handling the request. Correspondence from the private individual submitting the request.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used in handling the request for advice and in preparing a response to the request; (d) Information contained in the files may be used internally by the Regional Counsel and members of his staff insofar as it relates to precedent or guidelines for their handling of future cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the individual who is the subject of the request and in the alphabetical file folder within the metal file cabinet by the name of the individual who is the subject of the request.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours, the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Request for legal advice files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time some files may be transferred to the Federal Record Center.

System manager(s) and address: Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Notification procedure: See Customs Appendix A.

Record source categories: Information which may concern the subject individual is sourced in the memoranda or correspondence from the office or individual requesting the advice and in any supporting documents that office or individual may transmit.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.016

System name: Aircraft Ownership File—Treasury/Customs

System location: U.S. Customs Air Support Branch, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons, partnerships, or corporations who are the registered owners of record of U.S. aircraft.

Categories of records in the system: This file contains the name and address of the registered owner of the aircraft; the registration number, category and type of aircraft; and an indication of whether or not the aircraft is on record with the TECS system.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the records by Customs Officers to determine whether certain aircraft are in the TECS system and in enforcing laws and regulations relating to aircraft entering and leaving the United States; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to

the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are numerically filed in a looseleaf container within a security area.

Retrievability: The information is in the form of microfilm and is retrieved by means of an alphanumeric code identifier.

Safeguards: The information files are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are maintained for a period of three months at which time they are replaced with current information. The old files are then destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.017

System name: Aircraft Registers—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, SAC, 600 South Street, Room 444, New Orleans, La. 70130; RA, 1719 West End Building, Rm. 303, Nashville, Tennessee 37203.

Categories of individuals covered by the system: Owners and co-owners of U.S. registered aircraft.

Categories of records in the system: Name indices of owners of U.S. registered aircraft and indices of co-owners of U.S. registered aircraft indexed by aircraft registration number.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the records by Customs Officers to determine whether certain aircraft are in the TECS system and in enforcing laws and regulations relating to aircraft entering and leaving the United States; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these microfiche files is provided for the routine use of the Office of Investigations of the Customs Service for the purpose of verifying information received from other sources in conjunction with investigations within the Office of Investigations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This microfiche is maintained in a file folder in a metal cabinet. The cabinet is located in a room which is manned during normal office hours, and locked after hours.

Retrievability: This microfiche file is identified by alphabetical name of the categories of individuals maintained in that file and information is retrievable manually from these files.

Safeguards: These microfiche files are kept in a metal cabinet and are maintained within the room which is manned by Office of Investigations personnel during normal office hours. During non-working hours, the room in which the metal cabinet is located is locked and entrances to the office which contains that room are locked. Access to the building containing the office is controlled during non-working hours by a uniformed guard.

Retention and disposal: These files are retained indefinitely or until updated by more current records at which time the old records are disposed of by shredding.

System manager(s) and address: Special Agent in Charge, U.S. Customs Service, Office of Investigations, 600 South Street, Room 444, New Orleans, La. 70130; Resident Agent, U.S. Customs Service, Office of Investigations, 1717 West End Building, Rm. 303, Nashville, Tenn. 37203.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and (k) has exempted this system of records from certain requirements of 5 U.S.C.552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.021

System name: Arrest/Seizure/Search Report and Notice of Penalty File—Treasury/Customs.

System location: Office of the District Director of Customs, Room 228, United States Customs Service, 335 Merchant Street, Honolulu, Hawaii 96813.

Categories of individuals covered by the system: Persons who are suspected of attempting to smuggle, or have smuggled, merchandise or contraband into the United States; individuals who have undervalued merchandise upon entry into the United States; vessels and aircraft which have been found to be in violation of Customs laws.

Categories of records in the system: Names of individuals, vessels, aircraft; identifying factors; nature of violation or suspected violation; circumstances surrounding violation or suspected violation; date and place of violation or suspected violation; and on-site disposition actions.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Enforcement use by Customs Patrol Officers.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each report is assigned a case number and filed accordingly in a locked, metal file located in the office of the Director of Patrol.

Retrievability: Each report is identified in a manual alphabetical card file by the name of the individual, vessel or aircraft.

Safeguards: In addition to being stored in a locked metal cabinet, these records are located in a locked room, the keys of which are controlled and issued only to authorized personnel.

Retention and disposal: These records are retained for one year or until action has been completed.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Post Office Box 1641, Honolulu, Hawaii 96806.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.022

System name: Attorney Case File—Treasury/Customs

System location: Office of Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or sub-units, or employees or officers thereof, in matters which affect or involve the U.S. Customs Service.

Categories of records in the system: Seizure reports, investigative reports, Customs forms and documents relative to the case, petitions for relief, decisions on petitions, other background information relating to the litigation, motions, orders, etc., filed in connection with the litigation; investigative reports relative to an individual's economic ability to pay a claim.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Records indexed by name of private individual involved in the litigation.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and his staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, Customs penalty case files, other Government agencies, parties involved in litigation, banks and credit bureaus, administrative proceedings regarding disciplinary action taken against Customs Service employees, Equal Opportunity complaints, denials of tort claims, denials of information under the Freedom of Information Act, and from other parties' information pertinent to the litigation.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.028

System name: Baggage Declaration—Treasury/Customs

System location: Located at the District and Port Directors' offices in the Ogdensburg, New York district. (Boston region)

Categories of individuals covered by the system: Persons required to make a written baggage declaration.

Categories of records in the system: Name, address, items declared and value.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To substantiate cases of failure to declare or false declarations or investigation by Office of Investigations; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders in file cabinet.

Retrievability: By name.

Safeguards: Available to authorized Customs personnel only.

Retention and disposal: Free entry declarations are retained for three years then destroyed. Dutiable declarations are retained for three years at the Port, seven years at the Federal Record Center, and then destroyed.

System manager(s) and address: District and Port Directors.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The individual who files the baggage declaration.

Treasury/Customs 00.030

System name: Bankrupt Parties-in-Interest—Treasury/Customs.

System location: Regional Headquarters in Region VI, U.S. Customs Service, 500 Dallas St., Suite 1280, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals indebted to U.S. Customs.

Categories of records in the system: Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

Authority for maintenance of the system: Public Law 89-508, the "Federal Claims Collection Act of 1966;" 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Provide ready reference to officers and employees of the U.S. Customs Service in Region VI of parties-in-interest with past due accounts who have filed in bankruptcy court; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cases are maintained in file folders at work site.

Retrievability: Alphabetical order by name.

Safeguards: These cases are placed in locked cabinets during nonworking hours. The building is guarded by uniformed security police.

Retention and disposal: As satisfaction received, cases are closed. Records are maintained per Records Control Manual FIS-4 No. 124.

System manager(s) and address: Director, Financial Management Division, 500 Dallas St., Suite 1265, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The source of information is obtained from individuals, bankruptcy courts, Customhouse brokers, and sureties.

Treasury/Customs 00.031

System name: Bills Issued Files—Treasury/Customs.

System location: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Individuals to whom bills have been issued.

Categories of records in the system: Correspondence received from or sent to individuals in relation to bills issued by the United States Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual alphabetical file folders in file cabinet.

Retrievability: Access by name of individual.

Safeguards: The file cabinet is maintained in the offices of the Regional Commissioner, Region IX, Chicago, Illinois. During nonworking hours the room/building in which the file is located is locked. Access is limited to authorized personnel.

Retention and disposal: Correspondence file is maintained for a period of three years then destroyed.

System manager(s) and address: Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information consists of copies of letters or memoranda issued to or received from individuals. Records of phone calls and copies of documents related to the individual's transaction.

Treasury/Customs 00.032

System name: Biographical Files (Headquarters)—Treasury/Customs.

System location: Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and the Regional Public Information offices located at the addresses listed in Customs Appendix A.

Categories of individuals covered by the system: General biographical records are maintained on all Customs employees for news release and public information purposes.

Categories of records in the system: General biographical information including home address, date and place of birth, educational background, work experience, honors and awards, hobbies, and other information.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include release of information to the news media and for use in internal Customs publications; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses See Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file cabinets in the Public Information Division at Customs Headquarters.

Retrievability: File folders are identified by the name of the person and are filed in alphabetical order.

Safeguards: The office in which the records are located is locked during non-working hours and the building is guarded by uniformed guards.

Retention and disposal: Files are retained during the individual's tenure as an employee of the Customs Service, after which the files are destroyed.

System manager(s) and address: Director, Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The individual involved, Customs personnel officers and co-workers.

Treasury/Customs 00.037

System name: Cargo Security File—Treasury/Customs.

System location: Special Agent in Charge, Room 350, Patrick V. McNamara Bldg., 477 Michigan Avenue, Detroit, Michigan 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Longshoremen, Customs Bonded Warehouse employees, licensed Cartmen employees and other persons having access to cargo.

Categories of records in the system: Names, place of employment, residence, criminal records, date of birth, Social Security numbers, photographs, descriptions and other identifying data.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties and/or to cooperating Law Enforcement Agencies; (b) Disclosures required in administration of the Freedom of Information Act. (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in loose-leaf binders and cross indexed index cards showing license numbers are kept in a metal box. They are kept in the communications room for rapid access.

Retrievability: Names of companies and individuals can be retrieved by checking the loose-leaf binders kept in an alphabetical listing. License plate numbers are listed in numerical sequence on index cards.

Safeguards: The records are kept in a room within the office which is locked when not in use. Keys are available only to employees, and are not accessible to persons other than employees. Employees having access to the room have received a security background and clearance. The offices are located in buildings with guards and controlled by sign-in, sign-out sheets after regular hours.

Retention and disposal: Information remains in the system indefinitely or until no longer needed. The records are disposed of by shredding or burning.

System manager(s) and address: Special Agent in Charge, Room 350, Patrick V. McNamara Bldg., 477 Michigan Avenue, Detroit,

Michigan 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, Ohio 44114.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.371

System name: Cargo Security Record System—Treasury/Customs.

System location: District Director, 600 South Street, New Orleans, Louisiana 70130; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Categories of individuals covered by the system: Drivers of motor vehicles of licensed cartmen and lightermen; properties and operators of each class of Customs bonded warehouse and their employees.

Categories of records in the system: Records on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employments, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name of operator of bonded warehouse and employees.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include protection of the revenue of the United States and protection of merchandise in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains Customs Form 3581 and names, addresses, and social security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

Retrievability: By individual name or corporate name.

Safeguards: Unlocked metal file cabinet and desk drawer of customs employee; building secured after hours.

Retention and disposal: Information on drivers is retained in an active file until revoked or cancelled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

System manager(s) and address: District Director, 600 South Street, New Orleans, Louisiana 70130; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k)(2) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in 31 CFR 1.36.

Treasury/Customs 00.039

System name: Carrier File—Treasury/Customs.

System location: Room 130, U.S. Customhouse, Terrace & International Streets, Nogales, Arizona 85621.

Categories of individuals covered by the system: Applicants for Bonded Carrier's License.

Categories of records in the system: Application with pertinent documents and bonds covering approval as bonded carrier.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Granting of Bonded Carrier status and collection of penalties for Customs violations; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carrier files retained in alphabetical order at District Office.

Retrievability: By name.

Safeguards: Records are retained in lockable file cabinet and building is locked during other than office hours.

Retention and disposal: Records retained until obsolete and destroyed by burning.

System manager(s) and address: District Director, U.S. Customshouse, Nogales, Arizona 85621.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information contained herein originates with the applicant and includes required licenses and information relative to equipment utilized.

Treasury/Customs 00.040

System name: Carrier File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: Officers or owners, employees, associates of Customs Bonded Carriers.

Categories of records in the system: Name, date of birth, Social Security No., place of birth and other information relating to Officers, Associates, employees, etc., of Bonded Carriers.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended, and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event

that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Maintain a current file relating to operations, bond status, possible violations, and employment history of individuals working for the Bonded Carrier.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folder in file cabinet.

Retrievability: Filed by name of company or individual.

Safeguards: Building locked during non-working hours.

Retention and disposal: Indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs Bonded Carriers' employees and correspondence.

Treasury/Customs 00.041

System name: Cartmen or Lightermen—Treasury/Customs.

System location: Customs ports, districts, and regional offices. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms who have applied for or hold a license as a bonded cartman or lighterman and individuals employed by cartman or lightermen.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding applications for licenses and identification cards, reports of investigations for approving these licenses and identification cards and card files showing outstanding identification cards and their location. Files also include fingerprint cards.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by Customs personnel in determining eligibility of applicants to be approved as licensed cartmen or lightermen; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in a metal file cabinet in the office maintaining the system.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the licensed cartman or lighterman and in the alphabetical file folder by the name of the licensed cartman or lighterman. Each employee's record is filed in a manual alphabetical card file cross-referenced with company names.

Safeguards: The file is placed in a metal file cabinet at the work site. At locations where work is not performed on a 24-hour basis the work area is locked and only authorized persons are permitted in the building.

Retention and disposal: Files are reviewed at least once a year at which time cancelled I.D. cards may be removed. Closed CF 3078's may also be removed, but normally are held for approximately three years in case a new application is received from the same company or transferred to another company after a new investigation.

System manager(s) and address: Port Directors, District Directors, and Regional Commissioners of the U.S. Customs Service. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Systems exempted from certain provisions of the act: The commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.042

System name: Case and Complaint File—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Any individual initiating a court case or against whom a court case is brought; any individual involved in a personnel action, either initiating a grievance, discrimination complaint, or unfair labor practice complaint against the U.S. Customs Service or against whom a disciplinary or other adverse action is initiated; claimants or potential claimants under the Federal Tort Claim Act; individuals involved in accidents with U.S. Customs Service employees; U.S. Customs Service employees involved in accidents; persons seeking relief from fines, penalties and forfeitures and restoration of proceeds from the sale of seized and forfeited property; requesters under the Freedom of Information Act.

Categories of records in the system: The System contains the individual's name, the type of case, the uniform filing guide number, the Regional Counsel's office file number, by whom the matter was referred, the district where the action originated, if applicable.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to retrieve files by attorneys and staff by use of the individual's name.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each alphabetical card is inserted in a metal file drawer.

Retrievability: Each card is identified alphabetically by the individual's name described in Category of Individual and the filing is alphabetical by last name.

Safeguards: The metal filing drawer containing the alphabetical cards described above is maintained within the area assigned to the Office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois 60603. During non-working hours, the room in which the metal filing drawer is located is locked and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing drawer at which time the oldest cards for closed files will be transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets, unable to be locked.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained on these cards originates with the initiation of any action by an individual which is channeled through the Regional Counsel's office. Additional information is identifying information for locating the particular case file relating to the court case, personnel action, tort claim, relief petition, or request under the Freedom of Information Act.

Treasury/Customs 00.043

System name: Case Files (Regional Counsel-Region V)—Treasury/Customs.

System location: The system is located at 1440 Canal Street, New Orleans, Louisiana 70112, Office of the Regional Counsel, Region V, United States Customs Service.

Categories of individuals covered by the system: (1) The first category of individuals on whom records are maintained in the system includes employees who have filed adverse actions, equal employment opportunity complaints, and grievances within Region V; employees who have filed tort claims under the Military Personnel and Civilian Employees Act; employees of the Regional Counsel's staff with regard to travel, training, evaluations, and other related personnel records; and applications for employment submitted to the Office of the Regional Counsel by prospective employees; (2) The second category of individuals on whom records are maintained in the system includes those individuals not employed by the agency who have filed equal employment opportunity complaints; tort claims under the Federal Tort Claims Act; tort claims filed under the Small Claims Act; individuals who have outstanding Customs bills submitted for collection; individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions on fines, penalties, and forfeitures within Region V; files relating to individuals, corporations, partnerships, and proprietorships upon whom criminal case reports are prepared pending litigation and prosecution for violation of 19 U.S.C. 1305, 18 U.S.C. 542, 18 U.S.C. 545, 18 U.S.C. 549, 18 U.S.C. 1001, 18 U.S.C. 496, and 18 U.S.C. 371; on individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions submitted in civil and technical violations for 19 U.S.C. 1592, 19 U.S.C. 1453, 19 U.S.C. 1448, 19 U.S.C. 1584, irregular deliveries, shortages and overages; and miscellaneous civil and technical violations.

Categories of records in the system: The categories of records maintained in the system are personnel actions; tort claims; collection efforts; supplemental petitions for fines, penalties, and forfeitures cases in Region V; criminal case reports for pending litigation and prosecution of cases in Region V; supplemental petitions for civil and technical violations committed within Region V; and employment applications for positions in the Office of the Regional Counsel, Region V.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as if necessary to obtain information relevant to an agency decision concerning the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Routine uses of the records contained in the system are for the processing and evaluation of complaints and claims submitted in adverse actions, equal employment opportunity complaints, grievances, tort claims, criminal investigations, civil investigations, collection efforts, employment actions, and personnel actions; (g) Routine uses include reference for the processing of claims; continuous updating of the records necessary for the processing of claims; references to the files for the satisfaction of claims and closing cases by or against the United States Customs Service within Region V; submission of copies of records to the General Services Administration and the Justice Department for prosecution of criminal and civil violations and collections; submissions of copies of records to various branches of the United States Customs Service within Region V for the purposes of investigating and/or processing outstanding civil and criminal cases, collection cases, tort claims, and various personnel actions; (h) The purposes of such uses include the processing of all of the above-cited claims by the Office of the Regional Counsel and the preparation of legal memoranda to various department heads and other agencies to expedite the ordinary course of business of the United States Customs Service within and without Region V.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are currently maintained in alphabetical file folders which are filed in two steel filing cabinets in the Office of the Regional Counsel, Region V, and they are maintained under lock and key outside the ordinary business hours.

Retrievability: Records maintained by the Office of the Regional Counsel, Region V, are retrievable by identifying the character of the record (i.e., adverse action, grievance, tort claim, criminal case), then by comparable statute or regulation, and then alphabetically by name and identifier. In addition, each case file is similarly identified on the alphabetical file folder within the steel filing cabinet.

Safeguards: (a) The steel filing cabinets described above are maintained within the area assighed to the Office of the Regional Counsel, 1440 Canal Street, New Orleans, Louisiana 70112. During non-working hours the room in which the locked steel cabinets are located is locked, and access to the building is controlled at all times by uniformed guards; (b) The policies and practices of the Office of the Regional Counsel regarding access controls are that only members of the staff of the Office of the Regional Counsel have access to the records maintained by the office.

Retention and disposal: (a) Records collected by this office are currently retained on a permanent basis as the office has only been in operation since August 1973; (b) Individual records are not disposed of by the Office of the Regional Counsel, Region V, and are simply placed into a further file of closed cases by category as stated above, and within each category by name. However, when applicable, this office will comply with appropriate disposal regulations whereby the oldest closed cases will be forwarded to the Federal Records Center in accordance with the Treasury Records Control Manual.

System manager(s) and address: The agency official responsible for the system of records maintained by the Office of the Regional Counsel is the Regional Counsel, Region V, United States Customs Service, 1440 Canal Street, New Orleans, Louisiana 70112.

Notification procedure: See Appendix A.

Record source categories: The categories of sources of records in this system are the individual himself and files compiled by the United States Customs Services by using employers, other government agency resources, financial institutions, educational institutions attended, and previous employers.

Additional information in these files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, investigations of tort claims, the processing of inter-office memoranda information requested under the Freedom of Information Act, and the investigation regarding the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.044

System name: Certificates of Clearance—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: All employees of Region I, Boston, Massachusetts who have transferred, retired or resigned.

Categories of records in the system: Documented detailed information on an in-house prepared form indicating that the employee has returned all Government property in his personal possesion and that the employee has cleared all debts owing to Customs such as unearned uniform allowances and travel advances.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used as a check-off list to insure that the employee has complied with his obligation for the return of Government property and money. The system is used by all employees of the Payment Section.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders by District and name of employee in a metal file cabinet in the work area of the Payment Section.

Retrievability: The file is retrievable by District and name of employee.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are kept for 10 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in the system originates at the District where the individual is employed.

Treasury/Customs 00.045

System name: Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90053.

Categories of individuals covered by the system: Current or former Customs employees who have filed, or may file claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is utilized to formulate recommendations, and is made available to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claim Act of 1964.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified alphabetically in the file folder within the metal container by the name of the person who has filed or may file a claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor. Where a claim is not filed, the information is limited to the investigative reports of damage to or loss of personal property of a Customs employee.

Treasury/Customs 00.046

System name: Claims Case File—Treasury/Customs.

System location: Office of Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Parties who have filed claims for damage or injury against the Government, or against whom the Government has a claim for damage or injury in matters which affect or involve the U.S. Customs Service; private individuals or Government employees who are involved in the incident which gave rise to the claim.

Categories of records in the system: Reports relative to the circumstances of the claim (including accident reports provided by Customs personnel, agents' investigative reports, correspondence between Customs and the claimant or his representative); reports relative to an individual's ability to pay a claim for damages.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Records indexed by name of private individual making a claim or against whom a claim is made; cross-referenced file with name of Government employee, if any, involved.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, credit checks, private individuals involved in the claims, other Government agencies and other individuals with pertinent information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.047

System name: Claims Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105

Categories of individuals covered by the system: The categories included are: (1) Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment; (2) Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964 for damage to or loss of personal property incident to their service; (3) Individuals against whom the Government may have a claim for property damage caused by a wrongful or negligent act or omission on the part of the individual.

Categories of records in the system: Reports of investigation regarding claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965; 28 U.S.C. 2672, et seq; 31 U.S.C. 240-243, 28 CFR 14.1 et seq; 31 CFR 3.1, et seq; 31 CFR, Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552);(c) The information contained in these files with respect to Category 1 individuals above is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in the Category 1 files is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period; (d) The information contained in these files with respect to Category 2 individuals above is utilized to formulate recommendations, and is made available to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964; (e) Information contained in these files with respect to Category 3 individuals above is used to make recommendations and is made available to officials within the Customs Service who make final determinations with respect to whether or not Customs should proceed to collect a claim against an individual for damage to Government property and how this should be done.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is indentified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal file cabinet by the name of the person who filed the claim in the case of Categories 1 and 2 above and by the name of the individual against whom the Government may have a claim in the case of Category 3 above.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Claim files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in the Federal Tort Claim files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

The information contained in the Military Personnel and Civilian Employees Claims Act files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Information contained in the files concerning property damage claims by the Government originates with a report by a Government employee of an incident or of facts from which it appears that the Government may have a claim. Based upon the reports, investigations are conducted to determine the facts surrounding the claims. During the investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this

system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.048

System name: Claims for Automobile Accidents—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Persons involved in automobile accidents for which Customs is pursuing collection.

Categories of records in the system: Accident reports, estimate of damages, insurance company correspondence, statements of witnesses, scope of employment of motor vehicle operation, and copies of bills sent to debtors.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the Operating Accountant and Collection Section employees to collect claims resulting from damage to Customs vehicles.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders located in the office of the Revenue Accountant in a 4-drawer metal file under his physical security.

Retrievability: The file is retrieved by the name of the individual which is kept in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed Security Police, and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until collection is effected or referred to the Regional Counsel. The file is kept for three years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record source categories: The information in the system originates with the operator of the motor vehicle in conjunction with the investigation report obtained from the Office of Internal Affairs.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.049

System name: Claims (Receivable and Payable)—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Persons who have presented claims for payments by Customs or one involved in debts due Customs.

Categories of records in the system: Documented detailed information concerning the claims or debts involved in each case and related financial data on individuals involved in the debt or claim.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program stature, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the Chief, Accounting Branch as a guide in information-gathering to effect payment or collection.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders maintained in a metal file cabinet under the physical security of the Chief, Accounting Branch of the Financial Management Division.

Retrievability: The file is retrieved by the name of the individual on subject matter.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files on unusual cases are kept indefinitely for reference; routine cases are destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in the system is obtained from the Personnel Department and the Payroll Data Center.

Treasury/Customs 00.266

System name: Collection File—Treasury/Customs.

System location: Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals against whom the Customs Service has asserted monetary claims and maintains collection efforts, principally for damages done to Government property.

Categories of records in the system: Reports of investigation regarding damage done to Government property by private individuals and

documents relating to the administrative determination and handling of the claim.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used to administratively process claims asserted by the Customs Service for damage done to government property by private individuals. The information is made available to those officials within the Customs Service who review and process such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the government's case when suit is filed in court because administrative collection efforts are unsuccessful.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained with the area assigned to the Office of the Regional Counsel on the 12th Floor of 500 Dallas Street, Houston, Texas. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

Retention and disposal: These files are retained until closed at which time the closed files are transferred to the Division of Facilities Management, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a memorandum filed by the Customs employee accountable for the damaged property. An investigation is then conducted by authorized Customs Service investigative personnel in order to determine the appropriate facts. During the investigation, information may be elicited from Customs Service employees, private individuals, or any other party who may have relevant information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.050

System name: Community Leader Survey—Treasury/Customs.

System location: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: The names, titles, and organization of persons who may be construed to be occupying a community leadership role and who may be in a position to furnish information or have some influence in regard to the equal employment opportunity program area.

Categories of records in the system: These records consist of a card index of the names, titles, and organization of community leaders.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To provide an evaluation of the Regional equal employment opportunity posture; (b) To provide planning for an affirmative action program and to assist in evaluating and monitoring progress in the equal employment opportunity program area; (c) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (d) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: An alphabetical card listing filed in a metal file cabinet.

Retrievability: Listed and filed alphabetically.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours this office area is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: To be useful, this information file must be kept current. Non-current files will be destroyed locally.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information included in these files is developed from local agencies (city, county, state, and Federal) and from local civic organizations.

Treasury/Customs 00.051

System name: Complaints Against Customs Personnel—Treasury/Customs.

System location: Director, District Patrol Division, 600 South Street, New Orleans, LA 70130; Director, District Patrol Division, Room 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: Present and past employees of the Patrol Division and U.S. Customs Service.

Categories of records in the system: Letters and official government memoranda.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in file folders and stored in locked metal cabinets.

Retrievability: File folders for this system are filed according to Customs filing code system.

Safeguards: File is maintained in locked, metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent

with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

Retention and disposal: Complaints against Customs Personnel files are normally destroyed after 1 year. If there are any pending complaints, the file may be kept until the case is closed. Method of disposal is shredding.

System manager(s) and address: Director, District Patrol Division, 600 South Street, New Orleans, La 70130.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates from any Federal, state or local law enforcement agencies or individuals, from any private business or individuals who may have any complaints against Customs personnel.

Treasury/Customs 00.053

System name: Confidential Source Identification File—Treasury/Customs.

System location: Components of this system are located in the Office of Investigations, U.S. Customs Service Headquarters, and the Office of Management Integrity, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and the offices of the Area Directors (Management Integrity) located in New York, Chicago, Los Angeles and Miami. Their addresses are as follows: 6 World Trade Center, Room 502, New York, New York 10048; 55 E. Monroe Street, Suite 1539, Chicago, Illinois 60603; 300 N. Los Angeles Street, Los Angeles, California 90053; and 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Individuals (sources) supplying confidential information to the U.S. Customs Service, Office of Investigations and Office of Management Integrity.

Categories of records in the system: This system contains some or all of the following information: name (actual or assumed), source (identifying) number, date number assigned, address, citizenship, occupational information, date and place of birth, physical description, photograph, miscellaneous identifying number such as Social Security number, driver's license number, FBI number, passport number, Customs Form 4621 documenting information received from confidential source, amount and date of monetary payment made to source for information supplied, criminal record, copy of driver's license, and copy of alien registration card.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1619; and 18 U.S.C. Chapter 27.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is primarily for the exclusive internal use of authorized employees of the Office of Investigations and the Office of Management Integrity. The records maintained by the Office of Investigations are separate and distinct from records maintained by the Office of Management Integrity and in each case access is restricted to authorized personnel of the Office of Investigations or Office of Management Integrity in connection with civil or criminal investigations and in connection with payments made for information received. Stringent controls are placed upon access to files, even among Office of Investigation or Office of Management Integrity personnel. In extremely rare and unusual situations, information with full source concurrence may be supplied to such organizations as Federal, state, and/or other law enforcement or prosecutorial agencies as the demands of law or justice might require.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in locked cabinets. Access during working hours is limited to authorized personnel.

Retrievability: Office of Investigations and Office of Management Integrity: The name of each source is filed in both alphabetical order and by location of the submitting office.

Safeguards: In addition to being stored in secure metal cabinets with government approved locks, the files are located in closely watched rooms of the Office of Investigations and the Office of Management Integrity. Headquarters, and in the four Area Director (Management Integrity) offices. Personnel maintaining the files are selected for their reliability, among other qualities, and afforded access only after having been cleared by a full field investigation. During non-working hours the rooms in which the records are located are locked and access to the building is controlled by uniformed security guards.

Retention and disposal: Indefinite retention periods have been established for all records contained in the file. The Office of Investigations destroys a file when it no longer has any utility by either shredding or burning; the Office of Management Integrity reviews files annually for relevance and necessity, and when a file no longer has any utility, it is destroyed by either shredding or burning.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, for those components of the system maintained by the Office of Investigations; Director, Internal Security Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and Area Directors (Management Integrity) located in the four U.S. Customs areas for those components of the system maintained by the Office of Management Integrity.

Systems exempted from certain provisions of the act: the Commissioner of Customs pursuant to 5 U.S.C. 552a(j) and (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempted and the justification for the exemption are contained in 31 CFR 1.36.

Treasury/Customs 00.054

System name: Confidential Statements of Employment and Financial Interests—Treasury/Customs.

System location: Located in the Regional office or Personnel Management Division, U.S. Customs Service, of each region and headquarters, according to Customs Appendix A.

Categories of individuals covered by the system: Those employees as listed in Treasury Personnel Manual Chapter 735 Subpart C, Section 0.735-320, Customs Appendix A, and the currently effective edition of Customs Circular PER-2-PER (Subject: Personnel; Departmental Rules of Conduct and Requirements Concerning Financial Statement).

Categories of records in the system: Form TD 3087, Confidential Statement of Employment and Financial Interests.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) All financial statements are to be reviewed for an indication of any conflict of interest or apparent conflict of interst as defined in the Federal, Treasury, and Customs Personnel Manuals.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked safe.

Retention and disposal: Records are destroyed two (2) years after employee leaves a position in which a statement is required, or two (2) years after the employee leaves the agency, whichever is earlier.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229, or appropriate Regional Principal Field Officer.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individuals required to submit Form TD 3087.

Treasury/Customs 00.055

System name: Congressional and Employment Correspondence—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained in this system on individuals who have written to their Congressman or directly to Customs requesting assistance in resolving problems and/or securing employment.

Categories of records in the system: Incoming letters and the agency's reply and related materials.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Records are used as a point of reference should the individual submit other inquiries either from him personally or his Congressman.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The source of records in the system are the inquiries originated by the individual.

Treasury/Customs 00.056

System name: Congressional and Public Correspondence File—Treasury/Customs.

System location: Support Branch, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Those persons sending letters of complaint or making written inquiries concerning Customs inspectional activities and procedures. Those persons include Congressmen acting on behalf of their constituents, industrial and commercial representatives, and private individuals.

Categories of records in the system: The name of the person or persons concerned, file number, date of inquiry, date inquiry received, closing date, member of staff closing case, and the nature of the complaint or inquiry.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine use of records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a record of public inquiries and complaints received by the Division, to determine priority for responding to inquiries and complaints; to provide quick retrieval of such correspondence; to ensure timely response to inquiries and complaints; and to prepare responses to inquiries and complaints.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Correspondence records are maintained on 3 x 5 index cards. The cards are placed within a 6 x 9 metal file box, which is kept in an unlocked desk drawer. The correspondence files themselves are placed in legal and letter size metal file cabinets which are kept in a locked file room.

Retrievability: Correspondence records are identified by the name of the person making inquiry or complaint. The cards are then filed alphabetically.

Safeguards: Access to the file is granted only to authorized Customs personnel. During non-working hours the room in which the records are located is locked and access to the building is controlled by uniformed security police.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address: Office Manager, Support Branch, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information contained in this record system is obtained from the correspondence of the individual making the inquiry or complaint and from investigations and/or inquiries into complaints conducted by Customs Service personnel which include interviews of involved Customs employees and private individuals or other witnesses to the incident in question.

Treasury/Customs 00.057

System name: Container Station Operator Files—Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Present and past container station operators and employees that require an investigation and related information.

Categories of records in the system: Report of investigations, application and approval or denial of bond to act as container station operator and other Customs Service memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Customs Regulations, Part 19.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the container station operator.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During non-working hours, the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data retained for period of employment with container station operator.

System manager(s) and address: District Director, each district within Region IX, Chicago, Illinois. See Customs Appendix A

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this file originates from the individual applicant for container station operator bond, from reports of investigation and other Customs memoranda.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.058

System name: Cooperating Individual Files—Treasury/Customs.

System location: These files are located in regional and local Customs Patrol Offices within the United States. See Customs Appendix A.

Categories of individuals covered by the system: Persons providing confidential information to the U.S. Customs Service Patrol Division.

Categories of records in the system: These records include: assumed names; actual names; code numbers; addresses; telephone numbers; physical descriptions; miscellaneous identifying numbers such as Social Security numbers, driver's license number, etc.; date individual's record was established; amount and date of reward paid for information supplied.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used primarily by the Customs Patrol Officer who receives confidential information for the purpose of detecting and apprehending suspected violators of Customs and related laws, and for the purpose of processing the payment of rewards for information received. Disclosure may be made only in extremely rare and unusual situations when demands of law or justice require that information be supplied to such organizations as Federal, state and/or other agencies.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All files and indices relating to cooperating individuals are stored in metal file cabinets secured with combination locks in a government secured building.

Retrievability: The name of each cooperating individual is filed in alphabetical order by assumed name and by actual name. The indices are maintained in the same alphabetical order and are also cross-referenced by the Patrol Division alpha numeric code number. All other indentifying data is used for verification of identity rather than method of retrieval.

Safeguards: In addition to being stored in secure metal cabinets with government approved locks, the metal files are kept locked when not in use and located in a closely watched room of the Patrol Division. Personnel maintaining the files are selected for their reliability among other qualities, and they are afforded access only after having been cleared by a full field investigation. The files are given the same treatment as material classified as Secret. During duty hours, Patrol Division personnel maintain visual control and during off-duty hours the area containing the files is locked.

Retention and disposal: Indefinite retention periods have been established for almost all records contained in the file. When a file no longer has any utility, it is destroyed by either shredding or burning.

System manager(s) and address: The Regional Patrol Director in Regional Customs Patrol Offices; the District Patrol Director in District Patrol Offices; and the Supervisory Customs Patrol Officer in suboffices of District Customs Patrol. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.060

System name: Counseling Reports—Treasury/Customs.

System location: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Present and past employees who have received counseling service offered by the Equal Employment Opportunity Officer or a designated counselor.

Categories of records in the system: Internal Customs Service memoranda, notes, excerpts from the official personnel files and other information pertinent to the counseling session(s).

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To gather information to prove or disprove complainant's allegation and to resolve complaint informally, if possible; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in a locked metal file cabinet drawer.

Retrievability: Each case file is identified on the alphabetical file folder within the metal file drawer.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours the office area is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer adequate local storage space at which time they are transferred to the Federal Records Center at Ft. Worth, Texas.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with the receipt of a complaint by an employee. Additional information may be obtained from the employee's official personnel file and inquiries concerning the specific complaint.

Treasury/Customs 00.061

System name: Court Case File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053; Office of the Regional Counsel, 211 Main Street, San Francisco, California, 94105; Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Court documents with exhibits, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, E.O. 6166. 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this file is maintained for the use of the Regional Counsel and may be made available to the appropriate United States Attorney upon request to assist him in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Disclosure to Treasury and Customs employees who have need for the records in the performance of their duties and disclosures under the Freedom of Information Act.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified by the name of the person against whom the Government has initiated the litigation, or by the name of the person who initiated the litigation against the Government.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal

container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., Los Angeles, California 90053; Regional Counsel, U.S. Customs Service, 211 Main Street, San Francisco, California 94105; Regional Counsel, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois, 60603.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a request by a District Director to the appropriate United States Attorney that he institute suitable judicial action to enforce the forfeiture of merchandise and vehicles, or the value thereof, which had been imported or used in violation of the Customs laws, and upon which final administration action has taken place. Information in this file also originates with the filing of a complaint by a private person against the Government, and by the filing of a complaint by the Government against private persons or former employees to enforce the collection of debts due the Government. Information in the files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes and denial of tort claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.064

System name: Credit Card File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Headquarters Customs Service Employees to whom national gasoline credit cards and Hertz and Avis automobile rental cards have been issued.

Categories of records in the system: Credit card numbers, names, and signatures of employees to whom credit cards have been issued, and the date of issuance.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include: maintaining an inventory of gasoline credit cards and automobile rental cards which are assigned to high level Customs Service officials or which are issued on a one transaction basis to other Customs Service officials or employees for their use in connection with the performance of their official duties; ensuring accountability for the cards issued; and providing a means for collecting issued cards when they are no longer needed by the officers or employees to whom they were issued; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards which are placed in a locked metal file cabinet within one office.

Retrievability: A portion of the index cards are identified by the name of the person to whom the credit card was issued in the case of credit cards which have been permanently assigned to higher level Customs Service officers and such index cards are filed alphabetically. The remainder of the index cards relate to credit cards which are issued to Customs Service officers or employees on a one transaction basis, and these index cards are filed by the applicable credit card number.

Safeguards: The metal cabinet in which the index cards are placed is locked, and the room in which the metal cabinet is located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Index cards filed alphabetically by name are retained during the period that the officials named thereon are in possession of the credit cards, and these index cards are disposed of when the officials are no longer in possession of the credit cards. Index cards filed by credit card number are retained until all signature lines have been used, at which time these index cards are discarded.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system is obtained from Customs Service records and is also furnished by the officers or employees to whom the credit cards have been issued.

Treasury/Customs 00.272

System name: Currency Declaration File (IRS Form 4790)—Treasury/Customs.

System location: One or more offices of District Directors of Customs or suboffices under the District Director's jurisdiction (for addresses of District Directors, see Customs Appendix A).

Categories of individuals covered by the system: Individuals departing from or entering the country who filed IRS Form 4790.

Categories of records in the system: Name, identifying number, birthdate, address, citizenship, visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

Authority for maintenance of the system: 31 U.S.C. 1101; 5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such duties include referencing and verifying currency declarations filed; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The Form 4790 is maintained in a file folder or binder in an open storage rack.

Retrievability: They are indexed and filed by name in the folder or binder.

Safeguards: The office and building are locked during nonworking hours.

Retention and disposal: The records are retained from one to five years and then destroyed.

System manager(s) and address: District Directors of Customs.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information on the IRS Form 4790 originates from the individual or Customs agent reporting the bringing in or taking out of currency or monetary instruments exceeding 5,000 dollars.

Treasury/Customs 00.067

System name: Currency and Monetary Instrument Reporting System (CMIR)—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Categories of individuals covered by the system: Listing of Individuals who filed Internal Revenue Service Form 4790 (Currency and Monetary Instrument Report).

Categories of records in the system: Name of individuals filing form, report of owner of monetary instrument, amount of currency reported, address, personal identifiers, date of birth, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Records the fact that the individual of record conveyed the monetary instruments into or out of the United States.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes.

Retrievability: By name and other unique identifiers.

Safeguards: Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.069

System name: Customhouse Brokers File, Chief Counsel—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Licensed customhouse brokers.

Categories of records in the system: Internal Customs Service memoranda and related material regarding proposed administrative disciplinary action against customhouse brokers for violation of the regulations governing the conduct of their business.

Authority for maintenance of the system: 19 U.S.C. 1641; 19 CFR Part 111; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In order to carry out the authority to discipline customhouse brokers for violation of regulations promulgated pursuant to 19 U.S.C. 1641, information in this file is used to evaluate reported derelictions and to recommend to the Commissioner of Customs that disciplinary action be initiated or to recommend that such action not be taken. In addition, information in these files is used to prepare written reprimands issued to brokers and to prepare proposed charges in connection with recommendations that proceedings be held looking toward the suspension or revocation of brokers' licenses. Information in these files is also used in connection with administrative proceedings looking toward the suspension or revocation of licenses. (d) In addition, information contained in these files is provided to the Department of Justice for its use in connection with appeals from orders resulting in the suspension or revocation of licenses. (e) The information may be furnished to other Government agencies which have an interest in the situations that led to the disciplinary action, or in the broker.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the customhouse broker and in the alphabetical file folder within the metal container by the name of the customhouse broker.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates from audits of or investigations into the conduct of customhouse brokers' businesses which include review of customhouse brokers' business records and interviews of Customs Service personnel, private parties, customhouse brokers and employees of customhouse brokers. The audits or investigations result in recommendations from appropriate Customs Service field personnel regarding possible disciplinary action against customhouse brokers which in turn result in the information contained in these files which consists of evaluations of the recommendations and the proposed disposition of the cases.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.070

System name: Customhouse Brokers, Headquarters Records—Treasury/Customs.

System location: Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Citizens of the United States, 21 years of age or older, who have been granted individual customhouse brokers' license for specific U.S. Customs Districts and such individuals who have applied for an individual broker's license which has been denied for cause other than failure to pass the qualifying individual customhouse brokers' license examination.

Categories of records in the system: The records system contains executed individual customhouse brokers' license application forms, report of investigation concerning individual broker applicants, transmittal letters, and general correspondence corroborative of information disclosed in an individual's license application or report of investigation as to the applicant's character and business integrity. The records system also contains information relating to actual or proposed disciplinary action against licensed customhouse brokers.

Authority for maintenance of the system: 19 U.S.C. 1641, 19 CFR Part 111; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) Processing of individual applications for individual customhouse brokers' licenses; processing of corporation, partnership, and association brokers' licenses; approval of use of trade or fictitious brokers' names; maintenance of centralized files on licensed customhouse brokers for verification and updating of names, addresses, place of employment, district where licensed, and compliance with regulatory requirements of duties and obligations of customhouse brokers; determinations that each corporate, association, or partnership licensed as a broker have not less than two officers or members licensed as individual brokers; and the availability of file information to verify licensing of customhouse brokers and to provide data or information upon request to the Federal Maritime Commission, the Civil Aeronautics Board, an appropriate U.S. Attorney's office, or other Federal agency.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each file is kept in an alphabetical file folder in metal file cabinets.

Retrievability: Each file is indexed in a file card system by alphabetical name and Customs district where located. Records are retrieved alphabetically by reference to the card file index, or by license certificate number assigned to a broker upon the granting and issuing of a customhouse broker's license. Cancelled brokers' records are maintained in cancelled files arranged alphabetically.

Safeguards: Direct access to the files is limited to Customs employees assigned to processing and reviewing Customhouse brokers' license applications. At least one employee of the Entry and Licensing Branch is present in the office at all times during working hours. At all other times the room is locked. The building is guarded by security police on a round-the-clock basis, and only authorized persons are permitted in the building.

Retention and disposal: Cancelled Customhouse brokers' records are retained in cancelled files and used for precedent purposes. The records are maintained indefinitely.

System manager(s) and address: Director, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: Information in the records is obtained from the license applications of the individual Customhouse brokers; references as to good character and integrity of the applicant; reports of investigations by Customs regarding applicants for licenses and disciplinary action; responses to posted notices of individual applicants applying for Customhouse brokers' licenses; local credit reporting services; Customs audit reports; court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.071

System name: Customhouse Brokers Records—Treasury/Customs.

System location: Customs regional, district and port offices. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms who have applied for or hold status as a licensed customhouse broker and individuals employed by licensed customhouse brokers.

Categories of records in the system: License applications, internal Customs memoranda and related materials regarding background investigations, complaints, names, addresses, social security numbers, dates and places of birth, investigative reports, telephone numbers, credit information and other related business data. Information on disciplinary action and legal actions regarding the customhouse broker.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 1641; 19 CFR Part 111.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In order to carry out the authority to discipline customhouse brokers for violation of regulations promulgated pursuant to 19 U.S.C. 1641, information in this file is used to recommend to the Commissioner of Customs that disciplinary action be initiated or to recommend that it used to prepare written reprimands issued to brokers and to prepare proposed charges in connection with recommendations that proceedings be held looking toward the suspension or revocation of brokers' licenses. Information in these files is also used in connection with administrative proceedings looking toward the suspension or revocation of licenses. (d) In addition, information contained in these files is provided to the Department of Justice for its use in connection with appeals from orders resulting in the suspension or revocation of licenses. (e) The information may be furnished to other Government agencies which have an interest in the situations that led to the disciplinary action, or in the broker.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders in drawers and metal file cabinets.

Retrievability: The records are filed either alphabetically or chronologically with a cross index by name.

Safeguards: Offices in which the records are maintained are locked during non-working hours. Office buildings are locked and/or patrolled by uniform guards during non-working hours.

Retention and disposal: Records are maintained either indefinitely or as long as the customhouse broker retains an active license.

System manager(s) and address: Customs Regional commissioners, district directors, and port directors.

Notification procedure: See Customs Appendix A.

Record source categories: Information contained in the license applications, references as to good character and integrity of the applicant, reports of investigations on applications and disciplinary action, local credit reporting services, Customs audit reports and court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.077

System name: Disciplinary Action and Resulting Grievance or Appeal Case Files—Treasury/Customs.

System location: Located in the Personnel Management Division of each Region and Headquarters, and in District, Port, and appropriate post of duty offices. (See Customs Appendix A).

Categories of individuals covered by the system: Customs employees on whom disciplinary action is pending or has occurred.

Categories of records in the system: Records on such action as leave restriction letters, reprimands, suspension, adverse actions, etc., and resulting grievance or appeal by employee. Copies of correspondence, management requests for assistance, evidentiary materials on which action is contemplated, proposed or taken, regulatory material, examiners' reports, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the

Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Used by certain members of the Personnel Management Division or supervisors in justifying action, for maintenance of records in the event of appeals or grievances, for statistical use, for audit and review of actions, for recommendations on decision, for uniform disciplinary actions, for proper handling of potential grievance or appeal, to establish grievance or appeal file.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file and stamped "For Official Use Only".

Retention and disposal: Records are maintained for five years and then transferred to Federal Records Center where they are maintained for fifteen years and then destroyed.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters, or appropriate managerial official in employee's district, port, or post of duty. (See Custom Appendix A).

Record source categories: Supervisors and supervisory records and notes; evidentiary materials supporting planned, proposed, or accomplished actions; grievance letters submitted by employee, grievance examiner, etc.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.078

System name: Disclosure of Information File—Treasury/Customs.

System location: Office of Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202; Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois, 60603; Office of the Regional Counsel, 211 Main Street, San Francisco, California, 94105.

Categories of individuals covered by the system: Persons requesting access to information pursuant to the Freedom of Information Act or any other statute, regulation, directive or policy to disclose such information.

Categories of records in the system: Requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding disclosure of the information.

Authority for maintenance of the system: 5 U.S.C 552, 31 CFR Part 1, 19 CFR Part 103, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure or denial to the requester of the information sought. (d) Disclosure to the Department of Justice and/or United States Attorney in any litigation arising from any decision regarding the disclosure of information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person requesting disclosure.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202; Regional Counsel, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois, 60603; Regional Counsel, 211 Main Street, San Francisco, California, 94105.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates from the requests for information filed with the Customs Service which may pertain to any information contained in the files of the U.S. Customs Service.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.081

System name: Dock Passes—Treasury/Customs.

System location: District Director's office, U.S. Customs Service, 228 Federal Bldg, 335 Merchant Street, Honolulu, Hawaii, 96813.

Categories of individuals covered by the system: Consulate staff members, brokers, private individuals, etc.

Categories of records in the system: Form lists following information: pass no.; port; date of issue; name of individual; organizational affiliation; expiration date of pass; and vessel name.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Copy of each pass issued is retained for record purpose and a log maintained showing name of holders of annual dock passes. Disclosure to Customs and Treasury officers and employees who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 card box loose leaf binder.

Retrievability: By name.

Safeguards: Building locked during non-working hours.

Retention and disposal: Retained until expiration.

System manager(s) and address: District Director, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii, 96806.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individual applicants.

Treasury/Customs 00.277

System name: Drivers License File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service 211 Main Street, San Francisco, Ca. 94105.

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: Personal information furnished by employee before being issued a government drivers license. It may also include information from National Driver Register Service if they have any information on the individual.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Provide the proper authority within U.S. Customs Service with sufficient information to make a decision as to whether an employee may be issued a government drivers license. (d) Information from these records furnished to National Driver Register Service to determine whether they have any information on the individual which would concern the employee's suitability for receiving a government drivers license.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Standard Form 47 (physical fitness inquiry for motor vehicle operators) and Treasury Form 2770 (application for motor vehicle operator's ID card and operator's record) These forms are kept in a desk file.

Retrievability: Each set of forms for a particular employee is numbered and those numbers are shown on an index sheet as pertaining to the particular employee.

Safeguards: The desk in which the records are kept is within an office which is locked during non-working hours.

Retention and disposal: Active forms are retained in this system indefinitely. Forms of past employees who were issued drivers licenses are periodically destroyed.

System manager(s) and address: Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, California 94105.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with, and consists solely of, information supplied by the applicants on forms SF-47 and form 2770. There is a possibility that in the future there will be a response from the National Driver Register Service on a particular applicant. At the present time there are none in this system of records.

Treasury/Customs 00.273

System name: Employee Debts—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Employees involved in transfer within the Government for which the Government is pursuing collection for overpayment of travel expenses or overpayment for maintaining uniforms.

Categories of records in the system: Records reflecting the documents involved in the overpayment and correspondence with the employee involved and his representative.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the employees of the Payment Section to gather all the data necessary to collect debts due from present or past employees of Customs.

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a file folder located in a file cabinet under the physical security of the Operating Accountant.

Retrievability: Records are indexed by name.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until the debt is collected and then destroyed. Unusual cases are retained indefinitely as a reference for similar type cases.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in the system originates from the employee, other Regions of Customs, and the Payment Section of the Financial Management Division.

Treasury Customs 00.083

System name: Employee Relations Case Files—Treasury/Customs.

System location: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records maintained on all individuals who have requested assistance in a problem, such as, Office of Workers' Compensation Programs (OWCP), leave, health and life insurance, etc.

Categories of records in the system: Copies of correspondence. Copies of initiating correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Use is in assessing the problem and having the capability to provide timely followup. Used by the employee relations staff only (professional and clerical).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file.

Retention and disposal: Maintained for period of time employee remains with Customs. Records destroyed upon separation of employee.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individuals and offices depending on problem.

Treasury/Customs 00.088

System name: Equal Opportunity Complaint Processing Records System-Treasury/Customs

System location: Office of Regional Commissioner, Customs Region V, 1440 Canal Street, New Orleans, Louisiana 70112, District Director, 423 Canal Street, New Orleans, La. 70130, District Director, P.O. Box 2748, Mobile, Ala. 36601; Regional Commissioner of Customs, 55 E. Monroe Street, Suite 1501, Chicago, Illinois, 60603, and District Directors' Offices in Chicago, Cleveland, and Detroit (See Customs Appendix A).

Categories of individuals covered by the system: Employees of Customs Region V (New Orleans) who file Equal Opportunity complaints.

Categories of records in the system: Notices of efforts by counselors to resolve charges of discriminatory actions or conditions. These records are in the form of lists, memorandums, interview notices, transcripts, and reports.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide the needed information for reports which become part of the formal investigative file if the complaint of discrimination reaches the formal stage.

For additional routine uses see Appendix AA..

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in a cabinet.

Retrievability: By name.

Safeguards: Locked file cabinet.

Retention and disposal: In accordance with Records Control Manual.

System manager(s) and address: Equal Opportunity Officer, Customs Region V, 1440 Canal Street, New Orleans, La. 70112, Equal Opportunity Counselors, New Orleans District, 600 South Street, New Orleans, La. 70130, Equal Opportunity Counselors, Mobile District, P.O. Box 2748, Mobile Ala. 36601; EEO Specialist, 55 E. Monroe Street, Suite 1501, Chicago, Illinois, 60603, and District Directors' Offices in Chicago, Cleveland, and Detroit. (See Customs Appendix A).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individual to whom the record pertains.

Treasury/Customs 00.276.

System name: Equal Opportunity Informal Discrimination Complaint Files—Treasury/Customs.

System location: Equal Opportunity Offices at Customs Headquarters and at each Customs Regional Headquarters and all EO Counselors at those locations (for addresses see Customs Appendix A) and Customs District offices.

Categories of individuals covered by the system: Government and private industry employees, including present and former Customs Service employees and applicants for jobs, who have filed informal complaints alleging discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Categories of records in the system: Names, addresses, employment, medical histories, reports of investigation, complaints filed, correspondence from members of Congress, attorneys representing the complainants, labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and merit promotion information.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. (b) Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearings held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. (c) Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Records in this system of records are disclosed to the complainants and to attorneys, labor unions or other parties representing the interests of the complainants. (e) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The case files are inserted alphabetically in file drawers within locked metal or wooden containers.

Retrievability: Each case file is identified on each alphabetical file folder within the metal or wooden container by the complainant's name.

Safeguards: The metal or wooden containers in which the file folders are placed are locked during non-working hours, and the room in which the containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: Informal case files are retained during the time period in which the cases remain open informally and thereafter, until there is no longer a specific need for them, or until they are forwarded to the Regional EO Officer or Director, Equal Opportunity Division, at which time they are periodically destroyed.

System manager(s) and address: Equal Opportunity Officers and EO Counselors at the above locations.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Record source categories: The information in this system originated with an informal written or oral complaint to the appropriate equal opportunity counselor. Information in this system is obtained from the claimant through interviews during the informal complaint procedures and through other interviews during the informal complaint procedures. This system also contains information derived from a complaining Customs employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from inquires into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provision of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.089

System name: Equal Opportunity Discrimination Complaint Case File—Treasury/Customs.

System location: Equal Opportunity Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Government and private industry employees, including present and former Customs Service employees, who have filed formal and informal complaints

alleging discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Categories of records in the system: Names, addresses, employment and medical histories, reports of investigation, complaints filed, correspondence from members of Congress and attorneys representing the complainants and labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and affidavits and other sworn statements.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. (b) Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearing held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. (c) Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Records in this system of records are disclosed to the complainants and to attorneys, labor unions or other parties representing the interests of the complainants. (e) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The cases files are inserted alphabetically in file drawers within locked metal containers.

Retrievability: Each case file is identified in an alphabetical index card file by the name of the complainant and on each alphabetical file folder within the metal container by the complainant's name.

Safeguards: The metal containers in which the file folders are placed are locked during non-working hours, and the room in which the metal containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: Case files are retained during the time period in which the cases remain open and, thereafter, until there is no longer any space available for them within the metal containers, at which time the case files are transferred periodically to the Federal Record Center for storage. Records having no pertinent information are periodically destroyed.

System manager(s) and address: Director, Equal Opportunity Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with an informal written or oral complaint to the appropriate equal opportunity counselor and with the filing of a Civil Service Commission Form 894 (Formal Complaint of complaint procedures and through the filing of Civil Service Commission Discrimination in the Federal Government). Information in this system is also obtained from the claimant through interviews during the informal and formal complaint procedures and through the filing of Civil Service Commission Form 171 (Personal Qualification Statement). This system also contains information derived from a complaining Customs Service employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from investigations into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence or testimony adduced at administrative hearings held in connection with the complaints.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.090

System name: Equipment Record File—Treasury/Customs.

System location: Office of the District Director, United States Customs Service, 40 South Gay Street, Baltimore, Maryland 21202; Patrol Office, Room 15, 40 South Gay Street, Baltimore, Md. 21202.

Categories of individuals covered by the system: Customs employees in the Baltimore District to whom equipment is assigned.

Categories of records in the system: Names of individuals and type and identifying numbers of equipment signed out (including non-expendable property, weapons etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevent enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards and folders located in metal containers.

Retrievability: Cards are filed alphabetically by names of those to whom equipment is assigned.

Safeguards: File cards and folders are located in unlocked metal containers. The building is guarded by uniformed security police who control access to the building.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Office of the District Director of Customs, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Property Officer and personnel to whom equipment is assigned.

Treasury/Customs 00.092

System name: Exit Interview—Treasury/Customs.

System location: Personnel Management Division, in each Region and Headquarters. See Customs Appendix A.

Categories of individuals covered by the system: Employees terminating from the Customs Service.

Categories of records in the system: Individual's name, position, time in grade and position, time with Customs, organization designation, supervisor's name and answers to various questions about employment with Customs.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Personnel Management Specialists and managers to monitor employee morale and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms are kept in manila folders.

Retrievability: By organization or by name.

Safeguards: Locked office.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Director, Personnel Management Division. See location above.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information obtained from departing employee and Employee's supervisor.

Treasury/Customs 00.093

System name: Federal & New York State licenses for commercial importation of alcoholic beverages—Treasury/Customs

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: All companies and individuals who have filed import licenses for alcoholic beverages with this office.

Categories of records in the system: Licenses.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) to verify that importers of alcoholic beverages have the required permit.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical listing.

Safeguards: Office locked at end of day.

Retention and disposal: Permanent.

System manager(s) and address: Regional Commissioner (Area Director, New York Seaport Area).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individuals who have applied for an alcoholic beverage license.

Treasury/Customs 00.096

System name: Fines, Penalties and Forfeiture Control and Information Retrieval System—Treasury/Customs.

System location: U.S. Customs Service, Office of Regulations and Rulings, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals and/or businesses who have been fined, penalized or have forfeited merchandise because of violations of Customs and/or related laws or breaches of bond conditions.

Categories of records in the system: Individual and business names, address, personal identifying numbers, date and type of violation, parties entitled to legal notice or who are legally liable, case information, bond and petition information, and actions (administrative) taken by U.S. Customs. Also included are actions taken by violator prior to the disposition of the penalty or liquidated damage case.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to these officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Control Customs district caseload and report each action taken by Customs and violator. (d) Provides management information regarding most frequent types of violations, penalty/liquidated damages case timeliness, budget allocation, violation history of individual and firms for investigative purposes, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape, (2) Hard copy Customs Form 5955a (Notice of Liquidated Damages Incurred and Demand for Payment) and Customs Form 151 Search/Arrest/Seizure Report.

Retrievability: Individual's name or case number.

Safeguards: All inquiries are made by officers with a full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: A maximum of 10 years. Erasure of disc/tapes and shredding and/or burning of hard copy Customs Form 5955a.

System manager(s) and address: Assistant Commissioner, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs Form 5955a (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) and CF 151 (Search/Arrest/Seizure Report) prepared by Customs Employees at the time and place where the violation has occurred.

Treasury/Customs 00.098

System name: Fines, Penalties and Forfeitures Records—Treasury/Customs

System location: Customs district offices. (See Customs Appendix A).

Categories of individuals covered by the system: Individuals and firms who have been administratively charged with violations of Customs laws and regulations and other laws and regulations enforced by the Customs Service.

Categories of records in the system: Entry documentation, notices, investigative reports, memoranda, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include reference to the files for information as to prior violations and ongoing investigations and cases. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such

violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Such uses would include referring records to the Environmental Protection Agency, the Department of Transportation, the appropriate U.S. Attorney and other Federal agencies for recommendations and enforcement of fines, penalties and forfeiture cases.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in folders in file cabinets and safes.

Retrievability: The records are filed either by the name of the individual or chronologically with a cross reference index by the name of the individual.

Safeguards: During non-working hours, the records are maintained in locked rooms, locked buildings and buildings guarded by uniform guards.

Retention and disposal: The records are retained for three to five years after which they are either destroyed or forwarded to the Federal Records Center.

System manager(s) and address: District Directors of Customs (See Customs Appendix A).

Notification procedure: See Customs Appendix A.

Record source categories: Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected of actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.099

System name: Fines, Penalties, and Forfeiture Files (Supplemental Petitions)—Treasury/Customs

System location: Office of the Regional Counsel, 211 Main Street, San Francisco, CA, 94105; Office of the Regional Counsel, Room 7422, New Federal Building, 300 North Los Angeles Street, Los Angeles, CA, 90053; Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois, 60603.

Categories of individuals covered by the system: Individuals who have filed supplemental petitions for relief from fines, penalties and forfeitures assessed for violations of the laws and regulations administered by Customs.

Categories of records in the system: Petitions and supplemental petitions and other documents filed by the individual; reports of investigation concerning the fine, penalty or forfeiture; and documents relating to the internal review and consideration of the request for relief and decision thereon.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. 19 U.S.C. 1618; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used to process requests for relief from fines, penalties and forfeitures and is made available to the officials within the Customs Service who review recommendations and who make final decisions with respect to them; (d) Information contained in the files may be made available to the Department of Justice or an individual United States Attorney to assist that Department or United States Attorney when suit is filed by the Government in civil prosecution of the fine, penalty or forfeiture; (e) Information contained in the files may also be used internally by the Regional Counsel or members of his staff insofar as it relates to precedent or guidelines for their handling of subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the petitioner and in the alphabetical file folder within the metal file cabinet by the name of the petitioner.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Supplemental petition files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 211 Main Street, San Francisco, CA 94105; Regional Counsel, Room 7422, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, CA, 90053; Regional Counsel, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois, 60603.

Notification procedure: See Customs Appendix A.

Record source categories: Information contained in these files is obtained from the individual petitioning for relief and from the District Director of Customs within whose jurisdiction the fine, penalty or forfeiture action lies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.100

System name: Fines, Penalties and Forfeiture Records (Headquarters)—Treasury/Customs.

System location: Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained on persons who have been administratively charged with violating Customs and related laws and regulations and on persons who have applied for awards of compensation for providing information regarding such violations.

Categories of records in the system: Entry documentation, notices, investigative and other reports, memoranda of information received, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases and applications for awards of compensation.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses include the processing and disposition of fines, penalties and forfeiture cases pursuant to 19 CFR Parts 171 and 172 and reference to the records for information as to prior violations and ongoing investigations. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto. Such uses would include referring records to the Environmental Protection Agency, the Department of Transportation and other Federal agencies for recommendations on the administration of fines, penalties and forfeiture cases. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response

to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in file cabinets in the central file room of the Entry Procedures and Penalties Division at U.S. Customs Service Headquarters.

Retrievability: The records are filed chronologically with a case number given to each file. The records are retrievable by means of an alphabetical card index system by names of individuals charged with a violation.

Safeguards: The records are maintained in the U.S. Customs Service Headquarters building which is guarded by security police. During non-working hours, the central file room is locked and the building is guarded by security police.

Retention and disposal: The records are generally retained for five years after the close of the case. The records are then forwarded to the Federal Records Center.

System manager(s) and address: Chief, Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.102

System name: Firearms Qualification Certificate Record—Treasury/Customs

System location: Office of the Chief Inspector, U.S. Customhouse, Rm. 102, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: All Customs Inspectors under the jurisdiction of the Philadelphia District who have qualified on the firing range within a previous 6-month period.

Categories of records in the system: The date of actual qualification, firing scores, and the category of marksmanship into which the individual's score places him or her.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each qualification certificate, on 8 1/2 x 11 inch bond paper, is inserted in a file folder which is then placed in a file drawer.

Retrievability: Certificates are identified by the name of the individual and in alphabetical order within the folder.

Safeguards: The records folder is stored in a file cabinet drawer which is locked during non-working hours. Access to the building is controlled at all times by uniformed guards.

Retention and disposal: Firearms qualification certificates are retained for 1 year and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates from reports submitted by the District Range Officer upon completion of the individual's qualification with a firearm.

Treasury/Customs 00.103

System name: Firearms Qualification Records—Treasury/Customs.

System location: Office of the Assistant Regional Commissioner (Operations), Suite 1501, U.S. Customs Service, Region IX, 55 E. Monroe Street, Chicago, Illinois, 60603 and Offices of District Directors, Region IX, Chicago, Illinois. (See Customs Appendix A).

Categories of individuals covered by the system: Customs Inspectors receiving firearms training.

Categories of records in the system: Records include date of firing, qualification status, date of qualification, card issuance.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet in the office of the Assistant Regional Commissioner (Operations) of Region IX, Chicago, Illinois.

Retrievability: Folders identified by individual's name.

Safeguards: The file described is maintained in the office of the Assistant Regional Commissioner (Operations) in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access is limited to authorized Customs personnel.

Retention and disposal: Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, Missouri, 30 days after employee is separated.

System manager(s) and address: Assistant Regional Commissioner (Operations) Suite 1501, U.S. Customs Service, Region IX, 55 E. Monroe Street, Chicago, Illinois, 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files results from firing scores recorded on targets used during the course of firearm qualification firings.

Treasury/Customs 00.105

System name: Former Employees—Treasury/Customs.

System location: Laboratory Division, Room 1508, 630 Sansome Street, San Francisco, California, 94111.

Categories of individuals covered by the system: All past employees of the Customs Laboratory.

Categories of records in the system: Contains copies of personnel action notices.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in a metal file cabinet.

Retrievability: The record is filed alphabetically by name.

Safeguards: The file is stored in a metal file cabinet in a private inner office of a government building protected by 24 hour guard service with limited access. The file is only used on a need to know basis and only by the laboratory employees.

Retention and disposal: Files are maintained for reference purposes only. The file is permanent to office.

System manager(s) and address: Director, Laboratory Division, U.S. Customs Service, 630 Sansome Street, Room 1506, San Francisco, California, 94111.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information contained in personnel action files.

Treasury/Customs 00.109

System name: Handicapped Employee File—Treasury/Customs.

System location: Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1901, Chicago, Illinois 60603.

Categories of individuals covered by the system: All employees identified as handicapped.

Categories of records in the system: Indicates employee's home and organizational location and various physical and mental handicaps, infirmities and conditions. Also shows veteran's preference.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to assure that employees are not placed in positions that they cannot physically perform. Also, for reporting and statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List.

Retrievability: Lists employees alphabetically by district.

Safeguards: None at present and none required.

Retention and disposal: Employee's name removed from list at time of termination.

System manager(s) and address: Director, Personnel Management Division. (See Customs Appendix A).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Data furnished by employee and employee's physician.

Treasury/Customs 00.111

System name: I.D. Cards—Treasury/Customs.

System location: District Director's office, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii, 96813.

Categories of individuals covered by the system: All employees to whom I.D. card, CF 3135, OF 55, Red-bordered cards, have been issued.

Categories of records in the system: The register lists the following information: name; I.D. card no.; and date issued.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provides information of name, date and number of I.D. card issued to district employees. Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kardex file card.

Retrievability: By name.

Safeguards: Locked Kardex file.

Retention and disposal: Information is kept current until employee is terminated and I.D. cards are cancelled.

System manager(s) and address: District Director, 228 Federal Bldg., Merchant Street, Honolulu, Hawaii, 96813.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Data obtained from employees.

Treasury/Customs 00.112

System name: Immediate Delivery Violation Record—Treasury/Customs.

System location: Fines, Penalties and Forfeiture Section, Room 102, United States Customhouse, 2nd & Chestnut Street, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: Persons qualified to obtain release of imported merchandise under the immediate delivery privilege.

Categories of records in the system: The record reveals the individuals' or Customhouse broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm, or Customhouse broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Immediate Delivery Record Cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fine, Penalties and Forfeiture section in Room 102 of the Customhouse, Philadelphia; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Immediate Delivery Record cards are retained at location 3 years; then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, 2nd & Chestnut Street, Philadelphia, Pa. 19106.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained on these cards originates from liquidated damage cases instituted for failure to timely file entries and pay duty.

Treasury/Customs 00.274.

System name: Importer, Brokers, Carriers, Individuals and Sureties Master Files-Treasury/Customs.

System location: Financial Management Division, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Brokers, Importers, Individuals, Carriers, and Sureties.

Categories of records in the system: Copies of correspondence—incoming and outgoing, copies of bonds, entries, bills, data center listings.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Revenue technicians to retain in one place all correspondence with a debtor. Bonds, entries and bills when available are included in the file.

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alphabetical by name appearing on correspondence.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Correspondence, Customs Service Data Center, Districts and Ports.

Treasury/Customs 00.113

System name: Import specialist activities—investigation referrals—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A monthly report of the number of referrals made to the Office of Investigations in connection with 220 visits.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.(b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) To keep track of the referrals made by each import specialist to the Office of Investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: The information is erased after two years.

System manager(s) and address: Director, Classification and Value Division, 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Obtained from Regional Form IX-RC-220 prepared by the import specialist.

Treasury/Customs 00.114

System name: Import specialist activities—laboratory samples—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist team.

Categories of records in the system: Monthly report of the number of laboratory samples processed by the import specialist teams.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used as an administrative tool to keep track of laboratory samples processed by import specialists.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by team number and located on a wall chart in the training room.

Retrievability: Indexed by name and team number of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Assistant Regional Commissioner (Operations), 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: A monthly report submitted by the Director of the Laboratory Division.

Treasury/Customs 00.115

System name: Import Specialist Activities—Seminars—Treasury/Customs.

System location: Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A monthly report of the number of seminars the import specialist has attended.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used by the Classification and Value Division to keep track of special training given to import specialists.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Director, Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The records of the seminar.

Treasury/Customs 00.116

System name: Import specialist activities—220 visits, Region IX—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A record of importer premises visits performed by the import specialist including the time, cost, and number of visits listed monthly.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclo-

sure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) To keep an account of the visits made by import specialists to importers' premises.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Director, Classification and Value Division, 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Reports submitted by import specialists on Regional Form IX-RC-220.

Treasury/Customs 00.122

System name: Information Received File—Treasury/Customs.

System location: District Patrol Division, Room 200, United States Customhouse, La Marina, Old San Juan, P.R. 00901; Office of the Director, Regional Patrol, 600 South Street, New Orleans, LA., 70130; Office of the District Director, 880 Front Street, San Diego, CA., 92318; Offices of the Port Directors, San Ysidro, CA.; Tecate, CA.; Calexico, CA.; Andrade, CA.; San Diego Barge Office; Offices of the Customs Patrol Division, San Diego, CA.; San Ysidro, CA.; Calexico, CA.; Tecate, CA.; Los Angeles Region. Office of the Director, District Patrol, 600 South Street, New Orleans, Louisiana, 70130; Director, District Patrol Division, Room 213, International Trade Center, 250 N. Water Street, Mobile, Alabama, 36602, U.S. Customs Air Support Branch, Patrol Division PM-TUM, Homestead Air Force Base, Homestead, Florida, 33030.

Categories of individuals covered by the system: Persons in whom Customs and/or other government agencies are interested from a law-enforcement and/or security point of view.

Categories of records in the system: Name, alias, date of birth or age, personal data, addresses, home and business telephone number, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their official duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) When routine background investigation develops evidence of violations of law, case is referred to Investigative Branch; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Files are kept in a locked metal cabinet.

Retrievability: Records are filed within a metal file.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed Customs guards, and only authorized persons are permitted in the building.

Retention and disposal: Files are retained for a period of three years after which they are destroyed.

System manager(s) and address: Director, District Patrol Division, United States Custom Service, Room 200, La Marina, Old San Juan, P.R. 00901; Director, District Patrol Division, 600 South Street, New Orleans, LA., 70130; Chief, Air Support Branch, US. Customs Service, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, Florida, 33030; Director, Regional Patrol, 600 South Street, New Orleans, LA., 70130, District Director, Port Directors, and Division Directors within the San Diego Customs District. (See Customs Appendix A).

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.123

System name: Injury Notice—Treasury/Customs.

System location: Each Logistics Management Division in each regional HQ Office (see Customs Appendix A for addresses) and all offices of the District Director, Region IX, Chicago, Ill.

Categories of individuals covered by the system: Individuals who sustain an injury in performance of duty as an employee of U.S. Customs.

Categories of records in the system: Name, date of birth, home address, organization, place of injury, date and hour of injury, dependants, occupation, cause of injury, nature of injury, statement of witness, supervisor's report of injury.

Authority for maintenance of the system: Sec. 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to the Department of Labor for that agency's official use.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on CA forms. The CA forms are filed in a loose leaf, alphabetical binder and placed in a metal file container.

Retrievability: Each CA form is identified by the name of the injured employee and filed alphabetically in a binder.

Safeguards: The binder is placed within a metal file container located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel and only authorized persons are permitted in the building.

Retention and disposal: Notice of injury reports are maintained in the employee's OPF indefinitely. Copies maintained by the systems manager are maintained at location for two years and then destroyed.

System manager(s) and address: Each Director, Logistics Management Division, in each Customs Regional Headquarters (see Appendix A for address), each District Safety Officer, Region IX, Chicago, Ill. (see Customs Appendix A for addresses of District Directors).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with and consists solely of information supplied by the injured employee, his supervisor, appropriate witness and attending physician on CA forms.

Treasury/Customs 00.124

System name: Inspector Training Quarterly Checklist Forms and Inspector Correspondence Course Enrollment Forms (CF-66)—Treasury/Customs.

System location: Regional Office, Personnel Management, Career and Staff Development, U.S. Customs, 300 N. Los Angeles Street, Los Angeles, California 90012.

Categories of individuals covered by the system: All Inspectors in training status in Region VII.

Categories of records in the system: Progress records of on-the-job Inspector training and enrollment forms for the correspondence course.

Authority for maintenance of the system: U.S. Customs Headquarters Training Manual, 5 USC 301; Treasury Dept. Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine if trainee Inspectors have satisfactorily completed their standard training requirements so that they are eligible for promotion at the end of their first year.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Loose leaf binder.

Retrievability: By name.

Safeguards: Locked office.

Retention and disposal: Until employee completes his training.

System manager(s) and address: Regional Training Officer, Personnel Management, Career Development Branch, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, California 90012.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The inspectors' supervisors originate both the training progress checklists and the Correspondence Course Enrollment forms.

Treasury/Customs 00.125

System name: Intelligence Log—Treasury/Customs.

System location: U.S. Customs Air Support Branch, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The intelligence log is a chronological file which is maintained within a security area.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are retained indefinitely or until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, Patrol Division, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.127

System name: Internal Security Records System—Treasury/Customs.

System location: Internal Security Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Tort Claim Investigation Files and index card files at each Regional Director (Internal Affairs) Office. See Customs Appendix A.

Categories of individuals covered by the system: Present and past employees, applicants for positions that require an investigation, and others that are principals in an investigation.

Categories of records in the system: Security clearance records; background, tort claim, special inquiry, conduct, and equal employment opportunity investigations and other Customs related investigations including individuals involved in accidents under investigation.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Provide the proper authority within the Department of the Treasury with sufficient information to make a decision as to whether or not an applicant or employee is suitable for employment in a sensitive position, and to make a determination regarding a subject's loyalty; (d) When routine background investigation develops evidence of violations of law, case is referred to Investigative Branch; (e) Serves as a basis for granting access to classified information and material. When necessary, advise Government agencies and private industry of employees having security clearances; (f) To provide basis for disciplin-

ary action, criminal prosecution establishing guilt or innocence, identifying procedural weaknesses, establishing liability in tort claim investigations, give information to Equal Employment Opportunity Division in EEO cases, provide information to appropriate officials, management and Congressmen; (a) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (b) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (i) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Investigative records are maintained on microfiche and in file folders and stored in metal security cabinets secured by government approved three-position, combination locks. Security clearance records are stored on magnetic tape with a manual back-up system.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers with government approved, combination locks, the metal containers are located in locked rooms, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

Retention and disposal: With exception of tort claim investigations, the file records are maintained as long as the subject of the investigation is employed by the U.S. Customs Service and for 1 year after the subject terminates employment. The files are then transferred to the Federal Records Center.

Tort Claim investigations are retained for 5 years after the close of the investigation and then destroyed. Once files are transferred, they are retained for the following periods of time by the Federal Records Center and then destroyed: Background investigations—25 years, Conduct and special inquiry investigations—15 years, Equal Employment Opportunity investigations—10 years.

System manager(s) and address: Director, Internal Security Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Record source categories: Sources of information for background investigations are: employers; educational institutions; police; government agencies; credit bureaus; references; neighborhood checks; medical sources; personal interviews; military, financial, citizenship, birth and tax records; and the applicants or employee's personal history and application forms.

Treasury/Customs 00.128

System name: Investigations Program Analysis—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, 1301 Constitution Avenue, N.W., Washington D.C. 20229, 1719 West End Building, Rm. 303, Nashville, Tenn. 37203.

Categories of individuals covered by the system: Special Agents assigned to office.

Categories of records in the system: Record of cases assigned to individual agent showing date assigned, status, date closed, time spent on case, arrests, dispositions of arrests, seizures, penalties, and recoveries, if any. An inventory of types of cases handled by an agent.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively as an inventory of investigative cases; measurement of the results of investigative efforts; and an account of man hours devoted to investigative categories.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is contained in a printout.

Retrievability: Information is retrieved from the printout by case number, name of agent, and date by month and year.

Safeguards: During non-working hours the room in which the above described printouts are located is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information furnished by Customs Special Agents.

Treasury/Customs 00.129

System name: Investigations Record System—Treasury/Customs.

System location: All Office of Investigations offices located within each Customs Service Region in the United States and within each Office of Investigations office located in a foreign country. (See Customs Appendix A).

Categories of individuals covered by the system: Records are maintained on individuals who may bear some necessary relevance to investigations conducted within the scope of authority of the Office of Investigations, United States Customs Service. The categories include but are not limited to: (1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the U.S. and foreign countries. (3) Fugitives with outstanding warrants, Federal or State. (4) Suspect violators of U.S. Customs or other related laws. (5) Victims of violations of the U.S. Customs or related laws.

Categories of records in the system: The subject records may contain any identifying or other relevant information on subject individuals which might relate to the following categories of investigations:

Smuggling Investigations Branch: Smuggling, Diamonds & Jewelry; Smuggling, Liquor; Smuggling, Narcotics; Smuggling, All Other; Prohibited Importations; Navigation, Airplane and Vehicle Violations; Neutrality Violations; Illegal Exports.

Regulatory Investigations Branch: Baggage Declaration Violations; Customhouse Brokers and Customs Attorneys; Applications for Licenses; Theft, Loss, Damage and Shortage; Irregular Deliveries; All Other Criminal Cases; Currency Violations.

Special Investigations Branch: Organized Crime; Personnel Derelictions; Other Departments, Bureaus and Agencies; Federal Tort Claims; Personnel Background Investigations.

Technical Investigations Branch: Undervaluation and False Invoicing; Petitions for Relief.

Verification Investigations Branch: Drawback; Marking of Merchandise; Customs Bonds; Customs Procedures; Collections of Duties and Penalties; Trademarks and Copyrights; Foreign Repairs to Vessels and Aircraft.

Foreign Investigations Branch: Classification; Market Value; Dumping; Countervailing Duties.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072; Title 19, United States Code; Title 18, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of Treasury who have a need for the records in the performance of their duties which may include the administration, investigation, enforcement and prosecution of civil and criminal Customs and related laws; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure may be made to any civil or criminal law enforcement authorities, whether Federal, state, local or foreign; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in both hard copy files and on microfiche which are placed in locked metal containers.

Retrievability: The record system is indexed on 3 x 5 file cards by the individual's name and/or identification number and by the investigative case numbers to which the information relates. The hard copy and microfiche records are retrieved by means of the investigative case numbers.

Safeguards: All records are held in steel cabinets and are maintained according to the requirements of the United States Customs Records Manual and the United States Customs Security Manual. Access is limited by visual controls and/or a lock system. During normal working hours, files are either attended by responsible Office of Investigations employees or the file area is restricted. The office in which the records are located is locked during non-working hours and the building is patrolled by uniformed security guards.

Retention and disposal: The index cards are retained indefinitely. The hard copy and microfiche records are retained for one year or more depending on the subject matter to which they relate and are then either destroyed or transferred to the appropriate Federal Record Center, all in accordance with standard Customs Service record retention and disposal procedures.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C., 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.130

System name: Investigative Program Analysis—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: United States Customs Special Agents and Operations Officers.

Categories of records in the system: Case assignment information such as case number, case hours, court hours, case description and disposition, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Provide management information such as caseload, budget, manpower, performance and experience, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic tape. (2) Manual files maintained by the Office of Investigations field officer.

Retrievability: By name and Social Security Number of subject Customs Officer.

Safeguards: On a need-to-know basis to the Office of Investigations personnel only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

Retention and disposal: Indefinite; None.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Supervisory Customs Special Agents when making case assignments to Special Agents or Operations Officers on foreign assignments.

Treasury/Customs 00.133

System name: Justice Department Case File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202; Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Ave., N.W., Washington, D.C., 20229.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and

other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is routinely provided to the Department of Justice or directly to United States Attorneys upon request to assist in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the customhouse broker.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202; Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C., 20229.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the request from the Department of Justice or directly from a United States Attorney or other Government agency or officer which results in a communication regarding the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes or regulations, administrative proceedings or any matter affecting or involving the United States Customs Service or its officers or employees.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears 31 CFR 1.36.

Treasury/Customs 00.135

System name: Legal Case Inventory System—Treasury/Customs.

System location: Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs employees to whom legal cases are assigned for initial review at Customs Headquarters.

Categories of records in the system: Name of Customs employees to whom legal cases are assigned for initial review, name of inquirer, date of correspondence, description of request, control number, and status.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a log system of all requests received in the Office; be able to locate each request, obtain present status, and to whom assigned. Obtain statistical information indicating the number of requests received per month for budget purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and hard copy print-out.

Retrievability: A weekly print-out for each division in the Office of Regulations and Rulings by the name of the employee assigned to the case is prepared. Retrieval of information by employee is accomplished by a manual search of the print-out.

Safeguards: The weekly printout is used only by division personnel to locate a specific case. Each branch in the division receives a copy of the printout for their use. During non-working hours the room is locked and the building is guarded by security police. Only authorized persons are permitted in the building.

Retention and disposal: An inquirer's name will remain in the computer until 90 days after a reply has been made to afford the inquirer ample time for resubmission of a request for consideration. Thereafter, his name is expunged by erasure of the tape. The print-out is disposed of as paper trash when a new print-out is received.

System manager(s) and address: Director, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Branch Chief or delegate at the time the protest case is assigned to an individual for initial review.

Treasury/Customs 00.136

System name: Liquidated Damage Cases; Prior Violators—Treasury/Customs.

System location: Office of the District Director, Fines and Penalties Office, U.S. Customs Service, 2 India Street, Boston, Massachusetts 02109, and Office of the District Director, Fines and Penalties Office, U.S. Customs Service, P.O. Box 111, St. Albans, Vermont, 05478.

Categories of individuals covered by the system: Prior violators of Customs Laws: e.g. Customhouse brokers, individual T/B violators, liquidated damage cases only.

Categories of records in the system: Name, address, Social Security number, type of violation and frequency of past violations.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to determine those persons who are repeatedly assessed liquidated damages so appropriate administrative action may be taken.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on 3 x 5 index cards and in file folders.

Retrievability: Alphabetically; by name.

Safeguards: In locked file cabinet when not in use.

Retention and disposal: Boston District files are kept for two years and then destroyed on site. St. Albans District files are kept for five years and then destroyed.

System manager(s) and address: Fines and Penalties Officer, U.S. Customhouse, Boston, Massachusetts 02109. Fines and Penalties Officer, Post Office and Customhouse Building, St. Albans, Vermont 05478.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is received from the individual at the time the violation occurs and from penalty notices which are issued in the Penalties section. Also, the office of Investigations provides any information developed during its investigation.

Treasury/Customs 00.137

System name: List of Vessel Agents Employees—Treasury/U.S. Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Persons employed by Vessel agents.

Categories of records in the system: Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Open file.

Retrievability: Alphabetical listing of employees by vessel agent name.

Safeguards: The file described is maintained in the Offices of the District Directors in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

Retention and disposal: Employee name retained for period of employment with vessel agent agency.

System manager(s) and address: District Director, as appropriate, in Region IX, Chicago, Illinois. See Location above.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Submission of data by importing carrier or his agent.

Treasury/Customs 00.138

System name: Litigation Issue Files—Treasury/Customs.

System location: Office of Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York, 10007.

Categories of individuals covered by the system: Parties in litigation before the United States Customs Court (or subunits or employees or officers thereof), and other individuals with knowledge of the issues in controversy, e.g., trade witnesses, foreign or domestic manufacturers, etc.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 19 U.S.C. 1514—1516; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these files is routinely provided to the Department of Justice upon request to assist that Department in representing the interests of the Government, or agency involved in the litigation.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each issue file is inserted in a numerical file folder (according to issue) which is filed in an unlocked drawer within a metal container.

Retrievability: Each issue filed is cross-indexed in the following card files: (a) by name of party-plaintiff; (b) by issue; and, (c) by titles of decided cases.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Assistant Chief Counsel within the Federal Building. At all times the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York, 10007.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the receipt of protest reports (based on information supplied by the subject individuals or by their authorized agents or attorneys) from the various Districts and/or litigation report requests from the Department of Justice which result in a written report to that Department regarding the facts of the particular case.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.140

System name: Lookout Notice—Treasury/Customs.

System location: Lookout files are maintained in Offices of the District and Port Directors and the District and Local offices of the Patrol Division. See Customs Appendix A.

Categories of individuals covered by the system: Suspected violators of laws enforced by Customs.

Categories of records in the system: Name, address, height, weight, and any other information available on the individual at the time the notice is instituted.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The lookout notices are used by Customs to identify persons suspected of violating laws and to keep them under active review.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The notice is printed on regular paper and then copied and stored within a file box.

Retrievability: Alphabetically, by name.

Safeguards: Stored in locked filing cabinet and access is limited to administrative personnel.

Retention and disposal: Retained for two years and then destroyed on site.

System manager(s) and address: Regional Commissioner of Customs, Regional Director of Investigations, Regional Patrol Director at appropriate Region. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.142

System name: Mail Entry Protest—Treasury/Customs.

System location: District Director of Customs, 3180 Bladensburg Road, N.E., Washington, D.C. 20018.

Categories of individuals covered by the system: Individual member of armed forces, commercial importers, commercial exporters and private importers.

Categories of records in the system: Name, home address, and action by customers for which relief is sought.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is placed in alphabetical file folder and placed within a metal file cabinet.

Retrievability: Each letter of protest is filed in alphabetical order by last name first.

Safeguards: The metal cabinet is located within an office that is locked during non-working hours.

Retention and disposal: The records are maintained in the files for a complete fiscal year. Records are removed to inactive files and held for three years prior to destruction.

System manager(s) and address: District Director of Customs, 3180 Bladensburg Road, N.E., Washington, D.C. 20018.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information of this office originated with and consists solely of information supplied by the protestor or requester.

Treasury/Customs 00.143

System name: Mail Protest—Treasury/Customs.

System location: District: Anchorage, 620 East 10th Avenue, Anchorage, Alaska 99501; Great Falls, 215 1st Ave, No., Great Falls, Montana 59401; Honolulu, 335 Merchant, Honolulu Hawaii, 96813; Portland, 511 N.W. Broadway, Portland, Oregon 97209; San Francisco, 555 Battery St., San Francisco, California 94126; Seattle, 909 First Avenue, Seattle, Washington 98714.

Categories of individuals covered by the system: Individual protesting duty assessed.

Categories of records in the system: Correspondence relating to individual.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders and stored in metal file cabinet.

Retrievability: The office and building are locked during non-working hours.

Safeguards: Protest number.

Retention and disposal: Records are maintained and disposed of in accordance with Records Disposal Manual.

System manager(s) and address: District Director, See Location above for addresses.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individual and Customs employees involved with case.

Treasury/Customs 00.144

System name: Mail Protest File—Treasury/Customs.

System location: Foreign Mail Branch, 2200 N.W. 72 Avenue, Miami, Florida, 33166.

Categories of individuals covered by the system: Individuals who have filed formal protest of the amount of duty assessed against mail parcels.

Categories of records in the system: Letters, invoices, and other pertinent documents pertaining to protests.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Customs Personnel processing mail protests; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licences, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in the Foreign Mail Section of the District Office, 444 Brickell Ave., Miami, Fla. 33131.

Retrievability: Records are retrievable by name or protest number.

Safeguards: Access is limited to appropriate personnel and office is locked during non-working hours.

Retention and disposal: Records are kept until 3 years after the protest is decided.

System manager(s) and address: District Director of Customs, 77 S.E. 5th Street, Miami, Fla. 33131

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Source information is from the sender, the addressee, the Customs value records, and the manufacturer of the item.

Treasury/Customs 00.148

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229; Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland, 21202; Regional

Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y., 10048.

Categories of individuals covered by the system: Persons filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include making recommendations for decisions on claims and making final decisions on claims; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the Customs Service Building. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229; Regional Counsel, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland, 21202; Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y., 10048.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.268

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is utilized to formulate recommendations, and is made available, to the officials within the Customs Service to make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel on the 12th Floor of 500 Dallas Street, Houston, Texas, 77002. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

Retention and disposal: These files are retained until closed at which time the closed files are transferred to the Director, Logistics Management Division, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.151

System name: Motor Vehicle Accident Reports—Treasury/Customs.

System location: Each Logistics Management Division, in each Customs Regional Headquarters (see Customs Appendix A).

Categories of individuals covered by the system: U.S. Customs Employee involved in an automobile accident while on official duty.

Categories of records in the system: Name, Social Security Number, home address, telephone number, age, title, date of accident, place of accident, make, year, license number of vehicles, description of accident, information on driver of other vehicle.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Administrative Circular No. 131, dated August 19, 1965 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer in a metal file cabinet.

Retrievability: Each case file is identified in a file folder identified by the name of the Customs employee involved in the automobile accident.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Regional Safety Coordinator within the office of the Regional Commissioner of Customs. Access to the building during nonworking hours is controlled.

Retention and disposal: Files are maintained at location for 2 years and then transferred to the Federal Records Center where they are retained for four years.

System manager(s) and address: Each Director, Logistics Management Division in each Regional Headquarters (see Customs Appendix A for addresses).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in these files originates from the employee involved in the automobile accidents, police

report and report of investigation conducted by the Office of Internal Affairs.

Treasury/Customs 00.152

System name: Motor Vehicle Operator's Identification Card—Treasury/Customs.

System location: District Director, 600 South Street, New Orleans, Louisiana 70130; District Director, P.O. Box 2748, Mobile, Alabama 36601; Regional Commissioner, 1440 Canal Street, New Orleans, Louisiana 70112.

Categories of individuals covered by the system: All Customs employees in Region V whose official duties require the use and operation of an agency-owned vehicle or a government-owned vehicle leased from General Service Motor Vehicle Pool.

Categories of records in the system: Records on file contain the follwoing information: Name, address, place and date of birth, statement of physical fitness, results of examination on driving capability, summary of past driving record, record of summonses, arrests, and accidents during past five years, record of safe driving awards.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contact, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On SF-47 and Treasury Department Form 2770 in appropriate file.

Retrievability: By name.

Safeguards: Unlocked file cabinet in locked office.

Retention and disposal: Forms are maintained for the period in which the individual is employed in the Customs Service, or until revoked. Upon separation or revocation, forms are removed from active file and placed in an inactive file for a period of three years, after which time the cards are disposed of as provided in GSA's General Records Schedule.

System manager(s) and address: District Director, 600 South Street, New Orleans, Louisiana 70130; District Director, P.O. Box 2748, Mobile, Alabama 36601; District, Logistics Management Division, 1440 Canal Street, New Orleans, LA 70112.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: All information contained on SF-47 and TD Form 2770 is obtained directly from employee.

Treasury/Customs 00.153

System name: Motor Vehicle Operators I.D. Card and Record—Treasury/Customs.

System location: Room 102, Federal Building, 511 N.W. Broadway, Portland, Oregon 97209.

Categories of individuals covered by the system: Employees of Portland District authorized to drive government vehicles.

Categories of records in the system: Name, position, driving record of employee.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To account for those employees to whom driver's licences have been issued and to maintain information concerning their driving record.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in index card file. Stored in unlocked metal cabinet.

Retrievability: Information is on cards, indexed alphabetically by name of individual.

Safeguards: The office and building are locked during non-working hours.

Retention and disposal: Retained 2 years, then destroyed.

System manager(s) and address: District Director, Federal Building Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information furnished by employee and his supervisors. Accident reports.

Treasury/Customs 00.155

System name: Narcotics Suspect File—Treasury/Customs.

System location: Customs Patrol Office, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Known violators of Federal narcotics laws. Suspected violators of Federal narcotics laws. Associates of known and suspected violators. Informants and other persons of interest to patrol officers in the performance of their duties.

Categories of records in the system: Criminal and civil case files; information of possible violators, informant files, known suspect files, and files of information of interest to patrol officers.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by patrol officers to determine an individual's previous record when determining the proper recommendations for criminal and civil penalties; (d) Used by patrol officers to determine patterns of violations and assist in the more efficient performance of their duties; (e) Used by officers and employees of the Customs Service and the Department of the Treasury to compile statistics and determine patterns of violators; (f) In the event that this system of records includes information which indicates a violation or possible violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (g) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (h) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the

extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in metal file cabinets which are located in locked or occupied offices which are located in locked and guarded Federal Buildings.

Retrievability: A manual master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers, the containers are maintained in offices which are either occupied or locked at all times. These offices are located in locked Federal buildings.

Retention and disposal: The file records are maintained indefinitely.

System manager(s) and address: Director, Baltimore Patrol Division, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system or records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.156

System name: Narcotic Violator File—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Office, District Director of Customs, Room 603, U.S. Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Categories of individuals covered by the system: Persons who have been found in possession of any controlled substance within the Buffalo District.

Categories of records in the system: Alphabetized cross reference of violators names and the associated case numbers assigned to these individuals.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Open card file (3 x 5) is kept in metal flip file.

Retrievability: Narcotic violator case files are cross-referenced by a 3 x 5 alphabetized card which contains both name and case number.

Safeguards: Open card file is kept in the Fines, Penalties and Forfeitures Office which is locked after working hours. During working hours, a staff person is always in the office. The building is under 24-hour guard.

Retention and disposal: File system has a purge date of two years after which cross reference cards are destroyed and case numbered file is no longer accessible by name of the individual.

System manager(s) and address: District Director, United States Customs Service, Room 603, 111 West Huron Street, Buffalo, New York 14202.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in these files is obtained from Search/Arrest and Seizure Reports transmitted to the Fines, Penalties and Forfeitures Office by ports and stations within the district.

Treasury/Customs 00.159

System name: Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs—Treasury/Customs.

System location: Personnel Management Division, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Customs employees who are suspected of misconduct.

Categories of records in the system: A written or telephonic notification made by the Office of Internal Affairs that an investigation has been opened on an individual employee.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Notification serves to notify certain Personnel Management Division employees of the investigation to assure compliance with Chapter 751 of the Customs Personnel Manual which precludes the processing of certain personnel actions while employees are under investigation. Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notifications provided by the Office of Internal Affairs are maintained in a file folder and stored in a metal security cabinet equipped with a lock.

Retrievability: The file contains the name of the employee; therefore retrievability is by the individual's name.

Safeguards: A metal container, described above, is maintained within the area assigned to Personnel Management in the One Allen Center Building. During non-working hours, the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: The name file is retained until notification has been received that the investigation has been cancelled or on

receipt of a report of investigation from the Office of Internal Affairs.

System manager(s) and address: Director, Personnel Management Division, 500 Dallas Street, Houston, Texas 77002.

Record source categories: The only source of notification that an employee has been placed under investigation is the Regional Director, Internal Affairs.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.160

System name: Operations Officer's (Classification and Value) Work Accomplishments—Treasury/U.S. Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, Classification and Value Division, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Operations Officers in the Classification and Value Division.

Categories of records in the system: Travel File—Names, dates, purpose and locations travelled. Assignments Folder—Correspondence of specific assignments filed by name. Reading File—Copies of all originally written documents filed by name.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) Historic record of work accomplishments in one file by name. (d) It is used as a file index to locate the master file record.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder under secretarial control.

Retrievability: Manual file system.

Safeguards: Stored in the division area away from unescorted public.

Retention and disposal: Filed for five years then destroyed.

System manager(s) and address: Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The sources are from the Operations Officers and a copy of typewritten work.

Treasury/Customs 00.161

System name: Optional Retirement List—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: All employees who are eligible for optional retirement.

Categories of records in the system: Name, date of mandatory retirement, and service computation date.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in a locked file cabinet.

Retrievability: By name.

Safeguards: Accessible only to the Personnel Officer. The area in which these records are stored is locked during non-working hours, and the building is guarded by uniformed security police.

Retention and disposal: Records are retained for two years then destroyed.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information is obtained from the Employees Service Record Report.

Treasury/Customs 00.162

System name: Organization (Customs) and Automated Position Management System (COAPMS)—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: All Customs employees by organizational entity.

Categories of records in the system: Position control number and other personnel data such as social security number, date of birth, name, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 522); (c) Used by managers and planners at all levels for position control purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on Mag-tape.

Retrievability: Records are indexed by organizational segment, code, position control number, and name.

Safeguards: Limited access.

Retention and disposal: Records are maintained on mag-tapes indefinitely or until employee separation.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: COAPMS is composed of four basic inputs: CF-105-Position Change Form—presently prepared by the Headquarters Personnel Branch and operating offices, Post of Duty Codes—established by the Accounting Division, Ceilings—established by the Budget Division, CF-112—a Request for PPBS Code and Standard Abbreviation of Position.

In addition to these four sources, the IRS payroll tape has many inputs—1150, 1125, 50, 52, union dues, etc., and Accounting tape K from IRS.

Treasury/Customs 00.163

System name: Outside Employment Requests—Treasury/Customs.

System location: Located in the Personnel Management Division of each Region and Headquarters and/or appropriate District, Port, or post of duty office of employee making request.

Categories of individuals covered by the system: All employees engaged in outside employment.

Categories of records in the system: Outside employment request.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used to ensure the Customs employees are not engaged in other employment that would create a conflict of interest with Customs Service or Treasury Department.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF-3031 kept in manila folder.

Retrievability: By employee name.

Safeguards: Locked file cabinet or limited access offices.

Retention and disposal: Until disengagement from outside employment or employee separation.

System manager(s) and address: Director, Personnel Management Division in each regional office and Headquarters and/or appropriate managerial official in each port or district of employee.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Employee submission of form CF-3031.

Treasury/Customs 00.164

System name: Overtime Earnings—Treasury/Customs.

System location: Office of the Regional Commissioner, Region IX, Inspection and Control Division, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603 and each District Director's office in Region IX.

Categories of individuals covered by the system: U.S. Customs inspectional and warehouse personnel engaged in performance of overtime and reimbursable work assignments in Region IX.

Categories of records in the system: Summary of total overtime earnings for individual employees participating in overtime assignments in Region IX.

Authority for maintenance of the system: Sec. 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Review of overtime earnings to insure required equalization of overtime is maintained in each port in Region IX.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kept in loose leaf binder in alphabetical listing by individual name and kept in the office of the Director, Inspection and Control Division, Region IX.

Retrievability: By individual name in alphabetical order.

Safeguards: Locked in the desk of Director, Inspection and Control Division and made available only to authorized U.S. Customs personnel.

Retention and disposal: Retained for two years then destroyed.

System manager(s) and address: Director, Inspection and Control Division, Region IX, 55 East Monroe, Suite 1501, Chicago, Illinois 60603 and respective District Directors.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Record is compiled from information supplied by employee on Customs Form 6082 (Work Ticket) that is completed for each overtime assignment worked.

Treasury/Customs 00.165

System name: Overtime Earnings—Treasury/Customs.

System location: Inspection and Control Division, San Francisco District, 555 Battery Street, Room 111, San Francisco, CA 94126.

Categories of individuals covered by the system: Inspection and Control employees participating in overtime assignments within the district of San Francisco.

Categories of records in the system: Name and the total current monetary earnings computed to the nearest dollar.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To maintain records of extra compensation earnings on a yearly basis for each employee in each participating group, i.e., Customs Inspectors, Supervisory Customs Inspectors, Inspectional Aids, etc. (b) A report of the monetary earnings from each overtime participant is given to each station supervisor every two weeks. (c) The report is available to all employees.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is kept on a visible chart board and the information on earnings is constantly changing.

Retrievability: The individual's name appears alphabetically according to their geographical location within the Port.

Safeguards: The room wherein the visible chart is kept, is locked at other than regular working hours.

Retention and disposal: The information on each employee constantly changes and is maintained as long as the employee is working in the inspection overtime system.

System manager(s) and address: Supervisory Customs Inspector, Station 1, U.S. Customs Service, 555 Battery Street, Room 111, San Francisco, California 94126.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is obtained from actual overtime earnings made by each employee in the system.

Treasury/Customs 00.166

System name: Overtime Earnings Daily Log Book—Treasury/Customs.

System location: Chief Inspector, 1790 W. Port Boulevard, Miami, FL., 33132; Port Director of Customs, Port Everglades, Fla., Port Director of Customs, West Palm Beach, Fla., Director Airport Operations, Miami International Airport.

Categories of individuals covered by the system: All participants in overtime.

Categories of records in the system: Monetary amount of overtime earned.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Supervisors and participants in overtime earnings; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a

routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is kept in file folders at assignment offices listed under location.

Retrievability: Records are retrievable by name of participant.

Safeguards: Record is kept in non-public portions of listed offices.

Retention and disposal: Records are kept on a calendar year basis and are disposed of after computer printouts are received.

System manager(s) and address: District Director of Customs, 77 S.E. 5th Street, Miami, Fla. 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information for this record is obtained from the overtime work tickets.

Treasury/Customs 00.167

System name: Overtime Earnings Record—Customs Warehouse Officers—Treasury/Customs.

System location: Office of the Supervisory Warehouse Officer, U.S. Customhouse, Room 103, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: Customs Warehouse Officers under the supervision of the Philadelphia District who participate in 1911 Overtime earnings.

Categories of records in the system: Bi-monthly postings of participating employees' actual 1911 Overtime earnings.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each posting is made manually on a 5 inch by 8 inch index card which is filed in the Supervisory Warehouse Officer's desk.

Retrievability: Each card is identified by the name of the Warehouse Officer and his grade.

Safeguards: The records are kept in a closed desk drawer; during working hours, only the Supervisory Warehouse Officer has access to the desk. During non-working hours, the building is either locked or controlled by uniformed guards.

Retention and disposal: Overtime earnings records of Customs Warehouse Officers are kept for one year and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates from a bi-monthly data center print-out, number RCS-AA66-10, for the Port of Philadelphia.

Treasury/Customs 00.169

System name: Overtime Log—Treasury/Customs.

System location: U.S. Customs Service, Honolulu International Airport, Honolulu, Hawaii 96819.

Categories of individuals covered by the system: Employees of U.S. Customs Service participating in overtime under the Act of Feb. 13, 1911.

Categories of records in the system: Name, overtime rate, overtime amount earned by date, overtime earned on holiday or Sunday or during any other night, and running total of earnings.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To keep a record of overtime earnings worked by each individual participant. (b) To keep a record of overtime earnings by different participating groups; i.e., Inspectors, Supervisory Customs Inspectors, Warehouse officers, etc. (c) Used to make a daily list of overtime participants by earnings.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on loose leaf folder paper in a black binder. This binder is located adjacent to the documents examiner's desk.

Retrievability: Each loose leaf folder paper is identified by name and is filed according to current overtime earnings and participating groups.

Safeguards: The documents examiner's desk is located next to the manifest desk in the U.S. Customs Service office. The manifest desk is manned 24 hours a day, seven days a week by Customs personnel.

Retention and disposal: The files are kept in the binder for one calendar year then placed in a folder, boxed, sealed, labeled and placed in our locked storeroom. The files are destroyed after five years.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Honolulu, Hawaii 96819.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Overtime records are compiled by Customs personnel responsible for accounting for overtime.

Treasury/Customs 00.170

System name: Overtime Reports—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V. RDI, 1440 Canal Street, New Orleans, La. 70112; SAC, 600 South Street, Room 444, New Orleans, La. 70130; SAC, P.O. Box 1704, Mobile, Ala. 36601; RA, 1719 West End Building, Rm. 303, Nashville, Tenn., 37203.

Categories of individuals covered by the system: All Special Agents in region certified to receive premium compensation.

Categories of records in the system: Numbers of hours worked by Special Agents over and above the normal 40 hour week.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Record of number of unscheduled overtime hours worked by each Special Agent.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These forms are maintained in file folders in a locked filing cabinet.

Retrievability: Files are kept in alphabetical order.

Safeguards: During non-working hours the rooms in which the above described containers are located are locked.

Retention and disposal: These files are maintained on Special Agents and are destroyed three years after agent leaves agency or office.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 1440 Canal Street, New Orleans, La. 70112; Special Agent in Charge, Office of Investigations, 600 South Street, Room 444, New Orleans, La. 70130; Special Agent in Charge, U.S. Customs Service, Office of Investigations, P.O. Box 1704, Mobile, Ala., 36601; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 303, Nashville, Tenn., 37203.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with, and consists solely of information supplied by employees.

Treasury/Customs 00.171

System name: Parking Permit File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, C.C. 20229.

Categories of individuals covered by the system: Individuals and members of car pools to whom vehicle parking permits have been issued.

Categories of records in the system: Name, home phone number, home address, organization, office telephone number, years of service, and make, year, license number and registration number of vehicle.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by Customs Service Headquarters to evaluate applications and to assign and monitor available parking spaces. (d) Disclosure to the General Services Administration for that agency's official use.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on GSA Forms 7415 (Parking Permit Applications) which consist of index card applications. The index card applications are placed within a file box which is located in a metal file container.

Retrievability: Each index card is identified by the name of the applicant, and the cards are filed alphabetically within the file box.

Safeguards: The card file box is placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Active index cards are retained in this system indefinitely. However, the information in this sytem is reviewed every six months, and outdated index cards are discarded.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with, and consists solely of, information supplied by the applicant(s) on GSA Form 7415 (Parking Permit Application).

Treasury/Customs 00.172

System name: Parking Permits File (N.Y. Region)—Treasury/Customs.

System location: U.S. Customs Service, Assistant Regional Commissioner (Administration), 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Organizational units and persons holding parking permits.

Categories of records in the system: Name of person issued parking permit, and number of parking spot assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To keep track of permits issued and to identify the holder of the permit if violations occur or problems develop (i.e. car lights left on).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Office locked at night.

Retention and disposal: Retained until changed.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is compiled when parking permit is assigned.

Treasury/Customs 00.175

System name: Patrol Division Daily Activity Report—Treasury/Customs.

System location: Offices of the Patrol Division, Chicago District, Detroit District and Pembina District, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Individuals employed as Customs Patrol Officers.

Categories of records in the system: Internal Patrol Division folder maintained by Director, Patrol, by name to record work performance on a daily basis of each individual Patrol Officer. Also, individual record of scheduled overtime, sick or annual leave hours.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to maintain evaluation rating on employees of Patrol Division;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual activity records are maintained in file folders stored in a locked metal file cabinet.

Retrievability: Each folder is filed alphabetically by an individual's name.

Safeguards: File folders are kept in a locked metal file cabinet which is located in an office that is locked during non-working hours.

Retention and disposal: Folders are maintained for the duration of an employee's service with the Patrol Division and then destroyed.

System manager(s) and address: Supervisory Customs Patrol Officers, Chicago District, Detroit District and Pembina District, Region IX, Chicago, Illinois. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in this record system originates from reports of Customs Patrol Officers involving records of their daily patrol activities.

Treasury/Customs 00.180

System name: Payroll Record of Employees Not Covered By The Automated System—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Records of various types of earnings and taxes withheld from employees who are not covered by the automated payroll system.

Categories of records in the system: Recorded detail of earnings and taxes.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used as a record for reporting and paying payroll taxes;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is placed in a file folder maintained in an unlocked file cabinet located within the Payment Section work area.

Retrievability: Each file is identified by the name of the individual.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are retained for two years on the premises and then sent to the Federal Records Center where they are retained for three years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in the system originates from the individual's preparation of his travel voucher and compensation forms.

Treasury/Customs 00.182

System name: Penalty Case File—Treasury/Customs.

System location: Office of Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Individuals who have submitted supplemental petitions in relation to penalties, claims for liquidated damages or forfeitures of property which are being processed by the U.S. Customs Service, Region I and which have been referred to the Regional Commissioner of Customs, Region I.

Categories of records in the system: (a) Reports relative to the circumstances of an alleged violation (including any Customs forms or documents relating to the incident, agents' investigative reports, seizure reports); (b) Reports relative to an individual's economic interest in a penalty case; (c) Investigative reports relative to claims made in petitions for relief; (d) Recommendations made by other Government agencies that have an interest in the case.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of alleged violator.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked file cabinet with keys retained by Regional Counsel and his staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Contesting record procedures: See Exemption below.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, petitions for relief, other Government agencies with an interest in the case and members of the general public who have pertinent information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.186

System name: Personal Search—Negative (District Patrol—New Orleans, La. and Mobile, Al.)—Treasury/Customs.

System location: Office of the Director, District Patrol, 600 South Street, New Orleans, Louisiana 70130; Director, District Patrol Division, Room 213, International Trade Center, 250 International Trade

Center, 250 N. Water Street, Mobile, Al. 36602; all Ports, Region IX, Chicago, Illinois, District Director, U.S. Customhouse, 127 North Water Street, Ogdensburg, NY, 13699; District Director of Customs, Room 218, International Trade Center, 250 North Water Street, Mobile, Alabama, 36602.

Categories of individuals covered by the system: Individuals indicating unlawful or suspicious activity that might result in a Customs violation.

Categories of records in the system: Name, address, phone number, place of business, physical description, associates, vessel, automobile, or aircraft identified with, make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statue or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employeee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access, consistant with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

Retention and disposal: Negative Search Reports are destroyed after a five year period. Method of disposal is shredding.

System manager(s) and address: Director, District Patrol Division, 600 South Street, New Orleans, Louisiana 70130; District Directors/Port Directors as applicable, in Region IX, Chicago, Illinois; District Director, U.S. Customhouse, 127 North Water Street, Ogdensburg, NY, 13699; District Director of Customs, P.O. Box 2748, Mobile, Alabama, 36601.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this sytem originates with, and consists solely of, information supplied by the individual being searched and the patrol officer doing the search.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.187

System name: Personal Search File—Treasury/Customs.

System location: U.S. Customs Service, Honolulu International Airport, Honolulu, Hawaii 96819.

Categories of individuals covered by the system: Passengers, arriving from foreign countries, the Customs Service found necessary to search.

Categories of records in the system: Name, address, date, time, date of birth, region, port, race, sex, carrier, (airline and flight number), description, passport number, birth place, social security number, marital status, citizenship, reasons for search, searching officer, witness, result of search, search authorized by, and extent or type of search.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) All three forms used in this system are kept so as to have a clear and concise record of all searches conducted by the U.S. Customs Service; (b) The files are used to answer all inquiries into any aspect of any personal searches conducted at this station; (c) The current CF 151 file is used as the primary input document for the Customs Law Enforcement Activity Reporting (CLEAR) system which provides, in turn, accurate and timely statistical reporting; (d) Disclosure to officers and employees of the Customs Service and the Department of the Treasury who have a need for records in the performance of their duties; (e) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Region Form VIII-RC-51-BNF, CF 43, CF 151. These forms are found in binders on the reference shelves in the Customs office.

Retrievability: Each form is identified by name and is filed alphabetically. The files are further broken down by form number and calendar year.

Safeguards: The files are located in the Customs office. This office is manned 24 hours a day, 7 days a week by Customs personnel.

Retention and disposal: Active file forms are kept for five years. After five years the files are destroyed.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Honolulu, Hawaii 96819.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates from personal searches conducted on passengers arriving from foreign destinations.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.188

System name: Personal Search Report—Treasury/Customs.

System location: Ports of entry, Nogales, Arizona District.

Categories of individuals covered by the system: Persons on whom personal searches are performed at the various ports of entry.

Categories of records in the system: Customs Form 151 containing personal information on individual searched and reasons for search.

Authority for maintenance of the system: 19 U.S.C. 1467, 5 U.S.C. 301; Treasury Department, Order No. 165 Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Retained as record to answer inquiries into any aspects of personal searches conducted by the Customs Service. Disclosed to Treasury Department Personnel as necessary for performance of duties. Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each CF 151 covering personal searches is maintained in alphabetical order at the various ports of entry.

Retrievability: By name of person searched.

Safeguards: Records are retained in file cabinets (lockable) and buildings are locked during other than office hours.

Retention and disposal: Records are retained for 5 years and destroyed by burning.

System manager(s) and address: Port Directors at the various ports of entry in the Nogales, Arizona District.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information contained herein originates with the Inspector and contains personal information obtained from the individual searched and reasons for performing the search.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.190

System name: Personnel Case File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229; Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois, 60603; Regional Counsel of Customs, 6 World Trade Center, New York, NY, 10048; Office of the Regional Counsel, 211 Main Street, San Francisco, CA, 94105.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include evaluating proposed disciplinary actions, grievances and EO complaints, recommending action to be taken in such cases, preparing necessary decisional documents in such cases, preparing proposed charges where appropriate, preparing for administrative hearings held in regard to these matters and making the records a part of the record at such hearings; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to the Civil Service Commission in connection with administrative hearings and to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

Safeguards: The metal container described above is maintained within the Customs Service Building. During nonworking hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229; Regional Counsel of Customs, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois, 60603; Regional Counsel of Customs, New York, NY, 10048; Regional Counsel of Customs, 211 Main Street, San Francisco, CA, 94105.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private nongovernmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.193

System name: Operating Personnel Folder Files—Treasury/Customs.

System location: Files are located in Headquarters, Regional, District, Port and other post of duty offices throughout the Customs Service depending upon post of duty of employee. See Customs Appendix A.

Categories of individuals covered by the system: Customs employees, present.

Categories of records in the system: In addition to the appropriate Personnel offices, records are also maintained by district, port, or other post of duty management on personnel matters such as, but not limited to name, Social Security number, awards, letters of appreciation, promotions, step increases, memoranda, forms and materials related to hiring, address, pay, transfer and separation, service time, salary, phone, education, society memberships, publications, skills, chronological work history, position descriptions, reports of discussions held with employee regarding performance, copies of letters written to employee concerning performance, overtime hours, senority status, leave, overtime earnings, productivity, locator card information, and related employment records.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);(c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) For supervisors and appropriate managers in making job-related determi-

nations about employees(g) For employment and salary verification upon request from public.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, and/or on index cards, and/or ledgers.

Retrievability: Records are indexed by name, or social security number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms with limited access.

Retention and disposal: When the employee leaves the Customs Service through transfer or other separation, the file will immediately be forwarded to the office maintaining the Official Personnel Folder. There it will be screened to insure that it contains no documents that should be permanently filed in the Official Personnel Folder other than exact duplicates of papers already so filed. The file and its contents will then be destroyed.

System manager(s) and address: Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information in this system of records comes from employee, from personnel actions as noted in official personnel folders, and from supervisor.

Treasury/Customs 00.194

System name: Personnel/Payroll System—Treasury/Customs.

System location: Located in Personnel and Financial Management Divisions of each region and headquarters. Computerized through a Servicing Data Processing Center. See Customs Appendix A.

Categories of individuals covered by the system: All Customs employees, present and former.

Categories of records in the system: These records contain Personnel data maintained primarily in the Official Personnel Folder and Payroll information such as name, social security number, grade, series, step, organizational codes, tax withholding information, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, other deductions, and all payroll information. Also in this system are records of time and attendance and leave.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Records are used for payroll processing, reports on payroll information such as Employee Service Record report (IRS Form 3695), Comprehensive Payroll listing (IRS Form 2979), Payroll Journal Detail Listing (IRS Form 3124) and others.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on mag-tape and computer printout.

Retrievability: Records are indexed by name or social security number.

Safeguards: Records are maintained in locked files, secured rooms, or limited access.

Retention and disposal: Individual records are not in system after separation; Official Personnel Records of separated employees either are sent to new agency or to Records Center. Time and attendance records are maintained three years or until after audit; then destroyed.

System manager(s) and address: Directors, Personnel and Financial Management Division in each region and headquarters.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is obtained from Official Personnel Folders employee management, Time and attendance and leave records.

Treasury/Customs 00.196

System name: Preclearance Costs—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region 1, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: All Customs Inspectors and Foreign Service employees of Region I, Boston who are stationed at Toronto and Montreal Canada.

Categories of records in the system: Salaries, living allowances and benefits paid to employees who are stationed at Toronto and Montreal, Canada.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the Budget Section of the Financial Management Office to accumulate costs which are used for the preparation of quarterly reporting to Headquarters. These costs are used by Headquarters as the basis of assessment of charges to airline carriers for the use of Customs facilities outside of the United States.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a file folder within two metal file cabinets in the work area of the Budget Section.

Retrievability: The file is identified as the "Pre-clearance Record" which contains the names of all employees listed in alphabetical order with corresponding costs associated with each employee.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are kept for 3 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in the system is obtained from the Bi-weekly Comprehensive Payroll Listing, Treasury Form 2979, supplied by the Payroll Data Center.

Treasury/Customs 00.197

System name: Private Aircraft/Vessel Inspection Reporting System—Treasury/Customs.

System location: Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Names of pilots and vessel masters arriving in the United States.

Categories of records in the system: Names and personal identifiers of pilots, vessel masters, and owners of vessels with appropriate registration and/or documentation numbers and characteristics, and arrival dates at port of entry.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by Customs Officers for documenting the arrival of aircraft or vessels from foreign countries and in the enforcing of Customs and related laws; (b) Used for Customs management functions such as measuring workload of Customs officers performing aircraft or vessel inspections; (c) Used as an intelligence gathering source; (d) Used by Department of Justice in prosecuting court cases; (e) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (f) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage; microfiche.

Retrievability: By individual name, private aircraft/vessel registration number; vessel name.

Safeguards: All inquiries are made by officers with full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite, then destroyed. (Minimum of five years for aircraft arrival reports.)

System manager(s) and address: Assistant Commissioner, Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Proposed Customs Form 178 (Private Aircraft Inspection Report) which will be prepared by Customs officers, unnumbered forms prepared by vessel masters or owners who report their arrival to a United States port of entry, and other Federal agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.201

System name: Property File—Non-Expendable-Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois (see Customs Appendix A); Logistics Management Division, U.S. Customs Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229; Office of the District Director, San Diego, CA; Offices of the Port Directors, San Ysidro, CA; Tecate, CA; Calexico, CA; Andrade, CA; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, CA; San Ysidro, CA; Calexico, CA; Tecate, CA; District Directors Office, Entry Control Section (See Customs Appendix A); U.S. Customs Service, Room 228, Federal Building, 335 Merchant Street, Honolulu, Hawaii, 96813; Logistics Management Division, Region IV, U.S. Customs Service, 99 S.E. 5th Street, Miami, Fla., 33131; Federal Building, Room 198, 511 N.W. Broadway, Portland, Oregon, 97209; Office of District Director, Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, CA, 94126.

Categories of individuals covered by the system: Employees issued non-expendable property.

Categories of records in the system: Receipts for badges, cap insignias, bonded warehouse keys, identification cards, Government driver's licenses, firearms and other non-expendable property.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet.

Retrievability: Folders identified by individual's name.

Safeguards: During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

Retention and disposal: Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, Missouri, 30 days after employee is separated.

System manager(s) and address: District Directors in Region IX, Chicago, Illinois; Director, Logistics Management Division, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C., 20229; District Director, Port Directors, and Division Directors within the San Diego Customs District (See Customs Appendix A); Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C., 20229; Local Property Officer, Room 228, Federal Building, Entry Control Section, 335 Merchant Street, Honolulu, Hawaii, 96813; Director, Logistics Management Division, U.S. Customs Service, Region IV, 99 S.E. 5th Street, Miami, Florida, 33131; District Director, Federal Building, Room 198, 511 N.W. Broadway, Portland, Oregon, 97209; Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, CA, 94126.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system consists of receipts of employees receiving non-expendable property.

Treasury/Customs 00.206

System name: Regulatory Audits of Customhouse Brokers—Treasury/Customs.

System location: Division of Regulatory Audit, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and at each of the nine regional offices of Regulatory Audit (see Customs Appendix A for addresses).

Categories of individuals covered by the system: Persons licensed to conduct customhouse brokerage business pursuant to 19 U.S.C. 1641.

Categories of records in the system: Audit reports of customhouse broker accounts and records; correspondence regarding such reports; Congressional inquiries concerning customhouse broker and disposition made of such inquiries; names of officers of customhouse brokerage firms, license numbers and dates issued and district covered.

Authority for maintenance of the system: 19 U.S.C. 1641; 19 CFR Part 111. 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) The information may be furnished to other government agencies which may have an interest in the broker. (d) Copies of broker audit reports will be retained in the office that performed the audit and at the headquarter's office. These reports will serve as a permanent file providing such essential information as the names and broker license number of company officers and other licensed employees. The reports will create a historical record of broker performance. The headquarter's file will also provide a means of evaluating the effectiveness of audits conducted by the regional audit staffs.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each customhouse broker file is inserted in alphabetical order by name of the firm in one of nine regional file folders which are filed in an unlocked drawer within a metal file cabinet. Duplicate copies are maintained at Customs Service Headquarters.

Retrievability: Each broker file is identified on alphabetical file locator cards which contain the name and address of the broker, the region and district in which he operates, and the number of the file drawer. In addition each regional office maintains their own alphabetical file, containing the above information, for broker activities within their region.

Safeguards: The files described above are maintained within the area assigned to the Regulatory Audit Division within the Customs Service Building. During non-working hours, the room in which the files are located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely, or until there is no longer any space available for them at which time the oldest files are destroyed by burning or shredding.

System manager(s) and address: Director, Regulatory Audit Division, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Regional Director, Regulatory Audit Division at each of the nine regional offices (see Customs Appendix A for addresses).

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates from audits conducted by the regional Regulatory Audit staff, of customhouse brokers' businesses. The audits may be supplemented with information furnished by the Office of the Chief Counsel, Office of Investigations, and the Office of Regulations and Rulings. These audits include examinations of brokers business records, including all financial books of accounts, check books, and financial statements. In the event that the broker is engaged in various business enterprises such as freight forwarding and insurance, and these financial records are commingled with those financial records relating to the brokerage business, it would be necessary to examine the other business records to complete the audit.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.207

System name: Reimbursable Assignment System—Treasury/Customs.

System location: U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C., 20229.

Categories of individuals covered by the system: Customs Service employees who perform reimbursable services and parties in interest for whom reimbursable services are performed.

Categories of records in the system: Name, address, social security number or importer of record number assigned by the Customs Service, listings of reimbursable overtime assignments of Customs employees, bills and refund checks issued to parties in interest, travel expenses incurred by Customs employees in connection with the reimbursable services.

Authority for maintenance of the system: 19 U.S.C. 261, 267, and 1451; 19 CFR 24.16 and 24.17; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which may include monitoring reimbursable assignments, editing items of information that have been rejected because of erroneous coding, and equalizing Customs overtime assignments at ports of entry. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Disclosure to the Bureau of the Mint at San Francisco, California, for the purpose of including overtime earnings in salary checks issued to Customs Service employees who performed reimbursable services.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in a computerized system utilizing magnetic tape storage techniques.

Retrievability: The information in this system is retrieved by the individual's social security number or by the individual's importer of record number.

Safeguards: Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm systems.

Retention and disposal: The records in this system are retained for an indefinite period of time. There are no established procedures for disposal of the subject records.

System manager(s) and address: Director, Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Ave, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with the receipt of a request, for reimbursable services from the party in interest. In addition, information in this system is derived from Customs Form 5106 (Notification of Importer's Number/Application for Importer's Number) which is filed with the Customs Service by the importer, and from Customs Form 6082 (Work Ticket) which is filed by the Customs Inspector who performed the reimbursable services.

Treasury/Customs 00.208

System name: Restoration of Forfeited Annual Leave Cases—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and Headquarters according to list in CustomsAppendix A.

Categories of individuals covered by the system: Employees of the U.S. Customs Service who have applied for restoration of forfeited annual leave.

Categories of records in the system: Employee applications for restoration of leave. Management decisions on employee applications for restoration of leave. Applicable regulations.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other perti-

sent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Certain employees of the Personnel Management Division and supervisors. Justification of action, respond to inquiries, post-audit of action, statistics, reports to Treasury and Civil Service Commission.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked files.

Retention and disposal: Records are retained indefinitely or until Treasury issues instructions.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Evidential materials supporting employee applications for restoration of forfeited annual leave. Evidential materials supporting management decisions.

Treasury/Customs 00.209

System name: Resumes of Professional Artists—Treasury/Customs.

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Professional Artists.

Categories of records in the system: Artist's name and professional art background.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To classify imported works of art.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Alphabetical listing.

Safeguards: Filing cabinet, office locked at end of day.

Retention and disposal: Permanent.

System manager(s) and address: Area Director N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Resume information provided by artist.

Treasury/Customs 00.210

System name: Revocation of I.D. Privileges and "Cash Basis Only" for Reimbursable Services List—Treasury/Customs.

System location: Financial Management Division—Districts and Ports, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Corporate and Individual Brokers, Importers, Carriers, and Private Individuals.

Categories of records in the system: Corporations and individuals in financial difficulty.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) This is a monthly list originated in the Region informing all Districts and Ports of debtors for which no credit may be extended.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha File in Manila Folder by Month.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Generated in house by Accounting Personnel from delinquent bill listings and open file of outstanding bills. Additionally, feedback from Districts and Ports on bankrupt firms and from Regulatory Audit Division on firms in financial difficulty or under investigation.

Treasury/Customs 00.211

System name: Sanction List Treasury/Customs.

System location: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons who are indebted to the United States Government for bills that are unpaid and past due.

Categories of records in the system: Listing is issued monthly showing individual's name and address plus number and amount of unpaid and past due bills.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each sanction list is stored in a file drawer in an unlocked file cabinet.

Retrievability: Each sanction list is identified by month and year of issuance.

Safeguards: The file cabinet described above is maintained within the area assigned in the Customs Office. During non-working hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: Retained in Customs Office for minimum of one year. Disposal in accordance with Records Control Manual.

System manager(s) and address: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this listing is secured from CF 6084 and 6084A, Miscellaneous Bill Form issued to each individual and correspondence files maintained for individuals.

Treasury/Customs 00.212

System name: Search/Arrest/Seizure Report—Treasury/Customs.

System location: Patrol Division Offices of the U.S. Customs Service. See Customs Appendix A.

Categories of individuals covered by the system: Persons who have or may have violated a law of the United States.

Categories of records in the system: Name, alias, date of birth, age, personal data, addresses, home and business telephone numbers, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, mode of entry of individual or contraband, fingerprints, pictures, declaration forms, cash receipts, receipt for seized goods, all other forms pertinent to the case, such as Notice to Master, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their official duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an aid to law enforcement and to identify persons suspected of violating the law; (d) Cases are referred to Investigative Branch since same are evidence of violations of law; (e) Since this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

Retrievability: The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

Safeguards: The metal file cabinet and the metal file box are located within an office that is locked during non-working hours. The building is guarded by uniformed customs guards, and only authorized persons are permitted in the building.

Retention and disposal: These cases are retained for a period of three years after which they are destroyed together with related index cards.

System manager(s) and address: Director, District Patrol Division. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.214

System name: Seizure File—Treasury/Customs.

System location: Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Ships Masters, Ships Crew Members, Longshoremen, Vessels, Private Aircraft, Private Vessels, Individuals from whom seizures have been made, or upon whom Memoranda of Information Received have been written.

Categories of records in the system: Memoranda of Information Received, which are reports from law enforcement agencies of suspects or arrests. Reports of Seizures by Customs, other information indicating violators or suspected violators.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Reference file for identifying violators or suspected violators.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila files within metal file cabinets.

Retrievability: Alphabetical; for aircraft or car by number; by seizure number; by name of individual.

Safeguards: Room has a 24-hour guard and is locked.

Retention and disposal: Seizure files are maintained for three years after final disposition. Memoranda of Information Received: not determined how long they will be retained at present.

System manager(s) and address: Director, Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.215

System name: Seizure Report File—Treasury/Customs.

System location: U.S. Customs Mail Facility, Room 416, 1675—7th Street, Oakland, California 94615.

Categories of individuals covered by the system: Individuals to whom prohibited merchandise is addressed.

Categories of records in the system: Name, address, property description, estimated foreign value, duty, domestic value, circumstances of seizure, sender, section of law violated, delivery to San Francisco seizure clerk.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by the Mail Facility to record seizures and their disposal.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Customs Form 5955 Seizure Reports, Customs Form 6043—Delivery Ticket, and Customs Form 151—Search/Arrest/Seizure Report. These forms are placed within file folders which are located in a metal file cabinet.

Retrievability: Each Seizure Report and Delivery Ticket (stapled together) are identified by the name of the person to which the seized items are addressed and the names are filed alphabetically by fiscal year.

Safeguards: The file folders are placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted in the building.

Retention and disposal: Last three fiscal years records are kept in a file cabinet in the office. Three fiscal years prior are kept in boxes in the detention area.

System manager(s) and address: Head, Surface Mail Section. See location above.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with and consists of information obtained from mail shipments.

Treasury/Customs 00.217

System name: Set Off Files—Treasury/Customs.

System location: Financial Management Division, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Importer of Record, Customhouse Broker, Parties In Interest.

Categories of records in the system: Name, address, identification number, copies of refund checks and copies of set off bills.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Document files identifying debtors for whom refunds are withheld and amounts applied against delinquent bills.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: File folders with individual's name annotated with set off.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: District Directors, Port Directors, Import Control Officers, External Auditors and Other Customs Employees.

Treasury/Customs 00.219

System name: Skills Inventory Records—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained in this system on Customs personnel in grades GS-13 and above.

Categories of records in the system: Data elements to provide a complete skills profile of the employee.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To identify potential candidates for managerial positions. Used by members of the Evaluation Boards.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on a Customs Form 121 and Magtape.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file and limited access to computer system.

Retention and disposal: Records are maintained until separation of an employee from the Customs Service.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: CF-121 which is prepared by the employee.

Treasury/Customs 00.220

System name: Supervisory Notes and Files SF-7B—Treasury/Customs.

System location: Records are located with the immediate supervisor or at the immediate supervisor's operating office. See Customs Appendix A.

Categories of individuals covered by the system: Customs employees.

Categories of records in the system: SF-7B card contains identical information to that contained on SF-7 card; in addition it can have attached or separately-maintained supervisory notes concerning an employee's performance on-the-job, conduct, counseling sessions, training recommended or taken, awards granted, emergency contact information, job assignments, to be used for administration resource purposes in recommending or authorizing discipline, recognition, assignment of performance rating, training, job assignments, leave requests, and/or similar matters.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or other issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by supervisors as documentation or by certain Personnel Management Division employees helping supervisors to initiate appropriate commendatory, corrective, or disciplinary action.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders or special file cabinets.

Retrievability: Records are indexed by organizational code and name.

Safeguards: Records are stored in lockable metal filing cabinets or in a secured room. Alternative storage facilities may be employed provided they furnish an equivalent or greater degree of physical security.

Retention and disposal: Records are retained while employee is employed, and are destroyed upon separation.

System manager(s) and address: Director, Personnel Management Division, in each Regional Office and in Headquarters. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Form SF-50, Employee and employee's supervisors.

Treasury/Customs 00.221

System name: Suspect File—Treasury/Customs.

System location: Patrol Headquarters, 77 S.E. 5th Street, Miami, Fla. 33131; Office of the Customs Patrol Division, U.S. Customhouse, P.O. Box 1968, Nogales, Arizona, 85621, and at each port: P.O. Box 1271, Douglas, Arizona, 85607; San Luis, P.O. Box 5507, Kofa Station, Yuma, Arizona, 85364; Customs Patrol, U.S. Border Station, P.O. Box C, Lukeville, Arizona, 85341.

Categories of individuals covered by the system: Individuals on whom suspect information is received by Patrol Headquarters.

Categories of records in the system: Memoranda of Information Received, Lookout Notices, Letters re: suspects, other notices of suspected violations.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by the employees in the Patrol Division for enforcement purposes; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in restricted area of offices.

Retrievability: Records are retrievable by name.

Safeguards: Records are kept in locked buildings when unattended.

Retention and disposal: Records are retained as long as information is pertinent but destroyed immediately after information becomes obsolete.

System manager(s) and address: District Director of Customs, 77 S.E. 5th Street, Miami, FL, 33131; District Director, Nogales, Arizona (See Address above).

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.224

System name: Suspect Persons Index—Treasury/Customs.

System location: U.S. Customs District Officers located at the following addresses: 620 E. 10th Ave., Anchorage, Alaska 99501; 215 1st Ave. No., Great Falls, Montana 59401; 335 Merchant, Honolulu 96813; 511 N.W. Broadway, Portland, Oregon 99209; 555 Battery St., San Francisco, California 94126; First & Marion Sts., Seattle, Washington 98714.

Categories of individuals covered by the system: Persons suspected of violation of Customs Laws.

Categories of records in the system: Name and related file number.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to aid in law enforcement and to identify persons suspected of violating the law.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders and stored in metal file cabinet.

Retrievability: The office and building are locked during nonworking hours.

Safeguards: Alphabetical by use of cross index.

Retention and disposal: Records are maintained and disposed of in accordance with Records Disposal Manual.

System manager(s) and address: District Director of Customs. See location above.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.226

System name: Television System—Treasury/Customs.

System location: Office of Port Director, U.S. Border Station, San Ysidro, California 92073.

Categories of individuals covered by the system: Persons involved in incidents related to search and subsequent disturbance while entering the United States from Mexico.

Categories of records in the system: An audio-video cassette recording of persons being escorted into, as well as inside, the business offices of the Customs area of the Port of Entry.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Dept. Order No. 165, Revised, as amended, and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Evidence for use in court, record of disturbances and record of actions involving complaints.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Audio-video cassette.

Retrievability: By subject's name, date, and time.

Safeguards: Cassettes are under control of Port Director and released only to the courts when subpoenaed or when requested to be reviewed by subject and his attorney.

Retention and disposal: All cassettes with incident are retained for six months. Those on which some action may be taken are retained for one year or close of the case. Cassettes are reusable. Therefore, wipeout occurs when new recording takes place.

System manager(s) and address: Port Director, U.S. Border Station, San Ysidro, California 92073.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Audio-vidio recording of persons being escorted into the Customs area.

Treasury/Customs 00.227

System name: Temporary Importation Under Bond (TIB) Defaulter Control System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals who have been denied T.I.B. privileges because of failure to pay outstanding liquidated damages.

Categories of records in the system: Individual's name, personal identifying numbers and characteristics, address, company and case description, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program

statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by Customs officers to determine whether an individual is eligible for T.I.B. privileges and to collect appropriate liquidated damages owed by an individual. Provides Customs management information such as total outstanding liquidated damages, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage; (2) Hard Copy; (3) Microfiche files.

Retrievability: Indexing is by violator name.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite, None.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs officers completing Customs Form 164 (TECS—TIB Defaulter Control).

Treasury/Customs 00.228

System name: Temporary Importation Violation Record—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Section, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Persons making importations against Temporary Importation Bonds.

Categories of records in the system: The record reveals the individual's or Customhouse Broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm or Customhouse Broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Temporary Importation Record Cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fines, Penalties and Forfeitures Section in Room 102, of the Customhouse, Philadelphia; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Temporary Importation Record Cards are retained at location three years, then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained on the cards originated from liquidated damage cases instituted for failure to comply with T.I.B. provision.

Treasury/Customs 00.232

System name: Tort Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90053; Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, MD., 21202; Regional Counsel of Customs, 6 World Trade Center, New York, NY, 10048; Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois, 60603; Office of Regional Counsel, Suite 1220, 500 Dallas Street, Houston, Texas, 77002; Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Private persons who have filed or may file claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding accidents involving Customs employees, documents relating to the administrative handling of the claims filed thereon, and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who has filed or may file a claim.

Safeguards: During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., L.A., Calif. 90053; Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Md. 21202, Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048; Regional Counsel of Customs, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois, 60603; Regional Counsel, Suite 1220, U.S. Customs Service, 500 Dallas Street, Houston, Texas, 77002; Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury,

which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims. When a claim is not filed, the information is limited to the investigative reports of the property damage or personal injury.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.234

System name: Tort Claims Act File—Treasury/Customs

System location: Offices of the District Directors, Region IX, Chicago, Illinois. (See Customs Appendix A.)

Categories of individuals covered by the system: All individuals presenting claims of damage to personal property resulting from Customs activities.

Categories of records in the system: Written damage claims supported by estimates, bills, claim forms and internal Customs Service memoranda.

Authority for maintenance of the system: 31 C.F.R. Part 3; 5 U.S.C. 301; Treasury Department order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in cabinets in the District Directors offices.

Retrievability: Folders filed in alphabetical sequence.

Safeguards: File cabinets are located within the area assigned in the Customs office. During non-working hours the room in which the cabinets are located is locked.

Retention and disposal: Retained in District Directors offices for 3 years then transferred to the Federal Record Center for 7 years and 3 months prior to destruction.

System manager(s) and address: District Director as appropriate in Region IX, Chicago, Illinois. (See Customs Appendix A.)

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with a written claim submitted by the claimant, as well as information supplied on Standard Form 95 and internal Customs memoranda.

Treasury/Customs 00.238

System name: Training and Career Individual Development Plans—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and headquarters and/or district, ports, and post of duty of employees.

Categories of individuals covered by the system: All U.S. Customs employees.

Categories of records in the system: Records are maintained on training or other development activities completed and/or planned for individual employees, whether for programs such as Executive Development or Upward Mobility, or other special emphasis development programs. Records also include such things as, but not limited to skills, abilities, education, experience, career plans and goals, and other related information.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine individual training needs, to schedule training and development activities and to budget funds.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are located in file folders, and/or official personnel folder.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file or office.

Retention and disposal: Records are retained until separation or until employee is no longer part of a special emphasis program.

System manager(s) and address: Director, Personnel Management Division, in each region and headquarters.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is obtained from the employee and supervisors.

Treasury/Customs 00.239

System name: Training Records—Treasury/Customs.

System location: Personnel Management Division of each region and headquarters. Also located in districts, ports, and posts of duty.

Categories of individuals covered by the system: Customs employees who have completed training.

Categories of records in the system: Certificates of completion of training courses, memoranda documenting successful completion of training assignments, grades assigned by educational institutions when appropriate, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to

a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The information compiled is used primarily to prepare the annual and quarterly reports for training which are required by higher Headquarters. The information also serves as a ready reference to ascertain the state of training with the Region and as an instrument to equate, insofar as possible, training opportunities for all employees, and also to verify information submitted by employees on application forms.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders; on file cards, on Training forms, or on mag-tape.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file or room, or with limited access.

Retention and disposal: Records are maintained for up to three years after employee separates from the Service.

System manager(s) and address: Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information for this file is obtained from supervisors, managers, instructors, educational institutions, and/or training facilities such as the Civil Service Commission, Department of the Treasury, etc.

Treasury/Customs 00.240.

System name: Travel Advances—Treasury/Customs

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Employees who receive travel advances to cover travel expenses in the course of traveling on official government business.

Categories of records in the system: Files are maintained to record the amount of the advance payment and repayment of the advance, if necessary.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the Payment Section employees to determine the amount owed to or by Customs for travel expenses.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in an unlocked metal, 5 x 8 file.

Retrievability: The name of each individual is listed on a record card in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until the employee pays or accounts for the travel advance, and kept one year. After one year the record is sent to the Federal Record Center; kept for 3 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Record source categories: The information in the system originates from the employee and his supervisor.

Treasury/Customs 00.241

System name: Travel Advances—Treasury/Customs

System location: Financial Management Division, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Advances to Customs Employees only.

Categories of records in the system: Name, address and Social Security Number of employees.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used administratively to record travel advances and clearance of advance, as travel is completed. Outstanding balances reflect indebtedness of individuals until travel is completed or refunds of average in advance.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha Employee Name File of SF 1038, "Application for Advance of Funds".

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: SF 1038—"Application and Account for Advance of Funds".

Treasury/Customs 00.242

System name: Travel Advance File—Treasury/Customs

System location: Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Customs employees to whom advances have been issued.

Categories of records in the system: SF 1038, "Application and Account for Advance of Funds."

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual alphabetical card file in file cabinet.

Retrievability: Access by name of individual.

Safeguards: The file cabinet is maintained in the office of the Regional Commissioner, Region IX, Chicago, Illinois. During nonworking hours the room/building in which the file is located is locked.

Retention and disposal: Retained and disposed of in accordance with requirements of Records Control Manual.

System manager(s) and address: Regional Commissioner of Customs, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Completed Form 1038 received from any Customs employee within Region IX, Chicago, Illinois.

Treasury/Customs 00.243

System name: Travel Payment System—Treasury/Customs

System location: Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Headquarters Customs Service officials and employees who travel on official business.

Categories of records in the system: Travel authorizations, travel vouchers, and travel advance records, which contain the officer's or employee's name, residence, place and mode of travel, travel dates, month of travel advance, expenses incurred, amount of travel advance, amount of advance outstanding and division code.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include preparing disbursement schedules so that the officer or employee will be paid for travel expenses, recording the cost of travel, advising the employee's supervisor when a travel advance is outstanding for an extended period, and compiling cost and budget information. (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards placed within a file box, in file folders or on separate sheets of paper within a metal container and in a computer system utilizing magnetic disc storage techniques.

Retrievability: The information on the index cards relates only to travel advance payments, and the index cards are filed alphabetically by the name of the traveling individual; each file folder is placed within the metal container alphabetically by the name of the traveling individual to whom it pertains; the separate sheets of paper are grouped in disbursement schedule number sequence by consecutive numbers and dates showing a listing of payments to travelers; the computer records are retrieved by the accounting number assigned by the Customs Service for each separate travel transaction.

Safeguards: The room in which this system of records is located is locked during non-working hours, the building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: The records in this system are retained for an indefinite period of time. There are no established procedures for disposal of the subject records.

System manager(s) and address: Director, Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system is derived from information supplied to the Accounting Division by the traveling individual on Standard Form 1012 (Travel Voucher) and from organizational and accounting information maintained by the Customs Service.

Treasury/Customs 00.244

System name: Treasury Enforcement Communications System (TECS)—Treasury/Customs

System location: Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: (1) Violators or suspected violators of U.S. Customs or related laws (some of whom have been apprehended by Customs officers); (2) Individuals who are suspected of, or who have been arrested for, thefts from international commerce; (3) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries; (4) Fugitives with outstanding warrants-Federal or state; (5) Victims of U.S. Customs law violations; (6) Masters associated, in the capacity of ship agent or representative, with vessels in actual or suspected violation of U.S. Customs and related laws.

Categories of records in the system: Every possible type of information which contributes to effective law enforcement may be maintained in this system of records. Records include but are not limited to records pertaining to known violators, wanted persons, lookouts (temporary and permanent), and document reference records, vessel names and search results. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers (i.e., seizure number), details and circumstances of a search, arrest, or seizure, case information such as merchandise and values, methods of theft, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) As a law enforcement tool, for example, to aid in the detection and prevention of violations, to provide and disseminate information on suspected or known violators within system to Federal, state and local enforcement officers within the United States and to other cooperating foreign countries' enforcement officers and officials. Also used by the Department of Justice in prosecuting court cases. (d) To determine violation trends and develop enforcement techniques and lookout information for use in the enforcement of Customs and related laws. (e) To provide management information such as the number of types of seizures, arrests, and searches associated with arrests or seizures. (f) Used by Customs to identify high theft areas, types of cargo most likely to be pilfered or stolen, to connect seemingly unrelated Customs theft cases and to provide management information such as the value and volume of theft from international shipping. (g) Documentation of vessel violations committed while in United States ports. (h) Determination of search operations by consideration of past violations and selective intelligence information. (i) In support of other regulatory and/or enforcement agencies, particularly the Department of Agriculture, by assisting in the quarantine control of infested vessels, and of the Immigration and Naturalization Service, by assisting in collection of payments attendant to the handling of aliens.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape, microfiche, and hard copy (i.e. Customs Form 153).

Retrievability: By name (individual or master, owner, or agent name when concerning vessel violation profile); unique identifiers, identification numbers (i.e., personal, seizure number, system identification number); cargo location code or vessel name.

Safeguards: (1) All officers making inquiries have had a full field background investigation and are given information on a "need to know" basis only. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Review is accomplished by Customs officers each time a record is retrieved and on periodic basis to see if it should be retained or modified. Since both temporary and permanent records are maintained, period of retention will vary with type record entered. A complete review of each record in system is made annually at Headquarters. (4) The records are disposed of by erasure of magnetic tape or disc, and by shredding and/or burning of hard copy documents.

System manager(s) and address: Assistant Commissioner, Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption are contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.245

System name: Treasury enforcement communications system card file—Treasury/Customs.

System location: Ports and Stations in the District of Ogdensburg, New York.

Categories of individuals covered by the system: Suspected violators of Customs or other laws.

Categories of records in the system: Name and system ID number and category of suspicion (i.e. narcotics, currency, counterfeit, etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Quick or ready reference at ports or stations not equipped with TECS secondary machines. (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit. (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (g) Also disclosed to the Drug Enforcement Administration.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Roldex card file.

Retrievability: Alphabetically by name.

Safeguards: Available to inspectors only. Kept in Rolodex file in custody of inspector on duty.

Retention and disposal: Card is dated for disposal per original TECS message.

System manager(s) and address: Port Director, RFD Constable, Trout River, New York 12926.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the jurisdiction for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.249

System name: Uniform Allowances—Unit Record—Treasury/Customs.

System location: Financial Management Division, 99 S.E. 5th Street, Miami, Florida 33131; Management Services Branch, Administration Division, District Director, San Juan, Puerto Rico; Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts, 02110.

Categories of individuals covered by the system: U.S. Customs Employees.

Categories of records in the system: Name—Record of Uniform Allowance Payments.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Accounting technicians to record amounts paid to uniformed personnel annually.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha by Name. Appropriation Accounting Document Number.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked and access to the building is controlled by uniformed guards.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Direction of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131; District Director, U.S. Customs Service, P.O. Box 2112, Old San Juan, Puerto Rico, 00903; Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts, 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: From Memoranda received from Districts. Data Transcribed from Payment Vouchers.

Treasury/Customs 00.251.

System name: Unscheduled Overtime Report (Customs Form 31)—Treasury/Customs.

System location: Director, Office of Operations, 6 World Trade Center, Rm. 508, New York, New York 10048.

Categories of individuals covered by the system: Special Agents assigned to the office of Regional Director of Investigations authorized to receive unscheduled overtime renumeration.

Categories of records in the system: Customs Form 31 enumerates the nature of overtime performed, the number of hours and the date on which the overtime was performed and the case number of investigation.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to account for and control unscheduled overtime.

additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on CF 31, the forms are contained within a file folder and are placed in a metal file cabinet.

Retrievability: By name.

Safeguards: The file cabinet is maintained within the area assigned to the Regional Director of Investigations, New York, within the Customhouse. During non-working hours the complex in which the file is located is locked and access to the building is controlled at all times by uniform guards.

Retention and disposal: The forms are destroyed after three years.

System manager(s) and address: Regional Director of Investigations. (See Customs Appendix A.)

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates from the Special Agent who performs the unscheduled overtime.

Treasury/Customs 00.252

System name: Valuables Shipped Under the Government Losses in Shipment Act—Treasury/Customs.

System location: District Director of Customs, 610 S. Canal Street, Chicago, Illinois 60607.

Categories of individuals covered by the system: Customs employees collecting and transmitting funds to cashier for deposit.

Categories of records in the system: Name of employee, collection document serial numbers, amount of collection.

Authority for maintenance of the system: Section 300.30, Customs Accounting Manual; 5 U.S.C. 134f; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders with the individual's name appearing at the top thereof in a file cabinet.

Retrievability: Each record folder is filed by name of individual.

Safeguards: The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the area in which the cabinet is located is secured.

Retention and disposal: Retained for three years and then forwarded to FRC for seven years retention.

System manager(s) and address: District Director, as appropriate, in Region IX, Chicago, Illinois.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Data submitted by individual Customs employee involved.

Treasury/Customs 00.253

System name: Vehicle Microfiche Files—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, SAC, 600 South Street, Room 444, New Orleans, La. 70130.

Categories of individuals covered by the system: Owners of movable vehicles registered in the State of Louisiana.

Categories of records in the system: Name indices of vehicles.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these microfiche files is provided for the routine use of the Office of Investigations of the Customs Service for the purpose of verifying information received from other sources in conjunction with investigations within the Office of Investigations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These microfiche files are maintained in a file folder in a metal cabinet. The cabinet is located in a room which is manned during normal office hours, and locked after hours.

Retrievability: These microfiche files are identified by alphabetical name of the catagories of individuals maintained in that file and information is retrievable manually from these files.

Safeguards: These microfiche files are kept in a metal cabinet and are maintained within the room which is manned by Office of Investigations personnel during normal office hours. During non-working hours, the room in which the metal cabinet is located is locked and entrances to the office which contains that room are locked. Access to the building containing the office is controlled during non-working hours by a uniformed guard.

Retention and disposal: These files are retained indefinitely or until updated by more current records at which time the old records are disposed of by shredding.

System manager(s) and address: Special Agent in Charge, U.S. Customs Service, Office of Investigations, 600 South Street, Room 444, New Orleans, La. 70130.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these microfiche files originates and consists of information generated from vehicle registration forms submitted to the State of Louisiana.

Treasury/Customs 00.257

System name: Violators Card File—Treasury/Customs.

System location: Office of District Director, U.S. Customs Service, U.S. Customhouse, 101 E. Main Street, Norfolk, Va. 23510.

Categories of individuals covered by the system: Persons or firms who have violated any law administered by the U.S. Customs Service within the Norfolk District.

Categories of records in the system: Name of individual or firm, case number and date and section of law violated. This information is obtained from Customs Forms, 151 and 5955-A.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as Amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Provide the proper authority within the U.S. Customs Service with a ready reference to make a decision for the remission or mitigation of penalties, forfeitures and claims for forfeiture value.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each card is filed alphabetically in an unlocked drawer within a metal container.

Retrievability: Each manual alphabetical card file is identified by the name of the person or firm who has violated any law administered by the U.S. Customs Service within the Norfolk District.

Safeguards: The metal coutainer described above is maintained within the area assigned to the Fines, Penalties & Forfeitures Officer within the U.S. Customhouse. During non-working hours the room in which the metal container is located is locked. Security for the building is maintained by GSA.

Retention and disposal: Active cards are retained in this system indefinitely. However, upon periodic review, information on firms no longer in business are destroyed.

System manager(s) and address: District Director of Customs, U.S. Customshouse, 101 E. Main St., Norfolk, Va. 23510.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files is derived from Customs Form 151 (Search/Arrest/Seizure Report) and Customs Form 5955-A (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) which are prepared by the Customs Service.

Treasury/Customs 00.258

System name: Violator's Case Files—Treasury/Customs.

System location: District Director of Customs, U.S. Customs Service, Main & Stebbins Streets, St. Albans, Vermont, 05478.

Categories of individuals covered by the system: Individuals involved in smuggling, filing false invoices, documents or statements, violators of Customs bonds.

Categories of records in the system: Individual's name and address, social security number and physical description; alias, occupation, type of violation, previous record, driver's license, passport number.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and 3 x 5 index cards.

Retrievability: Alphabetized by name of individual and local control number.

Safeguards: Files are under the supervision of the Fines, Penalties and Forfeitures Officer 8 a.m. to 5 p.m., Monday through Friday. All other hours, office remains locked.

Retention and disposal: Files are maintained in the office of the Fines, Penalties, and Forfeitures Officer for a period of five years. At the conclusion of this period, they are destroyed by shredding.

System manager(s) and address: District Director, U.S. Customs Service, St. Albans, Vermont 05478.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.260

System name: Warehouse Proprietor Files—Treasury/U.S. Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois, See Customs Appendix A.

Categories of individuals covered by the system: Present and past warehouse proprietors and employees that require an investigation and related information.

Categories of records in the system: Report of investigations, application and approval or denial of bond to act as warehouse proprietor and other Customs Service Memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: Customs Regulations, Part 19, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the warehouse proprietor.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data retained for period of employment with warehouse proprietor.

System manager(s) and address: District Director, as appropriate in Region IX, Chicago, Illinois. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record source categories: The information in this file originates from the individual applicant for warehouse proprietor's bond, from reports of investigation, and other Customs Memoranda.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption in contained in a general notice which appears in 31 CFR 1.36.

Treasury/Customs 00.262

System name: Warnings to Importers in lieu of penalty.—Treasury/Customs.

System location: Located in the Office of the District Director, 880 Front Street, San Diego, Calif., 92318; Offices of the Port Directors, U.S. Border Station, San Ysidro, Calif., 92073; P.O. Box 189, Tecate, CA, 92080; P.O. Box 632, Calexico, CA, 92231; 235 Andrade Road, Winterhaven, CA, 92283; Andrade, CA.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms in violation of Customs's laws.

Categories of records in the system: Brief record of violation and warning.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and

necessary to the requesting agency's decision on the matter. Available to Inspectors, Import Specialists and Agents, and other Customs employees who have need for this information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 5 x 7 cards.

Retrievability: Alphabetically indexed.

Safeguards: Not accessible to other than Customs officers.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs Officials.

Treasury/Customs 00.269

System name: Accounts Payable Voucher File—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region V, 1440 Canal Street, New Orleans, Louisiana 70112.

Categories of individuals covered by the system: All Region V personnel to whom travel and other disbursements are made. All individuals who provide goods and services to Region V.

Categories of records in the system: Invoices and travel/other vouchers and supporting disbursements schedules.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Used to substantiate disbursements made; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in unlocked file cabinets.

Retrievability: By name.

Safeguards: Usage limited to Regional personnel; cabinets are located in rooms which are locked during non-working hours.

Retention and disposal: In accordance with Records Control Manual; records are disposed of when no longer needed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, Region V, 1440 Canal Street, New Orleans, Louisiana 70112.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Invoices and travel/other vouchers submitted by the individual.

Treasury/Customs 00.270

System name: Background—Record File of Non-Customs Employees—Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois—for addresses see Customs Appendix A.

Categories of individuals covered by the system: Present and past non-Customs personnel requiring a background investigation to gain admittance to restricted U.S. Customs premises.

Categories of records in the system: Report of background investigations, names, addresses, social security numbers and date and place of birth, etc. of non-Customs employees.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include ensuring the security of merchandise, contraband and information in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the non-Customs employee.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data is retained during the period the non-Customs employee requires admittance to restricted areas.

System manager(s) and address: District Director, as appropriate in Region IX, Chicago, Illinois.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this file originates from the individual non-Customs employee working for a private contractor who requires admittance to restricted U.S. Customs premises, from reports of background investigation which include interviews of Customs personnel and private parties and from other Customs internal documents.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemption is contained in a general notice which appears in 31 CFR 1.36.

Treasury Customs 00.278

System name: Early Implementation System (EIS)—Treasury/Customs.

System location: The Computer is located at 1301 Constitution Avenue, Washington, D.C. 20229. Computer terminals are located at Customhouses and ports throughout the United States and at U.S. Customs Headquarters, Washington D.C. (For addresses of Customhouses see Customs Appendix A.)

Categories of individuals covered by the system: U.S. Customs Service employees and individuals involved in the import trade.

Categories of records in the system: The system data base is comprised of commodity and merchandise processing information relating to Customs administration of trade laws. Certain portions contain no information about individuals. These are the Tariff Schedules of the United States Annotated (TSUSA) file, country file, criteria file for the selection of routine items, Team TSUSA file, district port file, and the entry master file. The following system files may contain information about U.S. Customs Services employees and/or individuals/companies involved in the import trade.

(1) Authorized Terminals Users File: Contains randomly established five-digit identification codes and passwords assigned to Customs Service employees authorized to use the system. The file consists of the names and identification of all Customs Service employees using the remote terminals to input information into the system. It does not contain Social Security numbers. The degree of access to the system varies according to the users responsibilities in the system.

(2) Importer/Broker/Consignee Bond File: Records consist of importer of record number, importer name, type of importation bond, expiration date, and surety code. The importer of record number is used as the method of accessing the file. The number is assigned by any one of three code formats according to availability and the following hierarchy. The first choice is the IRS Employer Identification Number (EIN). The vast majority of importers have the EIN because of the business necessity of it.

The second alternative is the Social Security number (SSN). The third alternative is a Customs-assigned number. This file is referenced during entry processing to verify that the individual or company making entry is authorized to import and is properly bonded.

(3) Broker File: A record consists of a three-digit Customs-assigned Customhouse broker number (non-SSN) and the broker name. The file is referenced during entry processing to validate the broker number and to prepare and distribute the Broker ID Performance Report to the individual or company concerned. The subject of the

report is compliance with the entry filing requirements under the immediate delivery program. Information is disclosed only to the party-of-record.

(4) Surety File: A record consists of a three-digit surety code (non-SSN) assigned by the Customs Accounting Division and the surety name. The file is referenced during entry processing to validate these surety codes. No information on surety company affairs is collected or disseminated in the system.

(5) Liquidator File: A record consists of a Customs-assigned three-digit liquidator identification (non-SSN) and a Customs employee's name. The employee's liquidator code is input into the system as a means of maintaining quality control and an audit trail on entries liquidated.

(6) Manufacturer File: The file contains only a three-digit manufacturer code number (non-SSN) and manufacturer name.

Authority for maintenance of the system: 19 U.S.C. 66, 1448, 1481, 1483, 1484, 1505, and 1624.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in adminstration of the Freedom of Information Act (5 U.S.C. 552); (c) To provide the Bureau of the Census with a magnetic tape containing foreign trade data.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Disc.

Retrievability: By identification codes and/or name.

Safeguards: Access to computer area is controlled by a security pass arrangement and personnel not connected with the operation of the computer are prohibited from entering. The building security is protected by a uniformed guard. At the ports of processing, terminal rooms are under close supervision during working hours and locked after close of business. The system security officer issues a unique private five digit identification code to each authorized user. The codes are changed periodically to enhance security. All computer terminals are key-locked when not in use. Access to the Customers computer from other than system terminals in prohibited by hardware controls. Users must input a unique identification code during the terminal log-in procedure to gain access to the system. The identification code is not printed or displayed at the port of processing. The system validates the user ID by transaction type, thereby limiting a system user's access to information on a need to know basis. A listing of identification codes of authorized users can be printed only at the computer room site by request of the security officer.

Retention and disposal: Files are retained indefinitely but are periodically updated to reflect changes, etc.

System manager(s) and address: Director, Business Systems Division, Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, is responsible for all data maintained in the files.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The system data base is limited to data about individuals and/or companies incidental to the conduct of foreign trade and required by the Customs Service in adminstering the tariff laws and regulations of the United States. No information concerning any individual's or company's importation activity, bonds status, and compliance or noncompliance with Customs Regulations will be disclosed for non-authorized purposes to any person other than the party-of-record upon receipt of a written request.

Treasury/Customs 00.284

System name: Personnel Verification System (PVS).

System location: Office of the Comptroller, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and Regional Offices of the U.S. Customs Service. See Customs Appendix A.

Categories of individuals covered by the system: Authorized Customs personnel and non-Customs personnel who have received authorization to use the Regional Communications Centers.

Categories of records in the system: Individual identifiers including but not limited to name, office address, home address, office telephone number, home telephone number, badge number, social security number, radio call sign, page number, organization, and unit.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by U.S. Customs to verify the identity of individuals authorized to use the sector communications network; (b) Used by U.S. Customs management to evaluate system usage and effectiveness by individual, organization and unit; (c) Used to contact personnel for messages, assignments, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Alphabetic or numerical listings or card files; (2) microfiche; (3) magnetic disc and tapes; (4) other electronic storage media.

Retrievability: By name, call sign, paging number, social security number, badge number, organizational code.

Safeguards: Records are located in controlled access areas with alarm protection systems. Offices are staffed twenty-four hours a day, seven days a week.

Retention and disposal: Records are maintained in the system until such time as the individual is no longer authorized usage of the Regional Communications Center. Disposal is by erasure of disc/tapes, shredding and/or burning of listings or card files, and burning of microfiche.

System manager(s) and address: Assistant Commissioner, Office of the Comptroller, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The sources include but are not limited to (1) the individual to whom the record relates; (2) internal Customs Service records; (3) Personnel Verification Sheet.

Treasury/Customs 00.285

System name: Automated Index to Central Enforcement Files.

System location: Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Categories of individuals covered by the system: (1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the U.S. (5) Individuals filing official U.S. Government forms 4790 (Currency and Monetary Instruments Reporting), 4789 (Currency Transaction Report), 90.22-1 (Foreign Banking Act Report).

Categories of records in the system: A listing of Memoranda of Information Received, Reports of Investigations; Search/Arrest/Seizure Reports, Currency and Monetary Instrument Reports, Currency Transaction Reports, reports on Foreign Banking transactions, reports on Fines, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations, investigation Program Analyst (IPA) reports relating to an individual, various other correspondence (letter, memoranda, etc.), which related to an individual in the Treasury Enforcement Communications System.

Authority for maintenance of the system: 5 U.S.C. 301 and Treasury Department Order No. 165, revised, as amended. Authority for the collection and maintenance of the report included in the system is: 19 U.S.C. 1603; 19 U.S.C. 1431; 19 U.S.C. 1624; 19 U.S.C. 66; 31 CFR 103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosure required in administration of the Freedom of Information act (5 U.S.C. 552). (c) To provide management statistics associated with arrests or seizures. (d) Used by Customs to identify high theft areas, types of cargo most likely to be pilfered or stolen, to connect seemingly unrelated Customs thefts cases and to provide management information such as the value and volume of goods stolen from international shipping. (e) To determine effective allocation of resources for surveillance and search operations by

consideration of past violations and selective intelligence information. For additional information see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape, microfiche.

Retrievability: Name, personal identification numbers, Customs case number, document's central file number.

Safeguards: (1) All Central Files users must have a full field background investigation. (2) The "need to know" principle applies. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guard patrolling restricted areas, alarm protection systems, special communication security. (4) Access is limited to all office of Investigations terminals and all Office of Enforcement Support Headquarters and San Diego terminals.

Retention and disposal: Records will be maintained in the Automated Index to Central Enforcement files for as long as the associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disc and by burning or shredding the microfiche.

System manager(s) and address: Assistant Commissioner, Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(j) and (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system is exempt and the justification for the exemptions are contained in 31 CFR 1.36.

UNITED STATES CUSTOMS SERVICE

APPENDIX A

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229 or to the Regional Commissioner of the region in which the records are located (See Appendix A). The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or to the Regional Commissioner of the region in which the records are located (See Appendix A). The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Addresses of Headquarters, U.S. Customs Service, Regional Commissioners of Customs, Regional Directors (Internal Affairs), District Directors of Customs, and Customs Office of Investigations field offices:

U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.
Regional Commissioner of Customs, 40 S. Gay Street, Baltimore, Maryland 21202, (301)962-3288.
Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110. (617)223-7506.
Regional Commissioner of Customs, 55 E. Monroe Street, Chicago, Illinois 60603, (312)353-4731.
Regional Commissioner of Customs, 500 Dallas Street, Houston, Texas 77002, (713)226-4893.
Regional Commissioner of Customs, 300 N. Los Angeles Street, Los Angeles, California 90053, (213)688-5900.
Regional Commissioner of Customs, 99 S.E. 5th Street, Miami, Florida 33131, (305)350-5952.
Regional Commissioner of Customs, 1440 Canal Street, New Orleans, Louisiana 70112, (504)589-6324.
Regional Commissioner of Customs, 6 World Trade Center, New York, New York 10048, (212)466-4444.
Regional Commissioner of Customs, 211 Main Street, San Francisco, California 94105, (415)556-3500.

Office of Internal Affairs field offices

Regional Director (Internal Affairs), 100 Summer Street, Boston, Massachusetts 02110.
Regional Director (Internal Affairs), 6 World Trade Center, New York, New York 10048.
Regional Director (Internal Affairs), Gay and Water Streets, Baltimore, Maryland 21202.
Regional Director (Internal Affairs), P.O. Box 3201, Miami, Florida 33101.
Regional Director (Internal Affairs), 1440 Canal Street, New Orleans, Louisiana 70112.
Regional Director (Internal Affairs), 500 Dallas Street, Houston, Texas 77002.
Regional Director (Internal Affairs), 55 East Monroe Street, Chicago, Illinois 60603.
Regional Director (Internal Affairs), 211 Main Street, San Francisco, California 94105.
Regional Director (Internal Affairs), P.O. Box 951, Main Post Office, Los Angeles, California 90053.

Customs District Offices.

(Note: New York has Area Directors instead of District Directors. Roman numeral designates Customs region).

VIII Anchorage, Alaska 99501/620 E. 10th Ave. (907)271-4043.
III Baltimore, Maryland 21202/103 S. Gay St. (301)962-2666.
I Boston, Massachusetts 02109/2 India St. (617)223-6598.
I Bridgeport, Connecticut 06609/120 Middle St. (203)579-5605.
I Buffalo, New York 14202/111 W. Huron St. (716)846-4375.
IV Charleston, South Carolina 29402/Box 876 (803)724-4312.
IX Chicago, Illinois 60607/610 S. Canal St. (312)353-6100.
IX Cleveland, Ohio 44114/6th Floor, Plaza Nine Bldg., 55 Erieview Plaza, (216)522-4284.
IX Detroit, Michigan 48226/Room 200, Patrick V. McNamara Bldg., 477 Michigan Ave. (313)226-3177.
IX Duluth, Minnesota 55802/Room 209, Federal Bldg. (218)727-6692.
VI El Paso, Texas 79985/Bldg. B, Room 134, Bridge of the Americas (P.O. Box 9516) (915)543-7435.
VI Galveston, Texas 77553/P.O. Box 570 (713)763-1211.
VIII Great Falls, Montana 59401/215 1st Ave. N. (406)453-7631.
VIII Honolulu, Hawaii 96813/335 Merchant St. (808)546-3115.
VI Houston, Texas 77052/701 San Jacinto St. (713)226-4316.
VI Laredo, Texas 78040/Mann Road and Santa Maria (512)723-2956.
VII Los Angeles/Long Beach/300 S. Ferry St., San Pedro, California 90731 (213)548-2441.
IV Miami, Florida 33131/77 S.E. 5th Street (305)350-5791.
IX Milwaukee, Wisconsin 53202/628 E. Michigan St. (414)291-3924.
IX Minneapolis, Minnesota 55401/110 S. Fourth St. (612)725-2317.
V Mobile, Alabama 36602/250 N. Water St. (205)690-2106.
V New Orleans, Louisiana 70130/600 South St. (504)589-6353.
II New York, New York: New York Seaport Area, New York, New York 10048, Customhouse, 6 World Trade Center, (212)466-5817. Kennedy Airport Area, Jamaica, New York 11430, Seaboard World Building, Room 178, (212)995-7083. Newark Area, Airport International Plaza, Room 210A, Newark, New Jersey 07114, (201)645-3760.
VII Nogales, Arizona 85621/International & Terrace Sts. (602)287-4955.

III Norfolk, Virginia 23510/101 E. Main St. (804)441-6546.
I Ogdensburg, New York 13669/127 N. Water St. (315)393-0660.
IX Pembina, North Dakota 58271/Post Office Bldg. (701)825-6201.
III Philadelphia, Pennsylvania 19106/2nd & Chestnut Sts. (215)597-4605.
VI Port Arthur, Texas 77640/5th & Austin Ave. (713)983-8271.
I Portland, Maine 04112/312 Fore St. (207)780-3326.
VIII Portland, Oregon 97209/511 N.W. Broadway & Glisan Sts. (503)221-2865.
I Providence, Rhode Island 02903/24 Weybosset St. (401)528-4384.
I St. Albans, Vermont 05478/Main & Stebbins Sts. (802)524-6527.
IX St. Louis, Missouri 63105/120 S. Central Ave. (314)425-3134.
IV St. Thomas, Virgin Islands 00801/(P.O. Box 510) (809)774-2530.
VII San Diego, California 92318/880 Front St., (714)293-5394.
VIII San Francisco, California 94126/555 Battery St. (415)556-4340.
IV San Juan, Puerto Rico 00903/(P.O. Box 2112) (809)723-2091.
IV Savannah, Georgia 31401/1 East Bay St. (912)232-4321.
VIII Seattle, Washington 98174/909 First Ave., (206)442-5491.
IV Tampa, Florida 33602/301 S. Ashley Dr. (813)228-2381.
III Washington, D.C. 20018/3100 Bladensburg Rd., N.E. (202)566-8511.
IV Wilmington, North Carolina 28401/2094 Polk St. (919)343-4601.

Office of Investigations field offices

Region I-Boston
- Office of Regional Director of Investigations, Suite 1828, 100 Summer St., Boston, Massachusetts 02110.
- Office of Resident Agent, P.O. Box 368, Derby Line, Vermont 05830.
- Special Agent in Charge, P.O. Box 400, Houlton, Maine 04730.
- Resident Agent, P.O. Box 4728, Portland, Maine 04112.
- Office of Special Agent In Charge, 127 N. Water St., Ogdensburg, New York 13669.
- Office of Resident Agent, Federal Building, Suite 301, 150 Court St., New Haven, Connecticut 06510.
- Office of Special Agent In Charge, U.S. Federal Building, Rm. 1206, 111 West Huron, Buffalo, New York 14202.
- Office of Special Agent In Charge, P.O. Box 68, Rouses Point, New York 12979.

Region II-New York
- Office of Regional Director of Inv., U.S. Customs Service, Room 508, 6 World Trade Center, New York, New York 10048.
- Office of Special Agent In Charge, Airport International Plaza, Suite 400, Routes 1 and 9 South, Newark, New Jersey 07114.
- Office of Special Agent In Charge, J.F.K. International Airport, Inter. Arrival Bldg., 160-19 Rockaway Blvd., Jamaica, New York 11434.

Region III-Baltimore
- Office of Regional Director of Inv., Room 810, U.S. Appraisers Stores Bldg., 103 South Gay Street, Baltimore, Maryland 21202.
- Office of Resident Agent, 701 West Broad Street, Rm. 301, Falls Church, Virginia 22046.
- Office of Special Agent In Charge, Room 201, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pennsylvania 19106.
- Office of Resident Agent, Room 2236, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
- Office of Special Agent In Charge, 201 U.S. Customhouse, Norfolk, Virginia 23510.

Region IV-Miami
- Office of Regional Director of Inv., 99 S.E. 5th Street, Miami, Florida 33131.
- Office of Resident Agent, 701 Clematis Street, Rm. 253, West Palm Beach, Florida 33401.
- Office of Special Agent In Charge, P.O. Box 1516, Tampa, Florida 33601.
- Office of Resident Agent, 2831 Talleyrand Avenue, Jacksonville, Florida 32206.
- Office of Special Agent In Charge, Drawer A, Savannah, Georgia 31408.
- Office of Resident Agent, 1585 Phoenix Boulevard, Suite 5, Atlanta, Georgia 30349.
- Office of Special Agent In Charge, P.O. Box 898, Wilmington, North Carolina 28401.
- Office of Special Agent In Charge, U.S. Customs Service, P.O. Box S-1272, Old San Juan, Puerto Rico 00902.
- Office Of Resident Agent, P.O. Box 127, Ponce Playa, Puerto Rico 00731.
- Office of Resident Agent, U.S. Customhouse, P.O. Box 3226, Marina Station, Mayaguez, Puerto Rico.
- Office of Special Agent In Charge, P.O. Box 698, Charlotte-Amalie, St. Thomas, Virgin Islands.
- Office of Resident Agent, P.O. Box 1801—Christiansted, St. Croix, Virgin Islands.

Region V-New Orleans
- Office of Regional Director of Inv., 1440 Canal Street, New Orleans, Louisiana 70112.
- Office of Special Agent in Charge, 600 South Street, Room 444, New Orleans, La. 70130.
- Office of Special Agent In Charge, International Trade Center, P.O. Box 1704, Mobile, Alabama 36601.
- Office of Resident Agent, 1717 West End Building, Room 322, Nashville, Tennessee 37203.

Region VI-Houston
- Office of Regional Director of Inv., Suite 1380, 500 Dallas Street, Houston, Texas 77002.
- Office of Resident Agent, Suite 210, 700 Paredes Ave., Brownsville, Texas 78521.
- Office of Resident Agent, P.O. Drawer 1169, Del Rio, Texas 78440.
- Office of Resident Agent, 1200 Main Street, Suite 705, Main Tower Bldg., Dallas, Texas 75202.
- Office of Special Agent In Charge, P.O. Box 2128, Laredo, Texas 78041.
- Office of Resident Agent, P.O. Box 828, Eagle Pass, Texas 78852.
- Office of Resident Agent, Room 205A, 320 N. Main St., McAllen, Texas 78501.
- Office of Resident Agent, 1802 N.E. Loop 410, Suite 302, San Antonio, Texas 78217.
- Office of Special Agent in Charge, P.O. Box 10719, El Paso, Texas 79997.
- Office of Resident Agent, 721 19th Street, Room 404, Denver, Colorado 80202.

Region VII-Los Angeles
- Office of Regional Director of Inv., 300 South Ferry Street, Room 2037, Terminal Island, San Pedro, California 90731.
- Office of Special Agent In Charge, P.O. Box 1385, Nogales, Arizona 85621.
- Office of Resident Agent, P.O. Box 5752, Suite 200, First Federal Savings Building, 350 West 16th Street, Yuma, Arizona 85364.
- Office of Resident Agent, P.O. Box 1076, 1704 10th St., F Glenn Bldg., Douglas, Arizona 85607.
- Office of Resident Agent, Room 328, Amerco Towers, 2721 No. Central Avenue, Suite 1000, Phoenix, Arizona 85004.
- Office of Resident Agent, P.O. Box 2911, Tucson, Arizona 85701.
- Office of Special Agent In Charge, P.O. Box 187, San Ysidro, California 92173.
- Office of Resident Agent, P.O. Box 1510, Calexico, California 92231.

Region VIII-San Francisco
- Office of Regional Director of Inv., 211 Main Street, San Francisco, California 94105.
- Office of Special Agent In Charge, 4100 Federal Office Building, 909 First Avenue, Seattle, Washington 98174.
- Office of Resident Agent, P.O. Box 1360, Blaine, Washington 98230.
- Office of Special Agent In Charge, P.O. Box 199, Anchorage, Alaska 99510.
- Office of Special Agent In Charge, 1380 12th Avenue So., Great Falls, Montana 59405.
- Office of Special Agent In Charge, 300 Ala Moana Blvd., Room 6127, P.O. Box 50104, Honolulu, Hawaii 96850.
- Office of Special Agent In Charge, P.O. Box 2841, Portland, Oregon 97208.

Region IX-Chicago
- Office of Regional Director of Inv., 55 E. Monroe Street, Suite 1423, Chicago, Illinois 60603.
- Office of Special Agent In Charge, 628 East Michigan Street, Room 208, Milwaukee, Wisconsin 53202.
- Office of Special Agent In Charge, 120 South Central Ave., Suite 440, St. Louis, Missouri 63105.
- Office of Special Agent In Charge, Plaza Nine, 55 Erieview Plaza, Room 210, Cleveland, Ohio 44114.
- Office of Resident Agent, P.O. Box 1035, Fountain Square Station, Cincinnati, Ohio 45201.

Office of Resident Agent, P.O. Box 41809, Weir Cook Airport, Indianapolis, Indiana 46241.
Office of Special Agent In Charge, Room 330, Patrick V. McNamara Bldg., 477 Michigan Ave., Detroit, Michigan 48226.
Office of Special Agent In Charge, P.O. Box 192, Pembina, North Dakota 58271.
Office of Special Agent In Charge, 212 Third Ave., Room 154, Federal Building, Minneapolis, Minnesota 55401.

[Billing Code 4810-22]

Treasury/BEP 00.002

System name: Civilian Employee Claim File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Civilian officers and employees of the Bureau of Engraving & Printing, former employees and their survivors having claim for damage to or loss of personal property incident to their service.

Categories of records in the system: Contains investigative and adjudication documents relative to personal property damage claim.

Authority for maintenance of the system: Military Personnel and Civilian Employees' Claims Act of 1964, Public Law 88-558. Treasury Department Administrative Circular No. 136, Rev.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director, Bureau of Engraving and Printing and/or his designee for adjudication and settlement of claims. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: By Name.

Safeguards: Locked file cabinet—access limited to Safety Division Staff.

Retention and disposal: Retained two years after case is closed; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individuals having claim for damage to or loss of personal property.

Treasury/BEP 00.003

System name: Continuation of Pay Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing employees, incurring work-connected injuries or illnesses and making claim for continuation of pay.

Categories of records in the system: Memoranda from Safety Manager authorizing Office of Financial Management to continue employee's pay up to 45 days.

Authority for maintenance of the system: Federal Employee Compensation Act as amended; Treasury Department Personnel Bulletin 74—73

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division & Office of Financial Management and Treasury Department to initiate statistical records for continuation of pay cases and costs. Used to document and authorize continuation of pay. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: Name

Safeguards: Locked file cabinet, access limited to Safety Manager and Compensation Claims Staff.

Retention and disposal: Retained three years after case is closed; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14 & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee and Safety Division reports and recommendations.

Treasury/BEP 00.004

System name: Counseling Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees whose actions or conduct warrants counseling.

Categories of records in the system: Contains correspondence relative to counseling information and follow-up reports.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel for counseling of individual employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Locked in file cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained for one year after close of file and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts. SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee.

Treasury/BEP 00.005

System name: Compensation Claims—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing employees incurring work-connected injuries or illnesses, necessitating absence, making claim under Compensation Act.

Categories of records in the system: All pertinent documentation, including investigative reports, forms, etc. relative to work—connected injuries of employees.

Authority for maintenance of the system: Federal Employees Compensation Act, as amended—Public Law 93—416.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Compensation Claims staff (Safety Division) and Department of Labor to initiate, adjudicate and maintain status of employees who may or have initiated claims for continuation of pay and compensation. For additional uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder and card file.

Retrievability: Name and claim no.

Safeguards: Locked file cabinets; access limited to Safety Manager and Compensation Claims staff.

Retention and disposal: Retained three years after case is closed; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C St., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee's Health Unit Daily Report, Notification of Public Health Service Recommendation and information provided by employee.

Treasury/BEP 00.006

System name: Debt Files (Employees)—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees on whom debt complaints are received.

Categories of records in the system: Contains employee's name, complaint information, court judgements, counseling efforts, receipts, and final disposition of complaint.

Authority for maintenance of the system: Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel for employee counseling, credit reference, and disposition of complaint. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Maintained in locked cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained for two years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employees, Complainants, and Court Judgements.

Treasury/BEP 00.008

System name: Emergency Contact Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Employees of Office of Quality Assurance.

Categories of records in the system: Record contains Name, Address and Designation of person to be contacted in case of emergency.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Quality Assurance personnel for notification of designated person in case of emergency. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Quality Compliance Division personnel; Kept in metal file cabinets.

Retention and disposal: Record maintained during employee's tenure with the Quality Compliance Division. Destroyed after employee's separation by shredding.

System manager(s) and address: Chief, Office of Quality Assurance, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Product Control Division employees.

Treasury/BEP 00.009

System name: Employee Arrest Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing employees who have been arrested.

Categories of records in the system: Telephone conversation memo for file regarding arrest information supplied by Office of Security.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel as background material for possible discipline or adverse action. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Maintained in locked cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained until conviction, acquittal or other disposition and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts. SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Office of Security and police records.

Treasury/BEP 00.012

System name: Employee Index File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Supply Inventory Management Branch Employees.

Categories of records in the system: Record contains employee name, address, phone number, social security number, cost center number, position, grade, and date of employment.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Inventory Management Branch personnel to notify designated person in case of emergency or when employee is absent. Also used as Office reference file to provide information for other Bureau components upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 Cards.

Retrievability: Indexed by name.

Safeguards: Kept on clerical supervisors desk, access limited to Inventory Management Branch personnel.

Retention and disposal: Destroyed upon separation of employee from Branch by shredding.

System manager(s) and address: Chief, Office of Materials Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Inventory Management Branch Employees.

Treasury/BEP 00.013

System name: Employee Locator Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All employees of the Bureau of Engraving & Printing.

Categories of records in the system: The system provides current information for the Treasury telephone directory. It also provides

employee information data which is needed to locate employees in case of emergency.

Authority for maintenance of the system: The Department of the Treasury, Office of Administrative Programs, Telecommunications Circular No. 21—June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Telecommunications Unit to locate employees within the Bureau of Engraving & Printing. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name of employee.

Safeguards: Access limited to Telecommunications Unit personnel; maintained in locked cabinet.

Retention and disposal: Record maintained during employees tenure with the Bureau and then destroyed by shredding.

System manager(s) and address: Chief, Office of Management and Systems, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Bureau of Engraving & Printing Employees.

Treasury/BEP 00.014

System name: Employee's Production Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All incumbent Bureau of Engraving and Printing employees.

Categories of records in the system: Contains employee's name, dates, work hours, record of production, history of work assignments, training, work performance, and progress reports.

Authority for maintenance of the system: 5 U.S.C. 301, 4103, 4302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Bureau management personnel for evaluation of employee's level of productivity, promotion evaluation, reference material for future assignments, and collection of production cost data. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in data entry diskettes, file folders and production books.

Retrievability: Indexed by name, work code number and cross-referenced by project number.

Safeguards: Maintained in locked cabinets or desks; access is limited to personnel having a need-to-know.

Retention and disposal: Retained six years; destroyed by shredding, defacing or degaussing.

System manager(s) and address: Chief, Office of Audit and Internal Affairs, Chief, Office of Financial Management; Chief, Office of Industrial Relations; Chief, Office of Currency and Stamp Printing; Chief, Office of Engraving; Chief, Office of Security; Chief, Office of Securities Processing; Chief, Office of Engineering; Chief, Office of Research and Technical Services; Head, Production Scheduling Staff, Chief, Office of Planning and Policy Development; Chief Office of Processing and Services; Chief, Office of Quality Assurance; Chief, Office of Management and Systems. Address: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information furnished by employee, developed by supervisor or by referral document.

Treasury/BEP 00.016

System name: Employee Suggestions—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees submitting suggestions under the incentive award program.

Categories of records in the system: Contains employee's suggestion, reviewer evaluation and final disposition information.

Authority for maintenance of the system: Title 5, U.S.C., 4502 (c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel and other management personnel for system improvements, cost saving ideas, determination of employee awards and other reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in File Folders.

Retrievability: Indexed by Name.

Safeguards: Maintained in locked file cabinets; access limited to Employee Relations Branch personnel and employee's Supervisor.

Retention and disposal: Retained for three years following date of submission and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee, Employee Supervisor and review committee.

Treasury/BEP 00.018

System name: Guard Uniform Control Account—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All uniformed guard force personnel of the Bureau of Engraving and Printing.

Categories of records in the system: Record contains the guard's name, badge number, rank, employment anniversary date, current inventory of guard's uniform, history of uniform issuance, activity and current dollar balance of guard's uniform allowance.

Authority for maintenance of the system: Federal Uniform Allowance Act, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Chief, Office of Security and Head, Protective Services Branch to monitor and control guard annual uniform allowance, maintain a current inventory of guard uniforms, plan required stock levels and changes in authorized uniform issues. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 x 10 1/2 Ledger sheets in a notebook.

Retrievability: Alphabetical by guard's name.

Safeguards: Access limited to Chief, Office of Security, Head, Protective Services Branch, and the Uniform Control Clerk. Maintained in a locked file cabinet.

Retention and disposal: This is a new system and no retention period has yet been established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Guard Force Personnel of Bureau of Engraving and Printing.

Treasury/BEP 00.019

System name: Identification Files—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW Washington, D.C. 20228.

Categories of individuals covered by the system: Incumbent Employees, Separated Bureau Employees, Visitors to the Bureau, Contractor & Service Company Employees (Incumbent & Separated).

Categories of records in the system: Category: Request for Issuance of Badge or Pass, Badge and Pass Photograph, Employee Identification Badge or Pass, Employee Identification Badge and Pass Record Card, Control Record for Issuance of Badges & Passes, Record of Lost Badges, Record of Funds Collected for Issuance of Badges or Passes and receipts for funds released to appropriate authority, Record of Destruction of Badges and Passes, Type of Information: The following information is retained as it applies to each individual issued a Pass and/or Badge in the present system: Name, Date of Birth, Place of Birth, Physical Description, Work area assignment, Name of Firm or Government Agency, Requesting Data for Pass/Badge, Signatures of persons receipting for Passes and Badges, Badge and Pass Numbers, Date of Issue, to whom issued and area or firm, Dates and method of destruction, Date, place and circumstance of loss of Pass/Badge.

Authority for maintenance of the system: 31 USC 427, Executive Order 11652 and implementing Treasury and Bureau regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Category of Users: Bureau of Engraving and Printing management officials, Bureau of Engraving and Printing security personnel, Federal, State, and local law enforcement or investigative agencies. For additional routine uses, see Appendix AA. Purpose of Each Use: Identification of personnel, Determine status of personnel, Limit access of personnel to specified Bureau security areas, and Control access to the Bureau.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Ledgers, paper tapes, tabulating cards and listings, cross-referencing badge numbers, file folders, loose leaf binders, and envelopes.

Retrievability: Numerical by Pass/Badge Number, Alphabetically by last name, Appropriate index by subject.

Safeguards: Maintained in locked cabinets in locked rooms; access limited to Office of Security staff.

Retention and disposal: Retention period—Seven years after separation.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228, Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.020

System name: Industrial Truck Licensing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees designated to operate self—propelled material and/or machinery handling equipment.

Categories of records in the system: Record of employee physical examination, testing, license number and issue date for purpose of operating one or more types of material handling equipment used within the Bureau of Engraving and Printing.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division staff personnel to validate employee operational authority and determine renewal dates. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder and Card file.

Retrievability: By Name.

Safeguards: Locked file cabinet, access limited to Safety Division staff.

Retention and disposal: Destroyed upon separation by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor request, results of physical examination, and data obtained during training or practical tests.

Treasury/BEP 00.021

System name: Investigative Files—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Incumbent Employees, Separated Bureau Employees, Employee Applicants, Visitors to the Bureau, Non—Bureau Correspondents, Contractor & Service Company Employees (Incumbent and Separated).

Categories of records in the system: Category: Security Files, Personnel Clearance Requests, Case Files, Bank Shortage Letters, Contractor Files, Food Coupon Discrepancy Reports, Intelligence Files, Stamp Discrepancy Reports, Case Record, Crank Letters, Security Files Reference Record, Employee Indebtedness Record, Type of Information: Character references, Guard force reports, Previous employment verifications, Newspaper articles, Social Security Numbers, Laboratory reports to include handwriting results and latent fingerprint examinations, Law enforcement criminal and subversive record checks, Court records, Security registers, Residency information, Reports of shortages or thefts of Bureau products including subsequent investigations, Personnel records of various types, Fingerprint card, Photograph, Names of individuals including those at contractor plants who worked on a shortage involving Bureau products, Credit checks, Background investigation reports conducted by Civil Service Commission, the Internal Revenue Service and other Federal Investigative Agencies, Disciplinary action recommended and/or received, Military record forms and extracted information, List of Bureau employees granted security clearances, Processes served, i.e. summons, subpoenas, warrants, etc., Personnel security case numbers, dates case opened and closed, and recommendations, Certificate of Security clearance, Reports of violations of Bureau regulations and procedures, Bureau visitor control documents, Correspondence relating to individuals, Claims of indebtedness from firms and collection agencies and other sources, and assorted documents, Tape recorded testimony, Type of Information: Bureau investigation reports, Information supplied by law enforcement agencies, Applicant interview record, Anonymous tips concerning Bureau employees, Official investigative statements, Names of those requesting security assistance and report of the assistance rendered, other pertinent Governmental records, education records and information, Date of Birth and physical description of individual in the files.

Authority for maintenance of the system: Executive Order 10450 and implementing Treasury and Bureau regulation and 31 U.S.C. 427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Category of Users: Office of Security and staff, Bureau of Engraving & Printing management officials, Federal, state, county, and city law enforcement agencies, Investigatory Government agencies, other Governmental agencies requesting information, Contractor plant management officials. Purpose of Each Use: Determine employment suitability from a security point of view, Data for bi—weekly & quarterly reports, Means of identifying employees and employee misconduct and criminal activities and their actions affecting security suitability, Social Security numbers as a means of identification, Recommendations for disciplinary action to include dismissal from the Bureau, Determine employees' acceptability for assignment to security areas/duties from a security standpoint, Grant access to the Bureau, Develop Bureau policies and procedures, Determine patterns of employee behavior regarding misconduct, debts, illegal activities, etc., Develop investigative leads, Compile lists of suspects, Maintain numerical record of cases received during year, Maintain record of visitors to Bureau, Determine prospective firms suitability to conduct business with the Bureau, Evidence in legal cases and other judicial and non—judicial actions, Grant security clearances, Determine non—Bureau employee suitability to work on Bureau premises and/or products. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders, 3 x 5 Index Cards, 5 x 8 Index Cards, Loose Leaf Binders, Ledger, Recording Tape.

Retrievability: Numerically by case number and year, Alphabetically by name and social security number, Alphabetically by company name.

Safeguards: Access is limited to Office of Security staff and maintained in locked file cabinets.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing, 14th & C Streets S.W., Washington, D.C. 20228, Attn: Privacy Law Enforcement.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The sources of the information are the individual concerned and information supplied by Federal, State and local investigative agencies, credit bureaus, financial institutions, court records and educational institutions.

Systems exempted from certain provisions of the act: Exempt under 5 U.S.C. 552a (j) and/or (k) and 31 CFR 1.36.

Treasury/BEP 00.022

System name: Monthly Equal Employment Opportunity Activity Report—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Minority and female employees receiving significant appointments and promotions.

Categories of records in the system: Name and Position of Promotion or Appointment.

Authority for maintenance of the system: Affirmative Action Plan for Fiscal Year 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Bureau Equal Employment Opportunity Staff to inform the Director, Office of Equal Employment Opportunity Program, Department of the Treasury, of the monthly progress of minority and female employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Cross referenced by month and employee's name.

Safeguards: Access is limited to Bureau Equal Employment Opportunity Staff and is maintained in locked combination safe.

Retention and disposal: Retained five years and then destroyed by shredding.

System manager(s) and address: Chief, Office of the Director, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Personnel Action Records maintained by Supervisor.

Treasury/BEP 00.023

System name: Motor Vehicle Licensing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees designated to operate passenger vehicles, trucks, and/or vans for Bureau business.

Categories of records in the system: Record of employee physical examination, testing, license number and issue date for purpose of operating passenger and/or truck vehicles.

Authority for maintenance of the system: United States Civil Service Commission Regulations 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division and/or Security Staff, District of Columbia or State Enforcement Authorities to validate employee operational authority. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder and card file.

Retrievability: By name.

Safeguards: Kept in locked file cabinets; access limited to Safety Division staff.

Retention and disposal: Retained three years; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor request, results of physical examination, and data obtained during training or practical tests.

Treasury/BEP 00.024

System name: Payroll Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees (Active).

Categories of records in the system: Current Pay and Cumulative Pay—Record consists of all payroll transactions affecting the employee's pay checks, e.g., withholdings, allotments, net check, cumulative year—to—date total.

Authority for maintenance of the system: Federal Personnel Manual and various Federal, State and Local regulatory agencies 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by payroll personnel to create the pay tape for the disbursing officer for routine payroll. Also used to produce the bi-weekly, quarterly and annual employee earnings statement which enables the employee to verify his or her record. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch card, magnetic tape, disc, microforms, and printouts.

Retrievability: By Social Security Number.

Safeguards: Records are maintained in locked files in locked area. Access limited to Payroll personnel.

Retention and disposal: Retained in accordance with General Records Schedule No. 2; destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee time and attendance records, allotment authorizations, withholding statements or related financial information.

Treasury/BEP 00.025

System name: Payroll Statistical Data—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees.

Categories of records in the system: Payroll History—Record consists of all required payroll information including leave data, time and attendance history, allotment information, retirement information, and required pay status information.

Authority for maintenance of the system: Federal Personnel Manual and various regulatory bodies. 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by payroll personnel for routine payroll reporting to Bureau financial and personnel record—keeping personnel; tax reporting at Federal, state and local levels, and required reports to Department of Treasury, Civil Service Commission and other Government agencies (as required by Federal directives). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch Card.

Retrievability: Social Security Number.

Safeguards: Maintained in locked files in locked area. Access limited to Payroll Personnel.

Retention and disposal: Retained in accordance with General Records Schedule No. 2; destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee time and attendance records, payroll records, and related financial information.

Treasury/BEP 00.027

System name: Security Access Control System (SACS)—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing Employees, Official Visitors to the Bureau, Contractor & Service Company Employees.

Categories of records in the system: Record contains Name, Office, Division, Branch, Unit, Badge Number, Picture, Work Shift Code, Work Area Code, Personnel Category, Time & Location of each passage through a Security Control point.

Authority for maintenance of the system: 31 U.S.C. 427, Executive Order 11652 and implementing Treasury and Bureau regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by management and security employees for identification of personnel and for limiting access to and movement within controlled Bureau security areas. Also used by management and security employees as an investigative aid to determine ingress/egress times at security control points. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mini-computer, ledgers, paper tapes, tabulating cards, listings, cross reference badge numbers, file folders, loose leaf binders, and envelopes.

Retrievability: Numerical by Pass/Badge Number, Alphabetically by last name, Appropriate index by subject.

Safeguards: Maintained in locked cabinets in a locked room; access limited to Office of Security staff.

Retention and disposal: Retention period—Seven years; destroyed by shredding.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.029

System name: Petition of Election—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Listing of employees eligible for inclusion within the union bargaining for recognition.

Categories of records in the system: Alphabetical listing of eligible employees to include position title & occupational codes.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information compiled & furnished to United States Dept. of Labor, Labor—Mgmt Services Admin. in order to supervise the election; to the Dept. of Treasury to fulfill reporting requirement in Treasury Personnel Manual 711; and to the petitioning Union to verify eligibility of voters at the poll. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Union Title.

Safeguards: Maintained in a locked cabinet; access limited to Labor—Mgmt. Relations staff & designated Union Representatives as required.

Retention and disposal: Retention and disposal procedures have not been established.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Position Description file & Personnel Manpower file.

Treasury/BEP 00.030

System name: Project REST (Reporting Employment Statistics in Treasury), Minority Statistics—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Record contains employee name, Social Security Number, Minority Group Identification, Sex, Occupational Series, Grade, Pay Plan, and Date of Birth.

Authority for maintenance of the system: Assistant Secretary (Administration) Department of the Treasury, Administrative Circular No. 232 (October 5, 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Equal Employment Opportunity staff to provide Minority Group Statistical Data for evaluating the Bureau Equal Employment Opportunity responsibilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On computer print—out.

Retrievability: By Name, Sex and Minority Group Identifier.

Safeguards: Access limited to Bureau Equal Employment Opportunity staff; maintained in locked combination safe.

Retention and disposal: Retained five years; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee, Equal Employment Opportunity Counselors, Equal Employment Opportunity Investigators.

Treasury/BEP 00.031

System name: Reemployment Information Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Former Bureau of Engraving & Printing employees.

Categories of records in the system: Information relative to reemployment rights and reemployment recommendations.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel staff for re—hiring determinations and statistical studies and reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name and year.

Safeguards: Maintained in locked file cabinet, access limited to Personnel staff.

Retention and disposal: Retained three years after separation; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information obtained from supervisor as employees separate.

Treasury/BEP 00.032

System name: Retention Register—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees (Active).

Categories of records in the system: Information on retention rights of employees.

Authority for maintenance of the system: Federal Personnel Manual Chapter 351.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In cases of reduction in force, used primarily by personnel staff to determine retention rights and also by the Civil Service Commission on inspections and for resolving appeals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on punch cards.

Retrievability: Indexed by name, retention subgroup, and competitive level.

Safeguards: Access limited to Personnel Information and Records Section, Staffing Classification and Supervisory Personnel. Maintained in locked file cabinets.

Retention and disposal: Registers are maintained until a new register replaces it. The old register is destroyed by shredding.

System manager(s) and address: Chief, Office of Industiral Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Data is obtained from the Official Personnel Folder.

Treasury/BEP 00.033

System name: Roster of Bureau of Engraving & Printing Employees—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Roster of employees employed at the Bureau of Engraving & Printing (Active).

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Industrial Relations personnel, auditors and Bureau managers for statistical reports, locator system and manpower forecasting. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on flexoline cards.

Retrievability: By name of employee.

Safeguards: Access limited to Office of Industrial Relations personnel, locked in standard card file.

Retention and disposal: Maintained indefinitely and changed as personnel are hired or separated.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information obtained from appointment papers and separation papers.

Treasury/BEP 00.035

System name: Tort Claims (Against the United States)—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Individuals and/or organizations making claim for money damage against the United States for injury to or loss of property or personal injury or death caused by neglect, wrongful act, or omission of a Bureau of Engraving & Printing employee while acting within the scope of his office or employment.

Categories of records in the system: Contains investigative and adjudication documents relative to personal injury and/or property damage claims.

Authority for maintenance of the system: Federal Tort Claims Act, Title 28 U.S.C. 2672, Public Law 89—506, Treasury Department Circular 131.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director, Bureau of Engraving and Printing and/or his designee in conjunction with the General Counsel, Department of the Treasury for adjudication and settlement of claims. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: By name.

Safeguards: Locked file cabinet; access limited to Safety Division staff.

Retention and disposal: Retained three years; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual or organization's claim and/or investigative reports.

Treasury/BEP 00.036

System name: Union Dues Allotments—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who authorize or revoke Union dues allotments.

Categories of records in the system: An authorization for or revocation of voluntary union dues allotments.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Payroll Office employees to effect allotments of Union dues in accordance with voluntary determination of employee member. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of employee.

Safeguards: Maintained in locked file cabinet; access limited to personnel in the Records & Payroll Sections.

Retention and disposal: Record maintained for length of time necessary to perform payroll activities, disposed when superseded by new

card or on transfer or separation of employee whichever is earlier. Destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Authorization or revocation statement originated by employee.

Treasury/BEP 00.037

System name: Union Index—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Name & Title of designated Union officials to include the President, Vice President, Secretary, Treasurer, & Stewards.

Categories of records in the system: Listing of recognized Union officials by title, bargaining unit, and jurisdiction.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by management personnel for the purpose of normal conduct of established Labor-Mgmt. Relations business. Copies provided to the Treasury Dept., U.S. Dept. of Labor and the Civil Service Commission as required by Treasury Personnel Manual. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Union Title.

Safeguards: Maintained in locked file; access limited to Labor—Mgmt Relations staff & Mgmt. officials as required.

Retention and disposal: Retained for duration of recognition of the Union and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Provided by recognized unions.

Treasury/BEP 00.038

System name: Unscheduled Absence Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees who have had unscheduled absences.

Categories of records in the system: Record contains chronological documentation of unscheduled absences.

Authority for maintenance of the system: Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by an employee's supervisor to record the number of times an employee has an unscheduled absence. This information is used by Employee Relations Branch for statistical reports depicting frequency rate for all Bureau employees. It is also used as a basis for counseling an employee concerning overall job performance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Kept in locked file cabinets; access to these records is restricted to Supervisor and authorized timekeeping personnel.

Retention and disposal: Retained until separation; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relation, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee time & attendance record and employee's supervisor.

Treasury/BEP 00.040

System name: Freedom of Information Requests—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW Washington, D.C. 20228.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 C.F.R. Part 1.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: Retained in accordance with General Records Schedule No. 14; then destroyed by shredding.

System manager(s) and address: Chief, Office of Management and Systems, Bureau of Engraving and Printing; 14th & C Sts. , SW., Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., S.W., Washington, D.C. 20228, Attn: Privacy Law Information.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/BEP 00.041

System name: Record of Discrimination Complaints—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who have initiated discrimination complaints.

Categories of records in the system: Data developed as a result of inquiry by the person making the allegation of discrimination.

Authority for maintenance of the system: U.S. Civil Service Commission (Federal Personnel Manual Letter, No. 713—21).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Equal Employment Opportunity Complaint Investigators and Hearing Officers to provide reference data for making rulings on discrimination cases. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Complainants, Equal Employment Opportunity Staff, Equal Employment Opportunity Investigator; maintained in locked combination safe.

Retention and disposal: Retained four years after resolution; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employees who have discrimination complaints.

Treasury/BEP 00.042

System name: Informal EEO Complaint Processing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who register informal EEO complaints.

Categories of records in the system: Contains information and data developed through counseling sessions and appropriate inquiries.

Authority for maintenance of the system: U.S. Civil Service Commission Regulations; Section 713 Treasury Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to inform complainants of the results of the counselor's inquiries. Also used to provide EEO Complaint Investigator with historical background data on cases which could not be resolved on an informal basis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Locked in combination lock safe. Access limited to EEO Specialists and Counselors.

Retention and disposal: Retained four years after resolution of case; then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual complainants and other employees and supervisors necessary to make an appropriate inquiry.

Treasury/BEP 00.043

System name: Parking Program Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau, Non-Bureau personnel.

Categories of records in the system: Parking space applicant information—shows applicant's name and address, vehicle model and year, vehicle license number, work hours, work component, home and work telephone number.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on all parking permit applicants.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 card file and lettersize file folders.

Retrievability: Alphabetically by applicant and parking space number.

Safeguards: Access is limited to Office of Security staff and maintained in locked office.

Retention and disposal: Retention period and disposal instructions have not been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Parking permit applicants.

Treasury/BEP 00.044

System name: Personnel Security Files and Indices—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employee applicants, current and former Bureau employees, contractor and service company employees.

Categories of records in the system: Investigative information related to personnel investigations conducted by the Bureau of Engraving and Printing Security office and other Federal Agencies.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used for the purpose of granting security clearances and making employment suitability determinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders/3 x 5" Index cards.

Retrievability: Alphabetically by name.

Safeguards: Access is limited to Office of Security staff and records are maintained in locked file cabinets.

Retention and disposal: Retention periods and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Disclosure Officer, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual employee and information supplied by other Federal Investigative Agencies.

Systems exempted from certain provisions of the act: Exempt under 5 U.S.C. 552a(j) and/or (k) and 31 CFR 1.36

[Billing Code 4810-34]

Treasury/Mint 00.002

System name: Applicants for selection for the current Annual Assay Commission, and members of former Commissions.—Treasury/Mint.

System location: Bureau of the Mints, Office of the Director, Warner Building, 501 13th St., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of public seeking appointment by President to Assay Commission and their sponsors or endorsers, and members of former Commissions.

Categories of records in the system: Biographies of candidates and correspondence with applicants, sponsors and endorsers.

Authority for maintenance of the system: 31 U.S.C. 363.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to screen applicants for Presidential selection and to determine whether applicants had previously served on Assay Commission. (b) Used by appropriate agency officials and other Federal officials responsible for processing selection. (c) Used to select a committee to test the nation's coinage. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Accessible only to appropriate agency and other Federal officials. Secured Files.

Retention and disposal: Retained permanently.

System manager(s) and address: Assistant to the Director (Marketing), Warner Building, Room 1037, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: Same as listed under System Manager. Individuals are required to furnish name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Information submitted voluntarily by general public and Congressional or other endorsers and sponsors.

Treasury/Mint 00.003

System name: Cash Receivable Accounting Information System—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip Street. Fort Knox, KY, United States Bullion Depository. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint and the general public who have: (a) Served on jury duty when employed by the Bureau of the Mint. (b) Paid for lost government property belonging to the Mint. (c) Purchased numismatic items from Mint sales outlets.

Categories of records in the system: (1) Cash received from Mint employees who have served on jury duty or received witness fees. (2) Cash received from Mint employees and general public for lost government property, assay sample work and cash sales of over-the-counter numismatic items.

Authority for maintenance of the system: 5 USC 5537 (Fees for jury service); 31 USC 369 (Sale of numismatic items).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: to record cash payment made to the Mint by employees, former employees and general public for services, lost government property and jury and witness fees. (B) Categories of Users: accounting office, managers and supervisors and government officials. (C) Purpose of Use—to account for cash receivables. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number subetitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General records control schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; Fort Knox, KY 40121, United States Bullion Depository, Officer in Charge; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Driver's license, (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Bureau employees and appropriate agency officials.

Treasury/Mint 00.004

System name: Confidential Statements of Financial Interest—Treasury/Mint.

System location: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, special employees, consultants, and advisers of the Bureau of the Mint who are required to file statements of financial interest.

Categories of records in the system: Statements of Employment and Financial Interests.

Authority for maintenance of the system: 18 U.S.C. 207, 208; 5 CFR 735.406 and 31 CFR 0.735-70 through 0.735-235.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to record, document, and maintain required financial interest statements submitted by Bureau employees under Treasury Department regulations.To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (b) Categories of users agency officials who have a need for the record in the performance of their duties and other Federal officials charged with law enforcement responsibilities. (c) Purpose to maintain current financial interest statements to avoid conflicts of interest. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

Retention and disposal: Records are maintained as long as the employee is with the Bureau.

System manager(s) and address: Personnel Officer, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: Same address and individual listed under System Manager. The employee may be required to show an identification such as: employee identification, driver's license; or other means of identification which will clearly identify an individual.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Submitted by individual.

Treasury/Mint 00.005

System name: Current Employee Security Identification Record—Treasury/Mint.

System location: Philadelphia, Pennsylvania, United States Mint, Independence Mall. Denver, Colorado, United States Mint, 320 West Colfax Avenue. San Francisco, California, United States Assay Office, 155 Hermann Street. New York, New York, United States Assay Office, 32 Old Slip Street. West Point, New York, United States Bullion, Depository. Fort Knox, Kentucky, United States Bullion, Depository. San Francisco, California, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Current Bureau of the Mint employees.

Categories of records in the system: Security information system used to verify proper admittance to restricted areas within the Mint facilities detailed under "LOCATION". The card record (Mint Form 8925) names the employee; provides date and place of birth; descriptive data on height, weight, hair and eyes; office and division in which employed; along with photograph and signature of the employee. The record also indicates approval by facility management for the issuance of personal identification to the employee, which is subsequently carried by the employee.

Authority for maintenance of the system: 40 U.S.C. 318—318c. Treasury Department Order No. 177-25, dated August 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use: security access control. (b) Categories of Users: security Force Officers. (c) Purpose of Use: protection of persons and property. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is 5 inches x 8 inches card filed in Kardex Binder or circular-type index system.

Retrievability: Alphabetical by name.

Safeguards: Maintained in secure area by Security Force Officers.

Retention and disposal: Records are retained until separation of the employee and are destroyed upon termination in accordance with General Services Administration rules and regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th St., N.W., Washington, D.C. 20220, Chief of Security (Coordinator); United States Mint, Independence Mall, Philadelphia, Pa. 19106, Security Officer (Facility Manager); United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, Security Officer (Facility Manager); United States Assay Office, 155 Hermann Street, San Francisco, Ca. 94102, Security Officer (Facility Manager); United States Assay Office, 32 Old Slip Street, New York, N.Y. 10005, Security Officer (Facility Manager); United States Bullion, Depository, West Point, New York 10996, Security Officer, NYAO (Facility Manager); United States Bullion Depository, Fort Knox, Kentucky 40121, Security Force Captain (Facility Manager); United States Old Mint, 88 Fifth Street, San Francisco, Ca. 94103, Security Force Captain (Facility Manager).

Notification procedure: Same as shown under System Manager. An employee is free to examine his card record upon request, after properly identifying himself as the employee of record. The following would be used to prove identity: (a) Employee identification; (b) Driver's license; (c) Other acceptable personal documents.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Bureau Security Officer, Bureau of the Mint, Room 1037, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Personal information provided by employee himself and identification approval by management staff.

Treasury/Mint 00.006

System name: Employee and Former Employee Travel and Training Accounting Information System—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip Street. Fort Knox, KY, United States Bullion Depository. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint who have engaged in travel and training.

Categories of records in the system: (1) SF 1166 Voucher and Schedule of Payments with supporting documents such as: (A) SF 1012 Travel Voucher, (B) SF 1038 Application and Account for Advance of Funds, (2) Travel Authorities, (3) Government Travel Request SF 1169, (4) Request, Authorization, Agreement and Certification of Training.

Authority for maintenance of the system: 5 U.S.C. Chapter 41 (Training) and Chapter 57 (Travel).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: To record travel and training information on all Mint employees and former employees for the purpose of making disbursements. (B) Categories of Users: Accounting office, managers and supervisors and government officials. (C) Purpose of Use: To administer the travel program of the Bureau in accordance with the regulations. Also, to assist the Personnel Division in administering the training program. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number substitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General Records Control Schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services, Administration regulations.

System manager(s) and address: Bureau of the Mint, Warner Buildings, 501 13th Street, N.W., Washington, DC 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; Fort Knox, KY 40121, United States Bullion Depository, Officer in Charge; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Drivers' license, (C) Other names of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Bureau employees and appropriate agency officials.

Treasury/Mint 00.007

System name: Employee, Former Employee and Visitors, Occupational Safety and Health, Accident and Injuries Records; and Claims for Injuries or Damage Compensation Records—Treasury/Mint.

System location: Location and Category of Records Maintained: Washington, D.C., Bureau of the Mint, Warner Building, 501 13th St. N.W., Accident/Injury/Illness Records, Vehicle Accident, and Claims Against the Government; Philadelphia, Pennsylvania, United States Mint, Independence Mall, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Training/Licensing; Denver, Colorado, United States Mint, 320 West Colfax Avenue, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Licensing; San Francisco, California, United States Assay Office, 155 Hermann Steet, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Training/Licensing; New York, New York, United States Assay Office, 32 Old Slip Street, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, and Safety Equipment Logs; West Point, New York, United States Bullion Depository, Accident/Injury/Illness Records, and Motor Vehicle Accident Data; Fort Knox, Kentucky, United States Bullion Depository, Accident/Injury/Illness Records, Motor Vehicle Accident Data, and Claims Against the Government; San Francisco, California, United States Old Mint, 88 Fifth Street, Accident/Injury/Illness Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Issuance, and Operators Licensing.

Categories of individuals covered by the system: Bureau of the Mint employees, former employees and visitors to Mint offices and facilities, reporting accidents and injuries occurring on Federal Government property or in areas immediately adjacent to Government property, for which potential liability exists due to local laws.

Categories of records in the system: (See Location).

Authority for maintenance of the system: 29 U.S.C. 668; E.O. 11807, 28 U.S.C. 2680 et seq.; 31 CFR Part 3, 31 U.S.C. 240-243; 31 CFR Part 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in these records is used for the following purposes: (a) Accident prevention, reduction and compilation of statistics. (b) Accident investigations. (c) Determination of Government liability under Federal Tort Claims Act. (d) Determination of Government liability under Military Personnel and Civilian Employees' Claims Act. (e) Determination of employee compensation benefits under Federal Employees' Compensation Act. (f) Health and medical treatment and care to employees and assuring industrial hygiene improvements. (g) Determining accountability for safety equipment. (2) Information in these records may be provided to appropriate agency officials and officials of the following other Federal agencies responsible for the administration of relevant programs or the evaluation, adjudication, litigation and settlement of claims by or against the Government: (a) Department of Labor, (b) Department of Justice, (c) General Accounting Office, (d) Civil Service Commission, (e) Social Security Administration, (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: by name.

Safeguards: Locked containers in Safety Health Office available to authorized personnel only.

Retention and disposal: Records are retained in accordance with General Records Control Schedules, and Bureau of the Mint Records Control Schedules; and are destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, Safety Officer; United States Mint, Independence Mall, Philadelphia, PA 19106, Safety Manager; United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, Safety Manager; United States Assay Office, 155 Hermann Street, San Francisco, California 94102, Safety Manager; United States Assay Office, 32 Old Slip Street, New York, New York 10005, Safety Manager; United States Bullion Depository, West Point, New York 10996, Safety Manager; United States Bullion Depository, Fort Knox, Kentucky 40121, Safety Manager; United States Old Mint, 88 Fifth Street, San Francisco, California 94103, Safety Manager.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Driver's license, (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Employees, supervisors, medical staff, general public, and visitors to the facilities of the Bureau of the Mint.

Treasury/Mint 00.009

System name: Employee- Supervisor Performance, Evaluation, Counseling and Time and Attendance Records—Treasury/Mint.

System location: San Francisco Old Mint, 88 Fifth Street, San Francisco, California. San Francisco Assay Office, 155 Hermann Street, San Francisco, California. Denver Mint, 320 West Colfax Avenue, Denvet, Colorado. Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, N.W. Philadelphia Mint, Independence Mall, Philadelphia, Pa. New York, N.Y., United States Assay Office, 32 Old Slip Street. Fort Knox, Kentucky, United States Bullion Depository. West Point, N.Y., United States Bullion Depository.

Categories of individuals covered by the system: Bureau of the Mint employees and former employees.

Categories of records in the system: Information necessary for managers and supervisors to effectively carry out supervisory responsibilities. Included are such records as: copies of personnel actions, performance appraisal including production and control, disciplinary actions, overtime reports, tardiness reports, work assignments, training reports, applications for employment, home addresses, leave reports, employee awards. (Supervisors maintain varying combinations of the above records. Some supervisors may maintain all or none of the above records depending upon the nature and size of the operation or organization and the number of individuals supervised.)

Authority for maintenance of the system: 5 U.S.C. 301 and FPM Supplement 990—1, Section 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Employee performance, evaluation, counseling and operational control. Categories of Users—Managers and supervisors throughout the Mint. Purpose of Use—To effectively carry out their personnel management responsibilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents maintained in folders.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of supervisors.

Retention and disposal: Retained as long as employee is under their supervision.

System manager(s) and address: Bureau of the Mint, Warner Building, 501 13th Street, N.W. 20220, Assistant Directors; United States Mint, Independence Mall, Philadelphia, Pa. 19106, Superintendent; United States Mint, 320 West Colfax Avenue, Denver, CO. 80204, Superintendent; United States Assay Office, 155 Hermann Street, San Francisco, CA. 94102, Officer-in-Charge; United States Assay Office, 32 Old Slip Street, New York, N.Y. 10005, Officer-in-Charge; United States Bullion Depository, Fort Knox, Kentucky 40121, Officer-in-Charge; United States Old Mint, 88 Fifth Street, San Francisco, CA. 94103, Officer-in-Charge; United States Bullion Depository, West Point, N.Y., Officer-in-Charge.

Notification procedure: Same as listed under system manager, Employee or former employee is required to show identification such as: I.D. card, driver's license.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Contest: See access above.

Record source categories: Employees; previous employers; and appropriate agency officials.

Treasury/Mint 00.017

System name: Equal Employment Opportunity (EEO) Complaint Counseling Records - Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501 - 13th Street, N.W.; Philadelphia, Pennsylvania, United States Mint, Independence Mall; Denver, Colorado, United States Mint, 320 West Colfax Avenue; San Francisco, California, United States Assay Office, 155 Hermann Street; New York, New York, United States Assay Office, 32 Old Slip Street; San Francisco, California, United States Old Mint, 88 Fifth Street; and Fort Knox, Kentucky, United States Bullion Depository.

Categories of individuals covered by the system: Employees and applicants for employment at the Bureau of the Mint.

Categories of records in the system: Allegations of Discrimination and all evidence collected during the counseling process.

Authority for maintenance of the system: Public Law 92-261; Executive Order 11478; 5 CFR Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use - Informal processing of employee complaints of discrimination. Categories of users - Agency officials who have a need for the records in the performance of their duties. Purpose of use - Informal resolution of complaints of discrimination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders of paper documents.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of Counselors and EEO Officer.

Retention and disposal: Indefinite.

System manager(s) and address: EEO Officer, Bureau of the Mint, Warner Building, 501 - 13th Street, N.W., Washington, D.C. 20220; EEO Officer, United States Mint, Independence Mall, Philadelphia, Pennsylvania 19106; EEO Officer, United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204; EEO Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005; EEO Officer, United States Assay Office, 155 Hermann Street, San Francisco, California 94102; EEO Officer, United States Old Mint, 88 Fifth Street, San Francisco, California 94103; EEO Officer, United States Bullion Depository, Fort Knox, Kentucky 40121.

Notification procedure: See System Manager for address to which inquiries may be addressed. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the Systems Manager.

Contesting record procedures: See access above.

Record source categories: Information is voluntarily obtained from employee(s), management, applicants and pertinent documents.

Treasury/Mint 00.010

System name: Examination reports of coins forwarded to Mint from U.S. Secret Service—Treasury/Mint.

System location: Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals from whom U.S. Secret Service has seized coins suspected to be counterfeit or fraudulently altered.

Categories of records in the system: Reports prepared for U.S. Secret Service regarding the examination of the questioned coin or coins by Mint.

Authority for maintenance of the system: 18 U.S.C. 331, 485, 486, 489, 490 and 491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, to determine whether a coin is counterfeit or altered and submit report to U.S. Secret Service or other Federal agency charged with law enforcement responsibilities. To give expert testimony as to the coins examined in a criminal or civil proceeding before a Federal or state court. (b) Categories of users, agency officials who have a need for the records in the performance of their duties. (c) Purpose of use, to preserve the integrity of the coinage system by detecting counterfeit or altered coins and to assist in the enforcement of Federal counterfeiting statutes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in locked metal file cabinets in area accessible only to authorized agency officials.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule.

System manager(s) and address: Assistant Director for Technology, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: Assistant Director for Technology, Bureau of the Mint, Warner Building, 501 13th Street, NW., Washington, D.C., 20220.

Record access procedures: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: United States Secret Service.

Systems exempted from certain provisions of the act: As authorized by 5 U.S.C. 552a (j) and (k), this system is exempt from the various provisions of the Privacy Act enumerated in 31 CFR 1.36.

Treasury/Mint 00.011

System name: General Correspondence—Treasury/Mint.

System location: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. United States Assay Office, 32 Old Slip, New York, NY. United States Old Mint, 88 Fifth Street, San Francisco, CA.

Categories of individuals covered by the system: Members of the public, Members of Congress, agency officials and other Federal agencies.

Categories of records in the system: Incoming correspondence and replies pertaining to the mission, function and operation of the Bureau of the Mint.

Authority for maintenance of the system: 31 U.S.C. 251, 253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, to maintain documentation of information supplied by the agency to the correspondent. (b) Categories of users, appropriate agency officials. (c) Purpose of use, to provide documentation and reference for future correspondence. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name of correspondent.

Safeguards: Maintained in limited access area available only to appropriate agency officials.

Retention and disposal: In accordance with the General Services Administration's General Records Control Schedule and the Bureau of the Mint Records Control Schedule. Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Chief, Information Systems Division, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220. Superintendent, United States Assay Office, 155 Hermann Street, San Francisco, California 94102. Officer-in-Charge, United States Old Mint, 88 Fifth Street, San Francisco, California 94103.

Notification procedure: See System Manager for addresses to which inquiries may be addressed and addresses at which the individual may present a request as to whether a system contains records pertaining to himself. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The general public, Members of Congress, agency and other Federal officials.

Treasury/Mint 00.016

System name: Grievances. Union/Agency Negotiated—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501-13th Street, N.W.

Philadelphia, PA, United States Mint, Independence Mall.
Denver, CO, United States Mint, 320 West Colfax Avenue.
San Francisco, CA, United States Assay Office, 155 Hermann Street.
New York, NY, U.S. Assay Office, 32 Old Slip Street.
San Francisco, CA, U.S. Old Mint, 88 Fifth Street.
Ft. Knox, KY, United States Bullion Depository.
West Point, NY, West Point Buillion Depository.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint.

Categories of records in the system: This system of records contains information or documents relating to employee grievances filed under provisions of negotiated grievance procedures, including decision of appropriate third parties where applicable.

Authority for maintenance of the system: Executive Orders 11491, 11616, 11636 and 11838; negotiated agreements between Mint and exclusively recognized labor unions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To process an employee grievance, including submission to an arbitrator and appeal to the Federal Labor Relations Council. (b) To refer a question of grievability or arbitrability to appropriate officials of the Department of Labor. (c) To provide information or disclose to the appropriate Federal agency in connection with civil litigation involving the Bureau of the Mint. (d) For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders or binders.

Retrievability: These records are filed by the names of the individuals on whom they are maintained or by the subject of the grievance.

Safeguards: Access to and use of these records are limited to those agency officials whose official duties require such access.

Retention and disposal: Retained in accordance with the Bureau of the Mint Records Control Schedules and destroyed in accordance with General Service Administration rules and regulations.

System manager(s) and address: For current and former employees:

Personnel Officer, Bureau of the Mint, Department of the Treasury, 15th & Pennsylvania Ave., NW., Washington, DC 20220.
Personnel Officer, U.S. Mint, Independence Mall, Philadelphia, PA 19106.
Personnel Officer, U.S. Mint, 320 Colfax Ave., Denver, CO 80204.
Personnel Officer, U.S. Assay Office, 155 Hermann Street, San Francisco, CA 94102.
Personnel Officer, U.S. Assay Office, 32 Old Slip Street, New York, NY 10005.
Personnel Officer, U.S. Old Mint, 88 Fifth Street, San Francisco, CA 94103.
Officer-in-Charge, U.S. Bullion Depository, Fort Knox, KY 40121.
Administrative Officer, West Point Bullion Depository, West Point, NY 10996.

Notification procedure: Individuals who have fled a grievance are aware of that fact and have been provided a copy of the record. They may, however, contact the Personnel Officer indicated above regarding the existence of such records pertaining to them. It is necessary to furnish information sufficient to verify the identity of the requester such as full name, date of birth, a brief description of the grievance and the approximate date of submission.

Record access procedures: Individuals who have filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of a grievance record is permitted during the prosecution of the grievance to whom the record pertains. However, after a grievance case has been closed, an individual may gain access to, or contest the official copy of the grievance record by writing the appropriate Personnel Officer indicated above. Individuals should provide their name; date of birth; a brief description of grievance and the approximate date of submission.

Contesting record procedures: See access above.

Record source categories: The sources of these records are indicated below. (a) Individual to whom the record pertains. (b) Agency officials. (c) Affidavits or statements from employee(s). (d) Testimonies of witnesses. (e) Official documents and correspondence relating to the grievance.

Treasury/Mint 00.012

System name: Investigatory Files on Theft of Mint Property—Treasury/Mint.

System location: Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Mint employees and members of public suspected of the theft of Government property.

Categories of records in the system: Name of individual; location of Mint facility; and theft item.

Authority for maintenance of the system: 18 U.S.C. 332, 641.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, to investigate suspected theft of Government property on Mint premises. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto. (b) Categories of users, agency officials who have a need for the record in the performance of their duties and other Federal officials charged with law enforcement responsibilities. (c) Purpose, to safeguard and account for Government property; assist in enforcement of applicable Federal criminal statutes; and attempt to recoup value of property stolen. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule and destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Bureau Security Officer, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, DC., 20220.

Contesting record procedures: See access above.

Record source categories: Bureau of the Mint and other law enforcement officials.

Systems exempted from certain provisions of the act: As authorized by 5 U.S.C. 552 a (j) and (k), this system is exempt from the various provisions of the Privacy Act enumerated in 31 CFR 1.36.

Treasury/Mint 00.013

System name: Numismatic Coin Operations System (NUCOS) Records; Customer Mailing List and Order Processing Records for Coin Sets, Medals and Numismatic Items—Treasury/Mint.

System location: San Francisco, California, Old Mint, 88 Fifth Street, San Francisco, CA 94175. (Records concerning undelivered orders are maintained at the San Francisco Assay Office, 155 Hermann Street.)

Categories of individuals covered by the system: Customers for numismatic items.

Categories of records in the system: Names, addresses, order history of customers purchasing numismatic items and of individuals who wish to receive notification of numismatic offerings by the Mint.

Authority for maintenance of the system: 31 U.S.C. 324g, 324h, 369, 391(d); P.L. 89—81, P.L. 92—228; 31 CFR Part 92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, generating order cards, acknowledgement cards, labels, and correspondence. (b) Categories of Users, appropriate agency officials. (c) Purposes of Use, to announce the availability of numismatic items produced by the Mint; process and acknowledge receipt of orders; process payments received from customers; mail and trace numismatic items ordered. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, discs, paper and cards.

Retrievability: Name, customer number or order number.

Safeguards: CRT, password protection; only designated persons may request computer generated reports. Access to any information pertaining to any individuals' name is limited to only those individuals requiring the information to accommodate handling of transactions with the customers. Separation of functions; source documents maintained in one division and programming systems in another.

Retention and disposal: In accordance with the General Services Administration's General Records Control Schedule and the Bureau of the Mint Records Control Schedule. Destroyed in accordance with General Services Administration regulations. Order cards are retained two weeks, reports three months; they are then shredded. Customer names and addresses are maintained as long as they are active.

System manager(s) and address: Officer in Charge, San Francisco Old Mint, 88 Fifth Street, San Francisco CA 94175.

Notification procedure: Bureau of the Mint, 55 Mint Street, San Francisco, CA 94175. Individuals should supply order number as provided on order card or copy of both sides of cancelled check; customer number which appears on pre-punched order cards or on face of check.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Members of the public; appropriate agency officials; and General Services Administration.

Treasury/Mint 00.014

System name: Purchases, Sales, Exchange and Assays of Precious Metals—Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: General public and Government agencies who had precious metal transactions with the Bureau of the Mint.

Categories of records in the system: Bar schedules, deposit tickets, reports on special assays, records of sales and purchases of precious metals.

Authority for maintenance of the system: 31 U.S.C. 327, 328, 335, 358, 360, 361, 362, 405a—1, 733 and 734. 31 CFR Parts 90 and 92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, to record and accomplish sale, purchase, exchange or assay of precious metals. (b) Categories of users, appropriate agency officials and appropriate officials of the General Services Administration. (c) Purpose of use, to determine and verify that proper payments are made or correct charges are assessed for services rendered and to accomplish sale and purchase of precious metals. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents and computer magnetic tapes.

Retrievability: Name or assay number.

Safeguards: Metal file cabinet with locks and secured area available to authorized personnel only.

Retention and disposal: Bureau of the Mint Records Control Schedule.

System manager(s) and address: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. Member of the general public or Government agency is required to produce proper identification to satisfy the System Manager.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Same as access above.

Record source categories: General public; agency officials; and other Federal agencies.

Treasury/Mint 00.015

System name: Redemption of Uncurrent or Mutilated Coins—Treasury/Mint.

System location: United States Assay Office, 32 Old Slip, New York, N.Y. 10005.

Categories of individuals covered by the system: General public; financial institutions; and other Government agencies.

Categories of records in the system: Records of names, addresses and reference numbers pertaining to those submitting mutilated or uncurrent coins for exchange.

Authority for maintenance of the system: 31 U.S.C. 317c; 31 CFR Part 100.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, issuance of payments in exchange of coins. (b) Categories of users, appropriate agency officials. (c) Purpose of use, to insure that payments are made to proper individuals, banks or Government agencies. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name or reference number.

Safeguards: Metal file cabinet with lock.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule and destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Budget and Accounting Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005.

Notification procedure: See System Manager. Individual is required to supply name and if available reference and/or settlement number.

Record access procedures: For information on procedure for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems Division, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: General public, financial institutions, and other Government agencies.

[Billing Code 4810-37]

Treasury/BPD 00.001

System name: Personnel and Administrative Records—Treasury/BPD.

System location: Bureau of the Public Debt: Washington, D.C.; Parkersburg, West Virginia; Ravenswood, West Virginia; Williamstown, West Virginia. Federal Records Center: St. Louis, Missouri.

Categories of individuals covered by the system: Past, present and prospective employees.

Categories of records in the system: All personnel records not mentioned in this system, but maintained at the Bureau, are considered to belong to the Office of Personnel Management and will be reported by that agency. (1) Personnel Folders (Temporary side): Contain the following types of records or information apart from official records, but which may duplicate or supplement official records: Pre-employment records and vouchering; orientation records; requests for personnel action; requests for training; performance evaluation records; letters of reference; debt correspondence; correspondence between employee and personnel office; disciplinary action papers; duplicate copies of personnel actions; payroll, leave and retirement benefits data; compensation forms and reports relating thereto; and tax check records, reduction-in-force data; requests for outside employment; merit promotion applications; and credit and employment verification. (2) Locator File: Contains the employee's office and home address and telephone numbers; emergency notification information and indication of permission or denial to disclose this information upon inquiry. (3) Applications for Employment File: Contains inquiries concerning employment, applicants' resumes and correspondence. (4) Upward Mobility Program Files: Contain but are not limited to, all pertinent information, such as applications, vouchering, correspondence, developmental plans and appraisal forms of candidates for said program. (5) Investigation Security Files: Contain background information and the results of investigations conducted by Internal Revenue Service, Secret Service, or other Federal agencies, on Bureau attorneys and certain other employees. (6) Awards Case Files: Contain reports and background data concerning awards for employees. (7) Informal Equal Employment Opportunity Complaint Files: contain records of informal EEO complaints and discussions thereon which have not reached the level of formal complaints. (8) Administrative Grievance Files: Contain informal or formal grievance complaints and background documentation. (9) General Correspondence Files: Contain inquiry and reply letters and documentation concerning general administrative, policy, transactional and personnel matters. (10) Union-related Files: Contain formal and informal, contractual and administrative grievance complaints and background documentation thereon; reports of union dues participation. (11) Merit Promotion Files: Contain records of competitive promotion actions, including but not limited to vacancy announcements, candidates considered, assessments of candidates, and disposition of applications. (12) Exit Interview Files: Contain records of employee's critique of Bureau, final interview, and supervisors' recommendations. (13) Suitability Files: Contain information documenting the suitability for employment of prospective and current employees, such as arrest records, National Agency checks and background information. (14) Budget Files: (a) Employee Travel Records File: Contains travel vouchers, authorization and receipts for travel which an employee performed in connection with official business and which is reimbursable by government funds. (b) Comprehensive Listing of Employee Master File: Contains salary, grade, leave, retirement, health-life insurance, tax, payroll deduction and other information. (c) Time and Attendance Records: Contain the daily posting of employee's leave and/or attendance. (15) Medical Records File: contains pre-appointment and fitness-for-duty medical reports and records. (16) Employee Relations files; containing, but not limited to, pertinent information on such matters as discipline, adverse actions, retirement, and compensation. (17) Confidential Financial Statements File: contains personal financial statements required by certain employees as defined in the Department's Minimum Standards of Conduct. (18) Classification Appeals File: contains statements and pertinent information relating to the adjudication of an appeal. (19) History of Employment File: contains service record cards.

Authority for maintenance of the system: Title 5 USC; Federal Personnel Manual; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the aforementioned records are routinely used to determine the suitability of an applicant for employment; to verify an employee's orientation processing; to supplement official personnel records for clarification of personnel actions; to authorize deductions of state and/or local or District of Columbia taxes from an employee's salary for payroll functions; to provide information for determining the eligibility and suitability of an employee for promotion or award; to appraise an employee's performance following hiring or promotion; to judge the necessity for disciplinary action and to make record of the same; to inform an employee of his present leave and retirement benefits status; to make record of all correspondence exchanged between an employee and the Division of Personnel for reference purposes; to locate an employee in an emergency situation if the employee's permission was granted; to issue building passes and make record thereof; to record work-related injuries and illnesses and to process compensation therefor; to perform security investigations and to provide security clearance for attorneys and certain other employees in order to protect security information; to furnish Internal Revenue Service, Secret Service, and other Federal agencies with information in the course of their investigations; to document grievances or complaints of discrimination for purposes of hearing and passing decision on a case; to furnish management with information necessary for the hearing and resolution of administrative grievances and grievances arising within the framework of the labor-management framework; to record, analyze and approve travel expenditures; to furnish data needed by the Division of Management and Support Services in the performance of its duties relating to the estimating and accounting for budget expenditures, maintaining records, providing payroll data to the Treasury Payroll/Personnel Information System, Old Mint Data Center Division, Bureau of the Mint, to the individual employee, and to supervisors who have need of such information in the performance of their duties; to maintain records of correspondence for reference and precedence purposes; to provide Federal income tax filing information on employees, GS

grade 12 and above, for the purpose of tax checks; to process and document merit promotion actions; to conduct turnover studies; and to maintain records of those employees who have requested voluntary withholding of union dues.

Routine users of records within the Department are the Personnel Management Branch, Financial Management Branch, and other components within the Division of Management and Support Services; the EEO Officers; Internal Revenue Service; Secret Service; and all other employees who have need of such information in the performance of their authorized duties.

Outside the Department of the Treasury, qualified information is routinely used to furnish other Federal Agencies with pre-employment information for hiring purposes; to verify debt complaints and employment data upon request by creditors; to respond to requests for information by Federal investigative agencies for the purpose of security or criminal investigation, and civil or criminal judicial proceedings; to provide data to the Office of Personnel Management, Merit System Protection Board and other Federal agencies upon authorized requests; to supply data necessary for employee compensation; to provide union representatives, arbitrators, and other third parties responsible for the administration of the federal labor-management relations program with information needed, in the performance of their authorized duties under a Bureau-union contract or E.O. 11491, as amended; to disclose to Members of Congress who inquire on behalf of constituents; to disclose to next-of-kin, voluntary guardian and other representative or successor in interest of a deceased or incapacitated employee or former employee.

Routine users outside the Department are other Federal Agency Personnel Offices; the Office of Personnel Management; U.S. Department of Labor, Office of Employees Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities and a Bureau-union contract or E.O. 11491, as amended, for the administration of the federal labor-management relations program as qualified in the routine use; creditors; Federal agencies; Members of Congress and next-of-kin; voluntary guardian and other representative or successor in interest.

For Additional Routine Uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Electronic media, paper and microfilm.

Retrievability: By name, and in some cases social security number.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of the Bureau who are subject to the Bureau's personnel screening procedures and the Treasury Department Code of Conduct. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records are maintained in accordance with GSA and OPM retention schedules. All records are destroyed by incineration, maceration or shredding. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: For Administrative records: Commissioner of the Public Debt, 15th and New York Avenue, N.W., Washington, D.C. 20226. For Personnel records: Manager, Personnel Management Branch, Bureau of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226.

Notification procedure: Address Administrative inquiries and initial requests for correction of records to: Privacy Act Request, Commissioner of the Public Debt, 15th and New York Avenue, N.W., Washington, D.C. 20226, (202) 376-0249. Address Personnel inquiries and initial requests for correction of records to: Privacy Act Request, Manager, Personnel Management Branch, Bureau of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226, (202) 447-1297; or Privacy Act Request, Personnel Officer, Savings Bond Operations Office, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 & 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) All requests for access to records should be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity in certain cases. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) Requests for records concerning a deceased or incapacitated individual should be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See notification and access.

Record source categories: Information on records in the system is furnished by the individuals, by creditors, by supervisors, medical personnel, other employees, or as the result of security investigations.

Treasury/BPD 00.002

System name: United States Savings-Type Securities—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C. 20226 and Parkersburg, West Virginia 26101, Ravenswood, West Virginia 26164, Williamstown, West Virginia 26187, Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington and St. Louis, Missouri; and at Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, D.C.; East Point, Georgia; Chicago, Illinois; Kansas City, Missouri; Fort Worth, Texas; Denver, Colorado; San Francisco, California; Bell, California and Seattle, Washington.

Categories of individuals covered by the system: Present and former owners or first-named coowners of, claimants to, persons entitled to, and inquirers concerning United States savings-type securities and interest thereon—including but not limited to United States Savings Bonds, Savings Notes, Retirement Plan Bonds, and Individual Retirement Bonds. In addition, second-named coowners of Series G savings bonds.

Categories of records in the system: (1) Issuance: Records relating to registration, registers of issuance of securities and records of correspondence in connection with issuance of savings-type securities. (2) Holdings: Records documenting ownership, status, payments by date and account numbers, including inscription information; interest activity; correspondence in connection with notice of change of name and address, non-receipt of interest and over- and under-payments of interest; numerical registers of ownership. Such records include information relating to savings-type securities held in safekeeping in conjunction with the Department's program to deliver such securities to the owners or persons entitled. (3) Transactions (redemptions, pay-

ments and reissues): Records which include securities transaction requests; interest activity; legal papers supporting transactions, applications for disposition or payment of securities and/or interest thereon of deceased or incapacitated owners; records of retired securities; check payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated savings-type securities, bonds of indemnity, legal documents supporting claims for relief and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning savings-type securities and/or interest thereon.

Authority for maintenance of the system: Second Liberty Bond Act, as amended (40 Stat. 288) and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. Users for these purposes are officials, authorized employees and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, records concerning holdings are routinely disclosed outside the Department as follows: (1) To the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities, and others entitled in connection with reissue, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished, when appropriate, pertaining to securities to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, to the Department of Justice and to other Federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities, interest thereon and transactions therein to the Department of Justice in connection with lawsuits to which the Department is a party; and to Trustees in Bankruptcy; users are Federal officials for the purpose of carrying out their duties. (4) Information is routinely disclosed to the Veterans Administration and selected veterans publications in connection with attempts to locate owners, or their next of kin or persons otherwise entitled to bonds undeliverable and being held in safekeeping by the Department. (5) Information regarding records of holdings of securities registered in coownership form is routinely disclosed to either coowner upon request. Information regarding records of holdings for securities registered in beneficiary form ("P.O.D.") is routinely disclosed to the beneficiary named thereon provided acceptable proof of death of the registered owner is submitted. (Note: If the request for disclosure is made by the second-named coowner, or by a beneficiary the name or social security number of the first-named person must be furnished, except in the case of Series G savings bonds.) (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are stored in their original form in file cabinets, as information in electronic media or on microfilm.

Retrievability: Information can be retrieved alphabetically by name, bond serial numbers, or, in some cases, numerically by social security number. In the case of securities, except Series G savings bonds, registered in more than one name, information relating thereto can only be retrieved by the name or in some cases social security number of the first-named coowner.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of either the Department who are subject to personnel screening procedures and the Treasury Department Code of Conduct, or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records of holdings are maintained permanently. Forms, documents and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interest of the U.S. Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration or maceration. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: Commissioner of the Public Debt, 15th St. and New York Ave., N.W. Washington, D.C. 20226.

Notification procedure: Address inquiries to: Privacy Act Request, Assistant Commissioner of the Public Debt, Savings Bond Operations Office, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551. Inquiries should include the full name, social security number, address and security serial number(s), if known.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 & 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) All requests for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning holdings of securities, the type of security involved (e.g., Series E savings bond, Series H savings bond, savings note, retirement plan bond, etc.) must be specified. Additionally, the request should, to the extent possible, specify the approximate date of issue, serial number(s) and exact form of registration, including social security number and address. Requests which do not furnish all or some of the above information will be complied with to the extent possible but may be subject to the requirement that additional identificatory evidence be furnished. (4) Requests for information concerning records of holdings of securities except Series G savings bonds registered in coownership form must be accompanied by the name and, wherever possible, social security number of the first-named coowner. Requests for information concerning securities registered in beneficiary form must also be accompanied by the name and social security number of the owner thereof and, if made by the beneficiary, must be accompanied by proof of death of the registered owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual should be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor, as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requestor's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See notification and access.

Record source categories: Information on records in this system is furnished by the individuals or their authorized representatives listed in "Categories of Individuals," by issuing agents for securities, or is generated within the system itself.

Treasury/BPD 00.003

System name: United States Securities (Other than Savings-Type Securities)—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C. 20226, Ravenswood, West Virginia 26164, Williamstown, West Virginia 26187, Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington and St. Louis, Missouri; and at Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, D.C.; East Point, Georgia; Chicago, Illinois; Kansas City, Missouri; Fort Worth, Texas; Denver, Colorado; San Francisco, California; Bell, California and Seattle, Washington.

Categories of individuals covered by the system: Present owners of, former owners of, subscribers to, claimants to, persons entitled to and inquirers concerning United States Treasury Securities (except savings-type securities) and interest thereon and such securities for which the Treasury acts as agent and interest thereon, including but not limited to Treasury Bonds, Notes and Bills, Adjusted Service Bonds, Armed Forces Leave Bonds, securities of the Federal Financing Bank, the Federal Housing Administration and the Farm Credit Administration.

Categories of records in the system: (1) Issuance: Records relating to tenders, bids, subscriptions, advices of shipment, requests (applications) for original issue and correspondence concerning erroneous issue and non-receipt of securities. (2) Holdings: Records of ownership and interest activity on registered or recorded United States securities (other than savings-type securities); change of name and address notices; correspondence concerning errors in registration or recordation, non-receipt of interest, over- and under-payments of interest; records of interest activity; records of unclaimed accounts; and letters concerning the New York State tax exemption for veterans of World War I. (3) Transactions (redemptions, payments, reissues, transfers and exchanges): Records which include securities transaction requests; legal papers supporting transactions; applications for transfer, disposition or payment of securities of deceased or incompetent owners; records of Federal estate tax transactions; file of certificates of ownership covering paid overdue bearer securities; records of erroneous redemption transactions; records of retired securities; and check payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated United States securities (other than savings-type securities) or securities for which the Treasury acts as agent and interest coupons thereon, bonds of indemnity, legal documents supporting claims for relief and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning United States Treasury securities (other than savings-type securities) or securities for which the Treasury acts as agent.

Authority for maintenance of the system: Second Liberty Bond Act, as amended (40 Stat. 288).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. Users for these purposes are officials, authorized employees and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, records concerning holdings are routinely disclosed outside the Department as follows: (1) To the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities and others entitled in connection with transfer, exchange, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished pertaining to securities reported as lost or stolen to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, Department of Justice and to other Federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities and transactions therein to the Department of Justice in connection with lawsuits to which the Bureau is a party; users are law enforcement officials for the purpose of administration of justice. (4) Information concerning holdings of Armed Forces Leave Bonds is routinely furnished to the Veterans Administration in connection with redemption or disposition of these securities. Users of the resultant information furnished by the Veterans Administration are officers and authorized employees of the Bureau, for the purpose of making proper disposition of these bonds. (5) Information regarding records of holdings of securities registered or recorded in the names of two or more owners is routinely disclosed to either owner upon his request. (Note: requests for disclosure by owners other than the first-named owner should include the name or social security number of the first-named owner.) (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are stored in their original paper form and as information in electronic media and on microfilm.

Retrievability: Information can be retrieved alphabetically by name or, in some cases, numerically by social security number. In the case of securities registered in more than one name, which matured prior to January 1, 1973, information relating thereto can only be retrieved by the name or social security number of the first-named owner.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of either the Department who are subject to personnel screening procedures and the Treasury Department Code of Conduct, or by Federal Reserve Banks and Branches as Fiscal Agents. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records of holdings are maintained permanently. Forms, documents and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the U.S. Government and the persons affected or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration or maceration. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: Commissioner of the Public Debt, 15th St. and New York Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Address inquiries and initial requests for correction of records to: Privacy Act Request, Assistant Commissioner of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226, (202) 964-7994. Inquiries should include the full name and social security number of the inquirer.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 and 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests and access to records: (1) All requests for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set

out in the applicable system of records description. (3) In the case of requests for information concerning records of holdings of securities, the type of security involved (e.g., Treasury Note, Armed Forces Leave Bond, Adjusted Service Bond, etc.) must be specified. Additionally, the request should, to the extent possible, specify: the loan and issue thereof, approximate date of issue, denomination, serial number and form of registration, including address. Requests which do not furnish some or all of the latter information will be complied with to the extent possible but may be subject to the requirement that additional identificatory evidence be furnished. (4) Requests for records of holdings of securities which matured prior to January 1, 1973 registered in the name of more than one person must include the name and, wherever possible, social security number of the first-named owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual must be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of Records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the record to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requestor's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See Notification and Access above.

Record source categories: Information contained in records in the system is furnished by individuals listed in "Categories of Individuals" or those specifically authorized by the individuals to act on their behalf; or is generated within the system itself.

[Billing Code 4810-40]

Treasury/FLETC 00.001

System name: FLETC Payroll System—Treasury/FLETC.

System location: FLETC, Office of Resource Management, Administration Building, Glynco, Georgia, 31524.

Categories of individuals covered by the system: Any person paid directly from FLETC Funds.

Categories of records in the system: All payroll records including Standard Forms 50 and 52, leave status, and training authorizations.

Authority for maintenance of the system: Treasury Order No. 217, dated July 1, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compilation of all required accounting, payroll functions and reports. GAO and Treasury audits. Related FLETC accounting and financial procedures. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files and microfiche.

Retrievability: Social Security Number.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: Retained and disposed in accordance with the GSA General Records Schedule. For more information contact: Records Retention Officer, FLETC, Building 94, Glynco, Georgia, 31524.

System manager(s) and address: FLETC, Office of Resource Management, Administration Building, Glynco, Georgia 31524.

Notification procedure: The individual must provide full name, date of birth, dates of employment with, or date of application of employment to the Center to: FLETC, Office of Resource Management, Administration Building, Glynco, Georgia 31524.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: Personnel documents and payroll documents computed by the Treasury Payroll Personnel Information System.

Treasury/FLETC 00.002

System name: FLETC Trainee Records and FLETC Instructor Records—Treasury/FLETC.

System location: Records stored in the computer and all health records are stored in FLETC Building 94, Glynco, Georgia, 31524. All other records are stored in FLETC Building 262, Glynco, Georgia, 31524.

Categories of individuals covered by the system: Any person who officially attends a formal FLETC training program and all instructors engaged in teaching the FLETC training programs.

Categories of records in the system: Trainee records: personal background information supplied by the trainee; grades and performance evaluation, student advisory form and relevant public health records. Instructor records: personal background information supplied by the instructor, and teaching qualifications. All records described in this system are other than records described and reported by the Civil Service Commission on behalf of all agencies.

Authority for maintenance of the system: 5 U.S.C. 301, 5 U.S.C. 4101-4118, Executive Order 11348, Treasury Order No. 217 (Revision 1) dated July 1, 1970 and Memorandum of Understanding for the Sponsorship and Operation of the Consolidated Federal Law Enforcement Training Center, dated September 30, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure upon request to the individual himself, the individual's parent agency, and to any other agency or organization at the request of the individual to the student locator, mailroom, registration office, training and research officials and other government employees on a need to know basis.

To the Civil Service Commission concerning pay, leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions. For additional routine uses, see Appendix AA, 40 FR 56419—56420, December 2, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc storage except for health records which are maintained on paper files, and student records which ae maintained on magnetic discs, paper files, and microfilm.

Retrievability: Name, class number, and social security number.

Safeguards: Access to these systems of records will be controlled by software and hardware procedures. Software will be used to ensure, in all technically feasible ways, that data cannot be made available to unauthorized persons. User—identifiers and passwords will be used where feasible to protect the data. Physical security will protect all terminals and magnetic disc files from access by unauthorized persons. Offices will be locked except when authorized persons are present.

Retention and disposal: Computer print-out records are destroyed within six months of production. All other records are retained and disposed in accordance with the GSA General Records Schedule. For more information contact: Records Retention Officer, FLETC Building 94, Glynco, Georgia 31524.

System manager(s) and address: Assistant Director (Resource Management) Office of Resource Management, Administration Building, FLETC, Glynco, Georgia 31524.

Notification procedure: The individual must provide full name, social security number, date of birth, parent agency, type of course and approximate dates of attendance to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request of the System Manager.

Record source categories: The trainee himself and members of the staff responsible for grading, rating or evaluating the trainee.

Instructors. The instructor himself and staff members responsible for upgrading the instructor's teaching qualifications.

Treasury/FLETC 00.003

System name: FLETC Confidential Financial Records—Treasury/FLETC.

System location: FLETC, Building 94, Glynco, Georgia 31524.

Categories of individuals covered by the system: Employees classified at GS-12 or above who are in positions identified as positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making a Government decision or in taking Government action on contracting or procurement. Specifically, All officials GS-15 and above;

Deputy Assistant Director, (Special Training Faculty)
Deputy Assistant Director (Resource Management)
Administrative Services Officer
Chief, Training Support Division
Procurement Officer
Supervisory General Engineer
Facility Management Specialist
Public Information Specialist
Financial Management Specialist
Executive Assistant
Special Assistant (ADPM)
Contract Specialist
Deputy Assistant Director (Program Research and Evaluation)
Deputy Assistant Director (Criminal Investigator Program)
Deputy Assistant Director (Police Program)
AIRS Program Manager
Deputy Assistant Director (Police Investigator Facility)
Deputy Assistant Director (Resource Management)

Categories of records in the system: All information required by or related to employment and financial interest of GS-12 and above employees.

Authority for maintenance of the system: Federal Personnel Manual Chapter 735 and Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide certification to the Civil Service Commission that Statements of Employment and Financial Interests are on file for each employee and special Government employees required to submit such statement under the regulations of the employing agency. Also, information for the agency head only to be disclosed upon his determination or that of the Chairman of the U.S. Civil Service Commission for good cause shown. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: Retained and updated annually and destroyed at the departure of employee from FLETC rolls.

System manager(s) and address: Director, FLETC, Administration Building, Glynco, Georgia 31524.

Notification procedure: The individual must provide full name, date of birth, dates of employment with the Center to: Director, FLETC, Administration Building, Glynco, Georgia 31524.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: The employee on whom the record is maintained.

Treasury/FLETC 00.004

System name: FLETC Employee Records—Treasury/FLETC.

Personnel records Schedule 1 Item 9 1 yr.
Health records GRS 1 21 6 yr.
Training records Schedule 1 25c 1 yr.
Vehicle records 11 4a 3 mo.
Equal Employment Opportunity records 1 20b 1 yr.
Locator records 11 4a 3 mo.
Identification records 11 4a 3 mo.
Equipment control records:
Property pass files 18 10 3 mo.
Lost, stolen, and found files 18 13b 1 yr.
Key files 18 14b 2 mo.

System location: For personel records: FLETC Buildings numbered 18, 28, 29, 31, 67, 68, 94, 200, 205, 210, 221, 252, 262 and 141. For health, training, vehicle, locator and identification records: FLETC Building 94. For Equal Employment Opportunity Records: FLETC Buildings numbered 94, 67, and 200. For Equipment Control records: Property pass files—FLETC Building 28; lost, stolen and found files—FLETC Building 94; Key files—FLETC Building 200. All buildings are located at Glynco, Georgia, 31524.

Categories of individuals covered by the system: Employees, Past Employees, Employee Prospects, Contract Personnel.

Categories of records in the system: Personnel, Health, Training, Vehicle Registration, Equal Employment Opportunity, locator Cards, Identification Records, and Equipment Control Rosters, consisting of records other than those described and reported by the Civil Service Commission on behalf of all agencies.

Authority for maintenance of the system: 5 U.S.C. 301, 5 U.S.C. 4101 et seq., Executive Order No. 11348, April 20, 1967, Treasury Order 217 (Revision 1), dated July 1, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel recruitment and management, management of health, unit, vehicle control, equipment control, equal employment opportunity program. Disclosure to the individual himself, Treasury Department employees on a need to know basis, and the individual's parent agency. Health records to the U.S. Department of Labor and the U.S. Department of Health, Education, and Welfare as required by regulation. To the Civil Service Commission concerning pay, leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions. For additional routines uses, see Appendix AA, 40 FR 56419-56420, December 2, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical security, personnel screening and security check lists are all used to prevent unauthorized disclosure of records.

Retention and disposal: Disposition as prescribed by the schedules attached to Treasury Directives Manual chapter TD 80, Section 05.B, 5-12-76, except for health records covered by the General Service Administration's General Records Schedule 1 (GRS 1):

System manager(s) and address: Assistant Director, (Resource Management) Building 94, FLETC, Glynco, Georgia 31524.

Notification procedure: The individual must provide full name, date of birth, and dates of employment with the Center to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request to the system manager.

Record source categories: The employee on whom the record is maintained, prior employers, and FLETC.

[Billing Code 4810-32]

Treasury/IRS 10.001

System name: Biographical Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: IRS Employees.

Categories of records in the system: Records are biographical data on key IRS employees.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file cabinets without locks.

Retrievability: By name.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1,

Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224, for national office file. See Appendix A for appropriate address for regional and district office or service center files.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed as in Notification Procedures.

Contesting record procedures: See Access.

Record source categories: Information is supplied by the IRS official on an IRS biographical data form.

Treasury/IRS 10.004

System name: Subject Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: In general, records are maintained on individuals whose names have been mentioned in the press in connection with their relationship with IRS.

Categories of records in the system: The records include correspondence, newspaper clippings, inter-office memoranda and similar documents.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

Retrievability: Alphabetical by subject.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224, for national office file. See Appendix A for appropriate address for regional and district office or service center files.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed as in Notification Procedures.

Contesting record procedures: See Access.

Record source categories: Records generally are clippings from newspapers, magazines, and similar sources, internal documents and memoranda.

Treasury/IRS 21.001

System name: Tax Administration Advisors Resources File, Tax Administration Advisory Services Division—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: Past and potential tax administration advisors who have served or indicated an interest in serving on advisory assignments, and selected officials engaged in tax administration and related fields.

Categories of records in the system: Locator cards and lists with names, addresses, telephone numbers, and organizational affiliations of officials engaged in tax administration and IRS employees and others who have been or have indicated an interest in tax advisory assignments; for employees serving or having served with TAAS, work assignment folders including passports; application folders of potential advisors, including information on experience of applicants; bio-data sketches on IRS and others engaged in tax administration and related fields.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintained for reference in obtaining and presenting information related to tax administration, and for administrative selection and processing of overseas and domestic assignments. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By individual name.

Safeguards: Access limited to authorized persons. File kept in locked file or locked room.

Retention and disposal: Disposed when no longer useful for official use.

System manager(s) and address: Director, Tax Administration Advisory Services Division, National Office (See IRS Appendix A).

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: From the individual, from the organization with which he is associated, or from other knowledgeable experts in the field of Tax Administration.

Treasury/IRS 22.003

System name: Annual Listing of Undelivered Refund Checks, TX:R —Treasury/IRS.

System location: Internal Revenue Service Centers and District Offices (see IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose refund checks have been returned as undeliverable since the last Annual Listing of Undelivered Refund Checks was produced.

Categories of records in the system: Taxpayer entity information (Name, Street Address, City, State, Zip Code and Taxpayer Identification Number) and records containing tax module information (Tax Period, Amount of Credit Balance and Control Document Locator Number).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Individuals entitled to undeliverable refund checks will be notified of such checks by publication of their names in the news media.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper document stored in files.

Retrievability: Information is retrievable by taxpayer's SSN or EIN.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding retention and disposal are as specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as subtantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.006

System name: Audit Underreporter Case File, TX:R Treasury/IRS.

System location: National Computer Center (NCC) Martinsburg, W. Va. (See IRS Appendix A.)

Categories of individuals covered by the system: Recipients of income who appear not to have declared on their income tax returns (Forms 1040 and 1040A) all income paid to them in the tax year under study.

Categories of records in the system: Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received, and information identifying the income payer.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less then provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for one year; then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.011

System name: File of Erroneous Refunds, TX:R Treasury/IRS.

System location: Internal Revenue Service Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers issued erroneous refunds.

Categories of records in the system: Case reference name, number, control number, date of erroneous refund, statute expiration date, status of case and location.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper document file.

Retrievability: Retrieved by SSN or EIN.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained four years then destroyed.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.012

System name: Collection Case File, TX:R Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, W. Va. (See IRS Appendix A.)

Categories of individuals covered by the system: Recipients of income who appear not to have filed income tax returns (Forms 1040 or 1040A) for the tax year in which that income was paid to them.

Categories of records in the system: Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received, and information identifying the income payer.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for up to one and a half years, then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.026

System name: FORM 1042S Index By Name of Recipient, TX:R/ Treasury-IRS.

System location: PHILADELPHIA SERVICE CENTER (See IRS Appendix A).

Categories of individuals covered by the system: Non-resident aliens and U.S. citizens living abroad whose taxes are covered by IR Chapter 3 Withholding.

Categories of records in the system: Records include taxpayer's name, address, tax data, country of residence and Employer Identification Number and name of withholding agent.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: By taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained at PSC 5 years, then at Federal Records Center 25 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.027

System name: Forms filed by U.S. Citizens or Residents relating to Foreign Companies, TX:R-Treasury/IRS.

System location: Philadelphia Internal Revenue Service Center and its servicing Federal Records Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms: 957—Foreign Personal Holding Company; 958—Foreign Personal Holding Company; 959—Return by an Officer, Director, or Shareholder—With Respect to the Organization or Reorganization of a Foreign Corporation and Acquisition of its Stock.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.032

System name: Individual Microfilm Retention Register, TX:R—Treasury/IRS.

System location: All IRS Service Centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are: (a) For Individual Master File (IMF) registers—Individuals who file, or may be required to file, individual tax returns such as Form 1040 or 1040A, and (b) For Residual Master File (RMF) registers—Individuals who file, or may be required to file, or are otherwise responsible for returns relating to airways, motor vehicles, wagering, beer, etc., coin operated amusement devices, gift taxes or estate taxes, including return forms such as, 4638, 709, 706, 2290, 11, 11B, 11C and 730.

Categories of records in the system: The categories of records maintained are abstracts of tax and/or entity modules that have been removed from the IMF or RMF. These abstract records indicate the taxpayer name, identification number, specific tax returns, document locater number, tax years, debit and credit amounts, balances, and other transactions which have been recorded relative to the module(s).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: IMF Reference Register (for IMF Register only), identification number, Tax Period, name, and type of tax (for RMF Register). Methods of retrievability are explained in the Research Operations Handbook.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.034

System name: Individual Returns Files, Adjustments and Miscellaneous Documents Files. TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers or return preparers who have had changes made to their accounts, or have had information posted to the Individual Master file or the Residual Master File, as a result of filing returns, applications, or other documents, or as a result of actions initiated by the Service.

Categories of records in the system: A variety of records reflecting tax matters which have served as input documents or supporting documentation for entries on the Individual Master File or the Residual Master File, including tax return forms, declarations, applications, case records, processing documents, vouchers, computer notices, posting and correction forms, and similar records.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers. The Document Locator Numbers can be determined by reference to the Individual Master File or Residual Master File entries for the individual to whom they relate.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.036

System name: Interest Equalization Tax Forms File, TX:R—Treasury/IRS.

System location: Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who filed Forms: 3949—Notice of Acquisition of Original or New Japanese Debt Obligation, 4410—Interest Equalization Tax—Quarterly Return of Tax Withheld by Participating Firm, 4363—Notice of Acquisition of Stock Pursuant to Conversion of an Original or New Japanese Debt Obligation, 4322—Validation Certificate of Prior American Ownership and Interest Equalization Tax Compliance, 3845—Interest Equalization Tax—Broker's Quarterly Information Return, 3779—Notice of Acquisition of Original or New Canadian Stock or Debt Obligation.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.043

System name: Potential Refund Litigation Case Files, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayer who have indicated to the Service that they may file suit against the service for a refund.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This is a paper document file.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper document in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.044

System name: P.O.W.—M.I.A. Reference File, TX:R—Treasury/IRS.

System location: Austin Service Center and each district office. (See IRS Appendix A).

Categories of individuals covered by the system: P.O.W./M.I.A.—originated from Department of Defense lists.

Categories of records in the system: Lists of P.O.W./M.I.A., Regulations, Rulings, and Instructions as to how to handle specific tax questions relating to their special tax status, copies of individual tax returns, claims, and other documents germane to specific cases.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file folders.

Retrievability: Cases filed alphabetically by last name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All cases have been retained and no current provisions have been established for disposal.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Director, Internal Revenue Austin Service Center and District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedure for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.054

System name: Subsidiary Accounting Files, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and Dsitrict Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: The categories of individuals on whom records are maintained are taxpayers affected by one or more of the transactions reflected in the categories of records listed below.

Categories of records in the system: The types of records maintained in the system are documents containing entity information (name, address, taxpayer identification number or employer identification number and other information necessary to identify the taxpayer) and accounting information relevant to one of the following categories: funds held pending, disposition and not applied to the taxpayer's liability at present, properties, tangible or intangible, now in the custody of the Interal Revenue Service, counterfeit money, misappropriations or robbery of Internal Revenue Service funds, credits which cannot be applied to a specific taxpayer account at this time, accounts transferred to other Service Centers or agencies, substantiation for the receipt of funds collected by the Service for other agencies, abatements or assessments of tax on individuals, deposits received from taxpayers, refunds to taxpayers, taxpayer accounts written off by the Service as uncollectible, credits allowed taxpayers requiring special consideration due to processing constraints, litigation, seized and acquired property and Offers-in-Compromise.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Subsidiary Accounting Files consist of paper documents stored in files.

Retrievability: Records are retrievable by Social Security No. and by name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Records are retired to the Records Center and are retrieved by request from authorized individuals where account substantiation is necessary. Policies regarding disposal are as specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are no subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account. Some Justice Department investigations are an additional source for the information contained in litigation case files.

Treasury/IRS 22.058

System name: Tentative Carryback Allowance File; TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers who have filed for a tentative carryback adjustment.

Categories of records in the system; records of tentative carryback adjustment Form 6902, including taxpayer name, address, and identifying number, tax years involved, amounts of tax decrease, and date Notice of Disallowance (if any) mailed.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files

Retrievability: Taxpayer name and/or identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedure for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.059

System name: Unidentified Remittance File, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers. See IRS Appendix A for locations.

Categories of individuals covered by the system: Remittances which have been received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

Categories of records in the system: Each record contains a fourteen digit unidentified remittance (UR) control number, the amount, received date, and all known identifying data. In addition, the URF contains a record of all doubtfully applied Estimated Tax (ES) credits. The ES record contains the taxpayer's name, address, type of payment, taxpayer identification number, tax period, received date, money amount, and the transaction document locator number (DLN).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is used only to report Revenue Receipts Breakout and total amount shown on General Ledger to U.S. Treasury. The file is an internal file and contains a record of each remittance which is received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk Storage

Retrievability: Remittance amount, Unidentified Remittance Control Number, taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: 180 days after the amount is reduced to zero balance.

System manager(s) and address: Offical prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries, should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Remittances received from taxpayers that cannot be positively identified either as to the taxpayer who sent it or the type of tax to which it is to be applied.

Treasury/IRS 22.060

System name: Unit Ledger Cards, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and Records Center.

Categories of individuals covered by the system: Records are maintained on taxpayers having accounts with the Internal Revenue Service which are not compatible with normal master file processes, e.g.: penalties, transferee assessments, termination assessments, excise protest accounts, RMF overflow accounts, culpable and non-petitioning spouses, Forms 1042, 1040-NR, 926, 5330, 4720, 990-AR (Penalty) and any pre-ADP returns.

Categories of records in the system: The categories of records maintained are taxpayer entity records (name, address, taxpayer identification number or employer identification number and other indicators relevant to entity maintenance) and records containing tax module information (the tax return, the tax period, the balance due or credit balance, and transactions which have been recorded relative to the module).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The unit ledger cards are a card file.

Retrievability: Information is retrievable by Taxpayer Identification Number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Disposition is prescribed by the appropriate Records Control Schedule.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.061

System name: Wage and Information Returns Processing (IRP) File; TX:R—Treasury/IRS.

System location: National Computer Center, Martinsburg, W. Va.

Categories of individuals covered by the system: recipients of various types on income: wages; dividends; interest; rents and royalties; medical payments; capital gains distributions; non-taxable distributions; pensions and annuities; patronage dividends, distributions, and allocations; fishing crew distributions and prizes, gambling winnings and miscellaneous income.

Categories of records in the system: Records maintained are records representing certain wage and information returns: Forms W-2, W-2P, the 1087 and 1099 series; and records of agricultural subsidy payments. Information included on each record identifies the recipient of the income (name, address, taxpayer identifying number, and other indicators relating to payee identification), identifies the income payer (very similar information), and identifies the type(s) and amount(s) of income.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape in social security number sequence.

Retrievability: By taxpayer social security number and name control.

Safeguards: Safeguards will not be less than provided by the Physical Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Until tax year 1974, only until processed; after tax year 1974, four years; then magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX), national office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 24.013

System name: Combined Account Number File, Data Services: Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals and businesses having specific, current business with IRS.

Categories of records in the system: Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance; no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: Social security number or employer identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks (ADP Handbooks). The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.014

System name: Discriminant Function File (DIF), Data Services: Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals whose Forms 1040 and 1040A have a DIF Score higher than a cutoff score determined by Audit Division, indicating high audit potential. The DIF Score is the computation of Audit potential, based on formulae prescribed by Audit.

Categories of records in the system: Document Locator Number of the return, the Regional and District Offices of the taxpayer, the taxpayer's DIF Score and data from the individual's Income Tax Return needed to conduct an audit of his return.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: By magnetic tape and computer printout.

Retrievability: By individual's Social Security Number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for three years. Disposed of thereafter.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purpose of determining, if the system contains a record pertaining to a particular individual.

Record access procedures: This System of records may not be accessed for the purpose of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 24.017

System name: Employee Inquiry Look-Up for TDA Inquiries, Data Services:—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individual taxpayers who have paid Federal Insurance Contributions Act (FICA), wages to the Social Security Administration (SSA) through the 3rd quarter of the year and those taxpayers who file Federal Individual Income Tax returns Form 1040 and 1040A through the Individual Master File (IMF) Delinquency and Underreporting Program (WAID).

Categories of records in the system: Taxpayer's name, taxpayer's address, taxpayer's identification number, taxpayer's wages, taxpayer's marital status, taxpayer's employer/s name/s, employer's address, employer's identification number, tax period and other indicators relating to the program operation.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Tape search by taxpayer name or identity number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The file is maintained approximately for six months and then destroyed and recreated as updated information is received from SSA or WAID.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.029

System name: Individual Account Number File (IANF), Data Services: Treasury/IRS.

System location: Internal Revenue Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Individuals having specific, current business with IRS.

Categories of records in the system: Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance, no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: Social security number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks (ADP Handbooks). The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks.

System manager(s) and address: Officials prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.030

System name: Individual Master File (IMF); Data Services—Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, West Virginia.

Categories of individuals covered by the system: Taxpayers who file Federal Individual Income Tax Returns (i.e. Forms 1040, 1040A).

Categories of records in the system: Taxpayer entity records (name, address, identification number (SSN) and other indicators pertaining to entity maintenance, including Zip Code), and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year. Recorded here are tax transactions such as tax amount, additions, abatements of tax payments, interest and like type transactions recorded relative to each tax module and a code identifying Taxpayers who threatened or assaulted IRS employees.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: By identification number and alphabet.

Storage: Magnetic Tape.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service. The code identifying taxpayers who threatened or assaulted IRS employees will be removed after five years of initial input.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.(See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.046

System name: Data Services—Treasury/IRS Business Master File (BMF).

System location: National Computer Center (NCC) Martinsburg, West Virginia

Categories of individuals covered by the system: Persons in a sole proprietary role who file Excise Tax Returns (Form 11, 11 Band 720), Wagering Returns (Form 11C and 730), Highway Use Returns (Form 2290), and Airways Use Returns (Form 4638) and Estate and Gift Taxes (Form 706, 706NA and 709). The latter can be individuals not in a sole proprietorship role.

Categories of records in the system: Taxpayer entity records (name, address, identification name (TIN) which may be either EIN or SSN, and other indicators pertaining to entity maintenance, including Zip Code), and tax modules which are all the records relative to specific tax returns for each applicable tax period. Recorded are tax transactions such as tax amount, statements/additions to tax, payments, interest and like type transactions relative to each tax module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: By name, type of tax, and identifying number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner Data Services. Officials maintaining the system, Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with Instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with Instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the Individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.057

System name: Taxpayer Delinquent Investigation Notice File; Data Services: Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individual and business taxpayers relating to taxpayer delinquency investigations and the generation of delinquency notices.

Categories of records in the system: Delinquency investigation information on business and individual taxpayers.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Tape search by identity number or name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Dependent upon the activity to each taxpayer record.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See IRS Appendix A.)

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.001

System name: Acquired Property Records, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Delinquent taxpayers whose property has been acquired by purchase by government or right of redemption.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, revenue officer reports.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are stored in locked facility when not in use.

Retrievability: Retrievable by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: As specified in Records Disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains data for government accounting purposes from Service sources.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.006

System name: Form 2209, Courtesy Investigations, CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom a delinquent account or delinquency or other investigation is or was located in one IRS district office, but the individual is now living or has assets located in the jurisdiction of another IRS district office.

Categories of records in the system: Contains taxpayer name, current and former addresses, taxpayer identifying number, if known. Contains the information, including class of tax, if applicable, or information concerning the action desired to be taken, and chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors, Service Center Directors and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.007

System name: Form 2990—Miscellaneous Investigations, CP:C—Treasury/IRS.

System location: District Offices and Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom an investigation has been initiated for purposes of securing information necessary for Federal Tax Administration purposes.

Categories of records in the system: Name and address of party that was contacted, taxpayer identification number, if known, chronological investigative history and/or information secured. The following types of investigations are included in this system. Form SSA-7010 cases—Notice of Determination of FICA Wages—Issued when SSA obtains evidence that wages paid to claimant have not been recorded on his earnings record. Requests for data needed in proof of claim cases. Applications for discharge of property from tax lien. Service of tax court subpoenas. Complaints of employers failing to provide withholding statements. Recovery of unnecessable erroneous refunds. Form SSA-1273 cases—Request for Preferential Investigation. This is a request for preferential treatment (over other SSA cases) on an earnings discrepancy case. Secure application for exemption from self-employment tax. Offers in Compromise and related activities; i.e., follow-up on defaulted installments, secure payment on collateral agreements, etc. Maximize compliance with withholding requirements on aliens' earnings. Other miscellaneous uses.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook. IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors, Service Center Directors and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.008

System name: IRS and Treasury Employee Delinquency, CP:C—Treasury/IRS.

System location: National Office, Regional Offices, District Offices and Service Centers, National Computer Center and Data Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS and Treasury employees who are shown on the Master File as delinquent in meeting Federal tax requirements.

Categories of records in the system: Taxpayer name, social security number, address, fact of IRS or Treasury employment code, District location code.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—Assistant Commissioner (Compliance), Regional Commissioners, District Directors of Internal Revenue and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.009

System name: Lien Files (Open and Closed), CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax liens have been filed.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment including class of tax, period, dollar amount. Open and closed Federal tax liens including: Certificates of Discharge of Property from Federal Tax Lien; Certificates of Subordination; Certificates of Non-Attachment; Exercise of Government's Right of Redemption of Seized Property; Releases of Government's Right of Redemption. Federal tax lien information entered in Treasury Enforcement Communications System.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802, 26 U.S.C. 6323.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable), notices of lien and the index thereto are available to the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape and Microfiche.

Retrievability: By taxpayer name and lien sequence number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Official maintaining the system—District Directors, Service Center and Data Center Directors and Director of International Operations. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

Record access procedures: This system contains copies of public records, the originals of which are filed in accordance with the laws of each State, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States. See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Taxpayers' Federal Tax Returns.

Treasury/IRS 26.010

System name: Lists of Prospective Bidders at Internal Revenue Sales of Seized Property—CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who have requested that they be notified of Internal Revenue sales of seized property.

Categories of records in the system: Name and address and phone number (if provided).

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records. File cabinets.

Retrievability: By name of prospective bidder.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors of Internal Revenue determine if need for this system exists. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the District Director of Internal Revenue Service servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire inaccordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of Internal Revenue Service servicing the area in which the individual resides.

Contesting record procedures: See Access above.

Record source categories: Supplied voluntarily by the subject prospective bidder.

Treasury/IRS 26.011

System name: Litigation Case Files, CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax assessments have been made but against whom litigation has been initiated or is being considered by the government or who have instituted suits against the government.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, and dollar amount. This file includes: Suit to Reduce Tax Claim to Judgement; Suit for Failure to Honor a Levy; Suit to Enforce Federal Tax Lien; Suit Against Transferee; Suit to Set Aside Fraudulent Transfer; Suit to Recover Erroneous Refund; other suits include those which the United States may intervene to assert a Federal tax lien; a proceeding to require opening of a safe deposit box, etc. The following suits against the United States are also included in this file: Quiet Title Suit; Foreclosure of Mortgage or other Lien; Partition; Condemnation; Interpleader; Refund Suits Involving 100-Percent Penalty Assessments; Injunction Suits Under Freedom of Information Act. Also included in Litigation Files are: Individuals against whom bankruptcy proceedings are pending; decedent estates in probate with outstanding Federal tax liabilities; individuals executing Assignments for the Benefit of Creditors; individuals in Receivership Proceedings; individuals conducting a bulk sale; summons referrals; subpoena files; advisory opinions; revenue officer reports; and various other legal instruments and correspondence. Disclosure may be made during judicial processes.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.012

System name: Offer in Compromise (OIC) File, CP:C—Treasury/IRS.

System location: District Offices, Service Center, Regional Offices, and National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who have submitted an offer to compromise a liability imposed by the Internal Revenue Code.

Categories of records in the system: Form 2515, used to control offer cases, contains space for entering taxpayer name, address, taxpayer identification number, and all other pertinent information for identifying and assigning the OIC investigation. The file contains all records, documents, reports and work papers relating to the assignment, investigation, review and adjudication of the offer. This includes such items as the original offer, results of property records checks, interviews with third parties and the taxpayer, collateral income agreements, financial statements, tax return copies, and other information submitted by the taxpayer.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and to the extent necessary to permit public inspection of any accepted offer-in-compromise as required by 26 U.S.C. 6103(K)(1).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices Assistant Commissioner (Compliance), Officials maintaining the system Regional Commissioners, Service Center Directors, District Directors and Director, Data Center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported. If an offer is accepted, an Abstract and Statement which identifies the taxpayer, the liability, the amount compromised and the basic circumstances of the case is made available for public inspection in accordance with EO 10386 and EO 10906.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.013

System name: One Hundred Percent Penalty Cases, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals against whom Federal tax assessments have been made or are being considered as a result of their being deemed responsible for payment of unpaid corporation withholding taxes and social security contributions.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figures, waiver extending the period for asserting the 100-percent penalty (if any) and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By individual or corporation name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices Assistant Commissioner (Compliance), Officials maintaining the system District Directors, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for content of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.014

System name: Record 21, Record of Seizure and Sale of Real Property. CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Individuals against whom tax assessments have been made and whose real property was seized and sold to satisfy their tax liability. Also name and address of purchaser.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, property description.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of this System of Records evidences chain of title to real property and is a matter of public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices Assistant Commissioner (Compliance), Officials maintaining the system—District Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may address inquiries to or appear in person at the Office of District Director for each District whose records are to be searched.

Contesting record procedures: See Access above.

Record source categories: This System of Records evidences chain of title to real property and is a matter of public record. (See Category of Record above).

Treasury/IRS 26.016

System name: Returns Compliance Programs (RCP) CP:C—Treasury/IRS.

System location: District Offices and Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who may be delinquent in filing or paying Federal taxes.

Categories of records in the system: Records consist of name, address, taxpayer identification number (if known) and information concerning the potential tax liability. Returns Compliance Programs involve any type of Federal tax administered by the Collection Division and are conducted in accordance with Section 7601 of the Internal Revenue Code. RCP programs can be initiated by the National Office, Regional Offices, or by individual districts. Disclosure may be made during judicial processes.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices Assistant Commissioner (Compliance), Officials maintaining the system District Directors, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.019

System name: TDA (Taxpayer Delinquent Accounts) including subsystems: (a) Adjustment and Payment Tracers Files, (b) Collateral Files, (c) Seized Property Records, and (d) Tax Collection Waiver, Forms 900, Files, CP:C—Treasury/IRS.

System location: District Offices and Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax assessments have been made.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, chronological investigative history, cancelled checks, amended returns, claims, collateral submitted to stay collection, copies of notices of Federal tax liens, revenue officer reports, waivers to extend statutory period for collection, etc. This system includes Installment Agreement Files; Delinquent Account Inventory Profile (DAIP); Currently Not Collectible Register; Currently Not Collectible Register (over

25,000); Advance Dated Remittance Check Files; Currently Not Collectable Accounts Files; File of taxpayer names entered in the Treasury Enforcement Communications System and a code identifying taxpayers that threatened or assaulted IRS employees.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disc and paper records, and magnetic tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (Compliance), Officials maintaining the system, District Directors, Director International Operations, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.020

System name: TDI (Taxpayer Delinquency Investigation) Files, CP:C—Treasury/IRS.

System location: District Offices and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers believed to be delinquent in filing Federal tax returns.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information from previously filed returns, information about the potential delinquent return(s), including class of tax, chronological investigative history; Delinquency Investigation Inventory Profile (DIIP) and a code identifying taxpayers that threatened or assaulted IRS employees.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records and magnetic tape.

Retrievability: by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (Compliance), Officials maintaining the system, District Directors, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.021

System name: Transferee Files, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Includes taxpayers on whom tax assessments have been made but who have allegedly transferred their assets in order to place them beyond the reach of the government.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts. Also the name, address, taxpayer identification number and related information about transferee.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Record, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (Compliance). Officials maintaining the system, District Directors, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.022

System name: Delinquency Prevention Programs, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers having a history of Federal tax delinquency.

Categories of records in the system: Taxpayer name, taxpayer identification number, address, filing requirements, chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records and Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors, Service and Data Center Directors. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 30.003

System name: Requests for Printed Tax Materials Including Lists, — Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Files include those individuals and/or businesses that request various IRS printed materials such as Package X, TIRs, reproduction proofs, etc.

Categories of records in the system: Letter or order blank submitted by the individual and/or business and any related correspondence. A cross reference index may also be developed to identify and control requests.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in the system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—magnetic tapes, paper records or mailing plates. Retrievability—alphabetically or numerically. Safeguards—not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal in accordance with IRM 1(15)59-301, GRS 13, Records Disposition Handbook.

System manager(s) and address: Chief, Publishing Services Branch National Office, and Chief, Resource Management in Regional Offices, District Offices and Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Record source categories: The information is supplied by the individual and/or company making the request. The Service adds data pertaining to the fulfillment of the request.

Treasury/IRS 30.004

System name: Security Violations,—Treasury/IRS.

System location: National Office, Regional Offices, Service Centers, and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Violators of IRS Security Regulations.

Categories of records in the system: Name of violator, circumstances of violation (date, time, actions of violator, etc), supervisory action taken.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folder (notices of violation); 3 x 5 inch card file. Retrievability—3 x 5 inch card file—name; lateral file cabinets, access by security officer and staff only. Retention and disposal—as specified in the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Security Offices, National Office, Regional Office District Offices and Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Chief, Protective Programs Staff, National Office, or Chief, Security Standards and Evaluation Branch, Regional Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System manager as noted.

Record source categories: Contract Guard Force and Security Inspections.

Treasury/IRS 32.001

System name: Travel Expense Record, Treasury/IRS.

System location: National Office, Regional Offices and District Offices. See IRS Appendix A for Locations.

Categories of individuals covered by the system: All IRS employees who have incurred travel or moving expenses in conjunction with official business.

Categories of records in the system: Records consist of travel advances, personal travel vouchers, household move vouchers, Forms W-2, schedule of disbursements, GAO decisions/rulings, Transportation Requests, Overdue Notices, Certification of Deposits, Government Bills of Lading & Form 2221, (Schedule of Collections). Records are for the purpose of maintaining accurate financial accounting of travel and moving expenses of employees.

Authority for maintenance of the system: GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 2, Chapter 2, Sections 5 & 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—locked files. Retrievability—indexed in alphabetical order or assigned numerical sequence. Safeguards—access is restricted to designated Fiscal Management employees, to individuals concerned on a need-to-know basis, and to administrative offices through the authority of the Travel Management Supervisor. As required, IRS Internal Audit and Security has access to the files. Retention and Disposal—retired after 3 years to Federal Records Center; disposed in accordance with Records Retention Handbook.

System manager(s) and address: Chief, IRS National Office, Financial Operations Branch, or Chief, Fiscal Section, IRS Regional Office. See IRS Appendix A for Locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1,

Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

Contesting record procedures: See Access above.

Record source categories: Information supplied by employees and by GAO as required.

Treasury/IRS 32.003

System name: Schedules of Collections and Schedules of Canceled Checks,—Treasury/IRS.

System location: National Office and Regional Offices. See IRS Appendix A for Locations.

Categories of individuals covered by the system: Employees of Internal Revenue Service.

Categories of records in the system: Checks received from employees in connection with jury duty and overpayments. System maintained to place all collections under security control promptly upon receipt and to record amount of deposit to general ledger control accounts.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records maintained in locked file cabinet. Retrievability—indexed by name. Safeguards—access controls are not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—records are maintained until transferred to the Federal Records Center to be retained in accordance with the Records Retention Manual.

System manager(s) and address: Chief, National Office Financial Operations Branch, or Chief, Accounting Section, Regional Offices. See IRS Appendix A for Locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Employees, District Directors, Regional Commissioners.

Treasury/IRS 32.004

System name: Scholarship Program Cost Record,—Treasury/IRS.

System location: Regional Offices (See IRS Appendix A).

Categories of individuals covered by the system: Employees in the IRS Scholarship Program.

Categories of records in the system: Actual and estimated expenditure per student for purposes of monitoring and controling costs.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—in file cabinet. Retrievability—indexed by District (within District, individual recipients indexed by name). Safeguards—employees in the Budget and Reports Section have access to records. Retention and disposal—records maintained for 2 years and then disposed.

System manager(s) and address: Chief, Budget and Reports Section, Fiscal Management Branch, IRS Regional Offices. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Information provided by employees concerned.

Treasury/IRS 34.009

System name: Safety Program Files System—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees and others involved in an IRS motor vehicle accident, an accident or injury on IRS property, or a tort or personal property claim against the service. All individuals issued an IRS drivers license are covered by this system.

Categories of records in the system: Individual driving records and license applications, motor vehicle accident reports, lost time and no-lost time personal injury reports, tort and personal property claims case files, informal and formal investigative report files.

Authority for maintenance of the system: 5 USC 301, Executive Order 12196

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice and to the Department of Labor in connection with investigations of accidents occurring in the work place. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders with corresponding card indexes.

Retrievability: Indexed alphabetically by name.

Safeguards: Access to information is restricted to official use of IRS employees and not less than that required by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: In accordance with The Records Disposition Handbook, IRM (15)59-301, GRS 1, 10, 18, 114 and 212.

System manager(s) and address: For National Office—Safety Management Officer, Space and Property Branch, Facilities Management Division, Regional and District Offices—Chief, Facilities Management Branch, appropriate Regional or District office. (See IRS Appendix A).

Notification procedure: Same as System Manager above. Name must be provided to ascertain whether or not the system has a record pertaining to the individual.

Record access procedures: Individuals seeking to determine if the system of records contains information pertaining to themselves may inquire in accordance with instructions appearing in 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

Contesting record procedures: Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing in 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager for each office whose records are to be accessed or contested.

Record source categories: Information originates from IRS employees, private individuals and private parties.

Treasury/IRS 34.012

System name: Emergency Preparedness Cadre Assignments and Alerting Rosters Files System—Treasury/IRS.

System location: National Office, Regional Offices, and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Key IRS, Treasury and FPA personnel.

Categories of records in the system: Cadre assignments—personal information on employees, i.e., name, address, phone number, family data, security clearance, relocation assignment, etc. Alerting rosters—current listing of individuals by name and title stating their work and home address and phone numbers.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—individual forms and correspondence kept in file folders. Retrievability—cadre assignments are filed by relocation site and alerting rosters by title of list. Safeguards—records are kept in a secured office. Retention and disposal—In accordance with IRM 1(15)59-301, GRS 18,Records Disposition Handbook.

System manager(s) and address: For National Office—Chief, Physical and Personnel Security Branch, Security Standards and Evaluation Division. For Regional Offices and Service Centers Security officers. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Provided by individuals themselves.

Treasury/IRS 34.003

System name: Assignment and Accountability of Personal Property Files. Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: All individuals receiving Government property for temporary use and repair.

Categories of records in the system: Descriptions of property, receipts, reasons for removal, and property passes.

Authority for maintenance of the system: 5 USC 301 and FPMR (41 CFR) 101-19.108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution of civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Information is stored on various forms and ledgers maintained in locked filing cabinets.Retrievability—indexed alphabetically by name. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—In accordance with the Records Disposition Handbook IRM 1(15)59-301, General Records Schedule 18, Security and Protective Services Records.

System manager(s) and address: Chief, Space and Property Branch, National Office; Chief, National Office Facilities Management Branch; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Individuals who receive property or request property passes.

Treasury/IRS 34.013

System name: Identification Media Files System for Employees and Others Issued IRS ID—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees having one or more items of identification and federal and non-federal personnel working in or visiting IRS facilities.

Categories of records in the system: Records contain individual's name, home address, and other personal information and reports on loss, theft, or destruction of pocket commissions, enforcement badges and other forms of identification.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—correspondence file folders; 3 x 5 inch card files computer memory. Retrievability—Indexed separately by name and Identification Media serial number. Access controls—access to the records is restricted to official use of Internal Revenue. The files are stored in locked security containers in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—in accordance with IRM 1(15)59-301 GRS 10, Records Disposition Handbook

System manager(s) and address: Chief, Physical Security Section, Physical and Personnel Security Branch, Security Standards and Evaluation Division, National Office; Chief, Security Standards and Evaluation Branch Each Region, Service Center and District; and Chief, National Office Protective Programs Staff.

Notification procedure: Individual's name, SSN, address and type of ID media, plus the approximate date that he/she was issued and/or turned in the particular item of identification, would have to be furnished the Service office that issued the item for them to be able to ascertain whether or not their system contains a record about the individual. (See IRS Appendix A).

Record access procedures: By writing or visiting applicable Service office.

Contesting record procedures: See Access above.

Record source categories: Information was furnished by each individual at the time they received the particular item of identification.

Treasury/IRS 34.014

System name: Motor Vehicle Registration and Entry Pass Files System—Treasury/IRS.

System location: Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals requiring continued access to the facility and parking area violators.

Categories of records in the system: Name of employee, registered owner of vehicle, branch, telephone number, description of car, license number, employee's signature, name and expiration date of insurance, parking violations, decal number.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders and card file. Retrievability—indexed by name. Safeguards—records are kept in a secured container in a secured office. Retention and disposal—records are kept until obsolete.

System manager(s) and address: Security Officer, appropriate Service Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is supplied by individual except for parking violations information which is supplied by the security guard personnel.

Treasury/IRS 34.005

System name: Parking Space Application and Assignment—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Internal Revenue Service employees who apply for assignment of carpool or reserved parking spaces.

Categories of records in the system: Contains the name, position title, organization, vehicle identification, arrival and departure time, and service computation date of individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle license number and service computation date of applicants, individuals or carpool members, for parking spaces.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on an 8-1/2 x 10 inch or other local form. Retrievability—indexed by name of individual or principal carpool applicant. Safeguards—records are maintained in a file cabinet in a locked room. Retention and Disposal—In accordance with IRM 1(15)59-301, GRS 11, Records Disposition Handbook.

System manager(s) and address: Chief, National Office Protective Programs Staff, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Individuals applying for parking spaces.

Treasury/IRS 34.007

System name: Record of Government Books of Transportation Requests—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees issued Transportation Requests.

Categories of records in the system: Form 496, alphabetical card record by name of the serial numbers of Transportation Requests issued to the employee; and Form 4678, numerical list by serial number listing the name of the employee to whom issued.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in card file box or file cabinets. Retrievability—by name or serial number. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—in accordance with Records Disposition Handbook, IRM 1(15)59-301 (GRS-9).

System manager(s) and address: Administrative Officers, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Government Books of Transportation Requests and employees to whom Books were issued.

Treasury/IRS 34.016

System name: Security clearance files system—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service requiring a security clearance, having their security clearance cancelled or transferred and individuals who have violated IRS security regulations regarding classified national Security information.

Categories of records in the system: Records contain individual's name, employing office, date of security clearance, level of clearance, reason for the need for the national security clearance, and any changes in such clearance. Security violations records contain name of violator, circumstance of violation and supervisory action taken.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information to agencies and individuals on a need-to-know basis to determine the current status of an individual's security clearance. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—correspondence file folders. Retrievability—indexed by name and cross filed by functional area. Access controls—stored in locked security container in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—as specified in the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Chief, Personnel Security Section, Physical and Personnel Security Branch, Security Standards and Evaluation Division, National Office, for security violations, and Chief, Employment Branch, Personnel Division, National Office for security clearances.

Notification procedure: Same as Systems Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is provided by the employee, his/her supervisor or employee's personnel record. Security violation information is obtained from a variety of sources, such as guard reports, security inspections, supervisor's reports, Internal Audit Reports, etc.

Treasury/IRS 34.018

System name: Integrated Data Retrieval System (IDRS) Security Files, Treasury/IRS.

System location: Internal Revenue Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Individual employees who input or are authorized to input IDRS transactions or who are subjects of IDRS inputs.

Categories of records in the system: Record logs of the employees who are authorized access to IDRS and of employee inputs and inquiries processed through IDRS terminals.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The files are used to verify the employee's authorization to access records at the moment of attempted access to the computer files retained on IDRS.

The files are used to generate the identifying employee number of the using employee to be recorded on the computer retained disk files or on printed matter produced by the computer for purposes of case control or document routing.

The file are used in connection with computerized security routines to produce printed reports that are used by IRS security personnel to monitor use of IDRS. These security routines may include the processing of files of this system in conjunction with subsystem files of another reported system of records.

Use is restricted to IRS personnel and there are no routine uses in connection with other Federal agencies.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, disk, flatpaper, lists, and card files.

Retrievability: These records are indexed by employee's SSN or other employee identifying number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All records are disposed of in conformance with established Retention Schedules contained in IRM 1(15)59.

System manager(s) and address: Chief, Data Security Branch, Security Standards and Evaluation Division, National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Information supplied by the IRS employee on standard personnel forms and computer generated records of all inputs to IDRS. Data may also be retrieved from other published systems of records used in processing of this system.

Treasury/IRS 36.001

System name: Appeals, Grievances and Complaints Records,—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, The National Computer Center and The IRS Data Center, (See Appendix A.).

Categories of individuals covered by the system: Applicants for Federal employment, current and former Federal employees (including annuitants) who submit appeals, grievances, or complaints for resolution.

Categories of records in the system: This system of records contains information or documents relating to a decision or determination made by an agency or other appropriate action organization (e.g., Office of Personnel Management, Equal Employment Opportunity Commission, Merit Systems Protection Board) affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to an agency about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Title 5, U.S.C., Sections 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7105, 7151, 7154, 7301, 7512, 7701, 8347, Executive Order 9830, 10577, 10987, 11222, 11478, 11491, and P.L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (a) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (b) To request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (d) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (e) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (f) These records may also be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (g) These records may also be disclosed to the Office of Personnel Management, Merit Systems Protection Board or Equal Employment Opportunity Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (h) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on card files, flat paper, lists, forms, folders, binder, microfilm and microfiche, punch card, and tape.

Retrievability: These records are indexed by the names and case number of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing EEOC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: (a) EEO Discrimination Complaint Records—Assistant to the Commissioner (EEO), National Office; (b) all other records. Director, Personnel Division, or Chief, Personnel Branch, appropriate office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resources Management), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Locations). Individuals should provide their name, date of birth, agency in which employed, and the approximate date, and the kind of action taken by the agency when making inquiries about records.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals should provide their name, date of birth, POD, approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

Contesting record procedures: See Access.

Record source categories: (a) Individual to whom the record pertains. (b) Agency and/or other authorized Federal officials. (c) Affidavits or statements from employee. (d) Testimonies of witnesses. (e) Official document relating to the appeal, grievance, or complaints. (f) Correspondence from specific organization or persons.

Treasury/IRS 36.002

System name: Employee Activity Records,—Treasury/IRS.

System location: National, Regional, and District Offices, POD's, Service Centers, The National Computer Center, and The IRS Data Center (See Appendix A.).

Categories of individuals covered by the system: Current and former employees of the Internal Revenue Service.

Categories of records in the system: This system contains records and information relating to voluntary employee activities and functions which are not directly related to the mission of the IRS or any of its functional components. These records will contain the names of participants and such other information only to the extent that it is necessary for the operation of the activity.

Authority for maintenance of the system: Title 5, U.S.C., Section 302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the

Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on flat paper, card files, lists, and in folders, and binders.

Retrievability: These records are indexed by the name of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is in conformance with existing CSC regulations.

Retention and disposal: indefinite.

System manager(s) and address: Supervisor of the organizational segment participating in the activity.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

Contesting record procedures: See Access.

Record source categories: Information is derived only from the individual to whom the record pertains.

Treasury/IRS 36.003

System name: Includes Treasury/IRS 32.002, General Personnel and Payroll Records Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center. Payroll records are maintained at the Data Center. (See Appendix A.).

Categories of individuals covered by the system: Prospective, current and former employees of the IRS.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain data on individuals required by the Office of Personnel Management (OPM) and maintained in the Official Personnel Folder (OPF). The OPF may also contain letters of commendation; awards from non-federal organizations; recommendations for Federal awards; awards; reprimands; adverse or disciplinary charges; records relating to life insurance, health insurance, designation of beneficiary; training; performance ratings; and other records which OPM and IRS require or permit to be maintained in the OPF.

This system also includes records which are maintained in support of a personnel action such as a position management or position classification action. Other records maintained about an individual in this system are evaluation records, including appraisal, expectation and payout records; suggestion files; award files; financial and tax matters; back pay files; jury duty records; special emphasis programs records, such as Upward Mobility and Handicapped; outside employment statements; clearance upon separation; Unemployment Compensation records; adverse and disciplinary action files; supervisory files; records relating to personnel actions correcting a pay problem; employment of relatives; furlough/recall records; word measurement records; emergency notification, employee locator and current address records; other records relating to the status of an individual; executive resources records and Senior Executive Service records; Management Careers Program records; and correspondence files pertaining to any personnel information contained in this notice.

Payroll records included in this system are data storage and file records system for processing payroll and personnel actions, consisting of records of time and attendance, leave, tax withholding, bond purchases and issuances, emergency salaries, overtime and holiday pay, optional payroll deductions, and minority group designator codes.

Authority for maintenance of the system: Title 5, U.S.C. Section 301, 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used: (a) To provide information to a prospective employer of an IRS employee or former IRS employee. (b) To provide data for the automated Central Personnel Data File (CPDF). (c) To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations. (d) Disclosure of information to a Federal, state, or local agency, other organization, or individual in order to obtain relevant and pertinent information about an individual which is necessary for the hiring or retention of an individual; letting of a contract; or the issuance of a license, grant or other benefit. (e) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent agencies. If necessary, obtain relevant information or other pertinent information for an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (g) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (h) Information in these records is used or a record may be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, or upon request of such agency when the agency is investigating the possible violation of their rules or regulations. (i) These records may also be disclosed to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal Personnel Systems or other agency systems in accordance with applicable laws, Executive Orders, and regulations. (j) Routine disclosure may be made to hospitals and similar institutions or organizations involved in voluntary blood donation activites. (k) Routine disclosure may be made to educational institutions for recruitment and cooperative education purposes. (l) Disclosure to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state unemployment compensation board, housing administration agency and Social Security Administration. (m) Disclosure may be made to a financial institution for payroll purposes. (n) Disclosure may be made to another agency such as the Department of Labor or Social Security Administration and state and local taxing authorities as required by law for payroll purposes. (o) Additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, discs, punched cards, flat paper, lists, card files, forms, folders, binders, microfilm and microfiche.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing OPM and GAO regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)-59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, and Chief, Personnel Branch, appropriate office (see IRS Appendix A); Executive Secretary, Executive Resources Board (for executive resource records).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner for each appropriate Division in the National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records

in the National Office of Chief Counsel or other appropriate official; (See Appendix A.). Inquiries should include name, date of birth, social security number and POD.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to content its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Former IRS employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and Social Security Number, to: National Personnel Records Center, General Services Administration, 111 Winnebago St., St. Louis, Missouri 63118.

Contesting record procedures: See Access.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information supplied by that individual, except information provided by agency officials. Payroll information is compiled from existing master records, i.e. employees official personnel folders, or the employee. Information is also obtained directly from an employee, payroll coordinator, or administrative officer.

Treasury/IRS 36.005

System name: Medical Records,—Treasury/IRS.

System location: (1) Applicants and current IRS employees: National, Regional and District Offices, POD's, the National Computer Center and the Data Center (See Appendix A.). (2) Former IRS employees: National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118. Records may also be maintained in the National Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center (See Appendix A.).

Categories of individuals covered by the system: (1) Applicants for IRS employment. (2) Applicants rejected on medical grounds. (3) Applicants for disability retirement under the Civil Service Retirement Law. (4) IRS employees. (5) Former IRS employees.

Categories of records in the system: (1) Applications for IRS employment containing information relating to an individual's medical qualifications to hold a position in the IRS. (2) Applications rejected on medical grounds. Information relating to an applicant's rejection for a position because of medical reasons. (3) Disability retirement records. Information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held. (4) Health unit medical records (Federal civilian employees). Information relating to an employee's participation in an occupational health services program. (5) Qualification examinations (Federal employees). Information relates to pre-employment, or periodic re-qualification medical examinations to assure that the incumbent are qualified (physically and mentally) to satisfactorily perform the duties of the position. (6) Fitness-for-duty examinations. Information relating to a medical examination to determine an individual's physical or mental condition with respect to ability to satisfactorily perform the duties of the position held. (7) Alcohol/drug employee assistance records. Information relating to employee participation in the Federal Civilian Alcoholism and Drug Abuse Program. (8) Injury Compensation Records. Information relating to on-the-job injuries of employees and former employees. (9) Records relating to the Blood Donor Program.

Authority for maintenance of the system: Medical Information relating to the Retirement, Life Insurance and Health Benefits Programs—5 USC, Chapters 81, 87 and 89. Information for Federal employment—5 USC 3301. Information relating to the Alcoholism, Drug Abuse and Employee Assistance Programs—Public Laws 91-616 and 92-255 as amended by Public Law 93-282 in regard to confidentiality of patient records. Information relating to the Occupational Health Program (5 USC 7901).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Information may be provided to other Federal agencies responsible for other Federal benefits programs administered by the Office of Workmen's Compensation Programs; Rttired Military Pay Centers; Veterans Administration; Social Security Administration; Office of Personnel Management; Private contractors engaged in providing benefits under Federal contracts. (b) Disclosure of information may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in requests for legal advice. (c) Disclosure may be made during judicial processes. (d) Disclosure may be made to other agencies to the extent provided by law or regulation. (e) Disclosure may be made to the appropriate Federal, state or local agency where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature. (f) Disclosure may be made to Federal, state, or local agencies in order to obtain or release relevant and pertinent information to an agency decision concerning the hiring or retention of an individual, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit. (g) Disclosure may be made to the Public Health Service. (h) Disclosure may be made to an individual's private physician where medical considerations or the content of medical records indicate that such release is appropriate. (i) Disclosure may be made to an agency designated employee representative where such representative is required by the Office of Personnel Management. (j) Disclosure may be made to hospitals and similar institutions or organizations participating in blood donor activities. (k) Additional routine uses are listed in Appendix AA. (l) Disclosure of Alcoholism, Drug Abuse, and Employee Assistance records are limited under Public Laws 91-616, 92-255, and 93-282.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, discs, flat paper, lists, forms, folders, card files, microfilm and microfiche.

Retrievability: Records are indexed by name, social security number, date of birth, and/or claim number.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, or Chief, Personnel Branch, appropriate office; Director, Administrative Services Division (Office of Chief Counsel), National and Regional Counsels. (See IRS Appendix A for Locations).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resource Management), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Location). Former employees should direct inquiries to: The National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118. Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service, and annuity account number, if any has been assigned.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

Contesting record procedures: See Access above.

Record source categories: (1) The individual to whom the record pertains. (2) Private physicians. (3) Medical institutions. (4) Office of Workers' Compensation Programs. (5) Military Retired Pay Systems Records. (6) Federal civilian retirement systems other than Civil Service Retirement System. (7) General Accounting Office pay, leave allowance cards. (8) CSC Retirement, Life Insurance and Health Benefits Records System. (9) CSC Personnel Management Records System.

Treasury/IRS 36.008

System name: Recruiting, Examining and Placement Records,—Treasury/IRS.

System location: National, Regional and District Offices, POD's, The National Computer Center and The Data Center, (See Appendix A.).

Categories of individuals covered by the system: Applicants for IRS employment, current and former employees.

Categories of records in the system: These records contain information relating to education, training, employment history and earnings, tests, results of written tests, test scores, qualification determinations, evaluations, appraisals of potential, interview records, responses to test items and questionnaires, honors, and awards or fellowships.

Other information maintained in the records includes military service, date of birth, birthplace, SSN, home address. Records may also be maintained on suitability determinations, employee participation in special emphasis placement and recruiting programs, and employee turnover records. This system also includes correspondence files relating to the above mentioned records. Personnel research and test validation records are included in this system.

Authority for maintenance of the system: Title 5 U.S.C., Sections 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (3) These records may also be disclosed to the Office of Personnel Management, Merit Systems Protection Board, or the Equal Employment Opportunity Commission, for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (4) Information in these records is used or a record may be used: (a) to refer applicants to officials of Federal government agencies for purposes of consideration for placement in positions for which an applicant has applied and is qualified. (b) to refer applicants to state and local governments with permission of an applicant for the purpose of employment consideration. (c) to refer current IRS employees to Federal agencies for consideration for transfer, reassignment, and promotion. (5) Disclosure may be made to educational institutions in connection with recruiting efforts. (6) Routine uses are limited for those records which are compiled in connection with IRS personnel research and test validation. No personnel decisions are made on the basis of these records, and whenever possible, personal identity is not disclosed. (7) to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule. (8) to request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (9) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (10) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, discs, card files, lists, flat paper, microfilm, microfiche, forms and folders.

Retrievability: Records are indexed by name, combination of birth date, special security account number, and an identification number that is applicable.

Safeguards: "Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41." This is in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15) 59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, or Chief, Personnel Branch, appropriate office (see IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resource Management), National Office; or other appropriate official. (See Appendix A.). Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and title of examination or announcement with which concerned.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official as listed above. This system of records may not be accessed for purposes of inspection or for contest of content of Treasury Forms 4823 (Evaluation of Candidates for Initial Executive Placement) and Treasury Form 4245 (Report of Managerial Potential) prepared prior to September 27, 1975.

Contesting record procedures: See Access.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualification; results of examination which are made known to applicants and vouchers supplied by references the applicant lists.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 36.009

System name: Retirement, Life Insurance and Health Benefits Records System,—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, the National Computer Center, and the IRS Data Center, (See Appendix A.). For former employees: Records Division, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Boyers, Pennsylvania.

Categories of individuals covered by the system: (1) IRS employees who are covered by the Civil Service Retirement System. (2) IRS employees who have either declined or are covered by the Federal Employees' Group Life Insurance Program or the Federal Employees Health Benefits Program.

Categories of records in the system: (1) Documentation of Federal service creditable under the Civil Service Retirement System. (2) Documentation of coverage or declination of coverage under the Federal Employees' Group Life Insurance Program, and the Federal Employees Health Benefits Program. (3) Documentation of claim for refund or for annuity benefits under Civil Service Retirement System. (4) Documentation of claim for survivor annuity or death benefits under Civil Service Retirement System. (5) Medical records supporting claims for disability retirement under the Civil Service Retirement System. (6) Designations of beneficiary for benefits payable under the Civil Service Retirement System or the Federal Employees' Group Life Insurance Program. (7) All other information necessary to enable offices to recruit annuitants for short term assignments and to send them requested publications.

Authority for maintenance of the system: Chapters 83, 87, and 89 of Title 5, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in this system is used to determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program. (2) Information in this systems is used to determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program. (3) Information in this system is used to transfer to Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, and Federal civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system. (4) Information in this system is used to transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance Program to the Office of Federal Employees' Group Life Insurance, 4 East 24th Street, New York, N.Y. 10010. (5) Information in this system is used to transfer information necessary to support a claim for health insurance benefits under the Federal Employees Health Benefits Program to a health insurance carrier or plan participating in the program. (6) Routine disclosure of information contained in this system of records may be made to the Department of Justice in

connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (7) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (8) Information in this system is used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether Federal, State or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (9) Information in this system is used to request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an Agency decision concerning the hiring or retention of an employee, the issuance of a license, grant or other benefit. (10) Information in this system is used to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (11) These records may also be disclosed to the Office of Personnel Management for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (12) Disclosure may be made to an agency designated employee representative when such representative is required under Office of Personnel Management regulations. (13) Disclosure may be made to hospitals and similar institutions to verify an employee's coverage in the Federal Employees Health Benefits Program. (14), Additional routine uses in Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, discs, forms, flat paper, card files, lists, folders, microfilm and microfiche.

Retrievability: Records are indexed by name, social security number, birth date, and by annuity or death claim number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, and Chief, Personnel Branch, appropriate office. Director, Administrative Services Division (Office of Chief Counsel), National and Regional Counsels (See IRS Appendix A for Locations.).

Notification procedure: (1) Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resource Management), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Locations.) (2) If the individual is retired from Federal service he should direct inquiries to: Director, Bureau of Retirement, Insurance, and Occupational Health, Office of Personnel Management, 1900 H. Street, N.W., Washington, D.C. 20415. (3) If the individual is not retired, but has been separated from Federal service, he should direct inquiries to: National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

Contesting record procedures: See Access. Individuals requesting information in this system of records should provide their full name, date of birth, social security number, claim number, if assigned, and the POD in which currently or formerly employed.

Record source categories: The information in this system is obtained from the following sources: (1) The individual whom the information is about. (2) GAO Pay, Leave and Allowance Records System. (3) OPM Personnel Management Records System. (4) GSA National Personnel Records Center. (5) OPM Medical Records System. (6) Federal civilian retirement systems other than Civil Service Retirement System. (7) Military retired pay system records. (8) Office of Workers' Compensation Programs. (9) Veterans Administration Pension Benefits Programs. (10) Social Security Old Age, Survivor and Disability Insurance and Medicare Programs.

Treasury/IRS 38.001

System name: General Training Records,—Treasury/IRS.

System location: National, Regional and District Offices, Service Centers National Computer Center, Data Center and posts of duty (See Appendix A.).

Categories of individuals covered by the system: IRS employees who have participated in or who may be scheduled for training activities (students, instructors, program managers, etc.). Other Federal or non-Government individuals who have participated in or assisted with training programs (students, instructors, course developers, interpreters, etc.).

Categories of records in the system: Variety of records containing information about an individual related to training; such as: course rosters, student registrations, nomination forms, course evaluations, instructor lists, individual development plans, counseling records, examination materials, payment records, and other recordations of training necessary for reporting and evaluative purposes. Some records within this system may also be contained in TR/IRS 36.003, General Personnel Records.

Authority for maintenance of the system: Chapter 41, Title 5 USC; EO 11348; and FPM 410.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used to: (a) provide input data for the automated Training CPDF at the Office of Personnel Management and for the Automated Training System personnel file at IRS; (b) Prepare statistical and narrative reports as required by the Department of Treasury, IRS officials or such other government agencies as may have need of general training information; (c) evaluate and determine effectiveness of training programs; (d) monitor student progress and determine individual training needs; (e) assist managerial personnel by providing easily accessible training histories of their employees; (f) provide data for determining efficient staffpower utilization; (g) assist employees, should an emergency arise while they are attending a training session, by disclosing to qualified medical personnel "emergency information" voluntarily supplied by students on course registration forms. Routine disclosure of information contained in this system may be made available to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records may be maintained on computer tapes, index cards, forms, or flat paper.

Retrievability: Computer records are indexed by social security account numbers, course titles, dates of training, location of training and by specific employee information (i.e., name, title, grade, etc.); other records are indexed by name and course title.

Safeguards: Individual computer records are available to those persons at CSC, Treasury or IRS who are directly involved with the training function.

Retention and disposal: All records are disposed of in accordance with established retention schedules, IRM 1(15)59-301, General Records Schedule. Emergency information on registration forms is immediately destroyed when training is completed.

System manager(s) and address: Director, Training and Development Division, and Chief, Training and Development Branch, Training Manager, OIO, at the National Office; Chiefs, Training and Development Branches at Regional and District Offices, and Service Centers; training managers at computer center and data center (See Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System

Manager for each office whose records are to be searched, see System Manager.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested, see System Manager.

Contesting record procedures: See Access.

Record source categories: Information is extracted from participant registration forms, individual development plans, skill surveys, personnel records, and such other forms as may be developed and prescribed by CSC, Treasury, and IRS Training Personnel.

Treasury/IRS 42.001

System name: Examination Administrative File—Treasury/IRS

System location: Jurisdictional District Office where the individual resides or Service Center where return was examined. (See IRS Appendix A.)

Categories of individuals covered by the system: Any taxpayer who is being considered for examination or is being examined for tax determination purposes, i.e., income, estate and gift, excise or employment tax liability.

Categories of records in the system: Records containing investigatory materials required in making a tax determination or other verification in the administration of tax laws and all other related sub-files directly related to the processing of the tax case. This system also includes other management material related to a case and used for tax administrative purposes including the appeals process.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosures may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, machine-sensible data media, microfilm.

Retrievability: by taxpayer's name and social security number and employer identification number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1 (16)41.

Retention and disposal: Destroyed in accordance with the established retention schedule 1(15)59-202, Records Control Schedule.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District Office or service center (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director for each District office or service center whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District office or service center whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) taxpayer's return. (2) taxpayer's books and records. (3) Informants and third party information. (4) city, state governments. (5) other federal agencies. (6) examinations of related taxpayers. (7) examinations of other taxpayers. (8) taxpayer's representative.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.025

System name: Appraisal and Valuation Files—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals whose examinations warrant an appraisal or valuation of real estate, stock, fees, or any other commodity or service which does not have a readily ascertainable value.

Categories of records in the system: Listing of individuals, items valued or appraised, date of valuation or appraisal, and other descriptive matter such as the name of the corporation with regards to stock and a description of the location in terms of real estate.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, file cabinets, machine-sensible data media and microfilm.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Permanent, or destroyed in accordance with the established Retention Schedule 1(15)59-202, Records Control Schedule.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) outside engineer valuation; (2) outside fee appraisers; (3) taxpayer's returns; (4) taxpayer's books and records; (5) taxpayer's representative; (6) trade journals and publications; (7) public records.

Treasury/IRS 42.008

System name: Audit Information Management System (AIMS)—Treasury/IRS.

System location: This system is composed of: (1) Computer files located at each jurisdictional IRS Service Center (where tax return is under examination control). Each jurisdictional district (served by an IRS Service Center) has access to the computer file via video terminals; (2) Group control card forms 5345 and 5354 (including temporary and interim processing files for management and control purposes), located at each jurisdictional district office. Items described under (2), above, are subfiles of the Aims System.

Categories of individuals covered by the system: Taxpayers whose tax returns are under the jurisdiction of the Examination Division; Examiner.

Categories of records in the system: Tax return information from the Master File, Tax return status and location changes, Examination Closing information on examined and non-examined tax returns, examiner's name including related internal management information and a code identifying taxpayers that threatened or assaulted IRS employees.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer; Microfiche; Paper.

Retrievability: Social Security number, taxpayer's name, examiner's name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Computer: Agreed cases are eliminated from data base 60 days after case is closed from Examination; unagreed cases are eliminated from data base after tax liability is agreed to six years or earlier. Group control card Forms 5345 or 5354 (for processing control purposes) three years or earlier.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division, National Office. Officials maintaining the system—Each jurisdictional (taxpayer's place of residence) District Director; Each jurisdictional (the Service Center where taxpayer's tax return was filed) IRS Service Center. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each district whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory materials compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.016

System name: Classification and Examination Selection Files—Treasury/IRS

System location: Jurisdictional District Office or related service center where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals whose returns are classified for examination.

Categories of records in the system: Listing of individuals or returns and sub-files consisting of financial information and other information considered in classification and selection of an individual's return for examination—individual's request for examination, missing return information, change in accounting method or period, etc.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, computer printouts.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: until information is associated with return or two years, whichever occurs first.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District or service center. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Tax returns, (2) Requests from taxpayer, (3) Requests from Collection Division for prompt examination.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.021

System name: Compliance Programs and Projects Files—Treasury/IRS.

System location: Initiated and maintained in National Office, Regional Offices, or jurisdictional District or service center where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers that may be involved in tax evasion schemes or areas of non-compliance grouped by industry, occupation or financial transactions, i.e., return preparers, political contrjbutions, corporate kickbacks.

Categories of records in the system: Records pertaining to individuals in projects.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records, machine-sensible data media and microfilm.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records associated with the examination of returns are disposed of in accordance with the established Retention Schedule 1(15)59-202, Records Control Schedule. Records not associated with the examination of returns will be destroyed at the completion of the program or project, or in accordance with IRM 1(15)59, Records Disposition Handbook.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District or service center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.027

System name: Data on Foreign Corporations—Treasury/IRS.

System location: IRS Data Center, Detroit, Michigan; National Office Examination Division, Washington, D.C.; District Offices; Regional Offices, Philadelphia Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals required to file Form 959, United States Information Return with Respect to the Organization or Reorganization of a Foreign Corporation and Acquisition of its stock.

Categories of records in the system: Names of individuals filing on foreign holdings.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape in Data Center; Paper at other listed locations, machine-sensible data media and microfilm.

Retrievability: By individual name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16(41.

Retention and disposal: Three years or earlier.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division, National Office. Officials maintaining the system—District Directors; Regional Commissioners; Director, Examination Division, National Office; Director, Data Center, Detroit, Michigan. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the System of Records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Form 959 only.

Treasury/IRS 42.014

System name: Internal Revenue Service employees' returns Control Files—Treasury/IRS.

System location: District Office where individual is employed. (See IRS Appendix A).

Categories of individuals covered by the system: Any individual who is employed by the Internal Revenue Service.

Categories of records in the system: Alphabetic listing of employee, income tax return information including prior examination results and other tax related information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, machine-sensible data media, microfilm.

Retrievability: employee's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: updated periodically and retained as long as individual is employed.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of District or office where individual is employed. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Employee's tax return.

Treasury/IRS 42.017

System name: International Enforcement Program Files—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Any individual having substantial foreign business activities.

Categories of records in the system: Listing of individual, summary of income expenses, financial information as to foreign operations, acquisition of foreign stock, controlling interest of a foreign corporation, organization or reorganization of foreign corporation, etc.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, micro-film, magnetic tape.

Retrievability: Individual's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Updated periodically and retained as long as individual has substantial foreign business activities.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) European treaty countries, (2) Individual's tax returns, (3) Examination of related taxpayers, (4) Public sources of information.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.018

System name: Married Taxpayers Filing Separately and Multiple Filer File—Treasury/IRS.

System location: Jurisdictional Service Center.

Categories of individuals covered by the system: Married individuals who file separate income tax returns, and taxpayers who have filed more than one return.

Categories of records in the system: Listing identifying each married individual filing separately, and taxpayers who have filed more than one return.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be

made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printout and magnetic tape.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposal after returns are matched or until next file year is produced.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division; Officials maintaining the system—Service Center Directors.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Service Center where the individual filed tax returns.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested.

Record source categories: Information obtained from taxpayer's return.

Treasury/IRS 42.013

System name: Project Files for the Uniform Application of laws as a result of technical determinations and court decisions. Treasury/IRS.

System location: Jurisdictional district office where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals grouped as to project, i.e., individual shareholders of a corporation where a determination having a tax effect has been made.

Categories of records in the system: Listing of individuals and their income tax information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Destroyed in accordance with the established Retention Schedule 1(15)59-102, Records Retention Schedule.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) Shareholder records. (2) Individual's tax return. (3) Examination of related taxpayer.

Treasury/IRS 42.023

System name: Request and Submittal File for Technical Advice, Assistance, Determination or Coordination—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individual whose return contains questioned or unprecedented technical areas.

Categories of records in the system: Narrative fully explaining or interpreting the technical area in question.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Six years, nine months from date of last DLN or as specified in the Records Control Schedule IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) Revenue agent who examined taxpayer's return. (2) Taxpayer who is not being examined or is initiating a request while under examination. (3) Taxpayer's representative.

Treasury/IRS 42.012

System name: Tax Shelter Program Files—Treasury/IRS.

System location: Jurisdictional District offices (not necessarily carried out in every district). (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers that may be abusing the tax laws through the use of tax shelters.

Categories of records in the system: Tax information relating to the tax shelter for use in determining abuses of tax laws.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, machine-sensible data media and microfilm.

Retrievability: taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until individual projects are completed.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed

or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Individual's tax return. (2) Related taxpayer's.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 44.003

System name: Appeals Case Data—Treasury/IRS.

System location: Director, Appeals Division, National Office; Appeals Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers.

Categories of records in the system: Provides case control data and management information, utilizing data from system 42.008 and data developed in the appeal process.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, interactive terminal.

Retrievability: By taxpayer's name and social security number, employee identification number and by work unit number.

Safeguards: IRS personnel on need to know basis and passwords to access system information.

Retention and disposal: Generally, six years after case is closed but earlier if no longer needed.

System manager(s) and address: Director, Appeals Division, National Office, 1111 Constitution Avenue, Washington, D.C. 20224; Director of Appeals located in the office of the Regional Commissioner in each of the following cities: New York, Philadelphia, Atlanta, Cincinnati, Chicago, Dallas, and San Francisco. (See IRS Appendix A.)

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Record clerks and Appeals Officers.

Treasury/IRS 44.001

System name: Appeals Case Files—Treasury/IRS.

System location: Director, Appeals Division, National Office; Regional Director of Appeals. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers.

Categories of records in the system: Tax returns, Revenue Agents' Reports, case correspondence, legal opinions and Appeals closing actions.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinets.

Retrievability: Name of taxpayer.

Safeguards: Locked file cabinets, locked doors, need to know.

Retention and disposal: Retention as prescribed in Records Control. Schedule 208. Disposal by shredding.

System manager(s) and address: Director, Appeals Division, National Office; Regional Director of Appeals. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to the individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.002

System name: Case Management and Time Reporting System, Criminal Investigation Division—Treasury/IRS.

System location: National, Regional, and District Offices, Data Center, Service centers (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects of Criminal Investigation Division Investigations, Special Agents, and U.S. District Court Judges.

Categories of records in the system: Personal and financial information developed in open and closed criminal tax investigations, including schedules, listings, memorandums, reports, news articles, inventory controls, income tax returns, assessment records, summaries of case activities, time reports, collateral investigation reports and workpapers, court actions, analyses of sentencing practices, related materials, and project files.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in binders; Magnetic tape; Computer printouts.

Retrievability: Name and Case Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—Regional Commissioners; District Directors; Director, Criminal Investigation Division; Director, Data Center, Directors, Service centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.003

System name: Confidential Informants, Criminal Investigation Division—Treasury/IRS.

System location: District Offices, National Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Confidential Informants; Subjects of Confidential Informant's Reports.

Categories of records in the system: Memorandums, Index Cards, Related Data.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine

disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name or number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—District Directors. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.004

System name: Controlled Accounts—Open and Closed, Criminal Investigation Division TC 910/TC 914/TC 916/TC 918—Treasury/IRS.

System location: Service Centers, National Computer Center, District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects and potential subjects of criminal tax investigation.

Categories of records in the system: Criminal Investigation Information and Control Notices; Lists of names and related data; Lists of action taken; Transcripts of account.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and paper.

Retrievability: By name or Social Security Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper destroyed after 1 year. Magnetic tape erased after 3 months.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—District Directors, Service Center Directors, National Computer Center Director. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

Contesting record procedures: See Access above.

Record source categories: District Office Personnel; Service Center Personnel.

Treasury/IRS 46.005

System name: Electronic Surveillance File, Criminal Investigation Division—Treasury/IRS.

System location: National Office (see IRS Appendix A).

Categories of individuals covered by the system: Subjects of electronic surveillance. Individuals who have been subjects of queries by other agencies.

Categories of records in the system: Information relating to conduct of electronic surveillance.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Names, addresses, and telephone numbers.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Permanent; None authorized.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—Director, Criminal Investigation Division. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.009

System name: Centralized Evaluation and Processing of Information Items (CEPIIs), Criminal Investigation Division—Treasury/IRS.

System location: District Offices and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers about whom the Internal Revenue Service has received information alleging a violation of laws within IRS jurisdiction, potential subjects of investigation.

Categories of records in the system: Copies of income tax returns, special agent's reports, revenue agent's reports, reports from police and other investigative agencies, memorandum of interview, question-and-answer statements, affidavits, collateral request and replies, information items, newspaper and magazine articles and other published data, financial information from public records, case initiating documents and other similar and related documents.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Tape, paper, and microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper—shredded after use. Microfilm—destroyed after 5 years. Magnetic tape—erased after 3 years.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—Service Center Directors, District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.011

System name: Land Trust Files, Criminal Investigation Division—Treasury/IRS.

System location: District Offices (Chicago and Springfield), Service Center (Kansas City). (See IRS Appendix A).

Categories of individuals covered by the system: Beneficiaries of Land Trusts, Related individuals.

Categories of records in the system: Notices of Fiduciary Relationships. Related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—District Directors, Service Center Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Criminal Investigation Division, National Office. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Criminal Investigation Division, National Office. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Financial institutions, Fiduciary reports, Notices of Fiduciary Relationships.

Treasury/IRS 46.015

System name: Relocated Witnesses, Criminal Investigation Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Relocated Witnesses.

Categories of records in the system: Documentation & Relocation Information.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: By Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite retention.

System manager(s) and address: Official prescribing policies and practices, Director, Criminal Investigation Division, National Office. Officials maintaining the system, Director, Criminal Investigation Division, National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.016

System name: Secret Service Details, Criminal Investigation Division—Treasury/IRS.

System location: District Offices, Service Centers, Regional Offices, National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Special Agents.

Categories of records in the system: Lists of names, and Correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable). Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices, Director, Criminal Investigation Division, National Office. Officials maintaining the system, District Directors, Service Center Directors, Regional Commissioners, Director, Criminal Investigation Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certainprovisions of the Privacy Act.

Treasury/IRS 46.022

System name: Treasury Enforcement Communications System (TECS), Criminal Investigation Division—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: Fugitives and nonresident taxpayers on whom both Taxpayer Delinquent Accounts have been issued and notice of Federal Tax Lien filed (IRS input only).

Categories of records in the system: Name, Date of Birth, Social Security Number, Address, Identifying details.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disc.

Retrievability: By name or social security number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Fugitives until apprehended. Non-resident delinquent taxpayers cancellation after 2 years.

System manager(s) and address: Official prescribing policies and practices, Director, Criminal Investigation Division, National Office. Officials maintaining the system, Director, Criminal Investigation Division, National Office.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for content of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.001

System name: Disclosure Records. Disclosure—Treasury/IRS.

System location: National Office, National Computer Center, Data Center, Regional Offices, Service Centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Subjects of requests for disclosure initiated by the Department of Justice, including suspects or persons related to the violation of Federal laws; persons who have initiated legal actions against the Federal Government, persons identified as strike force targets or related to organized crime activities, persons under investigation for national security reasons, persons believed by the Internal Revenue Service to be related to violations of Federal laws other than the Internal Revenue Code. (2) Persons under investigation by other executive departments or congressional committees for whom tax information has been requested pursuant to 26 U.S.C. 6103. (3) Persons who are parties to criminal or civil non-tax litigation in which the testimony of IRS employees has been requested. (4) Persons who have applied for Federal employment or presidential appointments for which preemployment tax checks have been requested and applicants for Department of Commerce "E" Awards. (5) Requesters for access to records pursuant to 26 U.S.C. 6103, the Freedom of Information Act, 5 U.S.C. 552, and initiators of requests for access, amendment or other action pursuant to the Privacy Act of 1974, 5 U.S.C. 552a. (6) Individuals identified by or initiating correspondence or inquiries processed or controlled by the Disclosure function or relating to the foregoing subjects.

Categories of records in the system: Requests for records, information or testimony, responses to such requests, supporting documentation, processing records, copies of items provided or withheld, control records and related files. Department of Justice, and IRS replies to such requests. (2) Copies of related authorizations to IRS officials permitting such disclosures and, in some instances, their responses. (3) Copies of individuals' tax information, memoranda for file, notations of telephone calls, file search requests, etc.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 26 U.S.C. 6103, 5 U.S.C. 301, 552 and 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes, and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 404.6103 where applicable). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in alphabetical or chronological order within subject categories. No centralized index exists. Accountings of disclosure of tax related records pursuant to 5 U.S.C. 552a(c) or 26 U.S.C. 6103(p)(3) are posted to the Individual Master File and retrievable by Social Security Number, or to the Business Master File and retrievable by Employer Identification Number.

Retrievability: Paper records are generally retrievable by name of individual, although category of record and chronological period may be necessary to retrieve some records. The Social Security number is necessary to access accountings of disclosure posted to the Individual Master File. The Employer Identification Number is necessary for access to the Business Master File.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: In accordance with IRM 1(15)59, Records Disposition Handbook.

System manager(s) and address: Official prescribing policies and practices—Director, Disclosure Operations Division. Officials maintaining the system—Director, Disclosure Operations Division, National Office; Regional Commissioners, District Directors, Service Center Directors, or other official receiving or servicing requests for records. (See IRS Appendix A).

Notification procedure: Requesters seeking to determine if accountable disclosures about them have been made should request an accounting of disclosure pursuant to 5 U.S.C. 552a(c) and 26 U.S.C. 6103(p)(3) of the District Director for the area in which they reside. Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for the area of residence or to the official believed to be maintaining the record of interest (See Appendix A). This system contains some records of law enforcement activities which may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: See notification procedure above, portion of this system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See notification procedure and record access procedure above. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act (See 26 U.S.C. 7852(e)).

Record source categories: Requests for disclosure, records being evaluated and processed for disclosure and related information from other systems of records. Portions of this system may contain investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.007

System name: Economic Stabilization Program Files—Treasury/IRS.

System location: National Office, Regional Offices, District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals acting as sole proprietorships or partners involved in any pursuit subject to the Economic Stabilization Program, and Congressmen, Government officials, and private individuals.

Categories of records in the system: Case files for the period 1971 through 1974 originating from the investigation of complaints alleging violation of the Stabilization program or in granting or denying of exception/exemption requests. Congressional, public officials', and private individuals' correspondence pertaining to stabilization activities for the period 1971 through 1974 which is not part of a case file.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Economic Stabilization Program terminated on June 30, 1974. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—stored in cartons in servicing Federal Records Centers. Retrievability—indexed or filed by name. Safeguards—Federal Record Center security with access restricted to Internal Revenue Service employees. Retention and Disposal—Retained and disposed in accordance with Records Disposition Handbook, IRM 1(15)59-113 and IRM 1(15)59-213.

System manager(s) and address: Director, Disclosure Operations Division, National Office; Regional Offices and District Offices. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Letters from the public, applications from individuals, investigative reports, disclosure statements, determination letters, legal appeals and notifications of decisions, and queries for information, interpretations and rulings originating either from Congressmen, public officials, or private individuals.

Treasury/IRS 46.008

System name: Defunct Special Service Staff File being retained because of Congressional directive, Disclosure-Treasury/IRS.

System location: National Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals suspected of violating the Internal Revenue laws.

Categories of records in the system: Internal Revenue Service Master File printouts; returns and field reports; information from other law enforcement government investigative agencies; Congressional Reports, and news media articles.

Authority for maintenance of the system: U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is no longer being used by the Internal Revenue Service. The Special Service Staff was abolished August 13, 1973. Disclosure of information contained in this System of Records may be made to the Department of Justice in connection with actual or potential litigation. Access to the System is limited to Congressional Committees and individuals making Freedom of Information requests pertaining to themselves.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained alphabetically by individual and organization contained in vault at IRS National Office.

Retrievability: By alphabet

Safeguards: Access controls are in conformance with provisions of the physical and Document Security Handbook, IRM 1 (16) 41. No IRS official has access to these records except for retrieval purposes in connection with Congressional or Freedom of Information inquiries and litigation cases.

Retention and disposal: Records are being maintained solely for Congressional Committees at their request. When the Congressional Committees have completed their inquiries, the records will be destroyed except for those documents pertaining to pending litigation. Those records will be destroyed upon direction by the Court having jurisdiction over the documents.

System manager(s) and address: Director, Disclosure Operations Division, National Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may address inquiries to the Director, Disclosure Operations Division, National Office. (See IRS Appendix A for location.)

Record access procedures: Individuals seeking access to any System of Records may inquire in accordance with the instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director, Disclosure Operations Division, National Office. (See IRS Appendix A for location.)

In addition, this System may contain some records provided by other agencies which are exempt from the Access and Contest provisions of the Privacy Act as published in the Notices of the Systems of Records for those agencies.

Contesting record procedures: See Access above.

Record source categories: News media articles, taxpayers' returns and records, informant and third party information, other Federal agencies and examinations of related or other taxpayers.

Systems exempted from certain provisions of the act: Information from an exempt system of records duplicated in this system of records retains the exempt status.

Treasury/IRS 49.001

System name: Collateral and Information Requests System—Treasury/IRS.

System location: The central files for this system are maintained at the Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Jidda, Saudi Arabia; (5) Johannesburg, Republic of South Africa; (6) Nassau, Bahamas; (7) London, England; (8) Manila, Philippines; (9) Mexico City, Mexico; (10) Ottawa, Canada; (11) Paris, France; (12) Rome, Italy; (13) Sao Paulo, Brazil; (14) Singapore and (15) Tokyo, Japan; and (16) Vancouver, Canada. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Record of interviewing witnesses regarding financial transactions of taxpayers; employment data; bank and brokerage house records; probate records; property valuations; public documents; payments of foreign taxes; inventories of assets; business books and records. These records relate to tax investigations conducted by the U.S. Internal Revenue Service where some aspects on an investigation must be pursued in foreign countries pursuant to the various tax treaties between the United States and foreign governments. The records also include individual case files of taxpayers on whom information (as is pertinent to carrying out the provisions of the convention or preventing fraud or fiscal evasion in relation to the taxes which are the subject of this convention) is exchanged with foreign tax officials of treaty countries.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 3 years.

System manager(s) and address: Director of International Operations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.002

System name: Competent Authority and Index Card Retrieval System—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: U.S. citizens, resident aliens, nonresident aliens whose tax matters come under the jurisdiction of the U.S. competent authority in aboordance with pertinent provisions of tax treaties with foreign countries.

Categories of records in the system: Individual case files of taxpayers who request relief from double taxation or any other assistance that is pertinent to carrying out the provisions of income tax treaties.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802, and applicable treaties.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By taxpayer name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: May be disposed of after 10 years.

System manager(s) and address: Director, Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Notification procedure: Portions of this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: Portions of this system of records may not be accessed for purposes of inspection or for contest of content of the records.

Contesting record procedures: See Access above. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Record source categories: Portions of this system of records contain investigatory material compiled for law-enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.003

System name: Financial Statements File—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Taxpayers who submitted financial statements when interviewed overseas by examination division employees.

Categories of records in the system: Financial Statements.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer's name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries may be addressed to the Director of International Operations, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations.

Contesting record procedures: See Access above.

Record source categories: Overseas examination division employees.

Treasury/IRS 49.007

System name: Overseas Compliance Projects System.

System location: The central files for this system are maintained at the Office of International Operations, 1325 K Street, N.W., Washington, D.C., 20225. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Jidda, Saudi Arabia; (5) Johannesburg, Republic of South Africa; (6) Nassau, Bahamas; (7) London, England; (8) Manila, Philippines; (9) Mexico City, Mexico; (10) Ottawa, Canada; (11) Paris, France; (12) Rome, Italy; (13) Sao Paulo, Brazil; (14) Singapore and (15) Tokyo, Japan; and (16) Vancouver, Canada. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Documents and factual data relating to: (1) personal expenditures or investments not commensurate with known income and assets; (2) receipt of significant unreported income; (3) improper deduction of significant capital or personal living expenses; (4) failure to file required returns or pay tax due; (5) omission of assets or improper deduction or exclusion of items from estate and gift tax returns.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 3 years.

System manager(s) and address: Director of International Operations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.008

System name: Taxpayer Service Correspondence System—Treasury/IRS.

System location: This system is separately maintained by each one of the 14 overseas posts of the Office of International Operations, located in: (1) Bonn, Germany, (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Jidda, Saudi Arabia; (5) Johannesburg, Republic of South Africa; (6) Kuala Nassau, Bahamas; (7) London, England; (8) Manila, Philippines; (9) Mexico City, Mexico; (10) Ottawa, Canada; (11) Paris, France; (12) Rome, Italy; (13) Sao Paulo, Brazil; (14) Singapore and (15) Tokyo, Japan; and (16) Vancouver, Canada. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Correspondence from taxpayers, foreign post personnel and Office of International Operations headquarters offices in Washington, D.C.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CRF Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the

Director of International Operations. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and Office of International Operation's foreign posts and headquarter's offices.

Treasury/IRS 50.002

System name: Employee Plans/Exempt Organizations, Determination Letter Records—Treasury/IRS.

System location: District Offices. See IRS Appendix A.

Categories of individuals covered by the system: Applicants for approval of individually designed plans and bond purchase plans, covering self-employed individuals.

Categories of records in the system: Contains plan name, type, treatment accorded, etc. Sub-systems include plan files containing applications, attachments, determination letters, related documents, and audit history file.

Authority for maintenance of the system: 26 USC 7801, 7802 and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103, 26 CFR 404.6103 and 26 U.S.C. 6104 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41; and

Retention and disposal: As specified in the Records Disposition Handbook, IRM 1(15)59-104 and IRM 1(15)59-203.

System manager(s) and address: District Director who has jurisdiction over the plan. See IRS Appendix A.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director having jurisdiction. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Applicants requesting a determination letter.

Treasury/IRS 50.001

System name: Employee Plans/Exempt Organization, Correspondence Control Record (Form 5961)—Treasury/IRS.

System location: National Office See IRS Appendix A.

Categories of individuals covered by the system: Requestors of letter rulings, and subject of field office requests for technical advice and assistance and other correspondence.

Categories of records in the system: Contains the name, date, nature and subject of an assignment, and work history. Sub-systems include case files that contain the correspondence, internal memoranda, and related material. They also include digests of issues involved in proposed revenue rulings.

Authority for maintenance of the system: 26 USC 7801, 7802, and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103, 26 CFR 404.6103 and 26 U.S.C. 6104 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: Indexed by name.

Safeguards: security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41; and

Retention and disposal: As specified in the Records Disposition Handbook, IRM 1(15)59-104.

System manager(s) and address: Assistant Commissioner (Employee Plans/Exempt Organizations) 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (EP/EO), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See above.

Record source categories: Individuals requesting rulings or information and field offices requesting technical advice or assistance.

Treasury/IRS 50.003

System name: Employee Plans/Exempt Organizations, Report of Significant Matters in Technical (M-5945)—Treasury/IRS.

System location: National Office. See IRS Appendix A.

Categories of individuals covered by the system: Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in Technical," has been prepared because of the presence of a matter significant to tax administration.

Categories of records in the system: Copies of "Reports of Significant Matter in Technical."

Authority for maintenance of the system: 26 U.S.C. 7801, 7802, and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103, 26 CFR 404.6103 and 26 U.S.C. 6104 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: indexed by name.

Safeguards: safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Record Disposition Handbook, IRM 1(15)55-104.

System manager(s) and address: Assistant Commissioner, (Employee Plans/Exempt Organizations) 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner, (Employee Plans/Exempt Organizations), National Office.

Contesting record procedures: See access above.

Record source categories: Individual subjects of letter ruling requests, technical advice requests, etc., where a "Report of Significant Matter in EP/EO." has been prepared.

Treasury/IRS 60.001

System name: Assault and Threat Investigation Files Inspection-Treasury/IRS.

System location: National Office and Regional Inspector's Offices, (See IRS Appendix A).

Categories of individuals covered by the system: Persons who attempt to interfere with the administration of the Internal Revenue laws through threats, assaults or forcible interference of any officer or employee while discharging the official duties of his position.

Categories of records in the system: Document citing the complaint, Documentary evidence (i.e., threatening letter), Report of investigation, with possible statements, or affidavits as exhibits, and related tax information. Report of legal action, if case is prosecuted. Local police record of individual named in case. FBI record of individual named in the case.

Authority for maintenance of the system: 26 U.S.C. 7608, 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the

Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties and by case number.

Safeguards: Not less than provided for by the Physical and Documents Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.002

System name: Bribery Investigation Files, Inspection-Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees or former employees of the Treasury Department, and Taxpayers and non-IRS persons whose alleged criminal actions may affect the integrity of the Service.

Categories of records in the system: A report of investigation including exhibits, affidavits, transcripts, and documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring. A report of legal action concerning the results of prosecution. Prior criminal record of subject.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties, and by case number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.003

System name: Conduct Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees and former employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Bureau of Government Financial Operations, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bond Division, and the Federal Law Enforcement Training Center.

Categories of records in the system: Document citing complaint of alleged misconduct or violation of statute; Report of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during investigation; Report of action taken by management personnel adjudicating any misconduct substantiated by the investigation; andReport of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties, and by case number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection) (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K Privacy Act of 1974 and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification section.

Record source categories: Department of Treasury personnel and records, Taxpayers (Complainants, Witnesses, Confidential Informants), Other Federal Agencies, State and local agencies, Tax Re-

turns and related documents, Personal observations of the investigator, and subjects of the investigation.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.004

System name: Disclosure Investigation Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: (a) Internal Revenue Service employees and/or government contract employees at IRS Facilities, who have allegedly disclosed confidential tax information. (b) State and Local Government employees who have allegedly disclosed confidential Federal tax information. (c) Tax return preparers who have allegedly disclosed confidential Federal tax information.

Categories of records in the system: (a) Document citing the complaint of the alleged criminal or administrative violation. (b) Investigative report, including statements, affidavits and any other pertinent documents supporting the investigative report, which will be attached as an exhibit. (c) Report of legal action if case is accepted by U.S. Attorney for prosecution. (d) Report of action by management personnel if case is referred for administrative adjudication.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (b) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (c) Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties, and by case number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.005

System name: Enrollee Applicant Investigation Files; Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Former employees and non-IRS persons who apply for enrollment to practice before IRS under the provisions of Circular 230.

Categories of records in the system: Investigative report covering results of checks of: FBI files; Inspection files; local police; Examination and Criminal Investigation Division files; and verification of Federal tax filing status. Also, appropriate documents attached as exhibits showing results of above file checks.

Authority for maintenance of the system: 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (b) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (c) Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties, and by case number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Record source categories: Internal Revenue Service, Federal Bureau of Investigation, Local police departments.

Treasury/IRS 60.006

System name: Enrollee Charge Investigation Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Offices.

Categories of individuals covered by the system: IRS employees or former employees, tax practitioners, attorneys, certified public accountants or enrolled persons.

Categories of records in the system: A documented complaint or request for investigation alleging criminal or administrative misconduct affecting IRS integrity. A report of investigation, including exhibits such as affidavits, statements or documents which have been reviewed. A report of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 26 U.S.C. 7801, 7802, 7608.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties, and by case number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K of the Privacy Act of 1974 and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification above.

Record source categories: Department of Treasury, Personnel and Records, Other Federal agencies, Taxpayers/Complainants, State and local agencies, Tax returns, Newspapers, Person acquainted with the individual under investigation; Subjects of the investigation, and Personal observations of the investigator.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.007

System name: Miscellaneous Information File, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees and former employees of the Internal Revenue Service, Tax practitioners (Attorneys, Certified Public Accountants, Enrolled Persons, Return Preparers), Alleged tax violators, Persons whose actions or alleged actions indicate a threat to IRS employees, facilities, or the integrity of the tax system, Confidential Informants, and Reputed members of the organized criminal element.

Categories of records in the system: Complaint type information regarding IRS employees which is not, in itself, specific or significant enough to initiate an investigation when received. Allegations of bribery and gratuities by taxpayers and/or their representatives which are not by themselves specific or significant enough to initiate an investigation when received. Allegations of misconduct by tax practitioners, enrolled persons, or tax preparers which are not by themselves specific or significant enough to initiate an investigation when received. Any information received or developed by Inspection that has a bearing on IRS, but is not of itself specific or significant enough to initiate an investigation when received. Information received by Inspection pertaining to alleged violations enforced by other agencies or Divisions of IRS, copies of which are referred to those respective agencies or divisions. Photographs and descriptive data of some IRS employees and of persons arrested by Inspection. Information concerning lost or stolen Government documents, property, credentials or IRS employee personal property lost or stolen on Government premises. List of persons in State or Local Government agencies working under State agreements and having access to Federal Tax information. Newspaper or periodical items about IRS. Newspaper items regarding attorneys, CPA's, Tax Practitioners or Return Preparers arrested, indicted, convicted or under investigation by other agencies. Allegations of threats, assaults, forcible interference or other violence type activity aimed at employees or facilities of IRS which are not by themselves specific or significant enough to initiate an investigation when received. Information regarding Inspection's mission which does not fall into any of the above categories.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual, subject, or incident involved, by name at cross-referenced third parties, and/or information item number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59. Informant files are retained as long as informant remains active.

System manager(s) and address: Assistant Commissioner (Inspection).

Notification procedure: Some of the records in this system may be exempt under subsections J and/or K and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as notification section.

Contesting record procedures: See notification above.

Record source categories: Department of Treasury Personnel and Records, Newspapers and Periodicals, Taxpayers (Complainants, Witnesses, and Informants), State and Local Government Agency Personnel and Records, and Anonymous Complainants.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.008

System name: Security, Background and Character Investigations Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Current, former and prospective employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Bureau of Government Financial Operations, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bond Division, Federal Law Enforcement Training Center, and Private Contractors at IRS Facilities.

Categories of records in the system: (a) Federal Employment Application Forms (b) Results of National Agency Checks (prior reports and records from FBI Investigative Files, Fingerprint Files, Office of Personnel Management, Defense Central Index of Investigations, House Committee on Internal Security, and Coast Guard Intelligence). (c) Employee's Tax Account History (d) Results of Employees Tax Examination (e) Employee's Financial Statement (f) A summary report, a narrative report, notes and/or written replies resulting from the investigator's inquiries into the subject's scholastic record, prior employments, military service, references, neighbors, acquaintances or other knowledgeable sources, police records and past credit record. (g) Report of action taken by management personnel adjudicating any derogatory information developed by the investigation. (h) Report of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO.10450; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection Personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Some of the records in this system may be exempt and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification above.

Record source categories: Employment Application Forms submitted by subject of investigation. Financial information from subject. Federal, State and Local Government Agencies (Police, Court and Vital Statistics records). Credit Reporting Agencies. Neighbors (former and present). References. Former and present employers and co-workers. Other third party sources. Schools. Tax Returns and Examination Results. Information provided by the individual under investigation.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.009

System name: Special Inquiry Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees or former employees of the Treasury Department and the Internal Revenue Service. Non-employees whose alleged criminal actions may affect the integrity of the Internal Revenue Service.

Categories of records in the system: A documented complaint from some source alleging criminal or administrative misconduct affecting Internal Revenue Service integrity. Reports of integrity reviews and tests for deterrence and detection of fraud or corrupt practices and serious control weaknesses. A report of investigation to resolve the complaint, or the suspected problem detected by integrity reviews and tests including exhibits of IRS or public documents reviewed during the investigation.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties, subject, or other identifier and/or by case number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel of a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Record Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as notification above.

Record source categories: Taxpayers (Complainants, Witnesses, Confidential Informants), Federal, State and Local Government Agencies' personnel and records (Police, court, property, etc.), Newspapers or periodicals, Department of the Treasury personnel and records, Financial institutions, and Other Private Business records.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.010

System name: Tort Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Department of the Treasury and non-Federal persons involved in accidents on property under Department of the Treasury jurisdiction or with Department of the Treasury employees.

Categories of records in the system: A report of investigation including exhibits such as SF-91, Operator's Report of Motor Vehicle Accident; SF-91A, Investigation Report of Motor Vehicle Accident; SF-92A, Report of Accident Other Than Motor Vehicle; SF-94, Statement of Witness; Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator. In addition, attached as exhibits might be a Police Report of the accident; copies of insurance policies of the involved drivers; photographs of the scene or vehicles after the accident; Treasury Department vehicle maintenance record, medical records.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosures may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Record Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Some of the records in this system may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as notification above.

Record source categories: Department of Treasury personnel and records, Federal, State and local police agencies, Witnesses, Subjects involved in the investigation, Hospitals (medical records), Doctors

(medical records and personal observations), Personal observations of the investigator, Automobile repair facilities, Insurance Companies, Attorneys, Federal, state and local driver license records, and Federal and State vehicle registration records.

Treasury/IRS 70.001

System name: Individual Income Tax Returns, Statistics of Income—Treasury/IRS

System location: Primary-Internal Revenue Service Data Center, Secondary-(a)Internal Revenue Service, Statistics Division, (b) Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers selected for an annual statistical sample.

Categories of records in the system: Sources of income, exemptions deductions, income tax, and tax credits, as reported on Forms 1040 and 1040A. The records are used to prepare and publish each year statistics, aggregated so as to prevent disclosure of taxpayer identity.

Authority for maintenance of the system: 26 U.S.C. 6108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The statistical output records (i.e., those from which the statistics are directly derived) are maintained on magnetic tape. The input records are maintained as paper documents or copies thereof. The input records are of two types: (1) Copies of U.S. Individual Income Tax Returns (primary input records) and (2) Edit sheets (intermediate input records) which contain information manually abstracted from the primary records.

Retrievability: Each magnetic tape record is identified by social security number and a unique Document Locator Number assigned by the Internal Revenue Service. Those with sole proprietorship income, in addition, contain employer identification number, if reported by the taxpayer. Each primary input record and, for years before 1972, each intermediate input record are identified by name and address.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Input records disposed after 40 years. Output records retained permanently.

System manager(s) and address: Assistant Commissioner (Planning and Research), National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: Forms 1040 and 1040A, Individual Income Tax Returns.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 80.001

System name: Artist File, Assistant Commissioner (TECHNICAL)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Famous or noted artists whose works have been evaluated.

Categories of records in the system: Commissioner's Art Panel decisions on values of works of art by named artists and appraisal documentation.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, System has been retained since 1968.

System manager(s) and address: Assistant Commissioner (Technical), National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Appraisal documentation and Art Panel decisions.

Treasury/IRS 80.003

System name: Correspondence Control and Records, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter rulings, technical advice, memorandum and other correspondence from the Office of the Assistant Commissioner (Technical).

Categories of records in the system: Cards containing taxpayer names, date of correspondence, issue, and related information, including in some cases the conclusions reached, and related letter ruling, technical advice, memorandum, and other correspondence files. Also, magnetic disks containing taxpayer names, dates of incoming correspondence and other information related to pending letter rulings, technical advice or other requests.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records and magnetic disks. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Cards retained indefinitely; related files destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59-110, information on magnetic disks retained only until the ruling, memorandum, or other correspondence is issued.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instruction appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individual seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter rulings, technical advice, memorandums, and other correspondence; field office personnel.

Treasury/IRS 80.002

System name: Expert witness and fee appraiser files, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Potential expert witnesses for litigation and fee appraisers for art valuation.

Categories of records in the system: Biographical sketches, application letters or list of names by specialty.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Retained for many years, will be purged periodically to reflect current data.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Varied, generally from the named individual, often unsolicited.

Treasury/IRS 80.004

System name: Reference Index Digest Cards, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter rulings, technical advice, and other correspondence, where case was published as a Revenue Ruling or classified as "Reference":

Categories of records in the system: Cards containing taxpayer names, issue, disposition of case, and related information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Retained indefinitely.

System manager(s) and address: Assistant Commissioner (Technical), National Office (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter rulings, technical advice, and other correspondence, and field office personnel where case was published as a Revenue Ruling or classified as "Reference".

Treasury/IRS 80.005

System name: Reports of Significant Matters (Form M-5945), Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (Certain Division and Branch Offices) (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in Technical" has been prepared because of the presence of a matter significant to Tax Administration.

Categories of records in the system: Copies of "Reports of Significant Matter in Technical".

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, varied.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter ruling requests, technical advice requests, and other correspondence; field office personnel, where a "Report of Significant Matter in Technical" has been prepared.

Treasury/IRS 90.001

System name: Chief Counsel Criminal Tax Case Files. Each Regional Counsel Office, each District Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 53 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office and each District Counsel Office are listed in the Appendix, IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers and related parties against whom tax-related criminal recommendations have been made. (2) Taxpayers and related parties under investigation for criminal tax-related violations who have corresponded with the Regional Counsel's Office. (3) Taxpayers and related parties on whom advice has been requested concerning investigation for tax-related offenses. (4) Potential witnesses in criminal tax investigations. (5) Investigative subjects in connection with Organized Crime Drive, Strike Force, Narcotics Project, or HUD project.

Categories of records in the system: (1) Internal Control Records. (2) Legal and administrative files including investigative reports. (3) Correspondence files. (4) Information on potential witnesses including expert witnesses. (5) Special project files such as Organized Crime Drive, Narcotics Project and HUD project.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to

the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Records are locked up during nonworking hours and during periods when the work area is vacant. Access is strictly controlled and limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional and District Counsel legal files are generally retired to the Federal Records Center 2 years after they are closed and disposed of 20 years after closing. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Other records are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Criminal Tax Division is the system manager of the National Office system. The addresses are in the Appendix. See IRS Appendix A.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as it is exempt under 5 U.S.C. 552a(j) (2).

Record access procedures: This system of records may not be accessed for the purposes of inspection or for contest of content of records as it is exempt under 5 U.S.C. 552a(j) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.002

System name: Chief Counsel Disclosure Litigation Division Case Files—Treasury/IRS.

System location: Disclosure Litigation Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons who communicate with the Service regarding disclosure matters or who are involved with a disclosure issue involving the Service.

Categories of records in the system: (1) Legal Case and Administrative Case Files, (2) Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: A background investigation is made on personnel. Division offices are located in a security area. Access to keys to these offices is restricted. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: All records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Disclosure Litigation Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k)(2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purpose of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Persons who communicate with the agency regarding disclosure matters, Department of Treasury Employees, State, local, and foreign governments, Other Federal agencies, Witnesses, Informants, Parties to disputed matters of fact or law.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.003

System name: Chief Counsel General Administrative Systems. Each of the 7 Regional Counsel Offices and 45 District Counsel Offices, each of the 9 Divisions in the National Office, the Office of the Chief Counsel, and the Offices of the Deputy Chief Counsels (General, Litigation and Technical) and maintain a General Administrative System. This notice applies to all 58 of these systems.—Treasury/IRS.

System location: The location of these systems are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: (1) Past, present and prospective employees of the Chief Counsel's Office. (2) Tax Court Witnesses.

Categories of records in the system: (1) Employee records other than Official Personnel Files of the Office of Personnel Management and the Merit System Protection Board. (2) Time and Attendance Cards. (3) Financial Records such as Travel Expenses, Notary Public Expenses, Moving Expenses, Expenses of Tax Court Witnesses and Miscellaneous Expenses. (4) Employee Recruiting Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) An apparent violation of the law will be referred to the appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Office of Personnel Management and the Merit System Protection Board for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are generally retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. Each Division Director is the system manager of the system in his or her Division. The Chief Counsel and the Deputy Chief Counsels (Litigation, General and Technical) are the system managers of the system in each of their Offices. See IRS Appendix A.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of records in the National Office. The addresses are listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of records in the National Office. The addresses are listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a (k) (5).

Contesting record procedures: See Access above.

Record source categories: Employees, Department of Treasury Personnel, Tax Court Witnesses, Office of Personnel Management and Merit System Protection Board. Other Federal agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.004

System name: Chief Counsel General Legal Services Case Files. Each of the seven Regional Counsel Offices and the National Office do or will maintain a General Legal Services Case File System. The information in this notice applies to all eight systems.—Treasury/IRS.

System location: The addresses of the National Office and each Regional Counsel Office are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: Persons involved in litigation, actions, investigations or cases falling within the jurisdiction of the General Legal Services function including persons—(1) who have caused service of subpoenas, summonses, or other judicial process directed to an officer or employee of the Treasury Department in his official capacity. (2) who are parties in personnel matters, as well as discrimination and labor management relations matters, of the Internal Revenue Service, Chief Counsel's Office or, in some instances, other agencies in the Treasury Department. (3) who are parties in practitioner actions under the jurisdiction of the Director of Practice or the Joint Board of Actuaries. (4) who are parties in procurement matters and under the Federal Claims Collection Act. (5) who are parties in litigation or administrative claims involving alleged violations of The United States Constitution, the Federal Tort Claims Act, the Military Personnel and Civilian Employee Compensation Act, relief of accountable officers for loss of Government funds, rewards, acts of officers or employees acting within the scope of their employment, or official acts of officers or employees not directly relating to Federal tax issues but relating to the Internal Revenue Service. (6) who are parties in miscellaneous matters referred to the General Legal Service Division. (7) who are the subjects of investigations made by the Internal Security Division if the case is referred to the General Legal Services Division. (8) who have filed petitions for the remission or mitigation of forfeitures or who are otherwise directly involved as parties in forfeiture matters, judicial or administrative. (9) who are officials of the Internal Revenue Service and Chief Counsel's Office required to file a Financial Disclosure Statement under the Ethics in Government Act of 1978. (10 who have corresponded regarding a matter under consideration within the General Legal Services Division. (11) who are officers or employees of the Internal Revenue Service or Office of Chief Counsel whose wages are subject to garnishment for back alimony or child support payments or subject to deduction under Wage Earner Plan confirmed by a Bankruptcy Court. (12) who are individuals involved in ethical questions pending before the IRS.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Cards. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purposes of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the Director of Practice and Joint Board of Actuaries in practitioner disciplinary matters. (4) To the Office of Personnel Management in personnel, discrimination and labor management matters. (5) To arbitrators, the Federal Labor Relations Authority, including the Office of the General Counsel of that authority, the Federal Mediation and Conciliation Service in labor management matters. (6) To the Merit Systems Protection Board in Personnel, Discrimination, and Labor Management matters. (7) To the Equal Employment Opportunity Commission in Personnel, Discrimination, and Labor Management matters. (8) To the Special Counsel of the Merit Systems Protection Board in Personnel, Discrimination, and Labor Management matters. (9) To the General Services Administration in property management matters. (10) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, nonadversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (11) To members of Congress for the purposes of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (12) To the Administrative Assistant of the Executive Resources Board as to

Financial Disclosure Statements, who makes the statements available to the public as required by law. (13) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply. If more than one person is involved in a given case then it is generally retrievable only by the first named person.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Legal files are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed. Other records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Each Regional Counsel is the system manager of the system in his or her Region. The Director of the General Legal Services Division is the system manager of the National Office system. The addresses are in the Appendix.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.005

System name: Chief Counsel General Litigation Case Files. Each Regional Counsel Office, each District Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 53 systems—Treasury/IRS.

The addresses of the National Office, each Regional Counsel Office and each District Counsel Office are listed in the Appendix; see IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers or other individuals involved in matters referred to the General Litigation function including: (A) Taxpayers with outstanding tax liabilities or with potential outstanding tax liabilities. (B) Persons from whom information is being sought (summons). (C) Persons requesting information (disclosure). (D) Present or former Internal Revenue Service employees who are being or may be sued in connection with their duties or who have been called upon to testify in private litigation. (E) Persons who are or may be liable to the United States on non-tax claims. (F) Persons who have submitted offers in compromise of federal taxes. (2) Persons who have corresponded regarding a matter under consideration within the General Litigation function.

Categories of records in the system: (1) Legal and Administrative Files. (2) Internal Control Records. (3) Offer in Compromise Files. (4) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To other Federal agencies holding funds of taxpayer for the purpose of collecting a liability owed by the taxpayer. (2) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (3) State and local taxing authorities for purpose of enforcing federal tax laws. (4) Federal, state and local regulatory authorities for purposes of collection of federal taxes. (5) Appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (6) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (7) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (8) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional and District Counsel legal files are generally retired to the Federal Records Center three years after they are closed and disposed of 10 years after being closed. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Records other than legal files are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the General Litigation Division is the system manager of the National Office system. The addresses are in the Appendix.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of National Office Records. The addresses are listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of National Office Records. The addresses are listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of this Privacy Act.

Treasury/IRS 90.006

System name: Chief Counsel Interpretative Division Case Files—Treasury/IRS.

System location: Interpretative Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224; Employee Plans and Exempt Organizations Division, same address.

Categories of individuals covered by the system: Taxpayers concerning whom legal issues have been referred to the Interpretative Division or the Employee Plans and Exempt Organizations Division for opinion.

Categories of records in the system: (1) Legal Case and Administrative Files and Advisory Legal Opinions, (2) General Counsel Memorandums, (3) Office Memorandums, (4) Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the Social Security Administration to consult about a matter involving legal issues concerning the imposition of Social Security taxes. (4) To the Department of Labor or the Pension Benefit Guaranty Corporation concerning the Employee Retirement Income Security Act. (5) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (6) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: General Counsel Memorandums, Office Memorandums, and Internal Control Records are retained indefinitely and disposed of when no longer useful. Legal files are transferred to the National Archives 25 years after the case is closed.

System manager(s) and address: Director, Interpretative Division, Internal Revenue Service, Office of the Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224; Director, Employee Plans and Exempt Organizations Division, same address.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Other persons who communicate with the Internal Revenue Service.

Treasury/IRS 90.007

System name: Chief Counsel Legislation and Regulations Division Correspondence and Private Bill Files—Treasury/IRS.

System location: Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224; Employee Plans and Exempt Organizations Division, same address.

Categories of individuals covered by the system: (1) Persons who have corresponded to the Service, the Department of the Treasury, the White House or Members of Congress regarding a matter in which the Legislation and Regulations Division or the Employee Plans and Exempt Organizations Division was asked to draft a reply. (2) Persons on whose behalf private relief bills were introduced in Congress involving tax related matters.

Categories of records in the system: (1) Correspondence Files, (2) Private Relief Bill Legal Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the agency or individual who directed correspondence to the Legislation and Regulations Division for the Division to draft a response. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Correspondence files are retrievable by the name of the individual who initiated the correspondence. Private Relief Bill files are retrievable by the H.R. or S. number for each Congress.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the compnay of authorized personnel.

Retention and disposal: Correspondence files are generally disposed of after 3 years. Private Relief Bill files are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224; Director, Employee Plans and Exempt Organization Division, same address.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix; IRS Appendix A.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Persons who initiate correspondence referred to the Legislation and Regulations Division, Congressional documents, taxpayers and their representatives, Department of Treasury personnel, other Federal agencies, state, local, and foreign governments, witnesses, informants.

Treasury/IRS 90.009.

System name: Chief Counsel Tax Litigation Case Files. Each Regional Counsel Office, each District Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 53 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office, and each District Counsel Office are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers who have filed petitions with the Tax Court or suits for refunds of Federal taxes. (2) Taxpayers upon whom the issuance of a statutory notice is or was contemplated whose case has been referred to the Tax Litigation function. (3) Taxpayers who are the subject of formal or informal advisory opinions during the investigative stage of the case or while under administrative processing. (4) Persons who have corresponded regarding a matter under consideration within the Tax Litigation function.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Records. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional Routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional and District Counsel legal files are generally retired to the Federal Records Center two years after they are closed and disposed of 10 years after being closed. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are disposed of 20 years after the case is closed. Other records are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Tax Litigation Division is the system manager of the National Office system. The addresses are in the Appendix, See IRS Appendix A.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of National Office Records. The addresses are listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of National Office Records. The addresses are listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal Agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.010

System name: Digest Room Files Containing Briefs, Legal Opinions, and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws-Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers who have sought Internal Revenue Service rulings and/or legal opinions on tax problems and those whose cases are being or have been adjudicated.

Categories of records in the system: (1) Internal Control Records; (2) Briefs; (3) Legal Opinions.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Justice Department personnel for research purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Records are kept in a secured area. Access is limited to authorized personnel. Users of the system must show IRS identification and sign a register each time the room is used. Background checks are made on employees.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. (See IRS Appendix A.)

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Department of Treasury personnel; Department of Justice personnel; taxpayers and their representatives; other Federal agencies; witnesses; informants; state, local, and foreign governments; parties to disputed matters of fact and law; other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.011

System name: Employee Recruiting Files Maintained by the Administrative Services Division—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons who have applied for attorney positions with the Chief Counsel's Office, both National Office and field and persons who have applied for non-attorney positions in the National Office only.

Categories of records in the system: Applicant Files and lists of eligible applicants, Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Office of Personnel Management and Merit System Protection Board for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: The applicant files and other records are destroyed when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix, see IRS Appendix A.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a(k)(5).

Contesting record procedures: See Access above.

Record source categories: Applicants, Department of Treasury Personnel, Civil Service Commission, Other Federal Agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.012

System name: Internal Control Records for Chief Counsel Legal Files—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers who file petitions, suits for refund, requests for revenue rulings and those who have had other matters pending before the Office of Chief Counsel.

Categories of records in the system: (1) Docket Cards. (2) Closed Card Records. (3) Charge-Out Records. (4) Federal Record Center File Binder Index.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of Justice to inform them of the location of a legal case file. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: An individual who wishes to determine whether the system contains any records pertaining to himself may address inquiries to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Individuals seeking access to any record or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Department of Treasury Personnel, Taxpayers and other individuals who initiate documents submitted to the Service.

Treasury/IRS 90.013

System name: Legal case files of the Chief Counsel, Deputy Chief Counsels (General, Litigation and Technical) and their Staffs. Treasury/IRS.

System location: Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons whose cases at one time involved important issues or unusual circumstances which were brought to the attention of the above persons.

Categories of records in the system: Legal case files which include internal control records of such case files of both the persons currently holding the above positions and those who previously held such positions.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, nonadversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records pertaining to individuals are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are kept indefinitely and disposed of when no longer useful.

System manager(s) and address: Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.014

System name: Management Files Maintained by Administrative Services Division and the Deputy Chief Counsel (General)other than the Office of Personnel Management's Official Personnel Files—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The location of the Chief Counsel Selection Board Files is: Deputy Chief Counsel (General), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Current and former employees of Chief Counsel's Office, both National Office and field.

Categories of records in the system: Contains some materials which are duplicated materials contained in the Official Personnel File, or is payroll data duplicated in the master payroll records and include material such as: transfer and reassignment requests, correspondence, evaluations, personnel listings, retirement eligibility, home and office address and telephone numbers, information regarding employees' participation in training programs, resumes, information on participation in Health Maintenance Program, employees' suggestions, awards, lists of material typed by the Transcription Center according to the name of the attorney for whom it was typed, loans from Chief Counsel's Assistance Fund, records of keys and identification cards issued to employees, lists of individuals given special duties such as being a floor marshal, information on loss suffered by employees who are theft victims, list of long distance calls not made on FTS, list of bus tokens issued, list of parking permits, records of requests for use of GSA vehicles, case assignments, and financial information on employees.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, Executive Order 11222, and Executive Order 11590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Office of Personnel Management and Merit System Protection Board for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The system manager of the Chief Counsel Selection Board Files is: Deputy Chief Counsel (General), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a (k) (5).

Contesting record procedures: See Access above.

Record source categories: Employees, Department of Treasury Personnel, Office of Personnel Management and Merit System Protection Board, Other Federal agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.015

System name: Reference Records of the Library in the Office of Chief Counsel—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: (1) Taxpayers who have sought Congressional tax relief by means of a Private Bill. (2) Taxpayers involved in tax litigation. (3) IRS employees who charge out books.

Categories of records in the system: (1) Numerical and alphabetical listing of Private Relief Bill and files related to the Bill. (2) Reference cards for tax cases. (3) Charge cards and inter-library loan forms.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: All information about individuals is available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the individual to whom they pertain and Private Bill material can also be retrieved by H.R. or S. number.

Safeguards: Although access is limited to authorized individuals, this material would be available to any person through a Freedom of Information Act request.

Retention and disposal: Records are regularly updated. If the library materials to which the references pertain are no longer in the library collection, the reference cards are destroyed.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C. Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Material to which reference information pertains.

Treasury/IRS 90.016

System name: Reports and Information Retrieval Activity Computer and Microfilm Records (Counsel/Appeals Tracking System)—Treasury/IRS

System location: Computer Records: Internal Revenue Service Data Center, 1300 John Lodge Freeway, Detroit, Michigan 48226 (and a commercial vendor to be identified later for FY 1981-1983 system development). Microfilm Records: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C., 20224.

Categories of individuals covered by the system: (1) Taxpayers who initiated suits for refund in district courts or the Court of Claims. (2) Taxpayers who have filed petitions with the United States Tax Court. (3) Taxpayers who have requested rulings from the Service in those cases in which the request has been referred to the Office of Chief Counsel for a legal opinion. (4) Taxpayers who have been involved in litigation concerning the collection of taxes. (5) Taxpayers whose cases were the subject of technical advice, memoranda to the Solicitor General and similar advisory memoranda. (6) The Counsel/Appeals Tracking System to be developed during fiscal years 1981-1983 will act as a control and management information system for the following Chief Counsel systems of records: Treasury/IRS 90.001, 90.002, 90.003, 90.004, 90.005, 90.006, 90.007, 90.009, 90.010, 90.011, 90.012, 90.013, 90.014, and 90.015. The system will contain control records concerning the categories of individuals identified in these systems. Control records concerning individuals who have or had cases pending with the Appeals Division will also be included in the system.

Categories of records in the system: (1) Skeletal legal files. (2) Indexes. (3) Actions on Decisions. (4) Case Abstracts. (5) Technical Advice Replies by the Tax Court Litigation Division. (6) Miscellaneous Advisory Memoranda regarding a case usually going to the Solicitor General. (7) Data necessary for monitoring procedures to settle docketed U.S. Court Cases (Rev. Proc. 78-9).

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action, seeking legal advice, or for research purposes. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Skeletal legal files and indexes to the narrative material or microfilm excluding the General Litigation Division's Actions on Decisions are stored on magnetic tape. Actions on Decisions, Case Abstracts, Technical Advice and Advisory Memoranda are stored on microfilm. Input documents are on paper. The system to be developed during fiscal years 1981-1983 will also allow access by interactive terminal.

Retrievability: Records are retrievable by the name of the person to whom they apply. The system to be developed during fiscal years 1981-1983 will also allow retrieval of legal jacket number and case issue.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Passwords are required in the Counsel/Appeals Tracking System to access system information.

Retention and disposal: Magnetic tape and microfilm retained indefinitely and disposed of when no longer useful. Input documents are retained for one year.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division whose address is listed in the Appendix, see Appendix A.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division whose address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 00.002

System name: Correspondence Files and Correspondence Control Files (Including inquiries about enforcement activities).

System location: National Office, National Computer Center, Data Center, Regional Offices, District Offices and Service Centers. (See Appendix A).

Categories of individuals covered by the system: (1) Initiators of correspondence. (2) Persons upon whose behalf the correspondence was initiated. (3) Persons who are subject of the correspondence. Includes individuals for whom tax liabilities exist, individuals who have made a complaint or inquiry relative to an Internal Revenue tax matter, or individuals for whom a third party is interceding relative to an Internal Revenue tax matter.

Categories of records in the system: (1) Correspondence received. (2) Responses to correspondence. (3) Associated records. This system may include tax return information and investigation records as necessary to process correspondence received. Correspondence may include letters, telegrams, memoranda of telephone calls and other forms of communication.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally. No centralized index exists.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposition varies in accordance with the nature of the correspondence file, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Assistant Commissioners, Regional Commissioners, District Directors and Service Center Directors of Internal Revenue.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched, or such other official to whom the initial correspondence may have been referred. This system may contain some records which are exempt from the notification provisions of the Privacy Act, Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested, or such other official to whom the initial correspondence may have been referred.

This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Record source categories: Correspondence received. This system of records may contain investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS

APPENDIX A

Inquiries under Treasury/IRS systems should be addressed to the office whose records are to be searched. The titles and addresses of the Systems Managers are as follows:

NATIONAL OFFICE INTERNAL REVENUE SERVICE
- Assistant to the Commissioner (Equal Opportunity)
- Assistant to the Commissioner (Public Affairs)
- Assistant Commissioner (Compliance)
- Assistant Commissioner (Data Services)
- Assistant Commissioner (Employee Plans and Exempt Organizations)
- Assistant Commissioner (Inspection)
- Assistant Commissioner (Planning and Research)
- Assistant Commissioner (Resources Management)
- Assistant Commissioner (Taxpayer Services and Returns Processing)
- Assistant Commissioner (Technical)
- Director, Disclosure Operations Division
- Chief Counsel

The address for all of the above Systems Managers is as follows:
- 1111 Constitution Avenue, N.W.
- Washington, D.C. 20224
- Director, Office of International Operations
- 1325 K Street, N.W.
- Washington, D.C. 20225

REGIONAL OFFICE INTERNAL REVENUE SERVICE

Central Region:
- Regional Commissioner, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
- Regional Inspector, Internal Revenue Service, 550 Main Street, Room 8508, Cincinnati, Ohio 45202.
- District Director, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
- District Director, Internal Revenue Service, 1240 East 9th Street, Cleveland, Ohio 44199.
- District Director, Internal Revenue Service, Rm. 2483 Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226.
- District Director, Internal Revenue Service, Federal Office Building, 575 N. Pennsylvania Street, Indianapolis, Indiana 46204.
- District Director, Internal Revenue Service, U.S. Post Office Building, 601 West Broadway, Louisville, Kentucky 40202.
- District Director, Internal Revenue Service, 425 Juliana Street, Parkersburg, West Virginia 26101.
- Director, Internal Revenue Service Center, Central Region, 201 W. Second St., Covington, Ky 41019.

Mid-Atlantic Region:
- Regional Commissioner, Internal Revenue Service, 2 Penn Center Plaza, Rm. 500 Philadelphia, Pennsylvania 19102.
- Regional Inspector, Internal Revenue Service, W. J. Green Federal Bldg. 600 Arch Street, Rm. 42284 Philadelphia, Pennsylvania 19106.
- District Director, Internal Revenue Service, Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.
- District Director, Internal Revenue Service, 970 Broad Street, Newark, New Jersey 07102.
- District Director, Internal Revenue Service, 600 Arch Street, Philadelphia, Pennsylvania 19106.
- District Director, Internal Revenue Service, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
- District Director, Internal Revenue Service, 400 North 8th Street, Richmond, Virginia 23240.
- District Director, Internal Revenue Service, 844 King Street, Wilmington, Delaware 19801.

Director, Internal Revenue Service Center, Mid-Atlantic Region, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

Midwest Region:
Regional Commissioner, Internal Revenue Service, One North Wacker Drive, Chicago, Illinois 60606.
Regional Inspector, Internal Revenue Service, Rm. 1646, 35 East Wacker Drive, Chicago, Illinois 60601.
District Director, Internal Revenue Service, 115 Fourth Avenue, S.E., Aberdeen, South Dakota 57401.
District Director, Internal Revenue Service, 230 South Dearborn Street, Chicago, Illinois 60604.
District Director, Internal Revenue Service, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.
District Director, Internal Revenue Service, Federal Building & Post Office, 653 Second Avenue, North, Fargo, North Dakota 58102.
District Director, Internal Revenue Service, Federal Building & Court House 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.
District Director, Internal Revenue Service Federal Office Building, 106 South 15th Street, Omaha, Nebraska 68102.
District Director, Internal Revenue Service, U.S. Court and Custom House, 1114 Market Street, St. Louis, Missouri 63101.
District Director, Internal Revenue Service, Federal Building and Court House, 316 North Robert Street, St. Paul, Minnesota 55101.
District Director, Internal Revenue Service, 325 West Adams, St. Springfield, Illinois 62704.
Director, Internal Revenue Service Center, Midwest Region, 2306 East Bannister Road, Kansas City, Missouri 64170.

North-Atlantic Region:
Regional Commissioner, Internal Revenue Service, 90 Church Street, New York, New York 10007.
Regional Inspector, Internal Revenue Service, 26 Federal Plaza (14th Floor), New York, New York 10007.
District Director, Internal Revenue Service, 68 Sewell Street, Augusta, Maine 04330.
District Director, Internal Revenue Service, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.
District Director, Internal Revenue Service, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207.
District Director, Internal Revenue Service, 120 Church Street Station, New York, New York 10007.
District Director, Internal Revenue Service, 35 Tillary Street, Brooklyn, New York 11201.
District Director, Internal Revenue Service, 111 W. Huron Street, Buffalo, New York 14202.
District Director, Internal Revenue Service, 11 Elmwood Avenue, Burlington, Vermont 05401.
District Director, Internal Revenue Service, 450 Main Street, Hartford, Connecticut 06115.
District Director, Internal Revenue Service, Federal Building, 80 Daniels Street, Portsmouth, New Hampshire 03801.
District Director, Internal Revenue Service, 130 Broadway, Providence, Rhode Island 02903.
Director, Internal Revenue Service Center, North-Atlantic Region, 310 Lowell Street, Andover, Massachusetts 01812.
Director, Internal Revenue Service Center, North-Atlantic Region, 1040 Waverly Avenue, Holtsville, New York 11799.

Southeast Region:
Regional Commissioner, Internal Revenue Service, 275 Peachtree Street, N.E., Atlanta, Georgia 30043.
Regional Inspector, Internal Revenue Service, 4th Floor, 221 Courtland Street, N.E., Atlanta, Georgia 30370.
District Director, Internal Revenue Service, 275 Peachtree Street, N.E., Atlanta, Georgia 30043.
District Director, Internal Revenue Service, 2121—8th Avenue, North, Rm. 1232, Birmingham, Alabama 35203.
District Director, Internal Revenue Service, 901 Sumter Street, Columbia, South Carolina 29201.
District Director, Internal Revenue Service, 320 Federal Place, Greensboro, North Carolina 27401.
District Director, Internal Revenue Service, 301 North Lamar Street, Jackson, Mississippi 39202.
District Director, Internal Revenue Service, Federal Office Building, 400 West Bay Street, Jacksonville, Florida 32202.
District Director, Internal Revenue Service, 801 Broadway, Nashville, Tennessee 37202.
Director, Internal Revenue Service Center, Southeast Region, 4800 Buford Highway, Chamblee, Georgia 30341.
Director, Internal Revenue Service Center, Southeast Region, 3131 Democrat Road, Memphis, Tennessee 37501.

Southwest Region:
Regional Commissioner, Internal Revenue Service, 7839 Churchill Way, LB-70, Dallas, Texas 75251.
Regional Inspector, Internal Revenue Service, 7839 Churchill Way, LB-81, Dallas, Texas 75251.
District Director, Internal Revenue Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87101.
District Director, Internal Revenue Service, 300 E. 8th Street, Austin, Texas 78701.
District Director, Internal Revenue Service, 308 W. 21st Street, Cheyenne, Wyoming 82001.
District Director, Internal Revenue Service, 1100 Commerce Street, Dallas, Texas 75242.
District Director, Internal Revenue Service, 610 Arapahoe Street, Denver, Colorado 80265.
District Director, Internal Revenue Service, 700 W. Capitol, Little Rock, Arkansas 72201.
District Director, Internal Revenue Service, 500 Camp Street, New Orleans, Louisiana 70130.
District Director, Internal Revenue Service, 200 N.W. 4th Street, Oklahoma City, Oklahoma 73102.
District Director, Internal Revenue Service, 412 S. Main Street, Wichita, Kansas 67202.
Director, Internal Revenue Service Center, Southwest Region, 3651 S. Interregional Highway, Austin, Texas 78740.

Western Region:
Regional Commissioner, Internal Revenue Service, 525 Market Street, San Francisco, California 94105.
Regional Inspector, Internal Revenue Service, 160 Pine Street, Suite 500, San Francisco, California 94111.
District Director, Internal Revenue Service, 310 K Street, Anchorage, Alaska 99501.
District Director, Internal Revenue Service, 550 West Fort Street, Box 041, Boise, Idaho 83724.
District Director, Internal Revenue Service, Federal Building, 316 North Park, Helena, Montana 59601.
District Director, Internal Revenue Service, P.J.K.K. Federal Bldg., 300 Ala Moana, Honolulu, Hawaii 96850.
District Director, Internal Revenue Service, 300 N. Los Angeles Street, Los Angeles, California 90012.
District Director, Internal Revenue Service, 2120 N. Central Avenue, Phoenix, Arizona 85004.
District Director, Internal Revenue Service, 1220 S.W. 3rd Ave., Portland, Oregon 97204.
District Director, Internal Revenue Service, 300 Booth Street, Reno, Nevada 89509.
District Director, Internal Revenue Service, 465 S. 4th East, Salt Lake City, Utah 84111.
District Director, Internal Revenue Service, 450 Golden Gate Avenue, San Francisco, California 94102.
District Director, Internal Revenue Service, 915 S. Second Street, Seattle, Washington 98174.
Director, Internal Revenue Service Center, Western Region, 1160 W. 1200 South Street, Ogden, Utah 84201.
Director, Internal Revenue Service Center, Western Region, 5045 East Butler Avenue, Fresno, California 93888.

ADDRESSES OF CHIEF COUNSEL, REGIONAL COUNSEL AND DISTRICT COUNSEL OFFICES

National Office
Administrative Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Criminal Tax Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Disclosure Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
General Legal Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
General Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Interpretative Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Tax Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Chief Counsel, and Deputy Chief Counsels, Litigation, Technical, and General, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Regional Counsel Offices
North-Atlantic Region
Regional Counsel Office
Regional Counsel's Office, IRS, North-Atlantic Region, 26 Federal Plaza, 12th Floor, New York, New York 10007.
District Counsel Offices
District Counsel's Office, IRS, 26 Federal Plaza, 12th Floor, New York, New York 10007
District Counsel's Office, IRS, Manhattan Office, Leo W. O'Brien, Federal Building, Clinton Avenue & N. Pearl Streets, Albany, New York 12207
District Counsel's Office, IRS, 100 Summer Street, Room 1728, Boston, Massachusetts 02110
District Counsel's Office, IRS, Brooklyn Office, 1000 Uniondale Avenue at Hempstead Turnpike, Uniondale, New York 11553
District Counsel's Office, IRS, 304 U.S. Court House, Niagara Square, Buffalo, New York 14202
District Counsel's Office, IRS, Federal Office Building, 450 Main Street, Room 427, Hartford, Connecticut 06115
Mid-Atlantic Region
Regional Counsel Office
Regional Counsel's Office, IRS, Mid-Atlantic Region, Room 464, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.
District Counsel Offices
District Counsel's Office, IRS, Room 10424, 600 Arch Street, Philadelphia, Pennsylvania 19102
District Counsel's Office, IRS, Room 4100, 101 W. Lombard Street, Baltimore, Maryland 21201
District Counsel's Office, IRS, P.O. Box 480, Newark, New Jersey 07101
District Counsel's Office, IRS, Office of International Operations, Room 600, 1325 K Street, NW, Washington, D.C. 20225
District Counsel's Office, IRS, P.O. Box 1407, Pittsburgh, Pennsylvania 15230
District Counsel's Office, IRS, P.O. Box 10065, Richmond, Virginia 23240
District Counsel's Office, IRS, 422 Universal Building, North, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009
Southeast Region
Regional Counsel Office
Regional Counsel's Office, IRS, Southeast Region, P.O. Box 1074, Atlanta, Georgia 30370
District Counsel Offices
District Counsel's Office, IRS, P.O. Box 901, Atlanta, Georgia 30370
District Counsel's Office, IRS, Room 1624, 2121-8th Avenue North, Birmingham, Alabama 35203
District Counsel's Office, IRS, P.O. Box 21002, Greensboro, North Carolina 27420
District Counsel's Office, IRS, Box 35027, Federal Office Building, 400 West Bay Street, Jacksonville, Florida 32202District Counsel's Office, IRS, Room 1502, Federal Office Building, 51 SW First Avenue, Miami, Florida 33130
District Counsel's Office, IRS, P.O. Box 23264, Nashville, Tennessee 37202
Central Region
Regional Counsel Office
Regional Counsel's Office, IRS, P.O. Box 2059, Cincinnati, Ohio 45201
District Counsel Offices
District Counsel's Office, IRS, P.O. Box 2427, Cincinnati, Ohio 45201
District Counsel's Office, IRS, 1620 Williamson Building, 215 Euclid Avenue, Cleveland, Ohio 44114
District Counsel's Office, IRS, P.O. Box 32516, Detroit, Michigan 48232
District Counsel's Office, IRS, P.O. Box 44010, Indianapolis, Indiana 46244
District Counsel's Office, IRS, P.O. Box 898, Louisville, Kentucky 40201
Midwest Region
Regional Counsel Office
Regional Counsel's Office, IRS, 22d Floor South, Everett McKinley Dirksen Building, 219 South Dearborn St., Chicago, Illinois 60604.
District Counsel Offices
District Counsel's Office, IRS, 22d Floor South, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604
District Counsel's Office, IRS, Room 441, 439 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309
District Counsel's Office, IRS, 2700 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106
District Counsel's Office, IRS, Sixth Floor, Continental Plaza, 735 West Wisconsin Avenue, Milwaukee, Wisconsin 53233
District Counsel's Office, IRS, P.O. Box 1500, Downtown Station, Omaha, Nebraska 68101
District Counsel's Office, IRS, Room 720, 320 West Washington Street, Springfield, Illinois 62701
District Counsel's Office, IRS, 935 U.S. Court & Custom House, 1114 Market Street, St. Louis, Missouri 63101
District Counsel's Office, IRS, Room 572, Federal Building & U.S. Court House, 316 N. Robert St., St. Paul, Minnesota 55101
Southwest Region
Regional Counsel Office
Regional Counsel's Office, IRS, Southwest Region, 7839 Churchill Way, LB-81, Dallas, Texas 75251.
District Counsel Offices
District Counsel's Office, IRS, Room 12D27, Earle Cabell, Federal Building, U.S. Court House 1100 Commerce Street, Dallas, Texas 75242
District Counsel's Office, IRS, 20th Floor, 1050-17th Street, Denver, Colorado 80202
District Counsel's Office, IRS, Room 8102, 515 Rusk Avenue, Houston, Texas 77002
District Counsel's Office IRS, P.O. Box 30509, New Orleans, Louisiana 70190
District Counsel's Office, IRS, P.O. Box 1903, Oklahoma City, Oklahoma 73101
Western Region
Regional Counsel Office
Regional Counsel's Office, IRS, Western Region, Two Embarcadero Center, Suite 900, San Francisco, California 94111.
District Counsel Offices
District Counsel's Office, IRS, P.O. Box 2031, Main Post Office, Los Angeles, CA 90053
District Counsel's Office, IRS, 101 N. First Avenue, Suite 1474, Phoenix, AZ 85003
District Counsel's Office, IRS, 810 Crown Plaza, 1500 S.W. First Avenue, Portland, Oregon 97201
District Counsel's Office, IRS, 300 Booth Street, Room 1008, Reno, Nevada 89504
District Counsel's Office, IRS, 940 Front Street, Room 5S18, San Diego, California 92189
District Counsel's Office, IRS, Room 2710, Federal Building, 915 Second Avenue, Seattle, Washington 98174
District Counsel's Office, IRS, P.O. Box 2520, Salt Lake City, Utah 84110

[Billing Code 4830-01]

Treasury/USSS 00.001

System name: Administrative Operations Information System—Treasury/USSS

System location: U.S. Secret Service (Headquarters), 1800 G Street N.W., Washington, D.C. 20223. Components of the Administrative Operations Information System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service, Appendix A, listing the addresses of Secret Service offices): U.S. Secret Service Uniformed Division, 1310 LStreet, N.W., Washington, D.C. 20500. Treasury Security Force, Main Treasury Building, Washington, D.C. 20220. Presidential Protective Division, U.S. Secret Service, Room 1 EOB 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500. Vice Presidential Protective Division, U.S. Secret Service, Executive Office Building Room 295, Washington, D.C. 20500. Dignitary Protective Division U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. Protective Vehicle Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. Eisenhower Protective Division, U.S. Secret Service, Gettysburg, Pennsylvania 17325. Johnson Protective Division, U.S. Secret Service, Stonewall, Texas 78671. Ford Protective Division, U.S. Sec. Ser., P.O. Box 955, Rancho Mirage, Calif. 92270. Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence,

Missouri 64051. Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672. Technical Security Division, Executive Office Building, Washington, D.C. 20500, Plains Security Detail, U.S. Secret Service, P.O. Box 308, Plains, GA. 31780.

Categories of individuals covered by the system: (a) Individuals who are now or were Secret Service employees; (b) Individuals, contractors, and vendors, etc., who are presently doing or previously did business with the Secret Service; (c) Claimants against the Service under the Federal Tort Claims Act and the Military Personnel and Federal Employees Claims Act.

Categories of records in the system: (a) Records containing information on issuance of Secret Service equipment and accountable government property; (b) Records containing procurement negotiations, contracts, agreements, etc., with the Secret Service; (c) Records containing information on past, present and future administrative inquiries, with individuals, contractors, vendors, etc., who have or plan to enter into contractual agreements with the Secret Service; (d) Records on vehicle accidents, injuries, fatalities; (e) Records on motor vehicle operators in the Secret Service; (f) Statement of employment and financial interests of certain Secret Service employees required under Treasury Department standards of conduct.

Authority for maintenance of the system: The authority of the Administrative Operations Information System is contained in various Executive Orders, Treasury Orders and delegations; Title 40 and 41 of the U.S. Code and other rules and regulations where applicable; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Administrative Operations Information System of the U.S. Secret Service are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain administrative control of equipment assigned to Secret Service employees; (d) Referral of information to U.S. Treasury, GAO, OMB, GSA, Department of Justice and other Federal, state, and local governments regarding purchases, contracts, and anticipated purchases and contracts of the Secret Service; (e) To provide administrative services for the Secret Service and maintain administrative records as required by law; (f) To use in the adjudication of any claim for or against the Secret Service; (g) Referral to individuals, contractors, vendors, etc., for the purpose of inquiries relating to or confirmation of orders and purchases; (h) Records maintained in the Administrative Operations Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (l) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Administrative Operations Information System are contained in file folders located in Headquarters, 1800 G Street, N.W., Washington, D.C. 20223, and in Secret Service field offices (see United States Secret Service Appendix A).

Retrievability: The Administrative Operations Information System is indexed alphabetically by name either in a master index file system or on microfilm. Access to the physical files containing records is by class code number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Administrative Operations Information System located at the U.S. Secret Service Headquarters are secured by alarms and other internal security devices in locked rooms with guards on duty on an around the clock basis. Access is available only to employees responsible for records management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master file indices comprising the Administrative Operations Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The file jackets and master indices comprising the Administrative Operations Information System are retained indefinitely. Disposal is by burning or shredding.

System manager(s) and address: Assistant Director, Office of Administration, U. S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are presently or were Secret Service employees; (b) Individuals, corporations, companies, contractors, etc., previously engaged or presently engaged in business with the Secret Service; (c) Claimants.

Treasury/USSS 00.002

System name: Treasury/USSS Criminal Investigation Information System.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223. (b) Components of the Criminal Investigation Information System are geographically dispersed throughout Secret Service field offices. (See below United States Secret Service Appendix A listing the addresses of Secret Service field offices). (c) Treasury Security Force, Room 1044—Main Treasury Building, Washington, D.C.

Categories of individuals covered by the system: (a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service in connection with the performance by that agency of its authorized criminal investigative functions; (b) Individuals who are payees, registered owners or endorsers of stolen or lost obligations and other securities of the United States; (c) Individuals who are witnesses, complainants, informants, suspects, defendants, fugitives, released prisoners, correspondents, organized crime figures, and victims of crimes who have been identified by the Secret Service in the conduct of criminal investigations or by information supplied by other law enforcement agencies, government units, and the general public.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable with an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, handwriting exemplars; laboratory analyses of inks and papers; handwriting analyses; petitions for the remission of forfeitures; notice of non-receipt of treasury drafts; affidavits of forged endorsements; opinions of the examiner of questioned documents; certificates by owners of U.S. registered securities concerning forged requests for payments or assignments; applications for relief on account of loss, theft, or destruction of U.S. Savings Bonds or checks; photographic reproductions of obligations and other securi-

ties of the United States; contraband items; claims against the United States for the proceeds of government checks and bonds; and reports necessary for the settlement of check and bond claims.

Authority for maintenance of the system: The criminal investigative authority of the U.S. Secret Service is contained in 18 U.S.C. 3056 and Treasury Department Orders transferring investigative and security functions to the U.S. Secret Service by virtue of the authority vested in the Secretary of the Treasury pursuant to Reorganization Plan Number 26 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Criminal Investigation Information System of the U.S. Secret Service are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to Federal, state, and local governments, foreign and domestic, having prosecutive and civil law enforcement functions for use by attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; (d) Referral to personnel of other Federal, state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Secret Service criminal investigations and assisting other law enforcement agencies in the investigation and prosecution of violations of the criminal laws which those agencies are responsible for enforcing; (e) Referral to personnel of Federal, state, and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (f) Referral to personnel of Federal, state, and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; (g) Referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (h) Records maintained in the Criminal Investigation Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (l) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (m) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records comprising the Criminal Investigation Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. and/or in file jackets located in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico and one foreign country. (See below, United States Secret Service Appendix A.)

Components of the Criminal Investigation Information System may be located in the Office of the Treasury Security Force, Main Treasury Building, Washington, D.C. Portions of the indices and information contained in the records are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Criminal Investigation Information System of the U.S. Secret Service is indexed alphabetically by name at Headquarters, in the field master and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The field jackets and indices containing the records comprising the Criminal Investigation Information System located at the U.S. Secret Service Headquarters are secured by alarms, and other internal security devices, in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for records management and operational employees with a need to know, each of whom have top secret security clearances; (2) The file jackets and the master field indices comprising the Criminal Investigation Information System in Secret Service Field Offices and the Treasury Security Force are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service and the Treasury Security Force holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Criminal Investigation Information System is as follows: (1) All Judicial cases, 20 years; (2) Non-judicial criminal investigative cases (except non-judicial check and bond cases), 10 years; (3) Non-judicial check claim and bond forgery cases, 5 years; (4) Administrative files of an investigative nature, 3 years; (5) All other files and records the disposition of which is not otherwise specified, 5 years; (6) Investigations for other districts, 2 years; (7) Receipts for counterfeits and contraband, 2 years; (8) Investigation Control Forms, Indefinite; (9) Arrest History Forms, Indefinite; (10) Disposal of records contained in the Criminal Investigation Information System is by burning.

System manager(s) and address: Assistant Director, Office of Investigations, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with certain provisions of 5 U.S.C. 552a elsewhere in the Federal Register.

Treasury/USSS 60.003

System name: Treasury/USSS—Financial Management Information System.

System location: (a) U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223; (b) Components of the Financial Management Information System are geographically dispersed throughout Secret Service field offices. (See below United States Secret Service, Appendix A listing the addresses of Secret Service field offices); (c) U.S. Secret Service Uniformed Division, 1310 L Street, N.W., Room 210, Washington, D.C. 20005; (d) Treasury Security Force, Room 1044, Main Treasury Building, Washington, D.C. 20220; (e) Protection Vehicle Division, U.S. Secret Service, 1310 L Street N.W., Suite 400, Washington, D.C. 20005; (f) Presidential Protective Division, U.S. Secret Service, Room 1, E.O.B., 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500; (g) Vice Presidential Protective Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, D.C. 20500; (h) Dignitary Protective Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005; (i) Atlanta Protective Division, U.S. Secret Service, Suite 1100, Equitable Building, 100 Peachtree St., N.E. Atlanta, Georgia, 30303. (j)

Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, Texas 78671; (k) Ford Protective Division, U.S. Secret Service, P.O. Box 955, Rancho Mirage, Calif. 92270; (l) Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051; (m) Nixon Protective Division, U.S. Secret Service, Room 629, U.S. Customhouse, 6 World Trade Center, New York, NY, 10048. (n) Technical Security Division, Room 482, Executive Office Building, Washington, D.C. 20500. Plains Security Detail, U.S. Secret Service, P.O. Box 308, Plains, GA. 31780.

Categories of individuals covered by the system: (a) Individuals who are now, or were previously, Secret Service employees; (b) Individuals, contractors, vendors, etc., who are presently doing business with or previously did business with the Secret Service; (c) Individuals who are involved in or were previously involved in tort claims with the Secret Service; (d) Individuals who are or previously were involved in payments (accounts receivable) with the Secret Service; (e) Individuals who have been recipients of awards.

Categories of records in the system: (a) Records containing information compiled for the purpose of pay, travel, property damage, expenses incurred other than travel, and retirement annuities and taxes; (b) Records containing information of accounts receivable and payable, involving Secret Service employees and other persons; (c) Records containing information of tort claims dealing with Secret Service property, concerning payment and accounts receivable; (d) Records containing information on the expenditures, anticipated expenditures, and budget studies of the Secret Service; (e) Records of time and attendance of work.

Authority for maintenance of the system: The Financial Management Authority of the U.S. Secret Service is contained in various Executive Orders, Treasury Orders and delegations, Title 7 of the General Accounting Office Policy and Procedure Manual for Guidance of Federal Agencies and other rules and regulations and fiscal procedures where applicable; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Financial Management Information System are as follows: (a) Referral to the Internal Revenue Service, U.S. Treasury, GAO, Civil Service and other Federal agencies dealing with the payment and collection of monies concerning Secret Service employees; (b) Referral to the Internal Revenue Service, U.S. Treasury Department, Civil Service, GAO and other Federal agencies dealing with the payment, collection and audit of monies concerning persons who have financial dealings with the Secret Service; (c) To establish a means of budget projections and studies for anticipated expenses to be incurred; to record the actual expenses claimed; to analyze any unliquidated obligations at the end of the fiscal year; (d) To establish a means of responding to questions by Secret Service employees regarding their financial dealings; (e) To establish and maintain a means of gaining statistical information needed to answer inquiries from other Federal, state and local governments and Congress; (f) To establish a reporting system to Treasury, Office of Management & Budget and the General Accounting Office of Secret Service expenditures; (g) To establish a means of payments to contractors and vendors for purchases made by Secret Service; (h) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (i) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (j) Records maintained in the Financial Management Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (k) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (l) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (m) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (n) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records comprising the Financial Management Information System of the U.S. Secret Service are contained in files, microfilm and/or microfiche located at Headquarters, Washington, D.C., Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country, (see location section of this notice and United States Secret Service Appendix A), and Secret Service Protective Divisions. Portions of the indices and information contained in the Financial Management Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Financial Management Information System is indexed by name and/or numbers in the Headquarters office and by name only in the U.S. Secret Service field offices and protective divisions. Access to the physical files containing records is by number and/or name. Access to the information stored in the computer is also by name and/or number.

Safeguards: (1) The file jackets, indices and computer containing the record systems located at U.S. Secret Service Headquarters are secured by alarms and other internal security devices in locked rooms with guards on duty on a 24 hour basis; (2) Access to the records is available only to employees responsible for records management and operational employees who have a need for such information, each of whom hold a top secret security clearance; (3) The file jackets and/or indices comprising the Financial Management Information System in U.S. Secret Service field offices and protective divisions are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Financial Management Information System are as follows: (1) Financial Management Division automated accounting systems, Paris Field Office file and paid files are retained for six years; (2) Accounts receivable systems maintained for four years unless they are not liquidated; (3) Systems for holiday, overtime hour and other pay adjustments, enter on duty information, resignations, retirements, reassignments, etc., are held indefinitely; (4) Records on personnel actions, leave, change of station, bonds, health benefits and insurance policies, bank deposits, allotments, etc., are held for six months. Disposal of records contained in the Financial Management Information System is by burning.

System manager(s) and address: Assistant Director, Office of Administration, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains a record pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are presently or were previously Secret Service employees; (b) Individuals who are presently or were service contractors or suppliers with the Secret Service; (c) Individuals who are presently or were previously involved in tort claims with the Secret Service; (d) Individuals who are presently or were previously involved in collections and dispersement with the Secret Service; (e) Internal Revenue Service; (f) Surviving spouse of deceased personnel.

Treasury/USSS 00,004

System name: Freedom of Information Request System—Treasury/USSS.

System location: United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: Individuals or organizations who have requested information under the Freedom of Information Act.

Categories of records in the system: (a) Correspondence relating to requests for information; (b) Documents relevant to appeals and law suits under the Freedom of Information Act.

Authority for maintenance of the system: The authority of the U.S. Secret Service is contained in 5 U.S.C. 552, Freedom of Information Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) The system is maintained to insure the efficient processing of requests made pursuant to the Freedom of Information Act; (d) Records maintained in the Freedom of Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (e) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (f) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Freedom of Information Request System are maintained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: The file jackets and indices containing the records comprising the Freedom of Information Request System are indexed alphabetically.

Safeguards: The file jackets and indices containing the records comprising the Freedom of Information Request System are located at U.S. Secret Service Headquarters, and are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for the management of the system and operational employees who have a need for such information, each of whom have a top secret security clearance.

Retention and disposal: All files and indices are held indefinitely. Disposal is by burning.

System manager(s) and address: Freedom of Information and Privacy Acts Officer, Office of Public Affairs, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: Individuals or organizations requesting information pursuant to the Freedom of Information Act.

Treasury/USSS 00.005

System name: Treasury/USSS—Legal Counsel Record System.

System location: Office of Legal Counsel, United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: (a) Individuals who have filed administrative claims involving an employee of the U.S. Secret Service; (b) Any individual who is involved in litigation against the U.S. Secret Service; (c) Individuals who have filed a petition for remission of forfeiture of equipment that was seized from them during an investigation and/or arrest by the U.S. Secret Service.

Categories of records in the system: (a) Copies of administrative claims involving employees of the U.S. Secret Service, responses and legal proceedings in those cases where litigation is involved in administrative claims; (b) Any type of legal document, including complaints, summaries, and litigation reports that are prepared for the Department of Justice at their request; (c) Petitions for remission of forfeiture of seized equipment; (d) Records concerning requests for information regarding the use of reproductions of obligations of the United States including bonds, checks, coins, coupons, currencies (U.S. and foreign), fractional notes, postage stamps (U.S. and foreign), postal money orders, and postmarks.

Authority for maintenance of the system: 18 U.S.C. 3056; 28 U.S.C. 2672 (Federal Tort Claims Act); 18 U.S.C. 471-509.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Legal Counsel Record System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Administrative claims may be routinely sent to the Department of Justice to the Attorneys who will represent the Secret Service in any possible litigation. The purpose of sending administrative claims to these attorneys is to assist them in preparation of litigation involving the Secret Service; (d) Legal records are routinely used in preparation for litigation proceedings against the U.S. Secret Service. Litigation reports are routinely sent to the Department of Justice at their request for assistance in preparation of the litigation proceedings. The purpose of such referals is to assist the Dept. of Justice in the preparation of litigation concerning the U.S. Secret Service; (e) All routine uses for petitions for remission of forfeiture of seized equipment are within the agency; (f) Files concerning requests for information regarding the use of reproductions of Government obligations are used in responding to general requests from the public or for requests for interpretation of legality with the Department of Justice and Postal authorities; (g) Records maintained in the Legal Counsel Record System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h)Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (i) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (j) Disclosures to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (k)For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Legal Counsel Record System of the U.S. Secret Service are contained in file jackets located in the Office of Legal Counsel, United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: The Legal Counsel Record System is indexed chronologically for administrative claims, petitions for remission and requests for information regarding reproductions. Access to the physical files containing litigation records is by an alphabetized listing of the case names.

Safeguards: The file jackets containing records comprising the Legal Counsel Record System located at U.S. Secret Service Headquarters, Office of Legal Counsel, are secured in a locked room with guards on duty on an around the clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance.

Retention and disposal: The retention schedule of records comprising the Legal Counsel Record System is as follows: (1) All judicial case records are retained for a period of 20 years; (2) Administrative

claims, petitions for remission, and requests for information are retained indefinitely. Any disposal is by shredding and/or burning.

System manager(s) and address: Legal Counsel, U.S. Secret Service, 1800 G Street, N.W., Room 842, Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether the system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Administrative claims are filed by those individuals who believe that they have a claim against the U.S. Secret Service; (b) Individuals who are involved in legal proceedings against the U.S. Secret Service. All litigation reports are initiated by Office of Legal Counsel, U.S. Secret Service; (c) Individuals and organizations who have petitioned for remission of forfeiture of seized equipments; (d) Requests for information regarding the use of reproductions from Secret Service field offices, the general public, and from professional organizations.

Treasury/USSS 00.006

System name: Non Criminal Investigation Information System—Treasury/USSS.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.(b) Office of Inspection, U.S. Secret Service, Edison Building, Suite 654, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20226.(c) Components of the Non-Criminal Investigation Information System are geographically dispersed throughout Secret Service field offices in the United States, Puerto Rico, and one foreign country. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices).

Categories of individuals covered by the system: (a) Individuals who are applicants for employment with the U.S. Secret Service and other bureaus of the Department of the Treasury;(b) Individuals who are employees of the U.S. Secret Service and other bureaus of the Department of the Treasury holding security clearances granting access to classified documents and records;(c) Individuals who have filed administrative claims with the Secret Service and other bureaus of the Department of the Treasury under the Federal Tort Claims Act or who have been involved in automobile accidents or other incidents involving employees of the Secret Service and other bureaus of the Department of the Treasury resulting in tort claims against such individuals;(d) Individuals involved in investigations required in the administration of the Government Losses in Shipment Act, the Gold Reserve Act, and the Silver Purchase Act;(e) Individuals who are employees of the Secret Service and other bureaus of the Department of the Treasury who have been accused of misconduct in the performance of their duties, or who have been the subject of a complaint involving the performance of their official functions;(f) Individuals who are the subject of investigations or supply information to investigative agents conducting special investigations relating to the performance by the Secret Service of its statutory and regulatory functions.

Categories of records in the system: (a) Record containing investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information;(b) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, reports of investigators relating to claims under the Federal Tort Claims Act; Government Losses in Shipment Act; the Gold Reserve Act and the Silver Purchase Act; and employee misconduct or malfeasance;(c) Records containing reports or statement of investigators, witnesses, complainants, claimants and correspondents associated with identifiable individuals.

Authority for maintenance of the system: The non-criminal investigative authority of the U.S. Secret Service is contained in 18 U.S.C. 3056; Executive Order 10450 and Treasury Order 82 (revised January 17, 1973); and Treasury Order 173-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Non-Criminal Investigation Information System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to the Department of Justice and other Federal agencies for administrative, civil, or other legal proceedings to be used by personnel officials, attorneys, administrative law officers, and judges; (d) Referral to personnel of other Federal, state and local governmental agencies, foreign and domestic, for the purpose of developing or confirming information on individuals involved in non-criminal investigations conducted by the Secret Service; (e) Referral to personnel of private institutions and to private individuals for the purpose of confirming and/or determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information; and for the purposes of furthering the efforts of the Secret Service to investigate the activities of individuals related to or involved in non-criminal civil and administrative investigations; (f) Referral to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for the purpose of determining suitability, eligibility, or qualifications for employment with or access to classified information in such other agency or instrumentality; (g) Records maintained in the Non-Criminal Investigation Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (i) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (j) Disclosures to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (k) Disclosures of information relating to civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (l) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Non-Criminal Investigation Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. and/or in file jackets located in the Office of Inspection, Edison Building, 1310 L Street, N.W., Washington, D.C. and in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (See Location Section of this notice and United States Secret Service Appendix A.) Portions of these indices and information contained in the Non-Criminal Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Non-Criminal Investigation Information System is indexed alphabetically by name in the Headquarters, Inspection, field master, and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Non-Criminal Investigation Information System located at U.S. Secret Service Headquarters and the Office of Inspection are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master field indices comprising the Non-Criminal Investigation Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the

system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Non-Criminal Investigation Information System is as follows: (1) All judicial case records are retained for a period of twenty years; (2) Applicant security and background investigation records of Secret Service employees are retained for thirty years after retirement or separation of the employee from Secret Service employment; (3) Applicant investigation records relating to employees of Bureaus of the Treasury Department other than the Secret Service, are retained for three years; (4) All other records, the disposition of which are not otherwise specified, are retained for five (5) years. Disposal: Disposal of records contained in the Non-Criminal Investigation Information System is by burning.

System manager(s) and address: Assistant Director, Office of Investigations, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552 a (e) (4) (G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provision of 5 U.S.C. 552 a (e) (4) (H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552 a (e) (4) (I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with certain provisions of 5 U.S.C. 552a—elsewhere in the Federal Register.

Treasury/USSS 00.007

System name: Protection Information System—Treasury/USSS.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223. (b) Presidential Protective Division, U.S. Secret Service, Room 1, E.O.B., 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500. (c) Vice Presidential Protection Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, D.C. 20500. (d) Dignitary Protective Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. (e) Protective Vehicle Division, U.S. Secret Service, 1310 L Street, N.W., Suite 400, Washington, D.C. 20005. (f) Eisenhower Protective Division, U.S. Secret Service, Room 206, Post Office Building, Gettysburg, Pennsylvania 17325. (g) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, Texas 78671. (h) Ford Protective Division, U.S. Secret Service, P.O. Box 955, Rancho Mirage, Calif. 92270. (i) Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051. (j) Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672. (k) U.S. Secret Service Uniformed Division, Room 210, 1310 L Street, N.W., Washington, D.C. 20005. (l) Treasury Security Force, Room 1040, Main Treasury Building, Washington, D.C. 20220. (m) Technical Security Division, Room 482, Executive Office Building, Washington, D.C. 20500. Plains Security Detail, U.S. Secret Service, P.O. Box 308, Plains, GA. 31780. (n) Components of the Protection Information System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices).

Categories of individuals covered by the system: (a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service or another law enforcement agency for the violation of certain criminal statutes relating to the protection of persons or the security of properties; (b) Individuals who are the subjects of investigative records and reports supplied to the Secret Service by Federal, state, and local law enforcement agencies, foreign and domestic; other governmental agencies; private institutions and individuals for evaluation by the Secret Service in connection with the performance by that agency of its authorized protective functions; (c) Individuals who are the subjects of non-criminal protective and background investigations by the Secret Service and other law enforcement agencies where the evaluation of such individuals, in accordance with criteria established by the Secret Service, indicates a need for such investigations; (d) Individuals who are granted ingress and egress to areas secured by the Secret Service, the Executive Protective Service, or to areas in close proximity to persons protected by the Secret Service, including but not limited to invitees, passholders, tradesmen, law enforcement, maintenance and service personnel; (e) Individuals who have attempted or solicited unauthorized entry into areas secured by the Secret Service; individuals who have sought an audience or contact with persons protected by the Secret Service or who have been involved in incidents or events which relate to the protective functions of the Secret Service; (f) Individuals who are witnesses, protectees, complainants, informants, suspects, defendants, fugitives, released prisoners, and correspondents who have been identified by the Secret Service or from information supplied by other law enforcement agencies, governmental units, private institutions, and members of the general public in connection with the performance by the Secret Service of its authorized protective functions.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports relative to an individual compiled at various stages of the process of enforcement of certain criminal laws from arrest or indictment through release from supervision; (d) Records containing information supplied by other Federal, state, and local law enforcement agencies, foreign and domestic; other governmental agencies; private institutions and persons concerning individuals who, because of their activities, personality traits, criminal or mental history, or history of social deviancy, may be of interest to the Secret Service in connection with the performance by that agency of its protective functions; (e) Records containing information compiled for the purpose of identifying and evaluating individuals who may constitute a threat to the safety of persons or security of areas protected by the Secret Service, and/or the Executive Protective Service; (f) Records containing information relating to incidents and events, such as attempted intrusions into secured areas, or activities of mentally disturbed persons demonstrating an unusual or abnormal interest in persons protected by the Secret Service; (g) Records containing information compiled for the purpose of background investigations of individuals, including but not limited to, passholders, tradesmen, maintenance and service personnel who have access to areas secured by or who may be in close proximity to persons protected by the Secret Service and/or the Executive Protective Service; (h) Records containing correspondence, records of telephone calls, visits to and efforts to contact persons protected by the Secret Service by certain individuals who, according to criteria established by the Secret Service, are considered to be of protective interest.

Authority for maintenance of the system: The protective authority of the U.S. Secret Service is contained in 18 U.S.C. 3056 and Section 1 of Public Law 90-331. Criminal Investigations relating to protection, such as threats or unauthorized entry (18 U.S.C. 871; 18 U.S.C. 1751), are authorized by 18 U.S.C. 3056. The protective and security authority of the U.S. Secret Service Uniformed Division is contained in 3 U.S.C. 202 and of the Treasury Security Force in Treasury Orders issued by the Secretary of the Treasury pursuant to the provisions of Reorganization Plan Number 26 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Protective Information System of the U.S. Secret Service are as follows: (a) Disclosures to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to the Department of Justice and other Federal, state and local governmental agencies having a prosecutive function for the use of attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; and for civil and other proceedings involving Secret Service and Executive Protective Service protective functions; (d) Referral to personnel of other Federal state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Secret Service protective investigations and evaluations and for the purpose of protective intelligence briefings of personnel of other law enforcement and governmental agencies assisting the U.S. Secret Service in the performance of its protective functions; (e) Referral to personnel of Federal, state, and local governmental agencies, foreign and domestic, where such referrals are considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of those persons considered to be of

protective interest; (f) Referral to personnel of Federal, state, and local law enforcement agencies and other governmental agencies, foreign and domestic, where there is a showing of a reasonable need to accomplish a valid enforcement purpose; (g) Referral to personnel of private institutions and to private individuals of identifying information pertaining to actual or suspected criminal offenders or other individuals considered to be of protective interest for the purpose of furthering Secret Service efforts to evaluate the danger such individuals pose to persons protected by that agency; (h) Records maintained in the Protection Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract; or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (l) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (m) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Protection Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. or in file jackets located in the offices of various protective units of Secret Service; the Technical Security Division; and in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (see Location Section of this notice and United States Secret Service Appendix A.) Components of the Protection Information System are located in the office of the U.S. Secret Service Uniformed Division, 1310 L Street, N.W., Washington, D.C. and in the office of the Treasury Security Force, Main Treasury Building, Washington, D.C. Portions of the indices and information contained in the Protective Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Protective Information System is indexed alphabetically by name in the Headquarters, field master, protective units and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Protection Information System located at the U.S. Secret Service Headquarters, in the protective units, the U.S. Secret Service Uniformed Division, the Treasury Security Force, and the Technical Security Division of the Secret Service are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance. 2. The file jackets and the master field indices comprising the Protective Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Protection Information System is as follows: (1) All judicial case records are retained for a period of twenty years. In cases where checkups are being made or quarterly investigations are conducted in protective intelligence cases, the retention period is computed from the date of the final checkup or quarterly investigation. In the event of a protective intelligence subject's death, the file is destroyed immediately. Otherwise the checkup and quarterly investigative files are maintained for a period of twenty years; (2) All other protective intelligence case records including protective surveys and nonjudicial protective intelligence cases are retained for a period of five years; (3) Administrative records and files on all types of physical protective activities are retained for a period of ten years; (4) Disposal of records contained in the Protective Information System is by burning.

System manager(s) and address: Assistant Director, Office of Protective Research, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with certain provisions of 5 U.S.C. 552a elsewhere in the Federal Register.

Treasury/USSS 00.008

System name: Public Affairs Record System—Treasury/USSS.

System location: U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: (a) Persons who are private citizens who correspond requesting information relating to the Secret Service; (b) Persons who are members of the news media, authors and publishers requesting information about the Secret Service; (c) Members of Congress who make inquiries with the Secret Service; (d) Persons who are recipients of the Director's Honor Award, who have received recognition from or assisted the Secret Service.

Categories of records in the system: (a) Records of inquiries received from the general public, the communication media and the press relative to Secret Service activities; (b) Records of awards presented by the Secret Service; (c) Records of Congressional inquiries and correspondence.

Authority for maintenance of the system: 18 U.S.C. 3056 and Treasury Department Order Number 173-3, dated October 29, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Public Affairs Record System are as follows: (a) To maintain a record of responses made to the general public, the news media, members of Congress, and other individuals who correspond with the Service; (b) To maintain a record of awards and honors given by the Secret Service and to establish statistical information on these awards and honors; (c) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (d) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552). (e) Records maintained in the Public Affairs Records System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (f) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (g) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant

enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (h) Disclosures to Federal agencies, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (i) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Public Affairs Record System are maintained in file folders located at U.S. Secret Service, Headquarters, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: Records of the Public Affairs Record System are filed alphabetically and chronologically. Access is by name and/or date.

Safeguards: The files containing the Public Affairs Record System are located at U.S. Secret Service Headquarters, and are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for management of the system and operational employees who have a need for such information, each of whom holds a top secret security clearance.

Retention and disposal: While some records in this system are maintained indefinitely, most are destroyed after a 3-year retention period.

System manager(s) and address: Assistant to the Director, Office of Public Affairs, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedure for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) The general public, the news media and members of Congress who correspond with the Service; (b) Persons who have received awards or honors from the Secret Service.

Treasury/USSS 00.009

System name: Training Information System—Treasury/USSS.

System location: (a) U.S. Secret Service, Office of Training, 1310 L Street, N.W., Washington, D.C. 20005. (b) Treasury Security Force, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220. (c) Beltsville Training Center, Beltsville, Maryland 20705.

Categories of individuals covered by the system: (a) Individuals who are now or were Secret Service employees, officers of the U.S. Secret Service Uniformed Division or the Treasury Security Force.

Categories of records in the system: Records containing the type and dates of training programs of the U.S. Secret Service employees, officers of the U.S. Secret Service Uniformed Division or the Treasury Security Force.

Authority for maintenance of the system: 18 U.S.C. 3056 is the statute that establishes Secret Service criminal and protective jurisdiction and training is conducted pursuant to that statute and in accordance with Treasury and Civil Service Regulations relating to training.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Training Information System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) The system is maintained to assist in performing administrative functions of the Office of Training and is used to prepare class directories, class rosters, program evaluation reports and statistical reports, and maintain records of performance; (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Training Information System are maintained on cards at the Secret Service Office of Training, 1310 L Street, N.W., Washington, D.C. 20005, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., and Beltsville Training Center, Beltsville, Maryland.

Retrievability: Records of the Training Information System are filed alphabetically and access to the record card is by name.

Safeguards: The Training Information System record cards located at the U.S. Secret Service Office of Training are secured in locked rooms with alarms when Secret Service employees are not on duty. Access to the records is available only to employees responsible for management of the records and operational employees who have a need for such information, each of whom hold a top secret security clearance.

Retention and disposal: Records in this System are currently maintained indefinitely.

System manager(s) and address: Assistant to the Director, Office of Training, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are now or were Secret Service employees, officers of the U.S. Secret Service Uniformed Division and the Treasury Security Force officers; (b) Individuals from other Federal, state and local law enforcement agencies.

APPENDIX A—

U.S. Secret Service field offices

Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87103, 505—766—3336.
601 Rockwell Avenue, Cleveland, Ohio 44114, 216—522—4365.
Equitable Building, 100 Peachtree Street, N.E., Atlanta, Georgia 30301, 404—526—6111.
950 South Stadium Road, Columbia, South Carolina 29201, 803—765—5446.
Federal Office Building, 300 East 8th Street, Austin, Texas 78701, 512—397—5103.
85 Marconi Boulevard, Columbus, Ohio 43215, 614—469—7370.
Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 20201, 301—962—2200.
1100 Commerce Street, Dallas, Texas 75202, 214—749—3461.
66 Bagby Drive, Birmingham, Alabama 35209, 205—254—1144.
1660 Lincoln Street, Denver, Colorado 80203, 303—837—3027.
575 Technology Square, Cambridge, Massachusetts 02139, 617—223—2728.
Federal Building & U.S. Courthouse, Detroit, Michigan 48226, 313—226—6400.
Federal Building, 111 West Huron Street, Buffalo, New York 14202, 716—842—3542.
El Paso National Bank Building, East Maine Drive at Mesa, El Paso, Texas 79901, 915—543—7546.
New Federal Building, 500 Quarrier Street, Charleston, West Virginia 25301, 304—343—6181.
110 Michigan Avenue, N.W., room 326, Grand Rapids, Michigan 49502, 616—456—2276.
226 Skeens Building, 4530 Park Road, Charlotte, North Carolina 28209, 704—523—9583.
300 Ala Moana Boulevard, Honolulu, Hawaii 96813, 808—546—5637.
219 S. Dearborn Street, Chicago, Illinois, 60604, 312—353—5431.
515 Rusk Street, Houston, Texas 77208, 713—226—5791.
Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202, 513—684—3585.
575 N. Pennsylvania Street, Suite 211, Indianapolis, Indiana 46204, 317—269—6444.

656 North State Street, Suite 201, Jackson, Mississippi 39201, 601—969—4436.
Post Office Building, Jacksonville, Florida 32201, 904—791—2777.
546 Carondelet Street, New Orleans, Louisiana 70190, 504—589—2219.
811 Grand Avenue, Kansas City, Missouri 64142, 816—374—5022.
6 World Trade Center, New York, New York 10048, 212—466—4400.
611 Gaines Street, Little Rock, Arkansas 72201, 501—378—6241.
Federal Building, Room 400, 200 Granby Mall, Norfolk, Virginia 23510, 804—441—6736.
300 N. Los Angeles Street, Los Angeles, California 90012, 213—688—4830.
200 Northwest Fifth Street, Oklahoma City, Oklahoma 73102, 405—231—4476.
Post Office Building, Louisville, Kentucky 40201, 502—582—5171.
110 North 14th Street, Omaha, Nebraska 68102, 402—221—4671.
167 North Main Street, Memphis, Tennessee 38103, 901—521—3568.
58 bis, Rue la Boetie, American Embassy, Paris 8, France, 265—7460.
5255 N.W. 87th Avenue, Miami, Florida 33161, 305—350—5961.
600 Arch Street, Philadelphia, Pennsylvania 19106, 215—627—6800.
517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, 414—224—3587.
Room 2041, Federal Building, 230 North 1st Avenue, Phoenix, Arizona 85025, 602—261—3556.
110 South 4th Street, Minneapolis, Minnesota 55401, 612—725—2801.
1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, 412—644—3384.
107 Saint Francis Street, Mobile, Alabama 36602, 205—690—2851.
121 S.W., Salmon Street, Suite 1330, Portland, Oregon 97204, 503—221—2162.
801 Broadway, Nashville, Tennessee 37203, 615—251—5841.
Federal Building & U.S. Courthouse, Providence, Rhode Island 02901, 401—331—6456.
60 Evergreen Place, East Orange, New Jersey 07018, 201—645—2334.
400 North Eighth Street, Richmond, Virginia 23240, 804—782—2274.
150 Court Street, New Haven, Connecticut 06510, 203—865—2449.
650 Capitol Mall, Sacramento, California 95814, 916—440—2413.
1114 Market Street, St. Louis, Missouri 63101, 314—425—4238.
234 Summit Street, Toledo, Ohio 43604, 419—259—6434.
350 South Main Street, Salt Lake City, Utah 84101, 801—524—5910.
1900 Pennsylvania Avenue, N.W., Washington, D.C. 20226, 202—634—5100.
727 E. Durango, San Antonio, Texas 78206, 512—229—6175.
880 Front Street, San Diego, California 92101, 714—293—5640.
450 Golden Gate Avenue, San Francisco, California 94102, 415—556—6800.
Federal Office Building, Chalos E. Chardon Avenue, San Juan, Puerto Rico 00918, 809—753—4539.
Post Office Building, Washington & Linden Streets, Scranton, Pennsylvania 18501, 717—346—2631.
915 Second Avenue, Seattle, Washington 98174, 206—442—5495.
920 W. Riverside Avenue, Spokane, Washington 99201, 509—456—2532.
600 East Monroe Street, Springfield, Illinois 62701, 217—525—4033.
100 S. Clinton Street, U.S. Federal Building, Syracuse, New York 13201, 315—423—5338.
700 Twiggs Street, Suite 740, Tampa, Florida 33602, 813—228—2636.

[Billing Code 4810-42]

Treasury/Comptroller 00.004

System name: Consumer Complaint Letter File—Treasury/Comptroller.

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW, Washington, D.C. 20219. Components of this system are geographically dispersed throughout 14 regional offices. (See addresses listed in 31 CFR Sec. 1.6 Appendix J).

Categories of individuals covered by the system: Persons who file complaints against banks.

Categories of records in the system: This system contains a series of computer printouts setting forth the name, address, bank complained of, date of incoming complaint letter, attorney assigned to examine said complaint and the nature of the resolution.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files are utilized for processing and following up on complaints to determine whether individual has previously filed a complaint with this Office, the date of complaint and the disposition. For additional routine uses, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name of complaining consumer.

Safeguards: Records are in file drawers.

Retention and disposal: The records are retained in perpetuity.

System manager(s) and address: Comptroller of the Currency, Assistant Chief Counsel, 490 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where the record might be stored; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Record source categories: Persons filing complaints against national banks.

Treasury/Comptroller 00.010

System name: Federal Bureau of Investigation Report Card Index—Treasury/Comptroller.

System location: Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Persons who have been involved in or associated with unlawful activity respecting national banking associations.

Categories of records in the system: This system consists of alphabetized indices of the names of individuals involved in or associated with unlawful activity respecting national banks and a cross reference to pertinent Federal Bureau of Investigation Reports relating thereto.

Authority for maintenance of the system: This system is established, maintained and utilized pursuant to 12 U.S.C. sections 481, 21, 1818, and 1829, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are utilized as a cross reference for the purpose of making determinations with respect to potential or existing violations of law. For additional routine uses, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: The records are retrieved by the name of the individual.

Safeguards: Records are maintained by the Office in files with security procedures consistent with the sensitivity of the data.

Retention and disposal: Currently there are no provisions for disposal of records contained in this system.

System manager(s) and address: Director of Enforcement Division, Law Department, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where the record might be stored; and (4) Provide at

least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Systems exempted from certain provisions of the act: Criminal investigative records exempted elsewhere in the Federal Register by the Department of Justice.

Treasury/Comptroller 00.012

System name: Freedom of Information log—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Persons making request under the Freedom of Information Act.

Categories of records in the system: List of names of persons making requests under the Freedom of Information Act.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control and reference regarding Freedom of Information Act. For additional routine uses, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: Unlocked file cabinet.

Retention and disposal: Perpetuity.

System manager(s) and address: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where the record might be stored; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Record source categories: Persons making requests under Freedom of Information Act.

Treasury/Comptroller 00.013

System name: Enforcement and Compliance Information System.

System location: Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Individuals and entities involved in actual or suspected fraudulent activities.

Categories of records in the system: These records contain information identifying the individual, describing the (alleged) crime, giving the bank name and location, identifying the National Bank Examiner (if any), reporting the known or suspected crime(s) and giving the dollar amount involved in the known or suspected crime(s). The name of the individual is the only identifier used.

Authority for maintenance of the system: 12 U.S.C. 481, 1818, 1820.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To provide the Department of Justice with periodic reports which indicate the number, place and individual identity of outstanding potential criminal violations of the law which have been referred to that Department.

b. To provide the Enforcement and Compliance Division of the Law Department of the Comptroller of the Currency and its Regional Offices with periodic reports indicating the current status of potential criminal violations of the law which have been referred to the Department of Justice, other law enforcement agencies and state authorities for possible prosecution.

c. To provide the Comptroller of the Currency's Office with statistical information and thereby enable it to respond to general information requests from the Congress.

d. To enable the Comptroller of the Currency to determine whether proposed shareholders, bank directors, officers or other employees of existing banks, new banks and banks, the controlling ownership of which is changing, have been convicted of a criminal offense involving dishonesty or breach of trust which might endanger the bank whose stock they wish to purchase or for which they wish to work.

e. Other routine uses are set forth in Department of the Treasury Appendix: Additional Routine Uses, 43 FR 42724.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records will be maintained in general correspondence files, in card files and on computer discs.

Retrievability: All records will be indexed by bank location and bank name. In addition, records on computer discs will be indexed by name of individual, known or suspected criminal code provision violated and amount of money involved.

Safeguards: Correspondence files are stored in the Comptroller's Central File room and may only be retrieved by authorized personnel. Card files will be stored in lockable file cabinets. Computer discs will be accessible only to authorized personnel.

Retention and disposal: Records will be retained no longer than fifty years.

System manager(s) and address: Director, Enforcement and Compliance Division Law Department, Comptroller of the Currency, Administrator of National Banks, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: This system is exempt from notification requirements under 5 U.S.C. 552a(k)(2) of the Act as a criminal enforcement system.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as Notification above.

Record source categories: Examinations of national banks by national bank examiners; investigations performed by attorneys in the Enforcement and Compliance Division, and notifications from the Department of Justice, other Federal law enforcement agencies, and State law enforcement authorities.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/Comptroller 00.014

System name: Investigation Files/Employee Reference File - Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employee of Comptroller of the Currency.

Categories of records in the system: Compilation of material for a determination regarding security clearance.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9 / 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the Personnel Management Division, the routine uses are associated with the employee's position. Used only by authorized security-cleared employees within the division. Investigations are used to properly grant clearances. For additional routine uses, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked steel file cabinets and a safe with combination lock.

Retrievability: Filed in alphabetical order by geographical location.

Safeguards: Combination locks are changed once a year and only security-cleared employees within the Personnel Management Division have access.

Retention and disposal: Materials are retained for one month after employee leaves and the records are disposed by shredding.

System manager(s) and address: Director of Personnel, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, DC 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where the record might be stored; and (4) Provide at

least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Systems exempted from certain provisions of the act: Portions of this system are exempted elsewhere in the Federal Register due to the investigative nature of the record.

Treasury/Comptroller 00.221

System name: Treasury/Comptroller—Professional Qualifications Records for Municipal Securities Principals and Municipal Securities Representatives.

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219. Records stored in computerized files are maintained off-premises at the National Association of Securities Dealers, 1735 "K" Street NW., Washington, D.C. 20006.

Categories of individuals covered by the system: Persons who are or seek to be associated with a municipal securities dealer which is a national or District of Columbia bank, or a department, division, or subsidiary of any such bank, in the capacity of municipal securities principals or municipal securities representatives.

Categories of records in the system: These records contain identifying information, detailed educational and occupational histories, certain professional qualifications examination information, disciplinary histories, and information concerning the termination of employment of individuals covered by the system. Identifying information includes names, address history, date and place of birth, and may include social security number.

Authority for maintenance of the system: Section 15B(c) (5), 17 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c) (5), 78q and 78w) and the general authority of the National Banking Laws, 12 U.S.C. 1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in these records may be subject to the following uses:

(a) Referral to the appropriate governmental authority, whether Federal, State, local, or foreign, or to the appropriate self-regulatory organization, of such information as may indicate a violation or potential violation of law, regulation or rule.

(b) Referral to the appropriate court, magistrate, or administrative law judge of such information as may be relevant to proceedings before any such court or judicial officer.

(c) Disclosure of such information as may aid in the resolution of any action or proceeding:

(1) In which the Federal securities or banking laws are at issue;

(2) In which the propriety of any disclosure of information contained in the system is at issue; or

(3) To which the Comptroller of the Currency or a past or present member of its staff is a party or otherwise involved in an official capacity.

(d) Disclosure to a Federal, State, local, or foreign governmental authority, or to a self-regulatory organization, of such information as may be necessary to obtain from such authority or organization additional information concerning the qualifications of an individual covered by the system.

(e) Disclosure of such information as may be necessary to respond to a request from a Federal, State, local, or foreign governmental authority, or from a self-regulatory organization, for information needed in connection with the issuance of a license, granting of a benefit, or similar action by such authority or organization affecting an individual covered by the system.

(f) Disclosure of such information as may be necessary to respond to any Congressional inquiry undertaken at the request of an individual covered by the system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on computer memory discs.

Retrievability: Records are indexed by name of individual.

Safeguards: File folders are stored in lockable metal cabinets and computer memory discs are accessed only by authorized personnel.

Retention and disposal: Records may be maintained indefinitely. Disposal is by normal methods.

System manager(s) and address: Deputy Comptroller for Banking Operations, Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219.

Notification procedure: Inquiries, including name and date and place of birth, should be addressed to the System Manager. Inquirers may be required to include a notarized statement attesting to identity.

Record access procedures: Same as notification procedure.

Contesting record procedures: Same as notification procedure.

Record source categories: Those individuals and municipal securities dealers described in the section entitled Categories of Individuals Covered by the System provide the bulk of the information in the system. Additional input is provided by Federal, State, local, and foreign governmental authorities, and by self-regulatory organizations, which regulate the securities industry.

Treasury/CC 300

System name: Administrative Personnel System

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Components of this system are geographically dispersed throughout 14 regional offices. (See addresses listed in 31 CFR Sec. 1.6 Appendix j.)

Categories of records in the system: Employment related administrative records. This system contains in house control type information about employees. The type of records found within this system are: list of individuals who are issued drivers' licenses, building passes, credit or identification cards, parking permits, accountable property and travel documents; lists of individuals who perform specialized duties (building wardens, relocation teams, safety officers, and civil defense officers); reports about individuals who are involved in accidents while employed.

Authority for maintenance of the system: General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed as a routine use to: (1) the Civil Service Commission (CSC) for the purpose of complying with regulations issued by the CSC; (2) the General Services Administration (GSA) for the purpose of complying with regulations issued by the GSA; and (3) the Department of Labor for the purpose of investigating claims for work related injuries. (See Appendix for additional routine uses.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape, punch cards, micro-film lists and forms.

Retrievability: Records are retrieved primarily by name (filed alphabetically by category of records); secondary identifiers are used to assure accuracy (date of birth, social security number or employee identification number).

Safeguards: Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

Retention and disposal: Personnel type records are retained for 30 days after termination. All other records are retained and destroyed in accordance with published disposition and retention schedules. Individuals wishing more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

System manager(s) and address: Deputy Comptroller for Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed; (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information.

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Record source categories: The information in these records was provided by or verified by the subject of the record, employers and co-workers.

Treasury/CC 310

System name: Fiscal Personnel System

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Components of this system are geographically dispersed throughout 14 regional offices. (See addresses listed in 31 CFR Sec. 1.6 Appendix j.)

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: This system is typically identified as payroll or disbursement type records and contains information about employees. The types of records found within this system are: award, allowance, salary, and fund advancement justification and disbursement records; payroll deductions for taxes, life and health insurance, financial institutions, retirement funds and charitable groups.

Authority for maintenance of the system: General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed as a routine use to: (1) the Civil Service Commission (CSC) for the purpose of complying with regulations issued by the CSC; (2) the General Services Administration (GSA) for the purpose of complying with regulations issued by GSA; (3) the General Accounting Office for the purpose of conducting audits; and (4) to entities designated to receive payroll deductions. (See Appendix for additional routine uses.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape and reports. Disbursement records are stored at the Federal Records Center.

Retrievability: Records are retrieved primarily by name (filed alphabetically), secondary identifiers are used to assure accuracy (date of birth, social security number, or employee identification number).

Safeguards: Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

Retention and disposal: Personnel type records are retained for 30 days after termination. Disbursement records are retained indefinitely. Individuals wishing more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

System manager(s) and address: Deputy Comptroller for Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: Submit request to the Director, Public Affairs at the above address.

Record source categories: The information contained in these records was provided by or verified by the subject of the record, employers and co-workers.

Treasury/CC 329

System name: General Personnel System

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Components of this system are geographically dispersed throughout 14 regional offices. (See addresses listed in 31 CFR. Sec. 1.6 Appendix j.)

Categories of individuals covered by the system: Present and past employees and applicants for employment.

Categories of records in the system: Employment related biographical and performance material. This category of records is typically identified as personnel type records and contains data about employees including applicants. The type records found within this category include: work evaluations; educational, employment, medical and military histories; locator and emergency contact information; dependent and beneficiary information; physical and qualification descriptions; financial interest statements; personal and family assets, liabilities and other interests in business enterprises.

Authority for maintenance of the system: General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed as a routine use to (1) the Civil Service Commission (CSC) for the purpose of complying with regulations issued by the CSC; (2) the Veterans Administration for the purposes of determining veterans preference and pension benefits; (3) the Equal Employment Opportunity Commission for the purpose of providing minority information and case reports; (4) respond to requests from labor organizations for names of employees and identifying information; (5) the Department of Labor for the purpose of reporting health and safety matters; (6) the General Services Administration (GSA) for the purpose of complying with regulations issued by GSA. (See Appendix for additional routine uses.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape, punch cards, micro-film lists and forms.

Retrievability: Records are retrieved primarily by name (filed alphabetically by category of records). Secondary identifiers are used to assure accuracy (date of birth, social security number or employee identification number).

Safeguards: Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

Retention and disposal: Most personnel-type records are retained for 30 days after termination, at which time they are transferred to the Civil Service Commission or destroyed. Some records are retained for varying periods of time. Individuals wishing more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

System manager(s) and address: Deputy Comptroller for Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed or where application for employment was made; (4) Provide at least two secondary identifications (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Record source categories: The information contained in these records was provided or verified by the subject of the record, employers, co-workers, friends, neighbors and associates listed as references, financial and educational institutions.

[Billing Code 4810-33]

Treasury/USSBD 00.001

System name: Savings Bonds Employee Records System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees of USSBD.

Categories of records in the system: Appeal and Grievance Records, Applicant Supply Files, Case Actions, Employee Earning Statements, Employee Financial Statements, Equal Employment Opportunity Files, Incentive Awards and Reports, Itineraries, Locator Cards, Medical Records, Merit Promotion, Motor Vehicle Records, Payroll, Performance Evaluation, Personal Investigation, Position Control, Reduction in Force File, Register of Separation and Transfer, Retirement Cards, Time and Attendance Records, Tort Claims, Training Records and Reports, Travel Vouchers.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Personnel Office of the Savings Bonds Division, Department of the Treasury, maintains in its system of records detailed information pertaining to each of the specific categories listed in Categories of Individuals. Routine use of

the various files enables Personnel to have ready access to applicants for hiring purposes, placement and to aid in assessing the need for employee training and promotion. Necessary information about an individual employee is also provided to other Federal Personnel Offices when a Division employee is under consideration for a position in another Federal Agency. Also, other records carry accrual information that permits annual reviews on an employee's performance. All information is used solely for the purpose for which it was collected which serves as a general internal source bank. The Budget and Fiscal section of the Savings Bonds Division maintains in its record system data pertaining to each of the identifiable categories listed in Categories of Individuals. This information permits the Section to make employee payroll reconciliations, budget forecasts, check and bond issuance verifications, internal audits, prepare earning statements and document payments of employee travel claims. Disclosures may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: All records in Personnel, with the exception of card files, are stored in metal correspondence files, indexed by individual names and numbers. Files are maintained in separate offices according to the nature or content of data. Files are accessible to Personnel employees and are locked at the close of each day. Records pertaining to personal historical data are maintained for two years and are then sent to the Federal Records Center. The records of a less important nature are destroyed after the two-year period. Storage of financial information is maintained on computer printouts supplied by Bureau of the Mint. Time and attendance reports and travel vouchers of employees are stored in separate files and are accessible by name and social security number. All payroll and time and attendance records are retained between audit periods (normally two years) and then destroyed by shredding. Travel vouchers are maintained on file for three years after audit and then sent to the Federal Records Center.

System manager(s) and address: Director of Administration, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See System Manager and Notification above.

Contesting record procedures: See System manager and Notification above.

Record source categories: Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

Systems exempted from certain provisions of the act: Portion of this system are exempted elsewhere in the Federal Register.

Treasury/USSBD 60.002

System name: Savings Bonds Sales Promotion/Volunteer Record System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226; and/or Regional and Branch Offices.

Categories of individuals covered by the system: Bond Tellers, Campaign Managers, Campaign Nominees, Committee Volunteer lists and Contacts, General Correspondence, Geographical Chairmen, Governmental Biographical Sketches, Honorary Chairmen, Individual Volunteer Lists, Mailing Lists—General and Labor, Major Corporation Executives, National Panel of Public Relations.

Categories of records in the system: Administrative lists and related detail.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Sales Office of the Savings Bonds Division, Department of the Treasury, maintains a nation-wide volunteer sales force that promotes the sale of Savings Bonds. The listing in Category of Individuals describes the type of data that supports this effort. This information provides a means by which the Sales Division may review plans and follow progress of individuals in their sale and promotion of Savings Bonds, supplies, volunteer lists and bios for recruiting, appointing and retiring volunteer leaders. Lists also provide a means of supplying volunteers with Savings Bonds program materials and information, invitations to meetings, special bulletins, letters of progress, sales reports and newsletters. Lists are available only for Savings Bonds purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Mailing lists are accessible to employees and stored on addressograph plates. Other correspondence and materials are filed in the regular correspondence file cabinets and permanently retained.

System manager(s) and address: Deputy National Director, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See System Manager and Notification above.

Contesting record procedures: See System Manager and Notification above.

Record source categories: Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the volunteer's appointment.

Treasury/USSBD 60.003

System name: Savings Bonds Sales Record System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226; and/or Regional Offices.

Categories of individuals covered by the system: Blue Ribbon Target Cards, Blue Ribbon Target Status Control Sheets, Field Call Reports, Itineraries, Net Saver Reports, Payroll Savings Reporting Procedures Forms, Progress Summaries, Time and Attendance Records, Training Reports, Work Plans, State—County Chairmen, State and Volunteer Fund Lists, "Take stock in America" Records, Telephone calls, Volunteer Bio's.

Categories of records in the system: Routine lists and administrative details associated with sales.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Sales unit of the Savings Bonds Division houses records of individual sales plans, program plans and regional reports for the purpose of coordinating plans for smoother operation of field work. Final plans are disseminated to field and/or volunteer offices for implementation. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records of this nature are filed in large notebooks and are indexed according to individual names, regions, areas and states. Notebooks are placed on shelves and do not warrant tight security. High priority records are kept for long periods as references, others are destroyed after a two year period.

System manager(s) and address: Director of Sales, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See Notification and System Manager.

Contesting record procedures: See Notification and System Manager.

Record source categories: Data accumulated in the sales record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

DEPARTMENT OF THE TREASURY

APPENDIX AA

Additional Routine Uses

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record maintained by this agency to carry out its functions may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by this agency to carry out its functions may be disclosed as a routine use to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by this agency to carry out its functions may be disclosed in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrates or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in 28 C.F.R. 50.2.

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[Billing Code 4810-28]

[FR Doc. 81-7563 Filed 3-11-81; 8:45 am]

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INFORM

PUBLICA
Code of
CFR Unit

General i
Incorporat
Printing o

Federal R
Correction
Daily Issu
General in
Public Ins
Scheduling

Laws
Indexes
Law numb

Slip law o

Presidenti
Executive
Public Pap
Weekly Co

Privacy Ac

United Sta

SERVICES
Agency ser
Automation
Dial-a-Reg
Chicago,
Los Ang
Washing
Magnetic t
volumes
Public brief
What It
Public Insp
Regulations
Special Pro
Subscription
TTY for the

FEDERAL

14727-1488
14885-1512
15129-1525
15257-1549
15491-1568
15685-1585
15855-1609
16099-1623
16235-1665

Reader Aids

Federal Register

Vol. 46, No. 48

Thursday, March 12, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6030
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6030
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders and problems (GPO)	783-3238
TTY for the deaf	523-5230

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12296 15129

Proclamations:
4822 14885
4823 15491

Administrative Orders:

Presidential Determinations:
No. 81-2 (Supplemented by No. 81-4 of March, 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981) 15855

4 CFR

27 15857
28 15857

Proposed Rules:
28 15884

5 CFR

550 14887

7 CFR

905 16237
907 ..... 15257, 16237
910 ..... 15493, 15864
907 16236
2024 15493

Proposed Rules:
930 15888
1004 ..... 15713, 16266
1007 16266
1011 16266
1030 16266
1032 16266
1046 16266
1049 16266
1050 16266
1062 16266
1064 16266
1065 16266
1068 16266
1071 16266
1073 16266
1076 16266
1079 16266
1094 16266
1096 16266
1097 16266
1098 16266
1099 16266
1102 16266
1104 16266
1106 16266
1108 16266
1120 16266
1126 16266
1131 16266
1132 16266
1138 16266
2851 14889
2859 15512

9 CFR

75 15494

Proposed Rules:
308 15512
381 15512

10 CFR

20 16230
35 15683
212 15257

Proposed Rules:
30 15276
40 15276
50 15276
51 15154
70 15276
72 15276
211 15112
376 15484
390 15484

12 CFR

Ch. VII 14887
1 16240
21 15864
206 16099
216 15864
326 15864
546 14727
556 16246
563 14727
563a 15864
748 15864
1204 15131

Proposed Rules:
400 15888
545 15175

14 CFR

39 ..... 14728-14729, 15259, 16247, 16248
71 14730-14734
95 14735
97 ..... 15259, 16249
121 15480

Proposed Rules:
Ch. I 14749, 15278, 15746
21 16279
39 15479
71 15478
93 15458
159 15458

15 CFR

4a 16251
503 15496
935 14741
936 14741
937 14741
938 14741

16 CFR

13 ..... 15261, 15262
1 14886
13 14741

Proposed Rules:

13 16274

17 CFR

15 ..... 15132, 16255
200 16255
211 15496
240 ..... 15496, 15866
240 ..... 14868, 15133, 15134, 15713

Proposed Rules:

210 15278
240 ..... 14749, 15178

18 CFR

4 15873
250 15874
260 15876
282 ..... 14742, 15496, 15879, 16256

Proposed Rules:

Ch. I 15512
1 14751
4 14751
34 15513
131 15513
154 14899
157 14899
250 14899
260 14899

19 CFR

353 15135
355 16099

21 CFR

73 15500
81 15500
193 16256
430 15880
436 15880
440 15880
442 15880
540 14869
561 14869
864 14890

Proposed Rules:

109 15518
110 15518
193 15281
225 15518
226 15518
500 15518
509 15518
872 15519

22 CFR

Ch. XIV 16058, 16065
41 15504
51 16257

24 CFR

203 14743
207 14743
220 14743
300 15505

25 CFR

43c 14880
700 15720

Proposed Rules:

26 CFR

1 ..... 15262, 15685, 16100
55 15262
150 16257

Proposed Rules:

1 15892
26 15893

28 CFR

0 16100
40 16100

Proposed Rules:

2 14904

29 CFR

1910 14897
2200 14744

30 CFR

Proposed Rules:

906 16276

32 CFR

201 15505
286 14880
369 15506
875 15506

33 CFR

1 15685
230 14745

36 CFR

3 16101
21 16101

39 CFR

111 ..... 14746, 15263, 15266

40 CFR

52 ..... 15136–15139, 15686
55 15686
81 ..... 14891, 14892, 15140, 16258
86 ..... 15686, 16258, 16259
162 15104
180 ..... 14894, 15122–15125
761 16090

Proposed Rules:

51 16280
52 ..... 15180, 15181, 15284, 15743, 16280
60 14905
81 ..... 15744, 15744
86 15893
180 ..... 15181, 15182, 15285
192 16278
430 15267
431 15267
761 16096
763 14905

41 CFR

1–4 16102
101–35 16102
101–36 16102
101–40 14894

42 CFR

110 15141

43 CFR

Public Land Orders:

5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15267, 15269
65 15142

Proposed Rules:

67 ..... 14907, 15183, 15287, 16282

45 CFR

1060 15270
1357 14895
1612 16267

46 CFR

3 15746
14 15746
24 15746
188 15746
189 15746

47 CFR

2 ..... 15146, 15690
73 ..... 15147–15151, 15271, 15707, 15709–15711, 16268
81 15690
83 15690
90 ..... 15152, 15273
97 15146

Proposed Rules:

Ch. I 14907, 15184, 15296
0 15297
22 15749
25 15754
73 ..... 15754, 15756, 15757
81 15297
83 ..... 14754, 15297
73 ..... 15184–15186, 15296
90 16104

48 CFR

1003 16200
1005 16200
1033 ..... 14895, 14896, 15507
1039 15509
1056 16200
1132 15509
1240 15880
1243 15881
1310 16200
1322 16200
1331 ..... 15277, 16102

Proposed Rules:

23 16282
1048 16106
1056 16225
1057 15300
1206 15302
1207 15302

50 CFR

611 16103
652 15510

Proposed Rules:

230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
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Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing February 19, 1981

15660
15690
152, 15273
15146
184, 15296
15297
15749
15754
756, 15757
15297
754, 15297
188, 15298
16104
16200
16200
896, 15507
15509
16200
15509
15660
15661
16200
16200
277, 16102
16282
16106
16225
15300
15302
15302
16103
15510
15746
15188
16107

V
4
6
/
4
8
M
R
1
2
8
1
UMI

Slip Laws

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V 4 6 / 4 8 M R 1 2 8 1 UMI

3-13-81
Vol. 46 No. 49
Pages 16653-16876

federal register

Friday
March 13, 1981

Highlights

16656, 16663 **Banks and Banking** Treasury/Comptroller issues rules to revise its trust examination fees to recover direct and overhead expenses and adopts rule to revise its fee schedule for processing various types of corporate applications and filings to recover the associated expenses (2 documents)

16659, 16661 **Banks and Banking** Treasury/Comptroller adopts rule governing public participation in its processing of applications for corporate activities and issues rule to eliminate unnecessary duplication and delay in charter applications filed solely to facilitate bank holding company acquisitions or reorganizations; effective 3–13–81 (2 documents)

16823 **Grant Programs** ED revises the 1981–82 Family Contribution Schedules for the Pell Grant Program (Part III of this issue)

16830 **Grant Programs** HHS/HDSO announces availability of state grant funds for FY 1981 Child Abuse and Neglect Grants Program (Part V of this issue)

16686 **Veterans Loans** VA issues rule to increase the maximum permissable interest rate on new guaranteed, insured and direct loans for homes and condominiums; effective 3–9–81

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

16726 **Grant Programs** HHS/PHS gives notification of availability of funds for FY 1981 Health Education-Risk Reduction

16729 **Grant Programs** HHS/HDSO announces availability of grant funds for a Regional Resource Center Demonstration Program in DHHS Region VIII

16686 **Air Traffic Control** DOT/FAA issues amendment to update and clarify the air traffic flight rules; effective 3-13-81

16669 **Exports** Commerce/ITA issues rule concerning destination control statements to prevent diversion of exports to unauthorized destinations in Russia; effective 3-13-81

16827 **Labor** Labor proposes rule to clarify criteria to be used in determining applicant eligibility for Redwood Employee Protection Program benefits based on layoffs, comments by 4-13-81

16653 **Disability Retirement** OPM issues rule; effective 3-5-81

16673 **Securities** SEC adopts rules exempting business development companies and certain of their affiliates from provisions of the Investment Company Act; effective 3-9-81

16732 **Privacy Act Documents** HHS/SSA

16775 **Sunshine Act Meetings**

Separate Parts of This Issue

16814 **Part II, LABOR**
16823 **Part III, ED**
16827 **Part IV, LABOR**
16830 **Part V, HHS/HDSO**
16836 **Part VI, OMB**

Contents

Federal Register
Vol. 46, No. 49
Friday, March 13, 1981

Agricultural Marketing Service
RULES
16655 Lemons grown in Ariz. and Calif.
PROPOSED RULES
Milk marketing orders:
16690 Lake Meade
16689 Upper Midwest

Agriculture Department
See Agricultural Marketing Service; Rural Electrification Administration; Soil Conservation Service.

Air Force Department
NOTICES
Environmental statements; availability, etc.:
16708 M–X missile program; deployment area selection and land withdrawal/acquisition; hearings

Architectural and Transportation Barriers Compliance Board
NOTICES
16696 Accessible designs; minimum Federal guidelines and requirements; seminars

Arts and Humanities, National Foundation
NOTICES
Meetings:
16761 Visual Arts Panel

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
16700, 16701 Procurement list, 1981; additions and deletions (2 documents)

Census Bureau
NOTICES
Surveys, determinations, etc.:
16697 Company organizations; multiestablishment companies

Centers for Disease Control
NOTICES
Grants; availability, etc.:
16726 Health education-risk reduction program

Civil Aeronautics Board
NOTICES
16696 Certificates of public convenience and necessity and foreign air carrier permits

Commerce Department
See Census Bureau; International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
PROPOSED RULES
16691 Futures commission merchants; minimum financial and reporting requirements; extension of time

Comptroller of Currency
RULES
National banks:
16663 Assessment of fees covering trust examinations to recover direct and overhead expenses; National banks and District of Columbia banks and trust companies
16661 Corporate activities; interim national bank organization
16656 Corporate activities; rules, policies, and procedures; revision of fee schedule for applications and filings
16659 Corporate activities; written comments and hearings on applications; procedures

Consumer Product Safety Commission
NOTICES
Consent agreements:
16701 Diamond Rug & Carpet Mills, Inc.
16702 Lafayette Junior Moore
16704 Samor Broome Corp. et al.
16705 San Francisco Shirt Works, Inc.

Copyright Royalty Tribunal
NOTICES
16707 Jukebox royalty fees; distribution proceeding

Defense Department
See Air Force Department.

Economic Regulatory Administration
NOTICES
Natural gas; fuel oil displacement certification applications:
16708 Long Island Lighting Co.
16709 Nebraska Municipal Power Pool
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
16710 Central Hudson Gas & Electric Corp. et al.
16709 Nevada Power Co.

Education Department
RULES
Postsecondary education:
16823 Pell grant program; family contribution schedules
NOTICES
Meetings:
16708 Education of Disadvantaged Children National Advisory Council

Employment Standards Administration
NOTICES
16814 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ark., Conn., Ill., Ind., Ky., Mich., Minn., Mo., Nebr., N.Y., Ohio, Pa., Tenn., Tex., W.Va., and Wis.)

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Air quality implementation plants; approval and promulgation; various States, etc.:
16687 Colorado
NOTICES
Environmental statements; availability, etc.:
16719 Agency statements; weekly receipts

Federal Aviation Administration
RULES
Air traffic operating and flight rules:
16666 Emergency flight rules, FAA notices to airmen

Federal Communications Commission
PROPOSED RULES
Radio services, special:
16692 Maritime services; Safety of Life at Sea Convention; operational standards for vessels
NOTICES
Hearings, etc:
16722 Springfield Television of Washington, Inc., et al.
Meetings:
16721 National Industry Advisory Committee
16721 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies (2 documents)

Federal Emergency Management Agency
PROPOSED RULES
16692 Flood insurance program; land management and use criteria; withdrawn

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
16712 Agrico Chemical Co.
16712 Central Oregon Irrigation District
16713 Continental Hydro Corp.
16714 Crosby Chemicals, Inc.
16714 Delhi Gas Pipeline Corp.
16715 Long Lake Energy Corp.
16718 SONAT Exploration Co.
16718 Transcontinental Gas Pipe Line Corp.
16719 Twin Valleys Public Power District
16716 White, Mitchell M., et al.
Natural gas companies:
16717 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend

Federal Home Loan Bank Board
NOTICES
Applications, etc.:
16723 First City Federal Savings & Loan Association

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
16723 Port of Seattle, Wash., and Hanjin Container Lines, Ltd., et al.; use of land for storage and handling of containers, etc.
16775 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
16724 First Marlow Bancshares, Inc.
16724 Persons Banking Co., Inc.
16724 Rice Lake Bancorp, Inc.
16725 University National Bancshares of San Antonio, Inc.
16725 Valley National Corp.
16725 West Coast Bancorp
Bank holding companies; proposed de novo nonbank activities:
16723 Chemical New York Corp. et al.
16724 Wells Fargo & Co.

Fish and Wildlife Service
NOTICES
Meetings:
16733 Migratory bird hunting

Food and Drug Administration
RULES
Food additives:
16675 Poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) sodium salt
16675 Trimethylpyridines and dimethylpyridines
Human drugs:
16681 Antibiotic and antibiotic-containing drugs; certification requirements; updating and technical changes
16676 Antibiotic certification fees; increase
16679 Cefadroxil monohydrate for oral suspension
16678 Erythromycin capsules; tests and methods of assay
16676 Sisomicin sulfate; correction
16680 Tobramycin ophthalmic solution
Organization and authority delegations:
16674 Field personnel; electronic products
PROPOSED RULES
Human drugs:
16692 Erythromycin enteric-coated tablets; disintegration standard; correction
16692 Erythromycin estolate; hearing and reopening of comment time; correction
NOTICES
Human drugs:
16726 Over-the-counter drugs; compilation of preambles; cumulative supplement; availability
Medical devices:
16729 Permalens (perfilcon A) Hydrophilic Contact Lens for nonaphakic extended wear; premarket approval; correction
Meetings:
16727 Advisory committees, panels, etc.
16729 Consumer participation; information exchange

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
16734 Gulf Oil Exploration & Production Co.

Health and Human Services Department
See Centers for Disease Control; Food and Drug Administration; Human Development Services Office; Social Security Administration.

Human Development Services Office
NOTICES
Grant applications and proposals; closing dates:
16630 Child abuse and neglect program
16729 Regional adoption resource centers demonstration program

Immigration and Naturalization Service
RULES
Transportation line contracts:
16656 Sun Land Air Lines, Inc.

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service; Water and Power Resources Service.

Internal Revenue Service
NOTICES
Meetings:
16773 Art Print Advisory Panel

International Trade Administration
RULES
Export clearance:
16669 Soviet Union, diversion of exports to; destination control statements
NOTICES
Countervailing duties:
16697 Leather wearing apparel from Argentina

Interstate Commerce Commission
NOTICES
Motor carriers:
16738, 16739 Finance applications (2 documents)
16738 Intercorporate hauling operations; intent to engage in
16740–16757 Permanent authority applications (12 documents)
16754 Permanent authority applications; correction

Justice Department
See Immigration and Naturalization Service.

Labor Department
See also Employment Standards Administration.
PROPOSED RULES
16627 Redwood employee protection program; benefits based on layoffs occurring after September 30, 1980; clarification of criteria for applicant eligibility

Land Management Bureau
NOTICES
Sale of public lands:
16734 California
Withdrawal and reservation of lands, proposed, etc.:
16734 Oregon

Management and Budget Office
NOTICES
16636 Budget rescissions and deferrals (2 documents)

National Oceanic and Atmospheric Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
16698 Marine Fisheries Advisory Committee
Marine mammal permit applications, etc.
16699 Marine Life Aquarium
Meetings:
16699, 16700 Mid-Atlantic Fishery Management Council (2 documents)
16700 New England Fishery Management Council
16700 Pacific Fishery Management Council

National Park Service
NOTICES
Boundary establishment, descriptions, etc.:
16735 Lake Mead National Recreation Area, Nev.
Concession permits, etc.:
16737 Denali National Park and Preserve, Alaska
Meetings:
16737 National Park System Advisory Board

National Science Foundation
NOTICES
Meetings:
16762 Ad hoc Representatives of Scientific Community and NSF Director and Staff
16761 Astronomical Sciences Advisory Committee
16762 Atmospheric Sciences Advisory Committee
16763 Environmental Biology Advisory Committee
16763 Physiology, Cellular and Molecular Biology Advisory Committee
16763 Social and Economic Science Advisory Committee (2 documents)

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
16764, 16765 Arkansas Power & Light Co. (2 documents)
16765 Commonwealth Edison Co.
16765 Duquesne Light Co. et al.
16766 Maine Yankee Atomic Power Co.
16766 Rochester Gas & Electric Corp.
16767 Tennessee Valley Authority (2 documents)
Environmental statements; availability, etc.:
16766 Three Mile Island Nuclear Station, Unit 2, Pa.; decontamination
Meetings:
16764 Degraded Cooling Steering Group; availability of minutes
16764 Reactor Safeguards Advisory Committee
16764 Reactor Safeguards Advisory Committee; time change

Oceans and Atmosphere, National Advisory Committee
NOTICES
16761 Meetings

Pension Benefit Guaranty Corporation
RULES
Plan benefits valuation:
16685 Interest rates and factors; interim

Personnel Management Office
RULES
Retirement:
16653 Disability retirement program

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
16694 Associated Electric Cooperative, Inc.

Securities and Exchange Commission
RULES
Investment companies:
16673 Business development companies, etc.; exemptions; permanent rule
16670 Option and option-related transactions during underwritten offerings
NOTICES
Hearings, etc.:
16767 Trust for Cash Management
Self-regulatory organizations; proposed rule changes:
16770 Boston Stock Exchange, Inc., et al.
16767 Chicago Board Options Exchange, Inc.
16771 Midwest Stock Exchange, Inc.
16772 Pacific Stock Exchange, Inc.
16772 Philadelphia Stock Exchange, Inc.

Social Security Administration
NOTICES
16732 Privacy Act; systems of records

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
16694 Fourche Creek Watershed, Ark. and Mo.
16694 Grindstone-Lost-Muddy Creek Watershed, Mo.
16695 Irvin Park Critical Area Treatment RC&D Measure, Pa.
16695 Ripley County R-4 School Critical Area Treatment RC&D Measure, Mo.
16695 Scott Township Municipal Park Critical Area Treatment RC&D Measure, Pa.

Transportation Department
See Federal Aviation Administration

Treasury Department
See Comptroller of Currency; Internal Revenue Service.

Veterans Administration
RULES
Loan guaranty:
16686 Home and condominium loans; maximum permissible interest rate increase
NOTICES
Meetings:
16774 Medical Research Service Merit Review Boards

Water and Power Resources Service
NOTICES
Contract negotiations:
16737 Ruedi Reservoir, Fryingpan-Arkansas Project, Colo.

MEETINGS ANNOUNCED IN THIS ISSUE

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD
16696 Seminars on Minimum Federal Guidelines and requirements for accessible design, Washington, D.C.; 3-19 and 3-20-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION
16761 Visual Arts Panel, Washington, D.C., 3-30 through 4-2-81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
16700 Mid-Atlantic Fishery Management Council, Hampton, Va., 4-8 and 4-9-81
16699 Mid-Atlantic Fishery Management Council, Bluefish Subpanel, Philadelphia, Pa., 4-3-81
16700 New England Fishery Management Council, Danvers, Mass. 3-24 and 3-25-81
16700 Pacific Fishery Management Council, Anchovy/Jack Mackerel Subpanel, Long Beach, Calif., 4-7-81

DEFENSE DEPARTMENT
Department of the Air Force—
16708 M-X Missile Program, draft environmental impact statement, 3-30, 3-31, 4-1 through 4-4, 4-6 through 4-9, 4-13 through 4-16 and 4-20 through 4-23-81

FEDERAL COMMUNICATIONS COMMISSION
16721 National Industry Advisory Committee; Amateur Radio Services Subcommittee, Washington, D.C., 3-27-81

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
16727 Advisory committees, various dates and locations
16729 Consumer exchange, Denver, Colo., 3-18-81

INTERIOR DEPARTMENT
Fish and Wildlife Service—
16733 Council meetings, Washington, D.C.; 3-21 and 3-22-81
National Park Service—
16737 National Park System Advisory Board, Harpers Ferry, W.Va., 4-6, 4-7 and 4-8-81

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE
16761 Washington, D.C.; 3-26 and 3-27-81

NATIONAL SCIENCE FOUNDATION
16761 Advisory Committee for Astronomical Sciences, Washington, D.C.; 4-6 and 4-9-81
16762 Advisory Committee for Atmospheric Sciences, Boulder, Colo., 4-9 and 4-10-81
16763 Advisory Committee for Environmental Biology, Subcommittee on Ecological Sciences, Washington, D.C.; 4-9 and 4-10-81
16763 Advisory Committee for Physiology, Cellular and Molecular Biology, Subcommittee on Biological Instrumentation, Washington, D.C., 4-2 and 4-3-81
16763 Advisory Committee for Social and Economic Science, Subcommittee on History and Philosophy of Science, Washington, D.C.; 4-2, 4-3 and 4-4-81
16763 Advisory Committee for Social and Economic Science, Subcommittee for Sociology, Washington, D.C.; 3-29 and 3-30-80
16762 Review of budget and organizational structure of the foundation, Washington, D.C.; 4-4-81

NUCLEAR REGULATORY COMMISSION
16764 Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems, Pasadena, Calif., 3-27-81

16764 Advisory Committee on Reactor Safeguards, Subcommittee on Class 9 Accidents, Washington, D.C.; 3-24-81

TREASURY DEPARTMENT
Internal Revenue Service—
16773 Art Print Advisory Panel, Washington, D.C.; 4-14 and 4-15-81

VETERANS ADMINISTRATION
16687 Medical Research Service Merit Review Boards, various meetings, Washington, D.C.; 3-30, 3-31, 4-2, 4-6, 4-9, 4-10, 4-16, 4-17, 4-21, 4-24, 4-29, 4-30, 5-1, 5-4, 5-5, 5-6, 5-7 and 5-11-81

HEARINGS

COPYRIGHT ROYALTY TRIBUNAL
16707 Jukebox Royalty Distribution proceeding, beginning 4-21-81

AMENDED HEARING

EDUCATION DEPARTMENT
16708 Education of Disadvantaged Children, National Advisory Council, Atlanta, Ga., 3-27 and 3-28-81; tentative agenda provided

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
831 16653

7 CFR
910 16655
Proposed Rules:
1068 16689
1139 16690

8 CFR
238 16656

12 CFR
5 (3 documents) 16656–16661
8 16663

14 CFR
91 16666

15 CFR
386 16669

17 CFR
231 16670
241 16670
270 16673
Proposed Rules:
1 16691

21 CFR
5 16674
175 16675
177 16675
430 16676
431 16676
436 (3 documents) 16676, 16678, 16681
440 16681
442 16679
444 (3 documents) 16676, 16680, 16681
446 16681
448 16681
449 16681
450 16681
452 (2 documents) 16678, 16681
Proposed Rules:
452 (2 documents) 16692

29 CFR
2610 16685
Proposed Rules:
92 16827

34 CFR
690 16823

38 CFR
36 16686

40 CFR
52 16687

44 CFR
Proposed Rules:
60 16692

47 CFR
Proposed Rules:
Ch. I 16692

Rules and Regulations

Federal Register
Vol. 46, No. 49
Friday, March 13, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Disability Retirement

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: These regulations implement the recommendations from the Office of Personnel Management's study of the disability retirement program.

EFFECTIVE DATE: March 5, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene Littleford (Policy Questions), (202/632-4634); Dr. George M. Smith (Medical Questions), (202/632-5510).

SUPPLEMENTARY INFORMATION: These regulations were published as proposed regulations in the Federal Register of August 12, 1980, with a 60-day comment period. The proposed regulations refused an employee disability retirement benefits when the agency made a valid offer of reassignment to a position of equivalent grade or pay, and revised the rules for the reemployment of disability annuitants by the Federal government to simplify the process and to encourage reemployment. Comments were received from employees, employee organizations, Federal agencies, and other interested parties. The following is a summary of those comments and the Office of Personnel Management (OPM)'s action in regard to them.

Several commenters questioned OPM authority to reinterpret the definition of disability through regulations because it has been interpreted through case law. The case that was cited was *Cerrano* v. *Fleishman*, 339 F. 2nd 919 (1964). This case stated that the use of the word "position" in the definition of disability [5 U.S.C 8331(6)] indicated Congressional intent that OPM or the employing agency need not search for another position for which the employee is qualified before approving a disability retirement.

This case does not limit OPM's authority to revise this definition prospectively. First, the court did not interpret the statute itself, but merely accepted the Commission's interpretation. Second, the opinion specifically states that the Commission (now Office of Personnel Management), as the administering agency, has the right to adopt regulations implementing the statute which carry out the objective of the statute and which make it consistent with and complementary to other Federal statutes and policies. This right implies an obligation to revise agency regulations to reflect changing conditions. More recent legislation, particularly the Rehabilitation Act of 1973, does impose an obligation to attempt reassignment of the disabled employee prior to separation, and with the existence of such obligation, it is appropriate that we reinterpret the definition of disability. Further, recent legislation (Pub. L. 96-499, December 5, 1980) has changed the statutory definition of disability and the revised regulations are needed to conform with the changes.

The statutory change and these regulations deny disability retirement to an employee who refuses an offer of reassignment to a position of equivalent grade or pay within the commuting area for which he/she is qualified. Disability retirement compensates an individual for his/her loss of earning capacity. Thus, when the employee can be gainfully employed at the same grade or pay by the agency, there is no justification for granting a retirement benefit.

Congress, in establishing the reassignment provision, did not intend to require the displacement of any other employee to accommodate the reassignment of a disabled employee. Further, Congress did not create a restoration right for disability annuitants who have recovered. To clarify these points and to avoid further confusion, the sentence "However, this requirement does not obligate an agency to create or to vacate a position to place a disabled employee" has been inserted into § 831.502(b).

Instructions to agencies on the actions necessary to determine the availability of other positions for which the employee is qualified will be made available as Federal Personnel Manual guidance when these regulations become effective.

The proposed regulations limited disability retirement to those employees who could not be reassigned to a vacant position at the same grade level, or the equivalent under a different classification system, within the same agency and competitive area. However, in view of the hardship of relocating when the competitive area is nationwide or regional, the final regulations have substituted "commuting area" for "competitive area."

In order to clarify what medical evidence is necessary to establish disability, the definition of "medical evidence" has been expanded to detail the kinds of information needed to establish a claim of disability.

Some concern was expressed that the new definition of disability would be used to discontinue payments to disability annuitants who have been awarded the benefit under the earlier statutory definition. The statutory change is prospective only and will have no effect on persons already retired.

Several comments also expressed concern about the effect of the new definition on the reexamination program described in § 831.502(d). This section is essentially identical to current regulations, and it will not be affected by the new definition.

To improve readability, the rules on reemployment and reinstatement of annuity have been reorganized by subject matter and given separate sections. This required some renumbering of other sections also.

Due to a typographical error in the proposed regulations published in the **Federal Register** on August 12, the word "continue" instead of "discontinue" was printed in § 831.502(e)(2). This has been corrected.

A specific statement is incorporated in the regulations stating that a disability annuitant may be reemployed in any position for which he/she is qualified, subject only to a requirement that the employing agency notify OPM of the reemployment. Instructions in the Federal Personnel Manual have heretofore restricted a disability annuitant under age 60 to reemployment

under a temporary appointment of less than one year, without prior medical approval of OPM, or a prior finding of recovery or restoration to earning capacity. Such a limitation on reemployment was designed to assure that OPM made a finding of recovery or restoration before a disability annuitant was permanently reemployed. This limitation was criticized in the past as unduly restricting reemployment opportunities for disability annuitants. OPM now agrees that this past limitation was unduly restrictive. Under the new regulations, disability annuitants who are reemployed without a prior finding of recovery or restoration will continue to receive annuity, and pay shall be reduced by the amount of annuity allocable to the period of reemployment, pending agency notification of OPM of the reemployment and determination by OPM of whether a finding of recovery or restoration to earning capacity warranting termination of annuity is indicated.

The rule on suspension of annuity in the case of simultaneous employment and reinstatement of annuity has been changed to provide for offset of annuity from pay. We believe that this is a more equitable solution.

In § 831.502(d)(3), which concerns termination of the annuity of recovered disability annuitants on employment by the Government, reference was dropped to specific types of employment, since reemployment of any nature with the Government would be sufficient to trigger the statutory termination.

Pursuant to § 553(d)(3) of title 5, United States Code, the Director finds that good cause exists for making this amendment effective in less than 30 days. The amendment is needed to implement the statutory change in the definition of disability, which is effective March 5, 1981.

These regulations apply to an application for disability retirement received by OPM on or after March 5, 1981.

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation.

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Office of Personnel Management
Beverly McCain Jones,
Issuance System Manager.

Accordingly, § 831.502 of Title 5, Code of Federal Regulations, is revised to read as follows:

§ 831.502 Disability retirement.

(a) *Definitions.* For the purposes of this subpart:

"Disabled" and "disability" mean unable or inability to render useful and efficient service because of disease or injury (1) in the employee's current position; or (2) in a vacant position in the same agency at the same grade or pay level for which the individual is qualified for reassignment. For the purpose of the preceding sentence, an employee of the United States Postal Service shall be considered not qualified for a reassignment if the reassignment is to a position in a different craft or is inconsistent with the terms of a collective bargaining agreement covering the employee.

"Medical information" and "documentation of a medical condition" mean a statement made within 90 days of the date of submission from a licensed physician or physician on active duty in a uniformed service who has examined the employee which provides the following kinds of information:

(1) The history of specific medical conditions, examinations, and responses to treatment.

(2) Current clinical findings from physical examination results and laboratory data.

(3) Assessment of the present status of specific medical conditions.

(4) Diagnosis.

(5) Prognosis.

(6) Clinical assessment estimating the date of full or partial recovery.

(7) Clinical assessment of risk of injury or hazard to self or others which would arise from the performance of essential duties, and a narrative justification of the medical basis for the conclusions.

"Qualified for reassignment" means able to meet the minimum requirements for the grade and series of the vacant position in question.

"Rate last payable" means the rate of annuity to which the annuitant was entitled on the date his/her disability annuity was last discontinued.

"Useful and efficient service" means (1) either acceptable performance of the critical or essential elements of the position or the ability to perform at that level; and (2) satisfactory conduct and attendance.

"Vacant position" means a position of the same tenure in the same commuting area which is not occupied.

(b) *Prima facie case of disability.* A prima facia case of disability requires documentation that specifically demonstrates the employee's failure to provide useful and efficient service in his/her position, because of a medical condition. The agency shall include documentation of any steps taken to accommodate the disabling condition in the present position, and of the absence of vacant positions at the same grade or pay level and tenure, within the same commuting area, for which the employee is qualified for reassignment. However, this requirement does not obligate an agency to create or to vacate a position for a disabled employee.

(c) *Examination.* OPM may offer the applicant a medical examination by a medical officer of the United States or a qualified physician or board of physicians designated by OPM, when it determines that additional medical evidence is necessary to make a decision on an application.

The applicant's refusal to submit to an examination offered under these circumstances is grounds for disallowance of the application.

(d) *Reexamination.* (1) A disability annuitant may request reexamination under the provisions of this section at any time. A disability annuitant age 60 or over shall be reexamined only on his/her own request.

(2) Each disability annuitant who is under 60 years of age shall be reexamined annually under the direction of OPM, unless OPM determines that the disability is permanent. OPM may order a medical or other examination at any time to determine the facts relative to the nature and degree of disability of the annuitant. Failure to submit to reexamination shall result in suspension of annuity.

(3) When an examination shows that a disability annuitant has recovered, OPM shall discontinue the annuity at the expiration of 1 year from the date of the examination. When a recovered disability annuitant is reemployed by a department or agency within 1 year from the date of examination, OPM shall discontinue the annuity from the date of reemployment.

(e) *Income limitation.* (1) Each disability annuitant who is under 60 years of age shall report to OPM, in a format acceptable to OPM, by April 15 of each year, his/her income from wages and/or self-employment for the prior calendar year. If an annuitant fails to submit a report, OPM may suspend annuity payments until the annuitant's

entitlement to continued annuity is established.

(2) When, in each of two succeeding calendar years, a disability annuitant has received income from wages and/or self-employment, equaling at least 80 percent of the current rate of pay of the position from which he/she retired, the annuitant's earning capacity is deemed restored. If earning capacity is restored, OPM shall discontinue the annuity at the expiration of 1 year from the end of the two-year period. When the disability annuitant is reemployed by a department or agency within 1 year from the end of the two-year period, OPM shall discontinue the annuity from the date of reemployment.

(f) *Reemployment.* (1) A disability annuitant may be reemployed in any position for which he/she is qualified. The employing agency shall notify OPM of the reemployment, including in the notification the nature of the position, the type of appointment, and the rate of pay.

(2) When a disability annuitant whom OPM has found recovered from disability, or restored to earning capacity, is reemployed while he/she is still entitled to disability annuity, OPM shall discontinue the annuity effective on the date of reemployment.

(3) If the disability annuitant has not been found recovered from disability, or restored to earning capacity, the employing agency shall offset the pay of the disability annuitant by the amount of annuity allocable to the period of reemployment.

(4) OPM may review the notification of reemployment, and order reexamination under the provisions of § 831.502(d), as it finds appropriate. In connection with the reexamination process, the employing agency and/or the employee may submit supporting medical evidence.

(5) When a reemployed disability annuitant is found recovered from disability, or restored to earning capacity, OPM shall discontinue the annuity from the date of its administrative finding, notify the agency of its determination, and instruct the agency to cease reducing pay by the amount of annuity allocable to the period of reemployment. If the appointment is subject to retirement deductions, OPM shall instruct the agency to commence retirement deductions.

(g) *Reinstatement of annuity.* (1) When a recovered disability annuitant is not reemployed in a position in which he/she is subject to Civil Service Retirement coverage, and based on the results of a current examination, OPM finds that the disability has recurred, OPM shall reinstate the individual's disability annuity. The right to the reinstated annuity accrues from the date of the medical examination which demonstrated that the disability has recurred.

(2) When a disability annuitant whose earning capacity has been restored,

(i) Is not reemployed in a position in which he/she is subject to Civil Service Retirement coverage;

(ii) Has not recovered from the disability for which retired; and

(iii) Has again lost his/her earning capacity, as determined by OPM, before becoming 62 years of age;

OPM shall reinstate his/her disability annuity. A reinstated annuity is payable from January 1 of the year following the calendar year in which the earning capacity was lost. Earning capacity is deemed lost if during any calendar year the individual's income from wages and/or self-employment is less than 80 percent of the current rate of pay of the position from which he/she retired.

(3) A reinstated annuity shall be of the same type as the original annuity and will be paid at the rate last payable.

(4) The reinstatement of disability annuity terminates the right to any other annuity based on the same service, unless the annuitant makes a written election to receive the other annuity instead of the disability annuity.

(5) When an employee has a disability annuity reinstated, the agency shall offset the pay of the employee by the amount of annuity allocable to the period of reemployment, commencing with the date of the administrative determination of eligibility for reinstatement. Any retroactive payment of annuity for a period of employment prior to that date shall be reduced by the amount of pay earned during that period.

(5 U.S.C. 8337)

[FR Doc. 81-7891 Filed 3-12-81; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 296; Lemon Regulation 295, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 15–21, 1981, and increases the quantity of lemons that may be shipped during the period March 8–14, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective March 15, 1981, and the amendment is effective for the period March 8–14, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 10, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an

opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 910.596 is added as follows:

§ 910.596 Lemon Regulation 296.

The quantity of lemons grown in California and Arizona which may be handled during the period March 15, 1981, through March 21, 1981, is established at 280,000 cartons.

2. Section 910.595, Lemon Regulation 295 (46 FR 15493) is revised to read as follows:

§ 910.595 Lemon Regulation 295.

The quantity of lemons grown in California and Arizona which may be handled during the period March 8, 1981 through March 14, 1981, is established at 270,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-8063 Filed 3-12-81; 11:33 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts with Transportation Lines; Addition of Sun Land Air Lines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of Immigration and Naturalization Service adds a carrier to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreement are published in the Service's regulations to advise the public.

EFFECTIVE DATE: February 9, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization Service entered into agreement with the following named carrier on the date indicated to guarantee the passage through the United States of aliens in immediate and continuous transit destined to foreign countries under section 238(d) of the Immigration and Nationality Act and 8 CFR 238: SUN LAND Air Lines, Inc.

Effective date: February 9, 1981.

This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code [80 Stat. 383], as amended by Pub. L. 93–502 [88 Stat. 1561], and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order merely adds a transportation line to the listing and is editorial in nature. The order constitutes a notice to the public and it is not a rule within the definition of section 1(a) of E.O. 12291.

Accordingly, Chapter I of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit,* the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, SUN LAND Air Lines, Inc.

* * * * *

(Secs. 103 and 238(d), 8 U.S.C. 1103 and 1228(d))

Dated: March 10, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-7847 Filed 3-12-81; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 81–6]

Assessment of Fees; Rules, Policies, and Procedures for Corporate Activities; Revision of Fee Schedule for Applications and Filings

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is revising its fee schedule for processing various types of corporate applications and filings to recover the associated expenses. Revision is required because of increasing costs which are now in excess of the income derived from present fees.

Increased fees are being adopted for applications to: (1) organize a national bank; (2) undergo a corporate reorganization by organizing an interim national bank; (3) organize a national bank limited to trust powers; (4) convert a state chartered bank to a national bank; (5) establish domestic branches and seasonal agencies; (6) acquire domestic operating subsidiaries; and (7) establish customer bank communication terminal (CBCT) branches. Fees for certain applications for which there currently are no charges are also adopted. These include applications to: (1) convert a branch or agency operated by a foreign bank or a commercial lending company controlled by a foreign bank into a federal branch or a federal agency; (2) change the location of a head office or domestic branch; (3) relocate a federal branch or federal agency of a foreign bank; (4) change a corporate title; and (5) establish a domestic operating subsidiary.

The new fees apply to filings received by the Office after December 31, 1980. However, payment of charges established by this schedule will not be due until May 1, 1981.

DATES: The effective date of this fee schedule is May 1, 1981, but applies to all filings received by the Office after December 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1184

Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency,

Washington, D.C. 20219, (202) 447–1880

SUPPLEMENTARY INFORMATION: The principal drafters of this document were Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, (202) 447–1184; and Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, (202) 447–1880.

The Office is amending regulations governing fees levied on national banks and District of Columbia banks for processing various applications and filings. Those regulations were consolidated on October 15, 1980 (45 FR 68566) in 12 CFR Part 5, §§ 5.20(e), 5.21(e), 5.22(c), 5.24(a)(3), 5.25(c), 5.30(d), 5.31(d), 5.34(d), 5.40(d), 5.41(e), 5.42(c).

A Notice of Proposed Rulemaking on a new fee schedule was published on pages 85042–85045 of the Federal Register of December 24, 1980. Comments were invited for 60 days ending February 23, 1981, and were received from twenty-nine sources, including banks, attorneys and trade associations. As stated in the Notice of Proposed Rulemaking, the new fees are designed to reflect the total cost of processing the associated applications. The Office believes it is more equitable to place processing costs on parties filing applications than to spread those costs among all national banks, many of which would receive no direct benefit from the corporate application procedure. Further, fees are being set according to the typical cost of processing each type of application, so that each applicant, as nearly as possible, bears the costs incurred by the Office as a result of processing the application.

Higher fees are required at this time due to increases in Office expenses since 1970 when most filing fees were last revised. Those increases in expenses, as set forth in the Notice of Proposed Rulemaking, reflect salary increases, increased cost of goods and services purchased by the Office, and the loss in 1974 of rent-free space in government buildings. Consequently, in 1979 the cost of processing applications affected by this rule exceeded application fees collected by $1,485,000. In 1980, the shortfall was $1,988,000. If fees are not increased in 1981, the shortfall is expected to be $2,334,000.

In calculating the proposed fees, the Office used as a starting point the projected aggregate cost for processing the associated applications in 1981. By applying the percentage of total time spent on each type of application during the first six months of 1980 to the aggregate projected 1981 cost base, the aggregate projected 1981 cost of processing each type of application was calculated. The average cost of each application was then calculated by dividing the projected number of applications of each type in 1980 into the total 1981 projected cost of processing each type.

The Office has since recalculated the fees based on the data covering the entire year of 1980 and determined that the proposed fees are proper with the exception of the fee for additional Federal branches and Federal agencies of a foreign bank, and the fee for customer bank communication terminal (CBCT) branches. The Federal branch and Federal agency fee will remain at the current level of $500, since it accurately reflects the cost to the Office of processing such applications and the proposed increase to $3,000 was in error. The proposed fee for CBCTs is being reduced from $900 to $500 to reflect efficiencies in the Office's processing procedures anticipated in 1981.

The Office intends to review corporate fees annually to take into account all of the factors which may affect fees. Those factors include inflation, salary changes and changes in application processing which are expected to result from the Office's comprehensive review of its rules, policies, procedures and forms concerning applications and filings for structural changes and corporate activities. 45 FR 68566 (Oct. 15, 1980). The goals of this review are to provide clear statements of policy, minimize costs and burdens of compliance at all levels, eliminate inefficient forms and procedures, and remove unnecessary barriers to competition. In the event that new corporate filings are required, fees will be instituted to recover the costs of processing those filings.

The new fee schedule applies to corporate applications received by the office after December 31, 1980. The Office expects that by charging the new fees throughout 1981 it will avoid a deficit in this area for the year which would necessitate passing those costs along to all banks through the semiannual assessment.

The following summarizes the comments on this Office's proposal to increase corporate application fees and actions taken by the office as a result:

General Comments

Several commenters did not deal with specific fee increases but with the proposal to increase corporate application fees in general. One felt that it "would prevent many national banks from taking the actions that they normally would take." However, that was the only letter to make that assertion. The writer cited no instances of increased fees affecting action banks planned to take and did not claim that the increased fees would prevent the bank which the commenter represented from filing necessary applications.

Several banks thought the fee increases should be coupled with changes in procedure to simplify application requirements and cut processing costs and time. The Office is currently undergoing a thorough review of all application procedures with the aim of simplifying them. If procedures are modified, the Office will examine the effect of such modification on its costs and revise fees, as appropriate.

Another commenter thought that the fee increases should not be used to support or defray expenses incurred by protesters or participants in proceedings arising out of filings with the Office. Those expenses will be undertaken by the Office in the small minority of cases where protesters can demonstrate true financial need. Since the Office has no source of income from which to pay those expenses, they must be recovered in some manner from the banking community. It is expected that they will be nominal.

A commenter representing a trade association believed that the fee schedule discriminates against small banks. That writer contended that the cost incurred in reviewing applications from small banks is less that that incurred in reviewing applications from larger banks. The Office has not found that to be the case.

Customer Bank Communication Terminal (CBCT) Fees

Twenty commenters questioned the need for an increase in the fee for processing applications for customer bank communication terminal (CBCT) branches from $200 to $900. Several commenters felt that the new fee would discourage small banks from establishing CBCTs, thus putting them at a competitive disadvantage against larger national banks and other types of depository institutions. Others thought that the CBCT applications should be simplified, thus ending the necessity for a fee increase, or reducing the amount of the increase.

Since the fee was proposed, the Office had begun evaluating its procedures in an effort to significantly reduce the amount of time and expense involved in deciding CBCT applications. It is anticipated that significant efficiencies in those procedures will be implemented

by July 1981. Presently, CBCT applications enjoy shorter filing, publication and comment periods than do applications for regular branches. Accordingly, the fee being adopted will be $500 instead of the proposed $900 fee. Further reduction of the fee is not possible at this time because the Office must presently continue to incur the expense of considering state law, the Community Reinvestment Act, Regulation E and the bank's ability to support the expansion.

Charter Fees

Four commenters believed that the proposed increase in fees to charter a national bank from $2,500 to a maximum of $13,000 is unjustified. The Office has reviewed its costs in connection with processing charter applications and has determined that the proposed new fee structure is appropriate. One commenter, a representative of a group applying for a national bank charter, felt that the increased charter fee should not be implemented until April 1, 1981, rather than January 1, 1981. However, the commenter did not believe that the new fee will "substantially discourage" applications that would otherwise have been filed. Consequently, the Office has decided, as stated in the Notice of Proposed Rulemaking, to apply the new fee to charter applications received after December 31, 1980.

Organization of an Interim National Bank

Three commenters believed that the proposed increase in fees for organization of an interim national bank from $2,500 to $6,500 is unjustified. However, interim banks are formed for purposes of corporate reorganization through merger of an existing bank into the interim bank. The present fee for two banks to merge is $3,000. 12 CFR 5.33 (f). Consequently, the entire fee for the corporate reorganization, *i.e.* the chartering of the interim bank and the merger, is currently $5,500. The proposed $6,500 fee includes both parts of the corporate reorganization—the chartering of the interim bank and the merger.

One commenter objected on the basis that the reorganization involves a mere "formalistic transfer of ownership." Another objected on the basis that the application procedure for reorganizations is undergoing review for purposes of simplification.

The Office has reviewed the proposed fee for a corporate reorganization and has determined that it does accurately reflect the cost to the Office of processing such applications. In the event that the review process is modified, the Office will examine the effect of such modification on its costs and will revise fees, if appropriate.

The third commenter objected to the proposal believing that the fee for organizing an interim bank would be the same as for a new functioning bank. This is not the case. The fee to charter a new functioning bank is set at $13,000. The fee for a corporate reorganization, which does not involve the establishment of a new functioning bank is set at $6,500 and includes both the establishment of the interim bank and the subsequent merger.

Establishment of Domestic Branches and Seasonal Agencies

One comment was received on the Office's proposal to increase fees for establishment of domestic branches and seasonal agencies from $500 to $900. The commenter thought the increase was "justified."

In light of the above comments the Office finds no reason to change its proposed fees except as previously stated.

In addition to the fees specifically discussed above, the Office will establish fees as set forth in the Notice of Proposed Rulemaking for applications for conversions as set forth in 12 CFR 5.24(a)(3) and 5.25(c); establishment of domestic operating subsidiaries, as set forth in § 5.34(d); changes in location of head office or domestic branches as set forth in § 5.40(d); relocations of Federal branches or Federal agencies of a foreign bank as set forth in § 5.41(e); and changes of corporate title as set forth in § 5.42(c). No comments were specifically directed to those proposed changes.

For the reasons set out in the preamble, the Office amends Part 5 of Chapter I of Title 12 of the Code of Federal Regulations, as set forth below.

1. The authority citation for Part 5 reads as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. By revising § 5.5 to read as follows:

§ 5.5 Fees.

A filing fee must accompany certain filings before they will be accepted by the Office. Each section describing a particular filing indicates whether a filing fee is required and, if so, the amount of the fee. In addition, investigation fees may be charged at the rates established in 12 CFR Part 8 if the Office determines that special investigations or examinations are necessary to reach an informed decision. Fees must be paid by certified or cashier's check payable to the Office of the Comptroller of the Currency. The fees established in §§ 5.20(e), 5.21(e), 5.22(c), 5.24(a)(3), 5.25(c), 5.30(d), 5.31(d), 5.34(d), 5.40(d), 5.41(e), and 5.42(c) apply to applications received by the Office after December 31, 1980.

3. By revising § 5.20(e) to read as follows:

§ 5.20 Organization of a national bank.

* * * * *

(e) *Fees.* An initial filing fee of $6,500 is required at the time of application for investigating, processing and deciding each "Application to Organize a National Bank." If preliminary approval is granted, an additional fee of $6,500 is assessed to process the various organizational documents and to verify that all requirements for the granting of a charter have been fulfilled.

* * * * *

4. In the newly amended 12 CFR 5.21 that the Office published elsewhere in this issue of the Federal Register, (Docket No. 81-6) paragraph (e) is revised to read as follows:

§ 5.21 Organization of an interim national bank.

* * * * *

(e) *Fee.* A filing fee of $6,500 is required at the time of application for investigating, processing, and deciding each application. No further charges will be made for the subsequent merger or consolidation.

* * * * *

5. By revising § 5.22(c) to read as follows:

§ 5.22 Organization of a national bank limited to trust powers.

* * * * *

(c) *Fees.* An initial filing fee of $6,500 is required at the time of application for investigating, processing and deciding each application. If preliminary approval is granted, an additional fee of $6,500 is assessed to process the various organizational documents and to verify that all requirements for the granting of the charter have been fulfilled.

* * * * *

6. By revising § 5.24(a)(3) to read as follows:

§ 5.24 Conversion.

(a) * * *

(3) *Fees.* An initial filing fee of $2,500 is required at the time of application. An investigation and/or examination will normally be conducted and the applicant will be charged in accordance with 12 CFR 8.6.

* * * * *

7. By revising § 5.25(c) to read as follows:

§ 5.25 Application for conversion of a branch or agency operated by a foreign bank or a commercial lending company controlled by a foreign bank into a Federal branch or a Federal agency.

* * * * *

(c) *Fees.* An initial filing fee of $2,500 is required at the time of application. An investigation and/or examination will normally be conducted and the applicant will be charged in accordance with 12 CFR 8.6.

* * * * *

8. By revising § 5.30(d) to read as follows:

§ 5.30 Establishment of domestic branches and seasonal agencies.

* * * * *

(d) *Fee.* A filing fee of $600 is required at the time of application for processing each application.

* * * * *

9. By revising § 5.31(d) to read as follows:

§ 5.31 Establishment of customer bank communication terminal (CBCT) branches.

* * * * *

(d) *Fee.* A filing fee of $500 is required at the time of application for processing each application.

* * * * *

10. By revising § 5.34(d) to read as follows:

§ 5.34 Domestic operating subsidiaries.

* * * * *

(d) *Fees.* An initial filing fee of $150 is required at the time of application for processing an application to establish or acquire a domestic operating subsidiary. The cost of any examination into the condition of an operating subsidiary proposed to be acquired shall be paid by the applicant in accordance with 12 CFR 8.6.

* * * * *

11. By revising § 5.40(d) to read as follows:

§ 5.40 Change in location of a head office or domestic branch.

* * * * *

(d) *Fee.* A filing fee of $500 is required at the time of application for processing each application.

* * * * *

12. By revising § 5.41(e) to read as follows:

§ 5.41 Relocation of a Federal branch or Federal agency of a foreign bank.

* * * * *

(e) *Fee.* A filing fee of $500 is required at the time of application for processing an application.

* * * * *

13. By revising § 5.42(c) to read as follows:

§ 5.42 Change of corporate title.

* * * * *

(c) *Fee.* A filing fee of $500 is required at the time of application for processing an application.

* * * * *

Dated: March 9, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-8007 Filed 3-12-81; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 5

[Docket No. 81-7]

Rules, Policies and Procedures for Corporate Activities; Written Comments and Hearings on Applications

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is adopting a final rule governing public participation, through written comments and hearings, in its processing of applications for structural and corporate activities. The rule sought to: (1) improve the quality of information presented orally and in writing; (2) eliminate any unnecessary costs or delays in the decision making process; and, (3) facilitate the receipt of information from members of the public.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division (BOSD), Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219. Telephone (202) 447-1184. Further information may also be obtained from any of the 14 Regional Directors for Corporate Activities in the offices of the Regional Administrators of National Banks.

SUPPLEMENTARY INFORMATION: The staffs of the Bank Organization and Structure Division and Regulations Analysis Division contributed significantly to the drafting of this document.

Background

On October 15, 1980, the Office proposed a revision to its rule governing written comments and hearings on applications (12 CFR 5.10 and 5.11) by national banks for structural and corporate activities. Hearings are not required by any federal statute and are totally discretionary on the part of the Office. The Office holds a hearing on an application, upon request or on its own motion, whenever a hearing appears necessary to obtain facts in reaching a decision. Such hearings are not adversary proceedings. They are informal and fact-gathering in nature and are not subject to the Administrative Procedure Act hearing procedures found in 12 CFR 19.

The proposed rule specified that: (1) a request for a hearing must explain why an oral presentation, rather than submission of written comments, is necessary; (2) a request for a hearing must state the nature of the issues or facts to be presented; (3) persons requesting a hearing may request that it be held at a particular time and location; (4) persons requesting a hearing may ask that the costs of the hearing be paid by the Office; and, (5) references to "protestants" in the prior rule be replaced with "interested persons."

Request for Comments

The proposed rulemaking was published on pages 60611-12 of the **Federal Register** on October 15, 1980, and comments were invited for 60 days, ending December 15, 1980. Comments were received from over 30 sources including consultants, attorneys, independent national banks, bank holding companies, banking trade associations, public interest groups and Office personnel.

General Support for Proposal

Most of the comment letters received expressed support for the proposed requirement that requests for hearings explain both the nature of the issue or the facts to be presented and why an oral presentation is necessary. Some writers felt only a minimal showing should be necessary to support a request for an oral hearing; others felt that a hearing should be held only rarely and that written submissions would be adequate in most instances.

Requests for Specific Time and Place

In general, those commenting on this aspect of the proposed rule felt there was potential for abuse in allowing parties to request a location and time of their choice for a hearing. Since the Regional Administrator will have the needs of all interested parties in mind when considering such requests, the potential for abuse is considered quite small. Accordingly, other than some language changes to clarify the Office's intent, there were no changes in this provision of the rule.

Waiver of Costs

There was a similar concern for the provision in the proposed rule allowing for a waiver of certain hearing costs upon a showing of need by those requesting the hearing. Again, judgment will be exercised by the Regional Administrator in granting requests for a waiver of costs and it is not intended or expected that the Office, applicants, or other national banks will have to bear a substantial financial burden. Language changes in this provision were made to clarify that the hearing expenses which can be waived include only the cost of two transcripts for the Office, one transcript for use by the person(s) requesting the waiver, and the hearing room. In addition, the language was changed to clarify that the person(s) requesting a waiver of costs must submit a showing of financial need in addition to stating why such waiver is necessary or appropriate.

Comment Period

Only two comments were received on the length of the period (21 days) for filing a protest, hearing request or other comments following publication of the legal notice of an application. One writer expressed the view that this period is too brief, the other that it is too long. No changes were made in the length of the period for comment.

Language Changes

Several paragraphs in the final rule contain changes in language. The language changes are not intended to affect the substance of the proposed rule.

Accordingly, for the reasons set forth in this preamble, §§ 5.10 and 5.11 are revised as follows:

1. The authority citation for Part 5 is as follows:

Authority: 12 U.S.C. Section 1 *et seq.* and 93a.

2. Sections 5.10 and 5.11 of 12 CFR Part 5 are revised to read as follows:

§ 5.10 Written comments and requests for a hearing.

(a) *Written Comments.* Within 21 days after the last notice by publication required by § 5.8(a) or an applicable statute, any person may submit to the Regional Administrator written comments and data on an application. The 21-day period may be extended by the Regional Administrator if in the judgment of the Regional Administrator, the applicant has failed to file all required supporting data in time to permit review by interested persons, or if such other extenuating circumstances, as the Regional Administrator may determine extenuating, occur.

(b) *Requests for a Hearing.* (1) Within 21 days after the last notice by publication required by § 5.8(a) or an applicable statute, any person may submit to the Regional Administrator a written request for a hearing on an application. The 21-day period may be extended by the Regional Administrator if, in the judgment of the Regional Administrator, the applicant has failed to file all required supporting data in time to permit review by interested persons, or if such other extenuating circumstances, as the Regional Administrator may determine extenuating, occur.

(2) The request shall state the nature of the issues or facts to be presented and the reasons why written submissions would be insufficient to make an adequate presentation to the Office. If the reasons are related to factual disputes, the disputes shall be described. Hearings are not forums for legal arguments. Comments challenging the legality of an application should be submitted separately in writing.

(3) Written requests for hearings as well as requests for another location or time and requests for waiver of hearing-related costs shall be evaluated by the Regional Administrator, who may grant or deny such requests in whole or in part (or may refer the request to the Washington Office for decision). A hearing request shall generally be granted only if it is determined that written submissions would be inadequate or that a hearing would otherwise be beneficial to the decision making process. A hearing may be limited to issues considered material by the Office.

(4) When a hearing is granted it shall ordinarily be conducted during normal business hours in the city where the Office of the Regional Administrator is located. However, if the person requesting a hearing requests another location, or time of day other than normal working hours, the written request for the hearing shall state the desired location and/or time of day and the reasons such alternatives are necessary and/or appropriate.

(5) A transcript of each hearing is arranged for by the Office. The cost of one copy of the transcript for use by the person(s) requesting the hearing, two copies of the transcript for the Office, and the cost of a hearing room are generally borne by the person(s) requesting and being granted the hearing. If a person requesting a hearing desires a waiver of these costs, the written request for the hearing shall state the reasons such waiver is necessary or appropriate and must include a showing of financial need. When a waiver is granted, the costs of the two transcripts for the Office and the one transcript for use by the person(s) requesting the waiver, as well as the costs of the hearing room, generally shall be borne by the Office.

(c) *Action on Requests for Hearings.* If a request for a hearing has been made and denied, the Regional Administrator shall notify the applicant and all interested persons and shall state the reasons for the denial. Interested persons may submit to the Regional Administrator, with simultaneous copies to the applicant, additional written comments or data on the application within 14 days after the date of the notice of denial. Copies of such written submissions or data shall simultaneously be sent by such interested persons to the applicant. The applicant shall be provided an additional seven days, after the 14-day deadline has expired, within which to respond to any comments submitted within the 14-day period. The Regional Administrator may waive this seven day period if so requested by the applicant. A copy of any response submitted by the applicant shall also be mailed simultaneously by the applicant to the interested persons.

§ 5.11 Hearings.

(a) *Notice of Hearing.* When a request for a hearing made in accordance with § 5.10 is granted, or when a hearing is ordered because the Office believes that it is in the public interest, the Regional Administrator shall issue a Notice of Hearing. This Notice of Hearing shall:

(1) Set forth the subject matter of the application and the date, time and place where the hearing shall be held, and, if applicable, the issues which shall be addressed at the hearing;

(2) Be sent to the applicant and to the person(s) requesting the hearing or who made written comments to the Regional Administrator, and to any other person(s) the Regional Administrator believes would be likely to provide useful information at the hearing.

(b) *Date of Hearing.* A hearing shall be held as soon as practicable after granted or ordered, but generally not sooner than 30 days from the close of the 21-day comment period described in § 5.10(a).

(c) *Participation in Hearings.* Each person who wishes to be heard must notify the Regional Administrator within 10 days after the date of the Notice of Hearing of his or her intention to particapate in the hearing. The Regional Administrator shall determine which persons may participate in the hearing.

Each such person shall be known as a "participant" in connection with the hearing rules. Participants shall submit to the Regional Administrator, applicant, and such other person(s) as the Regional Administrator may require, the number and names of witnesses and a copy of each exhibit he or she wishes to present. Such information shall be received by the Regional Administrator, applicant, and participants at least five days prior to the hearing.

(d) *Presiding Officer.* The Office shall designate the presiding officer at a hearing who will have the authority to appoint a panel of assistants. The presiding officer shall determine all procedural questions not governed by this section and shall have the authority to limit the number of witnesses and to impose such time limitations as he or she deems reasonable.

(e) *Hearing Rules.* (1) *Presentations.* The applicant and participants shall each be permitted to make an opening statement, stating concisely what information they will present. The applicant and participants may then present witnesses, materials and data. Questions may be addressed to the applicants, participants and witnesses after each of their presentations by any member of the hearing panel, applicant or participant. The applicant and participants shall then concisely summarize their positions.

(2) *Witnesses.* The presence of witnesses is the responsibility of the applicant and participants. All witnesses will be present on their own volition, but any person appearing as a witness may be subject to questioning by the applicant, participants, or any member of the panel. The refusal of a witness to answer questions may be considered by the Office in determining the weight to be accorded the testimony of that witness. Witnesses shall not be sworn.

(3) *Information Submitted.* The presiding officer shall have the authority to exclude materials or data which he or she deems to be improper or irrelevant. Formal rules of evidence shall not be applicable to these hearings. Documentary material must be of a size consistent with ease of handling, transportation and filing. Two copies of all documentary materials must be furnished to the Office and one copy to the applicant and each participant. While large exhibits may be used during the hearing, copies of such exhibits must be provided in reduced size for submission as part of the record.

(f) *Closing the Public File.* If requested by the applicant or a participant, the hearing record shall remain open for 14 days following receipt of the transcript by the Regional Administrator, during which time the applicant and participants may submit additional written statements. A copy of any statement submitted during this period of time shall also be sent simultaneously to the parties to the hearing. These statements, the hearing transcript, and documentary material presented at the hearing shall automatically be deemed a part of the public file. The public file shall close on the date the hearing record closes, after which date the Office shall complete the processing of the application.

(g) *Forms to be used by the Office:*

CC 7029-01: Regional Office Procedures—Public Hearings
CC 7029-02: Notice of Hearing
CC 7029-11: Protest Sheet

Dated: March 9, 1981.

John G. Heimann,
Comptroller of the Currency.

[FR Doc. 81-8268 Filed 3-12-81; 8:45 am]
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12 CFR Part 5

[Docket No. 81-9]

Rules, Policies, and Procedures for Corporate Activities: Organization of an "Interim National Bank"; Delegated Authority

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is adopting a rule to eliminate unnecessary duplication and delay in charter applications filed solely to facilitate bank holding company acquisitions or reorganizations.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: James V. Elliott, Director, Bank Organization and Structure Division (BOSD), Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219. Telephone (202) 447-1184. Further information may also be obtained from the Regional Director for Corporate Activities in any office of the Regional Administrator of National Banks.

SUPPLEMENTARY INFORMATION: The primary draftsman of this document is James V. Elliott, Director, BOSD. Several other persons contributed to the draft.

Background

On October 15, 1980, the Office proposed at 45 FR 68612 a revised rule (12 CFR 5.21) to eliminate duplication and delay in charter applications filed solely to facilitate the creation of a new bank holding company or the acquisition of 100 percent of the outstanding voting shares of an existing bank.

The statutory framework for national bank mergers and acquisitions was established prior to the expansion of bank holding companies. These statutes (12 U.S.C. Sections 181, 214a, 215, 215a and 1828(c)) generally provide only for mergers between two banks or an acquisition of a bank by another bank. Thus, if a bank desires to reorganize into a one-bank holding company structure, or if an existing bank holding company and an independent bank desire to have the bank become a subsidiary national bank of the bank holding company, only two avenues are available:

1. The holding company may make an exchange or tender offer for all of the outstanding bank stock. In practice, however, it is extremely difficult to obtain 100 percent acceptance of such an offer, and the desired result, a wholly-owned subsidiary bank, is unattainable.

2. A new bank subsidiary of the holding company can be created, and the new bank and the existing bank can merge or consolidate. The new bank, in such cases, does not engage in the business of banking until it becomes the surviving bank after the merger or consolidation. Thus, the new bank is known as an "interim bank," because it exists as a non-operating shell during the interim between its chartering and the effective date of the merger or consolidation.

Under current rules, the interim bank charter application and the subsequent merger or consolidation application are each subject to full processing requirements as if they were totally independent events. Many procedures are either duplicated or occur consecutively. Adoption of the proposal is expected to eliminate these duplications and delays.

Request for Comments

The proposed rulemaking was published on pages 68612-68614 of the Federal Register of October 15, 1980, and comments were invited for 60 days ending December 15, 1980. Comments were received from over 30 sources including consultants, attorneys, independent national banks, bank holding companies, banking associations and OCC personnel. The following summarizes the comments, suggestions and action taken.

Broad Support for Proposal

Considerable support was expressed for the proposal for chartering an interim national bank. Specifically, support was given to the provisions for prompt preliminary approval of the interim application, with substantive review of the proposed transaction when the merger application is considered; delegated authority to the Regional Administrator to grant preliminary approval of the interim application; and concurrent public comment and notice periods.

This final rule is substantially the same as the proposed rule. However, the following changes were made to reflect the suggestions received in response to the request for comments.

Waiver of the Pre-Filing Meeting

Many bank holding companies participate frequently in the formation of interim national banks. It was suggested that, with this prior experience, the pre-filing meeting could become a delaying factor as well as a mere formality and should be waived. Accordingly, provision has been made in § 5.21(d) for the pre-filing meeting to be waived on request at the discretion of the Regional Administrator, his or her delegate, or a superior official.

Delegation to Regional Administrator

Support was expressed for the delegation of authority to the Regional Administrator to approve all interim bank applications promptly. However, it was noted that, since no substantive review of the proposal would occur at the time of the interim bank application, those transactions involving banks with supervisory concerns would not be thoroughly analyzed until after considerable time had elapsed and expense had been incurred. Accordingly, the final rule is written to delegate authority to the Regional Administrator to approve promptly, without substantive analysis, interim bank applications filed by banks which are not the subject of special supervisory concerns or otherwise identified by the Regional Administrator or Washington Office as requiring Washington review. Paragraph (h) of § 5.21 is being amended and a paragraph is being added to the general delegations at § 5.3(c)(5) to reflect this change in delegations. In this way, the proposals of banks receiving special supervisory attention will be initially analyzed at the interim bank filing stage, thus eliminating an unnecessary merger filing when supervisory concerns result in disapproval of the interim bank application.

The final rule also now includes, at paragraph (h), the procedures followed when the Regional Administrator recommends that an interim bank application be disapproved. The application is forwarded to the Comptroller with the Regional Administrator's recommendation for decision by the Comptroller or delegate.

Issues not Addressed

Several issues raised in the letters of comment have not been addressed in the rule adopted today. Most of the suggestions pertaining to information requirements which are part of the application process are reflected in the revised interim bank forms and procedures, rather than in the rule itself. Similarly, the dissenting shareholders' appraisal rights and procedures are being considered as a separate issue; revised procedures are now being developed and will be announced in due course.

Several writers suggested that the process could be made even more efficient if the interim national bank application and merger application were filed at the same time. We recognize that such concurrent filing would save time. However, the national banking laws provide that a merger agreement can be entered into only by incorporated banks. The interim bank does not become a body corporate until acceptance by the Office of the Articles of Association, which follows preliminary approval of the interim bank application. Therefore, the process must contain two phases: filing of the interim bank application, and filing of a merger application executed by the incorporated interim bank and the existing principal bank.

Finally, several commenters wrote that there should be no filing fee for interim bank applications as no substantive review takes place at this stage. The fees for all corporate filings are subject to change pursuant to a proposal published December 24, 1980, in the **Federal Register** (45 FR 85042). Today the Office finalized its combined fee of $6,500 for processing the interim national bank application and the subsequent merger or consolidation application. (See 81-6 published in this issue.) Although little substantive analysis will take place on most interim bank applications prior to granting preliminary approval, the costs of processing the application are nonetheless real. In addition, the increased fee reflects substantive processing of the interim bank through the merger application process.

For the reasons set forth in the preamble, Part 5 of Title 12, Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 5 is as follows:

Authority: 12 U.S.C. Section 1 *et seq.*

2. 12 CFR Section 5.21 is revised with the exception of paragraph (e), which is revised in OCC Docket No. 81-6 published elsewhere in this issue of the **Federal Register**. As revised, paragraphs (a) through (d) and (f) through (k) of § 5.21 read as follows:

§ 5.21 Organization of an Interim National Bank.

(a) *Scope: Interim National Bank Defined.* This section applies to applications to organize an interim national bank. An interim national bank is a new national bank which is organized solely to facilitate the creation of a bank holding company or the acquisition of 100 percent of the voting shares of an existing bank. It is always part of a proposed two-step process wherein the interim national bank, prior to commencing business, will be a party to a merger or consolidation with an existing bank.

(b) *Authority.* 12 U.S.C. Sections 1, 21, 22, 26, 27, 92a, 93a, 214, 215, 215a, 1814(b), 1816 and 1828(c).

(c) *Rules of General Applicability.* Sections 5.8(a), 5.10, and 5.11 do not apply to applications to organize an interim national bank. The application for an interim national bank and the subsequent merger or consolidation application will be melded into a single process requiring, after the filing of the subsequent merger or consolidation application, one opportunity for public comment after notice is published by the applicant and one substantive review by the Office (*see* § 5.33).

(d) *Pre-filing Meeting.* The proposed organizers of a national bank should schedule a meeting with the Regional Administrator in the region where the application will be filed, prior to submitting an application for filing. The purpose of the meeting is to discuss the proposal and the Office rules, policies, and procedures, including means to combine many procedural and processing requirements. Applicants will be furnished forms and documents which should be filed with the application. The pre-filing meeting may be waived by the Regional Administrator, his or her delegate or a superior official.

* * * * *

(f) *Investigation.* Generally, no investigation of the interim bank application will be conducted. However, the Regional Office generally will

perform an investigation after the filing of the merger or consolidation application. An additional investigation fee, in accordance with Part 8, will not be charged except in unusual circumstances as determined by the Regional Administrator, his or her delegate or a superior official.

(g) *Decisions.* Preliminary approval of all interim national banks will be specifically conditioned on approval of the subsequent merger or consolidation. This preliminary approval will be rescinded automatically if the merger or consolidation is not approved or if subsequent approval for establishment of a holding company or for acquisition of the interim bank by the holding company is not received within 12 months, unless an extension has been requested and granted. If the merger or consolidation application is not filed within six months of preliminary approval of the interim national bank, that preliminary approval automatically will be withdrawn unless an extension has been requested and granted.

(h) *Delegated Authority to Grant Preliminary Approval.* Each Regional Administrator has been delegated authority to grant preliminary approval of, but not to disapprove, applications to charter interim national banks if the criteria listed at § 5.3(c)(5) are met. If any of the criteria are not met, or the Regional Administrator recommends disapproval, the application must be forwarded to the Washington Office for final decision.

(i) *Subsequent Merger or Consolidation.* When the interim national bank's duly executed Articles of Association and organization certificate are filed with and accepted by the Regional Office, the interim national bank becomes a body corporate, and may then legally enter into the merger or consolidation agreement. Only after these steps are completed can the application to merge or consolidate the interim and existing banks be filed and processed.

(j) *Consummation.* Prior to consummating the merger or consolidation, all steps necessary to perfect the organization of a national bank must be completed.

(k) *Forms.*

(1) *Forms to be used by Applicant:* (Reserved)

(2) *Forms to be used by Office:*

CC 7020–08: Confidential Memorandum to the Comptroller of the Currency—Application to Organize an Interim National Bank.

CC 7020–08: Regional Office Procedures—Interim National Bank Applications.

CC 7020–11: Washington Office Procedures—Interim National Bank Applications.

3. 12 CFR 5.3 is amended by adding a new subparagraph (5) to the end of paragraph (c) as follows:

§ 5.3 Corporate activities processing and delegations.

* * * * *

(c) * * *

(5) Each Regional Administrator is authorized to preliminarily approve (but not to disapprove) applications to charter interim national banks if all of the following criteria are met:

(i) The bank is not the subject of special supervisory concern and has not been otherwise identified by the Multinational Banking, Special Projects, Customer and Community Programs, or Chief National Bank Examiner Departments/Divisions as a bank requiring their review and comment;

(ii) The Regional Administrator has not noted any significant matters that would make a review by the Washington Office desirable; and

(iii) Any additional requirements imposed by § 5.21 of this Part have been satisfied.

Dated: March 9, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-8069 Filed 3-12-81; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 8

[Docket No. 81-8]

Assessment of Fees; National Banks; District of Columbia Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is revising its trust examination fees to recover direct expenses and overhead expenses, as mandated by statute. Fees have been unchanged since 1969. Revision is necessitated by increased Office expenses for trust examinations, which are most properly recovered from banks subject to these specialized examinations.

DATES: The new fee applies to trust examinations commenced after December 31, 1980. However, fees owed under this new fee schedule are not due until May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

David Nebhut, Financial Economist, Banking Research and Economic Analysis Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1825, or

Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1880.

SUPPLEMENTARY INFORMATION: The principal drafters of this document are David Nebhut, Financial Economist, Banking Research and Economic Analysis Division, Office of the Comptroller of the Currency, (202) 447–1825, and Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, (202) 447–1880.

The Office is amending the portion of 12 CFR Part 8 governing assessments for trust examinations of national banks, District of Columbia banks and trust companies, and Federal branches or agencies engaged solely in trust activities, and other entities for which the Office performs trust examinations. Authority for the Office to assess trust examination fees is based upon 12 U.S.C. 482 and 26 DC Code 102.

Assessment of fees assuring coverage of all trust examination costs is required by statute. Title 12 U.S.C. 482 provides in pertinent part:

> [A]ll national banks exercising fiduciary powers and all banks or trust companies in the District of Columbia exercising fiduciary powers shall be assessed by the Comptroller of the Currency for the examination of their fiduciary activities a fee adequate to cover the expense thereof.

A Notice of Proposed Rulemaking on revision of trust examination fees was published on pages 85045–85048 of the **Federal Register** of December 24, 1980. A clarification was published on page 3237 of the **Federal Register** of January 14, 1981. Comments were received from forty-two sources, including national banks and trade associations.

Need for Increased Fees

Revision is necessary to assure continued compliance with 12 U.S.C. 482, set forth above. The increase in the fee is proposed at this time because the cost of trust examinations, if the fee schedule is unchanged, is expected to exceed trust examination revenues by $4.9 million in 1981. Fees have been unchanged since 1969. The deficit is caused by three significant factors: (1) increasing salaries since 1969 and the increasing number of trust examiners needed to perform more complex trust examinations; (2) the loss in 1974 by the Office of rent free space in government office buildings, and (3) higher costs to the Office due to increases in the price

of goods and services caused by inflation. To avoid this shortfall, the Office will assess the 1,700 national banks and other entities with active trust departments for the total direct and overhead expenses of trust examinations. This will avoid the need to spread overhead costs properly attributable to trust examinations among all 4,446 national banks and District of Columbia banks, including those which do not exercise trust powers.

As proposed, the new fee applies to trust examinations begun after December 31, 1980, to enable the Office to avoid a deficit in this area for 1981 which would necessitate having to pass through those costs to all national banks through the semiannual assessment. Fees for trust examinations begun since December 31, 1980, and completed prior to May 1, 1981, will be due May 1, 1981. Banks undergoing subsequent examinations will be billed after the completion of the examination.

The following summarizes the comments on the Office's proposal to increase trust examination fees and the Office's response.

General Comments

Many of the 42 comment letters discussed the practice of billing according to the amount of on-site and off-site time spent by trust examiners in the conduct of the examination, the definition of billable time, and the methods and procedures used in scheduling and conducting trust examinations.

The Office, at this time, is not proposing to change practices currently in effect. However, the Office seeks new ideas which might lead to increased efficiency and better implementation of its statutory responsibilities. The comments containing such ideas are welcome and the Trust Examinations Division is reviewing them.

One point, however, regarding what constitutes billable hours needs clarification because of a misunderstanding by several commenters. Hours spent by examiners on travel time do *not* constitute billable hours. Charges levied are based only on hours spent by examiners at the bank and on the number of hours spent by examiners working on the examination report while outside of the bank. No change in this policy has been instituted.

Size of Increase

Numerous commenters focused on the size of the proposed increase. Several complimented the Office for basing the fees on the cost of the examination. Several others thought that the proposed fee is reasonable and is justified by the facts presented in the Notice of Proposed Rulemaking.

Most, however, were critical of the size of the increase and suggested methods to hold the increase down or delay its effectiveness. Four commenters suggested that it be phased in over a period of up to five years. The Office had considered, but rejected that possibility prior to publishing its Notice of Proposed Rulemaking because of the large deficits incurred by the Office's trust division. As stated, if fees are not increased, the 1981 deficit is projected to be about $4.9 million. To delay full implementation of the fee schedule would not be consistent with the statutory requirement that banks exercising fiduciary power shall be assessed a fee adequate to cover the cost of their examination, as required by 12 U.S.C. 482, and would force all banks, through the semiannual assessment, to provide a multimillion dollar annual subsidy to banks with trust departments.

None of the comments suggesting the phase-in of the fees presented arguments showing a need to delay full implementation of the schedule. As one commenter wrote, "* * * such an approach [delayed implementation] would be a benefit to those of us in the field who are under the dual constraints of budget and profitability goals." However, this does not justify shifting part of that burden to other banks, which do not have trust departments, but have their own budget and profitability goals.

Five banks questioned the Office's statutory authority to assess trust departments for not only the direct, but the indirect or overhead costs of examinations. Those overhead costs, as set forth in the Notice of Proposed Rulemaking, include supervision of trust examiners and the portion of expenses incurred for operations and administrative functions in Washington D.C. and the regions, and the portion of rent in Washington, D.C., attributable to the trust examination functions of the Office. The statutory history of 12 U.S.C. 482 makes clear that the Office has authority to charge for overhead expenses. *S. Rep.* No. 400, 84th Cong. (1956); *H.R. Rep.* No. 1816, 84th Cong. (1956). *See also* 102 Cong. Rec., 6549 (April 18, 1956) (remarks of Rep. Brown). Consequently, the Office, as proposed, will recover its overhead expenses attributable to its trust functions through its trust assessment.

Three commenters thought that well-run trust departments should be charged a reduced fee. The Office believes that basing the total charge on the number of hours required to conduct an examination results in a smaller fee for a well-run trust department than for a similarly sized trust department that is not well run. One commenter suggested that increasing complexity of trust examinations, one of the reasons cited by the Office in the Notice of Proposed Rulemaking for the increase, was largely caused by this Office. However, as the Notice made clear, much of the complexity has resulted from enactment by Congress of various statutes including the Employee Retirement Income Security Act in 1974, the Securities Acts Amendments of 1975, and various consumer laws in the 1970s. Another commenter suggested that increased costs of trust examinations resulting from new laws should be paid from "general revenues."

The Office has no "general revenues." Trust examination costs are paid through trust fees; corporate application costs are paid through application and related fees; and costs associated with maintaining the safety and soundness of the national banking system through the general examination process and other supervisory activities are paid through the semiannual assessment. Another commenter thought that overhead expenses related to trust examinations should be recovered from general tax revenue. As stated, the Office receives no such revenue.

Effect on Small Banks

Five commenters were concerned with the effect that the increasing costs could have on the profitability of small banks. However, considering the small number of comments on the issue and the failure of any of those that were received to indicate that the fees would force them to seriously reconsider providing trust services, the Office perceives no reason to attempt to fashion a fee structure in derogation of the statutory mandate regarding the assessment of fees.

A commenter representing a small bank thought the new fee would lead to the assignment of lesser experienced personnel to perform examinations in small banks. No such change in policy regarding assignment of personnel is contemplated.

Flat Fee

Seventeen commenters opposed the change by the Office from a two-level fee structure to a flat fee. The present structure sets a fee for the examiner-in-charge and a lesser fee for assisting examiners. The proposed fee is a flat rate for every examiner.

Many commenters questioned whether a less experienced examiner should be billed at the same rate as an examiner with several years of experience. Some thought the fee should be based on each examiner's salary increased by a factor to cover the Office's overhead expenses. Some thought the fee should vary according to the experience of the examiner.

There are two problems with either approach. First, those approaches assume that an examiner's speed varies with that individual's experience or salary level. If this assumption is incorrect, then high hourly fees would not be offset by reduced hours. Experience, thoroughness and competence do not necessarily translate into speed. Further, since the rule now being adopted by the Office relates overhead costs to direct costs, those proposals assume that a more highly paid examiner utilizes more in the way of overhead costs per hour than a lower paid examiner. This is not a supportable assumption.

Further, the end result of suggestions proposed by the commenters and the Office are the same. The Office must recover its expenses from examinations. In forming examination teams, a mix of different levels of experience is usually sought to assure that newer examiners receive essential experience while each examination is conducted under proper supervision. If fees for less experienced examiners were reduced, fees for more experienced examiners would have to rise to enable the Office to recover all trust examination expenses through trust examination fees. Further, variance in fees among examiners could have an unnecessarily harsh impact on banks with small trust departments requiring examination by only one or two examiners. While one commenter representing a small bank thought that less experienced examiners could be assigned to examine that bank's trust department at a smaller hourly fee, the Office believes that at least one experienced examiner generally is required at an examination. This results in a higher proportion of less experienced examiners conducting examinations of small trust departments. Consequently, the average hourly fee for small banks would be significantly larger than for a large trust department with a greater proportion of less experienced examiners conducting the examination. The small bank paying the greater hourly fee will have no assurance that it would be offset by a reduction in the amount of time necessary to conduct the examination.

Another commenter suggested that the Office establish a "retainer" for each trust department to include all normal and expected charges for a given year, based on the size and complexity of a client's needs. However, the task of establishing a retainer with more than 1,700 banks on an individual basis would increase administrative time and expense and hence, trust examination fees.

The Office recognizes that the contribution of new examiners is below that of more experienced personnel. Consequently, the Office has decided to waive the charge for time spent by examiners with under six months of experience. As is the current practice, no charge will be assessed for time spent by examiners hired on a temporary basis.

Retroactivity

Three commenters opposed the Office's proposal to apply the new schedule to all trust examinations begun after December 31, 1980. One of the commenters stated without elaboration that this would work a hardship on banks which had already established budgets for 1981. The other two commenters gave no reason for their position. The only other commenter to address the question of the effective date supported the action proposed by the Office.

Based on the comments the Office believes there is no reason to alter its proposal. A January 1, 1981, effective date is necessary to avoid major trust-related shortfalls to the Office in 1981. Announcement of the proposal was not made until December 24, 1981, in order that the Office could calculate its fees based on the latest available data. Further, as demonstrated in the Notice of Proposed Rulemaking, future annual changes in fees should not be drastic and banks are now on notice that they may occur annually, if needed. Thus, banks may take such a possibility into consideration when planning their future budgets.

Rebates/Surcharges

As stated in the Notice of Proposed Rulemaking, the proposed hourly fee is based on projections. Consequently, there is not absolute certainty that the hourly fee will equal hourly expenses. In anticipation of such variations, the Notice requested comments on whether compensation should be made for deviations through surcharges or rebates when actual expenses are known. Only two commenters responded to this question and both opposed the suggestion. The Office has decided not to provided for rebates or surcharges.

For the reasons set out in the preamble, Part 8 of Chapter I of Title 12 of the Code of Federal Regulations is revised as set forth below:

1. The authority citation for Part 8 is amended as set forth below:

Authority: R.S. 5240, as amended, 12 U.S.C. 482, 12 U.S.C. 3103, and in Section 3, 47 Stat. 1566, 26 D.C. Code 102.

2. Section 8.7 is revised to read as follows:

§ 8.7 Hourly rate for trust examinations.

(a) The assessment contained in this subpart is made pursuant to authority contained in R.S. 5240, as amended, 12 U.S.C. 482 and in section 3, 47 Stat. 1566, 26 D.C. Code 102. Those statutes provide that the Comptroller assess fees adequate to cover the cost of each trust examination.

(b) To assure continued compliance with the statutory requirement, national banks and other entities with trust departments examined by this Office are assessed a fee which recovers the total direct and overhead expenses of the examination. This fee will be reviewed annually according to the method set forth in paragraph (d) of this section to determine whether changes in such expenses require a revision of the fee.

(c) The hourly fee for trust examinations commenced after December 31, 1980, is $32.44. The total fee for a trust examination is the hourly fee multiplied by the number of hours examiners spend at the bank and the number of hours spent by examiners working on the examination report while outside of the bank. The Office will waive the fee for time spent by examiners with less than six months of experience and for those hired on a temporary basis.

(d) The hourly rate set forth in paragraph (c) of this section represents the total expenses of conducting trust examinations as set forth in the budget for the year in which the hourly fee is applicable, divided by the projected number of billable hours for that year.

(1) Total expenses of trust examinations include direct expenses and overhead expenses..

(i) Direct expenses of the examination include travel expenses and trust examiner's salaries and benefits.

(ii) Overhead expenses include:

(A) Regional office overhead expenses related to trust examinations. Those are calculated by determining the ratio of the number of field trust examiners to total field examiners and applying it to total budgeted Regional office overhead expenses.

(B) Expenses of Washington, D.C. operations and administrative functions which are related to trust examinations. Those are calculated by determining the ratio of the number of trust positions to total Office positions and applying it to administrative expenses budgeted for the operations and administrative units under the supervision of the Senior Deputy Comptroller for Operations.

(C) Expenses budgeted for the Washington Office Trust Examination Division, which supervises the field examination and 50 percent of the expenses budgeted for the Deputy Comptroller for Specialized Examinations, who supervises the Washington Office Trust Examination Division, among other functions.

(D) Rental expenses for the Washington Office related to trust examinations. Those are determined by calculating the ratio of Washington Office trust personnel to total Washington Office personnel and applying the ratio to total budgeted Washington rent.

(2) Projected number of billable hours is the total number of hours projected to be spent by trust department examiners in connection with examinations during the year for which the hourly fee is being set. That is determined by adjusting the number of hours worked in the previous year according to the average annual change in billable hours since 1976. This growth rate will be reviewed annually to take into account current trends.

Dated: March 9, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-8010 Filed 3-12-81; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 21022; Amdt. No. 91-175]

Use of FDC Notices to Airmen To Communicate Emergency Regulatory Information and Actions Relating to FAA's Ability To Operate the Air Traffic System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment updates and clarifies the air traffic flight rules. It adds a new section to expressly provide that FAA Notices to Airmen (NOTAMs) are an authorized means of advising pilots and aircraft operators of the issuance of certain emergency rules and regulations, which have been adopted in accordance with the Administrative Procedure Act, when such rules and regulations are needed to ensure the FAA's ability to operate the Air Traffic Control System. The existing regulatory provisions authorizing use of NOTAMs to communicate regulatorily significant information are limited to specific situations (such as §§ 91.91, 91.102, and 91.104 of the Federal Aviation Regulations). This amendment clarifies the current process of the FAA by providing that, when emergency conditions relating to the FAA's ability to operate the Air Traffic Control System exist and are not adequately covered by the existing rules and regulations, the FAA may use regulatory ("FDC" coded) NOTAMs to advise pilots and aircraft operators of air traffic rules which have been adopted by the Administrator. FDC NOTAMs provide a timely means for communicating the existence of immediately effective rules from shortly after those rules have been issued until the FAA is able to publish them in the **Federal Register**. Those emergency rules (including, as appropriate, air traffic requirements, restrictions, or conditions) remain in effect as specified in the rule for the duration of the emergency unless sooner modified or revoked by the Administrator. This amendment does not address the issues raised by FAA Notice No. 80-19, which are being deferred pending further consideration.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 13, 1980, the FAA published Notice No. 80-19 proposing to provide in the air traffic flight rules a new section expressly indicating the current FAA process of issuing "regulatory" Notices to Airmen (FDC NOTAMs) to communicate information of regulatory significance to those directly affected (45 FR 75096). While the proposal dealt primarily with internal FAA procedure and management and did not itself propose to establish any new requirement or burden on pilots or aircraft operators, it was published in notice form to receive public comment on the matter in conjunction with the potential use of FDC NOTAMs in certain situations. Under the proposal in Notice No. 80-19, FDC NOTAMs would be used, for example, if the Administrator finds it necessary to activate the National Air Traffic Control Contingency Plan (which was also published in draft form for public comment at 45 FR 75100). The basic objective of the Contingency Plan is to maximize the number of aircraft, people, and cargo that can be safely accommodated with the reduced air traffic control work force. If the Contingency Plan is activated, in whole or part, the FAA will be making every effort to ensure the continued movement of aircraft to the fullest extent practicable consistent with maintaining flight safety in light of available resources to staff the Air Traffic Control System. However, the proposed rule was independent of the draft contingency plan and addressed other situations in which the adoption of immediately effective flight rules or critical flight information must be promptly communicated to pilots and aircraft operators in the interest of flight safety. Contrary to the views of many commenters, it did not propose to expand the authority of the Administrator in fulfilling the statutory responsibility to provide for the safe and efficient use of the navigable airspace and navigation facilities. The intent of the proposal was to update and clarify the current practice and procedure for using FDC NOTAMs as an effective means of immediately communicating legally adopted emergency rules and regulations. FDC NOTAMs are used when the publication of the emergency rules in the **Federal Register** as a condition precedent to their becoming effective would unreasonably delay the effectivity of a safety requirement. The FDC NOTAMs are not themselves regulations; they merely communicate information, including essential information concerning regulations already adopted by competent FAA authority. However, in response to public comment on the notice and based on further consideration of the proposal, the FAA has concluded that the instant rule should be limited to emergency actions relating to the FAA's ability to operate the Air Traffic Control System safely and efficiently when existing rules are inadequate to respond to emergency conditions.

Discussion of the Rule in Light of Comments on Notice No. 80-19

For a better understanding of this rule, the following discussion summarizes a number of concerns expressed in response to Notice No. 80-19. Forty-nine public comments were received. The

FAA's preliminary review of those comments identified considerable objection to the perceived nature and effect of the use of NOTAMs to advise the public of emergency rules. Those views and resulting suggestions indicate they may be based upon a misunderstanding of the intent and purpose of the proposal. Thus, they will require further review and evaluation to provide adequate and responsible disposition of them. Since the potential exists for disruption of the FAA's ability to operate the Air Traffic Control System at current levels, however, the FAA must be prepared to respond to conditions which might develop with appropriate administrative and regulatory action. Accordingly, it has been determined necessary to adopt a regulation to ensure that pilots and aircraft operators are provided timely notice of any emergency air traffic rules or regulations that may be issued in response to those conditions.

Almost all commenters felt that the FAA already has adequate authority to act in an emergency thereby making the proposed rule unnecessary. The FAA agrees that it has broad authority to respond to an emergency affecting flight safety; however, the adoption of regulatory provisions indicating how the FAA's authority will be exercised and how it will communicate its emergency actions to affected persons is necessary. This amendment does not create or confer on the FAA any new substantive regulatory authority; instead, this amendment deals with process. That is, this amendment codifies in the air traffic rules a principal means by which the necessary regulatory actions are communicated to affected persons pending publication of the rules involved in the **Federal Register**. Any emergency procedures and resulting actions taken by the FAA will comply fully with the Federal Aviation Act of 1958, as amended (the "FA Act"), and the Administrative Procedure Act (5 U.S.C. 551–553). The FA Act gives the FAA Administrator the authority to respond to an emergency and to issue appropriate rules. The authority to prescribe air traffic rules and to designate that airspace in which those rules apply is governed by § 307 of the FA Act which also requires compliance with the Administrative Procedure Act in promulgating those rules. Notice No. 80–19 did not propose to deviate from the FAA's lawful process but simply proposed to codify in the regulations a means by which the FAA communicates emergency, immediately effective, regulatory requirements that will have already been issued by the Administrator. The NOTAM is not the regulation but its message would provide official notice of the adoption of an immediately effective, emergency rule or regulation and the essential information concerning the content of the regulation involved. Telegrams and telephone calls and other forms of nonregulatory communciation may also be used to effect that communication; the proposal in Notice No. 80–19 and this rule concern only the NOTAM system of communication because it is used consistently, though not exclusively, by the FAA in emergencies under the current rules. Thus, any emergency rules so issued would, owing to the need for flexibility and for wide, reliable, and timely distribution, be communicated through the NOTAM system, in the manner currently described in Paragraph 294 of the current Airman's Information Manual (AIM).

The instant rule indicates the FAA's use of FDC NOTAMs as discussed in the AIM. Therefore, the FAA is not expanding its authority but is merely clarifying the regulatory status of FDC NOTAMs for the purposes covered by the rule and the distinction between them and other "informational" but nonregulatory NOTAMs carried in the NOTAM system. The rule is similar to the FAA's other expressed provisions for regulatory NOTAMs concerning certain air traffic rules, such as §§ 91.91, 91.102, and 91.104 of the Federal Aviation Regulations.

Any NOTAM issued pursuant to § 91.100 will reference that section and provide information concerning the effect of the emergency regulation. Persons with knowledge of the regulatory requirements would be required to comply as provided by law. Subsequent publication of the regulation in the **Federal Register**. will provide constructive legal notice of the emergency regulation to all persons who may not have received the NOTAM or otherwise have legal notice of the adoption of that regulation.

Most commenters expressed concern about potential abuse of the proposed rule in its future application. They felt that the proposed rule could facilitate circumvention of the normal rulemaking process and its safeguards. As previously indicated, however, the FAA will comply fully with the FA Act and Administrative Procedure Act in taking the regulatory actions under the stated emergency conditions. Of course, notice and public procedure would not precede emergency actions because of the time needed to complete that process and because one or more of the exceptions to the requirement to propose rules for public comment before their adoption do not apply to such emergency rulemaking. With regard to the instant rule, it is the FAA's intent only to ensure the integrity of the operation of the Air Traffic Control System during emergency conditions. Thus, the commenters' concerns do not apply to it. However, to eliminate any misunderstanding concerning the purpose of the rule and its scope, it has been written to expressly limit its application to emergency conditions relating to the FAA's ability to operate the Air Traffic Control System and to clarify the effect of the NOTAM. The broader aspects of the rule proposed in Notice No. 80–19 will be considered in the disposition of that notice. Accordingly, the rule being issued herein as a Federal Aviation Regulation is narrower in scope than that originally proposed in Notice No. 80–19. The instant rule also reflects the recommendation of commenters who advocated disassociation of the proposal in the notice from the National Air Traffic Control Contingency Plan.

Some commenters objected to the proposal on the basis that there is no documented need for such a rule. However, a specific emergency condition need not have previously occurred and be documented before rules are developed relating to how the FAA will respond to such an emergency. A failure to anticipate the potential need for emergency actions would not be responsive to the FAA's responsibility to provide flight safety and operate the Air Traffic Control System. A need for contingency planning and providing the means for implementing those plans when necessary is clear. This amendment responds to that part of the need when the Administrator has cause to issue emergency rules concerning the FAA's ability to operate the Air Traffic Control System and, in accordance with the established practice and the proposed rule, communicates them through the NOTAM system. As with other rules providing for regulatory NOTAMs, the proposal recognizes the potential for unusual conditions or events wherein the existing rules do not provide adequate levels of safety in air transportation. In such events (or emergencies), the regulatory significance of such NOTAMs should be expressly provided in the rules.

Some commenters objected to the proposal in Notice No. 80–19 on the basis that the FAA's NOTAM system, to varying degrees, is either ineffective or inappropriate for conveying information of regulatory significance to affected

persons. There may well be room for improving the effectiveness of the NOTAM system in particular situations but deficiencies have not been identified of a magnitude that render the system unusable for its intended purposes. Several commenters offered to work with the FAA to improve the NOTAM system's effectiveness for immediately disseminating regulatory information that requires timely, reliable, and wide distribution. However, as noted, the FAA will be reviewing the methods of communicating information of regulatory significance and how to provide the most expeditious and effective means to ensure that information is provided to those affected by it. If found appropriate, additional rulemaking proceedings will be initiated to ensure a thorough public discussion of the subjects and issues involved.

One commenter agreed with the stated intent of the rule proposed in the notice but offered recommended modifications to §§ 91.100 (b) and (c), and on procedural matters. That commenter recommended that proposed § 91.100(b) be revised by deleting reference to the "efficient" use of the navigable airspace because efficiency can be preserved by the normal rulemaking processes and does not warrant emergency action. While improving efficiency does not by itself normally justify emergency action, ignoring efficiency under § 91.100 emergency rules would leave safety as the sole, not just a principal, objective of any rule or regulation issued pursuant to the new section. For example, the measures available to achieve simply the safety objectives could unnecessarily reduce efficiency in the Air Traffic Control System. However, safety, coupled with efficiency, promotes the most prudent and reasonable use of the airspace.

The commenter further recommended that § 91.100(c) be expanded to provide for annotation of NOTAMs issued under this section to reflect their authority. NOTAMs issued pursuant to § 91.100 will be identified as having been issued under that section. Under established practice, each rule, including rules communicated by NOTAM, provides a statement of its legal basis, However, the various means of communicating rules, such as NOTAMs, do not contain the authority statement published in the emergency rule. It is inappropriate to require that procedural matter in the instant § 91.100 rule.

The commenter also recommended publication of a NOTAM's substance as a notice of proposed rulemaking (NPRM) in the **Federal Register** within five working days after issuance of the NOTAM in order that it would be subjected to the normal rulemaking processes. As previously indicated, an FDC NOTAM is not a rule. It provides notice that a rule has been adopted. The FAA will publish the emergency rules, not an NPRM, in the **Federal Register**, as soon as practicable after their adoption. However, the FAA will not delay the issuance of a regulatory NOTAM under § 91.100 pending that publication. Under established procedures, the preamble to each rule not preceded by notice requests public comment on the rule and, to the extent practicable, the FAA will consider comments received in evaluating whether the rule should be modified. Further, the regulation will be published for public information even if the emergency conditions have ended and the NOTAM is cancelled before the rule is published. The timeliness of its publication must be reasonable as dictated by the prevailing conditions and publishing constraints which cannot be specified for all cases in new § 91.100. Accordingly, it would not be useful to submit to the "normal" rulemaking process an "emergency" rule that has been properly established under the unusual conditions anticipated by the laws and in accordance with those laws.

The commenter suggested the FAA publish a statement of its responsibilities and liabilities for its actions taken under § 91.100, including any losses sustained during the emergency under the rule. Any NOTAM issued under § 91.100 would simply communciate emergency air traffic rules that have been established in accordance with the FA Act and the Administrative Procedures Act. Those rules will have been issued pursuant to those Acts in response to conditions which those Acts contemplated would necessitate foregoing prior notice and public participation and other routine processes suitable for nonemergency action. In such instances, the FAA, nonetheless, remains responsible for its action under established principles of law which the FAA cannot modify.

The commenter also recommended that the FAA take extraordinary measures to acquaint pilots and aircraft operators with the existence and content of § 91.100 NOTAMs. As relates to the instant rule, the FAA will make every reasonable effort to ensure availability for those FDC NOTAMs issued under the rule. The nature and extent of that effort will be tailored to the existing conditions but will not relieve pilots of their responsibilities prescribed under §§ 91.3, 91.5, and other applicable regulations.

Several commenters took exception to the FAA's determination that the proposal in Notice No. 80-19 was not significant under Executive Order 12044. The FAA continues to stand by that determination even though the Executive Order has since been revoked. It was made in accordance with established procedures and criteria to evaluate regulatory actions. The proposed action in Notice No. 80-19 involves agency procedure for communicating regulatory decisions when an emergency is found to exist. It was not an evaluation of the potential regulatory actions that may be taken in response to those emergency conditions, but an evaluation of the proposed rule which concerns one means by which emergency regulations would be communicated to those affected. Thus, the FAA considered the anticipated impact as so minimal that it did not warrant preparation of a regulatory evaluation under the Executive Order or implementing guidelines.

Synopsis of the Rule

This amendment establishes a new § 91.100 under the air traffic rules of Part 91, Subpart B. The rule does not itself create any new requirement for pilots or aircraft operators but establishes the FAA procedure for issuing regulatory (FDC) Notices to Airmen to provide information of regulatory significance relating to its ability to operate the Air Traffic Control System during an emergency. The new section, like §§ 91.91, 91.102, and 91.104, is limited to particular situations. It concerns the possible situations where the Administrator determines that an emergency exists, or will exist, relating to the FAA's ability to operate the Air Traffic Control System (including the possible activation of the National Air Traffic Control Contingency Plan). It addresses those situations in which normal flight operations under existing rules and regulations cannot be conducted at the required levels of safety and efficiency. Whenever that occurs, the Administrator, pursuant to statutory authority, may prescribe appropriate rules and regulations that govern flight operations, the use of navigational facilities, and the designation of that airspace in which the rules and regulations apply. If those regulatory requirements must be given effect before they can be published in the **Federal Register**, the Administrator, or his designee (the Director of the Air Traffic Service), issues a regulatory (FDC) NOTAM to immediately advise

pilots and aircraft operators of the existence and import of those requirements that have been issued in the emergency rule. The NOTAMs themselves are not regulations but are the means for immediately communicating to those affected the regulatory requirements already issued under competent authority. As soon as practicable, the Administrator publishes the emergency rules in the Federal Register to achieve the constructive legal notice provided by that publication. In some cases, however, the emergency may have concluded and the rules may have been rescinded before they can be published; in that case publication will simply provide public notice of the action previously taken. The final paragraph of § 91.100 indicates that, because of the regulatory requirements already adopted by competent authority in a regulation before issuance of the FDC NOTAM, no person may operate an aircraft, or other device subject to the regulation, except in accordance with the authorizations, terms, and conditions prescribed in the regulation communicated by the NOTAM. As previously noted, a further discussion of the FDC NOTAM is contained in paragraph 294 of the Airman's Information Manual (AIM); NOTAMs are also covered by FAA Order 7930.2.

Postponement/Effective Date

This amendment to FAR Part 91 involves a matter relating to agency procedure and management of its programs and is needed to clarify the means for communicating certain emergency information of regulatory significance, including that needed in the event of the potential activation of the National Air Traffic Control Contingency Plan. Accordingly, I find that good cause exists for making it effective in less than 30 days after publication in the Federal Register and that it is excepted from postponement under the provisions of the President's Memorandum of January 29, 1981 (46 FR 11227; Feb. 6, 1981) for matters related to agency organization, management, or personnel and to emergency situations.

Adoption of the Amendment

Accordingly, Subpart B of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended effective March 13, 1981, by adding a new § 91.100 to read as follows:

§ 91.100 Emergency air traffic rules.

(a) This section prescribes a process for utilizing Notices to Airmen (NOTAM) to advise of the issuance and operations under emergency air traffic rules and regulations and designates the official who is authorized to issue NOTAMs on behalf of the Administrator in certain matters under this section.

(b) Whenever the Administrator determines that an emergency condition exists, or will exist, relating to the FAA's ability to operate the Air Traffic Control System and during which normal flight operations under this chapter cannot be conducted consistent with the required levels of safety and efficiency—

(1) The Administrator issues an immediately effective Air Traffic rule or regulation in response to that emergency condition, and

(2) The Administrator, or the Director, Air Traffic Service, may utilize the Notice to Airmen (NOTAMs) system to provide notification of the issuance of the rule or regulation.

Those NOTAMs communicate information concerning the rules and regulations that govern flight operations, the use of navigation facilities, and designation of that airspace in which the rules and regulations apply.

(c) When a NOTAM has been issued under this section, no person may operate an aircraft, or other device governed by the regulation concerned, within the designated airspace, except in accordance with the authorizations, terms, and conditions prescribed in the regulation covered by the NOTAM.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this document involves an emergency regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Further, in light of the potential disruption of the FAA's ability to operate the Air Traffic Control System, this amendment provides the procedural basis for timely communicating certain regulatory information and actions in the event of activation of the National Air Traffic Control Contingency Plan or the adoption of similar regulatory actions, which require immediate action. Thus, it is an emergency nonmajor regulation under Executive Order 12291 and the President's Memorandum of January 29, 1981. There are no cost impacts associated with this regulation since it is only procedural. Regulations which are distributed in accordance with the procedures in this amendment will be evaluated individually, as appropriate, to determine whether they have cost impacts.

Issued in Washington, DC, on March 9, 1981.

Charles E. Weithoner,

Acting Administrator.

[FR Doc. 81-7888 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 386

Destination Control Statements; Diversion of Exports to U.S.S.R.

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: Section 386.6 of the Export Administration Regulations requires entry of a destination control statement on documentation covering certain exports from the United States; such a statement warns against diversion of the exports to unauthorized destinations. This rule amends 15 CFR Part 386 by inserting new language to provide a clearer warning against diversion of exports to the U.S.S.R. The rule neither expands nor limits the provisions of the Regulations, but is necessary to conform the CFR with the Department of Commerce's *Export Administration Regulations.*

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Therefore, these regulations are issued in final form. Although there is no formal comment period, public comments on the Regulations are welcome on a continuing basis.

Because this regulation relates to a foreign affairs function of the United States, it is not subject to the 60-day postponement of new regulations imposed by the Presidential memorandum of January 29, 1981, "Postponement of Pending Regulations,"

nor to Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation." This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

This regulation will not have a significant economic impact on a substantial number of small business entities because this rule neither expands nor limits regulatory provisions, but only conforms the Code of Federal Regulations (CFR) with the *Export Administration Regulations.*

Accordingly, Part 386 of the Export Administration Regulations is amended as follows:

1. Section 386.6(a)(1)(iii)(*b*) is revised to read as follows:

§ 386.6 Destination control statements.

(a) * * *
(1) * * *
(iii) * * *

(*b*) The commodity exported is identified by "U.S.S.R." or by the symbol "Y" in the "Validated License Required" column of the Commodity Control List; and

* * * * *

(Secs. 4(e), 5, 6, 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))]

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–7620 Filed 3–12–81; 8:45 am]

BILLING CODE 3510–25–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 241

[Release Nos. 33–6297 and 34–17609]

Option and Option-Related Transactions During Underwritten Offerings

AGENCY: Securities and Exchange Commission.

ACTION: Notice of staff positions under statutes and rules.

SUMMARY: The Commission has authorized the issuance of letters setting forth the interpretative and enforcement positions of its Divisions of Market Regulation and Corporation Finance regarding the application of Sections 2(11) and 5 of the Securities Act of 1933, 15 U.S.C. 77b(11), 77e (1976), and Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78j (1976), and Rule 10b–6 thereunder, 17 CFR 240.10b–6 (1980), to certain transactions involving exchange-traded options, and recommendations thereof, by participants in an underwriting of the security underlying such option.

FOR FURTHER INFORMATION CONTACT: With respect to the Securities Act of 1933 ("Securities Act") positions, contact: Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2573. With respect to the Securities Exchange Act of 1934 ("Exchange Act") positions, contact: Kenneth S. Spirer, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2844 or M. Blair Corkran, Jr., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2853.

SUPPLEMENTARY INFORMATION: In 1977, the Securities Industry Association ("SIA") submitted a letter requesting a "clarification of the applicability of certain provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934" to certain call option transactions by broker-dealers who are participating in a distribution of the common stock underlying those options. The staff deferred consideration of the issues raised by the SIA at that time in view of the initiation of the Commission's Special Study of the Options Markets in October 1977.*

In view of the continuing growth of the listed options markets, and in particular the number of underlying stocks on which listed call options are or will be traded, the Commission believes that the issues raised by the SIA in its 1977 letter, as supplemented by letters dated August 3, 1979 and August 14, 1980, are important and that the staff responses will provide guidance to underwriters and their counsel on the issues presented. In addition, while the SIA letters did not address put options, the staff has included in its response references, where appropriate, to put option transactions, in view of the recent expansion of put option listings.

The Commission authorized the Divisions of Market Regulation and Corporation Finance to issue the following letters:

Joseph McLaughlin, Esq., *Chairman,* Federal Regulation Committee, Securities Industry Association, 20 Broad Street, New York, New York 10005.

Dear Mr. McLaughlin: By letter dated June 28, 1977, as supplemented by letters dated August 3, 1979 and August 4, 1980, and telephone conversations with the staff, the Securities Industry Association (the "SIA") has requested that the staff take a "no-action" position with regard to the application of Rule 10b–6 under the Securities Exchange Act of 1934 (the "Exchange Act") to certain transactions involving exchange-traded call options by participants in an underwriting of the common stock underlying such options. Although your request did not extend to transactions in exchange-traded put options, our response addresses, where applicable, transactions in both put and call options by participants in an offering of the underlying stock.

The SIA has asked that the staff permit participants in a distribution of securities underlying listed options to effect the following transactions in the related call options or underlying stock during a distribution:

1. Purchase call options in closing transactions to cover a proprietary short call position that was established before becoming a participant in a distribution;

2. Purchase the underlying stock in open market transactions to satisfy an exercise notice assigned against a proprietary short call position that was established before becoming a participant in the distribution; and

3. Exercise call options that were acquired before becoming a participant in the distribution.

The SIA has also requested similar relief to permit a participant in a distribution of the underlying securities to recommend that customers effect the transactions listed above. We discuss each question and set forth our response below. We discuss also the application of Rule 10b–6 to transactions effected for accounts as to which a participant in the distribution or an associated person of a participant exercises investment discretion ("managed accounts").

A. *Whether, under Rule 10b–6, an underwriter or a prospective underwriter can purchase call options to close out a short call position or sell put options to close out a long put position where such positions existed before it became an underwriter.*

As a preliminary matter, this question raises the issue of whether an exchange-traded call option is, for purposes of Rule 10b–6, a "right to purchase" the security that is the subject of the distribution. Although, as noted in the SIA's June 28, 1977 letter, the reference in Rule 10b–6 to a "right to purchase" may have been initially intended for subscription rights issued to existing shareholders, the staff has not so limited its interpretation of the rule. We have applied the term "right to purchase" to other securities whenever it has appeared that the purchase of those securities was likely to have the direct effect of lessening or eliminating selling pressure on (or attracting buyers to) a related security that was the subject of a distribution. Thus, warrants, convertible securities, and target securities in exchange offers and mergers have been deemed rights to purchase the security that is the subject of the distribution. As a preliminary matter, therefore, the staff concludes that an exchange-traded call

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* *See* Securities Exchange Act Release No. 14056 (October 17, 1977), 42 FR 56706 (October 27, 1977).

option should also be regarded as a "right to purchase" as that term is used in Rule 10b–6.[1]

The staff also takes the view that Rule 10b–6 applies with respect to the writing of an exchange-traded put option. During the life of the option, the seller of a put has an obligation, contingent upon assignment of an exercise notice, to purchase the underlying stock at the exercise price. Thus, until the put option expires, the seller may be viewed as making a continuing bid for the underlying securities at the exercise price of the option. Rule 10b–6, which makes it unlawful for a participant in a distribution "to bid for . . . any security which is the subject of such distribution," would therefore be applicable.

Finally, it appears that under certain circumstances transactions in exchange-traded put and call options can have a short-term impact upon the market price of the underlying stock. The impact results from the inter-relationship between the options market and the market for the underlying security, and is transmitted through arbitrage transactions based upon the equivalency of certain options positions and the underlying stock, hedging strategies that depend on the relative pricing of an option and its underlying stock, and substitution effects that may occur when the relative pricing of these securities diverges.

Your first question is whether a participant in an underwriting can purchase call options in closing transactions to cover a pre-existing proprietary short position in the option related to the underlying offered equity security. In an analogous situation involving a short stock position, the staff requires a broker-dealer either to cover that short position before agreeing to participate in the underwriting or to maintain the position until it has completed its participation. For the reasons set forth below, however, we believe that a departure from that strict application of Rule 10b–6 is justifiable with respect to covering proprietary short call and long put positions. While the market effects of a given volume of purchases of the stock are direct and somewhat predictable, purchases of the related call options and sales of the related put options have indirect and often indeterminate effects on the underlying stock. Another reason for a departure from Rule 10b–6's prohibitions for options transactions is the operation of the listing standards and position limit rules of the options exchanges.[2]

In response to your request, the Division of Market Regulation will not recommend that the Commission take enforcement action under Rule 10b–6 if a participant in an underwriting with a short call or a long put position that was established before it became a participant in the underwriting effects closing call option purchases or closing put option sales, provided that such transactions are effected before the five business days prior to the proposed commencement of the offering of the underlying stock or such shorter time as the person has been a participant. The offering will be deemed to have commenced at the effective date of the registration statement. The Division of Market Regulation also will not recommend that the Commission take enforcement action under Rule 10b–6 if a participant in an underwriting effects such transactions for its managed accounts, subject to the same five business day provision.[3]

You have also asked whether a participant in an underwriting can recommend that its customers cover pre-existing short call positions during the underwriting of the related common stock. The staff will not recommend that the Commission take enforcement action under Rule 10b–6 if a broker-dealer who is a participant in an offering of an underlying stock recommends and effects closing call option purchases or put option sales, provided that such transactions are effected before the five business days prior to the proposed commencement of the offering of the underlying stock or such shorter time as the person has been a participant. This "no-action" position is limited to short call and long put customer positions that existed before the broker-dealer became a participant in the offering.

B. *Whether, under Rule 10b–6, an underwriter or a prospective underwriter may purchase stock in the open market upon receipt of an exercise notice or recommend such transactions to customers.*

You have also requested that the staff take a "no-action" position under Rule 10b–6 to permit underwriters and prospective underwriters, during their participation in a distribution of an underlying security, to make open market purchases of that security in order to satisfy an exercise notice assigned against a proprietary short call position related to the underlying security. You have noted that the decision to exercise is not made by the participant in the offering but rather by the holder of a long option position and that exercise notices are randomly allocated in accordance with procedures of the Options Clearing Corporation. Nevertheless, the prophylactic restrictions of Rule 10b–6 apply to conduct that, in many cases, will have manipulative effects regardless of any subjective intent on the part of the purchaser. In addition, while the decision to exercise an option and the assignment of exercise notices are beyond the direct control of the participant, the circumstances under which exercise notices are likely to be received are often highly predictable and participants in an underwriting could attempt to take advantage of such information in scheduling their offerings.

If a participant in an underwriting is assigned an exercise notice against its proprietary option position, it usually does not need to make open market purchases to satisfy the exercise notice. Instead, it normally can borrow stock without undue hardship to fulfill its delivery obligations. Accordingly, the staff declines to take a "no-action" position under Rule 10b–6 to permit a participant in an underwriting to purchase shares of stock in the open market upon receipt of an exercise notice. Inasmuch as a broker-dealer has full discretion over its managed accounts, we would view transactions for such accounts in the same manner as proprietary transactions.

You have also asked whether a participant in an underwriting can recommend that its customers who have been assigned an option exercise notice purchase stock in the open market to satisfy their delivery obligations. Once a writer of a call option receives an exercise notice he must deliver stock, usually within two or three days of the receipt of the notice. Delivery may be effected by purchasing or borrowing the underlying stock, or by utilizing shares which he already owns. In the absence of advice from their brokers, many call writers who receive exercise notices would elect to purchase the underlying shares in the open market (and may have made this decision when the option was written). In these circumstances, it does not appear likely that permitting an underwriter to recommend such purchases when the exercise notice is assigned would substantially increase the amount of open market purchases. Furthermore, it is desirable as a matter of policy that customers receive advice on the alternatives available to them in these circumstances. For these reasons, the Division of Market Regulation will not recommend that the Commission take enforcement action under Rule 10b–6 if a participant in an underwriting recommends that customers who receive exercise notices on short call options positions make open market purchases of that stock, and the participant effects those purchases, provided that the short option positions were established before the firm became a participant in the underwriting of the underlying stock.

C. *Whether, under Rule 10b–6, an underwriter or prospective underwriter can exercise a long call position during an underwriting of the underlying stock or recommend such exercise to customers.*

Finally, you have asked whether a participant in an underwriting can exercise a proprietary long call position that existed before it became a participant. You state your opinion that the exercise of a long call position should be permitted under exception (vii) of Rule 10b–6, which excludes "the exercise of any right or conversion privilege to acquire any security." The staff, however, has limited the application of this exception to the exercise of a subscription right or convertible security through which the new security would be obtained from the issuer without market impact. By contrast, the exercise of listed options and the purchase of the underlying stock may have a significant market impact upon the underlying security.

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[1] Nevertheless, as indicated at page six, *infra*, we do not interpret the term "right" in exception (vii) to Rule 10b–6(a) to be applicable to exchange-traded call options.

[2] The position limit rules of the options exchanges were recently amended to permit positions of up to 2,000 contracts on the same side of the market. *See* Securities Exchange Act Release No. 17237 (October 22, 1980). Any substantial increase in the position limit rules or a substantial relaxation in listing standards may cause the staff to reconsider the views expressed in this letter.

[3] Since the limitations imposed on the account manager's investment decisions through this condition and the others discussed below would be short-term and minor, we would not anticipate that they would be inconsistent with the account manager's obligations to manage accounts in the interests of the beneficiaries.

Of course, the magnitude of that impact will depend upon the extent to which those who are assigned exercise notices purchase the underlying stock in the open market instead of delivering portfolio or borrowed securities. The staff believes that prohibiting proprietary call option exercises during an underwriting would have a *de minimus* impact upon the proprietary trading of participants while assuring that the market for the underlying security will not be affected by purchase activity resulting from such exercises. Accordingly, the Division of Market Regulation declines to take a "no-action" position under Rule 10b–6 on this portion of your request. Our position would also apply to the exercise of an option pursuant to the automatic exercise procedures of the Options Clearing Corporation. To avoid the exercise of a long call position, a participant may override these procedures in accordance with OCC Rule 805(f). Finally, inasmuch as a broker-dealer has full discretion over its managed accounts, we would view transactions for such accounts in the same manner as proprietary transactions.

With respect to your request that participants be allowed to recommend that customers exercise their related call options, somewhat different considerations apply. Because options are complex, short-term, wasting assets, the staff deems it desirable, as a matter of policy, to permit a broker-dealer to give continuing advice until the option position expires or is closed.

Accordingly, the Division of Market Regulation will not recommend that the Commission take enforcement action under Rule 10b–6 if a participant in an underwriting of the underlying stock recommends that its customers exercise long call option positions, and effects such transactions, where the options were acquired before the firm became a participant.

The foregoing "no-action" positions are limited to the application of Rule 10b–6. They represent only the position of the staff on enforcement action and do not represent any legal conclusions with respect to the issues discussed. In addition, your attention is directed to the antifraud and anti-manipulative provisions of the Exchange Act, particularly Section 9(a)(2), and Section 10(b) and Rule 10b–5 thereunder. Responsibility for compliance with these and any other applicable provisions of the federal securities laws must rest with those broker-dealers who are relying on this "no-action" position.

If you have any questions with respect to the issues addressed by this letter, please contact Roger D. Blanc, Kenneth S. Spirer, or M. Blair Corkran of this Division.

We understand that the Division of Corporation Finance has responded by separate letter to the questions you have presented under the Securities Act of 1933.

Very truly yours,

Douglas Scarff,

Director.

Joseph McLaughlin, Esq., *Chairman, Federal Regulation Committee, Securities Industry Association, 20 Broad Street, New York, New York 10005.*

Dear Mr. McLaughlin: By letter dated June 28, 1977, as supplemented by letters dated August 3, 1979 and August 4, 1980, as well as a number of telephone conversations with the staff, the Securities Industry Association has requested that the staff address two issues under the Securities Act of 1933 (the "Securities Act") relating to options transactions. First, you ask that the staff conclude that an investor who purchases securities pursuant to a registered public offering and, at the same time, writes a substantial number of call options on those underlying securities, is not an "underwriter" within the meaning of Section 2(11) of the Securities Act. Second, you seek a determination that it does not violate Section 5 of the Securities Act for an underwriter in a registered public offering to recommend the writing of call options on securities of the same class as those subject to a registration statement that has not become effective by customers who have indicated an interest in purchasing such securities in the offering. In our response which follows, we have limited our comments solely to call options which are traded on a national securities exchange, and we have also included references to exchange-traded put options, where appropriate.

A. *Is a person who writes call options or purchases put options on securities that are the subject of a registered public offering an underwriter within the meaning of Section 2(11) of the Securities Act?*

Ordinarily, persons writing exchange-traded call options or purchasing exchange-traded put options on securities of the same class as those being sold in a registered public offering are not using the options for the purpose of selling the underlying securities. This is generally so, whether or not the investor already holds the underlying securities (the investor can cover later by an option closing transaction or by a purchase), and is the case if the investor is purchasing the securities either in the open market or in the registered public offering. Investors generally write call options in order to reduce the risk of a price decline in underlying securities which they already hold or are purchasing and to increase their income through receipt of the option premiums. Investors generally purchase put options with respect to securities they hold or are acquiring in order to protect themselves against a price decline in the underlying securities. Moreover, an investor can be distinguished from an underwriter by virtue of the fact that the latter typically has an express or implied agreement with the issuer to aid in the distribution of the securities involved in the offering and to receive compensation for his selling efforts. When an investor writes call options or purchases put options, neither of these elements is usually present. The absence of an agreement or compensation would tend to indicate that the investor is not purchasing the underlying securities "from an issuer with a view to . . . the distribution of [such securities]" and therefore, should not be deemed to be an underwriter within the meaning of Section 2(11) of the Securities Act.

Accordingly, it is the view of the Division of Corporation Finance that a purchaser of securities in a registered public offering ordinarily would not be considered an underwriter merely because the purchaser writes exchange-traded call options or purchases exchange-traded put options on securities of the same class as those which are the subject of the offering. There are situations, however, where the activities of an investor may raise a question as to whether the investor should be considered an underwriter.

The most obvious situation would be one in which a purchaser of securities in an offering has an agreement or understanding, express or implied, with the issuer or underwriter to write or buy options for the purpose of facilitating the distribution of securities under the offering. In such circumstances, as well as the situation in which the purchaser receives compensation for engaging in such activities, the purchaser would appear to be an underwriter.

Another situation that may raise a question would involve an investor who purchases a significant portion of an offering (for example, more than 5%) and writes a large number of call options or buys a large number of put options close to the effective date of the offering. In such a situation, all of the surrounding circumstances, including whether the options were in-the-money when written or purchased and the number of options subsequently exercised, would have to be examined in order to determine whether the investor effected the options transactions with a view to distributing the securities in the offering and was therefore an underwriter.

B. *Is an underwriter which recommends writing call options before the effective date of a registration statement engaged in "gun-jumping" in violation of Section 5 of the Securities Act?*

In the view of the Division of Corporation Finance, a broker acting as an underwriter or selected dealer or otherwise participating in a registered public offering would not be engaged in gun-jumping in violation of Section 5 merely because, before the registration statement became effective, some of the broker's customers engaged in transactions on an exchange in options on securites of the same class as those being distributed. A broker participating in the distribution would be free during the pre-effective period to discuss with customers potential option strategies and transactions which might pertain to securities of the class to be distributed. Section 5 would not preclude such a broker from recommending or effecting any covered option transactions during the pre-effective period. Further, it appears that Section 5 would generally not prohibit a broker participating in a registered public offering, during the pre-effective period, from recommending or effecting, with respect to securities of the class to be distributed, uncovered call-writing or put-buying transactions on an options exchange for the broker's customers who have neither been solicited nor expressed interest in the securities being distributed.

There could be situations, however, in which the options activities of a broker participating in a registered public offering, during the pre-effective period, might constitute gun-jumping in violation of Section

5. For example, if the broker recommended that a customer engage in a combination of activities involving the writing of uncovered call options prior to the effective date of the registration statement and the purchasing of shares in the registered distribution, the conduct of the broker could be regarded as tantamount to the obtaining of a pre-effective commitment from the customer to buy the securities to be distributed, in violation of Section 5. Accordingly, we are unable to take a position regarding the propriety of this form of option activity by a broker during a distribution in which the broker is a participant. In such circumstances, the determination of whether such actions constitute gun-jumping in violation of Section 5 would depend on the facts and circumstances of each case.

* * * * *

It should be noted that the views expressed in this letter relate generally to the activities in connection with exchange-traded options on securities of the same class as those to be distributed in a registered public offering. These views would not necessarily extend to facts and circumstances not referred to herein. Also, the views expressed herein pertain exclusively to Section 2(11) and Section 5 of the Securities Act, and do not purport to address issues under any other provisions of law or regulations.

We understand that the Division of Market Regulation has responded in a separate letter to the questions you have presented under the Securities Exchange Act of 1934.

Sincerely,

Edward F. Greene,

Director.

Accordingly, 17 CFR Parts 231 and 241 are amended by adding thereto reference to this release.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 6, 1981.

[FR Doc. 81-7645 Filed 3-13-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 270

[Release No. IC-11675, File No. S7-868]

Adoption of Permanent Rules Exempting Business Development Companies and Certain of Their Affiliates From Provisions of the Investment Company Act

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of permanent rules.

SUMMARY: The Commission is adopting, on a permanent basis, two rules under the Investment Company Act of 1940 as recently amended by the Small Business Investment Incentive Act of 1980. Rule 57b–1 permits certain transactions between a business development company and a company controlled by it or certain affiliated persons of such controlled company without requiring prior approval of the Commission. Rule 60a–1 permits a business development company to acquire the securities of and operate a wholly-owned small business investment company. These rules correct inadvertent results of recent amendments to the Investment Company Act. They are substantially the same as the interim rules on which the Commission sought public comment in Investment Company Act Release No. 11493 (December 16, 1980).

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Marsha Gilman, Esq. (202–272–3036), Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is adopting, on a permanent basis, two rules under the Investment Company Act of 1940 (the "Act") [15 U.S.C. 80a–1 *et seq.*] as recently amended by the Small Business Investment Incentive Act of 1980 (the "1980 Amendments") [Pub. L. No. 96–477]. These rules were proposed as interim rules by the Commission on December 16, 1980,[1] at which time public comment was sought on whether they should be adopted as permanent rules. The reasons for the Commission's proposal of these rules were discussed thoroughly at that time. Persons interested in a more detailed discussion of the rules should refer to the Commission's prior release.

In response to its request for comments on the subject of permanent adoption of the interim rules, the Commission received three letters. Each commentator supported the interim rules and urged permanent adoption. Two commentators, however, suggested that interim rule 60a–1 [17 CFR 270.60a–1] contains a technical error. As discussed more fully below, the Commission agrees with this position and, accordingly, corrects rule 60a–1 as permanently adopted. Interim rule 57b–1 [17 CFR 270.57b–1] is adopted permanently as originally proposed.

Rule 57b–1

Rule 57b–1 exempts from the prohibition of section 57 of the Act [15 U.S.C. 80a–56] certain transactions between a business development company and a controlled downstream portfolio affiliate or certain affiliated persons of such affiliate. The rule corrects the consequence of an inadvertent drafting error in section 57(b)(2) of the Act [15 U.S.C. 80a–56(b)(2)], added by the 1980 Amendments. As the legislative history of the 1980 Amendments indicates,[2] the result which the rule effects was clearly intended by Congress.

Rule 60a–1

Rule 60a–1, as adopted on an interim basis, permits a business development company to acquire the outstanding voting securities of and operate a wholly-owned small business investment company ("SBIC"). This rule was intended to correct the inadvertent result of the application of section 12(d)(1) of the Act [15 U.S.C. 80a–12(d)(1)] to business development companies by section 60 [15 U.S.C. 80a–59], added by the 1980 Amendments.[3] Section 12(d)(1) generally limits the acquisition by an investment company of securities issued by other investment companies. However, if the acquiring company meets certain criteria, it is not restricted as to the type (*e.g.* voting or non-voting) of securities which it may acquire.[4] Thus, the limitation which interim rule 60a–1 places on the acquisition of the securities of an SBIC by a business development company—that only the acquisition of an SBIC's *outstanding voting* securities is permitted—is not appropriate. In rule 60a–1 adopted on a permanent basis today, the Commission is removing that limitation.

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[1] Investment Company Act Release No. 11493 [45 FR 83478, December 19, 1980].

[2] This legislative history was discussed at length in the earlier release. *See* Investment Company Act Release No. 11493, 45 FR at 83481.

[3] Section 60 states, in part, that "[n]otwithstanding the exception set forth in section 6(f), section 12 shall apply to a business development company to the same extent as if it were a registered closed-end investment company . . . ." Section 6(f) [15 U.S.C. 80a–6(f)], in turn, exempts business development companies generally from sections 1 through 53 of the Act [15 U.S.C. 80a–1 through 15 U.S.C. 80a–52].

[4] Section 12(d)(1) states, in part:

(A) It shall be unlawful for any registered investment company (the "acquiring company") and any company or companies controlled by such acquiring company to purchase or otherwise acquire *any security* issued by any other investment company (the "acquired company"), and for any investment company (the "acquiring company") and any company or companies controlled by such acquiring company to purchase or otherwise acquire *any security* issued by any registered investment company (the "acquired company") if . . . .

* * * * *

(C) It shall be unlawful for any investment company (the "acquiring company") and any company or companies controlled by the acquiring company to purchase or otherwise acquire *any security* issued by a registered closed-end investment company, if . . . .

[Emphasis added.]

Statutory Basis

Rules 57b–1 and 60a–1 are adopted pursuant to section 6(c) [15 U.S.C. 80a–6(c)], section 38(a) [15 U.S.C. 80a–37(a)], and section 59 [15 U.S.C. 80a–58] of the Act.

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. By adding § 270.57b–1 to read as follows:

§ 270.57b–1 Exemption for downstream affiliates of business development companies.

Notwithstanding subsection (b)(2) of section 57 of the Act, the provisions of subsection (a) of that section shall not apply to any person (a) solely because that person is directly or indirectly controlled by a business development company or (b) solely because that person is, within the meaning of section 2(a)(3) (C) or (D) of the Act [15 U.S.C. 80a–2(a)(3) (C) or (D)], an affiliated person of a person described in (a) of this section.

2. By adding § 270.60a–1 to read as follows:

§ 270.60a–1 Exemption for certain business development companies.

Section 12(d)(1) (A) and (C) of the Act shall not apply to the acquisition by a business development company of the securities of a small business investment company licensed to do business under the Small Business Investment Act of 1958 which is operated as a wholly-owned subsidiary of the business development company.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 9, 1981.

[FR Doc. 81–7846 Filed 3–12–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

[Docket No. 81N–0013]

Delegations of Authority; Electronic Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the regulations for delegations of authority. The authority to perform all functions relating to notification of defects in and noncompliance of, and repair or replacement of or refund for, sunlamp products and ultraviolet lamps intended for use in any sunlamp product is being redelegated to field personnel. This action is taken to provide for more effective enforcement operations.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4076.

SUPPLEMENTARY INFORMATION: Sections 5.37(b) and 5.89 (21 CFR 5.37(b) and 5.89) are being amended to add authority relating to sunlamp products and ultraviolet lamps intended for use in any sunlamp product as defined in § 1040.20(b) (21 CFR 1040.20(b)) to the authorities already delegated to Regional Food and Drug Directors, District Directors, and Chiefs of District Compliance Branches.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 354–360F, 82 Stat. 1173–1186 (42 U.S.C. 263b–263n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended as follows:

1. In § 5.37, by revising paragraph (b) to read as follows:

§ 5.37 Issuance of reports of minor violations.

* * * * *

(b) The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings, and the Regional Food and Drug Directors and District Directors are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter, and

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

2. By revising § 5.89 to read as follows:

§ 5.89 Notification of defects in, and repair or replacement of, electronic products.

(a) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs relating to notification of defects in and noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and the Regional Food and Drug Directors and District Directors are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter, and

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

(b) The Director of the Division of Compliance of the Bureau of Radiological Health is authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the Public Health Service Act and under § 1003.11(a) of this chapter; and the Chiefs of District Compliance Branches are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter, and

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

Effective date. This regulation shall be effective March 13, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)); secs. 354–360F, 82 Stat. 1173–1186 (42 U.S.C. 263b–263n))

Dated: March 6, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–7835 Filed 3–12–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 175

[Docket No. 80F-0404]

Indirect Food Additives; Adhesive Coatings and Components; Poly (Acrylamide-[2-Acrylamide-2-Methylpropylsulfonate]-Dimethyldiallyl Ammonium Chloride) Sodium Salt

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) sodium salt as a component of adhesives used in articles intended for food-contact use. This action responds to a food additive petition filed by Calgon Corp.

DATES: Effective March 13, 1981; objections by April 13, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of October 24, 1980 (45 FR 70573), FDA announced that a petition (FAP 9B3474) had been filed by Calgon Corp., Calgon Center, P.O. Box 1346, Pittsburgh, PA 15230, proposing to amend § 175.105 *Adhesives* (21 CFR 175.105) to provide for the safe use of poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) as a component of adhesives used in articles intended for food-contact use.

FDA has evaluated data in the petition and other relevant information and concludes that the correct chemical name of the additive is poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) sodium salt and that § 175.105 should be amended as set forth below to include the petitioned additive.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 175 is amended in § 175.105(c)(5) by adding alphabetically a new item in the list of substances to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * *	
Poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) sodium salt (CAS Reg. No. 72275-89-4)	
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 13, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective March 13, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: March 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7827 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 177

[Docket No. 79F-0075]

Indirect Food Additives; Polymers; Trimethylpyridines and Dimethylpyridines

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of a mixture of trimethylpyridines and dimethylpyridines as an adjuvant substance used in the production of olefin polymers. This action is being taken in response to a petiton filed by the Standard Oil Co. (Indiana).

DATES: Effective March 13, 1981; objections by April 13, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of April 13, 1979 (44 FR 22179), FDA announced that a petition (FAP 9B3347) had been filed by Standard Oil Co. (Indiana), 200 E. Randolph Dr., Chicago, IL 60601, proposing that Subpart D of Part 178—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers of the food additive regulations be amended to provide for the safe use of a mixture of trimethylpyridines (as the major constituents) and dimethylpyridines (as the minor constituents) as an adjuvant substance used in the production of olefin polymers.

FDA has evaluated data in the petition and other relevant material and concludes that the regulation should more appropriately appear in Part 177 and that § 177.1520(b) should be amended to include the petitioned additive, as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food

and Drugs (21 CFR 5.1), Part 177 is amended in § 177.1520(b) by adding alphabetically a new substance to read as follows:

§ 177.1520 Olefin polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Trimethylpyridine and dimethylpyridine mixture having percent by weight composition as follows: 2,4,6-trimethylpyridine (CAS Reg. No. 108-75-8), not less than 60 percent; 2,3,6-trimethylpyridine (CAS Reg. No. 1462-84-6), not more than 27 percent; 3,5-dimethylpyridine (CAS Reg. No. 591-22-0), not more than 12 percent; and other dimethylpyridines, not more than 6 percent.	For use only as an adjuvant substance in the production of propylene homopolymers complying with items 1.1, 1.2, and 1.3, and propylene copolymers complying with items 3.1, and 3.2 of paragraph (c) of this section provided that the adjuvant is used at a level not to exceed 20 parts per million by weight of the olefin polymers.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 13, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 13, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: March 6, 1981.

William F. Randolph,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7947 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 430, 436, and 444

[Docket No. 80N-0292]

Antibiotic Drugs for Human Use; Sisomicin Sulfate

Correction

In FR Doc. 81-1065 appearing on page 2967 in the issue of Tuesday, January 13, 1981, make the following corrections:

(1) In the first column of page 2967, under **Dates**, the deadline for the receipt of comments now given as February 11, 1981, should have been February 12, 1981.

(2) In the third column of page 2967, in § 430.5, after paragraph (b)(69), remove the line of five asterisks.

(3) In the first column of page 2968, in the fifth line of § 444.62(a)(1), ". . . (methylamino) B-L- . . ." should have read ". . . (methylamino)-B-L- . . .".

(4) Two lines from the bottom of the same column, in paragraph (a)(1)(v) of § 444.62, ". . . is nor more . . ." should have read ". . . is not more . . .".

BILLING CODE 1505-01-M

21 CFR 431

[Docket No. 81N-0079]

Increase in Antibiotic Certification Fees

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations by increasing the fees for certifying antibiotic drugs for human and animal use. These increases are necessary because of a general increase in all costs of operating the certification program.

DATES: Effective April 13, 1981; comments, notices of participation, and requests for hearing by April 13, 1981; data, information and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments, notices of participation, and requests for hearing to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David Petak, Office of the Associate Commissioner for Management and Operations (HFA-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1769.

SUPPLEMENTARY INFORMATION: FDA is increasing the fees for certifying antibiotic drugs for human and animal use now provided for in the regulations. These increases are necessary because of a general increase in all costs of operating the certification program.

Unlike human and animal drugs (other than insulin), antibiotics are subject to individual batch certification before marketing. The statutory schemes for certification, which are found at section 507(b) of the Federal Food, Drug, and Cosmetic Act for human drugs (21 U.S.C. 357(b)), and at section 512(n) for veterinary drugs (21 U.S.C. 360b(n)), provide for the establishment of such fees by regulation as are necessary to provide, equip, and maintain an adequate certification service. The fees are paid by the manufacturers whose products are certified. The current fee schedule specified in the regulations for antibiotic drugs became effective on May 3, 1976. Since that time there has been a general increase in employees' salaries and in the cost of operating laboratories. The certification program incurred an operating deficit of $617,000 during fiscal year 1980. Although retained earnings from earlier years had been used to offset this deficit, they will not cover the anticipated deficit for fiscal year 1982, which is expected to be at least $600,000 during fiscal year 1981.

The current fee schedule has, therefore, become insufficient to maintain an adequate certification service, and an immediate increase is necessary.

Test fees in the revised schedule published in this regulation are based, as they are in the existing schedule, solely on the cost of the tests performed. This method of establishing fees was adopted in the 1976 revision, replacing the earlier method in which fees were based on all costs of the certification program, including costs for reviewing data and issuing certificates, for carrying out research, and for conducting establishment inspections associated with certification. The fee for each batch of drugs submitted, which will be $114 upon the effective date of this regulation, is intended to cover these other costs.

Some of the individual test fees have been increased, others are reduced, and some remain the same. The fee for facsimile transmission has been deleted. The cost of this service is recaptured in the fee per batch of $114.00.

A copy of the agency study supporting the changes is available for review at the Dockets Management Branch at the address and hours given at the end of this document.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not

individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. Because this provision is issued as a final rule without being preceded by general notice of proposed rulemaking, a final regulatory analysis as required by section 604 of the Regulatory Flexibility Act of 1980, 94 Stat. 1167, is unnecessary. Amendment to FDA's antibiotic regulations issued under sections 507(f) and 512(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357(f), 360b(n)) and section 701 (f) and (g) of the act (21 U.S.C. 371 (f) and (g)) are considered to be subject to the provisions of 5 U.S.C. 556 and 557 and need not comply with the directives of Executive Order 12291 (February 17, 1981). For the same reason, these regulations are not subject to the President's memorandum dated January 29, 1981, imposing a freeze on issuance of most regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350–351 (21 U.S.C 357, 360b(n), 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 431 is amended in § 431.53 by revising the introductory text of paragraph (b), revising paragraph (b)(1), and removing paragraph (b)(3), as follows:

§ 431.53 Fees.

* * * * *

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, shall be $114 for each batch submitted, plus the sum of the fees for all individual tests required for certification of each batch. The minimum tests for each batch shall be those prescribed in the section relating specifically to such drug.

(1) The fee schedule for specific tests required for antibiotic drug certification is a follows:

Chargeable fee per test	
Arquad content	$60
Benzylpenicilloyl content	32
Bleomycin	1,201
Butanol content	52
Candicidin potency (special turbidimetric)	95
Capreomycin 1 content	121
Color identity	6
Column chromatography	130
Column chromatographic isomer content	65
Copper content	32
Crystallinity	4
Cycloserine color assay	27
Daunorubicin potency (special turbidimetric)	19
Disc potency	52
Dissolution test	107
Doxycycline purity (paper chromatography)	130
Free chloride	54
Frozen antibiotic test panel	$32
Gas chromatography	32
Gentamicin C	105
Heavy metals test	14
High pressure liquid chromatography (HPLC)	54
Histamine test	40
Infrared identity	19
Infrared quantitative	19
Iodochlorhydroxyquin content	22
Isoniazid content	22
Karl Fischer moisture	8
LD_{10} toxicity	105
Loss on drying	12
Lysine content	161
Melting range	6
Metal particles (ophthalmic ointments)	22
Microbiological assay, plate	50
Microbiological assay, turbidimetric	29
Microorganism count	66
Nonaqueous titrations (and complexometric)	22
Paper chromatographic identity	43
Penicillinate and penamaldate content	30
Penicillin chemical assay	15
Penicillin contamination	30
Penicillin G content	32
pH	4
Polarographic assay	33
Potency (special plate)	91
Probenecid content	32
Procaine colorimetric	8
Pyrogens test: 3 rabbits	72
Pyrogens test: 6 rabbits	144
Quantitative thin layer chromatography	80
Residual streptomycin	8
Residue on ignition	36
Safety test	25
Solubility identification	54
Specific rotation	22
Specific rotation (potency quantitative)	44
Specific surface area	22
Sterility test	66
Sulfate content	8
Tablet disintegration	6
Thin layer chromatographic identity	43
Total Chlorine	54
Undecylenic acid content	17
Ultraviolet absorptivity	32
Ultraviolet identity	32
Ultraviolet potency	32
Vancomycin identity (bioautograph)	117
Zinc titration	11

* * * * *

(3) [Reserved]

* * * * *

The amendments established by this regulation are necessary to maintain an adequate antibiotic drug certification service and, accordingly, are indispensable to maintaining a market supply of these drugs. Public health considerations dictate, therefore, that notice and public procedure be dispensed with as contrary to the public interest. Therefore, the amendments will become effective 30 days after the date of publication in the **Federal Register**. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective April 13, 1981.

(Secs. 507, 512(n), 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350–351 (21 U.S.C. 357, 360b(n), 371 (f) and (g)))

Dated: March 9, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7961 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 436 and 452

[Docket No. 81N-0015]

Erythromycin Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new dosage form of erythromycin, erythromycin capsules. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective March 13, 1981; comments, notice of participation, and request for hearing by April 13, 1981; data, information, and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new dosage form of erythromycin, erythromycin capsules. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Parts 436 and 452 (21 CFR Parts 436 and 452) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 436 and 452 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 436 is amended by adding new § 436.542 to Subpart H, to read as follows:

§ 436.542 Acid resistance/dissolution test for enteric-coated erythromycin pellets.

(a) *Equipment.* Use Apparatus 1 as described in the United States Pharmacopeia XX dissolution test.

(b) *Immersion fluids.* All immersion fluids may be degassed by heating immediately prior to use.

(1) *Acid resistance medium.* Use 0.06*N* hydrochloric acid, pH 1.2.

(2) *Dissolution medium.* Dissolve 6.8 grams of monobasic potassium phosphate in 250 milliliters of water. Add 190 milliliters of 0.2*N* sodium hydroxide and 400 milliliters of water and adjust the resulting solution with 0.2*N* sodium hydroxide to a pH of 7.5 ± 0.1. Dilute to 1 liter.

(c) *Procedure.* Warm the immersion fluids to a temperature of 37° ± 5.0° C. Place the contents of one capsule into the basket. Lower the basket into 900 milliliters of acid resistance medium contained in the beaker. Ensure that all air is displaced from the immersed basket and that the pellets remain in the basket. Rotate the basket at the speed of 50 revolutions per minute for an accurately timed period of 1 hour. Remove the basket from the fluid and immediately lower the basket into 900 milliliters of dissolution medium contained in the beaker. Again ensure that all air is displaced from the immersed basket and that the pellets remain in the basket. Rotate the basket at 50 revolutions per minute for an accurately timed dissolution period of 1 hour. Withdraw a 25-milliliter sample of the dissolution medium from a point midway between the stirring shaft and the wall of the vessel and approximately midway in depth. Filter the sample through a Whatman 541 filter paper or equivalent, discarding the first 2 milliliters. Assay for erythromycin using the filtrate as the test solution as directed in § 436.105. Repeat the test on five additional capsules.

(d) *Evaluation.* Use the interpretation described in the United States Pharmacopeia XX dissolution test.

PART 452—MACROLIDE ANTIBIOTIC DRUGS

2. Part 452 is amended by adding new § 452.110c to Subpart B, to read as follows:

§ 452.110c Erythromycin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin capsules are capsules containing enteric-coated erythromycin pellets, suitable and harmless buffer substances, diluents, binders, lubricants, and colorings. Each capsule contains 250 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 7.5 percent. It passes the acid resistance/dissolution test. The erythromycin used conforms to the standards prescribed by § 452.10(a)(1), except heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch for potency, moisture, and acid resistance/dissolution.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 100 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this Chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing 200 milliliters of methyl alcohol. Blend for 2 to 3 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute an aliquot with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Acid resistance/dissolution.* Proceed as directed in § 436.542 of this chapter. The quantity Q (the amount of erythromycin dissolved) is 80 percent at 60 minutes.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act (21 U.S.C. 357), FDA permits the manufacturer to market this drug on a "release" status pending the regulation's

becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective March 13, 1981. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this rule. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective March 13, 1981.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: February 2, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-7839 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 442

[Docket No. 81N-0018]

Cepha Antibiotic Drugs; Cefadroxil Monohydrate for Oral Suspension

AGENCY: Food and drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new dosage form of cefadroxil monohydrate, cefadroxil monohydrate for oral suspension. The manufacturer has supplied sufficient data and information to establish the drug's safety and efficacy.

DATES: Effective March 13, 1981; comments, written notice of participation, and request for hearing by April 13, 1981; data, information, and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new dosage form of cefadroxil monohydrate, cefadroxil monohydrate for oral suspension. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 442 (21 CFR Part 442) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 442 is amended in Subpart B by adding new § 442.106c, to read as follows:

§ 442.106c Cefadroxil monohydrate for oral suspension.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Cefadroxil monohydrate for oral suspension is cefadroxil monohydrate with one or more suitable and harmless preservatives, suspending agents, surfactants, binders, and flavorings. When reconstituted as directed in the labeling, each milliliter contains cefadroxil monohydrate equivalent to either 25, 50, or 100 milligrams of cefadroxil. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cefadroxil that it is represented to contain. Its moisture content is not more than 2.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 6.0. The cefadroxil monohydrate used conforms to the standards prescribed by § 442.6(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cefadroxil monohydrate used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The cefadroxil monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the hydroxylamine colorimetric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Transfer an accurately measured representative portion of the suspension into an appropriate-sized volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute an aliquot of this solution with solution 1 to the reference concentration of 20.0 micrograms of cefadroxil per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii) of this chapter, except prepare the working standard and sample solutions and calculate the cefadroxil content as follows:

(*a*) *Preparation of working standard solution.* Dissolve and dilute an accurately weighed portion of the cefadroxil working standard in sufficient distilled water to a final concentration of 1 milligram of cefadroxil per milliliter.

(*b*) *Preparation of sample solution.* Reconstitute the sample as directed in the labeling. Transfer an accurately measured representative portion to a volumetric flask and bring to volume with distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of this solution with distilled water to a concentration of 1 milligram of cefadroxil per milliliter (estimated).

(*c*) *Calculations.* Calculate the cefadroxil content as follows:

$$\text{Milligrams per dose} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

Where:
A_u = Absorbance of sample solution;
P_s = Potency of working standard in micrograms per milligram;
d = Dilution factor for sample;
A_s = Absorbance of working standard solution.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act (21 U.S.C. 357), FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective March 13, 1981. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this rule. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective March 13, 1981.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: February 24, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-7840 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR 444

[Docket No. 81N-0019]

Tobramycin Ophthalmic Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new dosage form of tobramycin, tobramycin ophthalmic solution. The manufacturer has supplied sufficient data and information to establish the drug's safety and efficacy.

DATES: Effective March 13, 1981; comments, written notice of participation, and request for hearing by April 13, 1981; data, information and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new dosage form of tobramycin, tobramycin ophthalmic solution. The agency concludes that the data supplied by the manufacturer

concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 444 (21 CFR Part 444) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 444 is amended in Subpart D by adding new § 444.380 to read as follows:

§ 444.380 Tobramycin ophthalmic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tobramycin ophthalmic solution contains in each milliliter 3.0 milligrams of tobramycin in a suitable and harmless aqueous vehicle. It may or may not contain one or more suitable and harmless dispersants, preservatives, buffers, and tonicity agents. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of tobramycin that it is represented to contain. It is sterile. Its pH is not less than 7.0 and not more than 8.0. The tobramycin used conforms to the standards prescribed by § 444.80(a)(1), except heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The tobramycin used in making the batch for potency, safety, moisture, pH, identity, and residue on ignition.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The tobramycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of tobramycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act (21 U.S.C. 357), FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective March 13, 1981. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this rule. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Foods and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective April 13, 1981.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: February 24, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81–7842 Filed 3–12–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Parts 436, 440, 444, 446, 448, 449, 450, 452

[Docket No. 80N–0471]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic regulations by making corrections, updatings, and minor noncontroversial technical changes in the regulations providing for the certification of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations that reflect current certification practices.

DATES: Effective March 13, 1981; comments, notice of participation, and request for hearing by April 13, 1981; data, information and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA is amending the antibiotic drug regulations by making corrections, updatings, and minor noncontroversial technical changes in several antibiotic drug regulations that provide for certification of antibiotic and antibiotic-containing drugs intended for human use. In one instance, the need for a change was called to FDA's attention by an industry representative. To aid in understanding the types of changes included in this document, the changes have been grouped for discussion in this preamble into three general classes: monograph corrections, updatings, and minor noncontroversial technical changes.

Monograph Corrections

1. In § 440.3(b)(5) (i) and (ii), a new sentence is added for clarification, and the calculations for amoxicillin content are corrected.

2. In §§ 440.5 and 440.7, in paragraphs (b)(5) (i) and (ii), the calculations for ampicillin content are corrected.

3. In § 440.7a(b)(7) (i) and (ii), the calculations for ampicillin content are corrected.

4. In § 440.9a(b)(7), the calculations for ampicillin content are corrected.

5. In § 440.41(a)(1)(vi), the figure "82.7 percent" is corrected to read "82.0 percent."

6. In § 444.220(a)(1), the word "is" is corrected to read "it" in the third sentence, and in paragraph (b)(4) the word "milliliters" is corrected to read "milligrams."

7. In § 446.15(b)(5), the figure "280" is corrected to read "380" in the fourth sentence.

8. In § 449.40(b)(4), the word "mix" is corrected to read "solvent" in the fourth and fifth sentence, and the word "solvent" is added in the sixth sentence.

Updatings

1. Sections 448.30a, 448.930a, and 448.930b are updated by making the following changes:

a. The words "nontoxic" and "toxicity" are changed to read "safety" wherever they appear to be consistent with current nomenclature.

b. The word "moisture" is changed to "loss on drying" wherever it appears, to correctly reflect the method used.

c. The requirements for tests and methods are revised to refer to the general methods in Part 436 rather than to individual monographs for bulk drugs or dosage forms.

d. The potency limits are transferred from paragraph (b) to paragraph (a) in § 448.30a.

e. A requirement for testing the bulk for loss on drying is added to § 448.930b to conform with all other monographs providing for dosage forms.

2. Sections 448.30a(a)(2), 448.930a (a)(2) and (a)(3), 448.930b(a)(3)(ii)(*c*), and 452.30a(a)(2) are removed and reserved. These requirements are provided for in general regulations in Parts 431 and 432 and should not be included in the individual sections.

3. Section 452.230 is added. When a bulk drug is packaged for dispensing, a corresponding monograph is included in the subpart for injectable dosage forms to maintain the scheme of the regulations.

Technical Changes

1. In §§ 436.105(a) and 436.106(b), the specific incubation temperatures for the microorganisms listed in the tables have been replaced by a temperature range. It is impractical to assume that an incubation oven used for the microbiological agar diffusion assay or a water bath used for the microbiological turbidimetric assay are exact enough to limit the temperature to a specific figure.

2. In § 440.9a(b)(1)(i), distilled water is replaced by 1 percent potassium phosphate buffer, pH 6.0 (solution 1), as the sample preparation diluent for the iodometric and hydroxylamine colorimetric assays. Buffer is necessary for use in these assays. For consistency, in paragraph (b)(1)(ii)(*b*), the reference to distilled water has been removed.

3. In § 449.4(b)(2) (i) and (v), the nystatin working standard has replaced the amphotericin A standard in the determination of amphotericin A content of amphotericin B. The firm that supplies the amphotericin A standard has exhausted its supply and considers the cost of producing more material to be used exclusively in assay determination prohibitive. The nystatin working standard can be used satisfactorily in place of amphotericin A.

4. In § 450.220(a)(1), the upper pH limit has been raised from 7.0 to 7.5. The present limit is too restrictive.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Subchapter D is amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 436 is amended:

§ 436.105 [Amended]

a. In § 436.105 *Microbiological agar diffusion assay*, by amending the table in the last column in paragraph (a) by changing the entries "30" to read "29-31", "35" to read "34-36", and "37" to read "36-37.5".

§ 436.106 [Amended]

b. In § 436.106 *Microbiological turbidimetric assay*, by amending the table in the last column in paragraph (b) by changing the entry "7" to read "36-37.5", the entry "28" to read "27-29", and the entries "37" to read "36-37.5".

PART 440—PENICILLIN ANTIBIOTIC DRUGS

2. Part 440 is amended:

a. In § 440.3(b)(5) (i) and (ii) by revising the last sentence of the calculations, to read as follows:

§ 440.3 Amoxicillin trihydrate.

* * * * *

(b) * * *

(5) * * *

(i) * * *

Calculate the difference between the potency and the amoxicillin content as follows:

Difference = (Potency in micrograms per milligram/10)—percent amoxicillin content.

(ii) * * *

Calculate the difference between the potency and the amoxicillin content as follows:

Difference = (Potency in micrograms per milligram/10)—percent amoxicillin content.

* * * * *

b. In § 440.5(b)(5) (i) and (ii) by revising the last sentence of the calculations, to read as follows:

§ 440.5 Ampicillin.

* * * * *

(b) * * *

(5) * * *

(i) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

(ii) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

* * * * *

c. In § 440.7(b)(5) (i) and (ii) by revising the last sentence of the calculations, to read as follows:

§ 440.7 Ampicillin trihydrate.

* * * * *

(b) * * *
(5) * * *
(i) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

(ii) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

* * * * *

d. In § 440.7a(b)(7) (i) and (ii) by revising the last sentence of the calculations, to read as follows:

§ 440.7a Sterile ampicillin trihydrate.

* * * * *

(b) * * *
(7) * * *
(i) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

(ii) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

* * * * *

e. In § 440.9a, by revising paragraph (b)(1) (i) and (ii)(*b*), and amending paragraph (b)(7) by revising the last sentence of the calculations, to read as follows:

§ 440.9a Sterile ampicillin sodium.

* * * * *

(b) * * *
(1) * * *

(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated), for the microbiological agar diffusion assay and in 1.0 percent potassium phosphate buffer, pH 8.0 (solution 1), for the iodometric assay or for the hydroxylamine colorimetric assay to give a stock solution of convenient concentration; and also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either sterile distilled water or solution 1 to give a stock solution as specified above.

(ii) * * *

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

* * * * *

(7) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

* * * * *

f. In § 440.41 by revising paragraph (a)(1)(vi), to read as follows:

§ 440.41 Nafcillin sodium monohydrate.

(a) * * *
(1) * * *

(vi) Its nafcillin content is not less than 82.0 percent.

* * * * *

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

3. Part 444 is amended in § 444.220(a)(1) by revising the third sentence and by revising paragraph (b)(4), to read as follows:

§ 444.220 Gentamicin sulfate injection.

(a) * * *

(1) * * * Its potency is satisfactory if it contains not less than 90 percent nor more than 125 percent of the number of milligrams of gentamicin that it is represented to contain. * * *

* * * * *

(b) * * *

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10.0 milligrams of gentamicin per milliliter.

* * * * *

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

4. Part 446 is amended in § 446.15(b)(5) by revising the fourth sentence, to read as follows:

§ 446.15 Demeclocycline.

* * * * *

(b) * * *

(5) *Absorptivity.* * * * Exactly 6 minutes after the addition of the NaOH, determine the absorbance of the solution at a wavelength of 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. * * *

* * * * *

PART 448—PEPTIDE ANTIBIOTIC DRUGS

5. Part 448 is amended:

a. In § 448.30a by revising paragraph (a)(1) (i), (iv), and (v), by removing paragraph (a)(2) and redesignating paragraphs (a) (3) and (4) as (a) (2) and (3), respectively, and by revising paragraphs (a)(3)(i), as redesignated, and (b), to read as follows:

§ 448.30a Sterile polymyxin B sulfate.

(a) * * *
(1) * * *

(i) Its potency is not less than 6,000 units of polymyxin B per milligram, on an anhydrous basis. If it is packaged for dispensing, its content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin B that it is represented to contain.

* * * * *

(iv) It passes the safety test.

(v) Its loss on drying is not more than 7.0 percent.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, residue on ignition, heavy metals, and identity.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weight sample in 2 milliliters of sterile distilled water for each 5 milligrams of weighed sample. Further dilute an aliquot of this solution with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with sufficient solution 6 to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 20,000 units of polymyxin B per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an

aqueous solution containing 5 milligrams per milliliter.

(7) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(8) *Heavy metals.* Proceed as directed in § 436.206 of this chapter.

(9) *Identity.* (i) To a solution of 2 milligrams of polymyxin B sulfate in 5 milliliters of water, add 0.5 milliliter of triketohydrindene solution (1:1,000) and 2 drops of pyridine, boil for 1 minute, and cool; a blue color develops; and

(ii) To a solution of 2 milligrams of polymyxin B sulfate in 5 milliliters of water, add 5 milliliters of sodium hydroxide solution (1:10), mix well, and add, dropwise, 5 drops of cupric sulfate solution (1:100), mixing after the addition of each drop; a reddish-violet color is produced.

b. In § 448.930a, by revising paragraph (a)(1)(ii) and (iii) and the introductory text of paragraph (a)(3), by removing paragraph (a)(3)(v) and redesignating paragraphs (a)(3)(vi) and (vii) as (a)(3)(v) and (vi), respectively, and by revising the introductory text of paragraph (a)(4) and paragraphs (a)(4)(i) and (b), to read as follows:

§ 448.930a Polymyxin B sulfate for prescription compounding.

(a) * * *

(1) * * *

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 7.0 percent.

* * * * *

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its outside wrapper or container and on the immediate container the following:

* * * * *

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, residue on ignition, and identity.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in 2 milliliters of sterile distilled water for each 5 milligrams of weighed sample. Further dilute an aliquot with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 5 milligrams per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(6) *Identity.* (i) To a solution of 2 milligrams of polymyxin B sulfate in 5 milliliters of water, add 0.5 milliliter of triketohydrindene solution (1:1,000) and 2 drops of pyridine, boil for 1 minute, and cool; a blue color develops; and

(ii) To a solution of 2 milligrams of polymyxin B sulfate in 5 milliliters of water, add 5 milliliters of sodium hydroxide solution (1:10), mix well, and add, dropwise, 5 drops of a cupric sulfate solution (1:100) mixing after the addition of each drop; a reddish-violet color is produced.

c. In § 448.930b, by revising next-to-the last sentence and removing the last sentence in paragraph (a)(1), by revising the introductory text of paragraph (a)(3), paragraph (a)(3)(i)(*a*), by removing paragraph (a)(3)(ii)(*c*), and by revising paragraph (b) to read as follows:

§ 448.930b Sterile polymyxin B sulfate-benzalkonium chloride urethral lubricant.

(a) * * *

(1) * * * The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1), except sterility, pyrogens, and heavy metals.

(2) * * *

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) * * *

(*a*) The polymyxin B sulfate used in making the batch for potency, safety, pH, loss on drying, residue on ignition, and identity.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to obtain a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20(e)(1) of this chapter, except dissolve the ointment as follows: Aseptically transfer a portion of 0.25 gram from each of 10 immediate containers of the drug to 400 milliliters of diluting fluid D in an Erlenmeyer flask. Repeat the procedure on another 10 immediate containers. Swirl the flasks to dissolve the ointment.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

6. Part 449 is amended:

a. In § 449.4 by revising the first sentence in paragraph (b)(2)(i) and by revising paragraph (b)(2)(v), to read as follows:

§ 449.4 Amphotericin B.

* * * * *

(b) * * *

(2) *Amphotericin A content*—(i) *Amphotericin A.* Dry approximately 20 milligrams of the nystatin working standard as described in § 436.200(a) of this chapter. * * *

* * * * *

(v) *Procedure.* Use a suitable ultraviolet spectrophotometer and 1-centimeter silica cells. Adjust the instrument to zero with the blank solution. Measure the absorbances of the solutions of nystatin standard, amphotericin B standard, and the sample at 304 nanometers and at 282 nanometers. Calculate the absorptivity of each standard at both wavelengths:

Percent amphotericin

$$A=[(B\times S_2)-(b\times S_1)]\times 625/W_s\times[(B\times a)-(b\times A)]$$

where:

A = Absorptivity of nystatin standard at 282 nanometers;
B = Absorptivity of amphotericin B standard at 282 nanometers;
a = Absorptivity of nystatin standard at 304 nanometers;
b = Absorptivity of amphotericin B standard at 304 nanometers;
S_1 = Absorbance of sample at 282 nanometers;
S_2 = Absorbance of sample at 304 nanometers;
W_s = Weight of sample in grams (on an anhydrous basis).

b. In § 449.40 by revising paragraph (b)(4), to read as follows:

§ 449.40 Natamycin.

* * * * *

(b) * * *

(4) *Identity.* Accurately weigh approximately 50 milligrams of the sample into a 200-milliliter volumetric flask. Add approximately 5.0 milliliters of distilled water, and completely moisten the sample. Then add approximately 100 milliliters of an acid-alcohol solvent (0.1 percent glacial acetic acid in methyl alcohol) and stir or

shake mechanically in the dark until solution is complete. Dilute to volume with the acid-alcohol solvent. Transfer 2.0 milliliters of this solution to a 100-milliliter volumetric flask and dilute to volume with the acid-alcohol solvent. Using a suitable spectrophotometer with 1-centimeter cells and the acid-alcohol solvent as a blank, record the ultraviolet absorption spectrum from 215 to 330 nanometers. The spectrum compares qualitatively to that of the natamycin working standard similarly treated.

* * * * *

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

7. Part 450 is amended in § 450.220(a)(1) by revising the next-to-the last and last sentences, to read as follows:

§ 450.220 Dactinomycin for injection.

(a) * * *

(1) * * * Its pH is not less than 5.5 and not more than 7.5. The dactinomycin used conforms to the standards prescribed by § 450.20a(a)(1), except sterility, pyrogens, and LD_{50}.

* * * * *

PART 452—MACROLIDE ANTIBIOTIC DRUGS

8. Part 452 is amended:

§ 452.30a [Amended]

a. In § 452.30a *Sterile erythromycin gluceptate* by removing and reserving paragraph (a)(2).

b. By adding new § 452.230 to Subpart C, to read as follows:

§ 452.230 Sterile erythromycin gluceptate.

The requirements for certification and the tests and methods of assay for sterile erythromycin gluceptate packaged for dispensing are described in § 452.30a.

These amendments institute changes that are corrective, editorial, or of a minor substantive nature. Because the amendments are not controversial and because when effective they provide notice of accepted standards, FDA finds that notice and public procedure and delayed effective date are unnecessary and not in the public interest. The amendments, therefore, may become effective upon the date of publication in the **Federal Register**. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective March 13, 1981.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: February 4, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-7859 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the interim regulation.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits contains the interest rates and factors for the period beginning April 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96–364, 94 Stat. 1208 (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the Valuation of Plan Benefits regulation are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after April 1, 1981, and enables the PBGC to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes a notice revising them.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporaton, 2020 K Street, NW., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, (amended by Pub. L. No. 96–364 (1980))

(41 FR 48484 *et seq.*). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before February 1, 1981. (29 CFR Part 2610 (1980), 45 FR 64907, 45 FR 75658, 45 FR 75209, 45 FR 82172).

On January 15, 1981, the PBGC published rates for plans that terminate on or after February 1, 1981 (46 FR 3510) and before the effective date of the next PBGC change in rates. Accordingly, since this notice changes the rates effective April 1, 1981, plans that terminate on or after February 1, 1981 and before April 1, 1981 will use the rates effective on February 1, 1981.

Appendix B is amended by this document to add a set of interest rates and factors for plans that terminate on or after April 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

On January 28, 1981, the PBGC issued a regulation which would make this interim regulation final (46 FR 9492 *et seq.*). On February 19, 1981, a notice was published in the **Federal Register** which deferred the effective date of that rule for one month until April 1, 1981 (46 FR 12970). When the final regulation becomes effective, the rates set forth in this amendment will be made applicable to the final regulation by a conforming technical amendment. If the effective date of the final rule is further postponed, the rates in this amendment are to be used with the formulas in the interim regulation.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish a notice in the **Federal Register**, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no notice will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors added by this publication are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after April 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the interim regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

In consideration of the foregoing, Part 2610 of Chapter XXVI Title 29, Code of Federal Regulations, is hereby amended by revising the heading of Table XXIII and by adding a new Table XXIV to Appendix B, as follows:

Appendix B—Interest Rates and Quantities Used To Value Benefits

* * * * *

XXIII. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after February 1, 1981 and before April 1, 1981.*

* * * * *

XXIV. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after April 1, 1981.*

I. *Interest rate for valuing immediate annuities.*

An interest rate of 10 percent shall be used to value immediate annuities, to compute the quantity "C," for deferred annuities and to value both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity.

III. *Interest rates and quantities used for valuing deferred annuities.*

The following factors shall be used to value deferred annuities:

(1) $k_1 = 1.0825$
(2) $k_2 = 1.08$
(3) $k_3 = 1.04$
(4) $n_1 = 7$
(5) $n_2 = 8$

(Secs. 4002(b)(3), 4041(b), 4044, 4082(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974), as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1298, (1980)).

Issued at Washington, D.C., on this 11th day of March 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-8018 Filed 3-12-81; 8:45 am]
BILLING CODE 7708-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for; Homes and Condominiums

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rate on guaranteed, insured and direct loans for homes and condominiums. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave. NW., Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for home and condominium loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the

results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA guaranteed home and condominium loans has not been sufficiently competitive to induce private sector lenders to make this type of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rate applicable to home loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

The increase in the maximum interest rate is accomplished by amending §§ 36.4311(a) and 36.4503(a) of Title 38, Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: March 6, 1981.

Rufus H. Wilson,

Acting Administrator.

1. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 14 per centum per annum, effective March 9, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 14 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 14 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 16 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

(38 U.S.C. 210(c), 1803(c))

[FR Doc. 81-7365 Filed 3-12-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1777-4]

Colorado; Approval and Promulgation of State Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) today is approving Colorado's Regulation No. 7, "Control of Volatile Organic Compounds (VOC)" since it requires reasonably available control technology (RACT) for sources specified under EPA's Group I Control Technique Guidelines (CTG). Approval of Regulation No. 7 removes EPA's conditional approval of the regulation (45 FR 7802, February 5, 1980). EPA proposed to approve Regulation No. 7 on August 20, 1980, and solicited comments. No comments were received during the comment period.

EFFECTIVE DATE: April 13, 1981.

ADDRESSES: Copies of the materials submitted by the Governor of Colorado may be examined during normal business:

Environmental Protection Agency, Air Programs Branch, Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), Mail Code PM-213, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3471.

SUPPLEMENTARY INFORMATION: Section 172(b) (2) and (3) of the Clean Air Act requires the application of reasonably available control technology (RACT) to stationary sources of volatile organic compounds (VOC) in areas in the State of Colorado which have not attained the national ambient air quality standard for ozone. A 1979 SIP revision was required to include RACT on those categories of sources for which EPA had published Control Technique Guidelines (CTGs) prior to January 1978. *See* 44 FR 20376 (April 4, 1979), 44 FR 30583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

In EPA's October 5, 1979, final rulemaking (44 FR 57405), EPA conditionally approved the portion of the Colorado SIP related to VOC source control (Regulation No. 7). EPA noted the following minor deficiencies:

1. VOC was defined as having vapor pressure of 0.1 pounds per square inch, which is considerably less restrictive than EPA's definition of 0.1 millimeter of mercury or ASTM test method D2369-73.

2. The controls for surface coating, cutback asphalt and degreasing did not represent RACT, since they were not equivalent to control measures supported by the technical information in EPA's Control Technique Guidelines (CTG) for VOC.

3. The requirement for an approved balanced vapor-recovery system did not specifically refer to the Colorado RACT design criteria.

4. The regulation provided an exemption for barometric-type condensors in use at petroleum refineries.

On July 18, 1979, in a letter to EPA, the Commission committed to revising Regulation No. 7 by July 1, 1980. On October 5, 1979, EPA conditionally approved Regulation No. 7 and proposed (44 FR 57428) that the State correct these deficiencies on a more expeditious schedule:

October 1, 1979—Draft regulations submitted to EPA
November 1, 1979—Notice of Public hearing
January 1, 1980—Public Hearing
March 1, 1980—Adopt new regulation

EPA solicited comment on the acceptability of this schedule and the State pointed out that their administrative requirements made the March 1, 1980, deadline unattainable. EPA extended the deadline to April 10, 1980 (45 FR 7802, February 5, 1980) because the State indicated that they could meet this expedited schedule rather than the July 1, 1980, deadline.

On June 5, 1980, the Governor of Colorado submitted to EPA the following amended rules:

Repeal and Repromulgation of Regulation No. 7 "A Regulation Control Emissions of Volatile Organic Compounds" and

Revisions to Common Provisions Regulation as they relate to changes in Regulation No. 7.

The 15 source categories covered by the revised regulation are:

1. Section VI—Tank truck loading terminals.
2. Section VI—Bulk gasoline plants.
3. Section VI—Gasoline service stations—Group I control.
4. Section VI—Petroleum storage tanks.
5. Section VIII—Petroleum processing and refining.
6. Section IX—Can coating.
7. Section IX—Metal coil coating.
8. Section IX—Fabric coating.
9. Section IX—Paper products coating.
10. Section IX—Automobile coating.
11. Section IX—Metal furniture coating.
12. Section IX—Magnet wire coating.
13. Section IX—Large appliance coating.
14. Section X—Solvent metal cleaning.
15. Section XI—Cutback asphalt.

On August 26, 1980, (45 FR 56847) EPA proposed to approve Regulation No. 7 since it remedies the deficiencies identified in our October 5, 1979, rulemaking, except for the provision which exempts wastewater separators which utilize VOC with a vapor pressure less than 1.5 pounds per square inch absolute from RACT requirements. EPA requested specific comments on this exemption. In an October 10, 1980, letter the State clarified that only one wastewater separator in the nonattainment area would fall under this exemption and that this particular wastewater separator was not subject to the regulations anyway.

The CTG's provide information on available control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes the revised Regulation No. 7 represents RACT for Group I CTG sources.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by May 12, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in the civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This notice of final rulemaking is issued under the authority of Section 11u of the Clean Air Act as amended (42 U.S.C. 7410).

Dated: January 27, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. Section 52.320(c)(22) is revised as follows:

§ 52.320 Identification of Plan

* * * * *

(C) * * *

(22) On June 5, 1980, the Governor submitted the following rules:

Repeal and repromulgation of Regulation No. 7 "A Regulation to Control Emissions of Volatile Organic Compounds" and revisions to the Common Provisions Regulations as they relate to changes in Regulation No. 7.

§ 32.328 [Removed]

2. § 32.328 is removed.

[FR Doc. 81-7880 Filed 3-12-81; 8:45 am]

BILLING CODE 6560-38-M

Proposed Rules

Federal Register
Vol. 46, No. 49
Friday, March 13, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1068

[Docket No. AO-178-A37]

Milk in the Upper Midwest Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider proposals submitted by cooperative associations and handlers to amend certain provisions of the Upper Midwest milk marketing order. The proposals would change the pooling provisions for reserve supply plants, revise certain price zones within the marketing area, modify the handler provisions with respect to cooperative associations and revise the provisions concerning payments to individual producers. Proponents say that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: The hearing will begin on April 14, 1981.

ADDRESS: The hearing will be held at Radisson South Hotel, 7800 Normandale Boulevard, Minneapolis, Minnesota 55435.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in Executive Order 12291.

Notice is hereby given of a public hearing to be held at Radisson South Hotel, 7800 Normandale Boulevard, Minneapolis, Minnesota 55435, beginning at 9:00 a.m. local time, on Tuesday, April 14, 1981, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Midwest marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practices and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments hereinafter set forth and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small business. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Land O' Lakes, Inc.

Proposal No. 1

Revise § 1068.7(d)(4) (ii)(*a*) and (iii) to read as follows:

§ 1068.7 Pool plant.

* * * * *

(d) * * *

(4) * * *

(ii) * * *

(*a*) Qualifying shipments to pool distributing plants within the call area may originate from any plant or producer of milk supplies of the handler or supply unit. For these purposes a supply unit may include two or more cooperative associations which have indicated to the market administrator that in the event of a call, they wish to be considered as one handler insofar as meeting the call requirements. No handler shall be allowed to qualify a plant or plants by shifting milk supplies from a distributing plant outside the call area to one within the call area.

* * * * *

(iii) Failure of a handler to comply with any announced shipping requirement, including making any significant change in his marketing operations that the market administrator determines has the effect of evading the announcement, shall result in immediate loss of pool status for all reserve supply plants of that handler. Any plant that loses pool status in this manner or that requests nonpool status may not qualify as a reserve supply plant for a period of one year from the date on which pool status was last held.

* * * * *

Proposal No. 2

Revise § 1068.9 by adding a new paragraph (h) to read as follows:

§ 1068.9 Handler.

* * * * *

(h) A supply unit that may consist of two or more cooperative associations which for purposes of meeting the shipping requirements under § 1068.7(d)(4) have notified the market administrator by August 1 of every year that they wish to be considered as one handler for the next twelve months.

Proposal No. 3

§ 1068.52 [Amended]

Amend § 1068.52(a)(2)(i) by removing "Washington County."

Proposal No. 4

§ 1068.9 [Amended]

Amend § 1068.9, by removing the language, "from the pool plant of another handler" in paragraph (b), and by removing the language, "of another handler" in paragraph (c).

Proposed by Kraft, Inc.

Proposal No. 5

Revise § 1068.7(d)(4)(ii)(*a*) to read as follows:

§ 1068.77 Pool plant.

* * * * *

(d) * * *
(4) * * *
(ii) * * *

(*a*) Qualifying shipments to pool distributing plants within the call area may originate from any plant or producer milk supplies of the handler or supply unit. For these purposes a supply unit may include two or more persons who are handlers pursuant to §§ 1068.7(d), 1068.9(b), or 1068.9(c) and who have indicated to the market administrator, prior to making shipments pursuant to such call that they wish to be considered as one handler for purposes of meeting the call requirements. No handler shall be allowed to qualify a plant or plants by shifting milk supplies from a distributing plant outside the call area to one within the call area.

* * * * *

Proposed by Clover Leaf From Marigold Foods, Inc.

Proposal No. 6

§ 1068.73 [Amended]

Revise § 1068.73 to provide that a handler who is purchasing milk directly from farmers not represented by a cooperative association who is collecting for them in the aggregate, make partial payment for milk received from the 1st through the 15th on the 3rd day of the following month and to properly word any or all paragraphs in this section so that no other dates are changed.

Proposed by Falls Dairy Company; Universal Foods Corporation; Lynn Dairy, Inc.; Sanna Division Beatrice Foods Company; Twin Town Cheese; and F&A Dairy Products Inc.

Proposal No. 7

Revise § 1068.73(a)(4) to read as follows:

§ 1068.73 Payments to producers and to cooperative associations.

* * * * *

(a) * * *

(4) On or before the 4th day of the month, each handler shall pay for skim milk and butterfat received during the first 15 days of the previous month as follows: If received from a producer for whom payment is not being made pursuant to paragraph (a)(2) and (3) of the section and who has not discontinued shipping to such handler, at not less than the uniform price at his plant location for the preceding month, adjusted by the butterfat differential for the preceding month.

* * * * *

Proposed by Consolidated Badger Cooperative

Proposal No. 8

Amend § 1068.7(d)(4)(ii)(*a*) to read as follows:

§ 1068.7 Pool plant.

* * * * *

(d) * * *
(4) * * *
(ii) * * *

(*a*) qualifying shipments to pool distributing plants within the call area may originate from any plant or producer milk supplies of the handler (including milk defined in § 1068.9(c)) provided that such qualifying shipments may not result from shifting milk supplies from a pool distributing plant outside the call area to one within the call area; and

* * * * *

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 9

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, Aaron L. Reeves, 4570 W. 77th Street, Suite 210, Minneapolis, Minnesota 55435 or from the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator, Upper Midwest marketing area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: March 9, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-7666 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The suspension was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market. The proposed suspension would remove the limit on such movements of milk during the months of March 1981 through July 1981.

DATE: Comments are due not later than March 20, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any

need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the required suspension procedures and the inclusion of March 1981 in the required suspension period if this is found necessary.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Lake Mead marketing area is being considered for March 1981 through July 1981:

§ 1139.13 [Amended]

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month."

All persons who want to sent written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 20, 1981.

The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include March 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of March through July 1981. The order now provides that a cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted therefrom during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months.

The suspension was requested by a cooperative association that supplies the market with a substantial part of its fluid needs and handles all of the market's reserve milk supplies. The basis for the request is that in February the cooperative association disposed of its pool distributing plant. It thus no longer operates a pool plant at which it may receive milk from its members and through which it can balance the market's fluid milk needs. The cooperative indicated that in February several loads of milk had to be depooled since the current diversion limitations did not accommodate its new operating situation. Moreover, in view of the impending flush period, the cooperative expects that more of its reserve milk will have to be moved directly from farms to nonpool manufacturing plants.

Because of current marketing conditions, the cooperative expects its reserve milk supplies during March through July 1981 to exceed the quantity of producer milk that may be diverted from pool plants of other handlers to nonpool manufacturing plants under the order's present diversion limitations. The cooperative claims that without the suspension it will not be able to maintain producer status during this period for a number of its members who have regularly supplies the fluid milk needs of the market. The cooperative also states that the suspension will provide the necessary time to adjust its marketing operations.

Signed at Washington, D.C., on March 9, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-7327 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-02-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Minimum Financial and Related Reporting Requirements for Futures Commission Merchants; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On December 1, 1980, the Federal Register published the Commission's proposed amendments to the minimum financial and related reporting requirements for futures commission merchants ("FCMs") (45 FR 79498). The Commission allowed ninety days for comment thereon, and the comment period expired on March 2, 1981.

Requests for a sixty-day extension of the comment period have been made by the Board of Trade of the City of Chicago, the Board of Trade Clearing Corporation, and the Chicago Mercantile Exchange. The Commmission does not believe that an extension of the comment period for an additional sixty days will unduly delay the rulemaking proceeding, and expects that the additional time will permit interested persons to develop further comments and data which will assist the Commission in making findings respecting the necessity for the proposed regulations.

DATE: Accordingly, notice is hereby given that all comments on the Commission's proposed amendments to the minimum financial and related reporting requirements for FCMs (45 FR 79498, December 1, 1980) must be submitted by May 1, 1981.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 30581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, at the address listed above. Telephone: (202) 254-8955.

Issued in Washington, D.C., on March 9, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-7336 Filed 3-12-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 452

[Docket No. 79N-0459]

Erythromycin Estolate; Proposed Revocation of Provisions for Certification of Adult Dosage Forms; Hearing Before Advisory Committee and Reopening of Comment Period

Correction

In FR Doc. 81-12 appearing at page 14355 in the issue for Friday, February 27, 1981, make the following correction:

On page 14357, in the second column, under the heading **"Open Public Hearing"**, in the fourth line, "CFR 143.35(c)" should have read "CFR 14.35(c)".

BILLING CODE 1505-01-M

21 CFR Part 452

[Docket No. 80N-0406]

Erythromycin Enteric-Coated Tablets; Revision of Disintegration Standard

Correction

In FR Doc. 81-36870 appearing at page 79091 in the issue of Friday November 28, 1980, make the following correction:

On page 79092, in the second column, the section heading, "§ 452.100b" should read "§ 452.110b".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 60

[Docket No. FEMA-8]

Criteria for Land Management and Use in the National Flood Insurance Program

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: On August 3, 1979 (44 FR 45652) a proposed rule was published by the Federal Insurance Administration that would have allowed construction of dry floodproofed basements in all communities. The Federal Insurance Administration has reevaluated this proposal for consistency with the requirements of Executive Order 11988 and in the context of a number of flooding situations. Based on this evaluation, FIA withdraws the proposed rule.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Johnson, Federal Insurance Administration, Washington, D.C. 20472, (202) 755-5581.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program's flood plain management criteria, set forth at 44 CFR 60.3, previously 24 CFR 1910.3, presently require that the lowest floor (including basement floor) of residential structures be elevated to or above the 100-year flood (i.e., base flood) elevation. Thus, the construction of residential basements is prohibited below the base flood elevation unless the community is granted an exception from that prohibition by the Administrator.

On August 3, 1979 (44 CFR 151) a proposed rule was published that would have allowed construction of dry floodproofed basements in all communities. The proposed rule was based on the results of a study prepared for the Department of Housing and Urban Development. *Manual for the Construction of Residential Basements in Non-Coastal Flood Environs*, prepared by the National Association of Home Builders Research Foundation, Washington, D.C. (U.S. Government Printing Office, March 1978) concluded that dry floodproofed residential basements can be safe and not inordinately expensive. Copies of the manual are available upon written request to the Federal Emergency Management Agency, Office of Federal Insurance Administration, 1725 I Street, NW, Washington, D.C. 20472.

This change was based on the premise that basements could be built safely and economically in all situation under a variety of physical conditions. The Federal Insurance Administration has reevaluated this proposal for consistency with the requirements of Executive Order 11988 and in the context of a number of flooding situations. It was determined that the proposed rule probably minimized risk to loss of property, but did not adequately minimize threats to public safety. No restrictions were placed on the use of floodproofed basements, possibly leading to the widespread use of basements in floodprone areas as sleeping rooms or for recreation or working space. In flash flood areas, in particular, lives could be lost due to the failure of improperly designed or constructed basements or due to the overtopping of the floodproofing measures by flash floods of greater than a one percent annual chance flood. Allowing either situation to develop would be in direct conflict with sound flood plain management practices and with the mandates of Executive Order 11988.

Under the existing regulation, few exceptions have been granted. The primary reason for this has been general confusion over what types of data would have to be included in a request for a community exception along with an absence of clear standards that would provide a basis for determining whether or not granting an exception was warranted. FIA will provide specific guidance to communities requesting an exception to eliminate this confusion as to the information required and the standards to be applied.

In consideration of the foregoing, the proposed rule published in the **Federal Register** (44 FR 45652) on August 3, 1979, is hereby withdrawn.

(42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367))

(Catalog of Domestic Assistance Number 83.100 Flood Insurance)

Issued: February 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-7827 Filed 3-12-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Docket No. 20274; FCC 81-72; Report No. 16206]

Intergovernmental Maritime Consultative Organization: Preparation of Recommended Operational Standards Applicable to Equipment Mandatorily Fitted Aboard Vessels Subject to the Safety of Life at Sea Convention

AGENCY: Federal Communications Commission.

ACTION: Sixth notice of inquiry.

SUMMARY: Notice of inquiry concerning proposed recommendations to the Safety of Life at Sea Convention by the Intergovernmental Maritime Consultative Organization (IMCO). This Notice provides an opportunity for the public to comment on material being developed by IMCO which will in due course be required on or be used by U.S. Marine Stations. The responses will be used as guidance for the United States Delegation to meeting of the Subcommittee on Radiocommunications.

DATES: Comments must be received on or before May 1, 1981, and Reply Comments must be received on or before June 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

March 2, 1981.

Comments Sought on Changes in Provisions of the Safety of Life at Sea Convention

The Commission is seeking comments from the public on changes in the provisions of the Safety of Life at Sea (SOLAS) Convention recommended by the Subcommittee on Radiocommunications and its Working Group on Operational Standards.

At the Subcommittee's September 29–October 3, 1980, meeting it reviewed and approved a number of amendments to the SOLAS convention. The FCC said while the Subcommittee's recommendations were not mandatory, it felt it should be guided by these operational standards for future rulemakings.

Therefore, it asked for comments on this matter.

The Subcommittee also recommended a "Requirements of the Future Global Maritime Distress and Safety System." It aimed to implement this system by 1990.

The Commission asked for comments on this proposal, particularly on the transition plan, shipboard equipment, carriage requirements, details on planned future equipment tests and drafting a new Chapter IV of the 1974 SOLAS Convention.

The Commission noted that comments received on both items would be used to aid the members of the U.S. Delegation to prepare for the Subcommittee's meeting tentatively scheduled for this April in London.

Comments are due by May 1, 1981, and replies by June 1, 1981.

Action by the Commission February 25, 1981, by Sixth Notice of Inquiry (FCC 81-72). Commissioners Lee (Acting Chairman), Quello, Washburn, Fogarty and Jones, with Chairman Ferris not participating.

Federal Communications Commission,

William J. Tricarico,

Secretary.

For more information contact Charles Fisher at (202) 632-7175.

Note.—Due to the effort to minimize publishing cost, this brief announcement is printed herein in lieu of the document in its entirety which is available through the Commission's Public Information Office, Rm. 202, 1919 M St. NW., Washington, D.C. 20554.

[FR Doc. 81-7804 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 49
Friday, March 13, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Associated Electric Cooperative, Inc., Finding of No Significant Impact

The Associated Electric Cooperative, Inc., (Associated) of Springfield, Missouri, is arranging for Pollution Control Revenue Bond (PCRB) financing for the installation of additional electrostatic precipitators for Units 1 and 2 at the New Madrid generating plant. REA financing assistance in the form of a lien accommodation has been requested in this connection.

The plan to add additional precipitators to reduce particulate emissions was chosen after economic, engineering and environmental evaluations of various alternatives were considered. The alternatives included no action and a variety of modifications to the existing precipitators. The alternatives could not economically achieve the 99.6 percent particulate removal required by the State of Missouri.

The chosen alternative (additional precipitators) would meet the Missouri requirements. Arrangements for, and the schedule of the installation of the precipitators was negotiated by Associated and Missouri.

Associated prepared a Borrower's Environmental Report (BER) on the proposed precipitator installation. REA prepared an Environmental Assessment (EA) of the installation.

After a review of the BER and EA, REA concluded that the lien accommodation will not have a significant impact on the quality of the human environment and prepared this "Finding of No Significant Impact" (FONSI). This FONSI can be reviewed in the office of the Director (Room 5168, South Agriculture Building), Power Supply Division, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, Associated Electric Cooperative, Inc., 2814 South Golden, Springfield, Missouri 65801.

This program is listed in the catalog of the Federal Domestic Assistance, 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 4th day of March, 1981.

Joseph Zoller,

Administrator, Rural Electrification Administration.

[FR Doc. 81-7380 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Fourche Creek Watershed, Arkansas and Missouri

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Jack C. Davis, State Conservationist, Soil Conservation Service, P.O. Box 2323, 700 West Capitol Avenue, Little Rock, Arkansas 72203, telephone number (501) 378-5445.

NOTICE: Jack C. Davis, responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the States of Arkansas and Missouri, is hereby providing notification that a record of decision to proceed with project installation is available for this watershed. Single copies of the record of decision may be obtained from Jack C. Davis at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-7385 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-01-M

Grindstone-Lost-Muddy Creek Watershed, Missouri

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 314-442-2271.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining measures to be constructed in the Grindstone-Lost-Muddy Creek Watershed, Clinton, Daviess, De Kalb, and Gentry Counties, Missouri.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for the remaining measures in this project.

Measures which remain to be constructed include land treatment supplemented by 1 grade stabilization structure, 1 multiple-purpose floodwater retarding and water supply structure, and 20 single-purpose flood water retarding structures.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-7589 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-05-M

Irvin Park Critical Area Treatment; RC&D Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717–782–2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Irvin Park Critical Area Treatment RC&D Measure, Clearfield County, Pennsylvania.

The environmental assessemnt of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize heavy use areas in the park. Practices include grading, a grassed surface water diversion, cribbing, fencing, and critical area seeding with lime, fertilizer, and mulch.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 13, 1981.

[Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.]

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects

[FR Doc. 81-7587 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-05-M

Ripley County R–4 School Critical Area Treatment RC&D Measure, Missouri

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 314-442-2271, extension 3145.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ripley County R–4 School Critical Area Treatment RC&D Measure, Ripley County, Missouri.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include landgrading and shaping, topsoiling, and vegetative or gravel protection.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 13, 1981.

[Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable]

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-7588 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-05-M

Scott Township Municipal Park Critical Area Treatment RC&D Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717–782–2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Scott Township Municipal Park Critical Area Treatment RC&D Measure, Lackawanna County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize eroding areas of the park. Practices include a grassed waterway, surface and subsurface drains, minor grading, and critical area seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental

Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-7889 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-16-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Seminars on Minimum Federal Guidelines and Requirements for Accessible Design

The Architectural and Transportation Barriers Compliance Board and the National Conference of States on Building Codes and Standards will conduct two-day seminars in each state on these guidelines which establish accessible design requirements that apply to buildings constructed, renovated, altered, leased, or assisted with Federal funds.

The program will provide state and local building officials, facilities engineers, procurement officers, maintenance personnel, model code officials, and building professionals with uniform interpretation of the guidelines and requirements, and explore how the Federal guidelines differ in each state form existing requirements for handicapped individuals.

A prototype seminar is planned for the District of Columbia on March 19 and 20 at the Humphrey Center Auditorium, 300 Independence Avenue, SW., Washington, D.C. Meetings will run from 9:00 a.m. to 5:00 p.m. each day.

For further information, contact: Architectural and Transportation Barriers Compliance Board, 330 C St., SW., Washington, D.C. 20202 Susan Stoessel, (202/ 472-2700 voice or 202/ 245-1601 TDD).

Dated: March 9, 1981.

Mason H. Ross, V,

Chairperson.

[FR Doc. 81-7884 Filed 3-12-81; 8:45 am]

BILLING CODE 4000-07-M

CIVIL AERONAUTICS BOARD

[Docket No. 38371, etc.]

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended March 6, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Mar 2, 1981	38371	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Application of Capitol International Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its application for certificated authority to operate between the points in the United Stated and points in Switzerland, including specifically between the coterminal points Chicago, Illinois, and New York, N.Y./Newark, N.J., on the one hand, and the coterminal points Geneva and Zurich, Switzerland, on the other hand, be approved. Conforming Applications, motions to modify scope, and Answers may be filed by March 30, 1981.
Mar. 4, 1981	38383	Air Florida, Inc., 3600 N.W. 79th Avenue, Miami, Florida 33166. Conforming Application of Air Florida, Inc. pursuant to Section 401 of the Act, requests an amendment of its certificate of public convenience and necessity for Route 197-F authorizing it to engage in air transportation with respect to persons, property and mail as follows: Between the terminal point Miami, Florida and the terminal point Santiago, Chile. Answers to conforming Application may be filed by March 18, 1981.
Mar 4, 1981	38385	Eastern Air Lines, Inc., Miami International Airport, Miami, Florida 33148. Conforming Application of Eastern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment of its certificate of public convenience and necessity for Route 131 so as to authorize nonstop service between a terminal point in Chile. Answers to conforming Application may be filed by March 18, 1981.
Mar 5, 1981	38390	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, seeks to combine its transatlantic authority on Route 192-F so that its certificate would be as follows: (1) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and Shannon, Ireland, and a point or points in Belgium, The Netherlands, Luxembourg and the Federal Republic of Germany on the other hand. (2) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand and the co-terminal points Korea, Hong Kong, Singapore, Malaysia, and Thailand, on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by April 2, 1981.
Mar 5, 1981	38391	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways, Inc. pursuant to Section 401 of the Act and Subpart of the Board's Procedural Regulations, requests a certificate of public convenience and necessity to operate scheduled foreign air transportation of persons, property and mail as specified below: (i) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and a point or points in Jordan on the other hand. (ii) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and a point or points in Taiwan on the other hand. (iii) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands on the one hand, and the co-terminal points Paris, Nice and Marseilles, France on the other hand. (iv) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), on the one hand and a point or points in Switzerland and Israel on the other hand. (v) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County, West Palm Beach, Miami and New Orleans) on the one hand, and a terminal point or points in Costa Rica on the other hand. (vi) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands on the one hand and a point or points in Jamaica on the other hand. (vii) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands on the one hand and a point or points in Finland on the other hand.

Date filed	Docket No.	Description
		World further requests that if and when granted, its present and proposed certificate authority be integrated as follows to permit World to combine service over the following segments: 1. Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and Shannon, Ireland, and a point or points in Belgium, The Netherlands, Luxembourg, the Federal Republic of Germany, Finland, France, Switzerland, Israel and Jordan on the other hand. 2. Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand and a point or points in Jamaica on the other hand. 3. Between a point or points in the United States (other than Sarasota/Bradenton, Orange County, West Palm Beach, Miami and New Orleans) on the one hand, and a terminal point or points in Costa Rica on the other hand. 4. Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach) on the one hand and the co-terminal points Korea, Hong Kong, Singapore, Malaysia, Thailand and Taiwan on the other hand.
		Conforming Applications, motions to modify scope, and Answers may be filed by April 2, 1981.
Mar 5, 1981	39392	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests that this certificate be amended to permit World to provide all cargo service to the following points in addition to its current authority: Shannon, Ireland; Switzerland; Greece; Egypt; Libya; Turkey; Nigeria; the United Arab Emirates; Korea; Taiwan; Hong Kong; Malaysia; and Singapore. World requests that the Board issue a certificate integrating its present and proposed authority as follows: Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and Shannon, Ireland, or a point or points in Belgium, The Netherlands, France, the Federal Republic of Germany, Italy, Switzerland, Greece, Egypt, Libya, Turkey, Nigeria, the United Arab Emirates, Korea, Taiwan, Hong Kong, Malaysia and Singapore on the other hand.
		Conforming Applications, motions to modify scope, and Answers may be filed by April 2, 1981.
Mar 6, 1981	39393	Transocean Air Lines, Inc., Orville. G. Tigerman, P.O. Box 6154, Newport Beach, California 92660. Application of Transocean Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and necessity authorizing it to engage in: Foreign charter air transportation of property between any point in any state of the United States or the District of Columbia or any territory or possession of the United States, and any point in Greenland, Iceland, the Azores, Europe, Africa and Asia as far east as, and including, India.
		Conforming Applications, motions to modify scope, and Answers may be filed by April 3, 1981.
Mar 6, 1981	39395	Yukon Air Service, Inc. d/b/a Air North and Nenana Air Service, Post Office Box 60054, Fairbanks, Alaska 99706. Application of Yukon Air Service, Inc. d/b/a Air North and Nenana Air Service, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its certificate of public convenience and necessity be amended to read as follows: Between the terminal point Attaluksk, the intermediate points: Anaktuvuk Pass; *Anchorage:* Arctic Village; *Barrow:* Beaver, Bettles, Birch Creek, Central, Chalkyatsik, Circle, Eagle, Fairbanks, Fort Yukon, Galena, Hughes, Huslia, Kaktovik (Barter Island); *Kotzebue:* Manley Hot Springs, McGrath, Minchumina, Minto, Nenana; *Nome; Prudhoe Bay:* Rampart, Ruby, Stevens Village, Tanana, Umiat; and the terminal point Venetie, Alaska.
		Conforming Applications, motions to modify scope, and Answers may be filed by April 3, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7918 Filed 3-12-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Consideration for Surveys

Notice is hereby given that the Bureau of the Census proposes to conduct a Company Organization Survey for 1981 under the provisions of title 13, United States Code, sections 182, 224, and 225. This survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multi-establishment companies. The information will be used to make company and establishment changes to the data for multiestablishment companies in the Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies, and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than December 1, 1981.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20223.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing on or before May 12, 1981 will receive consideration.

Dated: March 10, 1981.

Daniel B. Levine,
Acting Director, Bureau of the Census.

[FR Doc 81-7906 Filed 3-12-81; 8:45 am]
BILLING CODE 3510-07-M

International Trade Administration

Leather Wearing Apparel From Argentina; Suspension of Investigation

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Suspension of Countervailing Duty Investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving leather wearing apparel from Argentina.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Vince Kane, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, DC 20230 (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 15, 1981, the Department of Commerce (the Department) issued an affirmative preliminary countervailing duty determination in its countervailing duty investigation involving leather wearing apparel from Argentina. (46 FR 3582). In that determination, the Department preliminarily determined that reembolso export payments and a pre-export financing program constituted "bounties or grants" (subsidies).

On February 5, 1981, the Department published a "Notice of Proposal Concerning Suspension of Investigation" (46 FR 10972) which informed the public that based on actions taken by the Government of Argentina, which were described in that notice, the Department was proposing that the countervailing duty investigation be suspended under section 704(b) of the Tariff Act of 1930, as amended. (19 U.S.C. 1671c(b).

Scope of the Investigation

The merchandise covered by this investigation is leather wearing apparel currently classified in item number 791.76 of the Tariff Schedules of the United States. These products include leather coats and jackets for men, boys, women, girls and infants and other leather wearing apparel products including leather vests, pants and shorts. Number 791.76 of the Tariff Schedules of the United States also

includes outer leather shells and parts and pieces of leather wearing apparel as designated in the tariff number.

Suspension of Investigation

In accordance with section 704(e) of the Tariff Act of 1930 (hereinafter "the Act"), the petitioner was informed of, and consulted with concerning, the agreement upon which the proposed suspension was based, and was provided an explanation of how the agreement will be carried out and enforced and why the Department felt it would meet the criteria for suspension. The petitioner was also given an opportunity to comment. Other parties to the investigation were notified of the proposed agreement and were permitted to submit comments.

The Department has considered the comments submitted with respect to the proposed suspension. We have determined that the criteria for suspension of an investigation have been satisfied.

We are satisfied that the agreement completely eliminates any subsidy on exports to the United States, can be monitored effectively and is in the public interest. The terms and conditions of the agreement are set out in Annex 1 to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the liquidation of entries of leather wearing apparel suspended effective January 15, 1981, as directed in the Preliminary Affirmative Countervailing Duty Determination is terminated. Any cash deposits on entries of leather wearing apparel from Argentina pursuant to that suspension of liquidation shall be refunded and any bonds or other security shall be released.

The Department intends to conduct an administrative review within twelve months of the publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, The Government of Argentina has requested that the investigation be continued for purposes of having the Commerce Department reach a final determination as to whether the programs involved are subsidies within the meaning of the countervailing duty law. The Department shall issue a final determination on this question no later than March 24, 1981.

This notice is published pursuant to section 704(f)(1)(A) of the Act.

Dated: March 10, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

Annex 1, Agreement

A. Product Coverage

Merchandise Affected: Leather wearing apparel currently provided for in item number 791.76 of the Tariff Schedules of the United States. These products include leather coats and jackets for men, boys, women, girls and infants and other leather wearing apparel products including leather vests, pants and shorts. Outer leather shells and pants and pieces of leather wearing apparel are also covered.

B. Basis for the Agreement

1. Pursuant to Resolution ME No. 91/81 dated January 28, 1981, no shipments of Argentine leather wearing apparel to the United States on or after January 28, 1981 will benefit directly or indirectly from any reembolso payment constituting a subsidy.

2. The Government of Argentina, through its Central Bank, will not provide directly or indirectly the preferential pre-export financing program found to be a subsidy in the Commerce Department's preliminary determination on any shipments of leather wearing apparel to the United States on or after January 28, 1981.

3. The Government of Argentina also certifies that no new or equivalent program will be provided as a substitute for the program eliminated by virtue of the actions described above.

C. Monitoring

The Government of Argentina agrees to:

1. Notify the Department if it contemplates, or decides to change its position with respect to any of the terms of the Agreement; and

2. Permit such verification and data collection as is requested by the Department in order to monitor the Agreement. The Department shall request such information and perform such verifications periodically pursuant to annual reviews conducted under section 751 of the Act.

D. Reopening of Investigation

The Department shall reopen the investigation with respect to leather wearing apparel that are subject to this Agreement if the Department determines that the Government of Argentina has not honored its obligations under the Agreement. Additionally, the Department will reopen the investigation if it determines that the suspension is no longer in the public interest or that effective monitoring is no longer practicable.

E. Other Provisions

The Government of Argentina requests that the Department complete its investigation as soon as possible and issue a final determination notwithstanding this Agreement to suspend the investigation. The right to request the continuation of the investigation is provided for in section 704(g) of the Act. The Government of Argentina is requesting this continuation so that the Commerce Department may fully analyze all data supplied in support of the Argentine position that the reembolso is a *bona fide* non-excessive rebate of allowable indirect taxes and more precisely calculate the actual level of utilization and incidence of the pre-export financing program.

Signed on this twenty eighth day of January 1981.

Government of Argentina,

By Santiago Murray.

I have determined that the provisions of paragraph B eliminate the possibility of any unfair trade practices which were the subject of this investigation, and that the provisions of paragraph C ensure that this Agreement can be monitored effectively. Therefore, I have determined that this Agreement to suspend this investigation meets the requirements of section 704(b) of the Act and is in the public interest as required in section 704(d) of the Act.

U.S. Department of Commerce.

By John Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-7855 Filed 3-12-81; 8:45am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Renewal

AGENCY: U.S. Department of Commerce, National Oceanic and Atmospheric Administration.

ACTION: Notice of Renewal for the Marine Fisheries Advisory Committee.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 (as revised), and after consultation with GSA, the Secretary has determined that the renewal of the Marine Fisheries Advisory Committee (MAFAC) is in the public interest in connection with the performance of duties imposed on the Department by law.

SUPPLEMENTARY INFORMATION: The MAFAC was first established by the Secretary of Commerce on February 17, 1971, and was last renewed on January 19, 1979. Its purpose is to advise the Secretary of Commerce on matters pertinent to the Department's responsibilities for fisheries resources and on means to facilitate cooperation betwen public and private interests in these matters.

Records of Committee recommendations a well as actions taken by the Department on the recommendations are prepared, printed, and disseminated to an extensive mailing list. The recommendations of the Committee have been of substantial value to the National Oceanic and Atmospheric Administration (NOAA) and the National Marine Fisheries Service (NMFS) as well as the Department. In its advisory role on fisheries matters, MAFAC has recommended policy, evaluated programs and sometimes recommended changes as a result, suggested means of coordination within the Federal Government and provided information on various fishery problems. These recommendations and information provided by the Committee have been utilized as appropriate by the Secretary, the Administrator, NOAA, and the planning, and accomplishment of program objective.

Advice and recommendations obtained from the Committee could not be obtained as effectively from other sources within NOAA or the Department of from any other existing advisory committee of the Department or another Federal agency. The Committee membership represents a collective voice for the many and diverse interests concerned with marine fishery resources.

The Committee will continue with a balanced representation of not more than 27 members who will be appointed by and serve at the discretion of the Secretary of Commerce. Representatives will be sought from the commercial and recreational fishing industry, academic and conservation communities, state governments and consumer interests.

The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory body and in compliance with the provisions of the Federal Advisory Committee Act (FACA). Copies of the revised charter will be filed with the appropriate committees of the Congress and with the Library of Congress concurrent with the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230. A copy of the Committee's detailed justification for renewal is available upon request.

Dated: March 9, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-7901 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-17-M

Marine Manuals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name Marine Life Aquarium P158B.

b. Address Keystone Route Box 134A, Rapid City, South Dakota 57701.

2. Type of Permit Public Display.

3. Name and Number of Animals: Atlantic bottlesome dolphins (Tursiops truncatus) 3.

4. Type of Take: Capture by hoop nets.

5. Location of Activity: Melbourne, Florida.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109; and Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 9, 1981.

R. B. Brumsted,

Acting Director, Office of Marine Mammals and Endangered Species.

[FR Doc. 81-7936 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to discuss the Bluefish Fishery Management Plan (FMP), status of other FMPs, foreign fishing applications, as well as other fishery management and administrative matters.

DATES: The public meetings will convene on Wednesday, April 8, 1981, at approximately 9 a.m., and will adjourn on Thursday, April 9, 1981, at approximately 4 p.m. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meetings will take place at the Sheraton Inn-Coliseum, 1215 W. Mercury Boulevard, Hampton, Virginia.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated March 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7931 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's, Bluefish Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Bluefish Subpanel, which will meet to discuss the draft Bluefish Fishery Management Plan as well as other fishery matters.

DATES: The public meeting will convene on Friday, April 3, 1981, at approximately 10:30 a.m., and will adjourn at approximately 3:30 p.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Phildelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid Atlantic Fishery Management Council, Room 2116, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: March 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7832 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting With partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended in 1976 by Pub. L. 94–409, notice is hereby given of public meeting with a Partially closed session of the New England Fishery Management Council, which was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act. A civil action has been brought against the Department of Commerce/National Oceanic and Atmospheric Administration/National Marine Fisheries Service and the New England Fishery Management Council by Fass Brothers, Inc., a Delaware corporation requesting that the Atlantic Groundfish Fishery Management Plan (FMP) be deemed null and void and of no effect and force.

Meeting Agendas

Council (open meeting)—review of Atlantic Groundfish and Lobster FMP's and discussion of report on environmental affairs.

Council (closed session)—(1) discussion of pending litigation in which the Council and its members individually are defendants and (2) discussion of Council procedures governing Council staff members. Only Council members and required staff will be allowed to attend this closed session.

DATES:

Council (open meeting) March 24–25, 1981 (10 a.m. to 3 p.m., on March 24; 9 a.m. to 5 p.m., on March 25)

Council (closed session) March 24, 1981 (3 p.m. to 5 p.m.)

ADDRESS: The meeting will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231–0422.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on March 9, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(10), as information which specifically concerns the agency's participation in a civil action, or 5 U.S.C. 552b(c)(2), as information which relates solely to the internal personnel rules and practices of an agency, and 5 U.S.C. 552b(c)(6), as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: March 10, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7833 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Anchovy/Jack Mackerel Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), and the Council has established an Anchovy/Jack Mackerel Subpanel, which will meet to discuss matters concerning the Anchovy Fishery Management Plan, specifically the anchovy size limit and the procedures for announcing the preliminary biomass estimate.

DATES: The public meeting will convene on Tuesday, April 7, 1981, at approximately 10:30 a.m., and will adjourn at approximately 4 p.m.

ADDRESS: The meeting will take place at the offices of the California Department of Fish and Game, 350 Golden Shore, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: March 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7834 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 13, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On December 19, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (45 FR 83660) of proposed

addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1981:

SIC 0782

Grounds Maintenance, U.S. Custom House, 6 World Trade Center, New York, New York

C. W. Fletcher,

Executive Director.

[FR Doc. 81-7589 Filed 3-12-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 15, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 7930

Rinse Additive, Dishwashing, 7930-00-019-9575 (Increase from 60% to 100% of Government requirement)

SIC 0782

Lawn Maintenance, Area 11, Naval Weapons Station, Yorktown, Virginia

C. W. Fletcher,

Executive Director.

[FR Doc. 81-7590 Filed 3-12-81; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Diamond Rug & Carpet Mills, Inc.; Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by Diamond Rug & Carpet Mills, Inc., a Georgia corporation, Eton, Georgia, in which it agrees to manufacture and sell products that conform to the Flammable Fabrics Act, all applicable regulations issued thereunder and the Standard for the Surface Flammability of Carpets and Rugs; to recall, and process into conformance or destroy certain carpet, style "Vista," and to maintain certain records and to file requested reports. If finally accepted, this consent agreement will settle allegations of the Commission staff that Diamond Rug & Carpet Mills, Inc. has violated provisions of the Flammable Fabrics Act.

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by March 30, 1981.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, NW, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Claire B. Marcus, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. (Phone (301) 492–6626).

Dated: March 6, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Agreement Containing Consent Order To Cease and Desist

In the Matter of Diamond Rug & Carpet Mills, Inc., a corporation.

The staff of the Consumer Product Safety Commission (Commission) has investigated certain practices of Diamond Rug & Carpet Mills, Inc. (Consenting Party). The Consenting Party is willing to enter into an agreement with the Commission containing an order to cease and desist, pursuant to the procedure for consent order agreements contained in section 1605.13 of the Commission's procedures for Investigations, Inspections and Inquiries under the Flammable Fabrics Act (16 CFR 1605.13).

1. *The Consenting Party and the Commission Staff Stipulate and Agree That:*

(a) The Consumer Product Safety Commission has jurisdiction in this matter under the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.*, the Federal Trade Commission Act 15 U.S.C. 41 *et seq.*, and the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

(b) The Consenting Party is a corporation organized and doing business under the laws of the State of Georgia. Its office and principal place of business is located at Highway 411 North, Eton, Georgia 30724.

(c) The Consenting Party engages or did engage in the manufacture and sale of "carpets" and "rugs" as those terms are defined in section 1630.1 of the Standard for the Surface Flammability of Carpets and Rugs (16 CFR 1630.1).

(d) No agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Agreement and Order.

2. *The Consenting Party Stipulates and Agrees That:*

(a) The terms of the Order contained in this Agreement shall take effect upon its receipt of written notice that the Commission accepts the Agreement; the Commission may disclose terms of the Agreement and Order to the public; and the Agreement and order shall be available for public viewing at the office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

(b) It waives any and all rights to an administrative or judicial hearing and to any and all other procedural steps, including any and all rights to seek judicial review or otherwise challenge or contest the validity of this Agreement and Order.

(c) Within 15 days of receipt of the Commission's written acceptance of this Agreement, it shall file with the Commission a written, verified and notarized compliance report detailing its compliance with this Order.

3. *The Consenting Party Acknowledges That:*

(a) It may be liable for a civil penalty of not more than $10,000 for each violation of the Order after the Order becomes effective.

(b) The requirements of the Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

4. *The Commission Staff Stipulates and Agrees That:*

This agreement is for settlement purposes only and does not constitute an admission by the Consenting Party that the law has been violated. Therefore, if this Agreement is not accepted by the Commission it may not be used in adjudicative proceedings, either administrative or judicial.

5. *Upon Acceptance of This Agreement the Commission May Issue the Following Order:*

Order

I

It is ordered that Diamond Rug & Carpet Mills, Inc. (Corporation) and its agents, assigns, successors, representatives, and employees directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material, or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Febrics Act, as amended (FFA), 15 U.S.C. 1191 *et seq.*, which product, fabric or related material fails to conform to the requirements of the Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) (Standard), 16 CFR Part 1630.

II

It is further ordered that the Corporation, its agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics Act and applicable regulations issued thereunder in the manufacture for sale, sale or offering for sale, in commerce, or importation into the United States or introduction, delivery for introduction, transportation, or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standard.

III

It is further ordered that the Corporation shall notify the 27 known consignees who have purchased or otherwise received carpeting style "Vista" that it does not comply with the acceptance criterion of the Standard, and that any consignee who has purchased or otherwise received style "Vista" carpeting may return it to the Corporation, by "freight collect," so that no expense is incurred by the consignee, for replacement with complying carpet or a complete refund of the original purchase price at the option of the Corporation.

IV

It is further ordered that the Corporation shall process the products referred to in Paragraph III above, which were recalled or are in inventory, so as to bring them into conformance with the Standard or destroy the products.

V

It is further ordered that the Corporation shall maintain for a period of one year from the date of service of this Order records/evidence sufficient to establish that any carpeting in style "Vista," which may be in inventory or returned by customers has been:

(a) Processed so as to bring it into conformance with the applicable Standard under the Flammable Fabrics Act, and subsequent disposition, or

(b) Destroyed in accordance with the provisions of this Order.

VI

It is further ordered that for a period of 5 years from the date of acceptance of this Agreement by the Commission the Corporation notify the Commission at least 30 days prior to any proposed change in the Corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the Corporation which may affect compliance obligations arising out of this Order.

VII

It is further ordered that the Corporation shall distribute a copy of this Order to each of its operating divisions.

VIII

It is further ordered that the Corporation shall, within fifteen (15) days after service upon it of this Order, file with the Commission a special report in writing setting forth the manner in which it intends to comply with this Order.

IX

The Commission may, in accordance with the applicable law, conduct inspections or require written reports, or both, to determine compliance with this Order, and may direct the Corporation to submit samples of carpet and rugs being distributed by it, for to permit the Commission to collect samples of such carpet and rugs to test in accordance with the Standard. The Commission may, in accordance with the applicable law, examine and/or require the submission of copies of records to establish compliance by the Corporation with all provisions of this Order.

Signed this 21st day of April, 1980.

Diamond Rug & Carpet Mills, Inc., a corporation.

Edward Weaver,

President.

Claire E. Marcus,

Counsel for the Consumer Product Safety Commission.

[FR Doc. 81-7988 Filed 3-12-81; 8:45 am]

BILLING CODE 6355-01-M

Lafayette Junior Moore; Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by Lafayette Junior Moore, individually and as a partner of Carpet Specialists, Rocky Face, Georgia 30740, in which he agrees, among other things, to cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States any product, fabric or related material which fails to conform to the requirements of the Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) (Standard), 16 CFR Part 1630. If finally accepted, this consent agreement will settle allegations of the Commission staff that Lafayette Junior Moore has failed to comply with the provisions of the Standard in violation

of the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.*

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by March 30, 1981.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in, or obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Earl A. Gershenow, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207. Phone: (301) 492-6529.

Dated: March 9, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Agreement Containing Consent Order to Cease and Desist

In the matter of Lafayette Junior Moore, individually and as a partner of Carpet Specialists, a partnership.

The staff of the Consumer Product Safety Commission (Commission) has investigated certain practices of Lafayette Junior Moore, individually and as a partner of Carpet Specialists, a partnership. Mr. Moore, as a partner of Carpet Specialists (Consenting Party), is willing to enter into an agreement with the Commission containing an order to cease and desist.

1. *Therefore, the consenting party and counsel for the Commission agree that:*

(a) The Consumer Product Safety Commission has jurisdiction in this matter under the following Acts: the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); the Federal Trade Commission Act (15 U.S.C. 41 *et seq.*); and the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*).

(b) Lafayette Junior Moore is a partner of Carpet Specialists. He participates in the formulation, direction, and control of the acts, practices, and policies of Carpet Specialists, a partnership organized and doing business under the laws of the State of Georgia.

(c) The Consenting Party engages or did engage in the manufacture and sale, in commerce, of carpets and rugs. His office and principal place of business is located at 3054 Hurricane Road, Rocky Face, Georgia 30740; P.O. Box 248.

(d) The Consenting Party is now and has been engaged in one or more of the following: the manufacture for sale, sale or offering for sale, in commerce, and the introduction, delivery for introduction, transportation and causing to be transported in commerce, and the sale or delivery after sale or shipment in commerce, of products, as the terms "commerce" and "product" are defined in the Flammable Fabrics Act, which products are subject to the requirements of the Flammable Fabrics Act, the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70), and the Rules and Regulations issued under the Standard and the Act.

(e) No agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Agreement and Order.

2. *The consenting party agrees that:*

(a) The terms of the Order contained in this Agreement shall take effect upon his receipt of written notice that the Commission accepts the Agreement, that the Commission may disclose terms of the Agreement and Order to the public, and that the Agreement and Order shall be available for public viewing at the Office of the Secretary, Consumer Product Safety Commisson, 1111, 18th Street NW., Washington, D.C. 20207.

(b) He waives any and all rights to an administrative or judicial hearing and to any and all other procedural steps, including any and all rights to seek judicial review or otherwise challenge or contest the validity of this Agreement and Order.

(c) Within 15 days of receipt of the Commission's written acceptance of this Agreement, he shall file with the Commission a written, verified and notarized compliance report detailing his compliance with this order.

3. *The consenting party acknowledges that:*

(a) He may be liable for a civil penalty of not more than $10,000 for each violation of the Order after the order becomes effective.

(b) The requirements of the Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

4. *Counsel for the Commission agrees that:*

This Agreement is for settlement purpose only and does not constitute an admission by the Consenting Party that the law has been violated. Therefore, if this Agreement is not accepted by the Commission it may not be used in adjudicative proceedings, either administrative or judicial.

5. *Upon acceptance of this agreement the Commission may issue the following order:*

Order

I

It is ordered that Lafayette Junior Moore, individually and as a partner of Carpet Specialists, a partnership, and his agents, assigns, representatives, and employees directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment, in commerce, any product, fabric, or related material, or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended (FFA), 15 U.S.C. 1191 *et seq.*, which product, fabric or related material fails to conform to the requirements of the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70) (Standard), 16 CFR 1630 *et seq.*

II

It is further ordered that Mr. Moore, individually and as a partner of Carpet Specialists, his agents, assigns, representatives, and employees directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics Act and applicable regulations issued thereunder in the manufacture for sale, sale or offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standard.

III

It is further ordered that Mr. Moore, individually and as a partner of Carpet Specialists, shall within fifteen (15) days after service upon him of this Order, file with the Commission a special report in writing setting forth the manner in which he intends to comply with this Order.

IV

It is further ordered that for a period of 10 years from the date of issuance of this order, that Mr. Moore shall notify the Commission at least 30 days prior to any proposed change in the partnership such as dissolution, assignment or sale resulting in a successor firm, or any other change that may effect compliance obligations our of this Order.

V

It is further ordered that for a period of 10 years from the date of issuance of the order, that Mr. Moore shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

VI

It is further ordered that Mr. Moore, as a partner of Carpet Specialists, (1) shall permit the Commission to conduct inspections of the partnership, to examine the partnership's books, records and accounts relating to the manufacture, sale and distribution of carpets, and to collect samples of carpet manufactured and distributed by the partnership, and (2) shall, upon request of the Commission, submit written reports, verified copies of the partnership's books, records and accounts, and samples of carpet manufactured and distributed by the partnership, to enable the Commission to determine their compliance with this Order.

VII

The requirements of this Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Sections 7 of the Flammable Fabric Act, the rules, regulations, and standards promulgated thereunder, or any other provision of Federal law.

Signed this 20th day of May 1980.

Lafayette Junior Moore,

Individually and as a partner of Carpet Specialists.

Eric N. Wise,

Counsel for the Consumer Product Safety Commission.

[FR Doc. 81-7981 Filed 3-12-81; 8:45 am]

BILLING CODE 6355-01-M

Samor Broome Corp. and Joseph Kahn; Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by Samor Broome Corp., a New York corporation, New York, New York, and Joseph Kahn, the treasurer of said corporation, in which they agree to manufacture and sell products that conform to the Flammable Fabrics Act and all applicable regulations issued thereunder, including the Standards for the Flammability of Children's Sleepwear; agree to process into conformance or destroy, flannel-type fabrics imprinted with juvenile designs or fabrics otherwise intended or promoted for use in children's sleepwear; and agree to maintain certain records and to file requested reports. If finally accepted, this consent agreement will settle allegations of the Commission staff that Samor Broome Corp. and Joseph Kahn have violated provisions of the Flammable Fabrics Act.

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by March 30, 1981.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, NW, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Earl A. Gershenow, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. (Phone (301) 492-6629).

Dated: March 6, 1981.

Sadye E. Dunn,

Secretary Consumer Product Safety Commission.

Agreement Containing Consent Order To Cease and Desist

In the Matter of Samor Broome Corp., a corporation, and Joseph Kahn, individually and as an officer of the corporation.

The staff of the Consumer Product Safety Commission (Commission) has investigated certain practices of Samor Broome Corp., a corporation, and Joseph Kahn, individually and as an officer of the corporation. The corporation and Joseph Kahn (Consenting Parties) are willing to enter into an agreement with the Commission containing an order to cease and desist, pursuant to the procedure for consent order agreements contained in section 1605.13 of the Commission's Procedures for Investigations, Inspections and Inquiries under the Flammable Fabrics Act (16 CFR 1605.13).

1. *The consenting parties and the Commission staff stipulate and agree that:*

(a) The Consumer Product Safety Commission has jurisdiction in this matter under the Flammable Fabrics Act, as amended (FFA) 15 U.S.C. 1191 *et seq.*, the Federal Trade Commission Act, as amended (FTCA), 15 U.S.C. 41 *et seq.*, and the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

(b) Samor Broome Corp. is a corporation organized and doing business under the laws of the State of New York, with its principal place of business located at 490 Broadway, New York, New York.

(c) Joseph Kahn is the Treasurer and principal stockholder of the corporation. He formulates, directs, and controls the acts, practices and policies of the corporation.

(d) The Consenting Parties engage or did engage (1) in the manufacture for sale, sale, and offering for sale, in commerce, of "fabric pieces" as that term is defined in Section 1615.1(i) of the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71) 16 CFR Part 1615, and Section 1616.2(h) of the Standard for the Flammability of Children's Sleepwear Sizes 7 through 14 (FF 5-74), 16 CFR Part 1616 (Standards); and (2) in the manufacture for sale, sale, and offering for sale, "in commerce," of "fabric" as those terms are defined in Sections 2(b) and 2(f) of the FFA, 15 U.S.C. 1191(b) and (f), respectively.

2. *The consenting parties stipulate and agree that:*

(a) The terms of the Order contained in this Agreement shall take effect upon their receipt of written notice that the Commission accepts the Agreement; the Commission may disclose terms of the Agreement and Order to the public; and the Agreement and Order shall be available for public viewing at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

(b) They waive any and all rights to an administrative or judicial hearing and

to any and all other procedural steps, including any and all rights to seek judicial review or otherwise challenge or contest the validity of this Agreement and Order.

(c) Within 15 days of receipt of the Commission's written acceptance of this Agreement, they shall file with the Commission a written, verified and notarized compliance report detailing their compliance with this Order.

(d) No agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Agreement and Order.

3. The consenting parties acknowledge that:

(a) They may be liable for a civil penalty of not more than $10,000 for each violation of the Order after the Order becomes effective.

(b) The requirements of the Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

4. The Commission staff stipulates and agrees that:

This Agreement is for settlement purposes only and does not constitute an admission by the Consenting Parties that the law has been violated. Therefore, if this Agreement is not accepted by the Commission it may not be used in adjudicative proceedings, either administrative or judicial.

5. Upon acceptance of this agreement the Commission may issue the following order:

Order

I

It is ordered that Samor Broome Corp. (Corporation) and Joseph Kahn, individually and as an officer of the corporation, and their agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material, or selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amendd (FFA), 15 U.S.C. 1191 *et seq.*, which product, fabric or related material is subject to and fails to meet the test criterion of the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71), 16 CFR Part 1615, and the Standard for the Flammability of Children's Sleepwear: sizes 7 through 14 (FF 5–74), 16 CFR Part 1616, (Standards).

II

It is further ordered that the Corporation and Joseph Kahn, their agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics Act and applicable regulations issued thereunder in the manufacture for sale, sale, or offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation, or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standards.

III

It is further ordered that the Corporation and Joseph Kahn shall maintain for a period of one year from the date of service of this Order records/evidence sufficient to establish that all flannel-type fabrics imprinted with juvenile designs or fabrics otherwise intended or promoted for use in children's sleepwear, which may be in inventory and which are subject to and fail to meet the test criteria of the Standards, have been:

(a) processed so that such fabrics meet the test criteria of the Standards, or

(b) destroyed.

IV

It is further ordered that for a period of 10 years from the date of acceptance of this Agreement by the Commission the corporation and Joseph Kahn shall notify the Commission at least 30 days prior to any proposed change in the Corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation which may affect compliance obligations arising out of this Order.

V

It is further ordered that for a period of 10 years from the date of the acceptance of this Agreement by the Commission, Joseph Kahn shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engagd as well as a description of his duties and responsibilities.

VI

The Commission may, in accordance with the applicable law, conduct inspections or require written reports, or both, to determine compliance with this Order, and may direct the Corporation to submit samples of fabrics being distributed by it, or to permit the Commission to collect samples of such fabrics to test in accordance with the Standards. The Commission may, in accordance with applicable law, examine and/or require the submission of copies of records to establish compliance by the Corporation with all provisions of this Order.

VII

The requirements of this Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

VIII

It is further ordered that the Corporation and Joseph Kahn shall, within fifteen (15) days after service upon them of this order, file with the Commission a special report in writing setting forth the manner in which they intend to comply with this Order.

IX

It is further ordered that the Corporation shall distribute a copy of this Order to each of its operating divisions.

Signed this 21st day of October 1980.

Samor Broome Corp., a corporation, Joseph Kahn, 490 Broadway, New York, N.Y. 10012; Joseph Kahn, individually and as an officer of Samor Broome Corp.

Claire B. Marcus,

Counsel for the Consumer Product Safety Commission.

October 28, 1981.

[FR Doc. 81–7902 Filed 3–12–81; 8:45 am]

BILLING CODE 6355–01–M

San Francisco Shirt Works, Inc.; Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by San Francisco Shirt Works, Inc., a California corporation, with its principal place of business located at 1111 17th Street, San Francisco, California 94107, in which it agrees to import and sell ladies' wearing apparel that conforms to the Flammable Fabrics Act, all applicable regulations issued thereunder, and the Standard for the Flammability of Clothing Textiles. If finally accepted, this consent agreement will settle allegations of the Commission staff that San Francisco Shirt Works, Inc., has violated provisions of the Flammable Fabrics Act.

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by March 30, 1981.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in, or obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, NW, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Stephen E. Joyce, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. (Phone 301–492–6632).

Dated: March 6, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Agreement Containing Consent Order To Cease and Desist

In the Matter of San Francisco Shirt Works, Inc., a Corporation.

The staff of the Consumer Product Safety Commission (Commission) has investigated certain practices of San Francisco Shirt Works, Inc., a Corporation. San Francisco Shirt Works, Inc. is willing to enter into an Agreement containing an Order to Cease and Desist with the Commission staff pursuant to the procedure for consent order agreements contained in section 1605.13 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Flammable Fabrics Act (FFA), 16 CFR 1605.13.

Therefore, the San Francisco Shirt Works, Inc. and counsel for the Commission agree:

1. That the Consumer Product Safety Commission has jurisdiction in this matter under the following acts: The Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); The Federal Trade Commission Act (15 U.S.C. 41 *et seq.*); and the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*).

2. That San Francisco Shirt Works, Inc., is a corporation, organized and doing business under the laws of the State of California.

3. That San Francisco Shirt Works, Inc. engages in the importation and sale of ladies' wearing apparel; and that its office and principal place of business is located at 1111 17th Street, San Francisco, California 94107.

4. That San Francisco Shirt Works, Inc. is now and has been engaged in one or more of the following: the manufacture for sale, sale or offering for sale, in commerce, or the importation into the United States, and the introduction, delivery for introduction, transportation and causing to be transported in commerce, and the sale or delivery after sale or shipment in commerce, of wearing apparel as the terms "commerce" and "wearing apparel" are defined in the Flammable Fabrics Act, which wearing apparel is subject to the requirements of the Flammable Fabrics Act, the Standard for the Flammability of Clothing Textiles, 16 CFR Part 1610 and the rules and regulations promulgated under the Flammable Fabrics Act (16 CFR Part 1610, Subpart B).

5. That no agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Order.

6. San Francisco Shirt Works, Inc. agrees:

(a) That the terms of the Order take effect upon its receipt of written notice that the Commission accepts the Consent Agreement; that the Commission may disclose the terms of the Agreement and Order to the public; and that the Agreement and Order shall be available for public viewing at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207;

(b) That it waives any and all rights to an administrative or judicial hearing and to any and all other procedural steps, including any and all rights to seek judicial review or otherwise challenge or contest the validity of this Agreement and Order;

(c) That within 15 days of receipt of the Commission's written acceptance of this Agreement, San Francisco Shirt Works, Inc. shall file with the Commission the written, notarized compliance report required by Paragraph V of this Order;

7. San Francisco Shirt Works, Inc. Acknowledges:

(a) That it may be liable for a civil penalty of not more than $10,000 for each violation of the Order after the Order becomes effective.

(b) That the requirements of the Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

8. Counsel for the Commission Agrees:

That this agreement is for settlement purposes only and does not constitute an admission by San Francisco Shirt Works, Inc. that the law has been violated. Therefore, if this Agreement is not accepted by the Commission, it may not be used in adjudicative proceedings, either administrative or judicial.

9. Upon Acceptance of this Agreement, the Commission may issue the following Order:

Order

I

It is ordered that San Francisco Shirt Works, Inc., its directors and its officers, and their agents, assigns, successors, representatives and employees, directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material, or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material, which has been shipped or received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, which product, fabric or related material fails to conform to the requirements of the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610, Subpart A) issued under the provisions of the Flammable Fabrics Act.

II

It is further ordered than San Francisco Shirt Works, Inc. and their agents, assigns, successors, representatives and employees directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from issuing

a guaranty with respect to any product, fabric or related material manufactured or sold by San Francisco Shirt Works, Inc., as "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, which guaranty is not based on reasonable and representative testing conducted pursuant to Section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) and 16 CFR 1610.37 of the rules and regulations promulgated under the Flammable Fabrics Act or is not based upon a guaranty received in good faith.

III

It is further ordered that San Francisco Shirt Works, Inc., their agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics Act and applicable regulations issued thereunder in the manufacture for sale, sale or offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation, or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610).

IV

It is further ordered that San Francisco Shirt Works, Inc. shall either process all sweatshirts designated as "Holiday Line" styles #2115, #2116, #2184 and #2185 in inventory, including sweatshirts which have been recalled, to bring them into conformance with the Standard or destroy them.

V

It is further ordered that San Francisco Shirt Works, Inc. shall, within fifteen (15) days after service upon them of this Order, file with the Commission a special written and notarized report which:

A. Sets forth the manner in which it intends to comply with every aspect of this Order.

B. Advises the Commission fully and specifically concerning (1) the identity of the products to be processed as provided in Paragraph IV of the Order, (2) the identity of the pruchasers of the said products, (3) the amount of the products on hand and in the channels of commerce, and the amount returned, if any, and (4) any action taken or proposed to be taken to bring the products into conformance and to continue compliance with the applicable standard of flammability under the Flammable Fabrics Act, as amended.

VI

It is further ordered for a period of five (5) years from the date this Order is issued by the Commission on a final basis, that San Francisco Shirt Works, Inc. shall notify the Commission at least 30 days prior to any proposed change in the status of the corporation, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change which may affect its compliance obligations arising out of this Order.

VII

It is further ordered that San Francisco Shirt Works, Inc. shall distribute a copy of this Order to each of its operating divisions.

VIII

The Commission may conduct inspections and/or require San Francisco Shirt Works, Inc. to submit written reports to determine compliance with this order, and may direct San Francisco Shirt Works, Inc. to submit or permit the Commission to select for testing sufficient products subject to the Standard for the Flammability of Clothing Textiles (16 CFR 1610 *et seq.*) promulgated under the Flammable Fabrics Act.

San Francisco Shirt Works, Inc., a corporation, by: Earle M. Turow, 1111 17th Street, San Francisco, California.

Stephen E. Joyce,

Counsel for the Consumer Product Safety Commission.

[FR Doc. 81-7903 Filed 3-12-81; 8:45 am]

BILLING CODE 6355-01-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 80-5; P.O. No.—100-81-124]

Jukebox Royalty Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Clarence L. James, Jr., Chairman, Copyright Royalty Tribunal, (202) 653-5175.

SUPPLEMENTARY INFORMATION: Pursuant to 17 U.S.C. 116(c)(3), the Tribunal published in the Federal Register (44 FR 53099, September 12, 1979) that a controversy existed concerning the distribution of jukebox royalty fees deposited for 1979 performances and commenced a proceeding to determine the distribution of such royalty fees.

As the result of a prehearing conference held on March 10, 1981 for claimants or their duly authorized representatives to discuss the structure and procedure of the jukebox royalty distribution proceeding, the Tribunal determined that it will commence the hearings on the substantive aspects of this proceeding on April 21, 1981 and the hearings will continue on such subsequent days as are necessary. The Tribunal has determined by a drawing that the order of presentation shall be as follows:

1. BMI
2. ASCAP
3. Italian Book Corporation
4. SESAC

The Tribunal has also determined that ASCAP, BMI, SESAC and the Italian Book Corporation are all proper claimants in this proceeding. The evidentiary hearing which shall commence on April 21, 1981 will be conducted according to the Tribunal Rules of Procedure.

Claimants or their duly authorized representatives are directed to submit the following on or before April 13, 1981:

1. Any prehearing statements and/or memorandum. (Optional)
2. Witness lists.
3. Concise summary of each witnesses testimony.
4. Copies of documentary evidence.

For the purpose of identification of exhibits the following identification has been assigned to the parties:

1. ASCAP—aphabetical
2. BMI—numerical
3. SESAC—SE—alphabetical
4. Italian Book Corporation—IB—numerical

Any economic or other studies to be introduced in this proceeding shall be prepared in strict accordance with § 301.51 of the Tribunal's Rules of Procedure.

Documents should be submitted in the original with fifteen copies. Any items filed with the Tribunal shall be addressed to the Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW., Room 450, Washington, D.C. 20036.

Clarence L. James, Jr.,

Chairman, Copyright Royalty Tribunal.

March 10, 1981.

[FR Doc. 81-7906 Filed 3-12-81; 8:45 am]

BILLING CODE 1410-07-M

DEPARTMENT OF DEFENSE

Department of the Air Force

M–X Missile Program; Public Hearings on Draft Environmental Impact Statement

Informal public hearings will be held for the purpose of soliciting comments from the public on the Draft Environmental Impact Statement (EIS) for the M–X Deployment Area Selection and Land Withdrawal/Acquisition. Two hearing periods are scheduled for each location as follows:

March 30—Las Vegas, Nevada (1:30 pm and 7:00 pm)
March 31—Cedar City, Utah (1:30 pm and 7:00 pm)
April 1—Milford, Utah (1:30 pm and 7:00 pm)
April 2—Delta, Utah (1:30 pm and 7:00 pm)
April 3—Salt Lake City, Utah (1:30 pm and 7:00 pm)
April 4—Ely, Nevada (1:30 pm and 7:00 pm)
April 6—Carson City, Nevada (1:30 pm and 7:00 pm)
April 7—Tonopah, Nevada (7:00 pm)
April 8—Tonopah, Nevada (1:30 pm)
April 9—Pioche, Nevada (1:30 pm and 7:00 pm)
April 13—Santa Fe, New Mexico (1:30 pm and 7:00 pm)
April 14—Austin, Texas (7:00 pm)
April 15—Austin, Texas (1:30 pm)
April 16—Lubbock, Texas (1:30 pm and 7:00 pm)
April 20—Amarillo, Texas (1:30 pm and 7:00 pm)
April 21—Dalhart, Texas (1:30 pm and 7:00 pm)
April 22—Clovis, New Mexico (1:30 pm and 7:00 pm)
April 23—Roswell, New Mexico (1:30 pm and 7:00 pm)

The name of the auditorium/meeting place will be announced in the local media.

The Draft EIS, prepared in compliance with the National Environmental Policy Act (NEPA), will aid in major decisions related to the selection of the designated deployment area or areas, the approximate operating base locations, and land withdrawal/acquisition. Deployment alternatives within the states of Nevada, Utah, Texas, and New Mexico are compared to determine relative environmental considerations which may influence selection of an area or areas for deployment of the M–X system.

Principal elements of the system include two operating bases, 4,600 shelters, approximately 8,500 miles of roads, and support facilities, operated and maintained by about 13,000 persons. The first ten missiles are to be operational by mid-1986 and the system is to be fully operational by the end of 1989.

The Draft EIS was filed with the Environmental Protection Agency (EPA) on December 23, 1980. Copies were placed in nearly 200 libraries in the four states for public review. Also the Draft EIS has been available by request from: Ballistic Missile Office, AFRCE–MX/DEV, Box EIS, Norton AFB, California 92409, (714) 382–4891.

The Air Force will conduct the hearings in a manner to insure that all interested citizens will have an opportunity to comment and ask questions about the M–X Draft EIS. The following procedures will be followed at each hearing:

- An Air Force judge will preside and moderate the proceedings.
- A court recorder will transcribe the proceedings.
- All persons desiring to make a statement will be asked to register prior to the start of each meeting. Registration forms will be available at the door.
- Representatives of a group will be permitted five minutes for comments.
- Individuals will be permitted three minutes for comments.
- The speaking order of representatives of organizations and individuals will be determined by a random drawing of registration cards.
- Written comments will be accepted and entered as part of the public hearing record.
- There will be no relinquishing of time by one speaker to another.

The presiding officer at the public hearings will be: Colonel Allan C. Smith, AF/JAJT, 1900 Half Street, SW., Washington, DC 20324, (202) 693–5810.

Persons not able to participate in the public hearings have until May 1, 1981 to submit their written comments to AFRCE–MX/DEV at the address given above.

Carol M. Rose,
Air Force Federal Register Liaison Officer.

[FR Doc. 81–7867 Filed 3–12–81; 8:45 am]
BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on the Education of Disadvantaged Children; Meeting and Hearing

AGENCY: National Advisory Council on the Education of Disadvantaged Children.

ACTION: Amendment of Notice of Scheduled Hearing and Council Meeting.

SUMMARY: This notice is to amend the Notice of the Hearing of the National Advisory Council on the Education of Disadvantaged Children which appeared in the Federal Register on Monday, March 2, 1981, on page *14758*. A Council Meeting and Hearing will be held at the following location: Georgia State University, Urban Life Conference Center, Room 201, Corner of Piedmont and Decatur, Atlanta, Georgia.

The tentative agenda for the two-day activities is as follows:

Friday, March 27

9:00–12:00 Noon—Council Business:
9:00–9:30—Call to Order; Approval of Minutes; Executive Director's Report;
9:30–11:00—Discussion and Approval of report—"Title I, Today: A Fact Book";
11:00–12:00—Discussion of Pending Budget Proposals.

Lunch

2:00–5:00—Public Hearing on the Impacts of Budget and Block Grant Proposals on Title I Programs in Schools.

Saturday, March 28

9:00–12:00 Noon—Public Hearing (continued).

Lunch

1:00–3:00—Council Business:
1:00–2:00 p.m.—Discussion of Report to Congress on Hearing Testimony and other Impact Information;
2:00–3:00—Discussion of Council Work Agenda.

SUPPLEMENTARY INFORMATION: The National Advisory Council on the Education of Disadvantaged Children is established under Section 196 of the Elementary and Secondary Education Act (20 U.S.C. 2852) of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C. on March 10, 1981.

Alice S. Baum,
Executive Director, National Advisory Council on the Education of Disadvantaged Children.

[FR Doc. 81–7858 Filed 3–12–81; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81–CERT–004]

Long Island Lighting Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil; Long Island Lighting Co.

On January 28, 1981, Long Island Lighting Company (LILC), 250 Old Country Road, Mineola, New York 11501, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of up to 3,500,000 dekatherms

(approximately 3,500,000 Mcf) of natural gas. This gas is estimated to displace the use of approximately 402,000 barrels of residual fuel oil (1.5 percent sulfur) and 9,000 barrels of No. 2 fuel oil (0.3 percent sulfur) at the E. F. Barrett Electric Plant in Island Park, New York, and 164,000 barrels of residual fuel oil (1.0 percent sulfur) at the Glenwood Plant in Glenwood Landing, New York, during the period March 1, 1981, to October 31, 1981. The eligible seller of the natural gas is City of Danville, Virginia and the natural gas will be transported by the Transcontinental Gas Pipe Line Corporation. Notice of that application was published in the Federal Register (46 FR 13563, February 23, 1981), and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed LILCO's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that LILCO's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 6, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-7983 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-001]

Recertification of Eligible Use of Natural Gas To Displace Fuel Oil; Nebraska Municipal Power Pool

On January 12, 1981, Nebraska Municipal Power Pool (NMPP), 1335 L Street, Lincoln, Nebraska 68508, acting on behalf of seven of its members, the Board of Public Works of the City of Auburn, Nebraska (Auburn); the Board of Public Works of the City of Fairbury, Nebraska (Fairbury); the City Utilities Department of the City of Wahoo, Nebraska (Wahoo); the City Utilities Department of the City of West Point, Nebraska (West Point); the City Utilities Department of the City of Crete, Nebraska (Crete); the City Utilities Department of the City of Tecumseh, Nebraska (Tecumseh); and the Village Board of Trustees of the Village of Pender, Nebraska (Pender), filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of approximately 7,080 Mcf per day of natural gas. This natural gas is estimated to displace the use of 10,050 gallons (239 barrels) per day of No. 6 fuel oil (0.5 percent sulfur) at the Fairbury facility and 35,000 gallons (833 barrels) of No. 2 fuel oil (0.3 percent sulfur) per day at the six remaining municipal generating facilities. The eligible seller of the natural gas is Esperanza Transmission Company (Esperanza) and the gas will be transported by the Northern Natural Gas Company, an interstate pipeline, and local distribution companies will make deliveries to all seven facilities. Notice of that application was published in the Federal Register (46 FR 13564, February 23, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On March 26, 1980, NMPP received the original certification (ERA Docket No. 80–CERT–010) of an eligible use of natural gas purchased from Esperanza for use by the seven members for a period of one year. The original certificate expires on March 25, 1981. This recertification is being made effective on March 26, 1981, in order to provide continuity with the original certificate.

The ERA has carefully reviewed NMPP's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that NMPP's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 pm., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on March 6, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-7984 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 51996-2322-08-22; Docket No. ERA-FC-80-038]

Nevada Power Co.; Availability of Tentative Staff Analysis; Powerplant and Industrial Fuel Use.

AGENCY: Economic Regulatory Administration Department of Energy.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: On October 27, 1980, Nevada Power Company (Nevada Power) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) which prohibit the use of petroleum or natural gas in new powerplants.

Nevada Power plans to install an 86,506 KW natural gas/oil-fired combustion turbine unit to be known as Clark Unit No. 8 in Clark County, Nevada. Nevada Power certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

ERA accepted the petition pursuant to 10 CFR 501.3 and 501.63 on December 10, 1980, and published notice of its acceptance in the Federal Register, on December 17, 1980 (45 FR 82992). Publication of the notice of acceptance commenced a 45–day public comment period pursuant to section 701 of FUA and 10 CFR 501.31 and 501.33, during which time interested persons were also afforded an opportunity to file comments and to request a public hearing on the petition. The comment period ended February 2, 1981. No comments or requests for a public hearing were received.

DATES: Written comments on the Tentative Staff Analysis and requests for a public hearing are due on or before March 27, 1981.

ADDRESSES: Fifteen copies of written comments, and any requests for a public hearing should be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M

Street NW., Washington, D.C. 20461. Docket Number ERA–FC–80–038 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vanderberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055;

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 653–4208;

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: Nevada Power plans to install an 86,566 KW natural gas/oil-fired combustion turbine to be known as Clark Unit No. 8 in Clark County, Nevada.

Nevada Power submitted a sworn statement with its petition, signed by Mr. J. H. Zornes, Vice President, Generation, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Zornes certified that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 86,566 KW; and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 129,849,000 Kwh.

Under the requirements of 10 CFR 503.41(b)(1)(ii), if a petitioner proposes to use natural gas, or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, it must obtain an air quality certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate state air pollution control agency. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplants, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

Tentative Staff Analysis

On the basis of Nevada Power's sworn statements and information provided, the staff recommends that ERA grant the requested peakload powerplant exemptions.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Nevada Power has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental Checklist, completed and certified to by Nevada Power pursuant to 10 CFR 503.15(b), has been reviewed by DOE's Office of Environment in consultation with the Office of the General Counsel. It has been determined that Nevada Power's response to the questions therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon the information submitted by Nevada Power and upon the results of the staff analysis, the staff of ERA recommends that any order granting the requested peakload powerplant exemption should, pursuant to section 214(a) of the Act, be subject to the following terms and conditions:

A. Nevada Power shall not produce more than 129,849,000 Kwh during any 12-month period with Clark Unit No. 8. Nevada Power shall provide annual estimates of the expected periods (hours during specific months) of operation of the unit for peakload purposes (e.g., 6:00–10:00 a.m. and 3:00–6:00 p.m. during the June–September period, etc.). Estimates of the hours in which Nevada Power expects to operate Clark Unit No. 8 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Nevada Power shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in the unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. Nevada Power shall comply with the terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

Issued in Washington, D.C., on March 6, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7865 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of an Order Granting Temporary Public Interest Exemptions Pursuant to Powerplant and Industrial Fuel Use Act

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Order granting temporary public interest exemptions, pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), and the implementing regulations thereunder (10 CFR § 501.68 and 10 CFR Part 508, from the natural gas use prohibitions of section 301(a) (2) and (3) of the Act to the following powerplants in order to displace high sulfur residual fuel oil:

Docket No.	Petitioner	Generating station	Powerplant identification No.
50484-2480-01-41	Central Hudson Gas & Electric Corp	Danskammer	1
53370-2067-02-41	Public Service Commission of Yazoo City	Yazoo City Steam Plant	2
53370-2067-03-41	do	do	3
53370-2067-04-41	do	do	4

The Order is set forth following this Notice and has been sent by certified mail to the Petitioners.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). A notice of the petitions and proposed order granting these temporary exemptions were published in the October 16, 1980, Federal Register (45 FR 68704) presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order. All comments that referred to specific petitions were supportive of them.

The Process Gas Consumers Group, the American Iron and Steel Institute and the Georgia Industrial Group (hereafter referred to collectively as the Group) requested a hearing. The Group has previously requested a hearing regarding previously filed similar petitions for exemption under the Special Rule. The Group's first request for a hearing was on the petitions for exemption and proposed order noticed at 45 FR 18423, published on March 21, 1980. The hearing which was convened pursuant to the Group's request was dismissed upon the ground that the Group had failed to demonstrate the requisite interest as interested persons (*see*, section 701 of FUA and 10 CFR 501.33 and 501.34). ERA denied the Group's request for a hearing on petitions for exemption and proposed order noticed at 45 FR 46684, published on July 21, 1980. The Group's latest request for a hearing regarding petitions for exemption and proposed order noticed at 45 FR 68705, published on October 16, 1980, contained nothing additional or new as compared with the Group's two previous requests. Consequently, ERA decided to deny the Group's request for a public hearing on these petitions.

Laclede Gas Company (Laclede) also requested a hearing on the petitions and proposed order noticed at 45 FR 68705, published on October 16, 1980. ERA concluded that the issues raised by Laclede were substantially the same as those presented by the Group, and that Laclede's request appeared to seek a generic review of the Special Rule. ERA determined that Laclede's request for a hearing on these petitions did not raise material issues of disputed fact respecting the qualification of a petitioner under the eligibility criteria cited in the Special Rule, or any factual issues which could support limiting application of the Special Rule under 10 CFR § 508.4. Consequently, ERA denied Laclede Gas Company's request for a public hearing on these petitions.

Based on the information provided by the petitioners, the powerplants listed above are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of high sulfur residual fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments, and demestic inflation rate.

To the extent that increased use of natural gas will acccomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a) (2) and (3) of FUAS, will displace consumption of high sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts, the petitioners have met the eligibility criteria set out in 10 CFR 508.2. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B–110, 2000 M Street, NW, Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, NW, Washington, D.C. 20461, (202) 653–4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act). This Decision and Order is issued pursuant to section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplant listed in the table below.

Docket No.	Petitioner	Generating station	Powerplant identification No.
50484-2480-01-41	Central Hudson Gas & Electric Corp	Danskammer	1
53370-2067-02-41	Public Service Commission of Yazoo City	Yazoo City Steam Plant	2
53370-2067-03-41	do	do	3
53370-2067-04-41	do	do	4

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions until December 7, 1981. Upon the request of the petitioners, these exemptions may be extended for an additional period at the discretion of

ERA. However, a temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn natural gas while their petitions were pending, may not exceed the maximum 5-year period authorized by the Act, or extend beyond June 30, 1985. All requests for extensions must be filed with ERA by September 7, 1981. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective May 12, 1981. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230, April 9, 1979), ERA will take no action with respect to any natural gas used by the exempted powerplants during the pendency period prior to the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect, so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period during which the petition was pending, and for each subsequent six-month period thereafter (periods ending June 30 and December 31), the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Petitioner will submit to ERA , within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If the petitioner has received temporary public interest exemptions under previous orders, the first granted exemption order establishes the due date for the system-wide conservation plan.

(3) If the petitioner seeks to have the exemptions extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1982, a report on progress achieved in implementing the pertinent fuel conservation plan, if the petitioner's exemptions are extended beyond December 7, 1981.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on March 5, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7862 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. SA81-13]

Agrico Chemical Co.; Application

March 9, 1981.

Take notice that on January 30, 1981, Agrico Chemical Company (Applicant), P.O. Box 3166, Tulsa, Oklahoma 74101 filed with the Commission in Docket No. SA81-13 an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) for the issuance of an adjustment to the provisions of Part 281 of the Commission's Regulations (18 CFR, Part 281), which provide for implementation of the essential agricultural priority provided by Section 401 of the NGPA.

Applicant, a domestic manufacturer of natural gas-based fertilizer states that it is supplied at its Blytheville, Arkansas, ammonia and urea manufacturing facility by Arkansas Louisiana Gas Company (Arkla), an interstate pipeline within the meaning of Section 2(15) of the NGPA. Over 98 percent (up to 44.5 MMcf per day) of the total quantity of gas that Applicant is contractually entitled to receive from Arkla is said to be included within Arkla's "essential agricultural" curtailment priority. The remainder of the contracted-for gas, although allegedly required for "essential agricultural use", has been downgraded from the "essential agricultural" priority by operation of Part 281 of the Commission's Regulations with respect to the ability to use an alternative fuel to satisfy essential agricultural requirements.

It is the position of Applicant that, notwithstanding the fact that Applicant has been deemed by operation of Part 281 of the Commission's Regulations (18 CFR, Part 281) to have the present "ability to use" an "alternative fuel" in order to meet such requirements, it allegedly no longer has a practical "ability to use" any "alternative fuel" to meet those "essential agricultural" requirements which have been downgraded to Priority 6. Therefore, Applicant requests the Commission to grant it an adjustment to these Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7811 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3571-000]

Central Oregon Irrigation District; Application for Preliminary Permit

March 9, 1981.

Take notice that Central Oregon Irrigation District (Applicant) filed on October 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3571 to be known as Main Flume Siphon Water Power Project located on the Deschutes River in Deschutes County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Anderson, Manager, Central Oregon Irrigation District, P.O. Box 548, Redmond, Oregon 97756. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) the

Applicant's existing rock weir on the Deschutes river; (b) the existing 10-foot diameter, 6,300-foot long siphon carrying water into; (c) the existing 900-foot long unlined canal leading to; (d) a proposed 900-foot penstock; (e) a proposed powerhouse, on the south bank of the Deschutes River, containing a single generating unit with a rated capacity of 5 MW; and (f) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 27 million kWh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 12-month permit to prepare a project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $49,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments wihtin the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d)(1980)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR, 1.8 or § 1.10 (1980). Comments not in the nature of protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on our before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3571. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7812 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3825-000]

Continental Hydro Corp.; Application for Preliminary Permit

March 9, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3825 to be known as Belle Fourche Dam located at the Water and Power Resources Service Belle Fourche Dam on the Belle Fourche River in Butte County, Fruitdale, South Dakota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suit 1143, Boston, MA 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a Water and Power Resources dam. Project No. 3825 would consist of: 1) proposed modification of the two existing intake and outlet works with the installation of a penstock approximately 500 feet long running from the headworks, through the existing outlet conduit, to a powerhouse located at or near the existing valve house; 2) two proposed powerhouse each with one generating unit at each of the existing valve houses with a total installed capacity of 715 kW; 3) proposed transmission lines; 4) and appurtenant facilities.

The proposed project is located on Federal lands.

The applicant estimates that the average annual energy output would be 3,360,000 kWh.

Purpose of Project—The applicant proposed to sell the generated output of energy to the Water and Power Resources Service, or other public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $49,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements fo 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be recieved on or before May 7, 1981.

Filing an Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3825. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7813 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-18-000]

Crosby Chemicals, Inc.; Application for Adjustment

Issued: March 9, 1981.

On January 7, 1981, Crosby Chemicals, Inc. (Crosby) filed with the Federal Energy Regulatory Commission (Commission) an Application for Adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. §§ 3301–3432 (Supp. II 1978). Crosby seeks relief from § 282.203(b) of the Commission's regulations, which sets forth the standards under which certain industrial boiler fuel, facilities may be exempted from incremental pricing under Title II of the NGPA.

In Order No. 96, issued July 29, 1980 in Docket No. RM79-48 (effective September 23, 1980), the Commission expanded the list of available incremental pricing exemptions to include, *inter alia*, facilities which have reduced their boiler fuel use below the 300 Mcf per day small boiler threshold since 1977. Section 282.203(b) provides that facilities qualifying under this category must not have used over an average of 300 Mcf per day in any of the 12 months preceeding the filing of an exemption affidavit.

Crosby exceeded the 300 Mcf per day average in January, March and September of 1980. Crosby asserts, however, that certain operations resulting in those averages have been discontinued and will remain inactive for the immediate future. Crosby thus seeks relief from the 12 month requirement and requests exemption from incremental pricing as of the month following discontinuation of these operations. Crosby contends that denial of this adjustment will put it in a less competitive position and will dictate that it burn fuel oil instead of gas for steam generation.

Section 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41) governs the procedures applicable to this adjustment. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with § 1.41. All such petitions must be on file on or before March 30, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7814 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-205-000]

Delhi Gas Pipeline Corp; Application for Authorization To Extend Transportation Service

March 9, 1981.

Take notice that on February 19, 1981, Delhi Gas Pipeline Corporation (Applicant), Fidelity Union Tower Building, Dallas, Texas 75201, filed in Docket No. CP81-205-000 an application pursuant to Section 284.125(c) of the Commission's Regulations under the Natural Gas Policy Act of 1978 for authorization to extend the transportation of natural gas for United Gas Pipe Line Company (United) for a period of twenty years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states the pursuant to the terms of a July 16, 1979, transportation agreement with United, Applicant receives natural gas at the points of delivery provided in gas purchase agreements between United and certain producers and transports and redelivers such natural gas to United at the following redelivery points; (i) the point of interesection of Applicant's facilities with United's Carthage-Longview line in Rusk County, Texas, and United's Carthage-Sterlington line in Panola County, Texas; (ii) the point of interconnection between Applicant's and United's facilities in Polk County, Texas, and Victoria County, Texas; the

outlet of the Katy Gasoline Plant, Waller County, Texas; near the Champlin Carthage Plant in Panola County, Texas; Bee County, Texas; Harrison County, Texas; and Houston County, Texas; (iii) the two existing points of delivery on United's pipeline located in Panola County, Texas; (iv) the point of interconnection of Applicant's facilities with the facilities of Northern Natural Gas Company, a Division of InterNorth, Inc. in Pecos County, Texas; and (v) at such other points as the parties hereto may mutually agree upon from time to time.

Applicant states that it commenced the transportation of gas for United on July 16, 1979, and pursuant to a long-term transportation agreement with United now proposes to transport gas for a term of twenty years from July 16, 1981. It is stated that the total and daily volumes of natural gas to be transported during the twenty-year period are currently estimated at 180,000,000 Mcf and 22,000 Mcf, respectively, but that this estimate may change as additional gas reserves are developed and acquired by United and as existing gas reserves are depleted.

Applicant asserts that the rates to be charged United for such transportation service are 31.0 cents, 30.0 cents and 20.0 cents per million Btu depending on the location of the gas reserves and the point of delivery.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7815 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4028-000]

Long Lake Energy Corp.; Application for Preliminary Permit

March 9, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on January 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4028 to be known as the Theresa Water Power Project located on Indian River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Elston; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing Theresa Dam, a 34-foot high, 110-foot long, concrete structure; (2) the existing Theresa Reservoir, having a storage volume of approximately 462 acre-feet at a normal pool elevation of 465 feet; (3) the existing intake structure and 6-foot diameter steel penstock, 80 feet long lending to; (4) the existing powerhouse with two new turbines having an installed generating capacity of 2,000 kw; (5) the existing tailrace structure; (6) the existing transmission lines and switchyard equipment; and (7) appurtenant works. The Theresa Dam and Reservoir are owned by the Niagara Mohawk Power Company. The Applicant estimates the average annual output would be 9,600,000 kWh.

Purpose of Project—Project energy would be sold to the Niagara Mohawk Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the nesessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no latter than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely, files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable.

Any of these fillings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4028. Any comments, notices of intent, competing applications,

protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7816 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3740-000; Project No. 3904-000]

Mitchell M. White and Melba M. White and City of Rock Falls, Illinois; Applications for Preliminary Permit

March 9, 1981.

Take notice that Mitchell M. White and Melba M. White (MMW) and the City of Rock Falls, Illinois (CRF) (Applicants) submitted on November 14, 1980 and December 24, 1980, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Projects Nos. 3740 and 3904, respectively, to be known as the Upper Sterling Water Power Project and Upper Sterling Dam, respectively, located on the Rock River in Whitside County, Sterling, Illinois. The applications are on file with the Commission and are available for public inspection. Correspondence with MMW should be directed to: Mitchell M. white and Melba M. White, 1855 Glendale Road, Clinton, Iowa 52732. Correspondence with CFR should be directed to: The Honorable Mayor, James E. Baker, City of Rock Falls, 603 West 10th Street, Rock Falls, Illinois 61071. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project No. 3740 would consist of: (1) an existing 1,400-foot long and 9-foot high broad-crested oveflow-spillway structure with 18 gated spillways, powerhouse substructure, and navigation lock, originally constructed for navigation and flood control purposes; (2) a proposed powerhouse to be located at the site of the old powerhouse and having an estimated installed capacity of 4,000 kW; (3) an existing reservoir, having a storage capacity of 7,000 acre-feet, surface area of 2,400 acres, a normal maximum surface elevation of 637 feet m.s.l., and a drainage area of 8,753 square miles; (4) a proposed 4.2 kV transmission line, 500 feet in length, to extend from the powerhouse to a switchyard belonging to Commonwealth Edison; and (5) appurtenant facilities.

MMW estimates that the average annual energy output would be 21,199,000 kWh.

The proposed Project No. 3904 would consist of: (1) an existing 1,400-foot long and 9-foot high broad-crested overflow-spillway structure with 18 gated spillways, powerhouse substructure, and navigation lock, originally constructed for navigation and flood control porposes; (2) an existing reservoir having a storage capacity of 7,000 acre-feet, surface area of 2,400 acres, a normal maximum surface elevation of 637 feet m.s.l., and a drainage area of 8,753 square miles; (3) a proposed powerhouse having an estimated installed generating capacity of 4,000 kW; (4) a proposed 4.16/12.5 kV electrical substation to be located adjacent to the dam on the south bank of the Rock River; (5) two proposed 12.5 kV transmission lines connected to the new substation and an existing 12.5 kV loop which goes to the City of Rock Falls Centennial Park Substation; (6) a proposed 4.16 kV transmission line to tie into the North Substation and provide back-up power; (7) a proposed 4.16 feeder outlet; and (8) appurtenant facilities.

CRF estimates that the average annual energy output would be 16,000,000 kWh.

The proposed project does not affect Federal lands.

Purpose of Project—MMW proposes to sell the generated output of energy to Commonwealth Edison. CRF proposes to utlizie the generated output of energy within their own system.

Proposed Scope and Cost of Studies Under Permit—Both Applicants seek issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. MMW estimates that the cost of the studies would be $84,000. CRF estimates that the cost of the studies would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

petition to intervene must be received on or before May 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3740 and 3904. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7817 Filed 3-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CI64-69-000, et al.]

Shell Oil Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 9, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft³	Pressure base
CI64-69-000, D, February 23, 1981.	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Putnam Field, Woods County, Oklahoma.	(1)	
CI72-344-000, C, February 25, 1981.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Heyser Field, Calhoun and Victoria Counties, Texas.	(2)	14.65
CI81-211-000, A, February 23, 1981.	Natrex Gas & Oil Company, P.O. Box 4420, Houston, Texas 77210.	Northern Natural Gas Company, a division of Inter-North, Inc., West Cameron Block 199, Offshore Louisiana.	(3)	15.025
CI81-212-000, F, February 23, 1981 [4].	Energy Trading Inc., a wholly-owned subsidiary of Energy Reserves Group, Inc., (successor in interest to Global Gas Corporation) Post Office Box 1201, Wichita, Kansas 67201.	Arkansas Louisiana Gas Company, Kinta Field, Le Flore, County, Oklahoma.	(3)	14.65
CI81-213-000, F, February 23, 1981 [4].	do	Arkansas Louisiana Gas Company, Chismille and Centrahoma Fields, Logan and Pope Counties, Arkansas, and Coal County, Oklhoma.	(3)	14.65
CI81-214-000, F, February 23, 1981 [4].	do	Arkansas Louisiana Gas Company, Arkoma Area, Coal County, Oklahoma.	(3)	14.65
CI81-215-000, F, February 23, 1981 [4].	do	Arkansas Louisiana Gas Company, Centrahoma Field, Coal County, Oklahoma.	(3)	14.65
CI81-221-000, F, February 25, 1981 [4].	do	Arkansas Louisiana Gas Company, Cotton Valley Southeast Field, Webster Parish, Louisiana.	(3)	15.025
CI81-218-000, A, February 25, 1981.	Ocean Production Company, P.O. Box 61780, New Orleans, Louisiana 70161.	Michigan Wisconsin Pipe Line Company, Ship Shoal Block 135, in the Gulf of Mexico, Offshore Louisiana.	(3)	15.025
CI81-219-000, A, February 25, 1981.	do	Michigan Wisconsin Pipe Line Company, West Cameron Blocks 115 and 116, in the Gulf of Mexico, Offshore Louisiana.	(7)	15.025
CI81-220-000, A, February 25, 1981.	Koch Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201.	United Gas Pipe Line Company, West Cameron Block 116 "A" platform (OCS—G-2629 "A" platform) Offshore Louisiana.	(8)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft.³	Pressure base
CI81-222-000, A, February 25, 1981.	Mitchell Energy Offshore Corporation, P.O. Box 4000, The Woodlands, Texas 77380	Transcontinental Gas Pipe Line Corporation, Galveston Area, Block 189 Field, Offshore Texas.	(*).....	14.65

¹Shell Oil Company is no longer able to render service from the acreage involved in the application because it has no interest in the acreage.
²Applicant agrees to accept a Permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
³Applicant is filing under Gas Purchase Contract dated February 6, 1981.
⁴Applicant acquired an interest in the subject area from Global Gas Corporation. The assignment is effective July 1, 1979.
⁵Applicant is willing to accept the applicable rate (NGPA Section 104 Post 1974 Gas) for both temporary and permanent partial successor in interest certifications.
⁶Applicant is filing under Gas Purchase Contract dated February 4, 1981.
⁷Applicant is filing under Gas Purchase Contract dated February 4, 1981.
⁸Applicant is filing under Gas Purchase dated January 29, 1981.
⁹Applicant is filing under Gas Purchase Contract dated February 4, 1976—Ratified June 4, 1980.
Filing Code: A—Initial Service; B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage; E—Total Succession, and F—Partial Succession.

[Docket Nos. CI81-210-000, et al.]

SONAT Exploration Company (Successor in Interest to The Offshore Company and Southern Natural Resources, Inc.); Redesignation

March 9, 1981.

Take notice that on February 24, 1981, SONAT Exploration Company ("SONAT") of P.O. Box 1513, Houston, Texas 77001, as assignee of certain properties from The Offshore Company ("TOC") by means of a dividend to Southern Natural Resources, Inc., ("SNR") and a capital contribution from SNR to SONAT, filed a Joint Application for Certificates Of Public Convenience and Necessity and for Temporary Certificates authorizing the continuation of sales of natural gas produced in various fields in Offshore Louisiana and Texas and requesting that "The Offshore Company's" rate schedules be redesignated as the rate schedules of SONAT Exploration Company.

TOC, an independent producer as that term is defined by The Natural Gas Act, has transferred to SNR and SNR has contemporaneously transferred to SONAT all of TOC's interest in properties and fields in Offshore Louisiana and Offshore Texas.

The properties were transferred to SONAT on the basis of the net book value of the properties as carried on TOC's books as of the date of transfer. The transfer was accomplished by the means of a dividend to TOC's parent, SNR and a corresponding capital contribution by SNR to SONAT.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7819 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-201-000]

Transcontinental Gas Pipe Line Corp.; Application

March 9, 1981.

Take notice that on February 20, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-201-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities located offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In order to attach new gas supplies to its system from Block 223, Galveston area, offshore Texas, Applicant proposes to construct and operate approximately 4.26 miles of 6-inch pipeline extending from the "JA" Platform of Shell Oil Company in Galveston Block 223 to a subsea tie-in with an existing 12-inch segment of Applicant's North High Island System in Galveston Block 240 together with metering, regulating and other appurtenant facilities located on the platform. Applicant states that based upon the single well presently completed in Block 223 reserves, are estimated at up to 9,000,000 Mcf with deliverability of up to 10,000 Mcf per day. It is further stated that construction of the proposed facilities is scheduled to begin in June 1981 for completion the following August.

Applicant estimates the cost of the proposed facilities to be $2,480,000 which would be financed through short term loans and available cash with permanent financing being undertaken as a part of an overall long-term financing program at a later date. Applicant further asserts that no new sale or service is proposed and that the construction of the proposed facilities would not increase the delivery capacity of Applicant's main transmission system.

It is asserted that these facilities are required in order to attach available gas supplies to Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7820 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4146-000]

Twin Valleys Public Power District; Application for Preliminary Permit

March 9, 1981.

Take notice that Twin Valleys Public Power District (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4146 to be known as Harlan County Dam located on the Republican River in Harlan County, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Liess, General Manager, Twin Valleys Public Power District, Cambridge, Nebraska 69022. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 4146 would consist of: (1) a proposed 9-foot in diameter, 350-foot long penstock; (2) a proposed powerhouse located on the south bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 4.85 MW, and the annual energy output to be 4,200,000 KWh.

Purpose of Project—The purpose of the project is to develop energy that would be utilized within the Applicant's system.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including initial inventory and data collecting, hydrologic studies, project development, project costs, power production, power marketing, financial alternatives, benefit-cost evaluation and socioeconomic and environmental impacts. The cost of the aforementioned activities is estimated by the Applicant to be in the range of $35,000 to $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Continental Hydro Corporation Project No. 3394 filed on August 27, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4146. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7821 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1778-4]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities [A-104), U.S. Environmental Protection Agency.)

PURPOSE: This notice lists the environmental impact statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of March 2, 1981 to March 6, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from March 13, 1981 and will end on April 27, 1981. The 30-day review period for final EIS's as calculated from March 13, 1981 will end on April 13, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3006.

Dated: March 10, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, (202) 447-3965.

Soil Conservation Service

CORRECTION: NEWTON-HOFFMAN WATERSHED FLOOD PROTECTION, NY, FR February 6, 1981—measures listed in abstract are those which have been deleted as part of the proposed action. The proposal consists of the construction of three floodwater retarding structures at sites 12E, 5A and 2. (No. 810066.)

DEPARTMENT OF THE AIR FORCE

Contact: Dr. Carlos Stern, Deputy for Environment and Safety, (202) 697-9297.

Draft

BERGSTROM AFB INCREASED FLIGHT ACTIVITY, TRAVIS COUNTY, TEXAS, DATE FILED 3-6-81—movement of 42 to 48 RF-4C and 18 to 24 F-4D planes to the base and increased use of military routes, military operating areas and ranges. (EIS Order No. 810179.)

US ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, (202) 272-0121.

Draft

AB BROWN GENERATING STATION, POSEY COUNTY, INDIANA, DATE FILED 3-3-81—issuance of permit for construction and operation of additional units. (EIS Order No. 810171.)

Final

PUERCO RIVER AND TRIBUTARIES, McKINLEY COUNTY, NEW MEXICO, DATE FILED 3-5-81—flood control plan for improvement of local drainage and protection of the City of Gallup. Comments made by: USDA, DOC, HUD, DOI, DOT, EPA, State agencies, groups and businesses. (EIS Order No. 810174.)

LAKE WICHITA AND HOLLIDAY CREEK FLOOD CONTROL, ARCHER, CLAY AND WICHITA COUNTIES, TEXAS, DATE FILED 3-5-81—proposed raising of Lake Wichita dam in combination with placement of an earthen dam and a channel. Comments made by: FPC, EPA, DOI, HEW, DOT, State and local agencies. (EIS Order No. 810175.)

LAKE PONCHARTRAIN NAVIGATION MAINTENANCE AND SHORELINE PROTECTION, JEFFERSON, ORLEANS AND ST. BERNARD COUNTIES, LOUISIANA, DATE FILED 3-6-81—assumption of maintenance responsibilities for channel entrance and harbor, and reestablishment of dry sand beach for Fontainebleu State Park. Comments made by: DOI, EPA, DOC, USDA, DOT, HEW, AHP, State agencies, Groups. (EIS Order No. 810183.)

CORRECTION: FISHERMAN'S WHARF AREA LIGHT-DRAFT NAVIGATION IMPROVEMENTS, CA, published FR February 27, 1981—correct status is Final—comments were made by EPA, DOI, DOT, HEW, DOC, AHP, USDA, State and local agencies, and groups and businesses. (No. 810141.)

DEPARTMENT OF COMMERCE

Contact: Dr. Robert T. Miki, Acting Deputy Assistant Secretary, for Regulatory Policy, (202) 377-2462.

National Oceanic and Atmospheric Administration

Final

SHRIMP FISHERY OF THE GULF OF MEXICO, DATE FILED 3-6-81—proposed implementation of regulations for fishery management plan. Comments made by: DOT, EPA, COE, groups. (EIS Order No. 810182.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Bill Geise, Region VIII, (303) 837-4831.

Final Supplement

GREELEY WASTEWATER FACILITES (FS-1), WELD COUNTY, COLORADO, DATE FILED 3-5-81—considers additional facility and management alternatives and supplements FEIS 781709 filed 12-7-79. Comments made by: HEW, HUD, State and local agencies, groups, individuals and businesses. (EIS Order No. 810178.)

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality (202) 357-8228.

Anyone desiring to protest or file a petition to intervene with the FERC on the basis of a draft EIS listed below should do so in accordance with the requirements of FERC's Rules of Practice and Procedure, 18 CFR 1.8, 1.10 (1979), within the time period set forth in this notice, unless otherwise stated.

Draft

TYEE LAKE HYDROELECTRIC PROJECT #3015, WRANGELL, ALASKA, DATE FILED 3-2-81—issuance of license to construct, operate and maintain project located within Tongass National Forest. (EIS ORDER No. 810170.)

CORRECTION: Staten Island LNG Project, NY, published FR February 27, 1981—time extension contained incorrect date—the comment period will terminate on April 15, 1981. (No. 810145)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality (202) 755-6300.

Final

VILLAGE NINE SUBDIVISION, MESA COUNTY, COLORADO, DATE FILED 3-2-81—issuance of mortgage insurance for 160 acre development containing 831 dwelling units. Comments made by: AHP, COE, EPA, HHS, DOC, DOI, State Agencies. (EIS ORDER No. 810166.)

Section 104H

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

NEW YORK CITY UNSAFE BUILDING PROGRAM, NEW YORK, DATE FILED 3-2-81—awarding of CDB grant for sealing of 1,500 buildings and demolition of 13,000 dwelling units (or 2,415 buildings). (EIS ORDER No. 810169.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review (202) 343-3891.

Bureau of Land Management

Draft

SUN VALLEY LIVESTOCK GRAZING MANAGEMENT PLAN, BUTTE, BLAINE, CAMAS AND ELMORE COUNTIES, IDAHO DATE FILED 3-3-81—modification of grazing management plan for 245,000 acres of the Sun Valley area. (EIS ORDER No. 810172.)

EXTENSION: The review period for the above EIS has been extended until April 30, 1981. (No. 810172.)

Final

LOWER COOK INLET-SHELIKOF STRAIT OCS SALE #60, ALASKA, DATE FILED 3-2-81—proposed leasing of 153 blocks of OCS lands for the exploration and production of oil and gas. Comments made by: USDA, FERC, DOT, DOI, DOC, AHP, EPA, State and Local Agencies, Groups, Individuals, and Businesses. (EIS ORDER No. 810168.)

Fish and Wildlife Service

EXTENSION: Fish and Wildlife Coordination Act, published FR December 24, 1980—review period has been extended until March 25, 1981. (No. 800980.)

DEPARTMENT OF LABOR

Contact: Ms Joanne Lindhart, Chief, Office of Environmental Impact Assessment (202) 523-7111.

WITHDRAWAL: Hazards Identification Standard, published FR March 6, 1981—has been officially withdrawn. (No. 810148.)

US DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, (202) 426-4357.

Federal Highway Administration

Draft

LONG ISLAND EXPRESSWAY IMPROVEMENT, QUEENS COUNTY, NEW YORK, DATE FILED 3-6-81—financial assistance for ramp rearrangement, roadway widening and a continuous service road system. (EIS Order No. 810181.)

Final

TENTH STREET/TAYLOR ROAD EXTENSIONS, BARTHOLOMEW COUNTY, INDIANA, DATE FILED 3-3-81—extension of Tenth Street from US 31 to IN-46 and Taylor Road from IN-46 to Marr Road. Comments made by: DOI, EPA, HUD, USDA, State Agencies. (EIS Order No. 810167.

LA-70 RELOCATION AT PIERRE POINT, ASSUMPTION PARISH, LOUISIANA, DATE FILED 3-4-81—issuance of federal aid for relocation to 0.4 mile south of Pierre Part to Pierre Part Bridge. Comments Made by: DOT, COE, EPA, USDA, GSA, DOI, State, and local agencies. (EIS Order No. 810173.)

132ND STREET SE IMPROVEMENT AND EXTENSION, SNOHOMISH COUNTY, WASHINGTON, DATE FILED 3-6-81—proposed widening from WA-527 to Seattle Hill Road. (DOT has not approved extension of 132nd Street as part of the proposed action of this FEIS). Comments made by: EPA, DOI, COE, State and local agencies, groups, individuals and businesses. (EIS Order No. 810177.)

EXTENSION: US-24 BYPASS, COLORADO SPRINGS, CO., published FR January 30, 1981—review period has been extended to April 6, 1981. (No. 810047.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Mohamed T. El-Ashry, Director, Environmental Quality, (615) 632-6450.

Final

ALTERNATIVE ELECTRIC POWER RATE STRUCTURES, DATE FILED 3-6-81—proposed is the adoption and implementation of alternative rate structures. Comments made by: HUD, TREA, EPA, State and local agencies, individuals. (EIS Order No. 810176.)

[FR Doc. 81-7630 Filed 3-12-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee; Amateur Radio Services Subcommittee; Meeting

February 20, 1981.

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Amateur Radio Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Friday, March 27, 1981. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-110, 1229 20th Street, N.W., Washington, D.C. at 10:00 A.M.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items:

1. Opening of meeting
a. Statement by Chairman
b. Introductions
c. Approval of summary minutes of the May 16, 1980 meeting.
2. Presentation of Tacoma-based ARS emergency communications plans and Connecticut-based EBS/ARS interface plans—Subcommittee members involved in plans submitted
3. Reports on assigned activities:
a. *Introduction to NIAC:* Mr. Neumann, FCC staff; Mr. Rentfrow, FCC staff
b. *Local Government Planning:* Mr. Bino, Mr. Estevez, Mr. Flinn
c. *Broadcast Services:* Mr. Payne
d. *Citizens Band:* Mr. Flinn
e. *Red Cross & Salvation Army:* Mr. Estevez, Mr. Lindholm
f. *Independent Traffic Nets:* Mr. Estevez, Mr. Lindholm
g. *Radio Amateur Civil Emergency Service:* Mr. Obradovich
h. *Military Affiliate Radio System:* Mr. Dunn, Mr. Hurd
4. Analysis of regulations restricting emission mode experimentation as related to emergency communications—Mr. Green, Mr. Imlay, Mr. Payne
5. Electromagnetic Pulse, Part II—Mr. Meserve
6. Non-RACES emergency drills—Mr. Imlay
7. Three Mile Island and emergency communications—Mr. Obradovich
8. Proposed plain English amateur radio rules (Part 97)—Mr. Imlay
9. ARS use of commercial satellites for emergency communications—Mr. Green
10. New business
11. Federal agency and public comments
12. Adjournment

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Executive Secretary, National Industry Advisory Committee, at the FCC on (202) 632-7232.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7626 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1272]

Petitions for Reconsideration of Actions in Rule Making Proceedings

March 5, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR § 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before March 30, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry). (Docket No. 20828)

Filed by: Alfred A. Green, George Finkelstein, M. Robert Kestenbaum & Michael J. Holliday, Attorneys for American Telephone and Telegraph Company on 2-20-81.

Victor J. Toth & Mary F. Dominiak, Attorneys for Wisconsin Telecommunication Contractors Association on 2-20-81.

Herbert E. Marks & Laurel R. Bergold, Attorneys for Independent Data Communications Manufacturers Associations Inc., on 2-20-81.

John M. Lothschuetz & Carolyn C. Hill, Attorneys for United Telephone System, Inc., on 2-20-81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7627 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1274]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

March 6, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR § 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before March 30, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 64.702 of the Commission's Rules and Regulations

(Second Computer Inquiry). (Docket No. 20828)

Filed by: Richard McKenna, Attorney for GTE Service Corporation, on February 20, 1981.

Subject: Amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method ("Petition for Clarification"). (Docket No. 20188)

Filed by: Richard M. Cahill, Richard McKenna and James R. Hobson, Attorneys for GTE Service Corporation, on february 13, 1981.

Federal Communications Commission.

William Tricarico,

Secretary.

[FR Doc. 81-7820 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-130 and 81-131; File Nos. BPCT-800229KF and BPCT-791221KF]

Springfield Television of Washington, Inc., and JusDan, Inc.; Hearing Designation Order

Adopted: February 27, 1981.

Released: March 6, 1981.

By the Chief, Broadcast Bureau.

In re Applications of Springfield Television of Washington, Inc., Spokane, Washington, [BC Docket No. 81-130 File No. BPCT-800229KF]; JusDan, Inc., Spokane, Washington, [BC Docket No. 81-131 File No. BPCT-791221KF]; For a Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Springfield Television of Washington, Inc. (STW) and JusDan, Inc. (JusDan) for a new commercial television station to operate on channel 28, Spokane, Washington.

Springfield Television of Washington, Inc.

2. Analysis of the financial data submitted by STW reveals that $1,182,205 will be required to construct the proposed station and operate it for three months, without revenue, itemized as follows:

Equipment down payment	$360,218
Equipment payments with interest (three months)	88,127
Additional equipment	375,000
Land	32,486
Building	50,000
Miscellaneous	78,000
Operating cost (three months)	198,372
Total	1,182,205

STW is a wholly owned subsidiary of Springfield Television Corporation (STC).[1] STW plans to finance construction and operation from the proceeds of $3,500,000 loan to its parent corporation from the Massachusetts Mutual Life Insurance Company. STW has failed to document STC's commitment to make any of its financial resources available to the applicant. Moreover, the letter from Massachusetts Mutual Life does not comply with the requirements of Question 4(e), Section III, FCC Form 301. For these reasons and the reasons set forth in footnote 1, the Commission cannot find that any funds are available to the applicant. An appropriate issue will be specified to determine whether the applicant has available to it the $1,182,205 needed for construction and operation costs.

JusDan, Inc.

3. Analysis of the financial data submitted by JusDan indicates that $259,671 will be required to construct the proposed station and operate it for three months, itemized as follows:

Equipment lease fee	$12,000
Legal costs	10,000
Engineering costs	3,000
Installation costs	10,000
Miscellaneous	10,000
Operating costs (three months)	214,671
Total	259,671

4. To finance construction and operation in the above amount, JusDan intends to rely upon funding commitments from its shareholders. The balance sheets of each of the shareholders show that each has insufficient liquid assets to meet his or her commitment (totalling $300,000).[2] An appropriate issue will be specified.

	Percent of current stock	Commitment	Net liquid assets
Robert Hamacher (w/wife Renate)	51	$153,000	$5,530
Regina Hamacher (Robert's mother)	19	57,000	42,850
David Gum (w/wife Nancy)	15	45,000	3,900
Richard Schalngold (w/wife Joan)	15	45,000	*13,900

*Assuming no current liabilities.

5. JusDan has only shown $3,534 in net liquid assets. While the applicant lists land purchased for $265,950 as an operational asset, land is not a liquid asset. *Rose Broadcasting Co.*, 69 FCC 2d 1242, 43 RR 2d 1317 (1978). Accordingly, a financial issue concerning JusDan's ability to meet $259,671 in construction and operation costs will be specified.

6. JusDan has not submitted U.S.G.S. 7.5' topographic maps to enable the Commission to accurately determine the average terrain of the proposed service area as required by Question 13(a), Section V-C, Page 2, FCC Form 301 and Section 73.684(g) of the Rules. Accordingly, JusDan is directed to furnish the 7.5' topographic maps within 20 days of the release of this order.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine, with respect to Springfield Television of Washington, Inc.:

(a) Whether the applicant has available to it $1,182,205 needed for construction and operation costs;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

2. To determine, with respect to JusDan, Inc.:

(a) Whether the applicant has available to it $259,671 needed for construction and operation costs;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in the Order.

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[1] STW has not submitted a current balance sheet as required by Section III, Page 2, Question 2, FCC Form 301. STW has only submitted a balance sheet for the period ending September, 1979, for its parent, STC. STC's balance sheet is dated beyond the close of a month within 90 days of the date of the application and is therefore not current.

[2] The stockholders entered into agreements to lend JusDan money and/or to purchase stock:

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of and notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 81-7823 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-116]

First City Federal Savings and Loan Association, Bradenton, Fla.; Approval of Post-Approval Amendment of Conversion Application (Notice of Final Action)

Dated: March 10, 1981.

Notice is hereby given that on February 24, 1981, the Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), through the exercise of delegated authority, approved an amendment to the application of First City Federal Savings and Loan Association, Bradenton, Florida ("Association"), providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than $14,250,000 nor more than $19,250,000. The conversion application of the Association was approved on January 21, 1981, by Board Resolution 81-32, which Resolution required that the conversion stock be sold for an aggregate price within a range from $13,200,000 to $17,750,000. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street NW.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-7889 Filed 3-12-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. T-3951, T-3952 and T-3953]

Availability of Findings of no Significant Impact

Having completed environmental assessments, the Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3951, a non-exclusive preferential assignment agreement between the Port of Seattle, Washington, and Hanjin Container Lines, Ltd., providing for Hanjin's use of ten acres of land within the port complex for storage and handling of containers, berth space subject to availability, and use of a container crane.

Agreement No. T-3952, which renews a terminal, stevedore and LCL service agreement between Global Terminal and Container Services, Inc., and Korea Shipping Corporation in the Port of New York.

Agreement No. T-3953, which renews a terminal, stevedore and LCL service agreement between Global Terminal and Container Services, Inc., and Orient Overseas Container Lines, Inc., in the Port of New York.

The Findings of No. Significant Impact (FONSI) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI's and related assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5727.

Francis C. Hurney,

Secretary.

[FR Doc. 81-7886 Filed 3-12-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 5, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (financing and insurance activities; St. Matthews, Kentucky): to engage through its subsidiary, Sunamerica Corporation, in the activities of making or acquiring loans which may exceed $10,000 and may be secured by equity in real property; acquiring installment contracts from retail sellers covering the time sales of goods and related services; making or acquiring loans and other extensions of credit to businesses (including inventory financing); making or acquiring extensions of credit secured by personal property lease contracts; and acting as agent or broker for the sale of credit life, credit accident and health, and property and casualty insurance directly related to such extensions of credit. Any credit life and credit accident and health insurance sold in connection with the proposed activities will be reinsured through Sun States Life Insurance Company or Great Lakes Insurance Company, indirect subsidiaries of the Applicant. The

activities will be conducted from an office in St. Matthews, Kentucky, serving the State of Kentucky.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Seafirst Corporation, Seattle, Washington (insurance activities; Arizona, California and Nevada): to act as agent, through its subsidiary, Seafirst Insurance Services Corporation, for the sale of mortgage life and accident and health insurance directly related to extensions of credit by Seafirst Corporation or its subsidiaries. These activities would be conducted from the main offices of Seafirst Insurance Services Corporation in Seattle, Washington, serving Arizona, California and Nevada, and from offices of Seafirst Corporation or its subsidiaries located in Phoenix, Mesa, Lake Havasu City and Tuscon, all in Arizona; Walnut Creek, Sacramento, Fairfield, Irvine and Pleasant Hill, all in California; and Las Vegas, Nevada, and serving those states. Comments on this application must be received not later than April 1, 1981.

C. *Other Federal Reserve Banks:* None

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7931 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 7, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120.

Wells Fargo & Company, San Francisco, California (finance activities; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont): to engage, through its subsidiary, Wells Fargo Business Credit, in making or acquiring loans or extensions of credit, and commercial loans secured by a borrower's inventory, accounts receivable, or other assets; servicing loans in accordance with the Board's Regulation Y. These activities would be conducted from an office in Hasbrouck Heights, New Jersey servicing Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Rhode Island and New Jersey.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve system, March 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7915 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

First Marlow Bancshares, Inc.; Formation of Bank Holding Company

First Marlow Bancshares, Inc., Marlow, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank in Marlow, Marlow, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7930 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

Person Banking Company, Inc.; Acquisition of Bank

Person Banking Company, Inc., Forsyth, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 65.73 per cent or more of the voting shares of The Bank of Perry, Perry, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7916 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

Rice Lake Bancorp, Inc.; Formation of Bank Holding Company

Rice Lake Bancorp, Inc., Rice Lake, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Dairy State Bank, Rice Lake, Wisconsin. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7917 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

University National Bancshares of San Antonio, Inc.; Formation of Bank Holding Company

University National Bancshares of San Antonio, Inc., San Antonio, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of University National Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7932 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

Valley National Corp.; Formation of Bank Holding Company; Correction

This notices corrects a previous Federal Register document (FR Doc. 81-6823) published at page 14821 of the issue for Monday, March 2, 1981. The applicant's locations, and the types of activities have been corrected.

Valley National Corporation, Phoenix, Arizona, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Valley National Bank of Arizona, Phoenix, Arizona. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Valley National Corporation, Phoenix, Arizona, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to establish *de novo* a consumer and dealer finance and consumer leasing company in Albuquerque, New Mexico, and acquire indirectly Western Security Life Insurance Company and Concho Investment Corporation, both of Phoenix, Arizona.

Applicant states that the proposed subsidiaries would engage in the activities of making or acquiring, for its own account and the account of others, and servicing loans and other extensions of credit such as would be made by a finance company; making and servicing consumer leases for its own account and the account of others; and acting as agent for the sale of, and underwriter for, credit life insurance and credit accident and health insurance directly related to extensions of credit by The Valley National Bank of Arizona.

The financing and leasing activities would be performed from offices of Applicant's subsidiary in Albuquerque, New Mexico, and the geographic area to be served is the State of New Mexico, and the insurance activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic area to be served is the State of Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 28, 1981.

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker

Assistant Secretary of the Board.

[FR Doc. 81-7928 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

West Coast Bancorp; Formation of Bank Holding Company

West Coast Bancorp, Newport, Oregon, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Bank of Newport, Newport, Oregon. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than April 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7834 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Grants for Health Education-Risk Reduction; Notification of Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control announces that State and local health authorities are requested to apply for fiscal year 1981 Health Education-Risk Reduction grants to assist them in developing and implementing health eduction programs for their populations. This grant program is authorized under Section 1703(a), Title XVII, of the Public Health Service Act (42 U.S.C. 300u-2(a)) and Section 402(a)(2) of Pub. L. 95-626. The Catalog of Federal Domestic Assistance Number is 13.981.

The purpose of the Health Education-Risk Reduction program is to assist State and local health agencies to initiate, evaluate, strenghten, and deliver health education-risk reduction programs. The grants will encourage the organization of health education efforts by public, private, and voluntary agencies to reduce the risks of premature death and disability associated with smoking, alcohol use, obesity, hypertension, stress, and other preventable health conditions and chronic diseases affecting the health of the American people. Methods to determine the prevalence of risk factors related to preventable health conditions and chronic deseases will be established by the grantees for consistent monitoring of the status of risks within communities and for further refinement and development of future Health Education-Risk Reduction programs. Also included in the program are demonstration and evaluation, community or school-based projects designed to deter smoking and the use of alcoholic beverages among children and adolescents.

It is expected that $16 million will be available in fiscal year 1981. These funds will be sufficient to award approximately 54 continuation grants, with the average award expected to be $296,000 and ranging from $30,000 to $1,500,000. Continuation grants within the approved project period are made on the basis of satisfactory progress in meeting project objectives and will be funded for 11 months. The funding estimates outlined above may vary and are subject to change due to uncertainties in the appropriation process. No new applications and/or competitive supplements to the existing grants will be accepted for review, evaluation, and funding during fiscal year 1981. The deadline for submitting continuation applications in fiscal year 1981 is April 30, 1981. Continuation applications will be subject to review as governed by OMB circular A-95 and the National Health Planning and Resources Development Act, Pub. L. 93-641, as amended.

Program announcements, information on application and review procedures, the consequences of late submission, and other materials may be obtained from the Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333, or the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: March 2, 1981

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

Department of Health and Human Services (HHS)

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223-6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264-2561

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521-35 Market Street; Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353-1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767-3879

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291

Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837-4461

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-5810

Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442-0430

[FR Doc. 81-7881 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Compilation of Preambles for Cosmetic Documents; Cumulative Supplement; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a cumulative supplement of the preamble compilation. This supplement contains significant preambles of published **Federal Register** documents relating to Cosmetic regulations, from April 1978 through March 1980.

ADDRESS: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Lola Batson, Federal Register Writer's Office (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: The preamble compilation series has been structured around the current organizational scheme for Food and Drug Administration regulations issued under Chapter I of Title 21 of the Code of Federal Regulations. This compilation is part of a comprehensive effort to make available to the public and the agency a central source for tracing, by subject, the historical development of agency regulations.

The notice of availability for the Cosmetic original volume was published in the **Federal Register** of October 31, 1980 (45 FR 72290). The agency will publish in the **Federal Register** a notice of availability for each volume and pocket supplement as they become available.

The supplement for the Cosmetic volume may be purchased from the Superintendent of Documents (address above) for $3.00. To order, reference GPO stock No. 017-015-00182-2

Dated: March 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7835 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Radiology Device Section of the Obstetrics-Gynecology and Radiologic Devices Panel

Date, time, and place. April 2 and 3, 9 a.m., Rm. 703-727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, April 2, 9 a.m. to 10 a.m. open committee discussion, April 2, 10 a.m. to 5 p.m.; open public hearing, April 3, 9 a.m. to 10 a.m.; open committee discussion April 3, 10 a.m. to 4 p.m.; Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7228.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present information pertinent to nuclear magnetic resonance imaging and related health and safety issues, and on microwave/RF hyperthermia for use in cancer therapy. Those desiring to make formal presentations should notify the contact person by March 23, 1981, and submit a brief statement of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Section will be apprised of current knowledge and issues related to nuclear magnetic resonance imaging and microwave/RF hyperthermic cancer therapy, and will review a premarket approval application for a microwave/RF hyperthermic cancer therapy system.

Applications for reimbursement. Must be received by March 23, 1981.

Arthritis Advisory Committee

Date, time, and place. April 2 and 3, 9 a.m., Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, April 2, 9 a.m. to 11 a.m.; open public hearing, April 2, 11 a.m. to 12 m.; open committee discussion, April 2, 12 m. to 5 p.m., April 3, 9 a.m. to 12 m.; John Harter, Bureau of Drugs (HFD-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4260.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss the functions of advisory committees; review of previous action items and current works; the Disease Modifying Anti-Rheumatic Drugs Subcommittee will discuss long-term gold toxicity; the Aspirin Database Subcommittee will discuss the develoment of suitable automated data format.

Applications for reimbursement. Must be received by March 23, 1981.

Gastroenterology-Urology Device Section of the General Medical Devices Panel

Date, time, and place. April 13, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Norman T. Welford, Bureau of Medical Devices (HFK-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or reviews, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person before March 23, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Committee will discuss the comments on the proposed regulations of the Gastroenterology-Urology Device Section of the General Medical Devices Panel published on January 23, 1981. The Section will also discuss criteria needed for determining substantial equivalence of new hemodialyzers to similar products of comparable type in commercial distribution.

Applications for reimbursement. Must be received by March 30, 1981.

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. April 13 and 14, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, April 13, 9 a.m. to 10 a.m., open committee discussion, April 13, 10 a.m. to 5 p.m.; open public hearing, April 14, 9 a.m. to 10 a.m.; open committee discussion, April 14, 10 a.m. to 5 p.m.; Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7538.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information pertinent to intraocular lenses and intraocular lens clinical investigation (April 13) and contact lenses and contact lens products (April 14). Those desiring to make formal presentations should notify the contact person by March 27, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Section will discuss the effects of ultraviolet radiation on aphakics, the classification of sodium hyaluronate, and questions concerning the possible biodegradation of nylon intraocular lens support material. It will also conduct reviews of premarket approval applications of intraocular lenses and may discuss other statistical/epidemiological questions pertaining to intraocular lenses (April 13); the Section will also conduct review of premarket

approval applications for contact lens products (April 14).

Applications for reimbursement. Must be submitted by March 30, 1981.

Hematology and Pathology Device Section of the Clinical Chemistry and Hematology Devices Panel

Date, time, and place. April 20, 9 a.m., Spring Rm. East, Holiday Inn, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Nabeeh Mourad, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7234.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person by April 10, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Section will make classification recommendations on (1) blood-grouping sera; (2) anti-human serum; and (3) administration sets packaged with blood derivatives. The Section will also review and comment on the reclassification petition under section 513(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(e)) by Travenol Laboratories, Inc., Deerfield, IL, for its Seal-less Centrifugal Automated Blood Cell Separators.

Applications for reimbursement. Must be received by April 1, 1981.

Psychopharmacologic Drugs Advisory Committee

Date, time, and place. April 23 and 24, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 23, 9 a.m. to 10 a.m.; open committee discussion, April 23, 10 a.m. to 5 p.m. April 24, 9 a.m. to 5 p.m.; Cynthia Rushing, Bureau of Drugs (HFD-120), food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3870.

General function of the committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will evaluate the safety and efficacy of Nylidrin (Arlidin) ε for the treatment of symptoms of the aged; and Penfluridol (Semap) ε a new antipsychotic; and review proposed revisions to the "Guidelines for Clinical Evaluation of Hypnotic Drugs."

Applications for reimbursement. Must be submitted by April 2, 1981.

Miscellaneous Internal Drug Products Panel

Date, time, and place. April 25 and 26, 9 a.m., Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, April 25, 9 a.m. to 10 a.m.; open committee discussion, April 25, 10 a.m. to 4:30 p.m., April 26, 8 a.m. to 3 p.m.; John R. Short, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6156.

General function of the Committee. The Committee reviews and evaluates data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who wish to make such a presentation should notify the contact person before April 17, 1981, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Applications for reimbursement. Must be received by April 3, 1981.

Ear, Nose, and Throat Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. April 27 and 28, 9 a.m., Rm. 703A-727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, April 27, 9 a.m. to 11:30 a.m.; open committee discussion, April 27, 1 p.m. to 4:30 p.m.; open public hearing, April 28, 9 a.m. to 11:30 a.m.; open committee discussion, April 28, 1 p.m. to 4:30 p.m.; Harry R. Sauberman, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-442-7537.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person by April 13, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Section will review and discuss (1) safety and efficacy of the argon laser for applications in otolaryngology; (2) petitions for reclassification of the argon laser (that have completed agency scientific review); (3) questions pertaining to FDA's investigational device exemption (IDE) regulation; (4) comments on FDA's hearing aid testing program at Winchester Engineering and Analytical Center (WEAC) and reported findings; (5) labeling of hearing aid batteries; (6) proposed premarket approval guidelines for tinnitus masking devices; and (7) other matters that may come to the attention of the Section relating to safety and efficacy of ear, nose, and throat devices.

Applications for reimbursement. Must be received by April 6, 1981.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for

the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE-88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301-443-3170.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: March 5, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7782 Filed 3-10-81; 10:40 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by LeRoy M. Gomez, District Director, Denver District Office, Denver, CO.

DATE: The meeting will be held at 1 p.m., Wednesday, March 18, 1981.

ADDRESS: The meeting will be held at the Natrona County Public Library, Crawford Rm., 307 E. 2d, Casper, WY 82601.

FOR FURTHER INFORMATION CONTACT: Grace P. Paavola, Consumer Affairs Officer, Food and Drug Administration, 500 U.S. Customhouse, Denver, CO 80202, 303-837-4915.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Denver District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7534 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79M-0438]

Cooper Vision, Inc.; Premarket Approval of Permalens ® (Perfilcon A) Hydrophilic Contact Lens for Nonaphakic Extended Wear

Correction

In FR Doc. 81-6852 appearing at page 14969 in the issue of Tuesday March 3, 1981, Make the following Correction:

On page 14969, in the third column, in the first paragraph, in the ninth line from end of paragraph "(21 U.S.C. 360e(e)(1)(1))" should read, "(21 U.S.C. 360e(e)(1)(F)".

BILLING CODE 1505-01-M

Office of Human Development Services

[Program Announcement No. 13652-811]

Regional Adoption Resource Centers Demonstration Program

AGENCY: Administration for Children, Youth and Families Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Grant Funds for a regional Adoption Resource Center Demonstration Program in DHHS Region VIII.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for a Regional Adoption Resource Center grant in DHHS Region VIII for Fiscal Years, 1981, 1982, 1983. This program is authorized under Public Law 95-266, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (Title II, Adoption Opportunities, 42 U.S.C. 5113).

DATES: Closing date for receipt of applications is May 27, 1981.

Scope of This Announcement

The purpose of this announcement is to solicit a replacement grantee to carry out the objectives of the Adoption Resource Centers Demonstration Program for the final three years of the five year program. The current Region VIII ARC has been operating continuously since October 1, 1979 to the present. Workplans from the first and second year program activity will be provided as part of the application kit to give all potential applicants a description of the background and program activities of the Region VIII Adoption Resource Center from October 1, 1979 to the present.

The ACYF is announcing the availability of $283,568 for one grant to support a project which will be administered in the states of Colorado, Utah, Wyoming, Montana, North Dakota and South Dakota.

Program Purpose

The purpose of the Regional Adoption Resource Centers Demonstration Program is to provide assistance to public and private, voluntary agencies to improve the quality of their adoption services and to eliminate barriers to the adoption of special needs children, which includes minority, handicapped, sibling groups and older children.

Program Goals and Objectives

The goal of the overall demonstration program is to establish a Regional Adoption Resource Center in each of the ten (10) DHHS Regions. The network of

Regional Adoption Resource Centers is intended to be a major component of DHHS's activities directed toward carrying out the provisions of Title II of Pub. L. 95–266.

Applications for the project should demonstrate that the proposed project is capable of achieving all of the following program objectives:

- Identify and assess the adoption resources and practices within the geographical boundaries of the DHHS Region in which it operates.
- Establish a Regional adoption information clearinghouse in DHHS Region VIII.
- Provide a regional resource to assist and facilitate the growth and development of a national adoption information exchange system and implement strategies which will result in effective exchange activities (state and regional within the region).
- Facilitate inter-State and intra-State communication and coordination of program innovations and adoption planning processes.
- Establish and/or improve adoption and adoption related training programs in the States and other agencies and organizations in the Region with direct or indirect involvement in adoption services.
- Assist states and local agencies and organizations within DHHS Region VIII to address Region-specific objectives for improving and expanding adoption services.
- Establish the necessary linkages between foster care and adoption services.
- Provide support and financial assistance to parent groups in the planning, improving, developing and carrying out of programs and activities related to adoption. (Applicants will be responsible for conducting a competitive grant award process and awarding sub-grants to parent groups.)
- Implement specific strategies which will increase the numbers of adoptions of minority children.

Program Performance Guidelines

The Region VIII Adoption Resource Center will be required to submit a quarterly report based on the Program Performance Guidelines (A copy will be included in the application kit.)

The purpose of these guidelines and the reporting system is to provide program accountability to the government and the Congress for the funds which have been allocated to these Resource Center grants.

The performance standards will be self-administered and the results will document the quality and quantity of the Resource Center's work with respect to each objective. The Steering Committee for each Regional Center will be responsible for reviewing and commenting on the report. The designated Government Project Officer and the assigned Regional Office staff person will be responsible for validating the report's findings.

Eligible Applicants

Public and private, nonprofit organizations, including institutions of higher learning may apply for a grant under this program announcement.

In order to be considered eligible the applicant must provide a written assurance that the applicant has been physically located in the DHHS Region VIII states it proposes to serve for a minimum of one year prior to the time the application is submitted. (Applications must include this assurance in order to be reviewed.)

Special Conditions for Funding

In order to be considered for review and funding, applicants must meet the following special conditions.

—The applicant must provide documentation that a fiscal audit has been completed by a CPA within the last two years, and that the audit shows that the agency has established an adequate accounting system with appropriate controls to safeguard assets, check the accuracy and reliability of accounting data and promote operating efficiency adequate to administer the project proposed under the program announcement.

—It is expected that substantive programmatic activities of the ARC will not be financed through a sub-grant or subcontract mechanism.

—It is expected that the management/administrative office will be located in close proximity to the program office in order to reduce overall management costs.

Available Funds

The FY '81 funds allocated for the Region VIII ARC is $283,586. The project will be supported through September 29, 1984 and the initial grant will sustain the budget for the first 12 months of the project. Continuation funding will depend upon the satisfactory performance of the project and the availability of funds. The assessment of satisfactory performance will be performed by ACYF on at least an annual basis and will be a major factor in consideration of all funding requests subsequent to the initial grant award.

Grantee Share of the Project

There is no cost sharing or matching requirement for grants under this program.

Availability of Forms

Applications for a grant under the Region VIII Adoption Resource Center must be submitted on standard forms provided for this purpose. Application kits which include the forms, instructions and program information, including the Priority Statement may be obtained in writing from: Patricia Campiglia, Children's Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013. Attention: 13652–811, Telephone: (202) 755–7730.

Application Submission

One signed original and two copies of the grant application are required. However, in order to facilitate processing of a grant application, an additional six copies should be submitted to: Grants Management Branch, Office of Human Development Services, Department of Health and Human Services, Room 1740, North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. Attention: 13652–811.

Each of the Directors of Social Services of the states in Region VIII will have an opportunity to review all applications submitted from Region VIII. The Directors will submit their written comments to ACYF Central Office program staff. Therefore, one copy of each proposal should be sent to the following Directors of Social Services who are participating in the review process:

Ruben A. Valdez, Executive Director, Department of Social Services, 1575 Sherman Street, Denver, Colorado 80203
John La Faver, Director, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59601
T. N. Tangedahl, Executive Director, Social Service Board, State Capitol, Bismarck, North Dakota 58505
Anthony W. Mitchell, Ph. D, Executive Director, Department of Social Services, 150 W. North Temple Street, Salt Lake City, Utah 84110
Bruce Hesse, Administrator, Office of Children, Youth and Family Services, Department of Social Services, Richard F. Kneip Building, Pierre, South Dakota 57501
Jerry B. Wight, Administrator, Division of Public Assistance and Social Services, Department of Health and Social Services, Hathaway Building, Cheyenne, Wyoming 82002

The applicant must clearly identify the program announcement number for which the application is to compete. The

application must be signed by an individual authorized to act for the applicant institution and to assume for the institution the obligations imposed by the terms and conditions of the grant award.

A-95 Notification Process

The Regional Adoption Resource Centers Demonstration Program is included in the provision of OMB Circular A-95. Applicants for grants must, prior to the submission of an application, notify both the state and areawide A-95 Clearinghouse of their intent to apply for federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 20, 1977) for information on how they can meet the A-95 requirement.

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration of Children, Youth and Families.

Additionally, the review process will include:

(1) Written comments from the Directors of Social Services in the six states in Region VIII;

(2) A financial review by staff in the OHDS Grants Management Branch;

(3) Written comments from the Region VIII OHDS program staff and Central Office staff; and,

(4) Comments received from the A-95 clearinghouses.

The results of the entire review process will assist the Commissioner for Children, Youth and Families in considering competing applications. The Commissioner will give special consideration to the applicant(s) which demonstrate(s) its interest and capability as an organization to continue to maintain and improve adoption services. This grant will serve to enrich and augment the applicant's current involvement in the field of adoption. This must be demonstrated in the following ways:

(1) The applicant must demonstrate substantive current or previous experience in working with an adoption program in the State from which it applies or in nearby States. Experience could include the following elements: the development and/or implementation of training and technical assistance programs in adoption; provision of adoptive services; advocacy for the adoption needs of waiting American children; or involvement with adoption exchanges;

(2) The applicant must describe ongoing regional support to adoption services and programs when the grant funds end; and,

(3) The applicant must demonstrate its capability to serve all parts of the Region including Indian reservations and military installations.

If the Commissioner has reached a decision to disapprove a competing grant application, the unsuccessful applicant is notified in writing.

Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, and the total period for which project support is comtemplated.

Criteria for Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated by a panel of reviewers against the following criteria:

1. The applicant demonstrates that the project objectives are capable of achieving the specific grant program objectives defined in this announcement including:

- a presentation of the methods for assisting state agencies in coordinating and/or improving their adoptive services and practices and in improving the regional adoption exchange techniques;
- a discussion of the project's expected impact in the Region;
- a discussion of the applicant's demonstrated ability to complete the project within the proposed time schedules;
- a presentation of the methods to establish a Steering Committee to provide leadership and consultation to the Resource Center; and
- the applicant's written assurance that the Regional Resource Center will cooperate with the tasks and activities of the contractor responsible for implementing the national information exchange system.

2. The applicant adequately describes the current available adoption services and resources in the states of the Region to be served and demonstrates an understanding of the major issues of adoption reform and of the need to improve adoption services and practices.

3. The applicant documents organizational capacity and plan for emphasis on program resources servicing racial and ethnic minority families, including specific capacity to employ professional and administrative level minority personnel.

4. The applicant demonstrates the adequacy of its facilities, resources and proposed organizational structure and documents the capability of the proposed staff and insures that the proposed project personnel are or will be well qualified in the field of child welfare services.

5. The estimated cost to the Government is reasonable considering the anticipated results and the applicant's written assurance of adequate fiscal management accountability and record keeping procedures. The budget shall provide sufficient funds for staff attendance at all required regional and national meetings.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is May 27, 1981. An application will be considered received on time if:

(a) The application was sent by registered or certified mail not later than May 27, 1981, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service; or

(b) The application is received on or before 5:30 p.m. May 27, 1981, in the Department of Health and Human Services mailroom in Washington, D.C.

In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health and Human Services. A hand delivered application must be delivered to OHDS, Room 1740, HHS-North Building, 330 Independence Avenue SW., Washington, D.C. 20201, on or before 5:30 p.m. May 27, 1981. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 5:30 p.m., except Saturdays, Sundays, and Federal holidays. Applications received after the deadline or incorrectly sent to any Regional Office of the Department of Health and Human Services will not be accepted and will be returned to the applicant.

(Catalog of Federal Domestic Assistance Program Number 13.652—Administration for Children, Youth and Families—Adoption Opportunities)

Dated: March 4, 1981.

John Busa,

Acting Commissioner for Children, Youth and Families.

Approved: March 6, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81-7483 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-92-M

Social Security Administration

Privacy Act of 1974; Report of New System of Records

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: Notification of New System of Records—Supplemental Security Income Operational Quality Maintenance System (OQMS), HHS/SSA/OA, 09-60-0212.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records. We are proposing also to include statements of routine use with the system in accordance with 5 U.S.C. 552a(e)(11). We will use the proposed system for the purpose of identifying folders containing supporting documentation for claims for supplemental security income (SSI) benefits that have been selected on a sample basis for review.

We invite public comments on this proposal, including the routine use.

DATES: We filed a report of new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget on February 20, 1981. The system of records will become effective April 21, 1981. The proposed routine use will become effective April 21, 1981, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESSES: Interested individuals may comment on this system of records by writing to the SSA Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. We will make comments received available for public inspection in Room 4212, West High Rise Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Sinek, Director, Division of Assistance and Records Operations Quality, Office of Assessment, P.O. Box 17040, Baltimore, Maryland 21235, telephone (301) 594-7986.

SUPPLEMENTARY INFORMATION: We are proposing to establish the OQMS system of records for the purpose of providing timely and detailed data on the quality of actions taken by social security field offices in processing claims and posteligibility factors involving benefits under the SSI program. This will include reviewing initial claims and redeterminations to decide continuing entitlement. In order to achieve this purpose, it is necessary that we review a statistically selected sample of folders to measure adherence to operating policy and procedures and then compile data reflecting discovered deficiencies. We will use data in this system of records to determine whether there is a deficiency in the reviewed folders, and if so, the nature and cause of such deficiency.

The Privacy Act permits us to disclose information without the consent of an individual for "routine uses," that is, disclosure for purposes which are compatible with the purpose for which we collect information. Our regulation 20 CFR Part 401 (**Federal Register**, 11-13-80, pp. 74906-74918) sets our the criteria under which we will disclose information under a "routine use." Accordingly, we are proposing a routine use which provides for disclosure of an individual's record in response to congressional inquiries made at the request of that individual.

This system of records will contain manual and automated records. We will maintain the manual records in locked file cabinets and restrict access to the records to employees who have a need for them in the performance of their official duties. We will maintain system security for the automated records in accordance with National Bureau of Standards guidelines and the HHS ADP System Manual, "Part 6, ADP System Security." This will include maintaining the records in an enclosure attended by security guards and issuing speical badges to all personnel aukthorized to enter the enclosure. The Privacy Act prescribes specific penalties for unauthorized disclosure; penalty provisions will be explained to all individuals working the records.

Since we are proposing to establish this system of records in accordance with the requirements and principles of the Privacy Act, we do not anticipate that it will have an unfavorable effect on the privacy or other personal rights of individuals.

Dated: February 20, 1981.

Herbert R. Doggette, Jr.,

Acting Commissioner of Social Security.

09-60-0212

SYSTEM NAME:

Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Each Supplemental Security Income Analysis (SSIAB), one of which is located in each of the 10 SSA Field Assessment Offices (FAO) and at central office in Baltimore, Maryland. See the Appendix to this notice for the address of the above offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of supplemental security income (SSI) payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicant or recipient's name, social security number, date application or action is processed, payment status, type of case, and, if a deficiency is found, the type and source of the error.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 702 and 1631 of the Social Security Act.

PURPOSES:

SSA regional management will use data derived from this system to measure and rank the quality of their field offices' performance, to identify policies and procedures that are being improperly interpreted, and to identify training needs. These purposes will be served on a national basis through analysis of the data by the Office of Assessment at the central office in Baltimore, Maryland.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be disclosed as indicated below:

To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

In file folders, on disk cartridges, and on cassette tapes.

RETRIEVABILITY:

Where necessary, we will retrieve individual data from this system by individual social security number.

SAFEGUARDS:

We will store claims review data input forms in locked file cabinets. We maintain system security for automated records in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." This will include maintaining the records in an enclosure attended by security guards and limiting access to the records to authorized individuals who have a need for them in the performance of their official duties.

RETENTION AND DISPOSAL:

We will maintain paper records for 6 months and then destroy them by shredding. We will retain disk cartridges and cassette tapes for 12 months and then erase them.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Assistance and Records Operations Quality, Office of Assessment, P.O. Box 17040, Baltimore, Maryland 21235, Telephone (301) 594–7988.

NOTIFICATION PROCEDURES:

Inquiries related to information in this system should be directed to the system manager at the above address or to the Field Assessment Officers listed in the Appendix to this notice. Individuals should provide their names and social security numbers (SSN's) when requesting notification. Since disclosure of the SSN is voluntary, if an individual is unable or unwilling to provide his or her SSN, we will request additional information (e.g., date and place of birth and parents names) in lieu of the SSN to aid in our efforts to locate the requested record.

RECORD ACCESS PROCEDURES:

If an individual desires access to information in this system of records, he or she should follow the notification procedures above and reasonably specify the record contents he or she is accessing.

CONTESTING RECORD PROCEDURES:

If an individual wishes to contest information in this system of records, he or she should follow the notification procedures above and reasonably specify the information he or she is contesting.

RECORD SOURCE CATEGORIES:

Information in this system will be derived from the Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits (09-60-0089) system of records, and from review findings and analyses.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Regional Addresses

Region I

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, P.O. Box 155, Boston, MA 02110

Region II

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 747, 26 Federal Plaza, New York, NY 10007

Region III

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 10250, P.O. Box 8788, Philadelphia, PA 19101

Region IV

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, 19th Floor, Marietta Tower, 101 Marietta Avenue, Atlanta, GA 30323

Region V

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 1100, 175 West Jackson Street, Chicago, IL 60604

Region VI

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 436, 601 East 12th Street, Kansas City, MO 64106

Region VII

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 8–A20, 1100 Commerce Street, Dallas, TX 75242

Region VIII

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, P.O. Box 8639, Denver, CO 80201

Region IX

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, 25th Floor, 100 Van Ness Avenue, San Francisco, CA 94102

Region X

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Mail Stop 207, Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101

Central Office Address

HHS/SSA/Office of Assessment, Director, Division of Assistance and Records Operations Quality, P.O. Box 17040, Baltimore, MD 21235

[FR Doc. 81-7701 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Migratory Bird Hunting; Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice announces that representatives of the U.S. Fish and Wildlife Service will be in attendance at meetings of the Atlantic, Mississippi, Central, Pacific, and National Flyway Councils at the following times and locations.

DATES:

March 21, 1981—Central Flyway Council, 2 p.m.

March 22, 1981:

—Atlantic Flyway Council, 9 a.m.

—Mississippi Flyway Council, 9 a.m.

—Pacific Flyway Council, 9 a.m.

—National Waterfowl Council, 3 p.m.

ADDRESS: Council meetings will be held at the Shoreham Hotel, 2500 Calvert Street, Washington, D.C. as follows:

Central Flyway Council, Palladian Room, Lower Lobby Level;

Atlantic Flyway Council, Executive Room, Upper Lobby Level;

Mississippi Flyway Council, Palladian Room, Lower Lobby Level;

Pacific Flyway Council, Club Room A, Upper Lobby Level;

National Waterfowl Council, The Forum, Upper Lobby Level.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, telephone AC 202–254–3207.

SUPPLEMENTARY INFORMATION: Flyway Councils are organizations of State conservation agencies which cooperate with the U.S. Fish and Wildlife Service and the Canadian Wildlife Service in migratory bird management and research programs. Their meetings are scheduled in conjunction with the 46th North American Wildlife and Natural Resources Conference to be held March 21–25, 1981, at the Shoreham Hotel, Washington, DC. Although the U.S. Fish and Wildlife Service is not a member of these councils, it will be represented at the above meetings to facilitate discussions of various migratory bird management and research programs, many of which are conducted jointly with the Service. Service personnel will attend only those portions of the above meetings which are open to the public.

Dated: March 9, 1981.

Michael J. Spear,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-7980 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Development and Production Plan; Gulf Oil Exploration and Production Co.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3265, Block 198, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 6, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-7987 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[CA 8576]

Public Lands in Imperial County, Calif.; Realty Action; Sale

The following described land has been identified as suitable for disposal by sale under the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1713), at no less than the fair market value shown:

Legal description: NE¼ and S½ Sec. 28, T. 9 S., R. 12 E., San Bernardino Meridian
Acreage: 480
Value: $39,000

Recent rain storm activity in Southern California has caused a rapid rise in the Salton Sea. This, coupled with the unusual climatic events of the last three years has caused the community of Bombay Beach, which is situated in the coastal hazard zone of the Salton Sea, to be left in the precarious position of inundation if it were not for a temporary dike constructed by the U.S. Army Corps of Engineers. The Corps of Engineers has warned the Bombay Beach Community Services District, as well as the Imperial County Board of Supervisors and the Office of Emergency Services, of the potential loss of property and possibly life should the existing deteriorated dike system fail. Therefore, the lands are being sold noncompetitively to the Bombay Beach Community Services District to assure equitable distribution amoung purchasers who are residents of Bombay Beach. The sale is consistent with the Bureau's planning for the land involved, and the public interest would be served by offering these lands for sale.

The terms and conditions applicable to the sale are:

1. All minerals in the land will be reserved to the United States in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. The lands will be sold subject to (a) those rights for highway purposes across the NE¼, W½SW¼, and NE¼SW¼ said Sec. 28 as have been granted to the State of California by permit number Los Angeles 052217, under the Act of November 9, 1921, as amended and supplemented (42 Stat. 212); (b) those rights for telephone line purposes across the NE¼, W½SW¼, and NE¼SW¼ said Sec. 28 as have been granted to The Pacific Telephone and Telegraph Company, its successors or assigns, by permit number Los Angeles 0170375 under the Act of March 4, 1911, as amended (36 Stat. 1253, 43 U.S.C. 961); and (c) those rights for sewer and water pipeline purposes across the SW¼ said Sec. 28 as have been granted to the Coachella Valley County Water District, its successors or assigns, by permit number R 4458 under the Act of February 15, 1901 (31 Stat. 790, 43 U.S.C. 959).

4. Pursuant to the authority contained in Section 3(d) of Executive Order 11988 of May 24, 1977, and the Act of October 21, 1976 (43 U.S.C. 1716), the patent will be subject to a restriction which constitutes a covenant running with the land, that any land in the E½SE¼ and SW¼SE¼ said Sec. 28, below an elevation of 220 feet below mean sea level may not be used for residential buildings.

Detailed information concerning the sale is available for review at the El Cento Resource Area Office, 833 South Waterman Avenue, El Centro, California.

On or before April 27, 1981 interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operation.

March 6, 1981.

[FR Doc. 81-7984 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 19291-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3530 of January 29, 1965, be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Cherry Creek Research Natural Area

T. 27 S., R. 10 W.,
Sec. 17, W½W½SW¼;
Sec. 18, Lots 5, 6, 7, 12, N½ of Lot 8, S½NE¼, SE¼;
Sec. 19, N½ of Lot 1, SE¼ of Lot 1, N½NE¼;

Sec. 20, W½NW¼NW¼.

Containing 360.00 acres in Coos County, Oregon.

The purpose of the withdrawal, formerly known as the Douglas Fir area, is to protect the unique botanical, geological, or zoological characteristics and of irreplaceable scientific and recreation values. The land is currently segregated from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 20, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 20, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208

Dated: March 5, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-7882 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Lake Mead National Recreation Area; Boundary Revision Update

AGENCY: United States Department of the Interior, National Park Service, Lake Mead National Recreation Area.

ACTION: Notice of current boundary.

SUMMARY: The purpose of this notice is to advise the public that the Lake Mead National Recretion Area boundary map now in use, RA–LM–7000–B, dated July 17, 1963, is outdated and does not accurately reflect the present boundary. A revised map, No. 8360–80013A dated December, 1979, has been prepared which correctly delineates the current boundary. The map and written description of the boundary are available for public inspection at the Lake Mead National Recreation Area's administration office at 601 Nevada Highway, Boulder City, Nevada.

DATES: Comments must be received on or before April 13, 1981.

ADDRESS: National Park Service, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada 89005.

FOR FURTHER INFORMATION CONTACT: Superintendent, 702–293–4041.

SUPPLEMENTARY INFORMATION: None.

Dated: January 25, 1980.

Gary E. Bunney,

Acting Superintendent.

Stanley T. Albright,

Acting Regional Director, Western Region, National Park Service.

Boundary Description of Concurrent Criminal Jurisdiction of Lake Mead National Recreation Area, Arizona, May 1977

That portion of the tract of land known as "Lake Mead National Recreation Area" lying situate and being in Gila and Salt River Meridian, Mohave County, State of Arizona, described as beginning at the common corner on the state line between the State of Arizona and State of Nevada, said corner being a point in midstream of the Colorado River as projected from the common West Range Line of township 32 North, Range 16 West, Gila and Salt River Meridian, Mohave County, Arizona and the East Range Line of Township 20 South, Range 71 East, Mount Diablo Meridian, Clark County, Nevada; thence, North on said state line to the northwest corner of Section 6, T. 33 N., R. 16 W., Gila and Salt River Meridian; thence, East on township line to the common North corner of Sections 3 and 4, T. 33 N., R. 15 W.; thence, South on section lines to the common South corner of Sections 33 and 34, T. 33 N., R. 15 W.; thence, East on township line to the common North corner of Section 6, T. 32 N., R. 14 W. and Section 1, T. 32 N., R. 15 W.; thence, South on range line to the Southeast corner of NE¼NE¼ Section 25, T. 32 N., R. 15 W. being a common corner on the boundary line of Grand Canyon National Park and Lake Mead National Recreation Area; thence with same, West on North ¼ ¼ lines to the intersection in Section 30, T. 32 N., R. 15 W. with the line as projected North from river mile 277.0 of the Colorado River; thence with same, South passing through said river mile 277.0 of the Colorado River to the south high water line of Lake Mead (1,221 foot contour); thence with same, Westerly to the intersection with a section line as projected North from the Northwest corner of Section 2, T. 31 N., R. 16 W.; thence, South on section lines to the common South corner of Sections 34 and 35, T. 31 N., R. 16 W.; thence, leaving the boundary line of Grand Canyon National Park, West on township line to common North corner of Sections 4 and 5, T. 30 N., R. 16 W.; thence, South on section lines to the common corner of Sections 8, 9, 16 and 17, T. 30 N., R. 16 W.; thence, West on section line to the common corner of Sections 7, 8, 17 and 18, T. 30 N., R. 16 W.; thence, South on section line to the common corner of Sections 17, 18, 19 and 20, T. 30 N., R. 16 W.; thence, West on section lines to the common corner of Sections 14, 15, 22 and 23, T. 30 N., R. 17 W.; thence, South on section line to the common corner of Sections 22, 23, 26 and 27, T. 30 N., R. 17 W.; thence, West on section lines to the common corner of Sections 20, 21, 28 and 29, T. 30 N., R. 17 W.; thence, South on section lines to the common corner of Sections 8, 9, 16 and 17, T. 29 N., R. 17 W.; thence, West on section lines to the common corner of Sections 10, 11, 14 and 15, T. 29 N., R. 19 W.; thence, North on section lines to the common corner of Sections 2 and 3, T. 29 N., R. 19 W. and Sections 34 and 35, T. 30 N., R. 19 W.; thence, West on township line to the common corner of Sections 4 and 5, T. 29 N., R. 19 W. and Sections 32 and 33, T. 30 N., R. 19 W.; thence, North on section lines to the common corner of Sections 20, 21, 28 and 29, T. 30 N., R. 19 W.; thence, West on section lines to the common corner of Sections 19 and 30, T.

30 N., R. 19 W. and Sections 24 and 25, T. 30 N., R. 20 W.; thence, North on range line to the common corner of Sections 18 and 19, T. 30 N., R. 19 W. and Sections 13 and 24, T. 30 N., R. 20 W.; thence, West on section line to the common corner of Sections 13, 14, 23 and 24, T. 30 N., R. 20 W.; thence, South on section lines to the common corner of Sections 25, 26, 35 and 36, T. 30 N., R. 20 W.; thence, West on section line to the common corner of Sections 26, 27, 34 and 35, T. 30 N., R. 20 W.; thence, South on section line to the common corner of Sections 2 and 3, T. 29 N., R. 20 W. and Sections 34 and 35, T. 30 N., R. 20 W.; thence, West on township line to the common corner of Sections 3 and 4, T. 29 N., R. 21 W. and Sections 33 and 34, T. 30 N., R. 21 W.; thence, North on section lines to the common corner of Sections 15, 16, 21 and 22, T. 30 N., R. 21 W.; thence, West on section line to the common corner of sections 16, 17, 20 and 21, T. 30 N., R. 21 W.; thence, North on section lines to the common corner of Sections 4 and 5, T. 30 N., R. 21 W. and Sections 32 and 33, T. 31 N., R. 21 W.; thence, West on township line to the North ¼ corner of Section 2, T. 30 N., R. 22 W.; thence, South on section centerline to the center of Section 2, T. 30 N., R. 22 W.; thence, West on section centerline to the common ¼ corner of Sections 2 and 3, T. 30 N., R. 22 W.; thence, South on section lines to the common corner of Sections 2, 3, 10 and 11, T. 29 N., R. 22 W.; thence, East on section line to the common corner of Sections 1, 2, 11 and 12, T. 29 N., R. 22 W.; thence, South on section lines to the common corner of Sections 13, 14, 23 and 24, T. 29 N., R. 22 W.; thence, East on section line to the common corner of Sections 18 and 19, T. 29 N., R. 21 W. and Sections 13 and 24, T. 29 N., R. 22 W.; thence, South on range line to the common South corner of Section 31, T. 29 N., R. 21 W. and Section 36, T. 29 N., R. 22 W.; thence, East on township line to the common North Corner of Section 6, T. 28 N., R. 21 W. and Section 1, T. 28 N., R. 22 W.; thence, South on range line to the common corner of T. 25 and 26 N., R. 21 and 22 W.; thence, West on township line to the common corner of Sections 3 and 4, T. 25 N., R. 22 W. and Sections 33 and 34, T. 26 N., R. 22 W.; thence, South on section lines to the common South corner of Sections 33 and 34, T. 25 N., R. 22 W.; thence, East on township line to the common North corner of Sections 1 and 2, T. 24 N., R. 22 W.; thence, South on section lines to the common corner of Sections 13, 14, 23 and 24, T. 24 N., R. 22 W.; thence, East on section line to the common corner of Sections 18 and 19, R. 24 N., R. 21 W. and Sections 13 and 24, T. 24 N., R. 22 W.; thence, South on range line to the common corner of T. 23 and 24 N., R. 21 and 22 W.; thence, East on township line to the common corner of Sections 3 and 4, T. 23 N., R. 21 W., and Sections 33 and 34, T. 24 N., R. 21 W.; thence, South on section lines to the common corner of Sections 9, 10, 15 and 16, T. 21 N., R. 21 W.; thence, West on section line to the common corner of Sections 8, 9, 16 and 17, T. 21 N., R. 21 W.; thence, South on section lines to the common corner of Sections 20, 21, 28 and 29, T. 21 N., R. 21 W.; thence, West on section lines to the Northwest corner of NE¼NE¼ Section 30, T. 21 N., R. 21 W.; thence, South on the East ¼¼ line to the Southeast corner of NW¼SE¼ Section 30, T. 21 N., R. 21 W.; thence, West on the south ¼¼ line of Section 30 to the common boundary line, at midstream of the Colorado River, of West Range Line of Township 21 North, Range 21 West, Gila and Salt River Meridian, Mohave County, Arizona and East Range Line of Township 32 South, Range 66 East, Mount Diablo Meridian, Clark County, Nevada; thence, Northerly at midstream of the Colorado River, the state line between Arizona and Nevada, to the point of beginning.

Also that portion of the tract of land known as "Lake Mead National Recreation Area" lying situate and being in Mohave County, State of Arizona, described as beginning at the common corner of Townships 31 and 32 North, Ranges 13 and 14 West, Gila and Salt River Meridian; thence, South on range line to a point on the rim of Grand Canyon at the common line of Section 7, T. 31 N., R. 13 W. and Section 12, T. 31 N., R. 14 W., said rim being the boundary line of Grand Canyon National Park; thence with same, Northwesterly on said rim of the Grand Canyon to township line common with Section 1, T. 31 N., R. 14 W. and Section 36, T. 32 N., R. 14 W.; thence, leaving the boundary line of Grand Canyon National Park, East on township line to the point of beginning.

Also that portion of the tract of land known as "Lake Mead National Recreation Area" lying situate and being in Mohave County, State of Arizona, described as beginning at the common corner of Townships 31 and 32 North, Ranges 12 and 13 West, Gila and Salt River Meridian; thence, South on range line to the common corner of Sections 6 and 7, T. 31 N., R. 12 W. and Sections 1 and 12, T. 31 N., R. 13 W.; thence, East on section lines to the common corner of Sections 2, 3, 10 and 11, T. 31 N., R. 12 W.; thence, North on section line to the common corner of Sections 2 and 3, T. 31 N., R. 12 W. and Sections 34 and 35, T. 32 N., R. 12 W.; thence, East on township line to the common corner of Sections 1 and 2, T. 31 N., R. 12 W. and Sections 35 and 36, T. 32 N., R. 12 W.; thence, North on section line to the common corner of Sections 25, 26, 35 and 36, T. 32 N., R. 12 W.; thence, East on section line to the common corner of Sections 30 and 31, T. 32 N., R. 11 W. and Sections 25 and 36, T. 32 N., R. 12 W.; thence, North on range line to the common corner of Sections 19 and 30, T. 32 N., R. 11 W. and Sections 24 and 25, T. 32 N., R. 12 W.; thence, East on section lines to the common corner of Sections 19 and 30, T. 32 N., R. 10 W. and Sections 24 and 25, T. 32 N., R. 11 W.; thence, North on range line to the common North corner of Section 6, T. 32 N., R. 10 W. and Section 1, T. 32 N., R. 1 W.; thence, West on township line to the common South corner of Section 31, T. 33 N., R. 10 W. and Section 36, T. 33 N., R. 11 W.; thence, North on range line to the common corner of Sections 18 and 19, T. 33 N., R. 10 W. and Sections 13 and 24, T. 33 N., R. 11 W.; thence, East on section lines to a point on the hydrographic divide of the Uinkaret Mountains South of Mount Emma at the common line of Sections 17 and 20, T. 33 N., R. 8 W., said hydrographic divide being the boundary line of Grand Canyon National Park; thence with same, South on said hydrographic divide of the Uinkaret Mountains to a point on the line of Sections 28 and 33, T. 33 N., R. 8 W.; thence, East on section line to the common corner of Sections 27, 28, 33 and 34, T. 33 N., R. 8 W.; thence, South on section line to the common South corner of Sections 33 and 34, T. 33 N., R. 8 W.; thence, East on township line to the common North corner of Sections 3 and 4, T. 32 N., R. 8 W.; thence, South on section lines to a point on the rim of the Inner Canyon of the Grand Canyon at the common line of Sections 9 and 10, T. 32 N., R. 8 W.; thence, Westerly on said rim of the Inner Canyon of the Grand Canyon to the rim of Lone Mountain near the mouth of Andrus Canyon; thence, on an indefinite boundary line including said Andrus Canyon in T. 31 N., R. 10 W. and T. 32 N., R. 10 W. to the hydrographic divide lying Westerly of the mouth of the Parashant Canyon; thence, Westerly along said hydrographic divide crossing Mollies Nipple to the rim of Grand Canyon near the common line of Sections 18 and 19, T. 31 N., R. 10 W.; thence, Westerly on said rim of the Grand Canyon around Shivwits Plateau, Suicide Point, Turn Point and Burnt Canyon Point to the intersection with the North-South centerline of Section 16, T. 31 N., R. 13

W.; thence, North on section centerlines to a point on said rim of the Grand Canyon within Section 9, T. 31 N., R. 13 W.; thence, northeasterly on said rim of the Grand Canyon to the intersection with the North-South centerline of Section 4, T. 31 N., R. 13 W.; thence, leaving the lands of Grand Canyon National Park, North on section centerline to the North ¼ corner of Section 4, T. 31 N., R. 13 W.; thence, East on township line to the point of beginning.

[FR Doc. 81-7908 Filed 3-12-81; 8:45 am]
BILLING CODE 4310-70-M

Outdoor World Ltd. (ARA Services); Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before April 13, 1981, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with ARA Services dba Outdoor World Ltd. authorizing it to continue to provide lodging, food and beverage service, transportation facilities and services, automobile service stations, campers' service facilities, any and all services and merchandising which are customary in connection with the above operations, facilities and services for the public at Denali National Park and Preserve, Alaska for a period of twenty (20) years from execution of contract through December 31, 2001.

A supplement to the Interim Development Concept Plan for the headquarters/hotel area (approved 1976) and an Environmental Assessment for the construction of selected facilities have been prepared and distributed for public review and comment. The supplement and environmental assessment may be reviewed in the Alaska Regional Office, 540 West Fifth Avenue, Anchorage Alaska.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1987, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants ARA Services dba Outdoor World Ltd. as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of ARA Services dba Outdoor World Ltd. is substantially equal to others received. In the event a responsive proposal superior to that of ARA Services dba Outdoor World Ltd. (as determined by the Secretary) is submitted, ARA Services dba Outdoor World Ltd. will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with ARA Services dba Outdoor World Ltd. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before April 13, 1981 to be considered and evaluated.

Interested parties should contact the Regional Director, Alaska Regional Office, for information as to the requirements of the proposed contract.

Dated: February 20, 1981.

Douglas G. Warnock,
Acting Regional Director, Alaska.

[FR Doc. 81-7910 Filed 3-12-81; 8:45 am]
BILLING CODE 4310-70-M

National Park System Advisory Board; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the National Park System Advisory Board will be held in Washington, D.C., and Harpers Ferry, W.VA, April 6, 7 and 8.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System.

The members of the Advisory Board are: Mr. Bill Wiener, Jr. (Chairman), Shreveport, LA, Dr. Douglas D. Anderson (Vice Chairman), Providence, R.I., Dr. Kathleen Shea Abrams, Miami Shores, FL, Hon. Alan Bible, Reno, NV, Mr. Carl Burke, Boise, ID, Mr. Larry Erickson, Minot, ND, Mrs. Anne Morton, Easton, MD, Dr. Asa C. Sims, Jr., New Orleans; LA, Hon. Roy A. Taylor, Black Mountain, NC, Dr. Edgar Wayburn, San Francisco, CA, Mr. D. Linsay Pettus, Lancaster, SC, Dr. Robin Winks, New Haven CT.

On April 6 and 8 the Advisory Board will meet in general business sessions starting at 9:00 a.m. in Room 7000A Department of the Interior, 18th and C Sts. N.W., Washington, D.C. to consider administrative matters pertaining to the Board; review and discuss legislative and management issues affecting the National Park System; and to receive a committee report on urban parks. On April 7 the Advisory Board will be on a field trip to the Harpers Ferry Center, Harpers Ferry, W.VA, for an overview of the Center and program briefings.

The meetings will be open to the public. Space and facilities to accommodate members of the public at the general sessions of the meeting are limited and persons will be accommodated on a first-come-first-served basis. Any member of the public may file with the Advisory Board a written statement concerning matters to be discussed. Persons wishing further information concerning this meeting or who wish to submit written statements may contact Shirley Luikens, Advisory Boards and Commissions, National Park Service, Washington, DC 20240 (202-343-2012).

Summary minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3416, Interior Building, Washington, D.C.

Dated: March 9, 1981.

Jean C. Henderer,
Chief, Office of Cooperative Activities, National Park Service.

[FR Doc. 81-7909 Filed 3-12-81; 8:45 am]
BILLING CODE 4310-70-M

Water and Power Resources Service

Availability of Fryingpan-Arkansas Project Water From Ruedi Reservoir: Contract Negotiations With Colony Development Operation, Basalt Water Conservancy District, West Divide Water Conservancy District, and Battlement Mesa, Inc.; Supplement

Notice of intent to negotiate water service contracts for the sale of water from Ruedi Reservoir, Fryingpan-Arkansas Project: Supplement.

FR Doc. 80-38061, appearing in the Federal Register of December 9, 1980, on pages 81129-81130 is supplemented as follows:

The public is invited to submit written comments on the forms of the proposed contracts not later than 30 days after the completed contract drafts are made available to the public. If little or no public interest is evidenced in these negotiations as gauged by the response to this notice, the previous notice of December 9, 1980, and local news releases or announcements, the availability of the proposed forms of contract for public review and comment will not be publicized through the Federal Register or other media. The Commissioner of Water and Power will review comments submitted and based on the number, sources, and nature of the comments, will decide whether to hold a public hearing.

Dated: March 9, 1981.

Alden D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-7909 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Angus I. Hines., Inc., 1426 Holland Road, Suffolk, Virginia 23434.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

A. Greenville Transport Company—Virginia; Central Oil Corporation—Virginia.

B. Sentry Petroleum, Inc.—Virginia.

1. Parent corporation: Getty Oil Company (Delaware), 3810 Wilshire Blvd., Los Angeles, California 90010.

2. Wholly-owned subsidiaries as follow:

(*I*) Getty Refining and Marketing Company (Delaware), 1437 South Boulder, Tulsa, Oklahoma 74119.

(*II*) Arbuckle Pipe Line Company (Delaware), 1670 Broadway, Denver, Colorado 80202.

(*III*) Hawkeye Chemical Company (Iowa), P.O. Box 899, Clinton, Iowa 52732.

(*IV*) Getty Methanol Corporation (Delaware), 3810 Wilshire Blvd., Los Angeles, California 90010.

(*V*) Chembond Corporation (Oregon), P.O. Box 270, Springfield, Oregon 97477.

(*VI*) Pontotoc Oil Company (Oklahoma), 1670 Broadway, Denver, Colorado 80202.

(*VII*) Wesco Pipe Line Company (Oklahoma), 1670 Broadway, Denver, Colorado 80202.

(*VIII*) Western Crude Oil, Inc. (Delaware), 1670 Broadway, Denver, Colorado 80202.

(*IX*) Wyanot Pipe Line Company (Michigan), 1300 North Fancher, P.O. Box 348, Mt. Pleasant, Michigan 48858.

1. Parent Corporation and address of principal office: Hendrie's, Inc., One Harvest Lane, Southborough, Massachusetts 01772.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Hendrie's Frozen Foods, Inc.—Massachusetts.

(ii) Hendrie's Cold Storage, Inc.—Massachusetts.

1. Parent corporation and address of principal office: Koch Industries, Inc., 4111 E. 37th Street, North, P.O. Box 2256, Wichita, Kansas 67201.

2. Wholly-owned subsidiaries which will participate in the operation and State(s) of incorporation:

A. Chase Pipe Line Company (Kansas).

B. Koch Carbon, Inc. (Delaware).

C. Koch Chemical Company (Texas).

D. Koch Engineering Company (Kansas).

E. Matador Pipelines, Inc. (Texas).

F. Matador Service, Inc. (Kansas).

1. Parent corporation and address of principal office: Koch Refining Company, 4111 E. 37th Street, North, P.O. Box 2256, Wichita, Kansas 67201.

2. Wholly-owned subsidiaries which will participate in the operations and State(s) of incorporation:

A. Koch Fuels, Inc. (Delaware).

B. Koch Marketing Company (Delaware).

C. Wood River Oil & Refining Company of Minnesota (Minnesota).

1. Parent Corporation: Robel Beef Packers, Inc., Box 430, 1420 3rd Ave. So., St. Cloud, Minnesota 56301.

2. Wholly-owned subsidiaries: Southview Foods, Box 429, Main and Dameron Streets, Macon, Missouri 63552. State Incorp.: Missouri.

1. Parent corporation and address of principal office: Serrmi, Inc., P.O. Box 43346, 5290 Tulande Drive, SW, Atlanta, Fulton County, Georgia 30336.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

(i) Serrmi Products, Inc., incorporated in State of Georgia; and

(ii) Serrmi Services, Inc., incorporated in State of Georgia.

1. Parent Corporation: Thomas Industries, Inc., P.O. Box 35120, 207 E. Broadway, Louisville, KY 40232.

2. Wholly-owned subsidiaries which will participate in the operations:

Subsidiaries and State of Incorporation

Builders Brass Works, P.O. Box 2043, 3474 Union Pacific Ave., Los Angeles, CA 90023; Calif.

C&M Products Limited, 189 Bullock Drive, Markham, Ont., Canada L3P 1W4; Ont., Canada.

Contempra Industries, Inc., P.O. Box 97, 371 Essex Road, Neptune, NJ 07753; New Jersey.

Contempra Industries International, Inc., P.O. Box 97, Neptune, NJ 07753; New Jersey.

Oliver-MacLeod Limited, P.O. Box 730, 5 Edward Street, Gravenhurst, Ont., Canada POC 1 GO; Ont., Canada.

Pouliot Design Corporation, 4700 Valley Industrial Blvd., Shakopee, MN 55379; Minnesota.

Thomas Industries International, Inc., 207 E. Broadway, P.O. Box 35120, Louisville, KY 40232; Delaware.

Thomas Industries of Tennessee, Inc., 207 E. Broadway, P.O. Box 35120, Louisville, KY 40232; Tennessee.

1. Parent corporation and address of principal office: Wallace Tractor Company, Inc., P.O. Box 516, Highway 49 South, Mendenhall, Mississippi 39114.

2. Wholly owned subsidiaries which will participate in the operations, and State of incorporation: Smith County Equipment Company, Inc., P.O. Box 210, Highway 28 East, Taylorsville, Mississippi 39168; a Mississippi corporation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7907 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-063]

Motor Carrier Finance Applications

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 255 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions,

and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: March 5, 1981.

By the Commission, Review Board Number 1. Members Parker, Chandler and Taylor.

Agatha L. Mergenovich,

Secretary.

MC 152820 (Sub-1), filed February 6, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main St., Glen Ellyn, IL 60137. Representative: Dennis J. Kupchik, 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

Note.—This application is directly related to MC–F–14576, published in this same Federal Register issue.

[FR Doc. 81–7981 Filed 3–13–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP1–064]

Application

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose be will construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: March 5, 1981.

By the Commission, Review Board Number 1. Members Parker, Chandler and Taylor.

MC–F–14576, filed February 10, 1981. SPECIAL CARRIERS, INC. (Special) (1500 Walnut St., 19th Floor South, Philadelphia, PA 19102)—continuance in control—customized transportation, inc. (Customized) (999 North Main St., Glen Ellyn, IL 60137). Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209; and H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA 19102. Special seeks authority to continue in control of Customized upon the institution by Customized of operations, in interstate or foreign commerce, as a motor contract carrier. IU International Corporation, the sole stockholder of Special, seeks authority to acquire control of said rights and property through the transaction. Special is a newly formed corporation and holds no interstate operating rights, and has two continuance in control proceedings pending before the Commission in Gemini Trucking pursuant to MC–F–14509, and Pioneer Trucking, Inc. pursuant to MC–F–14546. IU International Corporation is a publicly held non-carrier corporation that controls IU Transportation Services, Inc., a holding company controlling Ryder Truck Lines, Inc. (MC 2900 and

MC 151050), and Pacific Intermountain Express Co. (MC 730). Ryder Truck Lines, Inc., also controls Ryder Truck Lines, LTD, which has applied for authority to purchase operating authority from Reliable Transport (U.S.) Ltd., in MC-F-14429. Ryder Truck Lines Inc., also controls Ryder Forwarding, Inc., a freight forwarder (FF 341), and RTL Holdings, Inc., a property broker (MC 130636). Impediment: The continuance in control of Special by Customized upon the commencement by Special of regulated motor carrier (Special) by a non-carrier (Customized) which is under common control with a freight forwarder (Ryder Forwarding) in violation of 49 U.S.C. 11323(a). Final approval, therefore, will be withheld until applicant submits an acceptable plan for eliminating the unlawful aspects of the control of these entities.

Note.—Customized Transportation, Inc. has filed as a directly related application its initial contract carrier application, docketed MC 152820 (Sub-1), which is published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7860 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-836

Decided: March 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Member Taylor not participating.)

MC 107012 (Sub-655), filed February 4, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *transportation equipment*, between Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 107162 (Sub-79), filed February 5, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 43703. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Midwest Lumber Associates, a partnership, of Sun Prairie, WI.

MC 113362 (Sub-414), filed February 2, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, 507-433-3427. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Consolidated Papers, Inc., at points in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 116202 (Sub-167), filed February 2, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting (1) *machinery* and (2) *metal products*, between points in Anoka County, MN, Winnebago County, WI, and Bexar County, TX, on the one hand, and, on the other, points in the U.S.

MC 116202 (Sub-168), filed February 3, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Stauffer Chemical Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116202 (Sub-170), filed February 2, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. Transporting *machinery*, between Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in the U.S.

MC 121062 (Sub-23), filed February 5, 1981. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2555 Coolidge, Suite 201A, Troy, MI 48084. Transporting *general commodities* (except classes A and B explosives), between points in WI, MN, IA, FL, GA, NC, SC, TN, MS, AL, AR, LA, TX, and DC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and TX.

MC 124692 (Sub-300), filed February 5, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas, (same address as applicant),

406–728–3000. Transporting *chemicals and related products*, between St. Louis, Mo, and Joliet, IL, on the one hand, and, on the other, points in ND and SD.

MC 135843 (Sub-10), filed February 2, 1981. Applicant: IOWA GATEWAY, INC., d.b.a. IOWA GATEWAY TERMINAL, River Rd., Keokuk, IA 52632. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309 (515) 245–4300. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Railcar Maintenance Company, of San Francisco, CA, a subsidiary of Professional Lease Management, Inc.

MC 136393 (Sub-7), filed February 6, 1981. Applicant: NY, NJ, CONN, FREIGHT & MESSENGER CORP., 351 West 38th St., New York, NY 10123. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, 212–239–4610. Transporting *such commodities* as are dealt in by retail department stores, between San Francisco and Los Angeles, CA, on the one hand, and on the other, New York, NY, Baltimore, MD, Chicago, IL, and Philadelphia, PA.

MC 138432 (Sub-23), filed January 30, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726–6525. Transporting *rubber and plastic products*, between points in the U.S., on the one hand, and on the other, the facilities of Mobil Company, at points in the U.S.

MC 144622 (Sub-203), filed January 30, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9243, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021 (817) 282–6344. Transporting *petroleum, natural gas and their products, and lumber and wood products*, between points in Lunenburg County, VA, and Dent County, MO, on the one hand, and on the other, points in the U.S. Condition: To te extent the certificate to be issued in this proceeding authorizes natural gas, it shall be limited to a period expiring 5 years from its date of issuance.

MC 146183 (Sub-36), filed February 2, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425—13th St. NW., Washington, DC 20004 (202) 737–2188. Transporting *food and related products*, between points in Macon County, GA, on the one hand, and on the other, those points in the U.S. in and east of ND, SD, NE, KS, CO, OK, and TX.

MC 146183 (Sub-37), filed February 2, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425–13th Street NW., Washington, DC 20004. Transporting *food and related products*, between points in Jefferson and Orleans Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 148663 (Sub-2), filed January 29, 1981. Applicant: MILTON WOODWARD, d.b.a. WOODWARD TRUCKING COMPANY, P.O. Box 308, Ripley, TN 38063. Representative: William L. Willis, Suite 708, McClure Bldg., Frankfort, KY 40601 (502) 227–7384. Transporting *chemicals and related products*, between points in Mississippi County, AR, and Colbert County, AL, on the one hand, and, on the other, points in TN.

MC 153933 (Sub-1), filed February 5, 1981. Applicant: BESTWAY ENTERPRISES, INC., P.O. Box M–A, Hoboken, NJ 07030. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with B. Altman & Co., and Bloomingdale's of New York, New York, NY.

MC 154143, filed February 6, 1981. Applicant: KAPLAN TRANSPORTATION COMPANY, INC., P.O. Box 427, Bartow, FL 33803. Representative: Michael F. Morrone, 1150–17th St. NW., Washington, DC 20036, 202–457–1124. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Kaplan Industries, Inc., of Bartow, FL.

MC 154172, filed February 6, 1981. Applicant: JIM MALEK, d.b.a. JIM MALEK TRUCKING, 611 Shumway, Faribault, MN 55021. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612–457–6869. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Mercury Minnesota, Inc., of Faribault, MN.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–7864 Filed 3–12–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP3–196]

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Decided: March 5, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 154285, filed February 6, 1981. Applicant: JOHN S. KAPLAN, P.O. Box 427, Highway 17 South, Bartow, FL 33830. Representative: Michael F. Morrone, 1150 17th St. NW., Washington, D.C. 20036. As a *broker*, to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-7802 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-195]

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Decided: March 5, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 29555 (Sub-198), filed February 6, 1981. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, N-400 Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Winston W. Hurd (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving the facilities of General Motors Corporation, at or near Wentzville, MO, as an off-route point in connection with applicant's presently authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing authority.

MC 35334 (Sub-92), filed February 6, 1981. Applicant: COOPER-JARRETT, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between Cincinnati, OH, and points in TX and OK.

MC 46614 (Sub-12), filed February 6, 1981. Applicant: BLUE & WHITE LINES OF FLORIDA, INC. P.O. Box 30021, Orlando, FL 32862. Representative: Robert J. Brooks, 1828 L. Street, NW, Suite 1111, Washington, D.C. 20036. Transporting *passengers and their baggage*, in charter and special operations, beginnning and ending at points in FL, and extending to points in the U.S.

MC 56155 (Sub-6), filed February 6, 1981. Applicant: JOHN S. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s) with Penn Dairies, Inc., of Lancaster, PA, and Land O'Lakes, Inc., of Minneapolis, MN, (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Chicago, IL, (3) *bottled water*, between points in the U.S., under continuing contract(s) with Wissahickon Springs Water, Inc., of Philadelphia, PA, and (4) *milk and milk products*, between points in the U.S., under continuing contract(s) with Holly Milk Corporation, of South Hampton, PA.

MC 111045 (Sub-190), filed February 6, 1981. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *commodities in bulk*, between points in AL, AR, FL, GA, LA, OK, MS, NC, SC, TN, and TX, and points in the U.S. Condition: Issuance of certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC 111045 and related subs, at applicant's written request.

MC 112304 (Sub-250), filed January 29, 1981. Applicant: ACE DORAN HAULING & RIGGING CO., A Corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Joh G. Banner (same address as applicant). Transporting *agricultural limestone and fertilizer*, and *soil conditioners*, between points in Bourbon and Fayette Counties, KY, on the one hand, and, on the other, points in the U.S.

MC 134064 (Sub-50), filed January 30, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting *food and related products*, between points in Washington County, MS, Sussex County, DE, and Saginaw, Lapeer, Macomb, and St. Clair Counties, MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO and NM.

MC 134105 (Sub-96), filed February 2, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37406. Representative: James E. Elgin (same

address as applicant). Transporting *malt beverages*, between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA and MS.

MC 140294 (Sub-24), filed February 6, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1948, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *general commodities* (except classes A and B explosives), between points in Washington County, MD, and Warren County, VA, on the one hand, and, on the other, points in Rockingham County, VA.

MC 140615 (Sub-62), filed February 6, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *pulp, paper and related products, printed matter,* and *rubber and plastic products,* between points in WI, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC 140615 Sub 52, at applicant's written request.

MC 149105 (Sub-4), filed February 6, 1981. Applicant: BAYOU STATE TRUCKING, INC., 639 South Rendon St., New Orleans, LA 70119. Representative: Brain S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. Transporting *rubber and plastic articles* and *chemicals and related products* between the facilities of Dow Chemical USA, in East Feliciana, West Feliciana, Ascension, East Baton Rouge, West Baton Rouge, Iberville, Livingston and Pointe Coupee Counties, LA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151614 (Sub-1), filed February 6, 1981. Applicant: GOTTAGO, INC., 21522 Greengate Drive, Spring, TX 77379. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting *Mercer commodities*, between points in AL, AZ, CA, CO, FL, KS, LA, MS, MT, ND, NM, OK, and TX.

MC 152384 (Sub-1), filed February 3, 1981. Applicant: DONNIE A. WANGER, d.b.a. DONNIE A. WANGER GEN. HAULING, Route 1, Box 48, Hinton, VA 22831. Representative: Frankie C. Coyner, P.O. Box 33, Stuarts Draft, VA 24477. Transporting *crushed limestone aggregates and masonry sand,* between points in Rockingham County, VA, on the one hand, and, on the other, points in Grant, Mineral, Pendleton, Pocahontas and Randolph Counties, WV.

MC 152414 (Sub-1), filed January 23, 1981. Applicant: PAUL M. MUNSEN, 2022 46th Avenue North, St. Petersburg, FL 33714. Representative: (Same as above.) Transporting *passengers and their baggage,* in special and charter operations beginning and ending at points in Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Pasco, Hernando, Citrus, Polk, Orange, Osceola, and Lake Counties, FL, and extending to points in the U.S.

MC 152705 (Sub-1), filed February 6, 1981. Applicant: ERNEST E. LATSHA, P.O. Box 2851, Harrisburg, PA 17105. Representative: James W. Hagar, P.O. Box 1166, Harrisburg, PA 17108. Transporting *scrap metals, mills scale, and scrap batteries,* (1) between points in PA, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, NC, OH, SC, VA, WV, and DC, and (2) between points in Claymont County, DE, on the one hand, and, on the other, points in MD, DE, NJ, NY, PA, VA, and WV.

MC 154164, filed February 6, 1981. Applicant: WOMEN'S TRAVELINE, INC., Wales Rd., Andover, CT 06232. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at Providence, RI, points in Hampden County, MA, and those in CT, and extending to points in the U.S.

MC 154195, filed February 6, 1981. Applicant: L. B. CONTAINERS, INC., 13101 Eckles Road, Plymouth, MI 48170. Representative: Robert E. McFarland, 2055 Coolidge, Suite 201A, Troy, MI 48084. Transporting *paper and paper products,* between the facilities of St. Regis Paper Company at or near Canton and Cleveland, OH, on the one hand, and, on the other, points in MI and OH.

MC 154255, filed February 6, 1981. Applicant: ROCK TRANSFER & STORAGE, INC., 15760 Brentwood Drive, Brookfield, WI 53005. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *iron and steel articles* and *foundry materials* between Milwaukee, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, and OH.

MC 154284, filed February 4, 1981. Applicant: CONVENTION AND TOUR SERVICES OF MEMPHIS, INC., 5645 Murray Avenue, Memphis, TN 38119. Representative: Milton Manis, 4087 Summer Avenue No. 206, Memphis, TN 38122. As a *Broker,* at Memphis, Shelby County, TN in arranging for the transportation of *passengers and their baggage,* beginning and ending at Memphis, Shelby County, TN, and extending to points in the U.S.

MC 154314, filed February 3, 1981. Applicant: R.S.J. EXPRESS, INC., 127-36 Northern Boulevard, Flushing, NY 11368. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield, NJ 07006. Transporting *machinery,* between Milwaukee, WI, and points in NY, NJ, and CT, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-7966 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 40 C.F.R. 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the

Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–035

Decided: March 2, 1981.

By the Commission, Review Board No. 1, members Chandler, Parker and Taylor (member Taylor not participating).

MC 154003, filed February 3, 1981. Applicant: EUGENE BRICILLO, d.b.a. B & B TRUCKING, 853 School Street, Indiana, PA 15701. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036, (202) 785–0035. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 154282, filed February 6, 1981. Applicant: INLAND IMPORT, INC., 5 World Trade Center, Suite 9281, New York, NY, 10048. Representative: O'Connon & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, DC 20006. As a broker of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7889 Filed 3–12–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP1–066]

Motor Carrier(s); Permanent Authority Decisions

Decided: March 5, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 381 (Sub-22), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *shipments weighting 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 381 (Sub-23), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094.Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153790 (Sub-1), filed February 18, 1981. Applicant: TERMINAL TRANSPORTATION SERVICES DIVISION, THE TERMINAL CORP., 211 E. Pleasant Street, Baltimore, MD 21202. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840–8565. As a broker of

general commodities (except household goods), between points in the U.S.

MC 154230, filed February 10, 1981. Applicant: ALLEN B. FRANKLIN, 317 Vaughn St., Aurora, CO 80011. Representative: Edward C. Hastings, 633 Grant Street, Denver, CO 80203. Transporting *food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 154370, filed February 23, 1981. Applicant: C. J. BROKERAGE, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon (same address as applicant) (201) 267-0100. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154371, filed February 23, 1981. Applicant: EASTERN LEASING, INC., P.O. Box 1, Keasby, NJ 08832. Representative: Bernard S. Curran, North Gate Rd., Mendham, NJ 07945 (201) 543-2783. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154430, filed February 23, 1981. Applicant: COAST TO COAST TRANSPORT, INC., 7411 So. Atlanta, P.O. Box 35507, Tulsa, OK 74135. Representative: Paul Cappe (same address as applicant). Transporting *general commodities*, between Bridgetown, Cheviot, Coverdale, Dent, Miami, and Willeys, OH, and Alum Rock, Blairs, Dudley, Jefferson, Ritt, St. Petersburg, Turkey, and Worthington, PA, on the one hand, and on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

[FR Doc. 81-7849 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-061

Decided: March 4, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 146050 (Sub-4), filed February 5, 1981. Applicant: ALPHA & OMEGA TRANSPORT, INC., P.O. Box 31004, Charlotte, NC 28231. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. (1) Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) as a *broker*, of *general commodities* (except household goods), between points in the U.S.

MC 154181, filed January 30, 1981. Applicant: AMERICAN FREIGHT COMPANY, P.O. Box 924, Douglasville, GA 30133. Representative: David L. Capps (same address as applicant). As a *broker*, of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7855 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier, Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual

operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants' a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular-routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3–008

Decided: March 5, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 26825 (Sub-56), filed February 9, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities*, between the facilities used by (1) R. G. Hobelmann & Company, Inc., (2) Wilson-America Company, (3) Barnhard & Associates, and (4) George Engers Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—To the extent the certificate granted in this proceding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 67234 (Sub-40), filed February 9, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting (1) *data processing machines and systems*, and (2) *business and office machines*, between points in the U.S. under continuing contract(s) with International Business Machines Corporation, of Armonk, NY.

MC 93944 (Sub-10), filed February 9, 1981. Applicant: DANELLA BROS. INC., 2280 Butler Pike, Plymouth Meeting, PA 19462. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *commodities in bulk, metals, ores, minerals, refractories*, and *sleg*, between points in DE, MD, NJ, NY, NJ, OH and PA and DC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA.

Note.—Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation, at applicant's written request of MC–93944 and subs thereunder.

MC 99614 (Sub-4), filed February 9, 1981. Applicant: MIKE CONROTTO TRUCKING, a corporation, 6490 Chestnut St., Gilroy, CA 95020. Representative: Roy G. Graham (same address as applicant), (408) 847–2211. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC–99614 and related subs, at applicant's written request.

MC 100914 (Sub-23), filed February 9, 1981. Applicant: AMERICAN CARTAGE CO., 1575 Fairfield Avenue, Cleveland, OH 44113. Representative: Bernard S. Goldfarb, Eighteen Hundred, 55 Public Square, Cleveland, OH 44113, (216) 781–0383. Transporting *metal products*, between points in Cuyahoga and Lake Counties, OH, on the one hand, and, on the other, points in PA, IN, IL, MI, NY and KY.

MC 113855 (Sub-524), filed February 9, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 113855 (Sub-525), filed February 9, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58126, (701) 235–4487. Transporting *irrigation machinery and systems*, between points in Douglas County, GA, on the one hand, and, on the other, points in the U.S.

MC 116004 (Sub-63), filed February 9, 1981. Applicant: TEXAS OKLAHOMA ESPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant), (214) 438–2611. Over regular routes, transporting *general commodities* (except classes A and B explosives), Between El Reno, OK and Denver, CO: From El Reno over Interstate Hwy 40 to junction U.S. Hwy 287, then over U.S. Hwy 287 to Denver, CO, and return over the same route, serving the off-route points of Hereford, TX and Pueblo and Colorado Springs, CO.

MC 116004 (Sub-64), filed February 9, 1981. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75147. Representative: Doris Hughes (same address as applicant), (214) 438–2611. Over regular routes, transporting *general commodities*, (except classes A and B explosives), (1) Between Kansas City, MO and Des Moines, IA, over Interstate Highway 35, serving points in Polk, Jasper, Marshall, Boone and Dallas Counties, IA as off-route points; (2) Between Kansas City, MO and Omaha, NE, over Interstate Highway 29, serving points in Lancaster, Saunders, and Douglas Counties, NE as off-route points.

MC 116915 (Sub-137), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *metal products* and *machinery*, between points in Cambell County, KY, on the one hand, and, on the other, points in the U.S.

MC 116915 (Sub-138), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *transportation equipment*, between points in the U.S.

MC 116915 (Sub-140), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Rt. No. 1, Box 248, Rockport, IN 47635.

Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602 (502) 227–2254. Transporting *metal products*, between points in Jefferson County, AL, Hamilton County, TN, Burlington County, NJ, and Alameda County, CA, on the one hand, and, on the other, points in the U.S.

MC 117565 (Sub-103), filed February 9, 1981. Applicant: MOTOR SERVICE COMPANY, INC., P.O. Box 448, Coshocton, OH 43812. Representative: John R. Hafner (same address as applicant) (614) 622–2967. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 117565 (Sub-104), filed February 9, 1981. Applicant: MOTOR SERVICE COMPANY INC., P.O. Box 448 Coshocton, OH 43812. Representative: John R. Hafner (same address as applicant) (614) 622–2967. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Notes.—Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation, at applicant's written request of MC 125701 (Sub-1).

MC 119774 (Sub-112), filed February 9, 1981. Applicant: EAGLE TRUCKING COMPANY, A CORPORATION, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd. Fort Worth, TX 76116 (817) 731–8431. Transporting *building materials*, between the facilities of Bird & Son, Inc., its distributors, dealers and suppliers, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125335 (Sub-113), filed February 9, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501 (402)–475–1759. Transporting *food and related products*, between points in the U.S.

MC 134035 (Sub-47), filed February 9, 1981. Applicant: DOUGLAS TRUCKING COMPANY, a Corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Jack K. Williams, P.O. Box 698, Corsicana, TX 75110 (214) 872–3017. Transporting *truck beds, truck bodies, truck and trailer parts, and tool boxes*, between points in Delaware County, IN, Harrison County, IA, Erie County, NY, Crawford County, OH, Harris and Tarrant Counties, TX, on the one hand, and, on the other, points in AZ, AK, CA, HI, ID, NV, OR, and WA.

MC 138904 (Sub-3), filed February 9, 1981. Applicant: CARGO AND TRANSPORTATION SERVICES, INC., 2622 McCormick Ave., Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), between points in Scott County, KS, on the one hand, and, on the other, points in Barton, Wichita, Atchison, Leavenworth, and Finney Counties, KS, and St. Joseph and Kansas City, Mo.

Note.—Applicant intends to tack and interline this authority with its existing authority.

MC 139334 (Sub-3), filed February 9, 1981. Applicant: R. J. GLASS, INC., P.O. Box 337, Newry, PA 16665. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101 (717) 236–8318. Transporting *sand*, between points in Huntingdon County, PA, on the one hand, and, on the other, points in Hardin County, KY.

MC 140665 (Sub-134), filed February 9, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216)–296–2877. Transporting *pulp, paper and related products*, between points in Portage and Wood Counties, WI, on the one hand, and, on the other, points in AZ, CA, OR and WA.

MC 140665 (Sub-135), filed February 9, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216)–296–2877. Transporting *transportation equipment, electrical equipment* and *machinery*, between points in the U.S.

MC 142864 (Sub-29), filed February 9, 1981. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501 Massillon, OH 44646. Representative: J. W. Muldoon, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automobiles, between points in Summit, Stark, and Tuscarawas Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 143594 (Sub-30), filed February 9, 1981. Applicant: NATIONAL BULK TRANSPORT, INC., 624 Holcomb Bridge Rd., Roswell, GA 30075. Representative: Diane R. Langer, 2661 S. Broadway, Green Bay, WI 54304, (414) 497–5355. Transporting *commodities in bulk*, between points in the U.S.

MC 145044 (Sub-7), filed February 9, 1981. Applicant: FOREDECK TRANSPORTATION CO., INC., P.O. Box 142, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Springmeier Shipping Co., Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145044 (Sub-8), filed February 9, 1981. Applicant: FOREDECK TRANSPORTATION CO., INC., P.O. Box 142, Oak Ridge, NJ 07438 Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *filing supplies*, between the facilities of Esselte Pendalfex Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148095 (Sub-1), filed February 9, 1981. Applicant: TROJAN FREIGHT LINES LIMITED, 5280 Maingate Drive, P.O. Box 3030, Station A, Mississauga, Canada L5A 3S3. Representative: Walter N. Bieneman, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, (313) 645–9000. In foreign commerce only, transporting (1) *metal products*, (2) *machinery*, (3) *rubber and plastic products*, and (4) *clay, concrete, glass or stone products*, between ports of entry on the international boundary line between the United States and Canada on the Niagara, Detroit, and St. Clair Rivers, on the one hand, and, on the other, points in NY, PA, OH, MD, NJ, MI, WV, VA, NC, SC, and KY.

MC 150215 (Sub-2), filed February 9, 1981. Applicant: LARRY H. BURLESON, d.b.a. Burleson Distributors, 2020 N. 9th St., St. Louis, MO 63102. Representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314)–727–0777. Transporting *rubber and plastic products* and *food and related products* between points in the U.S., under a continuing contract(s) with (1) I.T.L. Industries of Newark, OH, (2) L. B. Darling Co., of Southboro, MA, (3) Hanfelder Horseradish Company of Granite City, IL, (4) Tasty Bread Products, Inc., of Old Bethpage, L.I., NY, (5) Woeber Mustard Manufacturing Company, of Springfield, OH, and (6) Prarie Farms Dairy, Inc., of St. Louis, MO.

MC 150485 (Sub-1), filed February 9, 1981. Applicant: WESTSPAN HAULING, INC., 9122 South Tacoma Way, Tacoma, WA 98499. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. Transporting *mobile homes and portable buildings*, between points in the U.S., under continuing contract(s) with (1) Lancer Homes, In., of Marysville, CA, (2) Brookbank, Inc., of Centralia, WA, (3) Dons Mobile Homes, Inc., of Tacoma, WA, (4) Karr Brothers Homes, Inc., of Everett, WA, (5) Victorian Village, Inc., of Hadlock, WA, (6) Westlin Homes,

Inc., of Tacoma, WA, (7) Roman Mobile Homes, of Spanaway, WA, and (8) Happy Homes, Inc., of Tacoma, WA.

MC 153645 (Sub-1), filed February 9, 1981. Applicant: ENVIRONMENTAL TRANSFER CORPORATION, 520 SPEEDWELL AVE., Morris Plains, NJ 07950. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *waste or scrap materials* not identified by industry producing, and *hazardous materials*, between points in the U.S., under continuing contract(s) with Advanced Environmental Technology Corporation, of Morris Plains, NJ.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of hazardous materials it will expire 5 years from the date of issuance.

MC 154124 filed February 9, 1981. Applicant: FARIMONT-MARION COUNTY TRANSIT AUTHORITY, 313 Jefferson St., Fairmont, WV 26554. Representative: Woodrow Conrad (same address as applicant) (303) 366–6553. Transporting*passengers and their baggage*, in round trip, special and charter operations, beginning and ending at points in Marion County, WV, and extending to points in PA, OH, MD, KY, VA, and DC.

MC 154135, filed February 9, 1981. Applicant: ELLISON TRANSPORTATION CO., P.O. Box 696, Roseburg, OR 97470. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *passengers and their baggage*, in charter and special operations, between points in Douglas County, OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 154235, filed February 9, 1981. Applicant: DENNIS ZALUD, BRUCE ZALUD & LADDIE P. ZALUD, d.b.a. ZALUD MOTOR EXPRESS, 526 North Stone Street, La Grange Park, IL 60525. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603, (312) 236–0548. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with AAA Compounding & Trading, Inc., Addison, IL, Absolute Industrial Fabricators, of Addison, IL, Acme Sawdust Service, of Calumet City, IL, Alpha Omega Plastics Company, and M.G.B. Engineering Company, both of Elk Grove Village, IL, Arco Durethene Plastics, Charles Schwartz & Co, and Chicago Mailing Tube Co., all of Chicago, IL, Fleetwood Systems, Inc., of Countryside, IL, Frank C. Mitchell Company, of Lockport, IL, Gooding Rubber Co., of Countryside, IL, Jonas Enterprises, Inc., and H. Kohnstamm & Co., Inc., and M & D Flexographic Printers, Inc., all of Chicago, IL, Pine Tree Container, Inc., and Container Labeling, Inc., and Robertshaw Controls Company, all of Countryside, IL, sealed Air Corporation, of Chicago, IL, Union Chemicals Division, Petrochemical Group and Union Oil Company of California, both of Lemont, IL, and Weldbend Corp., of Bedford Park, IL.

MC 154296, filed February 9, 1981. Applicant: S.O.S. TRUCKING, INC., 2202 W. McDowell Rd. Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting (1) *furniture and fixtures*, between points in AZ, CA, and OR, on the one hand, and, on the other, points in the U.S., (2) *milling machines*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S., and (3) *food and related products*, between points in AZ, on the one hand, and, on the other, points in the U.S.

FF 245 (Sub-6), filed February 9, 1981. Applicant: SHIP-RITE TRANSPORTERS, INC., 210 Verdi St., Farmingdale, NY 11735. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. To operate as a *freight forwarder*, transporting *automobiles, household goods, and baggage*, between points in the U.S. Condition: Issuance of a permit is subject to prior or coincidental cancellation, at applicant's written request, of Permit No. FF 245.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7928 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Person's wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Volume No. OP3–129

Decided March 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153915, filed January 30, 1981. Applicant: FLORIDA EXPRESS

CARRIER, INC.—INITIAL COMMON CARRIER, One Malaga St., St. Augustine, FL 32084. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), (a) between points in NC, SC, GA, AL, and FL, restricted to traffic having prior or subsequent movement by railroad, and (b) between points in FL.

Note.—This application is directly related to MC-F-14588, published in this same Federal Register issue.

MC 120975 (Sub-2), filed February 11, 1981. Applicant: FLORIDA EAST COAST HIGHWAY DISPATCH CO., a Corporation, One Malaga St., St. Augustine, FL 32084, (202) 453-7422. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Jacksonville, and Florida City, FL, from Jacksonville, over U.S. Hwy 1 to Jupiter, FL, then over FL Hwy A1A to Lake Park, FL, then over U.S. Hwy 1 to Florida City, and return over the same route, (2) between St. Augustine and Bunnell, FL, from St. Augustine over FL Hwy 207 to East Palatka, FL, then over U.S. Hwy 17 to San Mateo, FL, then over FL Hwy 100 (formerly FL Hwy 20) to Bunnell, and return over the same route, (3) between Mims and Benson Junction, FL, from Mims over FL Hwy 46 to Canaan, FL, then over FL Hwy 415 to Osteen, FL, then over FL Hwy 410 to Benson Junction, and return over the same route, (4) between Osteen and Oak Hill, FL, over unnumbered Hwy, (5) between Stuart and Lake Harbor, FL, from Stuart over FL Hwy 76 to Port Mayaca, FL, then over U.S. Hwy 441 to Belle Glade, FL, then over FL Hwy 80 to Lake Harbor, and return over the same route, (6) between junction U.S. Hwy 1 and FL Hwy 826 near Biscayne Gardens, FL, and junction U.S. Hwy 1 and FL Hwy 826 near Kendall, FL, over FL Hwy 826, and in (1) through (6) above, serving Dorena, Fullerton, Aurantia, Wiley, Carlton, and Marcy, FL, as off-route points.

Note.—Applicant states that it presently holds a certificate of registration No. MC-120975 (Sub-No. 1), and that the purpose of this application is to convert its certificate or registration to a certificate of public convenience and necessity. Applicant further states that the proposed authority would reword and expand its existing authority only to the minimum extent required under Ex Parte No. 55 (Sub-No. 43A). In addition, applicant states that it is a wholly-owned subsidiary of the Florida East Coast Railway Co. (Florida), and that a simultaneous application is being filed by Flordia for authority to continue in control of the present applicant. Said control application has been docketed as MC-F-14578, published in this same Federal Register issue.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7527 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of these applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. Op2-037

Decided: March 5, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 8973 (Sub-79), filed January 9, 1981. (CORRECTION), previously published in the Federal Register issue of February 11, 1981, and republished this issue. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Ave., Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1632, Two World Trade Center, New York NY 10048. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals and plastic articles, between points in the U.S.

Note.—This republication is to correct the commodity description.

MC 107012 (Sub-663), filed February 3, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) (219) 429-2110. Transporting *furniture and fixtures*, between Galax, VA, on the one hand, and, on the other, Burlington, IA.

MC 107012 (Sub-664), filed February 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) (219) 429-2110. Transporting *machinery*, between Sioux Falls, SD and Minneapolis, MN, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, KS, KY, LA, MN, MS, MT, NC, ND, NM, NV, OK, OR, SC, SD, TN, TX, UT, VA, WA, and WY. Board Member Taylor dissents.

MC 107912 (Sub-36), filed February 3, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd.,

Memphis TN 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767–5000. Transporting *general commodities* (except classes A and B explosives), (1) between Memphis, TN and Jackson, MS: from Memphis over U.S. Hwy 51 to Batesville, MS, then over MS Hwy 6 to Clarksdale, MS, then over U.S. Hwy 49 to Tutwiler, MS, then over U.S. Hwy 49E to Yazoo City, MS, then over U.S. Hwy 49 to Jackson, and return over the same route, (2) between Memphis, TN and Batesville, MS: from Memphis over Interstate Hwy 55 to junction U.S. Hwy 6, then over MS Hwy 6 to Batesville, and return over the same route, serving in connection with routes (1) and (2) above Marvell, Lakeview, and Elaine, AR as off-route points, (3) between Grenada and Yazoo City, MS: from Grenada over MS Hwy 7 to Greenwood, MS, then over U.S. Hwy 82 to Indianola, MS, then over U.S. Hwy 49W to Yazoo City, and return over the same route, (4) between Marks and Greenville, MS: from Marks over MS Hwy 3 to Tutwiler, MS, then over U.S. Hwy 49W to Indianola, MS, then over U.S. Hwy 82 to Greenville, and return over the same route, (5) between Ruleville and Rosedale, MS, over MS Hwy 8, (6) between Jackson, MS and Mobile, AL: from Jackson over U.S. Hwy 49 to junction U.S. Hwy 98, then over U.S. Hwy 98 to Mobile, and return over the same route, (7) between Hattiesburg and Landon, MS, over U.S. Hwy 49, (8) between Hattiesburg, MS and Slidell, LA: (a) over Interstate Hwy 59, and (b) over U.S. Hwy 11, (9) between Lafayette, LA and Mobile, AL: from Lafayette over Interstate Hwy 10 to Baton Rouge, LA, then over Interstate Hwy 12 to Slidell, LA, then over Interstate Hwy 10 to Mobile, AL, and return over the same route, serving McIntosh, AL and points in Acadia, Lafayette, St. Martin, and Iberia Parishes, LA as off-route points, (10) between junction Interstate Hwy 10 and LA Hwy 607 and Mobile, AL: from junction Interstate Hwy 10 and LA Hwy 607 over LA Hwy 607 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Mobile, and return over the same route, and (11) serving all intermediate points in routes (1) through (10) above.

Note.—Applicant intends to tack with its otherwise authorized operations.

MC 107912 (Sub-37), filed February 2, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd., Memphis TN 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *chemicals and related products*, between points in Iberville and East Baton Rouge Parishes, LA, and Phillips County, AR, on the one hand, and, on the other, points in AL, TX, MO, MS, TN, GA, KY, and OH.

MC 111302 (Sub-175), filed February 4, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10106, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant) (800) 251–9814. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with (a) Union Carbide Corporation, of New York, NY, (b) J. B. Huber Company, of Edison, NJ, (c) Rohm and Haas Company, of Philadelphia, PA, (d) E. F. Houghton Company, of Valley Forge, PA, and (e) Nalco Chemical Company, of Oak Brook, IL.

MC 111302 (Sub-176), filed February 4, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10106, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant) (615) 584–6631. Transporting *commodities in bulk*, between points in TN, on the one hand, and, on the other, points in the U.S.

MC 115162 (Sub-553), filed February 6, 1981. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as applicant) (205) 578–2636. Transporting *rubber and plastic products* between the facilities used by Michelin Tire Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 115162 (Sub-554), filed February 3, 1981. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as applicant) (205) 578–2636. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., on the one hand, and, on the other, the facilities used by the Mobil Oil Corporation, at points in the U.S.

MC 120262 (Sub-2), filed February 3, 1981. Applicant: COYLE TRANS., INC., 180 West 1st St., So. Boston, MA 02127. Representative: Edward J. Carey (same address as applicant) 617–268–8866. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, RI, and VT.

Note.—Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration MC 120262 (Sub-1), issued August 23, 1980.

MC 126822 (Sub-114), filed February 2, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15560 South 169 Hwy., Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant) (913) 782–0000. Transporting *ores and minerals*, between points in AZ, on the one hand, and, on the other, points in the U.S. Board Member Taylor dissents.

MC 138432 (Sub-25), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *charcoal briquettes*, between points in the U.S. (Board Member Taylor dissents).

MC 138882 (Sub-380), filed February 2, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant) (205) 566–5184. Transporting *general commodities* (except classes A and B explosives), between Emporia, VA, and points in Warren County, KY, Davidson County, TN, Wayne County, MI, Bexar County, TX, and Greene County, AL, on the one hand, and, on the other, points in the U.S.

MC 139852 (Sub-4), filed February 2, 1981. Applicant: E. C. BLACK, d.b.a. BLACK TRUCKING COMPANY, Route 1, York, SC 29745. Representative: Joseph M. Epting, P.O. Box 11414, Columbia, SC 29211. Transporting (1) *chemicals and related products*, between points in Spartanburg, Cherokee, York, and Chester Counties, SC, and points in GA and NC, and (2) *lumber and wood products*, between points in York County, SC, and points in GA and NC.

MC 141232 (Sub-12), filed February 2, 1981. Applicant: STATEWIDE TRUCKING CO., 1801 West Oxford Ave., Englewood, CO 80110. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *building materials*, between points in CO, on the one hand, and, on the other, points in NM.

MC 145642 (Sub-3), filed February 3, 1981. Applicant: GENE INMAN TRUCKING, INC., RFD 1, Box 148–A Whiteville, NC 28472. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602, (919) 828–2421. Transporting *lumber and wood products*, between points in NC, SC, and VA.

MC 147083 (Sub-5), filed February 2, 1981. Applicant: TANKS, INC., P.O. Drawer 1179, Gillette, WY 82716. Representative: Leon L. Brady (same address as applicant) (307) 682–9629. Transporting *mercer commodities* between points in WY, on the one hand, and, on the other, those points in NE on and west of U.S. Hwy 83.

MC 147243 (Sub-3), filed February 3, 1981. Applicant: SEYMOUR &

SOUTHERN, INC., Route 2, Box 287, Seymour, WI 54165. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) InoFood Corp., of Merrill, WI, (b) Anco International Corp., of La Jolla, CA, and (c) Cheese 'N' More, Inc., of Merrill, WI.

MC 148893 (Sub-5), filed January 27, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043, (716) 681-7190. Transporting *transportation equipment*, between the facilities of Markel-Nutone Div.-Scovill, at Buffalo, NY, on the one hand, and, on the other, points in CT, IL, IN, IA, ME, MA, MI, MN, NE, NH, NJ, OH, PA, RI, VT, and WI. Board Member Taylor dissents.

MC 148972 (Sub-2), filed February 2, 1981. Applicant: EDWARD J. WHALEN, d.b.a. WHALEN TRUCK SERVICE, R.R. 2, Auxvasse, MO 65231. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101, (314) 241-9333. Transporting *coal and coal products*, between points in IA, IL, and MO.

MC 150512 (Sub-2F), filed October 31, 1980 (correction), previously published in the Federal Register issues of December 10, 1980, and February 11, 1981, and republished this issue. Applicant: B & M TRANSIT INC., Route 603, Plymouth, OH 44865. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Suffolk County, MA, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

Note.—This republication is to reflect the correct territory description.

MC 152313 (Sub-1), filed February 6, 1981. Applicant: DON'S TRUCKING, INC., P.O. Box 34422, Richmond, VA 23234. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, D.C. 20036, (202) 457-1124. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Volkswagen of America, Inc., of Warren, MI. Board Member Taylor dissents.

MC 152693 (Sub-1), filed February 2, 1981. Applicant: HAROLD S. WILSON TRUCKING, INC., Route 1, Box 222, Homedale, ID 83628. Representative: Louis L. Uranga, P.O. Box 784, Boise, ID 83701, (208) 342-8931. Transporting *chemicals and related products*, between points in Benton, Walla Walla, and Franklin Counties, WA, on the one hand, and, on the other, points in ID. Board Member Taylor dissents.

MC 154103, filed February 4, 1981. Applicant: MID SOUTH FRIEGHT, INC., 10 Interstate Dr., Nashville, TN 37213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40402. Transporting *general commodities*, (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Acme Mills, Inc., of Detroit, MI, (b) Chemrock Corporation, of Nashville, TN, (c) Clements Paper Company, Division of Mead Corp., of Nashville, TN, (d) Davidson Manufacturing Co., of Nashville, TN, (e) Fortune Plastics of Tennessee, of Lebanon, TN, (f) Globe Cosco Business Furniture, Inc., of Hendersonville, TN, (g) Hartmann Luggage, of Lebanon, TN, (H) Knight Metalcraft, Division of Whittaker Corporation, of Portland, TN, (i) Monarch Metals, of Toledo, OH, (j) Paramount Packaging, of Murfreesboro, TN, (k) Werthan Industries, Inc., of Nashville, TN, (l) Westex, Inc., of Chicago, IL, and (m) American Trading Group, Inc., of Boston, MA.

MC 154303, filed February 5, 1981. Applicant: BOBBY JOE TRUCKING, INC., P.O. Box 139, Eagle Point, OR 97524. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting (1) *building materials*, (2) *lumber and wood products* (except those in (1) above), and (3) *metal products*, between points in OR, WA, CA, ID, UT, CO, AZ, NM, TX, WY, and NV.

Volume No. OP1-067

Decided: March 6, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 126930 (Sub-58), filed January 26, 1981, and previously noticed in Federal Register issue of February 18, 1981. Applicant: BRAZOS TRANSPORT CO., a corporation, 1611 Ave. M, P.O. Box 2746, Lubbock, TX 79401. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. In foreign commerce only, transporting *buildings*, between points in Tarrant County, TX, on the one hand, and, on the other, points in TX.

Note.—This republication clarifies the commodity description.

MC 153790, filed January 26, 1981, and previously noticed in Federal Register issue of February 18, 1981. Applicant: TERMINAL TRANSPORTATION SERVICES DIV., THE TERMINAL CORP., 211 E. Pleasant St., Baltimore, MD 21202. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, and points in Wicomico County, MD, on the one hand, and, on the other, points in CT, DE, MA, MD, NC, NJ, NY, OH, PA, VA, WV, and DC.

Note.—This republication includes PA in the radial territory.

Volume No. OP1-068

Decided: March 4, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 120981 (Sub-34), filed January 27, 1981, and previously noticed in Federal Register issue of February 18, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Dr., Nashville, TN 37210. Representative: George M. Catlett, Suite 706 McClure Bldg., Frankfort, KY 40601. Transporting *general commodities* (except classes A and B explosives), between the facilities of Exxon Company, U.S.A. at points in AL, FL, GA, IL, IN, KY, LA, MS, NC, OH, PA, SC, TN, TX, and WV, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MS, NC, OH, PA, SC, TN, TX, and WV.

Note.—This republication clarifies the commodity description.

MC 121790 (Sub-2), filed January 30, 1981. Applicant: KEEP ON TRUCKING COMPANY, INC., 607 West B St., Wilmington, CA 90744. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. Over regular routes, transporting *metal products and machinery*, (1) between junction Interstate Hwy 5 and CA Hwy 4, near Stockton, CA, and junction Interstate Hwy 5 and the international boundary line between the U.S. and Mexico, over Interstate Hwy 5, (2) between San Francisco and Los Angeles, CA, over U.S. Hwy 101, (3) between junction CA Hwys 4 and 99, near Stockton, CA, and Wheeler Ridge, CA, over CA Hwy 99, (4) between Oakland, CA, and junction Interstate Hwys 580 and 5, and Vernalis, CA, over Interstate Hwy 580, (5) between Modesto, CA, and junction Interstate Hwy 580 and CA Hwy 132, over CA Hwy 132, (6) between San Francisco, and Capistrano Beach, CA, over CA Hwy 1, (7) between San

Francisco and Crockett, CA, over Interstate Hwy 80, (8) between junction Interstate Hwy 680 and CA Hwy 4, and San Jose, CA, over Interstate Hwy 680, (9) between junction CA Hwy 4 and Interstate Hwy 80, near Pinole, CA, and Junction CA Hwys 4 and 99, near Stockton, CA, over CA Hwy 4, (10) between Richmond and Santa Cruz, CA, over CA Hwy 17, (11) between Oceanside and Escondido, CA, over CA Hwy 78, (12) between Santa Monica and Redlands, CA, over Interstate Hwy 10, (13) between junction CA Hwy 126 and Interstate Hwy 5, near Saugus, CA, and Ventura, CA, over CA Hwy 126, (14) between Santa Maria, CA, and junction CA Hwys 166 and 99, near Wheeler Ridge, CA, over CA Hwy 166, (15) between Watsonville, CA, and junction CA Hwys 152 and 99, over CA Hwy 152, (16) between Visalia and San Lucas, CA, over CA Hwy 198, (17) between Famoso, CA, and junction CA Hwys 46 and 1, near Cambria, CA, over CA Hwy 46, (18) between Delano and Woody, CA, over CA Hwy 155, (19) between the Kern-Tulare County Line, CA, and junction CA Hwys 65 and 99, near Bakersfield, CA, over CA Hwy 65, (20) between Bakersfield and Democrat Springs, CA, over CA Hwy 178, (21) between junction CA Hwys 58 and 99, near Bakersfield, CA, and junction CA Hwys 58 and 223, near Caliente, CA, over CA Hwy 58, (22) between junction CA Hwys 223 and 99, near Bakersfield, CA, and junction CA Hwys 223 and 58 near Caliente, CA, over CA Hwy 223, and (23) between junction CA Hwys 184 and 58, near Bakersfield, CA, and Wheeler Ridge, CA, over CA Hwy 184, serving all intermediate points in routes (1)–(23) above, and serving points in Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey, Tulare, King, Fresno, San Benito, Merced, Stanislaus, Santa Clara, Santa Cruz, San Mateo, Alameda, San Francisco and Contra Costa Counties, CA, those points in Madera County west of CA Hwy 41, those points in San Joaquin County south of CA Hwy 4, those points in Kern County, CA, west of a line beginning at the Kern-Tulare County Line then along CA Hwy 65 to junction CA Hwy 99, then along CA Hwy 99 to junction Interstate Hwy 5, then along Interstate Hwy 5 to the Kern-Los Angeles County line, those points in San Bernardino County, CA, west of a line beginning at the Los Angeles-San Bernardino County line, then along CA Hwy 138 to Interstate Hwy 15, then along Interstate Hwy 15 to junction Interstate Hwy 10, then along Interstate Hwy 10 to San Bernardino-Riverside County line, those points in Riverside County west of a line beginning at the San Bernardino-Riverside County line, then along Interstate Hwy 10 to junction CA Hwy 86, then along CA Hwy 86 to the Riverside-San Diego County line, and those points in San Diego County west of a line beginning at the Riverside-San Diego County line, then along Interstate Hwy 15 to Interstate Hwy 805, then along Interstate Hwy 805 to the international boundary line between the U.S. and Mexico, as off-route points. Condition: Upon issuance of a certificate in this proceeding, the certificate of registration in MC 121790 (Sub-1), will be cancelled.

Note.—The purpose of this application is to convert a certificate of registration in MC 121790 (Sub-1), to a certificate of public convenience and necessity.

Volume. No. OP5–70

Decided: February 26, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 12739 (Sub-4), filed January 29, 1981. Applicant: PEAK TOURS, INC., 134 North Franklin St., Hempstead, NY 11550. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022. Transporting *passengers and their baggage,* in special and charter operations, between points in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 18066 (Sub-69), filed February 6, 1981. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Clorox Company, of Oakland, CA, (2) Union Underwear Company, Inc., of Bowling Green, KY, and (3) Kerr-McGee Corporation, of Oklahoma City, OK.

MC 40978 (Sub-84), filed February 6, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *furniture and fixtures,* between points in IA, IL, IN, MI, MN, MO, OH, and WI.

MC 74258 (Sub-1), filed February 6, 1981. Applicant: AMERICAN FREIGHT CORP., P.O. Box 3761, 969 N. 2nd St., Philadelphia, PA 19125. Representative: Steven M. Tannenbaum, 21 Teak St., Cherry Hill, NJ 08003 Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, OH, IN, IL, and DC.

MC 84648 (Sub-4), filed February 6, 1981. Applicant: SPINDLER TRANSFER CO., a corporation, d.b.a. SPINDLER'S SERVICE, 211 Cumming Ave., Superior, WI 54880. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *commodities* in bulk, between points in St. Louis County, MN, and Douglas County, WI, on the one hand, and, on the other, points in IA, MI, MN, ND, SD, and WI.

MC 106398 (Sub-1093), filed January 29, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). Transporting *building materials,* between points in Cuyahoga County, OH, Erie County, NY, Fulton County, GA, Hennepin County, MN, Saint Louis City County, MO, Multnomah, OR, Middlesex County, NJ, Harris County, TX, and Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 109448 (Sub-30), filed February 5, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of heat exchangers and heating and air conditioning units, between points in Lorain and Medina Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 111548 (Sub-32), filed February 5, 1981. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004. Transporting *furniture and fixtures* between points in VA, NC, and TN, on the one hand, and on the other, points in the U.S.

MC 113908 (Sub-521), filed January 27, 1981. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10068, G.S., Springfield, MO 65804. Representative: John E. Janders, P.O. Box 1979, Topeka, KS 66601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 114098 (Sub-54), filed February 5, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032

Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004. Transporting (1) *metal products* between points in the U.S., under continuing contract(s) with Exposiac Wire Company, of Mt. Airy, NC, and (2) *rubber and plastic products* between points in the U.S., under continuing contract(s) with Queen City Plastics, Inc., of Charlotte, NC.

MC 114818 (Sub-22), filed February 5, 1981. Applicant: MOTOR CARGO, A Corporation, 845 West Center, North Salt Lake, UT 84054. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in CO, AZ, NV, and CA, and points in UT (except points in Davis, Weber, Box Elder, and Cache Counties, UT).

Note.—Applicant seeks permission to tack this authority with its existing regular-route authority.

MC 116949 (Sub-21), filed February 3, 1981. Applicant: BURNS TRUCKING, INC., Rural Rt. 1, Box 304, So. Sioux City, NE 68776. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Morgan Equipment Co., of San Francisco, CA.

MC 117119 (Sub-837), filed January 28, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same as applicant). Transporting *Mercer commodities* between points in Harris County, TX, and St. Mary Parish, LA, on the one hand, and, on the other, points in CA, CO, ID, MT, NV, ND, OR, SD, UT, WA, and WY.

MC 118318 (Sub-57), filed February 5, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 118318 (Sub-58), filed January 19, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 119399 (Sub-145), filed January 30, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., P.O. Box 1375, Joplin, MO 64801. Representative: Don D. Lacy (Same address as applicant). Transporting *food and related products*, between the facilities used by Thomas J. Lipton, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119399 (Sub-146), filed February 5, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Don D. Lacy (Same address as applicant). Transporting *food and related products*, between points in the U.S.

MC 136068 (Sub-1F), filed October 27, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, 1052 S. Main St., Urbana, OH 43078. Representative: Michael Spurlock 275 E. State St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, between points in the U.S. under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 138069 (Sub-12), filed February 6, 1981. Applicant: LUCIUS, INC., 2512 South 163rd St., Omaha, NE 68130. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114. Transporting *general commodities* (except classes A and B explosives), between points in Douglas County, NE, and Pottawattamie County, IA, on the one hand, and, on the other, points in the U.S.

Volume No. OP5–71

Decided: February 26, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 141439 (Sub-6), filed January 29, 1981. Applicant: HILL TRUCK LINE, INC., P.O. Box 6291, Omaha, NE 68106. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between points in Douglas County, NE, and Pottawattamie County, IA, on the one hand, and, on the other, points in KS, MO, OK, AR, and TX.

MC 141958 (Sub-21), filed February 3, 1981. Application: FEDCO FREIGHTLINES, INC., P.O. Box 546, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *such commodities* as are dealt in or used by drug, grocery, and food business houses, between points in the U.S., under continuing contract(s) with The Proctor & Gamble Company of Cincinnati, OH and its wholly owned subsidiaries.

MC 142059 (Sub-161), filed January 26, 1981. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Fred H. Daly, 2550 M. St., NW., Suite 475, Washington, DC 20037. Transporting (1) *such commodities* as are dealt in, or used by, manufacturers of containers, and (2) *metal articles*, between points in Baltimore and Wicomico Counties, MD, Wood County, OH, Philadelphia County, PA, Frederick County, VA, Essex County, MA, Hudson County, NJ, Cook and Kankakee Counties, IL, Rice and Dakota Counties, MN, Milwaukee County, WI, St. Louis County, MO, Fulton and De Kalb Counties, GA, Polk County, FL, Chesterfield and Spartanburg Counties, SC, Taylor, Tarrant, and Harris Counties, TX, Los Angeles and Contra Costa Counties, CA, and Washakie County, WY, on the one hand, and, on the other, points in the U.S.

MC 142168 (Sub-4), filed February 3, 1981. Applicant: CARL'S BUTTON & STITCH, INCORPORATED, Rt. 613, Box 424, Payne, OH 45880. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting *general commodities* (except classes A and B explosives) between points in IL, IN, and OH, on the one hand, and, on the other, points in CA, NV, and OR. Condition: Issuance of certificate in this proceeding is subject to coincidental cancellation at applicant's written request, of its certificate in MC 142618.

MC 143059 (Sub-164), filed January 29, 1981. Applicant: MERCER TRANSPORTATION CO., a corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same address as applicant). Transporting *metal products* between points in Allegheny County, PA, on the one hand, and, on the other, points in the U.S.

MC 143739 (Sub-46), filed February 5, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson, P.O. Box 147, New Richland, MN 56072. Transporting *food and related products*, between points in Freeborn County, MN on the one hand, and, on the other, points in CO, IL, IN, IA, NE, ND, SD, and WI.

MC 143899 (Sub-4), filed February 3, 1981. Applicant: MAHLON SAUNDERS, JR, d.b.a. SAUNDERS TRUCKING, 2715 Howbert, Colorado Springs, CO 80904. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives),

between those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 144858 (Sub-40), filed February 3, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102. Transporting *such commodities* as are dealt in or used by variety and department stores between points in AR, KS, MO, OK, TN, and TX, on the one hand, and, on the other, points in the U.S.

MC 145829 (Sub-24), filed February 6, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S., under continuing contract(s) with Action Industries, Inc., of Cheswick, PA.

MC 145829 (Sub-25), filed February 6, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with General Felt Industries, Inc., of Saddle Brook, NJ.

MC 147209 (Sub-6), filed February 6, 1981. Applicant: QUASAR EXPRESS, INC., P.O. Box 40, Sioux Falls, SD 57101. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101. Transporting *general commodities* (except classes A and B explosives), between points in Minnehaha County, SD, on the one hand, and, on the other, points in IL, IN, MI, OH, and WI.

MC 148779 (Sub-5), filed February 6, 1981. Applicant: RON FOX TRUCKING, INC., 22N–675W; Valparaiso, IN 46383. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516. Transporting *Rubber and plastic products*, between points in the U.S., under continuing contract(s) with Fairchild Camera and Instrument Corporation, of Mountain View, CA.

MC 150788 (Sub-1), filed February 6, 1981. Applicant: EAGLE FURNITURE CORP., d.b.a. GREENWOOD CARRIERS, INC., Route 5, Box 330, Cookeville, TN 38501. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Transporting *lumber and wood products*, between points in Putnam County, TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 151428 (Sub-2), filed January 28, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Paulsen Wire Rope Corporation of Sunbury, PA.

MC 151609 (Sub-1), filed February 6, 1981. Applicant: BRIAN KARGMAN, d.b.a. B. K. LEASING CO., Dutch Mill Road, Franklinville, NJ 08322. Representative: David Earl Tinker, 1000 Conn. Ave., NW., Suite 1112, Washington, D.C. 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Malanco East, Inc., of Vineland, NJ.

MC 151799 (Sub-2), filed February 3, 1981. Applicant: GLENMAR, INC., 5500 S.W., 315th, Federal Way, WA 98003. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting (1) *lumber and wood products*, between points in WA and OR on the one hand, and, on the other, points in ID, MT, WY, CA, NV, UT, AZ, NM, and CO, and (2) *iron and steel articles*, between points in King County, WA, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT, WA, and WY.

MC 153129 (Sub-1), filed February 3, 1981. Applicant: GENE FENTON, INC., 213 Hillcrest Drive, Audubon, IA 50025. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O'Lakes, Spencer Beef Division, of Spencer, IA.

MC 153759 (Sub-1), filed January 30, 1981. Applicant: GLOUCESTER DISPATCH, INC., 274 Main St., Gloucester, MA 01933. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Chase and Company, of New York, NY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7929 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions

Correction

On page 15233, in the issue for Wednesday, March 4, 1981, in the correction for FR Doc. 81–3204, (which originally appeared on Wednesday, January 28, 1981, at 46 FR 9218), make the following correction:

In the last line, "NF" should have read "NE".

BILLING CODE 1505-01-M

Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice seting forth the compliance requirements which must be satisfied before the authority will be

issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–060

Decided: March 4, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 200 (Sub-566), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *empty steel shipping cylinders*, between points in Garfield County, OK, on the one hand, and, on the other, points in ID, NV, UT, and WY.

FF–540, filed January 29, 1981. Applicant: L D S FORWARDING, 2211 Wood St., Oakland, CA 94607. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. *As a freight forwarder*, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in CA, on the one hand, and, on the other, points in the U.S.

MC 61440 (Sub-207), filed January 30, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except classes A and B explosives) serving points in Grayson County, TX as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 63101 (Sub-11), filed February 6, 1981. Applicant: KEENE'S TRANSFER, INC., 1019 East Ave., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting (1) *transportation equipment*, between points in Ramsey County, MN, on the one hand, and, on the other, points in WI, and (2) *metal products*, between points in Monroe County, WI, on the one hand, and, on the other, points in AR, IA, IL, IN, KY, MI, MN, MO, ND, OH, SD, and TN.

MC 80430 (Sub-186), filed February 6, 1981. Applicant: GATEWAY TRANSPORTATION CO., INC., 7401 Newman Blvd., LaSalle, Quebec, Canada H8N 1X4. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Kansas City, MO, and Noyes, MN, from Kansas City over Interstate Hwy 29 to Sioux City, IA, then over U.S. Hwy 75 to Noyes, and return over the same route, (2) between Kansas City, MO, and Grand Portage, MN, from Kansas City, over Interstate Hwy 35 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Grand Portage, and return over the same route, (3) between Dubuque, and Pacific Junction, IA, from Dubuque over U.S. Hwy 61 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Pacific Junction, and return over the same route, (4) between Des Moines, IA, and Omaha, NE, over Interstate Hwy 80, (5) between Ft. Dodge, and Sioux City, IA, over U.S. Hwy 20, (6) between Austin, MN, and Sioux Falls, SD, from Austin over Interstate Hwy 90 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Sioux Falls, and return over the same route, (7) between Mankato, MN, and Brookings, SD, over U.S. Hwy 14, (8) between Minneapolis, MN, and Fargo, ND, over U.S. Hwy 52, (9) between Duluth, and Donaldson, MN, from Duluth over U.S. Hwy 53 to International Falls, MN, then over MN Hwy 11 to Donaldson, and return over the same route, (10) between Portage, WI, and Ironwood, MI, from Portage over U.S. Hwy 51 to junction U.S. Hwy 2, then over U.S. Hwy 2 to Ironwood, and return over the same route, (11) between Menominee, and Escanaba, MI, over MI Hwy 35, (12) between Michigan City, IN and junction U.S. Hwy 31 and Interstate Hwy 75, near Mackinaw City, from Michigan City over U.S. Hwy 12 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 131, then over U.S. Hwy 131 to junction U.S. Hwy 31 to junction Interstate Hwy 75, and return over the same route, (13) between Port Huron, MI, and Sault Ste. Marie, MI, from Port Huron over MI Hwy 21 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Sault Ste. Marie, and return over the same route, (14) between St. Ignace, MI, and Crookston, MN, over U.S. Hwy. 2, serving all intermediate points in routes (1)–(14) above, and off-route points in IA, MI, MN and WI.

Note.—Applicant intends to tack the above requested authority with its existing authority.

MC 129790 (Sub-17), filed February 6, 1981. Applicant: JOSEPH A. BECKER, d.b.a. BECKER HI–WAY FRATE, P.O. Box 10B, Albert Lea, MN 56007. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Streater Industries, Inc., of Albert Lea, MN.

MC 144140 (Sub-54), filed January 6, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting *food and related products*, between points in the U.S.

MC 144221 (Sub-3), filed February 6, 1981. Applicant: KINGSWAY FREIGHTLINES LIMITED, 212 Meridian Road N.E., Calgary, Alberta, Canada 2TA 246. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), between ports of entry on the International boundary line, between the U.S. and Canada at or near Blaine, Lyden or Sumas, WA, and Portland, OR, over Interstate Hwy. 5, serving all intermediate points and serving points within 10 miles of the authorized regular route as off-route points.

MC 145531 (Sub-3), filed February 6, 1981. Applicant: RAPID TRANSFER, INC., 3219 Airport Way South, Seattle, WA 98134. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives) between points in WA, ID, OR and CA.

MC 150290 (Sub-4), filed January 26, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *machinery*, (2) *metal products*, (3) *chemicals* and *related products*, and (4) *petroleum, natrual gas and their products*, between Atlanta, GA, Los Angeles, CA, Detroit, MI, Chicago, IL, Philadelphia, PA, Buffalo and New York, NY, and points in Will County, IL, Hudson County, NJ, and Kanawah County, WV, on the one hand, and, on the other, points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum

gas, it will expire 5 years from the date of issuance.

MC 151520 (Sub-1), filed January 6, 1981. Applicant: BOBBY G. GRAHAM, d.b.a. BOBBY G. GRAHAM TRUCKING, P.O. Box 743, Hawthorne, NV 89415. Representative: Bobby G. Graham (same address as applicant). Transporting *food and related products*, between points in the U.S., under continuing contract(s) with E. J. Brach & Sons, Inc., of Reno, NV.

MC 152451 (Sub-1), filed February 5, 1981. Applicant: LAKE STATES CARTAGE, INC., 9430 State Rte. 309 W., Kenton, OH 43326. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *chemicals and related products*, between points in IL, IN, KY, MI, and OH.

MC 153870 (Sub-1), filed February 5, 1981. Applicant: D.A.D.TRUCKING, INC., 157 West 24th St., New York, NY 10011. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *household goods*, between New York, NY, Dallas and Houston, TX, Kansas City and St. Louis, MO, San Francisco, CA, Chicago, IL, New Orleans, LA, Atlanta, GA, Washington, DC, Denver, CO, Philadelphia, PA, and points in Suffolk County, MA, Dade County, FL, Los Angeles, CA, Cuyahoga County, OH, King County, WA, Maricopa County, AZ, and Bernalillo County, NM.

MC 153871 (Sub-1), filed February 3, 1981. Applicant: ED COCHRAN d.b.a. ED'S TRUCKING COMPANY, 2214 Poplar Rd., Baltimore, MD 21221. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Capital Fireproof Steel, a division of New Jersey Steel Corporation, of Baltimore, MD.

MC 153971 (Sub-1), filed February 6, 1981. Applicant: E–Z TRANS, INC., P.O. Box 641, Woodbury, CT 06798. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, KS, TN, GA, and FL.

MC 154041, filed February 6, 1981. Applicant: PINDER S TRANSFER, INC., 4421 S.W. 134th Ct., Miami, FL 33175. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166. Transporting *general commodities* (except classes A and B explosives), between points in the Commercial Zone of Miami, FL.

MC 154051 (Sub-1), filed February 5, 1981. Applicant: FRANKLIN PUMPING SERVICE, INC., Industrial Road (P.O. Box 617), Wrentham, MA 02093. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting *hazardous materials*, between points in CT, ME, MA, NH, NJ, NY and VT, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 154091, filed February 6, 1981. Applicant: ON THE ROAD TOURS, INC., P.O. Box 183, 5713 Middaugh Ave., Downers Grove, IL 60515. Representative: John Kloster, 2 W. Greenfield, Lombard, IL 60148. As a *broker*, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 154131 (Sub-1), filed February 6, 1981. Applicant: PRISCOM CORPORATION, 300 Lanidex Plaza, Parsippany, NJ 07054. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Prismo Universal Corporation and its affiliates, Universal Road Marking, Inc., and Transmark, Inc., all of Parsippany, NJ.

MC 154270, filed February 3, 1981. Applicant: AUT TEXAS, INC., 2000 South Post Oak Road, Houston, TX 77046. Representative: Richard D. Gluck, 1054 Thirty-First Street NW., Washington, DC 20007. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 154320, filed February 6, 1981. Applicant: AMARAL TRUCKING, INC., 1220 Whipple Rd., Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite. 2808, San Francisco, CA 94108. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of soft drink beverages, between points in the U.S., under continuing contract(s) with Shasta Beverages, Inc., of Hayward, CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7886 Filed 3–12–81; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 40 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Amendments to the request for authority will not be accepted afer the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questons involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

We also find, that the transaction is consistent with the public interest, will enable the rail carrier to use motor carrier transportation to public advantage in its operation, and will not unreasonably restrain competition.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate

authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: March 5, 1981.

Volume No. OP3-198

Decided March 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC-F-14566, filed February 4, 1981. Applicant: FLORIDA EAST COAST RAILWAY COMPANY (FLORIDA) (One Malaga Street, St. Augustine, FL 32084)—continuance in control—FLORIDA EXPRESS, INC. (FEC)—initial common carrier (One Malaga Street, St. Augustine, FL 32084). Representative: Eugene T. Liipfert, Suite 1100, 1600 L Street NW., Washington, DC 20036. Florida seeks authority to continue in control of FEC upon the institution by FEC of operations, in interstate or foreign commerce, as a motor common carrier. St. Joe Paper Co., a publicly held non-carrier and majority stockholder of Florida, seeks authority to acquire control of said rights through the transaction. Florida was authorized to control Apalachicola Northern Railway in 307 I.C.C. 5 (1958). It also owns all the capital stock of Florida East Coast Highway Dispatch Co., Inc., which holds a certificate of registration issued in Docket MC 120975. Florida also is seeking in MC-F-14578, authority to continue in control of Florida East Coast Highway Dispatch Co., Inc., when its certificate of registration is converted. Condition: So far as can be ascertained from the evidence of record in this proceeding, St. Joe is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized to this proceeding, St. Joe will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will therefore, be subject to the applicable provisions of 49 U.S.C Subtitle IV, subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities.

Note.—FEC has filed as a directly related application its initial common carrier application. This application, docketed MC 153915 is published in this same Federal Register issue.

MC-F-14578, filed February 5, 1981. Applicant: FLORIDA EAST COAST RAILWAY COMPANY (FLORIDA) (One Malaga Street, St. Augustine, FL 32084)—continuance in control—FLORIDA EAST COAST HIGHWAY DISPATCH CO. (DISPATCH) (One Malaga Street, St. Augustine, FL 32084). Representative: Eugene T. Liipfert, Suite 1100, 1600 L Street NW., Washington, DC 20036. Florida, a Class I common carrier by rail, seeks authority to continue in control of interstate operating rights of Dispatch. St. Joe Paper Co., a publicly held non-carrier and majority stockholder of Florida, seeks authority to acquire control of said rights through the transaction. Florida was authorized to control Apalachicola Northern Railway in 307 I.C.C. 5 (1958). It also owns all the capital stock of Florida Express, Inc., which has applied for its initial common carrier authority in Docket MC 153915. Florida is seeking in MC-F-14566, authority to continue in control of Florida Express, Inc., when its certificate is issued. Dispatch presently holds authority in Certificate of Registration MC 120975 (Sub-1), to operate as a common carrier, transporting general commodities over specified regular routes in Florida.

Note.—Dispatch has filed a directly related application to convert its certificate of registration to a certificate of public convenience and necessity. The application docketed MC 120975 (Sub-2), is published in this same Federal Register issue.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7629 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 37]

Restriction Removals; Decision-Notice

Decided: March 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 3991 (Sub-7)X, filed February 26, 1981. Applicant: J. C. TRUCKING COMPANY, INC., 234 Forbes Ave., New Haven, CT 06512. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06150. Applicant seeks to remove restrictions in its certificate MC 30180 acquired in MC-FC-78371 to (1) remove all exceptions to its general commodities except classes A and B explosives, and (2) expand the one-way movement in the irregular route portion of its authority to authorize radial service between South Norwalk, CT and points in CT. Applicant further seeks removal of restrictions from its lead certificate MC 3991 and Sub-5 to (1) broaden the commodity descriptions from ladies suit and dress piece goods, cut goods and trimmings; finished and unfinished ladies dresses and suits; women's and children's garments (some on hangers); materials used in the manufacture of women's and children's dresses to "wearing apparel" and (2) replace one-way authority with two-way authority in (a) the lead: between New York, NY and New Haven, CT and (b) Sub-5: between Waterbury, CT and New York, NY.

MC 32882 (Sub-157)X, filed February 20, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same as applicant). Applicant seeks to remove restrictions in its Sub-53 certificate to (1) broaden the commodity description to authorize "machinery and building materials," from automobile cleaning machines, parts, equipment.

and materials used in the construction or erection of buildings or housing facilities for cleaning machines, and (2) remove the exception against service in AK and HI, to authorize between Portland, OR, and points in the United States.

MC 36556 (Sub-49)X, filed February 5, 1981, previously noticed in the **Federal Register** of February 24, 1981, republished as corrected this issue. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, WI 53171. Representative: Fred H. Figge (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-41F, 42F, 44F, and 46F certificates to (1) broaden its commodity description (a) from canned goods, canning factory supplies and equipment; canned goods and such commodities as are dealt in or used by manufacturers of canned goods, and canned and prepared foodstuffs (except in bulk, in tank vehicles), to "food and related products, and materials equipment and supplies used in the manufacture and distribution thereof", in the lead certificate (sheet 4), Sub-44F, and Sub-46F, respectively; (b) from pet food (except in bulk), to "pet food, and materials equipment and supplies used in the manufacture and distribution thereof", in Sub-41F; (2) change its one-way authority to radial authority between several specified States; and replace specified plantsites or cities with county-wide or commercial zone authority (a) a named plantsite at St. Joseph, MO, with Buchanan County, MO, Jefferson, WI, with Jefferson County, WI, Ft. Dodge, IA, with Webster County, IA, and Sebring, OH, with Mahoning County, OH, in Sub-41F; (b) a named plantsite at Mount Vernon, and St. Joseph, MO, with Lawrence and Buchanan Counties, MO, a named plantsite at Mansfield, TX, with Tarrant County, TX; and a named plantsite at Waupun, Oconomowoc, and Menomanee Falls, WI, with Dodge, Fond du Lac, and Waukesha Counties, WI, in Sub-42F, parts (a), (b), and (c), respectively; (c) a named plantsite at 8 named cities in WI, with St. Croix, Marinette, Oconoto, Shawano, Fond du Lac, Calumet, and Waukesha Counties, WI; a named plantsite at Louisville, KY and St. Louis, MO with authority to serve their respective commercial zones, a named plantsite at Brownsville WI, with Dodge County, WI in Sub-44F, and (d) 5 named cities in WI, with Sheboygan, Dodge, Jefferson, and Fond du Lac Counties, WI, in Sub-46F; and (3) eliminate the restriction against transportation of commodities in bulk, and shipments originating at the named origins, in Sub-42F. The purpose of this republication is to add Dodge County to part (2)(b) of the caption summary as Waupun, WI is located in both Dodge and Fond du Lac Counties.

MC 87379 (Sub-25)X, filed February 18, 1981. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Ave., Uhrichsville, OH 44683. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-2, 7, 11, 14, 18, 20, 23, and 24 certificates by (1) broadening the commodity descriptions (a) from petroleum products, in containers in its lead to "such commodities as are dealt in or used by manufacturers of petroleum, and petroleum products," (b) from products and articles manufactured of clay, except earthenware and pottery in its lead and Sub-2; clay products, stoneware, and chinaware, in Sub-7; materials equipment and supplies (except commodities in bulk), used in the manufacture or distribution of clay products in Sub-14; clay products and materials, equipment, and supplies used in the manufacture or distribution of clay products (except commodities in bulk), in Sub-20; clay products, materials and supplies used in the installation of clay products and materials used in the manufacture of clay products in Sub-23; and clay flower pots, clay products and clay pottery in Sub-24, to "such commodities as are dealt in or used by manufacturers of clay and clay products," (c) from plastics, pipe, fittings, and accessories in Sub-7; packaged plastic molding compounds in Sub-11; materials, equipment and supplies (except commodities in bulk), used in the manufacture or distribution of plastic products, in Sub-14 and 18; to "such commodities as are dealt in or used by manufacturers of plastic and plastic products; (d) from molded rubber tire and tube repair items, extruded rubber washers, and lead balance weights in Sub-18 to "such commodities as are dealt in or used by manufacturers of rubber and rubber products and automotive parts"; and (e) from canned dog food in Sub-24 to "such commodities as are dealt in or used by manufacturers or distributors of animal food"; and (f) from new furniture, parts and accessories in Sub-18, to "such commodities as are dealt in or used by manufacturers of furniture" (2) substituting Venango County, PA for Rouseville, PA in its lead; Perry County, OH for (a) Junction City, OH, in its lead, Sub-2, 7, and 14 and (b) Crooksville, OH in Sub-24; Carroll County, OH for (a) Center Township in Sub-7 and (b) Carrollton in Sub-14; Tuscarawas County, OH for (a) Stillwater, OH, in its lead and (b) Newcomerstown, OH in Sub-11 and 18, and (c) portions of Tuscarawas County in Sub-23; St. Lawrence County, NY for Gouvenor, NY, Bourbon County, KY for Paris, KY, and Chickasaw County, MS for Houston, MS, in Sub-23; Monroe County, MI for South Rockwood, MI, Muskingam County, OH for Roseville and Zanesville, OH, Warren County, OH for Corwin and Pekin, OH, Columbiana County, OH for Summitville, OH, in Sub-24; and Winona County, WI for Winona, WI, in Sub-11; (3) by replacing one-way with radial authority generally between the above counties and most of the U.S.; (4) remove the exceptions of AK and HI and the origin State of OH from its nationwide authority in authority in Sub-18; (5) removing "originating at or destined to" retrictions in Sub-18 and 24; and (6) removing restrictions (a) against the transportation of ores and iron oxide from or to named points in PA and OH, in Sub-14; (b) against service between portions of AL and OH in Sub-24, and (c) against service to or from named facilities in Newcomerstown, OH, in Sub-18. Applicant also seeks to remove restrictions in MC 120851 lead and Sub-2 and 3 permit by (1) broadening the commodity descriptions (a) from non-ferrous scrap in the lead, to "waste or scrap materials not identified by industry producing", and (b) from rifle assemblies, rifle accessories, and rifle parts, to "such commodities as are dealt in or used by manufacturers of rifles", and (2) expanding the territorial authorities to between points in the U.S., under continuing contract(s) with named shippers.

MC 93674 (Sub-4)X, filed February 17, 1981, previously noticed in the **Federal Register** of March 3, 1981 republished as corrected this issue. Applicant: BOYER TRUCK LINE, INC., 2845 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions from livestock to "farm products", feed, chipboard, boxes, paper, fibre-board, pulpboard, binder twine, and farm machinery, to "feed, pulp paper and related products, and machinery", from binder twine, farm machinery, and agricultural implements, to "machinery", from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)", from coal, to "coal and coal products", and from feed and livestock, to "feed and farm products"; (2) change its one-way authority to radial authority between various combinations of points

in IL and IA; (3) authorize intermediate point service in its regular route authority, between DeWitt, IA and Chicago, IL; (4) replace its cities with county-wide authority, in its irregular route authority (a) Sandwich, Rockford, Moline, East Moline, and Rock Island, IL, with De Kalb, Winnebago, and Rock Island Counties, IL, Low Moor and DeWitt, IA, with Clinton County, IA, Geneseo, IL, with Henry County, IL, Maquoketa, IA, with Jackson, IA, and Rock Falls and Canton, IL, with Whiteside and Fulton Counties, IL; and (5) eliminate the restriction prohibiting jointline service with F–B Truck Line Company and Lester Smith Trucking, Inc., or any of their successors on the transportation of farm machinery. The purpose of this republication is to show the correct docket number to be MC 93674 (Sub-4)X in lieu of MC 93764 (Sub-4)X.

MC 117416 (Sub-72)X, filed February 20, 1981. Applicant: NEWMAN AND PEMBERTON CORP., 2007 University Ave. NW., Knoxville, TN 37921. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-1, 7, 11, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 27, 28, 30, 32, 33, 37, 39, 44, 47, 48, 53, 58F, 59, 60, 61, 62, 64, 65, 67, 68, 69, 70, certificates and its E1, 2, 3, 6, and 7 authorities as follows: (a) by broadening the commodity description in Sub-1, 7, and 39 from groceries, canned dog and cat food and animal litter to "such commodities as are dealt in by chain and food business houses"; in Sub-1 from aprons, uniforms, stoves, furnaces, and paint to "textile mill products, metal products, and chemicals"; in Sub-1, 7, 11, 13, 14, 28, 53, 62, 64, and E1, 2, 3, 6, and E-7 from crackers and cakes, coffee, tea, mayonnaise, canned goods, canned and preserved foods, candy and confectionery products, canned and processed foods, bakery products, foodstuffs and canned foodstuffs to "food and related products"; in Sub-1 from meats and lard to "packinghouse products"; in Sub-1, 14, 17, 24, 33, 39, 48 and 69 from paint, laundry bleach, sodium hydroxide, cleaning compounds and silica and sodium sulphate to "chemicals and related products"; in Sub-1, 18, and 60 from metal clamps, fasteners and nails, metal containers, and metal powders and ferrite powders to "metal products"; in Sub-16, 23, 65 and 70 from minerals and earth concentrates to "ores and minerals"; in Sub-16, 23, 32, 61 and 67 from clay, ground or pulverized, ground limestone, feldspar, limestone and alumina trihydrate to "clay and stone products"; in Sub-1, 14, 15, 22, 27, 30, and E-7 from paper containers, paper, paper napkins, newsprint paper, groundwood paper, printing paper and wood pulp and paper and paper products to "pulp, paper and related products"; in Sub-37 from general commodities with the usual exceptions to "general commodities (except classes A and B explosives)"; in sub-1 and 25 from asbestos and other enumerated commodities and plastic and vinyl building materials, backerboard to "building materials"; in Sub-59 from charcoal, charcoal briquettes, fireplace logs, charcoal lighter fluid, and hickory chips to "petroleum, natural gas and their products, coal and coal products and lumber and wood products"; and in Sub-1 from canning factory machinery and equipment to "machinery"; (2) by removing all exceptions on commodity descriptions, such as commodities in bulk, frozen food, in containers, refrigerated equipment, in mixed loads, etc., wherever they appear in each of the above numbered certificates and E authorities; (3) in sub-14, 26, 28, 44, 47, 48, 53, 59, 60, 67, 68, 69, and 70 by eliminating named facilities limitations; (4) by replacing specific point authority with county-wide authority wherever they appear in the above numbered certificates as follows: Corbin with Whitley County, KY; Monroe with Monroe County, MI; Mariemont with Hamilton County, OH; Jeffersonville with Clark County, IN; Whiteland and Greenwood with Johnson County, IN; Martinsville with Morgan County, IN; Anderson and Elwood with Madison County, IN; Tipton with Tipton County, IN; Peru with Miami County, IN; Wabash with Wabash County, IN; Austin with Scott County, IN; Edinburg with Johnson County, IN; Underwood with Scott County, IN; Scottsburg with Scott County, IN; Seymour with Jackson County, IN; Newport with Cocke County, TN; Jefferson City with Jefferson County, TN; Sevierville with Sevier County, TN; Tellico Plains with Monroe County, TN; Springfield with Clark County, OH; Bloomington with McLean County, IL; Springfield with Sangamon County, IL; Lexington with Fayette County, KY; Covington with Kenton County, KY; Newport with Campbell County, KY; Napoleon with Henry County, OH; West Point with Troupe County, GA; Columbus with Muscogee County, GA; Rome with Floyd County, GA; LaGrange with Troupe County, GA; Lexington with Fayette County, KY; Hopkinsville with Christian County, KY; Glasgow with Barren County, KY; Fayetteville with Lincoln County, TN; Lebanon with Wilson County, TN; Crossville with Cumberland County, TN; Anniston with Calhoun County, AL; Decatur with Morgan County, AL; Ensley with Birmingham County, AL; Ripley with Tippah County, MS; Corinth with Alcorn County, MS; Tupelo with Lee County, MS; Akron with Summit County, OH; Norwalk with Huron County, OH; Fremont with Sandusky County, OH; Chestnut Hill with Jefferson County, TN; Clinton with Anderson County, TN; Hoopeston with Vermilion County, IL; Waukegan with Lake County, IL; Columbus with Franklin County, OH; Chestnut Hill with Jefferson County, TN; Clinton with Anderson County, TN; Calhoun with McMinn County, TN; McIntyre with Wilkinson County, GA; Griffin with Spalding County, GA; Catawba with York County, SC; Ceredo with Wayne County, WV; Williamson with Mingo County, WV; Pulaski with Pulaski County, VA; Richlands with Tazewell County, VA; St. Paul with Wise County, VA; Campbellsville with Taylor County, KY; Danville with Vermilion County, IL; Kankakee with Kankakee County, IL; Tate with Pickens County, GA; Etowah with McMinn, TN; Columbus with Franklin County, OH; Macon with Bibb County, GA; Burnside with Pulaski County, KY; Crossville with Cumberland County, TN; Dothan with Houston County, AL; Greenback with Loudon County, TN; Monticello with Jasper County, GA; Campobello with Spartanburg County, SC; Etowah with McMinn County, TN; Fremont with Sandusky County, OH; Norwalk with Huron County, OH; Peru with Miami County, IN; Martinsville with Morgan County, IN; and Wabash with Wabash County, IN; (5) expanding one-way authority to radial authority to authorize service between specified cities or counties mainly in the eastern portion of the US; (6) in the regular route portion of Sub-1, authorizing service at all intermediate points between Cincinnati, OH and Cordele, GA, and (7) remove "originating at and destined to" restricitions in Sub-16 and 58F.

MC 119917 (Sub-66)X, filed February 25, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-4, 15, 25, 35, 39, 41, 42, 44, and 50F certificates to (1) change the commodity description from bakery products in its lead, and Sub-4 and 44, from potato chips, potato sticks, corn chips, and popped corn in Sub-15, from bakery products and confectionery in Sub-25,

from bakery products (except frozen) in Sub-35, 39, 41, and 42, and from foodstuffs and materials, equipment, and supplies used in the manufacture of foodstuffs (except commodities in bulk) in Sub-50F, to "food and related products"; (2) remove facilities limitations at Atlanta, GA in Sub-4 and 41, Henrico County, VA in Sub-35 and 41, Macon, GA in Sub-42, Houston, TX, in Sub-41, Grand Rapids, MI, Cincinnati, OH and Chicago, IL, in Sub-50F, and Valdosta, GA, and Montgomery, AL, in Sub-44; (3) authorize intermediate point service on regular routes between Atlanta, GA and Chattanooga, TN, in its lead; (4) substitute Floyd County, GA, for Rome, GA, in its lead, Fayette County, KY, for Lexington, KY, in Sub-4, and Rockdale County, GA, for, Conyers, GA, in Sub-39; (5) remove restrictions against service (a) from Cincinnati, OH, to points in MI in Sub-50F, (b) at Chattanooga, TN, in its lead, and (c) at Birmingham, AL, in Sub-42; (6) remove the exception of Chattanooga from TN in its lead; (7) remove originating at or destined to restrictions in Sub-35 and 50F; and (8) change one-way to radial authority generally (a) between named points in GA, VA, and TX, and 10 Southern States, DC and OK, and (b) between Grand Rapids, MI, Cincinnati, OH, and Chicago, IL, and 10 midwestern States.

MC 124627 (Sub-1)X, filed February 20, 1981. Applicant: HOWARD TRUCKING CO., INC., P.O. Drawer 1479, West Admiral Doyle Drive, New Iberia, LA 70560. Representative: Lionel M. Sweeney (same as applicant). Applicant seeks to remove restrictions in its lead certificate, acquired in MC-F-13710, to broaden the commodity description from machinery, equipment, materials and supplies used in replacing, servicing, and repair of machinery and equipmenmt used in, or in connection with the discovery, development, and production of natural gas and petroleum and their products and by-products to "Mercer commodities."

MC 133420 (Sub-5)X, filed February 25, 1981. Applicant: TRI-STATE TRANSPORT, P.O. Box 2166, Long Beach, CA 90801. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele St., Denver, CO 80209. Applicant seeks to remove restrictions in its lead and Sub-1F and 4F certificates to (1) broaden the commodity description to "machinery" from (a) in the lead certificate, aerators, and (b) in Sub-4F, tractor parts and material handling equipment; (2) broaden the territorial description to county-wide authority: in the lead certificate, Winnebago County, IL for Roscoe, IL; in Sub-1F, Los Angeles County, CA, for Los Angeles, CA, El Paso County, TX, for El Paso, TX, Cook County, IL, for Chicago, IL, Fulton County, GA, for Atlanta, GA, Montgomery County, AL, for Montgomery, AL, and, Davidson and Washington Counties, TN, for Nashville and Johnson City, TN; (3) in the lead certificate, change one-way to radial authority between Winnebago County, IL, and points in the U.S.; (4) remove the restriction against service to AK and HI in Sub-4, and against service to HI in the lead; and (5) in Sub-1F, remove the plantsite limitations at named cities.

MC 138438 (Sub-106)X, filed February 23, 1981. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-4, 46F, 71F certificates to (1) broaden the commodity description from plastic pipe, pipe fittings, materials and supplies to "rubber and plastic products" in all Sub-Nos; (2) remove the exception bulk commodity restrictions in Sub-4 and 71; (3) replace facilities with county-wide service: Washington County for Williamsport, MD in Sub-4 and 46; Walton County for Social Circle, GA; Shelby County for Eods, TN; Montgomery County for Ambler, PA, in Sub-46; (4) authorize radial service in lieu of existing one-way authority between Washington County, MD and 20 states and DC, in Sub-4; and Washington County and 3 states, and Walton County, GA, Shelby County, TN and Montgomery County, PA and points in the U.S. in and east of WI, IL, KY, TN, MS, and LA, in Sub-46.

MC 144912 (Sub-7)X, filed February 20, 1981. Applicant: LEON R. GOLDSMITH, d.b.a. TERMINAL MOTOR EXPRESS, 1711 E. 15th St., Los Angeles, CA 90021. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-3F and 5F certificates to (1) broaden the commodity descriptions in those authorities from general commodities, with exceptions, to "general commodities (except classes A and B explosives)"; (2) broaden the territorial scope by replacing city-wide authority with county-wide in Sub-3F and 5F, and one-way authority with radial in part (1) of Sub-5F as follows: between points in Los Angeles County (Los Angeles) CA and Bernalillo County (Albuquerque), NM, and points in AZ and CO; and (3) remove restrictions limiting traffic to shipments moving on bills of lading of non-profit shipper associations as defined in 49 U.S.C. 10562(3).

MC 144912 (Sub-8)X, filed February 20, 1981. Applicant: LEON R. GOLDSMITH, d.b.a. TERMINAL MOTOR EXPRESS, 1711 E. 15th St., Los Angeles, CA 90021. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-1F certificate to (1) broaden its commodity description from foodstuffs in mixed shipments with exempt commodities, and commodities which are otherwise exempt from regulation in mixed shipments with foodstuffs, to "food and related products"; and (2) replace its one-way authority with radial authority between New York, NY, VA, NC, and GA, and points in CA and UT.

MC 145406 (Sub-43)X, filed February 23, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions from its Sub-36F certificate to (1) change the commodity descriptions in parts (1) and (2) of its certificate from meats, meat products, etc., to "food and related products"; (2) delete all restrictions on commodities such as "except hides and commodities in bulk"; (3) eliminate the facilities restrictions and "originating at and destined to" restrictions in parts (1), (2), and (3); (4) replace the city designations with county-wide authority: Estherville and Ottumwa with Emmet and Wapello Counties, IA; Fremont with Dodge County, NE; Crawfordsville with Montgomery County, IN; Brookings with Brookings County, SD; and (5) authorize radial authority between specified points in 14 eastern states and DC, and, 7 central States.

MC 148699 (Sub-3)X, filed February 20, 1981. Applicant: BARLOW TRUCK LINES, INC., P.O. Box 224, Faucett, MO 64448. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Applicant seeks to remove the restrictions from its permit MC 148699, acquired in MC-FC-77869, permit not yet issued, to (1) broaden the commodity description from meat, meat products, and meat by-products, and articles distributed by meat packinghouses, to "food and related products"; (2) remove the restriction "except hides and commodities in bulk, in tank vehicles"; and (3) expand its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

MC 151257 (Sub-2)X, filed February 24, 1981. Applicant: SHO-LEN, INC. d.b.a. PACIFIC TRANSPORTATION, 10889 Drury Lane, Lynwood, CA 90262. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 930, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its MC-147255, Sub-2F permit to (1) broaden the commodity description from aluminum truck frame rails to "metal products," and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-7605 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Thursday and Friday, March 26–27, 1981, in Room 416, Page Building 1, 2001 Wisconsin Avenue NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Public Law 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda contains the following topics:

March 26, 1981

9:00 a.m. to 9:30 a.m.—Plenary
- Announcements
  Introduction and Swearing In of New NACOA Member

9:30 a.m. to 12:00 noon
- U.S. Coast Guard
  Speaker: (To be announced)

12:00 noon to 1:00 p.m.—Lunch
1:00 p.m. to 3:00 p.m.—Plenary
- Review of National Oceanic and Atmospheric Programs

3:00 p.m. to 5:00 p.m.—Steering Committee Meeting
5:00 p.m.—Adjourn

March 27, 1981

8:30 a.m. to 9:00 a.m.—Closed Session—Discussion of candidates for membership on NACOA's Independent Areas Task Force
9:00 a.m. to 10:30 a.m.—Panel Meeting
- Atmospheric Science Research Facilities Panel—Louis Battan
- Discussion of Draft Report

10:30 a.m. to 12:00 noon—Plenary
- Review of National Oceanic and Atmospheric Programs

12:00 noon to 1:00 p.m.—Lunch
1:00 p.m. to 3:00 p.m.—Plenary
- Panel Reports
- Reports by staff on National Oceanic and Atmospheric Programs

3:00 p.m.—Adjourn

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

With respect to the closed session from 8:30 a.m. to 9:00 a.m. on Friday, March 27, the Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on March 9, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, by Section 5(c) of the Government in the Sunshine Act, Public Law 94–409, that the matters to be disclosed during this closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview 5 U.S.C. 552b(c)(6), i.e., information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. All other portions of the meeting will be open to the public.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the Central Reference and Records Inspection facility, Room 5317, U.S. Department of Commerce, Washington, D.C. 20230, area code 202/377–4217.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW. (Suite 438, Page Building No. 1), Washington, D.C. 20235.

Stephanie M. Jones,
Administrative Assistant.

[FR Doc. 81-7606 Filed 3-12-81; 8:45 am]
BILLING CODE 3510-12-M

FOUNDATION ON THE ARTS AND HUMANITIES

Visual Arts Panel (Building Arts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Building Arts Section) to the National Council on the Arts will be held on March 30-April 2, 1981, from 9 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommedation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John J. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 3, 1981.

[FR Doc. 81-7602 Filed 3-12-81; 8:45 am]
BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Astronomical Sciences; Advisory Committee Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.
Date: April 8 and 9, 1981.
Time: 9:00 am–5:00 pm each day.

Place: Room 543, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of Meeting: Part Open. April 8, 9–10 am, open; 10–11 am, closed; 11 am–5 pm, open; April 9, 9 am–5 pm, open.
Contact Person: Dr. William E. Howard, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357–9468.
Summary Minutes: May be obtained from the contact person at the above address.
Purpose of Committee: To provide advice and recommendations concerning research programs, proposals, and projects in NSF funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short range and long range plans in astronomy, including a recommedation of relative priorities.
Agenda:

April 8, 1981

I. Introductory Remarks, Approval of Minutes and Short Status Reports

A.M.

II. Discussion of the Budget
III. Closed—Review and evaluate astronomy proposals (10–11 am)
IV. Status of the Astronomy Survey Committee Recommendations
V. The Transcontinental Radio Telescope Array
VI. Astronomy Research Section Topics

P.M.

VII. Report on Research Section Three-Year Review
VIII. Prioritization of Astronomy Initiatives Plan (Part I)

April 9, 1981

IX. Overview and Comparative Statistics—Astronomy Centers Section

A.M.

X. Reports and Concerns of National Centers Directors
XI. National Astronomy Centers Travel Policy
XII. Status of Dark Sky Site
XIII. Prioritization of Astronomy Initiatives Plan (Part II)

P.M.

XIV. Discussions of Problems in Astronomy—Concerns of the Committee
XV. Critique of the Meeting

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
March 10, 1981.
[FR Doc. 81–7794 Filed 3–13–81; 8:45 am]
BILLING CODE 7555–01–M

Atmospheric Sciences Advisory Committee

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Atomspheric Sciences.
Date: April 9 and 10, 1981
Time: 9:00 a.m.–5:00 p.m.
Place: National Center for Atmospheric Research P.O. Box 3000 Bolder, Colorado 80307.
Type of Meeting: Open
Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–9874.
Purpose of Committee: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.
Agenda:

April 9, 1981

9:00 a.m. Open Remarks, Welcome to NCAR Introduction of ACAS/ACOS members, ATM/OCE Staff, NCAR Staff—Dessler/Bierly/White/Hess/Gross
9:15 a.m. Budget Update—FY 1981 and FY 1982 (Discussion will be deferred to p.m.)—Bierly/Gross
9:30 a.m. Presentation of NCAR Oceanography Section Research—Hess/Bretherton
10:00 a.m. NSF/NCAR Oceanographic Relations-Air Sea Interactions, Coupling, Computing Needs, Long-range aircraft, other—Bierly/Gross/Hess
11:00 a.m. Tour of Selected NCAR Facilities and Programs—Hess/Serafin
1:00 p.m. Lunch—Cafeteria
1:30 p.m. Approval of Draft minutes from ACAS meeting of October 29–31, 1980)—Dessler
1:35 p.m. Discussion of Reports reviewing Solar Terrestrial and Meteriology Programs—Intrilligator/Changnon
1:45 p.m. Budget Discussion including update of National Scientific Balloon Facility—Bierly
2:00 p.m. Discussion on "Exciting Research"—Dessler/Wallace
3:00 p.m. Status of Manpower—Bierly
3:30 p.m. Coffee Break
3:45 p.m. Discussion on Long-range Plans for ATM Science and Facilities (Instrumentation)—Dessler/Bierly
5:30 p.m. Meeting recessed to April 10, 1981@ 8:30 a.m.

April 10, 1981

8:30 a.m. Information Items and Update—Dessler
—NSBF Advisory Committee Meeting—Peacock
—Phase II of Master Grant Experiment—Greenfield/Peacock
—Support to National Academy of Sciences—Greenfield/Peacock
—NAS Report on Solar Terrestrial Research in 80's—Intrilligator
—Creativity Grants—Fein/Taylor
—ATM Program Review/Issues—Greenfield
—CCOPE Status—Dirks
9:30 a.m. UCAR Activities—White
10:15 a.m. Coffee Break
10:30 a.m. NCAR Update—Hess
11:15 a.m. Program for Fall ACAS meeting—Dessler
—Date
—Subcommittees for Review of Programs—Atmospheric Chemistry, Experimental Meteorology and Climate Dynamics
—Other Items
12:00 Noon Adjournment/Lunch
1:00 p.m. Meetings of ACAS members with NSF, UCAR, and/or NCAR staff members—Individual Discretion

M. Rebecca Winkler,
Committee Management Coordinator.
March 10, 1981.
[FR Doc. 81–7795 Filed 3–12–81; 8:45 am]
BILLING CODE 7555–01–M

Budget Review; Meeting

The National Science Foundation announces an *ad hoc* meeting of representatives of the scientific community and the NSF Director and staff regarding issues of concern to the National Science Foundation and the National Science Board. The purpose of the meeting is to review the Foundation's FY 1981 and FY 1982 budgets and the Foundation's organizational structure.

Although this *ad hoc* discussion does not constitute a meeting of an "advisory committee" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92–463), the meeting will be open to public attendance and observation.

The meeting will be held in Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550, on Saturday, April 4, 1981, from 9 a.m. to 5 p.m.

For additional information, please contact Ms. Margaret L. Windus, Special Assistant to the Director, National Science Foundation, Room 518, 1800 G Street, NW, Washington, D.C. 20550. Telephone: (202) 357–9420.

Dated: March 4, 1981.

Margaret L. Windus,

Special Assistant to the Director, National Science Foundation.

[FR Doc. 81-7793 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

Environmental Biology Advisory Committee, Subcommittee on Ecological Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ecological Sciences of the Advisory Committee for Environmental Biology.

Date and Time: April 9 and 10, 1981; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Persons: Dr. David W. Johnston, Program Director, Ecology Program, (202) 357-9734, and Dr. W. Franklin Harris, Program Director, Ecosystem Studies Program, (202) 357-9593, Room 338, National Science Foundation, Washington, D.C. 20550.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in ecological sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information on a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1981.

[FR Doc. 81-7797 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

Physiology, Cellular and Molecular Biology Advisory Committee; Subcommittee on Biological Instrumentation; Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Biological Instrumentation of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

Date and Time: Thursday, and Friday, April 2nd and 3rd 1981 from 9:00 am to 5:00 pm

Place: Room 523, National science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Robert W. Newburgh, Section Head, Acting Program Director, Biological Instrumentation Program, Room 325a Telephone: 202-357-7852.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research instrumentation.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1981.

[FR Doc. 81-7795 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

Social and Economic Science Advisory Committee, Subcommittee on History and Philosophy of Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on History and Philosophy of Science Advisory Committee for Social and Economic Science.

Date and Time: April 2nd, 3rd, and 4th, 1981: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 628, National Science Foundation, 1800 G. Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Ronald J. Overmann, Associate Program Director, History and Philosophy of Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9677.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in History and Philosophy of Science.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1981.

[FR Doc. 81-7799 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

Social and Economics Science Advisory Committee, Subcommittee for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Sociology of the Advisory Committee for Social and Economics Science.

Date and Time: March 29-30, 1981, Sunday—9:30 a.m. to to 5:30 p.m.; Monday—9:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G St. NW., Washington, D.C., Room 338.

Type of Meeting: Closed.

Contact Person: James J. Zuiches, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-7802.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, on July 8, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
March 10, 1981.

[FR Doc. 81-7798 Filed 3-12-81; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on March 27, 1981 at the Huntington-Sheraton Hotel (213/792-0266), 1401 Oak Knoll Avenue, Pasadena, CA. The Subcommittee will discuss the future test program of the Loss of Fluid Test (LOFT) facility.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, March 27, 1981—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 10, 1981.
John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-7879 Filed 3-12-81; 8:45 am]
BILLING CODE 7590-01-M

Degraded Cooling Steering Group, Availability of Meeting Minutes

The Commission is making available, for public inspection, the meeting minutes of the Degraded Cooling Steering Group.

On October 15, 1980, a steering group of senior line managers was formed to provide a better mechanism for coordinating related licensing and research activities of the rulemaking actions associated with siting, minimum engineered safety features, degraded core cooling, and emergency planning.

Steering group meeting minutes are available for examination by all interested persons in the NRC Public Document Room at 1717 H Street, Washington, D.C.

Dated at Bethesda, Md., this 3d day of March 1981.

For The Nuclear Regulatory Commission.
William J. Dircks,
Executive Director for Operations.

[FR Doc. 81-7879 Filed 3-12-81; 8:45 am]
BILLING CODE 7590-01-M

Nuclear Regulatory Commission Advisory Committee on Reactor Safeguards; Subcommittee on Class 9 Accidents; Change of Time

The ACRS Subcommittee on Class 9 Accidents will hold a meeting on March 24, 1981. The meeting time has been changed to *1:00 p.m.* in Room 1046 at 1717 H Street, N.W., Washington, DC instead of 8:30 a.m.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Monday, March 9, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Gary Quittschreiber (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 10, 1981.
John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-7877 Filed 3-12-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. NPF-6 issued to Arkansas Power and Light Company (the licensee), which revised the license and Technical Specifications for operation of Arkansas Nuclear One, Unit No. 2, located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment adds two License Conditions and changes the Technical Specifications to incorporate additional requirements as a result of reviews and modifications accomplished to satisfy the Category "A", TMI-2 Lessons Learned recommendations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated October 31, 1980, (2) Amendment No. 20 to Facility Operating License No. NPF-6, and (3) the related letter dated March 3, 1981. These items are available for public inspection at the

Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of March 1981.

For The Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-7368 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power and Light Co.; Arkansas Nuclear One, Unit 2; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. NPF-6 issued to Arkansas Power and Light Company for Operation of Arkansas Nuclear One, Unit 2 (the facility) located at the licensee's site in Pope County, Arkansas. The amended license is effective as of its date of issuance.

The amendment provides further clarification of the term OPERABLE employed in the facility Technical Specifications, as it applies to the single failure criterion for safety systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 13, 1980, (2) Amendment No. 19 to Facility Operating License No. NPF-6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of March 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-7369 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-10]

Commonwealth Edison Co.; Extension of Completion Date

By letter dated February 17, 1981, Commonwealth Edison Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension for installation of fire protection modifications at Dresden Nuclear Power Station, Unit No. 1, located in Grundy County, Illinois.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 17, 1981, and (2) the Director's letter to the licensee dated March 6, 1981.

Dated at Bethesda, Maryland, this sixth day of March 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-7370 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Company et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to reflect installation of undervoltage relays as protection against a sustained undervoltage condition.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 14, 1980 (supported with information from letters September 15 and November 11, 1976; July 22 and August 22, 1977; January 18, March 7, September 4, and October 15, 1979; January 17, February 22 and July 24, 1980), (2) Amendment No. to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 3rd day of March 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-7371 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which added a license condition and revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment adds a license condition to require a Secondary Water Chemistry Monitoring program and revises the Technical Specifications to allow steam generator tube leakage of 1 gpm, and add a low temperature overpressurization surveillance requirement.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 24, 1977, September 13, 1979 and October 16, 1979, (2) Amendment No. 53 to License No. DPR-36, and (3) the Commission's related letter dated February 27, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 27th day of February 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-7872 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co., et al.; Availability of Final Programmatic Environmental Impact Statement for Decontamination of Three Mile Island Nuclear Station, Unit 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Programmatic environmental Impact Statement (PEIS) prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed decontamination and disposal of radioactive wastes resulting from the March 28, 1979, accident at Three Mile Island Nuclear Station, Unit 2, located in Dauphin County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the local public document room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. The Final PEIS is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, P.O. Box 1323, Harrisburg, Pennsylvania 17120 and at the Tri-County Regional Planning Commission, Shore Drive Office Center, Building No. 2, Suite 221, 2001 North Front Street, Harrisburg, Pennsylvania 17102.

The notice of availability of the Draft PEIS for the decontamination of Three Mile Island Nuclear Station, Unit 2, and request for comments from interested persons was published in the **Federal Register** on August 15, 1980 (45 FR 54494). The comments received from Federal, State, and local agencies and intrested members of the public have been included as Appendix A to the Final PEIS.

Copies of this 2-volume Final Environmental Statement (Document No. NUREG-0683) may be purchased, at $10 per volume, directly from NRC by sending check or money order, payable to Superintendent of Documents, to Director, Division of Technical Information and Document Control, U.S. NRC, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492-9530. Copies are also available for purchase through the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 9th day of March 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-7873 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment incorporates technical specifications regarding minimum water level above the reactor vessel flange during refueling operations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment notarized November 12, 1980 (transmitted by letter dated November 17, 1980), (2) Amendment No. 36 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for

public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this second day of March, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-7874 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

Tennessee Valley Authority; Browns Ferry Nuclear Power Plant, Units Nos. 1, 2 and 3; Request for Action

Notice is hereby given that by letter dated October 28, 1980, the Huntsville Chapter of the Safe Energy Alliance of Alabama requested that the Director of Nuclear Reactor Regulation reconsider issuance of certain amendments to the facility operating licenses for the Browns Ferry Nuclear Plant Units 1, 2 and 3 which permitted temporary storage of low-level radioactive waste at the Browns Ferry site. The Alliance's letter is being treated as a request for action under 10 CFR 2.206 and, accordingly, a decision will be made within a reasonable time.

Copies of the Alliance's letter are available for public inspection in the Commission's public document room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

Dated at Bethesda, Maryland, this 6th day of March 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-7875 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment; Facility Operating License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment changed the minimum ice mass inventory in the ice condenser from 2,721,950 pounds to not less than 2,333,100 pounds and changed the minimum ice weight of the sample baskets from 1,400 pounds per basket to not less than 1,200 pounds per basket.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commissions' regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need to be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letters, dated December 31, 1980 and March 4, 1981, (2) Amendment No. 4 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 4 may be obtained upon request addressed to the Q. S. Nuclear Regulatory commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 6th day of March 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-7876 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 17814; SR-CBOE-80-20]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

March 10, 1981.

On July 31, 1980, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which revises its procedures with respect to trading rotations which extend beyond 3:10 p.m. (Chicago time). Among other things, the proposed rule change will permit only one trading rotation to be conducted after 3:10 p.m., and would preclude the initiation of such a trading rotation until ten minutes after news of the rotation is disseminated.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-1704, August 8, 1980) and by publication in the **Federal Register** (45 FR 55306, August 19, 1980). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7919 Filed 3-12-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11677; 812-4797]

Trust for Cash Management; Filing of Application

March 10, 1981.

Notice is hereby given that Trust for Cash Management ("Applicant") 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, an open-end,

diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 7, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a business trust organized and existing under the laws of the State of Massachusetts. Applicant has filed with the Commission a Registration Statement on Form N–1 pursuant to Section 8(b) of the Act and the Securities Act of 1933, as amended (the "1933 Act"). The 1933 Act Registration Statement on Form N–1 has not yet been declared effective. Thus, Applicant has not yet commenced a public distribution of its shares. Applicant states that Advisers Research Corporation, a wholly-owned subsidiary of Federated Investors, Inc., acts as investment adviser to Applicant.

Applicant states that it is a "money market fund" designed as an investment vehicle for investors with temporary cash balances or cash reserves. Applicant further states that its investment objective is to provide stability of principal and current income for its investors. To realize this objective Applicant's portfolio may be invested in a variety of money market instruments, including U.S. treasury bills, all other marketable obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities ("U.S. government obligations"), instruments of banks which are members of the Federal Deposit Insurance Corporation ("FDIC") or of savings and loan associations which are members of the Federal Savings and Loan Insurance Corporation ("FSLIC") (such as certificates of deposit, demand and time deposits, savings shares and bankers' acceptances, repurchase agreements and prime commercial paper, including variable amount demand master notes). Applicant states that it will not invest in instruments issued by banks or savings and loan associations unless: (a) at the time of investment such financial institutions have capital, surplus and undivided profits in excess of $100,000,000 as of the date of their most recently published financial statements; or (b) the principal amount of the instrument is insured in full by the FDIC or the FSLIC. Applicant further states that to the extent that it invests in Eurodollar certificates of deposit issued by foreign branches of domestic U.S. banks, consideration will be given to their domestic marketability, the lower reserve requirements normally mandated for overseas banking operations and the possible impact of interruptions in the flow of international currency operations. Applicant also states that its rated commercial paper investments will be limited to commercial paper rated A–1 by Standard & Poor's Corporation ("S&P"), P–1 by Moody's Investors Service, Inc. ("Moody's"), or F–1 by Fitch's Investors Service. Applicant also states it may also purchase U.S. government obligations on a when-issued or delayed delivery basis.

Applicant represents that it has been the experience of its Board of Trustees ("Management") in the operation of money market funds in general, that two features of a money market fund are of particular importance to investors: (1) stability of principal, and (2) a steady flow of predictable and competitive investment income. Applicant asserts that by holding high quality money market instruments having short maturities valued in accordance with the amortized cost method, these qualities can be provided. Applicant states that money market fund investors are not concerned with the theoretical differences that might occur between yield determined by "marking to market" and yield computed by using the amortized cost method. Applicant states that such investors will, however, insist that the daily income declared by a money market fund reflect income as earned using the amortized cost method and that it not exhibit the volatility which may occur when changes in so-called "market" prices cause unreal and artificial changes in yield on a daily or weekly basis.

Applicant represents that Management has determined from experience that an average portfolio maturity of 120 days achieves both the objective of obviating the possibility of significant volatility in the value of portfolio instruments as effectively as does an average maturity of shorter duration, and that of providing yield on portfolio instruments commensurate with yields available in the general money market, which is not otherwise available with a portfolio of shorter duration. In addition, Applicant states that the experience of Management in managing the fund has been that, given the unique nature of its policies and operations, there is a negligible discrepancy between prices obtained by the use of the amortized cost method and those determined by a theoretical or synthetic market valuation method using matrices or other mechanical devices. Thus, Management has determined in good faith that in light of the foregoing factors and its particular characteristics, the amortized cost method of valuation of portfolio instruments is appropriate and preferable. It is represented that Management has further determined that it will continuously monitor valuations indicated by other methods and has directed its Executive Committee to make reports to Management to enable Management to make any changes in method which may be necessary to assure that the method of valuation being used is fair value in view of all pertinent factors.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 povides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio

instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that to the extent that its proposed use of the amortized cost method may be deemed not to comply with Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, it is requesting exemptions from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

Applicant submits that the issuance of the requested order is consistent with the exemptive standards of Section 6(c) of the Act. Applicant represents, for example, that by not purchasing any instrument with a remaining maturity of greater than one year and by maintaining a dollar-weighted average portfolio maturity not exceeding 120 days, Applicant believes that it can achieve its objectives of stability of principal and steady flow of investment income satisfactory to its investors and yet provide adequate investor protection. However, in order to enhance investor protection, Applicant expressly consents to issuance of the requested order on the basis of the following conditions:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Management undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by Management shall be the following:

(a) Review by Management, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that Management will promptly consider what action, if any, should be initiated by it.

(c) Where Management believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of Management's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of Management's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which Management determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Management.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than April 3, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by Management in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7820 Filed 3-12-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17812; File Nos. SR-BSE-81-2, SR-NYSE-81-8, SR-PSE-81-2, SR-PSE-81-3, and SR-Phlx-81-5]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc., et al.

Proposed rule change by Boston Stock Exchange, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc., relating to a trade-through rule. Comments requested on or before April 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 26, March 2, March 4, and March 5, 1981, the Pacific Stock Exchange, Inc. ("PSE"), Boston Stock Exchange, Inc. ("BSE"), New York Stock Exchange, Inc. ("NYSE") and Philadelphia Stock Exchange, Inc. ("Phlx"), respectively, filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which items have been prepared by the self-regulatory organizations. The Commission is publishing this notice [1] to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organizations' Statement of Terms of Substance of the Proposed Rule Changes

The BSE, NYSE, PSE, and Phlx have all proposed adopting rules regarding ITS "Trade-Throughs" and "Locked Markets."

The provisions of the proposed rules specify that a member shall avoid initiating a trade-through for any ITS Eligible Listed Security, with the exception that a member may be relieved of this obligation should an applicable condition described in the rule occur.

In the event that a trade-through occurs the proposed rules place the responsibility on the party who initiated the trade-through to respond as promptly as practical to the aggrieved party's complaint. The member is to notify the aggrieved party that either the member was relieved of his obligation undr an applicable condition described in the rule or that the complaint is valid and corrective action is being taken pursuant to the rule.

The procedures for corrective action vary depending upon whether the broker-dealer initiating the trade-through ("initiating broker-dealer") and the broker-dealer representing the *contra* side ("*contra* broker-dealer") are executing orders which originated from off the floor. In the event that both the initiating and *contra* broker-dealers were acting for their own account, the trade-through would be cancelled and removed from the consolidated transaction reporting system ("consolidated system"). If, on the other hand, either the initiating or *contra* broker-dealer was executing (in whole or in part) an order which originated from off the floor, one of the following two alternative procedures would be required:

(i) the initiating broker shall "satisfy, or cause to be satisfied, the bid or offer traded through in its entirety at the price of such bid or offer" or

(ii) the initiating and *contra* side broker-dealers shall correct the price of their transaction to a price at which the trade-through would not have occurred ("adjusted price"), and the price correction shall be reported in the consolidated system.

Regardless of which corrective procedure is followed, the initiating broker-dealer also would be required to assure that the off-floor orders that were executed in the transaction which constituted the trade-through receive the price which caused the trade-through; the price at which the bid or offer traded-through was satisfied, if it was satisfied; or the adjusted price, if there was an adjustment; whichever of those prices is most beneficial to that order.

The proposed rule also provides that if a member makes a bid for an ITS Security on the Exchange and causes a locked market with another ITS participating market center, the member shall send a commitment to trade to such other market center seeking the offer he has equalled or exceeded, which commitment shall be for either the number of shares he has bid or for the number of shares offered on the other market center, whichever is less. The same principle shall apply to a member who makes an offer for an ITS Security on the Exchange and causes a locked market with another ITS participating market center. This provision is subject ot exceptions listed in the proposed rule.

All the rule filings [2] also propose an ITS block trade policy on satisfying better priced displayed bids and offers. The policy provides that a member executing a block trade in an ITS Eligible Security, at a price outside the "best" quotation for the security displayed by any ITS participating market, must commit to satisfy superior displayed bids or offers on other ITS market centers, at the block print price. The policy defines block transaction as 10,000 or more shares or securities with a market value of at least $200,000.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the self-regulatory organizations included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organizations prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes.*

The provisions of the rules were arrived at through a joint agreement of the ITS participating market centers and adopted to protect market orders as much as possible from executions at price inferior to prices which exist on other market centers.

The statutory basis for the adoption of the trade-through rules is found in Sections 6(b)(5) and 11A(a)(1)(C), in that they are designed to facilitate transactions in securities; remove impediments to and perfect the mechanism of a free and open market and a national market system; encourage brokers to seek out and obtain execution of customer orders in the best market; and, in general, protect investors and the public interest.

(B) *Self-Regulatory Organizations' Statement on Burden on Competition.*

The BSE, NYSE, PSE and Phlx do not believe that any burdens would be placed on competition by the proposed rule changes. Rather they believe that competition among ITS participating market centers would be encouraged.

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[1] Because the substantive content of the proposed rule changes is virtually identical in all of the filings, a single notice is being published. *See also*, SR-MSE-81-1, SEC Release No. 34-17579 (February 28, 1981).

[2] The PSE submitted its block trade policy as a separate proposed rule change, under Rule 19b-4. *See* File No. (SR-PSE-80-03) submitted on February 27, 1981.

(C) *Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received from Members, Participants or Others.*

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the appropriate file number in the caption above and should be submitted on or before April 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7982 Filed 3-12-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17906; File No. SR-MSE-81-2]

Self-Regulatory Organizations; Proposed Rule Change By Midwest Stock Exchange, Inc.

Proposed rule change by Midwest Stock Exchange, Inc., relating to short sales of a security. Comments requested on or before April 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 26, 1981, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Article XX, Rule 8 has been amended as follows:

Additions Italicized—[Removals Bracketed] Remove .06 in its entirety.

.06 All offerings shall be executed in accordance with applicable short sales rules:

EXAMPLE: MSE Market in XYZ–43¼–43⅛ (short) NYSE Market in XYZ–43⅜–43⅛ Consolidated tape last sale–43⅜ The MSE offering at 43⅛ may be filled at its limit price subsequent to a Consolidated Tape sale at 43⅜ provided that the offering was equal to or above the last sale on the Consolidated Tape at the time it was first communicated.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

(1) The purpose of the proposed rule change is to eliminate the potential conflict between the operation of Rule 10a–1 and the "firmness requirement" of the Quote Rule in situations where execution of an offer would be rendered unlawful because of a subsequent trade through even though the offer had been at a price permitted under Rule 10a–1 at the time when that market maker, specialist, or broker-dealer had communicated it to the Exchange for inclusion in the Consolidated Quotation System.

(2) The statutory basis for the adoption of the proposed rule change is found in 6(b)(5) and 19(g)(1) of the 1934 Act.

The proposed rule change like the Commission's amendments made to Rule 10a-1 further the public interest, the protection of investors, and the maintenance of fair and orderly markets.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change. Rather, it believes that it will encourage the linking of all markets in the development of a National Market System.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule, Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies or the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submission should refer to the file number in the caption above and should be submitted on or before April 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

March 9, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7803 Filed 3-13-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17607; File No. SR-PSE-81-04]

Self-Regulatory Organizations; Proposed Rule Change by the Pacific Stock Exchange, Inc.

Proposed rule change by the Pacific Stock Exchange, Inc., relating to eligibility for membership on the Pacific Stock Exchange.

Comments requested on or before April 3, 1981.

Pursuant to Section 19 (b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 27, 1981, The Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend Article VI, Section 1, of its Constitution. The text of the amended Article is set forth below. (Italics indicate new language and brackets indicate removals.)

Eligibility

Sec. 1. Membership in this Exchange shall be limited to individuals who must be at least [twenty-one (21) years of age,] *the* minimum age of majority required to be responsible for his contracts in each jurisdiction in which he conducts business and whose [chief] *principal* business *purpose* is that of transacting business as a broker or dealer in securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to remove unnecessary restrictions on the ability of persons to become members or become associated with members of the Exchange.

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b) (2) of the Act, in particular, in that it would enhance the ability of persons to become members of the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will promote competition by removing unnecessary restrictions on the ability of persons to become members of the PSE. The proposed rule change will not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 9, 1981.

[FR Doc. 81-7804 Filed 3-13-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17589; File No. SR-PHLX 81-3]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.

Proposed rule change by Philadelphia Stock Exchange, Inc., relating to Increase of Annual Fee Charged to members Working on Equity Trading Floor for Use of Trading Post Space Comments requested on or before April 16, 1981.

Pursuant to Section 19(c)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 6, 1981, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III, below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is instituting an increase in the annual fee charged to members for use of trading post space on the Equity Trading Floor.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed fee increase is to offset in part the increased costs of supplying trading post space and other services provided by PHLX. These services include manpower, automation, utilities and other costs associated with providing a market place for the trading of securities.

The current fee charged for the use of such space on the Equity Trading Floor has not been increased since 1975, although the average annual increase of expenses over that period has been 30.7%. In addition, the fee charged to members on the Options Trading Floor for the use of their trading post space is currently $1,000.

The basis under the Act for the proposed rule change is Section 6(b)(4) requiring the rules of an Exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The fee change is not expected to create a burden on competition.

(c) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The PHLX has not solicited or received any comments on this proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 "L" Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the prinicpal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 27, 1981.

[FR Doc. 81–7865 Filed 3–12–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Print Advisory Panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held April 14 and 15, 1981.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, T:C:E:V, 1111 Constitution Avenue, NW., room 5547, Washington, D.C., 20224, Telephone No. (202) 566–6143 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Print Advisory Panel will be held on April 14 and 15, 1981, beginning at 10:00 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in Federal Income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

William E. Williams,

Acting Commissioner.

[FR Doc. 81–7952 Filed 3–12–81; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Boards

The Veterans Administration gives notice pursuant to Public Law 92–463 of the meetings of the following Merit Review Boards; Meetings

Merit review board	Date	Time	Location
Immunology	Mar. 30, 1981	8 a.m. to 5 p.m.	Assembly Room, Hotel Washington.[1]
Do	Mar. 31, 1981	do	Do.
Gastroenterology	Apr. 2, 1981	do	Room 334, Hotel Washington.
Nephrology	Apr. 6, 1981	do	Caucus Room, Hotel Washington.
Behavioral sciences	Apr. 9, 1981	do	Council Room, Hotel Washington.
Do	Apr. 10, 1981	do	Do.
Endocrinology	Apr. 16, 1981	do	Caucus Room, Hotel Washington.
Neurobiology	Apr. 16, 1981	do	Assembly Room, Hotel Washington.
Do	Apr. 17, 1981	do	Do.
Alcoholism and drug dependence	Apr. 21, 1981	do	Caucus Room, Hotel Washington.
Respiration	Apr. 24, 1981	8:30 a.m. to 5 p.m.	Council Room, Hotel Washington.
Oncology	Apr. 29, 1981	do	Sheraton-Washington Hotel.[2]
Basic sciences	Apr. 30, 1981	8 a.m. to 5 p.m.	Room 315, Sherry Towers Hotel.[3]
Do	May 1, 1981	do	Do.
Hematology	May 4, 1981	do	Caucus Room, Hotel Washington.
Infectious diseases	May 5, 1981	8:30 a.m. to 5 p.m.	Do.
Do	May 6, 1981	8 a.m. to 1 p.m.	Do.
Cardiovascular studies	May 7, 1981	8 a.m. to 5 p.m.	Do.
Surgery	May 11, 1981	do	Room 315, Sherry Towers Hotel.

[1] Hotel Washington, 15th and Pennsylvania Ave. NW., Washington, D.C. 20004.
[2] Sheraton-Washington Hotel, 2660 Woodley Rd., NW., Washington, D.C. 20008.
[3] Sherry Towers Hotel, 2117 E St., NW., Washington, D.C. 20037.

These meetings will be for the purpose of evaluating scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the room at the start of each meeting to discuss the general status of the program. All of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portion of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding research projects. Closure of these meetings is in accordance with subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, and as cited in 5 U.S.C. 552b(c)(6) and (9)(B).

The appearance of this notice in the Federal Register at least 15 days prior to the first meeting listed, has been hindered due to delays in administrative processing.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Mr. Howard M. Berman, Chief, Merit Review Board Staff Division, Medical Research Service (151D), Veterans Administration, Washington, DC 20420, (202) 389–5065, at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: March 9, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81–7883 Filed 3–12–81; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 49
Friday, March 13, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

Items
Federal Maritime Commission..... 1

1

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., March 18, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of actions taken pursuant to authority delegated to the Managing Director.
2. Agreement No. 10398: Mayan Line and Consolidadora del Caribe, S.A. Space Charter Agreement.
3. Agreement No. 10333–2: Modification of the Calcutta/Bangladesh/U.S.A. Pool Agreement providing for appointment of a pool accountant and realignment of pool shares.
4. Agreement No. 10374–1: Petition for clarification of Order of Conditional Approval.
5. Agreement No. 9522–43: Modification of the Med-Gulf Conference Agreement providing for authority with respect to empty containers and other equipment.
6. Agreement Nos. 2744–44, 10390, and 10391: Modification of the Atlantic & Gulf/West Coast of South America Conference Agreement to eliminate Ecuador from its scope; establishment of the United States Atlantic & Gulf/Ecuador Freight Conference Agreement; and establishment of the United States Florida/Ecuador Steamship Conference Agreement, respectively.
7. Agreement No. T–2745–1: Modification of lease between Canton Company of Baltimore and Puerto Rico Marine Management, Inc. to adjust rental payments and the property encompassed by the lease.
8. Docket No. 80–59: Time For Filing and Commenting On Certain Agreements—Review of comments submitted in response to notice of proposed rulemaking and proposed final rule.

Portion closed to the public:

1. Agreement No. 10266–4: Modification of the Gulf Europe Express Joint Service Agreement to provide for intermodal authority.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-406-81 Filed 3-11-81; 3:12 pm]

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federal register

Friday
March 13, 1981

Part II

Department of Labor

Wage and Hour Division, Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21136) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modification to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas—AR80–4060, Oct. 31, 1980; AR80–4061, Nov. 7, 1980; AR80–4063, Oct. 31, 1980.
Connecticut—CT80–2074, Aug. 15, 1980.
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania & Wisconsin—IL79–2062, July 6, 1979.
New York—NY80–3020, Apr. 4, 1980; NY80–3048, Aug. 29, 1980; NY80–3057, Sept. 19, 1980; NY81–3003, Jan. 23, 1981.
Texas—TX80–4099, Dec. 5, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois, Indiana, Kentucky, Missouri, Ohio & West Virginia—IL80–2018 (IL81–2004), Mar. 28, 1980.
Nebraska—NE81–4012 (NE81–4014), Feb. 13, 1981; NE80–4075 (NE81–4014), Sept. 26, 1980.

Cancellation of General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor intends to withdraw 14 days from the date of this notice the following general wage determinations:

TN77–11120—Coffee County, Tennessee dated September 30, 1977 in 42 FR 52860—Building Construction
TN77–1100—Carroll, Dyer, Gibson, Henry, Lake, Obion and Weakley Counties, Tennessee dated August 12, 1977 in 42 FR 41094—Building Construction
TN79–1008—Bradley County, Tennessee dated January 5, 1979 in 44 FR 1668—Building Construction
TN79–1009—Madison County, Tennessee dated January 5, 1979 in 44 FR 1669—Building Construction
TN79–1010—Rutherford County, Tennessee dated January 5, 1979 in 44 FR 1669—Building Construction

Signed at Washington, D.C., this 6th day of March 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 2
MODIFICATION PAGE 1

MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR80-4080 - Mod.#6 45FR72439 - October 31, 1980 Jefferson County, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	$13.05	.55	3%+1.35		1/4%
Cable splicers	13.175	.55	3%+1.35		1/4%
DECISION #AR80-4081 - Mod.#5 45FR7432 - November 7, 1980 Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	$13.77	.50	3%+5.5%		1/4%
Cable splicers	14.02	.50	3%+5.5%		1/4%
DECISION #AR80-4083 - Mod.#5 45FR72438 - October 31, 1980 Pulaski County, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	$13.05	.55	3%+1.35		1/4%
Cable splicers	13.175	.55	3%+1.35		1/4%

MODIFICATION PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT80-2074 - MOD. #4 (45 FR 54602- August 15, 1980) Hartford, Middlesex, New Haven, New London and Tolland Counties, Connecticut					
CHANGE:					
ASBESTOS WORKERS:					
New London Co.: Griswold, Ledyard, Lisbon, N. Stonington, Preston, Stonington & Voluntown	13.18	1.45	1.63		
ELECTRICIANS:					
New Haven Co.: Milford Hartford Co.: Suffield, & Enfield (portion of Thompsonville West of George Washington Road & North of Hazard Ave)	13.05	1.10	3%+1.05		4%
	13.28	.85	3%+.40		.03
GLAZIERS:					
New Haven Co., Except Wallingford	12.33	1.10	.47	k	
LINE CONSTRUCTION					
Linemen	13.50	.70	3%+.75	o	
Equipment Operators	11.55	.70	3%+.75	o	
Driver Groundman	10.35	.70	3%+.75	o	
PLUMBERS:					
Hartford Co.: Avon, Bloomfield, Burlington, Canton, E. Granby, E. Hartford, E. Windsor, E. Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, Windsor Locks, Middlesex Co.: Chester, Cromwell, Deep River, E. Haddam, E. Hampton, Haddam, Maromas (Atomic River Project), Middle-					

MODIFICATION PAGE 3

DECISION NO. CT80-2074(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: CONT'D					
field, Middletown, & Portland, Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Straffold, Storrs, Tolland, Union Vernon, & Wellington	12.76	1.10	1.39		.15
PLUMBERS & STEAMFITTERS New Haven Co.: Milford	13.34	.75	.80	4%	.01
Middlesex Co.: Clinton, Killingworth, S. Westbrook; New Haven Co.: Branford, Derby, E. Haven, Orange, W. Haven, & Woodbridge	13.90	.75	.90	t	.07
ROOFERS: New Haven Co.: Ansonia, Beacon Falls, Bethany, Brandford, Derby, E. Haven, Guilford, Hamden, Madison, Milford, Middlebury, Naugatuck, New Haven, N. Branford, N. Haven, Orange, Oxford, Seymour, Union City, W. Haven & Woodbridge	13.15	1.35	.45		
STEAMFITTERS: Hartford, Co.: Avon Bloomfield, Burlington, Canton, E. Granby, E. Hartford, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, & Windsor Locks; Middlesex Co.:					

MODIFICATION PAGE 4

DECISION NO. CT80-2074(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STEAMFITTERS: CONT'D Chester, Cromwell, Deep River, E. Haddam, Hampton, Haddam, Maromas (Atomic River Project), Middlefield, Middletown, & Portland; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union Vernon, & Wellington	13.57	1.16	1.51		.13
TILE, MARBLE, TERRAZZO FINISHERS	9.55	.50	.50		

MODIFICATION PAGE 5

MODIFICATION PAGE 6

DECISION NO. IL79-2062 - MOD. 13 (44 FR 39904 - July 6, 1979) Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Tug Engineers	$ 14.76		.80	a	
Tug Operator-on Launch	14.34		.80	a	
Tug Workers: Firemen, Linesmen, Oilers, Deckhands, Scowmen (on/or with Tugboats, Launches or other self-propelled Boats)	13.16	b	.75	.75+d	
Dredge Workers: Firemen, Oiler, Deckhands and Scowmen (with Dipper Dredges, Hydraulic Dredges or other Floating Equipment engaged in Dredging Operations); Pipeline Men (both afloat and ashore, including loading and unloading installing maintaining and handling pipelines for Hydraulic Dredges and Sandboats)	13.16	b	.75	.75+d	
Range and Sweepmen, Service Truck Drivers	10.07	b	.75	.75+d	

DECISION NO. IL79-2062 - MOD. 13 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Dipper & Hydraulic Dredging:					
Chief Engineer	$ 16.51	.63	.50	a	
Operators	16.38	.63	.50	a	
Assistant Engineers	15.82	.63	.50	a	
Cranemen & Welder, Dipper & Hydraulic Dredging, Spill Barge Operator	15.70	.63	.50	a	

MODIFICATION PAGE 7

DECISION NO. NY80-3020 - Mod. #3
(45 FR 23262 - April 4, 1980)
Bronx, Kings, Queens, New York & Richmond Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add: Laborers, Unskilled	10.65	1.80	1.85		
DECISION NO. NY80-3049 - Mod. #3 (45 FR 57932 - August 29, 1980) Ulster County, New York					
Change: Electricians Remainder of County	13.40	7.4%	3%+1.20	.70	4%
DECISION NO. NY80-3057 - Mod. #4 (45 FR 62672 - September 19, 1980) Bronx, Kings, Queens, New York, & Richmond Counties, New York					
Add: Laborers, Unskilled	10.65	1.80	1.85		
DECISION NO. NY81-3003 - Mod #2 (46 FR 7737 - January 23, 1981) Orange County, New York					
Change: Electricians Remainder of County	13.40	7.4%	3%+1.20	.70	4%
DECISION NO. TX80-4099 - MOD. #3 (45 FR 80640 - December 5, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
CHANGE: Building Construction: Power Equipment Ops.: Group 1	$12.29		.55		.05

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, & West Virginia
DECISION NUMBER: I1-81-2004 DATE: Date of Publication
Supersedes Decision No. I180-2018 dated March 28, 1980 in 45FR 20650
DESCRIPTION OF WORK: Dredging of the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; the UPPER MISSISSIPPI River between Miles 0.0 and 195.0; and the Kaskaskia River from the mouth to Fayetteville, Illinois.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I Within the geographical jurisdiction of the St. Louis District, Corps of Engineers.					
Leverman, Engineer, Mechanic and Boatman	$12.50	1.11	1.51		
Oiler	10.12	1.11	1.51		
AREA II Within the geographical jurisdiction of the Louisville District, Corps of Engineers					
Leverman, Engineer, Mechanic, and Boatman	12.38	1.11	1.51		
Oiler	9.21	1.11	1.51		
AREA III Within the geographical jurisdiction of the Huntington District, Corps of Engineers					
Leverman, Engineer, Mechanic, and Boatman	12.38	1.11	1.51		
Oiler	9.21	1.11	1.51		
AREA IV Within the geographical jurisdiction of the St. Paul District Corps of Engineers					
Leverman, Engineer, Mechanic, and Boatman	12.86	1.20	1.20		
Oiler	10.64	1.20	1.20		
AREA V Within the geographical jurisdiction of the Rock Island District Corps of Engineers					
Leverman, Engineer,					

DECISION NO. IL81-2004

	Basic Hourly Rates	Fringe Benefits Payments

SUPERSEDEAS DECISION

STATE: NEBRASKA
DECISION NUMBER: NE81-4014
COUNTIES: Douglas, Cass, Otoe and Sarpy

DECISION NO. IL81-2004

CONT'D FROM AREA V	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mechanic, and Boatman	12.86	1.20	1.20		
Oiler	10.64	1.20	1.20		
AREA VI					
Within the geographical jurisdiction of the Chicago District Corps of Engineers-					
Leverman, Engineer,					
Mechanic, and Boatman	12.86	1.20	1.20		
Oiler	10.64	1.20	1.20		

SUPERSEDEAS DECISION

STATE: NEBRASKA — COUNTIES: Douglas, Cass, Otoe and Sarpy

DECISION NUMBER: NE81-4014

Supersedes Decision Numbers NE81-4012 dated February 13, 1981 in 46 FR 12411; NE80-4075 dated September 26, 1980 in 45 FR 64056; and NE80-4022 dated April 4, 1980 in 45 FR 23260

DESCRIPTION OF WORK: Building projects, including single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.52	.70	.71		.03
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS, Stonemasons	12.36	.82	.60		.05
CARPENTERS:					
Carpenters	13.07	.82	.70		.05
Piledrivermen	13.205	.82	.70		.05
Millwrights	13.35	.82	.70		
CEMENT MASONS	12.85	.82	.90		
ELECTRICIANS - Douglas & Sarpy & Cass Cos.	14.71	.90	3%+1.35		½ of 1%
Residential (not to exceed 3 stories)	10.03	.90	3%		½ of 1%
ELECTRICIANS Otoe County	13.63	.75	3%+1.00		.06
ELEVATOR CONSTRUCTORS	13.685	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.195	.95	a	.035

FOOTNOTES:

A. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 7 paid holidays.

GLAZIERS	13.64	.90	.50		.01
IRONWORKERS	12.10	.85	1.00	1.00	.05
LABORERS:					
Common laborers	9.21	.85	.65	.85	
Buggymobile oprs., mortar mixers, mason tenders	9.375	.85	.65	.85	
Pipelayers	9.54	.85	.65	.85	
Plasterers tenders	9.585	.85	.65	.85	
LATHERS	9.95	.57	.50	1.00	
MARBLE SETTERS, TILE AND Terrazzo workers	12.22	.30	.40		
MARBLE, Tile and Terrazzo Workers Finishers	9.60				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Douglas, Cass, & Sarpy Cos.,)					
Brush	$11.65		.50		.05
Structural steel and Paperhangers	12.00		.50		.05
Spray, swing\stage, hazardous and sandblasting	12.25		.50		.05
PAINTERS: (Otoe County)					
Brush & paperhangers	10.34	.65	.30		
Structural steel	10.84	.65	.30		
PLASTERERS	13.42	.85	.58		
PLUMBERS	13.79	1.10	1.15		.10
ROOFERS:					
Composition - Douglas, Cass & Sarpy Cos.	10.90	.70	.20		.01
ROOFERS (Otoe County)	10.85	.50	.30		.02
ROOFERS:					
Roofers helpers (handling roofing materials, erecting and dismantling scaffold for roofers, and removing and cleaning up old roofers (Douglas, Cass, and Sarpy Cos.)	50%JR	.70	.20		.01
SHEET METAL WORKERS	14.29	.75			.08
SHEET METAL WORKERS					
Residential	10.53	.75			.08
SPRINKLER FITTERS	14.30	.85	1.20		.08
STEAMFITTERS	13.54	.70	.85		.15
LINE CONSTRUCTION:					
Lineman	13.18	.45	3%		4%
Cable splicers	14.16	.45	3%		4%
Truck Driver	9.52	.45	3%		4%
Equipment Operators	11.86	.45	3%		4%
Groundmen	8.60	.45	3%		4%

[FR Doc. 81-7804 Filed 3-12-81; 8:45 am]
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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$10.07	.85	1.20		
Group 2	10.18	.85	1.20		
Group 3	10.52	.85	1.20		
Group 4	12.26	.85	1.20		
Group 5	12.37	.85	1.20		
Group 6	12.67	.85	1.20		
Group 7	10.09	.85	1.20		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Oilers

Group 2 - Oiler drivers (mobil truck crane)

Group 3 - Conveyors; heaters; tractors, 35 hp or under; air compressors; pump and welding machine operator

Group 4- Bulldozers; forklifts; concrete pumps; tractors over 35 hp; one drum hoist; straddle trucks; spread oiler

Group 5 - Blades; end loaders; self-propelled scrapers

Group 6 - Two drum hoist; trenching machines; pile drivers; dredges; heavy duty mechanics; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors

Group 7 - Greasers

TRUCK DRIVERS:					
Single axle	8.645	.57	.48		
Tandem axle	8.72	.57	.48		
Lowboy, trailer	8.845	.57	.48		
Lumber carriers	9.02	.57	.48		
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

federal register

Friday
March 13, 1981

Part III

Department of Education

Pell Grant Program; Revision in the 1981-82 Family Contribution Schedules

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34 CFR P

Pell Gran
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AGENCY: D

ACTION: F

SUMMARY
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DEPARTMENT OF EDUCATION

34 CFR Part 690

Pell Grant Program; Revision in the 1981–82 Family Contribution Schedules

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: These regulations revise the Family Contribution Schedules for the Pell Grant Program which were published as final regulations on January 19, 1981. The Family Contribution Schedules are the formulas used in determining student eligibility for Pell Grants on the basis of financial need.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the Federal Register. The effective date is changed if the Congress takes certain adjournments. It should be noted, however, that these regulations apply only to Pell Grants made for the period of July 1, 1981 through June 30, 1982. If you want to know the effective date of these regulations call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: William L. Moran or David Morgan, Office of Student Financial Assistance, ROB–3, Room 4318, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone (202) 472–4300.

SUPPLEMENTARY INFORMATION:

General Background

The Family Contribution Schedules include an "offset" based on family size which is used in computing the size of the Pell Grant. These offsets are updated each year to reflect the increases in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The offsets represent basic subsistence costs for families. The offsets are subtracted from the income of the student and his family along with other deductions to derive "discretionary income." A portion of discretionary income is assessed as the student's expected family contribution.

On January 19, 1981, the Department of Education published in the Federal Register the final regulations for the 1981–82 Family Contribution Schedules increasing the offsets by 12.6 percent to reflect the increase in the Consumer Price Index (46 FR 5320). This regulation rescinds that increase and restores the family size offsets to the level set in the 1980–81 Family Contribution Schedules. The dependent student offsets will also remain at their 1980–81 levels.

As a part of President Reagan's Budget Reform Plan a number of changes are being made in the student aid programs with the intention of reducing Federal expenditures and curbing inflation. A number of the changes will require legislative action, and proposed amendments have already been submitted to Congress. The family size offsets, however, may be changed by a regulatory amendment without the need for a legislative amendment.

By holding the family size offsets at the 1980–81 level, and thus increasing the amount of family income considered discretionary and subject to assessment in the formula, the Secretary is reemphasizing the traditional responsibility of the family in financing postsecondary education. Additionally, by not indexing the offsets, the Secretary is including the Pell Grant Program in the effort to combat inflation.

Waiver of Notice of Proposed Rulemaking

The issue of raising the family size offsets to reflect the increase in the Consumer Price Index was included in the notice of proposed rulemaking for the Family Contribution Schedules published in the Federal Register of August 1, 1980. Several comments were received including one that suggested that the use of the Consumer Price Index artificially increased financial need. For the reasons stated earlier, the Secretary is now in agreement with this comment. Moreover, the Family Contribution Schedules are used to determine the amount of a student's Pell Grant for the award period starting on July 1, 1981 while section 431(d) of the General Education Provisions Act delays the effective date of regulations for 45 days after they are transmitted to Congress. Accordingly, the Secretary finds that publication of a proposed rule in this instance would be unnecessary and impracticable within the meaning of 5 U.S.C. 553(b), and is publishing these rules as final regulations.

(Catalog of Federal Domestic Assistance No. 84.063, Pell (Basic) Grant Program)

Dated: March 9, 1981.

T. H. Bell,

Secretary of Education.

PART 690—PELL GRANT PROGRAM

Subparts C and D of Part 690 of Title 34 of the Code of Federal Regulations are amended as follows:

1. In § 690.34 the family size offsets in paragraph (a)(1) are amended to read as follows:

§ 690.34 Computation of the expected family contribution for a dependent student from the effective family income.

* * * * *

(a) * * *

(1) * * *

Family Size Offsets

Family members	Amount
2	$5,000
3	6,050
4	7,700
5	9,050
6	10,250
7	11,350
8	12,550
9	13,750
10	14,850

Plus $1,150 for each additional family member over 10.

* * * * *

2. In § 690.34a the dependent student offsets in paragraph (a)(1) are amended as follows:

§ 690.34a Computation of the expected family contribution for a dependent student from the effective student income.

* * * * *

(a) * * *

(1) * * *

Dependent Student Offsets

Single student	$2,600
Married student	3,650

3. In § 690.44 the family size offsets for an independent student in paragraph (a)(1) are amended as follows:

§ 690.44 Computation of the expected family contribution for an independent student from the effective family income.

* * * * *

(a) * * *

(1) * * *

Family Size Offsets

Family members	Amount
1	$3,650
2	5,000
3	6,050
4	7,700
5	9,050
6	10,250
7	11,350
8	12,550
9	13,750
10	14,850

Plus $1,150 for each additional family member over 10.

* * * * *

(20 U.S.C. 1070(a)(3)(B))

[FR Doc. 81-7644 Filed 3-12-81; 8:45 am]

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Friday
March 13, 1981

Part IV

Department of Labor

Office of the Secretary

Redwood Employee Protection Program

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DEPARTMENT OF LABOR

29 CFR Part 92

Redwood Employee Protection Program

AGENCY: Department of Labor.

ACTION: Proposed rule.

SUMMARY: The Department of Labor is responsible for administering the Redwood Employee Protection Program established by Title II of the Redwood National Park Expansion Act of 1978 (Pub. L. 95-250). Under Title I of the Act, employees whose jobs were lost as a result of this Park expansion were designated to receive preference in hiring for both Federal civilian jobs and jobs with certain private employers. In addition, under Title II of the Act, these employees were provided with a program of income and benefit maintenance, and with retraining, job search, and job relocation allowances.

The Department proposes to clarify criteria to be used in determining applicant eligibility for Redwood Employee Protection Program (REPP) benefits based on layoffs occurring subsequent to September 30, 1980.

DATE: Written comments must be received by the Department of Labor by the close of business April 13, 1981.

ADDRESS: Written comments should be submitted to the Redwood Employee Protection Program, Division of Employee Protections, Room N-5656, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Johnson of the Department of Labor at (202) 523-6495. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Discussion

Section 92.11(a) *Filing After Layoff.* This section has been revised to conform with the period of time during which a covered employee may file an application for REPP benefits as set forth in the new § 92.15.

Section 92.15 *Layoffs After September 30, 1980.* This section has been added to provide criteria for determining eligibility for REPP benefits as a result of a layoff occurring after September 30, 1980. The statute provides in Section 203 that a layoff occurring between May 31, 1977 and September 30, 1980 is conclusively presumed to be attributable to the expansion of the Redwood National Park. This new section sets forth criteria for determining if layoffs occurring between October 1, 1980 and September 30, 1984 are attributable to the Park expansion for the purpose of qualifying for REPP benefits.

The criteria contained in this section apply only to covered employees who are laid off in the period October 1, 1980 to September 30, 1984. Any covered employee who has remained on a layoff that occurred between May 31, 1977 and September 30, 1980, has continued to be qualified for REPP benefits as a result of that layoff.

Note.—The Department of Labor has determined that the proposal in this document is not a major regulation that requires the preparation of a regulatory analysis, within the meaning of Executive Order 12291 and the Department's guidelines published at 44 FR 5570. This note also reflects that I have certified, in accordance with 5 U.S.C. 605(b), that the regulation in this document will not have a significant economic impact on a substantial number of small business entities.[1] This document was prepared under the direction and control of the Acting Deputy Assistant Secretary, Labor-Management Services Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone: (202) 523-8036.

Accordingly, it is proposed to amend 29 CFR Part 92 as set forth below.

1. The authority citation for Part 92 reads as follows:

Authority: Sections 202 and 213(c)(2), Pub. L. 95-250, dated March 27, 1978.

2. Section 92.11(a) is revised to read as follows:

§ 92.11 When to apply.

(a) *Filing After Layoff.* An initial application for REPP benefits by a covered employee may be filed with respect to a total or partial layoff by an affected employer which occurred before September 30, 1980 or as provided in § 92.15 of this Part.

* * * * *

3. A new § 92.15 is added to read as follows:

§ 92.15 Layoffs After September 30, 1980.

(a) *Qualifying Layoffs.* A covered employee laid off between October 1, 1980 and September 30, 1984 shall be deemed to be an affected employee if such layoff occurred under one of the following circumstances:

(1) The covered employee suffered a qualifying layoff from an affected employer and the employee returned to work for a known short-term recall from that employer and is again laid off when that term expires; or

(2) The covered employee works for an affected employer on a staggered work schedule during the period beginning May 31, 1977 and ending September 30, 1980 and has continued to work on such schedule beyond September 30, 1980; or

(3) The covered employee works as a seasonal worker who was recalled for part of a season or recalled to substitute for other workers as vacation or sick leave relief and is again laid off; or

(4) The covered employee was laid off by an affected employer under any other circumstances related to the Park expansion; or

(5) The covered employee was laid off by an affected employer for reasons determined by the Secretary to be related to the Park expansion.

(b) *Non-Qualifying Layoffs.* After the effective date of this section any covered employee laid off between October 1, 1980 and September 30, 1984 shall not be deemed an affected employee if such layoff occurred under one of the following circumstances:

(1) A strike, lockout, maintenance shutdown, vacation shutdown, flood, earthquake, fire, temporary adverse weather condition; or

(2) Any other reason unrelated to the Park expansion.

(c) *Eligibility Review After the Effective Date of This Section.* Notwithstanding § 92.50 of this Part, after the effective date of this section, an affected employee receiving REPP benefits based on a layoff occurring after September 30, 1980 shall have the circumstances of that layoff redetermined on the basis of the above criteria. Only those employees whose layoffs are found to be qualifying, upon redetermination, shall continue to receive REPP benefits.

Signed at Washington, D.C., on February 22, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-7912 Filed 3-12-81; 8:45 am]

BILLING CODE 4510-29-M

[1] Original letter of certification filed with the Office of the Federal Register as part of the original document.

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federal register

Friday
March 13, 1981

Part V

Department of Health and Human Services

Office of Human Development Services

Child Abuse and Neglect Grants Program: Fiscal Year 1981 State Grants

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Notice No. 13628-813]

Child Abuse and Neglect Grants Program: Fiscal Year 1981 State Grants

AGENCY: The Office of Human Development Services, DHHS.

SUBJECT: Announcement of availability of grant funds for FY 1981 Child Abuse and Neglect Grants Program—State Grants.

SUMMARY: The Administration for Children, Youth and Families announces that applications are being accepted for State grants for Fiscal Year 1981. This program is authorized by the Child Abuse Prevention and Treatment Act, Pub. L. 93-247, as amended. Regulations governing this program are published in the *Code of Federal Regulations* in 45 CFR Part 1340.

DATE: The closing date for receipt of applications is May 31, 1981.

Scope of This Notice

The Child Abuse Prevention and Treatment Act (Pub. L. 93-247, as amended) in Section 4(b)(1) provides that the Secretary, through the National Center on Child Abuse and Neglect, (NCCAN) is authorized to make grants to States. This Notice identifies NCCAN's FY 1981 objectives and funding priorities for States making application for a State grant.

Program Purpose

The primary purpose of the Child Abuse and Neglect State Grants Program is to support the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

Eligible Applicants

The Regulations implementing the legislation provide that "Whichever State office, agency or organization is designated by the Governor, may apply for financial assistance under section 4(b)(1) (of the Act) for the payment of reasonable and necessary expenses in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs." (45 CFR 1340.3-2(b)).

The term State as defined in Section 4(b)(1) of the Act includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific. In order for a State to qualify for a State grant, the State must meet the eligibility criteria stipulated in Appendix C.

Available Funds

Pub. L. 93-247, as amended, provides that 30 percent of the funds appropriated in FY 1981 for the implementation of the Act will be used for making State grants. The FY 1981 appropriation of the Department of Health and Human Services provides the National Center on Child Abuse and Neglect with a FY 1981 authorization of $16,928,000 plus $4,000,000 earmarked for programs to prevent, identify, and treat the sexual abuse of children. As a result of this additional allotment, $6,678,400 will be available to eligible States. Of this amount $5,678,400 will be allocated for the regular State program objectives (listed under Category A) and $1,200,000 will be allocated for sexual abuse program objectives (listed under Category B).

Funds to States will be allocated for regular program objectives on the basis of the following criteria: An amount of $25,000 plus an additional amount bearing the same ratio to the total amount made available for the purpose as the number of children under the age of eighteen in each State bears to the total number of children under 18 in all States.

Funds to States will be allocated for sexual abuse program objectives on the basis of the following criteria: An amount of $12,500 plus an additional amount bearing the same ratio to the total amount made available for the purpose as the number of children under the age of eighteen in each State bears to the total number of children under 18 in all States.

The actual allocations to each eligible State will probably be slightly higher. Some States will probably not apply or will be found ineligible and their cumulative allocations for FY 1981 will be distributed by the formulas stated above to eligible States. As soon as the number of eligible States and the number of ineligible States, or States not applying for a grant, can be determined, the allocations to eligible States can be finalized. However, States should not delay submission of their applications until the actual allocation is known. Instead, they should use the tentative allocations provided in Appendix A for preparing their applications.

State grant funds for the prevention, identification and treatment of child abuse, child neglect and child sexual abuse are not intended to substitute for State or Federal monies which are currently being used to address these problems, and should not be used for ongoing support or maintenance of current agency programs.

Funds awarded to States should support specific developmental or startup activities (usually no longer than three years in duration for any one project activity) such as those described under "PROGRAM OBJECTIVES" in this Notice.

Applicants may apply for their regular allocation only; the sexual abuse allocation only; or they may apply for both. Applicants may use both allocations for child sexual abuse objectives, but cannot use the child sexual abuse allocation for regular State program objectives.

Use of Unobligated Balance

Pub. L. 93-247, as amended, provides that any State which fails to obligate funds within 18 months after the award will receive a reduction of the next grant award in an amount equal to the unobligated balance unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

Program Objectives

Category A (To be supported with Regular Program Funds).

Applications are solicited from States for projects which reflect one or more of the following program objectives.

1. Developing and implementing education, awareness, and technical assistance programs for those persons required by State law to report known or suspected instances of child abuse and neglect for the purpose of:

(a) Clarifying statutory obligations for reporting child abuse and neglect;

(b) Defining situations and conditions which must be reported and to whom;

(c) Addressing issues of confidentiality and privileged communication;

(d) Clarifying for reporters the States' immunity provisions for reporters of child abuse and neglect;

(e) Defining circumstances under which a child may be taken into protective custody and the authority for doing so;

(f) Understanding the use and limits of authority;

(g) Clarifying procedures and roles within the child protective service system and the juvenile justice system.

(h) Dealing with the threats of malpractice to mandated reporters; and/or

(i) Explaining the central register/index and its use.

2. Improving the investigation of reports of child abuse and neglect through:

(a) Development and promulgation of working definitions of child abuse and neglect which are consistent with statutory definitions;

(b) Establishment, improvement, or strengthening the capacity to review and screen reported cases of child abuse and neglect;

(c) Development and implementation of written guidelines for the screening and referral of reported cases of child abuse and neglect;

(d) Provision of services for the immediate investigations of situations when there is imminent danger to a child's health or safety and the initiation of investigation within 24 hours for all other reported cases;

(e) Use of teams (protective service worker and police juvenile bureau officer) to respond to situations of imminent danger to children and, where removal of children is strongly indicated;

(f) Development and promulgation of written guidelines and criteria for determining when a child should be removed from his/her home and taken into custody. Under what circumstances can emergency protective custody be used without a court order; and/or

(g) Identification of investigator's responsibilities in giving notices to: courts of juvenile jurisdiction, agencies mandated to receive reports, parents, and, when appropriate, coroners.

3. Improving treatment capabilities through:

(a) Use of multidisciplinary case consultation teams and development and implementation of criteria for use of teams;

(b) Assignment of child advocates to follow the child and family through the maze of resources to insure delivery of services;

(c) Use of written treatment plans with child/family participation;

(d) Periodic review of cases involving children in placement pending court action; and/or

(e) Community commitment of resources, on a priority basis, to children at risk.

4. Developing and strengthening information systems including central registers for the purpose of:

(a) Providing a conduit for reporting;

(b) Facilitating self-referrals;

(c) Monitoring cases in the child protective service system;

(d) Planning; and

(e) Research

5. Developing and strengthening programs using volunteers, parent aides and self-help groups under the direction of professional leadership.

6. Developing and strengthening for the protection and treatment of children who, as a result of spouse abuse or other form(s) of family violence, are neglected or themselves abused. Programs may focus on the development and implementation of specialized services necessary to prevent traumatization of children from abusive families. This could include crisis intervention as well as ongoing therapeutic treatment of child victims of domestic violence.

7. Establishing an organizationally visible State Child Protective Services unit responsible for policy and program direction. This unit would provide a focal point for coordinating program activities; developing and promulgating staff manuals and procedural guides; enhancing resource development; convening child protection coordinating committees and conducting research and demonstration programs. These responsibilities are suggestive and not exhaustive.

8. Preventing and correcting child abuse and neglect in residential institutions and foster care placements through

a. Development and promulgation of regulations, operational procedures and guidelines for the identification, reporting and investigation of all incidents of child abuse and neglect in residential care facilities.

b. Establishment of a special unit for this purpose at the State level.

c. Support of review commissions at the individual institution or groups of institutions.

9. Developing a training capacity within the State agency that includes a plan for meeting the training needs of those working in a child protective service system. The use of grant funds for training those providing direct service to the clients is specifically excluded as Title XX and Title IV–B funds are available for this use.

Category B (To be supported with Sexual Abuse Program Funds and/or Regular program funds).

Applications are solicited from States for projects related to child sexual abuse which reflect one or more of the following program objectives. They are not listed in any priority order.

1. Establishment of a special unit within the State Protective Services Agency, or the establishment of a sexual abuse specialist position within a specific State Protective Service Unit which would be responsible for developing policy and program guidance in matters relating to sexual abuse of children.

2. Develop a training and technical assistance capability within the State or local protective service agency that includes a plan for meeting the training needs of the child protective service staff handling sexual abuse cases. Funds may be utilized to:

- Support travel, lodging, subsistence and registration fees for child protective workers to attend training programs which are specifically related to the handling of sexual abuse cases.
- Establish a specific on-going training capacity within the State agency for the training of personnel who will be involved in the investigation, case management, and treatment of child sexual abuse cases.
- Provide specific technical assistance for the establishment and implementation of specialized units or programs within the child protective services system for the treatment of sexually abused children and their families.

3. Establish or strengthen follow-up and long term treatment resources for sexually abused children and their families who are in need of ongoing therapeutic intervention. Services must be closely coordinated with the activities of the State and local child protective service agency and a special effort made to avoid duplication.

4. Develop, support, or strengthen hot lines or helplines specifically designed to be responsive to calls concerning sexual abuse and support for parent and child self-help programs specifically for the treatment of child sexual abuse.

The Application Process

Availability of Application Forms

The agency, designated by the Governor, that wishes to apply under this grant Notice may request application forms from the appropriate DHHS Regional Office (See Appendix B). The application consists of two forms:

1. The Eligibility Statement (Form 627).

2. The Application for Federal Assistance (Form 424).

No applications will be considered unless the Eligibility Statement (Form 627) and the Application for Federal Assistance (Form 424) are completed according to the instructions provided.

States which have never applied or which have previously been found ineligible for a State Child Abuse and Neglect grant are encouraged to apply at the earliest possible time but no later than May 31, 1981, as described in the section dealing with the Closing Date for Receipt of Applications.

A–95 Clearinghouse Notice

In compliance with the Department of Health and Human Services implementation of Office of Management and Budget Circular No. A–95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and area A–95 Clearinghouse of the intent to apply for Federal Assistance. If the application is for a Statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted.

Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A–95 requirements.

Criteria For Review and Evaluation

Criteria to be used in the review process are the eligibility requirements contained in 45 CFR 1340.3–3. (See Appendix C)

The DHHS Regional Office Officials have been delegated responsibility for the review and approval of Eligibility Statements and Applications for Federal Assistance.

Eligible applicants submitting applications and approved for funding are notified through issuance of Notices of Financial Assistance Awarded which set forth the amounts of funds awarded, the terms and conditions of the grant, the effective dates of the grants, the budget periods for which support is given, and the total periods for which support is contemplated.

Application Submission

In order to be considered for a grant under the State Child Abuse and Neglect Grants Program, an application must be submitted on the forms and in the manner described above. The application must be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including the regulations of the Program. One signed original and two copies of the grant application, including all attachments, are required.

Applications sent by mail should be addressed to the appropriate Regional Office of Fiscal Operations. Addresses will be provided in the Application Kit.

Closing Date For Receipt of Applications

The closing date for receipt of applications under this Notice is May 31, 1981. Applications received after the close of business on May 31, 1981, will be considered ineligible and will not be reviewed and evaluated. An application sent by mail will be considered to be received on time by the DHHS Regional Office if:

1. The application was sent by registered or certified mail no later than May 31, 1981, as evidenced by the U.S. Postal Service Postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

2. An application delivered by hand must be delivered to the appropriate DHHS Regional Office before close of business on May 31, 1981. As the Regional Offices have different hours of operation, applicants may wish to contact the Regional Office for the time of day that the office closes.

(Catalog of Federal Domestic Assistance Program Number 13.628, Child Development—Child Abuse)

Dated: March 2, 1981.

John Buse,

Acting Commissioner for Children, Youth and Families.

Approval: March 6, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

Appendix A—*Fiscal Year 1981 (Tentative Allocations)*

	Category A (regular program funds)	Category B (sexual abuse program funds)	Total
Region I			
Connecticut	$79,447	$10,740	$90,187
Maine	45,843	14,889	60,732
Massachusetts	125,370	24,005	149,375
New Hampshire	41,089	14,401	55,990
Rhode Island	41,164	14,323	55,487
Vermont	34,368	13,573	47,931
Region II			
New Jersey	157,715	27,710	185,425
New York	340,695	48,624	389,319
Puerto Rico	110,825	22,348	133,173
Virgin Islands	25,217	12,744	38,961
Region III			
Delaware	35,634	13,719	49,353
District of Columbia	36,089	13,763	49,852
Maryland	101,141	21,226	122,367
Pennsylvania	232,739	36,193	268,932
Virginia	120,283	23,420	143,703
West Virginia	60,721	16,585	77,326
Region IV			
Alabama	99,866	21,543	121,408
Florida	172,803	29,416	202,019
Georgia	128,365	24,346	152,711
Kentucky	94,336	20,446	114,781
Mississippi	78,597	18,643	97,240
North Carolina	132,193	24,785	156,978
South Carolina	84,552	19,325	103,877
Tennessee	107,947	22,006	129,953
Region V			
Illinois	240,913	37,119	278,032
Indiana	130,917	24,639	155,556

Appendix A—*Fiscal Year 1981 (Tentative Allocations)*—Continued

	Category A (regular program funds)	Category B (sexual abuse program funds)	Total
Michigan	209,333	33,316	239,649
Minnesota	102,417	21,373	123,790
Ohio	221,137	35,998	257,135
Wisconsin	114,306	22,736	137,088
Region VI			
Arkansas	67,112	17,326	84,438
Louisiana	110,825	22,348	133,273
New Mexico	51,798	15,571	67,369
Oklahoma	79,022	18,691	97,713
Texas	297,809	43,651	341,560
Region VII			
Iowa	79,447	18,740	98,187
Kansas	67,837	17,375	84,912
Missouri	113,802	22,689	136,491
Nebraska	54,776	15,913	70,689
Region VIII			
Colorado	78,171	18,594	96,765
Montana	40,739	14,304	55,043
North Dakota	37,781	13,983	51,764
South Dakota	38,812	14,060	52,872
Utah	59,804	16,361	74,165
Wyoming	34,358	13,573	47,931
Region IX			
No. Mariana Island	25,425	12,549	37,974
American Samoa	26,276	12,646	38,922
Arizona	75,194	18,252	93,446
California	436,060	69,836	497,896
Guam	29,089	12,669	41,757
Hawaii	43,291	14,566	57,857
Nevada	38,812	14,060	52,872
Trust Territory	29,254	12,988	42,242
Region X			
Alaska	34,784	13,621	48,405
Idaho	44,567	14,743	59,310
Oregon	71,365	17,814	89,179
Washington	97,728	20,836	118,574

Appendix B—Regional Program Directors, ACYF

Region I

Richard Sterling, Regional Program Director, Administration for Children, Youth and Families, Room 2000, JFK Federal Building, Government Center, Boston, Massachusetts 02203, FTS 223–6450, (617) 223–6450.

Region II

Elaine Danavall, Regional Program Director, Administration for Children, Youth and Families, 26 Federal Plaza, New York, NY 10278, FTS 264–2974, (212) 264–2974.

Region III

Fred Digby, Regional Program Director, Administration for Children, Youth and Families, P.O. Box 13716S, 3535 Market Street, Philadelphia, Pennsylvania 19101, FTS 596–6763, (215) 596–6356.

Region IV

John Jordan, Regional Program Director, Administration for Children, Youth and Families, 101 Marietta Tower, Suite 903, Atlanta, Georgia 30323, FTS 242–2134, (404) 221–2134.

Region V

Hilton Baines, Regional Program Director, Administration for Children, Youth and Families, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606, FTS 353–1781, (312) 353–6203.

Region VI

Tommy Sullivan, Regional Program Director, Administration for Children, Youth and Families, 1200 Main Tower Building, Dallas, Texas 75205, FTS 729–3878, (214) 767–2976.

Region VII

German White, Regional Program Director, Administration for Children, Youth and Families, 601 E. 12th Street, 3rd Floor, Federal Building, Kansas City, Missouri 64106, FTS 758–5401, (816) 374–5401.

Region VIII

David Chapa, Regional Program Director, Administration for Children, Youth and Families, 1961 Stout Street, Denver, Colorado 80294, FTS 327–2106, (303) 837–3106.

Region IX

Roy Fleischer, Regional Program Director, Administration for Children, Youth and Families, 50 United Nations Plaza, Room 144, San Francisco, California 94102, FTS 556–6153, (415) 556–6153.

Region X

William Hayden, Regional Program Director, Administration for Children, Youth and Families, MS 813, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101, FTS 399–0636, (206) 442–0636.

Appendix C

§ *1340.3–3 Qualification for assistance.*

(a) The Act enumerates ten elements of a comprehensive system to prevent and treat child abuse and neglect which a State must have in order to qualify for assistance under section 4(b)(1). The enactment of identical laws and procedures in the States is not necessary. Rather, as its purpose, the Act seeks to insure that all States receiving assistance under this subsection (in meeting the ten requirements) must provide what may be grouped into four fundamental child protective capabilities: (1) Detection through third party reporting of children in danger, including mandatory and permissive reporting of suspected child abuse and neglect; (2) child protective services to provide noncriminal investigations for the verification of reports, to provide immediate protection of children through such means as protective custody, and to provide rehabilitative and ameliorative services; (3) juvenile or family court action to remove a child or to impose treatment services; and (4) law enforcement investigations and criminal court prosecution, when appropriate.

(b) Similarly, it is not necessary for States to adopt language for the definition of "child abuse and neglect" identical to that used in the Act. A State definition which is the same in substance as the one set forth in this part will be sufficient. In addition, nothing in this part is intended to prevent a State from further elaborating on the definition or from providing additional grounds to consider a child abused or neglected. This part takes this approach in recognition of the need to allow and encourage flexibility and innovation in light of the diverse local conditions found from State to State and community to community.

(c) Finally, in order to facilitate compliance, this part makes a distinction between requirements that can be satisfied by a specific State law and those that can be satisfied by a legally authorized and legally binding administrative procedure, if certified by the State's Attorney General.

(d) In order for a State to qualify for assistance under section 4(b)(1) of the Act, the State shall satisfy each of the following ten requirements:

(1) The State must have in effect a child abuse and neglect law which includes provisions for immunity for all persons reporting, whether mandated by law or not, instances of known or reasonably suspected child abuse and neglect, from civil or criminal prosecution under any State or local law, arising out of such reporting. In the absence of a specific statutory provision in an existing child abuse and neglect reporting law, this requirement may be satisfied, but only until July 1, 1975, or the close of the next session of the State legislature, whichever is later, by a legal opinion of the State's Attorney General holding that such immunity exists under State law.

(2)(i) The State must provide for the reporting of known or suspected instances of child abuse and neglect. This requirement shall be deemed satisfied if a State requires specified persons by law, and has a law or administrative procedure which requires, allows, or encourages all other citizens, to report known or suspected instances of child abuse and neglect to one or more properly constituted authorities with the power and responsibility to perform an investigation and take necessary ameliorative and protective steps as required in paragraph (3). A properly constituted authority may include the police, the juvenile court or any agency thereof, or a legally mandated, public or private child protective agency: *Provided,* However, that a properly constituted authority must be an agency other than the agency, institution or facility involved in the acts or omissions, if the report of child abuse and neglect involves the acts or omissions of a public or private agency or other institution or facility.

(ii) In the absence of a specific statute, the requirements of this subsection may be satisfied by an opinion of the State Attorney General holding that the State administrative procedures in this regard are legally binding.

(3)(i) A State must provide that upon the receipt of a report of known or suspected instance of child abuse or neglect an appropriate investigation by a properly constituted authority shall be initiated promptly to substantiate the accuracy of the report. Such investigation may include contact with central registers, field investigations and interviews, home visits, consultation with other agencies, medical examinations, and psychological and social evaluations.

(ii) The State must provide further that, upon a finding of abuse or neglect, immediate steps, as required by law and/or administrative procedures, shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect. Such steps may include multidisciplinary teams, instruction in education for parenthood, protective and preventive social counseling, foster care, emergency caretaker service, emergency homemaker service, emergency shelter care, emergency medical service, and, if appropriate, criminal court or juvenile court action, in order to protect the child and help strengthen the family, help the parents in their child rearing responsibilities, and if necessary, remove the child from a dangerous situation.

(4) The State must demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State has operational procedures and capabilities sufficient to deal effectively with child abuse and neglect cases in the State. Such operational procedures and capabilities shall include: provision for receipt, investigation and verification of reports; provision for the determination of treatment or ameliorative social service and medical needs; provision of such services; and, when necessary, resort to criminal or juvenile court.

(5) The State must provide for methods to preserve the confidentiality of all records concerning reports of child abuse and neglect in order to protect the rights of the child, his parents or guardians. This section shall be satisfied only if a State has a law which makes such records confidential and which makes any person who permits or encourages the unauthorized dissemination of their contents guilty of a crime. Such law may allow access to such records but only to the following agencies and persons: (i) A legally mandated, public or private child protective agency investigating a report of known or suspected child abuse or neglect or treating a child or family which is the subject of a report or record; (ii) a police or other law enforcement agency investigating a report of known or suspected child abuse or neglect; (iii) a physician who has before him a child whom he reasonably suspects may be abused or neglected; (iv) a person legally authorized to place a child in protective custody when such person has before him a child whom he reasonably suspects may be abused or neglected and such person requires the information in the report or record in order to determine whether to place the child in protective custody; (v) an agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record, or a parent,

guardian, or other person who is responsible for the child's welfare; (vi) any person named in the report or record who is alleged to be abused or neglected; if the person named in the report or record is a minor or is otherwise incompetent, his guardian ad litem; (vii) a parent, guardian, or other person responsible for the welfare of a child named in a report or record, with protection for the identity of reporters and other appropriate persons; (viii) a court, upon its finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to in camera inspection, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it; (ix) a grand jury upon its determination that access to such records is necessary in the conduct of its official business; (x) any appropriate State or local official responsible for the child protective service or legislation carrying out his official functions; (xi) any person engaged in a bona fide research purpose, provided, however, that no information identifying the subjects of the report shall be made available to the researcher unless it is absolutely essential to the research purpose and the appropriate State official gives prior approval. Nothing in these regulations is intended to affect a State's laws or procedures concerning the confidentiality of its criminal court and its criminal justice system.

(6) The State must provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and all appropriate State agencies providing human services in relation to preventing identifying and treating child abuse and neglect. Such cooperation may include joint consultation and services, joint, planning, joint case management, joint public education and information service, utilization of each other's facilities, and joint staff and other training.

(7) The State must provide that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such proceedings. The requirement of this clause may be satisfied by a State law or by a legal opinion of the State's Attorney General holding that such appointments can be made, and by a statement from the Governor that such appointments are made, in all cases. Such guardian ad litem need not be an attorney; however, such representative may be an attorney charged with the presentation in a judicial proceeding of the evidence alleged to amount to the abuse and neglect, so long as his legal responsibility includes representing the rights, interests, welfare, and well-being of the child; where such appointments are made, the legal opinion of the State Attorney General must specify that such attorney has said legal responsibility.

(8) The State must provide that the aggregate of State support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during Federal fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects.

(9) The State must provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and the prevention and treatment methods available to combat instances of child abuse and neglect; and

(10) To the extent feasible, the State must insure that parental organizations combating child abuse and neglect, as recognized by the State, receive preferential treatment.

In addition, whenever the term "child abuse and neglect" is used (laws, administrative procedures, etc.) it must satisfy all elements of the definition expressed in 45 CFR 1340.1–2(b) of the Regulations which is Question 1 of the Eligibility Statement (HHS Form 627).

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federal register

Friday
March 13, 1981

Part VI

Office of Management and Budget

Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith propose 3 new rescissions of budget authority previously provided by the Congress, totalling $128.0 million. In addition, I am reporting 24 new deferrals totalling $825.5 million, and revisions to five previously reported deferrals increasing the amount deferred by $876.4 million.

The rescission proposals affect programs of the Department of the Interior and the National Consumer Cooperative Bank. The deferrals affect Appalachian regional development programs, programs in the Departments of Commerce, Defense, Education, Energy, Housing and Urban Development, Justice, Labor, and Transportation, as well as the Veterans Administration, the General Services Administration, and the Small Business Administration.

The details of each rescission proposal and deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
March 10, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Item	Budget Authority
Deferral:	
Department of Transportation	
Office of the Secretary	

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Department of the Interior	
	Office of the Solicitor and Office of the Secretary	
R81-35	Youth conservation corps	38,194
	Other Independent Agencies	
	National Consumer Cooperative Bank	
R81-36	Investment in National Consumer Cooperative Bank	99,849
R81-37	Self-help development and technical assistance	29,990
	Subtotal, rescissions	128,033

Deferral #	Item	Budget Authority
	Funds Appropriated to the President	
	Appalachian Regional Development Programs	
D81-79	Appalachian regional development programs	10,000
	Department of Commerce	
	Maritime Administration	
D81-80	Ship construction	92,000
	Department of Defense - Civil	
	Corps of Engineers, Civil	
D81-81	Construction, general	10,000
	Department of Education	
	Office of Postsecondary Education	
D81-82	Higher education facilities loan and insurance	25,000
	Department of Energy	
	Atomic Energy Defense Activities	
D81-29A	Operating expenses	10,000
	Energy Programs	
D81-83	Strategic petroleum reserve	8,000
D81-33A	Fossil energy construction	205,000
	Department of Housing and Urban Development	
	Policy Development and Research	
D81-84	Research and technology	5,000
	Department of Justice	
	General Administration	
D81-85	Salaries and expenses	7,485
	Federal Prison System	
D81-86	Salaries and expenses	4,385
	Office of Justice Assistance, Research and Statistics	
D81-87	Law enforcement assistance	670
	Department of Labor	
	Employment and Training Administration	
D81-36A	Employment and training assistance	729,187

Deferral #	Item	Budget Authority
	Department of Transportation	
	Office of the Secretary	
D81-88	Transportation planning, research and development	1,040
	Federal Aviation Administration	
D81-178	Facilities and equipment (Airport and airway trust fund)	365,783
	Federal Highway Administration	
D81-89	Trust fund share of other highway programs	21,500
	Federal Railroad Administration	
D81-90	Railroad research and development	383
D81-91	Rail service assistance	80,341
D81-92	Northeast corridor improvement program	125,000
	Urban Mass Transportation Administration	
D81-93	Urban mass transportation fund	210,000
	Research and Special Programs Administration	
D81-94	Research and special programs	3,100
	Veterans Administration	
D81-95	Medical care	29,389
D81-96	Medical and prosthetic research	1,690
D81-97	Medical administration and miscellaneous operating expenses	515
D81-98	Construction, major projects	183,493
	Other Independent Agencies	
	General Services Administration	
D81-99	Office of Inspector General	444
D81-100	Allowances and office staff for former Presidents	8
D81-101	Consumer information center	50
	Small Business Administration	
D81-41A	Business loan and investment fund	113,400
D81-102	Surety bond guarantees revolving fund	6,000
	Subtotal, deferrals	2,248,863
	Total, rescission proposals and deferrals	2,376,896

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(in thousands of dollars)

	Rescissions	Deferrals
Sixth special message:		
New items	128,033	825,493
Change to amounts previously submitted	—	876,388
Effect of sixth special message	128,033	1,701,881
Previous special message	1,500	6,871,907
Total amount proposed in special messages	129,533	8,573,788 a/

a/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-19B).

Rescission Proposal No: R81-35

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514): $ 60,000,000
Bureau: Office of the Solicitor and Office of the Secretary	Other budgetary resources:
Appropriation title & symbol: Youth Conservation Corps 1410109	Total budgetary resources: 60,000,000
	Amount proposed for rescission: $ 38,194,000
OMB identification code: 14-0109-0-1-302	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes 1/ ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This rescission proposes to eliminate spending for the Youth Conservation Corps. The program is proposed for elimination because it is one of the most costly and least targeted Federal youth programs and the work accomplished by enrollees is low priority. Elimination of the program will be accomplished by enrolling no new participants in the summer Youth Corps camps administered by the Federal conservation agencies in 1981 and by awarding no further grants to the states to carry out similar activities on non-Federal lands and waters.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: In the Youth Conservation Corps program, 1981 enrollment by the Federal conservation agencies will be eliminated, a reduction of 19,600 participants from the 1980 level. For the state grant portion of the program, enrollment would be reduced to 8,800 instead of the 12,800 enrollment level of 1980. The number of states participating in the program would be reduced to 30.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
61.1	28.3	32.8	5.4	--	--

1/ $5.2 million in grant funding is proposed for rescission.

Rescission Proposal No: R81-36

PROPOSED RESCISSION OF BUDGET AUTHORITY

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Youth Conservation Corps

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981, $38,194,000 are rescinded.

Rescission Proposal No: RSI-36

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: National Consumer Cooperative Bank	New budget authority (P.L. 96-526): $ 87,220,000
Bureau:	Other budgetary resources: 28,578,568
Appropriation title & symbol: Investment in National Consumer Cooperative Bank 201/21866 200/11866	Total budgetary resources: 115,798,568
	Amount proposed for rescission: $ 59,849,294
CMB identification code: 20-1866-0-1-376	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1981 September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The National Consumer Cooperative Bank Fund was created by P.L.95-351 to make sound loans to creditworthy consumer cooperatives. The Bank has been very slow to organize. Although in existence since 1979, it had committed only about $21 million (out of over $50 million available) by the end of FY 1980. Inactive during October, November, and December, the Bank suddenly committed $59 million in loans during one week in January.

At present the only source of funding for bank loans is Treasury purchases of preferred stock. Although private purchases have occurred (they are required by law), for the most part they have been financed by Bank credit. This proposal would halt further Treasury purchases of capital stock and new commitments for guaranteed loans.

The planned rescission is an integral part of President Reagan's objective of ending the National Consumer Cooperative Bank in order to achieve budgetary restraint by reducing or eliminating lower priority programs. Although there may be merit to its activities, funding of loans by the Bank is clearly a low priority compared to remaining Federal activities and other Federal functions that have been reduced or ended.

Estimated effect: No new loans would be made by the Bank Fund with appropriated monies.

Outlay effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
97.4	55.5	41.9	18.0	--	--

R81-36

DEPARTMENT OF THE TREASURY

Investment in National Consumer Cooperative Bank

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, $59,849,284 are rescinded.

During 1981, within the resources available, gross obligations of the National Consumer Cooperative Bank Fund for the principal amount of direct loans shall not exceed $55,949,284. No additional commitments to guarantee loans shall be made during 1981.

Rescission Proposal No: R81-37

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency National Consumer Cooperative Bank	New budget authority (P.L. 96-526) $ 26,190,000
Bureau	Other budgetary resources 10,500,000
Appropriation title & symbol: Self-Help Development and Technical Assistance 1/ 280/10201 281/20201	Total budgetary resources 36,690,000
	Amount proposed for rescission $ 29,990,000
OMB identification code: 28-0201-0-1-376	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year 9/30/82 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Self-Help Development and Technical Assistance fund was created to make long-term capital advances to consumer cooperatives unable to meet the criteria of the Bank's regular lending program and to provide interest subsidies to cooperatives serving low income persons. The program, despite relatively generous support in the past, has been extremely slow to organize. Only $6.5 million has been committed out of the $37.7 million appropriated since 1979, and most of that during the past several weeks.

This rescission proposal is an integral part of President Reagan's plan to terminate the National Consumer Cooperative Bank in order to achieve budgetary restraint by reducing or eliminating lower priority programs and programs whose fundamental merit is debatable. Although there may be merit to the activities of the Office of Self-Help Development and Technical Assistance they are clearly of lower priority compared to remaining Federal activities and other Federal functions that have been reduced or terminated.

Estimated effect: No new capital advances by the Self-Help Development and Technical Assistance Fund will be made.

Outlay effect: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
12.8	3.6	9.3	14.8	5.9	--

1/ This account was previously the subject of a deferral action in FY 1981 (D81-39).

R81-37

Deferral No: D81-79

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

R81-37

NATIONAL CONSUMER COOPERATIVE BANK

Self-Help Development and Technical Assistance

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1980, and the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, $29,900,000 are rescinded.

During 1981, within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $5,700,000.

Deferral No: D81-79

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 96-367) $ 339,300,000
Bureau Appalachian Regional Development Programs	Other budgetary resources 50,233,279
Appropriation title & symbol: Appalachian Regional Development Programs 11X0090	Total budgetary resources 389,533,279
	Amount to be deferred: Part of year $ ____ Entire year 10,000,000
OMB identification code: 11-0090-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation provides funds for the Appalachian Regional Commission's highway, area development, and research and local development district support activities. As part of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens, the non-highway activities of the Commission will be proposed for termination in 1981.

Funds associated with non-highway activities will be deferred for the remainder of FY 1981. These funds will be available in 1982 and subsequent years to pay the termination costs for this account.

Estimated Effect: This deferral action will provide for termination costs associated with elimination of funding that will be proposed for the Appalachian Regional Commission.

Outlay Effect: This deferral action will shift an estimated $5.9 million in FY 1981 outlays into FY 1982.

Deferral No: D81-80

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: DEPARTMENT OF COMMERCE	New budget authority (P.L. 96-536): $135,000,000
Bureau: Maritime Administration	Other budgetary resources: 110,211,253
Appropriation title & symbol: Ship Construction 13X1708	Total budgetary resources: 245,211,253
	Amount to be deferred: Part of year: $ ____
	Entire year: 92,000,000
OMB identification code: 13-1708-0-1-403	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

This appropriation provides for the payment to U.S. shipyards of construction differential subsidies (CDS) which enable the construction or reconstruction of ships for U.S. citizens at prices comparable to those which would be paid for equivalent ships constructed in foreign shipyards.

Funds totalling $92,000,000 will be deferred for the remainder of FY 1981 and made available for obligation in FY 1982. This deferral action assumes that two ships will be contracted for in FY 1982, a comparable, but somewhat reduced program level from FY 1981.

The Administration plans a full review of maritime policies and the specific uses of these deferred funds will flow from the revised policies.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions.

Estimated Effect:

This deferral action will delay the contracting for construction of two new ocean-going vessels and may preclude the Government subsidization of pollution retrofits on privately-owned subsidy-operated tankers. Since ship construction activity is up, there should be minimal impact from this deferral.

Outlay Effect:

This deferral action will shift an estimated $21 million in 1981 outlays into 1982 and $16 million in 1982 outlays into 1983.

Deferral No: D81-81

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense--Civil	New budget authority (P.L. 96-367___): $1,585,742,000
Bureau: Corps of Engineers -- Civil	Other budgetary resources: 189,419,708
Appropriation title & symbol: Construction, general 96X3122	Total budgetary resources: 1,775,161,708
	Amount to be deferred: Part of year: $ ____
	Entire year: 10,000,000
OMB identification code: 96-3122-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation is devoted primarily to the construction of water resources development projects throughout the nation.

Funds totalling $10,000,000 will be deferred for the remainder of FY 1981. This will preclude further construction activity on three projects under construction which have been proposed for termination: Red River Waterway, LA; Tetonville, KY; and Big South Fork National River and Recreation area, KY and TN. The funds deferred in FY 1981 will be utilized in FY 1982 to efficiently close down activity on these three projects.

This deferral is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: As a result of this deferral, no further construction contracts will be awarded and action will commence to shut down all construction activity for these projects.

Outlay Effects: This deferral will shift an estimated $10.0 million in 1981 outlays to 1982.

Deferral No: D81-82

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

D81-82

Estimated Effect: No new HEFLI loans will be initiated during 1981.

Deferral No: D81-82

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Education	New budget authority (P.L.) $ ---
Bureau Office of Postsecondary Education	Other budgetary resources 69,896,102
Appropriation title & symbol: Higher Education Facilities Loan and Insurance 91X0240	Total budgetary resources 69,896,102
	Amount to be deferred: Part of year $; Entire year 23,000,000
OMB identification code: 91-0240-0-1-502	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The higher education facilities loan program authorizes loans for construction of academic facilities in higher education institutions. The Department of Education pays a variable rate of interest to the Department of Treasury on appropriations which established the fund between 1965 and 1969. This rate is currently 11 1/4 percent. No new appropriations have been provided for the program since 1969 and no new loans have been made since 1972.

The interest rate charged to participating institutions under this program was three percent, and will be four percent for any new loans as required by the Education Amendments of 1980. The deficit in the interest expense is met by drawing funds from unobligated balances in the Higher Education Facilities Loan and Insurance (HEFLI) account. The unobligated balance has declined from $123 million in 1979 to $43.5 million in 1980, and will decline to $29.4 million at the end of 1981 and to $6.7 million at the end of 1982. The balance will soon be exhausted, and additional appropriations will be required to meet the interest expense to the Department of the Treasury.

If any HEFLI funds are made available for new lending activity, the depletion of the fund will be accelerated and additional appropriations would be required to meet mandatory interest expenses in 1982. Further loans from the HEFLI account will also increase interest paid to the Treasury in proportion to the size of the new loans.

Because of these considerations, the Administration does not want to initiate new lending activity under this program in 1981. A proposal to this effect is now before the Congress.

Estimated Effect: No new HEFLI loans will be initiated during 1981.

Outlay Effect: This deferral action has no significant effect on outlays.

D81-29A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-29, transmitted to the Congress on January 15, 1981.

This revision to a deferral for Atomic energy defense activities, operating expenses in the Department of Energy increases the amount previously reported as deferred from $5,000,000 to $10,000,000. This increase of $5,000,000 reflects the President's decision to scale back and redirect the inertial fusion program.

Deferral No: D81-29A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-367 & P.L. 96-369): $2,937,323,000
Bureau: Atomic Energy Defense Activities	Other budgetary resources: 705,792,260
Appropriation title & symbol: Atomic Energy Defense Activities, Operating Expenses 89X0220	Total budgetary resources: 3,643,115,260
	Amount to be deferred: Part of year: $ ____ Entire year: *10,000,000
OMB identification code: 89-0220-0-1-053	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This deferral action of FY 1981 funds into FY 1982 reflects a decision to rescope the inertial fusion program and to focus on near term R&D, utilizing current facilities. This deferral action permits an orderly phase-down to a lower recommended funding level for inertial fusion in FY 1982, consistant with the above strategy. Advanced technology development activities (which anticipate the construction of large future demonstration facilities) will be phased out.

Estimated Effects:*
- Reduction in force of 106 contractor personnel in this program; partial absorption by weapons R&D program.
- Reduction in glass laser development contracting planned for FY 1981 not yet let.
- Phase out of the efforts in Advanced Driver Technology evaluation.

Estimated Outlay Effects*

This deferral action will have the effect of shifting $10 million in outlays from FY 1981 into FY 1982.

* Revised from previous report.

Deferral No: D81-83

D81-33A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-33

D81-33A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-536, 96-514) $1,485,000,000
Bureau Energy Programs	Other budgetary resources 23,669,194
Appropriation title & symbol: Strategic Petroleum Reserve 89X0218	Total budgetary resources 1,508,669,194
	Amount to be deferred: Part of year $ 8,000,000
	Entire year
OMB identification code: 89-0218-0-1-274	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This account finances the development of the Strategic Petroleum Reserve, including oil acquisition and transportation, facilities development, planning and administration. On October 1, a reserve of $8 million was established to provide for unanticipated costs associated with the development of facilities for Phase II of the Reserve. These funds will be made available as the need arises.

This routine reserve was established in accordance with the provisions of the Antideficiency Act (31 U.S.C. 665) which provides for the establishment of reserves for contingencies. This deferral action was not reported earlier due to an administrative oversight.

Estimated Effects: This deferral action will have no programmatic or budgetary effects.

Outlay Effects: This deferral action has no effect on outlays.

SUPPLEMENTAL REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-33, transmitted to the Congress on January 15, 1981.

This revision to a deferral for fossil energy construction funds in the Department of Energy increases the amount previously reported as deferred from $42,000,000 to $205,000,000. This increase of $163,000,000 reflects a decision to defer funds intended for the SRC II coal liquefaction plant pending conclusion of consultations with international participants in the project and consideration of possible funding support for the project by the Synthetic Fuels Corporation.

Deferral No: 081-33A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-514): $423,300,000
Bureau: Energy Programs	Other budgetary resources: 162,706,000*
Appropriation title & symbol: Fossil Energy Construction 89X0214	Total budgetary resources: 586,006,000*
	Amount to be deferred: Part of year: $ ____ Entire year: $205,000,000*
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:*

Under the Administration's synthetic fuels policy all funding for fossil energy demonstration projects currently being supported in the Department of Energy would be terminated. These and other advanced synthetic fuel technology projects will be considered by the Synthetic Fuels Corporation for support as less than full-sized synthetic fuel project modules. In the case of the SRC II coal liquefaction plant, no rescission can be proposed until consultations with the international participants in this project have been completed. The construction funds appropriated in FY 1981 and prior years are deferred pending completion of these consultations.

Estimated Effects:*

This deferral of FY 1981 and unobligated prior year construction funds will have no effect on the completion of the detailed design currently scheduled for completion in 1983 or the completion and final decision on required environmental impact statement for this project. Some construction phase activities (e.g. long lead procurement) will be delayed pending conclusion of international consultations and possible consideration of this project by the SFC.

Outlay Effects:*

This deferral action will have the effect of shifting $80 million in FY 1981 outlays into FY 1982.

* Revised from previous report.

Deferral No: 081-34

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $44,650,000
Bureau: Policy Development and Research	Other budgetary resources: 10,024,529
Appropriation title & symbol: Research and Technology 861/2010X 860/1010X	Total budgetary resources: 54,674,529
	Amount to be deferred: Part of year: $ ____ Entire year: 5,000,000
OMB identification code: 86-0108-0-1-451	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1981 / September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: In accordance with the Administration's plan for reducing Federal spending $5,000,000 in funds intended for low priority research and technology projects are deferred the remainder of this fiscal year. The deferred funds will be available for research activities in FY 1982, thereby reducing the amount of appropriated funds requested for that year.

Estimated Effects: This reduction in the amount of funding available for research activities will mean that fewer contracts can be awarded, resulting in fewer analyses of program performance and related topics. Research efforts will be concentrated on high priority projects with a foreseeable use of the end product.

Outlay Effects: This deferral action will reduce outlays by $1.0 million in FY 1981 and $3.6 million in FY 1982.

Deferral No: 081-85

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: 081-86

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-85

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. 96-536): $ 39,433,000
Bureau: General Administration	Other budgetary resources: 3,451,000
Appropriation title & symbol: Salaries and Expenses 1810128	Total budgetary resources: 42,884,000
	Amount to be deferred: Part of year: $ 7,485,000
	Entire year:
CMB identification code: 15-0128-0-1-751	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances administrative activities of the Department of Justice as well as the Federal justice research program. In accordance with the goals of the Administration to reduce unnecessary government spending, the Department of Justice is deferring $7,485,000 in new budget authority pending transfer of these funds to offset supplemental requirements in the Federal Bureau of Investigation. The major program elements affected by the deferral are the State and Local Drug Grant Program ($6,185,000) and the Special Management Studies Program ($1,300,000). An additional reduction for the State and Local Drug Grant Program of $145,000 will be taken by reducing pending supplemental requests.

Estimated Effect: The effect of this deferral will be to preserve these funds pending congressional action on the transfer request.

Outlay Effect: This deferral action has no net effect on outlays.

Deferral No: D81-86

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. 96-536): $ 334,400,000
Bureau: Federal Prison System	Other budgetary resources: 12,224,000
Appropriation title & symbol: Salaries and Expenses 1811060	Total budgetary resources: 346,624,000
	Amount to be deferred: Part of year: $ 4,385,000
	Entire year:
CMB identification code: 15-1060-0-1-753	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions. In accordance with the goals of the Administration to reduce unnecessary government spending, $4,385,000 in savings realized from reductions in personnel, procurement and contracting is being deferred pending congressional action on a request to transfer these funds to offset supplemental requirements for the Immigration and Naturalization Service.

Estimated Effects: The effect of this deferral will be to preserve these funds pending congressional action on the transfer request.

Outlay Effects: This deferral action has no net effect on outlays.

Deferral No: D81-87

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. 96-536): $ 127,845,000
Bureau: Office of Justice Assistance, Research, and Statistics	Other budgetary resources: 43,800,590
Appropriation title & symbol: Law Enforcement Assistance 15X0400	Total budgetary resources: 171,645,590
	Amount to be deferred: Part of year: $ 670,000
	Entire year:
OMB identification code: 15-0400-0-1-754	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979 and Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 as well as administrative functions to carry out these activities. Savings realized from employment and procurement reductions amount to $670,000. These funds are deferred pending transfer to help offset supplemental requirements for the Immigration and Naturalization Service.

Estimated Effects: The effect of this deferral will be to preserve these funds pending congressional action on the transfer request.

Outlay Effect: This deferral action has no effect on outlays.

D81-36A

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-36 transmitted to the Congress on January 15,1981.

The amount deferred for Employment and Training Assistance in the Department of Labor is $729,187,000, an increase of $652,488,000 over the amount previously deferred. This increase is attributable to decisions to (a) phase out the Public Service Employment program funded under title II-D of this account by the end of fiscal year 1981, and (b) discontinue welfare reform demonstration programs started under the previous administration.

Deferral No: D81-36A

D81-36A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

The major program involved is the title II-D Public Service Employment program. This program is being phased out because it has

Deferral No: D81-36A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 96-536) $6,987,244,000
Bureau Employment and Training Administration	Other budgetary resources 196,360,000
Appropriation title & symbol	Total budgetary resources 7,183,604,244
Employment and training assistance 161/20174	Amount to be deferred: Part of year $ ____
	Entire year 729,187,000*
OMB identification code: 16-0174-0-1-504	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year September 30, 1982 (expiration date)	☐ Contract authority
☐ No-year	☐ Other ____

Justification:*

In addition to the $76,699,000 previously reported as deferred, an additional $652,488,000 of the amount made available by the Continuing Resolution (P.L. 96-536) through June 5, 1981 is now deferred. If the financing levels provided by the Continuing Resolution were to be continued beyond June 5, 1981, an additional $21,968,000 would be deferred. The deferral is being accomplished both by an appointment reserve of unobligated balances and by other management actions which will prevent the expenditure of appropriations.

This appropriation provides for a system of Federal, State, and local programs of training and other services for economically disadvantaged, unemployed, and underemployed persons intended to lead to permanent gains in employment and increased self-sufficiency. The additional amount deferred reflects a decision to phase out by the end of 1981 those programs funded by this appropriation that have proven ineffective in providing the disadvantaged with skills marketable in the private sector or that are not relevant to current program directions.

The major program involved is the title II-D Public Service Employment program. This program is being phased out because it has proven not to lead to placement in the private sector and not to show as substantial long-term returns to individuals as do some training programs. The phase out will be accomplished by freezing enrollments, allowing for attrition, and, if necessary, laying off participants. It has also been decided to terminate the welfare reform demonstration programs developed by the previous administration to test aspects of its welfare proposals. The projects will be phased out as quickly as possible.. This administration is not renewing the proposal these expensive demonstrations were intended to test.

The amounts are to be deferred for the entire year. Their availability in 1982 will decrease the need for budget authority for continuing other programs financed under this account.

Estimated Effects:*

In the title II-D Public Service Employment program, 1981 enrollment would average 146,670, compared to the 213,200 funded by the Continuing Resolution. The twelve welfare reform and other demonstrations at several sites will be phased out.

Outlay Effects:*

Current outlay estimate for 1981:

Under current deferral	7,400,000,000
Under revised deferral	6,856,177,000
Additional 1981 outlay savings	543,823,000

* Revised from previous report.

Deferral No: D81-88

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 96-400) $10,788,698
Bureau Office of the Secretary	Other budgetary resources 3,075,732
Appropriation title & symbol: Transportation Planning, Research, and Development 6900142	Total budgetary resources 13,864,431
	Amount to be deferred: Part of year $ —; Entire year 1,040,000
OMB identification code: 69-0142-0-1-407	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	

JUSTIFICATION: This appropriation provides for the conduct of research activities concerned with planning, analysis, and information development needed to support the development of national transportation policies. As part of the President's program to reduce Federal spending, obligations under this program will be slowed with greater reliance being placed on the results of studies and research being carried out by the operating administrations.

Estimated Effects: This deferral will not jeopardize the effective exercise of policy formulation and leadership responsibilities of the Secretary, but reflects a slowdown in research conducted in the Office of the Secretary in 1981. The reserved funds will be applied to the 1982 request by reducing the appropriation requested for research and development.

Outlay Effects: This deferral action will have the effect of shifting $520,000 in 1981 outlays into 1982 and a like amount from FY 1982 into FY 1983.

D81-178

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of P.L. 93-344.

This report revises Deferral No. D81-17A transmitted to the Congress on December 2, 1980.

The amount currently deferred for Facilities and Equipment for the Federal Administration is $365,783,045. The decrease of $8,642,965 from the amount previously deported as deferred reflects a release of $14,893,000 and a subsequent increase in the amount deferred of $6,250,000.

This revision to the previous report is necessary to report a change in the justification for $30 million of the funds currently deferred. This amount is now reserved as a part of the Administration's program for reducing Federal spending.

Deferral No: D81-178

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-83

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-178

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $ 350,000,000
Bureau: Federal Aviation Administration	Other budgetary resources: 387,533,045
Appropriation title & symbol: Facilities & Equipment (Airport and Airway Trust Fund) 69X8107 690/48107 698/28107 691/58107 699/38107	Total budgetary resources: 737,533,045
	Amount to be deferred: Part of year: $ -0-
	Entire year: 365,783,045
OMB identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual 698/28107 9/30/82 699/38107 9/30/83 690/48107 9/30/84 ☒ Multiple-year 691/58107 9/30/85 (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION:*

Funds from this account are used to procure specific congressionally approved facilities and equipment for the expansion and modernization of the National Airspace System. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. Of the $365.8 million deferred for the remainder of this fiscal year, $335.8 million is reserved in accordance with the congressional intent to provide multi-year funding for the total costs of these projects. This amount is reserved for program requirements in subsequent years pursuant to the provisions of the Antideficiency Act (31 U.S.C. 665). The remaining $30.0 million is reserved as part of the Administration's program for reducing Federal spending. This amount will be used to help offset requirements for additonal new budget authority in fiscal year 1982.

Estimated Effects:*

The deferral of $335.8 million is consistent with the normal operation of this program and has no budgetary or programmatic effects. Deferral of the remaining $30 million will delay the installation of new equipment and provision of new facilities at sites that are considered to be of lower priority or not in compliance with minimum FAA criteria for the program.

Outlay Effects:* This deferral action will reduce fiscal year 1981 outlays by $3.5 million.

* Revised from previous report.

Deferral No: D81-69

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $ 25,000,000
Bureau: Federal Highway Administration	Other budgetary resources: 45,350,177 P.L. 96-400: -82,858,177
Appropriation title & symbol: Trust Fund Share of Other Highway Programs 69X8009	Total budgetary resources: 37,500,000
	Amount to be deferred: Part of year: $
	Entire year (estimated): 37,500,000
OMB identification code: 69-8009-0-7-601	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year Sept. 30, 1981 Sept. 30, 1982 (expiration date) ☐ No-year Sept. 30, 1983 Sept. 30, 1984	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other

Justification:

Section 129 of the Federal-Aid Highway Act of 1973 authorized the Secretary to establish criteria for the location and construction or reconstruction of a National Scenic and Recreational Highway designated as the Great River Road. A single continuous route was designated which runs through all ten States bordering the Mississippi River.

The Surface Transportation Assistance Act of 1978 provides authorizations of $10 million in general funds and $25 million in Highway Trust Funds for each of the fiscal years 1979 through 1982. The general fund authorizations require an appropriation to become available. The trust fund authorizations are contract authority and become available on the first day of the fiscal year for which authorized. Current budgetary resources for FY 1981 total $90.4 million, all of which is against trust fund authority. This consists of $25 million of new authority for FY 1981 plus $65.4 million in unobligated balances from prior year authorizations. Section 311 of the Department of Transportation and Related Agencies Appropriations Act, 1981 (P.L. 96-400) limits FY 1981 obligations to $37.5 million.

All segments of the Great River Road other than access spurs have been designated as being on the Federal-aid System and may be improved using regular Federal-aid funds. The discrete Great River Road program is duplicative and unnecessary.

Deferral No: D91-90

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $ 50,000,000
Bureau: Federal Railroad Administration	Other budgetary resources: 13,145,680
Appropriation title & symbol: Railroad Research and Development 69X0745	Total budgetary resources: 63,145,680
	Amount to be deferred: Part of year: $ ____ Entire year: 383,000
OMB identification code: 69-0745-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation is devoted to four basic railroad research and development objectives: (1) improvements in the safety of train operations; (2) improvements in the area of freight operations; (3) improvements in rail passenger systems; and (4) development of policies that assist railroads, labor, and shippers in identifying and overcoming various problems. A research and development facility, the Transportation Test Center in Pueblo, Colorado, is operated in support of the Department of Transportation and other Government agencies.

Savings associated with reductions in staffing, restrictions on travel, and reductions in equipment and the use of consulting services total $383,000 for FY 1981. These funds are deferred for the remainder of this fiscal year and will be used to help offset administrative costs in FY 1982.

Estimated Effects: This deferral action will preserve the savings realized during FY 1981 and allow a reduction in the FY 1982 budget request for administrative expenses.

Outlay Effects: This deferral action will have the effect of reducing 1981 outlays by $383,000.

D81-89

2

All unobligated balances remaining available as of March 10, 1981, are deferred. Effective upon that date, all obligational activity was suspended and will remain so through the remainder of this fiscal year. Actual obligations through this date are not yet known, but are estimated to be $16 million leaving an unobligated balance of $21.5 million under the obligation limitation. Until the final balance is known, this estimated amount is being shown as the deferred authority.

This deferral action is an integral component of the President's economic program announced on February 18. The withholding of obligational authority for this program for the remainder of FY 1981 will assist in reducing Federal spending.

Estimated Effects: The deferral of an estimated $21.5 million in FY 1981 will cause some or all of the ten States eligible for funding under this program to delay or cancel highway projects planned for the remainder of this fiscal year. However, virtually all of these projects are eligible for funding under the regular Federal-aid Highways program.

Outlay Effects: This deferral action will shift an estimated $6.5 million in FY 1981 outlays into FY 1982.

Deferral No: D81-91

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

D81-91

Deferral No: D81-91

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $124,423,000
Bureau: Federal Railroad Administration	Other budgetary resources: 18,931,715
Appropriation title & symbol: Rail Service Assistance 69X0122	Total budgetary resources: 143,354,715
	Amount to be deferred: Part of year: $80,000,000
	Entire year: 341,000
OMB identification code: 69-0122-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ($341,000)
Grant program: ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: This appropriation provides financial assistance to states for continuing rail services on low volume branch lines, providing assistance to minority businesses, monitoring Conrail and Amtrak operations, facilitating rail restructuring projects, supporting a Conrail workforce reduction program, and liquidating loan guarantee defaults.

Funds totaling $80 million for continuing services on low volume branch lines are deferred pending congressional action on a request to divert these funds to offset FY 1981 supplemental appropriation requests in this account. The funds will be diverted as follows: (1) $50 million to offset a supplemental of like amount for rail restructuring assistance; (2) $25 million to offset a supplemental of like amount for Conrail's workforce reduction program; and (3) $5 million to offset approximately half of a $9.6 million supplemental for loan guarantee defaults. Deferral and subsequent termination of the low volume branch line program is justified on the basis that the benefits of the program are primarily local and because interstate commerce will not be disrupted.

Savings associated with staffing reductions, travel restrictions, and reductions in equipment purchases and use of consulting services total $341,000 for FY 1981. These funds are deferred for the remainder of this fiscal year and will be used to help offset administrative costs in FY 1982.

Estimated Effects: The $80 million low volume branch line program will be discontinued, but carryover funds available in 1981 will be used to meet current commitments. The deferred funds will be used to reduce the FY 1982 budget request for appropriations for administrative costs.

Outlay Effects: This deferral action will result in a FY 1981 outlay reduction of $8 million from low volume branch lines and $341,000 from administrative expenses.

Deferral No: D81-92

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $ 350,000,000
Bureau: Federal Railroad Administration	Other budgetary resources: 183,561,073
Appropriation title & symbol: Northeast Corridor Improvement Program 69X0123	Total budgetary resources: 533,561,073
	Amount to be deferred: Part of year: $ ____ Entire year: $125,000,000
OMB identification code: 69-0123-0-1-401	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation provides for the upgrading of rail passenger service between Boston, Massachusetts, and Washington, D. C. Improvements to the Northeast Corridor include improvements to the right-of-way, associated facilities, and installation of the necessary equipment for improved operations. Major rehabilitation efforts in 1981 include route realignment, track structure, bridges, electrification, signaling, service facilities, and stations.

This deferral action is part of the Administration's effort to reduce the inflationary impact of Federal spending on the general economy by postponing lower priority activities wherever feasible. Obligation of these funds is planned for 1982.

This deferral action will preserve these funds for the remainder of this fiscal year and will allow the full amount to be applied toward reducing the 1982 appropriation request. It is consistent with the Administration's decision to reorient the program from trip time goals to safe, efficient and reliable service.

Estimated Effects: This deferral action will have the effect of delaying various improvements including bridge and electrification overhaul, track improvements, signaling and communications. It will place emphasis on those projects directly related to safe, efficient, and reliable service.

Outlay Effects: This deferral action will have the effect of reducing 1981 outlays by $25 million.

Deferral No: D81-93

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $ 4,615,200,000
Bureau: Urban Mass Transportation Administration	Other budgetary resources: 705,955,110
Appropriation title & symbol: Urban Mass Transportation Fund (Urban Discretionary Grants) 69X1119 69l/41119	Total budgetary resources: 5,321,155,110
	Amount to be deferred: Part of year: $ ____ Entire year: 210,000,000
OMB identification code: 69-1119-0-1-401	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1984 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The Urban discretionary grant program was authorized by the Urban Mass Transportation Act of 1974, as amended. It provides Federal financing to States and local agencies for mass transportation investments. Such investments may include construction of new, fixed guideway systems; extensions to existing guideway systems; major bus fleet expansions; emergency repairs to transit facilities resulting from natural disasters; deployment of new technology; innovative transit demonstration projects; and technical planning assistance.

The Department of Transportation and Related Agencies Appropriations Act, 1981 (P.L. 96-400) provided $2,190 million for the Urban discretionary grant program. A program level of $1,980 million is planned in FY 1981 for these discretionary grants. This decreased program level will be made possible by deferring funds from low priority projects for the remainder of this fiscal year, and then reprogramming these funds to offset FY 1982 budget authority requirements in higher priority programs.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: This deferral action will reduce the 1981 program level in New Starts and Urban Initiatives, and through reprogramming, allow a reduction in requested FY 1982 budget authority.

Outlay Effects: This deferral action will have the effect of reducing 1981 outlays by $30 million.

Deferral No: D81-94

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-95

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-94

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $31,420,000
Bureau: Research and Special Programs Administration	Other budgetary resources: 3,182,000
Appropriation title & symbol: Research and Special Programs 6910104 69X0104	Total budgetary resources: 34,982,000
	Amount to be deferred: Part of year: $1,000,000
	Entire year: 2,100,000
CMB identification code: 69-0104-0-1-407	Legal authority (in addition to sec. 1013): [X] Antideficiency Act ($1,000,000) [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [X] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: This appropriation provides for the conduct of advanced research and technology. This program seeks to improve the national transportation system by the investigation of basic transportation theories and concepts, multimodal technologies and energy efficiencies, and the movement of goods through terminal areas including the development of multimodal terminals. As part of the Administration's effort to reduce Federal spending, $2.1 million in advanced research funds will be deferred for the remainder of this fiscal year and used to reduce FY 1982 appropriations requested for research and development. In addition, $1.0 million in funds for administrative expenses are deferred pending enactment of a supplemental request to transfer these funds to the Urban Mass Transportation Administration for increased pay costs.

Estimated Effects: This deferral action will have no significant programmatic effect on current research and program administration activities.

Outlay Effects: This deferral action will reduce FY 1981 outlays by $2.0 million.

Deferral No: D81-95

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Veterans Administration	New budget authority (P.L. 96-___): $6,020,013,000
Bureau:	Other budgetary resources: 46,000,000
Appropriation title & symbol: Medical Care 3610160	Total budgetary resources: 6,066,013,000
	Amount to be deferred: Part of year: $29,389,000
	Entire year: ____
CMB identification code: 36-0160-0-1-703	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [X] Annual [ ] Multiple-year ____ (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification:

This program provides funds for operating the Veterans Administration medical system which is comprised of 172 hospitals, 13 nursing homes, 229 outpatient clinics, and 16 domiciliaries and has an average employment of 185,880 persons. This deferral action reflects a decision to defer funds for non-direct care staffing of 1,280 full-time equivalents until the fourth quarter. These funds are deferred as part of the Administration's efforts to curtail the growth of Federal employment.

Estimated Effects:

Deferral of non-direct care staffing funds will have a minimal effect on various activities, including building management, medical administration, gardening, voluntary service, library, and recreation. This deferral action will have no effect on direct care services.

Outlay Effect:

This deferral action will shift funds into the fourth quarter, thus permitting a reduction in the supplemental request for increased pay costs.

Deferral No: D81-96

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Veterans Administration	New budget authority (P.L. 96-526): $132,153,000
Bureau:	Other budgetary resources: 7,968,433
Appropriation title & symbol: Medical and Prosthetic Research 300/10161 361/20161 36X0161	Total budgetary resources: 140,121,433
	Amount to be deferred: Part of year: $1,690,000
	Entire year:
CNB identification code: 36-0161-0-1-703	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 September 30, 1981 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This program provides funds for medical, rehabilitative, and health services research of health problems common to veterans and has an average employment of 4,443. This deferral action reflects a decision to defer staffing funds for 74 full-time equivalents until the fourth quarter of the current fiscal year. These funds are deferred as part of the Administration's efforts to curtail the growth of Federal employment.

Estimated Effect:

Deferral of these staffing funds will result in postponement of low priority research activities. Essential research activities will be continued.

Outlay Effect:

This deferral action will shift funds into the fourth quarter, thus permitting a reduction in the supplemental request for increased pay costs.

Deferral No: D81-97

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Veterans Administration	New budget authority (P.L. 96-526): $51,218,000
Bureau:	Other budgetary resources: 0
Appropriation title & symbol: Medical Administration and Miscellaneous Operating Expenses 3610152	Total budgetary resources: 51,218,000
	Amount to be deferred: Part of year: $515,000
	Entire year:
CNB identification code: 36-0152-0-1-703	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This appropriation provides for the administration and supervision of Veterans Administration medical programs, the conduct of post graduate and in service training activities to support the medical programs, and the exchange of medical information with the medical-scientific community. Average employment for this account is 869. This deferral action reflects a decision to defer staffing funds for 14 full-time equivalents until the fourth quarter. These funds are deferred as part of the Administration's efforts to curtail the growth of Federal employment.

Estimated Effects:

This deferral action will have minimal effect on the management of the VA medical system.

Outlay Effect:

This deferral action will shift funds into the fourth quarter, thus permitting a reduction in the supplemental request for increased pay costs.

Deferral No: D81-98

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-99

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-28

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Veterans Administration	New budget authority (P.L. 96-529): $423,774,000
Bureau:	Other budgetary resources: 853,523,090
Appropriation title & symbol: Construction, Major Projects 36X0110	Total budgetary resources: 277,297,090
	Amount to be deferred: Part of year: $; Entire year: 183,493,000
OMB identification code: 36-0110-0-1-703	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	

Justification:

Amounts shown reflect a decision to defer contract awards through FY 1981 for nine large construction contracts, (Denver, Colo. clinical addition; New Orleans, La., clinical addition; Chillicothe, Ohio, phased facility replacement; Washington, D.C. nursing home and parking garage; Long Beach, Calif. research and education addition; Palo Alto, Calif surgical addition; East Orange, New Jersey, facility renovation; St. Albans, New York laundry building; and Gainesville, Florida clinical and research expansion). This amount is deferred while the Administration reviews all Major Construction projects for VA medical facilities and considers alternative methods for providing readily available quality medical care for eligible veterans.

Estimated Effects:

This deferral action may result in the delay of these projects while VA's medical facility construction program is being evaluated.

Outlay Effect:

This deferral action will have the effect of shifting outlays by fiscal year as follows:

-- 1981 into 1982, $10 million;
-- 1982 into 1983, $45 million;
-- 1983 into 1984, $41 million.

Deferral No: D81-29

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: General Services Administration	New budget authority (P.L. 96-536): $15,300,000
Bureau:	Other budgetary resources:
Appropriation title & symbol: Office of Inspector General 4710108	Total budgetary resources: 15,300,000
	Amount to be deferred: Part of year: $444,000 ; Entire year:
OMB identification code: 47-0108-0-1-804	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	

Justification: This appropriation finances agency-wide audit and investigative functions to identify and correct management and administrative deficiencies within GSA. Savings of $444,000 will be realized in this account as a result of theFederal hiring freeze. This amount is being proposed for transfer to the Federal Supply Service as part of its revised pending enactment of the supplemental appropriation authorizing the transfer.

Estimated Effects: This deferral will preserve these funds pending Congressional action on the transfer request.

Outlay Effect: This deferral action has no effect on outlays.

Deferral No: D81-[illegible]

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: General Services Administration	New budget authority (P.L. 96-536): $ 823,000
Bureau:	Other budgetary resources:
Appropriation title & symbol: Allowances and office staff for former Presidents 4710105	Total budgetary resources: 823,000
	Amount to be deferred: Part of year: $ 8,000
	Entire year:
OMB identification code: 47-0105-0-1-802	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation provides for the pensions, office staffs and related expenses for former Presidents and for pensions and postal franking privileges for the widows of former Presidents Harry S. Truman and Lyndon B. Johnson. Savings anticipated from a 15 percent travel reduction amount to $8,000. These funds are deferred pending transfer to help offset supplemental requirements for the National Archives and Records Service.

Estimated Effects: This deferral will preserve these funds pending Congressional action on the transfer request.

Outlay Effect: This deferral action has no effect on outlays.

Deferral No: D81-[illegible]

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: General Services Administration	New budget authority (P.L. 96-536): $ 1,381,000
Bureau:	Other budgetary resources:
Appropriation title & symbol: Consumer Information Center 4710104	Total budgetary resources: 1,381,000
	Amount to be deferred: Part of year: $ 50,000
	Entire year:
OMB identification code: 47-0104-0-1-376	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Savings of $50,000 will be realized in this account as a result of the Federal hiring freeze. This amount is being proposed for transfer to the National Archives and Record Service as part of its revised supplemental request to cover FY 1981 civilian pay increases. Accordingly, these funds are deferred pending enactment of the supplemental appropriation authorizing the transfer.

Estimated Effects: This deferral will preserve these funds pending congressional action on the transfer request.

Outlay Effect: This deferral action will have no effect on outlays.

D81-41A

Deferral No: D81-41A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

D81-41A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-41, transmitted to the Congress on January 15, 1981.

This revision to a deferral for the Small Business Administration's business loan and investment fund increases the amount previously reported as deferred from $57,500,000 to $113,400,000. This increase of $55,900,000 in deferred funds results from a decision to decrease 1981 loan activities in accordance with the President's plan to reduce Federal spending.

Deferral No: D81-41A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Small Business Administration Bureau:	New budget authority (P.L. 96-536): $609,000,000 Other budgetary resources: 531,228,898 Total budgetary resources: 1,140,228,898
Appropriation title & symbol: Business Loan and Investment Fund 73X4154	Amount to be deferred: Part of year: $ Entire year: 113,400,000*
OMB identification code: 73-4154-0-3-376	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: * The Continuing Resolution (P.L. 96-536) provided $609 million in 1981 as a capital appropriation for the Business Loan and Investment Fund. This amount would provide for direct and guaranteed loans at a level that is $113.4 million higher than the level originally requested. These additional funds are not needed to provide an adequate credit assistance program for small businesses in FY 1981. Therefore, as a part of the Administration's effort to reduce Federal spending, $113.4 million will be reserved for the remainder of this fiscal year and used to reduce requirements for new budget authority in FY 1982.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: * The effect of this deferral will be to reduce SBA's 1981 direct business loan activity by about 25 percent and its guaranteed loan activity by about 20 percent. Despite this deferral, the level of new guaranteed loan commitments will be more than $200 million higher than the 1980 level.

Outlay Effects: * This deferral action will reduce outlays by $88 million in FY 1981 and $25.4 million in FY 1982.

* Revised from previous report.

Deferral No: 081-102

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Small Business Administration Bureau:	New budget authority (P.L. 96-536): $ 30,000,000 Other budgetary resources: 22,164,441 Total budgetary resources: 52,164,441
Appropriation title & symbol: Surety Bond Guarantees Revolving Fund 73X4156	Amount to be deferred: Part of year: $ ____ Entire year: 6,000,000
OMB identification code: 73-4156-0-3-376 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The Continuing Resolution (P.L. 96-536) provided $30 million in budget authority to enable the Small Business Administration (SBA) to provide surety bonds for contracts totalling $1.6 billion in 1981. Under this program, SBA will guarantee a portion of the losses sustained by a surety company as a result of the issuance of a bid, payment, and/or performance bond to a small business concern on a contract up to $1 million. The deferral of $6 million in 1981 budget authority will still enable SBA to provide bond guarantees for contracts totalling $1.4 billion. However, the limited availability of guarantees should serve as an additional incentive to SBA to improve the operation of this program so as to preclude continuation of the high loss rates which have occurred in recent years.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: The effect of this deferral will be to reduce SBA's 1981 surety bond activity by about 12%. By targeting its available resources more effectively, this reduction should have a minimal effect on SBA's ability to assist those clients who are most deserving.

Outlay Effect: This deferral action will have the effect of shifting $6 million in FY 1981 outlays into FY 1982.

[FR Doc. 81-7913 Filed 3-12-81; 8:45 am]

BILLING CODE 3110-01-C

Cumulative Report on Rescissions and Deferrals

March 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.This month's report gives the status as of March 1, 1981 of 34 rescissions and 78 deferrals contained in the first five special messages for FY 1981. These messages were transmitted to the Congress on October 1 and December 2, 1980, January 15 and 29, and February 13, 1981.

Rescissions (Table A and Attachment A)

Rescission proposals totalling $1.5 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of March 1, 1981, while Attachment A shows the history and status of each rescission proposed during FY 1981.

Deferrals (Table B and Attachment B)

As of March 1, 1981, $5,281.8 million in 1981 budget authority was being deferred from obligation and another $9.2 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the deferrals covered by the cumulative report are printed in the Federal Register of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)
Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)
Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)
Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)
Thursday, February 19, 1981 (Part II, Vol. 46, No. 33)

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1981 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 1,143.9
Rescission proposals withdrawn	-1,142.4
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$ 1.5

* *

TABLE A

STATUS OF 1981 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 6,871.9
Routine Executive releases (-1,585.9 million) and adjustments (+5.0 million) through March 1, 1981	-1,580.9
Overturned by the Congress	-0-
Currently before the Congress	$ 5,291.0 a.

a. This amount includes $9.2 million in outlays for a Department of the Treasury deferral (D81-19B).

Attachments

V 46 / 49 MR 13 81

AS OF 03/04/81 08:57
ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981
AS OF MARCH 1, 1981
AMOUNTS IN
PAGE 1
AMOUNT CURRENTLY
DATE OF
AMOUNT PREVIOUSLY
AMOUNT
DATE MADE

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 03/04/81 08:57

AS OF MARCH 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Wage and Price Stability							
Salaries and expenses							
BA	R81-34		1,500	1 29 81			
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Operations, research, and facilities							
BA	R81- 1	30,493a		1 15 81		30,493	2 13 81
National Telecommunications and Info Administratio							
Public telecom facilities, planning and constructi							
BA	R81- 2	4,000a		1 15 81		4,000	2 13 81
DEPARTMENT OF COMMERCE TOTAL BA		34,493				34,493	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Elementary and secondary education							
BA	R81- 4	52,150a		1 15 81		52,150	2 13 81
School assistance in federally affected areas							
BA	R81- 3	148,000a		1 15 81		148,000	2 13 81
Office of Vocational and Adult Education							
Vocational and adult education							
BA	R81- 5	11,862a		1 15 81		11,862	2 13 81
Office of Postsecondary Education							

PAGE 2 ATTACHMENT A - STATUS OF RESCISSIONS FISCAL YEAR 1981 AS OF 03/04/81 08:57

AS OF MARCH 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Higher and continuing education BA	R81- 7	30,989a		1 15 81		30,989	2 13 81
Student loan insurance BA	R81- 6	78,728a		1 15 81		78,728	2 13 81
DEPARTMENT OF EDUCATION TOTAL BA		321,729				321,729	
DEPARTMENT OF ENERGY							
Energy Programs							
Energy supply R&D- operating expenses BA	R81- 8	25,026a		1 15 81		25,026	2 13 81
Energy supply R&D- plant and capital equip. BA	R81- 9	3,650a		1 15 81		3,650	2 13 81
Fossil energy research and development BA	R81-10	26,450a		1 15 81		26,450	2 13 81
Energy conservation BA	R81-11	47,800a		1 15 81		47,800	2 13 81
BA							
DEPARTMENT OF ENERGY TOTAL BA		101,926				101,926	
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
Health Services Administration							
Health services BA	R81-12	8,057a		1 15 81		8,057	2 13 81

PAGE 3 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 03/04/81 08:57

AS OF MARCH 1, 1981 AMOUNTS IN		AMOUNT PREVIOUSLY	AMOUNT CURRENTLY	DATE OF		AMOUNT	DATE MADE

AS OF MARCH 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Centers for Disease Control							
Preventive health services BA	R81-13	27,000a		1 15 81		27,000	2 13 81
National Institutes of Health							
National Cancer Institute BA	R81-14	13,865a		1 15 81		13,865	2 13 81
National Heart, Lung, and Blood Institute BA	R81-15	10,324a		1 15 81		10,324	2 13 81
National Institute of Dental Research BA	R81-16	302a		1 15 81		302	2 13 81
Nat. Inst. of Arthr., Metabolism, & Diges. Disease BA	R81-17	3,232a		1 15 81		3,232	2 13 81
Nat. Inst. of Neurol. and Comm. Disord. and Stroke BA	R81-18	2,031a		1 15 81		2,031	2 13 81
Nat. Inst. of Child Health and Human Develop. BA	R81-19	3,285a		1 15 81		3,285	2 13 81
National Eye Institute BA	R81-20	2,353a		1 15 81		2,353	2 13 81
Nat. Inst. of Environmental Health Sciences BA	R81-21	3,258a		1 15 81		3,258	2 13 81
National Institute of Aging BA	R81-22	588a		1 15 81		588	2 13 81
Research resources BA	R81-23	10,561a		1 15 81		10,561	2 13 81
National Library of Medicine BA							

AS OF MARCH 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81-24	341a		1 15 81		341	2 13 81
Office of the Director							
BA	R81-25	360a		1 15 81		360	2 13 81
Alcohol, Drug Abuse, and Mental Health Admin.							
Alcohol, drug abuse, and mental health							
BA	R81-26	67,140a		1 15 81		67,140	2 13 81
Health Resources Administration							
Health resources							
BA	R81-27	78,683a		1 15 81		78,683	2 13 81
Human Development Services							
Human development services							
BA	R81-28	10,000a		1 15 81		10,000	2 13 81
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		241,080				241,080	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Congregate services program							
BA	R81-29	10,000a		1 15 81		10,000	2 13 81
OTHER INDEPENDENT AGENCIES							
Community Services Administration							
Community services program							
BA	R81-30	6,000a		1 15 81		6,000	2 13 81
Federal Mine Safety and Health Review Commission							
Salaries and expenses							
BA							

AS OF MARCH 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS	RESCISSION	AMOUNT PREVIOUSLY CONSIDERED	AMOUNT CURRENTLY BEFORE THE	DATE OF MESSAGE	AMOUNT	AMOUNT MADE	DATE MADE

AS OF MARCH 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81-31	163a		1 15 81		163	2 13 81
Postal Service							
Payment to the Postal Service Fund BA	R81-32	250,000a		1 15 81		250,000	2 13 81
Tennessee Valley Authority							
Tennessee Valley Authority Fund BA	R81-33	177,000a		1 15 81		177,000	2 13 81
OTHER INDEPENDENT AGENCIES TOTAL BA		433,163				433,163	
TOTAL BA		1,142,391	1,500			1,142,391	

FOOTNOTES

a. This rescission proposal was withdrawn on February 13, 1981. The funds previously proposed for rescission are being temporarily deferred. The related deferral is listed in Attachment B.

END OF REPORT

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military credit sales	BA	D81-23	659,250		12 2 80	-199,450			459,800
Economic support fund	BA	D81-24	1,984,500		12 2 80	-765,313			1,219,187
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		2,643,750			-964,763			1,678,987
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sales	BA	D81- 1	16,481		10 1 80				16,481
Expenses, brush disposal	BA	D81- 2	37,342		10 1 80				37,342
	BA	0000							
DEPARTMENT OF AGRICULTURE TOTAL	BA		53,823						53,823
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions	BA	D81- 3	2,867		10 1 80				
	BA	D81- 3A		184	1 15 81				3,051
National Oceanic and Atmospheric Administration									

PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS			AMOUNT TRANSMITTED	AMOUNT TRANSMITTED	DATE OF	CUMULA- TIVE OMB	CONGRES- SIONALLY	CUMULA- TIVE	AMOUNT DEFERRED
AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	ORIGINAL REQUEST	SUBSEQUENT CHANGE	MESSAGE MO DA YR	/AGENCY RELEASES	REQUIRED RELEASES	ADJUST- MENTS	AS OF 2-01-81
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	BA	D81- 4	1,000		10 1 80				1,000
Fishing vessel and gear damage compensation fund	BA	D81- 5	1,000		10 1 80				1,000
Fishermen's contingency fund	BA	D81- 6	1,000		10 1 80				1,000
Foreign fishing observer fund	BA	D81- 7	200		10 1 80				200
Fishermen's guaranty fund	BA	D81- 8	1,000		10 1 80				1,000
Coastal energy impact fund	BA	D81- 9	800,000		10 1 80				800,000
Coastal zone management fund	BA	D81-10	1,000		10 1 80				1,000
Marine mammal fund	BA	D81-11	1,000		10 1 80				1,000
Marine sanctuaries fund	BA	D81-12	1,000		10 1 80				1,000
Navigation services	BA	D81-13	1,000		10 1 80				1,000
Ocean dumping fund	BA	D81-14	1,000		10 1 80				1,000
Ocean mining fund	BA	D81-15	1,000		10 1 80				1,000
Ocean pollution research and development and monitoring	BA	D81-16	1,000		10 1 80				1,000
Ocean research	BA	D81-17	1,000		10 1 80				1,000
Ocean services	BA	D81-18	1,000		10 1 80				1,000
Sea grant fund	BA	D81-19	1,000		10 1 80				1,000
Undersea research	BA	D81-20	1,000		10 1 80				1,000
Weather services	BA	D81-21	1,000		10 1 80				1,000
Fishermen's contingency fund	BA	D81-22	1,000		10 1 80				1,000
DEPARTMENT OF COMMERCE TOTAL	BA		2,867	184					3,051

PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
Operations, research, and facilities	BA	D81-42	30,493a		2 13 81				30,493
Construction	BA	D81- 4	10,230		10 1 80	-5,239			4,991
National Telecom and Information Admin.									
Public telecom facilities, plan. & constr.	BA	D81-43	4,000a		2 13 81				4,000
DEPARTMENT OF COMMERCE TOTAL	BA		47,590	184		-5,239			42,535
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy	BA	D81-27	1,125,000		1 15 81				1,125,000
Procurement activities	BA	D81- 5	139,700		10 1 80	-139,700			
Research, Development, Test, and Evaluation									
RDT&E Activities	BA	D81- 6	46,500		10 1 80	-46,500			
Military Construction									
Military construction (medical facilities)	BA	D81-25	111,300		12 2 80	-91,300			20,000
Military construction, all services	BA	D81- 7	6,983		10 1 80				
	BA	D81- 7A		600,344	12 2 80	-224,009		800	384,118
Family Housing, Defense									
Family housing, Defense	BA	D81- 8	18,651		10 1 80	-18,651			
	BA	D81-28	1,992		1 15 81				1,992
DEPARTMENT OF DEFENSE-MILITARY									

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
TOTAL BA			1,450,126	600,344		-520,160		800	1,531,110
DEPARTMENT OF DEFENSE-CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services	BA	D81- 9	667		10 1 80	-136b			
	BA	D81- 9A		147	1 15 81			136	814
DEPARTMENT OF EDUCATION									
Office of Elem. and Secondary Education									
Elementary and secondary education	BA	D81-45	52,150a		2 13 81				52,150
School assist. in federally affected areas	BA	D81-44	148,000a		2 13 81				148,000
Office of Vocational and Adult Education									
Vocational and adult education	BA	D81-46	11,862a		2 13 81				11,862
Office of Postsecondary Education									
Student loan insurance	BA	D81-47	78,728a		2 13 81				78,728
Higher and continuing education	BA	D81-48	30,889a		2 13 81				30,889
DEPARTMENT OF EDUCATION TOTAL BA			321,729						321,729
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									
Operating expenses	BA	D81-28	5,000		1 15 81				5,000
Plant and capital equipment									

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS		DEFERRAL	AMOUNT TRANSMITTED	AMOUNT TRANSMITTED	DATE OF	CUMULA- TIVE OMB	CONGRES- SIONALLY	CUMULA- TIVE	AMOUNT DEFERRED

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
	BA	D81-30	12,000		1 16 81				12,000
Energy Programs									
Fossil energy R&D									
	BA	D81-51	25,450a		2 13 81				25,450
Fossil energy construction									
	BA	D81-33	42,000		1 16 81				42,000
Energy conservation									
	BA	D81-34	10,450		1 16 81				
	BA	D81-52	47,800a		2 13 81				58,250
Energy supply R&D-operating expenses									
	BA	D81-31	23,860		1 16 81				
	BA	D81-49	25,026a		2 13 81				48,886
Energy supply R&D-plant and capital equip.									
	BA	D81-32	3,690		1 16 81				
	BA	D81-50	3,650a		2 13 81				7,340
DEPARTMENT OF ENERGY TOTAL	BA		198,926						198,926
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services									
	BA	D81-53	8,057a		2 13 81				8,057
Centers for Disease Control									
Preventive Health Services									
	BA	D81-54	27,000a		2 13 81				27,000
National Institutes of Health									
National Cancer Institute									
	BA	D81-55	13,565a		2 13 81				13,565
Nat. Heart, Lung, and Blood Institute									
	BA	D81-56	10,324a		2 13 81				10,324
Nat. Institute of Dental Research									

PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
	BA	D81-57	302a		2 13 81				302
Nat. Inst. of Arthritis, Metab., and Digest. Dis									
	BA	D81-58	3,232a		2 13 81				3,232
Nat. Inst. of Neuro. and Commun. Disorders									
	BA	D81-59	2,031a		2 13 81				2,031
Nat. Inst. of Child Health and Human Development									
	BA	D81-60	3,285a		2 13 81				3,285
National Eye Institute									
	BA	D81-61	2,353a		2 13 81				2,353
Nat. Inst. of Environ. Health Sciences									
	BA	D81-62	3,258a		2 13 81				3,258
National Institute of Aging									
	BA	D81-6	588a		2 13 81				588
Research Resources									
	BA	D81-64	10,561a		2 13 81				10,561
National Library of Medicine									
	BA	D81-65	341a		2 13 81				341
Office of the Director									
	BA	D81-66	360a		2 13 81				360
Alcohol, Drug Abuse & Mental Health Administration									
Alcohol, drug abuse & mental health									
	BA	D81-67	67,140a		2 13 81				67,140
Construction & renovation, St. Elizabeths Hospital									
	BA	D81-10	10,698		10 1 80				10,698
Health Resources Administration									
Health resources									
	BA	D81-68	78,683a		2 13 81				78,683
Office of Assistant Secretary for Health									
Special foreign currency program									
	BA	D81-11	8,000		10 1 80				8,000
Human Development Services									

PAGE 6 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUST-MENTS	AMOUNT DEFERRED AS OF 2-01-81
Social Security Administration									
Limitation on administrative expenses									
	BA	D81-69	1,000a		2 13 81				1,000
Public Health Service									
Health maintenance organizations									
	BA	D81-70	1,000a		2 13 81				1,000
Health planning									
	BA	D81-71	1,000a		2 13 81				1,000
Health services									
	BA	D81-72	1,000a		2 13 81				1,000
Health services research									
	BA	D81-73	1,000a		2 13 81				1,000
Health statistics									
	BA	D81-74	1,000a		2 13 81				1,000
Medical facilities guarantee and loan fund									
	BA	D81-75	1,000a		2 13 81				1,000
Emergency medical services									
	BA	D81-76	1,000a		2 13 81				1,000
Rehabilitation services and facilities									
	BA	D81-77	1,000a		2 13 81				1,000
Developmental disabilities									
	BA	D81-78	1,000a		2 13 81				1,000
Alcohol, drug abuse, and mental health									
	BA	D81-79	1,000a		2 13 81				1,000
Health maintenance organizations									
	BA	D81-80	1,000a		2 13 81				1,000
Health planning									
	BA	D81-81	1,000a		2 13 81				1,000
Health services									
	BA	D81-82	1,000a		2 13 81				1,000
Health services research									
	BA	D81-83	1,000a		2 13 81				1,000
Health statistics									
	BA	D81-84	1,000a		2 13 81				1,000
Medical facilities guarantee and loan fund									
	BA	D81-85	1,000a		2 13 81				1,000
Emergency medical services									
	BA	D81-86	1,000a		2 13 81				1,000
Rehabilitation services and facilities									
	BA	D81-87	1,000a		2 13 81				1,000
Developmental disabilities									
	BA	D81-88	1,000a		2 13 81				1,000
Alcohol, drug abuse, and mental health									
	BA	D81-89	1,000a		2 13 81				1,000

PAGE 6 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
Human development services								
BA	D81-69	10,000a		2 13 81				10,000
White House Conference on Children and Youth								
BA	D81-12	562		10 1 80				562
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
TOTAL BA		260,340						260,340
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Congregate services program								
BA	D81-70	10,000a		2 13 81				10,000
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Oregon and California grant lands								
BA	D81-71	1,849		2 13 81				1,849
Heritage Conservation and Recreation Service								
Land and water conservation fund								
BA	D81-13	30,000		10 1 80				30,000
Geological Survey								
Exploration of National Petroleum Res. in Alaska								
BA	D81-36	10,710		1 15 81				10,710
Payments from proceeds, sale of water								
BA	D81-14	41		10 1 80				41
Bureau of Mines								
Drainage of anthracite mines								
BA	D81-15	765		10 1 80				765
DEPARTMENT OF THE INTERIOR								
TOTAL BA		43,365						43,365

PAGE 7 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
DEPARTMENT OF JUSTICE									
Federal Prison System									
Buildings and facilities									
	BA	D81-16	15,750		10 1 80				
	BA	D81-16A		4,050	1 15 81				19,800
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance									
	BA	D81-36	76,699		1 15 81				76,699
DEPARTMENT OF STATE									
Other									
Emergency refugee and migration assistance fund									
	BA	D81-37	15,000		1 15 81				15,000
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Various activities									
	BA	D81-72	3,403		2 13 81				3,403
Facilities & equip. (Airport & airway trust fund)									
	BA	D81-17	133,823		10 1 80				
	BA	D81-17A		240,603	12 2 80	-14,893			359,533
DEPARTMENT OF TRANSPORTATION TOTAL BA			137,226	240,603		-14,893			362,936
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									

PAGE 8 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 03/04/81 15:52

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
Payments to states and counties									
	BA	D81-18	2,000,000		10 1 80				
	BA	D81-18A		1,000,000	12 2 80				3,000,000
DEPARTMENT OF THE TREASURY TOTAL BA			2,000,000	1,000,000					3,000,000
GRAND TOTAL BA			2,153,225	1,240,603		-14,893			3,381,936

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
State and local government fiscal assistance fund									
	BA	D81-18	111,773		10 1 80	-1,365		140	110,548
	O	D81-19	5,485		10 1 80				
	O	D81-19A		8,209	12 2 80	-3,959		3,959	
	O	D81-19B		51,082	2 13 81	-52,591			9,165
Bureau of the Mint									
Construction of mint facilities									
	BA	D81-20	5,730		10 1 80	-5,730			
DEPARTMENT OF THE TREASURY									
	TOTAL BA		117,503			-7,095		140	110,548
	TOTAL O		5,485	59,271		-58,550		3,959	9,165
OTHER INDEPENDENT AGENCIES									
Community Services Administration									
Community services program									
	BA	D81-73	6,000a		2 13 81				6,000
Federal Emergency Management Agency									
Emergency planning, preparedness, and mobilization									
	BA	D81-21	80		10 1 80	-80			
Federal Mine Safety & Health Review Commission									
Salaries and expenses									
	BA	D81-74	163a		2 13 81				163
Intelligence Community Staff									
Intelligence Community Staff									
	BA	D81-28	2,000		1 15 81				2,000
International Communication Agency									
Salaries & expenses									
	BA	D81-75	1,500		2 13 81				1,500
Acquisition & construction of radio facilities									
	BA	D81-76	1,252		2 13 81				1,252

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
National Consumer Cooperative Bank								
Self-help development fund								
BA	D81-39	13,133		1 15 81				13,133
Pennsylvania Avenue Development Corporation								
Land acquisition and development								
BA	D81-40	30,896		1 15 81				30,896
Postal Service								
Payments to the Postal Service fund								
BA	D81-77	250,000a		2 13 81				250,000
Small Business Administration								
Business loan and investment fund								
BA	D81-41	57,500		1 15 81				57,500
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D81-22	17,000		10 1 80	-17,000			
BA	D81-26	15,800		12 2 80				15,800
BA	D81-78	177,000a		2 13 81				177,000
OTHER INDEPENDENT AGENCIES								
TOTAL BA		572,324			-17,080			555,244
TOTAL BA		5,864,818	845,328		-1,529,366		1,076	5,281,856
TOTAL O		5,485	56,271		-56,550		3,959	9,165

FOOTNOTES

a. These funds were proposed for rescission from January 15, 1981 until February 13, 1981. The former rescission proposal related to these funds is listed in Attachment A.

b. This amount was released before the special message containing the deferral was transmitted to the Congress.

[FR Doc. 81-7914 Filed 3-13-81; 8:45 am]

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Scheduling of documents

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Law numbers and dates

Slip law orders (GPO)

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TTY for the deaf

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14886 2
14885-15128 3
15129-15256 4
15257-15490 5
15491-15684 6
15685-15854 9
15855-16098 10
16099-16234 11
16235-16652 12
16653-16878 13

Reader Aids

Federal Register

Vol. 46, No. 49

Friday, March 13, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
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Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
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Public Inspection Desk	523-5230
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

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Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884.....2
14885-15128.....3
15129-15256.....4
15257-15490.....5
15491-15684.....6
15685-15854.....9
15855-16098.....10
16099-16234.....11
16235-16652.....12
16653-16876.....13

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12296.....15129

Proclamations:
4822.....14885
4823.....15491

Administrative Orders:

Presidential Determinations:
No. 81-2 (Supplemented by No. 81-4 of March 5, 1981).....16235
No. 81-4 of March 5, 1981.....16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981).....15855
No. 81-3 of February 27, 1981.....15855

4 CFR

27.....15857
28.....15857

Proposed Rules:
28.....15884

5 CFR

550.....14887
831.....16653

7 CFR

905.....16237
907.....15257, 16237
910.....15493, 15864, 16655
907.....16238
2024.....15493

Proposed Rules:
930.....15888
1004.....15713, 16266
1007.....16266
1011.....16266
1030.....16266
1032.....16266
1046.....16266
1049.....16266
1050.....16266
1062.....16266
1064.....16266
1065.....16266
1068.....16266, 16689
1071.....16266
1073.....16266
1076.....16266
1079.....16266
1094.....16266
1096.....16266
1097.....16266
1098.....16266
1099.....16266
1102.....16266
1104.....16266
1106.....16266
1108.....16266
1120.....16266
1126.....16266
1131.....16266
1132.....16266
1138.....16266
1139.....16690
2851.....14899
2859.....15512

8 CFR

238.....16656

9 CFR

75.....15494

Proposed Rules:
308.....15512
381.....15512

10 CFR

20.....16230
35.....15683
212.....15257

Proposed Rules:
30.....15278
40.....15278
50.....15278
51.....15154
70.....15278
72.....15278
211.....15112
376.....15484
390.....15484

12 CFR

Ch. VII.....14887
1.....16240
5.....16656-16661
8.....16663
21.....15864
206.....16099
216.....15864
326.....15864
546.....14727
556.....16246
563.....14727
563a.....15864
748.....15864
1204.....15131

Proposed Rules:
400.....15888
545.....15175

14 CFR

39.....14728-14729, 15259, 16247, 16248
71.....14730-14734
91.....16666
95.....14735
97.....15259, 16249
121.....15480

Proposed Rules:
Ch. I..... 14749, 15278, 15746
21..... 16279
39..... 15479
71..... 15478
93..... 15458
159..... 15458

15 CFR

4a..... 16251
386..... 16669
503..... 15496
935..... 14741
936..... 14741
937..... 14741
938..... 14741

16 CFR

13..... 15261, 15262
1..... 14888
13..... 14741

Proposed Rules:
13..... 16274

17 CFR

15..... 15132, 16255
200..... 16255
211..... 15496
231..... 16670
240..... 14888, 15133, 15134, 15498, 15713, 15866
241..... 16670
270..... 16673

Proposed Rules:
1..... 16691
210..... 15278
240..... 14749, 15178

18 CFR

4..... 15873
250..... 15874
260..... 15878
282..... 14742, 15498, 15879, 16256

Proposed Rules:
Ch. I..... 15512
1..... 14751
4..... 14751
34..... 15513
131..... 15513
154..... 14899
157..... 14899
250..... 14899
260..... 14899

19 CFR

353..... 15135
355..... 16099

21 CFR

5..... 16674
73..... 15500
81..... 15500
175..... 16675
177..... 16675
193..... 16256
430..... 15880, 16676
431..... 16676
436..... 15880, 16676, 16678, 16681
440..... 15880, 16681
442..... 15880, 16679
444..... 16676, 16680, 16681
446..... 16681
448..... 16681
449..... 16681
450..... 16681
452..... 16678, 16681
540..... 14889
561..... 14889
864..... 14890

Proposed Rules:
109..... 15518
110..... 15518
193..... 15281
225..... 15518
226..... 15518
452..... 16692
500..... 15518
509..... 15518
872..... 15519

22 CFR

Ch. XIV..... 16058, 16085
41..... 15504
51..... 16257

24 CFR

203..... 14743
207..... 14743
220..... 14743
300..... 15505

25 CFR

43c..... 14890
700..... 15720

Proposed Rules:

26 CFR

1..... 15262, 15685, 16100
55..... 15262
150..... 16257

Proposed Rules:
1..... 15892
26..... 15893

28 CFR

0..... 16100
40..... 16100

Proposed Rules:
2..... 14904

29 CFR

1910..... 14897
2200..... 14744
2610..... 16685

Proposed Rules:
92..... 16827

30 CFR

Proposed Rules:
806..... 16276

32 CFR

201..... 15505
286..... 14890
369..... 15506
875..... 15506

33 CFR

1..... 15685
230..... 14745

34 CFR

690..... 16823

38 CFR

3..... 16101
21..... 16101
36..... 16686

39 CFR

111..... 14746, 15263, 15266

40 CFR

52..... 15136–15139, 15686, 16687
55..... 15686
81..... 14891, 14892, 15140, 16258
86..... 15686, 16258, 16259
162..... 15104
180..... 14894, 15122–15125
761..... 16090

Proposed Rules:
51..... 16280
52..... 15180, 15181, 15284, 15743, 16280
60..... 14905
81..... 15744, 15744
86..... 15893
180..... 15181, 15182, 15285
192..... 16278
430..... 15287
431..... 15287
761..... 16096
763..... 14905

41 CFR

1–4..... 16102
101–35..... 16102
101–36..... 16102
101–40..... 14894

42 CFR

110..... 15141

43 CFR

Public Land Orders:
5797..... 15506
5798..... 15506
5799..... 15506
5802..... 15506
5804..... 15506
5805..... 15506
5806..... 15506
5809..... 15506
5810..... 15506
5812..... 15506
5814..... 15506
5817..... 15506
5818..... 15506
5819..... 15506
5821..... 15506
5824..... 15506
5825..... 15506
5826..... 15506
5827..... 15506
5828..... 15506
5830..... 15506
5831..... 15506
5832..... 15506
5833..... 15506
5834..... 15506
5836..... 15506
5837..... 15506
5838..... 15506
5839..... 15506
5840..... 15506
5841..... 15506
5842..... 15506
5844..... 15506
5845..... 15506
5846..... 15506
5848..... 15506
5849..... 15506
5850..... 15506
5851..... 15506
5852..... 15506
5853..... 15506
5854..... 15506
5855..... 15506

44 CFR

64..... 15267, 15269
65..... 15142

Proposed Rules:
60..... 16692
67..... 14907, 15183, 15287, 16282

45 CFR

1060..... 15270
1357..... 14895
1612..... 16267

46 CFR

3..... 15746
14..... 15746
24..... 15746
188..... 15746
189..... 15746

47 CFR

2..... 15146, 15690
73..... 15147–15151, 15271, 15707, 15709–15711, 16268
81..... 15690
83..... 15690
90..... 15152, 15273
97..... 15146

Proposed Rules:
Ch. I..... 14907, 15184, 15296, 16692
0..... 15297
22..... 15749
25..... 15754
73..... 15754, 15756, 15757
61..... 15297
63..... 14754, 15297
73..... 15184–15186, 15298
90..... 16104

49 CFR

1003..... 16200
1005..... 16200
1033..... 14895, 14896, 15507
1039..... 15509
1056..... 16200
1132..... 15509
1240..... 15880
1243..... 15881
1310..... 16200
1322..... 16200
1331..... 15277, 16102

Proposed Rules:
23..... 16282
1048..... 16106
1056..... 16225
1057..... 15300
1206..... 15302
1207..... 15302

50 CFR

611..... 16103
652..... 15510

Proposed Rules:
230..... 15746
410..... 15188
611..... 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing February 19, 1981

.....15506
.....15506
.....15506
.....15506
.....15506
.....15506
.....15506
.....15506
267, 15269
..... 15142
..... 16692
83, 15287,
16282
.....15270
.....14695
.....16267
..... 15746
..... 15746
..... 15746
..... 15746
..... 15746
146, 15690
51, 15271,
711, 16268
..... 15690
..... 15690
152, 15273
..... 15146
84, 15296,
16692
..... 15297
..... 15749
..... 15754
756, 15757
..... 15297
754, 15297
86, 15298
..... 16104
.....16200
.....16200
996, 15507
..... 15509
.....16200
..... 15509
..... 15880
..... 15881
.....16200
.....16200
277, 16102
.....16282
.....16106
.....16225
..... 15300
..... 15302
..... 15302
.....16103
..... 15510
..... 15746
..... 15188
..... 16107

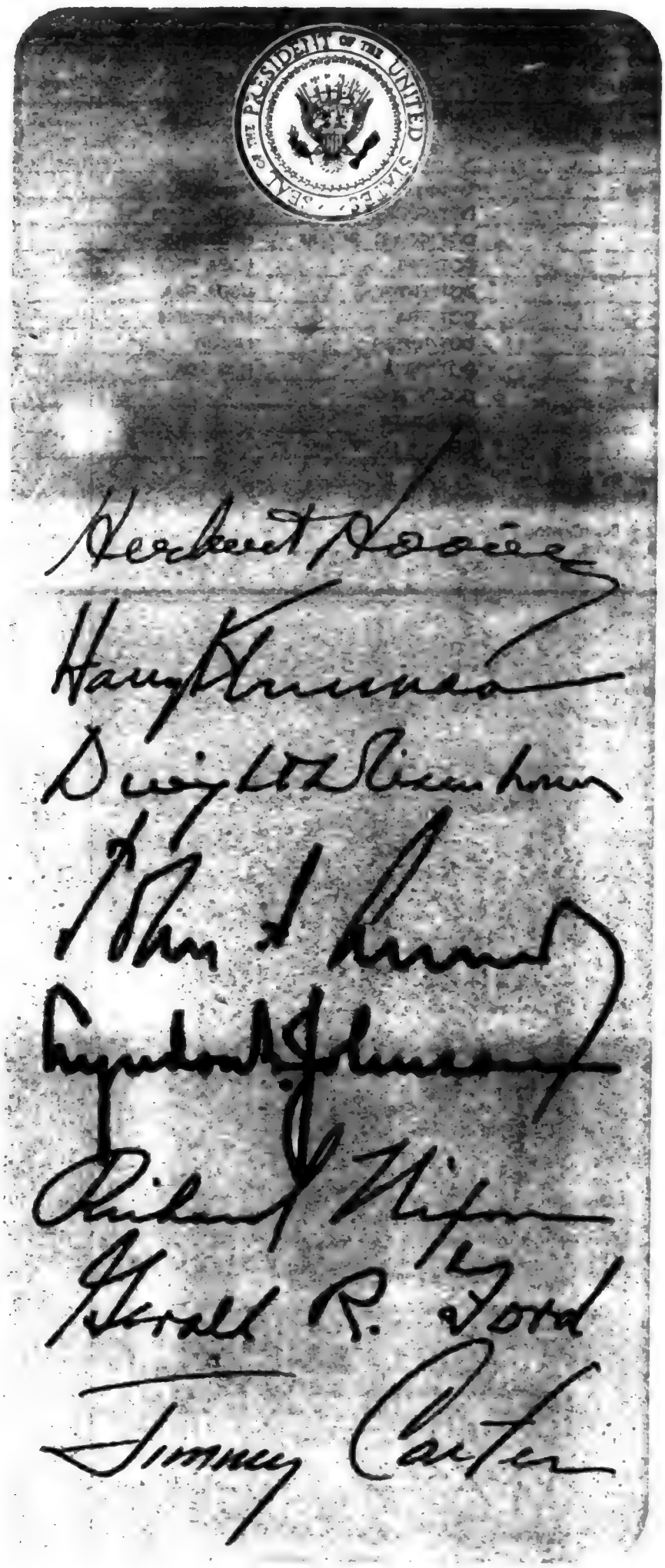

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3-16-81
Vol. 46 No. 50
Pages 16877-17008

federal register

Monday
March 16, 1981

Highlights

IMPORTANT NOTICE TO FEDERAL AGENCIES.—For information on billing codes required on all documents submitted for publication in the **Federal Register**, see back cover of this issue.

16877 **International Coffee Agreement 1976** Executive order

16879 **Lake Tahoe Region** Executive order

16893 **Mortgage Insurance and Home Improvement** HUD/FHC increases FHA maximum interest rates on insured home and multifamily loan programs; effective 3-9-81

16903 **Natural Gas** DOE/FERC proposes procedures for issuance of interstate pipeline blanket certificates for routine transactions; comments by 5-8-81; hearing 5-4-81

16914 **Natural Gas** DOE/FERC proposes to designate the Ravencliff, Injun-Squaw, Weir and Berea Formations in West Virginia as tight formations; comments by 4-8-81

16903 **Electric Power** DOE/FERC extends comment period to 4-6-81, for inquiry involving examination of policies relating to preliminary permits for hydropower projects

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

16897 **Hazardous Waste** EPA extends comment period to 3–27–81, on interim final regulations for treatment, storage and disposal

16940 **Motor Vehicles** EPA announces conclusions of fuel economy retrofit device evaluation for "Basko MW Enginecoat"

16888 **Air Traffic Control** DOT/FAA updates and clarifies air traffic flight rules; effective 3–13–81

16916 **Indians** Interior/BIA extends comment period to 6–6–81, on proposal to provide for tribal regulation of reserved waters on reservations

16916 **Indians** Interior/BIA extends comments period to 4–15–81, on clarification of circumstances under which appropriated funds may be provided to a tribe for private attorneys' legal services

16892 **Foreign Investments in U.S.** Commerce/BEA revokes rules regarding international leasing transactions in 1975 and foreign direct investment; effective 3–16–81

16921 **Foreign Trade** Commerce/ITA intends to conduct administrative review of certain antidumping and countervailing duty orders; effective 3–16–81

16921 **Customs Duties** Commerce/ITA suspends countervailing duty investigation involving leather wearing apparel from Uruguay; effective 3–16–81

16997 **Postal Service** PS announces new rates and fees for certain categories of international mail; effective 3–22–81

16918 **Government Procurement** OMB/FPPO seeks comments by 5–19–81, on segment of draft Federal Acquisition Regulation (FAR) regarding cost principles and procedures applicable to contracts with State and local governments

16923 **Privacy Act Documents** Blind and Other Severely Handicapped, Committee for the Purchase from DOD/DLA, DOD/Sec'y

17005 **Sunshine Act Meetings**

V 46 / 50 MAR 16 81

Contents

Federal Register
Vol. 46, No. 50
Monday, March 16, 1981

The President
EXECUTIVE ORDERS
16877 International Coffee Agreement 1976 (EO 12297)
16879 Lake Tahoe Region (EO 12296)

Executive Agencies

Agency for International Development
NOTICES
Authority delegations:
16994 Controller; signing of allocation request letters, appropriation transfer authorizations, etc.

Arts and Humanities, National Foundation
NOTICES
Meetings:
16995 Humanities Panel
16995 Media Arts Panel

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
16998 Privacy Act; systems of records; annual publication

Centers for Disease Control
NOTICES
16943 Advisory committees; annual reports; availability
16943 Petroleum refinery operations, control technology assessment; meeting

Civil Aeronautics Board
NOTICES
17005 Meetings; Sunshine Act (2 documents)

Coast Guard
NOTICES
Committees; establishment, renewals, terminations, etc.:
17001 Towing Safety Advisory Committee
Meetings
17001 Rules of the Road Advisory Committee

Commerce Department
See Economic Analysis Bureau; International Trade Administration.

Consumer Product Safety Commission
NOTICES
17005 Meetings; Sunshine Act

Defense Department
See also Defense Logistics Agency.
NOTICES
Meetings:
16925 Science Board task forces
16926 Privacy Act; systems of records

Defense Logistics Agency
NOTICES
16923 Privacy Act; systems of records

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
16995 Hoffman La Roche Inc.
16994 Stepan Chemical Co.

Economic Analysis Bureau
RULES
Direct investment surveys:
16892 Foreign direct investment in U.S. and preliminary survey of international leasing transactions in 1975; CFR parts removed

Economic Regulatory Administration
NOTICES
Remedial orders:
16931 Simon Oil Co.

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
16930 Canada
Meetings:
16930 International Energy Agency Industry Advisory Board

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
16895 Michigan; correction
16895 Missouri
16896 New Hampshire; correction
16896 New York; correction
16897 Vermont; correction
Hazardous waste:
16897 Standards for owners and operators of treatment, storage, and disposal facilities; consolidated permit regulations; interim final; extension of time
PROPOSED RULES
16917 Motor vehicle pollution control; waiver of oxides nitrogen emission standards; opportunity for public hearing; correction
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
16917 Chlorthiophos
Toxic substances:
16916 Toxic Substances Advisory Committee; meeting on testing issues, etc.
NOTICES
Motor vehicle fuel economy, evaluation of retrofit devices:
16940 Basko MW Enginecoat
Pesticides; emergency exemption applications:
16938 Fenvalerate
Pesticides; experimental use permit applications:
16938 FMC Corp.; correction

Toxic and hazardous substances control:
16939 Premanufacture exemption applications
16931–16936 Premanufacture notices receipts (3 documents)

Federal Aviation Administration
RULES
Air traffic operating and flight rules:
16888 Emergency flight rules; FAA notices to airmen; republication
Airworthiness directives:
16881–16883 Aerospatiale (3 documents)
16884 Bell
16885 Gulfstream American
16886 Mitsubishi
16888 Puritan-Bennett Aero Systems
16887 Teledyne Continental
PROPOSED RULES
16900 Control zones and transition areas
16900 Terminal control areas; informal airspace; meetings
16901, 16092 Transition areas (3 documents)
16899 VOR Federal airways
NOTICES
17002 Exemption petitions; summary and disposition

Federal Communications Commission
NOTICES
16941 FM translator applications accepted for filing and notification of cut-off date; correction
17005, 17006 Meetings; Sunshine Act (4 documents)

Federal Election Commission
NOTICES
17006 Meetings; Sunshine Act

Federal Energy Regulatory Commission
PROPOSED RULES
Electric utilities:
16903 Hydropower projects; preliminary permit policies; extension of time
Natural gas companies:
16903 Pipeline blanket certificates, interstate; routine transactions
Natural Gas Policy Act of 1978:
16914 Ceiling prices; high cost natural gas produced from tight formations; West Virginia
NOTICES
Hearings, etc.:
16931 Midwestern Gas Transmission Co.
16931 Natural Gas Pipe Line Co. of America
17006, 17007 Meetings; Sunshine Act (2 documents)

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
17003 Thomas County, Ga.; intent to prepare

Federal Home Loan Bank Board
RULES
Federal savings and loan system:
16881 Bylaws; preparedness emergency amendments; correction
NOTICES
17007 Meetings; Sunshine Act

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
16893 Interest rate changes

Federal Mine Safety and Health Review Commission
NOTICES
17007 Meetings; Sunshine Act

Federal Procurement Policy Office
PROPOSED RULES
Federal Acquisition Regulation (FAR):
16918 Contracts with State and local governments; cost principles and procedures; draft availability and inquiry

Federal Reserve System
NOTICES
Applications, etc.:
16941 Almelund Bancshares, Inc.
16941 Cardinal Bancorp
16941 First American Bancshares, Inc.
16941 First Bancorp of New Hampshire, Inc.
16941 First International Bancshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
16942 Chemical New York Corp. et al.
16942 U.S. Bancorp

Federal Trade Commission
RULES
Prohibited trade practices:
16892 Revlon, Inc., et al.

Fish and Wildlife Service
NOTICES
16944, 16945 Endangered and threatened species permit applications (5 documents)

General Services Administration
NOTICES
Authority delegations:
16943 Interior Department Secretary

Geological Survey
NOTICES
Authority delegations:
16946 Royalty Management, Deputy Division Chief; receipt of rental and royalty payments from OCS lessees

Health and Human Services Department
See Centers for Disease Control; National Institutes of Health.

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; pending nominations:
16946 California and Massachusetts

Housing and Urban Development Department
See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Indian Affairs Bureau
PROPOSED RULES
16916 Attorney contracts with Indian tribes; tribal attorney fee payment with appropriated funds; reopening of comment period and correction
16916 Tribal regulation of reserved waters on Indian reservations; extension of time and correction

Interior Department
See also Fish and Wildlife Service; Geological Survey; Heritage Conservation and Recreation Service; Indian Affairs Bureau; Land Management Bureau; Water and Power Resources Service.
RULES
16897 Conduct standards

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Antidumping and countervailing duties:
16921 Administrative review of findings and orders
Countervailing duty petitions and preliminary determinations:
16921 Leather wearing apparel from Uruguay
Scientific articles; duty free entry:
16920 University of Denver et al.

Interstate Commerce Commission
NOTICES
Motor carriers:
16947 Agricultural cooperative transportation, filing notices
16948–16957 Permanent authority applications (5 documents)
16965 Temporary authority applications
Railroad services abandonment:
16947 Central of Georgia Railroad Co.
Water carrier applications:
16994 Knappton Corp.

Justice Department
See Drug Enforcement Administration.

Land Management Bureau
NOTICES
Meetings:
16944 Vernal District Advisory Council
Withdrawal and reservation of lands, proposed, etc.:
16944 California; correction

Management and Budget Office
See also Federal Procurement Policy Office.
NOTICES
16995 Agency forms under review

National Highway Traffic Safety Administration
NOTICES
Meetings:
17003 Energy efficient commercial vehicle driving; study
17004 Improved commercial vehicle conspicuity and signalling systems; report
17004 National Highway Safety Advisory Committee

National Institutes of Health
NOTICES
Meetings:
16943 Biometry and Epidemiology Contract Review Committee
16944 Bladder and Prostatic Cancer Review Committee

Postal Service
NOTICES
Rates and fees:
16997 International rates and fees, levels; final

Small Business Administration
NOTICES
Applications, etc.:
16998 American Energy Investment Corp.
16998 Asian American Capital Corp.
16999 North American Funding Corp.
16999 Orange Nassau Capital Corp.
16999 Pierre Funding Corp.
17000 Power Ventures, Inc.
17000 Rainbow Capital Corp.
17001 Venture Capital P.R., Inc.
Meetings:
16999 National Advisory Council
Meetings; advisory councils:
17001 Arizona
17000 California
17000 Massachusetts
17000 New Hampshire
17000 New Mexico

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

Water and Power Resources Service
NOTICES
Contract negotiations:
16946 Willamette Basin Project, Oregon

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Office of the Secretary—
16925 Defense Science Board, Review of the DOD Space-Based Laser Weapons Study Task Force, Washington, D.C. 4–6–81

ENERGY DEPARTMENT
16930 International Energy Agency, Industry Advisory Board, Paris, France, 3–24–81

ENVIRONMENTAL PROTECTION AGENCY
16916 Administrator's Toxic Substances Advisory Committee, Washington, D.C. 4–23 and 4–24–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Disease Control Centers—
16943 Control technology assessment of petroleum refinery operations, Cincinnati, Ohio, 4–14–81
National Institutes of Health—
16943 Biometry and Epidemiology Contract Review Committee, Bethesda, Md., 4–16–81

16944 Bladder and Prostatic Cancer Review Committee, Prostatic Cancer Review Subcommittee, Buffalo, N.Y., 4–2–81

INTERIOR DEPARTMENT
Land Management Bureau—
16944 Vernal District Advisory Council, Vernal, Utah, 4–23–81

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
16995 Humanities Panel, Washington, D.C., 4–9–81
16995 Media Arts Panel, Production: Individuals Section, Washington, D.C., 3–30 through 4–1–81

SMALL BUSINESS ADMINISTRATION
16999 National Advisory Council; Washington, D.C., 4–20 through 4–23–81
17000 Region I Advisory Council; Boston, Mass., Concord, N.H., 4–8–81 (2 documents)
17000 Region VI Advisory Council; Carlsbad, N. Mex., 4–9–81
17001 Region IX Advisory Council; Los Angeles, Calif., 4–7–81; Phoenix, Ariz., 4–29–81

TRANSPORTATION DEPARTMENT
Coast Guard—
17001 Rules of the Road Advisory Committee, Linthicum Heights, Md., 4–15 and 4–16–81
Federal Aviation Administration—
16900 Buffalo, New York Terminal Control Area, Cheektowaga, N.Y., 5–12–81
National Highway Traffic Safety Administration—
17003 "Energy Efficient Commercial Vehicle Driving," Washington, D.C., 3–31–81
17004 "Improved Commercial Vehicle Conspicuity and Signalling System," Culver City, Calif., 4–2–81

HEARING

ENERGY DEPARTMENT
Federal Energy Regulatory Commission—
16903 Interstate pipeline blanket certificates, 5–4–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12247 (Revoked by EO 12298)..... 16879
12297..... 16877
12298..... 16879

12 CFR
544..... 16881

14 CFR
39 (6 documents)..... 16881–16888
91..... 16888
Proposed Rules:
71 (6 documents)..... 16899–16902

15 CFR
804..... 16892
805..... 16892

16 CFR
13..... 16892

18 CFR
Proposed Rules:
Subpart B..... 16903
157..... 16903
271..... 16914
375..... 16903

24 CFR
203..... 16893
207..... 16893
213..... 16893
220..... 16893
221..... 16893
232..... 16893
234..... 16893
235..... 16893
236..... 16893
241..... 16893
242..... 16893
244..... 16893
25 CFR
Proposed Rules:
72..... 16916
260..... 16916

40 CFR
52 (5 documents)..... 16896–16897
122..... 16897
264..... 16897
265..... 16897
Proposed Rules:
Ch. I..... 16916
86..... 16917
180..... 16917
43 CFR
20..... 16897
46 CFR
Proposed Rules:
31..... 16916

Federal Register
Vol. 46, No. 50
Monday, March 16, 1981

Presidential Documents

Title 3—

The President

Executive Order 12297 of March 12, 1981

International Coffee Agreement 1976

By the authority vested in me as President by the International Coffee Agreement Act of 1980 (Public Law 96–599; 94 Stat. 3491) and Section 301 of Title 3 of the United States Code, and in order to carry out and enforce the International Coffee Agreement 1976, it is hereby ordered as follows:

Section 1. The functions vested in the President by Public Law 96–599 (94 Stat. 3491) are delegated to the United States Trade Representative.

Sec. 2. In carrying out the functions delegated to him, the United States Trade Representative shall consult with the Secretary of Agriculture and the Secretary of State. The United States Trade Representative may redelegate some or all of those functions to the head of another Executive agency with the consent of the head of such agency.

Ronald Reagan

THE WHITE HOUSE,
March 12, 1981.

[FR Doc. 81–8183
Filed 3–12–81; 4:20 pm]
Billing code 3195–01–M

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Filed 3-12-8
Billing code

Presidential Documents

Executive Order 12296 of March 12, 1981

Lake Tahoe Region

By the authority vested in me as President by the Constitution of the United States of America, and in order to eliminate unnecessary and duplicative Federal interference in the responsibilities of the Tahoe Regional Planning Agency (see Public Law 96–551 of December 19, 1980), it is hereby ordered that the Tahoe Federal Coordinating Council is terminated and Executive Order No. 12247 of October 15, 1980, is revoked.

Ronald Reagan

THE WHITE HOUSE,
March 12, 1981.

[FR Doc. 81–8184
Filed 3–12–81; 4:21 pm]
Billing code 3195–01–M

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AGENCY:
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SUMMARY
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Rules and Regulations

Federal Register
Vol. 46, No. 50
Monday, March 16, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 544

Preparedness Emergency Amendments to Bylaws; Correction

Dated: March 10, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations; correction.

SUMMARY: This document corrects an amendment to § 544.6–1 that was part of the reduction and simplification of the regulations for the Federal Savings and Loan System that was published in the Federal Register of July 3, 1979 (44 FR 39114). The inadvertent inclusion of the word "mutual" in the preamble of § 544.6–1 as published served to exclude associations of the capital stock form from the effect of the regulation. This action is necessary to make the regulation apply as intended to both mutual and capital stock associations.

EFFECTIVE DATE: August 3, 1979.

FOR FURTHER INFORMATION CONTACT: John P. Soukenik ((202) 377–6427), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Because this action implements the intended effect of the regulation and makes clear that the regulation applies to both mutual and capital stock associations, the Board finds it is unnecessary to the public interest to publish general notice of proposed rule-making pursuant to 12 CFR 508.13 and 12 U.S.C. 553(b) and to delay publication of the amendments for the period of time specified in 12 CFR 508.14 and 12 U.S.C. 553(d).

Accordingly, the Board hereby corrects § 544.6–1 of Subchapter C, Chapter V of Title 12, Code of Federal Regulations, to read as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 544—CHARTER AND BYLAWS

1. Revise the introductory language of § 544.6–1 by removing the word "mutual", to read as follows:

§ 544.6–1 Preparedness emergency amendments to bylaws.

This section constitutes approval by the Board of any of the following amendments to the bylaws of a Federal association:

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp.)

By the Federal Home Loan Bank Board.

Ira L. Tannenbaum,
Acting General Counsel.

[FR Doc. 81-8081 Filed 3-13-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81–ASW–6; Amdt. 39–4058]

Airworthiness Directives; Aerospatiale Model SA315, SA316, and SA319 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective to all persons the priority mail Airworthiness Directive (AD) No. 81–03–04 dated January 22, 1981, which was previously made effective to all known operators of Aerospatiale Model SA315, SA316, and SA319 series helicopters. This AD required initial and repetitive inspections for excessive wear at the coupling splines of the rear output bevel pinion-to-vertical gear shaft of the main transmission. This action is needed to prevent loss of continuity in the tail rotor gear train and subsequent loss of directional control of the helicopter.

DATES: Effective March 16, 1981, for all persons except those persons to whom it was made effective immediately by priority mail letter AD dated January 22, 1981.

Compliance required as prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from Aerospatiale Helicopter Division, Service Department, Boite Postale 13, 13722 Marignane, (France), or Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051; Attention: Customer Support.

A copy of each of the service bulletins is contained in the Rules Docket, [Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.] or at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Wilbur F. Wells, Helicopter Policy and Procedures Staff, Engineering and Manufacturing Branch, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624–4911, extension 502.

SUPPLEMENTARY INFORMATION: There have been reports of spline failure in the main gearbox installed in Aerospatiale Model SA315, SA316B, SA316C and SA319 helicopters. These failures are associated with excessive wear at the spline coupling between the lower bevel pinion for the tail rotor drive and the bevel gear flared stub shaft. Failure in this area will result in loss of continuity in the tail rotor drive train with consequent loss of directional control of the helicopter and a hazardous emergency landing.

On September 5, 1980, the FAA issued telegraphic AD No. T80–19–51, effective upon receipt to all known operators of these helicopters, which required initial and repetitive inspections and possible replacement of the main gearbox; however, it was found that this AD contained an unconservative error in a critical dimension. Also, improved inspection procedures became available. In view of this, AD No. T80–19–51 was superseded by a new priority mail AD, No. 81–03–04 dated January 22, 1981, which provided corrected and updated inspection criteria, effective upon receipt to all known operators of Aerospatiale Model SA315, SA316, and SA319 series helicopters.

This condition still exists and the AD with minor editorial changes is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the

Federal Aviation Regulations to make it effective for all persons.

Since a situation exists that requires immediate adoption of this rule, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Societe National Industrielle Aerospatiale. Applies to Models SA315, SA316B, SA316C, and SA319 helicopters certificated in all categories. Compliance required as follows, unless already accomplished:

1. Within 10 hours' time in service after the effective date ot this AD for helicopters with transmissions which have 390 hours' or more total time in service, or,

2. Before accumulation of 400 hours' total time in service for helicopters with transmissions which have less than 390 hours' time in service on the effective date of this AD, and,

3. Thereafter at intervals not to exceed 400 hours' time in service.

Inspect transmission components for possible excessive wear at the coupling splines of the rear output bevel pinion-to-verticle gearshaft of the main gearbox in accordance with instructions in Aerospatiale Service Bulletin No. 05.68 dated October 3, 1980, or FAA-Approved equivalent for the Aerospatiale Model SA316 and SA319 series helicopters, or Aerospatiale Service Bulletin No. 05.16 dated October 3, 1980, or FAA-Approved equivalent, for the Aerospatiale Model SA315 helicopter. (Except for model designation these bulletins are identical). If the total displacement found by this inspection exceeds 1.00 millimeter (0.04 inches) before further flight replace the transmission with a serviceable like transmission.

Equivalent means of compliance must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

For further information contact Chris Christie, Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, or, Wilbur F. Wells, Helicopter Policy and Procedures Staff, Engineering and Manufacturing Branch, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. Telephone No. (817) 624-4911, extension 502.

This amendment becomes effective March 12, 1981, for all persons except those to whom it was made effective immediately by priority mail letter AD No. 81-03-04 dated January 22, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on February 27, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region

[FR Doc. 81-7976 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-2; Amdt. 39-4055]

Airworthiness Directives; Aerospatiale (SNIAS) Models SA330F, G, and J Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action makes effective to all persons a new Airworthiness Directive (AD) that was previously made effective for all known U.S. owners and operators of certain Aerospatiale (SNIAS) Models SA330F, G, and J series helicopters by individual telegrams. The AD requires a one-time inspection to assure proper installation of the pilot and copilot (crew) doors. An unwanted separation of a crew door was reportedly found during the investigation of a serious accident and was considered a possible cause of the accident.

DATES: Effective March 16, 1981, to all persons except those persons to whom it was made effective by telegraphic AD No. T81-01-52 issued December 31, 1980, which contains this amendment.

Compliance required within 5 hours' time in service after the effective date of this AD unless already accomplished since December 22, 1980.

ADDRESSES: A copy of the service information may be examined in the rules docket at the Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30; or J. H. Major, Helicopter Policy and Procedures Staff, ASW-211, FAA, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: On December 31, 1980, telegraphic AD T81-01-52 was issued and made effective immediately to all known U.S. operators and owners of all Aerospatiale (SNIAS) Models SA330F, G, and J series helicopters. The AD required a one-time inspection for proper installation of the jettisonable pilot and copilot (crew) doors or the jettisonable copilot panel, if installed. The unwanted separation of one of the crew doors or panel is considered to be a possible cause of a serious accident.

In the interest of safety, the French airworthiness authorities issued a telegraphic AD December 23, 1980, and a revision December 24, 1980, requiring a one-time inspection of the crew doors or panel for proper installation on all Aerospatiale Model SA330 series helicopters certificated in all categories. This AD was issued for the reasons cited previously.

Immediate corrective action was required and notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately to all known U.S. owners and operators of all Aerospatiale (SNIAS) Models SA330F, G, and J series helicopters by telegraphic AD T81-01-542 issued December 31, 1980. These conditions still exist and the AD is hereby published in the **Federal Register** with the noted changes as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

The mandatory reporting requirement has been deleted from the AD. Voluntary reporting should be sufficient.

Minor editorial changes have been made also. These changes in the AD impose no additional burden on persons and the AD may be adopted without further notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale.
Applies to Models SA330F, G, and J series helicopters, certificated in all categories.

Compliance required within five (5) hours' time in service after the effective date of this AD unless already accomplished since December 22, 1980.

To prevent possible inflight loss of the pilot or copilot doors or the copilot's jettisonable panel (if installed) accomplish the following:

(a) Inspect the jettisonable pilot door in accordance with Aerospatiale SA330 work cards Nos. 52-10-601 and 52-10-401 of the SA330 Maintenance Manual (Document 8582), or an FAA-approved equivalent, and

(b) Inspect either—

(1) the jettisonable copilot in accordance with Aerospatiale SA330 work cards Nos. 52-21-601 and 52-21-401 or an FAA-approved equivalent, or

(2) the jettisonable copilot door (if fitted per Aerospatiale Modification No. OP-11-611 or OP-11-670) in accordance with Aerospatiale work cards Nos. 52-10-601 and 52-10-401 of the maintenance manual, or an FAA-approved equivalent.

(c) Rerig improperly rigged doors and panels before further flight. Use serviceable parts in accordance with the respective reference work cards or FAA-approved equivalents.

This amendment become effective March 16, 1981, to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-01-52, issued December 31, 1980, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on February 27, 1981.

C. R. Melugin, Jr.,
Director, Southwest Region.

[FR Doc. 81-7877 Filed 3-13-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-5; Amdt. 39-4064]

Airworthiness Directives; Aerospatiale (SNIAS) Model SE 313, SA 315, SA 316, SA 318, and SA 319 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspections for cracks or deformation in the transmission deck and flight control bellcrank support, and the installation of certain clamps and supports until a certain modification is accomplished. Loss of the support for the flight controls could cause possible loss of helicopter control.

DATES: Effective March 20, 1981. Compliance required as indicated in the AD.

ADDRESSES: A copy of the service information and supplemental type certificate (STC) may be examined at Office of Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. A copy of this information may be obtained from Aerospatiale Helicopter Corp., 2701 Forum Dr., Grand Prairie, Texas 75051, Attn: Customer Support.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, FAA, c/o American Embassy, Brussels, Belgium, telephone 513.38.30; or J. H. Major, Helicopter Policy and Procedures Staff, ASW-211, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: Fatigue cracks have been found in the transmission deck stringer support at the forward attachment clamp area that allowed sagging or deformation of the forward transmission deck in the area of the flight control bellcrank supports on the Aerospatiale (SNIAS) Model SE 313, SA 315, SA 316, SA 318, and SA 319 series helicopters. Excessive deformation of the flight control bellcrank support may reduce control effectiveness and may result in the loss of helicopter control. The French airworthiness authorities issued a directive effective January 7, 1981, concerning this matter.

Since this condition is likely to exist or develop in other helicopters of the same type design an airworthiness directive is being issued to require initial and repetitive inspections, and repair as necessary if cracks are found. It will also require installation of certain clamps on the Aerospatiale Model SE 313, SA 315, SA 316, SA 318, and SA 319 series helicopters at the initial inspection. A modification may be accomplished to strengthen the support structure thereby eliminating the necessity for further inspections.

Since a situation exists that requires immediate adoption of this AD, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective immediately to all known U.S. owners and operators of Aerospatiale (SNIAS) Model SE 313, SA 315, SA 316, SA 318, and SA 319 series helicopters.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale.
Applies to Model SE 313, SA 315, SA 316, SA 318, and SA 319 series helicopters, certificated in all categories, that do not have Aerospatiale Modification No. AM 2195 incorporated.

Compliance required as indicated.

To detect and prevent possible fatigue cracks and failures of the forward transmission deck support and the flight control bellcrank support accomplish the following, unless already accomplished:

(a) For helicopters which on the effective date of this AD, have 375 or more hours' time in service since new or since last overhaul, inspect in accordance with paragraph (c) of this AD, within the next 25 hours' time in service.

(b) For those helicopters which on the effective date of this AD, have less than 375 hours' time in service since new or overhaul, inspect in accordance with paragraph (c) of this AD before the accumulation of 400 hours' time in service.

(c) Visually inspect for cracks and deformation on the lower side of transmission deck stringer, and using the dye penetrant method, inspect for cracks in the inner bending radius of the stringer in accordance with the applicable Aerospatiale Service Bulletin Number 05.17 or Number 05.69 each dated December 15, 1980, or an FAA approved equivalent.

(d) If no cracks are found as the result of the inspection required in paragraphs (a), (b), (d), or (e) of this AD:

(1) Before further flight install 2 additional clamps P/N 55212.280BGZ, unless already accomplished, in accordance with Aerospatiale SA 315 Service Bulletin Number 53.02 revised June 12, 1978, for Model SA 315 and Service Bulletin 53.32, revised June 12, 1978, for all other models, or FAA approved equivalent, and return the aircraft to service.

(2) Repeat the inspections required by paragraph (c) of this AD at intervals not to exceed 400 hours' time in service since the last inspection, or comply with paragraph (f) of this AD.

(e) If deformation or cracks are found as a result of the inspection required in paragraphs (a), (b), (d), or (e) of this AD, before further flight:

(1) Replace the Z stringer with a serviceable stringer of the same part number and install clamps specified in subparagraph (d)(1) of this AD unless already installed, or

(2) Replace the transmission deck, install clamps specified in subparagraph (d)(1) of this AD unless already installed, and repeat the inspections required by paragraph (c) of this AD at intervals not to exceed 400 hours' time in service since the last inspection, or

(3) Comply with paragraph (f) of this telegram.

(f) The repetitive inspections required in paragraphs (d) and (e) of this AD may be discontinued when the helicopter is modified in accordance with AM 2195 or Supplemental Type Certificate (STC) No. SH4266SW.

Note.—MODIFICATION AM 2195 is the subject of Aerospatiale Service Bulletin Number 53.05 for the Model SA 315, Number 53.35 for the models SE 313 and SA 316, Number 53.36 for the models SA 316 and SA 319, all dated December 30, 1980. STC SH4266SW provides for use of alternate parts.

(g) In accordance with FAR 21.197, flight is permitted to a base where the inspection and repairs required by this AD may be accomplished, provided satisfactory operation of the flight control system has been established prior to the flight.

(h) The Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium, may approve equivalent methods of repair or modifications when the request is submitted through an FAA maintenance inspector and contains adequate supporting data.

This amendment becomes effective March 20, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on March 4, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-7974 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-3; Amdt. 39-4063]

Airworthiness Directives; Bell Helicopter Textron Model 206L-1 Helicopter

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires the fuel filter on Bell Helicopter Textron (BHT) Model 206L-1 helicopters to be moved from its present position behind the engine turbine module to a location on the forward firewall and the relocation of an oil line. This AD is needed to keep flammable fluid carrying components which could cause hazardous quantities of leakage from passing through the plane of turbine rotation. This will reduce the susceptibility of these components to rupturing and producing subsequent fires in the event of turbine disintegration.

DATE: Effective—March 24, 1981. Compliance is required within the next 50 hours' time in service after the effective date of this AD.

ADDRESSES: The Alert Service Bulletin specified in this AD may be obtained from Bell Helicopter Textron, Product Support Department, Post Office Box 482, Fort Worth, Texas 76101.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT:

R. H. A. West, Propulsion Section, ASW-214, Engineering and Manufacturing Branch, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: There have been two reports of failures and subsequent disintegration of the turbine wheel on the Detroit Diesel Allison Model 250-C28B engine used on the BHT Model 206L-1 helicopter. Fragments from the disintegrating turbine wheels penetrated a fuel supply hose near the engine and serious fires resulted. Since this condition is likely to exist or develop on other helicopters of the same type design, an Airworthiness Directive is being issued to require the relocation of components containing flammable fluids so that they do not cross the turbine wheel plane of rotation. The components affected are the fuel filter with its associated fuel lines on all BHT Model 206L-1 helicopters and the oil line to the freewheeling assembly on non-IFR equipped BHT Model 206L-1 helicopters.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Bell: Applies to Model 206L-1 helicopters, S/N 45154 through 45448.

Compliance is required within the next 50 hours' time in service after the effective date of the AD unless already accomplished.

To prevent fires due to fuel/oil lines damaged by a disintegrating turbine wheel, accomplish the following:

(a) As directed by BHT Alert Service Bulletin No. 206L-80-13, "Modification of Engine Fuel Filter, Associated Fuel Hoses and Freewheeling Oil Hoses," dated June 17, 1980, perform the following modifications:

(1) On all affected rotorcraft, relocate the fuel filter from its present position to the specified location on the forward firewall.

(2) Replace the aft freewheeling oil hose on all affected rotorcraft except rotorcraft equipped with BHT IFR Kit No. 206-705-001.

(3) As applicable, replace bleed air tubes to avoid an interference at the new filter location.

(b) Any alternate method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Bell Helicopter Textron, Product Support Department, Post Office Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at the FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at their headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective March 24, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Exective Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on March 3, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

Note.—The incorporation by reference in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-7978 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-SO-7; Amdt. No. 39-4054]

Airworthiness Directives; Gulfstream American Model G-1159 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection of the landing gear selector valve on Gulfstream American Model G-1159 airplanes. The AD is needed to correct a deficiency in the landing gear control valve, which could result in an adverse effect on the controllability of the airplane.

DATES: Effective March 27, 1981. Compliance required within the next 10 hours time in service after the effective date of this AD.

ADDRESSES: The applicable customer bulletin may be obtained from Gulfstream American Corporation, P.O. Box 2206, Savannah, Georgia 31402.

A copy of the customer bulletin is contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: George Carver, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: There have been reports of two failures of the nose landing gear actuator on the Gulfstream American G-1159A airplanes as a result of a condition in the landing gear selector valve, induced by interrupting the landing gear operation cycle. Since this condition is likely to exist or develop on G-1159 model airplanes, an Airworthiness Directive is being issued which requires inspection of the landing gear selector valve. If the part number is determined to be 1159SCH216-1 or 1159SCH216-5, no further action is required. If the part number is determined to be 1159SCH216-3, the selector valve must be replaced with a 1159SCH216-1 or 1159SCH216-5 valve.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Gulfstream American Corporation (formerly Grumman American Corporation, Grumman Aerospace Corporation): Applies to Gulfstream American Model 1159, serial numbers 1 through 256, and 775, certificated in all categories.

Compliance is required as indicated, unless already accomplished. To prevent improper functioning of the landing gear system, accomplish the following:

Within the next 10 hours time in service after the effective date of this AD, inspect the landing gear selector valve to determine valve part number (Ref. Gulfstream II Illustrated Parts Catalog (IPC) Figure 32-23, Item 52).

(a) If P/N 1159SCH216-1 or P/N 1159SCH216-5 is installed, no further action is required.

(b) If P/N 1159SCH216-3 is installed, accomplish the following:

(1) Before further flight, install placard adjacent to the landing gear selector handle. The wording of the placard shall be: "Interruption of Landing Gear Retraction or Extension Prohibited," using letters of ⅛ inch minimum height. Concurrently, FAA Approved Flight Manual Supplement No. GII-81-01, dated February 6, 1981, must be added to the Airplane Flight Manual. The Flight Manual Supplement may be obtained from Gulfstream American Corporation, P.O. Box 2206, Savannah, Georgia 31402.

(2) Within 60 landing gear operating cycles (one retraction and one extension) after effective date of this AD, replace P/N 1159SCH216-3 landing gear selector valves with either a P/N 1159SCH216-1 or a P/N 1159SCH216-5 valve. Remove the placard and the Airplane Flight Manual Supplement added in section (1) when either of the replacement valves is installed.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

Note.—Information concerning replacement selector valves may be obtained from Gulfstream American Corporation Customer Bulletin No. 305, amendment No. 1, January 15, 1981.

This amendment is effective March 27, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of

Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's Memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in East Point, Georgia, on March 5, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-7980 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CEF-1-AD; Amdt. 39-4062]

Airworthiness Directives; Mitsubishi Heavy Industries, Ltd.; Models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, MU-2B-25 and MU-2B-26 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) which requires the modification of the engine aft nacelle area on certain Mitsubishi Heavy Industries, Ltd., MU-2B series airplanes. This AD is necessary to prevent heat damage that can occur from combustion of entrapped fuel in the aft nacelle area. In addition, the AD requires installation of drain provisons in the wing trailing edge and aft nacelle area to prevent the accumulation of flammable fluids. Ignition of any accumulated fuel could lead to an inflight fire hazard and result in possible loss of the airplane.

DATES: Effective date: March 19, 1981. Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: Mitsubishi MU-2 Service Bulletin #177B dated September 11, 1980, pertaining to this AD, may be obtained from Mitsubishi Heavy Industries, Ltd., 10, Oye-cho, Minato-ku, Nagoya, Japan, or Mitsubishi Aircraft International, Inc., P.O. Box 3948, San Angelo, Texas 76901. A copy of the Service Bulletin is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. The document may also be examined in Room 7321, Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850; Telephone (808) 546-8650 or 546-8658, or Earsa L. Tankesley, Chief, Airworthiness Standards Program, ACE-215, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6937.

SUPPLEMENTARY INFORMATION: In August 1976, during an attempt to airstart the engine, an inflight fire occurred in the engine aft nacelle area of a Mitsubishi MU-2B-25 model airplane. Subsequent investigation indicated that the fire developed when the fuel, which had accumulated in the engine tail pipe assembly, ignited. The fire went undetected and progressed to a point where substantial heat damage occurred to the flight and engine controls and wing structure. Upon subsequent coordination with the Japan Civil Aviation Bureau (JCAB), it was determined that the cause of the fire was due to a malfunctioning Bendix fuel control unit. Further investigation revealed a broken fuel filter assembly. The incident was classified as an isolated case and, as such, mandatory corrective action was not taken. Also, the JCAB confirmed that those MU-2B airplanes, MU-2B-25 (S/N 239 through 318) and MU-2B-26 (S/N 319 and up), that use Bendix fuel control unit Part Number 2524529-24, incorporated fuel drain provisions on the airframe which lessen the likelihood of residual fuel to ignite. The JCAB verified that this particular modification was accomplished on the production line in Japan.

In October 1980, the manufacturer, Mitsubishi Heavy Industries, Ltd., submitted a revised MU-2 Service Bulletin No. 177B dated September 11, 1980. Mitsubishi stated that the reason for the revision was to (1) change the model effectivity to apply to certain MU-2B series airplanes and (2) add drain provisions to the wing trailing edge and aft nacelle area. In view of the current service bulletin action, FAA, again, raised questions as to the need for mandatory corrective action. The JCAB advised the FAA of the impending Japanese Airworthiness Directive action to incorporate modifications to these airplanes. Under these circumstances and since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued applicable to certain Mitsubishi MU-2B series airplanes, to require a modification to incorporate (1) a braided asbestos seal on the aft nacelle and (2) drain provisions and sealant within the wing trailing edge and aft nacelle area in accordance with Mitsubishi MU-2 Service Bulletin No. 177B. MU-2B series airplanes manufactured at Mitsubishi's, San Angelo, Texas, facility have the aforementioned modifications incorporated in production and have serial numbers with the suffix "SA." Consequently, the AD does not apply to those airplanes.

The FAA has determined that there is an immediate need for this regulation to correct an unsafe condition and assure safe operation of the affected airplanes; consequently, this action is within the exemption provisions of Section 8(a)(1) of Executive Order 12291. In addition, notice and public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest, and good cause exists for making the Amendment effective in less than thirty (30) days after the date of publication in the Federal Register.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following AD:

Mitsubishi Heavy Industries, Ltd. Applies to Models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, MU-2B-25 and MU-2B-26 (Serial Numbers 239 through 347, except Serial Numbers 313 and 321) airplanes certificated in all categories. This AD does not apply to MU-2B series airplanes having serial numbers with the suffix "SA."

Compliance: Required as indicated unless already accomplished. To prevent a possible inflight fire in the engine aft nacelle area, accomplish the following:

(a) Within the next 50 hours time-in-service after the effective date of this AD, install the braided asbestos seal on both the LH and RH engine aft nacelles in accordance with Modification I of Mitsubishi MU-2 Service

Bulletin No. 177B dated September 11, 1980. Installation of the seal can be accomplished without the removal of the engine.

(b) Within the next 100 hours time-in-service after the effective date of this AD, modify the engine aft nacelle area and wing trailing edge in accordance with Modification II of Mitsubishi MU-2 Service Bulletin No. 177B dated September 11, 1980. Modification to incorporate drain provisions within the aft nacelle area and rework of the wing trailing edge requires removal of the engine. See the appropriate MU-2 Maintenance Manual for proper engine removal.

(C) Aircraft may be flown in accordance with FAR 21.197 to a location where these modifications can be accomplished.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850.

Note.—All persons affected by this AD who have not already received the applicable service bulletin from the manufacturer may obtain a copy upon request to: Mitsubishi Heavy Industries, Ltd., 10, Oye-cho, Minato-ku, Nagoya, Japan, or Mitsubishi Aircraft International, Inc., P.O. Box 3848, San Angelo, Texas 76901. The Service Bulletin may also be examined at FAA, Pacific-Asia Region, Room 7321, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850, and at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on March 19, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981. Further, this regulation does not meet the criteria for a major rule as defined in Section 1(b) of Executive Order 12291. This regulation imposes a one-time correction of an unsafe condition.

Note.—The FAA has determined that this document involves a regulation which is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Office of the Regional Counsel, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5446.

Issued in Kansas City, Missouri, on March 3, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-7975 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-SO-70; Amdt. No. 39-4061]

Airworthiness Directives; Teledyne Continental Motors Models GTSIO-520- L, M, and N Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Teledyne Continental Motors (TCM) Model GTSIO-520- L, M, and N by establishing a cut-off serial number for the affected models and clarifying the appropriate oil to be used during the first 100 hours time in service.

The amendment is needed because the FAA has determined that the requirements of the AD do not apply to engines beyond certain serial numbers due to design changes in these engines.

DATES: Effective March 23, 1981. Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Gil Carter, ASO-214, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3984 (43 FR 79416), AD 80-25-06, which currently requires inspection of the oil filter for contamination, inspection of the propeller shaft end clearance for excessive thrust washer bearing wear and a preflight and post flight special engine oil pressure check on certain TCM Model GTSIO-520- L, M, and N engines. After issuing Amendment 39-3984, the FAA has determined that cut-off serial numbers can be established due to modifications to current production engines which have prevented the problem from developing on new engines. Therefore, the FAA is amending Amendment 39-3984 by establishing a cut-off serial number for the affected models and clarifying the appropriate oil to be used during the first 100 hours time in service on certain TCM Model GTSIO-520- L, M, and N engines.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3984 (43 FR 79416), AD 80-25-06, as follows:

Change the applicability to read:

Applies to Models GTSIO-520-L, serial numbers 606324 through 606827; GTSIO-520-M, serial numbers 606619 through 606890; and GTSIO-520-N, serial numbers 610001 through 610107, engines with 100 hours or less total time in service on the effective date of this AD, installed on but not limited to certain Cessna Models 404 and 421C airplanes certificated in all categories.

Delete existing paragraph (d) and substitute the following:

(d) Upon or before the accumulation of 25 hours, 50 hours and 100 hours total time in service, change oil and oil filter. Do not use multiviscosity oils within the first 100 hours time in service.

After the paragraph beginning "An equivalent method of compliance * * *," add the following paragraph:

Note.—Continental Motors Service Bulletin No. M80-30, dated December 10, 1980, pertains to this subject.

This amendment becomes effective March 23, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As

such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in East Point, Georgia, on March 2, 1981.

George R. LaCaille,
Acting Director, Southern Region.

[FR Doc. 81-7808 Filed 3-13-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-41-AD; Amdt. 39-4066]

Airworthiness Directives; Puritan-Bennett Aero Systems Company; Deferral of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; deferral of effective date.

SUMMARY: Pursuant to the President's memorandum dated January 29, 1981, Amendment 39-4017, Airworthiness Directive AD 81-02-03, regarding the Puritan-Bennett Aero Systems Company, (46 FR 3495), published on January 15, 1981, is hereby delayed as to its effectivity until April 6, 1981.

DATES: Effective April 6, 1981.
Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from:

Puritan-Bennett Aero Systems Company, 111 Penn Street, El Segundo, California 90245

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or
Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:
Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION:
Amendment 39-4017, (46 FR 3495), AD 81-02-03, had an effective date of March 20, 1981. On January 29, 1981 the President issued a memorandum which directed that all agencies, by Notice in the **Federal Register**, postpone for 60 days from January 29, 1981, the effective date of all Regulations that had been promulgated in final form and that were scheduled to become effective during the 60 day period. Amendment 39-4017, (AD 81-02-03), falls within the President's memorandum. The rule is being made effective April 6, 1981.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 60 days.

Adoption of the Amendment

Pursuant to the President's memorandum dated January 29, 1981, Amendment 39-4017, Airworthiness Directive AD 81-02-03, regarding the Puritan-Bennett Aero Systems Company, published on January 15, 1981 on page 3495, is hereby delayed as to its effectivity until April 6, 1981.

Accordingly, pursuant to the authority delegated to me by the Administrator, on page 3496, in the first column, under **DATES**, change "Effective March 20, 1981" to read "Effective April 6, 1981." Also, in the amendment to § 39.13 of Title 14 of the Code of Federal Regulations, in the line that is seventh from the top of the third column of page 3496, change "March 20, 1981" to read "April 6, 1981."

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a final regulation which is not considered to be significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This amendment is not a major rule under Sections 1.(b) and 8 of Executive Order 12291. The amendment to the AD only delays the effectivity of the rule until April 6, 1981. It is impracticable to delay this amendment to the AD, and the procedures of Executive Order 12291 are not followed.

It has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant impact on a substantial number of small entities.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on March 4, 1981.

John D. Mattson,
Director, FAA Western Region.

[FR Doc. 81-8010 Filed 3-13-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 21022; Amdt. No. 91-175]

Use of FDC Notices to Airmen To Communicate Emergency Regulatory Information and Actions Relating to FAA's Ability To Operate the Air Traffic System

Note.—This document originally appeared in the **Federal Register** for Friday, March 13, 1981. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Federal Aviation Administration.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment updates and clarifies the air traffic flight rules. It adds a new section to expressly provide that FAA Notices to Airmen (NOTAMs) are an authorized means of advising pilots and aircraft operators of the issuance of certain emergency rules and regulations, which have been adopted in accordance with the Administrative Procedure Act, when such rules and regulations are needed to ensure the FAA's ability to operate the Air Traffic Control System. The existing regulatory provisions authorizing use of NOTAMs to communicate regulatorily significant information are limited to specific situations (such as §§ 91.91, 91.102, and 91.104 of the Federal Aviation Regulations). This amendment clarifies the current process of the FAA by providing that, when emergency conditions relating to the FAA's ability to operate the Air Traffic Control System exist and are not adequately covered by the existing rules and regulations, the FAA may use regulatory ("FDC" coded) NOTAMs to advise pilots and aircraft operators of air traffic rules which have been adopted by the Administrator. FDC NOTAMs provide a timely means for communicating the existence of immediately effective rules from shortly after those rules have been issued until the FAA is able to publish them in the **Federal Register**. Those emergency rules (including, as appropriate, air traffic requirements, restrictions, or conditions) remain in effect as specified in the rule for the duration of the emergency unless sooner modified or revoked by the

Administrator. This amendment does not address the issues raised by FAA Notice No. 80-19, which are being deferred pending further consideration.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 13, 1980, the FAA published Notice No. 80-19 proposing to provide in the air traffic flight rules a new section expressly indicating the current FAA process of issuing "regulatory" Notices to Airmen (FDC NOTAMs) to communicate information of regulatory significance to those directly affected (45 FR 75099). While the proposal dealt primarily with internal FAA procedure and management and did not itself propose to establish any new requirement or burden on pilots or aircraft operators, it was published in notice form to receive public comment on the matter in conjunction with the potential use of FDC NOTAMs in certain situations. Under the proposal in Notice No. 80-19, FDC NOTAMs would be used, for example, if the Administrator finds it necessary to activate the National Air Traffic Control Contingency Plan (which was also published in draft form for public comment at 45 FR 75100). The basic objective of the Contingency Plan is to maximize the number of aircraft, people, and cargo that can be safely accommodated with the reduced air traffic control work force. If the Contingency Plan is activated, in whole or part, the FAA will be making every effort to ensure the continued movement of aircraft to the fullest extent practicable consistent with maintaining flight safety in light of available resources to staff the Air Traffic Control System. However, the proposed rule was independent of the draft contingency plan and addressed other situations in which the adoption of immediately effective flight rules or critical flight information must be promptly communicated to pilots and aircraft operators in the interest of flight safety. Contrary to the views of many commenters, it did not propose to expand the authority of the Administrator in fulfilling the statutory responsibility to provide for the safe and efficient use of the navigable airspace and navigation facilities. The intent of the proposal was to update and clarify the current practice and procedure for using FDC NOTAMs as an effective means of immediately communicating legally adopted emergency rules and regulations. FDC NOTAMs are used when the publication of the emergency rules in the Federal Register as a condition precedent to their becoming effective would unreasonably delay the effectivity of a safety requirement. The FDC NOTAMs are not themselves regulations; they merely communicate information, including essential information concerning regulations already adopted by competent FAA authority. However, in response to public comment on the notice and based on further consideration of the proposal, the FAA has concluded that the instant rule should be limited to emergency actions relating to the FAA's ability to operate the Air Traffic Control System safely and efficiently when existing rules are inadequate to respond to emergency conditions.

Discussion of the Rule in Light of Comments on Notice No. 80-19

For a better understanding of this rule, the following discussion summarizes a number of concerns expressed in response to Notice No. 80-19. Forty-nine public comments were received. The FAA's preliminary review of those comments identified considerable objection to the perceived nature and effect of the use of NOTAMs to advise the public of emergency rules. Those views and resulting suggestions indicate they may be based upon a misunderstanding of the intent and purpose of the proposal. Thus, they will require further review and evaluation to provide adequate and responsible disposition of them. Since the potential exists for disruption of the FAA's ability to operate the Air Traffic Control System at current levels, however, the FAA must be prepared to respond to conditions which might develop with appropriate administrative and regulatory action. Accordingly, it has been determined necessary to adopt a regulation to ensure that pilots and aircraft operators are provided timely notice of any emergency air traffic rules or regulations that may be issued in response to those conditions.

Almost all commenters felt that the FAA already has adequate authority to act in an emergency thereby making the proposed rule unnecessary. The FAA agrees that it has broad authority to respond to an emergency affecting flight safety; however, the adoption of regulatory provisions indicating how the FAA's authority will be exercised and how it will communicate its emergency actions to affected persons is necessary. This amendment does not create or confer on the FAA any new substantive regulatory authority; instead, this amendment deals with process. That is, this amendment codifies in the air traffic rules a principal means by which the necessary regulatory actions are communicated to affected persons pending publication of the rules involved in the Federal Register. Any emergency procedures and resulting actions taken by the FAA will comply fully with the Federal Aviation Act of 1958, as amended (the "FA Act"), and the Administrative Procedure Act (5 U.S.C. 551-553). The FA Act gives the FAA Administrator the authority to respond to an emergency and to issue appropiate rules. The authority to prescribe air traffic rules and to designate that airspace in which those rules apply is governed by § 307 of the FA Act which also requires compliance with the Administrative Procedure Act in promulgating those rules. Notice No. 80-19 did not propose to deviate from the FAA's lawful process but simply proposed to codify in the regulations a means by which the FAA communicates emergency, immediately effective, regulatory requirements that will have already been issued by the Administrator. The NOTAM is not the regulation but its message would provide official notice of the adoption of an immediately effective, emergency rule or regulation and the essential information concerning the content of the regulation involved. Telegrams and telephone calls and other forms of nonregulatory communciation may also be used to effect that communication; the proposal in Notice No. 80-19 and this rule concern only the NOTAM system of communication because it is used consistently, though not exclusively, by the FAA in emergencies under the current rules. Thus, any emergency rules so issued would, owing to the need for flexibility and for wide, reliable, and timely distribution, be communicated through the NOTAM system, in the manner currently described in Paragraph 294 of the current Airman's Information Manual (AIM).

The instant rule indicates the FAA's use of FDC NOTAMs as discussed in the AIM. Therefore, the FAA is not expanding its authority but is merely clarifying the regulatory status of FDC NOTAMs for the purposes covered by the rule and the distinction between them and other "informational" but nonregulatory NOTAMs carried in the NOTAM system. The rule is similar to the FAA's other expressed provisions for regulatory NOTAMs concerning

certain air traffic rules, such as §§ 91.91, 91.102, and 91.104 of the Federal Aviation Regulations.

Any NOTAM issued pursuant to § 91.100 will reference that section and provide information concerning the effect of the emergency regulation. Persons with knowledge of the regulatory requirements would be required to comply as provided by law. Subsequent publication of the regulation in the **Federal Register**, will provide constructive legal notice of the emergency regulation to all persons who may not have received the NOTAM or otherwise have legal notice of the adoption of that regulation.

Most commenters expressed concern about potential abuse of the proposed rule in its future application. They felt that the proposed rule could facilitate circumvention of the normal rulemaking process and its safeguards. As previously indicated, however, the FAA will comply fully with the FA Act and Administrative Procedure Act in taking the regulatory actions under the stated emergency conditions. Of course, notice and public procedure would not precede emergency actions because of the time needed to complete that process and because one or more of the exceptions to the requirement to propose rules for public comment before their adoption do not apply to such emergency rulemaking. With regard to the instant rule, it is the FAA's intent only to ensure the integrity of the operation of the Air Traffic Control System during emergency conditions. Thus, the commenters' concerns do not apply to it. However, to eliminate any misunderstanding concerning the purpose of the rule and its scope, it has been written to expressly limit its application to emergency conditions relating to the FAA's ability to operate the Air Traffic Control System and to clarify the effect of the NOTAM. The broader aspects of the rule proposed in Notice No. 80–19 will be considered in the disposition of that notice. Accordingly, the rule being issued herein as a Federal Aviation Regulation is narrower in scope than that originally proposed in Notice No. 80–19. The instant rule also reflects the recommendation of commenters who advocated disassociation of the proposal in the notice from the National Air Traffic Control Contingency Plan.

Some commenters objected to the proposal on the basis that there is no documented need for such a rule. However, a specific emergency condition need not have previously occurred and be documented before rules are developed relating to how the FAA will respond to such an emergency. A failure to anticipate the potential need for emergency actions would not be responsive to the FAA's responsibility to provide flight safety and operate the Air Traffic Control System. A need for contingency planning and providing the means for implementing those plans when necessary is clear. This amendment responds to that part of the need when the Administrator has cause to issue emergency rules concerning the FAA's ability to operate the Air Traffic Control System and, in accordance with the established practice and the proposed rule, communicates them through the NOTAM system. As with other rules providing for regulatory NOTAMs, the proposal recognizes the potential for unusual conditions or events wherein the existing rules do not provide adequate levels of safety in air transportation. In such events (or emergencies), the regulatory significance of such NOTAMs should be expressly provided in the rules.

Some commenters objected to the proposal in Notice No. 80–19 on the basis that the FAA's NOTAM system, to varying degrees, is either ineffective or inappropriate for conveying information of regulatory significance to affected persons. There may well be room for improving the effectiveness of the NOTAM system in particular situations but deficiencies have not been identified of a magnitude that render the system unusable for its intended purposes. Several commenters offered to work with the FAA to improve the NOTAM system's effectiveness for immediately disseminating regulatory information that requires timely, reliable, and wide distribution. However, as noted, the FAA will be reviewing the methods of communicating information of regulatory significance and how to provide the most expeditious and effective means to ensure that information is provided to those affected by it. If found appropriate, additional rulemaking proceedings will be initiated to ensure a thorough public discussion of the subjects and issues involved.

One commenter agreed with the stated intent of the rule proposed in the notice but offered recommended modifications to §§ 91.100 (b) and (c), and on procedural matters. That commenter recommended that proposed § 91.100(b) be revised by deleting reference to the "efficient" use of the navigable airspace because efficiency can be preserved by the normal rulemaking processes and does not warrant emergency action. While improving efficiency does not by itself normally justify emergency action, ignoring efficiency under § 91.100 emergency rules would leave safety as the sole, not just a principal, objective of any rule or regulation issued pursuant to the new section. For example, the measures available to achieve simply the safety objectives could unnecessarily reduce efficiency in the Air Traffic Control System. However, safety, coupled with efficiency, promotes the most prudent and reasonable use of the airspace.

The commenter further recommended that § 91.100(c) be expanded to provide for annotation of NOTAMs issued under this section to reflect their authority. NOTAMs issued pursuant to § 91.100 will be identified as having been issued under that section. Under established practice, each rule, including rules communicated by NOTAM, provides a statement of its legal basis. However, the various means of communicating rules, such as NOTAMs, do not contain the authority statement published in the emergency rule. It is inappropriate to require that procedural matter in the instant § 91.100 rule.

The commenter also recommended publication of a NOTAM's substance as a notice of proposed rulemaking (NPRM) in the **Federal Register** within five working days after issuance of the NOTAM in order that it would be subjected to the normal rulemaking processes. As previously indicated, an FDC NOTAM is not a rule. It provides notice that a rule has been adopted. The FAA will publish the emergency rules, not an NPRM, in the **Federal Register**, as soon as practicable after their adoption. However, the FAA will not delay the issuance of a regulatory NOTAM under § 91.100 pending that publication. Under established procedures, the preamble to each rule not preceded by notice requests public comment on the rule and, to the extent practicable, the FAA will consider comments received in evaluating whether the rule should be modified. Further, the regulation will be published for public information even if the emergency conditions have ended and the NOTAM is cancelled before the rule is published. The timeliness of its publication must be reasonable as dictated by the prevailing conditions and publishing constraints which cannot be specified for all cases in new § 91.100. Accordingly, it would not be useful to submit to the "normal" rulemaking process an "emergency" rule that has been properly established under the unusual conditions anticipated by the laws and in accordance with those laws.

The commenter suggested the FAA publish a statement of its

responsibilities and liabilities for its actions taken under § 91.100, including any losses sustained during the emergency under the rule. Any NOTAM issued under § 91.100 would simply communciate emergency air traffic rules that have been established in accordance with the FA Act and the Administrative Procedures Act. Those rules will have been issued pursuant to those Acts in response to conditions which those Acts contemplated would necessitate foregoing prior notice and public participation and other routine processes suitable for nonemergency action. In such instances, the FAA, nonetheless, remains responsible for its action under established principles of law which the FAA cannot modify.

The commenter also recommended that the FAA take extraordinary measures to acquaint pilots and aircraft operators with the existence and content of § 91.100 NOTAMs. As relates to the instant rule, the FAA will make every reasonable effort to ensure availability for those FDC NOTAMs issued under the rule. The nature and extent of that effort will be tailored to the existing conditions but will not relieve pilots of their responsibilities prescribed under §§ 91.3, 91.5, and other applicable regulations.

Several commenters took exception to the FAA's determination that the proposal in Notice No. 80-19 was not significant under Executive Order 12044. The FAA continues to stand by that determination even though the Executive Order has since been revoked. It was made in accordance with established procedures and criteria to evaluate regulatory actions. The proposed action in Notice No. 80-19 involves agency procedure for communicating regulatory decisions when an emergency is found to exist. It was not an evaluation of the potential regulatory actions that may be taken in response to those emergency conditions, but an evaluation of the proposed rule which concerns one means by which emergency regulations would be communicated to those affected. Thus, the FAA considered the anticipated impact as so minimal that it did not warrant preparation of a regulatory evaluation under the Executive Order or implementing guidelines.

Synopsis of the Rule

This amendment establishes a new § 91.100 under the air traffic rules of Part 91, Subpart B. The rule does not itself create any new requirement for pilots or aircraft operators but establishes the FAA procedure for issuing regulatory (FDC) Notices to Airmen to provide information of regulatory significance relating to its ability to operate the Air Traffic Control System during an emergency. The new section, like §§ 91.91, 91.102, and 91.104, is limited to particular situations. It concerns the possible situations where the Administrator determines that an emergency exists, or will exist, relating to the FAA's ability to operate the Air Traffic Control System (including the possible activation of the National Air Traffic Control Contingency Plan). It addresses those situations in which normal flight operations under existing rules and regulations cannot be conducted at the required levels of safety and efficiency. Whenever that occurs, the Administrator, pursuant to statutory authority, may prescribe appropriate rules and regulations that govern flight operations, the use of navigational facilities, and the designation of that airspace in which the rules and regulations apply. If those regulatory requirements must be given effect before they can be published in the Federal Register, the Administrator, or his designee (the Director of the Air Traffic Service), issues a regulatory (FDC) NOTAM to immediately advise pilots and aircraft operators of the existence and import of those requirements that have been issued in the emergency rule. The NOTAMs themselves are not regulations but are the means for immediately communicating to those affected the regulatory requirements already issued under competent authority. As soon as practicable, the Administrator publishes the emergency rules in the Federal Register to achieve the constructive legal notice provided by that publication. In some cases, however, the emergency may have concluded and the rules may have been rescinded before they can be published; in that case publication will simply provide public notice of the action previously taken. The final paragraph of § 91.100 indicates that, because of the regulatory requirements already adopted by competent authority in a regulation before issuance of the FDC NOTAM, no person may operate an aircraft, or other device subject to the regulation, except in accordance with the authorizations, terms, and conditions prescribed in the regulation communicated by the NOTAM. As previously noted, a further discussion of the FDC NOTAM is contained in paragraph 294 of the Airman's Information Manual (AIM); NOTAMs are also covered by FAA Order 7930.2.

Postponement/Effective Date

This amendment to FAR Part 91 involves a matter relating to agency procedure and management of its programs and is needed to clarify the means for communicating certain emergency information of regulatory significance, including that needed in the event of the potential activation of the National Air Traffic Control Contingency Plan. Accordingly, I find that good cause exists for making it effective in less than 30 days after publication in the Federal Register and that it is excepted from postponement under the provisions of the President's Memorandum of January 29, 1981 (46 FR 11227; Feb. 6, 1981) for matters related to agency organization, management, or personnel and to emergency situations.

Adoption of the Amendment

Accordingly, Subpart B of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended effective March 13, 1981, by adding a new § 91.100 to read as follows:

§ 91.100 Emergency air traffic rules.

(a) This section prescribes a process for utilizing Notices to Airmen (NOTAM) to advise of the issuance and operations under emergency air traffic rules and regulations and designates the official who is authorized to issue NOTAMs on behalf of the Administrator in certain matters under this section.

(b) Whenever the Administrator determines that an emergency condition exists, or will exist, relating to the FAA's ability to operate the Air Traffic Control System and during which normal flight operations under this chapter cannot be conducted consistent with the required levels of safety and efficiency—

(1) The Administrator issues an immediately effective Air Traffic rule or regulation in response to that emergency condition, and

(2) The Administrator, or the Director, Air Traffic Service, may utilize the Notice to Airmen (NOTAMs) system to provide notification of the issuance of the rule or regulation.

Those NOTAMs communicate information concerning the rules and regulations that govern flight operations, the use of navigation facilities, and designation of that airspace in which the rules and regulations apply.

(c) When a NOTAM has been issued under this section, no person may operate an aircraft, or other device governed by the regulation concerned, within the designated airspace, except in accordance with the authorizations, terms, and conditions prescribed in the regulation covered by the NOTAM.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as

amended (49 U.S.C. 1340, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this document involves an emergency regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Further, in light of the potential disruption of the FAA's ability to operate the Air Traffic Control System, this amendment provides the procedural basis for timely communicating certain regulatory information and actions in the event of activation of the National Air Traffic Control Contingency Plan or the adoption of similar regulatory actions, which require immediate action. Thus, it is an emergency nonmajor regulation under Executive Order 12291 and the President's Memorandum of January 29, 1981. There are no cost impacts associated with this regulation since it is only procedural. Regulations which are distributed in accordance with the procedures in this amendment will be evaluated individually, as appropriate, to determine whether they have cost impacts.

Issued in Washington, DC, on March 9, 1981.

Charles E. Walthoner,

Acting Administrator.

[FR Doc. 81-7980 Filed 3-12-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Parts 804 and 805

Foreign Direct Investment in the United States Survey Regulations and Preliminary Survey of International Leasing Transactions in 1975

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule; revocation.

SUMMARY: 15 CFR Parts 804 and 805 are hereby revoked. This action is taken to consolidate the regulations and to remove reporting requirements of the Bureau of Economic Analysis (BEA) that were for one-time surveys.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230 (202-523-0657).

SUPPLEMENTARY INFORMATION: Because these parts, when in effect, imposed a burden on the public and provided for one-time surveys, it is not deemed necessary to seek comments from the public as to whether they should be revoked.

Part 804—*Foreign Direct Investment in the United States Survey Regulations,* was issued pursuant to the Foreign Investment Study Act of 1974 (Public Law 93-479) which called for a study which was to be completed in 18 months, with no provision for a continuation.

Part 805—*Preliminary Survey of International Leasing Transactions in 1975,* was issued pursuant to the Bretton Woods Agreements Act (22 U.S.C. 286f) and Executive Order 10033. The rules provided for a preliminary survey of international leasing transactions to determine if they were of such a magnitude as to warrant a regular reporting program. The results indicated that they were not and no follow-on survey was initiated.

Notice of the intention of BEA to delete 15 CFR 804 and 805 has previously been published with the Department of Commerce Semiannual Agenda of Regulations required by Executive Order 12044.

The public should note that the revocation of the rules concerning foreign direct investment in the United States as contained in Part 804 in no way effects the regulations contained in 15 CFR Part 806 concerning direct investment surveys—of both U.S. direct investment abroad and foreign direct investment in the United States.

PARTS 804 AND 805 [REMOVED]

Therefore, Title 15 of the Code of Federal Regulations is amended by removing Parts 804 and 805.

The Authority citations for Parts 804 and 805 are: The Foreign Investment Study Act of 1974 (Pub. L. 93-479), and The Bretton Woods Agreements Act, (22 U.S.C. 286f), and E.O. 10033, respectively.

Dated: March 10, 1981.

George R. Kruer,

Chief, International Investment Division.

[FR Doc. 81-8014 Filed 3-13-81; 8:45 am]

BILLING CODE 3510-08-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Dockets C-2868 and C-2869]

Revlon, Inc., et al. and Deluxol Laboratories, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order, among other things, reopens the proceeding and modifies the Commission order issued on January 3, 1977, 42 FR 17106, 89 F.T.C. 1, by amending Paragraph IA4 to permit conditioning and manageability claims with proper substantiation.

DATES: Decision issued Jan. 3, 1977. Modifying order issued Feb. 24, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523-3727.

SUPPLEMENTARY INFORMATION: In the Matters of Revlon, Inc., et al. and Deluxol Laboratories, Inc., et al. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

The Order Granting Request To Reopen the Proceeding and Modifying Order To Cease and Desist is as follows:

Revlon, Inc., on behalf of itself and its subsidiaries Revlon-Realistic Professional Products, Inc. and Deluxol Laboratories, Inc., having requested on December 4, 1980 that the Commission reopen the proceedings in Dockets C-2868 and C-2869 for the purpose of modifying the Order to Cease and Desist entered in those dockets; and

The Commission having placed such request, together with supporting documents attached thereto, upon the public record for a period of thirty (30) days, pursuant to Section 2.51 of its Rules; and

The Commission having duly considered the comments filed thereafter by interested persons; and

The Commission being of the opinion that the public interest would be served by such reopening of the proceedings;

Now, therefore, it is ordered that the proceedings in Dockets C-2868 and C-2869 be, and they hereby are, reopened; and

It is further ordered that the Order in Dockets C-2868 and C-2869 be modified by amending Paragraphs IA4 as follows:

"4. Any hair straightening product conditions or helps condition or improves condition of hair or makes or helps make hair more manageable, unless, at the time the representation is made, respondents have in their possession a reasonable basis, consisting of competent and reliable controlled tests, to support such representation."

It is further ordered that the foregoing modifications shall be effective upon service of this order.

Issued: February 24, 1981.

By direction of the Commission.
Carol M. Thomas,
Secretary
[FR Doc. 81-8037 Filed 3-13-81; 8:45 am]
BILLING CODE 6760-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 203, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242, 244

[Docket No. R-81-914]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the HUD/FHA maximum interest rates on insured home and multifamily loan programs. This action by HUD is designed to bring the maximum interest rate loans into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202-426-4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 13.50 percent to 14.00 percent for level payment insured home mortgage programs (including operative builder home loans programs), and from 14.00 percent to 14.50 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs, the maximum interest rate has been raised from 13.50 percent to 14.00 percent for permanent financing loans.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after March 9, 1981.

* * * * *

2. Section 203.45 paragraph (b) is revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rates shall not exceed 14.50 percent per annum with respect to mortgages insured on or after March 9, 1981.

* * * * *

3. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.50 percent per annum with respect to mortgages insured on or after March 9, 1981.

* * * * *

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

4. Section 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

5. Section 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

6. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after March 9, 1981.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

7. Section 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

8. Section 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

9. Section 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirement—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

10. Section 232.560 paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 14.00 percent per annum with respect to loans insured on or after March 9, 1981.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

11. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after March 9, 1981.

* * * * *

12. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate will not exceed 14.50 percent per annum with respect to mortgages insured on or after March 9, 1981.

* * * * *

13. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.50 percent per annum with respect to mortgages insured on or after March 9, 1981.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

14. Section 235.540(a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after March 9, 1981.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

15. Section 236.15(a) is revised to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

16. Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans insured on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to

and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

17. Section 242.33(a) is revised to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

18. Section 244.45(a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after March 9, 1981, which rate shall not exceed:

(1) 14.00 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

(Sec. 3(a), 82 Stat. 113; 12 USC 1709-1; Section 7 of the Department of Housing and Urban Development Act, 42 USC 3535(d))

Issued at Washington, D.C., March 9, 1981.

George O. Hipps, Jr.,

Acting Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-7983 Filed 3-13-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1777-5]

Approval and Promulgation of Implementation Plans; Michigan Revision; Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Correction of final rulemaking.

SUMMARY: On December 24, 1980 (45 FR 85004), the U.S. Environmental Protection Agency (EPA) announced final rulemaking to approve a revision to the Michigan State Implementation Plan (SIP) for the Consumers Power Company's J. H. Campbell Plant. There was an error in the codification of the SIP revision. This notice corrects the error.

FOR FURTHER INFORMATION CONTACT: Richard J. Clarizio, Regulatory Analysis Section, Air Programs Branch, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On December 24, 1980 (45 FR 85004), EPA announced final approval of a revision to the Michigan SIP. The revision, in the form of a Final Order, extends from January 1, 1980 until January 1, 1985, the date by which the Consumers Power Company is required to bring sulfur dioxide (SO_2) emissions from coal-fired boilers at its J. H. Campbell plant into compliance with SO_2 regulations in the federally approved Michigan SIP. There was an error in the codification of that SIP revision on page 85005. On page 85005 of the December 24, 1980, Federal Register, the section heading for the Identification of Plan was incorrectly designated as § 52.1120. It should have been designated as § 52.1170. The purpose of today's notice is to correct that error.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This notice of final rulemaking is issued under the authority of Sections 110 and 301 of the Clean Air Act, as amended.

Dated: March 5, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-7985 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-7-FRL 1776-3]

Approval and Promulgation of Implementation Plans; Missouri

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: In the Federal Register on November 21, 1980, EPA proposed to approve a submission made by the state of Missouri showing that certain conditions involving the State Implementation Plan (SIP) have been fulfilled. These conditions were promulgated by EPA on April 9 and May 9, 1980. The conditions involved a schedule for implementing an inspection and maintenance (I/M) program for vehicle emissions control, a commitment regarding the adoption of difficult transportation control measures (TCMs), and the Missouri definition of the term "potential emissions." EPA did not receive any comments on its proposed rulemaking.

This notice advises the public that EPA is taking final action to approve the Missouri submission.

EFFECTIVE DATE: This Rule is effective April 15, 1981.

ADDRESSES: Copies of the state submission and the EPA prepared rationale document are available for inspection during normal business hours at the following locations:

Air, Noise and Radiation Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65102.

A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Wayne G. Leidwanger at 816 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Part D of the Clean Air Act, as amended. A detailed discussion of that action can be found in the Federal Register notice published on that date (45 FR 24140).

As a result of EPA's conditional approval of the SIP, the state submitted

documentation on September 9, 1980, that two conditions have been fulfilled. The submission included a schedule for implementing an inspection and maintenance (I/M) program for vehicle emissions control and a commitment involving the adoption of difficult transportation control measures (TCMs). On November 21, 1980, EPA proposed to approve the state's submission and to revoke the applicable conditions (45 FR 77053). A complete discussion of these conditions, the state's submission and EPA's proposed action can be found in the **Federal Register** notice published on that date.

On August 7, 1980, EPA published regulatory changes affecting new source review in nonattainment areas. As a consequence, a third condition, attached to EPA's approval of the Missouri SIP, was addressed by these new source permitting regulations. On November 21, 1980, EPA proposed to revoke the condition concerning Missouri's definition of the term "potential emissions." EPA noted at that time that the Missouri regulation might allow consideration of physical or operational limitations which are not federally enforceable when determining potential emissions of a source. A complete discussion of this issue can be found in the November 21 **Federal Register** notice (45 FR 77053) and in the promulgation of the condition on April 9, 1980 (45 FR 24140). In the November 21 notice, EPA stated that it believed the Missouri definition was consistent with EPA's definition. EPA also solicited comments on whether the regulation should be approved or whether some remedial action by EPA would be appropriate.

No comments were received as a result of EPA's proposed rulemaking. EPA believes all three conditions have been fulfilled. EPA is now taking final action to approve the Missouri submission and to revoke the three conditions.

Action

EPA approves the I/M schedule and the commitment to justify any decision not to adopt difficult TCMs as part of the Missouri SIP and removes the applicable conditions. EPA also removes the condition concerning Missouri's definition of potential emissions.

There are other conditions promulgated by EPA which must be addressed by the state before the Missouri SIP can be fully approved. Until all conditions are met, conditional approval of the SIP will continue.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: January 27, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart AA—Missouri

1. 40 CFR Part 52 is amended by adding § 52.1320(c)(24) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(24) A schedule for an inspection and maintenance program in St. Louis and a commitment by the East-West Gateway Coordinating Council regarding difficult transportation control measures, submitted on September 9, 1980.

§ 52.1324 [Amended]

2. Section 52.1324 is amended by removing subparagraphs (c)(1)(i), (c)(1)(iii)(C) and (c)(3)(i).

[FR Doc. 81-7987 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1776-7]

Approval and Promulgation of Implementation Plans; New Hampshire Revisions; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects the rulemaking contained in a final approval of the New Hampshire air quality monitoring network published on December 18, 1980 (45 FR 83228).

FOR FURTHER INFORMATION CONTACT: Donald P. Porteous, Air Section, EPA, Region I, 60 Westview Street, Lexington, Massachusetts 02173, (617) 861-6700.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

The following corrections are made in FR Document 80-39329(A-1-FRL 1694-5) appearing on page 83228 in the issue of December 18, 1980:

The amendatory language and paragraph designation for § 52.1520, appearing in column one on page 83228 should have read as follows:

"Under § 52.1520, Identification of Plan, add paragraph (c)(17) as shown below:

* * * * *

(c) * * *

(17) * * *"

Dated: February 12, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-7988 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-2-FRL 1761-7]

Approval and Promulgation of Implementation Plans; New York Revision; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of final rule.

SUMMARY: This document corrects a final rule which appeared on page 8461 of the January 27, 1981 **Federal Register**. The January 27, 1981 notice allowed for relaxation of sulfur-in-fuel oil requirements for certain sources located in specific parts of the Southern Tier East, Central New York, and Champlain Valley (Northern) Air Quality Control Regions of New York State. This action is necessary to further define the affected sources.

FOR FURTHER INFORMATION CONTACT: William S. Baker (212) 264-2517.

SUPPLEMENTARY INFORMATION:

The Office of Management and Budget has exempted this regulation from OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Secs. 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: February 13, 1981.

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

Correction is made in FR Doc. 81-2862 appearing on page 8461 in the issue of January 27, 1981, to revise 40 CFR 52.1670(c)(56) to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(56) Revision submitted on October 31, 1979 and supplemented on April 28, 1980 and May 20, 1980 by the New York

State Department of Environmental Conservation which grants a "special limitation" under 6 NYCRR Part 225. This "special limitation" relaxes to 2.8 percent, by weight, until December 31, 1982, the sulfur-in-fuel-oil limitation applicable to fuel burning sources which have a capacity less than 250 million BTU per hour and which are located in:

(i) The Southern Tier East Air Quality Control Region (AQCR), with the exception of all sources in Broome County.

(ii) The Central New York AQCR, with the exception of the Oswego Facilities Trust Company in Oswego County and all sources in Onondaga County.

(iii) The Champlain Valley (Northern) AQCR, with the exception of all sources in the City of Glens Falls and sources in the Town of Queensbury which have a total heat input greater than 100 million BTU per hour.

[FR Doc. 81-7001 Filed 3-13-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Parts 122, 264 and 265

[SWH-FRL 1775-7]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities; Consolidated Permit Regulations; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Notice of extension of comment period.

SUMMARY: The Environmental Protection Agency is extending the comment period on the interim final regulations for treatment, storage and disposal of hazardous waste promulgated on January 12, 1981 (46 FR pp. 2802–2982). The regulations promulgated on January 12 set forth requirements for location, closure and post-closure care, financial requirements, use and management of containers, storage and treatment in tanks, surface impoundments and piles, and content of the Part B permit applications. Additions and changes were also made to the interim status closure, post-closure care and financial requirements.

The comment deadline for the January 12 interim final rules was originally established as March 13, 1981. Due to the length and technical nature of the requirements, several commenters requested a 30 day extension of the comment period. While these requests were reasonable, the Agency must allow sufficient time between the comment deadline and the effective date of the requirements (July 13, 1981) for any necessary revisions to the requirements. Therefore, a 14 day extension of the comment period has been granted.

DATES: Comments on the interim final regulations promulgated on January 12, 1981 (46 FR pp. 2802–2982) will be accepted until March 27, 1981. Comments in response to Requests in the Preamble of the January 12 regulations will also be accepted until March 27, 1981.

ADDRESSES: Comments should be sent to the Docket Clerk [Docket No. 3004], Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: For further information contact the RCRA hazardous waste hotline, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (phone: 800-424-9346, or in Washington, D.C. 554-1404).

Dated: March 10, 1981.

G. M. Dietrich,
Acting Deputy Assistant Administrator for Solid Waste.

[FR Doc. 7982 Filed 3-13-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1772-4]

Approval and Promulgation of Implementation Plans; Vermont Revisions; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects the rulemaking contained in a final approval of the Vermont air quality monitoring network published on October 8, 1980 (45 FR 66789). Inadvertently, paragraph (c)(13) under the Identification of Plans was not included.

FOR FURTHER INFORMATION CONTACT: Donald P. Porteous, Air Section, EPA, Region I, 60 Westview Street, Lexington, Massachusetts 02173, (617) 861-6700.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 80-29434 appearing on 66789 in the issue of October 8, 1980:

The rulemaking appearing on column three, page 66789, beginning with the words "Subpart UU—Vermont" and ending with "(1) (Reserved)" is removed and replaced with the following:

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart UU—Vermont

Section 52.2370, paragraph (c) is amended by adding subparagraph (13) as follows:

§ 52.2370 [Amended]

(c) * * *

(13) A revision to the air quality monitoring network which meets the requirements of 40 CFR Part 58, submitted on March 21, 1979 by the Governor of Vermont.

2. Section 52.2382, paragraph (b) is revised by removing subparagraph (1) and redesignating subparagraphs (2) through (6) as (1) through (5).

The Office of Management and Budget has exempted this regulation from the review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Dated: December 29, 1980.

Leslie Carothers,
Acting Regional Administrator, Region I.

[FR Doc. 81-6928 Filed 3-13-81; 8:45 am]
BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct

AGENCY: United States Department of the Interior.

ACTION: Notice of Availability—Appendices C, D, E, F and G to 43 CFR Part 20.

SUMMARY: This notice announces the availability of Appendices C, D, E, F, and G which list all positions within the Department of the Interior for which statements of Employment and Financial Interests are required to be filed. These Appendices have been updated as of February 1, 1981 and have been printed as an agency document that will not be published in the **Federal Register** but which are available to the public.

EFFECTIVE DATE: February 1, 1981.

ADDRESS: Copies of the Appendices may be obtained through the Deputy Ethics Counselor for each bureau or office within the Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Gabriele J. Paone, Deputy Department Ethics Counselor, or Mason Tsai, Assistant Department Ethics Counselor, U.S. Department of the Interior,

Washington, D.C. 20240, Telephone: (202) 343–3932 or (202) 343–5916.

SUPPLEMENTARY INFORMATION: The Department of the Interior requested and received approval from the Office of Government Ethics, Office of Personnel Management, to print Appendices C, D, E, F and G to 43 CFR Part 20 as an agency document only, and at the same time announce their availability in the **Federal Register.** Notice of this arrangement was first provided with the publication of 43 CFR Part 20 as a proposed rule on October 6, 1980 (45 FR 66370). This arrangement meets administrative requirements which affect only Department employees and at the same time defrays costs of publishing in the **Federal Register.** Copies of the Appendices are on file with the Office of the Federal Register and are also available from the above address.[1]

Appendix C lists Department of the Interior positions, in addition to GS–15's for which a Confidential Statement of Employment and Financial Interests (Form DI–212) is required to be filed by Executive Order 11222. The positions in addition to GS–15's identified in Appendix C are effective for the February 1, 1981 filing date. Appendix C was approved by the Office of Government Ethics, Office of Personnel Management, in January 1981.

Appendices D, E, F and G are published to show bureaus and offices, or subunits thereof, performing functions or duties under the Federal Land Policy and Management Act (Pub. L. 94–579), the Mining in the Parks Act (Pub. L. 94–429), the Energy Policy and Conservation Act (Pub. L. 94–163), and the Outer Continental Shelf Lands Act (as amended by Pub. L. 95–372), respectively, and positions within those bureaus and offices which the Secretary has determined to be exempt from public disclosure requirements. As provided by these Acts, all officers and employees of the Department who are employed in offices or bureaus, or subunits thereof, performing functions or duties under any of the four Acts are required to file appropriate public disclosure statements unless specifically exempted by the Secretary. Such exemptions are identified in Appendices D, E, F and G are effective for the February 1, 1981 filing date.

Authorities

Appendices C, D, E, F and G to Part 20 of Title 43 of the Code of Federal Regulations are published under E.O. 11222, 30 FR 6469, 3 CFR, 1964–65 [Comp], as amended (18 U.S.C. 201 note); 5 CFR 735.104; 5 U.S.C. 301; Sec. 313, Pub. L. 94–579, 90 Stat. 2769 (43 U.S.C. 1743); Sec. 13, Pub. L. 94–429, 90 Stat. 1344 (16 U.S.C.A. 1912 (Supp. 1980)); Sec. 522, Pub. L. 94–163, 89 Stat. 962, as amended by Sec. 601(b)(2), Pub. L. 95–619, 92 Stat. 3288 (42 U.S.C. 6392 (Supp. II 1978)); and Sec. 605, Pub. L. 95–372, 92 Stat. 696 (43 U.S.C. 1804 (Supp. II 1978)).

The Appendices were compiled by Bureau and Office Ethics Counselors and consolidated by Gabriele Paone and Mason Tsai of the Department Ethics Counselor's staff.

Therefore, the text of Appendices C–G to 43 CFR Part 20 is removed from the Code of Federal Regulations. These Appendices remain in effect and are filed with the Office of the Federal Register.

Dated: March 5, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81–7994 Filed 3–13–81; 8:45 am]

BILLING CODE 4310–10–M

[1] Appendices C–G to 43 CFR Part 20 are filed with the original document.

V.46/50 MAR 16 81 UMI

Proposed Rules

Federal Register
Vol. 46, No. 50
Monday, March 16, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-AEA-78]

Alteration of Airway V-213

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a low altitude airway between Robbinsville, N.J., and Solberg, N.J., VORTACs. This airway doglegs in alignment with a maximum authorized altitude (MAA) of 8,000 feet that is required to avoid delegated airspace. The traffic that now operates on this route is essentially tower en route between Atlantic City, Newark, and other satellite airports and by designating it as an airway would reduce verbiage in spelling out this route, thereby, reducing the chance of a misunderstanding.

DATES: Comments must be received on or before March 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to:
Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 80-AEA-78, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.
The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-240), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
Charles R. Horne, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before March 30, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would extend Federal Airway V-213 (which currently terminates at Robbinsville, N.J., VORTAC) to Sparta, N.J., VORTAC via the intersection of Robbinsville 025° and Solberg, N.J., 145° magnetic radials; Solberg direct to Sparta. This route, presently undefined on the charts, is used for traffic that operates in tower controller airspace between Atlantic City, Newark, and other satellite airports. This action also proposes that a MAA between Robbinsville and Sparta be designated at 8,000 feet. The dogleg alignment of the proposed extension along with the MAA is proposed to avoid delegated airspace. This proposal, if adopted, will reduce verbiage in defining the route and will help the pilots in planning their routes through the impacted area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under V-213 after "Robbinsville" remove the period and add the following:

; INT Robbinsville 015°T (025°M) and Solberg, N.J., 135°T (145°M) radials; Solberg; to Sparta, N.J. The airspace above 8,000 feet MSL between Robbinsville and Sparta is excluded.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate. The FAA has also determined that this proposed regulation is *not* a major rule under Executive Order 12291 since the action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current.

Issued in Washington, D.C., on February 18, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-7970 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

Informal Airspace Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: This Informal Airspace Meeting is to give interested persons a chance to submit such written data, views, or arguments as they may desire to discuss the proposed Buffalo, New York TCA. The information obtained from this Informal Airspace Meeting will be given consideration during the composition of the Notice of Proposed Rule Making (NPRM). All interested individuals and groups are invited to attend but, limited to space available.

DATE: This notice announces an Informal Airspace Meeting to be held at 7:30 p.m. to 10:30 p.m. on May 12, 1981.

ADDRESS: The meeting will be held at the Maryvale High School, 1050 Maryvale Drive, Cheektowaga, New York (Jr. High Bldg. entrance to parking lot off Union Road) on the proposed Buffalo, New York Terminal Control Area (TCA) Docket No. 18606–AEA–4–BUF.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Rusch, Chief, Buffalo Towes, Federal Aviation Administration, Greater Buffalo International Airport, Terminal Building, Room 226, Buffalo, New York 716–846–5181. Office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Issued on February 26, 1981.

Everett J. Simon, Jr.,

Chief, Airspace and Procedures Branch, AEA–530.

[FR Doc. 81–7810 Filed 3–13–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–SO–6]

Proposed Designation of Control Zone and Alteration of Transition Area, Jupiter, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Jupiter, Florida, Control Zone and lowers the base of controlled airspace in the vicinity of the William P. Gwinn Airport, formerly United Technologies Airport, from 700 feet AGL to the surface. The description of Jupiter, Florida, Transition Area will be altered by changing the airport name and correcting the airport geographic location.

DATES: Comments must be received on or before April 27, 1981.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before April 27, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Jupiter, Florida, Control Zone. The existing nonfederal airport traffic control tower on the private-use William P. Gwinn Airport, formerly United Technologies Airport, meets the requirements for establishment of a part-time control zone with regular hours of operation. In order to provide the maximum level of safety, designated airspace protection to the surface is required to contain Instrument Flight Rule (IFR) operations near the airport.

It is necessary to alter the description of the Jupiter, Florida, Transition Area, to reflect the airport name change and correct the airport geographic location.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (46 FR 455), and Subpart G, § 71,181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Jupiter, Florida

Within a 5-mile radius of William P. Gwinn Airport (lat. 26°54'29" N., long. 80°19'45" W.); within 3 miles each side of the 267° bearing from the United RBN (lat. 26°54'22" N., long. 80°19'58" W.), extending from the 5-mile radius zone to 8.5 miles west of the RBN; excluding the area within a 1.5-mile radius of Citrus Ridge Airport (lat. 26°50'14" N., long. 80°17'10" W.). This control zone is effective from 0700 to 1900 hours, local time, daily.

Jupiter, Florida

"• • • United Technologies Airport (lat. 26°54'28" N., long. 80°19'38" W.) • • •" is deleted and "• • • William P. Gwinn Airport (lat. 26°54'29" N., long. 80°19'45" W.) • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation. The FAA has also determined that this proposed regulation is *not* a major rule under Executive Order 12291 since the action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a signficant impact on a substantial number of small entities.

Issued in East Point, Georgia, on February 13, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-7971 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-7]

Proposed Alteration of Transition Area, Cochise, Arizona

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed rule making.

SUMMARY: This notice proposes to alter the transition area at Cochise, Arizona, to provide additional controlled airspace for aircraft utilizing Instrument Flight Rule (IFR) departure procedures from Tucson International Airport and Davis-Monthan Air Force Base, Tucson, Arizona.

DATES: Comments must received on or before March 31, 1981.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261; telephone (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261; telephone (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. All communications received on or before March 31, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procudures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Cochise, Arizona. This action will provide controlled airspace for aircraft utilizing IFR departure routes from the Tucson area.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by redescribing the transition area as follows:

71.181 Cochise, Arizona

That airspace extending upward from 1200 feet above the surface beginning at latitude 32° 22' 30" N, longitude 110° 00' 00" W, latitude 32° 22' 00" N, longitude 109° 57' 00" W, latitude 32° 15' 00" N, longitude 109° 27' 55" W, latitude 32° 10' 00" N, longitude 109° 37' 55" W, latitude 32° 06' 50" N, longitude 109° 23' 05" W, latitude 31° 54' 00" N, longitude 109° 25' 25" W, latitude 31° 57' 05" N, longitude 109° 55' 00" W, latitude 32° 07' 00" N, longitude 109° 54' 00" W, latitude 32° 07' 30" N, longitude 110° 00' 00" W, to point of beginning.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate. The FAA has also determined that this proposed regulation is *not* a major rule under Executive Order 12291 since the action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Los Angeles, California on Februray 12, 1981.

John D. Mattson,

Director, Western Region.

[FR Doc. 81-7972 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-9]

Proposed Alteration to Transition Area, Victorville, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter the transition area west of Victorville, California, to provide additional controlled airspace for aircraft operations in the Palmdale, Edwards AFB, and George AFB areas. The additional 700-foot transition area airspace will provide uniformity of Minimum Vector Altitudes (MVAs) in this area and enhance flight operations.

DATES: Comments must be received on or before March 31, 1981.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to

the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before March 31, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Victorville, California. This action will provide controlled airspace for radar vector procedures in the Palmdale, Edwards AFB and George AFB areas.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

71.181 Victorville, California

Delete all following, "* * * north and south of TACAN, * * *" and add "and that airspace beginning at latitude 35°06'30" N., longitude 117°37'15" W., to latitude 34°52'45" N., longitude 117°17'15" W., to latitude 34°15'10" N., longitude 117°33'00" W., to latitude 34°28'00" N., longitude 117°54'45" W. to point of beginning."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate. The FAA has also determined that this proposed regulation is *not* a major rule under Executive Order 12291 since the action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current.

Issued in Los Angeles, California on February 12, 1981.

John D. Matlock,

Director, Western Region.

[FR Doc. 81-7872 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-71]

Proposed Alteration of Transition Area, Winchester, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Winchester, Va. Transition Area over Winchester Municipal Airport, Winchester, Va. The Front Royal, Virginia VORTAC has been relocated and requires revising instrument approach procedures to Winchester Municipal Airport. This alteration will provide protection to aircraft executing the revised instrument approaches which have been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before April 23, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before April 23, 1981, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Winchester, Va., Transition Area. The airport is at present overlaid by a 700-foot area which will be altered by deleting the present southwest extension and adding an area of approximately 14 miles wide and 18 miles long to the northeast of the airport.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by altering the Winchester, Virginia, 700-Foot Floor Transition Area as follows:

Delete "within 3.5 miles each side of the Front Royal, Virginia, VORTAC 223° radial extending from the VORTAC to 11.5 miles southwest of the VORTAC" and substitute the following: "Within 9.5 miles southeast and 4.5 miles northwest of the Shawnee VORTAC 042 radial extending from the VORTAC to a point 18.5 miles northeast."

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has further been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities. The FAA has also determined that this proposed regulation is *not* a major rule under Executive Order 12291 since the action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current.

Issued in Jamaica, New York, on February 12, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-7980 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Subchapter B

[Docket No. EL81-9-000]

Examination of Policies Relating to Preliminary Permits for Hydropower Projects; Extension of Time for Comments

March 10, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Inquiry; extension of comment period.

SUMMARY: On February 19, 1981, the Commission issued a Notice of Inquiry involving the Examination of Policies Relating to Preliminary Permits for Hydropower Projects (46 FR 15512, March 6, 1981). The comment period is being extended at the request of National Renewable Resources, Inc., the law firm of Spiegel and McDiarmid and the American Public Power Association.

DATE: Comments must be submitted on or before April 6, 1981.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, (202) 357-8400.

SUPPLEMENTARY INFORMATION:

On March 2, 1981, March 5, 1981 and March 6, 1981, National Renewable Resources, Inc., the law firm of Spiegel and McDiarmid and the American Public Power Association filed respective motions for an extension of time to file comments in response to the Commission's Notice of Inquiry issued February 19, 1981, in the above-docketed proceeding. These respective motions state that additional time is needed because the Commission's notice raises significant questions of law and policy which will require careful review and in-depth responses. The motions further state that additional time is required because the parties experienced certain delays in the receipt of the Commission's notice.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including April 6, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7981 Filed 3-13-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Parts 157 and 375

[Docket No. RM81-19]

Interstate Pipeline Blanket Certificates for Routine Transactions; Proposed Rulemaking

March 10, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission gives notice that it proposes to adopt regulations providing procedures for the issuance of blanket certificates of public convenience and necessity under section 7(c) of the Natural Gas Act. The blanket certificates will authorize interstate pipelines to perform various specified activities, including construction of facilities and transportation and storage of natural gas. The proposed rule would create an integrated program for authorizing interstate pipeline activities, resulting in a reduction of regulatory burdens.

DATES: Requests for oral hearing by April 27, 1981. Public hearing on May 4, 1981. Written comments by May 8, 1981.

ADDRESS: All comments and requests for oral hearing to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Robert C. Platt, Assistant Advisory Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8457;

or

Robert J. Cupina, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-9036.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Energy Regulatory Commission (Commission) is proposing a rule to modify its procedures under the Natural Gas Act for issuing certificates of public convenience and necessity to interstate pipelines. The modifications would create an integrated program under which some transactions would be authorized under a "blanket certificate" covering various defined generic actions of interstate pipelines, other transactions would be authorized under the blanket certificate only after a notice and protest procedure has been completed, while certificates for still other types of pipeline activities would continue to be issued as a result of case-specific determinations by the Commission.

Section 7 of the Natural Gas Act, 15 U.S.C. 717f, provides that no natural gas company may engage in the transportation and sale of natural gas in interstate commerce for resale, the construction of facilities to be used in those activities, or the abandonment of any jurisdictional service or facilities, prior to obtaining the Commission's approval of such activities. To carry out this statutory responsibility, the Commission has a number of different certificate programs. Some of these programs involve various generic determinations of public convenience and necessity and the issuance of so-called blanket certificates or "budget-type certificates" which permit interstate pipelines to undertake specific activities which fall within parameters established generically. Actions covered by section 7 which do not fall

within some blanket certificate program are authorized by certificates granted on a case-by-case basis.

In an effort to make the certificate process more efficient, the Commission has delegated a number of its activities to the Director of the Office of Producer and Pipeline Regulation (18 CFR 375.307). Each delegated activity requires significant time and effort by the pipeline companies and Commission staff. The Commission has also provided (18 CFR 1.32 and 157.11) for expedited hearings by the full Commission of uncontested, routine applications. In addition, § 157.7(a) provides for short-form applications where special information is not required or already has been filed with the Commission. Despite these efforts to expedite the process of considering and disposing of applications for certificates of public convenience and necessity, the Commission is of the opinion that substantial opportunities for regulatory reform remain.

One suggestion for regulatory reform of the Commission's certificate and abandonment authorization procedures was made by the Subcommittee on Regulatory Process of the Commission's Advisory Committee on Practice and Procedure. The Subcommittee strongly endorsed a new-notice and comment procedure for many of the certificates currently issued by the Commission after a case-specific determination. One of the purposes of this rulemaking is to implement that suggestion by the Commission's Subcommittee.[1]

Another purpose of this rulemaking is to provide an opportunity for a general review of the Commission's procedures for granting certificates of public convenience and necessity. Where it appears appropriate, the Commission is prepared to change the specifications and qualifications for blanket certificates. The Commission is also prepared to adjust its delegation assignments as appropriate. And, as noted, the Commission proposes to issue blanket certificates which would create a new notice and comment procedure for certain actions by jurisdictional pipelines that require certification. The Commission hopes that the end result of this rulemaking will be more streamlined and efficient procedures and specifications that reflect current economic conditions and the experience of the Commission in granting certificates. In addition, the Commission believes the proposed changes will lead to a more integrated and coherent program for granting certificates.

The Commission has divided the various actions that it certificates into three categories. The first category is routine actions by interstate pipelines that either have relatively little financial impact on the ratepayer or are routine pipeline operations and investments which are so well understood as an established industry practice that relatively little scrutiny is required to determine their compatibility with the public convenience and necessity. The second category is comprised of relatively routine actions in which various interested parties might or might not have a concern. In such cases there is a need to provide an opportunity for a closer review and possible adjudication of controversial aspects. The third category is comprised of actions with such a major potential impact on the ratepayer or which propose such non-routine and important considerations that close scrutiny and case specific deliberation by the Commission is warranted prior to the issuance of a certificate.

For the first category the Commission proposes to utilize a blanket certificate program similar to that provided in Subpart G of Part 284. For the second category the Commission proposes to utilize a notice and comment procedure similar to the Advisory Committee's proposal. For the third category the Commission proposes to continue to utilize its existing case-specific deliberation procedures as provided in the present regulations at Part 157. The Commission invites comments both upon the procedures proposed for each category and upon the classification of particular transactions into the categories.

Not all possible transactions have been addressed in this proposed rule. The areas that may be addressed in future rule makings include: (1) sales for resale between interstate pipelines, (2) modification of restrictions placed on transportation arrangements for gas sold to end-users, (3) section 311(a)(2) authorization of intrastate pipeline transportation incidental to any transaction authorized under the blanket certificate, and (4) modification of the Commission's regulations implementing sections 311 and 312 of the NGPA.

II. Summary of the Proposed Rule

Under the proposed rule, any interstate pipeline proposing to undertake certain defined categories of routine investment or operations may obtain a one-time blanket certificate of public convenience and necessity that will authorize such transactions (which are described in §§ 157.208 through 157.218).

Subject to the conditions imposed by the blanket certificate, the holder is automatically authorized to engage in the first category of transactions, without making formal application to the Commission. The certificate holder will be required to file annual reports summarizing the transactions which have been authorized under the certificate.

For actions which fall in the second category, the interstate pipeline will file a request with the Commission. The required contents of each request is significantly less than the required elements of a certificate application filed under the Commission's existing regulations. Notice of this request will be published in the Federal Register. If neither the Commission staff nor any other interested party files a protest within the specified 45-day period, the transaction is authorized under the blanket certificate.[2] If a protest is filed, the action is not authorized under the blanket certificate and must be considered in accordance with the procedures required for the third category of arrangements.

The third category of arrangements are authorized through case-specific deliberation by the Commission. As noted, the Commission would propose to utilize its present procedures for certificate proposals that fall in this category.

Section 157.206 of the proposed rule specifies the standard conditions which will pertain to any blanket certificate issued under this subpart. The intent of these conditions is to reflect the standard Commission practice regarding such policy issues as the treatment of production-related costs and allocation of costs to the transportation of liquids and liquefiable hydrocarbons. On other important matters, such as environmental considerations and disposition of revenues, a uniform set of criteria will be imposed in order to reconcile the Commission's case-specific statutory obligations with the scope of the generic authorization embodied in the blanket certificate.

[1] While the proposed rule would not implement the suggestions of the subcommittee in their entirety, the blanket certificate procedure would implement most of the suggestions, and where variations are proposed, the Commission contemplates that the public interest would be better served by assuring that essential information is available at the time of filing so that unnecessary protective interventions or protests can be avoided.

[2] Temporary certificates would also continue to be available to interstate pipelines requiring immediate authorizations in emergency situations. In cases where a pipeline cannot wait for the 45-day notice period, the pipeline may file a case-specific application accompanied by a request for a temporary certificate.

One of the issues considered by the Commission in preparing this proposed rule was what procedures are appropriate in a case where facts are called to the Commission's attention which indicate that a request contained an untrue statement of material fact or omitted a statement of material fact which renders the request misleading. If such untrue statements or omitted facts occur in the environmental portions of a request, prompt Commission action may be necessary in order to prevent environmental damage. The Commission believes that its existing enforcement authority is sufficient to handle any such instance. However, the Commission invites public comment upon whether a specific termination procedure should be added as a standard certificate condition.

III. Authorized Transactions

The division of the Commission's certificate caseload into the three categories discussed above is summarized in the following table:

Category	Self-implementing procedure	Prior notice procedure	Case by case review procedure
Construction and then operation of facilities	Projects costing less than $3.5 million [1]	Projects costing between $3.5 and $10 million	Projects costing more $10 million.
End user transportation	Up to 5 yr if eligible under order No. 2 or 27, and other programs authorized in the future.	Greater than 5 yr	Transportation to end-users outside the "Qualified end-user definition."
Transportation of system supplies	None (see order No. 60)	If on behalf of an interstate pipeline, intrastate pipeline or distribution.	None.
Sales for resale	(To be cured by separate rulemaking)		
Sales taps	Right of way grantor, subject to a 200 million Btu per day limit.	Other sales taps, if within certificate entitlements.	None.
Change in delivery points	None	If change is between rate zones	None.
Contract storage service	Up to 2 yr under commission approved rate schedule.	In excess of 2 yr	If no commission approved rate schedule on file.
Change in storage capacity	None	If no new facilities are required	If new facilities are required.
Abandonments	Gas supply facilities if producer abandonment obtained or unnecessary.	Sales taps or lateral lines, if all customers consent.	If customers do not consent or producer certificate is outstanding.
Change in rate schedules	Volumetric limits not increased	None	If volumetric limits increased.
Name change	Customer's name, if the result of reorganization or acquisition.	None	None.

[1] Subject to an annual limit which varies between $1 million and $36 million depending upon the size of the pipeline. These limits escalate with the implicit GNP deflator.

A. Construction, Acquisition and Operation of Facilities

At present, various types of minor transactions, most of them involving the construction and operation of facilities are authorized under the "budget-type" certificate program set forth in § 157.7, paragraphs (b) through (g). The regulations authorize four kinds of transactions so long as the cost of constructing the facilities for each transaction does not exceed certain monetary limits. The four types of transactions presently authorized include: construction of facilities for attaching gas supplies, testing and development of underground storage, abandonment of direct sales measuring stations, and miscellaneous facility rearrangements. Under present regulations, a separate "budget-type" certificate must be obtained for each category of construction or abandonment. In addition, in three of the categories, certificate applications must be refiled each year.

The proposed procedure presents advantages over the budget-type certificate program because it simplifies the certification process and authorizes the construction of a greater range of facilities. Under the proposal only one certificate would be required to authorize the construction and operation of any minor facility so long as the certificate holder does not exceed certain cost limitations. A "minor facility" is any jurisdictional facility in the gas transmission system except for the main line, an extension of the main line, or a facility which alters the capacity of a main line.

If the cost of the facility does not exceed $3,500,000, the construction and operation of the facility is automatically authorized. The authorization to automatically construct facilities is also subject to an annual limit which is the lesser of $36,000,000 or 3% of the certificate holder's net plant. A company with less than $33.3 million in its net gas plant account may construct facilities having a total annual cost of up to $1,000,000. However, upon application this annual limit may be waived. Facilities which exceed $3,500,000 but not $10,000,000 may be authorized under the blanket certificate but are subject to the notice procedure. (The $3,500,000, $10,000,000 and $36,000,000 limits will be adjusted annually to reflect inflation.) For any year in which minor facilities are constructed under the authority of the blanket certificate, the certificate holder must file an annual report concerning the facilities constructed.

Because the proposed blanket certificate authorizes the construction and operation of everything that could be authorized under a budget-type certificate and reduces the procedural burdens imposed during the certificate process, the Commission proposes to eliminate the budget-type certificate program when the blanket procedure becomes effective. The terms and conditions of any outstanding budget-type certificate would remain effective. However, upon adoption of a final rule in this docket, the Commission would no longer accept applications for budget-type certificates. Moreover, each blanket certificate holder would be required to surrender any outstanding budget-year certificate as a condition of accepting a blanket certificate.

B. Transportation

The proposed rule authorizes transportation services for both the system supply of other pipelines and distributors as well as for certain individual end-users.

1. *End-user transportation.*—The Commission has a number of separate end-user transportation programs under Order Nos. 2, 27 and 30, for different categories of end-users. Section 2.79, promulgated by Order No. 2, permits interstate pipelines to transport gas sold by producers to certain commercial, process and feedstock users. Subpart E of Part 157, promulgated by Order No. 27, permits interstate pipelines to transport gas to schools, hospitals, and essential agricultural users. Subpart F of Part 284, promulgated by Order No. 30, authorizes the transportation of fuel oil displacement gas. The eligibility criteria and certificate conditions are different for each program. Except for certain Order No. 30 transaction,[3] the regulations under each program require separate certification for each transaction. Under the proposed rule, any end-user who is eligible to participate in the Order Nos. 2, 27 and 30 programs would be able to obtain

[3] Order No. 30, in § 284.202 does authorize certain transportation on a generic basis under section 311(a)(1) of the NGPA.

pipeline transportation of the end-user's natural gas under the blanket certificate. The blanket certificate would eliminate the need for separate certification of each transaction. Transportation of end-user owned gas for periods greater than five years duration would be subject to the notice procedure. Regardless of whether authorized automatically or after the notice procedure, all transportation arrangements for end-users would be subject to the current eligibility criteria and end-use restrictions of Order Nos. 2, and 27 or such other programs as may be prospectively designated.[4]

2. *Transportation for system supplies.*—The current blanket certificate program promulgated by Order No. 60 and contained in Subpart G of Part 284 authorizes the transportation of natural gas by an interstate pipeline on behalf of any other interstate pipeline. At Subpart B of Part 284 certain transportation of gas by any interstate pipeline on behalf of any intrastate pipeline or any local distribution company is authorized under section 311(a)(1) of the NGPA. Both of these authorizations are limited to transactions involving two years or less. The Commission intends to retain both the Order No. 60 blanket certificate program and the self-implementing transportation authorizations under section 311(a). However, the proposed rule would give a holder of a blanket certificate the additional option (after following the notice procedure) of entering into certain transportation arrangements which will extend beyond two years. Such transportation may not require additional capacity and the gas transported must ultimately become a part of the system supply of a pipeline or distributor.

C. Sales for Resale

The Commission will consider in a separate rulemaking whether or not sales for resale between interstate pipelines for system supplies should be authorized under the blanket certificate program proposed under this rulemaking. At this time the Commission simply proposes to reserve a section for sales for resale between interstate pipelines.

D. Sales taps

1. *Right-of-way grantors.* The present policy of the Commission is to routinely approve, through normal certification procedures, the construction and operation of sales taps[5] for the delivery of relatively small volumes of gas to right-of-way grantors if the tap is permitted as consideration for a right-of-way easement obtained by the certificate holder.[6] The proposed blanket certificate would authorize automatically such sales taps so long as the gas at each tap to be delivered does not exceed 200 MMBtu per day.

2. *Existing customers.* Under existing regulations, an interstate pipeline must also obtain a certificate for each sales tap it constructs to serve other customers as well as right-of-way grantors. The Commission reviews both the end-use of the gas and the proposed sales price before authorizing the construction of a tap. If the end-use and price are appropriate, taps for existing customers are routinely approved. Under the proposed rules, construction of new taps to connect existing customers of the certificate holder are authorized subject to the notice procedure.

E. Changes in Delivery Points

At present, the Commission gives case-by-case consideration to applications for certificate amendments authorizing new delivery points or reassignment of delivery points. These amendments are routinely authorized. Proposed § 157.212 authorizes (subject to the notice procedure) a certificate holder to add new delivery points or reassign volumes between delivery points. The total volumes to be delivered to the customer may not exceed the volumes previously authorized. The change is not authorized if it is prohibited by the certificate holder's tariff or if the certificate holder does not have sufficient capacity to accomplish the deliveries without detriment or disadvantage to other customers.

F. Performance of Storage Service

The Commission routinely authorizes pipelines to provide storage service where such service does not exceed the pipeline's existing capacity. However, under the present regulations such authorization must be obtained through normal certification procedures each time the pipeline proposes to provide such service. Proposed § 157.213 provides blanket authorization for the certificate holder to provide storage service if the storage service is within the certified storage capacity of the certificate holder, the term of the service does not exceed two years and, the rate for the service is covered by an effective rate schedule. Any such storage arrangement which exceeds two years may be authorized but is subject to the notice procedure.

G. Increase in Storage Volumes

Proposed § 157.214 authorizes the certificate holder to provide for the storage of additional volumes of natural gas so long as the certificate authorized the operation of a storage field, and the additional storage will not exceed the physical limitation of the facility and will not require the construction of additional facilities. Such authorization is subject to the notice procedure. Most problems which arise with respect to the storage of additional volumes in an existing facility concern the safety of providing such additional storage. Therefore, in requesting authorization for additional storage the certificate holder must submit information which reflects the facility's ability to store additional volumes. In addition the certificate holder must submit a semi-annual report containing information pertinent to the safety of the storage facilities.

H. Underground Storage Testing

Section 157.7(d) of the Commission's existing budget-type certificate regulations authorize a testing and development of underground storage fields for a term of three years. The authorization provided in § 157.7(d) are carried forward in § 157.215. Because of the perpetual term of the blanket certificates, the three year time limit and $3,000,000 limit contained in § 157.7(d) have been dropped. Under proposed § 157.215, the certificate holder may test and develop any number of proposed storage fields, so long as no more than $1,000,000 is spent on such testing during any given year.

I. Abandoment

The Commission routinely authorizes pipelines to abandon gas supply facilities where the sales have already terminated and any necessary abandonment was obtained. Again, these transactions must presently be authorized on a case-by-case basis pursuant to the normal abandonment procedure. Proposed § 157.216 authorizes abandonment of gas supply facilities and service if the seller has been authorized to abandon the sale or the sale has ceased and has been removed from the Commission's abandonment jurisdiction by operation of section 001(a)(1) of the NGPA. The

[4] The Order No. 30 program automatically expires on May 31, 1981.

[5] A sales tap consists of the incidental facilities necessary to serve a new customer from the certificate holder's existing line. It includes meters and connecting pipe.

[6] Opinion No. 773, issued August 13, 1976, in Docket No. CP75-333.

authority to abandon these facilities is automatic under the blanket authorization. Sales taps or lateral and related facilities may be abandoned subject to the notice procedure if all buyers currently served through the tap or lateral line consent to the abandonment. Buyers currently served do not include customers which have ceased to exist.

J. Changes in Rate Schedules

The Commission has routinely amended certificates to permit an existing customer to change from one rate schedule to another. Proposed § 157.217 automatically authorizes the certificate holder to shift purchases of an existing customer from one rate schedule to another. Such changes are authorized if they have the effect of not changing the total volumetric limitations on deliveries for that customer and must be consistent with the terms of effective tariffs.

K. Changes in Customer

Finally, the Commission also routinely approves amendments to outstanding certificates to reflect customer name changes. Proposed § 157.218 automatically authorizes amendments in outstanding certificates to reflect the change in the name of an existing customer if the name change is a result of corporate reorganization or acquisition. Where the customer's name changes for other reasons the authorization of the amendment is subject to the notice procedure. Because the Secretary of the Commission is already authorized to change the name of a certificate holder under § 375.302(a), no corresponding authority is needed under the blanket certificate.

IV. Environmental Issues

An environmental assessment of the proposed rulemaking is being prepared by the Commission's environmental staff. This assessment will identify the significance of any potential environmental impact which might result from transactions which would be authorized under the blanket certificate. The environmental assessment will provide the basis for determining the need to prepare an environmental impact statement (EIS) prior to the issuance of the final rule.

Full consideration will be given to the type of projects and actions allowed under the self-implementing and notice procedure authorizations and to the proposed standard environmental compliance conditions and environmental reporting requirements proposed in the rulemaking. The assessment will evaluate direct environmental effects that may occur from authorizing transactions such as construction of facilities proposed in §§ 157.208 and 157.211 as well as secondary effects that might arise from non-construction transactions authorized in §§ 157.209, and 157.212 through 157.218.

Any person who wishes to submit comments on environmental issues should provide a detailed explanation which address each specific environmental concern and the reason each concern is felt to be a significant issue. This information will be helpful to the staff in developing an environmental record in this rulemaking, and will be incorporated in the Commission's scoping process should an EIS be prepared.

V. Certification of No Significant Economic Impact on Small Businesses

The Regulatory Flexibility Act (RFA)[7] requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact of a substantial number of small entities."

Pursuant to section 605(a) of the RFA, the Commission finds that the provisions of the Act do not apply to this rulemaking. If promulgated, this rulemaking would simplify the procedures under which interstate pipelines may obtain certificates authorizing routine transactions. The budget-type certificate regulations were promulgated for similar purposes 24 years ago. The characteristics of the participants in the budget-type certificate program reflect the nature of the interstate pipeline industry. With five exceptions, only Class A pipeline companies[8] have participated in the program. Of the five exceptions, only two were not affiliated with a major natural gas company. Because the nature of the budget-type certificate program and the proposed blanket certificate program are similar, the nature of the participants in each program should also be similar. Therefore, the Commission believes that very few, if any, of the interstate pipelines which will participate in this program will be small entities.

As such, this rulemaking does not impose any regulatory or administrative burdens upon a significant number of small entities, nor does it require an expense of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

[7] 5 U.S.C. 601–602 (Pub. L. 96-345, September 19, 1980).

[8] To be classified as Class A company, the company's should have annual gas operating revenues of $2,500,000 or more and maintain that level for three consecutive years. (See Part 201, Uniform System of Accounts for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class A and Class B); General Instructions.

VI. Public Comment Procedure

A. Written Comments

Interested persons are invited to submit written comments, data, views, or arguments with respect to this proposal. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM81–19. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, May 8, 1981, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during regular business hours.

B. Public Hearing

A public hearing on this proposed rule will be held on May 4, 1981, beginning at 10:00 a.m. EST at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The exact location will be posted at the Commission on the morning of the hearing. Interested persons may also obtain this information by calling the Office of the Secretary of the Commission.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, no later than seven days prior to the hearing. Requests should reference Docket No. RM81–19, and should indicate the amount of time required for the oral presentation, and the telephone number at which the person making the presentation can be reached. Persons participating in the public hearing should, if possible, bring 50 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Division of Public Information three days before the hearing and will be available at the site of the hearing on the morning it is convened.

The hearing will not be of a judicial or evidentiary type. There will be no cross-examination of persons presenting

statements. However, the panel may question such persons and any interested person may submit questions to the presiding officers to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available in the public file for this proceeding, Docket No. RM81-19 in the Commission's Division of Public Information.

(Natural Gas Act, 15 U.S.C. 717; Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350, 15 U.S.C. 3301])

Accordingly, the Commission proposes to amend the regulation in Part 157, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By Direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 157—[AMENDED]

1. Part 157 is amended in the Table of Contents by adding Subpart F to read as follows:

Subpart F—Interstate Pipeline Blanket Certificate and Abandonment Authorization Under Section 7 of the Natural Gas Act for Routine Transactions

Sec.
157.201 Applicability.
157.202 Definitions.
157.203 Blanket certification.
157.204 Application procedures.
157.205 Notice procedure.
157.206 Standard conditions.
157.207 General reporting requirements.
157.208 Construction and operation of facilities.
157.209 Transportation.
157.210 Sales for resale [Reserved].
157.211 Construction and operation of sales taps.
157.212 Changes in delivery points.
157.213 Storage services.
157.214 Increase in storage capacity.
157.215 Underground storage testing and development.
157.216 Abandonments.
157.217 Changes in rate schedules.
157.218 Changes in customer name.

Authority: Natural Gas Act, 15 U.S.C. 717, Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350, 15 U.S.C. 3301.

2. Part 157 is amended by adding a new Subpart F to read as follows:

Subpart F—Interstate Pipeline Blanket Certificate and Abandonment Authorization Under Section 7 of the Natural Gas Act for Routine Transactions

§ 157.201 Applicability.

(a) *Scope.* This subpart establishes a procedure whereby any interstate pipeline may obtain a blanket certificate authorizing certain routine construction and operation of facilities, transportation, and sales arrangements under section 7 of the Natural Gas Act. Each blanket certificate also authorizes certain routine certificate amendments and abandonments.

(b) *Who may apply.* This procedure is only applicable to interstate pipelines.

(c) *Cross-references.* For other blanket certificate authorizations applicable to interstate pipelines and certain local distribution companies, see Subpart G of Part 284 of this chapter.

(d) *Availability of case-specific certificates.* Nothing in this subpart shall preclude an interstate pipeline from proceeding under any other provision of the Commission's regulations to obtain Commission approval of abandonments or a temporary or permanent certificate of public convenience and necessity or from proceeding under section 311(a)(1) of the NGPA regarding transportation service if applicable.

§ 157.202 Definitions.

For the purposes of this subpart:

(a) Terms defined in the Natural Gas Policy Act of 1978 shall have the same meaning for the purposes of this subpart as they have under the NGPA.

(b) "Certificate holder" means any interstate pipeline with an effective blanket certificate issued pursuant to this subpart.

(c) "Gas supply facilities" means minor, routine facilities subject to the Natural Gas Act jurisdiction of this Commission, which are necessary to connect the system of an interstate pipeline company, or the system of another pipeline company authorized to transport gas for or exchange gas with an interstate pipeline company to natural gas supplies destined for the system supply of an interstate pipeline company.

(d) "Main line" means the principal transmission facilities of a pipeline system to market areas and does not include small diameter lateral or gathering lines.

(e) "Minor facility" means any facility except a main line of a transmission system, or an extension of a main line; a facility, including compression, which alters the transmission capacity of a main line system; or facilities required to develop an underground storage field or to store gas above ground in either a gaseous or liquid state. "Facility" shall not be interpreted to include any item described in § 2.55 of this chapter.

(f) "NGPA" means the Natural Gas Policy Act of 1978.

(g) "Project" means a unit of improvement or construction which upon completion is functional without any further construction of facilities.

(h) "Project cost" means the total actual cost of constructing a project. In the case of a project constructed jointly by more than one interstate pipeline, the project cost is the total cost, irrespective of the amount paid by each pipeline.

(i) "Right-of-Way grantor" means a person who grants a right of way easement to the certificate holder in reliance upon obtaining natural gas service as part of the easement agreement.

(j) "Sales tap" means metering and appurtenant facilities necessary to enable the certificate holder to deliver gas to a distribution customer or an end-user.

(k) "Sensitive environmental area" means:

(1) The habitat of a species which has been identified as endangered or threatened species under the Endangered Species Act (Pub. L. 93-205, as amended),

(2) National or State Forests or Parks,

(3) Sites listed in, or eligible for inclusion in, the National Register of Historic Places, or the National Register of Natural Landmarks,

(4) Flood plains and wetlands,

(5) Designated or proposed wilderness areas or national or state wild and scenic rivers, wildlife refuges, or preserves, or

(6) Prime agricultural lands, designated by the Department of Agriculture.

(l) "Qualified end-user" means:

(1) An "eligible user" as defined in § 157.102(b) of this chapter;

(2) Any end-user eligible to receive gas transported under § 2.79 of this chapter; or

(3) Any end-user which the Commission specifically authorizes from time-to-time to receive gas under this subpart.

(m) "Storage service" means the receipt of natural gas for injection into storage and the subsequent withdrawal of an equivalent volume (less any fuel or unaccounted for volumes) at a later date.

§ 157.203 Blanket certification.

(a) *Effect.* A blanket certificate issued pursuant to this subpart authorizes an interstate pipeline to engage in any of the activities specified in § 157.208 through § 157.218 (as amended from time to time) in accordance with the provisions of this subpart.

(b) *Automatic authorization.* A blanket certificate issued pursuant to this subpart authorizes the certificate holder to engage in transactions described in §§ 157.208(a), 157.209(a), 157.211(a), 157.213(a), 157.215, 157.216(a),

157.217 and 157.218(a) without further Commission approval.

(c) *Prior notice required.* A blanket certificate issued pursuant to this subpart authorizes the certificate holder to engage in transactions described in §§ 157.208(b), 157.209(b), 157.211(b), 157.212, 157.213(b), 157.214, or 157.216(b), if the requirements of § 157.205 have been fulfilled and no protests were filed in accordance with § 157.205(d).

§ 157.204 Application procedure.

(a) *Who may apply.* Any interstate pipeline may apply for a blanket certificate under this subpart.

(b) *Hearing procedure.* Upon receiving an application for a blanket certificate under this subpart, the Commission will conduct a hearing pursuant to section 7(c) of the Natural Gas Act and §§ 1.32 and 157.11 of this chapter.

(c) *Issuance.* If required by the present or future public convenience and necessity, the Commission will issue a blanket certificate to the applicant.

(d) *Application contents.* Applications for blanket certificates shall contain:

(1) Information indicating the exact legal name of applicant; its principal place of business; whether applicant is an individual, partnership, corporation or otherwise; the state under the laws of which organized or authorized; the agency having jurisdiction over rates and tariffs and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed,

(2) A list of outstanding budget-type certificates held by the applicant issued pursuant to § 157.7, and

(3) A statement that the applicant will comply with the terms, conditions and procedures specified in this subpart.

§ 157.205 Notice procedure.

(a) *Applicability.* No transaction described in §§ 157.208(b), 157.209(b), 157.211(b), 157.212, 157.213(b), 157.214, or 157.216(b) is authorized by a blanket certificate issued under this subpart unless the notice requirements have been fulfilled in accordance with the provisions of this section and no protest has been filed in accordance with paragraph (d) of this section.

(b) *Submission of request by pipeline.* For any transaction subject to the requirements of this section, the certificate holder shall file with the Secretary of the Commission an original and fifteen copies of a request containing the following items:

(1) The exact legal name of the certificate holder and mailing address of the person or persons to whom communications concerning the request are to be addressed;

(2) The docket number in which its blanket certificate was issued;

(3) Any information required in § 157.208 through § 157.216 for the particular transaction;

(4) A verified statement that the proposed transaction complies with the requirements of this subpart; and

(5) A form of notice suitable for publication in the **Federal Register**, as contemplated by § 157.6(b)(7) and § 157.9, which briefly summarizes the facts contained in the request in such a way as to acquaint the public with its scope and purpose.

(c) *Publication of notice of request.* The Secretary shall publish a notice of the request as soon as it is practicable. The notice shall designate a deadline for filing protests or interventions to the request. The deadline shall be at least 45 days after the filing date of the request.

(d) *Protests.* (1) Any person or the Commission's staff may file a protest prior to the deadline established by the Secretary. Copies of the protest must be served on the Secretary of the Commission, the certificate holder, and any intervenor or other party protesting the requested authorization.

(2) Protests shall be filed in the following form:

United States of America Before the Federal Energy Regulatory Commission

[Name of Pipeline]

Docket No. [Include both docket No. of the blanket certificate and subdocket].

Protest to Proposed Blanket Certificate Transaction

[Name of Protestor] hereby protests the request filed by [Name of pipeline] to conduct a [sale, transportation, construction of facilities, abandonment, etc.] under § 157.____ of the Commission regulations. Protestor seeks to have this request processed as a separate application.

[Include a brief statement of Protestor's interest in the transaction and the grounds for the objection.]

(e) *Effect of protest.* If a protest is filed in accordance with paragraph (d) of this section, the transaction shall not be authorized by the blanket certificate. Instead, the request filed by the certificate holder shall be treated as an application for section 7 authorization for the particular transaction. The **Federal Register** notice of the request shall be deemed to be notice of the section 7 application sufficient to fulfill the notice requirement of §§ 157.9 and 157.10

(f) *Final authorization.* If no protest is filed by any person or the Commission's staff within the deadline prescribed by the Secretary, the certificate holder shall be deemed to be authorized to conduct the transaction under its blanket certificate, effective upon the day after the deadline established by the Secretary

§ 157.206 Standard conditions.

Any transaction authorized under a blanket certificate issued pursuant to this subpart shall be subject to the following conditions:

(a) *Revisions.*

(1) The Commission reserves the right to amend the requirements of this subpart from time to time and to revoke any blanket certificate on 60 days notice.

(2) The blanket certificate is not transferable in any manner and shall be effective only so long as applicant continues the operations authorized by the order issuing such certificate and in accordance with the provisions of the Natural Gas Act, as well as applicable rules, regulations, and orders of the Commission.

(b) *Production-related costs.* At such time as the certificate holder proposes to recover in its rates any costs incurred by it to compress, process, treat, or gather natural gas purchased or transported by it, the pipeline may be required to prove that the activity which engendered those costs was prudent. In determining prudence, the Commission will apply the statement of policy set out under § 2.102 of this chapter.

(c) *Liquids and liquefiable hydrocarbons.* To the extent that the certificate holder transports substances other than natural gas (which are ultimately removed from the natural gas stream) pursuant to the blanket certificate or uses facilities authorized by the blanket certificate for the transportation of such substances, the certificate holder shall be required to allocate costs to the transportation of those substances. This certificate is issued without prejudice as to any action taken by the Commission in Phase II of the Louisiana First Use Tax proceeding in Docket No. RM78–23.

(d) *Environmental compliance.* (1) All transactions authorized by the blanket certificate shall be in full compliance with § 2.69 of this chapter.

(2) All transactions shall be consistent with the provisions of the following statutes and regulations or compliance plans developed to implement these statutes:

(i) Clean Water Act, as amended (33 U.S.C. 1251 et. seq.) and the National Pollution Discharge Elimination System Program, 40 CFR Part 122 et. seq.;

(ii) Clean Air Act, as amended (42 U.S.C. 1801 et. seq.) and air quality regulations and state implementation

plans adopted pursuant to 40 CFR Parts 50 through 99;

(iii) Safe Drinking Water Act, as amended (42 U.S.C. 300f et. seq.);

(iv) National Historic Preservation Act of 1966 (16 U.S.C. 470 *et. seq.*);

(v) Archeological and Historic Preservation Act of 1974 (Pub. L. 93–291);

(vi) Coastal Zone Management Act of 1977, as amended (16 U.S.C. 1451 *et. seq.*);

(vii) Endangered Species Act of 1973, Pub. L. 93–205, as amended (16 U.S.C. 1531 *et. seq.*);

(viii) Executive Order 11988, May 24, 1977 requiring Federal agencies to evaluate the potential effects of any actions it may take on a floodplain;

(ix) Executive Order 11990, May 24, 1977 requiring an evaluation of the potential effects of construction on wetlands;

(x) Wild and Scenic Rivers Act (16 U.S.C. 1274 *et. seq.*);

(xi) National Wilderness Act (16 U.S.C. 1133 *et. seq.*);

(xii) National Parks and Recreation Act of 1978 (16 U.S.C. 1 and 230 *et. seq.*);

(xiv) Wildlife Restoration Act (16 U.S.C. 3669 *et. seq.*).

(3) Any transaction shall not significantly impact, or adversely affect:

(i) An endangered or threatened species as identified under the Endangered Species Act, or

(ii) A sensitive environmental area.

(4) Any compressor installed pursuant to the blanket certificate shall not increase ambient noise levels at nearby existing residences above a mean level (L_{dn}) of 55 dBA.

(e) *Budget-type certificates.* The certificate holder shall surrender any outstanding budget-type certificates issued pursuant to § 157.7 upon acceptance of a certificate issued pursuant to this subpart.

(f) *Commencement.* Any authorized construction, extension, or acquisition shall be completed and in actual operation by the certificate holder and any authorized operation, service or sale shall be actually undertaken within one year of the deadline for protests established by the Secretary under § 157.205(c).

(g) *Treatment of revenues.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, all revenues received for transportation (including storage service) authorized under the blanket certificate in excess of an allowance of one cent per MMBtu shall be credited to Account No. 191 and flowed back to the certificate holder's customers.

(2) A certificate holder is not required to credit revenues to Account No. 191 pursuant to subparagraph (1):

(i) To the extent revenues attributable to such services fall within representative levels which have been credited in arriving at a test period cost of service; or

(ii) To the extent that volumes transported fall within representative levels which have been included in billing determinants for the purpose of establishing rates.

(3) The certificate holder may elect to forego the one cent per MMBtu allowance provided in paragraph (g)(1) of this section. In such a case the certificate holder is not required to credit to Account No. 191 any amount which, upon application, the Commission finds to have been demonstrated as representing the out-of-pocket expenses of the certificate holder in connection with a transaction authorized under this Subpart.

(h) *Reports.* The certificate holder shall file reports as required by this subpart.

§ 157.207 General reporting requirements.

(a) *Annual report.* On March 1 of each year, the certificate holder shall file a statement, in writing and under oath, listing for the previous calendar year:

(1) For each new facility authorized by § 157.208; the information specified by § 157.208(e);

(2) For each transportation service authorized pursuant to § 157.209, the information specified by § 157.209(d);

(3) For each sales tap authorized pursuant to § 157.211(a); the information required by § 157.211(e);

(4) For each storage service authorized pursuant to § 157.213(a), the information specified in § 157.213(c);

(5) For each storage project tested or developed pursuant to § 157.215; the information specified by § 157.215(b)(1);

(6) For each abandonment authorized pursuant to § 157.216(a); the information specified by § 157.216(d);

(7) For each change in rate schedule authorized pursuant to § 157.217, the information specified in § 157.217(b); and

(8) For each change in customer name authorized pursuant to § 157.218, the information specified in § 157.218(b).

(b) *Subsequent reports.* If any significant change occurs with respect to the information filed under this section, the certificate holder shall file with the Commission within 30 days, under oath, appropriate amendments to its request or annual report, signed by a senior official of the company.

(c) *Final reports.* Within thirty days after the termination of any arrangement authorized under §§ 157.209, or 157.213, the certificate holder shall file with the Commission a report, under oath, signed by a senior official of the company, stating:

(1) The identity of the certificate holder;

(2) The identity of all parties to the transaction;

(3) The dates of commencement and termination of the arrangement;

(4) Actual total and maximum daily volumes of natural gas transported pursuant to the arrangement;

(5) Total revenues received and a complete statement of the manner in which the revenues were treated;

(6) A brief explanation of the transaction; and

(7) In the case of transportation to an end-user authorized under §§ 157.209(a) or (b)(1), the information required by § 157.105(f).

(d) *Other reports.* For other reporting requirements see the individual sections §§ 157.208 through 157.218.

§ 157.208 Construction and operation of facilities.

(a) *Automatic authorization.* (1) Subject to the annual budget limitation of subparagraph (2), the certificate holder is authorized to construct and operate any minor facility whose project cost does not exceed the amount specified in line 1 of Table I.

(2) The total cost of all minor facility construction authorized pursuant to this paragraph during any calendar year under the blanket certificate shall not exceed the lesser of:

(i) The amount specified in line 2 of Table I; or

(ii) The greater of:

(A) $1,000,000 or

(B) Three percent (3%) of the certificate holder's net plant in Account No. 101. The dollar limit for construction during a partial calendar year shall bear the same proportion to the certificate holder's limit as the number of months in the calendar year bears to 12.

The certificate holder may apply to the Commission for a waiver of the calendar year dollar limit of this subparagraph for any year.

(b) *Prior notice.* Subject to the notice procedure of § 157.205, the certificate holder is authorized to construct and operate any minor facility whose project cost is greater than the amount specified in line 1 of Table I, but less than the amount specified in line 3 of Table I.

(c) *Contents of request.* Request filed pursuant to paragraph (b) shall contain:

(1) A description of the purpose of the proposed facilities;

(2) A detailed description of the proposed facilities specifying length, diameter and wall thickness for pipeline; and size, type, number of horsepower needed, installed and proposed, volume

of fuel gas, suction and discharge pressures and compression ratio for compressors.

(3) A USGS 7½ minute series (scale 1:24000) topographic map (or map of equivalent detail) showing the location of the proposed facilities, and indicating the location of any sensitive environmental areas.

(4) A map showing the relationship of the proposed facilities to the applicant's existing facilities.

(5) Flow diagram or comparative study showing daily design capacity, daily maximum capacity and reflecting system operation with and without the proposed facilities added.

(6) Gas supply and market data/study or other circumstances supporting the need for the proposed facilities.

(7) The estimated cost and method of financing the project.

(8) A statement clearly showing the effect on the operating revenues and operating expenses of the estimated revenues and expenses related to the proposed facility.

(9) A statement explaining how the public convenience and necessity is served by approval of the project.

(10) A concise analysis which identifies the existing environmental conditions and the expected impacts and whether or not the proposed action will cause any significant impact to the quality of the human environment, including those expected to occur on sensitive environmental areas. The analysis shall also demonstrate that the proposed action shall be consistent with any applicable state coastal zone management programs; state water quality management plans under the Clean Water Act of 1977 (Pub. L. 95–217, as amended) and Safe Drinking Water Act (Pub. L. 93–523, as amended) and State Implementation Plans developed under the Clean Air Act.

(d) *Inflation adjustment.* The limits specified in Table I shall be adjusted each calendar year to reflect the "GNP implicit price deflator" published by the Department of Commerce for the previous calendar year. The Director of the Office of Pipeline and Producer Regulation authorized to compute and publish limits for future calendar years as a part of Table I, pursuant to § 375.307(n) of this chapter.

Table I

Limit	1981
1. Automatic project cost limit	$3,500,000
2. Annual limit	30,000,000
3. Notice procedure limit	10,000,000

(e) *Reporting requirements.* By March 1 of the year following each calendar year during which a blanket certificate issued pursuant to this subpart is in effect, the certificate holder shall file an annual report which contains the following information:

(1) A description of the facilities installed pursuant to this section, including a description of the length and size of pipelines, compressor horsepower, metering facilities, taps, valves, and any other facilities constructed;

(2) The specific location of the facilities installed;

(3) The actual installed cost of each facility listed pursuant to paragraph (c)(1) of this section, separately stating the cost of materials and labor as well as other costs allocable to the facilities;

(4) The estimated gas supply in Mcf at 14.73 psia made available to the certificate holder by means of the described facilities;

(5) The names of the fields connected;

(6) The specific location of the supply source or well attached if the attachment is for gas owned or produced by the certificate holder;

(7) The names of the independent producers, other sellers or intrastate pipelines from whom the gas is being purchased or received, together with the respective dates of their gas sales or transportation contracts and any FERC gas rate schedule designations if the facility is to receive gas purchased by the applicant;

(8) A statement clearly reflecting whether the report is for a full calendar year or a partial year if the report is for the certificate holder's first blanket certificate year;

(9) The amount of the certificate holder's gas plant account (Account No. 101), as well as its computation of its calendar year and single project dollar limits;

(10) If no construction took place under the certificate, a statement to that effect.

(f) *Special conditions.* (1) For any project authorized under paragraph (b), the certificate holder shall file with the Commission, in writing and under oath, an original and four conformed copies and, upon request, shall furnish an intervener with a single copy, of the following:

(i) Within ten days after the bona fide beginning of construction, notice of the date of such beginning;

(ii) Each three months after filing notice of commencing construction, a progress report showing the exact status of authorized construction;

(iii) Within ten days after authorized facilities have been constructed and placed in service or any authorized operation, sale, or service has commenced, notice of the date of such placement and commencement; and

(iv) Within six months after authorized facilities have been constructed, a statement showing, on the basis of all costs incurred to that date and estimated to be incurred for final completion of the project, the cost of constructing authorized facilities, such total costs to be classified according to the estimates submitted in the certificate proceeding and compared therewith and any significant difference explained.

(2) In the interest of safety and reliability of service, facilities authorized by the certificate shall not be operated at pressures exceeding the maximum operating pressure set forth in the request as it may be amended prior to issuance of the certificate. In the event the certificate holder thereafter wishes to change such maximum operating pressure it shall file an appropriate petition for amendment of the authorization under the blanket certificate. Such petition shall include the reasons for the proposed change. Nothing contained herein authorizes the certificate holder to operate any facility at a pressure above the maximum prescribed by state law, if such law requires a lower pressure than authorized hereby.

§ 157.209 Transportation.

(a) *Automatic authorization.* The certificate holder is authorized to transport natural gas owned by a qualified end-user for ultimate consumption by the qualified end-user, for a term of up to 5 years, if:

(1) The sale of such natural gas is a first sale as defined in section 2(21) of the NGPA;

(2) Such natural gas was not committed or dedicated to interstate commerce on November 8, 1978.

(b) *Prior notice.* (1) Subject to the notice procedures of § 157.205, the certificate holder is authorized to transport natural gas in transactions described in paragraph (a)(1) for terms in excess of five years. Any request for transportation under this subparagraph shall include the information specified in § 157.103.

(2) Subject to the notice procedure of § 157.205, and subparagraph (3) of this paragraph, the certificate holder is authorized to transport natural gas on behalf of any:

(i) Local distribution company;

(ii) Interstate pipeline, or

(iii) Intrastate pipeline.

(3) No transportation is authorized under subparagraph (2) unless:

(i) The transportation can be performed using the existing capacity of the certificate holder, and

(ii) The transported natural gas is delivered directly or indirectly to an interstate pipeline, intrastate pipeline, or local distribution company, which receives such natural gas for its system supply.

(c) *Contents of request.* (1) Requests filed pursuant to paragraph (b) of this section shall include the information specified in § 157.103.

(2) Requests filed pursuant to paragraph (b)(2) shall include the information required in § 284.107 of this chapter.

(d) *Special conditions.* Any transportation authorized under either paragraphs (a) or (b) of this section shall be subject to the following conditions:

(1) The rates and charges shall be subject to in § 284.103 of this chapter;

(2) The contract for the transportation shall provide that service under the contract shall be subject to the availability of capacity sufficient to provide the service without detriment or disadvantage to the certificate holder's existing customers who are dependent upon the certificate holder's general system supply;

(3) For transportation authorized under paragraphs (a) or (b)(1) of this section, the volume transported shall not exceed the maximum permitted if the transportation had been authorized pursuant to certificates issued under § 2.79 of this chapter or Subpart E of this part; and

(4) Any transportation authorized under paragraphs (a) or (b)(1) is conditioned upon the end-use restrictions:

(i) Specified in § 2.79(m) applicable to eligible users as defined in § 2.79(c) of this chapter;

(ii) Specified in § 157.105 applicable to schools, hospitals and essential agricultural users; or

(iii) Specified from time to time in Commission orders authorizing transportation to other designated categories of qualified end-users.

(d) *Reporting requirements.* (1) As a part of the annual report, the certificate holder shall file for each transaction authorized under paragraph (b)(2): The name of each customer receiving natural gas, the total and maximum daily deliveries to each customer, and the expiration date of the transportation arrangement;

(2) For each transaction authorized under paragraphs (a) or (b)(1) of this section, the information specified by § 157.105.

§ 157.210 Sales for resale [Reserved].

§ 157.211 Construction and operation of sales taps.

(a) *Automatic authorization.* The certificate holder is authorized to construct and operate sales taps for the delivery of gas to the end user if:

(1) the natural gas is ultimately delivered to and consumed by a right-of-way grantor; and

(2) no more than 200 MMBtu of natural gas per day are to be delivered to the right-of-way grantor.

(b) *Prior notice.* Subject to the notice procedure of § 157.205, the certificate holder is authorized to construct and operate sales taps, if:

(1) The natural gas is ultimately consumed by an end-user currently served directly or indirectly from the general system supply of the certificate holder,

(2) The volumes delivered are within the certificate entitlements of the customers, and

(3) The certificate holder's tariffs do not prohibit the addition of new delivery points.

(c) *Contents of request.* Requests filed pursuant to paragraph (b) should contain:

(1) The name of the end-user;

(2) The authority for the current sale to the end-user;

(3) The quantity of gas to be sold through the proposed facility;

(4) The rate or rate schedule applicable to the sale made through the proposed tap.

(d) *Reporting requirements.* As part of the certificate holder's annual report, the certificate holder shall report:

(1) The name of the end-user; and

(2) The maximum daily volumes to be sold.

(3) The actual cost of the sales tap.

(e) *Indirect customers.* The authorization in paragraphs (a) and (b) of this section shall apply irrespective of whether the certificate holder sells the natural gas directly to the end-user or the natural gas is delivered to the end-user, for the account of a local distribution company.

§ 157.212 Changes in delivery points.

(a) *Prior notice.* Subject to the notice requirements of § 157.205, the certificate holder is authorized to add new delivery points for a customer or to reassign volumes of gas to be delivered from one of the customer's delivery points to another, if:

(1) The total volumes to be delivered to the customer after the amendment does not exceed the total volumes authorized prior to the amendment;

(2) The change is not prohibited by an existing tariff of the certificate holder; and

(3) The certificate holder has sufficient capacity to accomplish the deliveries specified under the amendment without detriment or disadvantage to the certificate holder's other customers.

(b) *Contents of request.* When requesting any amendment authorized under paragraph (a) of this section, the certificate holder shall state:

(1) The name of the customer;

(2) The location of the delivery points;

(3) A citation to the certificate authorizing the delivery points; and

(4) The present and proposed quantities of natural gas to be delivered at each of the affected delivery points.

§ 157.213 Storage services.

(a) *Automatic authorization.* The certificate holder is authorized to provide contract storage services and any incidental transportation on behalf of any person, if:

(1) The storage service is within the certified capacity of the certificate holder's existing storage facilities;

(2) The storage arrangement does not exceed a period of two years;

(3) The rates charged for the storage and transportation service are covered by a currently effective rate schedule; and

(4) The contract for the storage service provides that the service under the contract shall be subject to the availability of capacity sufficient to provide the service without detriment or disadvantage to the certificate holder's existing customers who are dependent upon the certificate holder's general system supply.

(b) *Prior notice.* Subject to the notice requirements of § 157.205, the certificate holder is authorized to provide transportation and storage services specified in paragraph (a) of this section for periods in excess of 2 years.

(c) *Contents of request and reporting requirements.* In any annual report filed for transactions under paragraph (a) of this section and in any request for services authorized under paragraph (b) of this section, the certificate holder shall provide:

(1) The name of the customer;

(2) A copy of the storage service agreement;

(3) The storage facility proposed to be used;

(4) The amount of storage capacity in the facility rendered under the contract, and the amount of uncommitted storage capacity remaining after executing the storage service agreement, and

(5) The expiration date of the arrangement.

§ 157.214 Increase in storage capacity.

(a) *Prior notice.* Subject to the notice requirements of § 157.205, the certificate holder is authorized to increase the maximum volume of natural gas authorized to be stored in a storage field to the extent that geological data and operating experience have demonstrated that a volume of natural gas greater than that currently certificated may be safely stored without the construction of additional facilities.

(b) *Contents of request.* In any such request the following information shall be provided:

(1) Current and requested maximum storage capacity;

(2) Current and requested maximum storage pressure;

(3) Average depth of the storage formation; and

(4) Copies of any geological or engineering studies to demonstrate the feasibility of the increase in storage volume.

(c) *Reporting requirements.* For any storage facility whose capacity is increased pursuant to this section, the certificate holder shall submit semi-annual reports (to coincide with the termination of the injection and withdrawal cycles) containing the following information. The certificate holder shall continue to file semiannually reports until the storage inventory volume has reached or closely approximated the maximum specified in the request. Thereafter, the reports shall continue on a semiannual basis for a period of one year. At the end of the one year period, the filing of reports shall be discontinued unless otherwise ordered by the Commission. (Volumes shall be stated at 14.73 psia and 60°F, and pressure shall be stated in psia.)

(1) The daily volume of natural gas injected into and withdrawn from the storage reservoir.

(2) The volume of natural gas in the reservoir at the end of the reporting period.

(3) The maximum daily injection or withdrawal rate experienced during the reporting period. The average working pressure on such maximum days taken at a central measuring point where the total volume injected or withdrawn is measured.

(4) Results of any tracer program by which the leakage of injected gas may be determined. If the leakage of gas exists, the report should show the estimated total volume of gas leakage, the volume of recycled gas and the remaining inventory of gas in the reservoir at the end of the reporting period.

(5) Any surveys of pressures in gas wells, water levels in observation wells, pump test results for the aquifer type reservoirs, and the results of back-pressure tests conducted during the reporting period.

(6) For the reporting period, a summary of wells drilled, recompleted or worked-over, with subsea depth of formation and casing settings. Summarized results of reservoir characteristics from any logs or cores taken in well.

(7) The latest revised structure and isopachous contour maps showing the location of the wells, the location and extent of the gas bubble in the storage reservoir for aquifer type reservoirs and in any other reservoirs of the project in which gas bubbles are known to exist. This map need not be filed if there is no material change from the map previously filed.

(8) Discussion of current operating problems and conclusions.

(9) Such other data or reports which may aid the Commission in the evaluation of the storage project.

§ 157.216 Underground storage testing and development.

(a) *Automatic authorization.* The certificate holder is authorized to construct and operate natural gas pipeline and compression facilities for the testing and development of underground reservoirs for the possible storage of gas, if:

(1) The testing and development will be completed within a three year period;

(2) The quantity of natural gas to be injected into the prospective storage fields does not exceed a total of 10,000,000 MMBtu, with no more than 2,000,000 MMBtu being injected into any single field;

(3) Gas will be injected for testing purposes only during off-peak periods;

(4) The storage field developed pursuant to this section will not be utilized to render service without further authorization from the Commission; except that gas may be withdrawn on occasion for testing purposes;

(5) The total expenditures pursuant to this section do not exceed $1,000,000 per calendar year. These costs shall include expenditures for leases, wells, pipeline, compressors, and related facilities, but shall exclude the cost of the natural gas to be used for testing purposes.

(b) *Reporting requirements.* (1) *Annual reports.* For any storage project tested or developed pursuant to this section, the certificate holder shall file as part of its annual report:

(i) A description of the facilities constructed and the type of storage reservoir; i.e., gas expansion or dry gas, water-drive or aquifer,

(ii) The location of the facilities,

(iii) The cost of such facilities,

(iv) The monthly volumes of gas injected into and withdrawn from each reservoir, and

(v) An estimate of the storage capacity and daily deliverability of each project.

(2) *Quarterly reports.* If the reservoir to be tested and developed is an aquifer-type reservoir, the certificate holder shall file for each such project quarterly reports, under oath, containing the following information in addition to the data required by subparagraph (2) of this paragraph:

(i) The daily volumes of natural gas injected into and withdrawn from the aquifer during the quarter and the volume of gas in the aquifer at the end of each month.

(ii) The maximum daily injection or withdrawal rate experienced during the quarter and the average working pressure on such maximum days taken at a central measuring point where the total volume injected or withdrawn is measured.

(iii) Results of any tracer program by which leakage of gas may be determined.

(iv) Any pressure surveys of gas wells and water levels in observation wells conducted during the quarter by individual well. Copies of any core analyses, gamma ray, neutron or other electric log surveys and back-pressure tests taken during the quarter.

(v) A map of the storage project showing the location of the wells, the latest revised structure contours, the location and extent of the gas bubble. This map need not be filed if there is no material change from the map previously filed.

(vi) Such other data or reports which may aid the Commission in the evaluation of the project.

(vii) Reports shall continue to be filed quarterly until the project is either certificated for regular service or abandoned, unless otherwise ordered by the Commission.

(c) *Accounting.* The cost of any project ultimately determined to be infeasible for storage shall be charged to Account No. 822 of Part 201, Underground Storage Exploration and Development Expenses.

§ 157.216 Abandonments.

(a) *Automatic authorization.* The certificate holder is authorized pursuant

to section 7(b) of the Natural Gas Act to abandon gas supply facilities, if:

(1) The supplier has been authorized to abandon its sale; or

(2) No abandonment of the supplier's sale is required under the Natural Gas Act by operation of section 601(a)(1) of the NGPA.

(b) *Prior notice.* Subject to the notice requirements of § 157.205, the certificate holder is authorized pursuant to section 7(b) of the Natural Gas Act to abandon any sales tap or lateral line and related facilities and service if all of the buyers currently served through the sales tap or lateral line consent in writing to the abandonment.

(c) *Contents of request.* Any request submitted pursuant to paragraph (b) shall describe:

(1) The location of the subject facilities;

(2) The docket authorizing the construction and operation of the facilities to be abandoned;

(3) An oath statement that all of the customers served by the subject facilities have consented to the abandonment, or an explanation of why the customers' consent is not available; and

(4) A proposed accounting treatment of any facilities to be abandoned.

(d) *Reporting requirements.* The annual report filed by the certificate holder should contain, for each abandonment:

(1) The name of the seller,

(2) The docket number of the certificate authorizing the sale,

(3) Of the full sale, and accounting treatment of the facilities, abandoned.

§ 157.217 Changes in rate schedules.

(a) *Automatic authorization.* The holder of a blanket certificate is authorized to permit an existing customer to change from one rate schedule to another, if:

(1) The combined volumetric limitations on deliveries to the customer under both rate schedules are not increased, for either annual or peak day limitations; and

(2) The changes are consistent with the terms of effective tariffs on file with the Commission.

(b) *Reporting requirements.* In the annual report for any year in which the certificate holder has permitted an existing customer to change from one rate schedule to another pursuant to this section the certificate holder shall state:

(1) The name of the customer; and

(2) The rate schedules involved and a citation to the certificate which authorized the service to the customer.

§ 157.218 Changes in customer name.

(a) *Automatic authorization.* The outstanding certificates of the certificate holder may be amended to the extent necessary to reflect the change in the name of an existing customer, if:

(1) The change in customer is the result of a corporate reorganization or acquisition;

(2) The certificate holder has filed any necessary conforming changes in its tariffs; and

(3) The customer's use of gas will not be affected by the change in name.

(b) *Reporting requirements.* For each customer name change authorized during a calendar year, the certificate holder shall include as a part of its annual report:

(1) The old and new names of the party;

(2) A brief explanation of the reason for the name change; and

(3) A list of all affected certificates.

PART 375—[AMENDED]

2. Section 375.307 is amended by adding new paragraphs (a)(11) and (n) to read as follows:

§ 375.307 Delegations to the Director of the Office of Pipeline and Producer Regulations.

The Commission authorized the Director of the Office of Pipeline and Producer Regulation or the Director's designee to:

(a) Pass upon the following types of uncontested applications or contested amendments to applications: * * *

(11) Applications for blanket certificates of public conveniences and necessity pursuant to Subpart F of Part 157.

* * * * *

(n) Compute, for each calendar year, pursuant to § 157.208 of this chapter, the project limits specified in Table I of that section adjusted for inflation, and to publish such limits as soon as possible thereafter in the **Federal Register**.

[FR Doc. 81-8019 Filed 3-13-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (West Virginia-1)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions that present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of West Virginia Office of Oil and Gas that the Ravencliff, Injun-Squaw, Weir and Berea Formations be designated as tight formations under § 271.703(d).

DATE: Comments on the proposed rule are due on April 8, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet Written requests for a public hearing are due on March 24, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Ting Chin, (202) 357-8595/John Bassett, (202) 357-8589.

SUPPLEMENTARY INFORMATION:

Issued: March 9, 1981.

I. Background

On February 20, 1981, the State of West Virginia Office of Oil and Gas (West Virginia) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Ravencliff Formation, Injun-Squaw Formation, Weir Formation and Berea Formation, located in Fayette and Raleigh Counties, West Virginia, be designated as tight formations in the Commission's regulations. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether West Virginia's recommendation that the Ravencliff, Injun-Squaw, Weir and Berea Formations be designated as tight formations should be adopted. West Virginia's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The four recommended formations lie within portions of Fayette and Raleigh Counties, West Virginia. (A more detailed description of the recommended area is contained in the

recommendation on file with the Commission.) All four formations are Mississippi Age deltaic sandstone deposits. The Ravencliff Formation lies below the Princeton Sandstone and above the Maxton Sandstone. The Ravencliff Formation ranges in thickness from thin stringers in the eastern portion of the two counties to a maximum thickness of 140 feet in the central portion of the area. The Injun-Squaw Formation lies below the Big Lime-Keener Formation and above the Weir Formation. The Injun-Squaw Formation ranges in thickness from a maximum of 20 feet in northwestern Fayette County to thin stringers to the south and east. The Weir Formation lies approximately 200 feet below the Injun-Squaw Formation and approximately 200 feet above the Berea Formation. The Weir Formation ranges in thickness from 50–80 feet in the northeastern part of the recommended area to 100 feet in the southern portion of the area. The Berea Formation lies approximately 200 feet below the Weir Formation. The Berea Formation ranges in thickness from 55 feet in northwestern Fayette County to thin shaly sandstone stringers in the southern portion of the recommended area.

III. Discussion of the Recommendation

West Virginia claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by West Virginia on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay sections of the proposed areas is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formations is expected to produce more than five (5) barrels of oil per day.

West Virginia further asserts that existing State and Federal Regulations will assure that development of the Ravencliff, Injun-Squaw, Weir and Berea Formations will not adversely affect any fresh water aquifers that are, or are expected to be, used as a domestic or agricultural water supply. Protection of fresh water aquifers will be assured by enforcing compliance with Section 15, Part 1, Section V of the West Virginia Administrative Regulations and Chapter 22–4–8a of the Code of West Virginia.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued August 1, 1980 in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by West Virginia that the Ravencliff, Injun-Squaw, Weir and Berea Formations, as described and delineated in West Virginia's recommendation as filed with the Commission, be designated as tight formations pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 8, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (West Virginia—1), and should give reasons, including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at the public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 24, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event West Virginia's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraphs (36) through (39) to read as follows:

§ 271.703 Tight Formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, as subindexed below, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(19) through (35) [Reserved]

(36) *Ravencliff Formation in West Virginia.* RM79–76 (West Virginia—1)

(i) *Delineation of Formation.* The Ravencliff Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Ravencliff Formation lies below the Princeton Sandstone and above the Maxton Sandstone. Within the recommended area the Ravencliff Formation ranges in thickness from thin stringers in the eastern portion of the two counties to a maximum thickness of 140 feet in the central portion of the area.

(37) *Injun-Squaw Formation in West Virginia.* RM 79–76 (West Virginia—1)

(i) *Delineation of formation.* The Injun-Squaw Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Injun-Squaw Formation lies below the Big Lime-Keener Formation and above the Weir Formation. The Injun-Squaw Formation ranges in thickness from a maximum of 20 feet in northwestern Fayette County to thin stringers to the south and east.

(38) *Weir Formation in West Virginia.* RM79–76 (West Virginia—1)

(i) *Delineation of formation.* The Weir Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Weir Formation lies approximately 200 feet below the Injun-Squaw Formation and approximately 200 feet above the Berca Formation. The Weir Formation ranges in thickness for 50–80 feet in the northeastern part of the recommended area to 100 feet in the southern portion of the area.

(39) *Berea Formation in West Virginia.* RM79–76 (West Virginia—1)

(i) *Delineation of formation.* The Berea Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Berea Formation lies approximately 200 feet below the Weir Formation. The Berea Formation ranges in thickness from 55 feet in northwestern Fayette County to thin shaly sandstone

stringers in the southern portion of the recommended area.

[FR Doc. 81-7979 Filed 3-13-81; 8:45 am]
BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 72

Attorney Contracts With Indian Tribes; Payment of Tribal Attorney Fees With Appropriated Funds

AGENCY: Bureau of Indian Affairs.

ACTION: Propose rule; re-opening of comment period; correction.

SUMMARY: A proposed rule which clarifies the circumstances under which the Bureau of Indian Affairs may provide appropriated funds to an Indian tribe for the payment of a private attorney's legal services was published on December 16, 1980 on pages 82667–82669 of the **Federal Register**. A 30-day public comment period began on December 16, 1980 and extended through January 15, 1981. However, the final date for submission of comments was erroneously stated as January 1, 1981 in the proposed rulemaking document. Notice of the correct comment closing date of January 15, 1981 was published on page 84088 of the **Federal Register** of December 22, 1980. Because of the confusion generated by the comment closing date error, an additional 30-day comment period is being provided to ensure that all interested persons have a full opportunity to comment on the proposed rule. This document also corrects cross-reference errors contained in the proposed rule.

DATE: Comments must be submitted on or before April 15, 1981.

ADDRESS: Send written comments to Hans Walker, Jr., Acting Associate Solicitor, Office of the Solicitor, Department of the Interior, 18 & C Sts., N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Hans Walker, Jr., Associate Solicitor, Department of the Interior (202) 343–9401.

SUPPLEMENTARY INFORMATION:

The following corrections are made in FR Doc. 80–39035 appearing on pages 82667–82669 of the issue of December 16, 1980:

1. On page 82669, first column, § 72.42, "proceeding under § 72.41 (a), (b), (d), and (e)" is corrected to read "proceeding under § 72.41 (a), (c), (d), and (e)."

2. On page 82669, second column, § 72.43, "(a) A tribe seeking funds under § 74.41" is corrected to read "(a) A tribe seeking funds under § 72.41."

Dated: March 2, 1981.

James Canan,
Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-6938 Filed 3-13-81; 8:45 am]
BILLING CODE 4310-02-M

25 CFR Part 250

Regulation of Reserved Waters on Indian Reservations

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed rule; extension of comment period; correction.

SUMMARY: Proposed rulemaking to provide for tribal regulation of reserved waters on Indian reservations was published January 5, 1981 on pages 944–946 of the **Federal Register**. A 60-day comment period, beginning on January 5, 1981 and extending through March 6, 1981, was provided. Because of the broad interest generated by the proposed rule, this document extends the comment period for an additional 90 days until June 6, 1981 in order to allow all interested persons a full opportunity to comment. This document also corrects several citation errors contained in the proposed rule.

DATE: Comments must be submitted on or before June 6, 1981.

ADDRESS: Send written comments to Daniel M. Rosenfelt, Office of the Solicitor, Department of the Interior, 18th & C Sts., NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Daniel M. Rosenfelt, Office of the Solicitor, Department of the Interior (202) 343–6967.

SUPPLEMENTARY INFORMATION:

The following corrections are made in FR Doc. 81–207 appearing on pages 944–946 of the issue of January 5, 1981:

1. On page 944, column 1, first paragraph, "Chapter IX" is corrected to read "Chapter I."

2. On page 945, column 1, paragraph 3, "Section 250.3(a)(5)" is corrected to read "Section 260.3(a)(9)."

3. On page 945, column 2, second full paragraph, "Chapter IX" is corrected to read "Chapter I."

4. On page 945, column 2, "Part 260—The Use of Water on Indian Reservations" is corrected to read "Part 260—Regulation of Reserved Waters on Indian Reservations."

Dated: March 9, 1981.

James G. Watt,
Secretary of the Interior.

[FR Doc. 81-6939 Filed 3-13-81; 8:45 am]
BILLING CODE 4310-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[OPTS-00022; TSH-FRL 1779-1]

Administrator's Toxic Substances Advisory Committee; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: There will be a meeting of the Administrator's Toxic Substances Advisory Committee to discuss matters related to EPA's implementation of the Toxic Substances Control Act (Pub. L. 94–569). The meeting will be open to the public.

DATES: The meeting will be held from 9:15 a.m. to 4:45 p.m. on Thursday, April 23, 1981 and from 9:00 a.m. to 12:45 p.m. on Friday, April 24, 1981.

ADDRESS: The meeting will be held in: Environmental Protection Agency, Rm. 3906 and 3906, Waterside Mall, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
Marsha Ramsay, Executive Secretary, Administrator's Toxic Substances Advisory Committee (TS–777), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202–426–2660).

SUPPLEMENTARY INFORMATION: After convening on Thursday morning, the Commmittee will break into two study sessions to discuss testing issues under TSCA section 4 and follow-up activities to track new or increased uses of chemicals. At 3:30 p.m. the Committee will reconvene for reports and discussion of the study groups' findings. The Friday agenda includes a general update on EPA's activities.

The meeting will be open to the public and time will be set aside for public comments concerning the work of the Committee. Any member of the public wishing to present an oral or written statement relating to the Committee's work should contact Ms. Marsha Ramsay at the address or phone number listed above.

Dated: March 6, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-7605 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 86

[EN-FRL 1773-6]

Motor Vehicle Pollution Control; Waiver of Oxides of Nitrogen Emission Standards; Opportunity for Public Hearing

Correction

In FR Doc. 81-7605 appearing at page 15893, in the issue of Tuesday, March 10, 1981, make the following correction:

On page 15893, third column, the last line of the third paragraph, "FOR FURTHER INFORMATION CONTACT", the phone number "(202) 472-7421", should read "(202) 472-9421."

BILLING CODE 6560-01-M

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40 CFR Part 180

[PP 8E2131/P176; PH-FRL 1780-3]

Chlorthiophos; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposed that a tolerance be established for residues of the insecticide chlorthiophos in or on tomatoes imported from Mexico at 0.5 part per million (ppm). The proposal was submitted by EM Laboratories, Inc. This regulation would establish a maximum permissible level in tomatoes.

DATE: Comments must be received on or before March 26, 1981.

ADDRESS: Send comments to: Jay Ellenberger, Product Manager (PM) 12, Office of Pesticide Programs, Registration Division (TS-767C), Environmental Protection Agency, Rm. 400, CM #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Jay Ellenberger at the above address (703-557-7024).

SUPPLEMENTARY INFORMATION: EM Laboratories, Inc., 500 Executive Boulevard, Elmsford, NY 10523, has submitted a pesticide petition (PP 8E2131) to the EPA. This petition requests that the Administrator propose that 40 CFR Part 180 be amended to establish a tolerance for the combined residues of the insecticide chlorthiophos, that is a mixture of 0-[2,5-dichloro-4-(methylthio) phenyl] 0,0-diethylphosphorothioate; 0-[2,4-dichloro-5-(methylthio) phenyl] 0, 0-diethylphosphorothioate; 0-[4,5-dichloro-2-(methylthio) phenyl] 0,0-diethylphosphorothioate and the metabolites 0-[2, 4(2, 5 or 4, 5)-dichloro-5(4 or 2)-(methylsulfinyl) phenyl] 0,0-diethylphosphorothioate,* and 0-[2, 5 or 4, 5)-dichloro-5(4 or 2)-(methylthio) phenyl] 0,0-diethylphosphate [0-isolog] in or on tomatoes imported from Mexico at 1.0 part per million (ppm).

Subsequently the petition was amended by decreasing the proposed tolerance from 1.0 ppm to 0.5 ppm and revising the tolerance regulation to read chlorthiophos and its diethyl phosphorus ester-moiety-containing metabolites.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a two-year rat feeding/oncogencity study and a mouse oncogencity study which were negative at 6.4 ppm and 50 ppm, both of which are the maximum tolerated doses, respectively; and one-year dog feeding study with a no-observable-effect level (NOEL) of 8.0 ppm; a rabbit teratology study which was negative for teratogenic effects at up to 5.0 milligrams (mg)/kilogram (kg) of body weight/day and exhibited a NOEL of 1 mg/kg for fetotoxic effects; a delayed neurotoxicity study in rats which showed a negative potential; and a reproduction study which showed a NOEL of 2.0 ppm. Based on the one-year dog feeding study with an 8.0 ppm NOEL for systemic effects and using a safety factor of 100, the acceptable daily intake (ADI) for man is 0.002 mg/kg bw/day. The theoretical maximal residue contribution (TMRC) in the human diet from the proposed use does not exceed the ADI.

Desirable data that are lacking from the petition are mutagenicity testing and toxicity of plant metabolites. The mutagenicity and plant metabolite studies will be required for any future petitions and/or registrations.

The metabolism of chlorthiophos is adequately understood and an adequate analytical method (gas chromatography with a phosphorus detector) is available for enforcement purposes. No actions are currently pending against registration of chlorthiophos nor are there any other relevant considerations involved in establishing the proposed tolerance.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance established by amending 40 CFR Part 180 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before March 26, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act. The Agency has published this proposal with a ten day comment period rather than the normal thirty day comment period in an effort to expedite the tolerance setting process because of the urgency for an effective insecticide against the leaf miner on tomatoes grown in Mexico.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 8E2131/P176". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 12, Room 400, Crystal Mall 2, from 8:30 a.m. to 4 p.m. Monday through Friday.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

For information on the Regulatory Flexibility Act, see the Appendix to this rule.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: March 11, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by adding § 180.396 to read as follows:

§ 180.396 Chlorthiophos; tolerances for residues.

A tolerance is established for the combined residues of the insecticide chlorthiophos, that is a mixture of 0-[2,5-dischloro-4-(methylthio)phenyl] 0,0-diethylphosphorothioate; 0-[2,4-dichloro-5-(methylthio)phenyl] 0,0-diethylphosphorothioate; and 0-[4,5-dichloro-2-(methylthio)phenyl] 0,0-diethylphosphorothioate and its diethyl phosphorus ester-moiety containing metabolites in or on the following raw agricultural commodity:

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*0-[2,4(2,5 or 4,5)-dichloro-5(4 or 2)-(methylsulfonyl) phenyl] 0,0-diethylphosphorothioate.

Commodity	Part per million
Tomatoes	0.5

Appendix.—Certification Under Regulatory Flexibility Act

Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice and comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended, (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish a tolerance for residues of the insecticide chlorthiophos in/on tomatoes at 0.5 part per million (ppm), and would also establish a preharvest interval of 7 days as a condition for the tolerance. This proposed rule would establish a maximum permissible level for residues of the insecticide in/on tomatoes, and would be beneficial in that it would allow registration of a new insecticide for use on tomatoes.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: March 11, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-8101 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-32-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 31

Contract Cost Principles and Procedures—Contracts With State and Local Governments

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding cost principles and procedures applicable to contracts with state and local governments. Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before May 19, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point listed below.

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following part of the draft Federal Acquisition Regulation is available upon request for public and Government agency review and comment.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 31.6—Contracts With State and Local Governments

This subpart implements Office of Management and Budget Circular A-87 (Revised), Cost Principles for State and Local Governments, with respect to Federal acquisitions by contract. It prescribes principles for determining allowable costs of contracts with state and local governments and also with Federally-recognized Indian tribal governments. The principles are for cost determination and are not intended to identify the circumstances or dictate the extent of Federal and State or local participation in financing a particular contract.

There are no proposed policy changes in the FAR coverage. However, since OMB Circular A-87 applies to both contracts and assistance agreements, its coverage throughout attempts to apply its principles to both types of arrangements by intermittently using terms associated with both. In accordance with the stated objectives to the FAR, the drafters have simplified the FAR implementation of A-87 by applying its language to contracts only and deleting, where appropriate, references to grants and other assistance terminology. Reviewers of this FAR segment are requested to note and comment if the drafters have inadvertently caused a policy change in this proposed implementation.

Dated: March 10, 1981.

LeRoy J. Haugh,

Associated Administrator for Regulatory Policies and Practices.

FAR Agency Contact Point List

Agency for International Development, International Development Cooperation Agency—Mr. V. Henry Walker, 235-9107, CM/SD POL, Room 713 SA-114, Washington, DC 20523. STOP 100.

Agriculture, Department of—Mr. Frank Gearde, 447-3937, Deputy Director, Administrative Services, Office of Operations and Finance, Room 113W, Administration Building, Washington, DC 20520. STOP 208.

Alaska Natural Gas Transportation System—Mr. Bruce L. Mueller, 275-1162, Contracts Management Division, Office of the Federal Inspector, Post Office Building, Room 2420, 1200 Pennsylvania Avenue, NW, Washington, DC 20044.

Arms Control and Disarmament Agency, U.S.—Ms. Evelyn Dexter, (703) 235-8248, Contracting Officer, ATTN: GC/CON, Washington, DC 20451.

Central Intelligence Agency—Mr. Aubrey T. Chason, 281-8167, Chief, Procurement Management Staff, Office of Logistics, Washington, DC. STOP 64.

Civil Aeronautics Board—Mr. Columbus D. Jude, Sr., 673–5246, Deputy Director, Office of Administrative Support Operations, 1825 Connecticut Avenue, NW, Washington, DC 20428. STOP 235.

Commerce, Department of—Mr. John Dammeyer, 377–4248, Chief, Program Policy Division, Office of Procurement and ADP Management, Room 6617, Washington, DC 20230. STOP 208.

Committee for Purchase from the Blind and Other Severely Handicapped—Mr. Charles W. Fletcher, 557–1145, Executive Director, 2009 14th Street North, Suite 610, Arlington, VA 22201.

Community Services Administration—Ms. Christine Caruthers, 655–4000, Chief Procurement Branch, 1200 19th Street, NW, Suite 408, Washington, DC 20506.

Consumer Product Safety Commission—Ms. Rosemarie Nance, 492–6444, Room 635, 5401 Westbard Avenue, Washington, DC 20207.

Department of Defense—Mr. James T. Brannon, 697–6710, Director, Defense Acquisiton Regulatory Council, OUSDRE The Pentagon, Room 3D1089, Washington, DC 20301. STOP 103.

Defense/Department of the Army—Dr. Ray Schooling, 697–0723, Army Policy Member, DAR Council, Office of Assistant Secretary of the Army, R.D. & A., The Pentagon, Room 2E661, Washington, DC 20310. STOP 103.

Defense/Department of the Navy—Mr. Edward J. Williamson, Jr., 692–3324, Navy Policy Member, DAR Council, Office of Assistant Secretary of the Navy, OASN (MRANL), Crystal Plaza, Bldg. 5, Room 368, Washington, DC 20360. STOP 48.

Defense/Department of the Air Force—Col. Charles J. Elliot, 695–1997, Air Force Policy Member, DAR Council, AF/RDC, The Pentagon, Room 4C314, Washington, DC 20330. STOP 103.

Defense/Defense Logistics Agency—Mr. David Freeman, 274–6411, DLA Policy Member, DAR Council, Cameron Station, Room 8A471, Alexandria, VA 22314.

Education, Department of—Mr. Frederick A. Will, 245–8160, Grant and Procurement Management Division, Room 5660, ROB #3, 400 Maryland Avenue, SW, Washington, DC 20202.

Energy, Department of—Mr. Richard Langston, 252–6186, Procurement Policy Division, PR–211, Forrestal Building, Room 1J009, 1000 Independence Avenue, NW, Washington, DC, 20585. STOP 4.

Environmental Protection Agency—Mr. Paul Martin, 755–0822, Acting Director, Procurement and Contracts Management Division (PM 214), 401 M Street, SW, Room 2003, Washington, DC 20460.

Equal Employment Opportunity Commission—Mr. J. Clay Smith, 634–6700, Acting Chairman, 2401 E Street, NW, Washington, DC 20506.

Federal Emergency Management Agency—Mr. George Watson, 634–4113, Associate Counsel for Procurement, Washington, DC 20472.

Federal Trade Commission—Mr. Robert Walton, 376–7916, Director, Office of Procurement and Contracts, Suite 850, 600 E Street, NW, Washington, DC 20580. STOP 221.

General Accounting Office, U.S.—Mr. John Brosnan, 275–5478, Room 7075, 441 G Street, NW, Washington, DC 20548. STOP 308.

General Services Administration—Mr. Gerald McBride, 566–1043, Assistant Administrator for Acquisition Policy, Washington, DC 20405. STOP 29.

Health & Human Services, Department of—Mr. Henry Kirschenmann, 245–6670, Deputy Assistant Secretary for Grants and Procurement, Hubert H. Humphrey Building, Room 513D, Washington, DC 20201. STOP 367.

Housing and Urban Development, Department of—Mr. Thomas J. O'Connor, 724–0040, Director, Office of Procurement and Contracts, Room B–133, 711 Building, Washington, DC 20410. STOP 98.

Interior, Department of the—Mr. William Opdyke, 343–6431, Division of Acquisition and Grants, Office of Acquisition and Policy Management, 18th & C Street, NW, Washington, DC 20240. STOP 43.

International Communication Agency—Mr. Phillip R. Rogers, 653–5570, Acting Chief, Contract and Procurement Division, Office of Administration, Washington, DC 20547. STOP 121.

Justice, Department of—Ms. Elizabeth Rudd, 633–2075, Assistant Director, Procurement Management Section, Property Management and Procurement Staff, 10th & Constitution Avenue NW, Room 6322, Washington, DC 20530. STOP 219.

Labor, Department of—Mr. Theodore Goldberg, 523–9174, Director, Office of Grants and Procurement Policy, 200 Constitution Avenue, NW, Room S1323, Washington, DC 20210. STOP 205.

Metric Board, U.S.—Mr. Dan Peyser, 235–1933, Office of General Counsel, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209.

National Aeronautics and Space Administration—Mr. Stuart J. Evans, 755–2255, Director of Procurement, Washington, DC 20546. STOP 85.

National Science Foundation—Mr. Gaylord Ellis, 357–9629, Director, Division of Grants and Contracts, 1800 G Street, NW, Washington, DC 20550. STOP 19.

Nuclear Regulatory Commission—Mr. Edward L. Halman 427–4460, Director, Division of Contracts, Washington, DC 20555. STOP 555.

Occupational Safety and Health Review Commission—Mr. Robert J. Hohn, 634–7960, Director of Administration, 1825 K Street NW, Washington, DC 20006.

Office of Federal Compliance Program—Mr. Weldon Rougeau, 523–9475, Director, 200 Constitution Avenue, NW, Washington, DC 20210.

Office of Personnel Management—Ms. Ann Brassier, 632–6181, Director, Office of Management, 1900 E Street, NW, Room 5554, Washington, DC 20415. STOP 227.

Panama Canal Commission—Mr. Michael Rhode, 724–0104, Executive Secretary, 425 13th Street, NW, Room 312, Washington, DC 20004.

Postal Service, U.S.—Mr. Eugene A. Keller, 245–4818, Assistant for Procurement Policy, Procurement and Supply Department, Room 1516, Washington, DC 20260. STOP 201.

Small Business Administration—Mr. Robert McDermott, 653–6568, Deputy Associate Administrator for Procurement Assistance, 1441 L Street, NW, Washington, DC 20416. STOP 71.

Smithsonian Institution—Mr. Harry P. Barton, 287–3343, Director, Office of Supply Services, North Building, Room 3120, 955 L'Enfant Plaza, SW, Washington, DC 20024.

State, Department of—Mr. David E. L'Heureux, 235–9512, Director, Office of Supply, Transportation and Procurement, Room 532, SA–6, Washington, DC 20520. STOP 27.

Tax Court, U.S.—Mr. Deyane Rudge, 376–2717, Administrative Facilities Officer, Room G–45, 400 2nd Street, NW, Washington, DC 20217. STOP 312.

Tennessee Valley Authority—Mr. James L. Williams, Jr., 245–0101, Director, Division of Purchasing, Chattanooga, TN 37401.

Transportation, Department of—Mr. Barnett M. Anceleitz, 426–4237, Director, Installations and Logistics, Washington, DC 20590. STOP 330.

Treasury, Department of the—Mr. Thomas P. O'Malley, 376–0650, Director, Office of Procurement, Main Treasury Mail Room, 15th & Pennsylvania Avenue, NW, Washington, DC 20220. STOP 223.

Veterans Administration—Mr. Clyde C. Cook, 389–3808, Assistant Administrator for Supply Service, Washington, DC 20420. STOP 73.

[FR Doc. 81–8039 Filed 3–13–81; 8:45 am]

BILLING CODE 2110–01–M

Notices

Federal Register
Vol. 46, No. 50
Monday, March 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before April 6, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00020. Applicant: University of Denver (Colorado Seminary), Denver, Colorado 80208. Article: Airborne Spectrophotometer Interferometer, Model ABDA 2.01 and Source Tracking System, FA3.5. Manufacturer: BOMEM Company Ltd., Canada. Intended use of article: The article is intended to be used for measurements of the trace constituents present in the stratosphere and the variability of these constituents with time and location. Measurements are made on the basis of infrared absorption features present on infrared solar spectra. The solar spectra are taken from various altitudes. The article will be used by graduate students as part of their training and to obtain data to be used in their thesis work. Application received by Commissioner of Customs: October 21, 1980.

Docket No. 80–00036. Applicant: Sandia Laboratories, P.O. Box 5800, Albuquerque, NM 87185. Article: Laser, Model TEA–103–2. Manufacturer: Lumonics Research, Canada. Intended use of article: The article is intended to be used to study laser-initiated discharge formation relevant to propagation of ion and/or electron beams in inertially confined fusion energy research. The phenomenon to be studied involves vibrational excitation of gas molecules with 100 nanosecond laser pulses. Application received by Commissioner of Customs: October 30, 1980.

Docket No. 81–00037. Applicant: St. Vincent's Medical Center, 1800 Barris Street, P.O. Box 2982, Jacksonville, FL 32203. Article: Radiation Therapy Equipment & Accompanying Accessories (Thereac 6). Manufacturer: Atomic Energy of Canada Limited, Canada. Intended use of article: The article is intended to be used to provide radiation therapy treatment to certain cancer patients. Application received by Commissioner of Customs: October 31, 1980.

Docket No. 81–00039. Applicant: Medical College of Ohio at Toledo, C.S. 10008, Toledo, Ohio 43699. Article: Radiation Therapy Simulator, Therasim 750. Manufacturer: A.E.C.L., Canada. Intended use of article: The article is intended to be used in a variety of clinical and basic radiation therapy research projects to accurately define target volumes for irradiation. The initial projects in which the article will be used include:

1. Iodine 125, 5 Fluorouracil and Precision High Dose External Beam Radiation Therapy for Pancreatic Carcinoma.
2. Adjuvant "Sandwich" Radiation Therapy for Resectable Bladder Carcinoma.
3. Adjuvant "Sandwich" Radiation Therapy for Resectable Carcinoma of the Rectum.
4. Precision High Dose Radiation Therapy for Carcinoma of the Cervical Esophagus.
5. Intraoperative Pre-resection Radiation Therapy for Gastric Carcinoma.
6. Combined Radiation Therapy and Chemotherapy of Malignant Pleural Mesothelioma.
7. Detection of Occult Radiation Damage to Optic Pathways.
8. External and Interstitial Radiation Therapy for Intracranial Neoplasms.

The article will also be used for the education of medical students, residents in Radiation Therapy, residents in Surgical Oncology, residents in Medical Oncology and residents in other specialties, as well as for the education of student technologists and graduate physicians and physicists. Application received by Commissioner of Customs: November 3, 1980.

Docket No.: 81–00047. Applicant: University of Colorado, Boulder, Colorado 80309. Article: Electron Microscope, Model H–600–3. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used for a wide variety of experiments investigating the ultrastructure and function of cells, and the structure of nucleic acids. These experiments will include examination of the following:

1. The structure of the mitotic spindle in very small algae, particularly diatoms.
2. The lumenal plasm membranes of the mammalian urinary bladder.
3. The "ground substance" that permeates the cytoplasm between other defined organelles.
4. The structure of biological membranes at the supra-molecular level.
5. The ribosomal gene from Tetrahymena.
6. Chinese hamster ovary hybrid cells.
7. Embryonic stages of the nematode *C. elegans*.

The article will also be used for educational purposes in the courses: MCDB 511—Introductory Electron Microscopy for Biologists and MCDB 490–690 Workshop in Electron Microscopy. Application received by Commissioner of Customs: November 6, 1980.

Docket No.: 81–00048. Applicant: Pontiac General Hospital, Seminole at West Huron Streets, Pontiac, Michigan 48053. Article: Electron Microscope, Model H–300 and Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used to supplement light microscopic investigation of various tissues obtained by biopsy, surgical procedures, or autopsy. Some specific tissues and their diseases which will be studied include, but are not limited to, renal biopsies, liver biopsies, muscle biopsies, and a wide range of poorly differentiated tumors. The article will also be used in a Residency Training Program in anatomic and clinical pathology. Application received by Commissioner of Customs: November 6, 1980.

Docket No.: 81–00049. Applicant: University of California, Los Angeles, CA 90024. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study heart muscle. This tissue will be rapidly frozen and thin frozen sections prepared from it. The sections will then be examined and the various small components of cell structure will be observed. Certain structures will be selected for analysis of their chemial content. The ultimate aim is to gain essential information about the location and movement of substances which control heart function. Secondarily, the article will be used to train advanced students in the above research. Application received by Commissioner of Customs: November 6, 1980.

Docket No.: 81–00050. Applicant: Regents of The University of California, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Electron Microscope, JEM 100CX and Accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used exclusively for the study

of structure-function relationships in cardiovascular physiology. The materials to be examined will include myocardial tissue from rat, rabbit and frog including preparations of tissues, cultured cells and isolated membrane. Experiments to be conducted will involve subjecting various isolated tissue models (rat myoblasts grown in culture, isolated and perfused papillary muscles from rabbit hearts) to perturbations which alter the permeability of cell membrane to molecules especially ions like Ca. The tissues will then be studied with the electron microscope to detect changes in the cell surface and bilayer of the membranes. Application received by Commissioner of Customs: November 6, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105 Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7986 Filed 3-13-81; 8:45 am]

BILLING CODE 3510-25-M

Intent to Conduct Administrative Review of Certain Antidumping Findings and Orders and Countervailing Duty Orders

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of intent to conduct administrative reviews of certain antidumping findings and orders and countervailing duty orders.

SUMMARY: The Department of Commerce intends to review and determine the amount of any antidumping or countervailing duties due under certain antidumping and countervailing duty orders (listed below) at least once during the 12-month period beginning on the anniversary date of publication of the orders. We will also continue to review annually and determine the amount of any dumping or countervailing duties due under findings and orders (again listed below) for which we have completed our first annual review.

In the future all published final results of administrative review will include a statement of intent to conduct another administrative review of the case within the next 12 months.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5289).

SUPPLEMENTARY INFORMATION: In accordance with section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act") (19 U.S.C. 1675(a)(1)) and sections 355.41 and 353.53 of the Commerce Regulations (19 CFR 355.41, 353.53), the Department of Commerce ("the Department") is conducting administrative reviews of certain antidumping findings under the Antidumping Act of 1921 ("the 1921 Act"), and of certain antidumping and countervailing duty orders under the Tariff Act. The antidumping reviews are to determine the foreign market value and United States price of each entry of merchandise subject to the finding or order and to determine the amount, if any, by which the foreign market value exceeds the United States price. The countervailing duty reviews are to determine if benefits have been provided exporters or producers of the merchandise subject to the orders which are deemed subsidies pursuant to sections 771(5) and 771(6) of the Tariff Act and to determine the amounts, if any, of any such net subsidies.

Section 751(a)(1) provides that administrative reviews take place at least once during the 12-month period beginning on the anniversary of the date of publication of the findings under the 1921 Act or orders under title VII of the Tariff Act. Current orders not listed in the previously published notice of intent (45 FR 20511-12, 31455-56) and their dates of publication are listed below. Also listed are findings for which reviews have been published but which did not include a statement of intent to conduct another review for the following years. The administrative reviews of the listed findings and orders will be completed by the anniversary in 1981 or 1982, as applicable, of the date of publication of the finding/order.

Current Antidumping (AD) and Countervailing Duty Orders (CVD) not Listed in Previous Notices

Order date	Commodity	Country
4/4/80	(CVD) Pig iron	Brazil
4/8/80	(AD) Spun acrylic yarn	Japan
4/8/80	(AD) Spun acrylic yarn	Italy
4/9/80	(AD) Sugar and syrups	Canada
5/9/80	(AD) Portable electric typewriters	Japan
7/21/80	(CVD) Certain fasteners	India
9/4/80	(CVD) Fresh cut roses	Israel
10/16/80	(CVD) Certain iron metal castings	India
12/29/80	(AD) Certain electric motors	Japan
1/7/81	(AD) Anhydrous sodium metasilicate.	France

Antidumping Finding Reviews Published Without Statement of Intent

Finding date	Commodity	Country
2/27/74	Racing plates (aluminum horseshoes).	Canada
5/18/79	Perchlorethylene	Belgium
5/18/79	Perchlorethylene	France
5/18/79	Perchlorethylene	Italy

The Department will deliver questionnaires to affected foreign embassies, manufacturers, exporters, or transhippers, as appropriate. The responses will be analyzed and then, in accordance with sections 355.41(d) and 353.53(d) of the Commerce Regulations (19 C.F.R. 355.41 (d), 353.53(d)), the parties to the proceeding can request disclosure of the nonconfidential information. In addition, parties to the proceeding may request an administrative protective order.

Disclosure, when requested, will be made generally at least 30 days prior to the date of a notice of final results of administrative review is published. Written views may be presented, and an opportunity to present oral views may be requested by any interested party. After providing an opportunity for comment by interested parties, the Department will publish in the **Federal Register** the final results of such review, together with notice of any antidumping or countervailing duties to be assessed and estimated antidumping or countervailing duties to be deposited.

This notice is published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 10, 1981.

[FR Doc. 81-7980 Filed 3-13-81; 8:45 am]

BILLING CODE 81-7980-M

Leather Wearing Apparel From Uruguay: Suspension of Countervailing Duty Investigation

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Suspension of investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving leather wearing apparel from Uruguay.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Miguel Pardo de Zela, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5050).

SUPPLEMENTARY INFORMATION:

Procedural Background.

On October 15, 1980, the Department received a petition in proper form from Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri, on behalf of U.S. producers of leather wearing apparel. The petitioner alleged that the Government of Uruguay provides to manufacturers, producers, and exporters

of such apparel certain benefits that are subsidies within the meaning of Section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) ("the Act"). In response, on November 12, 1980, we published a notice (45 FR 74743) stating that we were initiating a countervailing duty investigation of these imports. Since Uruguay is a "country under the Agreement," as defined in Section 701(b) of the Act, we referred this case to the International Trade Commission for a preliminary injury determination. The notice stated that if the ITC determined that there was a reasonable indication that U.S. imports of such apparel were materially injuring or threatening to materially injure an industry in the United States, the investigation would proceed to its conclusion.

On December 11, 1980, the ITC preliminarily determined that there is a reasonable indication that these imports are threatening to materially injure an industry in the United States (45 FR 81689).

On December 17, 1980, we published a notice of "Preliminary Affirmative Countervailing Duty Determination" (45 FR 82979). The notice stated that the Government of Uruguay gave the leather wearing apparel industry a subsidy of 17.387 percent ad valorem through a combination of tax certificates and income tax exemptions. We found additional benefits of 8.63 percent ad valorem resulting from retroactive benefits accruing to the industry from the alleged retroactive payment of a "tanner's subsidy" and the rebate of an export tax. Thus the preliminary determination found that the total benefit of subsidies amounted to 26.017 percent ad valorem. This amount was later reduced to 18.923 percent upon confirmation that no back payments of the "tanner's subsidy" had been made.

Scope of the Investigation

The merchandise covered by this investigation is leather wearing apparel currently provided for in item 791.76 of the Tariff Schedules of the United States.

Suspension of Investigation

After our preliminary affirmative finding of a subsidy benefit on this merchandise the Government of Uruguay proposed that we enter into negotiations for a suspension of the investigation.

In accordance with Section 704(e) of the Act, the petitioner was informed of, and consulted with concerning, a proposed agreement for suspending the investigation, and was provided an explanation of how the Agreement would be carried out and enforced, why the Department felt it would meet the criteria for suspension and was given an opportunity to comment. Other parties to the investigation were notified of the proposed agreement and were permitted to submit comments.

The Department has considered the comments submitted with respect to the proposed suspension. We have determined that the criteria for suspension of an investigation have been satisfied. We have not yet received a request to continue the investigation. Therefore, for the purposes of the annexed Agreement the net subsidy amounts found to exist are as follows: 16.83 percent for garments made from leather of domestic origin; 13.46 percent on garments of semi-finished imported leather and; 8.91 percent on garments of finished imported leather.

However, if we should receive a request to continue the investigation under section 704(g) of the Act the net subsidy amounts referred to in the annexed Agreement will be those as published in the final countervailing duty determination. We are satisfied that the Agreement completely eliminates any subsidy on exports to the United States, can be monitored effectively, and is in the public interest. The terms and conditions of the Agreement are set out in Annex 1 to this notice.

Pursuant to Section 704(f)(2)(A) of the Act, the liquidation of entries of leather wearing apparel suspended effective December 17, 1980, as directed in the Preliminary Affirmative Countervailing Duty Determination (45 FR 82979), is terminated. Any cash deposits on entries of leather wearing apparel from Uruguay pursuant to that suspension of liquidations shall be refunded and any bonds or other security shall be released.

The Department intends to conduct an administrative review within twelve months of the publication of this suspension agreement as provided in section 751 of the Act.

This notice is published pursuant to Section 704(f)(1)(A) of the Act.

John Greenwald,

Deputy Assistant Secretary for International Trade.

March 10, 1981.

Annex 1: The Agreement

Pursuant to the provisions of Section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c) (the Act) and section 355.31 of the Commerce Regulations (19 CFR 355.31) (the Regulations), the Department of Commerce (the Department) enters into the following Agreement with the Government of Uruguay. On the basis of this Agreement, the Commerce Department shall suspend its countervailing duty investigation with respect to leather wearing apparel from Uruguay in accordance with the terms and provisions set forth below.

A. Product Coverage

This Suspension Agreement is applicable to all products covered by the investigation. Specifically, the products involved are all leather garments exported to the United States and currently classified in item number 791.76 of the Tariff Schedules of the United States (TSUS). Included in this merchandise are men's, boys, women's and girls' leather coats, jackets, other leather apparel (such as vests, pants, and skirts), and parts and pieces thereof as currently classified in item number 791.76 of the TSUS.

B. Basis of the Agreement

1. The Government of Uruguay hereby undertakes to eliminate completely the amount of the net subsidy determined by the Department to exist with respect to the products described in paragraph A on all shipments to the United States made on or after three months from the effective date of the suspension of the investigation.

2. In accordance with the provisions of the Act and applicable regulations, this Agreement applies to the products described in Paragraph A which are produced in Uruguay and exported, directly or indirectly, to the United States.

3. The Government of Uruguay agrees that during the three-month period following the effective date of the suspension of the investigation the quantity of the products described in paragraph A, which are exported to the United States from Uruguay, will not exceed the quantity of such exports during the three-month period of July through September 1979.

4. The Department will monitor all exports during the three-month period following the effective date of the suspension of the investigation and will issue instructions to deny entry, or withdrawal from warehouse, for consumption of any such products described in paragraph A that are exported in excess of the quantity exported during the period of July through September 1979.

5. The Government of Uruguay hereby certifies that no new or equivalent benefits will be provided to exporters of the products described in paragraph A to the United States as a substitute for any benefits eliminated by virtue of the actions described in this Agreement. The Government of Uruguay further certifies that it shall not, in substitution of the benefits eliminated under this Agreement, directly or indirectly increase the benefits on exports of the products described in paragraph A to third countries.

C. Monitoring

The Government of Uruguay agrees to supply to the Department such information as the Department deems necessary to demonstrate that it is in full compliance with this Agreement. The Government of Uruguay shall notify the Department within 15 days after the beginning of each quarter (March, June, September, December) whether it continues to be in compliance with this Agreement by eliminating the net subsidy

referred to in paragraph B (1) and that it has not substituted any new or equivalent benefits to leather wearing apparel exporters. Failure to supply such reports in a timely fashion may result in the immediate reopening of the investigation. Furthermore, the Government of Uruguay will permit such verification and data collection as is requested by the Department in order to monitor this Agreement. The Department will request such information and perform such verifications periodically pursuant to annual reviews conducted under section 751 of the Act.

D. Reopening of the Investigation

The Department shall terminate this Agreement and will reopen the investigation with respect to leather wearing apparel described in section A if the Department determines, pursuant to section 704(i)(1) of the Act, that the Government of Uruguay has not honored its obligations under this Agreement. The Department will also terminate this Agreement and will reopen the investigation if it determines that the suspension is no longer practicable. Once reopened, the investigation will be resumed as if the affirmative preliminary determination was made on the date that the Department terminates this Agreement.

Signed this 27th day of February, 1981.

Agreed to:
Government of Uruguay
By *Jorge Pacheco Areco*

I have determined that the provisions of paragraph B eliminate the possibility of any unfair trade practices which were the subject of this investigation, and that the provisions of paragraph C ensure that this Agreement can be monitored effectively. Therefore, I have determined that this Agreement to suspend this investigation meets the requirements of Section 704(b) of the Act and is in the public interest as required in Section 704(d) of the Act.

Department of Commerce.

John D. Greenwald.

[FR Doc. 81-7989 Filed 3-13-81; 8:45 am]
BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Annual publication of systems of records.

SUMMARY: The Privacy Act of 1974 (5 U.S.C. 552a(e)(4) requires agencies to publish annually in the Federal Register a notice of the existence and character of their systems of records. The Committee for Purchase from the Blind and Other Severely Handicapped last published the full text of its systems of records at 42 FR 49075, August 15, 1977. No further changes have occurred, therefore, the systems of records remain in effect as published.

The full text of the Committee for Purchase from the Blind and Other Severely Handicapped's systems of records also appears in Privacy Act Issuances, 1979 Compilation, Volume III, page 2568. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of this volume is $9.50.

FOR FURTHER INFORMATION CONTACT: Mr. C. W. Fletcher, Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201; telephone: 703/557-1145.

C. W. Fletcher,
Executive Director.

[FR Doc. 81-7990 Filed 3-13-81; 8:45 am]
BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

The Privacy Act of 1974; Amendments to a Notice for a System of Records

AGENCY: Defense Logistics Agency.

ACTION: Notification of amendment to a system of records.

SUMMARY: The Defense Logistics Agency proposes to amend the notice for their system of S322.10DLA-LZ entitled: "Defense Manpower Data Center Data Base" to more clearly identify the routine users and the uses to which these users put the data they receive. The entire system notice as amended appears below.

DATE: This system shall be amended as proposed without further notice on April 15, 1981, unless comments are received which will result in a contrary determination.

ADDRESS: Send any comments to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, Chief, Administrative Management Division (DLA-XA), Defense Logistics Agency, HQ DLA, Cameron Station, Alexandria, VA 22314. Telephone (area code 202) 274-6250.

SUPPLEMENTARY INFORMATION: The system notices for the Defense Logistics Agency system of records subject to the Privacy Act of 1974 were published in the Federal Register at:

FR Doc. 81-897 (46 FR 6457), January 21, 1981

These amendments do not fall within the purview of 5 U.S.C. 522a(o) of the Privacy Act which requires the submission of altered system report.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 10, 1981.
[Enclosure 1]

Amendments

S322.10DLA-LZ

Categories of individuals covered by the system:

Delete: "DHEW, Office of Education and Longitudinal Survey" and substitute: "Department of Health and Human Services, National Longitudinal Survey."

Delete: "individuals receiving Veterans Administration Disability Benefits or having entitlement to VA medical care." and substitute: "survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Veterans Administration; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add to first paragraph: "and to provide a single central facility within the Department of Defense for the identification of current and former DoD civilian and military personnel and their conditions of Service."

Paragraph 11 delete: "Department of Health, Education and Welfare (DHEW)" and substitute: "Department of Health and Human Services or the Department of Education."

Paragraph 12 delete: "Office of Education, DHEW" and substitute: "Department of Education (DoE)". Delete: "DHEW" and substitute: "DoE".

Paragraph 13 delete: "DHEW" and substitute: "DHHS." Add: "To the Office of the Inspector General, DHHS, for the purpose of identifying and investigating DoD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children Program.

To the Office of Child Support Enforcement Department of Health and Human Services, pursuant to Pub. L. 93-647, for the purpose of assisting state child support enforcement officers in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of the Selective Service System for use in wartime or

emergency mobilization and for mobilization planning."

Record source categories:

Delete: "Department of Education of the Department of HEW" and substitute: "Department of Education, Department of Health and Human Services."

Authority for maintenance of the system:

Add: "This statute provides for the operation of the Office of Secretary of Defense. The Defense Manpower Data Center operates under direct policy guidance from the Office of the Secretary of Defense thus its record keeping functions are authorized by the General statute. Specifically subsection 10 U.S.C. 136(b)(3) provides for establishment of administrative procedures 'to carry out the principles and policies of the Secretary' to include administrative matters relating to among other matters 'program and statistical reporting' (10 U.S.C. 136(b)(3)(c)). This is one of the primary functions of this system."

S322.10DLA-LZ

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. 20330.

U.S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D.C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D.C. 20331.

Back-up files maintained at two offices of the Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. pursuant to court order in IBM anti-trust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments—military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel who served on active duty from July 1, 1968 and later; or who have been a member of a reserve component since July 1975; or are retired military; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era or GI Bill education and training entitlements, who visited a State Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services, National Longitudinal Survey, individuals responding to Recruiting Advertisements since January 1978; survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Veterans Administration; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Service Number, Selective Service Number, Social Security Account Number, demographic information such as hometown, age, sex, race, and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs, military hospitalization records.

AUTHORITY FOR MAINTAINANCE OF THE SYSTEM:

10 U.S.C. 136. This statute provides for the operation of the Office of Secretary of Defense. The Defense Manpower Data operates under direct policy guidance from the Office of the Secretary of Defense thus its record keeping functions are authorized by the General statute. Specifically subsection 10 U.S.C. 136(b)(3) provides for establishment of administrative procedures "to carry out the principles and policies of the Secretary" to include administrative matters relating to among other matters "program and statistical reporting" (10 U.S.C. 136(b)(3)(c)). This is one of the primary functions of this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system of records is to provide a longitudinal statistical analysis capability for assessing military manpower trends and evaluation programs impacting on military personnel, potential enlistees, and veterans and to provide a single central facility within the Department of Defense for the identification of current and former DoD civilian and military personnel and their conditions of Service."

Defense Manpower Data Center—used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, post-service experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys, to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services—uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller—used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services, and to validate eligibility for VA benefits.

Office of Research and Statistics, Social Security Administration—used for statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors—used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be

transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Civil Service Commission concerning pay, benefits, retirement deductions; and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military personnel obtained from the Veterans Administration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U.S. Army Recruiting Command; U.S. Armed Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U.S. Air Force Recruiting Service; U.S. Air Force Tactical Air Command; Headquarters Air Force Reserve; National Guard Bureau; Headquarters, U.S. Marine Corps; District Directors, U.S. Marine Corps; Commanding General 4th Marine Division; Commanding General, 4th Marine Air Wing; Commandant, U.S. Coast Guard.

Information on the name, rank, social security accounting number, duty station, birth date, retirement date, and retirement annuity may be disclosed to the Department of Health and Human Services or the Department of Education for the following purposes:

To the Department of Education, DoE, for the purpose of identifying individuals who appear to be in default on their guaranteed student loans so as to permit the DoE to take action, where appropriate, to accelerate recoveries of defaulted loans.

To the Bureau of Supplemental Security Income, Social Security Administration, DHHS, in order to verify and adjust as necessary payments made to active and retired military members under the Supplemental Security Income Program.

To the Office of the Inspector General, DHHS, for the purpose of identifying and investigating DoD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children program.

To the Office of Child Support Enforcement Department of Health and Human Services, pursuant to Pub. L. 93-647, for the purpose of assisting state child support enforcement offices in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of the Selective Service System for use in wartime or emergency mobilization and for mobilization planning.

To the Veterans Administration for analysis of the costs to the individual of military service connected disabilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Retrievable by name, SSAN, age, occupation, or any other data element contained in system.

SAFEGUARDS:

Primary location—at W. R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U.S. Army Management Systems Support Agency, and the National Command Systems Support Center are in all TOP SECRET facilities.

RETENTION AND DISPOSAL:

Files constitute a historical data base and are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Chief, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. Telephone: Area Code 408/646-2951.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

Written requests for information should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as drivers license, or military or other ID card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

RECORD SOURCE CATEGORIES:

The Military Services, the Veterans Administration, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Civil Service Commission.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-7939 Filed 3-13-81; 8:45 am]
BILLING CODE 3810-01-M

Defense Science Board Task Force on Review of the DOD Space-Based Laser Weapons Study; Advisory Committee Meeting

Office of the Secretary

The Defense Science Board Task Force on Review of the DoD Space-Based Laser Weapons Study will meet in closed session on 6 April 1981 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At its meeting on 6 April 1981 the Defense Science Board Task Force on Space-Based Lasers (SBL) will review the Defense Department's SBL options and make recommendations concerning the potential utility of SBL weapons.

In accordance with 5 U.S.C. App. 1 Section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C.

552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
March 10, 1981.

[FR Doc. 81-7965 Filed 3-13-81; 8:45 am]
BILLING CODE 3810-70-M

The Privacy Act of 1974; Amendments to System of Records Notices

AGENCY: Office of the Secretary of Defense.

ACTION: Notification of amendments of systems of records notices.

SUMMARY: The Office of the Secretary of Defense proposes to amend notices for four systems of records subject to the Privacy Act of 1974. The specific amendments to the system notices are set forth below under "Amendments". A complete amended system notice for each system is also set forth below.

DATES: These systems shall be amended as proposed without further notice on April 15, 1981, unless comments are received which will result in a contrary determination.

ADDRESSES: Privacy Act Officer, Defense Systems Management College, Civilian Personnel and Administration, Ft. Belvoir, Virginia 22060.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), telephone: 202/694-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems of records as prescribed by the Privacy Act were published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6427) January 21, 1981

These proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires submission of a new or altered system report.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
March 9, 1981.

Amendments

DSMC-03

System name:

Defense Systems Management College (DSMC) Track Record System (46 FR 6427, January 21, 1981).

Changes:

System location:

In the second paragraph, second line, delete "Systems Management Department," and insert: "Acquisition Management Laboratory,".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Under the above heading delete the entry and insert:

"The purposes of the system are to assemble career information on current and former students of DSMC in order to provide data to enable DSMC to monitor utilization of former students; to enable DSMC to perform research to assist in refinement of student selection criteria; to provide a data base to research for the improvement of program management; to provide a system for generating student transcripts; and to provide a data base for the DSMC Mailing List System, student and graduate registers.

Internal users, uses, and purposes:

The Defense Systems Management College—Used in assessing incoming student experience and educational levels; to produce student registers; to monitor utilization of former students by DoD Components; to verify and consolidate measures of student performance, to produce student transcripts which may be required by former students in her/his later educational process; to perform research into the success of former students; to provide input into the DSMC Mailing List System in order to mail surveys, newsletters and other items of interest to former students including graduate registers; to perform research to improve program management.

Individual records in a system of records might be transferred to any component of the Department of Defense (except GPA, functional course grades and individual survey responses).

External users, uses, and purposes:

Computer Sciences Corporation—mounts tapes and disc packs which contain files and operates the system; does not maintain the system.

Individual records of civilian industry students or former students might be transferred to the corporation sponsoring the individual (except GPA, functional course grades and individual survey responses).".

System manager(s) and address:

Delete "Director, Department of Plans and Curriculum Development," and insert: "Registrar,".

Notification procedure:

Delete "703-664-2017.", and insert: "703-664-3120.".

Record source categories:

Delete "U.S. Civil Service Commission", and insert: "Office of Personnel Management (OPM)".

DSMC-04

System name:

Defense Systems Management College (DSMC) Academic Analysis System (46 FR 6427, January 21, 1981).

Changes:

System location:

In the second paragraph, delete "Dept. of Systems Management," and insert: "Acquisition Management Laboratory,".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Under the above heading delete the entry and insert:

"The purposes of this system are: To provide a research data base for improvement of the PMC academic program and its integration with DSMC Cooperative Graduate Programs, to provide a research data base for evaluating the quality and performance of current and former PMC students as well as DSMC Cooperative Graduate Program participants, and to facilitate administration of DSMC Cooperative Graduate Programs.

Internal users, uses, and purposes:

DSMC officials designated by the Commandant-Used to determine areas for improvement of the PMC academic program and its integration with DSMC Cooperative Graduate Programs; used to evaluate the quality and performance or current and former PMC students as well as participants in DSMC Cooperative Graduate Programs; used to administer DSMC Cooperative Graduate Programs; used for monitoring participation in DSMC Cooperative Graduate Programs and for counseling PMC students regarding participation; used to furnish DSMC Cooperative Graduate Program enrollment data for PMC student academic evaluation reports.

External users, uses, and purposes:

See Office of the Secretary of Defense Blanket Routine Uses at the head of this Component's published system notices.".

Notification procedure:

Delete "703-664-2017", and insert: "703-664-3120.".

DSMC-05

System name:

Biographical Record System (46 FR 6427, January 21, 1981).

Changes:

System location:

In the first paragraph, delete "Publications," and insert: "Information,".

In the second paragraph, delete "Plans and Curriculum Development," and insert: "Administration,".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Under the above heading delete the entry and insert:

"Purpose is to provide information for selection and introduction of guest lecturers and to perform research.

Internal users, uses, and purposes:

Department of Administration—To develop statistical data on Department of Defense Program Management Offices; to present data to Policy Guidance Council to determine worthiness of nominees to serve on Board of Visitors.

Department of Program Management—To provide the credentials of guest lecturer to the students prior to the presentation.

Department of Executive Management—To present the credentials of guest lecturers to the students prior to the presentation.

External users, uses, and purposes:

See Office of the Secretary of Defense Blanket Routine Uses at the head of this Component's published system notices.".

System manager(s) and address:

Delete "Director," and insert "Dean,". Also, delete "Publications," and insert "Information,".

DSMC-06

System name:

Defense Systems Management College (DSMC) Mailing List (46 FR 6427, January 21, 1981).

Changes:

System location:

Delete the first paragraph, and insert: "Primary location—Publications Division, Defense Systems Management College, Fort Belvoir, Va. 22060."

In the second paragraph, delete "Systems Management Department," and insert: "Publications Division,".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Under the above heading, delete the entry and insert:

"The purposes of the system is to provide a mailing list for distribution of newsletters, surveys, graduate registers and other information relating to acquisition management which is of interest to individuals included in the system."

Internal users, uses, and purposes:

DSMC—Used to disseminate newsletters, surveys, graduate registers and other information relating to acquisition management which is of interest to individuals on the DSMC mailing list; to prepare registers of former graduates; to prepare lists of Department of Defense Program Managers.

Any individual records in a system of records might be transferred to any component of the Department of Defense or other Government agency.

External users, uses, and purposes:

Computer Science Corporation—Mounts tapes and disc packs which files and operates the system; does not maintain the system.

Storage:

Delete the first two entries, and insert: "Primary file is addressograph plates.".

Safeguards:

Delete the second and third paragraphs.

System manager(s) and address:

Delete "Director," and insert "Dean,". Also, delete "Publications," and insert "Information,".

DSMC 03

SYSTEM NAME:

Defense Systems Management College (DSMC) Track Record System.

SYSTEM LOCATION:

Primary Location—Computer Sciences Corporation, Information Network Division, 650 North Sepulveda Boulevard, El Segundo, Ca. 90245.

Hard copy back-up files and punched card back-up files located in Acquisition Management Laboratory, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

All current and former students of the Defense Systems Management College (DSMC)

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, SSAN, marital status, sex, date of birth, nickname, professional society membership, spouse's name, children's names, accompanied status, years of service, promotion history, job or assignment history, current years of service, current assignment code, military or civilian occupational code, DSMC assignment status, security clearance, current business telephone numbers, retirement status, educational history, class at DSMC, Grade Point Average (GPA), functional courses grades, graduation status, individual survey responses, awards and recognition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purposes of the system are to assemble career information on current and former students of DSMC in order to provide data to enable DSMC to monitor utilization of former students; to enable DSMC to perform research to assist in refinement of student selection criteria; to provide a data base to research for improvement of program management; to provide a system for generating student transcripts; and to provide a data base for the DSMC Mailing List System, student and graduate registers.

Internal users, uses, and purpose:

The Defense Systems Management College—Used in assessing incoming student experience and educational levels; to produce student registers; to monitor utilization of former students by DoD Components; to verify and consolidate measures of student performance, to produce student transcripts which may be required by former students in her/his later educational process; to perform research into the success of former students; to provide input into the DSMC Mailing List System in order to mail surveys, newsletters and other items of interest to former students including graduate registers; to perform research to improve program management.

Individual records in a system of records might be transferred to any component of the Department of Defense (except GPA, functional course grades and individual survey responses).

External users, uses, and purpose:

Computer Sciences Corporation—mounts tapes and disc packs which contain files and operates the system; does not maintain the system.

Individual records of civilian industry students or former students might be transferred to the corporation sponsoring the individual (except GPA, functional course grades and individual survey responses).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary file is magnetic disc.

Back-up files are magnetic computer tape and punched cards.

Hardcopy back-up files are paper records in file folders.

RETRIEVABILITY:

Files are sequenced by Social Security Account Number.

SAFEGUARDS:

Primary location is a controlled access area.

Operator personnel are screened and cleared in accordance with Government Services Administration contract procedures.

Access to magnetic disc and computer tapes requires computer phone number, used ID, password and project code which are only accessible to personnel authorized by the System Manager.

Back-up file storage is in a building which is locked during non-business hours and is located on a military installation.

Only individuals designated as having a need for access to files by the Systems Manager are authorized access to information in the files.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Telephone: 703–664–3120.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal visits, the individual must contact the Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060, and provide acceptable identification, such as, military or other ID card, driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, employer, staff and faculty of DSMC, each DoD Component, and the Office of Personnel Management (OPM) (including their automated personnel systems).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DSMC 04

SYSTEM NAME:

Defense Systems Management College (DSMC) Academic Analysis System.

SYSTEM LOCATION:

Primary Location—Office of the Commandant, Defense Systems Management College (DSMC), Ft. Belvoir, Va. 22060.

Back-up data File—Acquisition Management Laboratory, Defense Systems Management College, Ft. Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former Program Management Course (PMC) students and participants in DSMC Cooperative Graduate Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, SSAN, sex, date of birth, service affiliation, affiliation status, years of service, promotion history, job or assignment history, current assignment code, military or civilian occupation code, educational history, class at DSMC, DSMC class standing, DSMC grade point average, DSMC functional course grades, graduation status, pre- and post-test scores, Miller Analogies Test scores, Graduate Record Exam scores, individual survey responses, and course enrollment data and course grades in DSMC Cooperative Graduate Programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, "Defense Systems Management College," January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

The purposes of this system are: To provide a research data base for improvement of the PMC academic program and its integration with DSMC Cooperative Graduate Programs, to provide a research data base for evaluating the quality and performance of current and former PMC students as well as DSMC Cooperative Graduate Program participants, and to facilitate administration of DSMC Cooperative Graduate Programs.

Internal users, uses, and purposes:

DSMC officials designated by the Commandant—Used to determine areas for improvement of the PMC academic program and its integration with DSMC Cooperative Graduate Programs; used to evaluate the quality and performance of current and former PMC students as well as participants in DSMC Cooperative Graduate Programs; used to administer DSMC Cooperative Graduate Programs; used for monitoring participation in DSMC Cooperative Graduate Programs and for counseling PMC students regarding participation; used to furnish DSMC Cooperative Graduate Program enrollment data for PMC student academic evaluation reports.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary file is paper records in file folders.

Back-up data file is punched cards.

RETRIEVABILITY:

Filed by class alphabetically by last name of PMC student and participant in Cooperative Graduate Programs.

SAFEGUARDS:

Primary file is in a loclcoked cabinet.

Back-up data file is in a building which is locked during nonbusiness hours and is located on a military installation.

Only individuals designated as having a need for access to files by the System Manager are authorized access to information in the files.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, Defense systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Telephone: 703–664–3120.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal vists, the individual must contact the Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060, and provide some acceptable identification, such as military or other identification card, driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, staff and faculty of DSMC, each DoD Component and the Office of Personnel Management (OPM) (including their automated personnel systems), educational institutions and testing services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DSMC 05

SYSTEM NAME:

Biographical Record System.

SYSTEM LOCATION:

Program Manager Biographies—Department of Research and Information, Defense Systems Management College.

Board of Visitor Biographies, Department of Administration, Defense Systems Management College.

Program Management Course Guest Lecturer Biographies—Department of Program Management, Defense Systems Management College.

Executive Course Guest Lecturer Biographies—Department of Executive Management, Defense Systems Management College.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key governmental officials.

Guest Lecturers at the Defense Systems Management College.

Present and past members of the Board of Visitors and Policy Guidance Council.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain official biographic data, such as: individual's position, title, current business affiliation, record of past experience and education, awards and honors, memberships, addresses, phone numbers, photographs, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, "Defense Systems Management College," January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Purpose is to provide information for selection and introduction of guest lecturers and to perform research.

Internal users, uses, and purposes:

Department of Administration—To develop statistical data on Department of Defense Program Management Offices; to present data to Policy Guidance Council to determine worthiness of nominees to serve on Board of Visitors.

Department of Program Management—To provide the credentials of guest lecturer to the students prior to the presentation.

Department of Executive Management—To present the credentials of guest lecturer to the students prior to the presentation.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name, except program manager/deputy program manager files which are filed by organization titles.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Dean, Department of Research and Information, Defense Systems Management College, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Telephone: 703–664–5783.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain full name of the individual, current position and affiliation.

Visits are limited to the departments at the school where the information is filed. For personal visits, the individual must provide acceptable identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Key official data from official Government files.

Board of Visitors nominee data from Policy Guidance Council members, present Board of Visitors members, DSMC Commandant and "Who's Who."

Guest Lecturer data from lecturers themselves, from their offices, or from Agency Public Affairs Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DSMC 06

SYSTEM NAME:

Defense Systems Management College (DSMC) Mailing List.

SYSTEM LOCATION:

Primary location—Publications Division, Defense Systems Management College, Fort Belvoir, Va. 22060.

Hard copy back-up files and punched card back-up files located in Publications Division, Defense Systems Management College, Building 202, Fort Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All former students of the Defense Systems Management College (DSMC); members of the DSMC Policy Guidance Council and Board of Visitors; program managers associated with defense systems acquisition programs; key acquisition managers throughout Department of Defense; former staff and faculty members of the DSMC and individuals desiring to be included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, SSAN, class at DSMC, job code, mailing address, rank or grade, position and professional title and affiliation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136, and Department of Defense Directive 5160.55, "Defense Systems Management College," January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system is to provide a mailing list for distribution of newsletters, surveys, graduate registers and other information relating to acquisition management which is of interest to individuals included in the system.

Internal users, uses and purposes:

DSMC—Used to disseminate newsletters, surveys, graduate registers and other information relating to acquisition management which is of interest to individuals on the DSMC mailing list; to prepare registers of former graduates; to prepare lists of Department of Defense Program Managers.

Any individual records in a system of records might be transferred to any component of the Department of Defense or other Government agency.

External users, uses, and purposes:

Computer Science Corporation—Mounts tapes and disc packs which contain files and operates the system; does not maintain the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary file is addressograph plates.

Hard copy back-up files are paper records in file folders.

RETRIEVABILITY:

Files are retrievable by name, SSAN, class, job code and zip code.

SAFEGUARDS:

Primary location is a controlled access area.

Back-up file storage is in a building which is locked during non-business hours and is located on a military installation. Only individuals designated as having a need for access to files by the Systems Manager are authorized access to information in the files.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Dean, Department of Research and Information, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Telephone: 703-664-5783.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal visits, the individual must contact the Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060, and provide acceptable identification, such as, military or other ID card, driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286B and OSD Administrative Instruction No. 18.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, employer, staff and faculty of DSMC, each DoD Component and the Office of Personnel Management (OPM) (including their automated personnel systems).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc 81-7938 Filed 3-13-81; 8:45 am]

BILLING CODE 5810-70-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; International Energy Agency; Meeting

In accordance with section 252(c)(1)(a)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided that a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 24, 1981, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of the IAB at a joint meeting of the IEA Standing Group on Emergency Questions (SEQ) and the IEA Standing Group on the Oil Market (SOM), which is being held at Paris on that date.

The agenda for the meeting is under the control of the SEQ and the SOM. It is expected that the following draft agenda will be followed.

1. Adoption of draft agenda.
2. Current oil market situation.
3. Monitoring of the December measures—situation following February and March Questionnaire A and B submissions.
4. Policy recommendations to the Governing Board and subsequent quarters of 1981.
5. Any other business.
6. Future meeting dates.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., March 9, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-8041 Filed 3-13-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the shipment of 35 kilograms of enriched uranium fuels from the NRX and NRU research reactors in Canada to the DOE

Savannah River facility for reprocessing and storage of recovered uranium.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for returning U.S. origin highly enriched uranium (HEU) to the U.S. is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 10, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-7964 Filed 3-13-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Simon Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR Section 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Simon Oil Company, 1316 Main Street, Niagara Falls, New York 14301. This Proposed Remedial Order charges Simon with pricing violations in the amount of $114,255.85 exclusive of interest connected with the resale of motor gasoline during the period February 16, 1976 through October 5, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward Momorella, District Manager of Enforcement, (215) 597-2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pa., on the 5th day of March 1981.

Edward F. Momorella,

District Manager, Northeast District Enforcement.

[FR Doc. 81-8040 Filed 3-13-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA81-2-5-000]

Midwestern Gas Transmission Co.; Tariff Filing

March 10, 1981.

Take notice that on February 27, 1981, Midwestern Gas Transmission Company (Midwestern) tendered for filing Seventeenth Revised Sheet No. 5A to Third Revised Volume No. 1 of its FERC Gas Tariff, to be effective April 1, 1981. Midwestern states that this filing reflects in Midwestern's Northern System rates the increase in the rate charged to Midwestern by its Canadian supplier, TransCanada PipeLines Ltd., from $4.47 per MMBtu to $4.94 per MMBtu effective April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7967 Filed 3-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-107, et al.]

Natural Gas Pipe Line Co. of America; Informal Settlement Conference

March 9, 1981.

Take notice that on March 19, 1981, at 10:00 a.m., at the request of the natural Gas Pipeline Company of America, a further settlement conference will convene in the above-captioned docket. All interested persons are invited to attend this conference. The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7968 Filed 3-13-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51233; TSH FRL 1778-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces recept of four PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-57, 81-60: April 10, 1981
PMN 81-63: April 11, 1981
PMN 81-68: April 12, 1981

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

PMN Number, Notice Manager, Telephone, and Room No.

81-57, 81-63, 81-68, Rick Green (202-426-8816), E-208
81-60, Kirk Maconaughey (202-426-3936), E-210
Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first

published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commerical purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES," submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51233]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 5, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-57

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 10, 1981.

Manufacturer's Identity. American Hoechst Corporation, Rt. 202-206 North Bridgewater, NJ 08876.

Specific Chemical Identity. Acetamide, *N*-[4-[(2-hyroxyethyl)sulfonyl]-2-methoxy 5-methylphenyl].

Use. Site-limited use as a dye chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—187-188°C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 4 workers manufacturing the PMN substance will be exposed dermally and by inhalation for 8 hours per batch, resulting in worker exposure (at maximum annual production) of 305 man-hours per year.

Environmental Release/Disposal. The manufacturer states that because the PMN substance is used as a chemical intermediate, it will be largely consumed by a subsequent reaction with little release into the environment. Release will be limited by dust collectors, and waste liquor containing less than 0.5 percent of the new chemical will be treated on-site at an NPDES-permitted biological treatment facility.

PMN 81-60

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 10, 1981.

Manufacturer's Identity. International Minerals & Chemical Corporation, Mundelein, IL 60060.

Specific Chemical Identity. Resin from alkali-refined safflower oil, neopentyl glycol, trimethylolpropane, isophthalic acid, dimethylolpropionic acid, and isophorone diisocyanate.

Use. Clear wood finish.

Production Estimates. The manufacturer intends to produce 100,000 lb/yr of the new substance.

Physical/Chemical Properties on Starting Materials

Acid number, mg KOH/g—40.3.
Physical state—Semi-solid or liquid.
Color, Gardner—8 maxium.
Ratio of monomers used—
Safflower oil, 0.948
Neopentyl glycol, 1.394
Trimethylolpropane, 0.902
Isophthalic acid, 2.054
Dimethylolpropionic acid, 1.828
Isophorone diisocyanate, 1.192
Solvents used in processing—Xylene mineral spirits, ethyleneglycol *n*-butyl ether, and isobutyl alcohol.

Toxicity Data. Not data were submitted; however, the manufacturer states that the new product is not likely to present a hazard from a toxicity standpoint.

Exposure. The manufacturer states that two manufacturing workers will be exposed to the PMN substance for 8 to 16 hr/yr.

Environmental Release/Disposal. The manufacturer states that vapors from

the reactor will be vented to a condenser before release into the air; solutions from cleaning the reactor will be held in a storage tank for yearly removal by a certified waste disposal service. Also, amounts of the new substance requiring disposal will be absorbed by a mineral absorbent and removed to an approved chemical waste-disposal site.

PMN-81-63

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 11, 1981.

Manufacturer's Identity. The Upjohn Co., 410 Sacket Point Rd., No. Haven, CT 06473.

Specific Chemical Identity. Isocyanic acid, tetramethylene bis (oxytrimethylene) ester.

Use. The manufacturer states that the PMN substance will be used in an industrial use as polyurethane coatings and elastomers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear liquid.
Boiling point—130° C/0.1 mm Hg.
Specific gravity—0.95.
Vapor pressure—0.05 mm at 150° C.
Ionic chloride—0.05%.
Isocyanate equivalent weight—128.5.

Reactive toward any chemical substance containing active hydrogen such as water, alcohols, phenols, glycols, amines (primary and secondary), and mercaptons.

Toxicity Data

Primary skin irritation (New Zealand white rabbits)—Moderately to severely irritating.

Acute dermal toxicity LD_{50} (male and female albino rabbits)—>2.0 g/kg.

Acute 4-hour inhalation exposure LC_{50} (rats)—Harmful and injurious at concentrations >1 mg/1.

Exposure. The manufacturer states that three manufacturing and processing workers could have skin and inhalation exposure to the PMN substance for 8 hr/da, 125–250 da/yr, at a peak concentration of 0–1 ppm while filling containers.

At a user's site, 30 workers using the new chemical would have inhalation exposure for 8 hr/da, 60 da/yr, at a peak concentration of 0 to 1 ppm during the formulations, moldings, or castings.

Environmental Release/Disposal. The manufacturer states that during manufacture and processing, less than 10 kg/yr will be released into the water of a sewer for disposal.

PMN 81-65

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 12, 1981.

Manufacturer's Identity. Chattem Drug and Chemical, 1715 West 38th St., Chattanooga, TN 37407.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Sodium salt of disulfonated alkylaromatic.

Use. The manufacture states that the PMN substance will be used in an industrial and commercial use as an industrial alkaline cleaner.

Production Estimates. No data were submitted.

Physcial/Chemical Properties. No data were submitted.

Toxicity Data

Ames test—Non-mutagenic.

Primary skin irritation—Non-irritating or corrosive.

Primary eye irritation—Non-irritating.

Acute oral toxicity LD_{50} (male albino rabbits)—> 4 g/kg.

Exposure. The manufacturer states that 18 manufacturing and processing workers will have skin and inhalation exposure to the new substance for 12 hr/da, 30 da/yr, at an average concentration of 1 to 10 ppm and a peak concentration of more than 100 ppm. Skin exposure could result from cleaning the system, spillage at pump seal, and loading drums; inhalation exposure could occur during packaging or stacking packages.

The manufacturer also states that users could have daily skin exposure when using a cleaning solution containing the new substance at a concentration of less than 1 percent.

Environmental Release/Disposal. The manufacturer states that during manufacture and processing, 10 to 100 kg/yr of the PMN substance will be released into the water of a publicly owned treatment works (POTW) 24 hr/da, 30 da/yr. Vapors will be passed through an alkaline scrubber, solid waste will be collected and hauled to a fill area, and a baghouse and sanction device will be used to control airborne particulates.

[FR Doc. 81-7983 Filed 3-13-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51224; TSH-FRL 1779-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of eight PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-55, 81-56, 81-58, 81-59: April 10, 1981

PMN 81-64, 81-65, 81-66, 81-67: April 11, 1981

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

PMN Number, Notice Manager, Telephone, Room No.

81-55, 81-56, Carolyn Brown (202-426-3960), E-221

81-58, 81-59, Rick Green (202-426-8616), E-208

81-64, Rachel Diamond (202-426-3960), E-221

81-65, 81-66, 81-67, George Bagley (202-426-3938), E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Aency, 401 M St., SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979

(44 FR 58764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES," submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51234]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 10, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–55

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 10, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylated urethane oligomer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential for skin and eye exposure to both chemical and non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	35,000
2d year	1,000	65,000
3d year	1,000	75,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at two manufacturing sites, 66 workers could have skin and eye exposure for 6 hr/da, 3–7 da/yr, during extracting and testing samples for quality control, cleaning filtration apparatus, and drumming. At a processing site, 54 workers could have skin and eye exposure for 6 hr/da, 12 da/hr, during filling of the mix tank and drums.

At the site of a typical user, 3 workers could have skin and eye exposure for 1 hr/da, 240 da/yr.

Environmental Release/Disposal. The manufacturer states that at both manufacturing and procesing sites, less than 90 kg/yr of the new substance will be released into the air, land, and water. Vapors will pass through glycol or Venturi scrubbers before release into the air; glycol, sludge, and other organic wastes will be incinerated or landfilled.

At the site of a typical user, less than 20 kg/yr will be released into the air and water; from 10 to 100 kg/yr will be released into the land. Disposal at a user's site will be by landfill or incineration.

PMN 81–56

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 10, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of substituted alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye

exposure to chemical industry employees and potential skin, eye, and inhalaition exposure to non-chemical industry employees.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year		19,800
2d year	19,800	100,000
3d year	100,000	300,000

Physical/Chemical Properties

*Acid value—9.0–11.0.
*Hydroxyl value—205–215.
†Density—8.65 lbs/gal.
%Total solids—90%.
†Viscosity—15–22 stokes.
†Flash point—39C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at two manufacturing sites 64 workers will have skin and eye exposure for 4–24 hr/da, 5–10 da/yr, while sampling for quality control, filtering, and filling storage containers. At a processing site, 50 workers could have skin and eye exposure for 16 hr/da, 157 da/yr, while incorporating the new substance into a finished product, quality control sampling, and cleanup and filling operations.

At the site of a typical user, 50 workers using the new substance could have skin, eye, and inhalation exposure 8 hr/da, 200 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³.

Environmental Release/Disposal. The manufacturer states that at both the manufacturing and processing sites, less than 60 kg/yr of the new chemical will be released into the air and water. In all three sites, release to land will range from less than 10 to more than 10,000 kg/yr. Vapors are cleaned by scrubbers and a baghouse; sludge is incinerated.

At the site of a typical user, less than 20 kg/yr of the new substance would be released into the air and water; from 1,000 to 10,000 kg/yr would be released into the land.

PMN 81–58

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

*Acceptable range.
†On solution at 90% solids.

Generic name provided: Phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–59

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–64

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Annual sales—Between $100 million and $499,999,999.

Manufacturing site—Northeastern U.S.

Standard Industrial Classification Code—285 "Paints, Varnishes, Lacquers, Enamels, Allied Products."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic estar.

Use. The manufacturer states that the PMN substance will be used in an industrial use as a resin for water-borne industrial paints.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1981	6,000	150,000
1982	25,000	500,000
1983	25,000	500,000

Physical/Chemical Properties

Acid value (Solids basis)—42–46.
Viscosity (Gardner, Holdt)—Z5–Z6.
Weight per gallon—9.5 lb.
Weight % non-volatile—75 ± 1%.
Volume % non-volatile—66.3%.
Solubility in water (100% solids sample, 24 hour extraction)—0.14%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacturing and processing, 21 workers could have skin and inhalation exposure 8 hr/da, 85–100 da/yr, while removing the substance from the reactor, filling drums or tank wagons, and cleaning the filter.

At a user's site, 20 workers could have skin exposure 16 hr/da, 300 da/yr, at an average concentration of 1 to 10 ppm during transfer of paint to coating machine and during machine cleanup.

Environmental Release/Disposal. The manufactuerer states that in both manufacturing and processing sites, less than 40 kg/yr of the new substance will be released into the air and water 10 hr/da, 100 da/yr, and from 100 to 10,000 to 10,000 kg/yr will be released to the land. Disposal will be by landfill or through a POTW.

At a user's site, 1,000 kg/yr will be released into the land.

PMN 81–65

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstitutednitorbenzene.

Use. The manufactuerer states that the PMN substance will be used as a site-limited chemical intermediate. The final chemical will be a minor constituent of a commercial and consumer article.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year	5,	20

Production Estimates—Continued

	Kilogram per year	
	Minimum	Maximum
2d year	10	30
3d year	50	150

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
DMSO—>10.0%.
Acetone—>10.0%.
Corn oil—<0.1%.
Octanol—<0.1%.
Melting point—113°C.

Toxicity Data

Acute oral LD_{50}—800–1,600 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Ames *Salmonella* Mutagenicity Assay:
With metabolic activation—Moderately positive.
Without metabolic activation—Modrately positive.

The manufacturer states that the new substance may present a low carcinogenic hazard to man.

Exposure. The manufacturer states that at a site controlled by the submitter, four workers manufacturing and using the new substance could have skin and inhalation exposure .3–1 hr/da, 1 da/yr, at an average concentration of 0 to 1 mg/m ^{3} and a peak concentration of 1 to 10 mg/m ^{3}.

Environmental Release/Disposal. The manufacturer states that there would be negligible amounts of the new substance released into the air, land, and water of a navigable waterway. Emissions of vapors and dust will be scrubbed before release into the air; spills and liquid and solid wastes will be destroyed by high temperature thermal, chemical, or combined high temperature thermal/chemical distruction techniques.

PMN 81–66

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Bis[(substituted)-aminophenyl]substituent.

Use. The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate. The final chemical will be a minor constituent of a commercial and consumer article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5	20
2d year	10	30
3d year	50	150

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
DMSO—>0.1%.
Acetone—<0.1%.
Corn oil—<0.1%.
Octanol—<0.1%.
Melting point—Decomposes above 150°C.

Toxicity Data

Acute oral LD_{50}—1,600mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Ames *Salmonella* Mutagenicity Assay:
With metabolic activation—Moderately positive.
Without metabolic activation—Negative.

The manufacturer states that the new substance may present a low carcinogenic hazard to man.

Exposure. The manufacturer states that, at a site controlled by the submitter, four workers manufacturing and using the new substance could have skin and inhalation exposure 1–3 hr/da, 1–6 da/yr, at an average concentration of 0 to 1 mg/m ^{3} and a peak concentration of 1 to 10 mg/m ^{3}.

Environmental Release/Disposal. The manufacturer states that there would be negligible amounts of the new substance released into the air, land, and water of a navigable waterway. Emissions of vapors and dust will be scrubbed before release into the air; spills and liquid and solid wastes will be destroyed by high temperature thermal, chemical, or combined high temperature thermal/chemical destruction techniques.

PMN 81–67

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Bis[(substituted)-nitrophenyl]substituent.

Use. The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate. The final chemical will be a minor constituent of a commercial and consumer article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5	20
2d year	10	30
3d year	50	150

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
DMSO—<0.1%.
Acetone—<0.1%.
Corn oil—<0.1%.
Octanol—<0.1%.
Melting point—Decomposes above 200°C.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Ames *Salmonella* Mutagenicity Assay:
With metabolic activation—Moderately positive.
Without metabolic activation—Moderately positive.

The manufacturer states that the new substance may present a low carcinogenic hazard to man.

Exposure. The manufacturer states that, at a site controlled by the submitter, four workers manufacturing and using the new substance will have skin and inhalation exposure for .3–1 hr/da, 1–3 da/yr, at an average concentration of 0 to 1 mg/m ^{3} and a peak concentration of 1 to 10 mg/m ^{3}.

Environmental Release/Disposal. The manufacturer states that there would be negligible amounts of the new substance released into the air, land, and water of a navigable waterway. Emissions of vapors and dust will be scrubbed before release into the air; spills and liquid and solid wastes will be destroyed by high temperature thermal, chemical, or combined high temperature thermal, chemical destruction techniques.

[FR Doc. 81-7982 Filed 3-13-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51235; TSH-FRL 1779-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to

submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-62: April 11, 1981
PMN 81-70: April 14, 1981

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Information Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210a, 401 M St., SW., Washington, DC 20460, (202-426-3936).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemcial substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commerical purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submittd with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA Notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken form the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES," submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51235]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 10, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-62

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polyester-polyether copolymer reaction product with toluene diisocyanate and hydroxyethyl methacrylate.

Use. The manufacturer states that the PMN substance will be used in an industrial use as plastic printing plates.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Vapor pressure at 25°C—0-1 ^{2} torr.

Density—>1.1 gm/cc.

Solubility at 25°C in toluene—>15 gm/1.

Freezing point—<0°C.

Boiling point—Does not boil.

Toxicity Data

Primary skin irritation (albino rabbits)—Non-irritating.

Acute oral toxicity LD_{50} (albino rats)—>5.0 g/kg.

Acute dermal toxicity LD_{50} (albino rabbits)—>2.0 g/kg.

Acute inhalation toxicity (albino rats)—No deaths; some labored breathing.

Exposure. The manufacturer states that at two sites (one of which is controlled by the submitter) eight manufacturing workers could have skin exposure 1 hr/da, 150 da/yr, at a peak concentration of 0 to 1 ppm. The manufacturer also states that because the PMN substance is manufactured in a closed system, exposure would be

minimal and limited to discharging the chemical from reactors to drums.

Environmental Release-Disposal. The manufacturer states that none of the PMN substance will be released into the environment.

PMN 81-70

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—Over $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 2-Methyl-2-propenoic acid, polycyclohexyl ester.

Use. The manufacturer states that the PMN substance will be used in a site-limited use as a monomer in polymers for lithographic and gravure inks.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year	2,000	10,000
2d year	5,000	15,000
3d year	5,000	30,000

Physical-Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that at a site controlled by the submitter, six workers manufacturing and using the new chemical could have skin exposure 1–2 hr/da, 24–30 da/yr, at an average concentration of 0–1 ppm and a peak concentration of 1–10 ppm. Manufacturing workers will be exposed to potential skin and eye contact during sampling or through spills; workers using the PMN substance could have skin and eye exposure during transfer to reactor or through spills.

Environmental Release/Disposal. The manufacturer states that virtually none of the new substance will be released into the air and water; less than 10 kg/yr will be released into the land.

[FR Doc. 81-7987 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-30485A; PH-FRL 1779-4]

FMC Corp.; Extension of Experimental Use Permit; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects a document that published in the Federal Register of August 26, 1980 (45 FR 56910) FR Doc. 80-26011. The effective date line read: "* * * The program is effective from July 14, 1980, to July 14, 1980." It should have read "* * * The program is effective from July 14, 1980, to July 14, 1981."

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Staff (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-125, 401 M St., SW., Washington, D.C. 20460, (202-426-2600).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 26, 1980 (45 FR 56910) that FMC Corp., Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 19103 had been issued an extension of an experimental use permit. Correct the 27th and 28th lines to read: "* * * The program is effective from July 14, 1980, to July 14, 1981."

Dated: February 10, 1981.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 81-7986 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180551; PH-FRL 1779-5]

Georgia; Issuance of Specific Exemption for Fenvalerate on Cabbage

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted permission to the Georgia Department of Agriculture (hereafter referred to as the "Applicant") to use fenvalerate (cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methyl(ethyl)benzeneacetate)) on cabbage to control the cabbageworm complex. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, the cabbageworm complex has become an increasingly important pest on cabbage which is grown primarily in the coastal plain of Georgia. The Applicant estimates a loss of as much as 50 percent of the cabbage production if an effective control program is not available this season.

The Applicant states that none of the currently registered products, methomyl, mevinphos, and *Bacillus thuringiensis*, have been effective and they are not providing adequate control. The Applicant reports that use of methamidophas is precluded because it may not be used with 35 days of harvest.

The Applicant proposed to apply fenvalerate at a rate of 0.05 to 0.1 pound per acre by ground in a minimum of 4 gallons of water per acre.

EPA has determined that residues of the active ingredient (a.i.) fenvalerate from the proposed use should not exceed 2.0 part per million (ppm) in cabbage. This level has been judged by the EPA to be adequate to protect the public health. EPA has also determined that the proposed use should not have an unreasonable adverse effect on the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Pydrin (EPA Reg. No. 201-401), manufactured by Shell Chemical Company, may be used. If an unregistered label is used in connection with the above product, it must contain the identical applicable precautions and restrictions which appear on the registered label.

2. Total acreage of cabbage may not exceed 5,000 acres.

3. A maximum of 4,000 pounds of active ingredient may be applied at a maximum rate of 0.05 to 0.1 pound a.i. per acre.

4. A maximum of eight applications is authorized.

5. A 7-day preharvest interval is imposed.

6. All applications must be made by State-certified applicators or persons under their direct supervision.

7. Root crops may not be planted in treated fields for 12 months after

application. A 60-day crop rotation restriction is imposed for any other crop.

8. Fenvalerate will be applied by ground equipment in a minimum spray volume of 4 gallons of water per acre.

9. Fenvalerate may be applied to cabbage fields only when fields are to be harvested within 35 days and a State entomologist has determined that:

a. A major infestation of cabbageworm complex exists.

b. Registered pesticides are not controlling the cabbageworm complex.

c. Significant economic losses to cabbage growers will occur.

10. It is recommended that fenvalerate not be applied any closer to fish-bearing freshwaters than 100 feet (at the 0.05 lb. a.i. rate) and 200 feet (at the 0.1 lb. a.i. rate). Application closer than these may result in fish and/or other aquatic organism kills.

11. Participants are to be notified of their obligation to report any and all adverse effects on nontarget organisms arising from the use of this product. The EPA shall be immediately informed of any adverse effects resulting from the proposed use.

12. Precautions must be taken to avoid or minimize spray drift to nontarget areas. It is recommended that pesticide application be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speed exceeds 10 miles per hour.

13. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It may not be applied or allowed to drift to weed or crops in bloom if bees are actively visiting the treatment area. Protective information may be obtained from the State Cooperative Agriculture Extension Service.

14. Fenvalerate is extremely toxic to fish and aquatic invertebrates. It must be kept out of lakes, streams, ponds, tidal marshes, and estuaries. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by cleaning of equipment or disposing of waste or excess pesticides.

15. Cabbage with residues of fenvalerate not exceeding 2 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, had been advised of this action.

16. Cabbage trimmings from treated fields must not be fed to livestock.

17. All applicable directions, restrictions, and precautions on the product label must be adhered to.

18. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by June 30, 1982.

19. This specific exemption becomes effective January 1, 1981. No pesticide applications under this exemption may take place until then.

(Sec. 18 as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: March 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-7985 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59048; TSH-FRL-1779-6]

Substituted Phenol; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under Section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by April 5, 1981. Persons should submit written comments on the application no later than March 31, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-3936).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 5(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(H)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application withing 45 days, interested persons should provide comments within 15 days

after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2288) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Interested persons may, on or before March 31, 1981, submit to the Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies comments. The comments are to be identified with the document control number "[OPTS-59046]." Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 5, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM 81-6

The following summary is taken from the data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. April 5, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted phenol.

Use. Claimed confidential business information.

Production Estimates. The manufacturer states that less than 10 kilograms will be manufactured for test marketing purposes to be conducted in March and April 1981. Five customers will be provided the new substance during the test period.

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral LD_{50} (rat)—>5 g/kg

Primary skin irritation (rabbit)—0.3/8.0—Minimally irritating.

Eye irritation—43.2/110.0—Severely irritating.

Eye irritation washout—

5 second contact—6.0/110.0
30 second contact—9.7/110.0
Minimally irritating

Ames Assay—In progress.

Exposure. Manufacture. The submitter states that no more than four employees will be exposed to the new chemical for periods of less than two hours when handling the chemical during the laboratory-scale manufacture of the PMN substance. All personnel involve in the preparation use protective gloves, goggles, and garments.

Use. The manufacture states that the proportion of the new chemical which comprises the final product is less than 1%.

Environmental Release/Disposal. The manufacturer states that the manufacture and use of the new substance do not present any unreasonable risk of injury to health or the environment. Any waste will be disposed by incineration.

[FR Doc. 81-7984 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-31-M

[AMS-FRL 1778-5]

Announcement of Fuel Economy Retrofit Device Evaluation for "Basko MW Enginecoat"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Basko MW Enginecoat" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4299.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

"Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation

On March 4, 1980, the EPA received a request from Bask Industries, Inc. for evaluation of a fuel saving device termed the "Basko MW Enginecoat." An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Basko MW Enginecoat Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Copies of this report are available upon request.

Summary of Evaluation

"Basko MW Enginecoat" is two paint-like products, one designed to insulate engine components, the second designed to cool other engine components. Application of these coatings to the engine is claimed to improve fuel economy and performance while reducing emissions.

The Applicant submitted no valid test data with the application to support these claimed benefits. Analysis of the information submitted by the Applicant did not *prove* that the use of "Basko MW Enginecoat" would enable a vehicle operator to improve a vehicle's fuel economy or emissions. Thus, there is no technical basis to support any claims for a fuel economy improvement or emissions reduction due to the use of the "Basko MW Enginecoat" device.

Installation of the device on an engine already installed in a vehicle would be very time consuming.

Dated: March 9, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-7985 Filed 3-13-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Correction

March 5, 1981.

On February 27, 1981, (46 FR 15328), the Commission released a public Notice captioned *"FM BROADCAST APPLICATIONS ACCEPTED FOR FILING AND NOTIFICATION OF CUT-OFF DATE."* The Notice stated that the date for filing competing applications and petitions to deny is May 15, 1981, (Mimeo No. 07374).

The Notice is hereby corrected to read, *"FM TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING AND NOTIFICATION OF CUT-OFF DATE."* The date for filing competing applications and petitions to deny with respect to applications listed in the Notice is corrected to *April 24, 1981.*

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-8008 Filed 3-13-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Almelund Bancshares, Inc., Formation of Bank Holding Company

Almelund Bancshares, Inc., Almelund, Minnesota, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94 per cent or more of the voting shares of Farmers State Bank of Almelund, Almelund, Minnesota. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Research System, March 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8021 Filed 3-13-81; 8:45 am]

BILLING CODE 6210-01-M

Cardinal Bancorp, Formation of Bank Holding Company

Cardinal Bancorp, South Sioux City, Nebraska, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99 per cent or more of the voting shares of Dakota County State Bank, South Sioux City, Nebraska. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1981.

Jefferson A.Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8022 Filed 3-13-81; 8:45 am]

BILLING CODE 6210-01-M

First American Bancshares, Inc., Acquisition of Bank

First American Bancshares, Inc., Kingston, Missouri, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 57 per cent or more of the voting shares of American Bank of Union Star, Union Star, Missouri. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8023 Filed 3-13-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancorp of N.H., Inc., Acquisition of Bank

First Bancorp of N.H., Inc., Manchester, New Hampshire, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of White Mountain National Bank, North Conway, New Hampshire. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8024 Filed 3-13-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc., Acquistion of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of San Felipe Bank, N.A., Houston, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 8, 1981. Any comment on an application that

requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8025 Filed 3-13-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 9, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (reinsurance activities; Florida): to engage, through its existing subsidiaries, Sun States Life Insurance Company and Great Lakes Insurance Company, in the reinsuring of credit life and credit accident and health insurance which is directly related to extensions of credit made or acquired by indirect subsidiaries of Chemical New York Corporation, at their offices in the State of Florida. These proposed activities will be conducted from offices located in Cleveland, Ohio, and serving the State of Florida.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. U.S. Bancorp, Portland, Oregon (financing, industrial loan and insurance activities; Utah): to engage through its subsidiary, U.S. Thrift & Loan, in the making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or the account of others, including, but not limited to commercial, rediscount and installment sales contracts; to issue thrift certificates and passbooks and to act as insurance agent with regard to credit life and disability insurance solely in connection with extensions of credit by U.S. Thrift & Loan. These activities would be conducted from an office in Moab, Utah, serving the counties of Grand and San Juan, Utah.

2. U.S. Bancorp, Portland, Oregon (financing, industrial loan and insurance activities; Utah): to engage through its indirect subsidiary, U.S. Thrift & Loan, in the making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or the account of others, including, but not limited to commercial, rediscount and installment sales contracts; to issue thrift certificates and passbooks and to act as insurance agent with regard to credit life and disability insurance solely in connection with extensions of credit by U.S. Thrift & Loan. These activities would be conducted from an office in Spanish Fork, Utah, serving the southern part of Utah county including Springville, Spanish Fork, Mapleton, Salem, Payson, Santaquin, Genola and Goshen.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8026 Filed 3-13-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company, Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 9, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

U.S. BANCORP, Portland, Oregon (financing, industrial loan and insurance activities; Utah): to engage through its indirect subsidiary, U.S. Thrift & Loan, in the making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account of the account of others, including, but not limited to commercial, rediscount and installment sales contracts; to issue thrift certificates and passbooks and to act as insurance agent with regard to credit life and disability insurance solely in connection with extensions of credit by U.S. Thrift & Loan. These activities would be

conducted from an office in Price, Utah, serving the counties of Carbon and Emery, Utah.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8527 Filed 3-13-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[H-81-1]

Delegation of Authority to the Secretary of the Interior

1. *Purpose.* This delegation authorizes the Secretary of the Interior to administer the competitive leasing of surplus mineral resources underlying the properties listed below as prescribed in part 101-47 of the Federal Property Management Regulations (FPMR) (41 CFR 101-47).

a. Outlying Landing Field Magnolia, Baldwin County, Alabama, 4-N-AL-554.

b. Outlying Landing Field Faircloth, Baldwin County, Alabama, 4-N-AL-555.

c. Outlying Landing Field Kings, Escambia County, Florida, 4-N-FL-737.

d. Richards-Gebaur Air Force Base, Missouri, 6-D-MO-502 & A.

2. *Effective Date.* The delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, particularly sections 203 and 205(d) (40 U.S.C. 484 and 486(d)), authority is delegated to the Secretary of the Interior to dispose of surplus property in accordance with this Act and implementing regulations.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. Under the delegated authority, the Department of the Interior, as the disposal agency, is responsible for the following: (1) securing, in accordance with FPMR 101-47.303-4, any appraisals deemed necessary by the Secretary; (2) coordinating with all present and subsequent surface land-holders, Federal or otherwise, so as not to impede use of the facilities or impair the integrity of utilization; (3) ensuring that lands which are disturbed or damaged are restored after removal of the mineral deposits is completed; and (4) notifying the General Services Administration when the disposal of all marketable mineral deposits has been completed.

d. The Department of the Interior, as the disposal agency, is responsible for complying with the requirements of the following: (1) the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, et seq.), Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality," as amended by Executive Order 11991, Relating to Protection and Enhancement of Environmental Quality, and implementing regulations issued by the Council on Environmental Quality (40 CFR 800); (2) section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f); and (3) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) and the Department of Commerce implementing regulations (15 CFR Parts 923 and 930).

e. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (DR), Washington, DC 20406.

Dated: March 5, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7941 Filed 3-13-81; 8:45 am]

BILLING CODE 6820-86-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Annual Report; Availability of Filing

Notice is hereby given that pursuant to Section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), the calendar year 1980 annual report for the following Federal advisory committee utilized by the Centers for Disease Control has been filed with the Library of Congress:

Immunization Practices Advisory Committee

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C. (telephone 202/287-6310). Additionally, on weekdays between 9:00 a.m. and 4:30 p.m., copies will be available for inspection at the Department of Health and Human Services, Department Library, HHS North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. (telephone 202/245-6791).

Dated: March 9, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-8001 Filed 3-13-81; 8:45 am]

BILLING CODE 4110-86-M

Control Technology Assessment of Petroleum Refinery Operations; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control, and the Radian Corporation, and will be open to the public for observation and participation, limited only by the space available:

Control Technology Assessment of Petroleum Refinery Operations

Date: April 14, 1981
Time: 9 a.m. to 2 p.m.
Place: NIOSH Ridge Road Facility, 5555 Ridge Road, Cincinnati, Ohio 45213
Purpose: To discuss the study, which is to determine and document existing control technology which effectively prevents the exposure of petroleum refinery workers to harmful chemical and physical agents, with representatives from labor, industry, academia, and government. The Radian Corporation has been awarded a contract by NIOSH to perform this investigation.

Additional information may be obtained from:

Mr. Phillip A. Froehlich, Division of Physical Sciences and Engineering, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, OH 45226. Telephone: (513) 684-4295

Mr. Robert Vandervort, Radian Corporation, 1864 South State Street, Suite No. 200, Salt Lake City, UT 84115. Telephone: (801) 487-4901

Dated: March 9, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-8002 Filed 3-13-81; 8:45 am]

BILLING CODE 4110-87-M

National Institutes of Health

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, April 16, 1981, Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland 20205. The meeting will be open to the public on April 16, from 9:00 a.m. until 9:30 a.m., to review administrative details.

Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 16, from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20235 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna Woods, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland (301/496–7153) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: March 5, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–7944 Filed 3–13–81; 8:45 am]

BILLING CODE 4110–08–M

Bladder and Prostatic Cancer Review Committee (Prostatic Cancer Review Subcommittee); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Bladder and Prostatic Cancer Review Committee, Prostatic Cancer Review Subcommittee, National Cancer Institute, April 2, 1981, Cary Meeting Room Roswell Park Memorial Institute, Research Study Center, 666 Elm Street, Buffalo, New York. This meeting will be open to the public on April 2, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 2, from 9:00 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Andrew Chiarodo, Executive Secretary, Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee), National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention research, cancer detection and diagnosis research, and cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular)

Dated: March 5, 1981.

Thomas, E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc 81–7945 Filed 3–13–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–7538 WR]

California; Proposed Continuation of Withdrawal and Opportunity for Public Hearing

Correction

In FR Doc. 81–4722 appearing at page 11887, in the issue of Wednesday, February 11, 1981, make the following correction:

On page 11889, third column, the third line of second legal discription, San Bernardino Meridian, California, "T. 6N; R. 7E," should read "T. 6N; R. 17E".

BILLING CODE 1505–01–M

Utah; Vernal District Advisory Council; Meeting

March 9, 1981.

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with 43 CFR Part 1780 that a meeting of the Vernal District Advisory Council will be held April 23, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management office at 170 South 500 East, Vernal, Utah. The agenda for the meeting will include: (1) Ongoing planning for 1981 Prototype Oil Shale leasing, (2) Updating of other planning in the Bookcliffs Resource Area, (3) Discussion of the status of energy development in the Uintah Basin and what can be expected in the near future, (4) Discussion of Council committee assignments, (5) Scheduling the next meeting and agenda topics.

The meeting is open to the public. Interested persons may make oral statements to the Council between 2:00 p.m. and 3:00 p.m. on April 23, 1981, or file a written statement for the Council's consideration. Anyone wishing to make oral statements to the Council must notify the District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078, by April 16, 1981.

Summary minutes of the Council's meeting will be maintained in the District Office and will be available for public inspection during regular business hours.

Lloyd H. Ferguson,

District Manager.

March 9, 1981.

[FR Doc. 81–8004 Filed 3–13–81; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct specific activities with Endangered Species:

Applicant: Area Manager, PRT 2–7721, U.S. Fish and Wildlife Service, East Lansing, Michigan.

The applicant requests a permit to take wild Kirtland's warblers *(Dendroica kirtlandii)* from Michigan, Indiana and Ohio for banding, radio-tagging, nest checks, observing, and collecting parts (e.g. feathers) for

physiological studies for scientific research.

Applicant: Area Manager, PRT 2-7724, U.S. Fish and Wildlife Service, East Lansing, Michigan.

The applicant requests a permit to take wild bald eagles *(Haliaeetus leucocephalus)* from Michigan, Indiana and Ohio for banding, observing, radio telemetry, and collecting parts (e.g. feathers) for physiological studies for scientific research.

Applicant: Karen Anderson, PRT 2-7118, New York University, New York, New York.

The applicant requests a permit to take and sacrifice four (4) wild pine barrens tree frogs *(Hyla andersoni)* from Florida for genetic research at the New York University.

Applicant: Herpetofauna, Inc., PRT 2-7733, Fort Meyers, Florida.

The applicant requests a permit to import in foreign commerce two false gavial *(Tomistoma schlegelii)* from Tom Wheal, Ontario, Canada for enhancement of propagation. Mr. Wheal has had these animals since 1972.

Applicant: Tom and Carolyn Collins, PRT 2-7730, French Lick, Indiana.

The applicant requests a permit to purchase in interstate commerce two captive-bred gray wolves *(Canis lupus)* from David Meeks, Wellford, South Carolina for enhancement of propagation and survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Dated: March 9, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish & Wildlife Service.

[FR Doc. 81-8001 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Keith Davis, Victor, Idaho.

The applicant requests a permit to export in foreign commerce one or two dead specimens of the following species to the Provincial Museum of Alberta, Edmonton, Alberta, Canada for scientific research:

Edward's pheasant (*Lophura edwardsi*)
Swinhoe's pheasant (*L. swinhoii*)
White-eared pheasant (*Crossoptilon crossoptilon*)
Elliot's pheasant (*Syrmaticus ellioti*)

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7770. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 11, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-8032 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, MD.

The applicant requests a permit to capture 20 peregrine falcons *(Falcoperegrinus anatum/tundrius)* in Alaska to collect blood samples (3 cc.) for environmental contaminant analysis for scientific research and enhancement of survival.

Humane care has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-310. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 11, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR DOC. 81-8033 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Yerkes Regional Primate, Research Center, Emory University, Atlanta, GA.

The applicant requests a permit to conduct scientific experiments with captive non-human primates including chimpanzees, orangutans, gorillas and gibbons and to export blood and tissue samples of same.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7738. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or agruments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 11, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-8034 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permits; Official Actions for February 1981

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following actions with regards to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1905); or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Name	Permit No.	Action
Permit Applications Abandoned		
MA Audubon Society	1771 XX07	A 02-13-81
Tulane University	2305 XX07	A 02-23-81
Univ. of HI	6377 XX07	A 02-01-81
CA State University	6758 XX07	A 02-12-81
Gajewski, Raymond	7122 XX07	A 02-17-81
Boulder Zool. Preserve	7540 XX07	A 02-06-81
Denver Wildlife Research	7560 XX07	A 02-10-81
Central Coast Reptile	7569 XX07	A 02-01-81
Marmoset Breeding Farm	7592 XX07	A 02-11-81
Oak Ridge Assoc. Univ	7676 XX07	A 02-18-81
Permit Applications Denied		
Morrissette, Roger E	7440 XX07	D 02-23-81
Clopine, William W	7549 XX07	D 02-17-81
Mr. & Mrs. J. C. Ringling	7628 XX07	D 02-23-81
Jacksonville Mus. Arts	7669 XX07	D 02-25-81
Permit Applications Issued		
Patuxent Wildlife	1740 XX07	I 02-13-81
Harvard Univ	3851 XC07	I 02-19-81
Arizona-Sonora Desert	6201 XX07	I 02-17-81
Denver Wildlife Res	6362 XX07	I 02-26-81
Andrew, R. E. Lee	7135 XX07	I 02-23-81
Wiegand, Cort	7321 XX07	I 02-02-81
The Red Wolf Sanctuary	7322 XX07	I 02-02-81
National Zool. Pk	7327 XX87	I 02-27-81
Seneca Park Zoo	7337 XX07	I 02-24-81
Weems, Randall W	7366 XX07	I 02-06-81
VA Coop. Fish. Res. Unit	7375 XX07	I 02-10-81
Yale U./Peabody Museum	7399 XC07	I 02-06-81
New York Zool. Soc.	7402 XC07	I 02-06-81
Gue, Delbert F.	7415 XX07	I 02-27-81
San Antonio Zool. Grdn	7544 XX07	I 02-27-81
Permit Applications Withdrawn		
Doggett, Robert L	7360 XX07	W 02-17-81
Woodland Park Zool. Pk	7656 XX07	W 02-25-81
City of Detroit	7679 XX07	W 02-27-81

Dated: March 10, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 81-8035 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Delegation of Authority; Outer Continental Shelf Leases

Federal Oil and Gas Lease Form 3300–1 (September 1978) provides for the submission of royalty and other payments as follows:

The lessee shall make all payments to the lessor by check, bank draft, or money order unless otherwise provided by regulations or by direction of the lessor. Rentals, royalties and other payments required by this lease shall be made payable to the United States Geological Survey and tendered to the *Director*, except that filing charges, bonuses, first year's rental and other payments due upon lease issuance, shall be made payable to the Bureau of Land Management and remitted to the manager of the appropriate field office of that Bureau.

The Director of the Geological Survey has delegated his authority to receive rental and royalty payments from Outer Continental Shelf (OCS) lessees pursuant to Lease Form 3300–1 to the Chief, Conservation Division. The Chief, Conservation Division, has redelegated this authority to the Deputy Division Chief, Royalty Management, in order to conform the practice under Lease Form 3300–1 with the practice under other OCS lease forms.

The redelegation as it will appear in the Geological Survey Manual reads as follows:

.6 The authority in SM 220.2.7 to receive rental and royalty payments from Outer Continental Shelf (OCS) lessees under Lease Form 3300–1 (September 1978), is hereby redelegated by the Chief, Conservation Division, to the Deputy Division Chief, Royalty Management.

The redelegation is effective on March 16, 1981.

Dated: March 6, 1981.

Doyle G. Frederick,

Acting Director.

[FR Doc. 81-7989 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 6, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 31, 1981.

Carol Shull,

Acting Chief, Registration Branch.

CALIFORNIA

Marin County

Marin City vicinity, *Steamship Tennessee Remains*, Golden Gate National Recreation Area

Orange County

Yorba Linda, *West Home*, 4791 Palm Ave.

MASSACHUSETTS

Middlesex County

Melrose, *Beebe Estate*, 235 W. Foster St.

Norfolk County

Weymouth, *Jefferson School*, 200 Middle St.

[FR Doc. 81-8017 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-03-M

Water and Power Resources Service

Contract Negotiation With Water User Interests Willamette Basin Project, Oreg.; Intent To Begin Water Service Contract Negotiations

The Department of the Interior, through the Water and Power Resources Service, intends to negotiate water service contracts with several individuals and entities during the 1981 irrigation season. Water will be provided from the Willamette Basin Project for these irrigation purposes. Potential contractors known at this time are: (1) the Oregon State Department of Fish and Wildlife, seeking a supply to irrigate approximately 200 acres of land located adjacent to Fern Ridge Reservoir near Eugene, Oregon; (2) Raymond H. Blood Farms, Inc., seeking a supply of water from the Willamette River to irrigate approximately 70 acres of land located near Junction City, Oregon; and (3) Carl M. Kebelbeck, who desires a supply of water from the Cottage Grove Reservoir to irrigate approximately 5 acres of land located near Cottage Grove, Oregon. The proposed contracts will be written pursuant to the Reclamation Project Act of 1939 (53 Stat. 1187), and the Flood Control Act of 1944 (58 Stat. 887).

Water will be made available from Willamette Basin Project storage reservoirs constructed and operated by the Corps of Engineers. Section 8 of the Flood Control Act authorizes the Secretary of the Interior to market water from Corps of Engineers' reservoirs for agriculturual use.

The proposed contract with the Oregon State Department of Fish and Wildlife will allow diversion of a maximum annual water supply of 559 acre-feet, or not to exceed 2.15 acre-feet per acre. Similarly, the proposed contracts with Raymond H. Blood Farms, Inc. and Carl M. Kebelbeck will cover maximum annual supplies of about 151 acre-feet and 11 acre-feet, respectively. The initial water rates will be $1.25 per acre-foot. An annual minimum charge of $20 will be applicable for the contract with Carl M. Kebelbeck. Both the annual rates and the annual minimum charge will be adjustable at intervals not to exceed 5 years. The term for each of the proposed contracts is 40 years. Each of the contractors must furnish those facilities needed to divert and distribute the water, and in addition, obtain a diversion permit from the State of Oregon.

Copies of the proposed contracts are available at the Water and Power

Resources Service offices in Boise, Idaho, and Salem, Oregon. Parties interested in receiving further information should contact Ms. Cathy Kent, Repayment Contract Assistant, Water and Power Resources Service, Division of Water, Power, and Lands, Attention Code 440, 550 West Fort Street, Box 043, Boise, Idaho 83724, telephone (208) 334-9011.

The public is invited to submit written comments on proposed contracts not later than 30 days after the completed contract drafts are made available. Comments should be addressed to Regional Director, Attention Code 440, at the above address. All written correspondence concerning the proposed contracts is available to the general public pursuant to the terms and procedures of the Freedom of Information Act (30 Stat. 383), as amended.

Dated: March 9, 1981.

Alden D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-7983 Filed 3-13-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: March 11, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: A.C. Carriers, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 2460, Leesburg, FL 32748.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 5501 South Highway 441, Leesburg, FL 32748.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Michael Pregmon, Jr., P.O. Box 2460, Leesburg, FL 32748.

2. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: A & M Farm Lines, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 18700 John F. Kennedy Blvd., Houston, Texas 77205.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 18700 J. F. Kennedy Blvd., Houston, Texas 77205.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): William W. Selman, P.O. Box 60773, Houston, TX 77205.

3. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Farmers Union Central Exchange, Incorporated (CENEX).
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 43089, St. Paul, MN 55164.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 1185 N. Concord St., So. St. Paul, MN 55075.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Clarence N. Anderson, P.O. Box 43089 St. Paul, MN 55164.

4. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Lewiston Grain Growers, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 467, Lewiston, Idaho 83501.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 1200 Snake River Ave., Lewiston, Idaho 83501.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Allen R. Peterson, General Manager, P.O. Box 467, Lewiston, ID 83501.

5. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Liberty Lines Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 2736 W. Orangethorpe, Suite 16, Fullerton, CA 92633.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 2736 W. Orangethorpe, Suite 16, Fullerton, CA 92633.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Jose Zuniga E. 2736 W. Orangethorpe, Suite 16, Fullerton, CA 92633.

6. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: The Long Lines, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): RR 1, Gasport, IN 47433.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): RR 1, Gasport, IN 47433.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): David Long, RR 1, Gasport, IN 47433.

7. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Red River Valley, Potato Express, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 2202 Gateway Drive, Grand Forks, ND 58201.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 2202 Gateway Drive, Grand Forks, ND 58201.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Arthur O. Bakken, 2202 Gateway Drive, Grand Forks, ND 58201.

8. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Tooele Valley Agricultural Co-Operative, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 9822 Darin Drive, Sandy, UT 84070.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 9822 Darin Drive, Sandy, UT 84070.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Joyce Dickert, 9822 Darin Drive, Sandy, UT 84070.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8045 Filed 3-13-81; 8:45]

BILLING CODE 7035-01-M

[Docket No. AB-28 (Sub-2F)]

Central of Georgia Railroad Co.—Abandonment—Between Greenville and Raymond, GA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided February 24, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that the public convenience and necessity permit the abandonment by the Central of Georgia Railroad Company of the portion of a line of railroad which extends from Milepost R55.0 near Greenville, GA, to Milepost R72.9 at Raymond, GA in Coweta and Meriwether Counties, GA, a

total distance of 17.88 miles, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). The line includes the non-agency stations of Allie (Milepost R55.1), Primrose (Milepost R58.5), Luthersville (Milepost R63.2) and Bexton, Ga (Milepost R67.1). A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern Inc. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on BN, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than March 26, 1981. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8048 Filed 3-13-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP5-72

Decided: February 26, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 99439 (Sub-17), filed February 5, 1981. Applicant: SUWANNE TRANSFER, INC., 9800 Normandy Blvd., P.O. Box 40764, Jacksonville, FL 32203. Representative: Martin Sack Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

MC 110098 (Sub-190), filed February 4, 1981. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Rd., Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Transporting (1) *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, and (2) *shipments weighing 100 pounds or less if* transported in a motor vehicle in which no one packaged exceeds 100 pounds, between points in the U.S.

MC 135328 (Sub-7), filed February 4, 1981. Applicant: MARVIN E. YATES, d.b.a. YATES TRUCKING CO., 1600 Joe Wright Rd., Klamath Falls, OR 97601. Representative: Lawrence V. Smart, Jr., 419 NW. 23d Ave., Portland, OR 97210. Transporting *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

MC 143229 (Sub-3), filed February 3, 1981. Applicant: ANDERSON CARTAGE COMPANY, a corporation, 4040 Holly St., Unit 10, Denver, CO 80216. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *shipments* weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Condition: The person or persons who appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 145108 (Sub-28F), filed November 21, 1980. Applicant: BULLET EXPRESS, INC., 5600 First Ave., Brooklyn, NY 11220. Representative: George A. Olsen,

Gladstone, NJ 07934. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 145829 (Sub-26F), filed February 6, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government between points in the U.S.

MC 153019F, filed December 1, 1980. Applicant: J & S TRUCK BROKERAGE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave. NW., Washington, DC 20036. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153619 (Sub-1), filed January 28, 1981. Applicant: WALTER D. JANUSH, JR., d.b.a. JANUSH BROS. MOVING & STORAGE, 19285 Conant Ave., Detroit, MI 48234. Representative: Nancy Janush (same address as applicant). Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8048 Filed 3-13-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-040

Decided: March 5, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 42352 (Sub-2F), filed February 2, 1981. Applicant: DANIS TRANSPORTATION COMPANY, INC., P.O. Box 2410, Pawtucket, RI 02861. Representative: Michael T. Stamp (same address as applicant), (401) 723-0566. Over *regular routes*, transporting *general commodities* (except classes A and B explosives) (1) between Providence, RI and Putnam, CT: from Providence over U.S. Hwy 6 to junction CT Hwy 52, then over CT Hwy 52 to junction U.S. Hwy 44, then over U.S. Hwy 44 to Putman, and return over the same route, serving all intermediate points, (2) between Providence, RI and Norwich, CT: from junction U.S. Hwy 6 and CT Hwy 52 to junction CT Hwy 12, then over CT Hwy 12 to Norwich, and return over the same route, serving all intermediate points, (3) between Providence, RI and New London, CT, (a) over Interstate Hwy 95, serving all intermediate points, and (b) over U.S. Hwy 1, (4) between Providence, RI and Springfield, MA: from Providence over U.S. Hwy 146 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 91, then over Interstate Hwy 91 to Springfield, and return over the same route, (5) between Taunton, MA and Westerly, RI: from Taunton over U.S. Hwy 44 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction MA Hwy 2, then over MA Hwy 2 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Westerly, and return over the same route, serving all intermediate points, (6) between Warwick, RI and Milford, CT, over Interstate Hwy 95, serving all intermediate points, in (7) between Providence, RI and Harford, CT, over U.S. Hwy 6, serving all intermediate points.

MC 107522 (Sub-4), filed February 6, 1981. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway St., Wallington, NJ 07057. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with (a) W. F. Hall Printing Co., of Dresden, TN, (b) Baird Ward Printing Company, of Nashville, TN, (c) R.R. Donnelley & Son, Company, of Chicago, IL, (d) Random House, Inc., of Westminister, MD, (e) Berkley Jove Publishing Group, of New York, NY, and (f) Putnam Publishing Group, of New York, NY.

MC 139023 (Sub-13), filed February 2, 1981. Applicant: 2-G TRANSPORTATION, INC., 12589 Rhode Island Ave., South, Savage, MN 55378. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *food and related products*, between Peoria, IL, La Crosse, WI, and Omaha, NE, on the one hand, and, on the other, points in MN and ND.

MC 139973 (Sub-88), filed February 6, 1981. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 396, Fulton,

MO 65251. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *general commodities* (except classes A and B explosives), between the facilities of Busy Beaver Building Center, Inc., at points in PA, OH, NY, IN, WV, KY, on the one hand, and, on the other, points in the U.S.

MC 142113 (Sub-4), filed December 23, 1980. Applicant: CHESTER A. RICHMOND, SR., d.b.a. RICHMOND CARTAGE, P.O. Box 337, Craigsville, WV 26205. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Over *regular routes*, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) (1) between Washington County, OH and Braxton County, WV: from Macksburg, OH over Interstate Hwy 77 to junction WV Hwy 14 at Williamstown, then over WV Hwy 14 to Parkersburg, then over U.S. Hwy 50 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction U.S. Hwy 19 at Sutton, WV, and return over the same route, serving all intermediate points, (2) between Allegheny County, PA and Braxton County, WV: from Warrendale, PA over Interstate Hwy 79 to junction U.S. Hwy 19 at Sutton, WV, serving all intermediate points and off-route points in Monongalia, Marion, Taylor, Wood, Ritchie, Doddridge, Harrison Lewis Calhoun, Upshur, and Randolph Counties, WV, (3) between Nicholas County, WV and Monroe County, PA: from Mount Lookout, WV over U.S., Hwy 19 to junction interstate Hwy 79, then over Interstate Hwy 79 junction U.S. Hwy 48, then over U.S. Hwy 48 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Fernridge, PA, and return over the same route, serving all intermediate points, and (4) between Roanoke County, VA and Greenbrier County, WV: from intersection Roanoke and Franklin County line and U.S. Hwy 220, over U.S. Hwy 220 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Crawley, WV, and return over the same route, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 147553 (Sub-10), filed February 6, 1981. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83071, (208) 343–3071. Transporting *petroleum, natural gas and their products*, between points in KS and MO, on the one hand, and, on the other, points in ID.

MC 152093 (Sub-1), filed February 5, 1981. Applicant: DALLAS MOSER, d.b.a. DALLAS MOSER TRANSPORTERS, 1526 West Lancaster St., Bluffton, IN 46714. Representative: James Bouril, 120 West Madison, Suite 1308, Chicago, IL 60602, (312) 372–5699. Transporting *transportation equipment*, between points in Adams and Elkhart Counties, IN, Cass County, MI, Williams County, OH, and Northumberland County, PA, on the one hand, and, on the other, points in the U.S.

MC 154033, filed February 4, 1981. Applicant: T. L. C. LIMOUSINE SERVICE, INC., P.O. Box 254, Monticello, NY 12701. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, between points in Dutchess, Orange, Sullivan, and Ulster Counties, NY, on the one hand, and, on the other, New York, NY, and Newark, NJ International Airport.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8047 Filed 3-13-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or juridictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–2–001

Decided: February 26, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 10343 (Sub-43), filed February 10, 1981. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36, West, P.O. Box 250, Chillicothe, MO 64601. Representative: Vernon M. Masters (same address as applicant), (816) 646–1590. Transporting *general commodities* (except classes A and B explosives) serving points in Kenosha County, WI, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 37303 (Sub-4), filed February 10, 1981. Applicant: A.E.F.-SELOVER

TRANSPORTATION, INC., 650 Eddystone Avenue, Eddystone, PA 19013. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA. (215) 561–1030. Transporting *general commodities* (except classes A and B explosives) between Philadelphia, PA and New York, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, NC, NJ, NH, NY, PA, RI, VA, and DC.

MC 59583 (Sub-181), filed February 9, 1981. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, (301) 986–1410.Transporting *general commodities* (except classes A and B explosives) between those points in the U.S. in and east of LA, AR, MO, IA, and MN.

MC 71043 (Sub-11F), filed February 10, 1981. Applicant: LaPORTE TRANSIT CO., INC., P.O. Box 578, LaPorte, IN 46350. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Gary, IN, and Angola, IN, over U.S. Hwy 20, (2) between Gary and Butler, IN over, U.S. Hwy 6, (3) between Dyer and Fort Wayne, IN, over U.S. Hwy 30, (4) between Dyer, IN and junction U.S. Hwys 41 and 136, from Dyer over U.S. Hwy 41 to its junction with U.S. Hwy 136, and return over the same routes; (5) between Gary and Crawfordsville, IN, from Gary over I-Hwy 65 to junction U.S. Hwy 231, then over U.S. Hwy 231 to Crawfordsville, and return over the same routes; (6) between Chesterton and Frankfort, IN, from Chesterton over U.S. Hwy 20 to junction U.S. Hwy 421, then over U.S. Hwy 421 to Frankfort, and return over the same routes; (7) between Michigan City and Gas City, IN, over U.S. Hwy 35, (8) between South Bend and Kokomo, IN, over U.S. Hwy 31, (9) between Bristol and Marion, IN, over IN Hwy 15, (10) between Howe and Huntington, IN over IN Hwy 9, (11) between Veedersburg and Crawfordsville, IN, over U.S. Hwy 136, (12) between Crawfordsville and Frankfort, IN, from Crawfordsville over IN Hwy 32 to junction IN Hwy 39, then over IN Hwy 39 to Frankfort, and return over the same routes; (13) between Frankfort and Kokomo, IN, from Frankfort over IN Hwy 28 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Kokomo, and return over the same routes; (14) between junction U.S. Hwy 35 and IN Hwy 9 and Fort Wayne, IN, from junction U.S. Hwy 35 and IN Hwy 9, over IN Hwy 9 to junction U.S. Hwy 24, then over U.S. Hwy 24 to Fort Wayne, and return over the same routes; (15) between Fort Wayne, IN and junction U.S. Hwy 20 and I-Hwy 69, from Fort Wayne over I-Hwy 69 to junction U.S. Hwy 20, and return over the same routes; serving in connection with routes (1) to (15) above, all intermediate points and all points in Allen, Benton, Carroll, Cass, Clinton, Dekalb, Elkhart, Fountain, Fulton, Grant, Howard, Huntington, Jasper, Kosciusko, La Grange, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Wabash, Warren, White and Whitley Counties, IN as off-route points in connection with carriers otherwise authorized regular-route operations.

Note.—Applicant intends to tack the above requested authority with its existing regular-route operations.

MC 107012 (Sub-665F), filed February 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *rubber and plastic products*, between points in Madison County, AL, on the one hand, and, on the other, points in FL, GA, KY, MS, NC, SC, and TN.

MC 115092 (Sub-128), filed February 10, 1981. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 9, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174, (312) 584–6018. Transporting (1) *lumber and wood products, and forest products*, and (2) *building materials*, (except those in (a) above) between those points in the U.S. in and west of MT, WY, CO, and NM, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 115092 (Sub-129F), filed February 10, 1981. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174, (312) 584–6018. Transporting (1) *lumber and wood products and forest products*, and (2) *building materials* (except those in (1) above), between points in AZ, CA, CO, ID, KS, MT, ND, NE, NV, NM, OK, OR, SD, TX, UT, WA, and WY.

MC 125433 (Sub-458F), filed February 10, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant), (801) 973–4242. Transporting *electrical machinery* between points in De Soto County, FL, on the one hand, and, on the other, points in the U.S.

MC 135753 (Sub-3), filed February 9, 1981. Applicant: WILLIAMS TRANSPORT CO., INC., 938 E. Fourth St., Richmond, VA 23206. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th St., NW., Washington, D.C. 20004, (202) 737–1030. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in VA, on the one hand, and, on the other, points in the U.S.

MC 136012 (Sub-9), filed February 10, 1981. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Dr., Cincinnati, OH 45246. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting *bulk commodities*, between points in the U.S., under continuing contract(s) with (a) ChemLawn Corporation, of Columbus, OH, (b) The F. L. Emmert Co., Inc., of Cincinnati, OH, (c) Liquid Waste Management, Inc., of Cincinnati, OH, and (d) Vulcan Materials Company, of Wichita, KS.

MC 146553 (Sub-18), filed February 9, 1981. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *metal products*, between points in Hancock County, WV and Mercer County, NJ, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MO, NE, OH, PA, and WI.

MC 148423 (Sub-13), filed February 10, 1981. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative: Archie B. Culbreth, Suite 202, 2202 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *chemicals and related products and soil conditioners* between points in AL, FL, GA, SC, and TN.

MC 148442 (Sub-5), filed February 10, 1981. Applicant: SOUTHEASTERN FOOD DISTRIBUTORS, INC., d.b.a. SOUTHEASTERN TRANSPORT COMPANY, 607 10th Avenue North, Nashville, TN 37202. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *food and related products*, between Memphis, TN, on the one hand, and, on the other, points in the U.S.

MC 150783 (Sub-9), filed February 10, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant), (501) 636–1979. Transporting

rubber and plastic products, between Los Angeles, CA, Miami, FL, points in Lake County, IL, and Tarrant County, TX, on the one hand, and, on the other, points in the U.S.

Volume No. OPY-2-002

Decided: February 25, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 63562 (Sub-83), filed February 9, 1981. Applicant: BN TRANSPORT INC., 6775 East Evans Ave., P.O. Box 22694—Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307, (515) 243–4191. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Land O'Lakes, Spencer Beef Division, of Spencer, IA.

MC 63562 (Sub-84), filed February 9, 1981. Applicant: BN TRANSPORT INC., 6775 East Evans Avenue, P.O. Box 22694—Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines, Bldg., Des Moines, IA 50307, (515) 243–4191. Transporting *metal products* between points in Clinton and Polk Counties, IA, and Douglas County, NE, on the one hand, and on the other, points in the U.S.

MC 64373 (Sub-12), filed February 9, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789 or 5181. Transporting *those commodities* which because of size or weight require the use of special handling or equipment and transportation equipment, between points in AL, FL, GA, KY, MD, MS, NC, SC, TN, VA, and WV, on the one hand, and, on the other, those points in the U.S., in and east of WI, IL, KY, TN, MS and those points in LA on and east of the Mississippi River.

MC 64423 (Sub-3), filed February 9, 1981. Applicant: FREY'S MOTOR EXPRESS, INC., P.O. Box 196, Fox Farm Road, R.D. 3, Phillipsburg, NJ 08865. Representative: James M. Cope (same address as applicant), (215) 253–7181. Transporting *general commodities* (except classes A and B explosives), (1) between points in Warren County, NJ, and Lehigh and Northampton Counties, PA, on the one hand, and, on the other, points in the U.S., and (2) between the facilities of Foote Mineral Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 106603 (Sub-218), filed February 9, 1981. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3960. Transporting *machinery* between points in the U.S.

MC 107012 (Sub-659), filed February 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *metal products*, between points in Lincoln County, TN, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, KY, KS, LA, MS, NE, NC, NM, NV, OK, SC, TX, and VA.

MC 10712 (Sub-660F), filed February 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, 5001 U.S. Highway 30 West, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant), (219) 429–2224. Transporting *rubber and plastic products*, between points in the U.S.

MC 107012 (Sub-668), filed February 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *such commodities* as are dealt in or used by retail department stores, between points in Desoto County, MS, on the one hand, and, on the other, points in the U.S.

MC 110012 (Sub-86), filed February 9, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 737–1030. Transporting *general commodities* between points in Anderson and Blount Counties, TN, on the one hand, and, on the other, points in the U.S. Condition: To the extent this certificate authorizes classes A and B explosives it shall be limited in term to a period expiring 5 years from its date of issuance.

MC 115162 (Sub-555F), filed February 9, 1981. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant, (205) 578–2836. Transporting (a) *clay, concrete, glass or stone products, pulp, paper and related products, lumber and wood products*, and (b) *building materials*, (except those in (a) above), between points in the U.S.

MC 136343 (Sub-231), filed February 12, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108, (717) 232–8000. Transporting *rubber and plastic products, automotive car and maintenance supplies, batteries, flashlights, electrical equipment*, between the facilities of Union Carbide Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138322 (Sub-30), filed February 9, 1981. Applicant: BHY TRUCKING, INC., 9231 Whitmore St., El Monte, CA 91733. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whitter, CA 90602, (213) 945–3002. Transporting (1) *mercer commodities*, (2) *metal products, and machinery, and* (3) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in AK, AR, AZ, CA, CO, KS, LA, MS, MT, ND, NE, NM, OK, OR, SD, TX, UT, WA, and WY.

MC 142743 (Sub-25), filed February 9, 1981. Applicant: FAST FREIGHT SYSTEMS, INC., P.O. Box 132C, Tupelo, Mississippi 38801. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3960. Transporting *machinery* between points in the U.S.

MC 144503 (Sub-36), filed February 9, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Bldg., La Cross, WI 54601, (608) 784–5860. Transporting *general commodities* (except classes A and B explosives), between the facilities of Canton Lubricants Company and Snyder Machine and Tool Company, Division of G & L, and Therma-Tru, Division of LST Corp., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148873 (Sub-5F), filed February 9, 1981. Applicant: ROAD-CON SYSTEMS, INC., 2500 83d Street, North Bergen, NJ 07074. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Chock Full O'Nuts Corp., of New York, NY.

MC 150602 (Sub-3), filed February 9, 1981. Applicant: CHARLES A. McCAULEY, 100 Industrial Way, Hawthorn, PA 16230. Representative: Larry D. McCauley (same as applicant). Transporting (1) *petroleum, natural gas, and their products*, between points in Butler County, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV and DC. (2) *general commodities* (except classes A and B explosives), between points in Los

Angeles, CA, and Clarion County, PA, on the one hand, and, on the other, points in the U.S.

MC 151332 (Sub-1), filed February 9, 1981. Applicant: GARRY E. THREADGILL d.b.a. GARRY E. THREADGILL TRUCKING CO., 18218 SE. 135th St., Renton, WA 98055. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *Furniture and Fixtures* between points in the U.S., under continuing contract(s) with Business Furniture Distributors, of Seattle, WA.

MC 151422 (Sub-2), filed February 9, 1981. Applicant: MINN-DAK TRANSPORT, INC., P.O. Box 98, Audubon, MN 56511. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58108, (701) 235–4487. Transporting *chemicals and related products*, between points in AL, CO, GA, ID, IL, IN, IA, MI, MS, MO, MT, NE, NC, OH, TN, TX, WI, and WY, on the one hand, and, on the other, points in MN and ND.

MC 152033 (Sub-2), filed February 9, 1981. Applicant: WILLIAM J. TIGHE TRUCKING COMPANY, INC., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of food and related products, between the facilities used by Nabisco, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153803 (Sub-1), filed February 9, 1981. Applicant: HELEN B. MIRR d.b.a. RAY F. MIRR TRUCKING, 202 North Fulton Street, Princeton, WI 54941. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Transporting *metal products* between points in the U.S., under continuing contract(s) with Bock Corporation, of Madison, WI.

Volume No. OPY2–005

Decided: March 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 732 (Sub-20), filed February 18, 1981. Applicant: ALBINA TRANSFER CO., INC., 4320 N. Suttle Rd., Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *general commodities* (except classes A and B explosives), between points in OR and WA, on the one hand, and, on the other hand, points in OR, WA, ID, and CA.

MC 13233 (Sub-2), filed February 17, 1981. Applicant: PAUL W. RESSLER, R.D. No. 1, Robesonia, PA 19551. Representative: John E. Ruth, 520 Washington St., P.O. Box 1496, Reading, PA 19603, (215) 376–6794. Transporting *such commodities* as are dealt in or used by (1) manufacturers of hat and hat bodies, and (2) processors of wool and wool waste, (a) between Philadelphia, PA, on the one hand, and, on the other, points in Adamstown, PA, (b) between Philadelphia, PA, and Camden, NJ, on the one hand, and, on the other, points in Berks County, PA, (c) between Adamstown, PA, on the one hand, and, on the other, St. Louis, MO, San Marcos, San Antonio, Houston and Laredo, TX, and (d) between San Marcos, TX and Adamstown, PA.

MC 55312 (Sub-16), filed February 9, 1981. Applicant: TRAILWAYS TENNESSEE LINES, INC., 327 Gayoso St., Memphis, TN 38103. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. Transporting *passengers and their baggage*, in the same vehicle with passengers and express newspapers, between Birmingham, AL, and junction AL Hwy 157 and U.S. Alternate Hwy 72, from Birmingham over Interstate Hwy 65 to junction AL Hwy 157, then over AL Hwy 157 to junction U.S. Alternate Hwy 72, and return over the same route, serving all intermediate points.

MC 71852 (Sub-51), filed February 9, 1981. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Representative: David J. Stewart (same address as applicant), 503–779–8151. Transporting (1) *metal products*, (2) *lumber and wood products*, (3) *building materials*, and (4) *rubber and plastic products*, between those points in the U.S., in and west of ND, SD, NE, MO, OK, and TX.

MC 87672 (Sub-2), filed February 9, 1981. Applicant: EDWARD EYRING & SONS, INC., 5637 Columbia Rd., North Olmsted, OH 44070. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216–566–5639. Transporting *household goods and furniture and fixtures*, between points in AL, CT, DE, FL, GA, IA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 119352 (Sub-3), filed February 9, 1981. Applicant: CURTIS J. HEATON d.b.a. HEATON TRANSFER, Clearwater, MN 55320. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *rubber and plastic products*, between points in IA, IL, MN, IN, MO, and WI.

MC 123872 (Sub-124), filed February 9, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, 703–893–4924. Transporting *textile mill products*, between points in CA, on the one hand, and, on the other, points in NC, SC, and VA.

MC 125433 (Sub-462), filed February 20, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant), (801) 973–4242. Transporting *general commodities* (except classes A and B explosives), between the facilities used by United Freight, Inc, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125433 (Sub-463), filed February 20, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant), (801) 973–4242. Transporting *such commodities* as are dealt in or used by construction and home improvement businesses, between the facilities of Therma-Tru, Division of LST Corporation, at or near Crawford County, AR, El Paso County, CO, and Lucas County, OH, on the one hand, and, on the other, points in the U.S., and (2) between points in CA, on the one hand, and, on the other, points in Crawford County, AR, El Paso County, CO, and Lucas County, OH.

MC 129712 (Sub-37), filed February 10, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326, 404–237–6472. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of agricultural equipment, industrial equipment, and lawn care products, between points in the U.S., under continuing contract(s) with Claas of America, Inc., of Troy, MI.

MC 134073 (Sub-18), filed February 9, 1981. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Rd., Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ron Son Mushroom Products, Inc., of Glassboro, NJ.

MC 140852 (Sub-7), filed February 2, 1981. Applicant: C. W. MITCHELL, INC. d.b.a. MITCHELL TRANSPORT, 4401 N. Westshore Blvd., Tampa, FL 33684. Representative: Rudy Yessin, 113 West Main St., Frankfort, KY 40601, (502)227–7328. Transporting *meats, meat products and meat byproducts, dairy products,*

and articles distributed by meat-packing houses, between Tampa, FL, on the one hand, and, on the other, those points in the U.S. east of the Mississippi River.

MC 149563 (Sub-4), filed February 18, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Avenue, Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. Transporting *metal products, and rubber and plastic products,* between points in Jefferson and Talladega Counties, AL, Cook and Dupage Counties, IL, Finney County, KS, Upshire County, WV, Coshocton County, OH, Boone County, MO, Mahaska County, IA, Wichita County, TX, Oakland County, MI, Boone County, KY and York County, NE, on the one hand, and, on the other, points in the U.S.

MC 149572 (Sub-3), filed February 9, 1981. Applicant: TRANSPORT TECHNOLOGY, INC., 824 Burton Street, SE., Grand Rapids, MI 49507. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *metal products,* between points in MN, WI, IL, IA, IN, OH, MI, PA, NY, on the one hand, and, on the other, points in the U.S.

MC 150573 (Sub-4), filed Febraury 18, 1981. Applicant: BEN KENNEDY TRUCKING COMPANY, INC., Weston Road, P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. Transporting *food and related products* between points in AL, and GA, on the one hand, and on the other, points in FL.

MC 152253 (Sub-3), filed Febraury 9, 1981. Applicant: CHEROKEE HAULING & RIGGING, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431, (502) 821-5784. Transporting (1) *printed matter* between points in IL, IN, KY, IA, ME, NY, and TN, on the one hand, and, on the other, points in the U.S., and (2) *ores and minerals, metal products, chemicals and related products,* between points in Mineral and Esmeralda Counties, NV, and points in AL, AZ, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WV, WI, and DC.

MC 153032 (Sub-1), filed February 9, 1981. Applicant: ROBERT A. DIEDERICH, JR., d.b.a. DIEDERICH TRUCKING CO., 105 Dalton Dr., Buffalo, NY 14223. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580, 716-671-6200. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Silver Creek Preserving Corporation, of Eden, NY, and Sugar Kake Cookie, Inc., of Tonawanda, NY.

MC 153073 (Sub-1), filed February 9, 1981. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 West Pershing Rd., Chicago, IL 60609. Representative: Themis N. Anastos, 120 West Madison St., Chicago, IL 60602, 312-782-8668. Transporting (1) *chemicals and related products,* under continuing contract(s) with Enterprise Companies, of Wheeling, IL, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of paper and plastic products, under continuing contract(s) with Continental Group, Inc., Bondware Division, of Rolling Meadows, IL, between points in the U.S.

MC 154362, filed February 10, 1981. Applicant: W. L. TRUCKING, INC., 9018 South Halsted, Chicago, IL 60620. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, 312-782-6937. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Volume No. OPY 2-006

Decided March 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 69833 (Sub-162), filed February 10, 1981. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave. NW., 6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant) 616-456-2868. Transporting *general commodities* (except Classes A and B explosives), (I) over regular routes (1) between St. Louis, MO and New Orleans, LA: from St. Louis, over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same routes, (2) between Baton Rouge, LA and junction Interstate Hwys 10 and 12, over Interstate Hwy 12, (3) between Baton Rouge, LA and Jacksonville, FL, over Interstate Hwy 10, (4) between New Orleans, LA and Chattanooga, TN: from New Orleans over Interstate Hwy 10 to junction Interstate Hwy 59, then over Interstate Hwy 59 to Chattanooga and return over the same routes, (5) between Tampa, FL and Cincinnati, OH over Interstate Hwy 75, (6) between Mobile, AL and Louisville, KY, over Interstate Hwy 65, (7) between Montgomery, AL and the AL-VA state line, over Interstate Hwy 85, (8) between Florence, SC and Miami, FL over Interstate Hwy 95, (9) between Tampa, FL and Miami, FL, over U.S. Hwy 41, (10) between Tampa, FL and Daytona Beach, FL, over Interstate Hwy 4, (11) between Jackson, MS and Savannah, GA, over U.S. Hwy 80, (12) between Brookhaven, MS and Brunswick, GA, over U.S. Hwy 84, (13) between Memphis, TN and Birmingham, AL, over U.S. Hwy 78, (14) between Birmingham, AL and Florence, SC, over Interstate Hwy 20, (15) between Florence, SC and the NC-VA state line, over Interstate Hwy 95, (16) between Columbus, OH and Charlotte, NC: from Columbus over U.S. Hwy 33 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Charlotte and return over the same route, (17) between Memphis, TN and junction Interstate Hwys 81 and 77: from Memphis over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 77, and return over the same routes, (18) between Charleston, WV and St. Louis, MO, over Interstate Hwy 64, serving all intermediate points in routes (1) thru (18) above, and (19) serving points in KY, TN, NC, SC, MS, GA, AL, and points in West Baton Rouge, East Baton Rouge, Livington, Tangipahoa, St. Tammany, Iberville, Acension, St. James, St. Charles, St. John the Baptist, Jefferson, Plaque-Mines, and St. Bernard Parishes, LA, as off-route points, and (II) over irregular routes, between points in KY, TN, NC, SC, MS, AL, GA, FL and points in West Baton Rouge, East Baton Rouge, Livingston, Tangipahoa, St. Tammany, Iberville, Acension, St. James, St. Charles, St. John the Baptist, Jefferson, Plaque-Mines, and St. Bernard Parishes, LA.

Note.—Applicant holds regular route authority to which it intends to tack.

MC 107012 (Sub-661), filed February 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), 219-429-2234. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electronic equipment and computers, between points in the U.S.

MC 107012 (Sub-667), filed February 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429-2110. Transporting *machinery,* between points in IA, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY.

MC 112962 (Sub-20), filed February 9, 1981. Applicant: CRUPPER TRANSPORT CO., INC., 25 South Third, Kansas City, KS 66118. Representative: Tom B. Kretsinger, 20 East Franklin.

Liberty, MO 64068. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 129712 (Sub-36), filed February 10, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 500, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA. 30326, 404–237–6472. Transporting (1) *machinery* and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Great Lakes Export Company, of Detroit, MI.

MC 135732 (Sub-44), filed February 9, 1981. Applicant: AUBREY FREIGHT LINES, INC., 975 East Linden Ave., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities (except classes A and B explosives)*, between points in the U.S.

MC 139112 (Sub-23F), filed February 9, 1981. Applicant: CALEX EXPRESS, INC., Route 29, R.D. No. 2, Hunlock Creek, PA 18621. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *food and related products*, between points in Luzerne and Lackawanna Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 145743 (Sub-23), filed February 9, 1981. Applicant: T.F.S., INC., R.R. 2 Box 126, Grand Island, NE 68801. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Transporting *such commodities* as are dealt in or used by building materials and home improvement stores, between points in the U.S. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 148663 (Sub-3), filed February 9, 1981. Applicant: LONG SHOT EXPRESS, INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *food and related products*, between points in Hudson County, NJ, on the one hand, and, on the other, points in the U.S.

MC 150783 (Sub-10), filed February 10, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box. 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant), (501) 636–1979. Transporting *such commodities* as are dealt in or used by discount or variety stores, between points in the U.S., on the one hand, and, on the other, points in El Paso County, TX.

MC 150783 (Sub-11), filed February 19, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box. 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant), (501) 636–1979. Transporting *general commodities* (except Classes A and B explosives), between the facilities used by Ralston Purina Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151303 (Sub-2), filed February 11, 1981. Applicant: GEROGE W. SMYTH, JR., COMPANY, 1101 Ritchie Rd., Capitol Heights, MD 20027. Representative: George W. Smyth, Jr. (same address as applicant). Transporting (1) *printed matter*, (2) *pulp, paper and related products*, and (3) *rubber and plastic products*, between points in ME, MA, NH, and NY, on the one hand, and, on the other, points in MD, NJ, and NC.

MC 151422 (Sub-3), filed February 9, 1981. Applicant: MINN-DAK TRANSPORT, INC., P.O. Box 98, Audubon, MN 56511. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126, 701–235–4457. Transporting *food and related products*, between points in CA, FL, IL, IN, KY, MA, MI, MN, OH, PA, and WI, on the one hand, and, on the other, points in MN and ND.

MC 153493 (Sub-1), filed February 9, 1981. Applicant: NOBLES SLUDGE PUMPING, Route 4, Box 150, Carrollton, GA 30117. Representative: Nathan I. Finkelstein, Esq., 1619 New Hampshire Ave., NW., Washington, DC 20009, (202) 332–7737. Transporting *waste or scrap materials not identified by Industry producing*, between points in GA, on the one hand, and, on the other, points in AL.

MC 154192 filed February 9, 1981. Applicant: ARMS WAY TRANSPORT, INC., 1469 Dayton Rd., Greenville, OH 45331. Representative: Boyd B. Ferris, 50 W. Broad Street, Columbus, OH 43215. Transporting (1) *metal products, and (2) machinery*, between Dayton, and Cincinnati, OH, and points in Darke County, OH, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8048 Filed 3-13-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new

entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplicaton shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-041

Decided: March 10, 1981.

By the Commission, Review Board No. 1, Members Taylor, Chandler, and Parker.

MC 5623 (Sub-57F), filed February 6, 1981. Applicant: ARROW TRUCKING CO., P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL (703) 893-3050. Transporting (1) *Mercer commodities* and (2) *earth drilling equipment*, between points in AZ, CA, NV, OR, and WA, on the one hand, and, on the other, points in CO, KS, LA, MT, NM, ND, OK, TX, and WY.

MC 10343 (Sub-41), filed February 6, 1981. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Hwy 36, West, P.O. Box 250, Chillicothe, MO 64601. Representative: Vernon M. Masters (same address as applicant) 1-(816) 646-1500. Transporting *general commodities* (except classes A and B explosives), between points in St. Charles County, MO, on the one hand, and, on the other, points in the U.S.

MC 14702 (Sub-90), filed February 2, 1981. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: Paul F. Beery, 275 East State St., Columbus, OH (614) 228-8575. Transporting *such commodities* as are dealt in by manufacturers and distributors of food and drugs, between points in Allegheny, Cumberland, Bucks, Fayette, and Washington Counties, PA, Passaic County, NJ, Wayne County, MI, Aiken County, SC, Chatham County, GA, Davidson County, TN, Cook County, IL, Jackson County, MO, Dallas County, TX, Denver County, CO, Los Angeles and San Francisco Counties, CA, Multnomah County, OR, Milwaukee County, WI, and Hennipin County, MN, on the one hand, and, on the other, points in the U.S.

MC 61592 (Sub-303), filed February 6, 1981. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 667, Jeffersonville, IN 47130. Representative: Elisabeth A. DeVine, P.O. Box 737, Moline, IL 61265, (309) 764-8347. Transporting *building materials*, between the facilities used by (a) Rockwool Industries, Inc., and (b) R & G Sloane Manufacturing Company, Inc., at Cleveland, OH, and points in Pueblo County, CO, Bell County, TX, Clinton County, MO, Madison County, IN, and Los Angeles, Kern, and Orange Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 106223 (Sub-42), filed February 5, 1981. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., 2160 Mustang Dr., P.O. Box 43050, St. Paul, MN 55164. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333-1341. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Minneapolis, MN and Houston, TX: from Minneapolis over Interstate Highway 35 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to junction Interstate Hwy 45, then over Interstate Hwy 45 to Houston, and return over the same route, serving all intermediate points, and serving Forest City, IA, Topeka, KS, and Tulsa, OK, as off-route points.

MC 121082 (Sub-21), filed February 5, 1981. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649-6650. Transporting *such commodities* as are dealt in by manufacturers and distributors of (1) drugs, (2) hospital supplies, (3) intravenous solutions, (4) toilet preparations, and (5) personal care products, between Detroit, MI, on the one hand, and, on the other, points in the lower peninsula of MI.

MC 126822 (Sub-113), filed February 6, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Hwy, Olathe, KS 66061. Representative: John T. Pruitt (Same address as applicant) 913-782-6060. Transporting *clay, concrete, glass or stone products*, between points in the U.S.

MC 127902 (Sub-18), filed February 5, 1981. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St, NW Washington, DC 20004, 202-737-1030. Transporting *furniture and fixtures*, between the facilities of S & H Furniture, a Division of Sperry & Hutchinson Company, at points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 128772 (Sub-19), filed February 5, 1981. Applicant: STAR BULK TRANSPORT, INC., 821 North Front St., New Ulm, MN 56073. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN. transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under containing contract(s) with Trans-Continental Tire Sales, Inc., of Fridley, MN.

MC 134062 (Sub-19), filed February 6, 1981. Applicant: K. H. TRANSPORT, INC., 4796 Limphicum Rd., Dayton, MD 21036. Representative: David Earl Tinker, 1000 Connecticut Ave. N.W., Suite 1112, Washington, DC 20036, 202-887-5868. Transporting *food and related products*, between points in the U.S.

MC 142873 (Sub-9), filed February 5, 1981. Applicant: D & W TRUCK LINES, INC., 200 First St., Parsons, WV 26287. Representative: E. Stephen Heisley, 805 McLachlen Bank, 666 Eleventh St., NW., Washington, DC 20001, 202-628-6243. Transporting *lumber or wood products*, between points in the U.S., under continuing contract(s) with WIMI Lumber Corp., of Elkins, WV.

MC 143553 (Sub-6), filed February 6, 1981. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main St., P.O. Box 236, Versailles, CT 06383. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *chemicals and related products*, and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Monsanto Plastic and Resins Co., of Deep River, CT.

MC 151442 filed February 6, 1981. Applicant: LYNNCO LINES, INC., 2302 E. Del Amo Boulevard, Compton, CA 90220. Representative: Jim Van Hosen (same as applicant) (213) 632-4966. Transporting (1) *machinery and household goods*, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in the U.S., and (2) *transportation equipment*, between points in the U.S.

MC 152253 (Sub-2), filed February 5, 1981. Applicant: CHEROKEE HAULING & RIGGING, INC., Highway 85 East, Madisonville, KY 42431. Representative: William E. Henderson, Jr., P.O. Box 731, Madisonville, Ky 42431 (502) 821-7060. Transporting *general commodities* (except classes A and B explosives), between points in Maricopa County AZ, Larimer, El Paso, Moffat, and Denver Counties, CO, Fairfield, New London, and New Haven Counties, CT, Ada County, ID, Boone, Linn, Polk,

Muscatine, and Mahaska Counties, IA, Androscoggin and Cumberland Counties, ME, Suffolk, Hampden, Norfolk, and Middlesex Counties, MA, Hennepin and St. Louis Counties, MN, Yellowstone and Missoula Counties, MT, Jefferson, Hall, Lancaster, Madison, Douglas, and Scotts Bluff Counties, NE, Clark, Pershing, and Douglas Counties, NV, Cheshire County, NH, Socorro and Eddy Counties, NM, Burleigh, Cass, Grand Forks, Ward, and Williams Counties, ND, Jackson and Multnomah Counties, OR, Providence and Kent Counties, RI, Davison, Hughes, Pennington, Minnehaha, and Codington Counties, SD, Weber, Salt Lake, and Utah Counties, UT, Rutland County, VT, King, Pierce, and Clark Counties, WA, Manitowoc, Monroe, and Waukesha Counties, WI, and points in AR, AL, CA, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV, on the one hand, and, on the other, points in the U.S.

MC 153012 (Sub-1), filed February 5, 1981. Applicant: CAMPBELL TRUCKING AND HEAVY HAULERS, INC., 5905 East Ute, Tulsa, OK 74115. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *Mercer commodities*, between points in Tulsa County, OK, on the one hand, and, on the other, points in AL, AR, CO, FL, IL, IN, KS, KY, LA, MI, MS, MT, NM, OH, PA, TX, UT, and WY.

Volume No. OP4-85

Decided: March 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 3677 (Sub-51), filed January 15, 1981, previously noticed in the Federal Register issue of February 4, 1981, and republished this issue. Applicant: WMA INTERSTATE MOTOR LINES, INC., 900 Michigan Ave., N.E., Washington, DC 20017. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Over regular routes, transporting *passengers and their baggage*, between Washington, DC, and Atlantic City, NJ: from Washington over Interstate Hwy 95 to its junction with Interstate Hwy 295, then over Interstate Hwy 295 to its junction with the New Jersey Turnpike, then over the New Jersey Turnpike to its junction with NJ Hwy 42 (North South Freeway), then over NJ Hwy 42 to its junction with the Atlantic City Expressway, then over the Atlantic City Expressway to Atlantic City, and return over the same route, serving all points in the commercial zone of Washington, DC, Baltimore, MD, State Road, DE, and Atlantic City, NJ, as either intermediate or off-route points, restricted to the transportation of traffic moving to or from Atlantic City, NJ.

Note.—The purpose of this republication is to correctly state the requested authority.

MC 117577 (Sub-5), filed January 23, 1981, previously noticed in the FR of February 24, 1981. Applicant: A.C. WIDENHOUSE, INC., 400 Old Charlotte, Rd., Concord, NC 28025. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., NE, Atlanta, GA 30309. Transporting *petroleum, natural gas and their products* between points in Brunswick and New Hanover Counties, NC, on the one hand, and, on the other, points in Granville County, NC.

Note.—The purpose of this republication is to reflect the destination area as Granville County, NC, instead of as Granville, NC.

MC 143417 (Sub-10F), filed November 12, 1980, previously noticed in the FR issue of December 2, 1980, and republished this issue. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 West 16th St., Cicero, IL 60650. Representative: Barry Roberts, 806 17th St., N.W., Washington, DC 20006. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), from Chicago, IL, to points in the lower peninsula of MI and points in CT, IN, MA, MD, NJ, NY, OH, PA, RI, WI, and DC, restricted to traffic having a prior movement by rail.

Note.—The purpose of this republication is to correctly state the territorial description.

Volume No. OP1-099

Decided: March 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 39921 (Sub-19), filed January 15, 1981, previously noticed in the Federal Register issue of February 5, 1981. Applicant: KMA LEASING, INC. DBA WM. H.P., INC., 1342 North Howard Street, Philadelphia, PA 19122. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *food and related products*, between points in Cleveland, OH, and Philadelphia, PA, on the one hand, and, on the other, points in AL, IL, IN, KY, LA, MS, TN and WI.

Note.—The purpose of this republication is to reflect the correct points of origin.

MC 148731 (Sub-4), filed February 3 1981. Applicant: MINKEVITCH TRUCKING & HAULING, INC., P.O. Box 21525, Salt Lake City, UT 84121. Representative: Fred J. Minkevitch, Jr., 6290 S. Holladay Blvd., Salt Lake City, UT 84121 (801) 972-6373. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Processed Minerals Inc., of Hutchinson, KS.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8044 Filed 3-13-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full

effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-065

Decided March 5, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Member Taylor dissenting in part.)

MC 200 (Sub-585), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *metal products and rubber and plastic products*, between points in Wayne and Jackson Counties, MI, Pike County, OH, and Douglas County, KS, on the one hand, and, on the other, points in the U.S.

MC 35320 (Sub-639), filed February 23, 1981. Applicant: T.I.M.E.-DC, INC., 2596 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant), (806) 745-7262. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving Richmond, VA, and points in Chesterfield, Henrico and Hanover counties, VA, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 35320 (Sub-640), filed February 23, 1981. Applicant: T.I.M.E.-DC, INC., 2596 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting: general commodities (except classes A and B explosives), serving points in Mecklenburh County, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 52580 (Sub-9), filed February 23, 1981. Applicant: COLUMBIAN STORAGE & TRANSFER CO., 900 Hall St., SW., Grand Rapids, MI 49502. Representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, NY 14701. Transporting *general commodities* (except classes A and B explosives), between points in MI, and points in Williams, Fulton, Lucas, Wood and Ottawa Counties, OH, Steuben, DeKalb, Allen, Lagrange, Noble, Elkhart, St. Joseph, LaPorte, Porter, Lake, Kosciusko, Marshall, Whitley, Wells, Adams and Huntingdon Counties, IN, and Lake, McHenry, DuPage, Will, Kane and Cook Counties, IL.

MC 59640 (Sub-53), filed February 10, 1981. Applicant: DELTA LINES, INC., P.O. Box 2081, Oakland, CA 94621. Representative: Kirk Wm. Horton, 333 Hegenberger Road, Suite 400, Oakland, CA 94621. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, CA, ID, NV, AZ, UT, WY, MT, and CO.

MC 59150 (Sub-186), filed February 20, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose, St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, on the one hand, and, on the other, points in the U.S.

MC 59720 (Sub-13), filed February 10, 1981. Applicant: KENMORE TRANSPORTATION COMPANY, 22 Eskow Road, Worcester, MA 01604. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *food and related products*, between points in NY and PA and points in Hartford County, CT, and Worcester County, MA.

MC 65491 (Sub-16), filed February 9, 1981. Applicant: GEORGE W. BROWN, INC., 1475 East 22nd St., Bronx, NY 10469. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. Transporting *metal products*, between Philadelphia, PA, New York, NY, Baltimore, MD, and points in Fairfield and New Haven Counties, CT, on the one hand, and, on the other, points in Hamilton County, OH.

MC 74321 (Sub-161), filed February 9, 1981. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17-B, Denver CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele St., Denver CO 80209, (303) 320-6100. Transporting (1) *those commodities which because of their size or weight require the use of special equipment or handling*, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which because of their size and weight require the use of special equipment and handling, and (2) *transportation equipment, and machinery*, between points in AR, IL, IN, IA, KY, MD, MI, MO, NC, OH, PA, SC, TN, VA, WV, and WI.

MC 78400 (Sub-100), filed February 10, 1981. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 96451 (Sub-2), filed February 17, 1981. Applicant: AFFTON MOVING & STORAGE CO., INC., 345 South Old Hy. 141, Fenton, MO 63026. Representative: Noel T. Dodge (same address as applicant). Transporting *household goods*, between those points in the U.S. in and east of MN, IA, NE, CO, and TX.

MC 104430 (Sub-65), filed February 9, 1981. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. Transporting *commodities in bulk*, between points in Tazewell County, IL, Jackson County, MS, Rock County, WI, and St. John the Baptist Parish, LA, on the one hand, and, on the other, points in FL, GA, LA, MS, NC, SC, and TX.

MC 107980 (Sub-11), filed February 9, 1981. Applicant: SUMMERFORD TRUCK LINE, INC., 206 Broadway, Ashford, AL 36312. Representative: Robert J. Corber, 1250 Connecticut Ave., NW., Washington, DC 20036. Transporting *rubber and plastic products*, between points in Duval County, FL, on the one hand, and, on the other, points in Houston County, AL.

MC 108380 (Sub-109), filed February 11, 1981. Applicant: JOHNSTON'S FUEL LINERS, INC., 804 Birch Street, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, PA, SD, TX, UT, WA, WI and WY.

MC 111231 (Sub-337), filed February 10, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave.,

Springdale, AR 72764. Representative: Don A. Smith, PO Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *general commodities* (except classes A and B explosives), serving points in AR, LA and MS, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 111401 (Sub-611), filed February 12, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., PO Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant), (405) 234-4663. Transporting *mercer commodities*, between points in NM, AZ, UT, CO, WY, ID and MT.

MC 111611 (Sub-52), filed February 12, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *rubber and plastic products*, between points in Dauphin and Cumberland Counties, PA, and Bond County, IL, on the one hand, and, on the other, points in the U.S.

MC 120761 (Sub-68), filed February 17, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, TX 76117. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102, (817) 332-4415. Transporting *mercer commodities*, between the facilities of Haliburton Services at points in the U.S., on the one hand, and, on the other, points in U.S.

MC 121821 (Sub-16), filed February 10, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 7363, Nashville, TN 37210. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except classes A and B explosives), (1) between the facilities used by the Ex-Cell-O Corp., in the U.S., on the one hand, and, on the other, points in the U.S., and (2) between the facilities used by Werthan Industries, Inc. in the U.S. on the one hand, and, on the other, points in the U.S.

MC 123061 (Sub-138), filed February 18, 1981. Applicant: LEATHAM BROTHERS, INC., 46 Orange St., P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way No. 370, Salt Lake City, UT 84108. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 124080 (Sub-1), filed February 9, 1981. Applicant: P. & P., INC., d.b.a. JOHNNY'S EXPRESS, 11 Hobart Court, Rochelle Park, NJ 07662. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *transportation equipment*, between points in the U.S., under continuing contract(s) with Genuine Parts Company, of South Plainfield, NJ, and (2) *such commodities* as are dealt in or used by department stores, between points in the U.S., under continuing contract(s) with Lord & Taylor, of New York, NY.

MC 124141 (Sub-52), filed February 24, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *metal products* and *machinery*, between points in the U.S., under continuing contract(s) with Dealers Wholesale Welding and Supply, Inc., of Dallas, TX.

MC 125551 (Sub-21), filed February 19, 1981. Applicant: K & W TRUCKING CO., INC., 101 Cooper Ave. North, St. Cloud, MN 56301. Representative: William L. Libby, 5200 Willson Road, Suite 307, Edina, MN 55424. Transporting *lumber and wood products*, (1) between points in WA, OR, ID, and MT, and (2) between points in WA, OR, ID, and MT, on the one hand, and, on the other, points in MN, ND, SD, IA, NE, WI, and IL.

MC 126661 (Sub-3), filed February 10, 1981. Applicant: FREHNER TRUCKING SERVICE, INC., 124 West Brooks, N. Las Vegas, NV 89030. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Transporting (1) *clay, concrete, glass or stone products*, (2) *machinery*, and (3) *transportation equipment*, between points in WA, OR, CO, NM, MT, AZ, CA, ID, WY, and UT, on the one hand, and, on the other, points in NV.

MC 128651 (Sub-1), filed February 10, 1981. Applicant: CONTINENTAL AIR TRANSPORT CO., INC., 300 North Des Plaines St., Chicago, IL 60606. Representative: Richard A. Kerwin, 180 North LaSalle St., Chicago, IL 60601. *Over regular routes*, transporting *passengers and their baggage, and express and newspapers*, between Chicago, IL, and Milwaukee, WI, (a) from Chicago over Interstate Hwy 90 to Interstate Hwy 294, then over Interstate Hwy 294 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction IL Hwy 137, then over IL Hwy 137 to Great Lakes Naval Training Center, then over IL Hwy 137 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction Interstate Hwy 94, and then over Interstate Hwy 94 to Milwaukee, and (2) from Chicago over Interstate Hwy 90 to junction Interstate Hwy 294, then over Interstate Hwy 294 to junction Interstate Hwy 94, and then over Interstate Hwy 94 to Milwaukee, and return over the same routes serving as intermediate points junction Interstate Hwy 94 and IL Hwy 22, Great Lakes Naval Training Center, IL, junction Interstate Hwy 94, U.S. Hwy 41, and WI Hwy 50, approximately 4 miles west of Kenosha, WI, and junction Interstate Hwy 94, U.S. Hwy 41, and WI Hwy 20, approximately 6 miles west of Racine, WI.

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 134661 (Sub-9), filed February 23, 1981. Applicant: VULCRAFT CARRIER CORPORATION, 4425 Randolph Road, Charlotte, NC 28211. Representative: Samuel Siegel (same address as applicant), (704) 366-7000. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Nucor Corporation of Charlotte, NC.

MC 135561 (Sub-2), filed February 17, 1981. Applicant: N. E. FINCH CO., 1120 West Camp St., East Peoria, IL 61611. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5466. Transporting *machinery*, between points in Scott County, IA, on the one hand, and, on the other, points in IL.

MC 135691 (Sub-49), filed February 19, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 S. 33rd St., P.O. Box 6645, Lincoln, NE 68506, (402) 489-3565. Transporting *metal products*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 135691 (Sub-50), filed February 23, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 S. 33rd St., P.O. Box 6645, Lincoln, NE 68506. Transporting *general commodities* (except classes A and B explosives), between points in San Diego County, CA, on the one hand, and, on the other, points in TX.

MC 135691 (Sub-51), filed February 23, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 S. 33rd St., P.O. Box 6645, Lincoln, NE 68506. Transporting *food and related products*, between points in Dallas County, TX, on the one hand, and, on the other, points in Hillsborough County, FL, and Hinds County, MS.

MC 138661 (Sub-21), filed February 13, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington,

DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Murdock Webbing Co., Inc. of Central Falls, RI.

MC 138861 (Sub-22), filed February 11, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with C.N.C. Chemical Corporation, of Providence, RI.

MC 141440 (Sub-2), filed February 19, 1981. Applicant: LEONARD-WHERLEY MOVING SYSTEMS, INC., R.D. #22 Interchange Place, York, PA 17402. Representative: Michael L. Wherley (same address as applicant). Transporting *household goods*, as defined by the Commission, between points in York, Cumberland, Perry, Franklin, Berks, Dauphin, Lebanon, Schuylkill, Lancaster, and Adams Counties, PA, and Baltimore, Harford, and Carroll Counties, MD, on the one hand, and, on the other, points in the U.S.

MC 142310 (Sub-35), filed February 23, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in IN, MI, MN, OH, and WI.

MC 143570 (Sub-20), filed February 18, 1981. Applicant: D & G TRUCKING, INC., 4420 E. Overland Rd., Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *food and related products*, between points in Canyon County, ID, on the one hand, and, on the other, points in AZ, CA, OR, UT, and WA.

MC 144821(Sub-11), filed February 9, 1981. Applicant: FREEDOM FREIGHTWAYS, INC., 9060 Latty Ave., St. Louis, MO 63134. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting *such commodities* as are dealt in or used by (1) physicians and surgeons, (2) medical and dental clinics, (3) hospitals, (4) outpatient care centers, and (5) extended care medical facilities, between those points in the U.S., in and east of ND, SD, NE, CO, and NM.

MC 147081 (Sub-18), filed February 9, 1981. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. #2, West Middlesex, PA 16159. Representative: Michael P. Pitterich (same address as applicant). Transporting *food and related products*, between points in Berks County, PA, on the one hand, and, on the other, points in OH, WV, KY, IN, IL and MI.

MC 147611 (Sub-7), filed February 9, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same address as applicant). Transporting *lumber and wood products, and forest products*, between points in the U.S., under continuing contract(s) with United Timber Corp., of N. Anson, ME.

MC 148791 (Sub-12), filed February 9, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Road, Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company of St. Louis, MO.

MC 148791 (Sub-13), filed February 9, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Road, Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Whirlpool Corporation, of Benton Harbor, MI.

MC 149411 (Sub-2), filed February 10, 1981. Applicant: HEUERTZ TRUCKING, INC., 436 Second Ave., N.W., LeMars, IA 51031. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. Transporting *food and related products*, between points in AZ, CO, IA, IL, IN, KS, MI, MN, MO, NE, NV, ND, OH, SD, VA, and WI, on the one hand, and, on the other, points in the U.S.

MC 150990 (Sub-1), filed February 10, 1981. Applicant: BO–MARK TRANSPORT, INC., P.O. Box 652, Savannah, GA 31402. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except classes A and B explosives), between points in FL, GA, AL, MS, TN, SC, NC, VA and KY.

MC 154190, filed February 9, 1981. Applicant: N. J. BART CORP., 60 Jacobus Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *chemicals and related products*, from New York, NY, to points in NY, NJ, PA, CT, RI, MA, VT, NH, DE, MD, ME, and DC.

MC 154271, filed February 10, 1981. Applicant: BLUEBONNET TRANSIT, INC., 4000 Spring Valley Rd., Dallas, TX 75234. Representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, TX 75202. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Lone Star Company, of Dallas, TX, Swift Independent Packing Company, of Chicago, IL, Vernon Calhoun Packing Company, Inc., of Palestine, TX, and Iowa Beef Processors, Inc., of Dakota City, NE.

MC 150251 (Sub-1), filed February 10, 1981. Applicant: COURTESY CARTAGE CO., (a corporation), 24711 Sherwood Ave., Centerline, MI 48015. Representative: Bernard J. Kompare, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *metal products and machinery*, between points in the U.S., under continuing contract(s) with General Electric Company, of Fairfield, CT.

MC 151161 (Sub-1), filed February 10, 1981. Applicant: NORTH ATLANTA COACH AND TRANSPORTATION, INC. d.b.a. NORTHSIDE AIRPORT EXPRESS, 1454 Willingham Dr., Atlanta, GA 30344. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd. NE., Atlanta, GA 30326 (404) 262–7855. Transporting *passengers and their baggage* in charter and special operations, beginning and ending at points in Fulton, DeKalb, Cobb, Clayton and Gwinnett Counties, GA and extending to points in the U.S. (including AK but excluding HI).

MC 151471 (Sub-6), filed February 9, 1981. Applicant: STEINBECKER BROS., P.O. Box 852, Denver, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc. of Portland, OR.

MC 152051 (Sub-1), filed February 9, 1981. Applicant: A. HUTTAR & SONS, INC., 300 Tall Cedar Court, Bell Meade, NJ. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Morton Salt, Division of Morton Norwich Products, Inc., of Chicago, IL.

MC 152060 (Sub-2), filed February 23, 1981. Applicant: DEPENDABLE CARTAGE & TRANSPORTATION CO., INC., 2159 West Hastings St., Chicago, IL 60608. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Apollo Metals, Inc., of Bedford Park, IL.

and Systems Seating Co., Inc., of Chicago, IL.

MC 153721 (Sub-1), filed February 17, 1981. Applicant: RAF TRANSPORT, INC., R.R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market St., Indianapolis, IN 46204. Transporting *materials and supplies* used in the manufacture and distribution of eggs, between points in IL, IN, and OH.

MC 153960 (Sub-1), filed February 9, 1981. Applicant: STANDARD TRANSFER CO., INC., 1500 Bankhead Hwy., Mableton, GA 30059. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. Transporting *petroleum, natural gas and their related products*, between points in GA, on the one hand, and, on the other, points in Hamilton County, TN, Tuscaloosa and Walker Counties, AL.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

MC 154191, filed February 9, 1981. Applicant: RALPH E. KOCH, R.R. 2, Poaseyville, IN 47633. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *building materials, metal products, and lumber*, between points in IL, IN, and KY, on the one hand, and, on the other, points in the U.S.

MC 154231, filed February 17, 1981. Applicant: BURCHFIELD TRUCKING SERVICES, INC., 1408 May Street, Clarksdale, MS 38614. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 355–3578. Transporting (1) *metal products*, (2) *rubber and plastic products*, and (3) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Johnson Steel & Wire Company, Inc. of Worcester, MA and Delta Wire Corporation of Clarksdale, MS.

MC 154301, filed February 9, 1981. Applicant: SHEILD TRANSPORTATION COMPANY, 2004 Vine Street, West Des Moines, IA 50265. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. Transporting *general commodities* (except classes A and B explosives), between Des Moines, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE and WI.

MC 154331, filed February 17, 1981. Applicant: BOB GALLANT TRUCKING, INC., 1935 Lombardy Drive, Rapid City, SD 57701. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. Transporting *metal products*, between points in PA, OH, IN, and IL, on the one hand, and, on the other, points in SD, ND, WY, and MT.

MC 154350, filed February 13, 1981. Applicant: THOMAS L. HAUGEN, d.b.a. TOM'S TRAVEL SERVICE, 17 North 4th Ave. West, Duluth, MN 55802. Representative: Joseph B. Johnson, 811 First National Bank Bldg., Duluth, MN 55802. As a *broker*, at Duluth, MN, in arranging for the transportation of *passengers and their baggage*, beginning and ending at Duluth, MN, and extending to points in the U.S. (including AK, but excluding HI).

MC 154451, filed March 2, 1981. Applicant: J.D. HARRISON AND BILL HARRISON d.b.a. HARRISON BROS. TRUCKING, 2100 Peachtree, Balch Springs, TX 75180. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting *hazardous materials*, between points in TX, on the one hand, and, on the other, points in AL, AR, KS, LA, NM, NV, OK, and WA. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

Volume No. OPY5–1

Decided: March 4, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 488 (Sub-23), filed February 9, 1981. Applicant: BREMAN'S EXPRESS COMPANY, a Corporation, 318 Haymaker Rd., Monroeville, PA 15146. Representative: Joseph E. Breman, 700 Fifth Ave. Bldg., 5th Floor, Pittsburgh, PA 15219, (412) 281–1980. Transporting *leather and leather products*, between points in Boyd County, KY and Haywood County, NC, on the one hand, and, on the other, points in MA, NJ, OH, PA, and VA.

MC 30378 (Sub-65), filed February 13, 1981. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Rd., Hazelwood, MO 63042. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *transportation equipment*, between points in Wayne County, MI, on the one hand, and, on the other, points in IL, MO, KS, IA, and NE.

MC 37248 (Sub-28), filed February 10, 1981. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, V–C Drive, P.O. Box 4988, Martinsville, VA 24112. Representative: N. Oakley Lewis (same address as applicant), 703–638–872. Transporting *general commodities* (except classes A and B explosives), (1) between points in Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan Unicoi, Union, and Washington Counties, TN, and points in GA, NC, SC, and VA, and (2) between points in (1), on the one hand, and, on the other, points in DE, MD, NJ, PA, WV, and DC. Condition: Issuance of a certificate in this proceeding is conditioned on the prior or coincidental cancellation, at applicant's written request, of authority held in MC 37248 and subs thereunder, except Subs 15, 18, and 24.

MC 48409 (Sub-5), filed February 9, 1981. Applicant: MAHON's EXPRESS, 67 Jabez St., Newark, NJ 07105. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in Fairfield County, CT, Dutchess, Webster, Orange, Rockland, Putnam, Sullivan, Nassau, and Suffolk Counties, NY, Lancaster County, PA, points in NJ and Philadelphia, PA.

MC 62849 (Sub-1), filed February 9, 1981. Applicant: R. CHOINIERE TRUCKING CO., INC., 207 River Rd., Box 201, Lincoln, RI 02865. Representative: A. Joseph Mega, 175 Forbes St., Riverside, RI 02915, (401) 437–1481. Transporting *general commodities*, (except classes A and B explosives), between points in RI, on the one hand, and, on the other, Boston, MA, and points in Suffolk, Norfolk, Bristol, and Plymouth Counties, MA.

MC 99149 (Sub-19), filed February 9, 1981. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., P.O. Box 9390, Little Rock, AR 72219. Representative: Charles J. Lincoln II, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving Vivian, LA, as an off-route point in connection with applicant's otherwise authorized regular-route operations.

MC 106398 (Sub-1094), filed February 9, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, OK 74101. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293–3597. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 113388 (Sub-134), filed February 9, 1981. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: W. P. Kurtz, Jr., P.O. Box 618, Seaford, DE 19973, 302–628–7961. Transporting *general commodities* (except classes A and B explosives), (1) between points in NY,

NJ, PA, DE, MD, VA, and DC, and (2) between points in NY, NJ, PA, DE, MD, VA, and DC, on the one hand, and, on the other, points in CT, RI, MA, NH, VT, and ME.

MC 118959 (Sub-258), filed February 9, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MS, MO, NE, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, VA, WA, WV, and WI.

MC 134258 (Sub-5), filed February 9, 1981. Applicant: RALPH'S TRANSPORT LTD., 5 Seaton St., St. John, New Brunswick, Canada E2J 2A7. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, (617) 749-6500. Transporting *printed matter*, in foreign commerce only between points in the U.S., under continuing contract(s) with MacMillan, Rothesay Ltd. of St. John, New Brunswick, Canada.

MC 135598 (Sub-53), filed February 14, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *machinery* and *metal products*, between points in the U.S., under continuing contract(s) with Electric Wheel Company, Division of The Firestone Tire & Rubber Company, of Quincy, IL.

MC 135598 (Sub-54), filed February 9, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting (1) *machinery* and (2) *metal products*, between points in the U.S.

MC 135859 (Sub-2), filed February 9, 1981. Applicant: KAUFFMAN & MINTEER, INC., P.O. Box 14, Jobstown, NJ 08041. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *commodities* in bulk, between points in CT, NJ, MA, WV, SC, NC, RI, NY, PA, MD, DE, VA, FL, GA, OH, VT, ME, NH, and DC.

MC 135989 (Sub-20), filed February 12, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320-6100. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Los Angeles Freightliner, Inc., of Whittier, CA.

MC 144069 (Sub-27), filed February 9, 1981. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant), 704-372-1610. Transporting *general commodities* (except classes A and B explosives), between Charleston and North Charleston, SC, on the one hand, and, on the other, points in NC, SC, GA, FL, VA, TN, and KY.

Volume No. OPY5-02

Decided: March 4, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce, and Jones.

MC 136818 (Sub-126), filed February 9, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, 602-275-3124. Transporting *salt and salt products*, between points in Alemeda County, CA, and points in UT, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX.

MC 142469 (Sub-1), filed February 9, 1981. Applicant: JERRY BULLOCK TOWING, INC., 101 Foothills Rd., Lake Oswego, OR 97034. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting (1) *disabled, abandoned, repossessed or stolen vehicles and replacement vehicles* for disabled vehicles (2) *machinery*, (a) between points in OR and WA, and (b) between points in OR and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, ND, NM, NV, OK, SD, TX, UT, and WY.

MC 144069 (Sub-25), filed February 9, 1981. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant), 704-372-1610. Transporting *building materials* between points in Lancaster County, SC, on the one hand, and, on the other, those points in the U.S. in and east of MS, TN, KY, IL, and WS.

MC 144069 (Sub-26), filed February 9, 1981. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant), 704-372-1610. Transporting *metal products and machinery* between those facilities or suppliers of Commercial Shearing, Inc., in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 144069 (Sub-28), filed February 9, 1981. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant). Transporting *metal products* between points in Cumberland County, NC, and York, Georgetown, and Darlington Counties, SC, on the one hand, and, on the other, those points in the U.S. in and east of MS, TN, KY, IL, and WS.

MC 144069 (Sub-6), filed February 9, 1981. Applicant: JEM TRUCKING COMPANY, INC., P.O. Box 217, Wilkesboro, NC 28697. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, (601) 969-3424. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dealers Supply Company, of Durham, NC.

MC 145106 (Sub-30), filed February 9, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Montgomery Elevator Company, of McKinney, TX.

MC 145106 (Sub-40), filed February 9, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dow Chemical USA, of Gales Ferry, CT.

MC 145459 (Sub-4), filed February 9, 1981. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, East Rt. 316, Mattoon, IL 61932. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Hi-Cone, a division of Illinois Tool Works, of Charleston, IL.

MC 145468 (Sub-41), filed February 9, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting

general commodities (except classes A and B explosives), between points in Peoria and Tazewell Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 145829 (Sub-22), filed February 9, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NY 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Thompson Steel Company, Inc., of Canton, MA.

MC 146448 (Sub-27), filed February 9, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *chemicals and related products*, between points in NJ, on the one hand, and, on the other, points in the U.S.

MC 146448 (Sub-28), filed February 9, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *machinery*, between points in the U.S., under continuing contract(s) with SKF Industries, Inc., of King of Prussia, PA.

MC 151598 (Sub-1), filed February 9, 1981. Applicant: HOW-DEA SERVICE CENTER, INC., Route 1, Belgium, WI 53004. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting *such commodities* as are dealt in by manufacturers of tires, between St. Louis, MO and points in McLennan County, TX, Graves County, KY, Jefferson County, IL, Madison County, AL, and Erie County, NY, on the one hand, and, on the other Minneapolis, MN.

MC 152139 (Sub-1), filed February 9, 1981. Applicant: SERVICE PETROLEUM CARRIERS, INC., 544 Pinewood Ave., Roselle Park, NJ 07204. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *petroleum, natural gas and their products*, between points in NJ, NY, PA, CT, MA, MD, and DE.

MC 152719 (Sub-1), filed February 9, 1981. Applicant: DONALD L. HUSSMANN d.b.a. HUSSMANN TRUCKING CO., 4035 North 72d Street, Milwaukee, WI 53216. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *such commodities* as are dealt in or used by the manufacturers of cheese and cheese products, between points in the U.S., under continuing contract(s) with Park Cheese Company, Inc., of Fond du Lac, WI.

Volume No. OPY5-3

Decided: March 4, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 42948 (Sub-24), filed February 10, 1981. Applicant: THE HOCKING CARTAGE COMPANY, 28424 Chieftain Dr., Logan, OH 43138. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between points in Hocking County, OH, on the one hand, and, on the other, points in the U.S.

MC 61619 (Sub-15), filed February 9, 1981. Applicant: L & H TRUCKING COMPANY, INC., R.D. No. 3, Spring Grove, PA 17362. Representative: James E. Fulierton, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *hazardous materials*, between points in the U.S., under continuing contract(s) with Liqwacon Corporation, of Blue Bell, PA.

MC 78579 (Sub-1), filed February 10, 1981. Applicant: NATIONAL MOVERS CO., INC., P.O. Box 70, Rutherford, NJ 07070. Representative: Joseph A. Holl (same address as applicant), (201) 438–7300. Transporting *such commodities* as are dealt in or used by a manufacturer or distributor of copying, duplicating or reproducing machines, between points in the U.S., under continuing contract(s) with Xerox Corporation, of Rochester, NY.

MC 112668 (Sub-64), filed February 9, 1981. Applicant: HARVEY R. SHIPLEY & SONS, INC., 2601 Emory Road (P.O. Box 266), Finkburg, MD 21048. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting (1) *chemicals and related products*, (2) *metal products*, (3) *building materials*, and (4) *clay, concrete, glass or stone products*, (a) between points in CT, DE, DC, MD, NJ, NY, OH, PA, VA, and WV, and (b) between points in CT, DE, DC, MD, NJ, NY, OH, PA, VA, and WV, on the one hand, and, on the other, points in that part of the U.S. in and east of MN, IA, MO, AR, and LA.

MC 123236 (Sub-1), filed February 9, 1981. Applicant: ROBERT GRIM WELDING CO., INC., 1415 Brookdale Ave., East Palestine, OH 44413. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in NY, OH, PA, and WV, on the one hand, and, on the other, points in the U.S.

MC 125600 (Sub-15), filed February 9, 1981. Applicant: BEATTYVILLE TRANSPORT, INC., P.O. Box 675, Catlettsburg, KY 41129. Representative: Fred H. Daly, 2550 M St. NW., Washington, D.C. 20037, (202) 293–3204. Transporting *general commodities*, between points in Pittsburg County, PA, Davidson and Knox Counties, TN, and Bedford County, VA, and points in KY, OH, WV, on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives, shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 135469 (Sub-10), filed February 10, 1981. Applicant: HAWKEYE TRANSPORT CO., a corporation, P.O. Box 126, 601 Front St., Stanwood, IA 52337. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319) 557–1320. Transporting *chemicals and related products*, from points in Jackson County, IA, to points in IL and WI.

MC 142506 (Sub-167), filed February 9, 1981. Applicant: NATIONAL TRANSPORTATION, INC., 10610 South 144th St., Omaha, NE 68137. Representative: Joseph Winter, 29 So. LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S.

MC 136206 (Sub-11), filed February 9, 1981. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham (same address as applicant), (916) 842–4161. Transporting *building materials*, and *pipe* between points in Contra Costa, San Joaquin and Glen Counties, CA, and Umitilla County, OR, on the one hand, and, on the other, points in CA, OR, and WA.

MC 138018 (Sub-68), filed February 9, 1981. Applicant: RFI TRANSPORT, INC., P.O. Box 1018, Denver, CO 80201. Representative: Jo Ann M. Harvey (same address as applicant), (303) 292–1960. Transporting *general commodities*, (except Class A and B explosives), between points in the U.S., under continuing contract(s), with Flintkote Supply Company, a division of Genstar Limited, of Irving, TX.

MC 144678 (Sub-38), filed February 10, 1981. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey (same

address as applicant), (913) 648–5540. Transporting *food and related products*, between points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 146478 (Sub-1), filed February 9, 1981. Applicant: ULTIMATE DISTRIBUTION, INC., 50 Executive Ave., Edison, NJ 08817. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *food and related products*, between the facilities used by Confectionery Consolidators, Inc. and their members, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148569 (Sub-6), filed February 13, 1981. Applicant: JAMES BRUCE LEE & STANLEY LEE d.b.a. LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 837 East 162nd St., South Holland, IL 60473, (312) 596–6575. Transporting *general commodities* (except classes A and B explosives, between points in the U.S., under continuing contract(s) with Pontiac Furniture Industries, Inc., of Pontiac, IL.

MC 149308 (Sub-11), filed February 10, 1981. Applicant: VICTORY FREIGHTWAYS SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of furniture components, between points in the U.S., under continuing contract(s) with Leggett & Platt, Inc., of Carthage, MO.

MC 150939 (Sub-12), filed February 10, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Heck's, Inc., of Nitro, WV.

MC 150948 (Sub-1), filed February 9, 1981. Applicant: NOBLE PROPERTIES, INC., 12106 Conrad Road, Austin, TX 78759. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO.

Volume No. OPY5–4

Decided: March 4, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 28739 (Sub-112), filed February 9, 1981. Applicant: ALFARM TRUCKLINES, a corporation, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting (1) *machinery*, and (2) *metal products*, between points in Franklin County, MO, on the one hand, and, on the other, points in the U.S.

MC 37509 (Sub-19), filed February 9, 1981. Applicant: VAN HAAREN SPECIALIZED CARRIERS, INC., 3660 North Euclid Ave., Bay City, MI 48707. Representative: Robert J. Gallagher, 1000 Conn. Ave., NW., Suite 1200, Washington, D.C. 20036 (202) 463–6044. Transporting *those commodities* which because of their size or weight require the use of special equipment, between points in MI, OH, IL, WI, and IN, and (2) between points in MI, OH, IL, WI, and IN, on the one hand, and, on the other, points in ME, NH, VT, RI, MA, CT, NY, NJ, PA, DE, MD, VA, WV, NC, SC, AL, MS, GA, FL, MI, IN, OH, KY, TN, LA, AR, MO, IA, IL, WI, MN, NE, KS, OK, TX, and DC.

MC 99498 (Sub-9), filed February 9, 1981. Applicant: JIMMY STEIN MOTOR LINES, INC., P.O. Box 2286, Mobile, AL 36601. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210 (703) 525–4050. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Ft. Walton Beach, FL, and New Orleans, LA, from Ft. Walton Beach over U.S. Hwy 98 to McComb, MS, then over U.S. Hwy 51 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, and (2) between New Orleans, LA, and Pensacola, FL, over U.S. Hwy 90, serving all intermediate points in (1) and (2) above, and points in MS in and south of Pike, Walthall, Marion, Lamar, Forrest, Perry and Greene Counties, MS; points in Baldwin and Mobile Counties, AL; and points in Santa Rosa, Escambia and Okaloosa Counties, FL, as off route points.

MC 111839 (Sub-12), filed February 12, 1981. Applicant: BEE LINE EXPRESS, INC., P.O. Box 388, Albertville, AL 35950. Representative: Don Upton (same address as applicant) (205) 878–0941. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Huntsville, AL and Birmingham, AL, (a) from Huntsville over U.S. Hwy 231 to junction AL Hwy 79, then over AL Hwy 79 to Birmingham, and return over the same route, (b) from Huntsville over U.S. Hwy 231 to junction AL Hwy 160, then over AL Hwy 160 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Birmingham, and return over the same route, (c) from Huntsville over U.S. Hwy Alt. 72 to junction Interstate Hwy 65 (also U.S. Hwy 31), then over Interstate Hwy 65 (also U.S. Hwy 31) to Birmingham, and return over the same route, and (d) from Huntsville over U.S. Hwy 431 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Birmingham, and return over the same route, (2) between Scottsboro, AL and Birmingham, AL, from Scottsboro over U.S. Hwy 72 to Huntsville, then over U.S. Hwy 231 to junction AL Hwy 79, then over AL Hwy 79 to Birmingham, and return over the same route, (3) between Chattanooga, TN and Birmingham, AL, from Chattanooga over Interstate Hwy 59 (also over U.S. Hwy 11) to Birmingham, and return over the same route, (4) between Chattanooga, TN and Huntsville, AL over U.S. Hwy 72, and (5) between Albertville, AL and Arab, AL, from Albertville over U.S. Hwy 431 to junction AL Hwy 69, then over AL Hwy 69 to Arab, and return over the same route, serving all intermediate points in routes (1) through (5) above.

MC 119988 (Sub-275), filed February 9, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood (same address as applicant) (713) 632–5546. Transporting (1) *lumber and wood products*, and *forest products*, between points in OR, WA, and CA; (2) *such commodities* as are dealt in or used by manufacturers and distributors of plastic and paper articles, between Chicago, IL, points in Champaign and Lake Counties, IL, Kansas City, MO, points in Pontotoc County, OK, Ventura County, CA, Baltimore City County, MD, and Caroline County, MD, on the one hand, and, on the other, points in the U.S.; (3) *general commodities* (except classes A and B explosives), between points in Houston County, TX, and Hardeman County, TN, on the one hand, and, on the other, points in the U.S.; (4) *clay, concrete, glass or stone products*, between Minneapolis, MN, Vigo County, IN, Houston County, GA, Monmouth County, NJ, and Omulgee County, OK, on the one hand, and, on the other, points in the U.S., (5) *metal products* between Los Angeles, CA, New Orleans, LA, Houston, TX, and Nashville, TN, on the one hand, and, on the other, points in the U.S., (6) *general commodities*, between the facilities used by Manville Forest Products Corporation and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S., and (7) *rubber and plastic products*, between points in the U.S.

MC 120419 (Sub-14), filed February 10, 1981. Applicant: SERVICE TRANSFER, INC., P.O. Box 460, Henryetta, OK 74437. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848-7946. Transporting *food and related products*, between St. Louis, MO, and points in Shelby County, TN, on the one hand, and, on the other, points in AR and OK.

MC 123159 (Sub-8), filed February 9, 1981. Applicant: DE-PEN LINE, INC., Hollow Road, RD 1, P.O. Box 486, Phoenixville, PA 19460. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722, (201) 780-0300. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Philadelphia, PA and Salisbury, MD, (a) from Philadelphia over U.S. Hwy 1 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction U.S. Hwy 13, then over U.S. Hwy 13 to Salisbury, MD, and return over the same route, and (b) from Philadelphia over U.S. Hwy 1 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction U.S. Hwy 13, then over U.S. Hwy 13 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction MD Hwy 213, then over MD Hwy 213 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Salisbury, MD, and return over the same route; (2) between Philadelphia, PA and Washington, DC over U.S. Hwy 1; and (3) between Philadelphia, PA and Cumberland, MD, from Philadelphia over U.S. Hwy 1 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction U.S. Hwy 13, then over U.S. Hwy 13 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Cumberland, MD, and return over the same route, serving in routes (1), (2), and (3) above, all intermediate points and those off-route points in MD and DE.

MC 124408 (Sub-17), filed February 9, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126 (701) 235-4487. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Farmers Plant Food, Inc., of Garretson, SD.

MC 151839 (Sub-4), filed February 10, 1981. Applicant: C & S TRUCKING, INC., 4717 West Military Hwy., Chesapeake, Va 23320. Representative: Blair P. Wakefield, Suite 1001-First & Merchants National Bank Bldg., Norfolk, VA 23510 (804) 627-0070. Transporting (1) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Goldschmidt Chemical Corporation, of Hopewell, VA; and (2) *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Lewittes Furniture Enterprises, Inc., of Taylorsville, NC.

MC 153716 (Sub-1), filed February 9, 1981. Applicant: M. T. LEASING, INC., d.b.a. M. T. L., 6606 Wainwright Drive, Woodridge, IL 60515. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Global Steel Corp., of Deer Park, NY.

MC 154166, filed February 9, 1981. Applicant: ARTHUR COLE, d.b.a. A. COLE, 61 Mission St., Montclair, NJ 07042. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 234-0301. Transporting *general commodities* (except classes A and B explosives), between Boston, MA, New York, NY, Baltimore, MD, and Norfolk, VA.

MC 154239, filed February 9, 1981. Applicant: TRANSPO-AMERICAN TRANSPORT OF GUILFORD, INC., P.O. Box 7628, Greensboro, NC 27407. Representative: Alton Munn, Jr. (same address as applicant) (919) 855-7945. Transporting *machinery*, between points in Forsyth County, NC, on the one hand, and, on the other, points in the U.S.

MC 154239 (Sub-1), filed February 9, 1981. Applicant: TRANSPO-AMERICAN TRANSPORT OF GUILFORD, INC., P.O. Box 7628, Greensboro, NC 27407. Representative: Alton Munn, Jr. (same address as applicant) (919) 855-7945. Transporting *rubber and plastic products*, between points in Davidson and Guilford Counties, NC, on the one hand, and, on the other, points in the U.S.

MC 154359, filed February 10, 1981. Applicant: LOWELL WILKINS, RR #1, Princeton, IN 47670. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601 (312) 332-5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL, and Louisville Freezer Center, of Louisville, KY.

MC 154368, filed February 10, 1981. Applicant: TRUC-WAY, INC., Lexington Ave. and Cuthbert Blvd., Cherry Hill, NJ 08002. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107 (215) 735-3060. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mobil Oil Corporation, of Fairfax, VA, and Campbell Soup Company, of Camden, NJ.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8043 Filed 3-13-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-102

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, room 501, Boston, MA 02114.

MC 151540 (Sub-1-3TA), filed February 25, 1981. Applicant: E.S.T.B., INC., 21 Pier Lane, Roseland, NJ 07068.

Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *General commodities, except Classes A and B explosives* between the facilities of Pennvine Warehousing Corp., at Hazleton and Scranton, PA on the one hand, and, on the other, points in and east of ND, SD, NB, KS, OK and TX, under continuing contract(s) with Pennvine Warehousing Corp. of Scranton, PA. Supporting shipper(s): Pennvine Warehousing Corp., P.O. Box 511, Scranton, PA 18501.

MC 116371 (Sub-1–5TA) filed February 25, 1981. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, CD L5J 2Y4. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Petroleum products, in bulk, in tank vehicles,* from Freedom and Bakerstown, PA and points within 5 miles thereof to ports of entry on the US/CD International Boundary in NY. Supporting shipper: Valvoline Oil Canada, P.O. Box 369, Clarkson Postal Station, Mississauga, Ontario, CD L5J 3Y2.

MC 154380 (Sub-1–1TA), filed February 25, 1981. Applicant: WALTER DUBOIS d.b.a. CONTROL COURIER, 196 Hackensack Street, Woodridge, NJ 07075. Representative: Watler DuBois, 196 Hackensack Street, Woodridge, NJ 07075. *Contract carrier:* irregular routes: *Printed material* between New York, NY and Manchester, NH, under continuing contract(s) with The Home Insurance Co. of New York, NY. Supporting Shipper: The Home Insurance Co., 59 Maiden Lane, New York, NY 10038.

MC 145014 (Sub-1–10TA), filed February 25, 1981. Applicant: COASTAL TRUCK LINE, INC., How Lane, P.O. Box 600, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Esq., Zelby, Burstein, Hartman & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: (1) Alcoholic liquors and (2) Material, equipment and supplies used in the manufacture, distribution and sale of alcoholic liquors between the facilities of Bacardi Imports, Inc. located at or near Jacksonville, FL on the one hand, and points and places in the States of VA, MD, DE, PA, NY, NJ, DC, CT, MA and RI on the other hand, under continuing contract(s) with Bacardi Imports, Inc. of Miami, FL. Supporting shipper: Bacardi Imports, Inc., 2100 Biscayne Boulevard, Miami, FL 33137.

MC 154379 (Sub-1–1TA), filed February 25, 1981. Applicant: BEAN TRUCKING CO., INC., 899 Birnie Ave., W. Springfield, MA 01089. Representative: Harold L. Rackson, 33–28 Halsey Road, Fair Lawn, NJ 07410. *Contract carrier:* irregular routes: *Malt beverages* between Newark, NJ and Merrimack, NH, on the one hand, and, on the other, Springfield, MA under continuing contract(s) with Williams Distributing Corp., Springfield, MA. Supporting shipper: Williams Distributing Corp., 372 Pasco Road, Springfield, MA 01109.

MC 44513 (Sub-1–1TA), filed February 24, 1981. Applicant: MATCO TRANSPORTATION, INC., 3rd St. & Hackensack Avenue, South Kearny, NJ 07306. Representative: Kenneth M. Piken, Esq., 95–25 Queens Blvd., Rego Park, NY 11374. *General commodities,* between points in the States of MA, RI, CT, NY, NJ, PA, DE, MD, and VA on the one hand, and, on the other, the cities of Buffalo, NY, Chicago, IL, Cincinnati, OH, Detroit, MI, Louisville, KY, St. Louis, MO, Memphis, TN, Birmingham, AL, and Atlanta, GA, with a prior or subsequent movement by rail and/or water. Supporting shipper(s): There are 33 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 154401 (Sub-1–1TA), filed February 24, 1981. Applicant: TRI-STAR TRANSPORTATION, INC., 44 Southbridge Street, Auburn, MA 01501. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *Such commodities as are dealt in by distributors of alcoholic beverages* between Fulton and Rouses Points, NY, Highgate Springs, VT, Hartford, CT, Merrimack, NH, and North Bergen and Scobeyville, NJ, on the one hand, and, on the other, points in MA under continuing contract(s) with Atlas Distributing Corp. of Auburn, MA and Williams Distributing Corp. of Springfield, MA. Supporting shipper(s): Atlas Distributing Corp., 44 Southbridge Street, Auburn, MA 01501; and Williams Distributing Corp., 372 Pasco Road, Springfield, MA 01119.

MC 146239 (Sub-1TA), filed February 24, 1981. Applicant: INTERNATIONAL FOODS TRANSPORT, INC., Box 127, Hope, NJ 07844. Representative: Ronald I Shapss, Esq., 450 Seventh Ave., New York, NY 10123. *Contract carrier:* irregular routes: *Locomotive replacement parts, electrical equipment and parts and materials and supplies used in the manufacture thereof,* between points in PA, on the one hand, and, on the other, points in the US (including AK, excluding HI), under continuing contract(s) with General Electric Co. of Erie, PA. Supporting shipper: General Electric Co., 2901 East Lake Road, Erie, PA 6531.

MC 16872 (Sub-1–4TA), filed February 20, 1981. Applicant: WILLIAM MIRRER d.b.a. MIRRER'S TRUCKING, 100 E. 25th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Chemicals, and (2) materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities named in (1) above,* between points in the US (except AK and HI). Supporting shipper(s): Sobin Chemicals, Inc., 1900 Prudential Tower, Boston, MA 02199.

MC 146971 (Sub-1–2TA), filed February 26, 1981. Applicant: CONTRANS, INC., P.O. Box 3, Arch Street, Erving, MA 01344. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *such commodities as are dealt in by a manufacturer or distributor of machine parts* between Harvey, IL, and Detroit, MI, on the one hand and, on the other, La Grange, GA, under continuing contract(s) with Whiting Corp. of La Grange, GA. Supporting shipper: Whiting Corp., 1602 Executive Drive, La Grange, GA 30240.

MC 144061 (Sub-1–10TA), filed February 26, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Road, Hawthorne, NJ 07506. Representative: Jack L. Schiller, 345 Webster Avenue, Brooklyn, NY 11230. *Contract carrier:* irregular routes: *Fatty acids, Esters and Glycerines* from Cincinnati, OH to points in MA, MD, NJ, PA, and TX, under continuing contract(s) with Emery Industries, Inc of Cincinnati, OH. Supporting shipper: Emery Industries, Inc., 1300 Carew Tower, Cincinnati, OH 45202.

MC 154414 (Sub-1–1TA), filed February 26, 1981. Applicant: GREGG'S TRANSPORT, RFD 2, Box 169G, E. Holden, ME 04229. Representative: Gregory A. Grant, RFD 2, Box 169G, E. Holden, ME 04229. *Contract carrier:* irregular routes: *(1) Paper, paper products and materials and supplies used in the manufacture and distribution of paper and paper products,* between Millinocket, E. Millinocket and Portland, ME and Tewksbury, MA on the one hand, and, on the other hand, points in the US, except AK and HI, under continuing contract(s) with Great Northern Paper Co., of Millinocket, ME; and *(2) paper and paper products, woodpulp, plastic and plastic products,* between points in the US, except AK and HI restricted to traffic originating at or destined to

facilities owned, utilized or operated by Georgia Pacific Corp. under continuing contract(s) with Georgia Pacific Corp., of Darien, CT; and *(3) malt beverages and table wines*, from Merrimack, NH, Newark, NJ and Williamsburg, VA and all points in the US, except AK and HI, to Bangor, ME under continuing contract(s) with Marine Distributors of Bangor, ME. Supporting shipper(s): Great Northern Paper Co., Millinocket, ME 04462; Georgia Pacific Corporation, 320 Post Road, Darien, CT 06820; Maine Distributors, 5 Coffey Street, Bangor ME 04401.

MC 146971 (Sub-1–1TA), filed February 26, 1981. Applicant: CONTRANS, INC., P.O. Box 3, Arch Street, Erving, MA 01344. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *Such commodities as are dealth in by a manufacturer or distributor of rubber and plastic products* from the facilities of Rubbermaid Specialty Product, Inc. at La Grange, GA., to points in the U.S. except HI, under continuing contract(s) with Rubbermaid Specialty Product, Inc., La Grange, GA 30240. Supporting shipper: Rubbermaid Specialty Product, Inc., Box 1707, Callaway Industrial Park, GA 30240.

MC 154429 (Sub-1–1TA), filed February 27, 1981. Applicant: COMPASS TRUCKING CORP., 53 Hook Road, Bayonne, NJ 07002. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives, and hazardous wastes)* between warehouse of Compass Distribution Corp. in Bayonne, NJ, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Compass Distribution Corp. of Bayonne, NJ. Supporting shipper: Compass Distribution Corp., 53 Hook Road, Bayonne, NJ 07002.

MC 154439 (Sub-1–1TA), filed February 27, 1981. Applicant: COUNTRYWIDE TRANSPORTATION, 5 Rose Street, Dover, NH 03820. Representative: Susan Gagne (same address as applicant). *Metal works, racks, pallets, materials, equipment and supplies used in the manufacture, sale, and distribution of metal building work, racks, and pallets*, between points in NH on the one hand, and, on the other, points in the U.S. (excluding AK and HI). Supporting shipper: Kingston Warren Corp., Route 85, Newfields, NH 03856.

MC 147036 (Sub-1–1TA), filed February 27, 1981. Applicant: R–D TRANSPORT CO., INC., Box 229, Summer Dr. Ext., Winchendon, MA 01475. Representative: Patrick A. Doyle, 80 Robbins Rd., Springfield, MA 01104. *Such merchandise as are dealt in by department stores and material, equipment and supplies used in the sale and distribution thereof*, between the facilities of S.A.Y. Industries, Inc. located in Leominster, MA, Bayonne, NJ, and Philadelphia, PA, on the one hand, and, on the other, points in the U.S., and from Watertown, MA to points in the U.S. Supporting shipper(s): S.A.Y. Industries, Leominster, MA 01453, Quality Paper Co., 610 Pleasant St., Watertown, MA 02172.

MC 135634 (Sub-1–4TA), filed February 27, 1981. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 301, Flemington, NJ 08822. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue NW., Washington, D.C. 20006. *Floor tile* from the facilities of Uvalde Rock Asphalt Co. located at or near Houston, TX to pts. in CA, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, OH, PA, WV, WI, TN, DE, DC, MD, NJ, AR, OK, VA, CT, MS, RI, VT, NH, and ME. Supporting shipper: Uvalde Rock Asphalt Co., P.O. Box 304030, San Antonio, TX 78233.

MC 99643 (Sub-1–2TA), filed March 2, 1981. Applicant: J. F. LUX TRANS CO., INC., 232 Ash Street, Reading, MA 01867. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *General commodities* between points in CT on the one hand, and, on the other, points in MA, Hillsboro, Merrimack, Rockingham and Stafford Counties, NH, and RI. Supporting shipper(s): There are seven statements in support of this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 107522 (Sub-1–1TA), filed March 2, 1981. Applicant: PEAK TRANSFER CO., 57 Hathaway Street, Wallington, NJ 07057. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123. *Contract carrier:* irregular routes: *Printed material, materials and supplies used in the manufacture thereof*, between Chicago, Dwight, Mattoon, IL, Crawfordsville, Warsaw, Plymouth, and Gallatin, IN, Willard, OH, Glasgow, KY, Spartanburg, SC, Harrisonburg, VA, Lancaster, PA, Old Saybrook, CT, and Los Angeles, CA, on the one hand, and, on the other, points in the U.S., under contract(s) with R. R. Donnelley & Sons Company of Chicago, IL. Supporting shipper: R. R. Donnelley & Son Co., 2223 S. King Drive, Chicago, IL 60616.

MC 154121 (Sub-1–2TA), filed March 2, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *(1) Elevators, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above*, between McKinney, TX and Moline, IL, on the one hand, and, on the other, points in the US, under continuing contract(s) with Montgomery Elevator Co. of McKinney, TX. Supporting shipper: Montgomery Elevator Company, 2101 Couch Drive, McKinney, TX 75069.

MC 150953 (Sub-1–2TA), filed March 2, 1981. Applicant: SEVERS YARN EXPRESS, INC., Suite 724, 3450 Drummond Street, Montreal, Quebec CD H3G 1Y2. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Textile mill products*, from ports of entry located on the US–CD border in NY, to Charlotte, NC, and Chattanooga, TN, and points in their commercial zones, and points in Dade, Walker, Catoosa and Whitfield Counties, GA. Supporting shipper(s): RSM Company, 811 Pressley Road, Charlotte, NC 28231; Chattanooga Tufters Supply Co., P.O. Box 3144, 426 Cumberland Street, Chattanooga, TN 37404.

MC 59264 (Sub-1–15TA), filed March 2, 1981. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, P.O. Box 2015, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Esq., Zelby, Burstein, Hartman & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *(1) Alcoholic liquors and (2) materials, supplies and equipment used in the manufacture, distribution and sales of alcoholic liquors* from Hartford, CT to points and places in MD and DC. Supporting shipper: Forman Bros., 4235 Sheriff Rd., N.E., Washington, DC 20019.

MC 154121 (Sub-1–1TA), filed March 2, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives)*, between points in the U.S. Supporting shipper(s): International Nu-Way Shippers Association, 3333 South Iron St., Chicago, IL 60608.

MC 141932 (Sub-1–16TA), filed March 2, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same as applicant). *Food and related products* from Berks County, PA to all points in the US,

restricted to traffic originating at the facilities of Luden's, Incorporated, 200 North 8th Street, Reading, PA 19603. Supporting Shipper: Luden's, Inc., 200 North 8th St., Reading, PA 19603.

MC 2860 (Sub-1-26TA), filed March 2, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Richard M. Parnicky (same as applicant). *Foodstuffs and pet foods, and materials, equipment, and supplies used in the manufacture and distribution of foodstuffs and pet foods, except commodities in bulk and those which because of size or weight require the use of special equipment,* between Chicago, IL and points in Cooke County, IL, on the one hand, and, on the other hand, points in IL, IN, IA, KY, MI, MO, and WI. Supporting shipper: Castle & Cooke Foods, P.O. Box 3928, San Francisco, CA 94119.

MC 90373 (Sub-1-2TA), filed February 26, 1981. Applicant: R L S TRUCKING CORPORATION, Inman Avenue, Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* Irregular routes: *Asphalt in bulk in tank vehicles,* from Perth Amboy, NJ to points in PA under continuing contract(s) with Wasrden Asphalt Co. of Harrisburg, PA. Supporting shipper: Warden Asphalt Company 4620 Fitchy Street, Harrisburg, PA 17109.

MC 99273 (Sub-1-1TA), filed March 2, 1981. Applicant: KINDLE TRUCKING CO., INC., 148 Walnut Street, Agawam, MA 01001. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *general commodities (except classes A and B explosives)* between Agawam, MA, and Enfield, CT, on the one hand, and, on the other, points in AL, CA, GA, FL, IL, KS, MS, NV, NC, SC, TN, MO, and TX, under continuing contract(s) with United Consolidation, Inc. Supporting shipper: United Consolidation, Inc., 449 Silver Street, Agawam, MA 01001.

MC 154121 (Sub-1-3TA), filed March 3, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen (same as applicant). *(1) Paint and related products sold in paint and hardware stores, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above (except commodities in bulk),* From the facilities of Insilco–The Enterprise Companies, at or near Wheeling, IL, to points in CA, CT, NY, and NC. Supporting shipper(s): The Enterprise Companies, 1191 S. Wheeling Rd., Wheeling, IL 60090.

The following applications were filed in region 2: send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 133541 (Sub-II-2TA), filed February 27, 1981. Applicant: McKIBBEN MOTOR SERVICE, INC., 494 W. Sharon Rd., Cincinnati, OH 45264. Representative: James Duvall P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Automobile parts and materials, equipment and supplies used in the manufacture and distribution of automobiles and automobile parts,* between the facilites of Ford Motor Company at or near Batavia and Sharonville, OH, on the one hand, and on the other, points in and east of WI, IL, KY, TN, and MS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ford Motor Company, P.O. Box 387, 1981 Front Wheel Dr., Batavia, OH 45103.

MC 145104 (Sub-II-2TA), filed March 2, 1981. Applicant: MIL-CO TRUCKING, INC., 319 W. Main St., West Unity, OH 43570. Representative: Boyd B. Ferris 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers or distributors of foodstuffs, furniture, furniture stock, tubular steel scaffolding, boarding ramps, baggage loading stands and agricultural machinery,* between Fulton County, OH, on the one hand, and, on the other, points in the US, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Sauder Woodworking Co., Middle St., Archbold, OH 43502.

MC 107012 (Sub-II-141TA), filed February 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Such commodities as are used in the manufacture of plastic items* from Norway, ME and Grants Pass, OR to Sheboygan, WI for 270 days. Supporting shipper: Plastics Engineering Co., 3518 Lakeshore Road, Sheboygan, WI 53081.

Note.—Common control may be involved.

MC 145018 (Sub-II-6TA), filed February 27, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. (1) *Plastic film, plastic bags, and plastic sheeting* from Pottsville, PA to points in AL, KY, GA, FL, IN, IL, NC, OH, SC and TN; (2) *Materials and supplies* on return for 270 days. Supporting shipper(s): Exxon Chem. G.V.S.A., P.O. Box 395, Pottsville, PA 17901.

MC 9914 (Sub-II-7TA), filed March 2, 1981. Applicant: WARREN TRUCKING CO., INC., P.O. Box 2038, Martinsville, VA 24112. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. *Such commodities as are used in the manufacture, distribution, and sale of furniture and furniture accessories* between TN, KY, and NC on the one hand and points in NC and VA on the other for 270 days. Supporting shipper(s): Top Supplies, Inc., P.O. Box 5634, High Point, NC 27262; Southern Incorporated, P.O. Box 627, Wilmington, NC 28402; Acme Metal Slide, Inc., P.O. Box 1263, Statesville, NC 28677; Hasty Plywood Company, P.O. Box 417, Maxton, NC.

MC 44913 (Sub-II-1TA), filed March 2, 1981. Applicant: E. ROSCOE WILLEY, INC., P.O. Box 116, Secretary, MD 21664. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Contract, irregular, *clothing* from Milford, DE to points in CA, PA, TN, UT and VA for 270 days. Supporting shipper(s): Guida Clothing Co., Inc., 301 Rehoboth Blvd., P.O. Box 411, Milford, DE 19963.

This was first published in the Federal Register dated February 18, 1981.

MC 147570 (Sub-II-5TA), filed January 20, 1981. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 44113. Representative: Daniel M. Kabat (same address as applicant). *Electric motors, electric gear motors, power transmission equipment, and machinery and controllers or controller parts and parts and accessories thereof, weighing machines and parts and accessories, tele-communication equipment and parts and accessores, electric circuit breakers, switches, condensors, or capacitators and parts thereof, (except commodities which because of size or weight require use of special equipment) and materials, equipment and supplies used in manufacture and distribution of above commodities,* between the facilities of Reliance Electric Co. or its subsidiaries and divisions in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper(s): Reliance Electric Company, 220 Eastview Dr., Brooklyn Heights, OH 44131. The purpose of this re-publication is to correct the territorial description which was incorrectly shown in the previous publication.

MC 125533 (Sub-II-2TA), filed February 26, 1981. Applicant: GEORGE W. KUGLER, INC., 2800 E. Waterloo Rd., Akron, OH 44312. Representative: David

A. Turano, 100 E. Broad St., Columbus, OH 43215. *Plastic products* from Sparta, TN to points in MI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Can-Tex Industries, P.O. Box 340, Mineral Wells TX 76067.

MC 40456 (Sub-II–1TA), filed February 25, 1981. Applicant: JOHN BENKART & SONS CO., 2500 N. Charles St., Pittsburgh, PA 15214. Representative: Salley A. Davoren, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Rolling mill machinery, rolling mill auxiliary equipment and construction materials (except commodities in bulk)* from Pittsburgh, PA and Youngstown, OH to Kokomo, IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Tippins Machinery Co., Inc., P.O.B. 9647, 425 Butler St., Pittsburgh, PA 15223.

MC 154417 (Sub-II–1TA), filed February 26, 1981. Applicant: KNUDSON ENTERPRISES, INC., 3033 Kennicott Rd., Baltimore, MD 21207. Representative: Robert W. Baker, Jr., 100 S. Charles St., Baltimore, MD 21201. Contract, irregular—*Hydraulic lifts,* from West Palm Beach, FL to points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Comman Lift Corp., 5730 Columbia Cir., West Palm Beach, FL 33407.

MC 154324 (Sub-II–1TA), filed February 23, 1981. Applicant: CARLTON W. GROVE, JR., 1143 Skelp Level Rd., Downingtown, PA 19335. Representative: James H. Sweeney, P.O.B. 9023, Lester, PA 19113. Contract, irregular—*Food and related products, materials, equipment and supplies used or useful in the sale, manufacture and distribution of food and related products,* between West Chester and Kennett Square, PA, on the one hand, and, on the other, points in the US east of ND, SD, NE, KS, OK and TX. An underlying ETA seeks 120 days authority. Under continuing contract(s) with The Clorox Co. of Jersey City, NJ. Supporting shipper(s): The Clorox Company, 125 Statue of Liberty Dr., Jersey City, NJ 07305.

MC 136180 (Sub-II–2TA), filed February 23, 1981. Applicant: LEYDIG TRUCKING, INC., P.O. Box 217, Corriganville, MD 21524. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Coal,* between points in MD, PA and WV, for 270 days. Supporting shipper(s): Jones Coal, Inc., P.O. Box 1503, Cumberland, MD 21502.

MC 153978 (Sub-II–1TA), filed February 25, 1981. Applicant: ARTHUR GORGIE, d.b.a ARTHUR GORGIE TRUCKING, R.D. #1, Gibson Rd., P.O.B. 178, Canfield, OH 44406. Representative: Richard L. Goodman, Cor. Ann & Price Sts., P.O.B. 312, Niles, OH 44446. Contract, irregular—*Tin plate and cold-rolled steel* from Irwin, Aliquippa and Sharon, PA and Weirton, WV to Hubbard, OH, under a continuing contract(s) with The Sherwin Williams Co. of Hubbard, OH. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Sherwin-Williams Co., 644 Myron St., P.O.B. 218, Hubbard, OH 44425.

MC 148553 (Sub-II–1TA), filed February 18, 1981. Applicant: B J EXPRESS, INC., 4928 Assisi Lane, Cincinnati, OH 45238. Representative: Bobby Ray Johnson (same address as applicant). *Laminated plastic sheets (except commodities in bulk)* between Cincinnati (Hamilton County), OH; Sunset/Whitney Ranch (Placer County), CA; and Piscataway (Middlesex County), NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Formica Corporation, Inc., 10155 Reading Rd., Cincinnati, OH 45241.

MC 116119 (Sub-II–2TA), filed February 23, 1981. Applicant: JOHN F. HARRIS, d.b.a. HOGAN'S TRANSFER & STORAGE CO., 1122 S. Davis Ave., Elkins, WV 26241. Representative: John M. Friedman, 2930 Putman Ave., Hurricane, WV 25526. Contract, irregular—*Malt beverages and used empty containers,* between Elkins, WV, on the one hand, and, on the other, points in the U.S. in and east of WI, IA, MO, AR, LA, for 270 days, under continuing contract(s) with Wonn Distributing Co. and Tygart Valley Distributors, Inc. Supporting shipper(s): Wonn Distributing Co., Rts. 250 & 219 S. (Beverely Pike), Elkins, WV 26241; Tygard Valley Distributors, Inc., 10th St., Elkins, WV 26241.

MC 61619 (Sub-II–2TA), filed February 23, 1981. Applicant: L & H TRUCKING COMPANY, INC., RD 3, Spring Grove, PA 17362. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Paper, paper products and equipment and materials used in their manufacture* between the facilities of P H Glatfelter Co. at W. Carrollton, OH and Neenah, WI, on the one hand, and, on the other, points in MI, IL, IN, WI, KY, TN, NC, SC, GA, ME, NH, VT, RI, CT, and MA, under continuing contract(s) with P H Glatfelter Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): P. H. Glatfelter Co., Spring Grove, PA 17362.

MC 75830 (Sub-II–2TA), filed February 23, 1981. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, INC., P.O. Box 88, Buckhannon, WV 26201. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Bakery goods* from Columbus, OH to Salem, VA, under a continuing contract(s) with The Kroger Co. of Cincinnati, OH, for 270 days. Supporting shipper(s): The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201.

MC 146820 (Sub-II–6TA), filed February 23, 1981. Applicant: B & G TRUCKING, INC., P. O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. *Contract: Irregular: Plastic articles* between Adrian, MI and Elizabethton, TN, for the account of Marco Products, Inc., for 270 days. Restricted to traffic originating at or destined to the facilities of Marco Products, Inc. Supporting shipper: Marco Products, Inc., 348 Wabash Ave., P. O. Box 395, Adrian, MI 49221.

MC 74416 (Sub-II–2TA), filed February 23, 1981. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg, 1030 15th St., N.W., Washington, DC 20005. *Metal and metal products and materials and supplies used in the manufacture and distribution of the aforementioned commodities,* between Baltimore, MD, on the one hand, and, on the other, points in the U.S. located in and east of MN, IA, MO, AR and LA, for 270 days. Supporting shipper: Le Nickel, Inc., Pittsburgh, PA 15275.

MC 138000 (Sub-II–30TA), filed February 26, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 88, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Plastic film and sheeting, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between points in the United States in and east of MN, IA, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: PPD Corporation, 6175 Boat Rock Blvd., Atlanta, GA 30336.

MC 107403 (Sub-II–42TA), filed February 26, 1981. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant) *Petroleum and petroleum Products, in bulk, in tank vehicles* between pts. in the states of NY, CT and MA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Amerada Hess Corp., 1 Hess Plaza, Woodbridge, NJ 07095 .

MC 107403 (Sub-II–43TA), filed February 26, 1981. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant) *Hazardous waste materials* from all points in the U.S. to Houston, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rollins Environmental Service, Inc., P.O. Box 609, Deer Park, TX 77536.

MC 107012 (Sub-II–140TA), filed February 26, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy, 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Furniture and furnishings,* from the facilities of Grant and Sloan, Inc., at Miami FL to points in the United States (expect AK and HI) for 270 days. An underlying ETA is seeking authority for 120 days Supporting shipper: Grant and Sloan, Inc., 3767 N.W. 50th Street, Miami, FL 33142.

Note.—Common control may be involved.

MC 21866 (Sub-II–40TA), filed February 25, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Zinc and zinc products,* from the facilities of St. Joe Resources Company at Josephtown (Beaver County), PA, to points in the United States in and east of MN, IA, MO, AR, and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): St. Joe Resources Company, P.O. Box A, Monaca, PA 15061.

MC 154386 (Sub-II–1TA), filed February 25, 1981. Applicant: DALE WILSON TRUCKING, INC., Route No. 41 N., Box 462, Greenfield, OH 45123. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Meat, meat products, meat by-products and related products distributed by meat packing houses* between points in McLean Cty., IL; Crawford City, KS; and Montgomery and Fayette Cities, OH, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Sugar Creek Packing Co., Inc., 2102 Kinskill Ave., Washington Court House, OH 43160.

MC 150954 (Sub-II–20TA), filed February 25, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Applicant's Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Contract, irregular: (1) *Items distributed in reatil grocery, drug and department stores and* (2) *materials and supplies incidental to the manufacture and distribution thereof,* from the facilities of Scott Paper Company in AL, FL, GA, IL, NJ, OH, PA and WA to points in AR, CA, FL, GA, IL, KS, KY, LA, MS, NJ, NC, OH, OK, PA, TN and TX, under continuous contract with Scott Paper Company, for 270 days. Underlying ETA seeks 120 days operating authority. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 148785 (Sub-II–3TA), filed February 23, 1981. Applicant: SUDDEN MOVING & STORAGE INC., d.b.a. Sudden Trucking Company, 5154 Kennedy Avenue, Cincinnati, OH 45213. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *General commodities (except commodities in bulk and Classes A and B explosives),* between Cincinnati and Batavia, OH, on the one hand, and, on the other, points in MI and NJ for 270 days. Supporting shipper(s): Ford Motor Company, 1 Parklane Boulevard, Dearborn, MI 48126. Formica Corporation, 10155 Reading Road, Cincinnati, OH 45241.

MC 2202 (Sub-II–21TA), filed February 25, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Common, regular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Serving the Distribution Center of Wal-Mart Stores, Inc. at or near Palestine, TX as an off-route point in connection with applicant's routes to and from Tyler, TX, for 270 days. Applicant proposes to tack the authority sought herein with its regular routes. Applicant proposes to interline at existing gateways throughout its system. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 154188 (Sub-II-1TA), filed February 25, 1981. Applicant: M. SCHLESSINGER TRUCKING CO., INC., P.O. Box T., Glassport, PA 15045. Representative: Joseph E. Breman, 700 Fifth Avenue Building, Fifth Floor, Pittsburgh, PA 15219. *Contract Irregular: Iron and steel and iron and steel products,* between points in the US under continuing contracts with Tygart Industries for 270 days. Supporting shipper(s): Tygart Industries, McKeesport, PA.

MC 154192 (Sub-II-1TA), filed February 27, 1981. Applicant: ARMS WAY TRANSPORT, INC., 1469 Dayton Rd., Greenville, OH 45331. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Building and construction materials, equipment and supplies,* between Greenville, Dayton and Cincinnati, OH, on the one hand, and, on the other, points in IN, KY, TN, GA, AL, IA, NE, CO, UT, WY, OR, MI, PA, NJ, NY, MD, CA, CT, WV, VA, IL, WI, MN and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Agra-Erectors, Inc., 1469 Dayton Rd., Greenville, OH 45331. The Highway Equipment Co., 3625 Hauck Rd., Cincinnati, OH 45241. Paramount Supply Co., 650 Mt. Mouak, Cincinnati, OH 45245. Valley Equipment Co., 2549 Stanley Ave., Dayton, OH 45402.

MC 153742 (Sub-II-2TA), filed February 27, 1981. Applicant: ATLANTIC INTERMOUNTAIN EXPRESS, INC., 3000 E. Hedley St., Phila., PA 19137. Representative: Ira G. Megdal, 499 Cooper Landing Rd., P.O. Box 5459, Cherry Hill, NJ 08002. T3Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, between points in the states of ME, VT, NH, OH, VA, NC, SC, GA, RI, MD, MA, CT, DE, NY, DC, PA and NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lever Brothers Co., 390 Park Ave., New York, NY 10022.

MC 154452 (Sub-II-1TA), filed February 19, 1981. Applicant: AUTEX CORP., 409 Baltimore Pike, Morton, PA 19070. Representative: James D. Cameron (same as applicant). Contract, irregular: *Carpet cleaning service vans,* from Phila., PA to Boston, MA, Hartford, CT, Providence, RI, Cincinnati, OH, Dayton, OH, Cleveland, OH, Albany, NY, White Plains, NY, Long Island, NY, Atlanta, GA, Tampa, FL, Miami, FL and Pittsburgh, PA, for 270 days. Supporting shipper: RGM Services Corp., 297 S. Newtown St. Rd., Newton Square, PA 19073.

MC 153985 (Sub-II-1TA), filed March 2, 1981. Applicant: COASTAL FREIGHT LINES, INC., 10 E. Oregon Ave., Phila., PA 19148. Representative: Richard Rueda, 135 N. 4th St., Phila., PA 19106. Contract, irregular: *Retail store commodities,* between the states of MA, NH, ME, CT, RI, NY, NJ, PA, MD, DE, VA, NC, SC, GA, TN, CA, IL, TX, MO, FL, IN, AZ, KS, and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Marshall's, Inc., 83 Commerce Way, Industriplex 128, Woburn, MA 01801.

MC 107012 (Sub-II–137TA), filed February 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Duct*

work and parts and accessories for duct work, from Hillsboro, TX to points in AZ, NM, CO, WY, MT, UT, ND, SD, NE, KS, OK, AR, LA, MS, AL and TN for 270 days. An underlying ETA is seeking authority for 120 days. Supporting shipper: United Sheet Metal, Division United McGill Inc., 306 Pecos, Hillsboro, TX 76645.

Note.—Common control may be involved.

MC 139636 (Sub-II–3TA), filed February 18, 1981. Applicant: N. L. MONTGOMERY, INC., P.O. Box 628, Rocky Mount, VA 24151. Representative: D. R. Beeler, 1261 Columbia A, Franklin, TN 37064. *Building materials (except in bulk)* from the facilities of Georgia Pacific at Roanoke, VA; Lynchburg, VA; and Greensboro, NC to NC, TN, and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Georgia Pacific Corp., P.O. Box 4617, Roanoke, VA 24015.

MC 143730 (Sub-II–2TA), filed February 26, 1981. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Dr., New Castle, DE 19720. Representative: Richard M. Ochroch, 316 South 16th St., Philadelphia, PA 19102. *Contract; Irregular: Such merchandise as is dealt in by wholesale, retail, and chain drug and pharmaceutical business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business* between points in the US for 270 days, under a continuing contract with Barre-National, Inc., Hunt Valley, MD. Restricted to the facilities of Barre-National, Inc., Hunt Valley, MD. An underlying ETA seeks 120 days authority. Supporting shipper: Barre-National, Inc., Executive Plaza #1, Suite 305, Hunt Valley, MD 21031.

MC 150480 (Sub-II–2TA), filed February 11, 1981. Applicant: YOWELL TRANSPORTATION SERVICE, INC., 1840 Cardington Rd., Dayton, OH 45409. Representative: William H. Cantillon, 1840 Cardington Rd., Dayton, OH 45409. *Contract: Irregular: Analog and digital electronic machines and systems and equipment, materials, supplies and accessories used in the manufacture and operation of analog and* digital electronic machines and systems between points in the US for 270 days. Supporting shipper(s): There are six supporting shippers. Their statement may be examined at the Interstate Commerce Commission office in Philadelphia, PA.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 151989 (Sub-3–2TA), filed March 3, 1981. Applicant: TODD TRANSPORTATION COMPANY, 421 Garrard St., Covington, KY 41011. Representative: Stephen D. Strauss, 2613 Carew Tower, Cincinnati, OH 45202. *Contract* carrier: irregular: *General commodities, except Classes A and B explosive, household goods, commodities in bulk*, between the facilities of H. J. Hosea and Sons Company at Wilder, KY, Atlanta, GA, and Savannah, GA, on the one hand, and on the other, Baltimore, MD, Chattanooga, Nashville and Memphis, TN, Norfolk and Richmond, VA, Charleston, SC, Philadelphia, PA, Chicago, IL, Atlanta, Dalton, Macon, Rossville and Savannah, GA and Detroit, MI. Restricted to movements having a prior or subsequent movement by water in foreign commerce. Supporting shipper: H. J. Hosea & Sons Co., P.O. Box 306, Newport, KY 41071.

MC 140484 (Sub-3–19TA), filed March 3, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *General commodities including foodstuffs (except articles of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and articles because of their size and weight requiring special equipment)* between points in AL, CA, CT, DE, DC, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV, and WI. Restricted to traffic originating at or destined to the facilities utilized by ITOFCA, Inc., or its members; and further restricted to shipments moving on bills of lading issued by ITOFCA, Inc. Supporting shipper: ITOFCA, Inc., P.O. Box 188, Clarendon Hills, IL 60514.

MC 107515 (Sub-3–99TA), filed March 2, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Toilet preparations*, from the facilities of Johnson Products Company, Inc., at Chicago, IL, to points in the US. Supporting shipper: Johnson Products Company, Inc., 8522 South LaFayette Ave., Chicago, IL 60620.

MC 134105 (Sub-3–15TA), filed March 2, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN. 37408. Representative: James E. Elgin (same address as applicant). *Yarn and materials, equipment and supplies used in the manufacturing, sales and distribution of yarn*, between points in AL, AZ, DE, GA, TN, and SC on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Mid-America Yarn Mills, Inc., P.O. Box 1028, Pryor, Oklahoma 74361.

MC 146622 (Sub-3–1TA), filed March 2, 1981. Applicant: EXPRESS SERVICE, INC., P.O. Box 263, Antioch, TN 37013. Representative: Bryan E. Hubbard, P.O. Box 263, Antioch, TN 37013. *(1) Parts, supplies, accessories and associated items for automobiles; trucks; farm equipment; earth-moving equipment; and industrial machinery; (2) printed matter and associated items; (3) film and Theatre supplies; (4) sound equipment, records, tapes and associated items; (5) office, school and church equipment, supplies and associated items.* Between KY, TN, and GA. Note: applicant intends to interline at Nashville and Chattanooga, TN and Atlanta, GA. Supporting shippers: There are 22 statements of support attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 144026 (Sub-3–2TA), filed March 3, 1981. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 1000 Potomac St. NW, Fifth floor, Washington, D.C. *Contract:* Irregular: *General Commodities (except for Classes A and B explosives)* between points in the U.S. under a continuing contract(s) with Wellman Industries and Wellman, Inc. Supporting shipper: Wellman Industries; Wellman, Inc.; P.O. Box 188; Johnsonville, SC 29555.

MC 149075 (Sub-3–5TA), filed March 2, 1981. Applicant: OVER LAND, INC., 4121 Augusta Road, Garden City, GA 31408. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Lime, limestone and limestone products* from Luttrell, TN to points and places in KY, OH, NC, SC, GA, AL, FL, MS, VA and WV. Supporting shippers: Luttrell Mining Company, Highway 131, Luttrell TN 37779; Tenn-Luttrell Lime Company, P.O. Box 69, Luttrell, TN 37779.

MC 145072 (Sub-3–11TA), filed March 2, 1981. Applicant: M. S. CARRIERS, INC., 1797 Florida Street, Memphis, TN 38109. Representative: Michael S. Starnes (same address as applicant). *Food, or kindred products, and materials, ingredients, and supplies used in the manufacture of above items;* between points in and east of TX, OK, KS, NE, IA, and MN, restricted to traffic originating at or destined to the facilities of Kellogg Co. Supporting shipper: Kellogg Company, 235 Porter Street, Battle Creek, MI 49016.

MC 145084 (Sub-3–1TA), filed February 27, 1981. Applicant:

THOMASSON TRANSPORTATION CO., P.O. Box 284 (Height Rd.), Noxapater, MS 39346. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Contract carrier,* irregular routes, *(1) grain conditioning equipment, dust control equipment, and temperature detection systems; (2) materials, equipment and supplies used in the manufacture of the commodities in (1) above; (3) lumber and steel coils; and (4) iron, pottery, and ceramic electrical insulators,* (1) from Decatur, Muncie, and Sullivan, IL, to all points in the U.S.; (2) from all points in the U.S. to Decatur, Muncie, and Sullivan, IL; (3) from Granite City and Chicago, IL; Bowling Green, MO; Fort Smith, AR; Livingston, Hallettsville and Eastland, TX; McComb, MS; and Stilesboro, GA; to McComb, MS; Stilesboro, GA; and Hallettsville and Eastland, TX; (4) from Barberton, OH, to all points in the U.S. Supporting shippers: Decatur Aeration & Temperature, P.O. Box 1767, Decatur, IL 62525; Morgan Building Corp., P.O. Box 222261, Dallas, TX 75222; The Ohio Brass Co., 380 N. Main St., Mansfield, OH 44902.

MC 124154 (Sub-3–19TA), filed February 27, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *Chemicals and materials, supplies and equipment used in the manufacture thereof,* between points in Bessemer City, NC, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: The Lithium Corporation of America, 449 N. Cox Road, Gastonia, NC 28052.

MC 107515 (Sub-3–66TA), filed March 2, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Cosmetics and beverage products (except in bulk),* from facilities of Lady Love Cosmetics, Inc., at or near Addison, TX, to Norcross, GA. Supporting shipper: Lady Love Cosmetics, Inc., 4103 Billy Mitchell Dr., Addison, TX 75001.

MC 42146 (Sub-3–5TA), filed February 27, 1981. Applicant: A. G. BOONE COMPANY, P.O. Box 668126, 1812 W. Morehead Street, Charlotte, NC 28266. Representative: Floyd C. Hartsell (same as applicant). *Contract carrier:* Irregular: *All commodities to be used for the manufacturing and distribution of products to McDonald's Restaurants,* between the States of IL, MA, MI, NC, NY, OH, PA and TN under continuing contracts with Keystone Foods Corporation and its wholly owned subsidiaries, Equity Meat Corporation, Distribution Corporation, Cattle Development Corporation and Nashville Frozen Food Corporation. Supporting shipper: Keystone Foods Corporation, 931 Haverford Road, Bryn Mawr, PA 19010; and its wholly owned subsidiaries Equity Meat Corporation, Distribution Corporation, Cattle Development Corporation and Nashville Frozen Food Corporation.

MC 140460 (Sub-3–2TA), filed March 2, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Ave. NW., Washington, DC 20006. *Plastic sheeting* from the facilities of Harte and Company in Luzerne County, PA to points in MI and WI. Supporting shipper: Harte and Company, A Division of Dynamit Nobel of America, Inc. Crestwood Industrial Park, Mountain Top, PA 18707.

MC 145541 (Sub-5TA), filed March 2, 1981. Applicant: SUNWAY CORPORATION, 118 West Main Street, Thomasville, NC 27360. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Wine, champagne, brandy, vodka and vermouth, and display materials related thereto,* from points in CA to points in NJ, MD, DE, WV, VA, NC, SC, KY, TN, AK, GA, FL, AL, MS, LA, DC and TX. Supporting shipper: There are six statements of support which may be examined at the ICC Regional Office, Atlanta, GA.

MC 147027 (Sub-3–2TA), filed March 2, 1981. Applicant: REEVES' TRUCK LINES, Route 2, Honoraville, AL 36042. Representative: J. Douglas Harris and James D. Harris, Jr., Harris & Harris, P.A., 200 S. Lawrence Street, Montgomery, AL 36104. *Wood residuals and lumber and lumber products* from the facilities of Union Camp Corporation, at or near Saco, AL, and/or Chapman, AL, and/or Opelika, AL, to points in WV, VA, NC, SC, GA, FL, MS, KY, TN, LA and TX. Supporting shipper: Union Camp Corporation, Chapman, AL 36015.

MC 154462 (Sub-3–1TA), filed March 3, 1981. Applicant: WRIGHT & BECKER FARMS, INC., 1225 Johnston Road, Dade City, FL 33525. Representative: Ansley Watson, Jr., P.O. box 1531, Tampa, FL 33601. *Citrus pulp and citrus pellets* from points in FL to points in Hillsborough and Manatee Counties, FL, restricted to traffic having a subsequent movement in interstate or foreign commerce. Supporting shipper: There are 5 supporting statements attached to the application, which may be examined at the ICC Regional Office in Atlanta, GA.

MC 107515 (Sub-3–67TA), filed March 2, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. (1) *Batteries, flashlights, lamps, electrical equipment and parts, and plastic articles,* and (2) *materials, equipment and supplies used in the production or distribution of the commodities in (1) above,* between the facilities utilized by Union Carbide Corporation on the one hand, and, on the other, points in the U.S. Supporting shipper: Union Carbide Corporation, 270 Park Ave., New York, NY 10017.

MC 144827 (Sub-3–32TA), filed March 2, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *General commodities (with the usual exceptions) which at the time are moving on bills of lading of Acme Fast Freight, Inc., a freight forwarder,* between points in the United States. Supporting shipper: Acme Fast Freight, Inc., 2100 Alhambra, Los Angeles, CA 90031.

MC 42146 (Sub-3–4TA), filed February 27, 1981. Applicant: A.G. BOONE COMPANY, P.O. Box 668126, 1812 W. Morehead Street, Charlotte, NC 28266. Representative: Floyd C. Hartsell (same as applicant). *Contract Carrier:* Irregular: *Such commodities as are dealt in or used by grocery, food, drug and liquor business houses, and department stores and materials, equipment and supplies used in the manufacture, sale and distribution of such commodities.* Between the states of NC, SC, GA, AL, VA, FL and TN under continuing contract with Supermarket Distribution Services, Inc. Supporting shipper: Supermarket Distribution Services, Inc., Two Paragon Drive, Montvale, NJ 07645.

MC 154389 (Sub-3–1TA), filed February 27, 1981. Applicant: PORTER TRANSFER CO., INC., P.O. Box 110544, Nashville, TN 37211. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *General Commodities (except classes A and B explosives) having prior or subsequent movement by rail* between points in Cheatham, Davidson, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties, TN. Supporting shipper: Western Carloading Company, 1000 Chattahoochie Ave., N.W., Atlanta, GA 30325.

MC 148620 (Sub-3-5TA), filed February 25, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Building, 127 Peachtree Street, N.E., Atlanta, GA 30043. *Contract carrier,* irregular routes: *(a) automotive parts, accessories and equipment and (b) materials and supplies used in the distribution of commodities named in (a) (except commodities in bulk),* between points in the U.S., under continuing contract(s) with Southeast Performance Wheel Distributors, Inc. of Fort Lauderdale, FL. Supporting shipper(s): Southeast Performance Wheel Distributors, Inc., 3300–11 S.W. 17th Avenue, Fort Lauderdale, FL 33315.

MC 80709 (Sub-3–1TA), filed February 26, 1981. Applicant: G & P TRUCKING COMPANY, INC., P.O. Box 338, Greenwood, SC 29646. Representatives: John H. Caldwell, Denise M. O'Brien, 1776 F Street, N.W., Suite 400, Washington, D.C. 20006. *Contract carrier:* irregular: *tires and machinery, machine parts and materials used in the manufacture and distribution of tires,* between Dothan, AL and Michelin Tire Corporation facilities and facilities used by Michelin Tire Corporation in SC, GA, FL, and AL. Supporting shipper: Michelin Tire Corporation, P.O. Box 2846, Greenville, SC 29602.

MC 154007 (Sub-3–1TA), filed February 26, 1981. Applicant: WAREHOUSE FREIGHT, INC., 5070 Phillip Lee Dr., S.W., Atlanta, Georgia 30336. Representative: Frank L. Hill, 5070 Phillip Lee Dr., S.W., Atlanta, Georgia 30336. *Contract Carrier:* Irregular: *General commodities (except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* between the facilities of Southeastern Bonded Warehouse, Inc., at or near Atlanta, GA and points in FL, AL, TN, NC, SC, LA, KY, VA, and MS. Supporting shipper: Southeastern Bonded Warehouses, Inc., Phillip Lee Drive, Atlanta, GA 30367.

MC 126305 (Sub-3–14TA), filed February 24, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 16, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Cement—hydraulic, calcium aluminate in package palletized,* from Chesapeake (Norfolk), VA, to the entire US (except AK and HI). Supporting shipper: Lone Star Lafarge, Inc., 18 Koger Executive Center, Suite 220, Norfolk, VA, 23502.

MC 148620 (Sub-3–4TA), filed February 24, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Building, 127 Peachtree Street, N.W., Atlanta, Georgia 30043. *Contract carrier,* irregular routes: *food and related products,* between points in the U.S., under continuing contract(s) with Heinz USA, Division of H. J. Heinz Company of Pittsburg, PA 15203. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburg, PA 15203.

MC 85621 (Sub-3–1TA), filed February 18, 1981. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: R. Kent Henslee, 754 Chestnut Street, P.O. Box 246, Gadsden, AL 35902. *Common carrier;* regular routes: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commisson, commodities in bulk and commodities requiring special equipment) moving in express service,* (1) Between Birmingham, AL and Athens, AL on both U.S. Highway 31 and Interstate 65; (2) Between Cullman, AL and Piedmont, AL on U.S. Highway 278; (3) Between Cullman, AL and Guntersville, AL on Alabama Highway 69; (4) Between Decatur, AL and intersection of Alabama Highway 67 and U.S. Highway 231 on Alabama Highway 67; (5) Between Huntsville, AL and Pell City, AL on U.S. Highway 231; (6) Between Athens, AL and Scottsboro, AL on U.S. Highway 72; (7) Between Decatur, AL and Huntsville, AL on both Alabama Highway 20 and U.S. Alternate 72; (8) Between Scottsboro, AL and Gaylesville, AL on Alabama Highway 35; (9) Between intersection of Alabama Highway 75 and Alabama Highway 68 and Gaylesville, AL on alabama Highway 68; (10) Between Gadsden, AL and Leesburg, AL on U.S. Highway 411; (11) Between Birmingham, AL and Oxford, AL on both U.S. Highway 78 and Interstate 20; (12) Between Eastaboga, AL and Anniston, AL on Alabama Highway 202; (13) Between Attalla, AL and Talladega, AL on Alabama Highway 77; (14) Between Talladega, AL and Piedmont, AL on Alabama Highway 21; (15) Between Piedmont, AL and Centre, AL on Alabama Highway 9; (16) Between Huntsville, AL and Guntersville, AL on U.S. Highway 431; (17) Between Gadsden, AL and Anniston, AL on U.S. Highway 431; With service to off route points within 10 miles of regular route points (1)–(17). Applicant intends to tack with its MC–85621 authority. There are nine supporting statements of shipper support filed herewith. These statements may be viewed at the Atlanta Regional Authority Center.

MC 75840 (Sub-3–50TA), filed March 5, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, Malone Freight Lines, Inc., 3400 Third Avenue South, Birmingham, AL. 35222. *Forest Products, Treated or Nontreated,* from New Kent County, VA, to points in the U.S., except AK, and HI. Supporting shipper: New Kent Wood Preservatives, P.O. Box 172, Providence Forge, VA 23140.

MC 149018 (Sub-3–1TA), filed February 10, 1981. Republication—originally published in Federal Register of February 23, 1981, page 13601, volume 46, No. 35. Applicant: MAP TRUCKING AND BROKERAGE, INC., 5357 Ruth Drive, Charlotte, NC 28215. Representative: Richard A. Elkins or David B. Sentelle, Suite 400, 1130 East Third St., Charlotte, NC 28204. *Components of wood burning stoves and finished wood burning stoves,* between points in NC, WV, VA, MD, PA, TN, SC, GA, KY, NJ, FL, OH, DC, NY, CO, AL, MS, LA, AR, TX, OK, IN, IL, DE, CT, MA, VT, NH and ML Supporting shipper: National Steelcrafters, Inc., 1016 I–85 North, Charlotte, NC 28202.

MC 134105 (Sub-3–11TA), filed February 2, 1981. Republication—originally published in Federal Register of February 18, 1981, page 12870, volume 46, No. 32. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). *General Commodities (except articles of unusual value, class A and B explosives, commodities in bulk, and household goods as defined by the Commission)* from points in the states of: AL, AR, CO, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, ND, NE, NJ, NY, OH, OK, PA, SC, SD, TX, VA, WI and WV to Nashville, TN (restricted to traffic destined to the facilities of Tennessee Donut Corp.). Supporting shipper: Tennessee Donut Corp., 1975 Armony Drive, Nashville, TN 3704.

MC 146823 (Sub-3–2TA), filed February 12, 1981. Republication—originally published in Federal Register of February 23, 1981, page 13600, volume 46, No. 35. Applicant: STAMEY ENTERPRISES, INC., 7350 102d Place, South, Pompano Beach, FL 33435. Representative: Richard B. Austin, 320 Rochester Building, 6390 NW 53d St., Miami, FL 33166. (A) *Household and Marine fixtures and accessories;* and (B) *materials and supplies used in the manufacture and sale of (A) above*

between points in FL on the one hand and, on the other, points in the U.S. Supporting shippers: Martec Corp. 900 SW 20th Way, Ft Lauderdale, FL 33312; International Cushion Co., Inc., 1110 NE 8th Avenue, Ft Lauderdale, FL 33304; Moss Manufacturing, Inc., 7600 NW 69th Avenue, Miami, FL 33166.

MC 146402 (Sub-3–14TA), filed March 3, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Contract* carrier: irregular: *carbon cathode lining, in bulk,* from the facilities of Consolidated Aluminum Corporation at or near New Johnsonville, TN to Emelle, AL; Hannibal (Ormet), OH; and Yukon, PA. Supporting shipper: Consolidated Aluminum Corporation, 11900 Westline Industrial Drive, St. Louis, MO 63178.

MC 146402 (Sub-3–13TA), filed March 2, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Contract carrier* irregular routes, *Non-ferrous metals and products thereof* between points in and east of MN, IA, MO, AR, and LA under a continuing contract or contracts with Wise Metals Company, Inc. Supporting shipper(s): Wise Metals Company, Inc., 1510 Aspen Street, Baltimore, MD 21226.

MC 75840 (Sub-3–60TA), filed March 6, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, Malone Freight Lines, Inc., 3400 Third Avenue South, Birmingham, AL 35222. *Melamine,* between points in Ascension Parish, LA, on the one hand, and points in the U.S. east of the Mississippi River, on the other. Supporting shipper: Ashland Chemical Company, P.O. Box 2219, Columbus, OH 43216.

MC 146969 (Sub-3–2TA), filed March 5, 1981. Applicant: GOLDEN-HAMMONDS CARTAGE CO., d.b.a. G & H Cartage, 1749 Florida, Memphis, TN 38109. Representative: Ralph D. Golden, Suite 2348, 100 N. Main Bldg., Memphis, TN 38103. *Cardboard containers, cores, cans and ends manufactured by Clevepak Corporation and all material use by Clevepak Corporation in the manufacturing of cardboard containers, cores, cans and ends,* from the facillities of Clevepak Corporation, Memphis, TN to all points in the states of TN, LA, AR, MO, IA, MI, WI, IL, VA, IN, OH, PA, NY, NJ, CT, DE, MS, WV, KY, NC, SC, GA, FL, AL, MD, TX, OK, KS, CO, NE; from all points in TN, LA, VA, AR, MO, IA, MI, WI, IL, IN, OH, PA, NY, NJ, CT, DE, MS, WV, KY, NC, SC, GA, FL, AL, MD, TX, OK, KS, CO, NE. To the facilities of Clevepak Corporation, Memphis, TN. Applicant intends to tack with existing authority found in MC 146969. Supporting shipper; Clevepak Corporation, 3940 Premier Ave, Memphis, TN 38118.

MC 138157 (Sub-3–49TA), filed March 5, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). *Such commodities as are dealt in by drug and pharmaceutical supply companies* between Palo Alto, CA; East Brunswick, NJ; Sparks, NV; and Lake Bluff and Rockford, IL on the one hand and, on the other, points in the United States. Restricted to traffic originating at or destined to the facilities of Syntex Laboratories, Inc. Supporting shipper: Syntex Laboratories, Inc., 3401 Hillview Avenue, Palo Alto, CA, 94304.

MC 107515 (Sub-3–101TA), filed March 5, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *General commodities* between the facilities of The Starrett Corporation located at or near Tampa, FL on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: The Starrett Corporation, 4520 West Ohio Avenue, Tampa, FL 33684.

MC 107515 (Sub-3–102TA), filed March 4, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. (1) *Store shelving and display equipment and (2) materials, equipment and supplies* used in the installation and sale of the commodities in part (1) (except in bulk), from the facilities of Maytex Manufacturing Co., Inc., at or near Terrell, TX, to points in FL, NM and Denver, CO and points in its commercial zone. Supporting shipper: Maytex Manufacturing Co., Inc., 1210 Airport Rd., Terrell, TX 75160.

MC 126305 (Sub-3–15TA), filed March 4, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., Inc., RFD 1 Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Steel Shot, refractories, aluminum and grinding wheels,* between points in OH, NY, GA, AL, FL, MS, NC, SC, & TN. Supporting shipper: LADSCO Division L. A. Draper & Son, Inc., P.O. Box 692, Anniston, AL 36202.

MC 25708 (Sub-3–1TA), filed March 3, 1981. Applicant: LANEY TANK LINES, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman (same as above). *Liquefied petroleum gas,* from Cherew and Lexington, SC to point in TN. Supporting shipper: Phillips Petroleum Company, P.O. Box 4833, Atlanta, GA 30302.

MC 138687 (Sub-3–3TA), filed March 5, 1981. Applicant: BYNUM TRANSPORT, INC., 4609 Highway 92, East, Lakeland, FL 33801. Representative: Thomas F. Panebianco, Post Office Box 1200, Tallahassee, FL 32302. *Feed, Feed Ingredients and Feed Supplements* between points in FL, on the one hand, and, on the other, points in GA, AL, LA, MS, NC, SC, TN and MO. Supporting shippers: Agri Products, Inc., P.O. Box 5704, Birmingham, AL 35259, Agricol Georgia, Inc., 15 Dunwoody Park, Suite 100–H, Atlanta, GA 30338, I. S. Joseph Company, Inc., P.O. Box 19127, Tampa, FL 33686 and Huco Division, P.M.I., P.O. Box 1478, Gibsonton, FL 33534.

MC 150683 (Sub-3–4TA), filed March 5, 1981. Applicant: PDR TRUCKING, INC., P.O. Box 609, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Metal products,* between points in Hill County, TX, on the one hand, and, on the other, points in NJ, NY, MI, IL, IN, OK, AR, CA, AZ, and WA. Supporting shipper: Spartan Copper Products, Inc., P.O. Box 1138, Hillsboro, TX 76645.

MC 146465 (Sub-3–2TA), filed March 3, 1981. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 877, Cleveland, GA 30528. Representative: Robert E. Born, Suite 506, 1447 Peachtree Street, N.E., Atlanta, GA 30309. *Lumber and wood products,* from facilities of Cherokee Wood Preservers, Inc. at or near Mosheim, TN to points in GA, IN, IA, KY, MI, NC, OH, PA, SC, VA, WV and WI. Supporting shipper: Cherokee Wood Preservers, Inc., P.O. Box 2882, Spartanburg, SC 29304.

MC 107515 (Sub-3–100TA), filed March 4, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd., N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Foodstuffs and pharmaceuticals (except in bulk)* from facilities of Mead Johnson and Company at or near Evansville and Mt. Vernon, IN and Springfield, Mo to points in the U.S. Supporting shipper: Mead Johnson and

Company, 2404 Pennsylvania Avenue, Evansville, IN 47721.

MC 111302 (Sub-3-5TA), filed March 4, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10106, Knoxville, TN 37919. Representative: David A. Peterson (same address as applicant). *Alpha Naphthol and Butyl Phenol, in bulk,* from the facilities of Union Carbide Corporation in Bound Brook, NJ and Institute, WV to Richmond and Elk Grove, CA. Supporting shipper: Union Carbide Corporation, 270 Park Ave., NY, NY 10017.

MC 135895 (Sub-3-24TA), filed March 5, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) Shell and shell meal (except commodities in bulk) and (2) equipment, materials and supplies used in the manufacture, sale and distribution of commodities in (1) above (except commodities in bulk and those requiring special equipment)* between Marion County, FL, on the one hand, and, on the other, points in AL, GA, LA, MS, NC, SC: Restricted to traffic originating at or destined to facilities of Southern Materials Corporation. Supporting shipper(s): Southern Materials Corporation, P.O. Box 218, Ocala, FL 32670.

MC 126899 (Sub-3-3TA), filed March 5, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Representative: William P. Whitney, Jr., Attorney, Suite 708 McClure Building, Frankfort, KY 40601. *Crude oil* from Adair, Cumberland, Casey, McCreary, and Wayne Counties, KY, to Memphis, TN. Supporting shipper: Delta Refining Co., P.O. Box 35, Burkesville, KY 42717.

MC 106074 (Sub-3-19TA), filed March 5, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, Georgia 30328. *Canned and frozen fruits, vegetables and berries,* from Webb, Cameron, Hildalgo and Bexar Counties, TX to pts. in AL, AR, FL, GA, IA, KS, LA, MN, MI, NE, NC, OK, SC and TX. Supporting shipper: San Antonio Foreign Trading Co., 306 West Rhapsody, San Antonio, TX 78216.

MC 111856 (Sub-3-4TA), filed March 5, 1981. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Rd., Prichard, AL 36610. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Liquor, liqueurs, wines and material, equipment and supplies used in the manufacture, sale and distribution of liquor, liqueurs and wines,* between points in LA, MS, AL, GA and FL. Supporting shippers: Bacardi Imports, Inc., 2100 Biscayne Blvd., Miami, FL 33137; Duvall Spirits, Inc., 7501 Stuart Avenue, Jacksonville, FL 32236; N. Goldring & Co., Inc., P.O. Box 349, Pensacola, FL 32592; Mississippi Alcohol Beverage Control Commission, 1315 W. Capitol, State of MS, Jackson, MS 39203.

MC 154441 (Sub-3-1TA), filed March 5, 1981. Applicant: SEA-MAR SERVICES, INC., 2111 Pace Boulevard, Pensacola, Florida 32522. Representative: F. Lee Champion III, Champion & Champion, P.O. Box 2525, Columbus, Georgia 31902. *Containers/ trailers containing general commodities, except A and B explosives,* having prior or subsequent movement by water, between the ports of Gulfport, MS, Houston, TX, Jacksonville, FL, Mobile, AL, New Orleans, LA, Panama City, FL, Pensacola, FL, and Savannah, GA, on the one hand, and on the other all points in the following States: AL, AR, FL, GA, KY, LA, MO, MS, NC, SC, TN, and TX. There are 6 supporting shippers' statements attached to the application, which may be examined in the ICC Regional Office in Atlanta, Georgia.

MC 143621 (Sub-3-19TA), filed March 5, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., Post Office Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *Steel coils,* from points in AL, GA, IL, IN, MD, MI, MO, OH, PA, TN, and WV to Lewisburg, TN. Supporting shipper: Heil Quaker Corporation, 1714 Heil Quaker Road, LaVergne, TN 37204.

MC 141652 (Sub-3-7TA), filed March 5, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 29308. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. *Frozen vegetables* from Houston, TX and Memphis, TN to Houma and Westwego, LA. Supporting shipper: Caro Produce and Institutional Foods, Inc., Route 5, Box 308, Highway 316, Houma, Louisiana 70360.

MC 119917 (Sub-3-3TA), filed March 5, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, Georgia 30316. Representative: Mr. W. F. Dudley (address same as applicant). *Toilet preparations* from the plantsite and shipping facilities of the Sally Beauty Company, Inc., in Jefferson, LA, to Atlanta, GA. Supporting shipper: Sally Beauty Company, Inc., 4920 Jefferson Highway, P.O. Box 10218, Jefferson, La. 70181.

MC 125037 (Sub-3-10TA), filed March 5, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions),* between points in the U.S. restricted to service for the account of United Freight, Inc. of Morrow, GA. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 153509 (Sub-3-6TA), filed March 5, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, Kentucky 40221. Representative: James B. Murphy, Suite 102, Interchange B, 835 West Jefferson Street, Louisville, Kentucky 40202. *Contract,* irregular; *Paints, varnishes, lacquer and all related materials, supplies and equipment used in the manufacture of these commodities* between Louisville, KY., on the one hand, and on the other, points in the United States under a continuing contract with Reliance Universial Co., 4730 Crittenden Drive, Louisville, Ky. 40221.

MC 136384 (Sub-3-6TA), filed March 5, 1981. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Materials, supplies, and equipment, except commodities in bulk, used in the manufacture, construction or maintenance of cargo trailers or containers,* between the plantsites, warehouses or other facilities of Great Dane trailers, Inc. located in the states of GA, FL, AL, TN and SC on the one hand and on the other, points in the United States, except AK and HI. Supporting shipper: Great Dane Trailer, Inc., P.O. Box 67, Savannah, GA 31402.

MC 154540 (Sub-3-1TA), filed March 5, 1981. Applicant: FREEDOM FREIGHT SYSTEMS, INC., 2325 Virginia Drive, P.O. Box 18632, Memphis, TN 38118. Representative: A. Doyle Cloud, Jr., 20008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Paints, stains and varnishes (except in bulk) and materials, equipment, and supplies used in the sale or manufacture thereof,* between Memphis, TN and Charlotte, NC on the one hand, and, on the other, points in AR, AL, GA, IL, IN, KS, KY, LA, FL, MO, MS, NC, OH, OK, PA and TX. Supporting shipper: Supporting shipper: United Coatings, Inc., 706 Linden Avenue, Memphis, TN.

MC 154541 (Sub-3-1TA), filed March 5, 1981. Applicant: SEA ISLAND

STAGES OF BEAUFORT/HILTON HEAD, P.O. Box 4031, Beaufort, SC 29902. Representative: D. R. Wismer, 605 Board River Dr., Beaufort, SC 29902. *Passengers and baggage*, between Hilton Head, SC and points and places within the state of GA *in special and charter operations*. Supporting shipper: Courtney M. Roff, Director, Savannah Symphony Association, 55 Planter's Woods Dr., Hilton Head, SC.

MC 2934 (Sub-3-30TA), filed March 3, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Paper, paper products and commodities used in the manufacturing thereof*, between the counties of Chester, PA; Washington, NY; and Kennebec, ME; on the one hand and on the other, points and places in and east of the states of TX, OK, KS, NE, IA and MN. Supporting shipper: Scott Paper Company, Scott Plaza, Philadelphia, PA 19113.

MC 143683 (Sub-3-1TA), filed March 5, 1981. Applicant: AMERICAN CONTRACT EXPRESS, INC., P.O. Box 425, Childersburg, AL 35044. Representative: Terry P. Wilson, 428 South Lawrence Street, Montgomery, Alabama 36104. *Contract carrier;* irregular routes; *Paper and paper products, and equipment, materials, and supplies used in the operation of paper mills, except commodities in bulk, in tank vehicles*, from the facilities of the Kimberly Clark Corporation at or near Coosa Pines, AL, to points in Fulton, DeKalb, Cobb and Clayton Counties, GA, under continuing contract(s) with Kimberly Clark Corporation of Neenah, WI.

MC 117956 (Sub-3-12TA), filed March 5, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Road, SW, Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Contract Carrier: Containers—tin, steel and plastic and their equipment*, from Clinch and Clayton County, GA, Pearl County, MS and Essex County, NJ to points in the United States under a continuing contract with Standard Container Company, 1101-A Commerce Road, Morrow, GA 30260.

MC 76574 (Sub-3-1TA), filed March 5, 1981. Applicant: ARMSTRONG TRANSFER AND STORAGE CO., INC., 3927 Winchester Road, Memphis, TN 38118. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. *Contract*, irregular: *(1) furniture, furniture parts and furniture stock and (2) materials, supplies and equipment used in the manufacture, distribution and sale of commodities in (1) above (except commodities in bulk in tank vehicles)*, between Thurmont, MD (and points in the commercial zone thereof), on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: The Hoke Furniture Company, Inc. P.O. Box 127, Thurmont, MD 21788.

MC 118831 (Sub-3-12TA), filed March 5, 1981. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller III (same address as applicant). *Hazardous materials and waste in portable containers, and empty containers* on flat bed trailers points in NC and SC. Supporting shipper: Celanese Fibers Company, P.O. Box 32414, Charlotte, NC 28232.

MC 147857 (Sub-3-3TA), filed March 5, 1981. Applicant: FLEETCO INC., 801 N. Interstate 85, Charlotte, NC 28216. Representative: W. G. Reese, 315 W. Victoria, Gardenia, CA 90248. *Lumber, veneer or forest products, plywood veneer or wood, built up or combined*, between Charlotte, NC on the one hand, and, on the other, points east of a line formed by the western boundaries of the States of WI, IL, KY, TN, MI. Supporting shipper: Vanply Inc., P.O. Box 668289, Charlotte, NC 28266.

MC 149133 (Sub-3-14TA), filed March 4, 1981. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. Box 7191, Charoltte, NC 28217. Representative: Wyatt E. Smith (same as above). *Contract carrier*, irregular routes; *general commodities*, between points in NC, SC, GA, VA, MN, IL, MD, IN, OH, MI, NY, NJ, MO, TN, and AL, restricted to service performed under a continuing contract(s) with Montgomery Ward & Company. Supporting shipper: Montgomery Ward & Company, Montgomery Ward Plaza, Chicago, IL 60671.

MC 2253 (Sub-3-7TA), filed March 4, 1981. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: Lawrence E. Lindeman, 425-13th St., N.W., Suite 1032, Washington, DC 20004. *Plastic resin* from Adrian, MI to North Brunswick, NJ. Supporting shipper: Johnson & Johnson Products Co., U.S. Highway 1, South, Engineering Building, EE-295, North Brunswick, NJ 08902.

MC 154261 (Sub-3-1TA), filed March 5, 1981. Applicant: PASCO PRODUCTS, INC., 2017 King Edward Avenue, Cleveland, TN 37311. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier*, irregular; *chemicals and such commodities as are used, dealt in, or distributed by a manufacturer and/or distributor of chemicals and chemical products* between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MD, MI, NJ, NY, OH, PA, SC, TN, TX, and VA under continuing contract(s) with Specialty Chemical Co., Inc., and Industrial Chemical Co., Inc. Supporting shipper: Specialty Chemical Co., Inc., 2018 King Edward Avenue, Cleveland, TN 37311 and Industrial Chemical Co., Inc., 2042 Montreat Drive, Birmingham, AL 35216.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 105045 (Sub-4-29TA), filed March 4, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager (same as above). *Pump jacks, material handling systems*, between Memphis, TN, Cornith, MS and points in U.S. (except AK & HI). Supporting shipper: National Machine Works, 1894 E. Brooks Rd., Memphis, TN 38116.

MC 146066 (Sub-4-6TA), filed March 4, 1981. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main Street, P.O. Box 1614, Elkhart, IN 46514. Representative: Phillip A. Renz, Grotrian & Boxberger, Suite 200—Metro Building, Fort Wayne, IN 46802. *Contract* Irregular: *(1) Industrial floor and carpet cleaning machines, polishers, scrubbers, vacuum cleaners and (2) materials, equipment and supplies used in the manufacture and distribution of (1) above*. Between Elkhart, IN and Bloomington, Normal, and Chicago, IL and Baltimore, MD. Restricted to service to be performed under a continuing contract with The Kent Company. Supporting shipper: The Kent Company, 2310 Industrial Parkway, Elkhart, IN 46515.

MC 151482 (Sub-4-6), filed March 3, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Dr., Rockford, IL 61109. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract Irregular. Insulation, material and supplies* related thereto, between points in IL, on the one hand, and, on the other, points in AR, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN and WI, under continuing contract(s) with United States Gypsum Co. of Chicago, IL. Supporting shipper: United States Gypsum Co., 101 S. Wacker Dr., Chicago, IL.

MC 124078 (Sub-4-82TA), filed March 4, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Sand*, in bulk, from Newport and Millville, NJ to Dayville, CT. Supporting shipper: Glass Containers Corporation, 535 N. Gilbert Avenue, Fullerton, CA 92634.

MC 124078 (Sub-4-83TA), filed March 4, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cement clinker*, from West Des Moines, IA to points in NJ (except Jersey City, NJ). An underlying ETA seeks 120 days authority. Supporting shipper: Chem Tech Services, 4255 Main Street, Skokie, IL 60076.

MC 119226 (Sub-4-1TA), filed March 4, 1981. Applicant: LIQUID TRANSPORT CORP., R.R. 10, Box 100B, Greenfield, IN 46140. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Hazardous waste materials*, between the facilities of Eli Lilly and Co., at Marion, Tippecanoe and Vermillion Counties, IN, and points in KY, MI, OH and IL. Supporting shipper: Eli Lilly and Co., 307 N. McCarty Street, Indianapolis, IN 46285. An underlying ETA seeks 120 days authority.

MC 136288 (Sub-4-2TA), filed March 4, 1981. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Ave., Monroe, WI 53566. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Paper, paper products and printed matter* from Monroe, WI to points in MO and MN. An underlying ETA seeks 120 days authority. Supporting shipper: Moore Business Forms, Inc., 350 17th Street, Monroe, WI 53566.

MC 154491 (Sub-4-1TA), filed March 4, 1981. Applicant: THOMAS R. HAPPERSETT, d.b.a. HAPPERSETT ENTERPRISES, Rt. 2, Wautoma, WI 54982. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract;* Irregular *Meat and meat by-products (unfit for human consumption)*, from the facilities of Karem, Inc. at or near Marshall, WI to points in IA, MO and OH under a continuing contract(s) with Karem, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Karem, Inc., Route 1, Box 97, Marshall, WI 53559.

MC 154457 (Sub-4-1TA), filed March 3, 1981. Applicant: ELKAY TRANSFER, INC., Polifka Road, Box 187, Francis Creek, WI 54214. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* Irregular *Alcohol, specially denatured, in bulk in tank vehicles, and materials, equipment and supplies used in the manufacture, sale and distribution of such commodity*, from points in Morrison Township, Brown County, WI, to points in IL, IN, IA, MI, MN and MO, restricted to transportation to be performed under a continuing contract(s) with Rosi-Jean Alcohol, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Rose-Jean Alcohol, Inc., Route 2, Greenleaf, WI 54126.

MC 143280 (Sub-4-10TA), filed March 4, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Sugar*, from East Grand Forks, Crookston, Moorhead, Chaska, Minneapolis and St. Paul, MN; Hillsboro, ND and Mason City, IA to points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: American Crystal Sugar Company, 101 North 3rd Street, Moorhead, MN 56560.

MC 118612 (Sub-4-7TA), filed March 4, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. *Petroleum tar and asphalt* From Terre Haute, IN to Chicago, IL. Supporting shipper: CELOTEX CORP., a Div. of Jim Walter Corp., 1500 North Dale Mabry, Tampa, FL 33607.

MC 143776 (Sub-4-19TA), filed March 3, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Avenue, S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs, 155 Spaulding Avenue, S.E., Grand Rapids, Michigan 49506. *Refinished, renewed, and refurbished auditorium, office, and commercial seating* between the facilities of Country Roads, Incorporated, on the one hand, and, on the other, various points in the Continental U.S. Supporting shipper: Country Roads, Incorporated; 602 Ottawa Street; Lowell, MI 49331.

MC 118202 (Sub-4-17TA), filed March 3, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. BOX 406, 323 Bridge Street, Winona, MN 55987. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 6th Street, Minneapolis, MN 55402. *Containers*, from Lakeville, MN to Wichita, KS; Cleveland, OH; Tulsa, OK and Hallettsville and Abilene, TX. An underlying ETA seeks 120 days authority. Supporting shipper: Crown Cork and Seal, 8415 220th West, Lakeville, MN 55044.

MC 80430 (Sub-4-16TA), filed March 3, 1981. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Representative: Keith J. Margelowsky, 455 Park Plaza Drive, La Crosse, WI 54601. *General Commodities*, except Class A and B explosives, serving the facilities of Martin Paul, Inc., located east of Mauston, WI on Highway 82, as an off route point in connection with Gateway's otherwise authorized authority from and to La Crosse, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Martin Paul, Inc., Route 2, P.O. Box 123, Wisconsin Dells, WI, 53965.

MC 136899 (Sub-4-6TA), filed March 2, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. BOX 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Such merchandise as is dealt in by discount and variety stores (except commodities in bulk)* between the facilities of K mart Corporation at or near Minneapolis, MN, on the one hand, and, on the other, points in NE. An underlying ETA seeks 120 days authority. Supporting Shipper: K mart Corporation, 3100 W. Big Beaver, Troy, MI 48084.

MC 144757 (Sub-4-12), filed March 2, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 West Boulevard, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. *Contract: Industrial Chemicals* from Minneapolis and St. Paul, MN; Hudson, WI; and Chicago, IL; and points in their Commercial Zones to Rapid City, SD under contract with Black Hills Chemical Co., Inc. Supporting shipper: Black Chemical Co., Inc., 403 West Blvd., Rapid City, SD 57701.

MC 123407 (Sub-4-55TA), filed March 2, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). *Paper, paper products, and other articles as named in Item 26 of STCC, and materials, equipment, and supplies used in the manufacturing, sale, and distribution thereof*, between points in the U.S. restricted to shipments originating at or destined to Hexagon Honeycomb Corporation. Supporting shipper: Hexagon Honeycomb Corporation, P.O. Box 8, Trenton, IL 62293.

MC 150746 (Sub-4-4TA), filed March 2, 1981. Applicant: DPC

TRANSPORTATION COMPANY, 12007 Smith Drive (P.O. Box 929), Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Contract: Packaging materials and materials, equipment and supplies used in the manufacture and distribution of packaging materials,* between Little Rock, AR, and Memphis, TN, and points in their respective commercial zones, under contract with Foam Packaging, Inc. Supporting shipper: Foam Packaging, Inc., 6503 New Benton Highway, Little Rock, AR 72209.

MC 153367 (Sub-4–1TA), filed February 2, 1981. Applicant: TRANSX, LTD., 2595 Inkster Blvd., Box 36, Group 200 R.R. 2, Winnipeg, Manitoba R3C 2E6. Canada. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036. *General Commodities (except Classes A and B explosives)* between points of entry on the international boundary line between the US and Canada, in ND on the one hand, and, on the other, Chicago, IL, Madison and Milwaukee, WI, and Minneapolis, MN. Supporting shipper: There are 21 supporting shippers.

MC 148355 (Sub-4–4TA), filed March 4, 1981. Applicant: A–1 DISPOSAL CORP., P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Toxic hazardous waste materials, hazardous waste substances, and hazardous waste (except nuclear waste or explosives)* between points in States on or East of the Mississippi River within the Continental U.S. Supporting shipper: ITT Blackburn Co., 1525 Woodson Rd., St. Louis, MO 63114.

MC 154456 (Sub-4–1), filed March 3, 1981. Applicant: TITAN TRANSFER, INC., 2069 Territorial Road, St. Paul, MN 55114. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Contract* Irregular: *Such commodities as are dealt in by wholesale and retail auto parts and supply companies* from St. Paul, MN, to Barron, Chetek, Rice Lake, Spooner and Turtle Lake, WI, under continuing contract(s) with General Trading Company, St. Paul, MN. Supporting shipper: General Trading Company, St. Paul, MN.

MC 147015 (Sub-4–1TA), filed March 3, 1981. Applicant: JAMES P. TAYLOR, d.b.a. JAMES TAYLOR TRUCKING, 3718 Gass Lake Rd., Manitowoc, WI 54220. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Bagged cement* from York, PA to Manitowoc and Milwaukee, WI; Chicago and Dixon, IL; and Detroit, MI; and their respective commercial zones. An underlying ETA seeks 120 days authority. Supporting shipper: Medusa Cement Company, P.O. Box 568, Cleveland, OH 44101.

MC 146734 (Sub-4–1TA), filed March 3, 1981. Applicant: TENNANT TRUCK LINES, INC., R.R. 1, P.O. Box 233, Orion, IL 61273. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Elevators, escalators, and parts and components for elevators and escalators,* from the facilities of Montgomery Elevator Company at or near Coal Valley and Moline, IL; Arkansas City, KS; Philadelphia, PA and McKinney, TX, to points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: Montgomery Elevator Company, 30 20th Street, Moline, IL 61265.

MC 48374 (Sub-4–1TA), filed March 3, 1981. Applicant: FERNSTROM STORAGE AND VAN COMPANY. P.O. Box 66220, Chicago, IL 60666. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Contract* Irregular: *General commodities* (except classes A and B explosives) between points within 50 miles of Boca Raton, PA, on the one hand, and, on the other, points in east of MN, IA, MO, AR and LA under continuing contract(s) with International Business Machines Corporation. Supporting shipper: International Business Machines Corporation, Program Manager Rate Structure Management, P.O. Box 10, Princeton, NJ 08540.

MC 153114 (Sub-4–2TA), filed March 3, 1981. Applicant: OLYMPIC EXPRESS, INC., 2690 East 81st Street, Bloomington MN 55420. Representative: Stanley C. Olsen, Jr., Attorney at Law, 5200 Willson Road, Ste. 307, Edina, MN 55424. *Contract* Irregular: *Toilet preparations and cleaning compounds, and materials, equipment and supplies, used in the manufacture thereof,* between points in Chaska and Minneapolis, MN, on the one hand, and, on the other, points in the U.S. under continuing contracts with Minnetonka, Inc. Supporting shipper: Minnetonka, Inc., P.O. Box 1A, Minnetonka, MN 55343.

MC 111274 (Sub-4–6TA), filed March 2, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall, P.O. Box 351, Morton, IL 61550. *Contract* Irregular: *Pipe and tube, both steel and alloy and related materials and supplies* from points in the states of IL, CO, PA, MO, CA, OH, IN to points of entry on the U.S.-Canadian boundary in WA, ID and MT, under a continuing contract with West Tube Co., Ltd., Coquitlam, B.C., Canada. Supporting shipper: West Tube Co., Ltd., 2360 United Blvd., Coquitlam, B.C., Canada V3K6A3.

MC 105045 (Sub-4–28TA), filed March 2, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager (same as above). *(1) Commodities, the transportation of which, because of size or weight require the use of special equipment or special handling (2) machinery and parts for machinery, and (3) iron and steel articles,* between points in the U.S. Restricted to traffic originating at or destined to the facilities of, or used by Fuller Company. Supporting shipper: Fuller Company, P.O. Box 2040, Bethlehem, PA 18001.

MC 147284 (Sub-4–11TA), filed March 2, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Ave., Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Food and related products,* from points in IN to points in the U.S. east of the Mississippi River and points in IA, KA, LA, MO and TX. Supporting shippers: Sadler Packing Co., Inc., 660 Belmont St., Columbus, IN 47201; Curtice-Burns, Inc., Brooks Food Division, Rte. 36, Summit, IN 47361; and Emge Packing Co., Inc., 200 W. 8th St., Anderson, IN 46011.

MC 121520 (Sub-4–2TA), filed March 2, 1981. Applicant: ALMOND FREIGHT LINES, INC., 2243 North Central Avenue, Rockford, IL 61103. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. (1) *Steel,* from the Chicago, IL, commercial zone to the facilities of Wisconsin Knife Works at Beloit, WI, and (2) *Electrical equipment and supplies* between the origin in (1), on the one hand, and, on the other, Beloit and Janesville, WI, restricted to traffic originating at or destined to the facilties of Lappin Electric Co., Cole Electric Supply, Inc., and State Electrical Supply, Inc. Supporting shippers: Wisconsin Knife Works, a division of Black & Decker (U.S.), Inc., 2710 Prairie Avenue, Beloit, WI 53511; State Electrical Supply, Inc., 509 West Milwaukee Street, Janesville, WI 53545; Cole Electric Supply, Inc., 533 North Main Street, Janesville, WI 53545; and Lappin Electric Co., 1462 Sixth Street, Beloit, WI 53511.

MC 80430 (Sub-4–15TA), filed March 2, 1981. Applicant: GATEWAY TRANSPORTION CO., INC., 455 Park Plaza Drive, LaCrosse, WI 54601. Representative: Keith J. Margelowsky, 455 Park Plaza Drive, La Crosse, WI 54601. *General Commodities,* except Class A and B explosives, between

Albert Lea, MN over U.S. Highway 69 to the junction of U.S. Highway 16, then over U.S. Highway 16 to Blue Earth, MN, then over U.S. Highway 169 to Minneapolis, and return over the same route. Serving as off route points, all points in the Minnesota counties of: Blue Earth, Fairbault, LeSueur, Nicollet, Rice, Scott, Steel and Waseca. An underlying ETA seeks 120 days authority. There are 15 supporting shippers.

MC 139482 (Sub-4-29TA), filed March 2, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Foodstuffs (except commodities in bulk)*, between Clark, SD and points in the U.S. (except AK and HI). Restricted to the traffic originating at or destined to the facilities of Chef Reddy Foods Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Chef Ready Foods Corp./Midwest, P.O. Box 100, Clark, SD 57225.

MC 150672 (Sub-4-2TA), filed March 2, 1981. Applicant: MEIGS TRUCKING, INC., 9323 West Greenfield Avenue, Milwaukee, WI 53214. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract;* Irregular. (1) *Such commodities as are dealt in by distributors of asphalt and asphalt products, and (2) materials, equipment and supplies used in the production and distribution of such commodities*, from points in the Chicago, IL, Commercial Zone, Dubuque and Davenport, IA, and points in the Minneapolis-St. Paul, MN, Commercial Zone to points in WI under a continuing contract with Henry G. Meigs, Inc. Supporting shipper: Henry G. Meigs, Inc., 9323 West Greenfield Avenue, Milwaukee, WI, 53214.

MC 154432 (Sub-4-1TA), filed February 27, 1981. Applicant: FORTY EIGHT TRANSPORT, 14234 Indiana, Riverdale, IL 60627. Representative: Aryan Traffic Service, P.O. Box 1141, Melrose Park, IL 60160. *Contract* Irregular: *Cleaning Compounds and related commodities* between facilities of Masury Columbia at or near Chicago, IL, on the one hand, and, on the other points and places in the U.S. except AK and HI. Restricted to traffic requiring mechanical refrigeration. Supporting shipper: Masury Columbia 1401 El 99th Pl., Chicago, IL 60628.

MC 111310 (Sub-4-7TA), filed February 27, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Containers and container closures* from Oak Creek, WI to Detroit, MI, Omaha, NE, and Knoxville, TN. An underlying ETA seeks 120 days authority. Supporting shipper: Joe. Schlitz Brewing Company, 235 West Galena Street, Milwaukee, WI 53212.

MC 136600 (Sub-4-2TA), filed March 2, 1981. Applicant: MOODIE, INC., 301 Acorn Street, Stevens Point, WI 54481. Representative: Michael J. Wyngaard, 150 E. Gilman Street, Madison, WI 53703. *Meat, meat products, and meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) between the plantsite and warehouse facilities utilized by Hillshire Farm Company, located at or near New London, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: Hillshire Farm Company, P.O. Box 227, New London, WI 53961.

MC 154385 (Sub-4-1TA), filed February 25, 1981. Applicant: CHARLES E. WAGNER, d.b.a. HOLIDAY MOVING & STORAGE, 1775 West Lawrence, Springfield, IL 62701. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract* Irregular: *Shelving, steel and wood combined, n.o.i., flat*, from Jacksonville, IL to points in AL, CO, IA, IN, KS, LA, MI, MO, MS, NY, OH, OK, PA, TX and WI. Restricted to traffic moving under continuing contract with Lundia, Myers Industries, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Lundia, Myers Industries, Inc., 600 Capitol Way, Jacksonville, IL 62650.

MC 146438 (Sub-4-5TA), filed March 3, 1981. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Agricultural insecticides or fungicides, weed killing compounds, medicinal feeding compounds, chemicals, drugs, medicines* and *related articles*, and *materials, equipment and supplies used or useful in the manufacture, processing, sale and distribution thereof in mechanically refrigerated equipment* between Kalamazoo County, MI, on the one hand, and, on the other, Los Angeles County, CA. Supporting shipper: The Upjohn Company, Kalamazoo, MI 49001.

MC 143436 (Sub-4-6TA), filed March 2, 1981. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Dr., P.O. Box 41228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, Attorney at Law, 1502 Main St., Speedway, IN 46224. *General Commodities* (except household goods as defined by the Commission and Classes A & B explosives) between Cook County, IL on the one hand and, on the other, points in IN and KY. An underlying ETA seeks 120 days authority. Supporting shipper: Alberto-Culver Company, 2525 Armitage Ave. Melrose Park, IL 60160.

MC 141316 (Sub-4-3TA), filed March 2, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, Ltd, 531 North Eight Street, Medford, WI 54451. Representative Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402 *Contract:* Irregular *Furniture*, from Marshfield, WI to points in IA, IL, IN, KS, MI, MO, MN, MT, NE, ND, SD, and WY. An underlying ETA seeks 120 days authority. Supporting shipper: Modern of Marshfield, 137 West 9th Street, Marshfield, WI, 54449.

MC 124408 (Sub-4-4), filed March 2, 1981. Applicant: THOMPSON BROS, INC., 3604 Hovland Drive, P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Foodstuffs*, from the facilities of The Pillsbury Company at or near Springfield, IL; St. Louis, MO; and Minneapolis, MN to Fargo, ND. An underlying ETA seeks 120 days authority. Supporting shipper: The Pillsbury Company, 608-2nd Ave. South, Minneapolis, MN 55402.

MC 146758 (Sub-4-2), filed March 2, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main Street, Albert Lea, MN 56007. Representative: (same as applicant). *Food and related products* from Chicago, IL to all points in MN, CA, AZ, CO, NV, OR, WA, UT, ID, MT, NM and TX. No underlying ETA was filed. Supporting shipper: Carl Buddig and Company, 11914 S. Peoria St., Chicago, IL 60643.

MC 146758 (Sub-4-3), filed March 2, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main, Albert Lea, MN 56007. Representative: Same as applicant. *Furniture; lighting fixtures; plastic articles—expanded; paper and paper products; and equipment, materials and supplies used in the manufacture and distribution of the above products (except in bulk).* Between all points in the U.S. (except AK and HI) restricted to shipments originating at or destined to the facilities of Scott Paper Company. Supporting shipper: Scott Paper Company, Scott Plaza, Philadelphia, PA 19112.

MC 152246 (Sub-4-2TA), filed March 3, 1981. Applicant: SCHULD TRANSPORTATION, INC., 774 Flanner

Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Cast iron pipe, fittings, valves, hydrants, and accessories,* between Coshocton, OH, on the one hand, and, on the other, points in FL. Supporting shipper: Clow Corporation, 1211 W. 22nd St., Oak Brook, IL 60521.

MC 147636 (Sub-4–4), filed March 3, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Meat, meat products, meat by-products and related products* distributed by meat packing houses, between Cactus, TX on the one hand, and on the other, points in AZ, CA and east of MN, IA, MO, AR and LA. Supporting shipper: Swift Independent Packing Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 76266 (Sub-4–17TA), filed February 27, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 South 11th Street, Minneapolis, MN 55403. Representative: Walter A. Eggert (address same as applicant). *Plastic film, bags, gloves and aprons; Plastic and Plastic Articles,* between Mankato, MN on the one hand, and, on the other hand, points in all 48 contiguous states. An underlying ETA seeks 120 days authority. Supporting shipper: National Poly Products, 2111-3rd Ave., Mankato, MN 56001.

MC 145528 (Sub-4–1TA), filed February 27, 1981. Applicant: TOMKO TRUCKING, INC., 1850 Enterprise Drive, P.O. Box 269, DePere, WI 54115. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Malt beverages and materials, equipment, and supplies used in the manufacture and distribution of malt beverages* between Chicago, IL, on the one hand, and, on the other, points in Brown, Calumet, Door, Kewaunee, Manitowoc, Marinette, Oconto, Outagamie, and Shawano Counties, WI. An underlying ETA seeks 120 days authority. Supporting shippers: Choice Beer Sales, Inc., 1211 E. Richmond Street, Shawano, WI; Kay Beer Distributing, Inc., 1850 Enterprise Drive, DePere, WI; Lemorande Distributors, Inc., Industrial Park, Oconto Falls, WI; and Lewis Distributing, Inc., 855 Hickory Street, Cleveland, WI.

MC 124078 (Sub-4–61TA), filed February 27, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cement* from Buffington, IN to Athen, AL. Underlying ETA seeks 120 days authority. Supporting shipper: LeHigh Portland Cement Company, 718 Hamilton Mall, Allentown, PA 18105.

MC 147876 (Sub-4–5TA), filed March 3, 1981. Applicant: SHAY COMPANY, INC., P.O. Box 2061, Clarksville, IN 47130. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. *Cleaning and laundry equipment, materials and supplies* (except commodities in bulk), from the facilities of W. M. Cissell Manufacturing Co. at Louisville, KY and Cincinnati, OH to points in the U.S. Supporting shipper: W. M. Cissell Manufacturing Co., P.O. Box 32270, Louisville, KY 40232.

MC 147876 (Sub-4–6), filed March 2, 1981. Applicant: SHAY COMPANY, INC., P.O. Box 2061, Clarksville, IN 47130. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. *Trailer hitches, couplers, towbars and attachments and parts therefor* from Belleville, MI to Jacksonville, FL; Flemington, NJ; Grand Prairie, TX and Huntington, CA. Supporting shipper: Draw-Tite, Inc., Tower Systems Div., 14857 Martinsville Rd., Belleville, MI 48111.

MC 133689 (Sub-4–67TA), filed March 5, 1981. Applicant: OVERLAND EXPRESS, INC., 9651 Naples St. NE, Blaine, MN 55434. Representative: Robert Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pet foods, foodstuffs and kindred products,* between points in the U.S. restricted to shipments originating at or destined to the facilities of International Multifoods. Supporting shipper: International Multifoods, 8th & Marquette, Minneapolis, MN 55302.

MC 133689 (Sub-4–68TA), filed March 5, 1981. Applicant: OVERLAND EXPRESS, INC., 9651 Naples St. N.E., Blaine, MN 55434. Representative: Robert Sack, P.O. Box 6010, West St. Paul, MN 55118. *Printed matter (except commodities in bulk)* between Bridgeport, CT on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to shipments originating at or destined to the facilities of Magazine Shippers Association, Inc. of Bridgeport, CT. Supporting shipper: Magazine Shippers Association, Inc., 955 Union Ave., Bridgeport, CT 06607.

MC 150189 (Sub-4–2TA), filed March 5, 1981. Applicant: R. G. BERRY, Box 8, Shawneetown, IL 62984. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Flour,* from Alton, IL to points in AL, FL, GA, NC, SC, and TN. An underlying ETA seeks 120 days authority. Supporting shipper: Peavy Company, 145 West Broadway, Alton, IL 62002.

MC 134369 (Sub-4–4TA), filed March 5, 1981. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. *Sand and sand with additives,* from Albion, MI, to Auburn, IN. An underlying ETA seeks 120 days authority. Supporting shipper: Auburn Foundry, Inc., 635 West 11th Street, Auburn, IN 46706.

MC 154506 (Sub-4–1TA), filed March 5, 1981. Applicant: EVANS & CASSELL ENTERPRISES, INC., Rural Route 1, Box 141, Fair Oaks, IN 47943. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract* irregular *general commodities except class A and B explosives,* between points in the U.S. (except AK and HI) under contracts to Republic Fabricators, Inc. and R.F.I. Services, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Republic Fabricators, Inc., P.O. Box 2274, E. Chicago, IN 46312 and R.F.I. Services, Inc., 2202 Timberloch Place, Woodlands, TX 77380.

MC 151087 (Sub-4–6TA), filed March 5, 1981. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Highway, Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Metal products,* between points in IL, IN, IA, KY, MD, MI, MN, MO, NJ, NY, OH, PA, TN, WV, and WI. Supporting shipper: There are 22 supporting shippers.

MC 154517 (Sub-4–1TA), filed March 5, 1981. Applicant: AMERICAN TRAINCO, INC., 5021 Chase Street, Downers Grove, IL 60515. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. *General Commodities (except Classes A and B explosives),* (1) between points in and east of ND, SD, NE, KS, OK and TX, and (2) between points in and east of ND, SD, NE, KS, OK and TX, on the one hand, and, on the other, points west of ND, SD, NE, KS, OK and TX. Parts (1) and (2) are restricted to transportation incidental to trailer-on-flatcar or container-on-flatcar service by a rail carrier. Supporting shippers: There are twenty-one supporting shippers.

MC 154502 (Sub-4–1TA), filed March 5, 1981. Applicant: MELVIN CHADWICK d.b.a., MEL CHADWICK TRUCKING, 411 North 2nd Street, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2570, Bismarck, ND 58502. Contract Irregular *General Commodities, (except Class A and B explosives),* between points in the U.S. (except AK and HI), under contract

with Johnson Brothers Corporation, Beaulah, ND; FormAll, Bismarck, ND; Apollo Piping Supply, Inc., Mandan, ND; Markey Bros. Co., Walled Lake, MI; Moorhead Machinery & Boiler Co., Mandan, ND; Associated Pool Builders, Inc., Bismarck, ND; Dakota Welding & Supply Co. d.b.a. Tri-State Supply Co., Bismarck, ND; and Keenan Supply, Mandan, ND. An underlying ETA seeks 120 day authority. Supporting shippers: There are 8 supporting shippers.

MC 105159 (Sub-4-14TA), filed March 4, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55006. Representative: Stephen F. Grinnell, 1600 TCK Tower, 121 South 8th Street, Minneapolis, MN 55402. (1) *Foodstuffs* and (2) *Food serving and dispensing equipment* from St. Louis Park, MN to points in AZ, CA, CO, ID, MT, NE NV, NM, OR, WA and WY. An underlying ETA seeks 120 days authority. Supporting shipper: Food Producers International—Division of Beatrice Foods, 10505 Wayzata Blvd., Minneapolis, MN 55343.

MC 57239 (Sub-4-4TA), filed March 4, 1981. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46225. Representative: James R. Smith (same address as applicant). *Plastic Articles* from Hopkinsville, KY to Greenville, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Phillips Products Co., Inc., 1857 Calvin Drive, Hopkinsville, KY 42240.

MC 114829 (Sub-4-6TA), filed March 4, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 61081. Representative: Bernard J. Kompare, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. *Contract, Irregular: Such commodities* as are dealt in or used by manufacturers of metal products, wood products, and fiberglas products, between Sterling, IL, on the one hand, and, on the other, points in MO and KS under contract(s) with Frantz Manufacturing Corporation. Supporting shipper: Frantz Manufacturing Corporation, 301 W. Third St., Sterling, IL 61081.

MC 133689 (Sub-4-66TA), filed March 4, 1981. Applicant: OVERLAND EXPRESS, INC., 9651 Naples Street, N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such commodities as are used, dealt in, or manufactured by manufacturers and distributors of batteries, lamps, flash light, lanterns, displays, and lighting fixtures,* between points in the U.S. Restricted to the transportation of traffic originating at or destined to the facilities of Ray-O-Vac Corporation, a Corporation of Inco Electro Energy, Inc. Supporting shipper: Ray-O-Vac Division ESB Incorporated, 101 East Washington Avenue, Madison, WI 53703.

MC 142069 (Sub-4-16), filed March 4, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). (1) *Generators and parts* from Huntsville, AL to Forest City, IA; Elkhart, IN and Grand Rapids, MI (2) *Iron and steel articles* from Berlin, Brillion, Milwaukee, Oshkosh, Reedsburg, Sparta and Waupeca, WI; Bay City, Muskegon and Grand Rapids, MI and the Chicago, IL Commercial Zone to Huntsville, AL and (3) *Generator parts* Milwaukee, WI to Huntsville, AL. Supporting shipper: Onan Corp., 1400 73rd Avenue N.E., Minneapolis, MN 55432.

MC 148119 (Sub-4-2TA), filed March 4, 1981. Applicant: T. B. & P. EXPRESS, INC., State Route 67 and Middletown Road, P.O. Box 71, Daleville, IN 47334. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract:* Irregular: *Containers and container accessories* between pts in OH and IN for the account of Kerr Glass Manufacturing Corp. of Sand Springs, OK. Supporting shipper: Kerr Glass Manufacturing Corp., P.O. Box 97, Sand Springs, OK 74063.

MC 154501 (Sub-4-1TA), filed March 5, 1981. Applicant: DREWS BROTHERS SAWDUST & SHAVINGS COMPANY, 2014 W. Hubbard Street, Chicago, IL 60612. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Particle Board,* from Marinette, WI, to points in Chicago, IL, Commercial Zone. Supporting shipper: Rodman Industries, Inc., Box 76. Marinette, WI 54143.

MC 107445 (Sub-4-4TA), filed March 5, 1981. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Avenue, Indianapolis, IN 46225. Representative: K. Clay Smith, P.O. Box 33051, Indianapolis, IN 46203. *Metal products and commodities requiring the use of special equipment,* from Coshocton County, OH to points in the State of FL. An underlying ETA seeks 120 days authority. Supporting shipper: Clow Corporation, 1211 West 22nd Street, Oakbrook, IL 60521.

MC 144327 (Sub-4-7TA), filed March 4, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). *General Commodities (except classes A and B explosives)* between points in and east of MN, IA, MO, OK, and TX. Supporting shipper: Top Value Enterprises, Inc., 3065 Woodman Drive, Kettering, OH 45420.

MC 149057 (Sub-4-5TA), filed March 5, 1981. Applicant: C & M TRUCKING, INC., 3500 North Monroe, Monroe, MI 48167. Representative: John C. Scherbarth, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Metal articles, materials, equipment and supplies used in the manufacture of metal articles* between Monroe County, MI, on the one hand, and on the other, points in OK and AR. Supporting shipper: North Star Steel Company, c/o Leonard Huberty, 2901 Metro Drive, Minneapolis, MN 55420.

MC 154495 (Sub-4-1TA), filed March 4, 1981. Applicant: THOMAS J. PAWLACYK, d.b.a. N & M TRANSFER, 1120 N. Perkins St., Appleton, WI 54911. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Such commodities as are dealt in or used by manufacturers, converters, and printers of paper and paper products (except commodities in bulk)* between points in Brown, Outagamie, and Winnebago Counties, WI, on the one hand, and, on the other, Chicago, IL. Restriction: Restricted to traffic having a prior or subsequent movement by rail. An underlying ETA seeks 120 days authority. Supporting shipper: Wisconsin Paper Group, Inc., P.O. Box 748, Neenah, WI 54956.

MC 154423 (Sub-4-1), filed February 27, 1981. Applicant: RAY SHIPLEY, d.b.a. SHIPLEY CARPET, 1842 So. Main, Jacksonville, IL 62650. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Carpeting, cushions, glue,* from points in GA and Hamilton County, TN to points IL. An underlying ETA seeks 120 days authority. Supporting shipper: Land of Lincoln Carpet, 1477 Edwardsville Rd., Wood River, IL 62095, Floor World, Inc., 709 Main St., Quincy, IL 62301, Finn's Carpet & Funiture, 25 Elmo Dr., R.R. #2, Macomb, IL 61455.

MC 153829 (Sub-4-7TA), filed March 2, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Canned foodstuffs,* from Cokato and Faribault, MN and Durand and Mondovi, WI to points in the U.S. in and east of MT, WY, UT and AZ. Supporting shipper: Faribault Canning Company, 128 N.W. 15th Street, Faribault, MN 55021.

MC 153829 (Sub-4-6TA), filed March 2, 1981. Applicant: UNITED SHIPING COMPANY, 2104 Lower St. Dennis

Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Tractor parts and accessories and materials, equipment and supplies used in the manufacture, distribution and sale thereof,* between the facilities of Steiger Tractor, Inc. in Cass County, ND, on the one hand, and, on the other, points in IL, IN, OH, MN, IA, KY, PA, MI, SC and TX. Supporting shipper: Steiger Tractor, Inc., 3101 First Avenue North, Fargo, ND 58102.

MC 105159 (Sub-4-13TA), filed March 2, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Foodstuffs,* from the commercial zone of Minneapolis, MN to points in SD and UT. An underlying ETA seeks 120 days authority. Supporting shipper: Food Producers International—Division of Beatrice Foods, 10505 Wayzata Blvd., Minneapolis, MN 55343.

MC 153829 (Sub-4-4TA), filed March 2, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55102. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Foodstuffs,* from the facilities of The Creamette Company at or near Minneapolis–St. Paul, MN to points in TX, OK, LA and AR. Supporting shipper: The Creamette Company, 428 North First Street, Minneapolis, MN 55401.

MC 153829 (Sub-4-5TA), filed March 2, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Sugar,* from the facilities of American Crystal Sugar Company at or near Drayton, ND, East Grand Forks, Crookston, Moorhead and Minneapolis–St. Paul, MN to points in IL, OH, IN and MI. Supporting shipper: American Crystal Sugar Company, 101 North Third Street, Moorhead, MN 56560.

MC 154459 (Sub-4-1TA), filed March 2, 1981. Applicant: ADCOM EXPRESS, INC., 7225 Duvan Drive, Tinley Park, IL 60477. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. *Contract Irregular. (a) Radioactive material and waste material and (b) materials, equipment and supplies used in the distribution and disposal of commodities in (a) above* between points in the U.S. under a contract or continuing contracts with Adco Services, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Adco Services, Inc., P.O. Box 35, Tinley Park, IL 60477.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 200 (Sub-5-66TA), filed March 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General commodities (except classes A and B explosives),* between points in Plymouth and Worcester Counties, MA, on the one hand, and, on the other, points in Boyle County, KY. Supporting shipper: Thom McAn Shoe Co., Division of Melville Corp., 67 Millbrook St., Worcester, MA 01606.

MC 24583 (Sub-5-3TA), filed March 5, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. *Expanded plastic products (with facings on one or more sides),* from Butler County, OH, to all points in the United States on and east of U.S. Highway 65. Supporting shipper: Dow Chemical U.S.A., P.O. Box 36000, Strongsville, OH 44136.

MC 52460 (Sub-5-31TA), filed March 6, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Pulp, paper, and related products,* from Coconino County, AZ; Orange County, CA; and Mayes County, OK, on the one hand, to points in AL, AR, CO, FL, GA, IL, IA, KS, KY, LA, MS, MO, NE, NM, NC, SC, TN, and TX, on the other. Supporting shipper: Orchids Concel, Inc., 5911 Fresca Dr., La Palma, CA 90623.

MC 78947 (Sub-5-2TA), filed March 5, 1981. Applicant: ELLIOTT BROS. TRUCK LINE, INC., P.O. Box 310, Dysart, IA 52224. Representative: Stanley C. Olson, Jr., Attorney at Law, Olsen, Snelling, and Christensen, P.A., 5200 Willson Road, Ste. 307, Edina, MN 55424. *Metal products,* between points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. Supporting shippers: Vincent Brass & Aluminum Co., 77 24th Avenue SE, P.O. Box 360, Minneapolis, MN 55440; Waterloo Industries, Inc., 300 Ansborough Avenue, Waterloo, IA 50704.

MC 82841 (Sub-5-7TA), filed March 6, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen, 10770 "I" Street, Omaha, NE 68127. *Lumber and lumber products* between Randolph County, WV, on the one hand, and, on the other, points in CO. Supporting shipper: Frank E. Wilson Lumber Company, Inc., P.O. Box 1277, Elkins, WV 26241.

MC 100666 (Sub-5-16TA), filed March 6, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same as applicant). *Cocks, fittings, flanges and valves* from Shreveport, LA, to points in the U.S. (except AK and HI). Supporting shipper: Louisiana Valve & Fitting Company, 2310 Grimmett Drive, Shreveport, LA 71107.

MC 106398 (Sub-5-61TA), filed March 5, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). *Metal products and supplies and materials used in the manufacture of metal products.* Between the facilities of Century Brass Products at Waterbury and New Milford, CT, on the one hand, and on the other, all points in the United States (except AK and HI). Supporting shipper: Century Brass Products, Inc., Century Park, Waterbury, CT 06720.

MC 109397 (Sub-5-32TA), filed March 5, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). *Building materials,* between Polk County, FL, on the one hand, and, on the other, points in the U.S. Supporting shipper: Taylor Building Products of Florida, 350 Progress Rd., Auburndale, FL 33823.

MC 109397 (Sub-5-33TA), filed March 5, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). *(1) Self-propelled articles, and (2) equipment, parts, attachments, materials and supplies used in the manufacture, maintenance, or operation of items in (1) above,* between McLennan County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: TYMCO, P.O. Box 2368, Waco, TX 76703.

MC 110060 (Sub-5-1TA), filed March 5, 1981. Applicant: LENZ BROS., Box 278, Lansing, IA 52151. Representative: Roger C. Lenz (same as applicant). Contract, Irregular; *Construction material, equipment and supplies (except commodities in bulk tank vehicles)* between pts in IA, MN, WI, and IL. Supporting shipper: Brennan Construction Co., Lansing, IA.

MC 119399 Sub-5-50 TA), filed March 5, 1981. Applicant: CONTRACT FREIGHTERS, INC. P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Laboratory animal foods* from Peoria, IL to North Kansas City, MO. Supporting shipper: K. C. Pharmacal, Inc., North Kansas City, MO.

MC 119399 (Sub-5-51TA), filed March 6, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375 Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Compounds, paint resin and materials and supplies used in the manufacture of such commodities* between N. Kansas City, MO on the one hand, and, on the other, Houston, TX; Sandusky, OH; Sun Prairie, WI; and Shreveport, LA. Supporting shipper: Avecor Midwest, North Kansas City, MO 64116.

MC 119741 (Sub-5-31), filed March 5, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Chemicals* and *related products*, between Polk County, IA, Northampton County, PA, and Richland County, OH, on the one hand, and, on the other, pts in the US. (Supporting shipper: Atlas Products Company, 2137 Sunset Road, Des Moines, IA 50308.)

MC MC 126118 (Sub-5-55TA), filed March 6, 1981. Applicant: CRETE CARRIER CORPORATION P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Pulp, paper, and related products*, from New York, NY to pts in FL. Supporting shipper: Palmer Paper Co., Charly Atkins, Manager, 534 West Grant Street, Orlando, FL 32805.

MC 128273 (Sub-5-36TA), filed March 5, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities* between the facilities of Macmillan Publishing Co., Inc. on the one hand, and, on the other, points in the U.S. except AK and HI). Supporting shipper: Macmillan Publishing Co., Inc., Front & Brown Streets, Riverside, NJ 08370.

MC 135001 (Sub-5-5TA), filed March 6, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 South 33rd Street, Lincoln, NE 68506. *(1) Such commodities as are dealt in by discount and variety stores*, and *(2) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities specified in (1) above*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Gibson Coop. Warehouse, Inc., 12344 E. Northwest Highway, Dallas, TX 75228.

MC 135001 (Sub-5-6TA), filed March 6, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *Materials, supplies and equipment used in the manufacture of furniture* from Broward County, FL, to points in Harris County, TX. Supporting shipper: Paradise Furniture, 6801 Baneway, No. 1R, Houston TX 77072.

MC 138469 (Sub-5-36TA), filed March 5, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75367, Oklahoma City, OK 73147. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Furniture and furniture stands* from Lamar, MO to the facilities of The Price Company at or near Mesa and Phoenix, AZ and Riverside, San Diego and Santee, CA. Supporting shipper: The Price Company, 2857 Ariane Drive, San Diego, CA 92117.

MC 138469 (Sub-5-37TA), filed March 6, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Such commodities as are dealt in or used by grocery and food business houses and equipment, materials, and supplies used in the conduct of such business*, from points in OH and IL to Los Angeles, CA; and Dallas, TX, restricted to traffic originating at or destined to the facilities of The Kroger Co. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, OH.

MC 140665 (Sub-5-63TA), filed March 6, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson, P.O. Box 4208, Springfield, MO 65804. *General Commodities (except Classes A and B explosives)* between the facilities of Gateway Shippers Association and/or its members and affiliates in (1) Bell, Bexar, Guadalupe, Hill, Limestone, Jefferson, McLennan, Navarro, Travis, Orange, Fort Bend, Brazoria, Galveston and Harris Counties, TX, (2) Pettis, Boone, Randolph, Cooper, Jackson, Clay, Platte, Buchanan, Cole, Johnson, Jasper and Vernon Counties, MO, (3) Sedgwick, Wyandotte, Shawnee, Douglas, Johnson and Leavenworth Counties, KS, (4) All counties in GA, which are in and north of Chattahoochie, Marion, Schley, Macon, Dooley, Pulaski, Dodge, Wheeler, Montgomery, Toombs, Candler, Bullock and Bryan, (5) Crittenden County, AR, and (6) Shelby, Tipton, Haywood, Madison and Fayette Counties, TN, on the one hand, and, on the other, points in the U.S. Restricted against the transportation of hazardous wastes. Supporting shipper: Gateway Shippers Association, Inc., P.O. Box 57087, Dallas, TX 75207.

MC 142506 (Sub-5-48TA), filed March 5, 1981. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Toilet preps and equipment, materials, and supplies used in the manufacture thereof* between the facilities of Cheesebrough-Ponds, Inc., its subsidiaries, and pts in the U.S. Supporting shipper: Cheesebrough-Ponds, Inc., John Street, Clinton, CT 06413.

MC 144117 (Sub-5-6TA), filed March 5, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Granulated plastic resin*, from the facilities of Bamberger Polymers, Inc., at Houston, TX, and points in its commercial zone to points in AL, AR, AZ, CA, CO, FL, ID, IL, KS, KY, LA, MA, MI, MN, MO, NE, NC, NJ, NY, NH, OH, PA, SC, TN and VA. Supporting shipper: Bamberger Polymers, Inc., 6401 Cavalcade, Houston, TX 77026.

MC 146051 (Sub-5-4TA), filed March 6, 1981. Applicant: WITTENBURG TRUCK LINE, INC., Box 99, Readlyn, IA 50668. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract, irregular; *machinery* from Bremer County, IA to pts in the U.S. under contract with Henke Manufacturing Company. Supporting shipper: Henke Manufacturing Co., Waverly, IA 50677.

MC 146248 (Sub-5-1TA), filed March 5, 1981. Applicant: QUALITY HAULERS, INC., 606 Hilda Street, Jefferson City, MO 65101. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, MO 65102. Contract, Irregular: (a) *Cullet (crushed glass)* from MO to Streator, IL, and (b) *Glass Bottles* from Streator, IL to Milwaukee, WI. Supporting shipper: Civic Recycling, Inc. of 923 Hulen Drive, Columbia, MO 65201, and Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666.

MC 147941 (Sub-5-1TA), filed March 5, 1981. Applicant: WAYNE MOLES TRUCKING COMPANY, 1313 Southwest 3rd Street, Oklahoma City, OK 73106.

Representative: Wayne Moles (same as above). Contract, irregular, *steel pipe, wood and metal fencing and fencing materials, equipment and supplies,* between points in the US (except AK and HI), under continuing contract(s) with Acme Fence and Iron, Norman, OK.

MC 151339 (Sub-5-2TA), filed March 6, 1981. Applicant: LOCK TRUCK LEASING, INC., 122 Penn St., Irving, TX 75060. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Detergents, cleaning, washing and scouring compounds, deodorants, disinfectants, insecticides and related products and supplies thereof;* from the facilities of Zep Mfg. Co., in Dallas, TX to the facilities of Zep Mfg. Co. located in Albuquerque, NM and Denver, CO. Supporting shipper(s): Zep Mfg. Co., 8605 John Carpenter Freeway, Dallas, TX 75247.

MC 151384 (Sub-5-9TA), filed March 5, 1981. Applicant: G AND J TRUCKING, INC., 415 South 11th Street, P.O. Box 4201, Ft. Smith, AR 72901. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. (1) *Burner combustion equipment, steam and waste heat recovery systems, thermal oxidizing equipment, commercial rooftop heating and air conditioning equipment, and waste gas flare systems,* between points in KS, TX, AR, TN, NC, KY, OH, IN, MI, IL, OK, IA, MO, AL, SC, LA, and GA; (2) *appliances and materials and supplies used in the manufacture thereof,* between the facilities of General Electric Company located in KY and points in TN, AR, OK, MS, LA, and TX; and (3) *foodstuffs and such merchandise as is dealt in by wholesale, retail and chain grocery stores, and equipment, supplies and materials used to conduct such business,* between Sebastian County, AR on the one hand, and, on the other, points in AR, CO, IL, IA, KS, KY, LA, MO, MS, NB, OK, SD, TN, TX, CA, OR, WY, WA, NM, WS, MI, IN, OH, AL, and GA. Supporting shippers: John Zink Company, 4401 South Peoria, Tulsa, OK 74105; General Electric Company, Appliance Park, Louisville, KY 40225; and Gerber Products Company, 4301 Harriet Lane, Fort Smith, AR 72901.

MC 153433 (Sub-5-1TA), filed March 5, 1981. Applicant: BOB BRENNEMAN, d.b.a. B. B. CARTAGE, P.O. Box 971, Hesston, KS 67062. Representative: A. James Gillmore, Speir, Stroberg & Sizemore, 809 North Main, Box 546, Newton, KS 67114. Agricultural machinery implements and parts which have had a prior movement in Interstate Commerce from Wichita, KS to Hesston, KS. Supporting shipper: Hesston Corporation, Hesston, KS 67062.

MC 153773 (Sub-5-2TA), filed March 6, 1981. Applicant: NDC TRUCKING CO., a division of National Distributing, 820 McKesson Drive, Longview, TX 75602. Representative: William Sheridan, 1025 Metker, Irving, TX 75062. *Air conditioners or parts thereof and accessories* from Irving, TX to GA and NV. Restricted to shipments originating at the facilities of Stiles Corp. Supporting shipper: Stiles Corp., 500 Mavis St., Irving, TX 75060.

MC 153916 (Sub-5-1TA), filed March 6, 1981. Applicant: CARL ELMENHORST, d.b.a. CARL ELMENHORST TRUCKING, Route 1, El Reno, OK 73036. Representative: Michael H. Lennox, 6903 North Western Ave., Oklahoma City, OK 73114. *Merchandise as is dealt in by wholesale, retail, chain grocery houses and feed or food business houses; dairy based products, flour, soy products, paste ingredients, materials and supplies used in the distribution, manufacture and sale of the above,* between points in KS, TX, OK, AR, MO, CO, NE, LA, NM. Supporting shipper: Ralston Purina Company, 13700 N. Lincoln Blvd., Edmond, OK 73034.

MC 154518 (Sub-5-1TA), filed March 5, 1981. Applicant: STEVE LUEHRS, d.b.a. TRIPLE J TRUCKING, Route 2, Norfolk, NE 68701. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Contract; Irregular. *Iron and steel articles,* between points in Madison County, NE, on the one hand, and, on the other, points in CO, IA, KS, MO, MI, SD, KS, WY, and IL. Supporting shipper: Norfolk Iron & Metal Company, P.O. Box 1129, Norfolk, NE 68701.

MC 154519 (Sub-5-1TA), filed March 5, 1981. Applicant: GEORGE B. AND J. JOANNE BROCKLEY, 4430 South 56th Street, Lincoln, NE 68528. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Passengers and baggage, in special and charter operations,* beginning and ending at points in NE and extending to points in the U.S. Supporting shippers: Nine.

MC 200 (Sub-5-91TA), filed March 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Pulp, paper and related products,* between points in Clay County, MO, on the one hand, and, on the other, points in Alameda County, CA. Supporting shipper: National Folding Carton Corp., 1836 Levee Road, North Kansas City, MO 64116.

MC 200 (Sub-5-92TA), filed March 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Rubber and plastic products,* (1) between points in WI, on the one hand, and, on the other, points in CT, OH, and TX; and (2) between points in New Haven County, CT, on the one hand, and, on the other, points in Johnson County, IA. Supporting shipper: Polytube, Inc., 275 Welton St., Hamden, CT.

MC 200 (Sub-5-93TA), filed March 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General commodities, (except classes A and B explosives),* between points in DE and SC, on the one hand, and, on the other, points in the U.S. Supporting shipper: Hoechst Fibers Industries, P.O. Box 5887, Interstate 85 North, Spartanburg, SC 29304.

MC 200 (Sub-5-94TA), filed March 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: Representative: H. Lynn Davis (same as applicant). *General commodities, (except classes A & B explosives),* between points in CA, IL, IN, and WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Oak Industries, Inc., 16035 W. Bernardo Drive, Rancho Bernardo, CA 92127.

MC 200 (Sub-5-95TA), filed March 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Food & related products,* between points in Ford County, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, KS.

MC 200 (Sub-5-96TA), filed March 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Food and related products,* between points in CO, on the one hand, and, on the other, points in the U.S. Supporting shippers: There are 8.

MC 200 (Sub-5-97TA), filed March 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General commodities (except classes A & B explosives),* between points in Vance County, NC, on the one hand, and, on the other, points in the U.S. Supporting shipper: Rose's Stores,

Inc., P.O. Drawer 947, Henderson, NC 27536.

MC 30844 (Sub-5–50TA), filed March 4, 1981. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4916 East 67 Street, Tulsa, OK 74121. Representative: Robert Kroblin, P.O. Box 21222, Tulsa, OK 74121. *Materials, Equipment, and Supplies (except in bulk) used in the manufacure and packaging of food products,* from Savannah, GA to the facilities of Heinz USA at or near Charlotte, NC; Fremont, OH; Holland, MI; Muscatine, IA; and Pittsburgh, PA. Restricted to the traffic at the named point and destined to the named facility. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 107064 (Sub-5–4TA), filed March 4, 1981. Applicant: STEERE TANK LINES, INC., P.O. Box 220088, Dallas, TX 75222. Representative: Hugh T. Matthews, 555 Griffin Square, Suite 850, Dallas, TX 75222. *Potash, Potash Products* and *Potash By-products,* from points in Eddy and Lea Counties, NM to points in OK, KS, NE, SD, IL, IA, AR, MO, MS, CA, CO, AZ and TX. Supporting shipper: International Minerals & Chemicals Corp., P.O. Box 64660, Lubbock, TX 79464.

MC 116341 (Sub-5–3TA), filed March 4, 1981. Applicant: VALLEY TRUCKING CO., INC., P.O. Box 2286, Brownsville, TX 78520. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Automobile parts, and materials, equipment and related articles used in the manufacture, production, assembly and transportation of motor vehicles, and off-highway vehicles, and component parts thereof,* between points in MI, OH and IN, on the one hand, and, on the other, Brownsville, TX. Supporting shipper: Guide Division, GMC, 2915 Pendleton Avenue, Anderson, IN 46011.

MC 119700 (Sub-5–45TA), filed March 4, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, jr. (same as applicant). *General Commodities (except Class A and B explosives, Houseghold Goods, and commodities in bulk)* from the facilities of Nationwide Shipper's Cooperative Association and its members in OH and KY to points in CA, CO, LA, OK, and TX. Supporting shipper: Nationwide Shippers Cooperative Association, Inc., 2735 Spring Grove Avenue, Cincinnati, OH, 45225.

MC 119988 (Sub-5–35TA), filed March 4, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75901. Representative: Larry Norwood (same as applicant). *Textiles,* between points in VA, AL and GA, on the one hand, and, on the other, Dallas, Houston, and Clute, TX, and Columbus, OH. Supporting shipper(s): Gulf Coast Sportswear, Inc., P.O. Box 1498 Lake Jackson, TX 77566.

MC 126118 (Sub-54TA), filed March 4, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Ground and powdered minerals,* between Saugus, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Blue Cloud Mineral Co., Norman Harris, Owner, P.O. Box 530, Saugus, CA 91350.

MC 128908 (Sub-5–4TA), filed March 4, 1981. Applicant: EMPORIA MOTOR FREIGHT, INC., P.O. Box 1103, Route 5, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Such commodities as are distributed by manufacturers of heating or cooling equipment; and materials, equipment and supplies utilized in the manufacture, sale and distribution thereof,* between Whittier, CA, Kansas City, MO, Trenton, MO, Emporia, KS, Chicago, IL and Cleveland, OH, on the one hand, and, on the other, points in the U.S. Supporting shipper: Modine Manufacturing Company, 1500 Dekoven Avenue, Racine, WI, 53401.

MC 129908 (Sub-5–47TA), filed March 4, 1981. Applicant: AMERICAN FARM LINES, INC., 6125 S.W. 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *General commodities, with the usual exception and hazardous wastes* between Barton County, KS on the one hand, and, on the other, points in the states of CA, ID, MI, MT, NY, OR, VA and WA. Supporting shipper: Fuller Brush Company, P.O. Box 729, Great Bend, KS 67530.

MC 129908 (Sub-5–48TA), filed March 4, 1981. Applicant: AMERICAN FARM LINES, INC., 6125 S.W. 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Glass and glass containers* between Creek County, OK, on the one hand, and, on the other, points in the states of OH, KY, IN, TN, NC, SC, GA, AL, TX, MI, IL, VA, and PA. Supporting shipper: Liberty Glass Company, P.O. Box 520, Sapulpa, OK 74066.

MC 134406 (Sub-5–16TA), filed March 4, 1981. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Dry fertilizer,* in bulk, from Mayes County, OK to points in AR, KS, MO and TX. Supporting shipper(s): N-Ren Corporation, P.O. Box 429, Pryor, OK 74361.

MC 134755 (Sub-5–17TA), filed March 4, 1981. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, MO 65804. *General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between the facilities of Co-Operative Shippers, Inc., and it's members in PA, DE, NJ, and NY on the one hand, and points in the U.S. on the other. Supporting shipper: Co-Operative Shippers, Inc., 4219 Richmond Street, Philadelphia, PA 19137.

MC 135691 (Sub-5–4TA), filed March 4, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *Nonexempt food or kindred products as described in Item 20 of the Standard Transportation Commodity Code,* from Dallas County, TX, to points in Hillsborough County, FL, and Hinds County, MS. Supporting shipper: Bartush-Schnitzius Food Company, 11242 Indian Trail, Dallas, TX 75229.

MC 138627 (Sub-5–9TA), filed March 4, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *General commodities* Between pts in AZ, CA, CO, IA, IL, KS, MN, IN, MO, NE, NM, OK, OR, and TX, on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to the facilities of Payless Cashways, Inc. (also known as Furrow Building Materials). Supporting shipper: Payless Cashways, Inc., 3100 Broadway, Kansas City, MO 64111.

MC 138627 (Sub-5–10TA), filed March 4, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Building materials and lumber products* Between pts in the U.S., restricted to traffic moving to or from the facilities of Louisiana Pacific Corporation. Supporting shipper: Louisiana-Pacific

Corporation, 1300 Southwest Fifth Avenue, Portland, OR 97201.

MC 144505 (Sub-5–4TA), filed March 4, 1981. Applicant: DOYLE LOVE, d.b.a. LOVE TRUCKING, Route 1, Box 438, Mabank, TX 75147. Representative: Thomas L. Cook Attorney, 5801 Marvin D. Love Frwy. Suite 301, Dallas, TX. 75237. Contract; irregular; *Rubber and Plastic Products*, between Jacksonville, TX and Dallas, TX., under continuing contract(s) with Medi-Vac Corporation of Jacksonville, TX. Supporting shipper: Medi-Vac Corporation, 1300 S. Bolton, Jacksonville, TX 75766.

Note.—Applicant intends to interline.

MC 144842 (Sub-5–1TA), filed March 4, 1981. Applicant: RIGGINS TRUCKING, INC., 1004 W. Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St. N.W., Washington, DC 20005. *Floor tile and commodities used in the distribution, manufacture and installation of tile, except commodities in bulk*, between Chicago, IL, South Plainfield, NJ, and Brooklyn, NY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Kentile Floors, Inc., 58 Second Ave., Brooklyn, NY 11215.

MC 146553 (Sub-9–9TA), filed March 4, 1981. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Rubber products and adhesives*, (1) Between Davenport, IA on the one hand, and on the other, points in the U.S., and (2) Between Muscatine, IA; Abilene, TX; Chino, CA; Griffin, GA; and Oxford, NC. Supporting shipper(s) Eastern Iowa Tire, Inc., P.O. Box 3844, Davenport, IA 52808; Bandag, Inc., Bandag World Headquarters, Muscatine, IA 52761.

MC 146553 (Sub-5–10TA), filed March 4, 1981. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Paper and related products*, between points in Scott Co., IA, Lancaster Co., PA, and Franklin Co., OH on the one hand, and on the other, points in the U.S. Supporting shipper(s): Star Forms, Inc., 3129 State Street, Bettendorf, IA 52722.

MC 150949 (Sub-5–9TA), filed March 4, 1981. Applicant: NFI, INC., Box 664, Waxahachie, TX 75165. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360. *Transformers and parts (except commodities which because of size and weight require the use of special equipment)*, between points in Jefferson County, AR, on the one hand, and, on the other hand, points in TX. Supporting shipper: Central Moloney Division Colt Industries, Inc., Pine Bluff, AR.

MC 151158 (Sub-5–4TA), filed March 4, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, 1201 Columbia Avenue, Franklin, TN 37064. *Such commodities as are dealt in by wholesale and retail grocery enterprises and materials and supplies used thereby (except commodities in bulk)* between the facilities of Woldert Canning at Lindale, TX on the one hand, and points in and east of ND, SD, NE, CO, OK, and TX on the other. Supporting shipper: Wolder Canning, Inc., P.O. Box 1140, Tyler, TX 75710.

MC 152435 (Sub-5–1TA), filed March 4, 1981. Applicant: STONE LOAD DELIVERY CO., INC., R. R. 2, Harrisonville, MO 64701. Representative: James E. Thompson, Jr., Attorney at Law, P.O. Box 280, Law Building, Harrisonville, MO 64701. Contract; Irregular. *Cement, fly ash and sand, and related commodities in bulk*, between points in KS and points in MO. Supporting shipper: Cass County Concrete, 501 Locust, Harrisonville, MO 64701; Gebhardt Concrete, R. R. 1, Butler, MO 64730; Limpus Quarries, Inc., R. R. 2, Box 717, Harrisonville, MO 64701.

MC 154458 (Sub-5–1TA), filed March 4, 1981. Applicant: QUALITY DELIVERY, INC., 4900 Deramus, Kansas City, MO 64120. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Contract* Irregular *General commodities (except household goods as defined by the Commission, Classes A and B explosives and hazardous waste)*, between Polk County, IA and Jackson County, MO, on the one hand, and, on the other, points in MO and KS. Supporting shipper: Amway Corporation, Iowa Regional Distribution Center, 4161 McDonald Avenue, Des Moines, IA.

MC 154463 (Sub-5–1TA), filed March 4, 1981. Applicant: VIKING FREIGHT SERVICE, INC., 9144 King Arthur, Dallas, TX 75247. Representative: Charles O'Neal (same as applicant). *Carpet*, Between Dallas, TX, on the one hand, and, on the other, Dalton, GA. Supporting shipper: There are 12 supporting shippers.

MC 154477 (Sub-5–1TA), filed March 4, 1981. Applicant: GEORGE K. LYNCH, d.b.a. TRI STATE DISTRIBUTING, 6999 Commerce, El Paso, TX 79915. Representative: George K. Lynch (same as applicant). Contract: Irregular. *Foodstuffs and Kindred Products*, from Phoenix, AZ, Kansas City, KS, Memphis, TN, and points in CA and FL to Points in El Paso County, TX, under continuing contract(s) with Tri State Associated Grocers, Inc., El Paso, TX; Economy Cash and Carry, El Paso, TX; and Grocery Exports, Inc., El Paso, TX.

MC 154478 (Sub-5–1TA), filed March 4, 1981. Applicant: MARION F. WULF, d.b.a. THE CIRCUIT RIDE, Rt. 1, Box 57, Eagle, NE 68347. Representative: Michael R. Johnson, Attorney at Law, 711 Stuart Bldg., Lincoln, NE. 68508. *Passengers and their baggage on a charter basis* between pts. in NE, on the one hand, and pts. in the U.S., on the other hand. Supporting Shippers: Seven.

MC 3062 (Sub-5–9TA), filed March 2, 1981. Applicant: INMAN FREIGHT SYSTEM, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Representative: G. H. Boles (same address as applicant). *Machinery and materials, equipment, and supplies used in the manufacture and distribution thereof* between Hayti, MO, Paragould, AR, and Paris, TN. Supporting shipper: Emerson Motor Division, Hayti, MO.

MC 35320 (Sub-5–51TA), filed March 2, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX. 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, regular. *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives*, serving points in Santa Cruz County, AZ as off-route points in connection with carrier's otherwise authorized regular-route operations. Supporting shipper: Roper Corp., Kankakee, IL.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 69036 (Sub-5–1TA), filed March 2, 1981. Applicant: COOL TRUCKS, INC., Glenwood, IA 51534. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), and (2) packinghouse supplies, materials, and equipment*, (1) from Fremont County, IA, to pts in the U.S. (except AK and HI), and (2) from pts in the U.S. (except AK and HI), to Fremont County, IA. Supporting shipper: W & G Marketing Co., Inc., P.O. Box 236, Sidney, IA 51652.

MC 109818 (Sub-5–7TA), filed March 2, 1981. Applicant: WENGER TRUCK LINE, INC., 3909 West Rusholme, P.O.

Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Foodstuffs (except in bulk),* from the counties of Daviess and Henderson, KY, to pts in CO. Supporting shipper: Ragu' Foods, Inc., 33 Benedict Place, Greenwich, CT 06830.

MC 113362 (Sub-5–19TA), filed March 2, 1981. ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Such commodities as are dealt in or used by Retail and Catalog Department Stores,* Between pts in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to traffic originating at or destined to the facilities of Montgomery Ward & Co., and its wholly owned subsidiaries. Supporting shipper: Montgomery Ward & Co., Inc., Leonard C. Spencer, Assistant General Traffic Manager, Montgomery Ward Plaza, Chicago IL 60671.

MC 119399 (Sub-5–48TA), filed March 2, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Harra (address same as applicant). *Such commodities as are dealt in by processors, retailers and distributors of sugar and sugar products (except commodities in bulk)* : from Assumption Parish and St. John The Baptist Parish, LA to points in AL, AR, GA, IL, IN, IA, KS, KY, MD, MI, MN, MS, MO, NE, ND, OH, OK, PA, SD, TN, TX, and WI. Supporting shippers: Supreme Sugar Company, Inc., New Orleans, LA 70139; Godchaux-Henderson Sugar Co., Inc., Reserve, LA 70084.

MC 119399 (Sub-5–49TA), filed March 2, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Furniture and fixtures;* from Bell County, TX, to all points in the U.S. (except AK and HI). Supporting shippers: Artco-Bell Corporation, Temple, TX 76501; Griggs International, Inc., Belton, TX 76513; American Desk Mfg., Inc., Temple, TX 76501.

MC 133534 (Sub-5–1TA), filed March 2, 1981. Applicant: ROBERT V. MARKT, 1409 Rifle Terrace, St. Joseph, MO 64503. Representative: William P. Parker, Suite 615-East, The Oil Center, 2301 Northwest Expressway, Oklahoma City, OK 73112. *Meat, meat products, and articles distributed by meat packing houses,* from Arkansas City, KS and Sioux City, IA to points in TX. Supporting shipper: Swanson Meat Company, 600 Middle St., Houston, TX 77001.

MC 133806 (Sub-5–38TA), filed March 2, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Chemicals (except hazardous and toxic wastes) and Insecticides,* between Duval County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Kenco Chemical & Manufacturing Corp., 5270 West Beaver Street, Jacksonville, FL 32207.

MC 133806 (Sub-5–39TA), filed March 2, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Tractor parts and accessories and materials, equipment and supplies used in the manufacture, distribution and sale thereof,* between the facilities of Burgman Supply Company, at or near Jacksonville, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Burgman Supply Company, 2800 West Beaver Street, Jacksonville, FL 32205.

MC 135419 (Sub-5–4TA), filed March 2, 1981. Applicant: CONTAINER CARRIER CORPORATION, 301 South Eleventh Street, Fort Smith, AR 72902. Representative: William D. Hendrix (address same as applicant). *General commodities (except classes A and B explosives), in containers or trailers during a prior or subsequent movement by water or rail,* between Savannah, GA and Charleston, SC, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shippers: Nine.

MC 135797 (Sub-5–103TA), filed March 2, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (address same as applicant). *General commodities (with the usual exceptions),* between Oklahoma and points in the United States (except AK and HI). Restricted to shipments moving for the account of United Engines, Inc. Supporting shipper: United Engines, Inc., 5555 West Reno, Oklahoma City, OK 73127.

MC 136786 (Sub-5–51TA), filed March 2, 1981. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10275, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) Fabricated metal products, and (2) materials, equipment, and supplies used in the manufacture, sale, or distribution of fabricated metal products,* between Des Moines, IA, on the one hand, and, on the other, pts. in the U.S., restricted to traffic originating at or destined to the facilities of The Waldinger Corporation. Supporting shipper: The Waldinger Corporation, 2801 Bell Avenue, Des Moines, IA 50321.

MC 136786 (Sub-5–52TA), filed March 2, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Attorney at Law, 5200 Willson Road, Ste. 307, Edina, MN 55424. *Food and related products* between Genessee, Orleans, Monroe and Onondaga Counties, NY, on the one hand, and, on the other, pts. in the U.S., in and east of ND, SD, NE, KS, OK, and, TX. Supporting shipper: O-At-Ka Milk Products Cooperatives, Cedar Ellicott Street, Batavia, NY 14020.

MC 136786 (Sub-5–53TA), filed March 2, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Attorney at Law, 5200 Willson Road, Ste. 307, Edina, MN 55424. *Dairy Products* from Batavia, Holley, Rochester, and Syracuse NY to Columbus, Cleveland, and Toledo, OH; Pittsburgh and Philliadelphia, PA; Cambridge, MD; Woodbridge, NJ, and Watertown, MA. Supporting shipper: O-At-Ka Milk Products Cooperatives, Cedar Ellicott Street, Batavia, NY 14020.

MC 140665 (Sub-5–62TA), filed March 2, 1981. Applicant: PRIME, INC., P.O. Box 4206, Springfield, MO 65804. Representative: H. J. Anderson, P. O. Box 4206, Springfield, MO 65804. *Meat, meat products, meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and except commodities in bulk),* between Grand Island and Lincoln, NE, Greeley and Denver, CO, Jacksonville, FL, and San Angelo, TX, and points in the U.S. Supporting shipper: Monfort of Colorado, Inc., P.O. Box G, Greeley, CO 80632.

MC 142431 (Sub-5–10TA), filed March 2, 1981. Applicant: WAYMAR TRANSPORT CORP., 1755 SE 108th Street, Runnells, IA. 50237. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA. 50309. *Nonhazardous chemicals, (except in bulk)* from NY, VA, DE, IL, IN, MO, MN and KS to Polk County, IA. Supporting shipper: D. Chem Co., Inc., Des Moines, IA.

MC 142672 (Sub-5–21TA), filed March 2, 1981. Applicant: DAVID BENEUX

PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Such Commodities as are dealt in or used by Discount, Variety and Grocery Stores* (except in bulk)—Between the facilities of Mass Merchandisers, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Mass Merchandisers, Inc., Post Office Box 790, Harrison, AR 72601.

MC 144982 (Sub-5–6TA), filed March 2, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Contract; irregular: *Glass tableware, bottles, jars with caps, stoppers, covers and tops, and equipment utilized in the manufacture of such commodities,* between points in the U.S. under continuing contract(s) with Libbey Glass, Division of Owens-Illinois, Inc. Supporting shipper: Libbey Glass, Division of Owens-Illinois, Inc., P.O. Box 919, 940 Ash Street, Toledo, OH 43693.

MC 145150 (Sub-5–10TA), filed March 2, 1981. Applicant: HAYNES TRANSPORT CO. INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Part (1) unfinished gasoline,* From Scott County, KS to Tarrant County, TX. *Part (2) reduced crude oil and gas oil* From Tarrant County, TX to Stephens County, OK; *Part (3) condensate* From points in OK to points in Scott County, KS and *Part (4) reduced crude oil and gas oil* From Scott County, KS to points in Stephens County, OK. Supporting shipper: E-Z Serve Refining, Inc., 901 S. First St., P.O. Box 3579, Abilene, TX 79604.

MC 145441 (Sub-5–43TA), filed March 2, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, Arkansas 72119. *Paper and paper products and materials, equipment, and supplies used in the manufacture and distribution of paper and paper products,* between the facilities of Manville, located at or near Monroe and West Monroe, LA., and all points in the United States (except AK, HI, and LA). Supporting shipper: Manville Forest Products Corporation, P.O. Box 488, West Monroe, Louisiana 71291.

MC 148152 (Sub-5–1TA), filed March 2, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX. 75215. Representative: Ed Payne, 3301 So. Lamar St., Dallas, TX. 75215. *(1) Cleaning, Scouring, Washing Compounds and Related Articles and (2) Materials, Equipment and Supplies used in the Manufacture, sale and distribution of the Commodities named in (1) above except commodities in bulk,* between Hapeville, Ga. and Auburndale, Fla. on the one hand and, on the other, points in AL, TN, LA, NC, SC, MS, GA and TX. Restricted to shipments originating at or destined to the facilities of the Purex Corp. Supporting shipper: Purex Corporation, 1414 N. Radcliffe St., Bristol, PA. 19007.

MC 150093 (Sub-5–4TA), filed March 2, 1981. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS TRUCK LINES, 5335 N.W. 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Contract, Irregular: *(1) fabricated metal products, and (2) materials, equipment, and supplies used in the manufacture, sale, and distribution of fabricated metal products, between Des Moines,* IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract or contracts with The Waldinger Corporation. Supporting shipper: The Waldinger Corporation, 2001 Bell Avenue, Des Moines, IA 50321.

MC 150292 (Sub-5–2TA), filed March 2, 1981. Applicant: PITTS TRUCKING INC., R. R. #2, Hutchinson, KS 67501. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides).* Part (1) From the facilities of DPM of Kansas, Inc. at or near Wichita, KS to points in MN, IA, MO, AR, LA, TX, OK, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID and NV. Part (2) Between points in Logan County, AR & points in WI, IL, MN, IA, MO, AR, LA, TX, OK, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV and CA. Supporting shipper: DPM of Arkansas, Inc., P.O. Box 200, Booneville, AR 72927; DPM of Kansas, Inc., P.O. Box 8183, Wichita, KS 67208.

MC 150376 (Sub-5–7TA), filed March 2, 1981. Applicant: C & M CARTAGE COMPANY, INC., 231 NW 7th Street, Oklahoma City, OK 73106. Representative: Michael H. Lennox, 6003 North Western Avenue, Oklahoma City, OK 73114. *General commodities, except those of unusual value, Class A & B explosives, household goods as defined by the I.C.C., commodities in bulk and those requiring special equipment,* (1) Between Comanche County, OK on the one hand, and on the other, Stevens County, OK; (2) Between Comanche and Stevens Counties, OK on the one hand, and on the other, Oklahoma County, OK. Applicant intends to interline. Supporting shippers: There are 20 supporting shippers.

MC 150486 (Sub-5–15TA), filed March 2, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver, P.O. Box 188, Tontitown, AR 72770. *1. Such commodities as are dealt in or used by retail, wholesale, discount and variety stores, and 2. Materials, equipment and supplies used in the manufacture or distribution of commodities named in 1 above,* between Dale County, AL; Boone County, AR; Orleans Parish, LA; Dakota and Lancaster City Counties, NE; Washoe County, NV and Tarrent County, TX on the one hand, and on the other, points in the U.S. Supporting shipper: Mass Merchandisers, Inc., P.O. Box 790, Harrison, AR 72601.

MC 150578 (Sub-5–36TA), filed March 2, 1981. Applicant: STEVENS TRANSPORT, a DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same as applicant). *(1) Metal shelving, racks, containers, articles, and tables; (2) Building materials (except commodities in bulk) and; (3) Materials, equipment, and supplies used in the manufacture, sale, distribution, or installation of commodities* in (1) and (2) above between Dallas, Ennis, and Trenton, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Frontier Manufacturing Co., 2031 Freewood Drive, Dallas, TX 75220; Elk Corporation, P.O. Box 500, Ennis, TX 75119.

MC 150592 (Sub-5–6TA), filed March 2, 1981. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, 12th and Academy, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Food and related products,* from points in FL to points in IA. Supporting shipper: Hawkeye Wholesale Grocery Co., Inc., Dick Brown, President, Highway 6 West, Iowa City, IA 52240.

MC 151788 (Sub-5–4TA), filed March 2, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Avenue, Salina, KS 67401. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Hides* from Solomon, KS and Torrington, WY to Houston, Laredo and Hereford, TX; Los Angeles and Oakland,

CA; Milwaukee, WI; Johnston, NY; Boston, MA; Portland, OR; Chicago, IL and Butler, MO. Supporting shipper: Rueben Associates, Box 301, Solomon, KS 67480.

MC 153839 (Sub-5–1TA), filed March 2, 1981. Applicant: TOM WILSON, INC., 2126 W. 50 Highway, P.O. Box 816, Emporia, KS 66801. Representative: Thomas Wilson, P.O. Box 816, Emporia, KS 66801. *Meats, meat products, and meat by-products, articles distributed by meat packinghouses, as described in section A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, dry acids and chemicals, in bulk, and liquid commodities in bulk, in tank vehicles) and frozen boxed meat,* from the plant site and/or storage facilities of Griffith Provision Company, Inc., at or near Down, KS (including plant presently operated by Pork Packers International) to points in CA, St. Joseph, MO, and York, NE. Supporting shipper: Pork Packers International, Inc., P.O. Box 158, Downs, KS 67437.

MC 154436 (Sub-5–1TA), filed March 2, 1981. Applicant: MARILYN THOMAS, d.b.a. MAT TRUCKING, 2604 West Pleasant Ridge Road, Arlington, TX 76016. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, irregular. *Plastic articles and electrical devices,* between points in CA, on the one hand, and, on the other, points in TX, OH, IL, MI, and GA, under continuing contract(s) with Sierra Electric Division of Pass & Seymour Inc., Gardena, CA. Supporting shipper: Sierra Electric Division of Pass & Seymour Inc., 15100 S. Figueroa Street, Gardena, CA 90247.

MC 154437 (Sub-5–1TA), filed March 2, 1981. Applicant: LaVerne L. Jensen, 205 2nd Avenue, Audubon, IA 50025. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA. 50309. *Fertilizer* (1) between Crawford, Carroll, Greene, Shelby, Audubon, Guthrie, Pottawattamie, Cass and Adair Counties, IA on the one hand and on the other pts in NE, MO, KS, SD and MN and (2) from Carroll County, IA to Audubon County, IA. Supporting shipper: Great Dane Fertilizer Box 66, Audubon IA.

MC 154438 (Sub-5–1TA), filed March 2, 1981. Applicant: J. T. TAYLOR, d.b.a. MILRON TRUCK LINE, 1501 Lomaland (Unit 271), El Paso, TX 79935. Representative: J. T. Taylor (same as applicant). *Building Materials,* from El Paso County, TX to points in CA and Kansas City, MO. Company, Inc., El Paso, TX and Interceramic, Inc., El Paso, TX. Supporting shippers: Watkins Material & Equipment Company, Inc., 2720 E. Yondell Drive, El Paso, TX 79903. Interceramic, Inc., 1458 Lee Trevino, El Paso, TX. 79935.

MC 154438 (Sub-5–2TA), filed March 2, 1981. Applicant: J. T. TAYLOR, d.b.a. Milron Truck Line, 1501 Lomaland (Units 271), El Paso,TX 79935. Representative: J. T. Taylor (same as applicant). (1) *Alcoholic Beverages, in Packages,* from points in CA and Kansas City, MO to points in El Paso County, TX and (2) *Canned Goods,* from points in El Paso County, TX and Dona Ana and Luna Counties, NM to points in CA and Kansas City, MO. Supporting shippers: Lone Star Del Norte Dist. Co., 1041 Humble Place, El Paso, TX 79915. Joy Canning Co; Inc., 1819 West Amador, Los Cruces, NM 88001.

MC 154439 (Sub-5–1TA), filed March 2, 1981. Applicant: VAUGHN TRUCKING, INC., General Delivery, Fontana Road, Independence, LA. 70443. Representative: Bernie Vaughn, Jr. (same as applicant). Contract: Irregular: *Lumber and Wood Products, Pulp, Paper and related products* between the LA. Parishes of Livingston, Winn, Red River, Washington, West Feliciana, and Tangipahoa, and Lamar County, MS., on the one hand, and on the other all points in the states of AL, AR, CO, FL, GA, IL, IN, KY, LA, MI, MN, MS, MO, NJ, NY, NC, NM, OH, OK, PA, TN, TX AND WI. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, LA. 70427.

MC 153749 (Sub-5–2TA), filed March 2, 1981. Applicant: REPUBLIC GYPSUM COMPANY, P.O. Drawer C, Duke, OK. 73532. Representative: David L. Ross (same as applicant). *Primary metal products; including galvanized; except coating or other allied processing; fabricated metal products; except ordnance: machinery,* from Mitchell County, KS., Harris County, TX., Shelby and Jefferson Counties, AL., Clay and Lafayette Counties, MO., and Knox County, IL, to points and places in OK. Supporting shippers: J & M Construction Company, 708 S. Grady, Altus, OK. 73521. Southwestern Oklahoma Cooperative, Inc. P.O. Drawer 1028, Altus, OK. 73521. Pioneer Farm Center, Inc., P.O. Drawer 1028, Altus, OK. 73521.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 154445 (Sub-6–1TA), filed March 2, 1981. Applicant: JAMES P. McGEEHAN, d.b.a. B & J TRUCKING, 28460 Gene St., Hemet, CA 92343. Representative: James P. McGeehan (same as applicant). *Mobile homes,* from Riverside and San Bernardino Counties, CA to Clark and Nye Counties, NV, for 270 days. An underline lying ETA seeks 120 days authority. Supporting shipper: Skyline Homes, Inc., 2075 W. Acacia, Hemet, CA 92343.

MC 147205 (Sub-6–1TA), filed March 2, 1981. Applicant: RUSSELL E. BASTIAN, d.b.a. BASTIAN TRUCKING, P.O. Box 1143, Aurora, UT 84620. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. *Contract carriage, irregular routes; Building materials,* between points in AZ, CA, CO, ID, NV, OR, UT, WA, and WY under a continuing contract(s) with Swanson Building Materials, Inc. of Murray, UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Swanson Building Materials, Inc., 4730 Riverside Dr., Murray, UT 84107.

MC 148018 (Sub-6–5TA), filed February 27, 1981. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Windows, window frames and commodities used in the manufacture and distribution thereof,* from points in CA and Chesaning, MI to the facilities of Hehr International, Inc. located at or near Nampa, ID, for the account of Hehr International, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hehr International, Inc., P.O. Box 186, Nampa, ID 83651.

MC 154446 (Sub-6–1TA), filed March 2, 1981. Applicant: SLYTER CHAIR, INC., 3110 S. Cedar, Tacoma, WA 98409. Representative: Russell A. Evans, 410 Maynards Bldg., 119 1st Ave. S., Seattle, WA 98104. *Contract,* irregular, *Furniture and such commodities as are used in the manufacture of furniture,* between points in WA, CA, OR, NV, ID, and MT for 270 days. Supporting shippers: La-Z-Boy West, 301 Tennessee St., Redlands, CA 92373; Serta Northwest, P.O. Box 11363, Tacoma, WA 98411; Mt. Adams Furniture, P.O. Box 250, Wapato, WA 98951; Spring Air Northwest, 725 E. 25th, Tacoma, WA 98421.

MC 153108 (Sub-6–1TA), filed February 27, 1981. Applicant: CARMEN CINTRON d.b.a. THE "CON" AFFAIR, LTD., 6150 Dennison St. No. 101, Los Angeles, CA 90022. Representative: Carmen Cintron (same as applicant). Contract carrier, Irregular routes: *Picture frames, art supplies, novelties & notions, furniture, store fixtures, F.A.K. in containers, baskets (wicker & rattan),* from City of Commerce, CA, to all points

in AZ and NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Aaron Brothers, 1270 S. Goodrich Blvd., Los Angeles, CA 90022.

MC 145054 (Sub-6-7TA), filed February 27, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264.*Plastic containers* from Kansas City, KS and its commercial zone to Denver, Co and its commercial zone for 270 days.Supporting shipper: Rustco Products Company, 1485 E. 61st Ave., Denver, CO 80216.

MC 125433 (Sub-6-51TA), filed March 2, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). *Plumbing fixtures (brass and plastic), materials, equipment and supplies* used in the manufacture, distribution and sales of the above commodities from the facilities of Dearborn Brass Company at or near Tyler, TX on the one hand, and on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Dearborn Brass Company, P.O. Box 1020, Tyler, TX 75710.

MC 153802 (Sub-6-2TA), filed March 2, 1981. Applicant: WILLIAM A. FARRIMOND TRUCKING, 9207 163rd Ave. S.E. Snohomish, WA 98290. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055. *Contract Carrier*, irregular routes, *Aluminum and Steel Products and Steel and Aluminum Sheeting and Rolls* between points in WA, OR, CA for 270 days. Supporting shipper: Cascade Culvert, P.O.B. 217, Arlington, WA 98223.

MC 145936 (Sub-6-1TA), filed February 27, 1981. Applicant: G & M TRUCKING, INC., 15313 Goodrich Dr. N.W., Gig Harbor, WA 98335. Representative: Judith L. Gamrath, 1212 Pacific Bldg., Seattle, WA 98104. *Contract Carrier:* irregular routes: *General commodities, except bulk commodities in tank vehicles*, between points in Western, WA and points in OR and CA, for 270 days. Supporting shippers: Farwest Shippers Association, 12855—48th Avenue South, Seattle, WA 98161.

MC 283 (Sub-6-5TA), filed March 2, 1981. Applicant: GARRETT FREIGHT LINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Way S. Green (same as applicant). *Plastic articles, premium merchandise, and sales kits*, from Jerome, ID to Santa Rosa, CA, for 270 days. Supporting shippers: Redwood Party Sales, Inc., 1695 Piner Rd., Santa Rosa, CA. Tupperware Company, Drawer D, Woonsocket, RI 02895.

MC 283 (Sub-6-6TA), filed March 2, 1981. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same as applicant). *Grain flour*, in bags, from Billings, MT to points in ND and SD, for 270 days. Supporting shipper: Peavey Company, 730 Second Ave. South, Minneapolis, MN 55402.

MC 33641 (Sub-6-7TA), filed February 27, 1981. Applicant: IML FREIGHT, INC., 10 Exchange Place, Suite 622, Salt Lake City, UT 84111. Representative: Eldon E. Bresee (same address as applicant). *Common Carrier*, Regular routes: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, hazardous materials, and those requiring special equipment)*, serving all points within the commercial zones of the service points in Routes (1) and (2) below: (1) Between Chicago, IL and Spokane, WA serving the intermediate point of Milwaukee, WI and serving junction Interstate Hwy 35-E and Interstate Hwy 94 for purposes of joinder only, from Chicago over Interstate Hwy 94 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Spokane and return over the same route. (2) Between junction Illinois Hwy 38 and Interstate Hwy 90 and junction Interstate Hwy 90 and Interstate 94 at or near Billings, MT serving no intermediate points and serving junction Interstate Hwy 90 and Interstate Hwy 94 for purposes of joinder only, from junction Illinois Hwy 38 and Interstate Hwy 90 over Interstate Hwy 90 to junction Interstate Hwy 90 and Interstate Hwy 94 and return over the same route for 270 days. An underlying ETA seeks 120 days authority. There are 85 shippers. Applicant intends to tack and interline.

MC 154433 (Sub-6-1TA), filed February 27, 1981. Applicant: INDUSTRY ENTERPRISES, INC., 580 E. Lambert, Brea, CA 92621. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. *New furniture and new furniture parts; and, electrical applicances, equipment and parts*, between points in CA, OR, WA, ID, NV, MT, WY, UT, AZ, CO, NM, SD, NE, KS, OK, TX and IN, for 270 days. Applicant intends to interline with other carriers at Indianapolis, IN. Supporting shippers: Tranex, Inc., 2158 South Hathaway, Santa Ana, CA 92705; Universal Furniture Industries, Inc., 2890 Pellissier Pl., Whittier, CA 90601; Twilight Manufacturing Company Incorporated, 141 E. 15th St., Gardena, CA 90247; and, Douglas Furniture of California, 4000 Freeman, Redondo Beach, CA 90278.

MC 117201 (Sub-6-7TA), filed March 2, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 6311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier*, Irregular routes: *Such commodities as are dealt in or used by manufacturers and convertors of (1) paper and paper products and (2) plastics and plastic products*, between Renton and Kent, WA, Milpitas, Los Angeles and Santa Clara, CA, and Portland, OR, on the one hand, and points in CO, WI and TX, on the other hand, for 270 days, under continuing contracts with Container Corporation of America. Supporting shipper: Container Corporation of America, 2800 Da Li Cruz Blvd., Santa Clara, CA 95050.

MC 154444 (Sub-6-1TA), filed March 2, 1981. Applicant: PALMER G. LEWIS CO., INC., 525 C. St. N.W., Auburn, WA 98002. Representative: Russell A. Evans, 410 Maynard Bldg., 119 1st Ave. S., Seattle, WA 98104. *Building materials and such commodities as are used in the building materials industry*, between points in ID, MT, NV, OR, CA and WA for 270 days. Supporting shipper: There are 5 supporting shippers. Their statements may be examined at the Regional office listed.

MC 138506 (Sub-6-1TA), filed February 27, 1981. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 6000 So. Ulster, Suite 206, Englewood, CO 80111. Representative: Ralph F. Fox (same as applicant). *Contract carrier;* Irregular routes: *Such commodities as are dealt in by whole sale office products suppliers*, from Houston, TX to points in LA for the account of Boise Cascade Office Products Division, for 270 days. Supporting shipper: Boise Cascade Office Products Division, 551 Garden Oaks Blvd., Houston, TX 77019.

MC 138506 (Sub-6-2TA), filed February 27, 1981. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 600 So. Ulster, Suite 206, Englewood, CO 80111. Representative: Ralph F. Fox (same as applicant). *Contract Carrier:* Irregular routes: Office supplies, office furniture, office fixtures, office equipment, between Cincinnati, OH on the one hand and points in KY and WV on the other, for 270 days. Supporting shipper: Boise Cascade Office Products Division, 12021 Centron Pl., Cincinnati, OH.

MC 55790 (Sub-6-1TA), filed February 27, 1981. Applicant: MILLER TRUCK LINE, INC., P.O. Box 1100, Winnemucca, NV 89445. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Building and Construction Materials and Supplies*, between points in CA on the one hand, and points in NV on and North of U.S. Highway 50, on the other hand, for 270 days. Supporting shippers: Dyer Lumber, 777 Bridge St., Winnemucca, NV 89445, Tallman Lumber Co., Inc., 105 Bridge St., Winnemucca, NV 89445, Cases Woodwork, 1545 Hymer Ave., Sparks, NV 89431 and Industrial Wood Products, Inc., P.O. Box 5157, Reno, NV 89513.

MC 125650 (Sub-6-3TA), filed February 27, 1981. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, Route 2, Missoula, MT 59801. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Such commodities as are dealt in or used by wholesale and retail grocery, drug and hardware stores and food business houses*, between points in MT, WY, ID, WA, OR, NV, UT, CA, CO, ND and SD, for 270 days. Supporting shipper: There are thirty two shippers. Their statements may be examined at the regional office listed.

MC 154434 (Sub-6-1TA), filed February 27, 1981. Applicant: JAMES H. STEVENS, d.b.a. NEVADA TIRE WAREHOUSE, 2545 Westview, Sparks, NV. 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV. 89701. *Contract Carrier*, Irregular Routes: *Pneumatic Rubber Tires, Tubes and related articles*, from Miami, OK. and Woodburn, IN. to points in Washoe County, NV., for the account of BF Goodrich for 270 days. Supporting shipper: B.F. Goodrich Company, 500 S. Main Street, Akron, OH. 44318.

MC 138675 (Sub-6-46TA), filed February 27, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Prefabricated metal buildings* and materials and supplies used in the manufacturing and erection thereof, from Ft. Collins, CO to Oregon City, Pendleton and Portland, OR, for 270 days. Supporting shipper: Tri-West Construction Co., 11345 President Drive, Boise, ID 83709.

MC 143658 (Sub-6-1TA), filed February 27, 1981. Applicant: SIERRA TRUCKING, INC., 1400 E. Second St., Reno, NV 89502. Representative: Mike Soumbeniotis, P.O. Box 648, Carson City, NV 89701. *Chemicals and chemical commodities* in package and bulk, between CA, NV, UT, OR, ID and AZ, for temporary authority for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sierra Chemical Company, 1400 E. Second St., Reno, NV 89502.

MC 151471 (Sub-6-6TA), filed February 27, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract carrier*, irregular routes: *Frozen foodstuffs*, from Power County, ID; Umatilla County, OR; Benton, Franklin, Grant and Walla Walla Counties, WA to points in CO, KS, NE, NM, OK, and TX, under continuing contract(s) with Lamb-Weston, Inc., for 270 days. Suporting shipper: Lamb-Weston, Inc., P.O. Box 23517, Portland, OR 97223.

MC 139360 (Sub-6-2TA), filed February 27, 1981. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham (same as applicant). *Fertilizers*, from Fresno, Sacramento and San Joaquin counties, CA to points in OR restricted to shipments moving for the account of SimCal Chemical Co. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: SimCal Chemical Co., P.O. Box 128 Helm, CA 93627.

MC 151322 (Sub-2), filed March 2, 1981. Applicant: TAN ENTERPRISES, INC., 1100 Calvados, Sparks, NV 89431. Representative: Bart Tabor (same as applicant). *Contract carrier*, irregular routes: *Rolls of steel wire, steel*, from Kent, WA to Reno, NV, for the account of Terra Aqua Conservation, for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Terra Aqua Conservation Co., 4930 Energy Way, Reno, NV 89502.

MC 154435 (Sub-6-1TA), filed February 27, 1981. Applicant: DWANE TICE, d.b.a. D. TICE EQUIPMENT AND SALVAGE, 7425 Lombardi Court, Fontana, CA 92335. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Contract Carrier*, Irregular routes: *General commodities (usual exceptions)*, from points in the U.S., to Alhambra, CA, and, from Alhambra, CA, to the facilities of Amax Copper in NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bearpaw Mining, Inc., 3201 W. Mission Rd., Alhambra, CA 91803.

MC 146360 (Sub-6-7TA), filed March 2, 1981. Applicant: TRIWAYS, INC., 2455 E. 27th St., Los Angeles, CA 90058. Representative: William Davidson, P.O. Box 58408, Los Angeles, CA 90058. *Contract Carrier*, Irregualr routes: *Ash, fly, in packages or palletized* from Springfield, OR to points in the Los Angeles, CA Commercial Zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dow Corning Corporation, P.O. Box 56, Springfield, OR 97477.

MC 148404 (Sub-6-6TA), filed February 27, 1981. Applicant: UNITED CHEMICAL CARRIERS, INC., 15612 La Monde St., Hacienda Heights, CA 91745. Representative: Bobbie F. Albanese, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Paper*, between Lincoln, ME, on the one hand, and, on the other, points in AZ, CA, NV and TX, for 270 days, limited to shipments to or from the facilities of Lincoln Pulp & Paper Co. Supporting shipper: Lincoln Pulp & Paper Co., Inc., Katahdin Avenue, Lincoln, ME 04457.

MC 149195 (Sub-6-11TA), filed March 5, 1981. Applicant: ARCADIAN MOTOR CARRIERS, 1631 Simpson, Kingsburg, CA 93631. Representative: James F. Hauenstein (same as applicant). *(1) Paper, paper products and containers (2) Materials and supplies used in the manufacture or distribution of (1) above:* between points in CA, OR, WA, AZ, UT, ID, TX, MO, IN, KS, OK, AR, TN, IL, MI, OH, and KY, for 270 days. Supporting shipper: Container Corporation of America, 2800 Dela Cruz Blvd., Santa Clara, CA 95050.

MC 149195 (Sub-6-12TA), filed March 5, 1981. Applicant: ARCADIAN MOTOR CARRIERS, 1631 Simpson, Kingsburg, CA 93631. Representative: James F. Hauenstein (same as applicant). *Furniture and furniture parts and the materials and suplies used in the manufacture or distribution of furniture and furniture parts;* between points in CA, AZ, TX, NV, MO, KY, OH, LA, and NC for 270 days. Supporting shipper: Leggett and Platt, Inc., 16th Rd., P.O. Box 757, Carthage, MO 64836.

MC 115931 (Sub-6-6TA), filed March 2, 1981. Applicant: BEE LINE TRANSPORTATION, INC., P.O.B. 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, P.O.B. 2471, Fargo, ND 58108. Steel buildings from the facilities of American Steel Building Co., Inc., at Aurora, CO, to points in the U.S. in and west of MN, IA, MO, OK, and TX, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: American Steel Building Co., Inc., 20400 E. 26th Av., Aurora, CO 80011.

MC 152238 (Sub-6-4TA), filed March 4, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 286 Grenada, CA. 96038. Representative: John R. Harleman (same as applicant). *Contract carrier; irregular routes: Metal and metal products*, between points in Los Angeles, county, CA, on the one hand, and, on the other, points in AZ,

CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, restricted to shipments moving under a continuing contract(s) with Alpha Steel Tube and Shapes, Inc., Los Angeles, CA. for 270 days. Supporting shipper: Alpha Steel Tube and Shapes, Inc., 2730 E. 37th St., Los Angeles, CA. 90058.

MC 152238 (Sub-5-4TA), filed March 4, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288 Grenada, CA. 96038. Representative: John R. Harleman (same as applicant). *Contract carrier; irregular routes: Iron and steel articles,* between points in CA, OR, WA, ID, WY, MT, ND, and SD; restricted to shipments moving under continuing contract(s) with Crest Steel Corp., Carson, CA. for 270 days. Supporting shipper: Crest Steel Corp., P.O. Box 6218, Carson, GA. 90745.

MC 140633 (Sub-6-1TA), filed March 4, 1981. Applicant: CAPITAL PARCEL DELIVERY COMPANY, P.O. Box 161116, Sacramento, CA 95816. Representative: John F. Parks, III (same address as applicant). *Contract Carrier,* Irregular Route: *Cleaning compounds and other household related products* from Sacramento, CA to points in NV; with an interline point at Reno, NV for 270 days. Supporting shipper: Amway Corp., 1800 E. Dyer Rd., Santa Ana, CA 92705.

MC 148158 (Sub-6-14TA), filed March 2, 1981. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O.B. 1299, City of Industry, CA 91749. Representative: Robert L. Cope, Suite 501, 1730 M St., NW, Washington, DC 20036. *Contract carrier:* Irregular routes: *General Commodities (except Classes A and B explosives)* between TN, on the one hand, and, on the other, AZ, CA, CO, ID, NV, OR, UT, WY, under continuing contracts with Mid-South Shippers Association, Inc., of Nashville, TN, for 270 days. Supporting shipper: Mid-South Shippers Association, Inc., 230 Willow St., Nashville, TN 37210.

MC 145054 (Sub-6-6TA), filed March 4, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *Petroleum products in containers,* between Los Angeles County, CA on the one hand, and, on the other, points in CO for 270 days. Supporting shipper: Mouren-Lauren's Oil Co., 641 E. Compton Blvd., Compton, CA 90220.

MC 136605 (Sub-6-33TA), filed March 5, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Steel pipe and oil well casing,* between points in the U.S. in and west of ND, SD, NE, OK, TX (except AK and HI), for 270 days. An underlying ETA seeks 120 day authority. Supporting shippers: There are 5 shippers; their statements may be examined at the office listed above.

MC 133779 (Sub-6-2), filed March 4, 1981. Applicant: FUNDIS CO., P.O. Box 740, Lovelock, NV 89419. Representative: Pete Fundis (same as applicant). (1) *Diatomaceous Earth (diatomite); mixtures of diatomaceous earth and alkyl napthalene and sodium sulfonate; and wood pulp* from Clark and Colado, NV to points in the U.S. except AZ, CA, ID, OR, UT, WA and WY. (2) *Materials and supplies used in the manufacturer and distribution of (1),* from all points in the U.S. to Clark and Colado, NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eagle-Picher Industries, Inc., P.O. Box 12130, Reno, NV 89510.

MC 154510 (Sub-6-1TA), filed March 4, 1981. Applicant: INLAND CORP., P.O. Box 1528, Farmington, NM 87401. Representative: Dale E. Isley, 50 S. Steele St., Suite 330, Denver, CO 80209. *Commodities in bulk,* between points in La Plata Montezuma Counties, CO, on the one hand, and, on the other, points in San Juan County, NM, for 270 days. Supporting shipper: Caribou Four Corners, Inc., P.O. Box 175, Kirtland, NM 87417.

MC 139906 (Sub-6-61TA), filed March 2, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Baler Twine* from Milwaukee, WI to points in OH, MI, KY, IL, IN, TN, SD, ND, MN, IA, NE, KS, MO, for 270 days. Supporting shipper: Dubuque Twine Co., Jones & Terminal Streets, Dubuque, IA 52001.

MC 139906 (Sub-6-62TA), filed March 2, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. (1) *Plastic articles (except in bulk),* and (2) *parts, materials and supplies used in the manufacture, sale and distribution of plastic articles* (except in bulk), between points in the U.S. restricted to the transportation of shipments originating at or destined to the facilities of Mobil Chemical Co. for 270 days. Supporting shipper: Mobil Chemical Co., Macedon, NY 14502.

MC 139906 (Sub-6-63TA), filed March 2, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Bakery products* from Portland, OR; Buena Park, CA and Oakland, CA and points in their commercial zones, to points in the U.S. for 270 days. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 108380 (Sub-6-4TA), filed March 2, 1981. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., 1585 Logan St., Suite 100, Denver, CO 80203. *Petroleum and petroleum products,* between points in AZ, CA, CO, SD, ID, MT, OR, UT, WA and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Westjet Air Center, Inc., Box 74F, Rapid City, SD and Unichem Int'l, 7040 Salt Creek Hwy, Casper, WY 82601.

MC 146561 (Sub-6-3TA), filed March 4, 1981. Applicant: L.M.T., INC., 15005 Faulkner Rd., Santa Paula, CA 93060. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* irregular routes: (1) *Such commodities as are dealt in by wholesale and retail grocery stores and food business houses,* and (2) *materials, equipment, and supplies* used in the operation of wholesale and retail grocery stores and food business houses, from points in AZ, CO, ID, NV, OR, TX, UT, and WA, to the facilities of Lucky Stores, Inc., in CA, for the account of Lucky Stores, Inc., for 270 days. Supporting shipper: Lucky Stores, Inc., 6565 Knott Ave., Buena Park, CA 90620.

MC 147712 (Sub-6-22TA), filed March 2, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same as above). *Aluminum, aluminum articles and supplies, and non-ferrous metals,* between all points in the U.S., for 270 days. Supporting shipper: Howmet Aluminum Corp., 475 Steamboat Rd., Greenwich, CT 06830.

MC 34227 (Sub-6-3TA), filed March 3, 1981. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, 15910 E. Colfax, Aurora, OH 80011. Representative: James P. Beck, 717-17th St., Ste. 2800, Denver, CO 80202. *Contract carrier,* irregular routes: *Such commodities as are dealt in or used by manufacturers of infant carriers,* between Thornton, CO on the one hand, and, on the other, points in AL, CA, GA, KY, MS, NC, SC and TN, under continuing contract(s) with Gerico, Inc. of Thornton, CO, for 270 days. Supporting shipper: Gerico, Inc., 12520 Grant Dr., Thornton, CO 80241.

MC 136675 (Sub-6-47TA), filed March 4, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Rubber products, rubber scrap in bags, flammable solids, NOS, raw materials used in the manufacture, selling and distribution thereof,* from South Bend, IN to points in Coconino, Maricopa and Pima Counties, AZ; Kern, Los Angeles, Sacramento, and San Francisco Counties, CA; Boulder, Denver, El Paso, Jefferson and Mesa Counties, CO; Ada, Bannock, and Bonneville Counties, ID; Lewis & Clark, Silver Bow and Yellowstone Counties, MT; Bernalillo, Chaves, Dona Ana and Santa Fe Counties, NM; Clark, Humboldt, Lander, Nye, Washoe and White Pine Counties, NV; Clackamas-Multnomah and Lane Counties, OR; Kane, Salt Lake and Utah Counties, UT; Clark, King, Pierce, Snohomish and Spokane Counties, WA; and Albany and Laramie Counties, WY, for 270 days. Supporting shipper: A. Baker Manfuacturing Co., 700 W. Chippewa Ave., South Bend, IN 46614.

MC 146802 (Sub-6-6TA), filed March 3, 1981. Applicant: EUGENE L. FRAZIER, d.b.a. SUNSET TRANSPORT SYSTEMS, 2200 N. Parmalee, Compton, CA 90222. Representative: Milton W. Flack, 6363 Wilshire Blvd., Beverly Hills, CA 90211. *Food and related products* between points in CA, NM, and TX, restricted to traffic originating from or destined to the facilities of Carnation Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036.

MC 136818 (Sub-6-28TA), filed March 3, 1981. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Ste. 320, Phoenix, AZ 85008. *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and hazardous waste materials), between the facilities of LAWI/CSA Consolidators, Inc. at Los Angeles and Oakland, CA and Phoenix, AZ, on the one hand, and, on the other, Jersey City, NJ, Boston, MA, Philadelphia, PA, Charlotte, NC, Memphis, TN, Chicago, IL, Atlanta, GA, Greenville, SC, and Cincinnati, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: LAWI-CSA Consolidators, Inc., 5610 S. Soto St., Huntington Park, CA 90255.

MC 26396 (Sub-6-61TA), filed March 4, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Such commodities as are used in the construction, repair, and maintanance of electric transmission lines,* from points in the U.S. to points in MT, restricted to traffic destined to the facilities and jobsite locations of The Montana Power Co., for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: The Montana Power Co., 40 E. Broadway, Butte, MT 59701.

MC 117765 (Sub-6-24TA), filed March 2, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Commodities dealt in by pharmaceutical manufacturers,* between the facilities of Allergan Pharmaceuticals, Inc., located at or near Los Angeles and Irvine, CA; Memphis and Greeneville, TN; Philadelphia, PA; Sparks, NV and Stone Mountain, GA., for 270 days. Supporting shipper: Allergan Pharmaceuticals, Inc., 18655 Teller Ave., Irvine, CA 92713.

MC 154543 (Sub-6-1TA), filed March 5, 1981. Applicant: MERLE BROWER d.b.a. ALL CAL TRANSPORT, 628 W. Mitchell, Clovis, CA 93612. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Foodstuffs (except in bulk) and syrup, flavoring or fruit, in packages,* from Clovis, CA to AZ, NY, OR, TN, TX and WA for 270 days. Supporting shipper: Lyons Magnus-Wawona Foods, P. O. Box 646, Clovis, CA 93612.

MC 154521 (Sub-6-1TA), filed March 5, 1981. Applicant: JAMES PETROLEUM CORP., P. O. Box 151, Bakersfield, CA 93302. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Corrosion inhibitors and crude oil treating compounds in bulk in tank vehicles* from Bakersfield, CA to points in WY for 270 days. Supporting shipper: C-E Natco Chemicals, P. O. Box 1854, Bakersfield, CA 93302.

MC 147193 (Sub-6-2TA), filed March 5, 1981. Applicant: MARTIN RUITER, d.b.a. MARTIN'S FEED CO., P. O. Box 189, Custer, WA 98240. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. *Sand and foundry materials and supplies* from points in Whatcom County, WA to points in OR, CA, UT, AZ, TX, ID and NV, for 270 days. Supporting shipper: Olivine Corp., 1015 Hilton Ave., Bellingham, WA 98225.

MC 147712 (Sub-6-23TA), filed March 5, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same as applicant). *Such Commodities as are dealt in Grocery Stores or Food Business Houses,* Between points in the United States, for 270 days. Supporting shipper: Hain Pure Foods Co., 13000 S. Figueroa, Los Angeles, CA 90061.

MC 126514 (Sub 6-22 TA), filed March 5, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Building materials* from all points in the U.S. to the facilities of Diamond's Inc. in AZ and NV for 270 days. Supporting shipper: Diamond's Inc., 1616 S. Priest Dr., Tempe, AZ 85281.

MC 126514 (Sub 6-21 TA), filed March 5, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Welders, welder parts and systems, welding compounds, and materials and supplies used in the manufacture and distribution of welders, welder parts and systems and welding compounds (except commodities in bulk)* between the City of Industry and Santa Fe Springs, CA on the one hand, and, on the other, points in AZ, NM, TX, CO, KS, OK, MO, AR, LA, MS, AL, GA, FL, SC, NC, TN, KY, OH, PA, OR, WA, UT, WV, VA, MD, NJ, NY, CT, MA, VT, NH, RI, & ME for 270 days. Restricted to the facilities of Stoody International & Stoody Company. Supporting shipper: Stoody Company, 16425 Gale Ave., City of Industry, CA 91749.

MC 154542 (Sub 6-1 TA), filed March 5, 1981. Applicant: ANTHONY V. PATCHETT, MICHAEL GORDON PIERCE and MICHAEL CONN HAUSER, a partnership d.b.a. SUNSET MOVING & STORAGE OF CALIFORNIA, 5422 Oceanus St., Huntington Beach, CA 92649. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Supplies, equipment and display materials used in exhibitions* (1) between Santa Ana, CA on one hand and Hartford, CT, Chicago, IL, Houston, TX and points in NJ on the other, (2) between Los Angeles, CA, Chicago, IL, Dallas and Houston, TX, Las Vegas, NV and New York City, NY on one hand and U.S. excluding AK and HI for 270 days. Supporting shippers: Martin Decker Co., 1928 S. Grand Ave., Santa Ana, CA 92705; Las Vegas Displays & Exhibits, 1624 Mojave Rd., Las Vegas, NV 89104; Exhibitgroup Los Angeles, 1310 Cypress Ave., Los Angeles, CA 90065.

MC 126514 (Sub 6-20 TA), filed March 5, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Plastic and plastic articles* from the City of Industry, CA to all points in the U.S. (except AK & Hi) for 270 days. Supporting shipper: A & E Plastics, Inc., 14505 Proctor Ave., City of Industry, CA 91749.

[FR Doc. 81-8068. Filed 3-13-81; 8:45 am]

BILLING CODE 7035-01-M

Water Carrier Application

Finance Docket No. 29554, filed January 5, 1981. Knappton Corporation (Knappton) (9030 N.W., St. Helens Road, Portland, OR 97203)—CONTROL AND MERGER—SMITH TUG & BARGE CO. (Smith) (P.O. Box S, Ranier, WA 97048) and LONGVIEW TUGBOAT COMPANY (Longview) (P.O. Box S, Ranier, WA 97048). Applicants' representative: Donald Macleay, 1625 K Street, N.W., Washington, D.C. 20006 (202) 393-3390. By this application Knappton seeks authority under 49 U.S.C. 11344 to purchase all of the outstanding stock of Smith, a Washington corporation and that of Longview, also a Washington corporation, which is Smith's wholly owned subsidiary and thereafter to merge Smith and Longview into Knappton for ownership, management, and operation. The total purchase price is $125,000. By the same application, Peter J. Brix, of Portland, OR, who controls Knappton through ownership of Knappton's voting common stock, seeks authority under the same section to acquire control of the operating rights and properties through the transaction.

Smith and Longview hold authority under Docket No. W-413 which authorizes joint operations, as a common carrier, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of commodities generally, and by towing vessels in the performance of general towage, between ports and points along the Pacific Coast (not including local service between ports and points on Puget Sound) and along the Columbia River and its tributaries below and including Bonneville, OR, with operations on the Willamette River to extend only to Oregon City, OR).

Knappton holds authority in Docket No. W-420, authorizing operations, as a common carrier, in interstate or foreign commerce, by towing vessels in the performance of general towage of commodities generally, and by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities between ports and points in Oregon, Washington, and Idaho along the Columbia, Snake, and Clearwater River and Tributaries from the mouth of the Columbia River to Priest Island, WA and to 3 miles from the mouth of the Grande Ronde River on the Snake River in Idaho and to Hog Island on the Clearwater River in Idaho approximately 8½ miles from the confluence of the Snake River and Clearwater River, with towing operations on the Willamette River limited to points at and below Oregon City, OR.

Interested persons may participate formally in this proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 29674 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423, not later than 30 days after notice of the filing of the application in the **Federal Register**. Such written comments shall include the following: The person's position, e.g., party protestant or party in support, regarding the proposal transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in the proceeding but who desire to comment thereon, may file such statements and information as they desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time serve copies of such written comments on the applicants.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7937 Filed 3-13-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 135; Amdt. No. 1]

Controller; Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 1 of October 1, 1979, from the Director of the United States International Development Cooperation Agency and Executive Order No. 12163 of September 29, 1979, I hereby amend Delegation of Authority No. 135, dated April 27, 1980 (45 FR 31239) as follows:

1. Paragraphs 8, 9, 10, 11, and 12 are redesignated 9, 10, 11, 12, and 13 respectively.

2. A new paragraph 8 is added as follows:

"8. Authority to develop Agency's cash management policy, including all regulations and procedural requirements as required in the Department of the Treasury Circular No. 1084, and a method of monitoring Agency cash management practices to ensure compliance with the requirements."

This amendment is effective immediately.

Dated: February 23, 1981.

Joseph C. Wheeler,

Acting Administrator.

[FR Doc. 81-8005 Filed 3-13-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)); the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 9, 1981, Stephan Chemical Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, N.J. 07607, made application to the Drug Enforcement Administration to be registered as an importer of coca leaf, a basic class of controlled substance in schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests

for a hearing may be filed no later than April 20, 1981.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dated: March 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-8013 Filed 3-13-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacture of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on October 22, 1980, Hoffman La Roche Inc., Kingland Rd. and Bloomfield Avenue, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Alphaprodine	II
Levorphanol	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than April 20, 1981.

Dated: March 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-8012 Filed 3-13-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506.

DATE: April 9, 1981.

TIME: 9:00 a.m. to 5:30 p.m.

ROOM: 1023.

PROGRAM: This meeting will review applications submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for projects beginning after June 1, 1981.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-8015 Filed 3-13-81; 8:45 am]

BILLING CODE 7536-01-M

Media Arts Panel; Production: Individuals Section; Meeting

Pursuant to Section 10(a)(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Production: Individuals Section) to the National Council on the Arts will be held on March 30-April 1, 1981, from 9:00 a.m.-5:30 p.m. in the 12th floor screening room of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the national Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determinations of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with references to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 3, 1981.

[FR Doc. 81-8003-Filed 3-13-81; 8:45 am]

BILLING CODE 7537-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 11, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions,

extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and an abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer, Richard J. Schrimper, 202-447-6201

Revisions

• Economics and Statistics Service
Mushroom grower survey
Annually
Businesses or other institutions
Mushroom growers and processors
Sic: 018 203
Small businesses or organizations
Agricultural research and services, 592 responses; 148 hours; $7,000 Federal cost; 2 forms
Office of Federal Statistical Policy and Standard, 202-673-7974

Provides data to estimated mushroom production, disposition and value in all states having commercial production. Estimates are used by mushroom producers and processors in marketing decisions.

Extensions (Burden Change)

• Economics and Statistics Service
Peanut stocks and processing report
Monthly
Businesses or other institutions
Peanut shellers, crushers, processors and warehouseman
Sic: 207 204 515 422
Small businesses or organizations
Agricultural research and services, 5,484 responses; 2,742 hours; $37,000 Federal cost; 3 forms
Office of Federal Statistical Policy and Standard, 202-673-7974

Provides detailed and comprehensive summation of fats relating to peanuts in off-farm positions; report used for projecting domestic use of peanuts by type. CCC uses data in management of its inventories. Price supports are tied directly to peanut stocks. Milling data used as check on production estimate.

• Animal and Plant Health Inspection Service
National poultry improvement plan vs 9-2, 3, 4, 5, 6 and 7 and 10-3
On occasion annually
State or local governments/businesses or other institutions
State agencies, part. hatch., dealers, and indep. flockowners
Sic: 025 514 201 804
Agricultural research and services, 30,012 responses; 2,530 hours; $3,849 Federal cost; 7 forms
Charles A. Ellett, 202-395-7340

The NPIP is a voluntary State-Federal program for improvement of poultry breeding flocks, and identifies breeding flocks which have met certain standards for breeding and freedom from diseases. Data obtained from State agencies is used to evaluate the effectiveness of the program and provided information for use in national publications.

Extensions (No Change)

• Agricultural Stabilization and Conservation Service
Honey storage agreement
CCC-56, CCC-56-1, CCC-56-2
On occasion
Businesses or other institutions
Honey warehousemen
Sic: 422
Farm income stabilization, 10 responses; 10 hours; $3,355 Federal cost; 3 forms
Charles A. Ellett, 202-395-7340

This contract is used for handling and storage of extracted honey under the current price support program. (Pub. L. 80-806)

• Agricultural Stabilization and Conservation Service
Application for approval of warehouse and supplement to application (grain, rice, seed, and edible beans)
CCC-24, CCC-24-1
Monthly
Businesses or other institutions
Grain warehousemen
Sic: 422 515
Farm income stabilization, 200 responses; 100 hours; $48 Federal cost; 2 forms
Charles A. Ellett, 202-395-7340

Application used by ASCS commodity office with approval of warehouse for the storing, handling of grain, rice, seed and edible beans owned by or held by CCC as security for price support loans (Pub. L. 806)

DEPARTMENT OF COMMERCE

Agency Clearance Officer, Edward Michals, 202-377-3627

Revisions

• Bureau of the Census
Construction project report
C-700
Monthly
Businesses or other institutions

Owners of privately owned nonres. construction projects.
Sic: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 61,600 responses; 30,800 hours; $394,000 Federal cost; 1 form
Office of Federal statistical policy and standard, 202-673-7974

These statistics are used in economic research and analysis to assess the effect of construction activity on the economy and for direct input to the national income and products accounts. They are also used in marketing research and private business.

DEPARTMENT OF DEFENSE

Agency Clearance Officer, John V. Wenderoth, 703-697-1195

New

• Departmental and Others
The 1981 survey of applicants for military service
Nonrecurring
Individuals or households
Youth ages 16-21
Department of Defense—Military, 3,015 responses; 1,507 hours; $240,000 Federal cost; 1 form
Kenneth B. Allen, 202-395-3765

The fiscal year DOD authorization bill mandated the test of an educational assistance program. The collection effort described in the attached supporting statement and documents will help in the study of the (1) implementation of the test programs, (2) awareness and interest in educational benefits, (3) the role played by educational benefits vs. other incentives in the enlistment decision process, and (4) the potential appeal of benefits not included in the test.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer, Joseph Strnad, 202-245-7488

New

• Human Development Services
Program instruction: Methods for determining the costs of title XX services to be utilized in establishing eligibility under section 1619
On occasion
State or local governments
State title XX agencies in the 50 States and D.C.
Sic: 832
Social services, 51 responses; 663 hours; $1,000 Federal cost; 1 form
Gwendolyn Pia, 202-395-6880

Pub. L. 96-265 and section 1619 to title XVI of the Social Security Act. This section provides that eligibility for titles XIX (medicaid) and XX (social services) will be continued for certain disabled or blind individuals receiving supplemental security income (SSI) benefits whose earnings rise to the point where they no longer qualify for SSI or special cash benefits.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer, Robert G. Masarsky, 202-755-5184

New

• Policy Development and Research
Evaluation of interagency anti-crime program in public housing: Resident surveys
Nonrecurring
Individuals or households
Re. of dem. and com. pub. hous. sites and surr. neighborhoods.
Community development, 15,967 responses; 7,245 hours; $1,831,762 Federal cost; 1 form
Richard Sheppard, 202-395-6880

Public Housing Security Demonstration Act of 1978 mandates this evaluation. Findings from the resident surveys will be incorporated in reports to Congress, HUD officials, and public housing staff and residents to serve as basis for policy and program funding decisions.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer, John Winsor, 202-426-1887

New

• Research and Special Programs Administration
Application for designation as an approval agency
On occasion
Businesses or other institutions
Org. or persons having know. of a specified packaging spec.
Small businesses or organizations
Other transportation, 3 responses; 9 hours; $250 Federal cost; 1 form
Terry Grindstaff, 202-395-7340

These records are needed to obtain information from persons seeking designation as an approval agency relative to their qualifications to approve a packaging. The MTB will use this information to evaluate the applicants' qualifications to perform the applicable approval function. This information collection is prescribed by section 107.402.

C. Louis Kincannon,
Assistant Administrator For Reports Management.

[FR Doc. 81-8096 Filed 3-13-81; 8:45 am]
BILLING CODE 3110-01-M

POSTAL SERVICE

International Postal Rates and Fees

AGENCY: Postal Service.

ACTION: New international rates and fees.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service announces new rates and fees for certain categories of international mail as indicated below.

EFFECTIVE DATE: 12:01 a.m., March 22, 1981.

FOR FURTHER INFORMATION CONTACT: Don Allen (202) 245-4418.

SUPPLEMENTARY INFORMATION: On December 3, 1980, the Postal Service published new international postal rates and fees that became effective on January 1, 1980 (45 FR 80215). Those international rates and fees that are related to our domestic rates and fees are now being adjusted to reflect impending changes in domestic schedules. Accordingly, the Postal Service hereby adopts the following rate and fee changes, which will be published in the Postal Service's International Mail Manual.

I. International Rates and Fees

A. New Rates and Fees

1. Letters and Letter Packages (Surface) Rates for Canada and Mexico are being increased from 15 cents to 16 cents for the first ounce and from 13 cents to 17 cents for each additional ounce up to 12 ounces; over 12 ounces the applicable eighth zone rate for domestic Priority Mail will apply.

2. Post Cards. The post card rate for Canada and Mexico is being increased from 10 cents to 12 cents.

3. Regular Printed Matter and Small Packets (Surface). For weight steps zero through 16 ounces, the rates are being adjusted to the levels indicated below due to changes in the domestic rates. The rates shown below for items over 16 ounces are the existing rates which have not been changed.

Surface Rates

Weight steps	Regular printed matter: Canada and Mexico	Regular printed matter: All other countries	Small packets: Canada	Small packets: Mexico	Small packets: All other countries
Over/through (ounces):					
0–1	$0.18	$0.23	$0.18	$0.18	$0.23
1–2	.35	.35	.35	.35	.35
2–3	.52	.52	.52	.52	.52
3–4	.69	.69	.69	.69	.69
4–6	.70	.72	.70	.70	.72
6–8	.92	.92	.92	.92	.92
8–10	1.14	1.14	1.14	1.14	1.14
10–12	1.36	1.36	1.36	1.36	1.36
12–14	1.58	1.58	1.58	1.58	1.58
14–16	1.81	1.81	1.81	1.81	1.81
16–20	1.94	1.94		1.94	1.94
20–22	2.07	2.07		2.07	2.07
22–24	2.21	2.21		2.21	2.21
24–26	2.35	2.35		2.35	2.35
26–28	2.49	2.49		2.49	2.49
28–30	2.62	2.62		2.62	2.62
30–32	2.76	2.76		2.76	2.76
Over/through (pounds):					
2–3	3.31	3.31			
3–4	3.86	3.86			
Each additional pound	.96	.96			

B. New Special Service Fees

All fees indicated below are being increased to the same level as for the comparable domestic special services.

1. Nonstandard Surcharge.

a. Letters (weighing one ounce or less): 9 cents

b. Regular Printed Matter (weighing one ounce or less): 9 cents

2. Customs Clearance and Delivery Fee: $1.75 (No change).

3. Inquiry Fee: $3.75.

4. Return receipt requested at time of mailing: 60 cents.

5. Registered Mail.

Limit of indemnity	Fee
1 Canada:	
$00.00 to $100	$3.25
$100.01 to $200	3.58
2 All other countries:	
$15.76	3.25

6. Insured Mail (the fees for All Other Countries are not changed).

Limit of indemnity	Fees: Canada	Fees: All other countries
Over/up to:		
0- $20	$0.45	$0.85
$20- 50	0.85	1.10
50- 100	1.25	1.85
100- 150	1.70	2.35
150- 200	2.05	2.35
200- 300	3.45	3.85
300- 400	4.70	5.10
400- 500		5.40
500- 600		5.70
600- 700		6.00
700- 800		6.30
800- 900		6.60
900-1,000		6.90
1,000-1,100		7.20
1,100-1,200		7.50

7. Money Orders.

a. Orders Issued on Domestic Form.

Amount of money order	Fee
$0.01 to $25	$0.75
$25.01 to $50	1.10
$50.01 to $400	1.55

b. Orders Issued on International Form (fees not changed).

Amount of money order	Fee
$0.01 to $25	$1.30
$25.01 to $50	1.50
$50.01 to $400	1.80

8. Special handling.

Weight	Fee
Not more than 10 pounds	$0.75
More than 10 pounds	1.30

9. Special delivery.

Class of mail	Not more than 2 pounds	Over 2 pounds but not more than 10 pounds	Over 10 pounds
Letters, letter packages, post and postal cards, and other articles (air only)	$2.10	$2.35	$3.00
Other articles (surface only)	2.35	3.00	3.40

10. Restricted delivery: $1.00.

11. Certificates of mailing

	Fee
Individual listed pieces:	
Original	$0.40
Copy of original certificate of mailing or receipt for registered or insured mail	0.40
Identical pieces:	
Up to 1,000 pieces	$1.25
For each additional 1,000 pieces, or fraction	0.15
Duplicate copy	0.40

(39 U.S.C. 401, 403, 404(2), 407, 410(a))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-8000 Filed 3-13-81; 8:45 am]

BILLING CODE 7710-12-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0236]

American Energy Investment Corp.; Issuance of a Small Business Investment Company License

On October 20, 1980, a notice was published in the Federal Register (45 FR 69329) stating that an application has been filed by American Energy Investment Corporation, 1010 Lamar, Suite 1155 (formerly 4543 Post Oak Place Drive, Suite 203), Houston, Texas 77002, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)) for a license as a small business investment company.

Interest parties were given until close of business November 4, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 06/06-0236 on February 20, 1981, to American Energy Investment Corporation, to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 9, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7955 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5279]

Asian American Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On January 6, 1981, a notice was published in the Federal Register (46 FR 1388), stating that Asian American

Capital Corporation, located at 1911 West Tennyson Road, Suite No. 3, Hayward, California 94540, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1980), for a license to operate as a small business investment company, under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business, January 21, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09/-5279 to Asian American Capital Corporation on February 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 5, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7958 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

National Advisory Council; Public Meeting

The U.S. Small Business Administration National Advisory Council will hold a public meeting from 3:00 p.m. on Monday, April 20, 1981 to 12:15 p.m. on Thursday, April 23, 1981, at The Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C., to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Robert P. O'Malley, Director, Office of Advisory Councils, U.S. Small Business Administration, 1441 L Street, NW., Room 920-D, Washington, D.C. 20416- (202) 653-6478.

Dated: March 11, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7946 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5418]

North American Funding Corp.; Issuance of a Small Business Investment Company License

On November 7, 1980, a notice was published in the Federal Register (45 FR 7139) stating that an application has been filed by North American Funding Corporation, 177 Canal Street, New York, New York 10013, with the Small Business Administration (SBA), pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)) for a license as a small business investment company.

Interested parties were given until close of business November 24, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-5418 on March 5, 1981, to North American Funding Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 10, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7957 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 01/01-0313]

Orange Nassau Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.)* has been filed by Orange Nassau Capital Corporation (ONCC), Three Center Plaza, Boston, Massachusetts 02108, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1981)

The officers, directors and stockholders are as follows:

Chairman of the Board
Peter A. Brooke, 111 Devonshire Street, Boston, Ma. 02109
President, Director
G. Kenneth Macrae, 39 Court of Cobblestone, Northbrook, IL 60062
Secretary, Director
Kenneth J. Novack, 376 Newton Street, Brookline, Massachusetts 02184
Treasurer, Director
Joost E. Tjaden, Three Center Plaza, Boston, Ma. 02108
Director
Piet J. Van de Ven 12 Venstraat 5271 TV St. Michielsgestal, Netherlands
Director
Martinus P.J.H. van Doorne, c/o Vado Beheer B.V., StratumSedijk 56A, Eindhoven, Netherlands
Investment Adviser
Investments Orange Nassau, Inc. Three Center Plaza, Boston, Mass 02109

Orange Nassau Companies, Inc. Three Center Plaza, Boston, Mass 02108

The Applicant, a Delaware corporation, will begin operations with $1,000,000 paid-in capital and paid-in surplus. ONCC will conduct its activities principally in the New England States and Gulf Coast Area.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their managment, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may not later than March 31, 1981 submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 5, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7904 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5396]

Pierre Funding Co.; Issuance of a Small Business Investment Company License

On December 24, 1980, a notice was published in the Federal Register (45 FR 8541) stating that an application has been filed by Pierre Funding Corporation, 270 Madison Avenue, New York, New York 10017, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)) for a license as a small business investment company.

Interested parties were given until the close of business January 12, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended,

after having considered the application and all other pertinent information, SBA issued License No. 02/02-5396 on January 22, 1981 to Pierre Funding Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 10, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7956 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-5235]

Power Ventures, Inc.; Issuance of a License To Operate as a Section 301(d) Licensee

On September 9, 1980, a notice was published in the **Federal Register** (45 FR 59486), stating that an application had been filed by Power Venures, Inc., 629 Highway 270 North, Malvern, Arkansas 72104, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a Section 301(d) Licensee.

Interested parties were given until the close of business September 24, 1980, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-5235, on February 26, 1981, to Power Ventures, Inc. to operate as a Section 301(d) Licensee.

Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 5, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7959 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0243]

Rainbow Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On December 19, 1980, a notice was published in the **Federal Register** (45 FR 83733), stating that an application had been filed by Rainbow Capital Corporation, Suite 1470, One Allen Center, Houston, Texas 77002, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business January 3, 1981, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0234, on February 27, 1981, to Rainbow Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 9, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7960 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Boston, Massachusetts, will hold a public meeting from 10:00 a.m. to 3:00 p.m., on Wednesday, April 8, 1981, at the U.S. Small Business Administration, Director's Office, 150 Causeway Street, 10th Floor, Boston, Massachusetts, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, and others present.

For further information, write or call Constance Roberts, U.S. Small Business Administration, 150 Causeway Street, Boston, Massachusetts 02114-(617) 223-4074.

Dated: March 11, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7967 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Concord, New Hampshire, will hold a public meeting at 10:00 a.m., on Wednesday, April 8, 1981, at the Small Business Administration, Federal Building, 55 Pleasant Street, Room 211, Concord, New Hampshire, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Bert Teague, U.S. Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301—(603) 224-5588.

Dated: March 11, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7968 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administrative Region VI Advisory Council, located in the geographical area of Albuquerque, New Mexico, will hold a public meeting from 10:30 a.m. to 3:00 p.m. on Thursday, April 9, 1981, at Rodeway Inn, Carlsbad, New Mexico, to discuss such business as may be presented by members, the staff of U.S. Small Business Administration, and others attending.

For further information, write or call E. Maine Shafer, District Director, U.S. Small Business Administration, 5000 Marble NE, Albuquerque, New Mexico—(505) 766-3574.

Dated: March 11, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7969 Filed 3-13-81; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Los Angeles, California, will hold a public meeting at 11:00 a.m., on Tuesday, April 7, 1981, at Taix-Les Freres Restaurant, 1911 Sunset Boulevard, Los Angeles, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For reservations and further information, write or call Rudolph I. Estrada, District Director, U.S. Small Business Administration, 350 S. Figueroa, Suite 600, Los Angeles, California 90071—(213) 688-2977.

Dated: March 11, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7080 Filed 3-13-81; 8:45 am]

BILLING CODE 6025-01-M

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a luncheon meeting at 12:00 Noon on Wednesday, April 29, 1981, at the Camelback Sahara, Phoenix, Arizona, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others present. The Arizona Small Business Person of the Year will be honored at this luncheon meeting.

For further information, call or write Tom Trimboli, District Director, U.S. Small Business Administration, 3030 North Central Avenue, Suite 1201, Phoenix, Arizona 85012—(602) 241–2200.

Dated: March 11, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7081 Filed 3-13-81; 8:45 am]

BILLING CODE 6025-01-M

[License No. 02/02-5384]

Venture Capital P.R., Inc.; Issuance of a Small Business Investment Company License

On April 23, 1980, a notice was published in the Federal Register (45 FR 27509) stating that an application has been filed by Venture Capital P.R., Inc., 623 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00918, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)) for a license as a small business investment company.

Interested parties were given until close of business May 8, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-5384 on February 24, 1981 to Venture Capital P.R., Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 10, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7081 Filed 3-13-81; 8:45 am]

BILLING CODE 6025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-019]

Rules of the Road Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Rules of the Road Advisory Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I).

DATES: The meeting will be held at 9:00 a.m. each day on Wednesday and Thursday, April 15 and 16, 1981.

ADDRESS: The meeting will be held at the Maritime Institute of Technology and Graduate Studies (MITAGS), 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090.

FOR FURTHER INFORMATION CONTACT: Captain D. B. Charter, Jr., Executive Director, Rules of the Road Advisory Committee, c/o Commandant (G-WWM/11), U.S. Coast Guard, 2100 Second Street S.W., Washington, D.C. 20593, (202) 755–6146.

SUPPLEMENTARY INFORMATION: The agenda for the meting is as follows:

1. Welcome.
2. Adoption of agenda.
3. Adoption of the minutes of the March 26 and 27, 1980 meeting.
4. Consideration of 72 COLREGS matters discussed at the twenty-fifth meeting of the Inter-Governmental Maritime Consultative Organization's Subcommittee on Safety of Navigation.
5. Consideration of the use of strobe lights on vessels.
6. Consideration of the draft proposed Annexes I–V to the new Inland Navigation Rules:

Annex I—Positioning and Technical Details of Lights and Shapes.

Annex II—Additional Signals for Fishing Vessels Fishing in Close Proximity.

Annex III—Technical Details of Sound Signal Appliances.

Annex IV—Distress Signals.

Annex V—Pilot Rules.

7. Consideration of format for a new CG–169, *Navigation Rules, International-Inland.*
8. Tour of MITAGS facilities.
9. Any other business.

Attendance is open to the public. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify Captain D. B. Charter, Jr., Executive Director, Rules of the Road Advisory Committee, at the above address, not later than the day before the meeting. A member of the public may present a written statement to the committee at any time.

Dated: March 10, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-6020 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-14-M

[CGD 81-018]

Towing Safety Advisory Committee; Establishment

AGENCY: Coast Guard, DOT.

ACTION: Notice of establishment.

SUMMARY: The Secretary of Transportation has approved the establishment of the Towing Safety Advisory Committee in accordance with Pub. L. 96–380. The Secretary has also approved the charter for this committee. The purpose of this committee is to advise the Secretary of Transportation on matters affecting shallow-draft inland and coastal waterway navigation and towing safety.

SUPPLEMENTARY INFORMATION: The appointed Chairman of the committee is Frank T. Stegbauer, Southern Towing Company; the Vice Chairman is Steven T. Scalzo, Foss Launch and Tug Company. Also appointed to the committee are Milton P. Barschdorf, Greenville Port Commission; John F. Brady, District 2, MEBAAMO(AFL–CIO); Peter J. Brix, Knappton Corporation; Richard M. Currence, Gulf Fleet Marine Corporation; Neil Diehl, Ohio Barge Line; James E. Free, Charles Walker and Associates; Palmer C. Hamilton, Miller, Hamilton & Snider; Charles F. Lehman, American Commercial Barge Line Company; Thomas C. Magliocca, Atlantic Cement Company; Robert J. Patrick, Apex Oil Company; William J. Stevens, Jr., Stevens Towing Company; Lobie Stone, Torco Oil Company; Lester E. Sutton, Dravo Mechling Corporation; and

Robert E. Younge, Local Number 54, Marine Officers Association.

FOR FURTHER INFORMATION CONTACT: Commander A. D. Utara, Executive Secretary, Marine Safety Council, Room 2418, 2100 2nd Street, S.W., Washington, D.C. 20593. Phone: (202) 426–1477.

This notice is issued under authority of the Federal Advisory Committee Act, Pub. L. 92–463, 5 U.S.C. App. I.

Dated: March 11, 1981.

V. W. Driggers,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 81-8099 Filed 3-13-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-7]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: April 6, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 9, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21345	Fairchild Swearingen, Corp	14 CFR SFAR 41 § 5(c)	To allow the SA226/SA227 series of airplanes to use a 1.3VS gliding approach for the determination of landing distance requirements.
21254	Renton Aviation, Inc.	14 CFR 135.203(a)(1)	To permit petitioner to conduct operations at an altitude below 500 feet over water outside of controlled airspace.
21363	Bar Harbor Airlines	14 CFR 135.261	To allow petitioner to assign a flight crewmember and to permit a flight crewmember to accept an assignment without complying with 10 consecutive hour rest period requirement during the 24 hour period preceding the planned completion of the assignment.
21304	Ozark Air Lines, Inc.	14 CFR 121.291(a)	To permit petitioner to increase the seating capacity of its DC-9-30 series aircraft from 100 to 110 passenger seats without first conducting a full-seating capacity emergency evacuation demonstration.
16290	Kenmore Air Harbor, Inc.	14 CFR 141.37(e) and 3(b)(4) of Appendix D	To permit petitioner to use a seadrome without permanent runway lights for night training flights involving seaplanes; and to credit toward flight instruction, cross-country night flights in seaplanes with a landing in a body of water less than 100 miles from point of departure under certain conditions.
21385	General Electric	14 CFR various §§ Part 33	To allow the use of alternate procedures in lieu of compliance with the requirements pertaining to engine time for first overhaul, low cycle fatigue operational limit establishment, engine mount attachment deformation, rotor overspeed test, and rotor disc growth.
21297	Joe Ware Flying Service	14 CFR 135.243(b)(3)	To allow petitioner to operate as pilot in command in petitioner's Part 135 operation during day visual flight rule condition without an instrument rating.
21294	Medical Air Rescue, Inc.	14 CFR 135.261(b)	To permit petitioner's pilots to operate helicopters in hospital rescue operations with 8 hours crew rest in a 24 hour period in lieu of the required 10-consecutive-hour rest.
19113	Capitol International Airways, Inc.	14 CFR various sections of Part 121	To permit petitioner, a charter of Air Carrier, to continue to conduct scheduled passenger service over authorized routes under Supplemental Air Carrier Rules.
21376	General Electric, Co.	14 CFR various sections Part 33	Relief from the overhaul requirements rotor component life, growth, and overtemperature tests, and engine mount deformation.
11575	Altair Airlines, Inc.	14 CFR 135.261(b)	Extention of the termination date of Exemption No. 1512E. It allows an 8-hour rest period for petitioner's pilots instead of the 10-hour rest required. *Note:* The Exemption (1512F) was granted January 30, 1981, however, comments will be taken under consideration to assist the agency in determining if additional relief is justified.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21015	Ransome Airlines	14 CFR 135.63(c)(9)	To allow petitioner to use a Part 121 operators's computer system without listing crew names or crew positions on the original of the load manifest. *Granted 3/6/81.*
16718	Flight Safety International	14 CFR 61.57(d)(2) 61.58(a)	Renewal of present exemption which permits petitioner's trainees to complete a 24-month pilot-in-command and Category II pilot authorization check in an FAA-approved flight simulator rather than in an airplane. *Granted 2/27/81.*
20420	Altair Airlines, Inc.	14 CFR 65.53(a)	To allow Ms. Cynthia Brown to be issued an aircraft dispatcher certificate before reaching her 23rd birthday. *Denied 2/27/81.*
20236	Mississippi Valley	14 CFR 65.53(a)	To allow Mr. Steven L. Madsen, Flight Controller, to be issued a dispatcher certificate before reaching his 23rd birthday. *Denied 2/27/81.*
20841	United Airlines	14 CFR 65.53(a)	To allow Mr. John C. Mallory to be issued an aircraft dispatcher's certificate prior to reaching his 23rd birthday. *Denied 2/27/81.*
20807	Britt Airways, Inc.	14 CFR 121.61(a)(2)	To permit petitioner to employ Mr. Kerry J. Gambrel as chief inspector without meeting the experience requirements. *Granted 3/3/81.*
15735	Cessna Aircraft Co.	14 CFR 65.81(a) and 145.39(d)	To amend Exemption No. 2263C to include the McCauley Model 700 Series propellers, and extend the exemption which presently applies to the 18-month experience requirements for propeller repairmen. *Granted 3/3/81.*
19910	Canadian Warplane Heritage, Inc.	14 CFR 91.27(a)(1)	To enable certain Canadian-registered aircraft that do not hold an airworthiness certificate to attend various airshows in the U.S. during Calender Year 1981. *Granted 3/3/81.*
20484	Presidential Airways	14 CFR 135.337(b)(2)	To allow, to the extent necessary, the use of a qualified Flight Safety International simulator instructor to serve in the capacity of a check airman without having received the initial pilot and flight instructor ground training under Subpart G of Part 135. *Denied 3/5/81.*
20370	Transamerica Airlines and World Airways	14 CFR 121.693(e)	To allow operations to be conducted without listing all passengers on the load manifest carried in the aircraft. *Withdrawn 3/3/81.*
20037	McDonnell Douglas Corp.	14 CFR portions of Parts 21 and 91	Extension of Exemption No. 2917A which permits petitioner to operate Douglas DC-9 airplane, N1306T, under Part 91 in accordance with the Douglas DC 9 (all models) master minimum equipment list. *Granted 2/27/81.*
20849	Wayne David Kaplan	14 CFR 61.151(a)	To permit petitioner to obtain an Airline Transport Pilot Certificate (ATC) before reaching his 23rd birthday. *Denied 2/27/81.*

[FR Doc. 81-7992 Filed 3-13-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Thomas County, Georgia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Thomas County, Georgia.

FOR FURTHER INFORMATION CONTACT: Joe Wilkerson, Acting Division Administrator, Federal Highway Administration, Suite 700, 1422 West Peachtree Street, N.E., Atlanta, Georgia 30309, telephone (404) 881–4756, or Peter Malphurs, State Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 696–4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on the proposed construction of the North Thomasville Bypass in Thomasville, Georgia. A two lane facility on four lane right-of-way will be constructed on new alignment, beginning at U.S. 84 (S.R. 38) northwest of Thomasville and extending east to U.S. 319 (S.R. 35). The proposed length of the project is approximately 4.8 miles. The proposed work is necessary to reduce congestion in the downtown area and to allow truck traffic to bypass Thomasville.

Alternatives under consideration include: (1) taking no action; and (2) the construction of a tow lane rural facility with open ditches to be constructed on new location.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies. No formal scoping meetings were held on the subject project. However, a public hearing will be held. Public notice wil be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued: March 2, 1981.

Joe Wilkerson,

Acting Division Administrator, Atlanta, Georgia.

[FR Doc. 81-7809 Filed 3-13-81; 8:45 am]
BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

"Energy Efficient Commercial Vehicle Driving"; Contract Briefing; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on March 31, 1981, to present the results of the first phase of a study entitled "Energy Efficient Commercial Vehicle Driving." This study is sponsored by the Joint Industry-Government Voluntary Truck and Bus Fuel Economy Program, managed by the NHTSA and is designed to help fleets design and implement cost/effective driver training and motivation programs to conserve fuel. The program, carried out by the Chilton Company as contractor to the NHTSA, has been effective in reducing fleet fuel consumption by a sustained 10 percent.

The meeting will be held in Room 2230 at the DOT Headquarters Building, 400 Seventh Street, Southwest, from 9:30 to 11:30 a.m. The briefing, to be presented by the Chilton Company, will consist of short overview of the study's findings, a detailed discussion of training and motivation programs to encourage drivers to conserve fuel, and an opportunity for audience questions.

Additional informaiton may be obtained from Dr. John Eberhard, (202 426–4892), the Contract Technical

Manager, or Mr. Hank Seiff, (202 426–4560), Acting Manager of the Voluntary Program.

Issued in Washington, D.C. on March 9, 1981.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 81–7823 Filed 3–13–81; 8:45 am]

BILLING CODE 4910–59–M

"Improved Commercial Vehicle Conspicuity and Signalling Systems"; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on April 2, 1981, to present a progress report on a contracted research study entitled "Improved Commercial Vehicle Conspicuity and Signalling Systems." The objectives of the study are to perform a detailed investigation of the car-into-truck accident problem, to determine to adequacy of Federal Motor Vehicle Standard 108 (Lamps, Reflective Devices, and Associated Equipment), and to develop and test improved lighting and marking systems for heavy-duty commercial vehicles. Improved conspicuity could reduce the number of side and rear collisions of other vehicles into heavy-duty trucks on a favorable cost-benefit ratio.

The meeting will be held at the Howard Johnson Motel, 5990, Green Valley Circle, Culver City, California 90230, telephone: (213) 641–7740, beginning at 9:30 a.m. and will be presented by the contractor, Vector Enterprises, Inc., 1550 Seventeenth Street, Santa Monica, California 90404, telephone: (213) 829–6741. The agenda will consist of a brief overview of the study purpose, a description of the contractor's recommendations for alternative lighting and marking systems for test and evaluation, a tour and demonstration of the contracotr's conspicuity simulation laboratory, and a discussion of the contractor's experimental plan for evaluating the proposed alternative lighting and marking systems. Time will be allotted for audience questions and suggestions concerning the conduct of the study.

Additional information may be obtained from Dr. Charles M. Overbey, Office of Driver and Pedestrian Research, Room 6240, Nassif Building, 400 Seventh Street Southwest, Washington, D.C. 20590, telephone: (202) 755–8753.

Issued in Washington, D.C. on March 9, 1981.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 81–7824 Filed 3–13–81; 8:45 am]

BILLING CODE 4910–59–M

National Highway Safety Advisory Committee; Site Visits

The National Highway Safety Advisory Committee's Task Force on Support for Highway Safety Programs is planning site visits to Albany, New York on April 2 and 3; and Madison, Wisconsin on April 23 and 24. The members will be meeting with State and local officials, public and private organizations, and volunteer groups involved in highway safety issues. The members believe that there is a constituency for highway safety, but that it is coordinated loosely, if at all. Yet the magnitude of the highway safety problem and the potential gains to be realized make it essential that the problem be addressed more effectively than it has been in the past. Representatives of interested organizations will have an opportunity to present their historical perspective and predict the future of highway safety. In addition, the members are interested in what role these organizations play in providing input into State highway safety programs; what type of coordination/cooperation exists among the various groups; and how successful have these groups been in influencing changes in highway safety issues.

The information received from these site visits along with that received from a prior meeting will be compiled into a report with recommendations and presented at the full Committee meeting June 15–17, 1981.

Arrangements for the site visits are being made by the appropriate NHTSA Regional Offices and the States Governors' Highway Safety Representatives.

These site visits are subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C. on March 11, 1981.

Robert E. Doherty,

Assistant Executive Secretary.

[FR Doc. 81–8020 Filed 3–13–81; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 50
Monday, March 16, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1,2
Consumer Products Safety Commission	3
Federal Communications Commission	4-7
Federal Election Commission	8
Federal Energy Regulatory Commission	9,10
Federal Home Loan Bank Board	11
Federal Mine Safety and Health Review Commission	12

1

[M-309, Amdt. 2, March 11, 1981]

CIVIL AERONAUTICS BOARD.

Deletion of items

TIME AND DATE: 9:30 a.m., March 12, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

4. Dockets 38300 and 38323, Notice of Proposed Rulemaking to eliminate the 10 percent limit on charter price increases, and instead require charter operators to disclose a maximum price. (Memo Nos. 330 and 330-A, OGC, BDA, BCCP)

5. Docket 33008, *Transpacific Low Fare Route Investigation;* Dockets 38911, 38941 and 38836, *Application of Continental Air Lines/Air Micronesia, Northwest Airlines, and Transamerica Airlines;* Order Denying Petition. (Memo No. 166-B, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

S-417-81 Filed 3-12-81; 3:32 pm]

BILLING CODE 6320-01-M

2

[M-309, Amdt. 1, March 10, 1981]

CIVIL AERONAUTICS BOARD.

Addition and closure of items.

TIME AND DATE: 9:30 a.m., March 12, 1981. (Closed meeting will follow the 9:30 open meeting).

PLACE: Room 1012, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

17. Negotiations with the Federal Republic of Germany (FRG). Beginning March 16, 1981 in Washington, D.C.

18. Consultations with Taiwan.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-415-81 Filed 3-12-81; 3:32 pm]

BILLING CODE 6320-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 9:30 a.m. Commission Meeting, Wednesday, March 18, 1981.

LOCATION: Third floor hearing room, 1111 18th Street, N.W., Washington, D.C.

STATUS: Part open, part closed to the public.

MATTERS TO BE CONSIDERED: Open to the Public:

1. Alkaline Batteries Petition, HP 80-2. The Commission will consider a petition from Mr. Melvin Alberts requesting the Commission to declare certain Alkaline batteries a banned hazardous substances in accordance with Section 2(q)(1) of the Federal Hazardous Substances Act.

Closed to the Public:

2. Briefing on Toy Enforcement Program. The staff will brief the Commission on its activities in enforcing CPSC's toy safety regulations. (Closed under exemption 10: agency adjudication.)

3. Enforcement Matter (OS# 921). The Commission will consider whether to authorize issuance of a complaint for alleged violation of reporting obligation under section 15(b) of the CPSA. (Closed under Exemption 10).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th St., NW, Washington, DC 20207; Telephone (202) 634-7700.

[S-414-81 Filed 3-12-81; 11:28 am]

BILLING CODE 6355-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

The following Common Carrier items have been deleted at the request of the Common Carrier Bureau, and the Office of the General Counsel from the list of agenda items scheduled for consideration at the March 11, 1981 Open Meeting and previously listed in the Commission's Public Notice of March 4, 1981.

Agenda, Item No., and Subject

Common Carrier—5—*Title:* MCI Services Corp. v. American Telephone and Telegraph Co., *et.al.* (File No. TS 16-76). *Summary:* The Commission will consider a formal complaint filed by MCI Services and a Petition for Declaratory Ruling filed by AT&T. Both deal with interconnection between a "stand-alone" switching system and the public switched telephone network.

Common Carrier—6—*Title:* Complaint by Western Union Telegraph Company against Wiltek, Inc. (File No. TS-4-75). *Summary:* The Commission will consider whether the provision of switching without transmission facilities (i.e., "stand-alone" switching), is subject to common carrier regulation under Title II.

Additional information concerning this meeting may be obtained from Maureen P. Peratino FCC Public Affairs Office telephone number (202) 254-7674.

Federal Communications Commission.
Issued March 10, 1981.

William J. Tricarico,
Secretary.

[S-408-81 Filed 3-12-81; 9:37 am]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

The subject matter listed below was inadvertently omitted from the March 4th Public Notice (No. 07718), which listed the subjects to be considered at the Wednesday, March 11, 1981, Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Private Radio—1—*Title:* Public coast radiotelegraph (Class I) station applications at Arcadia, TX. *Summary:* The FCC will consider disposition of two applications regarding service by public coast radiotelegraph Class I stations. One application submitted by ITT World Communications, Inc., seeks to close a station at Arcadia, TX; and the other application requests authority to operate a new station at the same location.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued March 10, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[S-409-81 Filed 3-12-81; 9:37 am]
BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will consider an aditional item on the subject listed below on Wednesday, March 11, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W. Washington, D.C.

Agenda, Item No., and Subject

Hearing—2—A Petition for Deferral of Oral Argument in the Stereo Broadcasters, Inc., Garden City, New York FM license renewal proceeding (Docket No. 20590).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional informaton concerning this meeting may be obtained from Maureen Peratino FCC Public Affairs Office, telephone number (202) 254-7674.

Issued March 10, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[S-410-81 Filed 3-12-81; 9:38 am]
BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a closed meeting Tuesday, March 31, 1981, for the purpose of issuing instructions to the staff following scheduled oral arguments.

Oral Arguments, which are open to the public are scheduled to start at 9:30 a.m. (with Comparative Renewal proceeding WDRK(FM), for FM Station, Greenville, Ohio Docket Nos. 21267, 78-91, and at 10:30 a.m., followed by Deer Lodge Broadcasting, Inc., Renewal Case KDRG(AM), Deer Lodge, Mont., Docket No. 21398, and at 11:10 a.m., Stereo Broadcasters, Inc., License Renewal Proceeding WLIR(FM), Garden City, N.Y., Docket No. 20590, and at 11:50 a.m., E. Boyd Whitney for Renewal Proceeding for KRZE and KRAZ(FM), Farmington, N.M., Docket NOs 21519-20) in Room 856, at 1919 M Street, NW., Washington, D.C. (See FCC news Mimeo Nos. 07557, 07562, 07539 and 07560.)

The Closed Meeting will take place at the same location after the conclusion of the Oral Arguments.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued March 10, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. S-411-81 Filed 3-12-81; 9:38 am]
BILLING CODE 6712-01-M

8

[FR No. 402]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: March 17, 1981 at 10 a.m.

STATUS: This meeting will be closed to the public.

MEETING PLACE: 1325 K Street, N.W., Washington, D.C.

CHANGE IN MEETING: The following matter has been added to the agenda: Labor Management Relations.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.
[FR Doc. S-413-81 Filed 3-12-81; 2:12 pm]
BILLING CODE 6715-01-M

9

FEDERAL ENERGY REGULATORY COMMISSION.

March 11, 1981.

TIME AND DATE: 10 a.m., March 18, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—693rd Meeting, March 18, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3008, W.P.B. Power, Inc., Project No. 3139, Northern Wasco County People's Utility District
CAP-2. Project No. 3787, City of Lahabra, Calif.
CAP-3 Project No. 3478, Oroville-Wyandotte Irrigation District.
CAP-4. Docket No. EL80-13, State of Hawaii, Department of Land and Natural Resources
CAP-5. Docket No. ER76-819, Central Illinois Light Co.
CAP-6. Docket No. ER80-447, Public Service Co. of Colorado
CAP-7 Docket No. ER80-490, Lockhart Power Co.

Miscellaneous Agenda—693rd Meeting, March 18, 1981, Regular Meeting

CAM-1. Docket No. QF81-12-000, American McGaw Division
CAM-2. Docket No. RM80-31, regulations governing safety of water power projects and project works
CAM-3. Docket No. RM80-56, revision of form No. 2, annual report for natural gas companies (class A and Class B)
CAM-4. Docket No. RA80-1, Ron's Shell; Docket No. RA81-5, First Chance Chevron; Docket Nos. RA81-6-000 and RA81-7-000, Self Serve Chevron and Ron Cromwell Chevron; Docket No. RA81-21-000, Robert Gregory Enterprises

Gas Agenda—693rd Meeting, March 18, 1981, Regular Meeting

CAG-1. Docket Nos. RP81-38-000 and G-11980, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-2. Docket No. RP71-16, Midwestern Gas Transmission Co.
CAG-3. Docket No. RP76-36, Southern Natural Gas Co.
CAG-4. Docket Nos. RP79-22 and RP78-52 (Storage Accounting), Consolidated Gas Supply Corp.
CAG-5. Docket No. CI77-619-003, Exxon Corp.; Docket No. CI81-38-000, N. T. Corp.; Docket No. CI81-74-000, Kerr-McGee Corp.; Docket No. CS81-39-000, Barbara B. Sweeney; Docket No. CS81-38-000, Thomas E. Hickey; Docket No. CS75-396-001, Suburban Propane Exploration Co., Inc.; Docket No. CS80-214, W. Ed Green; Docket Nos. G-11161, et al., Motor Oil & Gas Corp. (successor to McCulloch Oil & Gas Corp.); Docket No. CS75-396-001, Surburban Propane Exploration Co., Inc. (Suburban Propane Gas Corp.); Docket No. CS81-32-000, Paul F. Barnhart, Jr.; Docket Nos. CS75-265, et al., Sanford P. Fagadau, et al.; Docket No. G-3112 and rate schedule No. 35, Exxon Corp., rate schedule No. 48, Texaco Inc.; rate schedule No. 79, Hunt Oil Co.; Docket No. CI81-67-000, Southland Royalty Co.; Docket No. CI81-75-000, Transco Exploration Co.; Docket No. CI81-70-000, Mobil Oil Exploration & Producing Southeast, Inc.
CAG-6. Docket Nos. CI76-315, et al., Dore Corp., et al.; Docket Nos. CI76-421 and CI76-422, Phillips Petroleum Co.

CAG–7. Docket No. G–4579, Cities Service Oil Co. (Operator), et al.
CAG–8. Docket Nos. CP80–250 and CP80–271, United Gas Pipe Line Co.
CAG–9. Docket No. CP81–71–000, Columbia Gas Transmission Corp.
CAG–10. Docket No. CP80–508, The Inland Gas Co., Inc.
CAG–11. Docket No. CP80–574, El Paso Natural Gas Co.
CAG–12. Docket No. CP81–128–000, Great Lakes Gas Transmission Co.
CAG–13. Docket No. CP81–72–000, Columbia Gas Transmission Corp.

Power Agenda—482nd Meeting, March 18, 1981, Regular Meeting

I. Licensed Project Matters

P–1. Docket No. EL79–17, Swan Lumber Co.,
P–2. (a) Docket No. DA–2–South Carolina, U.S. Forest Service, South Carolina Public Service Authority
P–2. (b) Project No. 2114, Public Utility District No. 2 of Grant County, Washington

II. Electric Rate Matters

ER–1. Docket No. ER77–614, Union Electric Co.
ER–2. Docket No. ER78–417, Kentucky Utilities Co.
ER–3. Docket No. ER81–179–000, Arizona Public Service Co.
ER–4. Docket No. EL 80–25, Village of Winnetka, Illinois v. Commonwealth Edison Co.

Miscellaneous Agenda—482nd Meeting, March 18, 1981, Regular Meeting

M–1. Docket No. RM81–2, small power production cogeneration facilities
M–2. Docket No. RM79–52, Implementation of Section 206 of the Public Utility Regulatory Policies Act of 1978, continuance of service
M–3. Reserved
M–4. Reserved
M–5. Docket No. RM81– , Phase II Delegations
M–6. Docket No. RM81– , blanket certificates for pipeline and distributors
M–7. (a) Docket No. RM79–76 (Ohio—1), high cost gas produced from tight formations; (b) Docket No. RM79–76 (Colorado—3), high cost gas produced from tight formations; (c) Docket No. RM79–76 (Colorado—5), high cost gas produced from tight formations
M–8. Docket No. GP81–5–000, United States Geological Survey, South Central Region, Section 108 NGPA determination, Dugan Production Corp., Rachel No. 2 Well, JD81–1589, USGS Docket No. NM–0005–80–ER
M–9. Docket No. Docket No. SA80–17, Peter Cooper Corp.

Gas Agenda—482nd Meeting, March 18, 1981 Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket No. RP72–122 (PGA78–3), Colorado Interstate Gas Co.
RP–2. Docket No. RP79–22 (storage) and RP80–61, Consolidated Gas Supply Corp.

II. Producer Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. Docket No. CP80–405, Panhandle Eastern Pipe Line Co.

Kenneth F. Plumb,
Secretary.

[S–407–81 Filed 3–12–81; 9:30 am]
BILLING CODE 6450–85–M

10

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 16178, March 11, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 13, 1981.

CHANGE IN THE MEETING: The following item has been added:

Item No. Docket No., and Company

(11) IN78–1. United Gas Pipe Line Co.

Kenneth F. Plumb,
Secretary.

[S–413–81 Filed 3–12–81; 10:16 am]
BILLING CODE 6450–85–M

11

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 45 15849, March 9, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, March 12, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open meeting scheduled for Thursday, March 12, 1981:

Service Corporation Activity—California Federal Savings & Loan Association, Los Angeles, California.

[S–412–81 Filed 3–12–81; 10:08 am]
BILLING CODE 6720–01–M

12

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 11, 1981.

TIME AND DATE: 10 a.m., Wednesday, March 18, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Richard Neal v. Wayne Boich d/b/a W.B. Coal Co., Docket No. LAKE 80–105–D. (Petition for Discretionary Review; issues include whether the Administrative Law Judge erred in finding a violation of section 105(c) of the 1977 Mine Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–416–81 Filed 3–12–81; 2:40 am]
BILLING CODE 6820–12–M

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Washin
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Public Ins
Regulation
Special Pr
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FEDERA

14727-14
14885-15
15129-15
15257-15
15491-15
15585-15
15855-16
16099-16
16235-16
16653-16
16877-17

Reader Aids

Federal Register

Vol. 46, No. 50

Monday, March 16, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS	
Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	523-5230
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230
SERVICES	
Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17006	16

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12247 (Revoked by EO 12298) 16879
12296 15129
12297 16877
12298 16879
Proclamations:
4822 14885
4823 15491
Administrative Orders:
Presidential Determinations:
No. 81-2 (Supplemented by No. 81-4 of March 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857
Proposed Rules:
28 15884

5 CFR

550 14887
831 16653

7 CFR

905 16237
907 ..... 15257, 16237
910 ..... 15493, 15864, 16655
907 16238
2024 15493
Proposed Rules:
930 15888
1004 ..... 15713, 16266
1007 16266
1011 16266
1030 16266
1032 16266
1046 16266
1049 16266
1050 16266
1062 16266
1064 16266
1065 16266
1068 ..... 16266, 16669
1071 16266
1073 16266
1076 16266
1079 16266
1094 16266
1096 16266
1097 16266
1098 16266
1099 16266
1102 16266
1104 16266
1106 16266
1108 16266
1120 16266
1126 16266
1131 16266
1132 16266
1138 16266
1139 16690
2851 14899
2859 15512

8 CFR

238 16658

9 CFR

75 15494
Proposed Rules:
308 15512
381 15512

10 CFR

20 16230
35 15683
212 15257
Proposed Rules:
30 15278
40 15278
50 15278
51 15154
70 15278
72 15278
211 15112
376 15484
390 15484

12 CFR

Ch. VII 14887
1 16240
5 16656-16661
8 16663
21 15864
206 16099
216 15864
326 15864
544 16681
546 14727
556 16246
563 14727
563a 15864
748 15864
1204 15131
Proposed Rules:
400 15666
545 15175

14 CFR

39 ..... 14726-14729, 15258, 16247, 16248, 16681-16688

71.....14730–14734
91.....16666, 16688
95.....14735
97.....15259, 16249
121.....15480
Proposed Rules:
Ch. I.....14749, 15278, 15746
21.....16279
39.....15479
71.....15478, 16699–16902
93.....15456
159.....15458

15 CFR

4a.....16251
386.....16669
503.....15496
804.....16692
805.....16692
935.....14741
936.....14741
937.....14741
938.....14741

16 CFR

13.....15261, 15262, 16692
1.....14868
13.....14741
Proposed Rules:
13.....16274

17 CFR

15.....15132, 16255
200.....16255
211.....15496
231.....16670
240.....14868, 15133, 15134, 15496, 15713, 15866
241.....16670
270.....16673
Proposed Rules:
1.....16691
210.....15278
240.....14749, 15178

18 CFR

4.....15873
250.....15874
260.....15878
282.....14742, 15496, 15879, 16256
Proposed Rules:
Ch. I.....15512
Subchapter B.....16903
1.....14751
4.....14751
34.....15513
131.....15513
154.....14899
157.....14899, 16903
250.....14899
260.....14899
271.....16914
375.....16903

19 CFR

353.....15135
355.....16099

21 CFR

5.....16674
73.....15500
81.....15500
175.....16675
177.....16675
193.....16256
430.....15660, 16676
431.....16676
436.....15660, 16676, 16678, 16681
440.....15660, 16681
442.....15660, 16679
444.....16676, 16680, 16681
446.....16681
448.....16681
449.....16681
450.....16681
452.....16678, 16681
540.....14869
561.....14869
564.....14890
Proposed Rules:
109.....15518
110.....15518
193.....15261
225.....15518
226.....15518
452.....16692
500.....15518
509.....15518
872.....15519

22 CFR

Ch. XIV.....16058, 16065
41.....15504
51.....16257

24 CFR

203.....14743, 16693
207.....14743, 16693
213.....16693
220.....14743, 16693
221.....16693
232.....16693
234.....16693
235.....16693
236.....16693
241.....16693
242.....16693
244.....16693
300.....15505

25 CFR

43c.....14890
700.....15720
Proposed Rules:
72.....16916
250.....16916

26 CFR

1.....15262, 15665, 16100
55.....15262
150.....16257
Proposed Rules:
1.....15892
26.....15893

28 CFR

0.....16100
40.....16100
Proposed Rules:
2.....14904

29 CFR

1910.....14897
2200.....14744
2610.....16665
Proposed Rules:
92.....16827

30 CFR

Proposed Rules:
906.....16276

32 CFR

201.....15506
286.....14890
369.....15506
875.....15506

33 CFR

1.....15665
230.....14745

34 CFR

690.....16823

36 CFR

3.....16101
21.....16101
38.....16666

39 CFR

111.....14746, 15263, 15266

40 CFR

52.....15136–15139, 15666, 16687, 16695–16697
55.....15666
81.....14891, 14892, 15140, 16258
86.....15666, 16258, 16259
122.....16697
162.....15104
180.....14894, 15122–15125
264.....16697
265.....16697
761.....16090
Proposed Rules:
Ch. I.....16916
51.....16280
52.....15180, 15181, 15284, 15743, 16280
60.....14905
81.....15744, 15744
86.....15893, 16917
180.....15181, 15182, 15285, 16917
192.....16278
430.....15287
431.....15287
761.....16096
763.....14905

41 CFR

1–4.....16102
101–35.....16102
101–36.....16102
101–40.....14894

42 CFR

110.....15141

43 CFR

20.....16897
Public Land Orders:
5797.....15506
5798.....15506
5799.....15506
5802.....15506
5804.....15506
5805.....15506
5806.....15506
5809.....15506
5810.....15506
5812.....15506
5814.....15506
5817.....15506
5818.....15506
5819.....15506
5821.....15506
5824.....15506
5825.....15506
5826.....15506
5827.....15506
5828.....15506
5830.....15506
5831.....15506
5832.....15506
5833.....15506
5834.....15506
5836.....15506
5837.....15506
5838.....15506
5839.....15506
5840.....15506
5841.....15506
5842.....15506
5844.....15506
5845.....15506
5846.....15506
5848.....15506
5849.....15506
5860.....15506
5861.....15506
5862.....15506
5863.....15506
5854.....15506
5855.....15506

44 CFR

64.....15267, 15269
65.....15142
Proposed Rules:
60.....16692
67.....14907, 15183, 15287, 16282

45 CFR

1060.....15270
1357.....14895
1612.....16267

46 CFR

3.....15746
14.....15746
24.....15746
188.....15746
189.....15746

47 CFR

2.....15146, 15690
73.....15147–15151, 15271, 15707, 15709–15711, 16268
81.....15690
83.....15690
90.....15152, 15273
97.....15146
Proposed Rules:
Ch. I.....14907, 15184, 15296, 16692
0.....15297
22.....15749
25.....15754
73.....15754, 15756, 15757
81.....15297
83.....14754, 15297
73.....15184–15186, 15298
90.....16104

49 CFR
Proposed Rules:
31 16918

49 CFR
1003 16200
1006 16209
1033 ..... 14895, 14896, 15507
1039 15509
1056 16200
1132 15509
1240 15860
1243 15861
1310 16200
1322 16200
1331 ..... 15277, 16102

Proposed Rules:
23 16262
1048 16106
1056 16225
1057 15300
1206 15302
1207 15302

50 CFR
611 16103
652 15510
Proposed Rules:
230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing February 13, 1981

The list of agency billing codes assigned by the Government Printing Office follows:

Department	Billing Code
Management Improvement, Presidents' Council	6325-01
Marine Mammal Commission	6820-31
Merit Systems Protection Board	7400-01, 7400-02
Metric Board, U.S.	6820-94
Metric Policy Interagency Committee	6820-94
Mississippi River Commission	3710-GX
National Aeronautics and Space Administration	7510-01
National Agenda for the Eighties	3110-01
National Alcohol Fuels Commission	6820-AN
National Capital Planning Commission	7520-01
National Commission on Social Security	6820-AC
National Commission on Unemployment Compensation	4510-27
National Communications System	3510-05
National Consumer Cooperative Bank	4810-25
National Credit Union Administration	7535-01
National Endowment for the Arts	7537-01
National Endowment for the Humanities	7536-01
National Labor Relations Board	7545-01
National Mediation Board	7550-01
National Railroad Passenger Corporation	0000-00
National Science Foundation	7555-01
National Security Agency/Central Security Service	3810-70
National Transportation Safety Board	4910-58
Navaho and Hopi Indian Relocation Commission	4310-HB
Neighborhood Reinvestment Corporation	
New England River Basins Commission	3410-01
Nuclear Regulatory Commission	7590-01
Nuclear Safety Oversight Commission	6820-01
Occupational Safety and Health Review Commission	7600-01
Oceans and Atmosphere National Advisory Committee	3510-12
Ohio River Basin Commission	3410-01
Overseas Private Investment Corporation	3210-01
Panama Canal Commission	3640-01
Peace and Conflict Resolution, Commission on Proposals for National Academy	4000-01
Pennsylvania Avenue Development Corporation	7630-01
Pension Benefit Guaranty Corporation	7708-01
Pension Policy, President's Commission	6820-99
Personnel Management Office	6325-01
Postal Rate Commission	7715-01
Postal Service	7710-12
Radiation Policy Council	6560-01
Railroad Retirement Board	7905-01
Railway Association, U.S.	8240-01
Regulatory Council	3194-01
Science and Technology Policy Office	3170-01
Securities and Exchange Commission	8010-01
Select Commission on Immigration and Refugee Policy	6820-AR
Selective Service System	8015-01
Sinai Support Mission	4710-10
Small Business Administration	8025-01
Small Business Conference Commission	8025-01
Smithsonian Institution	6820-03
State Department:	
Office of the Secretary	4710-01, 4710-05, 4710-06, 4710-07, 4710-08, 4710-09, 4710-10, 4710-11, 4710-12, 4710-15, 4710-16, 4710-17, 4710-18, 4710-19, 4710-20
Susquehanna River Basin Commission	7040-01
Synthetic Fuels Corporation	6450-01
Technology Assessment Office	1630-01
Tennessee Valley Authority	8120-01
Thrift Institutions Study, Interagency Task Force	4810-27
Trade Representative, Office of U.S	3190-01
Transportation Department:	
Coast Guard	4910-14
Federal Aviation Administration	4910-09, 4910-13
Federal Highway Administration	4910-22
Federal Railroad Administration	4910-06
Materials Transportation Bureau, Research and Special Programs Administration	4910-60
National Highway Traffic Safety Administration	4910-59
Office of the Secretary	4910-62
St. Lawrence Seaway Development Corporation	4910-61
Urban Mass Transportation Administration	4910-57
Treasury Department:	
Alcohol, Tobacco and Firearms Bureau	4810-31
Central Services Office	4810-27
Comptroller of the Currency	4810-33
Customs Service	4810-22
Engraving and Printing Bureau	4810-34
Federal Law Enforcement Training Center	4810-32
Fiscal Service	4810-35, 4810-40
Foreign Assets Control Office	4810-25
Government Financial Operations Bureau	4810-35
Internal Revenue Service	4830-01
Mint Bureau	4810-37
Office of the Secretary	4810-25
Public Debt Bureau	4810-40
Revenue Sharing	4810-38
Savings Bonds Division	4810-41
Secret Service	4810-42
Uniformed Services University of the Health Sciences	3810-70
Upper Mississippi River Basin Commission	8410-02
U.S. Courts	2210-01
Veterans Administration	8320-01
Vice President	3196-01
Wage and Price Stability Council	3175-01
Water Resources Council	8410-01
White House Fellowships, Presidents' Commission	6325-01
White House Office	3195-01
Women, President's Advisory Committee	4510-23

The list of agency billing codes assigned by the Government Printing Office follows:

Department	Billing Code
Environmental Protection Agency—Continued	
Environmental Review Office	6560-37
Noise Program	6560-27
Pesticides	6560-32
Radiation	6560-28
Regional Offices	6560-38
Research and Development	6560-35
Science Advisory Board	6560-34
Solid Waste Management	6560-30
Toxic Substances Office	6560-26
Toxics	6560-31
Water Program	6560-29
Environmental Quality Council	3125-01
Equal Employment Opportunity Commission	6570-06
Ethical Problems in Medicine and Biomedical and Behavioral Research, President's Commission for the Study of	6820-AV
Executive, Legislative, and Judicial Salaries Commission	6820-BA
Export-Import Bank of the U.S.	6690-01
Farm Credit Administration	6705-01
Federal Communications Commission	6712-01
Federal Deposit Insurance Corporation	6714-01
Federal Election Commission	6715-01
Federal Emergency Management Agency	6718-01
Disaster Response and Recovery	6718-02
Federal Insurance Administration	6718-03
Fire Administration, U.S.	6718-04
Federal Financial Institutions Examination Council	6722-01
Federal Home Loan Bank Board	6720-01
Federal Home Loan Mortgage Corporation	6720-02
Federal Labor Relations Authority	6727-01
Federal Maritime Commission	6730-01
Federal Mediation and Conciliation Service	6732-01
Federal Mine Safety and Health Review Commission	6820-12
Federal Pay Advisory Committee	6820-43
Federal Prevailing Rate Advisory Committee	6325-01
Federal Register Office	1505-02
Federal Reserve System	6210-01
Federal Service Impasses Panel	6727-01
Federal Trade Commission	6750-01
Fine Arts Commission	6330-01
Foreign Claims Settlement Commission	6770-01
General Accounting Office	1610-01
General Services Administration:	
Acquisition Policy Office	6820-61
Administrator's Office	6820-34
Automated Data and Telecommunications Service	6820-25
Data Systems Office	6820-37
Federal Property Resources Service	6820-96
Federal Register Office	1505-02
Federal Supply Service	6820-24
General Counsel	6820-38
Inspector General's Office	6820-82
National Archives and Records Service	6820-26
Personnel Office	6820-30
Public Building Service	6820-23
Transportation and Public Utility Service	6820-AM
Government Printing Office	1505-01
Great Lakes Basin Commission	8415-01
Harry S Truman Scholarship Foundation	6115-02
Hazardous Substances Export Policy, Interagency Working Group	3510-35
Health and Human Services Department:	
Alcohol, Drug Abuse, and Mental Health Administration	4110-88
Center for Disease Control	4110-86
National Institute for Occupational Safety and Health	4110-87
Food and Drug Administration	4110-03
Health Care Financing Administration	4110-35
Health Resources Administration	4110-83
Health Services Administration	4110-84
Human Development Services Office	4110-92
National Institutes of Health	4110-08
Office of the Secretary	4110-12
Public Health Service:	
Assistant Secretary for Health	4110-85
Social Security Administration	4110-07
Historic Preservation Advisory Council	4310-10
Holocaust, President's Commission	4310-70
Housing and Urban Development Department	4210-01
Immigration and Refugee Policy Select Commission	6820-AR
Information Security Oversight Office	6820-AP
Inter-American Foundation	7025-01
Interagency Coordinating Council	6450-01
Interagency Regulatory Liaison Group	6560-01
Interagency Testing Committee	6560-31
Intergovernmental Relations Advisory Commission	6115-01
Interior Department:	
Fish and Wildlife Service	4310-55
Geological Survey	4310-31
Heritage Conservation and Recreation Service	4310-03
Indian Affairs Bureau	4310-02
Land Management Bureau	4310-84
Micronesian Status Negotiation Office	4310-56
Mines Bureau	4310-53
National Park Service	4310-70
Office of the Secretary	4310-10
Reclamation Bureau	4310-09
Solicitor's Office	4310-17
Surface Mining Reclamation and Enforcement Office	4310-05
Territorial Affairs Office	4310-93
Water and Power Resources Service	4310-09
Water Research and Technology Office	4310-49
Young Adult Conservation Corps	4310-HJ
International Boundary and Water Commission, U.S. and Mexico	4710-03
International Broadcasting Board	6155-01
International Communication Agency	8230-01
International Convention Advisory Commission	4310-88
International Development Cooperation Agency	4710-02
Agency for International Development	4710-02
International Joint Commission, U.S. and Canada	4710-14
International Labor Organization, President's Committee	4510-28
International Trade Commission	7020-02
Interstate Commerce Commission	7035-01
Japan-U.S. Economic Relations Group	6820-AT
Japan-U.S. Friendship Commission	6820-96
Joint Board for the Enrollment of Actuaries	4810-25
Justice Department	4410-01
Drug Enforcement Administration	4410-09
Federal Bureau of Investigation	4410-02
Immigration and Naturalization Service	4410-10
Law Enforcement Assistance Administration	4410-18
Justice Assistance, Research, and Statistics Office	4410-18
Justice Statistics Bureau	4410-18
National Institute of Justice	4410-18
National Institute of Corrections	4410-36
Prisons Bureau	4410-05
Labor Department:	
Employment and Training Administration	4510-30
Employment Standards Administration	4510-27
Wage and Hour Division	4510-27
Executive Secretariat	4510-64
Federal Contract Compliance Programs Office	4510-27
International Labor Affairs Bureau	4510-28
Labor Management Relations Office	4510-29
Labor Management Standards Enforcement Office	4510-23
Labor-Management Services Administration	4510-29
Labor Statistics Bureau	4510-24
Management Services Administration	4510-29
Mine Safety and Health Administration	4510-43
Occupational Safety and Health Administration	4510-26
Office of the Secretary	4510-23
Administrative Law Judges	4510-30
Audit and Investigations	4510-21
Information Office	4510-22
Pension and Welfare Benefit Programs	4510-29
Legal Services Corporation	6820-35
Libraries and Information Science, National Commission	7527-01
Library of Congress	1410-01
Cable TV	1410-08
Copyright Office	1410-03
Jukebox	1410-07
Lowell Historic Preservation Commission	4310-KD
Management and Budget Office	3110-01
Federal Procurement Policy Office	3110-01

BILLING PROCEDURES FOR AGENCIES

As part of the billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

BILLING CODE: 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

Department	*Billing Code*
ACTION	6050-01
Actuaries, Joint Board for Enrollment	4810-25
Administration Office, Executive Office of the President	3115-01
Administrative Committee of the Federal Register	1505-02
Administrative Conference of the United States	6110-01
Aging, Federal Council	4110-92
Agriculture Department:	
Agricultural Marketing Service	3410-02
Agricultural Research Service	3410-03
Agricultural Stabilization and Conservation Service	3410-05
Animal and Plant Health Inspection Service	3410-34
Budget, Planning, and Evaluation Office	3410-90
Commodity Credit Corporation	3410-05
Contract Appeals Board	3410-25
Economics, Statistics, and Cooperatives Service	3410-18
Energy Office	3410-73
Environmental Quality Office	3410-HP
Equal Opportunity Office	3410-95
Farmers Home Administration	3410-07
Federal Crop Insurance Corporation	3410-08
Federal Grain Inspection Service	3410-EN
Food and Nutrition Service	3410-30
Food Safety and Quality Service	3410-DM
Foreign Agricultural Service	3410-10
Forest Service	3410-11
General Sales Manager Office	3410-21
Inspector General's Office	3410-23
Management Staff	3410-FW
Office of the Secretary	3410-01
Operations Office	3410-98
Personnel Office	3410-96
Rural Electrification Administration	3410-15
Safety and Health Management Office	3410-FV
Science and Education Administration	3410-03
Soil Conservation Service	3410-16
Transportation Office	3410-GS
Air Quality National Commission	6820-98
Alaska Natural Gas Transportation System, Office of the Federal Inspector for	6820-AW
Arms Control and Disarmament Agency	6820-32
American Battle Monuments Commission	6120-01
Architectural and Transportation Barriers Compliance Board	4000-07
Blind and Other Severely Handicapped, Committee for Purchase from	6820-33
Central Intelligence Agency	6310-02
Chrysler Corporation Loan Guarantee Board	4810-27
Civil Aeronautics Board	6320-01
Civil Rights Commission	6335-01
Commerce Department:	
Census Bureau	3510-07
Economic Analysis Bureau	3510-06
Economic Development Administration	3510-24
Foreign Trade Zones Board	3510-25
Industrial Economics Bureau	3510-30
International Trade Administration	3510-25
Maritime Administration	3510-15
Minority Business Development Agency	3510-21
National Bureau of Standards	3510-13
National Oceanic and Atmospheric Administration	3510-12
Coastal Zone Management	3510-08
National Marine Fisheries Service	3510-22
National Technical Information Service	3510-04
National Telecommunications and Information Administration	3510-60
Office of the Secretary	3510-BP
3510-BR, 3510-BS, 3510-BT, 3510-BV, 3510-BW, 3510-BX, 3510-BY, 3510-CD, 3510-17, 3510-19, 3510-36	
Patent and Trademark Office	3510-16

Department	*Billing Code*
Commerce Department—Continued	
Science and Technology Office	3510-18
Textile Agreements Implementation Committee	3510-25
Travel Service, U.S	3510-11
Commodity Futures Trading Commission	6351-01
Community Services Administration	6315-01
Consumer Product Safety Commission	6355-01
Copyright Royalty Tribunal	1410-01
Defense Department:	
Air Force Department	3910-01
Army Department	3710-05, 3710-06, 3710-92
Engineers Corps	3710-06
Alaska District	3710-NL
Albuquerque District	3710-KK
Baltimore District	3710-41
Buffalo District	3710-GP
Chicago District	3710-HN
Cincinnati District	3710-85
Dallas District	3710-ML
Detroit District	3710-GA
Fort Worth District	3710-FR, 3710-GE
Galveston District	3710-GK
Hawaii District	3710-NN
Huntington District	3710-GM
Jacksonville District	3710-AJ
Kansas City District	3710-KN
Little Rock District	3710-GL
Los Angeles District	3710-KF
Louisville District	3710-JB
Memphis District	3710-KS
Mobile District	3710-CR
Nashville District	3710-GF
New England District	3710-94
New Orleans District	3710-84
New York District	3710-06
Norfolk District	3710-EN
North Central, Chicago District	3710-FT
Omaha District	3710-62
Philadelphia District	3710-GR
Sacramento District	3710-GH
St. Louis District	3710-GS
St. Paul District	3710-CY
San Francisco District	3710-PS
Savannah District	3710-HP
Seattle District	3710-GB
Tulsa District	3710-39
Vicksburg District	3710-GX 3710-PU
Walla Walla District	3710-GC
Wilmington District	3710-GN
Navy Department	3810-70
JAG	3810-71
Defense Communications Agency	3810-05
Defense Intelligence Agency	3810-70
Defense Investigative Service	3810-70
Defense Logistics Agency	3820-01
Defense Mapping Agency	3810-70
Defense Nuclear Agency	3810-70
Defense Supply Agency	3810-70
Delaware River Basin Commission	6360-01
Depository Institutions: Deregulation Committee	6210-01
Economic Advisers Council	3120-01
Economic Opportunity, National Advisory Council	6820-42
Education Department	4000-01
Museums Services Institute	4000-02
National Institute of Education	4000-05
Employment Policy, National Commission	4510-30
Endangered Species Committee	4310-10
Energy Department	6450-01
Federal Energy Regulatory Commission	6450-85
Environmental Protection Agency	6560-26
Administrator's Staff	6560-36
Enforcement	6560-38

3-17-81
Vol. 46 No. 51
Pages 17009-17186

federal register

Tuesday
March 17, 1981

Highlights

17009 **National Poison Prevention Week, 1981** Presidential proclamation

17023 **Energy** DOE/FERC proposes to revise its Rules of Practice and Procedure which govern the conduct of Commission proceedings; comments by 6-1-81

17071 **Grant Programs—Construction** Commerce/MBDA seeks applications under its program to operate one Regional Construction Services Project for a twelve month period beginning 7-1-81; apply by 4-17-81

17016 **Postal Service** PS publishes final international express mail rates; effective 3-22-81

17063 **Biological Products** HHS/FDA extends comment period until 5-18-81 regarding biologics regulations governing the review and classification of certain biological products

17064 **Cargo Rates** FMC publishes proposal prescribing the rate of interest to be granted as part of reparation awards in cargo misrating cases; comments by 5-13-81

17178 **Securities** Treasury/Sec'y announces auction of Series P-1983 notes

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

17066 **Commercial Grain Elevator** USDA/ASCS request comments by 4–15–81 on bankruptcy grain elevator issue

17022 **Farm Credit** FCA publishes for comment a proposed amendment to its regulation concerning the disposition of obsolete records; comments by 5–18–81

Privacy Act Documents

17074 DOD
17136 FEMA

17180 **Sunshine Act Meetings**

Separate Part of This Issue

17185 **Part II, OMB**

V 46 / 51 MAR 17 1981 UMI

Contents

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 1981

The President
PROCLAMATIONS
17009 National Poison Prevention Week, 1981 (Proc. 4824)

Executive Agencies

Actuaries, Joint Board for Enrollment
NOTICES
Meetings:
17164 Actuarial Examinations Advisory Committee

Agricultural Stabilization and Conservation Service
NOTICES
17066 Bankruptcy grain elevator issue; inquiry

Agriculture Department
See Agricultural Stabilization and Conservation Service; Forest Service.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
17141 April

Civil Aeronautics Board
PROPOSED RULES
Accounts and reports for certificated air carriers; uniform system:
17022 Lobbying and institutional advertising expenditures; exclusions; proceedings terminated
NOTICES
Hearings, etc.:
17067 Air Berlin USA fitness investigation
17067 Former large irregular air service investigation
17067 New Gateways to Brazil case
17067 Roanoke, Charlottesville, Danville, etc.; essential air transportation
17066 Texas International Airlines, Inc.; acquisition of control of Continental Air Lines, Inc.
17067 Trans World Airlines additional points Akron/Canton-Youngstown proceeding
17068 White Plains subpart Q proceeding

Commerce Department
See also International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration.
NOTICES
Laboratory Accreditation Program, National Voluntary:
17073 Solid fuel room heaters

Consumer Product Safety Commission
NOTICES
17180 Meetings; Sunshine Act

Customs Service
NOTICES
Trade name recordation applications:
17177 American Machine & Tool Co., Inc.

Defense Department
NOTICES
17074 Privacy Act; systems of records

Economic Regulatory Administration
NOTICES
Consent orders:
17076 Mapco Inc.
Natural gas exportation and importation petitions:
17077 Tennessee Gas Pipeline Co. et al.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
17075 Nevada Power Co.

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
17019 Florida
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
17020 Acephate
17021 O,O-Dimethyl *S*-((4-oxo-1,2,3,-benzotriazin-3(4*H*)-yl)methyl) phosphorodithioate)
Pesticides; tolerances in animal feeds:
17015 Amitraz
Pesticides; tolerances in food:
17015 Fluridone
NOTICES
Pesticides; emergency exemption applications:
17131 Nemacur 3 EC
Pesticides; experimental use permit applications:
17130 Dow Chemical Co. et al.
Pesticides; tolerances in animal feeds and human food:
17130 Monsanto Co.
Toxic and hazardous substances control:
17129 Premanufacture exemption applications

Farm Credit Administration
RULES
Organization and functions:
17011 District board members; level of compensation
PROPOSED RULES
17022 Disposition of obsolete records

Federal Communications Commission
PROPOSED RULES
Radio broadcasting:
17065 AM stereophonic broadcasting; special relief; extension of time
NOTICES
17134 FM broadcast applications accepted for filing and notification of cut-off date
Hearings, etc.:
17132 Channel 24 Christian Television, Inc., et al.

Meetings:
•17136 International Telegraph and Telephone Consultative Committee
17132 Radio Broadcasting Advisory Committee

Federal Emergency Management Agency
NOTICES
17136 Privacy Act; systems of records

Federal Energy Regulatory Commission
PROPOSED RULES
Practice and procedure:
17023 Commission proceedings; conduct
NOTICES
Hearings, etc.:
17088 Bay State Gas Co.
17078, 17089 Blachy-Lane Cooperative Electric Association (2 documents)
17089 Black Marlin Pipeline Co.
17090 Cities Service Gas Co.
17090 Columbia Gas Transmission Corp.
17091 Continental Hydro Corp. et al.
17092 Dam Three Development Ltd.
17092 Enagenics
17079 Farmington, N. Mex.
17093 Fitchburg Gas & Electric Light Co.
17094 Fuls, Jack M., et al.
17079 Hydro Development Investigation Guidance Committee
17080 Indiana & Michigan Electric Co.
17080 Iowa-Illinois Gas & Electric Co.
17081 Kansas Gas & Electric Co.
17081 Kansas-Nebraska Natural Gas Co., Inc.
17081 MIGC, Inc.
17082 Minnesota Power & Light Co.
17082 Mountain Fuel Resources, Inc., et al.
17082, 17083 Mountain Fuel Supply Co. (2 documents)
17094 Northern Natural Gas Co.
17083 Northern States Power Co.
17084 Northwest Pipeline Corp
17084 Otter Tail Power Co.
17084 Pumpkin Hill Power Co.
17085 Southern Union Gathering Co.
17085 Stanfield Irrigation District et al.
17086 Tennessee Gas Pipeline Co.
17087 Transwestern Pipeline Co.
17087 Union Light, Heat & Power Co.
17087 United Gas Pipe Line Co.
17095 Young, Richard Charles and George Robert Young
Natural Gas Policy Act of 1978:
17096-17122 Jurisdictional agency determinations (5 documents)

Federal Home Loan Bank Board
NOTICES
17180 Meetings; Sunshine Act

Federal Maritime Commission
PROPOSED RULES
Practice and procedure:
17064 Reparation proceedings; interest rates
NOTICES
17137, 17138 Agreements filed, etc. (2 documents)

Federal Reserve System
NOTICES
Applications, etc.:
17140 Colbert Bancshares, Inc.
17140 First International Bancshares, Inc.
17140 First National Bancshares of Eunice, Inc.
17141 Madison Lake Bancorporation, Inc.
17141 Pedernales Investment Corp.
17141 Pikes Peak National Co.
17139 Republic of Texas Corp.
Bank holding companies; proposed de novo nonbank activities:
17139 Citicorp
17139 Citicorp et al.

Food and Drug Administration
PROPOSED RULES
Biological products:
17063 Reclassification procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended, or suggested conditions of use; extension of time
Medical devices:
17063 Mandatory device experience reporting; correction
Medical devices, gastroenterology-urology; classification:
17063 Hemodialysis systems and accessories; correction
17063 Hemodialyzers with disposable inserts (Kill type); correction
17064 High permeability hemodialysis systems; correction
17064 Penile inflatable implants; correction
17064 Urodynamics measurement system; correction
NOTICES
Human drugs:
17143 Single-entity barbiturates; class labeling guideline; correction
Medical devices:
17145 BBL Sceptor System; premarket approval
17144 Weicon (tefilcon) hydrophilic contact lens; premarket approval
Meetings:
17142 Advisory committees, panels, etc.
17144 Tomato juice; identity standards deviation; temporary permits for market testing

Forest Service
NOTICES
Environmental statements; availability, etc.:
17066 Gunnison National Forest, Oh-Be-Joyful Wilderness Study Area, Colo.

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Human Development Services Office.

Human Development Services Office
NOTICES
Meetings:
17146 Child Abuse and Neglect Advisory Board

Interior Department
See National Park Service.

International Trade Administration
RULES
Countervailing duties:
17014 Footwear from Korea
NOTICES
Antidumping:
17069 Roller chain, other than bicycle, from Japan
Countervailing duty petitions and preliminary determinations:
17068 Bicycle tires and tubes from Korea
Meetings:
17071 Electronic Instrumentation Technical Advisory Committee

International Trade Commission
NOTICES
17180 Meetings; Sunshine Act (2 documents)

Interstate Commerce Commission
PROPOSED RULES
Practice and procedure:
17065 Oil pipeline matters; termination of applicability by FERC; cross reference
NOTICES
Motor carriers:
17147 Finance applications
17148–17162 Permanent authority applications (6 documents)
Railroad services abandonment:
17146 Burlington Northern, Inc.
17147 Chicago & North Western Transportation Co.

Justice Department
NOTICES
Pollution control; consent judgments:
17164 Philadelphia Coke Co.
17164 Sun Oil Co. of Pennsylvania

Labor Department
See also Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
17169 Alongi Oldsmobile, Inc.
17171 Apex Handbags et al.
17170 Bernel Foam Products Co.
17171 Boise Cascade Corp.

Management and Budget Office
NOTICES
17185 Cost principles for nonprofit organizations (A–122); corrections (2 documents)

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
17165 Fraily Coal Co.

Minority Business Development Agency
NOTICES
17071 Financial assistance application announcements

National Aeronautics and Space Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
17172 Space and Terrestrial Applications Steering Committee
Meetings:
17172 Advisory Council

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
17072 Knie, Gebruder
17072 Marine World Africa USA
Meetings:
17072 North Pacific Fishery Management Council; amendment
17073 South Atlantic Fishery Management Council
Procurement:
17073 Publications distribution; commercial or industrial activities and service contracts; cost comparison review; date changes

National Park Service
NOTICES
Meetings:
17146 Gateway National Recreation Area Advisory Commission

National Science Foundation
NOTICES
Meetings:
17173 Advisory Council (2 documents)

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
17174 South Carolina Electric & Gas Co. et al.
17174 Tennessee Valley Authority
17175 Vermont Yankee Nuclear Power Corp.
Meetings:
17173 Meteorological factors of emergency preparedness-nuclear power facilities; functional criteria for emergency response facilities

Occupational Safety and Health Administration
NOTICES
State plans; development, enforcement, etc.:
17165 Iowa

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transactions:
17168 Bernhard Associates Co., Inc.
17166 Hastings Construction Co., Inc.
17169 Smith & Schnacke Retirement Plan

Personnel Management Office
NOTICES
Meetings:
17175 Private Voluntary Agency Eligibility Committee

Postal Rate Commission
NOTICES
Mail classification schedules:
17176 Basic reform schedule; conference
Post office closing; petitions for appeal:
17175 Dalton, Ark.

Postal Service
RULES
International mail:
17016 Argentina et al.; express mail rates; and implementation of on demand international express mail service with France

Securities and Exchange Commission
RULES
Investment companies:
17011 Transactions with affiliated persons; exemption
NOTICES
Self-regulatory organizations; unlisted trading privileges:
17176 Boston Stock Exchange, Inc.

State Department
NOTICES
International conferences:
17177 Private-sector representatives on U.S. delegations; list

Treasury Department
See also Customs Service.
NOTICES
Treasury, Notes:
17178 P-1983 series

U.S. Railway Association
NOTICES
17180, 17181 Meetings; Sunshine Act (2 documents)

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
17071 Electronic Instrumentation Technical Advisory Committee, Washington, D.C., 4-7-81

FEDERAL COMMUNICATIONS COMMISSION
17132 Radio Broadcasting and its Technical and Allocations Subgroups Advisory Committee, Washington, D.C., 4-7-81
17136 U.S. Organization For the International Telegraph and Telephone Consultative Committee (CCITT), Study Group A, Washington, D.C., 3-25-81

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
17141 Community Alcoholism Services Review Committee, Rockville, Md., 4-1 through 4-6-81
17141 Mental Health Small Grant Review Committee, Washington, D.C., 4-6 through 4-9-81
17142 The Treatment and Rehabilitation Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Rockville, Md., 4-7-81
Food and Drug Administration—
17142 Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, Washington, D.C., 4-13-81
17142 Endocrinologic and Metabolic Drugs Advisory Committee, Rockville, Md., 4-6 and 4-7-81
Human Development Services Office—
17146 Child Abuse and Neglect Advisory Board, Milwaukee, Wis., 4-6 and 4-7-81

INTERIOR DEPARTMENT
National Park Service—
17146 Gateway National Recreation Area Advisory Commission, New York, N.Y., 3-30-81

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES
17164 Acturial Examinations Advisory Committee, Chicago, Ill., 4-14-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
17172 NASA Advisory Council (NAC), Washington, D.C., 4-3-81

NUCLEAR REGULATORY COMMISSION
17173 Meteorological Factors of Emergency Preparedness—Nuclear Power Reactors, Functional Criteria for Emergency Response Facilities, 5-5, 5-6, and 5-8-81

NATIONAL SCIENCE FOUNDATION
17173 NSF Advisory Council, Steering Committee, Washington, D.C., 3-30-81
17173 NSF Advisory Council, Task Group #16, Washington, D.C., 3-27-81

PERSONNEL MANAGEMENT OFFICE
17175 Private Voluntary Agency Eligibility Committee, Washington, D.C., 3-26-81

POSTAL RATE COMMISSION
17176 Presiding Officer's Notice Scheduling Conference, Washington, D.C., 3-19-81

HEARINGS

CIVIL AERONAUTICS BOARD
17066 Acquisition of Control of Continental Air Lines, Inc. by Texas International Airlines, Inc., 3-20-81
17067 New Gateways to Brazil Case, 4-22-81

ENERGY DEPARTMENT
Federal Energy Regulatory Commission—
17023 Rules of Practice and Procedure which govern the conduct of Commission proceedings, 5-19-81

NUCLEAR REGULATORY COMMISSION
17174 South Carolina Electric and Gas Co. and South Carolina Public Service Authority, 4-7-81
17175 Tennessee Valley Authority (Browns Ferry Nuclear Plant Unit Nos. 1, 2 and 3), 4-10-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4824 17009

12 CFR
611 17011
Proposed Rules:
618 17022

14 CFR
Proposed Rules:
241 17022

17 CFR
270 17011

18 CFR
Proposed Rules:
1 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 17023
12 17023
16 17023
25 17023
32 17023
33 17023
35 17023
41 17023
131 17023
152 17023
153 17023
154 17023
156 17023
157 17023
158 17023
250 17023
270 17023
271 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 17023
385 17023
388 17023

19 CFR
355 17014

21 CFR
193 17015
561 17015
Proposed Rules:
20 17063
601 17063
803 17063
876 (5 documents) ... 17063–17064

39 CFR
10 17016

40 CFR
52 17019
180 (2 documents) ... 17020, 17021

46 CFR
Proposed Rules:
502 17064

47 CFR
Proposed Rules:
73 17065

49 CFR
Proposed Rules:
1100 17065

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Federal Re
Vol. 46, N
Tuesday, M

Title 3—

The Pr

[FR Doc. 81-
Filed 3-16-8
Billing code

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 1981

Presidential Documents

Title 3—

The President

Proclamation 4824 of March 13, 1981

National Poison Prevention Week, 1981

By the President of the United States of America

A Proclamation

The care and protection of children is a primary responsibility of all parents. This task should not be taken lightly because the stakes are high and, often, irreversible. Such is the case when dealing with poisons and other potentially hazardous material.

Thanks to child-protection packaging and greater awareness of parents, in the past two decades we have witnessed a reduction in the accidental poisoning of children. While progress has been made, we must remain vigilant. The death of even one child due to the ingesting of poison is too many.

A tragedy involving any family's child is a tragedy for us all. Parents around the Nation should be keenly aware that the danger of accidental poisoning knows no boundary and that only parental attention to the hazards around them will protect their children from needless suffering and possible death. Even heightened community awareness, even new safety packaging, even new laws on the books are less important than strict parental supervision when avoiding a tragedy from the misuse or abuse of common pharmaceutical and household products.

By Joint Resolution on September 26, 1961 (75 Stat. 681, 36 U.S.C. 165) Congress requested that the President issue an annual proclamation designating the third week in March as National Poison Prevention Week, to alert the American people to the problems of accidental poisoning among children and urge preventive measures for their solution.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 15, 1981, as National Poison Prevention Week.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-8348
Filed 3-16-81; 8:45 am]
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AGENCY:

ACTION: F

SUMMARY
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Rules and Regulations

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Compensation of District Board Members

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA) publishes an amendment to its regulations pertaining to the level of compensation of district board members. FCA regulations currently provide that district board members may be compensated at a maximum rate of $125 per day. Six Farm Credit districts have requested that district director per diem be raised and at its December meeting the Policy Coordinating Committee, an advisory body within the Farm Credit System composed of district directors, recommended that the Federal Farm Credit Board increase district director per diem to a maximum level of $200. The Board received the recommendation of the Policy Coordinating Committee and directed FCA to prepare the appropriate regulations change. Since these regulations reflect only agency policy, procedure and practices concerning organization of the Farm Credit Administration, the Board found that proposed rulemaking is not required nor necessary to the public interest.

EFFECTIVE DATE: March 17, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578 (202–755–2161).

Chapter VI of Title 12 of the Code of Federal Regulations is amended in Part 611 as follows:

PART 611—ORGANIZATION

§ 611.1020 is revised to read as follows:

§ 611.1020 Compensation of district board members.

Directors may be compensated for attendance at board meetings and special assignments, including reasonable travel time from and to their residences. Such compensation shall not exceed $200 per day plus reasonable travel, actual subsistence, and other related expenses incurred in connection with such meetings and assignments. Compensation at the regular per diem rate for normal travel time to and from board meetings and special assignments, when the distance and meeting or special assignment schedule involved require travel on any portion of the day prior to or following the meeting or special assignment date, may be allowed on a full-day basis, or on a part of a full-day basis in increments of half-days, as authorized in a policy established by the board. Travel time in excess of one full-day may be permitted under unusual conditions if provided for in the policy of the board.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,
Governor.

[FR Doc. 81–8077 Filed 3–16–81; 8:45 am]
BILLING CODE 6705–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC–11676; S7–832]

Exemption of Certain Purchase or Sale Transactions Between a Registered Investment Company and Certain Affiliated Persons Thereof

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is adopting an amendment to a rule under the Investment Company Act of 1940 to exempt from section 17(a) of the Act, provided that certain conditions are satisfied, the purchase or sale of certain securities between registered investment companies which are affiliated persons, or affiliated persons of affiliated persons, of each other, or between a registered investment company and a person, which is an affiliated person of such company (or an affiliated person of such person) solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common officers, and/or common directors. Absent this amendment, such a transaction would be permissible only upon the issuance, pursuant to an application, of an exemptive order by the Commission.

EFFECTIVE DATE: March 10, 1981.

FOR FURTHER INFORMATION CONTACT:
Arthur J. Brown, Chief (202–272–2048) or Paul F. Roye, Esq. (202–272–3014), Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission today is adopting an amendment to rule 17a–7 [17 CFR 270.17a–7] under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–1 et seq.] to exempt from section 17(a) of the Act [15 U.S.C. 80a–17(a)] certain purchase or sale transactions between registered investment companies which are affiliated persons, or affiliated persons of affiliated persons, of each other, or between a registered investment company and a person which is an affiliated person of such company (or an affiliated person of such person) solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common officers, and/or common directors. The background of section 17(a) and rule 17a–7, and the reasons for proposing to amend rule 17a–7 are discussed thoroughly in Investment Company Act Release No. 11136 (April 21, 1980) [45 FR 29067, May 1, 1980]. Persons interested in more detailed discussions of the various conditions of the proposed amendment to rule 17a–7 should refer to that release.

In response to its request for comments, the Commission received and considered 9 letters. As a result of considering the comments, the Commission has determined to adopt the rule as proposed, subject to the following modifications.

First, the exemption has been made available to any investment company and a person which is an affiliated person of such investment company solely because their investment advisers are affiliated persons of each other. Several commentators pointed out that certain corporate complexes have two or more investment advisers, which may themselves be under common control. Their clients, including registered investment companies, may be deemed to be affiliated persons of one another under a theory of common control. Thus, any purchase or sale transaction where one of the participants is an investment company could be prohibited by section 17(a) of the Act. Since these circumstances appear to involve little more than a variation in corporate structure, the Commission has determined to amend rule 17a-7 so that it will apply also to an investment company and affiliated persons in a multiple-adviser corporate complex.

Second, the introductory paragraph of the proposed rule exempts transactions between separate series of a registered investment company.[1] Since there appears to be no policy reason for a distinction to be made between a complex of investment companies and separate series of a single investment company with respect to the affiliated transactions authorized by the rule, the rule has been modified. The revised language of the rule clarifies that a purchase or sale transaction could be effected between a separate series of an investment company and another investment company or other enumerated affiliated persons.[2]

The Commission has also determined to modify the principal market standard in paragraph (b) of the proposed amendment to rule 17a-7 for determining the independent current market price of securities sold pursuant to the rule. The Commission is of the view that paragraph (b) should be revised to reflect the development of the consolidated transaction reporting system ("Consolidated System") contemplated by rule 11Aa3-1 under the Securities Exchange Act of 1934 [17 CFR 240.11Aa3-1].[3] The rule retains the basic standards incorporated into the proposed amendment to rule 17a-7 to determine the independent current market price of securities sold pursuant to the rule. However, rather than categorizing the securities covered by the rule as securities traded on a national securities exchange or in the over-the-counter market, the securities are categorized as securities reported in the Consolidated System [4] and securities that are not reported in the Consolidated System.

If the security is a "reported security," the "current market price" is the last sale price with respect to such security reported in the Consolidated System prior to the proposed transaction or the average of the highest current independent bid and lowest current independent offer for such security (reported pursuant to rule 11Ac1-1 under the Exchange Act [17 CFR 240.11Ac1-1]) if there are no reported transactions in the Consolidated System that day. If the security is not a reported security and the principal market for such security is an exchange, the "current market price" is the last sale on such exchange or the average of the highest current independent bid and lowest current independent offer on such exchange if there are no reported transactions on such exchange that day. Where the security is not a reported security and is quoted in the NASDAQ System, the "current market price" is the average of the highest current independent bid and lowest independent offer reported on Level 1 of NASDAQ. For all other securities, the "current market price" is the average of the highest current independent bid and lowest current independent offer determined on the basis of reasonable inquiry. Since questions have been raised about the language of the proposed rule regarding the uncertainty involved in determining the "independent current market price" for all securities, paragraph (b) of the rule imposes a reasonable inquiry standard for determining the "independent current market price" for certain securities sold pursuant to the rule other than reported securities and non-reported securities whose principal market is on an exchange or quoted in the NASDAQ System.

The amended rule, provided that its conditions are fulfilled, exempts from the prohibition of section 17(a) of the Act any purchase or sale of certain securities (1) between registered investment companies or separate series of registered investment companies, which are affiliated persons, or affiliated persons of affiliated persons, of each other, (2) between separate series of a registered investment company, or (3) between a registered investment company or a separate series of a registered investment company and a person which is an affiliated person of such registered investment company (or affiliated person of such person) solely by reason of their having a common investment adviser or investment advisers which are affiliated persons of each other, common directors, and/or common

[1] For purposes of rule 18f-2 [17 CFR 270.18F-2], a series company is a registered open-end investment company which, in accordance with the provision of section 18(f)(2) of the Act [15 U.S.C 80a-18(f)(2)], issues two or more classes or series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series. The individual series of such company are, for all practical purposes, separate investment companies. Each series of stock represents a different group of stockholders with an interest in a segregated portfolio of securities. *See* Investment Company Act Release No. 7276 (August 8, 1972) [37 FR 17386, August 26, 1972]. It appears that each series may be viewed as a company controlled by the same investment adviser, directors and officers and therefore series of the same investment company would be affiliated persons of each other. (Section 2(a)(3) [15 U.S.C 80a-2(a)(3)] defines the term "company" as "a fund or any organized group of persons whether incorporated or not.") Therefore, section 17(a) would be applicable to transactions involving the purchase or sale of securities between series of a single registered investment company.

[2] Paragraph (c) of the rule provides that the transactions executed pursuant to the rule must be consistent with the policy of each registered investment company as recited in its registration statement and reports filed under the Act. Since various series of an investment company may have different investment policies, paragraph (c) of the rule has been changed to also indicate that each transaction under the rule must be consistent with the investment policy of each series of an investment company participating in the transaction.

[3] *See* Securities Exchange Act Release No. 16589 (February 19, 1980) (adopting rule 11Aa3-1) [45 FR 12377, February 29, 1980].

[4] Rule 11Aa3-1 under the Exchange Act [15 U.S.C 78a et seq.] defines a "reported security" as any listed equity security or non-listed national market system security for which a transaction reporting plan with respect to transactions in such security is required to be filed pursuant to the rule. The rule further defines a "listed equity security" as any equity security listed and registered, or admitted to unlisted trading privileges, on a national securities exchange. A "non-listed national market system security" is defined as any security or class of securities which (i) is designated as qualified for trading in a national market system pursuant to section 11A(a)(2) of the Exchange Act [15 U.S.C 78K-1(a)(2)] and the procedures established thereunder, and (ii) is not a listed equity security. As a general matter, reported securities include: (1) any common stock, long term warrant or preferred stock registered or admitted to unlisted trading privileges on either the American ("Amex") or New York ("NYSE") Stock Exchanges, (2) any common stock, long term warrant, or preferred stock registered on any exchange or admitted to unlisted trading privileges thereon which substantially meets either Amex or NYSE listing requirements and (3) any right to acquire any of the securities described in (1) and (2) which are traded on the same exchange as the eligible securities. In addition, the Commission recently has adopted rule 11Aa2-1 under the Exchange Act [17 CFR 240.11Aa2-1] and related amendments to rule 11Aa3-1 which will require, as of February 1, 1982, that last sale reports be provided for a limited number of actively traded over-the-counter securities. *See* Securities Exchange Act Release No. 17349 (February 17, 1981). Accordingly, once those securities are subject to mandatory transaction reporting, transactions in such securities covered by rule 17a-7 will be subject to the pricing restrictions applicable to securities included in the Consolidated System.

officers.[5] The rule is conditioned upon the requirements that the transaction involve a security for which market quotations are readily available and that the transaction be effected at the independent current market price of such security. The rule also requires the transaction to be consistent with the policy of each registered investment company participating in the transaction, and it requires that no brokerage commission or other remuneration be paid in connection with the transaction. However, because the Division of Investment Management will not hereafter individually review these transactions, the rule requires the directors of an investment company, including a majority of the directors who are not interested persons[6] of the investment company, to adopt procedures which are reasonably designed to ensure that all the rule's requirements have been met and to review these procedures at least annually for their continuing appropriateness.[7] Moreover, the rule requires that, at least quarterly, the investment company's directors determine whether transactions effected pursuant to the rule have satisfied the procedures which the directors have established. Finally, the rule includes certain recordkeeping requirements so that the Commission may monitor, through its inspection program, the experience of investment companies with the rule.

Several commentators recommended that rule 17a–7 be expanded to permit the sale of securities for which market quotations are not readily available. By limiting the purchases or sales authorized under rule 17a–7 to securities for which market quotations are readily available and requiring the transactions to be effected at the independent current market price for such security, the Commission believes the potential for abuse would be remote. Reliance upon such market quotations provides an independent basis for determining that the terms of the transaction are fair and reasonable to each participating investment company and do not involve overreaching. If the rule were expanded to include securities for which market quotations are not readily available, the independent basis for determining the value of securities would be eliminated. Thus, the Commission does not believe it would be appropriate presently to make the proposed change. However, since a "current market price" can be determined for many of the securities—such as certain government securities, certificates of deposit and bankers' acceptances—held by investment companies because there is an active secondary market for these securities, the amendment to rule 17a–7 should assist in the execution of intra-complex securities transactions.

Additionally, if the rule were to allow a fund's board of directors to determine that purchases and sales of debt securities could be effected at amortized cost, as was suggested by several commentators, the impact of market factors subsequent to the date each such debt security was initially purchased might not be considered. Factors such as changes in interest rates can affect the fair value of the securities. If this valuation were permitted for registered open-end management investment companies, an investor purchasing or redeeming shares could pay or receive more or less than the actual value of his proportionate share of the fund's current net assets.[8] The effect of such sales or redemptions may result in unfair dilution of the assets and returns of existing shareholders. Thus, reliance on a valuation method that does not directly take into account the market impact upon the value of securities for purposes of the rule would appear to undermine the independent basis for determining the fairness of the transaction. Accordingly, the Commission views the utilization of amortized cost valuation as incompatible with the theory upon which the exemption in rule 17a–7 is predicated. However, the Commission would be interested in receiving additional comments from interested persons as to how the purchase or sale of securities, particularly money market instruments, for which market quotations are not readily available could be included within the scope of rule 17a–7 in a manner which would provide an independent and valid basis for determining the fair value of such securities. Such comments should address alternative methods by which the fair value of such securities could be established and what factors are relevant in determining whether a particular method accurately reflects fair value. In this respect, such comments would assist the Commission in determining whether it would be appropriate for the Commission to provide any additional guidance on the valuation of debt securities by investment companies.

Authority, Effective Date

The Commission amends rule 17a–7 under the Act pursuant to the provisions of sections 6(c) [15 U.S.C. 80a–6(c)] and 38(a) [15 U.S.C. 80a–37(a)] of the Act. Because the rulemaking is exemptive in nature, the foregoing action becomes effective immediately [15 U.S.C. 553(d)(1)].

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Text of Amended Rule

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by revising the subject heading and text of § 270.17a–7 as follows:

§ 270.17a–7 Exemption of certain purchase or sale transactions between an investment company and certain affiliated persons thereof.

A purchase or sale transaction between registered investment companies or separate series of registered investment companies, which are affiliated persons, or affiliated persons of affiliated persons, of each other, between separate series of a registered investment company, or between a registered investment company or a separate series of a registered investment company and a person which is an affiliated person of such registered investment company (or affiliated person of such person) solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common directors, and/or common officers, is exempt from section 17(a) of the Act; *Provided*, That:

(a) The transaction is a purchase or sale, for no consideration other than cash payment against prompt delivery of

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[5] The rule does not represent a Commission finding that investment companies having common officers, directors or investment advisers are always affiliated persons or affiliated persons of an affiliated person. They may or may not be, depending on the facts. The rule enables the parties to go forward without resolving that question if the requirements of the rule are met.

[6] The term "interested person" is defined in section 2(a)(19) of the Act [15 U.S.C. 80a–2(a)(19)].

[7] The Board of directors may delegate to a directorial committee or other persons associated with the investment company the drafting task of preparing recommended procedures to be considered by the board as a whole. Of course, the board is responsible for any procedures that it ultimately chooses. Moreover, in considering any recommendations in the course of making such a determination the board should request from the initial draftsmen and evaluate such information as may reasonably be necessary to determine if the procedures would comply with the requirements of paragraph (e)(1) of the rule. *Compare* sections 15 (a) and (c) of the Act [15 U.S.C. 80a–15 (a) and (c)] [procedures for directors approving an investment advisory contract]. *See Burks v. Lasker*, 441 U.S. 471, n. 10 (1979) [minimum Federal fiduciary standards apply to decisions which investment company directors may be called upon to make].

[8] *See* Investment Company Act Release No. 9786 (May 31, 1977) [42 FR 28999, June 7, 1977]; Accounting Series Release No. 118 [December 23, 1970].

a security for which market quotations are readily available;

(b) The transaction is effected at the independent current market price of the security. For purposes of this paragraph the "current market price" shall be:

(1) If the security is a "reported security" as that term is defined in rule 11Aa3–1 under the Securities Exchange Act of 1934 [17 CFR 240.11Aa3–1], the last sale price with respect to such security reported in the consolidated transaction reporting system ("consolidated system") or the average of the highest current independent bid and lowest current independent offer for such security (reported pursuant to rule 11Ac1–1 under the Securities Exchange Act of 1934 [17 CFR 240.11Ac1–1]) if there are no reported transactions in the consolidated system that day; or

(2) If the security is not a reported security, and the principal market for such security is an exchange, then the last sale on such exchange or the average of the highest current independent bid and lowest current independent offer on such exchange if there are no reported transactions on such exchange that day; or

(3) If the security is not a reported security and is quoted in the NASDAQ System, then the average of the highest current independent bid and lowest current independent offer reported on Level 1 of NASDAQ; or

(4) For all other securities, the average of the highest current independent bid and lowest current independent offer determined on the basis of reasonable inquiry;

(c) The transaction is consistent with the policy of each registered investment company and separate series of a registered investment company participating in the transaction, as recited in its registration statement and reports filed under the Act;

(d) No brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with the transaction;

(e) The board of directors of the investment company, including a majority of the directors who are not interested persons of such investment company, (1) adopts procedures pursuant to which such purchase or sale transactions may be effected for the company, which are reasonably designed to provide that all of the conditions of this section in paragraphs (a) through (d) have been complied with, (2) reviews no less frequently than annually such procedures for their continuing appropriateness, and (3) determines no less frequently than quarterly that all such purchases or sales made during the preceding quarter were effected in compliance with such procedures; and

(f) The investment company (1) maintains and preserves permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph (e) of this section, and (2) maintains and preserves for a period not less than six years from the end of the fiscal year in which any transactions occurred, the first two years in an easily accessible place, a written record of each such transaction setting forth a description of the security purchased or sold, the identity of the person on the other side of the transaction, the terms of the purchase or sale transaction, and the information or materials upon which the determinations described in paragraph (e)(3) of this section were made.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 10, 1981.

[FR Doc. 81-8078 Filed 3-16-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Countervailing Duties, Footwear From the Republic of Korea; Final Results of Administrative Review and of Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review and of revocation of countervailing duty order.

SUMMARY: On December 31, 1980, the Department of Commerce published a notice of "Preliminary Results of Administrative Review and Tentative Determination To Revoke" with respect to the countervailing duty order on footwear from Korea. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral comments. The Department received no comments. Therefore, the Department of Commerce is revoking the order on the grounds that net subsidies have been *de minimis* for at least two years. The table in Part 355, Annex III of the Commerce Regulations is amended to reflect this revocation.

EFFECTIVE DATE: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2786).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 9, 1976, a notice of "Final Countervailing Duty Determination" with respect to footwear from the Republic of Korea was published in the **Federal Register** as Treasury Decision 76–13 (41 FR 1588). On December 31, 1980, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order (45 FR 85804).

Scope of the Review

Imports covered by this review are rubber and non-rubber footwear. "Rubber footwear" is that which is either: (1) over 50 percent by weight of rubber or plastics; or (2) over 50 percent by weight of a combination of fibers with rubber or plastics, with at least 10 percent by weight of rubber or plastics. Such footwear is currently classifiable under items 700.51, 700.52, 700.53, 700.54 and 700.58 (both formerly 700.55), and 700.60, Tariff Schedules of the United States (TSUS). "Non-rubber footwear" covers all other footwear classifiable under Part 1, Subpart A, of Schedule 7 of the TSUS. The review is based upon information for the period January 1977 through December 1979.

The programs found countervailable in the Final Determination were: (1) preferential short-term export financing, (2) special tax benefits provided to enterprises located in the Masan Free Trade Zone, (3) tax benefits resulting from the inclusion in loss accounts of reserve funds for losses accruing from overseas activities, and (4) accelerated depreciation of machinery and equipment utilized for export production. The preliminary results of the review specified that no firm received a net subsidy of more than 0.3 percent per annum for over a two year period. This level is considered to be *de minimis*. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

As a result of the review, we conclude that the imported merchandise has not benefitted from a net subsidy for at least the two-year period specified in section 355.42 of the Commerce Regulations (19 CFR 355. 42). As further required by this

section, the concerned manufacturers and exporters have agreed in writing to an immediate suspension of liquidation and, if appropriate, reinstatement of the order if circumstances develop which indicate that the imported merchandise benefits from a net subsidy. Therefore, the Department revokes the countervailing duty order concerning footwear from Korea (T.D. 76-13) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after December 31, 1980. In addition, the Department will instruct Customs officers to proceed to liquidate all unliquidated entries from January 1, 1980 to December 31, 1980 without regard to countervailing duties.

Part 355, Annex III [Amended]

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Korea" by deleting from the column headed "Commodity," the word "Footwear"; from the column "Treasury Decision," the number "76-13"; and from the column headed "Action," the words "Bounty declared."

This revocation, administrative review, and notice are in accordance with sections 751(a)(1),(c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1),(c)) and sections 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 12, 1981.

[FR Doc. 81-8201 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5202/T63; PH-FRL 1780-7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Fluridone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a food additive regulation related to the experimental use of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)-phenyl]-4(1*H*)-pyridinone) in lakes and ponds. This extension was requested by Elanco Products Co. This rule will permit the use of fluridone in potable water while further data are collected on the pesticide.

EFFECTIVE DATE: Effective on March 17, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 28, 1980 (45 FR 57391) that a regulation had been established for residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluromethly)-phenyl]-4(1H)-pyridinone) in lakes and ponds at 0.01 part per million (ppm). This regulation was requested by Elanco Products Co., A Division of Eli Lilly and Co., PO Box 1750, Indianapolis, IN 46206.

The regulation was established in conjunction with an experimental use program (1471-EUP-67) that was submitted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136). Under the experimental use permit, fishing, swimming, drinking, or other use of the treated pond water was restricted for 150 days after application.

Elanco Products Co. has requested a 2-year extension of the temporary food additive regulation to permit continued testing to obtain additional data.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being extended concurrently under FIFRA. The pesticide is considered useful for the purpose for which the tolerance is sought. Accordingly, the food additive regulation permitting residues of fluridone with a limitation of 0.01 ppm is extended as set forth below.

Any person adversely affected by this regulation may, on or before April 16, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M ST. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Effective date: March 17, 1981.

Dated: March 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by revising § 193.219 to read as follows:

§ 193.219 Fluridone.

A tolerance of 0.01 part per million is established for residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)-phenyl]-4(1H)-pyridinone) in potable water. Such residues may be present therein only as a result of application of the herbicide fluridone to lakes and ponds under the experimental use program which expires June 1, 1983. This program is to be conducted by Elanco Products Co. Residues remaining in potable water after June 1, 1983 will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and the food additive tolerance.

[FR Doc. 81-8097 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

21 CFR Part 561

[FAP 5H5091/T62; PH FRL 1781-3]

Tolerances for Pesticides in Animal Feed Administered by the Environmental Protection Agency; Amitraz

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends a feed additive regulation related to an experimental use permit for the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl) imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N'*-(2,4-dimethylphenyl)formamide in citrus pulp resulting from application of the insecticide to growing grapefruit, lemons, oranges, and tangerines in accordance with an experimental use permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This regulation establishes a feed additive tolerance of 7 parts per million (ppm).

EFFECTIVE DATE: Effective on March 17, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E–303, 401 M St. SW., Washington, D.C. 20460, (202–426–2635).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of September 9, 1975 (40 FR 41773), that Upjohn Co., Kalamazoo, MI 49001 had filed a feed additive petition (FAP 5H5091) with the EPA. The petition established a feed additive regulation for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl)formamide in citrus pulp at 3 parts per million resulting from application of the insecticide to growing grapefruit, lemons, oranges, and tangerines in accordance with experimental use permit 1023–EUP–35.

Based on the information submitted in the original petition, the tolerance has been increased to 7 parts per million. A related document (PP5G1623/T283A) amending temporary tolerances for residues of the insecticide in or on grapefruits, lemons, oranges, tangerines, by establishing tolerances for the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm has been issued.

Any person adversely affected by this regulation may, on or before April 16, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the OMB requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Effective on: March 17, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: March 12, 1981.

Edwin L. Johnson,

Deputy Assistant Adminstrator for Pesticide Programs.

Therefore, Part 561 of 21 CFR is amended by revising § 561.195 to read as follows:

§ 561.195 Amitraz.

A temporary tolerance is established for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl)formamide in citrus pulp at 7 parts per million resulting from application of the insecticide to grapefruits, lemons, oranges, and tangerines. Such residues may be present therein only as a result of application of the insecticide in an experimental use program that expires July 17, 1981. Residues not in excess of this tolerance remaining after the expiration of this experimental use program will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and the feed additive tolerance.

[FR Doc. 81-8274 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-38-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates

AGENCY: Postal Service.

ACTION: Final international express mail rates.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service revises and generally increases all International Express Mail rates as indicated in the tables below.

EFFECTIVE DATE: March 22, 1981.

FOR FURTHER INFORMATION CONTACT: Martin R. Anker (202) 245–4418.

SUPPLEMENTARY INFORMATION: On February 6, 1981, the Postal Service published for comment in the Federal Register, 46 FR 11296, a notice proposing revised rates of postage for International Express Mail Service as well as a new On Demand Service with France. The notice invited written data, views, or arguments concerning the rates and new service. However, no comments were received. Accordingly, the Postal Service adopts without change the rates of postage for International Express Mail set out in the following tables (designated Tables 1 through 17 for inclusion as separate country entries in the International Mail Manual, incorporated by reference 39 CFR 10.1).

The Postal Service does not intend to institute On Demand Service with France at this time.

(39 U.S.C. 401, 403, 404(2), 407, 410(a), Universal Postal Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

In consideration of the foregoing, the Postal Service revises Tables 1 through 17 of the International Mail Manual to read as follows which are incorporated by reference in 39 CFR 10.1:

Table 1.—*Argentina International Express Mail*

Custom Designed Service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$26.00	1	$20.00
2	31.70	2	23.70
3	36.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 2.—*Australia International Express Mail*

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$29.00	1	$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00

Table 2.—*Australia International Express Mail*—Continued

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
8	80.50	8	82.50
9	85.00	9	87.00
10	89.50	10	91.50
11	74.00	11	96.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50
27	146.00	27	138.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.50	32	160.50
33	173.00	33	165.00

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 3.—*Belgium International Express Mail*

Custom Designed Service [1] [2]	
Up to and including (Pounds)	Rate
1	$28.00
2	31.70
3	35.40
4	39.10
5	42.80
6	46.50
7	50.20
8	53.90
9	57.60
10	61.20
11	65.05
12	68.70
13	72.40
14	76.10
15	79.80
16	83.50
17	87.20
18	90.90
19	94.60
20	98.30
21	102.00
22	105.70
23	109.40
24	113.10
25	116.80
26	120.50
27	124.20
28	127.90
29	131.60
30	135.30
31	139.00
32	142.70
33	146.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 4.—*Bermuda International Express Mail*

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$26.00	1	$16.00
2	27.30	2	19.30
3	28.60	3	20.60
4	29.90	4	21.90
5	31.20	5	23.20
6	32.50	6	24.50
7	33.80	7	25.80
8	35.10	8	27.10
9	36.40	9	28.40
10	37.70	10	29.70
11	39.00	11	31.00
12	40.30	12	32.30
13	41.60	13	33.60
14	42.90	14	34.90
15	44.20	15	36.20
16	45.50	16	37.50
17	46.80	17	38.80
18	48.10	18	40.10
19	49.40	19	41.40
20	50.70	20	42.70
21	52.00	21	44.00
22	53.30	22	45.30
23	54.60	23	46.60
24	55.90	24	47.90
25	57.20	25	49.20
26	58.50	26	50.50
27	59.80	27	51.80
28	61.10	28	53.10
29	62.40	29	54.40
30	63.70	30	55.70
31	65.00	31	57.00
32	66.30	32	58.30
33	67.60	33	59.60

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 5.—*Brazil International Express Mail*

Custom Designed Service [1] [2]			
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$29.00	26	$141.50
2	33.50	27	146.00
3	38.00	28	150.50
4	42.50	29	155.00
5	47.00	30	159.50
6	51.50	31	164.00
7	56.00	32	168.50
8	60.50	33	173.00
9	65.00	34	177.50
10	69.50	35	182.00
11	74.00	36	186.50
12	78.50	37	191.00
13	83.00	38	195.50
14	87.50	39	200.00
15	92.00	40	204.50
16	96.50	41	209.00
17	101.00	42	213.50
18	105.50	43	218.00
19	110.00	44	222.50
20	114.50	45	227.00
21	119.00	46	231.50
22	123.50	47	236.00
23	128.00	48	240.50
24	132.50	49	245.00
25	137.00	50	249.50

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 6.—*Canada International Express Mail*

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$26.00	1	$16.00
2	27.30	2	19.30
3	28.60	3	20.60
4	29.90	4	21.90
5	31.20	5	23.20
6	32.50	6	24.50
7	33.80	7	25.80
8	35.10	8	27.10
9	36.40	9	28.40
10	37.70	10	29.70
11	39.00	11	31.00
12	40.30	12	32.30
13	41.60	13	33.60
14	42.90	14	34.90
15	44.20	15	36.20
16	45.50	16	37.50
17	46.80	17	38.80
18	48.10	18	40.10
19	49.40	19	41.40
20	50.70	20	42.70
21	52.00	21	44.00
22	53.30	22	45.30
23	54.60	23	46.60
24	55.90	24	47.90
25	57.20	25	49.20
26	58.50	26	50.50
27	59.80	27	51.80
28	61.10	28	53.10
29	62.40	29	54.40
30	63.70	30	55.70
31	65.00	31	57.00
32	66.30	32	58.30
33	67.60	33	59.60
34	68.90	34	60.90
35	70.20	35	62.20
36	71.50	36	63.50
37	72.80	37	64.80
38	74.10	38	66.10
39	75.40	39	67.40
40	76.70	40	68.70
41	78.00	41	70.00
42	79.30	42	71.30
43	80.60	43	72.60
44	81.90	44	73.90

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 7.—*People's Republic of China International Express Mail*

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$29.00	1	$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50

Table 7.—*People's Republic of China International Express Mail*—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
27	148.00	27	136.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.50	32	160.50
33	173.00	33	165.00

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 8.—*France International Express Mail*

CUSTOM DESIGNED SERVICE [1] [2]

Up to and including (Pounds)	Rate
1	$28.00
2	31.70
3	35.40
4	39.10
5	42.80
6	46.50
7	50.20
8	53.90
9	57.60
10	61.30
11	65.00
12	68.70
13	72.40
14	76.10
15	79.80
16	83.50
17	87.20
18	90.90
19	94.60
20	98.30
21	102.00
22	105.70
23	109.40
24	113.10
25	116.80
26	120.50
27	124.20
28	127.90
29	131.60
30	135.30
31	139.00
32	142.70
33	146.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 9.—*Federal Republic of Germany International Express Mail*

CUSTOM DESIGNED SERVICE [1] [2]

Up to and including (Pounds)	Rate
1	$27.00
2	29.90
3	32.80
4	35.70
5	38.60
6	41.50
7	44.40
8	47.30
9	50.20
10	53.10
11	56.00
12	58.90
13	61.80
14	64.70
15	67.60
16	70.50
17	73.40
18	76.30
19	79.20
20	82.10
21	85.00
22	87.90
23	90.80
24	93.70
25	96.60
26	99.50
27	102.40
28	105.30
29	108.20
30	111.10
31	114.00
32	116.90
33	119.80

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 10.—*Hong Kong International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 11.—*Japan International Express Mail*

CUSTOM DESIGNED SERVICE [1] [2]

Up to and including (pounds)	Rate
1	$29.00
2	33.50
3	38.00
4	42.50
5	47.00
6	51.50
7	56.00
8	60.50
9	65.00
10	69.50

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 12.—*Republic of Korea International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 13.—*Netherlands International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30

Table 13.—*Netherlands International Express Mail*—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.80 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 14.—*Singapore International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$29.00	1	$21.00
2	33.50	2	25.80
3	38.00	3	30.60
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50
27	146.00	27	138.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.50	32	160.50
33	173.00	33	165.00

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.80 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 15.—*Switzerland International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.80 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 16.—*Switzerland International Express Mail*—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.80 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 18.—*Taiwan International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.80 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 17.—*United Kingdom International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$27.00	1	$19.00
2	29.00	2	21.00
3	32.80	3	24.80
4	35.70	4	27.70
5	38.60	5	30.60
6	41.50	6	33.50
7	44.40	7	36.40
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	53.80
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	82.80
24	93.70	24	85.70
25	96.60	25	88.60
26	99.50	26	91.50
27	102.40	27	94.40
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.80 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 81-8042 Filed 3-16-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1776-2]

Approval and Promulgation of Implementation Plans, Prevention of Significant Deterioration of Air Quality: Partial Delegation of Authority to the State of Florida; Address Change

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Certain provisions of the Clear Air Act authorize the Administrator of the Environmental Protection Agency (EPA) to delegate his authority to implement and enforce the Prevention of Significant Deterioration of Air Quality (PSD) regulations to any State which has submitted adequate implementation and enforcement procedures. At 46 FR 1204, February 2, 1981, a notice was published announcing a partial delegation of authority to the

State of Florida. Under the partial delegation of PSD authority, EPA will continue to issue and enforce PSD permits for sources in Florida but the State will process and evaluate the applications for permits. This document makes address changes for the implementation of the technical and administrative portions of the PSD program.

EFFECTIVE DATE: October 27, 1980.

ADDRESSES: This amendment provides that all reports, requests, applications, submittals, and communications required for the delegated review will now be sent to the following address instead of to EPA's Region IV office: Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT:

Archie Lee, Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-3043 (FTS 257-3043).

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for forgoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective October 27, 1980 and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations. This rulemaking is effective immediately and is issued under authority of sections 101, 110, and 301 of the Clean Air Act (42 U.S.C. 7401, 7410, and 7601).

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sections 101, 110, and 301 of the Clear Air Act (42 U.S.C. 7401, 7410, and 7601))

Dated: January 20, 1981.

John A. Little,

Acting Regional Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart K—Florida

1. In § 52.520, paragraph (c) is amended by adding subparagraph (26) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(26) Request for delegation of authority for PSD submitted on September 22, 1980, by the Department of Environmental Regulation.

2. § 52.530 is amended by adding a new paragraph (c) as follows:

§ 52.530 Significant deterioration of air quality.

* * * * *

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Florida shall be submitted to the Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

[FR Doc. 81-8187 Filed 3-16-81, 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PP OE2323/R295; PH-FRL 1778-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Acephate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite methamidophos (*O,S*-dimethyl phosphoramidothioate) in or on mint hay at 15 parts per million (ppm) (of which not more than 1 ppm is methamidophos). This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation establishes the maximum permissible level for residues of acephate in or on mint hay.

EFFECTIVE DATE: March 17, 1981.

ADDRESSES: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 3, 1980 (45 FR 72708) that the Interregional Research Project No. 4 (IR-4) had submitted a pesticide petition (PP OE2323) to the EPA. The petition proposed that a tolerance be established for residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite methamidophos (*O,S*-dimethyl phosphoramidothioate) in or on the raw agricultural commodity mint hay at 15 ppm (of which not more than 1 ppm is methamidophos). No comments or request for referral to an advisory committee were received by the agency in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before April 16, 1981 file written objections with the Hearing Clerk, EPA, Rm. M-3708; (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

For regulations exempted from the Order:

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Effective on: March 17, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: February 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by inserting the following entry for "mint hay" in § 180.108 to read as follows:

§ 180.108 Acephate; tolerances for residues.

* * * * *

15 parts per million (of which no more than 1 ppm is *O, S*-dimethyl phosphoramidothioate) in or on mint hay.

[FR Doc. 81-8100 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP 8E2123/R300; PH-FRL 1760-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; O,O.-Dimethyl S-[(4-OXO-1,2,3-Benzotriazin-3 (4H)-YL) Methyl] Phosphorodithioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the insecticide *O,O*-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4H)methyl] phosphorodithioate) in or on birdsfoot trefoil and birdsfoot trefoil hay. This regulation was requested by the Interregional Research Project No. 4 (IR-4). This rule establishes the maximum permissible level for residues of *O,O*-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl] phosphorodithioate) on birdsfoot trefoil at 2 parts per million (ppm) and birdsfoot trefoil hay at 5 ppm.

EFFECTIVE DATE: Effective on March 17, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS-707C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 28, 1980 (45 FR 79119) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903 has submitted a pesticide petition 8E2123 to the EPA. The petition proposed that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish tolerances for residues of the insecticide *O,O*-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(*4*)-yl)methyl]phosphorodithioate in or on birdsfoot trefoil at 2 parts per million (ppm) and birdsfoot trefoil hay at 5 ppm.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated and it has been determined that the pesticide is considered useful for the purpose for which the tolerances are sought, and that amending 40 CFR Part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before April 16, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

For regulations exempted from the Order:

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Effective date: March 17, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: February 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting "birdsfoot trefoil" and "birdsfoot trefoil hay" in the table under § 180.154 to read as follows:

§ 180.154 O,O-dimethyl S-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl] phosphorodithioate; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Birdsfoot trefoil	2
Birdsfoot trefoil hay	5
* * * * *	

[FR Doc. 81-8099 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

Proposed Rules

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FARM CREDIT ADMINISTRATION

12 CFR Part 618

General Provisions

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment a proposed amendment to its regulation concerning the disposition of obsolete records. Since the U.S. Government no longer has capital in the Farm Credit banks and associations, the banks have requested the requirement for maintaining capital stock records permanently amended or deleted.

DATES: Written comments must be received on or before May 18, 1981.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202–755–2181).

SUPPLEMENTARY INFORMATION: FCA regulations currently contain the requirement for maintaining capital stock records permanently. FCA believes this requirement was retained from the time when the U.S. Government had capital in the Farm Credit banks and associations. Since the U.S. Government no longer has capital in the Farm Credit banks and associations, the banks have requested the requirement for maintaining capital stock records permanently amended or deleted. The proposed changes to the regulation provides for microfilming of records, disposition of records upon the expiration of the statute of limitation, except for capital stock transfer records, and retention of capital stock transfer records for 5 years or until the expiration of the statute of limitation, whichever is longer.

PART 618—GENERAL PROVISIONS

12 CFR Part 618 amended by revising § 618.8360 (a) to (c) to read as follows:

§ 618.8360 Authorization.

(a) Banks and associations are authorized to dispose of obsolete records not required for research, legal, or audit purposes in accordance with written procedures, except the following:

(1) Original corporate records, including articles of incorporation, bylaws, and minutes of meetings of stockholders, directors, and committees.

(2) Payroll records, including gross salary and deductions for retirement, social security, and income tax withholding.

(3) Basic personnel records, including personnel folders, service records, cards, and earnings records for all active and former employees covered under the Civil Service Retirement Act.

(4) Records required by Federal or State laws.

(5) Federal records.

(6) Financial reports of the banks and associations as of June 30 and December 31 each year.

(7) Applications, notes, security instruments, financial statements, and any individual records pertaining to loans charged off where the borrower has a significant, enforceable, and residual liability.

(8) Listing of obsolete records destroyed.

(b) If management desires, records may be retained in a form other than the original provided that the records are acceptable for legal evidence of a transaction in the jurisdiction in which the institution is located.

(c) Capital stock transfer records may be disposed of after 5 years following the date on which the stock was retired and the proceeds paid to the owner, or as required by the statute of limitation, whichever is longer. Management will determine if a longer retention period is desirable.

* * * * *

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,
Governor.

[FR Doc. 81-8060 Filed 3-16-81; 8:45 am]
BILLING CODE 6705-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Economic Regulations Policy Statements Dockets 30240 and 31233; EDR-335C, EDR-336C, and PSDR-59C]

Uniform System of Accounts and Reports for Certificated Air Carriers

Dated: March 12, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Termination of Rulemaking Proceedings.

SUMMARY: The CAB is terminating two rulemakings on the question of excluding air carriers' lobbying and institutional advertising expenditures from Board determinations of rate levels because recent legislative changes have reduced the potential effect of such exclusions. The costs to the carriers and the public of concluding these rulemakings now outweigh the benefit. The rulemakings were in response to a petition by the Aviation Consumer Action Project.

DATES: Adopted: March 12, 1981. Effective: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Robert S. Goldner, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W, Washington, D.C. 20428, 202–673–5205.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Aviation Consumer Action Project (ACAP) petitioned the CAB to amend its accounting rules (14 CFR Part 241) to require that certificated air carriers report their lobbying and institutional advertising expenditures as "nonoperating costs", *i.e.*, costs not integrally related to providing air transportation (Sec. 8(3)), which are excluded from the costs used in ratemaking determinations. ACAP felt that such costs should properly be borne by airlines' stockholders rather than paid for by passenger fares.

In 1977, the CAB issued a notice of proposed rulemaking, (EDR–335, 42 FR

46339, September 15, 1977), to require that air carriers report their lobbying expenditures in a separate "nonoperating costs" account. At the same time, the CAB issued an advance notice of proposed rulemaking (EDR–336/PSDR–50, 43 FR 46345, September 15, 1977) to solicit comments on how best to treat advertising costs for ratemaking purposes. The majority of the commenters, mostly airlines and trade associations, opposed the proposed regulation of lobbying and advertising expenditures as anti-competitive, burdensome and an unwarranted interference in air carriers' business decisions. Several of them invoked the First Amendment rights to petition and free speech. Consumer groups supported the rulemakings for the reasons argued by ACAP.

These rulemakings were issued during the time that the CAB was beginning to implement airline deregulation. As the comments indicate, the proper treatment of institutional advertising and lobbying expenses for ratemaking purposes is a sharply disputed issue. The cost effect of the question is relatively trivial, however. It has become more so since the deregulation legislation, and subsequent Board actions, have together created a system of broad zones within which the airlines are free to adjust their prices at will. The effect of the deregulation scheme of a statutorily fixed zone basis (the Standard Industry Fare Level) adjusted periodically for cost increases is that removing these disputed costs from the rate base would have only a *de minimis* effect on permissible fares in any event. At a time when the Board is moving toward complete pricing deregulation, the public benefit of resolving this detailed matter of principle and having the carriers adjust their figures accordingly would, in our judgment, be virtually nil, and would be far outweighed by the costs of doing so. We find, therefore, that it is in the public interest to terminate these rulemakings.

Accordingly, the Civil Aeronautics Board terminates the rulemaking proceedings in Dockets 30240 and 31333.

(Secs. 204, 1002, Pub. L. 85–726, as amended; 72 Stat. 743, 788; 49 U.S.C. 1324, 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–8200 Filed 3–16–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1, 1b, 2, 3, 3a, 3c, 4, 12, 16, 25, 32, 33, 35, 41, 131, 152, 153, 154, 156, 157, 158, 250, 270, 271, 275, 281, 282, 284, 286, 292, 375, 385, and 388

[Docket No. RM78–22 (Part 7)]

Revision of Commission Rules of Practice; Procedures To Expedite Trial-Type Hearings

March 9, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: Federal Energy Regulatory Commission proposes to revise its Rules of Practice and Procedure which govern the conduct of Commission proceedings. The purpose of the revision is to expedite Commission proceedings and to establish uniform procedures for proceedings arising from various statutes administered by the Commission.

DATES: Hearing on May 19, 1981 at 10:00 a.m. Written comments by June 1, 1981.

ADDRESS: Comments should be sent to and hearing will be held at: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (Reference Docket No. RM78–22, Part 7).

FOR FURTHER INFORMATION CONTACT:

Maryjane Reynolds, Office of Commissioner Hughes, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8388.

Christine P. Benagh, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8606.

SUPPLEMENTARY INFORMATION:

I. Introduction and Summary

This rulemaking has three objectives. First, it proposes new procedural rules for cases which may be set for hearing. These new rules are contained in Subparts A, B, E, F, G, and T of the new Part 385. They would replace parallel provisions in Part 1.

Second, it would implement one step in the new organization for the procedural rules. It would remove from Part 1 the remaining rules of practice and place them in Subparts H, I, J, K, M, S, U, and V of Part 385. It also removes the public information regulations from Part 1 and places them in Part 388.

Third, it would make oil pipeline proceedings subject to the Commission rules with two exceptions: the ICC ex parte rule and ICC modified procedures would remain applicable to oil pipeline matters pending Commission rules on these subjects. No other procedural rules of the ICC would apply to oil pipeline proceedings.

II. Background

Since its inception in 1977, the Commission has been faced with a substantial backlog and numerous proceedings which had been pending for a number of years. In mid-1978, it undertook an examination of its decisionmaking process. To this end, the Commission established an Advisory Committee on the Rules of Practice and Procedure. One of the Subcommittees was asked to focus on the Hearing procedures.[1] The work product of that Subcommittee is the subject of this rulemaking.

There are two primary objectives in this proposed rulemaking: to create a comprehensive set of rules that can be easily understood by all persons affected by Commission action and to recommend new hearing procedures that would remove unnecessary work from the Commission's agenda and expedite decisionmaking by the Commission.

The need for reorganized and comprehensive procedural rules is compelling. The DOE Act conferred upon the Commission many functions of the old Federal Power Commission ("FPC") as well as the oil pipeline ratemaking functions of the Interstate Commerce Commission ("ICC"). Savings provisions in the DOE Act (42 U.S.C. 7295) continued the effectiveness of FPC and ICC regulations for Commission proceedings previously conducted by those agencies until such time as the Commission promulgates its own procedural rules. Accordingly, at this time, the Commission operates under two unreleated sets of rules. This, of course, is difficult and confusing for both the Commission and the public. Equally confusing is the fact that in many respects the existing rules are obsolete and do not accurately reflect current Commission practice.

Work on these proposed rules has led to the conclusion that a complete reorganization of the procedural rules was necessary to achieve a set of rules that could be easily found and understood. The general reorganization,

[1] Staff prepared two discussion drafts on revisions of the hearings procedures. These drafts were the subject of two public meetings of the Subcommittee. The drafts and transcripts of the meetings are available for inspection at the Commision's Division of Public Information.

which extends beyond the parameters of this proposed rule are described in III. *Reorganization, infra.*

The need to expedite proceedings is self-evident. Various proposals to do this are discussed in IV. *Discussion of the Proposed Rule, infra.* They include delegations to the Chief Administrative Law Judge to consolidate and sever. They would also allow the Presiding Administrative Law Judge to phase cases and to summarily dispose of issues or an entire proceeding without full hearing. Suggestions on additional ways to expedite hearings are most welcome.

The efforts in this rulemaking were directed to rules that would apply to cases which might be set for hearing. This, of course, includes rules for all types of pleadings, including petitions, applications, answers, and motions. It would require repeal of a number of the provisions in Part 1. Since the provisions proposed to be repealed were an integral part of the rules that were not being replaced, we have moved the remaining rules (those not directly involving cases which might be set for hearing) to the new Part 385. These transferred provisions are explained in more detail in Part IV, B.

III. The Proposed Reorganization

In March 1980 the Commission initiated the reorganization and updating of its Procedural Rules. It placed its rules relating to its establishment and internal management of the Commission in Subchapter W, Parts 375 and 376. Simultaneously, it revoked obsolete and parallel provisions that were previously scattered throughout Subchapter A, Parts O, 1, and 3.

This rulemaking would implement the second major step in the reorganization. It would place all Commission rules concerning the conduct of business by members of the public in a new Subchapter X. Specifically, Part 385 would contain rules of practice and procedure. Parts 386 and 387 would be reserved and Part 388 would contain the provisions concerning access to public information. It would also repeal all provisions currently found in Part 1 (except Subpart A) since these provisions would be contained in Parts 385 and 388. Part 1 would be solely for definitions and rules that are used throughout all Commission regulations.

The following chart indicates our present plan for reorganization. It includes not only the new and proposed Parts 375, 376, 385, and 388 but also indicates Parts tentatively assigned to rules which have not yet been promulgated and which are not part of this rulemaking, e.g., Part 380, Environmental Policy Act Regulations. It also indicates where some existing Commission Rules will be recodified, e.g., Part 379, Standards of Conduct for Commission Employees.

TITLE 18—CODE OF FEDERAL REGULATIONS

CHAPTER 1—FEDERAL ENERGY REGULATORY COMMISSION

Subchapter A

Part
1—Definitions Used in This Chapter.
2—General Policy and Interpretations.
3—Reserved.

Subchapter W

375—The Commission.
376—Organization, Mission and Functions, Operations During Emergency Conditions.
377—National Security Information.
378—Privacy Act Regulations.
379—Standards of Conduct for Commission Employees.
380—National Environmental Policy Act Rules.
381–384—Reserved.

Subchapter X

385—Rules of Practice and Procedure.
386—Investigations.
387—Reserved.
388—Freedom of Information Act Rules.
389–399—Reserved.

IV. Discussion of the Proposed Rule

A. *New rules on hearing procedures.* Subparts A, B, E, F, G, and T of proposed Part 385 are new provisions, often representing substantial revisions to corresponding provisions in the current regulations. Particular issues upon which the Commission has focused are highlighted below in the context of the summary of each of the revised subparts. Staff has prepared two memoranda. One discusses the derivation of the proposed rules and details distinctions between the proposed and current rules. The second is a derivation table that indicates the sections of the current rule that are being replaced by the proposed rule. Although they are not official Commission documents, they are available in the Division of Public Information to assist persons in their preparation of comments.

Subpart A of Part 385 describes the applicability of Part 385 and defines common terms used throughout the part. Subpart A also codifies Commission authority to waive its procedural rules for good cause. Some members of the Advisory Committee were concerned that abuses could arise under the waiver provision. However, the Commission believes that the public interest is protected by the Commission's recognition that it may not exercise waiver authority if to do so would unduly prejudice persons appearing before the Commission.

Subpart B contains the general rules governing tariff or rate filings, applications, complaints, petitions, protests to oil pipelines valuations, notices of tariff or rate examination, orders to show cause, protests, motions, answers, interventions, amendments, withdrawal of pleadings, and summary disposition. This subpart corresponds to portions of §§ 1.5–1.12 of the present rules, and is generally applicable whenever these procedures are used in proceedings before the Commission.

The proposed rule condenses many of the current pleadings requirements. It departs from the current rules in some respects in order to expedite, simplify or clarify the procedures. The sections regarding tariff or rate schedule filings, protests to oil pipeline valuations, notices of examinations of tariffs or rate schedules, and summary disposition (Rules 205, 206, 209 and 216, respectively) are new, although they reflect current Commission practice.

The proposed intervention rule (Rule 213) contains three changes from current practice. First, it makes intervention automatic when there is no opposition. Second, the proposed rule contains stricter standards for late interveners to discourage late intervention. Finally, under the current rule, State commissions may intervene at any time by filing a notice of intervention. We retain notice procedure for State commissions if their intervention is timely, but if they are late they must file a motion to intervene like private parties. There is some concern that the possibility that a State Commission may be denied intervention for filing late would present a more serious disadvantage to the Commission than that caused by late intervention.

Subpart B also codifies, in Rule 216, the current Commission practice of allowing summary disposition by a presiding officer of a proceeding or portion of a proceeding, even though the Commission has set the proceeding for hearing.

Subpart B, in Rule 211, requires that protests be served on the person who is the subject of the protest, but delegates to the Secretary the authority to waive the service requirement. In all cases the protest is to be placed in the public file. Certain members of the Advisory Committee expressed concern that the absence of this waiver provision might prevent persons unfamiliar with formal Commission practice from being heard

in protest to a given tariff or rate. However, the Commission believes that the Secretary should waive the service rule judiciously.

Subparts C and D are reserved for future rules. Subpart D is tentatively set aside for new discovery rules that are being developed. Pending promulgation of new rules, the existing provisions on subpoenas and depositions would be continued in effect and recodified in Rules 1905 and 1906. We note, however, that Rules 1905 and 1906 would apply to all pipeline proceedings until new discovery rules are promulgated for all Commission proceedings. We believe the need for uniform rules outweigh the inconvenience that might arise from adjusting to the existing FPC rules and then adjusting to any changes in these rules at a later time. However, we specifically seek comment on this conclusion.

Subpart E applies to proceedings which the Commission sets for hearing under the subpart. Under the proposed rule, these are proceedings in which, unless sooner disposed of, a decision is made by a presiding officer after an on-the-record hearing. Proceedings to fix rates or concerning the grant of certificates or licenses under the Federal Power Act, the Natural Gas Act, or the Interstate Commerce Act, would usually be conducted under these rules. The subpart deals with hearings, consolidation and severance, presiding officers, witnesses, testimony, exhibits, evidence, stipulations, and transcripts. The proposed rule rearranges and simplifies corresponding sections of the Commission's rules (§§ 1.20–1.27). It recodifies the substance of the current rule on evidence. However, the Commission is tentatively considering the possibility of reworking this rule to more closely conform to the *Federal Rules of Evidence* and seeks comment on initiating a separate rulemaking docket for this purpose.

Subpart E departs from the current rules in several ways. In particular, the provisions on consolidation and severance, Rule 503, would delegate this authority to the Chief Administrative Law Judge rather than to the Secretary, as in the current rule. Administrative law judges would also have the authority to phase a proceeding. Oral testimony not conducted in the presence of presiding officer and written cross-examination have been suggested to the Commission as useful ways to expedite hearings (Rule 502). The Commission does not propose their adoption in this rulemaking. They are included in Rule 506 in order to obtain comments with respect to them.

Subpart F includes provisions on conferences, offers of settlement, and settlement judges. The provisions on conferences, Rule 601, encourages pre-hearing conferences in cases set for hearing. The rules also encourage the use of a conference to reach a settlement prior to a hearing. The proposed provisions on settlement offers and settlement judges, Rule 603, contain no major substantive changes from the current rules, which were recently promulgated (Order 32, "Amendment to § 1.18 of the Rules of Practice and Procedure," 45 FR 45,902, (July 8, 1980)). The new rules add that the Oil Pipeline Board may approve or disapprove settlement offers, subject to appeal to the Commission.

Subpart G governs decisions and administrative review of decisions in proceedings set for hearing under Subpart E, and in other proceedings designated by the Commission. It contains provisions on decisions generally, participants' rights, briefs, oral argument, types of decision, exceptions to decisions, Commission review, certified questions, interlocutory appeals, rehearing, and reopening. The subpart simplifies and clarifies rules which now appear in §§ 1.29 through 1.34. The proposed rule requires the preparation of an initial decision in which a presiding officer, other than the Commission, has presided over the reception of evidence. However, the Commission may order a different decisionmaking procedure under section 557 of title 5 of the *United States Code*.

As redrafted, the rules eliminate the confusing distinctions in the current rules between intermediate, recommended, and tentative decisions. The proposed rule also affords participants the right to either file initial briefs or make oral arguments. The presiding officer is to decide which of the two options, or both, is to be granted to participants. Participants also may submit reply briefs or make oral argument unless prohibited or restricted by the presiding officer. As a general rule, participants are required to file their briefs simultaneously.

A new provision is added at the exceptions stage of a proceeding, providing that failure to take exception to an initial decision will result in a waiver of taking exception at a later time.

Subpart T applies to all Commission proceedings, rather than only those held on-the-record. It would revise the manner in which pleadings and other documents are prepared, filed, docketed, noticed, and served. It would also control time deadlines and their extension.

B. *Renumbered Provisions.* Subparts H, I, J, K, M, S, U, and V of Part 385 and all of Part 388 (which would be established by this rule) are portions of the current Rules of Practice and Procedure that the Commission proposes to renumber, without substantive change, so as to integrate them into the new organizational structure. The following chart indicates the section of current FPC regulations to which each of these subparts corresponds. The only changes made to the provisions contained in these subparts are technical, conforming and clarifying. The Commission seeks limited comment in these provisions. At this time, we merely wish to ascertain whether these renumbered provisions have been properly integrated with the newly written provisions of Subparts A, B, E, F, G, and T. The Commission requests that no comments be submitted at this time on the renumbered, but unchanged provisions. These renumbered provisions will be the subject of subsequent rulemaking. At that time, we will seek comments on the merits of these procedures. Some of these provisions were adopted by the Commission as interim rules; the renumbering proposed here would not affect that status.

Renumbered provision	Current provision
Part 385:	Part 1:
Subpart H—Shortened procedures.	§ 1.32.
Subpart I—Commission review of remedial orders.	§ 1.38.
Subpart J—Commission review of adjustment request denials.	§ 1.40.
Subpart K—Petitions for adjustment under the NGPA.	§ 1.41.
Subpart M—Cooperative procedure with state commissions.	§ 1.37.
Subpart S—Miscellaneous	§ 1.7(d), § 1.19(a), §§ 1.21, 1.23, §§ 1.24, 1.35.
Subpart U—Appearance and practice before the Commission.	§ 1.4 (except (d)).
Subpart V—Ex Parte communications; Separation of functions of staff.	§ 1.4(d), § 1.30(f).
Part 388: Public information and requests.	§ 1.36.

C. *Miscellaneous.* The proposed rule would repeal §§ 1.1 through 1.51 of the Commission's current Rules of Practice and Procedure and terminate the applicability of the Interstate Commerce Commission's procedural rules (49 CFR Part 1100, except §§ 1100.43–1100.52 and Appendix C) as they apply to oil pipeline proceedings. In addition, the proposed rule would make technical, conforming changes to cross-references throughout the substantive rules of the Commission to reflect the proposed

revisions. Finally, the proposed rule would require **Federal Register** notice of tariff and rate schedule filings by oil pipelines; therefore, the proposed rule includes a **Federal Register** notice form which oil pipeline companies would be required to submit along with their tariff and rate schedule filings.

D. *Proposed effective date.* The Commission contemplates that these proposed rules would have a delayed effective date of possibly 60–90 days after they have been adopted. They would apply to all proceedings as of that date. However, parties in proceedings that commenced prior to the effective date could, under appropriate circumstances, seek leave to conclude those proceedings under the old rules. The Commission seeks comment on this effective date treatment and particularly on the appropriate treatment of on-going proceedings.

V. Comment Procedure

Interested persons are invited to submit written comments on the proposed rule to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Comments should refer to Docket No. RM78–22 (Part 7), on the outside of the envelope and on all documents submitted to the Commission. To ensure proper consideration of their comments, it is essential that persons submitting comments should identify specifically the section and paragraph they are addressing. When persons submitting comments urge an approach different from the one proposed here, a specific alternative provision should be submitted to the extent practicable.

Fourteen copies should be submitted with the original. All comments received by the Commission by June 1, 1981, will be considered prior to the promulgation of the final rule. Written comments will be available for public inspection during business hours at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

A public hearing concerning this proposal will be held at the offices of the Commission at 825 North Capitol Street NE., Washington, D.C. on May 19, 1981, beginning at 10:00 a.m. and will continue if necessary on the following day. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission prior to 4:30 p.m. on April 27, 1981.

Requests to participate in the hearing should reference Docket No. RM78–22 (Part 7) and should include the telephone number of the person making the request. At least five copies of the statement shall be submitted with the request to participate to the Secretary of the Commission. The presiding officer is authorized to limit oral presentation at the public hearing both as to length and substance. The presiding officer may also limit the participation of interested persons representing similar interests to a combined presentation. Participants should, if possible, bring 100 copies of their testimony to the hearing.

The hearing will not be an evidentiary-type hearing. There will be no cross-examination. The presentation will be made before a panel whose members will be designated by the Chairman of the Commission. The panel may question persons presenting statements. Any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement. Any further procedural rule will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Division of Public Information.

(Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Federal Power Act, 16 U.S.C. 791–828C, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.;* Public Utilities Act, of 1978, 16 U.S.C. 2601 *et seq.;* Interstate Commerce Act, 49 U.S.C. 1 *et seq.;* E.O. 12009, 3 CFR, 1977 Comp., p. 142)

In consideration of the foregoing, the Commission proposes:

(1) To terminate the applicability of the Interstate Commerce Commission's General Rules of Practice (49 *Code of Federal Regulations,* Part 1100) to oil pipeline matters, except for §§ 1100.43 through 1100.52 (modified procedures) and Appendix C to Part 1100 (*ex parte* rules); and

(2) To amend Chapter I of Title 18, *Code of Federal Regulations,* as set forth below.

By direction of the Commission.

Edward B. Frigillana,

Acting Secretary.

1. The table of contents to Chapter I of Title 18 of the *Code of Federal Regulations* is amended by revising the entry for Part 1 and by adding a new Subchapter X to read as follows:

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

SUBCHAPTER A—GENERAL RULES

Part

1 Rules of General Applicability

* * * * *

SUBCHAPTER X—PROCEDURAL RULES

* 385 Rules of practice and procedure
386 [Reserved]
387 [Reserved]
* 388 Public information and requests
389—399 [Reserved]

2. Chapter I of Title 18 of the *Code of Federal Regulations* is amended in Part 1 by removing §§ 1.1 through 1.51, inclusive and by adding paragraphs (i)–(l) to § 1.101 as set forth below. Part 1 is revised in its table of contents and authority citation to read as follows:

PART 1—RULES OF GENERAL APPLICABILITY

Subpart A—Definitions and Rules of Construction

Sec.

1.101 Definitions.
1.102 Words denoting, number, gender, and so forth.

Subpart B—[Reserved]

Authority: Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Federal Power Act, 16 U.S.C. 791–828C, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.;* Public Utilities Act, of 1978, 16 U.S.C. 2601 *et seq.;* Interstate Commerce Act, 49 U.S.C. 1 *et seq.;* 12009, 3 CFR, 1977 Comp., p. 142.

Subpart A—Definitions and Rules of Construction

§ 1.101 Definitions.

* * * * *

(i) "Administrative law judge" means an officer appointed under section 3105 of title 5 of the *United States Code.*

(j) "Attorney" means an attorney admitted to practice before the Supreme Court of the United States, or the highest court of any State, Territory of the United States, or the District of Columbia, or any other person with the requisite qualifications to represent others, who acts in a representative capacity for any participant before the Commission.

(k) "Person" means an individual, partnership, corporation, association, joint stock company, public trust, an organized groups of persons, whether incorporated or not, a receiver or trustee of the foregoing, a political subdivision of a State, the District of Columbia, any

territory of the United States or any agency of any of the foregoing, any agency, authority, or instrumentality of the United States (other than the Federal Energy Regulatory Commission), or any corporation which is owned directly or indirectly by the United States or any officer, agent, or employee of any of the foregoing acting as such in the course of his or her official duty. The term also includes a foreign government or any agency, authority, or instrumentality thereof.

(l) "State Commission" means the regulatory body of any State or municipality having jurisdiction to regulate rates or charges for the sale of electric energy or natural gas to consumers of for the transportation of oil by pipeline within the State or municipality.

. . . . .

Subpart B—[Reserved]

3. Chapter I is further amended by adding a new Subchapter X consisting of Parts 385 and 386 to read as follows:

SUBCHAPTER X—PROCEDURAL RULES

Part

385 Rules of practice and procedure.
386 [Reserved]
387 [Reserved]
388 Public information and requests.
389—399 [Reserved]

PART 385—RULES OF PRACTICE AND PROCEDURE

Subpart A—Applicability and Definitions

Sec.

385.101 Applicability. (Rule 101).
385.102 Definitions. (Rule 102).
385.103 References to, and citation of, rules. (Rule 103).

Subpart B—Pleadings, Tariff or Rate Filings, Notices of Tariff or Rate Examination, Orders To Show Cause, Intervention and Summary Disposition

385.201 Applicability. (Rule 201).
385.202 Types of pleadings. (Rule 202).
385.203 Content of pleadings and tariff or rate filings. (Rule 203).
385.204 Applications. (Rule 204).
385.205 Tariff or rate filings. (Rule 205).
385.206 Complaints. (Rule 206).
385.207 Petitions. (Rule 207).
385.208 Notices of protest to tentative oil pipeline valuations. (Rule 208).
385.209 Notices of tariff or rate examination and orders to show cause. (Rule 209).
385.210 Notice. (Rule 210).
385.211 Other protests. (Rule 211).
385.212 Motions. (Rule 212).
385.213 Answers. (Rule 213).
385.214 Intervention. (Rule 214).
385.215 Amendment of pleadings. (Rule 215).
385.216 Withdrawal of pleadings. (Rule 216).
385.217 Summary dispositon. (Rule 217).

Subpart C-D—[Reserved]

Subpart E—Hearings

Sec.

385.501 Applicability. (Rule 501).
385.502 Initiation of hearing. (Rule 502).
385.503 Consolidation and severance by Chief Administrative Law Judge. (Rule 503).
385.504 Duties and powers of presiding officers. (Rule 504).
385.505 Right of participants to present evidence. (Rule 505).
385.506 Examination of witnesses. (Rule 506).
385.507 Prepared written testimony. (Rule 507).
385.508 Exhibits. (Rule 508).
385.509 Admissibility of evidence. (Rule 509).
385.510 Miscellaneous provisions. (Rule 510).

Subpart F—Conferences, Settlements, and Stipulations

385.601 Conferences. (Rule 601).
385.602 Submission of settlement offers. (Rule 602).
385.603 Settlement negotiations before a settlement judge. (Rule 603).
385.604 Refusal to make admissions or stipulations. (Rule 604).

Subpart G—Decisions

385.701 Applicability. (Rule 701).
385.702 Definitions. (Rule 702).
385.703 Contents of decisions. (Rule 703).
385.704 Rights of participants before initial decision. (Rule 704).
385.705 Additional powers of presiding officer with respect to briefs. (Rule 705).
385.706 Initial and reply briefs before initial decision. (Rule 706).
385.707 Oral argument before initial decision. (Rule 707).
385.708 Initial decisions by presiding officer. (Rule 708).
385.709 Other types of decisions. (Rule 709).
385.710 Waiver of the initial decision. (Rule 710).
385.711 Exceptions and briefs on exceptions after initial decision. (Rule 711).
385.712 Commission review of initial decision in the absence of exceptions. (Rule 712).
385.713 Request for rehearing. (Rule 713).
385.714 Certified questions. (Rule 714).
385.715 Interlocutory appeals to the Commission from rulings of presiding officers. (Rule 715).
385.716 Reopening. (Rule 716).

Subpart H—Shortened Procedures

385.801 Waiver of hearing. (Rule 801).
385.802 Noncontested proceedings. Rule 802).

Subpart I—Commission Review of Remedial Orders

385.901 Scope. (Rule 901).
385.902 Definitions. (Rule 902).
385.903 Request for nondisclosure of information. (Rule 903).
385.904 Commencement of proceeding. (Rule 904).
385.905 Stay of contested order. (Rule 905).
385.906 Pleadings. (Rule 906).
385.907 New facts and issues. (Rule 907).
385.908 Discovery. (Rule 908).
385.909 Hearing. (Rule 909).
385.910 Conduct of the hearing. (Rule 910).
385.911 Burden of proof. (Rule 911).
385.912 Proposed findings of fact, conclusions of law, and comments. (Rule 912).
385.913 Proposed order. (Rule 913).
385.914 Commission action. (Rule 914).
385.915 Ex parte communications. (Rule 915).
385.916 Withdrawal of petition for review. (Rule 916).
385.917 Sanctions. (Rule 917).

Subpart J—Commission Review of Adjustment Request Denials

385.1001 Scope. (Rule 1001).
385.1002 Definitions. (Rule 1002).
385.1003 Request for nondisclosure of information. (Rule 1003).
385.1004 Commencement of proceedings. (Rule 1004).
385.1005 Replies. (Rule 1005).
385.1006 Request for hearing. (Rule 1006).
385.1007 Presiding officer. (Rule 1007).
385.1008 Hearings. (Rule 1008).
385.1009 Proof. (Rule 1009).
385.1010 Proposed order. (Rule 1010).
385.1011 Final order. (Rule 1011).
385.1012 Ex parte communications. (Rule 1012).

Subpart K—Petitions for Adjustments Under the NGPA

385.1101 Applicability. (Rule 1101).
385.1102 Definitions. (Rule 1102).
385.1103 Commencement of proceeding. (Rule 1103).
385.1104 Initial petition. (Rule 1104).
385.1105 Intervention. (Rule 1105).
385.1106 Other filings. (Rule 1106).
385.1107 Evaluations. (Rule 1107).
385.1108 Criteria. (Rule 1108).
385.1109 Orders. (Rule 1109).
385.1110 Review of initial decision and order for adjustment. (Rule 1110).
385.1111 Conferences. (Rule 1111).
385.1112 Requests for confidential treatment. (Rule 1112).
385.1113 Interim relief. (Rule 1113).
385.1114 Motions. (Rule 1114).
385.1115 Procedural rulings. (Rule 1115).
385.1116 Appeals. (Rule 1116).
385.1117 Application for adjustment treatment as request for interpretation. (Rule 1117).

Subpart L—[Reserved]

Subpart M—Cooperative Procedure With State Commissions

385.1301 Policy. (Rule 1301).
385.1302 Notice. (Rule 1302).
385.1303 Conferences. (Rule 1303).
385.1304 Procedure governing matters referred to a board. (Rule 1304).
385.1305 Joint and concurrent hearings. (Rule 1305).
385.1306 Intervention by state commissions. (Rule 1306).

Subpart N-R—[Reserved]

Subpart S—Miscellaneous

385.1901 Interpretations and interpretative rules under NGPA. (Rule 1901).
385.1902 Appeals from action of staff. (Rule 1902).

Sec.
385.1903 Notice in rulemaking proceedings. (Rule 1903).
385.1904 Copies of transcripts. (Rule 1904).
385.1905 Subpoenas. (Rule 1905).
385.1906 Depositions. (Rule 1906).
385.1907 Reports of compliance. (Rule 1907).

Subpart T—Formal Requirements for Filings in Proceedings Before the Commission

385.2001 Filings. (Rule 2001).
385.2002 Caption of filings. (Rule 2002).
385.2003 Specifications. (Rule 2003).
385.2004 Copies of filings. (Rule 2004).
385.2005 Subscription and verification. (Rule 2005).
385.2006 Docket system. (Rule 2006).
385.2007 Time. (Rule 2007).
385.2008 Extension of time. (Rule 2008).
385.2009 Notice. (Rule 2009).
385.2010 Service. (Rule 2010).

Subpart U—Appearance and Practice Before the Commission

385.2101 Appearances. (Rule 2101).
385.2102 Suspension. (Rule 2102).
385.2103 Appearance of former employees. (Rule 2103).

Subpart V—Ex Parte Communications; Separation of Functions

385.2201 Ex Parte communications. (Rule 2201).
385.2202 Separation of functions of staff. (Rule 2202).

Subpart W-Z—[Reserved]

Authority: Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Federal Power Act, 16 U.S.C. 791–828C, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*; Public Utilities Act, of 1978, 16 U.S.C. 2601 *et seq.*; Interstate Commerce Act, 49 U.S.C. 1 *et seq.*; 12009, 3 CFR, 1977 Comp., p. 142.

Subpart A—Applicability and Definitions

§ 385.101 Applicability. (Rule 101.)

(a) *General rule.* This part contains procedural rules for filings and proceedings.

(b) *Exceptions.* (1) This part does not apply to formal investigations under Part 1b of this chapter.

(2) If a provision of Part 385 is inconsistent with another provision of this chapter, the latter provision controls.

(3)(i) Part 385 replaces the Interstate Commerce Commission *General Rules of Practice*, 49 CFR Part 1100, except that §§ 1100.42 through 1100.52 (modified procedure) and Appendix C to Part 1100 (ex parte) continue to apply to oil pipeline matters.

(ii) If a provision of Part 385 is inconsistent with a provision of Title 49 of the *Code of Federal Regulations* concerning oil pipeline matters which has not been replaced by Commission rule or order, the latter provision controls.

(c) *Waiver.* For good cause the Commission may waive, to the extent permitted by law, any provision in this part or provide for a different procedure.

§ 385.102 Definitions. (Rule 102.)

For purposes of this part:

(a) "Decisional authority," with respect to any question, means the Commission or Commission employee (including the Oil Pipeline Board) who at the time of the decision on such question has the authority or responsibility under this chapter, and under applicable provisions of Title 49 of the *Code of Federal Regulations*, to act with respect to that question.

(b) "Participant" means (1) a party, or (2) an employee of the Commission assigned to present the position of the Commission staff in a proceeding before the Commission.

(c) "Party" means (1) a person who files an application, petition, tariff or rate filing, complaint, or protest under section 19a(i) of the Interstate Commerce Act (49 U.S.C. 19a(i)), (2) a respondent to a proceeding, or (3) a person who has been permitted to intervene in a proceeding.

(d) "Presiding officer" (1) when used with respect to a proceeding set for hearing Subpart E of this chapter, means one or more of the members of the Commission or one or more administrative law judges designated to preside at such hearing, or, if no Commissioner or administrative law judge is yet designated, the Chief Administrative Law Judge; and (2) when used with respect to any other proceeding, means any employee (including the Oil Pipeline Board) designated by rule or order to conduct that proceeding.

(e) "Respondent" means (1) a person to whom an order to show cause or notice of tariff or rate examination is issued by the Commission, (2) a person against whom a complaint is directed, or (3) a person designated as a respondent by the Commission or by other provisions of this chapter.

§ 385.103 Reference to, and citation of, rules. (Rule 103.)

This part is referred to as the "Rules of Practice and Procedure." Each section of Part 385 is referred to as a "Rule." The number of each rule includes only the numbers at the right of the decimal point in the section designation. For example, "§ 385.103 *References to, and citation of, rules.*" is referred to as "Rule 103."

Subpart B—Pleadings, Tariff or Rate Filings, Notices of Tariff or Rate Examination, Orders To Show Cause, Intervention and Summary Disposition

§ 385.201 Applicability. (Rule 201.)

This subpart contains the requirements for pleadings, tariff or rate filings, notices of tariff or rate examination, orders to show cause, interventions, and summary dispositions.

§ 385.202 Types of pleadings. (Rule 202.)

Pleadings include applications, complaints, petitions, protests, notices of protest, answers, motions and amendments or withdrawals thereof.

§ 385.203 Content of pleadings and tariff or rate filings. (Rule 203.)

(a) *Requirements for all pleadings or tariff or rate filings.* Each pleading or tariff filing must include, if appropriate:

(1) If known, the reference numbers, docket numbers, or other identifying symbols of any relevant tariff, rate, schedule, contract, application, rule, or similar matters or material;

(2) The name of each participant on behalf of whom the pleading or tariff filing is made;

(3) The specific authorization or relief sought;

(4) The tariff sheets;

(5) If not previously set forth, the relevant facts;

(6) To the extent known when a pleading is filed, the position taken by the participant filing such pleading, and the basis in fact and law for such position;

(7) Subscription or verification, if required;

(8) A certificate of service under Rule 2010(h), if service is required;

(9) The name, address, and telephone number of an individual who, with respect to any matter contained in the filing, represents the person on behalf of whom the filing is made; and

(10) All other information required to be included by statute or Commission rule or order.

(b) *Combined pleadings.* If two or more pleadings are included in a single filing, each pleading must be separately designated and must conform to the requirements applicable to such pleading.

(c) *Requirements for first pleadings or tariff or rate filings.* In addition to the requirements in paragraph (a) of this section, the first pleading or tariff or rate filing filed by a participant or by a person who is seeking to become a party must include:

(1) The exact legal name of the person on whose behalf the filing is made;

(2) The location of that person's principal place of business; and

(3) The name and address of at least one, but not more than two, persons upon whom service is to be made and to whom communications are to be addressed in the proceeding.

§ 385.204 Applications. (Rule 204.)

A person must file an application to obtain a license, permit, certification, or similar authorization or permission.

§ 385.205 Tariff or rate filings. (Rule 205.)

A person must make a tariff or rate schedule filing to establish or change a specific rate, rate schedule, tariff, tariff schedule, fare, charge, or term, condition of service, classification, contract, practice, or an applicant's regulation, related thereto.

§ 385.206 Complaints. (Rule 206.)

(a) *General rule.* A person may file a complaint to seek Commission action against another person alleged to be in contravention or violation of any statute, rule, order, or other authority administered by the Commission, or for any other alleged wrong over which the Commission may have jurisdiction.

(b) *Content.* In addition to the requirements of Rule 203 (content), a complaint must include the name and address of each person against whom it is directed.

(c) *Answers.* The person against whom a complaint is directed must respond to such complaint by filing an answer.

(d) *Satisfaction.* (1) If the respondent to a complaint satisfies such complaint, in whole or in part, either before or after an answer is filed, the complainant and the respondent must sign and file:

(i) A statement setting forth when and how the complaint was satisfied; and

(ii) A motion for dismissal of, or an amendment to, the complaint based on the satisfaction.

(2) The decisional authority may order the submission of additional information before acting on a motion for dismissal or an amendment under paragraph (d)(1)(ii) of this section.

§ 385.207 Petitions. (Rule 207.)

(a) *General rule.* A person must file a petition to seek Commission action:

(1) Granting relief under Subparts I, J and K;

(2) Issuing a declaratory order or rule to terminate a controversy or remove uncertainty;

(3) Granting relief from a staff action (other than a decision or ruling of a presiding administrative law judge) taken pursuant to authority delegated under this part or otherwise that would be final but for this section; or

(4) Taking other action which is in the discretion of the Commission and for which this chapter prescribes no other form of pleading.

(b) *Declarations of intent under the Federal Power Act.* For purposes of this part, a declaration of intent under section 23(b) of the Federal Power Act is treated as a petition for a declaratory order.

§ 385.208 Notices of protest to tentative oil pipeline valuations. (Rule 208.)

(a) *General rule.* A person who objects to a tentative valuation of an oil pipeline under section 19a of the Interstate Commerce Act (49 U.S.C. 19a(i)) must file the notice of protest required under that section. A notice of protest has the effect prescribed in section 19a of the Interstate Commerce Act (49 U.C.S. 19a).

(b) *Service.* A notice of protest must be served by the protestant on the oil pipeline whose tentative valuation is protested.

§ 385.209 Notices of tariff or rate examination and orders to show cause. (Rule 209.)

(a) *Issuance.* (1) When the Commission seeks to determine the validity of a rate, charge, or classification demanded, observed, charged, or collected, the Commission may initiate a proceeding by issuing a notice of tariff or rate examination.

(2) The Commission may initiate a proceeding against a person by issuing an order to show cause.

(b) *Contents.* The notice or order will contain a statement of the matters about which the Commission is inquiring, and a statement of the Commission's authority under which it is acting. The statement is tentative and for the purposes of framing issues for consideration and decision by the Commission.

(c) *Answers.* A person against whom an order to show cause is directed must answer in accordance with Rule 213 (answers).

§ 385.210 Notice. (Rule 210.)

When appropriate, the Secretary will cause notices of tariff or rate filings, applications, petitions, notices of tariff or rate examinations, and orders to show cause, to be made in accordance with Rule 2009 (notice). The notice will establish the dates for filing interventions and protests.

§ 385.211 Other protests. (Rule 211.)

(a) *General rule.* A person may file a protest who objects to an application, complaint, petition, order to show cause, notice of tariff or rate examination, or tariff or rate filing. The filing of a protest does not make the protestant a party to the proceeding. The protestant must intervene to become a party. The Commission will consider protests in determining further appropriate action. The protest will be placed in the public file associated with the proceeding, but, if a hearing is set, the protest is not part of the record upon which the decision is made.

(b) *Service.* Each protest directed against a person in a proceeding must be served by the protestant on the person against whom the protest is directed. The Secretary may waive the procedural requirements of this subpart applicable to protests; however, if the requirement of service is waived, the Secretary will place the protest in the public file and may send a copy thereof to the person against whom the protest is directed.

§ 385.212 Motions. (Rule 212.)

(a) *General rule.* Unless otherwise specifically provided, a motion may be filed at any time by a participant or by a person who has filed a motion to intervene which has not been denied.

(b) *Oral motions.* A motion must be in writing, except that the presiding officer may permit an oral motion to be made on the record during the course of a hearing or conference.

(c) *Contents.* A motion must contain a clear and concise statement of the facts and law which support the motion and of the specific relief or ruling desired.

(d) *Motions to the Commission.* The Commission will designate a member of the Commission as the motions Commissioner who will rule on motions made to the Commission (other than a motion for summary disposition or interlocutory appeal). The motion is deemed denied at the end of 30 days, unless the motion is acted upon within such period. Such Commissioner will also serve as the motions Commissioner under Rule 715 (rulings on interlocutory appeals). For purposes of this paragraph, a motion made to a subordinate official of the Commission is not considered as having been made to the Commission.

§ 385.213 Answers. (Rule 213.)

(a) *Required or permitted.* (1) An answer must be made by a respondent to a complaint or order to show cause, unless the Commission orders otherwise.

(2) An answer may not be made to a protest, an answer, a motion for oral argument, or a request for rehearing, unless otherwise ordered by the decisional authority.

(3) An answer may be made to any pleading or motion not prohibited by paragraph (a)(2) of this section, except that the presiding officer may prohibit the filing of an answer to a motion for interlocutory appeal.

(4) An answer to a notice of tariff or rate examination must be made in accordance with the provisions of such notice.

(b) *Oral answers.* An answer must be in writing, except that the pleading officer may permit an oral answer to a motion made on the record in the course of a hearing or conference.

(c) *Contents.*—(1) *General answers.* An answer must contain a clear and concise statement of the disputed factual allegations and any law upon which the answerer relies. If an answer is made in response to a complaint or order to show cause, or an amendment thereto, the answerer must, to the extent practicable, admit or deny specifically and in detail each material allegation of the pleading answered, and must set forth every defense relied upon.

(2) *Answers to orders to show cause.* Mere general denials of facts referred to in an order to show cause unsupported by specific facts upon which the respondent relies will not be considered as complying with paragraph (a)(1) of this section and may be a basis for summary disposition without hearing, unless otherwise required by statute, on the ground that the respondent has raised no issues requiring a hearing or further proceedings.

(d) *Time limitations.* (1) An answer to a motion or amendment thereto must be made within 15 days after the motion or amendment is filed, unless otherwise ordered.

(2) An answer to a pleading or amendment thereto, other than an answer to a motion under paragraph (d)(1) of this section, must be made within 30 days after publication in the **Federal Register** notice of such pleading or amendment, unless otherwise ordered. In the absence of **Federal Register** publication, an answer under this paragraph must be made within 30 days after the pleading or amendment thereto was filed, unless otherwise ordered.

(e) *Failure to answer.* A person failing to answer a complaint may be considered to be in default, and all relevant facts stated in such complaint may be deemed admitted. Failure to answer an order to show cause will be treated as a general denial to which paragraph (c)(2) of this section applies.

§ 385.214 Intervention. (Rule 214.)

(a) *Filing.* (1) The Secretary of Energy becomes a party to a proceeding upon filing a notice of intervention. If the notice is not filed within the period prescribed under Rule 210 (notice), the notice must state the position of the Secretary on the issues in the proceeding.

(2) A State Commission becomes a party to a proceeding upon filing a notice of intervention, but only if such notice is filed within the period prescribed under Rule 210 (notice). After the expiration of such period, a State Commission must comply with the rules for motions to intervene applicable to a person to whom paragraph (a)(3) of this section applies, including the content requirements of paragraph (c) of this section.

(3) Any person, other than the Secretary of Energy or State Commission, who seeks to become a party must file a motion to intervene.

(b) *Contents of motion.* (1) A motion to intervene must state, to the extent known, the position taken by the movant and the basis in fact and law for such position and must state the movant's interest in sufficient factual detail to demonstrate that:

(i) The movant has a right to participate which is expressly conferred by statute or Commission, rule, order or other action;

(ii) The movant represents an interest as to which the movant may be directly affected by the outcome (which may include a movant's interest as a consumer, customer, competitor, or security holder of a party, or customer served by a party); or

(iii) The movant's participation is in the public interest.

(2) In addition to the requirements of paragraph (b)(1) of this section, a motion to intervene which is not filed within the period prescribed under Rule 210 (notice) must state the position of the movant, if know, on the issues in the proceeding and show good cause why the time limitation should be waived.

(c) *Grant of party status.* (1) If no answer in opposition to a motion to intervene is filed within 15 days after the motion to intervene is filed, the movant becomes a party at the end of the 15 days.

(2) If an answer in opposition to a motion to intervene is filed within 15 days after the motion to intervene is filed. The movant becomes a party only when the motion is expressly granted.

(d) *Grant of late intervention.* (1) In acting upon a motion to intervene filed after the period prescribed under Rule 210 (notice), the decisional authority may consider whether the movant has shown good cause for failing to file within the time prescribed, the disruption of the proceeding, and the prejudice to, or additional burdens upon, the existing parties which might be caused if the intervention is permitted.

(2) Except to the extent otherwise ordered, the grant of intervention shall not be the basis for delaying or deferring any procedural schedule established prior to such movant's intervention.

(3)(i) The decisional authority may impose limitations on the participation of late a intervener to avoid delay and prejudice to the other participants.

(ii) Except to the extent otherwise ordered, an intervener is required to accept the record of the proceeding as it was developed prior to such movant's intervention.

(4) If the presiding officer grants a motion for late intervention orally, he will promptly issue a written order confirming the oral order.

§ 385.215 Amendment of pleadings. (Rule 215.)

(a) *General rules.* (1) A participant or a person who is seeking to become a party may seek to modify its pleading by filing an amendment which conforms to the requirements applicable to the pleading to be amended.

(2) A tariff or rate filing may not be amended except pursuant to statutory authority.

(3) A written amendment filed before the fifth day before the earlier of the first prehearing conference or the first day of evidentiary hearings becomes effective as of right on the date filed. A written amendment filed after that date, or an oral amendment made to a presiding officer during the course of a hearing or conference, becomes effective only in accordance with paragraph (d) of this section.

(b) *Answers.* A participant may answer an amendment on the merits in accordance with Rule 212 of this part (answers).

(c) *Motion opposing the filing of an amendment.* A participant, or a person who has filed a motion to intervene under Rule 214 (intervention) which has not been denied, may file a motion opposing the filing of an amendment, other than an amendment effective as of right under paragraph (a)(2) of this section, within 15 days of filing of the amendment.

(d) *Acceptance of amendments.* If no motion in opposition to the acceptance of an amendment which does not become effective as of right is filed within 15 days after the amendment is filed, the amendment becomes effective at the end of the 15 day period. If a motion in opposition to the acceptance of such an amendment is filed within such period, the amendment becomes

effective at the end of the 15 day period, unless the decisional authority, before such date, issues an order rejecting the amendment, in whole or in part, for good cause.

(e) *Directed amendments.* The decisional authority, on motion or otherwise, may direct a participant or person who is seeking to become a party to file an amendment to amplify, clarify, or technically correct a pleading in writing.

§ 385.216 Withdrawal of pleadings. (Rule 216.)

(a) *Filing.* A participant may seek to withdraw a pleading by filing a notice of withdrawal.

(b) *Action on withdrawals.* When no motion in opposition is filed within 15 days, the withdrawal becomes effective at the end of that period, unless, within that period, the decisional authority issues an order disallowing the withdrawal. When a motion in opposition is filed, the withdrawal is not effective until the decisional authority issues an order accepting the withdrawal. An order under this paragraph may disallow all or part of a withdrawal for good cause.

(c) *Conditional withdrawal.* To prevent prejudice to other participants, the decisional authority, on motion or otherwise, may condition the withdrawal upon a requirement that the withdrawing party leave material in the record or otherwise make material available to other participants.

§ 385.217 Summary disposition. (Rule 217.)

(a) *General rule.* If the decisional authority determines that there is no genuine issue of fact material to the decision of a proceeding or a part thereof, the decisional authority may summarily dispose of all or part of the proceeding.

(b) *Procedures.* (1) A participant may make a motion for summary disposition of all or part of a proceeding.

(2) When a decisional authority, other than the Commission, is considering summary disposition in the absence of a motion by a participant, the decisional authority must grant the participants an opportunity to comment on the proposed disposition prior to summary disposition, unless for good cause shown the decisional authority otherwise provides.

(3) When the Commission is considering ordering summary disposition in the absence of a motion by a participant and prior to setting a matter for hearing, and if it determines that notice and comment procedures are practicable and necessary, it may notify the participants and afford them an opportunity to comment on the proposed disposition.

(c) *Disposition.* (1) (i) When a decisional authority, other than the Commission, summarily disposes of all of a proceeding, the decisional authority will issue an initial decision in the entire proceeding.

(ii) Except as provided in paragraph (c)(1)(iii) of this section, when summary disposition is made of part of a proceeding, the decisional authority may issue a partial initial decision or may postpone issuing an initial decision on such part and combine it with the initial decision on the entire or appropriate part of the proceeding.

(iii) When summary disposition is made of part of a proceeding and such disposition requires the filing of new tariff or rate schedule sheets, the decisional authority will issue an initial decision disposing of that part of the proceeding.

(2) A decision issued under paragraph (c)(1) of this section shall be treated as an initial decision issued under Subpart G of this part, except that Rules 704, 705, 706, 707, and 709 of this part do not apply (rights of participants before initial decision discretion of presiding officer before initial decision, initial and replied briefs before initial decision, oral argument before initial decision, and other types of decisions).

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Hearings

§ 385.501 Applicability. (Rule 501.)

This subpart applies to a proceeding or part of a proceeding which the Commission sets for a hearing to be conducted in accordance with this subpart.

§ 385.502 Initiation of hearing. (Rule 502.)

(a) *Notice or order initiating hearing.* A hearing under this subpart will be initiated:

(1) By the Commission by issuance of an order, or

(2) By notice of the Secretary at direction of the Commission, or

(3) By order of the Oil Pipeline Board.

(b) *Contents of notice or order initiating hearing.* The order or notice under paragraph (a) of this section shall set forth:

(1) The authority and jurisdiction under which the hearing is to be held;

(2) The nature of the proceeding;

(3) The final date for the filing of protests and interventions, where the dates were not fixed by an earlier notice;

(4) The presiding officer, if one has been designated; and

(5) The date, time, and location of the hearing or prehearing conference, if known; and

(6) Any other appropriate matter.

(c) *Consolidation, severance, and phasing.* The notice or order may direct consolidation of proceedings, phasing of a proceeding, or severance of proceedings or issues in a proceeding.

§ 385.503 Consolidation and severance by chief administrative law judge. (Rule 503.)

The Chief Administrative Law Judge may, upon motion or otherwise, order proceedings pending under this subpart consolidated for hearing on any or all matters in issue in such proceedings, or order the severance of proceedings, or issues in a proceeding.

§ 385.504 Duties and powers of presiding officers. (Rule 504.)

(a) *Duties.*—(1) *Conduct of fair and impartial hearing.* It shall be the duty of the presiding officer to conduct a fair and impartial hearing, and to determine the matter justly under the law.

(2) *Appearances.* The presiding officer before whom a hearing is held shall cause all appearances to be entered on the record with a notation in whose behalf each appearance is made.

(3) *Order of presentation.* The presiding officer shall prescribe the order of presentation of the cases of all participants in the hearing.

(4) *Requirement for diligence and lack of delay.* The presiding officer shall assure that the taking of evidence and subsequent matters proceed with all reasonable diligence and with the least practicable delay.

(5) *Initial decision.* The presiding officer shall prepare and certify an initial decision to the Commission, as provided in Subpart G of this chapter.

(b) *Powers.* Except as ordered otherwise by the Commission, the presiding officer may exercise the following powers:

(1) *Scheduling.* Scheduling and otherwise regulating the course of the hearing.

(2) *Recessing, reconvening, postponing, adjourning.* Recessing, reconvening, postponing, or adjourning the hearing.

(3) *Oaths and affirmations.* Administering oaths and affirmations.

(4) *Evidence.* Ruling on and receiving evidence.

(5) *Taking of discovery.* Taking or causing discovery to be conducted.

(6) *Subpoenas.* Issuing subpoenas under Subpart D.

(7) *Conferences.* Holding conferences of the participants, as provided in Subpart F of this chapter.

(8) *Disposition of procedural matters.* Ruling on and disposing of procedural matters, including oral or written motions.

(9) *Summary disposition.* Summarily disposing of a proceeding or part thereof as provided in Rule 217 (summary disposition).

(10) *Certifying questions.* Certifying a question to the Commission as provided in Rule 714 (certified questions).

(11) *Appeal of interlocutory ruling.* Permitting appeal of an interlocutory ruling, as provided in Rule 715 (interlocutory appeals).

(12) *Intervention.* Ruling on motions to intervene as provided in Rule 214 (intervention).

(13) *Phasing.* Separating a particular issue or issues in a proceeding from others, and treating such issue or issues as a separate phase of the proceeding.

(14) *Maintaining order.* Any disregard by any person of rulings on matters of order and procedure shall be noted on the record, and may be made the subject of a special written report to the Commission. In the event a person engages in disrespectful, disorderly, or contumacious language or conduct in connection with a hearing, the presiding officer may recess the hearing for such time as is necessary to regain order. The presiding officer may request that the Commission take appropriate action, including removal, against a participant or counsel if necessary to maintain order.

(15) *Modifying time period.* Modifying any time period if such modification is in the interest of justice and will result in no undue prejudice to any participant.

(16) *Number of expert witnesses.* Limiting the number of expert witnesses who may testify on any issue consistent with the rule against repetitious testimony in Rule 905(a).

(17) *Number of persons representing a similar interest.* Limiting the number of persons (other than staff) representing a similar interest who may examine, make and argue motions and objections.

(18) *Further evidence.* Requiring, or authorizing the admission of, further evidence upon any issue at any time before the close of the evidentiary record.

(19) *General authority.* Taking any other action necessary or appropriate to the discharge of the duties vested in him, consistent with applicable law and policy.

(c) *Disqualification.* A presiding officer who believes himself disqualified may withdraw from a proceeding. The Commission may order the removal of a presiding officer for good cause either upon motion filed with the Commission or otherwise.

§ 385.506 Right of participants to present evidence. (Rule 505.)

Participants have the right to present such evidence, including rebuttal evidence, and to conduct such cross-examination as may be necessary to assure the true and full disclosure of facts.

§ 385.506 Examination of witnesses. (Rule 506.)

(a) *General rule.* Except as provided in paragraphs (b), (c), or (d) of this section, examination of a witness must be conducted orally under oath in the presence of the presiding officer with the opportunity for all participants to question the witness.

(b) *Prepared written direct testimony and prepared written rebuttal testimony.* Unless otherwise ordered by the presiding officer, direct and rebuttal testimony must be prepared in written form and comply with the requirements of Rule 507 of this part (relating to prepared testimony). Prepared testimony will be treated as an exhibit and the witness sponsoring the exhibit must be made available for oral cross-examination. The cross-examination must be conducted in accordance with the other provisions of this section.

[THIS PARAGRAPH IS NOT A PROPOSED RULE, BUT IS HERE FOR DISCUSSION ONLY]

[(c) *Oral testimony not conducted in the presence of the presiding officer.* The presiding officer need not be present at the examination of a witness: *Provided,* That:

(1) The presiding officer issues and order finding that (i) the participants agree that the examination may be so conducted, or (ii) the presiding officer finds good cause for such examination;

(2) The participants are notified in advance of the examination of the witness and the time and place of their examination;

(3) The participants are afforded the opportunity to put questions to the witness; and

(4) The participants are advised that this opportunity to put questions to the witness as provided in paragraph (c) of this section may be in lieu of the opportunity to put questions to the witness in the presence of the presiding officer.]

[THIS PARAGRAPH IS NOT A PROPOSED RULE, BUT IS HERE FOR DISCUSSION ONLY]

[(d) *Written cross-examination of witnesses.* The presiding officer may, with the consent of the participants, permit the use of prepared written cross-examination which complies with Rule 507 (prepared written testimony). The testimony may be based on interrogatories or other discovery. Prepared written cross-examination will be treated as an exhibit. When written cross-examination under this paragraph is used, a participant may, by written motion, request that such examination be supplemented by oral cross-examination. The presiding officer may grant such a motion only if the motion establishes that such supplemental oral cross-examination is necessary.]

§ 385.507 Prepared written testimony. (Rule 507.)

(a) *To be an exhibit.* Prepared written testimony of any witness must be offered as an exhibit. When prepared written testimony is required by the presiding officer, a reasonable period of time will be allowed for the preparation of such written testimony.

(b) *Time for filing.* All prepared written testimony must be served within the time provided by the presiding officer, but at least 10 days in advance of the session of the hearing at which such exhibit is offered, unless a shortened time is permitted under paragraph (c) of this section.

(c) *Late-filed testimony.* The participants in attendance at the hearing may agree unanimously that all or any part of such 10 days' prior service be waived. The presiding officer, absent such agreement, will permit the introduction of prepared written testimony if necessary for a full disclosure of the facts or may permit upon any other showing of good cause unless unduly prejudicial to any participant. Where such testimony is served within the 10 day period the presiding officer will give the participants present a reasonable opportunity to examine it.

(d) *Forms.* Prepared written testimony must have line numbers inserted on each page, in the left-hand margin, and must be authenticated by an affidavit of the witness.

§ 385.508 Exhibits. (Rule 508.)

(a) *General rule.* Except as provided in paragraphs (b) through (e) of this section, material offered in evidence except oral testimony must be offered in the form of an exhibit. A participant who seeks to have an exhibit admitted

into evidence must provide one copy of the exhibit to the presiding officer and two copies to the reporter at the time the participant moves for its admission. The presiding officer will mark for identification every exhibit offered by a participant.

(b) *Designation of matter sought to be admitted.* When a document offered as an exhibit contains material not offered as evidence, the participant offering the exhibit must plainly designate the matter offered as evidence, and must so segregate and exclude insofar as is practicable the material not so offered. If the matter not offered is so extensive as to unnecessarily encumber the record, such document will not be received in evidence but may be marked for identification. If properly authenticated, the material offered as evidence may be read into the record, or if the presiding officer so directs, a true copy of such material in proper form will be received in evidence as an exhibit. Copies of the exhibit must be delivered by the participant offering the same to the other participants appearing at the hearing who will be offered an opportunity to examine the entire document to offer in evidence in like manner other portions thereof.

(c) *Public document item by reference.* Whenever part or all of a public document is offered in evidence and the offerer shows that the document, or part thereof, is reasonably available to the public, such document need not be produced or marked for identification, but may be offered in evidence as a public document item by reference by specifying the document or relevant part thereof.

(d) *Official notice of facts.* Official notice may be taken by the presiding officer of such matters as might be judicially noticed by the courts of the United States, or any matters as to which the Commission by reason of its functions is an expert. A participant must, on timely request, be afforded an opportunity to show the contrary. A participant requesting the taking of official notice after the conclusion of the hearing must set forth the reasons claimed to justify failure to make the request prior to the close of the hearing.

(e) *Stipulations.* Participants may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. The stipulations may be received in evidence at the hearing, and when so received, are binding on the stipulating participants with respect to the matters therein stipulated. A stipulation may be made orally at the hearing or in written form.

§ 385.509 Admissibility of evidence. (Rule 509.)

(a) *General standard.* The presiding officer should exclude from evidence irrelevant, immaterial and unduly repetitious material. The presiding officer may exclude from evidence any other material he determines is not of the kind which would affect reasonable and fairminded persons in the conduct of their daily affairs.

(b) *Ruling on evidence.* The presiding officer will rule on the admissibility of all evidence offered. When an objection is made to the admission or exclusion of evidence, the grounds for the objection will be stated briefly. Formal exceptions are not permitted, but this does not preclude the arguing of the validity of a ruling on evidence at a later time in such proceeding.

§ 385.510 Miscellaneous provisions. (Rule 510.)

(a) *Transcript.* (1) Every statement made at a hearing session will be transcribed in a verbatim report from which nothing will be omitted except as directed on the record by the presiding officer. Statements at a hearing must not occur off-the-record, except as directed by the presiding officer.

(2) After the closing of the record, there will be no changes in the transcript, except as provided in paragraph (b) of this section.

(b) *Transcript corrections.* Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing and to speak the truth. Transcript corrections agreed to by opposing participants may be incorporated into the record, when approved by the presiding officer, at any time during the hearing or after the close of evidence, as may be permitted by the presiding officer before the filing of the initial decision but not less than 10 days in advance of the time fixed for filing final briefs. The presiding officer may call for the submission of proposed corrections and will rule upon proposed corrections during the proceeding.

(c) *Close of evidentiary record.* The presiding officer will designate the time at which the evidentiary record is closed. Thereafter no evidence will be added to the evidentiary record unless the record is reopened under Rule 716 (reopening).

(d) *Copies of exhibits and motions to participants.* Except as otherwise provided in this subpart, copies of exhibits and motions will be furnished at the hearing to the presiding officer and to the participants.

(e) *Fees of witnesses.* Witnesses subpoenaed by the Commission will be paid the same fees and mileage as are paid for like services in the district court of the United States. Witnesses subpoenaed at the instance of participants will be paid the same fees and mileage by the participant at whose instance the witness is subpoenaed. The Commission, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

(f) *Offers of proof.* An offer of proof, made in connection with a ruling of the presiding officer rejecting or excluding proffered oral testimony, will consist of a statement of the substance of the evidence which participant claims would be adduced by the testimony. If the excluded evidence is in the form of an exhibit or is a public document, a copy of such exhibit will constitute the offer of proof of the public document will be specified by identification.

Subpart F—Conferences, Settlements, and Stipulations

§ 385.601 Conferences (Rule 601.)

(a) *When convened.* Upon motion or otherwise, the Commission or the decisional authority in a proceeding may convene a conference of the participants in the proceeding at any time.

(b) *Purpose.* A conference may be convened for any purpose related to the conduct or disposition of a proceeding, including submission and consideration of offers of settlement.

(c) *General requirements.* Due notice of the time and place of a conference and of the matters to be addressed at the conference must be given to the participants. Participants attending a conference must be prepared to discuss the matters to be addressed at the conference, unless there is good cause for a failure to be prepared. A person appearing in a representative capacity must be authorized to act on behalf of such person's principal with respect to such matters. Failure of a party to attend such a conference will constitute a waiver of all objections to the agreements reached, if any, and any order or ruling arising out of such conference.

(d) *Powers of decisional authority at conference.* The decisional authority before whom the conference is held, or to whom it reports, may dispose of any procedural matters upon which he is authorized to rule during the course of the proceeding, and which it appears may appropriately and usefully be disposed of at that stage. In addition, in the case of a proceeding set for hearing under Subpart E, where it appears that the proceeding would be substantially expedited by distribution of proposed

exhibits, written prepared testimony, and other documents reasonably in advance of the hearing session, the presiding officer, with due regard for the convenience of the participants, may direct advance distribution by a prescribed date. The presiding officer may also direct the preparation and distribution of briefs and other documents as he determines will substantially expedite the proceeding.

§ 385.602 Submission of settlement offers. (Rule 602.)

(a) *Applicability.*—(1) *General rule.* This section applies to written offers of settlement filed in any proceeding to which this subpart applies. For purposes of this section, the term "offer of settlement" includes any written proposal to modify an offer of settlement.

(2) *Oil pipeline proceedings.* In the case of any proceeding under the Interstate Commerce Act, the functions of the Commission with respect to review and approval of offers of settlement under this section are vested in the Oil Pipeline Board. Action of the Board are reviewable by the Commission under section 17 of the Interstate Commerce Act.

(b) *Submission of offer.* A participant in a proceeding may submit an offer of settlement at any time. An offer of settlement must be filed with the Secretary of the Commission. The Secretary will transmit the offer to the presiding officer if the offer is filed after a hearing has been ordered and before the time the presiding officer certifies the record to the Commission. In any other case, the Secretary will transmit the offer of settlement to the Commission.

(c) *Contents of offer.* (1) An offer of settlement must include a document embodying the settlement offer, an explanatory statement, copies of or references to (including record citations if there is a record) such documents, testimony, exhibits, or other matters, which the offerer considers relevant to the offer of settlement. An offer of settlement must also include a proposed order of the Commission approving the settlement, which order must include the following provision:

> The Commission's approval of this settlement shall not constitute approval of or precedent regarding any principle or issue in this proceeding.

(2) If the offer of settlement relates to a tariff filing, the offer must include proposed tariff changes in a form suitable for inclusion in the filed rate schedules or tariffs, together with a sufficient number of copies to satisfy the filing requirements applicable to tariff filings of the type at issue in the proceeding.

(d) *Service.* A copy of the offer of settlement must be served on participants in accordance with Rule 2010 (service) and on the persons who are required by the Commission's rules to be served with the pleading or tariff or rate filing with respect to which the proceeding was initiated. The participant serving the offer of settlement must notify the persons served of the date comments on the settlement are due under paragraph (f) of this section.

(e) *Use of non-approved offers of settlement as evidence.* Offers of settlement which are not approved by the Commission, and comments thereon, will not be admissible in evidence against any participant objecting to their admission. Discussion of the parties with respect to an offer of settlement not approved by the Commission will not be subject to discovery or admissible in evidence.

(f) *Comments.* Comments on an offer of settlement will be filed with the Secretary who will transmit them to the Commission if the offer was transmitted to the Commission, or to the presiding officer in any other case. Comments may be filed on or before 20 days after the filing of the offer of settlement and reply comments may be filed on or before 30 days after the filing of such offer, unless otherwise provided for by the Commission or the presiding officer. Failure to file comments constitutes a waiver of all objections to the offer of settlement.

(g) *Uncontested offers of settlement.* If comments on an offer were transmitted to the presiding officer and such officer finds that the offer is not contested by any participant, the presiding officer will certify to the Commission the offer of settlement, a statement that the offer of settlement is uncontested, and any hearing record or pleadings which relate to the the offer of settlement. If comments on an offer of settlement were transmitted to the Commission, the Commission will determine whether the offer is uncontested. An uncontested offer of settlement may be approved by the Commission upon a finding that the settlement appears to be fair and reasonable and in the public interest.

(h) *Contested offers of settlement.* (1) If the Commission determines the offer of settlement is contested by any party, in whole or in part, the Commission may reach a decision on the merits of the contested settlement issues if the record contains substantial evidence upon which to base a reasoned decision or if the Commission determines there is no contested issue of material fact. If the Commission finds that the record is lacking in substantial evidence or that the contested issues cannot be severed from the offer of settlement, the Commission will establish procedures before a presiding officer for the purpose of receiving additional evidence upon which a decision on the contested issues can reasonably be based or take such other action as it determines to be appropriate. When contested issues are severable, the uncontested portions may be severed and decided in accordance with paragraph (g) of this section.

(2) If comments on an offer of settlement are transmitted to the presiding officer and such officer determines that the offer is contested, in whole or in part, by any participant, the officer may certify all or part of such offer to the Commission. An offer or part thereof contested by a party may be certified only if:

(i) Either (A) the presiding officer determines that there is no contested issue of material fact, or (B) the parties concur on a motion for omission of the initial decision as provided in Rule 710 (waiver of the initial decision);

(ii) The presiding officer determines that the record contains substantial evidence from which the Commission may reach a reasoned decision on the merits of the contested issues, and

(iii) The parties have had an opportunity to avail themselves of such rights as they may with respect to the opportunity to present evidence and cross-examine opposing witnesses. When the contested issues are severable, the uncontested portions of the settlement may be certified immediately to the Commission for decision as provided in paragraph (g) of this section.

(i) *Reservation of rights.* The procedural rights a participant would have in the absence of an offer of settlement are not affected if the Commission does not approve, or approves subject to condition, the unopposed portion of the offer of settlement.

§ 385.603 Settlement negotiations before a settlement judge. (Rule 603.)

(a) *Applicability.* This section applies to a proceeding set for hearing under Subpart E.

(b) *Definitions.* For purposes of this section, "settlement judge" means the administrative law judge appointed by the Chief Administrative Law Judge to conduct settlement negotiations under this section.

(c) *Requests for appointment of settlement judges.* (1) A participant may

file a motion for the appointment of a settlement judge. The motion must be made with the presiding officer, or, if the motion is made when there is no presiding officer for the proceeding, with the Commission.

(2) A presiding officer may request the Chief Administrative Law Judge to appoint a settlement judge.

(3) Notwithstanding the provisions of Rule 213(c) of this part (time limitations on answers), a motion under paragraph (a) of this section may be acted upon at any time. Answers or objections filed after a motion has been acted upon will not be considered.

(d) *Commission order directing appointment of settlement judge.* The Commission may by order, on motion or otherwise, direct the Chief Administrative Law Judge to appoint a settlement judge.

(e) *Appointment of settlement judge by Chief Administrative Law Judge.* The chief administrative law judge may appoint a settlement judge for a proceeding if requested by the presiding officer under paragraph (c)(2) of this section, or if the presiding officer concurs in a motion under paragraph (c)(1) of this section.

(f) *Order appointing settlement judge.* The appointment of a settlement judge will be by order of the Chief Administrative Law Judge. The order will specify whether and to what extent the proceeding is suspended pending termination of settlement negotiations conducted in accordance with this section. The order may confine the scope of such settlement negotiations to specified issues.

(g) *Powers and duties of settlement judge.* (1) The settlement judge will call and preside over conferences and settlement negotiations of the participants and assess the practicalities of a potential settlement.

(2) The settlement judge will submit a report to the Chief Administrative Law Judge or Commission, as appropriate, of the status of the settlement negotiations and an evaluation as to settlement prospects. The settlement judge may make recommendations as to the continuation of the settlement negotiations conducted under this section. The first report will be made no later than 30 days following the appointment of the settlement judge. The Commission or the Chief Administrative Law Judge may order additional reports at any time.

(h) *Termination of settlement negotiations before a settlement judge.* Unless an order of the Commission directing the appointment of a settlement judge provides otherwise, settlement negotiations conducted under this section will terminate upon the order of the Chief Administrative Law Judge issued after consultation with the settlement judge.

(i) *Non-reviewability.* Any decision concerning the appointment of a settlement judge or termination of settlement negotiations is not subject to review by, appeal to, or rehearing by the presiding judge, Chief Administrative Law Judge, or the Commission.

(j) *Multiple settlement negotiations.* If settlement negotiations are terminated under paragraph (h) of this section, the Chief Administrative Law Judge may subsequently appoint a settlement judge in the same proceeding to conduct settlement negotiations in accordance with this section.

§ 385.604 Refusal to make admissions or stipulations. (Rule 604.)

If a party in a proceeding set for hearing under Subpart E refuses to admit or stipulate to the genuineness of a document or the truth of a matter of fact and if the party requesting the admission or stipulation thereafter proves the genuineness of document or the truth of matter of fact, the party who made the proof may apply to the presiding officer for an order requiring the other party to pay the reasonable expenses incurred in making the proof, including reasonable attorney's fees. Unless the officer finds that there was good reason for the refusal to admit or stipulate or that the admission or stipulation sought were of no substantial importance, the order shall be made. An appeal from the order may be taken to the Commission immediately. If a party refuses to comply with the order after it becomes final, the Commission may strike all or any part of the party's pleadings or limit or deny further participation by the party. Proposed stipulations not agreed to are not admissible in evidence against any participant objecting to the admission.

Subpart G—Decisions

§ 385.701 Applicability. (Rule 701.)

This subpart applies to decisions in proceedings set for hearing under Subpart E of this part, including a decision on a certified question, interlocutory appeal, or reopening, and to a decision on rehearing, except that:

(a) The provisions of this subpart (other than those relating to rehearing or reopening) are inapplicable to consideration of an offer of settlement, and

(b) This subpart applies to summary disposition only to the extent provided in Rule 217 (summary disposition).

§ 385.702 Definitions. (Rule 702.)

For purposes of this subpart:

(a) "Initial decision" is a decision rendered in accordance with Rule 706 (initial decisions by presiding officers).

(b) "Final decision" is a decision referred to in Rule 713 (requests for rehearing of final decisions).

§ 385.703 Contents of decisions. (Rule 703.)

Each decision will become a part of the record in the proceeding and will contain:

(a) A ruling on each exception presented and findings and conclusions, with supporting reasons, upon all material issues of fact, law, or matters of discretion presented on the record, and

(b) The appropriate rule, order, sanction, relief, or denial thereof.

§ 385.704 Rights of participants before initial decision. (Rule 704.)

After the taking of testimony in a proceeding, or phase thereof, the presiding officer will afford each participant the opportunity:

(a) To submit written initial briefs in accordance with Rule 706 (briefs before initial decisions), except that the presiding officer may provide an opportunity for oral argument in lieu of, or in addition to, initial briefs; and

(b) To submit written reply briefs in accordance with Rule 706 (briefs before initial decision), except that the presiding officer (1) may provide an opportunity for oral reply argument in lieu of, or in addition to, reply briefs, and (2) may for good cause deny this opportunity for reply or limit the issues which may be addressed in such replies.

§ 385.705 Additional powers of presiding officer with respect to briefs. (Rule 705.)

(a) *Limitations on briefs.* The presiding officer may limit the length of any brief to be filed under Rule 706 (briefs before initial decisions) with due regard to the nature of the proceeding.

(b) *Additional briefs and other filings.* If appropriate, the presiding officer may permit or require briefs or other filings in addition to those provided for in Rule 706 (briefs before initial decision).

§ 385.706 Initial and reply briefs before initial decision. (Rule 706.)

(a) *When filed.* If initial or reply brief are to be filed, the presiding officer will fix the time for filing and service of such briefs giving due regard to the nature of the proceeding, the extent of the record, and the number and complexity of the issues. Unless specifically ordered otherwise, the time so fixed will be the same for all initial briefs and the same for all reply briefs.

(b) *Contents.* (1) Initial briefs filed with the presiding officer must include:

(i) A concise statement of the case;

(ii) Proposed findings and conclusions, unless waived by the presiding officer;

(iii) Arguments in support of the participant's position, and

(iv) Any other matter required by the presiding officer.

(2) Reply briefs filed with the presiding officer must be limited to responding to arguments and issues raised in the initial briefs, and the presiding officer may impose other limits on the reply brief.

(c) *Form.* (1) Exhibits admitted in evidence or marked for identification in the record must not be reproduced in the brief, but may be shown, within reasonable limits, in an appendix to the brief. Analyses of such exhibits may be included in the brief where pertinent.

(2) A brief of more than 20 pages must contain, in the front, a table of contents and points made, with page references, and a list of citations, alphabetically arranged, with page references.

(d) *Record.* Initial and reply briefs accompany the record and will be available to the Commission and the presiding officer for consideration in deciding the case.

§ 385.707 Oral argument before initial decision. (Rule 707.)

(a) *Procedure.* If oral argument is to be held, the presiding officer will designate the order of the argument, set a time limit on each argument, and make any other procedural rulings.

(b) *Scope.* (1) If oral argument is to be held without an initial brief, then each participant has the opportunity to present orally the information required or permitted to be included in initial briefs pursuant to Rule 706(b) (contents of initial briefs).

(2) If oral argument is to be held in addition to an initial or reply brief, such oral argument may be limited to issues considered by the presiding officer to be appropriate issues for oral argument.

(c) Oral argument will be transcribed and included in the record and must be available to the Commission and the presiding officer in deciding the case.

§ 385.708 Initial decisions by presiding officer. (Rule 708.)

(a) *Applicability.* This section applies to any proceeding in which a presiding officer, other than the Commission, presided over the reception of the evidence.

(b) *General rule.* (1) Unless othewise ordered by the commission or unless paragraph (b)(2) applies, the presiding officer will prepare a written initial decision.

(2) Where time and circumstances so require, the presiding officer may issue an order stating that an oral initial decision will be issued. The oral decision is considered served upon all participants when it is issued orally. Promptly thereafter the presiding officer will prepare the oral initial decision contained in the transcript in the format of a written initial decision.

(3) An initial decision prepared under paragraph (b)(1) or (b)(2) of this section, will be certified by the presiding officer, together with a copy of the record in the proceeding, if any.

(4) After certification of a written initial decision under paragraph (b)(3) of this section, the presiding officer, after notification and having received no objections from the participants, may make technical corrections to the initial decision within 35 days of its certification.

(c) *Initial decision prepared and certified by presiding officer.* (1) The presiding officer who has presided over the reception of evidence must prepare and certify the initial decision, if any, unless such officer becomes unavailable or unless the Commission otherwise provides in accordance with 5 U.S.C. 557(b).

(2) If the presiding officer becomes unavailable, the Chief Administrative Law Judge may issue an order designating another qualified presiding officer to prepare and certify the initial decision.

(d) *Finality of initial decision.* For purposes of rehearing as provided in Rule 713 (requests for rehearing), the initial decision will become a final Commission decision 10 days after exceptions are due under Rule 711 (exceptions after initial decision) unless (1) exceptions are timely filed under Rule 711 (exceptions after initial decision), or (2) the Commission issues an order staying the effectiveness of the decision pending review under Rule 712 (relating to Commission review where no exceptions are filed).

§ 385.709 Other types of decisions. (Rule 709.)

In lieu of an initial decision under Rule 708 (initial decisions), the Commission may order any type of decision as provided by 5 U.S.C. 557(b), or waiver of the initial decision as provided by Rule 710 (waiver of initial decision).

§ 385.710 Waiver of the initial decision. (Rule 710.)

(a) *General rule.* A participant may file a motion asking the Commission to issue a final decision without any initial decision. If all other participants join in the motion, it is granted unless the Commission denies the motion within 10 days after the date of filing or in the case of an oral motion under paragraph (c)(2) of this section within 10 days after the motion is transmitted to the Commission.

(b) *Content.* The motion filed with the Commission must specify:

(1) Whether all participants concur in the request to waive the initial decision;

(2) The reasons that waiver of the initial decision is in the interest of parties and the public interest;

(3) Whether any participant desires an opportunity for filing briefs;

(4) Whether any participant desires an opportunity for oral argument before the presiding officer, the Commission, or an individual Commissioner; and

(5) Whether any participant waives any other procedural right.

(c) *How and when made.* (1) A written motion under this section may be filed at any time before the matter is set for hearing, during the hearing, but no later than 5 days after the close of the hearing conducted under Subpart E.

(2) An oral motion under this section may be made during a hearing session, in which case the presiding officer will transmit the relevant portions of the transcript of the hearing in which the motion was made to the Commission.

§ 385.711 Exceptions and briefs on exceptions after initial decision. (Rule 711.)

(a) *Exceptions.* (1) Within 30 days after service of an initial decision, a participant may file with the Commission exceptions to the initial decision in a brief on exceptions. A brief opposing exceptions may be filed in response to a brief on exceptions within 20 days after the latest date for filing a brief on exceptions. A participant may, within the time set for filing briefs opposing exceptions, file a brief on exceptions solely for the purpose of incorporating by reference one or more numbered exceptions contained in another participant's brief. A brief filed under the preceding sentence need not comply with the requirements set forth in paragraph (b) of this section.

(2) A brief on exceptions or a brief opposing exceptions must not exceed 50 pages in length, unless the Chief Administrative Law Judge, upon motion, changes the page limitation.

(3) The Secretary may extend, on motion or upon direction of the Commission, the time limits for such briefs. No further briefs are permitted unless specifically ordered by the Commission.

(b) *Nature of briefs on exceptions and of briefs opposing exceptions.* (1) A brief

on exceptions and a brief opposing exceptions must include:

(i) If the brief exceeds 10 pages in length, a separate summary of the brief no more than five pages in length; and

(ii) A presentation of the participant's position and arguments in support thereof, including references to the pages of the record or exhibits where evidence appears in support of such position and arguments.

(2) A brief on exceptions must include, in addition to matters required by paragraph (b)(1) in this section:

(i) A short statement of the case;

(ii) A list of numbered exceptions, including a specification of each error of fact or law asserted; and

(iii) A concise discussion of the policy considerations that may warrant full Commission review and opinion.

(3) A brief opposing exceptions must include, in addition to matters required by paragraph (b)(1) of this section:

(i) A list of exceptions opposed, by number; and

(ii) A rebuttal of policy considerations claimed to warrant Commission review.

(c) *Oral argument.* (1) A participant filing a brief on exceptions or brief opposing exceptions may request, by written motion, oral argument before the Commission or an individual Commissioner.

(2) The motion must be filed within the time limit for filing briefs opposing exceptions.

(3) No replies to such a motion will be entertained.

(4) The motion may be granted at the discretion of the Commission. If oral argument is granted, it will be limited, unless otherwise specified, to matters properly raised by the briefs.

(d) *Failure to take exceptions results in waiver*—(1) *Complete waiver.* Failure to file a brief on exceptions within the time permitted under this section constitutes a waiver of all objections to the initial decision.

(2) *Partial waiver.* Failure to object to any part of an initial decision in a brief on exceptions constitutes a waiver of objections to that part of the initial decision.

(3) *Effect of waiver.* Unless otherwise ordered by the Commission upon a showing of good cause, a participant who has waived objections under paragraphs (d)(1) or (d)(2) of this section to all or part of the initial decision may not thereafter raise his objections to the initial decision before the Commission in oral argument or on rehearing.

§ 385.712 Commission review of initial decision in the absence of exceptions. (Rule 712.)

(a) *General rule.* If no briefs on exceptions to an initial decision are filed within the time established by rule or order under Rule 711 (briefs on exceptions), the Commission may, within 10 days after the expiration of such time, issue an order staying the effectiveness of such decision pending its review.

(b) *Briefs and argument.* When it reviews a decision under this section, the Commission may require the participants to file briefs or present oral arguments on any issue.

(c) *Effects of review.* After Completing review under this section, the Commission will issue a decision which is final for purposes of Rule 713 (requests for rehearing).

§ 385.713 Request for rehearing. (Rule 713.)

(a) *Applicability.* This section applies to any Commission final decision or other final order with respect to rehearing provided for by statute, rule, or order.

(b) *Time for filing.* A request for rehearing may be filed by any party within 30 days after issuance of any final decision or other final order in a proceeding.

(c) *Final decisions.* In the case of a proceeding set for hearing under Subpart E:

(1) For the purposes of paragraph (a) of this section, a final decision includes a Commission decision:

(i) On exceptions taken by participants to an initial decision;

(ii) When the Commission has presided at the reception of the evidence;

(iii) When the initial decision procedure has been waived by consent of the participants in accordance with Rule 710 (waiver of initial decision);

(iv) On review of an initial decision in the absence of exceptions in accordance with Rule 712 (Commission review in absence of exceptions); and

(v) Any other action designated as final decision by the Commission for purposes of rehearing.

(2) For the purposes of paragraph (a) of this section, an initial decision under Rule 708 (initial decisions) to which no exceptions were filed and no review was initiated under Rule 712 (Commission review in absence of exceptions) becomes final at the expiration of the time period for Commission review under Rule 712 of this part (Commission review in absence of exceptions).

(d) *Content of request.* A request for rehearing must state concisely the alleged error in the Commission's decision or order. The request must conform to the requirements applicable to pleadings contained in Rule 203(a) (content of pleadings). If rehearing is sought by reason of matters that were not available for consideration by the Commission at the time of its decision, the matters relied upon by the party requesting rehearing must be set forth in the request.

(e) *Answers.* The Commission will not permit answers to requests for rehearing. The Commission may afford the parties an opportunity to file briefs or present oral argument on some or all issues presented by a request for rehearing.

(f) *Request is not stay.* The filing of a request for rehearing does not operate as a stay of the Commission's decision or order unless specifically ordered by the Commission.

(g) *Commission action on rehearing.* Unless the Commission acts upon a request for rehearing within 30 days after it is filed, it is denied.

§ 385.714 Certified questions. (Rule 714.)

(a) *General rule.* During the course of a proceeding, the presiding officer may certify, and, at the direction of the Commission, will certify to the Commission for its consideration and disposition any question which is germane to the proceeding, including questions of law, policy, or procedure.

(b) *Notice.* The presiding officer will notify the participants of the certification of any question to the Commission and of the date of such certification. Such notification may be made orally during the hearing session or by order.

(c) *Presiding officer's memorandum; views of the participants.* To the extent practicable, the presiding officer should solicit the oral or written views of the participants regarding a question certified under this section. The presiding officer shall prepare a memorandum which sets forth the relevant issues, discusses the views of participants which have been submitted, and recommends a disposition of such issues. Any written views submitted by the participants and the memorandum of the presiding officer shall be appended to the question certified under this section.

(d) *Return of certified question to presiding officer.* If the Commission does not act on a certified question within 30 days after receipt of a certification under paragraph (a) of this section, the question is deemed returned

to the presiding officer for decision in accordance with the other provisions of this subpart.

(e) *Certification not suspension.* Unless otherwise directed by the Commission or the presiding officer, certification under this section does not suspend the proceeding.

§ 385.715 Interlocutory appeals to the Commission from rulings of presiding officers. (Rule 715.)

(a) *General rule.* No appeal to the Commission may be taken from a ruling of a presiding officer during the course of a proceeding, unless the presiding officer under paragraph (b) of this section or the motions Commissioner under paragraph (c) of this section determines that such ruling should be reviewed by the Commission.

(b) *Motion to the presiding officer to permit appeal.* (1) Any participant in a proceeding may, during the course of the proceeding, move that the presiding officer permit appeal to the Commission from any ruling made by the presiding officer in the proceeding. The motion will state why prompt Commission review is necessary under the standards of paragraph (b)(2) of this section.

(2) Upon receipt of a motion under paragraph (b)(1) of this section, the presiding officer will determine with or without consideration of any answer to such motion, whether to permit appeal of the motion to the Commission. The presiding officer shall permit the appeal only if he finds that extraordinary circumstance exists, such that prompt Commission review of the contested ruling is necessary to prevent detriment to the public interest or irreparable harm to a person.

(3) The presiding officer will issue an order, orally or in writing, containing the determination made under paragraph (b)(2) of this section, including the date of the action permitting an appeal to the Commission.

(4) When an appeal is permitted, the presiding officer will transmit to the Commission:

(i) A memorandum which sets forth the relevant issues and an explanation of the rulings on such issues; and

(ii) The participant's motion under paragraph (b)(1) of this section and any answer permitted thereto, except that this requirement may be waived at the discretion of the presiding officer.

(5) If the presiding officer fails to issue an order under paragraph (b)(2) of this section within 15 days after the motion is filed under paragraph (b)(1) of this section, the motion is denied.

(c) *Appeal of a presiding officer's denial of motion to permit appeal.* (1) If a motion to permit appeal is denied by the presiding officer, the participant who made the motion may appeal the denial to the motions Commissioner in accordance with this paragraph.

(2) A participant must submit an appeal under paragraph (c)(1) of this section within 7 days after the motion under paragraph (b) of this section is denied or deemed denied. The appeal must state why prompt Commission review is necessary under the standards set forth in paragraph (c)(5) of this section.

(3) A copy of the written order denying the motion or, if the denial was issued orally, the relevant portions of the transcript will be filed with the appeal.

(4) The motions Commissioner may order the presiding officer or any participant in the proceeding to provide additional information.

(5) The motions Commissioner will permit the appeal to the Commission only if he determined that extraordinary circumstances exist such that prompt Commission review of the contested ruling is necessary to prevent detriment to the public interest or to prevent irreparable harm to a person. Unless such a determination is made within 7 days after the filing the appeal, or such longer period as the motions Commissioner may provide to receive and consider information under paragraph (c)(4) of this section, the appeal to the Commission will not be permitted. If such appeal is not permitted, the contested ruling of the presiding officer will be reviewed only in accordance with the other provisions of this subpart.

(6) If a motions Commissioner permits an appeal to the Commission, the Secretary will issue an order containing that decision.

(d) *Commission action.* Unless the Commission acts upon an appeal permitted by a presiding officer under paragraph (b) of this section, or by the motions Commissioner under paragraph (c) of this section, within 15 days after the date of such permission, the ruling of the presiding officer will only be considered in accordance with the other provisions of this subpart.

(e) *Appeal not to suspend proceeding.* A decision by a presiding officer to permit appeal under paragraph (b) of this section or by the motions Commissioner to permit an appeal under paragraph (c) of this section will not suspend the proceeding unless otherwise ordered by the presiding officer of the motions Commissioner.

§ 385.716 Reopening. (Rule 716.)

(a) *General rule.* To the extent permitted by law, the evidentiary record in a proceeding may be reopened for good cause for the purpose of taking additional evidence.

(b) *By motion.* Any participant may file a motion to reopen the record which must set forth clearly the facts sought to be proven and the reasons claimed to constitute grounds requiring reopening. A participant who does not file an answer to such motion will be deemed to have waived any objection to the motion if such objection has not been raised by any other participant.

(c) *By action of the presiding officer or the Commission.* The record in a proceeding may be reopened by (1) the presiding officer at any time before the initial decision is served, or (2) the Commission any time thereafter, if the presiding officer or the Commission, as appropriate, has reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of the record in such proceeding.

Subpart H—Shortened Procedures

§ 385.801 Waiver of hearing. (Rule 801.)

In any proceeding in which the Commission is authorized to act after opportunity for hearing, if the parties waive hearing, such opportunity will be deemed to have been afforded by service or publication in the **Federal Register** of notice of the application or other initial pleading, request, or other filing, such notice fixing a reasonable period of time within which any person desiring to be heard may file a protest or petition. Upon the expiration of such period of time, in the absence of a request for hearing, the Commission may forthwith dispose of the matter upon the basis of the pleadings and other submittals and the studies and recommendations of the staff. A party not requesting oral hearing in its pleadings will be deemed to have waived a hearing for the purpose of such disposition, but will not be bound by such a waiver for the purposes of any request for rehearing with respect to an order so entered.

§ 385.802 Noncontested proceedings. (Rule 802.)

(a) *Where hearing waived.* In any proceeding in which the Commission is authorized to act after opportunity for hearing, if the parties waive hearing, such opportunity shall be deemed to have been afforded by service or publication in the **Federal Register** of notice of the application or other initial pleading, request, or other filing, such notice fixing a reasonable period of time within which any person desiring to be

heard may file a protest or petition. Upon the expiration of such period of time, in the absence of a request for hearing, the Commission may forthwith dispose of the matter upon the basis of the pleadings and other submittals and the studies and recommendations of the staff. A party not requesting oral hearing in its pleadings shall be deemed to have waived a hearing for the purpose of such disposition, but shall not be bound by such waiver for the purposes of any application for rehearing with respect to an order so entered.

(b) *Noncontested proceedings.* In any proceeding required by statute to be set for hearing, the Commission, when it appears to be in the public interest and to be in the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may, after a hearing during which no opposition or contest develops, forthwith dispose of the proceedings upon consideration of the pleadings and other evidence filed and incorporated in the record: *Provided,* (1) The applicant or other initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any request to be heard, protest or petition filed subsequent to publication in the **Federal Register** of the notice of the filing of an initial pleading and notice or order fixing of hearing, which notice or order will state that the Commission considers the proceeding a proper one for disposition under the provisions of this subpart. Requests for the procedure provided by this subpart may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon request for rehearing as provided by statute.

Subpart I—Commission Review of Remedial Orders

§ 385.901 Scope. (Rule 901.)

(a) *Proceedings to which applicable.* The provisions of this subpart apply to proceedings of the Commission held in accordance with section 503(c) of the Department of Energy Organization Act (42 U.S.C. 7193(c)) to review orders issued by the Secretary of Energy pursuant to section 503(a) of the Department of Energy Organization Act (42 U.S.C. 7193(c)), and initiated by notices of probable violation, proposed remedial orders, or other formal administrative initiating documents issued on or after October 1, 1977, which are contested by the recipient.

(b) *Relationship to other rules.* (1) Where provision of this subpart is inconsistent with provision in any other subpart of this part, the former provision controls.

(2) Subpart F of this part, except Rule 601, does not apply to proceedings under this subpart.

§ 385.902 Definitions. (Rule 902.)

For purposes of this subpart:

(a) "Contested order" means the remedial order, interim remedial order for immediate compliance or order of disallowance being contested in proceeding pursuant to this subpart;

(b) "Interim remedial order for immediate compliance" means an interim remedial order for immediate compliance issued pursuant to 10 CFR 205.199D (interim remedial order of immediate compliance);

(c) "Order of disallowance" means an order of disallowance issued pursuant to 10 CFR § 205.199E (disallowance);

(d) "Participant" means, as appropriate, the Secretary, the petitioner, and intervenors;

(e) "Petitioner" means a person who has received a remedial order, interim remedial order for immediate compliance, or order of disallowance who notifies the Secretary that he intends to contest the order;

(f) "Remedial order" means a remedial order issued pursuant to 10 CFR § 205.199B (remedial orders);

(g) "Secretary" means the Secretary of Energy or his delegate.

§ 385.903 Request for nondisclosure of information. (Rule 903.)

(a) For purposes of this section, nondisclosure means nondisclosure except as to the participants in the proceeding under conditions provided in paragraphs (d) and (e) of this section.

(b) If any person filing under this subpart claims that some or all of the information contained in a document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552), is information referred to in Section 1905 of title 18 of the *United States Code* (18 U.S.C. 1905) (disclosure of confidential information), or is otherwise exempt by law from public disclosure, the person:

(1) Must request the presiding officer not to disclose such information, except to the participants in the proceeding under the conditions provided in paragraphs (d) and (e) of this section; which request the person must serve upon the participants in the proceeding;

(2) Must file, together with the document, a second copy of the document from which has been deleted the information for which the person requests nondisclosure and must indicate in the original document that the original document is exempt, or contains information which is exempt, from disclosure;

(3) Must include a statement specifying why the information is privileged or confidential, if the information for which nondisclosure is requested is claimed to come within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information;

(4) Must include a statement specifying the justification for nondisclosure, if the information for which nondisclosure is requested is not within the exception in 5 U.S.C. 552(b)(4).

(c) If the person filing a document does not submit a second copy of the document from which the appropriate information has been deleted, the presiding officer may assume that there is no objection to public disclosure of the document in its entirety.

(d) If information is submitted in accordance with paragraph (b) of this section, the information will not be disclosed except as provided in the Freedom of Information Act, in accordance with Part 388 of this subchapter and upon request in accordance with paragraph (e) of this section, to participants in the proceeding under the restrictions that the participants may not use or disclose the information except in the context of the proceeding conducted pursuant to this subpart and that the participants must return all copies of the information at the conclusion of the proceeding to the person who submitted the information under paragraph (b) to this section.

(e) At any time, a participant may request the presiding officer to direct a person submitting information under paragraph (b) to this section to provide that information under paragraph (b) to this section to provide that information to the participant requesting the information under this paragraph. The presiding office will so direct if the participant requesting the information agrees:

(1) Not to use or disclose the information except in the context of the proceeding conducted pursuant to this subpart; and

(2) To return all copies of the information, at the conclusion of the proceeding, to the person submitting the information under paragraph (b) of this section.

(f) If the information contained in the record of prior proceedings submitted by the Secretary under Rule 906(a)(1), is determined by the Secretary to be exempt from disclosure, the information shall not be disclosed except:

(1) As provided in the Freedom of Information Act, in accordance with Part 388 of this subchapter, and

(2) Upon request in accordance with paragraph (g) of this section, to participants in the proceeding under the restrictions that the participants may not use or disclose the information except in the context of the proceeding conducted pursuant to this section and that the participants must return all copies of the information at the conclusion of the proceeding to the presiding officer.

(g) At any time, a participant may request the presiding officer to direct that the complete record of prior proceedings, including information determined by the Secretary to be exempt from disclosure, be made available to that participant. The presiding officer will so direct if the participant requesting the complete record agrees:

(1) Not to use or disclose the information determined to be exempt except in the context of the proceeding conducted pursuant to this subpart, and

(2) To return all copies of the information determined to be exempt to the presiding officer at the conclusion of the proceeding.

§ 385.904 Commencement of proceeding. (Rule 904.)

(a) Except as provided in paragraph (b) of this section, the proceeding pursuant to this subpart will be commenced by filing with the Secretary of the Commission, for the Commission, of a written notice by the Secretary that the Secretary has been notified by a petitioner that the petitioner has filed a notice of intent to contest an order reviewable under this subpart. At the same time, the Secretary will serve a copy of the contested order upon other participants in the prior proceedings and upon persons denied intervention in the prior proceedings, and will certify to the Commission that such service has been made, stating the names and addresses of persons served.

(b) The proceeding pursuant to this subpart with respect to an interim remedial order for immediate compliance will be commenced by a petitioner's filing with the Secretary of the Commission, for the Commission, and serving on other participants in the prior proceedings, if any, a notice of petition for review of an interim remedial order for immediate compliance pursuant to 10 CFR 205.199D(i)(1) (interim remedial order of immediate compliance). The Commission will defer consideration of the merits of the order until a final remedial order is issued by the Secretary.

(c) Upon receipt of notice from the Secretary under paragraph (a) of this section, or upon receipt of a notice of a petition for review by the petitioner under paragraph (b) of this section, the Commission or its designee will designate a presiding officer for the proceeding, and the Commission or its designee will notify participants in the prior proceedings and persons denied intervention in the prior proceedings of such designation.

§ 385.905 Stay of contested order. (Rule 905.)

(a) Upon the filing of the notice with the Commission by the Secretary under paragraph (a) of Rule 904 (Commencement of proceedings), or by the petitioner under paragraph (b) of such rule, the contested order will be automatically stayed pending review pursuant to this subpart unless and until, upon request of the Secretary or other participant, the presiding officer finds that the public interest requires immediate compliance with the contested order.

(b) The Secretary or other participants may at any time, prior to the hearing under Rule 909 (hearing), or if there is no hearing, prior to the issuance of a proposed order under Rule 913 (proposed order), file a petition requesting that the contested order not be stayed, or that the stay be lifted, and setting forth the legal and factual basis for the request.

(c) The presiding officer may request a written statement of the views of participants regarding whether the contested order should be stayed or continue to be stayed and may convene an expedited hearing or conference on a petition under paragraph (b) of this section.

(d) The presiding officer may grant the petition requesting immediate compliance where he finds that the public interest so requires and will notify the participants of the determination.

(e) If the presiding officer does not grant the petition under paragraph (b) of this section within 10 days after it is filed, the petition is denied. Prior to the expiration of the 10-day period the presiding officer may extend the period for decision for up to 7 days. At the end of the extension, the petition, if not granted, is denied.

(f) If the petition under paragraph (b) of this section is denied, the presiding officer will notify the participants of such denial.

(g) A grant or denial of petition under paragraphs (b) or (c) of this section may be appealed, within 10 days after the grant or denial, to the Commission in accordance with Rule 715 (relating to interlocutory appeals). The contested order will remain stayed pending the Commission's disposition of the appeal.

§ 385.906 Pleadings. (Rule 906.)

(a) *By the Secretary.* (1) Within 20 days after the filing of notice by the Secretary under rule 904(a) (commencement of proceedings), the Secretary:

(i) Will file with the Secretary of the Commission for the presiding officer two certified copies of the entire record developed in prior proceedings on the contested order. One copy will be complete and will be a part of the record upon which the order of the Commission is based, and will be available to the participants subject to the conditions set forth in Rule 903 (f) and (g) (nondisclosure of information); the second copy will have had deletions made of information which the Secretary has determined to be confidential or not subject to disclosure;

(ii) Will file with the Secretary for the presiding officer a copy of the contested order; and

(iii) May, in addition, elect to file a statement setting forth the factual elements of the alleged violation, which statement the Secretary will serve on all participants in the proceeding.

(2) If the petitioner requests permission to raise new facts or issues pursuant to Rule 907(a) (new facts and issues), the Secretary may file, within 10 days after the filing of the petitioner's answer, a reply responding to the petitioner's request to raise new facts or issues. In the reply, the Secretary may also request the permission of the presiding officer to raise new facts or issues under the criteria set forth in Rule 907(b) (new facts and issues) and to conduct discovery relating to the new facts or issues he may raise pursuant to Rule 907(b) (new facts and issues). Failure by the Secretary to request permission to raise new facts or issues or to conduct discovery in this reply constitutes a waiver of the opportunity to do so at a later time in the proceeding.

(3) The Secretary will file with the Secretary of the Commission, for the presiding officer, and serve upon other participants in the proceedings, a brief

in support of the affirmative case, which will set forth:

(i) The elements of the alleged violation, including references to the authorities upon which the Secretary relies, including but not limited to regulations, rulings, interpretations and decisions on appeals and exceptions issued by the Department or its predecessor agencies and precedents established by the Commission; and

(ii) A complete statement of the factual and legal basis of the contested order.

(4) The Secretary's brief will be filed according to the following time period appropriate to the particular proceeding:

(i) If no participant (including persons requesting intervention) has requested permission to raise new facts or issues or to conduct discovery pursuant to paragraphs (a)(2), (b)(2), (c)(7), and (c)(8) of this section, within 20 days after the filing of the petitioner's answer under paragraph (b)(1) of this section;

(ii) If the presiding officer has determined, under Rule 908(d) (discovery) that no discovery shall be permitted, within 20 days after the presiding officer's determination under such rule;

(iii) If discovery is permitted under Rule 908(d) (discovery) within 20 days after the conclusion of the time period set for discovery under such rule;

(b) *By the petitioner.* (1) Within 15 days after the filing by the Secretary under paragraph (a)(1) of this section, the petitioner must file with the Secretary of the Commission, for the presiding officer, and serve upon the Secretary and other participants in the proceedings, an answer to the contested order admitting or denying each of the Secretary's findings in the contested order and setting forth affirmative defenses, if any.

(2) In the answer, the petitioner may:

(i) Contest any part of the record which the Secretary certified to the presiding officer under paragraph (a)(1)(i) of this section;

(ii) Request permission to raise new facts or issues not raised in the prior proceedings if the new facts or issues meet the criteria set forth in Rule 907(a) (new facts and issues); and

(iii) Request permission to conduct discovery, subject to criteria provided in Rule 908(a) (discovery). Failure by the petitioner to contest the record or to request permission to raise new facts or issues or to conduct discovery in this answer constitutes a waiver of the opportunity to do so at a later time in the proceeding.

(3) Within 15 days after filing of the Secretary's brief under paragraph (a)(3) of this section, the petitioner shall file with the Secretary of the Commission, for the presiding officer, and serve upon other participants in the proceeding, a brief stating fully the objections to the contested order, including references to the authorities upon which the petitioner relies, including but not limited to regulations, rulings, interpretations, and decisions on appeals and exceptions issued by the Department or its predecessor agencies and precedents established by the Commission.

(c) *By interveners.* (1) A person qualifying under paragraph (c)(2) of this section, may request the presiding officer to permit intervention in the proceeding under this subpart in accordance with the procedures described in this paragraph.

(2) A motion to intervene may be filed by any person claiming:

(i) An interest which may be directly affected and which is not adequately protected by existing parties and as to which the persons requesting intervention may be bound by the Commissions action in the proceeding; or

(ii) Any other interest of such nature that participation by the person requesting intervention may be in the public interest.

(3) A motion to intervene must set forth clearly and concisely the facts from which the nature of the requester's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the intervener in the proceeding, so as fully and completely to advise the participants and the presiding officer as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law raised or controverted, including references to the authorities upon which the requester relies, including, but not limited to, regulations, rulings, interpretations, and decisions on appeals and exceptions issued by the Department or its predecessor agencies and precedents established by the Commission.

(4) Motions to intervene may be filed with the Secretary of the Commission, for the presiding officer, within 20 days after the Secretary's commencement of the proceeding under Rule 904 (commencement of proceedings) unless, in extraordinary circumstances and for good cause shown, the presiding officer authorizes a late filing. A person requesting intervention must serve the motion to intervene on the participants in the proceeding at the same time the request is filed with the Secretary of the Commission.

(5) A participant in the proceedings may file an answer to a motion to intervene. Failure to object constitutes a waiver of any objection to the granting of such request. If made, answers must be filed within 15 days after the filing of the request to intervene.

(6) After expiration of the time for filing answers to requests to intervene or default thereof, as provided in paragraph (c)(5) of this section, the presiding officer will grant or deny such request, in whole or in part, or may, if found to be appropriate, authorize limited participation. The presiding officer will serve the determination on a motion to intervene upon the participants in the proceeding and upon the person requesting intervention. If the presiding officer denies a motion for intervention, the person requesting intervention may submit comments to the Commission under Rule 913(c) (proposed order) requesting the Commission to permit the intervention under the standards set forth in paragraph (c)(2) of this section.

(7) A person filing a motion to intervene, may request therein the permission of the presiding officer to raise new facts or issues not raised in the prior proceedings on the contested order, if the new facts or issues meet the criteria set forth in Rule 903(c) (request for nondisclosure of information). Failure by the person requesting permission to intervene to request permission to raise new facts or issues in the motion to intervene constitutes a waiver of the opportunity to do so at a later time in the proceeding.

(8) A person filing a motion to intervene may request the permission of the presiding officer to conduct discovery, subject to the conditions set forth in Rule 908(c) (discovery). Failure by the person requesting permission to intervene to request permission to conduct discovery in the motion to intervene constitutes a waiver of the opportunity to do so at a later time in the proceeding.

§ 385.907 New facts and issues. (Rule 907.)

(a) *Raised by the petitioner.* In the answer, as provided in Rule 906(b)(2)(ii) (new facts and issues) the petitioner may request permission of the presiding officer to raise new facts or issues not raised in prior proceedings on the contested order that:

(1)(i) Are facts or issues that were not known and could not, with the exercise of due care, have been known to the petitioner at the time they would otherwise have been raised during the prior proceedings;

(ii) Are facts or issues that the petitioner was unable to raise at the time they could have been raised during the prior proceedings because of unduly restrictive time limits imposed by the Secretary; or

(iii) Are facts or issues that the petitioner was not permitted to raise in the prior proceedings due to erroneous adverse procedural rulings; and

(2) Are necessary for a full and true disclosure of the facts.

(b) *Raised by the Secretary.* In the reply under Rule 906(a)(2) (pleadings), the Secretary may request permission of the presiding officer to raise new facts or issues not raised in prior proceedings on the contested order that:

(1) Are necessary to support the Secretary's case as a result of new facts or issues raised by the petitioner under Rule 906(b)(2)(ii) (pleadings) and this section; and

(2) Are necesary for a full and true disclosure of the facts.

(c) *Raised by interveners.* In the motion to intervene under Rule 906(c)(3) (pleadings) and this section, an intervener may request permission of the presiding officer to raise new facts or issues not raised in prior proceedings on the contested order that:

(1) If the intervener did not participate in the prior proceeding, meet the criteria of paragraphs (a)(1) and (a)(2) of this section; or

(2) If the intervener participated in the prior proceedings, are:

(i)(A) Facts or issues that were not known and could not, with the exercise of due care, have been known to the intervener at the time they would otherwise have been raised during the prior proceedings;

(B) Facts or issues that the intervener was unable to raise at the time they could have been raised during the prior proceedings because of unduly restrictive time limits imposed by the Secretary; or

(C) Facts or issues that the intervener was not permitted to raise in the prior proceedings due to erroneous adverse procedural rulings; and

(ii) Are necessary for a full and true disclosure of the facts.

(d) *Determination by the presiding officer.* The presiding officer will determine whether to grant or deny, in whole or in part, the requests of the participants to raise new facts or issues and will serve those determinations on the participants in the proceeding.

§ 385.908 Discovery. (Rule 908.)

(a) *By petitioner.* In the answer under Rule 906(b)(2) (pleadings), the petitioner may request permission of the presiding officer to conduct discovery, where such discovery:

(1) Relates to new facts or issues raised in accordance with Rule 907(a) (new facts and issues); or

(2)(i) Was not permitted in the prior proceedings on the contested order due to erroneous adverse procedural rulings; and

(ii) Is necessary for a full and true disclosure of the facts.

(b) *By the Secretary.* In the reply under Rule 906(a)(2) (pleadings), the Secretary may request permission of the presiding officer to conduct discovery where such discovery relates to new facts or issues raised in accordance with Rule 907(b) (new facts and issues).

(c) *By interveners.* In a motion to intervene under Rule 906(c)(8) (pleadings) an intervener may request permission of the presiding officer to conduct discovery where such discovery:

(1) Relates to new facts or issues raised in accordance with Rule 907(c) (new facts and issues); or

(2) If the intervener participated in the prior proceedings,

(i) Such discovery was not permitted in prior proceedings on the contested order due to erroneous adverse procedural rulings; and

(ii) Such discovery is necessary for a full and true disclosure of the facts.

(d) *Determinations by the presiding officer.* The presiding officer will determine whether to grant or deny, in whole or in part, the requests of the participants for discovery and will set a time limit within which discovery must be conducted.

(e) *Interrogatories.* In addition to discovery devices applicable to this subpart under other subparts of this part, participants may conduct discovery by means of written interrogatories under conditions determined by the presiding officer.

§ 385.909 Hearing. (Rule 909.)

(a) Participant may file, within 10 days after filing of the petitioner's brief under Rule 906(b)(3) (pleadings), a request for a hearing or a motion for the opportunity for cross-examination including the reasons why cross-examination is necessary for a full and true disclosure of the facts.

(b) If a participant has filed a request for a hearing, the presiding officer will grant the request for a hearing. The hearing will include an opportunity for the submission of oral or documentary evidence and oral arguments.

(c) The presiding officer may at any time, convene a hearing.

(d) As soon as practicable after receiving a request for hearing under paragraph (a) of this section or after determination that a hearing will be held under paragraph (c) of this section, the presiding officer will give notice to the participants of the time and place of the hearing.

(e) The presiding officer will determine the issues to be resolved in the proceeding, may specify the time available for oral argument, and will give notice thereof to the participants. The presiding officer may require additional information from the participants, and may convene a prehearing conference for the purpose of determining the issues or the nature of the proceeding to be held.

(f) If at any time prior to the issuance of a proposed order pursuant to Rule 913 (proposed order), with or without a motion of a participant, the presiding officer determines that it is necessary for a full and true disclosure of the facts, the presiding officer may order that the participants be afforded the opportunity for cross-examination on any facts or issues raised in the proceeding.

§ 385.910 Conduct of the hearing. (Rule 910.)

The presiding officer is responsible for conduct of the hearing, including the order of procedure.

§ 385.911 Burden of proof. (Rule 911.)

(a) The Secretary has the burden of going forward and must sustain the burden of proof with respect to disputed elements of affirmative case of the Secretary.

(b) The proposed order under Rule 913 (proposed order) will be based upon a preponderance of the evidence.

§ 385.912 Proposed findings of fact, conclusions of law, and comments. (Rule 912.)

(a) Within 10 days after the conclusion of the hearing, or, if no hearing is held, within 20 days after the filing of the petitioner's brief under Rule 906(b)(3) (pleadings), a participant may file with the Secretary of the Commission for the presiding officer, and serve upon the other participants proposed findings of fact and conclusions of law, comments, in support thereof and any objections with respect to procedural rulings of the presiding officer.

(b) Within 10 days after the filing of proposed findings of fact and conclusions of law under paragraph (a) of this section, a participant may file, and must serve on other participants, a reply thereto.

§ 385.913 Proposed order. (Rule 913.)

(a) After the conclusion of the hearing and after the filings under Rule 912 (a) and (b), (proposed findings of fact, conclusions of law, and comments) the presiding officer will issue a decision and proposed order based on findings of fact affirming, modifying, or vacating the contested order or directing other appropriate relief. The proposed order will be based on the entire record before the presiding officer, including the record of prior proceedings certified by the Secretary.

(b) The presiding officer will certify and file with the Secretary of the Commission, for the Commission, a copy of the record in the proceedings, including the proposed order.

(c) Participants may file, within 15 days of issuance of the proposed order of the presiding officer, with the Secretary of the Commission, for the Commission, written comments on any rulings of the presiding officer and the decision and proposed order.

§ 385.914 Commission action. (Rule 914.)

The Commission will upon consideration of the entire record and the proposed order, issue a final order affirming, modifying, or vacating the contested order or directing other appropriate relief. The Commission will serve the final order on the participants.

§ 385.915 Ex parte communications. (Rule 915.)

The provisions of Rule 2201 (*ex parte* communications) apply to proceedings pursuant to this section, commencing at the time the Secretary issues a proposed remedial order under 10 CFR 205.192, an interim remedial order for immediate compliance under 10 CFR 205.199D, or a proposed order of disallowance under 10 CFR 205.199E, as if proceedings were contested on-the-record proceedings pending before the Commission.

§ 385.916 Withdrawal of petition for review. (Rule 916.)

(a) At any time, including after a hearing has been held or convened, the petitioner may submit to the presiding officer, and serve on other participants in the proceeding, a withdrawal of the petition for review of the contested order. The presiding officer will thereupon issue, and serve the participants, an order terminating the proceeding conducted pursuant to this subpart, which order will be effective 10 days after issuance.

(b) Termination of the proceeding under paragraph (a) of this section, may be appealed to the Commission, within 10 days after issuance of the termination order, except that if the Commission does not act on an appeal within 30 days, it is deemed denied. The termination order is stayed pending the appeal. If the Commission rescinds the termination order, the proceeding will continue in accordance with this subpart.

§ 385.917 Sanctions. (Rule 917.)

Whenever it appears to the Commission that a person is engaged or about to engage in any act or practice which constitutes or will constitute a violation of rule, regulation, or order, made or imposed by the Commission or the presiding officer under this subpart, it may bring an action in the proper court of the United States to enjoin that act or practice and to enforce compliance with the order, and upon a proper showing, a permanent or temporary injunction or decree or restraining order will be granted without bond. The Commission may transmit such evidence as may be available concerning that act or practice to the Attorney General, who may institute the necessary criminal proceedings.

Subpart J—Commission Review of Adjustment Request Denials

§ 385.1001 Scope. (Rule 1001.)

(a) *Applicability.* This section applies to proceedings of the Commission held in accordance with section 504(b) of the Department of Energy Organization Act, 42 U.S.C. 719(b), to review orders issued by the Secretary of Energy pursuant to section 504(a) of the Department of Energy Organization Act denying, in whole or in part, requests for adjustments.

(b) *Relationship to other rules.* When a provision of this subpart is inconsistent with a provision of any other subpart of this part, the former provision controls.

§ 385.1002 Definitions. (Rule 1002.)

For purposes of this subpart:

(a) "Commission" includes an officer or employee designated as presiding officer in a proceeding under this subpart.

(b) "Petitioner" means a person who is aggrieved or adversely affected by a contested order, as defined in this section, and who requests a review, pursuant to this subpart, by the Commission of the denial by the Secretary.

(c) "Secretary" means the Secretary of Energy or his delegate.

(d) "Content order" means the decision or order issued by the Secretary denying, in whole or in part, a request for adjustment.

(e) "Participant" means, as appropriate, the petitioner, the Secretary, or an intervener.

§ 385.1003 Request for nondisclosure of information. (Rule 1003.)

(a) For purposes of this section, nondisclosure means nondisclosure except to the participants in the proceedings and under the conditions as provided in paragraph (e) of this section.

(b) If a person filing under this subpart claims that some or all of the information contained in a document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C 552), is information referred to in 18 U.S.C. 1905, or is otherwise exempt by law from public disclosure, the person:

(1) Will request the presiding officer not to disclose such information, except to the participants in the proceedings and under the conditions as provided in paragraph (e) of this section, which request the person must serve upon the participants in the proceedings;

(2) Will file, together with the document, a second copy of the document from which has been deleted the information for which the person requests nondisclosure and must indicate in the original document that the original document is confidential or contains confidential information;

(3) If the information is claimed to come within the exception in 5 U.S.C. 552(b)(4), for trade secrets and commercial or financial information, it must include a statement specifying why the information is privileged or confidential;

(4) If the information for which nondisclosure is requested is not within the exception in 5 U.S.C. 552(b)(4), it must include a statement specifying the justification for nondisclosure.

(c) If the person filing a document does not submit a second copy of the document from which the appropriate information has been deleted, the presiding officer may assume that there is no objection to public disclosure of the document in its entirety.

(d) A participant in the proceedings who opposes a request for nondisclosure under paragraph (b) of this section must file, within 10 days of the receipt of a copy of the request for non-disclosure, with the presiding officer, and serve on the other participants, a statement specifying the reasons that the material is not exempt from disclosure.

(e) The presiding officer will make an independent determination as to a request filed under this section and will serve that determination upon the participants in the proceedings. If a

request for nondisclosure is denied, in whole or in part, the requesting person will be given notice thereof and will be afforded an opportunity to respond, no less than 5 days prior to public disclosure. If the request for nondisclosure is granted, in whole or in part, the presiding officer will issue an order stating that the information will not be disclosed except, upon request, to the participants in the proceedings, that the participants may not use or disclose the information, except in the context of the proceedings conducted pursuant to this subpart, and that upon conclusion of the proceedings, the participant return the information to the presiding officer.

§ 385.1004 Commencement of proceedings. (Rule 1004.)

(a) A petitioner commences proceedings, pursuant to this subpart, by filing with the Commission and serving upon the Secretary and any other participants in prior proceedings on the contested order a petition for review, which must contain:

(1) A copy of the decision or order denying, in whole or in part, request for adjustment (the contested order); and

(2) A complete statement of the petitioner's objections factual or legal to the contested order, including references to all authorities upon which the petitioner relies including but not limited to regulations, rulings, interpretations, and decisions on exceptions and appeals issued by the Department or its predecessor agencies and precedents established by the Commission.

(b) A petition for review must be filed within 30 days of issuance by the Secretary of the order to be contested pursuant to this subpart.

(c) Upon receiving a petition for review, the Commission or its designee will designate a presiding officer for the proceedings.

§ 385.1005 Replies. (Rule 1005.)

(a) *By the Secretary.* Within 15 days of service of the petition for review, the Secretary:

(1) Will file with the Commission a certified copy of the complete record developed in prior proceedings on the contested order, which will be available at the Commission for inspection by the participants; and

(2) Will file with the Commission and serve on the petitioners and the other participants in prior proceedings on the contested order, a reply to the petition for review stating fully his or her position supported by arguments to the petition for review.

(b) *By other participants.* A person who participated in prior proceedings on the contested order may be a participant in the proceedings pursuant to this subpart and may make filings and submittals as determined by the presiding officer.

(c) *By interveners.* A person who was denied the opportunity to participate in prior proceedings on the contested order or who is aggrieved or adversely affected by the contested order may move to intervene in accordance with Rule 214 (intervention). In order that the motion be granted, the movant must show, as appropriate, that denial of participation in prior proceedings was wrongful or why he or she is aggrieved or adversely affected by the contested order. If the presiding officer grants the motion, the person submitting the motion to intervene may make filings and submittals as determined by the presiding officer.

(d) A participant may request interim relief in a proceeding pursuant to this subpart.

(e) The presiding officer may require such other filings by the participants as he or she deems necessary in the conduct of the proceedings.

§ 385.1006 Request for hearing. (Rule 1006.)

A participant may file with the Commission and serve on the other participants a request for hearing, which will be deemed granted.

§ 385.1007 Presiding officer. (Rule 1007.)

(a) The presiding officer will determine the issues to be resolved in the proceeding and will give notice thereof to the participants. The presiding officer may require additional information from the participants and convene a prehearing conference for the purpose of determining the issues to be considered at a hearing, if one is to be held. The presiding officer may also specify the time available for oral argument and determine the nature of the hearing to be held.

(b) The presiding officer may determine, upon request by a participant, whether to permit the participant to raise new facts or issues not raised in prior proceedings on the contested order. Such a request may be granted if the facts or issues are facts or issues that:

(1)(i) Were not known and could not, with the exercise of due care, have been known to the participant at the time they could have been raised in prior proceedings; or

(ii) Are facts or issues that the participant was not permitted to raise in prior proceedings on the contested order due to an adverse procedural ruling alleged to be erroneous; and

(2) Are necessary for a full and true disclosure of the facts.

§ 385.1008 Hearings. (Rule 1008.)

As soon as practicable, after receiving any request for hearing and all the pleadings under Rules 1004 (commencement of proceedings) and 1005 (replies), the presiding officer will give notice to the participants as to the time and place of the hearing.

§ 385.1009 Proof. (Rule 1009.)

(a) A participant seeking relief from the Secretary's denial of a request for adjustment has the burden of demonstrating the participant's entitlement to the relief sought.

(b) Relief will be granted under this subpart if a participant demonstrates, by a preponderance of the evidence, that such relief is warranted.

§ 385.1010 Proposed order. (Rule 1010.)

(a) As soon as practicable, after receipt of all the pleadings or after the hearing, if one is held, the presiding officer will issue, and serve upon the participants in the proceedings, a proposed order based upon findings of fact, affirming, modifying or vacating, the contested order or directing other appropriate relief.

(b) The presiding officer will certify and file with the Office of the Secretary of the Commission, for the Commission, a copy of the record in the proceeding, including the proposed order.

(c) Participants may file, within 15 days of service of the proposed order, with the Secretary of the Commission, for the Commission, written comments on the proposed order.

§ 385.1011 Final order. (Rule 1011.)

The Commission will issue a final order, affirming, modifying or vacating the contested order or directing other appropriate relief.

§ 385.1012 Ex parte communications. (Rule 1012.)

The provisions of Rule 2201 (*ex parte* communications) apply to proceedings pursuant to this subpart, commencing at the time a petitioner files a petition for review under Rule 1004 (commencement of proceedings), as if such proceedings were contested on-the-record proceedings pending before the Commission.

Subpart K—Petitions for Adjustments Under the NGPA

§ 385.1101 Applicability. (Rule 1101.)

(a) *Proceedings to which applicable.* Except as provided in paragraph (b) of this section, this subpart applies to

proceedings of the Commission held in accordance with:

(1) Section 502(c) of the NGPA to provide for adjustments of:

(i) Commission rules, and

(ii) Commission orders having the applicability and effect of a rule as defined in section 551(4) of title 5 of the *United States Code* (5 U.S.C. 551(4)) and issued under the NGPA, except orders issued under sections 301, 302, and 303 of the NGPA;

(2) Section 206(d) of the NGPA to provide for exemptions for industrial boiler fuel facilities from incremental pricing provisions of the NGPA under § 282.206 of this chapter.

(b) This subpart does not apply to:

(1) Proceedings wherein the Commission by order grants an adjustment on its own motion or;

(2) Proceedings for which the Commission by order waives the provision of this subpart.

(c) *Relationship to other rules.* (1) Where a provision of this subpart is inconsistent with a provision in another subpart of this part, the former provision controls.

(2) When provisions of other subparts of this part require Commission action, such provisions as applied under this subpart shall be deemed to require staff action. This subpart does not require a hearing to which Subpart E applies.

§ 385.1102 Definitions. (Rule 1102.)

For purposes of this subpart:

(a) "Adjustment" means an order issued by Staff under Rule 1109 (orders):

(1) Granting relief from an order or rule issued by the Commission under the NGPA,

(i) Including exceptions, exemptions, modification, and recissions of rules and orders have the effect of rule as defined in section 551 of title 5 of the *United States Code* (5 U.S.C. 551(4)) and issued under the NGPA; but

(ii) Excluding requests for just and reasonable rates under sections 104, 106, and 109 of the NGPA; and

(2) Granting an exemption, in whole or in part, for incrementally priced industrial boiler fuel facilities from section 201 of the NGPA, under the authority of section 206(d) of the NGPA and § 282.206 (industrial boiler fuel facilities exemption);

(b) "Petitioner" means a person who files a petition for adjustment under paragraph (c) of this section;

(c) "Petition" means a petition for adjustment filed under Rule 1103 (commencement of adjustment proceedings);

(d) "NGPA" means the Natural Gas Policy Act of 1978;

(e) "Party" means, with respect to a particular petition for adjustment, the person making the petition, an intervener, or a person who has moved to intervene but whose motion has not been granted or denied under Rule 1105(b) (intervention in adjustment proceedings).

(f) "Staff" means the Director of the Office of Producer and Pipeline Regulation, or a person who is designated by the Director and who is an employee of the Commission.

§ 385.1103 Commencement of proceeding. (Rule 1103.)

A person commences a proceeding for an adjustment by filing a petition for adjustment with the Commission.

§ 385.1104 Initial petition. (Rule 1104.)

(a) *Content.* (1) *The petition must contain:*

(i) A full and complete statement of the relevant facts, including the documentary support pertaining to the circumstances, act or transaction that is the subject of the application;

(ii) A complete statement of the business reasons why the relief should be granted and the business consequences that will result if the relief is denied; and

(iii) A statement specifying how the denial or relief will cause the applicant to suffer special hardship, inequity, or unfair distribution of burdens.

(2) The petition must contain a complete statement of the legal basis of the relief requested including citations to authorities relied upon to support the petition.

(3) The petition must specify the exact nature of the relief sought.

(4) The certificate of service required under Rule 2010(h) (certificate of service) must indicate the names and addresses of all persons served.

(5) The petition must include a proposed notice of the adjustment proceeding which must state the petitioner's name, the rule or order under the NGPA of which an adjustment is sought, the date of the petition, and a brief summary of the relief requested. The proposed notice must be in the following form:

United States of America, Federal Energy Regulatory Commission

(Name of Petitioner) _____

Docket No. _____

Notice of Petition for Adjustment

On (date petition was filed), (name of petitioner) filed with the Federal Energy Regulatory Commission a petition for an adjustment under (the rule or order under the NGPA of which an adjustment is sought), wherein (name of petitioner) sought (relief requested).

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any persons desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

(b) *Service.* (1) The petitioner must serve a copy of the petition, or a copy from which confidential information has been deleted in accordance with Rule 1112 (requests for confidential treatment) on each person who is reasonably ascertainable by the petitioner as a person who may suffer direct and measurable economic impact if the relief is granted.

(2) Notwithstanding paragraph (b)(1) of this section, if a petitioner determines that compliance with such paragraph of this section would be impracticable, the petitioner must:

(i) Comply with the requirements of such paragraph with regard to those persons whom it is reasonable and practicable to serve; and

(ii) Include with the petition a description of the persons or class or classes of persons to whom notice was not sent.

(3) Staff may require the petitioner to provide alternate or additional service and will cause notice of the application to be published in the **Federal Register**.

§ 385.1105 Intervention. (Rule 1105.)

(a) A motion to intervene in an adjustment proceeding, in conformity with Rule 214 (intervention) must be filed within 15 days after publication in the **Federal Register** of notice of the petition for adjustment.

(b) A motion to intervene is granted unless it is denied by staff within 75 days after the day on which it was filed.

§ 385.1106 Other filings. (Rule 1106.)

(a) *Interveners.* Responses to the petition must be filed at the time the motion to intervene is filed.

(b) *Petitioner.* The petitioner may respond to filings of another party within 15 days after service of such filings. Amended pleadings may be filed under Rule 215 (amendments) if the petitioner discovers facts unavailable at the time the initial petition was filed, or if such pleadings are requested or permitted by Staff under Rule 1107 (evaluations).

§ 385.1107 Evaluations. (Rule 1007.)

(a) Staff will consider the filings made in connection with the petition for adjustment. Staff may also consider information received under paragraph

(b) of this section. If Staff obtains information under paragraphs (b)(1) or (b)(3) of this section and relies upon such information, the petitioner will be advised of such information and will be given 15 days to respond to such information.

(b)(1) Staff may initiate an investigation of any statement in a petition and use in its evaluation of any relevant fact obtained in such an investigation.

(2) Staff may request additional information from the petitioner.

(3) Staff may solicit and accept submissions from interveners or third persons relevant to the petition.

(4) Staff may consider information obtained in informal conferences held under Rule 1111 (adjustment conferences).

§ 385.1108 Criteria. (Rule 1108.)

(a) Staff will grant a petition where there are sufficient facts to make a determination on the merits and where Staff determines that an adjustment is necessary to prevent or alleviate:

(1) Special hardship;

(2) Inequity; or

(3) An unfair distribution of burdens.

(b) When there are not sufficient facts to make a determination on the merits, the Staff may dismiss the petition without prejudice; except, that when Staff has requested additional material information under Rule 1107 (adjustment evaluations) of this section and the petitioner has failed to provide the requested information, Staff may deny the petition.

§ 385.1109 Orders. (Rule 1109.)

(a) Staff will issue a decision and an order granting or denying the petition in whole or in part. The order will articulate the basis for the decision, noting any dispute with the factual assertions of the petitioner.

(b) In addition to service otherwise required under this subpart, Staff will serve the decision and order on the persons who sought and were denied an opportunity to participate in the proceeding under this subpart.

(c) If Staff fails to issue an order granting or denying the petition for adjustment within the determination period, the petitioner may treat the application as having been denied and may, within 30 days after the close of the determination period, request review thereof as prescribel in Rule 1110(a) (review of denials). For purposes of this paragraph, "determination period" means the 150 days commencing with the filing of the petition, unless Staff for good cause extends such period.

(d) An order of Staff issued under paragraph (a) of this section granting an adjustment, in whole or in part, is final 30 days after it is issued, unless, during such 30-day period:

(1) A petition for review is filed under Subpart J of this subchapter in accordance with Rule 1110(a) (review of denials) in which case the order is final when the review process under Subpart J has been completed; or

(2) The Commission directs that the order be reviewed under Subpart J in accordance with Rule 1110(b), in which case when the review process under Subpart J has been completed unless the Commission expressly states that the order shall be effective pending review proceeding.

§ 385.1110 Review of initial decision and order for adjustment. (Rule 1110.)

(a) *General rule.* (1)Within 30 days after the issuance by Staff of an order granting or denying, in whole or in part, a petition for adjustment relief under this subpart, a person may file a petition for Commission review of that order in accordance with Subpart J of this subchapter, if the person:

(i) Is aggrieved or adversely affected by that order; and

(ii) Participated, or sought and was denied an opportunity to participate, in the proceeding under this subpart.

(2) Except as otherwise provided in this paragraph, the provisions of Subpart J shall apply to Commission review of both grants and denials of adjustment applications under this subpart.

(i) "Contested order" in Subpart J means the order issued by Staff granting or denying, in whole or in part, a petition for adjustment under this subpart.

(ii) "Staff" is substituted for "Secretary" in Subpart J. With respect to review of an order denying a petition for adjustment under this subpart, Staff may participate in the proceeding in the same manner prescribed for the Secretary in Rule 1005 (replies in reviews of adjustment denials). With respect to review of an order granting a petition for adjustment under this subpart, Staff may not participate in the proceeding except to the extent necessary to file the record as prescribed in Rule 1005(a)(1) (replies in reviews of adjustment denials). With respect to review of an order granting in part and denying in part a petition for adjustment under this subpart, Staff may participate as prescribed in Rule 1005(a)(1) (replies), only if a petition for review has been filed which specifically seeks review of the portion of the order denying the application for adjustment.

(3) A motion to intervene under Rule 1005(b) (interventions in adjustment proceedings) may be filed only by a person who sought and was denied an opportunity to participate, in the proceeding under this section.

(4) There is no exhaustion of administrative remedies until a request for review is filed under Subpart J in accordance with this section and the review process under Subpart J is completed by the issuance of an order granting or denying, in whole or in part, the relief requested.

(b) *Review initiated by the Commission.* Within 30 days after the issuance by Staff of an order granting, in whole or in part, a petition for adjustment relief under this subpart, the Commission may direct that the order be reviewed in a proceeding which, insofar as practicable, will conform to proceedings under Subpart J. The order directing such review will specify the manner in which such proceedings will be conducted and the extent to which Subpart J apply.

(c) *Separation of functions.* Any person who participated in the proceeding to review the grant or denial of that adjustment under this Rule as a witness or counsel may not advise the Commission concerning the review of the grant or denial of that adjustment.

§ 385.1111 Conferences. (Rule 1111.)

Staff may direct that a conference be convened. The conference will be conducted by Staff in accordance with procedures Staff determines will most expeditiously further the purpose of the conference. A conference will be convened only after actual notice of the time, place and nature of the conference is provided to the parties. All parties may attend the conference. However, if a party wishes to present confidential information at the conference, Staff may exclude the other parties from that part of the conference when the confidential information is presented.

§ 385.1112 Requests for confidential treatment. (Rule 1112.)

(a) If a person filing a document under this subpart claims that some or all of the information contained in a document is exempt from the mandatory disclosure requirements of the Freedom of Information Act, or is otherwise exempt by law from public disclosure, that person may request confidential treatment of such information. At the time request is made for confidential treatment, the person must submit a copy of the document which contains the confidential information and two copies of the document which exclude the information for which confidential treatment is requested. The request for

confidential treatment must describe the information deleted and specify the grounds for the claim for confidential treatment. The service requirements of Rule 2010 (service) are deemed satisfied if a copy of the document with the confidential information deleted is served.

(b) If a determination to disclose the information is made under Part 388 (public information and requests), the person who has requested confidential treatment will be given notice thereof and will be afforded no less than 10 days to respond to such determination before the information is disclosed.

§ 385.1113 Interim relief. (Rule 1113.)

(a) The petitioner may at any time file a request for interim relief in a proceeding under this subpart, setting forth the legal and factual basis for the request. Service of such request must comply with the service requirements set forth in Rule 1104(b) (initial petition of adjustment request) and must be made on each person described in such rule as well as on any other party to the proceeding.

(b) The grounds for granting interim relief are:

(1)(i) A showing that irreparable injury will result in the event the interim relief is denied; and

(ii) A showing that denial of the interim relief requested will result in a more immediate special hardship or inequity to the person requesting the interim relief than the consequences that would result to other persons if the interim relief were granted; or

(2) A showing that it will be in the public interest to grant the interim relief.

(c) A party may within 10 days after the filling of the request for interim relief file a reply to the request for interim relief.

(d) Staff may request a written statement of the views of a party regarding whether the interim relief should be granted and may convene an expedited conference on the request for interim relief.

(e) If Staff has not granted the request for interim relief within 30 days after it is filed, the request is denied.

(f)(1) Subject to paragraph (f)(2) of this section, Staff will issue an order granting or denying the request for interim relief and will notify the parties. Any grant of interim relief is subject to further modification in the order issued under paragraph (f)(1) of this section.

(2) The Commission may, on its own motion, at any time revoke, modify, rescind, stay or take any other appropriate action concerning the order granting interim relief.

§ 385.1114 Motions. (Rule 1114.)

A party may file a motion at any time. Motions must set forth the ruling or relief requested and must state the grounds therefor and the statutory or other authority relied upon. Staff will rule on all motions.

§ 385.1115 Procedural rulings. (Rule 1115.)

Staff may make any procedural rule or provide any procedural relief.

§ 385.1116 Appeals. (Rule 1116.)

All actions under this subpart are taken by Staff, except with respect to requests for public information under Part 388. Except as provided in Rule 1110 (review of initial adjustment decision) of this section, there are no appeals to the Commission from Staff action taken under this section.

§ 385.1117 Petition for adjustment treated as request for interpretation. (Rule 1117.)

(a) Staff may, if appropriate, treat a petition filed under Rule 1103 (petition for adjustment) as a request for an interpretation under section 502(c) of the NGPA, of that Act or rule or order issued under that Act.

(b) If the Staff exercises its discretion under paragraph (a) of this section to treat a petition for adjustment as a request for an interpretation, then:

(1) Staff will notify the parties to the proceeding that the petition is being treated as a request for an interpretation under Rule 1901; and

(2) The time limits in this section are stayed pending issuance of the interpretation.

(c) After the interpretation is issued, if the petitioner wishes to reinstate the adjustment proceeding, the petitioner may do so by notifying the Commission in writing that the petition should be reinstated.

Subpart L—[Reserved]

Subpart M—Cooperative Procedure With State Commissions

§ 385.1301 Policy. (Rule 1301.)

(a) The Federal Power and Natural Gas Acts, sections 209 and 17, respectively, authorize cooperation between the Federal Energy Regulatory Commission and the State commissions of the several States in the Administration of said Acts, which include authorization for:

(1) Reference of any matter arising in the administration of these Acts to a board to be composed of a member or member from a State or States affected, or to be affected, by the particular matters pending before the Commission;

(2) Conferences with State commissions regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities or natural gas companies subject to the jurisdiction of such State commissions and of the Commission; and

(3) Joint hearings with State commissions in connection with any matter with respect to which the Commission is authorized to act.

(b) The matters that should be the subject of a conference referred to a board, or heard at a joint hearing of State commissions and the Commission, obviously, cannot be determined in advance. It is understood, therefore, that the Commission or any State commission will freely suggest cooperation with respect to any proceeding or matter affecting any public utility or natural gas company subject to the jurisdiction of the Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

§ 385.1302 Notice. (Rule 1302.)

(a) *By Commission.* (1) Whenever there is instituted before the Commission any proceeding under either the Federal Power Act or the Natural Gas Act, the State commission or commissions of the State or States affected thereby will be given notice thereof immediately by the Commission. As deemed necessary for an understanding of the subject matter, each such notice will be supplemented by copies of applications, complaints, petitions, or orders instituting proceedings. Each such notice given to a State commission will request that the Commission be notified within a reasonable time whether the proceeding is deemed one that should be considered under the cooperative provisions of this subpart, and, if so, to advise the Commission as to the nature of its interest in the matter, and further, to specify whether it desires a conference, the creation of a board, or a joint or concurrent hearing, as defined in this subpart and the reasons for such request.

(2) Any commission suggesting some form of such cooperative procedure should also state whether there is pending, or will be pending before it, a proceeding in which a concurrent hearing might appropriately be held and whether its proposal is for such hearing covering such proceeding and the proceeding pending before the Commission.

(3) A State commission recommending to the Commission reference of a proceeding to a board, under either the

Federal Power Act or the Natural Gas Act, should state with fullness the reasons which led it to believe that such reference is desirable and in the public interest.

(4) Upon the receipt from a State commission of a communication suggesting cooperation, the Commission will consider the same, and may confer with the Commission making the request and with other interested commissions, if any, in such manner as may be most suitable, and, if cooperation in the manner proposed, or in any other manner, appears to be practicable and desirable, will so advise each interested State commission, and will invite it to participate therein.

(b) *By State commission.* (1) Each State commission should, in like manner, notify the Commission of any proceeding instituted before it the subject matter of which is also subject to the jurisdiction of the Commission, or in which it believes the Commission is interested. Such notice should be supplemented by copies of applications, petitions, complaints, or orders instituting proceedings which may be necessary to an understanding of the subject matter. Such notice should include the suggestions which the State commission may wish to make concerning cooperative procedure.

(2) Upon receipt of such notice, the Commission will consider the same and will promptly notify the State commission whether or not in its opinion cooperation in the manner proposed, or in any other manner, appears to be practicable and desirable. The Commission is free to propose cooperative procedure whether or not such proposal of cooperation has been made by the State commission first giving notice of the proceeding.

(c) *Commission or State commissions to invite participation in cooperative procedure.* In the event that cooperation in a particular proceeding has been determined upon, the Commission or a State commission before which the proceeding is pending will so advise each interested State commission and will invite it to take part therein.

§ 385.1303 Conferences. (Rule 1303).

Inasmuch as experience has proved that informal conferences are the means most often used to enable commissions to work together to promote good regulation, affording means whereby common understandings may be reached, and the imposition of inconsistent or conflicting regulations upon companies subject to both Federal and State control may be avoided and means whereby State commissions may secure the assistance in State regulatory work with sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts authorize the Commission to extend, any commission, Federal or State, should always feel free to suggest a conference to another commission, concerning any matter of regulation subject to the jurisdiction of either, with respect to which it is believed that a cooperative conference may be in the public interest. The Commission desiring a conference upon any such matter should notify other interested commissions without delay, and thereupon the Commission or a State commission, as may be agreed, will promptly arrange for a conference in which all interested commissions will be invited to be represented.

§ 385.1304 Procedure governing matters referred to a board. (Rule 1304.)

(a) It is believed that the statutory provisions of sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts, for the reference of a proceeding to a board constituted as therein provided, were designed for use in unusual cases, an as a means of relief to the Commission when it might find itself unable to hear and determine cases before it, in the usual course, without undue delay.

(b) Whenever the Commission, either upon its own motion or upon the suggestion of a State commission or at the request of any interested party, determines that it is desirable to refer a matter arising in the administration either of the Natural Gas Act or Part II of the Federal Power Act, to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure will be as follows: The Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board. Whenever more than one State is involved, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. The Commission will specify the functions to be performed by such board in each instance. When the member or members of any board have been nominated and appointed in accordance with the provisions of either section 209 of the Federal Power Act or section 17 of the Natural Gas Act, the Commission will issue an order referring the particular matter to such board, and such order will fix the time and place of hearing, define the "force and effect" which an action of the board will have, the manner in which the proceedings will be conducted, and specify the allowances to be made for the expense of the members of the board. As far as applicable, the rules of practice and procedure as from time to time adopted or prescribed by the Commission will govern such board. The board will have authority to adjourn the hearing from day to day, subpoena witnesses, rule on the relevancy, competency, and materiality of evidence, and will, after hearing all interested parties, submit its report to the Commission.

§ 385.1305 Joint and concurrent hearings. (Rule 1305.)

(a) The term "joint hearing" used in sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts is understood to cover any hearing in which members of the Commission and members of one or more State commissions may sit together in a proceeding pending before one such commission, whether or not a proceeding or proceedings involving similar or corresponding issues be pending before any other commission.

(b) Two different types of proceedings have been called "joint hearings". One is that type of proceeding where members of one or more State commissions sit with members of the Commission for information or in an advisory capacity. The State commissioners in such case do not develop a record for their respective commissions and may not, at their own discretion, make a recommendation to the Commission. The other type of joint hearing is often referred to as a "concurrent hearing". Under this procedure the Commission and one or more State commissions sit together to hear and jointly make a record upon a matter over which all of the participating commissions have jurisdictions and responsibility for action.

(c) The Commission or any State commission or commissions should feel free to suggest or request a joint or concurrent hearing at any time. It is believed that the concurrent hearing is the type of cooperative hearing which is likely to be most useful and effective.

(d) Whenever a concurrent hearing has been agreed upon by the Commission and one or more State commissions, the procedure will be:

(1) Each commission will designate the representative or representatives of such commission to sit at such concurrent hearing, and will designate the representative who will be the presiding officer for such commission.

(2) It will be understood that participation in such concurrent hearing will in no way affect the complete control by each commission of the

proceeding before it. It will be understood, also, that participation in either a joint or concurrent hearing will in no way preclude any commission from causing to be present in any such case pertinent evidence with respect to matters in issue.

(3) The representative designated by the Commission will be the presiding officer to announce rulings with respect to which there is no disagreement; and such rulings will be considered concurrent rulings. However, the presiding officer for any commission which does not concur in any ruling may announce a divergent ruling and such divergent ruling, whether with respect to the admissibility of evidence or any other matter, will be considered the ruling for his or her commission.

(4) The record of the concurrent hearing will be the record of each commission paricipating, except that, if divergent rulings are made, the rulings will be reported so as to separate and distinguish clearly the record of the respective participating commissions and the evidence admitted in each record, in accordance with the rulings of the respective commissions. If, in any proceeding, the ruling of one presiding officer has the effect of admitting any voluminous exhibit or testimony which is excluded by the ruling of another presiding officer, the taking of such evidence, whenever possible, will be deferred until after the completion of the proceedings which can be conducted under concurrent rulings. When such testimony is taken, the transcript of such evidence will be made available to the participating commissions, if desired.

(5) In all respects concerning which there is no divergence of ruling, the hearing will be conducted in accordance with the rules of practice and procedure prescribed by the Commission, subject to the express understanding that each participating State commission will control its own record and make its own rulings as to the admissibility of evidence and as to other matters affecting its proceedings, and will make its own separate final decision or order therein.

(e) Before either the Commission or a participating State commission will enter any order or orders in a concurrent proceeding, opportunity will be afforded for conference between the Commission and the State commissions participating.

(f) Whenever a joint hearing other than a concurrent hearing is agreed upon, the commissioners which take part therein will agree upon the procedure to be followed in such hearing in advance of the opening of the same. With respect to any concurrent hearing, a special agreement may be made by the commissions taking part therein for a procedure or action differing from that outlined in this plan.

(g) Cooperation between two or more commissions in a concurrent hearing will preclude either from taking the position of an advocate or a litigant. If a commission wishes to take such a position, it will not be cooperating participant in that proceeding. In such situation the appropriate method of procedure will be intervention under Rule 214.

§ 385.1305 Intervention by State commissions. (Rule 1305.)

Any interested State commission may, as a matter of right, intervene in any proceeding before the Federal Energy Regulatory Commission, as provided in Rule 214.

Subpart N—[Reserved]

Subpart O—[Reserved]

Subpart P—[Reserved]

Subpart Q—[Reserved]

Subpart R—[Reserved]

Subpart S—Miscellaneous

§ 385.1901 Interpretations and interpretative rules under the NGPA. (Rule 1901.)

(a) *Purpose and applicability.*—(1) *Purpose.* The purpose of this section is to provide procedures by which:

(i) A person may seek a written interpretation from the General Counsel construing a provision of the NGPA, or clarifying a rule issued by the Commission under the NGPA; and

(ii) The Commission may publish an interpretative rule that will have general applicability and effect.

(2) *Applicability.* (i) This section applies to requests under section 502(c) of the NGPA for interpretations of the NGPA or of rules or of orders, having the appliability and effect of a rule as defined in 5 U.S.C. 551(4), issued under the NGPA. It does not apply to orders issued under sections 301, 302, and 303 of the NGPA.

(ii) This section applies to requests for interpretations to prospective, existing or completed facts, acts, or transactions. Interpretations based on hypothetical facts, acts, or transactions will not be considered.

(b) *Definitions.* For the purpose of this section, the following definitions apply.

(1) "Direct participant" means any person or legal entity who is, or plans to be an actual party in the act, transaction, or circumstance presented, and who has an immediate or direct financial interest in the act, transaction, or circumstance.

(2) "Interpretation" means a written statement of the General Counsel which applies a particular rule to a particular set of facts, acts, circumstances or transactions. In the discretion of General Counsel, the interpretation may contain a detailed factual and legal analysis, a summary of the facts or the law, or both, or it may be a conclusory statement.

(3) "Interpretative rule" means an official interpretative statement of general applicability issued by the Commission and published in the Federal Register that applies the NGPA or rules issued thereunder to a specific set of facts, acts, circumstances and transactions.

(4) "NGPA" means the Natural Gas Policy Act of 1978.

(5) "Request" means a request for an interpretation.

(6) "Rule" means a rule or an order having the effect of a rule as defined in 5 U.S.C. 551(4).

(c) *Persons who may request an interpretation.* (1) Any person who is or will be a direct participant in an act, transaction, or circumstance affected by the NGPA or a rule issued by the Commisson under the NGPA may file with the Office of the General Counsel a request for an interpretation.

(2) Requests for interpretations must be addressed to the Office of the General Counsel as follows:

Federal Energy Regulatory Commission, Interpretations Section, Office of the General Counsel, Suite 8000, 825 North Capitol Street, NE., Washington, D.C. 20426

(d) *Content of request.*—(1) *Facts.* A request for interpretation must contain a full and complete statement of the relevant and material facts pertaining to the act, transaction, or circumstance that is the subject of the request for interpretation. When the request pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction must be included in the request.

(2) *Statement of the question.* The request must clearly designate the section of the statute, regulation, rule, or part thereof which the person making the request seeks to have interpreted and must set forth clearly and concisely the question for which an interpretation is sought. The request may also set forth a proposed answer to the question.

(3) *Anaylsis.* If the request proposes a particular answer:

(i) The request must set forth a legal analysis in support of the proposed answer and cite relevant authorities in support thereof.

(ii) The request must set forth the legal and business consequences which will flow from the proposed answer.

(4) *Factual statements.* (i) The request must be accompanied by a statement that to the best of the applicant's personal information, knowledge, and belief there is no untrue statement of a material or relevant fact and there is no omission of a material or relevant fact made in the request.

(ii) Any untrue statement or omission of a material or relevant fact upon which the Office of the General Counsel relied in a request for an interpretation is deemed to be a statement or entry under section 1001 of Title 18, *United States Code.*

(5) *Notification of other parties.* (i) A person submitting a request must specify each person who is a direct participant in the circumstance, act or transaction; must notify them in writing of the request for an interpretation; and must send them a copy of such request. Such notification and the addresses of the persons notified must be included in a request to the General Counsel.

(ii) Each person notified pursuant to paragraph (d)(5)(i) of this section may submit information regarding any fact provided in the request of which it has personal knowledge, if such fact is different from the facts presented by the applicant. Such fact must be presented to the Office of the General Counsel as set forth in paragraph (d)(4) of this section.

(e) *Additional information.* The General Counsel may request additional information, documentation or legal analysis in connection with any request for any interpretation.

(f) *Referral of information.* Information submitted in a request for interpretation may be used by the Commission or its Staff in their official capacity. Any information received will be placed in a public file in the Commission's Office of Public Information.

(g) *The interpretation.* (1) Except as provided in paragraph (g)(2) of this section, the General Counsel will provide a copy of his or her written interpretation of the NGPA or rule as applied to the act, transaction, or circumstance presented upon the person who made the request for the interpretation and upon persons named in the request as direct participants in the act, transaction, or circumstance.

(2) The General Counsel may determine not to issue an interpretation, in which case the person who made the request and direct participants as specified in the request will be notified in writing of the decision not to issue an interpretation, and the reason for the decision.

(3) Only those persons to whom an interpretation is specifically addressed and other persons who are named in the request, who have been informed by the applicant for an interpretation of the pendency of the request and who are direct participants in the act, transaction or circumstance presented, may rely upon it. The effectiveness of an interpretation depends entirely on the accuracy of the facts presented to the General Counsel. If a material or relevant fact has been misrepresented or omitted or if any material or relevant fact changes after an interpretation is issued or if the action taken differs from the facts presented in the request, the interpretation may not be relied upon by any person.

(4) An interpretation may be rescinded or modified prospectively at any time. A rescission or modification is effected by notifying persons entitled to reply on the interpretation at the address contained in the original request.

(5) Any interpretation based on the NGPA or a rule issued thereunder in effect at the time of issuance may be relied upon only to the extent such law or rule remains in effect.

(6) Except as provided in paragraph (g)(3), (g)(4) and (g)(5) of this section, the Staff will not recommend any action to the Commission which is inconsistent with the position espoused in the interpretation. The interpretation of the General Counsel is not the interpretation of the Commission. An interpretation provided by the General Counsel is given without prejudice to the Commission's authority to consider the same or like question and to issue a declaratory order to take other action which has the effect of rescinding, revoking, or modifying, the interpretation of the General Counsel.

(h) *Appeal and judicial review.* There is no appeal to the Commission of an interpretation.

(i) *Interpretative rules.* Upon the petition of any person or upon its own motion, the Commission may publish in the **Federal Register** an interpretative rule regarding any question arising under the NGPA or a rule promulgated thereunder. Any person is entitled to rely upon an interpretative rule.

(j) *Applications for adjustments treated as requests for interpretations.* Except for the notification provisions of paragraph (d)(5) of this section, the provisions of this section apply to any petition for an adjustment which is deemed a request for an interpretation under Rule 1117. Notice to all parties to an adjustment proceeding under Subpart K of this part that is deemed to be a request for an interpretation will be given under Rule 1117(d)(1).

§ 385.1902 Appeals from action of staff. (Rule 1902.)

Any staff action, other than a decision or ruling of presiding administrative law judge, taken pursuant to authority delegated to the staff by the Commission that would be final, but for the provisions of this section, may be appealed to the Commission by an interested person. The challenged staff action may be appealed by filing a petition within 30 days of the action. Answers to such petitions may be filed by any party within 10 days of service of the petition. An appeal from any ruling of a presiding administrative law judge will conform to the requirements of Rule 715 (interlocutory appeals to the Commission from rulings of presiding officers). The Commission considers that a petition for appeal from action taken by the staff is deemed denied if not acted upon by the Commission within 30 days after the filing of such petition. The Commission further considers its action on appeals made pursuant to this paragraph to be final agency action that is subject to a request for rehearing under Rule 713 (request for rehearing).

§ 385.1903 Notice in rulemaking proceedings. (Rule 1903.)

Before the adoption of rule of general applicability or the commencement of hearing on such a proposed rulemaking, the Commission will cause general notice to be given by publication in the **Federal Register**, such notice to be published therein not less than 15 days prior to the date fixed for the consideration of the adoption of a proposed rule or rules or for the commencement of the hearing, if any, on the proposed rulemaking, except where a shorter period in reasonable and good cause exists therefore: *Provided however,* That:

(a) When the Commission, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may proceed with the adoption of rules without notice by incorporating therein a finding to such effect and a concise statement of the reasons therefore;

(b) Except when notice or hearing is required by statute, the Commission

may issue at any time rules of organization, procedure or practice, or interpretative rules, or statements of policy, without notice or public proceedings; and

(c) This section is not to be construed as applicable to the extent that there may be involved any military, naval, or foreign affairs function of the United States, or any matter relating to the Commission's management or personnel, or to United States property, loans, grants, benefits, or contracts.

§ 385.1904 Copies of transcripts. (Rule 1904.)

The Commission will cause to be made a stenographic record of public hearings and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcript may obtain the same from the official reporter upon payment of the fees fixed therefor.

§ 385.1905 Subpoenas. (Rule 1905.)

(a) *Issuance.* Subpoenas for the attendance of witnesses or for the production of documentary evidence, unless directed by the Commission, will issue only upon petition in writing to the Commission or the presiding officer, except that during sessions of a hearing in a proceeding, such petition may be made orally on the record before the Commission or presiding officer, who is hereby given authority to determine the relevancy and materiality of the evidence sought and to issue such subpoenas in accordance with such determination. Such written petitions must be verified and must specify as nearly as may be the general relevance, materiality, and scope of the testimony or documentary evidence sought, including, as to documentary evidence specification as nearly as may be, of the documents desired and the facts to be proved by them in sufficient detail to indicate the materiality and relevance of such documents.

(b) *Service and return.* If service of subpoena is made by a United States marshal or deputy thereof, such service will be evidenced by the return of service. If made by another person, such person must make affidavit, describing the manner in which service was made, and must return such affidavit on or with the original subpoena. In case of failure to make service, the reasons for the failure must be stated on the original subpoena. In making service, a copy of the subpoena must be exhibited to and left with the person to be served. The original supoena, bearing or accompanied by the authorized return, affidavit, or statement must be returned forthwith to the Secretary or, if so desired on the subpoena, to the presiding officer before whom the person named in the subpoena is required to appear.

(c) *Fees of witnesses.* Witnesses who are subpoenaed will be paid fees as provided in Rule 510(e) (relating to fees).

§ 385.1906 Depositions. (Rule 1906.)

(a) *When permissible.* The testimony of witness may be taken by deposition, upon application by a participant in a proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission or the presiding officer.

(b) *Notice and application.* Unless notice is waived, no deposition will be taken except after at least 10 days' notice to the parties within the United States, and 15 days' notice when a deposition is to be taken elsewhere. Such notice must be given in writing by the participant proposing to take such deposition or by his or her attorney to the other participants or their attorneys of record and to the Commission. In such notice and application to take evidence by deposition, the participant desiring to take the deposition must state the name and post office address of the witness, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, the name and post office address of the officer before whom it is desired that the deposition be taken, and the reason why such deposition should be taken. The other participants may, within the time stated in this section, make any appropriate response to such notice and application.

(c) *Authorization for taking.* Thereupon, if the application so warrants, the Commission or presiding officer, will issue and serve, within a reasonable time in advance of the time fixed for taking testimony, upon the participants or their attorneys an authorization naming the witness whose deposition is to be taken and the time, place and officer before whom the witness is to testify, but such time, place and officer so specified may or may not be the same as those named in the said notice and application.

(d) *Officer before whom taken*—(1) *Within the United States.* Such depositions may be taken before a member, a presiding officer or other authorized representative of the Commission, any judge, commissioner, or clerk of any court of the United States, any chancellor, judge, or justice of a State court, any mayor or chief magistrate, or a city, or any notary public, not being counsel or attorney for any of the participants, or interested in the proceeding or investigation, according to such designation as may be made in the authorization.

(2) *In foreign countries.* Where such deposition is taken in a foreign country, it may be taken before a secretary of an embassy or legation, counsel general, counsel, vice consul, or consular agent of the United States, or before such person or officer as may be designated in the authorization or agreed upon by the parties by stipulation in writing filed with and approved by the Commission or the presiding officer. The magistrate, person, or officer so deignated in this section will be referred to as the Officer.

(e) *Oath and reduction to writing.* Every person whose testimony is taken by deposition will be sworn, or will affirm concerning the matter about which he or she shall testify, before any questions are put or testimony given. The testimony will be reduced to writing by, or at the direction of, the officer, after which the deposition will be subscribed by the witness and certified in the usual form by the officer. Unless otherwise directed in the authorization, after the disposition has been subscribed and certified, it will be forwarded, together with the number of copies specified in the authorization, the copies being made by, or at the direction of, such officer by such officer in a sealed envelope addressed to the Commission at its office in Washington, D.C., with sufficient postage affixed. Upon receipt thereof, the Secretary shall file the original in the proceeding and will forward a copy to each party or his or her attorney of record and to staff counsel.

(f) *Copies.* Rule 2004 (copies of filings) is not applicable with respect to the number of copies to be provided.

(g) *Scope and conduct of examination.* Unless otherwise directed in the authorization, the deponent may be examined regarding any matter which is relevant to the issues involved in the pending proceeding, including the existence, description, nature, custody, condition, and location of any books, documents or other tangible things, and the identity and location of persons having knowledge of relevant facts. Parties or their attorneys and staff counsel will have the right of cross-examination, objection and exception to questions or evidence, the grounds relied upon will be noted by the officer upon the deposition, but he does not have power to decide on the competency or materiality or relevancy of evidence. Objections to questions or evidence not taken before the officer are deemed to be waived.

(h) *Not part of record unless received in evidence.* No part of a deposition will

constitute a part of the record in the proceeding, unless received in evidence by the Commission or presiding officer. Objection may be made at the hearing in the proceeding to receiving in evidence any disposition or part thereof for any reason which would require the exclusion of the evidence if the witnesses were then present and testifying.

(i) *Fees of officers and deponents.* Deponents whose depositions are taken and the officers taking the same are entitled to the same fees as are paid for like services in the District Courts of the United States, which fees must be paid by the party or participant at whose instance the depositions are taken.

§ 385.1907 Reports of compliance. (Rule 1907.)

When any licensee, permittee, or any other person subject to the jurisdiction of Commission is required to do or perform any act by Commission order, permit, or license provision, there must be filed with the Commission within 30 days following the date when such requirement became effective, a notice, under oath, stating that such requirement has been met or complied with: *Provided, however,* That the Commission, by rule or order, or by making specific provision therefor in a license or permit, may provide otherwise for the giving of such notice of compliance. Five conformed copies of such notice must be filed in lieu of the fourteen conformed copies required by Rule 2004 (copies of filings).

Subpart T—Formal Requirements for Filings in Proceedings Before the Commission

§ 385.2001 Filings. (Rule 2001.)

(a) *Filings with the Commission.* Unless otherwise provided in this chapter, a filing required to be made with the Commission must be submitted to the Secretary either (A) by mailing the document to: Secretary, Federal Energy Regulatory Commission, 825 N. Capital Street, NE., Washington, D.C. 20426, or (B) by hand delivering the document to: Room 3110, 825 N. Capitol Street, NE., Washington, D.C. A document is considered filed on the date stamped by the Secretary, unless subsequently rejected. Documents received after regular business hours are considered to have been filed on the next regular business day.

(b) *Rejection.* (1) Failure of a filing to comply with all or part of a statute or Commission rule or order may be grounds for rejection of the filing, unless it is accompanied by a motion requesting a waiver of such requirement and the motion is granted. If rejected, a filing is deemed not to have been filed with the Commission.

(2) Filings rejected under paragraph (b)(1) of this section are returned by the Secretary, or the office director to whom the filing has been referred, with an indication of the deficiencies thereof and the reasons for rejection and return.

(3) Failure to reject a filing under paragraph (b)(1) of this section does not waive the obligations to comply with the requirements of this chapter. Failure to comply with such requirement may be cause for striking all or part of a filing.

§ 385.2002 Caption of filings. (Rule 2002.)

Each filing must be headed with a caption that sets forth:

(a) The docket designation, if any;

(b) The title of the proceeding (a shortened designation may be used);

(c) A heading describing of the filing; and

(d) The name of the participant on whose behalf the filing is made (a shortened designation may be used).

§ 385.2003 Specifications. (Rule 2003.)

(a) *Paper.* A filing with the Commission must be typewritten, printed, or reproduced, with each copy clearly legible, on letter size, unglazed paper, 8 to 8½ inches wide by 10½ to 11 inches long, except that a log, graph, map, drawing, or chart will be accepted on larger paper if it cannot be legibly provided on letter size paper.

(b) *Format.* A filing must be double-spaced with left margins not less than 1 inch wide, and with each quotation in excess of 50 words indented and single-spaced. If a filing exceeds one page, it must be bound or stapled, at the left side only. If a filing is printed, it must be printed in not less than 10 point type with double-leaded text and single-leaded quotations.

§ 385.2004 Copies of filings. (Rule 2004.)

An original of each filing with the Commission must be accompanied by fourteen exact copies, unless a different number is required by statute or Commission rule or order. A waiver of this requirement may be requested by motion.

§ 385.2005 Subscription and verification. (Rule 2005.)

(a) *Subscription.* (1) Each filing with the Commission must be signed. The signature constitutes a certificate that the signer has read the filing being signed and knows its contents, that the contents are true as stated to the best knowledge and belief of the signer, and that the signer possesses full power and authority to sign the filing.

(2) A filing may be signed:

(i) By the person making the filing;

(ii) If signed on behalf of a corporation, trust, assocation, or other organized group, by an officer of the organization;

(iii) If signed on behalf of any governmental authority, agency, or instrumentality, by an officer or employee thereof; or

(iv) By a representative qualified to practice before the Commission under Rule 2101 (appearance and practice before the Commission) and who possesses authority to sign. The signer may be required to submit evidence of authority to sign the filing.

(b) *Verification.* Unless verification is specifically required by this chapter, no facts alleged in a filing with the Commission need be verified. If verification is required, such verification is under oath or affirmation by a person having knowledge of the matters set forth therein. If the verification is made by anyone other than the signer, a statement must be added to the verification stating the reason for the variation.

§ 385.2006 Docket system. (Rule 2006.)

The Secretary will maintain a system for docketing proceedings. The public information in a docket is available for inspection and copying by the public during the office hours of the Commission insofar as is consistent with the proper discharge of the Commission's duties and in conformity with Part 388 (public information and requests).

§ 385.2007 Time. (Rule 2007.)

(a) *Computation.* Except as otherwise required by law, any period of time prescribed or allowed by statute or Commission rule or order is computed to exclude the day of the act or event from which the time period begins to run. The last day of the period is included, unless it is a Saturday, Sunday, or legal public holiday as designated in section 6103 of title 5, United States Code (5 U.S.C. 6103), in which case the period does not end until the close of the next day which is not a Saturday, Sunday, or legal public holiday. Part-day holidays are counted as normal business days.

(b) *Issuance of Commission rules or orders.* The date and time of issuance of a Commission rule or order is the earlier of the date and time the Secretary (1) posts a full-text copy in the Division of Public Information, (2) mails or delivers copies of the order to the parties, or (3) makes such copies public. The date of issuance will appear on each order, but it need not be the date upon which the

rule or order is adopted by the Commission.

(c) *Effective date of Commission rules or orders.* Unless otherwise ordered by the Commission, Commission rules or orders are effective on the date of issuance. An initial decision issued by a presiding officer is effective at such time as it becomes final under Rule 708(d) (the date an initial decision becomes final).

§ 385.2008 Extension of time. (Rule 2008.)

Except as otherwise provided by law, whenever an act is required or allowed to be done at or within a specified time, the time prescribed may be extended by the decisional authority for good cause, upon a motion made before the expiration of the period prescribed or as previously extended. If a motion for extension of time is made after the expiration of the specified period, the act may be permitted to be done where extraordinary circumstances are shown adequately justifying the failure to act in a timely manner.

§ 385.2009 Notice. (Rule 2009.)

Unless actual notice is given, notice by the Commission is to be given by publication in the Federal Register by the Secretary. Actual notice is usually given by service under Rule 2010 (service of documents).

§ 385.2010 Service. (Rule 2010.)

(a) *By participants.* (1) A participant who files a document in a proceeding must serve a copy of it upon each person whose name is on the official service list (or applicable restricted service list) for the proceeding or phase thereof, and upon any other person who is required to be served by the Commission rule or order or as otherwise required by law.

(2) A person who receives a rejection letter or deficiency letter from the Commission must serve a copy of such letter on those to whom the person had served copies of the filing to which the rejection letter or deficiency letter relates.

(b) *By the Secretary.* The Secretary will serve a copy of a complaint, notice of tariff or rate examination, or order to show cause upon each person to whom a complaint is directed or to whom such notice or order is issued. The Secretary also will serve a copy of any rule or order by a decisional authority in a proceeding upon each person whose name is on the official service list (or applicable restricted service list) for the proceeding or phase thereof.

(c) *Official service list.* The official service list for a proceeding will contain the names and addresses of the persons designated for service in the first pleading (other than a protest) or tariff or rate filing filed by each participant. The official service list also will contain the name of counsel for the staff of the Commission. The designation of a person for service may be changed by a written notice to the Commission served on each person whose name is on the official service list.

(d) *Restricted service list.* The Secretary, an office director, or the presiding officer may establish, by order, a restricted service list for the purpose of eliminating unnecessary expense or improving administrative efficiency. A restricted service list may be established for an entire proceeding, a phase of a proceeding, one or more issues in a proceeding, or one or more cases in a consolidated proceeding. A restricted service list contains the names of the persons on the official service list who, in the judgment of the decisional authority establishing the list, are the active participants or their representatives with respect to such proceeding, phase of a proceeding, issue in a proceeding, or consolidated proceeding. A restricted service list is maintained in the same manner as, and in addition to, the official service list maintained in accordance with paragraph (c) of this section. Before a restricted service list is established, each person whose name is on the official service list will be given notice of the proposal to establish a restricted service list and the opportunity to show why such person should be included on the restricted service list or why a restricted service list should not be established. The designation of a person for service on a restricted service list may be changed by written notice to the Commission served on each person whose name is on the applicable restricted service list.

(e) *Interveners.* (1) If a motion to intervene or notice of intervention is filed within the prescribed time period, the names and addresses of the persons designated for service in the motion or notice are placed on the official service list (or applicable restricted service list.) After the motion or notice is filed, these persons are entitled to service in accordance with this section. However, the names and addresses of such persons are removed from the official service list if a motion is denied.

(2) If a motion to intervene is not filed within the prescribed period, the names and addresses of the persons designated for service in the motion are placed on the official service list (or other applicable restricted service list) after the motion is granted. Late interveners are served with only the documents that are filed after the motion is granted.

(f) *Methods.* Service must be made by mail or by actual delivery in some other manner and to a place that may reasonably be expected to provide actual and timely receipt.

(g) *Timing of service.* (1) Service is made when the document served is deposited in the mail or is actually delivered in another manner.

(2) Service of a document must be made no later than the date of the filing of the document.

(h) *Certification.* When a document that must be served is filed with the Commission, it must have the original of a certificate of service attached to it. Each copy of the document filed with the Commission must have a copy of the certificate of service attached to it. The certificate must conform to the following:

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list [or the restricted service list, if applicable] compiled by the Secretary in this proceeding.
Date at ———— this ———— day of ————, 19——.
Signature ————
Counsel for ————
(if applicable) ————
Address ————
Telephone number ————

Subpart U—Appearance and Practice Before the Commission

§ 385.2101 Appearances. (Rule 2101.)

(a) A participant may appear in a proceeding in person or by an attorney or other qualified representative. An individual may appear in his or her own behalf, a member of a partnership may represent the partnership, a bona-fide officer of a corporation, trust, association or organized group may represent the corporation, trust association or group, and an officer or employee of a State commission, of a department or political subdivision of a State or other governmental authority, may represent the State commission or the department or political subdivision of the State or other governmental authority, in any proceeding.

(b) A person compelled to appear or voluntarily testifying or making a statement before the Commission or the presiding officer, may be accompanied, represented, and advised by an attorney or other qualified representative.

(c) A person appearing before the Commission or the presiding officer must conform to the standards of ethical conduct required of practitioners before the Courts of the United States, and where applicable, to the requirements of

section 12(i) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 791(i)).

§ 385.2102 Suspension. (Rule 2102.)

(a) After hearing the Commission may disqualify and deny, temporary or permanently, the privilege of appearing or practicing before it in any way to a person who is found:

(1) Not to possess the requisite qualifications to represent others, or

(2) To have engaged in unethical or improper professional conduct, or

(3) Otherwise to be not qualified.

(b) Contumacious conduct in a hearing before the Commission or a presiding officer will be ground for exclusion of any person from such hearing and for summary suspension for the duration of the hearing by the Commission or the presiding officer.

§ 385.2103 Appearance of former employees. (Rule 2103.)

(a) No person having served as a member, officer, expert, administrative law judge, attorney, accountant, engineer, or other employee of the Commission may practice before or act as attorney, expert witness, or representative in connection with any proceeding or matter before the Commission which such person has handled, investigated, advised, or participated in the consideration of while in the service of the Commission.

(b) No person having been so employed may within 1 year after his or her employment has ceased, practice before or act as attorney, expert witness, or representative in connection with any proceeding or matter before the Commission which was under the official responsibility of such person, as defined in 18 U.S.C. 202 while in the service of the Commission.

(c) Nothing in paragraph (a) and (b) of this section prevents a former member, officer, expert, administrative law judge, attorney, accountant, engineer, or other employee of the Commission with outstanding scientific or technological qualifications from practicing before or acting as an attorney or representative in connection with a particular matter in a scientific or technological field if the Chairman of the Commission makes a certification in writing, published in the **Federal Register**, that the national interest would be served by such action or representation.

Subpart V—Ex Parte Communications; Separation of Functions

§ 385.2201 Ex parte communications. (Rule 2201.)

In order to avoid all possibilities of prejudice, real or apparent, to the public interest and persons involved in proceedings pending before the Commission.

(a) Except as permitted in paragraph (b) of this section, no person who is a party to, or his or her counsel, agent, or other person acting on his or her behalf, and no interceder in, any on-the-record proceedings, shall submit ex-parte, off-the-record communications to any member of the Commission or of his or her personal staff, to the Administrative Law Judge, or to any other employee of the Commission, regarding any matter pending before the Commission in any contested on-the-record proceeding, and no Commissioner, member of his or her personal staff, Administrative Law Judge, or any other employee of the Commission, shall request or entertain any such ex parte, off-the-record communications. For the purposes of this section, the term "ex parte communication" means an oral or written communication relative to the merits of an on-the-record proceeding pending before the Commission which is not on the public record and with respect to which reasonable prior notice to the parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this section; the term "decisional employee" means a Commissioner or member of his or her personal staff, an administrative law judge, or any other employee of the Commission who is or may be reasonably expected to be involved in the decisional process of the proceeding; the term "contested on-the-record proceedings" means a proceeding required by statute, constitution, published Commission rule or regulation or order in a particular case, to be decided on the basis of the record of a Commission hearing, and in which a protest or a petition or notice to intervene in opposition to requested Commission action has been filed; the term "interceder" shall include any individual outside the Commission, whether in private or public life, partnership, corporation, association, or other agency, other than a party or an agent of a party, who volunteers a communication.

(b) The prohibitions contained in paragraph (a) of this section do not apply to a communication:

(1) From an interceder who is a local, State, or Federal agency which has no official interest in and whose official duties are not affected by the outcome of the on-the-record proceedings before the Commission to which the communication relates;

(2) From an interceder relating to matters of procedure only;

(3) From a party to, or his or her counsel, agent, or other person acting on his or her behalf, in an on-the-record proceeding, if the communication relates to matters of procedure only and is directed to the Secretary of the Commission, staff counsel, or any other employee in the presence of or with the prior approval of staff counsel;

(4) From any person when otherwise authorized by law;

(5) When the communication is between the staff counsel assigned to the proceeding or, in the presence of or after coordination with such staff counsel, any other employee of the Commission (except a decisional employee) and any party or counsel to any party or parties to the proceeding or, in the presence of or after coordination with such counsel or party, and agent of any such party: *Provided*, That any employee of the Commission who may reasonably be expected to participate in the decisional process may waive such participation by entering a staff appearance in the proceeding: *Provided further*, That non-unanimous settlement offers shall therefore be served on the participants in the proceeding prior to the submission of such offers to the Commission;

(6) Which the participants agree may be made on an ex parte basis;

(7) Related to routine safety, construction, and operational inspections of project works by the Commission staff not undertaken to investigate or study a matter pending in issue before the Commission in any on-the-record proceeding;

(8) Related to routine field audits of the accounts or any books or records of a company subject to the Commission's accounting requirements not undertaken to investigate or study a matter pending in issue before the Commission in any on-the-record proceeding;

(9) Which relates solely to a request for supplemental information or data necessary for an understanding of factual materials contained in documents filed with the Commission in a proceeding covered by this section and which is made in the presence of or after coordination with counsel, except a communication with a decisional employee, in the absence of waiver of participation;

(10) The Commission may, by rule or order, modify any provision of this subpart, or 49 CFR Part 1100, Appendix C, as it applies to all or part of a proceeding, to the extent permitted by law. The prohibitions of paragraph (a) of this section do not apply to oil pipeline proceedings which are governed by 49 CFR Part 1100, Appendix C.

(c) All written communications prohibited by paragraph (a) of this

section, sworn statements reciting the substance of all such oral communications, and all written responses and sworn statements reciting the substance of all oral responses to such prohibited communications must be delivered to the Secretary of the Commission who will place the communication in public files associated with the case, but separate from the material upon which the Commission can rely in reaching its decision. The Secretary will serve such communications upon parties to the proceeding. The Secretary will also serve a copy of the sworn statement to the communicator and allow him or her a reasonable opportunity to file a response.

(d) A Commissioner, member of his or her immediate staff, administrative law judge, or any other employee of the Commission who receives an oral office of communication prohibited by paragraph (a) of this section shall decline to listen to such communication and shall explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof shall advise the communicator that he or she will not consider the communication. The recipient shall prepare a sworn statement setting forth the substance of the communication and the circumstances thereof within 48 hours and deliver the statement to the Secretary of the Commission for compliance with the procedures established in paragraph (c) of this section.

(e) Requests for an opportunity to rebut, on the record, any facts or contentions contained in an ex parte communication which the Secretary has associated with the record may be filed in writing with the Commission. The Commission will grant such requests only where it determines that the dictates of fairness so require. Where the communication contains assertions of fact not a part of the record and of which the Commission cannot take official notice, the Commission in lieu of receiving rebuttal material normally will direct that the alleged factual assertion on any proposed rebuttal be disregarded in arriving at a decision. Nor will the Commission normally permit any rebuttal of ex parte endorsements or oppositions by civic or other organizations by the submission of counter endorsements or oppositions.

(f) Upon receipt of a communication knowingly made in violation of paragraph (a) of this section, the Commission, Administrative Law Judge, or other employee presiding at the hearing may require, to the extent consistent with the interests of justice and the policy of underlying statutes, the communicator to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(g) The prohibitions contained in this section shall apply from the time at which a proceeding is noticed for hearing or the person responsible for such communication has knowledge that it will be noticed for hearing or at the time at which a protest or a motion or notice to intervene in opposition to requested Commission action has been filed, whichever occurs first.

§ 385.2202 Separation of functions of staff. (Rule 2202.)

In any proceeding in which a Commission adjudication is made after hearing, an officer, employee, or agent assigned to work upon the investigation or trial of the proceeding or to assist in the trial thereof, in that or any factually related proceeding, shall participate or advise as to the findings, conclusion or decision, except as a witness or counsel in public proceedings.

Subpart W—[Reserved]

Subpart X—[Reserved]

Subpart Y—[Reserved]

Subpart Z—[Reserved]

PART 388—PUBLIC INFORMATION AND REQUESTS

Sec.

388.101 Definitions.
388.102 Scope.
388.103 Notice of proceedings.
388.104 Notice and publications of decisions, rules, statements of policy, organization, and operations.
388.105 Public records.
388.106 Index of Commission actions.
388.107 Timetables and procedure in event of withholding of public records.
388.108 Procedure in event of subpoena.
388.109 Procedures for requesting information.

Authority: Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Federal Power Act, 16 U.S.C. 791–828C, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*; Public Utilities Act of 1978, 16 U.S.C. 2601 *et seq.*; Interstate Commerce Act, 49 U.S.C. 1 *et seq.*; E.O. 12009, 3 CFR, 1977 Comp., p. 142.

PART 388—PUBLIC INFORMATION AND REQUESTS

§ 388.101 Definitions.

For purposes of this part,

(a) "Filings and submittals" include:

(1) Applications, declarations, complaints, petitions, and other papers seeking Commission action;

(2) Financial and statistical and other reports to the Commission, power system statements of claimed cost of licensed projects, original cost and reclassification studies, proposed accounting entries, certificates of notification (under section 204(e) of the Federal Power Act), rates or rate schedules and related data and concurrences, and other filings and submittals to the Commission in compliance with the requirement of any statute, executive order, or Commission rule, regulation, order, license, or permit;

(3) Answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates proofs of service, transcripts of oral arguments, and briefs in any matter or proceeding; and

(4) Exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of, any of the foregoing.

(b) "Matter or proceeding" means the Commission elucidation of the relevant facts and applicable law, consideration thereof, and action thereupon with respect to a particular subject within the Commission's jurisdiction, initiated by a filing or submittal or a Commission notice or order.

(c) "Formal record", includes in addition to the filings and submittals in a matter or proceeding, notice or Commission order initiating the matter or proceeding and, if a hearing is held, the following: The designation of the presiding officer, transcript of hearing, exhibits received in evidence, exhibits offered but not received in evidence, offers of proof, motions, stipulation, subpoenas, proofs of service, references to the Commission, and determinations made by the Commission thereon, certifications to the Commission, and anything else upon which action of the presiding officer or the Commission may be based; it does not include proposed testmony or exhibits not offered or received in evidence.

(d) "Staff papers" include the Commission staff's working notes papers, records, memoranda, and correspondence, except:

(1) A paper not relating to a proposed settlement or to an application, permission, filing, or submittal under § 35.13, or § 154.66, of this chapter, which are intended for the Commission's consideration and are within the terms of § 388.105(d) of this

part (public records) and paragraph (e) of this section, because received by the Commission in a matter or proceeding after hearing has commenced and before final Commission action; and

(2) Paper made a part of the public rules and records by inclusion in a formal record or in Commission memorandum or correspondence which is part of the public files and record.

(e) "Commission memoranda" include written communications from the staff or a presiding officer which are intended for the Commission's consideration and those to the staff or a presiding officer which are signed or transmitted by or on behalf of the Chairman, a Commissioner, the Secretary, or the Executive Director.

(f) "Commission correspondence" includes written communications and enclosures received from others than the staff and intended for the Commission or sent to others than the staff and signed by the Chairman, a Commissioner, the Secretary, the Executive Director, or other authorized official, except those which are purely personal.

§ 388.102 Scope.

This part prescribes the rules governing public notice of proceedings, publication of decisions, and public records of the Commission.

§ 388.103 Notice of proceedings.

(a) Public sessions of the Commission for taking evidence or hearing argument and public conferences and hearings before a presiding officer, including substantive rulemaking proceedings, will not be held except upon due notice.

(b) Notice of applications, complaints, and petitions, is governed by Rule 2009 (notice). Notice of applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act is governed by § 157.9 of this chapter (notice of application). Notice of public sessions and proceedings and of meetings of the Commission is governed by Rule 2009 (notice). Notice of hearings and of initiation or pendency of rulemaking proceedings is governed by Rule 1903 (notice in rulemaking proceedings). Notice of applications under Part I of the act for preliminary permits and licenses is governed by §§ 4.31 and 4.81 of this chapter (acceptance or rejection and contents). Notice of proposed alterations or surrenders of license under section 6 of the Federal Power Act may be given by filing and publication in the **Federal Register** as stated in Rule 1903 (notice in rulemaking proceedings), and, where deemed desirable by the Commission, by local newspaper advertisement. Notice of rates charged and changes therein is governed by the filing requirements of Subchapters B and E of this chapter (regulations under the Federal Power Act and Regulations under the Natural Gas Act). Other notice required by statute, rule, regulation, or order, or deemed desirable, may be given by filing and publication in the **Federal Register** as governed by Rule 1903 (notice in rulemaking proceedings) or by service as governed by Rule 2010 (service).

§ 388.104 Notice and publication of decisions, rules, statements of policy, organization, and operations.

Service of intermediate and final decisions upon parties to the proceedings is governed by Rule 2010 (service). Descriptions of the Commission's organization, its methods of operation, statements of policy and interpretations, procedural and substantive rules, and amendments thereto will be filed with and published in the **Federal Register**. Commission opinions together with accomplish orders, Commission orders, and intermediate decisions will be released to the press and made available to the public promptly. Copies of Commissions opinions, orders in the nature of opinions, rulemaking and selected procedural orders, and intermediate decisions which have become final are published in the *Federal Energy Regulatory Commission Reports* and may be procedured from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, upon payment of prescribed charges.

§ 388.105 Public records.

(a) The public records of the Commission, available for inspection and copying upon request reasonably describing the documents during regular business hours in the public reference room maintained by the Division of Public Information, include:

(1) Submittals and filings as follows:

(i) Applications, declarations, complaints, petitions, and other papers seeking Commission action;

(ii) Financial, statistical, and other reports to the Commission, power system statements of claimed cost of licensed projects, original cost and reclassification studies, proposed accounting entries, certificates of notification (under section 204(e) of the Federal Power Act), rates or rate schedules and related data and concurrences, and other filings and submittals to the Commission in compliance with the requirement of any statute, executive order, or Commission rule, regulation, order, license, or permit;

(iii) All answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proof of service, transcripts or oral arguments, and briefs in any matter or proceeding;

(iv) Exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of, any of the foregoing; and

(v) Commission correspondence relating to the foregoing;

(2) All other parts of the formal record in any matter or proceeding set for formal or statutory hearing and any Commission correspondence related thereto;

(3) Proposed testimony or exhibit filed with the Commission but not yet offered or received in evidence.

(4) Presiding officer actions, correspondence, and memoranda to or from others, with the exception of internal communications within the Office of Administrative Law Judges;

(5) Commission orders, notices, findings, opinions, determinations, and other actions in matter or proceeding and Commission minutes which have been approved;

(6) Commission correspondence relating to any furnishing of data or information, except to or by another branch, department, or agency of the Government;

(7) Commission correspondence with respect to the furnishing of data, information, comments, or recommendations to or by another branch, department, or agency of the Government where furnished to satisfy a specific requirement of a statute or where made public by that branch, department or agency;

(8) Commission correspondence and reports on legislative matters under considerations by the Office of Management and Budget or Congress, but only after made public or released for publication by that Office or the Committee or Member of Congress involved;

(9) Staff reports on statements of claimed cost by licensees when such reports have been served on the licensee;

(10) Commission correspondence on interpretation of the Uniform System of Accounts and letters on such interpretation signed by the Chief Accountant and sent to others than the Commission, a Commissioner, or the staff;

(11) Commission correspondence on the interpretation or applicability of any

statute, rule, regulation, order, license, or permit issued or administered by the Commission and letters of opinion on that subject by the General Counsel and sent to others than the Commission, a Commissioner, or the staff;

(12) Copies of the filings, certifications, pleadings, records, briefs, orders, judgments, decrees, and mandates in court proceedings to which the Commission is a party and the correspondence with the courts or clerks of court;

(13) The Commission's Administrative and Operating Manual;

(14) Trancripts, electronic recordings, or minutes of Commission meetings closed to public observation containing material nonexempt pursuant to Subpart B of Part 375 of this chapter (Government in the Sunshine Act rules);

(15) Other records of the Commission except those which are:

(i) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

(ii) Related solely to the internal personnel rules and practices of any agency;

(iii) Specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b): *Provided*, That such statute;

(A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would interfere with enforcement proceedings, deprive a person of a right to a fair trial or an impartial adjudication, constitute an unwarranted invasion of personal privacy, disclose the identify of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, disclose investigative techniques and procedures, or endanger the life or physical safety of law enforcement personnel; or

(viii) Geological and geophysical information and data, including maps, concerning wells;

(16) Any reasonable segregable portion of a record after deletion of the portions which are exempt under this section.

(b) The following are examples of information which are not part of the public records of the Commission:

(1) Files and records containing facts or information not permitted to be divulged by section 301 of the Federal Power Act or section 8 of the Natural Gas Act because knowledge thereof was gained during the course of examination of books, records, data, or accounts pursuant to those sections and divulgence thereof has not been ordered by the Commission;

(2) Files and records classified under Executive Order No. 10501, 3 CFR, 1949–53 Comp., p. 979, for national security purposes;

(3) Written communications between or among the Commission, members of the Commission, the Secretary, and expressly designated members of the staff while particularly assigned, in accordance with all applicable legal requirements, to aid the Commission in the drafting of any order and findings, with or without opinion in any matter or proceeding; and

(4) Unaccepted offers of settlements in any matter or proceeding unless or until made public by act of the offeror.

§ 388.106 Index of Commission actions.

The Division of Public Information maintains and makes available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this part to be made available or published. The index will be published quarterly and copies or supplements thereto will be distributed by sale or otherwise.

§ 388.107 Timetables and procedure in event of withholding of public records.

(a)(1) The Director of Public Information will determine within 10 days after receipt of a request for public records whether to comply with such request and will immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal any adverse determination in writing to the Chairman.

(2) Requests filed pursuant to this part must be in writing, addressed to the Director of Public Information, and clearly marked "Freedom of Information Request." Request for information received by the Commission not addressed and marked as indicated in paragraph (a)(2) of this section will be so addressed and marked by Commission personnel as soon as it is properly identified and forwarded immediately to the Director of Public Information. Requests made pursuant to this paragraph will be considered to be received upon actual receipt by the Director of Public Information.

(b)(1) The Chairman, in his or her capacity as administrative head of the agency pursuant to section 401(c) of the DOE Act, will make a determination with respect to any appeal within 20 days after the receipt of such appeal. If on appeal, the denial of the request for records is in whole or in part upheld, the Chairman will notify the person making such request of the provisions for judicial review of that determination.

(2) Appeals filed pursuant to this section must be in writing, addressed to the Chairman of the Commission, and clearly marked "Freedom of Information Appeals." Such an appeal received by the Commission not addressed and marked as indicated in this paragraph will be so addressed and marked by Commission personnel as soon as it is properly identified and forwarded immediately to the Chairman. Appeals taken pursuant to this paragraph will be considered to be received, upon actual receipt by the Chairman.

(c) In unusual circumstances, the time limits prescribed in this section may be extended by the Secretary by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice will specify a date that would result in an extension for more than 10 working days in the aggregate. One 10-day extension may be invoked at the initial stage or at the appellate stage, or divided between the two, so long as the total extended time does not exceed 10 working days with respect to a particular request. The Secretary will be responsible for allocating distribution of the 10 days on a case-by-case basis. "Unusual circumstances" as used in this paragraph means:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the requests;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(d) If the Commission fails to comply with the applicable time limit provisions of this section, the Commission can request the court for additional time to complete its review of the records by showing that exceptional circumstances exist and that it is exercising due diligence in responding to the request.

(e) Any notification of denial of any request for records under this section will set forth the names and titles or positions of each person responsible for the denial of such request.

(f) Upon any determination to comply with a request for records, the records will be made promptly available to such person making such request.

§ 388.108 Procedure in event of subpoena.

If an officer or employee of the Commission is served with a subpoena duces tecum, for material which is not part of the public file and records of the Commission shall be produced only as authorized by the Commission. Service of such a subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it deems advisable.

§ 388.109 Procedures for requesting information.

Requests for information may be addressed to the Division of Public Information of the Commission, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426. Public records are available for public inspection and copying at that office, in accordance with this part. Pleadings and other filings are filed in accordance with § 385.2001 (filings). A description of the facilities available for public reference and the procedures that may be employed to obtain information, copies of public records, or to secure informal advice and assistance from or consultation with members of the staff on problems relating to the statutes and regulations administered by the Commission is contained in § 3.8 of this chapter (information and requests).

PART 1b—RULES RELATING TO INVESTIGATIONS

4. Part 1b of Chapter I is amended as follows:

§ 1b.12 [Amended]

(a) In the last sentence of § 1b.12, by removing "§ 1.21(b) of the rules of practice," and adding in lieu thereof "§ 385.1904(b)";

§ 1b.16 [Amended]

(b) In the first sentence of § 1b.16(b), by removing "§ 1.4 of the rules of practice and procedures," and adding in lieu thereof "§ 385.2101 of this chapter";

§ 1b.16 [Amended]

(c) In the last sentence of § 1b.16(c)(4), by removing "§ 1.4 of the Commission's rules of practice, and § 1100.11 of the rules of practice of the Interstate Commerce Commission", and adding in lieu thereof "§ 385.2101 of this chapter";

§ 1b.17 [Amended]

(d) In § 1b.17, by removing "§ 1.4 of the Commission's rules of practice" and adding in lieu thereof "Subpart U of this part"

PART 2—GENERAL POLICY AND INTERPRETATIONS

5. Part 2 of Chapter I is amended as follows:

§ 2.1a [Amended]

(a) In the first sentence of § 2.1a(b), by removing "and § 1.7(e) of this Title";

§ 2.17 [Amended]

(b) In § 2.17(f), by removing "18 CFR 1.17(c)." and adding in lieu thereof "§ 385.2010(c) of this chapter";

§ 2.56a [Amended]

(c) In the first sentence of § 2.56a(g), by removing "§ 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 2.56 [Amended]

(d) In § 2.56(h), by removing "§ 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 2.59 [Amended]

(e) In § 2.59(a), by removing "§§ 1.8(d) and 154.27 of this chapter, *i.e.*, Rules of Practice and Procedure and Regulations, Under the Natural Gas Act respectively." and adding in lieu thereof "§ 385.214 and § 154.27 of this chapter).";

§ 2.59 [Amended]

(f) In § 2.59(e), by removing "§ 1.18 of this chapter" both times it appears and adding in lieu thereof "§ 385.601 of this chapter" in each instance;

§ 2.59 [Amended]

(g) In § 2.59(i), by removing "Notwithstanding the provisions of § 1.19(e) of this chapter (Rules of Practice and Procedure), relating to offers of settlement, the" and adding in lieu thereof "The";

§ 2.62 [Amended]

(h) In § 2.62(a), by removing "§§ 1.8(d) and 154.27 of this chapter, *i.e.*, Rules of Practice and Procedure and Regulations Under the Natural Gas Act, respectively," and adding in lieu thereof § 385.214 and § 154.27 of this chapter.";

§ 2.66 [Amended]

(i) In the first sentence of § 2.66(b), by removing "§ 1.7 of the Commission's rules of practice and procedure in" and adding in lieu thereof "§ 385.207 of ";

§ 2.78 [Amended]

(j) In § 2.78(a)(2), by removing "§ 1.7(b) of the Commission's rules of practice and procedure" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 2.78 [Amended]

(k) In the first sentence of § 2.78(b), by removing "§ 1.7(b) of this chapter and shall conform to the requirements of § 1.15 and § 1.16" and adding in lieu thereof "§ 385.1501";

§ 2.100 [Amended]

(l) In the second sentence of § 2.100(c), by removing "§ 1.31(b)(2) of the Commission's General Rules" and adding in lieu thereof "§ 385.711(b)(4) of this chapter";

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

6. Part 3 of Chapter I is amended as follows:

§ 3.8 [Amended]

(a) In the last sentence of § 3.8(e), by removing "§ 1.36(a)" and adding in lieu thereof "§ 388.106 of this chapter";

§ 3.103 [Removed]

(b) In § 3.103, by removing the entire section.

PART 3a—NATIONAL SECURITY INFORMATION

7. Part 3a of Chapter I is amended as follows:

§ 3a.11 [Amended]

(a) In § 3a.11(d)(1), by removing "§ 1.36(c)(14) of the rules of practice and procedures of the Federal Power

Commission (18 CFR 1.36(c)(14))," and adding in lieu thereof "§ 388.105(a) of this chapter"

PART 3c—STANDARDS OF CONDUCT

8. Part 3c of Chapter I is amended as follows:

§ 3c.5 [Amended]

(a) In § 3c.5(d)(3), by removing "Section 1.4(c) of the Federal Power Commission's rules of practice and procedure (18 CFR 1.4(c))" and adding in lieu thereof "Section 385.2103 of this chapter,"

§ 3c.6 [Amended]

(b) In the first sentence of § 3c.6(c), by removing "Section 1.36 of the Commission's rules of practice and procedure (18 CFR 1.36)" and adding in lieu thereof "Part 388 of this chapter", and, in the second sentence thereof, by deleting "Section 1.36(f)" and adding in lieu thereof "Section 388.107 of this chapter";

§ 3c.11 [Amended]

(c) In § 3c.11(f)(2), by removing "Section 1.36 of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.36)" and adding in lieu thereof "Part 388 of this chapter";

§ 3c.11 [Amended]

(d) In § 3c.11(g)(2), by removing "Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.4(c)." and adding in lieu thereof "Section 385.2103 of this chapter";

§ 3c.106 [Amended]

(e) In the first sentence of §3c.106 (f)(2)(iii), by removing "Section 1.4(e) of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.4(c))" and adding in lieu thereof "Section 385.2103 of this chapter";

§ 3c.107 [Amended]

(f) In the first sentence of § 3c.107(b)(2), by removing "Section 1.36 of the Commission's Rules of Practice and Procedure (18 CFR 1.36)" and adding in lieu thereof "Section 388.107 of this chapter";

§ 3c.107 [Amended]

(g) In the second sentence of § 3c.107(b)(2), by removing "§ 1.36(f)" and adding in lieu thereof "§ 388.107 of this chapter";

§ 3c.112 [Amended]

(h) In the first sentence of § 3c.112(h)(2), by removing "Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.4(c))" and adding in lieu thereof "Section 385.2103 of this chapter";

§ 3c.205 [Amended]

(i) In the first sentence of § 3c.205(b)(2), by removing "Section 1.36 of the Commission's Rules of Practice and Procedure (18 CFR 1.36)" and adding in lieu thereof "Part 388 of this chapter"; and, in the second sentence thereof, by deleting "§ 1.36(f)" and adding in lieu thereof "Section 388.107 of this chapter";

§ 3c.206 [Amended]

(j) In § 3c.206(f)(2), by removing "Section 1.36 of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1..36)" and adding in lieu thereof "Part 388 of this chapter".

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

9. Part 4 of Chapter I is amended as follows:

§ 4.5 [Amended]

(a) In § 4.5, by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385";

§ 4.14 [Amended]

(b) In § 4.14(a), by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385";

§ 4.23 [Amended]

(c) In the third sentence of §4.23, by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385";

§ 4.31 [Amended]

(d) In §4.31(a) by removing "Conform to the requirements of §§ 1.5, 1.14, 1.15, 1.16, and 1.17 of this chapter, except as otherwise described in this part; and" and adding in lieu thereof "[Reserved]";

§ 4.33 [Amended]

(e) In § 4.33(b), by removing "must conform to the requirements of §§ 1.14, 1.15, 1.16, and 1.17 of this chapter, and";

§ 4.81 [Amended]

(d) In § 4.81(c)(3), by removing "§ 1.14(a)(2)" and adding in lieu thereof "§ 385.1901";

§ 4.92 [Amended]

(e) In § 4.92(b) by removing the text of paragraph (b)(1) and adding in lieu thereof "[Reserved]";

§ 4.92 [Amended]

(f) In § 4.92(c)(1)(i), by removing "§ 1.7(b)" and adding in lieu thereof "§ 385.1501";

§ 4.92 [Amended]

(g) In the last sentence of § 4.92(c)(2), by removing "18 CFR 1.7(b)" and adding in lieu thereof "18 CFR 385.1901";

§ 4.103 [Amended]

(h) In § 4.103(d), by removing "§ 1.7" and adding in lieu thereof "§ 385.207";

§ 4.107 [Amended]

(j) in § 4.107(a)(1), by removing the last sentence;

PART 12—SAFETY OF WATER POWER PROJECTS AND PROJECT WORKS

10. Part 12 of Chapter I is amended as follows:

§ 12.2 [Amended]

(a) In § 12.2(b), by removing "§ 1.7" and adding in lieu thereof "§ 385.207";

§ 12.4 [Amended]

(b) In § 12.4(c)(1) by removing "§ 1.7" and adding in lieu thereof "§ 385.207".

PART 16—PROCEDURES RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS

11. Part 16 of Chapter I is amended as follows:

§ 16.4 [Amended]

(a) In § 16.4, by removing "§§ 1.37 and 2.1" and adding in lieu thereof "§ 2.1 and Subpart M of Part 385";

§ 16.9 [Amended]

(b) In § 16.9, by removing "§ 1.34" and adding in lieu thereof "§ 385.713";

PART 25—APPLICATION FOR VACATION OF WITHDRAWAL AND FOR DETERMINATION PERMITTING RESTORATION OF ENTRY

12. Part 25 of Chapter I is amended as follows:

§ 25.2 [Amended]

(a) In § 25.2, by removing "§ 1.20" and adding in lieu thereof Subpart E of Part 385.".

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES, TRANSMISSION TO FOREIGN COUNTRY

13. Part 32 of Chapter I is amended as follows:

§ 32.4 [Amended]

(a) In § 32.4, by removing "and must conform, in all other respects, to the requirements of §§ 1.15 through 1.17 of this chapter";

§ 32.37 [Amended]

(b) In § 32.37, by removing "and must conform, in all other respects, to the requirements of §§ 1.15 through 1.17 of this chapter";

§ 32.61 [Amended]

(c) In the first sentence of § 32.61(i), by removing "and shall conform, in all other respects, to the requirements of §§ 1.15 through 1.17 of this chapter".

PART 33—APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

14. Part 33 of Chapter I is amended as follows:

§ 33.5 [Reserved]

(a) In § 33.5, by removing the text of the entire section and adding in lieu thereof "[Reserved]".

PART 35—FILING OF RATE SCHEDULES

15. Part 35 of Chapter I is amended as follows:

§ 35.8 [Amended]

(a) In the first sentence of the fourth paragraph of the notice form in § 35.8(a), by removing "§§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10)" and adding in lieu thereof "§ 385.212 and § 385.207 of this chapter";

§ 35.13 [Amended]

(a) In the second sentence of § 35.13(a), by removing "§ 1.7" and adding in lieu thereof "§ 385.207";

§ 35.14 [Amended]

(c) In § 35.14(a)(10), by removing "§ 1.7(b) of the rules of practice and procedure" and adding in lieu thereof "§ 385.2010 of this chapter";

PART 41—ACCOUNTS, RECORDS, AND MEMORANDA

16. Part 41 of Chapter I is amended as follows:

§ 41.4 [Amended]

(a) In § 41.4, by removing the first sentence and adding in lieu thereof "Each copy of such memorandum must be complete in itself.";

§ 41.4 [Amended]

(b) In the second sentence of § 41.4, by removing "§ 1.29" and adding in lieu thereof "§ 385.706(c)";

§ 41.7 [Amended]

(c) In the first sentence of § 41.7, by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385";

PART 131—FORMS

17. Part 131 of Chapter I is amended as follows:

§ 131.1 [Reserved]

(a) In § 131.1, by removing the text of the entire section and adding in lieu thereof "[Reserved]".

PART 152—APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE NATURAL GAS ACT PURSUANT TO SECTION 1(C) THEREOF

18. Part 152 of Chapter I is amended as follows:

§ 152.2 [Amended]

(a) In the first sentence of § 152.2, by removing "and shall conform, in all other respects with §§ 1.15 and 1.16 of this chapter";

PART 153—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

19. Part 153 of Chapter I is amended as follows:

§ 153.2 [Amended]

(a) In the first sentence of § 153.2, by removing "and shall conform, in all other respects with §§ 1.15 and 1.16 of this chapter";

§ 153.11 [Amended]

(b) In the first sentence of § 153.11, by removing "and shall conform in all other respects with §§ 1.15 and 1.16 of this chapter".

PART 154—RATE SCHEDULES AND TARIFFS

20. Part 154 of Chapter I is amended as follows:

§ 154.94 [Amended]

(a) In the second sentence of § 154.94(j)(5)(ii), by removing "Section 1.28" and adding in lieu thereof "Section 385.715";

§ 154.105 [Amended]

(b) In the first sentence of § 154.105(j), by removing "§ 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 154.106 [Amended]

(c) In the first sentence of § 154.106(h), by removing "§ 1.7(b) of the Commission's rules of practice and procedure (§ 1.7(b) of this chapter)" and adding in lieu thereof "§ 385.101 of this chapter";

§ 154.107 [Amended]

(d) In the first sentence of § 154.107(e), by removing "§ 1.7(b) of this chapter of the Commission's rules of practice and procedure" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 154.108 [Amended]

(e) In the first sentence of § 154.108(e), by removing "§ 1.7(b) of this chapter of the Commission's rules of practice and procedure" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 154.109 [Amended]

(f) In the first sentence of § 154.109(f), by removing "§ 1.7(g) of the Commission's rules of practice and procedure (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 154.109 [Amended]

(g) In the first sentence of § 154.109a(e), by removing "§ 1.7(b) of the Commission's rules of practice and procedure in this chapter (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter".

PART 156—APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT

21. Part 156 of Chapter I is amended as follows:

§ 156.3 [Amended]

(i) In the second sentence of § 156.3(a), by removing ", and applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16, and 1.17 of this chapter";

§ 156.3 [Amended]

(b) In the second sentence of § 156.3(a), by removing "§ 1.11" and adding in lieu thereof "§ 385.213 and § 385.214";

§ 156.5 [Amended]

(c) In § 156.5(c), by removing the last sentence;

§ 156.7 [Amended]

(d) In § 156.7, by removing the next to last sentence;

§ 156.10 [Amended]

(e) In § 156.10, by removing "§ 1.19(b)" and adding in lieu thereof "§ 385.2009".

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

22. Part 157 of Chapter I is amended as follows:

§ 157.6 [Amended]

(a) In the second sentence of § 157.6(a), by removing ", and other applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16 and 1.17 of this chapter";

§ 157.6 [Amended]

(b) In the third sentence of § 157.6(a), by removing "§ 1.11" and adding in lieu thereof "§ 385.213 and § 385.214";

§ 157.6 [Amended]

(c) In § 157.6(c), by removing "§ 1.32(b)" and adding in lieu thereof "§ 385.802";

§ 157.8 [Amended]

(d) In the third sentence of § 157.8, by removing "§ 1.14" and adding in lieu thereof "§ 385.2001(b)";

§ 157.10 [Amended]

(e) In the first sentence of § 157.10, by removing "§ 1.8" and adding in lieu thereof "§ 385.212";

§ 157.10 [Amended]

(f) In the fourth sentence of § 157.10, by removing "§§ 1.7, 1.8 and 1.37(f)" and adding in lieu thereof "§ 385.212";

§ 157.10 [Amended]

(g) In the last sentence of § 157.10, by removing "§ 1.10" and adding in lieu thereof "§ 385.209";

§ 157.11 [Amended]

(h) In the first sentence of § 157.11(a), by removing "§ 1.19(b)" and adding in lieu thereof "§ 385.2009";

§ 157.11 [Amended]

(i) In § 157.11(b), by removing "§ 1.32(b)" and adding in lieu thereof "§ 385.802";

§ 157.14 [Amended]

(j) In the last sentence of § 157.14(a)(10)(vi), by removing "paragraph (f) of § 1.36" and adding in lieu thereof "§ 388.107";

§ 157.14 [Amended]

(k) In the second sentence of § 157.14(c), by removing "and shall conform in all other respects with §§ 1.15, 1.16, and 1.17 of this chapter unless otherwise directed by the Secretary";

§ 157.26 [Amended]

(l) In § 157.26, by removing the text of the section and adding in lieu thereof "An application under § 157.23 (which shall include the originals of all exhibits accompanying the applications) shall be verified.";

§ 157.101 [Amended]

(m) In § 157.101(c), by removing "§ 1.34" and adding in lieu thereof § 385.713".

PART 158—ACCOUNTS, RECORDS, AND MEMORANDA

23. Part 158 of Chapter I is amended as follows:

§ 158.3 [Amended]

(a) In the first sentence of § 158.3, by removing "§ 1.17" and adding in lieu thereof "§ 385.2010";

§ 158.4 [Amended]

(b) In § 158.4(c), by removing the first sentence and adding in lieu thereof "Each memorandum must be complete in itself."; and in the second sentence, by removing "§ 1.29" and adding in lieu thereof "§ 385.706";

§ 158.7 [Amended]

(c) In § 158.7, by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385".

PART 250—FORMS

24. Part 250 of Chapter I is amended as follows:

§ 250.1 [Reserved]

(a) In § 250.1, by removing the text of the section and adding in lieu thereof "[Reserved]".

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

25. Part 270 of Chapter I is amended as follows:

§ 270.202 [Amended]

(a) In § 270.202(d), by removing "§ 1.41" and adding in lieu thereof "Subpart K of Part 385".

PART 271—CEILING PRICES

26. Part 271 of Chapter I is amended as follows:

§ 271.402 [Amended]

(a) In the first sentence of § 271.402(c)(5), by removing § 1.7(b)" and adding in lieu thereof "§ 385.1901";

§ 271.806 [Amended]

(b) In the last sentence of § 271.806(c), by removing "§ 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c))" and adding in lieu thereof "§ 385.207 of this chapter";

§ 271.1106 [Amended]

(c) In § 271.1106, by removing "§ 1.41" and adding in lieu thereof "Subpart K of Part 385".

PART 275—COMMISSION DETERMINATIONS AND REVIEW OF JURISDICTIONAL AGENCY DETERMINATIONS

27. Part 275 of chapter I is amended as follows:

§ 275.204 [Amended]

(a) In § 275.204(f), by removing "§§ 1.17 and 1.51" and adding in lieu thereof "§ 385.2010".

PART 281—NATURAL GAS CURTAILMENT UNDER THE NATURAL GAS POLICY ACT OF 1978

28. Part 281 of Chapter I is amended as follows:

§ 281.110 [Amended]

(a) In § 281.110(b), by removing "§ 1.6" and adding in lieu thereof "§ 385.206";

§ 281.111 [Amended]

(b) In the first sentence of § 281.111, by removing "§ 1.7 of the Commission's regulations" and adding in lieu thereof "§ 385.207 of this chapter";

§ 281.214 [Amended]

(c) In § 281.214(a), by removing "§ 1.6" and adding in lieu thereof "§ 285.206";

§ 281.215 [Amended]

(d) In the first sentence of § 281.215, by removing "§ 1.7 of the Commission's Regulations" and adding in lieu thereof "§ 385.207 of this chapter".

PART 282—INCREMENTAL PRICING

§ 282.20 [Amended]

29. Part 282 of Chapter I is amended as follows:

§ 282.201 [Amended]

(a) In the last sentence of § 282.201, by removing "§ 1.41" and adding in lieu thereof "Subpart K of Part 385 of this chapter";

§ 282.204 [Amended]

(b) In § 282.204(f)(2), by removing "§ 1.10" and adding in lieu thereof "§ 385.209 of this chapter";

§ 282.206 [Amended]

(c) In § 282.206(a)(2)(i), by removing "§ 1.7" and adding in lieu thereof "§ 385.207 of this chapter";

§ 282.206 [Amended]

(d) In the first sentence of § 282.206(b)(2)(i), by removing "§ 1.41(h)" and adding in lieu thereof "§ 385.1106(h) of this chapter";

§ 282.403 [Amended]

(e) In § 282.403(g)(1), by removing "§ 1.10" and adding in lieu thereof "§ 385.209 of this chapter".

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

30. Part 284 of chapter I is amended as follows:

§ 284.6 [Amended]

(a) In § 284.6(a), by removing "§ 1.42" and adding in lieu thereof "subpart L of Part 385";

§ 284.208 [Amended]

(b) In § 284.208(d)(1), by removing "§ 1.32" and adding in lieu thereof "Subpart H of Part 385";

§ 284.222 [Amended]

(c) In the first sentence of § 284.222(b), by removing "§§ 1.32 and 157.11" and adding in lieu thereof "§ 157.11 and subpart H of Part 385 of this chapter".

PART 286—ADMINISTRATIVE PROCEDURES

31. Part 286 of chapter I is amended as follows:

§ 286.102 [Amended]

(a) In § 286.102(c), by removing "Part 1, Subchapter H, Chapter I" and adding in lieu thereof "§ 385.713 of this chapter".

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION

32. Part 292 of Chapter I is amended as follows:

§ 292.207 [Amended]

(a) In the first sentence of the third paragraph of the notice form in § 292.207(b)(6)(ii), by removing "§§ 1.8 and 1.10 of the Commission's rules of practice and procedure" and adding in lieu thereof "§ 385.214 and § 385.209 of this chapter".

PART 375—THE COMMISSION

33. Part 375 of Chapter I is amended as follows:

§ 375.202 [Amended]

(a) In § 375.202(b)(1), by removing "§ 1.1(f)(19)" and adding in lieu thereof "§ 388.101(c)";

§ 375.202 [Amended]

(b) In § 375.202(b)(2), by removing "§ 1.36(c)(2)" and adding in lieu thereof "§ 388.105(b)";

(c) In the last sentence of § 375.301, by removing "§ 1.7(d)" and adding in lieu thereof "§ 385.1902";

(d) By adding to § 375.301 a new paragraph to read as follows:

§ 375.301 Purpose.

* * * * *

(c) For purposes of Subpart C, "uncontested" and "in contested cases" mean that no motion to intervene, or notice of intervention, in opposition to the pending matter made under § 385.214 (intervention) has been received by the Commission.

§ 375.302 [Amended]

(e) In the first sentence of § 375.302(b) by removing "§ 1.8" and adding in lieu thereof "§ 385.212";

(f) In § 375.302, by removing paragraph (f);

(g) In § 375.302(g), by removing after "extension of time" the following: "(other than motions made while a proceeding is pending before a presiding officer as defined in § 385.102(d))", and by deleting "Part 1" and adding in lieu thereof "Part 385";

§ 375.304 [Amended]

(h) In § 375.304, by removing "the Commission's rules of practice and procedure, particularly § 1.27" and adding in lieu thereof "Part 385, particularly § 385.504";

§ 375.307 [Amended]

(i) In § 375.307(g), by removing "§ 1.11(d)(1) of this Chapter" and adding in lieu thereof "§ 385.214 of this chapter";

§ 375.307 [Amended]

(j) In § 375.307(j), by removing "§ 1.14(a)(2) of this Chapter" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 375.308 [Amended]

(k) In § 375.308(h), by removing "§ 1.11(d)(3)" and adding in lieu thereof "§ 385.214";

§ 375.308 [Amended]

(l) In § 375.308(o), by removing "§ 1.14(a)(2)" and adding in lieu thereof "§ 385.1901";

§ 375.308 [Amended]

(m) In § 375.308(gg), by removing "§ 1.14(a)(2) of this Chapter" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 375.309 [Amended]

(n) In § 375.309(b), by removing "§ 1.12 of this Chapter" and adding in lieu thereof "§ 1b.12 of this chapter"; and

§ 375.310 [Amended]

(o) In § 375.310(a), by removing "§ 1.38 and § 1.40" and adding in lieu thereof "Subpart I and Subpart J of Part 385 of this chapter".

34. Chapter I, Title 18 of the *Code of Federal Regulations* is amended by adding the following:

Form of Notice for "Federal Register"

Oil pipeline carriers must file a form of notice suitable for publication in the Federal Register in the following form:

United States of America Federal Energy Regulatory Commission

(Name of Carrier) _____

Docket No. _____

Notice of Proposed Changes in FERC Tariff

Take notice that (name of carrier), on (date), tendered for filing proposed changes in its FERC No. (number); Supp. No. (number) to FERC No. (number); revised page to FERC No. (number) to be effective (or issued) on (date). [The following language in the first paragraph applies only to increased rate filings.] The proposed changes would increase revenues by (dollar amount) based on the 12 month period ending (date). [If changes other than increased rates and charges are proposed, the carrier must state concisely the nature of these changes.]

[The carrier must briefly describe the reasons for the proposed changes in the second paragraph.]

Copies of the filing were served upon the carrier's subscribers.

A person desiring to be heard or to protest said filing should file an intervention or protest with the Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). The interventions or protests should be filed on or before (date). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. A person wishing to become a party must intervene. Copies of this filing are

on file with the Commission and are available for public inspection.

[FR Doc. 81-8091 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-06-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 20 and 803

[Docket No. 79N-0182]

Medical Devices; Mandatory, Device Experience Reporting

Correction

In FR Doc. 80-36093, published at page 76183, in the issue of Tuesday, November 18, 1980, make the following corrections:

1. On page 76184, third column, the seventh line, now reading "ethics of the the profession" should read "ethics of the medical profession."

2. On page 76188, § 803.3, in the third column, some extra material was inadvertently repeated in the fourth and fifth line of paragraph (b). The beginning of paragraph (b) should read:

(b) "Distributor" means any person or firm that furthers the marketing of a device from the original place of manufacture to the person who . . .

3. In the second line from the bottom of § 803.3(b), the word "does" should appear between the words "but" and "not."

BILLING CODE 1505-01-M

21 CFR Part 601

[Docket No. 80N-0523]

Reclassification Procedures To Determine That Licensed Biological Products Are Safe, Effective, and Not Misbranded Under Prescribed, Recommended, or Suggested Conditions of Use; Proposed Revision; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule; Extension of Comment Period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period on a proposal to revise the existing biologics regulations governing the review and classification of certain biological products. The extension is being granted in response to requests from a licensed manufacturer of biological products and the Joint Council of Allergy and Immunology.

DATE: Written comments by May 18, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 16, 1981 (46 FR 4834), FDA proposed to amend the biologics regulations under Part 601 (21 CFR Part 601) concerning the review and classification of biological products licensed prior to July 1972, and issue new regulations to reclassify biological products that have been classified in Category IIIA by advisory review panels into either Category I (safe, effective, and not misbranded) or Category II (unsafe, ineffective, or misbranded). In addition, the January 16, 1981, proposal would permit interim marketing, pending completion of clinical studies, of any biological product reclassified into Category II for which there is a compelling medical need and no suitable alternative therapeutic, prophylactic, or diagnostic agent. Interested persons were given until March 17, 1981, to comment on this proposal.

A licensed manufacturer of allergenic extracts has submitted to the agency a request for an extension of the common period of at least 30 days. The request stated that there will be a scheduled meeting of an allergy and immunology society in the near future and that the proposed regulation is likely to be discussed at that meeting. The manufacturer believed that additional time beyond the original comment period would then be needed to prepare appropriate comments. In addition, the Joint Council of Allergy and Immunology has requested that the comment period be extended for 60 days. This organization represents the American Academy of Allergy, the American College of Allergists, the American Association for Clinical Immunology and Allergy, and the American Association of Certified Allergists. The Joint Council of Allergy and Immunology pointed out in its request that it has notified each of its member allergists throughout the nation of the proposed regulation and its potential impact on the availability of Category IIIA allergenic extracts, and that the additional 60 days is necessary for coordinating a response that would represent the views of its members.

Because of the length of the proposal, the timing of the meeting referenced by the manufacturer's request for a comment period extension, the efforts of the Joint Council of Allergy and Immunology to coordinate a response to the proposal, and the potential impact the proposed new procedures could have on biological products classified in Category IIIA under the existing regulations, FDA finds that the requests are reasonable. Therefore, in response to the requests, FDA is extending the comment period for all interested persons to May 18, 1981.

Interested persons may, on or before May 18, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding the proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8070 Filed 3-12-81; 11:05 am]

BILLING CODE 4110-03-M

21 CFR Part 876

[Docket No. 78N-2014]

Medical Devices; Classification of Hemodialysis Systems and Accessories

Correction

In FR Doc. 81-796, at page 7623, in the issue of Friday, January 23, 1981, on page 7625, in the middle column, the twenty-second line from the bottom, insert the word "air" after the word "fatal".

BILLING CODE 1505-01-M

21 CFR Part 876

[Docket No. 78N-2038]

Medical Devices; Classification of Hemodialyzers With Disposable Inserts (Kill Type)

Correction

In FR Doc. 81-797, at page 7627, in the issue of Friday, January 23, 1981, on page 7628, in the first column, under the first bold heading "Proposed

Classification", in the third line, correct "disposal" to read "disposable" and on the same page, in the same column, under the section heading **"§ 876.5830 HEMODIALYZER WITH DISPOSAL INSERT (KILL TYPE).",** paragraph (a), the second line, correct "disposal" to read "disposable".

BILLING CODE 1505-01-M

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21 CFR Part 876

[Docket No. 78N-2039]

Medical Devices; Classification of High Permeability Hemodialysis Systems

Correction

In FR Doc. 81-798, at page 7628, in the issue of Friday, January 23, 1981, on page 7629, in the first column, the fourth line from the end, correct "serving" to read "severing".

BILLING CODE 1505-01-M

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21 CFR Part 876

[Docket No. 78N-1968]

Medical Devices; Classification of Penile Inflatable Implants

Correction

In FR Doc. 81-757, on page 7577, in the issue of Friday, January 23, 1981, in the last column, under the **"SUPPLEMENTARY INFORMATION"**, the third full paragraph designated as "2.", the second line correct "II" to read "III".

BILLING CODE 1505-01-M

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21 CFR Part 876

[Docket No. 78N-1950]

Medical Devices; Classification of Urodynamics Measurement Systems

Correction

In FR Doc. 81-753, on page 7573, in the issue of Friday, January 23, 1981, correct the docket number to read as found in the above heading.

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 81-22]

Interest in Reparation Proceedings

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: Rapid fluctuations in interest rates have required the FMC to modify its past practice regarding awards of interest in reparation proceedings. This proposed rule would prescribe the rate of interest to be granted as part of reparation awards in cargo misrating cases. Interest would be based on the rates on 6-month U.S. Treasury bills. The intended effect of the rule is to compute interest awards that more accurately reflect prevailing interest rates during the reparation period involved in each case.

DATE: Comments on or before May 13, 1981.

ADDRESS: Inquiries and comments (original and 15 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, (202) 523-5725.

SUPPLEMENTARY INFORMATION: This proposed rule has been deemed necessary to ensure both uniformity and fairness in the disposition of cases in which interest is granted as part of an award of reparations. It has been determined that awards of interest on reparations due to the misrating of cargo should be the usual course of action. Exceptions to this norm would be considered by the Commission on an *ad hoc* basis.

Generally, a rate of interest is assessed on such reparation awards not as a punitive measure, but in order to make the complainant shipper whole. This is intended to compensate the claimant for the loss of use of monies during the overpayment period.

When interest rates in the nation's money markets are stable, it is possible to set an interest rate on reparation awards that reflects, over time, the overall levels of interest rates in the economy. Thus in May 1980, the Commission issued a policy statement indicating that in cases involving misrating of cargo and arising under section 18(b)(3) of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act, 1933, a rate of 12 percent should generally be applied to reparation awards.

Subsequent to this statement of policy, however, interest rates in the economy became increasingly volatile and began to deviate widely from the 12 percent guideline. The Commission recognized the need for a rate of interest on reparation awards that would be more reflective of the fluctuating level of interest rates in the rest of the economy, and issued an order on January 5, 1981, repealing the interest award policy statement.

The interest rate procedure applied should not only be responsive to market interest rates but also simple to compute. The Commission believes that basing the rate of interest to be applied to the rate of interest on 6-month U.S. Treasury bills meets these objectives. The reparation rate of interest would be computed by averaging the monthly rates on 6-month Treasury bills from the month when the overpayment was made to the latest available monthly Treasury bill rate at the time the settlement officer or administrative law judge grants the award.

The monthly rates on 6-month U.S. Treasury bills are available in the *Federal Reserve Bulletin* published monthly by the Board of Governors of the Federal Reserve System. For example, Table 1.35 titled "Interest Rates Money and Capital Markets" on page A25 of the December 1980 *Federal Reserve Bulletin* lists monthly rates in secondary markets on 6-month U.S. Treasury bills for August through November 1980. Specifically, line 14 of this table shows the August through November 1980 rates respectively at 9.41, 10.54, 11.63, and 13.50 percent.

This proposed rule would appear to be exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Section 601(2) of that Act excepts from its coverage any "rule of particular applicability related to rates . . . or practices relating to such rates. . . . While the proposed rule would seem to be one "relating to rates," due to the absence of informative legislative history on this point and the lack of interpretative guidelines, and without prejudice to any future determination as to the applicability of the Act to this or any related rule, the following regulatory flexibility analysis is being provided.

The reason for, the objectives of, and legal basis for the proposed rule are stated above. The proposed rule, if adopted could affect a significant number of small businesses. It is impossible to estimate the number of small entities that could be affected. This proposed regulation would not impose substantial reporting requirements nor any additional record keeping requirements. The Commission knows of no relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

This rule is intended to result in a favorable economic impact on small entities. Accordingly, consideration of alternatives which minimize the economic impact of the rule would appear to be unnecessary. However, the Commission has considered alternatives to the proposed rule and has determined that they are impractical. A discussion

of one of these alternatives appears above.

Comments are invited from small entities and the general public on the proposed rule's impact on small business. Any comments received will be considered by the Commission before adopting a final rule.

Therefore, pursuant to sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841(a)) and 5 U.S.C. 553, Part 502 of the Code of Federal Regulations is proposed to be amended by the addition of a new § 502.253 as follows:

§ 502.253 Interest in reparation proceedings.

Except as to applications for refund or waiver of freight charges under § 502.92 of this part, interest will be granted on awards of reparation in cases involving the misrating of cargo and arising under section 18(b)(3) of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933. The rate of interest will be computed by averaging the monthly rates on 6-month U.S. Treasury bills commencing with the rate for the month when the overpayment was made to the latest available monthly Treasury bill rate.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-8082 Filed 3-16-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21313; RM-2646; RM-2717; RM-3038; RM-3039; RM-3040]

AM Stereophonic Broadcasting; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Action taken herein extends time for the filing of reply comments in Docket No. 21313, AM Stereophonic Broadcasting, from March 9, 1981, to and including March 23, 1981, in response to a motion submitted by Motorola, Inc.

DATE: Reply comments must be filed on or before March 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 4, 1981.

Released: March 10, 1981.

In the Matter of AM Stereophonic Broadcasting; Order extending time for the filing of reply comments; Docket No. 21313, RM-2646, RM-2717, RM-3038, RM-3039, RM-3040. See also 45 FR 59350, September 9, 1980.

1. Presently before the Commission is a motion submitted on March 2, 1981, by Motorola, Inc., ("Motorola"), requesting that the date for the filing of reply comments in the above-captioned proceeding be extended from March 9, 1981, to and including March 23, 1981.

2. In support of its motion, Motorola states that it has been analyzing the extensive data submitted in comments by other system proponents since shortly after those comments were filed, on or about February 9, 1981. Motorola argues that because of the length and complexity of the comments, additional time is necessary for adequate analysis. Motorola submits that allowing such time to system proponents will serve to facilitate the Commission's review of the record in this proceeding.

3. In view of the extraordinary length and complexity of the comments filed by various parties, the Commission is of the view that good cause has been shown and the public interest would be served by the grant of the brief extension of time requested by Motorola. The Commission intends to resolve this proceeding as expeditiously as possible, and all parties should be aware that, absent extraordinary circumstances, further extensions of time in this proceeding will not be granted.

4. Accordingly, it is ordered, That the motion for extension of time for the submission of reply comments in this proceeding, filed by Motorola, Inc., IS GRANTED, and the time for filing said reply comments is hereby extended to and including March 23, 1981.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-8075 Filed 3-16-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1100

General Rules of Practice; Ex Parte Communications

Cross Reference: For a document issued by the Federal Energy Regulatory Commission (FERC) proposing to terminate the applicability of the Interstate Commerce Commission's General Rules of Practice (49 CFR Part 1100) to oil pipeline matters, except for §§ 1100.43 through 1100.52 (modified procedures) and Appendix C (ex parte rules) see FR Doc. 81-8051 published in the Proposed Rules section of this issue. Section 705(a) of the Department of Energy Act provides that rules and regulations relating to functions transferred to the FERC shall continue in effect until modified by the FERC (42 U.S.C. 7295). Refer to the Table of Contents under Federal Energy Regulatory Commission for the correct page number.

BILLING CODE 6450-85-M

Notices

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Bankruptcy Grain Elevator Issue; Request for Comment

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Notice.

SUMMARY: Secretary of Agriculture John Block has appointed a U.S. Department of Agriculture task force to review current warehouse laws and regulations and to recommend possible changes to safeguard the interests of both farmers and the Government when a commercial grain elevator is insolvent. The task force is chaired by Mr. Edward Hews, Acting Administrator of the Agricultural Stabilization and Conservation Service (ASCS).

ASCS is asking the public to submit comments and recommendations to the U.S. Department of Agriculture on how to best protect the interests of both farmers and the Government when dealing with grain elevators insolvency.

DATES: The Agricultural Stabilization and Conservation Service will consider comments that are received by 4:45 p.m. (EST), April 15, 1981.

ADDRESS: Comments should be directed to: Mr. Merrill Marxman, Elevator Task Force Working Group, Room 5959-South Building, ASCS–USDA, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Mr. Merrill Marxman, Elevator Task Force Working Group, Room 5959-South Building, P.O. Box 2415, Washington, DC 20013; telephone (202) 447–4593.

SUPPLEMENTARY INFORMATION: The USDA task force will consider the comments during its current review of all existing laws and regulations dealing with the questions of grain ownership at insolvent elevators. The public comments will be especially important to the task force as there are no current studies or reports directly related to this matter. The study by the task force will not be restricted to bankrupt elevators but will also consider possible actions that can be taken to avoid insolvency.

Dated: March 11, 1981.

Edward Hews,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-8068 Filed 3-16-81; 8:45 am]
BILLING CODE 3410-05-M

Forest Service

Oh-Be-Joyful Wilderness Study Area; Intent To Prepare Environmental Impact Statement

The U.S. Department of Agriculture, Forest Service, will prepare an environmental impact statement for the Oh-Be-Joyful Wilderness Study Area, pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, in accordance with the Council on Environmental Quality Regulations (40 CFR 1500).

Oh-Be-Joyful Wilderness Study Area consists of approximately 5,500 acres in the Gunnison National Forest, Gunnison County, Colorado, and was designated as a Wilderness Study Area by Congress in Pub. L. 96–560 (Sec. 106), December 22, 1980. The Secretary of Agriculture was directed to make a recommendation to the President and the Congress on the suitability or unsuitability for inclusion of Oh-Be-Joyful in the National Wilderness Preservation System in accordance with Sec. 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892). The final decision on the wilderness designation will be made by Congress.

Management alternatives being considered include: (1) nonwilderness; (2) wilderness; and, (3) no action. The no action alternative is constrained because Pub. L. 96–560 requires a recommendation for management within 3 years. No action would mean a deferment of the recommendation at this time.

The major issues and concerns being analyzed in determining wilderness suitability are: (1) minerals development potential; and, (2) water quality and water storage developments.

R. Max Peterson, Chief, Forest Service, is the responsible official. Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the study are invited to provide written comments. These comments will be used to supplement public issues and management concerns from previous planning efforts and public involvement activities. Written comments should be sent to Jimmy R. Wilkins, Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forests, 1063 Main Street, Delta, Colorado 81416, by April 6, 1981.

The estimated date for filing the draft environmental impact statement is June 1981. There will be a 60-day public review period during which public hearings will be held to consider the draft environmental impact statement and the recommended action. Notification for the time and location of these meetings will be published in the **Federal Register** and local and regional newspapers at a later date, but at least 30 days prior to the hearing dates. The estimated date for filing the final environmental impact statement is May 1982.

Questions about the planning process, public involvement activities, or the environmental impact statement should be directed to Nils A. (Arnie) Arneson, Program Manager, Recreation, Lands, and Minerals, Grand Mesa, Uncompahgre, and Gunnison National Forests, 1063 Main Street, Delta, Colorado 81416 (phone 303–874–7691).

Dated: March 5, 1981.

R. M. Housley,

Acting Chief, Forest Service.

[FR Doc. 81-8064 Filed 3-16-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 39285]

Acquisition of Control of Continental Air Lines, Inc., by Texas International Airlines, Inc.; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter is assigned to be held on March 20, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room D, University North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to

submit one copy to each party and prospective party and six copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. Parties will circulate such material on or before March 16, 1980. This will be the date for actual delivery of the materials and not the mailing date.

Dated at Washington, D.C., March 12, 1981.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 81-8173 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-3-69; Docket 39412]

Air Berlin Charter Co. d.b.a. Air Berlin USA; Order To Show Cause and Instituting Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause and Instituting Investigation; Order 81-3-69, Docket 39412.

SUMMARY: The Board proposes to issue a certificate of public convenience and necessity to Air Berlin Charter Company d/b/a Air Berlin USA for Ft. Lauderdale/Tampa/Orlando-Brussels-West Berlin scheduled service subject to the outcome of the *Air Berlin USA Fitness Investigation.*

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this action be taken as described in the order cited above, shall, NO LATER THAN April 3, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 37031, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to Leico, Inc. d/b/a Air Berlin USA, the State of Florida, the Ambassadors in Washington, D.C. of the United Kingdom, France and Belgium and the Departments of State and Transportation.

A statement of objections must cite the Docket number and must include a summary of testimony, statistical data or other such supporting evidence.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the Civil Aeronautics Board, Distribution Section, Room 516, 1825 Connecticut Ave., N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Christina R. Pfirrman, 202-673-5203, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 12, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8172 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[EAS-507, 599, 600, 601, 602, 603, 660]

Essential Air Transportation Determination of Roanoke, Charlottesville, Danville, Hot Springs, Lynchburg, Staunton, Newport News/Hampton/Williamsburg/Yorktown, Virginia; Informal Conference

An appeals panel of the Civil Aeronautics Board will conduct an informal conference with interested parties for the purpose of discussing matters relating to the essential air service determination for Roanoke, Charlottesville, Danville, Hot Springs, Lynchburg, Staunton, Newport News/Hampton/Williamsburg/Yorktown, Virginia contained in Board Order 80-4-177. The panel will consider the views presented at the conference when making its recommendation to the Board on the merits of the appeals.

The conference will be held at the following location and time: Friday, March 27, 1981, at 10:30 a.m., Airport Conference Room, Byrd International Airport, Richmond, Virginia.

Date: March 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8176 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363,32606,32607]

Former Large Irregular Air Service Investigation; Applications of Worldwide Airlines, Inc.; Assignment of Proceeding

This proceeding, insofar as it involves the applications of Worldwide Airlines, Inc., Dockets 32606 and 32607, has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., March 10, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-8177 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39251]

New Gateways to Brazil Case; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 22, 1981, at 9:30 A.M. (local time), in Room 1003, Hearing Room A, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 9, 1981.

Elias C. Rodrigues,

Administrative Law Judge.

[FR Doc. 81-8174 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-3-55]

Trans World Airlines Additional Points Akron/Canton-Youngstown Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-3-55).

SUMMARY: The Board is instituting the *Trans World Airlines Additional Points Akron/Canton-Youngstown Proceeding* and is proposing to grant unrestricted authority to Trans World at the points listed in Appendix B to Order 81-3-55 under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than April 15, 1981, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections to the issuance of a final order should be filed in Docket 39114, which we have entitled the *Trans World Airlines Additional Points Akron/Canton-Youngstown Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition copies of such filings should be served upon all parties listed in Appendix C to Order 81-3-55.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202)673-5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-3-55 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the

metropolitan area may send a postcard request for Order 81–3–55 to that address.

By the Bureau of Domestic Aviation, March 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8175 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-3-56]

White Plains Subpart Q Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81–3–56).

SUMMARY: The Board is instituting the *White Plains Subpart Q Proceeding* and is proposing to add White Plains to the certificate of ANA, Ltd., d.b.a. Air North (Air North) under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than April 13, 1981, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39069, which we have entitled the *White Plains Subpart Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Air North; New York State Department of Transportation, Airport Development Section; Director, Vermont Air Transit, Rail, Agency of Transportation; Mayors of Burlington, Vermont, and White Plains, New York; Airport Authorities, Burlington International Airport and Westchester County Airport; and County Executive, Westchester County.

FOR FURTHER INFORMATION CONTACT: Lucille J. Mellema, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673–5105.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–3–56 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81–3–56 to that address.

By the Bureau of Domestic Aviation: March 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8176 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Bicycle Tires and Tubes From Republic of Korea; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the countervailing duty order on bicycle tires and tubes from Korea manufactured by Korea Inoue Kasei, Co. Ltd. The review is based upon information for the period January 1, 1979 through December 31, 1979. As a result of this review the Department has preliminarily determined the amount of net subsidy to be 0.83 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 12, 1979 a notice of "Final Countervailing Duty Determination," T.D. 79–13, was published in the **Federal Register** (44 FR 2570). The notice stated that the Department of the Treasury ("Treasury") had determined that exports of bicycle tires and tubes from the Republic of Korea manufactured by Korea Inoue Kasei Co., Ltd. ("Inoue") benefitted from bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties. As the result of an antidumping investigation liquidation was suspended by Treasury on September 18, 1978 on all shipments entered, or withdrawn from warehouse, for consumption on or after that date.

On January 1, 1980 the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980 the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding contervailing duty orders. As required by section 751 of the Act, the Department has conducted an administrative review of the order on bicycle tires and tubes from Korea manufactured by Inoue.

Scope of Review

Imports covered by this review are pneumatic bicycle tires and tubes, of rubber or plastic, whether such tires and tubes are sold together as units or separately, manufactured in Korea by Inoue. Bicycle tires and tubes are currently classifiable under item numbers 772.48 and 772.57 respectively, of the Tariff Schedules of the United States.

The review covers the period January 1, 1979 through December 31, 1979 and is limited to the countervailing programs cited in the final determination. Those programs were (1) the Foreign Capital Inducement Law ("FCIL"); (2) the accelerated depreciation provision of Article 51 of the Enforcement Decree to the Corporation Tax Law; and (3) short-term preferential financing. Treasury found that only Inoue received benefits whose aggregate *ad valorem* effect was greater than *de minimis*. Inoue received benefits under only two of the programs, FCIL and short-term preferential financing. The net amount of those benefits was determined to be 0.5 percent. The other Korean manufacturers/exporters investigated received aggregate *ad valorem* benefits of no greater than 0.34 percent which was held by Treasury to be *de minimis*.

Analysis of Programs

The benefit that we have preliminarily determined under the FCIL program is 0.63 percent *ad valorem*. This rate is the sum of two separate tax forgiveness provisions which eliminated Inoue's income tax and property tax liability. The amounts of benefit are 0.6 and 0.03 percent, respectively. We calculated the benefit from the nonpayment of income tax by multiplying Inoue's taxable income by the normal corporate income tax in Korea, which is 40 percent, and

dividing by total sales. Inoue claims that the proper rate of tax is 12 percent. The company claims that, since it is wholly owned by Japanese interests, it is eligible for this rate under a treaty between Japan and Korea designed to eliminate double taxation. To date Inoue has not supplied the Department with documentation that substantiates the claim for that rate or its relationship to the treaty.

The short-term preferential financing program provides short-term loans at preferential rates to manufacturers for the purpose of acquiring imported raw materials used in production for export. We have preliminarily determined that the rate under this program is 0.2 percent *ad valorem*.

We verified the information presented by Inoue through examination of Korean Government laws and documents; company books and records; and consultation with economic officials of the United States embassy in the Republic of Korea.

Preliminary Results of Review

As a result of our calculations, we preliminarily determine that the rate of net subsidy is 0.83 percent *ad valorem* of the f.o.b. invoice price.

The provisions of section 303(a)(5) of the Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Pursuant to this section, T.D. 79–13 declared the net amount of bounty or grant (and thus the countervailing duties to be assessed) to be 0.5 percent *ad valorem*. Accordingly, unliquidated entries of bicycle tires and tubes manufactured by Inoue which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980 shall, when liquidated, be assessed countervailing duties in that amount. Such entries shall not be liquidated until the suspension of liquidation ordered on September 18, 1978 in the antidumping investigation of this product is terminated.

The provisions of section 751 of the Act apply to all entries made on or after January 1, 1980. As required by section 751 of the Act and section 355.38(c) of the Commerce Regulations, a cash deposit of estimated countervailing duties in the amount of 0.83 percent *ad valorem* shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present administrative review. This requirement shall remain in effect until the publication of the final results of the next administrative review. The amount of countervailing duties to be imposed on entries made during 1980 will be determined in the next administrative review. Consequently, the suspension of liquidation previously ordered will continue for all shipments entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

Pending the publication of the final results of the present review a deposit of estimated countervailing duties of 0.5 percent of the f.o.b. invoice price shall continue to be required on each entry of the merchandise.

Interested parties may submit written comments on these preliminary results on or before April 16, 1981, and may request disclosure and/or a hearing on or before April 1, 1981. Any request for an administrative protective order must be made on or before March 23, 1981. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review and notice publication are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 C.F.R. 355.41).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 12, 1981.

[FR Doc. 81-8180 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-25-M

Roller Chain, Other Than Bicycle, From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on roller chain, other than bicycle, from Japan. The scope of the review covers 10 manufacturers and 95 other exporters of this merchandise to the United States. The majority of the analyses covers the period April 1, 1979 through March 31, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value or constructed value on each of their shipments during the period of review.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: William L. Matthews, or Alfredo Montemayor, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2291).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 12, 1973, a dumping finding with respect to roller chain, other than bicycle, from Japan was published in the **Federal Register** as Treasury Decision 73–100 (38 FR 9226). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on roller chain, other than bicycle, from Japan. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

The Treasury Department published tentative revocations for Toyota Motor Sales Co., Ltd. on July 17, 1978 (43 FR 30635–36), Enuma Chain Manufacturing Co. on August 17, 1977 (42 FR 41517), Honda Motor Co., Ltd. on August 17, 1977 (42 FR 41517), and Daido Kogyo Co., Ltd. on October 4, 1977 (42 FR 54043). Our current analysis indicates that margins exist for Toyota Motor Sales Co., Ltd., Enuma Chain Manufacturing Co., and Daido Kogyo Co., Ltd. Therefore, revocations for these companies will not be considered by the Department at this time. Our review of Honda Motor Co., Ltd. indicates *de minimis* margins for the period October, 1978 through September, 1979. In a subsequent notice the Department will publish its proposed disposition of the revocation issue as it pertains to Honda Motor Co., Ltd.

Scope of the Review

Imports covered by this review are shipments of roller chain, other than bicycle, currently classifiable under various provisions of the Tariff Schedules of the United States Annotated (TSUSA), ranging from item numbers 652.1300 through 652.3800.

The Department knows of a total of 105 Japanese firms engaged in the manufacture and exportation of roller chain, other than bicycle, to the United States. For the majority of the firms this review covers the period April 1, 1979 through March 31, 1980. For firms with different accounting periods, we reviewed data from their most recent accounting cycle. The applicable periods are indicated for each firm under *Preliminary Results of the Review*.

We have a number of unanalyzed responses covering periods prior to April 1, 1979. These responses will be analyzed, and the results published, in subsequent administrative reviews.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Forty-nine exporters stated that they did not export roller chain, other than bicycle, to the U.S. during the period April 1, 1979 through March 31, 1980. The estimated deposit rate for these firms shall be the most recent information for each firm. Ten exporters refused to respond to our questionnaire. For these non-responsive exporters we proceeded to use the best information available to determine the assessment and estimated deposit rates. The best information available is the highest current rate among all responding firms, which is 43.29 percent.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act or section 203 or 204 of the 1921 Act, as appropriate.

Purchase price was based either on the packed price to an unrelated purchaser in the United States, or to an unrelated Japanese trading company for export to the United States, as appropriate. Exporter's sales price was based on the packed price to the first unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight, insurance, shipping charges, U.S. and foreign inland freight, currency exchange charges, brokerage charges, U.S. duty, loading charges, discounts, credit costs, commissions to unrelated parties, and selling expenses, in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, the price to purchasers in third countries when sufficient sales did not exist in the home market, or constructed value when sufficient sales did not exist in the home market or to purchasers in third countries, all as defined in section 773 of the Tariff Act, or section 205 or 206 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, discounts, indirect selling expenses to offset U.S. commissions paid to unrelated parties, and direct selling expenses, in accordance with § 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations. Adjustments were also made for differences in credit costs, packing, warranties, technical assistance and levels of trade, in accordance with §§ 353.15 and 353.19 of the Commerce Regulations and §§ 153.10 and 153.15 of the Customs Regulations, where applicable. Claims for ESP offsets and level of trade adjustments were disallowed when they were not properly quantified. No other adjustments were claimed or allowed.

Where sales in the home market or to purchasers in third countries were made over an extended period of time in substantial quantities, and at prices which did not permit recovery of all costs within a reasonable period of time, the Department excluded these sales from the analysis. If the remaining sales in the home market or to purchasers in third countries were not sufficient, the Department used constructed value, as defined in section 773 of the Tariff Act or section 206 of the 1921 Act, as appropriate.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value or, as appropriate, our comparison of purchase price or exporter's sales price to foreign market value or constructed value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
A & K Company [1]	4/1/79-3/31/80	1.84
Aga Kiiki Books [1]	4/1/79-3/31/80	1.84
APC Corporation	4/1/79-3/31/80	[2]
Asia Machinery	4/1/79-3/31/80	2.00
Asia Dynamics [1]	4/1/79-3/31/80	5.36
C. Itoh	8/1/79-3/31/80	0
Central Automotive	4/1/79-3/31/80	2.00
Cherry Industrial [1]	4/1/79-3/31/80	20.00
Daido Enterprising	4/1/79-3/31/80	2.00
Daido Kogyo	4/1/79-6-30-79	1.23
Daiho Sangyo [1]	4/1/79-3/31/80	5.36
Deer Island	4/1/79-3/31/80	43.29
Detroit Industries [1]	4/1/79-3/31/80	5.36
Empire Motor [1]	4/1/79-3/31/80	5.36
Enuma Chain	8/1/79-6/30/79	1.23
Fee International [1]	4/1/79-3/31/80	1.84
Fuji Lumber	4/1/79-3/31/80	0
Fuji Motors (Zensaki) [1]	4/1/79-3/31/80	5.36
Fuji Seiko	4/1/79-3/31/80	43.29
Fukoku [1]	4/1/79-3/31/80	5.36
Hajime [1]	4/1/79-3/31/80	5.36
Hanma Enterprise	4/1/79-3/31/80	0
Harry Aso [1]	4/1/79-3/31/80	5.36
Hic Trading Co., Ltd	4/1/79-3/31/80	0
Hiro Enterprise	4/1/79-3/31/80	0
Hitachi Metals/Hitachi International (Importer)	4/1/79-3/31/80	1.00
Hitachi Metals/All other importers	4/1/79-3/31/80	1.84
HKS Japan [1]	4/1/79-3/31/80	20.00
Hodaka Kogyosho [1]	4/1/79-3/31/80	5.36
Honda Motor	10/1/79-6/30/79	.129
I & OC	4/1/79-3/31/80	5.36
Ikeshiu [1]	4/1/79-3/31/80	5.36
Izumi Chain	10/1/79-3/31/80	6.80
Jaico	4/1/79-3/31/80	0
Kaga Kogyo (Kaga Ind.)	4/1/79-3/31/80	0
Kaga/APC	4/1/79-3/31/80	0
Kaga Kohan/TK Products	4/1/79-3/31/80	1.00
Karl Mayer Textile [1]	4/1/79-3/31/80	0
Kashima Trading	4/1/79-3/31/80	43.29
Katayama	4/1/79-3/31/80	43.29
Kawasaki	9/1/79-6/31/79	1.00
Kotusa [1]	4/1/79-3/31/80	5.36
Maruboshi [1]	4/1/79-3/31/80	0
Maruka Machinery [1]	4/1/79-3/31/80	5.36
MC International [1]	4/1/79-3/31/80	5.36
Meiho Yoho	4/1/79-3/31/80	43.29
Meisen Trading	4/1/79-6/30/79	1.23
Meisei Trading [1]	4/1/79-3/31/80	3.00
Mitsui [1]	4/1/79-3/31/80	13.40
Mitsubishi [1]	4/1/79-3/31/80	5.36
Mitsubishi Boeki [1]	4/1/79-3/31/80	34.80
Mitsubishi Motors	10/1/79-3/31/79	5.36
Miyasaki Shokai [1]	4/1/79-3/31/80	5.36
Nankwa Kogyo	4/1/79-3/31/80	43.29
Nankai Buhin [1]	4/1/79-3/31/80	5.36
Nichiei & Lyons [1]	4/1/79-3/31/80	5.36
Nippo Buhin [1]	4/1/79-3/31/80	5.36
Nissan Motor	4/1/79-11/30/79	0
Nissei Co. [1]	4/1/79-3/31/80	12.80
Nissho-Iwai	4/1/79-10/31/79	0
Nomura Shoji [1]	4/1/79-3/31/80	5.36
Oriental Chain	7/1/79-12/31/79	0
Osaka Buhin [1]	4/1/79-3/31/80	5.36
Pulton Chain	4/1/79-3/31/80	1.73
Pulton/Hic Trading	4/1/79-3/31/80	0
Pulton/I & OC	4/1/79-3/31/80	0
Reliac International [1]	4/1/79-3/31/80	5.36
Rocky Asa	10/1/79-3/31/80	6.98
Royal Industries	4/1/79-3/31/80	2.00
Ryobi Limited	4/1/79-3/31/80	2.00
Sanko Co.	4/1/79-3/31/80	9.37
Schneider Engineering	4/1/79-3/31/80	2.00
Shima Trading	10/1/79-3/31/80	6.99
Shinyei Kaisha [1]	4/1/79-3/31/80	5.36
Shinyo Ind.	4/1/79-3/31/80	43.29
Sugiyama/Fuji Lumber	4/1/79-3/31/80	0
Sugiyama/Hanma Enter.	4/1/79-3/31/80	0
Sugiyama/HHK America (Importer)	1/1/79-3/31/80	.20
Sugiyama/I&OC	4/1/79-3/31/80	0
Sugiyama/All other importers	4/1/79-3/31/80	0
Sumitomo Shoji Kaisha [1]	4/1/79-3/31/80	5.36
Suzuki Motor	4/1/79-6/31/79	0
Taberd	4/1/79-3/31/80	43.29
Taikyo Sangyo	4/1/79-3/31/80	0
Tayo Shokai	4/1/79-3/31/80	43.29
Takara Auto Parts [1]	4/1/79-3/31/80	29.52
Takasago	4/1/79-3/31/80	5.36
Tanaka Kogyo [1]	4/1/79-3/31/80	5.36
Tashiro [1]	4/1/79-3/31/80	5.36
Tatsumiya Kogyo	4/1/79-3/31/80	2.00
Tec Engineering [1]	4/1/79-3/31/80	5.36

Manufacturer/exporter	Time period	Margin (percent)
Tejin Seiji Kaisha Ltd.[1]	4/1/79-3/31/80	5.36
TK Products	4/1/79-3/31/80	1.00
Tokyo Enterprise [1]	4/1/79-3/31/80	5.36
Tokyo Incentive [1]	4/1/79-3/31/80	5.36
Tokyo Ryoki Seiko	4/1/79-3/31/80	0
Toshe [1]	4/1/79-3/31/80	5.36
Toyo Kogyo	4/1/79-3/31/80	0
Toyo Menka Kaisha [1]	4/1/79-3/31/80	5.36
Toyota Motor Sales	4/1/79-3/31/80	43.29
Tsubakimoto Chain	4/1/79-11/30/79	0
Tsujimoto Shokai [1]	4/1/79-3/31/80	5.36
United Trading Co., Ltd. [1]	4/1/79-3/31/80	5.36
Universal Trading [1]	4/1/79-3/31/80	5.36
Y-K Brothers Shokai [1]	4/1/79-3/31/80	5.36
Yamaha Motor	4/1/79-5/31/79	2.00
Yamakyu Chain	4/1/79-3/31/80	9.37
Yashida Auto	4/1/79-3/31/80	43.29
Yoshimura [1]	4/1/79-3/31/80	5.36
Zushi Industries [1]	4/1/79-3/31/80	5.36

[1] No shipments during period.

Preliminary results of the administrative review of IBM Japan indicate that merchandise exported by this company is not subject to the finding. This matter will be addressed in a subsequent notice. The response received from Mitsubishi Motors Corporation did not afford the Department adequate time to properly analyze the data. The analysis of that data will be included in the next administrative review.

Interested parties may submit written comments on these preliminary results on or before April 16, 1981, and may request disclosure and/or a hearing on or before April 1, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between United States price and foreign market value or, where appropriate, purchase price or exporter's sales price and foreign market value and constructed value, may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of roller chain, other than bicycle, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Because the weighted-average margins for Honda and Sugiyama/HHK America are *de minimis*, the Department shall not require cash deposits on their shipments. This requirement, and the waiver for Honda and Sugiyama/HHK America, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with § 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

March 12, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-8162 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-25-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: April 7, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Ave., N.W., Washington, D.C.

AGENDA

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Planning for the 1982 International List Review.

(4) Discussion on use of a standardized Department of Commerce specification sheet.

(5) Incorporation of Advisory Notes into the Commodity Control List.

(6) Discussion of revisions to oscilloscope controls.

(7) Discussion on U.S. unilateral controlled items.

(8) New Business.

Executive Session

(9) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and stategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Govenment In The Sunshine Act, Pub.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: March 10, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-8104 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency is seeking applications under its program to operate one Regional Construction Services Project for a

twelve month period beginning July 1, 1981. The total cost of the project will not exceed $367,000.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: The Regional Construction Services Program of the Minority Business Development Agency (MBDA) provides management consulting services to minority construction businesses for the purpose of improving the operation of existing businesses or to increase the chances for success of proposed prime and/or subcontracting ventures. MBDA offers competitive grants to consulting firms (either "not for profit" or commercial entities). These firms must be capable of providing such services as:

—location and evaluation of local minority contractors
—direct services to minority construction contractors, i.e., assistance in preparation of cost, schedule and contingency analysis for bid proposals, job planning, management, and information services regarding new construction projects, zoning, land use regulations, etc.
—development of union agreements
—management and technical assistance, i.e., preparation of business plans, financial management, marketing, personnel management
—other construction services, excluding legal services.

Applications are invited for the following project: One grant for a Regional Construction Services Project to operate in Atlanta, Georgia; Memphis, Tennessee; Birmingham, Alabama; Durham, North Carolina; and Tampa and Jacksonville, Florida. Assistance will also be given to the Miami, Florida area on an as-needed basis. The project will operate at a cost not to exceed $367,000, and the Project No. is 04-10-80009-01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Pre-Application Conference: A Pre-Application Conference for this project will be held on April 2, 1981 at 1:30 p.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia 30309.

Application Materials: An application kit for this project may be rquested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, 1365 Peachtree Street, NE, Room 225, Atlanta, Georgia 30309.

In requesting an application kit, the applicant must specify its profit status; i.e., State or Local Government, federally recognized Indian tribal units, educational institutions, hospitals, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 17, 1981. Applications should be submitted with an original and two copies.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance) (This program is not subject to the requirements of OMB Circular A-95)

Dated: March 9, 1981.

Gordon M. Anderson,

Grant Specialist.

[FR Doc. 81-8133 Filed 3-16-81; 8:45 am]
BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit

On January 13, 1981, Notice was published in the Federal Register (46 FR 3040), that an application had been filed with the National Marine Fisheries Service by Gebruder Knie, Knie's Kinderzoo, 8640 Rapperswil, Switzerland for a permit to take one (1) Atlantic bottlenose dolphin (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 12, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Gebruder Knie subject to certain conditions set forth therein.

The Permit and related documents are available for review in the following officies:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 12, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-8206 Filed 3-16-81; 8:45 am]
BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit

On November 18, 1980, Notice was published in the Federal Register (45 FR 76217), that an application had been filed with the National Marine Fisheries Service by Marine World Africa USA, Marine World Parkway, Redwood City, California 94065, for a permit to import two (2) killer whales (*Orcinus orca*) for the purpose of public display.

Notice is hereby given that on March 11, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the importing of one (1) killer whale to Marine World Africa USA subject to certain conditions set forth therein. A decision on whether to issue a permit for the importing of the second killer whale has been deferred until further information can be obtained and evaluated.

The Permit and documentation relating to the Permit are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Soutwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 11, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-8202 Filed 3-16-81; 8:45 am]
BILLING CODE 3510-22-M

North Pacific Fishery Management Council, Scientific and Statistical Committee and Advisory Panel; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of North Pacific Fishery Management Council's (NPFMC) Scientific and Statistical Committee (SSC) and Advisory Panel (AP) meeting amendment.

SUMMARY: The scheduled public meeting on Wednesday, March 25, 1981, of the NPFMC's SSC and AP, published in the Federal Register, March 9, 1981 (46 FR

15762–15763), has been amended as follows:

From: SSC and AP—convening on Wednesday, March 25, 1981.

To: SSC and AP—convening on Tuesday, March 24, 1981.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT:
North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: March 12, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-8209 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), will meet to review the Snapper-Grouper Complex and Calico Scallop Fishery Management Plan (FMP); discuss the Swordfish FMP; review the Secretary's comments on the Coastal Migratory Pelagics FMP; discuss the relationship of the Council's Scientific and Statistical Committee to the Council, as well as other appropriate and necessary fishery management business.

DATES: These public meetings will convene on Tuesday, April 7, 1981, at approximately 1:30 p.m., and will adjourn on Wednesday, April 8, 1981, at approximately 4 p.m.

ADDRESS: The meetings will take place at the Council's Headquarters Office, One Southpark Circle, Suite 306, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT:
South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: March 12, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-8204 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-22-M

Change of Dates for Review of Feasibility of Government Versus Contract Operation of Central Distribution of Publications, Rockville, Md.

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of Change of Dates for Review Under Office of Management and Budget Circular A–76.

SUMMARY: NOAA is hereby notifying intrested parties of its intent to change the review period for the feasibility study of central distribution of publications from 10/01/80–10/01/81 to 03/01/81–03/01/82. Reference Notice of intent published August 7, 1980, in Federal Register Volume 45, Number 154, page 52438.

SUPPLEMENTARY INFORMATION: A contract may or may not result from this review/study. Results of the study will be made available to interested parties.

FOR FURTHER INFORMATION CONTACT:
Samuel A. Lawrence, Assistant Administrator for Management and Budget, 6010 Executive Blvd., Rockville, Md., 20852, (301) 443–6134.

Dated: March 9, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-8058 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-12-M

Office of the Secretary

Request From the Department of Housing and Urban Development for a National Voluntary Laboratory Accreditation Program for Solid Fuel Room Heaters

In accordance with the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP); (15 CFR 7b.4c), the Department of Commerce (DOC) publishes as part of this notice a request from the Department of Housing and Urban Development (HUD) dated December 4, 1980 to develop a program to accredit laboratories which test solid fuel room heaters in accordance with Underwriters Laboratories (UL) standards UL 737 and UL 1482.

After receiving the request, DOC asked HUD to provide additional information as required by the NVLAP Part b procedures. That information has now been received and it is now appropriate to announce the HUD request.

The request is to develop a NVLAP program for solid fuel burning devices using the following two UL standards as a basis for the program:

UL 737 on Fireplace Stoves
UL 1482 on Room Heaters, Solid Fuel Type with Coal Amendments

The specific test methods contained in the standards to be included in the program are for the following elements:

Fire temperature
Toxic gas
Brand fire
Strength
Glazing
Water shock
Dielectric withstand
Motor protection
Grounding continuity
Voltage
Overcurrent
Smoke spillage
Radiant fire
Flash fire
Stability
Impact
Leakage current
Cord strain relief
Locked motor temperature
Temperature electrical
Spacings
Enclosure

This program is needed because of the rapid increase in the use of solid fuel devices during the past few years, the proliferation of types of devices available, and the hazard associated with stoves improperly designed and constructed. The 1981 Minimum Property Standards (MPS) authorized under 24 CFR 200.927 Subpart S, permits the use of self-contained warm air heating units in housing build under HUD mortgage insurance and low-rent public housing programs. HUD Notice H 80–17 clarifies this section by requiring that HUD identify testing agencies capable of performing tests in accordance with the referenced UL standards. HUD has elected to request a NVLAP program to fulfull this requirement.

Any comments as to the need for this program should be made within 60 days directly to HUD, Mr. Leslie Breden, Department of Housing and Urban Development, Washington, D.C. 20410 (202–755–5929). A copy of such comments should be sent to Mr. John W. Locke, Coordinator, NVLAP, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2054). Additional inquiries related to NVLAP can also be directed to Mr. Locke.

Dated: March 11, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Innovation and Technology.

December 4, 1980.

Mr. Jordan J. Baruch, Assistant Secretary ofr Science and Technology, Department of Commerce, Washington, D.C. 20230.

Dear Mr. Baruch: The Department of Housing and Urban Develipment requests, in accordance with Section 7(b)(4) of Title 15 of the Code of Federal Regulation, that the Department of Commerce (DOC) and Department of Housing and Urban Development (HUD) work together to establish a laboratory accreditation program for solid fuel room heaters in accordance with Underwriters Standards UL 737 Fireplace Stoves and UL 1482 Room Heaters, Solid Fuel Type With coal Amendments.

We recommend that general and specific criteria, as published in the **Federal Register** announcement of January 23, 1980 (45 Fr 5572–5600), to be used in accrediting testing laboratories for solid fuel room heaters and fireplace stoves. We reserve the right to review and determine the acceptability of the finalized criteira prior to publication in the **Federal Register.**

If there are any further questions, please feel free to call Mr. Leslie Breden of my staff at 755–5929.

Sincerely,

Lawrence B. Simons,

Assistant Secretary.

[FR Doc. 81–8058 Filed 3–16–81; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Privacy Act of 1974; Amendment of a Notice for a System of Records

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Amendment of a notice for a system of records.

SUMMARY: The Office of the Secretary of Defense (OSD) is amending the systems notice for record system DMRA&L 09.0, entitled: Defense Race Relations Institute (DRRI) Student File. This action is being taken because of an organizational name change. The system notice as amended is set forth in its entirety below..

DATE: This change shall be effective April 16, 1981.

ADDRESSES: Send any comments to the Systems Manager identified in the systems notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C–315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notice for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93–579 were published in the **Federal Register** at FR Doc. 81–897 (46 FR 0427) January 21, 1951.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 11, 1981.

Amendments

DMRAAL 09.0

System name:

Defense Race Relations Institute (DDRI) Student File (46 FR 0427, January 21, 1981).

Changes:

System name:

Delete the above system name, and insert: "Defense Equal Opportunity Management Institute".

System location:

In the last line, delete "Race Relations", and insert: "Equal Opportunity Management".

Categories of individuals covered by the system:

Delete "Race Relations", and insert: "Equal Opportunity Management".

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

In the first paragraph, delete "Race Relations", and insert: "Equal Opportunity Management".

Internal users, uses, and purposes:

Delete "Race Relations" and insert: "Equal Opportunity Management".

System manager(s) and address:

Delete "Race Relations", and insert: "Equal Opportunity Management".

Notification procedure:

Delete "Race Relations", and insert: "Equal Opportunity Management".

Record access procedures:

Delete "Race Relations", and insert: "Equal Opportunity Management".

DMRA&L 09.0

SYSTEM NAME:

Defense Equal Opportunity Management Institute.

SYSTEM LOCATION:

Primary Location—Bldg. 559(MU811) Patrick AFB, Fla. 32925.

Hard copy backup file for students in active status, and for former students, the location is Deputy Director for Special Programs, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current or former students at the Defense Equal Opportunity Management Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Life history summary, name, race, age, military organization, test and examination scores and forms, peer group and instructor ratings, advisor progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to evaluate the progress of students enrolled at the Defense Equal Opportunity Management Institute and to create a permanent record of academic accomplishment.

Internal users, uses, and purposes:

The Defense Equal Opportunity Management Institute—Used by advisors in counseling students, to verify attendance and grades to colleges and universities; to select instructors; to make decisions to release students from the program.

Used by students to evaluate their programs.

Any individual records in the system may be transferred to any component of the Department of Defense having the need to know in the performance of official business.

External users, uses, and purposes:

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Primary file is magnetic computer tape. Backup files are paper records in file folders.

RETRIEVABILITY:

Filed are sequenced alphabetically by last name by class.

SAFEGUARDS:

Primary location is a controlled access area. Backup files—storage is in

locked file cabinets. Only authorized personnel have access to files.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925, Telephone: 305-494-6976.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to the Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

Written requests for information should contain the full name, current address and telephone number, and class of the individual.

For personal visits, the individual should be able to provide some acceptable identification, such as military ID cards or driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, student peers, instructors, counselors, and examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-8127 Filed 3-16-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 51998-2322-07-22]

Nevada Power Co.; Powerplant and Industrial Fuel Use, Prohibition Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Decision and Order Granting Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On March 27, 1980, Nevada Power Company (Nevada Power) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a new powerplant from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibits the use of petroleum or natural gas as a primary energy source by new powerplants and the construction of new powerplants without the capability to use an alternate fuel as a primary energy source. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

Nevada Power requested a permanent peakload powerplant exemption in order to use oil/natural gas as a primary energy source in an 86,506 KW oil/natural gas-fired combustion turbine to be known as Clark Unit No. 7 (Clark 7) at its Clark Station site in Clark County, Nevada.

Pursuant to section 214(a) of the Act, and subject to specified terms and conditions, ERA hereby issues this order granting a permanent peakload powerplant exemption to Nevada Power.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055

Louis T. Kresanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653-4208

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Ave. SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967

SUPPLEMENTARY INFORMATION: On March 27, 1980, Nevada Power filed a petition with ERA for a permanent peakload powerplant exemption in order to use oil/natural gas as a primary energy source in an 86,506 KW oil/natural gas-fired combustion turbine powerplant, Clark 7, at its Clark Station site in Clark County, Nevada. Additional information was required by ERA which was subsequently submitted by Nevada Power on May 12, 1980 and August 4, 1980. ERA accepted the petition on October 14, 1980, and published notice of acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the Federal Register on October 21, 1980 (45 FR 69944). Publication of the Notice of Acceptance commenced a 45-day public comment period, ending on December 5, 1980, pursuant to section 701 of FUA. During this period, interested parties were also afforded an opportunity to request a public hearing. No comments were submitted. No hearing was requested.

Nevada Power submitted a sworn statement with the petition signed by Mr. J. H. Zornes, Vice President, Generation, of Nevada Power as required by 10 CFR 503.41(b)(1). In his statement, Mr. Zornes certified that Clark 7 will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 86,506 KW and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 129,849,000 Kwh.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) recommended that ERA issue an order granting Nevada Power a permanent peakload powerplant exemption to use oil/natural gas in Clark 7 subject to certain terms and conditions. A Notice of Availability of the TSA was published in the Federal Register on January 23, 1981 (46 FR 7430). The publication of this notice opened a 14-day public comment period which ended February 6, 1981. Comments were received from the Environmental Protection Agency (EPA), Region IX, stating that Nevada Power had demonstrated to EPA that the proposed powerplant meets all applicable requirements of the Clean Air Act, as amended, (42 U.S.C. 7401 *et seq.*). No hearing was requested.

On August 11, 1980, DOE published in the Federal Register (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Nevada Power has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under the exemption. The Environmental Checklist completed and

certified to by Nevada Power pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. DOE has determined that Nevada Power's responses to the questions therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, no additional environmental review is deemed to be required.

Order

ERA hereby grants to Nevada Power a permanent exemption from the prohibitions of FUA with respect to the use of oil/natural gas in Clark 7 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand, subject to the following terms and conditions imposed pursuant to the authority granted to ERA by section 214(a) of the Act:

Terms and Conditions

A. Nevada Power shall not produce more than 129,849,000 KWH during any 12-month period with the proposed unit. Nevada Power shall provide annual estimates of the expected periods (hours during specific months) of operation of Clark 7 for peakload purposes (e.g. 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June–September period, etc.). Estimates of the hours during which Nevada Power expects to operate Clark 7 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Nevada Power shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. This order shall not take effect earlier than the 60th calendar day after is is published in the **Federal Register**.

Issued in Washington, D.C. on March 11, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-8198 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-01-M

Mapco Inc.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action concerning a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between Mapco Inc. ("Mapco") and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

The Office of Enforcement received a comment from only one firm with respect to the price rollback provisions of the Consent Order. That comment suggested that the permissible range of price reductions of from one to eight cents per gallon of propane under the Consent Order may be disruptive to the propane market. The comment further suggested that the amount of price rollback be limited to two cents per gallon, over a period of an estimated six years.

Pursuant to 10 CFR 205.199I, the Office of Enforcement has broad discretion in fashioning appropriate remedies. While it is mindful of the public interest in minimizing distortion of the market place, the Office of Enforcement also recognizes the public interest in effecting restitution promptly. The Office of Enforcement believes that the Consent Order provides Mapco sufficient flexibility to adjust its amount of price rollback to minimize distortion of the market, and that it is in Mapco's financial interest to do so.

Moreover, since the execution of the Consent Order, sales of propane have been exempted from the operation of price controls and the mandatory allocation program. With the elimination of such constraining devices as the limited "equal application rule," Mapco's competitors will have full flexibility in responding to Mapco's price reductions, as they would ordinarily respond in free market conditions.

Therefore, the Office of Enforcement does not agree that the amount of price reduction will significantly distort the market, or that extension of the price rollback period would be appropriate in the face of the industry's recent return to free market conditions.

The Office of Enforcement also received one comment with respect to its distribution of the cash payments which Mapco will make pursuant to the Consent Order. According to that comment, the only proper distribution would be to pay the money to the customers allegedly overcharged by Mapco.

The Consent Order does not preclude such a distribution, and the comment is therefore directed to the manner in which the money is ultimately disbursed rather than to the terms of the Consent Order itself. Thus the comment does not suggest that the terms of the Consent Order are inappropriate.

II. Determination

After due consideration of the comment received, the Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Mapco Inc. is an appropriate resolution of the compliance proceedings described in the Notice published on December 30, 1980, and hereby gives Notice that the Consent Order is made effective by written notice issued to Mapco Inc. on February 5, 1981.

Issued in Washington, DC, on this 11th day of March, 1981.

Robert D. Gerring,

Director, Program Operations Division, Economic Regulatory Administration.

Concurrence:

Denise Bonn,

Office of General Counsel.

[FR Doc. 81-8134 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket Nos. 81-17-NG, 81-18-NG, 81-19-NG, 81-20-NG, 81-21-NG]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc., et al.; Applications To Amend Natural Gas Import Authorizations To Permit Purchase Price Increase

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Applications to Amend Natural Gas Import Authorizations to Permit Purchase Price Increase.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of applications by Tennessee Gas Pipeline Company (Tennessee), Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Northern Natural Gas Company (Northern), Vermont Gas Systems, Inc. (Vermont Gas), and the Montana Power Company (Montana Power) to amend their current natural gas import authorizations in order to permit the purchase of natural gas imported from Canada into the United States at a price of U.S. $4.94 per MMBtu effective April 1, 1981. Currently, these companies are authorized to purchase natural gas from Canada at a price of U.S. $4.47 per MMBtu.

The applications are filed with ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on March 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Gary (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG–55, Washington, D.C. 20461 (202) 653–3286

Patricia J. Neel (Office of the General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Ave., S.W., Forrestal Bldg., Room 5E–074, Washington, D.C. 20585 (202) 252–2900

SUPPLEMENTARY INFORMATION: By DOE/ERA Opinion and Order No. 17, issued on July 7, 1981, in ERA Docket No. 79–08–NG, Tennessee was conditionally authorized jointly with Transcontinental Gas Pipe Line Corporation (Transco) to import up to 75,000 Mcf of natural gas per day and up to 22 Bcf of natural gas per year from Sulpetro Limited through March 31, 1982. This imported volume is divided equally between Tennessee and Transco.

Michigan Wisconsin is currently authorized to import 50,000 Mcf of natural gas per day from TransCanada Pipe Lines Limited (TransCanada). In addition, Michigan Wisconsin purchases 271,000 Mcf per day of Canadian natural gas from Midwestern Gas Transmission Company and 13,000 Mcf per day from Great Lakes Gas Transmission Company.

By DOE/ERA Opinion and Order No. 19, issued on August 29, 1980, in ERA Docket No. 79–24–NG, Northern was authorized to purchase up to 200,000 Mcf of natural gas per day and up to 73 Bcf of natural gas per year from Consolidated Natural Gas Limited. By contract amendment dated October 29, 1980, however, the maximum volume of 200,000 Mcf of natural gas per day was reduced to 60,000 Mcf per day during the first contract year, which began on November 1, 1980.

Vermont Gas is currently authorized to import 20,700 Mcf of natural gas per day from TransCanada. This is the only source of natural gas supply for Vermont gas. All of this natural gas imported by Vermont Gas is consumed within the State of Vermont.

Montana Power is currently authorized to import natural gas from Canada by an order of the Federal Power Commission (FPC), issued on March 21, 1975, in Docket No. CP74–187, as amended by ERA in ERA Docket No. 79–27–NG on November 2, 1979. Montana Power Provides natural gas service within the State of Montana.

In DOE/ERA Opinion and Order No. 14B, issued on May 15, 1980, in ERA Docket Nos. 80–01–NG, *et al.*, Inter-City Minnesota Pipelines Ltd., Inc., *et al.*, and in subsequent orders in other dockets, ERA authorized the import of natural gas from Canada at a border price of U.S. $4.47 per MMBtu. On January 15, 1981, the Government of Canada announced a new border price of U.S. $4.94 per MMBtu for natural gas exported to the United States, effective April 1, 1981.

On February 26, 1981, Tennessee filed an application for authorization to pay the new border price for Canadian natural gas. Tennessee states that the need for this gas supply, as determined by ERA in DOE/ERA Opinion and Order No. 17 continues to exist. Accordingly, Tennessee submits that importation at the new price of U.S. $4.94 per MMBtu is not inconsistent with the public interest and should, therefore, be approved.

Michigan Wisconsin also filed an application on February 26, 1981, to amend its authorization to allow the importation of Canadian gas at the new price. The application states that this imported supply of natural gas is an important source for Michigan Wisconsin and, on an annual basis, represents 15 percent of Michigan Wisconsin's total supply. Michigan Wisconsin states that unless its application is granted, it will be faced with termination of that supply.

On Febraury 27, 1981, Northern filed its application for authorization to pay the new price for its Canadian supply of gas. In DOE/ERA Opinion and Order No. 19, ERA found that this supplemental supply was needed in order to avoid winter shortages on the system. Northern claims such need still exists and, therefore, approval of its application is not inconsistent with the public interest.

On March 5, 1981, Vermont Gas filed its application for authorization to pay the new price for its Canadian supply of gas. Vermont Gas has no domestic source of natural gas and, therefore, is totally dependent on this imported supply. Vermont Gas claims that alternate fuels and other forms of energy are currently more expensive than natural gas imported from Canada and, therefore, granting this application would be in the public interest.

On March 10, 1981, Montana Power filed its application for authorization to pay the new price for its Canadian supply of gas. Montana Power imports about 65 percent of the total natural gas supply required by its customers. Montana Power states that its ability to avoid curtailment of service depends on the continued importation of natural gas and, therefore, authorization should be granted.

ERA anticipates that it will consolidate for decision all applications to amend the price paid for currently authorized imports of Canadian gas. However, persons with a specific interest in the proceedings noticed herein should intervene in these dockets without prejudice to filing comments in other related dockets. In order to provide sufficient time for ERA to consider these applications prior to the effective date of the price increase, we are limiting the intervention period to seven days.

Other Information

The ERA invites protests or petitions for intervention in the applications noticed herein, or in anticipation of a consolidated proceeding to consider all Canadian price increase requests by companies currently authorized to import natural gas from Canada.

Such protests or petitons are to be filed with the Economic Regulatory Administration, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of

the applicable rules of practice and procedure (18 CFR 1.8 and 1.10). Protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on March 24, 1981.

Any person wishing to become a party to the proceedings or to participate as a party in any hearing therein must file a petition to intervene. Protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

A hearing will not be held unless a motion for a hearing is made by any party and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. A party filing a motion for hearing must demonstrate how a hearing will advance the proceedings. If a hearing is ordered, due notice will be given to the parties.

A copy of the application notice herein is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on March 11, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-8135 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3405-001]

Blachy-Lane Cooperative Electric Association; Application for Preliminary Permit

March 12, 1981.

Take notice that Blachy-Lane Cooperative Electric Association (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3405 to be known as Lake Creek Power Project located on Lake Creek in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dale C. Swancutt, Blachy-Lane Cooperative Electric Association, 90680 Highway 99, Eugene, Oregon 97402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 10-foot high, 150-foot long concrete gravity overflow dam; (2) a reservoir with a surface area of less than an acre; (3) a 5,000-foot long, 6-foot diameter penstock; (4) a power plant containing a 5,000 kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 17 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would: make subsurface investigations, hydrologic studies, and a topographic survey; assess environmental impacts; consult with necessary agencies; and examine legal and financial factors. The cost of these studies is estimated by the Applicant to be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of applidcation for preliminary permit for Project No. 3405. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8132 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4105-000]

City of Farmington; Application for Preliminary Permit

March 12, 1981.

Take notice that the City of Farmington (Applicant) filed on February 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4105 to be known as Cochiti Dam Project located on the Rio Grande River in Sandoval County New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Robert S. Culpepper, City of Farmington, Post Office Box 900, Farmington, New Mexico 87401. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cochiti Dam and Reservoir and would consist of: (1) a new trashrack; (2) a new shutoff valve; (3) two new steel penstocks; (4) a powerhouse, with a generating capacity of 13,700 kW, located adjacent to the existing stilling basin; (5) new transmission lines; (6) a new switchyard; and (7) other appurtenant works. Applicant estimates the annual energy output would be 60,200,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant to meet its present and future electric power needs.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $250,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the rights of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Cochiti Project No. 3440, filed on September 5, 1980, by Western States Energy, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4105. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred R. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8153 Filed 3-16-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4010-000]

Hydro Development Investigation Guidance Committee; Application for Preliminary Permit

March 12, 1981.

Take notice that the Hydro Development Investigation Guidance Committee (Applicant) filed on January 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4010 to be known as the Foster Joseph Sayers Dam, located on Bald Eagle Creek in Centre County, Pennsylvania. The Applicant is a consortium of municipalities, consisting of the Bourough of Beech Creek, the township of Beech Creek, the Township of Howard, the Township of Liberty, and the Township of Curtin, all located in Pennsylvania. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr Dean R. Wagner, Chairman, Hydro Development Investigation Guidance Committee, Post Office Box 315, Beech Creek, Pennsylvania 16822. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 700-foot long penstock located along the right abutment of the dam; (2) a powerhouse to be located at the right abutment of the dam; and (3) appurtenant works.

The Applicant estimates that the installed generating capacity at the project would be 2,471 kW, with an average annual energy output of 10,823,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a

period of three years, during which time it would study the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $62,000

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevent to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Hydro Corporation of Pennsylvania's application for Project No. 3332, filed on August 19, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Any one desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4010. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. a copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8154 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-314-000]

Indiana & Michigan Electric Co.; Filing

March 11, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 5, 1981 tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M) Amendment No. 21 dated March 1, 1981, to the Operating Agreement dated March 1, 1966 among Consumers Power Company, The Detroit Edison Company and I&M designated I&M's Rate Schedule FPC No. 66.

The amendment includes a new Service Schedule G which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule G provides for a transmission service charge of 1.7 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, and 6 mills per kilowatt-hour for generation and incremental energy costs, plus 2 mills.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Consumers Power Company, The Detroit Edison Company, the Public Service Commision of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8155 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-30-000]

Iowa-Illinois Gas and Electric Co.; Application

March 11, 1981.

Take notice that on March 2, 1981, Iowa-Illinois Gas and Electric Company (Applicant) of Davenport, Iowa, filed an application seeking authority, pursuant to Section 204 of the Federal Power Act, to issue not more than $80,000,000 of unsecured notes and commercial paper from time to time with a final maturity date of not later than June 30, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8156 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-309-000]

Kansas Gas and Electric Co.; Notice of Proposed Tariff Change

March 11, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company on March 2, 1981, tendered for filing a proposed change in its FPC Electric Service Tariff No. 139. The proposed Amendment changes the minimum and maximum amounts of power.

The Amendment is necessary because the present demands are being exceeded.

Copies of this filing were served upon the Caney Valley Electric Cooperative Association, Inc.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8157 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-202-000]

Kansas-Nebraska Natural Gas Company, Inc.; Application

March 12, 1981.

Take notice that on February 23, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. 600, Hastings, Nebraska 68901, filed in Docket No. CP81-202-000 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(e) and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(c) and (e)) 1) for permission and approval to abandon, during the period March 1, 1981, through December 1, 1981, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers, and 2) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the period March 1, 1981, through December 1, 1981, and operation of various field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of the budget-application pursuant to § 157.7(e) of the Commission's Regulations is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating, and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

The stated purpose of the budget-application pursuant to § 157.7(g) of the Commission's Regulations is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed facilities would not exceed $2,000,000 with no single project to exceed a cost of $500,000. Such costs, it is asserted, would be financed from working capital or from interim bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8141 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-9-000]

MIGC, Inc. (Formerly) McCulloch Interstate Gas Corp.; Filing of Amended Tariff Sheets

March 11, 1981.

Take notice that on November 20, 1980, MIGC, Inc. (MIGC) filed amended tariff sheets, Substitute Twenty-first Revised Sheet No. 32 and Substitute Third Revised Sheet No. 38 to its FERC Gas Tariff, Original Volume No. 1, relating to jurisdictional sales and service to Colorado Interstate Gas Company (CIG). The instant filing, made pursuant to § 154.38(d)(4)(vi)(a) of the Commission's Regulations, restates MIGC's existing rates for the certificated CIG services, thereby eliminating the increase proposed in the superseded October 31, 1980 filing of Twenty-first Revised Sheet No. 32 and Third Revised Sheet No. 38. The amended tariff sheets reflect rates of 219.37 cents per MMBtu and 7.91 cents per Mcf respectively.

MIGC states that the amended tariff sheets comply with Staff's recommendations that the rate increase proposed in the October 31 lining be eliminated and the currently effective rates be restated.

The instant filing was accepted by letter order of the Commission dated November 28, 1980, to be effective December 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will not be considered to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8158 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-315-000]

Minnesota Power & Light Co.; Filing

March 11, 1981.

The filing Company submits the following:

Take notice that on March 5, 1981, Minnesota Power & Light Company (Minnesota) tendered for filing an Agreement between Minnesota and Lake Superior District Power Company (Lake Superior). Minnesota states the Agreement is for the sale of firm capacity from Minnesota's coal operated steam electric generating station known as Clay Boswell Unit No. 4, located near Grand Rapids, Minnesota to Lake Superior over a period of five years.

Minnesota requests an effective date of May 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8159 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-144]

Mountain Fuel Resources, Inc. and Mountain Fuel Supply Co.; Amendment

March 12, 1981.

Take notice that on February 24, 1981, Mountain Fuel Resources, Inc. (Resources), 180 East First South Street, Salt Lake City, Utah 84139 and Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139 filed in Docket No. CP80-144 a joint amendment to the amendment to Resources application pending in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect amendments made to a gas transportation and exchange agreement between Applicants and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By the joint amendment to Resource's application filed November 12, 1980, Applicants requested authorization to receive, transport and redeliver natural gas for Northern and Northwest Pipeline Corporation (Northwest) through Applicants' existing pipeline facilities. It is stated that pursuant to a July 2, 1980, gas transportation and exchange agreement between Applicants and Northern, Resources would receive for the account of Northern up to a maximum of 10,000 Mcf of natural gas per day in Mesa County, Colorado, or in Rio Blanco County, Colorado, and transport and deliver such gas to Mountain Fuel at an existing point of interconnection between the facilities of Resources and Mountain Fuel located in Uintah County, Utah. It is stated that Mountain Fuel agreed to receive such volumes of gas from Resources and to deliver thermally equivalent volumes for the account of Northern at an existing point of delivery with Colorado Interstate Gas Company (CIG) located in Sweetwater County, Wyoming (Kanda).

Applicants state that in entering the above agreement the parties inadvertently overlooked the fact that compression would be necessary for Mountain Fuel to make the redeliveries to CIG for the account of Northern at the Kanda exchange point. Applicants herein propose to amend their gas exchange and transportation agreement to stipulate that when such compression is necessary, Northern would pay to Mountain Fuel a compression charge initially set at 5.0 cents per Mcf with Northern furnishing its proportionate share of compressor fuel.

Moreover, Applicants also state that the natural gas to be transported by Mountain Fuel for the accounts of Northwest and Northern on its existing southern pipeline system identified as the Uintah Basin Pipeline would be consumed entirely by Mountain Fuel's intrastate customers. Since none of the gas delivered to Mountain Fuel would leave the state of Utah, Mountain Fuel requests the continued exemption from the Natural Gas Act of its Uintah Basin Pipeline which was declared exempt from the provisions of the Natural Gas Act by order issued August 6, 1964, in Docket No. CP64-221 (32 FPC 534).

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8143 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-36-000]

Mountain Fuel Supply Co.; Tariff Sheet Filing; Effective April 1, 1981

March 11, 1981.

Take notice that on March 2, 1981, Mountain Fuel Supply Company, pursuant to Section 154.62 of the Regulations of the Federal Energy Regulatory Commission (Commission), filed Twelfth Revised Sheet No. 3-A to its FERC Gas Tariff, Original Volume No. 1. Mountain Fuel states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment provision authorized by Commission order issued February 27, 1976, in Docket No. RP76-64. More specifically, the tariff sheet reflects a net increase from that currently being collected of $.00435/Mcf (Rate Schedule X-4), $.00434/Mcf (Rate Schedule X-5), and $1.44433/Mcf (Rate Schedule X-20), all to be effective

April 1, 1981.

Any person desiring to be heard and to make any protest with reference to said filing should on or before March 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Mountain Fuel Supply Company's Tariff Filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8169 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-211-000]

Mountain Fuel Supply Co.; Application

March 12, 1981.

Take notice that on February 24, 1981, Mountain Fuel Supply Company (Applicant), P.O. Box 11368, Salt Lake City, Utah 84111, filed in Docket No. CP81-211-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant herein proposes to transport for Northwest volumes of natural gas not to exceed 2,000 Mcf per day. Applicant states that Northwest owns or controls certain natural gas reserves in areas of Sweetwater County, Wyoming (Christmann area), and that such supply of gas is remote from Northwest's existing pipeline system. However, it is stated that Applicant operates jurisdictional transmission facilities in the Christmann area of Sweetwater County, Wyoming, and has a continuing need for additional gas supplies in order to serve better the requirements of its distribution customers. Therefore, it is stated, that Applicant and Northwest have entered into a gas purchase, transportation and exchange agreement dated May 27, 1980, which provides for the transportation and exchange of natural gas from the Christmann area of Sweetwater County, Wyoming, to an existing exchange point between Applicant and Northwest. Applicant also states that the agreement provides for the optional purchase by Applicant of up to 25 percent of the volumes delivered to Applicant by Northwest.

It is stated that under the terms of the Agreement, Northwest would deliver to Applicant for transportation all volumes of natural gas obtained by Northwest in specified areas of Sweetwater County and that the 2,000 Mcf maximum daily volume would be delivered by Northwest to Applicant at a mutually agreed upon point on Applicant's gathering facilities located in Sweetwater County and/or at such other point as may be mutually agreed upon. Applicant asserts that it would redeliver 75 percent of the volumes to Northwest near the town of Granger, Wyoming. It is stated that the redeliveries to Northwest would be accomplished by Northwest decreasing the volume which Applicant is entitled to receive under existing purchase arrangements from Northwest at said point and that balancing would be on a thermal basis which would be done as nearly as possible each month.

Applicant states that the agreement is for a term of fifteen years from the first of the month following the month in which initial delivery occurs and from year to year thereafter.

It is stated that as partial consideration for providing the transportation service for Northwest, Applicant has the option to purchase up to 25 percent of the volumes of gas delivered by Northwest to Applicant and that Applicant's purchase, if elected, would be on the same terms and conditions as the Northwest purchase in all respects. In addition, Applicant states that it would pay Northwest for each Mcf of gas purchased by Applicant hereunder Northwest's gathering transportation rate for the Green River Gathering Area as set forth in Sheet No. 2 of Northwest's FERC Gas Tariff, Original Volume No. 2 which rate is currently 24.93 cents per Mcf.

Applicant proposes to charge Northwest a cost of service based transportation rate of 17.44 cents per Mcf for gas delivered to the Granger exchange point. It is asserted that the agreement between Northwest and Applicant recognizes that the transportation charge may need to be changed periodically to reflect changes in cost.

Applicant is not proposing any new facilities and all natural gas received by Applicant from Northwest for transportation and exchange would be ultimately dispersed in Applicant's existing interstate transmission system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8142 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-311-000]

Northern States Power Co. (Wisconsin); Proposed Tariff Change

March 11, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company (Wisconsin) on March 2, 1981, tendered for filing proposed changes in its FPC Electric Service Tariff, FPC Rate Schedule. The proposed rate schdedule filing is a result of a negotiated agreement with the City of Barron, Wisconsin.

Copies of this filing were served upon the City of Barron.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8161 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-196-000]

Northwest Pipeline Corp.; Application

March 12, 1981.

Take notice that on February 17, 1981, Northwest Pipeline Corporation (Applicant), 315 East Second Street South, Salt Lake City, Utah 84111, filed in Docket No. CP81-196-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for a new delivery point for Mr. William Sloviaczek, a right-of-way grantor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate a tap on its 22-inch mainline in Canyon County, Idaho, to facilitate the sale by Intermountain Gas Company (Intermountain) of approximately 190 Mcf of natural gas annually to Mr. William Sloviaczek, a right-of-way grantor.

Applicant indicates that the total cost of the proposed facilities, an estimated $14,000, would be financed from funds on hand.

Applicant further submits that Intermountain would install any additional facilities required to effectuate gas deliveries to Mr. Sloviaczek.

Applicant states that the gas sold and delivered by Intermountain would be from quantities of natural gas heretofore authorized for sale to Intermountain.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8144 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-313-000]

Otter Tail Power Co.; Filing

March 11, 1981.

The filing Company submits the following:

Take notice that on March 2, 1981, Otter Tail Power Company (Otter Tail) tendered for filing rate schedules covering scheduling and dispatching service provided to Cooperative Power Association (Association) and Central Power Electric Cooperative (Central). An effective date of April 1, 1981, is requested for the increase estimated at approximately $3,137 per year, in rates to be charged the Association per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 154. An effective date of March 20, 1981, is requested for the increase estimated at approximately $4,241, in rates to be charged Central per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 171.

Otter Tail requests waiver of the Commission's notice requirements to allow these two Schedules to become effective on April 1, 1981, and March 20, 1981, respectively.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8165 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4202-000]

Pumpkin Hill Power Co.; Application for Preliminary Permit

March 12, 1981.

Take notice that Pumpkin Hill Power Company (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)825(r)] for proposed Project No. 4202 to be known as the Lowell Tannery Project located at the Passadumkeag River in the Town of Lowell, Penobscot County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert Kelly, Pumpkin Hill Farm, RFD—Box 147, Enfield, Maine 04433. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 20-foot high, 150-foot long concrete gravity dam which includes a 60-foot long spillway section and two gate sections; (2) a pond containing negligible

storage capacity; (3) a new powerhouse located on an existing foundation at the dam containing a turbine-generator with a total rated capacity of 803 kW; and (4) appurtenant facilities. The project is owned by the Lincoln Pulp and Paper Company. The Applicant estimates that the average annual energy output would be 4,468,000 kWh.

Purpose of Project—Energy produced at Project No. 4202 would be sold to Bangor Hydro-Electric Company for distribution to its customers.

Proposed Scope and Studies Under Permit—The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests or Petitions to Intervene—Anyon desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4202. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8102 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-16-000]

Southern Union Gathering Co.; Application for Adjustment and Request for Interim Relief

March 11, 1981.

On February 17, 1981, Southern Union Gathering Company (Southern Union), 1800 First International Building, Dallas, Texas 75270, filed an application for an adjustment pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3412(c) (Supp. II, 1978)), § 270.202 of the Commission's regulations, and § 1.41 of the Commission's Rules of Practice and Procedure.

Specifically, Southern Union requests an adjustment of the 19.2740 cents per Mcf gathering allowance at 14.73 psia granted by the Director of the Office of Pipeline and Producer Regulation in its Order of January 28, 1980, Docket No. SA79-24, so as to permit Southern Union to collect a gathering allowance of 23.70 cents per Mcf at 14.73 psia for its sales to El Paso Natural Gas Company and Gas Company of New Mexico. In addition, Southern Union seeks interim relief pursuant to § 1.41(m) of the Commission's regulations, requesting that the proposed rate be made effective, subject to refund, as of February 17, 1981.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before April 1, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8103 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3867-000]

Stanfield Irrigation District and Westland Irrigation District; Application for Preliminary Permit

March 12, 1981.

Take notice that Stanfield Irrigation District and Westland Irrigation District (Applicant) filed on December 11, 1980, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3867 to be known as McKay Dam located on McKay Creek in Umatilla County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert E. O'Rourke, P.O. Box 490, Pendleton, Oregon 97801 or William Porfily, P.O. Box 406, Stanfield, Oregon 97875. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a penstock

built through the Water and Power Resource Service's McKay Dam; (2) a powerhouse with a 1,100–kW generating unit; and (3) a transmission line.

The Applicant estimates that the average annual energy output would be 4,560,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company or the Bonneville Power Administration.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would make topographic surveys; study the hydrology and geology; analyze the existing structures; assess the environmental impacts; conduct a cultural resource survey; and prepare a feasibility report. The cost of these studies is estimated by the Applicant to be $55,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained to substantive issues relevant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3427, on December 11, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3867. Any comments protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–8194 Filed 3–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–208–000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

March 12, 1981.

Take notice that on February 24, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81–208–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5.6 miles of 16-inch pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 5.6 miles of 16-inch pipeline and appurtenant facilities which would extend from Applicant's production platform in East Cameron Block 47 to its central gathering platform in East Cameron Block 48, offshore Louisiana. Applicant states that such facilities would facilitate the receipt of natural gas reserves dedicated to it in East Cameron Block 47 pursuant to contracts with Conoco, Inc., Arco Oil and Gas Company, Getty Oil Company and Cities Service Company. It is submitted that such reserves exist between the depths of 11,583 feet and 11,597 feet which is below the base of the "OG" Sand and down to the base of the 11,600 feet "LS" Sand as identified on the log of the OCS–G–0767 Well No. 1.

It is further submitted that the proposed facilities would make available to Applicant's system 104,000,000 Mcf of reserves having a maximum day deliverability of up to 120,000 Mcf which exist in East Cameron Block 47. Such reserves which are above the base of the "OG" Sand at 9,894 feet have been dedicated to Applicant under prior long-term contracts, it is stated.

Applicant estimates the cost of the proposed facilities to be $7,130,000 which would be financed by internally generated funds and permanent financing if necessary as part of Applicant's long-term financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice

and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8145 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-42-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 11, 1981.

Take notice that Transwestern Pipeline Company (Transwestern) on March 2, 1981, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Seventeenth Revised Sheet No. 5
Seventeenth Revised Sheet No. 6
Third Revised Sheet No. 6A

These sheets are issued pursuant to (1) Transwestern's Purchased Gas Cost Adjustment provision set forth in Article 19 of the General Terms and Conditions of its tariff, (2) Article V, Transportation By Others, of Transwestern's Stipulation and Agreement in Docket No. RP78-68 approved by Commission Order issued September 10, 1980 and (3) Article IV, Advance Payments, of the RP78-68 Stipulation and Agreement. The Purchased Gas Cost Adjustment reflected herein consists of a net increase of 1.62¢/dth based upon increased purchased gas costs, adjusted for Projected Incremental Pricing Surcharges for the Months of April, 1981 through September, 1981, and a decreased balance in the Gas Cost Adjustment Account. The Transportation Adjustment included in the rates filed herein is an increase of 0.18¢/dth from the previous adjustment and the Advance Payment Adjustment is a decrease of .15¢/dth.

The proposed effective date of the above tariff sheets is April 1, 1981.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8106 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-305-000]

The Union Light, Heat and Power Co.; Proposed Tariff Change

March 11, 1981.

The filing Company submits the following:

Take notice that The Union Light, Heat and Power Company (Union Light) on March 3, 1981, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1 specifically the rates in said Tariff applicable to wholesale electric service to the City of Williamstown, Kentucky. Union Light proposes that the change become effective June 25, 1981.

Union Light asserts that the filing is in accordance with Part 35 of the Commission's Regulations. Union Light states that the schedule, as filed, will supersede rate schedule presently on file with this Commission.

The proposed changes would increase revenues by approximately $190,811 based on the actual twelve month period ended June 30, 1980.

The reasons stated by Union Light for the change in rate schedule is to overcome a revenue deficiency pursuant to The Cincinnati Gas & Electric Company's proposed wholesale rate increase to Union Light filed in FERC Docket No. ER81-132 and to update the fuel adjustment clause in compliance with Section 35.14 of the Regulations. The proposed rate of The Cincinnati Gas & Electric Company was suspended to June 25, 1981.

Copies of the filing were served upon The City of Williamstown, Kentucky and the Public Service Commission of Kentucky.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before March 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8107 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-207-000]

United Gas Pipe Line Co.; Application

March 12, 1981.

Take notice that on February 24, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-207-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the relocation of certain pipeline facilities and for permission and approval to abandon service to Entex, Inc. (Entex) for nine of Entex's residential customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement with Central and South West Fuels, Inc. (CSWF) dated October 15, 1980, Applicant proposes herein to relocate portions of two of its transmission lines in Harrison County, Texas, the Latex-Fort Worth 16-inch line and the Waskom-Tyler 10-inch line. Applicant asserts that the proposed relocation away from the mining area of CSWF would allow for the mining of lignite in Harrison County by CSWF. It is asserted that the lignite would provide fuel for the generation of electricity at a facility to be constructed and operated by Southwestern Electric Power Company.

Applicant states that it would remove approximately 7 miles of its 16-inch Latex-Fort Worth line and 6 miles of its 10-inch Waskom-Tyler line from the mining area and would install 8.9 miles of the Latex-Fort Worth line and 7.7 miles of the Waskom-Tyler line in

another area. Applicant would be reimbursed by CSWF for the estimated relocation cost of $3,432,966, it is stated.

Applicant further seeks to abandon service to Entex for nine residential customers of Entex as a result of the proposed relocation. It is stated that CSWF would pay all expenses incurred in converting these customers to propane gas including the cost of both initial fuel supply and the required gas tanks for operation. Applicant avers that Entex is on notice of the proposed abandonment and has no objections.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8146 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-199-000]

Bay State Gas Co.; Application

March 12, 1981.

Take notice that on February 20, 1981, Bay State Gas Company (Applicant), 120 Royall Street, Canton, Massachusetts 02021, filed in Docket No. CP81-199-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.222 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport and sell natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D and E of Part 284 of the Commission's Regulations under the NGPA, as well as Section 284.203 thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received 33,668,687 Mcf of natural gas within Massachusetts from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Algonquin Gas Transmission Company during the 12-month period ending November 1980. It is asserted that during the same period Applicant received the equivalent of 1,582,167 Mcf in liquefied natural gas from Distrigas, Corp. and produced the equivalent of 1,436,051 Mcf of gas in a liquid propane air process. It is also submitted that all of Applicant's existing operations are conducted in Massachusetts and Applicant currently holds an exemption pursuant to Section 1(c) of the Natural Gas Act for such operations issued June 18, 1974, in Docket CP74-246.

Applicant asserts that at this time it is entitled to purchase 50 Mcf of natural gas per day produced in Morgan County, Ohio, and that the natural gas is presently being delivered to the East Ohio Gas Company (East Ohio).

Applicant states that it has entered into a transportation agreement with East Ohio dated April 1, 1980, in order to effectuate the transfer of its share of natural gas produced in Ohio to its operations in Massachusetts.

Applicant submits that pursuant to its agreement with East Ohio it would be required to gather and deliver, or arrange for the gathering and delivery of, the gas to East Ohio's facilities and to sell to East Ohio 25 percent of the total volume delivered into East Ohio's facilities.

Applicant asserts that it would comply with the conditions set forth in § 284.222(e) of the Commission's Regulations.

Applicant states that the gathering and transportation allowances to it under the East Ohio transportation agreement are identical to those prescribed in numerous transportation and delivery arrangements provided by East Ohio under provisions of Ohio Revised Code Section 4905.31 and approved by the Public Utilities Commission of Ohio. Applicant, therefore, requests any waivers of the Commission's Regulations to permit the allowances to become effective under its transportation agreement with East Ohio.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8137 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3404-001]

Blachy-Lane Cooperative Electric Association; Application for Preliminary Permit

March 11, 1981.

Take notice that Blachy-Lane Cooperative Electric Association (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3404 to be known as Horn Power Project located on Lake Creek in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dale C. Swancutt, Blachy-Lane Cooperative Electric Association, 90880 Highway 99, Eugene, Oregon 97402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 6-foot high, 300-foot long reinforced concrete diversion dam; (2) a reservoir with a surface area of less than an acre; (3) a 2,500-foot-long penstock; (4) a power plant containing a 3.5 MW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 12 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would: make subsurface investigations, hydrologic studies, and a topographic survey; assess environmental impacts; consult with necessary agencies; and examine legal and financial factors. The cost of these studies is estimated by the Applicant to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3404. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8147 Filed 3-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-397-001]

Black Marlin Pipeline Co.; Amendment to Application

March 12, 1981.

Take notice that on March 2, 1981, Black Marlin Pipeline Company (Applicant), Two Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CP80-397-001 an amendment to its pending application in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the relocation of a proposed tie-in point to the pipeline system of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed on June 6, 1980, Applicant requested authorization to transport up to 25,000 Mcf of natural gas per day which Northern had contracted to purchase in Galveston Block 144L, offshore Texas. It is stated that Northern had proposed to construct and operate facilities to a believed existing sub-sea tap located in Block 99 on Applicant's 16-inch pipeline but that it was later discovered that said tap did not exist at the specified location and was 5,000 feet farther west on the pipeline. Applicant herein proposes to establish a sub-sea tap at that point where the pipelines would intersect in Block 99.

Applicant estimates that the cost of the proposed tap would be $271,000 which cost would be borne by Northern. It is stated that all other aspects of Applicant's instant filing remain the same.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 6, 1981, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8190 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-203-000]

Cities Service Gas Co.; Application

March 12, 1981.

Take notice that on February 23, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-203-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipelines taps, measuring, regulating and appurtenant facilities to enable Applicant to provide direct natural gas service to eight commercial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to:

(1) Tap its Madison 3-inch lateral pipeline and construct measuring, regulating and appurtenant facilities in Greenwood County, Kansas, for a proposed sales delivery to Cities Service Company.

(2) Tap its Oklahoma City 20-inch transmission pipeline and construct measuring, regulating and appurtenant facilities in Logan County, Oklahoma, for a proposed sales delivery to The Crude Company.

(3) Tap its Edmond-Drumright 12-inch transmission pipeline and construct measuring, regulating and appurtenant facilities in Oklahoma County, Oklahoma, for a proposed sales delivery to Forest Foster.

(4) Tap its Chase Fuel System 3-inch sales lateral pipeline and construct measuring, regulating and appurtenant facilities in Barton County, Kansas, for a proposed sales delivery to Gable Oil Company.

(5) Tap its Wichita-Ottawa 20-inch transmission pipeline and construct measuring, regulating and appurtenant facilities in Franklin County, Kansas, for a proposed sales delivery to Dwight Haworth.

(6) Tap its Chase Fuel System 3-inch sales lateral pipeline and construct measuring, regulating and appurtenant facilities in Rice County, Kansas, for a proposed sales delivery to KOP-MOR Production Company.

(7) Tap its Ft. Scott 8-inch sales lateral pipeline and construct measuring, regulating and appurtenant facilities in Vernon County, Missouri, for a proposed sales delivery to MAPCO Production Company.

(8) Tap its Quapaw 16-inch transmission pipeline and construct measuring, regulating and appurtenant facilities in Newton County, Missouri, for a proposed sales delivery to D. L. Sitton Motor Lines, Inc.

Applicant asserts that such sales of natural gas would neither significantly affect its overall gas supply nor have any detrimental effect on Applicant's existing customers.

Applicant estimates the total cost of the proposed facilities to be $60,110 which would be financed by treasury cash.

Applicant further estimates that the gas required to serve the proposed customers annually and on a peak day would be approximately 413,200 Mcf and 1,324 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8138 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-216-000]

Columbia Gas Transmission Corp.; Application

March 12, 1981.

Take notice that on February 27, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-216-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 54 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc. 6 taps for residential service. Estimated annual usage of 1,050 Mcf.

(2) Columbia Gas of Ohio, Inc. 24 taps for residential service, 1 tap for commercial service. Estimated annual usage of 4,168 Mcf.

(3) Columbia Gas of Pennsylvania, Inc. 1 tap for residential service. Estimated annual usage of 150 Mcf.

(4) Columbia Gas of Virginia, Inc. 1 tap for commercial service. Estimated annual usage of 1,200 Mcf.

(5) Columbia Gas of West Virginia, Inc. 18 taps for residential service, 1 tap for commercial service. Estimated annual usage of 6,330 Mcf.

(6) The Dayton Power and Light Company. 1 tap for residential service, 1 tap for industrial service. Estimated annual usage of 1,275 Mcf.

Applicant states that the average cost of the 54 taps is estimated to be $300. It is stated that the total cost of $16,282 would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the

requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8139 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3661-000, 3976-000]

Continental Hydro Corporation Enagenics; Application for Preliminary Permit

March 11, 1981.

Take notice that Continental Hydro Corporation (Applicant/CHC) and Enagenics (Applicant) filed on November 4, 1980 and January 12, 1981, respectively competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 3661 and 3976, respectively, both to be known as Kentucky River Lock and Dam No. 13 located on the Kentucky River in Lee County, Beattyville, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with Applicant (CHC) should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Correspondence with Enagenics should be directed to:, Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' Kentucky River Lock and Dam No. 13 and would consist of: (1) a proposed powerhouse containing an installed generating capacity of 3.85 MW (CHC) or 3.9 MW (Enagenics) and (2) appurtenant facilities. CHC estimates the annual generation would average 20.6 GWh; Enagenics estimates the annual generation would average 28.0 GWh.

Purpose of Project—Both Applicants propose to sell the output of energy generated to the Kentucky Utility Company.

Proposed Scope and Cost of Studies Under Permit—Both Applicants seeks issuance of a preliminary permit for a period of 36 months. With the 36 month time frame the Applicants propose to conduct data acquisition and analysis, technical studies, potential energy production and capacity evaluations, project layout and design, construction options, environmental, recreational economic, and historical examinations.

The Applicants estimate the cost of the proposed studies would be $55,000 (CHC), and $50,000 (Enagenics).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 11, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 10, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 11, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3661 and 3976. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must

also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8148 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3674-000]

Dam Three Development LTD; Application for Preliminary Permit

March 11, 1981.

Take notice that Dam Three Development LTD (Applicant) filed on November 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3674 to be known as Kentucky River Lock and Dam No. 3 located at the U.S. Army Corps of Engineers on the Kentucky River in Henry and Owen County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ken Lever, 6566 France Avenue, South Minneapolis, Minnesota 55435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers dam. The proposed Project No. 3674 is located on Federal lands. Project No. 3674 would consist of: (1) two proposed powerhouses containing four generating units with a total installed capacity of 6 Mw; (2) proposed transmission lines approximately one mile in length and interconnected with a 130 Ky powerline owned; and (3) appurtenant facilities. The Applicant estimates that the average annual energy input would be 28,700,000 kWh.

Purpose of Project—The Applicant proposes to sell the generated output of energy to Kentucky Utilities Company, or a local utility company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 11, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3674. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8149 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4002-000]

Enagenics; Application for Preliminary Permit

March 11, 1981.

Take notice that Enagenics (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4002 to be known as the Sumner Hydro Project located on the Pecos River in DeBaca County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Fort Sumner Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 7,100 kW; (3) a

tailrace; (4) a new transmission line, approximately 10 miles long; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 7,450,000 kWh.

Purpose of Project—Project energy would be sold to the Farmers Electric Cooperative. Other alternative markets, such as nearby public institutions and industrial users, will be investigated.

Purpose, Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Sequoia Energy Corporation's application for Project No. 3718, filed on November 13, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4002. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8180 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-200-000]

Fitchburg Gas and Electric Light Co; Application

March 12, 1981.

Take notice that on February 20, 1981, Fitchburg Gas and Electric Light Company (Applicant), 120 Royall Street, Canton, Massachusetts 02021, filed in Docket No. CP81-200-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.222 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport and sell natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations under the NGPA as well as Section 284.203 thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received 2,606,426 Mcf of natural gas within Massachusetts from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. during the 12-month period ending November 1980. It is asserted that during the same period Applicant received the equivalent of 226,274 Mcf of liquefied natural gas from Bay State Gas Company and produced the equivalent of 99,876 Mcf of gas in a liquid propane air process. It is also submitted that all of Applicant's existing operations are conducted in Massachusetts and that Applicant currently holds an exemption pursuant to Section 1(c) of the Natural Gas Act for such operations issued August 25, 1966, in Docket No. CP66-380.

Applicant asserts that at this time it is entitled to purchase 25 Mcf of natural gas per day produced in Morgan County, Ohio, and that the natural gas is presently being delivered to the East Ohio Gas Company (East Ohio).

Applicant states that it has entered into a transportation agreement with East Ohio dated April 1, 1980, in order to effectuate the transfer of its share of the gas produced in Ohio to its operations in Massachusetts.

Applicant submits that pursuant to its agreement with East Ohio it would be required to gather and deliver, or arrange for the gathering and delivery of, the gas to East Ohio's facilities, and to sell to East Ohio 25 percent of the total volume delivered into East Ohio's facilities.

Applicant asserts that it would comply with the conditions set forth in Section 284.222(e) of the Commission's Regulations.

Applicant states that the gathering and transportation allowances to it under the East Ohio transportation agreement are identical to those prescribed in numerous transportation and delivery arrangements provided by East Ohio under provisions of Ohio Revised Code Section 4905.31 and approved by the Public Utilities Commission of Ohio. Applicant, therefore, requests any waivers of the Commission's Regulations to permit the allowances to become effective under its transportation arrangements with East Ohio.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8140 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3473 and 3784]

Jack M. Fuls, et al.; Notice Denying Notice of Intent To File a Competing Application

March 12, 1981.

In the matter of Jack M. Fuls, Deschutes Reclamation and Irrigation Company, Inc., Central Oregon Irrigation District and North Unit Irrigation District.

Clyde W. Purcell, Mary Lou Purcell and Prineville Water Company filed a Notice of Intent to file a competing application for a preliminary permit for the Bend Diversion Dam Power Project located on the Deschutes River in Deschutes County, Oregon. The Notice of Intent is rejected because it is not timely filed.

The Notice of Intent filed by the Purcells and Prineville is not timely because it fails to comply with the deadline clearly specified in the Notice of Application for Preliminary Permit for Project No. 3473. That notice stated that the deadline for Notices of Intent was January 23, 1981. The Notice of Intent filed by the Purcells and Prineville was docketed January 26, 1981. The Notice of Intent was thus not timely. The Notice of Intent is therefore rejected.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8191 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-341-002]

Northern Natural Gas Co., Division of InterNorth, Inc.; Amendment to Application

March 12, 1981.

Take notice that on March 2, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-341-002 an amendment to its pending application in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the relocation of a proposed tie-in point to the pipeline system of Black Marlin Pipeline Company (Black Marlin), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed on April 25, 1980, and amended June 12, 1980, Applicant requested authorization to construct and operate 11.3 miles of 10-inch pipeline and 2.3 miles of 6-inch pipeline between the producer platforms in Galveston Area Block 144L, offshore Texas, to Black Marlin's 16-inch pipeline in Block 99 in order to attach and transport natural gas reserves located in Block 144L which Applicant has contracted to purchase.

It is stated that the original proposed tie-in point was thought to be an existing sub-sea tap on Black Marlin's 16-inch pipeline in Block 99 but that it was later discovered that no tap existed at the specified location and is now believed to be approximately 5,000 feet farther west on the pipeline. Applicant herein proposes to change the tie-in point to that point located in Block 99 at which the facilities of Applicant and Northern intersect. Applicant moreover states that the revised tie-in point would result in the construction and operation of 9.2 miles of 10-inch pipeline and 2.3 miles of 6-inch pipeline.

It is stated that the revision provides for the same route as previously proposed with the exception that approximately 2.1 miles of 10-inch pipeline extending west from the point of intersection with Black Marlin's 16-inch pipeline would be deleted.

Applicant estimates that the total project cost of the proposed facilities has declined to $7,790,000 which is attributable to the cost saving due to the reduction of the required miles of 10-inch pipeline offset by the increased cost to construct the sub-sea tap and the general increased cost of off-shore pipeline construction since the time of the last amended filing.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8192 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4037-000]

Richard Charles Young and George Robert Young; Application for Preliminary Permit

March 11, 1981.

Take notice that Richard Charles Young and George Robert Young (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4037 to be known as Montgomery Creek located on Montgomery Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard Young and George Young, P.O. Box 32, Warren and Nelson Streets, Taylorsville, California 95983. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an infiltration galley; (2) a penstock; (3) a powerhouse containing two generating units, 100- and 200-kW respectively; and (4) a transmission line.

The Applicant estimates that the average annual energy output would be 1,000,000 kWh.

Purpose of Project—The power generated by the proposed project would possibly be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would assess market potential and environmental impacts; study hydrology; project costs; assess legal, financial and site issues; and document findings. The cost of these studies is estimated by the Applicant to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 11, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 10, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 11, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4037. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8151 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION								
*ADOBE OIL & GAS CORP					RECEIVED: 02/19/81 JAS TX			
8118147	29152	4213332523	102		SNEED C NO 1	MANSUM NORTH (3200)	92.0	UDESSA NATURAL CORP
*AMAREX INC					RECEIVED: 02/19/81 JAS TX			
*8118143	28948	4248300000	102		ROGERS UNIT #1 73498	WHEELER-PAN (HUNTON NW)	1093.0	ARKANSAS LOUISIANA G
*AMARILLO OIL COMPANY					RECEIVED: 02/19/81 JAS TX			
8118227	30138	4217900000	108		ZUES #11 (#26632)	PANHANDLE EAST	0.0	PIONEER NATURAL GAS
*AMERICAN PETROFINA COMPANY OF TEXAS					RECEIVED: 02/19/81 JAS TX			
8118189	29775	4240732298	103		BAILES-PARMENTER-JONES #7	BAILES	70.0	GREAT WESTERN GAS CO
8118097	23588	4240130861	103		WYLIE GAS UNIT NO 1	HENDERSON NORTH (COTTON	183.0	UNITED GAS PIPELINE
8118097	23588	4240130861	107		WYLIE GAS UNIT NO 1	HENDERSON NORTH (COTTON	183.0	UNITED GAS PIPELINE
*AMOCO PRODUCTION CO					RECEIVED: 02/19/81 JAS TX			
8118211	30017	4227930236	103		ANTON-IRISH CLEARFORK UT 8434	ANTON-IRISH	3.9	PIONEER NATURAL GAS
8118214	30020	4218900000	103		ANTON-IRISH CLEARFORK UT 8441	ANTON-IRISH	1.4	PIONEER NATURAL GAS
8118062	20001	4220330486	102		BRUNE-BURNETT SU NO 2	ROBSBOROUGH SPRINGS /RUD	347.0	UNITED GAS PIPE LINE
8118150	29187	4234930992	102		DOROTHY CLARK C NO 1	CHENEYBORO (COTTON VALLE	213.8	LONE STAR GAS CO
8118213	30019	4249531245	103		E B HUTCHINGS T-90 #7	KERMIT	17.5	CABOT CORP
8118212	30018	4249531244	103		E B HUTCHINGS T-90 #8	KERMIT	20.8	CABOT CORP
8118219	30063	4200332244	103		FULLERTON SAN ANDRES UT #43	FULLERTON SAN ANDRES	7.3	AMOCO PRODUCTION CO
8118122	26748	4243531106	108		JOE M VANDERSTUCKEN #1	SAWYER/CANYON/	15.5	LONE STAR GAS CO
8118151	29188	4234931157	102		JOHN D CUNNINGHAM NO 3	CHENEYBORO(COTTON VALLEY	103.0	LONE STAR GAS CO
8118168	29485	4226131007	102		L L COX GAS UNIT #1	TOMBALL SE/12250/	400.0	AMOCO GAS CO
8118215	30021	4200300000	103		L T DAVIS #8	FUHRMAN-MASCHO (DEVONIAN	18.8	PHILLIPS PETROLEUM C
8118198	29966	4235730997	103		R P ROBERTS NO 12	HORIZON (CLEVELAND)	8.0	PHILLIPS PETROLEUM C
*ARCO OIL AND GAS COMPANY					RECEIVED: 02/19/81 JAS TX			
8118177	29548	4229530742	102		CRUISE C DUKE NO 1-L	KIOWA CREEK SOUTH (MURRO	37.0	PHILLIPS PETROLEUM C
*ARKLA EXPLORATION COMPANY					RECEIVED: 02/19/81 JAS TX			
8118114	26156	4236531036	102		ALVIS RITTER #1	CARTHAGE (TRAVIS PEAK)	350.0	ARKANSAS LOUISIANA G
*ATAPCO					RECEIVED: 02/19/81 JAS TX			
8118098	23785	4245130563	103		RUST ESTATE NO 1 08229	BALD EAGLE (STRAWN)	73.0	
8118098	23785	4245130563	102		RUST ESTATE NO 1 08229	BALD EAGLE (STRAWN)	73.0	
*BASS ENTERPRISES PRODUCTION CO					RECEIVED: 02/19/81 JAS TX			
*8118113	26132	4234730487	103		BARRISON SU NO 9 #1	BARRISON N (LOWER PETTIT	365.0	UNITED GAS PIPE LINE
*8118113	26132	4234730487	102		BARRISON SU NO 9 #1	BARRISON N (LOWER PETTIT	365.0	UNITED GAS PIPE LINE
*BEN J TAYLOR					RECEIVED: 02/19/81 JAS TX			
8118217	30051	4233100000	103		KUBIAK DAN A 2	MINERVA-ROCKDALE	30.0	LONE STAR GAS CO
*BRIGHT & COMPANY					RECEIVED: 02/19/81 JAS TX			
8118099	23804	4221531032	103		B FLORES JR NO 1	SULLIVAN CITY (VICKSBURG	43.0	TENNESSEE GAS PIPELI
8118099	23804	4221531032	102		B FLORES JR NO 1	SULLIVAN CITY (VICKSBURG	43.0	TENNESSEE GAS PIPELI
*BRN OIL & GAS					RECEIVED: 02/19/81 JAS TX			
8118221	30083	4206530826	103		BURNETT #4	PANHANDLE CARBON	30.0	PANHANDLE EASTERN PI

VOLUME 381 PAGE 002

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118222	30084	4206530834	103		MURNEFF #1			

JD NO	JA DKT	API NO	SEC	J WELL NAME	FIELD NAME	PROD	PURCHASER
8118222	30086	4206509246	103	BURNETT #6	PANHANDLE CARSON	50.0	PANHANDLE EASTERN PI
-BUNK ROYALTY CO				RECEIVED: 02/19/81 JA: TX			
8118124	27164	4210500000	108	CHALMERS-HALFF #48361	FERGUS (GRAYBURG UP)	14.5	KIBO COMPRESSOR CORP
8118123	27163	4210500000	108	HALFF-MOELKE #48383	FERGUS (GRAYBURG UP)	9.5	KIBO COMPRESSOR CORP
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 02/19/81 JA: TX			
8118085	22712	4217331041	102	B F DOOLEY NO 2	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8118104	25150	4217331056	102	I W TERRY A NO 4	CONGER S W (PENN)	60.0	NORTHERN NATURAL GAS
8118148	29153	4243130899	103	I W TERRY NO 8	S W CONGER (PENN)	60.0	NORTHERN NATURAL GAS
-CITIES SERVICE COMPANY				RECEIVED: 02/19/81 JA: TX			
8118210	30014	4206530795	103	BURNETT RANCH - E #11	PANHANDLE CARSON	100.0	CITIES SEAVICE GAS C
-CNR RESOURCES INC				RECEIVED: 02/19/81 JA: TX			
8118170	29503	4216130675	102	J R STEEDMAN NO 1 GAS UNIT	GORDONVILLE WEST (DETRIT	730.0	LONE STAR GAS CO
-CONOCO INC				RECEIVED: 02/19/81 JA: TX			
8118130	27681	4211500000	108	B C SNELL #1	ACKERLY	3.7	TEXACO
8118257	30227	4222732188	103	G O CHALK-E-#20 (802689)	HOWARD GLASSCOCK	3.4	PHILLIPS PETROLEUM C
8118197	29952	4210931423	103	RAMSEY-22-86 ID824217	FORD WEST	18.9	EL PASO NATURAL GAS
8118061	19778	4215100008	108	ROUND TOP PALO PINTO #154 (811416)	ROUND TOP	0.1	LONE STAR GAS CO
8118256	30226	4215131162	103	ROUND TOP PALO PINTO #165 (811416)	ROUND TOP	131.4	LONE STAR GAS CO
8118255	30225	4215131161	103	ROUND TOP PALO PINTO #164 (811416)	ROUND TOP	98.5	LONE STAR GAS CO
8118239	30167	4210532725	103	TODD CINMOIDAL UNIT #42	TODD	7.7	THE PERMIAN CORP
8118063	20019	4243300300	108	WEST FLOWERS UNIT #59 ID#11787	FLOWERS WEST	0.4	CITIES SERVICE OIL C
8118226	30142	4213533467	103	WIGHT UNIT #145	COWDEN NORTH	2.6	AMOCO PRODUCTION CO
-COTTON PETROLEUM CORPORATION				RECEIVED: 02/19/81 JA: TX			
8118210	30044	4239330149	108	R D MILLS NO 1	R D MILLS/ATOKA	14.0	MICHIGAN - WISCONSIN
-CPC EXPLORATION INC				RECEIVED: 02/19/81 JA: TX			
8118054	12367	4250530959	102	P G G RANCHES LTD #1 RRC #76409	GUTIERREZ (11650)	130.0	UNITED TEXAS TRANSMI
-CREDO OIL & GAS INC				RECEIVED: 02/19/81 JA: TX			
8118156	29260	4224500000	103	FIRST SECURITY NATIONAL BANK #2 (8*	BIG HILL	216.0	VELSICOL CHEMICAL CO
8118155	29258	4224500000	103	FIRST SECURITY NATL BK #1 (81410)	BIG HILL	126.0	VELSICOL CHEMICAL CO
-DANDEN PETROLEUM INC				RECEIVED: 02/19/81 JA: TX			
8118094	22788	4223300000	108	DAVENPORT #4	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118093	22787	4223300000	108	DAVENPORT #5	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118092	22786	4223300000	108	DAVENPORT #6	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118091	22785	4223300000	108	DAVENPORT #7	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118090	22784	4223300000	108	DAVENPORT #8	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118089	22783	4223300000	108	DAVENPORT #9	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118086	22772	4223300000	108	KNUDSEN #11	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8118088	22775	4223300000	108	KNUDSEN #5	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8118087	22774	4223300000	108	KNUDSEN #6	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
-DELTA DRILLING CO				RECEIVED: 02/19/81 JA: TX			
8118095	23091	4236500000	102	CARAWAY-ASH #1 90572	CARAWAY-ASH #1	500.0	WESTERN GAS CORP
8118095	23091	4236500000	107	CARAWAY-ASH #1 90572	CARAWAY-ASH #1	500.0	WESTERN GAS CORP
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 02/19/81 JA: TX			
*8118074	22639	4234100000	108	READ D NO 1	WEST PANHANDLE	14.0	NORTHERN NATURAL GAS
-DISCOVERY OPERATING INC				RECEIVED: 02/19/81 JA: TX			
8118242	30175	4238331661	103	LOFTIN A #3	SPRABERRY (TREND AREA)	37.8	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY				RECEIVED: 02/19/81 JA: TX			
8118191	29850	4208726179	108	MCDOWELL #5	PANHANDLE EAST-BROWN DOL	17.0	EL PASO NATURAL GAS
-ENSERCH EXPLORATION INC				RECEIVED: 02/19/81 JA: TX			
8118129	27666	4223733111	103	L H YATES E NO 2-C	LELA HILL	639.0	LONE STAR GAS CO
-ERSO INC				RECEIVED: 02/19/81 JA: TX			
8118100	23955	4236500000	103	CARTHAGE UNIT #34	CARTHAGE	365.0	TENNESSEE GAS PIPELI
8118100	23955	4236500000	107	CARTHAGE UNIT #34	CARTHAGE	365.0	TENNESSEE GAS PIPELI

JD NO	JA DAT	API NO	SEC J WELL NAME
-EXXON CORPORATION			RECEIVED: 02/19/81 JA: TX
8118060	19724	42167306620 103	BAYOU DEVEL CO B NO 16
8118201	29993	4222732233 103	DOUTHIT UNIT #208
8118258	30230	4222732234 103	DOUTHIT UNIT #209
8118243	30176	4232130981 103	FLORENCE V BOULDIN NO 7
*8118206	30000	4200332328 103	FULLERTON CLEARFORK UNIT #2141
*8118205	29999	4200300000 103	FULLERTON CLEARFORK UNIT #2725
*8118231	30153	4200332326 103	FULLERTON CLEARFORK UT #2327
*8118071	21373	4249930367 103	HAWKINS FIELD UNIT #3033
*8118072	21374	4249930664 103	HAWKINS FIELD UNIT #3283
*8118065	21367	4249930675 103	HAWKINS FIELD UNIT #3624
*8118069	21371	4249930669 103	HAWKINS FIELD UNIT #4018
*8118067	21369	4249930634 103	HAWKINS FIELD UNIT #4063
*8118066	21368	4249930714 103	HAWKINS FIELD UNIT #4267
*8118068	21370	4249930583 103	HAWKINS FIELD UNIT #9109
*8118070	21372	4249930581 103	HAWKINS FIELD UNIT #9208
8118233	30156	4210332332 103	J B TUBB A/C 1 #229L
8118202	29994	4210332332 103	J B TUBB A/C 1 #229U
8118203	29995	4210332362 103	J B TUBB A/C 1 #230U
8118232	30154	4210332365 103	J B TUBB A/C 1 #231L
8118204	29996	4210300000 103	J B TUBB A/C 1 #231U
8118175	29534	4224730822 102	NICEFORO PENA 9-F (88351)
8118167	29454	4247531676 103	RHODA WALKER UNIT 1 #1
8118192	29877	4221530950 102	SANTA FE RANCH 5 52 (89755)
8118176	29535	4204730600 102	SANTA FE RANCH 56-F (89427)
8118250	30201	4200131007 103	W T TODD B #5
-FISHER-WEBB INC			RECEIVED: 02/19/81 JA: TX
8118254	30224	4208130896 103	PRICE 309 NO A
-FRED OLSEN INC			RECEIVED: 02/19/81 JA: TX
8118059	17961	4209700000 103	WILLIAM B YOUNG ET AL NO 1-T
-GEODYNAMICS OIL & GAS INC			RECEIVED: 02/19/81 JA: TX
8118109	25483	4205130451 102	HOVORAK A #1
-GETTY OIL COMPANY			RECEIVED: 02/19/81 JA: TX
8118138	28763	4235300000 108	LAKE TRAMMEL UNIT NO 31
-GRACE PETROLEUM CORPORATION			RECEIVED: 02/19/81 JA: TX
8118118	26548	4241930306 105	CLOVIS FURLOW #1
-GUARDIAN OIL CO			RECEIVED: 02/19/81 JA: TX
8118153	29201	4224931138 102	ALLMAN UNIT NO 1
-GUERNSEY PETROLEUM CORPORATION			RECEIVED: 02/19/81 JA: TX
8118162	29416	4224931229 103	REHMET ESTATE #2
-GULF COAST MINERALS CO INC			RECEIVED: 02/19/81 JA: TX
8118171	29514	4213134434 102	GARCIA PEREZ GAS UNIT NO 1
-GULF OIL CORPORATION			RECEIVED: 02/19/81 JA: TX
8118207	30002	4247531929 103	HUTCHINGS STOCK ASSN NO 1038
8118234	30161	4247532148 103	HUTCHINGS STOCK ASSN NO 1106
-HNG OIL COMPANY			RECEIVED: 02/19/81 JA: TX
8118199	29986	4246931072 103	NORTON-HUSSELMAN GU #3 90337
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 02/19/81 JA: TX
8118064	20379	4207130975 102	STATE TRACT 299 NO 1
-HUNT OIL COMPANY			RECEIVED: 02/19/81 JA: TX
8118174	29525	4246131629 102	AMACKER-HALFF 81 NO 4
-HURLEY PETROLEUM CORPORATION			RECEIVED: 02/19/81 JA: TX

FIELD NAME	PROD	PURCHASER
DICKINSON DEEP (FRIO)	390.0	HOUSTON PIPE LINE
HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
SUGAR VALLEY (TAYLOR BSG	840.0	NATURAL GAS PIPELINE
FULLERTON	11.0	PHILLIPS PETROLEUM C
FULLERTON	69.0	PHILLIPS PETROLEUM C
FULLERTON	39.0	PHILLIPS PETROLEUM C
HAWKINS	62.1	ARMCO STEEL CORP
HAWKINS	30.0	ARMCO STEEL CORP
HAWKINS	20.0	ARMCO STEEL CORP
HAWKINS	40.0	ARMCO STEEL CORP
HAWKINS	73.0	ARMCO STEEL CORP
HAWKINS	40.0	ARMCO STEEL CORP
HAWKINS	171.6	ARMCO STEEL CORP
HAWKINS	95.0	ARMCO STEEL CORP
SAND HILLS (TUBB)	27.0	EL PASO NATURAL GAS
SAND HILLS (MCKNIGHT)	273.0	EL PASO NATURAL GAS
SAND HILLS (MCKNIGHT)	70.0	EL PASO NATURAL GAS
SAND HILLS (TUBB)	32.0	EL PASO NATURAL GAS
SAND HILLS (MCKNIGHT)	42.0	EL PASO NATURAL GAS
KELSEY DEEP (ZONE 17-B S	160.0	TRUNKLINE GAS CO
RHODA WALKER (CANYON 590	120.0	UNITED TEXAS TRANSMI
SANTA FE SOUTH (G-18W)	200.0	NATURAL GAS PIPELINE
SANTA FE EAST (G-57 C)	620.0	NATURAL GAS PIPELINE
NECHES (WOODBINE)	65.2	UNITED GAS PIPELINE
ARLEDGE (PENN SAND)	150.0	SUN GAS CO
WEST HANDY (DORNICK HILL	0.0	C C G P LTD
CALDWELL (AUSTIN CHALK)	215.0	CLAJON GAS CO
WEST LAKE TRAMMEL (CANYO	0.1	EL PASO NATURAL GAS
HUXLEY (PALUXY)	50.0	TEXAS EASTERN TRANSM
LAGLORIA N (FRIO 6650)	105.0	VALERO INTERSTATE TR
ORANGE GROVE (5200)	0.0	UNITED GAS PIPELINE
JAM (1820)	73.0	UNITED GAS PIPELINE
ESTES BLOCK 34 (PENN)	22.0	CABOT CORP
WAGON WHEEL (PENN)	62.0	CABOT CORP
SALEM (2400)	25.0	TEXAS EASTERN TRANSM
WILDCAT	0.0	
AMACKER-TIPPETT SW (9000	100.0	EL PASO NATURAL GAS

JD NO	JA DAT	API NO	SEC J WELL NAME
8118105	025211	4236531075 102	SCOTT MCGEE UNIT NO 2-C
-J A LEONARD			RECEIVED: 02/19/81 JA: TX

FIELD NAME	PROD	PURCHASER
BETHANY (TRAVIS PEAK 770	360.0	TENNESSEE GAS PIPELI

JD NO	DA OKT	API NO	SEC	J	WELL NAME
8118105	025211	4236531075	102		SCOTT MCGEE UNIT NO 2-C
-J A LEONARD					RECEIVED: 02/19/81 JA: TX
8118152	29200	4248131962	102		MIDDLEBROOK NO 1
-J CLEO THOMPSON					RECEIVED: 02/19/81 JA: TX
8118149	29184	4210500000	102		UNIVERSITY 32E-2
-J M HUBER CORPORATION					RECEIVED: 02/19/81 JA: TX
8118161	29414	4234100000	108		PRITCHARD C NO 1
8118160	29413	4234100000	108		PRITCHARD C NO 3
8118159	29412	4234100000	108		PRITCHARD C NO 4
-JOHN L COX					RECEIVED: 02/19/81 JA: TX
8118135	28368	4246131600	103		MCGILL B #1
-KELLY WELL INC					RECEIVED: 02/19/81 JA: TX
8118183	29659	4202531259	103		MENGERS-CAROTTA GAS UNIT #2
-KERR-MCGEE CORPORATION					RECEIVED: 02/19/81 JA: TX
8118112	26189	4221131218	102		KIKER 15-#1
-L F PETERSON					RECEIVED: 02/19/81 JA: TX
8118172	29523	4250100000	103		CLAWATER NO 1
8118173	29524	4250100000	103		CLAWATER NO 2
-LA GLORIA ENERGY INC					RECEIVED: 02/19/81 JA: TX
8118110	25540	4246931539	403		C K MCCAN JR NO 1
-M G & M OPERATORS					RECEIVED: 02/19/81 JA: TX
8118135	28118	4257100000	108		MEYER LOGAN #1 00114
-MANGUM INC					RECEIVED: 02/19/81 JA: TX
8118073	21901	4202500000	108		CLAUDE E HEARD #2
-MCCORMICK OPERATING CO					RECEIVED: 02/19/81 JA: TX
8118185	29724	4200130933	102		LOU E ALLEN NO 1-A
-MGF OIL CORP					RECEIVED: 02/19/81 JA: TX
8118190	29777	4207131028	102		M E MAYES NO 1 RRC #12721
-MITCHELL ENERGY CORPORATION					RECEIVED: 02/19/81 JA: TX
8118084	22582	4249700000	108		A A FARQUARAR #1 (78526)
8118106	25290	4249700000	108		DONALDSON-WEBSTER #1 (28635)
8118117	26521	4236700000	103		FULLER DESHAZO #1
8118188	29758	4236300000	108		H E MCCALL #1 69719
8118230	30151	4236300000	108		J R HALSELL B #1 70038
8118115	26333	4249731819	103		JEFF FOX #3
8118082	22580	4249700000	108		JOE SKINNER #1 (81877)
8118116	26480	4203300000	103		MORRIS MILLER 276 #2
8118229	30150	4249700000	108		THOMAS P DENTON #1
8118083	22581	4249700000	108		WAGGONER #11 (29310)
8118081	22579	4249700000	108		WAGGONER #12 (29311)
8118107	29292	4249700000	108		WARREN DONALDSON #2 (28632)
-MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 02/19/81 JA: TX
*8118181	29641	4247532175	103		STATE AO NO 1
8118253	30222	4210332343	103		TEXAS UNIV SEC 15 & 16 #1552
8118252	30221	4210332344	103		TEXAS UNIV SEC 15 & 16 #1555
-MOODY ENERGY CO					RECEIVED: 02/19/81 JA: TX
8118220	30083	4221131225	103		DETRIXHE NO 1 (04593)
-MOTE RESOURCES INC					RECEIVED: 02/19/81 JA: TX
8118194	29909	4249731730	103		PERRY HEIRS #1 (89583)
8118193	29901	4233731355	103		W C YATES (20008)
-MURPHY H BAXTER					RECEIVED: 02/19/81 JA: TX
8118163	29421	4223931433	102		STANFORD NO 1 RRC NO 89833
-NORTH AMERICAN ROYALTIES INC					RECEIVED: 02/19/81 JA: TX

FIELD NAME	PROD	PURCHASER
BETHANY (TRAVIS PEAK 770	360.0	TENNESSEE GAS PIPELI
CRESCENT (FRIO 4500)	262.0	FERGUSON CROSSING PI
UNIVERSITY 31-STRAWN-DET	652.0	PHILLIPS PETROLEUM C
PANHANDLE	16.9	COLORADO INTERSTATE
PANHANDLE	16.9	COLORADO INTERSTATE
PANHANDLE	16.9	COLORADO INTERSTATE
MCGILL (SPRABERRY)	12.0	PHILLIPS PETROLEUM C
TYNAN (FRIO 3700-LO)	162.0	VALERO TRANSMISSION
ALLISON-PARKS	0.0	EL PASO NATURAL GAS
WASSON	4.9	SHELL OIL CO
WASSON	10.5	SHELL OIL CO
WELDER RANCH (5670) FIEL	100.0	VALERO TRANSMISSION
ABELL PERMIAN 3800	14.2	PGP GAS PRODUCTS INC
HEARD RANCH	20.0	TRUNKLINE GAS CO
JECAN	360.0	LONE STAR GAS CO
MAYES WEST (F-2)	0.1	
BOONESVILLE (BEND CONGL	4.5	NATURAL GAS PIPELINE
BOONESVILLE (BEND CONGL	11.8	NATURAL GAS PIPELINE
BOONSVILLE (BEND CONGL)	50.0	
GRAFORD (BEND CONGL)	3.0	SOUTHWESTERN GAS PIP
GRAFORD WEST (CADDO CONG	0.0	SOUTHWESTERN GAS PIP
BOONSVILLE (BEND CONGL G	65.0	NATURAL GAS PIPELINE
BOONESVILLE (BEND CONGL	4.9	NATURAL GAS PIPELINE
LUCY NORTH (PENN)	20.0	SUN GAS CO
BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPELINE
BOONESVILLE (BEND CONGL	8.7	LONE STAR GAS CO
BOONESVILLE (BEND CONGL	1.1	LONE STAR GAS CO
BOONESVILLE (BEND CONGL	0.0	NATURAL GAS PIPELINE
CAPRITO (DELAWARE-MIDDLE	23.0	LONE STAR GAS CO
DUNE	60.2	PHILLIPS PETROLEUM C
DUNE	49.3	PHILLIPS PETROLEUM C
FELDMAN (TONKAWA)	0.0	PHILLIPS PETROLEUM C
BOONSVILLE (BEND CONGLOM	0.0	NATURAL GAS PIPELINE
SUNSET CONGLOMERATE	10.5	NATURAL GAS PIPELINE
STANFORD (6570)	180.0	UNITED TEXAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118058	17627	4203931315	102		A B JONES #1 (#83792)	FRIO (10560)	365.0	CHANNEL INDUSTRIES G
-NORTH CENTRAL OIL CORPORATION					RECEIVED: 02/19/81 JA: TX			
8118121	26725	4247900000	102		WEBB COUNTY SCH BD #1 (87366)	RANCHO PRADO (L-1)	290.0	TRANSCONTINENTAL GAS
-OWL PETROLEUM CO					RECEIVED: 02/19/81 JA: TX			
8118145	29147	4208930470	108		L J SCHILLING NO 1 NO 64262	COLOVACA (MIOCENE 2100)	10.0	LONE STAR GAS CO
8118146	29148	4208930404	108		OLDHAM LITTLE CHURCH NO 5-C ID	COLOCACA (MIOCENE 1900)	10.0	LONE STAR GAS CO
-P R RUTHERFORD					RECEIVED: 02/19/81 JA: TX			
*8118144	29135	4231131151	102		BAKER 4 NO 1	BRAZIL (1890)	110.0	HOUSTON PIPE LINE CO
-PANHANDLE PRODUCING COMPANY					RECEIVED: 02/19/81 JA: TX			
8118102	24367	4223300000	106		ALAMOSA-SANFORD NO 5	PANHANDLE WEST	22.8	COLORADO INTERSTATE
-PARKER OPERATING CO INC					RECEIVED: 02/19/81 JA: TX			
8118126	27442	4222100000	108		CARL ALDENHOVEN #3 RRC #80901	LIPAN (MARBLE FALLS)	3.5	NORTHERN GAS PRODUCT
8118125	27439	4250300000	103		HALL-PARKS #1 RRC #20249	NAPECO (MISS)	0.0	NATURAL GAS PIPELINE
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/19/81 JA: TX			
8118244	30186	4213533352	103		(18713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118141	28881	4213533351	103		(18713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118127	27446	4221131141	107		BOWERS G # 2	WASMITA CREEK (HUNTON)	3832.0	NATURAL GAS PIPELINE
8118200	29990	4246530337	103		CAUTHORN B NO 2	VINEGARONE (STRAWN)	34.0	NORTHERN NATURAL GAS
8118180	29838	4246530338	103		CAUTHORN C #2	VINEGARONE (STRAWN)	21.7	NORTHERN NATURAL GAS
-PIONEER PRODUCTION CORPORATION					RECEIVED: 02/19/81 JA: TX			
8118128	27491	4248330737	102		VERNON B HALL #1-3	ALLISON PARKS/MOUGLAS	12.0	PIONEER NATURAL GAS
-PRODUCTION MANAGEMENT ASSOC					RECEIVED: 02/19/81 JA: TX			
8118209	30010	4217900000	108		J B BOWERS (00377) NO 3	PANHANDLE GRAY COUNTY	6.0	PHILLIPS PETROLEUM C
-R M SIEGFRIED INC					RECEIVED: 02/19/81 JA: TX			
8118218	30055	4249700000	103		R L MORRIS-A-NO 21A	CHICO WEST (CADDO CONGL)	120.0	NATURAL GAS PIPELINE
-R L BURNS CORP					RECEIVED: 02/19/81 JA: TX			
8118196	29919	4247931234	108		RETTIG #6	SEGUNDO (OLMOS)	28.0	HOUSTON PIPE LINE CO
8118195	29918	4247931298	108		RETTIG NO 11	SEGUNDO (OLMOS)	28.1	HOUSTON PIPE LINE CO
-REPUBLIC OIL & GAS CORP					RECEIVED: 02/19/81 JA: TX			
8118184	29720	4242731442	102		ELOY #2	KELSEY SOUTH (5730) FIEL	30.0	SUN GAS CO
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 02/19/81 JA: TX			
8118154	29236	4229132322	102		BUFFUM & BENNING NO 1-A	HARDIN N (MCMURTRY SEG A	580.0	POYNOR CORP
-SAXON OIL COMPANY					RECEIVED: 02/19/81 JA: TX			
8118224	30092	4246131632	103		WINDHAM A NO 1	SPRABERRY (TREND AREA)	16.1	EL PASO NATURAL GAS
-SHELL OIL CO					RECEIVED: 02/19/81 JA: TX			
8118136	28455	4250100000	108		OWNBY SAN ANDRES UNIT #5	OWNBY	4.4	AMOCO PRODUCTION CO
-SMACKOVER SHELL LIMITED					RECEIVED: 02/19/81 JA: TX			
8118131	27906	4221330216	102		A G JONES GU 1 NO 2	EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
-SOUTH BEND OIL & GAS INC					RECEIVED: 02/19/81 JA: TX			
8118245	30189	4250333331	103		JOHN KISINGER A #1 (19641)	YOUNG COUNTY REGULAR	16.0	SOUTH WESTERN GAS PI
8118246	30190	4250333588	103		JOHN KISINGER B #1 (19699)	YOUNG COUNTY REGULAR	10.0	SOUTHWESTERN GAS PIP
8118249	30198	4250333589	103		JOHN KISINGER C #1 (19738)	YOUNG COUNTY REGULAR	26.0	SOUTHWESTERN GAS PIP
8118248	30192	4250334085	103		JOHN KISINGER E #1 (20434)	YOUNG COUNTY REGULAR	7.0	SOUTHWESTERN GAS PIP
8118247	30191	4250334080	103		JOHN KISINGER F #1 (20435)	YOUNG COUNTY REGULAR	6.0	SOUTHWESTERN GAS PIP
-STAHL PETROLEUM CO					RECEIVED: 02/19/81 JA: TX			
8118057	16733	4217900000	108		WEBB D #1-G	EAST PANHANDLE	4.0	TRANSWESTERN PIPELIN
-SUBURBAN PROPANE GAS CORP					RECEIVED: 02/19/81 JA: TX			
8118240	30173	4216300000	108		ESTHER BERRY NO 1	WEST BIG FOOT/GAS	20.8	TRANSCONTINENTAL GAS
8118241	30174	4216300000	108		ROMAN HERNANDEZ NO 2	WEST BIG FOOT/GAS	20.3	TRANSCONTINENTAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/19/81 JA: TX			
8118165	29437	4250730470	103		E B JONES B NO 2	PEARSALL	2.0	HOUSTON PIPE LINE CO
8118103	24756	4239100000	108		J M OBRIEN A NO 3	GRETA (L-8)	16.0	UNITED TEXAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118076	22260	4208130811	103		JAMESON REEF UNIT NO 11-57	JAMESON	20.0	LONE STAR GAS CO
8118077	22260	4208130812	103		JAMESON REEF UNIT NO 11-58	JAMESON	20.0	LONE STAR GAS CO
8118078	22260	4208130813	103		JAMESON REEF UNIT NO 11-59	JAMESON	20.0	LONE STAR GAS CO
8118079	22260	4208130814	103		JAMESON REEF UNIT NO 11-60	JAMESON	20.0	LONE STAR GAS CO
8118080	22260	4208130815	103		JAMESON REEF UNIT NO 11-61	JAMESON	20.0	LONE STAR GAS CO
8118081	22260	4208130816	103		JAMESON REEF UNIT NO 11-62	JAMESON	20.0	LONE STAR GAS CO
8118082	22260	4208130817	103		JAMESON REEF UNIT NO 11-63	JAMESON	20.0	LONE STAR GAS CO
8118083	22260	4208130818	103		JAMESON REEF UNIT NO 11-64	JAMESON	20.0	LONE STAR GAS CO
8118084	22260	4208130819	103		JAMESON REEF UNIT NO 11-65	JAMESON	20.0	LONE STAR GAS CO
8118085	22260	4208130820	103		JAMESON REEF UNIT NO 11-66	JAMESON	20.0	LONE STAR GAS CO
8118086	22260	4208130821	103		JAMESON REEF UNIT NO 11-67	JAMESON	20.0	LONE STAR GAS CO
8118087	22260	4208130822	103		JAMESON REEF UNIT NO 11-68	JAMESON	20.0	LONE STAR GAS CO
8118088	22260	4208130823	103		JAMESON REEF UNIT NO 11-69	JAMESON	20.0	LONE STAR GAS CO
8118089	22260	4208130824	103		JAMESON REEF UNIT NO 11-70	JAMESON	20.0	LONE STAR GAS CO
8118090	22260	4208130825	103		JAMESON REEF UNIT NO 11-71	JAMESON	20.0	LONE STAR GAS CO
8118091	22260	4208130826	103		JAMESON REEF UNIT NO 11-72	JAMESON	20.0	LONE STAR GAS CO
8118092	22260	4208130827	103		JAMESON REEF UNIT NO 11-73	JAMESON	20.0	LONE STAR GAS CO
8118093	22260	4208130828	103		JAMESON REEF UNIT NO 11-74	JAMESON	20.0	LONE STAR GAS CO
8118094	22260	4208130829	103		JAMESON REEF UNIT NO 11-75	JAMESON	20.0	LONE STAR GAS CO
8118095	22260	4208130830	103		JAMESON REEF UNIT NO 11-76	JAMESON	20.0	LONE STAR GAS CO
8118096	22260	4208130831	103		JAMESON REEF UNIT NO 11-77	JAMESON	20.0	LONE STAR GAS CO
8118097	22260	4208130832	103		JAMESON REEF UNIT NO 11-78	JAMESON	20.0	LONE STAR GAS CO
8118098	22260	4208130833	103		JAMESON REEF UNIT NO 11-79	JAMESON	20.0	LONE STAR GAS CO
8118099	22260	4208130834	103		JAMESON REEF UNIT NO 11-80	JAMESON	20.0	LONE STAR GAS CO
8118100	22260	4208130835	103		JAMESON REEF UNIT NO 11-81	JAMESON	20.0	LONE STAR GAS CO
8118101	22260	4208130836	103		JAMESON REEF UNIT NO 11-82	JAMESON	20.0	LONE STAR GAS CO
-ADOBE OIL & GAS CORP					RECEIVED: 02/19/81 JA: TX			
8118202	30000	4250333590	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118203	30000	4250333591	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-ALLIED CHEMICAL CORP					RECEIVED: 02/19/81 JA: TX			
8118139	28880	4213533350	103		(18713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118140	28880	4213533349	103		(18713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-ANADARKO PRODUCTION CO					RECEIVED: 02/19/81 JA: TX			
8118115	29000	4250333592	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118116	29000	4250333593	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-ARCO OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118117	29000	4250333594	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118118	29000	4250333595	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-ATLANTIC RICHFIELD CO					RECEIVED: 02/19/81 JA: TX			
8118119	29000	4250333596	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118120	29000	4250333597	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-BASS ENTERPRISES PRODUCTION CO					RECEIVED: 02/19/81 JA: TX			
8118122	29000	4250333598	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118123	29000	4250333599	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-BELCO PETROLEUM CORP					RECEIVED: 02/19/81 JA: TX			
8118124	29000	4250333600	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118125	29000	4250333601	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-BETA DEVELOPMENT CO					RECEIVED: 02/19/81 JA: TX			
8118126	29000	4250333602	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118127	29000	4250333603	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-BRITISH-AMERICAN OIL PRODUCING CO					RECEIVED: 02/19/81 JA: TX			
8118128	29000	4250333604	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118129	29000	4250333605	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-CHAMPLIN PETROLEUM CO					RECEIVED: 02/19/81 JA: TX			
8118130	29000	4250333606	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118131	29000	4250333607	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-CHEVRON U.S.A. INC					RECEIVED: 02/19/81 JA: TX			
8118132	29000	4250333608	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118133	29000	4250333609	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-CITIES SERVICE OIL & GAS CORP					RECEIVED: 02/19/81 JA: TX			
8118134	29000	4250333610	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118135	29000	4250333611	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-CONOCO INC					RECEIVED: 02/19/81 JA: TX			
8118136	29000	4250333612	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118137	29000	4250333613	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-CONTINENTAL OIL CO					RECEIVED: 02/19/81 JA: TX			
8118138	29000	4250333614	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118139	29000	4250333615	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-CRAWFORD ENERGY INC					RECEIVED: 02/19/81 JA: TX			
8118140	29000	4250333616	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118141	29000	4250333617	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-DEVON CORP					RECEIVED: 02/19/81 JA: TX			
8118142	29000	4250333618	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118143	29000	4250333619	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-DOMINION OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118144	29000	4250333620	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118145	29000	4250333621	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-EXXON CORP					RECEIVED: 02/19/81 JA: TX			
8118146	29000	4250333622	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118147	29000	4250333623	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-GETTY OIL CO					RECEIVED: 02/19/81 JA: TX			
8118148	29000	4250333624	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118149	29000	4250333625	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-GULF OIL CORP					RECEIVED: 02/19/81 JA: TX			
8118150	29000	4250333626	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118151	29000	4250333627	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-HARKEN OIL & GAS INC					RECEIVED: 02/19/81 JA: TX			
8118152	29000	4250333628	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118153	29000	4250333629	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-HOUSTON OIL & MINERALS CORP					RECEIVED: 02/19/81 JA: TX			
8118154	29000	4250333630	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118155	29000	4250333631	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-HUNT OIL CO					RECEIVED: 02/19/81 JA: TX			
8118156	29000	4250333632	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118157	29000	4250333633	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-INTERNATIONAL OIL & GAS CORP					RECEIVED: 02/19/81 JA: TX			
8118158	29000	4250333634	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118159	29000	4250333635	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-KERR-MCGEE CORP					RECEIVED: 02/19/81 JA: TX			
8118160	29000	4250333636	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118161	29000	4250333637	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-KOCH INDUSTRIES INC					RECEIVED: 02/19/81 JA: TX			
8118162	29000	4250333638	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118163	29000	4250333639	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-MARATHON OIL CO					RECEIVED: 02/19/81 JA: TX			
8118164	29000	4250333640	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118165	29000	4250333641	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-MOBIL OIL CORP					RECEIVED: 02/19/81 JA: TX			
8118166	29000	4250333642	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118167	29000	4250333643	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-MONSANTO CO					RECEIVED: 02/19/81 JA: TX			
8118168	29000	4250333644	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118169	29000	4250333645	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-MOORE & SCHLEY					RECEIVED: 02/19/81 JA: TX			
8118170	29000	4250333646	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118171	29000	4250333647	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-MOTIVA ENTERPRISES					RECEIVED: 02/19/81 JA: TX			
8118172	29000	4250333648	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118173	29000	4250333649	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118174	29000	4250333650	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118175	29000	4250333651	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118176	29000	4250333652	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118177	29000	4250333653	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118178	29000	4250333654	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118179	29000	4250333655	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118180	29000	4250333656	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118181	29000	4250333657	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118182	29000	4250333658	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118183	29000	4250333659	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118184	29000	4250333660	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118185	29000	4250333661	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118186	29000	4250333662	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118187	29000	4250333663	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118188	29000	4250333664	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118189	29000	4250333665	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118190	29000	4250333666	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118191	29000	4250333667	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118192	29000	4250333668	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118193	29000	4250333669	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118194	29000	4250333670	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118195	29000	4250333671	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118196	29000	4250333672	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118197	29000	4250333673	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118198	29000	4250333674	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118199	29000	4250333675	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118200	29000	4250333676	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118201	29000	4250333677	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118202	29000	4250333678	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118203	29000	4250333679	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118204	29000	4250333680	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118205	29000	4250333681	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118206	29000	4250333682	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118207	29000	4250333683	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118208	29000	4250333684	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118209	29000	4250333685	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118210	29000	4250333686	103		(19713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118211	29000	4250333687	103		(19713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
-NATIONAL OIL & GAS CO					RECEIVED: 02/19/81 JA: TX			
8118212	29000

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8118076	22266	4208130811	103	JAMESON REEF UNIT NO 11-57	JAMESON	20.0	LONE STAR GAS CO
8118077	22269	4208130347	103	JAMESON REEF UNIT NO 2007	JAMESON	19.0	LONE STAR GAS CO
8118075	22265	4208130812	103	JAMESON REEF UNIT NO 4-31	JAMESON	29.0	LONE STAR GAS CO
8118120	28662	4218300000	108	MAGRILL NO 1	EAST TEXAS	0.6	UNITED GAS PIPE LINE
8118078	22276	4246931557	103	NANCY F SHELTON NO 7	PALO ALTO (6620 FRIO)	21.0	UNITED TEXAS TRANSMI
8118166	29438	4246931575	103	NANCY F SHELTON NO 8	PALO ALTO	35.0	UNITED TEXAS TRANSMI
8118055	14069	4224900000	108	SEELIGSON UNIT NO 1-22	SEELIGSON	16.0	TENNESSEE GAS PIPELI
8118169	29490	4235330889	102	W M GEORGE #4	WITHERS (ELLENBURGER)	1.1	
8118119	28661	4218300000	108	WILLIAM COBB NO 11	EAST TEXAS	0.2	UNITED GAS PIPE LINE
8118134	28266	4216730720	103	ZINN & FORMAN NO 20	CAPLEN	15.0	TEXAS GAS PIPELINE C
-SUPERIOR OIL CO				RECEIVED: 02/19/81 JA: TX			
8118101	24127	4226531465	102	F SOROTIK GU 1 NO 2	WORD N (EDWARDS)	8.0	NATURAL GAS PIPELINE
8118096	23389	4201530443	107	M J TAYLOR NO 1	NEW ULM (EDWARDS)	8.0	
-TAMOR CORP				RECEIVED: 02/19/81 JA: TX			
8118182	29642	4233531728	103	MARY FOSTER NO 140 ID #02890	IATAN EAST HOWARD	0.4	GETTY OIL CO
-TAYLOR OPERATING COMPANY				RECEIVED: 02/19/81 JA: TX			
8118229	30095	4222100000	103	RAHLS NO 2 (16305)	RAHLS (MARBLE FALLS)	91.0	SOUTHWESTERN GAS PIP
-TEX-STAR PETROLEUM				RECEIVED: 02/19/81 JA: TX			
8118226	30109	4239931470	103	FULLER #1-C (08577)	HENSON (MORRIS) FIELD	24.0	UNION TEXAS PETROLEU
-TEXACO INC				RECEIVED: 02/19/81 JA: TX			
8118208	30003	4221932962	103	IRA P DELOACHE #10	LEVELLAND	20.1	AMOCO PRODUCTION CO
8118251	30202	4221932959	103	IRA P DELOACHE #13	LEVELLAND	27.7	AMOCO PRODUCTION CO
8118132	27941	4250530239	108	J D JENNINGS #384	JENNINGS W	1.2	TENNESSEE GAS PIPELI
8118137	28641	4238930939	103	REEVES AX FEE #2	SCREWBEAN N E	11.0	CONTINENTAL OIL CO
-TEXAS OIL & GAS CORP				RECEIVED: 02/19/81 JA: TX			
8118056	14307	4224931018	102	BRAND #1	WADE CITY	75.0	VALLEY GAS TRANSMISS
8118164	29422	4202531137	102	POGUE #1	PAWNEE S (WILCOX)	0.0	UNITED GAS PIPELINE
8118108	25313	4228531281	102	STOVALL O #1	SOUTHWEST SPEAKS (3010)	90.0	TEXAS EASTERN TRANSM
-U S OPERATING INC				RECEIVED: 02/19/81 JA: TX			
8118157	29285	4228730742	102	DONNA NO 1	GIDDINGS (AUSTIN CHALK G	0.0	PGP GAS PRODUCTS INC
-UNION EXPLORATION				RECEIVED: 02/19/81 JA: TX			
8118179	29615	4205932719	102	ROGERS B #1 (90130)	LYNDI (DUFFER)	0.0	LONE STAR GAS CO
8118178	29614	4205932794	102	ROGERS B #2 (90131)	LYNDI (DUFFER)	0.0	LONE STAR GAS CO
-UNION OIL COMPANY OF CALIF				RECEIVED: 02/19/81 JA: TX			
8118139	28879	4200332277	103	DOLLARHIDE UNIT #13-5-C	DOLLARHIDE (CLEARFORK)	30.0	DOLLARHIDE GASOLINE
*8118158	29347	4200332284	103	DOLLARHIDE UNIT #15-3-C	DOLLARHIDE (CLEAR FORK)	25.0	DOLLARHIDE GASOLINE
*8118142	28935	4200332275	103	DOLLARHIDE UNIT #7-2-C	DOLLARHIDE (CLEARFORK)	30.0	DOLLARHIDE GASOLINE
*8118140	28880	4200332276	103	DOLLARHIDE UNIT #8-4-C	DOLLARHIDE (CLEARFORK)	6.0	DOLLARHIDE GASOLINE
-W & W OIL CO				RECEIVED: 02/19/81 JA: TX			
8118111	26002	4216500000	103	MCCONAL CLARK #3	CARM ANN (SAN ANDRES)	8.0	PHILLIPS PETROLEUM C
-W R EDWARDS JR				RECEIVED: 02/19/81 JA: TX			
8118259	30248	4223330877	103	LITTLE RASCALS #30	PANHANDLE HUTCHINSON CO	160.0	PANHANDLE PRODUCING
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 02/19/81 JA: TX			
8118235	30162	4210332317	103	P J LEA ET AL NO 109	LEA (TUBB)	0.0	EL PASO NATURAL GAS
8118236	30163	4210332318	103	P J LEA ET AL NO 110	LEA (TUBB)	0.0	EL PASO NATURAL GAS
8118237	30164	4210332319	103	T C BARNSLEY ET AL NO 5	LEA (SAN ANDRES)	0.0	EL PASO NATURAL GAS
8118238	30165	4210332320	103	T C BARNSLEY ET AL NO 6	LEA (SAN ANDRES)	0.0	EL PASO NATURAL GAS
-WAY AND MILLS				RECEIVED: 02/19/81 JA: TX			
8118260	30300	4238331628	103	UNIVERSITY 48-15 #2	BLOCK 49 (2450)	1.0	NORTHERN NATURAL GAS
-WILBROOK EXPLORATION INC				RECEIVED: 02/19/81 JA: TX			
8118186	29735	4213332449	103	PARSLEY #1 (16341)	MANGUM NORTH (3200)	91.0	ODESSA NATURAL CORP
8118187	29736	4213332450	103	WOOLLEY #1 (16449)	MANGUM NORTH (3200)	90.0	ODESSA NATURAL CORP

VOLUME 381 PAGE 007

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-ZEPHYR OIL CO				RECEIVED: 02/19/81 JA: TX			
8118080	22403	4240100000	108	HUDSON #1 (RRC #16144)	HENDERSON (RUSK CO TRAVI	1.5	UNITED GAS PIPE LINE
8118079	22401	4240100000	108	PITNER #1-T (RRC #16145)	HENDERSON (RUSK COUNTY T	1.2	UNITED GAS PIPE LINE

OTHER PURCHASERS VOLUME NO 1381

8118065	E I DUPONT DE NEMOURS & CO INC
8118066	E I DUPONT DE NEMOURS & CO INC
8118067	E I DUPONT DE NEMOURS & CO INC
8118068	E I DUPONT DE NEMOURS & CO INC
8118069	E I DUPONT DE NEMOURS & CO INC
8118070	E I DUPONT DE NEMOURS & CO INC
8118071	E I DUPONT DE NEMOURS & CO INC
8118072	E I DUPONT DE NEMOURS & CO INC
8118074	PANHANDLE EASTERN P L CO
8118113	ACME BRICK COMPANY
8118140	EL PASO NATURAL GAS CO
8118142	EL PASO NATURAL GAS CO
8118143	PIONEER NATURAL GAS CO
8118144	CENTRAL POWER & LIGHT CO
8118158	EL PASO NATURAL GAS CO
8118181	INTRATEX GAS CO
8118205	AMOCO
8118206	AMOCO
8118231	AMOCO

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8196 Filed 3-16-81; 8:45 am]
BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 12, 1981.

JD NO	JA DKT	API NO	SEC J WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS						
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED: 02/17/81 JA: KY			
8117673	501469	1612713577 108	BECKHAM HUGHES 809667	KENTUCKY AREA A	9.4	COLUMBIA GAS TRANS C
8117684	501447	1615933158 103	FED GAS OIL & COAL CO 820461	KENTUCKY AREA C	63.0	COLUMBIA GAS TRANS C
8117676	501472	1619530280 108	GEORGE STEPP HEIRS 820303	KENTUCKY AREA C	4.0	COLUMBIA GAS TRANS C
8117677	501473	1615929926 108	HAZEL HARMON ETAL 820302	KENTUCKY AREA C	6.5	COLUMBIA GAS TRANS C
8117675	501471	1619529647 108	J S CLINE JR NO 9 820234	KENTUCKY AREA C	12.0	COLUMBIA GAS TRANS C
8117695	501456	1619533039 103	J S CLINE 820534	KENTUCKY AREA C	7.2	COLUMBIA GAS TRANS C
8117670	501466	1607125264 108	JOE T HARRIS ET UX 809608	KENTUCKY AREA B	11.0	COLUMBIA GAS TRANS C
8117671	501467	1619527922 108	KENTLAND C & C CO NO 237 820020	KENTUCKY AREA C	9.8	COLUMBIA GAS TRANS C
8117667	501477	1619531005 108	KENTLAND C & C CO NO 241 820333	KENTUCKY AREA C	16.0	COLUMBIA GAS TRANS C
8117674	501470	1619528421 108	KENTLAND C&C CO NO 233 820019	KENTUCKY AREA C	10.8	COLUMBIA GAS TRANS C
8117678	501474	1619529080 108	KENTLAND C&C CO NO 240 820247	KENTUCKY AREA C	11.5	COLUMBIA GAS TRANS C
8117672	501468	1619526759 108	KENTLAND C&C CO 809768	KENTUCKY AREA C	15.8	COLUMBIA GAS TRANS C
8117679	501475	1619526659 108	KENTLAND C&C CO 809792	KENTUCKY AREA C	16.2	COLUMBIA GAS TRANS C
8117682	501445	1619531968 103	KENTLAND C&C NO 248 820457	KENTUCKY AREA C	33.0	COLUMBIA GAS TRANS C
8117666	501481	1619531967 103	KENTLAND C&C NO 244 820458	KENTUCKY AREA C	32.0	COLUMBIA GAS TRANS C
8117690	501453	1619532345 103	KENTLAND CO NO 246 820454	KENTUCKY AREA C	30.0	COLUMBIA GAS TRANS C
8117691	501454	1619532450 103	KENTLAND CO NO 247 820455	KENTUCKY AREA C	11.0	COLUMBIA GAS TRANS C
8117665	501480	1619533037 103	KENTLAND CO 820376	KENTUCKY AREA C	31.0	COLUMBIA GAS TRANSMI
8117692	501455	1619533143 103	KENTLAND CO 820377	KENTUCKY AREA C	31.0	COLUMBIA GAS TRANS C
8117689	501452	1619536652 103	KENTLAND CO 820399	KENTUCKY AREA C	32.0	COLUMBIA GAS TRANS C
8117688	501451	1619533526 103	KENTLAND CO 820547	KENTUCKY AREA C	52.0	COLUMBIA GAS TRANS C
8117694	501457	1619534409 103	KENTLAND CO 820549	KENTUCKY AREA C	42.0	COLUMBIA GAS TRANS C
8117680	501443	1619533038 103	KENTLAND CO 820550	KENTUCKY AREA C	34.0	COLUMBIA GAS TRANS C
8117664	501479	1619533159 103	KENTLAND CO 820595	KENTUCKY AREA C	24.0	COLUMBIA GAS TRANSMI
8117700	501463	1619536066 103	KENTLAND CO 820689	KENTUCKY AREA C	80.0	COLUMBIA GAS TRANS C
8117685	501448	1619533267 103	KENTLAND COMPANY 820375	KENTUCKY AREA C	42.0	COLUMBIA GAS TRANS C
8117663	501478	1619532771 103	LAURA CHARLES NO 1 820453	KENTUCKY AREA C	54.0	COLUMBIA GAS TRANSMI
8117686	501460	1619532291 103	LAWRENCE STILTNER 820459	KENTUCKY AREA C	33.0	COLUMBIA GAS TRANS C
8117699	501462	1615933602 103	POCAHONTAS KENTUCKY 820371	KENTUCKY FIELD AREA C	33.0	COLUMBIA GAS TRANS C
8117687	501450	1615933603 103	POCAHONTAS KENTUCKY 820372	KENTUCKY AREA C	45.0	COLUMBIA GAS TRANS C
8117696	501461	1615933448 103	POCAHONTAS KENTUCKY 820463	KENTUCKY AREA C	47.0	COLUMBIA GAS TRANS C
8117693	501458	1619533765 103	POCAHONTAS KENTUCKY 820585	KENTUCKY AREA C	84.0	COLUMBIA GAS TRANS C
8117683	501446	1615933449 103	POCAHONTAS KENTUCKY 820586	KENTUCKY AREA C	26.0	COLUMBIA GAS TRANS C
8117701	501464	1615932581 103	POCAHONTAS LAND CO 820460	KENTUCKY AREA C	24.0	COLUMBIA GAS TRANS C
8117681	501444	1615932635 103	POCAHONTAS LAND 820456	KENTUCKY AREA C	69.0	COLUMBIA GAS TRANS C
8117698	501449	1611536641 103	RUTH FERGUSON 820099	KENTUCKY AREA A	32.0	COLUMBIA GAS TRANS C
8117696	501459	1612733255 103	T W FIEGER ETAL 820584	KENTUCKY AREA A	10.5	COLUMBIA GAS TRANS C
8117669	501465	1615931020 108	TCO MINERAL TRACT 820336	KENTUCKY AREA C	16.2	COLUMBIA GAS TRANS C
8117697	501460	1619534779 103	W M FULLER ETAL 820688	KENTUCKY AREA C	252.0	COLUMBIA GAS TRANS C
-GREEN RIVER GAS CO INC			RECEIVED: 02/17/81 JA: KY			

JD NO	JA DKT	API NO	SEC J WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC J	WELL NAME	FIELD NAME	PROD	PURCHASER
8117657	501501	1617729069	108	LELAND PRYOR #1	BEVIER FIELD	5.5	WESTERN KY GAS CO
8117658	501502	1604723864	108	ORA WILSON #1	APEX - FRUITHILL	7.7	WESTERN KY GAS CO IN
8117659	501503	1617728637	108	RAY JACKSON #1	BEVIER FIELD	18.0	WESTERN KY GAS CO IN
-JIMMY HAMILTON GAS & OIL				RECEIVED: 02/17/81 JA: KY			
8117702	501440	1613100000	103	BOONE VERNON HEIRS 121		12.0	KENTUCKY WEST VIRGIN
8117655	501504	1613131073	103	BOONE VERNON 139		12.0	KENTUCKY WEST VIRGIN
8117704	501442	1613100000	103	DILLARD DAY ETAL 125		0.0	KENTUCKY WEST VIRGIN
8117703	501441	1613100000	103	FLOYD WELLS 135		0.0	KENTUCKY WEST VIRGIN
8117656	501505	1619336297	103	FRANK CAMPBELL 148		12.0	COLUMBIA GAS TRANSMI
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-INTERNORTH INC				RECEIVED: 02/17/81 JA: NM			
8117732		3001523038	103	STATE LG 4216 #1	N TURKEY TRACK MORROW	29.0	INTERNORTH INC
-KENTUCKY OHIO GAS COMPANY				RECEIVED: 02/17/81 JA: KY			
8117641	501527	1607100000	108	CARA HAYES #2 SER F-5	BIG SANDY FIELD	2.0	KENTUCKY WEST VIRGIN
8117637	501523	1607100000	108	DAN PRATER #1 SER F-10	BIG SANDY FIELD	2.4	KENTUCKY WEST VIRGIN
8117638	501524	1607100000	108	DAN PRATER #1 SER F-9	BIG SANDY FIELD	2.3	KENTUCKY WEST VIRGIN
8117635	501521	1607100000	108	DAN PRATER #2 SER F-24	BIG SANDY FIELD	4.8	KENTUCKY WEST VIRGIN
8117640	501526	1607100000	108	F P HAYES #1 SER F-6/A	BIG SANDY FIELD	2.4	KENTUCKY WEST VIRGIN
8117639	501525	1607100000	108	F P HAYES #2 SER F-6/B	BIG SANDY FIELD	2.4	KENTUCKY WEST VIRGIN
8117634	501520	1607100000	108	J W PRATER #1 SER F-26	BIG SANDY FIELD	6.6	KENTUCKY WEST VIRGIN
8117633	501519	1607100000	108	JACK ADKINS #1 SER F-27	BIG SANDY FIELD	1.7	KENTUCKY WEST VIRGIN
8117636	501522	1607100000	108	JOE PRATER #1 SER F-11	BIG SANDY FIELD	1.8	KENTUCKY WEST VIRGIN
-KENTUCKY WEST VIRGINIA GAS CO				RECEIVED: 02/17/81 JA: KY			
8117649	501509	1611931044	108	CHARLES W MADDEN - NO 1638	KENTUCKY EAST	10.9	KENTUCKY WEST VIRGIN
8117651	501511	1619532089	108	H G CHARLES - NO 7255	KENTUCKY EAST	6.6	KENTUCKY WEST VA GAS
8117650	501510	1619332402	108	KENTUCKY UNION & J HORN - #1659	KENTUCKY EAST	9.5	KENTUCKY WEST VIRGIN
8117648	501518	1619532812	103	1668 - BLAIR FORK COAL COMPANY	KENTUCKY EAST	19.4	KENTUCKY WEST VA GAS
8117645	501515	1619533695	103	1690-BLAIR FORK COAL CO	KENTUCKY EAST	8.8	KENTUCKY WEST VA GAS
8117642	501512	1619533790	103	1691-ROBERT WILLIAMS	KENTUCKY EAST	12.3	KENTUCKY WEST VA GAS
8117647	501517	1619534404	103	1699-BLAIR FORK COAL CO	KENTUCKY EAST	8.8	KENTUCKY WEST VA GAS
8117652	501507	1619534277	103	1700-ROBERT WILLIAMS	KENTUCKY EAST	85.0	KENTUCKY WEST VIRGIN
8117643	501513	1619534718	103	1711 - D M STEWART	KENTUCKY EAST	221.5	KENTUCKY WEST VA GAS
8117646	501516	1619534845	103	1712-BLAIR FORK COAL CO	KENTUCKY EAST	8.8	KENTUCKY WEST VA GAS
8117653	501508	1611934759	103	1713 - THE ARIO CORPORATION	KENTUCKY EAST	12.3	KENTUCKY WEST VIRGIN
8117644	501514	1611933447	103	7286-GABRIEL HUDSON	KENTUCKY EAST	17.4	KENTUCKY WEST VA GAS
-OILFIELD RESEARCH INC				RECEIVED: 02/17/81 JA: KY			
8117654	501506	1614936554	103	J C HAMMOCK NO 1	SACRAMENTO EAST	75.0	ORBIT GAS CO
-RAY RESOURCES CORP				RECEIVED: 02/17/81 JA: KY			
8117662	501500	1613334671	103	KY RIVER #134		100.0	COLUMBIA GAS TRANS
8117661	501499	1619334673	103	KY RIVER #163		6.7	COLUMBIA GAS TRANS
8117660	501498	1619334674	103	KY RIVER #164		10.0	COLUMBIA GAS TRANS
-THE WISER OIL COMPANY				RECEIVED: 02/17/81 JA: KY			
8117630	501533	1605100000	108	A DAVIDSON #1	CLAY COUNTY FIELD	6.8	WISER OIL CO
8117632	501535	1605100000	108	BEGLEY COAL CO #1	CLAY COUNTY FIELD	3.1	WISER OIL CO
8117631	501534	1605100000	108	BEGLEY COAL CO #2	CLAY COUNTY FIELD	3.1	WISER OIL CO
8117623	501545	1619334026	103	CAMPBELL-PRATT COMMUNITY	LITTLE LEATHERWOOD	11.0	KENTUCKY WEST VIRGIN
8117614	501536	1619333772	103	CARR PRATT COMM NO 1	LITTLE LEATHERWOOD	11.0	KENTUCKY WEST VIRGIN
8117628	501531	1605100000	108	D DAVIDSON #1 (RED BIRD)	CLAY COUNTY FIELD	8.3	WISER OIL CO
8117624	501546	1613132418	103	DIXON 15	HYDEN WEST	30.0	
8117616	501540	1619334130	103	DR L WHITAKER KY W VA 1	LITTLE LEATHERWOOD	0.0	KENTUCKY WEST VIRGIN

JD NO.	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117617	501539	1619334376	103	DR L WHITAKER 2	LITTLE LEATHERWOOD	12.0	KENTUCKY WEST VIRGIN
8117619	501541	1613134936	103	FANNIE TURNER #1		30.0	KENTUCKY WEST VIRGIN
8117622	501544	1613131976	103	FARMER COUCH 1	HYDEN WEST	100.0	
8117626	501529	1605100000	108	FORDSON COAL #1 (LITTLE BULLSKIN)	CLAY COUNTY FIELD	0.6	WISER OIL CO
8117629	501532	1605100000	108	JEFF BAKER #1	CLAY COUNTY FIELD	8.5	WISER OIL CO
8117627	501530	1605100000	108	PALLOS BOWLING #1 (RED BIRD)	CLAY COUNTY FIELD	13.3	WISER OIL CO
8117615	501537	1619335086	103	PRATT RIDDLE COMM 1	LITTLE LEATHERWOOD	0.0	KENTUCKY WEST VIRGIN
8117616	501538	1619336130	103	SARA CAMPBELL 1	LITTLE LEATHERWOOD	12.0	KENTUCKY WEST VIRGIN
8117620	501542	1613132311	103	USA - C A DIXON 2	HYDEN WEST	30.0	
8117621	501543	1613132169	103	USA-C A DIXON 1	HYDEN WEST	50.0	
8117625	501528	1605100000	108	W J CHESBROUGH #1	CLAY COUNTY FIELD	0.0	WISER OIL CO
-AMOCO PRODUCTION CO				RECEIVED: 02/17/81 JA: NM			
8117739		3001522452	102	PARDUE FARMS GAS COM 001	WILDCAT - STRAWN	0.0	EL PASO NATURAL GAS
-CITIES SERVICE COMPANY				RECEIVED: 02/17/81 JA: NM			
8117731		3002511164	108	THOMAS #2	JALMAT TANSILL YATES 7 R	0.0	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY				RECEIVED: 02/17/81 JA: NM			
8117741		3003922661	108	LINDRITH UNIT #97	BLANCO SOUTH-PICTURED CL	2.0	EL PASO NATURAL GAS
8117740		3002500000	106	SHELL STATE #2	JALMAT YATES	27.0	EL PASO NATURAL GAS
-GETTY OIL COMPANY				RECEIVED: 02/17/81 JA: NM			
8117734		3003922367	103	FARMING E NO 1E	OTERO GALLUP	7.2	EL PASO NATURAL GAS
8117735		3003922367	103	FARMING E NO 1E	BASIN DAKOTA	72.0	EL PASO NATURAL GAS
-HARVEY E YATES COMPANY				RECEIVED: 02/17/81 JA: NM			
8117737		3001523278	102	TRAVIS 13 STATE #1	TRAVIS UPPER PENN	100.0	
-HNG OIL COMPANY				RECEIVED: 02/17/81 JA: NM			
8117736		3002526949	102	SAN SIMON 6 STATE COM #1 (LG893)	WOLFCAMP	30.7	TEXACO
-MARATHON OIL COMPANY				RECEIVED: 02/17/81 JA: NM			
8117733		3002525568	103	LOU WORTHAN NO 18	TUBB	50.0	NORTHERN NATURAL GAS
-MESA PETROLEUM				RECEIVED: 02/17/81 JA: NM			
8117738		3000586070	102	WHITE STATE #1	DIAMOND MOUND MORROW	70.0	NORTHERN NATURAL GAS
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
**********							
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 02/17/81 JA: WV			
8117591		4703301112	103	A- 676	UNION DISTRICT	0.0	CONSOLIDATED GAS SUP
8117599		4703301106	103	A-672	SARDIS DISTRICT	0.0	CONSOLIDATED GAS SUP
8117601		4704102183	103	A-744	SKIN CREEK DISTRICT	0.0	CONSOLIDATED GAS SUP
8117598		4706100599	103	A-834	CLINTON DISTRICT	0.0	CONSOLIDATED GAS SUP
8117597		4706300318	103	A-896	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 02/17/81 JA: WV			
8117594		4708100482	103	BEAVER COAL CO A-18	TOWN	35.0	COLUMBIA GAS TRANSMI
8117593		4708100495	103	BEAVER COAL CO A-35	TOWN	30.0	COLUMBIA GAS TRANSMI
8117595		4708100472	103	BEAVER COAL CO LTD A-22	TOWN	40.0	COLUMBIA GAS TRANSMI
8117596		4703903575	103	JOHN KOGOY #1	JEFFERSON	29.0	
8117604		4708100527	102	NEW RIVER #18	TOWN	35.0	CABOT CORP
-ASHLAND EXPLORATION INC				RECEIVED: 02/17/81 JA: WV			
8117583		4704500955	103	PARDEE LAND CO #60 - 078311	LOGAN - WYOMING	0.0	CONSOLIDATED GAS SUP
8117584		4704501035	103	PARDEE LAND CO #66 - 085231	LOGAN - WYOMING	0.0	CONSOLIDATED GAS SUP
-BEREA OIL AND GAS CORPORATION				RECEIVED: 02/17/81 JA: WV			
8117581		4700121057	108	W SHAHAN #1	VALLEY	14.0	BROOKLYN UNION GAS
-CHASE PETROLEUM				RECEIVED: 02/17/81 JA: WV			
8117713		4708504403	102	HUDKINS #1	UNION DISTRICT	121.5	
8117714		4708504431	102	HUDKINS #2	UNION	169.2	

JD NO.	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117728		4708504432	102	HUDKINS #3	UNION DISTRICT	109.8	

JOB NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117728		4708504432	102	HUDKINS #3	UNION DISTRICT	109.8	
8117718		4701702525	102	PRINZ #1	CENTRAL DISTRICT	432.0	
8117729		4701702558	102	T V SMITH #2	CENTRAL DISTRICT	360.0	
8117730		4701702559	102	T V SMITH #4	CENTRAL DISTRICT	342.0	
-D C MALCOLM INC				RECEIVED: 02/17/81 JA: WV			
8117605		4707900947	103	H A THOMAS #1	ST ALBANS - BURDETTE	0.0	COLUMBIA GAS TRANSMI
-DORAN & ASSOCIATES INC				RECEIVED: 02/17/81 JA: WV			
8117592		4703322063	103	JOHN MCDONALD #1 94 8A K-L-218	CLAY	20.0	CONSOLIDATED GAS SUP
8117600		4703322006	103	REBECCA MASON K-L-220	EAGLE DIST	30.0	CONSOLIDATED GAS SUP
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED: 02/17/81 JA: WV			
8117711		4701702708	103	EA #1 C G NICHOLSON	STANDING STONE RUN	20.0	COLUMBIA GAS TRANSMI
8117705		4701702724	103	K SUTTON #3	SNAKE RUN	25.0	COLUMBIA GAS TRANSMI
-GENE STALNAKER				RECEIVED: 02/17/81 JA: WV			
8117580		4704102874	103	CONNELL B-42-2	ROBERT CONNELL	21.6	CONSOLIDATED GAS SUP
8117573		4704102875	103	MCQUAIN B-44-2	STARK MCQUAIN	21.7	CONSOLIDATED GAS SUP
8117579		4704102876	103	MCQUAIN B-45-1	STARK MCQUAIN	21.5	CONSOLIDATED GAS SUP
8117574		4704102123	103	B-100	HACKERS CREEK	70.0	CONSOLIDATED GAS SUP
8117572		4701725370	103	J J - 6 #11	W UNION	0.0	CONSOLIDATED GAS SUP
8117712		4701702730	103	J-166	WEST UNION	260.0	COLUMBIA GAS TRANSMI
8117610		4702103618	103	J-253	TROY	200.0	CONSOLIDATED GAS SUP
8117577		4701725390	103	J-28	WEST UNION	150.0	CONSOLIDATED GAS SUP
8117576		4701702561	103	J-39	NEW MILTON	500.0	CONSOLIDATED GAS SUP
8117602		4701702571	103	J-51	NEW MILTON	200.0	CONSOLIDATED GAS SUP
8117603		4703302173	103	J-96	UNION	200.0	CONSOLIDATED GAS SUP
8117578		4701725380	103	JJ-6 #9	WEST UNION	150.0	CONSOLIDATED GAS SUP
-J F DEEM				RECEIVED: 02/17/81 JA: WV			
8117609		4708504795	103	HARTMAN #6	BURNT HOUSE	15.0	CONSOLIDATED GAS SUP
-MERT DEVELOPMENT INC				RECEIVED: 02/17/81 JA: WV			
8117706		4700101289	103	FITZWATER #1	BARKER DISTRICT	0.0	COLUMBIA GAS TRANS C
8117707		4700101304	103	FITZWATER #2	BARKER DISTRICT	0.0	COLUMBIA GAS TRANS C
8117708		4700701441	103	LLOYD #1	OTTER DISTRICT	427.1	COLUMBIA GAS TRANS C
8117710		4701702569	103	TRAVIS #1	WEST UNION DISTRICT	249.0	CONSOLIDATED GAS SUP
8117709		4700701442	103	YEDLOSKY #1	OTTER DISTRICT	1.6	COLUMBIA GAS TRANS C
-NRM PETROLEUM CORPORATION				RECEIVED: 02/17/81 JA: WV			
8117585		4709702026	103	FANELLY #2	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8117589		4701702557	103	PURBEE #1	MEATHOUSE FORK	7.0	CONSOLIDATED GAS SUP
8117586		4709702024	103	NEELEY #2	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8117588		4709702048	103	PREISSE #1	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8117587		4709701926	103	SHOMO #2-A	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-R & B PETROLEUM INC				RECEIVED: 02/17/81 JA: WV			
8117722		4700101063	103	DURRETT #1	VALLEY	10.8	PARTNERSHIP PROPERTI
8117719		4700101071	103	DURRETT #3	VALLEY	10.8	PARTNERSHIP PROPERTI
8117721		4700101069	103	DURRETT #4	VALLEY	10.8	PARTNERSHIP PROPERTI
8117727		4700101158	103	DURRETT #6	VALLEY	10.8	PARTNERSHIP PROPERTI
8117720		4700101079	103	GLENDENNING #1 (ZIRKLE)	VALLEY	10.8	PARTNERSHIP PROPERTI
8117724		4700101111	103	HYMES #1	VALLEY	10.8	PARTNERSHIP PROPERTI
8117613		4708300207	103	MOSS #1	ROARING CREEK	10.8	PARTNERSHIP PROPERTI
8117612		4708300234	103	MOSS #2	ROARING CREEK	10.8	PARTNERSHIP PROPERTI
8117611		4708300266	103	R MATHAWAY #1	ROARING CREEK	10.8	PARTNERSHIP PROPERTI
8117715		4700100933	103	REGESTER #1	VALLEY	10.8	PARTNERSHIP PROPERTI
8117716		4700101033	103	REGESTER #2	VALLEY	10.8	PARTNERSHIP PROPERTI
8117717		4700101058	103	REGESTER #4	VALLEY	10.8	PARTNERSHIP PROPERTI

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117725		4700101112	103	RICOTTILLI #1	VALLEY	10.8	PARTNERSHIP PROPERTI
8117726		4700101146	103	RICOTTILLI #2	VALLEY	10.8	PARTNERSHIP PROPERTI
8117600		4708300269	103	SKIDMORE #2	ROARING CREEK	10.8	PARTNERSHIP PROPERTI
8117723		4700101105	103	TURNER #1	VALLEY	10.8	PARTNERSHIP PROPERTI
-SANTA FE DRILLING CO INC				RECEIVED: 02/17/81 JA: WV			
8117606		4708504361	103	SIMMONS NO #1	SLAB CREEK - UNION DISTR	27.0	COLUMBIA GAS TRANSMI
-THE CARTER JONES LUMBER CO				RECEIVED: 02/17/81 JA: WV			
8117575		4709500793	103	RAYMOND HEINTZMAN #1	PADEN CITY	15.0	
-TIPCO				RECEIVED: 02/17/81 JA: WV			
8117582		4700701421	103	BUDDY PRINCE ET AL #1	SALT LICK	65.0	COLUMBIA GAS TRANS C
8117590		4706700526	103	FEDERAL COAL #30	JEFFERSON	73.0	CABOT CORP
-W J LYDIC INC				RECEIVED: 02/17/81 JA: WV			
8117607		4709500750	103	KELLY #1		16.0	COLUMBIA GAS TRANSMI

OTHER PURCHASERS VOLUME NO 0378

8117581 CONSOLIDATED GAS SUPPLY

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8193 Filed 3-16-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 370]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 12, 1981.

JD NO	JA DET	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION						
-COASTAL OIL & GAS CORP			RECEIVED: 02/13/81 JA: CA			
8117828	81-3-1	0400032133	103 GPE-ORCUTT NORTH NO 1	SANTA MARIA VALLEY	68.0	UNION OIL CO OF CALI
INDIANA DEPARTMENT OF NATURAL RESOURCES						
-KIEFFER BROS OIL CO			RECEIVED: 02/20/81 JA: IN			
8117746		1305100000	102 KIEFFER - PUTNAM C-1	EAST MT CARMEL	24.0	CRYSTAL OIL CO
8117745		1305100000	102 KIEFFER - PUTNAM D-1	EAST MT CARMEL	36.5	CRYSTAL OIL CO
8117747		1305100000	102 KIEFFER-PUTNAM B-1	EAST MT CARMEL	24.0	CRYSTAL OIL CO
8117748		1305100000	102 KIEFFER-PUTNAM B-2	EAST MT CARMEL	24.0	CRYSTAL OIL CO
8117749		1305100000	102 KIEFFER-PUTNAM C-2	EAST MT CARMEL	24.0	CRYSTAL OIL CO
KANSAS CORPORATION COMMISSION						
-ALBERT A THORNBROUGH			RECEIVED: 02/17/81 JA: KS			
8117832	A-80-0053	1507500000	108 MCDONALD #1 13-25S-39W	HUGOTON	12.0	COLORADO INTERSTATE
NORTH DAKOTA GEOLOGICAL SURVEY						
-AMERADA HESS CORPORATION			RECEIVED: 02/12/81 JA: ND			
8117742	293	3310500796	103 OULAND 41-24 (BEAVER LODGE)	BEAVER LODGE	2.0	MONTANA DAKOTA UTILI
-WILLIAM HERBERT HUNT TAUST ESTATE			RECEIVED: 02/12/81 JA: ND			
*8117744	291	3300700000	102 EVONIUK B #1	TREETOP	47.0	KOCH HYDROCARBON CO
*8117743	290	3300700382	102 RODAKOWSKI B #1	TREETOP	171.0	KOCH HYDROCARBON CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-EL PASO NATURAL GAS COMPANY			RECEIVED: 02/17/81 JA: NM			
8117833		3004524408	103 TEXAS PACIFIC COM #1R	AZTEC PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
OKLAHOMA CORPORATION COMMISSION						
-AMOCO PRODUCTION CO			RECEIVED: 02/17/81 JA: OK			
8117812	01976	3505920703	103 HIERONYMUS UNIT F #2	LAVERNE	226.0	MICHIGAN WISCONSIN P
-AN-SON CORPORATION			RECEIVED: 02/17/81 JA: OK			
8117795	07353	3501702088	103 BRODERSEN #1-20	N CONCHO	11.3	PHILLIPS PETROLEUM C
8117769	07271	3507321430	108 CUNNINGHAM #1	SOONER TREND	14.3	TRANSOK PIPE LINE CO
8117805	07318	3507321424	108 ESTHER #1	SOONER TREND	8.8	TRANSOK PIPE LINE CO
8117804	07319	3501120727	108 HAIGLER B#1	S W CARLETON	7.0	SUN GAS CO
8117822	07316	3507321525	108 NADINE A#1	SOONER TREND	5.0	TRANSOK PIPE LINE CO
8117809	07550	3501520903	102 TROY #1	WATONGA CHICKASHA	803.0	DELMI GAS PIPE LINE

VOLUME 370 PAGE 042

JD NO	JA DET	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
-ANDOVER OIL COMPANY			RECEIVED: 02/17/81 JA: OK			

JD NO	JA UNIT	API NO	SEC	WELL NAME		FIELD NAME	PROD	PURCHASER
-ANDOVER OIL COMPANY				RECEIVED: 02/17/81	JA: OK			
8117794	07349	3509321808	103	STURGEON #19-1			185.0	PANHANDLE EASTERN PI
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/17/81	JA: OK			
8117775	7350	3504500000	108	R W LITTLE #4		MADILL	10.0	PIONEER GAS PRODUCTS
-B & H EXPLORATION CO				RECEIVED: 02/17/81	JA: OK			
8117763	06881	3513120714	103	STATE-VAN PELT #1		WEST TALALA	20.0	DIAMOND S GAS SYSTEM
-BEASLEY OIL CO				RECEIVED: 02/17/81	JA: OK			
8117801	07365	3504722191	102	#1 ZALOUDEK		NORTH ENID	200.0	ARKANSAS LOUISIANA G
-BLAIK OIL COMPANY				RECEIVED: 02/17/81	JA: OK			
8117750	7345	3500720488	108	CHALOUPEK #1		NORTH ELMWOOD	14.0	PHILLIPS PETROLEUM C
8117765	07269	3500320315	108	DUBBS UNIT #1		SOONER TREND	22.0	PIONEER GAS PRODUCTS
8117777	07346	3504720523	108	IVEN A-1		SOONER TREND	8.0	PHILLIPS PETROLEUM C
8117771	07270	3500300000	108	LLOYD #1		SOONER TREND	15.0	UNION TEXAS PETROLEU
8117773	07266	3513920479	108	WIGGINS #1		SOUTH GUYMON	17.0	CITIES SERVICE GAS C
-BOGERT OIL CO				RECEIVED: 02/17/81	JA: OK			
8117803	07348	3508321365	103	JENNY 1-25		SOONER TREND	20.0	EASON OIL CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 02/17/81	JA: OK			
8117759	07187	3500300000	108	IVA L WOODS NO 1		E CHANEY DELL	3.0	CHAMPLIN PETROLEUM C
-CHASE EXPLORATION CORP				RECEIVED: 02/17/81	JA: OK			
8117788	07300	3507120969	103	BROWN #1-21			2.6	CITIES SERVICE GAS C
8117790	07301	3507121160	103	COFFEE #1-1			1.8	CITIES SERVICE GAS C
8117791	07302	3507121230	103	COFFEE #2-1			8.2	CITIES SERVICE GAS C
8117792	07303	3507121603	103	HAHN #2-14			7.5	CITIES SERVICE GAS C
8117795	07304	3507121896	103	KAMLE #2-10			2.9	CITIES SERVICE GAS C
8117784	07298	3507120886	103	RIGDON #1-21			4.6	CITIES SERVICE GAS C
-CHEYENNE PETROLEUM COMPANY				RECEIVED: 02/17/81	JA: OK			
8117808	07392	3512120702	102	STATE #1-35		S E SCIPIO	180.0	ARKANSAS LOUISIANA G
-DALCO PETROLEUM INC				RECEIVED: 02/17/81	JA: OK			
8117816	06371	3507322399	103	RUSSELL #1		SOONER TREND	91.3	DALCO PETROLEUM US L
8117815	06370	3507322400	103	SINN #1		SOONER TREND	91.3	DALCO PETROLEUM US L
-DONALD C SLAWSON				RECEIVED: 02/17/81	JA: OK			
8117758	6982	3501721465	108	HUBBARD #1-5		WATONGA TREND	300.0	CITIES SERVICE GAS C
-ECC OIL CO				RECEIVED: 02/17/81	JA: OK			
8117754	7248	3514721276	103	TOMMY MORGAN #1		OGLESBY GAS FIELD	23.5	OKAN GAS CO
-FALCON PETROLEUM COMPANY				RECEIVED: 02/17/81	JA: OK			
8117810	07376	3500721774	102	KIRTON NO 1		WILDCAT (NW DOMBEY)	100.0	PANHANDLE EASTERN PI
-FERGUSON OIL & GAS COMPANY INC				RECEIVED: 02/17/81	JA: OK			
8117814	06260	3509321506	103	NIGHTINGALE NO 2		FAIRVIEW	40.0	PHILLIPS PETROLEUM C
8117813	06258	3509321649	103	NIGHTINGALE NO 3		FAIRVIEW	180.0	PHILLIPS PETROLEUM C
-GETTY OIL COMPANY				RECEIVED: 02/17/81	JA: OK			
*8117761	07281	3513722222	103	C A STEPHENS NO 8		SHO-VEL-TUM	750.0	OKLAHOMA NATURAL GAS
*8117772	06908	3513722216	103	DONA SPEARS NO 10		SHO-VEL-TUM	37.0	OKLAHOMA NATURAL GAS
-GETTY RESERVE OIL INC				RECEIVED: 02/17/81	JA: OK			
8117760	07196	3508120880	103	YOUNGKER NO 12-1		PRAIRIE GEM	200.0	SUN GAS CO
-GREAT SOUTHERN ENTERPRISES INC				RECEIVED: 02/17/81	JA: OK			
*8117774	07267	3514721581	103	MADRON A5		MADRON LEASE	0.0	KANOKLA ENERGY CORP
-HARPER OIL COMPANY				RECEIVED: 02/17/81	JA: OK			
*8117797	07261	3509321451	103	HADWIGER #1		RINGWOOD	220.0	UNION TEXAS PETROLEU
8117816	07260	3504721592	103	KEILBARTH #1		NE ENID	29.0	TRANSOK PIPE LINE CO
8117819	07259	3508321377	103	KLINGAMAN #1		SW ORLANDO	10.0	EASON OIL CO
-HESTON OIL CO				RECEIVED: 02/17/81	JA: OK			
8117766	07003	3506320725	103	GEORGE #7-1		E HORNTON	66.0	WELLHEAD ENTERPRISES

VOLUME 379 PAGE 003

JOB NO	DA DAT	API NO	SEC	WELL NAME		FIELD NAME	PROD	PURCHASER
-JI CO EXPLORATION INC				RECEIVED: 02/17/81 JA: OK				
8117823	07312	3509321790	103	JICO GRAHAM #1		RINGWOOD	72.0	PIONEER GAS PRODUCTS
-K S OIL CO				RECEIVED: 02/17/81 JA: OK				
8117751	7279	3502760000	103	HARRIS #1		WEST NORMAN	360.0	SUN GAS CO
-LAUD PETROLEUM CORPORATION				RECEIVED: 02/17/81 JA: OK				
8117824	07309	3501720771	103	MONNET #1		PIEDMONT CM	0.0	PHILLIPS PETROLEUM C
8117825	07308	3501720824	103	MONNET #2		PIEDMONT CM	16.0	PHILLIPS PETROLEUM C
-LEBEN OIL CORP				RECEIVED: 02/17/81 JA: OK				
8117821	07237	3512120094	106	HENRY 1-5		S E MCALISTER	11.0	ARKANSAS LOUISIANA G
8117753	07234	3507720086	106	PARSONS 1-17		RED OAK - MORRIS	11.0	ARKANSAS LOUISIANA G
-LENHART & BENNETT INC				RECEIVED: 02/17/81 JA: OK				
8117781	07376	3507121980	103	ROSA GARTNER #10-3		EAST DILWORTH	50.0	CITIES SERVICE GAS C
8117783	07375	3507121980	103	ROSA GARTNER #2-4		EAST DILWORTH	50.0	CITIES SERVICE GAS C
-MULTISTATE OIL PROPERTIES NV				RECEIVED: 02/17/81 JA: OK				
8117807	07372	3515120912	103	TOM SCHROEDER 1-4		EDITH NORTH	96.0	CITIES SERVICE GAS C
-NIXON-DAVIS ENERGY CO INC				RECEIVED: 02/17/81 JA: OK				
8117799	07135	3508321299	103	BLEVINS #1		WEST MULHALL	80.0	EASON OIL CO
8117800	07134	3508300000	103	LINDSAY #1		WEST MULHALL	140.0	EASON OIL CO
8117798	07136	3508321338	103	MESSENGER #1		WEST MULHALL	110.0	EASON OIL CO
-NOVA ENERGY CORPORATION				RECEIVED: 02/17/81 JA: OK				
8117811	10224	3512920520	107	ERWIN #1-4		W REYDON	0.0	EL PASO NATURAL GAS
-ONG EXPLORATION INC				RECEIVED: 02/17/81 JA: OK				
8117786	07291	3509321717	103	ECK UNIT NO 2		RINGWOOD	18.0	OKLAHOMA NATURAL GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 02/17/81 JA: OK				
8117820	07305	3501721567	103	BURNS A #1		N CONCHO	0.0	OKLAHOMA GAS & ELECT
8117827	07306	3501721447	103	HUFNAGEL A #1		N CONCHO	0.0	DELMI GAS PIPELINE C
8117759	07286	3502500000	106	WELLS #1		S GRIGGS - MASSIVE LIME	18.0	TRANSWESTERN GAS PIP
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED: 02/17/81 JA: OK				
8117767	07295	3501721389	103	GUTIERREZ NO 1-17		SOUTH YUKON	270.0	PHILLIPS PETROLEUM C
8117762	07294	3501721385	103	TURNER NO 1-9		SOUTH YUKON	234.0	PHILLIPS PETROLEUM C
-SCHICK OIL & GAS INC				RECEIVED: 02/17/81 JA: OK				
8117780	07580	3509321974	103	J BROOMFIELD 12-1		RINGWOOD	36.0	OKLA NATURAL GAS GAT
-SHAR-ALAN OIL CO				RECEIVED: 02/17/81 JA: OK				
8117752	07277	3509321861	103	H SUDERMAN #1		N FAIRVIEW	175.0	PHILLIPS PETROLEUM C
8117760	07275	3509321882	103	MORAWSKI A-1		N FAIRVIEW	175.0	PHILLIPS PETROLEUM C
8117767	07276	3509321875	103	MURAWSKI B-1		N FAIRVIEW	175.0	PHILLIPS PETROLEUM C
8117776	07273	3509321809	103	OLGA MARTENS A-2		W FAIRVIEW	250.0	DELMI GAS PIPELINE C
8117770	07274	3509321848	103	OLGA MARTENS 1-8		N FAIRVIEW	175.0	PHILLIPS PETROLEUM C
-STANTON PETROLEUM CO				RECEIVED: 02/17/81 JA: OK				
8117817	06941	3508100000	103	BROWN #1		EAST AGRA FIELD	12.0	COLORADO GAS GATH CO
-STONE RIVER ENERGY CORP				RECEIVED: 02/17/81 JA: OK				
8117779	07381	3504700148	103	NORTH MACK #1		SOONER TREND	120.0	UNION TEXAS PETROLEU
8117778	07382	3504721765	103	SOUTH MACK #1		SOONER TREND	120.0	UNION TEXAS PETROLEU
-TENNECO OIL COMPANY				RECEIVED: 02/17/81 JA: OK				
8117784	07374	3501120426	108	DAVID BUCHANAN 1-20		OKEENE NW	10.0	PUBLIC SERVICE CO OF
8117785	07373	3504321040	103	FRANS 1-9		NOBSCOT NW	666.0	DELMI GAS PIPELINE C
8117757	06546	3509321808	103	L HUNTON UNIT 2-4		E CHEYENNE VALLEY	24.0	PHILLIPS PETROLEUM C
8117750	06545	3501922034	103	S GRAHAM DEESE UNIT 21A-2A		SHO-VEL-TUM	18.0	MOBIL OIL CORP
-TEXAS OIL & GAS CORP				RECEIVED: 02/17/81 JA: OK				
8117782	07377	3512120700	103	CRABTREE A #1		HARTSHORNE	986.0	DELMI GAS PIPELINE C
8117802	07370	3506120302	103	ROSS D #1		STIEGLER	48.0	
8117806	07371	3506120364	103	ROYE #1		KINTA	96.0	

VOLUME 379 PAGE 004

JOB NO	DA DAT	API NO	SEC	WELL NAME		FIELD NAME	PROD	PURCHASER
-TEXAS OIL & GAS CORP				RECEIVED: 02/17/81 JA: OK				
8117782	07377	3512120700	103	CRABTREE A #1		HARTSHORNE	986.0	DELMI GAS PIPELINE C
8117802	07370	3506120302	103	ROSS D #1		STIEGLER	48.0	
8117806	07371	3506120364	103	ROYE #1		KINTA	96.0	

JD N.	JA ONLY	API N.?	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXAS PACIFIC OIL COMPANY INC				RECEIVED: 02/17/81 JA: OK			
8117826	07307	3501520749	103	ALBERT LEUS #1-3	N E VERDEN	9.4	PUBLIC SERVICE CO OF
-THE WIL-MC OIL CORP				RECEIVED: 02/17/81 JA: OK			
8117790	07357	3500320685	103	HENDERSON #1		50.0	AMINOIL USA INC
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 02/17/81 JA: OK			
8117764	06825	3501721525	103	JUSEPH 1-1	RICHLAND NORTHWEST	90.0	PHILLIPS PETROLEUM C
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
-DOME PETROLEUM CORP				RECEIVED: 02/17/81 JA: ND 5			
8117829	ND 694-0	3305300149	102	DOME FEDERAL 3-35	MON-DAK	7.5	SHELL OIL CO
-DAVIS OIL COMPANY				RECEIVED: 02/17/81 JA: WY 5			
8117830	W695-0	4903721480	102	TREASURE UNIT #1	WILDCAT	861.0	PANHANDLE EASTERN PI
-MARTIN EXPLORATION MGMT CORP				RECEIVED: 02/17/81 JA: WY 5			
8117831	W-693-0	4903721017	102	FEDERAL #1-18	WILDCAT	350.0	PANHANDLE EASTERN PI
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK							
-ANDOVER OIL COMPANY				RECEIVED: 02/17/81 JA: OK 8			
8117834		3511325076	103	ACOTT #7-2		21.9	TRANSOK PIPE LINE CO
8117835		3511325584	103	ACOTT #7-3		14.6	TRANSOK PIPE LINE CO
8117836		3511324546	103	MCCAIN #8-1		73.0	TRANSOK PIPE LINE CO
8117837		3511324686	103	MCCAIN #8-2		73.0	TRANSOK PIPE LINE CO
8117838		3511324882	103	MCCAIN #8-3		73.0	TRANSOK PIPE LINE CO
8117839		3511325657	103	MCCAIN #8-4		73.0	TRANSOK PIPE LINE CO
8117840		3511325715	103	MCCAIN #8-5A		73.0	TRANSOK PIPE LINE CO
8117841		3511300000	103	MCCAIN #8-6		73.0	TRANSOK PIPE LINE CO

OTHER PURCHASERS

8117743	WESTERN GAS PROCESSORS LTD
8117744	WESTERN GAS PROCESSORS LTD
8117761	LONE STAR GAS CO
8117772	LONE STAR GAS CO
8117774	CITIES SERVICE GAS COMPANY
8117780	PIONEER GAS PRODUCTS CO
8117797	OKLAHOMA GAS & ELECTRIC CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8194 Filed 3-16-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 380]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

V. 46 / 51 MR 17 81 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 12, 1981.

JD NO	JA DET	API NO	SEC U WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD						
-GETTY OIL COMPANY			RECEIVED: 02/19/81 JA: MS			
8118053	102-80-467	2300912U100 107	MORGAN 9-14 NO 1	EAST MORGANTOWN	2630.0	TRANSCONTINENTAL GAS
-GULF OIL CORPORATION			RECEIVED: 02/18/81 JA: MS			
8118052	105-80-11	2300720203 103	W E DAVIS NO 11	BAXTERVILLE	3.5	UNITED GAS PIPE LINE
-PRUET PRODUCTION CO			RECEIVED: 02/18/81 JA: MS			
8118050	113-79-413	2300720015 102	LAWRENCE UNIT #7-7 NO 1	MAPLE BRANCH FIELD	36.0	TENNESSEE GAS PIPELI
8118050	113-79-413	2300720015 103	LAWRENCE UNIT #7-7 NO 1	MAPLE BRANCH FIELD	36.0	TENNESSEE GAS PIPELI
8118045	87-80-413	2300920280 102	LAWRENCE UNIT #8-3 NO 1	MAPLE BRANCH FIELD	119.0	TENNESSEE GAS PIPELI
8118045	87-80-413	2300920280 103	LAWRENCE UNIT #8-3 NO 1	MAPLE BRANCH FIELD	119.0	TENNESSEE GAS PIPELI
-SHELL OIL CO			RECEIVED: 02/18/81 JA: MS			
8118048	107-80-386	2312120U48 107	STEVENS ET AL UNIT NO 1-8	S W PINEY WOODS	9000.0	
-SUPERIOR OIL CO			RECEIVED: 02/18/81 JA: MS			
8118046	217-80	2300520032 108	WILLIE DURR G G U 34 NO 2	GWINVILLE	42.0	SOUTHERN NATURAL GAS
-SYSTEM FUELS INC			RECEIVED: 02/18/81 JA: MS			
8118049	103-80-440	2300520153 107	D W FORTENBERRY 35-8 NO 2	OAKVALE FIELD	730.0	
8118047	110-80-9	2300520051 102	E MIKELL 24-10 NO 1	GRANGE FIELD	730.0	SYSTEM FUELS INC
-TOMLINSON INTERESTS INC			RECEIVED: 02/18/81 JA: MS			
8118051	100-80-420	2300520037 102	CHARLES W CAVANAUGH NO 1	HOLIDAY CREEK FIELD	109.5	MICHIGAN-WISCONSIS G
TEXAS RAILROAD COMMISSION						
-AMERADA HESS CORPORATION			RECEIVED: 02/17/81 JA: TX			
8117861	21612	4217300000 108	TEX HARVEY SPRABERRY UT #993	SPRABERRY TREND	0.0	
8117862	21614	4232900000 108	TEX-HARVEY SPRABERRY UT #594	SPRABERRY TREND	0.0	
-AMERICAN PUBLIC ENERGY CO			RECEIVED: 02/17/81 JA: TX			
8117948	28103	4229530782 102	CNB #1	CNB (CLEVELAND) FIELD	37.0	DIAMOND SHAMROCK
-AMOCO PRODUCTION CO			RECEIVED: 02/17/81 JA: TX			
8117912	25655	4243531194 108	BERTHA T GLASSCOCK #1	ALDWELL RANCH/CANYON/	13.2	LONE STAR GAS CO
8117913	25656	4243531177 108	BERTHA T GLASSCOCK/B/#3	ALDWELL RANCH/CANYON/	16.3	LONE STAR GAS CO
8117931	27160	4234931150 102	DEE GARRETT LIVELY GU /A/ #1	CHENEYBORO SW/9585/	365.0	LONE STAR GAS CO
8117923	26750	4243531069 108	EDWIN S MAYER JR /D/#9	SAWYER/CANYON/	18.0	LONE STAR GAS CO
8117910	25643	4243530762 108	EDWIN S MAYER JR/G/#5	SAWYER/CANYON	18.7	LONE STAR GAS CO
8117911	25653	4243531303 108	EDWIN S MAYER JR/K/#2	SAWYER/CANYON	16.7	LONE STAR GAS CO
8117886	22748	4240330726 102	ELIZABETH T CRAWFORD GU #1	SCOTTSVILLE SW(PAGE)	310.0	EAST TEXAS INDUSTRIA
8117878	21728	4213532834 103	NORTH COWDEN UNIT #1013	COWDEN NORTH	13.8	PIONEER NATURAL GAS
8117879	21729	4213532815 103	NORTH COWDEN UNIT #1029	COWDEN NORTH	18.9	PIONEER NATURAL GAS
8117880	21730	4213532816 103	NORTH COWDEN UNIT #1030	COWDEN NORTH	8.0	PIONEER NATURAL GAS
8117881	21731	4213532814 103	NORTH COWDEN UNIT #1031	COWDEN NORTH	1.1	PIONEER NATURAL GAS
8117864	21629	4213532813 103	NORTH COWDEN UNIT #1033	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117873	21664	4213532811 103	NORTH COWDEN UNIT #1035	COWDEN NORTH	1.0	PIONEER NATURAL GAS

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117872	21668	4213532820	103	NORTH COWDEN UNIT #1041	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117871	21659	4213532821	103	NORTH COWDEN UNIT #1042	COWDEN NORTH	2.2	PIONEER NATURAL GAS
8117800	21654	4213532830	103	NORTH COWDEN UNIT #1043	COWDEN NORTH	4.7	PIONEER NATURAL GAS
8117869	21657	4213532831	103	NORTH COWDEN UNIT #1045	COWDEN NORTH	21.5	PIONEER NATURAL GAS
8117866	21656	4200331590	103	NORTH COWDEN UNIT #1046	COWDEN NORTH	5.1	PIONEER NATURAL GAS
8117877	21727	4213533055	103	NORTH COWDEN UNIT #1048	COWDEN NORTH	14.9	PIONEER NATURAL GAS
8117876	21726	4213533057	103	NORTH COWDEN UNIT #1049	COWDEN NORTH	31.8	PIONEER NATURAL GAS
8117867	21655	4213533046	103	NORTH COWDEN UNIT #1050	COWDEN NORTH	19.0	PIONEER NATURAL GAS
8117875	21725	4213533045	103	NORTH COWDEN UNIT #1051	COWDEN NORTH	36.8	PIONEER NATURAL GAS
8117865	21653	4213533038	103	NORTH COWDEN UNIT #1052	COWDEN NORTH	16.1	PIONEER NATURAL GAS
8117870	21658	4213533053	103	NORTH COWDEN UNIT #1053	COWDEN NORTH	10.2	PIONEER NATURAL GAS
8117922	26744	4213533228	103	NORTH COWDEN UNIT #1060	COWDEN NORTH	73.0	PIONEER NATURAL GAS
8117851	19547	4213533236	103	NORTH COWDEN UNIT #1066	COWDEN NORTH	1.1	PIONEER NATURAL GAS
8117852	19548	4213533235	103	NORTH COWDEN UNIT #1067	COWDEN NORTH	2.5	PIONEER NATURAL GAS
8117863	21628	4213533254	103	NORTH COWDEN UNIT #1072	COWDEN NORTH	12.4	PIONEER NATURAL GAS
8117853	19549	4213533251	103	NORTH COWDEN UNIT #1074	COWDEN NORTH	5.5	PIONEER NATURAL GAS
8117874	21724	4213533250	103	NORTH COWDEN UNIT #1080	COWDEN NORTH	9.1	PIONEER NATURAL GAS
8117936	27469	4220330752	102	ROSA R ROSCOE GU NO 1	BLOCKER/COTTON VALLEY/	365.0	UNITED GAS PIPE LINE
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/17/81 JA: TX			
8117844	06384	4243330604	103	ELLIS COCKRELL NO 25	PANHANDLE HUTCHINSON	11.0	GETTY OIL CO
8117916	26072	4229530726	102	FULTON - SELL #1-L	KIOWA CREEK SOUTH (MORRO	365.0	TRANSWESTERN PIPELIN
8117843	06285	4213132824	103	HAGIST RANCH F #3	HAGIST RANCH (WILCOX UPP	200.0	NATURAL GAS PIPELINE
-BARBOUR ENERGY CORP				RECEIVED: 02/17/81 JA: TX			
8117996	28032	4221100000	106	WILHELM NO 1	HUMPHREYS (DOUGLAS)	8.4	TRANSWESTERN PIPELIN
-BENNETT PRODUCTION CORP				RECEIVED: 02/17/81 JA: TX			
*8117930	27150	4223700000	106	N L KOIN (3)	DEWEBER (CONGL)	5.0	KOCH OIL CO
-BONANZA PETROLEUM INC				RECEIVED: 02/17/81 JA: TX			
8117846	15943	4228531356	103	SOVEREIGN #1 WEST (VIENNA 8400)	VIENNA	100.0	TEXAS EASTERN GAS PI
8117847	15944	4228531356	103	SOVEREIGN #1 WEST (VIENNA 8450)	VIENNA	100.0	TEXAS EASTERN GAS PI
8117921	26358	4228531490	103	WEST #2	VIENNA 8450 FIELD	150.0	TEXAS EASTERN PIPELI
-CIMMARON OIL CO INC				RECEIVED: 02/17/81 JA: TX			
8117996	28643	4222130610	102	BEACH GAS UNIT #1	GRANBURY NE	277.4	EMPIRE PIPE LINE COR
8117995	28606	4222130612	102	BOYD	GRANBURY NE (MARBLE FALL	317.5	EMPIRE PIPE LINE COR
8117994	28644	4222130615	102	CROUCH GAS UNIT #1	GRANBURY NE (MARBLE FALL	0.0	EMPIRE PIPE LINE COR
8117993	28587	4222130616	102	DUNAWAY A #1	GRANBURY NE (MARBLE FALL	470.8	EMPIRE PIPE LINE COR
8117997	28640	4222130627	102	DUNAWAY B #2	GRANBURY NE (MARBLE FALL	430.0	EMPIRE PIPE LINE COR
8117990	28555	4222130602	102	HARRINGTON GAS UNIT #1	GRANBURY NE (MARBLE FALL	83.9	EMPIRE PIPE LINE COR
8117989	28554	4222130617	102	MASSEY GAS UNIT	GRANBURY N E (MARBLE FAL	295.6	EMPIRE PIPE LINE COR
8117994	28599	4222130591	102	MCGUFFIN	GRANBURY NE (MARBLE FALL	120.0	EMPIRE PIPE LINE COR
8118000	28645	4222130618	102	NUTT D #4	GRANBURY NE (MARBLE FALL	365.0	EMPIRE PIPE LINE COR
8117992	28557	4222130604	102	WAKEFIELD A #1	GRANBURY NE (MARBLE FALL	310.2	EMPIRE PIPE LINE COR
8117991	28556	4222130617	102	WAKEFIELD B #2	GRANBURY NE (MARBLE FALL	401.5	EMPIRE PIPE LINE COR
-CLEMCO INC				RECEIVED: 02/17/81 JA: TX			
8117908	25325	4218330416	102	HENDERSON GAS UNIT NO 1	N LANSING (COTTON VALLEY	365.0	ARKANSAS LOUISIANA G
-COLORADO INTERSTATE GAS CO				RECEIVED: 02/17/81 JA: TX			
8117849	17957	4237530680	103	BIVINS 86R	N PANHANDLE (RED CAVE)	141.0	COLORADO INTERSTATE
-COQUINA OIL CORPORATION				RECEIVED: 02/17/81 JA: TX			
8117896	23371	4238300000	103	PETTIT A #4	SPRABERRY	2.4	EL PASO NATURAL GAS
-CRAWFORD OIL & GAS CO				RECEIVED: 02/17/81 JA: TX			
8117909	25452	4208100000	102	MARY NO 1 (87607)	RAWLINGS N (JENNINGS LO)	1262.0	EL PASO NATURAL GAS
-DANDEN PETROLEUM INC				RECEIVED: 02/17/81 JA: TX			
8117894	22791	4223300000	108	DAVENPORT #1	PANHANDLE	2.6	DIAMOND-SHAMROCK COR

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117911	26722	4213532822	103	NORTH COWDEN UNIT #1044	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117873	21667	4213532823	103	NORTH COWDEN UNIT #1047	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117868	21652	4213533054	103	NORTH COWDEN UNIT #1055	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117864	21651	4213533052	103	NORTH COWDEN UNIT #1056	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117862	21650	4213533051	103	NORTH COWDEN UNIT #1057	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117861	21649	4213533050	103	NORTH COWDEN UNIT #1058	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117860	21648	4213533049	103	NORTH COWDEN UNIT #1059	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117850	19546	4213533237	103	NORTH COWDEN UNIT #1061	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117854	19550	4213533234	103	NORTH COWDEN UNIT #1062	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117855	19551	4213533233	103	NORTH COWDEN UNIT #1063	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117856	19552	4213533232	103	NORTH COWDEN UNIT #1064	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117857	19553	4213533231	103	NORTH COWDEN UNIT #1065	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117858	19554	4213533230	103	NORTH COWDEN UNIT #1069	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117859	19555	4213533229	103	NORTH COWDEN UNIT #1070	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117861	21647	4213533048	103	NORTH COWDEN UNIT #1071	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117862	21646	4213533047	103	NORTH COWDEN UNIT #1073	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117872	21645	4213533044	103	NORTH COWDEN UNIT #1075	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117871	21644	4213533043	103	NORTH COWDEN UNIT #1076	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117870	21643	4213533042	103	NORTH COWDEN UNIT #1077	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117869	21642	4213533041	103	NORTH COWDEN UNIT #1078	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117868	21641	4213533040	103	NORTH COWDEN UNIT #1079	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117867	21640	4213533039	103	NORTH COWDEN UNIT #1081	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117866	21639	4213533037	103	NORTH COWDEN UNIT #1082	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117865	21638	4213533036	103	NORTH COWDEN UNIT #1083	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117864	21637	4213533035	103	NORTH COWDEN UNIT #1084	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117863	21636	4213533034	103	NORTH COWDEN UNIT #1085	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117862	21635	4213533033	103	NORTH COWDEN UNIT #1086	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117861	21634	4213533032	103	NORTH COWDEN UNIT #1087	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117860	21633	4213533031	103	NORTH COWDEN UNIT #1088	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117859	21632	4213533030	103	NORTH COWDEN UNIT #1089	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117858	21631	4213533029	103	NORTH COWDEN UNIT #1090	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117857	21630	4213533028	103	NORTH COWDEN UNIT #1091	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117856	21629	4213533027	103	NORTH COWDEN UNIT #1092	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117855	21627	4213533026	103	NORTH COWDEN UNIT #1093	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117854	21626	4213533025	103	NORTH COWDEN UNIT #1094	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117853	21625

JD NO	DOCKET	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117893	22789	4223300000	108	DAVENPORT #3	PANHANDLE	2.0	DIAMOND-SHAMROCK COR
8117892	22771	4223300000	106	KNUDSEN #12	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8117891	22770	4223300000	109	KNUDSEN #13	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8117890	22769	4223300000	108	KNUDSEN #15	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8117889	22768	4223300000	108	KNUDSEN #17	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8117888	22766	4223300000	108	KNUDSEN #19	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8117887	22761	4223300000	108	KNUDSEN #25	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
-EAGLE EXPLORATION CO INC				RECEIVED: 02/17/81 JA: TX			
8117940	27960	4219530737	102	NOBLES-GATOR NO 2 (#031811)	MORSE N (CLEVELAND)	146.0	PANHANDLE EASTERN PI
-ENSERCH EXPLORATION INC				RECEIVED: 02/17/81 JA: TX			
8118009	29248	4238331655	103	FRIEND NO 1			
8117845	07451	4221330097	103	R P HOLLAND NO 1	FARMER	24.0	NORTHERN NATURAL GAS
8117904	24939	4213730160	108	W L MIERS C NO 3	TRI-CITIES (TRAVIS PEAK	189.0	LONE STAR GAS CO
-EXXON CORPORATION				RECEIVED: 02/17/81 JA: TX	SAWYER	9.0	LONE STAR GAS CO
*8117858	21210	4249930638	103	HAWKINS FIELD UNIT #0609			
*8117855	21192	4249930657	103	HAWKINS FIELD UNIT #1196	HAWKINS	609.0	ARMCO STEEL CORP
*8117860	21375	4249930662	103	HAWKINS FIELD UNIT #4196	HAWKINS	28.0	ARMCO STEEL CORP
*8117857	21209	4249930600	103	HAWKINS FIELD UNIT #4346	HAWKINS	178.0	ARMCO STEEL CORP
*8117859	21222	4249930625	103	HAWKINS FIELD UNIT #4347	HAWKINS	98.0	ARMCO STEEL CORP
*8117856	21208	4249930717	103	HAWKINS FIELD UNIT #9920	HAWKINS	55.0	ARMCO STEEL CORP
8117863	22161	4200332103	103	STATE UNIVERSITY BL #3	HAWKINS	99.0	ARMCO STEEL CORP
-FAGADAU ENERGY CORP				RECEIVED: 02/17/81 JA: TX	TRIPLE N (PENN UPPER)	1.0	EL PASO NATURAL GAS
8117938	27004	4223732708	102	WORTHINGTON H UNIT NO 1			
-FRED OLSEN INC				RECEIVED: 02/17/81 JA: TX	JACKSBORO N (CADDO CONGL	100.0	SOUTHWESTERN GAS PIP
8117850	17960	4209731319	103	MARJORIE MCMAHON NO 1			
-HAMCO EXPLORATION & DEVELOPMENT CO				RECEIVED: 02/17/81 JA: TX	WEST HANDY (DORNICK HILL	0.0	C C G P LTD
8118003	28955	4244131559	103	L SIPE #1			
-HNG OIL COMPANY				RECEIVED: 02/17/81 JA: TX	SAN W (STRAWN SAND)	81.0	PALO DURO PIPELINE C
8117946	28078	4241330699	103	PFLUGER 108 #1 (78196)			
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 02/17/81 JA: TX	ELDORADO (CANYON)	29.0	NORTHERN NATURAL GAS
8117954	28343	4245130589	103	HOBLIT JACOBS ET AL #1			
-HUFO OILS				RECEIVED: 02/17/81 JA: TX	ALLEN HILL (STRAWN) -- W	0.0	
8118028	29939	4203530786	103	ELLER NO 3 (#04562)			
-JAMES COLVIN				RECEIVED: 02/17/81 JA: TX	PANHANDLE (CARSON) COUNT	0.0	NORTHERN NATURAL GAS
8117988	28551	4208700000	106	MORGAN NO 1 (#33884)			
-JATAM INC				RECEIVED: 02/17/81 JA: TX	EAST PANHANDLE	29.0	EL PASO NATURAL GAS
8118022	299	4243130883	103	R C BYNUM-198 #1			
8118023	29924	4243130884	103	R C BYNUM-198 #2	JAMESON (STRAWN)	48.0	SUN OIL CO
8118024	29925	4243130886	103	R C BYNUM-198 #4	JAMESON (STRAWN)	48.0	SUN OIL CO
8118020	29921	4243130887	103	R C BYNUM-198 #5	JAMESON (STRAWN)	48.0	SUN OIL CO
8118021	29922	4243130855	103	W T -KNIGHT #3	JAMESON (STRAWN)	48.0	SUN OIL CO
-JOHN H HENDRIX CORP				RECEIVED: 02/17/81 JA: TX	JAMESON (STRAWN)	48.0	SUN OIL CO
8118012	29349	4237132934	103	ARCO - IRT #2			
-JOHN R JACOBS CORP				RECEIVED: 02/17/81 JA: TX	PECOS VALLEY (WOLFCAMP)	20.5	NORTHERN NATURAL GAS
8118030	29941	4239931558	103	HENSLEY/WEST #1 (08475)			
8118029	29940	4239931558	103	HUCKABY #1 (08476)	FORT CHADBOURNE (GRAY)	70.0	UNION TEXAS PETROLEU
-KILROY CO OF TEXAS				RECEIVED: 02/17/81 JA: TX	FORT CHADBOURNE (GRAY)	52.0	UNION TEXAS PETROLEU
8117932	27208	4217531065	102	IRENE VINTON NO 1-U			
-LOGUE AND PATTERSON INC				RECEIVED: 02/17/81 JA: TX	DANFORTH (FRIO 20 70)	335.0	TRANSCONTINENTAL GAS
8117949	28110	4237300000	103	JOHNSON MARTIN ET AL #1			
8117950	28111	4237300000	103	TREADWAY-SUN #1	CAMP RUBY (YEQUA 3645)	135.0	HOUSTON PIPELINE
-MELBOURNE OIL COMPANY				RECEIVED: 02/17/81 JA: TX	CAMP RUBY (YEQUA 3645)	135.0	HOUSTON PIPELINE

JO NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8116027	29935	4238331613	103	CHRISTY C #1 (#08527)	SPRABERRY (TREND AREA)	20.0	UNION TEXAS PETROLEU
8116026	29932	4238331612	103	CHRISTY D #1 (#08578)	SPRABERRY (TREND AREA)	26.0	UNION TEXAS PETROLEU
-MITCHELL ENERGY CORPORATION				RECEIVED: 02/17/81 JA: TX			
8117953	28301	4249700000	103	ASCCU #4-6	ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPELINE
8118017	29761	4233700000	106	FLOYD-DUKE #1 46317	FALLON (COTTON VALLEY)	10.0	TEXAS UTILITIES FUEL
8117995	28389	4249700000	103	G H GORE #1	WISE COUNTY REGULAR	0.0	NATURAL GAS PIPELINE
8117915	25726	4247932613	103	GARNER RANCH #1	SEGUNDO (OLMOS)	48.6	
8117917	26201	4247900000	103	GARNER RANCH #2	SEGUNDO (OLMOS)	72.6	
8117846	17316	4249731441	103	H J BEAVER #10	BOONSVILLE (BEND CONGL G	280.0	NATURAL GAS PIPELINE
8117945	28071	4249731712	103	H W NASH #2	BOONESVILLE (BEND CONGL	175.0	NATURAL GAS PIPELINE
8117854	20724	4249700000	106	N R ROBERTS -B-#1 18535	GREENWOOD/ATOKA 6650	19.0	NATURAL GAS PIPELINE
8117944	28069	4223733022	103	O W LONG #1	NEW PORT SOUTH (ATOKA CO	100.0	NATURAL GAS PIPELINE
8117907	25295	4249700000	108	K S DEERING #1 28625	BOONESVILLE (BEND CONGL	11.6	NATURAL GAS PIPELINE
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 02/17/81 JA: TX			
8118007	29178	4210332335	103	TEXAS UNIV SEC 15 & 16 #1554	DUNE	18.6	PHILLIPS PETROLEUM C
-MONSANTO COMPANY				RECEIVED: 02/17/81 JA: TX			
8117924	26756	4212330985	102	WASKOW A-1	NORDHEIM (WILCOX 9900)	100.0	VALERO ENERGY CORP
-MORAN EXPLORATION INC				RECEIVED: 02/17/81 JA: TX			
8117937	27632	4238300000	108	S E STOUT #1	SPRABERRY (TREND AREA)	10.6	EL PASO NATURAL GAS
-MOTE RESOURCES INC				RECEIVED: 02/17/81 JA: TX			
8118025	29927	4233731366	103	THWEATT #1 (20095)	SUNSET CONGLOMERATE	5.5	TEXAS UTILITIES FUEL
-NAPECO INC				RECEIVED: 02/17/81 JA: TX			
8117941	28012	4244330062	102	ALLISON NO 1	WILBOURNE (DETRITAL)	365.0	NATURAL GAS PIPELINE
-NORTH CENTRAL OIL CORPORATION				RECEIVED: 02/17/81 JA: TX			
8117927	26862	4249700000	108	C W POUNDS #1 (29303)	BOONESVILLE (BEND CONGLO	19.0	NATURAL GAS PIPELINE
8117925	26779	4249700000	108	J H BROWN (29295)	BOONESVILLE (BEND CONGLO	7.0	NATURAL GAS PIPELINE
8117928	26884	4249700000	108	RUSH WAGES #1 (29305)	BOONESVILLE (BEND CONGLO	4.0	NATURAL GAS PIPELINE
-PARKER & PARSLEY INC				RECEIVED: 02/17/81 JA: TX			
8117918	26272	4232930905	103	HUTT B NO 1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
8117943	28017	4232930916	103	HUTT C NO 1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
8117942	28016	4232930917	103	HUTT D NO 1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
-PENNZOIL PRODUCING COMPANY				RECEIVED: 02/17/81 JA: TX			
8118002	26782	4247931970	102	BRUNI-KILLAM MINERAL FEE 51-1	AVIATORS S (WILCOX 9600)	237.0	VALERO INTERSTATE TR
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 02/17/81 JA: TX			
8117929	27036	4213504354	108	(21193) GS ANDEC UT NO L-04L	GOLDSMITH (CLEARFORK)	11.0	EL PASO NATURAL GAS
8118010	29298	4213520373	108	(21556) N PENWELL #57	PENWELL	18.0	EL PASO NATURAL GAS
-RICHARD F WILLIAMSON INC				RECEIVED: 02/17/81 JA: TX			
8118008	29226	4236731950	103	WILMITE 1-C	DICEY CONGLOMERATE	35.0	NATURAL GAS PIPELINE
-RKG ENGINEERING INC				RECEIVED: 02/17/81 JA: TX			
8118006	29172	4212732060	103	COTULLA	CATARINA SW (OLMOS)	0.0	VALERO TRANSMISSION
-SHELL OIL CO				RECEIVED: 02/17/81 JA: TX			
8117974	28443	4216500000	108	BAUMGART GEORGE-C- #20	WASSON 72	4.4	SHELL ETAL
8117973	28443	4216500000	108	BAUMGART GEORGE-C-#25	WASSON 72	6.6	SHELL ETAL
8117972	28442	4216500000	108	BAUMGART GEORGE-E-#18	WASSON 72	1.9	SHELL ETAL
8117987	28505	4218100000	108	BMC STRAWN I UNIT #418	BMC (STRAWN I)	6.4	UNION TEXAS PETROLEU
8117986	28504	4218100000	108	BMC STRAWN I UNIT #424	B M C (STRAWN I)	6.4	UNION TEXAS PETROLEU
8117971	28437	4219700000	108	C G CONLEY #14	CONLEY (PALO PINTO)	0.4	LONE STAR GAS CO
8117980	28457	4248700000	108	C KESTER #1	ODELL WEST (CHAPPEL)	1.6	LONE STAR GAS CO
8117979	28456	4248700000	108	C KESTER #2	ODELL WEST (CHAPPEL)	0.7	LONE STAR GAS CO
8117963	28429	4217500000	108	EAST HARPER UNIT #401	HARPER	0.5	PHILLIPS PETROLEUM C
8116016	29703	4248700000	108	GOETZE F #101	ODELL WEST (CHAPPEL)	6.4	LONE STAR GAS CO
8117976	28452	4250100000	108	H L LOWE #17	WASSON 72	1.3	SHELL ETAL

JO NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117996	28628	4213450000	108	JORDAN UNIVERSITY UNIT #644	JORDAN	0.3	PHILLIPS PETROLEUM C

JD ##	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117962	28428	4213500000	108	JORDAN UNIVERSITY UNIT #644	JORDAN	0.3	PHILLIPS PETROLEUM C
8117961	28427	4213500000	108	JORDAN UNIVERSITY UNIT #806	JORDAN	0.3	PHILLIPS PETROLEUM C
8117960	28426	4246100000	108	MIDCROSS DEVONIAN UNIT #30	CROSSETT S (DETRITAL)	9.6	SHELL ETAL
8117956	28422	4210500000	108	MIDWAY LANE 1100 UNIT #101	MIDWAY LANE (PERMIAN)	0.6	JAMES C BURNETT
8117985	28502	4216500000	108	S WASSON CLRFK UT #7514-S	WASSON 72	5.3	SHELL ETAL
8117984	28500	4216500000	108	S WASSON CLRFK UT #8611-S	WASSON 72	24.4	SHELL ETAL
8117958	28424	4247500000	108	SEALY SMITH FOUNDATION #112	MONAHANS (CLEARFORK)	4.9	EL PASO NATURAL GAS
8117957	28423	4247500000	108	SEALY SMITH FOUNDATION #132	MONAHANS (CLEAR FORK)	8.5	EL PASO NATURAL GAS
8117959	28425	4247500000	108	SEALY SMITH FOUNDATION #31	MONAHANS (CLEARFORK)	8.3	EL PASO NATURAL GAS
8117970	28436	4217500000	108	SOUTH CROSS UNIT #109	CROSSETT S (DETRITAL)	14.9	SHELL ETAL
8117969	28435	4217500000	108	SOUTH CROSS UNIT #153	CROSETT S (DETRITAL)	3.1	SHELL ETAL
8117968	28434	4210500000	108	SOUTH CROSS UNIT #155	CROSSETT S (DETRITAL)	2.7	SHELL ETAL
8117967	28433	4210500000	108	SOUTH CROSS UNIT #178-L	CROSSETT S (DETRITAL)	0.6	SHELL ETAL
8117966	28432	4210500000	108	SOUTH CROSS UNIT #184-L	CROSSETT S (DETRITAL)	10.4	SHELL ETAL
8117965	28431	4210500000	108	SOUTH CROSS UNIT #200	CROSSETT S (DETRITAL)	4.3	SHELL
8117977	28453	4213300000	108	TXL NORTH UNIT #799	TXL (TUBB)	2.4	SHELL ETAL
8117976	28454	4213300000	108	TXL-L- A/C 4 #16	TXL (SAN ANDRES)	6.2	SHELL ETAL
8117964	28430	4210300000	108	UNIVERSITY 30-C #8	DUNE	2.1	PHILLIPS PETROLEUM C
8117975	28451	4216500000	108	WASSON-E- #9L	WASSON 72	5.2	SHELL ETAL
-SNOW OIL CO				RECEIVED: 02/17/81 JA: TX			
8117903	24610	4213332269	102	TEXFEL-SNEED #1 (15880)	MANGUM NORTH (3200)	410.0	ODESSA NATURAL CORP
8118001	28651	4213332343	102	WAYNICK #2 (16022)	MANGUM NORTH (3200)	295.0	ODESSA NATURAL CORP
-SOHIO PETROLEUM CO				RECEIVED: 02/17/81 JA: TX			
8118011	29316	4238331730	103	E G CAUBLE B NO 5	CALVIN(DEAN)	55.0	EL PASO NATURAL GAS
-STALLWORTH OIL & GAS INC				RECEIVED: 02/17/81 JA: TX			
8118019	29785	4207900000	108	F O MASTEN #1	LEVELLAND (SAN ANDRES)	1.0	TUCO INC
8118018	29782	4207900000	108	F O MASTEN #2	LEVELLAND (SAN ANDRES)	8.7	TUCO INC
8117939	27793	4207900000	108	S P WRIGHT A #1 #59 568	LEVELLAND (SAN ANDRES)	13.0	EL PASO NATURAL GAS
-STRATA ENERGY INC				RECEIVED: 02/17/81 JA: TX			
8117905	24990	4205130594	102	GRANDJEAN-SCHULZE UNIT #1	GIDDINGS (AUSTIN CHALK)	50.0	CLAJON GAS CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 02/17/81 JA: TX			
8118031	29973	4250131818	105	BENNETT RANCH UNIT #323	WASSON	17.5	SHELL OIL CO
8117906	25138	4242330375	103	HITTS LAKE UNIT NO 6-3	HITTS LAKE (PALUXY)	2.0	LONE STAR GAS CO
8117885	22208	4208130340	103	JAMESON REEF UNIT #11-55	JAMESON	47.0	LONE STAR GAS CO
8117884	22267	4208130344	103	JAMESON REEF UNIT #2308	JAMESON	15.0	LONE STAR GAS CO
8117901	23087	4212731846	105	JOHN B BAGGETT NO 10	PEARSALL (AUSTIN CHALK)	16.0	HOUSTON PIPE LINE CO
8117902	23089	4212731708	105	JOHN B BAGGETT NO 8	PEARSALL (AUSTIN CHALK)	11.0	HOUSTON PIPE LINE CO
8117842	04692	4249730974	103	T D LESTER UNIT NO 2	BOONSVILLE	180.0	NATURAL GAS PIPELINE
-SUNNYBROOK OIL & GAS INC				RECEIVED: 02/17/81 JA: TX			
8117882	21800	4240100000	108	ROUSSEAU GAS UNIT (#39449)	MINDEN/TRANSITION	15.0	TEXAS UTILITIES FUEL
-TAYLOR OPERATING COMPANY				RECEIVED: 02/17/81 JA: TX			
8118014	29560	4249700000	103	L H KAKER #1 (71012)	BOONSVILLE (BEND CONGL G	146.0	NATURAL GAS PIPE CO
8118013	29559	4249700000	103	L H KAKER A NO 1 (74098)	BOONSVILLE (BEND CONGL G	190.0	NATURAL GAS PIPE CO
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 02/17/81 JA: TX			
8117951	28152	4205130882	102	BUGG #3	GIDDINGS	110.0	CLAJON GAS CO
8117947	28083	4205100000	102	SCHINDLER-BIRCH CREEK	GIDDINGS	365.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP				RECEIVED: 02/17/81 JA: TX			
8117920	26356	4235700000	102	HARRIS G #1	HARRIS (MORROW UPPER)	1400.0	DELHI GAS PIPELINE C
8117895	23305	4221100000	108	LAUGHAN T #1	S E FELDMAN	4.0	CITIES SERVICE
8117919	26355	4229500000	102	REYNOLDS C #2	LEAR (MORROW LOWER)	325.0	DELHI GAS PIPELINE C
-THOMAS-POWELL ROYALTY INC				RECEIVED: 02/17/81 JA: TX			
8117926	26858	4239931440	102	PHILLIPS ET AL #1 (08370)	WINGATE NW (GRAY)	99.0	UNION TEXAS PETROLEU

VOLUME 289 PAGE 006

JOINT	JA (AT	API #	CO	WELL NAM	FIELD NAME	RRDT	PURCHASER
-TOM BROWN INC				RECEIVED: 02/17/81 JA: TX			
8117697	23546	4241330363	103	#1 FRANK VALIS	HENRY SPECK (CANYON)	14.9	PRODUCERS GAS CO
8117698	23546	4241330567	106	#1 MARY COUPE 3	HENRY SPECK (CANYON)	40.3	NORTHERN NATURAL GAS
8117699	23551	4241330366	106	VALIS A #1	HENRY SPECK (CANYON)	81.3	PRODUCERS GAS CO
8117900	23552	4241330432	106	VALIS A #2	HENRY SPECK (CANYON)	20.2	PRODUCERS GAS CO
-TOM F MARSH INC				RECEIVED: 02/17/81 JA: TX			
8117935	27421	4221160000	103	STANOLEF #1-66	WILDCAT	30.0	PIONEER NATURAL GAS
-UNION EXPLORATION				RECEIVED: 02/17/81 JA: TX			
8117983	28497	4205932616	102	BROOKS #2 (16417)	BOWNE (CONGL)	48.0	LONE STAR GAS CO
8117981	28479	4205932714	102	BROOKS A #3 (89778)	BOWNE N (CADDO)	0.0	LONE STAR GAS CO
8117982	28480	4205932122	102	ROGERS #2 (15508)	BOWNE (CONGL)	49.0	LONE STAR GAS CO
-VANN PETROLEUM CO				RECEIVED: 02/17/81 JA: TX			
8117934	27327	4217331353	102	A S VOST NO 1	SCHRUEDER WEST (VICKSBUR	109.5	TRANSCONTINENTAL GAS
-W E POPE				RECEIVED: 02/17/81 JA: TX			
8117914	25714	4214330240	106	G O GRISWOLD #1/#84202	LIBERTY OAK (BIG SALINE)	14.0	NORTHERN GAS PRODUCT
-W WALDO LYNCH				RECEIVED: 02/17/81 JA: TX			
8117952	28281	4250731323	102	LAMANTIA 7	LAMANTIA (SAN MIGUEL)	180.0	VALERO TRANSMISSION
-WALSH AND WATTS INC				RECEIVED: 02/17/81 JA: TX			
8118015	29573	4230100000	108	TXL H NO 9 (12684)	GRICE (DELAWARE)	2.0	PHILLIPS PETROLEUM C
-WARRIOR MANAGEMENT & QUANAH PET				RECEIVED: 02/17/81 JA: TX			
8117936	27301	4231131455	102	COUNTRYMAN NO 1 (89038)	BARRANCA (SLICK)	1825.0	TEXAS EASTERN TRANSM
-WHEELER OIL COMPANY				RECEIVED: 02/17/81 JA: TX			
8118005	29101	4221932628	103	CONNIE GREGORY #1	D-L-S (SAN ANDRES)	1.4	CABOT PIPELINE CORP
8118004	29100	4221932977	103	O L SCHWAR #2	D-L-S (SAN ANDRES)	48.9	CABOT PIPELINE CORP
**********							
** U.S. GEOLOGICAL SURVEY - DENVER,CO							
**********							
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/18/81 JA: CO 1			
8118039	COO111-80	0510730365	103	SOUTHERN UTE 15-3 32-9 (NV)	IGNACIO BLANCO	366.0	NORTHWEST PIPELINE C
8118040	COO114-80	0510730363	103	SOUTHERN UTE 21-2 32-9 (NV)	IGNACIO BLANCO	405.0	WESTERN SLOPE GAS CO
-COSEKA RESOURCES (USA) LIMITED				RECEIVED: 02/18/81 JA: CO 1			
8118041	COO109-80	0510308371	103	FEDERAL 09-31-4-101	WILDCAT	44.5	NORTHWEST PIPELINE C
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 02/18/81 JA: CO 1			
8118042	C C -01-0	0510308359	104	FR-23-3-101-S	CATHEDRAL	17.0	NORTHWEST PIPELINE C
-PALMER OIL & GAS COMPANY				RECEIVED: 02/18/81 JA: CO 1			
8118033	CC11-0	0504506109	103	FEDERAL #28-9	SOUTH CANYON	121.0	WESTERN SLOPE GAS CO
8118034	CC10-0	0504506138	103	FEDERAL #32-9	SOUTH CANYON	276.0	WESTERN SLOPE GAS CO
8118035	CC22-0	0504506151	103	FEDERAL #6-3	DAKOTA & MORRISON	139.0	COLORADO INTERSTATE
-BELCO PETROLEUM CORPORATION				RECEIVED: 02/18/81 JA: UT 1			
8118036	UOO112-80	4304730660	103	NATURAL DUCK 1-15	NATURAL DUCK	0.0	COLORADO INTERSTATE
8118038	UOO116-80	4304730646	103	NATURAL DUCK 5-15	NATURAL DUCK	0.0	NORTHWEST PIPELINE C
8118037	UOO113-80	4304730647	103	NATURAL DUCK 6-15	NATURAL DUCK	0.0	COLORADO INTERSTATE
-COSEKA RESOURCES (USA) LIMITED				RECEIVED: 02/18/81 JA: UT 1			
8118043	UOO110-80	4304730582	102	06-29-14-23	WILDCAT	411.0	NATURAL GAS CORP OF
-TEXAS OIL & GAS CORP				RECEIVED: 02/18/81 JA: UT 1			
8118032	UC 388-0	4301930572	103	ARCO FEDERAL C #1	SAN ARROYO	550.0	MESA PIPELINE CO
**********							
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK							
**********							
-ANADARKO OIL CO				RECEIVED: 02/18/81 JA: OK 8			
8118044		3511324867	103	DUNKIN #5-1		27.4	TRANSOK PIPE LINE CO

OTHER PURCHASERS

8117855 E I DUPONT DE NEMOURS & CO INC
8117856 E I DUPONT DE NEMOURS & CO INC
8117857 E I DUPONT DE NEMOURS & CO INC
8117858 E I DUPONT DE NEMOURS & CO INC
8117859 E I DUPONT DE NEMOURS & CO INC
8117860 E I DUPONT DE NEMOURS & CO INC
8117930 CITIES SERVICE OIL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.208, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8185 Filed 3-16-81, 8:45 am]

BILLING CODE 6450-85-M

811766D E I DUPONT DE NEMOURS & CO INC
811793C CITIES SERVICE OIL CO

BILLING CODE 6450-85-C

JD NO	JA DAT	API NO	SEC J WELL NAME	FIELD NAME	PROD	PURCHASER
FLORIDA DEPARTMENT OF NATURAL RESOURCES						
-EXXON CORPORATION			RECEIVED: 02/13/81 JA: FL			
8118261		0911320186 107	W R POLK 18-4	JAY/LEC	1100.0	FLORIDA GAS TRANS CO
KANSAS CORPORATION COMMISSION						
-ANADARKO PRODUCTION COMPANY			RECEIVED: 02/23/81 JA: KS			
8118427	K-80-1016	1517520474 103	GUTTRIDGE F-1	SHUCK	73.0	CIMARRON-QUINQUE
8118421	K-81-0023	1506720569 103	MCCLELLAND 9 NO 3	PANOMA	59.0	PANHANDLE EASTERN PI
-BARTLING OIL CO			RECEIVED: 02/23/81 JA: KS			
8118444	K-81-0044	1507120211 103	#1 ALPERS	BYERLY	180.0	SUNFLOWER ELECTRIC C
8118450	K-81-0038	1507120182 103	#1 ANGELL	BYERLY	90.0	SUNFLOWER ELECTRIC C
8118451	K-81-0037	1507120215 103	#1 BUEHNE	BYERLY	54.0	SUNFLOWER ELECTRIC C
8118447	K-81-0041	1507120179 103	#1 EVERETT	BYERLY	54.0	SUNFLOWER ELECTRIC C
8118446	K-81-0042	1507120213 103	#1 LILJEGREN	BYERLY	146.0	SUNFLOWER ELECTRIC C
8118449	K-81-0039	1507120208 103	#1 VOGT	BYERLY	85.0	SUNFLOWER ELECTRIC C
8118445	K-81-0043	1507120180 103	#1 WEST	BYERLY	100.0	SUNFLOWER ELECTRIC C
8118448	K-81-0040	1507120216 103	#2 WINEINGER	BYERLY	91.0	SUNFLOWER ELECTRIC C
-BENSON MINERAL GROUP			RECEIVED: 02/23/81 JA: KS			
8118465	K-79-1058	1512522154 108	ERMIN #1-32	JEFFERSON - SYCAMORE	15.7	UNION GAS SYSTEMS IN
-BEREN CORPORATION			RECEIVED: 02/23/81 JA: KS			
8118423	K-81-0021	1509520973 103	HENNING #1	GOETZ	57.0	KANSAS POWER & LIGHT
-BONANZA PETROLEUM INC			RECEIVED: 02/23/81 JA: KS			
8118434	K-80-1017	1512920437 103	JOHNS #1		220.0	PANHANDLE EASTERN PI
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 02/23/81 JA: KS			
8118440	K-80-1102	1509320586 103	GARDEN A NO 3	PANOMA	800.0	COLORADO INTERSTATE
8118442	K-80-1100	1505520355 103	JOSS NO 2	PANOMA	547.0	KANSAS NEBRASKA NATU
8118441	K-80-1101	1505520361 103	STONE NO 2	PANOMA	839.0	KANSAS NEBRASKA NATU
8118439	K-80-1103	1505520382 103	TURRENTINE NO 3	PANOMA	149.0	KANSAS NEBRASKA NATU
-CITIES SERVICE COMPANY			RECEIVED: 02/23/81 JA: KS			
8118416	K-80-0995	1511900000 104	ADAMS M-2	ADAMS RANCH	18.0	COLORADO INTERSTATE
8118415	K-80-1026	1517500000 106	KINEHART A #1	EAST KISMET	13.2	PANHANDLE EASTERN PI
8118414	K-80-1044	1506920068 102	SCHARTZ C #1		54.0	
-CONTINENTAL ENERGY			RECEIVED: 02/23/81 JA: KS			
8118459	K-81-0059	1509300000 108	WITT #1	HUGOTON	0.0	CITIES SERVICE GAS C
-ENERGY EXPLORATION INC			RECEIVED: 02/23/81 JA: KS			
8118412	K-80-0708	1515520655 103	HARLEY #2	ZENITH-PEACE CREEK MISSI	130.0	PEOPLES NATURAL GAS
8118430	K-80-0709	1515520638 103	KEESLING #1-A	ZENITH-PEACE CREEK MISSI	122.0	PEOPLES NATURAL GAS
8118413	K-80-0707	1515520640 103	WITHRODER #1	ZENITH-PEACE CREEK MISS	117.6	PEOPLES NATURAL GAS
-GRAHAM-MICHAELIS CORP			RECEIVED: 02/23/81 JA: KS			
8118436	K-80-1012	1518720332 103	PLUMMER D 2	PANOMA	100.0	COLORADO INTERSTATE

JD NO	JA DAT	API NO	SEC J WELL NAME	FIELD NAME	PROD	PURCHASER
-IMPERIAL OIL COMPANY			RECEIVED: 02/23/81 JA: KS			
8118426	K-80-1060	1502520307 103	DAILY 42-17			

JD NO	JA DKT	API NO	SEC	J WELL NAME		FIELD NAME	PROD	PURCHASER
-IMPERIAL OIL COMPANY				RECEIVED: 02/23/81 JA: KS				
8118426	K-80-1050	1502520307	102	DAILY #2-17		LEXINGTON	164.0	KANSAS POWER & LIGHT
8118425	K-80-1053	1502520271	102	SCHEIB #2-18		GRANGER CREEK	201.0	KANSAS POWER & LIGHT
-INTER-AMERICAN ENERGY CORP				RECEIVED: 02/23/81 JA: KS				
8118443	K-80-1097	1518720315	103	COCKRENAM #1		HUGOTON POOL (CHASE FORM	35.0	COLORADO INTERSTATE
-J M HUBER CORPORATION				RECEIVED: 02/23/81 JA: KS				
8118453	K-81-0067	1512900000	108	CHURCH NO 2		HUGOTON	10.0	CITIES SERVICE GAS C
-J MARK RICHARDSON				RECEIVED: 02/23/81 JA: KS				
8118420	K-81-0025	1509720553	103	MCFADDEN A #1		FRALICK WEST	200.0	PANHANDLE EASTERN PI
-JOHN JAY DARNAH JR				RECEIVED: 02/23/81 JA: KS				
8118424	K-81-0020	1519120758	102	VANNOVER GU #1		UNDESIGNATED	40.0	CENTRAL STATES GAS C
-KAN-GO INC				RECEIVED: 02/23/81 JA: KS				
8118455	K-81-0065	1511520601	103	ANGELA STIKA #1		LOST SPRINGS	3.6	CLOVER PIPELINE CORP
-KANSAS PETROLEUM INC				RECEIVED: 02/23/81 JA: KS				
8118452	K-81-0008	1508120170	103	BECKER-STEGELL #1		HUGOTON	20.0	NORTHERN NATURAL GAS
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 02/23/81 JA: KS				
8118463	K-80-0364	1502320075	108	HARKINS 1 - 16		BENKLEMAN	3.0	
8118464	K-80-0494	1502320040	108	HARKINS 1-29		BENKLEMAN	16.0	
8118466	K-80-0497	1502320044	108	HOLZWARTH 1-1		BENKLEMAN	3.0	
8118462	K-80-0495	1502320043	108	OBRIEN 1-30		BENKLEMAN	16.0	
8118461	K-80-0496	1502320031	108	OBRIEN 1-31		BENKLEMAN	4.0	
-LADD PETROLEUM CORPORATION				RECEIVED: 02/23/81 JA: KS				
8118470	K-81-0001	1507520329	103	MCU-1821-C		BRADSHAW	36.5	KANSAS NEBRASKA NATU
8118469	K-81-0002	1507520339	103	MCU-3030-C		BRADSHAW	28.0	KANSAS NEBRASKA NATU
-MARDEN PRODUCING CO				RECEIVED: 02/23/81 JA: KS				
8118454	K-81-0066	1505500000	108	REED RANCH #1		HUGOTON FIELD	7.5	KANSAS-NEBRASKA NATU
-NATIONAL COOP REFINERY ASSOC				RECEIVED: 02/23/81 JA: KS				
8118431	K-80-0684	1509520939	103	CARRICK 9 #3		SPIVEY-GRABS	25.0	CITIES SERVICE CO
-NORTHERN NATURAL GAS PRODUCING CO				RECEIVED: 02/23/81 JA: KS				
8118422	K-81-0022	1518920511	103	TILFORD NO 1 UNIT NO 2		PANOMA	70.0	NORTHERN NATURAL GAS
-PAN EASTERN EXPLORATION COMPANY				RECEIVED: 02/23/81 JA: KS				
8118471	K-80-1106	1518900000	108	HOWELL RHINEHART #2		PANOMA COUNCIL GROVE	20.0	PANHANDLE EASTERN PI
8118438	K-80-1104	1512900000	108	KANSAS #1-23		GREENWOOD	20.0	PANHANDLE EASTERN PI
8118437	K-80-1105	1512900000	108	LOW #1-8		HUGOTON	17.0	PANHANDLE EASTERN PI
-ROBERT F WHITE				RECEIVED: 02/23/81 JA: KS				
8118419	K-81-0019	1509500000	103	NICHOLS #1		SPIVEY-GRABS	72.0	KANSAS POWER & LIGHT
-RUDY SCHREPPEL JR				RECEIVED: 02/23/81 JA: KS				
8118456	K-81-0064	1509920977	102	OLSON NO 4		SO BARTLETT	0.0	CITIES SERVICE GAS C
8118458	K-81-0062	1509920508	102	ROBISON NO 2		BARTLETT	109.5	CITIES SERVICE GAS C
8118457	K-81-0063	1509921216	102	SWANWICK NO 1		OSWEGO WEST	3.3	CITIES SERVICE GAS C
-W B OSBORN JR (OPERATOR)				RECEIVED: 02/23/81 JA: KS				
8118460	K-81-0003	1509320712	102	COOPER #1		HUGOTON	37.0	PANHANDLE EASTERN PI
8118466	K-81-0005	1509320711	102	MARVIN #1		HUGOTON	0.0	PANHANDLE EASTERN PI
8118467	K-81-0004	1509320713	102	PYLE #1		HUGOTON	37.0	PANHANDLE EASTERN PI
-W R MURFIN D/B/A MURFIN DRILLING CO				RECEIVED: 02/23/81 JA: KS				
8118428	K-80-0733	1502320056	108	MCCURRY #1-17 GAS UNIT		CHERRY CREEK	18.0	KANSAS-NEBRASKA NATU
8118417	K-80-0694	1502320053	108	OBRIEN B #1-35 GAS UNIT		BENKELMAN	6.9	KANSAS-NEBRASKA NATU
8118416	K-80-0696	1502320054	108	RUEB FARMS #1-2 GAS UNIT		CHERRY CREEK	11.0	KANSAS-NEBRASKA NATU
8118429	K-80-0735	1502320028	108	WALZ #1 GAS UNIT		BENKELMAN	11.0	KANSAS-NEBRASKA NATU
-WALLACE OIL & GAS INC				RECEIVED: 02/23/81 JA: KS				
8118432	K-80-0204	1507520309	103	#2 HERRMANN TWIN		KANSAS HUGOTON	120.0	PEOPLES NATURAL GAS
8118435	K-80-1015	1507520347	103	MGF #2		KANSAS HUGOTON	127.7	PEOPLES NATURAL GAS

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
-WENERT TRICH			RECEIVED: 02/23/81 JA: KS			
8118433	K-80-1058	1509720000 103	DAVIS DAY #3	WELLSFORD NE	90.0	PANHANDLE EASTERN PI
MISSISSIPPI OIL & GAS BOARD						
-TOMLINSON INTERESTS INC			RECEIVED: 02/20/81 JA: MS			
8118319	106-80-486	2306520140 107	VIRGIL BARNES ET UX 31-5 #1	WEST OAKVALE FIELD	0.0	TRANSCONTINENTAL GAS
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-AMOCO PRODUCTION CO			RECEIVED: 02/20/81 JA: NM			
8118325		3001522452 103	PARDUE FARMS GAS COM #1	WILDCAT - STRAWN	9.0	EL PASO NATURAL GAS
8118324		3001522553 103	TELEDYNE 17 NO 1	ATOKA	740.0	EL PASO NATURAL GAS
-ARCO OIL AND GAS COMPANY			RECEIVED: 02/20/81 JA: NM			
8118329		3002526881 103	FREDERICK H CURRY WN #3	LANGLIE MATTIX (7R QN)	32.0	EL PASO NATURAL GAS
-CONSOLIDATED OIL & GAS INC			RECEIVED: 02/20/81 JA: NM			
8118331		3004511081 108	LANDAUER #1	BASIN-DAKOTA	20.0	SOUTHERN UNION GATHE
-EL PASO NATURAL GAS COMPANY			RECEIVED: 02/20/81 JA: NM			
8118338		3004520896 108	CALLISON #1	AZTEC - PICTURED CLIFFS	16.0	EL PASO NATURAL GAS
8118339		3004511786 108	FLANINGAM #1	AZTEC-PICTURED CLIFFS	16.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC			RECEIVED: 02/20/81 JA: NM			
8118322		3002527007 103	GULF STATE #4	BUCKEYE ABO	365.4	PHILLIPS PETROLEUM C
-HNG OIL COMPANY			RECEIVED: 02/20/81 JA: NM			
8118330		3002526949 103	SAN SIMON 6 STATE COM #1	UNDESIGNATED WOLFCAMP	30.7	TEXACO INC
-MESA PETROLEUM			RECEIVED: 02/20/81 JA: NM			
8118321		3000530647 102	ACME #1	WILDCAT ABO	2250.0	TRANSWESTERN PIPELIN
8118336		3004500118 108	STATE COM AI #33	BASIN DAKOTA	20.0	NORTHWEST PIPELINE C
8118337		3004500000 108	STATE COM AJ #34	BASIN DAKOTA	20.0	NORTHWEST PIPELINE C
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 02/20/81 JA: NM			
8118320		3002526084 103	E VAC GB/SA TR 3456 #008	VACUUM GB/SA	0.7	EL PASO NATURAL GAS
8118327		3002526086 103	E VAC GB/SA TR 3456 #010	VACUUM GB/SA	1.0	EL PASO NATURAL GAS
8118326		3002526851 103	LEAMEX NO 28	MALJAMAR GB/SA	21.2	EL PASO NATURAL GAS
8118323		3002527086 103	MEXCO-A #4	MALJAMAR GB/SA	7.3	EL PASO NATURAL GAS
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 02/20/81 JA: NM			
8118335		3001500000 108	EAST MILLMAN UNIT #3-2	EAST MILLMAN	1.0	PHILLIPS PETROLEUM C
8118332		3004100000 108	NEW MEXICO -AI- STATE #1	CHAVEROO	3.0	CITIES SERVICE CO
8118334		3002500000 108	PEERLESS ET AL COM #1	JALMAT	19.0	EL PASO NATURAL GAS
8118333		3000500000 108	STATE TRACT -C- #1	CHAVEROO	3.0	CITIES SERVICE CO
-SUPRON ENERGY CORPORATION			RECEIVED: 02/20/81 JA: NM			
8118328		3004524303 103	SAIZ 1-E	BASIN DAKOTA	234.0	SOUTHERN UNION GATHE
OKLAHOMA CORPORATION COMMISSION						
-ARCO OIL AND GAS COMPANY			RECEIVED: 02/18/81 JA: OK			
8118303	07239	3504321047 103	TEDDIE G WOODS #2	PUTNAM	365.0	MICHIGAN WISCONSIN P
-CONSOLIDATED OIL & GAS INC			RECEIVED: 02/18/81 JA: OK			
8118311	07213	3500700000 108	HINZ NO 1	LIGHT	14.0	PANHANDLE EASTERN PI
-DALCO PETROLEUM INC			RECEIVED: 02/18/81 JA: OK			
8118306	07022	3507322478 103	RODNEY #2	SOONER TREND	91.3	CITIES SERVICE GAS C
-EASON OIL COMPANY			RECEIVED: 02/18/81 JA: OK			
8118315	07246	3501721332 103	C A HENDERSON #2	YUKON	365.0	DORIC PETROLEUM INC
8118314	07247	3501721560 103	C A HENDERSON #3	YUKON	348.6	DORIC PETROLEUM INC

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
8118316	07244	3501721341 103	TULLOS-HENDERSON #2	YUKON	365.0	DORIC PETROLEU INC
8118317	07245	3501721561 103	TULLOS-HENDERSON #3	YUKON	348.6	DORIC PETROLEUM INC

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118316	07244	3501721341	103	TULLOS-HENDERSON #2	YUKON	365.0	DORIC PETROLEU INC
8118317	07245	3501721561	103	TULLOS-HENDERSON #3	YUKON	346.4	DORIC PETROLEUM INC
-ELCOOL CORP				RECEIVED: 02/18/81 JA: OK			
8118306	06695	3510300000	108	WALTERMIRE NO 1	PERRY	14.2	CITIES SERVICE GAS C
-F C D OIL CORP				RECEIVED: 02/18/81 JA: OK			
8118302	07243	3508321310	103	MCPEEK 1-6	N E CRESCENT	18.3	EASON OIL CO
-GREAT SOUTHERN ENTERPRISES INC				RECEIVED: 02/18/81 JA: OK			
*8118313	07266	3514721489	103	MADRON A4	MADRON LEASE	0.0	RANOKLA ENERGY CORP
-GULFSTREAM PETRULEUM CORP				RECEIVED: 02/18/81 JA: OK			
8118300	07227	3508720454	103	WALTON NO 1	UNALLOCATED POOL	76.0	SUN GAS CO
-HALLIBURTON OIL PRODUCING COMPANY				RECEIVED: 02/18/81 JA: OK			
8118312	07265	3504722112	103	SCHLER #1	NORTH MARSHALL	190.0	ARCO OIL & GAS CO
-LEEDE OIL & GAS INC				RECEIVED: 02/18/81 JA: OK			
8118305	06699	3515321034	103	WYCOFF 1-A	S W FREEDOM	0.0	PANHANDLE EASTERN P
-NEVA ASSOCIATES				RECEIVED: 02/18/81 JA: OK			
8118299	07042	3507121861	103	KELLE #2 -23	EAST BLACKWELL	0.0	CITIES SERVICE GAS C
8118307	07041	3507121869	103	KENNITZ #1-23	EAST BLACKWELL	0.0	CITIES SERVICE GAS C
-PETRO-LEWIS CORPORATION				RECEIVED: 02/18/81 JA: OK			
*8118304	05083	3506520039	108	P L TEDFORD #1-24	NORTHEAST WILLOW	12.1	WILLOW PIPELINE CO
-S K TUTHILL & W J BARBEE				RECEIVED: 02/18/81 JA: OK			
8118309	07056	3515121038	103	#1-27 WOOLLEY	FAIRVALLEY	200.0	PANHANDLE EASTERN PI
-SENECA OIL COMPANY				RECEIVED: 02/18/81 JA: OK			
8118310	06995	3507920348	103	CRAM #1	WEST CEDARS	480.0	ARKANSAS LOUISIANA G
-VULCAN ENERGY CORP				RECEIVED: 02/18/81 JA: OK			
8118314	07140	3507322326	103	DUFFY #1	N E LOYAL	100.0	CITIES SERVICE CO
-WILLIAM H DAVIS				RECEIVED: 02/18/81 JA: OK			
8118301	07238	3508321385	103	PRITCHETT #2	N W RUSSELL	63.0	EASON OIL CO
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
**********							
-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 02/17/81 JA: WV			
8118277		4708100526	103	BEAVER COAL CO A-59	TOMN	45.0	COLUMBIA GAS TRANSMI
-BEREA OIL AND GAS CORPORATION				RECEIVED: 02/17/81 JA: WV			
8118290		4710720912	103	N WESTBROOK #1	UNION	17.0	
8118291		4710720913	103	N WESTBROOK #2	UNION	17.0	
8118271		4710720924	103	T CORBIN #3	UNION	17.0	
-CHESTERFIELD CORP				RECEIVED: 02/17/81 JA: WV			
8118266		4709701930	103	D CHILDERS NO 2 - UPS - 1930		32.5	COLUMBIA GAS DISTRIB
8118267		4709701937	103	D FINNEGAN #2 - UPS - 1937		16.5	PARTNERSHIP PROPERTI
8118282		4709701936	103	FINNEGAN #7 - UPS - 1936		28.3	PARTNERSHIP PROPERTI
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 02/17/81 JA: WV			
8118293		4705900913	107	COTIGA DEVELOPMENT 820567	WEST VIRGINIA FIELD AREA	129.0	COLUMBIA GAS TRANS C
8118296		4700500586	107	HORSE CREEK L & M 805274	WEST VIRGINIA FIELD AREA	3.6	COLUMBIA GAS TRANS C
8118295		4704301833	107	HORSE CREEK TRACT 801089	WEST VIRGINIA FIELD AREA	0.7	COLUMBIA GAS TRANS C
8118294		4703902612	107	KING LAND COMPANY 809806	FIELD AREA A	11.5	COLUMBIA GAS TRANS C
8118297		4703902613	107	KING LAND COMPANY 809807	FIELD AREA A	5.0	COLUMBIA GAS TRANS C
-DEVON CORPORATION				RECEIVED: 02/17/81 JA: WV			
*8118276		4707900847	103	#862 CECIL HIGGIN BOTHAM	MIDWAY	27.0	DEVON PIPELINE CO
*8118274		4707900940	103	#930 THOMAS N BAKER	MIDWAY	16.0	DEVON PIPELINE CO
*8118275		4707900939	103	#931 HOLLIS STONER	MIDWAY	16.0	DEVON PIPELINE CO
-FMF OIL & GAS PROPERTIES				RECEIVED: 02/17/81 JA: WV			
8118263		4700300294	102	D KING #1 A ARMAND #1	ROARING CREEK DISTRICT D	55.0	COLUMBIA GAS TRANSMI
8118262		4700300295	102	D KING #1 B ARMAND #2 (RICOTTILLI #2)	ROARING CREEK DISTRICT	55.0	COLUMBIA GAS TRANSMI

JO NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
-J & J ENTERPRISES INC				RECEIVED: 02/17/81 JA: WV			
8118269		4709720580	103	J-80	UNION	200.0	COLUMBIA GAS TRANSMI
-JAMES F SCOTT				RECEIVED: 02/17/81 JA: WV			
8118272		4703302324	103	CUTLIP-LAYFIELD S-301	SARDIS DISTRICT	26.0	CONSOLIDATED GAS SUP
8118281		4703302332	103	ELIZA ROBINSON S-290	EAGLE DISTRICT	26.0	CONSOLIDATED GAS SUP
8118288		4703302250	103	HAROLD GAINS (S-293)	UNION DISTRICT	26.0	CONSOLIDATED GAS SUP
-NRM PETROLEUM CORPORATION				RECEIVED: 02/17/81 JA: WV			
8118264		4709702037	103	DLAN B #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRANSMI
8118265		4709702004	103	MCCLAIN #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRANSMI
8118276		4709701978	103	OSBORN #1	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8118287		4709701977	103	OSBORN #2	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8118286		4709702003	103	ZICKEFOOSE #1	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-PATRICK PETROLEUM CORP OF MICHIGAN				RECEIVED: 02/17/81 JA: WV			
8118266		4700100724	103	D JACOB DAUGHERTY #1	PHILIPPI	0.0	CONSOLIDATED GAS SUP
-PENNZOIL COMPANY				RECEIVED: 02/17/81 JA: WV			
8118265		4708702874	108	D R A WEBB #4	SMITHFIELD	1.6	CONSOLIDATED GAS SUP
-QUAKER STATE OIL REFINING CORP				RECEIVED: 02/17/81 JA: WV			
8118292		4702920087	107	HILLCREST FARMS #1	CLAY DISTRICT	18.3	COLUMBIA GAS TRANSMI
-R & S GAS COMPANY				RECEIVED: 02/17/81 JA: WV			
8118283		4708504341	103	L D HEFFNER NO 2	MURPHY DISTRICT	12.0	CABOT CORP
-STONESTREET LANDS CO				RECEIVED: 02/17/81 JA: WV			
8118273		4701501716	103	S W BRYANT #1-S-26	ELMIRA	38.0	COLUMBIA GAS TRANSMI
-UNION DRILLING INC				RECEIVED: 02/17/81 JA: WV			
8118260		4709702064	103	R R COLERIDER EST #2 1568	MEADE DISTRICT	0.0	EQUITABLE GAS CO
8118279		4709702051	103	WM W GILMORE ET AL #1 1515	BANKS DISTRICT	0.0	COLUMBIA GAS TRANSMI
-UNION GAS CORP				RECEIVED: 02/17/81 JA: WV			
8118269		4702102964	103	D COLLINS #101	GLENVILLE DISTRICT	25.0	PENNZOIL CO
8118270		4702102949	103	D COLLINS #102	GLENVILLE DISTRICT	60.0	PENNZOIL CO
-WACO OIL AND GAS CO INC				RECEIVED: 02/17/81 JA: WV			
8118264		4702103644	102	D WHITING #7A		40.0	CONSOLIDATED GAS SUP
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM							
-ALPHA TWENTY-ONE PRODUCTION CO				RECEIVED: 02/20/81 JA: NM 4			
8118404	NM 1734-80	3002527023	103	BUCKSKIN FEDERAL NO 1	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO				RECEIVED: 02/20/81 JA: NM 4			
8118340	NM-5253-79	3002526091	103	NELLIS FEDERAL #3	UND BUFFALO PENN MORROW	613.2	GAS CO OF NEW MEXICO
-BELCO PETROLEUM CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118378	NM-1698-80	3002526373	103	HAT MESA 13-1	HAT MESA	0.0	TRANSWESTERN PIPELIN
-BTA OIL PRODUCERS				RECEIVED: 02/20/81 JA: NM 4			
8118383	NM-1704-80	3002527029	103	7406 JV-S LEA 21 #3	TANSILL-YATES (COMANCHE-	36.7	EL PASO NATURAL GAS
-CONSOLIDATED OIL & GAS INC				RECEIVED: 02/20/81 JA: NM 4			
8118362	NM-1591-80	3003906326	108	LONE NO 3	TAPACITO-PICTURED CLIFFS	15.0	GAS CO OF NEW MEXICO
8118402	NM 1732-80 A	3004524320	103	STARK NO 1-M (DAKOTA)	BASIN DAKOTA	0.0	SOUTHERN UNION GATHE
8118403	NM 1732-80B	3004524320	103	STARR NO 1-M (MV)	BLANCO MESAVERDE	0.0	SOUTHERN UNION GATHE
-DAVID FASKEN				RECEIVED: 02/20/81 JA: NM 4			
8118392	NM 1719-80	3001523303	103	EL PASO FEDERAL #5	AVALON (MORROW)	730.0	EL PASO NATURAL GAS
8118393	NM 1720-80	3001523302	103	MARALO FEDERAL #1	AVALON (MORROW)	180.0	EL PASO NATURAL GAS
-DOME PETROLEUM CORP				RECEIVED: 02/20/81 JA: NM 4			
*8118341	NM 1258-80	3004522475	103	FUSSELMAN FEDERAL 2R	NIPP PICTURED CLIFFS	16.7	EL PASO NATURAL GAS
-DOYLE HARTMAN OIL OPERATOR				RECEIVED: 02/20/81 JA: NM 4			
8118394	NM-1721-80	3002527078	103	SAMEDAN-HUGHES FEDERAL NO 1	JALMAT (GAS)	110.0	EL PASO NATURAL GAS

JO NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
-EL PASO EXPLORATION CO				RECEIVED: 02/20/81 JA: NM 4			
8118400	NM-1733-80	3002527023	103	BUCKSKIN FEDERAL NO 1	TAPACITO - PICTURED CLIF	19.0	NORTHWEST PIPELINE C
-GULF OIL EXPLORATION & PRODUCTION CO				RECEIVED: 02/20/81 JA: NM 4			
8118344	NM-5253-79	3002526091	103	NELLIS FEDERAL #3	UND BUFFALO PENN MORROW	613.2	GAS CO OF NEW MEXICO
-HARVEY E YATES CO				RECEIVED: 02/20/81 JA: NM 4			
8118396	NM-1722-80	3002527077	103	SAMEDAN-HUGHES FEDERAL NO 2	JALMAT (GAS)	110.0	EL PASO NATURAL GAS
-HNG OIL COMPANY				RECEIVED: 02/20/81 JA: NM 4			
8118397	NM-1723-80	3002527076	103	SAMEDAN-HUGHES FEDERAL NO 3	JALMAT (GAS)	110.0	EL PASO NATURAL GAS
-MARATHON OIL CO				RECEIVED: 02/20/81 JA: NM 4			
8118398	NM-1724-80	3002527075	103	SAMEDAN-HUGHES FEDERAL NO 4	JALMAT (GAS)	110.0	EL PASO NATURAL GAS
-MESA PETROLEUM CO				RECEIVED: 02/20/81 JA: NM 4			
8118399	NM-1725-80	3002527074	103	SAMEDAN-HUGHES FEDERAL NO 5	JALMAT (GAS)	110.0	EL PASO NATURAL GAS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 02/20/81 JA: NM 4			
8118401	NM 1731-80	3002527021	103	BUCKSKIN FEDERAL NO 2	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-PENNZOIL COMPANY				RECEIVED: 02/20/81 JA: NM 4			
8118405	NM 1735-80	3002527022	103	BUCKSKIN FEDERAL NO 3	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-PHILLIPS PETROLEUM CO				RECEIVED: 02/20/81 JA: NM 4			
8118406	NM 1736-80	3002527020	103	BUCKSKIN FEDERAL NO 4	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO				RECEIVED: 02/20/81 JA: NM 4			
8118407	NM 1737-80	3002527019	103	BUCKSKIN FEDERAL NO 5	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXACO INC				RECEIVED: 02/20/81 JA: NM 4			
8118408	NM 1738-80	3002527018	103	BUCKSKIN FEDERAL NO 6	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS OIL & GAS CORP				RECEIVED: 02/20/81 JA: NM 4			
8118409	NM 1739-80	3002527017	103	BUCKSKIN FEDERAL NO 7	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118410	NM 1740-80	3002527016	103	BUCKSKIN FEDERAL NO 8	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118411	NM 1741-80	3002527015	103	BUCKSKIN FEDERAL NO 9	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118412	NM 1742-80	3002527014	103	BUCKSKIN FEDERAL NO 10	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118413	NM 1743-80	3002527013	103	BUCKSKIN FEDERAL NO 11	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118414	NM 1744-80	3002527012	103	BUCKSKIN FEDERAL NO 12	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118415	NM 1745-80	3002527011	103	BUCKSKIN FEDERAL NO 13	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118416	NM 1746-80	3002527010	103	BUCKSKIN FEDERAL NO 14	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118417	NM 1747-80	3002527009	103	BUCKSKIN FEDERAL NO 15	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118418	NM 1748-80	3002527008	103	BUCKSKIN FEDERAL NO 16	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118419	NM 1749-80	3002527007	103	BUCKSKIN FEDERAL NO 17	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118420	NM 1750-80	3002527006	103	BUCKSKIN FEDERAL NO 18	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118421	NM 1751-80	3002527005	103	BUCKSKIN FEDERAL NO 19	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118422	NM 1752-80	3002527004	103	BUCKSKIN FEDERAL NO 20	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118423	NM 1753-80	3002527003	103	BUCKSKIN FEDERAL NO 21	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118424	NM 1754-80	3002527002	103	BUCKSKIN FEDERAL NO 22	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118425	NM 1755-80	3002527001	103	BUCKSKIN FEDERAL NO 23	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118426	NM 1756-80	3002527000	103	BUCKSKIN FEDERAL NO 24	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118427	NM 1757-80	3002526999	103	BUCKSKIN FEDERAL NO 25	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118428	NM 1758-80	3002526998	103	BUCKSKIN FEDERAL NO 26	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118429	NM 1759-80	3002526997	103	BUCKSKIN FEDERAL NO 27	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118430	NM 1760-80	3002526996	103	BUCKSKIN FEDERAL NO 28	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118431	NM 1761-80	3002526995	103	BUCKSKIN FEDERAL NO 29	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118432	NM 1762-80	3002526994	103	BUCKSKIN FEDERAL NO 30	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118433	NM 1763-80	3002526993	103	BUCKSKIN FEDERAL NO 31	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118434	NM 1764-80	3002526992	103	BUCKSKIN FEDERAL NO 32	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118435	NM 1765-80	3002526991	103	BUCKSKIN FEDERAL NO 33	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118436	NM 1766-80	3002526990	103	BUCKSKIN FEDERAL NO 34	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118437	NM 1767-80	3002526989	103	BUCKSKIN FEDERAL NO 35	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118438	NM 1768-80	3002526988	103	BUCKSKIN FEDERAL NO 36	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118439	NM 1769-80	3002526987	103	BUCKSKIN FEDERAL NO 37	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118440	NM 1770-80	3002526986	103	BUCKSKIN FEDERAL NO 38	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118441	NM 1771-80	3002526985	103	BUCKSKIN FEDERAL NO 39	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118442	NM 1772-80	3002526984	103	BUCKSKIN FEDERAL NO 40	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118443	NM 1773-80	3002526983	103	BUCKSKIN FEDERAL NO 41	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118444	NM 1774-80	3002526982	103	BUCKSKIN FEDERAL NO 42	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118445	NM 1775-80	3002526981	103	BUCKSKIN FEDERAL NO 43	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118446	NM 1776-80	3002526980	103	BUCKSKIN FEDERAL NO 44	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118447	NM 1777-80	3002526979	103	BUCKSKIN FEDERAL NO 45	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118448	NM 1778-80	3002526978	103	BUCKSKIN FEDERAL NO 46	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118449	NM 1779-80	3002526977	103	BUCKSKIN FEDERAL NO 47	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118450	NM 1780-80	3002526976	103	BUCKSKIN FEDERAL NO 48	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118451	NM 1781-80	3002526975	103	BUCKSKIN FEDERAL NO 49	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118452	NM 1782-80	3002526974	103	BUCKSKIN FEDERAL NO 50	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118453	NM 1783-80	3002526973	103	BUCKSKIN FEDERAL NO 51	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118454	NM 1784-80	3002526972	103	BUCKSKIN FEDERAL NO 52	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118455	NM 1785-80	3002526971	103	BUCKSKIN FEDERAL NO 53	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118456	NM 1786-80	3002526970	103	BUCKSKIN FEDERAL NO 54	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118457	NM 1787-80	3002526969	103	BUCKSKIN FEDERAL NO 55	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118458	NM 1788-80	3002526968	103	BUCKSKIN FEDERAL NO 56	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118459	NM 1789-80	3002526967	103	BUCKSKIN FEDERAL NO 57	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118460	NM 1790-80	3002526966	103	BUCKSKIN FEDERAL NO 58	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118461	NM 1791-80	3002526965	103	BUCKSKIN FEDERAL NO 59	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118462	NM 1792-80	3002526964	103	BUCKSKIN FEDERAL NO 60	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118463	NM 1793-80	3002526963	103	BUCKSKIN FEDERAL NO 61	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118464	NM 1794-80	3002526962	103	BUCKSKIN FEDERAL NO 62	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118465	NM 1795-80	3002526961	103	BUCKSKIN FEDERAL NO 63	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118466	NM 1796-80	3002526960	103	BUCKSKIN FEDERAL NO 64	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118467	NM 1797-80	3002526959	103	BUCKSKIN FEDERAL NO 65	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118468	NM 1798-80	3002526958	103	BUCKSKIN FEDERAL NO 66	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118469	NM 1799-80	3002526957	103	BUCKSKIN FEDERAL NO 67	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118470	NM 1800-80	3002526956	103	BUCKSKIN FEDERAL NO 68	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118471	NM 1801-80	3002526955	103	BUCKSKIN FEDERAL NO 69	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118472	NM 1802-80	3002526954	103	BUCKSKIN FEDERAL NO 70	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118473	NM 1803-80	3002526953	103	BUCKSKIN FEDERAL NO 71	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118474	NM 1804-80	3002526952	103	BUCKSKIN FEDERAL NO 72	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118475	NM 1805-80	3002526951	103	BUCKSKIN FEDERAL NO 73	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118476	NM 1806-80	3002526950	103	BUCKSKIN FEDERAL NO 74	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118477	NM 1807-80	3002526949	103	BUCKSKIN FEDERAL NO 75	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118478	NM 1808-80	3002526948	103	BUCKSKIN FEDERAL NO 76	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118479	NM 1809-80	3002526947	103	BUCKSKIN FEDERAL NO 77	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118480	NM 1810-80	3002526946	103	BUCKSKIN FEDERAL NO 78	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118481	NM 1811-80	3002526945	103	BUCKSKIN FEDERAL NO 79	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118482	NM 1812-80	3002526944	103	BUCKSKIN FEDERAL NO 80	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118483	NM 1813-80	3002526943	103	BUCKSKIN FEDERAL NO 81	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118484	NM 1814-80	3002526942	103	BUCKSKIN FEDERAL NO 82	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118485	NM 1815-80	3002526941	103	BUCKSKIN FEDERAL NO 83	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118486	NM 1816-80	3002526940	103	BUCKSKIN FEDERAL NO 84	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118487	NM 1817-80	3002526939	103	BUCKSKIN FEDERAL NO 85	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118488	NM 1818-80	3002526938	103	BUCKSKIN FEDERAL NO 86	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118489	NM 1819-80	3002526937	103	BUCKSKIN FEDERAL NO 87	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118490	NM 1820-80	3002526936	103	BUCKSKIN FEDERAL NO 88	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-TEXAS PACIFIC OIL CO INC				RECEIVED: 02/20/81 JA: NM 4			
8118491	NM 1821-80	3002526935	103	BUCKSKIN FEDERAL NO 89	DOLLARHIDE-DRINKARD	18.0

JO NO	JA DKT	API NO	SEQ NO	WELL NAME	FIELD NAME	PROD	PURCHASER
-EL PASO EXPLORATION CO				RECEIVED: 02/20/81 JA: NM 4			
8118354	NM-1511-80	3003906310	108	JICARILLA 117 E #7 PC	TAPACITO - PICTURED CLIF	19.0	NORTHWEST PIPELINE C
8118372	NM-1658-80	3003906588	108	JICARILLA 119 N #1	TAPACITO - PICTURED CLIF	11.0	NORTHWEST PIPELINE C
-EL PASO NATURAL GAS COMPANY				RECEIVED: 02/20/81 JA: NM 4			
8118350	NM-1383-80	3004507606	108	BOLIN A #1	BLANCO MESAVERDE	18.0	EL PASO NATURAL GAS
8118371	NM-1657-80	3004522883	108	HURTON #2	BLANCO-PICTURED CLIFFS	19.0	EL PASO NATURAL GAS
8118345	NM-1367-80	3004520792	108	HUBBELL #6	AZTEC PICTURED CLIFFS GA	20.0	EL PASO NATURAL GAS
*8118352	NM-1422-80	3004511904	106	HUERFANITO UNIT #98 DK & MV	BASIN-DAKOTA & BLANCO-ME	18.0	EL PASO NATURAL GAS
8118356	NM-1546-80	3004505788	108	HUERFANO UNIT #138	ANGELS PEAK GALLUP GAS	18.0	EL PASO NATURAL GAS
*8118358	NM-1559-80	3004511944	106	HUERFANO UNIT #159	BASIN-DAKOTA	16.0	EL PASO NATURAL GAS
8118355	NM-1547-80	3004506554	108	KNAUFF #1	FULCHER KUTZ-PICTURED CL	11.0	EL PASO NATURAL GAS
8118369	NM-1643-80	3004513064	108	LACKEY B #18	AZTEC-PICTURED CLIFFS	19.0	EL PASO NATURAL GAS
8118344	NM-1366-80	3004520547	108	P L DAVIS #3	BASIN DAKOTA	19.0	EL PASO NATURAL GAS
8118348	NM-1374-80	3003906970	108	RINCON UNIT #115 PCMV	SOUTH BLANCO-PICTURED CL	20.0	EL PASO NATURAL GAS
8118347	NM-1373-80	3003907037	108	RINCON UNIT #123	BLANCO-MESAVERDE	15.0	EL PASO NATURAL GAS
*8118346	NM-1371-80	3004508130	108	SAN JACINTO #6	BASIN-DAKOTA	19.0	EL PASO NATURAL GAS
8118360	NM 1589-80	3003922357	103	SAN JUAN 27-4 UNIT #29A	BLANCO MESAVERDE	70.0	EL PASO NATURAL GAS
8118370	NM-1650-80	3003920674	108	SAN JUAN 28-4 UNIT #36	BASIN DAKOTA	14.0	EL PASO NATURAL GAS
8118368	NM-1641-80	3003907330	108	SAN JUAN 28-5 UNIT #1	BLANCO-MESAVERDE GAS	14.0	EL PASO NATURAL GAS
8118343	NM-1363-80	3003906906	108	SAN JUAN 28-7 UNIT #123	BLANCO SOUTH - PICTURED	17.0	EL PASO NATURAL GAS
*8118353	NM-1457-80	3003920875	108	SAN JUAN 28-7 UNIT #216	BASIN DAKOTA	20.0	EL PASO NATURAL GAS
8118357	NM-1549-80	3003921082	108	SAN JUAN 28-7 UNIT #240	LARGO - CHACRA	18.0	EL PASO NATURAL GAS
8118359	NM-1557-80	3003900000	108	SAN JUAN 28-7 UNIT #85	BLANCO-MESAVERDE	13.0	EL PASO NATURAL GAS
*8118351	NM-1387-80	3003907484	108	SAN JUAN 29-7 UNIT #97	BLANCO MESAVERDE	20.0	EL PASO NATURAL GAS
8118349	NM-1379-80	3004509460	108	SCHUMACHER #11	BASIN-DAKOTA	20.0	EL PASO NATURAL GAS
-DUGAN PRODUCTION CORP				RECEIVED: 02/20/81 JA: NM 4			
8118365	NM 1610-80	3004500000	103	APRIL SURPRISE #2	BASIN DAKOTA	80.0	EL PASO NATURAL GAS
-GULF OIL CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118398	NM 1726-80	3001522313	103	GRYNBERG A FEDERAL #1	EAGLE CREEK PERMO PENN.	175.0	EL PASO NATURAL GAS
-HARVEY E YATES COMPANY				RECEIVED: 02/20/81 JA: NM 4			
8118399	NM 1727-80	3002526625	103	WEST LYNCH FEDERAL #1		40.0	
-J GREGORY MERRION&ROBERT L BAYLESS				RECEIVED: 02/20/81 JA: NM 4			
8118390	NM 1713-80	3004320495	103	BADLAND FLATS #2	SO BLANCO PIC CLIFFS	30.0	EL PASO NATURAL GAS
8118379	NM 1699-80	3004523923	103	CHACO #13	WAW FRUITLAND PIC CLIFFS	30.0	EL PASO NATURAL GAS
8118380	NM-1700-80	3004523924	103	CHACO #14	WAW FRUITLAND PIC CLIFFS	11.0	EL PASO NATURAL GAS
-LAYTON ENTERPRISES INC				RECEIVED: 02/20/81 JA: NM 4			
8118366	NM 1617-80	3004120430	103	KIRKPATRICK FEDERAL #8	BLUITT WOLFCAMP	1.8	WARREN PETROLEUM CO
-MCCLELLAN OIL CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118342	NM-1293-80	3000560672	102	PJ FEDERAL NO 1 NM-11596	WILDCAT (ABO)	182.5	TRANSWESTERN PIPELIN
-MESA PETROLEUM				RECEIVED: 02/20/81 JA: NM 4			
8118363	NM 1607-80	3004524058	103	FEDERAL #10E	BASIN DAKOTA	130.0	EL PASO NATURAL GAS
8118364	NM 1608-80	3004523904	103	FEDERAL 9E	BASIN DAKOTA	36.0	EL PASO NATURAL GAS
8118376	NM-1695-80A	3004523146	103	GAGE FEDERAL #3 (DAKOTA)	BASIN DAKOTA	90.0	EL PASO NATURAL GAS
8118377	NM-1695-80 B	3004523146	103	GAGE FEDERAL #3 (MV)	BLANCO MESAVERDE	250.0	EL PASO NATURAL GAS
8118375	NM-1694-80B	3004534064	103	TRIEB FEDERAL #2E (DAKOTA)	BASIN DAKOTA	120.0	EL PASO NATURAL GAS
8118374	NM-1694-80A	3004534064	103	TRIEB FEDERAL #2E (MV)	BLANCO MESAVERDE	350.0	EL PASO NATURAL GAS
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 02/20/81 JA: NM 4			
8118405	NM 1735-80	3003922450	103	LINDRITH B UNIT NO 7	CHACON-DAKOTA ASSOCIATED	182.5	EL PASO NATURAL GAS
8118397	NM 1725-80	3003922423	103	LINDRITH 9 UNIT NO 9	CHACON DAKOTA ASSOCIATED	60.2	EL PASO NATURAL GAS
-ODESSA NATURAL CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118361	NM 1590-80	3004520446	103	CHACON JICARILLA D #19	CHACON DAKOTA	86.0	EL PASO NATURAL GAS
-RHONDA OPERATING CO				RECEIVED: 02/20/81 JA: NM 4			

VOLUME 382 PAGE 007

JD NO	JA DKT	API NO	SEQ	WELL NAME	FIELD NAME	PROD	PURCHASER
8118373	NM 1665-80	3004526746	103	FEDERAL 33 NO 1	SAWYER (SAN ANDRES)	17.5	WARREN PETROLEUM CO
-SOUTHLAND ROYALTY CO				RECEIVED: 02/20/81 JA: NM 4			
8118400	NM 1731-80A	3004523622	103	REESE MESA #6 (DAKOTA)	BASIN	80.0	NORTHWEST PIPELINE C
8118401	NM 1731-80B	3004523622	103	REESE MESA #6 (MV)	BLANCO	10.0	NORTHWEST PIPELINE C
8118367	NM 1710-80A	3004523872	103	RICHARDSON #10E (DAKOTA)	BASIN	95.0	SOUTHERN UNION GATHE
8118368	NM 1710-80B	3004523872	103	RICHARDSON #10E (FRUITLAND)	UNDESIGNATED	75.0	SOUTHERN UNION GATHE
8118369	NM 1712-80	3004523320	103	THOMPSON #7A	FLORA VISTA	80.0	SOUTHERN UNION GATHE
-TENNECO OIL COMPANY				RECEIVED: 02/20/81 JA: NM 4			
8118395	NM 1722-80	3004524184	103	FLORANCE C #8 E	BASIN DAKOTA	0.0	EL PASO NATURAL GAS
8118391	NM 1718-80	3004523948	103	RUSSEL #4	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8118382	NM-1703-80	3004524050	103	RUSSELL #2	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8118381	NM-1702-80	3004523968	103	RUSSELL #3	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8118396	NM 1723-80	3004524031	103	VANDERWART #2	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118386	NM 1709-80	3001523262	103	FEDERAL CW-S #7	PENASCO DRAW SA YESO ASS	0.0	TRANSWESTERN PIPELIN
8118384	NM-1707-80	3001523438	103	OAKASON NV FEDERAL #1	WILDCAT	0.0	TRANSWESTERN PIPELIN
8118387	NM-1622-80	3004526496	102	PRONGHORN UNIT #1	WILDCAT	0.0	TRANSWESTERN PIPELIN
8118385	NM-1708-80	3004526099	103	SAVAGE NI FEDERAL #1	UNDISCOVERED SAN ANDRES	0.0	TRANSWESTERN PIPELIN
** BUREAU OF INDIAN AFFAIRS, USAGE AGENCY, PAWHUSKA,OK							
-C SCOTT VAIL				RECEIVED: 02/23/81 JA: OK 8			
8118406		3511300000	103	STUART #4	SOUTH BARNSDALL	10.0	PHILLIPS PETROLEUM C
-CN OPERATING CO				RECEIVED: 02/18/81 JA: OK 8			
8118298		3511300000	103	DRAKE #3	ATLANTIC	110.0	PHILLIPS PETROLEUM C
-LOOKOUT OIL & GAS ASSOCIATES				RECEIVED: 02/23/81 JA: OK 8			
8118407		3511300000	108	SOUTH LOOKOUT #2	EAST PAWHUSKA	14.5	NATIONAL ZINC CO
-SPRING ENERGY INC				RECEIVED: 02/23/81 JA: OK 8			
8118408		3511300000	103	WOOLAROC #1-S	WOOLAROC	10.0	NATIONAL ZINC CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 02/23/81 JA: OK 8			
8118411		3511300000	103	CHAPMAN BARNARD #25	SOUTH DOG CREEK	9.5	PHILLIPS PETROLEUM
8118410		3511300000	103	CHAPMAN-BARNARD #24	SOUTH DOG CREEK	0.4	PHILLIPS PETROLEUM
-WILLIAM E DARK & ASSOCIATES				RECEIVED: 02/23/81 JA: OK 8			
8118409		3511300000	103	ZINK 5	NORTH LAKEVIEW AREA	36.0	PHILLIPS PETROLEUM C

OTHER PURCHASERS

8118261 ST REGIS PAPER CO
8118274 EASON OIL CO
8118275 EASON OIL CO
8118276 EASON OIL CO
8118304 ARKANSAS LOUISIANA GAS CO
8118313 CITIES SERVICE GAS COMPANY
8118341 NATURAL GAS PIPE LINE OF AMERICA
8118346 NORTHWEST PIPELINE CORP
8118351 NORTHWEST PIPELINE CORP
8118352 SOUTHERN UNION GATHERING CO
8118353 NORTHWEST PIPELINE CORP
8118358 SOUTHERN UNION GATHERING CO
8118412 NORTHERN NATURAL GAS CO
8118413 NORTHERN NATURAL GAS
8118430 NORTHERN NATURAL GAS CO

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[FR Doc. 81-8

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AGENCY: E
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ACTION: N

SUMMARY
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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8197 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59045; TSH-FRL 1790-8]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under Section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of two applications for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by March 27, 1981. Persons should submit written comments on the applications no later than April 1, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-221, Washington, DC 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the Federal Register.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Register of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Interested persons may, on or before April 1, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59045]". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 10, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM 81-3

The following summary is taken from the data submitted by the manufacturer

8110430 NORTHERN NATURAL GAS CO
BILLING CODE 6450-85-C

in the test marketing exemption application.

Close of Review Period. March 27 1981.

Manufacturer's Identity Claimed confidential business information.

Specific Chemical Identity Claimed confidential business information. Generic name provided: Polydimethylsiloxane, alkyl and terpenyl substituted.

Use. Silicone coating polymer

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance and odor—Viscous amber liquid, slight terpene odor.

Specific gravity ($H_2O=1$—0.98.

Percent volatile by volume—0.

Solubility in water—Negligible.

Flashpoint (PMCC)—250° F.

Toxicity Data

Oral LD_{50} (rat)—52 gm/kg. Range 47–60 gm/kg.

Skin and eye irritation (rabbit)—Non-irritant.

Exposure. The manufacturer states that a limited number of workers may be exposed demally during the test marketing period.

Environmental Release/Disposal. No data were submitted.

TM 81–4

The following summary is taken from the data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. March 27. 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Aryl)oniumpolyhalo salt of semi-metal.

Use. Silicone coating polymer.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. The chemical is a viscous, syrupy fluid at room temperature.

Toxicity Data

Primary eye irritation (rabbit)—Primary eye irritant. Grade range 15–25/110.

Primary skin irritation (rabbit)—Non-irritant.

Acute dermal toxicity (rabbit)—MLD >2,000 mg/kg.

Acute oral toxicity (rat)—MLD >500 mg/kg. MLD >5,000 mg/kg.

Mutagenicity Screening/*Salmonella* Microsomal Assay:

TA1537 (without enzyme activation)—Positive.

TA1535 (with enzyme activation)—Positive.

TA1538, TA98, TA100—Negative.

DNA Repair

Pol A^+—No effects observed.

Pol A —No effects observed.

In-*vitro* Point Mutation:

BALB/3T3 cells—Cytotoxic, dose related mutants without enzyme activation were recorded.

Exposure. The manufacturer states that a limited number of workers may be exposed dermally during the test marketing period.

Environmental Release, Disposal. No data were submitted.

[FR Doc. 81-8089 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-01-M

[PF-218; PH-FRL 1780-2]

Certain Pesticide Chemicals; Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Monsanto Co. has filed pesticide petitions with EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF–218]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agency to establish tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2455. Monsanto Co., 1101 17th St., NW., Washington, D.C. 20036. Proposes amending 40 CFR 180.364 by increasing the proposed tolerance for the combined residues of the herbicide glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity cottonseed from 6 parts per million to 15 parts per million. The proposed analytical method for determining residues is gas chromatography using a phosphorous-specific photometric detector

PP 1F2460. Mansanto Co., 1101 17th St., NW., Washington, D.C. 20036. Proposes amending 40 CFR 180.314 by establishing tolerances for residues of the herbicide *S*-2, 3, 3-trichloroallyl diisopropylthiocarbamate in or on the following raw agricultural commodities: sunflower seed, mustard seed, safflower seed, flax seed, and buckwheat seed at .02 part per million. The proposed analytical method for determining residues is gas chromatography using a electron capture detector

(Sec. 408(d)(1), 68 Stat. 512. (7 U.S.C. 135))

Dated: March 6, 1981

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-8090 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50525; PH-FRL 1780-4]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued experimental use permits to the following applicants: Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

464–EUP–65. Dow Chemical Co., PO Box 1706, Midland, MI 48640. This experimental use permit allows the use of 1,000 pounds of the insecticide chlorpyrifos on wheat to evaluate control of aphids, brown wheat mites, grasshoppers, army worms, and cutworms. A total of 400 acres are involved. The program is authorized only in the States of Illinois and Texas. The experimental use permit is effective from January 9, 1981 to January 9, 1982. The experimental use permit is issued under the special condition that all treated crops be destroyed and that livestock may not be permitted to graze in treated areas or be fed treated crops listed in this permit. (PM

12. Jay S. Ellenberger, Rm. 400, CM#2, 703-557-7024.)

8590-EUP-3. Agway, Inc., Chemical Div., PO Box 4933, Syracuse, NY 13221. This experimental use permit allows the use of the active ingredient of the herbicide Alkanolamine salt of dinoseb (2-sec-butyl-4,6-dinitrophenol) on field and sweet corn to evaluate its use as a plant growth regulator. A total of 8,000 acres are involved (4,000 acres per year over a 2-year period). The program is authorized only in the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Wisconsin. The program is effective from March 1, 1981 to March 1, 1983. A permanent tolerance for residues of the active in or on the raw agricultural commodities corn fodder and forage, corn grain including popcorn; and fresh corn including sweet corn has been established (§ 180.291). (PM 22, Richard F. Mountfort, Rm. 412D, 703-557-7070).

11273-EUP-18. Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, Suite 204, San Diego, CA 92180. This experimental use permit allows the use of 30,000 pounds (24,000 pounds of the active ingredient norflurazon 4-chloro-5- (methylamino)-3-(alpha, alpha, alpha-trifluoro-m-tolyl)-3(2*H*)-pyridazinone) of the herbicide norflurazone on soybeans to evaluate control of grass and broadleaf weeds. A total of 15,000 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas. This experimental use permit is effective from January 21, 1981 to April 20, 1982. A temporary tolerance for residues of the active ingredient in or on soybeans has been established. (PM 23, Richard F. Mountfort, Rm. 412D, 703-557-7070).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries regarding these permits should be directed to the persons given above. It is suggested that interested persons call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (21 U.S.C. 136))

Dated: March 6, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-8001 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180589; PH-FRL 1780-6]

Washington; Issuance of Specific Exemption for Nemacur on Raspberries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") for the use of Nemacur 3 EC on 2,000 acres of raspberries in Washington to control the lesion nematode. The specific exemption was granted under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: The Applicant reports that the lesion nematode *Pratylenchus penetrans* is the major nematode problem for Washington raspberry growers. It causes damage to raspberry plant roots, and when high populations of nematodes develop, plants lose vigor and the ability to produce good crops, according to the Applicant. The Applicant indicates that the problem is an emergency for those who are losing production, cane growth, and land usable for raspberries.

No products are registered for post-plant use on raspberries. DBCP was registered for post-planting use on raspberries, but registration was withdrawn in 1977. Since then raspberry growers have been left with no feasible nematode control method in established plantings. The Applicant indicates that losses to growers due to uncontrolled nematode infestations could reach $0.8 million.

The Applicant proposed to make a single application of Nemacur 3 EC which contains the active ingredient (a.i.) ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate.

EPA has determined that the combined residues of Nemacur and its sulfoxide and sulfone metabolites in or on raspberries resulting from the proposed use should not exceed 0.1 part per million (ppm). This level has been judged adequate to protect the public health. While some nontarget wildlife mortality may occur from this use, EPA does not anticipate an unreasonable threat to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until April 1, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Nemacur 3 EC (EPA Reg. No. 3125-283), manufactured by Mobay Chemical Corp., may be applied at a rate of 6 to 12 pounds a.i. per acre.

2. Applications will be made to established plantings.

3. Applications will be made only when State personnel determine that populations of lesion nematode are sufficient to warrant treatment.

4. A single ground application will be made when adequate rainfall can be expected to incorporate the nematocide.

5. A maximum of 2,000 acres may be treated.

6. Applications will be made by State-certified private or commercial applicators.

7. All applicable directions, restrictions, and precautions on the EPA-registered product label must be followed.

8. Nemacur must not be applied to any body of water and drift reduction precautions must be observed. The pesticide is not to be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes or excess pesticides.

9. Nemacur is highly toxic to wildlife. It is recommended that the Washington State Department of Game be provided the opportunity to observe the application of Nemacur and monitor its effects on wildlife populations. If any wildlife mortality occurs, it should be reported to the Washington State Department of Game.

10. Treatment of raspberries as proposed should not result in the combined residues of ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its sulfoxide and sulfone metabolites exceeding 0.1 ppm in or on raspberries. Raspberries with residues not exceeding 0.1 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

11. EPA shall be immediately informed of any adverse effect resulting from the use of this pesticide in connection with this exemption.

12. The Applicant shall be responsible for assuring that all provisions of this specific exemption are met and must submit a report summarizing the results of this program by August 15, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-8082 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Radio Broadcasting and its Technical and Allocations Subgroups; Meeting

March 5, 1981.

The following open meeting will be held on Tuesday, April 7, 1981, at the time stated below, in Room A-110 of the FCC Annex, 1229-20th Street, N.W., Washington, D.C.:

A. The twelfth meeting of the Advisory Committee on Radio Broadcasting, starting at 12:30 p.m. The agenda will be:

1. Call to order by the Chairman;
2. Approval of minutes of previous meeting;
3. Recess for conduct of meetings of the Subgroups on Allocations and Technical Matters;
4. Reconvening of meeting of the Advisory Committee;
5. Receipt of reports by Allocations Subgroup;
6. Receipt of reports by Technical Subgroup;
7. Other business;
8. Future meeting dates;
9. Adjournment.

B. The fifth meeting of the Subgroup on Radio Spectrum Allocations, starting after Item No. 3 of the Advisory Committee Agenda. The agenda for the subgroup will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Reports on tasks performed by members of the Subgroup;
4. Assignment of further tasks to be performed and reported by designated persons;
5. Other business;
6. Next meeting date;
7. Adjournment.

C. The fifth meeting of the Subgroup on Technical Matters, starting upon conclusion of the fifth meeting of the Subgroup on Radio Spectrum Allocations. The agenda will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Reports on tasks performed by members of the Subgroup;
4. Assignment of further tasks to be performed and reported to the Subgroup;
5. Other business;
6. Next meeting date;
7. Adjournment.

If it should not be possible to complete consideration of an entire agenda on the scheduled date, that meeting will be continued at an announced date and time.

All interested parties are invited to participate and may submit comments, addressed to Mr. Henry L. Baumann, Chairman, Advisory Committee on Radio Broadcasting, Federal Communications Commission, Washington, D.C. 20554.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-8007 Filed 3-16-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-132; File No. BPCT-5128 et al.]

Channel 24 Christian Television, Inc., et al.; Hearing Designation Order

In the matter of Channel 24 Christian Television, Inc., Portland, Oregon; [BC Docket No. 81-132 File No. BPCT-5128]; Tavitac Corporation, Portland, Oregon; [BC Docket No. 81-133 File No. BPCT-5200]; National Subscription Television of Portland, Inc., Portland, Oregon; [BC Docket No. 81-134 File No. BPCT-5201]; Broadcast Associates, Inc. Portland, Oregon; For Construction Permit; [BC Docket No. 81-135; File No. BPCT-5202]

Hearing Designation Order; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: February 27, 1981.

Released: March 10, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 24, Portland, Oregon; informal objections to the grant of Channel 24 Christian Television, Inc.'s application, filed by Barbara J. Safriet, on behalf of the Healy Heights-Council Crest Neighborhood Association, and by G. Ray and Jeanne H. Steed; a petition for leave to amend and an accompanying amendment, filed by Tavitac Corporation (Tavitac); a request for extension of time to comment on Tavitac's petition, filed by Channel 24 Christian Television, Inc. (Channel 24); Channel 24's comments; Tavitac's motion to strike Channel 24's comments; [1] Channel 24's motion for extension of time to respond to Tavitac's motion to strike; Tavitac's reply; and other related pleadings.[2] Also before the Commission is Tavitac's amendment; an erratum thereto; Channel 24's amendment; and Tavitac's comment on Channel 24's amendment.[3]

2. Channel 24's and BAI's proposed antenna site locations each could result in interference to a nearby standard broadcast station. Accordingly, a grant of either of the aforementioned applications will be conditioned on the applicant's installation of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of any affected standard broadcast station.

3. The applications of BAI and NSTP contemplate operating subscription television (STV) over their proposed facilities. These parties have applications for STV authorizations pending before the Commission. The STV applications will not be consolidated for hearing in this proceeding, however. STV is essentially an entertainment format comparable to other entertainment packages except that it is supported directly by viewers' subscriptions rather than by advertising revenues. Accordingly, the Commission's reluctance to compare applicants on the basis of entertainment formats expressed in *George E. Cameron, Jr. Communications*, 71 FCC 2d 460 (1979), provides ample precedent for precluding consideration of STV proposals in otherwise routine hearings on applications for television construction permits. If an applicant

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[1] Tavitac's motion to strike and the subsequent pleadings filed by Tavitac and Channel 24 constitute unauthorized filings under Section 1.45(c) of the Commission's Rules, 47 CFR 1.45(c). However, inasmuch as they will not cause delay, we will permit their consideration. In both its petition and its motion to strike Tavitac described the circumstances which necessitated the filing of its amendment after the deadline for amending as of right had passed. Tavitac indicates that its original site became unavailable and that it exercised due diligence in both finding an alternate site and reporting the change to the Commission. Petitioner explicitly denounces any intention to accrue comparative advantage by virtue of filing of its amendment and points out that acceptance of the amendment would obviate the necessity for enlarging the hearing by inclusion of a site availability issue. The Bureau finds that petitioner has made the requisite good cause showing necessary for acceptance of a late filed minor amendment. 47 CFR 73.522(b)(1). Accordingly, we shall grant the petition to amend and accept the amendment.

[2] Both Channel 24 and Tavitac have requested an extension of time in order to respond to the other's pleading. Inasmuch as the extensions would not interfere with the Commission's procedures, they are granted.

[3] In *Revised Procedures for Processing of Contested Broadcast Applications*, 72 FCC 2d 202, 211 (1979), the Commission stated that once the time for amending as of right had passed, amendments filed pursuant to Section 1.65 will be permitted: "* * * provided that no comparative advantage is claimed thereby. * * *" Channel 24 filed a petition for leave to amend on January 14, 1981, beyond the date prescribed by the Commission for amending its application as of right. The amendment states that the applicant has applied for consent to assign its permit for a new noncommercial FM station in Alaska. Since the assignment of a broadcast interest could improve the applicant's comparative position, the amendment will be accepted pursuant to Section 1.65 of the Rules; however, no comparative advantage shall thereby be accrued.

proposing STV operation should prevail in this proceeding, its application for subscription television authorization will be promptly processed.

4. *Channel 24 Christian Television, Inc.* Analysis of the financial data submitted by the applicant reveals that $529,236 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$282,716
Equipment payments with interest	74,820
Building	11,800
Operating costs including land rental (3 months)	60,900
Total	529,236

Channel 24 plans to finance construction and operation with the following funds: $525,000 in loan commitments from religious institutions and private individuals, $144,000 in donations, $78,000 in cash, and $822,000 in program commitments.

5. Applicant relies on $525,000 in loan commitments from various private parties to finance its station. However, only one lender, William O. Hammerbeck, has provided sufficient financial information to indicate he has adequate net liquid assets to meet his $35,000 commitment. Applicant cannot rely on $144,000 in donation pledges since it failed to provide donors' balance sheets indicating they have sufficient net liquid assets to meet their commitments. The *New Financial Qualifications Standard for Broadcast Television Applicants*, 72 FCC 2d 784 (1979), requires an applicant to demonstrate its ability to construct its proposed station and operate for three months without reliance upon broadcasting or other revenue. Therefore, applicant's reliance upon $822,000 in programming commitments is misplaced. Accordingly, an appropriate financial issue will be designated.

6. Two informal objections have been filed against the applicant. Barbara J. Safriet filed an informal objection on May 16, 1978, on behalf of the Healy Heights-Council Crest Neighborhood Association. Objector claims that placement of applicant's tower on Healy Heights would increase the level of non-ionizing radiation in the area, which she alleges presently has the highest such level in the country. G. Ray and Jeanne H. Steed filed an informal objection on May 19, 1978, which also expresses concern over an increase in non-ionizing radiation in the area. In addition, the Steeds fear that the tower would constitute a hazard to residences located near the tower. They claim that during the winter ice which forms on the upper sections of the tower would fall onto the houses located near the structure. The Commission has the statutory obligation, under the public interest standard of the Communications Act and other federal statutes, to consider the possible effects on public health and safety of the equipment the Commission licenses.[4] Because this agency does not possess the same level of expertise as do expert agencies with regard to the biological effects of non-ionizing radio frequency radiation, the Commission ordinarily refers to the standards set by expert agencies such as the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA).[5] Although OSHA and the American National Standards Institute (ANSI) have both adopted a standard of 10 mW/cm2 for short-term exposure to non-ionizing radiation, there is no national standard as of yet with regard to general population exposure. The EPA is currently considering proposing a general population exposure standard. If it does, the Commission may take that standard into account in its licensing proceedings. Since no national standard now exists,[6] and since the level of radiation measured at Healy Heights is well below the short-term exposure standard, we decline to specify an issue regarding the health effects of electromagnetic radiation in this proceeding.[7] Further no issue will be designated concerning the potential ice hazard the tower might pose to surrounding residences. We consider this a matter within the ambit of local health, safety and zoning agencies. Accordingly, the informal objections of Barbara Safriet and G. Ray and Jeanne H. Steed shall be denied.

7. *National Subscription Television of Portland, Inc.* Analysis of the financial data submitted by NSTP reveals that $1,491,500 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$782,500
Equipment payments with interest	208,000
Land (down payment only)	220,000
Building	30,000
Miscellaneous	82,000
Operating costs (3 months)	159,000
Total	1,491,500

NSTP plant to finance construction and operation with the following funds: a $3,350,000 loan from Tandem Productions Inc. (Tandem) and $10,000 in existing capital.

8. An applicant must list all of its anticipated expenditures. See Form 301, Section III, page 1, question 1(a). Applicant states that it will spend $220,000 as a down payment for its land. However, applicant failed to disclose the full purchase price of the land. Accordingly, an issue will be specified to determine what the purchase price of the land will be and what portion of it, if any, must be paid during the first three months of operation.

9. FCC Form 301, Section III, question 4(b) requires any party (except an equipment manfacturer or financial institution) loaning an applicant more than one percent of its needed capital, to provide a balance sheet which indicates the party's financial ability to comply with the terms of the agreement. Tandem plans to lend NSTP $3,350,000. However, Tandem submitted a financial statement which failed to segregate its current liabilities from its long-term liabilities. Thus, it is impossible to determine whether Tandem has net liquid assets sufficient to fulfill its loan commitment. Further, Tandem's last loan commitment letter has expired, and, according to the letter: "Extensions of this commitment * * * are subject to further resolution of the Board of Directors of Tandem." In light of the absence of a further extension of Tandem's loan commitment and Tandem's failure to demonstrate it has net liquid assets sufficient to fulfill its loan commitment, NSTP cannot rely on the loan. However, NSTP has shown it has $10,000 in existing capital. Accordingly, an issue will be designated to determine whether over and above the $10,000 mentioned above, applicant can obtain the additional funds necessary to construct and operate its proposed television station for three months.

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[4] *See Notice of Inquiry on the Responsibility of the Federal Communications Commission to Consider the Biological Effects of Radio Frequency Radiation*, 44 FR 37008, 37010 (1979).

[5] *Id.*

[6] While a national standard has not yet been formulated, the city of Portland has set a general exposure standard. The city's zoning code permits the construction and operation of broadcast transmitter facilities if the additional transmitter would not result in a threat to health or safety as defined by the general population exposure standards adopted by the City on Jan. 8, 1980. *See Standards for General Population Exposure to Microwave and Radiofrequency Emissions* (Jan. 8, 1980), Special Supplement to Nov. 16, 1979, Staff Report to the Portland Planning Commission.

[7] Dr. Richard A. Tell of the EPA measured radiation at level of 14–153 uW/cm2 in the Healy Heights neighborhood. Letter from Richard A. Tell to Dr. William E. Morton, 10/17/77. This level is about 100 times lower than the 10 mW/cm2 standard for short-term exposure, and is about 10 times lower than the general population long-term exposure standard of 1 mW/cm2 in force or under consideration by several other countries. *See Notice of Inquiry on the Responsibility of the Federal Communications Commission to Consider the Biological Effects of Radio Frequency Radiation*, *supra* at 37011

10. *Broadcast Associates, Inc.* Analysis of the financial data submitted by applicant reveals that $1,254,920 will be required to construct the proposed station and operate it for three months, itemized as follows:

Equipment (rental)	$367,920
Land	112,000
Building	80,000
Miscellaneous	250,000
Operating costs (3 months)	375,000
Total	1,254,920

BAI plans to finance construction and operation with the following funds: $1,250,000 in capital contributions from its shareholders, $66,667 from American Subscription of Portland, and $1,815 in cash.

11. BAI relies on $1,250,000 in capital contributions from its shareholders. Applicant's reliance is misplaced since it neglected to provide a copy of the agreement binding its shareholders to contribute and failed to provide shareholders' balance sheets indicating the availability of sufficient net liquid assets. Applicant also relies on payment of $66,667 from American Subscription of Portland, Inc. (ASTP) to finance the construction and operation of its proposed station for the first three months. BAI alleges that ASTP has guaranteed payment of $66,667 for use of applicant's air-time during the first three months of operation. Payment presupposes the grant of applicant's subscription television application. Since the grant of a construction permit and the authorization of subscription television service are made independently, BAI's reliance upon $66,667 in subscription television commitments is misplaced. Accordingly, an appropriate financial issue will be designated.

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

13. Accordingly, It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications Are Designated for Hearing in a Consolidated Proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Channel 24 Christian Television, Inc., has an additional $416,236 to finance the construction and operation of its proposed station.

2. To determine, based on the evidence adduced above, whether Channel 24 Christian Television, Inc. is financially qualified.

3. To determine with respect to National Subscription Television of Portland, Inc.:

(a) The full purchase price of the land applicant plans to buy;

(b) What portion of the purchase price, if any, must be paid during the first three months of operations;

(c) In light of the evidence adduced pursuant to (a) and (b) what applicant's proposed station would cost to construct and operate for three months;

(d) The availability of additional funds over and above the $10,000 indicated; and

(e) Whether in light of the evidence adduced pursuant to (a) through (d), applicant is financially qualified.

4. To determine whether Broadcast Associates, Inc., has or can obtain an additional $1,253,105 to finance the construction and operation of its proposed station.

5. To determine, based on the evidence adduced above, whether Broadcast Associates, Inc. is financially qualified.

6. To determine which of the proposals would, on a comparative basis, best serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, That, in the event of a grant of the application of Channel 24 Christian Television, Inc., the construction permit shall be subject to the following condition:

Applicant will install and maintain any detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the affected standard broadcast station, KPAM.

15. It is further ordered, That, in the event of grant of the application of Broadcast Associates, Inc., the construction permit shall be subject to the following condition:

Applicant will install and maintain any detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the affected standard broadcast station, KYTE.

16. It is further ordered, That the informal objections filed by Barbara Safriet and G. Ray and Jeanne H. Steed are denied.

17. It is further ordered, That the petition to amend filed by Tavitac Corporation is granted; its amendment is accepted; its motion to strike Channel 24's comments is denied; Channel 24's petition to amend filed January 14, 1981, is granted; and its amendment is accepted.

18. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

19. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 81-8059 Filed 3-16-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-24]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 11, 1981.

Cut-Off Date: April 27, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after April 27, 1981. An application, in order to be considered with any application appearing on the attached list or with any application on file by the close of business on April 27, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on April 27, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on April 27, 1981.

Notice is also given that the application listed below seeking interim authority to operate the facilities of former stations WMJX (FM), Miami, Florida has been accepted for filing. It will be considered to be ready and available for processing after April 27,

1981. Any other parties who will not be applicants for permanent authority to operate these facilities, in order to be entitled to consideration, should file by the close of business on April 27, 1981.

BPH-810219AD, WMJX(FM), Miami, Florida, Unique Radio Group, Inc.; 96.5 MHz; Channel No. 243C; ERP: 99 kW; HAAT: 700.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH-791111AD, WTZE-FM, Tazewell, Virginia, Tazewell Broadcasting Company, Inc.; Has: 100.1 MHZ; Channel No. 261A; ERP: 3kW; HATT: —105 ft. (LIC) Req: 100.1 MHz; Channel No. 261A; ERP: 1.8 kW; HATT: 396 ft.

BPH-800728AJ, WCNL-FM, Newport; New Hampshire, Sugar River Broadcasting, Inc.; Has: 101.7 MHz; Channel No. 269A; ERP: 2.8 kW; HATT: 81 ft. (LIC); Req: 101.7 MHz; Channel No. 269A; ERP: .150 kW; HATT: 1098 ft.

BPH-800804AD (new), Havana, Florida, Storm Broadcasting Corporation; Req: 104.9 MHz; Channel No. 285A; ERP: 3kW; HATT: 300 ft. (allocated to Quincy, FL).

BPH-801007AB, WCKR, Hornell, New York, Patricia Enterprises, Inc., Req: 92.1 MHz; Channel No. 221A; ERP: .87 kW; HATT: 510 ft.

BPH-801008AA, WDEN-FM, Macon, Georgia, First Macon Communication Corp., Has: 105.3 MHz; Channel No. 287C; ERP: 50 kW; HAAT: 148 ft. (LIC); Req: 105.3 MHz; Channel No. 287C; ERP: 100 kW; HAAT: 663 ft.

BPH-801014AF, (new), Vanceburg, Kentucky, Ohio Valley Broadcasting Co.; Req: 104.9 MHz; Channel No. 285A; ERP: 3 kW; HAAT: 300 ft.

BPH-801112AF (new), Paradise, California, John C. Butler; Req: 92.7 MHz; Channel No. 224A; ERP: 3 kW; HAAT: 253 ft.

BPH-801114AJ (new), Elko, Nevada, Elko Broadcasting Co.; Req: 93.5 MHz; Channel No. 228A; ERP: 3 kW; HAAT: —317 ft.

BPH-801120AK (new), Saco, Maine, Vacationland B/Cing Services, Inc; Req: 96.9 MHz; Channel No. 240A; ERP: 3 kW; HAAT: 300 ft.

BPH-801121AA (new), Paxton, Illinois, Ford County Broadcasters, Inc; Req: 104.9 MHz; Channel No. 285A; ERP: 3 kW; HAAT: 300 ft.

BPH-801128AK (new), Alva, Oklahoma, Coleman Broadcasting Company; Req: 104.7 MHz; Channel No. 284C; ERP: 100 kW; HAAT: 528 ft.

BPH-801202AA (new), Vandalia, Missouri, Roger C. Elliott; Req: 100.1 MHz; Channel No. 261A; ERP: 3 kW; HAAT: 300 ft.

BPH-801203AH (new), Manhattan, Kansas, HGB Corporation; Req: 103.9 MHz; Channel No. 280A; ERP: 2.36 kW; HAAT: 342 ft.

BPH-801209AF, WPSK-FM, Pulaski, Virginia, Claytor Lake Broadcasting Corp.; HAS: 107.1 MHz; Channel No. 296A; ERP: 2.85 kW; HAAT: —56 ft. (LIC); Req: 107.1 MHz; Channel No. 296A; ERP: .100 kW; HAAT: 1212 ft.

BPH-801210AG (new), Fayette, Mississippi, Southern Broadcasting Co., Inc.; Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 300 ft.

BPH-801211AE (new), Granbury, Texas, First Heritage B/Cting Corp.; Req: 106.7 MHz; Channel No. 249C; ERP: 75 kW; HAAT: 553 ft.

BPH-801212AA (new), Brookfield, Missouri, Hampro Wireless, Inc.; Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 205 ft.

BPH-801212AB, WSTO, Owensboro, Kentucky, Owensboro on the Air, Inc.; HAS: 93.1 MHz; Channel No. 241C; ERP: 100 kW; HAAT: 340 ft. (LIC); Req: 93.1 MHz; Channel No. 241C; ERP: 100 kW; HAAT: 1000 ft.

BPH-801216AC (new), Coffeyville, Kansas, Montgomery County Broadcasters, Req: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 300 ft.

BPH-801224AD (new), Yreka, California, Dalmation Enterprises, Inc., Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: —603 ft.

BMPH-800905AL, WBJW, Orlando, Florida, Robert W. Rounsaville; HAS: 105.1 MHz; Channel No. 286C; ERP: 100 kW; HAAT: 330 ft. (LIC); HAS: 105.1 MHz; Channel No. 286C; ERP: 100 kW; HAAT: 1380 ft. (CP); Req: 105.1 MHz; Channel No. 286C; ERP: 100 kW; HAAT: 900 ft.

BMPH-801125AM, WJMG, Hattiesburg, Mississippi, Circuit Broadcasting Company; HAS: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 175 ft. (CP); Req: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 300 ft.

BPED-780728AA, KSLH, St. Louis, Missouri, Board of Education, City of St. Louis; HAS: 91.5 MHz; Channel No. 218C; ERP: 12.5 kW; HAAT: 400 ft. (LIC); Req: 91.5 MHz; Channel No. 218C; ERP: 100 kW; HAAT: 503 ft.

BPED-790807AF, WSHL-FM, Easton, Massachusetts, Stonehill College, Inc.; HAS: 91.3 MHz; Channel No. 217D; TPO: .01 kW; (LIC); Req: 91.3 MHz; Channel No. 217A; ERP: .100 kW; HAAT: 66 ft.

BPED-790702AA, WSGR-FM, Port Huron, Michigan, St. Clair County Community College; HAS: 91.3 MHz; Channel No. 217DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 91.3 MHz; Channel No. 217A; ERP: .120 kW; HAAT: 14 ft.

BPED-790914AC (new), Stamford, Connecticut, CT. Educ. Telecommunications Corp.; Req: 88.5 MHz; Channel No. 203A; ERP: 1.16 kW; HAAT: 66.35 ft.

BPED-791105AH, WITR, Henrietta, New York, Rochester Institute of Technology; HAS: 89.7 MHz; Channel No. 209D; TPO: .01 kW. (LIC); Req: 89.1 MHz; Channel No. 206A; ERP: 800 kW; HAAT: 126 ft.

BPED-791126AD, WPHP, Wheeling, West Virginia, Ohio County Board of Education; HAS: 91.9 MHz; Channel No. 220DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 91.9 MHz; Channel No. 220B; ERP: .064 kW; HAAT: 280 ft.

BPED-791226BT, WLHS, West Chester, Ohio, Lakota Local School District; HAS: 89.9 MHz; Channel No. 210DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 89.9 MHz; Channel No. 210A; ERP: .100 kW; HAAT: 336 ft.

BPED-791226DA, KALX, Berkeley, California, the Regents of the Univ. of Calif.; HAS: 90.7 MHz; Channel No. 214DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 90.7 MHz; Channel No. 214A; ERP: .500 kW; HAAT: 782 ft.

BPED-791226BI, WCDR-FM, Cedarville, Ohio, the Cedarville College; HAS: 90.3 MHz; Channel No. 212B; ERP: 3 kW; HAAT: 370 ft. (LIC); REQ: 90.3 MHz; Channel No. 212B; ERP: 50 kW; HAAT: 388 ft.

BPED-791231AM, WSRX, Allendale, Michigan, Grand Valley State Colleges; HAS: 88.5 MHz; Channel No. 203DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 88.5 MHz; Channel No. 203C; ERP: 50 kW; HAAT: 500 ft.

BPED-791231AG, WLNV, Derby, Connecticut, Stand, Inc.; HAS: 90.1 MHz; Channel No. 211DS, ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 90.1 MHz; Channel No. 211A; ERP: .100 kW; HAAT: 342 ft.

BPED-791231BA, WMLN-FM, Milton, Massachusetts, Curry College; HAS: 91.5 MHz; Channel No. 216D; TPO: .01 kW (LIC); REQ: 91.5 MHz; Channel No. 216A; ERP: .100 kW; HAAT: 90 ft.

BPED-791231BN, WSCB, Springfield, Massachusetts, Springfield College; HAS: 89.9 MHz; Channel No. 210D; TPO: .01 kW (LIC); REQ: 89.9 MHz; Channel No. 210A; ERP: .100 kW; HAAT: 35 ft.

BPED-800103AC, KCUM-FM, Crookston, Minnesota, University of Minnesota Tech College; HAS: 91.7 MHz; Channel No. 219DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 91.5 MHz; Channel No. 218A; ERP: .425 kW; HAAT: 105 ft.

BPED-800103AH, KCED, Centralia, Washington, Centralia Community College; HAS: 91.3 MHz; Channel No. 217DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 91.3 MHz; Channel No. 217A; ERP: .600 kW; HAAT: —128 ft.

BPED-800103AI, WALF, Alfred, New York, Alfred University; HAS: 89.7 Mhz; Channel No. 209D; TPO: .01-kW; (LIC); REQ: 89.7 MHz; Channel No. 209A; ERP: 205 kW; HAAT: —20 ft.

BPED-800103AJ, KUGS, Bellingham, Washington, Western Washington University; HAS: 89.3 MHz; Channel No. 207DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 89.3 MHz; Channel No. 207A; ERP: .100 kW; HAAT: 260 ft.

BPED-800103AK, WTOP, Greenville, Pennsylvania, Thiel College; HAS: 88.1; MHz; Channel No. 201D; TPO: .01 kW (LIC); REQ: 88.1 MHz; Channel No. 201A; ERP: 1.11 kW; HAAT: —6 ft.

BPED-800104AN, WDCE, Richmond, Virginia, University of Richmond; HAS: 90.1 MHz; Channel No. 211D; ERP: .092 kW; HAAT: 86 ft. (LIC); REQ: 90.1 MHz; Channel No. 211A; ERP: .1 kW; HAAT: 86 ft.

BPED-800104AO, WLOZ, Wilmington, North Carolina, Univ of North Carolina at Wilmington; HAS: 91.3 MHz; Channel No. 217D; TPO: .01 kW (LIC); REQ: 91.3 MHz; Channel No. 217A; ERP: .113 kW; HAAT: 109 ft.

BPED-800104AQ, KESP, Eureka Springs, Arkansas, Ozark Public Broadcasting;

HAS: 90.9 MHz; Channel No. 215DS; ERP: .01 kW; HAAT: 270 ft. (LIC); REQ: 90.9 MHz; Channel No. 215A; ERP: 3.35 kW; HAAT: 269 ft.

BPED–800107AR, KEWC–FM, Cheney, Washington, Eastern Washington University; HAS: 89.9 MHz; Channel No. 210D; TPO: .01 kW (LIC); REQ: 89.5 MHz; Channel No. 206C; ERP: 57.0 kW; HAAT: 273.7 ft.

BPED–800110AB, KBWC, Marshall, Texas, Wiley College; HAS: 91.1 MHz; Channel No. 216D; TPO: .01 kW (LIC); REQ: 91.1 MHz; Channel No. 216A; ERP: .133 kW; HAAT: 106 ft.

BPED–800114AG, KGRM, Grambling, Louisiana, Grambling College of Louisiana; HAS: 91.3 MHz; Channel No. 217DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 91.3 MHz; Channel No. 217A; ERP: .100 kW; HAAT: 139 ft.

BPED–800121AT, WTTU, Cookeville, Tennessee, Technological University; HAS: 88.5 MHz; Channel No. 203DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 88.5 MHz; Channel No. 203A; ERP: 2.25 kW; HAAT: 107.5 ft.

BPED–800130AJ, KNBU, Baldwin, Kansas, Baker University; HAS: 88.9 MHz; Channel No. 205DS; ERP: .01 kW; HAAT:——ft. (LIC) (Baldwin City, Kansas); REC: 92.5 MHz; Channel No. 223D; ERP: .007 kW; HAAT: 121.2 ft. (Baldwin, Kansas).

BPED–800206AB, WTOH, Mobile, Alabama, Spring Hill College in Cnty. of Mobil; HAS: 90.5 MHz; Channel No. 213DS; ERP: .01 kW; HAAT:——ft. (LIC); REC: 105.9 MHz; Channel No. 290D; TPO: .01 kW.

BPED–800215AJ, WVTC, Randolph Center, Vermont, Vermont Technical College; HAS: 90.7 MHz; Channel No. 214D; TPO: .01 kW. (LIC); REQ: 90.7 MHz; Channel No. 214A; ERP: .300 kW; HAAT: 203.8 ft.

BPED–800319AC (new), Twin Lake, Michigan, Blue Lake Fine Arts Camp; REQ: 90.3 MHz; Channel No. 212C; ERP: 100 kW; HAAT: 457 ft.

BPED–800509AD, KRVS, Lafayette, Louisiana, USL Communications Corporation; HAS: 88.11 MHz; Channel No. 201A; ERP: 3 kW; HAAT: 100 ft. (LIC); REQ: 88.7 MHz; Channel No. 204A; ERP: 100 kW; HAAT: 447.1 ft.

BPED–800530AA (new), Holly Springs, Mississippi, Ms. Black Economic Development Corp.; REQ: 88.1 MHz; Channel No. 201C; ERP: 100 kW; HAAT: 521 ft.

BPED–800617AA, WMHC, South Hadley, Massachusetts, Pres. & Trustees of Mt. Holyoke College; HAS: 91.5 MHz; Channel No. 218D; TPO: .01 kW. (LIC); REQ: 91.5 MHz; Channel No. 218A; ERP: .100 kW; HAAT: –18ft.

BPED–800805AG, KNAU, Flagstaff, Arizona, Northern Arizona University; HAS: 88.5 MHz; Channel No. 203DS; ERP: .01 kW; HAAT:——ft. (LIC); REQ: 88.7 MHz; Channel No. 204C; ERP: 100 kW; HAAT: 1549 ft.

BPED–800930AA, KFSK, Petersburg, Alaska, Narrows Broadcasting Corporation; HAS: 100.9 MHz; Channel No. 265A; ERP: .01 kW; HAAT:——ft. (LIC); REQ: 100.9 MHz; Channel No. 265A; ERP: .44 kW; HAAT: –605 ft.

BPED–801010AI (new), Four Bears, North Dakota, Ft. Berthold Communications Enterpris; REQ: 91.3 MHz; Channel No. 217C; ERP: 97.3 kW; HAAT: 450 ft.

BPED–801014AE (new), New Bern, North Carolina, Craven Community College; REQ: 89.5 MHz; Channel No. 208C; ERP: 65 kW; HAAT: 300 ft.

BPED–801020AC (new), Rhinelander, Wisconsin, White Pine Community B/Cing, Inc.; REQ: 91.7 MHz; Channel No. 219C; ERP: 40 kW; HAAT: 1515 ft.

BPED–801023AF (New), Fort Myers, Florida, the University of South Florida; Req: 90.1 MHz; Channel No. 211C; ERP: 100 kW; HAAT: 866.9 ft.

BPED–801027AB, WECS, Willimantic, Connecticut, Eastern Connecticut State College; Req: 90.1 MHz; Channel No. 211A; ERP: .428 kW; HAAT: 380 ft.

BPED–801106AD (New), Bude, Mississippi, Mississippi Authority for Educ. TV; Req: 88.9 MHz; Channel No. 208C; ERP: 100 kW; HAAT: 956 ft.

BPED–801106AE (New), Meridian, Mississippi, Mississippi Authority for Educ. TV; Req: 88.1 MHz; Channel No. 201C; ERP: 100 kW; HAAT: 1061 ft.

BPED–801106AF (New), Greenwood, Mississippi, Mississippi Authority for Educ. TV; Req: 90.9 MHz; Channel No. 215C; ERP: 100 kW; HAAT: 879 ft.

BPED–801106AG (New), Booneville, Mississippi, Mississippi Authority for Educ. TV; Req: 89.5 MHz; Channel No. 208C; ERP: 85 kW; HAAT: 957.4 ft.

BPED–801106AH (New), Biloxi, Mississippi, Mississippi Authority for Educ. TV; Req: 90.3 MHz; Channel No. 212C; ERP: 100 kW; HAAT: 1410 ft.

BPED–801106AI (New), Mississippi State, Mississippi, Mississippi Authority for Educ. TV; Req: 89.9 MHz; Channel No. 210C; ERP: 63 kW; HAAT: 1046 ft.

BPED–801114AB (New), Richland, Washington, Washington State University; Req: 89.1 MHz; Channel No. 206C; ERP: 100 kW; HAAT: 1228 ft.

BPED–801201AJ (New), Astoria, Oregon, the KBOO Foundation; Req: 91.9 MHz; Channel No. 220C; ERP: 3 kW; HAAT: 1059 ft.

BPED–801215AK, WRBB, Boston, Massachusetts, Northeastern University; Has: 91.7 MHz; Channel No. 219D; TPO: .01 kW. (LIC); Req: 104.9 MHz; Channel No. 285D; ERP: .018 kW; HAAT: 78 ft.

BPED–810119AA, KBSB, Bemidji, Minnesota, Bemidji State University; Has: 89.7 MHz; Channel No. 209A; ERP: .120 kW; HAAT: 125 ft. (LIC); Req: 89.7 MHz; Channel No. 209C; ERP: 96.0 kW; HAAT: 993 ft.

BPED–810202AL, WECI, Richmond, Indiana, Earlham College; Has: 91.5 MHz; Channel No. 218DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 89.7 MHz; Channel No. 209B; ERP: 16.8 kW; HAAT: 301 ft.

BPED–801014AG, KSMU, Springfield, Missouri, Southwest Missouri State University; Has: 91.1 MHz; Channel No. 216C; ERP: 5.8 kW; HAAT: 205 ft. (LIC); Req: 89.1 MHz; Channel No. 206C; ERP: 50 kW; HAAT: 1071 ft.

[FR Doc. 81-8006 Filed 3-16-81; 8:45 am]

BILLING CODE 6712-01-M

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultation Committee (CCITT); Meeting

March 10, 1981.

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 25, 1981 at 10:00 a.m. in Room 856, of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group will deal with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telgraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. In particular, this meeting of Study Group A will examine the questions and contributions relating to the upcoming May, 1981 meeting of CCITT Study Group I.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for futher information should be directed to Earl S. Barbely, Federal Communications Commission, Washington, D.C., telephone (202) 632–3214.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-8008 Filed 3-16-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Addition of New Routine Use to an Existing System of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed addition of a new routine use to an existing FEMA system of records entitled, "National Flood Insurance Application and Related Documents Files—FEMA/FIA–2."

SUMMARY: The purpose of this proposal is to give notice that an additional routine use "* * *; to State and local government individual and family grant and assistance agencies which furnish

to the Federal Insurance Administration the names and addresses of policyholders for purposes consistent with relocation projects of the Federal Insurance Administration and acquisition projects under the National Flood Insurance Program carried out pursuant to Section 1362 of the National Flood Insurance Act of 1973, as amended, and to State and local government agencies engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program." is being proposed to be added to the National Flood Insurance Application and Related Documents Files. We believe that this action is necessitated in order for a State or local government to meet the Federal Insurance Administration's guidelines for "Community Initiated" acquisition (45 FR 59220) of property located in a floodplain zone for recreation purposes. The specific text of the guidelines can be found in the referenced Federal Register. We believe that the purpose for which the National Flood Insurance Application and Related Documents Files system of records was established is consistent with our proposed routine use addition as the purpose for carrying out the National Flood Insurance Program. As such, we do not believe that the new routine use meets the criteria for filing a report to Congress or OMB and we have not done so. We would, however, welcome any comments that they may have as well as those comments from the general public on our proposed new routine use.

In an effort to economize on the cost of publication in the Federal Register, we are publishing only the sections of the system of records affected by this notice. For clarification purposes, the entire text of the routine use section is being reprinted. The remaining portions of the system can be viewed in the October 14, 1980, Federal Register, 45 FR 67841.

DATE: Any interested parties may submit written comments regarding this proposal. To be considered, comments must be received on or before April 16, 1981. Unless comments are received on or before that date which would result in a contrary determination, the routine use will become effective as proposed without further notice on April 16, 1981.

ADDRESS: Address comments to the Rules Docket Clerk, Federal Emergency Management Agency, (Room 801), 1725 I Street, N.W., Washington, D.C. 20472. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m. during normal working days.

FOR FURTHER INFORMATION CONTACT: Linda M. Keener, Office of Public Affairs, (202) 634–6772.

SUPPLEMENTARY INFORMATION: Based on the above reasons outlined under the Summary section, the Federal Emergency Management Agency finds it necessary to include the following routine use in the "National Flood Insurance Application and Related Documents Files." (The new language is italicized).

FEMA/FIA–2

SYSTEM NAME:

National Flood Insurance Application and Related Documents Files.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To property loss reporting bureaus, State insurance departments, and insurance companies investigation fraud or potential fraud in connection with claims, subject to the approval of the Office of Inspector General, FEMA; for use of insurance agents, brokers and adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; to Small Business Administration, the American Red Cross, the Federal Disaster Assistance Administration, the Farmers Home Administration; State and local government individual and family grant and assistance agencies, including but not limited to the State of Ohio Disaster Services Agency and the Johnstown, Pennsylvania, Redevelopment Authority for determining eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster; *To State and local government individual and family grant and assistance agencies which furnish to the Federal Insurance Administration the names and addresses of policyholders for purposes consistent with relocation projects of the Federal Insurance Administration and acquisition projects under the National Flood Insurance Program carried out pursuant to Section 1362 of the National Flood Insurance Act of 1973, as amended, and to State and local government agencies engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program.*

* * * * *

Dated: March 3, 1981.

Peg Maloy,

Acting Director, Office of Public Affairs, Federal Emergency Management Agency.

[FR Doc. 81-8081 Filed 3-16-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 26, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos.: T–3955 and T–3955–1.

Filing Party: Mr. T. Terrell Sessums, General Counsel, Tampa Port Authority, P.O Box 2192, 811 Wynkoop Road, Tampa, Florida 33601.

Summary: Agreement No. T–3955, between the Tampa Port Authority (authority) and Mitsui & Co. (U.S.A.), Inc. (Tenant) provides that the Authority will construct and/or acquire phosphoric acid storage tanks up to 30,000 tons capacity along with rail unloading facilities and other related facilities and equipment at Big Bend Terminal, Hillsborough County, Florida. To finance the project, the Authority has

authorized issuance of Special Purpose Revene Bonds not exceeding $3,000,000 and Refunding Revenue Bonds not exceeding $17,000,000. The Authority will lease the project to the Tenant with an option to purchase the project, reserving the Authority easements for ingress and egress. Tenant will pay rent to the Authority annually in an amount equal to the tax factor provided by the Laws of Florida. The lease commences upon the date the bonds have been issued and delivered to the purchaser(s) and expires on March 1, 1991, or on such date as all the bonds have been paid and retired.

Agreement No. T-3955-1 amends Section 503 of the basic agreement by changing Clause (b) thereto, in the computation of the Advalorem Tax Rate in determining the amount of the annual rental for the premises.

By order of the Federal Maritime Commission.

Dated: March 11, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-8003 Filed 3-16-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 6, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3712-3.

Filing Party: R. F. Brimo, Treasurer, Global Terminal and Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-3712-3, between Global Terminal and Container Services, Inc. (Global) and Italian Line (IL) modifies the parties' basic agreement whereby Global provides and performs for IL container, terminal, stevedoring and LCL cargo handling services for containers and RO/RO cargo, to be loaded onto or discharged from IL's owned or controlled vessels operating between the Port of New York and the Mediterranean.

The purpose of the modification is to extend the term of the agreement to May 31, 1982, and to increase the number of storage units per day to 600 empty containers.

Agreement No.: T-3952.

Filing Party: E. F. Brimo, Treasurer, Global Terminal and Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-3952, between Global Terminal and Container Services, Inc. (Global) and Korea Shipping Corporation (KSC), provides that Global will furnish the necessary equipment and labor for the performance of comprehensive terminal and stevedoring services for KSC at the Port of New York. As compensation, KSC shall pay Global at rates in accordance with schedules attached to the agreement. The agreement's term is 5 years and is a renewal of Agreement No. T-3716 which expired on February 19, 1981.

Agreement No.: T-3953.

Filing Party: E. F. Brimo, Treasurer, Global Terminal and Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-3953, between Global Terminal and Container Services, Inc. (Global) and Orient Overseas Container Line (OOCL), provides that Global will furnish the necessary equipment and labor for the performance of comprehensive terminal and stevedoring services for OOCL at the Port of New York. As compensation, OOCL shall pay Global at rates in accordance with schedules attached to the agreement. The term of the agreement is 5 years.

Agreements Nos. T-3954 and T-3954-1.

Filing party: Mr. David C. Weigel, Deputy Attorney General, Offices of Attorney General, 219—State House, Indianapolis, Indiana 46204.

Summary: Agreement No. T-3954, between the Indiana Port Commission (Port) and the Mapco Land Corporation (Lessee) provides for the lease of 63.55 acres at the Southwind Maritime Centre, on the Ohio River near Mt. Vernon, Indiana. The Lessee will use the premises to store and ship coal and/or other ores. The primary term of the lease is 30 years, with renewal options for 7 successive terms of up to 10 years each, with Lessee determining the exact length of any term if any term is not a full 10 years. Lessee shall pay no rent to the Port for the first lease year; during the next 3 years an annual rent of $52,000 will be paid; the fifth lease year the rental will be $1,800 per acre; every 5 year interval thereafter for the remaining term of the lease the annual rental will be $1,800 per acre. Wharfage will be paid by Lessee to the Port as per schedule shown in the agreement. Lessee will construct the necessary facilities to ship their anticipated volume. The Port agrees to construct, at its expense up to $1,500,000, a barge mooring at the facility.

The purpose of Agreement No. T-3954-1 is to: (a) amend Section IV of the basic lease by providing that the Lessee will construct its facilities on a 63.5 acre site as described in Exhibit "A" of the agreement; (b) amend easements at the leased premises; (c) to provide Lessee shall be liable for any crop damage occurring by its practices; and (d) to include an Exhibit "C" in the amendment indicating the Port's jurisdiction over Maritime Activities along the bank of the Ohio River at Southwind Maritime Centre.

Agreement No. T-3956.

Filing party: Mr. Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Summary: Agreement No. T-3956, between Georgia Ports Authority (Port) and Moller Steamship Co., Inc., as agent for Maersk Line (Lessee), provides for the one-year lease and exclusive use of certain paved premises located within Container Central at Garden City Terminal, Chatham County, Georgia. The premises will be used for the storage and handling of Lessee's containers, including trailers and chassis used to transport containers, which will be handled on and off ships using Port's facilities only. The parties agree to a fixed monthly rental of $1,900 during the lease term, plus applicable port tariff charges. The agreement contemplates that Lessee will generate no less than 320 short tons of containerized cargo, per parking slot, subject to allowances for operational time loss. The parties further agree to indemnification, assignment and subletting, berthing rights, and other terms provided for in the agreement.

Agreement No. T-3957.

Filing party: Mr. John E. Nolan, Assistant Port Attorney, Port of Oakland, Box 2064, 66 Jack London Square, Oakland, California 94604.

Summary: Agreement No. T-3957, between the Port of Oakland (Port) and Neptune Orient Lines (Neptune) provides for the nonexclusive preferential assignment of certain premises, including two container cranes, in the Port of Oakland. As compensation, Neptune will pay Port a minimum of $1,280,000 per annum in tariff charges and a minimum of $666,000 per annum in crane rental charges. The term of the agreement is for 10 years, with the option to terminate the agreement at the end of the fifth year.

Agreement No. 5600-41.

Filing party: Charles F. Warren, Esquire, Attorney-in-Fact, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 5600-41 would amend various articles of the Philippines

North America Conference Agreement for the purpose of (1) allowing each group to permit operations via substituted overland service, either at origin or destination; (2) eliminating the unanimity requirement for effecting changes in the agreement; (3) changing the voting requirement for effecting decisions at conference meetings on matters relating to general conference business, general rate increases, open rates, and tariff matters; (4) changing the voting and time requirements necessary for effecting decisions by telephone ballot; (5) eliminating the provision which permits the use of a circular ballot; and (6) interposing a cargo-lifting requirement in lieu of a sailing requirement in order to maintain voting privileges.

Agreement No. 10412.

Filing party: Lawrence K. Sandness, Esquire, Cummings & Lockwood, 10 Stamford Forum, Stamford, Connecticut 06904.

Summary: The subject agreement, between Societe Ivoirienne de Transport Maritime (SITRAM) and Farrell Lines, Inc., (Farrell), provides that SITRAM may charter space on Farrell's vessels operating between the Ivory Coast and the United States according to terms set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: March 11, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-8089 Filed 3-16-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 7, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (finance, servicing, and insurance activities; Washington): to engage through its subsidiary, Citicorp Washington Financial Center, Inc., in the activities of making or acquiring consumer loans; extending credit to dealers for the purposes of financing inventory and working capital; purchasing and servicing for its own account of sales finance contracts; making mortgage loans for its own account or the account of others and servicing such loans; and acting as agent or broker for the sale of credit-related life, accident and health, and property and casualty insurance in connection with extensions of credit. Citicorp would also engage in these activities through its subsidiary, Citicorp Washington Industrial Loan Company (Domestic), but would also engage through this subsidiary in the activity of servicing extensions of credit for any person. These activities would be conducted from an office in Kennewick, Washington, serving the entire State of Washington.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8090 Filed 3-16-81; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corporation; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Security National Bank, Austin, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8079 Filed 3-16-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify

clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 10, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045.

Citicorp, New York (consumer finance and insurance activities; Virginia): to expand the service area of two existing offices of its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Richmond, Virginia, and Norfolk, Virginia. The previously approved activities of the two offices are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related vendor's single interest insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; and the servicing, for any person, of loans and other extensions of credit. The proposed expanded service area of both offices would be comprised of the entire state of Virginia for all of the aforementioned activities; except that this application would not expand the service area for the sale of credit related property and casualty insurance. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

B. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking; Arizona): to engage *de novo* through its subsidiary, The Kissell Company, in mortgage banking activities, including the making or acquiring and servicing for its own accounts and/or the accounts of others, loans and other extensions of credit. Such activities will be conducted from an office of the subsidiary located in Tucson, Arizona, serving the metropolitan Tucson, Arizona area and the counties of Pima, Cochise, Graham, Pinal, and Yuma, Arizona. Comments on this application must be received not later than April 13, 1981.

C. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

Southwest Bancshares Corporation, Oklahoma City, Oklahoma (insurance agency activities; Oklahoma): to engage through a *de novo* subsidiary, Southwest Bancshares Insurance Agency, Inc., in the sale as agent or broker of credit life and accident insurance in connection with extensions of credit by Applicant's banking subsidiary, Farmers and Merchants Bank, Eufaula, Oklahoma, from an office in Eufaula, Oklahoma, and will serve the area served by Farmers and Mechants Bank.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8169 Filed 3-16-81; 8:45 am]

BILLING CODE 6210-01-M

Colbert Bancshares, Inc.; Formation of Bank Holding Company

Colbert Bancshares, Inc., Colbert, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Colbert, Colbert, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8168 Filed 3-16-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Aquisition of Bank

February 27, 1981.

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Greenspoint Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8322 Filed 3-16-81; 9:13 am]

BILLING CODE 6210-01-M

First National Bancshares of Eunice, Inc.; Formation of Bank Holding Company

February 27, 1981.

First National Bancshares of Eunice, Inc., Eunice, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of First National Bank of Eunice, Eunice, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 1981. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6323 Filed 3-16-81; 9:13 am]

BILLING CODE 6210-01-M

Madison Lake Bancorporation, Inc.; Formation of Bank Holding Company

February 27, 1981.

Madison Lake Bancorporation, Inc., Madison Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84.4 per cent or more of the voting shares of Peoples State Bank of Madison Lake, Madison Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 27, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6324 Filed 3-16-81; 9:13 am]

BILLING CODE 6201-01-M

Pedernales Investment Corp.; Formation of Bank Holding Company

February 27, 1981.

Pedernales Investment Corporation, Johnson City, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of Pedernales-Blanco Corporation, Johnson City, Texas, and thereby indirect control of Johnson City Bank, Johnson City, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6325 Filed 3-16-81; 9:13 am]

BILLING CODE 6210-01-M

Pikes Peak National Co.; Formation of Bank Holding Company

February 27, 1981.

Pikes Peak National Company, Colorado Springs, Colorado has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by aquiring 98 percent or more of the voting shares of Pikes Peak National Bank of Colorado Springs, Colorado Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6326 Filed 3-16-81; 9:13 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Bodies; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of April 1981.

Community Alcoholism Services Review Committee: April 1–6; 7:00 p.m., Ramada Inn Hotel, 1251 West Montgomery Avenue, Rockville, Maryland 20850, Open—April 1: 7:00 to 9:30 p.m., Closed—Otherwise. Contact: Phillip Dawes, Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470.

Purpose: The Community Alcoholism Services Review Committee is charged with the initial review of grant applications for Federal assistance in the program area administered by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) relating to alcoholism service activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 7:00 to 9:30 p.m. on April 1, the meeting will be open for reports and discussion of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Mental Health Small Grant Review Committee, April 6–9; 1:30 p.m., The Gramercy Inn, Parkview and Westview Rooms, and Room 331, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036, Open—April 6; 1:30–2:30 p.m., Closed—Otherwise. Contact: LaVerl P. Klein, Room 9–104, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4843.

Purpose: The Mental Health Small Grant Review Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for research in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychology, sociology, anthropology, psychiatry, and the biological sciences, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:30–2:30 p.m. on April 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be peforming initial review of grant applications for Federal assistance and will not be open to the public in

accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

The Treatment and Rehabilitation Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism: April 7; 10:00 a.m.—Open, Conference Room N, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Contact: David Clough, Room 11-19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2070.

Purpose: The functions of the Work Group are to evaluate all Federal efforts in the areas of alcohol abuse and alcoholism treatment and rehabilitation, provide for the communication and exchange of information necessary, and seek to coordinate and enhance these programs and activities, and submit recommendations to the Interagency Committee, as necessary.

Agenda: Tentative agenda items include updated reports from work group members, and a report on criminal justice/alcoholism treatment issues.

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members for NIMH will be furnished upon request by Mrs. Ruth Gorin, Office of the Associate Director for Extramural Programs, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333. For NIAAA: Ms. Helen Garrett, Committee Management Officer, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2860.

Dated: March 11, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-8068 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees.

The following advisory committee meetings are announced:

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. April 6 and 7, 9 a.m., Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 6, 9 a.m. to 10 a.m.; open committee discussion, April 6, 10 a.m. to 11 a.m.; closed presentation of data, April 6, 11 a.m. to 12 m.; open committee discussion, April 6, 1 p.m. to 5 p.m., April 7, 9 a.m. to 5 p.m.; A. T. Gregoire, Bureau of Drugs (HFD-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3542.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and prescription drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss the FDA action report; tumorigenicity of lopid lowering agents; Ciprofibrate (IND 10,769); Lopid (NDA 18-422), a lipid lowering agent; subcommittee report on regulatory criteria for lipid-altering agents; new uses for marketed durgs; anabolic steroids for the treatment of refractory anemia; and Cibacalcin (NDA 18-470).

Closed presentation of data. The Committee will discuss unpublished clinical data relating to IND 10,769. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be submitted by March 25, 1981.

Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel

Date, time, and place. April 13, 9 a.m., Rm. 1409, 200 C St. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed presentation of data, 12 m. to 1 p.m.; open committee discussion, 1 p.m. to 4 p.m.; David S. Shindell, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 20910, 301-427-8228.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person before March 30, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Committee will review and discuss the safety and effectiveness data for the endotracheal tube changer submitted in support of premarket approval application P800068, and data for the transcutaneous carbon dioxide monitor submitted in support of premarket approval application P800043.

Closed presentation of data. The sponsor of premarket approval application P800043 will present information concerning the device and respond to questions from the Panel members. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be submitted by March 30, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–3170.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: March 9, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-8089 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80D-0278]

Single-Entity Barbiturates; Class Labeling Guidance; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 80–35842 appearing at page 76356 in the Federal Register of Tuesday, November 18, 1980, various corrections are made.

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC–11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: The notice on single-entity barbiturates contains various errors. Corrections are made as follows:

1. At page 76356, first column, the seventh and eighth lines under "Supplementary Information" are changed to read "each product within the drug class because all drugs in the class are closely related".

2. At page 76357, third column, fifth line under the heading "Barbiturate Class Labeling," "sybhypnotic" should read "subhypnotic".

3. At page 76358, under the structural formula for butabarbital sodium, "Sodium 5-*sec*-butyl-5-ethylbarbiturate" should read "Sodium 5-sec-butyl-5-ethylbarbiturate".

4. At page 76361 under Table 2., the "Reference" for "Hexobarbital" should read "1 [illegible]", and the "Reference" for "Secobarbital" should read "1 and 38."

5. At page 76361, third column, the eighth line under item 3. should read: "sedatives in the postoperative surgical period."

6. At page 76362, second column, in the sixth line of item 2., change "cortixosteroid" to "corticosteroid".

7. At page 76362, third column, the eleventh line under item 2. should read "sufficient evidence that phenobarbital sodium is".

8. At page 76363, first column, in the first line under the heading "Drug Abuse and Dependence" change the colon to a period.

9. At page 76363, third column, second line, change "60 mg" to "600 mg".

10. At page 76364, second column, under the heading "*Anticonvulsant use*" in the tenth line, change "29 mg" to "20 mg".

11. At page 76364, in Table 3., add the heading "Barbiturate Blood Level in ppm (μg/mL)" just above the list of barbiturates.

12. At page 76365, in Table 5., for the entry "Phenobarbital sodium" under the heading "Anticonvulsant" change "Status epilipticus 200 repeated in 6 hr as necessary" to "Status epilepticus 200 to 320 mg repeated in 6 hr as necessary."

13. At page 76365, in Table 5., for the entry "Amobarbital sodium" under the heading "Daytime sedation" change "30 to 50 2–3 times daily" to "30 to 50 mg 2–3 times daily.

14. At pages 76365–76366, under "References" make the following changes:

a. In item 2., change "1979" to "1969".

b. In item 6., change the first line to read: "Kales, A., et al., "Effectiveness of".

c. In item 13., change "K. G. Prescott" to "K. F. Prescott".

d. In item 27., change "Brabstad" to "Branstad", and change "Macromolecles" to "Macromolecules".

e. In item 29., change "Amylobaritone" to "Amylobarbitone".

f. In item 32., change "Pharmacolgica" to "Pharmacologica".

g. In item 61., change "Dephneylhydantoin" to "Diphenylhydantoin".

h. In item 63., change "Associaition" to "Association".

Dated: March 5, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8072 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0366/CP]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to the T. H. Richards Processing Co. to market test tomato juice from concentrate. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the new food is introduced into or caused to be introduced into interstate commerce, but no later than June 15, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to the T. H. Richards Processing Co., P.O. Box 2470, Sacramento, CA 95811. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under § 156.145 (21 CFR 156.145). The product is prepared from tomato paste that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)). The test product is equivalent to a single-strength tomato juice normally found in the marketplace. The finished product contains no less than 5.5 percent tomato soluble solids. The permit provides for the temporary marketing of 200,000 cases of twelve 46-ounce and 50,000 cases of forty-eight 5½-ounce containers of the product to be distributed in the States of Arizona, California, Colorado, Florida, Idaho, New Mexico, New York, Ohio, Oregon, and Washington.

The test product is to be packed at the T. H. Richards Processing Co. plant located in Sacramento, CA.

The principal display panel of the label states the product's name as "tomato juice from concentrate." Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) is declared as "tomato concentrate." This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than June 15, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

Dated: March 3, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8071 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80H-0475]

Baurs-Krey Associates, Inc.; Premarket Approval of Weicon "™" (Tefilcon) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Weicon "™" (tefilcon) Hydrophilic Contact Lens, sponsored by Baurs-Krey Associates, Inc., New York, NY. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 16, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On March 7, 1980, Baurs-Krey Associates, Inc., New York, NY, submitted to FDA an application for premarket approval of the Weicon"™" (tefilcon) Hydrophilic Contact Lens. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 19, 1980, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA

explained in a notice published in the Federal Register of December 18, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of an approved contact lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new lens users that they must avoid using inappropriate products, e.g., solutions for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new solutions that FDA approves for use with an approved contact lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e (e)(1)(F)). Accordingly, whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 16, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7943 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0071]

Becton Dickinson and Co.; Premarket Approval of BBL Sceptor System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the BBL Sceptor System sponsored by Becton Dickinson and Co. Washington, DC. After reviewing the recommendation of the Microbiology Device Section of the Immunology and Microbiology Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 16, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry A. Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 3, 1980, Becton Dickinson and Co., Washington, DC. submitted to FDA an application for premarket approval of the BBL Sceptor System, an antimicrobial agent susceptibility testing system. The application was reviewed by the Microbiology Device Section of the Immunology and Microbiology Devices Panel, an FDA advisory committee, which recommended approval of the application. On February 18, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of

material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 16, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–7942 Filed 3–16–81; 8:45 am]

BILLING CODE 4110–81–M

Office of Human Development Services

Advisory Board on Child Abuse and Neglect; Meeting

Notice is hereby given, pursuant to Public Law 92–463, of the meeting of the Advisory Board on Child Abuse and Neglect, April 6–7, 1981, Hyatt-Regency Hotel, Milwaukee, Wisconsin. The meeting on April 6 is scheduled to begin at 6 p.m. The April 7 meeting will begin at 12 noon.

The Advisory Board on Child Abuse and Neglect was established by the Department of Health and Human Services to assist the Secretary in coordinating programs and activities related to child abuse and neglect planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

At this meeting the Advisory Board will discuss the Future of Child Abuse and Neglect programs; a Coordination Plan; the National Conference on Child Abuse and Neglect and Needed Follow-Up to Conference Activities; Evaluation and Impacts of NCCAN's Service Improvement Program; and Final fiscal year 1981 Recommendations to the Secretary from the Advisory Board.

Further information on the Advisory Board meeting may be obtained from Ms. Arlene Taylor, National Center on Child Abuse and Neglect, Room 2008E, Donohoe Bldg., P.O. Box 1182, Washington, D.C. 20013, Telephone (202)245–2859.

Advisory Board meetings are open for public observation.

March 12, 1981.

Mamie J. Welborne,

Human Development Services, Committee Management Officer.

[FR Doc. 81–8126 Filed 3–16–81; 8:45 am]

BILLING CODE 4110–88–M

DEPARTMENT OF THE INTERIOR

National Park Service

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 3 p.m., Monday, March 30, 1981, at 26 Federal Plaza, New York, N.Y., Room 3037A.

The Commission was established by Pub. L. 92–592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The matters to be discussed at this meeting include:

1. FY 81 Budget Report: Status of funds, re: construction/planning/operations.
2. Fort Wadsworth.
3. Transportation planning: B9, B46 Buses.

New Business

1. Summer program.
2. Phase II, Floyd Bennett Field Plan.
3. Committee Reports.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first served basis. Any member of the public may file with the Commission, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Herbert S. Cables Jr., Superintendent, Gateway National Recreation Area, Headquarters, Building 69, Floyd Bennett Field, Brooklyn, N.Y. 11234, area code (212) 630–0353.

Minutes of the meeting will be available for inspection four weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Herbert S. Cables Jr.,

Superintendent.

March 9, 1981.

[FR Doc. 81–8129 Filed 3–16–81; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–6 (Sub–67F)]

Burlington Northern, Inc.—Abandonment—Near Starbuck and Villard in Pope County, MN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided March 9, 1981, a finding which is administratively final was made by the Commission, Division 2, Acting as an Appellate Division, stating that the public convenience and necessity permit the abondment by Burlington Northern, Inc., of the portion of a line of a railroad from milepost 67.00 near Starbuck to milepost 51.81 at Villard, MN, a total distance of 15.39 miles in Pope County, MN, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, ICC 91 (1979). A certificate of abandonment will be issued to Burlington Northern, Inc., based on the above-described finding of abandonment, within 15 days of publication of this notice, unless within that time the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment

will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8000 Filed 3-16-81; 12:30 pm]
BILLING CODE 7035-01-M

[No. AB-1 (Sub-98)]

Chicago and North Western Transportation Company—Abandonment Between Sycamore and Byron, IL; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by decision decided February 23, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that the public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of the line of railroad extending between milepost 57.5 near Sycamore and milepost 88.3 near Byron, a distance of 30.8 miles in De Kalb and Ogle Counties, IL, subject to the conditions for the protection of employees developed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, unless 30 days after publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 10423, no later than 10 days from publication of this Notice; and (2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8001 Filed 3-16-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statement as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Dated: March 6, 1981.

By the Commission, Review Board Number 3. Members Krock, Joyce and Dowell.

MC 120028 (Sub-22F), filed January 2, 1981. (Supplemental) (Previously published in the **Federal Register** on February 2, 1981 at page 10215). Applicant: CRAW CARTING, INC.—Extension—160 Despatch Drive, P.O. Box 267, East Rochester, NY 14445. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in Albany, Broome, Columbia, Dutchess, Erie, Fulton, Genesee, Greene, Hamilton, Herkimer, Livingston, Monroe, Montgomery, Niagara, Ontario, Orleans, Putnam, Rensselaer, Saratoga, Schenctady, Schoharie, Ulster, Washington, Wayne, Westchester and Wyoming Counties, NY, the cities of Glens Falls, Oneonta, New York, Syracuse and Utica, NY, and the Villages of Baldwinsville, Cato, Hannnibal, Meridian, Stamford, Sterling and Sidney, NY. Condition: This application is authorizing a new service. Therefore an additional filing fee of $350 will be required before an effective notice will be issued.

Notes.—(1) The original application was published as a gateway elimination application. (2) The purpose of this application is to bridge authority Craw now holds with authority it is purchasing from Tanney's Motor Transportation, Inc. in MC-F-14543.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8109 Filed 3-16-81 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 38]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 10, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 11.37. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 297 (Sub-16)X, filed February 23, 1981. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its lead and Sub-3, 5, and 7 certificates to (1) eliminate all exceptions to its general commodities authority except "classes A and B explosives" in the lead, Sub-3 and 7; (2) change the commodity descriptions (a) in the lead, from milk and farm products to "food and related products" and "farm products"; and (b) in Sub-5, from paper products to "pulp, paper and related products", from door components to "building materials", and from lumber to "lumber and wood products"; (3) in Sub-3, remove the exception against service to points in the commercial zones of Kelso and Longview, WA, from authority to provide radial service between Woodland, WA and points in WA within 15 miles of Woodland; and in Sub-7, against radial service between Kelso and Longview, WA and Portland, OR and Vancouver, WA on a regular route between Woodland, WA and Spirit Lake, WA, and (4) authorize radial authority in the lead, between Portland, OR and Woodland, WA; and in Sub-5, between Woodland, WA and points in OR.

MC 26396 (Sub-392)X, filed February 23, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-202F, 223, 260, 262, 297F, 303F, 304F, 371F, and 379F certificates to (1) change the commodity descriptions (a) from various iron and steel articles, such as wrought iron pipe, steel buildings, steel grain bins, etc., in Sub-202F, 223, 260F, 262F, 303F, 304F, and 371F to "metal products"; (b) from pumping units and accessories, and grain and feed storage and handling systems, in Sub-223 and 297F to "machinery"; (c) from pipe, pipe fittings, couplings and plastic pipe in Sub-262F and 371F to "rubber and plastic products"; and (d) from clay and clay products in Sub-379F to "clay, concrete, glass or stone products"; (2) remove the restrictions against commodities in bulk in Sub-223 and 303F; (3) remove the facilities limitations and exceptions in Sub-202F, 223, and 262F; (4) replace city-wide authority with county-wide authority: in Sub-223, Hutchinson with Reno County, KS; in Sub-260F, Jamestown with Stutsman County, ND; in Sub-262F, McPherson with McPherson County, KS; in Sub-297F, Plainfield with Will County, IL; and in Sub-371F, Lemont with Cook County, IL; (4) remove the "originating at and destined to" restriction in Sub-223; (5) authorize radial service in all sub-numbers, but Sub-379F, between points located throughout the entire U.S. or various specified portions thereof, and (b) remove the AK and HI exceptions.

MC 48441 (Sub-71)X, filed February 24, 1981. Applicant: R.M.E., INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions (a) in its regular route authority, from glass, glass products, yeast, malt products, and brewery supplies, to "clay, concrete, glass or stone products, and such commodities as are dealt in by brewery supplies", (b) in its irregular route authority, from building materials, paint, roofing, and iron and steel construction products, to "building materials, chemicals and related products and metal products", from beer, and malt products, canned goods, animal feed, and canned foodstuffs, to "food and related products", from paper, and paper products, to "pulp, paper and related products", from telephone directories and telephone directory pages, to "printed matter", from glass containers, to "clay, concrete, glass or stone products", and from iron containers and steel continers, to "metal products"; and (2) broaden its territorial description (a) to authorize service at all intermediate points on described route between

Milwaukee, WI, and Alton, IL, in the regular route portion of its lead authority, (b) change its one-way authority to radial authority between several named states, and replace cities and plantsite facilities with county-wide authority in the irregular route portion: Alton, Streator, and Peoria, IL, with Madison, LaSalle, and Peoria Counties, IL, Dwight, IL, with Livingston County, IL, Jonesboro, AR, with Craighead County, AR, named facilities at Plymouth, IN, with Marshall County, IN, Hamilton, MI, with Allegan County, MI, Danville, IL, with Vermilion County, IL, and Franklin, KY, with Simpson County, KY.

MC 59567 (Sub-8)X, filed February 23, 1981. Applicant: LEITCHFIELD TRANSFER CO., P.O. Box 366, Leitchfield, KY 42754. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-1 certificate to (1) remove all restrictions except Classes A and B explosives from its general commodities authority and (2) to allow service at all intermediate points in connection with its regular route authority between Louisville, KY, and Leitchfield, KY.

MC 69938 (Sub-4)X, filed February 26, 1981. Applicant: BV&G TRANSPORT COMPANY, P.O. Box 722, 1557–R State Street, Granite City, IL 62040. Representative: Joel H. Steiner, 39 South La Salle, Suite 600, Chicago, IL 60603. Applicant seeks to remove restrictions from its lead and Sub-1F and 3F certificates to (1) broaden the commodity descriptions from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)", in the lead, and (b) cars and locomotive wheels, and iron and steel articles to "metal products" in Sub-1F and 3F; (2) authorize service to all intermediate points on its regular routes between Germantown, IL, Bellville, IL, and St. Louis, MO in the lead; (3) change city-wide to county-wide authority from Keokuk to Lee County, IA in Sub-1F, and expand one-way authority to radial authority between Lee County, IA and Bensenville, IL and St. Louis, MO in Sub-1F, and St. Louis, MO and points in Adair, Audrain, Boone, Calloway, Cape Girardeau, Clark, Crawford, Cole, Franklin, Gasconade, Jefferson, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Osage, Perry, Pike, Ralls, Randolph, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Shelby, Schuyler, Warren and Washington Counties, MO in Sub-3F; and (4) remove the ex-water restriction in Sub-3F.

MC 97127 (Sub-17)X, filed February 23, 1981. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box 2397, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Applicant seeks to remove restrictions in its Sub-10 and 11 certificates to (1) in Sub-10 (a) allow service at all intermediate points in connection with its regular route authority between Memphis, TN, and Bald Knob, AR and between Batesville, AR, and a named point (b) remove a restriction limiting servicing to Bald Knob, AR for the purpose of joinder only (c) remove the restriction against tacking its regular route authorities between Memphis, TN, and Bald Knob, AR and Little Rock, AR, and Ash Flat, Ar so as to provide a through service between Memphis, TN and Ash Flat, AR, (d) remove the restriction which prohibits transportation of traffic moving from or through points in the Little Rock, AR commercial zone, (2) in Sub-11 (a) allow service at all intermediate points in connection with its regular route between Memphis, TN, and a named facility at or near Magness, AR, and (b) remove a restriction against transportation of shipments originating at or destined to named AR points.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 99567 (Sub-6)X, filed February 26, 1981. Applicant: KANE FREIGHT LINES, INC., 229 Maple Street, P.O. Box 931, Scranton, PA 18501. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its Sub-2 certificate to (1) broaden its commodity descriptions (a) from general commodities, (with exceptions), to "general commodities, (except classes A and B explosives)", and (b) from such commodities as are processed, packed, or distributed by meat-packing houses, and in connection therewith advertising matter and stationery, and packing-house products, to "such commodities as are dealt in or used by packing houses and materials, equipment, and supplies, used in the manufacture, sales, and distribution of the named commodities; and (2) change its one-way authority to radial authority between Williamsport, PA, and points in PA within 100 miles of Williamsport.

MC 114098 (Sub-55)X, filed February 25, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-3, 49F, 50F, and 51F certificates to (1) broaden the commodity description from hulled cottonseed and ground cottenseed flakes to "food and related products", from fertilizer to "chemicals and related products," from building or roofing slabs (made of Portland cement with wood fibre or wood chips aggregate), and composition boards and sheets (not including wall boarding or insulation boarding) to "building materials," and from hardboard to "lumber and wood products" in Sub-3; from lumber to "lumber and wood products" in Sub-49F, and 51F; from iron and steel articles to "metal products" in Sub-50; (2) remove the in bulk, and in tank and hopper-type vehicles and in bags, and on flat-bed trailers restriction in Sub-3; (3) replace specified cities with county-wide authority, from Black Mountain, Charlotte, and Conway, NC to Buncombe, Mecklenburg, and Northampton Counties, NC, from Augusta, GA to Richmond County, GA, from Spartanburg, SC to Spartanburg County, SC, and from Newark, OH, to Hicking County, OH in Sub-3; (4) replace one-way authority with radial authority between Mecklenburg, NC, and, Richmond, GA, Spartanburg County, SC, and, points in NC, Richmond, VA, and, points in 12 named States and a described portion of TN, Northampton County, NC, and points within 10 miles thereof, and, 11 named States, AR (except Benton, AR) and a described portion of TN, Hicking County, OH, and, points in WV in part (A) of Sub-3, between (a) Buncombe County, NC and points in SC, KY, and described portions of TN, NY, and PA, in part B of Sub-3; between Georgetown County, SC, and, points in NC, SC, and VA in Sub-49F; and between (1) Georgetown County, SC, and, points in GA, MD, and TN, and (2) points in SC, and, points in NC in Sub-51F.

MC 117883 (Sub-275)X, filed February 25, 1981. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Box 62, Versailles, OH 43380. Representative: E. Stephen Heisley, 805 McLanchlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-2, 12, 77, 139, 184, 185, 233F, 234F, and 266F certificates to (1) broaden the commodity descriptions from: (a) washing machines and laundry equipment, sheet 3, and farm machinery, implements, and equipment, sheet 4, to "machinery" in Sub-2, (b) flat glass, sheet 6, glass, glass ware, and glass containers, sheet 9, in Sub-2, glass in Sub-12 and 185, and brick, brick products in Sub-266F to "clay, concrete,

glass or stone products"; (c) dairy products, sheet 7, meats, meat products, and meat by-products, sheet 8, and foods and foodstuffs, sheet 11, to "food and related products" in Sub-2, (d) petroleum and petroleum products, and lubricating oils and greases, and carbons, gum and sludge removing compounds to "petroleum, natural gas and their products and chemicals and related products" in Sub-77, (e) alkalies, sheet 1, to "chemicals and related products", rubber articles, sheet 2, to "rubber and plastic products", and tinplate, metal lockers, and metal shelving to "metal products and furniture and fixtures" in Sub-139, and (f) paper and paper products and products produced or distributed by manufacturers and converters of paper and paper products to "such commodities as are dealt in or distributed by manufacturers and converters of paper and paper products" in Sub-184; (2) expand territorial descriptions from plantsite facilities or point authorities to counties: (a) Greenville to Darke County, OH, and Dayton to Montgomery County, OH, sheet 2, Bellevue to Huron County, OH, Knightstown to Henry County, IN, Sterling to Whiteside County, IL and Chicago Heights to Cook County, IL, sheet 4, Clarksburg to Harrison County, WV, sheets 2, 6, and 9, Covington to Miami County, OH, sheet 7, Columbus to Bartholomew County, IN, Terre Haute to Vigo County, IN, and Danville to Vermilion County, IL, sheet 8, Grafton to Taylor County, WV, sheet 9, and Champaign to Champaign County, IL, sheet 11, in Sub-2, (b) Charleston to Kanawha County, WV in Sub-12, (c) Oil City, Reno, and Rouseville to Venango County, PA and Warren to Warren County, PA in Sub-77, (d) Barberton and Akron to Summit County, OH and Canton to Stark County, OH, sheets 1 and 2, in Sub-139, (e) West Carrollton to Montgomery County, OH in Sub-184, (f) Jerry Run to Taylor County, WV in Sub-185, (g) Hamilton to Butler County, OH in Sub-233F; and (h) Cheswick to Allegheny County, PA in Sub-266F; (3) replace one-way authority with radial authority between (a) points in IL, IN, WI, MI and Harrison County, WV, sheet 2, Chicago, IL and Darke and Montgomery Counties, OH and Columbus, OH, sheet 3, Harrison County, WV and Detroit, MI, Harrison County, WV and points in IN and IL, sheet 6, Bartholomew and Vigo Counties, IN, Vermilion County, IL and points in CT, DE, ME, MD, MA, NH, NJ, RI, VT, VA, WV, and DC (with exceptions) sheet 8, Harrison and Taylor Counties, WV and points in WI, sheet 9, and Champaign County, IL and points in IA, IN, KY, MI, MN, MO, NE, and WI and points in IL and points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, sheet 11, in Sub-2; (b) Kanawha County, WV, points in PA and points in WI in Sub-12; (c) Venango and Warren Counties, PA and points in IL, IN, and MI in Sub-77; (d) Summit and Stark Counties, OH and Chicago, IL, sheet 1 and 2, in Sub-139; (e) Dayton and Montgomery Counties, OH and Clinton and Des Moines, IA, St. Louis, MO and points in those parts of IL and IN in Sub-184; (f) Cincinnati, Butler County, and Middletown, OH and points in 23 named States and DC in Sub-233F and 234F; and (g) Allegheny County, PA and points in IL in Sub-266F; and (4) remove the restrictions (a) except in bulk" sheet 11, Sub-2; (b) "originating at and destined to" in Sub-2, 184, 185, 233F, 234F and 266F; (c) "other than in bulk, in tank vehicles" Sub-77; (d) "except commodities in bulk, in tank vehicles" in Sub-233F and 234F; and (e) "in refrigerated equipment" and against interlining at Versailles, OH, sheet 7, Sub-2.

MC 117883 (Sub-276)X, filed February 26, 1981. Applicant: SUBLER TRANSFER, INC., One Vista Drive, P.O. Box 62, Versailles, OH 45380. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 26, 87, 106, 119, 177, 196, 198, 211, and 222 certificates, and E-54, E-55, E-57, and E-77 Letter Notices to (1) broaden the commodity descriptions to "food and related products" from its authority to handle specified commodities such as bananas, frozen foods, food and food products, foodstuffs, dairy products as defined in section B of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and similar commodity descriptions; (2) expand territorial descriptions from facilities or point authorities to city-wide or county-wide authority (a) New York, NY; Baltimore, MD; and Wake, Pitt and Pasquotank Counties, NC for port facilities in New York, NY and NJ and in New York, NY commerical zone, as defined by the Commission, port facilities in Baltimore, MD, and Raleigh, Greenville, and Elizabeth City, NC, in Sub 26; (b) Essex, Middlesex, Norfolk, Suffolk, Bristol, Plymouth and Worcester Counties, MA, for facilities in those counties, in Sub 87; (c) Nassau County, NY for a specific portion of the Nassau County, NY, in Sub 106; (d) Chester County, PA, for Kennett Square, Kelton, and Avondale, PA in Sub 119; (e) Allegheny County, PA for Crafton, PA, in Sub 196; (3) broaden the territorial description from one-way authority to radial authority: (a) between Philadelphia, PA and Chicago, IL, Detroit, MI and Richmond, VA; between New York, NY and Wake, Pitt, and Pasquotank Counties, NC; and between New York, NY and Baltimore, MD, and St. Louis, MO, WI, MI, IL, IN, OH, KY, VA, WV, PA, DE, MD, DC, NY (except Westchester and Nassau Counties) and NJ (except Passaic, Union, Middlesex, Hudson, Essex and Bergen Counties), in Sub 26; (b) between Essex, Middlesex, Norfolk, Suffolk, Bristol, Plymouth, and Worcester Counties, MA, and DE, IN, IL, IA, KS, KY, MD, MI, MN, MO, NE, OH, VA, WV, WI, DC, and points in NY and PA on and west of Interstate Highway 81, in Sub 87; (c) between New York, NY, Nassau County, NY and Bergen, Essex, Hudson, Passaic, and Union Counties, NJ, and points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, WI, WV, and PA on and west of the U.S. Highway 15, in Sub 106; (d) between Philadelphia, PA and Wilmington, DE, and points in IL, IN, IA, MN, MO, KY, MI, OH, and WI; and between Chester County, PA and points in IL, IN, IA, KY, KS, MI, MN, MO, NE, OH, and WI, in Sub 119; (e) between OH and Kenton County, KY and points in twenty-four states and DC in Sub 177; (f) between St. Louis, MO, and, points in fourteen states and DC, and Boone, Campbell and Kenton Counties, KY, in Sub 196; (g) between Allegheny, Butler, Lawrence, Mercer, and Washington Counties, PA, and points in twenty-three states and DC and in Sub 196; (h) between Newport News, VA, and points in fourteen states and DC and Sub 211; (i) between the Lower Pennisula of Michigan and points in twenty-four states and DC in Sub 222; (j) between RI and points in ten states in E-54; (k) between CT and points in ten states in E-55; (l) between MA and points in nine states and OH on and south of U.S. Highway 322 in E-57; and (m) between NJ and points in IL, WI, MN, IA, MO, NE, and KS in E-77; and (4) remove the restriction (a) against transportation of shipments in bulk in Subs 106, 119, 177, 196, 198, 222 and E-54, E-57, and E-77; (b) against the transportation of sugar to IN in Subs 106, 119, and E-54, and E-55; (c) requiring transportation to be conducted in mechanically refrigerated equipment in Sub 196 and E-54, E-55, E-57, and E-77; (d) requiring movement to be conducted in ocean containers and that shipments have a prior movement by water, in Sub 211; and (e) eliminate the "originating at and destined to"

restriction in Subs 119, 177, 186, 196, and 222.

MC 121470 (Sub-79)X, filed February 23, 1981. Applicant: TANKSLEY TRANSFER CO., 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1000 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-Nos. 14F and 69F certificates to (1) broaden the commodity description to "metal products" from zinc, zinc alloys, and zinc products, and equipment, machinery materials and supplies (except in bulk), in Sub-No. 14F; and to "metal products and machinery" from heat exchangers, heat equalizers, heating, cooling, conditioning, humidifying dehumidifying, and gas, and liquid moving equipment, and materials equipment, and supplies used in the manufacture and distribution of said commodities (except commodities in bulk), in Sub-No. 69F, (2) remove restriction to traffic originating at or destined to named origins and named destinations except traffic moving in foreign commerce, in Sub-No. 14F and (3) broaden the territorial application by replacing one way authority with radial authority, in Sub-No. 14F between Montgomery County, TN and points in the U.S. in and east of ND, SD, NE, KS, OK and TX and in Sub-No. 69F between Fayette County, KY and points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 121496 (Sub-No. 62)X, filed February 25, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub 9F certificate, to (1) broaden the commodity description from "liquid chemicals, in bulk," to "commodities in bulk", and (2) broaden the territorial description by (a) replacing the facilities restriction at Port Neches, Youens and Austin, TX with "points in Travis, Montgomery and Jefferson Counties, TX", (b) eliminate the "except AK, HI and TX" restriction; (c) broaden the territorial description from one-way authority to radial authority between the counties named above, and, points in the U.S.; and (d) remove the "originating at" restriction.

MC 121649 (Sub-No. 7)X, filed February 24, 1981. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, TN 38358. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 4 certificate to (1) remove all restrictions in its general commodities authority "except classes A and B explosives," (2) authorize service at all intermediate points in connectioin with its regular-route operations in TN and KY, and (3) remove the restrictions against the transportation of traffic that orignated at, is destined to or interlined at various combinations of the following points: Fulton, KY, Memphis, Jackson, and Nashville, TN, and 20 other TN cities; against interchange with a named carrier; against service to Dyersburg and Newbern, TN and points in that part of the Memphis commercial zone located in AR and MS; and restrictions against tacking of various regular routes.

MC 124835 (Sub-No. 29)X, filed February 26, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 17F, 19F and 23F certificates to (1) broaden the commodity descriptions from chemicals, in bulk, in tank vehicles, to "commodities in bulk" in Sub-Nos. 17F and 19F; (2) replace city-wide with county-wide authority from: Chattanooga to Hamilton County, TN in Sub-No. 17F, and Cartersville to Bartow County, GA in Sub-No. 19F; (3) change one-way authority to radial authority between: Hamilton County, TN and Bartow County, GA and points in the US in and east of ND, SD, NE, KS, OK, and TX in Sub-No. 17F and 19F; and Memphis, TN and points in AL, AR, KY, LA, MS, and TN in Sub-No. 23F, and (4) remove the facilities restriction of Transbulk, Inc., from Sub-No. 23F.

MC 128279 (Sub-No. 42)X, filed February 26, 1981. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, Albuquerque, NM 87125. Representative: Olif Q. Boyd (same as above). Applicant seeks to remove restrictions in its Sub-No. 19 certificate which authorizes general commodities (with the usual exceptions) to remove the restriction against service between points on Federal or States Highways so designated on November 3, 1942, other than Albuquerque, NM, from its non-radial authority between points in those parts of NM, CO, and AZ within 200 miles of Albuquerque, NM.

MC 129177 (Sub-No. 1)X, filed February 23, 1981. Applicant: POVERO TRUCKING COMPANY, 972 Banksville Road, Pittsburgh, PA 15216. Representative: Thomas M. O'Brien, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "general commodities, except classes A and B explosives" from general commodities, with usual exceptions and those injurious or contaminating to other lading; (2) broaden existing city-wide service to county-wide authority: in part (a), Lawrence County, PA, for New Castle, PA, Allen County, IN, for Fort Wayne, IN, Lorain County, OH, for Lorain, OH; in part (b), Lawrence County, PA, for New Castle, PA, Bergen County, NJ, for Mahwah, NJ; and (3) broaden existing one-way service to radial authority, in part (a), between points in Lawrence County, PA, and points in PA within 20 miles of New Castle, PA, and, points in Allen County, IN and South Bend, IN, Cincinnati, OH and Lorain County, OH, Wheeling, WV, Irvington and Newark, NJ, and New York, NY; and in part (b), between points in Lawrence County, PA, and points within 20 miles of New Castle, PA, and Bergen County, NJ.

MC 129325 (Sub-No. 10)X, filed February 24, 1981. Applicant: DIAZ MOTOR FREIGHT, INC., P.O. Box 8266, New Orleans, LA 70122. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 6, and 9 certificates to (1) broaden the commodity descriptions to (a) "metal products" from iron and steel articles in the lead and Sub-No. 4 and steel reinforcing bars and wire rods in Sub-No. 9; (b) "rubber & plastic products" from plastic pipe in Sub-No. 3; and (c) "food and related products and chemicals and related products" from vegetable oils, in containers, in Sub-No. 6; (2) replace plantsites with city-wide or county-wide authority: St. Rose, LA with St. Charles Parish, LA in Sub-No. 6 and Beaumont, TX in Sub-No. 9, (3) change the one-way authorities to radial authorities between: New Orleans, LA, and, points in AR, AL, GA, LA, MS, TN, and in described parts of TX and FL in the lead; Houston, TX and points in the U.S. in Sub-No. 3; New Orleans, LA and points in a described part of FL in Sub-No. 4; St. Charles Parish, LA and New Orleans, LA in Sub-No. 6; and Beaumont, TX and New Orleans, LA in Sub-No. 9, (4) eliminate the exception of AK, HI, and TX in Sub-No. 3, and (5) remove the restriction limiting service to the transportation of traffic having an immediately subsequent movement by water in Sub-No. 6.

MC 129410 (Sub-No. 25)X, filed February 23, 1981. Applicant: BONCOSKY TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 11F, 13F, 14F,

18F, 19F, 21F, and 22F permits to (1) broaden the commodity descriptions to (a) "dairy products" from cottage cheese in the lead; (b) "food and related products" from liquid corn syrup, in Sub-No. 11F, liquid sugar in Sub-No. 13F, liquid corn products in Sub-No. 14F, liquid sweeteners in Sub-No. 18F, sugar, syrup, (high fructose), and blends of sugar and syrup in Sub-No. 19F, molasses and animal feed in Sub-No. 21F, and liquid sugar and blends of liquid sugar in Sub-No. 22F; and (c) "machinery" from agricultural pneumatic conveyors and accessories in Sub-No. 6; (2) remove the "in bulk" restriction in Sub-No. 11F and "in bulk, in tank vehicles" restriction in Sub-Nos. 13F, 21F and 22F; (3) eliminate the named facilities in Sub-Nos. 6, 11F, 13F, 14F, 18F, 19F, 21F, and 22F; and (4) expand its territorial authorities to between points in the U.S., under continuing contract(s) with named shippers in the above permits.

MC 135231 (Sub-No. 54)X, filed February 27, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 22F, 25 and 32F certificates to (1) broaden the commodity descriptions to (a) "transportation equipment" from snowmobiles, motor bikes, boats, part and accessories in Sub-Nos. 22F (Part I) and 25; and (b) "machinery" from sound reproducing equipment in Sub-Nos. 22F (Part I) and 32F, and agricultural implements and parts thereof in Sub-No. 22F (Part II); (2) remove the plantsite restrictions and replace with county-wide or city-wide authority: Crosby with Crow Wing County, MN, Roseau with Roseau County, MN, Thief River Falls with Pennington County, MN, Karlstad with Kitton County, MN, Rochester with Olmsted County, MN, Minneapolis, MN, Omaha, NE in Sub-No. 22F, Lancaster County, NE in Sub-No. 25, and Blue Earth with Fairbault County, MN in Sub-No. 32F. Applicant also seeks to (1) change its one-way authorities to radial authorities between: Crow Wing, Roseau, Pennington, Kitton and Olmsted Counties, MN, Minneapolis, MN and Omaha, NE, and, points in the U.S. in Sub-No. 22F (Part I); (b) Pennington County, and Minneapolis, MN, and, points in the U.S. in Sub-No. 22F (Part II); (c) Fairbault County, MN, and, points in U.S. in Sub-No. 32F; and (d) Lancaster County, NE, and, points in U.S. including ports of entry between U.S. and Canada; (2) remove the "except AK and HI" restriction in the sub-numbers above, (3) eliminate the restriction limiting service to the transportation of traffic originating at the named origins and destined to the indicated destinations in Sub-Nos. 22F and 32F; and (4) remove the "except commodities in bulk" restriction in Sub-Nos. 22F and 32F; and (5) remove the restriction against tacking in Sub-No. 22F and replace it with "carrier's authority to tack will be governed by 49 CFR 1042".

MC 138144 (Sub-No. 62)X, filed February 23, 1981. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions from its Sub-Nos. 2, 8, 11, 12, 16, 17, 19, 20, 22, 24, 25, 26, 29F, 32F, 35F, 37F, 42F, 44F, 49F, 52F, and 54F certificates to (1) broaden the commodity descriptions from: (a) iron and steel articles, metal articles, wrought iron pipe, cast iron pipe, hydrants, valves, fittings, couplings, and castings to "metal products" in Sub-Nos. 2, 11, 12, 20, 22, 25F, 35F, 37F, and 54F; (b) heat exchangers and equalizers for air, gas, liquid and machinery and equipment for heating, cooling, conditioning, etc. to "metal products and machinery" in Sub-No. 8; (c) lumber, lumber products, lumber mill products, poles, posts, and pilings to "lumber and wood products" in Sub-No. 16; (d) fertilizer compounds, ice melting compounds, and vermiculite products to "chemicals and related products and clay, concrete, glass or stone products" in Sub-No. 17; (e) buildings and parts, accessories, and equipment used in the installation of buildings to "buildings and building materials" in Sub-No. 24 (f) iron, steel, zinc, lead, and articles or products thereof; springs to "metal products, ores and minerals, and chemicals and related products" in Sub-No. 25; (g) plastic pipe, fittings, couplings, valves and hydrants, materials, supplies and equipments to "rubber and plastic products and metal products" in Sub-Nos. 29F and 42F; (h) roofing to "building material" in Sub-No. 44F; (i) insulation board, materials, supplies, cement pipe, and plastic pipe to "building materials, and rubber and plastic products" in Sub-No. 49F; and (j) fertilizer to "chemicals and related products" in Sub-No. 52F; (2) replace facilities limitations with city-wide or county-wide authority in Sub-Nos. 2, 12, 20, 24, 25, 26F, 29F, 32F, 35F, 37F, 42F, 44F, 49F, 52F, and 54F and change specific point or city-wide authority to county-wide authority from: Joliet, and Waukegan, to Will, and Lake Counties, IL, respectively, East Chicago, Gary and Hammond to Lake County, IN in Sub-No. 2; Earlville to LaSalle County, IL, Wausau to Marathon County, WI in Sub-No. 11; Coshocton to Coshocton County, OH in Sub-No. 12; Beardstown to Cass County, IL in Sub-No. 16; Union Grove to Racine County, WI and Kenosha to Kenosha County, WI in Sub-No. 17; Northbrook to Cook County, IL in Sub-No. 19; New Lennox Township to Will County, IL in Sub-No. 22; Brookfield to Waukesha County, WI and Milton to Northumberland County, PA in Sub-No. 24; Blue Island to Cook County, IL, Joliet to Will County, IL, Grand Rapids to Kent County, MI, Lansing to Ingham County, MI, Centerville to Appanoose County, IA, Ft. Wayne to Allen County, IN, Kokomo to Howard County, IN Elkhart to Elkhart County, IN, Cicero to Hamilton County, IN in Sub-No. 25; Kankakee to Kankakee County, IL, Granite City to Madison County, IL, Eureka to Woodford County, IL, and DeKalb to DeKalb County, IL in Sub-No. 25; Buckhannon to Upshur County, WV in Sub-No. 29F; Sterling to Whiteside County, IL in Sub-No. 35F; Chicago, Evanston and Blue Island to Chicago, IL in Sub-No. 37F; Columbia to Boone County, MO in Sub-No. 42F; Chicago and Wilmington to Chicago, IL in Sub-No. 44F; Alexandria to Madison County, IN, Rockdale to Will County, IL, Waukegan to Lake County, IL, and Wilton to Muscatine County, IA in Sub-No. 49F; Dubuque to Dubuque County, IA, Peoria, Fulton, and Pekin to Peoria, Whiteside, and Tazewell Counties, IL, respectively, in Sub-No. 52F; and Canfield to Mahoning County, OH, Martins Ferry and Yorkville to Belmont County, OH, and Mingo Junction and Steubenville to Jefferson County, OH Allenport to Washington County, PA, Monessen to Westmoreland County, PA Beech Bottom and Follansbee to Brooke County, WV, Benwood to Marshall County, WV, and Wheeling to Ohio County, WV, (3) broaden the territorial description from one-way authority to radial authority between numerous combinations of specified origins in IL, IN, OH, WI, PA, MI, IA, MS, WV, and MO, and points in the U.S. for example: points in Chicago, Lake, and Will Counties, IL, and Lake County, IN and, points in IA and MO; points in Lake County, IN and points in IA, MO, and NE; points in Lake County, IN, and points in IA and NE; and points in Milwaukee, WI, and points in IA, MO, and NE in Sub-No. 2; points in LaSalle County, IL, and points in Marathon County, WI in Sub-No. 11; Coshocton County, OH, and, points in IL, IN, IA, KS, MI, MN, MO, NE, ND, PA, SD, and WI, in Sub-No. 12; Cass County, IL, and,

points in IA, MN, MO and WI in Sub-No. 16; Racine and Kenosha Counties, WI, and, points in Illinois in Sub-No. 17; Cook County, IL, and, points in IA, MO, and NE in Sub-No. 19; Chicago, IL, and, points in CO, IL, IN, IA, KS, MN, MO, NE, ND, SD, and TX in Sub-No. 20; Will County, IL and points in Callaway County, MO and Coffey County, KS in Sub-No. 22; Waukesha County, WI and Northumberland County, PA, and, points in the U.S. in Sub-No. 24; Cook and Will Counties, IL, Kent and Ingham Counties, MI, Toledo and Columbus, OH, Appanoose County, IA, Allen, Howard, Elkhart, and Hamilton Counties, IN, Jackson, MS, and points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MO, MS, MN, NE, ND, OH, OK, PA, SD, TN, TX, and WI in Sub-No. 25; Upshur County, WV, and points in MI, OH, IL, IN, MO, IA, MN, WI, ND, SD, NE, and KS in Sub-No. 29F; Chicago, IL, and points in KS, IA, MN, MO, NE, ND, SD, and WI in Sub-No. 32F; and various other combinations in Sub-Nos. 35F, 37F, 42F, 44F, 49F, 52F, and 54F; and (4) eliminate the restrictions (a) except in bulk from Sub-Nos. 8, 11, 12, 16, 17, 24, 25, 28, 29F, and 32F; (b) except containers and container ends in Sub-No. 19; (c) except metal containers and container lids in Sub-No. 20; (d) except cement pipe in Sub-No. 49F; (e) originating at or destined to a named plantsite, warehouse or storage facilities in Sub-Nos. 2, 12, 20, 24, 25, 28, 29F, 32F, 35F, 37F, 44F, 49F, 52F, and 54F; (f) "originating at and destined to" in Sub-Nos. 2, 8, 16, 19, 35F, and 42F; (g) AK and HI in Sub-Nos. 8 and 24; and (h) size and weight in Sub-No. 11.

MC 138468 (Sub-2)X, filed February 26, 1981. Applicant: RMK TRUCKING, INC., 500 Skokie Blvd., Northbrook, IL 60062. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 1 permit (1) to broaden the territorial descriptions to between points in the U.S. under contract(s) with a named shipper, and (2) to broaden the commodity description from corrugated paper products and interior packing forms to "pulp, paper and related products and such commodities as are used or dealt in by manufacturers of interior packing forms".

MC 140615 (Sub-63)X, filed February 23, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 4, 10, 22F, 29F, 32F, 46F, and 52F certificates to (1) broaden the commodity description from balsa wood, to "lumber and wood products" in Sub-No. 4; from nonexpanded plastic materials, polystyrene products, and plastic materials, plastic products, and liquid latex to "rubber and plastic products", in Sub-Nos. 10, 22F, 29F, 32F, and 46F; from paper and paper articles to "pulp, paper and related products and printed matter" in Sub-No. 52F; (2) remove the restrictions "except in bulk" in Sub-Nos. 10, 22F, 32F, and 52F and "except in bulk, in tank vehicles" in Sub-No. 29; (3) remove the facilities limitation at South Brunswick and Finderne, NJ, in Sub-No. 32F; (4) replace specific points with county-wide authority as follows: (a) Northvale with Bergen County, NJ, Pulaski with Brown County, WI and Wausaukee with Wausaukee County, WI, in Sub-No. 4; (b) Peru with LaSalle County, IL, Leominster with Worcester County, MA, in Sub-No. 10; (c) Webster with Day County, SD; Jamesburg with Middlesex County, NJ, Leominster with Worcester County, MA, Kobuta and Monaca with Beaver County, PA, Peru with LaSalle County, IL, Belgrade with Gallatin County, MT, Webster with Day County, SD, Pembine with Winnebago County, WI, Marne with Ottawa County, MI, in Sub-No. 22F; (d) Monaca with Beaver County, PA, in Sub-No. 29F; (e) South Brunswick with Middlesex, NJ, Finderne with Somerset, NJ, in Sub-No. 32F; (f) Marne with Ottawa County, MI, in Sub-No. 46F; (g) Neenah and Menasha with Winnebago County, WI, and Hartford with Washington County, WI, in Sub-No. 52F; (5) remove the "originating at and destined to" restriction in Sub-Nos. 29F and 32F; and (6) expand its one-way authority to radial authority between named counties in 4(a)-(G) above in combinations with named points and states in the United States in and east of ND, SD, NE, CO, OK, and TX.

MC 140615 (Sub-64)X, filed February 27, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address). Applicant seeks to remove restrictions in its Sub-Nos. 20, 28F, and 31F certificates to (1) broaden the commodity descriptions from inedible cheese by-products to "food and related products"; from lighting fixtures and parts and accessories to "machinery"; and from wire goods to "metal products"; (2) remove the bulk restrictions in Sub-No. 28F; (3) delete the facilities origin and destination limitations in Sub-No. 31F; (4) replace city-wide authority with county-wide authority: in Sub-No. 20, Hanover and York with York County, PA, and Rice Lake with Barron County, WI; in Sub-No. 28F, Hainesport and Pennsauken with Burlington and Camden Counties, NJ; in Sub-No. 31F, Bristol with Bucks County, PA; (5) expand its territorial authority to authorize radial service between the above-named points, and in some instances, points in the U.S. or specified States; and (6) remove the AK and HI exception in Sub-No. 28F.

MC 142168 (Sub-5)X, filed February 26, 1981. Applicant: CARL'S BUTTON & STITCH, INC., Route 613, Box 424, Payne, OH 45880. Representative: Michael M. Briley, P.O. Box 2068, Toledo, OH 43603. Applicant seeks removal of restrictions in its Sub-No. 3F certificate to (1) broaden the commodity description by removing all restrictions in its general commodities authority "except Classes A and B explosives," and (2) broaden the territorial description by removing restrictions which limit service to the transportation of traffic originating at or destined to named facilities, replacing the specifically named facilities and cities with county-wide authority, and authorizing radial service: between Madison County, AL (Huntsville, AL), Hartford County, CT (Hartford and Windsor, CT), Cook and Clark Counties, IL (Bellwood and Marshall, IL), De Kalb and Lake Counties, IN (Garrett and Gary, IN), Lee and Beaufort Counties, NC (Sanford and Washington, NC), Jacksonville, NC, Montgomery and Lorain Counties, OH (Dayton and Elyria, OH), Schuylkill County, PA (Pine Grove, PA), Los Angeles County, CA (City of Industry, CA), Amarillo, Dallas, and Houston, TX, Seattle, WA, and points in AL, CT, FL, GA, IL, IN, IA, MD, MA, MI, NE, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI.

MC 142336 (Sub-3)X, filed February 24, 1981. Applicant: D. TERRY CHAMNESS, d.b.a. TERRY'S ROAD, TRUCK & WRECKER SERVICE, 4331 South 12th Street, Kalamazoo, MI 49009. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Applicant seeks to remove restrictions in its Sub-No. 1 certificates to (1) broaden its commodity description from wrecked, disabled, repossessed and replacement motor vehicles, in truckaway service, to "transportion equipment"; (2) replace its city-wide authority in Battle Creek, MI, with county-wide authority to authorize service radially between Kalamazoo, and Calhoun Counties, MI, and points in 17 eastern States, and (3) remove the "in truckaway service" restriction.

MC 143059 (Sub-168)X, filed February 26, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box

35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-No. 74F certificate to (1) broaden the commodity description "general commodities (except commodities in bulk and Classes A and B explosives)" by removing the in-bulk restriction; (2) broaden the territorial scope by replacing a facility in Henderson County with city-wide authority of Henderson, KY, (3) by removing the restriction against traffic having a prior or subsequent movement by rail or water in its operations between Henderson, KY and points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI; and remove the restriction limiting transportation to traffic originating at or destined to named facilities.

MC 144643 (Sub-14)X, filed March 3, 1981. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Applicant seeks to remove restrictions in its Sub-No. 2F permit to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 144696 (Sub-8)X, filed February 26, 1981. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom St., Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 5F permit to (1) broaden the commodity description to "chemicals and related products" from drugs and toilet articles, and materials and supplies (except in bulk), and (2) broaden the territorial description to authorize between points in the United States, under continuing contract(s) with a named shiper.

MC 149199 (Sub-3)X, filed March 2, 1981. Applicant: WESTERFELD TRUCK LEASING, INC., R.R. 10, Greensburg, IN 47240. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F permits to (1) broaden the commodity description in Sub-No. 1F from foodstuffs to "food and related products", (2) remove the restrictions limiting service to vehicles equipped with mechanical refrigeration, and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 145399 (Sub-4)X, filed February 28, 1981. Applicant: SHAY DISTRIBUTING CO., INC., 10180 Beech Avenue, Fontana, CA 92335. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-2F certificate to (1) broaden the commodity description from frozen foods to "foods and related products," (2) broaden its territorial authority from city-wide to county authority and broaden its one-way authority to radial authority, between Los Angeles, CA and points in Orange (Santa Anna, CA) and Riverside (Riverside, CA) Counties, CA, on the one hand, and on the other, points in the U.S., (3) remove the AK, CA and HI exceptions, and (4) remove the restriction to traffic originating at named facilities in the above cities.

MC 145904 (Sub-35)X, filed February 20, 1981. Applicant: SOUTH WEST LEASING, INC., 170 West 18th Street, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. Applicant seeks to remove restrictions in its Sub-1F, 4F, 5F, 6F, 12F, 15F, 18F, 19F, 21F, and 22F certificates to (1) broaden the commodity descriptions to (a) "food and related products" from meats, meat products and meat byproducts, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except hides and commodities in bulk) in Sub-1F, 4F, 6F, and 12F, salad dressings in Sub-5F and 19F and confectionery (except in bulk) in Sub-22F; and (b) "metal products" from iron and steel bars in Sub-18F; (2) remove the "except in bulk" restriction in Sub-15F and 21F; (3) eliminate the restriction limiting service to the transportation of traffic originating at named origins and destined to named destinations in Sub-1F, 4F, 6F, 12F, 18F, and 22F; (4) replace authority to serve specified facilities at named points with county-wide or city-wide authority; Cedar Rapids and Tama with Linn and Tama Counties, IA in Sub-1F; Sioux Falls with Minnehaha County, SD and Estherville with Emmet County, IA in Sub-4F; Carroll, Cherokee, Denison, Fort Dodge and Iowa Falls with Carroll, Cherokee, Crawford, Webster, and Hardin Counties, IA, and Crete and Lincoln with Saline and Lancaster Counties, NE in Sub-6F; Cedar Rapids with Pinn County, IA and Marshall with Saline County, MO in Sub-12F; Chicago, IL in Sub-15F, 18F, 21F, and 22F; and replace Grundy Center with Grundy County, IA; and (5) extend its one-way authority to authorize radial service between IA, SD, NE, MO and IL, and 25 specified States located throughout the U.S.

MC 148501 (Sub-2)X, filed February 23, 1981. Applicant: KILE TRANSFER CORP., 4600 78th Street, Urbandale, IA 50322. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in certificate No. MC 129602 (Sub-4) which was acquired in MC-PC-78402, which authorizes the transportation of general commodities (with the usual exceptions) to allow service at all intermediate points between Des Moines and Bedford, IA, and between Mt. Ayr and Leon, IA.

MC 150434 (Sub-4)X, filed February 23, 1981. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 S. Reservoir St., Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30303. Applicant seeks to remove restrictions from its lead certificate to (1) broaden the commodity description from general commodities, with exceptions, to "general commodities (except classes A and B explosives)"; and (2) remove the restrictions against service to AK and HI on its authority between points in the U.S., and limiting service to the transportation of traffic moving on a bill of lading of a named freight forwarder.

[FR Doc. 81-8110 Filed 3-16-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80100.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3–006

Decided: March 5, 1981.

By the Commission, Review Board No. 1, Members Carleton, Fisher, and Williams.

MC 2934 (Sub-102), filed February 9, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Indianapolis, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *appliances and electrical equipment*, between points in Marion County, IN and Lucas County, OH, on the one hand, and, on the other, points in Lucas County, OH, Orange County, FL, Philadelphia County, PA and Warren County, NY.

MC 6874 (Sub-6), filed February 9, 1981. Applicant: PHILIP ANTONUCCI, d.b.a., ANTY TRUCKING, 148 Linwood Avenue, Paterson, NJ 07502. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *machinery*, between points in NJ, NY and PA, on the one hand, and, on the other, points in the U.S.

MC 26925 (Sub-54), filed February 9, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of laboratory and medical supplies, between the facilities used by Sherwood Medical Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 50064 (Sub-3), filed February 9, 1981. Applicant: B. F. KAUFFMAN MOTOR EXPRESS, INC., 1007 Harrisburg Ave., Lancaster, PA 17603. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Damp Hill, PA 17011, (717) 761–0520. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Culbro General Cigar and Tobacco Division, New York, NY, Domestic Tobacco Co., Inc., Lancaster, PA, House of Windsor, Inc., Windsor, PA, Lancaster Threaded Products, Inc., Lancaster, PA, and Union Camp Corporation, Wayne, NJ, Consolidated Cigar Company, New York, NY.

MC 116544 (Sub-242), filed February 9, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856–0117. Transporting *metal products* and *furniture and fixtures*, between the facilities of Leggett & Platt, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116544 (Sub-245), filed February 9, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *chemicals and related products*, between points in CA and NV, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, OK, and TX.

MC 116915 (Sub-139), filed February 9, 1981. Applicant: ECK MILLER TRANSPORATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *metal products*, and *fabricated metal products*, and *machinery*, between points in Hamilton County, OH, on the one hand, and, on the other, points in the U.S.

MC 123274 (Sub-7), filed February 9, 1981. Applicant: MARSHALL SERVICE, INC., Pearl Street, Newfield, NJ 08344. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *commodities in bulk*, between points in MA, CT, NJ, NY, PA, DE, MD, VA and DC.

MC 125844 (Sub-26), filed February 9, 1981. Applicant: BIO-MED-HU, INC., 1901 Outer Loop, Louisville, KY 40219. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Premier Manufacturing Corp., of Memphis, TN, and Thermacoustics Corporation, subsidiary of Ram Industries, Inc., of Sellersburg, IN.

MC 127764 (Sub-6), filed February 9, 1981. Applicant: R & G AIRFREIGHT, INC., Schoenersville Road, R.D. 4, Allentown, PA 18103. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in Lehigh, Northampton, Monroe, Bucks, Schuylkill, Carbon, Philadelphia Counties, PA, New York, NY and NJ.

MC 135895 (Sub-124), filed February 9, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting *plastic products*, between the facilities of Sewell Plastics, Inc., in the U.S., on the one hand, and, on the other, points in AL, AR, GA, LA, MS, TN and TX.

MC 140055 (Sub-2), filed February 9, 1981. Applicant: MAYS LANDING TRANSPORTATION CO., INC., 184 W. Sherman Ave., Vineland, NJ 08360. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *cement, sand, and gravel*, between points in the U.S., under continuing contract(s) with Mays Landing Sand & Gravel Co., Vineland, NJ.

MC 148035 (Sub-10), filed February 9, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Suite 201, 9202 West

Dodge Road, Omaha, NE 68114, (402) 397–7033. Transporting *chemicals and related products, petroleum, natural gas and their products,* between points in Atchison County, KS, on the one hand, and, on the other, points in IA and NE.

MC 150185 (Sub-3), filed February 9, 1981. Applicant: STAN-WIN, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *medical equipment* and *motor vehicles and trailers* designed and equipped to transport such medical equipment and supplies, between points in the U.S., under continuing contract(s) with Trans-Mobile-Nuclear Corp., Cleveland Hts., OH.

MC 150954 (Sub-14), filed February 9, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217, (512) 826–6496. Transporting *air heaters, burners, combustion equipment and machinery,* between points in the U.S., under continuing contract(s) with Coen Company, of Burlingame, CA.

MC 152004 (Sub-1), filed February 9, 1981. Applicant: J. R. DALTON AND SONS, Rt. 1 Box 155, Newport, WA 99156. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *lumber, wood products, and wood residuals,* between points in the U.S., under continuing contract(s) with Northwest Conifer Company, of Newport, WA.

MC 152074 (Sub-2), filed February 9, 1981. Applicant: KEY-STONE FREIGHT, INC., 767 St. George Street, Woodbridge, NJ 07095. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, between points in the U.S., under continuing contract(s) with Sunshine Biscuits, Inc., Sayreville, NJ.

MC 153314 (Sub-1), filed February 9, 1981. Applicant: M & D TRANSPORTATION, INC., 6538 North 57th Avenue, Box 775, Glendale, AZ 85301. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703, (608) 255–8891. Transporting *chemicals and related products,* between points in Maricopa County, AZ, Alameda, County, CA, and Cumberland County, ME, on the one hand, and, on the other, points in the U.S.

Volume No. OPY4–022

Decided: March 10, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 2277 (Sub-3), filed February 18, 1981. Applicant: FRUTH MOTOR TRUCK SERVICE, INC., 720 Scheel St., P.O. Box 992, Belleyville, IL 62221. Representative: Leslieann G. Maxey, 907 S. 4th St., Springfield, IL 62703 Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kerr Glass Company, of Sand Springs, OK, Wal-Mart Stores, Inc., of Bentonville, AR, and Townhouse/Penthouse Industries, of St. Louis, MO.

MC 52657 (Sub-758), filed February 26, 1981. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Ct., Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant), (312) 986–8100. Transporting *transportation equipment,* between points in the U.S.

MC 112417 (Sub-4), filed February 9, 1981. Applicant: JOHN KOBLAN and MICHAEL KOBLAN, a partnership, d.b.a. CLIFF TRUCKING CO., 178 Middlesex Ave., Englewood Cliffs, NJ 07632. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting (1) *clay, concrete, glass or stone products,* and (2) *rubber and plastic products,* between points in Bergen County, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, PA, RI, and DC.

MC 144827 (Sub-56), filed February 10, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103, (901) 526–4114. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 153267, filed February 26, 1981. Applicant: MIDSTATE SYSTEMS, INC., 9455 Lancaster Rd., Hebron, OH 43025. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215 (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between points in Wayne County, IN, Mason County, MI, Will County, IL, New London County, CT, Jefferson County and St. Louis, MO, Fairfield, Hancock, Lawrence, Licking, Butler, and Putnam Counties, and Cincinnati and Columbus, OH, Fulton, Macon, and Calhoun Counties, GA, Muscatine, Clinton, and Scott Counties, IA, and Beaver County and Philadelphia, PA, and points in NJ and NY, on the one hand, and, on the other, points in the U.S.

MC 154287, filed February 20, 1981. Applicant: JELARCO, INC., 2309 26th St., NW., Rochester, MN 55901. Representative: William J. Keppel, 2300 First National Bank Bldg., Minneapolis, MN 55402. To engage in operations, in interstate or foreign commerce as a *broker,* at Rochester, MN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in charter, operations, beginning and ending at Rochester, NM, and extending to points in the U.S.

Volume No. OPY4–23

Decided: March 11, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 41406 (Sub-167), filed February 26, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr., Merrillville, IN 46410. Representative: Ralph D. Artim (same address as applicant), (219) 738–4500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA, and N.D.S., Inc., of Boston, MA.

MC 62296 (Sub-5), filed February 26, 1981. Applicant: WERNER BUS LINES, INC., Paradise and Chester Aves., Phoenixville, PA 19460. Representative: Richard M. Ochroch, 316 So. 16th St., Philadelphia, PA 19102, (215) 735–2707. Transporting *passengers and their baggage,* in special or charter operations, beginning and ending at points in Bucks, Delaware, Chester, Montgomery and Philadelphia Counties, PA, and extending to points in the U.S.

MC 138128 (Sub-47), filed February 26, 1981. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. Transporting *food and related products,* between points in Hartford County, CT, Montcalm County, MI, Stark County, OH, Portage County, WI, Chester County, PA, Cassia County, ID, and Malheur County, OR, on the one hand, and, on the other, points in the U.S.

MC 139906 (Sub-150), filed February 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *such commodities* as are dealt in by discount department stores,

between the facilities of Zayre Corporation, on the one hand, and, on the other, points in the U.S.

MC 139918 (Sub-149), filed February 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting (1) *chemicals and related products*, and (2) *petroleum, natural gas, and their products*, between the facilities of Phillip A. Hunt Chemical Corp., on the one hand, and, on the other, points in the U.S.

Volume No. OPY5–5

Decided: March 4, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 128409 (Sub-8), filed February 9, 1981. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, Moorhead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with American Crystal Sugar Company, of Moorhead, MN.

MC 128409 (Sub-8), filed February 9, 1981. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, Moorhead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with American Crystal Sugar Company, of Moorhead, MN.

MC 128539 (Sub-17), filed February 9, 1981. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4506, 3204 Sunset Ave., Rocky Mount, NC 27801. Representative: Robert J. Corber, 1250 Connecticut Ave., NW., Washington, DC 20036, (202) 862–2038. Transporting *petrochemicals*, between points in Baton Rouge County, LA, Mecklenburg County, NC, and Greenville and Spartanburg Counties, SC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, LA, MD, MS, NJ, NY, NC, OH, PA, TN, VA, and WV.

MC 133689 (Sub-355), filed February 12, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–8889. Transporting *clay, concrete, glass or stone products*, between points in Monroe County, MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 135598 (Sub-52), filed February 10, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting (1) *rubber and plastic products*, and (2) *waste or scrap materials not identified by industry producing*, between points in Dallas County, TX, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, and WI.

MC 135598 (Sub-55), filed February 9, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities*, (except classes A and B explosives) between points in the U.S., under continuing contract(s) with J. M. Huber Corp., of Edison, NJ.

MC 138018 (Sub-66), filed February 9, 1981. Applicant: RFI TRANSPORT, INC., P.O. Box 1018, Denver, CO 80201. Representative: Jo Ann M. Harvey (same address as applicant) (303) 292–1960. Transporting *food and related products*, between points in CO, on the one hand, and, on the other, points in AR, AL, FL, GA, KY, NC, SC, TN, MS, and LA.

MC 138018 (Sub-67), filed February 9, 1981. Applicant: RFI TRANSPORT, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same address as applicant), (303) 343–1975. Transporting *food and related products*, between points in FL, CO, ID, MT, NV, OR, UT, WA, and WY.

MC 140539 (Sub-3), filed February 9, 1981. Applicant: TENNESSEE EXPRESS, INC., 22 Stanley St., Nashville, TN 37210. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Western Electric Company, Inc., of Atlanta, GA.

MC 140768 (Sub-49), filed February 10, 1981. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting (1) *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2)(a) *chemicals and related products*, (b) *rubber and plastic products*, and (c) *petroleum, natural gas and their products*, between points in Clayton and Fulton Counties, GA, Cook and Du Page Counties, IL, Jackson County, MO, Anoka County, MN, Bergen County, NJ, Dallas County, TX, King County, WA, and Alameda, Los Angeles, and Orange Counties, CA, on the one hand, and, on the other, those points in the U.S. in and west of MI, IN, KY, TN, and AL.

MC 140898 (Sub-10), filed February 9, 1981. Applicant: KENDRICK TRUCKING CORP., 728 Upsliner Rd., P.O. Box 19097, Louisville, KY 40219. Representative: William P. Whitney, Jr. (same address as applicant), (502) 366–4532. Transporting *industrial machinery*, points in AL, AR, FL, GA, IL, IN, IA, LA, KY, MI, MN, MS, MO, NC, NY, OH, PA, SC, TN, TX, VA, WV, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team 5 Room 6370.

MC 144888 (Sub-20), filed February 9, 1981. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset St., Somerville, NJ 08876. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., on the one hand, and, on the other, the facilities used by Ciba-Geigy Corporation, in the U.S.

MC 144969 (Sub-29), filed February 9, 1981. Applicant: WHEATON CARTAGE COMPANY, 3rd and G St., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400. Transporting *food and related products*, between the facilities of Kikkoman Foods at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144969 (Sub-30), filed February 9, 1981. Applicant: WHEATON CARTAGE COMPANY, 3rd and G St., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400. Transporting *general commodities* (except classes A and B explosives), between the facilities of W. R. Grace &

Co. at points in the U.S., on the one hand, and, on the other points in the U.S.

MC 151839 (Sub-3), filed February 10, 1981. Applicant: C & S TRUCKING, INC., 4717 West Military Hwy., Chesapeake, VA 23320. Representative: Blair P. Wakefield, Suite 1001 First & Merchants National Bank Bldg., Norfolk, VA 23510. (804) 627–0070. Transporting (1) *pulp, paper, and related products,* (2) *rubber and plastic products,* (3) *chemicals and related products,* and (4) *building materials,* between points in the U.S., under continuing contract(s) with Union Camp Corporation, of Wayne, NJ.

MC 152669 (Sub-2), filed February 9, 1981. Applicant: C & C TRUCKING, INC., Route 9, Box 222A, Statesville, NC 28677. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *floor coverings,* between points in Iredell County, NC, on the one hand, and, on the other, points in the U.S.

, MC 154099, filed February 9, 1981. Applicant: ALEX PRODUCTIONS, INC., d.b.a. BGT TRUCKING, P.O. Box 267, State Road 9, South Alexandria IN 46001. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638–1301. Transporting *such commodities* as are dealt in or used by a manufacturer of insulation, between points in the U.S., under continuing contract(s) with Rockwool Industries, Inc., of Denver, CO.

MC 154208, filed February 9, 1981. Applicant: CISCO TRUCKING COMPANY, a corporation, P.O. Box 75, Carlinville, IL 62626. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603, (312) 236—9375. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Central Illinois Steel Co., of Carlinville, IL.

Volume No. OPY5–6

Decided: March 5, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce and Dowell.

MC 26739 (Sub-113), filed February 9, 1981. Applicant: ALFARM TRUCKLINES, a corporation, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303, (415) 856–0117. Transporting (1) *forest products* and (2) *lumber and wood products,* between points in AL, AR, LA, MS, and TX, on the one hand, and, on the other, points in IL.

MC 72069 (Sub-34), filed February 17, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, D.C. 20005, (202) 296–3555. Transporting *such commodities* as are dealt in or used by food business houses between points in Frederick and Rockingham Counties, VA, Berkley County, WV, and Lincoln County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, OK, and TX.

MC 98719 (Sub-13), filed February 10, 1981. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, TX 79756. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, 512–472–8442. Transporting (1) *Mercer commodities* and (2) *earthdrilling equipment,* between points in AL, AR, AZ, CO, FL, ID, KS, LA, MS, MT, NE, NV, NM, ND, OK, SD, TX, UT, and WY.

MC 119789 (Sub-728), filed February 9, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant) 214–579–7110. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in the U.S.

MC 119968 (Sub-24), filed February 10, 1981. Applicant: A. J. WEIGAND, INC., P.O. Box 130, 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *commodities in bulk* between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 119988 (Sub-276), filed February 17, 1981. Applicant: GREAT WESTERN TRUCKING COMPANY, INC., P.O. Box 1364, Lufkin, TX 75801. Representative: Larry Norwood (same address as applicant) (713) 632–5546. Transporting *lumber and wood products,* between points in OK, AR, MS, LA, and TX.

MC 123048 (Sub-492), filed February 9, 1981. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st St., Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty St., Madison, WI 53703, 608–256–0606. Transporting *machinery* between the facilities used by Blaw-Knox Construction Company in Coles County, IL, on the one hand, and, on the other, points in the U.S.

MC 135648 (Sub-2), filed February 9, 1981. Applicant: ACKERMAN MOTOR LINES, INC., P.O. Box 509, East Plane St. and Maple Ave., Hackettstown, NJ 07840. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in NJ, NY, PA, CT, and DE.

MC 138999 (Sub-3), filed February 9, 1981. Applicant: FRED NARK and ROBERT NARK, d.b.a. NARK BROS., Box 336, Cobleskill, NY 12043. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Apache Building Products Company, of Linden, NJ.

MC 140538 (Sub-7), filed February 17, 1981. Applicant: LESLIE NORMAN FRED, d.b.a. NORMAN FRED, DeSoto, IL 62924. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–8466. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Prairie Farms Dairy, Inc., of Carlinville, IL.

MC 143438 (Sub-5), filed February 9, 1981. Applicant: DENISE, INC., DBA TRAVEL TIME, 277 Newbury St., Peabody, MA 01960. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413–781–8205. Transporting *passengers, and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Essex County, MA, and extending to points in the U.S., including AK but excluding HI.

MC 144239 (Sub-14), filed February 17, 1981. Applicant: J. L. T. CORPORATION, Route 22, White House Station, NJ 08889. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. Transporting *such commodities* as are dealt in or used by food business houses, between points in CT, MA, NJ, and PA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY5–7

Decided: March 5, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 144999 (Sub-5), filed February 9, 1981. Applicant: JEM TRUCKING COMPANY, INC., P.O. Box 217, Wilkesboro, NC 28697. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, (601) 969–3424. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lowe's Companies, Inc., of North Wilkesboro, NC.

MC 145829 (Sub-23), filed February 9, 1981. Applicant: ETI CORP., P.O. Box 1 Kensbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ, 201–435–7140. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with General Glass International Corp., of New Rochelle, NY. CONDITION: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 146288 (Sub-3), filed February 9, 1981. Applicant: AIR-SERVICE CONSOLIDATORS TRANSPORT, INC., P.O. Box 8714, 793 Beahan Rd., Rochester, NY 14624. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of optical goods, between points in the U.S., under continuing contract(s), with Bauch & Lomb Corporation (Soflens Division), of Rochester, NY.

MC 146446 (Sub-29), filed February 9, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, 1307 Dolly Madison Blvd., Suite 301, McLean, VA 22101, 703–893–4024. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Franklin Distributing, a Division of Franklin Chemical Industries, Inc., of Columbus, OH.

MC 147079 (Sub-3), filed February 10, 1981. Applicant: NATIONWIDE MAGAZINE & BOOK DISTRIBUTORS, INC., 3000 East Grauwyler Rd., Irving, TX 75061. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, 214–741–6263. Transporting *printed matter* between points in the U.S., under continuing contract(s) with Nationwide Driver Service, Inc., of Irving, TX, and Straight Arrow Publishers, Inc., of New York, NY.

MC 148198 (Sub-4), filed February 10, 1981. Applicant: A. MATTEO TRUCKING, INC., 1465 Crown Point Rd., Verga, NJ 08093. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, 215–735–3090. Transporting *petroleum and petroleum products*, between Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, NC, NJ, NY, PA, RI, VA, and WV.

MC 148828 (Sub-1), filed February 9, 1981. Applicant: JAMES J. NEVE, INC., Washington and Oak Sts., Box 301, Conshohocken, PA 19428. Representative: John E. Fullerton, 407 North Front St., Harrisburg, PA 17101, 717–236–6318. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in CT, DE, MA, MD, NC, NJ, NY, NH, OH, PA, RI, VT, VA, WV, and DC.

MC 149308 (Sub-10), filed February 9, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *food and related products*, between points in Jefferson County, KY, on the one hand, and, on the other, points in MD, NC, PA, and VA.

MC 151389, filed February 9, 1981. Applicant: T.R. & SONS TRUCKING, INC., Garfield and Third Aves., Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *general commodities* (except classes A and B explosives), between New York, NY, Philadelphia, PA, points in Suffolk County, NY, and points in NJ.

MC 151819 (Sub-2), filed February 10, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *food and related products* between the facilities of Anderson Clayton Foods at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153169 (Sub-1), filed February 9, 1981. Applicant: BROWNETTE BROS. TRUCKING, INC., 7 Ridge Road, Rumson, NJ 07760. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *metal products and machinery*, between points in the U.S., under continuing contract(s) with Pirelli Cable Corporation, of Union, NJ.

MC 154188, filed February 9, 1981. Applicant: M. SCHLESSINGER TRUCKING CO., INC., P.O. Box T, Glassport, PA 15045. Representative: Joseph E. Breman, 700 Fifth Ave. Bldg., Pittsburgh, PA 15219, (412) 461–3520. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Tygart Industries, of McKeesport, PA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8107 Filed 3-16-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decision; Decision–Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10928, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain

requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Volume No. OP4–66

Decided: March 11, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce and Jones.

MC 153606, filed January 13, 1981, previously published in the **Federal Register** issue of February 9, 1981, and republished this issue. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Francis W. McInerny, 1000 16th St., N.W. No. 502, Washington, D.C. 20036.Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA. (Hearing site: Washington, D.C.)

Note.—This application is directly related to MC–F 14549, and both are being republished to include them in the same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–8105 Filed 3–16–81; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for as named shipper "under contract".

Volume No. OP3–197

Decided: March 5, 1981.

By The Commission, Review Board No. 2, members Carleton, Fisher and Williams.

MC 14215 (Sub-91), filed February 2, 1981, previously published in the **Federal Register** of February 25, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *metal articles*, between points in Philadelphia County, PA on the one hand, and, on the other, points in the U.S. in and east of MN, WI, IL, KY, TN, MS, and LA.

Note.—This republication indicates the State Philadelphia County is located.

MC 146055 (Sub-15), filed February 3, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. (402) 397–9200. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O'Lakes, Spencer Beef Division, of Spencer, IA.

MC 153295 (Sub-1), filed February 5, 1981. Applicant: BRONCO, INC., P.O. Box 11866, Lexington, KY 40578. Representative: Francis W. McInerny, 1000 Sixteenth St., N.W., Suite 502, Solar Bldg., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under section 49 U.S.C. 11343(a) of submit an affidavit indicating why such approval is unnecessary.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–8103 Filed 3–16–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication do not compute, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP5–73

Decided: March 6, 1981.

By the Commission Review Board No. 3, members Krock, Joyce, and Jones.

MC 19778 (Sub-115), filed February 3, 1981. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 10600 Franklin Avenue, Franklin Park, IL 60131. Representative: Robert F. Munsell, (same address as applicant). Transporting *clay, concrete, glass or stone products,* between points in MT, WY, and SD, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, AND WI.

MC 44449 (Sub-5), filed February 5, 1981. Applicant: BLUEBIRD VAN & STORAGE CO., INC., N. 15 Grant, Spokane, WA 99202. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *furniture and fixtures* between points in the U.S., under continuing contract(s) with Spokane Shippers Cooperative Association, of Spokane, WA.

MC 99936 (Sub-6), filed January 30, 1981. Applicant: SEVERANCE TRUCKING CO., INC., 7 Walnut Hill Park, Woburn, MA 01801. Representative: Mary E. Kelly, 22 Stearns Ave., Medford, MA 02155. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Boston, MA and Lewiston, ME, (a) from Boston over U.S. Hwy 1 to junction ME HWY 196, then over ME Hwy 196 to Lewiston and return over the same route, and (b) from Boston over U.S. Hwy 3 (also over MA Hwy 28) to junction MA Hwy 113, then over MA Hwy 113 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Portland, ME, then over ME Hwy 26 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Lewiston, and return over the same route, serving all intermediate points, and off-route points in York, Cumberland, Androscoggin and Sagadahoc Counties, ME.

MC 119908 (Sub-48), filed February 6, 1981. Applicant: WESTERN LINES, INC., 3523 North McCarty Drive, P.O. Box 1145, Houston, TX 77001. Representative: Wayne A. Premeaux (same address as applicant). Transporting *building materials* between points in Ellis County, TX, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NM, NC, OK, SC, TN, and TX.

MC 128709 (Sub-12), filed February 5, 1981. Applicant: PARIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72901. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. Transporting *general commodities* (except classes A and B explosives), serving Siloam Springs, AR on an off-route point in connection with applicant's existing regular route operations.

MC 138799 (Sub-1), filed February 6, 1981. Applicant: PENINSULA CHARTER LINES, INC., 160 Demeter St., East Palo Alto, CA 94303. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94106. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in San Mateo and Santa Clara Counties, CA, and extending to points in the U.S., including Alaska.

MC 143059 (Sub-163), filed February 3, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials, between points in the U.S.

MC 143509 (Sub-3), filed February 6, 1981. Applicant: ROY V. BRECKENRIDGE, d.b.a. BRECKENRIDGE TRUCKING, 6106 Denver Circle, Las Vegas, NV 89107. Representative: Leonard A. Jaskiewicz, 1730 M St., NW., Washington, D.C. 20036. Transporting *building materials* between points in CA, NV, and AZ.

MC 144688 (Sub-51), filed January 26, 1981. Applicant: READY TRUCKING, INC., 2717 Campbell Blvd., Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 145829 (Sub-27), filed February 6, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Texize, Division of Morton Norwich of Greenville, SC.

MC 147749 (Sub-2), filed November 21, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 S., Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between the facilities of Champion International Corp., in the U.S. on the one hand, and, on the other, points in the U.S.

MC 150478 (Sub-1), filed February 3, 1981. Applicant: THE BREWER COMPANY, a corporation, P.O. Box 44098, 7374 Main St., Cincinnati, OH 45244. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 No. Meridian St., Indianapolis, IN 46204. Transporting *clay, concrete, glass or stone products,* between points in Dearborn County, IN, and Warren, Butler, and Hamilton Counties, OH, on the one hand, and, on the other, points in Hamilton, Clermont, Brown, and

Adams Counties, OH, Boone and Kenton Counties, KY, and Franklin, Dearborn, Ripley, Decatur, Rush, Jennings, Ohio, Switzerland, Bartholomew, Fayette, Shelby, Union, and Jefferson Counties, IN.

MC 151508 (Sub-1), filed January 22, 1981. Applicant: BARY, INC., 4515 Pinewood Rd., Louisville, KY 40218. Representative: Jack Bary, 1303 Blackwood Ct., Jeffersonville, IN 47130. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Murphy Manufacturing Co., Inc., of New Albany, IN.

MC 151708 (Sub-1), filed February 6, 1981. Applicant: M & B FREIGHT LINES, INC., 2012 Center St., Ashland, PA 17921. Representative: Charles E. Creager, P.O. Box 1417, Hagerstown, MD 21740. Transporting *such commodities* as are used or dealt in by manufacturers of sound recordings, between points in the U.S., under continuing contract(s) with Capitol Records, Inc., of Bethlehem, PA.

MC 153789 (Sub-1), filed January 28, 1981. Applicant: MARYLAND TRANSPORT SYSTEMS, INC., P.O. Box 606, Elkton, MD 21921. Representative: Hubert D. Moye, P.O. Box 606, Elkton, MD 21921. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S.

MC 153898 (Sub-1), filed February 6, 1981. Applicant: H & B TRUCKING, INC., P.O. Box 25723, Salt Lake City, UT 84125. Representative: Irene Ware, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting (1) *lumber and wood products*, (2) *building materials* (except those in (1)), (3) *petroleum, natural gas and their products*, and (4) *such commodities* as are dealt in or used by hardware stores, (except those in (1) and (2) above), between points in the U.S., under continuing contract(s) with Harrington & Company, of Salt Lake City, UT.

MC 154058, filed February 4, 1981. Applicant: SUNSHINE HOLIDAYS, INC., 2503–A Lebanon Ave., Belleville, IL 62221. Representative: Mike Frierdich, 132 South Rapp, Columbia, IL 62236. Authority to engage in operations, as a *broker*, at Belleville, IL, in arranging for transportation of *passengers and their baggage*, between points in IL, IN, MO, and KY, on the one hand, and, on the other, points in the U.S.

MC 154138, filed January 13, 1981. Applicant: A ROYAL MOVING & STORAGE, INC., 6810 Old Cheney Highway, Orlando, FL 32807. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting *household goods* and *Transportation equipment*, between points in FL on the one hand, and, on the other, points in MS, AL, GA, SC, NC, TN, VA, MD, and DC.

MC 154169, filed February 6, 1981. Applicant: MARANNBAR, INC., P.O. Box 301, Foxboro, MA 02035. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, NY and RI.

MC 154178, filed February 6, 1981. Applicant: MERIT BAKING COMPANY, P.O. Box 40, Boone, IA 50036. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *canned goods*, between points in Lamar County, TX, on the one hand, and, on the other, points in Boone County, IA

MC 154179, filed February 6, 1981. Applicant: MARIEVILLE TOWING & SERVICE, INC., 1132 Mineral Spring Ave., North Providence, RI 02904. Representative: Gerald A. Joselof, P.O. Box 3258, Hartford, CT 06103. Transporting *transportation equipment*, between points in Bristol County, MA, and RI, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 154189, filed February 6, 1981. Applicant: WATKINS EXCAVATING COMPANY, INC., Rt. No. 3, Box 604, Harrison, IN 46204. Representative: Mr. Thomas Watkins (same address as applicant).Transporting (1) *construction equipment*, and (2) *machinery*, between points in the U.S., under continuing contract(s) with The Highway Transportation Company, and Mafco Equipment Corporation, both of Cincinnati, OH.

MC 154298, filed February 6, 1981. Applicant: ACTION BUS, INC., P.O. Box 86, Briarcliff Manor, NY 10510. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, D. C. 20005. Authority to engage in operations as a *broker*, at points in Westchester County, NY, arranging transportation of *passengers and their baggage*, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8102 Filed 3-16-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal Action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant

maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY5-8

Decided: March 5, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 339 (Sub-14), filed February 9, 1981. Applicant: LINCOLN MOVING & STORAGE CO., INC., 1071 Andover Park West, Seattle, WA 98188. Representative: Henry C. Winters, 525 Evergreen Bldg., 15 S. Grady Way, Renton, WA 98055, 206-235-4730. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 59096 (Sub-12), field February 9, 1981. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson St., Ridgefield Park, NJ 07660. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *shipments* weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 118789 (Sub-1), filed February 12, 1981. Applicant: MAIL DELIVERY SERVICE, INC., P.O. Box 473, Buffalo, NY 14240. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575-7700. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 126899 (Sub-139), filed February 9, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 38899 (Sub-2), filed February 9, 1981. Applicant: FRED NARK and ROBERT NARK, d.b.a. NARK BROS., Box 336, Cobleskill, NY 12043. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 144219 (Sub-8), filed February 10, 1981. Applicant: B.I.T., INCORPORATED, P.O. Box 966, Reedley, CA 93654. Representative: Greg P. Steffire, 261 South Figueroa St., Los Angeles, CA 90012, (213) 485-1061. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154358, filed February 10, 1981. Applicant: JAMES G. SHAW III, d.b.a. REFRIGERATED DISTRIBUTION SERVICES, 1218 South Allec Street, Anaheim, CA 92805. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442-8330. (1) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the United States. (2) To operate as a *common carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting, *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the United States. (3) To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the United States. (4) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the United States.

Volume No. OPY-2-006

Decided: March 9, 1978.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 60612 (Sub-24), filed February 10, 1981. Applicant: TISCHLER EXPRESS, INC., 8408 Elliston Drive, Philadelphia, PA 19118. Representative: Ira G. Megdal, Esquire, 499 Cooper Landing Road, Cherry Hill, NJ 08002, (609) 667-8000. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 77972 (Sub-39), filed March 4, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 115273 (Sub-16), filed February 9, 1981. Applicant: ACME CARRIERS, INC., 216 Third St., Brooklyn, NY 11215. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 124783 (Sub-18F), filed February 9, 1981. Applicant: KATO EXPRESS, INC., P.O. Box 291, Elizabethtown, KY 42701. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227-2254. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 125433 (Sub-460), filed February 10, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum, Jr. (same address as applicant), (801) 973-4242. Transporting *general commodities*, between Jordan, KY and Allenville, MO, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 12843 (Sub-2), filed March 2, 1981. Applicant: PHILIP L. ALPERT MOVING & STORAGE CORPORATION, 68 Depot Road, Westhampton, NY 11977. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006, (202) 833-8884. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate

service on behalf of the Department of Defense, between points in the U.S.

MC 154413, filed February 13, 1981. Applicant: LOWER COLUMBIA FACTORS, INC., P.O. Box 61524, Vancouver, WA 98666. Representative: A. Daniel O'Neal, 1000 Potomac St., NW, Washington, DC 20007, (202) 965–6600 As a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 154453, filed February 27, 1981. Applicant: AMERICAN LOCK & SECURITY SERVICE INC., d.b.a. NORTHEAST COURIER SERVICE, 875 Meadow St., Chicopee, MA 01013. Representative: Laurence L. Griffin, (same address as applicant), 413–593–3000. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.; and (2) for or on behalf of the United States Government, *general commodities* (expect used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8106 Filed 3-16-81; 8:45 am]

BILLING CODE 7035-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Continental Plaza Hotel, North Michigan at Delaware, Chicago, Illinois on April 14, 1981, beginning at 8:00 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, Section 1242(a)(1)(B) and to discuss possible topics for inclusion on the syllabus for the Joint Board's examinations.

A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations will fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, Section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with the Joint Board examination syllabus will commence at 11:00 a.m. and will last approximately one hour. This portion of the meeting will be open to the public as space is available. Time permitting, after discussion of the syllabus by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should advise the Committee Management Officer in writing prior to the meeting to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length.

Any interested person also may file a written statement for consideration by the Committee by sending it to the Committee Management Officer. Statements should be mailed to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

Dated: March 12, 1981.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 81-8108 Filed 3-16-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

Consent Decree in Action To Enforce Compliance With Clean Air Act

In accordance with Departmental Policy, 28 CFR 50.7, 38 Fed. Reg. 19029, notice is hereby given that a consent decree in *United States* v. *Sun Oil Company of Pennsylvania*, was lodged with the United States District Court for the Northern District of Illinois. The decree requires Sun Oil Company to comply with the applicable portion of the federally-approved Illinois State implementation plan and provides that Sun will pay a civil penalty in the amount of $2,500.

The Department of Justice will receive for a period of thirty (30) days from the date of the notice, written comments relating to the proposed consent decree. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530 and should refer to *United States* v. *Sun Oil Company of Pennsylvania*, D.J. Ref. 90–5–2–1–354.

The consent decree may be examined at the office of the United States Attorney, Northern District of Illinois, Everett McKinley Dirksen Building, Room 1500 South, 219 S. Dearborn Street, Chicago, Illinois 60604, at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-8130 Filed 3-16-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Judgment to Enjoin Discharge of Air Pollutants

In accordance with Department Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *Bridesburg Civic Council* v. *Philadelphia Coke Co.*, Civic Action No. 79–426, 79–1193 has been lodged with the District Court for the Eastern District of Pennsylvania. The proposed decree requires the defendant to comply with the Clean Air Act at its coke plant in the city of Philadelphia. In particular, the decree requires Philadelphia Coke Co. to install a pushing emission control system at its plant.

The Department of Justice will receive written comments relating to the proposed judgment until April 16, 1981. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to D.J. Ref. No. 90–5–2–1–161.

The proposed decree may be examined at the Office of the United States Attorney, United States Courthouse, Philadelphia, Pennsylvania, at the Region III Office of the Environmental Protection Agency, Enforcement Division, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. All requests for copies should be accompanied by a

check or a money order made out for $2.00 to the Treasurer of the United States in order to cover the reproduction costs.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-8129 Filed 3-16-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-17-C]

Fraily Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Fraily Coal Company, 123 Main Street, Joliett, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Tracy Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this antracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed, it would be activated on knuckles and curves, when no emergency existed, causing a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which has a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 16, 1981. Copies of the petition are available for inspection at that address.

Dated: March 5, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-8185 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-43-M

Occupational Safety and Health Administration

Iowa State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 20, 1973, notice was published in the **Federal Register** (38 FR 19368) of the approval of the Iowa plan and the adoption of Subpart J to Part 1952 containing the decision.

The Iowa plan provides for the adoption of Federal standards as State standards (by reference or after comments and public hearing). Section 1952.163 of Subpart J sets forth the State's schedule for the adoption of Federal standards. By letter dated November 29, 1978, from Walter Johnson, Deputy Commissioner of Labor, to Vernon A. Strahm, Regional Administrator for Occupational Safety and Health Administration and incorporated as part of the plan, the State submitted State standards comparable to 1) 29 CFR 1910.401, 402, 410, 411, 420, 421, 422, 423, 424, 425, 426, 427, 430, 440, and 441 as published in **Federal Register** (42 FR 37668) dated July 22, 1977; 2) 29 CFR 1910.1044 as published in **Federal Register** (43 FR 11527) dated March 17, 1978; 3) 29 CFR 1910.19(e), 1910.1000, and 1910.1018 as published in **Federal Register** (43 FR 19624) dated May 5, 1978; 4) 29 CFR 1910.1046(a) as published in **Federal Register** (43 FR 27434) dated June 23, 1978; 5) 29 CFR 1910.19(f), 1910.1000, and 1910.1043 as published in **Federal Register** (43 FR 2743) dated June 23, 1978; 6) 29 CFR 1910.1018, 1910.19, 1910.1043, and 1910.1046 as published in **Federal Register** (43 FR 28472–28473) dated June 30, 1978; 7) 29 CFR 1910.20 as published in **Federal Register** (43 FR 31330) dated July 21, 1978; 8) Miscellaneous Corrections as published in **Federal Register** (43 FR 53032) dated August 8, 1978; 9) 29 CFR 1926.605(e) as published in **Federal Register** (43 FR 37668) dated July 22, 1977; 10) 29 CFR 1928.21(b) as published in **Federal Register** (42 FR 37668) dated July 22, 1977; 11) 29 CFR 1928.21(b) as published in **Federal Register** (42 FR 38569) dated July 29, 1977; 12) 29 CFR 1928.21(a)(5) as published in **Federal Register** (43 FR 27463) dated June 23, 1978; 13) 29 CFR 1928.21 and 1928.113 as published in **Federal Register** (43 FR 28474) dated June 30, 1978; 14) Miscellaneous Corrections as published in **Federal Register** (43 FR 35036) dated August 8, 1978. These standards, which are contained in Chapter 88 of the Code of Iowa (1975), were promulgated after public comment requested on September 1, 1978, hearings held on October 25, 1978, resolution adopted by Iowa Bureau of Labor on November 3, 1978, pursuant to chapter 17a of the Code. The standards will be effective on January 18, 1979, and were published by the State on November 29, 1978.

2. *Decisions.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations:

Office of the Associate Assistant Secretary for Regional Programs, OSHA, Room N3606, 200 Constitution Avenue, NW., Washington, D.C. 20210

Office of State Programs, Occupational Safety and Health Administration, Room N–3613, 200 Constitution Avenue, NW., Washington, D.C. 20210;

Office of the Regional Administrator, OSHA, Room 3000 Federal Office Building, 911 Walnut Stret, Kansas City, Missouri 64106

Iowa Bureau of Labor, 307 E. Seventh Street, Second Floor, Des Moines, Iowa 50319

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Iowa State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 17, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Kansas City, Missouri this 6th day of November 1980.

Vernon A. Strahm,

Regional Administrator.

[FR Doc. 81-8179 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Application No. D-1632]

Proposed Exemption for Certain Transactions; Involving the Hastings Construction Co., Inc.; Profit Sharing Plan; Hastings, Minnesota

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions imposed by the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption will exempt for a period of three years the proposed sales by the Hastings Construction Co., Inc. (the Employer), the sponsor of the Hastings Construction Co., Inc. Profit Sharing Plan (the Plan) of its interests in contracts for deed or residential first mortgage loans (collectively, the Contracts) to the Plan. The proposed exemption will also exempt the guarantee of the obligation of the Employer, by Paul W. Lawrence (Lawrence), his wife and Donald W. Gustafson, (Gustafson), all parties in interest with respect to the Plan. The proposed exemption, if granted, would affect the Employer, Lawrence, his wife, Gustafson and participants and beneficiaries of the Plan and other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before April 27, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. D-1632. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (e) of the Code. The proposed exemption was requested in an application filed by Lawrence and Gustafson, the trustees (the Trustees) of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applications.

1. The Plan is a profit sharing plan with six participants. As of March 31, 1980, the Plan had net assets of $2,038,252. Lawrence and Gustafson each own 50% of the stock of the Employer.

2. The Employer purchases undeveloped real estate, sub-divides the same, constructs homes on the real estate and obtains mortgages thereon. The Employer then sells the homes to purchasers under a contract for deed or a residential first mortgage loan. A contract for deed is a contract whereby the owner in fee simple absolute (the Vendor), or the Vendor's assignee agrees by contract to convey to the buyer (Vendee) by a warranty deed, accompanied by an abstract of title or torrens certificate showing good and marketable title in the Vendor, the fee simple title to the premises upon the payment by the Vendee of the principal and interest due from the Vendee to the Vendor under the contract for deed. A residential first mortgage loan may be a conventional, FHA or VA loan. The Employer is requesting an exemption for a three-year period to sell the above described Contracts to the Plan for a cash purchase price of the lesser of the Employer's cost or the market value of the Contract. If the Employer receives any premium or additional consideration in connection with such Contracts, such premium will be passed along to the Plan. The Employer will receive no financial benefit from any Contract sold to the Plan. The proposed exemption would also exempt the guarantee of the obligation of the Employer by Lawrence, his wife and Gustafson in such transactions.

3. The Contracts that the Employer is proposing to sell to the Plan are not seasoned in the sense that they have not been in existence for any period of time. The proposed transactions would involve new construction by the Employer. In making residential loans and reviewing residential loan applications, the Employer will follow the Federal National Mortgage Association (FNMA) guidelines. The factors influencing acceptability would include the credit record and financial statements of the loan applicant, the ratio between expenses to be assumed as a result of the loan and the stabilized income of the applicant, verification of employment, the age and condition of the property offered as security (determined by inspection), the value of the security and the ratio of the loan sought to the value of the security. The Plan will not purchase any Contract where the loan to value ratio exceeds 85% and any Contract where the Plan does not have the first interest in the property underlying the Contract.

4. The Plan will not purchase any Contract which upon its purchase would put the value of all Contracts owned by the Plan at 50% or more of the current

value of the assets of the Plan. No more than 10% of assets of the Plan will be invested in any one Contract and the Plan will not purchase more than one Contract from any mortgagor or Vendee. All Contracts purchased by the Plan will meet all FNMA underwriting criteria. Also, there will be an appraisal of the underlying security by an FNMA approved independent appraiser prior to any purchase of a Contract by the Plan. In addition, the purchaser of the property will be required to maintain casualty insurance on the property subject to the Contract at all times during the term of the Contract.

5. Prior to any purchase by the Plan of the Employer's interest in a Contract, a party unrelated to the Plan or the Employer, Mr. Francis Poepl (Poepl), president of the Vermillion State Bank in Vermillion, Minnesota, will determine whether each such transaction is a suitable investment for the Plan and that the terms of the proposed transactions are at least as favorable to the Plan as those which the Plan could receive in the same type of transaction with an unrelated party. No Contract will be purchased by the Plan in which the annual return to the Plan is less than 12%. Poepl will also supervise the servicing of all transactions. The Employer will service the Contracts at no cost to the Plan.

6. The Employer, Lawrence, his wife and Gustafson jointly and severally guarantee as follows:

To repurchase, at the higher of the Plan's cost or the current market value, any Contract with accrued interest more than three months delinquent in payments at any time during the life of the Contract. If the Employer has not purchased the Contract with the accrued interest within ten days of the Contract being three months in arrears in payments, Lawrence, his wife or Gustafson shall do so within ten days thereafter.

7. As of June 30, 1979, the Employer had net assets of $2,349,376. As of September 30, 1979, Lawrence represents that he and his wife together had over $6,000,000 of assets in excess of liabilities. As of December 31, 1979, Gustafson represents that he and his wife had over $2,500,000 of assets in excess of liabilities. Mr. and Mrs. Paul W. Lawrence, simultaneously with the time period of this proposed exemption, may be guaranteeing contracts (the same type as the Contracts) of the Paul W. Lawrence Construction Co., Inc. Profit Sharing Plan (the Lawrence Plan) in an amount of up to 50% of the dollar value of the net assets of such plan. As of June 30, 1979, the Lawrence Plan had net assets of $245,062.

8. The three-year period for the exemption would begin on the date the grant of an exemption for the proposed transactions appears in the Federal Register.

9. In summary, the applicants represent the proposed transactions will satisfy the statutory criteria for an exemption under section 408(a) of the Act as follows: (1) the Trustees represent that the proposed transactions are in the best interests of the Plan; (2) the proposed transactions will be approved and monitored by an independent party; (3) the exemption will be a temporary exemption for three years; (4) the purchase by the Plan of the Contracts will result in a high rate of return for the Plan; (5) the Plan will receive corporate and personal guarantees; and (6) the dollar amount of all the Contracts at the time of their being placed in the Plan will be limited to 50% of the assets of the Plan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

A copy of the notice of pendency within ten days of its publication in the Federal Register and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing within the appropriate time will be hand delivered to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale by the Employer of its interests in the Contracts to the Plan as described herein and for the guarantee of the obligation of the Employer by Lawrence, his wife and Gustafson.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 11th day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8161 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-29-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-22; Exemption Application No. D-815]

Bernhard Associates Co., Inc., Dallas, Tex.; Exemption From Prohibitions for Certain Transactions Involving Employees Profit-Sharing Plan

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the leasing of real property (the Property) by the Employees Profit-Sharing Plan of Bernhard Associates Company, Inc. (the Plan) to Bernhard Associates Company, Inc. (the Employer). The lease was entered into before the effective date of the Employee Retirement Income Security Act of 1974 (the Act), but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act.

EFFECTIVE DATES: This exemption is effective from January 1, 1975 until March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2422) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted soley by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1) (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the tranaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to leasing by the Plan to the Employer of the Property, located at 2550 Manana, Dallas, Texas, for the period from January 1, 1975 through March 31, 1980, and the use by the Employer of the uncovered storage areas on another parcel to the rear of the Property for that same period, provided the rental payments were not less than fair rental value.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 11th day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8111 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-22; Exemption Application No. D-1664 and D-1665]

Smith & Schnacke Retirement Plan, Part A; Smith & Schnacke Retirement Plan, Part B; Dayton, Ohio; Exemption From Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the loan of money (the Loan) by the Smith & Schnacke Retirement Plan, Part A and the Smith & Schnacke Retirement Plan, Part B, (collectively, the Plans), to Smith & Schnacke (the Employer), the sponsor of the Plans.

FOR FURTHER INFORMATION CONTACT: Mr. Louis Campagna of the Office of Fiduciary Standards, Pension an Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the Federal Register (46 FR 2430) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transactions described in an application filed by the Employer and the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was furnished by January 16, 1981, to interested persons in compliance with the requirements to notify interested persons as set forth in the notice of pendency of the proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Loan of a certain sum of money as described in the notice of proposed exemption by the Plans to the Employer provided that the terms of the Loan are at least as favorable to the Plans as the Plans could obtain in a transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8112 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-9499]

Alongi Oldsmobile, Inc.; Niagara Falls, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 21, 1980 in response to a petition which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers at Alongi Oldsmobile, Incorporated, Niagara Falls, New York. The workers sell and service

automobiles, light duty trucks and utility vehicles.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall*, 608 F. 2d 525 (1st Cir. 1979). However, such workers may be certified if their separations from employment were caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

The investigation revealed that General Motors Corporation owns a majority of the stock of Alongi Oldsmobile, Incorporated. Therefore, within the meaning of Section 222 (3) of the Trade Act of 1974, the Department was able to consider the employees of the dealership as being employees of a firm (General Motors) which produces articles.

Alongi Oldsmobile, Incorporated is engaged primarily in the selling and servicing of Oldsmobile cars. Sales of import-impacted models accounted for a significant proportion of total new vehicle sales at Alongi Oldsmobile, Incorporated in 1979 and the first half of 1980. The decline in the sale of import-impacted car lines accounted for nearly all of the decline in new vehicle sales and total sales by the firm in the first half of 1980 compared to the same period in 1979. During the course of investigations covering 16 GM assembly plants it was determined that GM's production of various mid-size, standard and luxury/specialty cars was adversely affected by increasing imports of like or directly competitive vehicles (TA-W-6873, 6999, 7000, 7015-16, 7071, 7073-76, 7078-81, 8613 and 9570).

Because U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features of each market class of vehicles has changed substantially. As a result, the recent impact of import competition that existed in MY 1979 and MY 1980 may not continue in MY 1981.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with Oldsmobile mid-size, standard and luxury/specialty cars produced by General Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of Alongi Oldsmobile, Incorporated. In accordance with the provisions of the Act, I make the following certification:

All workers of Alongi Oldsmobile, Incorporated, Niagara Falls, New York who became totally or partially separated from employment on or after July 11, 1979 and before December 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of March 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-8109 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6716]

Bernel Foam Products Co., Buffalo, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 16, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at the Bernel Foam Products Company, Buffalo, New York. The workers produce urethane foam blocks and a variety of foam products for both automotive and non-automotive uses.

The investigation revealed that criterion (3) has not been met.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at the Bernel Foam Products Company, Buffalo, New York. Although imported automobiles incorporate foam padding and foam cushions, imports of the whole product are not like or directly competitive with their component parts. Imports of foam padding and foam cushions must be considered in determining import injury to workers producing foam padding and foam cushions.

Sales of foam toys, air conditioner filters, packaging material, mattresses, and chair and seat cushions increased from 1978 to 1979 and during the first half of 1980 compared to the same period in 1979.

U.S. imports of urethane foam account for a negligible proportion of the domestic market for urethane foam.

The Department surveyed the subject firm's major customers purchasing seat cushions, dashboard padding and foam gaskets. Responding customers accounted for a majority of Bernel's decline in sales of each of these three products. Automobile seat cushion customers which increased purchases of imported seat cushions also increased their purchases from domestic sources. None of the responding customers increased purchases of imported dashboard padding and none of the respondents purchased imported foam gaskets.

Conclusion

After careful review, I determine that all workers of the Bernel Foam Products Company, Buffalo, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-8109 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,638]

Boise Cascade Corp.; Aberdeen Sawmill, Aberdeen, Wash.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on September 22, 1980 in response to a petition which was filed on behalf of workers at the Aberdeen Sawmill of Boise Cascade Corporation, Aberdeen, Washington. Workers at the plant produce rough-cut "green" lumber and a limited amount of special-order timbers and railroad ties.

The investigation revealed that criterion (3) has not been met.

The predominant portion of the lumber produced at the Aberdeen Sawmill of Boise Cascade Corporation is sold to the Yakima facility of Boise Cascade for use in the production of softwood lumber and plywood.

The Yakima Sawmill of Boise Cascade Corporation's sales of lumber and plywood are primarily destined for the home construction industry in the southwest region of the United States.

The decline in production and employment at the mill during late 1979 and 1980 coincided with a sharp downturn in domestic housing starts which began in late 1979 and has continued through the first three quarters of 1980. According to U.S. Department of Commerce statistics, new housing starts declined by about 14 percent in 1979 compared to 1978, and by 22 percent in the first three quarters of 1980 compared to the same period of 1979.

Imports of softwood lumber declined absolutely in 1979 compared to 1978, and declined both absolutely and relative to domestic production in the first three quarters of 1980 compared to the same period of 1979. Imports relative to domestic production remained stable from 1978 to 1979.

Imports of softwood plywood are negligible. The ratio of imports to domestic production was less than 0.2 percent in the 1977 to 1980 period.

Conclusion

After careful review, I determine that all workers of the Aberdeen Sawmill of Boise Cascade Corporation, Aberdeen, Washington are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-8170 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 27, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 27, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Apex Handbags, Division, Ofia Industries, Inc. (International Leather Goods).	Weehawken, N.J.	2/24/81	2/5/81	TA-W-12,336	Ladies' handbags.
Atlantic Sportswear (workers)	East Rockaway, N.J.	2/24/81	2/16/81	TA-W-12,337	Ladies' raincoats and all weather coats.
Campbell Plastics (workers)	Schenectady, N.Y.	2/24/81	2/14/81	TA-W-12,338	Stripping and trim for inside and outside of automobiles.
Doland Steel Co. (USWA)	Bridgeport, Conn.	2/24/81	2/17/81	TA-W-12,339	Galvanized steel.
Essex Group, Power Conductor Div. (IBEW)	Marion, Ind.	2/20/81	2/14/81	TA-W-12,340	Insulated electrical wire.
Hand Seeder Co., Inc. (workers)	Logansport, Ind.	2/24/81	2/18/81	TA-W-12,341	Manufacture seeders.
I.S.G. Extrusion Toolings, Inc. (IAM&AW)	Troy, Mich.	2/20/81	2/12/81	TA-W-12,342	Toolings for the extrusion industry.
North Shore Shake (workers)	Hoquiam, Wash.	2/24/81	2/20/81	TA-W-12,343	Hand split and resawn cedar shakes.
Rondelco Industries, Inc. (workers)	New York, N.Y.	2/24/81	2/20/81	TA-W-12,344	Ladies' dresses, suits and sportswear.
White Engines, Inc. (workers)	Canton, Ohio	2/24/81	2/21/81	TA-W-12,345	4 and 6 cylinder engines.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Crescent Knitting Mills, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,346	Men's sweaters.
Fashion Maid Knitting Mills, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,347	Men's, boy's, and ladies' sweaters.
GOLD-EE Fashions, Inc. (company)	New York, N.Y	2/24/81	2/18/81	TA-W-12,348	Blouses.
Intersystems Designers Technology (workers)	Goose Creek, S.C	2/24/81	2/18/81	TA-W-12,349	Insulating natural gas ball used in ships.
Intersystems Designers Technology (workers)	Summerville, S.C	2/24/81	2/18/81	TA-W-12,350	Manufacturer insulation.
London Knitting Co., Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,351	Men's, boys', and ladies' sweaters.
Queen Casuals, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,352	Women's sportswear.
Robert Bruce (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,353	Men's, boy's sweaters and swimwear.
Somerset Knitting Mills, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,354	Men's sweaters.
Sopire Fabric (UAW)	New York, NY	2/20/81	2/17/81	TA-W-12, 356	Textile converter.
Wilshir Knitting Mills, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,356	Ladies' and men's sweaters.
Brentwood Sportswear, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/18/81	TA-W-12,357	Men's sweaters.
Chrysler Corp., Trenton Engine Plant (workers)	Trenton, Mich	2/4/81	1/27/81	TA-W-12,358	4 and 6 cylinder engines.
Clover Knitting Mills (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,359	Men's, boy's, and ladies' sweaters and shirts.
D' Seidmann's & Sons, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/18/81	TA-W-12,360	Knitted headwear.
Laconia Shoe Co., Inc. (workers)	Laconia, N.H	2/20/81	2/10/81	TA-W-12,361	Dress shoes.
Leather Sports, Inc. (workers)	New York, N.Y	12/22/80	12/19/80	TA-W-12,362	Ladies' skirts, jackets, and pants.
Maxwell House Div. of General Foods (ILA)	Hoboken, N.J	2/20/81	2/17/81	TA-W-12,363	Coffee.
Sheldon Machine Co., Inc. (manufacturing plant) (workers).	Skokie, Ill	2/20/81	2/9/81	TA-W-12,364	CNC machining centers and CNC lathes.
Sheldon Machine Co., Inc. (main office and assembly plant) (workers).	Chicago, Ill	2/20/81	2/9/81	TA-W-12,365	CNC machining centers and CNC lathes assembly.
Sturbridge, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/18/81	TA-W-12,366	Men's sweaters.
American Can Co., Geneva Machine Shop (IAMAW)	Geneva, N.Y	2/27/81	2/20/81	TA-W-12,367	Can making equipment.
Automatic Feed Co. (workers)	Napoleon, Ohio	2/25/81	2/20/81	TA-W-12,368	Coil handling and feeding used by automotive industry.
J.P. Stevens & Co., Inc. (workers)	Taylors, SC	2/25/81	2/19/81	TA-W-12,369	Carpets for autos, floormats, door covers.
K.T. Plaso, Inc. (workers)	Leominster, Mass	2/25/81	2/13/81	TA-W-12,370	Shoe sole components.
Musgrove Milling (workers)	Olympia, Wash	2/25/81	2/18/81	TA-W-12,371	Lodging and hauling of lumber, saw mills.
P.P.G. Industries, Works No. 28 (workers)	Crestline, Ohio	2/27/81	2/24/81	TA-W-12,372	Automotive windows.
Ritus Rubber Corp. (AIW)	Milwaukee, Wis	2/27/81	2/23/81	TA-W-12,373	Custom rubber molded parts and automobile parts.
Thyssen Metal Service (workers)	Oak Park, Mich	2/27/81	2/22/81	TA-W-12, 374	Processing steel.
Unroyal, Inc. (URW)	Opelika, Ala	2/20/81	2/17/81	TA-W-12,375	Tires
Washburn Wire Products, Inc. (company)	New York, N.Y	2/20/81	2/9/81	TA-W-12,376	Various types of steel wire and steel cables.

[FR Doc. 81-8171 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-28

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-24]

NASA Advisory Council (NAC); Meeting

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting:

NAME OF COMMITTEE: NAC Space and Terrestrial Applications Advisory Committee, Ad Hoc Informal Advisory Subcommittee on Materials Processing in Space.

DATE AND TIME: April 3, 1981; 9:00 a.m.–4:00 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 226A, Federal Building 10B, 600 Independence Avenue SW, Washington, D.C. 20546.

TYPE OF MEETING: Open.

AGENDA:

April 3, 1981

9:00 a.m.–Chairperson's Remarks
9:30 a.m.—Status of the Materials Research Society Meeting
10:00 a.m.—Status of the Space Materials Systems
10:30 a.m.—Status of Office of Management and Budget (OMB) Request for a New Scientific and Technical Aspects of Materials Processing in Space (STAMPS) Review
12:30 p.m.—Impact of Current Space Transportation System Schedule and Budget Changes on the Program
1:30 p.m.—Status of Unsolicited Proposals
2:30 p.m.—Summary and Recommendations
4:00 p.m.—Adjourn.

FOR FURTHER INFORMATION CONTACT: Dr. William A. Oran, National Aeronautics and Space Administration, Code EM-7, Washington, DC 20546 (202/755-8610).

SUPPLEMENTARY INFORMATION: This Subcommittee, comprised of six members of the NAC Space and Terrestrial Applications Advisory Committee, including the Chairperson, Dr. Martin E. Glicksman, reviews status and plans of the NASA Materials Processing in Space Programs. Members of the public will be admitted to the meeting on a first-come, first-served basis and will be required to sign a visitor's register. The seating capacity of the room is 35 persons.

Frank J. Simokaitis,

Acting Associate Administrator for External Relations.

March 10, 1981.

[FR Doc. 81-8098 Filed 3-16-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice 81-25]

Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee: Renewal

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of renewal.

SUMMARY: Pursuant to Section 14(b)(1) of the Federal Advisory Committee Act, Pub. L. 92-463, and after consultation with the General Services Administration, the National Aeronautics and Space Administration has determined that renewal of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee, is in the public interest and in connection with the performance of duties imposed upon NASA by law.

FOR FURTHER INFORMATION CONTACT: Dr. Edward A. Flinn, National Aeronautics and Space Administration, Code ERG-2, Washington, DC 20546, (202/755-3848).

SUPPLEMENTARY INFORMATION: The Space and Terrestrial Applications Steering Committee, under which the subcommittee operates, is a NASA internal committee composed of senior management officials in the Office of Space and Terrestrial Applications.

The intent of this advisory subcommittee is to obtain the advice of the scientific community in evaluating research and investigations proposals for inclusion in NASA's Space and Terrestrial Applications Programs.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

March 6, 1981.

[FR Doc. 81-8057 Filed 3-16-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

NSF Advisory Council Steering Committee; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Steering Committee of the NSF Advisory Council
Place: Room 536, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550
Date: Monday, March 30, 1981
Time: 9:00 a.m. till 5:00 p.m.
Type of meeting: Open
Contact person: Ms. Jeanne Hudson, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550 Telephone: 202/357-9433
Purpose of steering committee: The purpose of the Steering Committee, composed of members of the NSF Advisory Council, is to assist the Chairperson and Foundation staff in planning Council activity and related matters not requiring the formation of a separate task group.
Summary minutes: May be obtained from the contact person at above stated address.
Agenda: To review with cognizant NSF staff the issues being studied by the four task groups and other issues of general concern.
Reason for late notice: Because of budgetary limitations, the decision to hold the scheduled meeting was just made.

Dated: March 11, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-8082 Filed 3-16-81; 8:45 am]

BILLING CODE 7555-01-M

NSF Advisory Council; Task Group No. 16; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #16 of the NSF Advisory Council
Place: Rm. 523, National Science Foundation, 1800 G Street N.W., Washington, D.C. 20550
Date: Friday, March 27, 1981
Time: 9:00 a.m. till 5:00 p.m.
Type of meeting: Open
Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Rm. 518, 1800 G Street N.W., Washington, D.C. 20550. Telephone: 202/357-9433
Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.
Summary minutes: May be obtained from the contact person at above stated address.
Agenda: The Task Group is asked to examine the role of rotators with the NSF to (a) examine how they can be used most effectively, (b) suggest ways to avoid conflicts of interest, and (c) explore new and innovative ways of using rotators.
Reason for late notice: Because of budgetary limitations, decision to hold the scheduled meeting was just made.

Dated: March 11, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-8081 Filed 3-16-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Meteorological Factors of Emergency Preparedness; Nuclear Power Reactors; Functional Criteria for Emergency Response Facilities; Meetings

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meetings.

SUMMARY: The NRC staff has developed guidance for acceptable methods for considering meteorological factors and for providing emergency response facilities needed to implement the plans for coping with radiological emergencies. The staff will hold three meetings to present, explain, and discuss this guidance.

DATE AND LOCATIONS:

May 5—Holiday Inn—City Line—US 1 & I 76 City Ave. Exit, Philadelphia, PA.

May 6—Holiday Inn—Glen Ellyn—1250 Roosevelt Rd., Glen Ellyn, IL.

May 8—Stadium Hotel—450 Capitol Ave. S.E., Atlanta, GA.

FOR FURTHER INFORMATION CONTACT:

Mr. Steve L. Ramos, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington D.C. 20555, (Phone: 301/492-9700).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission, in upgrading its emergency planning regulations to assure that adequate protective measures can and will be taken in the event of a radiological emergency, approved on July 23, 1980, final rule amendments to 10 CFR Part 50 and Appendix E. The final rule was published in the **Federal Register** on August 19, 1980 (45 FR 55402) and became effective on November 3, 1980.

A. In consideration of emergency preparedness, a series of planning standards were outlined in 10 CFR 50.47; this dictates that the onsite and offsite emergency response plans for nuclear power reactors must ensure that "(A) dequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition are in use." Meterorological measurements and dose assessment programs at unclear power reactor sites address this standard in part.

The staff has developed a number of documents outlining guidance that is being implemented at operating plants under construction. The documents which present the criteria and some clarification of the meteorological programs for emergency preparedness considerations includes: NUREG-0654, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants"; NUREG-0737, "Clarification of TMI Action Plan Requirements"; NUREG-0696, "Functional Criteria for Emergency Reponse Facilities"; proposed Revision 1 to Regulatory Guide 1.23, "Meterological programs in Support of Nuclear Power Plans"; and Regulatory Guide 1.97, Revision 2, "Instrumentation of Light-Water-Cooled Nuclear Power Plants to Assess Plant and Envirions Conditions During and Following an Accident".

The staff, partly on the basis of licensee/applicant submittals, has determined that ths guidance should be consolidated and the requirements should be explained in more detail.

B. The Commission has recently approved for publication NUREG-0696, "Functional Criteria for Emergency Response Facilities". The draft version of this report was published in July 1980, and issued for public comment on August 15, 1980 (45 FR 54708). Regional meetings were held in August 1980, to discuss the guidance developed for an acceptable method for providing the emergency response facilities needed to implement the plans for coping with emergencies that are required by 10 CFR 50.34 and Appendix E to 10 CFR Part 50. The criteria have been revised considering the comments received.

In view of the substantive changes that were made in NUREG–0696, the staff has determined that it is appropriate to review the guidance set forth in the final report.

The primary purpose of this meeting is (1) to consolidate guidance on meteorological programs relating to emergency preparedness; (2) outline an acceptable schedule and the regulatory approach for implementing the programs; (3) provide a brief description of ongoing NRC activities pertinent to the meteorological considerations in emergency preparedness. In a related area, the criteria document (NUREG–0696) for emergency response facilities was recently published; the staff will take the opportunity to review the final report.

This meeting is intended for licensee/applicants and their representatives; persons other than the NRC staff and licensee representatives will be permitted to participate only as time will allow. Questions of generic interest to all participants may be entertained; site-specific questions will not, however, licensee/applicants are encouraged to meet with the staff to resolve outstanding issues.

An agenda and schedule for the meeting has been prepared:

Agenda for Meteorological Factors of Emergency Preparedness and Emergency Response Facilities Meeting

A. Meteorological Factors Session (8:30–11:30)

Introduction:
- Purpose and Scope of the Meeting
- Background Discussions
- Emergency Preparedness Overview
- Meteorology Overview

Regulatory Approach
Ongoing Activities

B. Emergency Response Facilities Session (1:30–3:30)

Introduction
Emergency Response Facilities (ERF)
Location and Habitability of ERFs
Data Acquisition System Integration and Reliability

Dated at Bethesda, Md., this 10th day of March 1981.

For the Nuclear Regulatory Commission.

Brian K. Grimes,

Director, Division of Emergency Preparedness, Office of Inspection and Enforcement.

[FR Doc. 81-8114 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395 OL]

South Carolina Electric and Gas Co. and South Carolina Public Service Authority (Virgil C. Summer Nuclear Station, Unit 1); Order Setting Final Prehearing Conference

March 10, 1981.

Please take notice that a final prehearing conference under 10 CFR 2.752 has been scheduled for 9:30 a.m. on April 7, 1981 at the Richland County Judicial Center, Courtroom 2–A, 1701 Mail Street, Columbia, South Carolina 29202. The purpose of the conference is to discuss all of the matters specified in § 2.752.

The parties or their counsel are directed to attend. No limited appearance statements will be heard at the conference.

The parties are requested to file by March 31, 1981, their suggestions, if any, with regard to all actions to be taken by the Board.

By order of the Board.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 81-8123 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259 OLA, 50-260 OLA, 50-296 OLA]

Tennessee Valley Authority, (Browns Ferry Nuclear Plant Unit Nos. 1, 2 and 3); Order Setting Special Prehearing Conference

March 10, 1981.

In the matter of onsite storage of radwaste.

On December 11, 1980, the Nuclear Regulatory Commission published in the **Federal Register** a Notice of Consideration of Amendments to Facility Operating Licenses DPR–33, DPR–52 and DPR–68, issued to Tennessee Valley Authority (Licensee), for Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama. 45 FR 81697. The proposed amendments would authorize the Licensee to store onsite the low level radioactive waste generated by the facility for a period of five years.

The notice provided that the Licensee might file a request for a hearing and that any peron whose interest might be affected by the proceeding and who wished to participate as a party in the proceeding must file a written petition for leave to intervene by January 12, 1981 in accordance with 10 CFR 2.714. By that date, six identical petitions were filed,* each signed by from three to five petitioners, listed alphabetically as follows: Noel M. Beck, Robert W. Beck, Gregory Robert Brough, Alice N. Colcock, David R. Curott, Uvonna J. Curott, David Ely, Hollis Fenn, Richard L. Freeman, Marjorie L. Hall, Debbie Havas, Rebecca Hudgins, Richard W. Jobe, John Martin, Betty Martin, Nancy Muse, Thomas Wayne Paul, Michael D. Pierson and Tom Thornton.

By reply dated January 27, 1981, Licensee sought denial of the petitions for leave to intervene on the grounds that petitioners lacked standing because they had no possible interests that could be affected by the proposed amendment of licenses. By responses dated January 28, 1981 (to the first five petitions received) and February 23, 1981 (to the missing sixth petition discussed in the footnote, *supra*), the Staff conceded petitioners' interest to intervene but denied that petitioners had met the "aspects" requirement of 10 CFR 2.714 or had yet raised the litigable contention within the scope of the proceeding that are necessary prerequisites to granting a petition to intervene and issuing a Notice of Hearing. The Staff noted, however, that 10 CFR 2.714(a)(3) permits the amendment of a petition without approval of the presiding officer at any time up to fifteen (15) days prior to the holding of the special prehearing conference and that § 2.714(b) permits the filing of a supplement to the petition containing a list of contentions by that same deadline, so as to afford petitioners an opportunity to satisfy the aspect and contention requirements.

An Atomic Safety and Licensing Board was designated to rule upon interventions and requests for hearing, and to preside over the proceeding in the event that a hearing is ordered. The Board is comprised of the following Administrative Judges: Mrs. Elizabeth Johnson, Dr. Quentin J. Stober and Herbert Grossman, Esquire, who will act as Chairman. 46 Fed. Reg. 10579 (February 3, 1981).

Pursuant to the provisions of 10 CFR 2.751(a), the Board will conduct a special prehearing conference beginning

*A petition filed by Hollis Fenn, Rebecca Hudgins and Tom Thornton was not received until after the Staff had responded to five of the petitions on January 28, 1981. Apparently after noticing that the sixth petition was not referred to in the Staff response, a copy of the sixth petition was forwarded by petitioners to the NRC. In a follow-up telephone call placed by the NRC Staff, petitioner Hollis Fenn indicated that his original petition had been mailed at the same time as the other five petitions.

The Board has no reason to question Mr. Fenn's representation, and will treat all six petitions as timely filed.

at 9:30 a.m. on April 10, 1981 at the Huntsville Public Library, 108 Fountain Circle, Huntsville, Alabama 35804. All prospective parties to this proceeding, or their respective counsel, are directed to attend. At the special prehearing conference, the participants should be prepared to discuss petitioners' standing to intervene, specific issues that might be considered at an evidentiary hearing, and possible further scheduling in the proceeding.

Petitioners shall file supplements to their petitions not later than fifteen days prior to the special prehearing conference, which shall include a list of specific contentions sought to be litigated in this proceeding. Licensee and Staff are requested to file any responses to the supplemented petitions by April 7, 1981 and deliver copies to the Board on that date.

The public is invited to attend the special prehearing conference. No oral limited appearance statements will be permitted at this conference. If a hearing is granted, opportunity to present limited appearance statements will be afforded at subsequent conferences or evidentiary hearings near the site of the facility. Written limited appearance statements may be mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or submitted at any conferences or sessions of the evidentiary hearing.

By order of the Board.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 81-8122 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility), located in Windham County, Vermont. The amendment is effective as of the date of issuance.

These changes to the Technical Specifications involve incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Shift Technical Advisor Augmentation, (5) Integrity of Systems Outside Containment and (6) Iodine Monitoring.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any signficant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 12, 1980, as supplemented January 5, 1981, (2) Amendment No. 63 to License No. DPR-28 and (3) the Commission's related Saftey Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Steet, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-8124 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Committee on Private Voluntary Agency Eligibility

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Personnel Management announces the following meeting:

Name: Committee on Private Voluntary Agency Eligibility.
Date and Time: March 26, 1981, 10:00 A.M.
Place: Office of Personnel Management, 1900 E Street, N.W., Washington, D.C.
Room: Auditorium—GJ-14 (Ground floor).
Type of Meeting: Open. Any interested person may file a written statement with the Committee in advance of or at the meeting.
Contact Person: Neida A. Perkins, Office of the Assistant to the Director, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415. Telephone: 202-632-5564.
Purpose of Committee: To make recommendations to the Director of the Office of Personnel Management regarding eligibility of national voluntary agencies to participate in the Federal fundraising program.
Agenda: Completion of review of applications for fund-raising privileges which have been submitted by voluntary organizations to the Office of Personnel Management in accordance with the Federal Fund-Raising Manual on which action was deferred by the Committee at its February 27, 1981, meeting.

Joseph S. Patti,

Assistant to the Director.

[FR Doc. 81-8074 Filed 3-16-81; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

[Docket No. A81-1; Order No. 369]

Dalton, Arkansas 72423 (Rodney W. Moore, Petitioner); Order of Filing of Appeal

Issued: March 10, 1981.

On March 3, 1981, the Commission received a letter from Rodney W. Moore (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close the Dalton, Arkansas post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)], so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[1] The petition does not conform perfectly with the Commission's rules of practice, which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

"ensure that such persons will have an opportunity to present their views."[4] The petition requests that the decision to close the Dalton post office be reversed. From the face of the petition it is unclear whether any hearings were held and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(c) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determined whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Did the Postal Service adequately consider the Dalton community identity, as described by Petitioner, in conformance with the "effect on community" standard of section 404(b)(2)(A)?

2. Whether the Postal Service considered the change the closing would cause in the community's use of the postal services under the effect on postal service factor, section 404(b)(2)(C)?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.* (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issue described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113) make the request therefore by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases,[8] and none is being appointed. The Commission orders that

(A) The letter of March 3, 1981 from Rodney W. Moore be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register**.

(C) The Postal Service shall file the administrative record in this case on or before March 18, 1981, pursuant to the Commission's rules of practice [39 CFR 3001.113(a)].

By the Commission.

David F. Harris,

Secretary.

Appendix

March 3, 1981—Filing of Petition
March 10, 1981—Notice and Order of Filing of Appeal
March 18, 1981—Filing of record by Postal Service [*see* 39 CFR 3001.113(a)].
March 23, 1981—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
April 2, 1981—Petitioner's initial brief [*see* 39 CFR 3001.115(a)].
April 17, 1981—Postal Service answering brief [*see* 39 CFR 3001.115(b).
May 4, 1981—(1) Petitioner's reply brief, should petitioner choose to file such brief [*see* 39 CFR 3001.115(c)]. (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
July 1, 1980—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 81-8084 Filed 3-16-81; 8:45 am]
BILLING CODE 7715-01-M

[Docket No. MC76-5]

Mail Classification Schedule, 1976; Conference

March 10, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Scheduling Conference", dated March 10, 1981, the next conference in Docket No. MC76-5 is scheduled to be held on March 19, 1981, at 9:30 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 81-8085 Filed 3-16-81; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

March 10, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission purusant to Section 12(f)(1)(B) of the

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[4] 39 U.S.C. 404(b)(1).

[5] CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 50 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. 101(b).

[7] 42 FR 59079-85 (November 17, 1977); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

California Real Estate Investment Trust, Shares of Beneficial Interest, $1 Par Value (File No. 7-5869)
Callahan Mining Corp., Common Stock, $1 Par Value (File No. 7-5870)
Community Psychiatric Centers, Common Stock, $5 Par Value (File No. 7-5871)
Cooper Industries Inc., Common Stock, $5 Par Value (File No. 7-5872)
First Pennsylvania Mortgage Trust, Shares of Benefical Interest, $1 Par Value (File No. 7-5873)
Grainger (W.W.), Inc., Common Stock, $1 Par Value (File No. 7-5874)
Towle Manufacturing Co., Common Stock, No Par Value (File No. 7-5875)
United Merchants & Manufacturers, Inc., Common Stock, $1 Par Value (File No. 7-5876)
Wometco Enterprises, Inc., Class A Common Stock, $1 Par Value (File No. 7-5877)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 31, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-8084 Filed 3-16-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 747]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its February 1981 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the Federal Register on August 24, 1978.

Dated: March 9, 1981.

John W. Kimball,
Director, Office of International Conferences.

United States Delegation to the Thirty-Second Session of the Subcommittee on the Carriage of Dangerous Goods of the Intergovernmental Maritime Consultative Organization (IMCO), London, February 23–27, 1981

Representative

Keith B. Schumacher, Captain, USCG, Chief, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Kevin J. Eldridge, Lieutenant, USCG, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation
John F. Simmons, Jr., Shipping Attache, American Embassy, London
Allan A. Weitz, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Private Sector Advisers

Michael T. Bohlman, Sea-Land Services, Inc., Elizabeth, New Jersey
Donald W. Gates, National Cargo Bureau, Inc., New York, New York
Duane Greenquist, Hoover Universal, Inc., Bastrice, Nebraska

United States Delegation to the Industry Committee Ad Hoc Working Party on Pulp and Paper Organization for Economic Cooperation and Development (OECD) Paris, February 16–17, 1981

Representative

Raymond Lombardi, United States Mission to the OECD, Paris

Private Sector Adviser

Irene Meister, Vice President—International, American Paper Institute, New York, New York

United States Delegation to the Twenty-Fourth Session of the Harmonized Systems Committee of the Customs Cooperation Council (CCC), Brussels, February 9–27, 1981

Representative

Paul G. Giguere, Deputy Director, Classification and Value Division, U.S. Customs Service, Department of the Treasury

Alternate Representative

Eugene A. Rosengarden, Director, Office of Tariff Affairs, U.S. International Trade Commission

Advisers

Sterling J. Nicholson, Bureau of the Census, Department of Commerce
Dennis C. Sequeira, Customs Attache, U.S. Missions to the European Communities, Brussels
Dale O. Torrence, Senior Attorney (Customs), U.S. Customs Service, Department of the Treasury

Private Sector Adviser

Irene W. Meister, Vice President, International, American Paper Institute, Inc., New York, N.Y.

United States Delegation to the Group of Rapporteurs on Pollution and Energy of the Economic Commission for Europe, Geneva, February 9–12, 1981

Representative

Merrill Korth, Motor Vehicle Emission Test Laboratory, Environmental Protection Agency

Private Sector Advisor

Alfred Carey, Jr., Cummins Engine Company, Columbus, Indiana

United States Delegation to the Fifth Meeting of the Dangerous Goods Panel, International Civil Aviation Organization (ICAO), Montreal, January 27–February 12, 1981

Member

Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation

Adviser

James J. Given, Technical and Cargo Security Division, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Paul A. Beach, Chairman, Hazardous Material Committee, Air Line Pilots Association, Washington, D.C.
Frank J. Black, Manager, Cargo Services, Air Transport Association, Washington, D.C.

[FR Doc. 81-8131 Filed 3-16-81; 8:45 am]
BILLING CODE 4710-10-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-48]

American Machine & Tool Co., Inc.; Application for Recordation of Trade Name

On November 13, 1980, there was published in the Federal Register (45 FR 75046) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "AMERICAN MACHINE & TOOL CO., INC." The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19

CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later thana 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "AMERICAN MACHINE & TOOL CO., INC." is hereby recordee as the trade name of American Machine & Tool Co., Inc., a corporation organized under the laws of the State of Pennsylvania, located at Fourth Avenue and Spring Street, Royersford, Pennsylvania 19468, when applied to power tools, manufactured in the United States.

Dated: March 9, 1981.

Salvatore E. Caramagno,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 81-8132 Filed 3-16-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

[Public Debt Series No. 7-81]

Treasury Notes of March 31, 1983; Series P-1983

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,750,000,000 of the United States securities, designated Treasury Notes of March 31, 1983, Series P-1983 (CUSIP No. 912827 LR 1). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 31, 1981, and will bear interest from that date, payable on a semiannual basis on September 30, 1981, and each subsequent 6 months on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revene Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure desposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, an $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupons, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, March 18, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 17, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectable checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount

limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to instituted investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, March 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, March 27, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-8301 Filed 3-13-81; 3:35 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1
Federal Home Loan Bank Board	2
International Trade Commission	3, 4
U.S. Railway Association	5, 6

1

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: February 12, 1981, and subsequent dates; see below.

LOCATION: Eighth floor conference room, 1111 18th Street, NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: CPSC Budget.

ADDITIONAL INFORMATION: On February 12, 1981, the Commission voted to hold a meeting to consider matters related to CPSC's budget for Fiscal Year 1982. At this meeting, all four Commissioners voted to close this and subsequent meetings on this matter until March 13, 1981, under exemption 9 (possible significant frustration of agency action). In addition, the Commission voted that agency business required holding this meeting without the normal seven-day notice.

By unanimous vote (4–0) the Commission made a similar finding and waived the notice requirement for the following meetings on CPSC's budget, which were also closed under exemption 9:

February 23, 1981,
February 25, 1981,
March 3, 1981,
March 6, 1981, and
March 10, 1981.

FOR ADDITIONAL INFORMATION, CONTACT: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street, NW., Washington, D.C. 20207, telephone: (202) 634–7700.

[S–419–81 Filed 3–13–81; 10:49 am]

BILLING CODE 6355–01–M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 3 p.m., March 23, 1981.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Proposed Move of the Federal Home Loan Bank of Little to the Dallas SMSA.

No. 460, March 13, 1981.

[S–420–81 Filed 3–13–81; 11:41 am]

BILLING CODE 6720–01–M

3

[USITC SE–81–6]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Monday, March 23, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 337–TA–62 (Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof)—briefing and vote.
6. Investigation 731–TA–38 [Preliminary] (Truck Trailer Axle-and-Brake Assemblies from Hungary)—briefing and vote.
7. Investigation 751–TA–3 (Potassium Chloride from Canada)—briefing and vote.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–422–81 Filed 3–13–81; 2:27 pm]

BILLING CODE 7020–02–M

4

[USITC ERB–81–1]

INTERNATIONAL TRADE COMMISSION.

Executive Resources Board (ERB)

TIME AND DATE: 10 a.m., Wednesday, March 25, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Pursuant to the specific exemptions of 5 U.S.C. 552b(c) (2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 CFR 201.36(b) (2) and (6), Commissioners Calhoun and Stern, as members of the Executive Resources Board (ERB), voted to hold a meeting of the Board in closed session as follows:

Old Business

a. SES Manpower Planning—
   1. Status of Director of Economics' position.
   2. Status of long-range plans submitted to OPM.
b. Evaluations—
   1. Report on OPM evaluation of SES Program.
   2. Report on agency evaluation of SES Policy.

Commissioner Bedell voted to hold the meeting in open session.

A majority of the entire membership of the Board felt that this meeting should be closed to the public since: (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–421–81 Filed 3–13–81; 2:28 p.m.]

BILLING CODE 7020–02–M

5

U.S. RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., March 21, 1981.

PLACE: 955 L'Enfant Plaza North, SW., board room 2–500, fifth floor, Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions closed to the public (9 a.m.):

1. Consideration of internal personnel matters.
2. Litigation report.
3. Review of Delaware and Hudson financial and proprietary information.

Portions open to the public (9:30 a.m.):

4. Approval of minutes of the Board's March 4 and March 5, 1981 meetings.
5. Election of Conrail Board of Directors.

6. Consideration of Conrail drawdown request.

7. Consideration of Conrail second quarter investment commitment request.

8. Consideration of 211(h) loan rollover.

9. Consideration of Delaware and Hudson drawdown request.

10. Contract Actions (extensions and approvals).

Portions closed to the public:

11. Review of Conrail financial and proprietary information and discussion of the Association's report to Congress required by the Staggers Rail Act of 1980.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S-423-81 Filed 3-13-81; 2:28 pm]

BILLING CODE 8240-01-M

6

U.S. RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., March 22, 1981.

PLACE: 955 L'Enfant Plaza North SW., Board Room 2–500, fifth floor, Washington, D.C.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portion closed to the public (9 a.m.):

1. Review of Conrail financial and proprietary information and discussion of the Association's report to Congress required by the Staggers Rail Act of 1980.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow (202) 426–4250.

[S-423-81 Filed 3-13-81; 3:43 pm]

BILLING CODE 8245-01-M

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federal register

Tuesday
March 17, 1981

Part II

Office of Management and Budget

Circular A-122, "Cost Principles for Nonprofit Organizations"; Corrections

V 46 / 51 MR 17 81 UMI

OFFICE
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Circular
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AGENCY:
Budget.
ACTION:

SUMMAR
the printi
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FOR FURT
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• Page
Paragrap
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OFFICE OF MANAGEMENT AND BUDGET

Circular A-122, "Cost Principles for Nonprofit Organizations"; Correction

AGENCY: Office of Management and Budget.

ACTION: Final policy correction.

SUMMARY: This notice corrects errors in the printing of cost principles for nonprofit organizations. [45 FR 46022, July 8, 1980].

FOR FURTHER INFORMATION CONTACT: Palmer Marcantonio, Financial Management Branch, Office of Management and Budget, Washington, D.C. 20503, (202) 395-4773.

- *Page 46022, column 2* the second Paragraph 1, change Paragraph 5 "Compensation for Personnel Services" to Paragraph 6.
- *Page 46022, column 2* the second Paragraph 2, change Paragraph 6 "Contingencies" to Paragraph 7.
- *Page 46022, column 3:* Paragraph 4, change Paragraph 31. "Equipment and Other Capital Expenditures" to Paragraph 13.
- Paragraph 5, change Paragraph 26 "Meetings" to Paragraph 24.
- Paragraph 6, change Paragraph 27. "Organization Costs" to Paragraph 26.
- Paragraph 7, change Paragraph 30 "Page charges in Professional Journals" to Paragraph 28.
- Paragraph 8, change paragraph 37 "Public Information Service Costs" to Paragraph 36.
- Paragraph 9, change Paragraph 43 "Rental Costs" to Paragraph 42.
- Paragraph 9a: in the fourth line, add "up" between the words "only" and "to"; in the sixth line change "they" to "it".
- Paragraph 10, change Paragraph 51 "Travel Costs" to Paragraph 50.
- *Page 46024, column 3* Paragraph 4(a)(2) after "benefits received" add "; or".
- *Page 46025, column 1* Paragraph B3, change the reference "Paragraph 21 of Attachment B" to "Paragraph 19 of Attachment B."
- *Page 46026, column 1* Paragraph 4a.iii, in the sixth line, change "direct cost" to "direct costs."
- *Page 46026, column 2* Paragraph E1e, change "establishment of a rate" to "establishment of a final rate."
- *Page 46026, column 3* Paragraph E2b, in the third line add the following after "a Federal agency shall"—"submit its initial indirect cost proposal immediately."
- *Page 46027, column 3* Paragraph (3)(a), change "workmen's compensation" to "workers' compensation."
- *Page 46028, column 1* Paragraph 6f3(b), (the second line of column 1) change "Workmen's compensation" to "workers' compensation."
- *Page 46030, column 3,* paragraph 24b., the sixth line, change "allowable" to "allowability".

Daniel F. Mann,

Budget and Management Officer.

[FR Doc. 81-8073 Filed 3-16-81; 8:45 am]

BILLING CODE 3110-01-M

Circular A-122, "Cost Principles for Nonprofit Organizations"

Correction

In FR Doc. 81-20270, appearing at page 46022 in the issue of Tuesday, July 8, 1980, the following changes should be made:

1. On page 46024, column three, the second sentence in paragraph A.5.b. should read, "Specifically, the concept of netting such credit items against related expenditures should be applied by the organization in determining the rates or amounts to be charged to Federal awards for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds."

2. On page 46024, column three, the second complete sentence in paragraph A.6. should read, "This is particularly true in connection with organizations that receive a preponderance of their support from Federal agencies."

3. On page 46025, column one, paragraph B.2. should read, "2. Any direct cost of a minor amount may be treated as an indirect cost for reasons of practicality where the accounting treatment for such cost is consistently applied to all final cost objectives."

4. On page 46025, column one, paragraph B.4.f. should read, "f. Administration of group benefits on behalf of members or clients including life and hospital insurance, annuity or retirement plans, financial aid, etc."

5. On page 46025, column two, the first sentence in paragraph D.1.e. should read, "The base period for the allocation of indirect costs is the period in which such costs are incurred and accumulated for allocation to work performed in that period."

6. On page 46026, column one, the second sentence in paragraph D.3.d should read, "The costs in the common pool shall then be distributed to individual awards included in that function by use of a single indirect cost rate."

7. On page 46026, column one, the first sentence in paragraph D.3.e. should read, "The distribution based used in computing the indirect cost rate for each function may be total direct costs (excluding capital expenditures and other distorting items such as major subcontracts and subgrants), direct salaries and wages, or other base which results in an equitable distribution."

8. On page 46026, column one, the first and second sentences in paragraph D.4.a. should read, "Some nonprofit organizations treat all costs as direct costs except general administration and general expenses. These organizations generally separate their costs into three basic categories: * * *."

9. On page 46026, the last sentence in column one (extending to column two), in paragraph D.5. should read, "The factors may include the physical location of the work, the level of administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof."

10. On page 46026, column three, paragraph E.2.i. should read, "i. To the extent that problems are encountered among the Federal agencies in connection with the negotiation and approval process, the Office of Management and Budget will lend assistance as required to resolve such problems in a timely manner."

11. On page 46030, column one, the introductory text of paragraph 16.b. and paragraph 16.b.(1) should read, "b. The costs of idle facilities are unallowable except to the extent that: (1) They are necessary to meet fluctuations in workloads; or".

12. On page 46030, column one, the second sentence in paragraph 16.c. should read, "Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics or security practices."

13. On page 46031, second column, paragraph 34.c. should read, "In addition to the factors in paragraph b. above, retainer fees to be allowable must be supported by evidence of bona fide services available or rendered."

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14727-14
14685-15
15129-15
15257-15
15491-15
15685-15
15855-16
16099-16
16235-16
16653-16
16877-17
17009-17

Reader Aids

Federal Register

Vol. 46, No. 51

Tuesday, March 17, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:

12247 (Revoked by EO 12296)	16879
12296	15129
12297	16877
12298	16879

Proclamations:

4822	14885
4823	15491
4824	17009

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981)	16235
No. 81-4 of March 5, 1981	16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981)	15855
No. 81-3 of February 27, 1981	15855

4 CFR

27	15857
28	15857

Proposed Rules:

28	15884

5 CFR

550	14887
831	16653

7 CFR

905	16237
907	15257, 16237
910	15493, 15864, 16655
907	16238
2024	15493

Proposed Rules:

930	15888
1004	15713, 16266
1007	16266
1011	16266
1030	16266
1032	16266
1046	16266
1049	16266
1050	16266
1062	16266
1064	16266
1065	16266
1068	16266, 16689
1071	16266
1073	16266
1076	16266
1079	16266
1094	16266
1096	16266
1097	16266
1098	16266
1099	16266
1102	16266
1104	16266
1106	16266
1108	16266
1120	16266
1126	16266
1131	16266
1132	16266
1136	16266
1139	16690
2851	14889
2859	15512

8 CFR

238	16656

9 CFR

75	15494

Proposed Rules:

308	15512
381	15512

10 CFR

20	16230
35	15683
212	15257

Proposed Rules:

30	15278
40	15278
50	15278
51	15154
70	15278
72	15278
211	15112
376	15484
390	15484

12 CFR

Ch. VII	14887
1	16240
5	16656-16661
8	16663
21	15864
206	16099
216	15884
326	15884
544	16881
546	14727
556	16246
611	17011
563	14727
563a	15884
748	15884
1204	15131

Proposed Rules:

400	15888
545	15175
618	17022

14 CFR

39.....14728–14729, 15259, 16247, 16248, 16881–16886
71.....14730–14734
91.....16886, 16888
95.....14735
97.....15259, 16249
121.....15480

Proposed Rules:

Ch. I.....14749, 15278, 15746
21.....16279
39.....15479
241.....17022
71.....15478, 16899–16902
93.....15458
159.....15458

15 CFR

4a.....16251
386.....16669
503.....15496
804.....16892
805.....16892
935.....14741
936.....14741
937.....14741
938.....14741

16 CFR

13.....15261, 15262, 16892
1.....14888
13.....14741

Proposed Rules:

13.....16274

17 CFR

15.....15132, 16255
200.....16255
211.....15496
231.....16670
240.....14888, 15133, 15134, 15498, 15713, 15866
241.....16670
270.....16673, 17011

Proposed Rules:

1.....16691
210.....15278
240.....14749, 15178

18 CFR

4.....15873
250.....15874
260.....15878
282.....14742, 15498, 15879, 16256

Proposed Rules:

Ch. I.....15512
Subchapter B.....16903
1.....14751, 17023
1b.....17023
2.....17023
3.....17023
3a.....17023
3c.....17023
4.....14751, 17023
12.....17023
16.....17023
25.....17023
32.....17023
33.....17023
34.....15513
35.....17023
41.....17023
131.....15513
152.....17023
153.....17023
154.....14899
156.....17023
157.....14899, 16903
158.....17023
250.....14899
260.....14899
270.....17023
271.....16914, 17023
275.....17023
281.....17023
282.....17023
284.....17023
286.....17023
292.....17023
375.....16903, 17023
385.....17023
388.....17023

19 CFR

363.....15135
355.....16099, 17014

21 CFR

5.....16674
73.....15500
81.....15500
175.....16675
177.....16675
193.....16256, 17015
430.....15880, 16676
431.....16676
436.....15880, 16676, 16678, 16681
440.....15680, 16681
442.....15680, 16679
444.....16676, 16680, 16681
446.....16681
448.....16681
449.....16681
450.....16681
452.....16678, 16681
540.....14889
561.....14889, 17015
864.....14890

Proposed Rules:

20.....17063
109.....15518
110.....15518
193.....15261
225.....15518
226.....15518
452.....16692
500.....15518
509.....15518
601.....17063
803.....17063
872.....15519
876.....17063, 17064

22 CFR

Ch. XIV.....16058, 16085
41.....15504
51.....16257

24 CFR

203.....14743, 16893
207.....14743, 16893
213.....16893
220.....14743, 16893
221.....16893
232.....16893
234.....16893
235.....16893
236.....16893
241.....16893
242.....16893
244.....16893
300.....15505

25 CFR

43c.....14890
700.....15720

Proposed Rules:

72.....16916
260.....16916

26 CFR

1.....15262, 15685, 16100
55.....15262
150.....16257

Proposed Rules:

1.....15892
26.....15893

28 CFR

0.....16100
40.....16100

Proposed Rules:

2.....14904

29 CFR

1910.....14897
2200.....14744
2610.....16685

Proposed Rules:

92.....16827

30 CFR

Proposed Rules:

806.....16276

32 CFR

201.....15505
286.....14890
369.....15506
875.....15506

33 CFR

1.....15685
230.....14745

34 CFR

690.....16823

36 CFR

3.....16101
21.....16101
36.....16686

39 CFR

10.....17016
111.....14746, 15263, 15266

40 CFR

52.....15136–15139, 15686, 16687, 16895–16897, 17019
55.....15686
81.....14891, 14892, 15140, 16258
86.....15686, 16258, 16259
122.....16897
162.....15104
180.....14894, 15122–15125 17020, 17021
264.....16897
265.....16897
761.....16090

Proposed Rules:

Ch. I.....16916
51.....16280
52.....15180, 15181, 15284, 15743, 16280
60.....14905
81.....15744, 15744
86.....15893, 16917
180.....15181, 15182, 15285, 16917
192.....16278
430.....15287
431.....15287
761.....16096
763.....14905

41 CFR

1–4.....16102
101–35.....16102
101–38.....16102
101–40.....14894

42 CFR

110.....15141

43 CFR

20.....16897

Public Land Orders:

5797.....15506
5798.....15506
5799.....15506
5802.....15506
5804.....15506
5805.....15506
5806.....15506
5809.....15506
5810.....15506
5812.....15506
5814.....15506
5817.....15506
5818.....15506
5819.....15506
5821.....15506
5824.....15506
5825.....15506
5826.....15506
5827.....15506
5828.....15506
5830.....15506
5831.....15506
5832.....15506
5833.....15506
5834.....15506
5836.....15506
5837.....15506
5838.....15506
5839.....15506
5840.....15506
5841.....15506
5842.....15506
5844.....15506
5845.....15506
5846.....15506
5848.....15506
5849.....15506
5850.....15506
5851.....15506
5852.....15506
5853.....15506
5854.....15506
5856.....15506

44 CFR

64.....15267, 15269
65.....15142

Proposed Rules:
60 16892
67 ..... 14907, 15183, 15287, 16282

45 CFR
1060 15270
1357 14895
1612 16287

46 CFR
3 15746
14 15746
24 15746
188 15746
189 15746

Proposed Rules:
502 17064

47 CFR
2 ..... 15146, 15890
73 ..... 15147–15151, 15271, 15707, 15709–15711, 16288
81 15890
83 15890
90 ..... 15152, 15273
97 15146

Proposed Rules:
Ch. I 14907, 15184, 15296, 16892
0 15297
22 15749
25 15754
73 ..... 15754, 15756, 15757 17065
81 15297
83 ..... 14754, 15297
73 ..... 15184–15186, 15298
90 16104

48 CFR

Proposed Rules:
31 16918

49 CFR
1003 16200
1005 16200
1033 ..... 14895, 14896, 15507
1039 15509
1056 16200
1132 15506
1240 15880
1243 15881
1310 16200
1322 16200
1331 ..... 15277, 16102

Proposed Rules:
23 16282
1048 16106
1056 16225
1057 15300
1100 17065
1206 15302
1207 15302

50 CFR
611 16103
652 15510

Proposed Rules:
230 15746
410 15186
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 19, 1981

V. 46 / 51 MR 17 81 UMI

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3-18-81
Vol. 46 No. 52
Pages 17187-17534

federal register

Wednesday
March 18, 1981

Highlights

17216 **Nuclear Power Plants—Licensing** NRC proposes to expedite conduct of adjudicatory proceedings on applications to construct or operate plants; comments by 4–7–81

17227 **Electric Untilities** DOE/FERC extends comment period to 3–30–81, on paper entitled "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms"

17187, 17188 **Credit Unions** NCUA deletes regulation concerning filing of annual Report of Officials, effective 3–12–81, and allows greater flexibility in establishment of records preservation programs, effective 4–18–81 (2 documents)

17219 **Securities** SEC proposes to amend requirements applicable to notices and applications filed by self-regulatory organizations concerning membership or participation of certain persons subject to statutory disqualifications; comments by 4–22–81

17366 **Existing Housing and Mobile Homes** HUD/FHC amends Fair Market Rates (Part II of this issue)

17232 **Veterans** VA proposes to revise transportation allowances for burial of unclaimed veterans and to eliminate requirement of an outside box for interment in a National Cemetery; comments by 4–17–81

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

17239–17241 **Grant Programs—Minority Business** Commerce/MBDA seeks applications by 4–9–81, for two New York Region projects; by 4–16–81, for a Nassau-Suffolk (New York) SMSA project; by 4–17–81, for one project in the Norfolk/Virginia Beach/Portsmouth and Hampton/Newport News SMSA's; and by 4–23–81, for two San Francisco Region projects (4 documents)

17229, 17230 **Pesticides** EPA proposes to exempt "boiled" linseed oil from requirement of tolerance when applied to growing rice as an inert ingredient before edible parts form and proposes tolerances for residues of amiben; comments by 4–17–81 (2 documents)

17526 **Foreign Trade** ITC provides additional procedures for termination of investigations of unfair practices in import trade; effective 3–10–81 (Part III of this issue)

17218 **Exports** Commerce/ITA invites public comment by 5–18–81, on merits of removing or revising restrictions on certain unfinished napthas used for petrochemical feedstocks

17190 **Antidumping** Commerce/ITA revokes finding on portland cement, other than white, nonstaining portland cement, from Belgium; effective 3–18–81

17233 **Marine Communications** FCC terminates proceeding concerning output power of marine transmitters on ships using vertical antennas

17202 **Government Procurement** GSA transfers policies and procedures regarding termination of contracts; effective 3–27–81

Privacy Act Documents

17243 DOD, Sec'y (2 documents)
17187, 17317 Social Security
National Commission (2 documents)

17331 **Sunshine Act Meetings**

Separate Parts of This Issue

17366 **Part II, HUD**
17526 **Part III, ITC**

Contents

Federal Register
Vol. 46, No. 52
Wednesday, March 18, 1981

Administrative Conference of United States
NOTICES
17237 Administrative hearing facilities, directory; availability

Agricultural Marketing Service
PROPOSED RULES
Milk marketing orders:
17207 New York-New Jersey

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Soil Conservation Service.

Animal and Plant Health Inspection Service
NOTICES
Environmental statements; availability, etc.:
17237 Fire ant, imported, cooperative program

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
17314 Halifax Hospital Medical Center, et al.

Army Department
NOTICES
Meetings:
17242 Medical Research and Development Advisory Panel (2 documents)

Commerce Department
See Economic Development Administration; International Trade Administration; Maritime Administration; Minority Business Development Agency.

Customs Service
PROPOSED RULES
Organization and functions; field organization; ports of entry, etc.:
17228 Austin, Tex.

Defense Department
See also Army Department.
NOTICES
17243 Privacy Act; systems of records (2 documents)
17242 Travel per diem rates; civilian personnel; changes

Economic Development Administration
NOTICES
Import determination petitions:
17238 Ideal Handbag Frame Manufacturing Corp. et al.

Economic Opportunity National Advisory Council
NOTICES
17317 Meetings

Economic Regulatory Administration
NOTICES
Consent orders:
17247 Hillman Oil Co.
17247 McLain Oil Co., Inc.
17248 Rupe Oil Co., Inc.
Remedial orders:
17249 Varn Petroleum Co.

Energy Department
See Economic Regulatory Administration; Energy Research Office; Federal Energy Regulatory Commission.

Energy Research Office
NOTICES
Meetings:
17249 Energy Research Advisory Board

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
17191 Maryland
17192 Vermont
17193 Virginia
Hazardous waste; identification and listing:
17196 Temporary exclusions; request for comments
Hazardous waste programs; interim authorizations; various States:
17194 Maine
PROPOSED RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
17229 Amiben
17230 Boiled lineseed oil
NOTICES
Pesticide registration, cancellation, etc.:
17251 MAKI Rat and Mouse Meal Bait
Pesticides; emergency exemption applications:
17249 Machete and propanil
Toxic and hazardous substances control:
17250 Premanufacture notices receipts; correction

Environmental Quality Office, Housing and Urban Development Department
NOTICES.
Environmental statements; availability, etc.:
17261 Battlement and Mesa PUD, Garfield County, Colo.

Federal Communications Commission
PROPOSED RULES
Radio broadcasting:
17233 AM broadcast stations; automation of use of measurement data; inquiry; extension of time
Radio services, special:
17233 Radiotelegraph ships; output power of transmitters; program and schedule of dates
NOTICES
17253 Canadian standard broadcast stations; notification list
Hearings, etc.:
17251 Brunson, Dorothy, et al.
17252 Holcombe, Keith, et al.

17254 Reum, Dennis R.
17258 Tully-Warwick Corp. et al.
17255 220 Television, Inc., et al.

Federal Deposit Insurance Corporation
NOTICES
17331, 17332 Meetings; Sunshine Act (3 documents)

Federal Energy Regulatory Commission
PROPOSED RULES
Electric utilities:
17227 Equity; rate of return; extension of time
NOTICES
Hearings, etc.:
17249 Pacific Gas Transmission Co.

Federal Home Loan Bank Board
RULES
Federal savings and loan system:
17187 Debit cards; remote service unit amendments; correction

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
17190 Property improvement and mobile homes; combination and mobile home lot; increased limits and maturities; interim rule and request for comments; correction

Federal Labor Relations Authority
RULES
17187 Sub-regional office addresses, listing; Cleveland, Ohio

Federal Maritime Commission
NOTICES
17332 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
17260 B & M Bancshares, Inc.
17259 Gebsco, Inc.
17259 InterCounty Bancshares, Inc.
17260 Irwin Union Corp.
17332 Meetings; Sunshine Act

Federal Service Impasses Panel
RULES
17187 Sub-regional office addresses listing; Cleveland, Ohio

Federal Trade Commission
RULES
Prohibited trade practices:
17189 Shaller Rubin Associates, Inc.

General Accounting Office
NOTICES
17260 Regulatory reports review; proposals, approvals, violations, etc. (NRC) (2 documents)

General Services Administration
RULES
Procurement:
17202 Contract termination; transfer of regulations
NOTICES
Property management:
17261 U.S. Post Office and Courthouse, Philadelphia, Pa.; redesignation to Federal Building and U.S. Post Office

Housing and Urban Development Department
See also Environment Quality Office, Housing and Urban Development Department; Federal Housing Commissioner—Office of Assistant Secretary for Housing.
RULES
Low income housing:
17366 Fair market rent schedules for existing housing and mobile home spaces (Sections 8 and 23)
NOTICES
Authority delegations:
17261 Oklahoma City Area Office Acting Area Manager; order of succession

Interior Department
See Land Management Bureau; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
RULES
Estate and gift taxes:
17191 Employee retirement benefits; exclusion from gross estate and taxable gifts; correction
Income taxes:
17191 Benefit plans (defined) for self-employed individuals and shareholder-employees; correction
PROPOSED RULES
Income taxes:
17229 Investment company stock, regulated; custodial accounts; hearing

International Trade Administration
RULES
Antidumping:
17190 Portland cement, other than white, nonstaining portland cement, from Belgium
Export licensing:
17189 Administrative proceedings; correction
PROPOSED RULES
Export licensing:
17218 Petroleum naphtha; quantitative restrictions

International Trade Commission
RULES
17526 Import trade; investigation of unfair practices
NOTICES
Import investigations:
17312 Food slicers and components; extension of time for hearing
17312 Hollow fiber artificial kidneys
17314 Menthol from China; hearing date change
17311 Optic liquid-level sensing systems from Canada
17313 Surface grinding machines and promotion literature; correction
17312 Tubeless-tire valves from West Germany
17313 Univeral joint kits, components, and trunnion seals
17313 Window shades and components

Interstate Commerce Commission
PROPOSED RULES
Tariffs and schedules:
17234 Motor vehicles, detention; nationwide and Alaska
NOTICES
Motor carriers:
17288, 17297 Finance applications (2 documents)
17276 Fuel costs recovery, expedited procedures
17280 Less-than-truckload (LTL) rate ceiling on paper envelopes within central territory; American Envelope Co. et al.
17288–17301 Permanent authority applications (8 documents)
17281–17291 Permanent authority applications; correction (3 documents)
17285, 17293 Permanent authority applications; restriction removals (2 documents)
17305 Temporary authority applications
Rail carriers:
17273 Atchison, Topeka & Santa Fe Railway Co.; contract tariff exemption
17281 Consolidated Rail Corp.; contract tariff exemption
17292 Norfolk & Western Railway Co.; contract tariff exemption
Railroad freight rates and charges:
17280 Grain and grain products; proportional rates for Missouri River cities
Railroad freight rates and charges; various States, etc.:
17280 Alaska
Railroad operation, acquisition, construction, etc.:
17273 Burlington Northern, Inc.
17275 Consolidated Rail Corp.
Railroad services abandonment:
17266 Duluth Missabe & Iron Range Railway Co.
17266 Illinois Central Gulf Railroad Co.
17269 Southern Railway Co.
Rerouting of traffic:
17279 All railroads

Justice Department
See Antitrust Division.

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
17262 Pedro Bay Corp.
17262 Pilot Point Native Corp.; correction
17262 Togiak Natives Ltd.; correction
17263 Ugashik Native Corp.
Coal leases, exploration licenses, etc.:
17264 Colorado
Environmental statements; availability, etc.:
17265 California Desert Conservation Area; land use and jurisdiction; meetings
Wilderness areas; characteristics, inventories, etc.:
17265 Nevada

Libraries and Information Service, National Commission
NOTICES
17332 Meetings; Sunshine Act

Maritime Administration
NOTICES
Foreign construction cost computation:
17239 Constellation class vessels; MA design C4–S–60a and C4–S–60b

Minority Business Development Agency
NOTICES
17239–17241 Financial assistance application announcements (4 documents)

National Credit Union Administration
RULES
Federal credit unions:
17187 Annual Report of Officials, filing of; removal of redundant instructions
17188 Records presevation program

National Railroad Passenger Corporation
NOTICES
17332 Meetings; Sunshine Act

National Science Foundation
NOTICES
17333 Meetings; Sunshine Act

National Transportation Safety Board
NOTICES
17333 Meetings; Sunshine Act

Nuclear Regulatory Commission
PROPOSED RULES
Practice rules:
17216 Licensing proceedings, domestic; expediting hearing process
NOTICES
Applications, etc.:
17318 Connecticut Yankee Atomic Power Co.
17318 Florida Power & Light Co.
17319 Houston Lighting & Power Co., et al.
17319 Iowa Electric Light & Power Co., et al.
17319 Niagara Mohawk Power Corp.
17320 Northern States Power Co.
17320 Power Authority of State of New York
Meetings:
17318 Reactor Safeguards Advisory Committee
17333 Meetings; Sunshine Act
17320, 17321 Regulatory guides; issuance and availability (2 documents)

Securities and Exchange Commission
PROPOSED RULES
17219 Self-regulatory organizations; notices and applications of admission to membership or participation of persons subject to statutory disqualifications, etc.
NOTICES
Hearings, etc.:
17321, 17322 American Electric Power Co., Inc. (2 documents)
17325 Eastern Utilities Associates
17326 Metropolitan Edison Co.
17323 National Corporation for Housing Partnerships et al.
17326 Northeast Utilities et al.
17325 Servoil Industries, Inc.
17333 Meetings; Sunshine Act

Self-regulatory organizations; proposed rule changes:
17327 Municipal Securities Rulemaking Board

Small Business Administration
NOTICES
Applications, etc.:
17329 Center City Minority Enterprises Investment Co.
17329 Loan guaranty pilot program in Region X; continuation
Meetings; advisory councils:
17330 Connecticut
17330 Mississippi; cancellation

Social Security National Commission
RULES
17187 Privacy Act; implementation; removal of CFR Part
NOTICES
17317 Privacy Act; systems of records

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
17237 Cane Creek Watershed, Okla.
17238 Washington Depot Land Drainage RC&D Measure, Conn.
Watershed projects; deauthorization of funds:
17238 Upper Howard Creek Watershed, Ky.

Surface Mining Reclamation and Enforcement Office
RULES
Coal mining; Federal/State cooperative agreements:
17191 Wyoming; notice of effective date

Tennessee Valley Authority
NOTICES
17334 Meetings; Sunshine Act

Treasury Department
See Customs Service; Internal Revenue Service.

Veterans Administration
PROPOSED RULES
Procurement:
17232 Mortuary services

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Army Department—
17242 United States Army Medical Research and Development Advisory Panel, Laser Bioeffects Subcommittee, San Francisco, Calif., 4-7-81
17242 United States Army Medical Research and Development Advisory Panel, Viral and Rickettsial Diseases Subcommittee, Washington, D.C., 4-7 and 4-8-81

ENERGY DEPARTMENT
Energy Research Office—
17249 Energy Research Advisory Board, Biomass Panel, Washington, D.C., 4-3-81

INTERIOR DEPARTMENT
Land Management Bureau—
17265 California Desert District; San Diego, Calif., 4-14-81; Escondido, Calif., 4-15-81; Riverside, Calif., 4-16-81; Northridge, Calif., 4-20-81

NUCLEAR REGULATORY COMMISSION
17318 Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Des Plaines, Ill., 4-2 and 4-3-81

SMALL BUSINESS ADMINISTRATION
17330 Region I Advisory Council, Hartford, Conn., 4-3-81

CANCELLED MEETINGS

INTERNATIONAL TRADE COMMISSION
17312 Tubeless-tire valves from Federal Republic of Germany, Washington, D.C., 3-17-81, cancelled

SMALL BUSINESS ADMINISTRATION
17330 Region IV Advisory Council; Jackson, Miss., 4-2-81, cancelled

RESCHEDULED MEETING

ECONOMIC OPPORTUNITY NATIONAL ADVISORY COUNCIL
17317 Thirteenth Report to the President, Washington, D.C., 3-23 and 3-24-81 rescheduled for 4-9 and 4-10-81

HEARINGS

INTERNATIONAL TRADE COMMISSION
17311 Optic liquid-level sensing systems from Canada, 6-3-81

TREASURY DEPARTMENT
Internal Revenue Service—
17229 Custodial accounts for regulated investment company stock, 6-4-81

RESCHEDULED HEARING

INTERNATIONAL TRADE COMMISSION
17314 Menthol from People's Republic of China, 4-13-81 rescheduled for 5-5-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

1 CFR
485 17187

5 CFR
Ch. XIV 17187

7 CFR
Proposed Rules:
1002 17207

10 CFR
Proposed Rules:
2 17216

12 CFR
541 17187
545 17187
701 17187
749 17188

15 CFR
386 17189
Proposed Rules:
377 17218

16 CFR
13 17189

17 CFR
Proposed Rules:
240 17219

18 CFR
Proposed Rules:
35 17227

19 CFR
Ch. II 17526
210 17526
211 17526
353 17190
Proposed Rules:
101 17226

24 CFR
201 17190
803 17366
888 17366

26 CFR
1 17191
20 17191
25 17191
Proposed Rules:
1 17229

30 CFR
950 17191

40 CFR
52 (3 documents) 17191–17193
123 17194
261 17196
Proposed Rules:
180 (2 documents) 17229, 17230

41 CFR
5–8 17202
5A–8 17202
5B–8 17202
Proposed Rules:
8–4 17232

47 CFR
Proposed Rules:
73 17233
83 17233

49 CFR
Proposed Rules:
1307 17234
1310 17234

V 46 / 52 MR 18 81 UMI

Rule

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1 CFR P

Privacy

AGENCY:
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ACTION:

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5 CFR C

Change
Address

AGENCY:
Authority
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Rules and Regulations

Federal Register
Vol. 46, No. 52
Wednesday, March 18, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NATIONAL COMMISSION ON SOCIAL SECURITY

1 CFR Part 485

Privacy Act of 1974 Regulations

AGENCY: National Commission on Social Security.

ACTION: Final rule.

SUMMARY: The National Commission on Social Security has terminated by compliance with Pub. L. 96-265, which extended the Commission.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Laura Kreuzer (202) 376-2622.

SUPPLEMENTARY INFORMATION:

PART 485—PRIVACY ACT IMPLEMENTATION [Removed]

Commission hereby removes Part 485 from 1 CFR.

Dated: March 11, 1981.
Milton Gwirtzman,
Chairman.

[FR Doc. 81-8284 Filed 3-17-81; 8:45 am]
BILLING CODE 6820-AC-M

FEDERAL LABOR RELATIONS AUTHORITY, GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Ch. XIV

Change in Sub-Regional Office Address

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This rule amends Appendix A, paragraph (d)(5)(a) (45 FR 80467) of the final rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 45 FR 3482, to establish a new address and telephone numbers for the permanent location of the Authority's Cleveland, Ohio Sub-Regional Office within the Authority's Chicago, Illinois Regional Office.

EFFECTIVE DATE: February 25, 1981.

FOR FURTHER INFORMATION CONTACT: Alvin H. Gandal, Assistant General Counsel (202) 632-5106.

SUPPLEMENTARY INFORMATION: Effective January 17, 1980, the Authority, General Counsel and Panel published, at 45 FR 3482, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code. These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978.

Appendix A, paragraph (d) of the rules and regulations (45 FR 3522) sets forth the current office addresses and telephone numbers of the Regional Directors of the Authority. The amendment sets forth the changed address and telephone numbers of the Cleveland, Ohio Sub-Regional Office of the Authority. Accordingly, Appendix A to Chapter XIV, paragraph (d)(5)(a) of the Authority, General Counsel, and Panel rules and regulations (45 FR 80467) is revised to read as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

* * * * *

(d) The Office addresses of Regional Directors of the Authority are as follows:

* * * * *

(5)(a) *Cleveland, Ohio*—1301 Superior Avenue; *Sub-Regional Office*—Suite 220, Cleveland, Ohio 44114. Telephone: FTS—293-2114, Commercial—(216) 522-2114.

* * * * *

(5 U.S.C. 7104)

Dated: March 13, 1981.
Ronald W. Haughton,
Chairman.
Henry B. Frazier III,
Member.
Leon B. Applewhaite,
Member.
H. Stephan Gordon,
General Counsel.

[FR Doc. 81-8310 Filed 3-17-81; 8:45 am]
BILLING CODE 6727-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 541 and 545

[No. 81-19]

Debit Cards; Remote Service Unit Amendments

Correction

In FR Doc. 81-2980 appearing at page 8438, in the issue of Tuesday, January 27, 1981, make the following correction:

On page 8440, first column, the first section heading "§ 551.4", should read "§ 545.4".

BILLING CODE 1505-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Election Report; Deregulation

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: In accordance with the established policy goals of clarifying and simplifying its regulations, the National Credit Union Administration Board (NCUA Board) has reviewed its existing regulation concerning the filing of an annual Report of Officials. As a result, NCUA will delete this regulation. The action will eliminate a regulation which has language duplicative of the Federal Credit Union Act.

EFFECTIVE DATE: March 12, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Thomas A. Straslicka, Chief, Examination Section, Office of

Examination and Insurance. Telephone: (202) 357–1065.

SUPPLEMENTAL INFORMATION: Section 701.11 of the NCUA Rules and Regulations is virtually identical to Section 111 of the Federal Credit Union Act. The deletion of § 701.11 reduces redundant instructions on the same subject. The deletion does not diminish or change in any way the Federal credit union's responsibility to file an annual Report of Officials. Annually each Federal credit union receives from NCUA a Report of Officials to which instructions are attached.

Regulatory Analysis

No regulatory analysis has been developed for this regulatory action because it will not result in (1) an annual effect on the economy of $100 million or more, or (2) a major increase in costs or expenses for all, or a significant portion of Federal or Federally insured credit unions with assets under $1 million or for other financial institutions.

Failure to Solicit Public Comment

The deletion of this regulation removes redundant instructions. Therefore, the Board for good cause, finds that notice and public procedure on this action is unnecessary and thus, exempt by 5 U.S.C. 533(6)(B).

Procedure for Regulatory Development

The procedures set forth in NCUA's Final Report: "Improving Government Regulations" have been waived in accordance with the exception provided in Part I of the final report. The official responsible for the decision is Todd Okun, Assistant General Counsel.

Dated: March 12, 1981.

Rosemary Brady,

Secretary, NCUA Board.

Authority: Section 111, 73 Stat. 630 (12 U.S.C. Section 1761).

Accordingly, 12 CFR 701.11 is hereby amended as set forth below.

§ 701.11 [Removed]

1. 12 CFR 701.11 is removed.

[FR Doc. 81-8278 Filed 3-17-81; 8:45 am]

BILLING CODE 7535-01-M

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12 CFR Part 749

Records Preservation Program

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: In accordance with the established policy goals of clarifying and simplifying its regulations, the National Credit Union Administration Board (NCUA Board) has reviewed its existing regulation regarding records preservation programs. As a result of this review, the National Credit Union Administration will adopt a simplified version of its present records preservation program regulation. This action will allow greater flexibility to the boards of directors of Federal credit unions in the establishment of records preservation programs.

EFFECTIVE DATE: April 18, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Richard Galik, Office of Examination and Insurance. Telephone: (202) 357–1065.

SUPPLEMENTAL INFORMATION: On November 20, 1980, the NCUA Board conducted a preliminary review on a proposal to determine the need for regulations concerning records preservation programs.

After deliberating on these issues at the open board meeting of November 20, 1980, it was the unanimous decision of the NCUA Board to simplify the regulation and place the informational provisions of § 749.4 of the regulation into an appropriate NCUA manual so that guidance is available for Federal credit unions should they wish to avail themselves of this service.

This action will allow greater flexibility to the board of directors of Federal credit unions in the establishment of policies and procedures concerning records preservation programs.

The NCUA Board indicated that this action was taken in the interest of reducing the regulatory burden imposed upon Federal credit unions. The NCUA Board is particularly interested in reducing the cumulative effects of regulations upon small Federal credit unions.

Regulatory Analysis

No regulatory analysis has been developed for this regulatory action because it will not result in (i) an annual effect on the economy of $100 million or more, or (ii) a major increase in costs or expenses for all, or a significant portion of, Federal or federally-insured credit unions with assets under $1 million or for other financial institutions.

Failure to Solicit Public Comment

The simplification of this regulation will permit Federal credit unions to exercise the authority to develop their own records preservation programs. The NCUA Board finds, for good cause, that notice and public procedure on this action is unnecessary and is thus exempt by 5 U.S.C. 553(b)(B).

Procedure for Regulatory Development

The procedures set forth in NCUA's Final Report: "Improving Government Regulations" have been waived in accordance with the exception provided in Part 1 of the final report. The official responsible for the decision is Robert M. Fenner, Deputy General Counsel.

Rosemary Brady,

Secretary, NCUA Board.

March 12, 1981.

Accordingly, 12 CFR Part 749 is hereby revised as set forth below.

PART 749—RECORDS PRESERVATION PROGRAM

Sec.
749.0 Records Preservation.
749.1 Implementation.
749.2 Vital Records to be stored.
749.3 Storage provided by the Administration.

Authority: Sec. 120, 73 Stat. 635, (12 U.S.C. Sec. 1766); Sec. 202, 84 Stat. 995 (12 U.S.C. Sec. 1783); Sec. 209, 84 Stat. 1015 (12 U.S.C. Sec. 1789)

PART 749—RECORDS PRESERVATION PROGRAM

§ 749.0 Records Preservation.

All federally insured credit unions must maintain a records preservation program to identify, store and reconstruct vital records in the event that the credit union's records are destroyed.

§ 749.1 Implementation.

The treasurer of the credit union is responsible for storing duplicate vital records at a vital records center. This responsibility may be delegated.

(a) The Records Preservation Program must be operational within 6 months after the credit union's insurance certificate is issued.

(b) The vital records center is defined as any location far enough from the credit union's office to avoid the simultaneous loss of both sets of records in the event of disaster.

(c) Records must be stored every 3 months, within 30 days after the end of the 3 month period. Previously stored records may be destroyed when the current records are stored.

(d) A records preservation log will be maintained showing what records were stored, where the records were stored, when the records were stored, and who sent the records for storage.

(e) Stored records may be any format which can be used to reconstruct the

credit union's records. Formats include paper originals, machine copies, micro film or fiche, magnetic tape, etc.

(f) Credit unions which have some or all of their records maintained by an off-site data processor are considered to be in compliance for the storage of those records.

§ 748.2 Vital Records to be stored.

At least the following records, as of the most recent month end, must be stored:

(a) A list of share and/or deposit and loan balances for each member's account.

(1) The list of balances will be individually identified by a name or number.

(2) Multiple loans of one account will be listed separately.

(b) A financial report which lists all of the credit union's asset and liability accounts.

(c) A list of the credit union's banks, insurance policies and investments. This information may be marked "permanent" and be updated only when changes are made.

§ 748.3 Storage provided by the Administration.

Insured credit unions may participate in the Administration's records preservation program free of charge by writing to: Underground Vaults and Storage Inc., Post Office Box 1723, Hutchinson, KS 67501.

[FR Doc. 81-8279 Filed 3-17-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 388

Revision of Administrative Proceedings Provisions of the Export Administration Regulations; Correction

AGENCY: International Trade Administration, Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects internal references contained in the final regulations on administrative proceedings, which were published on December 22, 1980 (45 FR 84027–84034).

FOR FURTHER INFORMATION CONTACT: Daniel C. Hurley, Jr. (202) 377–5311.

Dated: March 12, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

Accordingly, the Office of Export Administration is correcting FR Doc. 80-39855 appearing at 45 FR 84027, December 22, 1980 as follows:

§ 388.1 [Corrected]

1. On page 84028, third column, the second sentence of § 388.1 is corrected to read as follows:

* * * A duly appointed presiding official shall conduct the proceedings, except for purposes of appeals under § 388.22. * * *

* * * * *

2. On page 84030, first column, § 388.7(a) is corrected to read as follows:

§ 388.7 Answer and demand for hearing.

(a) *When to answer.* The respondent must answer the charging letter within 30 days after service unless time is extended under § 388.15.

* * * * *

3. On page 84032, first column, § 388.16(a) is corrected to read as follows:

§ 388.16 Decision of Presiding Official.

(a) *Predecisional matters.* Except insofar as the default procedures of § 388.8 may be applicable, the presiding official shall give the parties reasonable opportunity to submit:

(1) Exceptions to any ruling by him or the admissibility of evidence proffered at the hearing;

(2) Proposed findings of fact and conclusions of law;

(3) Supporting legal arguments for the exceptions and proposed findings and conclusions submitted; and

(4) A proposed order.

Such exceptions, proposed findings and conclusions, arguments in support thereof, and proposed order shall be made a part of the record, together with the presiding official's ruling on each.

* * * * *

4. On page 84032, third column, the first sentence of § 388.19(a)(2) is corrected to read as follows:

§ 388.19 Temporary denials.

(a) * * *

(2) *General denial of export privileges.* The department may request the presiding official to issue a temporary denial order on an *ex parte* basis summarily denying any or all of the export privileges specified in § 388.3(a)(1) and (2) to any person against whom other administrative or judicial proceedings relating to export control are pending, or who is under investigation for violation of the Act, the Regulations, or other authorization issued thereunder. * * *

* * * * *

[FR Doc. 81-8280 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3056]

Shaller Rubin Associates, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New York City advertising agency to cease, in connection with the advertising and sale of Encare or any similar over-the-counter vaginal suppository product, misrepresenting or failing to substantiate claims relating to the product's effectiveness, safety and performance characteristics. The firm is further prohibited from disseminating advertisements using performance or quality heightening modifiders such as "highly," or "extremely," in conjunction with words like "effective" or "reliable." Additionally, the order requires the company to disclose in print, radio and TV consumer advertising, certain facts material to contraceptive suppository use; and to maintain business records for a period of three years.

DATES: Complaint and order issued March 4, 1981.[1]

FOR FURTHER INFORMATION CONTACT: Leroy C. Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264–1207.

SUPPLEMENTARY INFORMATION: On Monday, December 22, 1980, there was published in the Federal Register, 45 FR 84076, a proposed consent agreement with analysis In the Matter of Shaller Rubin Associates, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form

[1] Copies of the Complaint and the Decision and Order filed with the original document.

contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.10–5 Knowingly by advertising agent; § 13.20 Comparative data or merits; § 13.135 Nature of product or service; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; § 13.170–18 Contraceptive; § 13.170–70 Preventive or protective; § 13.190 Results; § 13.195 Safety; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533–10 Corrective advertising; § 13.533–20 Disclosures; § 13.533–45 Maintain records. Subpart—Disseminating Advertisements, etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Failing To Provide Foreign Language Translations: § 13.1052 Failing to provide foreign language translations. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Carol M. Thomas,

Secretary.

[FR Doc. 81-82-90 Filed 3-17-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Portland Cement, Other Than White, Nonstaining Portland Cement, From Belgium; Final Results of Administrative Review and Revocation of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of final results of administrative review and revocation of antidumping finding.

SUMMARY: On December 5, 1980, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on portland cement, other than white, nonstaining portland cement, from Belgium. The scope of the review was limited to the only known exporter still subject to the finding, Ciments D'Obourg, and covered the period July 20, 1961 through June 18, 1979. Interested parties were provided an opportunity to submit written comments or request disclosure and/or a hearing. No comments or requests were received.

EFFECTIVE DATE: March 18, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814).

SUPPLEMENTARY INFORMATION:

Background

On July 20, 1961, a dumping finding with respect to portland cement, other than white, nonstaining portland cement, from Belgium, covering all shipments except those by Cimenteries et Briqueteries Reunies, was published in the **Federal Register** as Treasury Decision 55428 (26 FR 6511). On December 5, 1980, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of the administrative review of the finding (45 FR 80571–2).

The Department has now completed its administrative review of the finding.

Scope of the Review

The imports covered by this review are portland cement, other than white, nonstaining portland cement, currently classifiable under items 511.1420 and 511.1440 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one Belgian exporter of this merchandise to the U.S., Ciments D'Obourg, and the period covered by this review is July 20, 1961 through June 18, 1979.

Final Results of the Review

The Department received no comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

Determination

As a result of this review, the Department revokes the antidumping finding on portland cement, other than white, nonstaining portland cement, from Belgium. This revocation applies to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 18, 1979.

Annex I (Amended)

The table in Part 353, Annex I, Commerce Regulations (19 CFR, Annex I, 45 FR 8207), is amended under the country heading "Belgium", by removing from the column headed "Merchandise" the words "portland cement, other than white, nonstaining portland cement" and from the column headed "T.D." the number "55428".

This administrative review, revocation and notice publication are in accordance with section 751 (a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1), (c)) and § 353.54(e) of the Commerce Regulations (19 CFR 353.54(e)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 12, 1981.

[FR Doc. 81-8275 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R–80–883]

Combination and Mobile Home Lot Loans; Correction

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Correction of interim rule.

SUMMARY: This document corrects an editorial error in a Section heading contained in the Interim Rule published on November 7, 1980, 45 FR 73923 and Docket No. R–80–883 relating to Combination and Mobile Home Lot Loans. The Rule amended Part 201.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9178, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6680 [This is not a toll free number].

CORRECTION OF PUBLICATION: The following correction is made to the Interim Rule in FR Docket No. R–80–883

appearing at 45 FR 73923 in the issue of November 7, 1980. On page 73925, column one, last paragraph: "§ 201.1515, Notice of default" is corrected to read "§ 201.1515, Notice to homeowner."

Issued at Washington, D.C., March 12, 1981.

George Hippe, Jr.,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 81-8279 Filed 3-17-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7762]

Income Tax; Defined Benefit Plans for Self-Employed Individuals and Shareholder-Employees

Corrections

In FR Doc. 81-2337 appearing on page 7275 in the issue of Friday, January 23, 1981, make the following changes:

1. On page 7279, second column, § 1.401(j)-1, paragraph (g), *Example (1)*(ii), first line should read: "(ii) In the second plan year, A's"; third column, *Example (3)*(iv), ninth line, "$50,000" should read "$40,000", and in *Example (3)*(v), second line, "$40,000" should read "$50,000".

2. On page 7281, second column, § 1.401(j)-2, paragraph (h), *Example 2*, fourteenth line, "* * * $7,500÷$1,875 * * *" should read "* * * $1,875÷$7,500 * * *".

3. On page 7284, first column, § 1.401(j)-4, paragraph (s)(1)(ii), in Table A, the entry for "Female" for age "66" now reading "10.33" should read "10.03".

BILLING CODE 1505-01-M

26 CFR Parts 20 and 25

[T.D. 7761]

Employee Retirement Benefits Excluded From Gross Estate and Taxable Gifts

Corrections

In FR Doc. 81-2453 appearing on page 7296 in the issue of Friday, January 23, 1981, make the following changes:

1. On page 7305, second column, § 20.2039-5, paragraph (c)(2), in the formula, sixth line from the bottom, "of" should read "or".

2. On page 7307, second column, § 25.2517-1, paragraph (c)(1)(iv), fifth line, "603 * * *" should read "408 * * *".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Effective Date for Cooperative Agreement With the State of Wyoming

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of effective date for final rule.

SUMMARY: In accordance with the President's Memorandum of January 29, 1981, the Department of the Interior extended until March 30, 1981, the effective date of certain rules issued in final form but not yet in effect. This notice advances the effective date of the final rule adopting a State-Federal cooperative agreement with the State of Wyoming to March 18, 1981.

DATE: Effective on March 18, 1981.

FOR FURTHER INFORMATION CONTACT: Donald T. Maurer, Chief, Division of Federal Programs, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (703) 756-6970.

SUPPLEMENTARY INFORMATION: The President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations," directed Federal agencies to extend for a 60-day period the effective date of regulations issued in final form but not yet in effect. Accordingly, the Department of the Interior published notice extending the effective dates of certain applicable regulations to March 30, 1981. 46 FR 10707-8 (February 4, 1981). Among those regulations subject to the extension was a final rule adopting a State-Federal cooperative agreement providing for State regulation of surface coal mining on Federal lands in Wyoming. The agreement, authorized under Section 523(c) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1273(c), was published as a final rule on January 28, 1981, with an announced effective date of February 27, 1981. 46 FR 9065-83.

In accordance with the procedures outlined in the President's Memorandum, the Department applied to the President's Office of Management and Budget for an exception to the 60-day extension. Such exception having been approved, the cooperative agreement with the State of Wyoming is now effective as of March 18, 1981.

Dated: March 12, 1981.

Andrew V. Bailey,

Acting Director.

[FR Doc. 81-8333 Filed 3-17-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1776-4]

Approval and Promulgation of Implementation Plans; Approval of Revisions of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision of the Maryland State Implementation Plan. Maryland submitted the plan on September 28, 1979, which amends the visible emission requirements during startup, cleaning or modification to operations; removes definitions pertaining to plans for compliance; removes extraneous references and standards for dustfall; and amends the permit section of Maryland's regulations.

EFFECTIVE DATE: April 17, 1981.

ADDRESSES: Copies of the materials submitted by the State of Maryland are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan;

Maryland Environmental Health Administration, Air Quality Programs, 201 West Preston Street, Baltimore, MD 21201, ATTN: George Ferreri;

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Ms. Carol D. Peters (3AH11), U.S. EPA, Region III, 6th and Walnut Streets, Curtis Building, Philadelphia, PA 19106, Phone: (215) 597-9139, ATTN: AH020MD.

SUPPLEMENTARY INFORMATION: On September 28, 1979, the State of Maryland submitted to the Regional Administrator of EPA Region III, a

revision to the Maryland State Implementation Plan (SIP). EPA proposed the revision in the **Federal Register** on October 3, 1980 (45 FR 65628). A 30 day public comment period was announced in the proposed notice. No comments were received. A summary of EPA's evaluation of the revision follows.

The proposed change in regulation 10.18.04.02B(1) and 10.18.05.02B(1) has been reviewed by EPA. The method used in making visible emission observations was changed from 4 minutes in any 60 minute period to 6 minutes in any 60 minute period. Since the amendment results in a regulation which is consistent with EPA method 9 (40 CFR Part 60, APP.–A), it represents an enforceable standard and EPA approves the change in the Maryland SIP.

The amendment to 10.18.01.01 and 10.18.01.04 removes terms no longer referred to or used in the State of Maryland regulation. The definition of "particulate matter" was changed to read "suspended particulate matter" and "dustfall" has been eliminated as a standard measurement since there are no Federal Ambient Air Quality Standards associated with dustfall. EPA approves the removal of the extraneous portions of the Maryland SIP.

Numerous amendments to regulation 10.18.01.11 (Permits) were submitted by the State of Maryland as revisions to the SIP. COMAR 10.18.01.11G, Installations not Required to Obtain Permits to Construct, is changed by modifying (9)(c) kilns used for firing ceramic ware to those also heated exclusively by liquified petroleum gas, electricity, or any combination of these as well as natural gas. Regulation .11(9)(g) dealing with photographic process equipment is clarified.

COMAR 10.18.01.11H, Installations Required to Obtain a Permit to Operate, is expanded to include the following:

(26) Chemical reclamation process equipment;

(27) Inorganic pigment chemical process equipment greater than 1 ton (907 kilograms) per hour rated capacity;

(28) Automatic organic material metal coating and decorating lines with integral drying ovens;

(29) Web printing press lines with integral drying ovens;

(30) Grain elevators and terminals of 10,000 bushels/hour or more grain leg capacity;

(31) Frit smelters;

(32) Portland cement clinker coolers;

(33) Benzene storage tanks greater than 500 gallons (1.9 cubic meters) capacity;

(34) Benzene truck loading racks;

(35) Galvanzing operations using fluxes and prefluxes;

(36) Coal tar or petroleum pitch impregnating operations;

(37) Gypsum calcining kettles;

(38) Pulverized material separators 1 ton (907 kilograms)/hour or greater capacity;

(39) Any other installation or source which the Department determines has the potential to have significant impact on air quality. Several minor wording changes were also made to this section.

The State of Maryland revised 10.18.01.11J, Action on Application for Permits by including a definition of "100-ton source" for this section, adding an exclusion for those sources which are subject to the provisions of Article 78, 54 (A) and (B), Annotated Code of Maryland, and delineating the actions taken by the Department and the applicant for a permit to construct for New Source Performance Standard Sources and 100-ton (91,000 kg) Sources, other Installations and all Permit to Operate Applications. Section 10.18.01.11K, Denial of Applications, had only minor wording changes.

These changes, which clarify and expand the permit regulations to be consistent with the new Source Permit requirements (40 CFR Part 51), are approved as revisions.

Based on the above discussion the Administrator approves the amendments to COMAR 10.18.04.02B(1), 10.18.05.02B(1), 10.18.01.01, 10.18.01.04, and 10.18.01.11G(9) (c), (g), H (1), (8), (14), (15), (26)–(39), J, and K. In conjunction with the Administrator's approval, 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) is revised to incorporate these amendments.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

(42 U.S.C. 7401–642)

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1980.

Part 52 of Title 40, Code of Federal Regulations is revised to read as follows:

Subpart V—Maryland

1. In § 52.1070, Paragraph (c) is amended by adding subparagraph (36) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(36) Amendments to Sections .01 (Definitions), .04 (Ambient Air Quality Standards), and .11 (Permits) of Maryland Regulation 10.18.01 (Regulations Governing Control of Air Pollution in the State of Maryland); and amendments to Section .02 (Control and Prohibition of Visible Emissions) of Maryland Regulations 10.18.04 and 10.18.05 (Regulations Governing Air Pollution Control in the Metropolitan Baltimore and National Capital AQCRS's) submitted by the Governor on September 26, 1979.

[FR Doc. 81-8272 Filed 3-17-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1776-3]

Approval and Promulgation of Implementation Plans; Vermont

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 24, 1980 Vermont submitted a revision to its State Implementation Plan (SIP) to attain and maintain the National Ambient Air Quality Standard (NAAQS) for lead. EPA published a proposed approval of this revision on October 21, 1980 (45 FR 69482). No letters of comment were received during the public comment period ending on November 20, 1980. Today EPA is approving this revision.

EFFECTIVE DATE: April 17, 1981.

ADDRESSES: Copies of the SIP revisions are available for public inspection during normal business hours at the following locations: Air and Hazardous Materials Division, Room 1903, J. F. Kennedy Building, Boston, Massachusetts 02203; Air and Solid Waste Programs, State Office Building, Montpelier, Vermont 05602; the Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, SW., Washington, DC 20460; and the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Hanisch, Chief, Mobile Source Section, Rm. 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On October 21, 1980 (45 FR 69482) EPA proposed approval of a revision to the Vermont SIP which would attain and maintain the NAAQS for lead. The SIP revision and EPA's reasons for approving it were explained in the Notice of Proposed Rulemaking, cited above, and will not be repeated here. The only pertinent additional information is a letter, dated November 7, 1980, from Richard A. Valentinetti, Director, Air & Solid Waste Programs, Vermont Agency of Environmental Conservation, to Merrill S. Hohman, Director, Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region I, explicitly setting forth the procedures by which Vermont will review new stationary sources of lead emissions. In the Notice of Proposed Rulemaking, EPA stated that Vermont would review major new sources of lead through the new source review regulations approved by EPA on February 19, 1980 (45 FR 10775). However, in the November 7, 1980 letter which has been made part of the State's submittal, Vermont has explained that it will use five other existing regulations to review new lead sources which would emit five or more tons of the pollutant per year. EPA finds that the procedures referred to in the November 7, 1980 letter meet the new source review requirements of 40 CFR 51.18.

No public comments have been received on the Notice of Proposed Rulemaking cited above and EPA is now taking final action to approve the revision.

After evaluation of the State's submittal, the Administrator has determined that the Vermont revision meets the requirements of the Clean Air Act 40 CFR part 51. Accordingly, this revision is approved as a revision to the Vermont Implementation Plan.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7610)

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Vermont was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF THE IMPLEMENTATION PLAN

Subpart UU—Vermont

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 52.2370, paragraph (c) is amended by adding subparagraph (12) as follows:

§ 52.2370 Identification of plan.

* * * * *

(c) * * *

(12) A plan to attain and maintain the National Ambient Air Quality Standard for lead was submitted on June 24, 1980 by the Secretary of the Vermont Agency of Environmental Conservation. A letter further explaining the state procedures for review of new major sources of lead emissions was submitted on November 7, 1980 by the Director, Air & Solid Waste Programs, Vermont Agency of Environmental Conservation.

[FR Doc. 81-8289 Filed 3-17-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1776-1]

Approval of Revision of the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Commonwealth of Virginia has submitted a revision to amend the regulations for the Control and Abatement of Air Pollution. Virginia has requested that it be reviewed and processed as a waiver to its State Implementation Plan for the Westvaco Carbon Plant located in Covington, Virginia. The revision consists of a waiver from the Visible Emissions Standards of the Commonwealth of Virginia Regulations.

EFFECTIVE DATE: April 17, 1981.

ADDRESSES: Copies of the amendment and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Evironmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, ATTN: John M. Daniel, Assistant Executive Director

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, D.C. 20406

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan (3AH10), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone number 215-597-8176.

SUPPLEMENTARY INFORMATION:

I. Background

On January 9, 1979, Maurice B. Rowe, Secretary of Commerce and Resources, submitted to EPA, Region III, a revision to amend the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. The revision consists of a waiver from Part IV, Rule EX-2 (Emission Standards for Visible Emissions).

The amended rule would allow the Westvaco Carbon Plant, located in Covington, Virginia, to discharge a plume with opacity as high as 50 percent. The current opacity limit is 20 percent.

EPA believes that the amendment to Part IV, Rule EX-2 of the Virginia regulations constitutes a less stringent regulation for controlling visible emissions but that it will not interfere with the maintenance of the National Ambient Air Quality Standards (NAAQS).

Stack and ambient air test results have shown that Westvaco's two powdered carbon activating kilns have been emitting about one-half of the allowable mass particulate (TSP) emissions. Even though compliance has been achieved for mass emissions, the visible emission regulation has been exceeded. This is because the plume consists mostly of phosphoric acid mist, very finely divided, which makes it highly visible. There are no air quality standards for phosphoric acid mist; however, the company believes these

levels will not adversely affect human health.

If the opacity limit is raised to 50 percent, the TSP limit will still be maintained. The revision calls for monitoring to assure continued compliance.

Under the amendment Westvaco must:

1. perform one particulate emission test per month on each stack by using the American Society for Testing Materials (ASTM) method. This method will be used to measure the front half and the back half of the sampling train.

2. measure ambient phosphate concentrations at two selected sites on a random schedule of three days per week,

3. maintain visible emissions into the outdoor atmosphere at less than 50 percent opacity, and;

4. submit written progress reports to the Commonwealth of Virginia on the first day of each quarter, beginning April 1, 1979.

II. Control Strategy Demonstration

The original Virginia SIP is based on linear rollback and does not include modeling of individual facilities. Because the amendment is a relaxation of standards, EPA policy would normally require a demonstration using diffusion modeling, but that course was not followed in this SIP revision for the following reasons:

1. The existing SIP is based on mass (TSP) emissions and the demonstration of attainment of the TSP standard does not include the 20 percent opacity requirement.

2. The State submitted a summary of particulate emission sampling, an opacity evaluation, and an ambient air sampling report to support the Secretary's opinion that air quality will not be adversely affected.

EPA has concluded that a mass emissions standard and the monitoring required by the revision are appropriate means to assess air quality levels without diffusion modeling data. While an increase in opacity is a relaxation of standards, the TSP standard is the one which is of major importance to the maintenance of the NAAQS. Since an increase in opacity is literally a relaxation of standards, EPA believes that in the circumstance of this request, the mass emission (TSP) standard is the applicable criterion for assessing maintenance of the NAAQS.

The Regional Administrator invited comments in the notice published in the **Federal Register** on June 27, 1980, 45 FR 43440, and provided for a 30-day comment period ending July 27, 1980.

III. Public Comments

No comments were received during the 30-day public comment period.

IV. Policy Issues

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e., whether the revision submitted by the Commonwealth of Virginia meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11, Legal Authority.

V. EPA Evaluation

The revision submitted by the Commonwealth of Virginia meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, 51.6, and 51.11.

VI. Final Action

In view of this evaluation, the Administrator approves the above-described amendments to the Virginia Regulations for the Control and Abatement of Air Pollution, which consists of a waiver from Part IV, Rule EX-2 (Emission Standards for Visible Emissions) as a revision to the Virginia State Implementation Plan. The waiver would allow the Westvaco Carbon Plant, located in Covington, Virginia, to discharge a plume with opacity as high as 50 percent. The current opacity is 20 percent; however, there will not be any increase in the amount of particulate emissions as a result of changing the opacity limitation.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(42 U.S.C. §§ 7401–642)

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Virginia was approved by the Director of the Federal Register on July 1, 1980.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart VV—Virginia

Section 52.2420(c)(40) is added as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(40) A revision submitted by the Commonwealth of Virginia on January 9, 1979 consisting of an amendment to the Virginia Regulations for the Control and Abatement of Air Pollution, Part IV, Rule EX-2, Emission Standards for Visible Emissions.

[FR Doc. 81-8269 Filed 3-17-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 123

[FRL 1781-8]

Hazardous Waste Management Program; Phase I Interim Authorization for State of Maine

AGENCY: United States Environmental Protection Agency.

ACTION: Final rule: Approval of state hazardous waste program.

SUMMARY: The State of Maine has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act and EPA guidelines for the approval of state hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Maine to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

EFFECTIVE DATE: March 18, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis P. Gagne, Waste Management Branch, U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5775.

SUPPLEMENTARY INFORMATION:

I. Introduction

Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), requires EPA to establish a comprehensive Federal program to assure the safe management of hazardous waste. Once a Federal program is established, EPA is authorized under 3006 of RCRA to approve state hazardous waste programs to operate in lieu of the Federal program in their jurisdiction.

Two types of state program approvals are authorized under RCRA. The first, "final authorization", is a permanent approval which may be granted to states whose programs are "equivalent" to and "consistent" with the Federal program and provide adequate enforcement. The second, "interim authorization", is a temporary approval for states which cannot meet the requirements of final authorization but whose programs are "substantially equivalent" to the Federal program. RCRA contemplates that states receiving interim authorization will use the interim authorization period to make the changes in their regulations and statutes necessary to qualify for final authorization.

On May 19, 1980, EPA published the first phase of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and guidelines for authorizing state hazardous waste programs under Section 3006 (40 CFR Part 123). These guidelines set forth the requirements for interim authorization and the procedures which EPA will follow in acting on state applications for interim authorization. They also provide that EPA will grant interim authorization in two major phases (Phase I and Phase II), corresponding to the two major phases of the Federal program.

The State of Maine submitted a draft application for Phase I interim authorization on August 12, 1980. In its comments on the draft application, EPA identified several issues in the State's program description, memorandum of agreement, and Attorney General's statement which required further clarification or amendment. Most of these issues were addressed in the final application submitted to EPA on November 25, 1980, and the application was determined to be complete on that date.

In accordance with EPA guidelines, EPA provided public notice of receipt of Maine's application and opportunity for comment on it. 45 FR 80319 (December 4, 1980). A hearing was held on the application on January 5, 1981, in Portland, Maine. All timely comments, whether presented at the hearing or in writing, were considered in reaching a decision on Maine's application.

II. Major Issues

Four major issues were raised by EPA or commenters on Maine's application:

A. EPA regulations require the Memorandum of Agreement portion of a State's interim authorization application to include a provision allowing EPA to conduct compliance inspections of all generators, transporters, and hazardous waste management facilities during interim authorization. EPA and a State may agree, however, to certain limitations regarding compliance inspections. 40 CFR 123.126(b)(5). The regulations also require the inclusion in the application of a provision that no limitations on EPA compliance inspections shall restrict EPA's right to inspect any facility, generator, or transporter which the Agency has cause to believe is not in compliance with RCRA. 40 CFR 123.126(b)(6). EPA felt that Maine's application, as originally submitted, did not satisfy the requirements of 40 CFR 123.126(b)(5) and 123.126(b)(6). As a result of negotiations between the State and EPA, an addendum to the Memorandum of Agreement was filed which contains the requisite language regarding compliance monitoring. The revised Memorandum of Agreement provides that EPA may conduct compliance inspections of all hazardous waste generators, transporters, and facilities. The Agreement provides that EPA will not ordinarily conduct such inspections of non-major hazardous waste generators, transporters, and facilities, but that EPA's right to inspect any facility, generator, or transporter which it believes is not in compliance with RCRA remains unrestricted. The State and EPA have agreed to develop a priority list of inspections to be performed jointly, and to mutually schedule inspections in advance. EPA has agreed that before conducting an inspection of a generator, transporter, or facility it will normally give the State fourteen days' notice of its intention to inspect; if the State performs a compliance inspection and submits a report and relevant data to EPA within the fourteen days no EPA inspection will be made unless EPA deems the State report and data to be inadequate. EPA may shorten or waive the fourteen day notice period in case of an imminent hazard to human health and the environment provided EPA contacts the State by telephone prior to the inspection.

B. EPA guidelines require states seeking Phase I interim authorization to have authority to enter and inspect facilities which are handling hazardous waste. It was not clear from Maine's final application whether the State's entry and inspection authority (38 MRSA § 1304.4–A) extended to government facilities subject to RCRA. In response to an EPA request for clarification on this point, the Attorney General filed an addendum to his original statement discussing the issue in detail and concluding, based on the legislative history of § 1304.4–A, that the State's entry and inspection authority covers all "non-residential" facilities, including government facilities.

C. EPA guidelines require that state hazardous waste programs provide opportunity for public participation in enforcement actions instituted by the state in state court. 40 CFR 123.128(f)(2). As clarified in a recent Federal Register publication, one way a state can meet this requirement is to have intervention rules equivalent to Rule 24 of the Federal Rules of Civil Procedure and to agree in the memorandum of agreement between EPA and the state that it will not oppose intervention under that Rule on the ground that the applicant's interest is adequately represented by the state. *See* 46 FR 5616 (January 19, 1981).

In its final application, Maine relied on a state equivalent of Rule 24 in order to satisfy this requirement, but did not provide the requisite non-opposition statement. Such a statement has since been provided by the State.

D. Several commenters at the January 5, hearing urged the State of Maine to adopt a number of amendments which EPA made to its May 19, 1980, hazardous waste regulations during the fall of 1980, particularly those excluding certain chromium-bearing wastes (e.g., tannery waste) from regulation as hazardous wastes under the Federal program. *See* 45 FR 72035 (October 30, 1980). One of these commenters argued that Maine's program could not be deemed "substantially equivalent" to the Federal program until these changes were made.

The amendments issued by EPA during the fall of 1980, with a few minor exceptions, either reduced or clarified existing regulatory requirements. Thus, for the most part, a state which had developed a program based on the Agency's May 19, 1980, regulations and declined to adopt these amendments would have a program which was more stringent than the Federal program.

EPA's guidelines for interim authorization permit states to have programs which are more stringent than the Federal program. 40 CFR 123.121(i). Therefore, the State of Maine may regulate a larger universe of hazardous wastes or impose additional or more stringent management standards on generators, transporters, and treatment, storage and disposal facilities.

III. Decision

EPA has reviewed the State of Maine's final application for interim authorization and has determined that the state program is "substantially equivalent" to the Phase I Federal program, as defined in 40 CFR Part 123. The State of Maine is hereby granted

interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program, in accordance with Section 3006(c) of RCRA and Part 123. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Maine will no longer be subject to the Phase I Federal hazardous waste management program (40 CFR Parts 260–263 and 265) unless (1) the State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations or (2) authorization is withdrawn for cause by EPA.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that order.

(42 U.S.C. 6926 Sec. 3006)

Dated: March 11, 1981.

William R. Adams,

Regional Administrator.

[FR Doc. 81-8271 Filed 3-17-81; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 261

[FRL 1781-2]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: U.S. Environmental Protection Agency.

ACTION: Grant of temporary exclusions and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is today temporarily excluding solid wastes generated at several particular generating facilities from hazardous waste status. This action responds to delisting petitions submitted under 40 CFR 260.20 and 260.22 and are granted pursuant to 40 CFR 260.22(m). The effect of this action is to temporarily exclude certain wastes generated at particular facilities from listing as hazardous wastes under 40 CFR Part 261.

DATES: Effective date: March 18, 1981.

EPA will accept public comments on these temporary exclusions until May 18, 1981. Any person may request a hearing on these temporary exclusions by filing a request with John P. Lehman, whose address appears below, by April 8, 1981. The request must contain the information prescribed in § 260.20(d) of this chapter.

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001/Delisting Petitions."

Requests for hearing should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The public docket for these temporary exclusions is located in Room 2711, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460 and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Myles Morse, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. (202) 755–9187.

SUPPLEMENTARY INFORMATION: On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and from specific sources. See 40 CFR §§ 261.31 and 261.32 (46 FR 4614). These wastes were listed as hazardous because they typically and frequently exhibit either any of the characteristics of hazardous wastes identified in Subpart C of Part 261 (ignitability, corrosivity, reactivity and EP toxicity) or meet the criteria for listing contained in § 261.11(a)(2) or 261.11(a)(3).

The Agency, however, recognizes that individual waste streams may vary depending on raw materials, industrial processes and other factors. Thus, while a type of waste described in these regulations generally is hazardous, a specific waste meeting the listing description from an individual facility may not be hazardous. For this reason, §§ 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. To be excluded, petitioners must show that the waste produced at their facilities does not meet any of the criteria under which the waste was listed. (See § 260.22(a) and Background Documents for listed wastes.) Wastes which are "delisted" (i.e., excluded) may, however, still be hazardous if they exhibit any of the characteristics of a hazardous waste and generators remain obligated to make this determination.

In addition to wastes listed as hazardous in §§ 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See §§ 261.32 (c) and (d)(2).) Again, the substantive standard for "delisting" is that the waste not meet any of the criteria for which the waste was listed originally. Where the waste is derived from one or more listed hazardous wastes, the demonstration may be made with respect to each constituent listed waste, or the waste mixture as a whole. (See § 260.22(b).) Like other excluded wastes, excluded hazardous waste treatment, storage or disposal residues remain subject to Subpart C of Part 261, and so may be hazardous if they exhibit any of the characteristics of hazardous waste.

EPA recognizes as well that there will be circumstances where immediate action on petitions is appropriate. Therefore, upon Agency review of a submitted petition, the Administrator may under § 260.22(m) grant a temporary exclusion if there is substantial likelihood that an exclusion will finally be granted.

It should be noted that the Agency has not run spot checks on the test data submitted to date in exclusion petitions. The Agency believes that the sworn affidavits submitted with each petition sufficiently bind the petitioners to ensure presentation of truthful and accurate test results. The Agency may, however, spot sample and analyze wastes or groundwater before a final decision is made whether to exclude any particular waste from the hazardous waste regulations.

We also note that the temporary exclusions granted today apply only to the Federal hazardous waste management system established under RCRA. States remain free to take any action they deem appropriate with regard to these wastes.

The temporary exclusions published today involve the following petitioners: The Systech Liquid Treatment Corporation for its facilities in Hilliard, Ohio; Nashville, Tennessee; and Muskegon Heights, Michigan; the Woodstock Die Casting Company, Woodstock, Illinois; the Ethyl Corporation for its W. Bonnell and Capitol Products subsidiaries: the William L. Bonnell Company for its facilities in Newnan, Georgia and Carthage, Tennessee; the Capitol Products Corporation, for its facilities in Harrisburg, Pennsylvania and Kentland, Indiana; the Michelin Tire Corporation, Sandy Springs, South Carolina; RAD Chemicals Inc., Bowling Green, Kentucky, Pennsylvania; the Miller Brewing Company for its facilities in Moultrie, Georgia; Fort Worth, Texas;

Fulton, New York; and Reidsville, North Carolina; the Keystone Group, Crawfordsville, Indiana; Cerro Wire and Cable Company, Syosset, New York; the Ohio Steel Tube Company, Shelby, Ohio; Triangle PWC Inc., Glen Dale, West Virginia; Raybestos-Manhattan, Stratford, Connecticut; and G&W Taylor Forge, Memphis, Tennessee.

I. Systech Liquid Treatment Corporation

A. Petition for Delisting

The Systech Liquid Treatment Corporation (Systech) currently operates several hazardous waste treatment facilities in the U.S. utilizing neutralization, chromium reduction, and precipitation processes. Systech has petitioned the Agency (as required by § 261.3(d)(2)) to delist the treatment residue produced by its treatment facilities in Hilliard, Ohio, Nashville, Tennessee and Muskegon Heights, Michigan for the following EPA hazardous wastes:

K062—Spent pickle liquor from steel finishing operations

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum

F007*—Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).

Systech claims that the sludge produced at each facility from the treatment of these listed wastes is non-hazardous since the hazardous constituents of concern are present in an immobile and non-toxic form. Systech therefore claims that its treatment residue no longer meets the criteria for which the wastes were originally listed.

Systech has submitted a detailed description of its sludge treatment systems; constituent analyses of treatment residue for chromium, cadmium, nickel, lead and free cyanide; and EP toxicity test results for all three facilities. Systech believes that the samples of treatment residue submitted for analysis are representative of the range of wastes currently accepted for treatment at each facility.

*The Agency has modified this hazardous waste listing in finalizing the May 19, 1980 interim final regulations (see 45 FR 74885) so that the petition for delisting residues of this waste is moot.

The Systech process treats spent pickle liquor with electroplating wastes, waste acid, and oils. The hazardous constituents for which these wastes are listed are chromium (hexavalent), cadmium, nickel, cyanide and lead. The treatment process involves waste combination, neutralization, and metal precipitation; a five day settling/equalization period; and final dewatering of the sludge by vacuum filtration. Monitored mixing of pickling and electroplating wastes at controlled ratios results in the reduction of hexavalent chromium by the ferrous iron present in the pickling wastes. Waste combination also neutralizes acidic wastes and subsequent lime addition elevates the pH and converts lead, nickel, chromium and cadmium to an hydroxide form. The sludge generated at each facility has a pH of 8.5–9.7, thus confirming the acid neutralization.

No cyanide-bearing wastes are accepted by Systech for treatment at any of its facilities. To ensure against acceptance, Systech operates a prescreening procedure analyzing cyanide content of all wastes to be processed prior to truck off-loading. The absence of cyanide was confirmed through analyses of the Systech treatment residue. Free cyanide was present at concentrations of 0.045, 0.015 and <0.005 ppm for the Hilliard, Nashville and Muskegon facilities, respectively.

Systech has submitted sludge constituent analysis and EP toxicity test results for the dewatered sludge at each of its facilities. Constituent analyses of the Hilliard facility's treatment residue showed maximum cadmium, chromium (total), lead and nickel concentrations of 1.3, 903, 1424 and 2801 ppm, respectively. EP toxicity tests involving cadmium, chromium (total), chromium (hexavalent), lead and nickel produced maximum leachate levels of 0.1, 1.65, <0.025, 0.025, and 5.5 ppm, respectively.

Constituent analyses of the Nashville facility's treatment residue showed maximum cadmium, chromium (total), lead and nickel concentrations of 4.2, 2348, 42 and 1394 ppm, respectively. EP toxicity tests involving cadmium, chromium (hexavalent), lead and nickel produced maximum leachate levels of 0.07, <.05, <0.7, and 3.4 ppm, respectively.

Constituent analyses of the Muskegon facility's residue showed maximum cadmium, chromium (total), lead and nickel concentrations of 3.8, 11547, 7204 and 878 ppm, respectively. EP toxicity tests involving cadmium, chromium (total), chromium (hexavalent), lead and nickel produced maximum leachate levels of 0.036, 0.8, <.05, <0.7, and 3.4 ppm, respectively.

Systech has indicated quite candidly that the limitations of its treatment process are not fully understood, so that it is unsure of the correlation between constituent concentrations of incoming wastes, and concentrations of metals in the treatment residue extract. Systech has therefore offered a number of safeguards to the Agency to assure that the concentrations of hazardous constituents in its treatment residue remain consistent with the analyses presently reported. First, Systech has proposed a daily batch EP leachate analysis for cadmium, chromium, lead and nickel of the dewatered treatment residue. The batched waste influent entering the treatment tanks also would be characterized for each of these constituents. The combined analysis of influent and treatment residue will enable determination of acceptable influent concentration ranges producing non-hazardous constituent concentrations in the treatment residue.

Systech has also developed a contingency plan for disposal of any treatment residue which exceeds specified EP toxicity ranges for cadmium, chromium (hexavalent), and lead. Under this contingency plan, Systech would:

1. Conduct continuous sampling and EP toxicity testing of the solid phase of the post treatment slurry prior to equalization for cadmium, hexavalent chromium, lead and nickel.

2. If the slurry samples exceed 50 percent of the maximum EP toxicity limits for cadmium, hexavalent chromium or lead, the subject residues will be diverted and stored in inventory tanks.

3. EP toxicity analyses for chromium (hexavalent), cadmium, lead and nickel will be performed on samples of dried treatment residues from these inventory tanks and mixed samples from the equalization tank bottoms.

4. If the dried treatment residue from the inventory tanks for cadmium, chromium (hexavalent) or lead exceed 50 percent of the maximum EP toxicity limits, the waste will be shipped to a Subtitle C landfill.

5. If the mixed samples of equalization tank bottoms are less than 50 percent EP toxicity limits, Systech will resume normal operations.

6. If the mixed samples of equalization tank bottoms exceed 50 percent of the maximum EP toxicity limits, the subject bottoms will be vacuum filtered and the dried residue will be manifested and shipped to a Subtitle C landfill.

7. Under condition number 2, Systech would stop the transfer of post treatment slurry to the equalization tank to avoid its contamination.

8. Once the equalization tank is emptied and Systech has established, by EP toxicity analysis, that its contents are in compliance, it will resume normal operations.

B. Agency Analysis and Action

The Agency's function under RCRA includes the establishment of a national program to improve solid waste management and to promote environmentally sound hazardous waste treatment and disposal practices. Properly managed waste treatment plants could assume an important role in this process, particularly in view of the scarcity of hazardous waste disposal sites.

The Agency has reviewed the residue analyses and EP toxicity data submitted by Systech. The EP leachate levels reported for cadmium, lead, and total chromium at each facility are well below the EP maximum toxicity levels, indicating that these constituents are present in a relatively immobile form in the treatment residue. In addition, the reported concentration of hexavalent chromium, the valence state of chromium of concern to the Agency, is very low indicating that the chromium reduction process is conducted to completion. The concentration of free cyanide found in the treatment residue (0.045, 0.015 and <0.005 ppm for Hilliard, Nashville and Muskegon facilities, respectively), is considered negligible.

The Agency is requiring that the nickel in Systech's waste extract be maintained below 10 ppm. The Agency is not yet at the point where it is prepared to establish a binding threshold value for nickel, analogous to values in the EP toxicity characteristic. The Agency does believe, however, that concentrations of nickel in leachate below 10 ppm are not of regulatory concern. The Agency is, however, currently reviewing its position on the toxicological effects of nickel and if further information indicates that this level will change the temporary exclusion may be modified. Additionally, Systech has agreed to provide monitoring and leachate analysis results for nickel during the temporary exclusion period to assist the Agency. Systech has also agreed to establish a continuous monitoring system for hexavalent chromium on the slurry leaving the chromium reduction treatment tanks. This system will assure EPA that the reduction process has gone to completion regardless of the mixture of influent entering the reaction vessel.

The Agency has accepted Systech's proposal to utilize a monitoring system on the influent mixture entering the treatment vessel and on the exiting slurry prior to equalization, to determine the process control procedures required to limit the leaching mobility of cadmium, chromium, lead and nickel in its treatment residue. The Agency has notified Systech that information characterizing the effect of variation of metal concentrations and mixtures in the process batch, process control variables, and the types and quantities of treatment chemicals which will determine the limitations of their system should be gathered during the next 6 months period. This will include identification of raw waste constituent concentration ranges and specific mixing ratios necessary to produce acceptable constituent levels in the waste extract. The Agency also has accepted Systech's proposed contingency plan with the following modifications:

(1) The solid phase of the post treatment slurry or mixture of slurry and equalization tank bottoms, will be dewatered so that it will not exceed the water content of the final treatment residue. This will eliminate inaccurate representation of final treatment residue in slurry samples caused by dilution.

(2) The contingency plan will be implemented if the extract values for cadmium and lead exceed 30 percent of the maximum EP limit and the extract for Cr^{+6} exceeds 30 percent of the maximum EP limit for total chromium (see 45 FR 72029–72031 (October 30, 1980) explaining the Agency's current policy regarding regulation of chromium-containing wastes). These limits apply at all monitoring points in the process.

(3) The contingency plan will be implemented if the extract values for nickel exceed 10 ppm in the dewatered slurry leachate.

The 30% level indicated above is the result of negotiations between Systech and the Agency (as well as being based in part on Systech's original voluntary proposal), and does not necessarily have precedential significance. The Agency believes it necessary to specify some value in light of Systech's present uncertainty as to the limitations of its process. In addition, a safeguard is necessary in light of the high volumes of toxic constituents in the incoming wastes and in the treatment residue and the high volumes of sludge generated annually by each of Systech's facilities.

Based on the EP toxicity data, the cyanide prescreening process, and the agreements described earlier, the Agency is granting Systech Liquid Treatment Corporation's Hilliard Pretreatment Center in Hilliard, Ohio; the Nashville Pretreatment Center in Nashville, Tennessee; and the Muskegon Pretreatment Center in Muskegon Heights, Michigan, temporary exclusions for the treatment residue generated from the treatment process described in its petitions, from EPA Hazardous Waste Nos. K062 and F006.

C. Agency Information-Needs for Final Delisting

The Systech Corporation has been notified that prior to receiving final delisting, the limitations of its system must be determined as previously described in this publication.

II. Woodstock Die Casting

A. Petition for Delisting

The Woodstock Die Casting Company (Woodstock), involved in the die casting and plating of automotive and kitchen appliance parts, has petitioned the Agency for the delisting of its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006, wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Woodstock has petitioned to delist its waste because it does not meet the criteria for which Hazardous Waste No. F006 was listed in Part 261, Subpart D.

The production processes which generate the waste at Woodstock include cyanide copper, semi-bright nickel, bright nickel, and chromium electroplating processes on zinc alloy. Although Woodstock uses each of the listed hazardous constituents except cadmium in its electroplating process, it claims that the treated wastewater sludge it generates is non-hazardous due to the effectiveness of its treatment system.

Woodstock has submitted a detailed description of its waste treatment system constituent analyses of the dewatered sludge and EP toxicity test results for cadmium, chromium and nickel, and constituent analyses of the sludge for cyanide. Samples were obtained over a two month period which the petitioner claims represents the uniformity of constituent concentrations in the waste.

The treatment system involves the preliminary treatment processes of cyanide destruction via chlorination; hexavalent chromium reduction via sulfur dioxide; and neutralization of spent alkali and acid wastes by combination. The final treatment process includes neutralization by liming; precipitation via polyelectrolyte addition; and dewatering by vacuum filtration.

Constituent analyses of the final treatment sludge revealed cadmium, total chromium, hexavalent chromium, nickel and free cyanide concentrations of <0.01, 2000, <0.02, 14000, and <0.02 ppm, respectively. EP toxicity tests involving cadmium, total chromium and nickel produced maximum leachate levels of <0.01, 0.46, and 2.86 ppm, respectively.

B. Agency Analyses and Action

Although Woodstock uses each of the hazardous constituents of concern in EPA Hazardous Waste No. F006 except cadmium, it has demonstrated that its waste treatment system produces a nonhazardous sludge. Constituent analyses of the treatment sludge indicate that cadmium is not used in Woodstock's production and plating process; cyanides are effectively destroyed leaving only negligible quantities in the sludge (<0.02 ppm) and chromium is effectively reduced leaving only negligible quantities of hexavalent chromium in the sludge (<0.02 ppm). The EP extract concentration for cadmium and the total constituent analysis of the sludge for hexavalent chromium are below the national interim drinking water standards for these constituents. The nickel leachate concentration is not considered to be of regulatory concern. These low leachate levels indicate that the constituents are present in an essentially immobile form. The Agency, therefore has granted a temporary exclusion to Woodstock Die Casting's facility in Woodstock, Illinois, for its treated electroplating sludge, as described in its petition, listed under EPA Hazardous Waste No. F006.

III. Ethyl Corporation

The Ethyl Corporation (Ethyl) has petitioned the Agency to exclude the wastewater treatment sludge of four of its subsidiary Aluminum Division companies presently listed as EPA Hazardous Waste No. F019, wastewater treatment sludges from the chemical conversion coating of aluminum. These subsidiaries, the William Bonnell Company (Bonnell), Newnan, Georgia, and Carthage, Tennessee and the Capitol Products Corporation (Capitol), Kentland, Indiana, and Harrisburg, Pennsylvania are involved in aluminum extrusion manufacture, producing products used in the building materials trade (door and window assemblies). Ethyl has petitioned to exclude the waste from these facilities because they do not meet the criteria for which the waste was originally listed.

The production process, at each of Ethyl's four subsidiaries, which generates the listed hazardous waste is the chemical cleaning and coating of the aluminum extrusions. The hazardous constituents of concern in this waste are chromium and cyanides. Ethyl has indicated that since the aluminum conversion coating process used at each of its subsidiary facilities do not use cyanide and the hexavalent chromium used is reduced to trivalent chromium in the wastewater treatment process, the wastes from these facilities cannot contain hazardous levels of chromium or cyanide.

Ethyl has submitted detailed descriptions of the wastewater treatment system used at each facility, EP toxicity test results for total chromium, and total constituent analyses of the waste sludge for cyanide.

EP toxicity test results of dewatered sludge samples from each of the four facilities indicate a maximum chromium concentration of 0.70 ppm. Total constituent analyses of the sludge revealed a maximum cyanide concentration of <0.1 ppm.

Ethyl has certified that the production process, chemical conversion process, EP test data and total constituent analyses of sludge for cyanide are representative and do not vary at each of the four subsidiary facilities. Ethyl has noted that although all facilities use SO_2 and lime to reduce and precipitate chromium, the chromium wastewater treatment systems vary from the Bonnell facilities to the Capitol facilities in that the Bonnell facilities used a batch process while the Capitol facilities use a continuous reduction—neutralization process controlled by automatic oxidation—reduction potential instruments. As indicated by the extract data submitted, however, this variation in the treatment process has negligible effect on the final constituent concentrations reported.

B. Agency Analysis and Action

It is apparent from the total constituent analyses of the sludge that none of the Ethyl subsidiaries use cyanide in the chemical conversion process. The cyanide levels found in the sludge are considered negligible, are well below the Public Health Services suggested drinking water standards, and are probably a result of background levels and non-specific process contamination sources. Both the batch and continuous chromium reduction treatment systems used at these facilities efficiently reduce the hexavalent chromium used in the conversion process to trivalent chromium as indicated by the non-hazardous levels of total chromium in the leachate samples. Total chromium levels in the leachate were consistently well below the maximum EP toxicity levels. These low leachate levels indicate that the chromium is present in an essentially immobile form. Therefore, based on EP toxicity data, total constituent analysis of the sludge, and Ethyl's certification that its production and treatment processes do not vary at these facilities except as noted in its petition, the Agency has granted temporary exclusions to the following Ethyl Corporation subsidiary facilities: the William Bonnell Company, Newnan, Georgia and Carthage, Tennessee and the Capitol Products Corporation, Kentland, Indiana and Harrisburg, Pennsylvania for its wastewater treatment sludge from the chemical conversion of aluminum, as described in its petition, from its listing under EPA Hazardous Waste No. F019.

IV. Michelin Tire Corporation

A. Petition for Exclusion

The Michelin Tire Corporation (Michelin), involved in the electroplating of steel wire, has petitioned the Agency to exclude its treated sludge presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operation except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The production processes at Michelin's facility which generate the listed hazardous waste are the copper and zinc plating of steel wire using copper, zinc, phosphate, potassium and boron compounds. Michelin has petitioned to exclude its waste because it does not meet the criteria for which it was listed. Michelin claims that the constituents of concern for EPA Hazardous Waste No. F006 (cadmium, chromium, nickel and cyanides) are not used in its electroplating process and therefore would not be expected to appear in its wastewater treatment sludge.

Michelin has submitted a description of its electroplating and wastewater treatment processes, EP toxicity test results for cadmium, chromium, and nickel, and constituent analyses of the sludge for cyanide.

Michelin's wastewater treatment system combines scouring, rinsing, acid and alkaline wastewaters in a neutralization tank. The slurry is then clarified using lime and dewatered by a belt filter press.

EP toxicity tests involving cadmium, chromium, and nickel produced maximum leachate levels of 0.05, 0.075, and 0.14, respectively. Constituent analyses of the sludge for total cyanide produced a maximum concentration of 0.06 ppm.

B. Agency Analysis and Action

The constituents for which EPA Hazardous Waste No. F006 is listed are cadmium, chromium, nickel and cyanide. Michelin has demonstrated that its plating processes does not use any of the constituents of concern. EP extracts show cadmium and chromium levels consistently well below the maximum EP toxicity levels. These low leachate levels indicate that these constituents are present in an essentially immobile form. Nickel leachate concentrations and total cyanide levels in the sludge are considered negligible and are therefore not of regulatory concern. The low concentrations of these constituents are probably a result of unknown minor sources of contamination and background levels, rather than the direct use of these constituents in the plating process. The Agency therefore, has granted a temporary exclusion to the Michelin Tire Corporation's facility in Sandy Springs, South Carolina for the treated wastes generated by its copper and zinc electroplating processes as described in its petition, listed under EPA Hazardous Waste No. F006.

V. Miller Brewing Company

A. Petition for Exclusion

The Miller Brewing Company (Miller), involved in the manufacture of one-piece aluminum cans, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F019, wastewater treatment sludge from the chemical conversion coating of aluminum. Miller has petitioned to exclude its waste because it does not meet the criteria for which it was listed. Miller has indicated that since its aluminum conversion coating processes do not use either chromium or cyanide, the constituents for which EPA Hazardous Waste No. F019 was listed, its waste cannot contain hazardous levels of chromium or cyanide.

Miller has submitted a description of its wastewater treatment process, formulation lists from its suppliers of chemicals and mixtures used in the chemical conversion process, EP toxicity test results for all toxic constituents specified in § 261.24 of the regulations, and a constituent analysis of the sludge for cyanide.

Miller's treatment process of chemical conversion rinse wastes involves lime neutralization to a pH of 8.0–8.5, precipitation of metal hydroxides, and dewatering via vacuum filtration.

Formulation lists indicate that zirconium and fluoride compounds, nitric acid, hydrofluoric acid, sulfuric acid, and phosphates are the major constituents of the conversion coatings used by Miller. None of the formulations contain chromium or cyanide.

EP toxicity test results of dewatered sludge samples confirm this point by indicating a maximum chromium concentration of 0.07 ppm. Constituent analysis of the sludge revealed a cyanide concentration of 0.0005 ppm.

Miller has certified that the production process, chemical conversion process, formulation lists, waste treatment process, EP test data and the constituent analysis for cyanide are representative and do not vary at each of the following facility sites: Moultrie, Georgia; Fort Worth, Texas; Fulton, New York; and Reidsville, North Carolina.

B. Agency Analysis and Action

It is apparent from the formulation lists submitted in the petition that chromium and cyanide are not used in Miller's chemical conversion process. EP toxicity data indicate that chromium leachate concentrations are well below the maximum EP toxicity level. The cyanide concentrations found in the sludge are considered negligible and are well below the Public Health Service's suggested drinking water standard. The presence of these constituents in Miller's wastes is probably a result of background levels and nonspecific process contamination sources. Therefore, based on the formulation lists, EP toxicity data, sludge constituent analysis and since Miller has certified that its production and treatment processes do not vary at any of its facilities, the Agency has granted temporary exclusions to the Miller Brewing Company's container plants in Moultrie, Georgia; Fort Worth, Texas; Fulton, New York; and Reidsville, North Carolina for its wastewater treatment sludge from the chemical conversion coating of aluminum, as described in its petition, from its listing under EPA Hazardous Waste No. F019.

VI. Keystone Group

A. Petition for Delisting

The Keystone Group—Crawfordsville Plant (Keystone) involved in the manufacture of wire and wire products has petitioned the Agency to delist its sludge, formerly listed as EPA Hazardous Waste No. K063 (sludge from lime treatment of spent pickle from steel finishing operations).[9] Keystone has petitioned to delist its waste because it does not meet the criteria for which the waste was originally listed.

Keystone utilizes the processes of cold drawing and sulfuric acid pickling, sodium hydroxide degreasing and etching, and copper coating in the production of wire from wire rods. Its waste treatment process for spent pickle liquor, rinse, and over-flow wastes involves neutralization to a pH range of 8–9 controlled by an automatic Taylor pH controller, lime and polymer flocculation, settling, and drum filtration. They claim their sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazardous levels of chromium and lead, the constituents of concern for which the spent pickle liquor (K062) was listed.

Keystone submitted a detailed description of their sludge treatment system, and EP toxicity test results for all toxic constituents specified in Section 261.24 of the regulations. The samples were taken over a one month period which the petitioner claims represents the uniformity of constituent concentrations in the waste. EP toxicity tests revealed maximum chromium and lead levels in the waste extract of 0.03 and <0.001 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste, are chromium and lead. EP extracts from sludge samples analyzed by Keystone show lead and chromium consistently well below the national primary interim drinking water standards. These low leachate levels indicate that the constituents are present in an essentially immobile form. A final pH of 8–9 indicates that Keystone's waste treatment process

[9] On November 12, 1980 [45 FR 74884], EPA removed waste K063 from the hazardous waste list (§ 261.32). However, since these lime treatment sludges are generated from the treatment of a listed hazardous waste (K062), they still are considered to be a hazardous waste (§ 261.3(c)(2)). Further, they remain hazardous wastes until they no longer meet any of the characteristics of hazardous wastes and are delisted (§ 261.3(d)(2)).

effectively neutralizes its spent pickle liquor wastes. The Agency therefore, has granted a temporary exclusion to the Keystone facility in Crawfordsville, Indiana for its treated spent, pickle liquor, as described in its petition.

VII. RAD Chemicals Inc.

A. Petition for Exclusion

RAD Chemicals Inc. (RAD) was previously involved in the recycling of EPA Hazardous Waste No. K061, emission control dust/sludge from the primary production of steel in electric furnaces. Although RAD no longer processes this waste, it presently has one storage pile of treated residue remaining from past operations to dispose of. RAD has petitioned to exclude this residue because it does not meet the criteria for which it was listed.

RAD has submitted a description of its treatment process, and EP toxicity data for each of the constituents specified in § 261.24 of the regulations. RAD claims that the samples of residue obtained for analysis are representative of the accumulated residue stockpile.

RAD had previously used sulfuric acid digestion, flocculation using lime, pH adjustment to 11.5–12.0 and pressed filtration in the treatment of the wastestream generated from the processing of EPA Hazardous Waste No. K061. EP toxicity tests showed maximum cadmium, chromium, and lead levels in the waste extract of 0.06, 0.02, and < 0.01, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste are cadmium, chromium and lead. EP extracts from representative samples of the residue analyzed by RAD show cadmium well below the maximum EP toxicity levels and chromium and lead consistently below the primary interim drinking water standards. These low leachate levels indicate that the constituents are present essentially in an immobile form. The Agency therefore has granted a temporary exclusion to RAD Chemical's facility in Bowling Green, Kentucky, for its treated recycling residue stockpile as described in its petition, from its listing under EPA Hazardous Waste No. K061.

C. Agency Information Needs for Final Listing

The Agency believes that RAD has submitted sufficient data for the final exclusion of its treated residue stockpile. The Agency has granted a temporary exclusion to expedite delisting action for RAD.

VIII. Cerro Wire Cable Company

A. Petition for Exclusion

The Cerro Wire and Cable Company (Cerro), involved in the manufacture of steel electrical conduit, hot rolled copper rod and steel strip, has petitioned the Agency to exclude its treated sludge presently listed as EPA Hazardous Waste No. F006, wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Cerro has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

The production processes at Cerro's facility generating the listed waste are galvanizing of steel strip, the pickling of copper rod and zinc plating of low carbon steel. The hazardous constituents of concern in this waste are cadmium, chromium, nickel and cyanides. Cerro claims that only cyanides and small amounts of chromium (chromates) are used in its plating operation while cadmium and nickel are not used in any of its processes. Cerro also claims that its treated wastewater sludge is nonhazardous due to the immobile and non-toxic form of chromium the destruction of cyanides in the treatment process and the negligible levels of cadmium and nickel in the sludge.

Cerro has submitted a description of its wastewater treatment process, EP toxicity test results for cadmium, chromium, nickel and cyanide and constituent analyses of the sludge for cyanide.

Cerro's treatment process involves neutralization, chlorination (for cyanide destruction), precipitation of metal hydroxides via lime and polyelectrolyte addition, and vacuum filtration. EP toxicity tests involving cadmium, chromium, nickel and cyanide produced maximum leachate levels of 0.17, <0.024, <1 and <0.202. Constituent analyses of the sludge for free cyanide produced a maximum concentration of 1.49 ppm.

B. Agency Analysis and Action

The constituents for which EPA Hazardous Waste No. F006 is listed are cadmium, chromium, nickel and cyanide. EP extracts shows cadmium levels consistently below the maximum EP toxicity levels and chromium levels consistently below the national primary interim drinking water standards. Nickel and cyanide leachate levels are considered negligible and therefore are not of regulatory concern. These low leachate levels indicate that the constituents are present essentially in an immobile form. The Agency therefore has granted a temporary exclusion to the Cerro Wire and Cable Company for its facility in Syossett, New York, for the treated wastes generated by its electroplating processes as described in its petition listed under EPA Hazardous Waste No. F006.

IX. Ohio Steel Tube Company

A. Petition for Delisting

The Ohio Steel Tube Company (OST), involved in the manufacture of stainless and welded steel tubing has petitioned the Agency to delist its sludge, formerly listed as EPA Hazardous Waste No. K063 (sludge from lime treatment of spent pickle liquor from steel finishing operations).[3] OST has petitioned to delist their waste because it does not meet the criteria for which it was listed.

OST utilizes the processes of cold drawing, sulfuric acid pickling, and alkaline cleaning in the production of steel tubing. Its waste treatment process for spent pickle liquor rinse and overflow wastes involves neutralization, aeration, lime flocculation, settling, and vacuum filtration. They claim their sludge is environmentally stable and nonhazardous, and specifically that the sludge does not contain hazardous levels of chromium and lead, the constituents of concern for which the spent pickle liquor of waste (K062) is listed.

OST submitted a detailed description of their sludge treatment system, and EP toxicity test results for lead and chromium. The samples were taken over a one month period which the petitioner claims sufficiently represents the uniformity of constituent concentrations in the waste. EP toxicity tests revealed maximum chromium and lead levels in the waste extract of <0.1 and <0.1 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste, are chromium and lead. EP extracts from sludge samples analyzed by OST show lead and chromium consistently well below the maximum EP toxicity levels. These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 8–8.5 indicates that OST's waste treatment process effectively neutralizes its spent pickle liquor

[3] See footnote ([2]).

wastes. The Agency therefore, has granted a temporary exclusion to the Ohio Steel Tube Company's facility in Shelby, Ohio for its treated spent pickle liquor and rinse wastes, as described in its petition.

X. Triangle PWC, Inc.

A. Petition for Delisting

The Triangle PWC, Inc. (PWC), involved in the manufacture of rigid conduit from mild steel pipe, has petitioned the Agency to delist its sludge, formerly listed as EPA Hazardous Waste No. K063 (sludge from lime treatment of spent pickle liquor from steel finishing operations).[4] PWC has petitioned to delist their waste because it does not meet the criteria for which it was listed.

PWC utilizes the process of sulfuric acid pickling in the fabrication of steel conduit. Its waste treatment process for spent pickle liquor rinse and overflow wastes involves neutralization, lime and polymer flocculation, settling, and pressed filtration. They claim their sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazardous levels of chromium and lead, the constituents of concern, for which spent pickle liquor of waste (K062) was listed.

PWC submitted a detailed description of their sludge treatment system, and EP toxicity test results for chromium and lead. The samples taken were claimed by the petitioner to sufficiently represent the uniformity of constituent concentrations in the waste. EP toxicity tests revealed maximum chromium and lead levels in the waste extract of 0.04 and 0.03 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste, are chromium and lead. EP extracts from sludge samples analyzed by PWC show lead and chromium consistently well below the maximum EP toxicity levels. These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 7.5–9.0 indicates that PWC's waste treatment process effectively neutralizes its spent pickle liquor wastes. The Agency therefore, has granted a temporary exclusion to the PWC's facility in Glen Dale, West Virginia for its treated spent pickle liquor, as described in its petition.

XI. Raybestos—Manhattan

A. Petition for Delisting

The Raybestos-Manhattan Company (Raybestos), involved in the manufacture of asbestos bonded steel transmission plates, has petitioned the Agency to delist its sludge, formerly listed as EPA Hazardous Waste No. K063, (sludge from lime treatment of spent pickle liquor from steel finishing operations).[5] Raybestos has petitioned to delist their waste because it does not meet the criteria for which it was listed.

Raybestos utilizes the processes of hydrochloric and nitric acid pickling, to clean the plate surfaces in preparation for bonding of asbestos friction coatings. Its waste treatment process for spent pickle liquor rinse and overflow wastes involves neutralization, lime flocculation, settling, and pressed filtration. They claim their sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazardous levels of chromium and lead, the constituents of concern for which spent pickle liquor (K062) was listed.

Raybestos submitted a detailed description of their sludge treatment system, and EP toxicity test results for chromium and lead. The samples were taken over a three week period which the petitioner claims sufficiently represents the uniformity of constituent concentrations in the waste. EP toxicity tests revealed maximum chromium and lead levels in the waste extract of 0.17 and 0.41 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste, are chromium and lead. EP extracts from sludge samples analyzed by Raybestos show lead and chromium consistently well below the maximum EP toxicity levels. These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 8.5 indicates that Raybestos' waste treatment process effectively neutralized its spent pickle liquor wastes. The Agency therefore, has granted a temporary exclusion to the Raybestos-Manhattan facility in Stratford, Connecticut for its treated spent pickle liquor, as described in its petition.

XII. G&W Taylor Forge

A. Petition for Delisting

The G&W Taylor Forge Company (G&W), involved in the manufacture of stainless steel pipe fittings, has petitioned the Agency to delist its sludge, formerly listed as EPA Hazardous Waste No. K063, (sludge from lime treatment of spent pickle liquor from steel finishing operations).[6] G&W has petitioned to delist their waste because it does not meet the criteria for which it was listed.

G&W utilizes the processes of hydrofluoric and nitric acid pickling in the fabrication of stainless steel pipe fittings. Its waste treatment process for spent pickle liquor rinse and overflow wastes involves caustic neutralization, and subsequent discharge to POTW. They claim their wastewater is environmentally stable and non-hazardous, and specifically that it does not contain hazardous levels of chromium and lead, the constituents of concern, for which spent pickle liquor of waste (K062) was listed.

G&W submitted a description of their treatment system, and EP toxicity test results for hexavalent chromium and lead. The samples taken were claimed by the petitioner to sufficiently represent the uniformity of constituent concentrations in the waste. EP toxicity tests revealed maximum chromium and lead levels in the waste extract of <1.0 and <1.0 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern in this waste, are chromium and lead. EP extracts from wastewater samples analyzed by G&W show lead and chromium consistently well below the maximum EP toxicity levels. A final pH of 7–8.5 indicates that G&W's treatment process effectively neutralizes its spent pickle liquor wastes. The Agency therefore, has granted a temporary exclusion to the G&W's facility in Memphis, Tennessee for its treated spent pickle liquor, as described in its petition.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of E.O. 12291 pursuant to Section 8(b) of that order.

Dated: March 10, 1981.

James Smith,

Acting Assistant Administrator.

[FR Doc. 81-8016 Filed 3-17-81; 8:45 am]

BILLING CODE 6560-30-M

[4] See footnote [1].

[5] See footnote [1].

[6] See footnote [1].

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5–8, 5A–8, and 5B–8

Termination of Contracts

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5, are amended to transfer policies and procedures

regarding Termination of Contracts from Parts 5A–8 and 5B–8. This transfer is part of the action to incorporate appropriate material in Parts 5A–8 and 5B–8 into Chapter 5. The intended effect is to have a single GSA-wide procurement regulation.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703–557–8947).

ADDITIONAL INFORMATION: Outstanding Procurement Letters remain in effect until canceled.

CHAPTER 5—GENERAL SERVICES ADMINISTRATION

[APD 2800.2 CHGE 15]

1. The Table of Parts is amended by adding the following entry.

Table of Parts

Part
5–8 Termination of contracts.

2. The Contents of Part for Part 5–8 is added as follows:

PART 5–8—TERMINATION OF CONTRACTS

Subpart 5–8.6 Termination for Default

Sec.
5–8.602–1 The Government's right to terminate for default.
5–8.602–2 Effect of termination for default.
5–8.602–3 Procedure in case of default.
5–8.602–4 Procedure in lieu of termination for default.
5–8.602–6 Repurchase against contractor's account.
5–8.602–50 Dissemination of contract termination actions.
5–8.603 Default termination of fixed-price construction contracts.
5–8.603–1 Termination of the contractor's right to proceed.
5–8.603–5 Procedure in case of default.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

3. Part 5–8 Termination of Contracts is added as follows:

Subpart 5–8.6 Termination for Default

§ 5–8.602–1 The Government's right to terminate for default.

(a) Pursuant to the terms of the Default clause (see § 1–8.707), a contract may be terminated when the contractor fails (1) to make deliveries or to perform services within the time specified (see § 1–8.707(a)(i)), (2) to comply with any other provision of the contract, or (3) to make progress under the contract so as to endanger performance thereof (see § 1–8.707(a)(ii)).

(b) Under the Default clause, contracts may be terminated in whole or in part. Partial terminations may be appropriate when it is determined that a part of a definite quantity contract (either selected items or a portion of one or more items), or certain orders under an indefinite quantity contract should be terminated.

(1) In cases of failure to make timely delivery of one or more orders under a term contract, or failure to make timely partial deliveries under a definite quantity contract, the delinquent portions of the contract or the entire contract may be terminated under paragraph (a)(i) of the Default clause (see § 1–8.707(a)(i)).

(2) Facts which justify a partial termination are usually symptoms of basic difficulties in contract performance. Therefore, even if only part of the contract is terminated, consideration should be given to furnishing the contractor a preliminary notice of termination of the entire contract in accordance with paragraph (a)(ii) of the Default clause (see § 1–8.707(a)(ii)).

§ 5–8.602–2 Effect of termination for default.

(a) Defenses for default termination or assessment of excess costs.

(1) A contractor may defend against a default termination on the grounds that he was not in default or that the default arose out of causes beyond his control and without his fault or negligence.

(2) Illustrations of defenses falling into the first category would be allegations that the contract was terminated under paragraph (a)(i) of the Default clause (see § 1–8.707(a)(i)) before deliveries were due, or that a sufficient opportunity to cure the default (other than a failure to deliver) was not given, or that a termination based on failure of the supplies to conform to specifications was erroneous.

(3) Defenses falling into the second category are set forth in general terms in paragraph (c) of the Default clause. It should be noted that where the excuse for default is based upon a subcontractor's or supplier's failure to perform, the failure must be beyond the control and without the fault or negligence of both the contractor and the subcontractor or supplier. In addition, the contractor must show that the supplies or services to be obtained from the subcontractor or supplier were not reasonably available from other sources.

(b) Excess costs and damages.

(1) When a contract is properly terminated for default, the contractor is liable for excess costs incurred by the Government as a result of its repurchase, as well as for any other ascertainable damages suffered by the Government.

(2) If it is found that the contractor was not in default or that the default was excusable, the contract may be reinstated by mutual agreement if it is in the best interest of the Government. Otherwise, the rights of the parties will be the same as if the notice of termination has been issued under the Termination for Convenience clause (see §§ 1–8.700, 1–8.701, and 1–8.705–1).

§ 5–8.602–3 Procedure in case of default.

(a) To ensure that the contractor receives a notice of termination, the contracting officer shall forward this notice via certified mail, return receipt requested, or any other method which will ensure a signed receipt for the notice. Copies shall also be furnished to the Assistant Inspector General for Investigations, and to any assignee of the contractor for the particular contract involved.

(b) Termination pursuant to subparagraph (a)(i) of the Default clause.

(1) *Default known to be inexcusable.* When the contracting officer has determined that the contractor's default is inexcusable pursuant to paragraph (a)(i) of the Default clause (§ 1–8.707), a notice of termination shall be sent to the contractor.

(2) *Default known to be excusable.* Contracting officers may terminate a contract for default even though the default is excusable. Although such a termination cannot be used as a basis for the assessment of excess costs, it may be in the Government's best interest if the items covered by the contract are urgently needed and the delay in performance promises to be of long duration. Under these circumstances, a no-cost termination should be obtained, if feasible, instead of a termination for convenience.

(3) *Excusability unknown.* (i) When the supplies are urgently needed, the contracting officer may terminate the contract without preliminary notice. A notice of termination should be used. However, if this action is later determined improper, it can result in the loss of the Government's right to excess costs and necessitate paying contract claims. After response to the termination notice and all available information has been obtained, a specific findings as to excusability must be furnished to the contractor.

(ii) When time permits, information concerning the cause of the default shall be obtained before issuing a notice of

termination. Information can be obtained by the use of a Preliminary Notice of Default letter. Either the Quality Assurance Specialist or the contracting officer may issue these notices. In addition to the issuance of this notice, the contracting officer should use whatever other sources may be available to obtain information concerning the cause of the default. If the information obtained does not indicate any basis for excusing the default or if no information is furnished within the time prescribed by the preliminary notice (or additional time as the contracting officer may wish to allow), a notice of termination should be sent to the contractor. If the information obtained indicates that the default may be excusable, but it is nevertheless considered necessary to terminate the contract, then issue a notice of termination with a request for information on excusability.

(c) Termination pursuant to paragraph (a)(ii) of the Default clause.

(1) Termination under paragraph (a)(ii) of the Default clause may be based upon a failure by the contractor to comply with any provision of the contract (other than delivery or performance time) or upon a contractor's failure to make progress so as to endanger performance of the contract.

(2) In such cases, a preliminary notice, allowing at least 10 days to cure the default, must be furnished to the contractor. The notice should provide a clear statement of the contract provisions which the contractor has failed to meet, or the basis upon which the contracting officer has determined that the contractor is failing to make progress. The extent of detail to be included will vary depending upon the amount of previous correspondence with the supplier. However, where reliance is placed on such previous correspondence, it should be specifically referenced in the notice.

(3) If the default is not cured within the prescribed time, a notice of termination should be sent to the contractor. The introductory paragraphs should refer to the preliminary notice and prescribe the basis for the termination action.

(4) As in the case of termination under paragraph (a)(i) of the Default clause, a contract (or specific orders) may be terminated even though the default was unavoidable and without the fault or negligence of the contractor. If such action is determined to be in the best interest of the Government, a notice of termination should be furnished to the contractor.

(d) Terminations involving stock items. To determine current requirements prior to the repurchase of stock items, the contracting office shall notify the appropriate inventory management activity. After default termination and prior to reprocurement, the contracting officer shall revalidate current requirements for the item(s) and quantities.

§ 5-8.602-4 Procedure in lieu of termination for default.

(a) Where it is determined to be in the best interest of the Government to extend a delivery schedule rather than take termination for default action, the following procedure shall be used. However, it must be clearly understood that use of this procedure is a limited alternative course of action, and is not a policy for circumventing termination for default procedures.

(b) The following are circumstances which make it practical and in the best interests of the Government for a contracting officer to extend a delivery date, in lieu of taking termination for default action against a contractor who is in default:

(1) The supplies are not available from alternative sources; or

(2) Termination and repurchase action will unduly delay the receipt of urgently needed supplies.

(c) Delivery schedules may be revised only when an equitable consideration is obtainable. Consideration will be in the form of:

(1) Reduction in the contract price; or

(2) Improvement in the terms of the contract which will provide the Government with an advantage not previously called for by the basic contract.

(d) In determining consideration, the following factors should be evaluated to the extent information is available.

(1) The probable reduction in bid prices if the delivery period as extended had been called for in the IFB;

(2) The probable damages suffered by the Government because of the delay; and

(3) The value of the extension to the contractor in terms of:

(i) Savings in contract performance; and

(ii) Potential damages if default action had been taken.

(e) No precise formula can be developed for determining the consideration which should be obtained in all cases. This is a matter of individual judgment and can only be handled on a case-by-case basis. Delivery schedules shall be extended only when the consideration obtainable is realistic and equitable under the existing circumstances, and is of such significance as to clearly substantiate the fact that it is the policy of the Government to protect the integrity of the competitive bidding system by insisting on timely contract performance.

(f) When monetary considerations are agreed upon to extend delivery in lieu of termination, the consideration shall be documented by modification and/or contract amendment. This may be accomplished by either one of two methods: (1) By agreement on a lump sum to be paid by the contractor to the Government, or (2) by a reduction in the unit price. The lump sum method is preferable. When the lump sum method is used, the contracting officer shall instruct the contractor to forward a check covering the lump sum amount of the negotiated consideration to the appropriate Finance Division or, in lieu thereof, request the Finance Division to deduct the lump sum amount from unpaid bills. The contracting officer shall determine the appropriate method to be used in collection of the consideration. Before the contracting officer makes a final decision to extend the delivery schedule for stock items he shall coordinate such planned action with the appropriate Inventory Management Branch (IMB) to ascertain whether it is compatible with existing requirements.

§ 5-8.602-6 Repurchase against contractor's account.

(a) After issuance of the notice of termination in accordance with §§ 1-8.602-3 and 5-8.602-3, contracting officers taking repurchase action against a defaulting contractor shall proceed as follows:

(1) Repurchase action shall be taken as promptly as possible. This is particularly important whenever supply effectiveness has been or will be impaired as a result of the default. Unjustified delays may also jeopardize the Government's rights to recover excess costs. When delay in taking repurchase action is unavoidable, such delay must be reasonable and be supported by existing circumstances.

(2) Pursuant to paragraph (b) of the Default clause, the Government may repurchase supplies or services similar to those terminated. Normally, repurchase action shall be taken on the basis of the original solicitation, terms and conditions, and identical specifications under which the contractor defaulted. If acceptable offers on this basis cannot be obtained, "similar" items may be procured under specifications which will substantially

satisfy the original requirement. Advice of counsel should be obtained before soliciting bids for "similar" supplies or services.

(3) Consummate the repurchase in a manner that will assure meeting the obligation of the Government to act reasonably to minimize damages.

(4) If the repurchase is to be made by formal advertising, the usual formal advertising procedures shall apply.

(5) If the repurchase is to be made by negotiation, the contracting officer may either (i) use the appropriate circumstance authorizing negotiation, in accordance with §§ 1–3.201 through 1–3.215, or (ii) identify the procurement as a repurchase under the provisions of the Default clause in accordance with § 1–8.602–6. In the latter case, the authority to be cited in Block 25 of SF 33 shall be "41 U.S.C. 252(c)(15); FPR 1–8.6," and on GSA Form 1535 shall be "302(c)(15); FPR 1–8.6."

(b) The following instructions are applicable with respect to local regional contracts where only the regional contracting activity places purchase orders under the contract. After issuance of the notice of termination in accordance with §§ 1–8.602–3 and 5–8.602–3, the contracting officer shall:

(1) Prepare a purchase order to the repurchase contractor under usual procedures and enter the following statement on all but the original copy of the repurchase order:

Purchased against the account of (*Name of defaulted contractor*), Contract No.———— Purchase Order No.————.

(2) Prepare notice of repurchase against contractor's account, and in the same number of copies as the purchase order. The notice containing the following information shall be forwarded to the defaulted contractor.

(i) The name and address of the contractor from whom repurchase was made shall be entered on all copies except the original of the notice of repurchase.

(ii) The item description, unit, unit price, total quantity, and total cost.

(iii) The contractor and/or purchase order number(s) covering the repurchase.

(iv) Total dollar amount of the excess costs to be charged against the defaulted contractor's account.

(c) The following instructions are applicable with respect to requirements under national or zone type contracts, where several regional ordering activities place purchase orders under the contract. After the pertinent termination notice has been issued by the contracting officer in accordance with §§ 1–8.602–3 and 5–8.602–3:

(1) The contracting officer shall:

(i) Except in unusual cases, such as where local purchase must be authorized to meet exigency situations, handle all aspects of the termination and repurchase action except actual issuance of the delivery orders under the replacement contract (repurchase action under Federal Supply Schedule contracts is covered by FPMR 101–26.403–5).

(ii) On the basis of available information prepare a Contract Summary (GSA Form 1584), make distribution, and provide the ordering activity with information pertinent to the repurchase action. The summary shall contain an appropriate statement substantially as shown in (A) or (B), below, depending upon whether individual purchase orders are terminated or a contract is being terminated:

(A) Contract———dated———replaces Contract———dated———insofar as Purchase Order No.———dated———and Purchase Order No.———dated———is (are) concerned. Delivery orders placed under this repurchase contract shall include the following statement on all purchase order copies except the original:

Purchased against the account of (*Name of defaulted contractor*), Contract No.———— Purchase Order No.(s)————.

(B) Contract———dated———replaces Contract———dated———placed with (*Firm name*) and delivery orders placed under this repurchase contract shall include the following statement on all copies except the original:

Purchased against the account of (*Name of defaulted contractor*), Contract No.———— Purchase Order No.(s)————.

(iii) Upon being furnished purchase order issuance information by the ordering office (see paragraph (c)(2)(ii) of this section), prepare notice of repurchase against the defaulted contractor's account. The repurchase notice containing the following information shall be forwarded to the defaulted contractor.

(A) Place the name and address of the contractor from whom repurchase was made on all copies but the original of the notice of repurchase.

(B) Provide the item description, unit, unit price, total quantity, and total cost.

(C) Provide the contract and/or purchase order number(s) covering the repurchase.

(D) Show the total dollar amount of the excess costs to be charged against the defaulted contractor's account.

(2) Ordering offices, where national or zone type contracts are involved shall:

(i) Promptly upon receipt of the Contract Summary (GSA Form 1584), prepare a purchase order in accordance with usual procedures. Include the following information and statement on all but the original copy of the repurchase order.

Purchased against the account of (*Name of defaulted contractor*), Contract No.———— Purchase Order No.————.

(ii) Upon issuance of a purchase order, using the information provided on GSA Form 1584, promptly furnish the national or zone contracting officer with the following:

(A) Copy of the purchase order issued.

(B) The dollar amount of the excess costs to be charged against the defaulted contractor's account.

§ 5–8.602–50 Dissemination of contract termination actions.

(a) The responsiblity for national and zonal term contract information input to the Automated Delivery Order (ADO) system is assigned to the National Maintenance Center (NMC) at Region 10. Information which is loaded there is then transmitted to ADO files in all regions for use in machine preparation of delivery orders. It is important that complete and up-to-date contract information be available in the ADO files.

(b) Information made available to the ADO system through "buy-against" summaries does not always identify a contract termination action, particularly as to the extent of the termination. The routine distribution of contract termination notices within the Federal Supply Service to the Region 10 NMC should resolve this problem. Therefore, in view of the foregoing, contracting officers shall provide for a single copy distribution to Region 10 NMC (mailing symbol 10FPN) of all notices of termination issued pursuant to Subpart 5–8.6. Copies of recisions and/or modifications to notices of termination shall also be forwarded to the Regional 10 NMC.

§ 5–8.603 Default termination of fixed-price construction contracts.

(See § 1–18.603.)

§ 5–8.603–1 Termination of the contractor's right to proceed.

A contractor's right to proceed may be terminated under the provisions of the Termination for Default-Damages for Delay-Time Extensions clause. A construction contract may also be terminated for violation of the requirements of Standard Form 19–A, Labor Standards Provisions—Applicable to Contracts in Excess of $2,000.

§ 5–8.803–5 Procedure in case of default.

(a) In addition to the requirements of § 1–18.803–5(c), the notice of termination shall be specific with respect to the following:

(1) Instructions regarding the safeguarding and disposition of any Government property in the possession of the contractor;

(2) Where applicable, a statement that the defaulting contractor and his surety will be liable for liquidated damages at the rate specified until such reasonable time as may be required to complete the work; and

(3) Instructions regarding the acquisition by the Government of such materials, appliances, and plant as may be on the site of the contruction work.

(b) In addition to the distribution of the termination notice required under § 1–18.803–5(d), a copy of the notice shall be furnished to any assignee of the contractor for the particular contract involved and to the Office of Investigations.

CHAPTER 5A—GENERAL SERVICES ADMINISTRATION

[APD 2800.3 CHGE 21]

PART 5A–8 [REMOVED]

1. The Table of Parts for GSPR 5A is amended to remove Part 5A–8—Termination of Contracts.

2. Part 5A–8 is removed in its entirety.

CHAPTER 5B—GENERAL SERVICES ADMINISTRATION

[APD 2800.4 CHGE 8]

PART 5B–8 [REMOVED]

1. The Table of Parts for GSPR 5B is amended to remove Part 5B–8 Termination of Contracts.

2. Part 5B–8 is removed in its entirety.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 2, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81–8291 Filed 3–17–81; 8:45 am]

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Prior

Proposed Rules

Federal Register
Vol. 46, No. 52
Wednesday, March 18, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1002

[Docket No. AO-71-A73]

Milk in the New York-New Jersey Marketing Area; Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the order based on industry proposals considered at a public hearing in June 1980. The principal changes would increase the transportation allowances for milk handlers to reflect more nearly the cost of assembling milk from dairy farms and transporting it to plants for processing. The recommended changes are necessary to reflect current marketing conditions and to assure orderly marketing in the New York-New Jersey area.

DATE: Comments are due on or before April 7, 1981.

ADDRESS: Comments (six copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior document in this proceeding:

Notice of Hearing: Issued May 13, 1980, published May 16, 1980 (45 FR 32321).

Preliminary statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New York-New Jersey marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by April 7, 1981. The exceptions should be filed in six copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Albany, New York, on June 10-18, 1980, pursuant to notice thereof issued May 13, 1980 (45 FR 32321).

The material issues on the record of the hearing relate to whether changes should be made in the following provisions for the purpose of permitting a more equitable competitive situation, on both an intermarket and intramarket basis, for Order 2 handlers.

a. Transportation differentials.
b. Pool transportation credit to handlers for bulk tank milk.
c. Tank truck service charge.
d. Direct delivery differential.
e. Class I price differential.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Modification of transportation allowances. The New York-New Jersey order transportation allowances should be amended in the following manner:

First, the transportation differential rate of 1.8 cents per hundredweight for each 10-mile zone less distant than the 201-210 mile zone that is now used to adjust the Class I and uniform prices for location should be increased to 2.2 cents per zone.

Second, the present 15-cent per hundredweight direct delivery differential for the 1-70 mile zone should be changed to an additional 15-cents fixed transportation differential on Class I and uniform prices applicable within the 1-70 mile zone.

Third, the present 15-cent per hundredweight limit on tank truck service charges to producers should be modified by allowing handlers to negotiate with producers or their cooperatives a tank truck service charge with respect to any farm-to-first plant hauling cost that is in excess of: (1) the 15-cent per hundredweight transportation credit on bulk unit pool milk plus (2) the amount that the class use value of the milk at the location of the plant of first receipt is in excess of its class use value at the location where the milk was received in the bulk tank unit from which the milk was transferred.

These amendments would adjust hauling allowances for handlers under the order to more closely relate the location value of milk to the costs incurred in transporting milk from farms and country plants to distributing plants in the major consuming centers of the market. The changes are necessary to reflect current marketing conditions and to permit a more equitable competitive situation for regulated handlers, both on an intramarket and intermarket basis.

Present transportation provisions. Under the present terms of the order milk from bulk tank producers (99.6 percent of the milk in the market) is essentially at the location of the farms where it is picked up in a tank truck (and thereby received) by handlers. Farms in each township are included in a price zone on the distance, in 10-mile increments, between the township and the nearest of serveral basing points in the metropolitan New York City area. For pooling, accounting and pricing purposes, handlers establish farms in bulk tank units. Milk transferred from a bulk tank unit is classified in the unit according to its use at the plants to which it is transferred during the month. The handler operating the bulk tank unit

accounts for the milk in the unit at its classified use value for the location of the unit. The price zone location of the unit is the weighted average zone location of the volume of milk receive from farms in the unit.

Separate transportation differential rates apply to Class I and Class II prices. Prices are adjusted from the 201–210 mile base zone. The Class I milk price is increased 1.8 cents for each 10-mile zone less distant than the 201–210 mile zone and reduced 1.5 cents for each 10-mile zone more distant than the 201–210 mile zone. The Class II milk price is increased 1 cent for each 25-mile zone less distant than the 201–210 mile zone and decrease 1 cent for each 25-mile zone more distant than the 201–225 mile zone, except the adjustment is limited to minus 8 cents for all locations in the 401 and over mile zone. The uniform price to producers is adjusted the same as the Class I milk price.

In addition to these transportation differentials a direct delivery differential of 15 cents per hundredweight is applicable to bulk tank unit milk received from farms in the 1–10 mile zone through the 61–70 mile zone. The direct delivery differential is applicable also to milk received in cans at a plant in the 1–70 mile zone.

Transportation allowances are provided under the order for farm-to-first plant hauling of bulk tank milk. A pool transportation credit to handlers of 15 cents per hundredweight is provided on milk received by a handler in a bulk tank unit. Also, handlers are permitted to negotiate with producers or their cooperatives a tank truck service charge of up to 15 cents per hundredweight with respect to any farm-to-first plant hauling costs not recovered through the 15-cent pool transportation credit on farm bulk tank milk.

Summary of hearing proposals. The basic purpose of the hearing was to consider proposals that would amend the transportation allowances provided in the order to reflect current costs of assembling and transshipping milk from farms to plants under the farm township pricing provisions of the order to assure intramarket and intermarket alignment of Class I milk and Class II milk procurement costs among competing handlers. Witnesses contended that transportation allowances provided in the order do not cover current costs of hauling milk from farms to plants and that increases in hauling costs are being borne largely by handlers. This, they contended, increases handlers' cost of milk in the amount of any increase in hauling costs.

With respect to intermarket competition, witnesses alleged that handlers in other order markets have not borne the burden of increased hauling costs, since milk is priced at the first plant at which it is received and producers pay the farm-to-plant hauling costs. Thus, when Order 2 handlers compete with handlers in other markets for the sale of milk products, witnesses contend there is a disparity in the cost of milk to handlers under Order 2 and other orders.

With respect to the intramarket competitive situation for handlers, witnesses claimed that hauling costs tend to vary among bulk tanks units operated by handlers. Thus, in a situation where hauling costs are in excess of the transportation allowances provided in the order, there tends to be a variation in the amount of hauling costs borne by competing handlers. Witnesses indicated that this is particularly the case with respect to long-distance shipments of milk from the production areas to distributing plants in the major metropolitan area, since the transportation differential rate under the order does not reflect actual hauling costs associated with the distance milk is moved.

Proprietary handlers and producer groups offered a number of proposals which they believed would minimize the competitive problems of which they complained. The basic thrust of the proposals was to increase the transportation allowances under the order for both farm-to-first plant hauling and hauling from country plants to distributing plants in the major metropolitan area.

With respect to farm-to-first plant transportation allowances, several proposals pertained to modification of the present 15-cent pool credit and modification of the 15-cent limit on the negotiable hauling deductions from payments to producers. An association of proprietary handlers, certain individuals handlers, and cooperative associations all made proposals to increase the pool credit to 20 cents per hundredweight. One handler proposed a 30-cent pool credit. Another handler proposed a 25-cent pool credit in any case where farm bulk pick-up is limited by the producer to a six-day per week basis. However, one producer group proposed that the pool credit be deleted from the order.

All proponents of modification of the pool credit made companion proposals with respect to the limit of hauling deductions from payments to producers. The association of proprietary handlers proposed that the 15-cent limit be removed. Certain proprietary handlers, in addition to those represented by the association, also proposed elimination of the limit on hauling deductions. One producer group proposed that the limit be removed along with its proposal to delete the pool credit. However, cooperative associations proposed that the 15-cent limit be increased to 25 cents in conjunction with their proposal to increase the pool credit to 20 cents per hundredweight.

Several cooperative associations proposed a further modification to the hauling deduction that may be negotiated with producers. Such modification would require a handler to reduce the amount negotiated by the amount that the location value of the milk at the plant of first receipt exceeds its location value in the bulk tank unit. Such disallowed hauling deduction would be in addition to the amount of any reimbursement that the handler receives through the pool transportation credit.

At the hearing several handler witnesses proposed that if a limit on the amount of the hauling deduction is adopted under the order, the hauling limit should be made subject to an automatic adjustment based on changes in the price of diesel fuel. The adjustment suggested would increase the limit 1 cent per hundredweight for every 5-cent per gallon increase in the cost of fuel.

Witnesses for the proponents of proposed changes in the pool transportation credit on bulk tank milk and the negotiable hauling deduction from payments to producers indicated that the proposals were for the purpose of updating the order terms to accommodate increasing costs of farm-to-first plant hauling of bulk tank milk. Proponents contended that the order should permit handlers to recover their costs of farm-to-first plant hauling of milk. They pointed out that in most cases farm-to-first plant hauling costs are now more than the 30 cents per hundredweight that they are permitted to recover through the 15-cent pool credit and the 15-cent negotiable charge to producers. For example, the witness for the association of proprietary handlers stated that the farm-to-country plant hauling cost for the bulk tank units operated by its member handlers ranged from 27.5 cents to 44.5 cents per hundredweight in May 1980. The weighted average hauling cost for all units operated by the association's members in May 1980 was stated to be 33.7 cents per hundredweight compared to 26.9 cents in May 1979. With respect to shipments of milk directly from farms to city plants, the association's witness indicated that member handlers' costs of hauling ranged from 40.1 cents to $1.00

per hundredweight in May 1980. The witness stated that the weighted average of these hauling costs was 77.9 cents per hundredweight compared to 55.3 cents per hundredweight in May 1979.

The handler association took the position that the limit on the amount of the hauling cost that is negotiable with producers should be removed to accommodate increasing hauling costs, including anticipated increased costs in the future. The association witness contended that producers would be adequately protected against excessive hauling deductions through (1) the requirement of written consent from the producer or his cooperative, (2) limiting negotiated deductions to the amount that actual hauling costs exceed the amount of the pool transportation credit, and (3) the effectiveness of competition for producer patronage as a ceiling on hauling deductions. The witness pointed out also that any limit on hauling deductions would be effective only with respect to proprietary handlers, since a cooperative association has the opportunity to make whatever payment arrangements it desires between the association and its member producers.

Cooperative associations opposed the handler association's proposal to simply increase the pool transportation credit to 20 cents per hundredweight and delete the 15-cent limit on the negotiable hauling deduction from producers. The cooperatives contended that the handler association's proposals could result in misalignment of costs to handlers and threaten the opportunity for cooperatives to sell bulk milk to handlers. Cooperative association witnesses argued that this handler proposal would permit handlers to purchase milk at the farm zone price and charge the producers for hauling the milk to the 1–10 mile zone. They pointed out that the order requires handlers who purchase milk from a bulk tank unit operated by a cooperative to pay the cooperative the prices applicable at the location of the receiving handler's plant. In this circumstance, they noted, the cooperative has to charge a plant operator in the 1–10 mile zone the prices applicable at the plant location rather than the lower farm zone prices applicable to the bulk tank unit. Therefore, cooperatives took the position that the order should provide a limit on the hauling deduction that can be negotiated with producers and proposed that the amount of any increase in the location pricing value of milk at the plant of first receipt above its value at the location of the bulk tank unit be disallowed as a hauling deduction. The cooperatives argued that such a proposal was necessary to price milk purchased by a handler directly from producers on the same basis as milk purchased from a cooperative association.

Another major proposal by cooperative associations relates to the recovery of costs for long-haul shipments of bulk milk. The proposal would increase the Class I and uniform price transportation differential rate between the 201–210 mile zone and the 1–10 mile zone to 2.2 cents per 10-mile zone rather than the current 1.8 cents per zone. Proponent witnesses stated that the proposal would update the transportation differential rate to the current costs associated with distance in hauling milk from the production area to plants in the 1–10 mile zone. They indicated that the rate increase would tend to make the cost of direct-shipped milk more comparable to the cost of reloaded milk from country plants. Also, they claimed that the resultant increase of 8 cents in the Class I location adjustment for the 1–10 mile zone (20 zones × 0.4 cents) would provide better alignment between the Order 2 Class I price and the Class I price under the neighboring Middle Atlantic Federal milk order (Order 4).

Another major proposal would apply the 15-cent direct delivery differential for the 1–70 mile zone to all milk direct-shipped to plants in the 1–70 mile zone irrespective of the location of the farms on which the milk is produced. Presently the direct delivery differential is to be paid to bulk tank producers whose farms are located within the 1–70 mile zone and for milk from can producers that is delivered to a plant within the 1–70 mile zone. Also, any handler whose plant is within the 1–70 mile zone and who purchases milk on a direct-shipped basis from a cooperative is subject to the direct delivery differential on such milk received at that plant.

Producer groups that were proponents of this proposal argued that the proposal was needed to effect uniform pricing to handlers whose plants are located in the 1–70 mile zone. They pointed out that in recent years many 1–70 mile zone handlers have been obtaining direct-shipped bulk tank milk from independent producers' farms outside the 1–70 mile zone and thereby avoiding the direct delivery differential. They contended that this practice has resulted in unequal costs of milk to metropolitan New York City handlers, since many handlers have to pay the direct delivery differential for direct-shipped milk from cooperatives. Cooperative association witnesses stated that the proposed 15-cent direct delivery differential was needed in conjunction with the transportation differential rate of 2.2 cents per 10-mile zone to effect alignment of Class I prices to Order 2 and Order 4 handlers.

Proprietary handler witnesses testified in opposition to the direct delivery differential, especially on the basis of its impact on the cost of Class II milk. They stated that it inflates the cost of Class II milk at 1–70 mile zone plants, and thereby creates a disparity in Class II pricing between Order 2 and Order 4 handlers. Handler witnesses suggested that the direct delivery differential be deleted, particularly with respect to Class II milk.

Other major modifications to the order were proposed by a federation of cooperatives in the Order 4 market. The federation proposed that Order 2 be changed to plant location pricing, that the direct delivery differential be reduced to 5 cents, and that the Class I differential in the 201–210 mile base zone be increased from $2.25 to $2.40. Proponents' witness contended that this package of order modifications would provide proper alignment of pricing between Orders 2 and 4.

Several Order 2 handler witnesses indicated on the record that they were in favor of plant point pricing in principle, but preferred that the matter be given more intensive future study. Order 2 cooperatives opposed the consideration of any complete change to plant location pricing on the basis of this hearing.

The need for order modifications. It is clear that marketing conditions have changed since the present transportation allowances under the order were adopted. The transportation provisions of the New York-New Jersey order were last reviewed at a public hearing held in February 1976. The amendments resulting from that proceeding became effective on November 1, 1977, and were based on transportation costs and marketing patterns which existed in 1975. Since those amendments were effectuated, significant shifts in marketing patterns and increases in milk transportation costs have occurred.

The current transportation provisions of the order were designed to accommodate the marketing pattern existing in 1975. At that time, only 19 percent of the Class I milk at plants in the 1–70 mile zone was received directly from farms, while 81 percent was reloaded at country plants for transshipment to distributing plants within the 1–70 mile zone, from which over 80 percent of the market's Class I milk is now sold. Under the current marketing pattern in the market, a

majority of the milk moved to distributing plants in the 1–70 mile zone is received directly from farms. For example, by October 1979, 52 percent of the Class I milk at plants within the 1–70 mile zone was received directly from farms, and only 48 percent was reloaded. Moreover, the record indicates that the Order 2 handlers whose plants are located in northern New Jersey, and who are in intermarket sales competition with Order 4 handlers, receive most of their milk supplies directly from farms, as do the Order 4 handlers. Thus, intermarket price alignment needs to be structured primarily in light of costs of obtaining direct-shipped milk, in contrast to an emphasis on the cost of obtaining reloaded milk under Order 2 compared to direct-shipped milk under Order 4 as was the case with the 1977 amendments to the transportation provisions of Order 2.

Nevertheless, since a substantial proportion of the milk assembled for Class I use in the 1–70 mile zone of the New York-New Jersey market is still reloaded, it is important that the order transportation provisions be structured in a manner that tends to equate the costs of direct-shipped milk to the cost of reloaded milk for handlers in the major population center of the market. On the basis of December 1979 data, the average cost of hauling milk between plants in 59 cents per hundredweight for a distance of 200 miles. The order establishes a difference of 36 cents in Class I prices for this distance between the 201–210 mile zone and the 1–10 mile zone. In addition, the order establishes a 15-cent direct delivery differential for milk procured from farms in the 1–70 mile zone near the metropolitan New York City area. Thus, with respect to nearby direct-shipped milk, the minimum order Class I pricing structure reflects a price in the 1–10 mile zone that is 51 cents per hundredweight higher than the 201–210 mile zone price, but 8 cents less than the cost of transporting reloaded milk from the 201–210 mile zone to the 1–10 mile zone. Moreover, with respect to direct-shipped milk from farms beyond the 1–70 mile zone where the 15-cent direct delivery differential does not apply (except on milk purchased from a cooperative association bulk tank handler), the minimum order Class I pricing structure reflects a 1–10 mile zone price that is 23 cents below the transportation cost on reloaded milk obtained from the 201–210 mile zone.

Under the price structure adopted in 1977, there was a strong incentive for handlers in the 1–70 mile zone to seek supplies of direct-shipped milk from beyond the 1–70 mile zone. The record indicates that as of October 1979 handlers in the 1–70 mile zone were obtaining nearly as much direct-shipped milk as they were reloaded milk from beyond the 1–70 mile zone. In that month plants inside the 1–70 mile zone received 25 million pounds of Class I milk direct-shipped from farms inside the 1–70 mile zone and 145 million pounds from farms outside the 1–70 mile zone. Reloaded Class I milk for 1–70 mile zone plants from plants outside the 1–70 mile zone amounted to 157 million pounds in October 1979.

The hauling costs being borne by metropolitan area handlers for direct-shipped milk from beyond the 1–70 mile zone had become equivalent to the hauling cost on reloaded milk by December 1979. For example, hauling cost data for December 1979 that were obtained by audit of handlers' records show that the average cost of hauling milk from 161–190 mile zone farms to 1–70 mile zone plants was 57 cents per hundredweight. Handlers recovered 30 cents per hundredweight of this cost through the 15-cent pool credit and the 15-cent negotiable transportation charge to producers. The resultant 57 cents per hundredweight average cost to the handlers is equivalent to the average cost of moving reloaded milk from plants in the 181–190 mile zone to plants in the 1–70 mile zone. In these circumstances, the effective Class I differential cost of distant direct-shipped milk to 1–70 mile zone handlers can be expressed in terms of the order Class I differential applicable for the farm zone where the milk was procured and adding the amount of the hauling cost borne by the handlers. The Class I differential in the 181–190 mile zone is $2.268 and the direct-shipped hauling cost borne by handlers in $.57 for a total of $2.838.

Several examples of effective Class I differential costs of direct-shipped milk to 1–70 mile zone handlers were placed in the record based on December 1979 hauling costs from various farm price zones. All such examples revealed an effective Class I differential cost to 1–70 mile zone handlers within a few cents of $2.84, which is the Class I differential cost under the neighboring Middle Atlantic Federal milk order (Order 4) at plants located within 55 miles of Philadelphia.

Since May 1978 when a large-volume Class I handler at Flemington, New Jersey, shifted regulation from the Middle Atlantic order to the New York-New Jersey order, intermarket shipments of packaged fluid milk products have been about 20 million pounds per month in each direction. For example, in April 1980 Order 2 handlers' packaged fluid milk sales in the Order 4 marketing area were 19.3 million pounds compared to 20.8 million pounds in May 1978. Similarly, in April 1980 Order 4 handlers' sales of packaged fluid milk in the Order 2 marketing area were 18.8 million pounds compared to 17.8 million pounds in May 1978. The potential still exists for the Flemington, New Jersey, handler to shift regulation between these orders. Because of the intermarket competition, it is essential that the Class I prices under the two orders be reasonably aligned.

Under the present circumstances, Order 2 handlers are concerned that increasing hauling costs could place them at a competitive disadvantage relative to Order 4 handlers. This is because under the present terms of Order 2, handlers are faced with having to absorb any further increases in farm-to-plant hauling costs, but under the terms of Order 4, milk is priced at the plant of first receipt and producers pay the cost of hauling their milk from farm to plant. The interorder difference in the treatment of hauling costs is critical with respect to the cost of Class II milk as well as Class I milk for handlers.

The cost of Class II milk to Order 2 handlers is affected by the amount of milk transportation costs borne by the handlers. For example, in the case of direct-shipped milk procured from the 161–190 mile zone, the 57-cent per hundredweight hauling cost borne by the handlers in the 1–70 mile zone would be applicable irrespective of the use made of the milk. Class I handlers cannot avoid having a proportion of their milk in Class II uses, such as shrinkage, route returns, and cream from standardization of milk to a lower butterfat content.

Under Orders 2 and 4, the price for Class II milk is based on the same basic formula price (the Minnesota-Wisconsin price). However, other factors affect a handler's cost of Class II milk. Both orders provide for seasonal adjustments to the basic formula price, which average 2 cents higher under Order 4 than under Order 2. Also, there is a direct delivery differential under Order 4 of 6 cents per hundredweight that is applicable at plants within 55 miles of Philadelphia. Under Order 2, there is a transportation differential on Class II milk in the amount of 1 cent for the 25-mile zone less distant than the 201–210 mile zone, or plus 8 cents for the 1–25 mile zone, in addition to the 15-cent direct delivery differential for the 1–70 mile zone. Thus, the cost of Class II milk

to Order 2 metropolitan area handlers is at least 15 cents higher than the cost of Class II milk for Philadelphia area handlers under Order 4.

With respect to Class II milk costs at more distant zones under Order 2, the transportation differential of 1 cent for each 25-mile zone is reduced beyond the 201–225 mile zone, but is limited to a minus 8 cents. However, this minus differential would be offset by any amount of farm-to-first plant hauling costs borne by the receiving handler. In most cases, Order 2 handlers are faced with such costs, even on short-distance movements of milk between the farm and plant of first receipt.

Based on a December 1979 hauling cost audit conducted by the Office of the Market Administrator, 165 million pounds of bulk tank milk, or only 20 percent of the 821 million pounds of milk received in bulk tank units, was hauled at a cost of 30 cents or less per hundredweight. Thus, for 80 percent of the milk the hauling cost was in excess of the 30 cents reimbursable to handlers through the 15-cent pool credit and the 15-cent negotiable charge to producers. For all short-distance movements of milk (less than 5 10-mile zones between the bulk tank unit zone and the plant zone), the average hauling cost was 35.3 cents in December 1979. Consequently, handlers are faced with having to absorb on the average more than 5 cents of the cost of assembly of bulk tank milk at country plants for processing into Class II products. In addition, this extra cost would be absorbed by handlers with respect to bulk tank milk reloaded at country plants for shipment to other plants. As previously stated, 157 million pounds of Class I milk was reloaded for shipment to plants in the 1–70 mile zone in October 1979.

On the basis of hauling cost data in the record, it is apparent that Order 2 handlers in the 1–70 mile zone are faced with costs for direct-shipped Class I milk that are comparable to the Class I milk costs for competing handlers under Order 4. However, under the present transportation provisions of Order 2, the Order 2 handlers will have to absorb any further increases in hauling costs, which would create a competitive disparity in Class I pricing for Order 2 handlers who compete with Order 4 handlers for sales accounts. Also, with respect to reloaded milk moved to metropolitan New York City area handlers for Class I use, the present limit on farm-to-first plant hauling costs is forcing handlers to absorb an average of at least 5 cents per hundredweight higher transportation cost than on direct-shipped milk. This extra 5-cent cost plus any further increases in hauling costs need to be passed back to producers if comparable Class I milk costs are to be maintained between Orders 2 and 4.

Transportation allowances under Order 2 need to be changed also with respect to Class II milk costs to Order 2 handlers. Presently, on Class II milk Order 2 handlers in the 1–70 mile zone are paying at least 15 cents more than handlers under Order 4, or the amount of the direct delivery differential for the 1–70 mile zone. In the case of country manufacturing plants which process most of the Class II milk in the market, the limit on hauling deductions is forcing an average increase in milk costs of about 5 cents per hundredweight. Any further increase in hauling costs would also accrue to handlers under the present terms of the order. The basic formula price for Class II milk is the same as is used in other Federal milk orders for milk processed into hard manufactured milk products. Thus, farm-to-first plant transportation costs need to be borne by producers under Order 2 if Class II milk costs are to be maintained in alignment with other orders.

Order modifications. As previously indicated, the transportation differential, direct delivery differential, and tank truck service charge provisions of the order should be modified.

Transportation differential and direct delivery differential. The transportation differential rate of 1.8 cents per hundredweight for each 10-mile zone less distant than the 201–210 mile zone that is used to adjust the Class I and uniform prices for location should be increased to 2.2 cents per zone. Also, the present 15-cent direct delivery differential for the 1–70 mile zone should be changed to an additional 15-cent fixed transportation differential on Class I and uniform prices within the 1–70 mile zone.

The combination of these changes in the transportation differentials will reflect the current variable and fixed transportation costs in moving reloaded milk to the 1–70 mile zone. A witness for the Office of the Market Administrator presented the results of a hauling cost analysis for milk reloaded outside the 1–70 mile zone and shipped to plants inside the 1–70 mile zone in December 1979. The analysis was based on a hauling cost audit conducted by the Office of the Market Administrator in which data were obtained from plants transferring in excess of 500,000 pounds of bulk milk using contract haulers. A total of 72 million pounds of milk was shipped between 15 transfer plants and 13 receiving plants. The distances traveled between plants ranged from 122 miles to 364 miles. A statistical analysis was made of the data to determine what proportion of total hauling costs represented fixed costs or the amount not associated with distance traveled and those costs attributable to 10-mile increments of distance traveled. The results of the analysis revealed a fixed cost of 15.26 cents per hundredweight and a variable cost of 2.22 cents per 10-mile increment of distance per hundredweight.

On the basis of this hauling cost analysis, the present transportation differential rate of 1.8 cents per 10-mile zone is 0.4 cents per zone less than the variable costs being incurred by handlers in obtaining milk from distant plants. Cooperative association proponents of increasing the variable transportation differential rate to 2.2 cents per 10 miles urged that the proposal be adopted in order to price direct-delivered milk in line with the cost of obtaining reloaded milk. An increase in the transportation costs for shipping milk from distant plants to the 1–70 mile zone creates a corresponding increase in the value of direct-shipped milk from nearby farms relative to the value of milk from farms located more distant from the major population center of the market, particularly when the cost of long-distance hauling of direct-shipped milk increases as well.

The record demonstrates that long-distance direct-shipped hauling costs have been increasing. For example, the weighted average cost for one group of handlers for hauling bulk milk from farms directly to city plants increased from 38.4 cents per hundredweight in May 1976 to 55.3 cents per hundredweight in May 1979, and to 77.9 cents per hundredweight in May 1980. Moreover, it is apparent that the cost of direct-shipping milk increases with the distance shipped in about the same amount as for reloaded milk.

Hauling costs for milk produced beyond the 1–70 mile zone and delivered directly to plants in the 1–70 mile zone during December 1979 for various distances between the bulk tank unit and the plant were as follows: 101–110 miles, $0.690; 151–160 miles, $0.804; and 181–190 miles, $0.870. The 17.4-cent difference in hauling costs between 101–110 miles and 181–190 miles averages 2.175 cents per 10 miles. The 10.8-cent difference in hauling costs between 101–110 miles and 151–160 miles averages 2.16 cents per 10 miles. The 6.6-cent difference in hauling costs between 151–160 miles and 181–190 miles averages 2.2 cents per 10 miles. Thus, the proposed transportation differential rate of 2.2

cents per 10-mile zone closely reflects the added costs per 10-mile increase in the distance that milk was direct-shipped during December 1979.

Accordingly, adoption of a transportation differential rate of 2.2 cents per 10-mile zone will tend to permit handlers to recover the hauling costs associated with distance in moving Class I milk from the production area to metropolitan area processing plants for both direct-shipped and reloaded milk. In addition, uniform prices to producers would be adjusted more closely in line with the decreasing fluid use value that milk produced at increased distances from the market center has to metropolitan area handlers because of increased hauling costs in moving the milk to their plants.

At the hearing and in their brief, a proprietary handler association opposed any increase in the transportation differential rate because it would increase the Class I price by 0.4 cents per hundredweight per 10-mile zone nearer the metropolitan center than the 201–210 mile zone. Also, the association argued that the transportation differential rate inside the 201–210 mile zone should not be different than the 1.5-cent transportation differential rate beyond the 201–210 mile zone or the 1.5-cent location adjustment rate under the neighboring Middle Atlantic order.

The 1.5-cent transportation differential rate beyond the 201–210 mile zone is the rate commonly used under other Federal orders. Cooperative association proponents of the 2.2-cent rate inside the 201–210 mile zone stated that they did not proposed any change in the rate beyond the 201–210 mile zone because a change in the 1.5-cent rate could disrupt intermarket price alignment and that they did not believe it would be desirable to provide further inducement to move the more distant supplies of milk to the 1–70 mile zone.

With respect to intermarket price alignment beyond the 201–210 mile zone, in western New York and Pennsylvania the production area for the New York-New Jersey market is adjacent to the production area for the Eastern Ohio-Western Pennsylvania Federal order market. Thus, a change in the Order 2 transportation differential rate for those zones beyond the 201–210 mile zone would change the interorder milk procurement situation between Order 2 and the neighboring Federal order markets to the west. The competitive milk procurement relationships between the Eastern Ohio-Western Pennsylvania market and the New York-New Jersey market were not revealed in any significant detail on this hearing record. Thus, a meaningful indication of the probable impacts that a change in the transportation differential rate beyond the 201–210 mile zone could have on the milk marketing competition between these order markets is not feasible on this record.

With respect to the cooperatives' position that no further inducement should be made through the transportation differential rate beyond 210 miles to ship milk to the 1–70 mile zone, such position is supported by record evidence. In October 1979, a month of seasonally high Class I utilization, 327 million pounds of Class I milk were moved to plants within the 1–70 mile zone. During that month 474 million pounds of producer milk were produced on farms within the 1–210 mile zone. This amount exceeded not only the Class I needs of handlers in the 1–70 mile zone but also the Class I use in the entire market. Also, total milk production in the market of 812 million pounds in October 1979 exceeded total Class I use by 389 million pounds. Thus, more milk (389 million pounds) needed to be processed into manufactured dairy products than was needed for Class I use (327 million pounds) inside the 1–70 mile zone. Under these conditions, substantial transportation savings would be realized if milk produced on farms located closest to Class I outlets were used for Class I purposes and milk produced on farms located more distant from Class I outlets were used in manufactured dairy products. This would tend to be encouraged by adoption of a 2.2-cent per hundredweight transportation differential for each 10-mile zone less distant than 201–210 miles and not increasing the 1.5-cent per 10-mile rate for zones beyond 210 miles.

The 2.2-cent per 10-mile rate inside the 201–210 mile zone will also result in better intermarket Class I price alignment between Order 2 and Order 4. A 2.2-cent rate for the 20 zones inside the 201–210 mile zone would add 44 cents to the $2.25 Class I differential for a total of $2.69 in the 1–10 mile zone. The $2.69 plus the amount of the direct delivery differential of 15 cents would result in a Class I milk differential price of $2.84 for direct-shipper milk in the 1–10 mile zone. This is the same as the Class I differential cost of milk at plants within 55 miles of Philadelphia under Order 4 ($2.78 Class I differential plus a 6-cent direct delivery differential).

However, the amount of the 15-cent direct delivery differential under Order 2 should be changed to a fixed transportation differential for the 1–70 mile zone, to effect comparable Class II pricing between Order 2 and Order 4, as well as alignment of Class I prices between these orders. Moreover, the 15-cent fixed transportation differential is needed under Order 2 to maintain comparable costs between direct-shipped milk and reloaded milk for handlers in the 1–70 mile zone. As previously indicated, analysis of the costs of hauling reloaded milk during December 1979 under Order 2 revealed a fixed transportation cost of 15.26 cents per hundredweight. Consequently, this fixed cost needs to be reflected in the Class I price of direct-shipped milk to maintain comparable hauling allowances for handlers on both direct-shipped and reloaded milk.

Proponents of application of the direct delivery differential to all direct-shipped milk irrespective of whether it is produced on farms inside or outside the 1–70 mile zone recognized that milk has the same plant location value to a 1–70 mile zone Class I handler regardless of the location of the farm where produced. Uniform pricing to handlers cannot be maintained effectively when producers located outside the 1–70 mile zone are left to rely on their bargaining strength to obtain a price competitive with the higher cost of reloaded milk or the higher price of direct-delivered milk from farms within the 1–70 mile zone, as is presently done under the order.

Alignment of minimum order Class II pricing on an intermarket and intramarket basis would be improved by removal of the impact of the direct-delivery differential on Class II milk, as proposed at the hearing by proprietary handlers. As previously discussed, the 15-cent direct delivery differential results in a cost of Class II milk to Order 2 handlers that is 15 cents above the cost of Class II milk to Order 4 handlers whose plants are located within 55 miles of Philadelphia. With respect to intramarket competition the effective minimum order cost of Class II milk varies among handlers in accordance with the amount of hauling cost for which handlers are not reimbursed through the 15-cent pool credit and the 15-cent negotiable hauling deduction from producers. Further detail on this matter is included later in this decision.

Pool credit and tank truck service charge. The combination of the 15-cent bulk tank unit pool credit to handlers and the 15-cent limit on the negotiable hauling charges to producers relates to the proportion of farm-to-first plant hauling cost to be borne by producers and the proportion to be borne by handlers. The bulk tank unit pool credit should be continued at the 15-cent rate. However, the limit on the negotiable hauling charge to producers should be

modified by permitting handlers to recover any farm-to-first plant hauling costs that are in excess of the pool credit and the amount of any increase in class use location value of the milk at the plant of first receipt over its class use location value in the bulk tank unit from which it was transferred.

The proposals to increase the amount of the pool credit and the proposal to delete the pool credit should not be adopted. Proponents of an increase in the pool credit supported in on the basis that hauling costs have increased and the minimum farm-to-first plant hauling cost in the market is now about 20 cents per hundredweight. The proponent of deletion of the pool credit stated that the use of a pool credit tends to keep an equivalent amount of hauling costs hidden from producers. Proponent argued that producers should be charged directly for all hauling costs so that they will better realize what such costs are rather than having a portion of such costs hidden in the form of a reduced pay price.

One of the impacts of the use of a pool credit is a reduction in the amount of the announced uniform price under the order. If the pool credit were eliminated the announced uniform price would be 15 cents higher. Thus, the amount of the hauling cost represented by the pool credit is borne by producers. Accordingly, total net returns to producers would be the same if the pool credit were deleted and the hauling charge directly to producers were increased a like amount. In this circumstance, it would seem that the pool credit should be changed to an increase in a hauling charges directly to producers, since it has only a psychological impact on producers. However, the record does not reveal the extent to which producers may understand that they are paying for part of farm-to-first plant hauling in the form of a reduced pay price. If producers are not generally aware of this impact of the present pool credit, it could result in unrest among producers if hauling charges were abruptly increased by 15 cents per hundredweight through deletion of this pool credit.

The hauling cost problems faced by handlers can be alleviated with the continuation of a pool credit, but there could be adverse impacts if the amount of the pool credit were increased. If the credit were set at an amount in excess of the minimum hauling cost it would result in a windfall profit to bulk tank unit operators in an amount that hauling costs are less than the amount of the credit. For example, the proposed 30-cent pool credit would have exceeded the actual farm-to-first plant hauling cost in December 1979 for 184.5 million pounds of milk. The proposed 25-cent pool credit would have overcompensated handlers with respect to 38.9 million pounds of milk that was hauled during December 1979. Also, witnesses indicated that there is still some milk being hauled from farm to plant for less than the proposed 20-cent pool credit.

Moreover, an increase in the pool credit would tend to limit the flexibility handlers would be permitted to exercise in adopting hauling charges that reflect the wide variations inherent in the cost of hauling milk among producers within a bulk tank unit. If the pool credit were set at the average hauling cost for all milk in a bulk unit, the handlers would not be permitted to make hauling deduction and producers in the unit would all be paying the same hauling cost in the form of a reduced uniform price. However, if the pool credit were to be kept at the lowest cost of hauling for any producer in the unit, then handlers would be permitted to adopt a hauling schedule that reflected the full variation in costs of hauling for milk of individual producers in the unit.

The record indicates that cooperative associations in the market have employed the use of a stop charge in their hauling schedule for member producers. Thus, producers with large volumes of production tend to realize a lower per unit cost of hauling than small-volume producers. Also, producers whose milk is picked up everyday are charged more per unit than producers who are on an every-other-day pickup. In order for proprietary handlers to use this stop charge type of hauling scheme, the pool credit needs to be kept at the per unit hauling cost of the lowest cost producer in the unit. However, a pool credit at such low level would not preclude a handler from applying the same per hundredweight hauling charge for all producers in the unit.

Handler and cooperative association witnesses indicated that under the present terms of the order there is allowance for exercising some variability in the type of hauling charge schedule used and they proposed that it be continued. In view of the above considerations, it is concluded that not change should be made at this time in the amount of the bulk tank unit pool credit.

The limit on the total amount of the negotiable hauling deduction from producers should be changed to effect uniform class prices to handlers at a given plant location. This can be accomplished by adoption the proposal by cooperatives to subtract from the negotiable hauling deduction from producers the amount of the pool credit and the amount that the class use location value of the milk at the plant of first receipt exceeds its class use location value in the bulk tank unit from which the milk was transferred. The adjustment of hauling charges in this manner is necessary to preclude handlers from obtaining a double credit for the transportation differentials under the order.

As previously discussed, transportation differentials for adjusting class prices are employed under the order to afford handlers transportation cost allowances for moving milk from the production area to metropolitan New York City processing plants. With respect to bulk tank unit milk, class prices are reduced for the location of the farms included in the bulk tank unit. Handlers are obligated to account to the producer settlement fund at the classified use value of milk at the location of the bulk tank unit. Thus, in this manner handlers receive the benefit of the transportation differential employed in the order. In this circumstance, if a handler is permitted to charge producers for hauling milk to a plant in a higher-priced zone than the bulk tank unit the handler would benefit twice from the transportation differentials provided in the order. Accordingly, it is appropriate that handlers incur the transportation differential amount of hauling costs associated with moving direct-shipped milk from a bulk tank unit to a plant in a higher-priced zone. This can effectively be accomplished throuth the disallowances of any charge to producers for the amount that the transportation differential value of milk at the plant of first receipt exceeds its transportation differential value in the bulk tank unit.

Such hauling allowance provisions will also provide assurance that costs of direct-shipped milk are uniform to handlers at the plant of first receipt as adjusted for location by the transportation differentials. Under the present terms of the order, handlers tend to receive the benefit of any farm-to-city plant hauling costs that are less than a competing handler's hauling costs. Thus, the effective costs to city handlers tend to vary with any variations in the costs of direct-shipping milk from the zone of the bulk tank unit to the city plant. Under the adopted amendments, such hauling cost variations will tend to accrue to producers.

Under the present transportation allowance scheme in the order,

proprietary handlers have had an incentive to seek out those direct-shipped producer milk supplies that are the least costly to haul to their plants since the hauling allowances do not cover the full hauling costs. Typically such producer milk supplies are from farms located on good highways and from large-volume producers. Contrariwise, there has been an incentive for proprietary handlers to avoid obtaining milk from small-volume producers or from farms located on poor roads, or on roads with lower truck weight limits, or in hilly areas, all of which involve higher handling costs. Thus, in many cases bulk tank hauling routes have been segregated according to the cost of hauling milk from farms. The witness for one producer group contended that variations in hauling costs among farms should be reflected in hauling costs to producers rather than in the hauling costs incurred by handlers. The witness pointed out that for the most part producers have incurred an increased capital investment in farms located on good roads and with farmstead lanes that facilitate the use of the larger more efficient tank trucks for picking up their milk. Moreover, the witness contended that property taxes are higher for farms that are on the better roads and that have farm lanes in a condition that permits easy access to the milk house by large tank trucks. In these circumstances, the efficiency of hauling routes tends to be related to conditions at the farm and therefore it is appropriate that the transportation provisions of the order permit the reflection of variations in costs of hauling back to producers individually.

The proposals to remove the limit on the amount of actual hauling costs that may be negotiated between handlers and producers would allow for the reflection of variations in hauling costs among farms in a bulk tank unit. Also, handlers would be assured that the terms of the order would not force them to absorb hauling costs that would effect higher than minimum order class use values of milk at the plant of first receipt.

The proposals to maintain a maximum limit on the negotiable hauling deduction could threaten the ability of producers on farms from which milk hauling costs are somewhat higher than for neighboring farms to maintain an outlet for their milk. Witnesses indicated that this has been the case under the present hauling limit. Obviously, this type of problem would tend to be alleviated by setting the hauling deduction limit at a higher amount. However, most witnesses contended that hauling costs could be expected to continue increasing. Thus, the problems attributable to the limit could be expected to recur at a future date, particularly if the farm-to-first plant hauling allowances were increased from the present 30 cents to only 45 cents per hundredweight as proposed by cooperatives.

The farm-to-first plant hauling cost audit conducted by the Office of the Market Administrator reveals that in December 1979 hauling costs exceeded an average of 45 cents per hundredweight for some bulk tank units for which milk was shipped less than 50 miles between the unit location and the plant location. A total of 77.5 million pounds of milk was included in such units. Accordingly, adoption of the maximum limit proposed by cooperatives would fall short of covering the present range of farm-to-first plant hauling costs.

A major impact of the hauling limit has been to preclude handlers from benefiting twice from the transportation differential structure under the order in the case of milk direct-shipped long distances from the production area to plants in the 1–70 mile zone. This impact under the order would be taken care of by the adoption of the previously discussed modification to the negotiable hauling charge. Thus, a maximum limit would no longer be needed to preclude handlers from realizing a double credit for the hauling allowances reflected in the transportation differentials under the order.

Moreover, as pointed out by those proposing the removal of the limit on hauling deductions, producers have the protection of handlers having to get a producer's or his cooperative's advance written approval for a hauling charge. Also, producers would always have the option of changing market outlets to obtain a more favorable hauling rate. Thus, competition among haulers should tend to protect the interest of producers with respect to hauling costs that they incur. In view of the above considerations, it is concluded that a maximum limit on negotiable hauling deductions should not be maintained under the order.

The adoption of the combination of the aforementioned amendments to the order should tend to effect the recovery of transportation costs by handlers in a manner that results in proper alignment of handlers' costs of milk on an intramarket and intermarket basis. It is recognized, however, that no action is taken with respect to milk assembly costs not associated with transportation costs. There was discussion on the record with respect to the cost of reloading milk at country plants which could result in a higher total cost to handlers for reloaded milk than for direct-shipped milk. No proposals were made with respect to matters other than transportation costs.

Other proposals not adopted. The proposal made at the hearing to adjust the negotiable hauling deduction limit by use of a diesel fuel formula is rendered moot by the elimination of a fixed limit on hauling deductions.

The proposal for a complete change to plant location pricing should not be adopted. The amendments provided herein tend to effect plant pricing with respect to the classified prices to handlers. However, farm zone pricing is retained with respect to uniform prices to producers. In these circumstances, the basic substantive difference between the adopted provisions and plant pricing is the order's impact on movement of milk to higher-priced zones for Class II use. Under plant pricing the minimum uniform price payable to producers applies at the location of the plant of first receipt and handlers are credited from the producer settlement fund at such uniform price. Accordingly, such application of the order would provide a greater incentive to haul direct-shipped milk to city plants for Class II use, since there would be a credit from the pool for the full amount that the uniform price transportation differential at the city plant exceeds the transportation differential for the zone of the bulk tank unit.

In such circumstances, adoption of a plant pricing would tend to provide encouragement to move milk long distances toward the city for manufacturing use. Since manufactured products are a much more concentrated form of dairy products than fluid milk, transportation savings can be realized if manufactured products are processed at plants nearby producers' farms and shipped to the city in manufactured form. The pricing scheme adopted will tend to discourage the long distance shipment of milk toward higher-priced zone plants for Class II use, since handlers will be in a position of having to convince the producer to pay the extra cost of hauling milk to their plants compared to the cost of hauling milk to a plant near the producer's farm.

Under the present terms of the order, handlers are discouraged from moving milk long distances for Class II use since they incur the extra hauling costs. This situation will be essentially the same under the provisions adopted, since producers would have the option of obtaining an alternative outlet for their

milk at manufacturing plants in the production area, rather than agreeing to pay the extra cost of having their milk hauled to the city for Class II use. Order 2 cooperative association witnesses argued that the order provisions should continue to be structured in a manner that discourage the movement of milk to the city for Class II use. For this reason, complete plant pricing should not be adopted at this time.

The proposals to increase the Class I differential by 15 cents and reduce the direct delivery differential to 5 cents were supported on the basis that they would result in proper alignment of prices between Order 2 and Order 4. These proposals would result in reducing the transportation allowance under the order to 49 cents between the 201–210 mile zone and the 1–10 mile zone. This is 2 cents less than under the present terms of the order and 10 cents less than the actual transportation cost on reloaded milk. Moreover, it would provide a Class I differential cost of $2.89 in the 1–10 mile zone. Such $2.89 Class I differential cost plus the shortfall of 10 cents in covering the transportation costs on reloaded milk would result in an effective Class I differential milk cost of $2.99 at the 1–10 mile zone. This is 15 cents higher than the Class I differential cost under the adjacent Order 4 at plants within 55 miles of Philadelphia. In this circumstance, there would be a disparity in pricing under the orders that would tend to favor Order 4 handlers. Accordingly, these proposals should not be adopted.

Omission of the recommended decision. A proprietary handler association urged at the hearing that their proposed amendments be adopted on an emergency basis by omitting the usual issuance of a recommended decision for review and comments by interested parties before a final decision is issued. However, in its brief the association stated that it wished to have the benefit of commenting on a recommended decision if any amendments other than those that the association proposed were adopted. In these circumstances, the issue is moot, since amendments other than those proposed by the association are adopted.

Ruling on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Finding

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the New York-New Jersey marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. The introductory text preceding paragraph (a) in § 1002.50a is revised to read as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.61. Any handler who purchases or receives milk during any month from a cooperative association of producers but does not operate the plant or unit receiving this milk from producers shall pay the cooperative association on or before the 19th day of the following month for such milk at not less than the class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51 and 1002.61 applicable at the plant at which the milk is first received from the cooperative association. Such payments to a cooperative association shall be deemed not to have been made until the payments have been received by the cooperative association.

* * * * *

2. In § 1002.51, paragraph (c) is revised to read as follows:

§ 1002.51 Transportation differentials.

* * * * *

The differential rates applicable at plants shall be as set forth in the following schedule.

A Freight Zone (miles)	B Classes I–A and I–B	C Class II
	Cents per hundredweight	
1–10	+58.0	+5
11–20	+56.8	+5
21–25	+54.6	+6
26–30	+54.6	+7
31–40	+52.4	+7
41–50	+50.2	+7
51–60	+48.0	+6
61–70	+54.8	+5
71–75	+28.8	+6
76–80	+29.6	+5
81–90	+25.4	+5
91–100	+24.2	+5
101–110	+22.0	+4
111–120	+19.8	+4
121–125	+17.6	+4
126–130	+17.6	+3
131–140	+15.4	+3
141–150	+13.2	+3
151–160	+11.0	+2
161–170	+8.8	+2
171–175	+8.8	+2
176–180	+8.8	+1
181–190	+4.4	+1
191–200	+2.2	+1
201–210	0.0	0
211–220	−1.5	0
221–225	−3.0	0
226–230	−3.0	−1
231–240	−4.5	−1
241–250	−6.0	−1
251–260	−7.5	−2
261–270	−9.0	−2

A Freight Zone (miles)	B Classes I-A and I-B	C Class II
271-275	−10.5	−2
276-280	−10.5	−3
281-290	−12.0	−3
291-300	−13.5	−3
301-310	−15.0	−4
311-320	−16.5	−4
321-325	−18.0	−4
326-330	−18.0	−5
331-340	−19.5	−5
341-350	−21.0	−6
351-360	−22.5	−6
361-370	−24.0	−6
371-375	−25.5	−6
376-380	−25.5	−7
381-390	−27.0	−7
391-400	−28.5	−7
401 and over	−30.0	−8

* * * * *

§ 1002.53 [Amended]

3. In § 1002.53, the reference "§§ 1002.51 and 1002.82(b)" is revised to "§ 1002.51".

4. In § 1002.80, paragraph (a)(2) and (3) is revised to read as follows:

§ 1002.80 Time and rate of payments.

(a) * * *

(2) Proper deductions for the month that were authorized in writing by producers from whom the handler received milk (except as specified in paragraph (a)(3) of this section);

(3) For milk received in a bulk tank unit and for which transportation was provided by the handler or at his expense, there may be deducted, as proper and as authorized in writing by the producer, or by a cooperative association authorized to act on behalf of such producer, a tank truck service (transportation) charge. This charge may include any farm-to-first plant transportation costs for which the handler was not reimbursed through the transportation credit pursuant to § 1002.55, but such charge shall be reduced by the amount that the class use location value of milk at the plant of first receipt exceeds its class use location value where the milk was accounted for as a receipt in the bulk tank unit from which the milk was transferred. Any such deduction, plus the transportation credit, and plus the amount of the increase in class use location value of the milk at the plant compared to the unit shall not exceed the actual transportation costs incurred. Any such deduction also must be made by the handler not later than the date on which the producer is required to be paid for such milk. If authorization for such deduction is cancelled by the producer or by the cooperative by notifying the handler in writing, such cancellation shall be effective on the first day of the month following its receipt by the handler; and

* * * * *

§ 1002.82 [Amended]

5. In § 1002.82 paragraph (b) is removed.

Signed at Washington, D.C., on: March 12, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-8000 Filed 3-17-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice for Domestic Licensing Proceedings; Expediting the NRC Hearing Process

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its Rules of Practice to facilitate expedited conduct of adjudicatory proceedings on applications to construct or operate nuclear power plants. The Commission is proposing these amendments for comment because it is apparent that unless some action is taken a number of nuclear power reactors will be completed prior to the completion of required adjudicatory hearings. These proposed amendments are intended to minimize the time lag between NRC adjudicatory decisions and plant completion.

DATES: Comment period expires on April 7, 1981. No requests for extensions of time will be granted.

ADDRESSES: All interested persons who desire to submit comments in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Martin G. Malsch, Esq., Deputy General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202 634-1465).

SUPPLEMENTARY INFORMATION: Following the Three Mile Island accident of March 28, 1979, the Nuclear Regulatory Commission reassigned most of its staff who had been reviewing applications seeking authorization to construct or operate nuclear power reactors to other tasks, such as investigating the causes of the accident, assuring the safety of other operating power reactors and developing new generic safety requirements based on the lessons learned from the accident. As a direct result of these reassignment it has recently become apparent that if the licensing process is not altered, construction of a number of plants on which adjudicatory hearings are being held will be completed prior to the completion of the hearings. The resulting delay costs to utilities and, ultimately, ratepayers could run into billions of dollars.

To eliminate or mitigate these potential impacts, the Commission's technical staff has proposed a substantial reordering of staff review resources. The aim here was to achieve whatever time savings were possible without changes to the hearing process. However, it does not appear that reallocation of staff resources alone will be sufficient. Accordingly, the Commission has examined the hearing process to see where that process might be expedited. The Commission's legal offices have developed for Commission consideration the hearing schedule set forth below for NRC adjudicatory proceedings on construction permit and operating license applications. This proposed schedule is intended to serve as a guideline for NRC's Administrative Judges. In the more complicated cases, which involve a large number of parties and contentions, additional time may be required. In simple cases less time may be required. The schedule reflects an objective that hearings on issues should commence as soon as possible, consistent with fairness, after completion of the staff review on those issues necessary for hearing. Early hearings on discrete issues addressed in SER's will be required, unless segmentation of the hearing would clearly be counterproductive. The schedule assumes that there is sufficient new information in the staff's safety evaluation supplement to allow parties to demonstrate good cause for acceptance of late contentions and permitting another round of discovery. This, of course, need not be the case and whether this will prove to be the case in pending and future proceedings will depend on numerous factors. The proposed schedule is:

Event	Day after preceding
Publication of Final Supplemental SER Required Prior to Hearing—Discovery on Site Document Begins	0
Discovery Ends	35
Revised Contentions, if any, Filed	35
Prehearing and Settlement Conference	40
Licensing Board Rules on Revised Contentions	80
Parties File Testimony	60
Hearing Begins	95
Hearing Ends	135
All Proposed Findings Filed	175
Licensing Board Decision	240

In order to meet this proposed eight-month schedule, several changes in the Commission's Rules of Practice would be required.

1. Currently, parties to NRC licensing proceedings may engage in formal discovery against the NRC staff. Under the amendments as proposed for comment the opportunity to engage in formal discovery against the staff would be eliminated. Staff, however, would produce relevant documents and would respond to telephone and written requests for information wherever practicable. It is contemplated that most of the discoverable information can ultimately be produced at the hearing on cross-examination of staff witnesses. The rule change would essentially leave the decision to staff whether to allocate resources to respond to informal discovery or provide resources in the form of witnesses at hearings.

2. NRC regulations require the Licensing Board to prepare written orders on those motions submitted to it in writing. The proposed regulations would permit the Boards, when appropriate, to rule upon motions orally.

3. Under the present regulations, parties are permitted to file motions requesting the Licensing Board to reconsider prehearing orders it has issued. The proposed rules would not permit such motions.

4. Currently, at least two Licensing Board members participate in each substantive order issued. The proposed amendments would authorize the Licensing Board Chairman to act alone on prehearing matters. Despite this delegation of authority it would be within the discretion of the Chairman to consult the other members on appropriate matters before action.

5. NRC regulations provide for filing of proposed findings of fact and conclusions of law. After all parties (including the applicant) have submitted proposed findings, the applicant is given ten days to reply. Under the proposed rules, the right of the applicant to file a reply to the other parties' submissions would be eliminated.

6. Currently, parties to proceedings must file any motions requesting summary disposition at least forty-five days prior to the start of the hearing. In order to provide the opportunity for greater use of such motions, and to provide the Boards more flexibility in conducting the proceeding, the proposed rules would permit motions for summary disposition to be filed at any time. However the Board could use its authority over the conduct of the proceeding to set time limits on summary disposition tailored to the circumstances of the proceeding.

If the Commission adopts any of these revisions described above, it would make the appropriate conforming changes to 10 CFR Part 2, Appendix A.

7. In proposing for comment these changes aimed at shortening the hearing process, the Commission wishes to emphasize that it does not intend to make changes which reduce the overall quality of NRC adjudicatory proceedings or which are inconsistent with basic fairness. Because these changes, if adopted, would be applicable to pending NRC adjudicatory proceedings, where parties have been proceeding in accordance with the current rules, the Commission is particularly interested in obtaining the views of participants in NRC hearings on how the proposed schedule and rule changes would affect: (1) the quality of the various proceedings; and (2) the parties' participation in such proceedings. Copies of this notice of proposed rulemaking will be served on parties to pending proceedings.

As the Commission continues its examination of the hearing process, it may find that other rule changes are required. Public comment, when appropriate, will be sought on any such changes.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule affects the Commission's rules of practice and procedures by permitting expedition of the licensing process.

Proposed Regulatory Changes. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 are contemplated.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. In § 2.720, paragraph (h)(2) is revised to read as follows:

§ 2.720 Subpoenas.

* * * * *

(h) * * *

(2) In a proceeding in which the NRC is a party, the NRC staff will make available one or more witnesses designated by the Executive Director for Operations for oral examination at the hearing regarding any matter, not privileged, which is relevant to the issues in the proceeding. The attendance and testimony of the Commissioners and named NRC personnel at the hearing or on deposition may not be required by the presiding officer, by subpoena or otherwise: *Provided,* That the presiding officer may, upon a showing of exceptional circumstances, such as a case in which a particular named NRC employee has direct personal knowledge of a material fact not known to the witnesses made available by the Executive Director for Operations require the attendance and testimony of named NRC personnel at the hearing.

* * * * *

2. In § 2.721, paragraph (d) is revised to read as follows:

§ 2.721 Atomic safety and licensing boards.

* * * * *

(d)(1) An atomic safety and licensing board shall have the duties and may exercise the powers of a presiding officer as granted by § 2.718 and otherwise in this part. At any time when such a board is in existence but is not actually in session, any powers which could be exercised by a presiding officer or by the Chief Administrative Law Judge may be exercised with respect to such a proceeding by the chairman of the board having jurisdiction over it.

(2) The chairman of the board may exercise all powers of a presiding officer with regard to contentions, discovery, scheduling, and other matters which come before the presiding officer for decision before the commencement of the hearing. The Chairman may, in his discretion, consult with the other board members before exercising this authority.

(3) Except as noted in (d)(1) and (d)(2) of this paragraph, no board action can be taken without the participation of a quorum of the board. Two members of an atomic safety and licensing board constitute a quorum, if one of those members is the member qualified in the conduct of administrative proceedings.

3. In § 2.730, paragraph (e) is revised to read:

§ 2.730 Motions.

* * * * *

(e) The Board may dispose of written motions either by written order or by oral ruling during the course of a prehearing conference of hearing.

* * * * *

4. In § 2.740, paragraph (f)(3) is revised to read as follows:

§ 2.740 General provisions governing discovery.

* * * * *

(f) * * *

(3) This section does not preclude an independent request for issuance of a subpoena directed to a person not a party for production of documents and things. This section does not apply to requests for the testimony of the staff pursuant to § 2.720(h)(2) or production of NRC documents pursuant to § 2.790.

5. In § 2.740a, paragraph (j) is revised to read as follows:

§ 2.740a Deposition upon oral examination and upon written interrogatories.

* * * * *

(j) The provisions of paragraphs (a) through (i) of this section are not applicable to discovery against NRC personnel. These employees cannot be compelled to submit to depositions or respond to written interrogatories.

6. In § 2.740b, paragraph (a) is revised to read as follows:

§ 2.740b Interrogatories to parties.

(a) Any party may serve upon any other party (other than the staff) written interrogatories to be answered in writing by the party served, or if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. A copy of the interrogatories, answers, and all related pleadings shall be filed with the Secretary of the Commission and shall be served on the presiding officer and upon all parties to the proceeding.

* * * * *

7. Section 2.744 is revised to read as follows:

§ 2.744 Production of NRC records and documents.

All requests for NRC records or documents must be requested pursuant to § 2.790 and 10 CFR Part 9.

8. In § 2.749, paragraph (a) is revised to read as follows:

§ 2.749 Authority of presiding officer to dispose of certain issues on the pleadings.

(a) Any party to a proceeding may move, with or without supporting affidavits, for a decision by the presiding officer in that party's favor as to all or any part of the matters involved in the proceeding. There shall be annexed to the motion a separate, short and concise statement of the material facts as to which the moving party contends that there is not genuine issue to be heard. Motions shall be filed within such time as may be fixed by the presiding officer. Any other party may serve an answer supporting or opposing the motion, with or without affidavits, within twenty (20) days after service of the motion. There shall be annexed to any answer opposing the motion a separate, short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be heard. All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be served by the opposing party. The presiding officer shall permit the opposing party an opportunity to respond in writing to new facts and arguments presented in any supporting statements which were not presented in the papers of the moving party. Any such response shall be served within such time limits as the presiding officer may establish and shall address only the new facts and arguments presented in the supporting statement. No further supporting statements or responses thereto shall be entertained.

* * * * *

9. In § 2.751a, paragraph (d) is revised to read as follows:

§ 2.751a Special prehearing conference in construction and operating license proceedings.

* * * * *

(d) The presiding officer shall enter an order which recites the action taken at the conference, the schedule for further actions in the proceeding, any agreements by the parties, identifies the key issues in the proceeding, makes a preliminary or final determination as to the parties in the proceeding, and provides for the submission of status reports on discovery. The order shall be served upon all parties to the proceeding. The order shall control the subsequent course of the proceeding unless modified for good cause. Objections to or requests for reconsideration of the order will not be entertained.

10. In § 2.752, paragraph (c) is revised to read as follows:

§ 2.752 Prehearing conference.

* * * * *

(c) The presiding officer shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings and agreements by the parties, and which limits the issues or defines the matters in controversy to be determined in the proceeding. The order shall be served upon all parties to the proceeding. The order shall control the subsequent course of the proceeding unless modified for good cause. Objections to or requests for reconsideration of the order will not be entertained.

§ 2.754 [Amended]

11. Section 2.754 is amended by removing paragraph (a)(3).

Dated at Washington, D.C., this 13th day of March 1981.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-8087 Filed 3-17-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Request for Comments on Need To Continue Quantitative Restrictions on Certain Petroleum Naphtha Exports

AGENCY: International Trade Administration, Commerce.

ACTION: Review of existing regulation; request for public comment.

SUMMARY: The Department is reviewing export restrictions presently in effect on certain unfinished naphthas used for petrochemical feedstocks and invites public comment on the merits of removing or revising these export limitations.

DATE: Comments must be received by May 18, 1981 to assure full consideration.

ADDRESS: Send comments in ten copies to Short Supply Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Kan, Short Supply Division, Office of Export Administration, (202) 377-3795.

SUPPLEMENTARY INFORMATION: By rule published in the Federal Register on October 7, 1976 (41 FR 44155), the Department determined that export controls must be extended to cover petroleum naphtha in order "(a) to assure that partly-refined petroleum and

gasoline blending agents * * * are not inadvertently exported outside the restrictions intended to apply to such commodities, and (b) to limit exports of these scarce commodities to their historic levels."

Naphthas, by that rule, became subject to validated licensing and quantitative restrictions for export, with quotas established at historic levels based upon exporters' past participation in the export trade in these commodities during the base period January 1, 1974–June 30, 1976.

After further review and as a result of the comments received from industry and after consultation with interested government agencies, on April 7, 1977 (42 FR 18395), the Department announced that quantitative limitations based upon the historical pattern of exports must be maintained for those naphthas capable of being used as a fuel, either alone or when blended with other petroleum products, or which are suitable for farther refining or for use as a feedstock for petrochemical or synthetic natural gas production. The Department removed quantitative limitations on exports of specialty finished naphthas with a distillation dry point exceeding the boiling range of gasoline or with a solvency value (Kauri-Butanol) so low as to reduce their desirability as gasoline blending agents, or which are shipped in drums or containers not exceeding 55 U.S. gallons per container. These commodities are licensed for export without quantitative limitations upon receipt of satisfactory evidence that they are intended for a non-energy end use. In the same Federal Register Notice the Department extended licensing controls to all naphtha solvents and related intermediate distillates which fell under certain Schedule B numbers.

The Department, in consultation with the Department of Energy and other interested Federal agencies, is now considering modifying these regulations so as to remove or revise export limitations on certain unfinished low octane, high parafin naphthas (those with a 65 percent or higher paraffin content, using P.O.N.A. tests) suitable for use as a petro-chemical feedstock but generally unsuitable for gasoline blending. This action is being considered because: (1) The Commission of the European Communities has requested modification of U.S. export restraints on naphthas to improve conditions in their petrochemicals and synthetic fibers sector; (2) preliminary indications* are that this would not have a detrimental effect on domestic energy supplies; and (3) it appears that by this action the national interest would be served by broadening markets for naphthas unsuitable or unneeded for domestic consumption.

To assist the Department in its evaluation of this matter, interested parties are encouraged to submit written comments, views, or data concerning the desirability of the action under consideration. The Department is especially interested in receiving information bearing on: (1) The extent of usage of unfinished petroleum naphthas in the fuel cycle in the United States; (2) the technical characteristics of various naphtha streams which inhibit their use as fuels or, conversely, make them more suitable for use in non-energy applications; (3) the availability of unfinished naphthas; (4) the extent to which liberalizing export restrictions on unfinished naphthas could result in decreased production of other petroleum products suitable for use domestically as a fuel or in domestic petrochemical plants; and (5) any other matters or options which are relevant to the decision under consideration.

The period for submission of comments on the action being considered will end as of the close of business on May 18, 1981. All comments (whether written or oral) received by the Department by close of business on May 18, 1981 will be considered by the Department in its final decision on this matter. While comments received after the close of the comment period will be considered if possible, their consideration cannot be assured.

Written public comments which are accompanied by a request that part or all of the material be treated confidentially because of its proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered by the Department in making its decision.

All public comments will be made a matter of public record and will be available for public inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or foreign governments. In the interests of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department official receiving such comments will prepare a memorandum summarizing the substance of the comments and identify the person on whose behalf they are made. All such memoranda will also be a matter of public record and will be available for public review and copying.

The public record concerning these comments will be maintained in the International Trade Administration's Freedom of Information Records Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C., 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377–3031.

(Sections 7 and 13, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*; Section 103, Pub. L. 94–163, 89 Stat. 877, 42 U.S.C. 6212; Executive Order 12214, (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141), January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: March 12, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-8227 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-25-M

*See U.S. Department of Energy Study "U.S. Naphtha Availability and Use"; R. A. Reinstein, October 1980. A copy of this study is available for inspection in the International Trade Administration's Freedom of Information Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17615; File No. S7-878]

Notice by Self-Regulatory Organizations of Proposed Admission to, or Continuance in, Membership or Participation of Certain Persons Subject to Statutory Disqualifications

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to amend the requirements applicable to notices and applications filed by self-regulatory organizations ("SRO's") with the Commission concerning proposed admissions to, or continuances in, membership or participation in the organization or association with a member of persons subject to statutory

disqualifications. The amendments are designed to (1) provide additional specific exceptions from the notice filing requirements in certain situations; (2) require specifically that all SRO's provide certain detail in notices and applications to facilitate Commission review of the proposed SRO action; and (3) clarify certain provisions relating to notices and applications that may now be unclear, either as to their meaning or as to the proper procedures to be followed.

DATE: Comments must be received on or before April 22, 1981.

ADDRESSES: Interested persons should submit three copies of their views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. S7–878. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: H. Steven Holtzman, Esq., Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2842.

SUPPLEMENTARY INFORMATION:

Background

Passage of the Securities Acts Amendments of 1975 (the "1975 Amendments") [1] to the Securities Exchange Act of 1934 (the "Act") [2] gave the Commission enhanced oversight responsibilities as to SRO activities. In particular, Sections 6(c)(2), 15A(g)(2) and 17A(b)(4)(A) of the amended Act provide, among other things, that a national securities exchange, national securities association or registered clearing agency [3] must file with the Commission a notice, whose form and content is prescribed by the Commission, not less than thirty days before approving the application of a person to become a member or participant in the organization or associated with a member firm when the SRO knows that such person is subject to a statutory disqualification.[4] Those sections also grant the Commission authority to direct that the SRO deny membership or participation to the proposed employer firm and to bar the association with a member of the person who is subject to a statutory disqualification.[5]

In response to the changes made by the 1975 Amendments, and in order to codify procedures for Commission resolution of issues relating to readmission to, or continuation of disqualified persons in, the securities business, the Commission adopted Rule 19h–1 (also referred to hereinafter as the "Rule").[6] Rule 19h–1 provides for Commission review of notices filed by SRO's proposing, conditionally or unconditionally, to admit to, or continue any person in, membership, participation or association with a member,[7] notwithstanding a statutory disqualification where the SRO and the parties involved, including the person subject to the statutory disqualification and his prospective employer, have agreed on employment conditions or limitations.

Except as provided in the Rule, the Commission reviews on their merits all SRO reentry and continuance actions for which a filing is required under the Rule.[8] Rule 19h–1 establishes the review mechanism and contemplates the immediate submission, as part of the notice, of the full record in the proceeding before the SRO. Thus, this notice is not simply an initial, summary report to the Commission of action (or proposed action) as is required for other kinds of SRO actions concerning particular members, associated persons and others.[9]

In order to avoid unnecessary duplication of effort where the applicant or hiring firm is a member of, or participant in, more than one SRO, the Rule presently provides, in paragraph (b),[10] that after the first filing of a notice by any SRO, a second notice representing the same proposed employment need not be filed by another SRO if the second SRO agrees with the terms and conditions of the notice filed by the first SRO. The concurrence must be set forth in the notice filed by the first SRO.

The provisions of Sections 6(c)(2), 15A(g)(2) and 17A(b)(4)(A) of the Act specifically require that notice be given (at least 30 days in advance) to the Commission by SRO's with respect to "admitting" any disqualified person or registered broker-dealer to membership or participation, or "'permitting any [such] person to become associated with a member." Paragraph (a) of the Rule makes clear, however, that the filing of a notice is required not only where the SRO has determined to admit a disqualified person seeking entry or reentry, but also where the SRO proposes to continue in membership or association a person who becomes subject to a disqualification while a member or associated with a member.[11] The principal reason for the inclusion of continuance situations is that the Commission has independent authority under Sections 15(b) or 19(h) of the Act [12] effectively to prevent the continuance (as well as an admission) and will need to have before it the same kinds of information in order to determine whether it wishes to exercise that authority or its authority to deny membership, participation or association under Sections 6(c)(2), 15A(g)(2) and 17(A)(b)(4)(A).[13] Further, the possibility that the Commission may

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[1] Pub. L. No. 94–29 (June 4, 1975).

[2] 15 U.S.C. 78a.

[3] Although bank regulatory agencies also have jurisdiction over clearing agencies that are banks, Section 17A(b)(4)(A) of the Act relates only to the Commission. As required by Section 17A(d)(3)(A)(i) of the Act, however, the Commission has consulted with the Board of Governors of the Federal Reserve System, the "appropriate regulatory agency" for four bank clearing agencies, concerning the revisions proposed in this release.

[4] The 1975 Amendments introduced the concept of a "statutory disqualification" with respect to membership or participation in an SRO for those persons who, among other things, have been found to have violated the federal securities laws. *See* Section 3(a)(39) of the Act.

[5] This authority is sometimes referred to in this release as the "veto power" or "veto authority."

[6] Securities Exchange Act Release No. 13728 (July 8, 1977), 42 FR 36415. The Rule is found at 17 CFR 240.19h–1.

[7] Since the term "person associated with a member," as defined in the Act, includes all employees of an SRO member, the notice requirements of the Rule apply to clerical and ministerial employees, among others, who are subject to statutory disqualifications if the SRO knows or, in the exercise of reasonable care, should have known that such person was so disqualified. *Compare* Sections 3(a)(18) and 3(a)(21) of the Act.

[8] The Commission does not merely review notice filings where an appeal is taken from an adverse SRO action or the Commission calls up the matter. *See* Section 19(d) of the Act and Rule 19d–3 (17 CFR 240.19d–3).

[9] *See, e.g.*, Rules 19d–1, 2 and 3 (17 CFR 240.19d–1, 2 and 3).

[10] Under this proposal, the provisions of paragraph (b) would be incorporated in paragraph (a)(5) of the Rule.

[11] Some types of disqualifications automatically terminate membership, participation or association. Others do not. *See* Section 3(a)(39) of the Act.

Under Section 17(a) of the Act, of course, the Commission has authority to require SRO's to furnish it such reports as the Commission "prescribes as necessary or appropriate in the public interest, * * *."

[12] Section 15(b) of the Act empowers the Commission to impose exclusionary sanctions, including revocation of broker-dealer registration, on any person who has been found to have committed certain offenses (as set forth in paragraphs (4) and (6) of the Section), which findings and sanctions are included within those constituting a "statutory disqualification" (as defined in Section 3(a)(39)) from SRO membership, participation or association. In addition, Section 19(h) empowers the Commission directly to suspend or bar persons from SRO membership, participation or association based on similar findings.

[13] *See* the second sentence of paragraph (d) of the Rule. *See also In the Matter of NASD and Fleiderbaum and Macrandies*, Securities Exchange Act Release No. 15089 (February 13, 1979), 16 SEC Docket 1166.

choose to exercise that independent disciplinary authority at any time can pose substantial risks for a proposed employer and the disqualified person. That is, they may face such disciplinary action, despite favorable SRO action under Sections 6(c)(2) and 15A(g)(2), if they permit the employment covered by a notice to begin before receiving the Commission's views concerning the merits of the employment.

Consequently, paragraph (d) of the Rule provides in part that, at the time of the filing of a notice, an application may be made to the Commission for an order stating that, notwithstanding the disqualification, the Commission will not proceed against the firm or the individual under Sections 15(b) or 19(h) of the Act, when those sections are also applicable to the proposed admission or continuance.

The Rule provides general guidelines regarding the procedures to be followed by the Commission in reaching a decision on an application for an order under paragraph (d). The Rule states that the Commission may grant or deny an application for an order, without an oral hearing, on the basis of the notice and briefs filed by the parties. Any request for an oral hearing or argument should be submitted with the application. The Commission has delegated to the Division of Market Regulation the authority to grant applications and issue orders requested under the Rule. The Division has not been given authority, however, to deny such applications.

Prior to the adoption of the 1975 Amendments, proposals for admission to, or continuance in, the securities business of disqualified persons were submitted by only one SRO, the National Association of Securities Dealers, Inc., with respect to its members and persons associated with its members.[14] Since the Commission has been given specific statutory responsibility for oversight of the exchanges and clearing agencies in this area by the 1975 Amendments and as a result of other factors, including growth in the securities industry, the volume of Rule 19b–1 notices submitted to the Commission has increased substantially.[15] Both the Commission's experience in administering Rule 19b–1 and the increased level of filings under the Rule have demonstrated that certain changes in the Rule are desirable. Certain of these changes would reduce the volume of filings required to be made with the Commission. This would better enable the Commission to devote its resources to those filings that raise important issues of investor protection. Moreover, the Rule would set forth revised procedures that would facilitate both compliance with the Rule by SRO's and administration of the Rule by the Commission.

Discussion of the Proposed Amendments

A. Additional Exceptions

Under a proposed amendment to paragraph (a)(3) of the Rule, formal notice would not have to be filed with the Commission by an SRO for an individual who changes employment if the new position is essentially on the same terms and conditions as were imposed pursuant to a Commission order or in connection with an earlier approved admission to, or continuance of employment for, that individual, notwithstanding the same disqualifying circumstances.[16] In administering the Rule, the Commission has reviewed numerous cases involving such employment changes and has generally agreed with the SRO's concerned that the changes would not be contrary to the public interest or the protection of investors. The Commission has, in such cases, encountered few serious questions as to whether the new employment conditions were actually comparable with the previously approved conditions. In fact, the Commission has often permitted such persons to commence their new employment during Commission consideration of the pertinent SRO notice filings. Therefore, the preparation and review of such notices has placed an unnecessary burden on the administrative resources of the Commission and SRO's in relation to the risks to the investing public in this area.

Under the proposed exception, SRO's would be required, instead of preparing and submitting a full notice, merely to file with the Commission a brief report, in the form of a letter, no later than 14 days after its final determination to permit the admission to, or continuance in, membership, participation, or association. The report would set forth the individual's name, place of employment, name of his proposed new supervisor(s), and the SRO's finding that, after reasonable inquiry, the disqualified applicant is being employed under substantially the same terms and conditions as his/her previous, identified employment and that there is no intervening conduct or other circumstances that would cause the employment to be inconsistent with the public interest or the protection of investors. In these instances, the SRO would determine when the new employment could begin. The Commission would, however, still not be foreclosed from instituting administrative proceedings (*e.g.*, under Section 15(b) or 19(h), as applicable) based on the disqualification if it later appears that the SRO finding was in error because, for example, the employment conditions have been materially misrepresented to it or there has been a failure to comply with the approved employment conditions.

Another amendment to paragraph (a)(3) of the Rule would also remove from the filing requirement cases where the sole operative statutory disqualification consists of an injunction[17] that was entered ten or more years prior to the proposed admission or continuance.[18] The Commission believes that it is unlikely that an injunction issued more than ten years prior to reentry would, by itself, be an appropriate impediment to reentry. Since criminal convictions are only considered to be disqualifying circumstances for ten years under Sections 3(a) (39) and 15(b)(4)(B) of the Act, the Commission believes that it should exempt the membership or association of persons subject to such injunctions from the notice requirements of the Rule.

A further exception from the full filing requirements is being proposed, under paragraph (a)(3) of the Rule, for certain reentry or continuance situations where a person's statutory disqualification was the subject of prior Commission consideration during an administrative proceeding (*e.g.*, pursuant to Section 15(b) of the Act). The amendment would apply where, on the prior occasion, (1) the Commission concluded that it would not restrict or limit the future employment of the disqualified person in the securities industry on the basis of that disqualifying circumstance or (2) the Commission set forth restrictions or limitations on the person's employment in the securities industry for a specified

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[14] *See* former Rule 15Ab–1 under the Act. That rule was superseded by Rule 15b–1.

[15] In 1978, the Commission reviewed approximately 45 SRO notices. Since the beginning of 1979, the Commission has reviewed approximately 114 SRO notices.

[16] Paragraph (a)(3)(i) of the Rule currently provides that a further notice need not be filed with the Commission if a person subject to a statutory disqualification is a participant in, member of, or a person associated with a member of an SRO, and the SRO member or participant joins another SRO. The language of this provision would be revised to clarify its meaning.

[17] *See* Sections 3(a)(39) and 15(b)(4)(C) of the Act.

[18] The Rule would provide that, in the case of a final injunction that was preceded by a preliminary injunction against the same person in the same court proceeding, the ten year period will begin to run from the date of the preliminary injunction.

time period and that time period has elapsed. In those instances, the Commission believes that it would be unfair to again require the individual involved to justify his/her continuance in or return to the business where the Commission has already dealt with that very issue in a formal proceeding. It would also impose inappropriate burdens on the firm, the person involved and the staffs of the SRO's and the Commission to have to pursue the formal notice filing and processing procedures contemplated by the Rule. For similar reasons, an additional exemption would be included in paragraph (b) of the Rule to cover those situations where the same kinds of determinations respecting a person's future participation in the securities business were incorporated in the judgment or decision entered in a court enforcement action.

In order to permit the Commission to oversee use by the SRO's of the proposed exceptions discussed in the preceding paragraph, however, the SRO would be required to notify the Commission, by letter, of those instances where it takes an admission or continuance action in reliance on those provisions.[19]

Finally, an exemption from the full notice requirements would be adopted to cover situations where the Commission has previously consented, pursuant to Section 15(b)(6) or 15B(c)(4) of the Act, to a particular proposed association of a person who is subject to a Commission order under one or both of those sections barring the person from being or becoming associated with a broker or dealer.[20] Since the Commission would already have been directly informed of and would have approved the particular proposed employment, the filing of a notice under the Rule would serve no useful purpose in those situations.

B. SRO Records Filed With the Commission

Paragraphs (c) and (e) of the amended Rule would formally call for additional information that the Commission, through experience, has found helpful in reviewing and making determinations with respect to SRO notices and applications filed under the Rule and has previously requested that the SRO's supply. Specifically, in addition to the information already sought,[21] the Rule would require that the filing include, as appropriate:

(1) in the recitation of the proposed supervisory procedures, if any, information on the pertinent qualifications of the supervisors, including prior disciplinary and enforcement actions against them and the relationship of any of the supervisors to the disqualified person;

(2) an affidavit signed by the proposed employer setting forth the terms and conditions of the prospective employment and supervision;

(3) the names and locations of any other disqualified;

(4) the results of the examinations of the prospective employer's business completed by all SRO's during the preceding three years;

(5) a completed Form U–4 [22] and a certification that the person currently meets all applicable qualifications requirements with respect to the proposed employment;

(6) any written information supplied by the Commission staff to the SRO pertaining to such application; and

(7) all written materials not included in a certified hearing record before the SRO that were furnished by persons other than an SRO or the Commission and were considered by the SRO in its disposition of the matter. Such material would be required to be sworn to by affidavit.

One of the principal problems that the Commission has encountered in administering the Rule is that many of the notice filings that the Commission has received each year have been incomplete or have not provided an adequate basis for Commission review. Since the notice normally comprises the entire record before the Commission, it should contain all relevant information.[23] If the SRO record fails to contain sufficient information to justify a Commission determination to permit the proposed employment, the Commission cannot make such a determination. In some instances, the Commission has had to devote a considerable amount of its staff resources to obtaining additional relevant information.[24] In light of the problems that both the Commission and the SOR's have experienced in this regard, the Commission believes that inclusion of the foregoing information would provide a meaningful improvement in its ability to administer the Rule fairly and effectively. In particular, the Commission should be able to review notices and applications on a more expeditious basis.

The Commission is also especially concerned that existing relevant information is its files, of which the SRO may be unaware, be a part of the record in filings under the Rule so that the SRO and affected persons may have an opportunity to address that information.[25] Therefore, the Rule would require that, promptly after receipt by an SRO of an application for admission to, or continuance in, membership, participation or association with a member with respect to a person subject to a statutory disqualification, the SRO notify the Commission staff of such receipt. This notification would enable the Commission staff to alert the SOR to the possible existence of such information and, in appropriate circumstances, to make it available to the SRO in time to permit its consideration in the SRO's processing of notices and applications. There have been instances where SRO's have not become aware of such information until the matter was already before the Commission. Under a related amendment to paragraphs (c) and (e) of

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[19] The proposed exceptions to the notice requirement would not act in any way to remove the disqualification. Therefore, among other things, the disqualification would still be required to be disclosed on Form BD and in registration filings with the SRO(s).

[20] See "Clarifications," subsection C, *infra*, for a discussion of certain of the circumstances under which such prior Commission action on the proposed association may arise.

[21] The Rule currently requires inclusion of the following information:

(1) the name of the person concerned together with last place of residence or business as reflected on the records of the SRO;

(2) the basis for the disqualification including (if based on a prior adjudication) a copy of the order or decision of the court, the Commission or the SRO which adjudicated the matter giving rise to the disqualification;

(3) in the case of an admission, the date upon which it is proposed by the SRO that the membership, participation or association is to become effective, which shall be not less than 30 days from the date upon which the Commission receives the notice;

(4) a description by or on behalf of the person concerned of the activities engaged in by the person since the disqualification arose, the prospective business or employment in which the person plans to engage and the manner and extent of supervision to be exercised over and by the person; and

(5) if a hearing on the matter has been held by the organization, a certified record of the hearing together with copies of any exhibits introduced therein.

[22] Form U–4 is a uniform form for registration of individuals with the Commission, SRO's and state securities commissions that contains, among things, information concerning the prior employment and disciplinary history of the individual.

[23] As is the case with all required filings with the Commission, a notice is not considered filed unless and until complete. *See* 17 CFR 240.0–3.

[24] In several cases, the Commission could have chosen instead to take adverse action with respect to the merits of the proposed employment.

[25] The Rule contemplates a hearing before the SRO in which the SRO gives the applicant an opportunity to support the proposed employment. In addition, an SRO favorably disposed to the application may supplement the information supplied to it by the applicant so as to present a record to the Commission supporting its proposal. There is not, however, a requirement that the hearing before the SRO be a formal evidentiary hearing.

the Rule, the SRO would have to include in its consideration of the admission proposal, and in the notice to the Commission of its proposal to admit the disqualified person, any written information supplied by the Commission staff to the SRO pertaining to such application.

If, however, information that is not included in the SRO record and that may affect the Commission's determination is brought to the Commission's official administrative and adjudicative responsibilities under the securities laws during the pendency of its consideration of a notice or application under the Rule, the Commission may choose to convey such information to the SRO, and remand the matter to the SRO for further consideration. All of the appropriate parties would then have an opportunity to respond, generally in writing, to that information.

The Rule would also require that all written submissions not included in a certified hearing record and furnished to an SRO by persons other than SRO staff or governmental authorities be sworn to by affidavit and included in the notice if such submissions were considered by the SRO in its disposition of the matter. The Commission believes that this requirement would help to insure the accuracy of the record before both it and the SRO.

C. Clarifications

1. *Sections 15(b)(6) and 15B(c)(4) Consents.* Sections 15(b)(6) and 15B(c)(4) of the Act make it unlawful for any person barred under those sections to become, or to be, associated with a broker-dealer or municipal securities dealer and for any such broker, dealer or municipal securities dealer to permit such a person to become, or remain, a person associated with the firm without the consent of the Commission. Therefore, persons under such bars who are the subject of a notice filed by an SRO under Rule 19h–1 need such consent to make the proposed association lawful. Such consent can take the form of a declaratory order under paragraph (d) of Rule 19h–1. Since there has been some uncertainty in this area, the amendment would specifically clarify that such consent can and, if needed when the notice is filed, should be sought under paragraph (d) of the Rule.

At the same time, it has been the Commission's practice to permit an individual to apply directly to the Commission for reentry in cases where the Commission has barred that person from association with a broker-dealer in a proceeding under Section 15(b)(6) of the Act and, as a part of that sanction, has explicitly afforded the person a right to apply for reassociation, under appropriate conditions, at a future time.[28] A proviso has therefore been added to the proposed new provision discussed in the preceding paragraph making it clear that that provision does not affect the individual's ability to choose to apply directly.[27]

2. *Other Requests for Relief by Municipal Securities Firms.* Under Sections 15B(a)(2) and 15B(c)(2) of the Act, the Commission has authority to exclude from registration as a municipal securities dealer any dealer that would be subject to denial, revocation or suspension of its broker-dealer registration if it were so registered or were seeking such registration under Section 15(b). For example, if a bank municipal securities dealer [28] that was seeking registration under Section 15B(a)(2) were the subject of a conviction or injunction of a type described in Section 15(b)(4) of the Act, the Commission could deny that registration. Thus, if that bank dealer were also seeking participation in a registered clearing agency and the clearing agency, as required by Section 17A(b)(4)(A) of the Act, filed a notice of that proposed participation under Rule 19h–1, the clearing agency (or bank dealer) might also wish to apply to the Commission for a determination that the Commission would not institute a denial proceeding against the bank dealer under Section 15B(a)(2) on the basis of the conviction or injunction. Since paragraph (d) of the Rule, which permits applications for Commission "no-action" positions in other, similar situations,[29] does not now provide explicitly for such applications by or on behalf of municipal securities dealers, paragraph (d) would be amended to so provide.

In addition, under Rule G–4 of the Municipal Securities Rulemaking Board, a municipal securities broker or municipal securities dealer that is subject to certain disqualifications is considered to be unqualified to engage in the municipal securities business unless the Commission (or in some cases the NASD or appropriate bank regulatory agency), on application, finds to the contrary. As proposed to be amended,[30] Rule 19h–1 would permit such applications, when required to be submitted to the Commission, to be filed at the time a notice of a proposed admission or continuance with respect to the disqualified person is filed under that Rule.

3. *Standards for Issuing Declaratory Orders.* Paragraph (d) of the Rule currently provides that the Commission may issue a declaratory order, upon application, with respect to the membership, participation or association of any person subject to an applicable disqualification if "it finds it appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act." These standards, which are not required by the Act in this context, would be deleted and the paragraph would be amended to permit the Commission to issue such an order "should the Commission determine not to object to the position of the SRO set forth in the notice or application." This proposed language would more accurately reflect the nature of the Commission's decision-making process with respect to the issuance of such orders, which orders are, in substance, similar to traditional "no-action" positions of the Commission concerning the institution of enforcement proceedings under the federal securities laws.

4. *Procedures To Be Used by the Commission in Reviewing Notices.* Under another proposed amendment, the Commission would set forth in paragraph (g) of the Rule the procedures that it will follow in determining whether to direct, pursuant to Sections 6(c)(2), 15A(g)(2), or 17A(b)(4)(A) of the Act, that a proposed admission covered by a notice be denied or an order barring association issue where the notice is filed under paragraph (a) of the Rule and is not accompanied by an application for a declaratory order under paragraph (d) of the Rule. These procedures would parallel those for determining Commission action on an application filed under paragraph (d) of the Rule.[31]

A second revision of paragraph (g) of the Rule would provide that the Commission may grant or deny an application for a declaratory order on the basis of the notice or application filed by the SRO, by the person subject to the disqualification or by another

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[26] *See* Securities Exchange Act Release No. 11287, 8 SEC Docket 348 (1975).

[27] Since the same principles seem to apply to bars from association with a municipal securities dealer under Section 15B(c)(4) of the Act, a reference to that section has also been included in the proposed proviso.

[28] Banks or separately identifiable departments or divisions of banks doing business as dealers in municipal securities are excluded from the broker-dealer registration requirements of Section 15(b) but are required to register as municipal securities dealers under Section 15B. *See* Sections 3(a)(5) and 3(a)(29) of the Act.

[29] *See* section entitled "Background," *supra*.

[30] *See* paragraph (d)(2) of the proposed revised Rule.

[31] *See* Background section, *supra*.

applicant, such as the proposed employer, on behalf of such person. Paragraph (g) of the Rule currently provides that the Commission may grant or deny an application under paragraph (d) on the basis of the papers filed by the "parties." Since the term "parties" is not defined in the Rule and could therefore create some uncertainty, the Commission believes that it would be preferable to spell out its intention more clearly in this respect.

Finally, the Act does not address whether the Commission may exercise its veto authority under Sections 6(c)(2), 15A(g)(2) and 17A(b)(4)(A) of the Act after expiration of the thirty day period following the Commission's receipt of notice from an SRO of a proposal to admit a disqualified person to membership, participation, or association with a member.[32] In addition, those provisions do not specify when, following the expiration of the minimum thirty day period, and SRO may admit such a person. Therefore, and in order to allow ample time for the Commission to consider the merits of a proposed admission when circumstances require a longer period of deliberation, the Rule would be amended to provide that the Commission could, by written notice to the SRO, extend for up to sixty days its consideration of the SRO's proposal. However, in the interests of fairness to the person seeking entry, the amendment would also provide that during the Commission's extended consideration of whether to veto the SRO's proposal, the person may, if the SRO consents, temporarily commence his membership, participation or association with a member.[33] Such membership, participation or association would, of course, be required to terminate if the Commission determines to exercise its veto power during the extension period.[34]

Regulatory Flexibility Act Considerations

The Chairman has certified that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Statutory Basis

The proposed amendments to Rule 19h-1 would be promulgated under the Act, and particularly Sections 6, 15, 15A, 15B, 17, 17A, 19 and 23 thereof (15 U.S.C. 78f, 78*o*, 78*o*-3, 78*o*-4, 78q, 78q-1, 78s, and 78w). Therefore, on the basis of the above discussion and analysis, the Commission is proposing to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations [35] by revising § 240.19h-1 as follows:

§ 240.19h-1 Notice by a self-regulatory organization of proposed admission to or continuance in membership or participation or association with a member of any person subject to a statutory disqualification, and applications to the Commission for relief therefrom.

(a) *Notice of admission or continuance notwithstanding a statutory disqualification.* (1) Any self-regulatory organization proposing, conditionally or unconditionally, to admit ►to,◄ or continue any person in ►,◄ membership or participation or (in the case of a national securities exchange or registered securities association) association with a member, notwithstanding a statutory disqualification [as to such person] ►, as◄ defined in Section 3(a)(39) of the Act, ►with respect to such person,◄ shall file a notice with the Commission of such proposed admission or continuance. If such person has not consented to such proposal, notice of the organization's action shall be filed pursuant to Rule 19d-1 under the Act and not this rule.

(2) With respect to a person associated with a member of a national securities exchange or registered securities association, notices need be filed with the Commission pursuant to this rule only if such person ►:◄

(i) Controls such member or is a general partner or officer (or person occupying a similar status or performing similar functions) or an employee of such member, or

(ii) Is a broker of dealer not registered with the Commission, or controls such (unregistered) broker or dealer or is a general partner of officer (or person occupying a similar status or performing similar functions) of such broker of dealer.

(3) A notice need not be filed with the Commission pursuant to this rule if ►:◄

(i) The person subject to the statutory disqualification is [then] ►already◄ a participant in, a member of, or a person associated with a member of, ►a◄ [another] self-regulatory organization, and ►the terms and conditions of the proposed admission by another self-regulatory organization are the same in all material respects◄ [the proposed admission or continuance is on essentially the same terms and conditions] as ►those◄ imposed ►or approved◄ in connection with such person's prior admission or continuance pursuant to an order of the Commission under paragraph (d) of this rule or otherwise; [or]

(ii) The [sole such disqualification consists of] ►self-regulatory organization finds, after reasonable inquiry, that except for the identity of the employer concerned, the terms and conditions of the proposed admission or continuance are the same in all material respects as those imposed or approved in connection with a prior admission or continuance of the person subject to the statutory disqualification by an order of the Commission under paragraph (d) of this section or otherwise and that there is no intervening conduct or other circumstance that would cause the employment to be inconsistent with the public interest or the protection of investors;

(iii) The disqualification consists of (A) an injunction from engaging in any action, conduct, or practice specified in section 15(b)(4)(C) of the Act, which injunction was entered 10 or more years prior to the proposed admission or continuance—*Provided, however,* That in the case of a final or permanent injunction against the same person in the same court proceeding, such ten-year period shall begin to run from the date of such preliminary injunction—or (B)◄ a finding by the Commission or a self-regulatory organization of a willful violation of the Act, the Securities Act of 1933, the Investment Company Act of 1940, or a rule or regulation under one or more of such Acts and the sanction for such violation is no longer in effect [.] ►:

(iv) The disqualification was previously considered by the Commission in determining a sanction against such person in an administrative proceeding pursuant to section 15(b) or 15B of the Act based on such disqualification, and the Commission concluded that, on the basis of the disqualification, it would not restrict or limit the future securities activities of such person in the capacity now proposed or, if it imposed any such restrictions or limitations for a specified time period, such time period has elapsed;

(v) The disqualification consists of a court order or judgment of injunction or conviction, and such order or judgment (A) expressly includes a provision that, on the basis of such order or judgment, the Commission will not institute a proceeding against such person pursuant to section 15(b) or 15B of the Act or that the future securities activities of such

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[32] *See* Background section and n. 5, *supra.*

[33] *See* proposed paragraph (a)(7) of the Rule.

[34] If the Commission should determine not to exercise its veto authority during the extended period, it would not be precluded from taking other appropriate action under other provisions of the Act. *See* paragraph (d) of the Rule.

[35] In the text of the proposed amendment, "●" indicates material to be deleted and "[]" indicates new material.

persons in the capacity now proposed will not be restricted or limited or (B) includes such restrictions or limitations for a specified time period and such time period has elapsed; or

(vi) In the case of a person seeking to become associated with a broker or dealer or municipal securities dealer, the Commission has previously consented to such proposed association pursuant to section 15(b)(6) or 15B(c)(4) of the Act.

(4) If a self-regulatory organization determines to admit to, or continue any person in, membership, participation, or association with a member pursuant to an exception from the notice requirements provided in paragraphs (3)(ii), (iv) or (v) hereof, such organization shall, within 14 calendar days of its making of such determination, furnish to the Commission, by letter, a notification setting forth, as appropriate:

(i) The name of the person subject to the statutory disqualification;

(ii) The name of the person's prospective and immediately preceding employers who are (were) brokers or dealers or municipal securities dealers;

(iii) The name of the person's prospective supervisor(s);

(iv) The respective places of such employment as reflected on the records of the self-regulatory organization;

(v) If applicable, the findings of the self-regulatory organization referred to in paragraph (3)(ii) hereof and the nature (including relevant dates) of the previous Commission or court determination referred to in paragraph (3) (iv) or (v) hereof; and

(vi) An identification of any other self-regulatory organization which has indicated its agreement with the terms and conditions of the proposed admission or continuance;

(5)◄[(b)] If a notice ►or notification◄ has been previously filed ►or furnished◄ pursuant to this ►paragraph◄ [rule] by a self-regulatory organization, any other such organization need not file ►or furnish◄ a separate notice ►or notification◄ pursuant to this rule with respect to the same matter if such other organization agrees with the terms and conditions of the ►membership, participation or association reflected in the◄ notice ►or notification◄ so filed ►or furnished, and such agreement is set forth in the notice or notification.

(6)◄[(4)] The notice requirements of section►s◄ 6(c)(2), 15A(g)(2), ►and◄ 17A(b)(4)(A) [or 19(d)(1)] of the Act concerning an action of a self-regulatory organization subject to one (or more) of such sections and this paragraph shall be satisfied by a notice with respect to such action filed in accordance with paragraph (c) of this rule.

►(7) The Commission, by written notice to a self-regulatory organization on or before the thirtieth day after receipt of a notice under this rule, may direct that such organization not admit to membership, participation, or association with a member any person who is subject to a statutory disqualification for a period not to exceed an additional 60 days beyond the initial 30 day notice period in order that the Commission may extend its consideration of the proposal; *Provided, however,* That during such extended period of consideration, the Commission will not direct the self-regulatory organization to bar the proposed admission to membership or participation or association with a member pursuant to the above sections, and the Commission will not institute proceedings pursuant to section 15(b) or 15B of the Act on the basis of such disqualification if the self-regulatory organization has permitted the admission to membership or participation or association with a member, on a temporary basis, pending a final Commission determination.

(b) *Preliminary notifications.* Promptly after receiving an application for admission to, or continuance in, participation or membership in, or association with a member of, a self-regulatory organization which would be required to file with the Commission a notice thereof pursuant to paragraph (a) of this section if such admission or continuance is ultimately proposed by such organization, the organization shall file with the Commission a notification of such receipt. Such notification shall include, as appropriate:

(1) The date of such receipt;

(2) The names of the person subject to the statutory disqualification and the prospective employer concerned together with their respective last known places of residence or business as reflected on the records of the organization;

(3) The basis for any such disqualification including (if based on a prior adjudication) a copy of the order or decision of the court, the Commission, or the self-regulatory organization which adjudicated the matter giving rise to the disqualification; and

(4) The capacity in which the person concerned is proposed to be employed.◄

(c) *Contents of notice of admission or continuance.* A notice filed with the Commission pursuant to paragraph (a) hereof shall contain the following, ►as appropriate◄:

(1) The name of the person concerned together with his last known place of residence or business as reflected on the records of the ►self-regulatory◄ organization;

(2) The basis for any such disqualification from membership, participation or association including (if based on a prior adjudication) a copy of the order or decision of the court, the Commission or the self-regulatory organization which adjudicated the matter giving rise to such disqualification;

(3) In the case of an admission, the date upon which it is proposed by the organization that such membership, participation or association shall become effective, which shall be not less than 30 days from the date upon which the Commission receives the notice;

(4) A description by or on behalf of the person concerned of the activities engaged in by the person since the disqualification arose, the prospective business or employment in which the person plans to engage and the manner and extent of supervision to be exercised over and by such person [:]►. This description shall be accompanied by a written statement submitted to the self-regulatory organization and sworn to by affidavit by the proposed employer setting forth the terms and conditions of such employment and supervision. Among other things, the description shall include (i) the qualifications, experience and disciplinary records of the proposed supervisors of the person and their family relationship (if any) to that person; (ii) the findings and results of all examinations conducted by self-regulatory organizations of the business of the proposed employer during the three years preceding the filing of the notice; (iii) a copy of a completed Form U–4 with respect to the proposed association of such person and a certification by the self-regulatory organization that such person is fully qualified under all applicable requirements to engage in the proposed activities; and (iv) the name and place of employment of any other associated person of the proposed employer who is subject to a statutory disqualification (other than a disqualification specified in paragraph (a)(3)(iii) of this section);◄

(5) If a hearing on the matter has been held by the organization, a certified record of the hearing together with copies of any exhibits introduced therein;

►(6) All written submissions not included in a certified oral hearing record which were furnished to the self-

regulatory organization by persons other than staff members of self-regulatory organizations or governmental authorities and which were considered by the organization in its disposition of the matter (such submissions shall be sworn to by affidavit);

(7) ◄[(6)] An identification of any other self-regulatory organization which has indicated its agreement with the terms and conditions of the proposed admission or continuance; [and]

►(8) All information furnished in writing to the self-regulatory organization by the staff of the Commission for consideration by the organization in its disposition of the matter and a statement of the organization's views thereon; and

(9) ◄[(7)] Such other matters as the organization or person deems relevant.

If the notice contains assertions of material facts not a matter of record before the self-regulatory organization, such facts shall be sworn to by affidavit. The notice may be accompanied by a brief.

(d) *Application to the Commission for relief from certain statutory disqualifications.* The filing of a notice pursuant to paragraph (a) of this section shall neither affect nor foreclose any action which the Commission may take with respect to such person pursuant to the provisions of section 15(b) ►, 15B◄ or 19(h) of the Act or any rule thereunder. Accordingly, a notice filed pursuant to paragraph (a) hereof with respect to the membership, participation, or association of any person subject to an "applicable disqualification," as defined in paragraph (f) of this rule, may be accompanied by an application by or on behalf of the person concerned to the Commission for an order declaring, as applicable, that notwithstanding such disqualification, the Commission:

(1) Will not institute proceedings pursuant to section 15(b)(1)(B), 15(b)(4), 15(b)(6)►, 15B(a)(2), 15B(c)(2), ◄ [or] 19(h)(2) or ►19(h)◄ (3) of the Act if such person seeks to obtain or continue registration as a broker or dealer ►or municipal securities dealer◄ or association with a broker or dealer ►or municipal securities dealer◄ so registered, or membership or participation in a self-regulatory organization;

(2) Will not direct otherwise, as provided in section 6(c)(2), 15A(g)(2) or 17A(b)(4)(A) of the Act; and

(3) Will deem such person qualified pursuant to Rule 15b6–2 under the Act ►or rule G–4 of the Municipal Securities Rulemaking Board◄.

►If a Commission consent is required in order to render a proposed association lawful under section 15(b)(6) or 15B(a)(4) of the Act, an application by or on behalf of the person seeking such consent shall accompany the notice of the proposed association filed pursuant to paragraph (a) hereof; *Provided, however,* That nothing herein shall foreclose the right of any person, at his election, to apply directly to the Commission for such consent, if he makes such application pursuant to the terms of an existing order of the Commission under such section(s) barring his association with a broker or dealer or municipal securities dealer but explicitly granting him such a right to apply for entry or reentry at a later time.◄

The Commission may, in its discretion and subject to such terms and conditions as it deems necessary, issue such an order ►and consent should the Commission determine not to object to the position of the self-regulatory organization set forth in the notice or application◄ [if it finds it appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act].

(e) *Contents of application to the Commission.* An application to the Commission pursuant to paragraph (d) of this rule shall consist of the following, as appropriate:

(1) The name of the person subject to the disqualification together with his last known place of residence or business as reflected on the records of the ►self-regulatory◄ organization;

(2) A copy of the order or decision of the court, the Commission or the self-regulatory organization which adjudicated the matter giving rise to such "applicable disqualification";

(3) The nature of the relief sought and the reasons therefor;

(4) A description of the activities engaged in by the person since the disqualification arose;

(5) A description of the prospective business or employment in which the person plans to engage and the manner and extent of supervision to be exercised over and by such person[;] ►. This description shall be accompanied by a written statement submitted to the self-regulatory organization and sworn to by affidavit by the proposed employer setting forth the terms and conditions of such employment and supervision. Among other things, this description shall include (i) the qualifications, experience, and disciplinary records of the proposed supervisors of the person and their family relationship (if any) to that person; (ii) the findings and results of all examinations conducted by self-regulatory organizations of the business of the proposed employer during the three years preceding the filing of the application; (iii) a copy of a completed Form U–4 with respect to the proposed association of such person and a certification by the self-regulatory organization that such person is fully qualified under all applicable requirements to engage in the proposed activities; and (iv) the name and place of employment of any other associated person of the proposed employer who is subject to a statutory disqualification (other than a disqualification specified in paragraph (a)(3)(iii) of this rule);◄

(6) If a hearing on the matter has been held by the organization, a certified copy of the hearing record, together with copies of any exhibits introduced therein;

►(7) All written submissions not included in a certified oral hearing record which were furnished to the self-regulatory organization by persons other than staff members of self-regulatory organizations or governmental authorities and which were considered by the organization in its disposition of the matter (such submissions shall be sworn to by affidavit);

(8) All information furnished in writing to the self-regulatory organization by the staff of the Commission for consideration by the organization in its disposition of the matter and a statement of the organization's views thereon; and

(9) ◄[7] [And] Such other matters as the organization or person deems relevant.

If the application contains assertions of material facts not a matter of record before the organization, such facts shall be sworn to by affidavit. The application may be accompanied by a brief.

If any information called for in this paragraph is already contained in an application filed with the Commission in accordance with paragraph (b) of Rule 15b6–2 under the Act concerning the same proposed employment, such information may be incorporated by reference in the application pursuant to this rule.

(f) *Definitions.* For purposes of this rule:

(1) The term "applicable disqualification" shall mean:

(i) Any effective order of the Commission pursuant to section 15(b) (4) or (6)►, 15B(c) (2) or (4)◄ or 19(h) (2) or (3) of the Act—

(A) Revoking, suspending or placing limitations on the registration, activities, functions, or operations of a broker or dealer ►or municipal securities dealer◄;

(B) Suspending, barring, or placing limitations on the association, activities, or functions of an associated person of a broker or dealer ►or municipal securities dealer◄;

(C) Suspending or expelling any person from membership or participation in a self-regulatory organization; or

(D) Suspending or barring any person from being associated with a member of a national securities exchange or registered securities association; [or]

(ii) Any conviction or injunction of a type described in section 15(b)(4)(B) or (C) of the Act[.] ►; or

(iii) A failure under the provisions of Rule 15b8–2 under the Act or rule G–4 of the Municipal Securities Rulemaking Board, to meet qualifications standards, when such failure may be remedied by a finding or determination by the Commission pursuant to such rule(s) that the person affected nevertheless meets such standards.◄

(2) The term "control" shall mean the power to direct or cause the direction of the management or policies of a company whether through ownership of securities, by contract or otherwise; *Provided, however,* That

(i) Any person who, directly or indirectly, (A) has the right to vote 10 percent or more of the voting securities, (B) is entitled to receive 10 percent or more of the net profits, or (C) is a director (or person occupying a similar status or performing similar functions) of a company shall be presumed to be a person who controls such company;

(ii) Any person not covered by paragraph (i) shall be presumed not to be a person who controls such company; and

(iii) Any presumption may be rebutted on an appropriate showing.

(g) Where it deems it appropriate to do so, the Commission may ►determine whether to (1) direct, pursuant to section 6(c)(2), 15A(g)(2) or 17A(b)(4)(A) of the Act, that a proposed admission covered by a notice filed pursuant to paragraph (a) of this section shall be denied or an order barring a proposed association issued or (2)◄ grant or deny an application filed pursuant to paragraph (d) of this ►rule◄ [section] on the basis of the ►notice or application◄ [papers] filed by the [parties,] ►self-regulatory organization, the person subject to the disqualification, or other applicant (such as the proposed employer) on behalf of such person,◄ without oral hearing. Any request for oral hearing or argument should be submitted with the ►notice or application.◄

(h) The Rules of Practice [17 CFR Part 201] shall apply to proceedings under this rule to the extent that they are not inconsistent with this rule.

Solicitation of Comments

All interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should submit three copies thereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than April 22, 1980. Reference should be made to File No. S7–878. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L. Street N.W., Washington, D.C.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 10, 1981.

Regulatory Flexibility Act Certification

I, Harold M. Williams, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 19b–1 under the Securities Exchange Act of 1934 set forth in Securities Exchange Act Release No. 17615, if promulgated, will not have a significant economic impact on any entity subject to its provisions and, therefore, will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are as follows.

The Commission does not believe that the proposed rulemaking will have a significant economic impact on self-regulatory organizations ("SRO's) or SRO members and participants. These entities will incur some increased costs from certain portions of the proposed Rule revisions that would require the SRO's to furnish additional material to the Commission when notices or applications are required to be filed. The additional information, however, is most likely to be readily accessible to SRO's and SRO members and participants. Furthermore, although the proposed amendment will impose obligations on SRO's and SRO members and participants that are likely to result in an increase in their administrative costs when notices and applications are filed with the Commission, the Commission believes that the increase will be insignificant in relation to total regulatory administrative expenditures and, therefore, total administrative expenditures. Moreover, the Commission anticipates that any minimal increase in administrative costs will be more than offset by the overall decrease in such costs resulting from a reduced number of full notices that would be required to be prepared and filed by the SRO's and reviewed by the Commission under the revisions to Rule 19b–1

Dated: February 18, 1981.

Released: March 10, 1981.

Harold M. Williams,

Chairman.

[FR Doc. 81-8000 Filed 3-17-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM80-36]

Rate of Return on Equity for Electric Utilities; Extension of Time for Comments

March 12, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Request for written comments; extension of comment period.

SUMMARY: On February 6, 1981, the Commission issued a Request for Written Comments on a Staff Discussion Paper entitled, "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms" (46 FR 12206, February 13, 1981). The comment period is being extended at the request of the Edison Electric Institute and Mr. Joseph C. Swidler.

DATE: Comments must be submitted on or before March 30, 1981.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357–8400.

SUPPLEMENTARY INFORMATION: On March 11, 1981, Edison Electric Institute and Mr. Joseph C. Swidler filed respective motions for an extension of time to file comments in response to the Commission's Request for Written Comments issued February 6, 1981, in the above-docketed proceeding. In support of these requests, the motions state that the parties require additional time to review the complex questions raised in the Staff Discussion Paper and at the Informal Conference and further, to consider concepts discussed at the March 6, 1981, Informal Conference on the Financial Condition of Electric Utilities.

Upon consideration, notice is hereby given that an extension of time for the

filing of comments is granted to and including March 30, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8288 Filed 3-17-81; 8:45 am]

BILLING CODE 8450-06-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

General Provisions; Proposed Change in the Field Organization of the Customs Service

AGENCY: U.S. Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to change the field organization of the Customs Service by establishing a new port of entry at Austin, Texas, in the Dallas/Fort Worth, Texas, Customs district (Region VI). The proposed change would enable Customs to keep pace with the significant increase in Customs-related activities which has occurred in Central Texas during the past decade.

DATES: Comments must be received on or before April 17, 1981.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Austin, the State Capital of Texas, rapidly is becoming the center of international trade in central Texas. During the last decade, the area attracted many new manufacturing companies, including major electronics firms, high technology business, and other leading corporations producing a variety of products for distribution in markets in Europe, the Middle East, and Central and South America. In the last 5 years, the volume of merchandise imported into Austin quadrupled; the volume of merchandise exported more than tripled.

Presently, however, approximately 42 percent of imported merchandise destined for Austin is entered through the Customs port of entry at Houston, Texas, 162 miles away. Another 20 percent is entered through the Customs port of entry at San Antonio, Texas, 77 miles away. Transporting merchandise from these locations to Austin substantially increases distribution and transportation costs and delays delivery of the merchandise to its ultimate destination.

Establishing a Customs port of entry at Austin would: (1) reduce distribution and transportation costs and reduce the travel time for imported goods destined for Austin; (2) provide the basis for initiating scheduled international flights between Austin and foreign cities; and (3) enable Customs to obtain more efficient use of its personnel, facilities, and resources in the Austin area.

Accordingly, to keep pace with the expanding needs of Customs-related activities in central Texas and to provide better service to carriers, importers, and the public, Customs proposes to establish a new port of entry at Austin, Texas, in the Dallas/Fort Worth, Texas, Customs district (Region VI). The geographical boundaries of the port would consist of all of the territory within the corporate boundaries of the city of Austin, Texas.

To accommodate the new Austin, Texas, port of entry in the Dallas/Fort Worth, Texas, Customs district, the Dallas/Fort Worth district limits also would be revised to include the State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long. and east of 99° W. long.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations and Information Division, Room 2428, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, Washington, D.C. 20229.

Regulation Determined To Be Nonsignificant

In a directive published in the **Federal Register** on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations," the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the **Federal Register** and codified in the Code of Federal Regulations to be "significant." However, regulations which are nonsubstantive, essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected, may, with Secretarial approval, be determined not to be significant. Accordingly, it has been determined that this proposed amendment does not meet the Treasury Department criteria in the directive for "significant" regulations.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act"), because it is not likely to have a significant economic impact upon a substantial number of small entities.

Customs routinely establishes, expands, and eliminates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this proposal may have a limited effect upon some small entities in central Texas, it is not expected to be significant because the establishment of Customs ports of entry in other locations has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Authority

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (46 FR 9336).

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: March 3, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-8213 Filed 3-17-81; 8:45 am]

BILLING CODE 4810-22-M

Internal Revenue Service

26 CFR Part 1

[EE-17-78]

Custodial Accounts for Regulated Investment Company Stock; Public Hearing on Proposed Regulations and Proposed Amendments Thereto

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations and on proposed amendments.

SUMMARY: This document provides notice of a public hearing on proposed regulations and on proposed amendments thereto relating to custodial accounts for regulated investment company stock.

DATES: The public hearing will be held on June 4, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 21, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE-17-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations and proposed amendments to the proposed regulations under section 403(b)(7) of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Friday, February 10, 1978 (43 FR 5852). The proposed amendments appeared in the Federal Register for Tuesday, December 30, 1980 (45 FR 85786).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the proposed regulations and in the amendments to the proposed regulations, and also desire to present oral comments at the hearing on the proposed regulations and proposed amendments thereto should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by May 21, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Acting Commissioner of Internal Revenue.

George H. Jelly,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 81-8017 Filed 3-17-81; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E2124/P167; PH FRL 1781-4]

Amiben; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposed that tolerances be established for residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid). This proposal was submitted by the Inter-regional Research Project No. 4 (IR-4). This amendment will establish the maximum permissible levels for residues of amiben on pigeon peas and pigeon pea forage at 0.1 part per million (ppm).

DATE: Written comments must be received on or before April 17, 1981.

ADDRESS: Written comments to: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 9E2124 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for negligible residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) in or on the raw agricultural commodities pigeon peas and pigeon pea forage at 0.1 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 0.1 ppm in or on pigeon peas and pigeon pea forage were: a 2-year rat feeding study with a no-observed-effect-level (NOEL) of 1,000 ppm in the diet (50 milligrams (mg)/Kilogram (kg); a 2-year dog feeding study with a NOEL of 10,000 ppm in the diet (250 mg/kg); a three-generation reproduction study with a NOEL of 4,500 ppm in the diet; two rat acute oral studies with an LD_{50} of 5,620 mg/kg and 5,000 mg/kg, a 28-day rat oral dietary study with a NOEL of 10,000 ppm. Studies currently lacking and considered desirable include teratology studies in two species and mutagenic evaluation.

The National Cancer Institute (NCI) report on the carcinogenicity of amiben indicated that, based on the terms of the bioassay, amiben was negative for oncogenic potential in Osborne-Mendel rats. However, positive evidence for the oncogenicity of amiben was observed in a study in which $B_6C_3F_1$ female mice treated with 10,000 and 20,000 ppm amiben developed hepatocellular carcinomas. Similar carcinomas appeared in male mice but were not dose-related.

On the basis of the $B_6C_3F_1$ mouse study, the agency considers the cancer risk from dietary exposure of amiben-treated pigeon peas to be very small. If it is assumed as a worst possible case that amiben would be present in all fresh pigeon peas at the proposed tolerance level and all pigeon peas would be treated with amiben, the lifetime risk of cancer from consuming fresh pigeon peas is estimated to be 10^{-8}. Based on the 2-year rat feeding study with a NOEL of 1,000 ppm (50 mg/kg/day) and using a 100-fold safety factor, the previously acceptable daily intake (ADI) for humans was calculated to be 0.5 mg/kg/day with regard to chronic effects other than oncogenicity. If it is assumed that a 60 kg person consumes a 1.5 kg daily diet, the theoretical maximum contribution

(TMRC) from existing tolerances for amiben is calculated to be 0.0130 mg/day. Existing tolerances contribute 0.04 percent of the ADI. The requested tolerance will not utilize any additional percentage of the ADI, but would contribute 0.00005 mg/day to the TMRC. The maximum permissible intake (MPI) of amiben residues for a 60 kg person is calculated to be 30 mg/day.

Amiben is a candidate for a rebuttable presumption against registration (RPAR) since it may exceed the risk criteria described in 40 CFR 162.11(a)(3)(ii)(B) for chronic effects. The agency will reevaluate all the existing tolerances for amiben through the RPAR process. At this time, however, the amount of amiben added to the diet from the proposed use is too small to substantially increase the risk in humans. Thus, the proposed tolerance is considered to pose a negligible increment in risk.

The metabolism of amiben is adequately understood and adequate analytical methods (gas chromatography and spectrophotometry) are available for enforcement purposes. There is no reasonable expectation of finite residues in milk, eggs, meat, and/or poultry since there is no reasonable expectation of detectable residues in pigeon pea forage.

Based on the above information considered by the agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health. In addition, the negligible residue designator ("N") has been removed from the existing tolerances because long-term feeding studies are now available. It is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before April 17, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 8E2124/P167]." All written comments filed in response to this petition will be available for public inspection in the office of Clinton Fletcher from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

The Office of Management and Budget has exempted this regulation from OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

For information on the Regulatory Flexibility Act, see the Appendix to this proposed regulation.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: February 24, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by (1) revising § 180.266 in its entirety to editorially restructure the section into an alphabetized columnar listing, (2) removing the negligible residue designator, and (3) alphabetically adding the raw agricultural commodities "pigeon peas" and "pigeon pea forage" under § 180.266 to read as follows:

§ 180.266 Amiben; tolerances for residues.

Tolerances for residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) are established in or on the following raw agricultural commodities:

Commodities	Parts per million
Beans, dried	0.1
Bean vines	.1
Cantaloupes	.1
Cucumbers	.1
Field corn grain	.1
Field corn fodder	.1
Field corn forage	.1
Lima beans	.1
Peanuts	.1
Peanut forage	.1
Peppers	.1
Pigeon peas	.1
Pigeon pea forage	.1
Pumpkins	.1
Snap beans	.1
Soybeans	.1
Soybean forage	.1
Squash (summer and winter)	.1
Sunflower seed	.1
Sweet potatoes	.1
Tomatoes	.1

Appendix to [PP8E2124/P167] Amiben Proposed Tolerance

Certification Under Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612) effective January 1, 1981. The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish a maximum permissible level for residues of the herbicide amiben in or on pigeon peas and pigeon pea forage at 0.1 part per million.

The only potential adverse impact on the proposed ruling would be that it would require some labeling changes by registrants. However, the number of affected registrants is relatively very small, the burden of amending the labeling would be slight, and any costs would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility anlysis.

Dated: March 11, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-8273 Filed 3-17-81; 8:45 am]

BILLING CODE 6560-20-M

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40 CFR Part 180

[OPP-300344; PH FRL 1781-5]

Boiled Linseed Oil; Exemption From the Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This amendment proposes that "boiled" linseed oil be exempted from the requirement of a tolerance when used as an inert ingredient in a formulation of *S*-ethly hexahydro-1*H*-azepine-1-carbothioate applied to growing rice before edible parts form.

DATE: Written comments must be received on or before April 17, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804, the Administrator proposes amending 40 CFR Part 180 to include an exemption from the requirement of a tolerance for boiled linseed oil ("boiled" refers to drying by use of 0.33 percent manganese naphthenate and 0.33 percent cobalt naphthenate) when used as an inert ingredient in a formulation for *S*-ethyl hexahydro-1*H*-azepine-1-carbothioate applied to growing rice before edible parts form.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellents in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Inert ingredient	Name and address of requestor	Basis of approval
Boiled linseed oil (containing no more than 0.33 percent manganese naphthenate and no more than 0.33 percent cobalt naphthenate).	Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804.	Linseed oil is sometimes used as a cooking oil, particularly in Eastern Europe, and is cleared for a variety of intentional indirect food additive uses. Clearances for linseed oil (or specified linseed oil) include the following: 21 CFR 181.28—Drying oils as components of finished resin. 21 CFR 176.210—Defoaming agents used in the manufacture of paper and paperboard. 21 CFR 176.300 Drying oil in resinous and polymeric coatings. 21 CFR 182.90 [180.1001(c)]—Adjuvant for pesticide chemicals used as surfactants or related adjuvants applied to growing crops or after harvest.

The maximum residue of manganese likely to result from the expected use is 0.4 part per million (ppm) and the maximum residue of the cobalt naphthenate is 6.5 ppm. If the assumption is made that cobalt comprises about 24 percent of its salt, (the maximum metal content in liquid naphthenate salts *(The Condensed Chemical Dictionary,* 8th edition, Ed. by G. G. Hawley, Van Nostrand Reinhold Co., NY, 1971)) the maximum residue level of cobalt can be expected to be 1.6 ppm.

Because the food factor (percentage of average American diet) of rice is 0.55 percent, 0.4 ppm of manganese and 1.6 ppm of cobalt on rice can be expected to contribute a theoretical maximum of 3.5 micrograms and 14 micrograms respectively of each trace metal to the average daily intakes of cobalt and manganese. It must be noted that both cobalt and manganese are essential trace metals that are toxic at very high dose levels. However, average daily intakes of manganese and cobalt in a normal human diet, for purposes of comparison, are 7 milligrams and 0.7 milligrams, respectively (E. J. Underwood, *Trace Elements in Human and Animal Nutrition,* 3d edition, Academic Press, NY, 1971 pp. 161,200). No problem with toxicity of either manganese or cobalt is expected from the requested use pattern.

The naphthenate moiety is not expected to constitute a toxicological hazard for the following reasons:

1. The quantity of naphthenates found in the formulation will be small.

2. Naphthenate refers to saturated higher fatty acids derived from the gas-oil fraction of petroleum. *(The Condensed Chemical Dictionary,* 8th edition, Ed. by G. G. Hawley, Van Nostrand Reinhold Co., N.Y. 1971.)

3. Saturated higher fatty acids are not of great toxicologic concern. Fatty acids are normal constitutents of soaps, oils, and human biochemistry. They are readily metabolized by beta oxidation and eventually are broken down to acetate which then enters the citric acid cycle as acetylcholinesterase *(Biological Chemistry,* 2nd edition, by Mahler and Cordes, p. 594, Harper and Row, N.Y. 1971.)

4. Naphthenates, such as cobalt and copper, are widely used as wood preservatives. Some naphthenates are cleared as indirect food additives. Copper naphthenate is exempt from the requirement of a tolerance when applied to growing crops before edible portions form (40 CFR 180.1001(d)).

Boiled linseed oil acts as a coating agent in this formulation, and retards volatilization of the active ingredient from the granular carrier. Since boiled linseed oil would be applied to the rice before the edible parts form, and the active (pesticide) ingredient is rapidly metabolized, it is concluded that the inert ingredient will have no great effect on residue of the active ingredient in rice.

Based on the above information, and a review of its use, it has been found that when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered, or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains this inert ingredient may request, on or before April 17, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the document control number "[OPP-300044]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of John Shaughnessy, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

For information on the Regulatory Flexibility Act requirements, see the appendix to this proposed rule.

(Sec. 408(e) 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: March 12, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by adding § 180.1056 to read as follows.

§ 180.1056 Boiled linseed oil; exemption from requirement of tolerance.

Boiled linseed oil (containing no more than 0.33 percent manganese naphthenate and no more than 0.33 percent cobalt naphthenate) is exempt from the requirement of a tolerance when used as a coating agent for *S*-ethyl hexa-hydro-1*H*-azepine-1-carbothioate. No more than 15 percent of the pesticide formulation may consist of "boiled linseed oil." This exemption is limited to use on rice before edible parts form.

Appendix To [OPP-300044] Boiled Linseed Oil Proposed Exemption From Tolerance

Certification Under Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator than no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

Under sec. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a, 348), the Agency is authorized to establish by regulation tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, as well as on the ultimate user of the pesticide, usuallly a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually non-existent or insignificant.

This proposed regulation would exempt boiled linseed oil from the requirement of a tolerance, when used as an inert ingredient, in formulations of a specific herbicide applied to rice only. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: March 11, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-8000 Filed 3-17-81; 8:45 am]

BILLING CODE 6560-32-M

VETERANS ADMINISTRATION

41 CFR Part 8-4

Special Types and Methods of Procurement; Mortuary Services

AGENCY: Veterans Administration.

ACTION: Second notice of proposed rulemaking.

SUMMARY: The Veterans Administration is proposing to amend its procurement regulations by revising provisions relating to the transportation allowances for the burial of unclaimed deceased veterans, and by eliminating the requirment for an outside box as a prerequisite to interment in a National Cemetery. The amendment proposes to eliminate the cost of transportation to place of local burial as a cost chargeable against the $300 statutory allowance for a complete funeral and burial service.

DATES: Comments must be received on or before April 17, 1981. It is proposed to make this change effective 30 days after approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, and objections to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection at the address shown above only between the hours of 8 a.m. to 4:30 p.m. Monday through Friday (except holidays) until May 1, 1981. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, (202) 389-2334.

SUPPLEMENTARY INFORMATION: This section is being revised to remove the restriction of the additional transportation allowance to "other than local burials," and to eliminate transportation costs as an item chargeable against the $300 ceiling for a burial package as designated in 38 U.S.C. 903(a). The requirement that an outside box be provided if the interment is to be made in a National Cemetery which does not use grave liners is proposed to be eliminated. The provision of such an outside box is no longer considered necessary. Clarification is added so that arrangements will be made with the nearest National Cemetery having available space.

On page 28767 of the Federal Register of April 30, 1980, there was published a proposed amendment to 41 CFR Part 8-4 concerning the procurement of mortuary services for unclaimed remains. Subsequent to that publication, it was determined that the proposed amendment was insufficient in content and potentially ambiguous. The Veterans Administration is hereby withdrawing that proposed amendment and reissuing a new, revised proposed amendment.

Approved: March 4, 1981.

Rufus H. Wilson,

Acting Administrator.

Section 8-4.5102, *"Funeral authorization."* is revised to read as follows:

§ 8-4.5102 Funeral authorization.

(a) When a veteran dies while receiving care in a Veterans Administration health care facility or in a non-Veterans Administration institution at Veterans Administration expense and the decedent's remains are unclaimed, the Chief, Medical Administration Service, will forward to the Chief, Supply Service, a properly executed VA Form 10-2065, Funeral Arrangements, requesting that funeral and burial services for the deceased be procured. Burial will be made in the nearest National Cemetery having available gravespace.

(b) The contracting officer will enter into negotiations with local funeral directors to procure a complete funeral and burial service within the statutory allowance of $300. This service will consist of:

(1) Preparation of the body, embalming.

(2) Clothing.

(3) Casket.

(4) Securing all necessary permits.

(c) An additional allowance for transportation of the body to the place of burial is provided in 38 U.S.C. 903(a)(2). This allowance will cover the transportation cost of shipment of the body by common carrier or by hearse from the VA facility to the funeral home and to the place of burial, any charges for an outside (shipment) box, and the charges for securing all necessary permits for removal or shipment of the

body. These costs are not chargeable against the $500 allowance.

(48 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81-8128 Filed 3-17-81; 8:45 am]
BILLING CODE 6820-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-757]

Amendment of the Commission's Rules Concerning Automation of the Use of Measurement Data for AM Broadcast Stations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of comment and reply comment period.

SUMMARY: This action extends the comment and reply comment periods in the AM Measurement Data proceeding at the request of the Association of Federal Communications Consulting Engineers (APCCE). The additional time was requested by APCCE in order to allow its entire membership to review and comment upon the Commission's proposals. Extending the comment dates will enable the Commision to obtain a more full and complete record.

DATES: Comments must be submitted on or before May 11, 1981; reply comments must be submitted on or before June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis Williams, Broadcast Bureau, (202) 632-6485.

SUPPLEMENTARY INFORMATION:

Order Granting Motion for Extension of Time To File Comments

Adopted: February 26, 1981.

Released: March 6, 1981.

By the Chief, Policy and Rules Division:

1. On February 5, 1981, the Commission received a Motion for Extension of Time to file comments in the above-captioned proceeding from the Association of Federal Communications Consulting Engineers (APCCE). Petitioner requests that the time for filing comments be extended from March 9, 1981, to May 9, 1981, and that the time for filing reply comments be extended from April 8, 1981, to June 8, 1981.

2. In support of its motion, APCCE states that it wishes to make available to the Commission the collective engineering expertise of its membership. In this regard, APCCE states that at its next monthly meeting the attendees will consider and discuss the association's comments. Following the meeting, a draft of APCCE's comments will be mailed to the entire membership for their review and comments. According to APCCE, the membership's comments are not expected to be received before the latter part of March or early April. The membership's comments would then be incorporated into a final document which would be approved by the Executive Committee at a meeting in late April.

3. We believe APCCE has shown good cause to extend the comment filing deadlines in this proceeding. The issues involved in this rulemaking are complex, and the Commission's interest in obtaining as full and complete a record as possible will be well served by granting this extension. Because May 9, 1981, the date requested by APCCE for filing comments, is a Saturday, we shall extend the comment deadline to the following Monday, May 11.

4. Accordingly, it is ordered, That the dates for filing comments and reply comments in this proceeding are extended to May 11, 1981, and June 8, 1981, respectively.

5. This action is taken pursuant to authority found in Section 4(i) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-8082 Filed 3-17-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 83

[Docket No. 18578; FCC 81-71]

Amendment To Provide a Program and Schedule of Dates for Increasing the Required Output Power of Transmitters Where Vertical Antennas Are Employed Aboard Compulsorily Fitted MF Radiotelegraph Ships

AGENCY: Federal Communications Commission.

ACTION: Order terminating proposed rule.

SUMMARY: This order terminates this proceeding without adopting the proposed rules concerning the output power of marine transmitters on ships using vertical antennas. The FCC will inspect existing vertical antennas to determine their efficiency under operating conditions before regulatory action is taken.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Walter E. Weaver, Private Radio Bureau, 202-632-7175.

SUPPLEMENTARY INFORMATION:

Order (Proceeding Terminated)

In the matter of amendment of Part 83 to provide a program and schedule of dates for increasing the required output power of transmitters where vertical antennas are employed aboard compulsorily fitted MF radiotelegraph ships.

Adopted: February 25, 1981.

Released: March 3, 1981.

By the Commission: Chairman Ferris not participating.

1. On June 25, 1980, the Commission adopted a Notice of Proposed Rule Making in this item.[1] In short, this proposal would have required an increase in transmitter output power from 200 watts to 1,000 watts to make up for the decrease in efficiency when employing a vertical versus a long wire antenna. The intent was to have the radio equipment on board the vessel generate a field strength of 30 mV/m at one nautical mile.

2. On June 20, 1978, we adopted a Notice of Proposed Rule Making[2] which would require the generation of a field strength of 30 mV/m at one mile by any means available. As a result of the information developed in connection with Gen Docket 78-185, we have determined that no regulatory action should be taken until an inspection has been made of the antenna characteristics aboard a substantial number of ships. This inspection program will be conducted by FCC field engineers; following which a regulatory course of action may be reconsidered.

3. Regarding questions on matters covered in this document, contact Walter E. Weaver, telephone (202) 632-7175.

4. Therefore, for the above reasons, it is ordered, That the proceeding in this matter is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-8277 Filed 3-17-81; 8:45 am]
BILLING CODE 6712-01-M

[1] 94 FR 11105.
[2] Gen Docket 78-185; 43 FR 28640; FCC 78-435.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1307 and 1310

[Ex Parte MC 86; Ex Parte MC 88 (Sub-1)]

Detention of Motor Vehicles—Nationwide and Alaska

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission proposes to abolish the existing uniform detention rules applicable to motor common carriers of property. Numerous petitions requesting change have been received by the Commission since the promulgation of the uniform rules. The number and variety of issues raised in the petitions suggest that the rules do not have the flexibility required under the diverse operating conditions found in the transportation industry. Abolishing the uniform rule would return the issue of detention to the discretion of motor carrier management. Carriers desiring detention rules may establish their own non-discriminatory rules through tariff publications.

DATES: Comments of interested persons will be due on or before May 4, 1981.

ADDRESS: An original and fifteen copies of comments should be sent to: Room 5356, ICC, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane MacKall (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Commission established the uniform rules [1] for several reasons. One was the belief that the rules would improve the utilization of carrier equipment. The Middle Atlantic Conference had found that carrier detention rules resulted in efforts by shippers to use more efficient means of loading and unloading. However, some carriers found it difficult to maintain individual detention rules when competing against carriers who had no rules. The Commission concluded that uniform rules could help to eliminate this problem. See, *Detention of Motor Vehicles—Middle Atl. & New England,* 325 I.C.C. 336 (1965).

Also favoring uniform rules was the belief that differing detention rules caused administrative burdens for shippers. Since the origin of a shipment determined the applicable rule, a consignee sometimes had to contend with several different sets of rules. Also, some shippers argued that simplified detention tariffs would permit greater use of automated data processing equipment.

In establishing uniform detention rules, the Commission was also concerned with preventing discrimination among shippers. The Commission found that existing rate bureau rules were largely uniform except for numerous highly specific and inadequately explained individual exceptions. While arguably the exceptions were reactions to different operating requirements, the Commission concluded that flexible rules could allow preferential service for influential shippers at the expense of small shippers and the general public. This potential for preferential treatment was increased by the fact that the confusion in the rules tended to make enforcement more difficult.

Since the promulgation of the uniform rules, there have been many petitions requesting interpretation, change, or exemption from the rules. Detention is closely associated with the daily business operations of carriers and shippers. The number and variety of issues raised in the petitions suggest that uniform rules may lack sufficient flexibility to accommodate the differences in these operations. If this is true, they may not have the salutary effects on discriminatory practices originally envisioned. See M.C.C. 660, 668. In addition, the increased availability of contract and private carriage (which are not subject to the detention rules) casts additional doubt on the efficacy of the present rules in protecting smaller shippers.

We have also considered the regulatory policies enunciated by Congress in the Motor Carrier Act of 1980. Section 2 of the Act states that the Act is part of the continuing effort by Congress to reduce unnecessary regulation by the federal government. Section 3 goes on to state that existing regulation of motor carriers may have inhibited maximum utilization of equipment. Finally, Section 4(3) modifies the National Transportation Policy, 49 U.S.C. 10101, to emphasize that the Commission is "to promote competitive and efficient transportation services."

Equipment utilization is an important element in a carrier's ability to compete. Increased competition, and elimination of uniform rules, may force carriers to develop detention standards and rates options that will permit more effective service and better equipment utilization.

These benefits may more than offset the difficulties, if any, the Commission may face in preventing undue discrimination. Furthermore, increased motor carrier competition suggests that undue discrimination may be less of a concern than it has been. With increased competition, carriers that unjustly discriminate may find themselves losing customers to other carriers.[2]

Specific Criticisms of the Uniform Rules

One of the areas of greatest controversy has been the palletization rules. These rules state that reduced free time is applicable when at least 90 percent of the shipment weight is loaded on pallets, or when the shipment is loaded on flat-bed or other open-top equipment. A pallet is a platform, shipping rack, or skid which permits mechanized loading and unloading.

A basic problem with this rule is that it does not appear to have the flexibility needed to accommodate the various shipper operating practices. For example, the uniform rule assumes that shippers and receivers will use the same methods to load and unload. However, sometimes the consignor has mechanical loading equipment while the receiver does not. Sometimes the consignor and consignee both have mechanical loading and unloading equipment, but will have different sized pallets. In these cases the receiver will have to unload by hand. In other cases the pallet will arrive in damaged condition and require manual unloading.

Furthermore, the rule includes some loadings which are not mechanized, and excludes some loadings which are mechanized. For example, steel carried on rolls can be unloaded mechanically but is not included under the palletization rule. On the other hand, flat-bed trailer shipments are included, yet not all commodities carried on flat-bed trailers can be mechanically loaded. Finally, whether pul-pacs and slip-sheets, which are similar to pallets and are used in the grocery industry, are included in the palletization rule is hotly debated by shippers and carriers.

These problems, as well as the reduced free times, have encouraged shippers to load 10 to 15 percent of a shipment by hand, thus avoiding application of the rule. Other shippers order closed trailers in place of open-top. Inefficient use of equipment results.

A uniform rule defining palletization in terms of actual mechanized loading or unloading might resolve some of these problems. However, one difficulty is that the palletization rules are interwoven with the line-haul rate structure. As

[1] 124 M.C.C. 680 (1976); 128 M.C.C. 803 (1977).

[2] Detention practices which unreasonably discriminate would, of course, violate 49 U.S.C. 10741(b). If the uniform rules are abolished, the Commission would expect carriers, in determining their own detention policies, to act in accordance with the law. The Commission's Office of Consumer Protection would be responsive to complaints of discriminatory detention practices.

indicated by the National Motor Freight Traffic Association many commodity rate items show dual rate levels, one applicable to non-palletized shipments and a lower level restricted to palletized shipments. Other commodity rates have been established with pallet shipments in mind, but are not so restricted in the tariff item. The varying rate structures would not necessarily be reflected in one uniform rule.

This relationship with the rates plus the variety of operating practices involved, suggests that a uniform rule may be too rigid, and that competition might result in better rules. If carriers are free to experiment, they may be able to fashion detention rules that together with rate adjustments will best encourage shippers to invest in mechanical loading and unloading equipment.

We have had a number of petitions for exemptions. Although the rules do exempt some specialized shipments, petitioners have indicated other commodities which may require exclusion. For example, irrigation systems and power transmission structures are heavy and specialized and may have as many as 3,000 pieces to be unloaded in fields where there are no loading docks or protection from the weather. For safety reasons, nitro-carbo-nitrates and blasting agents, when left at job sites, are unloaded only as they are needed. In rigging operations, also, where the carrier's employees install machinery as part of the delivery service, unloading does not fit detention rule patterns. Other commodities which may involve similar problems include contractors' equipment, oil field equipment, and garments-on-hangers.

Furthermore, we have already stayed application of the rules to origins and destinations in Alaska so that we may consider the particular transportation conditions found in that State.[3] A similar stay has been granted, under certain conditions, with respect to articles picked up or delivered to water carriers.[4]

While these requests could possibly be accommodated through exemptions to the uniform rule, the requests do indicate the difficulty of formulating a uniform rule for a variety of shipping operations.[5] Furthermore, we have also received requests for exemptions based upon competitive factors. For example, one petitioner requested an exemption for articles moving on bills of lading of freight forwarders because petitioner has to compete with rail service, TOFC and others to which the uniform rule does not apply. Another petitioner argues that uniform rules should include TOFC movements so that all motor common carriers could compete equally with these rail movements. Exemptions have also been requested for certain commodities on the grounds that carriers must compete with private and contract carriage not subject to the uniform rule.

It would be difficult for the Commission to formulate a uniform rule that could satisfactorily resolve all these issues. We do not wish to hinder the ability of carriers to compete by requiring those carriers to operate under a stricter detention standard than that applicable to their competitors.

We have also received many requests for interpretation or change in other areas of the rules. The spotting rules, for example, are particularly important to the automobile industry which requires that trailers be left at holding pens within the plant area. This allows the industry to move trailers to and from the receiving docks immediately when needed. The question of whether the carrier or the industry is financially responsible under the spotting rules for the transfer of emptied trailers from the receiving docks to the holding areas is very controversial.

Other questions include whether free time should be based on actual weight rather than tariff weight, whether free time should depend on density or piece count as well as weight, whether detention charges should be greater for refrigerator equipment, the degree to which the charges should be increased, the proper cost basis for the charges, whether there should be an automatic increase mechanism for the charges, and the definition of holiday in the rules. It is possible that we could modify the uniform rules to resolve these problems. However, the number and variety of petitions again suggest that the uniform rule lacks sufficient flexibility. We are especially concerned with the affect of specific levels of charges adopted through rules. The Motor Carrier Act of 1980 encourages individual ratemaking flexibility and today's economic conditions make uniform fixed charges for detention questionable.

For all of these reasons we are proposing to abolish our uniform detention rules and return the issue of detention to the discussion of motor carrier management. We would expect carriers to adopt non-discriminatory, but not necessarily uniform, detention rules through tariff publication. Rules can be tailored differently to meet particular circumstances without resulting in unreasonable discrimination. See *H. Samuels Co., Inc. v. Atchison, T. & S. F. Ry. Co.* 364 I.C.C. 280 (1980).

Alternatives

There are other possibilities besides total revocation of the uniform rules. We invite public comment on the advisability of the options listed below. We will consider other suggestions. The parties should address the comparative merits of these alternatives and the abolition of all uniform detention rules. Should we decide to modify rather than abolish the uniform rules, it is possible that we may seek further public comments on specific modifications.

One option would be to permit the carriers to develop their own rules in accordance with minimum standards or rules set by us. For example, we could establish record-keeping requirements, and the time ranges within which carriers could set detention time periods. This alternative is intended to keep Commission involvement to the minimum necessary. We request comments on the matters that should be covered if this approach is adopted.

Another option would be to permit carriers to choose whether to develop their own rules. Carriers not developing their own rules would be required to use rules which we prescribe.

A third option would be to keep the existing rules, with needed changes. The most important modifications would be in the area of palletization. We could define palletization for detention purposes in general terms of the ability to load and unload mechanically. Permitting different free times at origin and destination depending on the ability of the individual shippers or consignee to load or unload mechanically could also be considered.

Other modifications of the uniform rules could also include: (1) Exceptions for commodities where loading or unloading occurs under abnormal conditions; (2) an increase in the level of detention charges and consideration of whether an automatic adjustment mechanism is desirable; and (3) re-examining whether shipper or carriers are financially responsible under the spotting rules for the transfer of emptied trailers from the receiving docks to holding area.

Other questions which we would review include those mentioned above in the discussion of special criticisms of the rules. We would also consider other problems such as: (1) What percentage of a shipment can be mechanically loaded before the whole shipment is considered to be palletized; (2) what

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[3] Ex Parte MC 86 (Sub-1), decision served August 10, 1977, (42 FR 41444, August 15, 1977).

[4] Ex Parte MC 86, decision served September 25, 1978 (not published).

[5] An exemption from the rules was granted in Detention of Motor Vehicles, 131 M.C.C. 557 (1979).

free time is allowed when the carrier's tariff provides separate charges for sorting and segregating services; (3) whether Saturdays, Sundays, and holidays should be charged when carriers won't pick up trailers on these days; and (4) whether detention charges should apply when there is more than a 30 minute delay in spotting.

Petition of the Common Carrier Conference—Irregular Route, Inc.

The Conference has requested that the Commission hold in abeyance or cancel all investigations, civil forfeiture proceedings, or other actions alleging violations of the detention rules. The request is based upon our notice of March 26, 1980, in which we recognized problems with the detention rules and indicated our intent to reopen the proceeding. Petitioners argue that these problems may have generated some pending enforcement proceedings, and that the carriers should therefore have the benefit of any new rules the Commission may issue.

The Steel Carriers' Tariff Association, Inc. and the Commission's Office of Consumer Protection replied in opposition. We agree that the requested action is not warranted at this time. The rules, while not perfect, are being relied upon by many members of the public. We will take actions necessary to ensure that unfair prosecutions do not occur pending resolution of this proceeding.

Other Matters

The Regulatory Flexibility Act, 5 U.S.C. 603 requires an examination of the impact of proposed rules on small businesses and small organizations. We anticipate no significant adverse economic impact on small entities as a result of this ratemaking. We are concerned that abolition of all uniform detention rules may hinder the efforts of owner-operators to obtain payment for detention. We seek comments on the likelihood of this possibility and suggestions for alternatives to avoid this problem. We request that parties comment on any other adverse impact that repeal of the rules may have on small businesses. A copy of this notice will be served on the Administrator, Small Business Administration. Any input that agency intends to make should be presented within the 45-day comment period.

Section 15 of the Motor Carrier Act of 1980 addresses problems arising from "lumping," the practice in which shippers require that motor carrier operators receive assistance in the loading or unloading of their vehicles. As detention charges arise from shipper activities that impede rather than speed loading and unloading, Section 15 does not appear to affect the regulations at issue here. However, the public is invited to comment upon the impact of Section 15, if any, on the detention regulations.

The matters raised in this notice do not appear to affect significantly the quality of the human environment or the conservation of resources. However, comments on these issues are welcome.

Summary

We propose to remove 49 CFR 1310.15(f) and 1307.35(e). Comments are requested on the feasibility and desirability of deletion of the rules, and the potential effect on motor common carrier transportation of property. Comments should also address the possible alternatives to abolishing the rules described above, and any other suggestions regarding enforcement of the statute as it relates to abuses of detention time.

Issued under the authority of 49 U.S.C. 10101, 10321, 10741, and 10762, and 5 U.S.C. 553.

Decided: February 26, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8344 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 52
Wednesday, March 18, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Directory of Administrative Hearing Facilities

The Office of the Chairman of the Administrative Conference of the United States announces publication of a "Directory of Administrative Hearing Facilities." The directory is designed to assist persons who are scheduling administrative hearings and conferences to locate and reserve appropriate facilities. It identifies and decribes over 1000 courtrooms, conference rooms, hearing rooms, and other locations across the country in which administrative proceedings may be held. The directory also lists contacts to call when seeking to reserve these facilities.

The Office of the Chairman has a limited supply of copies of the directory for distribution to federal agencies and others who have a special need or interest. To request a copy, write to Charles Pou, Jr., Administrative Conference of the United States, Suite 500, 2120 L Street, N.W., Washington, D.C. 20037, or telephone (202) 254–7020.

Richard K. Berg,

Executive Secretary.

March 12, 1981.

[FR Doc. 81-8282 Filed 3-17-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Availability of Draft Environmental Impact Statement on Cooperative Imported Fire Ant Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability of the draft environmental impact statement on the Cooperative Imported Fire Ant Program.

SUMMARY: A notice of the Department's intent to prepare a draft environmental impact statement on the Cooperative Imported Fire Ant Program was published in the **Federal Register** (45 FR 69509) on October 21, 1980. The draft environmental impact statement (USDA–APHIS–ADM–81–01–D) has been prepared and was sent to the Environmental Protection Agency (EPA) on March 13, 1981, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, by the Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

DATE: Comments must be received on or before May 4, 1981.

ADDRESS: Comments and requests for a copy of the draft environmental impact statement should be addressed to the Pest Program Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 630, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. The draft is available for public inspection at this same address and at the following locations:

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302–E, Administration Building, 14th and Independence Avenue, Washington, DC 20250

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, P.O. Box 3659, Gulfport, MS 39503

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 2100 Boca Chica Boulevard, Suite 400, Boca Chica Tower Building, Brownsville, TX 78521

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, 6505 Belcrest Road, Rm. 630, Hyattsville, MD 20782, (301) 436–8745.

SUPPLEMENTARY INFORMATION: the imported fire ant is an insect pest not native to the United States. An aggressive mound builder with a vicious sting, it is a pest of agriculture, a health hazard, and a nuisance to anyone living in heavily infested areas. When disturbed, imported fire ants will attack both humans and animals. The ant has spread throughout the Southeastern United States and currently infests 230,000,000 acres in nine States. Without an environmentally safe and biologically effective insecticide for areawide control since 1977, populations have increased to high levels in parts of the nine States. Infestations are often of such an extent as to be beyond the capability of individuals to handle. Therefore, the Department plans in conjunction with cooperating State Departments of Agriculture to conduct control/suppression treatments by aerial, ground, and individual mound application of Amdro.

Amdro has been tested extensively by the American Cyanimid Company and the U.S. Department of Agriculture for several years. During two years of intensive field testing by the U.S. Department of Agriculture, it was found that Amdro is effective against the ant, degrades rapidly in sunlight, does not leach in the soil, and is degraded by soil micro-organisms. Environmental components collected in treated areas were analyzed and no residues of the insecticide were found.

Applications of Amdro will be made only in areas where surveys have been conducted and that are known to contain populations of imported fire ants. All applications will be made in accordance with the approved label.

Done at Washington, D.C., this 13th day of March 1981.

Richard R. Backus,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-8308 Filed 3-17-81; 8:45 am]

BILLING CODE 3410-34-M

Soil Conservation Service

Cane Creek Watershed, Oklahoma; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation

Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for planned action in the Cane Creek Watershed project, Okmulgee and Muskogee Counties, Oklahoma.

An environmental evaluation of the remaining work in the project was made and an impact appraisal prepared in 1978. A notice of intent not to prepare an environmental impact statement was filed with the Environmental Protection Agency and published in the **Federal Register** on August 1, 1978. Subsequent to these actions, controversy arose concerning possible involvement of mineral resources with project measures. As a result of this controversy, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is now needed for this planned action.

The action concerns the construction of 9 floodwater retarding structures as an integral part of the plan for watershed protection and flood prevention in the Cane Creek Watershed. The Cane Creek Watershed project involves conservation land treatment and 28 single-purpose floodwater retarding structures. To date, 19 structures and about 70 percent of the land treatment measures have been installed.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Roland R. Willis, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: March 4, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–8286 Filed 3–17–81; 8:45 am]

BILLING CODE 3410–16–M

Upper Howard Creek Watershed, Kentucky; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: Buell M. Ferguson, Director, Project Development and Maintenance, Soil Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

Notice: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Upper Howard Creek Watershed project, Clark County, Kentucky, effective on February 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–8286 Filed 3–17–81; 8:45 am]

BILLING CODE 3410–16–M

Washington Depot Land Drainage RC&D Measure, Connecticut; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Philip H. Christensen, State Conservationist, Soil Conservation Service, Mansfield Professional Park, Route 44A, Storrs, Connecticut 06268, telephone 203–429–9361.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service, Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Washington Depot Land Drainang RC&D Measure, Litchfield County, Connecticut.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Philip H. Christensen, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include installation of 840 feet of 15-inch culvert pipe and two manholes. The culvert and manholes, one with a surface water inlet structure, will convey parking lot runoff and some surface runoff from playing fields to the Shepaug River. Approximately 400 feet of subsurface drainage tile will intercept seasonal ground water and convey it to the pipe for disposal. The tile will be installed by using bank run gravel. Playing fields will be developed by the Town of Washington at the same time the land drainage measures are installed. Development of the playing fields will require approximately 1,400 cubic yards of fill. The fill will come from off-site. Following land drainage installation and playfield development, the 7.3 acres will be limed, fertilized, and seeded to grasses.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Philip H. Christensen. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 17, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 4, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–8284 Filed 3–17–81; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Ideal

Handbag Frame Manufacturing Corporation, 339 Greene Street, Brooklyn, New York 11238, producer of handbag frames and ornaments (accepted February 23, 1981); (2) Cole Forest Products, Inc., 4401 River Road, Grand Rapids, Minnesota 55744, producer of corn cribbing, fencing and lath (accepted February 23, 1981); (3) U.S. Forge, Inc., 105 Clark Avenue, Detroit, Michigan 48209, producer of metal forgings (accepted February 27, 1981); (4) Appliance Development Company, 28 Randolph Street, Boston, Massachusetts 02118, producer of electrical appliances (accepted March 2, 1981); (5) Sun-Togs, Inc., 439 South 3rd Avenue, Avondale, Arizona 85323, producer of women's blouses (accepted March 2, 1981); (6) Interstate Industries, Inc., 111 S. Washington Boulevard, Mundelein, Illinois 60060, producer of phonographs and radios (accepted March 3, 1981); (7) Wee Girls, Inc., 112 West 34th Street, New York, New York 10001, producer of girls' slacks, skirts and shorts (accepted March 3, 1981); (8) Lorber Industries of California, Inc., 17908 South Figuero Street, Gardena, California 90248, producer of yarns and fabrics (accepted March 4, 1981); (9) Mass Machine and Stamping, Inc., 85 Northeastern Boulevard, Nashua, New Hampshire 03062, producer of washers and other metal stampings (accepted March 5, 1981); (10) Aurora Sound International, Inc., 238 South Mission Road, Los Angeles, California 90033, producer of loudspeakers (accepted March 5, 1981); (11) Forbes-Wright Industries, Inc., P.O. Box 157, Monson, Massachusetts 01057, producer of toilet seats (accepted March 9, 1981); (12) The Baltimore Luggage Company, 304 North Smallwood Street, Baltimore, Maryland 21223, producer of luggage, tote bags, and garment bags (accepted March 9, 1981); (13) Bristol Industries Corporation, 580 Broad Street, Bristol, Connecticut 06010, producer of brass sheet, strip, rod & wire (accepted March 9, 1981); (14) Dixon Dress Company, Inc., U.S. Highway One, Alberta, Virginia 23821, producer of children's dresses (accepted March 10, 1981); (15) Hollywood Needlecraft, Inc., 3777 South Main Street, Los Angeles, California 90007, producer of children's playwear and jeans (accepted March 10, 1981); and (16) Threshold Corporation, 1832 Tribute Road, Suite E, Sacramento, California 95815, producer of audio amplifiers (accepted March 10, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on March 30, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Charles L. Smith,

Acting Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-8204 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-24-M

Maritime Administration

Reconstruction of Four Constellation Class Vessels, MA Design C4-S-60a into Self-Sustaining Cargo/container Vessels, MA Design C8-S-60b To Be Accomplished by the Insertion of a 115' Midbody and the Installation of Three-40 Ton Cranes; Intent To Compute Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of Section 502(b) of the Merchant Marine, 1936, as amended, to compute the estimated foreign cost for the reconstruction of four constellation class vessels, MA Design C4-S-60a, into self sustaining cargo/container vessels, MA Design C8-S-60b, to be accomplished by the insertion of a 115' midbody and the installation of three-40 ton cranes.

Any person, firm or corporation having any interest (within the meaning of Section 502(b)) in such computations may file written statements by the close of business on April 10, 1981, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14 & E Streets, N.W., Washington, D.C. 20230.

Dated: March 11, 1981.

By Order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patten, Jr.,

Secretary.

[FR Doc. 81-8210 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-15-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one project for a 12 month period beginning August 1, 1981 to serve Nassau-Suffolk (New York) SMSA. The Project will operate at a cost not to exceed $121,000. The Project I.D. Number is 02-10-80018-01.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreements Act of 1977, will be a grant.

Program Description: The General Business Services Program of the Minority Business Development Agency (MBDA) provides technical assistance without charge to eligible minority business persons and minority-owned firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either not for profit or commercial entities). These firms must be capable of providing such services as preparation of business plans, financial analysis, industrial management assistance, personnel management services, marketing planning and a broad range of other business services excluding legal services.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, New York Regional Office, 26 Federal Plaza, Room #36-116, New York, New York 10278.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal units,

educational institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 16, 1981.

Applications received after that date will not be considered.

Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance) (This program is not subject to the requirements of OMB Circular A-95)

Dated: March 10, 1981.

Ralph Perez,

Acting Regional Director.

[FR Doc. 81-8211 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate two New York Region projects for a 12 month period beginning July 1, 1981. The aggregate total cost of the projects is $330,000.

Funding Instrument: It is anticipated that the funding instruments, as defined by the Federal Grant and Cooperative Agreements Act of 1977, will be grants.

Program Description: The General Business Services Program of the Minority Business Development Agency (MBDA) provides technical assistance without charge to eligible minority business persons and minority-owned firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either not-for-profit or commercial entities). These firms must be capable of providing such services as preparation of business plans, financial analysis, industrial management assistance, personnel management services, marketing planning and a broad range of other business services excluding legal services.

Applications are invited for the following two projects:

1. One grant for a management and technical assistance project to operate in New Brunswick, Perth Amboy, Sayreville (New Jersey) SMSA. The project will operate at a cost not to exceed $110,000 for a period of 12 months beginning July 1, 1981. The Project I.D. Number is 02-10-80016-01.

2. One grant for a management and technical assistance project to operate in the Boston, Massachusetts SMSA. The project will operate at a cost not to exceed $220,000 for a period of 12 months beginning July 1, 1981. Half of the money and staff will be devoted to serving appropriate clients in the construction industry. The Project I.D. Number is 01-10-80017-01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for these projects may be requested by writing to the following address: U.S. Department of Commerce, Minority Buisness Development Agency, 26 Federal Plaza, Room #36-116, New York, New York 10278.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, Federal recognized Indian tribal units, educational institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 9, 1981.

Applications received after that date will not be considered.

Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance) (This program is not subject to the Requirements of OMB Circular A-95)

Dated: March 10, 1981.

Ralph Perez,

Acting Regional Director.

[FR Doc. 81-8212 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate two San Francisco Region projects for a 12 month period. The aggregate total cost of the projects is $1,125,000.

Funding Instrument: It is anticipated that the funding instruments, as defined by the Federal Grants and Cooperative Agreements Act of 1977, will be grants.

Program Descriptions: (1) The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority businesspersons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either profit or non-profit). These firms must be capable of providing such services:

Preparation of business plans
Financial packaging
Industrial management assistance
Personnel management services
Marketing planning
and a broad range of other business services excluding legal services.

Applications are invited for the following project under this program:

One grant for a management and technical assistance project to operate in the Honolulu, Hawaii SMSA consisting of the counties of Honolulu, Hawaii, Kauai, and Maui. The project will operate at a cost not to exceed $522,000 for an initial budget period of 12 months starting August 1, 1981.

The Project I.D. Number is 09-10-80020-01. A pre-application conference for this project will be held on March 25, 1981 at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii, in Room C-270 from 10 a.m. to 1 p.m.

(2) The Construction Services Program of the Minority Business Development Agency (MBDA) provides management and technical assistance to minority businesspersons and firms for the purpose of improving their market position and mangement capability. MBDA offers competitive grants to consulting, construction management, and engineering firms (either profit or non-profit). These firms must be capable of providing such services as:

Preparation of business plans
Overall market strategy
Negotiation joint venture agreements
Construction opportunity identification
Bidding procedures
Job scheduling and control
Resolution of claims
and a broad range of other business services excluding legal services.

Applications are invited for the following project under this program:

One grant for a management and technical assistance project for minority construction contractors to operate in 20 target SMSAs in the States of California, Arizona, Nevada, Oregon, and Washington. The project will operate at a cost not to exceed $803,000 for an initial budget period of 12 months starting

July 1, 1981. The Project I.D. Number is 09-10-80021-01. A pre-application conference for this project will be held on March 24, 1981 at the Federal Building, 450 Golden Gate Avenue, San Francisco, California, in Room 15018 from 10 a.m. to 1 p.m.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for these projects may be requested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 450 Golden Gate Avenue, Box 36014, San Francisco, California.

In requesting the application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal unit, educational institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit. Questions regarding this announcement should be referred to the San Francisco Grants Administration Unit at (41) 556-3090.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 23, 1981.

11.800 Minority Business Development

Catalog of Federal Domestic Assistance

This program is not subject to the requirements of OMB Circular A-95.

Dated: March 6, 1981.

R. V. Romero,

Regional Director.

[FR Doc. 81-8287 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; Norfolk/Virginia Beach/Portsmouth and Hampton/Newport News SMSA's; Virginia

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning July 1, 1981 in the Norfolk/Virginia Beach/Portsmouth and Hampton/Newport News SMSA's in the State of Virginia. The cost of the project is estimated to be $220,000. The Project No. is 09-10-80004-01.

CLOSING DATE: April 17, 1981.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1730 K Street, N.W., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

B. Eligible Applicants

Educational institutions, state or local governments, federally recognized Indian tribers, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria:

1. *Capability of Firm:*

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. *Staffing Capability:*

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements. (Submit resumes). (Project manager must be designated).

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. *Credentials:*

A. Submit examples of work: specimen packages acceptable (Case Histories/Business Plans).

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market condition centers of business influence, etc.

4. *Techniques and Methods Proposed to Implement the Work Requirement (Applicant's Work Plan):*

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. *Costs: provide explanation of all proposed costs by line item:*

E. Disposition of Proposals.

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A Pre-Application conference to assist all interested applicants will be held at the following address on Wednesday, March 25, 1981 at 11:00 A.M.:

(Catalog of Federal Domestic Assistance, 11.800 Minority Business Development)

Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia, 1st Floor Conference Room

Dated: March 12, 1981.

Roy Chavez,

Acting Regional Director.

[FR Doc. 81-8309 Filed 3-17-81; 8:45 am]

BILLING CODE 3510-21-M

DEPARTMENT OF DEFENSE

Department of the Army

United States Army Medical Research and Development Advisory Panel, Subcommittee on Laser Bioeffects; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Subcommittee meeting:

NAME OF COMMITTEE: United States Army Medical Research and Development Advisory Panel Subcommittee on Laser Bioeffects.

DATES OF MEETING: April 7, 1981.

TIME AND PLACE: 0900 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, California.

PROPOSED AGENDA: This meeting will be open to the public on 7 April from 0900 to 0930 hrs to discuss the scientific research program on Laser Bioeffects at Letterman Army Institute of Research. Attendance by the public at open session will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0930-1715 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

J. Ryan Neville, Ph.D., Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415) 561-4367, will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield, M.D.,

Colonel, MC, Deputy Commander.

[FR Doc. 81-8230 Filed 3-17-81; 8:45 am]

BILLING CODE 3710-08-M

United States Army Medical Research and Development Advisory Panel, Subcommittee on Viral and Rickettsial Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

NAME OF COMMITTEE: United States Army Medical Research and Development Advisory Panel Subcommittee on Viral & Rickettsial Diseases.

DATE OF MEETING: 7 & 8 April 1981.

TIME & PLACE: 0830 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

PROPOSED AGENDA: This meeting will be open to the public on 7 April 1981 from 0830 to 0945 hours to discuss the scientific research program of the Viral & Rickettsial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0945-1200 hrs and from 1300 hrs to close of business on 7 April and from 0900-1200 hrs and 1300-1600 hrs on 8 April for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Subcommittee members aznd substantive program information.

For the Commander:

Harry G. Dangerfield, M.D.,

Colonel, MC, Deputy Commander.

[FR Doc. 81-8231 Filed 3-17-81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee; Changes in Per Diem Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 101. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 101 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATES: March 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick W. Weiser, 325-0330.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 101

To the Heads of Executive Departments and Establishments

Subject: Table of Maximum Per Diem Rates in Lieu of Subsistence for United States Government Civilian Officers and Employees for Official Travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States

1. This bulletin is issued in accordance with Memorandum for Heads for Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive Order 11294, August 4, 1966 Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian

Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The Maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 100 except in the case identified by an asterisk which rates are effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska: [1]	
Adak	$112.00
Anaktuvuk Pass	140.00
Anchorage	72.00
Barrow	168.00
Bethel	98.00
College	67.00
Cordova	84.00
Deadhorse	94.00
Dillingham	83.00
Dutch Harbor	82.00
Eielson AFB	67.00
Elmendorf AFB	72.00
Fairbanks	67.00
Ft. Richardson	72.00
Ft. Wainwright	67.00
Juneau	83.00
Kodiak	84.00
Kotzebue	91.00
Murphy Dome	67.00
Nostek	91.00
Nome	80.00
Noorvik	91.00
Prudhoe Bay	94.00
Shemya AFB [1]	11.00
Shungnak	91.00
Spruce Cape	84.00
Tanana	80.00
Valdez	70.00
Wainwright	78.00
All other localities	71.00
American Samoa	65.00
Guam M.I.	60.00
Hawaii:	
Oahu	70.00
All other localities	60.00
Johnston Atoll [2]	15.50
Midway Islands [3]	12.00
Puerto Rico:	
Bayamon:	
12-16—5-15	102.00
5-16—12-15	75.00
Carolina:	
12-16—5-15	102.00
5-16—12-15	75.00
Fajardo (including Luquillo):	
12-16—5-15	102.00
5-16—12-15	75.00
Fort Buchanan (including GSA Service Center, Guaynabo):	
12-16—5-15	102.00
5-16—12-15	75.00
Ponce (including Fort Allen (NCS))	68.00
Roosevelt Roads:	
12-16—5-15	102.00
5-16—12-15	75.00
Sabana Seca:	
12-16—5-15	102.00
5-16—12-15	75.00
San Juan (including San Juan Coast Guard Units):	
12-16—5-15	102.00
5-16—12-15	75.00
All other localities	83.00
Virgin Islands of U.S.:	
12-1—4-30	126.00
5-1—11-30	74.00
Wake Island [2]	15.00
All other localities	20.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal and incidental expenses.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 12, 1981.

[FR Doc. 81-8233 Filed 3-17-81; 8:45 am]

BILLING CODE 3810-70-M

Privacy Act of 1974; Deletion of a System Notice

AGENCY: Office of the Secretary of Defense, OSD.

ACTION: Deletion of a systems notice.

SUMMARY: The Office of the Secretary of Defense (OSD) is deleting the systems notice for system DATSD 02, entitled: Files of Periodic Management Assessment of Certain Key Management Personnel and in DoD. This action is being taken as this system is no longer being maintained.

DATES: This deletion shall be effective April 17, 1981.

ADDRESS: Send any comments to the Systems Manager identified in the system notice (44 FR 74091) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 were published in the **Federal Register** in FR Doc. 81-897 (46 FR 6427) January 21, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 12, 1981.

[FR Doc. 81-8281 Filed 3-17-81; 8:45 am]

BILLING CODE 3810-70-M

Privacy Act of 1974; Notices of System of Records, Amendments

AGENCY: Office of the Secretary of Defense, (OSD).

ACTION: Notice of amendments to systems of record notices.

SUMMARY: The Office of the Secretary of Defense proposes to amend the system notices for five systems of records subject to the Privacy Act of 1974. The specific amendments and the five system notices as amended are set forth below.

DATES: These notices shall be amended as proposed without further notice on April 17, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the Systems Managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems or records notices as prescribed by the Privacy Act have been published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981.

FR Doc. 81-6491 (46 FR 14154) February 26, 1981.

These proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 12, 1981.

AMENDMENTS

DCOMP 01

System name:

Personnel Roster (46 FR 6427, January 21, 1981).

Changes:

System location:

Delete the entry under the above heading, and insert: "Administrative Office, Room 3D839, Pentagon, Washington, D.C. 20301.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert: "Title 10, United States Code, Section 136(b).".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading and insert:

Internal users, uses, and purposes:

Information is used by the Assistant Secretary of Defense (Comptroller) and the Deputy Assistant Secretaries (Program/Budget), (Management Systems), and (Audit) as rosters for their personnel for information on their personnel.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.".

Storage:

Delete the entry, and insert: "Paper records in looseleaf binder.".

DCOMP MS01

System name:

Training Records (46 FR 6427, January 21, 1981).

Changes:

Record source categories:

Delete the entry under the above heading, and insert: "Personnel questionnaire responses, individual development plans and OF Form 170.".

DCOMP MS03

System name:

Personnel Records (46 FR 6427, January 21, 1981).

Changes:

Record source categories:

Delete the entry under the above heading, and insert: "ODASD(MS) personal questionnaire responses, personnel action forms, form SF 7, 'Service Record.' ".

DCOMP MS06

System name:

Time and Attendance Report (46 FR 6427, January 21, 1981).

Changes:

Record source categories:

Delete "Reports," from the second line, and insert: "Report, AF Form 1278.".

DCOMP MS11

System name:

List of Female Employees of OSD/OJCS (46 FR 6427, January 21, 1981).

Changes:

System location:

In the first paragraph, delete "4B922," and insert "4B929,".

System manager(s) and address:

Delete "4B922," and insert "4B929,".

Notification procedure:

Delete "4B922," and insert "4B929,".

Record access procedures:

Delete "4B922," and insert "4B929,".

DCOMP 01

SYSTEM NAME:

Personnel Roster.

SYSTEM LOCATION:

Administrative Office, Room 3D839, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military assigned to the Assistant Secretary of Defense (Comptroller) with the exception of the Offices of Deputy Assistant Secretary (Administration) and Deputy Assistant Secretary (Security Policy).

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains personnel social security number, name, job series, grade, step, position number, date of birth, date of grade, date of step, service computation date, position title, duty description, room number, office telephone, area code, home telephone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Information is used by the Assistant Secretary of Defense (Comptroller) and the Deputy Assistant Secretaries (Program/Budget), (Management Systems), and (Audit) as rosters for their personnel for information on their personnel.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in looseleaf binder.

RETRIEVABILITY:

Filed by assigned office code.

SAFEGUARDS:

Buildings employ security guards. Offices are locked.

RETENTION AND DISPOSAL:

Data is updated every quarter with personnel changes. The old computer printouts are destroyed. The data is never moved to the Federal Records Center, Federal Archives and Records Centers, National Archives or other designated depository.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant for Administration, Assistant Secretary of Defense (Comptroller), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information on personnel will not be released from this record to the general public. All the information in this record is in the Personnel File, ODASD (Administration) Personnel Office and may be obtained there.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Assistant for Administration, OASD(C), Room 3D839, Pentagon, Washington, D.C. 20301.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Roster contents obtained from Personnel File, Personnel Data Office, Office of the Director of Personnel and Security.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DCOMP MS01

SYSTEM NAME:

Training Records.

SYSTEM LOCATION:

Primary system—Office of the Deputy Assistant Secretary of Defense (Management System) (ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), Pentagon, Washington, D.C. 20301.

Decentralized Segments—Four Management Systems Directorates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel in ODASD(MS).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, birthdate, service computation date, grade training completed since 6-30-72, and training desired.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Information is used by the DASD(MS), his Principal Assistant, and Directors for planning training of ODASD(MS) personnel.

External users, uses, and purposes:

See office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in looseleaf folder.

RETRIEVABILITY:

Filed by directorate.

SAFEGUARDS:

Records are kept in locked office with access available only to authorized personnel.

RETENTION AND DISPOSAL:

Files are active and are kept current. Out-of-date material disposed of periodically.

SYSTEM MANAGER(S) AND ADDRESS:

DASD (Management Systems), Room 3E831, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:

DASD (MS), Room 3E831, Pentagon, Telephone: 202-695-3424.

RECORD ACCESS PROCEDURES:

Requests from personnel should be addressed to Office of the Assistant Secretary of Defense (Comptroller), ODASD(MS), Room 3E831, Pentagon, Washington, D.C. 20301, including personal identification.

CONTESTING RECORD PROCEDURE:

The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Personnel questionnaire responses, individual development plans and OF Form 170.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DCOMP MS03

SYSTEM NAME:

Personnel Records.

SYSTEM LOCATION:

Primary System—Office of the Deputy Assistant Secretary of Defense (Management Systems) (ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), Pentagon, Washington, D.C. 20301.

Decentralized Segments—Four Management Systems Directorates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel in ODASD(MS).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, birthdate, social security number, veterans preference, tenure group, service computation date, retirement, FEGLI, education, previous employment, additional skills and awards, current employment record within MS, grade.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Information is used by the DASD(MS), his Principal Assistant, and Directors for personnel administration within the management responsibilities of ODASD(MS).

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Record card in KARDEX file; paper records in file folder.

RETRIEVABILITY:

Filed alphabetically by last name of personnel.

SAFEGUARDS:

Records are kept in safe files with access available to only authorized personnel.

RETENTION AND DISPOSAL:

Files are active and are kept current to reflect current personnel situation. Out-of-date material is disposed of periodically.

SYSTEM MANAGER(S) AND ADDRESS:

DASD (Management Systems), Room 3E831, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:

DASD(MS), Room 3E831, Pentagon, Washington, D.C. 20301, Telephone: 202-695-3424.

RECORD ACCESS PROCEDURES:

Requests from personnel should be addressed to Office of the Secretary of Defense, ODASD(MS), Room 3E831, Pentagon, Washington, D.C. 20301, including personal identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administration Instruction No. 81.

RECORD SOURCE CATEGORIES:

ODASD(MS) personal questionnaire responses, personnel action forms, form SF7, "Service Record."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DCOMP MS06

SYSTEM NAME:

Time and Attendance Report.

SYSTEM LOCATION:

Primary System—Office of the Deputy Assistant Secretary of Defense (Management Systems) (ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), Pentagon, Washington, D.C. 20301.

Decentralize Segments—Four Management Systems Directorates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel in ODASD(MS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains employee name, social security number, pay period, hours worked this pay period (regular, night differential, overtime, holiday, compensatory by day and pay period), leave taken this pay period (annual, sick, compensatory, AWOL, LWOP/SUSP and other by day and pay period).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Used as an office record of employees time and attendance.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in a notebook and filed in timekeeper's official file cabinets.

RETRIEVABILITY:

Filed by pay period. Each report is in sequence by employee's last name.

SAFEGUARDS:

The notebooks are maintained in a file cabinet with access available only to authorized personnel.

RETENTION AND DISPOSAL:

These records are maintained for the leave year. Disposition of the yearly records is made at the beginning of each new leave year.

SYSTEM MANAGER(S) AND ADDRESS:

DASD (Management Systems), Room 3E831, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:

DASD(MS), Room 3E831, Pentagon, Telephone: 202–695–3424.

RECORD ACCESS PROCEDURES:

Requests from personnel should include personal identification and be addressed to: Office of the Deputy Assistant Secretary of Defense (Management Systems) (ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), Pentagon, Washington, D.C. 20301.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting and appealing initial determinations by individuals concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

The Time and Attendance Report is posted from Civilian Pay Time and Attendance Report, AF Form 1278.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DCOMP MS11

SYSTEM NAME:

List of Female Employees of OSD/OJCS.

SYSTEM LOCATION:

Primary System—Federal Women's Program Coordinator, Room 4B929, Pentagon, maintained in automated form—Army Data Center.

Decentralized Segment—Director of Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C.20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian female employees of OSD/OJCS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File is extract of Civilian Personnel Data File and contains organization identification, employee name, Social Security Number (SSN), Series, Grade, Time Basis, Position Title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246/11375, "Equal Employment Opportunity," as amended by EO 11478, "Equal Employment Opportunities in the Federal Government".

ROUTINE USES DISCLOSURE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS USES AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Used by Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, to mail information of Federal Women's Program to OSD/OJCS Women Employees. Used by Federal Women's Program Coordinator to locate personnel to recommend to them training and employment opportunities.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Automated list in Federal Women's Program Coordinator Office. Automated tape in Army Data Center.

RETRIEVABILITY:

Listed by organization.

SAFEGUARDS:

List is kept under lock. Only available to Federal Women's Program Coordinator.

RETENTION AND DISPOSAL:

Record is new. Revised lists are provided, as required.

SYSTEM MANAGER(S) AND ADDRESS:

OSD/OJCS Federal Women's Program Coordinator, Room 4B929, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from:

OSD/OJCS Federal Women's Program Coordinator, Room 4B929, Pentagon, Washington, D.C. 20301.

RECORD ACCESS PROCEDURES:

Written requests for information should contain the full name of the individual, organization assignment and Social Security Number (SSN). Visits are limited to Room 4B929, Pentagon, Washington, D.C. 20301. For personal visits the individual should provide DoD identification prior to access.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

The Central Personnel Data File prescribed by the Office of Personnel Management.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-8282 Filed 3-17-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Hillman Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: February 27, 1981. Comments by: April 17, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (phone) 214/767–7745.

SUPPLEMENTARY INFORMATION: On February 27, 1981, the Office of Enforcement of the ERA executed a Consent Order with Hillman Oil Company, of San Antonio, Texas. Under 10 CFR 205.199J9(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, may be made effective upon its execution.

Because the DOE and Hillman, wish to expeditiously resolve this matter as agreed, the DOE has determined that it is in the public interest to make the Consent Order with Hillman, effective as of the date of its execution by the DOE and Hillman.

I. The Consent Order

Hillman, with its home office in San Antonio, Texas, is a firm engaged in the resale of motor gasoline, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of motor gasoline the Office of Enforcement, ERA, and Hillman entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was March 1, 1979 through January 27, 1981, and it included all sales of motor gasoline which was made during that period.

2. By failing to request or obtain ERA approval for base period allocation volumes, Hillman allegedly violated the provisions of 10 CFR Part 211 which requires ERA endorsement of base period volumes for new retail outlets.

3. Hillman has agreed to pay a penalty of $5,000.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Hillman Oil company Consent Order". We will consider all comments we receive by 4:30 p.m. local time, on April 17, 1981.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Tex., on the 9th day of March 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-8330 Filed 3-17-81; 8:45 am]

BILLING CODE 6450-01-M

McLain Oil Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: March 5, 1981. Comments by: April 17, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235 (phone) 214/767–7745.

SUPPLEMENTARY INFORMATION: On March 5, 1981, the Office of Enforcement of the ERA executed a Consent Order with McLain Oil Company, Incorporated of Lubbock, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, may be made effective upon its execution.

Because the DOE and McLain Oil Company wish to expeditiously resolve this matter as agreed, the DOE has determined that it is in the public interest to make the Consent Order with McLain Oil Company effective as of the date of its execution by the DOE and McLain Oil Company.

I. The Consent Order

McLain Oil Company, with its home office in Lubbock, Texas, is a firm engaged in the resale of motor gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of these products, the Office of Enforcement, ERA, and McLain Oil Company entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was March 1, 1979 through December 31, 1979, and it included all sales of the above mentioned products which were made during that period.

2. McLain Oil Company improperly applied the provisions of 10 CFR Part 211 when determining the proper allocation fractions for its sales of motor gasoline.

3. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Wayne I. Tucker, Southwest District Manager, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to Mary Johnson at the

same address or by calling her at 214/767-7745.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on McLain Oil Company Consent Order." The ERA will consider all comments received by 4:30 p.m. local time, on April 17, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Tex., on the 6th day of March 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-8329 Filed 3-17-81; 8:45 am]

BILLING CODE 6450-01-M

Rupe Oil Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces an action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Comments by: April 17, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On February 20, 1981, the Office of Enforcement of the ERA executed a Consent Order with Rupe Oil Company, Inc. of Wichita, Kansas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Rupe Oil Company, Inc., with its home office located in Wichita, Kansas is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Rupe Oil Company the Office of Enforcement, ERA, and Rupe Oil Company entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by Rupe Oil Company during the period January 1, 1978 through January 28, 1981.

2. The reason for the overcharges was Rupe Oil Company sold crude oil at prices in excess of the applicable ceiling price, as defined at 10 CFR 212.74(a).

3. It is understood that Rupe Oil Company does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Rupe Oil Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $35,000, plus interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in monthly installments and completed within 25 months from the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Rupe Oil Company Consent Order." We will consider all comments we receive on or before April 17, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Mo., on the 9th day of March 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-8331 Filed 3-17-81; 8:45 am]

BILLING CODE 6450-01-M

Varn Petroleum Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Varn Petroleum Company. This Proposed Remedial Order charges Varn with pricing violations in the amount of $172,345.81 connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR Part 212, subpart D during the time period September 1973 through December 1977 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before April 2, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 10th day of March 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-8127 Filed 3-17-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP81-43-000]

Pacific Gas Transmission Co.; Change to Exhibit "A" of Executed Service Agreement With Pacific Gas and Electric Co. and Request for Expedited Consideration

March 12, 1981.

Take notice that on March 11, 1981 Pacific Gas Transmission Company tendered for filing a "Notice of Change to Exhibit "A" of Executed Service Agreement with Pacific Gas and Electric Company And Request for Expedited Consideration."

PGT states that it has entered into an agreement with its customer, Pacific Gas and Electric Company to revise Exhibit "A" of the service agreement between the two companies. The proposed "Fourth Revision of Exhibit A" reduces the Daily Contract Quantity from 900 MMcf to 845 MMcf, and the Maximum Daily Demand from 1,066 MMcf to 922 MMcf for the contract years commencing July 1, 1980 through June 30, 1982.

PGT states that the Revision to Exhibit "A" tracks an Amending Agreement, dated March 2, 1981, that PGT has executed with its Canadian supplier of natural gas, Alberta and Southern Gas Co., Ltd. Under that Agreement, Alberta and Southern has agreed to reduce PGT's minimum purchase obligation by fifteen percent for the contract years commencing July 1, 1980 through June 30, 1982. In addition, certain modifications have been made whereby PGT has been provided with extended make-up rights to recover gas purchased but not taken under the take-or-pay provisions of the contract. Furthermore, provision has been made for the recovery of payments for gas paid for but not taken, under specified circumstances. The Amending Agreement has been submitted to the Economic Regulatory Administration.

PGT states that there is considerable benefit to PGandE in terms of reduced take-or-pay liability and additional flexibility in determining the quantity of gas that will be purchased from Canada for the remainder of the contract year if the Fourth Revision to Exhibit "A" is made effective as soon as possible.

PGT advises that copies of its filing have been mailed to its customers and to interested state commissions.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before Mar. 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8288 Filed 3-17-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Energy Research

Biomass Panel; Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Biomass Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and Time: April 3, 1981, 8:30 am to 6:00 pm.

Place: Department of Energy, Forrestal Building, Room 4A-104, 1000 Independence Avenue, SW, Washingto, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, MS 3F-032, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone: 202/252-8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: Working session to review *draft* Biomass Energy Report.

Publication Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between 8:00 am and 4:00 pm Monday through Friday, except Federal Holidays.

Issued at Washington, D.C. on March 13, 1981.

Antionette G. Joseph,

Associate Director for Field Operations Management, Office of Energy Research.

[FR Doc. 81-8128 Filed 3-17-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP 180579; PH FRL 1781-7]

Arkansas; Issuance of Specific Exemption for Machete and Propanil in Rice Fields

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Arkansas State Plant Board (hereafter referred to as the "Applicant") for use of a tank mixture of Machete and Propanil to control grasses, aquatic weeds, and broadleaf weeds infesting 200,000 acres of dry-seeded rice fields in 41 Arkansas counties. The

specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703–557–7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, grasses are very competitive with rice and can reduce rice yields from 25 to 90 percent; the aquatic weed complex can reduce yields from 10 to 25 percent; and broadleaf weeds can reduce grain yields as much as 24 percent. The Applicant claims that currently registered pesticides have limitations resulting in ineffective control. Machete, which contains the active ingredient (a.i.) butachlor, is an unregistered product manufactured by the Monsanto Company. Propanil is currently registered for use on rice and is manufactured by several chemical companies. The Applicant estimates that a total savings of $16 million can be realized from the proposed use of Machete and propanil through more efficient weed control resulting in increased efficacy of other production inputs and the reduced number of herbicide applications needed.

EPA has determined that residues of butachlor and its metabolites should not exceed 0.5 part per million (ppm) in or on rice (rough) and 3.0 ppm in or on rice straw, 0.5 ppm on rice bran and 1.0 on rice hulls from the proposed use. Residues of propanil should not exceed those levels already established from use of the proposed Machete and propanil tank mixture. These levels have been judged to be adequate to protect the public health.

EPA has required consultations with the State Fish and Game Department and the Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, to safeguard against potential hazards to nontarget organisms and federally designated endangered and threatened species.

After reviewing the applications and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticides named above until August 31, 1981, subject to the following conditions:

1. The Applicant is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 CFR 166.5. This information must be submitted to EPA Headquarters through the EPA Regional Office. Information provided in accordance with paragraph (a) of this section must include the exact location of the places of application. A report summarizing the results of this program, as required in paragraph (d), must be submitted by December 31, 1981.

2. The product Machete 5EC, manufactured by Monsanto Chemical Co., may be applied in a tank mixture with propanil as an early post-emergency application. EPA-registered propanil products, as emulsifiable concentrates containing 3 or 4 pounds a.i. per gallon, which are registered for use on rice, may be used.

3. Machete 5EC must be shipped under the most recently accepted labeling in connection with this product's use under an experimental use permit.

4. Machete 5EC may be applied at a rate of 1.5 to 3.0 quarts of formulation (1.9 to 3.8 pounds a.i.) plus 3.0 to 4.0 pounds a.i. of propanil per acre. Specific dosage rates, dependent on soil type and weed height, are given on the proposed labeling submitted and should be followed.

5. A maximum of 125,000 gallons of Machete 5EC may be applied to 200,000 acres of dry-seeded rice in the 41 counties specified in the application.

6. Applications may be made with aerial equipment using a minimum of 10 gallons of spray mixture per acre.

7. All applications will be made by commercial or private applicators certified in this category of pest control.

8. Precautions will be taken to avoid spray drift to nontarget areas. The pesticide will not be applied when weather conditions favor drift.

9. Crops other than rice may not be planted for 1 year following treatment.

10. Second-crop (stubble crop) rice may not be treated.

11. Phytotoxicity may occur from this use.

12. A fish/wildlife monitoring program must be carried out. The results of this program must be detailed and forwarded to EPA Headquarters as soon as they become available, but no later than December 31, 1981.

13. All applicable directions, restrictions, and precautions on the proposed labeling for Machete 5EC and on the EPA-registered propanil label must be followed.

14. Data gaps for Machete prevent a determination of the potential hazard to nontarget fish and invertebrates including federally designated endangered and threatened species. The available data strongly suggest that the endangered naiad, *Potamilus capux*, would be the federally protected species most likely exposed to this herbicide. The agricultural requirements for frequent flushings as well as the label requirements for rain or flush (irrigation) after treatment would increase the likelihood of Machete contaminating aquatic environments downstream from rice fields. Consultations must be held regarding measures to safeguard against potential hazards to nontarget organisms and federally designated endangered and threatened species with the State Fish and Game Department and the Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, respectively.

15. Residues of butachlor and its metabolites (calculated as butachlor) resulting from the above application are not expected to exceed 0.5 ppm on rice (rough), 3.0 ppm on rice straw, 0.5 ppm on rice bran, and 1.0 ppm on rice hulls. Residues of propanil are not expected to exceed those levels already established. Commodities with residues not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

16. The EPA shall be immediately informed of any adverse effects resulting from the use of the Machete/propanil tank mixture in connection with this exemption.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: March 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–8251 Filed 3–17–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–51226; TSH–FRL 1755–2]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 81–5447 appearing on page 12836, in the issue of Wednesday, February 18, 1981 make the following correction:

On page 12838, second column, the thirty-first line from the bottom of the page reading: "Residual monomer—0.25% maximum." should have read "Residual monomer—0.2% maximum.".

BILLING CODE 1505–01–M

[OPP-C301688; PH FRL 1781-8]

Chemper Chemical Co., Inc.; Approval of Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces approval of an application to conditionally register the pesticide product MAKI Rat and Mouse Meal Bait containing the new active ingredient 3-[3-(4-Bromo[1,1'-biphenyl]-4-yl)-3-hydroxy-1-phenylpropyl]-4-hydroxy-2H-1-benzopyran-2-one.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of March 12, 1976 (41 FR 10710) that Chemper Chemical Co., Inc., 60 East 42nd St., New York, NY 10165 had filed an application, EPA File Symbol 7173-RTU, with the EPA to register the pesticide product Maki Technical Rodenticide containing the active ingredient 3-[3-(4-Bromo[1,1'-biphenyl]-4-yl)-3-hydroxy-1-phenylpropyl]-4-hydroxy-2H-1-benzopyran-2-one at 0.005 percent. The application proposes that the rodenticide be used on Norway rats, roof rats, and house mice in homes, industrial buildings, commercial buildings, and inside of transport vehicles (ships, trains, and aircraft).

This application was approved on December 5, 1980. The product has been assigned EPA Registration No. 7173-171. A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after the registration date of December 5, 1980. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) identify the product by name and registration number and (2) specify the data or information desired.

(Sec. 3(c), 86 Stat. 972, (7 U.S.C. 136a))

Dated: March 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-8282 Filed 3-17-81; 8:45 am]

BILLING CODE 6560-20-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-147; File No. BPH-790109AI]

Dorothy Brunson, St. Augustine, Fla., et al., for Construction Permit for a New FM Station; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Dorothy Brunson, St. Augustine, Florida, Req: 105.5 MHz, Channel 288, 3.0 kW, 300 feet, BC Docket No. 81-147, File No. BPH-790109AI; Radio San Augustin, Inc., St. Augustine, Florida, Req: 105.5 MHz, Channel 288, 3.0 kW, 298 feet, BC Docket No. 81-148, File No. BPH-800212AK; and The Feagin Corporation, St. Augustine, Florida, Req: 105.5 MHz, Channel 288, 3.0 kW, 296 feet, BC Docket No. 81-149, File No. BPH-800317AC.

Adopted: February 24, 1981.

Released: March 11, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Dorothy Brunson (Brunson), Radio San Augustin, Inc. and the Feagin Corporation.

2. *Brunson.* Analysis of the financial data submitted by Brunson reveals that $41,000 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$3,000
Equipment payments with interest	4,500
Land	18,000
Miscellaneous	5,500
Operating Costs (3 mo)	10,000
Total	41,000

Brunson plans to finance construction and operation with $70,434 in new capital. However, Brunson's balance sheet lists only $11,000 in current and liquid assets above current liabilities. A limited financial issue will therefore be specified.

3. Brunson has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant has failed to include a racial or ethnic breakdown of St. Augustine as required by Question and Answer 9 of the *Primer*, although it appears from the application that St. Augustine and Saint Johns County organizations include a branch of the NAACP and a Hispanic Cultural Club, Circulo Cultural Hispanic. In addition, from the information before us, it appears that the applicant has failed to identify and survey leaders of several significant population groups as required by Question and Answers 10, 13(a) and 16 of the *Primer*. Many of the people surveyed by Brunson, without more information, appear to be merely members as opposed to persons in a leadership position as required by the *Primer*. For example, leaders of organizations or interests for women, minorities, agriculture, charities, consumer services, environment and planning, military, and professions were neglected. Accordingly, a limited ascertainment issue will be specified.

4. *Feagin.* Since no determination has been reached that the antenna proposed by Feagin would not constitute a menace to air navigation, an issue regarding this matter is required and the FAA will be made a party to this proceeding.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Dorothy Brunson:

(a) The source and availability of additional funds over and above the $11,000 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to the efforts of Dorothy Brunson to ascertain the needs of her proposed service area:

(a) Whether the applicant adequately determined the racial, ethnic and minority composition of St. Augustine;

(b) Whether the applicant interviewed leaders of the following groups: women, minorities, agriculture, charities, consumer services, environment and planning, military, and professions.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by the Feagin Corporation would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-8294 Filed 3-17-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-145, File No. BPH-790804AJ, et al.]

Keith Holcombe and Vogel-Moody Corp., Evergreen, Ala., for Construction Permit for a New FM Station; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Keith Holcombe, Evergreen, Alabama, Req: 93.5 MHz, Channel 228A, 3 kw (H&V), 235 feet, BC Docket No. 81-145, File No. BPH-790804AJ; and Vogel-Moody Corporation, Evergreen, Alabama, Req: 93.5 MHz, Channel 228A, 3kW (H&V), 259 feet, BC Docket No. 81-146, File No. BPH-800725AB.

Adopted: February 24, 1981.

Released: March 13, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Keith Holcombe (Holcombe) and Vogel-Moody Corporation (Vogel-Moody).

2. *Holcombe.* Analysis of the financial portion of Holcombe's application reveals that he will require $87,556 to construct the proposed facility and operate for three months, itemized as follows:

Equipment	$53,276
Land	20,000
Building	5,505
Miscellaneous	1,500
Operating costs (3 mo.)	7,280
Total	87,556

Holcombe plans to finance construction and operation with the following funds: (i) deferred credit from an equipment supplier in the amount of $53,276, (ii) a $35,000 loan from a bank, of which $28,681 will be available, (iii) $11,000 from existing capital, and (iv) $72,000 in anticipated advertising revenues. Holcombe has not submitted a copy of the deferred credit letter. In addition, the required bank loan letter has not been submitted to document the loan. Next, Holcombe's balance sheet does not segregate current liabilities from long-term liabilities. Therefore, we must assume that all liabilities shown are current. Since these liabilities exceed liquid assets, we find no funds available from this source. Moreover, Holcombe cannot rely on anticipated advertising revenues.

Financial Qualifications Standards for Aural Broadcast Applicants, 69 FCC 2d 407, 43 RR 2d 1101 (1978); *Amber Productions, Inc.,* FCC 79-549, 46 RR 2d 448 (1979). Accordingly, Holcombe has failed to show any money available to meet his proposed costs of $87,556. Therefore, a limited financial issue will be specified.

3. Holcombe has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants,* 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant has failed to submit a compositional study of Evergreen, Alabama, indicating its economic activities, governmental activities, public service organizations and any other factors or activities that make the particular community distinctive, as required by Question and Answer 9 of the *Primer.* In addition, Holcombe has apparently consulted with no leaders from these groups: charities, consumer services, environment, and labor. Also, it is impossible to determine whether the community leaders survey and the general public survey were performed in accordance with Question and Answer 15 of the *Primer* because the dates of both surveys were not stated. Therefore, a limited ascertainment issue will be specified.

4. Applicants for new broadcast stations are required by § 73.3580 of the Commission's Rules to provide local published notice of the filing of their applications and to report that notice to the Commission. Holcombe published a notice, but it is deficient in that it did not contain the power and antenna height of the proposed station. Therefore, Holcombe will be required to republish the local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

5. *Vogel-Moody.* Analysis of the funancial data Vogel-Moody submitted indicates that a total of $29,885 will be needed to construct the proposed station and operate it for three months, itemized as follows:

Equipment	$13,300
Miscellaneous	8,325
Operating costs (3 mo)	8,260
Total	29,885

Vogel-Moody plans to finance construction and operation with the following funds: (i) a $30,000 loan from the First Alabama Bank of Conecuh County, of which $28,008 will be available to the applicant, (ii) existing capital of $1,500, and (iii) $500 in profits from Vogel-Moody's Station WBLO(AM). The bank loan letter from the First Alabama Bank fails to comply with paragraph 4(e) of Section III of Form 301 in that it does not specify the interest rate, the terms of repayment, and the collateral or security required.

The balance sheet evidencing items (ii) and (iii) was more than 90 days old on the application tender date, and thus fails to meet the requirements set forth in Paragraph 2(a) of Section III of Form 301. As a result, funds from these sources have not been shown available. Also, the balance sheet shows current liabilities in excess of current and liquid assets. Therefore, Vogel-Moody does not show any money available to meet its proposed costs of $29,665. Accordingly, a limited financial issue will be specified.

6. Vogel-Moody also did not comply fully with the requirements of the ascertainment *Primer*. From the information before us, it appears that the applicant has failed to include in its compositional study of Evergreen, Alabama, its governmental activities, public service organizations, and any other factors or activities that make the particular community distinctive as required by Question and Answer 9 of the *Primer*. Moreover, it is impossible to determine whether the community leaders survey and the general public survey were performed in accordance with Question and Answer 15 of the *Primer* because the dates of the original surveys were not stated. In addition, Vogel-Moody did not state who conducted both surveys as required by Questions and Answers 11(a) and 11(b) of the *Primer*. Accordingly, a limited ascertainment issue will be specified.[1]

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Keith Holcombe:

(a) The source and availability of funds to meet its expected costs; and

(b) In light of the evidence adduced pursuant to (a) above, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine with respect to the efforts of Holcombe to ascertain the needs of its proposed service area:

(a) Whether the applicant adequately determined the composition of its proposed community of license;

(b) Whether the applicant interviewed leaders of charities, consumer services, environment, and labor; and

(c) Whether the applicant has complied with Question and Answer 15 of the *Primer*.

3. To determine with respect to Vogel-Moody:

(a) The source and availability of funds to meet its expected costs; and

(b) In light of the evidence adduced pursuant to (a) above, whether the applicant is financially qualified to construct and operate the proposed station.

4. To determine with respect to the efforts of Vogel-Moody to ascertain the needs of its proposed service area;

(a) Whether the applicant adequately determined the composition of its proposed community of license;

(b) Whether the applicant has complied with Question and Answer 15 of the *Primer*.

(c) Whether the applicant has complied with Questions and Answers 11(a) and 11(b) of the *Primer*.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

10. It is further ordered, That Keith Holcombe shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

11. It is further ordered, That the objection of Keith Holcombe, filed September 8, 1980, is denied.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

14. It is further ordered, That in the event the application of Vogel-Moody is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Vogel-Moody will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

Federal Communications Commission.
6Larry D. Eads,
Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-8298 Filed 3-17-81; 8:45 am]
BILLING CODE 6712-01-M

[1] On September 8, 1980, Holcombe filed an informal objection against Vogel-Moody, alleging that the public notice was not timely published. Publication on August 28, September 4 and September 11, 1980 of notice of tender of filing of Vogel-Moody's application on July 25, 1980 is in substantial compliance with § 73.3580 of the Commission's Rules. Accordingly, Holcombe's objection will be denied.

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting Jan. 30, 1941.

Feb. 12, 1981

Canadian List No. 403

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
			570 kHz						
CKWL	Williams Lake, British Columbia, N. 52°08'29", W.122°10'27" (now in operation non-directional day-time).	1	DA-N, ND-D-186	U	III				
			690 kHz						
CKEY	Toronto, Ontario, N.43°36'33", W.79°23'20" (temporary operation on night pattern only until Dec. 31, 1981).	10	DA-2	U	III				
			800 kHz						
CKLW	Windsor, Ontario, N.42°09'25", W.83°10'10" (now in operation with new night pattern).	50	DA-2	U	II				
			1080 kHz						
CFCN	Calgary, Alberta, N. 50°54'02", W. 13°52'26" (P.O. N.50°54'12", W. 114°03'20", ND-D-236, change of pattern).	50	DA-N, ND-D-239	U	II				Feb. 12, 1982.
			1350 kHz						
CKEG	Nanaimo, British Columbia, N. 49°09'07", W.123°48'40" (Correction from Change Lists Nos. 400 and 402 which indicated DA-2. Reduction of pattern RMS.).	10	DA-1	U	III				Nov. 17, 1981.
			1570 kHz						
CFOR	Orillia, Ontario, N. 44°35'53", W. 79°20'22" (now in operation with increased night power).	10D/5N	DA-N, ND-D-200	U	II				
			1580 kHz						
New	Cornwall, Ontario, N. 45°02'53", W. 74°37'32" (delete).	10D/2.5N	DA-1	U	III				

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 81-8282 Filed 3-17-81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81-141, et al.]

Dennis R. Reum; Designating Applications for Consolidated Hearing on Stated Issues

In the matter of revocation of license of Dennis R. Reum, 407 Bob O Link, Bloomingdale, Illinois 60108, PR Docket No. 81-141; Licensee of Station KAGJ-2259 in the Citizens Band Radio Service.

Revocation of License of Dennis R. Reum, 407 Bob O Link, Bloomingdale, Illinois 60108, PR Docket No. 81-142; Licensee of Station KA9AHD in the Amateur Radio Service.

Suspension of License of Dennis R. Reum, 407 Bob O Link, Bloomingdale, Illinois 60108, PR Docket No. 81-143; Amateur Novice Class, Radio Operator Licensee.

Application of Dennis R. Reum, 407 Bob O Link, Bloomingdale, Illinois 60108, PR Docket No. 81-144; for Technician Class Operator License.

Order

Adopted: March 10, 1981.

Issued: March 12, 1981.

The Chief, Private Radio Bureau, has under consideration the license of Dennis R. Reum for Citizens Band radio station KAGJ-2259. Reum's Citizens Band license was granted December 14, 1976, for a five year term. Also under consideration are Reum's Amateur radio station (KA9AHD) and Amateur Novice Class operator licenses, granted on May 23, 1978, for five year terms, as well as Reum's application to upgrade to Technical Class operator, dated December 16, 1980.

1. Information before the Commission indicates that Reum operated radio transmitting equipment on January 17, 1980, on the frequency 27.960 MHz. That frequency was assigned for use by United States Government stations. Reum did not possess a license authorizing the use of that frequency. Thus, the operation was apparently in violation of Section 301 of the Communications Act of 1934, as amended.

2. Further information before the Commission indicates that on January 18, 1980, Commission engineers attempted to inspect Reum's radio station(s) within the residence at Reum's address of record, but that Reum refused to allow an inspection of the station(s) within that residence. Instead, Reum brought out a mobile CB tranceiver, installed it in a truck, and permitted the engineers to inspect that mobile station even though the engineers requested to inspect the station(s) within the residence to which they had electronically traced the violative transmissions on the previous evening. The mobile CB transceiver actually inspected had been modified to operate on frequencies not authorized for use in either the CB or Amateur radio services, but was not capable of operation on the unauthorized frequency which had been monitored the previous evening. Upon questioning as to whether he had other equipment in his residence or held any Commission licenses other than his CB license, Reum replied negatively.

3. The above conduct was the subject of Official Notices of Violation mailed to Reum on February 19, 1980. The conduct described above raises questions as to Reum's qualifications to remain a Commission licensee and precludes the Commission from determining that a grant of his applicant would serve the public interest, convenience and necessity.

4. Section 312(a)(2) of the Communications Act of 1934, as amended, provides that a station license may be revoked for conditions coming to the attention of the Commission which would warrant it in refusing to grant a license on an original application. Section 312(a)(4) of the Act provides that a station license may be revoked

for wilful or repeated violation of any provision of the Act or the Commission's Rules. Section 303(m)(1)(A) of the Act provides that an operator license may be suspended for violations of the Act or of the Commission's Rules. Section 309(e) of the Act requires the Commission to designate an application for hearing where it cannot find that a grant of the application would serve the public interest, convenience, and necessity.

5. Accordingly, it is ordered, that Reum show cause why the licenses for Citizens Band radio station KAGJ-2259 and for Amateur radio station KA9AHD should not be revoked. It is further ordered, That Reum's Amateur Novice Class operator license is suspended for the remainder of the license term. The suspension will commence 30 days after Reum's receipt of this Order.[1]

6. It is further ordered, that Reum's application for a Technician Class operator license is designated for hearing on the issues specified below.

7. It is further ordered, That if Reum wants a hearing on the revocation suspension and/or application matters, he must file a written request for a hearing within 30 days.[1,2] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent order.

8. It is further ordered, That if Reum requests a hearing or submits a written statement for consideration on the suspension matter, the suspension will be held in abeyance until the conclusion of the hearing or administrative disposition of the proceeding. If Reum waives his right to a hearing and submits a written statement, the suspension matter will be certified to the Commission for administrative disposition. If Reum waives hearing and does not submit a statement on the suspension matter, he must submit his operator license to the Commission within 30 days to be retained during the suspension period. If Reum waives hearing on a revocation matter, it will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Commission's Rules. If Reum does not request a hearing on his application, it will be dismissed for failure to prosecute, pursuant to § 1.221(c) of the Commission's Rules.

9. It is further ordered, That the matters in this proceeding will be resolved upon the following issues:

(a) To determine whether Reum's transmissions on January 17, 1980, were in wilful violation of Section 301 of the Communications Act of 1934, as amended.

(b) To determine whether Reum wilfully violated the following Commission Rules on January 18, 1980: CB Rule 43 (failure to allow complete inspection of Citizens Band station);[3] § 95.641(c)(4) (installation at a CB station of a transmitter equipped to operate on unauthorized frequencies); § 95.641(e) (external transmitter controls capable of causing operation in violation of technical regulations in the Personal Radio Services); § 97.82 (failure to make Amateur operator license available for inspection upon request of an authorized Commission representative); and/or § 97.83 (failure to make Amateur station license available for inspection upon request of an authorized Commission representative).

(c) To determine whether Reum failed to comply with a condition of grant of his Amateur station license by failing to make his station and station records available for inspection upon request of an authorized Commission representative on January 18, 1980.

(d) To determine whether Reum misrepresented facts or was less than candid and/or misleading in his statements to Commission engineers on January 18, 1980 when he denied that he had other equipment in his residence or held any Commission license other than his CB license.

(e) To determine whether Reum has the requisite qualifications to remain a Commission licensee in any radio service.

(f) To determine whether the license of Dennis R. Reum for CB station KAGJ-2259 and for Amateur station KA9AHD should be revoked.

(g) To determine whether the suspension order for Reum's Novice Class Amateur operator license should be affirmed, modified or dismissed.

(h) To determine whether grant of Reum's application would serve the public interest, convenience and necessity.

10. It is further ordered, That, pursuant to § 1.227 of the Commission's Rules, the revocation, suspension and application matters are consolidated for hearing.

11. It is further ordered, That copies of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record as shown in the caption.

Chief, Private Radio Bureau.

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-8203 Filed 3-17-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Any contrary provisions of §§ 1.86 and 1.221(c) of the Commission's Rules are waived.

[2] The attached forms should be used to request or waive hearing. They should be mailed to the Federal Communications, Washington, D.C. 20554, in the enclosed envelope, within 20 days.

[3] The CB Rules are contained in § 95.401 of the Commission's Rules.

[BC Docket NO. 81-136; File No. BPCT-790703KG; et al.]

220 Television, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of 220 Television, Inc., Des Moines, Iowa, BC Docket No. 81-136, File No. BPCT-790703KG: The Independence Broadcasting Corp., Des Moines, Iowa, Greater Des Moines Vision Corp., Chris Desmond, Arnold Brustin, and Donn B. Conner, A Limited Partnership d/b/a, Greater Des Moines Vision, Ltd., Des Moines, Iowa, Columbia Communications Iowa Inc., Milton J. Brown, *et al.*, A limited Partnership d/b/a, BC Docket No. 81-138, File No. BPCT-791019KF. Columbia Iowa TV, Ltd., Des Moines, Iowa, BC Docket No. 81-139 File No. BPCT-800214KE; For Construction Permit.

Adopted: February 27, 1981.

Released: March 13, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (1) the above-captioned mutually exclusive applications for authority to construct a new commercial television station to operate on Channel 17, Des. Moines, Iowa; (2) an "informal petition to deny" the application of Columbia Iowa TV Ltd., filed June 2, 1980 by the Iowa Farmers Union; (3) an informal objection to that application filed May 27, 1980 by Mr. Philip S. Lehman, Mrs. Evelyn I. Lehman and Ms. Barbara Anderson; and related pleadings.

220 Television, Inc.

2. The financial data submitted by 220 Television, Inc. (220 Television) reveals that at least $1,256,942 will be required to construct and operate the proposed station for three months, estimated as follows:

Equipment down payment	$387,184
Equipment payments with interest, 3 months	186,995
Land to be leased	
Buildings	75,000
Legal fees	10,000
Engineering and installation costs	45,000
Miscellaneous	10,000
Operating costs, 3 months	342,783

Applicant states that it intends to lease the land on which the tower will be built. However, applicant has neither established the cost of leasing the land nor included this expense in its operational costs. Thus, the total cost figure cannot be determined. Accordingly, a limited financial issue

will be specified to determine the land acquisition cost and to establish the total figure for applicant's construction and operation costs.

3. To meet its expenses, 220 Television relies upon a 13 million dollar line of credit from The First National Bank of Chicago. We note that the bank letter makes reference to 220 Television's intent to use $2,500,000 of these funds to finance its proposal to construct a new television station to operate on Channel 12, Omaha, Nebraska.[1] In addition, applicant stated that a substantial portion of these funds (over $9 million) was made available to a sister corporation for debt refinancing purposes. Further, applicant indicated that, at the time its application was filed, the remaining line of credit funds were not immediately available. While applicant explained that, in the interim, the $13 million was secured by readily discountable notes, applicant's balance sheet did not show that the notes were, in fact, readily discountable. To this date, the Commission has received no information clarifying or updating applicant's financial data. It appears, therefore, that over $11.5 million still may be committed for purposes other than the instant proposal, and that the remaining amount may not be sufficient to cover all of applicant's initial costs, which have yet to be determined. See paragraph 2 above. Accordingly, an appropriate financial issue will be specified to determine whether applicant has sufficient funds to meet its initial expenses.

The Independence Broadcasting Corporation

4. The financial proposal submitted by Independence indicates that $1,005,000 will be required to construct and operate the proposed station for three months, estimated as follows:

Equipment, cash purchase	$366,151
Land lease, 3 months	54,000
Buildings	35,000
Legal fees	25,000
Engineering and installation costs	15,000
Miscellaneous	57,349
Operating costs, 3 months	252,500

[1] This application (BPCT-790703KF) was designated for hearing on October 24, 1980, together with six other competing applicants.

To meet these expenditures, Independence relies upon $1,072,967, itemized as follows:

Cash	$11,797
Net bank loan	716,280
New capital, subscription agreements from Messrs. Trout, Goldsberry and Gazzo	345,000

Applicant has shown the availability of the cash on hand and the bank loan. However, an examination of the subscribers' balance sheets reveals that, in all three cases, the current liabilities listed exceed the current and liquid assets shown. Therefore, it appears that the subscribers do not possess sufficient net liquid assets to meet their commitments. In addition, the balance sheets are undated and, therefore, not in compliance with the requirements of FCC Form 301, Section III, page 3, Item 4(b). Consequently, since applicant has shown the availability of only $727,967, a limited financial issue will be specified to determine whether applicant has sufficient funds to meet its proposed costs.

5. The *Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer)*, 27 F.C.C. 2d 650, 666 (1971), requires an applicant to: (1) submit a list of typical and illustrative programs proposed to meet community needs; (2) specify the anticipated time segment, duration and frequency for these programs; and (3) show which programs are responsive to which community problems and needs. See Questions and Answers 29 and 36 of the *Primer*. Applicant has attempted to comply with these requirements by stating that it will broadcast two weekly half-hour programs, films and religious programs to address the major ascertained problems. This general statement does not comply with the *Primer*. Therefore, an appropriate issue will be specified.

Greater Des Moines Vision, Ltd.

6. Analysis of applicant's financial data reveals that $2,135,110 will be required to construct and operate the proposed station for three months, estimated as follows:

Equipment, cash purchase	$1,300,000
Equipment, down payment	364,500
Equipment, payments with interest, 3 months	109,210
Land	8,400
Buildings	40,000
Legal fees	15,000
Engineering and installation costs	20,000
Miscellaneous	20,000
Operating costs, 3 months	247,000

To meet these expenses, applicant relies upon $2,510,000 itemized as follows:

Cash on hand	$5,000
Net bank loan	1,805,000
Partnership capital contributions from Messrs. O'Meara, Riley, Campbell and Knapp	700,000

Applicant has shown the availability of the cash on hand and the bank loan. However, concerning the partnership capital contributions, only Mr. Riley has shown that he possesses sufficient net liquid assets to meet his $17,500 commitment. The same determination cannot be reached concerning the other subscribers, because their balance sheets were not submitted pursuant to the requirements of Form 301, Section III, page 3, Item 4(b). Therefore, since applicant has shown the availability of only $1,827,500, a limited financial issue will be specified to determine whether applicant has sufficient funds to meet its proposed costs.

7. The *Primer, supra*, requires an applicant to: (1) submit a list of typical and illustrative programs proposed to meet community needs; (2) specify the anticipated time segment, duration and frequency for these programs; and (3) show which programs are responsive to which community problems and needs. See Questions and Answers 29 and 36 of the *Primer*. Applicant has attempted to comply with these requirements by submitting two brief examples of its proposed programming and by stating that it will develop its programming as critical needs arise. Applicant's general statement does not comply with the *Primer*. Therefore, an appropriate issue will be specified.

8. Evaluation of applicant's proposal indicates that the coordinates and site elevation figures given do not agree with those filed by the applicant with the Federal Aviation Administration. Because of this ambiguity, it is not possible to determine which technical proposal will be pursued by the applicant. Consequently, we cannot determine whether applicant's proposal will constitute a hazard to air navigation. Accordingly, appropriate issues will be specified to ascertain the exact coordinates and site elevation figures proposed by applicant, and to determine whether applicant's technical proposal will constitute a hazard to air navigation.

Columbia Iowa TV, Ltd.

9. The financial data submitted by Columbia Iowa TV, Ltd. (Columbia) reveals that $2,520,940 will be required to construct and operate the proposed station, estimated as follows:

Equipment, down payment	$994,125
Equipment, payment with interest, 3 months	280,000
Buildings	225,000
Legal fees	75,000
Engineering and installation costs	150,000
Miscellaneous	150,000
Operating costs, 3 months	636,657

To meet these expenses, Columbia relies upon $2,928,000 itemized as follows:

Cash and pre-paid application expenses	$73,302
Net loan from Capital National Bank	2,799,784
Loan from Columbia Communities, Inc.	55,000

10. Analysis of the preceding financial data leads to the following determinations:

(a) The commitment letter from the Capital National Bank states that it would require "a first and prior lien on all assets of the borrower." This condition conflicts with the terms of the installment sale contract between RCA and the applicant, under which RCA would take a prior security interest in the broadcast equipment. Since the Bank's requirement cannot be fulfilled, we cannot conclude that the loan will be available to the applicant.

(b) In reference to the loan from Columbia Communities, Inc., the balance sheet submitted by this party does not segregate cash from marketable securities, nor does it provide data concerning the marketability of those securities. Consequently, it cannot be determined whether this corporation has sufficient net liquid assets to meet its commitment. See Form 301, Section III, page 3, Item 4(b).

In light of these facts, we conclude that Columbia has shown the availability of only $73,302 to finance its proposal. Accordingly, a limited financial issue will be specified.

11. *Informal objections to Columbia's application.* On May 30, 1980, the Iowa Farmers Union (the Union) filed an "informal petition to deny" Columbia's application. Section 309(d)(1) of the Communications Act of 1934, as amended, and § 73.3584 of the Commission's Rules, require that allegations contained in petitions to deny be specific and supported by affidavit. Since that pleading does not comply with this requirement, it cannot be treated as a petition to deny. Therefore, we shall treat the Union's pleading as an informal objection pursuant to § 73.3587.

12. The Union alleges that: (1) applicant has not conducted an adequate survey of community needs; (2) applicant has not supplied an accurate cost estimate in its financial proposal; (3) applicant lacks strong community ties; (4) there is no need for an additional television station in Des Moines; (5) applicant will cause economic harm to area residents; (6) the winter ice which will form on the tower will threaten public safety; and (7) the proposed tower structure would endanger birds.

13. Examination of applicant's survey of community needs reveals that it has substantially complied with the guidelines specified by the *Primer*. Therefore, no ascertainment issue will be specified. Concerning applicant's financial proposal, the Union contends that Columbia did not list land acquisition costs. A question would arise in this regard when an applicant's proposal makes no reference to the cost of acquiring or leasing its studio and transmitter sites. In this case, however, Columbia's cost estimate for the first three months of operation specifically includes the cost of leasing its studio and transmitter site. Therefore, there is no reason to inquire into applicant's land acquisition costs. The Union also asserts that applicant's proposal did not address the cost of litigation involving review of the zoning board's decision to grant a special use permit to the applicant. Examination of applicant's proposal reveals that it has allocated $75,000 for legal fees. We believe that this represents a reasonable assessment of the legal costs. Therefore, although a limited financial issue addressing other matters will be specified against the applicant, that issue will not inquire into land acquisition or legal costs.

14. The Union also avers that applicant lacks strong community ties because 89% of its stock is owned by Columbia Communities Iowa, a Texas corporation. Since the Commission's rules do not prohibit this type of corporate structure, there is no basis to specify an issue against the applicant. We also reject the Union's argument that there is no need for an additional television facility in the area, because it is served by four television stations, 22 radio stations and a cable television company. The Commission has already stated that this type of allegation does not offset the expectation that the needs of a community will be more effectively met through the widened range of program choice resulting from an additional station. *M.R. Lankford Broadcasting Co.*, 5 RR 2d 459, 461 (1965). Diversification of media voices in the community is an important and well established Commission priority.

15. No issue will be specified regarding the alleged potential economic harm to residents in the tower area which will result from land devaluation. Similarly, we conclude that there is no basis to specify an issue addressing any ice hazard the tower might pose. These matters are within the ambit of local health, safety and zoning agencies and not within the Commission's purview. We note that, having considered these issues, the Polk County Board of Adjustment granted a special use zoning permit to the applicant. That permit was conditioned, among other things, upon the submission of an engineering study concerning falling ice. Since there is no indication that Columbia has failed to comply with this condition, no question arises concerning applicant's ability to secure its zoning permit.[2]

16. Finally, the Union contends that the proposed tower structure will endanger birds because it is located in a major flyway. In support of this allegation, the Union submitted excerpts from two publications dated in 1975, dealing with Iowa bird life. These publications do not state, however, that the tower area is a major flyway. The Union also asserts that the U.S. Fish and Wildlife Service has confirmed that bird migration in Iowa occurs in a 100-mile strip in central Iowa, including the Des Moines area. However, the Union has failed to document this assertion through concrete and direct statements from that agency. In light of these facts, we believe that the Union's bare allegations do not compel specification of an environmental issue against the applicant. Further, we note that applicant proposes to locate its tower in an area where three other television stations also have built their towers.[3] To this date, we have no indication that local authorities object to the operation of these stations on environmental grounds. In light of these circumstances, we conclude that there is no basis to specify an environmental issue.

17. On May 21, 1980, Mr. and Mrs. Philip S. Lehman and Ms. Barbara Anderson (objectors) also filed an informal objection against Columbia. Objectors raise several of the same concerns expressed by the Union. In addition, objectors aver that weed control options will be reduced because aerial spraying over the tower area will be restricted. However, objectors have

[2] Three area residents—Philip Lehman, Evelyn I. Lehman and Barbara Anderson—are appealing the Board's action granting the zoning permit. However, the record before us does not contain any indication that the Board rescinded applicant's permit.

[3] These television stations are KDIN–TV, WHO–TV and WOI–TV.

failed to document this allegation and, therefore, no issue will be specified against applicant.

18. In the preceding paragraphs, we have examined the objections raised against Columbia. In every instance, we have determined that there are not sufficient grounds to specify additional issues against this applicant. Accordingly, the informal objections filed by the Iowa Farmers Union and by Philip S. Lehman, *et al.* shall be denied.

Conclusion and order

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since these applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

20. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to 220 Television, Inc.:

(a) the land acquisition cost and the total cost estimate for construction and operational expenses;

(b) the availability of financial resources to meet the estimated construction and operational costs; and

(c) whether, in light of the evidence adduced pursuant to the foregoing issues, applicant is financially qualified to construct and operate as proposed.

2. To determine, with respect to The Independence Broadcasting Corporation:

(a) whether it has an additional $277,043 available to meet its estimated construction and operational expenses;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed;

(c) whether applicant has complied with Questions and Answers 29 and 36 of the *Primer;* and

(d) whether, in light of the evidence adduced pursuant to the foregoing issues, applicant is qualified to be a Commission licensee.

3. To determine, with respect to Greater Des Moines Vision, Ltd:

(a) whether it has an additional $307,610 available to meet its estimated construction and operational costs;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed;

(c) whether applicant has complied with Questions and Answers 29 and 36 of the *Primer;*

(d) the coordinates and site elevation figures proposed;

(e) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant's technical proposal will constitute a hazard to air navigation; and

(f) whether, in light of the evidence addued pursuant to the foregoing issues, applicant is qualified to be a Commission licensee.

4. To determine, with respect to Columbia Iowa TV, Ltd.:

(a) whether it has an additional $2,447,638 available to meet its estimated construction and operational expenses;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, That the Federal Aviation Administration is made a party respondent in respect to Issues 3(d) and 3(e) above.

22. It is further ordered, That the informal objections filed by the Iowa Farmers Union and by Philip S. Lehman, Evelyn I. Lehman and Barbara Anderson are denied.

23. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

24. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-8285 Filed 3-17-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 81-151, File No. BP-790713AE, et al.]

Tully-Warwick Corp. and Spacetown Communications Corp.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 2, 1981.

Released: March 12, 1981.

In re applications of Tully-Warwick Corporation, Concord, New Hampshire. Req: 1320 kHz, 5 kW, DA, Day, BC Docket No. 81-151, File No. BP-790713AE; Spacetown Communications Corporation, Derry, New Hampshire, Req: 1320 kHz, 5 kW, DA, Day, BC Docket No. 81-152, File No. BP-790725AD; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations.

2. *Tully-Warwick Corporation.* Tully-Warwick's proposal would provide prinicipal-city (5 mV/m) service to only about 70 percent of the area and 90 percent of the population of Concord. This falls short of the service required by § 73.24(j) of the Commission's Rules, and the applicant has requested a waiver. An issue will be specified to determine whether such a waiver is warranted.

3. Several principals of this applicant corporation own stock in the licensee of AM stations WGAW, Gardner, Massachusetts, and WSRO, Marlboro, Massachusetts, both of which are located within 100 miles of Concord, New Hampshire. Because technical data on file for these existing stations indicate that there may be overlap of their 0.5 mV/m contours, grant of the Tully-Warwick application may be inconsistent with the regional concentration provision of § 73.35(b) of the Commission's Rules. An appropriate issue will be specified.

4. Since no determination has been reached that the antenna proposed by Tully-Warwick would not constitute a menace to air navigation, an issue regarding this matter is required.

4. *Spacetown Communications Corporation.* Analysis of the financial data Spacetown submitted reveals that $60,525 will be required to construct its

proposed station and operate for three months,[1] itemized as follows:

Equipment down payment	$9,057
Equipment payments	14,429
Real estate rentals during construction period	1,250
Other construction costs	4,500
Operating costs	31,725
Total	60,961

To finance the proposed station, applicant claims existing capital of $2,378 and stock subscriptions of $111,000. The existing capital has been shown to be available, but applicant's documentation of its principals' ability to meet their commitments is deficient. Subscribers who rely on personal assets have not submitted the balance sheets or detailed financial statements required; and the bank loan commitment letters others rely on are vague and, in two cases, expired. A limited financial issue must be specified.

5. Spacetown did not list Scott H. Currier as a principal of the corporation in its local notice of the filing of its application, as required by § 73.3580 of the Commission's Rules. To remedy this deficiency, the applicant will be required to list all its principals, including Currier, in the local notice of the designation of these aplications for hearing required by § 73.3594 of the Rules.

6. *Other matters.* These two proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will be specified.

7. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exlusive, they must be designated for hearing in a consolidated proceeding.

9. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposal of Tully-Warwick Corporation would provide coverage of Concord, New Hampshire, as required by § 73.24(j) of the Commission's Rules, and if not, whether circumstances exist which warrant a waiver of that rule.

2. To determine whether grant of the application of Tully-Warwick Corporation would violate § 73.35(b) of the Commission's Rules with respect to regional concentration of control.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Tully-Warwick Corporation would constitute a hazard to air navigation.

4. To determine with respect to Spacetown Communications Corporation:

a. The source and availability of additional funds over and above the $2,378 indicated; and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary service to such areas and populations.

6. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

7. To determine, in the event it be concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

10. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

11. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants herein shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants herein shall give notice of the hearing (including, in the case of Spacetown's notice, a list of its principals) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-8287 Filed 3-17-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Costs may actually be less than this amount, since applicant's financial showing was not revised to reflect its amendment withdrawing proposed nighttime operation.

FEDERAL RESERVE SYSTEM

Gebsco, Inc.; Formation of Bank Holding Company

Gebsco Inc., Cochrane, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Cochrane State Bank, Cochrane, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specificially any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8228 Filed 3-17-81; 8:45 am]

BILLING CODE 6210-01-M

InterCounty Bancshares, Inc.; Formation of Bank Holding Company

InterCounty Bancshares, Inc., Wilmington, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of Clinton County National Bank & Trust Company, Wilmington, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of

Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8220 Filed 3-17-81; 8:45 am]

BILLING CODE 6210-01-M

B & M Bancshares, Inc.; Formation of Bank Holding Company

B & M Bancshares, Inc., Fairmont, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.1 per cent of the voting shares of State Bank of Fairmont, Fairmont, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minnesota. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8220 Filed 3-17-81; 8:45 am]

BILLING CODE 6210-01-M

Irwin Union Corp.; Proposed Acquisition of the Assets of Inland Mortgage Company, Inc.

Irwin Union Corporation, Columbus, Indiana, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through its newly formed subsidiaries, Irwin Union Mortgage Co., Inc., Columbus, Indiana, and Inland Mortgage Corporation, Columbus, Indiana, the assets of Inland Mortgage Co., Inc., Indianapolis, Indiana.

Applicant states that the proposed subsidiary would engage in mortgage company activities by originating and servicing mortgages, primarily for single family residences. These activities would be performed from offices of Applicant's subsidiary in Columbus, Indianapolis, Merrillville, and Fort Wayne, Indiana, and the geographic areas to be served include Marion, Hamilton, Madison, Hancock, Shelby, Johnson, Morgan, Hendricks, Boone, Lake, Porter, and Allen Counties, all in Indiana.

Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 11, 1981.

Board of Governors of the Federal Reserve System, March 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8221 Filed 3-17-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Violation of Federal Reports Act

Notice is hereby given that the Nuclear Regulatory Commmission has amended 10 CFR Part 50 of its regulations by adding a new § 50.48 to require the implementation of Fire Protection Plans. The reporting and recordkeeping requirement contained in § 50.48(a) and 50.48(c)(5) have been imposed without first submitting to and obtaining a clearance from the U.S. General Accounting Office under the Fedeal Reports Act 44 U.S.C. 3512 (1976).

Section 3512(c) of title 44, United States Code, provides in part:

> • • • an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—
>
> (1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified, and
>
> (2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section.• • •

Accordingly, the Commission has no effective clearance of the reporting and recordkeeping requirements contained in §§ 50.48(a) and 50.48(c)(5).

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 81-8214 Filed 3-17-81; 8:45 am]

BILLING CODE 1610-01-M

Regulatory Reports Review; Violation of Federal Reports Act

Notice is hereby given that the Nuclear Regulatory Commission by letter of February 20, 1981, Subject: Fire Protection Rule (45 FR 76602, November 19, 1980)—Generic Letter 81-12, requested additional information on modifications to fire protection plans. The reporting requirements contained in the request have been imposed without first submitting to and obtaining a clearance from the U.S. General Accounting Office under the Federal Reports Act 44 U.S.C. 3512 (1976). Further the statement in the NRC letter, that the request for information was approved by GAO under a blanket clearance number R0071 which expires September 30, 1981, is incorrect and misleading because the request was never submitted to GAO and clearance number R0071 is neither a blanket clearance nor a generic clearance.

Section 3512(c) of title 44, United States Code, provides in part:

> • • • an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten

or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified, and

(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provisos of this section." * *

Accordingly, the Commission has no effective clearance of the reporting requirements contained in the Generic Letter 81-12 dated February 20, 1981.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-8666 Filed 3-17-81; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR D-181]

Public Buildings and Space; Redesignation

March 6, 1981.

To: Heads of Federal agencies.

Subject: Redesignation of a Federal building.

1. *Purpose.* This bulletin announces the redesignation of a Federal building.

2. *Expiration date.* This bulletin expires April 30, 1981. However, the building designation announced by this bulletin will remain in effect until canceled or superseded.

3. *Redesignation.* The former and new names of the building being redesignated are as follows:

Former Name

U.S. Post Office and Courthouse, Ninth and Market Streets, Philadelphia, PA 19107

New Name

Federal Building and U.S. Post Office, Ninth and Market Streets, Philadelphia, PA 19107

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-8265 Filed 3-17-81; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-81-641]

Office of the Area Manager, Oklahoma City Area Office; Designation of Officials as Acting Area Manager.

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of line of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager.

EFFECTIVE DATE: October 16, 1980.

DESIGNATION: Each of the officials appointed to the following position is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding officials in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager
2. Director, Housing Division
3. Director, Indian Programs Division
4. Area Counsel
5. Director, Community Planning and Development Division

This designation supersedes the published designation effective June 7, 1979.

(Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.)

Emil L. Huber, Jr.,

Area Manager, Oklahoma City Area Office, Region VI (Fort Worth).

Thomas J. Armstrong,

Regional Administrator, Region VI (Fort Worth).

[FR Doc. 81-8217 Filed 3-17-81; 8:45 am]

BILLING CODE 4210-01-M

Office of Environmental Quality

[Docket No. NI-45]

Battlement and Mesa PUD, Garfield County, Colorado.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Battlement and Mesa PUD, Garfield County, Colorado. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., March 11, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Battlement Mesa PUD, Garfield County, Colorado

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on Battlement Mesa PUD, described below, and requests information and comments for consideration in the EIS.

Description: Approximately 7,100 dwelling units (single-family and multi-family) will be constructed in Garfield County, Colorado, southeast of Parachute, Colorado, adjacent to the Colorado River. The developer is Battlement Mesa, Inc., a subsidiary of the Exxon Corporation.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives Perceived: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Garfield County, Colorado.

Comments: Comments should be forwarded within 21 days of the publication of this Notice in the Federal Register to: Mr. Carroll F. Goodwin, Area Environmental Clearance Officer, U.S. Department of Housing and Urban Development/Area Office, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202. The commercial telephone number is (303) 327-3102. The FTS number is 327-3102.

[FR Doc. 81-8218 Filed 3-17-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6692-A2]

Alaska Native Claims Selection

Correction

In FR Doc. 81-5506, on page 12860, in the issue of Wednesday, February 18, 1981, make the following corrections:

(1) In the first column, first paragraph, first line, insert the word "Point" after the word "Pilot";

(2) In the middle column, the third full paragraph of the text, first line, insert the word "estate" after the word "surface" and in the fourth paragraph of the text, sixth line down, after the word "jurisdiction;", insert the phrase "lands are under applications pending further adjudication;".

BILLING CODE 1505-01-M

[AA-6705-B, AA6705-D, AA-6705-E, AA-6705-H, AA-6705-L, AA-6705-A2]

Alaska Native Claims Selections

Correction

In FR Doc. 81-4061, on page 11364, in the middle column, the fourth and fifth lines respectively, correct the land descriptions to read as follows:

"Secs. 21 to 28, inclusive, all;
Secs. 33 to 36, inclusive, all."

BILLING CODE 1505-01-M

[AA-6690-A2]

Alaska Native Claims Selection

On December 12, 1975, Pedro Bay Corporation, for the Native village of Pedro Bay, filed selection application AA-6690-A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Pedro Bay.

On December 5, Bristol Bay Native Corporation filed regional selection application AA-6097-21 pursuant to Sec. 12(c) of ANCSA for the surface and subsurface estates of certain lands in the Pedro Bay area. The following described lands have been properly selected by Pedro Bay Corporation and Departmental regulation 43 CFR 2651.4(d) states:

> Village corporation selections within sections 11(a)(1) and (a)(3) areas shall be given priority over regional corporation selections for the same lands.

Therefore, regional selection application AA-6097-21 is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Surveyed)

T. 4S., R. 26 W.,
Secs. 13, 14, and 15;
Secs. 22 and 23.
Containing 3,200 acres.

Further action on regional selection application AA-6097-21 as to those lands not rejected herein will take place at a later date.

On November 14, 1978, the State of Alaska filed general purposes grant selection application AA-21631, as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Pedro Bay area.

The following described lands have been properly selected by Pedro Bay Corporation. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated,* and *unreserved* public lands in Alaska. Therefore, the following State selection application is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Surveyed)

State Selection AA-21631

T. 4 S., 26 W.,
Secs. 13, 14, and 15;
Secs. 22 and 23.
Containing 3,200 acres.

Further action on the subject State selection application as to those lands not rejected herein will be taken at a later date. The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands.

On October 17, 1974, Pedro Bay Corporation, for the Native village of Pedro Bay, filed selection application AA-6690-N pursuant to Sec. 12(a) of ANCSA for the surface estate of certain lands in the vicinity of Pedro Bay. The following described lands have been properly selected by Pedro Bay Corporation both under Secs. 12(a) and 12(b) of ANCSA. By letter of January 5, 1978, Pedro Bay Corporation elected to receive conveyance of these lands pursuant to Sec. 12(b) of ANCSA. Therefore, village selection application AA-6690-N is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Surveyed)

T. 4 S., R. 26 W.,
Secs. 13, 14, and 15;
Secs. 22 and 33.
Containing approximately 3,200 acres.

Further action on village selection application AA-6690-N as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the application submitted by Pedro Bay Corporation, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, aggregating 3,200 acres, is considered proper for acquisition by Pedro Bay Corporation, and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Surveyed)

T. 4 S., R. 26 W.,
Secs. 13, 14, and 15;
Secs. 22 and 23.
Containing approximately 3,200 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

> The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accuring unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

2. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any,

of the lands hereinabove granted, as are prescribed in said section.

Pedro Bay Corporation has been reallocated 3,415 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, 3,200 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of 215 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Pedro Bay Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies within the described lands considered to be navigable.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming a property interest in land affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513; and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 17, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals.

Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Pedro Bay Corporation, Pedro Bay, Alaska 99647.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-8234 Filed 3-17-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-6708-A2]

Alaska Native Claims Selection

On December 9, 1975, Ugashik Native Corporation, for the Native village of Ugashik, filed selection application AA-6708-A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Ugashik.

On January 5, 1980, in accordance with Title 10, Chapter 05 of the Alaska Business Corporation Act, and as authorized by Pub. L. 94-204 Sec. 30 (89 Stat. 1148), Ugashik Native Corporation and Kokhanok Native Corporation merged into Alaska Peninsula Corporation with Alaska Peninsula Corporation being the surviving corporation.

On December 5, 1975, Bristol Bay Native Corporation filed regional selection application AA-8097-29 pursuant to Sec. 12(c) of ANCSA for the surface and subsurface estates of certain lands in the Ugashik area. The following described lands have been properly selected by Ugashik Native Corporation and Departmental regulation 43 CFR 2651.4(d) states:

> Village corporation selections within sections 11(a)(1) and (a)(3) areas shall be given priority over regional corporation selections for the same lands.

Also, the State of Alaska was granted title to the beds of navigable waters under the provisions of the Submerged Lands Act of May 22, 1953 (67 Stat. 29; 43 U.S.C. 1301). Dog Salmon River has been determined to be navigable, and the bed is no longer under Federal ownership.

Therefore, regional selection application AA-8097-29 is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 32 S., R. 48 W.,
Secs. 30 and 31.
Containing approximately 1,277 acres.

Further action on regional selection application AA-8097-29 as to those lands not rejected herein will take place at a later date.

As to the lands described below, the application submitted by Ugashik Native Corporation, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands selected pursuant to Sec. 12(b) of ANCSA, containing approximately 1,077 acres, is considered proper for acquisition by Alaska Peninsula Corporation as successor in interest to Ugashik Native Corporation, and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 32 S., R. 48 W.,
Secs. 30 and 31, excluding Dog Salmon River.
Containing approximately 1,077 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

> The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2 Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or

easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Alaska Peninsula Corporation (for the village of Ugashik) has been reallocated 1,100 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 1,077 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 23 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Alaska Peninsula Corporation as successor in interest to Ugashik Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

The following inland water body within the described lands is considered to be navigable:

The Dog Salom River.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 17, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals.

Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Alaska Peninsula Corporation, Box 334, King Salmon, Alaska 99613.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Ann Johnson,

Chief, Branch of Adjudication.

FR Doc. 81-8235 Filed 3-17-81; 8:45 am]

BILLING CODE 4310-84-M

[Coal Lease Application C-29125]

Colorado; Land in La Plata County, Colorado; Public Hearing and Availability of Environmental Assessment

The United States Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado hereby gives notice that a public hearing will be held April 14, 1981, at 7:00 P.M. in the Blue Spruce Room at the La Plata County Court House, 1060 2nd Ave., Durango, Colorado. Application has been made by National King Coal, Inc. to the United States that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain comments on the Environmental Assessment prepared by the Montrose District Office, January, 1981, including possible impact on the Pine Gulch Flood Plain Area, and on the following items: 1) the method of mining to be employed to obtain maximum economic recovery of the coal; 2) the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and 3) methods of determining the fair market value of the coal to be offered. Written requests to testify orally at the April 14, 1981, public hearing should be received at the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colorado 81401, prior to close of business April 10, 1981. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three to five minutes each, depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to the Montrose District Office at the above address prior to close of business April 10, 1981. Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1–2. Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such

and stated in the first page of the submission. Comments should be sent to both the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, and to the Deputy Conservation Manager, Conservation Division, (RE), C/R, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than April 20, 1981.

The coal resource to be offered is 835,000 tons of recoverable coal to be mined underground from the Menafee #1 formation in the following described lands located approximately 4½ miles southwest of Hesperus, Colorado:

T. 35 N., R. 11 W., NMPM,
Sec. 32: SW¼.

La Plata County, Colorado containing 160 acres more or less. The estimated coal quality is as follows: B.T.U.—13,500 per ton; sulfur—.7%; FSI—5.0; ash—4.2%; and averages 5.8 foot seams. One of the proposed alternatives set out in the Environmental Assessment would also affect the following-described lands:

T. 35 N., R. 11 W., NMPM,
Sec. 31: N½NE¼SE¼.

La Plata County, Colorado containing 20 acres, more or less.

The draft Environmental Assessment will be available for review at the San Juan Resource Area Office, BLM, Federal Building, 701 Camino Del Rio, Room 104, Durango, Colorado, and at the Montrose District Office. Single copies are available for distribution from the Montrose District Office.

A copy of the Environmental Assessment, the case file and the comments submitted by the public on fair market value, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, Bureau of Land Management at the address set out above.

Alvah Q. Whitledge,

Leader, Montrose Team, Branch of Adjudication.

[FR Doc. 81-8270 Filed 3-17-81; 8:45 am]

BILLING CODE 4310-84-M

Federal Land Policy and Management Act of 1976: Land Use and Jurisdiction Issues

AGENCY: Department of the Interior, Bureau of Land Management, California Desert District.

ACTION: Notice of public meetings to obtain information and advice on future management options for public lands in southern California which are located outside the California Desert Conservation Area.

SUMMARY: This notice announces that the Bureau of Land Management (BLM), California Desert District, in cooperation with the Cleveland National Forest, is beginning a study to determine if BLM should: (1) continue to manage public lands outside the California Desert Conservation Area, and (2) prepare an Environmental Impact Statement on the grazing program for such lands. A series of public meetings are scheduled to obtain public input on these issues.

FOR FURTHER INFORMATION, CONTACT: Tom W. Rodda, Realty Specialist, Escondido Project, California Desert District, 1695 Spruce Street, Riverside, CA 92507. Telephone: (714) 787-1677, FTS 796-1677.

SUPPLEMENTARY INFORMATION: In October 1960, a major reorganization of BLM district boundaries established the California Desert District to implement the approved Desert Plan and to manage the 12.5 million acres of public land within the California Desert Conservation Area. The conservation area boundaries were set by Congress in 1976 when the Federal Land Policy and Management Act called for accelerated land use planning and special management emphasis for the desert. There are, however, some 150,000 acres of public land situated between the conservation area boundary and the coastline in western San Diego, Riverside, San Bernardino, and Los Angeles Counties. These parcels are of various sizes, are intermingled with privately owned lands, and many tracts are located adjacent to National Forests and Indian reservations.

About one-third of the 150,000 acres is leased to grazing operators who, for the most part, are not full-time ranchers but derive part of their livelihood from grazing cattle on the public lands. The use of these lands is provided under the settlement of a law suit which stipulates a court approved schedule for completing an Environmental Impact Statement (EIS) on the impacts on grazing. In order to meet the schedule, inventories have to be done in the Western Counties in 1982, and the EIS completed in 1983.

The public lands lie outside of, and generally far removed from, BLM Resource Areas which are the units responsible for management within the California Desert District. Active management programs have been and will continue to be difficult to fund and administer due to higher priority areas in the desert.

These lands are referred to as the Escondido Project, and are the subject of a land use and jurisdiction analysis to identify whether continued management by BLM is justified.

The plan will also address the need for completing an EIS on grazing.

Several public meetings will be held as listed below. The purpose of these meetings is to determine public attitudes and obtain local opinion on issues associated with BLM management and grazing. Several options will be presentd to determine which options and/or combination of options will best serve the public interest. Tentative options include: (1) transferring to other agencies better situated to manage the land; (2) exchanging for State-owned and private lands within the California Desert and National Forests where conflict presently exists between Federal management programs and those responsible for State and private lands; and (3) other forms of transfer and priorities for disposal.

Meeting Schedule

All public meetings will be held from 2:00 pm to 5:00 pm and 7:00 pm to 10:00 pm at the following locations:

April 14, 1981—San Diego, CA, Veterans War Memorial Auditorium, Park Blvd. and Zoo Drive, Balboa Park.

April 15, 1981—Escondido, CA, Escondido High School Cafeteria, 1525 N. Broadway.

April 16, 1981—Riverside, CA, City Council Chambers, 3900 Main Street.

April 20, 1981—Northridge, CA, University Student Union, Northridge Center, Cal State Northridge, 18111 Nordhoff Street.

Richard D. Freel,

Acting District Manager.

[FR Doc. 81-8283 Filed 3-17-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada BLM Announces Decisions to Areas Protested in Final Intensive Wilderness Inventory Decisions

The Bureau of Land Management, Nevada State Office, announced a list of protests to final intensive wilderness inventory decisions in the January 23, 1981 **Federal Register** on pages 7459-7460. An analysis of each protest has been conducted, and the results are hereby announced.

The following wilderness study areas were protested, and have undergone a deletion in wilderness study area acreage as a result of the protest decision:

Unit No.	Unit name	Original WSA acres	WSA acres deleted	Final WSA acres
Winnemucca District:				
NV-020-007	High Rock Lake	82,527	1,492	81,035
NV-020-012/CA-020-621/618	Poodle Mountain	127,829	83	127,746
NV-020-014	Fox Mountain Range	72,347	1,781	70,566
NV-020-019	Calico Mountains	65,861	371	65,490
NV-020-200	Selenite Mountain	31,920	1,318	30,602
NV-020-201	Mt. Limbo	24,128	1,670	22,458
NV-020-406	Tobin Range	21,952	1,651	20,301
NV-020-603	South Jackson Mtns	81,708	1,584	80,124
NV-020-606	North Jackson Mtns	25,780	209	25,571
NV-020-627	No. Fork Little Humboldt	81,320	1,822	79,498
NV-020-656	Disaster Peak	18,200	7,513	10,687
Carson City District:				
NV-030-407	Gabbs Valley Range	77,350	1,890	75,440
Ely District:				
NV-040-015	Goshute Canyon	35,100	50	35,050

No other wilderness study areas under protest as announced in the January 23, 1981 **Federal Register** Notice (pp. 7459–7460) have undergone a change. The protests on these areas have ben found to lack merit, and the decisions for them remain as stated in the November 14, 1980 **Federal Register** notice on pages 75594–75597.

No other areas protested as stated in the January 23, 1981 **Federal Register** (pp. 7459–7460) have undergone a change as a result of protest decisions. The intensive inventory decisions for them remain as stated in the November 14, 1980 **Federal Register** notice on pages 75594–75597, as their protests have been found to lack merit.

Any person adversely affected by these decisions may appeal such decisions under the provisions of 43 CFR Part 4. If no appeals are filed within 30 days of the date of this notice, the decisions specified herein will be implemented.

Dated: March 10, 1981.

Roger J. McCormack,

Acting State Director, Nevada.

[FR Doc. 81-8239 Filed 3-17-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[AB 101(SDM)]

Duluth Missabe and Iron Range Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Duluth Missabe and Iron Range Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 101 (SDM). The Commission on March 9, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 101 (SDM)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8242 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-64F)]

Illinois Central Gulf Railroad Company Abandonment Madison Street Between 19th and 3rd Street, in Springfield, IL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided February 20, 1981, a findings, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment Goshen, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Company (ICG) of its line of railroad known as the Springfield District extending from railroad milespost 192.10 to milespost 193.39 in Madison Street, between 19th and 3rd Streets, a distance of 1.29 miles, in Springfield, IL. A certificate of public convenience and necessity permitting abandonment is being issued to ICG concurrently with this Notice. The certificate will become effective 30 days after the date of publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would—

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the effectiveness of the certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be effective no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone and effectiveness of such a certificate for such period of time as such as agreement including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8246 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to

consolidate, purchase, merge lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications, directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of varified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with cerain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority. The duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Dated: March 9, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC–F–1458F, filed February 23, 1981. GENERAL HIGHWAY EXPRESS, INC. (General) (P.O. Box 179, Sidney, OH 45369)—Merger—MOUNTAIN MOTOR EXPRESS, INC. (Mountain) (P.O. Box 179, Sidney, OH 45369). Representative: John P. McMahon, 100 E. Broad Street, Columbus, OH 43215. General seeks authority for the merger of the operating rights and property of Mountain into General for ownership, management, and operation. Paul B. Long, Sr., who controls General through stock ownership, seeks to continue in control of said rights and property through the transaction. Mountain is authorized to operate as a motor common carrier, over irregular routes, pursuant to authority issued in MC–F–13040, which authorizes the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk (except salt), and those requiring special equipment), between Pomeroy, Middleport, and Minersville, OH, on the one hand, and, on the other, points in WV. General holds authority to operate as a motor common carrier pursuant to certificates issued in MC–97841 and sub-numbers thereunder.

Note.—Applicant intends to tack the newly acquired irregular route authority with regular route authority it already has.

MC–F–14579F, filed February 18, 1981. SUWAK TRUCKING COMPANY (Suwak) (1105 Fayette Street, Washington, PA 15301)—Continuance in Control—DISTRIBUTION CARRIER, INC. (Distribution) (23210 Grant Building, Pittsburgh, PA 15219). Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Suwak seeks to continue in control of Distribution upon the institution by Distribution of operations, in interstate or foreign commerce, as a motor contract carrier. John Suwak, sole stockholder of Suwak, seeks authoirty to acquire control of said rights through the transaction. Suwak is a common carrier, by motor vehicle, in interstate or foreign commerce, pursuant to certificates issued in MC–111956 and sub-numbers thereunder. By application published October 16, 1980, in MC–152013, Distribution seeks authority to transport *general commodities* (except those of unusual value, household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. under continuing contract(s) with Volkswagen of America, Inc., of Warren, MI.

MC–F–14581, filed February 23, 1981. RINGSBY TRUCK LINES, INC. (Ringsby)—Merger—OVEROAD CONTAINER SERVICE, INC. (Overoad) (both of 3980 Quebec Street, Denver, CO 80207). Representative: Russell R. Sage, Suite 400 Overlook Office Bldg., 6121 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312. Ringsby seeks authority for the merger of all the interstate operating rights and property of Overoad into Ringsby for ownership, management and operation. J. W. Ringsby, J. V. Ringsby, D. W. Ringsby, and Susan Ringsby Pietrzak, the majority stockholders of Ringsby, seek authority to acquire control of said rights and property through the merger. Overoad's authority to be merged into Ringsby is contained in certificates issued in MC–141628 and sub-numbers thereunder, which authorize the transportation of the following: MC–141628, issued March 23, 1977, and modified by decision served February 13, 1981: *general commodities* (except classes A and B explosives, household goods as defined by the Commission, motor vehicles, and commodities which because of their size and weight require special equipment), between ports of entry located in CA, OR, and WA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI), restricted to the transportation of traffic having a prior or subsequent movement by water; MC–141628 (Sub–No. 2) *container chassis,* between points in CA, OR, and WA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI); and MC–141628 (Sub–No. 3): *games, toys, and children's vehicles,* from the facilities of the ERTL Company, at Dyersville, LA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

Notes.—(1) Common control of Ringsby and Overoad was approved by the Commission in MC–FC–75802. (2) Ringsby is a motor common carrier pursuant to certificates issued in MC–52709 and sub-numbers thereunder. (3) Ringsby also seeks authority to merge Overoad's government traffic general commodity authority into Ringsby. In view of the nature of this authority, it is not transferable to the surviving corporation. See *Transportation of Government Traffic*, 131 M.C.C. 845, 863 and 870 (1980).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8243 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP5–74

Decided March 6, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce & Dowell.

MC 124078 (Sub-1039), filed January 26, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting, for and on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 146358 (Sub-1), filed January 26, 1981. Applicant: STANTRAN, INC., 9350 Wilshire Blvd., No. 306, Beverly Hills, CA 90212. Representative: Robert J. Walters, 2000 Santa Cruz St., Anaheim, CA 90280. To operate, in interstate or foreign commerce, as a *broker*, of *general commodities*, (except household goods), between points in the U.S.

MC 154278, filed February 6, 1981. Applicant: CHARLES E. DAVIS, d.b.a. DAVIS ENTERPRISE'S, P.O. Box 193, Flora Vista, NM 87415. Representative: Charles E. Davis, 1 Horse "C" Lane, P.O. Box 193, Flora Vista, NM 87415. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154289, filed January 30, 1981. Applicant: NORTON & ELLIS INC., 120 Atlantic St., P.O. Box 3257, Norfolk, VA 23514. Representative: Roland A. Desoteaux, 1233 Glyndon Drive, Virginia Beach, VA 23464. To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154369, filed February 6, 1981. Applicant: ROBERT E. ANDERSON, INC., 24 W. Split Rock Drive, Cherry Hill, NJ 08003. Representative: Robert E. Anderson (same address as applicant). To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8215 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each

applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintaines appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in oppposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-043

Decided: March 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor (member Taylor not participating).

MC 117142 (Sub-6), filed December 19, 1980, published in the **Federal Register** issue of February 3, 1981, and republished, as corrected, this issue. Applicant: AMERICAN TRAILER HAUL, INC., 609B South Main St., Woodstock, GA 30188. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *trailers*, designed to be drawn by passenger automobiles, and (2) *portable buildings and buildings in sections*, between points in AL, FL, GA, LA, MS, NC, SC, and TN. The purpose of this republication is to correct the commodity description in (2) above.

MC 129413 (Sub-11), filed January 21, 1981, published in the **Federal Register** issue of February 20, 1981, and republished, as corrected, this issue. Applicant: SIOUXLAND EXPRESS, INC., P.O. Box 353, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402-475-6761. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of fertilizers, feed ingredients, and agricultural chemicals, between the facilities of Terra Chemcials International, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150232 (Sub-1), filed November 3, 1980. Applicant: ROY D. LANGER d.b.a. A & R SERVICE CO., 342 Winnebago, Park Forest, IL 60466. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal products, between points in the U.S., under continuing contract(s) with Vulcan Tube & Metals Co. Inc., of Chicago Heights, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8210 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB 29 (Sub-22)F]

Southern Railway Company—Abandonment—Near Walnut Cove and Greensboro in Guilford, Stokes and Forsyth Counties, NC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided March 6, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that the present and future public convenience and necessity permit the abandonment by the Southern Railway Company of a segment of its line of railroad between milepost CF-41.6 near Walnut Cove, NC, and milepost CF-63.7 near Greensboro, NC, a distance of approximately 22.1 miles in Guilford, Stokes and Forsyth Counties, NC, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 92 (1979). A certificate of public convenience and necessity permitting the abandonment was issued to the Southern Railway Company.

Upon receipt by the carrier of an actual offer of financial assistance, the carriers shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1131. 38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8244 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major

Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPI–070

Decided March 10, 1981.

By The Commission, Review Board No. 1, members Parker, Chandler, and Taylor.

WC 1331, filed February 18, 1981. Applicant: RICHARD B. RIVERS d.b.a. RIVERS NAVIGATION COMPANY, 1115 11th Ave., Lewiston, ID 83501. Representative: Richard B. Rivers (same address as applicant), (208) 743–4800. To operate as a *common carrier*, by water, by self-propelled vehicles, in interstate or foreign commerce, transporting *passengers* and *general commodities*, between Lewiston, ID, and Johnson's Bar (on the Snake River approximately 93 miles upstream from Lewiston) serving all points along the Snake River.

MC 8310 (Sub-17), filed February 10, 1981. Applicant: JEFF'S TRUCKING, INC., 221½ N. Madison St., Waupun, WI 53963. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2586. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, MN, MI, ND, SD, and WI.

MC 29910 (Sub-323), filed February 9, 1981. Applicant: ABF FREIGHT SYSTEMS, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Transporting *hazardous materials*, between points in Hartford County, CT, Muhlenberg County, KY, and Douglas County, CO, on the one hand, and, on the other, points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 29980 (Sub-8), filed February 17, 1981. Applicant: GRESHAM TRANSFER, INC., 12006 N.E. Inverness Drive, Portland, OR 97220. Representative: Michael D. Crew, 205 Rivera Plaza, Portland, OR 97201 (503) 255–7900. Transporting *dry bulk commodities*, between points in OR, WA, CA, ID, MT, WY, CO, NV, UT, AZ, and NM.

MC 35320 (Sub-641), filed February 26, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving points in Cameron and Hidalgo Counties, TX, as off-route points in connection with the applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 35320 (Sub-642), filed February 26, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). (806) 745–7262. Transporting *general commodities* (except classes A and B explosives), serving points in Hutchinson County, TX, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 59241 (Sub-13), filed February 11, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Highway, Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting *rubber and plastic products*, between points in DE, MD, NJ, PA, OH, VA, and DC.

MC 59720 (Sub-14), filed February 10, 1981. Applicant: KENMORE TRANSPORTATION COMPANY, A Corporation, 22 Eskow Rd., Worcester, MA 01604. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602 (312) 236–5944. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Borden Incorporated at those points in the U.S., in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 61420 (Sub-4), filed February 9, 1981. Applicant: AIRFREIGHT TRANSPORTATION CORPORATION OF NEW JERSEY, 333 North Henry St., Brooklyn, NY 11222. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Majestic Paper Corporation of New York, NY.

MC 67340 (Sub-13), filed February 11, 1981. Applicant: RESORT BUS LINES, INC., 1010 Nepperhan Ave., Yonkers, NY 10703. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021 (516) 482–0881. (1) Transporting *over irregular routes, passengers and their baggage*, in special operations, beginning and ending at points in Fairfield County, CT, Bronx County, NY, and George Washington Bridge Bus Terminal, New York County, NY, and extending to points in Atlantic City, NJ, and (2) *over regular routes*, transporting *passengers and their baggage*, (a) between New Rochelle, NY, and Atlantic City, NJ, from the intersection of Kings Hwy and Main St., New Rochelle, then along Main St. to Pelham Parkway, then along Pelham Parkway to South Fulton Ave. to Mt. Vernon, NY, then along South Fulton Ave. to Prospect Ave., then along Prospect Ave. to Fifth Ave., then along Fifth Ave., to West First St., then along West First St. to Bronx, NY, then along streets within Bronx and New York Counties, NY to the George Washington Bridge, then along Interstate Hwy 80 from the George Washington Bridge to the New Jersey Turnpike, then along the New Jersey Turnpike to the Garden State Parkway, then along the Garden State Parkway to NJ Hwy 30 East, then along NJ Hwy 30 East to Atlantic City, NJ, and return over the same route, serving intermediate points in Westchester County, Bronx County, NY, and the George Washington Bridge Bus Terminal, NY, NY, (b) between Ossining, NY, and Atlantic City, NJ, from South Highland Ave. to Wells Ave., then along Wells Ave. to Warburton Ave., then along Warburton Ave. to Riverdale Ave., to Bronx, NY, then along streets within Bronx and New York Counties, NY to the George Washington Bridge, then along Interstate Hwy 80 from the George

Washington Bridge to the New Jersey Turnpike, then along the New Jersey Turnpike to the Garden State Parkway, then along the Garden State Parkway to NJ Hwy 30 East, then along NJ Hwy 30 East to Atlantic City, and return over the same route, serving intermediate points in Westchester County, Bronx County, NY, and the George Washington Bridge Bus Terminal, NY, NY, (c) between Danbury, CT, and Atlantic City, NJ, from Danbury along Federal Rd. to U.S. Hwy 7, then along U.S. Hwy 7 to Interstate Hwy 84, then along Interstate Hwy 84 to U.S. Hwy 6, then along U.S. Hwy 6 to Railroad Ave. to NY Hwy 22, then along NY Hwy 22 to Interstate Hwy 684, then along Interstate Hwy 684 to NY 22, then along NY Hwy 22 to Interstate Hwy 684, then along Interstate Hwy 684 to Westchester Ave., to Bloomingham Rd., then along Bloomingdale Rd. to Interstate Hwy 287, then along Interstate Hwy 287 to New York State Thruway, then along New York State Thruway to Central Park Ave., then along streets within Bronx and New York Counties, NY to George Washington Bridge, then along Interstate Hwy 80 from George Washington Bridge to the New Jersey Turnpike to Garden State Parkway, then along the Garden State Parkway to NJ Hwy 30 East, then along NJ Hwy 30 East to Atlantic City, and return over the same route, serving intermediate points in Fairfield County, CT, Westchester County and Bronx County, NY, and the George Washington Bridge Bus Terminal, NY, NY, (d) between Norwalk, CT, and Atlantic City, NJ, from Norwalk along East Ave. to Connecticut Turnpike South to Exit 6 to Harvard Ave., then along Harvard Ave., to Connecticut Turnpike to Exit 3 to Steamboat Road, then along Steamboat Road to Connecticut Turnpike to Interstate Hwy 287 to Midland Ave., then along Midland Ave., to Main St., then along Main St., to Boston Post Rd. (U.S. Hwy 1 South), then along U.S. Hwy 1 South to North Ave., then along North Ave., to Lockwood Ave., then along Lockwood Ave. to Norman Rockwell Blvd., then along Norman Rockwell Blvd., to New England Thruway, then along streets within Bronx and New York Counties, NY, to George Washington Bridge, then along Interstate Hwy 80 from George Washington Bridge to NJ Turnpike to Garden State Parkway, then along Garden State Parkway to NJ Hwy 30 East, then along NJ Hwy 30 East to Atlantic City, and return over the same route, serving intermediate points in Westchester County, Bronx County, NY, and the George Washington Bridge Bus Terminal, NY, NY, (e) between Peekskill, NY, and Atlantic City, NJ, from Peekskill along U.S. Hwy 202 West to Bear Mountain Parkway, then along Bear Mountain Parkway to U.S. Hwy 9 South, then along U.S. Hwy 9 South to New York State Thruway, then along New York State Thruway to Exit 4 to Central Park Ave., then along streets within Bronx and New York Counties, NY to George Washington Bridge to the New Jersey Turnpike to Garden State Parkway, then along the Garden State Parkway to NJ Hwy 30 East, then along NJ Hwy 30 East to Atlantic City, NJ, and return over the same route, serving intermediate points in Westchester County, Bronx County, NY and the George Washington Bridge Bus Terminal, NY, NY,

(f) between Stamford, CT, and Atlantic City, NJ, from Stamford along Harvard Ave., to Connecticut Turnpike South, then along Connecticut Turnpike South to Exit 3 Steamboat Rd., then along Steamboat Rd. to Connecticut Turnpike, then along Connecticut Turnpike to New England Thruway, then along New England Thruway to Exit 8 to North Ave., then along North Ave. to Lockwood Ave., then along Lockwood Ave. to Norman Rockwell Blvd., then along Norman Rockwell Blvd. to New England Thruway, then along streets within Bronx and New York Counties, NY to George Washington Bridge, then along Interstate Hwy 80 from George Washington Bridge to the New Jersey Turnpike to the Garden State Parkway, then along the Garden State Parkway to NJ Hwy 30 East, then along NJ Hwy 30 East to Atlantic City, and return over the same route, serving intermediate points in Westchester County, Bronx County, NY and the George Washington Bridge But Terminal, NY, NY, (g) between Mt. Kisco, NY, and Atlantic City, NJ, from Mt. Kisco along NY Hwy 117 South to NY Hwy 172 East, then along NY Hwy 172 East to Interstate Hwy 684, then along Interstate Hwy 684 to Exit 3 to NY Hwy 22 South, then along NY Hwy 22 South to Interstate Hwy 684, then along Interstate Hwy 684 to Westchester Ave., then along Westchester Ave. to Bloomingdale Rd., then along Bloomingdale Rd. to Maple Ave., then along Maple Ave. to Chester, then along Chester to East Post Rd., then along East Post Rd. to Grove St., then along Grove St. to Martine Ave., then along Martine Ave. to Bank St., then along Bank St. to Hamilton Ave., then along Hamilton Ave. to Tarrytown Rd., then along Tarrytown Rd. to Central Park Ave., then along Central Park Ave. to Crisfield St., then along Crisfield St. to Central Park Ave., then along Central Park Ave. to Mile Square Rd., then along Mile Square Rd. to Vredenbergh Ave., then along Vredenbergh Ave. to Mile Square Rd., then along Mile Square Rd. to Central Park Ave., then along Central Park Ave. to New York State Thruway, then along streets within Bronx and New York Counties, NY to George Washington Bridge to the New Jersey Turnpike to Garden State Parkway, then along the Garden State Parkway to NJ Hwy 30 East, then along NJ Hwy 30 East to Atlantic City, and return over the same route, (h) between Greenwich, CT, and Atlantic City, NJ, from Greenwich along Steamboat Rd. to Connecticut Turnpike South, then along Connecticut Turnpike South to Interstate Hwy 287, then along Interstate Hwy 287 to Midland Ave., then along Midland Ave. to Main St., then along Main St. to Boston Post Rd. (U.S. Hwy 1 South), then along U.S. Hwy 1 South to Interstate Hwy 287, then along Interstate Hwy 287 to Westchester Ave., then along Westchester Ave. to Bloomingdale Rd., then along Bloomingdale Rd. to Maple Ave., then along Maple Ave. to Chester, then along Chester to East Post Rd., then along East Post Rd. to Grove St., then along Grove St. to Martine Ave., then along Martine Ave. to Bank St., then along Bank St. to Hamilton Ave., then along Hamilton Ave. to Tarrytown Rd., then along Tarrytown Rd. to Central Park Ave., then over Central Park Ave. to Crisfield St., then along Crisfield St. to Central Park Ave., then along Central Park Ave. to New York State Thruway, then along streets within Bronx and New York Counties, NY to George Washington Bridge to New Jersey Turnpike 80 from George Washington Bridge to New Jersey Turnpike to Garden State Parkway, then along the Garden State Parkway to NJ Hwy 30 East, then along NJ Hwy 30 East to Atlantic City, and return over the same route, serving intermediate points in Westchester County, Bronx County, NY, and the George Washington Bridge Bus Terminal, NY, NY, and serving in connection with routes (a) through (h) above along Atlantic City Expressway between Garden State Parkway and Atlantic City, along NJ Hwy 9 between Garden State Parkway and NJ Hwy 30, then along NJ Hwy 30 to Atlantic City, also, along NJ Turnpike between Interstate Hwy 80 and U.S. Hwy 206, then along U.S. Hwy 206 to U.S. Hwy 30, then along U.S Hwy 30 to Atlantic City.

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 63430 (Sub-16), filed February 13, 1981. Applicant: ONEIDA MOTOR FREIGHT, INC., Commercial Ave., Carlstadt, NJ 07072. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001 (212) 279–3050.

Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, and those points in Bucks, Philadelphia, Delaware, and North Hampton Counties, PA, on the one hand, and, on the other, points in DE and MD.

MC 111401 (Sub-612), filed February 26, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting *petroleum, natural gas and their products* (a) between points in Lincoln County, OK, on the one hand, and, on the other, points in FL, IN, and PA, and (b) between points in Sedgwick County, KS and points in IA.

MC 111611 (Sub-54), filed February 26, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *metal products*, between points in CA and Clark County, NV, on the one hand, and, on the other, points in Westmoreland and Mifflin Counties, PA.

MC 111940 (Sub-74), filed February 23, 1981. Applicant: SMITH'S TRUCK LINES, P.O. Box 88, Muncy, PA 17756. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011, (717) 761–0520. Transporting *general commodities* (except classes A and B explosives), between points in PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, OH, PA, VA, WV, and DC.

MC 121821 (Sub-15), filed February 10, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 7363, Nashville, TN 37210. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *metal and metal products*, between Nashville, TN, on the one hand, and, on the other, points in AL, GA, KY, and TN.

MC 123061 (Sub-137), filed February 9, 1981. Applicant: LEATHAM BROTHERS INC., 46 Orange St., P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108, (801) 581–0322. Transporting *pulp, paper and related products*, between the facilities of Publishers Paper Co. in Yamhill and Clackamas Counties, OR, on the one hand, and, on the other, points in CA, CO, ID, NV, MT, UT, WA, and WY.

MC 124141 (Sub-51), filed February 9, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Highway 25 West, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4934. Transporting *general commodities* (except classes A and B explosives), between points in AR, on the one hand, and, on the other, points in the U.S.

MC 125650 (Sub-23), filed February 23, 1981. Applicant: MOUNTAIN PACIFIC TRUCKING, INC., 3605 Highway 10 West, Missoula, MT 59801. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807, (406) 543–8369. In foreign commerce only, transporting *such commodities* as are dealt in and used by grocery and food business houses, between points in MT, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in MT.

MC 133250 (Sub-4), filed February 9, 1981. Applicant: UNITED AGRICULTURAL TRANSPORTATION ASSOCIATION OF AMERICA MARKETING CO-OP, P.O. Box 692, Ennis, TX 75119. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. Transporting *general commodities* (except classes A and B explosives), between points in IL, MI, NJ, OH, and PA, on the one hand, and, on the other, points in AL, AZ, CA, CO, FL, GA, IL, IN, KS, LA, MO, NJ, OH, OK, OR, PA, TN, TX, UT, VA, and WA.

MC 133641 (Sub-23), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *machinery*, between the facilities used by L. B. Smith Incorporated, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 140720 (Sub-3), filed February 26, 1981. Applicant: FORD PARCEL SERVICE, INC., 1034 Clark St., St. Louis, MO 63101. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727–0777. Transporting *general commodities* (except classes A and B explosives), between points in MO and IL.

MC 145850 (Sub-01), filed February 11, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Arthur W. Grimes (same address as applicant). Transporting *electrical machinery or equipment*, between points in McLennan County, TX, on the one hand, and, on the other, points in the U.S.

MC 150481 (Sub-1), filed February 10, 1981. Applicant: TOMMY G. DENNIS, d.b.a. T. G. DENNIS TRUCKING, 3600 Schurz Highway, Fallon, NV 89406. Representative: Robert G. Harrison, 4290 James Drive, Carson City, NV 89701 (702) 882–5048. Transporting *food and related products*, between points in NV.

MC 151010 (Sub-1), filed February 10, 1981. Applicant: COASTAL WOOD TREATING, LTD., Fredericton R.R.5, New Brunswick, Canada E3B 4X8. Representative: John E. Hess, P.O. Box 1238, Merrill Center, Bangor, ME 04401 (207) 947–0111. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with County Forest Products, Inc., of Patten, ME, Maritime Wood Preservers, Ltd., of Truro, Nova Scotia, Canada, and Atlantic Pressure Treating, Ltd., of Fredericton, New Brunswick, Canada.

MC 151690 (Sub-1), filed February 19, 1981. Applicant: GARY NEAL PIERCE, d.b.a. RENO-TAHOE TOUR COMPANY, 2503 East Second St., Reno, NV 89502. Representative: Gary Neal Pierce (same address as applicant) (702) 322–6343. Transporting *passengers and their baggage*, in special and charter operations, in vehicles having a seating capacity of not more than fifteen persons, beginning and ending at Carson City and Alpine, NV, and points in Washoe, and Storey Counties, NV, and extending to points in El Dorado and Placer Counties, CA.

MC 152370 (Sub-1), filed February 10, 1981. Applicant: COLOROW TRUCKING, INC., 932 Colorado Ave., Glenwood Springs, CO 81601. Representative: Timothy Robert Ferguson (same address as applicant) (303) 945–0347. Transporting *food and related products*, between points in Tarrant County, TX, on the one hand, and, on the other, points in Garfield and Eagle Counties, CO.

MC 152701 (Sub-2), filed February 26, 1981. Applicant: KRYDER'S, INC., P.O. Box 57, 14512 Leo Rd., Leo, IN 46765. Representative: Jerry P. Carnes (same address as applicant). Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with The Truck Engineering Company, Inc., of Fort Wayne, IN.

MC 153061 (Sub-1), filed February 10, 1981. Applicant: JAMES A. SCHENKER d.b.a. MERCHANTS DELIVERY SERVICE, 1901 Hawthorne St., Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001 (319) 557–1320. Transporting *general commodities* (except classes A and B explosives), between points in Carroll and Jo Daviess Counties, IL, Dubuque County, IA, and Grant, Iowa and Lafayette Counties, WI.

MC 153980 (Sub-1), filed February 23, 1981. Applicant: MELVIN HAMPTON, d.b.a. HAMPTON TRUCKING, Route 1, Box 145–B, Palmer, TN 37365. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237 (404) 477–1525. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gold Kist, Inc., of Atlanta, GA.

MC 153981 (Sub-1), filed February 9, 1981. Applicant: BINGHAM TRUCKING, INC., Route 2, Box 135, Chickasha, OK 73018. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106 (405) 528–3864. Transporting *metal and metal products, and rubber and plastic products,* between points in the U.S., under continuing contract(s) with Sterling Pipe & Supply Co. and Standard Steel Co., both of Oklahoma City, OK.

MC 154261, filed February 17, 1981. Applicant: PASCO PRODUCTS, INC., 2017 King Edward Ave., Cleveland, TN 37311. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402 (615) 756–3620. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Bowater Southern Paper Company, of Calhoun, TN.

MC 154290, filed February 9, 1981. Applicant: LANCE TRUCKING COMPANY, A Corporation, 1503 FM 1936, Odessa, TX 79766. Representative: Damon R. Capps, 1300 Main St., Suite 1230, Houston, TX 77002 (713) 658–6101. Transporting *mercer commodities, metal and metal products, machinery, and rubber and plastic products,* between points in OK, NM, TX and LA.

MC 154440, filed February 27, 1981. Applicant: PROTECTED SERVICES, INC., P.O. Box 8201, Shawnee Mission, KS 66208. Representative: Arthur J. Cerra, 2100 Charterbank Center, P.O. Box 19251, Kansas City, MO 64141 (816) 241–8544. Transporting *general commodities* (except classes A and B explosives), between Kansas City, MO, on the one hand, and, on the other, points in AR, IA, KS, MO, NE, and OK.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–8241 Filed 3–17–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-No. 12)]

Atchison, Topeka and Santa Fe Railway Co.; Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariff will become effective March 12, 1981. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Atchison, Topeka and Santa Fe Railway Company ("Santa Fe"), filed a petition requesting that a contract filed February 27, 1981, be made effective on one day's notice. Santa Fe and Chrysler Corporation ("Chrysler") have entered into a contract dated February 24, 1981 governing the transportation of set-up motor vehicles and vehicle parts shipments. The contract requires Chrysler to tender a minimum of 900 carload shipments for movement via Santa Fe. In return, Santa Fe is required to reduce its rates five percent on all shipments tendered under the contract. The contract has a term of ninety days. The purpose of the contract is to assist Chrysler in its effort to return to profitability and arrange for continued financing.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here. This is identical to actions taken to reduce the notice period in Ex Parte No. 387 (Sub-No. 1), *Southern Railway Exemption for Contract Tariff ICC–SOU–C–001,* served December 30, 1980 [46 FR 1358, January 6, 1981], Ex Parte No. 387 (Sub-No. 2), *Seaboard Coast Line Railway Company and Atchison Topeka and Santa Fe Railway Company Exemptions for Contract Tariffs,* served January 9, 1981 [46 FR 3664, January 15, 1981], and Ex Parte No. 387 (Sub-No. 5), *Consolidated Rail Corporation Exemption for Contract Tariff ICC–CR–C–0008,* served February 11, 1981 [46 FR 13048, February 19, 1981].

The carrier does not indicate whether protests are expected. However, we note that the Ex Parte No. 387 (Sub-Nos. 1, 2 and 5) exemption orders also cover special arrangements with automobile manufacturers. This proposal should enhance carrier service by encouraging efficient movement and should not impair the carrier obligation to provide service to other shippers. An earlier effective date is necessary to assist Chrysler in its financing arrangements.

Santa Fe has already indicated in its petition a willingness to be bound by the following conditions which have been imposed in similar exemption proceedings

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Thus, subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Decided: March 11, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–8240 Filed 3–17–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29556]

Burlington Northern, Inc.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the Burlington Northern, Inc. (BN) from (1) the requirement that it receive approval under 49 U.S.C. 10901 and 49 U.S.C. 11343 prior to performing operations over a segment of Missouri Pacific Railroad Company (Mo Pac) trackage between Tulsa, and Muskogee, OK; and (2) the requirement that BN receive approval under 49 U.S.C. 10903 to abandon its trackage rights over Mo Pac tracks between Henryetta and Muskogee, OK.

DATES: The exemption in (1) above is effective on March 18, 1981 and remains effective indefinitely thereafter unless revoked by the Commission. The exemption in (2) above is effective only after BN institutes service over the MP

trackage between Tulsa and Muskogee, OK. Petitions for reconsideration of this decision must be filed on or before April 7, 1981.

ADDRESSES: Send petitions for reconsideration to: (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th Street & Constitution Ave., NW., Washington, D.C. 20423; and (2) Petitioner's representatives: Eric A. Cunningham, Jr., Donald E. Ransom, Attorneys for Burlington Northern, Inc., 906 Olive Street, Suite 1023, St. Louis, MO 63101.

Pleasings should refer to Finance Docket No. 29556.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275–7245 or Ernest B. Abbott (202) 275–3002.

SUPPLEMENTARY INFORMATION:

Background

The St. Louis-San Francisco Railway Company (Frisco), predecessor in interest to Burlington Northern, Inc. (BN), acquired trackage rights during 1971 over the tracks of the Missouri Pacific Railroad Company (Mo Pac) between Henryetta and Muskogee, OK, a distance of 39.7 miles. The purpose of the trackage rights agreement was to enable Frisco, and thereafter BN, to serve shippers at Muskogee, OK; neither Frisco or BN has provided service to shippers located between Henryetta and Muskogee, OK.

Since inception of the trackage rights agreement, a paper mill was built at Muskogee, OK, resulting in a significant increase in rail traffic. However, the paper mill traffic is usually destined northbound and far exceeds total southbound traffic from Muskogee, OK. The present method of moving the northbound traffic is to move it soutwest the Henryetta, OK and then north, over BN track, to Tulsa, OK, where the traffic is "blocked" for northern destinations over BN. This partial "reverse" movement totals 98.7 miles. Moreover, the increased traffic over the Muskogee-Henryetta line has disrupted traffic over the Muskogee-Henryetta line and caused congestion at Muskogee.

To alleviate the operational problems resulting from this change in traffic patterns, BN proposes to move its northbound traffic from Muskogee over a Mo Pac line extending directly northwest to Tulsa, a distance of 51.76 miles, or approximately half the present routing distance. As in the case of the existing trackage rights arrangement, only Muskogee shippers will be served by BN. Mo Pac concurs in BN's proposal.

Once this change in routing is accomplished, BN sees no need to continue operations via trackage rights over Mo Pac's Muskogee-Henryetta line.

Discussion and Conclusions

A rail carrier may operate over the line of another railroad only if it has a service order to do so or has been granted a certificate under 49 U.S.C. 10901. Moreover, a rail carrier may acquire trackage rights over a line owned or operated by another rail carrier only with the approval of the Commission under 49 U.S.C. 11343. Abandonment of operations by a rail carrier over the lines of another carrier requires Commission authorization under 49 U.S.C. 10903.

However, Congress has given us authority under 49 U.S.C. 10505, as amended by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–448, October 14, 1980), to exempt certain rail matters as a means of eliminating burdensome regulation of rail carriers. That section directs us to exempt a transaction from the application of any provision of the Interstate Commerce Act when we find that (1) continued regulation is not necessary to carry out the Rail Transportation Policy in 49 U.S.C. 10101a; and (2) either (A) the transaction is of limited scope, or (B) regulation is not necessary to protect shippers from the abuse of market power.

We believe BN's proposal satisfies the criteria of section 10505. Exempting BN from the requirements of 49 U.S.C. 10901 and 49 U.S.C. 11343 will merely maintain BN's ability to serve shippers in Muskogee. Our approval of the proposed trackage rights agreement is not necessary to carry out any of the 15 factors listed in the rail transportation policy of section 10101a. The agreement will not have any effect on competition among rail carriers, and it will clearly improve efficiency. An exemption will reduce regulatory barriers to entry and exit from the industry (factor 7). Factor 15, providing for the encouragement and promotion of energy conservation, will similarly be met by a reduction in the number of train-miles, with resulting fuel savings.

Assuming that BN's shippers at Muskogee receive service—and better, more efficient service—the abandonment proposal is also consistent with the rail transportation policy. To require BN to operate between Muskogee and Henryetta in light of the new trackage rights arrangement would result in inefficient operations, and BN's unnecessary train movements over the line would waste fuel. However, if we were immediately to exempt BN's proposed abandonment of Henryetta-Muskogee service, BN would have no common carrier obligation to provide any service to Muskogee shippers until it institutes operations on MP's Henryetta-Tulsa line.[1] Moreover, our exemption to *permit* BN to operate from Muskogee to Tulsa does not *require* BN to provide this service. BN's current common carrier obligation to serve Muskogee exists only on the Muskogee-Henryetta route. BN's petition does not contain facts sufficient to support removal of its common carrier obligation in Muskogee. Accordingly, the exemption from section 10903 (requiring BN to obtain Commission approval prior to abandoning its Muskogee-Henryetta trackage rights) shall be effective only after BN institutes service as a common carrier to Muskogee shippers over the Muskogee-Tulsa line.

The transportation, including the proposed abandonment, is of limited scope because (1) it is a minor change for operating efficiency, (2) it involves relatively small amount of track located in one State and in a generally rural area, and (3) it should have no impact on any railroad employees or the operations of any other rail carrier.

Having concluded that the transaction is of limited scope, we need not determine whether prior approval of rail operations and abandonment is necessary to protect shippers from the abuse of market power. We note, however, that no shippers will lose service or be adversely affected. Indeed, our failure to grant the exemption would result in a continuation of inefficient rail operation and could be detrimental to their business operations through, *e.g.*, late deliveries.

To avoid continuation of inefficient rail operations and to reduce congestion on the Muskogee-Henryetta line, the exemption form § 11343(a) for trackage rights over the Henryetta-Tulsa line will become effective immediately.

Section 10505 enables us to revoke an exemption if we find the exempted provision necessary to carry out the rail transportation policy. We have found otherwise on the facts currently available to us. However, we will permit interested parties to file petitions for reconsideration alleging that grant of the exemption harms our ability to carry out the rail transportation policy. Petitions for reconsideration must be filed on or before April 7, 1981.

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[1] After BN begins operations on the Henryetta-Tulsa line, even when conducted under exemption, it is "providing transportation subject to the jurisdiction of the Interstate Commerce Commission" and, under 49 U.S.C. 10903(a), BN cannot discontinue or abandon this service absent a certificate of abandonment (or exemption) issued by the Commission.

Labor Protection

On January 21, 1981, the Railway Labor Executives' Association (RLEA) filed an opposition to the exemption petition, if labor protection conditions are not imposed. In granting this exemption, we may not relieve a carrier of its obligation to protect the interests of employees. 49 U.S.C. 10505(g)(1). Approval of a trackage rights agreement under section 11343 must include the employee protective conditons set forth in *Norfolk and Western Ry. Co.-Trackage Rights-BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.-Lease and Operate*, 360 I.C.C. 653 (1980). These conditions are here imposed as a condition to BN's exercise of the trackage rights exemption. The abandonment exemption similarly requires imposition of labor protective conditions. 49 U.S.C. 10903(b)(2). The appropriate level of protection is found in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 90 (1979). These conditions are here imposed as a condition to BN's exercise of the abandonment exemption.

We find:

(1) Application of the requirements of 49 U.S.C. 10901, 11343 and 10903, that BN receive prior authority to operate over the Mo Pac rail line between Tulsa and Muskogee, OK, and to abandon operations over the Mo Pac rail line between Muskogee and Henryetta, OK, is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to relieve BN from an obligation either (a) to provide contractural terms for liability and claims which are consistent with 49 U.S.C. 11707, or (b) to protect the interest of its employees.

(4) This decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505 we exempt the operation by BN over the Mo Pac rail line, between Muskogee and Tulsa, OK from 49 U.S.C. 10901 and 49 U.S.C. 11343, subject to the employee protective conditions imposed in *Norfolk & Western Ry. Co.-Trackage Rights-BN*, 354 I.C.C. 650 (1978), as modified by *Mendocino Coast Ry., Inc.-Lease and Operate*, 360 I.C.C. 653 (1980).

(2) Pursuant to 49 U.S.C. 10505, we exempt the abandonment of operations by BN over the Mo Pac line between Muskogee and Henryetta, OK, from the requirements of 49 U.S.C. 10903, subject to the employee protective conditions imposed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 90 (1979). This exemption will become effective only after BN has provided, over the Muskogee-Tulsa line, transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of Title 49, United States Code.

(3) These exemptions will continue indefinitely unless revoked by further action of the Commission.

(4) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, Federal Register, for publication.

(5) This decision shall be effective immediately.

(6) Petitions to reopen this proceeding for reconsideration must be filed no later than 20 days after the date of this publication.

Decided: March 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8250 Filed 3-17-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29489]

Consolidated Rail Corp., Control and Lease, Detroit Terminal Co.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of its prior approval under 49 U.S.C. 11343 the sole control by Consolidated Rail Corporation (Conrail) of Detroit Terminal Railroad Company (DTRC) and the lease by Conrail of all DTRC properties for continued operations.

DATES: The exemption will be effective April 17, 1981. Petitions for reconsideration of this action must be filed on or before April 7, 1981.

ADDRESS: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th & Constitution Ave., NW., Washington, DC 20423; and

(2) Petitioner's representative: Charles E. Mechem, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Conrail filed a petition under 49 U.S.C. 10505 on September 15, 1980, to exempt its proposed acquisition of control and lease of DTRC from the provisions of 49 U.S.C. 11343 or in the alternative, for a waiver of certain of the requirements of 49 CFR Part 1111 relating to the acquisition of control and lease.

Section 10505 (as amended by the Staggers Act of 1980, Pub. L. No. 96-448 (October 14, 1980) allows the Commission to exempt a transaction if it finds that (1) regulation is not necessary to carry out the transportation policy of section 10101a; and (2) the transaction is either of limited scope, or regulation is not needed to protect shippers from the abuse of market power.

Proposed Transaction

DTRC owns 16.1 miles of belt line in Detroit, MI. It has direct track connections with Conrail, Grand Trunk Western Railroad (GTW), the Norfolk and Western Railway Company, the Chesapeake and Ohio Railway Company, and the Detroit, Toledo and Ironton Railroad Co. Conrail and GTW each own 50 percent of DTRC's stock. DTRC maintains its own engines and crews to provide switching service for these railroads.

Conrail and GTW are are successors to a 1906 operating agreement which provides, among other things, that in any year during which DTRC incurs an operating deficit, the deficit shall be offset by the owning companies in proportion to the number of cars handled for each during that year. DTRC has sustained large deficits the last several years. For those loaded cars handled in 1979 for Conrail and GTW, 89 percent were Conrail cars. Under the 1906 Agreement, Conrail had to pay 89 percent ($804,214) of DTRC's deficit in 1979.

Conrail and GTW propose to terminate the 1906 agreement, and have DTRC acquire GTW's 50 percent stock interest for $1. The stock will be cancelled by DTRC which will then become a wholly-owned subsidiary of Conrail. Conrail will lease all of DTRC's properties at a rental equal to the yearly deductions for the depreciation or amortization of the leased properties.

The Statute

Rail Transportation Policy

Regulation of the proposed transaction by Conrail is not necessary to carry out the goals of section 10101a. Conrail would become complete owner of a small and unprofitable company that is badly in need of restructuring in order to help it out of financial difficulties. The transaction will not affect the considerations of the rail transportation policy, since elimination

of an unequal partner, which does not share a significant burden in making up DTRC's large deficits, will be the only change resulting from the transaction. As a 100 percent owner of DTRC, Conrail would have more incentive to make needed improvements in DTRC's operations than it would have as a half/owner. for example, Conrail plans to invest $150,000 to construct a new connection to facilitate the traffic flow between Conrail and DTRC.

Limited Scope

Conrail wants sole control of a company in which it is already investing substantial sums of money. DTRC's total deficit has risen from $233,593 in 1977 to $887,151 in 1979. Its large and continuing deficits represent a financial burden on both of its owners, but a substantial amount of that burden falls on Conrail. Conrail has far more at stake in the financial and operating performance of DTRC than its equal partner GTW. The transaction proposed by Conrail is a minor refinement in corporate structure.

Since DTRC already handles a substantial amount of Conrail's traffic in the Detroit area, and Conrail is providing the funds to keep DTRC afloat, approval of the transaction will result in very little substantive change of DTRC's operations.

The transaction is also of minor geographic significance since DTRC owns only 16.1 miles of track. It will not affect the competitors of Conrail or DTRC. The purpose of this transaction is to consolidate traffic, equipment and operation of the two companies in order to permit a more efficient and expeditious operation. DTRC will continue to provide the same services to the other connecting railroads, with no change in the traffic volumes, markets, or customers of Conrail or GTW. No change in rail competition will result from this transaction.

Because it will be subject to employee protection, the transaction will have a limited effect on the employees of DTRC. DTRC has approximately 187 employees, including officers and supervisors. In its petition, Conrail estimates 42 positions with total salaries of $1,172,174 will be eliminated. Conrail has indicated, however, that it will protect affected employees by offering some of those employees positions elsewhere in the Conrail system, and providing protection in accordance with the requirements established in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

We conclude that the proposed transaction is of limited scope. Having found it to be of limited scope, it is not necessary for us to consider whether our regulation is needed to protect shippers from the abuse of market power. However, Conrail did explain the transaction to the shippers served by DTRC, and none expressed opposition or objection.

Prior Criteria. In addition to meeting the criteria of section 10505, as amended by the Staggers Act, this proposal also meets the criteria of former section 10505. We have already determined that the transaction is of limited scope. Furthermore, the discussion relating to 49 U.S.C. 10101a also applies to the National Transportation Policy of 449 U.S.C. 10101. Because of the transaction's limited scope, the lack of impact on the transportation policy, and the resources required to prepare and review an application under 49 U.S.C. 11343–11344, our review of the transaction would place an unreasonable burden on petitioner and would serve little or no useful public purpose.

We conclude that exemption of the transaction between Conrail, DTRC, and GTW from 49 U.S.C. 11343 meets the statutory requirements of section 10505. This transaction is the type which Congress intended the Commission to exempt in enacting section 10505. The power to exempt from regulation enables the Commission and the railroads to commit their limited resources in areas where they are most needed by allowing the Commission to effectively deregulate those areas which have no significant bearing on the overall regulatory scheme.

Since we will exempt the transaction, there is no need to discuss the issue of waiver.

We find:

(1) The application of the requirements of 49 U.S.C. 11343 to Conrail's acquisition of control and lease of DTRC is not necessary to carry out the transportation policy of 49 U.S.C. 10101a; and the transaction is of limited scope.

(2) This decision will not operate to relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707 or (b) to protect the interests of employees as required by 49 U.S.C., Subtitle IV.

(3) This decision is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered:

(1) Consolidated Rail Corporation is exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343 for the limited purpose of acquiring control of the Detroit Terminal Railroad Company, subject to the conditions for the protection of employees imposed in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

(2) If Conrail acquires DTRC as a wholly-owned subsidiary, Conrail shall have 60 days after consummation of the transaction to submit three copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, Federal Register for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. Conrail must consummate this acquisition during that time in order to take advantage of the exemption.

(5) This decision shall be effective April 17, 1981.

(6) Petitions to stay the effective date of this decision must be filed no later than March 30, 1981.

(7) Petitions to reopen the proceeding for reconsideration must be filed no later than April 7, 1981.

Decided: March 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8249 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: March 10, 1981.

In our decision of February 25, and March 3, 1981, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 19.1-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 19.0-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor the 7.1-percent surcharge for the bus carriers, nor the 2.2-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. March 13, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 80.5¢

Date of current price measurement and price per gallon (including tax)

March 9, 1981 ..... 135.3¢

	Transportation performed by—			
	Owner operator[1]	Other[2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	4.3	3.3
Percent surcharge developed	18.1	3.3	7.1	[3]3.0
Percent surcharge allowed	18.0	3.3	7.1	[4]2.2

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-8237 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-Volume 87]

Motor Carrier Permanent Authority Decision; Decision-Notice

Decided: March 11, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Carleton, Joyce, and Jones.

Agatha L. Mergenovich,

Secretary.

MC-F-14549, filed January 13, 1981, previously published in the Federal Register issue of February 24, 1981, and republished this issue.

COOPER MOTOR LINES, INC. (COOPER) (P.O. Box 2820, Greenville, SC 29602)—continuance in control—Park Place Equipment Services, Inc. (Park) (P.O. Box 2820, Greenville, SC 29602). Representative: Francis W. McInerny, 1000 16th St., N.W., Suite 502, Washington, DC 20036.

Cooper seeks authority to continue in control of PARK upon the institution by PARK of operations in interstate or foreign commerce, as a motor contract carrier. Calhoun Lemon, Chairman of the Board, and Treasurer, also seeks to continue in control.

Park has filed an application in MC-153606 to transport general commodities, between points in the US.

Cooper is a motor common carrier pursuant to certificates issued in MC-47171 and sub-numbers thereunder.

Calhoun Lemon also has an interest in Southern Bulk Haulers, Inc. (MC-119580); The Geo. A. Rheman Co., Inc. (MC-103191); and Cement Transport, Inc. (MC-138646). (Hearing site: Washington, DC or Atlanta, GA.)

Note.—PARK has filed as a directly related application its initial contract carrier application. The directly related application, docketed No. MC-153606, and this MC-F 14549 application are both being republished to include them in the same Federal Register issue.

[FR Doc. 81-8247 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer

to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–672

Decided: March 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Member Taylor Dissenting in Part.)

MC 5881 (Sub-3F), filed December 11, 1980, and previously noticed in the **Federal Register** issues of January 7, 1981, and February 9, 1981, respectively. Applicant: UNDERFANGER MOVING & STORAGE, INC., 3001 West Mayflower Blvd., Springfield, IL 62707. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036. Transporting *household goods*, (1) between points in IL, MO, IN, IA, WI, and KY, and (2) between points in IL, MO, IN, IA, WI, and KY, on the one hand, and, on the other, points in CO, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MS, AL, TN, KY, IN, MI, OH, WV, VA, NC, SC, GA, FL, MA, RI, CT, NY, NJ, PA, DE, MD, and DC.

Note.—This republication adds SC to the radial territory in part (2).

MC 152701 (Sub-1), filed January 19, 1981. Applicant: KRYDER'S, INC., P.O. Box 57, 14513 Leo Rd., Leo, IN 46765. Representative: Jerry P. Carnes (same address as applicant). Transporting *waste or scrap materials*, and *metal products*, between points in the U.S., under continuing contract(s) with Dallas Scrap Bailing, of Dallas, TX.

MC 154001, filed February 6, 1981. Applicant: DANIEL P. BECKER AND GREGORY J. BECKER, d.b.a. GOLDEN STATE FAST FREIGHT, P.O. Box 5476, Long Beach, CA 90805. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *Mercer commodities*, between points in AZ, CA, CO, ID, KS, LA, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8236 Filed 3-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later became unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY3-007

Decided: March 9, 1981.

By the Commission, Review Board No. 1, members Carleton, Fisher, and Williams.

MC 112014 (Sub-32), filed February 9, 1981. Applicant: SKAGIT VALLEY TRUCKING CO., INC., P.O. Box 400, Mount Vernon, WA 98273. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, (206) 622-3220. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons or munitions), between points in the U.S.

MC 154174, filed February 9, 1981. Applicant: DEVCON, INC., P.O. Box 296, Flanders, NJ 07836. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8239 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. One this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-071

Decided: March 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 154480, filed March 3, 1981. Applicant: CANNONBALL, INC., 400 North Orleans, Chicago, IL 60610. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603 (312) 236-9375. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8240 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[ICC Order No. 75, Under Service Order No. 1344]

Rerouting Traffic

To All Railroads:

In the opinion of Joel E. Burns, Agent, the Southern Pacific Transportation Company is unable to transport traffic over its lines between Jacksonville, Texas, and Lufkin, Texas, because of track conditions.

It is ordered,

(a) *Rerouting traffic.* The Southern Pacific Transportation Company being unable to transport traffic over its line between Jacksonville, Texas, and Lufkin, Texas, because of track conditions, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were

applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 3, 1981.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1981, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 2, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-8238 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[No. 15037]

Southwestern Millers' League v. Atchison, T. & S.F. Ry. Co.; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: By decision issued this date, the Commission has vacated its earlier orders in docket No. 15037. These orders prescribed two sets of proportional rates on grain, grain products, and grain by-products, in carloads, from Chicago, IL, and related gateways to destinations in central territory, on traffic from Minneapolis-Duluth, MN, and Missouri River Cities (including Omaha, NE, and Council Bluffs, IA, South to St. Joseph and Kansas City, MO), and through rates from the Missouri cities. The Commission found that continuing the prescriptions would be inconsistent with the Railroad Revitalization and Regulatory Reform Act of 1976 and the Staggers Rail Act of 1980 and inappropriate in light of changed conditions.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275-7656.

EFFECTIVE DATE: March 18, 1981.

SUPPLEMENTARY INFORMATION: Copies of the complete decision are available, upon request, from the Secretary, I.C.C., Washington, DC, 20423 or by calling 800-424-5403.

This decision will not affect significantly either the quality of the human environment or conservation of energy resources.

Decided: March 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8240 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 405]

Alaska Railroad Freight Rates Study—1980

AGENCY: Interstate Commerce Commission.

ACTION: Notice of study of Alaska rail rates conducted pursuant to Section 709 of the Staggers Rail Act of 1980.

SUMMARY: This is a revision of the scope of the Alaska Railroad Freight Rate Study published on January 6, 1981, 46 FR 1359. The study will be limited to Alaska Railroad ICC Tariffs 4108 and 4109 (including Supplements 1 through 4). The study will be conducted by Commission Staff using Alaska Railroad data. The Alaska Railroad is relieved of the filing requirements as originally published in the prior Notice. Alaska Railroad data of a proprietary nature will not become a part of the Commission's workpapers and will not be disclosed beyond the extent necessary to fulfill the requirements of the legislation.

DATES: The following schedule will be maintained: (1) Preliminary report to be furnished to Congress on April 1, 1981. (2) Public comments within thirty days thereafter. (3) A final report will be furnished to Congress thirty days after the comment period.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275-7354

SUPPLEMENTARY INFORMATION: The Staggers Rail Act of 1980, section 709 orders that this study be conducted. To meet the statutory six-month deadline extensions of time cannot be granted. The date for submission of this study to Congress is April 1, 1981. A request by Totem Ocean Trailer Express, Inc., dated January 9, 1981, for a more extensive study was denied by decision served March 10, 1981.

Decided: February 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Note.—A copy of this notice shall be served on the Commission's Office of Special Counsel, The Governor of Alaska, Sealand Corporation, Totem Ocean Trailer Express, Inc., Georgia Pacific Corporation, The Secretary of the Department of Transportation, The Administrator of the Federal Railroad Administration, and the General Manager of the Alaska Railroad.

[FR Doc. 81-8245 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-1842]

American Envelope Co. v. A. H. Truck Lines, Inc., et al; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: Central States Motor Freight Bureau, Inc. sought reconsideration of the exception rating prescribed by the Commission in 1962 for less-than-truckload (LTL) shipments of paper envelopes within petitioner's region. The Commission reopened this proceeding and requested comments on the continuing appropriations of this prescription. 45 FR 58236 (September 2, 1980). In the decision served March 9, 1981, the Commission found that the 1962 order prescribing lower than class rates for LTL shipments of paper envelopes within central territory is no longer justified. The order was vacated.

EFFECTIVE DATE: April 17, 1981.

ADDRESS: Copies of the complete decision may be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, DC, 20423, or by calling 800-424-5403.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall (202) 275-7656.

Dated: March 4, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp,

Trantum, and Gilliam. Commissioner Clapp concurred in the result.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8048 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 287 (Sub-14)]

Consolidated Rail Corp., Exemption For Contract Tariff ICC-CR-C-0009

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariff will become effective on one day's notice. This exemption may be revoked if protests are filed on or before April 2, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: Consolidated Rail Corporation (Conrail) has requested that we authorize short notice for its proposed tariff ICC-CR-C-0009. That tariff reflects a three year contract with Hamilton Parker Company, subject to automatic annual renewals thereafter. Conrails seeks to advance the effective date to March 15, 1981.

The purpose of the contract is to enable Conrail to assume the operation and maintenance of an industrial lead track extending to and from Hamilton-Parker's facility at Columbus, Ohio. This track is now operated by the Ohio Railroad Transportation Authority, (ORTA) which does not object to being relieved of this track responsibility.

Tariff ICC-CR-C-0009 provides that in consideration of Conrail's service and maintenance of the industrial track, Hamilton—Parker will pay a service charge of $50.00 per loaded car, subject to a maximum annual payment of $2000 based on a 40-revenue roadhaul carload minimum annual volume.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. C.F. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption and we do so here.

The contract is to benefit the shipper. Hamilton—Parker will pay a substantially lower charge to Conrail than it now pays ORTA. We believe that the contract proposal will enhance carrier service by encouraging efficient use of transportation facilities and should not impair the carrier's obligation to provide service to other shippers. Conrail states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted.

Conrail has already indicated in its petition, a willingness to be bound by the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed on or before April 2, 1981.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: March 12, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8041 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-046]

Motor Carrier; Permanent Authority Decisions; Correction

Decided: February 20, 1981.

The following volume was incorrectly published on March 5, 1981 under the fitness guidelines, and is being republished this issue to reflect that the following applications fall under the non-fitness standards.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2. Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 200 (Sub-548), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-550), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-554), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-559), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-561), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-562), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-567), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-575), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-579), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-581), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 531 (Sub-459), filed February 5, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Huges (same address as applicant).

MC 2110 (Sub-10), filed February 4, 1981. Applicant: BOWLUS TRUCKING & CO., INC., 200 County Road 143, Fremont, OH 43420. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017.

MC 7840 (Sub-39), filed February 4, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001.

MC 52460 (Sub-315), filed February 5, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9837, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant).

MC 67450 (Sub-108), filed February 2, 1981. Applicant: PETERLIN CARTAGE CO., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603.

MC 67450 (Sub-110), filed February 4, 1981. Applicant: PETERLIN CARTAGE CO., A Corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603.

MC 82841 (Sub-302), filed February 3, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106.

MC 93980 (Sub-89), filed February 4, 1981. Applicant: VANCE TRUCKING COMPANY, INC., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, DC 20004.

MC 111611 (Sub-53), filed February 6, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111.

MC 111651 (Sub-18), filed February 4, 1981. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6910 Prescott Ave., St. Louis, MO 63147. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105.

MC 114211 (Sub-304), filed February 5, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant).

MC 115651 (Sub-97), filed February 2, 1981. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 30, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001.

MC 121470 (Sub-75), filed February 5, 1981. Applicant: TANKSLEY TRANSFER COMPANY, a Corporation, 801 Cowan St., Nashville, TN 37207. Representative: Helen Jones (same address as applicant).

MC 124821 (Sub-115), filed January 30, 1981. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507.

MC 128270 (Sub-50), filed January 21, 1981. Application: REDIEHS INTERSTATE, INC., 1477 Ripley St., Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601.

MC 135070 (Sub-180), filed February 3, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501.

MC 135070 (Sub-181), filed February 5, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501.

MC 136161 (Sub-36), filed February 5, 1981. Applicant: ORBIT TRANSPORT, INC. P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th ST., N.W., Washington, DC 20001.

MC 138360 (Sub-4), filed February 4, 1981. Applicant: PRESTON DOBBS, d.b.a. PRESTON DOBBS TRUCK SERVICE, P.O. Box 11, Hamilton, MS 39746. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205.

MC 142120 (Sub-3), filed February 4, 1981. Applicant: LENZNER COACH LINES, INC., d.b.a. NORTH BOROUGHS CAB, Mt. Nebo Road, R.D. #2, Sewickley, PA 15143. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219.

MC 142210 (Sub-2), filed February 3, 1981. Applicant: JOHN N. SCOTT, d.b.a. SCOTT'S MOTOR LINE, 1928 S. Institute, Colorado Springs, CO 80906.

Representative: John N. Scott (same address as applicant).

MC 142920 (Sub-20), filed February 6, 1981. Applicant: OLIVER TRUCKING CORP., 2203 West Oliver St., Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048.

MC 145051 (Sub-1), filed February 5, 1981. Applicant: PYRAMID TRANSPORTATION, INC., 3103 East 79th St., Chicago, IL 60649. Representative: William H. Towle, 180 North La Salle St., Chicago, IL 60601.

MC 145120 (Sub-9), filed February 5, 1981. Applicant: HOLMDEL TRUCKING COMPANY, a Corporation, 18 Hackensack Ave., S. Kearney, NJ 07032. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036.

MC 145950 (Sub-69), filed February 3, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Arthur W. Grimes (same address as applicant).

MC 148320 (Sub-6), filed February 3, 1981. Applicant: MHB INC., 204 E. North St., Warsaw, NC 28398. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168.

MC 148380 (Sub-7), filed February 6, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603.

MC 148600 (Sub-9), filed January 30, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, West Chicago, IL 60185. Representative: R. Stephen Heisley, 666 Eleventh Street NW., No. 805, Washington, DC 20001.

MC 149311 (Sub-1), filed February 5, 1981. Applicant: RADFORD TRANS, INC., Oceana Way, Norwood, MA 02062. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181.

MC 150181 (Sub-1), filed February 5, 1981. Applicant: RUDY'S LIMOUSINE SERVICE, INC., 15 Neil Lane, Riverside, CT 06878. Representative: Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004.

MC 150290 (Sub-5), filed February 3, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 601 West Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904.

MC 151480 (Sub-2), filed February 4, 1981. Applicant: SUNBELT EXPRESS, INC., P.O. Box 13008, Florence, SC 29504. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168.

MC 151540 (Sub-2), filed February 5, 1981. Applicant: E.S.T.B., INC., 21 Pier Lane, Roseland, NJ 07068. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006.

MC 153591, filed January 13, 1981. Applicant: TROYER TRUCKING, INC., 5260 North Wapak Road, Elida, OH 45807. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215.

[FR Doc. 81-8343 Filed 3-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Applications; Corrections

The following volumes were incorrectly published on March 3, 1981 under the fitness guidelines, and are being republished this issue to reflect that the following applications fall under the non-fitness standards.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations or jurisdictional questions) we find, preliminarily, that each applicant had demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal of any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-045

Decided: February 20, 1981.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 200 (Sub-565), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-576), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-580), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 33970 (Sub-24), filed February 6, 1981. Applicant: GEORGE HILDEBRANDT, INC., R.D. #4, Hudson, NY 12534. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006.

MC 4717 (Sub-203), filed February 4, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant).

MC 48441 (Sub-70), filed February 5, 1981. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001.

MC 65491 (Sub-17), filed February 6, 1981. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd St., Bronx, NY 10469. Representative: William Biederman, 371 Seventh Avenue, New York, NY 10001.

MC 72420 (Sub-11), filed January 21, 1981. Applicant: THE ACE MOTOR TRANSPORT CO., a corporation, 3103 Tiffin Ave., Sandusky, OH 44870. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215.

MC 85970 (Sub-47), filed January 30, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137.

MC 106920 (Sub-124), filed February 6, 1981. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001.

MC 108341 (Sub-202), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant).

MC 113460 (Sub-11), filed January 23, 1981. Applicant: BLACKHAWK TRANSPORTATION, INC., Box 3008, Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309.

MC 115311 (Sub-404), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301.

MC 119641 (Sub-188), filed February 2, 1981. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204.

MC 121081 (Sub-8), filed February 4, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168.

MC 124221 (Sub-72), filed February 2, 1981. Applicant: HOWARD BAER, P.O. Box 47, Morton, IL 61550. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204.

MC 127820 (Sub-19), filed February 5, 1981. Applicant: TRANS-SERVICE, INC., 1943 S. Lawn Ext., Coshocton, OH 43812. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017.

MC 127840 (Sub-170), filed February 5, 1981. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601.

MC 140460 (Sub-12), filed February 6, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 186, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington, DC 20006.

MC 141700 (Sub-3), filed February 4, 1981. Applicant: KENNETH SCHUCK TRUCKING, INC., R.D. #8, Box 392, Allentown, PA 18104. Representative: Robert J. Brooks, Suite 1115, 1828 L St., N.W., Washington, DC 20036.

MC 142660 (Sub-16), filed January 28, 1981. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349.

MC 143300 (Sub-8), filed February 2, 1981. Applicant: J. C. WOOLDRIDGE, INC., Route 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168.

Volume No. OP1-047

Decided February 23, 1981.

By the Commission, Review Board Number 2, Members Chandler, Easton and Liberman.

MC 200 (Sub-558), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 200 (Sub-578), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant).

MC 890 (Sub-4), filed February 5, 1981. Applicant: ADKINS TRUCKING AND FREIGHT LINES, INC., Box 190, 750 Charles St., Gloucester City, NJ 08030. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107.

MC 75840 (Sub-153), filed January 30, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Ave. South, Birmingham, AL 35222.

MC 90670 (Sub-44), filed January 23, 1981. Applicant: RIECHMANN ENTERPRISES, INC., Route 1, Box 1284, Granite City, IL 62040. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307.

MC 106400 (Sub-129), filed February 5, 1981. Applicant: KAW TRANSPORT COMPANY, a corporation, P.O. Box 8510, Sugar Creek, MO 64054. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601.

MC 108341 (Sub-203), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant).

MC 111671 (Sub-11), filed February 5, 1981. Applicant: SOUTHEASTERN FREIGHT LINES, INC., U.S. Hwy 387, P.O. Box 5867, Columbia, SC 29250. Representative: Thomas G. Sloan (same address as applicant).

MC 117201 (Sub-50), filed February 6, 1981. Applicant: INTERSTATE DISTRIBUTING CO., a corporation, 6311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissioniere, 15 S. Grady Way, Suite 233, Renton, WA 98055.

MC 128720 (Sub-13), filed February 6, 1981. Applicant: MERCHANTS FREIGHT LINE, INC., 1165 Omohundro Drive, Nashville, TN 37210. Representative; Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC.

MC 135410 (Sub-121), filed January 26, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th St. Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068.

MC 144471 (Sub-1), filed February 6, 1981. Applicant: CLAUSEN BUS SERVICE, INC., 123 East Mineola Ave., Valley Stream, NY 11580. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022.

MC 145230 (Sub-8), filed January 23, 1981. Applicant: H & S TRUCKING, INC., P.O. Box 127, Wesson, MS 39191. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205.

MC 145371 (Sub-7), filed January 30, 1981. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068.

MC 145441 (Sub-141), filed January 30, 1981. Applicant: A.C.B. TRUCKING,

INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant).

MC 145441 (Sub-142), filed January 30, 1981. Applicant: A.C.E. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant).

MC 146600 (Sub-33), filed February 6, 1981. Applicant: C & E TRANSPORT, INC. d.b.a. C.E. ZUMSTEIN CO., a corporation, P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 666 Eleventh St., N.W., Suite 805, Washington, DC 20001.

MC 146041 (Sub-7), filed February 5, 1981. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92628. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005.

MC 146761 (Sub-3), filed February 2, 1981. Applicant: P. J. TRUCKING, INC., P.O. Box 376, Summit, IL 60501. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956.

MC 146060 (Sub-6), filed February 2, 1981. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612.

MC 146600 (Sub-8), filed February 2, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 806 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001.

MC 146871 (Sub-3), filed February 5, 1981. Applicant: PORT TERMINAL REFRIGERATED TRANSPORT, INC., Foot of Algiers St., Port Newark, NJ 07114. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326.

MC 152190 (Sub-1), filed February 2, 1981. Applicant: HOUGHTON TRUCKING, Inc., Houghton, IA 52631. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309.

MC 152391 (Sub-2), filed February 3, 1981. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 824 27th Ave., S.W., Cedar Rapids, IA 52404. Representative: Virginia A. Wilson (same address as applicant).

MC 152741 (Sub-1), filed February 6, 1981. Applicant: APPALACHIAN FREIGHT CARRIERS, INC., P.O. Box 307, Edinburg, VA 22824. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004.

MC 153621 (Sub-54), filed February 5, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., P.O. Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014.

MC 154112, filed February 5, 1981. Applicant: HENRY J. BLANCHARD & SONS, INC., 98 Liberty St., Danvers, MA 01923. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8230 Filed 3-17-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 39]

Motor Carriers; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: March 11, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its request removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

FF 173 (Sub-3)X, filed February 24, 1981. Applicant: SEAPOOL, INC., 333 So. Flower Street, Los Angeles, CA 90071. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-No. 3 freight forwarder permit by eliminating the exceptions "fur skins, dried eggs, bristles, and hog casings," when destined to New York, NY, and used household goods and used automobiles, "from its general commodities authority"; by removing the "when imported" restriction; by expanding city authority to countywide authority as follows: Seattle to King County, WA, Longview to Cowlitz County, WA, Stockton to San Joaquin County, CA, and San Diego to San Diego County, CA; by expanding its one-way authority to radial authority between King and Cowlitz Counties, WA, Portland, OR, San Francisco and Los Angeles, CA and San Joaquin and San Diego Counties, CA, and, points in the United States in and east of ND, SD, NE, CO, OK, and TX.

MC 2202 (Sub-665)X, filed February 26, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, Akron OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Washington, DC 20014. Applicant seeks to remove restrictions in its Sub 491 acquired in MC-F-12555 to (1) authorize service at all intermediate points on its regular routes between Knoxville, TN, and Chattanooga, TN; and (2) remove the restriction to service at Chattanooga, TN for purposes of joinder only on its regular routes between (a) Knoxville, TN, and Chattanooga, TN, and (b) Kingston, TN, and Chattanooga, TN.

MC 5470 (Sub-233)X, filed February 24, 1981. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918—16th Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 75, 94, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, k132, 135, 136, 137, 138, 139, 140F, 142F, 144F, 146F, 147F, 148F, 150F, 151F, 152F, 154F, 155F, 156F, 157F, 158F, 159F, 160F, 161F, 162F, 163F, 167F, 168F, 170F, 171F, 172F, 173F, 174F, 175F, 177F, 179F, 180F, 186F, 187F, 188F, 189F, 191F, 192F, 194F, 195F, 196F, 197F, 198F, 201F, 202F, 203F, 205F, 206F, 208F, 212F, 214F, 216F, 217F, 218F, 219F, 220F, 221F, 222F, 223F, 224F, 225F, 226F, 228F, 229F, and 230F, (1) by removing the restrictions which limit service to "in dump vehicles"; (2) by broadening the commodity discriptions from "alloys", "pig iron", "silicon metals", "manganese metals', "aluminum ingots, billets, blooms, sows, slabs, pigs, and dross", to "primary metal products" wherever they appear in the lead and subs 75, 103, 104, 110,

120, 121, 122, 123, 127, 128, 129, 136, 137, 138, 142F, 144F, 148F, 156F, 159F, 161F, 165F, 166F, 167F, 171F, 174F, 175F, 179F, 195F, 197F, 201F, 214F, 221F, 222F, 225F, and 229F; (3) by broadening the commodity description from such bulk commodities as are usually transported in dump vehicles to "commodities in bulk" wherever it appears in the lead certificate and Subs 94, 128, 191F, 196F, and 127F; (4) by broadening the territorial authority from (a) Calvert City, KY, to Marshall County, KY, in the lead and Sub 165; (b) Niagara Falls, NY, to Niagara County, NY, in the lead; (c) Vancoram, OH, to Jefferson County, OH, in the lead; (d) Erie, PA, to Erie County, PA, in the lead and Sub 139; (e) facilities at Vancoram, OH, and Graham, WV, to Jefferson County, OH, and Mason County, WV, in the lead; (f) facilities at East Liverpool, OH, and Braddock, PA, to Columbiana County, OH, and Allegheny County, PA, in the lead; (g) Ashtabula, County, OH, in the lead and Subs 110, 120, and 221F; (h) Marietta, OH, to Washington County, OH in the lead; (i) Alloy, WV, to Fayette County, WV, in the lead; (j) Neville Island, PA, to Allegheny County, PA, in Sub 112; (k) facilites at Paducah, KY, to McCracken County, KY, in Sub 126; (1) facilities at and Maple Grove, OH, to Seneca County, OH, in Subs 131 and 156F; (m) facilities at Detroit, MI, to Detroit, MI, in Sub 171F; (n) facilities at Dayville, CT; Forest Park, GA, Gas City, and Indianapolis, IN; Jackson, MS; and Knox, Marienville and Parker, PA, to Windham County, CT; Clayton County, GA; Grant and Marion Counties, IN; Hinds County, MS; and Clarion, Forest, and Armstrong Counties, PA, in Sub 173F; (o) facilities at Hickman, KY, to Fulton County, KY, in Sub 198F; and (p) facility at Perth Amboy, NJ, to Middlesex County, NJ, in Sub 217F; (5) expand one-way authority to radial authority in the lead and Subs 75, 98, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110, 112, 115, 117, 118, 120, 123, 124, 125, 126, 127, 128, 131, 132, 135, 136, 137, 138, 139, 140F, 142F, 144F, 146F, 148F, 150F, 151F, 152F, 154F, 155F, 156F, 158F, 159F, 160F, 162F, 163F, 164F, 165F, 166F, 167F, 168F, 170F, 172F, 173F, 174F, 175F, 177F, 179F, 180F, 186F, 187F, 188F, 189F, 192F, 194F, 195F, 197F, 200F, 201F, 202F, 203F, 205F, 206F, certificate missing, 216F, 217F, 218F, 219F, 220F, 221F, 222F, 223F, 226F, and 230F; and (6) remove the exceptions AK and HI in Subs 105, 109, 206F, 208F, 212F, and 219F.

MC 61977 (Sub-39)X, filed February 23, 1981. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., P.O. Box 5628, Huntington, WV 25703. Representative: N.W., Bowen, Jr. (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 4F, 6F, 7F, and 8F permits by (1) broadening the commodity description (a) from iron and steel articles as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "such commodities as ar e dealt in by manufacturers of iron and steel articles" in Sub-No. 4F; (b) from plastic pipe and fittings, insulation board, asbestos fibre cement pipe and building materials to "rubber and plastic products, pulp, paper and related products, clay concrete, glass or stone products and building materials" in Sub-No. 6F; (c) from general commodities (except classes A and B explosives)" in Sub-Nos. 7F, and 8F, (2) removing the "except commodities commodities in bulk" restriction in Sub-No. 4F; and (3) broadening the territory description to between points in the U.S. under continuing contract(s) with named shippers.

MC 72069 (Sub-35)X, filed February 26, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Applicant seeks to remove restricitons in its MC 148476 (Sub-2)F permit to (1) change the commodity description form baker's yeast and brewers yeast to "food and related products" and (2) change the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 89913 (Sub-67)X, filed February 23, 1981. Applicant: FRISCO TRANSPORTATION COMPANY, 906 Olive Street, St. Louis, MO 63101. Representative: William R. Power, 176 East Fifth Street, St. Paul, MN 55101. Applicant seeks to remove restrictions from its lead and Sub-Nos. 46, 47, 50, 51, 52, and 55 certificates to authorize service to all intermediate points which *are not* stations on the lines of railroads over a network of regular routes between named points in the States of, as pertinent, MO, AR, KS, TN, MS, OK, TX, and IL in the lead and each of the above-numbered subs.

MC 102817 (Sub-30)X, filed February 27, 1981. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Road, P.O. Box 24335, Indianapolis, IN 46224. Representative: ROBERT W. LOSER II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub 29F certificate to (1) broaden the commodity description from new furniture; and store, office, institutional, and household fixtures and furnishings, to "furniture, fixtures, furnishing and equipment, materials and supplies used in the manufacture thereof"; (2) broaden the territorial scope by replacing one-way authority with radial in its transportation of (a) applicants between points in Newton, Amana, and Webster City, IA, and points in 32 states, parts of 2 states and DC; (b) kitchen equipment, between points in Columbus, OH, and points in 32 states, parts of 2 states and DC, and (3) remove the restriction against the transportation of crated new furniture originating at 14 Virginia cities.

MC 103798 (Sub-54)X, filed March 2, 1981. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 19, 22F, 24F, 30, 32F, 36F certificates to (1) broaden the commodity description from dairy products, foodstuffs, canned goods, poultry, fish, and various other related products to "food and related products" in Sub-Nos. 19, 22, 30, 32, 36, (2) delete the commodity restrictions such as "except commodities in bulk, frozen and poultry commodities, mechanically refrigerated vehicles" in Sub-Nos. 19, 30, and 32, (3) authorize radial service in lieu of existing one-way authority in all referenced Sub-Nos. (4) authorize county-wide service in place of city-wide and/or facilities: Jackson, Howard, Winneshiek, Chickasaw, Black Hawk Counties for Maquoketa, Decorah, Cresco, Fredericksburg, and Hudson, IA, in Sub-No. 19; Buffalo, Pepin, Barron, Dunn Counties for Mondovi, Durand, Turtle Lake, and Boycerville, WI; Stearns, Olmstead Counties for Paynesville, and Rochester, MN; Buchanan County for Jessup, IA, in Sub-No. 22; Burleigh and Cass Counties for Bismark and Fargo, ND; Brown and Milwaukee Counties for Green Bay and Milwaukee, WI; Hennepin County for Hopkins, MN; Champaign County for Champaign, IL; Polk County for Des Moines, IA; Davison County for Mitchell, SD, in Sub-No. 24; Dane County for Madison, WI; Johnson and Muscatine Counties for Iowa City and Muscatine, IA; Dodge and Milwaukee Counties for Beaver Dam and Milwaukee, WI; Saint Louis County for Duluth, MN; Douglas County for Superior, WI; Douglas County for Omaha, NE; Brown County for Green Bay, WI; Hennepin County for Minneapolis, MN, in Sub-No. 30; Black Hawk County for Hudson, IA, in Sub-No. 32; Cache County for Logan, UT, in Sub-No. 36; (5) eliminate the restriction limiting service to transportation of shipments originating at and/or destined

to named points in Sub-Nos. 19, 22, 24, 30 (6) remove the restriction against the transportation of confectionery and meats between points in MN, and IA, in Sub-No. 30; and (7) remove the AK and HI exceptions.

MC 107576 (Sub-33)X, filed February 26, 1981. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S.E. Water Ave., Portland, OR 97214. Representative: Ronald D. Browning (same as above). Applicant seeks to remove restrictions in its lead and Sub-Nos. 15, 17, 18, 19, 20, 28F, 30F, and 31F certificates to (1) broaden the general commodity descriptions to (a) "general commodities" in the lead (sheets 1 and 3), Sub-Nos. 17 (sheet 2) and 19; (b) "general commodities (except classes A and B explosives)" in the lead (sheets 3, 4, and 5), Sub-Nos. 15, 17, 18, 20, 28F, 30F and 31F; (2) allow service at all intermediate points on its authorized regular route service routes, for example, between: Portland and Heppner, OR, and Halsey and Brownsville, OR in the lead; Salem and Scio, OR in Sub-No. 17; Portland and Parkdale, OR in Sub-No. 18; and Pendleton, OR, Pasco, WA in Sub-No. 20; Boise, ID and Denver, CO in Sub-No. 31F; and (3) to remove restrictions limiting service in the lead and Sub-Nos. 15, 18, 28F and 31F, for example, eliminate the "delivery only" and "pickup only" restrictions for Pendleton, OR in the lead (sheet 5); the restriction against transportation of local traffic moving between Portland, OR, on the one hand, and, on the other, Seattle, WA in Sub-No. 28F; the restriction against transportation of traffic both originating at and destined to points in CO and UT in Sub-No. 31F, and the restriction limiting service to a seasonal period in Sub-No. 18.

MC 108053 (Sub-183)X, filed February 23, 1981. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 82, 134, and 178F certificates to (1) change the commodity descriptions from frozen foods, potato products not frozen, and canned goods in Sub-No. 82, frozen foods and potato products, (except frozen), in Sub-No. 134, and foodstuffs (except in bulk) in Sub-No. 178F, to "food and related products," and (2) change one-way to radial authority (a) between WA, OR, ID, and UT and IA, IL, KS, MO, and NE in Sub-No. 82, (b) between Cleveland, OH and CA, ID, and UT in Sub-No. 82, (c) between ID, OR, and WA and DE, IN, MA, MI, MN, NJ, NY, OH, PA, WI, DC, Louisville, KY, and Baltimore, MD in Sub-No. 134, and (d) between CA and CO, IL, IN, IA, KS, MD, MI, MN, MO, NE, NJ, NY, ND, OH, PA, SD, WI and DC in Sub-No. 178F.

MC 111545 (Sub-308)X, filed February 6, 1981, previously noticed in the Federal Register of February 24, 1981, republished as corrected this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., Marietta, GA 30067. Representative: J. Michael May (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 207, 244, 249, and 253 certificates to (1) broaden the commodity description from (a) radioactive waste materials to "hazardous materials" in Sub-No. 207; (b) from nuclear filtration equipment, and parts, attachments and accessories therefor to "machinery"; in Sub-No. 244. (c) from uranium hexafluride to "hazardous materials" in Sub-No. 249; (d) and from source, special nuclear, and by-product materials, radioactive material, shipping containers, nuclear component parts, and equipment to "hazardous materials, machinery, metal products, chemicals and related products, ores and minerals and waste or scrape materials not identified by industry producing", (2) authorize radial service in lieu of existing one-way authority in Sub-Nos. 207 and 244; (3) replace city-wide with county-wide authority: Franklin County for Hillard, OH, in Sub-No. 244; Pike County for Sargent, OH, in Sub-No. 249; (4) remove a disposal facilities limitation in Barnwell County, SC, in Sub-No. 207, and (5) remove the exceptions of AK and HI on the nationwide portion of its radial grants in Sub-Nos. 207, and 253. This applicanton is republished to reflect in part (d) the appropriate broadening of authority held by applicant in Sub-No. 253.

MC 119988 (Sub-278)X filed February 23, 1981. Applicant: GREAT WESTERN TRUCKING CO., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 63, 122, 132F, 164F, 196F, certificates to (1) broaden the commodity description from foodstuff, canned fruit & vegetable juices, frozen foods, and canned and preserved foodstuffs to "such commodities as are dealt in or used by chain grocery stores" in all the above authorities; (2) delet the commodity "bulk, foods, bakery products, dairy products, meats", exception from its commodity authority in Sub-No. 63; (3) replace plantsite facilities with county-wide authority: Jefferson County for Birmingham, AL, in Sub-No. 63; Hidalgo County for Weslaco, TX, in Sub-No. 122; Pike County for Troy, AL, in Sub-No. 132 F; and Newton County for Neosho, MO, and Bond County for Greenville, IL, in Sub-No. 196 F; (4) remove the exceptions of AK and HI in Sub-Nos. 122 & 132 F; (5) authorize radial service in place of existing one-way authority between the counties named above and named points in all referenced authority; and (6) eliminate the originating at and/or destined to restriction in Sub-No. 63, 122, and 164F.

MC 121496 (Sub-56)X,[1] filed February 17, 1981, previously notice in the Federal Register of March 3, 1981 republished as corrected this issue. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 40F certificate to (1) broaden the commodity description from liquid chemicals, in bulk, in tank vehicles, to "commodities in bulk, "(2) eliminate the plantsite limitation, (3) authorize radial service between Houston and Beaumont, TX and, points the U.S., and (4) remove the restriction against service to Alaska and Hawaii.

MC 121496 (Sub-65)X, filed February 27, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001.Applicant seeks to remove restrictions in its Sub 15F certificate, to (1) broaden the commodity description from latex and latex compounds, in bulk, in tank vehicles, to "commodities in bulk", and (2) broaden the territorial description from one-way authority to radial authority between Hamilton County, TN, and points in thiry-one states and DC.

MC 121509 (Sub-12)X, filed February 26, 1981. Applicant: DAUFELDT TRANSPORT, INC., 618 Clay St., Muscatine, IA 52761. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its irregular-route authority in (Sub-1, 3, 4, 6, and 10F) certificates to (1) broaden the commodity descriptions, in (Sub-1 and 6), to "chemicals and related products" from liquid fertilizer and fertilizer materials, in bulk; in (Sub-3), to "commodities in bulk" from liquid commodities in bulk; (Sub-4 and 10F), to

[1] The purpose of this republication is to correct the commodity description to reflect that requested by applicant.

"food and related products" from liquid feed and liquid feed ingredients, in bulk, except steepwater; and, (2) broaden the territorial descriptions by removing restrictions limiting service to transportation of traffic originating from specifically-named facilities or destined to the destination States, replacing the named facilities and cities with county-wide authority, and authorizing radial service, as follows: (Sub-1), between Cedar County, IA (facilities near Durant, IA), and points in AR, IA, IN, KS, KY, MN, MO, NE, SD, TN, WI, and IL (except points in the St. Louis, MO/East St. Louis, IL commercial zone); (Sub-4), between Muscatine County, IA (Muscatine, IA), and points in AR, IL, IN, KS, KY, LA, MI, MN, MO, NE, OH, PA, TN, TX and WI; (Sub-6), between Whiteside County, IL (facilities near Albany, IL), and points in IL, IA, MN, and WI; and, (Sub-10F), between Jones County, IA (Olin, IA), and points in IL, MN, MO, and WI.

MC 121596 (Sub-17)X, filed February 24, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Avenue, Shelbyville, TN 37160. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its (Sub-7F) certificate to (1) broaden the commodity description from general commodities (in bulk, and articles requiring special equipment) to "general commodities (except class A and B explosives)", (2) authorize service to all intermediate points along described regular routes between Nasville, Shelbyville and Memphis, TN, and McGehee, AR; and (3) remove a restriction against the handling of traffic which originates at or is destined to points in Davidson County, on the one hand, and, on the other, that which originates at or is destined to Memphis, TN and points in its commercial zone.

MC 124997 (Sub-9)X, filed February 3, 1981, previously noticed in the Federal Register of February 17, 1981, republished as corrected this issue. Applicant: R. F. TRUESDELL CO., 6515 Anno Avenue, Orlando, FL 32809. Representative: Paul M. Daniell, P.O. Bo. 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its (Sub-8F), permit to (A) broaden the territorial description to allow service between points in the United States under continuing contract(s) with named shippers, and (B) to remove the restriction against the transportation of commodities in bulk in parts 1 and 2 of its (Sub-8) permit. The purpose of this republication is to correct the scope of the removal sought to include part (B) which was inadvertently omitted from the original Federal Register publication of February 17, 1981.

MC 125551 (Sub-22)X, filed March 2, 1981. Applicant: K & W TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its (Sub-4 and 6), and 11 certificates to (1) broaden its commodity descriptions (a) from ore and ore concentrates, and antimony ore and concentrate, to "ores and minerals", in (Sub-4 and 11), and (b) from wood pulp and woodchips, to "lumber and wood products", in (Sub-6); (2) replace its cities with county-wide authority (a) White Pine, MI, with Ontonagon County, MI, in (Sub-4), (b) Cloquet and Brainerd, MN, with Carlton and Crow Wing Counties, MN, in (Sub-6), and (c) Duluth, MN, with Saint Louis County, MN, and Perth Amboy, NJ, with Middlesex County, NJ, in (Sub-11); and (3) change its one-way authority to radial authority (a) between Alaska and points in Ontonagon County, MI, and Butte, MT, in (Sub-4), (b) between points of entry on the U.S.-Canada Boundary line located in MT, ND, and MN, and points in Carlton and Crow Wing Counties, MN, in (Sub-6), and (c) between Alaska and points in Saint Louis County, MN, Detroit, MI, Chicago, IL, and Baltimore, MD, Cleveland, OH, and Middlesex County, NJ, in (Sub-11).

MC 125551 (Sub-23)X, filed March 2, 1981. Applicant: K & W TRUCKING CO., INC., P.O. Box 1415, St. Cloud, Minnesota 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its (Sub-14 and 17F) certificates to (1) broaden the commodity descriptions to (a) "food and related products" from canned goods in (Sub-14), and (b) "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions) in (Sub-17F); (2) replace Bellingham and Anacortes, WA with Whatcom and Skagit Counties, WA; (3) change its one-way authorities to radial authorities between: (a) Whatcom and Skagit Counties and Seattle, WA, and, points in IL, IN, IA, KY, MN, OH, and TN in (Sub-14); and (b) Minneapolis, MN, and, Seattle, WA in (Sub-17F).

MC 127811 (Sub-27)X, filed February 27, 1981. Applicant: BRYNWOOD TRANSFER, INC., 175—8th Avenue SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its (Sub-4 and 23F) certificates to (a) broaden the commodity descriptions from (1) pre-cast and pre-stressed concrete products, the transportation of which because of size or weight requires special handling and the use of special equipment, and (2) contractors' machinery and equipment, when transported in the same vehicle and at the same time with the commodities described in part (1) above, to "clay, concrete, glass, or stone products and machinery" in (Sub-4); and from pre-cast and pre-stressed concrete building products to "clay, concrete, glass or stone products" in (Sub-23); and (b) broaden the territorial scope by replacing one-way authority with radial and plantsite facilities with county-wide as follows: between points in Hennepin (Osseo) and Onoka (Onoka and Lino) Counties, MN, and points in IA, ND, SD, WI and Upper Peninsula of MI in (Sub-4); and between points in Minnehaha (Sioux Falls) County, SD and points in IL, IN, MN and WI in (Sub-23F).

MC 129387 (Sub-119)X, filed February 23, 1981. Applicant: PAYNE TRANSPORTATION, INC. P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Applicant seeks to remove restrictions in its (Sub-31) certificate to (1) remove the facilities restrictions in part A (a and b) limiting service to the transportation of traffic originating at or destined to the facilites of Noble Inc. at Albuquerque, NM, and storage-in-transit facilities at Denver, CO, (2) broaden the commodity descriptions in part A from foodstuffs, pharmaceutical materials, supplies and products, chemicals, alcoholic beverages, tobacco products, pet foods, and such commodities as are dealt in by distribution consolidation warehouses for the commodities described above, when moving in the same vehicle at the same time as the commodities described above (except in mechanical refrigeration) to "food and related products," "chemicals and related products", "tobacco products" and "such commodities as are dealt in by distribution consolidation warehouses", (3) remove the mechanical refrigeration equipment restrictions, (4) in part B, remove the restriction limiting the transportation of traffic to that originating at and destined to a named portion of the U.S. and remove the facilities limitation at Laramie, WY; (5) remove the AK and HI exception in both parts; and (6) in part A remove the facilites limitation on the tacking restriction to authorize tacking on shipments originating at or destined to Albuquerque, NM.

MC 134477 (Sub-436)X, filed February 23, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischback, P.O. Box 43499, St. Paul, MN 55164. Applicant seeks to remove restrictions in its (Sub-371F) certificate to (1) broaden the commodity description from foodstuffs (except in bulk) to "food and related products"; (2) authorize radial service in place of existing one-way authority and replace city-wide authority with county-wide authority: between Black Hawk County, IA (Hudson, IA) and points in MN, ND, and WI, and points in 38 States in and east of IL, IA, NE, KS, OK, and TX; and (3) delete the originating at and destined to restriction, and the restriction against the transportation of meats and cheese from points in Brown County, WI and canned goods from Lomira, WI.

MC 134786 (Sub-3)X, filed February 24, 1981. Applicant: LEXINGTON-PARIS MOTOR FREIGHT, INC., P.O. Box 439, Milan, TN 38358. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its (Sub-2) certificate to (1) remove restrictions which prohibit transportation of traffic originating at, destined to, or interlined at (a) Memphis, TN and points between Jackson and Memphis, TN, and; Memphis, TN, and Nashville, TN in part 2 on sheet 2 (b) from Memphis, to Jackson; Nashville to Jackson; Nashville to Memphis, and Memphis to Nashville in part (3) on sheet 2, (c) Davidson County, TN, and Humboldt, Huntington, and Clarksville, TN, radially in part 9 on sheet 2; (2) remove restrictions (a) against tacking with the applicant's present authority to provide a through service non-radially between points in Davidson County, and Humboldt, Milan, Huntington, McKenzie, and Paris, TN, and points within 3 miles of said points (b) against service at Jackson and points within 4 miles thereof, and (c) against tacking to provide a through service radially between points in Davidson County, TN and Memphis, TN and points within 5 miles thereof in part 8 on sheet 3, (3) remove the restriction that reads: All of the foregoing routes 1 through 9 are restricted against the through transportation of shipments between points in Davidson County and Memphis, TN and points within five miles of Memphis. Authority to serve Memphis, TN is restricted against service in that part of its commercial zone which lies in Mississippi; (4) allow service at all intermediate points in connection with its regular routes (a) between Nashville and Whiteville, TN in part 3 on sheet, (b) between Memphis and McKenzie, TN in part (4) on sheet 2; between Memphis and Paris, TN in part (7) on sheet 3; between Memphis and Henderson, TN in part 8 (b); between Nashville and Henderson, TN and in part 8 (c); between Nashville and Pinson, TN in part 8 (d); between Nashville, McKenzie and Paris, TN in part 9.

MC 134906 (Sub-12)X, filed February 23, 1981. Applicant: CAPE AIR FREIGHT, INC., P.O. Box 161, Shawnee Mission, KS 66201. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions from its lead, (Sub-1, 2, 4, 5, and 7) certificates and E-1 authority as follows: (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all its authorities; (2) broaden the territorial scope by replacing the airport designations with city-wide authority in (Sub-1, 2, 4, 5 and 7) as follows: Clarksville, TN, for Outlaw Field, Kansas City, MO, for Kansas City Municipal and Kansas City International Airports, and Cape Girardeau, MO, for the Municipal Airport; (3) remove the restrictions limiting transportation to traffic having an immediately prior or subsequent movement by air in all its authorities; and (4) remove the restrictions against the transportation of traffic as follows: (a) between Memphis, TN, and points in its commercial zone, and New Orleans, LA, and points in its commercial zone, and the Kansas City Municipal Airport and Kansas City International Airport, and (b) between the Kansas City Municipal Airport and the Kansas City International Airport and points in Livingston, Tangipahoa, Washington, St. Tammany, Ascension, East Feliciana, West Feliciana, St. James, St. Charles, St. Helena and Jefferson Parishes, LA, in (Sub-5).

MC 136086 (Sub-18)X, filed February 23, 1981. Applicant: GUILEY TRUCKING, INC., 9615 Pecan Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its (Sub-5, 16F, and 17F) permits to (1) broaden the commodity description from (a) uncrated mobile home and travel trailer chassis components to "(1) metal, rubber and plastic products, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1)" in (Sub-5F), (b) steel roofing, steel siding, and steel floor decking and materials, equipment, supplies, and accessories used in the installation, manufacture and distribution of those commodities to "(1) metal products, and (2) material, equipment and supplies used in the manufacture and distribution of the commodities in (1)" in (Sub-17F); (2) delete "except in bulk" from the commodity description talc and soapstone authority in (Sub-16F); and (3) broaden the territorial description in each permit to between points in the United States under continuing contract(s) with the named shippers.

MC 138157 (Sub-263)X, filed February 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as applicant). Applicant seeks to remove restrictions in its (Sub-34) certificate to (1) broaden the commodity description to "building materials" from flexible ductwork and air conditioning registers, and (2) broaden the territorial description by removing restrictions against service in TX, AK and HI, and against the transportation of traffic originating at the named facilities, substituting county-wide authority for Houston, TX, and replacing one-way service with radial service between Harris County,TX, and points in the United States.

MC 138157 (Sub-264)X, filed February 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). Applicant seeks to remove restrictions in its (Sub-155F) certificate to (1) broaden the commodity description "such commodities as are dealth in by retail pharmacy stores" by removing the restriction against commodities in bulk and those which by reason of size or weight require the use of special equipment; (2) broaden the territorial scope by replacing city-wide authority with county-wide to allow service as follows: between points in Cook County (Bedford Park) IL, Cob County (Smyrna) FA, Dallas County (Grand Prairie) TX and Los Angeles and Los Angeles County (City of Industry) CA and points in the U.S.; (3) remove the restriction limiting the transportation of traffic originating at or destined to named facilities, and (4) remove the AK and HI exception.

MC 138157 (Sub-266)X, filed February 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN

37410. Representative: Patrick E. Quinn (same as above). Applicant seeks to remove restrictions in its (Sub-41 and 85F) certificates to (1) broaden the commodity descriptions from shaped metal articles and relatd accessories in (Sub-41) and fabricated and shaped metal articles in (Sub-85F) to "metal products"; (2) remove the restriction against: commodities in bulk in (Sub-41) and commodities which by reason of size or weight require the use of special equipment in (Sub- 41 and 85F); (3) remove the exceptions of AK and HI from its authority to serve points in the U.S. in (Sub-41; remove a named facility limitation and replace one-way authority with radial as follows: between points in Los Angeles and Orange Counties, CA, and points in the U.S. in the east of ND, SD, NE, KS, OK and TX (except points in FL) in (Sub-85F); and (4) remove the restriction limiting the transportation of traffic originating at or destined to named facilities in (Sub-41 and 85F).

MC 138174 (Sub-5)X, filed February 23, 1981. Applicant: JJ & JL CO., INC., d.b.a. JET AIR FREIGHT DELIVERY SERVICES, P.O. Box 20245, 6136 N.E. 87th Ave. Portland, OR 97220. Representative: Leland O. Johnson (same as applicant). Applicant seeks to remove the restriction in its (Sub-1) certificate which authorizes the transportation of general commodities, with certain exceptions, between Portland, OR and points in six Oregon Counties by removing a restriction which limits service to shipments having an immediately prior or subsequent movement by air.

MC 138283 (Sub-15)X, filed February 23, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its (Sub-3, 4F, 5F, 6F, and 7F) permits to broaden the commodity description (1) from cookies and materials, supplies, and equipment used in the manufacture, distribution, and sale of cookies to "food and related products"; (2) remove the restriction against the transportation of commodities in bulk and remove the restriction to traffic originating at or destined to named facilities in (Sub-3); and (3) broaden the territorial scope to include service between points in the U.S., under continuing contract(s) with a named shipper.

MC 139902 (Sub-9)X, filed February 26, 1981. Applicant: MOWRY TRUCKING, INC., Box 125, Cambridge, NE 69022. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 4 and 6F permits to broaden the commodity descriptions in Sub-No. 4, from agricultural equipment, fifth-wheel equipment, motor vehicle accessories, equipment used in the handling and care of livestock, bleachers, and parts and accessories, except commodities in bulk, to "agricultural and livestock equipment and machinery, motor vehicle equipment and machinery, and metal products;" and in Sub-No. 6F, from lumber to "lumber and wood products", iron and steel articles to "metal products", and roofing materials to "building materials"; and expand its territorial descriptions in both permits to "between points in the U.S., under continuing contract(s) with named shippers.

MC 141721 (Sub-5)X, filed February 23, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 3F permits to broaden the commodity description in Sub-No. 3F, from coffee, tea, beverage mix, and beverage kits and parts for beverages kits to "food and related products." In the lead permit, applicant seeks to eliminate the restrictions to the transportation of shipments originating at and/or destined to named points and facilities and restrictions prohibiting transportation of specified commodities originating at and destined to named points; and, in both permits to broaden its territorial authority to "between points in the U.S.," under continuing contract(s) with named shippers.

MC 142299 (Sub-3)X, filed February 26, 1981. Applicant: TRUCK RAIL TRUCK SERVICE CO. INC., 4000 West 10th St., Indianapolis, IN 46222. Representative: Joann M. Rumell, 658 Brushwood Way, Greenwood, IN 46142. Applicant, a non-rail-affiliated carrier, seeks to remove restrictions in its Sub. No. 2 certificate to (1) remove a restriction requiring a prior or subsequent move by rail and moving in rail owned or controlled trailers, (2) remove a restriction limiting service at South Bend, IN and its commercial zone to traffic originating at or destined to a named facility, (3) remove a restriction against commodities in bulk, in tank and dump vehicles, and motor vehicles from its general commodity authority and, (4) broaden the origin points from Chicago, IL rail terminals to Chicago, IL.

MC 143059 (Sub-167)X, filed February 24, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600-Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-Nos. 32F, 36F, 41F, 46F, 55F, 59F, 64F, 73F, 113F and 116F certificates to (1) broaden the commodity description to "lumber and wood products" from used railroad ties, in Sub-No. 32F; from cross ties, switch ties, lumber, piling and posts, in Sub-No. 36F; from lumber and lumber products, in Sub-Nos. 41F, 73F and 116F; from forest products, lumber and lumber products, in Sub-No. 46F; from lumber, in Sub-No. 55F; from particle board, in Sub-No. 59F; and from lumber, forest products, wood products and lumber mill products, in Sub-Nos. 64F and 113F; (2) remove restriction against service to AK and HI, in Sub-Nos. 64F, 73F and 113F, (3) change one-way authorities to radial authorities between specified counties and cities and points throughout the U.S. in Sub-Nos. 32F, 46F, 59F, 64F, 73, 113F and 116F, (4) eliminate restrictions (a) limiting services to the facilities of named shippers in Sub-Nos. 36F, 41F, 46F, 55F, 59F, 64F, 73F, and 116F and (b) originating at or destined to particular facilites or points in Sub-Nos. 36F, 46F, 55F, 59F, 64F, 73F, and 116F and (5) expanding the territorial authority to authorize county-wide authority in place of specified facilities at named points: in Sub-No. 36F, Terre Haute, IN, with Vigo County, IN; in Sub-No. 46F, Hatchechubbee, AL with Russell County, AL; in Sub-No. 55F, Meridian, MS with Lauderdale County, MS: in Sub-No. 59F, Alburquerque, NM with Bernilillo County, NM; in Sub-No. 64F, Ashland, MT with Rosebud County, MT: and in Sub-Nos. 73F and 116F Ola and Waldo, AR with Yell and Columbia Counties, AR, respectively.

MC 143621 (Sub-55)X, filed February 27, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., P.O. Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-Nos. 18F, 24F, 27F, 30F, 34F, 38F, 44F, 47F, 48F, 49F, and 50F certificates to (1) broaden the commodity descriptions from iron and steel articles, steel coils, steel pipe and tubing, and fabricated structural steel to "metal products", from zinc, zinc alloys, and zinc products to "ores and minerals" and "metal products", from cross ties to "lumber and wood products", and from plastic pipe and fittings to "rubber and plastic products", wherever they appear in each of the above-numbered certificates; (2) remove exceptions against service to AK and HI

in Sub-Nos. 24F and 30F; (3) delete the facilities limitations at Harriman, TN and Newport, AR in Sub-No. 34F; at Nashville, TN in Sub-Nos. 44F, 49F and 50F; at Sparta, TN in Sub-No. 47F; and at Batesville, IN in Sub-No. 48F; (4) replace named origin and destination points with county-wide authority: in Sub-No. 27F, from Lenoir City, TN to Loudon County, TN; in Sub-No. 30F, from Cadiz, KY to Trigg County, KY, and from Madison, IL to Madison County, IL; in Sub-No. 34F, from Newport, AR to Jackson County, AR; in Sub-No. 36F, from Meridian, MS to Lauderdale County, MS; in Sub-No. 47F, from Sparta, TN to White County, TN; and in Sub-No. 48F, from Manchester, TN to Coffee County, TN; and (5) expand territorial descriptions in all sub-numbers except Sub-No. 44F from one-way authority to radial operations between points located throughout the U.S.

MC 143772 (Sub-4)X, filed February 23, 1981. Applicant: H & W TRUCKING COMPANY, INC., Box 38, Ona, WV 25545. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane WV, 25526. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) broaden the commodity descrition from building materials (except in bulk) to "building materials", from electrical mining equipment to "electrical machinery, equipment or supplies", from mine roof bolts and plates to "metal products" and from sewage treatment plants and fabricated steel items to "machinery and metal products" and (2) broaden the territorial authority by replacing one way authority with radial authority between named points in WV, KY, OH, VA, and PA in all commodities except building materials which would move between Cabell County WV and points in the U.S.

MC 143995 (Sub-26)X, filed February 27, 1981. Applicant: SLOAN TRANSPORTATION, INC., Route 4, Box 720, Davenport, IA 52804. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 18F and 19F permits to (1) broaden the commodity description from canned and preserved food stuffs to "food and related products" in Sub-No. 19, (2) remove the commodity restriction, "except commodities in bulk" in Sub-No. 18, and (3) authorize service to between points in the U.S., under continuing contract(s) with a named shipper in both Sub-Nos.

MC 145457 (Sub-6)X, filed February 26, 1981. Applicant: B & M EXPRESS, INC., P.O. Box 82506, Oklahoma City, OK 73148. Representative: William P. Parker, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F certificates to (1) remove the "except frozen commodities and commodities in bulk" restrictions in Sub-No. 3F and the "except commodities in bulk, in tank vehicles" restrictions in Sub-No. 4F; (2) replace the named facilities with city-wide authority: Houston, TX in Sub-No. 3F and Oklahoma City, OK in Sub-No. 4F; (3) change one-way authority to radial authority between Houston, TX, and, points in OK in Sub-No. 3F; and (4) remove the restriction limiting service to the transportation of traffic originating at or destined to named origins and destinations in Sub-No. 4F.

MC 145606 (Sub-5)X, filed February 24, 1981. Applicant: RED ARROW DELIVERY SERVICE CO., INC., Metropolitan Airport, Nashville, TN. Representative: Peter A. Greene, 1920 N Street NW., Washington, DC 20036.Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) remove all exceptions in its general commodities authority except "classes A and B explosives"; (2) replace authority to serve specified airports and cities with county-wide authority, allowing radial service between points in those counties and points in numerous other specified counties in TN, KY, and AL; Davidson County, TN (for Metropolitan Airport, at Nashville, TN); Hamilton County, OH (for Greater Cincinnati Airport, at Cincinnati, OH; New York, NY (for John F. Kennedy International Airport); Knox County, TN (for McGhee Tyson Airport at Knoxville, TN); Hamilton County, TN (for Lovell Field, at Chattanooga, TN); Cook County, IL (for O'Hare International Airport, at Chicago, IL); Fulton County, GA (for Atlanta International Airport, at Atlanta, GA); Shelby County, TN for Memphis International Airport, at Memphis, TN); Jefferson County, KY (for Standiford Field, at Louisville, KY); and Morgan County, AL (for Decatur, AL); and (3) remove the restriction limiting service to the transportation of traffic having a prior or subsequent movement by air.

MC 147055 (Sub-4)X, filed February 27, 1981. Applicant: CURTIS DENNIS EQUIPMENT, INC., d.b.a. C.D.E. EXPRESS, P.O. Box 2057, Heath, OH 43055. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from paper and paper articles to "pulp, paper and related products and printed matter", and (2) broaden city to county-wide authority from Hebron, OH, to Licking County, OH.

MC 148247 (Sub-1)X, filed February 23, 1981. Applicant: BROCK CANDY COMPANY, a corporation, 4120 Jersey Pike, Chattanooga, TN 37421. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from foodstuffs and packaging materials to "food and related products," and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers.

MC 149462 (Sub-3)X, filed February 23, 1981. Applicant: ABLE TRUCKING, INC., 4425 Highway 31-E, Room 215, Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from foodstuffs (except frozen or in bulk) to "food and related products", (2) replace plantsite facilities at Jeffersonville, IN with Clark County, IN, (3) remove the exceptions of AK and HI, (4) remove the restriction limiting service to traffic originating at named facilities, and (5) authorize radial service in place of existing one-way authority between Clark County, IN and points in the U.S.

[FR Doc. 81-8342 Filed 3-17-81; 8:45 am]

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[Volume No. OP1-050]

Motor Carrier Permanent Authority Applications; Correction

Decided: February 26, 1981.

The following volume was incorrectly published on March 5, 1981 under the fitness guidelines, and is being republished this issue to reflect that the following applications fall under the non-fitness standards.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicant with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 114241 (Sub-10F), filed November 13, 1980. Applicant: C. T. HERTZSCH, INC., Speed, IN 47172. Representative: Louis B. Hertzsch, P.O. Box 35750, Louisville, KY 40232.

[FR Doc. 81-8237 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-10)]

Norfolk and Western Railway Co. Exemption for Contract Tariff ICC-NW-C-5006

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariff will become effective on 20 days' notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656

SUPPLEMENTARY INFORMATION: Norfolk and Western Railway Company (N&W) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract tariff ICC-NW-C-5006 be made effective on a minimum of 30 days' notice. This tariff is currently scheduled to take effect on March 28, 1981. N&W seeks to advance this effective date by 10 days to March 18. The tariff reflects a contract of 30 days' duration.

The contract is designed to expedite the loading, line-haul movement, and dumping of export coal at N&W's Lamberts Point piers located at Norfolk, VA. It relates to one vessel load of coal and establishes a restricted number of origin mines, a specified period for car loading, a rail transit period, and a vessel berthing date. Non-contract operations are not subject to such schedules. N&W believes that the contact will result in reductions in car detention times at origin and destination and in line-haul movement times. Coordination of coal and vessel arrivals at the piers and contractual limitations on blending operations should also improve utilization of pier facilities. Petitioner states that these facilities are now extremely congested.

N&W takes the position that the 30-day notice period unnecessarily delays these benefits. It further points out the approaching expiration of the United Mine Workers' contract on March 27, 1981. And the possibility of a strike on that date. Such a strike would jeopardize full performance of the contract if it did not become effective until March 28. N&W believes that the requested 10-day advancement of this date might allow performance even in the event of a strike. Petitioner states that it is not aware of any protests which will be filed against the tariff.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contract will allow the most efficient use of N&W's Norfolk pier facilities. To permit the contract to become effective only after a 30 day period could frustrate this purpose in the event of a coal miners' strike. We believe that the contract proposal will enhance carrier service by encouraging efficient use of transporation facilities and should not impair the carrier's obligation to provide service to other shippers. We thus conclude that authorization of a provisional exemption is warranted.

N&W has already indicated in its petition a willingness to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on 20 days' notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. These interests can be fully protected by allowing the contract to become effective on 20 days' notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505 (c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: March 5, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8067 Filed 3-17-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 40]

Motor Carrier, Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 12, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,
Secretary.

MC 15975 (Sub-47)X, filed March 2, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 26F and 31F certificates to broaden their territorial authorities by replacing the named facility limitations at or near Detroit, MI with Detroit, MI.

MC 35320 (Sub-643)X, filed February 27, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth C. Thomas (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 280F certificate to (1) remove all restrictions in the general commodity description except "classes A and B explosives" and (2) by removing named facilities limitations to authorize service at the off-route points of Columbus and Franklin, TN, in place of the named facilities.

MC 37886 (Sub-42)X, filed March 2, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henery B. Stockinger (same as above). Applicant seeks to remove restrictions in its Sub 19F permit by (1) broadening the commodity description from textiles, textile products, and materials and supplies used in the manufacture of apparel and home furnishings to "textile mill products and chemicals or allied products," and (2) broaden the territorial description to between points in the U.S.

MC 39503 (Sub-184)X, filed February 27, 1981. Applicant: THE MASON AND DIXON LINE, INC., P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Applicant seeks to broaden the commodity description in each certificate by (1) removing all restrictions in its general commodities authority "except Classes A and B explosives" in Sub-Nos. 75, 78, 82, 93, 99, 104, 109, 112, 113, 117, 120, 124, 129, 132, 133, 135, 140, 143, 145, 148, 152, 154, 156, 161, 166F, 176F and 178F regular-route certificates authorizing service to off-route points in AL, GA, IL, IN, MD, MS, NY, NC, OH, PA, TN and VA, in connection with other regular-route operations, and (2) removing all restrictions in its general commodities authority "except Classes A and B explosives" in Sub-Nos. 168F and 172F regular-route certificates authorizing two-way service in AL and in PA. Applicant also seeks to remove all restrictions in its general commodities authority "except Classes A and B explosives" in Sub-Nos. 125 and 131 irregular-route certificates. Applicant also seeks to broaden its off-route territoral authority by removing limitations requiring service to be performed at specifically-named facilities, to instead authorize service to: Sub-No. 99, Archer, GA, on GA Hwy 341 (plantsite of E. T. Barwick Mills); Sub-No. 104, Spring Grove, PA (plantsite of P. H. Glatfelter Co.); Sub-No. 112, Du Page Township, Will County, IL (plantsite of Johnson & Johnson in the Argonne Industrial District); Sub-No. 113, Hampton PA (plantsite of Grinnel Corp.); Sub-No. 129, Sneedville, TN (plantsite of Morrell Electric Co.); Sub-No. 132, Sand Mountain, AL (plantsite of Monsanto Textile Co.); Sub-No. 133, Ashville, OH (plantsite of Reynolds Metals Co.); Sub-No. 145, Elma Township, NY (plantsite of Western Electric Co.); Sub-No. 152, Eldersbury, MD (facilities of Londontown Corp.) It also seeks to remove a restriction limiting service to traffic originating at or destined to the plantsite of Monsanto Textile Co., in Sub-No. 182.

MC 65697 (Sub-61)X, filed February 24, 1981. Applicant: THEATRES SERVICE COMPANY, P.O. Box 1695, Atlanta, GA 30301. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 32 regular route certificate to (1) broaden the commodity description from general commodities (with usual exceptions), having an immediately prior or an immediately subsequent movement by air to "general commodities (except class A and B explosives)," (2) broaden the territorial description from named airports to cities and commercial zones, for example: (a) Birmingham Municipal Airport at or near Brimingham, AL to Birmingham, AL, (b) Montgomery Municipal Airport at or near Montgomery, AL to Montgomery, Al, (c) Albany Municipal Airport at or near Albany, GA to Albany, GA (d) Knoxville Municipal Airport at or near Alcoa, TN to Knoxville, TN, (e) Chattanooga Municipal Airport at or near Chattanooga, TN to Chattanooga, TN (f) Nashville Metropolitan Airport at or near Nashville, TN to Nashville, TN and (g) Atlanta Municipal Aiport at or near Atlanta, GA to Atlanta, GA and (3) remove all tacking and joinder restrictions.

MC 99902 (Sub-7)X, filed March 2, 1981. Applicant: DAVE'S MOTOR TRANSPORTATION, INC., Logan International Airport, Boston, MA 02128. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Applicant seeks to remove restrictions in its Sub-Nos. 3, 5, and 6 certificates to (1) remove all exceptions to its general commodities authority (except classes A and B explosives); (2) remove ex-air restrictions in each sub-number; and (3) change airport designations to city-wide or county-wide authority: In Sub-Nos. 3 and 5, from Logan International Airport, Boston, MA to "Boston, MA"; in Sub-Nos. 5 and 7, from Bradley Field, Windsor Locks, CT to "Hartford County, CT"; from La Guardia and John F. Kennedy International Airports, New York, NY to "New York, NY"; and from

Newark Airport, Newark, NJ to "Newark, NJ".

MC 111274 (Sub-67)X, filed March 2, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 58F permit to broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 111274 (Sub-68)X, filed March 2, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same as above). Applicant seeks to remove restrictions in its Sub-No. 58F permit to broaden the territorial scope to "between points in the U.S. under continuing contract(s) with a named shipper" (which includes the International Boundary of the U.S. and Canada) requested by applicant.

MC 111956 (Sub-60)X, filed March 2, 1981. Applicant: SUWAK TRUCKING CO., 1105 Fayette Street, Washington, PA 15301. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its Sub-Nos. 49F and 54F certificates to (1) broaden its commodity descriptions from general commodities (with exceptions), in containers or in trailers, to "general commodities (except classes A and B (explosives)", in both certificates; and (2) eliminate the restriction limiting service to the transportation to traffic having an immediately prior or subsequent movement by water in foreign commerce, in both certificates.

MC 113855 (Sub-522)X, filed February 11, 1981, previously noticed in the **Federal Register** of February 25, 1981, republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT INC., 2450 Marion Road, SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg, Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 350 certificate to (1) broaden its commodity description from processed sulfur (except in bulk, in tank vehicles), to "Chemicals and related products", (2) replace its one-way authority with radial authority, between ports of entry on the United States-Canada Boundary line, located at points in Montana, and points in CA, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, and WY, and (3) eliminate the restriction restricting transportation to traffic originating at points in the Province of Alberta, Canada. The purpose of this republication is to add the States of Kansas and Montana to part (2) of the caption summary.

MC 119974 (Sub-236)X, filed February 26, 1981. Applicant: L.C.L. TRANSIT COMPANY, 949 Advance St., Green Bay, WI 54305. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 43, 44, 45, 47, 54, 55, 56, 59, 68, 73, 74, and 75 certificates; in the lead, paragraph (D), remove restriction to the transportation from, to, and between the facilities used by wholesale food business houses; in Sub-No. 43, (a) change commodity description from frozen foodstuffs (except commodities in bulk, in tank vehicles), and frozen meat and meat by-products unfit for human consumption (except commodities in bulk, in tank vehicles) to "food and related products"; (b) remove facilities limitation at Beaver Dam and Milwaukee, WI; (c) replace city with county-wide authority, Beaver Dam, WI with Dodge County, WI; (d) remove and originating at and destined to named points restriction; and (e) change one-way to radial authority between Dodge County and Milwaukee, WI, and, points in 12 states; in Sub-No. 44, (a) change commodity description from potato products, (except in bulk) to "food and related products"; (b) remove an originating at and destined to named points restriction; (c) replace city with county-wide authority: Plover, WI with Portage County, WI; and (e) change one-way to radial authority between Portage County, WI and, points in 11 states; in Sub-No. 45, (a) change commodity description from confectionery to "food and related products"; (b) remove a facilities limitation and replace city with county-wide authority, Frankfort, IN with Clinton County, IN; (c) remove an originating at and destined to named points restriction; and (d) change one-way to radial authority between Clinton County, IN and Kansas City, MO and points in NE; in Sub-No. 47, (a) change commodity description from meat, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk) to "food and related products"; (b) remove plantsite and storage facilities limitation and replace Crete, NE with Saline County, NE; and (c) change one-way to radial authority between points in Saline County, NE and points in 10 states; in Sub-No. 59, (a) change commodity description from products derived from corn and blends containing products derived from corn, in bulk, in tank vehicles, to "food and related products"; (b) remove plantsite limitation; (c) remove restriction of transportation of traffic originating at named facilities; (d) replace Montezuma, NY with Cayuga County, NY; (e) remove restriction against transportation to AK and HI; and (f) change one-way to radial authority, between Cayuga County, NY, and, points in the United States; in Sub-No. 54, (a) remove the facilities restriction limitation and replace Lafayette, IN with Tippecanoe County, IN; (b) remove a restriction to transportation of shipments originating at and destined to named points; (c) remove restriction against transportation to AK and HI; (d) change one-way to radial authority between Tippecanoe County, IN, and, points in the United States; and (e) remove an "in bulk, in tank vehicles" restriction; in Sub-No. 56, part (2)(b), (a) remove a facilities limitation, and replace Menomonee, MI and Gibbon, NE with Menomonee County, MI, and Buffalo County, NE; (b) change one-way to radial authority between Menomonee County, MI and Buffalo County, NE, and points in 13 states; and (c) remove a restriction to transportation of shipments originating at and destined to named points; in Sub-No. 78, (a) remove a facilities limitation, and replace Elk Grove Village, IL with Cook County, IL; (b) remove a restriction to transportation of shipments originating at and destined to named points; (c) change one-way to radial authority between Cook County, IL, and points in the Upper Peninsula of MI; (d) remove a restriction to vehicles equipped with mechanical refrigeration; and (e) remove a restriction against transportation of foodstuffs and commodities in bulk; in Sub-No. 55, (a) broaden commodity description from sugar and corn products in bulk to "food and related products"; (b) remove the AK and HI exception; and (c) broaden one-way authority to radial authority between Kansas City, MO-KS commercial zone, and points in the United States; in Sub-No. 68, (a) remove the requirement that foodstuffs move in mixed loads with other commodities to allow transportation of rubber and plastic products and foodstuffs, (b) remove mechanical refrigeration restriction; and (c) remove the facility limitation, and change one-way authority to radial authority between Milwaukee, WI, and, points in the Upper Peninsula of MI; in Sub-No. 75, (a) broaden the commodity description from vegetable oils and vegetable oil products, in bulk, in tank vehicles, to "food and related products"; and (b) replace city with county-wide authority, Adams County, IN for Decatur, IN; in Sub-No. 73F, (a) broaden the commodity description from animal feed, feed ingredients, additives, and

materials and supplies used in the manufacture and distribution of animal feed (except commodities in bulk) to "such commodities as are dealt in or used by manufacturers or distributors of animal feed"; (b) remove the facilities limitation and replace Mattoon, IL with Coles County, IL; and (c) remove restriction requiring shipments originate at or destined to a named point; in Sub-No. 80F, (a) broaden commodity description from (1) paper and paper products and (2) cleaning compounds (except commodities in bulk) to "pulp, paper and related products and chemicals and related products"; (b) replace city with county-wide authority, Brown and Oconto Counties, WI for Green Bay and Peshtigo, WI; (c) remove a restriction requiring that transportation of traffic originate at or destined to named points; and (d) change one-way to radial authority between Brown and Oconto Counties, WI, and, Kansas City, MO and points in IA; in Sub-No. 74F, (a) remove the restrictions against the transportation of commodities in bulk and foodstuffs; (b) remove the restriction against transportation of traffic originating at and destined to named points; (c) remove the restriction requiring vehicles equipped with mechanical refrigeration; and (d) replace one-way authority with radial authority between Chicago, IL, and, Minneapolis, MN; and in Sub-No. 66F, (a) remove facilities limitation; (b) remove the foodstuffs and in bulk restriction; (c) remove the requirement of vehicles equipped with mechanical refrigeration; (d) remover restriction requiring that traffic originate at or destined to named points; and (e) replace one-way authority with radial authority between Chicago, IL, and, points in 8 states.

MC 121496 (Sub-64)X, filed February 27, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 18F certificate, to (1) broaden the commodity description from "liquid chemicals, in bulk, in tank vehicles", to "commodities in bulk", and (2) broaden the territorial description by (a) removing the facilities limitation at and substitute Iberville Parish, LA, for Plaquemine, LA, (b) eliminating the "except AK and HI" restriction, and (c) replacing one-way with radial authority between Iberville Parish, LA, and points in the U.S.

MC 123788 (Sub-7)X, filed March 2, 1981. Applicant: AMERICAN-WESTERN COMPANY, INC., POB 430, Dallas, OR 97338. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Applicant seeks to remove restrictions in its lead, Sub-Nos. 2 and 5F permits to (1) broaden the commodity descriptions from: lift trucks in the lead and Sub-No. 2; and materials, equipment, parts and supplies used in the manufacture of products at the facilities of Towmotor Corporation at Dallas, OR, in Sub-No. 5, to "machinery and such commodities as are used in the manufacture and distribution of machinery"; and (2) broaden the territorial scope by replacing existing authority with authority between points in the U.S. under continuing contract(s) with a named shipper.

MC 133689 (Sub-57)X, filed March 2, 1981. Applicant: OVERLAND EXPRESS, INC., 9651 Naples Street, NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 30 and 52 certificates by broadening the commodity descriptions from frozen potatoes, potato products, food ingredients and foodstuff to "food and related products"; by replacing Caribou and Presque Isle, ME, with Aroostook County, ME; by eliminating the "originating at and destined to" and an "in bulk" restriction in both authorities; and by expanding its one-way authority to radial authority between Aroostock County, ME, and, points in fifteen states and portions of NY and PA, in both authorities.

MC 134477 (Sub-437)X, filed March 2, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischback, P.O. Box 43486, St. Paul, MN 55164. Applicant seeks to remove restrictions in its Sub-No. 416F certificate by (1) broadening the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; (2) by deleting the facilities limitation at Chicago and Itasca, IL and replace Itasca, IL with Du Page County, IL; and (3) broadening its one-way authority to radial authority between Chicago, IL, and Du Page County, IL, and, points in IA, MN, NE, ND, SD, and WI.

MC 134493 (Sub-7)X, filed February 26, 1981. Applicant: CHICAGO-ST. LOUIS TRANSPORT, INC., 2064 W. 167th St., Markham, IL 60426. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to (1) change the commodity description from malt beverages and empty containers to "food and related products"; and (2) change from city to county-wide authority and authorize radial authority between Franklin County, OH, (for Columbus, OH) and Chicago, Du Page County, IL (for Addison) and Will County, IL (for Joliet).

MC 136077 (Sub-28)X, filed February 27, 1981. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Richard L. Thurston, One Franklin Plaza, 15th Floor, Philadephia, PA 19102. Applicant seeks to remove restrictions in its Sub-No. 14F certificate to remove the facilities limitations at and substitute counties for the following points: Erie County, NY, for Akron, NY, Weschester County, NY, for Buchanan, NY, Camden County, NJ, for Delair, NJ, Caroline County, VA, for Milford, VA, Bucks County, PA, for Quakertown, PA, and New Castle County, DE, for Wilmington, DE, to authorize service radially between those counties and a described portion of the eastern U.S.

MC 136773 (Sub-9)X, filed February 27, 1981. Applicant: S.T.S. MOTOR FREIGHT, INC., 107 Evergreen Road, Stratford, NJ 08084. Representative: Alan Kahn, 1430 Land Title Building, Philadephia, PA 19110. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description by removing all restrictions from its general commodities authority "except classes A and B explosives" and (2) broaden the territorial description to remove the limitation to service between the carrier's terminals at Philadelphia, PA and Pennsauken, NJ to authorize service between Philadelphia, PA and Pennsauken, NJ, and points in DE, five counties in MD, and parts of NJ, NY, and PA.

MC 138157 (Sub-265)X, filed February 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). Applicant seeks to remove restricts in it Sub 65F certificate to (1) Broaden the commodity description from carpets, carpeting, carpet padding and yarn, and materials, equipment, and supplies used in the manufacture, production, and distribution of the commodities named above to "such commodities as are dealt in by manufacturers of carpeting, yarn, and floor covering materials"; (2) replace the facilities at or near Dalton, GA with Whitfield County, GA; (3) change its one-way authority to radial authority between Whitfield County GA,

and points in the US in and east of ND, SD, NE, KS, DK, and TX; (4) eliminate the restrictions against the transportation of commodities in bulk, in tank vehicles; and (5) remove the restriction limiting service to the transportation of traffic originating at or destined to named facilities.

MC 138157 (Sub-288)X, filed February 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 92F, 183F, and 240F certificates to (1) broaden its commodity descriptions from tires, tire tubes, and rubber (except commodities in bulk), plastic articles and materials, equipment, and supplies used in the manufacture thereof, and plastic articles (except in bulk), "rubber and plastic products", in each certificate; (2) replace named facilities located at or near Oklahoma City, OK, with Oklahoma City, OK, in Sub-No. 92F; (3) change one-way authority to radial authority (a) between Oklahoma City, OK and points in 11 eastern States, in Sub-No. 92F, (b) between CA, and points in the U.S. in and east of MT, WY, CO, and NM, in Sub-No. 183F, and (c) between Brooklyn, NY, and points in the U.S. in Sub-No. 240F; and (4) eliminate the restrictions (a) limiting service to transportation of traffic originating at and destined to named facilities, in Sub-No. 92F, (b) against the transportation of plasticgranules, styrofoam, plastic bags, and film, in Sub-No. 183F, and (c) prohibiting transportation to AK and HI, in Sub-No. 240F.

MC 138157 (Sub-289)X, filed February 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 147F, 197F, and 242F certificates to (1) broaden the general commodities descriptions [with the usual exceptions and frozen food (Sub-No. 242F)] to "general commodities (except classes A and B explosives)"; (2) eliminate the plantsite of USC Shipper Association and replace with city-wide authority to serve Los Angeles, CA in Sub-Nos. 147F and 197F; (3) replace city-wide authority with county-wide authority: Seattle and Kent with King County, WA in Sub-No. 242F; (4) change its one-way authorities to radial authorities between; (a) Los Angeles, CA, and points in the U.S. in and east of MT, WY, CO, and NM in Sub-No. 147F; (b) Los Angeles, CA, and points in WA, OR, ID, NV, UT, and AZ in Sub-No. 197F; and (c) King County, WA, and, points in the US; (5) remove the "except AK and HI" restriction in Sub-No. 242F; and (6) remove the restriction limiting service to the transportation of traffic originating at the named origin and destined to the named destinations in Sub-Nos. 147F, 197F and 242F.

MC 139380 (Sub-8)X, filed February 23, 1981. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham (same address as above). Applicant seeks to remove restrictions in its Sub-No. 6F certificate to change the commodity description from equipment, materials, and supplies used in the manufacture and distribution of containers to "such commodities as are dealt in by container manufacturers", between points in CA, NV, ID, OR, and WA.

MC 141121 (Sub-4)X, filed February 26, 1981. Applicant: MENSCH TRUCKING, INC., P.O. Box 22, Milton, PA 17847. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-No. 3F certificates to (1) broaden the commodity descriptions from foodstuffs (except frozen foods and except commodities in bulk, in tank vehicles) to "food and related products" in its lead, and from such commodities as are dealt in or used or used by wholesale, retail, and chain grocery and food business houses (except salt commodities in bulk and those which because of size or weight require the use of special equipment) to "such commodities as are dealt in or used by wholesale, retail and chain grocery and food business houses" in Sub-No. 3F, and (2) remove the facilities limitations and replace Milton, PA with Northumberland County, PA in the lead.

MC 143446 (Sub-4)X, filed February 27, 1981. Applicant: GARY L. McCALLISTER and MONTE A. McCALLISTER, d.b.a. McCALLISTER BROTHERS, P.O. Box 2114, Rock Springs, WY 82901. Representative: Ward A. White, P.O. Box 568, Cheyene, WY 82001. Applicant seeks removal of restrictions in its Sub-Nos., 1F and 3F certificates to (1) remove the restrictions against transportation of complete drilling rigs in the Sub-Nos. 1F and 3F, (2) broaden the description in Paragraph (3) of its Sub 1F certificate from bentonite, barite, drilling compounds and completion materials to "Mercer Commodities"; (3) broaden the one-way authority in Paragraph [3] of Sub 1F to radial authority between points in Nevada on the one hand, and on the other hand, points Sweetwater, Carbon, Uinta, Lincoln, Teton, Fremont, Natrona, and Big Horn Counties, WY; points in Colorado located west of U.S. Hwy 85 and north of Interstate Hwy 70, U.S. Hwy 6, and points in Daggett, Summit, Duchesene, Uintah, Carbon, Grand, Sanpete, Utah, Wasatch, Salt Lake, Davis, Morgan, Weber, Rich, Cache, Toole, Box Elder, and Emory Counties, UT.

MC 143915 (Sub-2)X, filed March 2, 1981. Applicant: KAPTUR ENTERPRISES, INC., 2550 E. 198th Street, Lynwood, IL 60411. Representative: James C. Hardman, 33 N. La Salle Street, Chicago, IL 60602. Applicant seeks to remove restrictions from its lead and Sub-No. 1F permit by (1) removing the restriction "except in bulk" from the commodity description in its lead permit; (2) broadening the commodity description in its Sub-No. 1F permit from wood fiberboard, building materials, and supplies, lumber and lumber products and supplies to "building materials and lumber and wood products"; and (3) expanding the territorial authority in both permits to between points in the U.S., under contract(s) with a named shipper.

MC 144400 (Sub-1)X, filed March 2, 1981. Applicant: BI-RITE AUTO TRANSPORT, INC., 1902 West North Grand Avenue, Porterville, California 93257. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, California 90212. Applicant seeks to remove restrictions from its lead certificate to (1) broaden its commodity description from used automobiles and trucks, in secondary movements, in truckaway service, to "transportation equipment," and (2) replace authority to serve named cities with authority to serve the County: Orange, Fresno, and Los Angeles Counties, CA, for Anaheim, Fresno, and Los Angeles, CA; and Ada, Canyon, and Cassia Counties, ID, for Boise, Burley, and Nampa, ID.

MC 145695 (Sub-8)X, filed March 4, 1981. Applicant: MAZCO SYSTEMS, INC., 140 Grand Street, Carlstadt, NJ 07072. Representative: Roy A. Jacobs, Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions in its Sub-No. 4 permit by (1) broadening the commodity description from "refined copper" to "metal products and waste or scrap materials not identified by industry Producing" and (2) broadening the territorial description to between points

in the U.S. under continuing contract(s) with a named shipper.

MC 146551 (Sub-14)X, filed February 27, 1981. Applicant: TAYLOR TRANSPORT, INC., P.O. Box 285, Grand Rapids, OH 43522. Representative: Owen B. Katzman, 1828 L Street, N.W. Suite 1111, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from cookies, non-carbonated fruit beverages, applesauce, vinegar, and materials, equipment and supplies to "food and related products"; (2) remove the "except commodities in bulk" restrictions; (3) remove the exceptions of AK and HI; (4) replace plantsite facilities with county-wide authority: Hancock County for McComb, OH; Bergen County for Fairlawn, NJ; Middlesex County for Littleton, MA; Van Wert County for Ohio City, OH; Lucas County for Maumee and Toledo, OH in its radial authority between these and other points and points in the U.S.

MC 146314 (Sub-9)X, filed February 26, 1981. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in MC-146643 Sub-Nos. 3F, 10F, 14F, 18F, 22F, 24F, 30F, 32F, 33F, 35F, 39F, 40F, 41F, 43F, 44F, 45F, 46F, 48F, 49F, and 50F permits to (1) broaden the territorial description to "between points in the United States under continuing contracts with name shippers" in all Subs, (2) change the commodity descriptions in Sub-No. 3F, from glass containers and closures therefor and iron and steel articles to "clay, concrete, glass or stone products and metal products"; in Sub-No. 10F, from iron, steel and plastic containers and closures and handles for iron, steel and plastic containers to "clay, concrete, glass or stone products and metal products"; in Sub-No. 18F, from (1) containers, container closures, container components, glassware and packaging products, (2) scrap materials (except commodities in bulk, in tank vehicles, and those requiring special equipment), (3) materials, equipment and supplies used in the manufacture, sale, and distribution of (1) (except commodities in bulk, in tank vehicles, and those requiring special equipment), to "such commodities as are dealt in or used by manufacturers and distributors of containers, container closures, container components and packaging products, clay, concrete, glass or stone products, waste or scrap materials not identified by Industry Producing"; in Sub-No. 22F, from flour, in bags, and, animal food to "food and related products"; in Sub-No. 24F, from tin plate to "metal products"; in Sub-No. 30F from plastic articles and materials, equipment and supplies to "rubber and plastic products"; in Sub-No. 32F, from cleaning and polishing compounds, textile softeners, lubricants, hypochlorite solutions, deordorants, disinfectants, paints, stains, varnishes, plastic bags and filters (except commodities in bulk), to "chemicals and related products, and rubber and plastic products"; in Sub-No. 33F, from metal cans, ends, lids and covers to "metal products"; in Sub-No. 35F, from flour and bakery mix, in bags, to "food and related products"; in Sub-No. 39F, from flour (except in bulk), to "food and related products"; in Sub-No. 40, from pulpboard, boxes, and pulpboard sheets to "pulp, paper and related products"; in Sub-No. 41F, from foodstuffs (except in bulk), and flour, in bags to "food and related products"; in Sub-No. 43F, from paper and paper products, and materials and supplies used in the manufacture and processing of paper and paper products to "pulp, paper and related products"; in Sub-No. 45F, from (1) printed matter and (2) materials, equipment and supplies used in the manufacture, sale and distribution of commodities in (1) above, (except commodities in bulk), to "printed matter"; in Sub-No. 46F, from household and industrial cleaning products (except in bulk), to "chemicals and related products"; in Sub-No. 48F, from canned foodstuffs (except cold packed or frozen foodstuffs), to "food and related products"; in Sub-No. 49F, from foodstuffs (except in bulk), to "food and related products"; and Sub-No. 50F, from paper and paper products, and materials and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk), to "pulp, paper and paper products".

MC 148979 (Sub-2)X, filed February 27, 1981. Applicant: ROBERT JOHN ENTERPRISES, INC., d.b.a. PACIFIC TRANSPORT CO., P.O. Box 307, Wilmington, CA 90748. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub 1F Permit to (1) broaden the commodity description from iron and steel articles to "metal products" and (2) broaden the territorial description to between points in the US, under a contract(s) with named shippers.

MC 149281 (Sub-1)X, filed March 5, 1981. Applicant: FLEIG LEASING INC., 1267 Burlington Rd., Roxboro, NC 27573. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from aluminum and aluminum articles, and equipment, materials, and supplies used in the distribution, installation, or manufacture of aluminum and aluminum articles to "metal products" and, (2) broaden the territorial description to "between points in the U.S. under continuing contract(s) with a named shipper."

MC 150066 (Sub-2)X, filed February 27, 1981. Applicant: MULTI-STATES TRANSPORT, INC., P.O. Box M244, Gary, IN 46401. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, N.W., Washington, DC. Applicant seeks to remove restrictions from its Sub-No. 1F Permit by (1) broadening the commodity description from iron and steel articles, refractories and alloys, and scrap metal to "metal products refractories, and equipment materials and supplies used in the manufacture, sale and distribution thereof"; and (2) remove the facilities restrictions and expand its territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 150349 (Sub-2)X, filed February 26, 1981. Applicant: A & A TRUCKING CO., INC., 1013 Huron Trail, Jamestown, OH 45335. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) change the commodity description from paint, paint ingredients, putty, caulking and glazing compounds, glue, and adhesive cement (except in bulk, in tank vehicles), to "chemicals and related products"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shipper.

MC 150617 (Sub-2)X, filed March 2, 1981. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 S. Archer Ave., Chicago, IL 60608. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions from its lead certificate to (1) delete the exception against commodities in bulk in its authority to transport automotive parts and supplies; and (2) change Laredo, Eagle Pass and El Paso, TX to Webb, Maverick and El Paso Counties, TX.

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Motor Carrier Transfer Proceedings

As indicated by the findings below, the Commission has approved the

following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–FC–78810. By decision of February 12, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to Trans-American Truck Lines, Inc., of (1) Certificate Nos. MC–102560 issued July 26, 1956, authorizing the transportation, over irregular routes, of lumber, in truckloads, from Hammond, LA, to Jackson, MS, and points in Mississippi on and south of U.S. Highway 80; (2) MC–10560 (Sub-No. 5), issued December 9, 1960, authorizing the transportation, over irregular routes, of creosoted piling and poles from Slidell and Madisonville, LA, to points in Mississippi, and from Gulfport, MS, to points in Missouri, and piling and poles treated with creosota and/or chemicals from points in Mississippi to points in Louisiana; (3) MC–102560 (Sub-No. 7), issued May 2, 1963, authorizing the transportation, over irregular routes, of poles, piling, and lumber, which have been creosoted or chemically treated, from Slidell, LA, to points in Galveston, Harris, Jefferson and Orange Counties, TX; (4) No. MC–102560 (Sub-No. 8), issued February 6, 1968, authorizing the transportation, over irregular routes, of lumber, from points in Tangipahoa Parish, LA, to points in Orleans Parish, LA, steel pipe, angles and round iron, from points in Orleans Parish, LA, to points in Livingston Parish, LA, and poles, piling, cross ties, and lumber, from points in St. Tammany Parish, LA, to points in Orleans Parish, LA; (5) MC–102560 (Sub-No. 9), issued August 1, 1968, authorizing the transportation, over irregular routes, of steel and iron castings, steel reinforcing bars, angles, channels, and beams, wooden patterns for castings, bronze, bearings and pillar blocks, and crated bolts, nuts, and bushings, when moving with the above-named items, from the plant site of Dibert, Bancroft & Ross Co., Ltd., near Amite, LA, to points in the United States on and east of a line beginning at the United States—Canada Boundary line near Pembina, ND, and extending south along U.S. Highway 81 through Grand Forks and Fargo, ND, Watertown and Yanktown, SD, to Norfolk, NE, thence southeast along U.S. Highway 275 to junction U.S. Highway 77, thence along U.S. Highway 77 through Lincoln, NE, Junction City and Arkansas City, KS, to Ponca City, OK, thence along U.S. Highway 177 to Ardmore, OK, thence along U.S. Highway 77 through Dallas, Waco, Victoria, and Harlington, TX, to the United States-Mexico Boundary line at Brownsville, TX, including points on the indicated portions of the highways specified; (6) MC–102560 (Sub-No. 11), issued September 3, 1974, authorizing the transportation, over irregular routes, of lumber, lumber products, poles, and piling, from points in St. Tammany and Tangipahoa Parishes, LA, to points in Texas, Arkansas, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, Missouri, Indiana, Illinois, Ohio, and Michigan; (7) MC–102560 (Sub-No. 12), issued July 20, 1978, authorizing the transportation, over irregular routes, of plywood, from the plant site of Champion International Corporation near Holden, LA, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas; and (8) MC–102550 (Sub-No. 16), issued July 16, 1979, authorizing the transportation, over irregular routes, of brick and tile, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and proceeding along U.S. Highway 283 to junction U.S. Highway 67 at or near Coleman, TX, thence along U.S. Highway 67 to San Angelo, TX, thence along U.S. Highway 277 to the United States-Mexico Boundary line at or near Del Rio, TX (except points in Dallas and Tarrant Counties, TX), to points in Louisiana, Mississippi, Alabama, and Florida; each such certificate having been issued to Freilder Truck Lines, Inc., of Amite, LA. Applicant's representative is: Fletcher W. Cochran, esq., P.O. Box 711, Slidell, LA 70459.

MC–FC–78801. Supplemental. By decision of December 1, 1980 and published at 46 *Federal Register* 4009 (January 16, 1980), we authorized the transfer to S&P Trucking, Inc. of No. MC–140475 (Sub–Nos. 2,4, and 6), issued May 19, 1976 January 22, 1979, and November 6, 1980, respectively, to Holcomb Trucking Company, Inc. However, a review of Commission Records indicates that the Sub-No. 6 authority authorizes only the transportation of dry fertilizer and dry fertilizer ingredients, from Memphis and Nashville, TN, to points in Missouri, and not, additionally, (1) the transportation of dry fertilizer and fertilizer ingredients (a) from Nashville, TN to points in Missouri and (b) from the facilities utilized by United States Steel Corporation in Memphis, TN to points in Missouri and (2) dry fertilizer and fertilizer ingredients, in bulk, in dump vehicles, from Memphis, TN (except the facilities utilized by United States Steel Corporation), to points in Missouri, as indicated in the prior decision notice. Thus, the authority described in (4)(a) and (b) and in (5) in the prior notice is deleted. Applicant's representative is: Thomas P. Rose, P.O. Box 206, Jefferson City, MO 65102.

MC–FC–78939. By decision of January 28, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Lykes Transport, Inc., of Permit No. MC–146944 issued October 20, 1980, to Lykes Pasco Packing Co. authorizing the transportation of *meats*, from points in Alabama, Louisiana, Mississippi, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Tennessee, Indiana, Kentucky, Michigan, Ohio, and Georgia, to the facilities of Lykes Bros., Inc., in Georgia and Florida, under contining contract (a) with Lykes Bros, Inc., Tampa, FL. Subject to the following conditions:

Applicants' representative is: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601.

MC–FC–78958. By decision of February 12, 1981 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Wasatch Freight Line, Inc., of Salt Lake City, UT of Certificate of Registration No. MC–56984 (Sub–No. 2) issued December 23, 1963 to Grant Crocket, doing business as Murray & Midvale Truck Line of Salt Lake City, UT, and transfered in No. MC–FC76742 (decided November 26, 1976) to Valley Transfer, Inc., doing business as Air Land Express of Salt Lake City, UT. This Certificate of Registration evidence a right to engage in transportation in interstate commerce corresponding in scope to Certificate of Public Convenience and necessity No. 1890 issued by Public Service Commission of the State of Otah authorizing operations as a common carrier over regular routes transporting *general commodities* as follows: (a) From Salt Lake City to Murray, Midvale and Sandy, Utah, serving all intermediate points and return; and (b) Between Salt Lake City, Utah and Daper, Utah, via U.S. Highway 91 and Utah Highway 111, serving the intermediate and off-route points of Murray, Midvale & Sandy, Utah. Applicant's representative is: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110.

MC–FC–78962. By decision of January 16, 1981. Transferee: Harriet Transport, Inc., 63 Conway Street, P.O. Box D–620, New Bedford, MA, 02742. Transferor: Massachusetts Trucking Corp., P.O. Box F–649, New Bedford, MA 02742. Review Board 5 granted the purchase under 49 U.S.C. 10926 by transferee of rights of transferor in Certificate MC–61019 by decision of February , 1981. The right follow: (1) *General commodities*, with certain exceptions, over regular routes, from New York, NY to New Bedford, MA, serving defined off-route and intermediate points; (2) *fresh, frozen, smoked or salted fish*, over regular routes, from Boston, MA to Philadelphia, PA, subject to restrictions; (3) *fish, fish livers, fish oils, and fish scrap*, over regular and irregular routes, from points in Barnstable County, MN to Providence, RI, serving all intermediate points subject to restrictions; (4) *fish, fish livers, fish oils, and fish scrap*, from New Bedford, Fairhaven, and Fall River, MA, to Providence and Pawtucket, RI, points in the New York, NY Commercial Zone, and Philadelphia, PA, and *empty fish containers*, on return; (5) *malt beverages and advertising matter*, from (a) Newark, NJ to Providence and Pawtucket, RI, and Fall River, MA and (b) Newark, NJ and New York, NY London and Hartford, CT, and New Bedford, Tauton, and Brockton, MA, and *returned or rejected shipments of malt beverages and empty malt beverage containers*, from the destination points in (a) and (b) to the origin points in (a) and (b); and (6) *cranberries*, from points in Barnstable, Bristol, and Plymouth Counties, MA, to points in the New York, NY Commercial Zone. Transfere holds Certificate of Registration No. MC–120126 (Sub-1). Application has not been filed for temporary authority under 49 U.S.C. 11349. This application is directly related to MC–120126 (Sub-2) published in this Federal Register issue. Applicant's representative: Frank J. Weiner, 17 Court Square, Boston, MA 02108.

MC–FC–78964. By decision of February 12, 1981 issued under 49 U.S.C. 10926 and the transfer rules at C.F.R. 1132 Review Board Number 5 approved the transfer to Walco Transport, Inc., of Certificate No. MC–143032 (Sub-Nos. 2, GTO #16–1, 5F, 6F, 7F, 16F, 18F, 19F, 20F, 25F) issued to Thomas J. Walczynski d/b/a/ Walco Transport authorizing the transportation of *Heating briquets*, From Pine Bend, Minnesota to Superior, Wisconsin to points in Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, New York, North Dakota, Ohio, South Dakota and Wisconsin; and *Petroleum coke*, From Pine Bend, Minnesota to Superior, Wisconsin. *Dry fertilizer*, From Pine Bend, MN to points in ND and WI. (1) *heating briquets*, from Superior, WI, to points in the United States (except AK, CO, HI, IL, IN, IA, MN, MT, NE, NY, ND, OH, SD, and WI), and (2) *coke*, from superior, WI, to points in the United States (except AK and HI). (1) *bag house fume*, from the facilities or North Star Steel Company, at St. Paul, MN, to points in United States (except Alaska and Hawaii); and (2) *steel grinding balls*, from the facilities of North Star Steel Company, at Duluth, MN, to points in North Dakota, Wisconsin, Iowa, Nebraska, Missouri, Illinois, Colorado, Indiana, Michigan, Ohio, and Pennsylvania, *snowmobiles, motorcycles, parts* and *accessories* for snowmobiles and motorcycles, *snowmobile clothing, motorcycle clothing* and *snowmobile oil*, (except in bulk, in States (except Alaska and Hawaii), *hardboard, and accessories* for the installation of hardboard, (1) from the facilities of Superwood Corporation, at or near Duluth, MN, to points in Michigan, Ohio, Indiana, and Illinois, restricted in (1) and (2) above to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations, *lumber and wood products* from the ports of entry on the international boundary line between the United States and Canada in Minnesota (except points in Kittson and Roseau Counties, MN), and Wisconsin, Iowa, Missouri, Illinois, Indiana, Michigan, Wisconsin, Kansas, Arkansas, Ohio, and Pennsylvania, (1) *roofing granules and crushed stone*, in bulk, from the facilities of 3-M Corporation, at Wausau, WI, to be facilities of CertainTeed Corporation, at Shakopee, MN, Chicago Heights, IL, and Avery, OH; and (2) *roofing granules and granulated slag*, in bulk, from Gibson, IN, to the facilities of CertainTeed Corporation at Shakopee, MN, *iron and steel articles*, from Duluth, MN, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, West Virginia, and Wisconsin, *printing paper*, (except printed), from the Facilities of Potlatch Corporation, at or near Brainerd and Cloquet, MN, to Minneapolis, MN, restricted to the transportation of traffic having a subsequent movement by rail, *iron and steel articles*, from Sterling and Rock Falls, IL, to points in Minnesota and North Dakota, *lumber, lumber products, wood products, and building materials*, (except commodities in bulk), from the facilities of Weyerhaerser Company, at or near Duluth, MN, to points in Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Iron, Polk, Price, Rusk, St. Croix, Sawyer, and Washbrn Counties, WI. Applicant's representative is: James B. Hovland, Esq., Suite M–20, 400 Mayvette Avenue, Minneapolis, MN 55402. (1) Certificates not yet issued, temporary authority or emergency temporary authority cannot be transferred. Transforee should seek substantiation for transferor as applicant in said proceedings.

MC–FC–78967. By decision of February 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132. Review Board Number 5 approved the transfer to Rail Highway Transportation, Inc. of Permit No. MC–145025 (Sub 5 F) issued January 8, 1981, to Consignor's Inc., authorizing the transportation of (1) *parts* and *accessories*, for truck, trailer, mobile

home, and recreational vehicles, and (2) *materials, equipment, and supplies* used in manufacture and distribution of the commodities in (1) above, (except commodities in bulk, and those commodities which because of size or weight require the use of special equipment), between the facilities of Dayton Walther Corporation, at (a) Cincinnati, Dayton, Moraine, Fayette, and Portsmouth, HO, (b) Carrollton and Franklin, KY, (c) Muncie and Richmond, IN, (d) Americus, GA, (e) Union City, TN, and (f) Commerce, TX, on the one hand, and, on the other, points in Georgia, Indiana, Illinois, Kentucky, Louisiana, Maryland, Michigan, New York, Ohio, Pennsylvania, Tennessee, and Texas, under continuing contract(s) with Dayton Walther Corporation, of Dayton, OH. Applicants' representative is: David A. Turano, Baker & Hostetler, 100 East Broad Street, Columbus, OH 43215.

MC-FC-78974. By decision of February 18, 1981, issued under the tranfer rules at 49 C.F.R. 1133. Review Board Number 5 approved the transfer to Intermodal Marketing, Inc. of Kansas City, KS, License No. MC-130679F issued 8/26/80 to Metro Park Warehouses, Inc. of Kansas City, KS, authorizing operations as a property broker, arranging for the transportation of general commodities (except household goods) between all points in the United States. Applicants' representative is: Frank W. Taylor, Jr., 1221 Baltimore, Suite 600, Kansas City, MO 64105 Tranferee and transferor are affiliated.

MC-FC-78976. By decision of February 13, 1981, issued under 49 U.S.C. 10976 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the tranfer to Public Transport, Inc., of Worth, IL, of Certificates No. MC-143678 (Sub-No. 2 and 3) issued October 27, 1978 and September 11, 1979 to Paul Micklans, d/b/a Nick's Trucking, of Bellevne, NE, authorizing the transportation of precast and prestressed concrete products, from the facilities of Wilson Coverete Company at or near La Platte and Bellevire, NE to points in IA, Concrete products from the facilities of Wilson Concrete Co., at or near Washington and Buffalo. IS, to points in IL and MO, and steel articles, from points in IL to the facilities of Wilson Concrete Co., at or near Washington and Buffalo, IA. Applicants' representative is: Marshall D. Becker, Suite 610, 717 Mercy Road, Omaha, NE 68106. TA lease is not sought transferee holds authority under MC 141367.

MC-FC-78978. By decision of February 18, 1981 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to William L. Potter D/B/A Franks Express of Certificate of Registration No. MC-121749 issued (date) September 30, 1975, to Donald E. Clarr D/B/A Clarr's Express evidencing a right to engage in transportation in interstate commerce corresponding in scope to (state certificate No.) New York State Certificate No. 92226 dated May 13, 1974, issued by (the state commission). The New York Public Service Commission subject to the following conditions: That applicants furnish a certified copy of the order permitting the transfer of the corresponding intrastate certificate. Applicant's representative is: Neil D. Breslin, 600 Broadway, Albany, NY 12207.

MC-FC-78979. By decision of February 11, 1981, issued under 49 U.S.C. 10976 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to Red Lion Bus Company, of Red Lion, PA, of Certificate No. MC-84697 issued to Leiplant Bus Company, Inc., of York, PA, authorizing the transportation of passengers and their baggage, over irregular routes, restricted to traffic originating at the point and in the territory indicated, in charter operations, from York, PA and points in PA within 15 miles of York, to points in NJ, DE, MD and DC, and return. Applicant's representative is: James W. Hagar, 100 Pine St., Harrisburg, PA 17108. A TA lease application has been filed transferee holds authority under Certificate MC 115262 and Subs.

MC-FC-78980. By decision of February 12, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Gibson and Jackson Moving and Storage, Inc., of Big Stone Gap, VA, of that portion of Certificate No. MC-64240 acquired in No. MC-FF-77992 by Jimmie Jones, d/b/a Appalachia Moving and Storage, of Appalachia, VA, authorizing the transportation of irregular routes: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Appalachia, VA, on the one hand, and, on the other, points in Virginia, and those in Kentucky within 50 miles of Appalachia, VA. Household goods as defined by the Commission, Between points in Harlan and Letcher Counties, KY, and Dickenson and Wise Counties, VA, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Between points in Lee County, VA, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, West Virginia, and the District of Columbia. Applicant's representative is: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St. NW., Washington, DC 20036. TA Lease is sought. Transferee holds no authority.

MC-FC-78987. By decision of February 11, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to SBP Transportation Co., Inc., of Permit No. MC 148424 (Sub-No. 2)F issued January 9, 1981 to TBC Trucking, Inc., of Albuquerque, NM, authorizing the transportation of: To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by home improvement centers and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk and those which because of size or weight require special equipment), between points in the United States (except Alaska and Hawaii), under continuing contract(s) with Standard Brands Paint Co., at Torrance, CA. Applicant's representative is: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. TA lease is sought. Transferee holds no authority.

MC-FC-78987. By decision of February 18, 1981, issued under 49 U.S.C. § 10926 and the transfer rules at CFR 1132, Review Board Number 5 approved the transfer to Worcester Truck Co., Inc., of Worcester, MA of Certificate MC 15375, issued to Normand's City Truck Freightways, Inc., of Worcester, MA authorizing generally the transportation of general commodities, over regular routes, with certain exceptions, between Boston and Springfield, MA; between Providence, RI and Greenfield, MA, and between Springfield, MA and Northhampton, MA. Also, over irregular routes, of worsted piece goods, between Worcester, MA and Shelton, CT. TA application has not been filed. Transferee is not affiliated with an ICC carrier and holds no authority.

MC-FC-78995. By decision of February 13, 1981, issued under the transfer rules at 49 CFR 1133, Review Board Number 5 approved the transfer to Van Dyke Travel, Inc. of Broker

License No. MC 130154 issued June 15, 1979 to Ester A. Freal Doing Business As Senior Tourister Tours authorizing operations as a *passenger broker* at Hamden, CT, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in the same vehicle with passengers, in special and charter operations, in round-trip sightseeing and pleasure tours, beginning and ending at West Haven, Shelton, Wallingford, Meriden, Hamden, and New Haven, CT, and extending to points in Virginia, West Virginia, Ohio, Maryland, Pennsylvania, Delaware, Rhode Island, Wyoming, New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, Maine and the District of Columbia. Applicant's representative is: Elizabeth Van Dyke, 60 Temple Street, New Haven, CT 06510.

MC–FC–78999. By decision of February 13, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to Trailer Convoys, Inc., of Jeffersonville, IN, of Certificate No. MC–139555 (Sub-2) issued February 25, 1977 to Modular Transportation Co. (a corporation), of Grand Rapids, MI, authorizing the transportation of irregular routes: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), and *trailer converter dollies* and *containers*, (a) From the plant site of Fruehauf Corporation, at Milan, MI, to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, (b) From the plant site of Fruehauf Corporation, at Fort Madison, IA, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, (c) From the plant site of Fruehauf Corporation at Fort Wayne, IN, to points in Illinois, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, (d) From the plant site of Fruehauf Corporation at or near Uniontown, PA, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, West Virginia, and Wisconsin, Between points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin. Applicant's representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. TA lease is not sought. Transferee holds authority in MC 10934.

MC–FC–79000. By decision of February 18, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to HAL-MOR, INC., of the following certificates used to Arthur Foran: (a) No. MC–75141, issued May 12, 1941, authorizing the transportation of household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular routes, between Biddeford and Saco, ME, on the one hand, and, on the other, points in Massachusetts and New Hampshire; and (b) No. MC–75141 (Sub-No. 1), issued February 13, 1948, authorizing the transportation of the above described commodities, over irregular routes, between Biddeford and Saco, ME, on the one hand, and, on the other, points in Connecticut. Applicant's representative is: David R. Ordway, Esq., P.O. Box AE, 5 Washington Street Biddeford, ME 04005.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8330 Filed 3-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to the requirements of Title 49, Subtitle IV, United Stated Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority is issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Notes.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY2—009

Decided March 9, 1981.

By The Commission, Review Board, No. 1 members, Parker, Chandler and Taylor.

MC 3753 (Sub-34), filed February 9, 1981. Applicant: AAA TRUCKING CORP., 3630 Quaker Bridge Rd., P.O. Box 8042, Trenton, NJ 08650. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048 (212) 432–0940. Transporting *general commodities* (except classes A and B explosives), between New York, NY, points in MA, CT, RI, NJ, DE, MD, DC, Belnap, Cheshire, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan Counties, NH, Broome, Chemung, Cortland, Nassau, Orange, Rockland, Suffolk, and Westchester Counties, NY, Clarke, Frederick, and Warren Counties, VA, Berkley, Jefferson, and Morgan Counties, WV, Bradford, Columbia, Lackawanna, Luzerne, Lycoming, Montour, Sullivan, Susquehanna, and Wyoming Counties, PA, and those in PA on and east of U.S. Hwy 11. Condition: Issuance of a certificate in this proceeding is conditioned upon carrier's

written request for coincidental cancellation of all its outstanding authority within the above specified area, and also withdrawal of any pending applications for authority within the area.

MC 35072 (Sub-12), filed February 9, 1981. Applicant: EDWIN L. ELLOR & SON, INC., 29 Mountain Blvd., Warren, NJ 07060. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Casale Industries, Inc., of Garwood, NJ.

MC 104683 (Sub-53), filed February 10, 1981. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, MS 39401. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205. Transporting *commodities in bulk*, between points in Lawrence County, MS, on the one hand, and, on the other, points in the U.S.

MC 112822 (Sub-485), filed March 3, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant), 918–225–0365. Transporting *petroleum, natural gas and their products* and *chemicals and related products*, between points in Walker County, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, KS, LA, MS, MT, NV, NM, OK, OR, UT, WA, and WY.

MC 114273 (Sub-773), filed March 3, 1981. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant) (319) 396–4400. Transporting *chemicals and related products*, between points in Ashtabula County, OH and Camden County, NJ, and those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Note.—Applicant intends to tack this authority with its otherwise authorized regular-route authority in Chicago, IL, and PA, MD, and NY.

MC 116632 (Sub-30F), filed March 2, 1981. Applicant: H. O. BOUCHARD, INC., MRC Box 141A, Coldbrook Road, Bangor, ME 04401. Representative: John R. McKernan, J., P.O. Box 566, Two Canal Plaza, Portland, ME 04112 (207) 774–4000. Transporting *buildings and building materials*, between points in ME, on the one hand, and, on the other, points in the U.S.

MC 118292 (Sub-43), filed February 27, 1981. Applicant: BALLENTINE PRODUCE, INC., P.O. Box 454, Alma, AR 72921. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006 (202) 298–8600. Transporting *food and related products*, between points in Johnson County, AR and points in AL, AR, CA, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, NE, NJ, NY, OH, PA, SC, TN, TX, VA, WV, and WI.

MC 124692 (Sub-362), filed February 10, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401 1–(406) 728–2800. Transporting *machinery*, between Minneapolis, MN, on the one hand, and, on the other, points in the U.S.

MC 134612 (Sub-5), filed February 10, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd. Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601 (312) 332–5106. Transporting *such commodities* as are dealt in by manufacturers and distributors of air cooling and heating equipment, air cleaners, humidifying equipment, and furnaces, between points in the U.S., under continuing contract(s) with Fedders Corporation, of Edison, NJ.

MC 134613 (Sub-16F), filed February 17, 1981. Applicant: WESTERN CARTAGE, INC., 2921 Dawson Road, Tulsa, OK 74110. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135 (918) 496–3122. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 143552 (Sub-12), filed February 10, 1981. Applicant: CELEWEND ASSOCIATES, INC., 1 Whitfield Court, Caldwell, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Purex Corporation, its subsidiaries and divisions, of Toledo, OH.

MC 144293 (Sub-19), filed March 2, 1981. Applicant: DUANE McFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Thomas J. Beener, 67 Wall Street, New York, N.Y. 10005 (212) 269–2540. Transporting *food and related products*, between Chicago, IL, Milwaukee, WI, points in Champaign County, OH, and Clay County, MO.

MC 144503 (Sub-38), filed February 9, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Bldg., La Crosse, WI 54601 (608) 784–5860. Transporting *such commodities* as are dealt in by manufacturers and distributors of lighting fixtures, between points in Sumter County, GA, and Barbour County, AL, on the one hand, and, on the other, points in the U.S.

MC 144603 (Sub-18), filed March 3, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: Laura C. Berry (Same address as applicant) 314–291–3030. Transporting *lumber and wood products*, (1) between points in Potter and Randall Counties, TX, on the one hand, and, on the other, points in AZ, UT, CO, NM, and (2) points in the U.S. in and east of WI, IA, MO, AR and LA (except FL).

MC 145623 (Sub-10), filed February 9, 1981. Applicant: O.K. MESSENGER SERVICE, INC., 9107 Telegraph Rd., Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349–3060. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Superior Products Co., of Southfield, MI, and its subsidiaries.

MC 145742 (Sub-5F), filed March 3, 1981. Applicant: BOLES TRUCKING, INC., Rural Route No. 1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Spr (217) 544–5466. Transporting *rubber and plastic products*, between points in the U.S. under continuing contract(s) with Omni Products Company, of Garland, TX.

MC 150332 (Sub-3), filed February 10, 1981. Applicant: SUNBURY TRANSPORT LIMITED, P.O. Box 3217, Station B, Federicton, New Brunswick, Canada E3A 5G9. Representative: Fritz R. Kahn, Suite 1100, 1660 L St., NW, Washington, DC 2036 (202) 452–7400. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with James River Corporation of Richmond, VA.

MC 150592 (Sub-4), filed February 10, 1981. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, York, NE 68467. Representative: Charles R. Wallace (same address as applicant) (402) 362–7491. Transporting *food and related products*, between points in CA, CO, IL, IN, IA, KS, MN, MO, NE, SD, TX, and WI, on the one hand, and, on the other, points in the U.S.

MC 150783 (Sub-8), filed February 10, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant) (501) 636–1979. Transporting

clay, concrete, glass, or stone products, between the facilities of Libby Glass, at Toledo, OH, Shreveport, LA, and Los Angeles and Riverside Counties, CA, on the one hand, and, on the other, points in the U.S. CONDITION: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary.

MC 151198 (Sub-5), filed February 18, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same as applicant) (201) 499–3889. Transporting *such commodities* as are dealt in and distributed by supermarkets and hardware stores, between points in the U.S., under continuing contract(s) with Purex Corporation, of Bristol, PA.

MC 152673 (Sub-1), filed February 17, 1981. Applicant: ODENTON SHELL SERVICECENTER, INC., 1144 Annapolis Rd., Odenton, MD 21113. Representative: Rony Werthamer, 6507 Glenwick Ct., Baltimore, MD 21209 (202) 566–3144. Transporting *machinery* and *transportation equipment* between points in DE, MD, NJ, NY, PA, VA, WV, and DC.

MC 152712 (Sub-1), filed March 2, 1981. Applicant: NIEMEIER BROS., INC., 150 Easyway, P.O. Box 12475, El Paso, TX 79916. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102 (817) 335–2505. Transporting *building materials*, between points in the U.S., under continuing contract(s) with J. R. Niemeier Co., of El Paso, TX.

MC 154373, filed February 10, 1981. Applicant: JEAN O'CONNOR, d.b.a. O'CONNOR TRAVEL, 1334 N. State Parkway, Chicago, IL 60610. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726–6525. To engage in operations, in interstate or foreign commerce, as a *broker*, at Chicago, IL, in arranging for the transportation of *passengers and their baggage*, in round trip, special and charter operations, beginning and ending at points in IL, IN, IA, KS, KY, MO, MI, MN, OH and WI, and extending to points in the U.S.

Volume No. OPY–2–619

March 9, 1981.

By the Commission Review Board No. 1, Members, Parker, Chandler and Taylor.

MC 2733 (Sub-7), filed February 10, 1981. Applicant: SIDNEY TRUCK AND STORAGE, INC., 777 West Russell Rd., Sidney, OH 45365. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, 703–445–8330. Transporting *general commodities* (except classes A and B explosives), between points in Shelby County, IN and points in OH, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, NY, NJ, PA, TN, WV, WI, DE, MD, GA and OH.

MC 47583 (Sub-136F), filed February 10, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044 (913) 843–0110. Transporting *general commodities* (except classes A and B explosives), between the facilities used by CertainTeed Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 47583 (Sub-139), filed March 2, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, 913–843–0110. Transporting *such commodities* as are dealt or used by manufacturers and distributors of plumbing fixtures and pipe and pipe fittings, between points in the U.S.

MC 52932 (Sub-39F), filed February 9, 1981. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, PA 19446. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011, (717) 761–0520. Transporting *general commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, points in OH, IN, IL, MI, WI, NY, PA, VA, WV, and KY.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 57992 (Sub-12), filed February 23, 1981. Applicant: SEWELL MOTOR EXPRESS, INC., 149 South Mulberry St., Wilmington, OH 45177. Representative: Joe F. Asher, 88 East Broad St., Columbus, OH 43215, 614–221–2300. Over *regular routes*, transporting *general commodities* (except classes A and B explosives) (1) between Pomeroy, OH and the IN-OH state line, over U.S. Hwy 33, (2) between Gallipolis and Conneaut, OH, over OH Hwy 7, (3) between Cambridge and Canton, OH, over Interstate Hwy 77, (4) between Wellston and Little Hocking, OH, over OH Hwy 124, (5) between Dennison, OH and the IN-OH state line, over U.S. Hwy 36, (6) between Columbus and Cleveland, OH, over OH Hwy 3, (7) between Ironton and Akron, OH, over OH Hwy 93, (8) between Conneaut and Cleveland, OH, (a) over U.S. Hwy 20, and (b) over Interstate Hwy 90, (9) between Urbana and Granville, OH: from Urbana over OH Hwy 29 to Mutual, then over OH Hwy 161 to Granville, and return over the same route, (10) between Newark and Huron, OH, over OH Hwy 13, (11) between Columbus and Avon Lake, OH: from Columbus over OH Hwy 16 to Coshocton, then over OH Hwy 83 to Avon Lake, and return over the same route; (12) between junction of OH Hwy 11 and U.S. Hwy 30 and intersection of U.S. Hwy 30 and the OH-IN state line, over U.S. Hwy 30: from junction OH Hwy 11 and U.S. Hwy 30 over U.S. Hwy 30 to the OH-IN state line, (13) between Greenville, OH and the OH-MI state line, over OH Hwy 49, (14) between Waldo and Union City, OH, over OH Hwy 47, (15) between junction of U.S. Hwy 23 and OH Hwy 15 and intersection of OH Hwy 15 and the OH-MI state line, over OH Hwy 15: from junction U.S. Hwy 23 and OH Hwy 15 over U.S. Hwy 15 to the OH-MI state line, (16) between Sandusky, OH and the OH-IN state line: (a) from Sandusky over OH Hwy 2 to junction U.S. Hwy 20, then over U.S. Hwy 20 to the OH-IN state line, and return over the same route, (b) from Sandusky over OH Hwy 2 to junction Interstate Hwy 80, then over Interstate Hwy 80 to the OH-IN state line, and return over the same route, and (c) from Sandusky over OH Hwy 2 to junction Alternate U.S. Hwy 20, then over Alternate U.S. Hwy 20 to junction OH Hwy 107, then over OH Hwy 107 to the OH-IN state line, and return over the same route, (17) between Columbus and Youngstown, OH, over U.S. Hwy 62, (18) between Ashtabula and East Liverpool, OH: (a) over OH Hwy 11, and (b) from Ashtabula over OH Hwy 531 to junction OH Hwy 45, then over OH Hwy 45 to junction OH Hwy 11, then over OH Hwy 11 to East Liverpool, and return over the same route, (19) between Marietta and Steubenville, OH: from Marietta over OH Hwy 60 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Steubenville, and return over the same route, (20) between Sandusky, OH and junction OH Hwy 151 and OH Hwy 7: from Sandusky over U.S. Hwy 250 to junction OH Hwy 151, then over OH Hwy 151 to junction OH Hwy 7, and return over the same route, and (21) between the OH - IN state line and the OH-PA state line, over U.S. Hwy 224, serving all intermediate points in routes (1) through (21) above.

MC 106603 (Sub-219F), filed February 9, 1981. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrian St., S.W., P.O.

Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Hagerty Rd., P.O. Box 400, Northville, MI 48167. Transporting *gypsum products and building materials*, (a) between points in Ottawa County, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, PA, NY, WI, and WV, and (b) between points in Webster County, IA, on the one hand, and, on the other, points in IL, IN, KY, WI, MI, and OH.

MC 107012 (Sub-662), filed February 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *metal products*, between points in Dona Ana County, NM, on the one hand, and, on the other, points in the U.S.

MC 115603 (Sub-22F), filed February 24, 1981. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, OK 73109. Representative: J. Michael Alexander, 581 Marvin D. Love Freeway, No. 301, Dallas, TX 75237. Transporting (1) *machinery*, (2) *metal products*, between points in Tulsa County, OK, on the one hand, and, on the other, points in the U.S.

MC 118202 (Sub-171), filed February 23, 1981. Applicant: SCHULTZ TRANSIT, INC., Box 406, Winona, MN 55987. Representative: Stanley C. Olsen, Jr., 520 Wilson Rd., Ste. 307, Edina, MN 55424, 612–927–8855. Transporting *food and related products*, between points in MN, IA, and WI, on the one hand, and, on the other, points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, TX, and DC.

MC 118202 (Sub-172), filed March 2, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *food and related products*, between Los Angeles, and Miltipas, CA, Denver, CO and Franklin Park, IL, on the one hand, and, on the other, points in the U.S.

MC 124813 (Sub-235), filed February 26, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, Iowa 50309, 515–282–3525. Transporting: *lumber and wood products*, between points in CA, CO, ID, IA, MT, OR and WA, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, MI, MN, MO, MT, NE, ND, OH, SD, UT, WI and WY.

MC 129712 (Sub-36), filed February 9, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, 404–237–6472. Transporting *machinery* between points in the U.S. under a continuing contract(s) with Ford Motor Company, of Troy, MI.

MC 129712 (Sub-39), filed February 26, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326, 404–237–6472. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of locks, between points in the U.S., under continuing contract(s) with Dexter Lock Co., a division of Kysor Industrial Corp., of Grand Rapids, MI.

MC 129712 (Sub-40), filed February 26, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, 404–237–6472. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with S. K. Products Corp., of Atlanta, GA.

MC 141403 (Sub-3), filed February 9, 1981. Applicant: ROBERT RUPPRECHT, d.b.a. REPCO, 900 North Watertown Rd., P.O. Box 89, Jefferson, WI 53549. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting *such commodities* as are dealt in by manufacturers and distributors of alcoholic beverages, between points in Houghton County, MI, on the one hand, and, on the other, points in WI, Peoria County, IL, Franklin County, OH, and Saginaw, Genesee, and Macomb Counties, MI.

MC 141532 (Sub-110), filed February 23, 1981. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104, 801–973–4449. Transporting *machinery*, between points in OH, PA, IN, WV, IL, IA, and WI, on the one hand, and, on the other, points in OR, CA, NV, CO, WA, and ID.

MC 144603 (Sub-15), filed February 10, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry, (same address as applicant), (314) 291–3030 Transporting *general commodities*, (except classes A and B explosives), (1) between points in AR, IL, IN, IA, KS, KY, MO, and TN; and (2) points named in (1), on the one hand, and, on the other, points in CA, and those points in the U.S., in and east of MN, IA, NE, KS, OK, and TX.

MC 144682 (Sub-53), filed February 9, 1981. Applicant: R.R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX, 75245. Transporting *food and related products*, between points in CA, IL, TX, and WI, on the one hand, and, on the other, points in the U.S.

MC 145102 (Sub-73), filed February 23, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608–256–7444. Transporting *food and related products*, between points in WA, on the one hand, and, on the other, points in the U.S.

MC 145802 (Sub-8), filed February 24, 1981. Applicant: RONALD E. REED d.b.a. TRIPLE R TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *food and related products*, between the facilities used by Farmland Foods, Inc., at points in MO, IA, and NE, on the one hand, and, on the other, points in the U.S.

MC 146782 (Sub-43), filed February 23, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Ave., South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201, 615–244–2926. Transporting *metal products*, between Cook and Peoria Counties, IL, and Montgomery County, IN, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MD, MI, MS, NC, OH, PA, SC, TN, TX, VA, and WV.

MC 148283 (Sub-12), filed March 3, 1981. Applicant: ABC TRANSPORTATION COMPANY, State Docks Rd., Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001, 202–628–9243. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 149462 (Sub-1), filed February 19, 1981. Applicant: BERNARD PAVELKA TRUCKING, INC., 1215 East "J" St., Hastings, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *meats, meat products and meat byproducts, dairy products, articles distributed by meat-packing houses, and such commodities as are*

used by meat packers in the conduct of their business when destined to and for use by meat packers, between points in the U.S., under continuing contract(s) with Dugdale of Nebraska, Inc., of Cozad, NE.

MC 149472 (Sub-1), filed February 10, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Rd., Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, 215–561–1030. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, between points in NJ, on the one hand, and, on the other, points in DE, MD, NY, PA, VA, and DC.

MC 149563 (Sub-5), filed February 23, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 36214. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, 205–251–2061.Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Edmont Division, Becton Dickinson & Company, of Haynesville, LA.

MC 151022 (Sub-1), filed February 9, 1981. Applicant: LOCAL DELIVERY & MOVING SERVICE, INC., 420 Milam St., San Antonio, TX 78202. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 800, Kansas City, MO 64105, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO.

MC 152163 (Sub-1), filed February 9, 1981. Applicant: DARTMOUTH CONTRACT CARRIERS, INC., 70 Jenkins St., New Bedford, MA 02740. Representative: Thomas F. Silvia (same address as applicant), 1–(617) 990–5071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) The Sherwin Williams Co., of Cleveland, OH, and (b) U.S. Ringbinder Corp., of New Bedford, MA.

MC 153313 (Sub-1), filed February 9, 1981. Applicant: TROJAN TRANSPORTATION, INC., 6280 Artesia Blvd., Buena Park, CA 90620. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hill, CA 90211, (213) 655–3573. Transporting *building materials,* between points in AZ, AR, CA, CO, ID, MO, MT, NV, NM, OK, OR, TX, UT, WA, and WY.

MC 154093, filed February 9, 1981. Applicant: LOUIS C. BILANDZIJA and JOE VALONA, d.b.a. FAIRWAY TRUCK SERVICE, 6572 Peggy Circle, Huntington Beach, CA 92647. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773–4111. Transporting *general commodities* (except classes A and B explosives), between points in AZ, NV, UT, CA, OR, and WA.

MC 154372, filed February 10, 1981. Applicant: EXECUTIVE TRAVEL SERVICE, INC., d.b.a. FUGAZY INTERNATIONAL TRAVEL, One Boston Place, Boston, MA 02108. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. To engage in operations, in interstate or foreign commerce, as a *broker,* at Boston, MA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, beginning and ending at Boston, MA, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8335 Filed 3-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–103

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

Republication

MC 150975 (Sub-1–2 TA), filed February 18, 1981. Applicant: DORVAL CORP., 1201 Corbin St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are dealt in or sold by grocery or discount department stores,* between the commercial zones of Charleston, SC, New York, NY, Miami and Tampa, FL, Philadelphia, PA, Richmond and Norfolk, VA, and Wilmington, DE, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, and WI. Supporting shipper: Cadur Trading Corp., 1037 N.W. 21st Terr., Miami, FL.

MC 151759 (Sub-1–2 TA), filed March 6, 1981. Applicant: BULKWAY TRANSPORT CORPORATION, 350 Central Avenue, Kearny, NJ 07032. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. *Contract carrier;* irregular: *chemicals,* between Newark NJ, and points in its commercial zone, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Fairmount Chemical Co., Inc., of Newark, NJ. Supporting shipper: Fairmount Chemical Co., Inc., 117 Blanchard Street, Newark, NJ 07105.

MC 154507 (Sub-1–1TA), filed March 4, 1981. Applicant: BOSTON FREIGHT TERMINALS, INC., 31 Fargo Street, Boston, MA 02127. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment,* between Boston, MA and New York, NY on the one hand, and, on the other, points in CT, MA, ME, NH, RI, VT, restricted to shipments having a prior or subsequent movement by water. Supporting shippers:

Commerce Navigation, Inc., 89 State Street, Boston, MA 02109; Boston Overseas, Inc., 33 Broad Street, Boston, MA 02109; Boston Consolidation Service, 31 Fargo Street, S. Boston, MA 02127; Container Marine Transport, Inc., 2500 83rd St., Bldg. 8, North Bergen, NJ; The Gillette Company, Prudential Tower Bldg., Boston, MA 02199.

MC 144643 (Sub-1–3TA), filed March 5, 1981. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. *Contract carrier:* irregular routes: *Foodstuffs, meats, meat products and meat by-products and articles distributed by meat packinghouses, materials, equipment and suplies used in the manufacture, sale and distribution of the commodities thereof,* between all points in the U.S., under continuing contract with Swift Independent Packing Company, Chicago, Il. Supporting shipper: Swift Independent Packing Company, 115 West Jackson Blvd., Chicago, IL 60604.

MC 105940 (Sub-1–3TA), filed March 6, 1981. Applicant: SAFEWAY TRUCKING CORPORATION, Building No. 2210, Elizabeth Port Authority Marine Terminal, McLester St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foodstuffs (except in bulk,* between Waco, TX, on the one hand, and, on the other, points in AL, FL, GA, IL, KY, NC, SC, and TN. Supporting shipper(s): Texas Distribution Center, Inc., 7900 Mars Drive, Waco, TX 76710.

MC 29934 (Sub-1–4TA), filed March 5, 1981 Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Empty glass containers or bottles* from the counties of Oswego and Onondaga, NY and Baltimore, MD to Merrimack, NH. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666.

MC 146026 (Sub-1–3TA), filed March 6, 1981. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island Turnpike, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Packaging materials, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above,* between points in the U.S. Restricted to traffic originating at or destined to the facilities used or utilized by Raleigh Packaging Inc. Supporting shipper(s): Raleigh Packaging Inc., 11 S. Westfield Rd., Howell, NJ 07731.

MC 105940 (Sub-1–2TA), filed March 5, 1981. Applicant: SAFEWAY TRUCKING CORPORATION, Building No. 2210, Elizabeth Port Authority Marine Terminal, McLester St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Foodstuffs (except in bulk), and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities name in (1) above,* between Elizabeth and Hackettstown, NJ; Elizabethtown, PA; and Dallas, Houston, and Waco, TX. Supporting shipper(s): M&M/Mars, Division Mars, Inc., High St., Hackettstown, NJ 07840.

MC 87451 (Sub-1–9TA), filed February 27, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Contract carrier:* irregular routes; *Building materials and materials, equipment and supplies used in the manufacture, sale and distribution thereof, (except classes A & B explosives and household goods as defined by the Commission),* (1) between Los Angeles, CA on the one hand, and points and places in MA on the other; and (2) between points and places in ME, NH, VT, RI, CT, MA, NY and NJ, under continuing contract(s) with Systems Distributors, Inc. of Malden, MA. Supporting shipper: Systems Distributors, Inc., 263 Commercial Street, Malden, MA 02148.

MC 87451 (Sub-1–10TA), filed March 2, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Contract carrier:* irregular routes; *Transporting such commodities as are dealt in or used by manufacturers, distributors and installers of plumbing, heating, and air conditioning equipment (except commodities in bulk, Classes A & B explosives and household goods as described by the Commission),* between points in CT, DE, DC, IL, IN, KY, MA, MD, ME, MI, NH, NJ, OH, PA, RI, VA, VT, WI and WV, under continuing contract(s) with P.D.M. Plumbing & Heating, Inc. of Manchester, NH. Supporting shipper: P.D.M. Plumbing & Heating, Inc., 170 Baker St., Manchester, NH 03103.

MC 87451 (Sub-1–12TA), filed March 4, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Contract carrier:* irregular routes; *Fullers earth preparation and materials, equipment and supplies used in the manufacture, sale and distribution thereof except Classes A and B explosives and household goods as defined by the Commission),* between Lawrence MA, on the one hand, and, on the other, points and places in CA, under continuing contract(s) with Uptite Co., Inc. of Lawrence Ma. Supporting shipper: Uptite Co., Inc. 10 Railroad St., Lawrence, MA 01841.

MC 52574 (Sub-1–5TA), filed March 4, 1981. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, New Jersey 07111. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, New Jersey 07006. *Contract carrier,* irregular routes: *Bedding, new furniture and materials, supplies and equipment used in the manufacture, sale and distribution of new furniture* between points in PA, NY, CT, RI, NJ, MA, ME, VT and NH. Under continuing contract(s) with Simmons U.S.A., Brunswick Ave., Elizabeth, New Jersey 07207. Supporting shipper: Simmons U.S.A., Brunswick, Ave., Elizabeth, NJ 07207.

MC 109847 (Sub-1–1TA), filed March 3, 1981. Applicant: BOSS–LINCO LINES, INC., 3909 Genessee Street, Buffalo, NY 14225. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, Alexandria, Va 22314. *Common carrier:* regular routes: *General commodities (except hazardous waste and Class A and B explosives)* serving points in Luzerne County, PA as intermediate and off-route points as a part of carrier's presently authorized regular route operations. Supporting shipper: triangle Publishing Company, Building 4, Radnor Corporation Center, Radnor, PA 19087.

MC 154454 (Sub-1–1TA), filed March 3, 1981. Applicant: LARANDAE SERVICES, INC., 24 Adams Street, Old Bridge, NJ 08857. Representative: Lawrence Caruso (same address as applicant). *Contract carrier:* irregular routes: *(1) Chemicals, and (2) Materials, equipment, and supplies used in connection therewith* between Brooklyn, NY and Stamford, CT, on the one hand, and, on the other, Baltimore, MD, and Emelle, AL, under continuing contract(s) with Radiac Research Corp. of Brooklyn, NY. Supporting shipper: Radiac Research Corp., 261 Kent Ave., Brooklyn, NY 11211.

MC 154448 (Sub-1–1TA), filed March 3, 1981. Applicant: HEMPSTEAD LIMOUSINE SERVICE CORP., 20 Sterling Place, Hempstead, NY 11550. Representative: Harold Sacks, P.C., 19

West 44th Street, New York, NY 10036. *Passengers and their baggage, in charter operations, in round trip, sightseeing, pleasure and educational tours,* beginning and ending at points in the New York, NY commercial Zone and Westchester and Suffolk Counties, NY, and extending to points in the States of ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL and DC. Supporting shipper(s): Super Casino Tours, 1589 Merrick Rd., Merrick, NY 11566; Samson Paper Bag Co., Inc., 1 Arnold Dr., Huntington, NY; Edmos Corporation, 20 Garvies Point Rd., Glen Cove, NY 11542; Electro Audio Dynamic, Inc., 98 Cutter Mill Rd., Great Neck, NY; Austin Travel Corp., 580 S. Broadway, Hicksville, NY 11801.

MC 146828 (Sub-1–2TA), filed March 3, 1981. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island Turnpike, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NY 07934. *(1) Ski equipment, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities name in (1) above,* between New York, NY, Norristown, PA, and points in Orange County, NY and Sussex County, NJ, on the one hand, and, on the other, points in VT, TN, PA, ME, MN, IA, MI, NY, NH, VA, and CO. Supporting shipper: Borvig Corp., Riverdale Station, Box 451, Bronx, NY 10471.

MC 154393 (Sub-1–1TA), filed March 3, 1981. Applicant: ALL COUNTY ENVIRONMENTAL SERVICE CORP., P.O. Box G, Glenwood, NJ 07418. Representative: Ronald M. Fraioli, Esq., Hartmann, Brooks & Fraioli, 345 Boulevard, Hasbrouck Heights, NJ 07604. *Hazardous waste,* from NJ, NY, PA, MD, DE, WV, MA, CT, RI, NH, VT, and ME to NJ, NY, PA and VA. Supporting shipper(s): There are six statements in support of this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 138861 (Sub-1–19TA), filed March 3, 1981. Applicant: C–LINE, INC., 300 Jefferson Blvd. Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street N.W., Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives),* between Milford, CT, Warwick, RI, Brooklyn, NY, Itasca, IL, Cerritos, CA, and Largo, FL under continuing contracts(s) with Bic Pen Corp., of Milford, CT. Supporting shipper: Bic Pen Corp., Wiley Street, Milford, CT 06460.

MC 138567 (Sub-1–2TA), filed March 3, 1981. Applicant: R. L. PAQUETTE, INC., P.O. Box 182, Middlebury, VT 05753. Representative: Roger Paquette (same address as applicant). *Contract carrier;* irregular routes: *general commodities (except Class A and B explosives, commodities in bulk, commodities which because of size or weight require the use of special equipment and household goods as defined by the Commission)* between points in VT, on the one hand, and, on the other, points in the US (except AK and HI) under a continuing contract with Conrad Fafard Incorporated, Garden Way Catalog Inc., and Johnson Building Materials. Supporting shippers: Conrad Fafard Incorporated, Springfield, MA 01101, Garden Way Catalog, Inc., Charlotte, VT 05445; and Johnson Building Materials, Burlington, VT 05401.

MC 90373 (Sub-1–3TA), filed March 4, 1981. Applicant: R L S TRUCKING CORP., Inman Avenue, Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Asphalt in bulk in tank vehicles* from Perth Amboy, NJ to points in CT and parts of NY on and south US Hwy 20 and on and east of US Hwy 11, and that part of PA on and east of US Hwy 15, under continuing contract(s) with Chevron U.S.A. Inc., Perth Amboy, NJ. Supporting shipper: Chevron U.S.A. Inc., 1200 State Street, Perth Amboy, NJ 08861.

MC 154514 (Sub-1–1TA), filed March 5, 1981. Applicant: RENE J. ROGER, d/b/a/ C. W. Miller Co., 1 Hodsell Street, Cranston, RI 02910. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852. *Hazardous waste,* between places in Lincoln, North Kingstown, North Providence, and Warwick, RI, to places in Braintree, MA. Supporting shipper(s): Brown & Sharpe Manufacturing Company, Precision Park, North Kingston, RI; Madison Industries, Jenckes Hill Road, Lincoln, RI; Kenney Manufacturing Company, 1000 Jefferson Blvd., Warwick, RI 02886.

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 110525 (Sub-II–22TA), filed March 5, 1981. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Lionville, PA 19353. Representative: Thomas J. O'Brien (same address as applicant). *Sulfuric acid (oleum 65)* from Dominguez, CA to the port of entry at the international boundary between the US and Mexico for 270 days. An underlying ETA seeks 120 days. Supporting shipper: The Procter & Gamble Co., P.O. Box 599, Cincinnati, OH 45201.

MC 4484 (Sub-II–2TA), filed March 4, 1981. Applicant: CROWN TRANSPORT, INC., Rural Delivery No. 2, Wampum, PA 16157. Representative: Annette M. Storm, P.O. Box 43010, St. Paul, MN 55164. *Auto body parts, plastic NOI,* from Byesville, OH to Edison, NJ and Farmington, NH, restricted to traffic originating at the facilities of Meridian Platic, Inc., at Byesville, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Meridian Plastics, 110 N. 8th St., Byesville, OH 43723.

Note.—Common control may be involved.

MC 154496 (Sub-II–1TA), filed March 4, 1981. Applicant: D.H.T. OF PENNSYLVANIA, INC., 141 Willis St., Bedford, OH 44146. Representative: John V. Heutsche, P.O. Box 46311, 31 Columbus Rd., Bedford, OH 44146. *Corrugated Pulpwood Boxes, and Paper and Paper Products and Materials, Equipment and Supplies,* between Eighty-Four, PA, on the one hand, and, on the other, points in OH, NY, WV, MI, IN, MD, NJ, DE, VA, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Camp, 1600 Valley Road, Wayne, NJ 07470.

MC 149153 (Sub-II–3TA), filed March 6, 1981. Originally published in the Federal Register dated February 23, 1981. Applicant: DANNY'S TWO–WAY, INC., 11603 Chester Rd., Cincinnati, OH 45246 Representative: Danny M. Watson, 4195 Crystalview, Cincinnati, OH 45241. *Salt, salt products, and fertilizer in bulk and bag* from Cincinnati, OH to points in IL, IN, KY, MI (lower peninsula), MO (points on and east of US Highway 63), OH, PA (points on and west of Highway 15), WV (points on and west of Interstate Highway 79 from PA–WV state line to its intersection with Interstate Highway 77, thence Interstate Highway 77 to WV–VA state line), and WI (points on and south of WI Hwy. 33) for 270 days. Supporting shippers: Cargill Salt Department, 15407 McGinty Road, Minnetonka, Minnesota. Domtar Industries, Inc., Sifto Salt Division, 9950 W. Lawrence Ave., Schiller Park, IL 60176. The purpose of republication is to add Hwy 33.

MC 154613 (Sub-II–1TA), filed March 9, 1981. Applicant: DEPENDABLE TRANSPORTATION, INC., P.O. Box 122, Rushville, OH 43150. Representative: Joseph J. LoPresti, Jr., 2500 Terminal Tower, Cleveland, OH 44113. *Containers, Container Components, Glassware, TV bulb components, scrap material and material, equipment and supplies used*

in the manufacture and distribution of the foregoing between points in IL, IN, NY, OH and Pittston, PA, for 270 days. Restriction: Authority herein restricted to traffic moving for the account of Owens-Illinois, Inc. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666.

MC 154513 (Sub-II–1TA), filed March 4, 1981. Applicant: EAGLE LINES, INC., 1523 Maryland Ave., Bluefield, WV 24701. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425–13th St., NW., Washington, D.C. 20004. *Heavy equipment, mining equipment, parts, accessories, materials and supplies used in the manufacture and distribution thereof* between WV and Buchanan, Tazawell, Dickerson, Wise, Russell and Giles Counties, VA, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 6 statements of support which may be examined at the ICC Regional Office, Phila., PA.

MC 151807 (Sub-II–3TA), filed March 6, 1981. Applicant: FWC, INCORPORATED, Route 2, Box 123, Rustburg, VA. 24588. Representative: J. Johnson Eller, Jr. 513 Main St., Altavista, VA 24517. *Furniture and fixtures* between Pulaski County, VA on the one hand, and, on the other, points in CA, WA, OR, AZ, NM, CO, NV, WY, UT, MT, and ID for 270 days. Supporting shipper: Coleman Furniture Corp., Box 908, Pulaski, VA 24301.

MC 154492 (Sub-II–1TA), filed March 4, 1981. Applicant: FIRST TRUCK LINES, INC., 10 Kelly Ave., Dayton, OH 45404. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. Contract, irregular: *General Commodities (with the usual exceptions),* between Palmyra, NY and Dayton, OH, on the one hand, and, on the other, points in AL, CA, GA, IL, LA, NC, NV, SC, TX and WA under continuing contract with Garlock, Inc. Supporting shipper: Garlock, Inc., 6094 Executive Bldg., Dayton, OH 45424.

MC 138000 (Sub-II–31TA), filed March 5, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Glass products, including packaging materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Lexington, KY, including its commercial zone, on the one hand, and, on the other, Winchester, VA, and Newark, NJ, including their respective commercial zones, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper(s): General Electric Company, Lighting Business Group, Nela Park, Cleveland, OH 44112.

MC 150339 (Sub-2–32TA), filed March 2, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Boulevard, Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Vision care products, accessories and supplies, equipment, and materials used in the manufacture thereof,* between Atlanta, GA, Baltimore, MD, Chicago, IL, Dallas, TX, Los Angeles, CA, Oakland, MD, Rochester, NY, Parsippany, NJ, and Brooklyn, NY, under continuing contract(s) with Bausch & Lomb, SOFLENS Division, 500 Spencerport Road, Rochester, NY 14606. An underlying ETA seeks 120 days authority. Supporting shipper: Bausch & Lomb, SOFLENS Division, 500 Spencerport Road, Rochester, NY 14606.

MC 154475 (Sub-II–1TA), filed March 2, 1981. Applicant: MARGARET WEIR, d.b.a. WEIR EXPRESS, Suite 506, 11256 Cornell Park Dr., Blue Ash, OH 45242. Representative: Edward R. Kirk, 85 East Gay St., Columbus, OH 43215. *Contract, irregular: Chocolate confectonary and related food* products from Cincinnati, OH to pts. in IN and Louisville, KY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hershey Chocolate Co., 629 Elismore Place, Cincinnati, OH 45202.

MC 150239 (Sub-II–2TA), filed February 27, 1981. Applicant: PACESETTER TRANSPORT DIVISION, EDGEMERE TERMINALS, INC., 8004 Stansbury Rd., Baltimore, MD 21222. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Metal and metal products,* from Baltimore, MD to points in NJ, PA, OH and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cerro Sales Corp., New York, NY 10177.

MC 87103 (Sub-II–2TA), filed March 2, 1981. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Walter Keal (same as appliant). *Oil well machinery, materials, equipment and supplies* between Summit County, OH on the one hand, and, on the other, Schulenberg, TX and points within 25 miles of Schulenberg, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: McNeil Akron, Inc., 96 East Crosier, Akron, OH 44311.

MC 148400 (Sub-II–4TA), filed March 2, 1981. Applicant: ORVILLE E. VAUGHAN AND KATHLEEN V. VAUGHAN, d.b.a. SUN VALLEY TANK LINES, 64 LaPorte Dr., Mars, PA 16046. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract Irregular: Baking soda, washing soda, oven cleaner, laundry detergent, sodium bicarbonate, and sodium carbonate and materials, equipment and supplies used in the manufacture and distribution of said commodities*(1) between Syracuse, NY, on the one hand, and, on th other, points in the United States, (2) between Green River, WY, on the one hand, and, on the other, Old Fort and Green Springs, OH and Chicago, IL, and (3) from Old Fort, OH to Totowa, NJ under a continuing contract(s) with Church & Dwight Co., Inc. of Piscataway, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Church & Dwight, Inc., P.O. Box 369, 20 Kings Bridge Road, Piscataway, NJ 08854.

MC 41706 (Sub-II–1TA), filed March 3, 1981. Applicant: TOSE, INC., 424 West Fourth Street, Bridgeport, PA 19405. Representative: Anthony C. Vance, Esq., Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. General commodities, except Classes A and B explosives, between Harford, Cecil, Howard, Montgomery, Anne Arundel, Prince Georges, and Baltimore Counties, MD, Dauphin, Lebanon, Berks, Lancaster, York, Cumberland Counties, PA, Arlington and Fairfax Counties, VA, Phillipsburg, NJ, Washington, DC, Alexandria, VA, and Marcus Hook, PA. for 270 days. An underlying ETA seeks 120 days authority. Applicant intends tack authority sought with authority held under MC 41706. Supporting shipper(s). There are 77 statements of support. These statements may be examined in the ICC Office in Phila., PA.

MC 117883 (Sub-II–13TA), filed March 3, 1981. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Robert Von Aschen (same as applicant).Meat, meat products, meat by-products and articles distributed by meat packing houses as described in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Denison and Ft. Dodge, IA; Luverne, MN; Dakota City and West Point, NE, and Emporia, KS to Chicago, IL: (2) between Emporia, KS on the one hand, and on the other Denison and Ft. Dodge, IA, and Dakota City and West Point, NE. An underlying ETA seeks 120 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 154381 (Sub-II–1TA), filed March 4, 1981. Applicant: SIMMONS-PRETLOW BROS. TRUCKING CO. INC.,

121 E. Marshall St., Richmond, VA 23219. Representative: Reverdo C. Pretlow (address is same above).Contract Irregular: Kraft paper Honeycomb products, expanded, expanded and faced or not expanded. between Richmond, Va and its commercial zones on the one hand and on the other hand all points in the United States (except Alaska and Hawaii), under a continuing contract with Hexagon Honeycomb, Inc. of Richmond, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hexagon Honeycomb, Inc., 2701 Peyton St., Richmond, VA.

MC 113158 (Sub-II-6TA), filed March 4, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. *Canned goods* from Manatee County, FL to the facilities of Giant Foods, Inc. in MD for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Giant Foods, Inc., 6300 Sheriff Road, Landover, MD 20785.

MC 106920 (Sub-II-15TA), filed March 6, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. *Frozen Foods* (such as frozen seafood, frozen meat entrees, etc.), and *materials, supplies and equipment* used in the manufacture and distribution thereof, between Buffalo, NY, on the one hand, and, on the other, points in the U.S., in and east of MT, WY, CO, and NM, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Freezer Queen Foods, Inc., 975 Fuhrmann Blvd., Buffalo, NY 14203.

MC 154177 (Sub-II-1TA), filed March 6, 1981. Applicant: TRI-STATE AIR CARGO, INC., P.O. Box 712, Ceredo, WV 25507. Representative: James W. Muldoon, 50 W. Broad, Columbus, OH 43215. *General commodities* (except Classes A and B explosives), between Putnam and Kanawha Counties, WV, on the one hand, and, on the other, pts in KY, OH, PA and WV for 270 days. Supporting shipper: Branchland Pipe & Supply Co., 4034 Altizer Avenue, Huntington, WV 25705; Unit Rig & Equipment Co., 4200 First Ave., Nitro, WV 25143.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth TX 76102.

MC 8644 (Sub-5-2TA), filed March 9, 1981. Applicant: GALVESTON TRUCK LINES CORP., 7415 Wingate, Houston, TX 77011. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. *Flour and corn meal products in packages*, (1) Between Alton, IL and Shawnee, OK and (2) Between Alton, IL and Shawnee, OK on the one hand, and, on the other, points in TX. Supporting shipper: Sam Garlow, Shawnee Milling Company, P.O. Box 1567, Shawnee, OK 74801.

MC 35320 (Sub-5-52), filed March 9, 1981. Applicant: T.I.M.E.-DC, INC., 2596 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives,* between points in Somerset County, PA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: The Coleman Company, Wichita, KS, T.I.M.E.-DC, Inc.'s Environmental Protection Agency Number is TXD007934193.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 35320 (Sub-5-53), filed March 9, 1981. Applicant: T.I.M.E.-DC, INC., 2596 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, regular. *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Jacksonville, FL and its commercial zone as an off-route point in connection with carrier's otherwise authorized regular-route operations. Supporting shippers: Eight (8) shippers.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 85697 (Sub-5-1TA), filed March 9, 1981. Applicant: EDMOND MOTOR FREIGHT, INC., P.O. Box 922, Edmond, OK 73034. Representative: Greg E. Sunny, P.O. Box 1540, Edmond, OK 73034. Common, regular. *General Commodities* (except Classes A and B explosives), (1) between Oklahoma City, OK and Dallas, TX, serving no intermediate points: From Oklahoma City over Interstate Hwy 35 and U.S. Hwy 77 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to Dallas, and return over the same route and (2) between Ft. Worth, TX and junction Interstate Hwy 35 and Interstate Hwy 35W, serving no intermediate points: From Ft. Worth over Interstate Hwy 35W to junction Interstate Hwy 35, and return over the same route. Tacking, interlining, and service between commercial zones is required. Supporting shipper: There are 41 shippers supporting the application.

MC 105566 (Sub-5-19TA), filed March 9, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701.Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *General Commodities, except commodities in bulk, household goods as defined by the Commission, and Classes A and B explosives* between the facilities of Mead Johnson & Company at Evansville and Mt. Vernon, IN and Springfield, MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Mead Johnson & Company, Evansville, IN 47721.

MC 112713 (Sub-5-32TA), filed March 9, 1981. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr., P.O. Box 7270, Overland Park, KS 66207. Contract; Irregular.*General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between all points in the U.S., under continuing contract with Minnesota Mining and Manufacturing Company or its wholly-owned subsidiaries. Supporting shipper: Minnesota Mining and Manufacturing Co., 3M Center, St. Paul, MN 55144.

MC 124174 (Sub-5-40TA), filed March 9, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Iron and steel articles, equipment and supplies,* between Middlesex County, NJ, on the one hand, and on the other, pts in the USA in and east of ND, SD, WY, CO, and AZ. Supporting shipper(s): Raritan River Steel Company, Perth Amboy, NJ 08862.

MC 126118 (Sub-5-56TA), filed March 9, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, (same as applicant). *Floor coverings,* from pts in GA to pts in KS. Supporting shipper: Carpets from Wiley's Division of Wiley's, Inc., L. Earle Smith, General Manager, 900 N. Main Street, Hutchinson, KS 67501.

MC 136786 (Sub-5-54TA), filed March 9, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 Northeast Third Street, Des Moines, IA

50313. Representative: Stanley C. Olsen, Jr., Olsen, Snelling & Christensen, P.A., Suite 307, 5200 Willson Road, Minneapolis, MN 55424. *Such merchandise as is dealt in or used by craft and nursery stores and equipment, materials, and supplies used in the manufacture and distribution thereof* between pts in the U.S. restricted to shipments originating or destined to the facilities of Frank's Nursery & Crafts, Inc. Supporting shipper: Frank's Nursery & Crafts, Inc., 6399 East Nevada, Detroit, MI 48234.

MC 138627 (Sub-5–11TA), filed March 9, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Building materials, clay products, and related articles,* between Webster County, IA, on the one hand, and, on the other, pts in the U.S. Supporting shipper: W. S. Dickey Clay Manufacturing Co., P.O. Box 6, Pittsburg KS 66762.

MC 139923 (Sub-5–5TA), filed March 9, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th Street, Stroud, OK 74079. Representative: Michael H. Lennox, 8803 North Western Avenue, Oklahoma City, OK 73114. *Petroleum products in containers,* from Karns City, PA to CA, OR, WA, UT, AZ, CO. Supporting shipper: Penreco, P.O. Box 671, Butler, PA 16001.

MC 140665 (Sub-5–64TA), filed March 9, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, Mo. 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Paper and paper products,* between points in Wausau, Winnebago, Marathon and Ozaukee counties, WI on the one hand, and, on the other, Seattle, WA. Supporting shipper: Kaplan Paper Company, 2700 4th Avenue, So., Seattle, WA 98134.

MC 142061 (Sub-5–1TA), filed March 9, 1981. Applicant: ETHLAR T. SMALL, JULIA T. SMALL, ERIC T. SMALL AND CRAIG T. SMALL, d.b.a. SMALL'S L P-GAS COMPANY, P.O. Box 397, Wyatt, MO 63883. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Anhydrous ammonia, in bulk, in tank vehicles,* from the facilities of Agrico Chemical Company at or near Barfield, AR, and the facilities of United States Steel Corporation, Agri-Chemicals Division, at or near Selma (Jefferson County), MO, to points in AR, KY, TN, IL, MO, and KS. Supporting shippers: Chevron Chemical Company, 3001 LBJ Freeway, Suite 130, Dallas, TX, 75234, and United States Steel Corporation, USS Agri-Chemicals Division, 233 Peachtree Street, NE, P.O. Box 1685, Atlanta, GA, 30301.

MC 142508 (Sub-5–49TA), filed March 9, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Commodities sold by hardware and building supply houses including strapping and strip steel,* between the facilities of The Stanley Works and pts in AR, IL, IA, KS, MN, MO, NE, NY, TN, and WI. Supporting shipper: The Stanley Works, New Britain, CT.

MC 142716 (Sub-5–2TA), filed March 9, 1981. Applicant: C & L TRUCKING, INC., 1609 27th Street, NW., Cedar Rapids, IA 52405. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Fertilizer, fertilizer solutions, and anhydrous ammonia,* from Fort Madison, IA to points in IL, MO, NE, SD, MN and KS. Supporting shipper: Chevron Chemical Company, P.O. Box 282, Fort Madison, IA 52627.

MC 143043 (Sub-5–1TA), filed February 23, 1981. Applicant: WATSON COMPANY, Rt. 2, Box 440, Colfax, LA 71417. Representative: Sherman C. Watson (same as applicant). *Chemicals in packages and drums,* from Vicksburg, MS to points in AZ and CA. Supporting shipper: Vertac Chemical Corp., P.O. Box 3, Vicksburg, MS 39180.

MC 144622 (Sub-5–74TA), filed March 9, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Charcoal and materials and supplies used in the manufacture and distribution thereof* between points in Dent County, MO and Lunenburg County, VA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Cupples Company, 1034 South Brentwood, Suite 1660, St. Louis, MO 63117.

MC 144622 (Sub-5–75TA), filed March 9, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Contract; Irregular. *(1) Foodstuffs, (2) meats, meat products, and meat by-products, and articles distributed by meat packinghouses, and (3) materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities in (1) and (2) above* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company of Chicago, IL. Supporting shipper: Swift Independent Packing Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 145163 (Sub-5–2TA), filed March 9, 1981. Applicant: DON MULDER d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, NE 68504. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Bailing twine,* from Milwaukee and Superior, WI and Duluth, MN, and points in their respective commercial zones, to points in the states of IA, KS, MN, MO, NE, ND, SD, and WI. Supporting shipper: Dubuque Twine Co., Jones & Terminal Streets, Dubuque, IA 52001.

MC 145715 (Sub-5–11TA), filed March 9, 1981. Applicant: BELL TRUCKING, INC., P.O. Box 165, Van Buren, AR 72956. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, trucks and buses as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766)—Between points in the U.S.—Restricted to the transportation of traffic originating at or destined to the facilities of International Paper Company. Supporting shipper: International Paper Company, 77 West 45th Street, New York, NY 10036.

MC 146078 (Sub-5–21TA), filed March 9, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Glassware,* from Sapulpa, OK, to all points and places in TX, MO, KS, AR, LA, MS, and TN. Supporting shipper: Bartlett-Collins Company, P.O. Box 1288, Sapulpa, OK 74066.

MC 146360 (Sub-5–12TA), filed March 9, 1981. Applicant: DIMENSION TRANSPORTATION, INC., P.O. Box 26656, Oklahoma City, OK 73126. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *Commodities dealt in by grocery and food business houses and materials, equipment and supplies used in the conduct of such business,* between ports of entry on the International Boundary Line between the United States and Canada in the states of ID, MT, ND, and MN, on the one hand, and, on the other, points in CA, TX, FL, PA, IL, OR, WA, CO, UT, AZ, LA, and OK. Applicant intends to interline. Supporting shipper: Blackfoot Freight Systems, Ltd.; Suite 3-3640 26th Street, NE; Calgary, Alberta T1Y-4T7.

MC 146152 (Sub-5–2TA), filed March 9, 1981. Applicant: K & H TRUCKING,

INC., 3301 S. Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne (same as Applicant). *(1) Liquid Bleach and Dish Detergents; (2) Equipment and Supplies used in the Manufacture, Sale and Distribution of above named commodities, except in bulk* from New Orleans, LA to points in AL, GA, FL, MS, TN and TX. Restricted to shipments originating at or destined to the facilities of National Marketing Association, Inc. Supporting shipper: National Marketing Association, Inc., 1501 St. Louis St., New Orleans, LA 70112.

MC 148284 (Sub-5–4TA), filed March 9, 1981. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Edible Flour and Materials, Equipment and Supplies* used in the manufacture thereof (except in bulk)-Between the facilities of Golden Dipt Company, at or near Millstadt, IL, on the one hand, and, on the other, points in the U.S. Supporting shipper: Golden Dipt Company, 100 East Washington, Millstadt, IL 62260.

MC 151788 (Sub-5–5TA), filed March 9, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Avenue, Salina, KS 67401. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Such commodities as are dealt in by manufacturers and distributors of soft drinks (except in bulk),* from Streator, IL; Sapulpa, OK; Corsicana, TX; Kansas City, MO; Colorado Springs, CO; and Warrenton, MO to Wichita, KS. Supporting shipper: Seven-Up Wichita Bottling Company, 2900 South Hydraulic, Wichita, KS 67216.

MC 154580 (Sub-5–1TA), filed March 9, 1981. Applicant: MEL-RO TRANSPORT, INC., Route 8, Old Cheney Road, Lincoln, NE 68506. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *Lumber and wood products, metal products and building materials,* between points in Lancaster County, NE on the one hand, and, on the other, points in the U.S. Supporting shippers: The Fence Place, a subsidiary of Lincoln Construction Services, Inc., 3100 North 27th Street, Lincoln, NE 68521; and Midwest Steel Works, Inc., P.O. Box 81096, Lincoln, NE 68501.

MC 154586 (Sub-5–1TA), filed March 9, 1981. Applicant: MOO TRUCK LINES, INC., P.O. Box 11134, St. Louis, MO 63135. Representative: Timothy O'Brien (same address as above). Contract Irregular *Household cleaning goods and scouring compounds and materials and (2) commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk in tank vehicles).* Between the facilities of the Purex Corporation at Chicago, IL, Omaha, NE, and St. Louis, MO to all points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MO, MS, NE, OK, TN, TX. Supporting shipper: Purex Corporation, 6901 McKissock Ave., St. Louis, MO 63147.

MC 154587 (Sub-5–1TA), filed March 9, 1981. Applicant: LINDEN CONSTRUCTION CO., INC., d.b.a., LOUIE'S LEISURE LINE, Route No. 1, Box 53, Colby, KS 67701. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. *Passengers and their Baggage,* in special and charter operations, beginning and ending at points in KS and extending to points in the U.S. Supporting shipper: Colby Travel and Tours, 490 N. Franklin, Colby, KS 67701.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8084 Filed 3-17-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 104–TAA–2]

Optic Liquid-Level Sensing Systems From Canada

AGENCY: United States International Trade Commission.

ACTION: Institution of a countervailing duty investigation.

SUMMARY: On January 8, 1979, the Department of the Treasury published in the **Federal Register** notice of Final Countervailing Duty Determination and Suspension of Liquidation (44 FR 1728). The notice stated that Treasury had determined that exports of optic liquid-level sensing systems from Canada, manufactured by Honeywell Limited, benefited from bounties or grants within the meaning of section 303 of the Tariff Act of 1930. Accordingly, imports of this merchandise into the United States have been subject to countervailing duties. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective, and on January 2, 1980, the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce. On May 13, 1980, Commerce published a notice in the **Federal Register** (44 FR 31455) of intent to conduct an animal administrative review of all outstanding countervailing duty orders.

Although the U.S. International Trade Commission received a request for this investigation on December 27, 1979, the effective date of title I of the Trade Agreements Act of 1979, under which the request was filed is January 1, 1980. The December 27, 1979, request was received from Honeywell Limited; a request by the Canadian Government was received by the Commission on January 2, 1980.

As required by section 751(a)(1) of the Tariff Act of 1930, Commerce has conducted its first annual administrative review of the order on optic liquid-level sensing systems, manufactured in Canada by Honeywell Limited. As a result, Commerce, in the **Federal Register** of January 14, 1981 (46 FR 3261), preliminarily determined that the net subsidy conferred is 12 percent ad valorem of the f.o.b. invoice price. On the basis of that determination, the United States International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act, is instituting an investigation with respect to optic liquid-level sensing systems from Canada. Commerce reported that it would issue a final determination in this case after analysis of issues received in written comments or at a hearing. However, no hearing was requested and no written comments had been received by the deadline for their submission to Commerce, February 13, 1981. Commerce's final determination as to the most current level of subsidies will be made as soon as possible.

EFFECTIVE DATE: March 11, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator, U.S. International Trade Commission, Washington, D.C. 20436 (202–523–0439).

SUPPLEMENTARY INFORMATION: The United States International Trade Commission is instituting this countervailing duty investigation to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports from Canada of optic liquid-level sensing systems currently entered under item 685.90 of the Tariff Schedules of the United States covered by the countervailing duty if the order were to be revoked.

Written Submission: Any person may submit to the Commission a written statement of information pertinent to this subject matter of this investigation. A signed original and nineteen (19) true

copies of each submission must be filed at the office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before June 12, 1981. All written submissions, except the confidential business data, will be available for public inspection.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of fact in this investigation will be available to all interested parties on May 11, 1981.

Public Hearing: The Commission will hold a public hearing in connection with this investigation on June 3, 1981, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10 a.m., e.d.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.) on May 25, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10 a.m., e.d.t., on May 27, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before May 27, 1981.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearings, as would otherwise be provided for by rule 201.12(d). All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with rule 207.22. Posthearing briefs will also be accepted within a time specified at the hearing.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76456).

Issued: March 12, 1981.
By order of the Commission.
Kenneth R. Mason,
Secretary.

[FR Doc. 81-8280 Filed 3-17-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 731-TA-39 (Preliminary)]

Tubeless-Tire Valves From the Federal Republic of Germany

AGENCY: United States International Trade Commision.

ACTION: Termination of investigation and cancellation of public conference.

SUMMARY: On March 13, 1981, the Nylo-Flex Manufacturing Co., Mobile, Alabama, notified the U.S. Department of Commerce that it was withdrawing its antidumping petition concerning tubeless-tire valves in accordance with Commerce's recommendation (Commerce found that the petition's treatment of non-confidential summaries was indadequate). Nylo-Flex intends to refile its petition with adjustments requested by Commerce forthwith. Accordingly, the Commission terminates investigation No. 731-TA-39 (Preliminary) pursuant to its authority under § 207.13 of the Commission's Rules of Practice and Procedure and cancels its conference scheduled for March 17, 1981, pending Nylo-Flex's resubmission.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Reavis, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0298.

Issued: March 13, 1981.
By order of the Commission.
Kenneth R. Mason,
Secretary.

[FR Doc. 8318 Filed 3-17-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Extension of Time for Completion of Evidentiary Hearing

AGENCY: U.S. International Trade Commission.

ACTION: Extension of time for completion of evidentiary hearing.

SUMMARY: Having reviewed the record in this matter, including complainant's motion for extension of time (Motion 76-14) and papers in support thereof, the Commission has granted complainant's motion and extended the time for conducting a hearing in the above-captioned investigation to April 30, 1981.

SUPPLEMENTARY INFORMATION: This investigation, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), concerns alleged infringement of U.S. Letters Patent 3,766,817 by the importation and sale of certain food slicers.

Under Commission 210.42(e)(1) of the Commission's Rules of Practice and Procedure, the time for conducting a hearing in this investigation expired on December 21, 1980. Complainant Prodyne Enterprises, Inc., moved on February 23, 1981 (Motion 76-14, as amended) to extend the time for a hearing to April 30, 1981. The Commission has granted the motion and remanded the investigation to the Administrative Law Judge. The Commission also remanded Motion 76-15 and Motion 76-16 to the Administrative Law Judge for issuance of recommended determinations.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission Action and Order. Such petitions must be in accord with section 210.56 of the Commission's Rules (19 CFR § 210.56).

Copies of the Commission Action and Order in this matter and any other public documents in this investigation are available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street N.W., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street N.W., Washington, D.C. 20436; telephone 202-523-0143.

Issued: March 13, 1981.
By order of the Commission.
Kenneth R. Mason,
Secretary.

[FR Doc. 81-8258 Filed 3-17-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-81]

Certain Hollow Fiber Artificial Kidneys; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Termination of Investigation No. 337-TA-81, *Certain Hollow Fiber Artificial Kidneys.*

SUMMARY: The parties to this investigation have filed a joint motion to terminate based upon a settlement agreement. After reviewing the record, including comments from interested Federal agencies and private parties, the Commission has voted to terminate the investigation as to all issues and all parties.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) of alleged unfair methods of competition and unfair acts in the importation or sale of certain hollow fiber artificial kidneys in the United States, complainant Cordis Dow Corp., respondents Terumo Kabushiki Kaisha, Terumo America, Inc. Terumo Corporation, and the Commission investigative attorney filed a motion on October 30, 1980 (Docket No. 81–26) to terminate this investigation on the basis of a settlement agreement. The Administrative Law Judge has certified the motion to the Commission with her recommendation that it be granted.

Reconsideration: Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days of service of the Commission Action and Order. Such petitions must be in accord with the Commission rule 210.56 (19 CFR 210.56).

Public Access: Copies of the Commission's Action and Order, and any other public douments in the record of this investigation, are available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq. Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0480.

Issued: March 11, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8257 Filed 3-17-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-85]

Certain Surface Grinding Machines and Literature for the Promotion Thereof; Correction of Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice of Correction of Notice of Investigation.

On January 22, 1981 a Notice of Investigation in the Matter of Certain Surface Grinding Machines and Literature for the Promotion Thereof, Investigation No. 337–TA–85, was published in the Federal Register (FR Vol. 46, No. 14, pp. 7107–7108). The scope of the investigation section lacked several words (underlined below), and should read as follows:

Scope of the Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 14, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(b)), an investigation be instituted to determine whether there is a reason to believe there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain surface grinding machines and literature for the promotion thereof into the United States, or in their sale, by reason of copyright and trademark infringement, palming off, reverse palming off, false designation of origin, *trade libel, and misappropriation of* trade dress and trade name, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

FOR FURTHER INFORMATION CONTACT: Louis S. Mastriani, Commission investigative attorney, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0469.

Issued: March 9, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8259 Filed 3-17-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-93]

Certain Universal Joint Kits, Components Thereof, and Trunnion Seals Used Therewith; Termination of Investigation as to One Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Termination of the investigation as to respondent Kanematsu-Gosho (USA) Inc.

SUMMARY: Notice is hereby given that on the basis of a joint motion by Dana Corporation (the complainant), the Commission investigative attorney, and Kanematsu-Gosho (USA) Inc., the U.S. International Trade Commission has granted Motion 93–3 to terminate the investigation as to respondent Kanematsu-Gosho (USA) Inc.

Authority: The authority for Commission disposition of this matter is contained in Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.55 of the Commission's Rules of Practice and Procedure (19 CFR 210.55).

SUPPLEMENTARY INFORMATION: Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

Issued: March 12, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8256 Filed 3-17-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-83]

Certain Window Shades and Components Thereof; Termination

AGENCY: U.S. International Trade Commission.

ACTION: Termination of the investigation as to two respondents based on the issuance of consent orders and upon settlement agreements.

SUMMARY: Notice is hereby given that the Commission has approved and issued consent orders (summarized in the Federal Register of January 28, 1981, 46 FR 9261) in the above-entitled investigation, thereby terminating the investigation as to respondents Joanna Western Mills and Breneman, Inc.

Authority: The authority for Commission disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.55 of the Commission's Rules of Practice and Procedure (19 CFR 210.55).

SUPPLEMENTARY INFORMATION: Copies of the Commission Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade

Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0493.

Issued: March 12, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8238 Filed 3-17-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-28 (Final)]

Menthol From the People's Republic of China; Change of Date of Public Hearing

Notice is hereby given that the hearing in this investigation will be held beginning at 10 a.m., e.d.t., Wednesday, May 5, 1981, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. A hearing date of April 13, 1981, had previously been announced in the Commission's notice of institution of the investigation as published in the **Federal Register** of January 28, 1981 (46 FR 9264). The Commission's hearing has been rescheduled as a result of the postponement by the United States Department of Commerce of its final determination as to the question of whether menthol from the People's Republic of China is being, or is likely to be, sold in the United States at less than fair value.

The Commission will prepare and place on the record by April 16, 1981, a staff report containing preliminary findings of fact, the public portion of which will be made available to interested persons. Requests to appear at the Commission's hearing should be filed in writing with the Secretary to the Commission not later than close of business (5:15 p.m., e.d.t.), April 23, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 2 p.m., e.d.t., on April 24, 1981, in Room 117 at the U.S. International Trade Commission Building. Prehearing statements must be filed on or before May 1, 1981. Testimony will be received separately at the hearing.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's *Rules of Practice and Procedure*, Part 207, Subpart C (19 CFR 207), and Part 201, Subparts A through E (19 CFR 201).

Issued: March 12, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8254 Filed 3-17-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Halifax Hospital Medical Center, et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement, as set forth below, have been filed in the United States District Court, Middle District of Florida, Orlando Division, in *United States* v. *Halifax Hospital Medical Center, et al.*, Civil No. 78-554-Orl-CIV-Y.

The Complaint in this case alleged that the Center and the Volusia County Medical Society had combined and conspired to impair the ability of Florida Health Care Plan, a health maintenance organization ("HMO"), to commence and maintain operations in the Volusia County area. A consent judgment was entered in September 1980 as to the medical society.

The proposed Final Judgment prohibits four categories of conduct. It prohibits any conspiracy that, in purpose of foreseeable effect, impairs the ability of an HMO to operate and compete in the Volusia County health care market. The Center is enjoined from establishing a committee that discourages physicians from seeking medical staff privileges or excludes physicians from the Center's medical staff because of any affiliation with an HMO or because of any purported lack of need for additional physicians in such physician's medical specialty. The Center is also prohibited from conspiring with anyone to discriminate against patients or employees because they are enrolled in an HMO. Finally, the Center is enjoined from discriminating against any HMO in regard to teaching assignments of physicians in the Center's residency program.

The proposed Final Judgment states that nothing in the Judgment shall prohibit or limit the Center's ability to carry out its duties and responsibilities under Florida law. There is also a provision intended to protect the Center's right to seek to influence governmental action.

Public comment is invited within the statutory 60-day comment period. Such comments and their responses will be published in the **Federal Register** and filed with the Court. Comments should be directed to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Ave., NW., Rm. 7216, Washington, D.C. 20530 (telephone: 202/633-2428).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court, Middle District of Florida, Orlando Division

United States of America, Plaintiff, v. *Halifax Hospital Medical Center; Volusia County Medical Society, Inc.*, Defendants.

Civil Action No. 78-554-Orl-Civ-Y.

Filed: March 9, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The United States and defendant Halifax Hospital Medical Center consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant Halifax Hospital Medical Center and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the making of this Stipulation shall be without prejudice to plaintiff and defendant Halifax Hospital Medical Center in this or any other proceeding.

Dated: March 9, 1981.

For Plaintiff:

Richard J. Favretto,
Acting Assistant Attorney General.
Mark Leddy,
John W. Poole, Jr.,
Judy Whalley,
Attorneys, Department of Justice.
Terrence F. McDonald,
Attorney, Department of Justice, 10th and Pennsylvania Ave., N.W., Washington, D.C. 20530, Telephone: (202) 633-3062.

For defendant Halifax Hospital Medical Center:

Owen M. Johnson, Jr.,
Akin, Gump, Hauer, & Feld, 1333 New Hampshire Ave., N.W., Suite 400, Washington, D.C. 20036, (202) 887-4040.
E. William Crotty,

Black, Crotty and Sims, P.O. Box 5668, Daytona Beach, Fl. 32018, (904) 253-6165.

U.S. District Court, Middle District of Florida, Orlando Division

United States of America, Plaintiff, v. *Halifax Hospital Medical Center; Volusia County Medical Society, Inc.*, Defendants.

Civil Action No. 78-544-Orl-Civ-Y.

Filed: March 6, 1981.

Final Judgment as to Defendant, Halifax Hospital Medical Center

Plaintiff, United States of America, having filed its complaint herein on November 27, 1978, and defendant, Halifax Hospital Medical Center, having appeared by its attorneys, and having filed its answer to such complaint denying the material allegations thereof, and the parties hereto, by their respective attorneys having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by either party in respect to any issue of fact or law herein;

Now therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby,

Ordered, Adjudged and Decreed as Follows:

I

This Court has jurisdication over the subject matter herein and of the parties hereto. The complaint states a claim upon which relief may be granted against defendant under Section 1 of the Sherman Act.

II

As used in this Final Judgment: A. "Center" means defendant Halifax Hospital Medical Center. B. Health maintenance organization ("HMO") means an entity authorized by certificate pursuant to the Health Maintenance Organization Act, Chapter 641 Part II, Florida Statutes Ann., to provide, either directly or through arrangements with others, health care services to persons enrolled with such organization on a prepaid per capita or prepard aggregate fixed sum basis.

III

The provisions of this Final Judgment shall apply to defendant Center and each member of its Board of Commissioners, its employees, its attorneys, its agents and to all persons in active concert or participation with any of them who received actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant Center is enjoined and restrained form entering into or participating in any conspiracy, agreement, understanding, plan or concert of action with any person, which has the purpose or foreseeable effect of impairing the ability of any actual or proposed HMO to commence or maintain operations for, or to compete in, the delivery of health care services in the Volusia County area.

V

Defendant Center is enjoined and restrained from establishing or maintaining a professional procurement committee or any other committee, and from adopting or engaging in any policy, practice or procedure, whose purpose or foreseeable effect is to discourage any physician from seeking medical staff privileges at the Center, or to exclude any physician from the Center's medical staff:

(1) because such physician is affiliated, or proposes to affiliate, with an HMO; or

(2) because of any purported lack of need for additional physicians in such physician's area of specialization;

provided, however, that nothing in this paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

VI

Defendant Center is enjoined and restrained from entering or participating in any conspiracy, agreement, understanding, plan or concert of action with any person which has the purpose or foreseeable effect of:

(1) Discriminating in any way against patients or prospective patients in the provision of, or in any arrangement for the provision of, the Center's services, by reason of the fact that such patients or perspective patients are enrolled in an HMO: or

(2) Discriminating in any way against any Center employee by reason of the fact that such employee is enrolled or is contemplating enrollment in an HMO.

VII

Defendant Center is enjoined and restrained from discriminating against an HMO or against any physician affiliated with an HMO in connection with the selection of teaching faculty to whom to assign the services of resident physicians who participate in the Center's Family Practice Residency Program; *provided*, however, that nothing in this Final Judgment shall impair or limit the ability of the Center and the members of the teaching faculty in the Family Practice Residency Program to determine whether or not, in considering the professional training needs of the residents, to deploy the residents at any HMO with which such faculty members are affiliated.

VIII

A. Nothing in this final Judgment shall prohibit or limit the ability of the Center from carrying out its duties and responsibilities under applicable Florida statutes and regulations.

B. Nothing in paragraphs IV, V and VI of this Final Judgment shall prohibit or limit the ability of defendant Center or any other person subject to this Final Judgment, to the extent otherwise lawful, from:

(1) Preparing or furnishing testimony, information or advice to, or negotiating with, any governmental body or agency or furnishing drafts or copies of any such information to any organization which is preparing or furnishing testimony, information or advice to, or negotiating with, any governmental body or agency with respect to the same subject matter;

(2) Advising its Board of Commissioners, employees and others of existing or proposed legislation, programs, policies, regulations, actions, procedures, or interpretations issued or proposed by any governmental body or agency, communicating its views with respect thereto, and soliciting their views thereon;

(3) Informing its Board of Commissioners, employees and others of any testimony, information or advice supplied to, or negotiations with, any governmental body or agency; and

(4) Suggesting or recommending that its Board of Commissioners, employees or others undertake activities enumerated in subparagraphs (1) through (3) above; unless such activities are undertaken as a sham, including, without limitation, activities that are intended to achieve the effects described in paragraphs IV, V and VI, through means other than the action of a governmental body or agency.

IX

Defendant Center shall require, as a condition of sale or lease or other disposition of all, or substantially all, of the assets used by it in its provision of health care services, that the acquiring or leasing party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

X

Defendant Center is ordered and directed:

A. Within sixty (60) days from the entry of this Final Judgment,

(1) To send a copy of this Final Judgment to each physician employed by or having medical staff privileges at defendant Center and to each administrator and assistant administrator of defendant Center; and (2) To file with this Court and to serve upon plaintiff an affidavit as to the fact and manner of compliance with subsection A of this paragraph X.

B. For a period of ten (10) years from the entry of this Final Judgment, to serve a copy of this Final Judgment upon:

(1) Each person who shall become a member of the Board of Commissioners at defendant Center at such time as he or she becomes a member of said Board;

(2) Each Physician who shall become employed by or be granted medical staff privileges at defendant Center at such time as he or she becomes employed by or is granted staff privileges at the Center; and

(3) Each person who shall become an administrator or assistant administrator at defendant Center at such time as he or she becomes employed by the Center.

XI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Upon written request of the Attorney General, or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant Center made

to its principal office, duly authorized representatives of the Department of Justice shall be permitted:

(1) Access during office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the Center, which may have counsel present, regarding any such matters contained in this decree; and

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, employees and agents of defendant, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General, or of the Assistant Attorney General in charge of the Antitrust Division, made to defendant Center's principal office, defendant Center shall submit such written reports, under oath if requested, with respect to any of the matters contained in this decree as may be requested.

No information or documents obtained by the means provided in this paragraph XI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law. If, at the time information or documents are furnished to plaintiff, defendant Center represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant Center marks each pertinent page of such material "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to defendant Center prior to divulging such material in any legal proceeding other than a grand jury proceeding to which defendant Center is not a party.

XII

This judgment shall remain in effect for a period of ten (10) years from the date of entry. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XIII

Entry of this Final Judgment is in the public interest.

Dated:_____

U.S. District Judge

U.S. District Court, Middle District of Florida, Orlando Division

United States of America, Plaintiff, v. *Halifax Hospital Medical Center; Volusia County Medical Society, Inc.*, Defendants.

Civil Action No. 78-554-Orl-Civ-Y.

Competitive Impact Statement

Pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment ("Judgment") as to Halifax Hospital Medical Center ("Center") submitted for entry in this civil antitrust proceeding.

I

Nature of the Proceeding

On November 27, 1978, the United States filed a civil antitrust complaint alleging that Volusia County Medical Society, Inc. ("Society") and the Center had combined and conspired to impair the ability of Florida Health Care Plan ("Plan"), a health maintenance organization ("HMO") in Daytona Beach, Florida, to commence and maintain operations and to compete in the delivery of health care services in the Volusia County area. The complaint alleged that the combination and conspiracy violated Section 1 of the Sherman Act, 15 U.S.C. § 1.

Following submission of a Stipulation, proposed Consent Decree, and a Competitive Impact Statement as to defendant Society, and after holding a hearing, this Court entered a Final Judgment as to the Society on September 19, 1980.

Entry of the attached Judgment will terminate this action, except that the Court will retain jurisdiction to interpret, modify or enforce the Judgment, or to punish violations of any of its provisions.

II

Description of the Practices Involved in the Alleged Violation

The Center is a 600-bed medical facility located in Daytona Beach, Florida. The Center, which is the largest medical facility in Volusia County, is operated by a five-member Board of Commissioners, appointed by the Governor of Florida. This Board has the responsibility of making appointments to the medical staff.

The other defendant, the Society, is an association of physicians in Volusia County with approximately 200 members.

The complaint alleges that beginning in or about 1971, defendants and co-conspirators combined and conspired to impair the ability of the Plan to operate and compete in the Volusia County health care market.

The complaint alleges that the Center has the broadest range of medical services of any health care facility in the area and that it is a virtual necessity that the Plan's physicians be members of the Center's medical staff to treat Plan patients at the Center. It further alleges that for the purpose of hindering the Plan and knowing that their actions could have an adverse impact on the Plan, the defendants and co-conspirators (1) publicly advocated the lack of need for the Plan while formulating a proposal for their own HMO; (2) established a Professional Procurement Committee at the Center which discouraged non-local physicians who contemplated affiliating with the Plan from locating in the Volusia County area; (3) excluded physicians who contemplated affiliation with the Plan from staff appointments at the Center; and (4) adopted, published and distributed a resolution opposing the Plan.

The complaint alleges that the conspiracy has had the following effects, among others: (1) the formation and development of the Plan has been delayed and obstructed; (2) the Plan has been denied the opportunity to compete freely in the provision of health care services in the Volusia County area; (3) competition in the provision of health care services in the Volusia County area has been restrained; and (4) consumers have been deprived of free and open competition in the market for provision of health care services in the Volusia County area.

III

Explanation of the Proposed Final Judgment

The United States and the Center have stipulated that the Court may enter the Judgment after compliance with Antitrust Procedures and Penalties Act. The stipulation provides that neither party has made any admission about any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the Judgment may not be entered until the Court determines that entry is in the public interest.

A. *Prohibited Conduct.* The Judgment prohibits four categories of conduct. The first category relates to action directed against or affecting any actual or proposed HMO. It prohibits any conspiracy or agreement that, in purpose of forseeable effect, impairs the ability of an HMO to operate or compete in the Volusia County health care market.

The second category relates to any professional procurement committee or other committee that engages in certain kinds of policies or practices. The Center is enjoined from establishing a committee that, in purpose or forseeable effect, discourages physicians from seeking medical staff privileges at the Center or excludes physicians from the Center's medical staff because of any actual or proposed affiliation with an HMO or because of any purported lack of need for additional physicians in such physician's medical specialty. An exception to this provision relates to the Center's ability to contract with physicians for the exclusive provision of medical specialties which are principally hospital-based.

Another category of conduct prohibited relates to discrimination with respect to the Center's patients and prospective patients and to the Center's employees. The Center is enjoined from conspiring with anyone with the purpose or effect of discriminating against patients or employees because they are enrolled or are contemplating enrollment in an HMO.

The fourth category of conduct prohibited relates to discrimination by the Center against any HMO or against any physician who is affiliated with an HMO in regard to the teaching assignments of the Center's Family Practice residency physicians. A provision within this section allows the Center to consider professional training needs of the residents in the assignment process.

Two exceptions to the judgment provisions are contained in Section VIII. First, nothing shall prohibit or limit the Center's ability to carry out its duties under applicable Florida statutes and regulations. Second, nothing in paragraphs IV, V and VI shall prohibit the Center's ability, to the extent otherwise lawful, to (1) prepare or furnish testimony, information or advice to, or negotiate with, any governmental body or agency, or assist others in doing so; (2) advise its Board of Commissioners, employees and others of existing or proposed legislation, regulations or governmental programs, or communicate its views about them or solicit others's views; (3) inform its Board of Commissioners, employees and other of any testimony, information or advice supplied to, or negotiations with, any governmental body or agency; and(4) suggest or recommend that its Board of Commissioners, employees or others undertake any of these activities. Section VIII further provides, however, that this exception to the Judgment's injunctive provisions does not apply if the activities are undertaken as a sham, including without limitation, activities that are intended to achieve the effects prohibited by the Judgment through means other than the action of a governmental body or agency.

Another section in the Judgment states that the Center shall require as a condition of sale or lease of its assets that the acquiring or leasing party agree to be bound by the provisions of the Judgment and that such agreement be filed with the Court.

The Judgment requires that the Center furnish to each medical staff member and to each administrator a copy of the Judgment. In addition, the Center must file with the Court an affidavit specifying the substance and manner of compliance with this notification requirement. All new members of the Center's Board of Commissioners, medical and administrative staff must also be provided with copies of the Judgment by the Center at such time as they become associated with the Center.

B. *Scope and Duration of the Judgment.* The Judgment will remain in effect for a period of ten years from the date it is entered. It applies to the Center and to each member of its Board of Commissioners, its employees, its attorneys, its agents and to all persons in active concert or participation with any of them who receive actual notice of the Judgment.

C. *Effect of the Judgment on Competition.* The relief in the Judgment is designed to prevent the continuation or recurrence of the alleged activities directed at the Plan or other HMO's. Compliance by the Center with the Judgment will assure that HMO's will be free to compete for the services of physicians and for patients without interference by the Center. Concurrently, the Center's right to carry out its function under state laws and regualtions and to make known its views to governmental bodies and agencies is preserved.

The Judgment provides two methods for determining the Center's compliance with its terms. First, the United States is given access, upon reasonable notice, to the records of the Center to examine them for possible violations of the Judgment, and to interview Center officers, employees and agents. Second, the United States may require the Center to submit written reports about any matters pertaining to the Judgment.

The Department of Justice believes that the Judgment contains adequate provisions to prevent the Center from engaging in further violations of the type upon which this complaint is based.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as the costs and reasonable attorney's fees. Entry of the Judgment will neither assist nor impair the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), the Judgment has no *prima facie* effect in any subsequent lawsuit that may be brought against the Center.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust procedures and Penalties Act, any person believing that the Judgment should be modified may submit written comments to John W. Poole, Jr. Antitrust Division, United States Department of Justice, 10th & Penn. Ave., N.W., Washington, D.C. 20530 within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the Judgment at any time prior to entry. The Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for its modification, interpretation or enforcement.

VI

Alternative to the Proposed Consent Judgment

The alternative to the Judgment considered by the Department of Justice was a full trial against the Center of the issues on the merits and on relief. The Department considers litigation of the issues unnecessary because the Judgment provides appropriate relief against the violations alleged in the complaint.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)) were considered in formulating the Judgment.

Dated:

Terrence F. McDonald,

Attorney, Antitrust Division, Department of Justice, Washington, D.C. 20530, Telephone: (202) 633–3082.

[FR Doc. 81-8319 Filed 3-17-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Re-Scheduled Meetings

March 12, 1981.

Two meetings of the National Advisory Council on Economic Opportunity previously announced in the Federal Register, p. 15532, Vol. 46, No. 44, March 6, 1981 have been postponed until Thursday and Friday, April 9th and 10, 1981. The time and purpose of the meetings remain the same.

Walter B. Quetsch,

Executive Director.

Dolores A. Washington,

Staff Assistant.

[FR Doc. 8236 Filed 3-17-81; 8:45 am]

BILLING CODE 6820-41-M

NATIONAL COMMISSION ON SOCIAL SECURITY

Privacy Act of 1974; Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a, the National Commission on Social Security published in the Federal Register (44 FR 37377) notices of the existence of the following systems of records subject to the Privacy Act: NCSS–1, Payroll Records; NCSS–2, General Financial Records; and NCSS–3, General Informal Personnel Files. The Commission terminated operations on April 1, 1981, and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records:

NCSS–1

System name:

Payroll Records—National Commission on Social Security: to be retained by the General Services Administration, National Payroll Center, for use in concluding administrative operations of the Commission as part of GSA system of records, Defunct Agency Records, GSA/OAD–36.

NCSS–2

System name:

General Financial Records—National Commission on Social Security: to be retained by the External Services Branch, National Capital Region, for

concluding administrative operations of the Commission as part of the GSA system of records, Defunct Agency Records, GSA/OAD–36.

NCSS–3

System name:

General Informal Personnel Files—National Commission on Social Security: to be destroyed.

Milton Gwirtzman,

Chairman.

[FR Doc. 81–8283 Filed 3–17–81; 8:45 am]

BILLING CODE 6820–AC–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on April 2 and 3, 1981 at 8:30 a.m., at the Royal Court Inn, the Pier Room, 1750 S. Elmhurst Road, Des Plaines, IL. The Subcommittee will discuss matters relating to the development of LMFR safety design criteria.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday, April 2 and 3, 1981

8:30 a.m. Until the Conclusion of Business Each Day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 11, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–8113 Filed 3–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR–61, to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility), located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revised the Appendix B (Environmental) Technical Specifications by removing Section 4.2, Shad Monitoring Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 29, 1980, (2) Amendment No. 38 to License No. DPR–61, and (3) the Commission's documentation of its environmental review, as contained in the letter of transmittal for the action. All these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this tenth day of March 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–8115 Filed 3–16–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–250–SP and 50–251–SP]

Florida Power and Light Co. (Turkey Point Nuclear Generating, Units 3 and 4); Prehearing Conferences (Supplements to Schedule)

In the matter of proposed amendments to facility operating license to permit steam generator repairs.

A telephone conference with counsel for all parties to this proceeding was held by the Board on March 9, 1981. As a result of information developed in this conference, notice is hereby given that the following prehearing conferences will be conducted:

March 24–25, 1981—Commencing at 10:00 a.m., local time, in Council Chambers, located at Homestead City Hall, 790 North Homestead Boulevard, Homestead, Florida 33030 (hearing on motion for site inspection).

April 27–28, 1981—Commencing at 10:00 a.m., local time, in Homestead, Florida (Summary disposition motions and other pending motions).

May 21–22, 1981—Commencing at 10:00 a.m., local time, in Homestead, Florida (Final Prehearing Conference, disposition of all pending matters including trial practice).

It is anticipated that the Evidentiary Hearing in this proceeding will commence as scheduled on June 2, 1981, and will continue, if necessary, to and including June 12, 1981. If the hearing is not concluded by the latter date, it will be resumed on June 23, 1981 and will continue until its conclusion.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's

Rules of Practice. Limited appearances will be permitted in this proceeding at the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Regulatory Commission, Washington, D.C. 20555, not later than April 17, 1981. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate unless granted the right to intervene as a party, or the right of limited appearance.

It is so ordered.

Dated at Bethesda, Maryland this 10th day of March 1981.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Administrative Judge.

[FR Doc. 81-8118 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-498-OL and 50-499-OL]

Houston Lighting and Power Co., et al. (South Texas Project, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Houston Lighting and Power Company, Et Al.*, (South Texas Project, Units 1 and 2), Docket Nos. 50-498-OL and 50-499-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Ernest E. Hill. Dr. Emmeth A. Luebke was a member of this Board but, because of a schedule conflict, is unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Charles Bechhoefer, Chairman

Dr. James C. Lamb III

Mr. Ernest E. Hill

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Mr. Ernest E. Hill, Lawrence Livermore Laboratory, University of California, P.O. Box 808, L-123, Livermore, California 94550.

Issued at Bethesda, Maryland, this 11th day of March 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-8117 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 85 to Facility Operating License No. DPR-49, issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative (the licensee), which revised the license for operation of the Duane Arnold Energy Center (the facility), located in Linn County, Iowa. The amendment is effective as of the date of issuance and is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensee's filings dated April 25 and September 15, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of CFR 9.12.

For further details with respect to this action, see (1) Amendment No. to License No. DPR-49 and (2) the Commission's related letter to the licensee dated March 3, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 428 Third Avenue, S.E., Cedar Rapids, Iowa. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 3rd day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-8116 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendemnt No. 40 to Facility Operating License No. DPR-63, issued to Niagara Mohawk Power Corporation (the licensee), which revised the license for operation of the Nine Mile Point Nuclear Station Unit 1 (the facility), located in Oswego County, New York. The amendment is effective as of the date of issuance and is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license.

The licensee's filing, which is being handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need

not be prepared in connection with issuance of the amendment.

The licensee's filing dated March 11, 1980 is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 40 to License No. DPR-63 and (2) the Commission's related letter to the licensee dated March 5, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. and at the Penfield Library, State University College of Oswego, New York. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 5th day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-8119 Filed 3-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (the licensee), which revised the license for operation of the James A. Fitzpatrick Nuclear Power Plant (the facility), located in Oswego County, New York. The amendment is effective as of the date of issuance and is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license.

The licensee's filings, which are being handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensee's filings dated April 30, 1980, revised June 20, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 51 to License No. DPR-59, and (2) the Commission's related letter to the licensee dated March 2, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Penfield Library, State University College of Oswego, Oswego, New York. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 2nd day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-8121 Filed 3-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-22, issued to Northern States Power Company, which revised the Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility), located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to incorporate certain of the TMI-2 Lessons Learned Category "A" requirements and to add additional snubbers to the table of safety related hydraulic snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 12, 1980, (2) Amendment No. 2 to License No. DPR-22. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-8120 Filed 3-10-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.62, "Reporting of Physical Security Events," provides an approach acceptable to the NRC staff for determining whether an event should

be reported and the time frame during which an event should be reported and suggests a format that could be used for reporting the event. The guide was developed in conjunction with amendments to 10 CFR Part 73 that clarify requirements for the reporting of events that significantly affect physical security effectiveness. These amendments were published in the Federal Register on January 19, 1981 (46 FR 4858) and will become effective on April 6, 1981.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 9th day of March 1981.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-8125 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.5, Revision 1, "Criticality and Other Interior Evacuation Signals," defines the characteristics of an audible signal acceptable to the NRC staff for use where prompt, complete evacuation is required to prevent serious injury from radiation exposure. The original issuance of this guide endorsed a standard, USASI N2.3–1967, which has been replaced by ANSI/ANS N2.3–1979, "Immediate Evacuation Signal for Use in Industrial Installations." Revision 1 has been developed to endorse, with a minor exception, ANSI/ANS N2.3–1979.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 9th day of March 1981.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-8126 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21956; (70-6570)]

American Electric Power Co., Inc.; Proposal of Holding Company To Act as Surety for Subsidiary

March 11, 1981.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a delcaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On December 31, 1980, Kingsport filed with the Public Service Commission of Tennessee new increased rates for electric service in Tennesseee. By Order dated January 30, 1981, the Tennessee Commission permitted the increased rates to go into effect on February 2, 1981, prior to the completion of its investigation of such increased rates, provided that Kingsport posted an appropriate bond to assure the making of appropriate refunds to its customers in the event the Tennessee Commission's final order in the proceeding should require refunds to be made. In order to comply with the Order of the Tennesseee Commission, Kingsport obtained a commercial bond and posted such commercial bond with the Tennessee Commission on February 2, 1981. The premium for obtaining such commercial bond was approximately $14,000 per annum, which cost was deemed to be excessive. It was therefore determined that Kingsport should post its own bond on which American would act as surety.

Since the Tennessee Commission had not required a bond in any of Kingsport's previous rate cases and since Kingsport had no prior notice that a bond would be required in the present instance, American did not have sufficient time to seek prior approval from this Commission for the execution of the surety bond as surety on behalf of Kingsport. In reliance upon the provisions of Rule 45(b)(3) promulgated under the Act, American executed as surety and Kingsport executed as principal a surety bond, dated as of January 30, 1981, in the amount of $6,415,825 which was posted with the Tennessee Commission on February 20, 1981. With such substitution, the commercial bond was cancelled, and, due to the early cancellation, no premium was charged.

American is acting as surety without charging a fee. American and Kingsport filed a statement dated February 23, 1981, pursuant to Rule 45(b)(3) advising this Commission of the action taken. American now seeks authorization of its acting as surety.

The fees and expenses incurred by American in connection with this transaction are estimated not to exceed $2,500. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 6, 1981, request in writing that a

hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8288 Filed 3-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21865]

American Electric Power Company, Inc.; Proposal to Issue and Sell Common Stock to Trustee of Employees' Thrift Plan; Order Authorizing Solicitation of Proxies

Notice is hereby given that American Electric Power Company, Inc. ("the Company"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7 and 12(e) of the Act and Rules 50(a)(5), 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

The Company proposes to solicit proxies, to be voted at the annual meeting of shareholders to be held on April 22, 1981, with respect to: a proposal to authorize the Company to issue and sell shares of its Common Stock, $6.50 par value, to the trustee of the Columbus and Southern Ohio Electric Company (CSOE) Employee's Thrift Plan (the "Thrift Plan"); the election of directors; and other matters.

In addition, subject to shareholder approval, the Company proposes to issue and sell to The Huntington National Bank, Columbus, Ohio, as trustee of the Thrift Plan, or to any successor trustee of the Thrift Plan ("Trustee"), up to 200,000 shares of its authorized, unissued Common Stock, from time to time through June 30, 1982, at a price per share equal to the average of the high and low prices of the Common Stock on the New York Stock Exchange on each date of sale (but in no event at less than the par value per share).

The CSOE Thrift Plan permits full-time salaried employees of CSOE who have been employed for one year or more to contribute, to individual accounts maintained by the Trustee, up to 10% of their gross base pay through payroll deductions. CSOE makes a matching contribution of $.50 for each $1.00 of the employee's contributions up to 6% of his gross base pay (a maximum of 3% of his gross base pay). All contributions are remitted to the Trustee for investment. Participants' contributions are invested by the Trustee, as directed by each participant, in one or more of three separate funds: a Fixed Income Fund, invested in Government and corporate debt securities; a Common Stock Fund, invested predominantly in common stocks (other than Common Stock of the Company); and a Parent Company Stock Fund, invested entirely in Common Stock of the Company. CSOE's contributions on behalf of its participating employees are invested exclusively in the Parent Company Stock Fund. An employee's contributions to his account under the Thrift Plan are vested at all times. After the employee has completed five years of service with CSOE, all prior Company contributions to his account, and any such contributions made thereafter, become 100% vested. On January 1, 1981, there were 864 CSOE employees enrolled in the Thrift Plan out of a total of 1,350 employees eligible to participate. Since the acquisition of CSOE by the Company in May 1980, the Trustee has been obtaining Common Stock of the Company for the CSOE Thrift Plan by purchasing shares in the open market.

The Company intends to propose to its shareholders at the 1981 annual meeting that they authorize the Company to offer to issue and sell to the Trustee from time to time as many shares of Common Stock as the Trustee may require for the Thrift Plan, from the Company's authorized unissued shares, at a price per share equal to the average of the high and low prices of the Common Stock on the New York Stock Exchange on each date of sale (but in no event at less than the par value per share). Under the proposal, the Board of Directors of the Company will have authority to cease issuing and selling new shares to the Trustee at any time, and from time to time, if the Board determines it is in the best interest of the Company to do so.

The proposal is intended primarily to permit the Trustee to purchase shares of Common Stock for participants in the Thrift Plan on terms as favorable as those available to the trustee of the American Electric Power System Employees Savings Plan ("System Savings Plan"). The Company will not be able to require the Trustee to purchase any shares from it, but it is expected that the Trustee will elect to purchase shares from the Company rather than in the open market, because by doing so it will not have to pay any brokerage fee or commissions.

On the basis of current Thrift Plan enrollment, rates of contribution, and investment elections, it is estimated that the Trustee will receive approximately $1,500,000 annually (excluding dividends on shares of Common Stock) to be invested in Common Stock of the Company. At a price equal to the median of the high and low market prices of the Common Stock during 1980 ($17.44 per share), such amount could purchase approximately 86,000 shares of Common Stock annually. So long as the market price of the Common Stock is below the book value of the outstanding share of Common Stock ($21.07 at December 31, 1980), the sale of shares to the Trustee will have a dilutive effect on the book value of outstanding shares of Common Stock. Increases in the number of outstanding shares also may have dilutive effect on earnings per share. Such effects, however, are not expected to be significant, due to the relatively small number of shares which are likely to be sold to the Trustee annually in relation to the total number of shares of Common Stock already outstanding

(146,892,240 shares as of December 31, 1980).

CSOE employees hired after January 1, 1981 will not become eligible to participate in the Thirft Plan, but instead will be offered participation in the System Savings Plan. Consequently, contributions under the Thrift plan designated for investment in Common Stock of the Company are not expected to increase significantly from current levels and, instead, eventually will decline as the present CSOE employees retire or otherwise terminate employment.

The proposal does not contemplate any limit on the number of shares of Common Stock that may be issued and sold by the Company to the Trustee. If the Proposal is not approved by the shareholders of the Company, or if the declaration or subsequent post-effective amendments thereto are not permitted to become effective, the Thrift Plan will continue to operate with the Trustee purchasing shares of Common Stock in the open market.

The proposal is being submitted for shareholder approval in accordance with New York State Law and the Company's Restated Certificate of Incorporation which states that such shares of Common Stock must first be offered *pro rata* to the Company shareowners, upon terms not less favorable than the terms upon which such shares are offered to persons other than shareowners, unless the offering has been authorized or approved by the affirmative vote of the holders of record of a majority of the outstanding shares of Common Stock. The Company intends to solicit proxies principally by mail, but some telephone, telegraph or personal solicitations of holders of Common Stock of the Company may be made. Any officers or employees of the Company or of American Electric Power Service Corporation who make or assist in such solicitations will receive no compensation for doing so other than their regular salaries. The Company will request brokers, banks and other custodians or fiduciaries holding shares in their names or in the names of nominees to forward copies of the proxy soliciting materials to the beneficial owners of the shares held by them, and the Company will reimburse them for their expense incurred in doing so at rates prescribed by the New York Stock Exchange.

The Company requests an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) for the issue and sale of Common Stock to the Trustee for the Thrift Plan.

The fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than April 6, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof or service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will recieve any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of proxies of American Electric Power Company's Common stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of proxies of American Electric Power Company's Common stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 11, 1981.

[FR Doc. 81-8207 Filed 3-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11678]

National Corporation for Housing Partnerships and the National Housing Partnership; Filing of Application To Amend an Order of Exemption Granted Pursuant to Section 6(c) of the Act Exempting Applicants From All Provisions of the Act

Notice is hereby given that National Corporation for Housing Partnerships (the "Corporation"), a District of Columbia corporation, on its own behalf and on behalf of The National Housing Partnership (the "Partnership"), a limited partnership formed under the District of Columbia Uniform Limited Partnership Act (D.C. Code Section 41–401 *et seq.*) (the Corporation and the Partnership are together referred to hereinafter as "Applicants"), 1625 L Street, N.W., Washington, D.C. 20036, (812–2677) filed an application on March 25, 1980 for an order amending an existing order of exemption which had exempted Applicants, pursuant to the Act (Investment Company Act Release No. 5955, January 13, 1970) (the "1970 Order"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Corporation and the Partnership (in referring to the Corporation and its subsidiaries together with the Partnership, the term "Venture" will be used hereinafter to describe the enterprise as a whole), which are not agencies of the United States Government, were the first private organizations created to effectuate the policy of Title IX of the Housing and Urban Development Act of 1968 (the "1968 Housing Act"). Applicants state that this policy is based upon the finding made by Congress in Section 901 of that Act that "the volume of housing being produced for families and individuals of low or moderate income must be increased to meet the national goal of a decent home and suitable living environment for every American family * * * ." Congress therefore declared that "it is the policy of the United States to encourage the widest possible participation by private enterprise in the provision of housing for low or moderate income families." Thus, the Corporation and the Partnership provide private investors a means of participating in government-assisted housing programs and projects for low and moderate income persons.

Applicants also state that the Articles of Incorporation of the Corporation were approved by the President of the United States, and that the incorporators of the

Corporation were appointed by the President of the United States and confirmed by the United States Senate. These incorporators served as the initial board of directors or the Corporation, continuing in that capacity until the first annual meeting of shareholders. Thereafter, the board of directors of the Corporation has consisted of 12 members elected by shareholders and 3 members appointed by the President of the United States and approved by the Senate. Thus, the Corporation and the Partnership are considered quasi-governmental entities.

Applicants state that pursuant to Section 908(a) of the 1968 Housing Act and the provisions of its Articles of Incorporation, the Corporation is required to submit an annual report to the President of the United States for transmittal to Congress. This annual report must contain a "comprehensive and detailed report of the operations, activities and financial condition" of the Corporation and the Partnership, audited by independent certified public accountants in accordance with generally accepted auditing standards. It is further stated that Section 908(b) requires the Corporation, as General Partner, to provide Limited Partners with an annual report, including a balance sheet, profit and loss statement, and a statement disclosing distributions to the Limited Partners of taxable income, gains, losses, deductions and credits of the Partnership. These financial statements must be audited in accordance with generally accepted accounting principles, by certified independent public accountants.

Applicants state, in addition, that pursuant to the requirements of Section 41–410 of the District Columbia Uniform Limited Partnership Act, it is provided in Article XII of the Partnership Agreement that Limited Partners will have access at all times to the Partnership's books of account, which are required, both by said Article XII and by Section 908(b) of the 1968 Housing Act, to be audited each year in accordance with generally accpted accounting practices by independent certified public accountants. Lastly, under Section 41–410(b) of the District of Columbia Uniform Limited Partnership Act, Limited Partners are entitled to demand information from the General Partner as to any Partnership matter, and to have an accounting of Partnership affairs.

As directed by Title IX, Applicants conducted a public offering in 1970, of $50 million in securities, subscriptions for which were solicted only from larger corporations, unions and other institutions. No subscriptions were solicted or accepted from individuals. The minimum subscription amount in this offering was $100,000 and the maximum was $1 million. Five percent of each subscription was allocated to the purchase of stock in the Corporation, and 95 percent to the acquisition of limited partnership interests in the Partnership. Approximately $42 million dollars was raised in the offering through the sale of 851 investment units, purchased by 270 investors. Thus, it is stated that the Corporation is, as required by Title IX, the sole General Partner of the Partnership, and all Limited Partners in the Partnership are stockholders of the Corporation. The Corporation has no other shareholders. It is further represented that no other person or entity may become a general partner of the Partnership.

Applicants state that in the regular course of its business in multi-family residential housing development, the Partnership acquires a 99% equity interest in a local limited partnership which owns a housing project, becoming both a general and a limited partner in the second-tier partnership. It is represented that the Corporation typically acts as a general partner in each of the local partnerships in which the Partnership does not become a general partner. The Partnership provides financing, construction and management assistance to the local sponsor-developer until completion of the project.

Applicants further state that in order to raise additional funds with which to sustain current operations and make additional equity investments in local housing projects, the Partnership regularly markets 90–95 percent of its equity in local limited partnerships to outside investors, retaining its position as a managing general partner. Applicants state that these transactions have been conducted as private placements, effectuated through registered broker-dealers, including NHP Real Estate Securities Inc., a wholly-owned subsidiary of the Corporation.

Applicants represent that the Venture has become the largest owner and operator of low and moderate income housing projects in the United States. With the use of equity capital of more than $130 million, the Venture has developed more than 50,000 housing units in over three-fourths of the states, the District of Columbia and Puerto Rico. Through wholly-owned subsidiaries of the Corporation the Venture's activities presently encompass small business financing in single-family housing development, direct development and marketing of single-family housing, and direct management of multi-family residential housing complexes.

1970 Order

On January 17, 1980, the Commission granted the Venture's application pursuant to Section 6(c) of the Act for an exemption from all provisions of the Act. This exemption was determined to be appropriate on the grounds that the Partnership was to serve as a principal national vehicle by which equity capital could be invested in the development of low and moderate income housing; the initial public offering of interests in the Venture would be limited to sophisticated investors; resale of interests in the Venture was subject to substantial restrictions contained in the organizational documents of the Partnership and the Corporation; the provisions of Title IX would require the Corporation to submit to the President of the United States for transmittal to Congress, an annual report providing a comprehensive account of the operations, activities and financial condition of the Corporation and the Partnership, audited in accordance with generally accepted accounting principles by independent certified public accountants; and the Commission's order of exemption would incorporate as a condition, Applicant's undertaking to adhere to the periodic reporting, and proxy solicitation, requirements of the Securities Exchange Act of 1934 ("Exchange Act") for the duration of the effective period of the 1970 Order, regardless of whether or not such adherence would otherwise be required. Applicants submit that, pursuant to the authority expressed in Section 6(c) of the Act, it would be appropriate in the public interest and consistent with the protection of investors and the purposes and policy of the Act for the Commission to amend the 1970 Order to remove therefrom the Venture's obligation to submit periodic reports and proxy material to the Commission.

In support of the request for exemption, Applicants state that the number of securityholders in the Venture is limited, in effect, to fewer than 300. They state that these investors presently number 269, all of which were subscribers to the Venture's initial public offering and are institutional-type investors. It is asserted that the lieklihood of persons other than these 269 securityholders becoming investors in the enterprise is remote because of the restricted transferability of the Venture's securities. As an additional basis for the relief they seek, Applicants cite the reporting obligations to which

the Venture will continue to be subject irrespective of the action to be taken on the present application, under Title IX of the 1968 Housing Act and the provisions of the Partnership Agreement. Finally, Applicants assert that deletion of the disclosure requirements to which they are subject under the terms of the 1970 Order will promote the attainment of the objectives of Title IX by reducing the costs of regulation for the Venture, and that termination of the Venture's reporting and proxy filings with the Commission would be consistent with the effort to reduce administrative costs in the federal bureaucracy.

Section 6(c) of the Act provides, as here pertinent, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 6, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 11, 1981.

[FR Doc. 81-8228 Filed 3-17-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Servoil Industries, Inc.; Order of Suspension of Trading

It appearing to the Securities and Exchange Commission that there has been rece..t, unusual and unexplained activity in the securities of Servoil Industries, Inc. ("Servoil") and questions have been raised about the adequacy and accuracy of publicly disseminated information about (a) the financial condition of Servoil and its affiliates; (b) certain investment interests and assets held by Servoil; (c) royalty and marketing agreements entered into by Servoil; (d) the operational capabilities of Servoil; and (e) the management of Servoil, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Servoil.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in Servoil on a national securities exchange or otherwise is suspended, for the period from 9:45 am on March 12, 1981 through midnight on March 21, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 12, 1981.

[FR Doc. 81-8229 Filed 3-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21958; (70-6585)]

Eastern Utilities Associates; Proposed Amendment of Declaration of Trust To Increase the Authorized Shares of Common Stock and Order Authorizing Solicitation of Proxies

March 12, 1981.

Notice is hereby given that Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(e) thereof and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes to amend its Declaration of Trust to increase the maximum number of common shares of $5 par value issuable by the Trustees for cash, property, or services without further authorization by the shareholders from 7,000,000 to 9,000,000. The proposal will be submitted to EUA's common shareholders at its annual meeting to be held on April 21, 1981. The favorble vote of the holders of at least a majority of the common shares of EUA outstanding and entitled to vote will be required for the proposed increase of the authorized number of common shares.

The EUA System is committed to a substantial construction program over the next several years, most of which must be financed externally through the sales of additional common shares, preferred stock, and first mortgage bonds. System constuction requirements (net Allowance for Funds Used During Construction) are currently estimated at $38.9 million, $32.5 million, $28.1 million, and $25.3 million for the years 1981, 1982, 1983, and 1984, respectively. It is expected that during this period internally-generated funds will only provide $36.1 million, or approximately 29% of the construction requirements. In addition to the construction requirements, the system started 1981 with $31.5 million of short-term debt which must be funded through the sale of permanent securities; and, during the period through 1984, the system must also meet maturities and sinking fund requirements of approximately $26.3 million.

In connection with its annual meeting to be held on April 21, 1981, EUA proposes to solicit proxies seeking the affirmative vote of shareholders with repsect to the above-described amendment to the Declaration of Trust.

It is stated that no state or federal commisison, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. EUA has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 6, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for

such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exhange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that EUA's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction should be reserved with respect to the expenses thereof:

It is ordered that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62, and that jurisdiction be, and it hereby is, reserved with respect to the expenses thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8369 Filed 3-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21957; (70-6567)]

Metropolitan Edison Co.; Proposed Sale of Utility Assets

March 12, 1981.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berk County, Pennsylvania 19605, and electric utility subsidiary of General Public Utilities Inc. ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed is the owner of certain utility assets located in the City of Easton, Northampton County, Pennsylvania, which are currently used solely to provide transformed electric service to The Equitable Life Assurance Society of the United States ("Equitable"). Equitable has recently expanded its operations to the extent that it is presently consuming a significantly greater amount of electricity and is now required, pursuant to Met-Ed's tariff as filed with the Pennsylvania Public Utility Commission ("PaPUC"), to purchase untransformed electric services from Met-Ed, thereby necessitating the purchase by Equitable of transformation equipment. It is stated that said equipment would be of little or no use to Met-Ed in the event Equitable purchased and installed transformation equipment from another source. The purchase price of $143,526 was determined on the basis of arm's-length negotiation between the parties. The net book cost of the utility assets on Met-Ed's books as at June 30, 1980, was $62,957.65.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $6,500. It is stated that the PaPUC has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction thereover.

Notice is further given that any interested person may, not later than April 7, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8370 Filed 3-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21958; (70-6465)]

Northeast Utilities Western Massachusetts Electric Co.; Proposal To Increase Amounts of Short-Term Borrowing Authorization

March 12, 1981.

In the matter of Northeast Utilities Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; the Connecticut Light & Power Company, the Hartford Electric Light Company, Northeast Nuclear Energy Company, Selden Street, Berlin, Connecticut 06037; and Holyoke Water Power Company, One Canal Street, Holyoke, Massachusetts 01040.

Notice is hereby given that Northeast Utilities ("NU"), a registered holding company, and five of its wholly-owned subsidiary companies, The Connecticut Light & Power Company ("CL&P"), the Hartford Electric Light Company ("HELCO"), Western Massachusetts Electric Company ("WMECO"), Holyoke Water Power Company ("HWP") and Northeast Nuclear Energy Company ("NNECO"), have filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, and 12(B) of the Act and Rules 45 and 50 promulgated thereunder regarding the proposed transaction.

By orders dated July 1, 1980 (HCAR No. 21647), August 21, 1980 (HCAR No. 21684) and February 3, 1981 (HCAR No. 21905) in this matter the applicants-declarants were authorized to issue notes to banks and, with the exception of HWP and NNECO, commercial paper to a dealer in commercial paper from time to time through June 30, 1981. In addition, CL&P, HELCO and WMECO were authorized to enter into a multibank revolving credit and term loan agreement under the terms of

which the three companies can borrow up to an aggregate of $140,000,000. The aggregate amount of all such notes at any time outstanding, whether issued to banks ("Bank Notes") or to a dealer in commercial paper ("Commercial Paper") or to banks under the revolving credit/term loan agreement ("Revolving Credit/Term Notes") may not exceed $55,000,000 in the case of NU, $210,000,000 in the case of CL&P, $100,000,000 in the case of HELCO, $55,000,000 in the case of WMECO, $8,000,000 in the case of HWP and $40,000,000 in the case of NNECO.

It is now proposed that the maximum borrowing limits of WMECO and HELCO be increased to $85,000,000 and $140,000,000 respectively.

The Bank Notes will each be dated the date of issue, will have maximum maturity dates of nine months with right of renewal, will bear interest at the prime rate or at the prime rate plus a fraction thereof, will be issued no later than June 30, 1981 and will be subject to prepayment at any time at the applicant's option without premium.

With respect to the issuance of Bank Notes, the applicants have credit lines with a number of banks subject in some cases to commitment fees and/or compensating balance requirements. The effective cost of borrowings under such credit lines, based on a prime rate of 18%, ranges from 19.08% to 23.04%. The bank credit lines expire at various times in 1981 and their continued availability is subject to continuing review by the banks involved. Bank credit lines of the applicants may be changed and additional lines may be obtained from other banks. The terms of the commercial paper will remain as described in the order of July 1, 1980.

As of January 31, 1981 and February 27, 1981, short-term borrowings of WMECO amounted to $27,525,000 and $48,450,000, respectively. As of those same dates, the short-term borrowings of HELCO amounted to $80,575,000 and $87,000,000 respectively. It is stated that WMECO and HELCO have experienced an unexpected, rapid increase in their short-term borrowings in recent months, associated primarily with the cost of replacement fossil fuel during a lengthy extension of a Millstone Unit No. 1 refueling outage so that plant repairs could be effected. The Northeast Utilities System deferred fuel cost balance amounted to approximately $114 million through January of 1981, of which $32 million and $22 million were HELCO's and WMECO's shares, respectively. These balances have continued to increase during the Millstone Unit No. 1 outage, which is presently scheduled to end on March 30, 1981. Largely because of the costs and expenses associated with the Millstone Unit No. 1 outage, HELCO's and WMECO's borrowings are expected to increase further during March of this year by approximately $36 million and $12 million, respectively. HELCO estimates that its short-term borrowings will amount to approximately $73 million as of March 31, 1981, after giving effect to the repayment of $50,000,000 of short-term borrowings during March with the proceeds of a $50,000,000 secured term loan (File No. 70–6546). WMECO estimates that its short-term borrowings will amount to approximately $50,000,000 as of March 31, 1981, after giving effect to the expected repayment of $10,000,000 of short-term borrowings during March with the proceeds of an increase $10,000,000 in term loans (File No. 70–6511). Without the term loans mentioned above, HELCO's and WMECO's estimated short-term borrowings, as of March 31, 1981, would be $123,000,000 and $80,000,000, respectively, exceeding the limits currently established by the Commission.

Due to the term loans, and assuming that Millstone Unit No. 1 is returned to service on March 30, 1981 and that there are no further lengthy unscheduled nuclear outages before June 30, 1981, HELCO and WMECO do not anticipate exceeding current Commission short-term debt limits before June 30, 1981, when new limits would become effective. However, the return of Millstone Unit No. 1 to service has already been delayed considerably and there can be no assurance that it will meet the current March 30, 1981 schedule or that further lengthy unscheduled nuclear outages can be avoided prior to June 30, 1981. Experience with the current Millstone Unit No. 1 outage and the dramatic effect which this extended outage has had on borrowing requirements demonstrates that additional flexibility in the short-term debt limits of HELCO and WMECO is necessary to enable the utilities to operate during lengthy unscheduled nuclear outages.

It is stated that no special or separable fees, commissions or expenses will be incurred in connection with the proposed transaction. No state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 6, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-8371 Filed 3-17-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17622; File No. SR-MSRB-81-1]

Municipal Securities Rulemaking Board; Proposed Rule Changes; Self-Regulatory Organizations

Relating to Membership on the Board, comments requested on or before April 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 5, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changed from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes.

(a) The Municipal Securities Rulemaking Board is filing herewith amendments to rule A–3 relating to membership on the Board (hereafter

referred to as the "proposed rule changes"). The text of the proposed rule changes is as follows:*

Rule A–3 Membership on the Board—

(a) through (b) No change

(c) Nomination and Election of Members.

(i) No change

(ii) Prior to April 15 of each year, the Board will appoint a Nominating Committee composed of eleven members.

The membership of the Nominating Committee shall consist of the five members of the Board whose terms expire during such year and six persons who are not members of the Board, two of whom shall be associated with and representative of bank dealers, two of whom shall be associated with and representative of municipal securities brokers and municipal securities dealers other than bank dealers, and two of whom shall not be associated with any broker, dealer, or municipal securities dealer *(other than by reason of being under common control with, or indirectly controlling any broker, dealer or municipal securities dealer).* The Chairman of the Nominating Committee shall be designated by the Board. In appointing persons to serve on the Nominating Committee, the Board shall take into consideration such factors as the need to achieve broad geographic representation on such Committee, as well as diversity in the size and type of municipal securities brokers and municipal securities dealers represented on such Committee.

(iii) through (x) No change.

(d) through (e) No change.

(b) Not applicable.

(c) Not applicable.

II.A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(a) Rule A–3(c) contains procedures for the nomination and election of Board members. These procedures commence with the appointment by the Board of a Nominating Committee consisting of the five Board members serving the final year of their term on the Board and six persons who are not members of the Board. Under the rule, the Nominating Committee is required to publish a notice soliciting public recommendations of candidates for the five positions to be filled and to accept for its consideration all recommendations submitted for a period of at least 30 days from publication of the notice. Under the rule, the Nominating Committee nominates a slate of three persons for each position, and the Board selects one person from each slate of nominees.

Rule A–3 specifies qualifications for the non-Board members of the Nominating Committee which parallel the qualifications for membership on the Board itself. Of the six persons selected by the Board each year to serve on the Nominating Committee, the rule provides that two shall represent bank dealers, two shall represent municipal securities brokers and non-bank municipal securities dealers, and two shall not be associated with a broker, dealer, or municipal securities dealer. The present rule thus excludes from the "public" category persons who, though they are deemed to be "affiliated" with an entity registered as a municipal securities broker or dealer, do not, as a matter of fact, have any direct relationship with, or control the activities of, such entity. The Board believes that these persons could provide valuable service as members of the Nominating Committee, both in encouraging the submission of recommendations and in selecting candidates for Board consideration. The Board has adopted the proposed rule changes in order to have the flexibility to include such persons on the Committee.

(b) The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(I) of the Exchange Act. Section 15B(b)(2)(I) establishes the Board's general authority to adopt rules relating to the operation and administration of the Board. Section 15B(b)(2)(B) of the Exchange Act authorizes the Board to establish fair procedures for the nomination and election of members of the Board. The Board believes that opening up membership on the Nominating Committee to include persons who are "affiliated" with municipal securities brokers and dealers only in a technical, legal sense would not detract from the fairness of the Board's nominating process and could, as indicated above, enhance the effectiveness of that process.

B. Self-Regulatory Organization's Statement on Burden on Competition.

The proposed rule changes do not affect the conduct of business by any broker, dealer, or municipal securities dealer. The Board therefore believes that the proposed rule changes would not impose any burden on competition.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Board neither solicited nor received comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule changes have become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 12, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–8388 Filed 3–17–81; 8:45 am]

BILLING CODE 8010–01–M

*Italics indicate new language; [brackets] indicate deletions.

SMALL BUSINESS ADMINISTRATION

Continuation of Pilot Loan Guaranty Program in Region X; Exemption From Regulation

AGENCY: Small Business Administration.

ACTION: Notice of continuation of pilot loan guaranty program in region X; exemption from regulation.

The Small Business Administration ("SBA") instituted (in 1979 and 1980) a pilot loan guaranty program in Region X, comprised of the States of Alaska, Idaho, Oregon and Washington. As part of the second phase of that program, certain conditions of SBA's Loan Guaranty Agreement (Deferred Participation), SBA Form 750 ("Agreement"), were modified effective March 20, 1980 (see page 23102 of Federal Register/Vol. 45, No. 67/Friday, April 4, 1980/Notices).

The SBA is in the process of extending the other facets of this pilot loan guaranty program ("Operation Effectiveness") until no later than September 30, 1981. So as to avoid unnecessary confusion (especially among SBA's private lending partners in Region X), SBA wants *all* facets of the pilot loan guaranty program to be terminated simultaneously, as of the same effective date. By September 30, 1981, SBA will have completed its evaluations of all facets of the Region X pilot loan guaranty program and will have incorporated all of its better elements (re: forms) into the SBA's nationwide system of delivering financial assistance to the Agency's lending and borrowing constituencies. If SBA is able to accomplish this conversion sooner than by September 30, 1981, we will do so.

Notice is hereby given that, effective January 31, 1981, the application of the corresponding parts of the regulation on loan administration, specifically, 13 CFR 122.20(c)(2), is continued in its suspension (from the originally scheduled termination date of January 31, 1981) for Region X until no later than September 30, 1981.

(Catalog of Federal Domestic Assistance No. 59.012 (Small Business Loans))

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-8349 Filed 3-17-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 05/05-5153]

Center City Minority Enterprises Investment Co.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Center City Minority Enterprise Investment Company (CCMEIC), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and principal stockholders of CCMEIC are as follows:

Name and address	Title	Percentage [1]
Mr. Thomas Victor Wright, Associate Professor of Finance, Economics and Finance Dept., University of Dayton, 300 College Park Avenue, Dayton, Ohio 45469.	President and Director	0
McKenna S. Jordan, Vice President, Winters National Bank and Trust Co., Winters Bank Tower, Dayton, Ohio 45401.	Vice President and Director	0
J. Stephen Herbert, Attorney at Law, Coolidge, Wall, Matusoff, Womsley & Lombard Co., L.P.A., Suite 900, IBM Building, Dayton, Ohio 45402.	Secretary	0
John L. Gering, Assistant Controller, NCR Corporation, 1700 S. Patterson Blvd., Dayton, Ohio 45479.	Treasurer and Director	0
Mr. Claude Patmon, Vice President, Licensing Development, Ponderosa System, Inc., P.O. Box 578, Dayton, Ohio 45401.	Director	0
Mr. Robert E. Frazer, President, Dayton Power & Light Co., Courthouse PLaza N.W., Dayton, Ohio 45401.	Director	0
Mr. Robert Boyd, Bob Boyd & Assoc., Inc., 4800 Hoover Avenue, Dayton, Ohio 45417.	Director	0
Mr. Harry D. Wright, Jr., Harry D. Wright, Jr. & Assoc., Inc., 2811 Edwin Drive, Xenia, Ohio 45385.	Director	0
Mr. Richard T. Flaute, President, Dayton Plumbing Supply, Inc., 210 Wayne Avenue, Dayton, Ohio 45402.	Director	0
Mr. Charles Hall, President, Professional Therapeutic Services, Inc., 45 Riverside Drive, Dayton, Ohio 45405.	Director	0
Dr. John Henderson, Vice President of Student Services, Montgomery County Community College, 444 West Third Street, Dayton, Ohio 45402.	Director	0
Mr. Alfred E. Scott, Jr., President, Echo Tool & Die Mfg. Co., Inc., 3200 Delphos Avenue, Dayton, Ohio 45417.	Director	0
Mr. James Sachs, Vice President, First National Bank of Dayton, 1 First National Plaza, Dayton, Ohio 45402.	Director	0
Mr. Thomas M. Graeff, Graeff Hardware, P.O. Box 1598, Dayton, Ohio 45401.	Director	0
The Mead Corporation, Meade World Headquarters, Courthouse Plaza Northeast, Dayton, Ohio 45479.		10
NCR Corporation, 1700 S Patterson Blvd., Dayton, Ohio 45479.		10
Winters National Bank and Trust Co., Winters Bank Tower, Dayton, Ohio 45401.		12.89

[1] Percentage ownership of corporation.

CCMEIC, an Ohio corporation, with its principal place of business to be located at 40 S. Main Street, Centre City Building, Dayton, Ohio 45401, will begin operations with $500,000 of net combined paid-in capital and paid-in surplus derived from the sale of common stock.

CCMEIC will conduct its activities principally in the State of Ohio.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than April 2, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Dayton, Ohio.

(catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 10, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8307 Filed 3-17-81; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Hartford, Connecticut, will hold a public meeting at 10:00 a.m., on Friday, April 3, 1981, at Schatz & Schatz, Ribicoff & Kotkin, One Financial Plaza, Fourth Floor, Hartford, Connecticut, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others present.

For further information, write or call Jack M. Bernstein, District Director, U.S. Small Business Administration, One Financial Plaza, Fourth Floor, Hartford, Connecticut 06103—(203) 244-2511.

Dated: March 11, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-8308 Filed 3-17-81; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Cancelation of Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, Mississippi, public meeting scheduled for 9:00 a.m. (CST) on Thursday, April 2, 1981, in Room 707 Federal Building, 100 West Capitol Street, Jackson, Mississippi, has been cancelled.

For further information, write or call Sam M. Baker, District Director, U.S. Small Business Administration, Suite 322 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201—(601) 960-4363.

Dated: March 12, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-8309 Filed 3-17-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 52
Wednesday, March 18, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1–3
Federal Maritime Commission	4
Federal Reserve System	5
National Commission on Libraries and Information Service	6
National Railroad Passenger Corporation	7
National Science Board	8
National Transportation Safety Board	9
Nuclear Regulatory Commission	10
Securities and Exchange Commission	11
Tennessee Valley Authority	12

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 2:00 p.m. on Saturday, March 14, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in South Side Bank, Chicago, Illinois, which was closed by the Commissioner of Banks and Trust Companies of the State of Illinois on March 14, 1981; (2) accept the bid for the transaction submitted by Drexel National Bank, Chicago, Illinois; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by Drexel National Bank.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)].

Dated: March 16, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-623-81 Filed 3-16-81; 2:29 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 23, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

The Bank of the Delta, a proposed new bank, to be located at 410 Highway #82 East, Indianola, Mississippi.

Webster County Bank, a proposed new bank, to be located at 225 North Clay Street, Marshfield, Missouri.

Application for Federal Deposit insurance, consent to establish a branch, and consent to exercise limited trust powers:

Security Trust Company, a proposed new bank, to be located at 321 Bush Street, San Francisco, California, for Federal deposit insurance, for consent to establish a branch at 624 South Grand Avenue, Los Angeles, California, and for consent to exercise limited trust powers.

Request for modification of a condition imposed in granting consent to establish a branch:

Progressive Bank and Trust Company, Houma, Louisiana, for modification of a condition imposed in granting consent to establish a branch at 2734 West Main Street, Houma, Louisiana.

Application for consent to merge and establish branches:

Colonial Bank, Waterbury, Connecticut, for consent to merge under its charter and title with The Bank of Trumbull, Trumbull, Connecticut, and for consent to establish the three offices of The Bank of Trumbull as branches of the resultant bank.

Request for relief from reimbursement for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)].

Requests for exemptions pursuant to Part 348 of the Corporation's rules and regulations entitled "Management Official Interlocks":

City and County Bank of Anderson County, Lake City, Tennessee, for an exemption pursuant to section 348.6(a)(2).

Texas Commerce Bank-Tanglewood, Houston, Texas, and The Western Saving Fund Society of Philadelphia, Haverford, Pennsylvania, for exemptions pursuant to section 348.4(b)(5).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,696–SR—Bank of Lake Helen, Lake Helen, Florida

Case No. 44,707–SR—American Bank & Trust Company, New York, New York

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases,

reassignments, retirements, separations, removals, etc:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and offficers:

Report of the Director, Office of Corporate Audits:
Audit Report re: First National Bank of Carrington, Carrington, North Dakota
Reports of the Director, Division of Liquidation:
Memorandum re: Reports Required Under Delegated Authority Releases of Collateral for Fair Market Value
Memorandum re: Reports Required Under Delegated Authority Expenditures

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-434-81 Filed 3-16-81; 3:30 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 23, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum and Resolution re: Proposed Amendments to the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-435-81 Filed 3-16-81; 3:32 pm]

BILLING CODE 6714-01-M

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 16775, March 13, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 18, 1981.

CHANGES IN THE MEETING: Withdrawal of the following item from the open session:

4. Agreement No. 10374–1: Petition for clarification of Order of Conditional Approval.

Addition of the following item to the open session:

9. Discussion of Interstate Commerce Commission Ex Parte 230 (Sub. 5)

Addition of the following item to the closed session:

2. Agreement No. 10374–1: Petition for clarification of Order of Conditional Approval.

[S-436-81 Filed 3-16-81; 9:21 am]

BILLING CODE 6730-01-M

5

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Monday, March 23, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

[S-424-81 Filed 3-13-81; 4:19 pm]

BILLING CODE 6210-01-M

6

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME:
9:00 a.m. to 5:00 p.m.
9:00 a.m. to 4:30 p.m., respectively

DATE: April 9 and 10, 1981.

PLACE: Pick-Congress Hotel, Chicago, Illinois.

STATUS: Open.

MATTERS TO BE DISCUSSED: Approval of Minutes; NCLIS Standing Committee Reports; Executive Director's Report; Chairman's Report; Finance Report; Report on "Public Awareness Program"; Update on whcLIST Activities; Report on Public/Private Sector Task Force; NCLIS/SLA Task Force on the Role of the Special Library in Nationwide Networks and Cooperative Programs Report; Report on the Cultural Minorities Task Force; Report on the Community Information and Referral Task Force; Report on Library and Postal Services Committee; Commissioners' Comments.

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director.

Toni Carbo Bearman,

Executive Director.

[S-431-81 Filed 3-16-81; 2:28 pm]

BILLING CODE 7527-01-M

7

NATIONAL RAILROAD PASSENGER CORPORATION BOARD OF DIRECTORS MEETING.

In Accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on March 25, 1981.

A. The meeting will be held on Wednesday, March 25, 1981, in the Pierre Suite, Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, D.C. beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 4, as described below.

C. The agenda items to be discussed at the meeting follow.

AGENDA—National Railroad Passenger Corporation Meeting of the Board of Directors—March 25, 1981

(9:30) *Closed Session*
1. *Internal Personnel Matters*
2. *Litigation Matters*
3. *Washington Terminal Company*
(10:30) *Open Session*
4. *Approval of Minutes of Regular Meeting of February 25, 1981*
5. *Commitment Approval Requests*
   - 81–65 Upgrade Coffee Creek Bridge—Porter, Indiana
   - 81–66 Reroute of the Washington Section of the Broadway Limited
   - 81–67 Two-year Lease of Remote Access Data Processing Equipment
   - 81–68 Purchase/Resale/Leaseback of IBM Tape Peripherals

75-76-80 Supplemental Funding for Grade Crossing Improvments—Florida Phase III
6. *Board Committee Reports*
Equipment
Finance
Legal Affairs
Northeast Corridor Improvement Project
Organization and Compensation
7. *President's Report*
8. New Business
9. Adjournment

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3754.

March 13, 1981.

Sandra Spence,

Corporate Secretary.

[S-427-81 Filed 3-16-81; 8:54 am]

8

NATIONAL SCIENCE BOARD.

DATE AND TIME:

March 19, 1981, 8:30 a.m., open session.
March 20, 1981, 9 a.m., open session; 10 a.m., closed session.

PLACE: National Science Foundation, Room 540, 1800 G Street N.W., Washington, D.C.

STATUS: Correction to previously published announcement.

Open Sessions of the meeting will be held on Thursday and Friday, beginning at 8:30 a.m. and 9:00 a.m. respectively. The Closed Session will be held on Friday beginning at 10:00 a.m. instead of Thursday as erroneously announced earlier. Matters to be considered at the Closed Session remain as previously announced.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357-9582.

[S-436-81 Filed 3-16-81; 3:54 pm]

BILLING CODE 7555-01-M

9

[NM-81-8]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 3 p.m., Tuesday, March 17, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Closed pursuant to Exemption 2 of the Government in the Sunshine Act (5 U.S.C. 552B(c)(2)).

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible.

Safety Board budget reductions.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

March 18, 1981.

[S-439-81 Filed 3-16-81; 11:34 am]

BILLING CODE 4910-58-M

10

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 16, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, March 16:

2 p.m.: 1. Meeting with Members of Advisory Panel for the Decontamination of TMI Unit 2 (public meeting, as announced)

Tuesday, March 17:

10 a.m.: 1. Discussion of Revised Licensing Procedures (public meeting, continued from March 11)
2 p.m.: 1. Discussion of Application of the Hearing Process to Pending Proceedings (closed, exemption 10) (continued from March 12)

Thursday, March 19:

2 p.m.: 1. Affirmation/Discussion Session (public meeting, approximately 30 minutes)
Affirmation and/or Discussion and Vote:
a. NRC Transportation Rulemaking
b. Fire Protection Rule for Future Plants
2. Discussion of Management-Organization and Internal Personnel Matters (closed—Exemption 2, 6)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION. Walter Magee (202) 634-1410.

March 12, 1981.

Walter Magee,

Office of the Secretary

[S-430-81 Filed 3-16-81; 2:20 pm]

BILLING CODE 7590-01-M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: To be published.

STATUS: Open/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Monday, March 9, 1981.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at an open meeting scheduled for Wednesday, March 18, 1981, at 10:00 a.m.:

1. Consideration of whether to adopt final amendments to Form S-18 which would permit certain issuers engaged in mining operations to utilize that Form. The Commission will concurrently consider whether to rescind Form S-3.

In addition, the Commission will consider whether to issue a release proposing amendments to Rule 242 which would permit certain issuers engaged in mining operations to utilize that Rule. For further information, please contact Daniel Abdun-Nabi at (202) 272-2644.

2. Consideration of whether to adopt a notice-of-sales form to be used by issuers that sell their securities in reliance upon Section 4(6) of the Securities Act of 1933 and whether to adopt amendments to Form 242, the notice-of-sales form to be used by issuers that sell their securities in reliance upon Rule 242, promulgated under Section 3(b) of the Act. For further information, please call Suzanne Brannan at (202) 272-2644.

3. Consideration of whether to issue proposed rules which will define, for purposes of the Regulatory Flexibility Act, certain small business entities which are issuers and reporting companies under the federal securities laws or are otherwise regulated under the securities laws, in order to enable the Commission to make judgments as to whether Commission rules might have a "significant economic impact" upon a "substantial number of small entities," as required by the Regulatory Flexibility Act. For futher information, please contact Alan Rosenblat at (202) 272-2428.

The following additional items will be considered at a closed meeting scheduled for Wednesday, March 18, 1981, following the 10:00 a.m. open meeting:

Settlement of administrative proceding of an enforcement nature.
Institution and settlement of administrative proceedings of an enforcement nature.
Litigation matter.

Commissioner Evans, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272-2468.

March 13, 1981.

[S-438-81 Filed 3-16-81; 10:48 am]

BILLING CODE 8010-01-M

12

[Meeting No. 1363]

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 7 p.m. (CST), Monday, March 23, 1981.

PLACE: Columbus City Auditorium, 420 2nd Avenue, North, Columbus, Mississippi.

STATUS: Open.

Action Items

Old Business Item

1. New TVA policy for dispersed power production.

New Business Items

A—Project authorizations
1. Project Authorization No. 3552–Solicitation, development, and long-term lease for a multiple use building in Muscle Shoals, Alabama.
2. Project Authorization No. 3555–Technical and Economic Evaluation of Environmental Control Alternatives (in collaboration with the Environmental Protection Agency).

B—Purchase awards
1. Req. No. 828179—Indefinite quantity term contract—Nuclear quality reinforcing steel for Browns Ferry, Sequoyah, Watts Bar, and Bellefonte Nuclear Plants.
2. Amendment to contract 74P–25–T17 with South Hopkins Coal Company for coal for TVA steam plants.

C—Power items
*Agreement with the Department of Energy covering arrangements for the construction, operation, and evaluation of the TVA scrubber test facility at Shawnee Steam Plant.
2. Lease agreement with the city of Paris, Tennessee, covering lease of TVA facilities in connection with 69–kV standby power supply arrangements.
3. Letter agreement with the Duck River Electric Membership Corporation covering arrangements for new 26–kV delivery points at TVA's East Shelbyville Substation and elimination of 13–kV delivery point at TVA's Shelbyville Substation.
4. Letter agreement with Johnson City, Tennessee, covering the establishment of 13–kV delivery point at TVA's Tanglewood Substation.
5. Renewal of power contract with Caney Fork Electric Cooperative.
6. Agreement covering the participation of the Tombigbee Electric Power Association in TVA's Water Heater Cycling Program.

D—Personnel items
*1. Change of status for Morris L. Branch from Chief, Management Systems Staff, Office of Engineering Design and Construction, to Director of Management Systems, Office of Management Services, Knoxville, Tennessee.
2. Supplements to personal services contracts with Kenneth L. Peneger, Richard S. Wirtz, and Kenneth D. McCasland, Sr. in connection with Contract Disputes Appeals.
3. Supplement to personal services contracts with Gilbert Associates, Inc., Reading, Pennsylvania, for architectural, engineering, and other related services. Requested by Offices of Engineering Design and Construction.
4. Supplement to personal services contract with United Engineers & Constructors, Inc., Philadelphia, Pennsylvania, for architectural engineering, and other related services. Requested by Office of Engineering Design and Construction.

E—Real property transactions
1. Sale at public auction of underlying fee title of approximately 28.6 acres of Kentucky Reservoir land in Calloway County, Kentucky, subject to two existing permanent industrial easements owned by Hutson Company, Inc.—Tract No. XCIR–903.
2. Acceptance of reconveyance of two public access areas on Watts Bar Reservoir from the State of Tennessee—Tract Nos. XTWBR–5 and XTWBR–9.
3. Filing of condemnation suits.

F—Unclassified
1. Agreement with the Tennessee Department of Civil Defense and Emergency Preparedness covering arrangements for the development and implementation of a radiological emergency plan.
2. Designation of alternate Agency Official for purposes of the Ethics in Government Act of 1978 requiring TVA employees in certain positions to make financial disclosure reports at specific times.
3. Resolution authorizing the Comptroller to writeoff certain uncollectible accounts receivable.
4. Payment from nonpower proceeds for Fiscal Year 1980 to the Treasury of the United States pursuant to Section 26 of the TVA Act.
*5. Settlement agreement between TVA and Siemens-Allis, Inc., relating to various claims under Contract No. 7102–54212 for generator/motors for the Raccoon Mountain pumped storage project.
6. Change in designation of officers to certify vouchers.
7. Revised TVA policy relating to abandonment of flowage rights and conveyance of easements for filling of industrial lands.

*Items approved by individual Board members. This would give formal ratification to the Board's action.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: March 18, 1981.

[S-462-81 Filed 3-18-81; 2:45 pm]

BILLING CODE 8120-01-M

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federal register

Wednesday
March 18, 1981

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Section 8 and Section 23 Housing Assistance Payments Programs; Changes to Fair Market Rent Schedules, Existing Housing

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 803, 888

[Docket No. R-80-872]

Section 8 and Section 23 Housing Assistance Payments Programs—Amendment of Fair Market Rent Schedules, Existing Housing

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: HUD is amending the schedules that set forth the Fair Market Rents (FMRs) for Existing Housing under the Section 8 (24 CFR Part 882, Subparts A–B) and Section 23 (24 CFR Part 802) Housing Assistance Payments Programs, and for Mobile Homeowners under the Section 8 Program (24 CFR Part 882, Subpart F). The amended schedules are intended for program operations during the period from March 29, 1981, through March 28, 1982, and reflect estimated median rent levels for October 1, 1981, mid-point of the period of intended use. The amended FMR schedules include adjustments made in response to rental market data and information provided in public comments. Fair Market Rents are intended to reflect the median gross rents charged for available standard units in the applicable county or Standard Metropolitan Statistical Area (SMSA).

EFFECTIVE DATE: April 27, 1981, retroactive to March 29, 1981 only for purposes of commuting annual rent adjustments in accordance with regular procedures and the PHA administrative fees.

FOR FURTHER INFORMATION CONTACT: Gerald Benoit, Director, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., 20410. (202) 426–0910. For technical information regarding the development of the FMR schedules for specific areas or the method used for the rent calculations, contact Ellis V. St. Clair, Economic and Market Analysis Division, Office of Economic Affairs, HUD (same address), (202) 755–5816. These are not toll–free numbers.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 4, 1980 (45 FR 73372) HUD published proposed revisions to the Fair Market Rents for Section 8 and 23 Existing Housing (Schedule B) and to the Fair Market Rents for Mobile Home Spaces (Schedule D). Interested parties were given until December 3, 1980 to submit written comments.

A total of 132 public comments covering 215 FMR areas were received. Six of the comments relating to 6 FMR areas were in regard to the rents for Mobile Home Spaces. HUD Field Offices provided locality data and analysis of market conditions applicable to the rent levels in an additional 75 FMR areas including 2 relative to Mobile Home Spaces. All comments and additional rental market data covering these 290 market areas have been carefully reviewed.

Based on the Department's evaluation of all public comments and Field Office analysis, the Fair Market Rent Schedules for Existing Housing in 187 market areas, including 43 SMSAs and 144 non-metropolitan counties, have been approved at a higher level than initially proposed in the Federal Register publication of November 4, 1980. The Fair Market Rent Schedules for Mobile Home Spaces have been increased for five market areas. All comments containing adequate data reflecting current rental market conditions or inflation trends during the past year on a specific locality basis were given appropriate consideration in the determination of the final rent schedules. In addition, HUD is making a technical change to indicate that Schedule D, which reflects the Fair Market Rents for Mobile Home Spaces, is properly a part of Subpart A of Part 888.

NEPA

The Department has determined that these regulations do not constitute a major Federal Action significantly affecting the quality of the human environment. Accordingly, a Finding of no Significant Impact under the National Environmental Policy Act 1969 has been prepared and is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, at the address specified above.

The legislative review provisions of Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o) has been met.

This rule is not listed in the Department's semiannual agenda of significant rules published pursuant to Executive Order 12044.

Accordingly,

1. Title 24, Part 803, Subpart A, Schedule B, and Part 888, Subpart A, Schedule B, and Subpart B, Schedule D, are revised as set forth below.

2. Title 24, Part 888, Subpart A is revised to reflect the inclusion of Schedule D under Subpart A and, correspondingly, Subpart B is revised to reflect the deletion of Schedule D in Subpart B.

This rulemaking is issued under the authority of Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d); 42 U.S.C. 1437f *et. seq.*

Issued at Washington, D.C., March 3, 1981.

George O. Hippe, Jr.,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

BILLING CODE 4210-01-M

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: LEWISTON-AUBURN, ME					
SMSA PART:ANDROSCOGGIN	202	233	279	324	360
STATE:ME					
SMSA: PORTLAND, ME					
SMSA PART:CUMBERLAND	223	275	326	384	457
STATE:ME					
SMSA PART:YORK	223	275	326	384	457
STATE:ME					
NON SMSA					
NONSMSA PART:ANDROSCOGGIN	202	233	279	324	360
STATE:ME					
COUNTY:AROOSTOOK	213	259	305	352	398
STATE:ME					
NONSMSA PART:CUMBERLAND	199	243	288	335	379
STATE:ME					
COUNTY:FRANKLIN	192	221	265	298	329
STATE:ME					
COUNTY:HANCOCK	192	230	272	316	359
STATE:ME					
COUNTY:KENNEBEC	202	233	279	324	360
STATE:ME					
COUNTY:KNOX	209	240	287	324	357
STATE:ME					
COUNTY:LINCOLN	209	240	287	324	357
STATE:ME					
COUNTY:OXFORD	192	221	265	298	329
STATE:ME					
COUNTY:PENOBSCOT	199	243	288	335	379
STATE:ME					
COUNTY:PISCATAQUIS	192	221	265	288	329
STATE:ME					
COUNTY:SAGADAHOC	199	243	288	335	379
STATE:ME					
COUNTY:SOMERSET	209	240	287	324	357
STATE:ME					
COUNTY:WALDO	192	221	265	298	329
STATE:ME					
COUNTY:WASHINGTON	192	221	265	298	329
STATE:ME					
NONSMSA PART:YORK	199	243	288	335	379
STATE:ME					
SMSA: BOSTON, MA					
SMSA PART:ESSEX	289	329	394	458	519
STATE:MA					
SMSA PART:MIDDLESEX	289	329	394	458	519
STATE:MA					
SMSA PART:NORFOLK	289	329	394	458	519
STATE:MA					
SMSA PART:PLYMOUTH	289	329	394	458	519
STATE:MA					
COUNTY:SUFFOLK	289	329	394	458	519
STATE:MA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: BROCKTON, MA					
SMSA PART:BRISTOL	219	270	324	380	431
STATE:MA					
SMSA PART:NORFOLK	219	270	324	380	431
STATE:MA					
SMSA PART:PLYMOUTH	219	270	324	380	431
STATE:MA					
SMSA: FALL RIVER, MA-RI					
SMSA PART:BRISTOL	227	264	315	369	406
STATE:MA					
SMSA: FITCHBURG-LEOMINSTER, MA					
SMSA PART:MIDDLESEX	208	257	307	359	408
STATE:MA					
SMSA PART:WORCESTER	208	257	307	359	408
STATE:MA					
SMSA: LAWRENCE-HAVERHILL, MA-NH					
SMSA PART:ESSEX	251	294	347	425	481
STATE:MA					
SMSA: LOWELL, MA NH					
SMSA PART:MIDDLESEX	250	287	335	387	422
STATE:MA					
SMSA: NEW BEDFORD, MA					
SMSA PART:BRISTOL	227	264	315	369	406
STATE:MA					
SMSA PART:PLYMOUTH	227	264	315	369	406
STATE:MA					
SMSA: PITTSFIELD, MA					
SMSA PART:BERKSHIRE	180	221	262	304	345
STATE:MA					
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART:BRISTOL	227	264	315	369	405
STATE:MA					
SMSA PART:NORFOLK	227	264	315	369	406
STATE:MA					
SMSA PART:WORCESTER	227	264	315	369	405
STATE:MA					
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART:HAMPDEN	216	267	321	375	425
STATE:MA					
SMSA PART:HAMPSHIRE	216	267	321	375	425
STATE:MA					
SMSA PART:WORCESTER	216	267	321	375	425
STATE:MA					
SMSA: WORCESTER, MA					
SMSA PART:WORCESTER	255	294	347	406	447
STATE:MA					
NON SMSA					
COUNTY:BARNSTABLE	278	320	387	455	510
STATE:MA					
NONSMSA PART:BERKSHIRE	209	259	308	358	390
STATE:MA					
NONSMSA PART:BRISTOL	223	259	308	360	398
STATE:MA					
COUNTY:DUKES	278	320	387	495	510
STATE:MA					

NOTE: FAIR MARKET RENTS (FMR'S) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 20 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
NONSMSA PART:ESSEX STATE:MA	242	283	346	404	468
COUNTY:FRANKLIN STATE:MA	235	281	335	377	417
NONSMSA PART:HAMPDEN STATE:MA	218	255	305	356	393
NONSMSA PART:HAMPSHIRE STATE:MA	235	281	335	377	417
NONSMSA PART:MIDDLESEX STATE:MA	235	271	318	370	407
COUNTY:NANTUCKET STATE:MA	278	330	387	455	510
NONSMSA PART:NORFOLK STATE:MA	194	241	288	336	385
NONSMSA PART:PLYMOUTH STATE:MA	230	268	323	381	435
NONSMSA PART:WORCESTER STATE:MA	208	257	307	359	408
COUNTY:ADDISON STATE:VT	223	269	318	387	443
COUNTY:BENNINGTON STATE:VT	223	269	318	387	443
COUNTY:CALEDONIA STATE:VT	213	253	302	368	427
COUNTY:CHITTENDEN STATE:VT	223	269	318	387	443
COUNTY:ESSEX STATE:VT	213	253	300	333	375
COUNTY:FRANKLIN STATE:VT	213	253	302	368	427
COUNTY:GRAND ISLE STATE:VT	213	253	302	368	427
COUNTY:LAMOILLE STATE:VT	213	253	300	333	375
COUNTY:ORANGE STATE:VT	213	253	302	368	427
COUNTY:ORLEANS STATE:VT	213	253	302	368	427
COUNTY:RUTLAND STATE:VT	223	269	318	387	443
COUNTY:WASHINGTON STATE:VT	213	253	302	368	427
COUNTY:WINDHAM STATE:VT	223	269	318	387	443
COUNTY:WINDSOR STATE:VT	223	269	318	387	443
SMSA: LAWRENCE-HAVERHILL, MA-NH SMSA PART:ROCKINGHAM STATE:NH	251	294	347	425	481

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: LOWELL, MA NH					
SMSA PART:HILLSBOROUGH STATE:NH	250	287	335	387	422
SMSA: MANCHESTER, NH					
SMSA PART:HILLSBOROUGH STATE:NH	244	294	353	382	420
SMSA PART:MERRIMACK STATE:NH	244	294	353	382	420
SMSA PART:ROCKINGHAM STATE:NH	244	294	353	382	420
SMSA: NASHUA, NH					
SMSA PART:HILLSBOROUGH STATE NH	244	294	353	382	420
NON SMSA					
COUNTY:BELKNAP STATE:NH	216	252	302	342	377
COUNTY:CARROLL STATE:NH	201	236	281	317	352
COUNTY:CHESHIRE STATE:NH	226	264	316	359	399
COUNTY:COOS STATE:NH	201	236	281	317	352
COUNTY:GRAFTON STATE:NH	205	243	289	333	374
NONSMSA PART:HILLSBOROUGH STATE:NH	217	250	300	348	383
NONSMSA PART:MERRIMACK STATE:NH	217	250	300	348	383
NONSMSA PART:ROCKINGHAM STATE:NH	226	259	311	359	394
COUNTY:STRAFFORD STATE:NH	216	252	302	342	377
COUNTY:SULLIVAN STATE:NH	216	252	302	342	377
SMSA: FALL RIVER, MA-RI					
SMSA PART:NEWPORT STATE:RI	227	264	315	369	405
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART:WASHINGTON STATE:RI	211	259	308	359	408
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART:BRISTOL STATE:RI	227	264	315	369	405
SMSA PART:KENT STATE:RI	227	264	315	369	405
SMSA PART:NEWPORT STATE:RI	227	264	315	369	405
SMSA PART:PROVIDENCE STATE:RI	227	264	315	369	405
SMSA PART:WASHINGTON STATE:RI	227	264	315	369	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
NONSMSA PART:KENT STATE:RI	222	289	309	368	399
NONSMSA PART:NEWPORT, STATE:RI	240	272	329	369	410
NONSMSA PART:PROVIDENCE STATE:RI	222	259	309	363	399
NONSMSA PART:WASHINGTON STATE:RI	222	259	309	363	399
HARTFORD, CONNECTICUT AREA OFFICE					
SMSA: BRIDGEPORT, CT					
SMSA PART:FAIRFIELD STATE:CT	238	291	346	402	457
SMSA PART:NEW HAVEN STATE:CT	238	291	346	402	457
SMSA: BRISTOL, CT					
SMSA PART:HARTFORD STATE:CT	209	260	311	365	414
SMSA PART:LITCHFIELD STATE:CT	209	260	311	365	414
SMSA: DANBURY, CT					
SMSA PART:FAIRFIELD STATE:CT	267	328	389	452	512
SMSA PART:LITCHFIELD STATE:CT	267	328	389	452	512
SMSA: HARTFORD, CT					
SMSA PART:HARTFORD STATE:CT	246	303	363	422	479
SMSA PART:LITCHFIELD STATE:CT	246	303	363	422	479
SMSA PART:MIDDLESEX STATE:CT	246	303	363	422	479
SMSA PART:NEW LONDON STATE:CT	246	303	363	422	479
SMSA PART:TOLLAND STATE:CT	246	303	363	422	479

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD, CONNECTICUT AREA OFFICE					
SMSA: MERIDEN, CT					
SMSA PART:NEW HAVEN					
STATE:CT	199	247	297	348	393
SMSA: NEW BRITAIN, CT					
SMSA PART:HARTFORD					
STATE:CT	209	260	311	365	414
SMSA: NEW HAVEN-WEST HAVEN, CT					
SMSA PART:MIDDLESEX					
STATE:CT	244	298	355	413	468
SMSA PART:NEW HAVEN					
STATE:CT	244	298	355	413	468
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART:MIDDLESEX					
STATE:CT	211	259	308	359	408
SMSA PART:NEW LONDON					
STATE:CT	211	259	308	359	408
SMSA: NORWALK, CT					
SMSA PART:FAIRFIELD					
STATE:CT	274	336	399	464	526
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART:TOLLAND					
STATE:CT	216	267	321	375	425
SMSA: STAMFORD, CT					
SMSA PART:FAIRFIELD					
STATE:CT	289	353	419	488	552
SMSA: WATERBURY, CT					
SMSA PART:LITCHFIELD					
STATE:CT	199	247	297	348	393
SMSA PART:NEW HAVEN					
STATE:CT	199	247	297	348	393
NON SMSA					
NONSMSA PART:FAIRFIELD					
STATE:CT	200	247	297	348	393
NONSMSA PART:HARTFORD					
STATE:CT	209	260	311	365	414
NONSMSA PART:LITCHFIELD					
STATE:CT	209	260	311	365	414
NONSMSA PART:MIDDLESEX					
STATE:CT	211	259	308	359	408
NONSMSA PART:NEW HAVEN					
STATE:CT	199	247	297	348	393
NONSMSA PART:NEW LONDON					
STATE:CT	176	217	258	299	340
NONSMSA PART:TOLLAND					
STATE:CT	244	299	355	413	468
COUNTY:WINDHAM					
STATE:CT	192	239	286	335	381

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
SMSA: ALBANY-SCHENECTADY-TROY, NY					
COUNTY:ALBANY STATE:NY	205	252	300	350	398
COUNTY:MONTGOMERY STATE:NY	205	252	300	350	398
COUNTY:RENSSELAER STATE:NY	205	252	300	350	398
COUNTY:SARATOGA STATE:NY	205	252	300	350	398
COUNTY:SCHENECTADY STATE:NY	205	252	300	350	398
SMSA: BINGHAMTON, NY-PA					
COUNTY:BROOME STATE:NY	180	210	251	305	352
COUNTY:TIOGA STATE:NY	180	210	251	305	352
SMSA: SYRACUSE, NY					
COUNTY:MADISON STATE:NY	186	231	274	322	365
COUNTY:ONONDAGA STATE:NY	186	231	274	322	365
COUNTY:OSWEGO STATE:NY	186	231	274	322	365
SMSA: UTICA-ROME, NY					
COUNTY:HERKIMER STATE:NY	151	186	222	261	296
COUNTY:ONEIDA STATE:NY	151	186	222	261	296
NON SMSA					
COUNTY:CAYUGA STATE:NY	180	228	266	311	353
COUNTY:CHENANGO STATE:NY	194	238	273	310	346
COUNTY:CLINTON STATE:NY	184	216	257	302	324
COUNTY:COLUMBIA STATE:NY	148	184	220	258	294
COUNTY:CORTLAND STATE:NY	180	223	266	311	353
COUNTY:DELAWARE STATE:NY	155	190	228	266	303
COUNTY:ESSEX STATE:NY	182	212	250	291	322
COUNTY:FRANKLIN STATE:NY	161	193	225	256	284
COUNTY:FULTON STATE:NY	145	179	215	254	288
COUNTY:GREENE STATE:NY	148	184	220	258	294
COUNTY:HAMILTON STATE:NY	145	179	215	254	288

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY: JEFFERSON STATE: NY	169	199	240	286	297
COUNTY: LEWIS STATE: NY	161	193	225	286	284
COUNTY: OTSEGO STATE: NY	168	190	228	266	303
COUNTY: ST LAWRENCE STATE: NY	172	204	247	279	312
COUNTY: SCHOHARIE STATE: NY	180	210	254	288	319
COUNTY: TOMPKINS STATE: NY	186	237	290	346	391
COUNTY: WARREN STATE: NY	145	179	215	254	288
COUNTY: WASHINGTON STATE: NY	145	179	215	254	288
SMSA: BUFFALO, NY					
COUNTY: ERIE STATE: NY	182	246	277	306	361
COUNTY: NIAGARA STATE: NY	182	246	277	306	361
SMSA: ELMIRA, NY					
COUNTY: CHEMUNG STATE: NY	191	223	281	327	371
SMSA: ROCHESTER, NY					
COUNTY: LIVINGSTON STATE: NY	214	262	310	358	406
COUNTY: MONROE STATE: NY	214	262	310	358	406
COUNTY: ONTARIO STATE: NY	214	262	310	358	406
COUNTY: ORLEANS STATE: NY	214	262	310	358	406
COUNTY: WAYNE STATE: NY	214	262	310	358	406
NON SMSA					
COUNTY: ALLEGANY STATE: NY	135	169	202	238	271
COUNTY: CATTARAUGUS STATE: NY	135	169	202	238	271
COUNTY: CHAUTAUQUA STATE: NY	148	185	235	270	306
COUNTY: GENESEE STATE: NY	164	188	224	238	271
COUNTY: SCHUYLER STATE: NY	177	215	262	282	334
COUNTY: SENECA STATE: NY	212	250	297	338	374
COUNTY: STEUBEN STATE: NY	177	207	252	294	323
COUNTY: WYOMING STATE: NY	135	169	202	238	271

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY:YATES STATE:NY	180	223	266	311	353
NEW YORK, NEW YORK AREA OFFICE					
SMSA: NASSAU-SUFFOLK, NY					
COUNTY:NASSAU STATE:NY	313	388	455	528	599
COUNTY:SUFFOLK STATE:NY	313	388	455	528	599
SMSA: NEW YORK CITY, NY-NJ					
COUNTY:BRONX STATE:NY	280	341	407	471	535
COUNTY:KINGS STATE:NY	280	341	407	471	535
COUNTY:NEW YORK STATE:NY	280	341	407	471	535
COUNTY:PUTNAM STATE:NY	280	341	407	471	535
COUNTY:QUEENS STATE:NY	280	341	407	471	535
COUNTY:RICHMOND STATE:NY	280	341	407	471	535
COUNTY:ROCKLAND STATE:NY	280	341	407	471	535
COUNTY:WESTCHESTER STATE:NY	280	341	407	471	535
SMSA: POUGHKEEPSIE, NY					
COUNTY:DUTCHESS STATE:NY	226	262	301	353	400
NON SMSA					
COUNTY:ORANGE STATE:NY	215	262	315	355	393
COUNTY:SULLIVAN STATE:NY	197	241	288	337	382
COUNTY:ULSTER STATE:NY	197	241	288	337	382

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEWARK, NEW JERSEY AREA OFFICE					
SMSA: ATLANTIC CITY, NJ					
COUNTY:ATLANTIC STATE:NJ	209	254	301	348	394
SMSA: PHILADELPHIA, PA-NJ					
COUNTY:BURLINGTON STATE:NJ	241	295	352	412	467
COUNTY:CAMDEN STATE:NJ	241	295	352	412	467
COUNTY:GLOUCESTER STATE:NJ	241	295	352	412	467
SMSA TRENTON, NJ					
COUNTY:MERCER STATE:NJ	212	260	309	360	410
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ					
COUNTY:CUMBERLAND STATE:NJ	212	261	311	362	411
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:SALEM STATE:NJ	243	295	348	402	456
NON SMSA					
COUNTY:CAPE MAY STATE:NJ	209	253	298	343	387
COUNTY:OCEAN STATE:NJ	260	319	379	440	500
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY:WARREN STATE:NJ	251	277	324	367	407
SMSA: JERSEY CITY, NJ					
COUNTY:HUDSON STATE:NJ	208	256	306	357	405
SMSA: LONG BRANCH-ASBURY PARK, NJ					
COUNTY:MONMOUTH STATE:NJ	248	306	364	420	480
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ					
COUNTY:MIDDLESEX STATE:NJ	261	320	378	437	496
SMSA: NEW YORK CITY, NY-NJ					
COUNTY:BERGEN STATE:NJ	280	341	407	471	535
SMSA: NEWARK, NJ					
COUNTY:ESSEX STATE:NJ	272	305	366	409	452
COUNTY:MORRIS STATE:NJ	272	305	366	409	452
COUNTY:SOMERSET STATE:NJ	272	305	366	409	452
COUNTY:UNION STATE:NJ	272	305	366	409	452
SMSA: PATERSON-CLIFTON-PASSAIC, NJ					
COUNTY:PASSAIC STATE:NJ	263	322	382	444	504
NON SMSA					
COUNTY:HUNTERDON STATE:NJ	260	319	379	440	500
COUNTY:SUSSEX STATE:NJ	286	347	408	469	530

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CARIBBEAN AREA OFFICE					
SMSA: CAGUAS MUNICIPIO:ALL STATE:PR	173	210	250	288	325
SMSA: MAYAGUEZ MUNICIPIO:ALL STATE:PR	213	260	308	356	400
SMSA: PONCE MUNICIPIO:ALL STATE:PR	262	320	378	436	492
SMSA: SAN JUAN MUNICIPIO:ALL STATE:PR	288	317	374	431	489
NON SMSA MUNICIPIO:ALL OTHER STATE:PR	164	201	238	274	310
:-CHAR.AMALIE STATE:VI	291	354	418	483	547
:ST. CROIX STATE:VI	238	289	343	396	446
:ST. THOMAS STATE:VI	270	329	390	448	506

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE					
SMSA: BALTIMORE, MD COUNTY:ANNE ARUNDEL STATE:MD	250	300	355	420	485
COUNTY:BALTIMORE STATE:MD	250	300	355	420	485
COUNTY:CARROLL STATE:MD	250	300	355	420	485
COUNTY:HARFORD STATE:MD	250	300	355	420	485
COUNTY:HOWARD STATE:MD	250	300	355	420	485
:-COLUMBIA(U) STATE:MD	300	345	400	474	548
INDEP. CITY:BALTIMORE STATE:MD	250	300	355	420	485
SMSA: WASHINGTON, DC-MD-VA COUNTY:CHARLES STATE:MD	254	309	365	422	478
SMSA: WILMINGTON, DE-NJ-MD COUNTY:CECIL STATE:MD	243	295	348	403	455
NON SMSA COUNTY:ALLEGANY STATE:MD	154	188	223	257	291
COUNTY:CALVERT STATE:MD	232	284	335	387	438

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CD), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE					
NON SMSA					
COUNTY:CAROLINE STATE:MD	208	253	299	345	392
COUNTY:DORCHESTER STATE:MD	208	253	299	345	392
COUNTY:FREDERICK STATE:MD	240	285	338	398	455
COUNTY:GARRETT STATE:MD	154	188	223	257	291
COUNTY:KENT STATE:MD	208	253	299	345	392
COUNTY:QUEEN, ANNES STATE:MD	208	253	299	345	392
COUNTY:ST MARYS STATE:MD	201	247	292	337	381
COUNTY:SOMERSET STATE:MD	208	253	299	345	392
COUNTY:TALBOT STATE:MD	208	253	299	345	392
COUNTY:WASHINGTON STATE:MD	201	247	292	337	381
COUNTY:WICOMICO STATE:MD	208	253	299	345	392
COUNTY:WORCESTER STATE:MD	208	253	299	345	392
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY:CARBON STATE:PA	231	277	324	367	407
COUNTY:LEHIGH STATE:PA	231	277	324	367	407
COUNTY:NORTHAMPTON STATE:PA	231	277	324	367	407
SMSA: BINGHAMTON, NY-PA					
COUNTY:SUSQUEHANNA STATE:PA	180	210	251	305	352
SMSA: HARRISBURG, PA					
COUNTY:CUMBERLAND STATE:PA	229	267	322	378	417
COUNTY:DAUPHIN STATE:PA	229	267	322	378	417
COUNTY:PERRY STATE:PA	229	267	322	378	417
SMSA: LANCASTER, PA					
COUNTY:LANCASTER STATE:PA	200	245	304	363	398
SMSA: NORTHEAST, PA					
COUNTY:LACKAWANNA STATE:PA	175	210	250	285	320
COUNTY:LUZERNE STATE:PA	175	210	250	285	320
COUNTY:MONROE STATE:PA	175	210	250	285	320

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
SMSA: PHILADELPHIA, PA-NJ					
COUNTY:BUCKS STATE:PA	241	295	352	412	467
COUNTY:CHESTER STATE:PA	241	295	352	412	467
COUNTY:DELAWARE STATE:PA	241	295	352	412	467
COUNTY:MONTGOMERY STATE:PA	241	295	352	412	467
COUNTY:PHILADELPHIA STATE:PA	241	295	352	412	467
SMSA: READING, PA					
COUNTY:BERKS STATE:PA	186	215	270	313	356
SMSA: WILLIAMSPORT, PA					
COUNTY:LYCOMING STATE:PA	144	178	214	251	286
SMSA: YORK, PA					
COUNTY:ADAMS STATE:PA	197	240	287	362	411
COUNTY:YORK STATE:PA	197	240	287	362	411
NON SMSA					
COUNTY:BRADFORD STATE:PA	185	219	258	311	348
COUNTY:CENTRE STATE:PA	173	210	253	287	321
COUNTY:CLINTON STATE:PA	173	210	253	287	321
COUNTY:COLUMBIA STATE:PA	191	225	272	307	344
COUNTY:FRANKLIN STATE:PA	173	210	253	287	321
COUNTY:JUNIATA STATE:PA	150	193	233	264	298
COUNTY:LEBANON STATE:PA	178	206	248	292	326
COUNTY:MIFFLIN STATE:PA	150	193	233	264	298
COUNTY:MONTOUR STATE:PA	164	204	245	275	305
COUNTY:NORTHUMBERLND STATE:PA	173	204	245	278	312
COUNTY:PIKE STATE:PA	199	234	283	316	355
COUNTY:SCHUYLKILL STATE:PA	192	228	281	316	353
COUNTY:SNYDER STATE:PA	150	193	233	264	298
COUNTY:SULLIVAN STATE:PA	155	193	244	279	303

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY:TIOGA STATE:PA	185	219	266	311	348
COUNTY:UNION STATE:PA	185	226	280	300	348
COUNTY:WAYNE STATE:PA	168	194	232	286	284
COUNTY:WYOMING STATE:PA	188	199	240	312	348
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:NEW CASTLE STATE:DE	243	295	348	403	455
NON SMSA					
COUNTY:KENT STATE:DE	190	231	272	314	356
COUNTY:SUSSEX STATE:DE	190	231	272	314	356
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
SMSA: CHARLESTON, WV					
COUNTY:KANAWHA STATE:WV	211	257	302	347	393
COUNTY:PUTNAM STATE:WV	211	257	302	347	393
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY:CABELL STATE:WV	199	241	284	327	369
COUNTY:WAYNE STATE:WV	199	241	284	327	369
SMSA: PARKERSBURG-MARIETTA, WV-OH					
COUNTY:WIRT STATE:WV	190	230	280	322	364
COUNTY:WOOD STATE:WV	190	230	280	322	364
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY:BROOKE STATE:WV	195	237	279	321	363
COUNTY:HANCOCK STATE:WV	195	237	279	321	363
SMSA: WHEELING, WV-OH					
COUNTY:MARSHALL STATE:WV	197	239	281	323	365
COUNTY:OHIO STATE:WV	197	239	281	323	365
NON SMSA					
COUNTY:BARBOUR STATE:WV	202	245	288	331	374

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY:BERKELEY STATE:WV	202	245	288	331	374
COUNTY:BOONE STATE:WV	178	216	254	292	330
COUNTY:BRAXTON STATE:WV	178	216	254	292	330
COUNTY:CALHOUN STATE:WV	178	216	254	292	330
COUNTY:CLAY STATE:WV	178	216	254	292	330
COUNTY:DODDRIDGE STATE:WV	202	245	288	331	374
COUNTY:FAYETTE STATE:WV	178	216	254	292	330
COUNTY:GILMER STATE:WV	178	216	254	292	330
COUNTY:GRANT STATE:WV	202	245	288	331	374
COUNTY:GREENBRIER STATE:WV	178	216	254	292	330
COUNTY:HAMPSHIRE STATE:WV	202	245	288	331	374
COUNTY:HARDY STATE:WV	202	245	288	331	374
COUNTY:HARRISON STATE:WV	202	245	288	331	374
COUNTY:JACKSON STATE:WV	178	216	254	292	330
COUNTY:JEFFERSON STATE:WV	202	245	288	331	374
COUNTY:LEWIS STATE:WV	202	245	288	331	374
COUNTY:LINCOLN STATE:WV	178	216	254	292	330
COUNTY:LOGAN STATE:WV	178	216	254	292	330
COUNTY:MCDOWELL STATE:WV	188	228	268	308	348
COUNTY:MARION STATE:WV	202	245	288	331	374
COUNTY:MASON STATE:WV	178	216	254	292	330
COUNTY:MERCER STATE:WV	188	228	268	308	348
COUNTY:MINERAL STATE:WV	181	219	258	297	335
COUNTY:MINGO STATE:WV	178	216	254	292	330

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY MONONGALIA STATE WV	202	245	288	331	374
COUNTY MONROE STATE WV	178	216	254	292	330
COUNTY MORGAN STATE WV	202	245	288	331	374
COUNTY NICHOLAS STATE WV	178	216	254	292	330
COUNTY PENDLETON STATE WV	202	245	288	331	374
COUNTY PLEASANTS STATE WV	188	231	272	314	355
COUNTY POCAHONTAS STATE WV	178	216	254	292	330
COUNTY PRESTON STATE WV	202	245	288	331	374
COUNTY RALEIGH STATE WV	178	216	254	292	330
COUNTY RANDOLPH STATE WV	202	245	288	331	374
COUNTY RITCHIE STATE WV	188	231	272	314	355
COUNTY ROANE STATE WV	178	216	254	292	330
COUNTY SUMMERS STATE WV	178	216	254	292	330
COUNTY TAYLOR STATE WV	202	245	288	331	374
COUNTY TUCKER STATE WV	202	245	288	331	374
COUNTY TYLER STATE WV	181	219	258	297	335
COUNTY UPSHUR STATE WV	202	245	288	331	374
COUNTY WEBSTER STATE WV	178	216	254	292	330
COUNTY WETZEL STATE WV	181	219	258	297	335
COUNTY WYOMING STATE WV	178	216	254	292	330
SMSA ALTOONA, PA					
COUNTY BLAIR STATE PA	173	211	251	292	331
SMSA ERIE, PA					
COUNTY ERIE STATE PA	186	213	259	304	334
SMSA JOHNSTOWN, PA					
COUNTY CAMBRIA STATE PA	172	205	250	284	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
SMSA: JOHNSTOWN, PA					
COUNTY:SOMERSET STATE:PA	172	205	250	284	317
SMSA: PITTSBURGH, PA					
COUNTY:ALLEGHANY STATE:PA	214	260	307	355	403
COUNTY:BEAVER STATE:PA	214	260	307	355	403
COUNTY:WASHINGTON STATE:PA	214	260	307	355	403
COUNTY:WESTMORELAND STATE:PA	214	260	307	355	403
NON SMSA					
COUNTY:ARMSTRONG STATE:PA	122	165	198	233	265
COUNTY:BEDFORD STATE:PA	149	173	209	244	274
COUNTY:BUTLER STATE:PA	178	211	251	283	313
COUNTY:CAMERON STATE:PA	144	178	214	251	286
COUNTY:CLARION STATE:PA	122	165	198	233	265
COUNTY:CLEARFIELD STATE:PA	167	202	241	271	304
COUNTY:CRAWFORD STATE:PA	139	172	205	241	275
COUNTY:ELK STATE:PA	144	178	214	251	286
COUNTY:FAYETTE STATE:PA	167	201	247	282	316
COUNTY:FOREST STATE:PA	139	172	205	241	275
COUNTY:FULTON STATE:PA	129	160	192	226	258
COUNTY:GREENE STATE:PA	118	148	177	209	238
COUNTY:HUNTINGDON STATE:PA	129	160	192	226	258
COUNTY:INDIANA STATE:PA	156	192	229	267	301
COUNTY:JEFFERSON STATE:PA	144	178	214	251	286
COUNTY:LAWRENCE STATE:PA	139	172	205	241	275
COUNTY:MCKEAN STATE:PA	188	194	220	257	297
COUNTY:MERCER STATE:PA	139	172	205	241	275
COUNTY:POTTER STATE:PA	158	197	234	272	312

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY:VENANGO STATE:PA	139	172	208	241	278
COUNTY:WARREN STATE:PA	139	172	208	241	278
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY:SCOTT STATE:VA	191	232	272	313	354
COUNTY:WASHINGTON STATE:VA	191	232	272	313	354
INDEP. CITY:BRISTOL STATE:VA	191	232	272	313	354
SMSA: LYNCHBURG, VA					
COUNTY:AMHERST STATE:VA	223	271	319	368	415
COUNTY:APPOMATTOX STATE:VA	223	271	319	368	415
COUNTY:CAMPBELL STATE:VA	223	271	319	368	415
INDEP. CITY:LYNCHBURG STATE:VA	223	271	319	368	415
SMSA: NEWPORT NEWS-HAMPTON, VA					
COUNTY:GLOUCESTER STATE:VA	227	276	325	374	423
COUNTY:JAMES CITY STATE:VA	227	276	325	374	423
COUNTY:YORK STATE:VA	227	276	325	374	423
INDEP. CITY:HAMPTON STATE:VA	227	276	325	374	423
INDEP. CITY:NEWPORT NEWS STATE:VA	227	276	325	374	423

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: NEWPORT NEWS-HAMPTON, VA					
INDEP. CITY:POQUOSON STATE:VA	227	276	325	374	423
INDEP. CITY:WILLIAMSBURG STATE:VA	227	276	325	374	423
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
INDEP. CITY:CHESAPEAKE STATE:VA	245	298	350	402	455
INDEP. CITY:NORFOLK STATE:VA	245	298	350	402	455
INDEP. CITY:PORTSMOUTH STATE:VA	245	298	350	402	455
INDEP. CITY:SUFFOLK STATE:VA	245	298	350	402	455
INDEP. CITY:VIRGINIA BEA STATE:VA	245	298	350	402	455
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA					
COUNTY:DINWIDDIE STATE:VA	215	263	310	357	405
COUNTY:PRINCEGEORGE STATE:VA	215	263	310	357	405
INDEP. CITY:COLONIAL HEI STATE:VA	215	263	310	357	405
INDEP. CITY:HOPEWELL STATE:VA	215	263	310	357	405
INDEP. CITY:PETERSBURG STATE:VA	215	263	310	357	405
SMSA: RICHMOND, VA					
COUNTY:CHARLES CITY STATE:VA	228	277	327	377	425
COUNTY:CHESTERFIELD STATE:VA	228	277	327	377	425
COUNTY:GOOCHLAND STATE:VA	228	277	327	377	425
COUNTY:HANOVER STATE:VA	228	277	327	377	425
COUNTY:HENRICO STATE:VA	228	277	327	377	425
COUNTY:NEW KENT STATE:VA	228	277	327	377	425
COUNTY:POWHATAN STATE:VA	228	277	327	377	425
INDEP. CITY:RICHMOND STATE:VA	228	277	327	377	425
SMSA: ROANOKE, VA					
COUNTY:BOTETOURT STATE:VA	223	271	319	366	415
COUNTY:CRAIG STATE:VA	223	271	319	366	415
COUNTY:ROANOKE STATE:VA	223	271	319	366	415
INDEP. CITY:ROANOKE STATE:VA	223	271	319	366	415

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 120 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EHAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: ROANOKE, VA					
INDEP. CITY:SALEM STATE:VA	238	271	319	366	415
NON SMSA					
COUNTY:ACCOMACK STATE:VA	190	231	272	314	356
COUNTY:ALBEMARLE STATE:VA	248	298	350	403	456
COUNTY:ALLEGHANY STATE:VA	184	225	265	306	346
COUNTY:AMELIA STATE:VA	215	263	310	357	405
COUNTY:AUGUSTA STATE:VA	176	215	254	294	333
COUNTY:BATH STATE:VA	176	215	254	294	333
COUNTY:BEDFORD STATE:VA	223	271	319	366	415
COUNTY:BLAND STATE:VA	146	179	212	244	277
COUNTY:BRUNSWICK STATE:VA	215	263	310	357	405
COUNTY:BUCHANAN STATE:VA	146	179	212	244	277
COUNTY:BUCKINGHAM STATE:VA	215	263	310	357	405
COUNTY:CAROLINE STATE:VA	215	263	310	357	405
COUNTY:CARROLL STATE:VA	162	199	236	272	308
COUNTY:CHARLOTTE STATE:VA	223	271	319	366	415
COUNTY:CLARKE STATE:VA	176	215	254	294	333
COUNTY:CULPEPER STATE:VA	184	227	275	310	347
COUNTY:CUMBERLAND STATE:VA	215	263	310	357	405
COUNTY:DICKENSON STATE:VA	178	196	235	260	328
COUNTY:ESSEX STATE:VA	215	263	310	357	405
COUNTY:FAUQUIER STATE:VA	210	255	300	345	390
COUNTY:FLOYD STATE:VA	223	271	319	366	415
COUNTY:FLUVANNA STATE:VA	215	263	310	357	405
COUNTY:FRANKLIN STATE:VA	160	196	230	268	302

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY:FREDERICK STATE:VA	176	215	254	294	333
COUNTY:GILES STATE:VA	184	225	265	306	346
COUNTY:GRAYSON STATE:VA	162	199	236	272	308
COUNTY:GREENE STATE:VA	215	263	310	357	405
COUNTY:GREENSVILLE STATE:VA	215	263	310	357	405
COUNTY:HALIFAX STATE:VA	223	271	319	366	415
COUNTY:HENRY STATE:VA	223	271	319	366	415
COUNTY:HIGHLAND STATE:VA	176	215	254	294	333
COUNTY:ISLE OFWIGHT STATE:VA	180	196	230	268	302
COUNTY:KING & QUEEN STATE:VA	215	263	310	357	405
COUNTY:KING GEORGE STATE:VA	227	276	325	374	423
COUNTY:KING WILLIAM STATE:VA	215	263	310	357	405
COUNTY:LANCASTER STATE:VA	215	263	310	357	405
COUNTY:LEE STATE:VA	149	179	212	244	277
COUNTY:LOUISA STATE:VA	215	263	310	357	405
COUNTY:LUNENBURG STATE:VA	215	263	310	357	405
COUNTY:MADISON STATE:VA	215	263	310	357	405
COUNTY:MATHEWS STATE:VA	180	196	230	268	302
COUNTY:MECKLENBURG STATE:VA	215	263	310	357	405
COUNTY:MIDDLESEX STATE:VA	180	196	230	268	302
COUNTY:MONTGOMERY STATE:VA	223	271	319	366	415
COUNTY:NELSON STATE:VA	203	246	291	334	379
COUNTY:NORTHAMPTON STATE:VA	190	231	272	314	356
COUNTY:NORTHUMBERLD STATE:VA	215	263	310	357	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY:NOTTOWAY STATE:VA	215	263	310	357	405
COUNTY:ORANGE STATE:VA	215	263	310	357	405
COUNTY:PAGE STATE:VA	176	215	254	294	333
COUNTY:PATRICK STATE:VA	223	271	319	366	415
COUNTY:PITTSYLVANIA STATE:VA	203	246	291	334	379
COUNTY:PRINCEEDWARD STATE:VA	215	263	310	357	405
COUNTY:PULASKI STATE:VA	223	271	319	366	415
COUNTY:RAPPAHANNOCK STATE:VA	184	225	265	306	346
COUNTY:RICHMOND STATE:VA	228	277	327	377	425
COUNTY:ROCKBRIDGE STATE:VA	176	215	254	294	333
COUNTY:ROCKINGHAM STATE:VA	176	215	254	294	333
COUNTY:RUSSELL STATE:VA	191	232	273	313	354
COUNTY:SHENANDOAH STATE:VA	176	215	254	294	333
COUNTY:SMYTH STATE:VA	149	179	212	244	277
COUNTY:SOUTHAMPTON STATE:VA	160	196	230	268	302
COUNTY:SPOTSLYVANIA STATE:VA	227	276	325	374	423
COUNTY:STAFFORD STATE:VA	227	276	325	374	423
COUNTY:SURRY STATE:VA	160	196	230	268	302
COUNTY:SUSSEX STATE:VA	215	263	310	357	405
COUNTY:TAZEWELL STATE:VA	191	232	273	313	354
COUNTY:WARREN STATE:VA	176	215	254	294	333
COUNTY:WESTMORELAND STATE:VA	215	263	310	357	405
COUNTY:WISE STATE:VA	191	232	273	313	354
COUNTY:WYTHE STATE:VA	184	225	265	306	346

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
INDEP. CITY:BEDFORD STATE:VA	223	271	319	386	415
INDEP. CITY:BUENA VISTA STATE:VA	176	215	254	294	333
INDEP. CITY:CHARLOTTESVI STATE:VA	245	298	350	403	455
INDEP. CITY:CLIFTON FORG STATE:VA	184	225	265	306	346
INDEP. CITY:COVINGTON STATE:VA	184	225	265	308	346
INDEP. CITY:DANVILLE STATE:VA	203	246	291	334	379
INDEP. CITY:EMPORIA STATE:VA	215	263	310	357	405
INDEP. CITY:FRANKLIN STATE:VA	184	225	265	306	346
INDEP. CITY:FREDERICKBUR STATE:VA	227	276	325	374	423
INDEP. CITY:GALAX STATE:VA	182	199	236	272	308
INDEP. CITY:HARRISONBURG STATE:VA	176	215	254	294	333
INDEP. CITY:LEXINGTON STATE:VA	176	215	254	294	333
INDEP. CITY:MARTINSVILLE STATE:VA	223	271	319	366	415
INDEP. CITY:NORTON STATE:VA	191	232	273	313	354
INDEP. CITY:RADFORD STATE:VA	223	271	319	366	415
INDEP. CITY:SOUTH BOSTON STATE:VA	223	271	319	366	415
INDEP. CITY:STAUNTON STATE:VA	200	242	285	331	388
INDEP. CITY:WAYNESBORO STATE:VA	176	215	254	294	333
INDEP. CITY:WINCHESTER STATE:VA	176	215	254	294	333

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CD), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WASHINGTON, D.C. AREA OFFICE					
SMSA: WASHINGTON, DC-MD-VA					
COUNTY MONTGOMERY STATE MD	254	309	365	422	476
COUNTY PRINCE GEORG STATE MD	254	309	365	422	476
COUNTY WASHINGTON STATE DC	254	309	365	422	476
COUNTY ARLINGTON STATE VA	254	309	365	422	476
COUNTY FAIRFAX STATE VA	254	309	365	422	476
COUNTY LOUDOUN STATE VA	254	309	365	422	476
COUNTY PRINCEWILLIA STATE VA	254	309	365	422	476
INDEP. CITY ALEXANDRIA STATE VA	254	309	365	422	476
INDEP. CITY FAIRFAX STATE VA	254	309	365	422	476
INDEP. CITY FALLS CHURCH STATE VA	254	309	365	422	476
INDEP. CITY MANASSAS STATE VA	254	309	365	422	476
INDEP. CITY MANASSAS PRK STATE VA	254	309	365	422	476
ATLANTA, GEORGIA AREA OFFICE					
SMSA ALBANY, GA					
COUNTY DOUGHERTY STATE GA	160	196	230	268	302
COUNTY LEE STATE GA	160	196	230	268	302
SMSA ATLANTA, GA					
COUNTY BUTTS STATE GA	221	270	318	368	415
COUNTY CHEROKEE STATE GA	221	270	318	368	415
COUNTY CLAYTON STATE GA	221	270	318	368	415
COUNTY COBB STATE GA	221	270	318	368	415
COUNTY DE KALB STATE GA	221	270	318	368	415
COUNTY DOUGLAS STATE GA	221	270	318	368	415
COUNTY FAYETTE STATE GA	221	270	318	368	415
COUNTY FORSYTH STATE GA	221	270	318	368	415
COUNTY FULTON STATE GA	221	270	318	368	415
COUNTY GWINNETT STATE GA	221	270	318	368	415

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
SMSA: ATLANTA, GA					
COUNTY:HENRY STATE:GA	221	270	318	366	415
COUNTY:NEWTON STATE:GA	221	270	318	366	415
COUNTY:PAULDING STATE:GA	221	270	318	366	415
COUNTY:ROCKDALE STATE:GA	221	270	318	366	415
COUNTY:WALTON STATE:GA	221	270	318	366	415
SMSA: AUGUSTA, GA-SC					
COUNTY:COLUMBIA STATE:GA	206	253	299	345	392
COUNTY:RICHMOND STATE:GA	206	253	299	345	392
SMSA: CHATTANOOGA, TN-GA					
COUNTY:CATOOSA STATE:GA	183	224	266	306	347
COUNTY:DADE STATE:GA	183	224	266	306	347
COUNTY:WALKER STATE:GA	183	224	266	306	347
SMSA: COLUMBUS, GA-AL					
COUNTY:CHATTAHOOCHE STATE:GA	177	217	257	296	335
SMSA: MACON, GA					
COUNTY:BIBB STATE:GA	160	196	230	266	302
COUNTY:HOUSTON STATE:GA	160	196	230	266	302
COUNTY:JONES STATE:GA	160	196	230	266	302
COUNTY:TWIGGS STATE:GA	160	196	230	266	302
SMSA: SAVANNAH, GA					
COUNTY:BRYAN STATE:GA	229	247	282	326	367
COUNTY:CHATHAM STATE:GA	229	247	282	326	367
COUNTY:EFFINGHAM STATE:GA	229	247	282	326	367
NON SMSA					
COUNTY:APPLING STATE:GA	162	199	236	272	308
COUNTY:ATKINSON STATE:GA	148	181	214	247	279
COUNTY:BACON STATE:GA	162	199	236	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY BAKER STATE GA	160	196	230	288	302
COUNTY BALDWIN STATE GA	160	196	230	288	302
COUNTY BANKS STATE GA	181	222	263	304	345
COUNTY BARROW STATE GA	181	222	263	304	345
COUNTY BARTON STATE GA	150	185	218	253	285
COUNTY BEN HILL STATE GA	160	196	230	288	302
COUNTY BERRIEN STATE GA	146	178	209	243	274
COUNTY BLECKLEY STATE GA	160	196	230	288	302
COUNTY BRANTLEY STATE GA	175	214	253	292	331
COUNTY BROOKS STATE GA	146	178	209	243	274
COUNTY BULLOCH STATE GA	162	199	236	272	308
COUNTY BURKE STATE GA	167	204	242	278	315
COUNTY CALHOUN STATE GA	160	196	230	288	302
COUNTY CAMDEN STATE GA	175	214	253	292	331
COUNTY CANDLER STATE GA	162	199	236	272	308
COUNTY CARROLL STATE GA	172	210	248	287	325
COUNTY CHARLTON STATE GA	160	195	230	265	300
COUNTY CHATTOOGA STATE GA	156	191	227	261	297
COUNTY CLARKE STATE GA	181	222	263	304	345
COUNTY CLAY STATE GA	160	196	230	288	302
COUNTY CLINCH STATE GA	146	178	209	243	274
COUNTY COFFEE STATE GA	162	199	236	272	308
COUNTY COLQUITT STATE GA	146	178	209	243	274
COUNTY COOK STATE GA	146	178	209	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:COWETA STATE:GA	172	210	248	287	325
COUNTY:CRAWFORD STATE:GA	160	196	230	268	302
COUNTY:CRISP STATE:GA	160	196	230	268	302
COUNTY:DAWSON STATE:GA	150	185	218	253	285
COUNTY:DECATUR STATE:GA	160	196	230	268	302
COUNTY:DODGE STATE:GA	160	196	230	268	302
COUNTY:DOOLY STATE:GA	160	196	230	268	302
COUNTY:EARLY STATE:GA	160	196	230	268	302
COUNTY:ECHOLS STATE:GA	146	178	209	243	274
COUNTY:ELBERT STATE:GA	181	222	263	304	346
COUNTY:EMANUEL STATE:GA	167	204	242	278	315
COUNTY:EVANS STATE:GA	162	199	236	272	308
COUNTY:FANNIN STATE:GA	150	185	218	253	285
COUNTY:FLOYD STATE:GA	150	185	218	253	285
COUNTY:FRANKLIN STATE:GA	166	202	239	276	313
COUNTY:GILMER STATE:GA	150	185	218	253	286
COUNTY:GLASCOCK STATE:GA	167	204	242	278	315
COUNTY:GLYNN STATE:GA	192	236	277	321	363
COUNTY:GORDON STATE:GA	156	191	227	261	297
COUNTY:GRADY STATE:GA	160	196	230	268	302
COUNTY:GREENE STATE:GA	166	202	239	276	313
COUNTY:HABERSHAM STATE:GA	150	185	218	253	285
COUNTY:HALL STATE:GA	181	222	263	304	346
COUNTY:HANCOCK STATE:GA	160	196	230	268	302

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: HARALSON STATE: GA	150	185	218	253	285
COUNTY: HARRIS STATE: GA	162	198	233	269	304
COUNTY: HART STATE: GA	174	212	263	290	329
COUNTY: HEARD STATE: GA	177	217	257	296	335
COUNTY: IRWIN STATE: GA	160	196	230	268	302
COUNTY: JACKSON STATE: GA	181	222	263	304	343
COUNTY: JASPER STATE: GA	160	196	230	268	302
COUNTY: JEFF DAVIS STATE: GA	162	199	236	272	308
COUNTY: JEFFERSON STATE: GA	183	224	266	306	347
COUNTY: JENKINS STATE: GA	167	204	242	278	315
COUNTY: JOHNSON STATE: GA	160	196	230	268	302
COUNTY: LAMAR STATE: GA	172	210	248	287	325
COUNTY: LANIER STATE: GA	146	178	209	243	274
COUNTY: LAURENS STATE: GA	160	196	230	268	302
COUNTY: LIBERTY STATE: GA	162	199	236	272	308
COUNTY: LINCOLN STATE: GA	167	204	242	278	315
COUNTY: LONG STATE: GA	162	199	236	272	308
COUNTY: LOWNDES STATE: GA	160	196	230	268	302
COUNTY: LUMPKIN STATE: GA	150	185	218	253	285
COUNTY: MCDUFFIE STATE: GA	183	224	266	306	347
COUNTY: MCINTOSH STATE: GA	175	214	253	292	331
COUNTY: MACON STATE: GA	160	196	230	268	302
COUNTY: MADISON STATE: GA	166	202	239	276	313
COUNTY: MARION STATE: GA	162	198	233	269	304

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CD), MARCH 29, 1981

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:MERIWETHER STATE:GA	162	198	233	269	304
COUNTY:MILLER STATE:GA	160	196	230	266	302
COUNTY:MITCHELL STATE:GA	160	196	230	266	302
COUNTY:MONROE STATE:GA	160	196	230	266	302
COUNTY:MONTGOMERY STATE:GA	162	199	236	272	308
COUNTY:MORGAN STATE:GA	166	202	239	276	313
COUNTY:MURRAY STATE:GA	156	191	227	261	297
COUNTY:OCONEE STATE:GA	181	222	263	304	345
COUNTY:OGLETHORPE STATE:GA	166	202	239	276	313
COUNTY:PEACH STATE:GA	160	196	230	266	302
COUNTY:PICKENS STATE:GA	150	185	218	253	285
COUNTY:PIERCE STATE:GA	175	214	253	292	331
COUNTY:PIKE STATE:GA	172	210	248	287	325
COUNTY:POLK STATE:GA	150	185	218	253	285
COUNTY:PULASKI STATE:GA	160	196	230	266	302
COUNTY:PUTNAM STATE:GA	160	196	230	266	302
COUNTY:QUITMAN STATE:GA	177	217	257	296	335
COUNTY:RABUN STATE:GA	150	185	218	253	285
COUNTY:RANDOLPH STATE:GA	160	196	230	266	302
COUNTY:SCHLEY STATE:GA	162	198	233	269	304
COUNTY:SCREVEN STATE:GA	162	199	236	272	308
COUNTY:SEMINOLE STATE:GA	160	196	230	266	302
COUNTY:SPALDING STATE:GA	172	210	248	287	325
COUNTY:STEPHENS STATE:GA	166	202	239	276	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: STEWART STATE: GA	162	198	233	299	304
COUNTY: SUMTER STATE: GA	195	238	282	326	368
COUNTY: TALBOT STATE: GA	177	217	257	296	336
COUNTY: TALIAFERRO STATE: GA	167	204	242	278	315
COUNTY: TATTNALL STATE: GA	162	199	236	272	308
COUNTY: TAYLOR STATE: GA	160	196	230	266	302
COUNTY: TELFAIR STATE: GA	160	196	230	266	302
COUNTY: TERRELL STATE: GA	160	196	230	266	302
COUNTY: THOMAS STATE: GA	160	196	230	266	302
COUNTY: TIFT STATE: GA	160	196	230	266	302
COUNTY: TOOMBS STATE: GA	162	199	236	272	308
COUNTY: TOWNS STATE: GA	150	185	218	253	285
COUNTY: TREUTLEN STATE: GA	160	196	230	266	302
COUNTY: TROUP STATE: GA	177	217	257	296	336
COUNTY: TURNER STATE: GA	160	196	230	266	302
COUNTY: UNION STATE: GA	150	185	218	253	285
COUNTY: UPSON STATE: GA	157	191	226	260	295
COUNTY: WARE STATE: GA	175	214	253	292	331
COUNTY: WARREN STATE: GA	167	204	242	278	315
COUNTY: WASHINGTON STATE: GA	160	196	230	266	302
COUNTY: WAYNE STATE: GA	162	199	236	272	308
COUNTY: WEBSTER STATE: GA	162	198	233	269	304
COUNTY: WHEELER STATE: GA	160	196	230	266	302
COUNTY: WHITE STATE: GA	150	185	218	253	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:WHITFIELD STATE:GA	156	191	227	261	297
COUNTY:WILCOX STATE:GA	160	196	230	266	302
COUNTY:WILKES STATE:GA	167	204	242	278	315
COUNTY:WILKINSON STATE:GA	160	196	230	266	302
COUNTY:WORTH STATE:GA	160	196	230	266	302
BIRMINGHAM, ALABAMA AREA OFFICE					
SMSA: ANNISTON, AL COUNTY:CALHOUN STATE:AL	140	172	203	235	266
SMSA: BIRMINGHAM, AL COUNTY:JEFFERSON STATE:AL	193	237	280	322	365
COUNTY:ST CLAIR STATE:AL	193	237	280	323	365
COUNTY:SHELBY STATE:AL	193	237	280	323	365
COUNTY:WALKER STATE:AL	193	237	280	323	365
SMSA: COLUMBUS, GA-AL COUNTY:RUSSELL STATE:AL	177	217	257	296	335
SMSA: FLORENCE, AL COUNTY:COLBERT STATE:AL	184	226	271	309	350
COUNTY:LAUDERDALE STATE:AL	184	226	271	309	350
SMSA: GADSDEN, AL COUNTY:ETOWAH STATE:AL	140	172	203	235	266
SMSA: HUNTSVILLE, AL COUNTY:LIMESTONE STATE:AL	192	235	278	321	363
COUNTY:MADISON STATE:AL	192	235	278	321	363

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
SMSA: HUNTSVILLE, AL					
COUNTY MARSHALL STATE AL	192	235	278	321	363
SMSA MOBILE, AL					
COUNTY BALDWIN STATE AL	155	119	226	259	295
COUNTY MOBILE STATE AL	155	189	225	259	295
SMSA MONTGOMERY, AL					
COUNTY AUTAUGA STATE AL	154	188	223	257	291
COUNTY ELMORE STATE AL	154	188	223	257	291
COUNTY MONTGOMERY STATE AL	154	188	223	257	291
SMSA TUSCALOOSA, AL					
COUNTY TUSCALOOSA STATE AL	181	222	263	304	345
NON SMSA					
COUNTY BARBOUR STATE AL	175	214	253	292	331
COUNTY BIBB STATE AL	181	222	263	304	345
COUNTY BLOUNT STATE AL	140	172	203	235	266
COUNTY BULLOCK STATE AL	154	188	223	257	291
COUNTY BUTLER STATE AL	175	214	253	292	331
COUNTY CHAMBERS STATE AL	177	217	257	296	335
COUNTY CHEROKEE STATE AL	140	172	203	235	266
COUNTY CHILTON STATE AL	181	222	263	304	345
COUNTY CHOCTAW STATE AL	177	217	257	296	335
COUNTY CLARKE STATE AL	168	204	241	279	316
COUNTY CLAY STATE AL	140	172	203	235	266
COUNTY CLEBURNE STATE AL	150	185	218	253	285
COUNTY COFFEE STATE AL	175	214	253	292	331
COUNTY CONECUH STATE AL	166	204	241	279	316
COUNTY COOSA STATE AL	154	188	222	257	291
COUNTY COVINGTON STATE AL	175	214	253	292	331

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING F'NANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
NON SMSA					
COUNTY:CRENSHAW STATE:AL	175	214	253	292	331
COUNTY:CULLMAN STATE:AL	140	172	203	235	266
COUNTY:DALE STATE:AL	175	214	253	292	331
COUNTY:DALLAS STATE:AL	154	188	223	257	291
COUNTY:DE KALB STATE:AL	156	191	227	261	297
COUNTY:ESCAMBIA STATE:AL	185	226	267	309	348
COUNTY:FAYETTE STATE:AL	181	222	263	304	345
COUNTY:FRANKLIN STATE:AL	151	186	221	255	289
COUNTY:GENEVA STATE:AL	175	214	253	292	331
COUNTY:GREENE STATE:AL	181	222	263	304	345
COUNTY:HALE STATE:AL	181	222	263	304	345
COUNTY:HENRY STATE:AL	175	214	253	292	331
COUNTY:HOUSTON STATE:AL	175	214	253	292	331
COUNTY:JACKSON STATE:AL	156	191	227	261	297
COUNTY:LAMAR STATE:AL	161	202	203	304	345
COUNTY:LAWRENCE STATE:AL	151	186	221	255	289
COUNTY:LEE STATE:AL	177	217	257	296	305
COUNTY:LOWNDES STATE:AL	154	188	223	257	291
COUNTY:MACON STATE:AL	154	188	223	257	291
COUNTY:MARENGO STATE:AL	177	217	257	296	335
COUNTY:MARION STATE:AL	181	222	263	304	345
COUNTY:MONROE STATE:AL	166	204	241	279	316
COUNTY:MORGAN STATE:AL	176	214	253	292	330
COUNTY:PERRY STATE:AL	154	188	223	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
NON SMSA					
COUNTY PICKENS STATE AL	181	222	263	304	345
COUNTY PIKE STATE AL	175	214	253	292	331
COUNTY RANDOLPH STATE AL	177	217	257	296	335
COUNTY SUMTER STATE AL	177	217	257	296	335
COUNTY TALLADEGA STATE AL	162	199	235	271	309
COUNTY TALLAPOOSA STATE AL	154	188	223	257	291
COUNTY WASHINGTON STATE AL	166	204	241	279	316
COUNTY WILCOX STATE AL	166	204	241	279	316
COUNTY WINSTON STATE AL	181	222	263	304	345
COLUMBIA, SOUTH CAROLINA AREA OFFICE					
SMSA: AUGUSTA, GA-SC					
COUNTY AIKEN STATE SC	208	253	299	345	392
SMSA: CHARLESTON, SC					
COUNTY BERKELEY STATE SC	214	263	310	359	405
COUNTY CHARLESTON STATE SC	214	263	310	359	405
COUNTY DORCHESTER STATE SC	214	263	310	359	405
SMSA: COLUMBIA, SC					
COUNTY LEXINGTON STATE SC	208	253	299	345	392
COUNTY RICHLAND STATE SC	208	253	299	345	392
SMSA: GREENVILLE-SPARTANBURG, SC					
COUNTY GREENVILLE STATE SC	176	215	254	294	333
COUNTY PICKENS STATE SC	176	215	254	294	333
COUNTY SPARTANBURG STATE SC	176	215	254	294	333
NON SMSA					
COUNTY ABBEVILLE STATE SC	154	188	223	257	291
COUNTY ALLENDALE STATE SC	183	224	266	306	347

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY:ANDERSON STATE:SC	154	188	223	257	291
COUNTY:BAMBERG STATE:SC	183	224	266	306	347
COUNTY:BARNWELL STATE:SC	183	224	266	306	347
COUNTY:BEAUFORT STATE:SC	183	224	266	306	347
COUNTY:CALHOUN STATE:SC	165	202	240	277	313
COUNTY:CHEROKEE STATE:SC	175	213	251	291	328
COUNTY:CHESTER STATE:SC	166	204	241	279	316
COUNTY:CHESTERFIELD STATE:SC	164	201	238	274	311
COUNTY:CLARENDON STATE:SC	165	202	240	277	313
COUNTY:COLLETON STATE:SC	183	224	266	306	347
COUNTY:DARLINGTON STATE:SC	164	201	238	274	311
COUNTY:DILLON STATE:SC	164	201	238	274	311
COUNTY:EDGEFIELD STATE:SC	183	224	266	306	347
COUNTY:FAIRFIELD STATE:SC	165	202	240	277	313
COUNTY:FLORENCE STATE:SC	164	201	238	274	311
COUNTY:GEORGETOWN STATE:SC	164	201	238	274	311
COUNTY:GREENWOOD STATE:SC	154	188	223	257	291
COUNTY:HAMPTON STATE:SC	183	224	266	306	347
COUNTY:HORRY STATE:SC	183	223	263	302	343
COUNTY:JASPER STATE:SC	162	199	236	272	308
COUNTY:KERSHAW STATE:SC	165	202	240	277	313
COUNTY:LANCASTER STATE:SC	166	204	241	279	316
COUNTY:LAURENS STATE:SC	154	188	223	257	291
COUNTY:LEE STATE:SC	165	202	240	277	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA AFFICE					
NON SMSA					
COUNTY MCCORMICK STATE:SC	183	224	266	306	347
COUNTY MARION STATE SC	184	201	238	274	311
COUNTY MARLBORO STATE SC	184	201	238	274	311
COUNTY NEWBERRY STATE:SC	185	202	240	277	313
COUNTY OCONEE STATE.SC	175	213	251	291	330
COUNTY ORANGEBURG STATE SC	183	223	263	302	343
COUNTY:SALUDA STATE SC	183	224	266	306	347
COUNTY SUMTER STATE.SC	185	202	240	277	313
COUNTY:UNION STATE.SC	154	204	241	279	316
COUNTY:WILLIAMSBURG STATE SC	184	201	238	274	311
COUNTY YORK STATE SC	188	204	241	279	316
GREENSBORO, NORTH CAROLINA AREA OFFICE					
SMSA: ASHEVILLE, NC					
COUNTY.BUNCOMBE STATE NC	185	202	240	277	313
COUNTY MADISON STATE NC	185	202	240	277	313
SMSA BURLINGTON, NC					
COUNTY:ALAMANCE STATE NC	191	234	276	319	361
SMSA CHARLOTTE-GASTONIA, NC					
COUNTY GASTON STATE NC	232	283	333	386	435
COUNTY MECKLENBURG STATE:NC	232	283	333	386	435
COUNTY:UNION STATE:NC	232	283	333	386	435
SMSA FAYETTEVILLE, NC					
COUNTY:CUMBERLAND STATE.NC	194	236	279	321	363
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC					
COUNTY.DAVIDSON STATE:NC	191	234	276	319	361
COUNTY:FORSYTH STATE NC	191	234	276	319	361
COUNTY:GUILFORD STATE:NC	191	234	276	319	361
COUNTY:RANDOLPH STATE NC	191	234	276	319	361

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC					
COUNTY: STOKES STATE: NC	191	234	276	319	361
COUNTY: YADKIN STATE: NC	191	234	276	319	361
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
COUNTY: CURRITUCK STATE: NC	248	298	350	403	455
SMSA: RALEIGH-DURHAM, NC					
COUNTY: DURHAM STATE: NC	204	250	295	340	385
COUNTY: ORANGE STATE: NC	204	250	295	340	385
COUNTY: WAKE STATE: NC	204	250	295	340	385
SMSA: WILMINGTON, NC					
COUNTY: BRUNSWICK STATE: NC	177	217	257	296	335
COUNTY: NEW HANOVER STATE: NC	177	217	257	296	335
NON SMSA					
COUNTY: ALEXANDER STATE: NC	173	212	251	290	327
COUNTY: ALLEGHANY STATE: NC	173	212	251	290	327
COUNTY: ANSON STATE: NC	175	213	251	290	328
COUNTY: ASHE STATE: NC	173	212	251	290	327
COUNTY: AVERY STATE: NC	173	212	251	290	327
COUNTY: BEAUFORT STATE: NC	187	228	268	310	350
COUNTY: BERTIE STATE: NC	160	196	230	268	302
COUNTY: BLADEN STATE: NC	194	236	279	321	363
COUNTY: BURKE STATE: NC	173	212	251	290	327
COUNTY: CABARRUS STATE: NC	155	189	225	259	295
COUNTY: CALDWELL STATE: NC	173	212	251	290	327
COUNTY: CAMDEN STATE: NC	187	228	268	310	350
COUNTY: CARTERET STATE: NC	162	198	233	269	304
COUNTY: CASWELL STATE: NC	203	246	291	334	379
COUNTY: CATAWBA STATE: NC	173	212	251	290	327

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY CHATHAM STATE NC	194	236	279	321	363
COUNTY CHEROKEE STATE NC	165	202	240	277	313
COUNTY CHOWAN STATE NC	187	228	268	310	350
COUNTY CLAY STATE NC	165	202	240	277	313
COUNTY CLEVELAND STATE NC	173	212	251	290	327
COUNTY COLUMBUS STATE NC	177	217	257	296	335
COUNTY CRAVEN STATE NC	162	198	233	269	304
COUNTY DARE STATE NC	187	228	268	310	350
COUNTY DAVIE STATE NC	191	234	276	319	361
COUNTY DUPLIN STATE NC	177	217	257	296	336
COUNTY EDGECOMBE STATE NC	160	196	230	266	302
COUNTY FRANKLIN STATE NC	160	196	230	266	302
COUNTY GATES STATE NC	187	228	268	310	350
COUNTY GRAHAM STATE NC	165	202	240	277	313
COUNTY GRANVILLE STATE NC	160	196	230	266	302
COUNTY GREENE STATE NC	187	228	268	310	350
COUNTY HALIFAX STATE NC	160	196	230	266	302
COUNTY HARNETT STATE NC	194	236	279	321	363
COUNTY HAYWOOD STATE NC	165	202	240	277	313
COUNTY HENDERSON STATE NC	165	202	240	277	313
COUNTY HERTFORD STATE NC	160	196	230	266	302
COUNTY HOKE STATE NC	194	236	279	321	363
COUNTY HYDE STATE NC	187	228	268	310	350
COUNTY IREDELL STATE NC	155	189	225	259	295

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY:JACKSON STATE NC	165	202	240	277	313
COUNTY JOHNSTON STATE NC	204	250	295	341	385
COUNTY JONES STATE NC	162	198	233	269	304
COUNTY LEE STATE NC	194	236	279	321	363
COUNTY LENOIR STATE NC	162	198	233	269	304
COUNTY:LINCOLN STATE NC	166	204	241	279	315
COUNTY MCDOWELL STATE NC	173	212	251	290	327
COUNTY MACON STATE NC	165	202	240	277	313
COUNTY MARTIN STATE NC	187	228	268	310	350
COUNTY MITCHELL STATE NC	173	212	251	290	327
COUNTY MONTGOMERY STATE NC	175	213	251	290	328
COUNTY MOORE STATE NC	175	213	251	290	328
COUNTY NASH STATE NC	160	196	230	266	302
COUNTY NORTHAMPTON STATE NC	160	196	230	266	302
COUNTY ONSLOW STATE NC	177	217	257	296	335
COUNTY PAMLICO STATE NC	162	198	233	269	304
COUNTY PASQUOTANK STATE NC	187	228	268	310	350
COUNTY PENDER STATE NC	177	217	257	296	335
COUNTY PERQUIMANS STATE NC	187	228	268	310	350
COUNTY PERSON STATE NC	194	236	279	321	363
COUNTY PITT STATE NC	187	228	268	310	350
COUNTY POLK STATE NC	173	212	251	290	327
COUNTY RICHMOND STATE NC	175	213	251	290	328
COUNTY ROBESON STATE NC	194	236	279	321	363

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY: ROCKINGHAM STATE: NC	162	199	236	272	308
COUNTY: ROWAN STATE: NC	155	189	225	259	295
COUNTY: RUTHERFORD STATE: NC	173	212	251	290	327
COUNTY: SAMPSON STATE: NC	194	236	279	321	363
COUNTY: SCOTLAND STATE: NC	155	189	225	259	295
COUNTY: STANLY STATE: NC	155	189	225	259	295
COUNTY: SURRY STATE: NC	191	234	276	319	361
COUNTY: SWAIN STATE: NC	165	202	240	277	313
COUNTY: TRANSYLVANIA STATE: NC	165	202	240	277	313
COUNTY: TYRRELL STATE: NC	187	228	268	310	350
COUNTY: VANCE STATE: NC	160	196	230	266	302
COUNTY: WARREN STATE: NC	212	259	307	353	399
COUNTY: WASHINGTON STATE: NC	187	228	268	310	350
COUNTY: WATAUGA STATE: NC	173	212	251	290	327
COUNTY: WAYNE STATE: NC	187	228	268	310	350
COUNTY: WILKES STATE: NC	173	212	251	290	327
COUNTY: WILSON STATE: NC	160	196	230	266	302
COUNTY: YANCEY STATE: NC	173	212	251	290	327

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
SMSA: BILOXI-GULFPORT, MS					
COUNTY:HANCOCK STATE:MS	182	224	265	323	354
COUNTY:HARRISON STATE:MS	182	224	265	323	354
COUNTY:STONE STATE:MS	182	224	265	323	354
SMSA: JACKSON, MS					
COUNTY:HINDS STATE:MS	202	248	293	338	382
COUNTY:RANKIN STATE:MS	202	248	293	338	382
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:DE SOTO STATE:MS	188	231	272	313	355
SMSA: PASCAGOULA-MOSS POINT, MS					
COUNTY:JACKSON STATE:MS	182	224	265	323	354
NON SMSA					
COUNTY:ADAMS STATE:MS	162	190	225	279	309
COUNTY:ALCORN STATE:MS	175	201	239	276	312
COUNTY:AMITE STATE:MS	162	190	225	279	309
COUNTY:ATTALA STATE:MS	176	197	236	287	314
COUNTY:BENTON STATE:MS	161	194	227	260	295
COUNTY:BOLIVAR STATE:MS	177	192	237	280	311
COUNTY:CALHOUN STATE:MS	177	217	255	294	355
COUNTY:CARROLL STATE:MS	176	197	236	287	314
COUNTY:CHICKASAW STATE:MS	175	201	239	276	312
COUNTY:CHOCTAW STATE:MS	154	188	223	257	291
COUNTY:CLAIBORNE STATE:MS	176	197	236	287	314
COUNTY:CLARKE STATE:MS	177	217	257	296	335
COUNTY:CLAY STATE:MS	166	204	241	278	315
COUNTY:COAHOMA STATE:MS	179	220	260	301	338
COUNTY:COPIAH STATE:MS	176	197	236	287	314
COUNTY:COVINGTON STATE:MS	177	217	257	296	335

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY FORREST STATE MS	177	217	257	296	335
COUNTY FRANKLIN STATE MS	162	190	225	279	309
COUNTY GEORGE STATE MS	174	213	250	289	329
COUNTY GREENE STATE MS	174	213	250	289	329
COUNTY GRENADA STATE MS	176	197	236	287	314
COUNTY HOLMES STATE MS	176	197	236	287	314
COUNTY HUMPHREYS STATE MS	177	192	237	280	311
COUNTY ISSAQUENA STATE MS	177	192	237	280	311
COUNTY ITAWAMBA STATE MS	175	204	239	276	312
COUNTY JASPER STATE MS	177	217	257	296	335
COUNTY JEFFERSON STATE MS	162	190	225	279	309
COUNTY JEFFERSON DA STATE MS	162	190	225	279	309
COUNTY JONES STATE MS	177	217	257	296	335
COUNTY KEMPER STATE MS	177	217	257	296	335
COUNTY LAFAYETTE STATE MS	176	213	250	287	326
COUNTY LAMAR STATE MS	177	217	257	296	335
COUNTY LAUDERDALE STATE MS	177	217	257	296	335
COUNTY LAWRENCE STATE MS	162	190	225	279	309
COUNTY LEAKE STATE MS	153	187	223	257	291
COUNTY LEE STATE MS	175	204	241	278	315
COUNTY LEFLORE STATE MS	176	197	236	287	314
COUNTY LINCOLN STATE MS	162	190	225	279	309
COUNTY LOWNDES STATE MS	176	203	242	278	315
COUNTY MADISON STATE MS	176	197	236	287	314

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URRAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY:MARION STATE:MS	153	186	221	255	290
COUNTY:MARSHALL STATE:MS	176	213	250	287	325
COUNTY:MONROE STATE:MS	175	201	239	276	322
COUNTY:MONTGOMERY STATE:MS	153	187	223	257	291
COUNTY:NESHOBA STATE:MS	177	217	257	296	335
COUNTY:NEWTON STATE:MS	177	217	257	296	335
COUNTY:NOXUBEE STATE:MS	166	204	241	278	315
COUNTY:OKTIBBEHA STATE:MS	175	214	252	291	329
COUNTY:PANOLA STATE:MS	176	213	250	287	325
COUNTY:PEARL RIVER STATE:MS	156	189	229	294	347
COUNTY:PERRY STATE:MS	177	217	257	296	335
COUNTY:PIKE STATE:MS	162	190	225	279	309
COUNTY:PONTOTOC STATE:MS	175	201	239	276	312
COUNTY:PRENTISS STATE:MS	175	201	239	276	312
COUNTY:QUITMAN STATE:MS	176	213	250	287	325
COUNTY:SCOTT STATE:MS	153	187	223	257	291
COUNTY:SHARKEY STATE:MS	177	192	237	280	311
COUNTY:SIMPSON STATE:MS	176	197	236	287	314
COUNTY:SMITH STATE:MS	153	187	223	257	291
COUNTY:SUNFLOWER STATE:MS	177	192	237	280	311
COUNTY:TALLAHATCHIE STATE:MS	153	187	223	257	291
COUNTY:TATE STATE:MS	176	213	250	287	325
COUNTY:TIPPAH STATE:MS	175	201	239	276	312
COUNTY:TISHOMIGO STATE:MS	175	201	239	276	312

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CD), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY:TUNICA STATE:MS	176	213	250	287	328
COUNTY:UNION STATE:MS	178	201	239	276	322
COUNTY:WALTHALL STATE:MS	162	190	225	279	309
COUNTY:WARREN STATE:MS	176	197	236	287	314
COUNTY:WASHINGTON STATE:MS	177	192	237	280	311
COUNTY:WAYNE STATE:MS	177	217	257	296	335
COUNTY:WEBSTER STATE:MS	166	204	241	278	315
COUNTY:WILKINSON STATE:MS	155	190	225	269	293
COUNTY:WINSTON STATE:MS	178	203	242	278	315
COUNTY:YALOBUSHA STATE:MS	153	187	223	257	291
COUNTY:YAZOO STATE:MS	176	197	236	287	314
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA FORT LAUDERDALE-HOLLYWOOD, FL					
COUNTY:BROWARD STATE:FL	306	369	437	504	570
SMSA: FORT MYERS CAPE CORAL, FL					
COUNTY:LEE STATE:FL	245	299	354	408	462
SMSA: MIAMI, FL					
COUNTY:DADE STATE:FL	310	376	443	511	577
SMSA: WEST PALM BEACH-BOCA RATON, FL					
COUNTY:PALM BEACH STATE:FL	274	334	394	455	514
NON SMSA					
COUNTY:CHARLOTTE STATE:FL	245	299	354	408	462
COUNTY:COLLIER STATE:FL	231	283	333	384	435
COUNTY:GLADES STATE:FL	193	237	281	324	367
COUNTY:HENDRY STATE:FL	193	237	281	324	367
COUNTY:MARTIN STATE:FL	193	237	281	324	367
COUNTY:MONROE STATE:FL	193	237	281	324	367
SMSA: GAINESVILLE, FL					
COUNTY:ALACHUA STATE:FL	193	237	281	324	367

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION - 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: JACKSONVILLE, FL					
COUNTY:BAKER STATE:FL	204	250	295	341	385
COUNTY:CLAY STATE:FL	204	250	295	341	385
COUNTY:DUVAL STATE:FL	204	250	295	341	385
COUNTY:NASSAU STATE:FL	204	250	295	341	385
COUNTY:ST JOHNS STATE:FL	204	250	295	341	385
SMSA: PANAMA CITY, FL					
COUNTY:BAY STATE:FL	193	237	281	324	367
SMSA: PENSACOLA, FL					
COUNTY:ESCAMBIA STATE:FL	202	248	294	339	383
COUNTY:SANTA ROSA STATE:FL	202	248	294	339	383
SMSA: TALLAHASSEE, FL					
COUNTY:LEON STATE:FL	193	237	281	324	367
COUNTY:WAKULLA STATE:FL	193	237	281	324	367
NON SMSA					
COUNTY:BRADFORD STATE:FL	175	214	253	292	331
COUNTY:CALHOUN STATE:FL	193	237	281	324	367
COUNTY:COLUMBIA STATE:FL	175	214	253	292	331
COUNTY:DIXIE STATE:FL	193	237	281	324	367
COUNTY:FLAGLER STATE:FL	185	226	269	308	349
COUNTY:FRANKLIN STATE:FL	193	237	281	324	367
COUNTY:GADSDEN STATE:FL	193	237	281	324	367
COUNTY:GILCHRIST STATE:FL	193	237	281	324	367
COUNTY:GULF STATE:FL	193	237	281	324	367
COUNTY:HAMILTON STATE:FL	175	214	253	292	331
COUNTY:HOLMES STATE:FL	193	237	281	324	367
COUNTY:JACKSON STATE:FL	193	237	281	324	367
COUNTY:JEFFERSON STATE:FL	193	237	281	324	367

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EHAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
NON SMSA					
COUNTY:LAFAYETTE STATE:FL	175	214	253	292	331
COUNTY:LEVY STATE:FL	193	237	281	324	367
COUNTY:LIBERTY STATE:FL	193	237	281	324	367
COUNTY:MADISON STATE:FL	193	237	281	324	367
COUNTY:MARION STATE:FL	193	237	281	324	367
COUNTY:OKALOOSA STATE:FL	202	248	294	339	383
COUNTY:PUTNAM STATE:FL	193	237	281	324	367
COUNTY:SUWANNEE STATE:FL	175	214	253	292	331
COUNTY:TAYLOR STATE:FL	193	237	281	324	367
COUNTY:UNION STATE:FL	175	214	253	292	331
COUNTY:WALTON STATE:FL	202	248	294	339	383
COUNTY:WASHINGTON STATE:FL	193	237	281	324	367
SMSA: DAYTONA BEACH, FL					
COUNTY:VOLUSIA STATE:FL	185	226	269	308	349
SMSA: MELBOURN-TITUSVILLE-COCOA, FL					
COUNTY:BREVARD STATE:FL	243	295	348	403	455
SMSA: ORLANDO, FL					
COUNTY:ORANGE STATE:FL	236	288	341	392	444
COUNTY:OSCEOLA STATE:FL	236	288	341	392	444
COUNTY:SEMINOLE STATE:FL	236	288	341	392	444
NON SMSA					
COUNTY:INDIAN RIVER STATE:FL	196	245	306	336	367
COUNTY:LAKE STATE:FL	185	226	269	308	349
COUNTY:OKEECHOBEE STATE:FL	193	237	281	324	367
COUNTY:ST LUCIE STATE:FL	193	237	281	324	367
SMSA: BRADENTON, FL					
COUNTY:MANATEE STATE:FL	246	299	354	408	462
SMSA: LAKELAND-WINTER HAVEN, FL					
COUNTY:POLK STATE:FL	201	247	293	337	381

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: SARASOTA, FL					
COUNTY:SARASOTA					
STATE:FL	245	299	354	408	462
SMSA: TAMPA-ST PETERSBURG, FL					
COUNTY:HILLSBOROUGH					
STATE:FL	207	252	316	395	439
COUNTY:PASCO					
STATE:FL	207	252	316	395	439
COUNTY:PINELLAS					
STATE:FL	207	252	316	395	439
NON SMSA					
COUNTY:CITRUS					
STATE:FL	201	247	292	337	381
COUNTY:DE SOTO					
STATE:FL	224	273	322	371	420
COUNTY:HARDEE					
STATE:FL	224	273	322	371	420
COUNTY:HERNANDO					
STATE:FL	201	247	292	337	381
COUNTY:HIGHLANDS					
STATE:FL	193	237	281	324	367
COUNTY:SUMTER					
STATE:FL	185	226	269	308	349
LOUISVILLE, KENTUCKY AREA OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY:BOONE					
STATE:KY	205	250	293	338	382
COUNTY:CAMPBELL					
STATE:KY	205	250	293	338	382
COUNTY:KENTON					
STATE:KY	205	250	293	338	382
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY:CHRISTIAN					
STATE:KY	183	224	265	306	347
SMSA: EVANSVILLE, IN-KY					
COUNTY:HENDERSON					
STATE:KY	310	335	384	315	352
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY:BOYD					
STATE:KY	199	241	284	327	369
COUNTY:GREENUP					
STATE:KY	199	241	284	327	369
SMSA: LEXINGTON-FAYETTE , KY					
COUNTY:BOURBON					
STATE:KY	198	239	295	349	405
COUNTY:CLARK					
STATE:KY	196	239	296	349	405
COUNTY:FAYETTE					
STATE:KY	198	239	295	349	405
COUNTY:JESSAMINE					
STATE:KY	196	239	295	349	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
SMSA: LEXINGTON-FAYETTE , KY					
COUNTY:SCOTT STATE:KY	196	239	296	349	405
COUNTY:WOODFORD STATE:KY	196	239	296	349	405
SMSA: LOUISVILLE, KY-IN					
COUNTY:BULLITT STATE:KY	181	228	282	309	343
COUNTY:JEFFERSON STATE:KY	181	222	282	309	343
COUNTY:OLDHAM STATE:KY	181	222	282	309	343
SMSA: OWENSBORO, KY					
COUNTY:DAVIESS STATE:KY	207	251	297	343	388
NON SMSA					
COUNTY:ADAIR STATE:KY	164	201	235	268	297
COUNTY:ALLEN STATE:KY	164	201	235	268	297
COUNTY:ANDERSON STATE:KY	196	239	282	326	369
COUNTY:BALLARD STATE:KY	155	189	225	259	295
COUNTY:BARREN STATE:KY	164	201	235	268	297
COUNTY:BATH STATE:KY	196	239	282	326	369
COUNTY:BELL STATE:KY	164	201	235	268	297
COUNTY:BOYLE STATE:KY	188	248	259	309	319
COUNTY:BRACKEN STATE:KY	207	251	297	343	388
COUNTY:BREATHITT STATE:KY	164	201	235	268	297
COUNTY:BRECKINRIDGE STATE:KY	200	244	289	335	378
COUNTY:BUTLER STATE:KY	164	201	235	268	297
COUNTY:CALDWELL STATE:KY	168	206	245	283	320
COUNTY:CALLOWAY STATE:KY	155	189	225	259	295
COUNTY:CARLISLE STATE:KY	155	189	225	259	295
COUNTY:CARROLL STATE:KY	207	251	297	343	388
COUNTY:CARTER STATE:KY	188	213	259	309	319

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY:CASEY STATE:KY	133	160	187	217	239
COUNTY:CLAY STATE:KY	164	201	235	268	297
COUNTY:CLINTON STATE:KY	164	201	235	268	297
COUNTY:CRITTENDON STATE:KY	168	206	245	283	320
COUNTY:CUMBERLAND STATE:KY	164	201	235	268	297
COUNTY:EDMONSON STATE:KY	164	201	235	268	297
COUNTY:ELLIOTT STATE:KY	156	189	228	309	334
COUNTY:ESTILL STATE:KY	196	239	282	326	369
COUNTY:FLEMING STATE:KY	207	251	297	343	388
COUNTY:FLOYD STATE:KY	140	172	203	235	266
COUNTY:FRANKLIN STATE:KY	198	239	282	326	369
COUNTY:FULTON STATE:KY	155	189	225	259	295
COUNTY:GALLATIN STATE:KY	207	251	297	343	388
COUNTY:GARRARD STATE:KY	133	160	187	217	239
COUNTY:GRANT STATE:KY	207	251	297	343	388
COUNTY:GRAVES STATE:KY	155	189	225	259	295
COUNTY:GRAYSON STATE:KY	200	244	289	335	378
COUNTY:GREEN STATE:KY	164	201	235	268	297
COUNTY:HANCOCK STATE:KY	161	198	245	283	320
COUNTY:HARDIN STATE:KY	200	244	289	335	378
COUNTY:HARLAN STATE:KY	164	201	235	268	297
COUNTY:HARRISON STATE:KY	196	239	296	342	386
COUNTY:HART STATE:KY	200	244	289	335	378
COUNTY:HENRY STATE:KY	200	244	289	335	378

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEVISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY HICKMAN STATE KY	156	189	225	259	295
COUNTY HOPKINS STATE KY	161	198	245	283	320
COUNTY JACKSON STATE KY	164	201	235	268	297
COUNTY JOHNSON STATE KY	140	172	203	236	266
COUNTY KNOTT STATE KY	164	201	235	268	297
COUNTY KNOX STATE KY	164	201	235	268	297
COUNTY LARUE STATE KY	200	244	289	335	378
COUNTY LAUREL STATE KY	164	201	235	268	297
COUNTY LAWRENCE STATE KY	156	189	228	309	334
COUNTY LEE STATE KY	164	201	235	268	297
COUNTY LESLIE STATE KY	164	201	235	268	297
COUNTY LETCHER STATE KY	164	201	235	268	297
COUNTY LEWIS STATE KY	207	251	297	343	386
COUNTY LINCOLN STATE KY	133	160	187	217	239
COUNTY LIVINGSTON STATE KY	155	189	225	259	295
COUNTY LOGAN STATE KY	168	205	245	283	320
COUNTY LYON STATE KY	168	205	245	283	320
COUNTY MCCRACKEN STATE KY	175	208	246	284	323
COUNTY MCCREARY STATE KY	164	201	235	268	297
COUNTY MCLEAN STATE KY	161	198	245	283	320
COUNTY MADISON STATE KY	196	239	296	342	386
COUNTY MAGOFFIN STATE KY	164	201	235	268	297
COUNTY MARION STATE KY	200	244	289	335	378
COUNTY MARSHALL STATE KY	175	208	246	284	323

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY:MARTIN STATE:KY	140	172	203	235	266
COUNTY:MASON STATE:KY	207	251	297	343	388
COUNTY:MEADE STATE:KY	200	244	289	335	378
COUNTY:MENEFEE STATE:KY	164	201	235	268	297
COUNTY:MERCER STATE:KY	196	239	282	326	369
COUNTY:METCALFE STATE:KY	164	201	235	268	297
COUNTY:MONROE STATE:KY	164	201	235	268	297
COUNTY:MONTGOMERY STATE:KY	196	239	296	342	386
COUNTY:MORGAN STATE:KY	164	201	235	268	297
COUNTY:MUHLENBERG STATE:KY	161	198	245	283	320
COUNTY:NELSON STATE:KY	200	244	289	335	378
COUNTY:NICHOLAS STATE:KY	196	239	282	326	369
COUNTY:OHIO STATE:KY	161	198	234	270	305
COUNTY:OWEN STATE:KY	207	251	297	343	388
COUNTY:OWSLEY STATE:KY	164	201	235	268	297
COUNTY:PENDLETON STATE:KY	207	251	297	343	388
COUNTY:PERRY STATE:KY	164	201	235	268	297
COUNTY:PIKE STATE:KY	164	201	235	268	297
COUNTY:POWELL STATE:KY	164	201	235	279	297
COUNTY:PULASKI STATE:KY	164	201	235	268	297
COUNTY:ROBERTSON STATE:KY	207	251	297	343	388
COUNTY:ROCKCASTLE STATE:KY	164	201	235	268	297
COUNTY:ROWAN STATE:KY	140	172	203	235	266
COUNTY:RUSSELL STATE:KY	133	160	187	217	239

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY SHELBY STATE KY	200	244	289	335	378
COUNTY SIMPSON STATE KY	164	201	235	268	297
COUNTY SPENCER STATE KY	200	244	289	335	378
COUNTY TAYLOR STATE KY	164	201	235	268	297
COUNTY TODD STATE KY	183	224	266	306	347
COUNTY TRIGG STATE KY	183	224	266	306	347
COUNTY TRIMBLE STATE KY	200	244	289	335	378
COUNTY UNION STATE KY	161	198	245	283	320
COUNTY WARREN STATE KY	164	201	235	268	297
COUNTY WASHINGTON STATE KY	200	244	289	335	378
COUNTY WAYNE STATE KY	164	201	235	268	297
COUNTY WEBSTER STATE KY	161	198	245	283	320
COUNTY WHITLEY STATE KY	164	201	235	279	297
COUNTY WOLFE STATE KY	133	160	187	217	239

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
SMSA: CHATTANOOGA, TN-GA					
COUNTY:HAMILTON STATE:TN	183	224	266	306	347
COUNTY:MARION STATE:TN	183	224	266	306	347
COUNTY:SEQUATCHIE STATE:TN	183	224	266	306	347
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY:CARTER STATE:TN	191	232	273	313	354
COUNTY:HAWKINS STATE:TN	191	232	273	313	354
COUNTY:SULLIVAN STATE:TN	191	232	273	313	354
COUNTY:UNICOI STATE:TN	191	232	273	313	354
COUNTY:WASHINGTON STATE:TN	191	232	273	313	354
SMSA: KNOXVILLE, TN					
COUNTY:ANDERSON STATE:TN	183	224	266	348	381
COUNTY:BLOUNT STATE:TN	183	224	266	348	381
COUNTY:KNOX STATE:TN	183	224	266	348	381
COUNTY:UNION STATE:TN	183	224	266	348	381
NON SMSA					
COUNTY:BLEDSOE STATE:TN	156	191	227	261	297
COUNTY:BRADLEY STATE:TN	156	191	227	261	297
COUNTY:CAMPBELL STATE:TN	145	179	212	244	277
COUNTY:CLAIBORNE STATE:TN	145	179	212	244	277
COUNTY:COCKE STATE:TN	145	179	212	244	277
COUNTY:CUMBERLAND STATE:TN	145	179	212	244	277
COUNTY:FENTRESS STATE:TN	145	179	212	244	277
COUNTY:GRAINGER STATE:TN	145	179	212	244	277
COUNTY:GREENE STATE:TN	180	221	261	302	341
COUNTY:GRUNDY STATE:TN	156	191	227	261	297
COUNTY:HAMBLEN STATE:TN	145	179	212	244	277
COUNTY:HANCOCK STATE:TN	180	221	261	302	341

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY:JEFFERSON STATE:TN	148	179	212	244	277
COUNTY:JOHNSON STATE:TN	180	221	261	302	341
COUNTY:LOUDON STATE:TN	148	179	212	244	277
COUNTY:MCMINN STATE:TN	156	191	227	261	297
COUNTY:MEIGS STATE:TN	156	191	227	261	297
COUNTY:MONROE STATE:TN	148	179	212	244	277
COUNTY:MORGAN STATE:TN	148	179	212	244	277
COUNTY:PICKETT STATE:TN	139	169	202	233	266
COUNTY:POLK STATE:TN	156	191	227	261	297
COUNTY:RHEA STATE:TN	156	191	227	261	297
COUNTY:ROANE STATE:TN	148	179	212	244	277
COUNTY:SCOTT STATE:TN	148	179	212	244	277
COUNTY:SEVIER STATE:TN	148	179	212	244	277
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:SHELBY STATE:TN	188	231	272	313	355
COUNTY:TIPTON STATE:TN	188	231	272	313	355
NON SMSA					
COUNTY:BENTON STATE:TN	167	204	242	278	315
COUNTY:CARROLL STATE:TN	160	195	218	253	285
COUNTY:CHESTER STATE:TN	160	195	218	253	285
COUNTY:CROCKETT STATE:TN	160	195	218	253	285
COUNTY:DECATUR STATE:TN	160	195	218	253	285
COUNTY:DYER STATE:TN	160	195	218	253	285
COUNTY:FAYETTE STATE:TN	151	184	218	251	284
COUNTY:GIBSON STATE:TN	160	195	218	253	285
COUNTY:HARDEMAN STATE:TN	151	184	218	251	284

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY:HARDIN STATE:TN	151	186	221	256	289
COUNTY:HAYWOOD STATE:TN	150	185	218	253	285
COUNTY:HENDERSON STATE:TN	150	185	218	253	285
COUNTY:HENRY STATE:TN	150	185	218	253	285
COUNTY:LAKE STATE:TN	156	189	225	259	295
COUNTY:LAUDERDALE STATE:TN	150	185	218	253	285
COUNTY:MCNAIRY STATE:TN	151	186	221	256	289
COUNTY:MADISON STATE:TN	166	203	240	278	313
COUNTY:OBION STATE:TN	155	189	225	259	295
COUNTY:WEAKLEY STATE:TN	150	185	218	253	285
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY:MONTGOMERY STATE:TN	183	224	266	306	347
SMSA: NASHVILLE-DAVIDSON, TN					
COUNTY:CHEATHAM STATE:TN	203	246	291	334	379
COUNTY:DAVIDSON STATE:TN	203	246	291	334	379
COUNTY:DICKSON STATE:TN	203	246	291	334	379
COUNTY:ROBERTSON STATE:TN	203	246	291	334	379
COUNTY:RUTHERFORD STATE:TN	203	246	291	334	379
COUNTY:SUMNER STATE:TN	203	246	291	334	379
COUNTY:WILLIAMSON STATE:TN	203	246	291	334	379
COUNTY:WILSON STATE:TN	203	246	291	334	379
NON SMSA					
COUNTY:BEDFORD STATE:TN	156	191	227	261	297
COUNTY:CANNON STATE:TN	139	169	202	233	263
COUNTY:CLAY STATE:TN	139	169	202	233	263
COUNTY:COFFEE STATE:TN	156	191	227	261	297
COUNTY:DE KALB STATE:TN	139	169	202	233	263

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CD), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY FRANKLIN STATE:TN	176	214	263	302	330
COUNTY:GILES STATE:TN	156	191	227	261	297
COUNTY:HICKMAN STATE:TN	156	191	227	261	297
COUNTY HOUSTON STATE:TN	167	204	242	278	316
COUNTY HUMPHREYS STATE:TN	183	224	266	306	347
COUNTY:JACKSON STATE:TN	139	169	202	233	263
COUNTY:LAWRENCE STATE:TN	156	191	227	261	297
COUNTY:LEWIS STATE:TN	156	191	227	261	297
COUNTY:LINCOLN STATE:TN	176	214	263	302	330
COUNTY:MACON STATE TN	139	169	202	233	263
COUNTY:MARSHALL STATE:TN	156	191	227	261	297
COUNTY:MAURY STATE:TN	156	191	227	261	297
COUNTY MOORE STATE:TN	156	191	227	261	297
COUNTY:OVERTON STATE TN	139	169	202	233	263
COUNTY:PERRY STATE:TN	139	169	202	233	263
COUNTY:PUTNAM STATE:TN	139	169	202	233	263
COUNTY:SMITH STATE:TN	139	169	202	233	263
COUNTY:STEWART STATE:TN	167	204	242	278	316
COUNTY:TROUSDALE STATE:TN	139	169	202	233	263
COUNTY:VAN BUREN STATE:TN	139	169	202	233	263
COUNTY:WARREN STATE:TN	139	169	202	233	263
COUNTY WAYNE STATE:TN	151	186	221	256	289
COUNTY:WHITE STATE:TN	139	169	202	233	263

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
SMSA: CHICAGO, IL					
COUNTY:COOK STATE:IL	290	349	415	485	546
COUNTY:DU PAGE STATE:IL	290	349	415	485	546
COUNTY:KANE STATE:IL	290	349	415	485	546
COUNTY:LAKE STATE:IL	290	349	415	485	546
COUNTY:MCHENRY STATE:IL	290	349	415	485	546
COUNTY:WILL STATE:IL	290	349	415	485	546
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY:ROCK ISLAND STATE:IL	214	262	310	359	406
SMSA: KANKAKEE, ILLINOIS					
COUNTY:KANKAKEE STATE:IL	180	220	262	303	343
SMSA: ROCKFORD, IL					
COUNTY:BOONE STATE:IL	205	258	316	356	413
COUNTY:WINNEBAGO STATE:IL	205	258	316	356	413
NON SMSA					
COUNTY:CARROLL STATE:IL	180	220	262	303	343
COUNTY:DE KALB STATE:IL	205	249	296	342	388
COUNTY:GRUNDY STATE:IL	205	249	296	342	388
COUNTY:JO DAVIESS STATE:IL	162	199	236	274	311
COUNTY:KENDALL STATE:IL	205	249	296	342	388
COUNTY:LEE STATE:IL	187	228	270	313	355
COUNTY:OGLE STATE:IL	187	228	270	313	355
COUNTY:STEPHENSON STATE:IL	187	228	270	313	355
COUNTY:WHITESIDE STATE:IL	180	220	262	303	343
SMSA: BLOOMINGTON-NORMAL, IL					
COUNTY:MCLEAN STATE:IL	187	228	270	313	355
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL					
COUNTY:CHAMPAIGN STATE:IL	207	252	299	346	392
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY:HENRY STATE:IL	214	262	310	359	406

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
SMSA: DECATUR, IL					
COUNTY MACON STATE IL	195	238	283	327	371
SMSA PEORIA, IL					
COUNTY PEORIA STATE IL	214	262	310	359	406
COUNTY TAZEWELL STATE IL	214	262	310	359	406
COUNTY WOODFORD STATE IL	214	262	310	359	406
SMSA ST LOUIS, MO-IL					
COUNTY CLINTON STATE IL	219	267	313	361	411
COUNTY MADISON STATE IL	219	267	313	361	411
COUNTY MONROE STATE IL	219	267	313	361	411
COUNTY ST CLAIR STATE IL	219	267	313	361	411
SMSA SPRINGFIELD, IL					
COUNTY MENARD STATE IL	195	238	283	327	371
COUNTY SANGAMON STATE IL	195	238	283	327	371
NON SMSA					
COUNTY ADAMS STATE IL	164	200	237	276	313
COUNTY ALEXANDER STATE IL	134	164	195	227	257
COUNTY BOND STATE IL	149	183	217	251	285
COUNTY BROWN STATE IL	164	200	237	276	313
COUNTY BUREAU STATE IL	180	220	262	303	343
COUNTY CALHOUN STATE IL	149	183	217	251	285
COUNTY CASS STATE IL	195	238	283	327	371
COUNTY CHRISTIAN STATE IL	195	238	283	327	371
COUNTY CLARK STATE IL	187	228	270	313	355
COUNTY CLAY STATE IL	149	183	217	251	285
COUNTY COLES STATE IL	207	252	299	346	392
COUNTY CRAWFORD STATE IL	187	228	270	313	355
COUNTY CUMBERLAND STATE IL	207	252	299	346	392

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY:DE WITT STATE:IL	195	238	283	327	371
COUNTY:DOUGLAS STATE:IL	207	252	299	346	392
COUNTY:EDGAR STATE:IL	207	252	299	346	392
COUNTY:EDWARDS STATE:IL	137	169	201	232	265
COUNTY:EFFINGHAM STATE:IL	149	183	217	251	285
COUNTY:FAYETTE STATE:IL	149	183	217	251	285
COUNTY:FORD STATE:IL	207	252	299	346	392
COUNTY:FRANKLIN STATE:IL	156	189	227	261	297
COUNTY:FULTON STATE:IL	187	228	270	313	355
COUNTY:GALLATIN STATE:IL	137	169	201	232	265
COUNTY:GREENE STATE:IL	149	183	217	251	285
COUNTY:HAMILTON STATE:IL	137	169	201	232	265
COUNTY:HANCOCK STATE:IL	164	200	237	276	313
COUNTY:HARDIN STATE:IL	134	164	195	227	257
COUNTY:HENDERSON STATE:IL	164	200	237	276	313
COUNTY:IROQUOIS STATE:IL	180	220	262	303	343
COUNTY:JACKSON STATE:IL	181	235	300	344	416
COUNTY:JASPER STATE:IL	149	182	217	251	285
COUNTY:JEFFERSON STATE:IL	184	245	300	328	372
COUNTY:JERSEY STATE:IL	149	183	217	251	285
COUNTY:JOHNSON STATE:IL	134	164	195	227	257
COUNTY:KNOX STATE:IL	187	228	270	313	355
COUNTY:LA SALLE STATE:IL	205	249	296	342	388
COUNTY:LAWRENCE STATE:IL	137	169	201	232	265

NOTE. FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY LIVINGSTON STATE IL	205	249	296	342	388
COUNTY LOGAN STATE IL	195	238	283	327	371
COUNTY MCDONOUGH STATE IL	187	228	270	313	355
COUNTY MACOUPIN STATE IL	149	183	217	251	285
COUNTY MARION STATE IL	149	183	217	251	285
COUNTY MARSHALL STATE IL	187	228	270	313	355
COUNTY MASON STATE IL	195	238	283	327	371
COUNTY MASSAC STATE IL	134	164	195	227	257
COUNTY MERCER STATE IL	180	220	262	302	343
COUNTY MONTGOMERY STATE IL	149	183	217	251	285
COUNTY MORGAN STATE IL	195	238	283	327	371
COUNTY MOULTRIE STATE IL	195	238	283	327	371
COUNTY PERRY STATE IL	156	189	227	261	297
COUNTY PIATT STATE IL	207	252	299	346	392
COUNTY PIKE STATE IL	164	200	237	276	313
COUNTY POPE STATE IL	134	164	195	227	257
COUNTY PULASKI STATE IL	134	164	195	227	257
COUNTY PUTNAM STATE IL	205	249	296	342	388
COUNTY RANDOLPH STATE IL	156	189	227	261	297
COUNTY RICHLAND STATE IL	149	183	217	251	285
COUNTY SALINE STATE IL	137	169	201	232	265
COUNTY SCHUYLER STATE IL	164	200	237	276	313
COUNTY SCOTT STATE IL	195	238	283	327	371
COUNTY SHELBY STATE IL	195	238	283	327	371

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY:STARK STATE:IL	187	228	270	313	358
COUNTY:UNION STATE:IL	134	164	195	227	257
COUNTY:VERMILION STATE:IL	207	252	298	346	392
COUNTY:WABASH STATE:IL	137	169	201	232	265
COUNTY:WARREN STATE:IL	187	228	270	313	355
COUNTY:WASHINGTON STATE:IL	158	189	227	261	297
COUNTY:WAYNE STATE:IL	149	183	217	251	285
COUNTY:WHITE STATE:IL	137	169	201	232	265
COUNTY:WILLIAMSON STATE:IL	158	189	227	261	297
COLUMBUS, OHIO AREA OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY:CLERMONT STATE:OH	205	250	293	338	382
COUNTY:HAMILTON STATE:OH	205	250	293	338	382
COUNTY:WARREN STATE:OH	208	250	293	338	382
SMSA: DAYTON, OH					
COUNTY:GREENE STATE:OH	205	249	296	342	388
COUNTY:MONTGOMERY STATE:OH	205	249	296	342	388
COUNTY:PREBLE STATE:OH	205	249	296	342	388
SMSA: HAMILTON-MIDDLETOWN, OH					
COUNTY:BUTLER STATE:OH	178	217	258	298	339
NON SMSA					
COUNTY:ADAMS STATE:OH	178	217	258	298	339
COUNTY:BROWN STATE:OH	178	217	258	298	339
COUNTY:CLINTON STATE:OH	178	217	258	298	339
COUNTY:HIGHLAND STATE:OH	178	217	258	298	339

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY: JEFFERSON	195	237	279	321	363
STATE OH					
SMSA TOLEDO, OH-MI					
COUNTY FULTON	189	229	272	314	357
STATE OH					
COUNTY LUCAS	189	229	272	314	357
STATE OH					
COUNTY OTTAWA	189	229	272	314	357
STATE OH					
COUNTY WOOD	189	229	272	314	357
STATE OH					
SMSA YOUNGSTOWN-WARREN, OH					
COUNTY MAHONING	180	220	262	303	343
STATE OH					
COUNTY TRUMBULL	180	220	262	303	343
STATE OH					
NON SMSA					
COUNTY ASHLAND	170	209	247	287	325
STATE OH					
COUNTY ASHTABULA	170	209	247	287	325
STATE OH					
COUNTY COLUMBIANA	162	198	235	272	309
STATE OH					
COUNTY CRAWFORD	174	212	250	291	329
STATE OH					
SMSA AKRON, OH					
COUNTY PORTAGE	211	258	306	354	400
STATE OH					
COUNTY SUMMIT	211	258	306	354	400
STATE OH					
SMSA CANTON, OH					
COUNTY CARROLL	190	230	273	314	356
STATE OH					
COUNTY STARK	190	230	273	314	356
STATE OH					
SMSA CLEVELAND, OH					
COUNTY CUYAHOGA	199	242	288	335	378
STATE OH					
COUNTY GEAUGA	199	242	288	335	378
STATE OH					
COUNTY LAKE	199	242	288	335	378
STATE OH					
COUNTY MEDINA	199	242	288	335	378
STATE OH					
SMSA LIMA, OH					
COUNTY PUTNAM	185	227	275	317	352
STATE OH					
SMSA LORAIN-ELYRIA, OH					
COUNTY LORAIN	206	251	298	343	390
STATE OH					
SMSA MANSFIELD, OH					
COUNTY RICHLAND	179	223	262	301	340
STATE OH					

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
NON SMSA					
COUNTY:DEFIANCE STATE:OH	163	199	236	274	311
COUNTY:ERIE STATE:OH	170	209	247	287	325
COUNTY:HANCOCK STATE:OH	170	209	247	287	325
COUNTY:HARRISON STATE:OH	149	184	218	253	287
COUNTY:HENRY STATE:OH	170	209	247	287	325
COUNTY:HOLMES STATE:OH	150	184	218	253	287
COUNTY:HURON STATE:OH	170	209	247	287	325
COUNTY:PAULDING STATE:OH	163	199	236	274	311
COUNTY:SANDUSKY STATE:OH	170	209	247	287	325
COUNTY:SENECA STATE:OH	170	209	247	287	325
COUNTY:TUSCARAWAS STATE:OH	150	184	218	253	287
COUNTY:WAYNE STATE:OH	170	209	247	287	325
COUNTY:WILLIAMS STATE:OH	163	199	236	274	311
COUNTY:WYANDOT STATE:OH	174	212	250	291	329
SMSA: COLUMBUS, OH					
COUNTY:DELAWARE STATE:OH	201	244	290	336	379
COUNTY:FAIRFIELD STATE:OH	201	244	290	336	379
COUNTY:FRANKLIN STATE:OH	201	244	290	336	379
COUNTY:MADISON STATE:OH	201	244	290	336	379
COUNTY:PICKAWAY STATE:OH	201	244	290	336	379
SMSA: DAYTON, OH					
COUNTY:MIAMI STATE:OH	205	249	296	342	388
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY:LAWRENCE STATE:OH	199	241	284	327	369
SMSA: LIMA, OH					
COUNTY:ALLEN STATE:OH	195	227	275	317	352
COUNTY:AUGLAIZE STATE:OH	195	227	275	317	352

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 110 PERCENT OF 4-BR FMR; 6-BR = 120 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 10 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
SMSA LIMA, OH					
COUNTY VAN WERT	195	227	275	317	382
STATE OH					
SMSA PARKERSBURG-MARIETTA, WV-OH					
COUNTY WASHINGTON	196	238	280	322	364
STATE OH					
SMSA SPRINGFIELD, OH					
COUNTY CHAMPAIGN	168	204	241	280	316
STATE OH					
COUNTY CLARK	168	204	241	280	316
STATE OH					
SMSA WHEELING, WV-OH					
COUNTY BELMONT	197	239	281	323	365
STATE OH					
NON SMSA					
COUNTY ATHENS	173	223	284	322	364
STATE OH					
COUNTY COSHOCTON	167	205	244	281	318
STATE OH					
COUNTY DARKE	160	195	231	268	303
STATE OH					
COUNTY FAYETTE	145	175	210	243	276
STATE OH					
COUNTY GALLIA	149	184	218	253	287
STATE OH					
COUNTY GUERNSEY	179	215	259	297	336
STATE OH					
COUNTY HARDIN	163	199	236	274	311
STATE OH					
COUNTY HOCKING	163	199	236	274	311
STATE OH					
COUNTY JACKSON	145	175	210	243	276
STATE OH					
COUNTY KNOX	174	212	250	291	329
STATE OH					
COUNTY LICKING	170	209	247	287	325
STATE OH					
COUNTY LOGAN	160	195	231	268	303
STATE OH					
COUNTY MARION	145	175	210	243	276
STATE OH					
COUNTY MEIGS	120	147	175	203	231
STATE OH					
COUNTY MERCER	163	199	236	274	311
STATE OH					
COUNTY MONROE	133	162	194	225	255
STATE OH					
COUNTY MORGAN	163	199	236	274	311
STATE OH					
COUNTY MORROW	174	212	250	291	329
STATE OH					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
NON SMSA					
COUNTY:MUSKINGUM STATE:OH	172	209	246	285	323
COUNTY:NOBLE STATE:OH	163	199	236	274	311
COUNTY:PERRY STATE:OH	159	194	230	266	301
COUNTY:PIKE STATE:OH	166	195	237	266	296
COUNTY:ROSS STATE:OH	145	175	210	243	276
COUNTY:SCIOTO STATE:OH	165	193	235	262	291
COUNTY:SHELBY STATE:OH	170	200	244	287	314
COUNTY:UNION STATE:OH	145	175	210	243	276
COUNTY:VINTON STATE:OH	145	175	210	243	276
DETROIT, MICHIGAN AREA OFFICE					
SMSA: ANN ARBOR, MI					
COUNTY:WASHTENAW STATE:MI	263	321	380	438	497
SMSA: DETROIT, MI					
COUNTY:LIVINGSTON STATE:MI	246	301	355	410	463
COUNTY:MACOMB STATE:MI	246	301	355	410	463
COUNTY:OAKLAND STATE:MI	246	301	355	410	463
COUNTY:ST CLAIR STATE:MI	246	301	355	410	463
COUNTY:WAYNE STATE MI	246	301	355	410	463
SMSA: TOLEDO, OH-MI					
COUNTY:MONROE STATE:MI	189	229	272	314	357
NON SMSA					
COUNTY:LENAWEE STATE:MI	189	229	272	314	357
SMSA: BAY CITY, MI					
COUNTY:BAY STATE:MI	207	252	299	346	392
SMSA: DETROIT, MI					
COUNTY:LAPEER STATE:MI	246	301	355	410	463
SMSA: FLINT, MI					
COUNTY:GENESEE STATE:MI	217	265	313	362	410

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY, HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
SMSA FLINT, MI					
COUNTY SHIAWASSEE	217	265	313	382	410
STATE MI					
SMSA SAGINAW, MI					
COUNTY SAGINAW	207	252	299	348	392
STATE MI					
NON SMSA					
COUNTY ALCONA	187	228	270	313	355
STATE MI					
COUNTY ALPENA	187	228	270	313	355
STATE MI					
COUNTY ARENAC	187	228	270	313	355
STATE MI					
COUNTY GLADWIN	187	228	270	313	355
STATE MI					
COUNTY HURON	187	228	270	313	355
STATE MI					
COUNTY IOSCO	187	228	270	313	355
STATE MI					
COUNTY MIDLAND	207	252	299	346	392
STATE MI					
COUNTY MONTMORENCY	187	228	270	313	355
STATE MI					
COUNTY OGEMAW	187	228	287	313	355
STATE MI					
COUNTY OSCODA	187	228	270	313	355
STATE MI					
COUNTY PRESQUE ISLE	187	228	270	313	355
STATE MI					
COUNTY SANILAC	187	228	270	313	355
STATE MI					
COUNTY TUSCOLA	187	228	270	313	355
STATE MI					
SMSA BATTLE CREEK, MI					
COUNTY BARRY	186	227	269	311	352
STATE MI					
COUNTY CALHOUN	186	227	269	311	352
STATE MI					
SMSA GRAND RAPIDS, MI					
COUNTY KENT	187	228	287	313	355
STATE MI					
COUNTY OTTAWA	187	228	287	313	355
STATE MI					
SMSA JACKSON, MI					
COUNTY JACKSON	186	227	269	311	352
STATE MI					
SMSA KALAMAZOO PORTAGE , I					
COUNTY KALAMAZOO	222	270	322	370	420
STATE MI					
COUNTY VAN BUREN	222	270	322	370	420
STATE MI					
SMSA LANSING-EAST LANSING MI					
COUNTY CLINTON	236	286	341	393	445
STATE MI					

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
SMSA: LANSING-EAST LANSING , MI					
COUNTY·EATON STATE:MI	236	286	341	393	445
COUNTY·INGHAM STATE:MI	236	286	341	393	445
COUNTY:IONIA STATE:MI	236	286	341	393	445
SMSA· MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI					
COUNTY·MUSKEGON STATE:MI	176	213	251	289	326
COUNTY·OCEANA STATE:MI	176	213	251	289	326
NON SMSA					
COUNTY:ALGER STATE·MI	165	202	240	278	315
COUNTY ALLEGAN STATE·MI	165	202	240	278	315
COUNTY:ANTRIM STATE MI	165	202	240	278	315
COUNTY:BARAGA STATE:MI	165	202	240	278	315
COUNTY·BENZIE STATE·MI	165	202	240	278	315
COUNTY·BERRIEN STATE·MI	190	231	274	316	359
COUNTY:BRANCH STATE MI	186	227	269	311	352
COUNTY:CASS STATE:MI	190	231	274	316	359
COUNTY·CHARLEVOIX STATE:MI	165	202	240	278	315
COUNTY:CHEBOYGAN STATE:MI	187	228	270	313	355
COUNTY·CHIPPEWA STATE:MI	187	228	287	313	355
COUNTY.CLARE STATE:MI	187	228	287	313	355
COUNTY·CRAWFORD STATE:MI	187	228	287	313	355
COUNTY·DELTA STATE MI	181	214	277	306	345
COUNTY DICKINSON STATE·MI	181	214	277	306	345
COUNTY·EMMET STATE MI	165	202	240	278	315
COUNTY GOGEBIC STATE MI	187	230	256	291	328
COUNTY·GRD TRAVERSE STATE.MI	227	262	298	347	429
COUNTY GRATIOT STATE MI	187	228	270	313	355

NOTE· FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY HILLSDALE STATE MI	186	227	289	311	352
COUNTY HOUGHTON STATE MI	181	214	277	306	345
COUNTY IRON STATE MI	181	214	277	306	345
COUNTY ISABELLA STATE MI	187	228	270	313	355
COUNTY KALKASKA STATE MI	165	202	240	278	315
COUNTY KEWEENAW STATE MI	165	202	240	278	315
COUNTY LAKE STATE MI	181	214	277	306	345
COUNTY LEELANAU STATE MI	165	202	240	278	315
COUNTY LUCE STATE MI	187	228	270	313	355
COUNTY MACKINAC STATE MI	187	228	287	313	355
COUNTY MANISTEE STATE MI	181	214	277	306	345
COUNTY MARQUETTE STATE MI	181	214	277	306	345
COUNTY MASON STATE MI	181	214	277	306	345
COUNTY MECOSTA STATE MI	165	202	240	278	315
COUNTY MENOMINEE STATE MI	165	202	240	278	315
COUNTY MISSAUKEE STATE MI	181	214	277	306	345
COUNTY MONTCALM STATE MI	165	202	240	278	315
COUNTY NEWAYGO STATE MI	165	202	240	278	315
COUNTY ONTONAGON STATE MI	187	230	258	291	328
COUNTY OSCEOLA STATE MI	181	214	277	306	345
COUNTY OTSEGO STATE MI	187	228	287	313	355
COUNTY ROSCOMMON STATE MI	187	228	287	313	355
COUNTY ST JOSEPH STATE MI	190	231	274	318	359
COUNTY SCHOOLCRAFT STATE MI	165	202	240	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY:WEXFORD STATE:MI	181	214	277	306	345
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA: ANDERSON, IN					
COUNTY:MADISON STATE:IN	179	218	260	300	341
SMSA: BLOOMINGTON, IN					
COUNTY:MONROE STATE:IN	194	237	282	325	368
SMSA: CINCINNATI, OH-KY-IN					
COUNTY:DEARBORN STATE:IN	205	250	293	338	382
SMSA: ELKHART, IN.					
COUNTY:ELKHART STATE:IN	197	240	284	327	371
SMSA: EVANSVILLE, IN-KY					
COUNTY:GIBSON STATE:IN	210	235	284	315	352
COUNTY:POSEY STATE:IN	210	235	284	315	352
COUNTY:VANDERBURGH STATE:IN	210	235	284	315	352
COUNTY:WARRICK STATE:IN	210	235	284	315	352
SMSA: FORT WAYNE, IN					
COUNTY:ADAMS STATE:IN	209	255	302	351	396
COUNTY:ALLEN STATE:IN	209	255	302	351	396
COUNTY:DE KALB STATE:IN	209	255	302	351	396

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ERAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA KOKOMO, IN					
COUNTY TIPTON					
STATE IN	194	237	282	325	368
SMSA LAFAYETTE WEST LAFAYETTE, IN					
COUNTY TIPPECANOE					
STATE IN	205	249	296	342	388
SMSA LOUISVILLE, KY-IN					
COUNTY CLARK					
STATE IN	181	222	262	303	343
COUNTY FLOYD					
STATE IN	181	222	262	303	343
SMSA MUNCIE, IN					
COUNTY DELAWARE					
STATE IN	179	218	260	300	341
SMSA SOUTH BEND, IN					
COUNTY MARSHALL					
STATE IN	205	249	296	342	388
COUNTY ST JOSEPH					
STATE IN	205	249	296	342	388
SMSA TERRE HAUTE, IN					
COUNTY CLAY					
STATE IN	187	228	270	313	355
COUNTY SULLIVAN					
STATE IN	187	228	270	313	355
COUNTY VERMILLION					
STATE IN	187	228	270	313	355
COUNTY VIGO					
STATE IN	187	228	270	313	355
SMSA FORT WAYNE, IN					
COUNTY WELLS					
STATE IN	209	255	302	351	396
SMSA GARY-HAMMOND-EAST CHICAGO, IN					
COUNTY LAKE					
STATE IN	195	238	282	327	371
COUNTY PORTER					
STATE IN	195	238	282	327	371
SMSA INDIANAPOLIS, IN					
COUNTY BOONE					
STATE IN	200	243	288	334	378
COUNTY HAMILTON					
STATE IN	200	243	288	334	378
COUNTY HANCOCK					
STATE IN	200	243	288	334	378
COUNTY HENDRICKS					
STATE IN	200	243	288	334	378
COUNTY JOHNSON					
STATE IN	200	243	288	334	378
COUNTY MARION					
STATE IN	200	243	288	334	378
COUNTY MORGAN					
STATE IN	200	243	288	334	378
COUNTY SHELBY					
STATE IN	200	243	288	334	378
SMSA KOKOMO, IN					
COUNTY HOWARD					
STATE IN	194	237	282	325	368

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY:BARTHOLOMEW STATE:IN	194	237	282	325	368
COUNTY:BENTON STATE:IN	205	249	296	342	388
COUNTY:BLACKFORD STATE:IN	179	218	260	300	341
COUNTY:BROWN STATE:IN	194	237	282	325	368
COUNTY:CARROLL STATE:IN	205	249	296	342	388
COUNTY:CASS STATE:IN	194	237	282	325	368
COUNTY CLINTON STATE IN	205	249	296	342	388
COUNTY:CRAWFORD STATE IN	173	210	249	288	327
COUNTY:DAVIESS STATE:IN	210	235	284	315	352
COUNTY:DECATUR STATE:IN	194	237	282	325	368
COUNTY:DUBOIS STATE:IN	210	235	284	315	352
COUNTY:FAYETTE STATE:IN	178	217	258	298	339
COUNTY FOUNTAIN STATE IN	205	249	296	342	388
COUNTY FRANKLIN STATE IN	178	217	258	298	339
COUNTY FULTON STATE IN	190	231	274	316	359
COUNTY:GRANT STATE:IN	179	218	260	300	341
COUNTY:GREENE STATE:IN	187	228	270	313	355
COUNTY:HARRISON STATE:IN	173	210	249	288	327
COUNTY:HENRY STATE:IN	179	218	260	300	341
COUNTY:HUNTINGTON STATE:IN	163	199	236	274	311
COUNTY:JACKSON STATE:IN	194	237	282	325	368
COUNTY:JASPER STATE:IN	180	220	262	303	343
COUNTY:JAY STATE:IN	179	218	260	300	341
COUNTY:JEFFERSON STATE:IN	173	210	249	288	327

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY JENNINGS STATE IN	194	237	282	325	368
COUNTY KNOX STATE IN	176	213	250	288	325
COUNTY KOSCIUSKO STATE IN	190	231	274	316	359
COUNTY LAGRANGE STATE IN	190	231	274	316	359
COUNTY LA PORTE STATE IN	180	220	262	303	343
COUNTY LAWRENCE STATE IN	194	237	282	325	368
COUNTY MARTIN STATE IN	210	235	284	315	352
COUNTY MIAMI STATE IN	194	237	282	325	368
COUNTY MONTGOMERY STATE IN	205	249	296	342	388
COUNTY NEWTON STATE IN	180	220	262	303	343
COUNTY NOBLE STATE IN	163	199	236	274	311
COUNTY OHIO STATE IN	178	217	258	298	339
COUNTY ORANGE STATE IN	173	210	249	288	327
COUNTY OWEN STATE IN	194	237	282	325	368
COUNTY PARKE STATE IN	187	228	270	313	355
COUNTY PERRY STATE IN	210	235	284	315	352
COUNTY PIKE STATE IN	210	235	284	315	352
COUNTY PULASKI STATE IN	180	220	262	303	343
COUNTY PUTNAM STATE IN	194	237	282	325	368
COUNTY RANDOLPH STATE IN	179	218	260	300	341
COUNTY RIPLEY STATE IN	178	217	258	298	339
COUNTY RUSH STATE IN	194	237	282	325	368
COUNTY SCOTT STATE IN	173	210	249	288	327
COUNTY SPENCER STATE IN	210	235	284	315	352

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY:STARKE STATE:IN	180	220	262	303	343
COUNTY:STEUBEN STATE:IN	163	199	236	274	311
COUNTY:SWITZERLAND STATE:IN	178	217	258	298	339
COUNTY:UNION STATE:IN	178	217	258	298	339
COUNTY:WABASH STATE:IN	163	199	236	274	311
COUNTY:WARREN STATE:IN	205	249	296	342	388
COUNTY:WASHINGTON STATE:IN	173	210	249	288	327
COUNTY:WAYNE STATE:IN	179	218	260	300	341
COUNTY:WHITE STATE:IN	205	249	296	342	388
COUNTY:WHITLEY STATE:IN	163	199	236	274	311
MILWAUKEE, WISCONSIN AREA OFFICE					
SMSA: APPLETON-OSHKOSH, WI					
COUNTY:CALUMET STATE:WI	196	241	285	329	373
COUNTY:OUTAGAMIE STATE:WI	196	241	285	329	373
COUNTY:WINNEBAGO STATE:WI	196	241	285	329	373
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY:DOUGLAS STATE:WI	217	250	304	339	376
SMSA: EAU CLAIRE, WI					
COUNTY:CHIPPEWA STATE:WI	150	184	218	253	287
COUNTY:EAU CLAIRE STATE:WI	150	184	218	253	287
SMSA GREEN BAY, WI					
COUNTY:BROWN STATE:WI	179	218	260	300	341
SMSA JANESVILLE-BELOIT,WI					
COUNTY:ROCK STATE:WI	187	226	270	313	355
SMSA: KENOSHA, WI					
COUNTY KENOSHA STATE:WI	206	251	298	343	390
SMSA: LA CROSSE, WI					
COUNTY:LA CROSSE STATE:WI	164	200	237	276	313

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EHAD (C8), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
SMSA: MADISON, WI					
COUNTY:DANE	214	261	309	356	404
STATE:WI					
SMSA: MILWAUKEE, WI					
COUNTY:MILWAUKEE	231	281	335	388	441
STATE:WI					
COUNTY:OZAUKEE	231	281	335	388	441
STATE:WI					
COUNTY:WASHINGTON	231	281	335	388	441
STATE:WI					
COUNTY:WAUKESHA	231	281	335	388	441
STATE:WI					
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY:ST CROIX	262	317	372	429	483
STATE:WI					
SMSA: RACINE, WI					
COUNTY:RACINE	208	251	298	343	390
STATE:WI					
NON SMSA					
COUNTY:ADAMS	174	212	250	291	329
STATE:WI					
COUNTY:ASHLAND	150	184	218	253	287
STATE:WI					
COUNTY:BARRON	150	184	218	253	287
STATE:WI					
COUNTY:BAYFIELD	150	184	218	253	287
STATE:WI					
COUNTY:BUFFALO	164	200	237	276	313
STATE:WI					
COUNTY:BURNETT	175	213	253	293	331
STATE:WI					
COUNTY:CLARK	182	223	265	307	348
STATE:WI					
COUNTY:COLUMBIA	174	212	250	291	329
STATE:WI					
COUNTY:CRAWFORD	163	199	236	274	311
STATE:WI					
COUNTY:DODGE	174	212	250	291	329
STATE:WI					
COUNTY:DOOR	179	218	260	300	341
STATE:WI					
COUNTY:DUNN	150	184	218	253	287
STATE:WI					
COUNTY:FLORENCE	165	202	240	278	315
STATE:WI					
COUNTY:FOND DU LAC	200	244	288	335	378
STATE:WI					
COUNTY:FOREST	165	202	240	278	315
STATE:WI					
COUNTY:GRANT	163	199	236	274	311
STATE:WI					

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY:GREEN STATE:WI	167	228	270	313	355
COUNTY:GREEN LAKE STATE:WI	174	212	250	291	329
COUNTY:IOWA STATE:WI	174	212	250	291	329
COUNTY:IRON STATE:WI	150	184	218	253	287
COUNTY:JACKSON STATE:WI	164	200	237	276	313
COUNTY:JEFFERSON STATE:WI	174	212	250	291	329
COUNTY:JUNEAU STATE:WI	164	200	237	276	313
COUNTY:KEWAUNEE STATE:WI	179	218	260	300	341
COUNTY:LAFAYETTE STATE:WI	163	199	236	274	311
COUNTY:LANGLADE STATE:WI	182	223	265	307	348
COUNTY:LINCOLN STATE:WI	182	223	265	307	348
COUNTY:MANITOWOC STATE:WI	179	218	260	300	341
COUNTY:MARATHON STATE:WI	182	223	265	307	348
COUNTY:MARINETTE STATE:WI	165	202	240	278	315
COUNTY:MARQUETTE STATE:WI	174	212	250	291	329
COUNTY:MENOMINEE STATE:WI	165	202	240	278	315
COUNTY:MONROE STATE:WI	164	200	237	276	313
COUNTY:OCONTO STATE:WI	165	202	240	278	315
COUNTY:ONEIDA STATE:WI	182	223	265	307	348
COUNTY:PEPIN STATE:WI	150	184	218	253	287
COUNTY:PIERCE STATE:WI	175	213	253	293	331
COUNTY:POLK STATE:WI	175	213	253	293	331
COUNTY:PORTAGE STATE:WI	182	223	265	307	348
COUNTY:PRICE STATE:WI	182	223	265	307	348

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY RICHLAND STATE WI	174	212	250	291	329
COUNTY RUSK STATE WI	150	184	218	253	287
COUNTY SAUK STATE WI	174	212	250	291	329
COUNTY SAWYER STATE WI	150	184	218	253	287
COUNTY SHAWANO STATE WI	165	202	240	278	315
COUNTY SHEBOYGAN STATE WI	174	212	250	291	329
COUNTY TAYLOR STATE WI	182	223	265	307	348
COUNTY TREMPEALEAU STATE WI	164	200	237	276	313
COUNTY VERNON STATE WI	164	200	237	276	313
COUNTY VILAS STATE WI	182	223	265	307	348
COUNTY WALWORTH STATE WI	174	212	250	291	329
COUNTY WASHBURN STATE WI	150	184	218	253	287
COUNTY WAUPACA STATE WI	165	202	240	278	315
COUNTY WAUSHARA STATE WI	174	212	250	291	329
COUNTY WOOD STATE WI	182	223	265	307	348

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY:ST LOUIS STATE:MN	217	250	304	339	376
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY:CLAY STATE:MN	205	235	308	356	381
SMSA: GRAND FORKS, N.D.-MN					
COUNTY:POLK STATE:MN	205	246	296	344	376
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY:ANOKA STATE:MN	262	317	372	429	483
COUNTY:CARVER STATE:MN	262	317	372	429	483
COUNTY:CHISAGO STATE:MN	262	317	372	429	483
COUNTY:DAKOTA STATE:MN	262	317	372	429	483
COUNTY:HENNEPIN STATE:MN	262	317	372	429	483
COUNTY:RAMSEY STATE:MN	262	317	372	429	483
COUNTY:SCOTT STATE:MN	262	317	372	429	483
COUNTY:WASHINGTON STATE:MN	262	317	372	429	483
COUNTY:WRIGHT STATE:MN	262	317	372	429	483
SMSA: ROCHESTER, MN					
COUNTY:OLMSTED STATE:MN	229	278	327	376	447
SMSA: ST. CLOUD, MN					
COUNTY:BENTON STATE:MN	220	269	317	365	414
COUNTY:SHERBURNE STATE:MN	220	269	317	365	414
COUNTY:STEARNS STATE:MN	220	269	317	365	414
NON SMSA					
COUNTY:AITKIN STATE:MN	168	204	243	280	318
COUNTY:BECKER STATE:MN	175	213	253	293	331
COUNTY:BELTRAMI STATE:MN	182	223	262	302	343
COUNTY:BIG STONE STATE:MN	168	204	243	280	318
COUNTY:BLUE EARTH STATE:MN	220	269	317	365	414
COUNTY:BROWN STATE:MN	197	242	286	330	376

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY: CARLTON STATE: MN	197	242	286	330	376
COUNTY: CASS STATE: MN	182	223	262	302	343
COUNTY: CHIPPEWA STATE: MN	168	204	243	280	318
COUNTY: CLEARWATER STATE: MN	175	213	253	293	331
COUNTY: COOK STATE: MN	163	199	236	273	310
COUNTY: COTTONWOOD STATE: MN	168	204	243	280	318
COUNTY: CROW WING STATE: MN	182	223	262	302	343
COUNTY: DODGE STATE: MN	197	242	286	330	376
COUNTY: DOUGLAS STATE: MN	168	204	243	280	318
COUNTY: FARIBAULT STATE: MN	197	242	286	330	376
COUNTY: FILLMORE STATE: MN	197	242	286	330	376
COUNTY: FREEBORN STATE: MN	197	242	286	330	376
COUNTY: GOODHUE STATE: MN	175	213	253	293	331
COUNTY: GRANT STATE: MN	154	187	223	259	295
COUNTY: HOUSTON STATE: MN	164	200	237	276	313
COUNTY: HUBBARD STATE: MN	168	204	243	280	318
COUNTY: ISANTI STATE: MN	175	213	253	293	331
COUNTY: ITASCA STATE: MN	197	242	286	330	376
COUNTY: JACKSON STATE: MN	178	217	258	298	339
COUNTY: KANABEC STATE: MN	175	213	253	293	331
COUNTY: KANDIYOHI STATE: MN	182	223	262	302	343
COUNTY: KITTSON STATE: MN	175	213	253	293	331
COUNTY: KOOCHICHING STATE: MN	163	199	236	273	310
COUNTY: LAC QUI PARL STATE: MN	168	204	243	280	318

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6 RR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY:LAKE STATE:MN	163	199	236	273	310
COUNTY:LAKE OF WOOD STATE:MN	168	204	243	280	318
COUNTY:LE SUEUR STATE:MN	197	242	286	330	376
COUNTY:LINCOLN STATE:MN	178	217	258	298	339
COUNTY:LYON STATE:MN	178	217	258	298	339
COUNTY:MCLEOD STATE:MN	197	242	286	330	376
COUNTY:MAHNOMEN STATE:MN	175	213	253	293	331
COUNTY:MARSHALL STATE:MN	175	213	253	293	331
COUNTY:MARTIN STATE:MN	182	223	262	302	343
COUNTY:MEEKER STATE:MN	182	223	262	302	343
COUNTY:MILLE LACS STATE:MN	175	213	253	293	331
COUNTY:MORRISON STATE:MN	182	223	262	302	343
COUNTY:MOWER STATE:MN	197	242	286	330	376
COUNTY:MURRAY STATE:MN	178	217	258	298	339
COUNTY:NICOLLET STATE:MN	197	242	286	330	376
COUNTY:NOBLES STATE:MN	178	217	258	298	339
COUNTY:NORMAN STATE:MN	175	213	253	293	331
COUNTY:OTTER TAIL STATE:MN	175	213	253	293	331
COUNTY:PENNINGTON STATE:MN	175	213	253	293	331
COUNTY:PINE STATE:MN	175	213	253	293	331
COUNTY:PIPESTONE STATE:MN	178	217	258	298	339
COUNTY:POPE STATE:MN	168	204	243	280	318
COUNTY:RED LAKE STATE:MN	175	213	253	293	331
COUNTY:REDWOOD STATE:MN	168	204	243	280	318

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY RENVILLE STATE MN	168	204	243	280	318
COUNTY RICE STATE MN	175	213	253	293	331
COUNTY ROCK STATE MN	178	217	258	298	339
COUNTY ROSEAU STATE MN	175	213	253	293	331
COUNTY SIBLEY STATE MN	197	242	286	330	376
COUNTY STEELE STATE MN	197	242	286	330	376
COUNTY STEVENS STATE MN	168	204	243	280	318
COUNTY SWIFT STATE MN	168	204	243	280	318
COUNTY TODD STATE MN	182	223	262	302	343
COUNTY TRAVERSE STATE MN	154	187	223	259	295
COUNTY WABASHA STATE MN	197	242	286	330	376
COUNTY WADENA STATE MN	168	204	243	280	318
COUNTY WASECA STATE MN	197	242	286	330	376
COUNTY WATONWAN STATE MN	182	223	262	302	343
COUNTY WILKIN STATE MN	175	213	253	293	331
COUNTY WINONA STATE MN	180	220	261	303	343
COUNTY YELLOW MEDIC STATE MN	168	204	243	280	318

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B; FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
SMSA: ALBUQUERQUE, NM					
COUNTY:BERNALILLO STATE:NM	187	230	271	314	356
COUNTY:SANDOVAL STATE:NM	187	230	271	314	356
SMSA: LAS CRUCES, NM.					
COUNTY:DONA ANA STATE:NM	158	193	228	264	300
NON SMSA					
COUNTY:CATRON STATE:NM	158	193	228	264	300
COUNTY:CHAVES STATE:NM	158	193	228	264	300
COUNTY:COLFAX STATE:NM	168	205	241	278	314
COUNTY:CURRY STATE:NM	151	184	218	252	287
COUNTY:DE BACA STATE:NM	151	184	218	252	287
COUNTY:EDDY STATE:NM	158	193	228	264	300
COUNTY:GRANT STATE:NM	158	193	228	264	300
COUNTY:GUADALUPE STATE:NM	151	184	218	252	287
COUNTY:HARDING STATE:NM	151	184	218	252	287
COUNTY:HIDALGO STATE:NM	158	193	228	264	300
COUNTY:LEA STATE:NM	158	193	228	264	300
COUNTY:LINCOLN STATE:NM	158	193	228	264	300
COUNTY:LOS ALAMOS STATE:NM	168	205	241	278	314
COUNTY:LUNA STATE:NM	168	205	241	278	314
COUNTY:MCKINLEY STATE:NM	168	205	241	278	314
COUNTY MORA STATE NM	168	205	241	278	314
COUNTY OTERO STATE NM	158	193	228	264	300
COUNTY:QUAY STATE:NM	151	184	218	252	287
COUNTY:RIO ARRIBA STATE:NM	168	205	241	278	314
COUNTY:ROOSEVELT STATE:NM	151	184	218	252	287
COUNTY:SAN JUAN STATE:NM	187	230	271	314	356

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY SAN MIGUEL STATE NM	166	205	241	278	314
COUNTY:SANTE FE STATE:NM	187	230	271	314	356
COUNTY:SIERRA STATE:NM	156	193	228	264	300
COUNTY SOCORRO STATE NM	156	193	228	264	300
COUNTY TAOS STATE NM	166	205	241	278	314
COUNTY:TORRANCE STATE:NM	166	205	241	278	314
COUNTY UNION STATE NM	151	184	218	252	287
COUNTY:VALENCIA STATE:NM	166	205	241	278	314
SMSA: DALLAS-FORT WORTH , TX					
COUNTY:COLLIN STATE:TX	223	269	316	363	408
COUNTY:DALLAS STATE:TX	223	269	316	363	408
COUNTY:DENTON STATE:TX	223	269	316	363	408
COUNTY ELLIS STATE:TX	223	269	316	363	408
COUNTY:KAUFMAN STATE:TX	223	269	316	363	408
COUNTY:ROCKWALL STATE:TX	223	269	316	363	408
SMSA: KILLEEN-TEMPLE, TX					
COUNTY:BELL STATE:TX	187	227	270	312	352
COUNTY:CORYELL STATE:TX	187	227	270	312	352
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY:GREGG STATE:TX	151	186	221	255	289
SMSA: SHERMAN-DENISON, TX					
COUNTY:GRAYSON STATE:TX	161	198	234	270	305
SMSA: TEXARKANA, TX-AR					
COUNTY:BOWIE STATE:TX	151	186	221	255	289
SMSA: TYLER, TX					
COUNTY:SMITH STATE:TX	151	186	221	255	289
SMSA: WACO, TX					
COUNTY:MCLENNAN STATE:TX	187	227	270	312	352
NON SMSA					
COUNTY:ANDERSON STATE:TX	151	186	221	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:CAMP STATE:TX	132	163	192	222	252
COUNTY:CHEROKEE STATE:TX	151	186	221	255	289
COUNTY:COOKE STATE:TX	161	198	234	270	305
COUNTY:DELTA STATE:TX	132	163	192	222	252
COUNTY:FALLS STATE:TX	187	227	270	312	352
COUNTY:FANNIN STATE:TX	161	198	234	270	305
COUNTY:FRANKLIN STATE:TX	132	163	192	222	252
COUNTY:FREESTONE STATE:TX	187	227	270	312	352
COUNTY:HENDERSON STATE:TX	151	186	221	255	289
COUNTY:HILL STATE:TX	187	227	270	312	352
COUNTY:HOPKINS STATE:TX	161	198	234	270	305
COUNTY:HUNT STATE:TX	174	211	248	285	322
COUNTY:LAMAR STATE:TX	151	186	221	255	289
COUNTY:LIMESTONE STATE:TX	187	227	270	312	352
COUNTY:MILAM STATE:TX	173	212	251	290	327
COUNTY:NAVARRO STATE:TX	161	198	234	270	305
COUNTY:RAINS STATE:TX	161	198	234	270	305
COUNTY:RED RIVER STATE:TX	132	163	192	222	252
COUNTY:RUSK STATE:TX	151	186	221	255	289
COUNTY:TITUS STATE:TX	140	172	203	235	265
COUNTY:UPSHUR STATE:TX	151	186	221	255	289
COUNTY:VAN ZANDT STATE:TX	161	198	234	270	305
COUNTY:WOOD STATE:TX	151	186	221	255	289
SMSA: ABILENE, TX					
COUNTY:CALLAHAN STATE:TX	166	204	241	279	316

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
SMSA ABILENE, TX					
COUNTY:JONES STATE:TX	166	204	241	279	316
COUNTY:TAYLOR STATE:TX	166	204	241	279	316
SMSA DALLAS-FORT WORTH , TX					
COUNTY:HOOD STATE:TX	223	269	316	363	408
COUNTY:JOHNSON STATE:TX	223	269	316	363	408
COUNTY:PARKER STATE:TX	223	269	316	363	408
COUNTY:TARRANT STATE:TX	223	269	316	363	408
COUNTY:WISE STATE:TX	223	269	316	363	408
SMSA SAN ANGELO, TX					
COUNTY:TOM GREEN STATE:TX	166	204	241	279	316
SMSA WICHITA FALLS, TX					
COUNTY:CLAY STATE:TX	183	224	266	306	347
COUNTY:WICHITA STATE:TX	183	224	266	306	347
NON SMSA					
COUNTY:ARCHER STATE:TX	183	224	266	306	347
COUNTY:BAYLOR STATE:TX	183	224	266	306	347
COUNTY:BOSQUE STATE:TX	187	227	270	312	352
COUNTY:BROWN STATE:TX	166	204	241	279	316
COUNTY:COKE STATE:TX	166	204	241	279	316
COUNTY:COLEMAN STATE:TX	166	204	241	279	316
COUNTY:COMANCHE STATE:TX	166	204	241	279	316
COUNTY:CONCHO STATE:TX	166	204	241	279	316
COUNTY:CROCKETT STATE:TX	176	215	254	294	333
COUNTY:EASTLAND STATE:TX	166	204	241	279	316
COUNTY:ERATH STATE:TX	161	198	234	270	305
COUNTY:FOARD STATE:TX	183	224	266	306	347
COUNTY:HAMILTON STATE:TX	187	227	270	312	352

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:HARDEMAN STATE:TX	183	224	266	306	347
COUNTY:HASKELL STATE:TX	166	204	241	279	316
COUNTY:IRION STATE:TX	166	204	241	279	316
COUNTY:JACK STATE:TX	183	224	266	306	347
COUNTY:KIMBLE STATE:TX	166	204	241	279	316
COUNTY:KNOX STATE:TX	166	204	241	279	316
COUNTY:LAMPASAS STATE:TX	187	227	270	312	352
COUNTY:MCCULLOCH STATE:TX	166	204	241	279	316
COUNTY:MASON STATE:TX	166	204	241	279	316
COUNTY:MENARD STATE:TX	166	204	241	279	316
COUNTY:MILLS STATE:TX	166	204	241	279	316
COUNTY:MONTAGUE STATE:TX	161	198	234	270	305
COUNTY:PALO PINTO STATE:TX	161	198	234	270	305
COUNTY:REAGAN STATE:TX	176	215	254	294	333
COUNTY:RUNNELS STATE:TX	166	204	241	279	316
COUNTY:SAN SABA STATE:TX	166	204	241	279	316
COUNTY:SCHLEICHER STATE:TX	166	204	241	279	316
COUNTY:SHACKLEFORD STATE:TX	166	204	241	279	316
COUNTY:SOMERVELL STATE:TX	161	198	234	270	305
COUNTY:STEPHENS STATE:TX	166	204	241	279	316
COUNTY:STERLING STATE:TX	166	204	241	279	316
COUNTY:SUTTON STATE:TX	166	204	241	279	316
COUNTY:THROCKMORTON STATE:TX	183	224	266	306	347
COUNTY:WILBARGER STATE:TX	183	224	266	306	347

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEVISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:YOUNG STATE TX	183	224	266	306	347
SMSA BEAUMONT-PORT ARTHUR-ORANGE, TX					
COUNTY:HARDIN STATE TX	186	225	265	305	345
COUNTY JEFFERSON STATE TX	186	225	265	305	345
COUNTY:ORANGE STATE TX	186	225	265	305	345
SMSA BRYAN-COLLEGE STATION, TX					
COUNTY:BRAZOS STATE:TX	221	252	297	341	387
SMSA GALVESTON-TEXAS CITY, TX					
COUNTY:GALVESTON STATE:TX	205	250	296	342	386
SMSA HOUSTON, TX					
COUNTY:BRAZORIA STATE:TX	214	262	312	362	410
COUNTY FORT BEND STATE TX	214	262	312	362	410
COUNTY:HARRIS STATE TX	214	262	312	362	410
COUNTY LIBERTY STATE TX	214	262	312	362	410
COUNTY MONTGOMERY STATE:TX	214	262	312	362	410
COUNTY:WALLER STATE TX	214	262	312	362	410
NON SMSA					
COUNTY ANGELINA STATE TX	151	186	221	255	289
COUNTY AUSTIN STATE:TX	172	210	248	287	325
COUNTY BURLESON STATE TX	173	212	251	290	327
COUNTY CHAMBERS STATE TX	172	210	248	287	325
COUNTY COLORADO STATE TX	172	210	248	287	325
COUNTY GRIMES STATE TX	173	212	251	290	327
COUNTY HOUSTON STATE TX	151	186	221	255	289
COUNTY:JASPER STATE TX	172	210	248	287	325
COUNTY LEON STATE TX	173	212	251	290	327
COUNTY:MADISON STATE:TX	173	212	251	290	327
COUNTY MATAGORDA STATE:TX	181	220	259	298	337

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:NACOGDOCHES STATE:TX	151	186	221	255	289
COUNTY:NEWTON STATE:TX	172	210	248	287	325
COUNTY:POLK STATE:TX	172	210	248	287	325
COUNTY:ROBERTSON STATE:TX	173	212	251	290	327
COUNTY:SABINE STATE:TX	144	173	205	237	268
COUNTY:SAN AUGUSTIN STATE:TX	144	173	205	237	268
COUNTY:SAN JACINTO STATE:TX	172	210	248	287	325
COUNTY:SHELBY STATE:TX	144	173	205	237	268
COUNTY:TRINITY STATE:TX	151	186	221	255	289
COUNTY:TYLER STATE:TX	172	210	248	287	325
COUNTY:WALKER STATE:TX	181	220	259	298	337
COUNTY:WASHINGTON STATE:TX	172	210	248	287	325
COUNTY:WHARTON STATE:TX	172	210	248	287	325
SMSA: AMARILLO, TX					
COUNTY:POTTER STATE:TX	160	196	230	268	302
COUNTY:RANDALL STATE:TX	160	196	230	268	302
SMSA: EL PASO, TX					
COUNTY:EL PASO STATE TX	196	240	282	326	368
SMSA: LUBBOCK, TX					
COUNTY:LUBBOCK STATE:TX	166	204	241	279	316
SMSA MIDLAND, TX					
COUNTY:MIDLAND STATE:TX	176	215	254	294	333
SMSA ODESSA, TX					
COUNTY:ECTOR STATE:TX	176	215	254	294	333
NON SMSA					
COUNTY:ANDREWS STATE:TX	176	215	254	294	333
COUNTY:ARMSTRONG STATE:TX	160	196	230	268	302
COUNTY:BAILEY STATE:TX	166	204	241	279	316

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY BORDEN STATE TX	176	215	254	294	333
COUNTY BREWSTER STATE TX	176	215	254	294	333
COUNTY BRISCOE STATE TX	160	196	230	268	302
COUNTY CARSON STATE TX	160	196	230	268	302
COUNTY CASTRO STATE TX	160	196	230	268	302
COUNTY CHILDRESS STATE TX	183	224	266	306	347
COUNTY COCHRAN STATE TX	166	204	241	279	316
COUNTY COLLINGSWORT STATE TX	160	196	230	268	302
COUNTY COTTLE STATE TX	183	224	266	306	347
COUNTY CRANE STATE TX	176	215	254	294	333
COUNTY CROSBY STATE TX	166	204	241	279	316
COUNTY CULBERSON STATE TX	165	202	240	277	313
COUNTY DALLAM STATE TX	160	196	230	268	302
COUNTY DAWSON STATE TX	176	215	254	294	333
COUNTY DEAF SMITH STATE TX	160	196	230	268	302
COUNTY DICKENS STATE TX	166	204	241	279	316
COUNTY DONLEY STATE TX	160	196	230	268	302
COUNTY FISHER STATE TX	166	204	241	279	316
COUNTY FLOYD STATE TX	166	204	241	279	316
COUNTY GAINES STATE TX	176	215	254	294	333
COUNTY GARZA STATE TX	166	204	241	279	316
COUNTY GLASSCOCK STATE TX	176	215	254	294	333
COUNTY GRAY STATE TX	160	196	230	268	302
COUNTY HALE STATE TX	166	204	241	279	316

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:HALL STATE:TX	160	196	230	268	302
COUNTY:HANSFORD STATE:TX	160	196	230	268	302
COUNTY:HARTLEY STATE:TX	160	196	230	268	302
COUNTY:HEMPHILL STATE:TX	160	196	230	268	302
COUNTY:HOCKLEY STATE:TX	151	186	221	255	289
COUNTY:HOWARD STATE:TX	176	215	254	294	333
COUNTY:HUDSPETH STATE:TX	165	202	240	277	313
COUNTY:HUTCHINSON STATE:TX	160	196	230	268	302
COUNTY:JEFF DAVIS STATE:TX	165	202	240	277	313
COUNTY:KENT STATE:TX	166	204	241	279	316
COUNTY:KING STATE:TX	166	204	241	279	316
COUNTY:LAMB STATE:TX	166	204	241	279	316
COUNTY:LIPSCOMB STATE:TX	160	196	230	268	302
COUNTY:LOVING STATE:TX	176	215	254	294	333
COUNTY:LYNN STATE:TX	166	204	241	279	316
COUNTY:MARTIN STATE:TX	176	215	254	294	333
COUNTY:MITCHELL STATE:TX	155	189	225	259	295
COUNTY:MOORE STATE:TX	160	196	230	268	302
COUNTY:MOTLEY STATE:TX	166	204	241	279	316
COUNTY:NOLAN STATE:TX	166	204	241	279	316
COUNTY:OCHILTREE STATE:TX	160	196	230	268	302
COUNTY:OLDHAM STATE:TX	160	196	230	268	302
COUNTY:PARMER STATE:TX	160	196	230	268	302
COUNTY:PECOS STATE:TX	176	215	254	294	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CD), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY PRESIDIO STATE TX	165	302	340	377	313
COUNTY REEVES STATE TX	176	215	254	294	333
COUNTY ROBERTS STATE TX	160	196	230	268	302
COUNTY SCURRY STATE TX	168	204	241	278	316
COUNTY SHERMAN STATE TX	160	196	230	268	302
COUNTY STONEWALL STATE TX	168	204	241	278	316
COUNTY SWISHER STATE TX	160	196	230	268	302
COUNTY TERRELL STATE TX	176	215	254	294	333
COUNTY TERRY STATE TX	168	204	241	279	316
COUNTY UPTON STATE TX	176	215	254	294	333
COUNTY WARD STATE TX	176	215	254	294	333
COUNTY WHEELER STATE TX	160	196	230	268	302
COUNTY WINKLER STATE TX	176	215	254	294	333
COUNTY YOAKUM STATE TX	168	204	241	279	316
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY HARRISON STATE TX	151	186	221	255	289
NON SMSA					
COUNTY CASS STATE TX	132	163	192	222	252
COUNTY MARION STATE TX	141	173	205	237	268
COUNTY MORRIS STATE TX	132	163	192	222	252
COUNTY PANOLA STATE TX	141	173	205	237	268

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
SMSA: FAYETTEVILLE-SPRINGDALE, AR					
COUNTY:BENTON STATE:AR	161	198	234	270	305
COUNTY:WASHINGTON STATE:AR	161	198	234	270	305
SMSA: FORT SMITH, AR-OK					
COUNTY:CRAWFORD STATE:AR	154	188	223	257	291
COUNTY:SEBASTIAN STATE:AR	154	188	223	257	291
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR					
COUNTY:PULASKI STATE:AR	176	214	253	292	330
COUNTY:SALINE STATE:AR	176	214	253	292	330
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:CRITTENDEN STATE:AR	188	231	272	313	355
SMSA: PINE BLUFF, AR					
COUNTY:JEFFERSON STATE:AR	156	191	227	261	297
SMSA: TEXARKANA, TX-AR					
COUNTY:LITTLE RIVER STATE:AR	151	186	221	255	289
COUNTY:MILLER STATE:AR	151	186	221	255	289
NON SMSA					
COUNTY:ARKANSAS STATE:AR	156	191	227	261	297
COUNTY:ASHLEY STATE:AR	141	173	205	237	268
COUNTY:BAXTER STATE:AR	165	202	240	277	313
COUNTY:BOONE STATE:AR	165	202	240	277	313
COUNTY:BRADLEY STATE:AR	141	173	205	237	268
COUNTY:CALHOUN STATE:AR	141	173	205	237	268
COUNTY:CARROLL STATE:AR	165	202	240	277	313
COUNTY:CHICOT STATE:AR	141	173	205	237	268
COUNTY:CLARK STATE:AR	139	169	202	233	263
COUNTY:CLAY STATE:AR	155	189	225	259	295
COUNTY:CLEBURNE STATE:AR	151	185	219	254	288
COUNTY:CLEVELAND STATE:AR	156	191	227	261	297
COUNTY:COLUMBIA STATE:AR	141	173	205	237	268

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY: CONWAY STATE: AR	139	169	202	233	263
COUNTY: CRAIGHEAD STATE: AR	155	189	225	259	295
COUNTY: CROSS STATE: AR	155	189	225	259	295
COUNTY: DALLAS STATE: AR	141	173	205	237	268
COUNTY: DESHA STATE: AR	141	173	205	237	268
COUNTY: DREW STATE: AR	141	173	205	237	268
COUNTY: FAULKNER STATE: AR	139	169	202	233	263
COUNTY: FRANKLIN STATE: AR	140	172	203	235	266
COUNTY: FULTON STATE: AR	151	185	219	254	286
COUNTY: GARLAND STATE: AR	139	169	202	233	263
COUNTY: GRANT STATE: AR	156	191	227	261	297
COUNTY: GREENE STATE: AR	155	189	225	259	295
COUNTY: HEMPSTEAD STATE: AR	132	163	192	222	252
COUNTY: HOTSPRING STATE: AR	139	169	202	233	263
COUNTY: HOWARD STATE: AR	132	163	192	222	252
COUNTY: INDEPENDENCE STATE: AR	151	185	219	254	288
COUNTY: IZARD STATE: AR	151	185	219	254	288
COUNTY: JACKSON STATE: AR	156	191	227	261	297
COUNTY: JOHNSON STATE: AR	139	169	202	233	263
COUNTY: LAFAYETTE STATE: AR	132	163	192	222	252
COUNTY: LAWRENCE STATE: AR	155	189	225	259	295
COUNTY: LEE STATE: AR	155	189	225	259	295
COUNTY: LINCOLN STATE: AR	156	191	227	261	297
COUNTY: LOGAN STATE: AR	140	172	203	235	266

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY:LONOKE STATE:AR	156	191	227	261	297
COUNTY:MADISON STATE:AR	161	198	234	270	306
COUNTY:MARION STATE:AR	165	202	240	277	313
COUNTY:MISSISSIPPI STATE:AR	155	189	225	259	295
COUNTY:MONROE STATE:AR	156	191	227	261	297
COUNTY:MONTGOMERY STATE:AR	139	169	202	233	263
COUNTY:NEVADA STATE:AR	132	163	192	222	252
COUNTY:NEWTON STATE:AR	165	202	240	277	313
COUNTY:OUACHITA STATE:AR	141	173	205	237	268
COUNTY:PERRY STATE:AR	139	169	202	233	263
COUNTY:PHILLIPS STATE:AR	155	189	225	259	295
COUNTY:PIKE STATE:AR	139	169	202	233	263
COUNTY:POINSETT STATE:AR	155	189	225	259	295
COUNTY:POLK STATE:AR	140	172	203	238	266
COUNTY:POPE STATE:AR	139	169	202	233	263
COUNTY:PRAIRIE STATE:AR	156	191	227	261	297
COUNTY:RANDOLPH STATE:AR	155	189	225	259	295
COUNTY:ST FRANCIS STATE:AR	155	189	225	259	295
COUNTY:SCOTT STATE:AR	140	172	203	235	266
COUNTY:SEARCY STATE:AR	165	202	240	277	313
COUNTY:SEVIER STATE:AR	132	163	192	222	252
COUNTY:SHARP STATE:AR	151	185	219	254	288
COUNTY:STONE STATE:AR	151	185	219	254	288
COUNTY:UNION STATE:AR	141	173	205	237	268

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY VAN BUREN STATE AR	151	185	219	254	288
COUNTY WHITE STATE AR	156	191	227	261	297
COUNTY WOODRUFF STATE AR	156	191	227	261	297
COUNTY YELL STATE AR	140	172	203	235	266
NEW ORLEANS, LOUISIANA AREA OFFICE					
SMSA BATON ROUGE, LA					
PARISH ASCENSION STATE LA	218	264	312	359	407
PARISH E BATON ROUG STATE LA	218	264	312	359	407
PARISH LIVINGSTON STATE LA	218	264	312	359	407
PARISH W BATON ROUG STATE LA	218	264	312	359	407
SMSA LAFAYETTE, LA					
PARISH LAFAYETTE STATE LA	190	231	273	315	357
SMSA LAKE CHARLES, LA					
PARISH CALCASIEU STATE LA	190	231	273	315	357
SMSA NEW ORLEANS, LA					
PARISH JEFFERSON STATE LA	202	246	290	333	377
PARISH ORLEANS STATE LA	202	246	290	333	377
PARISH ST BERNARD STATE LA	202	246	290	333	377
PARISH ST TAMMANY STATE LA	202	246	290	333	377
NON SMSA					
PARISH ACADIA STATE LA	160	196	230	268	302

NOTE. FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
NON SMSA					
PARISH:ALLEN STATE:LA	180	221	261	302	341
PARISH:ASSUMPTION STATE:LA	160	196	230	268	302
PARISH:BEAUREGARD STATE:LA	180	221	261	302	341
PARISH:CAMERON STATE:LA	180	221	261	302	341
PARISH:E FELICIANA STATE:LA	143	175	207	240	272
PARISH:EVANGELINE STATE:LA	160	196	230	268	302
PARISH:IBERIA STATE:LA	160	196	230	268	302
PARISH:IBERVILLE STATE:LA	143	175	207	240	272
PARISH:JEFFERSON DA STATE:LA	180	221	261	302	341
PARISH:LAFOURCHE STATE:LA	170	210	245	285	320
PARISH:PLAQUEMINES STATE:LA	160	196	230	268	302
PARISH:POINTE COUPE STATE:LA	143	175	207	240	272
PARISH:ST CHARLES STATE:LA	160	196	230	268	302
PARISH:ST HELENA STATE:LA	143	175	207	240	272
PARISH:ST JAMES STATE:LA	160	196	230	268	302
PARISH:ST JOHN THE STATE:LA	160	196	230	268	302
PARISH:ST LANDRY STATE:LA	160	196	230	268	302
PARISH:ST MARTIN STATE:LA	160	196	230	268	302
PARISH:ST MARY STATE:LA	160	196	230	268	302
PARISH:TANGIPAHOA STATE:LA	160	196	230	268	302
PARISH:TERREBONNE STATE:LA	170	210	245	285	320
PARISH:VERMILION STATE LA	160	196	230	268	302
PARISH:WASHINGTON STATE:LA	160	196	230	268	302
PARISH:W FELICIANA STATE:LA	143	175	207	240	272

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EHAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
SMSA ALEXANDRIA, LA					
PARISH GRANT STATE LA	151	186	221	255	289
PARISH RAPIDES STATE LA	151	186	221	255	289
SMSA MONROE, LA					
PARISH OUACHITA STATE LA	151	186	221	255	289
SMSA SHREVEPORT, LA					
PARISH BOSSIER STATE LA	171	207	245	283	320
PARISH CADDO STATE LA	171	207	245	283	320
PARISH WEBSTER STATE LA	171	207	245	283	320
NON SMSA					
PARISH AVOYELLES STATE LA	151	186	221	255	289
PARISH BIENVILLE STATE LA	151	186	221	255	289
PARISH CALDWELL STATE LA	151	186	221	255	289
PARISH CATAHOULA STATE LA	151	186	221	255	289
PARISH CLAIBORNE STATE LA	141	173	205	237	268
PARISH CONCORDIA STATE LA	143	175	207	240	272
PARISH DE SOTO STATE LA	151	186	221	255	289
PARISH EAST CARROLL STATE LA	151	186	221	255	289
PARISH FRANKLIN STATE LA	151	186	221	255	289
PARISH JACKSON STATE LA	151	186	221	255	289
PARISH LA SALLE STATE LA	151	186	221	255	289
PARISH LINCOLN STATE LA	151	186	221	255	289
PARISH MADISON STATE LA	151	186	221	255	289
PARISH MOREHOUSE STATE LA	151	186	221	255	289
PARISH NATCHITOCHES STATE LA	151	186	221	255	289
PARISH RED RIVER STATE LA	151	186	221	255	289
PARISH RICHLAND STATE LA	151	186	221	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
NON SMSA					
PARISH SABINE STATE LA	151	186	221	255	289
PARISH TENSAS STATE LA	151	186	221	255	289
PARISH UNION STATE LA	151	186	221	255	289
PARISH VERNON STATE LA	185	201	237	274	310
PARISH WEST CARROLL STATE LA	151	186	221	255	289
PARISH WINN STATE LA	151	186	221	255	289
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
SMSA ENID, OK.					
COUNTY GARFIELD STATE OK	161	198	234	270	305
SMSA LAWTON, OK					
COUNTY COMANCHE STATE OK	183	224	266	306	347
SMSA OKLAHOMA CITY, OK					
COUNTY CANADIAN STATE OK	188	229	271	312	352
COUNTY CLEVELAND STATE OK	188	229	271	312	352
COUNTY MCCLAIN STATE OK	188	229	271	312	352
COUNTY OKLAHOMA STATE OK	188	229	271	312	352
COUNTY POTTAWATOMIE STATE OK	188	229	271	312	352
NON SMSA					
COUNTY ALFALFA STATE OK	154	188	223	257	291
COUNTY BEAVER STATE OK	161	198	234	270	305
COUNTY BECKHAM STATE OK	161	198	234	270	305
COUNTY BLAINE STATE OK	154	188	223	257	291

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
NON SMSA					
COUNTY CADDO STATE OK	183	224	266	306	347
COUNTY CARTER STATE OK	144	176	210	242	275
COUNTY CIMARRON STATE OK	161	198	234	270	305
COUNTY COTTON STATE OK	183	224	266	306	347
COUNTY CUSTER STATE OK	161	198	234	270	305
COUNTY DEWEY STATE OK	154	188	223	257	291
COUNTY ELLIS STATE OK	154	188	223	257	291
COUNTY GARVIN STATE OK	144	176	210	242	275
COUNTY GRADY STATE OK	183	224	266	306	347
COUNTY GRANT STATE OK	154	188	223	257	291
COUNTY GREER STATE OK	183	224	266	306	347
COUNTY HARMON STATE OK	183	224	266	306	347
COUNTY HARPER STATE OK	154	188	223	257	291
COUNTY JACKSON STATE OK	183	224	266	306	347
COUNTY JEFFERSON STATE OK	183	224	266	306	347
COUNTY JOHNSTON STATE OK	132	163	192	222	252
COUNTY KAY STATE OK	154	188	223	257	291
COUNTY KINGFISHER STATE OK	154	188	223	257	291
COUNTY KIOWA STATE OK	183	224	266	306	347
COUNTY LINCOLN STATE OK	154	188	223	257	291
COUNTY LOGAN STATE OK	154	188	223	257	291
COUNTY LOVE STATE OK	132	163	192	222	252
COUNTY MAJOR STATE OK	154	188	223	257	291
COUNTY MARSHALL STATE OK	161	198	234	270	305

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
NON SMSA					
COUNTY MURRAY STATE OK	132	163	192	222	252
COUNTY NOBLE STATE OK	154	188	223	257	291
COUNTY PAYNE STATE OK	183	224	266	306	347
COUNTY PONTOTOC STATE OK	144	176	210	242	275
COUNTY ROGER MILLS STATE OK	154	188	223	257	291
COUNTY SEMINOLE STATE OK	154	188	223	257	291
COUNTY STEPHENS STATE OK	183	224	266	306	347
COUNTY TEXAS STATE OK	161	198	234	270	306
COUNTY TILLMAN STATE OK	183	224	266	306	347
COUNTY WASHITA STATE OK	154	188	223	257	291
COUNTY WOODS STATE OK	154	188	223	257	291
COUNTY WOODWARD STATE OK	161	198	234	270	306
SMSA FORT SMITH, AR-OK					
COUNTY LE FLORE STATE OK	154	188	223	257	291
COUNTY SEQUOYAH STATE OK	154	188	223	257	291
SMSA TULSA, OK					
COUNTY CREEK STATE OK	197	240	285	328	371
COUNTY MAYES STATE OK	197	240	285	328	371
COUNTY OSAGE STATE OK	197	240	285	328	371
COUNTY ROGERS STATE OK	197	240	285	328	371
COUNTY TULSA STATE OK	197	240	285	328	371
COUNTY WAGONER STATE OK	197	240	285	328	371
NON SMSA					
COUNTY ADAIR STATE OK	147	180	212	245	277
COUNTY ATOKA STATE OK	132	163	192	222	252
COUNTY BRYAN STATE OK	147	180	212	245	277
COUNTY CHEROKEE STATE OK	147	180	212	245	277

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
NON SMSA					
COUNTY CHOCTAW STATE OK	132	163	192	222	252
COUNTY COAL STATE OK	132	163	192	222	252
COUNTY CRAIG STATE OK	144	176	210	242	275
COUNTY DELAWARE STATE OK	161	198	234	270	306
COUNTY HASKELL STATE OK	144	176	210	242	275
COUNTY HUGHES STATE OK	132	163	192	222	252
COUNTY LATIMER STATE OK	144	176	210	242	275
COUNTY MCCURTAIN STATE OK	144	176	210	242	275
COUNTY MCINTOSH STATE OK	141	171	202	233	264
COUNTY MUSKOGEE STATE OK	147	180	212	245	277
COUNTY NOWATA STATE OK	154	188	223	257	291
COUNTY OKFUSKEE STATE OK	141	171	202	233	264
COUNTY OKMULGEE STATE OK	141	171	202	233	264
COUNTY OTTAWA STATE OK	144	176	210	242	275
COUNTY PAWNEE STATE OK	154	188	223	257	291
COUNTY PITTSBURG STATE OK	144	176	210	242	275
COUNTY PUSHMATAHA STATE OK	144	176	210	242	275
COUNTY WASHINGTON STATE OK	161	198	234	270	305

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE					
SMSA: AUSTIN, TX					
COUNTY:HAYS STATE:TX	261	315	368	423	478
COUNTY:TRAVIS STATE:TX	261	315	368	423	478
COUNTY:WILLIAMSON STATE:TX	261	315	368	423	478
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX					
COUNTY:CAMERON STATE:TX	197	240	285	328	371
SMSA: CORPUS CHRISTI, TX					
COUNTY:NUECES STATE:TX	192	235	278	321	363
COUNTY:SAN PATRICIO STATE:TX	192	235	278	321	363
SMSA: LAREDO, TX					
COUNTY:WEBB STATE:TX	202	248	294	339	383
SMSA: MC ALLEN-PHARR-EDINBURG, TX					
COUNTY:HIDALGO STATE:TX	197	240	285	328	371
SMSA: SAN ANTONIO, TX					
COUNTY:BEXAR STATE:TX	217	267	314	363	411
COUNTY:COMAL STATE:TX	217	267	314	363	411
COUNTY:GUADALUPE STATE:TX	217	267	314	363	411
NON SMSA					
COUNTY:ARANSAS STATE:TX	202	248	294	339	383
COUNTY:ATASCOSA STATE:TX	162	199	236	272	308
COUNTY:BANDERA STATE:TX	185	226	269	308	349
COUNTY:BASTROP STATE:TX	173	212	251	290	327
COUNTY:BEE STATE:TX	202	248	294	339	383
COUNTY:BLANCO STATE:TX	173	212	251	290	327
COUNTY:BROOKS STATE:TX	202	248	294	339	383
COUNTY:BURNET STATE:TX	173	212	251	290	327
COUNTY:CALDWELL STATE:TX	173	212	251	290	327
COUNTY:CALHOUN STATE:TX	162	199	236	272	308
COUNTY:DE WITT STATE:TX	162	199	236	272	308
COUNTY:DIMMIT STATE:TX	202	248	294	339	383

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 35 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE					
NON SMSA					
COUNTY DUVAL STATE TX	202	248	294	339	383
COUNTY EDWARDS STATE TX	162	199	236	272	308
COUNTY FAYETTE STATE TX	172	210	248	287	325
COUNTY FRIO STATE TX	162	199	236	272	308
COUNTY GILLESPIE STATE TX	162	199	236	272	308
COUNTY GOLIAD STATE TX	162	199	236	272	308
COUNTY GONZALES STATE TX	162	199	236	272	308
COUNTY JACKSON STATE TX	162	199	236	272	308
COUNTY JIM HOGG STATE TX	202	248	294	339	383
COUNTY JIM WELLS STATE TX	202	248	294	339	383
COUNTY KARNES STATE TX	162	199	236	272	308
COUNTY KENDALL STATE TX	162	199	236	272	308
COUNTY KENEDY STATE TX	202	248	294	339	383
COUNTY KERR STATE TX	162	199	236	272	308
COUNTY KINNEY STATE TX	162	199	236	272	308
COUNTY KLEBERG STATE TX	202	248	294	339	383
COUNTY LA SALLE STATE TX	202	248	294	339	383
COUNTY LAVACA STATE TX	162	199	236	272	308
COUNTY LEE STATE TX	173	212	251	290	327
COUNTY LIVE OAK STATE TX	202	248	294	339	383
COUNTY LLANO STATE TX	173	212	251	290	327
COUNTY MCMULLEN STATE TX	202	248	294	339	383
COUNTY MAVERICK STATE TX	162	199	236	272	308
COUNTY MEDINA STATE TX	162	199	236	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:REAL STATE:TX	162	199	236	272	308
COUNTY:REFUGIO STATE:TX	202	248	294	339	383
COUNTY:STARR STATE:TX	202	248	294	339	383
COUNTY:UVALDE STATE:TX	162	199	236	272	308
COUNTY:VAL VERDE STATE:TX	162	199	236	272	308
COUNTY:VICTORIA STATE:TX	205	250	298	341	386
COUNTY:WILLACY STATE:TX	202	248	294	339	383
COUNTY:WILSON STATE:TX	162	199	236	272	308
COUNTY:ZAPATA STATE:TX	202	248	294	339	383
COUNTY:ZAVALA STATE:TX	162	199	236	272	308

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
SMSA: KANSAS CITY, MO-KS					
COUNTY:CASS STATE:MO	195	238	280	323	365
COUNTY:CLAY STATE:MO	195	238	280	323	365
COUNTY:JACKSON STATE:MO	195	238	280	323	365
COUNTY:PLATTE STATE:MO	195	238	280	323	365
COUNTY:RAY STATE MO	195	238	280	323	365
COUNTY:JOHNSON STATE:KS	195	238	280	323	365
COUNTY:WYANDOTTE STATE:KS	195	238	280	323	365
SMSA ST JOSEPH, MO					
COUNTY:ANDREW STATE:MO	146	179	212	245	279
COUNTY:BUCHANAN STATE:MO	146	179	212	245	279
SMSA SPRINGFIELD, MO					
COUNTY:CHRISTIAN STATE:MO	159	188	227	264	300
COUNTY:GREENE STATE:MO	159	188	227	264	300
NON SMSA					
COUNTY:ATCHISON STATE:MO	146	179	212	245	279

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY BARRY STATE MO	144	174	207	241	273
COUNTY BARTON STATE MO	126	154	183	213	240
COUNTY BATES STATE MO	146	179	212	245	279
COUNTY BENTON STATE MO	146	179	212	245	279
COUNTY CALDWELL STATE MO	156	190	227	262	299
COUNTY CAMDEN STATE MO	176	214	254	295	334
COUNTY CARROLL STATE MO	146	179	212	245	279
COUNTY CEDAR STATE MO	126	154	183	213	240
COUNTY CHARITON STATE MO	176	214	254	295	334
COUNTY CLINTON STATE MO	146	179	212	245	279
COUNTY DADE STATE MO	144	174	207	241	273
COUNTY DALLAS STATE MO	144	174	207	241	273
COUNTY DAVIESS STATE MO	156	190	227	262	299
COUNTY DE KALB STATE MO	146	179	212	245	279
COUNTY GENTRY STATE MO	146	179	212	245	279
COUNTY GRUNDY STATE MO	156	190	227	262	299
COUNTY HARRISON STATE MO	156	190	227	262	299
COUNTY HENRY STATE MO	146	179	212	245	279
COUNTY HICKORY STATE MO	144	174	207	241	273
COUNTY HOLT STATE MO	146	179	212	245	279
COUNTY JASPER STATE MO	141	162	197	224	248
COUNTY JOHNSON STATE MO	163	189	235	259	288
COUNTY LACLEDE STATE MO	156	189	227	261	297
COUNTY LAFAYETTE STATE MO	146	179	212	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:LAWRENCE STATE:MO	144	174	207	241	273
COUNTY:LINN STATE:MO	156	190	227	262	299
COUNTY:LIVINGSTON STATE:MO	156	190	227	262	299
COUNTY:MCDONALD STATE:MO	126	154	183	213	240
COUNTY:MERCER STATE:MO	156	190	227	262	299
COUNTY:MILLER STATE:MO	176	214	254	295	334
COUNTY:MORGAN STATE:MO	176	214	254	295	334
COUNTY:NEWTON STATE:MO	141	162	197	224	248
COUNTY:NODAWAY STATE:MO	163	189	225	259	288
COUNTY:PETTIS STATE:MO	146	179	212	245	279
COUNTY:POLK STATE:MO	144	174	207	241	273
COUNTY:PULASKI STATE:MO	156	189	227	261	297
COUNTY:PUTNAM STATE:MO	156	190	227	262	299
COUNTY:ST CLAIR STATE:MO	126	154	183	213	240
COUNTY:SALINE STATE:MO	146	179	212	245	279
COUNTY:STONE STATE:MO	144	174	207	241	273
COUNTY:SULLIVAN STATE:MO	156	190	227	262	299
COUNTY:TANEY STATE:MO	144	174	207	241	273
COUNTY:VERNON STATE:MO	126	154	183	213	240
COUNTY:WEBSTER STATE:MO	144	174	207	241	273
COUNTY:WORTH STATE:MO	146	179	212	245	279
SMSA: LAWRENCE, KS					
COUNTY:DOUGLAS STATE:KS	214	251	302	354	386
SMSA: TOPEKA, KS					
COUNTY:JEFFERSON STATE:KS	189	229	272	314	357
COUNTY:OSAGE STATE:KS	189	229	272	314	357

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
SMSA TOPEKA, KS					
COUNTY SHAWNEE STATE KS	189	229	272	314	357
SMSA WICHITA, KS					
COUNTY BUTLER STATE KS	199	234	274	324	358
COUNTY SEDGWICK STATE KS	199	234	274	324	358
NON SMSA					
COUNTY ALLEN STATE KS	126	154	183	213	240
COUNTY ANDERSON STATE KS	151	185	220	256	290
COUNTY ATCHISON STATE KS	151	185	220	256	290
COUNTY BARBER STATE KS	134	164	195	227	257
COUNTY BARTON STATE KS	145	175	210	243	276
COUNTY BOURBON STATE KS	126	154	183	213	240
COUNTY BROWN STATE KS	151	185	220	256	290
COUNTY CHASE STATE KS	134	164	195	227	257
COUNTY CHAUTAUQUA STATE KS	134	164	195	227	257
COUNTY CHEROKEE STATE KS	126	154	183	213	240
COUNTY CHEYENNE STATE KS	145	175	210	243	276
COUNTY CLARK STATE KS	134	164	195	227	257
COUNTY CLAY STATE KS	145	175	210	243	276
COUNTY CLOUD STATE KS	145	175	210	243	276
COUNTY COFFEY STATE KS	151	185	220	256	290
COUNTY COMANCHE STATE KS	134	164	195	227	257
COUNTY COWLEY STATE KS	134	164	195	227	257
COUNTY CRAWFORD STATE KS	126	154	183	213	240
COUNTY DECATUR STATE KS	145	175	210	243	276
COUNTY DICKINSON STATE KS	145	175	210	243	276
COUNTY DONIPHAN STATE KS	151	185	220	256	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY EDWARDS STATE KS	134	164	195	227	257
COUNTY ELK STATE KS	134	164	195	227	257
COUNTY:ELLIS STATE KS	145	175	210	243	276
COUNTY:ELLSWORTH STATE:KS	145	175	210	243	276
COUNTY:FINNEY STATE:KS	134	164	195	227	257
COUNTY FORD STATE KS	134	164	195	227	257
COUNTY:FRANKLIN STATE:KS	151	185	220	256	290
COUNTY:GEARY STATE KS	151	185	220	256	290
COUNTY:GOVE STATE:KS	145	175	210	243	276
COUNTY GRAHAM STATE:KS	145	175	210	243	276
COUNTY GRANT STATE KS	134	164	195	227	257
COUNTY GRAY STATE KS	134	164	195	227	257
COUNTY:GREELEY STATE KS	145	175	210	243	276
COUNTY:GREENWOOD STATE KS	134	164	195	227	257
COUNTY HAMILTON STATE:KS	134	164	195	227	257
COUNTY HARPER STATE:KS	134	164	195	227	257
COUNTY:HARVEY STATE:KS	147	177	208	252	288
COUNTY HASKELL STATE:KS	134	164	195	227	257
COUNTY:HODGEMAN STATE:KS	134	164	195	227	257
COUNTY:JACKSON STATE:KS	151	185	220	256	290
COUNTY:JEWELL STATE KS	145	175	210	243	276
COUNTY:KEARNY STATE:KS	134	164	195	227	257
COUNTY KINGMAN STATE KS	134	164	195	227	257
COUNTY KIOWA STATE KS	134	164	195	227	257

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EHAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:LABETTE STATE:KS	126	154	183	213	240
COUNTY:LANE STATE:KS	148	175	210	243	276
COUNTY:LEAVENWORTH STATE:KS	189	229	272	314	357
COUNTY:LINCOLN STATE:KS	145	170	210	243	276
COUNTY:LINN STATE:KS	151	186	220	256	290
COUNTY:LOGAN STATE:KS	145	170	210	243	276
COUNTY:LYON STATE:KS	151	186	220	256	290
COUNTY:MCPHERSON STATE:KS	148	175	210	243	276
COUNTY:MARION STATE:KS	134	164	195	227	257
COUNTY:MARSHALL STATE:KS	151	186	220	256	290
COUNTY:MEADE STATE:KS	134	164	195	227	257
COUNTY:MIAMI STATE:KS	151	186	220	256	290
COUNTY:MITCHELL STATE:KS	145	170	210	243	276
COUNTY:MONTGOMERY STATE:KS	126	154	183	213	240
COUNTY:MORRIS STATE:KS	145	170	210	243	276
COUNTY:MORTON STATE:KS	134	164	195	227	257
COUNTY:NEMAHA STATE:KS	151	186	220	256	290
COUNTY:NEOSHO STATE:KS	126	154	183	213	240
COUNTY:NESS STATE:KS	145	170	210	243	276
COUNTY:NORTON STATE:KS	145	170	210	243	276
COUNTY:OSBORNE STATE:KS	145	170	210	243	276
COUNTY:OTTAWA STATE:KS	145	170	210	243	276
COUNTY:PAWNEE STATE:KS	134	164	195	227	257
COUNTY:PHILLIPS STATE:KS	145	170	210	243	276

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:POTTAWATOMIE STATE:KS	151	185	220	256	290
COUNTY:PRATT STATE:KS	134	164	195	227	257
COUNTY:RAWLINS STATE:KS	145	175	210	243	276
COUNTY:RENO STATE:KS	134	164	195	227	257
COUNTY:REPUBLIC STATE:KS	145	175	210	243	276
COUNTY:RICE STATE:KS	145	175	210	243	276
COUNTY:RILEY STATE:KS	178	217	255	298	335
COUNTY:ROOKS STATE:KS	145	175	210	243	276
COUNTY:RUSH STATE:KS	145	175	210	243	276
COUNTY:RUSSELL STATE:KS	145	175	210	243	276
COUNTY:SALINE STATE:KS	145	175	210	243	276
COUNTY:SCOTT STATE:KS	145	175	210	243	276
COUNTY:SEWARD STATE:KS	134	164	195	227	257
COUNTY:SHERIDAN STATE:KS	145	175	210	243	276
COUNTY:SHERMAN STATE:KS	145	175	210	243	276
COUNTY:SMITH STATE:KS	145	175	210	243	276
COUNTY:STAFFORD STATE:KS	134	164	195	227	257
COUNTY:STANTON STATE:KS	134	164	195	227	257
COUNTY:STEVENS STATE:KS	134	164	195	227	257
COUNTY:SUMNER STATE:KS	134	164	195	227	257
COUNTY:THOMAS STATE:KS	145	175	210	243	276
COUNTY:TREGO STATE:KS	145	175	210	243	276
COUNTY:WABAUNSEE STATE:KS	151	185	220	256	290
COUNTY:WALLACE STATE:KS	145	175	210	243	276

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:WASHINGTON STATE:KS	151	185	220	256	290
COUNTY:WICHITA STATE:KS	145	175	210	243	276
COUNTY:WILSON STATE:KS	136	154	183	213	240
COUNTY:WOODSON STATE:KS	126	154	183	213	240
OMAHA, NEBRASKA AREA OFFICE					
SMSA: CEDAR RAPIDS, IA					
COUNTY:LINN STATE:IA	210	255	300	345	390
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY:SCOTT STATE:IA	214	262	310	359	406
SMSA: DES MOINES, IA					
COUNTY:POLK STATE:IA	224	271	320	368	416
COUNTY:WARREN STATE:IA	224	271	320	368	416
SMSA: DUBUQUE, IA					
COUNTY:DUBUQUE STATE:IA	179	235	309	369	405
SMSA: IOWA CITY, IA					
COUNTY:JOHNSON STATE:IA	210	255	300	345	390
SMSA: OMAHA, NE-IA					
COUNTY:POTTAWATTAMI STATE:IA	206	250	297	343	389
SMSA: SIOUX CITY, IA-NE					
COUNTY:WOODBURY STATE:IA	187	242	301	352	391
SMSA: WATERLOO-CEDAR FALLS, IA					
COUNTY:BLACK HAWK STATE:IA	178	217	256	298	339
NON SMSA					
COUNTY:ADAIR STATE:IA	166	203	243	280	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:ADAMS STATE:IA	166	203	243	280	317
COUNTY:ALLAMAKEE STATE:IA	163	199	236	274	311
COUNTY:APPANOOSE STATE:IA	166	203	243	280	317
COUNTY:AUDUBON STATE:IA	161	196	233	269	307
COUNTY:BENTON STATE:IA	196	240	283	326	369
COUNTY:BOONE STATE:IA	166	203	243	280	317
COUNTY:BREMER STATE:IA	178	217	258	298	339
COUNTY:BUCHANAN STATE:IA	178	217	258	298	339
COUNTY:BUENA VISTA STATE:IA	160	195	231	268	303
COUNTY:BUTLER STATE:IA	178	217	258	298	339
COUNTY:CALHOUN STATE:IA	160	195	231	268	303
COUNTY:CARROLL STATE:IA	161	196	233	269	307
COUNTY:CASS STATE:IA	160	195	231	268	303
COUNTY:CEDAR STATE:IA	196	240	283	326	369
COUNTY:CERRO GORDO STATE:IA	178	217	258	298	339
COUNTY:CHEROKEE STATE:IA	161	196	233	269	307
COUNTY:CHICKASAW STATE:IA	178	217	258	298	339
COUNTY:CLARKE STATE:IA	166	203	243	280	317
COUNTY:CLAY STATE:IA	160	195	231	268	303
COUNTY:CLAYTON STATE:IA	163	199	236	274	311
COUNTY:CLINTON STATE:IA	180	220	262	303	343
COUNTY:CRAWFORD STATE:IA	161	196	233	269	307
COUNTY:DALLAS STATE:IA	166	203	243	280	317
COUNTY:DAVIS STATE:IA	166	203	243	280	317

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:DECATUR STATE:IA	166	203	243	280	317
COUNTY:DELAWARE STATE:IA	163	199	236	274	311
COUNTY:DES MOINES STATE:IA	164	200	237	276	313
COUNTY:DICKINSON STATE:IA	160	195	231	268	303
COUNTY:EMMET STATE:IA	160	195	231	268	303
COUNTY:FAYETTE STATE:IA	178	217	258	298	339
COUNTY:FLOYD STATE:IA	178	217	258	298	339
COUNTY:FRANKLIN STATE:IA	178	217	258	298	339
COUNTY:FREMONT STATE:IA	160	195	231	268	303
COUNTY:GREENE STATE:IA	161	196	233	269	307
COUNTY:GRUNDY STATE:IA	178	217	258	298	339
COUNTY:GUTHRIE STATE:IA	161	196	233	269	307
COUNTY:HAMILTON STATE:IA	160	195	231	268	303
COUNTY:HANCOCK STATE:IA	178	217	258	298	339
COUNTY:HARDIN STATE:IA	178	217	258	298	339
COUNTY:HARRISON STATE:IA	160	195	231	268	303
COUNTY:HENRY STATE:IA	164	200	237	276	313
COUNTY:HOWARD STATE:IA	163	199	236	274	311
COUNTY:HUMBOLDT STATE:IA	160	195	231	268	303
COUNTY:IDA STATE:IA	161	196	233	269	307
COUNTY:IOWA STATE:IA	196	240	283	326	369
COUNTY:JACKSON STATE:IA	163	199	236	274	311
COUNTY:JASPER STATE:IA	166	203	243	280	317
COUNTY:JEFFERSON STATE:IA	166	203	243	280	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:JONES STATE:IA	196	240	283	326	369
COUNTY:KEOKUK STATE:IA	166	203	243	280	317
COUNTY:KOSSUTH STATE:IA	178	217	258	298	339
COUNTY LEE STATE IA	184	200	237	276	313
COUNTY LOUISA STATE IA	180	220	262	303	343
COUNTY LUCAS STATE IA	166	203	243	280	317
COUNTY LYON STATE IA	178	217	258	298	339
COUNTY MADISON STATE IA	166	203	243	280	317
COUNTY MAHASKA STATE IA	166	203	243	280	317
COUNTY MARION STATE IA	166	203	243	280	317
COUNTY MARSHALL STATE IA	166	203	243	280	317
COUNTY MILLS STATE IA	160	195	231	268	303
COUNTY MITCHELL STATE IA	178	217	258	298	339
COUNTY:MONONA STATE:IA	161	196	233	269	307
COUNTY:MONROE STATE IA	166	203	243	280	317
COUNTY:MONTGOMERY STATE IA	160	195	231	268	303
COUNTY:MUSCATINE STATE:IA	180	220	262	303	343
COUNTY:O BRIEN STATE:IA	161	196	233	269	307
COUNTY:OSCEOLA STATE:IA	178	217	258	298	339
COUNTY:PAGE STATE:IA	160	195	231	268	303
COUNTY:PALO ALTO STATE:IA	160	195	231	268	303
COUNTY:PLYMOUTH STATE:IA	161	196	233	269	307
COUNTY:POCAHONTAS STATE:IA	160	195	231	268	303
COUNTY:POWESHIEK STATE:IA	166	203	243	280	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY: RINGGOLD STATE: IA	166	203	243	280	317
COUNTY: SAC STATE: IA	161	196	233	269	307
COUNTY: SHELBY STATE: IA	160	195	231	266	303
COUNTY: SIOUX STATE: IA	161	196	233	269	307
COUNTY: STORY STATE: IA	200	243	286	329	372
COUNTY: TAMA STATE: IA	166	203	243	280	317
COUNTY: TAYLOR STATE: IA	166	203	243	280	317
COUNTY: UNION STATE: IA	166	203	243	280	317
COUNTY: VAN BUREN STATE: IA	166	203	243	280	317
COUNTY: WAPELLO STATE: IA	192	234	275	316	358
COUNTY: WASHINGTON STATE: IA	180	220	262	303	343
COUNTY: WAYNE STATE: IA	166	203	243	280	317
COUNTY: WEBSTER STATE: IA	160	195	231	266	303
COUNTY: WINNEBAGO STATE: IA	178	217	258	298	339
COUNTY: WINNESHIEK STATE: IA	163	199	236	274	311
COUNTY: WORTH STATE: IA	178	217	258	298	339
COUNTY: WRIGHT STATE: IA	160	195	231	268	303
SMSA: LINCOLN, NE					
COUNTY: LANCASTER STATE: NE	213	259	308	355	403
SMSA: OMAHA, NE-IA					
COUNTY: DOUGLAS STATE: NE	206	250	297	343	389
COUNTY: SARPY STATE: NE	206	250	297	343	389
SMSA: SIOUX CITY, IA-NE					
COUNTY: DAKOTA STATE: NE	187	242	301	352	391
NON SMSA					
COUNTY: ADAMS STATE: NE	152	205	269	340	376
COUNTY: ANTELOPE STATE: NE	152	187	222	258	293

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

V. 46 / 52 MR 18 81 UMI

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:ARTHUR STATE:NE	152	187	222	258	293
COUNTY:BANNER STATE:NE	150	184	218	253	287
COUNTY:BLAINE STATE:NE	152	187	222	258	293
COUNTY:BOONE STATE:NE	152	187	222	258	293
COUNTY:BOX BUTTE STATE:NE	182	222	263	306	345
COUNTY:BOYD STATE:NE	152	187	222	258	293
COUNTY:BROWN STATE:NE	152	187	222	258	293
COUNTY:BUFFALO STATE:NE	152	187	222	258	293
COUNTY:BURT STATE:NE	160	195	231	268	303
COUNTY:BUTLER STATE:NE	160	195	231	268	303
COUNTY:CASS STATE:NE	160	195	231	268	303
COUNTY:CEDAR STATE:NE	161	196	233	269	307
COUNTY:CHASE STATE:NE	175	213	253	293	331
COUNTY:CHERRY STATE:NE	152	187	222	258	293
COUNTY:CHEYENNE STATE:NE	150	184	218	253	287
COUNTY:CLAY STATE:NE	152	187	222	258	293
COUNTY:COLFAX STATE:NE	160	195	231	268	303
COUNTY:CUMING STATE:NE	161	196	233	269	307
COUNTY:CUSTER STATE:NE	152	187	222	258	293
COUNTY:DAWES STATE:NE	150	184	218	253	287
COUNTY:DAWSON STATE:NE	152	187	222	258	293
COUNTY:DEUEL STATE:NE	150	184	218	253	287
COUNTY:DIXON STATE:NE	161	196	233	269	307
COUNTY:DODGE STATE:NE	160	195	231	268	303

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY DUNDY STATE NE	175	213	283	293	331
COUNTY FILLMORE STATE NE	160	195	231	268	303
COUNTY FRANKLIN STATE NE	152	187	222	258	293
COUNTY FRONTIER STATE NE	152	187	222	258	293
COUNTY FURNAS STATE NE	152	187	222	258	293
COUNTY GAGE STATE NE	187	228	270	312	353
COUNTY GARDEN STATE NE	150	184	218	253	287
COUNTY GARFIELD STATE NE	152	187	222	258	293
COUNTY GOSPER STATE NE	152	187	222	258	293
COUNTY GRANT STATE NE	152	187	222	258	293
COUNTY GREELEY STATE NE	152	187	222	258	293
COUNTY HALL STATE NE	152	187	222	289	297
COUNTY HAMILTON STATE NE	152	187	222	258	293
COUNTY HARLAN STATE NE	152	187	222	258	293
COUNTY HAYES STATE NE	152	187	222	258	293
COUNTY HITCHCOCK STATE NE	152	187	222	258	293
COUNTY HOLT STATE NE	161	196	233	289	307
COUNTY HOOKER STATE NE	152	187	222	258	293
COUNTY HOWARD STATE NE	152	187	222	258	293
COUNTY JEFFERSON STATE NE	160	195	231	268	303
COUNTY JOHNSON STATE NE	160	195	231	268	303
COUNTY KEARNEY STATE NE	152	187	222	258	293
COUNTY KEITH STATE NE	152	187	222	258	293
COUNTY KEYA PAHA STATE NE	161	196	233	289	307

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:KIMBALL STATE:NE	150	184	218	253	287
COUNTY:KNOX STATE:NE	161	196	233	269	307
COUNTY:LINCOLN STATE:NE	153	187	222	258	293
COUNTY:LOGAN STATE:NE	152	187	222	258	293
COUNTY:LOUP STATE:NE	152	187	222	258	293
COUNTY:MCPHERSON STATE:NE	152	187	222	258	293
COUNTY:MADISON STATE:NE	161	196	233	269	307
COUNTY:MERRICK STATE:NE	152	187	222	258	293
COUNTY:MORRILL STATE:NE	150	184	218	253	287
COUNTY:NANCE STATE:NE	152	187	222	258	293
COUNTY:NEMAHA STATE:NE	160	195	231	268	303
COUNTY:NUCKOLLS STATE:NE	152	187	222	258	293
COUNTY:OTOE STATE:NE	160	195	231	268	303
COUNTY:PAWNEE STATE:NE	160	195	231	268	303
COUNTY:PERKINS STATE:NE	175	213	253	293	331
COUNTY:PHELPS STATE:NE	152	187	222	258	293
COUNTY:PIERCE STATE:NE	161	196	233	269	307
COUNTY:PLATTE STATE:NE	160	195	231	268	303
COUNTY:POLK STATE:NE	160	195	231	268	303
COUNTY:RED WILLOW STATE:NE	152	187	222	258	293
COUNTY:RICHARDSON STATE:NE	160	195	231	268	303
COUNTY:ROCK STATE:NE	161	196	233	269	307
COUNTY:SALINE STATE:NE	160	195	231	268	303
COUNTY:SAUNDERS STATE:NE	160	195	231	268	303

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY: SCOTTS BLUFF STATE: NE	183	223	263	303	343
COUNTY: SEWARD STATE: NE	160	195	231	268	303
COUNTY: SHERIDAN STATE: NE	150	184	218	253	287
COUNTY: SHERMAN STATE: NE	152	187	222	258	293
COUNTY: SIOUX STATE: NE	150	184	218	253	287
COUNTY: STANTON STATE: NE	161	196	232	269	307
COUNTY: THAYER STATE: NE	160	195	231	268	303
COUNTY: THOMAS STATE: NE	152	187	222	258	293
COUNTY: THURSTON STATE: NE	161	196	233	269	307
COUNTY: VALLEY STATE: NE	152	187	222	258	293
COUNTY: WASHINGTON STATE: NE	160	195	231	268	303
COUNTY: WAYNE STATE: NE	161	196	233	269	307
COUNTY: WEBSTER STATE: NE	152	187	222	258	293
COUNTY: WHEELER STATE: NE	152	187	222	258	293
COUNTY: YORK STATE: NE	160	195	231	268	303

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
SMSA: COLUMBIA, MO					
COUNTY:BOONE STATE:MO	187	228	270	312	353
SMSA: ST LOUIS, MO-IL					
COUNTY:FRANKLIN STATE:MO	219	267	313	361	411
COUNTY:JEFFERSON STATE:MO	219	267	313	361	411
COUNTY:ST CHARLES STATE:MO	219	267	313	361	411
COUNTY:ST LOUIS STATE:MO	219	267	313	361	411
INDEP. CITY:ST. LOUIS STATE:MO	219	267	313	361	411
NON SMSA					
COUNTY:ADAIR STATE:MO	176	214	254	295	334
COUNTY:AUDRAIN STATE:MO	176	214	254	295	334
COUNTY:BOLLINGER STATE:MO	137	168	201	232	265
COUNTY:BUTLER STATE:MO	137	169	201	232	265
COUNTY:CALLAWAY STATE:MO	176	214	254	295	334
COUNTY:CAPE GIRARDE STATE:MO	164	200	237	275	312
COUNTY:CARTER STATE:MO	137	169	201	232	265
COUNTY:CLARK STATE:MO	164	200	237	276	313
COUNTY:COLE STATE:MO	176	214	254	295	334
COUNTY:COOPER STATE:MO	176	214	254	295	334
COUNTY:CRAWFORD STATE:MO	156	189	227	261	297
COUNTY:DENT STATE:MO	156	189	227	261	297
COUNTY:DOUGLAS STATE:MO	156	189	227	261	297
COUNTY:DUNKLIN STATE:MO	137	169	201	232	265
COUNTY:GASCONADE STATE:MO	156	189	227	261	297
COUNTY:HOWARD STATE:MO	176	214	254	295	334
COUNTY:HOWELL STATE:MO	156	189	227	261	297
COUNTY:IRON STATE:MO	156	189	227	261	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CD), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY: KNOX STATE: MO	176	214	254	295	334
COUNTY: LEWIS STATE: MO	164	200	237	276	313
COUNTY: LINCOLN STATE: MO	156	189	227	261	297
COUNTY: MACON STATE: MO	176	214	254	295	334
COUNTY: MADISON STATE: MO	156	189	227	261	297
COUNTY: MARIES STATE: MO	156	189	227	261	297
COUNTY: MARION STATE: MO	164	200	237	276	313
COUNTY: MISSISSIPPI STATE: MO	137	169	201	232	265
COUNTY: MONITEAU STATE: MO	176	214	254	295	334
COUNTY: MONROE STATE: MO	176	214	254	295	334
COUNTY: MONTGOMERY STATE: MO	156	189	227	261	297
COUNTY: NEW MADRID STATE: MO	137	169	201	232	265
COUNTY: OREGON STATE: MO	156	189	227	261	297
COUNTY: OSAGE STATE: MO	176	214	254	295	334
COUNTY: OZARK STATE: MO	156	189	227	261	297
COUNTY: PEMISCOT STATE: MO	137	169	201	232	265
COUNTY: PERRY STATE: MO	156	189	227	261	297
COUNTY: PHELPS STATE: MO	156	189	227	261	297
COUNTY: PIKE STATE: MO	156	189	227	261	297
COUNTY: RALLS STATE: MO	164	200	237	276	313
COUNTY: RANDOLPH STATE: MO	176	214	254	295	334
COUNTY: REYNOLDS STATE: MO	156	189	227	261	297
COUNTY: RIPLEY STATE: MO	137	169	201	232	265
COUNTY: ST FRANCOIS STATE: MO	156	189	227	261	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:STE GENEVIEV STATE:MO	156	189	227	261	297
COUNTY:SCHUYLER STATE:MO	176	214	254	295	334
COUNTY:SCOTLAND STATE:MO	176	214	254	295	334
COUNTY:SCOTT STATE:MO	164	200	237	275	312
COUNTY:SHANNON STATE:MO	156	189	227	261	297
COUNTY:SHELBY STATE:MO	176	214	254	295	334
COUNTY:STODDARD STATE:MO	137	169	201	232	265
COUNTY:TEXAS STATE:MO	156	189	227	261	297
COUNTY:WARREN STATE:MO	156	189	227	261	297
COUNTY:WASHINGTON STATE:MO	156	189	227	261	297
COUNTY:WAYNE STATE:MO	137	169	201	232	265
COUNTY:WRIGHT STATE:MO	156	189	227	261	297
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:ALBANY STATE:WY	185	203	240	277	315
COUNTY:BIG HORN STATE:WY	173	212	250	289	328
COUNTY:CAMPBELL STATE:WY	185	203	240	277	315
COUNTY:CARBON STATE:WY	185	203	240	277	315
COUNTY:CONVERSE STATE:WY	185	203	240	277	315
COUNTY:CROOK STATE:WY	173	212	250	289	328
COUNTY:FREMONT STATE:WY	185	203	240	277	315
COUNTY:GOSHEN STATE:WY	185	203	240	277	315
COUNTY:HOT SPRINGS STATE:WY	173	212	250	289	328
COUNTY:JOHNSON STATE:WY	185	203	240	277	315
COUNTY:LARAMIE STATE:WY	220	272	321	370	420
COUNTY:LINCOLN STATE:WY	185	203	240	277	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY: NATRONA STATE: WY	242	295	349	402	455
COUNTY: NIOBRARA STATE: WY	166	203	240	277	315
COUNTY: PARK STATE: WY	173	212	250	289	328
COUNTY: PLATTE STATE: WY	166	203	240	277	315
COUNTY: SHERIDAN STATE: WY	166	203	240	277	315
COUNTY: SUBLETTE STATE: WY	166	203	240	277	315
COUNTY: SWEETWATER STATE: WY	166	203	240	277	315
COUNTY: TETON STATE: WY	226	276	327	376	426
COUNTY: UINTA STATE: WY	166	203	240	277	315
COUNTY: WASHAKIE STATE: WY	173	212	250	289	328
COUNTY: WESTON STATE: WY	173	212	250	289	328
SMSA: COLORADO SPRINGS, CO					
COUNTY: EL PASO STATE: CO	197	242	286	329	373
COUNTY: TELLER STATE: CO	197	242	286	329	373
SMSA: DENVER-BOULDER , CO					
COUNTY: ADAMS STATE: CO	254	308	365	422	477
COUNTY: ARAPAHOE STATE: CO	254	308	365	422	477
COUNTY: BOULDER STATE: CO	254	308	365	422	477
COUNTY: DENVER STATE: CO	254	308	365	422	477
COUNTY: DOUGLAS STATE: CO	254	308	365	422	477
COUNTY: GILPIN STATE: CO	254	308	365	422	477
COUNTY: JEFFERSON STATE: CO	254	308	365	422	477
SMSA: FORT COLLINS, CO					
COUNTY: LARIMER STATE: CO	209	255	301	348	394
SMSA: GREELEY, CO					
COUNTY: WELD STATE: CO	194	236	280	322	367
SMSA: PUEBLO, CO					
COUNTY: PUEBLO STATE: CO	204	248	293	339	384

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:ALAMOSA STATE:CO	204	248	293	339	384
COUNTY:ARCHULETA STATE:CO	185	203	240	277	315
COUNTY:BACA STATE:CO	183	222	261	301	340
COUNTY:BENT STATE:CO	183	222	261	301	340
COUNTY:CHAFFEE STATE:CO	183	222	261	301	340
COUNTY:CHEYENNE STATE:CO	174	211	249	286	324
COUNTY:CLEAR CREEK STATE:CO	194	236	280	322	367
COUNTY:CONEJOS STATE:CO	204	248	293	339	384
COUNTY:COSTILLA STATE:CO	204	248	293	339	384
COUNTY:CROWLEY STATE:CO	183	222	261	301	340
COUNTY:CUSTER STATE:CO	183	222	261	301	340
COUNTY:DELTA STATE:CO	185	203	240	277	315
COUNTY:DELORES STATE:CO	185	203	240	277	315
COUNTY:EAGLE STATE:CO	185	203	240	277	315
COUNTY:ELBERT STATE:CO	174	211	249	286	324
COUNTY:FREMONT STATE:CO	183	222	261	301	340
COUNTY:GARFIELD STATE:CO	243	292	349	402	456
COUNTY:GRAND STATE:CO	194	236	280	322	367
COUNTY:GUNNISON STATE:CO	185	203	240	277	315
COUNTY:HINSDALE STATE:CO	185	203	240	277	315
COUNTY:HUERFANO STATE:CO	183	222	261	301	340
COUNTY:JACKSON STATE:CO	185	203	240	277	315
COUNTY:KIOWA STATE:CO	183	222	261	301	340
COUNTY:KIT CARSON STATE:CO	174	211	249	286	324

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY: LAKE STATE: CO	174	211	249	286	324
COUNTY: LA PLATA STATE: CO	185	203	240	277	315
COUNTY: LAS ANIMAS STATE: CO	183	222	261	301	340
COUNTY: LINCOLN STATE: CO	183	222	261	301	340
COUNTY: LOGAN STATE: CO	194	236	280	322	367
COUNTY: MESA STATE: CO	248	299	353	406	462
COUNTY: MINERAL STATE: CO	204	248	293	339	384
COUNTY: MOFFAT STATE: CO	185	203	240	277	315
COUNTY: MONTEZUMA STATE: CO	185	203	240	277	315
COUNTY: MONTROSE STATE: CO	185	203	240	277	315
COUNTY: MORGAN STATE: CO	194	236	280	322	367
COUNTY: OTERO STATE: CO	183	222	261	301	340
COUNTY: OURAY STATE: CO	185	203	240	277	315
COUNTY: PARK STATE: CO	174	211	249	286	324
COUNTY: PHILLIPS STATE: CO	194	236	280	322	367
COUNTY: PITKIN STATE: CO	185	203	240	277	315
COUNTY: PROWERS STATE: CO	183	222	261	301	340
COUNTY: RIO BLANCO STATE: CO	185	203	240	277	315
COUNTY: RIO GRANDE STATE: CO	204	248	293	339	384
COUNTY: ROUTT STATE: CO	185	203	240	277	315
COUNTY: SAGUACHE STATE: CO	204	248	293	339	384
COUNTY: SAN JUAN STATE: CO	185	203	240	277	315
COUNTY: SAN MIGUEL STATE: CO	185	203	240	277	315
COUNTY: SEDGWICK STATE: CO	194	236	280	322	367

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY:SUMMIT STATE:CO	194	236	280	322	367
COUNTY:WASHINGTON STATE:CO	194	236	280	322	367
COUNTY:YUMA STATE:CO	194	236	280	322	367
SMSA: BISMARCK, N.D.					
COUNTY:BURLEIGH STATE:ND	210	246	296	344	376
COUNTY:MORTON STATE:ND	210	246	296	344	376
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY:CASS STATE:ND	208	235	308	356	381
SMSA: GRAND FORKS, N.D.-MN					
COUNTY:GRAND FORKS STATE:ND	208	246	296	344	376
NON SMSA					
COUNTY:ADAMS STATE:ND	164	195	249	281	307
COUNTY:BARNES STATE:ND	164	195	249	281	307
COUNTY:BENSON STATE:ND	164	195	249	281	307
COUNTY:BILLINGS STATE:ND	164	195	249	281	307
COUNTY:BOTTINEAU STATE:ND	164	195	249	281	307
COUNTY:BOWMAN STATE:ND	164	195	249	281	307
COUNTY:BURKE STATE:ND	164	195	249	281	307
COUNTY:CAVALIER STATE:ND	164	195	249	281	307
COUNTY:DICKEY STATE:ND	164	195	249	281	307
COUNTY:DIVIDE STATE:ND	164	195	249	281	307
COUNTY:DUNN STATE:ND	164	195	249	281	307
COUNTY:EDDY STATE:ND	164	195	249	281	307
COUNTY:EMMONS STATE:ND	164	195	249	281	307
COUNTY:FOSTER STATE:ND	164	195	249	281	307
COUNTY:GOLDEN VALLY STATE:ND	164	195	249	281	307
COUNTY:GRANT STATE:ND	164	195	249	281	307

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 120 PERCENT OF 4-BR FMR. LIKEVISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EHAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY: GRIGGS STATE: ND	164	195	249	281	307
COUNTY: HETTINGER STATE: ND	164	195	249	281	307
COUNTY: KIDDER STATE: ND	164	195	249	281	307
COUNTY: LA MOORE STATE: ND	164	195	249	281	307
COUNTY: LOGAN STATE: ND	164	195	249	281	307
COUNTY: MCHENRY STATE: ND	164	195	249	281	307
COUNTY: MCINTOSH STATE: ND	164	195	249	281	307
COUNTY: MCKENZIE STATE: ND	164	195	249	281	307
COUNTY: MCLEAN STATE: ND	181	205	267	293	324
COUNTY: MERCER STATE: ND	181	205	267	293	324
COUNTY: MOUNTRAIL STATE: ND	164	195	249	281	307
COUNTY: NELSON STATE: ND	164	195	249	281	307
COUNTY: OLIVER STATE: ND	181	205	267	293	324
COUNTY: PEMBINA STATE: ND	164	195	249	281	307
COUNTY: PIERCE STATE: ND	164	195	249	281	307
COUNTY: RAMSEY STATE: ND	164	195	249	281	307
COUNTY: RANSOM STATE: ND	164	195	249	281	307
COUNTY: RENVILLE STATE: ND	164	195	249	281	307
COUNTY: RICHLAND STATE: ND	164	195	249	281	307
COUNTY: ROLETTE STATE: ND	164	195	249	281	307
COUNTY: SARGENT STATE: ND	164	195	249	281	307
COUNTY: SHERIDAN STATE: ND	164	195	249	281	307
COUNTY: SIOUX STATE: ND	164	195	249	281	307
COUNTY: SLOPE STATE: ND	164	195	249	281	307

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:STARK STATE:ND	210	245	296	344	376
COUNTY:STEELE STATE:ND	184	195	249	281	307
COUNTY:STUTSMAN STATE:ND	184	195	249	281	307
COUNTY:TOWNER STATE:ND	184	195	249	281	307
COUNTY:TRAILL STATE:ND	184	195	249	281	307
COUNTY:WALSH STATE:ND	184	195	249	281	307
COUNTY:WARD STATE:ND	176	205	267	339	376
COUNTY:WELLS STATE:ND	184	195	249	281	307
COUNTY:WILLIAMS STATE:ND	180	204	264	288	318
SMSA: BILLINGS, MT					
COUNTY:YELLOWSTONE STATE:MT	233	286	338	388	441
SMSA: GREAT FALLS, MT					
COUNTY:CASCADE STATE:MT	212	265	312	373	407
NON SMSA					
COUNTY:BEAVERHEAD STATE:MT	183	223	285	306	346
COUNTY:BIG HORN STATE:MT	173	212	250	289	328
COUNTY:BLAINE STATE:MT	173	212	250	289	328
COUNTY:BROADWATER STATE:MT	173	212	250	289	328
COUNTY:CARBON STATE:MT	173	212	250	289	328
COUNTY:CARTER STATE:MT	173	212	250	289	328
COUNTY:CHOUTEAU STATE:MT	173	212	250	289	328
COUNTY:CUSTER STATE:MT	173	212	250	289	328
COUNTY:DANIELS STATE:MT	184	225	267	307	349
COUNTY:DAWSON STATE:MT	173	212	250	289	328
COUNTY:DEER LODGE STATE:MT	183	223	285	306	346
COUNTY:FALLON STATE:MT	173	212	250	289	328
COUNTY:FERGUS STATE:MT	173	212	250	289	328

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:FLATHEAD STATE:MT	201	245	290	335	379
COUNTY:GALLATIN STATE:MT	237	289	342	394	447
COUNTY:GARFIELD STATE:MT	173	212	250	289	328
COUNTY:GLACIER STATE:MT	173	212	250	289	328
COUNTY:GOLDEN VALLE STATE:MT	173	212	250	289	328
COUNTY:GRANITE STATE:MT	183	223	265	306	346
COUNTY:HILL STATE:MT	173	212	250	289	328
COUNTY:JEFFERSON STATE:MT	173	212	250	289	328
COUNTY:JUDITH BASIN STATE:MT	173	212	250	289	328
COUNTY:LAKE STATE:MT	183	223	265	306	346
COUNTY:LEWIS+ CLARK STATE:MT	245	299	352	406	459
COUNTY:LIBERTY STATE:MT	173	212	250	289	328
COUNTY:LINCOLN STATE:MT	183	223	265	306	346
COUNTY:MCCONE STATE:MT	173	212	250	289	328
COUNTY:MADISON STATE:MT	183	223	265	306	346
COUNTY:MEAGHER STATE:MT	173	212	250	289	328
COUNTY:MINERAL STATE:MT	183	223	265	306	346
COUNTY:MISSOULA STATE:MT	211	258	305	351	399
COUNTY:MUSSELSHELL STATE:MT	173	212	250	289	328
COUNTY:PARK STATE:MT	228	279	330	380	431
COUNTY:PETROLEUM STATE:MT	173	212	250	289	328
COUNTY:PHILLIPS STATE:MT	173	212	250	289	328
COUNTY:PONDERA STATE:MT	173	212	250	289	328
COUNTY:POWDER RIVER STATE:MT	173	212	250	289	328

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY:POWELL STATE:MT	183	223	265	306	346
COUNTY:PRAIRIE STATE:MT	173	212	250	289	328
COUNTY:RAVALLI STATE:MT	183	223	265	306	346
COUNTY:RICHLAND STATE:MT	206	249	297	341	387
COUNTY:ROOSEVELT STATE:MT	184	225	267	307	349
COUNTY:ROSEBUD STATE:MT	173	212	250	289	328
COUNTY:SANDERS STATE:MT	183	223	265	306	346
COUNTY:SHERIDAN STATE:MT	184	225	267	307	349
COUNTY:SILVER BOW STATE:MT	183	223	265	306	346
COUNTY:STILLWATER STATE:MT	173	212	250	289	328
COUNTY:SWEET GRASS STATE:MT	173	212	250	289	328
COUNTY:TETON STATE:MT	173	212	250	289	328
COUNTY:TOOLE STATE:MT	173	212	250	289	328
COUNTY:TREASURE STATE:MT	173	212	250	289	328
COUNTY:VALLEY STATE:MT	173	212	250	289	328
COUNTY:WHEATLAND STATE:MT	173	212	250	289	328
COUNTY:WIBAUX STATE:MT	184	225	267	307	349
COUNTY:YL-ST-MT-PK STATE:MT	173	212	250	289	328
SMSA: PROVO-OREM, UT					
COUNTY:UTAH STATE:UT	194	236	280	322	367
SMSA: SALT LAKE CITY-OGDEN, UT					
COUNTY:DAVIS STATE:UT	209	255	301	348	394
COUNTY:SALT LAKE STATE:UT	209	255	301	348	394
COUNTY:TOOELE STATE:UT	209	255	301	348	394
COUNTY:WEBER STATE:UT	209	255	301	348	394
NON SMSA					
COUNTY:BEAVER STATE:UT	233	284	333	384	434

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 20, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY: BOX ELDER STATE: UT	165	203	240	277	315
COUNTY: CACHE STATE: UT	165	203	240	277	315
COUNTY: CARBON STATE: UT	226	276	327	376	426
COUNTY: DAGGETT STATE: UT	165	203	240	277	315
COUNTY: DUCHESNE STATE: UT	165	203	240	277	315
COUNTY: EMERY STATE: UT	209	255	301	348	394
COUNTY: GARFIELD STATE: UT	233	284	333	384	434
COUNTY: GRAND STATE: UT	148	181	213	245	277
COUNTY: IRON STATE: UT	233	284	333	384	434
COUNTY: JUAB STATE: UT	148	181	213	245	277
COUNTY: KANE STATE: UT	233	284	333	384	434
COUNTY: MILLARD STATE: UT	148	181	213	245	277
COUNTY: MORGAN STATE: UT	165	203	240	277	315
COUNTY: PIUTE STATE: UT	148	181	213	245	277
COUNTY: RICH STATE: UT	165	203	240	277	315
COUNTY: SAN JUAN STATE: UT	148	181	213	245	277
COUNTY: SANPETE STATE: UT	148	181	213	245	277
COUNTY: SEVIER STATE: UT	148	181	213	245	277
COUNTY: SUMMIT STATE: UT	165	203	240	277	315
COUNTY: UINTAH STATE: UT	165	203	240	277	315
COUNTY: WASATCH STATE: UT	165	203	240	277	315
COUNTY: WASHINGTON STATE: UT	233	284	333	384	434
COUNTY: WAYNE STATE: UT	148	181	213	245	277
SMSA: RAPID CITY, S.D.					
COUNTY: MEADE STATE: SD	199	243	287	332	377

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
SMSA: RAPID CITY,S.D.					
COUNTY:PENNINGTON STATE:SD	199	243	287	332	377
SMSA: SIOUX FALLS, SD					
COUNTY:MINNEHAHA STATE:SD	209	254	302	349	395
NON SMSA					
COUNTY:AURORA STATE:SD	178	217	258	298	339
COUNTY:BEADLE STATE:SD	178	217	258	298	339
COUNTY:BENNETT STATE:SD	158	190	228	264	299
COUNTY:BON HOMME STATE:SD	161	196	233	269	307
COUNTY:BROOKINGS STATE:SD	178	217	258	298	339
COUNTY:BROWN STATE:SD	165	201	238	274	311
COUNTY:BRULE STATE:SD	158	190	228	264	299
COUNTY:BUFFALO STATE:SD	158	190	228	264	299
COUNTY:BUTTE STATE:SD	177	216	256	296	336
COUNTY:CAMPBELL STATE:SD	158	190	228	264	299
COUNTY:CHARLES MIX STATE:SD	161	196	233	269	307
COUNTY:CLARK STATE:SD	158	190	228	264	299
COUNTY:CLAY STATE:SD	187	228	270	312	355
COUNTY:CODINGTON STATE:SD	158	207	252	274	310
COUNTY:CORSON STATE:SD	158	190	228	264	299
COUNTY:CUSTER STATE:SD	190	230	274	316	358
COUNTY:DAVISON STATE:SD	178	217	258	298	339
COUNTY:DAY STATE:SD	158	190	228	264	299
COUNTY:DEUEL STATE:SD	158	190	228	264	299
COUNTY:DEWEY STATE:SD	158	190	228	264	299
COUNTY:DOUGLAS STATE:SD	161	196	233	269	307
COUNTY:EDMUNDS STATE:SD	158	190	228	264	299

FMR;

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY: FALL RIVER STATE: SD	190	230	274	316	358
COUNTY: FAULK STATE: SD	158	190	228	264	299
COUNTY: GRANT STATE: SD	186	226	270	312	353
COUNTY: GREGORY STATE: SD	158	190	228	264	299
COUNTY: HAAKON STATE: SD	158	190	228	264	299
COUNTY: HAMLIN STATE: SD	158	190	228	264	299
COUNTY: HAND STATE: SD	178	217	258	298	338
COUNTY: HANSON STATE: SD	178	217	258	298	338
COUNTY: HARDING STATE: SD	158	190	228	264	299
COUNTY: HUGHES STATE: SD	211	258	306	354	400
COUNTY: HUTCHINSON STATE: SD	161	196	233	269	307
COUNTY: HYDE STATE: SD	158	190	228	264	299
COUNTY: JACKSON STATE: SD	158	190	228	264	299
COUNTY: JERAULD STATE: SD	178	217	258	298	338
COUNTY: JONES STATE: SD	158	190	228	264	299
COUNTY: KINGSBURY STATE: SD	178	217	258	298	338
COUNTY: LAKE STATE: SD	178	217	258	298	338
COUNTY: LAWRENCE STATE: SD	196	217	262	314	356
COUNTY: LINCOLN STATE: SD	178	217	258	298	338
COUNTY: LYMAN STATE: SD	158	190	228	264	299
COUNTY: MCCOOK STATE: SD	178	217	258	298	338
COUNTY: MCPHERSON STATE: SD	158	190	228	264	299
COUNTY: MARSHALL STATE: SD	158	190	228	264	299
COUNTY: MELLETTE STATE: SD	158	190	228	264	299

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6 BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:MINER STATE:SD	178	217	258	298	339
COUNTY:MOODY STATE:SD	178	217	258	298	339
COUNTY:PERKINS STATE:SD	158	190	228	264	299
COUNTY:POTTER STATE:SD	158	190	228	264	299
COUNTY:ROBERTS STATE:SD	158	190	228	264	299
COUNTY:SANBORN STATE:SD	178	217	258	298	339
COUNTY:SHANNON STATE:SD	158	190	228	264	299
COUNTY:SPINK STATE:SD	158	190	228	264	299
COUNTY:STANLEY STATE:SD	211	258	306	354	400
COUNTY:SULLY STATE:SD	158	190	228	264	299
COUNTY:TODD STATE:SD	158	190	228	264	299
COUNTY:TRIPP STATE:SD	158	190	228	264	299
COUNTY:TURNER STATE:SD	178	217	258	298	339
COUNTY:UNION STATE:SD	161	196	233	269	307
COUNTY:WALWORTH STATE:SD	174	211	250	291	328
COUNTY:WASHABAUGH STATE:SD	158	190	228	264	299
COUNTY:YANKTON STATE:SD	161	196	233	269	307
COUNTY:ZIEBACH STATE:SD	158	190	228	264	299

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EHAD (CO), MARCH 23, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HONOLULU, HAWAII AREA OFFICE					
SMSA: HONOLULU, HI					
COUNTY:HONOLULU					
STATE:HI	291	350	417	491	547
NON SMSA					
COUNTY:HAWAII					
STATE:HI	338	407	478	551	623
COUNTY:KAUAI					
STATE:HI	338	407	478	551	623
COUNTY:MAUI					
STATE:HI	338	407	478	551	623
COUNTY:GUAM					
STATE:	294	356	419	482	546
LOS ANGELES, CALIFORNIA AREA OFFICE					
SMSA: BAKERSFIELD, CA					
COUNTY:KERN					
STATE:CA	218	275	311	414	486
SMSA: LOS ANGELES-LONG BEACH, CA					
COUNTY:LOS ANGELES					
STATE:CA	289	327	386	482	574
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA					
COUNTY:VENTURA					
STATE:CA	262	309	372	469	530
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA					
COUNTY:SANTA BARBAR					
STATE:CA	263	321	416	481	544
NON SMSA					
COUNTY:SAN LUIS OBI					
STATE:CA	246	298	376	422	489
SMSA: PHOENIX, AZ					
COUNTY:MARICOPA					
STATE:AZ	247	300	355	411	466
NON SMSA					
COUNTY:APACHE					
STATE:AZ	181	222	261	303	343
COUNTY:COCONINO					
STATE:AZ	220	258	346	421	477
COUNTY:GILA					
STATE:AZ	181	222	261	303	343
COUNTY:MOHAVE					
STATE:AZ	181	222	261	303	343

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOS ANGELES, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY:NAVAJO STATE:AZ	181	222	261	303	343
COUNTY:PINAL STATE:AZ	181	222	261	303	343
COUNTY:YAVAPAI STATE:AZ	181	222	261	303	343
COUNTY:YUMA STATE:AZ	181	222	261	303	343
SMSA: TUCSON, AZ					
COUNTY:PIMA STATE:AZ	227	277	328	378	429
NON SMSA					
COUNTY:COCHISE STATE:AZ	181	222	261	303	343
COUNTY:GRAHAM STATE:AZ	181	222	261	303	343
COUNTY:GREENLEE STATE:AZ	181	222	261	303	343
COUNTY:SANTA CRUZ STATE:AZ	181	222	261	303	343
SMSA: SAN DIEGO, CA					
COUNTY:SAN DIEGO STATE:CA	267	327	386	463	521
NON SMSA					
COUNTY:IMPERIAL STATE:CA	233	285	371	426	482
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA					
COUNTY:ORANGE STATE:CA	287	345	406	556	632
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA					
COUNTY:RIVERSIDE STATE:CA	255	304	388	456	533
COUNTY:SAN BERNADIN STATE:CA	255	304	358	456	533
NON SMSA					
COUNTY:INYO STATE:CA	187	230	271	314	356
COUNTY:MONO STATE:CA	187	230	271	314	356

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
SMSA: FRESNO, CA					
COUNTY:FRESNO STATE:CA	211	258	307	402	441
SMSA: MODESTO, CA					
COUNTY:STANISLAUS STATE:CA	230	256	313	428	466
NON SMSA					
COUNTY:KINGS STATE:CA	187	220	271	314	366
COUNTY:MADERA STATE:CA	189	232	285	377	417
COUNTY:MARIPOSA STATE:CA	197	247	318	405	462
COUNTY:MERCED STATE:CA	201	226	318	408	477
COUNTY:TULARE STATE:CA	221	253	327	429	477
SMSA: RENO, NV					
COUNTY:WASHOE STATE:NV	310	375	459	548	595
NON SMSA					
COUNTY:CHURCHILL STATE:NV	259	317	373	431	488
COUNTY:DOUGLAS STATE:NV	259	317	373	431	488
COUNTY:ELKO STATE:NV	259	317	373	431	488
COUNTY:ESMERALDA STATE:NV	236	287	351	414	480
COUNTY:EUREKA STATE:NV	236	287	351	414	480
COUNTY:HUMBOLDT STATE:NV	259	317	373	431	488
COUNTY:LANDER STATE:NV	259	317	373	431	488
COUNTY:LYON STATE:NV	259	317	373	431	488
COUNTY:MINERAL STATE:NV	259	317	373	431	488
COUNTY:NYE STATE:NV	236	287	351	414	480
COUNTY:ORMSLEY STATE:NV	259	317	373	431	488
COUNTY:PERSHING STATE:NV	259	317	373	431	488
COUNTY:STOREY STATE:NV	259	317	373	431	488
COUNTY:WHITE PINE STATE:NV	236	287	351	414	480
INDEP. CITY:CARSON CITY STATE:NV	259	317	373	431	488

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX-BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
SMSA: SACRAMENTO, CA					
COUNTY:PLACER STATE:CA	221	269	319	367	416
COUNTY:SACRAMENTO STATE:CA	221	269	319	367	416
COUNTY:YOLO STATE:CA	221	269	319	367	416
SMSA: STOCKTON, CA					
COUNTY:SAN JOAQUIN STATE:CA	207	251	295	365	410
NON SMSA					
COUNTY:ALPINE STATE:CA	197	242	287	330	374
COUNTY:AMADOR STATE:CA	197	242	287	330	374
COUNTY:BUTTE STATE:CA	210	235	300	370	415
COUNTY:CALAVERAS STATE:CA	197	242	287	330	374
COUNTY:COLUSA STATE:CA	209	255	301	349	395
COUNTY:EL DORADO STATE:CA	209	255	301	349	395
COUNTY:GLENN STATE:CA	209	255	301	349	395
COUNTY:LASSEN STATE:CA	184	225	267	307	349
COUNTY:MODOC STATE:CA	184	225	267	307	349
COUNTY:NEVADA STATE:CA	209	255	301	349	395
COUNTY:PLUMAS STATE:CA	225	265	325	398	455
COUNTY:SHASTA STATE:CA	215	245	295	365	419
COUNTY:SIERRA STATE:CA	184	225	267	307	349
COUNTY:SISKIYOU STATE:CA	184	225	267	307	349
COUNTY:SUTTER STATE:CA	188	228	268	347	419
COUNTY:TEHAMA STATE:CA	184	225	267	307	349
COUNTY:TRINITY STATE:CA	184	225	267	307	349
COUNTY:TUOLUMNE STATE:CA	197	242	287	330	374
COUNTY:YUBA STATE:CA	209	255	301	349	395
SMSA: SALINAS-SEASIDE-MONTEREY, CA					
COUNTY:MONTEREY STATE:CA	246	315	374	485	529

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
SMSA: SAN FRANCISCO-OAKLAND, CA					
COUNTY:ALAMEDA STATE:CA	288	347	409	540	590
COUNTY:CONTRA COSTA STATE:CA	288	347	409	540	590
COUNTY:MARIN STATE:CA	288	347	409	540	590
COUNTY:SAN FRANCISC STATE:CA	288	347	409	540	590
COUNTY:SAN MATEO STATE:CA	288	347	409	540	590
SMSA: SAN JOSE, CA					
COUNTY:SANTA CLARA STATE:CA	299	365	429	536	580
SMSA: SANTA CRUZ, CA					
COUNTY:SANTA CRUZ STATE:CA	270	315	385	489	565
SMSA: SANTA ROSA, CA					
COUNTY:SONOMA STATE:CA	247	295	380	478	540
SMSA: VALLEJO-FAIRFIELD-NAPA, CA					
COUNTY:NAPA STATE:CA	239	292	354	476	528
COUNTY:SOLANO STATE:CA	239	292	354	476	528
NON SMSA					
COUNTY:DEL NORTE STATE:CA	200	242	285	342	385
COUNTY:HUMBOLDT STATE:CA	230	275	327	426	472
COUNTY:LAKE STATE:CA	233	286	336	390	441
COUNTY:MENDOCINO STATE:CA	224	287	357	452	503
COUNTY:SAN BENITO STATE:CA	215	263	310	358	405
SMSA: LAS VEGAS, NV					
COUNTY:CLARK STATE:NV	228	289	341	392	443
NON SMSA					
COUNTY:LINCOLN STATE:NV	236	287	351	414	480

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
SMSA: ANCHORAGE, AK					
DISTRICT:ANCHORAGE STATE:AK	332	404	475	546	618
NON SMSA					
DISTRICT:ALEUTIAN I. STATE:AK	380	438	515	592	670
DISTRICT:ANGOON STATE:AK	332	404	515	592	670
DISTRICT:BARROW STATE:AK	987	614	896	778	547
DISTRICT:BETHEL STATE:AK	332	404	515	592	670
DISTRICT:BRISTOL B.B. STATE:AK	332	404	515	592	670
DISTRICT:BRISTOL BAY STATE:AK	332	404	515	592	670
DISTRICT:CORDOVA-MCCA STATE:AK	332	404	515	592	670
DISTRICT:FAIRBANKS STATE:AK	332	404	515	592	670
DISTRICT:HAINES STATE:AK	332	404	515	592	670
DISTRICT:JUNEAU STATE:AK	332	404	515	592	670
DISTRICT:KENAI-COOK STATE:AK	332	404	515	592	670
DISTRICT:KETCHIKAN STATE:AK	332	404	515	592	670
DISTRICT:KOBUK STATE:AK	332	404	515	592	670
DISTRICT:KODIAK STATE:AK	380	438	515	592	670
DISTRICT:KUSKOKWIM STATE:AK	332	404	515	592	670
DISTRICT:MATANUSKA-SU STATE:AK	332	404	515	592	670
DISTRICT:NOME STATE:AK	332	404	515	592	670
DISTRICT:OUTER KETCHK STATE:AK	332	404	515	592	670
DISTRICT:PR. OF WALES STATE:AK	332	404	515	592	670
DISTRICT:SEWARD STATE:AK	332	404	515	592	670
DISTRICT:SITKA STATE:AK	332	404	515	592	670
DISTRICT:SKGWY-YKTT STATE:AK	332	404	515	592	670
DISTRICT:SE FAIRBANKS STATE:AK	332	404	515	592	670

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR: 6-BR = 130-PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EHAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
NON SMSA					
DISTRICT:UPPER YUKON STATE:AK	322	404	515	992	670
DISTRICT:VLDZ-CHTN-VH STATE:AK	360	438	515	992	670
DISTRICT:WADE HAMPTON STATE:AK	322	404	515	992	670
DISTRICT:WRNGLL-PTRSBR STATE:AK	322	404	515	992	670
DISTRICT:YKN-KOYKK STATE:AK	322	404	515	992	670
PORTLAND, OREGON AREA OFFICE					
SMSA: BOISE CITY, ID					
COUNTY:ADA STATE:ID	202	229	287	315	347
NON SMSA					
COUNTY:ADAMS STATE:ID	183	223	281	301	340
COUNTY:BANNOCK STATE:ID	203	247	291	334	378
COUNTY:BEAR LAKE STATE:ID	185	203	240	277	315
COUNTY:BENEWAH STATE:ID	181	219	258	297	338
COUNTY:BINGHAM STATE:ID	203	247	291	334	378
COUNTY:BLAINE STATE:ID	203	247	291	334	378
COUNTY:BOISE STATE:ID	183	222	281	301	340
COUNTY:BONNER STATE:ID	181	219	258	297	338
COUNTY:BONNEVILLE STATE:ID	203	247	291	334	378
COUNTY:BOUNDARY STATE:ID	181	219	258	297	338
COUNTY:BUTTE STATE:ID	203	247	291	334	378

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY:CAMAS STATE:ID	203	247	291	334	378
COUNTY:CANYON STATE:ID	183	222	261	301	340
COUNTY:CARIBOU STATE:ID	203	247	291	334	378
COUNTY:CASSIA STATE:ID	203	247	291	334	378
COUNTY:CLARK STATE:ID	203	247	291	334	378
COUNTY:CLEARWATER STATE:ID	181	219	258	297	335
COUNTY:CUSTER STATE:ID	203	247	291	334	378
COUNTY:ELMORE STATE:ID	183	222	261	301	340
COUNTY:FRANKLIN STATE:ID	168	203	240	277	315
COUNTY:FREMONT STATE:ID	203	247	291	334	378
COUNTY:GEM STATE:ID	183	222	261	301	340
COUNTY:GOODING STATE:ID	203	247	291	334	378
COUNTY:IDAHO STATE:ID	181	219	258	297	335
COUNTY:JEFFERSON STATE:ID	203	247	291	334	378
COUNTY:JEROME STATE:ID	203	247	291	334	378
COUNTY:KOOTENAI STATE:ID	181	219	258	297	335
COUNTY:LATAH STATE:ID	191	219	259	297	335
COUNTY:LEMHI STATE:ID	203	247	291	334	378
COUNTY:LEWIS STATE:ID	181	219	258	297	335
COUNTY:LINCOLN STATE:ID	203	247	291	334	378
COUNTY:MADISON STATE:ID	203	247	291	334	378
COUNTY:MINIDOKA STATE:ID	203	247	291	334	378
COUNTY:NEZ PERCE STATE:ID	191	219	259	297	335
COUNTY:ONEIDA STATE:ID	165	203	240	277	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 28, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY: OWYHEE STATE: ID	183	222	261	301	340
COUNTY: PAYETTE STATE: ID	183	222	261	301	340
COUNTY: POWER STATE: ID	203	247	291	334	378
COUNTY: SHOSHONE STATE: ID	181	219	258	297	335
COUNTY: TETON STATE: ID	203	247	291	334	378
COUNTY: TWIN FALLS STATE: ID	203	247	291	334	378
COUNTY: VALLEY STATE: ID	183	222	261	301	340
COUNTY: WASHINGTON STATE: ID	183	222	261	301	340
SMSA: EUGENE-SPRINGFIELD, OR					
COUNTY: LANE STATE: OR	206	233	280	350	398
SMSA: PORTLAND, OR-WA					
COUNTY: CLARK STATE: WA	225	270	325	410	445
COUNTY: CLACKAMAS STATE: OR	225	270	325	410	445
COUNTY: MULTNOMAH STATE: OR	225	270	325	410	445
COUNTY: WASHINGTON STATE: OR	225	270	325	410	445
SMSA: SALEM, OR					
COUNTY: MARION STATE: OR	220	265	333	384	433
COUNTY: POLK STATE: OR	220	265	333	384	433
NON SMSA					
COUNTY: KLICKITAT STATE: WA	165	201	237	272	308
COUNTY: SKAMANIA STATE: WA	165	201	237	272	308
COUNTY: BAKER STATE: OR	172	209	248	287	325
COUNTY: BENTON STATE: OR	212	257	303	349	394
COUNTY: CLATSOP STATE: OR	192	221	260	299	339
COUNTY: COLUMBIA STATE: OR	192	221	260	299	339
COUNTY: COOS STATE: OR	177	229	293	329	357
COUNTY: CROOK STATE: OR	182	221	260	299	339
COUNTY: CURRY STATE: OR	194	233	270	381	393

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY:DESCHUTES STATE:OR	185	225	285	310	340
COUNTY:DOUGLAS STATE:OR	174	211	249	286	324
COUNTY:GILLIAM STATE:OR	172	209	248	287	325
COUNTY:GRANT STATE:OR	172	209	248	287	325
COUNTY:HARNEY STATE:OR	183	222	261	301	340
COUNTY:HOOD RIVER STATE:OR	185	201	237	272	308
COUNTY:JACKSON STATE:OR	182	227	288	334	372
COUNTY:JEFFERSON STATE:OR	185	225	285	310	340
COUNTY:JOSEPHINE STATE:OR	201	225	288	334	372
COUNTY:KLAMATH STATE:OR	174	211	249	286	324
COUNTY:LAKE STATE:OR	174	211	249	286	324
COUNTY:LINCOLN STATE:OR	212	257	303	349	394
COUNTY:LINN STATE:OR	212	257	303	349	394
COUNTY:MALHEUR STATE:OR	183	222	261	301	340
COUNTY:MORROW STATE:OR	172	209	248	287	325
COUNTY:SHERMAN STATE:OR	185	201	237	272	308
COUNTY:TILLAMOOK STATE:OR	192	221	260	299	339
COUNTY:UMATILLA STATE:OR	154	186	220	254	286
COUNTY:UNION STATE:OR	172	209	248	287	325
COUNTY:WALLOWA STATE:OR	172	209	248	287	325
COUNTY:WASCO STATE:OR	185	201	237	272	308
COUNTY:WHEELER STATE:OR	172	209	248	287	325
COUNTY:YAMHILL STATE:OR	179	223	279	338	410

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - ENAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE					
SMSA: SEATTLE-EVERETT, WA					
COUNTY:KING STATE:WA	274	334	394	493	539
COUNTY:SNOHOMISH STATE:WA	274	334	394	493	539
SMSA: TACOMA, WA					
COUNTY:PIERCE STATE:WA	218	253	313	405	446
SMSA: YAKIMA, WA					
COUNTY:YAKIMA STATE:WA	188	244	288	354	396
NON SMSA					
COUNTY:CHELAN STATE:WA	184	242	306	389	441
COUNTY:CLALLAM STATE:WA	188	228	288	310	350
COUNTY:COWLITZ STATE:WA	209	277	313	431	486
COUNTY:DOUGLAS STATE:WA	184	243	306	389	441
COUNTY:GRAYS HARBOR STATE:WA	209	255	301	349	395
COUNTY:ISLAND STATE:WA	209	255	301	349	395
COUNTY:JEFFERSON STATE:WA	188	228	268	310	350
COUNTY:KITSAP STATE:WA	230	275	332	465	552
COUNTY:KITTITAS STATE:WA	172	209	248	287	325
COUNTY:LEWIS STATE:WA	188	228	268	310	350
COUNTY:MASON STATE:WA	209	255	301	349	395
COUNTY:OKANOGAN STATE:WA	183	223	265	306	346
COUNTY:PACIFIC STATE:WA	209	255	301	349	395
COUNTY:SAN JUAN STATE:WA	209	255	301	349	395
COUNTY:SKAGIT STATE:WA	209	255	301	349	395
COUNTY:THURSTON STATE:WA	188	228	268	323	363
COUNTY:WAHKIAKUM STATE:WA	165	201	237	272	308
COUNTY:WHATCOM STATE:WA	217	248	301	433	486
SMSA: RICHLAND-KENNEWICK-PASCO, WA					
COUNTY:BENTON STATE:WA	207	254	312	390	437

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION ID	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE					
SMSA: RICHLAND-KENNEWICK-PASCO, WA					
COUNTY:FRANKLIN STATE:WA	207	264	312	390	427
SMSA: SPOKANE, WA					
COUNTY:SPOKANE STATE:WA	209	243	304	385	415
NON SMSA					
COUNTY:ADAMS STATE:WA	183	223	285	306	346
COUNTY:ASOTIN STATE:WA	195	232	331	398	441
COUNTY:COLUMBIA STATE:WA	183	223	285	306	346
COUNTY:FERRY STATE:WA	158	217	269	320	371
COUNTY:GARFIELD STATE:WA	183	223	285	306	346
COUNTY:GRANT STATE:WA	183	223	285	306	346
COUNTY:LINCOLN STATE:WA	183	223	285	306	346
COUNTY:PEND OREILLE STATE:WA	158	217	269	320	371
COUNTY:STEVENS STATE:WA	180	249	308	364	423
COUNTY:WALLA WALLA STATE:WA	180	249	351	445	478
COUNTY:WHITMAN STATE:WA	199	249	330	464	540

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BOSTON, MASSACHUSETTS AREA OFFICE		
NON METRO STATE: MAINE	85	98
SMSA: LEWISTON-AUBURN, ME	66	66
SMSA: PORTLAND, ME	105	120
NON METRO STATE: NEW HAMPSHIRE	78	85
SMSA: LAWRENCE-HAVERHILL, MA-NH	92	98
SMSA: LOWELL, MA NH	92	98
SMSA: MANCHESTER, NH	88	96
SMSA: NASHUA, NH	104	104
NON METRO STATE: VERMONT	80	92
NON METRO STATE: MASSACHUESETTS	104	104
SMSA: BOSTON, MA	97	104
SMSA: BROCKTON, MA	97	97
SMSA: FALL RIVER, MA-RI	66	66
SMSA: FITCHBURG-LEOMINSTER, MA	79	79
SMSA: LAWRENCE-HAVERHILL, MA-NH	92	98
SMSA: LOWELL, MA NH	92	98
SMSA: NEW BEDFORD, MA	90	90
SMSA: PITTSFIELD, MA	97	97
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	89	89
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	77	77
SMSA: WORCESTER, MA	68	68
NON METRO STATE: RHODE ISLAND	85	85
SMSA: FALL RIVER, MA-RI	66	66
SMSA: NEW LONDON-NORWICH, CT-RI	89	89
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	89	89
HARTFORD, CONNECTICUT AREA OFFICE		
NON METRO STATE: CONNECTICUT	96	96
SMSA: BRIDGEPORT, CT	120	120
SMSA: BRISTOL, CT	96	96
SMSA: DANBURY, CT	92	92
SMSA: HARTFORD, CT	104	104
SMSA: MERIDEN, CT	89	89
SMSA: NEW BRITAIN, CT	104	104
SMSA: NEW HAVEN-WEST HAVEN, CT	94	94
SMSA: NEW LONDON-NORWICH, CT-RI	89	89
SMSA: NORWALK, CT	112	112
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	77	77
SMSA: STAMFORD, CT	112	112
SMSA: WATERBURY, CT	96	96

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BUFFALO, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	92	92
SMSA: ALBANY-SCHENECTADY-TROY, NY	104	104
SMSA: BINGHAMTON, NY-PA	70	70
SMSA: BUFFALO, NY	92	92
SMSA: ELMIRA, NY	74	74
SMSA: ROCHESTER, NY	104	104
SMSA: SYRACUSE, NY	85	85
SMSA: UTICA-ROME, NY	79	79
NEW YORK, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	92	92
SMSA: NASSAU-SUFFOLK, NY	124	158
SMSA: NEW YORK CITY, NY-NJ	128	128
SMSA: POUGHKEEPSIE, NY	118	118
NEWARK, NEW JERSEY AREA OFFICE		
NON METRO STATE: NEW JERSEY	80	80
EXCEPTION COUNTY: OCEAN	115	115
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	79	79
SMSA: ATLANTIC CITY, NJ	122	122
SMSA: JERSEY CITY, NJ	155	165
SMSA: LONG BRANCH-ASBURY PARK, NJ	146	147
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ	189	190
SMSA: NEW YORK CITY, NY-NJ	128	128
SMSA: NEWARK, NJ	150	155
SMSA: PATERSON-CLIFTON-PASSAIC, NJ	167	168
SMSA: PHILADELPHIA, PA-NJ	139	139
SMSA: TRENTON, NJ	124	124
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	109	109
SMSA: WILMINGTON, DE-NJ-MD	92	92
BALTIMORE, MARYLAND AREA OFFICE		
NON METRO STATE: DELAWARE	57	57
NON METRO STATE: MARYLAND	99	99
SMSA: BALTIMORE, MD	140	140
SMSA: WILMINGTON, DE-NJ-MD	91	91
PHILADELPHIA, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	57	57
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	79	79
SMSA: BINGHAMTON, NY-PA	70	70
SMSA: HARRISBURG, PA	81	81
SMSA: LANCASTER, PA	75	75
SMSA: NORTHEAST, PA	63	63
SMSA: PHILADELPHIA, PA-NJ	139	139
SMSA: READING, PA	75	75
SMSA: WILLIAMSPORT, PA	57	57
SMSA: YORK, PA	75	75
SMSA: WILMINGTON, DE-NJ-MD	91	91

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PITTSBURGH, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	57	57
SMSA: ALTOONA, PA	72	72
SMSA: ERIE, PA	72	72
SMSA: JOHNSTOWN, PA	72	72
SMSA: PITTSBURGH, PA	69	69
NON METRO STATE: WEST VIRGINIA	69	69
SMSA: CHARLESTON, WV	75	75
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	69	69
SMSA: PARKERSBURG-MARIETTA, WV-OH	69	69
SMSA: STEUBENVILLE-WEIRTON, OH-WV	60	60
SMSA: WHEELING, WV-OH	69	69
RICHMOND, VIRGINIA AREA OFFICE		
NON METRO STATE: VIRGINIA	72	72
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	69	69
SMSA: LYNCHBURG, VA	83	83
SMSA: NEWPORT NEWS-HAMPTON, VA	84	84
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	100	100
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	76	76
SMSA: RICHMOND, VA	98	98
SMSA: ROANOKE, VA	69	69
WASHINGTON, D.C. AREA OFFICE		
SMSA: WASHINGTON, DC-MD-VA	127	127
ATLANTA, GEORGIA AREA OFFICE		
NON METRO STATE: GEORGIA	52	52
SMSA: ALBANY, GA	45	48
SMSA: ATLANTA, GA	73	78
SMSA: AUGUSTA, GA-SC	67	69
SMSA: CHATTANOOGA, TN-GA	45	63
SMSA: COLUMBUS, GA-AL	74	80
SMSA: MACON, GA	46	51
SMSA: SAVANNAH, GA	57	63
BIRMINGHAM, ALABAMA AREA OFFICE		
NON METRO STATE: ALABAMA	58	62
SMSA: ANNISTON, AL	58	63
SMSA: BIRMINGHAM, AL	80	88
SMSA: COLUMBUS, GA-AL	74	80
SMSA: FLORENCE, AL	63	69
SMSA: GADSDEN, AL	58	63
SMSA: HUNTSVILLE, AL	80	88
SMSA: MOBILE, AL	64	70
SMSA: MONTGOMERY, AL	64	69
SMSA: TUSCALOOSA, AL	76	84

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
COLUMBIA, SOUTH CAROLINA AREA AFFICE		
NON METRO STATE: SOUTH CAROLINA	52	52
SMSA: AUGUSTA, GA-SC	67	69
SMSA: CHARLESTON, SC	63	63
SMSA: COLUMBIA, SC	57	63
SMSA: GREENVILLE-SPARTANBURG, SC	67	67
GREENSBORO, NORTH CAROLINA AREA OFFICE		
NON METRO STATE: NORTH CAROLINA	46	57
SMSA: ASHEVILLE, NC	63	75
SMSA: BURLINGTON, NC	63	75
SMSA: CHARLOTTE-GASTONIA, NC	63	75
SMSA: FAYETTEVILLE, NC	63	75
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	63	75
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	100	100
SMSA: RALEIGH-DURHAM, NC	63	75
SMSA: WILMINGTON, NC	63	75
JACKSON, MISSISSIPPI AREA OFFICE		
NON METRO STATE: MISSISSIPPI	64	76
SMSA: BILOXI-GULFPORT, MS	75	87
SMSA: JACKSON, MS	80	98
SMSA: MEMPHIS, TN-AR-MS	75	75
SMSA: PASCAGOULA-MOSS POINT, MS	63	75
JACKSONVILLE, FLORIDA AREA OFFICE		
NON METRO STATE: FLORIDA	69	69
SMSA: BRADENTON, FL	98	98
SMSA: DAYTONA BEACH, FL	87	87
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL	145	145
SMSA: FORT MYERS-CAPE CORAL, FL	92	92
SMSA: GAINESVILLE, FL	69	69
SMSA: JACKSONVILLE, FL	63	75
SMSA: LAKELAND-WINTER HAVEN, FL	69	69
SMSA: MELBOURN-TITUSVILLE-COCOA, FL	80	80
SMSA: MIAMI, FL	115	115
SMSA: ORLANDO, FL	80	80
SMSA: PANAMA CITY, FL	69	69
SMSA: PENSACOLA, FL	69	69
SMSA: SARASOTA, FL	92	92
SMSA: TALLAHASSEE, FL	63	63
SMSA: TAMPA-ST PETERSBURG, FL	92	92
SMSA: WEST PALM BEACH-BOCA RATON, FL	115	115

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
LOUISVILLE, KENTUCKY AREA OFFICE		
NON METRO STATE: KENTUCKY	60	66
SMSA: CINCINNATI, OH-KY-IN	87	90
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	63	69
SMSA: EVANSVILLE, IN-KY	57	62
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	69	69
SMSA: LEXINGTON-FAYETTE , KY	76	85
SMSA: LOUISVILLE, KY-IN	65	72
SMSA: OWENSBORO, KY	70	81
KNOXVILLE, TENNESSEE AREA OFFICE		
NON METRO STATE: TENNESSEE	52	52
SMSA: CHATTANOOGA, TN-GA	45	63
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	63	69
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	69	69
SMSA: KNOXVILLE, TN	57	57
SMSA: MEMPHIS, TN-AR-MS	75	75
SMSA: NASHVILLE-DAVIDSON, TN	75	87
CHICAGO, ILLINOIS AREA OFFICE		
NON METRO STATE: ILLINOIS	82	87
SMSA: BLOOMINGTON-NORMAL, IL	90	90
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL	74	74
SMSA: CHICAGO, IL	162	174
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	99	104
SMSA: DECATUR, IL	99	99
SMSA: KANKAKEE, ILLINOIS	72	72
SMSA: PEORIA, IL	133	145
SMSA: ROCKFORD, IL	131	140
SMSA: ST LOUIS, MO-IL	75	87
SMSA: SPRINGFIELD, IL	87	92
COLUMBUS, OHIO AREA OFFICE		
NON METRO STATE: OHIO	58	58
SMSA: AKRON, OH	87	87
SMSA: CANTON, OH	63	63
SMSA: CINCINNATI, OH-KY-IN	86	89
SMSA: CLEVELAND, OH	92	92
SMSA: COLUMBUS, OH	80	92
SMSA: DAYTON, OH	63	63
SMSA: HAMILTON-MIDDLETOWN, OH	70	72
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	69	69
SMSA: LIMA, OH	80	80
SMSA: LORAIN-ELYRIA, OH	99	99
SMSA: MANSFIELD, OH	75	75
SMSA: PARKERSBURG-MARIETTA, WV-OH	69	69
SMSA: SPRINGFIELD, OH	65	77
SMSA: STEUBENVILLE-WEIRTON, OH-WV	59	59
SMSA: TOLEDO, OH-MI	99	133
SMSA: WHEELING, WV-OH	62	62
SMSA: YOUNGSTOWN-WARREN, OH	75	75

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DETROIT, MICHIGAN AREA OFFICE		
NON METRO STATE: MICHIGAN	87	97
SMSA: ANN ARBOR, MI	117	126
SMSA: BATTLE CREEK, MI	75	87
SMSA: BAY CITY, MI	88	91
SMSA: DETROIT, MI	114	123
SMSA: FLINT, MI	106	106
SMSA: GRAND RAPIDS, MI	80	86
SMSA: JACKSON, MI	87	87
SMSA: KALAMAZOO-PORTAGE , MI	91	94
SMSA: LANSING-EAST LANSING , MI	102	117
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI	80	82
SMSA: SAGINAW, MI	92	92
SMSA: TOLEDO, OH-MI	99	133
INDIANAPOLIS, INDIANA AREA OFFICE		
NON METRO STATE: INDIANA	45	59
EXCEPTION COUNTY: BLACKFORD	52	59
EXCEPTION COUNTY: GRANT	52	59
EXCEPTION COUNTY: HENRY	52	59
EXCEPTION COUNTY: JAY	52	59
EXCEPTION COUNTY: RANDOLPH	52	59
EXCEPTION COUNTY: WAYNE	52	59
SMSA: ANDERSON, IN	51	51
SMSA: BLOOMINGTON, IN	48	48
SMSA: CINCINNATI, OH-KY-IN	86	89
SMSA: ELKHART, IN.	66	66
SMSA: EVANSVILLE, IN-KY	60	64
SMSA: FORT WAYNE, IN	57	74
SMSA: GARY-HAMMOND-EAST CHICAGO, IN	79	91
SMSA: INDIANAPOLIS, IN	70	80
SMSA: KOKOMO, IN	66	73
SMSA: LAFAYETTE-WEST LAFAYETTE, IN	61	88
SMSA: LOUISVILLE, KY-IN	64	71
SMSA: MUNCIE, IN	49	55
SMSA: SOUTH BEND, IN	73	77
SMSA: TERRE HAUTE, IN	48	59
MILWAUKEE, WISCONSIN AREA OFFICE		
NON METRO STATE: WISCONSIN	70	75
SMSA: APPLETON-OSHKOSH, WI	87	92
SMSA: DULUTH-SUPERIOR, MN-WI	66	72
SMSA: EAU CLAIRE, WI	82	88
SMSA: GREEN BAY, WI	85	90
SMSA: JANESVILLE-BELOIT,WI	85	90
SMSA: KENOSHA, WI	90	96
SMSA: LA CROSSE, WI	77	84
SMSA: MADISON, WI	127	132
SMSA: MILWAUKEE, WI	99	104
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	104	104
SMSA: RACINE, WI	91	98

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE		
NON METRO STATE: MINNESOTA	64	64
SMSA: DULUTH-SUPERIOR, MN-WI	68	72
SMSA: FARGO-MOORHEAD, ND-MN	92	104
SMSA: GRAND FORKS, N.D.-MN	80	99
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	104	104
SMSA: ROCHESTER, MN	99	99
SMSA: ST. CLOUD, MN	80	80
DALLAS, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	55	67
SMSA: ABILENE, TX	48	54
SMSA: AMARILLO, TX	85	90
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX	80	92
SMSA: BRYAN-COLLEGE STATION, TX	78	87
SMSA: DALLAS-FORT WORTH , TX	89	87
SMSA: EL PASO, TX	89	101
SMSA: GALVESTON-TEXAS CITY, TX	92	104
SMSA: HOUSTON, TX	98	114
SMSA: KILLEEN-TEMPLE, TX	80	87
SMSA: LONGVIEW-MARSHALL, TX	75	84
SMSA: LUBBOCK, TX	84	87
SMSA: MIDLAND, TX	87	92
SMSA: ODESSA, TX	87	92
SMSA: SAN ANGELO, TX	75	80
SMSA: SHERMAN-DENISON, TX	89	80
SMSA: TEXARKANA, TX-AR	87	98
SMSA: TYLER, TX	89	73
SMSA: WACO, TX	72	80
SMSA: WICHITA FALLS, TX	52	57
NON METRO STATE: NEW MEXICO	72	81
SMSA: ALBUQUERQUE, NM	80	92
LITTLE ROCK, ARKANSAS AREA OFFICE		
NON METRO STATE: ARKANSAS	33	37
SMSA: FAYETTEVILLE-SPRINGDALE, AR	53	55
SMSA: FORT SMITH, AR-OK	30	33
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	44	46
SMSA: MEMPHIS, TN-AR-MS	75	75
SMSA: PINE BLUFF, AR	25	27
SMSA: TEXARKANA, TX-AR	87	98
NEW ORLEANS, LOUISIANA AREA OFFICE		
NON METRO STATE: LOUISIANA	64	76
SMSA: ALEXANDRIA, LA	63	75
SMSA: BATON ROUGE, LA	75	87
SMSA: LAFAYETTE, LA	69	80
SMSA: LAKE CHARLES, LA	74	85
SMSA: MONROE, LA	63	75
SMSA: NEW ORLEANS, LA	78	90
SMSA: SHREVEPORT, LA	69	80

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
OKLAHOMA CITY, OKLAHOMA AREA OFFICE		
NON METRO STATE: OKLAHOMA	61	67
SMSA: FORT SMITH, AR-OK	30	33
SMSA: LAWTON, OK	62	69
SMSA: OKLAHOMA CITY, OK	64	72
SMSA: TULSA, OK	69	75
SAN ANTONIO, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	55	67
SMSA: AUSTIN, TX	78	92
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX	63	75
SMSA: CORPUS CHRISTI, TX	67	87
SMSA: LAREDO, TX	57	69
SMSA: MC ALLEN-PHARR-EDINBURG, TX	74	87
SMSA: SAN ANTONIO, TX	63	75
KANSAS CITY, MISSOURI AREA OFFICE		
NON METRO STATE: KANSAS	63	70
SMSA: KANSAS CITY, MO-KS	76	92
SMSA: LAWRENCE, KS	64	71
SMSA: TOPEKA, KS	63	70
SMSA: WICHITA, KS	71	76
OMAHA, NEBRASKA AREA OFFICE		
NON METRO STATE: IOWA	70	75
SMSA: CEDAR RAPIDS, IA	80	92
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	99	104
SMSA: DES MOINES, IA	85	90
SMSA: DUBUQUE, IA	80	98
SMSA: IOWA CITY, IA.	80	90
SMSA: OMAHA, NE-IA	75	87
SMSA: SIOUX CITY, IA-NE	77	77
SMSA: WATERLOO-CEDAR FALLS, IA	80	92
NON METRO STATE: NEBRASKA	65	78
SMSA: LINCOLN, NE	86	90
SMSA: OMAHA, NE-IA	75	87
SMSA: SIOUX CITY, IA-NE	77	77
ST. LOUIS, MISSOURI AREA OFFICE		
NON METRO STATE: MISSOURI	50	56
SMSA: COLUMBIA, MO	70	75
SMSA: KANSAS CITY, MO-KS	76	92
SMSA: ST JOSEPH, MO	71	77
SMSA: ST LOUIS, MO-IL	75	87
SMSA: SPRINGFIELD, MO	52	57

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL:AREA OFFICE		
NON METRO STATE: NORTH DAKOTA	79	90
SMSA: BISMARCK, N.D.	111	124
SMSA: FARGO-MOORHEAD, ND-MN	98	110
SMSA: GRAND FORKS, N.D.-MN	85	105
NON METRO STATE: SOUTH DAKOTA	67	79
SMSA: RAPID CITY,S.D.	94	106
SMSA: SIOUX FALLS, SD	94	106
NON METRO STATE: MONTANA	N/A	N/A
EXCEPTION COUNTY: BEAVERHEAD	94	106
EXCEPTION COUNTY: BIG HORN	94	106
EXCEPTION COUNTY: BLAINE	68	80
EXCEPTION COUNTY: BROADWATER	94	106
EXCEPTION COUNTY: CARBON	94	106
EXCEPTION COUNTY: CARTER	68	80
EXCEPTION COUNTY: CHOUTEAU	68	80
EXCEPTION COUNTY: CUSTER	94	106
EXCEPTION COUNTY: DANIELS	68	80
EXCEPTION COUNTY: DAWSON	94	106
EXCEPTION COUNTY: DEER LODGE	94	106
EXCEPTION COUNTY: FALLON	68	80
EXCEPTION COUNTY: FERGUS	68	80
EXCEPTION COUNTY: FLATHEAD	94	106
EXCEPTION COUNTY: GALLATIN	94	106
EXCEPTION COUNTY: GARFIELD	68	80
EXCEPTION COUNTY: GLACIER	68	80
EXCEPTION COUNTY: GOLDEN VALLE	68	80
EXCEPTION COUNTY: GRANITE	94	106
EXCEPTION COUNTY: HILL	68	80
EXCEPTION COUNTY: JEFFERSON	94	106
EXCEPTION COUNTY: JUDITH BASIN	68	80
EXCEPTION COUNTY: LAKE	94	106
EXCEPTION COUNTY: LEWIS+ CLARK	94	106
EXCEPTION COUNTY: LIBERTY	68	80
EXCEPTION COUNTY: LINCOLN	94	106
EXCEPTION COUNTY: MCCONE	68	80
EXCEPTION COUNTY: MADISON	94	106
EXCEPTION COUNTY: MEAGHER	94	106
EXCEPTION COUNTY: MINERAL	94	106
EXCEPTION COUNTY: MISSOULA	94	106
EXCEPTION COUNTY: MUSSELSHELL	94	106
EXCEPTION COUNTY: PARK	68	80
EXCEPTION COUNTY: PETROLEUM	68	80
EXCEPTION COUNTY: PHILLIPS		

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

DENVER, COLORADO REGIONAL:AREA OFFICE	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: MONTANA	N/A	N/A
EXCEPTION COUNTY: PONDERA	68	80
EXCEPTION COUNTY: POWDER RIVER	94	106
EXCEPTION COUNTY: POWELL	94	106
EXCEPTION COUNTY: PRAIRIE	68	80
EXCEPTION COUNTY: RAVALLI	94	106
EXCEPTION COUNTY: RICHLAND	68	80
EXCEPTION COUNTY: ROOSEVELT	68	80
EXCEPTION COUNTY: ROSEBUD	94	106
EXCEPTION COUNTY: SANDERS	94	106
EXCEPTION COUNTY: SHERIDAN	68	80
EXCEPTION COUNTY: SILVER BOW	94	106
EXCEPTION COUNTY: STILLWATER	68	80
EXCEPTION COUNTY: SWEET GRASS	68	80
EXCEPTION COUNTY: TETON	68	80
EXCEPTION COUNTY: TOOLE	68	80
EXCEPTION COUNTY: TREASURE	94	106
EXCEPTION COUNTY: VALLEY	68	80
EXCEPTION COUNTY: WHEATLAND	68	80
EXCEPTION COUNTY: WIBAUX	68	80
EXCEPTION COUNTY: YL-ST-NT-PK	94	106
SMSA: BILLINGS, MT	118	131
SMSA: GREAT FALLS, MT	99	111
NON METRO STATE: WYOMING	N/A	N/A
EXCEPTION COUNTY: ALBANY	94	112
EXCEPTION COUNTY: BIG HORN	94	112
EXCEPTION COUNTY: CAMPBELL	157	169
EXCEPTION COUNTY: CARBON	157	169
EXCEPTION COUNTY: CONVERSE	157	169
EXCEPTION COUNTY: CROOK	94	112
EXCEPTION COUNTY: FREMONT	157	169
EXCEPTION COUNTY: GOSHEN	94	112
EXCEPTION COUNTY: HOT SPRINGS	94	112
EXCEPTION COUNTY: JOHNSON	94	112
EXCEPTION COUNTY: LARAMIE	94	112
EXCEPTION COUNTY: LINCOLN	94	112
EXCEPTION COUNTY: NATRONA	157	169
EXCEPTION COUNTY: NIOBRARA	94	112
EXCEPTION COUNTY: PARK	94	112
EXCEPTION COUNTY: PLATTE	94	112
EXCEPTION COUNTY: SHERIDAN	157	169
EXCEPTION COUNTY: SUBLETTE	94	112
EXCEPTION COUNTY: SWEETWATER	157	169
EXCEPTION COUNTY: TETON	94	112
EXCEPTION COUNTY: UINTA	94	112
EXCEPTION COUNTY: WASHAKIE	94	112
EXCEPTION COUNTY: WESTON	94	112

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL AREA OFFICE		
NON METRO STATE: COLORADO	N/A	N/A
EXCEPTION COUNTY: ALAMOSA	80	94
EXCEPTION COUNTY: ARCHULETA	94	106
EXCEPTION COUNTY: BACA	80	94
EXCEPTION COUNTY: BENT	80	94
EXCEPTION COUNTY: CHAFFEE	94	106
EXCEPTION COUNTY: CHEYENNE	80	94
EXCEPTION COUNTY: CLEAR CREEK	94	106
EXCEPTION COUNTY: CONEJOS	80	94
EXCEPTION COUNTY: COSTILLA	80	94
EXCEPTION COUNTY: CROWLEY	80	94
EXCEPTION COUNTY: CUSTER	94	106
EXCEPTION COUNTY: DELTA	94	106
EXCEPTION COUNTY: DELORES	94	106
EXCEPTION COUNTY: EAGLE	150	169
EXCEPTION COUNTY: ELBERT	80	94
EXCEPTION COUNTY: FREMONT	94	106
EXCEPTION COUNTY: GARFIELD	150	169
EXCEPTION COUNTY: GRAND	94	106
EXCEPTION COUNTY: GUNNISON	94	106
EXCEPTION COUNTY: HINSDALE	94	106
EXCEPTION COUNTY: HUERFANO	80	94
EXCEPTION COUNTY: JACKSON	94	106
EXCEPTION COUNTY: KIOWA	80	94
EXCEPTION COUNTY: KIT CARSON	80	94
EXCEPTION COUNTY: LAKE	94	106
EXCEPTION COUNTY: LA PLATA	94	106
EXCEPTION COUNTY: LAS ANIMAS	80	94
EXCEPTION COUNTY: LINCOLN	80	94
EXCEPTION COUNTY: LOGAN	80	94
EXCEPTION COUNTY: MESA	94	106
EXCEPTION COUNTY: MINERAL	80	94
EXCEPTION COUNTY: MOFFAT	150	169
EXCEPTION COUNTY: MONTEZUMA	94	106
EXCEPTION COUNTY: MONTROSE	94	106
EXCEPTION COUNTY: MORGAN	80	94
EXCEPTION COUNTY: OTERO	80	94
EXCEPTION COUNTY: OURAY	94	106
EXCEPTION COUNTY: PARK	94	106
EXCEPTION COUNTY: PHILLIPS	80	94
EXCEPTION COUNTY: PITKIN	150	169
EXCEPTION COUNTY: PROWERS	80	94
EXCEPTION COUNTY: RIO BLANCO	150	169
EXCEPTION COUNTY: RIO GRANDE	80	94
EXCEPTION COUNTY: ROUTT	150	169
EXCEPTION COUNTY: SAGUACHE	80	94
EXCEPTION COUNTY: SAN JUAN	94	106
EXCEPTION COUNTY: SAN MIGUEL	94	106
EXCEPTION COUNTY: SEDGWICK	80	94
EXCEPTION COUNTY: SUMMIT	150	169
EXCEPTION COUNTY: WASHINGTON	80	94
EXCEPTION COUNTY: YUMA	80	94
SMSA: COLORADO SPRINGS, CO	99	111
SMSA: DENVER-BOULDER , CO	137	157
SMSA: FORT COLLINS, CO	94	106
SMSA: GREELEY, CO	94	106
SMSA: PUEBLO, CO	94	106

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL:AREA OFFICE		
NON METRO STATE: UTAH	N/A	N/A
EXCEPTION COUNTY: BEAVER	68	80
EXCEPTION COUNTY: BOX ELDER	68	80
EXCEPTION COUNTY: CACHE	68	80
EXCEPTION COUNTY: CARBON	94	106
EXCEPTION COUNTY: DAGGETT	68	80
EXCEPTION COUNTY: DUCHESNE	68	80
EXCEPTION COUNTY: EMERY	94	106
EXCEPTION COUNTY: GARFIELD	68	80
EXCEPTION COUNTY: GRAND	94	106
EXCEPTION COUNTY: IRON	68	80
EXCEPTION COUNTY: JUAB	68	80
EXCEPTION COUNTY: KANE	68	80
EXCEPTION COUNTY: MILLARD	68	80
EXCEPTION COUNTY: MORGAN	68	80
EXCEPTION COUNTY: PIUTE	68	80
EXCEPTION COUNTY: RICH	68	80
EXCEPTION COUNTY: SAN JUAN	68	80
EXCEPTION COUNTY: SANPETE	68	80
EXCEPTION COUNTY: SEVIER	68	80
EXCEPTION COUNTY: SUMMIT	68	80
EXCEPTION COUNTY: UINTAH	94	106
EXCEPTION COUNTY: WASATCH	68	80
EXCEPTION COUNTY: WASHINGTON	68	80
EXCEPTION COUNTY: WAYNE	68	80
SMSA: PROVO-OREM, UT	94	106
SMSA: SALT LAKE CITY-OGDEN, UT	106	118
HONOLULU, HAWAII AREA OFFICE		
SMSA: HONOLULU, HI	N/A	N/A
LOS ANGELES, CALIFORNIA AREA OFFICE		
NON METRO STATE: ARIZONA	68	87
SMSA: PHOENIX, AZ	94	111
SMSA: TUCSON, AZ	68	94
NON METRO STATE: CALIFORNIA	106	138
EXCEPTION COUNTY: SAN LUIS OBI	120	150
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA	205	205
SMSA: BAKERSFIELD, CA	99	149
SMSA: LOS ANGELES-LONG BEACH, CA	118	194
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA	131	225
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA	99	157
SMSA: SAN DIEGO, CA	149	188
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	124	188

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SAN FRANCISCO, CALIFORNIA AREA OFFICE		
NON METRO STATE: NEVADA	75	87
SMSA: LAS VEGAS, NV	157	174
SMSA: RENO, NV	157	174
NON METRO STATE: CALIFORNIA	106	138
SMSA: FRESNO, CA	149	169
SMSA: MODESTO, CA	157	169
SMSA: SACRAMENTO, CA	121	145
SMSA: SALINAS-SEASIDE-MONTEREY, CA	149	188
SMSA: SAN FRANCISCO-OAKLAND, CA	173	225
SMSA: SAN JOSE, CA	157	232
SMSA: SANTA CRUZ, CA	149	188
SMSA: SANTA ROSA, CA	149	181
SMSA: STOCKTON, CA	157	169
SMSA: VALLEJO-FAIRFIELD-NAPA, CA	143	162
ANCHORAGE, ALASKA AREA OFFICE		
NON METRO STATE: ALASKA	163	163
SMSA: ANCHORAGE, AK	160	160
PORTLAND, OREGON AREA OFFICE		
NON METRO STATE: IDAHO	80	80
SMSA: BOISE CITY, ID	86	98
NON METRO STATE: OREGON	100	106
SMSA: EUGENE-SPRINGFIELD, OR	118	120
SMSA: PORTLAND, OR-WA	137	151
SMSA: SALEM, OR	118	120
SEATTLE, WASHINGTON AREA OFFICE		
NON METRO STATE: WASHINGTON	87	100
SMSA: RICHLAND-KENNEWICK-PASCO, WA	118	118
SMSA: SEATTLE-EVERETT, WA	111	157
SMSA: SPOKANE, WA	94	106
SMSA: TACOMA, WA	99	118
SMSA: YAKIMA, WA	94	99

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Wednesday
March 18, 1981

Part III

International Trade Commission

Supplementary Procedures; Investigations of Unfair Practices in Import Trade

INTERNATIONAL TRADE COMMISSION

19 CFR Ch. II, Parts 210 and 211

Supplementary Procedures; Investigations of Unfair Practices in Import Trade

AGENCY: United States International Trade Commission.

ACTION: Final rules.

SUMMARY: These rules amend Part 210 of the Commission's *Rules of Practice and Procedure* to provide additional procedures for the termination of investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A new Part 211 provides procedures for consent orders and for certain nonadjudicative proceedings, including enforcement of final Commission orders, incident to the exercise of Commission jurisdiction under section 337. These final rules reflect public comment on proposed rules published on April 9, 1980 (45 FR 24192). In addition, these new rules reflect public comments on an earlier proposed rulemaking on this subject, 43 FR 2883–2889 (January 20, 1978) and also the experience gained by the Commission in connection with consent orders and enforcement proceedings.

EFFECTIVE DATE: March 10, 1981.

FOR FURTHER INFORMATION CONTACT: Edward M. Lebow, Assistant General Counsel, or Donald R. Dinan, Attorney-Advisor, U.S. International Trade Commission, 701 E Street NW., Washington, D.C., telephone 202–523–0486, or 202–523–0488, respectively.

SUPPLEMENTARY INFORMATION: In the exercise of its jurisdiction under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), the Commission is authorized to conduct proceedings supplemental to the formal adjudicative investigations provided for by Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210). The proceedings may be authorized in part by other statutes, such as the Administrative Procedure Act (5 U.S.C. 551, et seq.) in the case of consent orders, and section 603 of the Trade Act of 1974 (19 U.S.C. 2482) in the case of preliminary investigations, as well as by 19 U.S.C. 1333. The Commission's rules at present do not provide for these supplemental proceedings.

These amendments to the Commission's rules revise the format of Subchapter C, Chapter II, Title 19, Code of Federal Regulations, by dividing the subchapter into three parts to provide for these supplemental proceedings. A new Part 209, which will provide procedures for the conduct of informal inquiries and preliminary investigations, will be the subject of subsequent rulemaking. Amendments to Part 210 of the Commission's rules provide for certain procedures in the termination of an adjudicative investigation. Also promulgated is a new Part 211, to provide procedures for consent orders and for the administration of the Commission's enforcement authority.

Analysis of Public Comments on Proposed Rules

Comments on the Commission's proposed rules as published on April 9, 1980, were received from only two firms, one representing a former respondent and the other a former complainant in Commission proceedings under section 337. Thus, despite the paucity of comments, those received were opposing and therefore enabled the Commission to balance the interests of both sides concerned in consent and enforcement proceedings.

The following is a summary of the general comments made and an analysis of the specific comments organized by subpart of the rules. The summary will also include an explanation of why comments were accepted or rejected.

The firm representing the former respondents had several general comments. The first was that the provisions governing consent order agreements would discourage settlement of cases because they do not allow flexibility for negotiations and employ the same enforcement procedures for both consent orders and cease and desist orders. Their second criticism was that the rules do not ensure the respondents' due process rights because they could lead to the imposition of severe penalties without the benefit of an APA type hearing and are to be applied retroactively.

With regard to the first comment, the Commission's decision to use the same procedure for consent orders and cease and desist orders is based on several considerations. The first is the similarity of consent orders and cease and desist orders. A consent order is predicated on the parties' consent to the imposition of a cease and desist order. Additionally, both cease and desist and consent orders are final orders of the Commission which have a *res judicata* effect. The second consideration is that in agreeing to a consent order the parties voluntarily waive their right to a full adjudication on the merits. In light of these similarities and because of the Commission's interest in developing equitable and uniform compliance procedures, the Commission believes that the enforcement of cease and desist and consent orders should for the most part be governed by the same procedures.

In response to the concern over the protection of due process rights reflected in the comments, the Commission revised the rules to provide for a notice and comment period prior to the adoption of changes in reporting requirements. Additional due process safeguards are provided for in the section in the rules which allows the Commission to hold a formal hearing when it deems appropriate and in the parties right to seek appellate review of final Commission orders before the CCPA. Additionally, the Commission does not believe that retroactive application of the rules will result in a denial of due process rights. Instead, retroactivity is necessary to ensure fairness through continuity in the enforcement of outstanding consent orders.

The firm representing the former complainant had two general criticisms. The first was that the proposed rules may not provide adequate safeguards for the due process rights of complainants. The second comment was that the result of the hearing contemplated by the proposed rules may not be reviewable by the CCPA. The Commission believes that the rules provide adequate due process guarantees for complainants and respondents. The rules provide for a notice and comment period prior to the adoption of a consent order and prior to the modification of a Commission order. Thus, the parties have an opportunity to submit their views prior to Commission action under the new rules. Additionally, actions construable as final Commission actions under the rules, such as substantive modifications to cease and desist orders and the entry or removal of exclusion orders, would be reviewable before the Court of Customs and Patent Appeals. Presumably, other non-final, compliance actions, such as steps to gather information, modify information requirements, issue or deny advisory opinions, accept or reject consent agreements, etc., would be reviewable only to determine whether the Commission acted arbitrarily, capriciously, otherwise denied due process. Although a technical argument could be made that jurisdiction for review of non-final actions is in the district courts or the Court of International Trade, it is the position of the Commission that the CCPA, the Congressionally designated review court of section 337 actions, is the proper

forum for any such oversight of Commission enforcement activities.

The former respondents commented that § 211.22 is too restrictive in that it does not allow the Commission flexibility to negotiate the terms of the consent order to suit the facts of each case. This rule sets up the basic requirements and procedures for consent orders. Subsection (2) of the rule lists the three elements which must be contained in all consent orders approved by the Commission: (1) an admission of jurisdictional facts; (2) waiver of rights to judicial review of the order; and (3) enforcement proceedings are governed by subpart C of part 211 of the Commission rules. The first two elements are based on past Commission practice in dealing with consent orders and are the foundation of the Commission's jurisdiction to enforce the agreement. The third element merely establishes an enforcement procedure pursuant to rule 211 to assure uniform and equitable enforcement.

While § 211.22 establishes uniformity in requirements and enforcement, it leaves room for some negotiating flexibility. Under paragraph (a) the scope of each of the required elements may be tailored to suit the facts of the individual cases and additional terms may be added. Furthermore, under paragraph (b) the Commission has flexibility since it has several means to achieve compliance, including periodic reports and informal or formal proceedings resulting in modification or termination.

The language of paragraph (c) of § 211.50 was criticized as creating an unnecessary obstacle to implementation, since it would require the Commission to examine each outstanding order in light of the new rules. Paragraph (c) states that the proposed rules will apply to final Commission actions taken before their effective date "only to the extent not inconsistent with such final actions." The purpose of paragraph (c) is to provide continuity and to preserve pre-existing consent orders. The Commission does not believe that this provision will hinder the implementation of outstanding consent orders since the rule specifically states that the proposed procedures will only apply to the extent that they are consistent with the terms of previously negotiated orders.

The former respondent argued that paragraph (a) of § 211.54 is too ambiguous since it does not indicate when an advisory opinion will be issued and is not subject to judicial review. This provision is intended to provide the Commission with an additional means of securing parties compliance by advising them that their acts evidence noncompliance. This provision also ensures fairness to the parties since if they are uncertain as to the scope of the Commission's order, they can ask for an advisory opinion. The proposed rule as drafted provides both the Commission and parties a certain measure of flexibility since the issuance of advisory opinions may not be warranted in every case. Since the advisory opinions are not binding they are not final orders and are therefore not appealable. *Floersheim v. Weinburger* 346 F. Supp. 950 (D.D.C. 1972).

The former respondents commented with regard to § 211.55 that allowing the Commission to modify reporting requirements without notice to the parties will discourage settlement. The respondents also suggested that the Commission should at least allow for a comment period prior to modification. The Commission's authority to modify consent decrees or cease and desist orders to further their enforcement is supported by case law and the administrative practice of other agencies. Furthermore, the Commission may require that the parties include a provision in the consent order that it is subject to modification. The Commission, however, recognizes that the possibility of modification may cause some parties to be reluctant to enter into consent agreements. Therefore, the Commission has revised § 211.55 to provide for a mandatory notice and comment period prior to the modification of reporting requirements of a consent order and notice and comment as the public interest warrants in the case of a cease and desist order.

Both the former respondents and complainant commented that the procedures under § 211.56 do not guarantee that the parties will have a fair hearing. Comments were received objecting to paragraph (a) on the grounds that it would allow adjudicative facts to be decided without a hearing. Comments were also received objecting to former paragraph (b)(4) which allowed for the submission of written statements in lieu of appearance as depriving parties the right of cross-examination. Comments also were submitted criticizing the exemption of enforcement proceedings from the Administrative Procedure Act pursuant to paragraph (b)(5)(ii)(c). Finally, comments were received stating that enforcement proceedings with respect to cease and desist orders must be subject to the Administrative Procedure Act in order to create an adequate record for review.

With regard to paragraph (a), a formal trial type proceeding is not warranted since the Commission's interest in effective enforcement of consent and cease and desist orders through informal proceedings outweighs the parties' interest in being afforded a full hearing. Furthermore, section 5(b) of the APA which encourages settlement does not indicate that it was intended to apply to informal attempts to arrive at and enforce settlements. Additionally, the reviewability of final Commission orders provides a due process safeguard.

Former paragraph (b)(4) provided for oral examination of the complainant and named respondent. This subsection has been replaced by paragraph (d) which provides for a public hearing at which time parties are given the opportunity to be heard. Additionally, copies of all written submissions must be served on all parties pursuant to § 201.16 of the Commission rules, thus affording parties the opportunity to respond. The exemption of enforcement procedures from the provisions of the APA is consistent with the prior Commission practice of requiring an on-the-record proceeding only as to the Commission's determination as to violation pursuant to Commission rule 210.41 and not the decision as to the issuance of a remedy. This procedure has been approved by the Administrative Conference of the United States and is consistent with the judicial review provisions of the recently enacted Customs Courts Act. Although the Commission's enforcement procedures are not subject to the APA, the Commission has provided procedural safeguards, such as the parties' right to file a formal complaint and make written submissions. The Commission may also hold a hearing and hear oral argument. The Commission believes that its enforcement procedures, although not subject to the APA, provide for more than adequate due process safeguards.

The respondents commented that proposed § 211.57 was ambiguous since it did not clearly provide what sort of circumstances would justify the issuance of an exclusion order. Respondents also commented that the issuance of an exclusion order without notice or hearing is only justified on a clear showing that the domestic industry will suffer irreparable and immediate injury. Proposed rule 211.57 has been replaced by rule 211.58. The new § 211.58 states that the Commission may take temporary emergency action when the following circumstances exist: (1) pending a formal enforcement proceeding under § 211.56(b); (2) it

appears that a cease and desist order will be violated; and (3) subsequent action by the Commission will not adequately repair substantial harm caused by such violation. Prior to taking any action under this section the Commission is required to consider the effect of its action "upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States and United States consumers." To ensure that the due process rights of the parties are protected, the Commission has revised the rule to require it to institute a formal enforcement proceeding under § 211.56 at the time the emergency action is taken or as soon as possible thereafter.

Explanation of Proposed Rules

Section 210.51 Termination of investigation.

Section 210.51 is amended by slightly altering the first sentence of paragraph (a), striking the last sentence of paragraph (a) and striking paragraph (c), and adding new paragraphs (c), (d), and (e). The effect of these amendments is to provide specifically in settlements by licensing or other agreement and consent order settlements for the termination of an investigation in the manner provided in paragraph (c).

Paragraph (c)(1) requires that a motion to terminate based upon a licensing or other agreement be accompanied by a copy of the agreement, as well as any related agreements, and an affidavit stating that there are no other agreements concerning the subject matter of the disclosed agreement. This provision is intended to allow the Commission to safeguard the public interest, including competitive conditions in the U.S. economy, in its consideration of these agreements. In addition, public comment on a nonconfidential summary of the agreement is to be solicited. Paragraph (c)(2) of amended § 210.51 provides that an investigation shall be terminated on the basis of a licensing or other agreement without determining whether there is a violation of section 337.

Paragraph (d) of the amended rule provides for termination of an investigation on the basis of a consent order agreement that complies with the requirements of new § 211.20(b). An order of termination based upon a consent order agreement would not constitute a determination of whether there is a violation of section 337.

Section 210.55 Commission determination and action.

This section has been amended to make it clear that the Commission's obligation to make a determination is subject to and does not transcend its duty under the Administrative Procedure Act to permit the settlement of disputes as provided in § 210.51.

Section 210.56 Implementation of Commission action. (Present §§ 210.56 and 210.57 are redesignated §§ 210.57 and 210.58, respectively.)

This section provides for the procedural implementation of section 337(g) to establish the effective and final date of Commission action, including consent and enforcement orders, pending possible Presidential disapproval.

Paragraph (b) provides for the publication and transmittal to the President of affirmative determinations under section 337 together with the action taken. The new subsection also provides for the transmittal to the President of consent settlement and enforcement orders for his review and possible disapproval on policy grounds.

Paragraph (c) provides that when an affected party receives notice of a Commission action other than an exclusion order, the Commission action is immediately operative and enforceable. Exclusion orders are enforceable upon receipt of notice by the Secretary of the Treasury. This section implements the last sentence of sections 337(d) and 337(e).

As provided in paragraph (d), if the President does not disapprove of a Commission action within 60 days of the date of his being notified of such action, or if he states his approval of the action before that date, then the Commission's action will become final the day after the end of the review period or the day that he notifies the Commission of his approval.

Part 211

Section 211.01 Purpose.

This Part sets forth procedures for the settlement by consent of matters which may involve a violation of section 337 and for the enforcement, modification, and revocation of final Commission actions.

Subpart A—Informal Enforcement Procedure

Section 211.10 Informal disposition through voluntary compliance.

Section 211.10 provides a procedure whereby the Commission may accept assurances from a private party that it will desist from engaging in practices which may violate section 337. Paragraph (b) requires that the Commission consider, in determining whether to accept the assurances of the party in question, such factors as the nature and gravity of the practice, the likelihood of its recurring, the prior record and good faith of the party, and the adequacy of the proffered assurances.

Subpart B—Consent Order Procedure

Section 211.20 Opportunity to submit proposed consent order.

Paragraph (a) provides for an opportunity to submit to the Commission a proposed consent order prior to the institution of a formal investigation under section 337.

Paragraph (b) sets forth the procedures for the submission of proposals to settle a matter by consent subsequent to institution of a formal investigation under section 337. Such a proposal must be filed as a motion with the presiding officer and incorporate the elements of a consent order agreement set forth in § 211.22. The motion, except for good cause shown, must be filed prior to the commencement of the hearing prescribed by § 210.41(e)(1). If the proposed consent order agreement complies with the three requirements set forth in § 211.22(a), the presiding officer must certify the motion to the Commission promptly, together with his recommendation. Pending disposition, a party may not withdraw from a consent order agreement.

Section 211.21 Settlement by consent.

Section 211.21 sets forth the procedure for Commission action after a consent order agreement has been filed with it under § 211.20(a) or certified to it by the presiding officer under § 211.20(b). Unless it chooses to reject a consent order agreement at the outset, the Commission will publish the consent order agreement in the **Federal Register** for public comment (usually thirty days). Copies are also to be served on the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and such other departments and agencies as the Commission deems appropriate. The Commission may also conduct within the comment period such hearings as it deems appropriate. Thereafter, within an additional twenty days and after considering the effect of the consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, in the manner provided by § 210.14(a)(4) of

Part 210, the Commission must either: (1) accept the agreement, issue the consent order and terminate the investigation; (2) reject the agreement and deny the motion; or (3) take such other action as it deems appropriate. In event the Commission rejects the proposed agreement, the parties are not bound by their proposal in later actions before the Commission.

Section 211.22 Contents of consent order.

This section sets forth the required contents of a consent order agreement, including an admission of all jurisdictional facts, a waiver of judicial review, contest, or challenge of the consent order, and a statement making enforcement, modification, and revocation of the consent order explicitly subject to Subpart C of Part 211 of these rules.

Subpart C—Enforcement, Modification, and Revocation

Section 211.50 Applicability, purpose, and retroactivity.

The "applicability" and "purpose" subsections are self-explanatory. This subpart is intended to serve as the basis for all changes in final Commission actions. This subpart is not limited to enforcing cease and desist orders. Dissolving orders that have ceased to serve a useful purpose, such as exclusion orders, is also contemplated. The rule also include temporary relief orders, but no other interlocutory orders are included. Final Commission actions have to undergo the rigors of the law relating to appeals (subsections 337(c)) and Presidential review (subsection 337(g)). However, this does not mean, when an adversely affected person fails to appeal a final Commission action, or appeals and then loses, that it may later collaterally attack the original action when that action is altered pursuant to these rules. In such a situation, it would appear that a court challenge, if any, can only attack the changed action.

The rules contain a "savings" provision, which serves to keep whole existing consent orders.

Section 211.51 Information gathering.

The power to gather information relating to the operation of a final Commission action is set out here. Any reporting provided for by law is permitted if it will either aid the Commission to determine "whether and to what extent there is compliance with the action" or "whether and to what extent the conditions which led to the action are changed." The first of these relates to cease and desist orders.

The second condition, which is adapted from subsection 337(h), may relate to any kind of final Commission action. One example of such changed circumstances is when the holder of a domestic patent ceases to produce articles domestically that are the subject of an exclusion order. In that case revocation of the exclusion order may then be appropriate.

Final Commission actions may also include provisions for gathering information by any other means provided by law, such as gaining access to records, copying records, and requiring persons to produce books or papers (19 U.S.C. 1333(a)). This rule also provides for the collection of information from voluntary sources.

Under paragraph (b), the Commission is empowered to prescribe the form and detail of reporting. This implements 19 U.S.C. 1333. Under subsection (c), information gathering is enforceable in court or by any other means available to enforce the final action. In paragraph (d), discretion is kept to set the terms of informational requirements of a final action. This would allow for the adjustment of reporting requirements to meet the needs of individual cases and changes in international trade.

Section 211.52 Confidentiality of information.

This section provides that information received pursuant to a final action may be held in confidence and that such protective orders as are necessary may be issued.

Section 211.53 Review of reports.

This section sets forth the Commission's general authority to review reports and take further appropriate action. The Chief of the Unfair Import Investigations Division is delegated the authority, when good cause is demonstrated, to extend the time within which reports must be submitted.

Section 211.54 Advice to persons submitting information.

Advice to persons reporting may be sufficient in some cases. When a cease and desist order is involved, and compliance with the order is the primary objective of reporting, then advising persons that their reporting evidences noncompliance may be an effective means of gaining compliance.

Paragraph (b) provides for the issuance of advisory opinions on the legality of any respondent's proposed altered course of conduct. The Commission may, in accordance with past practice, request public comment prior to issuing such an opinion.

Paragraph (c) allows for the rescission of such an advisory opinion. No action would be taken against a respondent that after full and fair disclosure of all relevant facts to the Commission relies in good faith on a Commission advisory opinion.

Section 211.55 Modification of information requirements.

The Commission may unilaterally modify reporting requirements of cease and desist orders. Modification or reporting requirements will facilitate focusing on problems that require special study in order to determine how the oversight function will be exercised. It may also be used to document facts that justify change in a final order. Modifying reporting requirements will also assure compliance with many cease and desist orders. Finally, it will facilitate altering or abolishing reporting schemes that have proved useless, unreasonably burdensome, or undesirable for other reasons. The public will be given an opportunity to comment with respect to proposed modification of information requirements of consent orders. This is intended to mitigate any disincentive to settlement inherent in this rule.

Section 211.56 Proceedings to enforce Commission orders.

This section sets forth the full range of enforcement methods available to the Commission. Under paragraph (a) informal enforcement proceedings may be conducted. Correspondence, conferences, and Commission orders, are among the contemplated tools. Under paragraph (b) the Commission may utilize section 337(f) of the Tariff Act of 1930, as amended by section 1105 of the Trade Agreements Act of 1979, to request imposition of appropriate civil penalties by a United States District Court. Such action may be taken by the Commission at any time in order to enforce a final Commission order and need not be preceded by a formal enforcement proceeding before the Commission under paragraph (c).

Paragraph (c) provides the Commission with an optional formal enforcement mechanism. The Commission under this subsection may docket a complaint setting forth the alleged violation. Respondents would be given an opportunity to respond. The Commission is authorized to hold a hearing, if it so chooses, in the course of such a formal enforcement proceeding. The Commission may order that this hearing be conducted by an administrative law judge. If a violation is found, paragraph (c) provides that the

Commission may modify the cease and desist order in question, issue an exclusion order, or bring a civil action in U.S. district court.

Section 211.57 Modification or dissolution of final Commission order.

This section permits any former party, such as an adversely affected respondent, or the Commission itself, to propose modification of an outstanding final Commission action whenever any changed conditions of fact or law, or the public interest, so requires. Provisionally accepted modifications are to be published for public comment. The Commission may, in addition, hold a public hearing. The Commission may order that this hearing be conducted by an administrative law judge.

Section 211.58 Temporary emergency action.

This section provides for temporary emergency relief action. Thus, when harm to the domestic industry would, absent a temporary exclusion order, be substantial, immediate, and irreparable, a cease and desist order could be revoked and temporarily replaced by exclusion or any other temporary measure allowed by the law. It must be evident that violations will occur or that temporary measures pending docketing of a complaint under § 211.58(c) are necessary to avert such harm. This section applies to all types of final Commission actions.

Section 211.59 Notice of enforcement action to government agencies.

Notice to Federal agencies is essential to the proper functioning of these rules. Under subsection 337(b), Government agencies have a role in Commission section 337 proceedings. These rules are supplementary to section 337, and therefore the agencies should have a role here, too. Furthermore, advice to the Secretary of Treasury when an exclusion order of any type is made or revoked is required by subsections 337(d), 337(e), and 337(h).

By order of the Commission.

Kenneth R. Mason,

Secretary.

March 10, 1981.

Chapter II, Title 19, of the Code of Federal Regulations is amended as follows:

SUBCHAPTER C—INVESTIGATIONS OF UNFAIR PRACTICES IN IMPORT TRADE

(1) Subchapter C of 19 CFR Chapter II is retitled "Investigations of Unfair Practices in Import Trade";

PART 210—ADJUDICATIVE PROCEDURES

(2) Part 210 of Subchapter C is retitled "Adjudicative Procedures";

§§210.56 and 210.57 [Redesignated as §§210.57 and 210.58.]

(3) Present §§ 210.56 and 210.57 of Part 210 are redesignated §§ 210.57 and 210.58 of Part 210, respectively;

(4) New § 210.56 is added, and present §§ 210.51 and 210.55 are revised; and

(5) New Part 211, entitled "Enforcement Procedures," consisting of Subparts A, B, and C is added. The new rules that correspond to this enumeration, which are hereby promulgated, are as follows:

§ 210.51 Termination of investigation.

(a) *Motions for termination.* Any party may move at any time for an order to terminate an investigation in whole or in part as to any or all respondents.

(b) *Default.* Upon the occurrence of the condition of default, an investigation may be terminated as to one or more of the parties in the investigation.

(c) *Settlement by licensing or other agreement.* (1) An investigation before the Commission may be terminated as provided in paragraph (a) of this section on the basis of a licensing or other agreement entered into between the complainant (all of the complainants if there is more than one) and one or more of the respondents. A motion for termination by such parties shall contain copies of the licensing or other agreement and any agreements supplemental thereto and an affidavit executed by the parties stating that there are no other agreements, written or oral, expressed or implied, between such parties concerning the subject matter of the investigation.

(2) The motion, licensing or other agreement and any agreements supplemental thereto, and affidavit shall be certified by the presiding officer to the Commission with a recommendation. The Commission shall promptly publish notice of such motion along with a nonconfidential summary of the licensing or other agreement in the **Federal Register** and, unless otherwise ordered, for a period of thirty (30) days thereafter receive and consider any comments that may be filed by interested persons concerning the agreement. An order of termination based upon such licensing or other agreement shall not constitute a determination of the Commission under § 210.55.

(d) *Consent order settlement.* An investigation before the Commission may be terminated as provided in paragraph (a) of this section on the basis of a consent order settlement under § 211.20(b). An order of termination based upon such a settlement shall not constitute a determination of the Commission under § 210.55.

(e) *Effect of termination.* Except as provided in paragraphs (c) and (d) of this section, an order of termination issued by the Commission shall constitute a determination of the Commission under § 210.55, and an order of termination issued by the presiding officer (when not the Commission) shall constitute a recommended determination of the presiding officer under § 210.53.

§ 210.55 Commission determination and action.

(a) *Review of recommended determination.* Subject to §§ 210.51 and 210.54, upon receipt of a recommended determination and the record under § 210.53, the Commission shall review the same and determine, as the case may be, whether there is a violation of section 337 or whether there is reason to believe that there is such a violation, and, when appropriate, whether any action (exclusion of articles from entry, exclusion of articles from entry except under bond, or cease and desist order) is in the public interest and should be ordered, and the amount of any bond required.

(b) *When the presiding officer is the Commission.* When the Commission has presided at the taking of evidence, it shall determine, as the case may be, whether there is a violation of section 337 or whether there is reason to believe there is such a violation, and, when appropriate, whether any actions (exclusion of articles from entry, exclusion of articles from entry except under bond, or cease and desist order) is in the public interest and should be ordered, and the amount of any bond required.

§ 210.56 Implementation of Commission action.

(a) *Service of Commission determination upon the parties.* A Commission determination pursuant to § 210.55 or a termination on the basis of a licensing or other agreement or consent settlement pursuant to §§ 210.51 (c) and (d), respectively, shall be served upon each party to the investigation.

(b) *Publication and transmittal to the President.* A Commission determination that there is a violation of section 337, or that there is reason to believe that there is such a violation, together with the action taken, relative to such determination, or Commission action

pursuant to Subparts B and C of Part 211 shall be immediately (1) published in the Federal Register, and (2) transmitted to the President together with the record upon which the action is based.

(c) *Enforceability of Commission action.* Unless otherwise specified, any Commission action, other than an exclusion order, shall be enforceable upon receipt by the effected party of notice of such action. An exclusion order shall be enforceable upon receipt of notice thereof by the Secretary of the Treasury.

(d) *Finality of affirmative Commission action.* If the President does not disapprove for policy reasons such Commission action within a period of sixty (60) days beginning on the day after delivery of a copy of such Commission action is delivered to the President, or if the President notifies the Commission before the close of such period that he approves such Commission action, then such Commission action shall become final on the day after the close of such period, or the day on which the President notifies the Commission of his approval, as the case may be.

(e) *Duration.* Final Commission action shall remain in effect as provided in Subpart C of Part 211.

PART 211—ENFORCEMENT PROCEDURES

Sec.

211.01 Purpose.

Subpart A—Informal Enforcement Procedure

211.10 Informal disposition through voluntary compliance.

Subpart B—Consent Order Procedure

211.20 Opportunity to submit proposed consent order.
211.21 Settlement by consent.
211.22 Contents of consent order agreement.

Subpart C—Enforcement, Modification, and Revocation of Final Commission Actions

211.50 Applicability, purpose, and retroactivity.
211.51 Information gathering.
211.52 Confidentiality of information.
211.53 Review of reports.
211.54 Advice concerning Commission orders.
211.55 Modification of information requirements.
211.56 Proceedings to enforce Commission orders.
211.57 Modification or dissolution of final Commission actions.
211.58 Temporary emergency action.
211.59 Notice of enforcement action to Government agencies.

Authority: The provisions of this Part 211 are issued under secs. 333, 335, and 337 of the Tariff Act of 1930 (19 U.S.C. 1333, 1335, and 1337), and 603 of the Trade Act of 1974 (19 U.S.C. 2482).

§ 211.01 Purpose.

This part sets forth procedures for the settlement by consent of matters which involve alleged violations of section 337 and for the enforcement, modification, and revocation of final Commission actions. Definitions applicable to Part 210 apply to this part unless specifically provided otherwise.

Subpart A—Informal Enforcement Procedure

§ 211.10 Informal disposition through voluntary compliance.

(a) *Opportunity for informal disposition.* When the Commission has information obtained during the course of an informal inquiry or preliminary investigation pursuant to section 603 of the Trade Act of 1974 (19 U.S.C. 2482) indicating that a person may be engaging in a practice which may involve a violation of section 337, it may afford such person the opportunity to have the matter disposed of on an informal administrative basis if it deems that the public-interest factors set forth in § 210.14(a)(2) will be fully safeguarded thereby.

(b) *Public-interest factors to be considered.* In determining whether the public interest factors set forth in § 210.14(a)(2) will be fully safeguarded through such informal administrative action, the Commission will consider—

(1) The nature and gravity of the practice;
(2) Whether the practice is likely to recur;
(3) The prior record and good faith of the person involved;
(4) The adequacy of assurance of voluntary compliance; and
(5) Any other relevant factor that the Commission deems appropriate.

Subpart B—Consent Order Procedure

§211.20 Opportunity to submit proposed consent order.

(a) *Prior to institution of an investigation.* Where time, the nature of the proceeding, and the public interest permit, any person being investigated pursuant to section 603 of the Trade Act of 1974 (19 U.S.C. 2482) or §210.11(b) shall be afforded the opportunity to submit to the Commission a proposal for disposition of the matter under investigation in the form of a consent order agreement which incorporates a proposed consent order executed by or on behalf of such person and complies with the requirements of § 211.22.

(b) *Subsequent to institution of an investigation.* In investigations under section 337, a proposal to settle a matter by consent shall be submitted as a motion to the presiding officer to terminate an investigation under §210.51 together with a consent order agreement which incorporates a proposed consent order. The proposed agreement shall comply with the requirements of §211.22. At any time prior to commencement of a hearing as provided in § 210.41(a)(1), the motion may be filed jointly by all of the following: (1) all private complainants, (2) the Commission investigative attorney, and (3) one or more respondents. However, upon request and for good cause shown, the Commission may consider such a motion certified to it by the presiding officer during or after a hearing. The presiding officer shall promptly certify to the Commission a proposed consent order agreement complying with § 211.22 together with his recommendation. The filing of the motion shall not stay proceedings before the presiding officer unless the presiding officer or the commission shall so order. For the purpose of the time limits for the completion of the hearing set forth in § 210.41(e)(1), there shall be excluded any period of time during which the proceeding is stayed by order of the Commission. Pending review by the presiding officer and disposition by the Commission of a consent order agreement, a party may not, absent good cause shown, withdraw from the agreement once it has been submitted pursuant to this section.

§211.21 Settlement by consent.

(a) After the motion for termination based on a consent order agreement has been filed with the Commission pursuant to § 211.20(a) or certified to the Commission by the presiding officer pursuant to § 211.20(b), the Commission, unless it otherwise orders, shall promptly publish notice of such motion along with the consent order agreement (with confidential information deleted) in the **Federal Register** and for a period of thirty (30) days thereafter receive and consider any comments that may be filed by interested persons concerning the consent order agreement. Notice may also be made through whatever other medium the Commission deems necessary. The Commission shall promptly serve notice of the proposed consent order agreement on the Department of Health and Human Services, the Department of Justice, and the Federal Trade Commission, and such other departments and agencies as the Commission deems appropriate.

(b) Publication of the proposed consent order agreement shall not be deemed to constitute acceptance, provisional or otherwise, of such

agreement. The Commission shall make available a summary of the provisions of the agreement and the relief to be obtained thereby and any other non-confidential information which it deems helpful in assisting interested persons to understand the terms of the agreement.

(c) During the 30 day comment period the Commission may conduct such public proceedings with regard to the notice of proposed consent order agreement as it deems appropriate. Thereafter, within an additional period of twenty (20) days, the Commission shall, after considering the effect of the consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers in the manner provided by § 210.14(a)(4), (1) accept the agreement, issue the consent order, and terminate the investigation; or (2) reject the agreement and deny the motion; or (3) take such other action as it deems appropriate. The Commission shall publish in the **Federal Register** and serve on all parties notice of its action together with a statement of reasons in support thereof. Should the Commission reject the proposed agreement and deny the motion, the parties are in no way bound by their proposal in later actions before the Commission.

§211.22 Contents of consent order agreement.

(a) *Contents.* Every consent order agreement shall contain, in addition to the appropriate proposed consent order, (1) an admission of all jurisdictional facts; (2) an express waiver of all rights to seek judicial review or otherwise challenge or contest the validity of the consent order; and (3) a statement that the enforcement, modification, and revocation will be carried out pursuant to Subpart C of Part 211, incorporating by reference the Commission's Rules of Practice and Procedure. The consent order agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute admission by any party that section 337 has been violated.

(b) *Effect, interpretation, and reporting.* The consent order shall have the same force and effect and may be enforced, modified, or revoked in the same manner as is provided in section 337 and Parts 210 and 211 for other Commission action. Except as otherwise provided in the agreement, the complaint and notice of investigation or the proposed complaint may be used in construing the terms of the consent order, but no agreement, understanding, representation or interpretation not contained in the consent order agreement or Commission decision accompanying the consent order may be used to vary the terms of the consent order. The Commission may require periodic compliance reports pursuant to Subpart C of Part 211 to be submitted by the person entering into the consent order agreement.

Subpart C—Enforcement, Modification, and Revocation of Final Commission Actions

§211.50 Applicability, purpose, and retroactivity.

(a) *Applicability.* The rules in this subpart apply to final Commission actions issued by the Commission under section 337, including exclusion orders, cease and desist orders, and consent orders.

(b) *Purpose.* The purpose of this subpart is to set forth procedures for the enforcement, modification, and revocation of final Commission actions.

(c) *Retroactivity.* The rules in this subpart apply to final Commission actions taken before the effective date of these rules only to an extent not inconsistent with such final actions.

§ 211.51 Information gathering.

(a) *Power to require information.* Whenever the Commission takes a final Commission action, it may reqire any person to report facts available to that person that will aid the Commission in determining whether and to what extent there is compliance with the action or whether and to what extent the conditions that led to the action are changed. The Commission may also include provisions that exercise any other information-gathering power available to it by law. The Commission may at any time request the cooperation of any person or agency in supplying it with information that will aid it in these determinations.

(b) *Form and detail of reports.* Reports under paragraph (a) are to be in writing, under oath, and in such detail and in such form as the Commission prescribes. A final Commission action may also contain terms and conditions which exercise, or make possible the exercise of, on conditions precedent, any power of information gathering available to the Commission by law, subject to the standards of paragraph (a).

(c) *Power to enforce informational requirements.* Terms and conditions of final Commission actions for reporting and information gathering, and modifications of such terms and conditions, shall be enforceable by the Commission by a civil action under 19 U.S.C. 1333, or, at the Commission's discretion, in the same manner as any other provision of the final Commission action is enforced.

(d) *Term of reporting requirement.* The Commission may prescribe in the final Commission action (or, in the case of a consent order, approve) the frequency of reporting or information gathering and the date on which these activities are to terminate. If no date for termination is provided, reporting and information gathering shall terminate when the final Commission action or any amendment to it expires by its own terms or is terminated. The Commission may modify informational requirements of a final Commission action at any time pursuant to §§ 211.53 and 211.55.

§ 211.52 Confidentiality of information.

Confidential information provided to the Commission pursuant to final Commission action will be received by the Commission in confidence. The Commission or, in a proceeding before an administrative law judge under §§ 211.56 ro 211.57, the administrative law judge may, either upon motion or its own initiative, issue or continue appropriate protective orders.

§ 211.53 Review of reports.

(a) *Review to insure compliance.* The Commission, through the Unfair Import Investigations Division, will review reports submitted pursuant to any final Commission action and conduct such further investigation as it deems necessary to insure compliance with its orders and to ascertain if such orders are being violated.

(b) *Extension of time.* The Chief of the Unfair Import Investigations Division may, for good cause shown, extend the time in which reports required by Commission orders may be filed. An extension of time within which a report may be filed, or the filing of a report which does not evidence full compliance with the order, does not in any circumstances suspend or relieve a respondent from its obligation under the law with respect to compliance with such order.

§ 211.54 Advice concerning Commission orders.

(a) *Advice to respondents submitting information.* The Commission may advise respondents reporting or providing information whether their reports or information comply with a final Commission order or whether the actions or information set forth therein evidence compliance with the Commission order. The Commission may, in any event, institute proceedings pursuant to § 211.56 to enforce compliance with an order.

(b) *Advisory opinions.* Upon request of a respondent, the Commission may, upon such investigation as it deems necessary, issue an advisory opinion as to whether a respondent's proposed new course of action or conduct would violate the Commission order or section 337. The Commission will consider whether the issuance of such an advisory opinion would facilitate enforcement of section 337, would be in the public interest, and would benefit consumers and competitive conditions in the United States.

(c) *Revocation.* The Commission may at any time reconsider its approval of any report of compliance or any advice given under this section and, where the public interest requires, rescind or revoke its prior approval or advice. In such event the respondent will be given notice of the Commission's intent to revoke or rescind as well as an opportunity to submit its views to the Commission. The Commission will not proceed against a respondent for violation of an order with respect to any action which was taken in good faith reliance upon the Commission's approval or advice under this section, if all relevant facts were fully, completely, and acurately presented to the Commission and such action was promptly discontinued upon notification of rescission or revocation of the Commission's approval.

§ 211.55 Modification of information requirements.

(a) *Cease and desist orders.* The Commission may modify reporting requirements of cease and desist orders as necessary (1) to assure compliance with an outstanding action; (2) to take account of changed circumstances; or (3) to minimize the burden of reporting or informational access. An order to modify reporting requirements shall identify the reports involved and state the reason or reasons for modification. No reporting requirement will be suspended during the pendency of such a modification unless the Commission so orders. The Commission may, if the public interest warrants, announce that a modification of reporting is under consideration and ask for comment, but it may also modify any reporting requirement at any time without notice, consistent with the standards of this section.

(b) *Consent orders.* Consistent with the standards set forth in subsection (a) above, the Commission may modify reporting requirements of consent orders. The Commission shall publish a notice of any proposed change in the **Federal Register**, together with the reporting requirements to be modified and the reasons therefor, and serve notice on each party subject to the proposed modified consent order. Such parties shall be given the opportunity to submit briefs to the Commission, and the Commission may hold a hearing on the matter.

§ 211.56 Proceedings to enforce Commission orders.

(a) *Informal enforcement proceedings.* Informal enforcement proceedings may be conducted by the Commission, through the Unfair Import Investigations Division, with respect to any act or omission by any person in violation of any provision of a final Commission action. Such matters may be handled by the Commission through correspondence or conference or in any other way which the Commission deems appropriate. The Commission may issue such orders as it deems appropriate to implement and insure compliance with the terms of a cease and desist or exclusion order, or any part thereof. Any matter not disposed of informally may be made the subject of a formal proceeding pursuant to this subpart.

(b) *Court enforcement.* To enforce a Commission order, the Commission may, without prior notice of any kind to a respondent or any other type of proceeding otherwise available under the section, initiate a civil action in the U.S. district court pursuant to section 337(f), requesting the imposition of such civil penalty or the issuance of such mandatory injunctions as the Commission deems necessary to enforce its orders and protect the public interest.

(c) *Formal Commission enforcement proceedings.* The Commission may institute an enforcement proceeding at the Commission level by docketing a complaint setting forth alleged violations of any final Commission order. The complaint, if docketed, shall be served upon the alleged violator and published in the **Federal Register**. Within fifteen (15) days after the date of receipt of such a complaint, the named respondent shall file a response to it. Responses shall fully advise the Commission as to the nature of any defense and shall admit or deny each allegation of the complaint specifically and in detail unless the respondent is without knowledge, in which case its answer shall so state and the statement shall operate as a denial. Allegations of fact not denied or controverted shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered and shall, in the absence of a reply, be deemed to be uncontroverted.

(1) Failure of a respondent to file and serve a response within the time and in the manner prescribed herein shall authorize the Commission, in its discretion, to find the facts alleged in the complaint to be true and to take such action as may be appropriate without notice or hearing, or, in its discretion, to proceed without notice to take evidence on the allegations or charges set forth in the complaint, provided that the Commission (or presiding officer, if one is appointed) may permit late filings of an answer for good cause shown.

(2) The Commission, in the course of a formal enforcement proceeding under paragraph (c) of this section, may hold a public hearing and afford the parties to the enforcement proceeding the opportunity to appear and be heard. The hearing provided for under this paragraph is not subject to sections 554, 555, 556, 557, and 702 of title 5, United States Code. The Commission may delegate any hearing under this subsection to the Chief Administrative Law Judge for designation of a presiding administrative law judge, who shall certify a recommended determination to the Commission.

(3) Upon conclusion of an enforcement proceeding under this subsection, the Commission may (i) modify a cease and desist, consent, or exclusion order in any manner necessary to prevent the unfair practices which were originally the basis for issuing such order; (ii) bring civil actions in the United States district court pursuant to § 211.56(b) requesting the imposition of a civil penalty or the issuance of mandatory injunctions incorporating relief sought by the Commission; or (iii) revoke the cease and desist order or consent and direct that the articles concerned be excluded from entry into the United States.

(4) Prior to effecting any modification, or revocation and/or exclusion, under this paragraph, the Commission shall consider the effect of such action upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

§ 211.57 Modification or dissolution of final Commission actions.

(a) Whenever any person believes that changed conditions of fact or law, or the public interest, require that a final Commission action be modified or set aside, in whole or in part, such person may file with the Commission a motion requesting such relief. The Commission may also on its own initiative consider such action. The motion shall state the changes desired and the changed circumstances warranting such action.

and shall include materials and argument in support thereof.

(b) Upon receiving a motion, the Commission shall either (1) provisionally accept the motion or (2) reject the motion. The Commission shall treat a self-initiated action as a provisionally accepted motion under this subsection. Upon provisional acceptance, notice thereof shall be published in the **Federal Register**, and the motion and the notice shall be served on each former party to the section 337 proceeding. Within thirty (30) days after the service of such motion, any party served may file an answer. The Commission may hold a public hearing and afford interested persons the opportunity to appear and be heard. After consideration of the motion, any responses thereto, or any information placed on the record at a public hearing or otherwise, the Commission shall take such action as it deems appropriate. Any final Commission action will, if not modified or revoked, expire by terms stated in the action. The Commission may delegate any hearing under this section to the Chief Administrative Law Judge for designation of a presiding administrative law judge, who shall certify a recommended determination to the Commission.

§ 211.58 Temporary emergency action.

Whenever the Commission determines, pending a formal enforcement proceeding under § 211.56(b), that without immediate action a violation of a Commission order will occur and that subsequent action by the Commission would not adequately repair substantial harm caused by such violation, the Commission may immediately and without hearing or notice modify or revoke such order and, if it is revoked, replace the order with an appropriate exclusion order. Prior to taking any action under this section, the Commission shall consider the effect of such action upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers. The Commission shall, if it has not already done so, institute a formal enforcement proceeding under § 211.56 at the time of taking action under this section or as soon as possible thereafter, in order to give the alleged violator and other interested parties a full opportunity to present information and views regarding the continuation, modification, or revocation of Commission action taken under this section.

§ 211.59 Notice of enforcement action to Government agencies.

(a) *Consultation.* The Commission may consult with or seek information from any Government agency when taking any action under this subpart.

(b) *Notification of Treasury.* The Commission shall notify the Secretary of the Treasury of any action under this subpart which results in a permanent or temporary exclusion of articles from entry or the revocation of an order to such effect.

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Reader Aids

Federal Register

Vol. 46, No. 52

Wednesday, March 18, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17
17187-17534	18

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

405	17187

3 CFR

Executive Orders:	
12247 (Revoked by EO 12296)	16879
12296	15129
12297	16877
12298	16879
Proclamations:	
4822	14885
4823	15491
4824	17009
Administrative Orders:	
Presidential Determinations:	
No. 81-2 (Supplemented by No. 81-4 of March 5, 1981)	16235
No. 81-4 of March 5, 1981	16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981)	15855
No. 81-3 of February 27, 1981	15855

4 CFR

27	15857
28	15857
Proposed Rules:	
28	15884

5 CFR

Ch XIV	17187
550	14887
831	16653

7 CFR

905	16237
907	15257, 16237
910	15493, 15864, 16655
907	16238
2024	15493
Proposed Rules:	
930	15888
1002	17207
1004	15713, 16266
1007	16266
1011	16266
1030	16266
1032	16266
1046	16266
1049	16266
1050	16266
1062	16266
1064	16266
1065	16266
1068	16266, 16669
1071	16266
1073	16266
1076	16266
1079	16266
1094	16266
1096	16266
1097	16266
1098	16266
1099	16266
1102	16266
1104	16266
1106	16266
1108	16266
1120	16266
1126	16266
1131	16266
1132	16266
1136	16266
1139	16890
2851	14899
2859	15512

8 CFR

238	16656

9 CFR

75	15494
Proposed Rules:	
308	15512
381	15512

10 CFR

20	16230
35	15683
212	15257
Proposed Rules:	
2	17216
30	15278
40	15278
50	15278
51	15154
70	15278
72	15278
211	15112
376	15484
390	15484

12 CFR

Ch. VII	14887
1	16240
5	16656-16661
8	16663
21	15864
206	16099
216	15864
326	15864
541	17187
544	16881
545	17187
546	14727
556	16246
611	17011
563	14727

563a 15864
701 17187
748 15864
749 17188
1204 15131

Proposed Rules:
400 15866
545 15175
618 17022

14 CFR

39 ..... 14728–14729, 15259, 16247, 16248, 16661–16666
71 14730–14734
91 ..... 16666, 16666
95 14735
97 ..... 15259, 16249
121 15480

Proposed Rules:
Ch. I 14749, 15278, 15746
21 16279
39 15479
241 17022
71 ..... 15478, 16899–16902
93 15458
159 15458

15 CFR

4a 16251
386 16689
388 17189
503 15496
804 16892
805 16892
935 14741
936 14741
937 14741
938 14741

Proposed Rules:
377 17218

16 CFR

1 14888
13 ..... 15261, 15262, 16892, 14741, 17189

Proposed Rules:
13 16274

17 CFR

15 ..... 15132, 16255
200 16255
211 15496
231 16670
240 ..... 14886, 15133, 15134, 15498, 15713, 15866
241 16670
270 ..... 16673, 17011

Proposed Rules:
1 16691
210 15276
240 ..... 14749, 15178, 17219

18 CFR

4 15873
250 15874
260 15878
282 ..... 14742, 15496, 15879, 16256

Proposed Rules:
Ch. I 15512
Subchapter B 16903
1 ..... 14751, 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 ..... 14751, 17023
12 17023
16 17023
25 17023
32 17023
33 17023
34 15513
35 ..... 17023, 17227
41 17023
131 15513
152 17023
153 17023
154 14899
156 17023
157 ..... 14899, 16903
158 17023
250 14899
260 14899
270 17023
271 ..... 16914, 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 ..... 16903, 17023
385 17023
388 17023

19 CFR

Ch. II 17526
210 17526
211 17526
353 ..... 15135, 17190
355 ..... 16099, 17014

Proposed Rules:
101 17228

21 CFR

5 16674
73 15500
81 15500
175 16675
177 16675
193 ..... 16256, 17015
430 ..... 15880, 16676
431 16676
436 ..... 15880, 16676, 16678, 16681
440 ..... 15880, 16681
442 ..... 15880, 16679
444 ..... 16676, 16680, 16681
446 16681
448 16681
449 16681
450 16681
452 ..... 16676, 16681
540 14889
561 ..... 14889, 17015
864 14890

Proposed Rules:
20 17063
109 15518
110 15518
193 15281
225 15518
226 15518
452 16892
500 15518
509 15518
801 17063
803 17063
872 15519
876 ..... 17063, 17064

22 CFR

Ch. XIV 16058, 16065
41 15504
51 16257

24 CFR

201 17190
203 ..... 14743, 16893
207 ..... 14743, 16893
213 16893
220 ..... 14743, 16893
221 16893
232 16893
234 16893
235 16893
236 16893
241 16893
242 16893
244 16893
300 15505
803 17366
888 17366

25 CFR

43c 14890
700 15720

Proposed Rules:
72 16916
260 16916

26 CFR

1 ..... 15262, 15685, 16100, 17191
20 17191
25 17191
55 15262
150 16257

Proposed Rules:
1 ..... 15892, 17229
26 15893

28 CFR

0 16100
40 16100

Proposed Rules:
2 14904

29 CFR

1910 14897
2200 14744
2610 16665

Proposed Rules:
92 16827

30 CFR

950 17191

Proposed Rules:
906 16276

32 CFR

201 15505
286 14890
369 15506
875 15506

33 CFR

1 15685
230 14745

34 CFR

690 16823

36 CFR

3 16101
21 16101
38 16666

39 CFR

10 17016
111 ..... 14746, 15263, 15266

40 CFR

52 ..... 15136–15139, 15666, 16667, 16695–16697, 17019, 17191–17193
55 15666
81 ..... 14891, 14892, 15140, 16258
86 ..... 15666, 16258, 16259
122 16697
123 17194
162 15104
180 ..... 14894, 15122–15125 17020, 17021
261 17196
264 16697
265 16697
761 16090

Proposed Rules:
Ch. I 16916
51 16280
52 ..... 15180, 15181, 15284, 15743, 16280
60 14905
81 ..... 15744, 15744
86 ..... 15893, 16917
180 ..... 15181, 15182, 15285, 16917, 17229, 17230
192 16278
430 15287
431 15287
761 16096
763 14905

41 CFR

1–4 16102
5–6 17202
5A–6 17202
5B–6 17202
101–35 16102
101–36 16102
101–40 14894

Proposed Rules:
8–4 17232

42 CFR

110 15141

43 CFR

20 16897

Public Land Orders:
5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 16101
65 16101

Proposed Rules:
60 16101
67 16101

45 CFR

1060 16101
1357 16101
1612 16101

46 CFR

3 16101
14 16101
24 16101
188 16101
189 16101

Proposed Rules:
502 16101

47 CFR

2 16101
73 ..... 15707, 16101
81 16101
83 16101
90 16101
97 16101

Proposed Rules:
Ch. I 16101
0 16101
22 16101
25 16101
61 16101
63 16101
73 16101
83 16101
90 16101

48 CFR

Proposed Rules:
31 16101

5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15287, 15289
65 15142

Proposed Rules:

60 16692
67 ..... 14907, 15183, 15287, 16282

45 CFR

1060 15270
1357 14695
1612 16267

46 CFR

3 15746
14 15746
24 15746
188 15746
189 15746

Proposed Rules:

502 17064

47 CFR

2 ..... 15146, 15690
73 ..... 15147–15151, 15271, 15707, 15709–15711, 16268
81 15690
83 15690
90 ..... 15152, 15273
97 15146

Proposed Rules:

Ch. I 14907, 15184, 15296, 16692
0 15297
22 15749
25 15754
61 15297
63 ..... 14754, 15297
73 ..... 15184–15186, 15296, 15754, 15756, 15757, 17065, 17233
83 17233
90 16104

48 CFR

Proposed Rules:

31 16918

49 CFR

1002 16200
1005 16200
1033 ..... 14695, 14696, 15507
1039 15509
1056 16200
1132 15509
1240 15680
1243 15681
1310 16200
1322 16200
1331 ..... 15277, 16102

Proposed Rules:

25 16282
1048 16106
1056 16225
1057 15300
1100 17066
1206 15302
1207 15302
1307 17234
1310 17234

50 CFR

611 16103
652 15510

Proposed Rules:

230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issued of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Comments On Proposed Rules for the Week of March 22 through March 28, 1981

AGRICULTURE DEPARTMENT

Food and Nutrition Service—

7749 — 1-23-81 / Food Stamp Program; photo identification; comments by 3-24-81

7878 — 1-23-81 / Special Supplemental Food Program for Women, Infants, and Children; food delivery systems; comments by 3-24-81

Rural Electrification Administration—

7367 — 1-23-81 / Remanufactured distribution transformers; proposed revision of REA Specification D-17; comments by 3-27-81

CIVIL AERONAUTICS BOARD

11827 — 2-11-81 / Uniform system of accounts and reports for certificated air carriers; comments period extended to 3-25-81

[*See also* 45 FR 85064, 12-24-80]

COMMERCE DEPARTMENT

International Trade Administration—

5865 — 1-21-81 / Short supply controls; establishment of criteria for consideration of applications for exceptions (final rules); comments by 3-23-81

National Oceanic and Atmospheric Administration—

15188 — 3-4-81 / Fish and Wildlife Coordination Act; Notice re-opening comment period on proposed rulemaking and draft environmental statement; comments by 3-25-81

[Originally published at 45 FR 83412, 12-18-80]

COMMODITY FUTURES TRADING COMMISSION

6032 — 1-21-81 / Terms and conditions of the 30-year U.S. Treasury Bond Futures Contract of the Chicago Mercantile Exchange; comments by 3-23-81

CONSUMER PRODUCT SAFETY COMMISSION

85772 — 12-30-80 / Safety standards; proposed methodology for Commission consideration of findings under section 9(c) of Consumer Product Safety Act; comments by 3-24-81

[Comment period extended at 46 FR 8036, 1-29-81]

DEFENSE DEPARTMENT

Corps of Engineers, Department of the Army—

13733 — 2-24-81 / Danger zone; Pacific Ocean between Point Sal and Point Conception, Calif.; comments by 3-27-81

10823 — 2-5-81 / Portsmouth Naval Shipyard, Kittery, Maine; restricted area; comments by 3-26-81

EDUCATION DEPARTMENT

7196, 7206 — 1-22-81 / Children residing on Indian lands, special impact provisions for local educational agencies that claim entitlements (2 documents); comments by 3-23-81

[*See also* 46 FR 12495, 2-17-81]

6322 — 1-21-81 / Pell Grant, National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant, Guaranteed Student Loan, and Parent Loans for Undergraduate Students programs (final regulations); comments by 3-23-81

[*See also* 46 FR 12496, 2-17-81]

ENERGY DEPARTMENT

13519 — 2-23-81 / Patent Compensation Board regulations; comments by 3-25-81

Conservation and Solar Energy Office—

8016 — 1-26-81 / Residential energy efficiency program; comments by 3-27-81

Federal Energy Regulatory Commission—

10165 — 2-2-81 / Application for license for major unconstructed projects and major modified projects; application for license for transmission lines only; and application for amendment to license; comments by 3-27-81

ENVIRONMENTAL PROTECTION AGENCY

9128 1-25-81 / Air quality implementation plan; Pennsylvania; proposed revision; comments by 3-27-81

7004 1-23-81 / Air quality, La.; submission of volatile organic compound regulations for Set II control technique guideline sources; comments by 3-23-81

7007 1-23-81 / Air quality, Mo.; revisions to State implementation plan; start-up shutdown, and malfunction conditions; comments by 3-23-81

7009 1-23-81 / Air quality, Nebr., designation of areas for planning purposes; comments by 3-23-81

7193 1-23-81 / Air quality; ozone modeling techniques; comments by 3-23-81

8200 1-28-81 / Asbestos; reporting and recordkeeping requirements; comments by 3-27-81

[*See also* 46 FR 14905, 3-3-81]

13242 2-20-81 / Hazardous waste management program; Oregon application for interim authorization; comments by 3-23-81

8291 1-29-81 / Requirements for authorization of State Hazardous Waste Programs; comments by 3-27-81

8033 1-29-81 / Review of standards of performance for new stationary sources; ferroalloy production facilities; comments by 3-27-81

8362 1-29-81 / Standards of performance for new stationary sources; comments by 3-27-81

8312 1-29-81 / State hazardous waste programs; requirements for compliance evaluation programs during interim authorization; comments by 3-27-81

FEDERAL COMMUNICATIONS COMMISSION

9065 1-29-81 / Aeronautical mobile services on world wide basis; frequency allotment changes; reply comments by 3-23-81

14369 2-27-81 / FM broadcast stations in Albion, Avilla, Auburn, Garrett, and Lagrange, Ind., changes in table of assignments; comments by 3-24-81

10963 2-5-81 / FM broadcast stations in Glendale and Phoenix, Ariz.; changes in table of assignments; comments by 3-23-81

14361 2-27-81 / FM broadcast station in Marshfield, Wis., changes in table of assignments; comments by 3-23-81

9141 1-28-81 / FM broadcast station; Norton, Kansas; table of assignments; reply comments by 3-23-81

11697 2-11-81 / Geographic reallocation of certain channels in the Detroit area to the business radio service; reply comments by 3-27-81

15184 3-4-81 / Implementation of final acts of the World Administrative Radio Conference, Geneva 1979; reply comments period extended to 3-23-81

[*See also* 46 FR 3060, 1-13-81 and 46 FR 11848, 2-11-81]

FEDERAL TRADE COMMISSION

6976 1-22-81 / Funeral industry practices; comments by 3-23-81

7300 1-23-81 / Gould Inc.; proposed consent agreement with analysis to aid public comment; comments by 3-24-81

GENERAL SERVICES ADMINISTRATION

10924 2-5-81 / Procurement and contracting by Federal agencies; automatic data processing services; comments by 3-26-81

3519 1-15-81 / Procurement; purchases from foreign business concerns; temporary regulation; comments by 3-23-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

6949 1-22-81 / Determination of Federal share of collections by State agencies; comments by 3-23-81

Food and Drug Administration

84837 12-23-80 / Caffeine; deletion of GRAS status, proposed declaration that no prior sanction exists, and use on an interim basis pending additional study; comments by 3-23-81

7562 1-23-81 / Classification of gastroenterology-urology devices (58 documents); comments by 3-24-81

7271 1-23-81 / Content and format for labeling for human prescription drugs; amendment of effective date for certain biological products (final rule); comments by 3-24-81

84837 12-23-80 / Soda Water; amendment to standard, extension of comment period; comments by 3-23-81

Health Care Financing Administration—

6296 1-21-81 / Medicare program; medigap; certification of medicare supplemental health insurance policies; comments by 3-23-81

6903 1-22-81 / Supplemental security income benefit, continuation and Medical eligibility for severely impaired recipients into work; comments by 3-23-81

Human Development Services Office—

7246 1-22-81 / Adoption Assistance and Child Welfare Act; complementation and amendments to social services programs; comments by 3-23-81

6903 1-22-81 / Supplemental security income benefits; continuation and Medicaid eligibility for severely impaired recipients into work; comments by 3-23-81

Public Health Service—

7166 1-22-81 / Health systems agencies, governing body requirements; comments by 3-23-81

Social Security Administration—

6903 1-22-81 / Supplemental Security Income Benefits; continuation and Medicaid eligibility for severely impaired recipients who work; comments by 3-23-81

7299 1-23-81 / Supplemental Security Income for the Aged, Blind, and Disabled; State supplementation provisions; agreements; payments-use of regression formula in computing Federal liability (final rule); comments by 3-24-81

7393 1-23-81 / Supplementary security income; income of ineligible individual for deeming purposes; exclusion of payments for in-home supportive services; comments by 3-24-81

INTERIOR DEPARTMENT

Office of the Secretary—

15188 3-4-81 / Fish and Wildlife Coordination Act; Notice reopening comment period on proposed rulemaking and draft environmental Statement; comments by 3-25-81

[Originally published at 45 FR 83412, 12-18-80]

Surface Mining Reclamation and Enforcement Office—

6963 1-22-81 / Surface coal mining and reclamation operations regulatory program; use of explosives; comments by 3-23-81

INTERSTATE COMMERCE COMMISSION

13244 2-20-81 / Business entertainment expenses; comment period extended to 3-23-81

[*See also* 46 FR 13231, 1-6-81]

13749 2-24-81 / Elimination of notification procedure in the processing of emergency temporary authority applications under 49 U.S.C. 10928; comments by 3-26-81

11566 2-6-81 / Regulations governing minimum amounts of cargo insurance, bonds or other security required to be filed by motor common carriers of property and freight forwarders; modification of regulations; comments by 3-26-81

LABOR DEPARTMENT

7392 1-23-81 / Subpoenas served upon departmental employees; procedure to be followed; comments by 3-24-81

Employment and Training Administration—

7395 1-23-81 / Comprehensive Employment and Training Act; allowability of legal expenses; comments by 3-24-81

7796 1-23-81 / Unemployment Compensation for Ex-Service members; revision of regulations; comments by 3-24-81

7786 1-23-81 / Unemployment Compensation for Federal Civilian Employees Program; comments by 3-24-81

Occupational Safety and Health Administration—

7392 1-23-81 / Subpoenas served upon departmental employees; procedures to be followed; comments by 3-24-81

Office of the Secretary—

7756 1-23-81 / Hospital employee protection program guidelines; comments by 3-24-81

7392 1-23-81 / Subpoenas served upon departmental employees; procedure to be followed; comments by 3-24-81

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

13237 2-20-81 / Discretionary funds; procedures for submission, review, approval, and administration of applications for financial assistance; comments by 3-23-81

NUCLEAR REGULATORY COMMISSION

11666 2-10-81 / Availability of draft generic environment impact statement; comments by 3-23-81

7388 1-23-81 / Periodic and systematic review of regulations; comments by 3-24-81

PERSONNEL MANAGEMENT OFFICE

6022 1-21-81 / Procurement regulations for Federal employees health benefit plans; comments by 3-23-81

STATE DEPARTMENT

Office of the Secretary—

6358 1-21-81 / Hostage relief provisions; assistance to American hostage and members of their families and households; comments by 3-23-81

TRANSPORTATION DEPARTMENT

Coast Guard—

15746 3-9-81 / Oceanographic Research Vessels; comments by 3-22-81

[Originally published at 12-22-80; at 45 FR 84104]

Federal Aviation Administration—

9629 1-29-81 / Air carriers certification and operation; definition of "exclusive use"; comments by 3-27-81

9868 1-29-81 / Air carriers; supplemental, and commercial operators; exclusive use requirements; comments by 3-27-81

8347 1-26-81 / Proposed exception in definition of "acoustical change" to permit temporary, limited engine/Nacelle Intermix for Turbojet engine powered transport category/ large airplanes; comments by 3-27-81

Federal Highway Administration—

77466 11-24-80 / Interstate truck and bus drivers; prohibition of use of drugs and other substances; comments by 3-24-81

National Highway Traffic Safety Administration—

8067 1-26-81 / Federal motor vehicle safety standards; glazing materials; comments by 3-27-81

8062 1-26-81 / Federal motor vehicle safety standards; low tire pressure warning devices; comments by 3-27-81

TREASURY DEPARTMENT

Internal Revenue Service—

7401 1-23-81 / Books and records of foreign corporations and operations; comments by 3-24-81

7397 1-23-81 / Income Tax; investment credit for single purpose agricultural or horticultural structures; comments by 3-24-81

VETERANS ADMINISTRATION

12967 2-19-81 / Changes in Veterans' disability compensation and survivors benefits; comments by 3-23-81

Deadlines for Comments On Proposed Rules For the Week of March 29 through April 4, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

12000 2-12-81 / Spearmint oil produced in the Far West; salable quantities and allotment percentages for 1981-82 marketing year; comments by 4-6-81

Commodity Credit Corporation—

9556 1-29-81 / Noncommercial risk assurance program (GSM-101); assuring against defaults caused by noncommercial risk occurrences; comments by 3-30-81

Farmers Home Administration—

8435 1-27-81 / Population limits for community facilities loan eligibility; comments by 3-30-81

9617 1-29-81 / Servicing and liquidation of Chattel Security; comments by 3-30-81

[Corrected at 46 FR 11666, 2-10-81]

Food and Nutrition Service—

8855 1-27-81 / Replacement of lost or stolen food stamp authorizations, and replacement of nondelivered, stolen or destroyed coupons; comments by 3-30-81

Food Safety and Quality Service—

14899 3-3-81 / Solicitation of information on proposed shelled peanuts standards; comments by 4-3-81

Rural Electrification Administration—

10466 3-3-81 / Adoption of the 1981 edition of the National Electrical Safety Code—ANSI C2; proposed revision of REA Bulletin 40-7; comments by 4-3-81

Soil Conservation Service—

9510 1-29-81 / Archeological and historical properties encountered in assistance programs; protection procedures; comments by 3-30-81

CIVIL AERONAUTICS BOARD

8561 1-27-81 / Oversales and denied boarding compensation; comments by 3-30-81

10164 2-2-81 / Pro rata and single entity charters; removal of restrictions on administration costs; comments by 3-30-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

13244 2-20-81 / Atlantic Billfishes Fishery Management Plan comments by 3-30-81

Office of the Secretary—

9910 1-27-81 / Proposed amendment to the National Voluntary Laboratory Accreditation program procedures to include criteria for accrediting testing laboratories and to eliminate the need for criteria committees; comments by 3-30-81

Patent and Trademark Office—

9121 1-28-81 / Continuation-in-part application oath or declaration; additional requirements; comments by 3-31-81

COMMODITY FUTURES TRADING COMMISSION

9958 1-30-81 / Reparation proceedings; delegation of authority to Chief of Operations Section; comments by 3-31-81

13525 2-23-81 / Speculative position limits; comments by 4-1-81

[Originally published at 45 FR 79831, 12-3-80]

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COMMUNITY SERVICES ADMINISTRATION

9661 1-29-81 / Grantee fiscal responsibility and auditing; comments by 3-30-81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

15131 3-4-81 / Premiums, finders fees, and the payment of interest; comments by 4-1-81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

8996 1-27-81 / Residential conservation service program; comments by 3-30-81

Economic Regulatory Administration—

15112 3-3-81 / Establishment of mechanism for entitlements adjustments for periods prior to decontrol of crude oil; comments by 4-2-81

Federal Energy Regulatory Commission—

15513 3-6-81 / Public utilities and licensees; application for authorization of the issuance of securities or assumption of liabilities; comments by 3-30-81

ENVIRONMENTAL PROTECTION AGENCY

14358 2-27-81 / Air pollution; beverage can surface coating industry, standards of performance; reopening of comment period; comments by 3-30-81 [*See also* 45 FR 78990, 11-28-80]

9124 1-28-81 / Air quality implementations; prevention of significant deterioration and emission offset; new source review requirements; comments by 3-30-81

14135 2-25-81 / Approval and Promulgation of Implementation; Ohio; comments by 3-30-81

15181 3-4-81 / Chlorpyrifos. Proposed tolerance; comments by 4-3-81

15182 3-4-81 / Ethephon, proposed tolerance; comments by 4-3-81

15693 3-10-81 / Motor vehicle pollution control, waiver of oxides of nitrogen emission standards; comments by 4-3-81

86732 12-31-80 / Noise emission standards for motorcycles and motorcycle exhaust system; additional testing requirement; comments by 3-31-81

8581 1-27-81 / Ohio; Approval and promulgation of Implementation Plans; comments by 3-30-81

10911 2-5-81 / Resource conservation and recovery; guidance on personnel training; selected interim status requirements; closure and post-closure; and financial requirements, availability of draft documents; comments by 3-31-81

8982 1-27-81 / Tampering enforcement regulations; comments by 3-30-81

15122 3-3-81 / Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; Ethylene dibromide; comments by 4-2-81

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

9970 1-30-81 / Age Discrimination; procedural regulations; comments by 3-31-81

FEDERAL COMMUNICATIONS COMMISSION

9133 1-28-81 / Common carrier services; AT&T; wideband circuits to communications companies and public; reply comments by 4-3-81

85125 12-24-80 / Direct broadcast satellites for the period following the 1983 Regional Administrative Radio Conference, development of regulatory policy (permanent regulatory issues; comments by 3-31-81

15754 3-9-81 / Policies governing the ownership and operation of domestic satellite earth stations in the Bush Communities in Alaska; order extending time for reply comments to 4-3-81

9136 1-28-81 / Telephone company—cable television cross-ownership rules; exemption for rural areas; comments by 3-30-81

FEDERAL HOME LOAN BANK BOARD

15175 3-4-81 / Adjustable-rate mortgage instrument amendments; comments by 4-3-81

FEDERAL MARITIME COMMISSION

8599 1-27-81 / Exclusion of certain routine rate actions from reporting requirements; comments by 3-30-81

10178 2-2-81 / Exemption of certain agreements from the requirements of section 15, Shipping Act, 1916; comments by 4-3-81

GENERAL SERVICES ADMINISTRATION

77436 11-24-80 / Motor vehicles for disposal and release after sale, reporting of odometer information by Federal Agencies; comments by 4-1-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

15519 3-6-81 / Dental devices classification; comments period extended to 4-1-81

[*See also* 45 FR 85902, 12-30-80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

12214 2-13-81 / Bay checker spot butterfly; review of status; comments by 4-1-81

86512 12-31-80 / National Wildlife Refuge System; Surface management of lands under U.S. mining laws, hardrock and placer mining; comments by 3-31-81

National Park Service—

85480 12-29-80 / Glacier Bay National Monument; protection of Humpback Whales; comments by 3-30-81

INTERSTATE COMMERCE COMMISSION

14365 2-27-81 / Intermodal transportation trailer on flatcar (TOFC) and container on flatcar (COFC); exemption for railroad affiliated and other motor carriers; comments by 3-30-81

14362 2-27-81 / Recordation of documents; rule revisions; comments by 3-30-81

LABOR DEPARTMENT

8990 1-27-81 / Procedure for determination of applicability of Section 8(f) of the Longshoremen's and Harbor Workers' Compensation Act and Special Fund assessments; comments by 3-30-81

Employment and Training Administration—

9008 1-27-81 / Comprehensive Employment and Training Act; Regulations concerning complaints, investigations and sanctions; comments by 3-30-81

Employment Standards Administration—

8570 1-27-81 / Claims for benefits under Part C of Title IV of the Federal Mine Safety and Health Act; comments by 3-30-81

8854 1-27-81 / Procedures for handling of discrimination complaints under the Black Lung Benefits Act; comments by 3-30-81

Occupational Safety and Health Administration—

7402 1-23-81 / Identification, classification and regulation of potential occupational carcinogens; proposed amendments; comments by 3-31-81

Pension and Welfare Benefit Programs Office—

8571 1-27-81 / Definitions and coverage under the Employee Retirement Income Security Act of 1974; Proposed regulations relating to supplemental payments; comments by 3-30-81

[*See also* 46 FR 11292, 2-6-81; corrected at 46 FR 12214, 2-13-81]

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

9669 1–29–81 / Federal Aquisition Regulation; disputes and appeals, draft; comments by 3–31–81

PENSION BENEFIT GUARANTY CORPORATION

9492 1–28–81 / Valuation of plan benefits in non-multiemployer plans (interim rule); comments by 3–30–81

PERSONNEL MANAGEMENT OFFICE

8529 1–27–81 / Personnel records; comments by 3–30–81

SECURITIES AND EXCHANGE COMMISSION

14749 3–2–81 / Net capital requirements for brokers and dealers; comments by 4–1–81

SELECTIVE SERVICE SYSTEM

6998 1–22–81 / Alternative service; proposed concept; comments by 3–31–81

TRANSPORTATION DEPARTMENT

Coast Guard—

11556 2–9–81 / Qualifications of persons in charge of oil transfer operations; comments by 4–1–81

Federal Aviation Administration—

80434 12–4–80 / Airworthiness standards; aircraft and products design and procedural standards for type certificates, type certificate amendments, and supplemental type certificates; comments by 3–31–81

Federal Highway Administration—

9642 1–29–81 / Construction and maintenance; general material requirements; comments by 3–30–81

National Highway Traffic Safety Administration—

10429 2–2–81 / Consumer information regulations; Uniform tire quality grading; comments by 4–3–81

Office of the Secretary—

9603 1–29–81 / Aircraft air pollution standards, exemptions; delegation of authority to Federal Aviation Administrator of Environmental Protection Agency regulations; final rule; comments by 3–30–81

Research and Special Programs Administration—

8055 1–26–81 / Trailer-on-Flatcar transportation of hazardous materials; comments by 4–2–81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

9644 1–29–81 / Denatured alcohol and rum formulas; comments by 3–30–81

9969 1–30–81 / New specially denatured alcohol formula; comments by 3–31–81

Comptroller of the Currency—

9618 1–29–81 / Securities Exchange Act Disclosure rules; financial statements of national banks; falsification of accounting records, etc; comments by 3–30–81

Internal Revenue Service—

9965 1–30–81 / Income tax; consolidated return regulations; comments by 3–31–81

12502 2–17–81 / Reporting the generation skipping transfer tax; comments by 4–3–81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Rural Electrification Administration—

13248 2–20–81 / Puerto Rico Electric Power Authority, loan guarantee, Hato Rey, P.R., 3–23 and Aguada, P.R., 3–24–81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

12565 2–17–81 / Design Arts Panel (Demonstration Section), Washington, D.C. (closed), 3–26 and 3–27–81

13864 2–24–81 / Humanities Panel, Washington, D.C. (closed), 3–23 and 3–24–81

15830 3–9–81 / Humanities Panel, Washington, D.C. (closed), 3–26 and 3–27–81

16009 3–10–81 / Humanities Panel, Washington, D.C. (open), 3–24–81

15830 3–9–81 / Inter-Arts Panel, Washington, D.C. (partially open), 3–23 through 3–25–81

15830 3–9–81 / Theatre Panel (Large Companies with Short Seasons Section), Washington, D.C. (clpsed), 3–26 and 3–27–81

15831 3–9–81 / Visual Arts Panel (Art in Public Places Section), Washington, D.C. (closed), 3–23 through 3–25–81

CIVIL RIGHTS COMMISSION

12040 2–12–81 / Alabama Advisory Committee, Montgomery, Ala., (open), 3–23–81

12995 2–19–81 / Alabama Advisory Committee, Montgomery, Ala. (open), 3–23–81

12995 2–19–81 / Connecticut Advisory Committee, Stamford, Conn., (open), 3–26–81

15759 3–9–81 / Kansas Advisory Committee, Kansas City, Kans. (open), 3–28–81

15525 3–6–81 / New Jersey Advisory Committee, Trenton, N.J. (open), 3–25–81

15525 3–6–81 / Rhode Island Advisory Committee, Barrington, R.I. (open), 3–26–81

COMMERCE DEPARTMENT

Census Bureau—

14913 3–3–81 / Census Advisory Committee on Agricultural Statistics, Suitland, Md. (open), 3–24–81

International Trade Administration—

15762 3–9–81 / Computer Systems Technical Advisory Committee, Washington, D.C. (closed), 3–24–81

National Oceanic and Atmospheric Administration—

15192 3–4–81 / Caribbean Fishery Management Council, Santurce, Puerto Rico (open), 3–24, 3–25 and 3–26–81

14914 3–3–81 / Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council, Tampa, Fla. (open), 3–25 and 3–26–81

15762 3–9–81 / North Pacific Fishery Management Council, its Scientific and Statistical Committee and its Advisory Panel, Anchorage, Alaska (open), 3–24 through 3–27–81

(*See also* 46 FR 17072, 3–17–81)

9688 1–29–81 / Pacific Fishery Management Council, Scientific and Statistical Committee, Portland, Oreg. (open), 3–26–81

14914 3–3–81 / Western Pacific Fishery Management Council's Scientific and Statistical Committee, Honolulu, Hawaii (open), 3–25–81

DEFENSE DEPARTMENT

Air Force Department—

15764 3–9–81 / Scientific Advisory Board, Wright-Patterson AFB, Ohio (closed), 3–25 through 3–27–81

Army Department—

14374 2–27–81 / U.S. Army Medical Research and Development Advisory Panel, Bacterial Diseases Subcommittee, Washington, D.C. (partially open), 3–26 and 3–27–81

Navy Department—

15532 3–6–81 / Chief of Naval Operations (CNO) Executive Panel Advisory Committee, Force Enhancement Sub-Panel, Alexandria, Va. (closed), 3–25 and 3–26–81

Office of the Secretary—

11687 2-10-81 / DOD Electron Devices Advisory Group, Arlington, Va. (closed), 3-24 and 3-25-81 [Rescheduled at 46 FR 12533, 2-11-81]

12998 2-19-81 / DOD Electron Devices Advisory Group, Arlington, Va. (closed), 3-24 and 3-25-81

7428 1-23-81 / Wage Committee, Washington, D.C. (closed), 3-26-81

ECONOMIC OPPORTUNITY, NATIONAL ADVISORY COUNCIL—

15532 3-6-81 / Meeting, Washington, D.C. (open), 3-23 and 3-24-81

EDUCATION DEPARTMENT

15200 3-4-81 / Ethnic Heritage Studies Advisory Council, Washington, D.C. (open), 3-25, 3-30, and 3-27-81

ENERGY DEPARTMENT

15008 3-10-81 / International Energy Agency, Industry Advisory Board, Paris, France (closed), 3-24 and 3-25-81

13546 2-23-81 / National Petroleum Council, Arctic Oil and Gas Resources Committee, Transportation Task Group, Denver, Colo. (open), 3-26-81

14759 3-2-81 / National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation (open), 3-26-81

15494 3-5-81 / Variable net profit share bidding system for outer continental shelf oil and gas lease sales, Washington, D.C., 3-26-81

Energy Research Office—

15204 3-4-81 / Energy Research Advisory Board, Solar Photovoltaic Energy Advisory Committee, Lexington, Mass. (open), 3-23 and 3-24-81

15312 3-5-81 / High Energy Physics Advisory Panel, Germantown, Md. (open), 3-23 and 3-24-81

Environmental Office—

16115 3-11-81 / Environmental Advisory Committee, Clean Air Act Reauthorization Subcommittee, Washington, D.C. (open), 3-27-81

ENVIRONMENTAL PROTECTION AGENCY

14051 2-25-80 / Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel, Arlington, Va. (open), 3-25 through 3-27-81

15571 3-6-81 / National Contingency Plan, draft revision, Washington, D.C. (open), 3-26-81

12991 2-19-81 / Premanufacture notification requirements and review procedures, Washington, D.C. (open); 3-26-81

FEDERAL COMMUNICATIONS COMMISSION

10773 2-4-81 / For broadcast stations in various cities in Arizona, California, Georgia, Iowa, Kansas, New York, Washington and West Virginia; changes in table of assignments (10 documents); comments by 3-23-81

14051 2-25-81 / National Industry Advisory Committee, Amateur Radio Services Subcommittee, Washington, D.C. (open), 3-27-81

15772 3-9-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 3-25-81

FEDERAL MEDIATION AND CONCILIATION SERVICE

15574 3-6-81 / Arbitration Services Advisory Committee, Washington, D.C. (open), 3-27-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

13372 2-20-81 / Meetings, Washington, D.C. (open), 3-26-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

11708 2-10-81 / Board of Scientific Counselors, NIMH, Bethesda, Md. (partially open), 3-26 and 3-27-81

Disease Control Centers—

13580 2-23-81 / Cutaneous Toxicity Hazards, Cincinnati, Ohio (open), 3-24-81

Food and Drug Administration—

11712 2-10-81 / Surgical and Rehabilitation Devices Panel, Orthopedic Device Section, Washington, D.C. (open), 3-29-81

Health Resources Administration—

11886 2-11-81 / National Advisory Council on Health Professions Education, Bethesda, Md. (partially open), 3-23 through 3-25-81

National Institutes of Health—

11715 2-10-81 / Biomedical Library Review Committee, 3-23 and 3-24-81; Review of Medical Library Resources Improvement Grant Applications Subcommittee, 3-25-81; Bethesda, Md. (partially open).

12333 2-13-81 / Cellular and Molecular Basis of Disease Review Committee, Bethesda, Md. (partially open), 3-23-81

12334 2-13-81 / Heart, Lung, and Blood Research Review Committee A, Bethesda, Md. (partially open), 3-27 and 3-28-81

12334 2-13-81 / Heart, Lung, and Blood Research Review Committee B, Bethesda, Md. (partially open), 3-27-81

12334 2-13-81 / Interagency Technical Committee Working Group on Blood and Its Substitutes, Bethesda, Md. (open), 3-25-81

14823 3-2-81 / Vision Research Program Committee, Bethesda, Md. (partially open), 3-27-81

HISTORIC PRESERVATION ADVISORY COUNCIL

15577 3-6-81 / Protection of Historic and Cultural Properties, Marina Construction in Murrells Inlet Historic District, Murrells Inlet, S.C. (open), 3-24-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—

16330 3-12-81 / Consumer Forum on "Women and Affordable Housing in the '80s", Washington, D.C. (open), 3-26 and 3-27-81

INTERIOR DEPARTMENT

Land Management Bureau—

14829 3-2-81 / Anchorage District Advisory Council, Anchorage, Alaska (open), 3-24-81

14973 3-3-81 / Arizona; Phoenix District, Bureau of Land Management District Advisory Council, Phoenix, Ariz. (open), 3-27-81

13820 2-24-81 / Casper District Advisory Council, Casper, Wyo. (open), 3-26-81

14195 2-26-81 / Fairbanks District Advisory Council, Fairbanks, Alaska (open), 3-25-81

13585 2-23-81 / Las Cruces District Grazing Advisory Board, Lake Valley, N. Mex. (open), 3-26-81

13585 2-23-81 / Las Cruces District Multiple Use Advisory Council, Las Cruces, N. Mex. (open), 3-25-81

14195 2-26-81 / Las Vegas District Multiple Use Advisory Council, Las Vegas, Nev. (open), 3-25 and 3-26-81

14458 2-27-81 / Medford District Advisory Council, Medford, Oreg. (open), 3-27-81

13387 2-20-81 / Outer Continental Shelf National Advisory Board, Pacific States Regional Technical Working Group Committee, Los Angeles, Calif. (open), 3-27-81

[*See also* 46 FR 11049, 2-5-81]

13586 2-23-81 / Phoenix/Lower Gila Resource Areas Grazing Advisory Board, Phoenix, Ariz. (open), 3-25-81

13587 2-23-81 / Roseburg District Advisory Council, Roseburg, Oreg. (open), 3-27-81

14191 2-26-81 / Roswell Grazing Advisory Board, Roswell, N. Mex. (open), 3-26-81

13388 2-20-81 / Salmon District Grazing Advisory Board, Salmon, Idaho (open), 3-26-81

National Park Service—

15955 3-10-81 / Cuyahoga Valley National Recreation Area Advisory Commission, Peninsula, Ohio (open), 3-26-81

12550 2-17-81 / Delta Region Preservation Commission, Gretna, La. (open), 3-25-81

16342 3-12-81 / Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y. (open), 3-27-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

80078 12-2-80 / Consideration of possible regulation of occupational exposure to pesticides during manufacturing process, Charleston, S.C. (open), 3-24 and 3-25-80

MINIMUM WAGE STUDY COMMISSION

15014 3-3-81 / Meeting, Washington, D.C. (open), 3-26 and 3-27-81

NUCLEAR REGULATORY COMMISSION

15621 3-6-81 / Reactor Safeguards Advisory Committee, Class-9 Accidents Subcommittee, Washington, D.C. (open), 3-24-81

[Time changed at 46 FR 16764, 3-13-81]

16009 3-10-81 / Reactor Safeguards Advisory Committee, Electrical Power Systems Subcommittee, Washington, D.C. (open), 3-25-81

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

15255 3-4-81 / Discussion of specific cases in the adjudicative process, Washington, D.C. (closed), 3-25-81

SMALL BUSINESS ADMINISTRATION

14244 2-26-81 / Region II Advisory Council, Clarke, N.J. (open), 3-24-81

15017 3-3-81 / Region IV Advisory Council, Albany, Ga. (open), 3-27-81

15016 3-3-81 / Region X Advisory Council, Portland, Ore. (open), 3-25-81

[See also 46 FR 15845, 3-9-81]

STATE DEPARTMENT

16396 3-12-81 / Study Group 2 of the U.S. Organization for the International Radio Consultative Committee, Washington, D.C. (open), 3-27-81

TREASURY DEPARTMENT

Office of the Secretary—

14257 2-26-81 / Meeting to hear views on issues, relating to regulations of a new income tax treaty, between the U.S. and Austria, Washington, D.C. (open), 3-23-81

TRANSPORTATION DEPARTMENT

Coast Guard—

15402 3-5-81 / International Association of Drilling Contractors, Washington, D.C. (open), 3-24-81

VETERANS ADMINISTRATION

13060 2-19-81 / Station Committee on Educational Allowances, Nashville, Tenn. (open), 3-24-81

Next Week's Public Hearings

EDUCATION DEPARTMENT

14758 3-2-81 / Education of Disadvantaged Children, National Advisory Council, Atlanta, Ga., 3-27 and 3-28-81

[See also 46 FR 16708, 3-13-81]

ENERGY DEPARTMENT

13517 2-23-81 / Standby Federal Emergency Energy Conservation Plan, Washington, D.C., 3-24-81

ENVIRONMENTAL PROTECTION AGENCY

9660 1-29-81 / Air pollutants, hazardous; National emission standards for benzene emissions from ethylbenzene/styrene plants; Research Triangle Park, N.C., 3-24-81

[See also 45 FR 83448, 12-18-80]

13492 2-20-81 / Hazardous wastes; interim status standards for owners and operators of treatment storage, and disposal facilities; liquid ignitable wastes in containers; Washington, D.C., 3-25-81

15893 3-10-81 / Motor Vehicle Pollution Control, waiver of oxides of nitrogen emission standards, Washington, D.C., 3-25-81

12186 2-12-81 / Vinyl chloride content of solvents, etc., alternative test method; Research Triangle Park, N.C., 3-26-81

INTERIOR DEPARTMENT

National Park Service—

2393 1-9-81 / Gateway National Recreation Area, Brooklyn, N.Y., 3-24, Atlantic Highlands, N.J., 3-25, and Staten Island, N.Y. 3-26-81

Office of the Secretary—

13589 2-23-81 / Oil shale lease; detailed development plan modification, Meeker, Colo., 3-25-81

Water and Power Resources Service—

13590 2-23-81 / Brantley Project, Environmental Statement, Artesia, N. Mex., 3-24 and 3-25-81

VETERANS ADMINISTRATION

13441 2-20-81 / Educational Allowances Station Committee, Nashville, Tenn., 3-27-81

List of Public Laws

Last Listing Feb 19, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 2166/ Pub. L. 97-6 To amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program. (Mar 13, 1981; 95 Stat. 7) Price $1.00.

Documents Relating to Federal Grant Programs

This is a list of documents relating to federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

16109 3-11-81 / Commerce/MBDA—Consulting service program, Dallas region; apply by 4-1-81

16293 3-12-81 / ED—FY 1981 projects for National Resource Centers and Fellowships Program; apply by 4-27-81

16292 3-12-81 / ED—New and noncompeting continuation projects under International Research and Studies Program; apply by 4-27-81 (new grants) or 4-13-81 (comtinuation grants)

15775 3-9-81 / HHS—Cuban/Haitian Task Force; grants for projects to resettle Cuban and Haitian entrants in the U.S.; apply immediately

16726 3-13-81 / HHS-CDC—Health Education-Risk Reduction; continuation applications, apply by 4-30-81

16830 3-13-81 / HHS/HDSO—Child Abuse and Neglect Grants Program; apply by 5-31-81

16729 3-13-81 / HHS/HDSO—Regional Adoption Resource Centers Demonstration Program Region VIII Colo., Utah, Wyo., Mont., N. Dak., S. Dak.), apply by 5-27-81

MEETINGS

16114 3-11-81 / ED—Women's Educational Programs National Advisory Council and Vocational Education National Advisory Council, Washington, D.C. (open), 3-25-81

15778 3-9-81 / HHS/NIH—Cancer Advisory Board, Subcommittee on Board Activities and Agenda, Bethesda, Md. (open), 4-22-81

15778 3-9-81 / HHS/NIH—Cancer Institute, Scientific Counselors Board, Cancer Cause and Prevention Division, Bethesda, Md. (open), 5-28 and 5-29-81

15778 3-9-81 / HHS/NIH—Heart, Lung, and Blood Institute; Research Manpower Review Committee, Bethesda, Md. (partially open), 4-6 through 4-10-81

15778 3-9-81 / HHS/NIH—Heart, Lung, and Blood Institute; Scientific Counselors Board, Bethesda, Md. (partially open), 4-6 and 5-5-81

15830 3-9-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 3-26 and 3-27-81

15809 3-10-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 3-24-81

15830 3-9-81 / NFAH—Inter-Arts Panel, Washington, D.C. (partially open), 3-23 through 3-25-81

15830 3-9-81 / NFAH—Theatre Panel (Large Companies with Short Seasons Section), Washington, D.C. (closed), 3-26 and 3-27-81

15831 3-9-81 / FAH—Visual Arts Panel (Arts in Public Places Section), Washington, D.C. (closed), 3-23 through 3-25-81

16761 3-13-81 / NFAH—Visual Arts Panel (Building Arts Section), Washington, D.C. (closed), 3-30 through 4-2-81

16761 3-13-81 / NSF—Astronomical Sciences Advisory Committee, Washington, D.C. (partially open) 4-8 and 4-9-81

16762 3-13-81 / NSF—Atmospheric Sciences Advisory Committee, Boulder, Colo. (open), 4-9 and 4-10-81

16763 3-13-81 / NSF—Environmental Biology advisory Committee, Ecological Sciences Subcommittee, Washington, D.C. (closed), 4-9 and 4-10-81

16763 3-13-81 / NSF—Physcology, Cellular, and Molecular Biology advisory Committee, Biological Instrumentation Subcommittee, Washington, D.C. (closed), 4-2 and 4-3-81

16763 3-13-81 / NSF—Social and Exonomic Science Advisory Committee, History and Philosophy of Science Subcommittee, Washington, D.C. (closed), 4-2 through 4-4-81

16763 3-13-81 / NSF—Social and Economic Science Advisory Committee, Sociology Subcommittee, Washington, D.C. (closed), 3-29 and 3-30-81

16774 3-13-81 / VA—Medical Research Service, various Merit Review Boards, Washington, D.C. (partially open), 3-30 and 3-31, 4-2, 4-6, 4-9 and 4-10, 4-16 and 4-17, 4-21, 4-24, 4-29 and 4-30, 5-1, 5-4 through 5-7, and 5-11-81

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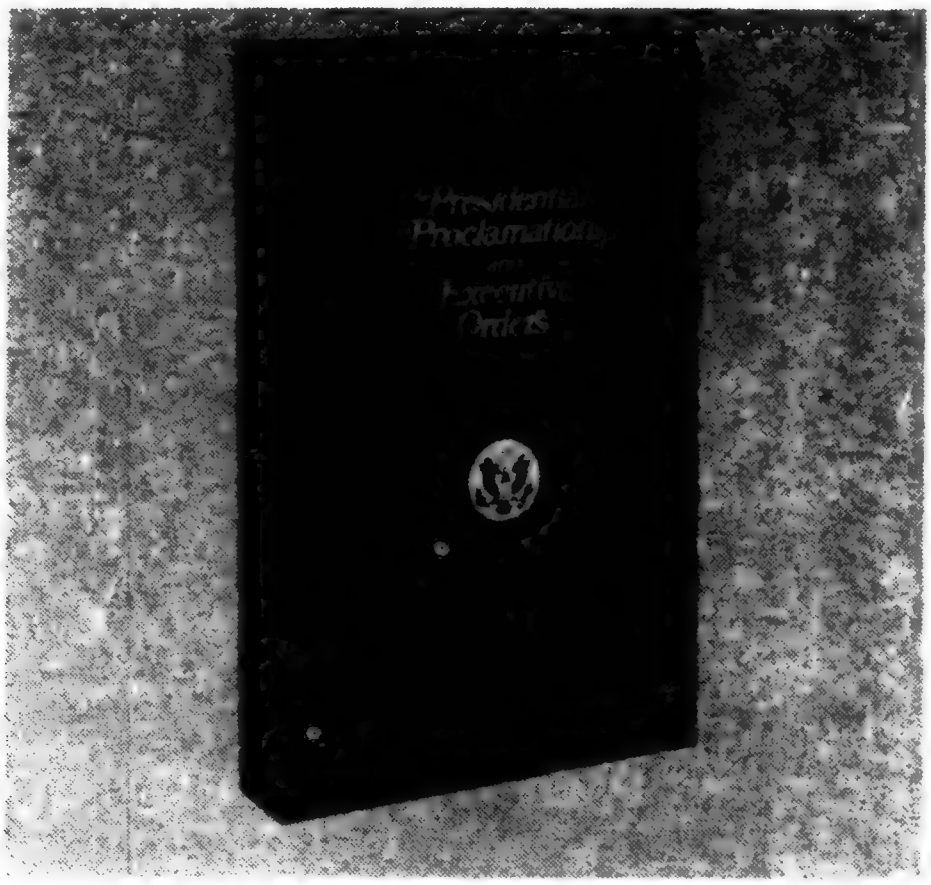

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3-19-81
Vol. 46 No. 53
Pages 17535-17750

federal register

Thursday
March 19, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

17535 **National Farm Safety Week, 1981** Presidential proclamation

17682 **Grant Programs—Juvenile Delinquency** Justice/OJARS postpones date for submission of applications for Planning and Coordination Grants to Develop and Support Model Comprehensive Programs for High Risk Youth

17683 **Metric System** MB announces availability of the third and final draft of the American National Metric Council Instrument Sector Conversion Plan; comments by 6-15-81

17547, 17566 **Taxes** IRS issues temporary rule and proposes rule concerning submission of certain withholding certificates, comments by 5-18-81 (2 documents)

17682 **Research** Justice/NIJ solicits preliminary proposals for Research on Efficient Use of Police Resources

17574 **International Trade** USDA/FAS issues notice informing public of procedures for obtaining information concerning proposed foreign standards affecting international trade in agricultural commodities; effective 3-19-81

CONTINUED INSIDE

Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

17543 **Hostage Relief** State/Sec'y amends rules providing for assistance to American hostages and members of their families and households, comments by 3-23-81; effective 1-21-81

17738 **Hazardous Materials** DOT/RSPA amends listing; effective 7-1-81 (Part III of this issue)

17537 **Federal Credit Unions** NCUA adopts rule regarding real estate lending in order to reduce regulatory burden on the credit unions; effective 3-12-81

17730 **Aviation Safety** DOT/FAA issues advisory circular for performance standards, retread, repair and alterations of aircraft tires, comments by 5-18-81 (Part II of this issue)

17542 **Government Ethics** ITC adopts amendments to ethics rules concerning duties and qualifications of an agency ethics officer; effective 3-15-80

17574 **Minority Business-Financial Assistance** Commerce/MBDA solicits applications for grant for management and technical assistance project to operate in the Miami, Fort Lauderdale and West Palm Beach areas

17691, 17692 **Privacy Act Documents** NRC (2 documents)

17710 **Sunshine Act Meetings**

Separate Parts of This Issue

17730 **Part II, DOT/FAA**
17738 **Part III, DOT/RSPA**

V 46 / 53 / R 19 8 1 UMI

Contents

Federal Register
Vol. 46, No. 53
Thursday, March 19, 1981

The President
PROCLAMATIONS
17535 National Farm Safety Week, 1981 (Proc. 4825)

Executive Agencies

Agency for International Development
NOTICES
Authority delegations:
17681 Excess property; Chief, Excess Property Division, et al.

Agricultural Marketing Service
RULES
17537 Oranges (navel) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Federal Grain Inspection Service; Foreign Agricultural Service; Forest Service.

Arts and Humanities, National Foundation
NOTICES
Meetings:
17683 Humanities Panel

Coast Guard
NOTICES
Meetings:
17702 Coast Guard Academy Advisory Committee
17702 Outer Continental Shelf oil and gas facilities; personnel job safety requirements; rescheduled

Commerce Department
See Minority Business Development Agency; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
17710 Meetings; Sunshine Act (2 documents)

Consumer Product Safety Commission
RULES
Organization and functions:
17541 General Counsel Office, etc.; correction
NOTICES
Consent agreements:
17575 Braun North America

Defense Department
See Engineers Corps.

Delaware River Basin Commission
NOTICES
17577 Water resources program and comprehensive plan, water supply and sewage treatment plant projects; hearings

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
17681 Ganes Chemical, Inc.

Economic Regulatory Administration
PROPOSED RULES
Petroleum allocation and price regulations:
17566 Tertiary incentive program; advance notice
NOTICES
Consent orders:
17583 Windham Gas & Oil Co.
Electric energy transmission; export to Canada or Mexico; authorizations, permits, etc.:
17581 Minnkota Power Cooperative, Inc.
17580 San Diego Gas & Electric Co.
17581 Vermont Electric Cooperative, Inc.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
17582 Detroit et al.
17584 Puget Sound Power & Light Co.
17584 Upjohn Co.

Energy Department
See also Economic Regulatory Admin.; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
Conduct standards:
17577 Post-employment restrictions waiver
Environmental statements; availability, etc.:
17578 Oak Ridge Gaseous Diffusion Plant, Roane County, Tenn.
International atomic energy agreements; civil uses; subsequent arrangements:
17578 European Atomic Energy Community
17578 Uranium hexaflouride; separative work and base charges

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
17577 Prado Dam, Santa Ana River, Orange, Riverside, and San Bernardino Counties, Calif.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
17549 Colorado
17551 Massachusetts
17555, 17557 New York (2 documents)
17556 North Carolina
17550, 17554 Ohio (2 documents)
17552 Pennsylvania
Air quality planning purposes; designation of areas:
17557 Iowa
Noise abatement programs:
17558 Medium and heavy trucks and truck mounted solid waste compactors

PROPOSED RULES
17567 Regulations proposed before January 1, 1979, under Safe Drinking Water Act, Clean Water Act and Atomic Energy Act; withdrawn
NOTICES
Air quality standards:
17651 Guidelines; air quality models
17649 Radioactive wastes, environmental protection criteria for; inquiry; withdrawn; cross reference
Toxic and hazardous substances control:
17650 Premanufacture notification requirements; test marketing exemption approvals
Water pollution; discharge of pollutants (NPDES):
17649 Georgia
17649 Oregon

Federal Aviation Administration
RULES
Airworthiness directives:
17538 Airbus Industrie
17539 Government aircraft factories
17540 Partenavia Costruzioni Aeronautiche S.p.A.
NOTICES
Aircraft certification status, etc.:
17703 Gulfstream American; 690D and 695A models; certification and availability of documents
17730 Aircraft tires; performance standards, retread, repair and alterations; advisory circular; inquiry
Meetings:
17703 Aeronautics Radio Technical Commission
17703 Air Traffic Procedures Advisory Committee

Federal Communications Commission
PROPOSED RULES
Common carrier services:
17532 Federal-State Joint Board; jurisdictional separations
NOTICES
Hearings, etc.:
17652 RCA American Communications, Inc.; correction
17710 Meetings; Sunshine Act (2 documents)

Federal Deposit Insurance Corporation
NOTICES
17710 Meetings; Sunshine Act

Federal Election Commission
NOTICES
17710 Meetings; Sunshine Act

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
17619 Algonquin Gas Transmission Co.
17619 American Standard
17620 Arizona Public Service Co.
17620 Beacon Aluminum Finishing Corp.
17623 Cleveland Electric Illuminating Co.
17586 Continental Hydro Corp.
17623 Craft, Susan A.
17585 Bean, Richard L. and Fred G. Castagna
17624 El Paso Electric Co.
17624 Enagenics
17621 Fairbury, Nebr.
17625 Gelardin/Bruner/Cott, Inc.
17625 Georgia-Pacific Corp.
17616 Great Northern Nekoosa Corp.
17626-17630 Indiana Municipal Power Agency (6 documents)
17631 Jackson County, Oreg.
17631 Kansas City Power & Light Co.
17632, 17633 Louisville Gas & Electric Co. (2 documents)
17634 Metropolitan District Commission
17634 Metropolitan District of Hartford, Conn.
17635 Missouri Utilities Co.
17635 New England Power Co.
17616 Newfound Hydroelectric Co.
17636 Ohio Power Co.
17636 Raton Natural Gas Co.
17621 Rome, N.Y.
17622 Santa Clara, Calif.
17636 Southeastern Electric Power Co.
17637 Southwest Gas Corp.
17637 Stone, Edward D., Jr. and Robert V.
17638 Union Electric Co.
17638 Utah Hydro Corp.
17617 Utah Power & Light Co.
17617 Wareham, Mass.
17638 Washington Water Power Co.
17638 West Texas Utilities Co.
17618 White, James E.
17639 Wisconsin Public Service Corp.
17639 Zenith Natural Gas Co. et al.
17711 Meetings; Sunshine Act
Natural Gas Policy Act of 1978:
17588-17610 Jurisdictional agency determinations (4 documents)

Federal Grain Inspection Service
NOTICES
Grain standards; inspection points:
17573 Ohio

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
17704 Mendocino County, Calif.; intent to prepare

Federal Reserve System
NOTICES
Applications, etc.:
17652 Alsip Bancorporation, Inc.
17653 Brighton Bancshares Corp.
17653 Campbell State Co.
17653 Chisholm Financial Services, Inc.
17654 Commercial Bancshares, Inc.
17654 Crosstown Holding Co.
17654 Fairbault Bancshares, Inc.
17654 Live Oak Bancshares Corp.
17654 Mercer Bancorp, Inc.
17655 NBA International Banking Corp.
17655 Ohio Citizens Bancorp, Inc.
17655 Orchard Valley Financial Corp.
Bank holding companies; proposed de novo nonbank activities:
17652 Citicorp et al.
17653 Manufacturers Hanover Corp. et al.
17655 Pittsburgh National Corp.

Federal Trade Commission
NOTICES
Premerger notification waiting periods; early terminations:
17656 Celanese Corp.
17656 Madison Fund Inc.
17656 Prairie Farms Dairy Inc.

17656 Roxboro Investments (1976) Ltd.

Foreign Agricultural Service
NOTICES
17574 International trade, proposed foreign standards; information, procedures for obtaining

Forest Service
NOTICES
Environmental statements; availability, etc.:
17574 Custer National Forest, land and resource management plan, Mont., N. Dak., and S. Dak.

General Services Administration
RULES
Procurement:
17559 Taxes, State and local; policies and procedures; exemptions
Property management:
17564 Federal supply schedule contracts; exceptions to mandatory use
17564 Transportation charges, public voucher; required use of standard carrier alpha codes (Standard Form 1113); temporary

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
17657 Amoco Production Co.

Health and Human Services Department
See Health Resources Administration.

Health Resources Administration
NOTICES
Meetings; advisory committees:
17657 April

Hearings and Appeals Office, Energy Department
NOTICES
Consent orders:
17639 Aluminum Co. of America et al.; special refund procedures implementation and inquiry
17643 Conoco, Inc.; special refund procedures implementation and inquiry

Interior Department
See Geological Survey; Land Management Bureau.

Internal Revenue Service
RULES
Employment taxes:
17547 Withholding exemption certificates; temporary regulation
PROPOSED RULES
Employment taxes:
17566 Withholding exemption certificates

International Development Cooperation Agency
See also Agency for International Development.

International Trade Commission
RULES
17542 Ethics in Government; post employment conflict of interest

Interstate Commerce Commission
NOTICES
Motor carriers:
17679 Finance applications
17665-17667 Permanent authority applications (3 documents)
17680 Permanent authority applications; republication
17681 Temporary authority applications; correction
17663 Petitions, applications, finance matters (including temporary authorities), alternate gateways, and pack and crate
Petitions filed:
17678 American Package Express Carriers Association, Inc.; interpretation of shipments weighing 100 lbs. or less
Rail carriers:
17665 Denver & Rio Grande Western Railroad Co.; contract tariff exemption
17678 Southern Pacific Transportation; contract tariff exemption
Railroad services abandonment:
17664 Burlington Northern, Inc.
17673 Quanah Acme & Pacific Railway Co.

Justice Assistance, Research, and Statistics Office
See Juvenile Justice and Delinquency Prevention Office.

Justice Department
See Drug Enforcement Administration; Justice Assistance, Research, and Statistics Office; Juvenile Justice and Delinquency Prevention Office; National Institute of Justice.

Juvenile Justice and Delinquency Prevention Office
NOTICES
National priority and discretionary programs announcements:
17682 High-risk youth; model comprehensive programs; planning and coordination grants application guidelines; inquiry; submission of date postponement

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
17663 Cook Inlet Region, Inc.; correction
Authority delegations:
17663 State director; district and area managers; sale or contract for sale of materials
Coal leases, exploration licenses, etc.:
17661 Colorado
Environmental statements; availability, etc.:
17659 Blaine County, etc., Idaho; monument resource management plan
Jurisdictional transfer:
17660 Bad River Indian Reservation, Wisc.
Meetings:
17658 Boise District Wilderness Study
17658 Carson City District Grazing Advisory Board
17660 Cedar City District Grazing Advisory Board; correction
17659 Safford District Grazing Advisory Board
Sale of public lands:
17659 Colorado

Survey plat filings:
17662 Michigan
17662 New Mexico
Wilderness areas; characteristics, inventories, etc.:
17657 Arizona
17662 Montana
Withdrawal and reservation of lands, proposed etc.:
17663 Wyoming

Management and Budget Office
NOTICES
17693 Agency forms under review

Metric Board
NOTICES
17683 Voluntary metric conversion; public forum

Minority Business Development Agency
NOTICES
17574 Financial assistance application announcements

National Credit Union Administration
RULES
Federal credit unions:
17537 Real estate lending; deregulation

National Highway Traffic Safety Administration
NOTICES
17704 Head and neck injury criteria; consensus workshop
Motor vehicle safety standards; exemption petitions, etc.:
17704 Cooper Tire & Rubber Co.; new pneumatic tires; passenger cars

National Institute of Justice
NOTICES
Grants solicitation, competitive research:
17682 Police resources, efficient use
17682 Victim responses to violent crime, etc.

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
17575 Emergency striped bass study
17575 Weather Facsimile Conference

National Transportation Safety Board
NOTICES
17683 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
PROPOSED RULES
17566 Quarterly report on proposed rules; availability
NOTICES
Applications, etc.:
17686 Applied Health Physics, Inc.
17687 Arkansas Power & Light Co.
17687 Automation Industries, Inc.
17688 Commonwealth Edison Co.
17688 Consumers Power Co.
17690 Georgia Power Co., et al.
17690 Maine Yankee Atomic Power Co.
17691 Rochester Gas & Electric Corp.
17691 Public Service Electric & Gas Co., et al.
17691 Yankee Atomic Electric Co.
Meetings:
17685 Reactor Safeguards Advisory Committee
Petitions filed:
17686 Abbotts, John; financial qualifications of nuclear power plant licensees
17691, 17692 Privacy Act; systems of records (2 documents)

Postal Rate Commission
NOTICES
17711 Meetings; Sunshine Act

Research and Special Programs Administration, Transportation Department
RULES
Hazardous materials:
17564 Ammonium hydroxide, shipment; use of non-specification portable tanks and cargo tanks
17538 Hazardous materials table, listing; implementation of "Superfund" Act
NOTICES
17707 Civil aircraft allocation order
Hazardous materials:
17705, 17706 Applications; exemption, renewals, etc. (2 documents)

Securities and Exchange Commission
NOTICES
Hearings, etc.:
17695 Allegheny Power System, Inc.
17696 Keystone Provident Life Insurance Co. et al.
17699 Louisiana Power & Light Co.
17701 New England Power Co.
Self-regulatory organizations; proposed rule changes:
17695 Chicago Board Options Exchange, Inc.
17695 Depository Trust Co.
17700 Midwest Clearing Corp.

State Department
RULES
17543 Hostage relief; interim
NOTICES
17702 Hostile action declaration; Americans in captive status

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.

Treasury Department
See also Internal Revenue Service.
NOTICES
Notes, Treasury:
17707 G–1985 series

Veterans Administration
NOTICES
Meetings:
17709 Educational Allowances Station Committee (2 documents)

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
17575 National Marine Fisheries Service and Fish and Wildlife Service, emergency striped bass study, Washington, D.C., 4–13–81
17575 Weather Facsimile Conference, Lanham, Md., 4–28 and 4–29–81

DELAWARE RIVER BASIN COMMISSION
17577 March business, Dover, Del., 3–25–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Resources Administration—
17657 National Advisory Council on Health Professions Education, Bethesda, Md., 4–22 through 4–24–81

INTERIOR DEPARTMENT
Bureau of Land Management—
17658 Carson City District Grazing Advisory Board, Carson City, Nev., 4–23–81
17659 Safford District Grazing Advisory Board, Safford, Ariz., 4–24–81
17658 Wilderness study, Boise, Idaho; 4–15–81, Marsing, Idaho, 4–16–71 and Bruneau, Idaho, 4–22–81

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES
17683 Humanities Panel, Washington, D.C., 4–16 and 4–17–81

NUCLEAR REGULATORY COMMISSION
17685 Advisory Committee on Reactor Safeguards, Subcommittee on La Salle Country Station, Morris, Ill., 4–3 and 4–4–81

TRANSPORTATION DEPARTMENT
Coast Guard—
17702 Coast Guard Academy Advisory Committee, New London, Conn., 4–27 through 4–29–81
Federal Aviation Administration—
17703 Air Traffic Procedures Advisory Committee, Washington, D.C., 4–6 through 4–10–81
17703 Radio Technical Commission for Aeronautics, Special Committee 145 on Digital Avionics Software, Washington, D.C., 4–7 through 4–9–81
National Highway Traffic Administration—
17704 Consensus Workshop on Head and Neck Injury Criteria, Dulles Airport; 3–26 and 3–27–81

VETERANS' ADMINISTRATION
17709 Station Committee on Educational Allowances, St. Petersburg, Fla., 3–30–81 (2 documents)

RESCHEDULED MEETINGS

INTERIOR DEPARTMENT
Bureau of Land Management—
17660 Cedar City District Grazing Advisory Board, Cedar City, Utah, changed from 4–9–81 to 4–7–81

TRANSPORTATION DEPARTMENT
Coast Guard—
17702 International Association of Drilling Contractors, Washington, D.C., changed from 3–24–81 to 4–7–81

HEARING

ENERGY DEPARTMENT
Economic Regulatory Administration—
17584 Puget Sound Power & Light Co., 4–1–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4825 17535

7 CFR
907 17537

10 CFR
Proposed Rules:
Ch. I 17566
212 17566

12 CFR
701 17537

14 CFR
39 (3 documents) ... 17538–17540

16 CFR
1000 17541

19 CFR
200 17542

22 CFR
191 17543

26 CFR
31 17547
37 17547
Proposed Rules:
31 17566

40 CFR
52 (8 documents) ... 17549–17557
81 17557
205 17558
Proposed Rules:
141 17567
406 17567
409 17567
413 17567
416 17567
418 17567
420 17567
421 17567
422 17567
424 17567
426 17567
428 17567
432 17567
435 17567
436 17567
440 17567
443 17567
457 17567
460 17567

41 CFR
Ch. 101 17564
1–3 17559
1–11 17559
1–16 17559
101–26 17564

47 CFR
Proposed Rules:
67 17568

49 CFR
172 17738
173 17564

V 4 6 / 5 3 M R 1 9 8 1 UMI

Federal Register
Vol. 46, No. 53
Thursday, March 19, 1981

Presidential Documents

Title 3—

The President

Proclamation 4825 of March 16, 1981

National Farm Safety Week, 1981

By the President of the United States of America

A Proclamation

American farmers and ranchers are at the core of our Nation's economy, providing food not only for our own people, but for millions of others around the world.

Yet we must not take the miracle of American agricultural abundance for granted. An unacceptable number of farm accidents cripples people and threatens production. Last year, nearly 400,000 farmers and ranchers were injured or killed in accidents at work, at home, during recreation, or on roads.

Powerful equipment, chemicals and variable working conditions are potential agricultural hazards, but safe work practices, protective equipment and other measures can minimize the risks. Special vigilance by the agricultural community is also necessary to reduce the toll of off-the-job injuries.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week of July 25 through July 31, 1981, as National Farm Safety Week. I urge all persons engaged in farming and ranching and all persons and organizations allied with agriculture to redouble their personal and group efforts for farm, home, recreation and highway safety.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of March, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-8092
Filed 3-17-81; 4:36 pm]
Billing code 3195-01-M

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Rules

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7 CFR Part

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SUMMARY: the quanti navel oran market du 1981. Such for orderly oranges fo marketing orange ind

EFFECTIVE

FOR FURTH William J.

SUPPLEME This rule b USDA pro 12291 and significant regulation agreement 907, as am regulating grown in A California effective u Marketing amended (is based u informatio Orange Ac upon othe hereby fou to effectu act.

Rules and Regulations

Federal Register
Vol. 46, No. 53
Thursday, March 19, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 514]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 20–26, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 17, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.814 is added as follows:

§ 907.814 Navel Orange Regulation 514.

The quantities of navel oranges grown in Arizona and California which may be handled during the period March 20, 1981, through March 26, 1981, are established as follows:

(1) District 1: 1,547,000 cartons;
(2) District 2: 153,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

D. S. Kuzyloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-8737 Filed 3-18-81; 11:26 am]

BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Real Estate Lending—Deregulation

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: In accordance with the ongoing program of updating, clarifying, and simplifying existing regulations, the National Credit Union Administration Board (NCUA Board) has promulgated this final rule which will reduce the regulatory burden on Federal credit unions. This rule (1) eliminates the current requirement that Federal credit unions with assets of less than $2,000,000 obtain the prior written consent of the Administration before granting long-term real estate loans and (2) eliminate the current limitation on the amount of loan origination fees a Federal credit union can assess when granting long-term real estate loans. (A long-term real estate loan is a real estate loan which has a maturity in excess of 12 years (12 CFR 701.21–6(b)).)

EFFECTIVE DATE: March 12, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Thomas C. Buckman, Office of Examination and Insurance. Telephone (202) 357–1065.

SUPPLEMENTARY INFORMATION: On November 28, 1980, the NCUA Board invited public comment on a proposal to deregulate § 701.21–6 of the National Credit Union Administration Rules and Regulations. (45 FR 79079 (1980).) The NCUA Board received 24 comments on the proposed rule. All of the comments with one exception favored the general deregulation of the rule.

I. $2,000,000 Asset Limitation

All of the commentors with one exception supported the change which would permit Federal credit unions with assets under $2,000,000 to grant long-term real estate loans without the prior written approval of the NCUA Board. Thus, the prohibition against small credit unions granting long-term real estate loans has been lifted.

The comments were divided, however, as to whether Federal credit unions under $2,000,000 should be required to obtain commitments from investors before originating long-term real estate loans or whether they should simply have a means of selling such loans. Approximately two-thirds of the commentors recommended that neither alternative be included in the final rule because, specifically, the requirement was confusing and generally, both requirements conflict with the goal to deregulate. They pointed out that NCUA would be replacing one restriction with another.

The commentors supporting the removal of restrictions on small credit unions believe that all Federal credit unions, not just small ones, face the same dangers of possibly impairing their liquidity by the practice of originating mortgage loans without commitments. They suggested that the objective circumstances of an individual Federal credit union, rather than its size, should determine whether mortgage loans should be originated for sale or the Federal credit union's portfolio. They also suggested if problems are noted after complete deregulation that NCUA could always regulate the area at that time. Other commentors expressed confusion over what actually constitutes a "commitment or a means of selling such loans."

Commentors supporting the commitment requirement believe that the requirement will help to prevent both liquidity impairments and situations where only a few members receive real estate loans while other members are deprived of such loans due to the lack of funds.

Other commentors recommended that in lieu of the commitment requirement that NCUA provide general guidance to small credit unions desiring to grant real estate loans.

After giving careful consideration to all of the comments, the NCUA Board has decided to remove the proposed commitment requirement from the final rule. However, NCUA will monitor this area through its normal supervisory examinations. If problems are noted in this area, rulemaking will be considered at a later date.

The NCUA Board, while not requiring small credit unions to obtain commitments prior to originating long-term real estate loans, believes that small Federal credit unions, in fact all Federal credit unions, can greatly reduce their exposure to liquidity risks by obtaining commitments from investors prior to originating long-term real estate loans. The NCUA Board would also forewarn Federal credit unions against allocating loanable real estate funds primarily to officials and employees. Such a practice would be inconsistent with the traditional cooperative concepts and in general would be in violation of the NCUA Rules and Regulations.

Further guidance in the granting of long-term real estate loans may be found in the following:

1. Section 701.21–6 of the NCUA Rules and Regulations (12 CFR 701.21–6);

2. Chapter 4 of the Credit Manual for Federal Credit Unions (NCUA publication 8024);

3. The Accounting Guidelines for Real Estate Lending (NCUA publication 8504); and

4. Sections 226.4, 226.5, and 226.8, of Regulation Z (12 CFR 226).

These sources provide guidance to Federal credit unions regarding compliance with regulations and provide helpful practices for success in granting long-term real estate loans.

II. Loan Origination Fees

All of the commentors supported the proposed removal of the limits on loan origination fees. The commentors concurred with NCUA Board's belief that removing of the limits will make additional mortgage funds available to credit union members in addition to allowing Federal credit unions to recover the cost of originating and marketing mortgage loans. Thus, the regulatory restrictions pertaining to the maximum amount loan origination fees have been removed as proposed.

Procedure for Regulatory Development

NCUA's Final Report: Improving Government Regulations, has not been completely complied with for the following reasons. A formal preliminary review memorandum was unnecessary because the NCUA Board provided specific instructions to the staff on the drafting of the proposed regulation. In addition, a regulatory analysis was not necessary because the regulation will not result in an annual effect on the economy of $100 million or more nor will it result in a major increase in costs or expenses for all, or a significant portion of, Federal credit unions with assets under $1 million or for other financial institutions. Because of the discrepancy between the permitted loan origination fees and the cost of loan origination, the NCUA Board believes that prompt action is necessary and therefore provided for a comment period of less than 60 days on the proposed rule. For this reason, and because this rule relieves restrictions, the NCUA Board has determined not to provide a delayed effective date.

Rosemary Brady,
Secretary, NCUA Board.
March 12, 1981.

§ 701.21–6 [Amended]

12 CFR Part 701.21–6 is amended as follows:

a. The introductory text of 12 CFR 701.21–6(b) is revised to read as follows:

* * * * *

(b) Federal credit unions may originate loans secured by first liens on residential real property, with maturities in excess of 12 years and not exceeding 30 years within the limitations of written policies adopted by the board of directors provided: * * *."

* * * * *

b. 12 CFR 701.21–6(c)(5) is removed and reserved.

(12 U.S.C. 1757, 1766, 1789)

[FR Doc. 81-8373 Filed 3-18-81; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21510; Amdt. 39-4070]

Airbus Industrie Model A300 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections, and repair or replacement as necessary, of the forward cargo compartment decompression panels on Airbus Industrie Model A300 series airplanes. The AD is needed to prevent loss of fire protection due to separation of, or damage to, blowout panels in the ceiling and sidewalls of the forward cargo compartment, which could result in a degradation of fire extinguishing capability in the aircraft.

DATES: Effective April 2, 1981. Compliance schedule—as prescribed in body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT:

C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: The FAA has determined that the decompression panels in the forward cargo compartment of the Airbus Industrie Model A300 series airplanes can be damaged, or the attachment of the panel may loosen, so that sealing of the compartment is lost. This loss of sealing could result in dilution of fire extinguishant below an effective concentration in case of a fire in the compartment. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires repetitive inspections of the condition and attachment of the decompression panels and repair or replacement as necessary until modified panels are installed, on Airbus Industrie Model A300 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Airbus Industrie: Applies to Model A300 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent loss of fire protection due to separation of, or damage to blowout panels in the ceiling and sidewalls of the forward cargo compartment, which could result in a degradation of the fire extinguishing capability in the aircraft, accomplish the following:

(a) On airplanes which have not accomplished the modification required by Airbus Industrie Service Bulletin Nos. A300–25–149, Revision 3, dated December 28, 1979, and A300–25–248, dated December 11, 1978, before the first flight each day, inspect the forward cargo compartment decompression panels for condition and attachment in the panel cut-outs, in accordance with the instructions in paragraph 2.A, "INSPECTION OF DECOMPRESSION PANELS IN FWD, AFT AND BULK CARGO COMPARTMENT," of Airbus Industrie Service Bulletin No. A300–25–138, Revision 4, dated December 28, 1979, or an FAA-approved equivalent.

(b) On airplanes which have accomplished the modification required by Airbus Industrie Service Bulletin Nos. A300–25–149, Revision 3, dated December 28, 1979, and A300–25–248, dated December 11, 1978, within the next 600 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 600 hours time in service from the last inspection, inspect the forward cargo compartment decompression panels in accordance with the instructions in paragraph 2.A. of Airbus Industrie Service Bulletin No. A300–25–138, Revision 4, dated December 28, 1979, or an FAA-approved equivalent.

(c) If, during the inspections required by paragraphs (a) and (b) of this AD, damage to, or separation of decompression panels is found, within the next 25 hours time in service, unless already accomplished, replace damaged panels and re-attach separated decompression panels in accordance with instructions in paragraph 2.C. of Airbus Industrie Service Bulletin No. A300–25–138, Revision 4, dated December 28, 1979, or an FAA-approved equivalent.

(d) Upon accomplishment of the modification required by Airbus Industrie Service Bulletin Nos. A300–25–149, Revision 3, dated December 28, 1979, and A300–25–248, dated December 11, 1978, the daily inspections required by paragraph (a) of this AD are no longer required.

(e) If an equivalent means of compliance is used in complying with paragraphs (a), (b) or (c) of this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 2, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, DC 20591.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c); Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on March 10, 1981.

M. C. Beard,

Director of Airworthiness.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-8082 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21512; Amdt. 39-4066]

Government Aircraft Factories Nomad Model N22B and N24A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modifications to all movable horizontal stabilizer and geared trailing edge trim tabs on certain Government Aircraft Factories of Australia Model N22B and N24A airplanes. This AD is needed to prevent loss of structural stiffness of the horizontal stabilizer and trim tabs which could result in tail flutter and subsequent loss of airplane control.

DATES: Effective April 2, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The manufacturer's applicable service bulletins may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. These documents may also be examined at the Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu,

Hawaii 96850, or Rules Docket Room 916, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, Telephone: (808) 546-8650 or 546-8658, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue SW., Washington, DC 20591, Telephone: (202) 426-8192.

SUPPLEMENTARY INFORMATION: The FAA recently learned of structural discrepancies on a Government Aircraft Factories (GAF) Nomad Model N24A airplane that had accumulated less than 1,000 hours total flight time. During the investigation, the FAA raised questions with respect to the structural rigidity of the empennage structure of GAF Nomad Model N22B and N24A series airplanes. It has subsequently been determined that without prescribed structural modification, a reduction of stiffness of the horizontal stabilizer will occur. Since loss of structural stiffness could result in hazardous tail flutter and subsequent loss of airplane control, an AD is being issued which requires modifications to all movable horizontal stabilizer and geared trailing edge trim tabs on certain Government Aircraft Factories of Australia Nomad Model N22B and N24A airplanes. The modification requires installation of additional mass balance weights, improved riveting, access panels, structural reinforcements, high strength steel trim tab control brackets, self-aligning control rod ends and longer control rods, and horizontal stabilizer pivot bracket attachments.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires modification of the horizontal stabilizer and trailing edge trim tabs on certain Government Aircraft Factories of Australia Nomad Model N22B and N24A series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Government Aircraft Factories (GAF): Applies to Nomad Model N22B (Serial Nos. N22B-5 and up) and N24A (Serial Nos. N24A-42 and up) airplanes, certificated in all categories.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To prevent loss of structural rigidity which could result in hazardous tail flutter and subsequent loss of airplane control, accomplish the following:

(a) Modify the horizontal stabilizer to incorporate mass balance weights, improved riveting, addition of access panels, and structural reinforcements to the horizontal stabilizer in accordance with Part 2, "ACCOMPLISHMENT INSTRUCTIONS," of Government Aircraft Factories Nomad Service Bulletin NMD-55-10, Revision 1, dated May 2, 1980, or an FAA-approved equivalent. All AGS pop rivets removed as a result of this modification, must be replaced with MS20426AD rivets.

(b) Install high strength steel trim tab control brackets, self-aligning control rod ends, and longer control rods in accordance with Part 2, "Accomplishment Instructions," of Government Aircraft Factories Nomad Service Bulletin NMD-55-8, Revision 3, dated September 1, 1980, or an FAA-approved equivalent.

(c) Modify the horizontal stabilizer pivot bracket attachments in accordance with Part 2, "ACCOMPLISHMENT INSTRUCTIONS," of Government Aircraft Factories Nomad Alert Service Bulletin ANMD-55-13, Revision 1, dated August 22, 1980, or an FAA-approved equivalent.

(d) In accordance with FAR §§ 21.197 and 21.199 the airplane may be flown to a location where these modifications can be accomplished.

(e) If an equivalent means of compliance is used in complying with paragraphs (a) through (c) of this AD, that equivalent means must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

This amendment becomes effective April 2, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. These documents may be examined at FAA, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii, and at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER IMFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on March 10, 1981.

M C. Beard,

Director of Airworthiness.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-8864 Filed 3-18-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21511; Amdt. 39-4069]

Partenavia Costruzioni Aeronautiche S.p.A., Model P68 and P68B Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection of the ball joint end of the propeller pitch control system for excessive play at the propeller governor, readjustment of the system as necessary, and repetitive inspections until the ball joint end is replaced with a new part number ball joint end on certain Partenavia Model P68 and P68B series airplanes. This AD is necessary to preclude improper settings of the propeller governor and prevent a

dangerous propeller overspeed condition during any regime of airplane operation.

DATES: Effective April 2, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria—Naples, Italy.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff AEU–100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: The FAA has determined that excessive play can develop in the ball joint end of the propeller pitch control system at the propeller governor and can result in improper settings of the propeller governor which could cause a catastrophic overspeed of the propeller on certain Partenavia Model P68 and P68B series airplanes. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection of the propeller pitch control system ball joint end at the propeller governor for excessive play, readjustment as necessary before further flight, and repetitive inspection until a new part number ball joint end is installed.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to Model P68 and P68B series airplanes, serial numbers 1 to 180 inclusive, certificated in all categories, which have a Woodward propeller governor installed but do not have a ball joint end, P/N 7.5077–1, installed on the pitch control flexible cable.

Compliance is required as indicated, unless already accomplished.

To preclude failure of the propeller pitch control system, accomplish the following:

(a) Within 25 hours time in service after the effective date of this AD, or within 50 hours time in service since the last inspection, whichever occurs later, and every 50 hours time in service thereafter, inspect the propeller pitch control system for play between the ball joint, P/N 7.5021–3, and the joint end, P/N 7.5021–1, in accordance with Partenavia Service Bulletin 37, Revision 2, dated November 22, 1978, or an FAA-approved equivalent.

(b) If play is not found during the inspection required in paragraph (a) of this AD, return airplane to service.

(c) If play is found during the inspection required in paragraph (a) of this AD, adjust the propeller pitch control system as necessary in accordance with Part I, "Instructions," of Partenavia Service Bulletin 37, Revision 2, dated November 22, 1978, or an FAA-approved equivalent, or install a new joint end, P/N 7.5021.1, and return to service.

(d) The inspections required by this AD are no longer required with the installation of Partenavia Kit P/N 68–005 installed in accordance with Partenavia Service Instruction No. 2, dated July 14, 1978, or an FAA-approved equivalent.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 2, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria–Naples, Italy. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on March 10, 1981.

M. C. Beard,

Director of Airworthiness.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-8053 Filed 3-18-81; 8:45 am]
BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1000

Commission Organization and Functions; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission is publishing a correction to the listing, in § 1000.21, of the directorates reporting to the Executive Director.

EFFECTIVE DATE: These corrections are effective March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Sadye Dunn, Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, Telephone 202–634–7700.

SUPPLEMENTARY INFORMATION: The Commission published a revision of its statement of organization and functions on December 31, 1980, 45 FR 86415. The revisions included changing the name of the Directorate for Compliance and Enforcement to the Directorate for Compliance and Administrative Litigation in § 1000.27, and replacing the former Directorate for Engineering and Sciences with two new organizations, the Directorate for Engineering Sciences in § 1000.25 and the Directorate for Health Sciences in § 1000.26.

The Commission inadvertently neglected to make corresponding

changes in § 1000.21 which, in describing the functions of the Executive Director, lists the Commission's directorates. Section 1000.21 is accordingly being corrected to bring it into conformity with §§ 1000.25, 1000.26, and 1000.27.

Since this amendment deals only with internal agency organization, it is being made effective immediately and comments are not being solicited.

For the foregoing reasons, Part 1000 of Chapter II of Title 16 of the Code of Federal Regulations is amended as shown.

Part 1000—AUTHORITY [REVISED]

1. The authority citation for Part 1000 is amended to read as follows:

Authority: 5 U.S.C. 552(a).

2. In Part 1000, § 1000.21 is revised to read as follows:

§ 1000.21 Office of the Executive Director.

The Executive Director, under the broad direction of the Chairman and in accordance with Commission policy, acts as the chief operating manager of the agency, supporting the development of the agency's budget and operating plan before and after Commission approval, and managing the execution of those plans. The Executive Director has direct line authority over seven operating directorates: Hazard Identification and Analysis, Engineering Sciences, Health Sciences, Compliance and Administrative Litigation, Field Operations, Communications, and Administration, as well as the Office of Program Management and the Office of Budget, Program Planning and Evaluation.

Dated: March 16, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-8543 Filed 3-18-81; 8:45 am]

BILLING CODE 6355-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 200

Amendments to Agency Ethics Rules

AGENCY: International Trade Commission.

ACTION: Notice of final rules.

SUMMARY: Recent regulations issued by the Office of Government Ethics (OGE) redefine the qualifications and duties of designated agency ethics officials and list the elements of agency ethics programs. 46 FR 2582 (January 9, 1981) (to be codified at 5 CFR 738.101–.313). The following amendments to Commission ethics regulations, 19 CFR Part 200, reflect the changes in OGE regulations. In addition, the Commission is abandoning its previous practice of requiring that its Ethics Counselor be a Commissioner. The Counselor must be a senior Commission employee with experience demonstrating the ability to coordinate and manage the program. This is in line with the practice of practically all other Government agencies. In addition, there are several technical and conforming changes reflecting that Commission employees who file SF 278 public financial disclosure reports need not file confidential financial disclosure reports under Executive Order No. 11222 and Subpart C of Part 200 of Title 19, Code of Federal Regulations.

EFFECTIVE DATE: March 15, 1981.

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison of the Office of General Counsel at 202–523–0350.

SUPPLEMENTARY INFORMATION: The Commission published proposed regulations for public comment. 45 FR 82957 (December 17, 1980). Comment was received only from the Office of Government Ethics, which suggested only two changes. Both have been incorporated, along with editorial change. Section 200.735–103(b) was altered to require that the Deputy Ethics Counselor be chosen by the Chairman in accordance with 5 CFR 738.202(c), which directs that the head of an agency select the two individuals entrusted with certifying the financial disclosures filed for confirmation purposes by Presidential nominees. A phrase was added to § 200.735–103(c)(2) clarifying that the Ethics Counselor reviews and certifies the financial disclosure reports of nominees to the Commission, in accordance with statutory and regulatory mandate.

The U.S. International Trade Commission amends 19 CFR Part 200 as follows:

§§ 200.735–101 and 200.735–102 [Amended]

1. In §§ 200.735–101 and 200.735–102(a)(b), change "U.S. Tariff Commission" to read "U.S. International Trade Commission."

2. Section 200.735–102(c) is revised to read:

* * * * *

(c) "Employee" means a Commissioner, employee, or special Government employee of the Commission.

* * * * *

3. Add § 200.735–102(g):

* * * * *

(g) "Ethics Counselor" means designated agency ethics official as defined in Subpart B of Part 738, Code of Federal Regulations.

* * * * *

4. Remove present § 200.735–103 and add:

§ 200.735–103 Counseling service.

(a) The Chairman shall appoint an Ethics Counselor, who serves as the Commission's designated agency ethics official and liaison to the Office of Government Ethics and who is responsible for carrying out the Commission's ethics program. The program shall be designed to implement titles II, IV, and V of the Ethics in Government Act of 1978, Executive Order No. 11222, the regulations in this part, and other statutes and regulations applicable to agency ethics matters. The Ethics Counselor will be a senior Commission employee with experience demonstrating the ability to review financial disclosure reports and counsel employees with regard to resolving conflicts of interest, review the financial disclosures of Presidential nominees to the Commission prior to confirmation hearings, counsel employees with regard to ethics standards, assist supervisors in implementing the Commission's ethics program, and periodically evaluate the ethics program.

(b) The Chairman shall select a Deputy Ethics Counselor, who will serve as alternate agency ethics official and to whom any of the Counselor's statutory and regulatory duties may be delegated.

(c) The Ethics Counselor shall coordinate and manage the agency's ethics program. The Counselor's duties shall consist of—

(1) Liaison with the Office of Government Ethics;

(2) Review of financial disclosure reports, including reports filed by Presidential nominees to the Commission, except that reports filed by Commissioners other than the Chairman shall be reviewed by the Chairman and the report filed by the Chairman shall be reviewed by the Vice Chairman;

(3) Initiation and maintenance of ethics education and training programs;

(4) Monitoring administrative actions and sanctions; and

(5) Implementation of the specific program elements listed in Office of Government Ethics regulations, 5 CFR 738.203(b).

5. Section 200.735–114 is revised to read as follows:

§ 200.735–114 Employees required to submit statements.

Except as provided in § 200.735–114a, the following employees shall submit confidential statements of employment and financial interests:

(a)(1) Employees in grade GS–13 or above under section 5332 of title 5, United States Code, or in comparable or higher positions not subject to that section, other than those employees who are required to file public financial disclosure reports by title II of the Ethics in Government Act of 1978.

(2) The Director of Personnel shall list all such positions, shall include the listing in the chapter of the Commission's Policy Manual pertaining to the filing of confidential statements of employment and financial interests, and shall furnish copies thereof to the Deputy Counselor and to affected employees.

(3) The Director of Personnel shall update the listing required by paragraph (a)(2) of this section and shall take all other steps required by paragraph (a)(2) as of January 1 and July 1 of each year.

(b)(1) Employees classified below GS–13 under section 5332 of title 5, United States Code, or at a comparable pay level under other authority, other than those employees who are required to file public financial disclosure reports by title II of the Ethics in Government Act of 1978, who are (i) responsible for making a decision or taking an action in regard to Commission contracting or procurement, (ii) responsible for conducting investigative and research activities where the decision to be made or action to be taken could have an economic impact on any non-Federal enterprise, or (iii) responsible for exercising the authority of any supervisory or investigative employee in the absence of such employee.

(2) The Director of Personnel, upon obtaining the advice of the General Counsel, shall be responsible for determining which positions below GS–13 meet the criteria of paragraph (b)(1) of this section. The Director of Personnel shall justify his or her determination in writing and shall submit it to the Office of Personnel Management for its approval. Upon obtaining the approval of the Office of Personnel Management, the Director of Personnel shall include the listing of these positions in the chapter of the Commission's Policy Manual pertaining to the filing of confidential statements of employment and financial interests and shall furnish copies thereof to the Deputy Counselor and to affected employees.

(3) The Director of Personnel shall evaluate the determination under paragraph (b)(2) of this section as of January 1 and July 1 of each year. When organizational changes or personnel actions indicate that positions should be either added to or taken from the list of positions which the Director of Personnel has determined meet the criteria of paragraph (b)(1) of this section, the Director of Personnel shall make a new determination under paragraph (b)(2) of this section and shall take all other steps required by paragraph (b)(2) immediately upon the implementation of said organizational changes or personnel actions.

Issued: March 10, 1981.

By order of the Commission.

(E.O. 11222, 30 CFR 6469, 3 CFR, 1965 Supp.; 5 CFR 735,101 et seq.)

Kenneth E. Mason,

Secretary.

[FR Doc. 81-8688 Filed 3-18-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 191

[Dept. Reg. 108.803]

Hostage Relief Assistance

AGENCY: Department of State.

ACTION: Interim rule.

SUMMARY: The Department of State is amending its rules by adding new regulations to implement the Hostage Relief Act of 1980 (Pub. L. 96–449, 94 Stat. 1967; 5 U.S.C. 5561 note). The regulations provide for assistance to American hostages and members of their families and households.

DATES: This interim rule is effective January 21, 1981. Consideration will be given to written comments or suggestions received on or before March 23, 1981.

ADDRESS: Send written comments to the Assistant Secretary for Administration, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Walter F. Weiss (202) 632–1728.

SUPPLEMENTARY INFORMATION: On January 21, 1981 a proposed rule was published in the **Federal Register** (46 FR 6358) to implement the Hostage Relief Act of 1980. The proposed rule was published as Subchapter P, Parts 1, 2, 3 and 4. The regulation is added as Subchapter T, Part 191, and renumbered accordingly.

Dated: February 26, 1981.

Thomas M. Tracy,

Assistant Secretary for Administration.

Subchapter T, Part 191 is added to Title 22, Code of Federal Regulations, as set forth below.

SUBCHAPTER T—HOSTAGE RELIEF

PART 191—HOSTAGE RELIEF ASSISTANCE

Subpart A—General

Sec.
191.1 Declaration of hostile action.
191.2 Application for determination of eligibility.
191.3 Definitions.
191.4 Notification of eligible persons.
191.5 Relationships among agencies.
191.6 Effective date.

Subpart B—Application of Soldiers' and Sailors' Civil Relief Act

191.10 Eligibility for benefits.
191.11 Applicable benefits.
191.12 Description of benefits.
191.13 Administration of benefits.

Subpart C—Medical Benefits

191.20 Eligibility for benefits.
191.21 Applicable benefits.
191.22 Administration of benefits.
191.23 Disputes.

Subpart D—Educational Benefits

191.30 Eligibility for benefits.
191.31 Applicable family benefits.
191.32 Applicable benefits for hostages.
191.33 Administration of benefits.
191.34 Maximum limitation on benefits.

Authority: Hostage Relief Act of 1980 (Pub. L. 96–449 and sec. 4 of Act of 1949 (22 U.S.C. 2658)).

Subpart A—General

§ 191.1 Declaration of hostile action.

(a) The Secretary of State from time to time shall declare when and where individuals in the civil or uniformed services of the United States, or a citizen or resident alien of the United States rendering personal services to the United States abroad similar to the service of a civil officer or employee of the United States, have been placed in captive status because of hostile action abroad directed against the United States and occurring or continuing between November 4, 1979, and such date as may be declared by the President under section 101(2)(A) of the Hostage Relief Act of 1980 (Pub. L. 96–449, hereafter "the Act") or January 1, 1983, whichever is later. Each such declaration shall be published in the **Federal Register**.

(b) The Secretary of State upon his or her own initiative, or upon application under § 191.2 shall determine which individuals in captive status as so

declared shall be considered hostages eligible for benefits under the Act. The Secretary shall also determine who is eligible under the Act for benefits as a member of a family or household of a hostage. The determination of the Secretary shall be final, but any interested person may request reconsideration on the basis of information not considered at the time of original determination. The criteria for determination are set forth in sections 101 and 205 of the Act, and in these regulations.

§ 191.2 Application for determination of eligibility.

(a) Any person who believes that they or other persons known to them are either hostages as defined in the Act, or members of the family or household of hostages as defined in § 191.3(a)(1), or a child eligible for benefits under Subpart D, may apply for benefits under this subchapter for themselves, or on behalf of others entitled thereto.

(b) The application shall be in writing, should contain all identifying and other pertinent data available to the person applying about the person or persons claimed to be eligible, and should be addressed to the Assistant Secretary of State for Administration, Department of State, Washington, D.C. 20520. Applications may be filed at any time after publication of a declaration under § 191.1(a) in the **Federal Register**, and during the period of its validity, or within 60 days after release from captivity. Later filing may be considered when in the opinion of the Secretary of State there is good cause for the late filing.

§ 191.3 Definitions.

When used in this subchapter, unless otherwise specified, the terms—

(a) "Family Member" means (1) a spouse, (2) an unmarried dependent child including a step-child or adopted child, (3) a person designated in official records or determined by the agency head or designee thereof to be a dependent, or (4) other persons such as parents, parents-in-law, persons who stand in the place of a spouse or parents, or other members of a household when fully justified by the circumstances of the hostage situation, as determined by the Secretary of State.

(b) "Agency head" means the head of an agency as defined in the Act (or successor agency) employing an individual determined to be an American hostage. The Secretary of State is the agency head with respect to any hostage not employed by an agency.

(c) "Principal" means the hostage whose captivity forms the basis for benefits under this subchapter for a family member.

§ 191.4 Notification of eligible persons.

The Assistant Secretary of State for Administration shall be responsible for notifying each individual determined to be eligible for benefits under the Act or, if that person is not available, a representative or Family Member of the hostage.

§ 191.5 Relationships among agencies.

(a) The Assistant Secretary of State for Administration shall promptly inform the head of any agency whenever an employee (including a member of the Armed Forces) in that agency, or Family Member of such employee, is determined to be eligible for benefits under this subchapter.

(b) In accordance with inter-agency agreements between the Department of State and relevant agencies—

(1) The Veterans Administration will periodically bill the Department of State for expenses it pays for each eligible person under Subpart D of this subchapter plus the administrative costs of carrying out its responsibilities under this part.

(2) The Department of State will, on a periodic basis, determine the cost for services and benefits it provides to all eligible persons under this subchapter and bill each agency for the costs attributable to Principals (and Family Members) in or acting on behalf of the agency plus a proportionate share of related administrative expenses.

§ 191.6 Effective date.

This regulation is effective as of November 4, 1979. Reimbursement may be made for expenses approved under this subchapter for services rendered on or after such date.

Subpart B—Application of Soldiers' and Sailors' Civil Relief Act

§ 191.10 Eligibility for benefits.

A person designated as a hostage under Subpart A of this subchapter, other than a member of the Armed Forces covered by the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, shall be eligible for benefits under this Part.

§ 191.11 Applicable benefits.

(a) Eligible persons are entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501, et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) notwithstanding paragraph (c) thereof, but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) The term "person in the military service" is deemed to include any such American hostage;

(2) The term "period of military service" is deemed to include the period during which such American hostage is in a captive status;

(3) References therein to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, or other officials of government are deemed to be references to the Secretary of State; and

(4) The term "dependents" shall, to the extent permissible by law, be construed to include "Family Members" as defined in section 101 of the Hostage Relief Act.

§ 191.12 Description of benefits.

The following material is included to assist persons affected, by providing a brief description of some of the provisions of the Civil Relief Act. Note that not all of the sections applicable to hostages have been included here. References to sections herein are references to the Civil Relief Act of 1940, as amended, followed by references in parentheses to the same section in the United States Code.

(a) *Guarantors, endorsers.* Section 103 (50 U.S.C. App. 513) provides that whenever a hostage is granted relief from the enforcement of an obligation, a court, in its discretion, may grant the same relief to guarantors and endorsers of the obligation. Amendments extend relief to accommodation makers and others primarily or secondarily liable on an obligation, and to sureties on a criminal bail bond. They provide, on certain conditions, that the benefits of the section with reference to persons primarily or secondarily liable on an obligation may be waived in writing.

(b) *Written Agreements.* Section 107 (50 U.S.C. App. 517) provides that nothing contained in the Act shall prevent hostages from making certain arrangements with respect to their contracts and obligations, but requires that such arrangements be in writing.

(c) *Protection in Court.* Section 200 (50 U.S.C. App. 520) provides that if a hostage is made defendant in a court action and is unable to appear in court, the court shall appoint an attorney to represent the hostage and protect the hostage's interests. Further, if a judgment is rendered against the hostage, an opportunity to reopen the

case and present a defense, if meritorious, may be permitted within 90 days after release.

(d) *Court Postponement.* Section 201 (50 U.S.C. App. 521) authorizes a court to postpone any court proceedings if a hostage is a party thereto and is unable to participate by reason of being a captive.

(e) *Relief Against Penalties.* Section 202 (50 U.S.C. App. 522) provides for relief against fines or penalties when a court proceeding involving a hostage is postponed, or when the fine or penalties are incurred for failure to perform any obligation. In the latter case, relief depends upon whether the hostage's ability to pay or perform is materially affected by being held captive.

(f) *Postponement of Action.* Section 203 (50 U.S.C. App. 523) authorizes a court to postpone or vacate the execution of any judgment, attachment or garnishment.

(g) *Period of Postponement.* Section 204 (50 U.S.C. App. 524) authorizes a court to postpone proceedings for the period of captivity, and for 3 months thereafter, or any part thereof.

(h) *Extended Time Limits.* Section 205 (50 U.S.C. App. 525) excludes the period of captivity from computing time under existing or future statutes of limitation. Amendments extend relief to include actions before administrative agencies, and provide that the period of captivity shall not be included in the period for redemption of real property sold to enforce any obligation, tax, or assessment. Section 207 excludes application of section 205 to any period of limitation prescribed by or under the internal revenue laws of the United States.

(i) *Interest Rates.* Section 206 (50 U.S.C. App. 526) provides that interest on the obligations of hostages shall not exceed a specified per centum per annum, unless the court determines that ability to pay greater interest is not affected by being held captive.

(j) *Misuse of Benefits.* Section 600 (50 U.S.C. App. 580) provides against transfers made with intent to delay the just enforcement of a civil right by taking advantage of the Act.

(k) *Further Relief.* Section 700 (50 U.S.C. App. 590) provides that a person, during a period of captivity or 6 months thereafter, may apply to a court for relief with respect to obligations incurred prior to captivity, or any tax or assessment whether falling due prior to or during the period of captivity. The court may, on certain conditions, stay the enforcement of such obligations.

(l) *Stay of Eviction.* Section 300 (50 U.S.C. App. 530) provides that a hostage's dependents shall not be evicted from their dwelling if the rental is $150 or less per month, except upon leave of a court. If it is proved that inability to pay rent is a result of being in captivity, the court is authorized to stay eviction proceedings for not longer than 3 months. An amendment extends relief to owners of the premises with respect to payments on mortgage and taxes.

(m) *Contract and Mortgage Obligations.* As provided by sections 301 and 302 of the Act (50 U.S.C. App. 531 and 532), as amended, contracts for the purchase of real and personal property, which originated prior to the period of captivity, may not be rescinded, terminated, or foreclosed, or the property repossessed, except as provided in section 107 (50 U.S.C. App. 517), unless by an order of a court. The mentioned sections give the court wide discretionary powers to make such disposition of the particular case as may be equitable in order to conserve the interests of both the hostage and the creditor. The cited sections further provide that the court may stay the proceedings for the period of captivity and 3 months thereafter, if in its opinion the ability of the hostage to perform the obligation is materially affected by reason of captivity. Section 303 (50 U.S.C. App. 533) provides that the court may appoint appraisers and, based upon their report, order such sum as may be just, if any, paid to hostages or their dependents, as a condition to foreclosing a mortgage, resuming possession of property, and rescinding or terminating a contract.

(n) *Termination of a Lease.* Section 304 (50 U.S.C. App. 534) provides, in general, that a lease covering premises occupied for dwelling, business, or agricultural purpose, executed by persons who subsequently become hostages, may be terminated by a notice in writing given to the lessor, subject to such action as may be taken by a court on application of the lessor. Termination of a lease providing for monthly payment of rent shall not be effective until 30 days after the first date on which the next rental payment is due, and, in the case of other leases, on the last day of the month following the month when the notice is served.

(o) *Assignment of Life Insurance Policy.* Section 305 (50 U.S.C. App. 535) provides that the assignee of a life insurance policy assigned as security, other than the insurer in connection with a policy loan, except upon certain conditions, shall not exercise any right with respect to the assignment during the period of captivity of the insured and one year thereafter, unless upon order of a court.

(p) *Storage Lien.* Section 305 (50 U.S.C. App. 535) provides that a lien for storage of personal property may not be foreclosed except upon court order. The court may stay proceedings or make other just disposition.

(q) *Extension of Benefits to Dependents.* Section 306 (50 U.S.C. App. 536) extends the benefits to section 300 through 305 to dependents of a hostage.

(r) *Real and Personal Property Taxes.* Section 500 (50 U.S.C. App. 560) forbids sale of property, except upon court leave, to enforce collection of taxes or assessments (other than taxes on income) on personal property or real property owned and occupied by the hostage or dependents thereof at the commencement of captivity and still occupied by the hostage's dependents or employees. The court may stay proceedings for a period not more than 6 months after termination of captivity. When by law such property may be sold to enforce collection, the hostage will have the right to redeem it within 6 months after termination of captivity. Unpaid taxes or assessments bear interest at 6 percent.

(s) *Income Taxes.* Section 513 provides for deferment of payment of income taxes. However, section 204 of the Hostage Relief Act of 1980 provides for deferment and certain other relief, and should be referred to in order to determine statutory tax benefits in addition to those in section 513 of the Civil Relief Act.

(t) *Certification of Hostage.* Section 601 provides that a certificate signed by the agency head shall be prima facie evidence that the person named has been a hostage during the period specified in the certification.

(u) *Interlocutory Orders.* Section 602 (50 U.S.C. App. 582) provides that a court may revoke an interlocutory order it has issued pursuant to any provision of the Soldiers' and Sailors' Civil Relief Act of 1940.

(v) *Power of Attorney.* Section 701 (50 U.S.C. App. 591) provides that certain powers of attorney executed by a hostage which expire by their terms after the person was captured shall be automatically extended for the period of captivity. Exceptions are made with respect to powers of attorney which by their terms clearly indicate they are to expire on the date specified irrespective of hostage status. (Section 701 applies to American hostages notwithstanding paragraph (c) thereof which states that it applies only to powers of attorney issued during the "Vietnam era".)

§ 191.13 Administration of benefits.

(a) The Assistant Secretary of State for Administration will issue certifications or other documents when required for purposes of the Civil Relief Act.

(b) The Assistant Secretary of State shall whenever possible promptly inform the chief legal officer of each State in which hostages maintain residence of all persons determined to be hostages eligible for assistance under this subpart.

Subpart C—Medical Benefits

§ 191.20 Eligibility for benefits.

A person designated as a hostage or Family Member of a hostage under Subpart A of this subchapter shall be eligible for benefits under this Subpart.

§ 191.21 Applicable benefits.

A person eligible for benefits under this Part shall be eligible for authorized medical and health care at U.S. Government expense, and for payment of other authorized expenses related to such care or for obtaining such care for any illness or injury which is determined by the Secretary of State to be caused or materially aggravated by the hostage situation, to the extent that such care may not—

(a) Be provided or paid for under any other Government health or medical program, including, but not limited to, the programs administered by the Secretary of Defense, the Secretary of Labor and the Administrator of Veterans Affairs; or

(b) Be entitled to reimbursement by any private or Government health insurance or comparable plan.

§ 191.22 Administration of benefits.

(a) An eligible person, who desires medical or health care under this Subpart or any person acting on behalf thereof, shall submit an application to the Office of Medical Services, Department of State, Washington, D.C. 20520 (hereafter referred to as the "Office"). The applicant shall supply all relevant information, including insurance information, requested by the Director of the Office. An eligible person may also submit claims to the Office for payment for emergency care when there is not time to obtain prior authorization as prescribed by this paragraph, and for payment for care received prior to or ongoing on the effective date of these regulations.

(b) The Office shall evaluate all requests for care and claims for reimbursement and determine, on behalf of the Secretary of State, whether the care in question is authorized under § 191.21 of this subpart. The Office will authorize care, or payment for care when it determines the criteria of such section are met. Authorization shall include a determination as to the necessity and reasonableness of medical or health care.

(c) The Office will refer applicants eligible for benefits under other Government health programs to the Government agency administering those programs. Any portion of authorized care not provided or paid for under another Government program will be reimbursed under this Subpart.

(d) Eligible persons may obtain authorized care from any licensed facility or health care provider of their choice approved by the Office. To the extent possible, the Office will attempt to arrange for authorized care to be provided in a Government facility at no cost to the patient.

(e) Authorized care provided by a private facility or health care provider will be paid or reimbursed under this Subpart to the extent that the Office determines that costs do not exceed reasonable and customary charges for similar care in the locality.

(f) All bills for authorized medical or health care covered by insurance shall be submitted to the patient's insurance carrier for payment prior to submission to the Office for payment of the balance authorized by this Part. The Office will request the health care providers to bill the insurance carrier and the Department of State for authorized care, rather than the patient.

(g) Eligible persons will be reimbursed by the Office for authorized travel to obtain an evaluation of their claim under paragraph (b) of this part and for other authorized travel to obtain medical or health care authorized by this Subpart.

§ 191.23 Disputes.

Any dispute between the Office and eligible persons concerning (a) whether medical or health care is required in a given case, (b) whether required care is incident to the hostage taking, or (c) whether the cost for any authorized care is reasonable and customary, shall be referred to the Medical Director, Department of State and the Foreign Service for a determination. If the person bringing the claim is not satisfied with the decision of the Medical Director, the dispute shall be referred to a medical board composed of three physicians, one appointed by the Medical Director, one by the eligible person and the third by the first two members. A majority decision by the board shall be binding on all parties.

Supart D—Educational Benefits

§ 191.30 Eligibility for benefits.

(a) A spouse or unmarried dependent child aged 18 or above of a hostage as determined under Subpart A of this subchapter shall be eligible for benefits under § 191.31 of this Subpart. (Certain limitations apply, however, to persons eligible for direct assistance through other programs of the Veterans Administration under chapter 35 of title 38, United States Code).

(b) A Principal (see definition in § 191.3) designated as a hostage under Subpart A of this subchapter, who intends to change jobs or careers because of the hostage experience and who desires additional training for this purpose, shall be eligible for benefits under § 191.32 of this Part unless such person is eligible for comparable benefits under title 38 of the United States Code as determined by the Administrator of the Veterans Administration.

§ 191.31 Applicable family benefits.

(a) An eligible spouse or child shall be paid (by advancement or reimbursement) for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution approved in accordance with procedures established by the Veterans Administration, which shall be comparable to procedures established pursuant to chapters 35 and 36 of title 38 U.S.C.

(b) Except as provide in paragraph (c) or (d herein), payments shall be available under this subsection for an eligible spouse or child for education or training which occurs—

(1) 90 days after the Principal is placed in a captive status, and

(i) Through the end of any semester or quarter which begins before the date on which the Principal ceases to be in a captive status, or

(ii) If the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

(c) In special circumstances and within the limitation of § 191.34, the Secretary of State may, under the criteria and procedures set forth in § 191.33, approve payments for education or training under this subsection which occurs after the date determined under paragraph (b) above.

(d) In the event a Principal dies and the death is determined by the Secretary

of State to be incident to that individual being a hostage, payments shall be available under this subsection for education or training of a spouse or child of the Principal which occurs after the date of death, up to the maximum that may be authorized under § 191.34.

§ 191.32 Applicable benefits for hostages.

(a) When authorized by the Secretary of State a Principal, following release from captivity, shall be paid (by advancement or reimbursement) for expenses incurred for subsistence, tuition, fees, supplies, books and equipment, and other educational expenses, while attending an educational or training institution approved in accordance with procedures established by the Veterans Administration comparable to procedures established pursuant to chapters 35 and 36 of title 38 U.S.C. Payments shall be available under this subsection for education or training which occurs on or before—

(1) The end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the Principal ceases to be in a captive status, or

(2) If the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

(b) A person eligible for benefits under this subsection shall not be required to separate from Government service in order to undertake the training or education, but while in Government service, may only receive such training or education during off-duty hours or during periods of approved leave.

§ 191.33 Administration of benefits.

(a) Any person desiring benefits under this Part shall apply in writing to the Assistant Secretary of State for Administration, Department of State, Washington, D.C. 20520. The application shall specify the benefits desired and the basis of eligibility for those benefits. The Secretary of State shall make determinations of eligibility for benefits under this Part, and shall forward approved applications to the Veterans Administration and advise the applicant of the name and address of the office in the Veterans Administration that will counsel the eligible persons on how to obtain the benefits that have been approved. Persons whose applications are disapproved shall be advised of the reasons for the disapproval.

(b) The Veterans Administration shall provide the same level and kind of assistance, including payments (by advancement or reimbursement) for authorized expenses up to the same maximum amounts, to spouses and children of hostages, and to Principals following their release from captivity as it does to eligible spouses and children of veterans and to eligible veterans, respectively, under chapters 35 and 36 of title 38, United States Code. The Veterans Administration shall, following consultation with the Secretary of State and under procedures it has established to administer section 1724 of title 38, United States Code, discontinue assistance for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to such section 1724.

(c) An Advisory Board shall be established to advise on eligibility for benefits under paragraphs (c) and (d) of § 191.31 and § 191.32. The Board shall be composed of the Assistant Secretary of State for Administration as Chairperson, the Director of the Office of Medical Services of the Department of State, the Executive Director of the regional bureau of the Department of State in whose region the relevant hostile action occurred, the Director of Personnel or other designee of the applicable employing agency, and a representative of the Veterans Administration designated by the Administrator.

(d) If an application is received from a spouse or child for extended training under § 191.31(c), the Secretary of Administration shall determine with the advice of the Advisory Board whether the Principal, following release from captivity, is incapacitated by the hostage experience to the extent that (1) he or she has not returned to full-time active duty and is unlikely to be able to resume the normal duties of his or her position or career, or (2) in the event of a separation from Government service, a comparable position or career, for at least six months from the date the Principal is released from captivity. If the Secretary makes such a determination, he or she may approve, within the limits of § 191.34, an application under § 191.31(c) for up to one year of education or training. If the Principal remains incapacitated, the Secretary may approve additional training or education up to the maximum authorized under § 191.34.

§ 191.34 Maximum limitation on benefits.

(a) In no event may assistance be provided under this Subpart for any individual for a period in excess of 45 months, or the equivalent thereof in part-time education or training.

(b) The eligibility of a spouse for benefits under paragraph (c) or (d) of § 191.31 shall expire on a date which is 10 years after the date of the release of the hostage, or the death of the hostage, respectively. The eligibility of a dependent child for benefits under such paragraphs (c) and (d) shall expire on the 26th birthday of such child or on such later date as determined by the Administrator of the Veterans Administration, as would be applicable if section 1712 of title 38, United States Code, were applicable.

[FR Doc. 81-8302 Filed 3-18-81; 8:45 am]
BILLING CODE 4710-10-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31 and 37

[T.D. 7772]

Employment Taxes; Submission of Certain Withholding Certificates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary employment tax regulations relating to the submission of certain withholding exemption certificates (Forms W–4). The regulations would provide guidance to employers and employees with respect to the furnishing and honoring of employee withholding exemption certificates. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the Federal Register.

DATE: These temporary regulations are effective with respect to withholding exemption certificates furnished by the employee to the employer after March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3459).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary employment tax regulations relating to the submission of certain withholding certificates under section 3402(f) of the Internal Revenue Code of 1954. Further,

a new Part 37, Temporary Employment Tax Regulations for Withholding Exemption Certificates, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject. These regulations are necessary to ensure uniform enforcement of the statutes relating to withholding of income tax at the source.

General Explanation

Those provisions of this temporary regulation that are not described below are currently provisions of § 31.3402(f)(2)–1(g) and consequently are not included in this general explanation. Since the provisions of § 31.3402(f)(2)–1(g) are included in this temporary regulation, this document deletes the cited paragraph (g).

The temporary regulations provide that the Internal Revenue Service may advise an employer that a named employee is not entitled to claim a status exempting the employee from withholding and is not entitled to claim a total number of withholding exemptions in excess of a number specified by the Service in the notice. The employer shall withhold on the basis of the maximum number specified in the written notice received from the Service unless and until otherwise notified by the Service. The employer shall withhold on the basis of any new certificate filed by the employee only if the certificate does not contain a claim which is inconsistent with the advice earlier furnished by the Service in its written notice to the employer. If the new certificate does make a claim which is inconsistent with the advice contained in the Service's earlier written notice to the employer, the employer shall disregard the new certificate and withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service.

The employee may specify in a written statement any change in circumstances or other justification for the claims made in the new certificate, in which case the employer shall submit the certificate and statement to the Service. The employer must continue to disregard that new certificate (submitted to the Service) unless and until the Service notifies the employer to honor it. In addition, upon prior written notice from the Service, employers are required to submit immediately to the District Director copies of any new withholding exemption certificates required by the regulations to be submitted to the Service and which are received from employees or groups of employees named by the Service in the notice. An employer must also submit to the Service a copy of any written statement received from an employee in support of the employee's claim made on a withholding exemption certificate whenever the employer is required to submit a copy of the certificate itself.

Drafting Information

The principal author of these proposed regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Adoption of Amendments to the Regulations

Accordingly, a new Part 37, Temporary Employment Tax Regulations for Withholding Exemption Certificates, is added to Title 26 of the Code of Federal Regulations, and the following amendments are made to Title 26:

PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

§ 31.3402(f)(2)–1 [Amended]

Paragraph 1. Section 31.3402(f)(2)–1 is amended by the removal of paragraph (g) thereof.

§ 31.3401(e)–1 [Amended]

Par. 2. The last sentence of paragraph (b) of § 31.3401(e)–1 is amended by removing "§ 31.3402(f)(2)–1(g)" and inserting in lieu thereof "§ 37.3402–1".

§ 31.3402(n)–11 [Amended]

Par. 3. The last sentence preceding Example (1) of § 31.3402(n)–1 is amended by removing "§ 31.3402(f)(2)–1(g)" and inserting in lieu thereof "§ 37.3402–1".

Par. 4. A new Part 37, Temporary Employment Tax Regulations for Withholding Exemption Certificates, is added to Title 26 of the Code of Federal Regulations. Part 37 reads as follows:

PART 37—TEMPORARY EMPLOYMENT TAX REGULATIONS FOR WITHHOLDING EXEMPTION CERTIFICATES

Sec.

37.3402–1 Submission of certain withholding certificates.

§ 37.3402–1 Submission of certain withholding certificates.

(a) *General rule.* An employer shall submit, in accordance with paragraph (c) of this section, a copy of any withholding exemption certificate, together with a copy of any written statement received from the employee in support of the claims made on the certificate, which is received from the employee during the reporting period (without regard to the date it is effective) if the employee is employed by that employer on the last day of the reporting period and if—

(1) The total number of withholding exemptions (within the meaning of § 3402(f)(1) and the regulations thereunder) claimed on the certificate exceeds 9, or

(2) The certificate indicates that the employee claims a status exempting the employee from withholding, and the exception provided by paragraph (b) of this section does not apply.

(b) *Exception.* A copy of the certificate shall not be submitted under paragraph (a)(2) of this section if the employer reasonably expects, at the time the certificate is received, that the employee's wages (under chapter 24 of the Code) from that employer shall not then usually exceed $200 per week.

(c) *Rules for submission*—(1) *In general.* The reporting period is a calendar quarter. Copies required to be submitted under paragraph (a) of this section shall be submitted at the time and place of filing Form 941 or 941E for the reporting period, or Form 941–M for the last month of the reporting period. Form 941, 941E or 941–M shall be used, in accordance with the instructions for the form, to transmit the copies.

(2) *Option.* At the choice of the employer, copies required to be submitted under paragraph (a) of this section may be submitted earlier and for shorter reporting periods than a calendar quarter. In such case, the employer shall submit the copies to the service center where the employer could file a Form 941 or 941E and shall include with the submission a statement showing the employer's name, address, employer identification number, and the number of copies of withholding exemption certificates submitted. However, in no event shall a copy be submitted later than the time for filing the report required to be submitted for the calendar quarter reporting period under paragraph (c)(1) of this section.

(3) *First report.* The first submission of copies shall include a copy of any certificate required to be submitted under paragraph (a) of this section

which is received by the employer on or after April 1, 1980.

(d) *Other withholding exemption certificates.* An employer shall also submit a copy of any currently effective withholding exemption certificate (or make the original certificate available for inspection), together with a copy of any written statement received from the employee in support of the claims made on the certificate, upon written request of the Internal Revenue Service. This request of the Service may relate either to one or more named employees or to one or more named groups of employees. In this regard, the Service may, by written notice, advise the employer that a copy of each new withholding exemption certificate received from one or more named employees, or from one or more named groups of employees, which is required, under this section, to be submitted to the Service is to be submitted to the District Director. The employer shall then submit to the District Director a copy of each such new certificate of each such employee immediately after the employer receives the new certificate from the named employee.

(e) *Computation of withholding.* (1) Until receipt of written notice from the Internal Revenue Service that a certificate, a copy of which was submitted under this section, is defective, that certificate is effective and the employer shall withhold on the basis of the statements made in that certificate, unless that certificate must be disregarded under the provisions of paragraph (e)(4) of this section. If the Internal Revenue Service finds that a copy of a withholding exemption certificate submitted contains any materially incorrect statement or if, after written request to the employee for verification of the statements on the certificate, the Internal Revenue Service determines that it lacks sufficient information to determine if the certificate is correct, and in either event so notifies the employer in writing, the employer shall then consider the certificate to be defective for purposes of computing amounts of withholding.

(2) The Internal Revenue Service may, as a part of the written notice to the employer, advise the employer of the reasons why it has determined that the certificate is defective. In this regard, the Internal Revenue Service may, based upon its findings, advise the employer that the employee is not entitled to claim a status exempting the employee from withholding and is not entitled to claim a total number of withholding exemptions in excess of a number specified by the Internal Revenue Service in the notice.

(3) The employer shall promptly furnish the employee who filed the defective certificate, if still in his employ, with a copy of the written notice of the Internal Revenue Service with respect to the certificate and may request another withholding exemption certificate from the employee. The employer shall withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service.

(4) If and when the employee does file any new certificate (after an earlier certificate of the employee was considered to be defective), the employer shall withhold on the basis of that new certificate (whenever filed) as currently effective only if the new certificate does not make a claim of exempt status or of a number of withholding exemptions which claim is inconsistent with the advice earlier furnished by the Internal Revenue Service in its written notice to the employer. If any new certificate does make a claim which is inconsistent with the advice contained in the Service's written notice to the employer, then the employer shall disregard the new certificate, shall not submit that new certificate to the Service, and shall continue to withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service. If, however, the employee specifies on such new certificate, or by a written statement attached to that certificate, any circumstances of the employee which have changed since the date of the Service's earlier written notice, or any other circumstances or reasons, as justification or support for the claims made by the employee on the new certificate, the employer must submit a copy of that new certificate and the employee's written statement (if any) to the District Director. The employer shall continue to disregard that new certificate and shall continue to withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service unless and until the Internal Revenue Service by written notice (under paragraph (e) (2) of this section) advises the employer to withhold on the basis of that new certificate and revokes its earlier written notice.

(f) *Definition of employer.* For purposes of this section, the term "employer" includes any individual authorized by the employer to receive withholding exemption certificates, to make withholding computations, or to make payroll distributions.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

William E. Williams,

Acting Commissioner of Internal Revenue.

Approved: March 11, 1981.

Emil M. Sunley,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-8544 Filed 3-17-81; 10:00 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1778-1]

Approval and Promulgation of State Implementation Plans; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve a revision to the Colorado State Implementation Plan (SIP) for alternative emission reduction or "bubble" for Coors Container Company's Paper Packaging Facility printing presses located in Boulder. On December 19, 1980 (45 FR 83546), EPA published a notice of proposed rulemaking which described the state submittal, and requested public comment. Two were received.

DATE: Effective April 20, 1981.

ADDRESSES: Copies of the SIP revision and any comments received are available at the following addresses for inspection:

Environmental Protection Agency, Air Programs Branch, Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), Mail Code PM-213, 401 M Street SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-3711.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 1980, the Colorado Air Quality Hearings Board conducted a public hearing to consider a request of Coors Container Company to revise the SIP to exempt two printing presses operated by Coors at its Boulder paper packaging facility from the daily emission limitation for volatile organic compounds (VOC) contained in the Air Quality Control Commission Regulation No. 7, Section VII.B.2.c., and instead to subject the two presses to a single total daily emission limitation, "bubble," not involving an increase in total emissions allowed from the printing operation.

Upon formal motion and by majority vote, the Board ordered the application of Coors for a revision to the SIP providing for an alternate means for Coors' two printing presses at its Boulder, Colorado, paper packaging facility to comply with Air Quality Control Commisson Regulation No. 7, Section VII.B.2.c., be granted and the "Revision of Limited Applicability to Colorado Air Quality Control Commission Regulation No. 7," which was made a part of the decision and order, adopted. The applicability to the two subject printing presses of the hourly emission limitations contained in Regulation No. 7, Section VII.B.2.c., was not modified.

The Hearings Board modified Regulation No. 7 as follows:

Revision of Limited Applicability to Colorado Air Quality Control Commission; Regulation No. 7

Air Quality Control Commission Regulation No. 7, Section VII.B.2.c., is hereby modified as follows:

In lieu of meeting the daily emission limitations of Section VII.B.2.c. of Air Quality Control Commission Regulation No. 7, Coors Container Company may elect to simultaneously operate the 26-inch printing press and the 44-inch printing press which it owns and operates at its Boulder, Colorado, paper packing facility so as to comply with the emission limitations which satisfy the following equation:

E26 + E44 = 6,000 pounds per day

where E26 is the emission limitation (pounds of VOC per day) for the 26-inch printing press and E44 is the emission limitation (pounds of VOC per day) for the 44-inch printing press; *Provided that* Coors shall be required to maintain accurate records of the amounts of products printed on each press, the types of inks used for such printings, the operation rate of each press for such printings, and the time period for which each press was operated for such printings. Such records shall be kept current and shall be retained for a period of one year after the date of printing shown by the record. The maximum emission from either press shall not exceed 5,000 pounds/day of VOC emissions.

On August 25, 1980, the Governor of Colorado submitted a site specific revision to the SIP for Coors for alternative emission reduction, "bubble," for their printing presses.

EPA solicited comments in a December 19, 1980 (45 FR 83546), proposed rulemaking. Two commentors objected to the "bubble" approach because it caters to the desires of industry, and suggested rather that Coors meet more stringent limits due to the ozone violations in Boulder. In our proposal, EPA stated that Coors will be required (no later than by December 31, 1982) to meet a more stringent emission limit equivalent to Reasonable Available Control Technology (RACT) for graphic arts—rotogravure. This stringent emission limit is a requirement of the Denver (six county) ozone nonattainment plan. The "bubble" is only an interim measure effective until the RACT compliance date.

EPA Action

EPA is approving this SIP revision since, as explained in greater detail in the proposed rulemaking notice (45 FR 8346), it meets the conditions of our December 11, 1979, "bubble" policy statement (44 FR 71780) and the requirements of the Clean Air Act.

Under section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate Circuit within 60 days of (date of publication). Under Section 307(b)(2) of the Clean Air Act, the requirements, which are the subject of today's notice, may not be challenged later in the civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended (42 USC 7410).

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. Section 52.320 is amended by adding (c)(23) as follows:

§ 52.320 Identification of plan

* * * * *

(c) * * *

(23) On August 25, 1980, the Governor of Colorado submitted a site specific revision to the State Implementation Plan for Coors Container Corporation, Paper Packaging Division, in regard to alternative volatile organic compound emissions reduction for its printing presses.

[FR Doc. 81-8407 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1777-7]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: U.S. Environmental Protection Agency (EPA) is promulgating a revision to the Ohio State Implementation Plan for sulfur dioxide (SO_2) for Wright Patterson Air Force Base, in Greene County, Ohio. The revision is to reflect a modification (completed April 1980) in which new boiler units and stacks were constructed and some older boiler units and stacks were eliminated.

DATE: Effective April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6088.

ADDRESS: The docket (#5A-79-4) for this revision is available for inspection and copying during normal business hours at the above address and at the Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: This final rule is an amendment to the federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2). This revision is specifically for sources owned and operated by the U.S. Air Force at the Wright Patterson Air Force Base.

On August 27, 1979, (41 FR 36324) the U.S. Environmental Protection Agency (EPA) promulgated regulations establishing the SIP for the control of SO_2 for the State of Ohio.

On December 27, 1978, Wright-Patterson requested a revision of the Ohio SIP for SO_2 for its facility located in Greene County, Ohio based on a modification of the facility (i.e., the construction of new boiler units and stacks and the elimination of some older boiler units and stacks).

This rulemaking action does *not* apply to the new boiler units. Wright Patterson is required to obtain a State operating permit for the new boiler units. The new boilers must be in compliance with all appropriate state and federal new source review requirements. The Prevention of Significant Deterioration requirements are not applicable to this revision because this source is located in an area which is presently designated as a nonattainment area for sulfur dioxide.

Note.—In the modeling analysis performed to support the SIP revision request, the new boilers were modeled at the same emission limitation as the remaining old boilers (i.e., 877.2 ng/J (2.04 lbs. SO_2/MMBTU)). As noted above, however, the new boilers will be subject to LAER, which in this case is less than 877.2 ng/J. Since the modeling demonstrated that the ambient standards will be protected with the new boilers operating at 877.2 ng/J, the ambient standards will also be protected with the new boilers operating at their eventual lower allowable emission limit. Thus, this SIP revision will ensure attainment of the ambient standards, no matter what LAER limit (less than 877.2 ng/J) is set by the State on the new boilers.

The previous configuration at the Wright Patterson facility consisted of 21 boiler units vented to 19 stacks. The boiler units and stacks for each boiler building were as follows:

Building 10271—four boilers, four stacks
Building 20000—seven boilers, five stacks
Building 20770—two boilers, two stacks
Building 30170—five boilers, five stacks
Building 31240—three boilers, three stacks

The revised plant configuration consists of: (a) Closure of three of the five buildings and the discontinuation of one boiler and one stack at Building 31240, and the discontinuation of two stacks at Building 20770 and (b) construction of three new boiler units and three stacks at Building 31240 and three new boilers and one stack at Building 20770. Thus, the revised plant configuration has the following number of boilers and stacks:

Building 20770—five boilers, one stack
Building 31240—five boilers, five stacks

The plant modification also included the following stack height increases. At Building 20770, Boilers #1 and 2 are now being vented out one new taller stack (an increase from 19.8 meters to 27.4 meters) along with the emissions from the new boilers at Building 20770-Boilers #3, 4 and 5. At Building 31240, the individual stacks serving old Boilers #2 and 3 were increased from about 21 meters to 23 meters. Since all of these new stacks are less than 30 meters, no Good Engineering Practice (GEP) review is necessary (see 44 FR 2608, January 12, 1979).

This revision does not affect the attainment date or compliance schedule previously promulgated for this facility (41 FR 35324).

EPA analyzed the SIP revision and proposed approval on December 21, 1979 (44 FR 75071). The notice proposed to revise the emission limitation for the remaining boilers and did not affect the new boilers which are subject to new source review. A 30 day public comment was provided at the time of the proposal. EPA did not receive any public comments on the proposed revision.

Based upon the Agency's review of the technical documentation submitted, EPA has determined that approval of the SIP revision for the Wright Patterson Air Force Base will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards. Therefore, EPA approves the SIP revision for the Wright Patterson Air Force Base in Greene County.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410))

Part 52 of Chapter I Title 40 of the Code of Federal Regulations are amended as follows:

Subpart KK—Ohio

1. Section 52.1881 is amended by revising paragraph (b)(29)(ii) as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(29) In Greene County:

* * * * *

(ii) The present or any subsequent owner of the Wright Patterson Air Force Base in Greene County, Ohio, shall not cause or permit emissions of sulfur dioxide in excess of 877.2 nanograms of sulfur dioxide per joule (2.04 lbs. SO_2/MMBTU) of actual heat input from the stack at Building 20770 and stacks #2 and 3 at Building 31240.

* * * * *

Dated: March 12, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-8408 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 52

[A-1-FRL 1778-2]

Massachusetts; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving a revision to the Massachusetts State Implementation Plan (SIP) submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) on September 12, 1980. The revision amends the SIP by adding a new regulation, 310 CMR 7.19, "Interim Sulfur-in-Fuel Limitations for Fossil Fuel Utilization Facilities Pending Conversion to an Alternate Fuel or Implementation of Permanent Energy Conservation Measures." On November 7, 1980 the Massachusetts Department submitted a clarification to the narrative portion of its submittal. EPA's proposed approval of this revision was published on December 16, 1980 (45 FR 82675). Two letters of comment were received during the 30 day comment period which ended January 15, 1981.

This new regulation establishes a process whereby certain sources rated at less than 250 million Btu per hour heat input which are currently limited to burning residual fuel oil having a sulfur content of 0.28 pounds or 0.55 pounds per million Btu heat release potential (0.5% or 1.0% sulfur content by weight), will be allowed to burn, for a temporary period, fuel oil having a sulfur content of not more than 0.55 pounds or 1.21 pounds per million Btu heat release potential (1.0% or 2.2% sulfur content by weight), respectively.

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

ADDRESSES: Copies of the Massachusetts submittal which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. St. SW., Washington, D.C. 20460; Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C. and Department of Environmental Quality Engineering, 600 Washington Street, Room 320, Boston, MA 02111.

SUPPLEMENTARY INFORMATION: The requirements and conditions of the regulation being approved today, 310 CMR 7.19, which sources must meet in order to qualify for temporary sulfur-in-fuel relaxations and the procedures . which the Massachusetts Department must use in screening the sources to determine that their emissions will not violate the National Ambient Air Quality Standards (NAAQS), were discussed in detail in the Notice of Proposed Rulemaking (the NPR) cited above and will not be repeated here. EPA's reasons for approving this revision were also discussed at length in the NPR and, therefore, will not be repeated. Two letters of comment, both in favor of EPA's proposed action, were received.

EPA finds good cause for making this action effective immediately because the implementation plan revision is already in effect under state law and the EPA approval imposes no additional regulatory burdens.

In the NPR, EPA proposed approval of all individual sources which are later determined to meet the eligibility requirements of the new regulations and set forth the procedures by which EPA will conduct its proposed rulemaking process for individual sources concurrently with the State's review process. Therefore, this notice does not give final approval to individual sources which meet the eligibility requirements of the new regulation. Before final approval, these sources must be processed in accordance with the concurrent State/EPA procedures set forth in the NPR. Individual SIP revisions for each eligible source will be submitted to EPA by the Massachusetts Department at some future dates, at which time EPA will proceed to final rulemaking for these individual sources.

EPA specifically solicited comments in the NPR on this new parallel, concurrent State/EPA processing of individual sources since it is a departure from EPA's usual procedure of conducting a separate, proposed rulemaking only after the State has completed its review and determination for each source requesting a relaxation of the sulfur-in-fuel limitation. No comments were received concerning this new approach. EPA believes that this new approach is a significant regulatory reform which will substantially reduce the time required to complete the SIP revision process for these sources.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this SIP revision is available *only* by filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts SIP.

Note.—Incorporation by reference of the State Implementation Plan for the state of Massachusetts was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110(a), 301, Clean Air Act, as amended, (42 U.S.C. 7401 and 7601))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (36) as follows:

§ 52–1120 Identification of plan.

* * * * *

(c) * * *

(36) A revision submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on September 12, 1980 adding a new regulation 310 CMR 7.19 "Interim Sulfur-in-Fuel Limitations for Fossil Fuel Utilization Facilities Pending Conversion to an Alternate Fuel or Implementation of Permanent Energy Conservation Measures."

[FR Doc. 81-8408 Filed 3-18-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1777-2]

Approval of Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In a Federal Register notice of May 20, 1980, 45 FR 33607, EPA conditionally approved the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The SIP was conditionally approved because there were deficiencies which had to be corrected before full approval could be granted. In the same Federal Register of May 20, 1980, 45 FR 33656, EPA proposed deadlines by which the Commonwealth had to correct the conditionally approved items. Conditional approval means that Section 176 and Section 316 of the Clean Air Act and new source growth restrictions will not apply unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA. On September 30, 1980, Pennsylvania requested a time extension for three of the conditionally approved items in order to hold a common public hearing on all three items. EPA is approving this request for a time extension. There were no other comments on the proposed schedules.

EFFECTIVE DATE: March 19, 1981.

ADDRESSES: Copies of the State Implementation Plan revisions affecting this rulemaking and the accompanying support documentation are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, 10th Floor, Sixth & Walnut Streets, Philadelphia, PA 19106; ATTN: Patricia Sheridan

Pennsylvania Department of Environmental Resources, Bureau of Air Quality, Post Office Box 2063, Harrisburg, PA 17120; ATTN: Gary L. Triplett

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Mr. Ed Shoener (3AH12), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, Sixth & Walnut Streets, Philadelphia, PA 19106; Phone: (215) 597-8168.

SUPPLEMENTARY INFORMATION: In the Federal Register notice of May 20, 1980 EPA proposed time schedules by which five conditionally approved items of the Pennsylvania SIP had to be corrected. On September 30, 1980 Pennsylvania requested a time extension for items 1, 2 and 5 in order to provide for a common public hearing on all three items. EPA is granting these time extensions. EPA received no other comments on its proposed schedule. Listed below are the final schedules by which Pennsylvania must correct the deficiencies:

1. The Commonwealth and Allegheny County will remove the exemption allowing the use of cutback asphalt as a tack coat and submit revised regulations by May 31, 1981. In the interim, they must meet the following schedules:

—January 31, 1981—Notice of public hearing (proposed date was September 30, 1980).
—February 28, 1981—Public hearing and draft regulations submitted to EPA. (Proposed date was October 31, 1980.)
—May 31, 1981—Adopt new regulations and submit to EPA. (Proposed date was December 31, 1980.)

2. The Commonwealth and Allegheny County will revise the limit of solvent content allowed in emulsified asphalt consistent with reasonably available control technology and submit revised regulations by May 31, 1981. In the interim, they must meet the following schedules:

—January 31, 1981—Notice of public hearing. (Proposed date was September 30, 1980.)
—February 28, 1981—Public hearing and draft regulations submitted to EPA. (Proposed date was October 31, 1980.)
—May 31, 1981—Adopt new regulations and submit to EPA. (Proposed date was December 31, 1980.)

3. The Delaware Valley Regional Planning Commission, as the designated lead planning agency for the Philadelphia metropolitan area, will obtain firm commitments from appropriate State and local authorities for the implementation of the Newton Branch electrification and the Route 66 Trolley extension and submit these commitments to EPA by December 31, 1980; should firm commitments not be obtained by December 31, 1980, the Commonwealth must submit substitute measures with equivalent reductions by June 30, 1981.

4. Each designated lead planning agency and metropolitan planning organization in the Allentown-Bethlehem-Easton, Scranton, Wilkes-Barre, and Harrisburg areas will provide written assurances to EPA with endorsements by the Commonwealth that no project, program, or plan will be approved that does not conform with the approved State Implementation Plan. The deadline for the submittal of these commitments was proposed as July 31, 1980. However, on July 21, 1980 EPA received the written assurances. EPA will handle this sumittal in a separate Federal Register notice.

5. The Commonwealth will revise the language in the Special Permit Requirements (§ 127.65(b)) to comply with Section 173(3) of the Clean Air Act concerning permit requirements by May 31, 1981. In the interim they must meet the following schedule:

—January 31, 1981—Notice of Public Hearing.
—February 28, 1981—Public Hearing and draft regulations submitted to EPA.
—May 31, 1981—Adopt new regulations and submit to EPA. (Proposed date was March 11, 1981.)

The schedules are effective on March 19, 1981 for good cause because some of the deadlines will become effective in the near future.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401-642)

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporated by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the Federal Register on July 1, 1980.

Approval of the Revision of the Pennsylvania State Implementation Plan. Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Subpart NN—Pennsylvania

Section 52.2037 is revised as follows:

§ 52.2037 Control strategy: Carbon monoxide and ozone (hydrocarbons).

(a) Part D—Conditional Approval—the Pennsylvania plan for carbon monoxide and ozone is approved provided that the following conditions are satisfied:

(1) The Commonwealth and Allegheny County will remove the exemption allowing the use of cutback asphalt as a tack coat and submit revised regulations by May 31, 1981. In the interim, they must meet the following schedules:

—January 31, 1981—Notice of public hearing.
—February 28, 1981—Public hearing and draft regulations submitted to EPA.
—May 31, 1981—Adopt new regulations and submit to EPA.

(2) The Commonwealth and Allegheny County will revise the limit of the solvent content allowed in emulsified asphalt consistent with reasonably available control technology and submit revised regulations by May 31, 1981. In the interim, they must meet the following schedules:

—January 31, 1981—Notice of public hearing.
—February 28, 1981—Public hearing and draft regulations submitted to EPA.
—May 31, 1981—Adopt new regulations and submit to EPA.

(3) The Delaware Valley Regional Planning Commission, as the designated lead planning agency for the Philadelphia metropolitan area, will obtain firm commitments from appropriate State and local authorities for the implementation of the Newton Branch electrification and the Route 66 Trolley extension and submit these commitments to EPA by December 31, 1980; should firm commitments not be obtained by December 31, 1980, the Commonwealth must submit substitute measures with equivalent reductions by June 30, 1981.

In § 52.2055, paragraph (c), is revised as follows:

§ 52.2055 Review of new sources and modifications.

* * * * *

(c) The Special Permit Requirement regulations are approved provided that the language of § 127.65(b) of the Pennsylvania regulations is revised to conform with section 173(3) of the Clean Air Act and submitted to EPA by the Secretary of the Department of Environmental Resources by May 31, 1981. In the interim, the following schedule must be met:

—January 31, 1981—Notice of public hearing.
—February 28, 1981—Public hearing completed and draft regulations submitted to EPA.
—May 31, 1981—Adopt new regulations and submit to EPA.

However, these regulations are not approved for permitting of applicable CO sources locating in CO nonattainment areas or for applicable hydrocarbon sources in rural ozone nonattainment areas.

[FR Doc. 81-8409 Filed 3-18-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1777-8]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action revises the federally promulgated Ohio State Implementation Plan (SIP) for the B. F. Goodrich Company in Lorain County. This revision is based on increasing the allowable emissions from the two coal-fired boilers and reducing the allowable emissions from the four oil-fired boilers. The revision results in a decrease in both maximum allowable SO_2 emissions and actual SO_2 emissions in comparison with current emission levels.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6088.

SUPPLEMENTARY INFORMATION: On August 27, 1976, the U.S. Environmental Protection Agency (EPA) promulgated regulations establishing the SIP for the control of sulfur dioxide for the State of Ohio (41 FR 36324). This action amends the SIP as it applies to the B. F. Goodrich Company in Lorain County.

On July 24, 1979, B. F. Goodrich submitted a SIP revision request for its facility in Lorain County. Additional information was submitted on March 14, 1980 and May 15, 1980. B. F. Goodrich's Lorain County facility uses steam provided by two coal-fired boilers and four oil-fired boilers. The submissions request a revision to the August 27, 1976 regulation that set boiler-specified limits according to a general county-wide equation that used the rated heat capacity of each boiler.

The B. F. Goodrich Company's SIP revision is based on increasing the allowable emissions from the two coal-fired boilers and reducing the allowable emissions from the four oil-fired boilers. The revision will result in a decrease in both maximum allowable SO_2 emissions and actual SO_2 emissions in comparison with current emission levels. In support of its proposed revision; B. F. Goodrich originally submitted a modeling analysis using the RAM urban model. However, recent EPA final rulemaking (June 24, 1980, 45 FR 42279) for the Cleveland Electric Illuminating Company's (CEI) Avon Lake Plant which is located 2 km north of B. F. Goodrich, relied on modeling performed with EPA's rural, single-source CRSTER model. Because both the CEI and the B. F. Goodrich plants are located close together, EPA determined that it was appropriate to model both plants together with MPTER (the multi-source version of CRSTER). The modeling analysis of B. F. Goodrich and CEI with MPTER was performed by EPA. Further discussion of the modeling analysis is contained in the notice of proposed rulemaking (45 FR 77465) and the technical support document which is available in Docket 5A-80-12.

Based upon the Agency's review of the B. F. Goodrich submittal and the Agency's additional modeling analysis, EPA proposed to approve this SIP revision for the B. F. Goodrich Company on November 24, 1980 (45 FR 77465). During the public comment period EPA received one public comment which addressed several issues. Each issue raised in this comment is addressed below.

Issue: The commentor questioned the assumed natural background level of 40 $\mu g/m^3$ utilized in EPA's modeling analysis.

Response: The background level applied in EPA's analysis was based on representative 1979 monitoring data. The 40 $\mu g/m^3$ level was originally derived by EPA in its analysis to support the emission limitations promulgated for both the Cleveland Electric Illuminating Company (CEI) Eastlake and Avon Lake plants (see 45 FR 42279). The CEI Avon Lake and B. F. Goodrich plants are only 1.5 km apart and there are no other significant SO_2 sources within 12 km of these two facilities. Thus, application of a 40 $\mu g/m^3$ background level and inclusion of CEI Avon Lake in EPA's analysis of B. F. Goodrich is sufficient to account for the impact of all natural and nearby and distant man-made sources.

Issue: The commentor asked if there were any receptors located above the elevation of the B. F. Goodrich stack heights. If there were, the commentor noted that the MPTER model would not be appropriate.

Response: The terrain in northern Lorain County near Lake Erie where B. F. Goodrich is located is relatively flat and there are no elevations greater than the B. F. Goodrich stack elevations in the area. Consequently, there is no need to consider variable terrain heights in the modeling. The MPTER model is, therefore, appropriate for this situation.

Issue: The commentor expressed concern that this SIP revision may result in a violation of the three-hour standard.

Response: The highest, second high 3-hour concentration predicted in the Lorain area was 1300 $\mu g/m^3$, to which B. F. Goodrich had no significant contribution. Therefore, the 3-hour secondary standard will be protected with B. F. Goodrich operating at the revised emission limits.

Based upon the Agency's review and analysis of the SIP revision request and the public comment received, EPA has determined that approval of the B. F. Goodrich SIP revision will not jeopardize the attainment and maintenance of the NAAQS. Therefore, EPA approves the revised emission limitations for the B. F. Goodrich Company in Lorain County.

This revision does not affect the compliance schedule and the attainment date as previously promulgated for this facility on May 31, 1977 (42 FR 27588). The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This Notice of Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1881 is amended by adding a new paragraph (b)(38)(ix) as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

(38) In Lorain County * * *

* * * * *

(ix) The B. F. Goodrich Company or any subsequent owner or operator of the facility in Lorain County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(A) 129.0 nanograms of sulfur dioxide per joule (0.30 lbs. SO_2/MMBTU) of actual heat input for oil-fired boilers number 1, 2, 5, and 6.

(B) 2237.1 nanograms of sulfur dioxide per joule (5.20 lbs. SO_2/MMBTU) of actual heat input for coal-fired boilers number 3 and 4.

* * * * *

[FR Doc. 81-8410 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-2-FRL 1776-8]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency of a revision to the New York State Implementation Plan. This action has the effect of allowing the Niagara Mohawk Power Corporation to continue to use fuel oil with a maximum sulfur content of 2.8 percent, by weight, in unit 5 of its Oswego generating facility, located in Oswego County, New York. The State's submittal, extending its current "special limitation," will allow the use of fuel oil with a maximum sulfur content of 2.8 percent, by weight, for a maximum period of three years from [insert the date of publication]. Receipt of this implementation plan revision request from New York State was announced in the **Federal Register** on December 16, 1980 at 45 FR 82678, where a full description of the proposed revision is contained.

EFFECTIVE DATE: This action becomes effective on March 19, 1981.

ADDRESSES: Copies of the SIP revision submitted by New York State are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region II, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278 (212) 264-2517.

SUPPLEMENTARY INFORMATION: On September 17, 1980 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). This revision proposes to allow the Niagara Mohawk Power Corporation (NMPC) to continue to use fuel oil with a maximum sulfur content of 2.8 percent, by weight, in unit 5 of its Oswego generating facility, located in Oswego County, New York. Normally under State regulation this facility would be required to burn fuel oil with a maximum sulfur content of 2.0 percent, by weight. Authority for such "special limitations" is found at § 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

On July 20, 1976 (41 FR 29817) EPA approved a "special limitation" which allowed the use, until May 31, 1977, of 2.8 percent sulfur content fuel oil at units 1 through 5 at the Oswego generating facility. On April 24, 1978 (43 FR 17357) EPA approved a renewal until May 31, 1980 of this initial "special limitation." The State's current revision request asks for a renewal to expire three years from today. However, it should be noted that this request applies only to unit 5 of the Oswego generating facility.

This proposed revision to the New York SIP was announced in the **Federal Register** of December 16, 1980 (45 FR 82678), where it is described in detail. At that time EPA advised the public that comments would be accepted as to whether the proposed revision should be approved or disapproved. No comments were received.

Based on EPA's review of the State's technical support documents and hearing officer's report, and agreement with the State's conclusion that, if implemented, the proposed SIP revision would not be expected to cause or exacerbate contraventions of any national ambient air quality standard or applicable Prevention of Significant Deterioration increments, EPA finds this revision to the New York SIP consistent with the requirements of Section 110(a) of the Clean Air Act and EPA regulations found at 40 CFR Part 51. Accordingly, EPA approves this revision.

Furthermore, this action is being made effective immediately because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirments.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonability of the state actions would serve no practical purpose and could well be improper. In addition, this action only applies to one facility.

Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1980.

(Secs. 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator, Environmental Protection Agency.

Title 40, Chapter 1, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670, paragraph (c) is amended by adding a new subparagraph (c)(58) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(58) Revision submitted on September 17, 1980 by the New York State Department of Environmental Conservation which grants a "special limitation" under 6 NYCRR Part 225. This "special limitation" relaxes to 2.8 percent, by weight, until three years from [insert publication date], the sulfur-in-fuel oil limitation applicable to unit 5 of Niagara Mohawk Power Corporation's Oswego generating facility, located in Oswego County.

[FR Doc. 81-8601 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1777-3]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of 1979 CO Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is giving full approval to North Carolina's 1979 revisions for the Mecklenburg County carbon monoxide (CO) nonattainment area, which were conditionally approved on April 17, 1980 (45 FR 26038), since all the terms of the conditional approval have been met. The revisions provide for the attainment of the 8-hour carbon monoxide standard by 1987.

DATE: This action is effective April 20, 1981.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460

Library, EPA Region IV, 345 Courtland Street N.E., Atlanta, Georgia 30365

The Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20005

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the EPA Region IV, Air Programs Branch, 404/881-3043 (FTS 257-3043).

SUPPLEMENTARY INFORMATION: On April 17, 1980 (45 FR 26038), the Administrator granted an extension to December 1987 for the attainment of the 8-hour carbon monoxide standard in Mecklenburg County, North Carolina, and approved the 1979 revisions for the area on the condition that the State correct deficiencies in transportation related commitments, submit added detail and specific commitments for the vehicle inspection/maintenance (I/M) program required, and adopt a regulation providing for alternative analysis as required by Section 172(b)(11)(A) of the Clean Air Act.

On May 22, 1980, the State submitted revisions in the narrative of the Charlotte-Mecklenburg Air Quality Implementation Plan, a commitment from the North Carolina Department of Transportation to implement transportation control measures (TCM) contained in the plan, materials related to the evaluation and implementation of TCM, and an addition to Regulation 2H.0608 providing for alternative analysis of sources proposing to locate in areas where standards cannot be met by the end of 1982, i.e., areas qualifying for an attainment date extension. On July 1, 1980, the State submitted new legislation changing the implementation of I/M by merging it with the safety inspection program administered by the Department of Motor Vehicles. On August 19, 1980, the State submitted further revisions in the narrative of the plan, including an I/M schedule revised to meet legislative changes, a resolution of the Environmental Management Commission certifying to the Commissioner of Motor Vehicles the need for I/M in Mecklenburg County, and a letter from the Commissioner of Motor Vehicles acknowledging his statutory responsibility with regard to I/M.

On November 10, 1980 (45 FR 74515), the Agency described the materials submitted, with the exception of the alternative analysis regulation, indicated that they met the terms of the conditional approval, and proposed to give full approval to North Carolina's 1979 CO revisions. No comments were received in response to the notice of proposal.

The reader may refer to that notice and to the notice of conditional approval for a detailed justification of EPA's position that the revisions meet all the requirements of the Clean Air Act and EPA's implementing regulations and guidelines, and are approvable.

As for the alternative analysis regulation, which incorporates language of Section 172 of the Act, EPA does not feel that the failure to propose explicitly in the notice of November 10, 1980, to approve it is an obstacle to giving approval today since the State's adoption and submittal of the regulation was announced in the "Proposed Rules" section of the Federal Register on June 24, 1980 (45 FR 42339). Moreover, no one has expressed concern over this feature of the North Carolina 1979 revisions for CO. Accordingly, they are hereby approved. This action is effective April 20, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1980.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (24) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(24) Corrections in Part D carbon monoxide revisions conditionally approved on April 17, 1980, submitted on May 22 (this submittal included Regulation 2H.0608(g)), July 1, and August 19, 1980, by the North Carolina Department of Natural Resources and Community Development.

[FR Doc. 81-8602 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1776-6]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 5, 1980 (45 FR 7803), the Environmental Protection Agency (EPA) promulgated conditional approval of the New York State Implementation Plan (SIP) for the Capital District, Rochester and Syracuse metropolitan areas with regard to its ability to meet requirements of Part D of the Clean Air Act. A similar notice for the Niagara Frontier area was published in the Federal Register on November 10, 1980 (45 FR 74472). These conditional approvals identified, among other corrective actions, the need to submit to EPA the criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

EPA received the required documentation to meet this condition under cover of a July 2, 1980 letter from the State and proposed its approval on September 15, 1980 (45 FR 60930). EPA is now taking action to finalize its proposed action. EPA is also incorporating the provision of the State's submission into the approved SIP and is revoking the applicable condition on its approval of the plan. Until all conditions are met, conditional approval of the SIP will continue.

EFFECTIVE DATE: This action is effective on March 19, 1981.

ADDRESSES: Copies of the State's submission are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Air Programs Branch, Region II, 26 Federal Plaza, Room 1005, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW, Washington, D.C. 20460

Copies of the State's submission are also available for inspection during normal business hours at the following address:

The Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, Room 1005, New York, New York 10278 (212) 264-2517.

SUPPLEMENTARY INFORMATION: On February 5, 1980 (45 FR 7803), the Environmental Protection Agency (EPA) promulgated conditional approval of the New York State Implementation Plan (SIP) for the Capital District, Rochester and Syracuse metropolitan areas with regard to its ability to meet the requirements of Part D of the Clean Air Act, as amended. A similar notice for the Niagara Frontier area was published on November 10, 1980 (45 FR 74472). Today's notice discusses one condition of EPA's approval of the plan. This condition required the State to submit to EPA, on or before July 1, 1980, criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

In response to this requirement, on July 2, 1980 the Commissioner of the New York State Department of Environmental Conservation submitted to EPA a document entitled, "Criteria and Procedures for Evaluating the Consistency/Conformity of Transportation Plans, Programs and Projects with the State Implementation Plan for Upstate Planning Areas."

EPA published its proposed approval of this submission in the September 15, 1980 issue of the Federal Register at 45 FR 60930. EPA found the State's criteria and procedures to be adequate for determining the consistency and conformity of the outputs of the transportation planning process with the SIP.

During the sixty day comment period following publication of the September 15, 1980 notice, EPA received no comments concerning its proposal.

Based upon its review of the submitted documents, and discussions with the affected agencies, EPA finds that the subject condition on its approval of the New York SIP for the Capital District, Rochester, Syracuse, and Niagara Frontier metropolitan areas has been fully met. Therefore, EPA is incorporating the State's submission into the SIP and revoking the applicable condition.

This action is being made effective immediately inasmuch as it provides no additional burden upon the affected parties. Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Secs. 110, 172, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator, Environmental Protection Agency.

Note.—Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulation is amended as follows:

Subpart HH—New York

1. Section 52.1670 is amended by adding a new paragraph (c)(57) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(57) A supplemental submittal, dated July 2, 1980, from the New York State Department of Environmental Conservation which included criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

§ 52.1674 [Amended]

2. Section 52.1674 is amended by removing and reserving paragraph (b) in its entirety.

[FR Doc. 81-8404 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-7-FRL 1777-1]

Designation of Areas for Air Quality Planning Purposes: State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This document redesignates several areas under Section 107 of the Clean Air Act. Linn County, Iowa (Cedar Rapids), is redesignated from nonattainment to attainment with respect to the ozone air quality standards. Ames, Iowa is redesignated from unclassifiable to attainment with

respect to the total suspended particulate ambient air quality standards. In addition, nine rural counties are redesignated from unclassifiable to attainment with respect to the ozone air quality standards. A nonattainment designation means that air pollution levels in a certain area are above the ambient air quality standard and that the area is required by Part D of the Clean Air Act to develop a plan to attain the standards. An attainment designation means that air pollution levels are better than the standards while an unclassifiable designation means that the sufficient information does not exist to make a determination.

EFFECTIVE DATE: March 19, 1981.

ADDRESSES: Copies of the state submitted information and the EPA prepared evaluation report are available at the following addresses: Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri; Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C., and the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler, at 816–374–3791.

SUPPLEMENTARY INFORMATION: Section 107 of the Clean Air Act requires all areas to be designated as attaining the National Ambient Air Quality Standards (NAAQS), as not attaining the NAAQS or as being unclassifiable with respect to attainment for each pollutant for which there is a standard. Attainment/nonattainment designations are recommended by the state and approved or revised as necessary by EPA.

The original designations for the State of Iowa were published in the **Federal Register** March 3, 1978 (43 FR 8962), and were codified in the Code of Federal Regulations at 40 CFR 81.316. On June 22, 1979 the state submitted a number of redesignation requests.

The state has requested that the City of Ames be redesignated from unclassifiable to attainment. Ames was originally designated unclassifiable because air quality data did not present a clear picture of existing particulate levels. Since that time, air quality sampling has shown no exceedences of the 24 hour secondary particulate standard for over two years. These monitoring results meet EPA's requirements for demonstrating attainment in Ames.

The counties of Boone, Clinton, Harrison, Jasper, Marshall and Story were designated unclassifiable for ozone due to the lack of ozone monitoring and the fact that they were downwind from ozone nonattainment areas. On March 6, 1980 (45 FR 14509) EPA revised the designations of three of the nonattainment areas based on a change in the ozone standard (see 44 FR 8220, February 8, 1979). Since the upwind counties that were designated nonattainment are no longer designated nonattainment the State requests the downwind counties be designated attainment. Most of these counties are related to counties that have been redesignated attainment for ozone. One, Clinton County is near Scott County which is now designated unclassifiable. Monitoring at one location in Scott County, near the Clinton County line, does not show violations of the ozone standard. There is no evidence that Clinton County exceeds the standard or has the potential to exceed the standard. In the absence of air quality monitoring data to the contrary, EPA agrees that these six counties can be designated attainment.

On October 1, 1980, the state requested that Linn County (Cedar Rapids) be redesignated from nonattainment to attainment for ozone. At the same time the state requested that Buchanan, Delaware and Jones Counties be redesignated from unclassifiable to attainment for ozone.

Linn County had been designated nonattainment based on exceedences of the ozone standard at a monitor in Cedar Rapids. The state has submitted air quality data showing that the air quality standard for ozone is now attained at this site which had recorded violations for the standard. There have not been any values recorded in excess of the ozone standard for the last two years. The standard was exceeded only on two days in 1978. Since the designation of the other three counties was based on the Linn County (Cedar Rapids) designation, they are also requested to be redesignated to attainment.

The redesignations of the City of Ames and of Boone, Clinton, Harrison, Jasper, Marshall and Story Counties were proposed on November 6, 1980 (45 FR 73702). The redesignations of Linn, Buchanan, Delaware and Jones Counties were proposed on November 18, 1980 (45 FR 76210). No comments were received on either proposal.

The Administrator's decision to approve or revise proposed designations is based on any comments received and a determination of whether or not the designations meet the requirements of the Clean Air Act and satisfy the requirements stated in the March 3, 1978 and February 8, 1979 rulemakings.

Since there were no public comments, the Administrator's decision is based solely on air quality data submitted by the state. The Administrator finds that the requirements for an attainment designation are met in all cases and all of the subject areas are hereby redesignated to attainment.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This notice is issued under the authority of Section 107 of the Clean Air Act, as amended (42 U.S.C. 7407).

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Part 81 of Chapter I, Title 40 of the Code of the Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.316 [Amended]

In § 81.316 Iowa, the Table "Iowa TSP" is amended by removing the following:

City of Ames • • • X • • •
Remainder of Story County • • • X.

2. In § 81.316 Iowa, the table "Iowa O_x" is amended by removing the line reading:

Linn County • • • X • • •;

and by revising the words "Remainder of State" to read "Entire State."

[FR Doc. 81-8005 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 205

[NH FRL 1782-7]

Noise Emission Standards: Medium and Heavy Trucks and Truck Mounted Solid Waste Compactors

AGENCY: Environmental Protection Agency.

ACTION: Request for additional comments; final rule.

SUMMARY: The Environmental Protection Agency is requesting comments on whether or not to rescind the 80 dB noise standard regulation for heavy and medium trucks. The EPA is seeking additional comments because of the renewed request for rescission of this standard since EPA published the deferrals of effective dates.

DATE: EPA will consider all written comments on whether or not to rescind the 80 dB regulation for medium, and

heavy trucks, which are received before 4:30 p.m., April 24, 1981.

ADDRESSES: Written comments to the docket should be mailed to: Director, Standards and Regulations Division, Attention: ONAC Docket 81-02 (Medium and Heavy Trucks), ANR-490, U.S. Environmental Protection Agency, Washington, D.C. 20460. Copies of the related correspondence and other supporting documents are available for public inspection between the hours of 8:00 am and 4:00 pm at the Central Docket Section of the Environmental Protection Agency, West Tower, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Timothy Barry, Program Manager, Standards and Regulations Division, (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460; or phone (202) 557-2710.

SUPPLEMENTARY INFORMATION: On January 27, 1981 (46 FR 8497) the U.S. Environmental Protection Agency, (EPA) deferred the effective date of the 80 decibel (dB) noise emission regulation for medium and heavy trucks from January 1, 1982 to January 1, 1983. The action was taken in response to petitions submitted by the International Harvester Company and Mack Trucks, Incorporated requesting reconsideration of that regulation. The purpose of the Agency action was to provide temporary relief to the truck manufacturing industry from expenditures otherwise needed to bring their medium and heavy trucks into compliance with the 1982, 80 dB regulation. The basis for the action was the recent downturn in the economic condition of the truck manufacturing industry and an unforeseen increase in the demand for medium diesel trucks, which are the most costly to quiet.

Because the 76 dB noise emission regulation for truck-mounted solid waste compactors is related to the 80 dB level for truck chassis, the effective date for the 76 dB compactor regulation was also deferred, from July 1, 1982 to July 1, 1983.

Since publication of the deferrals in effective dates, EPA has received renewed requests to rescind the 80 dB regulation for medium and heavy trucks. This notice is to request public comment on whether or not the Agency should rescind the 80 dB noise regulation for medium and heavy trucks.

Dated: March 13, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-8095 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-27-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 1-3, 1-11 and 1-16

[FPR Amdt. 215]

Exemption From State and Local Taxes

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The Federal Procurement Regulations are amended to clarify and simplify requirements for asserting immunity or an exemption from State and local taxes and to assume responsibility for prescribing policies and procedures on the use and issuance of tax exemption certificate forms. The changes are based on recommendations made by the General Accounting Office (GAO) in its March 31, 1977, letter B-184165 and proposed changes to Title 7, Section 28, of the GAO Policy and Procedures Manual for the Guidance of Federal Agencies. The intended effect is to reduce the amount of time and paperwork involved in handling tax immunity or exemptions on Government procurements and to centralize the responsibility for prescribing tax exemption and immunity policies, procedures, and forms in the General Services Administration (GSA).

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: The significant changes introduced in this amendment are as follows:

(1) In the interest of economy and reduced paperwork, agency heads or their authorized representatives are given discretionary authority to decline to assert immunity or an exemption from State and local taxes on imprest fund purchases. If immunity or an exemption is asserted on such purchases, it is to be limited to transactions where the tax exceeds $10.

(2) On other than imprest fund transactions, immunity or exemption from State and local taxes is not to be asserted unless the tax exceeds $10.

(3) The principle is established that the Government need only identify itself as the vendee to assert its immunity or an exemption from State and local taxes. The use of normal transaction documents to provide this identification, rather than the special tax exemption certificate form, is emphasized.

(4) Standard Form 1094, U.S. Tax Exemption Certificate, formerly prescribed by GAO, has been revised and is now prescribed by GSA in the Federal Procurement Regulations. The form is illustrated, and procedures for asserting immunity or exemptions from State and local taxes are fully described in revised coverage. Supplies of Standard Form 1094 will be stocked in GSA Supply Distribution Facilities. Requests for supplies of the form should be submitted in FEDSTRIP/MILSTRIP format. The request should reference NSN 7450-00-634-4238.

PART 1-3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1-3 is amended by revising the following entry:

1-3.604-7 State and local taxes.

Subpart 1-3.6—Small Purchases

Section 1-3.604-7 is revised to read as follows:

§ 1-3.604-7 State and local taxes.

Government purchases are exempt from State and local sales and use taxes as a general rule (see § 1-11.301). However, it is recognized that the assertion of immunity or an exemption may be impracticable on many small cash purchases made with imprest funds. Accordingly, on imprest fund purchases which are made in accordance with the provisions of § 1-3.604-5, State and local sales and use taxes may be paid at the discretion of agency heads or their authorized representatives for this purpose. When immunity or an exemption is claimed, documentary evidence as prescribed in § 1-11.502-1 shall be provided to vendors if necessary to establish the Government's exemption or immunity from State or local taxes. In accordance with § 1-11.502-2(b), evidence of immunity or an exemption shall not be issued if the amount of a particular tax on any one transaction (purchase, invoice, aggregate billing, or payment for multiple purchases) is $10 or less.

PART 1-11—FEDERAL, STATE, AND LOCAL TAXES

The table of contents for Part 1-11 is amended by adding or revising the

following entries and removing § 1-11.302 as follows:

1-11.300 Scope of subpart.
1-11.301 Policy.
1-11.302 [Removed]

Subpart 1-11.3—State and Local Taxes

Sections 1-11.301 and 1-11.302 are redesignated as §§ 1-11.300 and 1-11.301 and are revised to read as follows:

§ 1-11.300 Scope of subpart.

(a) This subpart sets forth policies regarding the immunity or exemption of Government procurements from State and local sales and use taxes.

(b) As used in this subpart, the term "State and local taxes" includes taxes of the States, the District of Columbia, the possessions of the United States, Puerto Rico, and political subdivisions thereof.

§ 1-11.301 Policy.

(a) As a general rule, purchases made by the Government itself are immune or exempt from State and local sales and use taxes. However, whether purchases made by the Government itself are actually immune or exempt from these taxes requires both an analysis of the constitutional principles of sovereign immunity and the provisions of the particular State and local law involved. The Government is constitutionally immune from State and local taxes, the legal incidence of which is on the vendee. In cases where the legal incidence of State and local taxes is on the vendor, the Government may be exempt if State or local law or regulations so provide. Personal and real property are immune from State and local property taxes when title is vested in the Government and the property is both owned and possessed by the Government. In all cases, the immunity or exemption shall be used to the fullest extent possible by providing adequate evidence that an agency of the Government is the purchaser of the goods or services or the owner of the property and is thus not subject to the taxes. However, in the interest of economy and reduced paperwork, §§ 1-3.604-7 and 1-11.502-2(b) limit the assertion of immunity or an exemption to transactions on which a particular State or local tax exceeds $10.

(b) When purchases are not made by the Government itself, but by a prime contractor of the Government or by a subcontractor under a prime contract, the right to an exemption of the transaction from a sales or use tax may not rest on the Government's immunity from direct taxation by States and localities. It may rest instead on provisions of the particular State or local law involved or, in some cases, the transaction may not in fact be expressly exempt from the tax. Similarly, Government-owned property in the possession of a contractor or subcontractor on tax day may give rise to situations where States or localities may have the right to tax the contractor's or subcontractor's possession of, interest in, or use of that property.

(c) Whenever there is any doubt as to the availability of the Government's immunity or exemption from any State or local tax, the matter shall be handled in accordance with § 1-11.000(b).

(d) The types of evidence of tax immunity or exemption which may be employed are identified in § 1-11.502-1. Usually this evidence is provided by documents created in the normal course of transacting purchases, and no additional evidence, such as a tax exemption certificate, will be necessary.

§ 1-11.302 [Removed]

Subpart 1-11.5—Tax Exemption Forms

1. Section 1-11.501(a) is revised to read as follows:

§ 1-11.501 Federal excise tax exemption forms.

(a) Unless the contract requires otherwise, evidence of exemption shall not be issued unless the amount of taxes on any one transaction (purchase, invoice, aggregate billing, or payment for multiple purchases) exceeds $10.

* * * * *

2. Sections 1-11.502-1 and 1-11.502-2 are revised to read as follows:

§ 1-11.502-1 Types of evidence of immunity or exemption.

Evidence appropriate to establish immunity or exemption from State or local taxes will vary depending upon the grounds of immunity or exemption claimed, the parties to the transaction, and the requirements of the taxing jurisdiction. Such evidence includes but is not limited to the following:

(a) Copies of purchase orders, shipping documents, credit card imprinted sales slips, paid or acknowledged invoices, and similar documents created in due course which identify an agency or instrumentality of the U.S. Government as the vendee;

(b) A copy of the contract or applicable portion thereof;

(c) A State or local form indicating that supplies or services are for the exclusive use of the U.S. Government;

(d) Any other State or locally required form, certificate, or document to establish a general or specific exemption; or

(e) Standard Form 1094, U.S. Tax Exemption Certificate. (Use of this form is appropriate when no other evidence is available and the amount of the tax is large enough to justify its completion.)

§ 1-11.502-2 When evidence of immunity or exemption is to be furnished.

(a) The general rules for asserting immunity or exemption from State and local taxes are outlined in the policy statements contained in § 1-11.301. Special rules for asserting tax immunity or exemption on imprest fund purchases are discussed in § 1-3.604-7.

(b) To reduce uneconomical paperwork, immunity or exemptions shall not be asserted on transactions on which a particular State or local tax is $10 or less. For this purpose, a transaction is defined as a purchase, invoice, aggregate billing, or payment for multiple purchases.

(c) If a reasonable basis to sustain immunity or an exemption exists, and the $10 tax threshold as discussed in paragraph (b) of this § 1-11.502-2 is exceeded, contractors, including vendors, will be furnished evidence of imminity or an exemption under:

(1) Contracts containing the clauses prescribed in either §§ 1-11.401-1 or 1-11.401-2 in accordance with the terms of those clauses;

(2) Cost-reimbursement type contracts; and

(3) Contracts or purchase orders which contain no provision regarding taxes if the contractor warrants that the contract price does not include the tax, or the contractor consents to a reduction in the contract price if the evidence of immunity or an exemption is accepted by the taxing jurisdiction.

(d) In case of disagreement as to whether a reasonable basis exists that would sustain the immunity or exemption of a transaction, the matter should be resolved in accordance with § 1-11.000(b).

PART 1-16—PROCUREMENT FORMS

The table of contents for Part 1-16 is amended to add new entries as follows:

1-16.807 Standard Form 1094, U.S. Tax Exemption Certificate, and Standard Form 1094-A, Tax Exemption Certificates Accountability Record.
1-16.901-1094 Standard Form 1094, U.S. Tax Exemption Certificate.
1-16.901-1094-A Standard Form 1094-A, Tax Exemption Certificates Accountability Record.

Subpart 1-16.8—Miscellaneous Forms

Section 1-16.807 is added as follows:

§ 1-16.807 Standard Form 1094, U.S. Tax Exemption Certificate, and Standard Form 1094-A, Tax Exemption Certificates Accountability Record.

(a) A signed copy of Standard Form 1094, U.S. Tax Exemption Certificate, provides a means of asserting the Government's immunity or exemption from State or local taxes whenever other evidence of immunity or an exemption is not readily available (see § 1-11.502-1). General procedural instructions governing the use of Standard Form 1094 are printed on the form. Normally, the form will be signed by the contracting officer, his or her representative, or an authorized certifying or disbursing officer.

(b) Each agency shall be responsible for providing adequate safeguards to ensure proper control and use of Standard Form 1094. Standard Form 1094-A, Tax Exemption Certificates Accountability Record, which accompanies Standard Form 1094, shall be used to control and provide a usage record for the U.S. Tax Exemption Certificates.

Subpart 1-16.9—Illustrations of Forms

Sections 1-16.901-1094 and 1-16.901-1094-A are added as follows:

BILLING CODE 6820-61-M

§ 1-16.901-1094 Standard Form 1094, U.S. Tax Exemption Certificate.

U.S. TAX EXEMPTION CERTIFICATE	Read the instructions on the reverse side.	DEPARTMENT, AGENCY, OR OFFICE	SERIAL NO.
ITEM PURCHASED FOR EXCLUSIVE USE OF THE U.S. GOVERNMENT *(Describe)*			QUANTITY / UNIT PRICE $
VENDOR FROM WHICH PURCHASED	NAME ADDRESS *(No., Street, City, State, and ZIP Code)*	A tax exemption certificate has not previously been issued and the described item(s) has (have) been delivered and invoiced pursuant to:	Amount of Tax Excluded State $ Local $
I certify that the information on this form is true and correct to the best of my knowledge and belief. PURCHASER'S SIGNATURE, OFFICE TITLE, AND ADDRESS ▶	DATE	P.O. OR CONTRACT NO. DATES	For Administrative Office D.O. SYMBOL NO.
Certified correct and just: SIGNATURE AND TITLE OF VENDOR'S REPRESENTATIVE ▶	DATE		VOUCHER NO. DATE

SPECIMEN

STANDARD FORM 1094 (REV. 4-80)
Prescribed by GSA, FPR (41 CFR) 1-16.807

INSTRUCTIONS

1. This form will be used to establish the Government's exemption or immunity from State or Local taxes whenever no other evidence is available.

2. This form shall NOT be used for:
(a) Purchases of quarters or subsistence made by employees in travel status.
(b) Expenses incident to use of a privately owned motor vehicle for which a mileage allowance has been authorized, or
(c) Merchandise purchased which is subject only to Federal Tax.

3. If the spaces provided on the face of this form are inadequate, attach a separate statement containing the required information.

4. If both State and Local taxes are involved, use a separate form for each tax. The certificate will be provided to the vendor when the prices exclude State or Local tax.

5. The serial number of each certificate prepared will be shown on the payment voucher.

THE FRAUDULENT USE OF THIS CERTIFICATE FOR THE PURPOSE OF OBTAINING EXEMPTION FROM OR ADJUSTMENT OF TAXES IS PROHIBITED.

STANDARD FORM 1094 BACK (REV. 4-80)

§ 1-16.901-1094-A Standard Form 1094-A, Tax Exemption Certificates Accountability Record.

TAX EXEMPTION CERTIFICATES ACCOUNTABILITY RECORD	To be used for convenience of the issuing agency for maintaining a central record of tax exemption certificates issued.

TAX EXEMPTION CERTIFICATES IN THIS BOOK NUMBERED ▶	THROUGH	TAX EXEMPTION CERTIFICATES RETURNED UNUSED FOR REISSUE ▶	THROUGH
ISSUED TO		REISSUED TO	
NAME		NAME	
TITLE		TITLE	
OFFICE DESIGNATION		OFFICE DESIGNATION	
ISSUING OFFICER — SIGNATURE	DATE ISSUED	ISSUING OFFICER — SIGNATURE	DATE ISSUED
TITLE AND OFFICE DESIGNATION		TITLE AND OFFICE DESIGNATION	

SPECIMEN

STANDARD FORM 1094-A (REV. 4-80)
Prescribed by GSA, FPR (41 CFR) 1-16.807

CERTIFICATE NO. / DATE	Mark "X" in appropriate column to indicate type of tax ▶ VENDOR AND PURCHASE — VENDOR NAME AND ADDRESS	ITEM PURCHASED	TAX EXCLUDED (Amount)	ST	LOC	TRANSACTION REFERENCE
			$			Voucher No. / Voucher Date / PO/Cont. No.
			$			Voucher No. / Voucher Date / PO/Cont. No.
			$			Voucher No. / Voucher Date / PO/Cont. No.
			$			Voucher No. / Voucher Date / PO/Cont. No.
			$			Voucher No. / Voucher Date / PO/Cont. No.

SPECIMEN

STANDARD FORM 1094-A BACK (REV. 4-80)

BILLING CODE 6820-61-C

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 13, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7823 Filed 3-18-81; 8:45 am]

BILLING CODE 6820-61-M

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41 CFR Ch. 101

[FPMR Amdt. E-245]

Procurement Sources and Programs; Exceptions to Mandatory Use of Federal Supply Schedule Contracts

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides guidelines for procuring activities to follow when reporting to GSA the purchase of identical products from non-contract sources at delivered prices that are lower than the prices provided by multiple award schedule contracts. The information being requested will enable GSA to more readily evaluate purchases made under the exceptions provision. The addition of this information will update the FPMR accordingly.

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Welsh, Acting Director, Regulations Management Division (FFY) (703-557-7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-26.401-4(f)(3) is revised to read as follows:

§ 101-26.401-4 Exceptions to mandatory use.

* * * * *

(f) * * *

(3) When identical products are purchased from noncontract sources at delivered prices that are lower than the prices provided by multiple award schedule contracts, the following information shall be furnished to the General Services Administration (FCC), Washington, DC 20406, when the order is issued:

(i) Copy of the purchase order;

(ii) Identification of the Federal Supply Schedule;

(iii) Name of the schedule contractor;

(iv) Schedule contractor number;

(v) Schedule contract price;

(vi) Schedule special item number (SIN); and

(vii) Manufacturer's model and/or part number.

Documentation of paragraphs (ii) through (vii) of this section may be provided by an informal means, such as attachment(s) to the purchase order, annotation directly on the purchase order, or a combination of both. Interagency Report Control Number 0282-GSA-AR has been assigned to this report in accordance with FPMR 101-11.11.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 20, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7824 Filed 3-18-81; 8:45 am]

BILLING CODE 6820-24-M

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41 CFR Ch. 101

[FPMR Temp. Reg. G-40, Supp. 1]

Required Use of Standard Carrier Alpha Codes on Standard Form 1113, Public Voucher for Transportation Charges; Appendix

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to February 28, 1983, the expiration date of FPMR Temporary Regulation G-40.

DATES: Effective date: March 1, 1981. Expiration date: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Reports and Procedures Branch, Office of Transportation Audits (202-275-0064).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter G.

Note.—Supplement 1 to FPMR Temporary Regulation G-40 is filed with the original document, and its text does not appear in this volume.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7822 Filed 3-18-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-106G; Amdt. No. 173-147]

Ammonium Hydroxide; Shippers General Requirements for Shipments and Packagings

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Hazardous Materials Regulations to authorize the use of non-specification portable tanks and cargo tanks for the shipment of ammonium hydroxide containing no more than 30 percent ammonia by weight under specified conditions.

On January 8, 1981, the MTB published a notice of proposed rulemaking under Docket HM-106-G, Notice No. 80-9 (46 FR 2126), which proposed numerous amendments, all of which would relieve some of the current burden of restrictive regulation. Because of the urgent need for aqua ammonia by farmers for their crops, MTB is issuing this amendment in an expedited manner to permit the transportation of this important agricultural product in portable tanks and cargo tanks not presently authorized by the regulations. MTB believes that aqua ammonia, containing no more than 30 percent ammonia, does not pose a risk sufficient to warrant required use of specification portable tanks and cargo tanks when transported in motor vehicles that are primarily operated in local distribution services.

EFFECTIVE DATE: This amendment is effective June 1, 1981; however, compliance with the regulations as amended herein is authorized immediately.

ADDRESS: Copies of supporting documents, Regulatory Evaluation and Environmental Assessment are available for inspection and reproduction at the following address: Dockets Branch, Department of Transportation, Research and Special Programs Administration, Materials Transportation Bureau, Room 8426, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation,

Materials Transportation Bureau, Washington, D.C. 20590, (202) 472-2728.

Delay in publication of this amendment would be costly to fertilizer companies and farmers, and would result in lower crop yields and higher costs to consumers. Therefore, MTB believes this rulemaking responds to an emergency situation and is exempt from the President's Memorandum on Postponement of Pending Regulations dated January 29, 1981, and may be issued under Executive Order 12291.

In consideration of the foregoing, 49 CFR Part 173 is revised by adding paragraph (a)(36) to § 173.245 to read:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(36) Ammonium hydroxide containing no more than 30 percent ammonia by weight may be transported by motor vehicle in non-specification cargo and portable tanks that meet the requirements of § 173.24.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321) et seq.)) A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued at Washington, D.C., on March 12, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-8483 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 46, No. 53
Thursday, March 19, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on Proposed Rules

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of quarterly report.

SUMMARY: The Nuclear Regulatory Commission has issued the January 31, 1981, Quarterly Report on Proposed Rules. The report, which is a quarterly summary of proposed rules that are pending final action, is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESSES: A copy of this report, designated NRC Status of Proposed Rules—January 31, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC

Requests for single copies of the report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Office of Administration, Telephone 301–492–7086.

Dated at Bethesda, Md., this 13th day of March 1981.

For the Nuclear Regulatory Commission.

John Philips,

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration.

[FR Doc. 81-8522 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

Tertiary Incentive Program

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) is giving notice that it intends to issue a Notice of Proposed Rulemaking to rescind the Tertiary Incentive Program (10 CFR § 212.78) with respect to any allowed expenses that have not been incurred and paid as of [March 19, 1981]. This Notice is intended to inform qualified producers that they cannot rely on 10 CFR § 212.78 to provide for recoupment of allowed expenses that are incurred or paid after March 19, 1981.

DATE: Proposed effective date of the rule to be proposed: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: William Funk (Office of General Counsel), U.S. Department of Energy, Room 6A–099 (GC–12), 1000 Independence Avenue, S.W., Washington, D.C. 20585, (212) 252–6736.

SUPPLEMENTARY INFORMATION: The tertiary incentive program was adopted, effective August 21, 1979, to provide start-up financing for tertiary recovery projects. While moderately successful during its first year of existence, in the past couple of months, especially since the President's decontrol Executive Order (E.O. 12287, 46 FR 9909, January 30, 1981), the amount of recoupable allowed expenses reported to ERA has increased phenomenally. At the same time, refiners have informed DOE that the volume of crude oil being recertified as tertiary incentive oil has increased beyond their greatest expectations.

ERA has concluded that continuation of the tertiary incentive program beyond March 19, 1981 will not meaningfully increase the production of crude oil, but will likely result in large amounts of funds expended on behalf of future production being subsidized by refiners through recertification of previously sold price-controlled crude oil. This conclusion is based upon our belief that tertiary projects which this program was designed to enhance are most likely already to have been certified and appropriate expenses incurred and paid. Any project that has waited so long to become certified and any expenses that have not already been incurred and paid are not likely to need the benefits of the tertiary incentive program.

In light of the above, ERA is giving notice hereby that it intends to eliminate the ability to recoup tertiary expenses pursuant to 10 CFR § 212.78 with respect to any expenses not already incurred and paid as of March 19, 1981. A Notice of Proposed Rulemaking formally proposing this regulatory change will be published in the near future.

Issued in Washington, D.C., on March 17, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-8529 Filed 3-18-81; 9:48 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

Withholding Exemption Certificates; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary employment tax regulations that relate to submission of certain withholding certificates. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 18, 1981. The amendments to the final regulations are proposed to be effective for withholding exemption certificates furnished by the employee or the employer after the date which is 30 days after publication of a Treasury decision in the **Federal Register**.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–50–81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:
Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Explanation

The temporary regulations in the Rules and Regulations portion of this issue of the Federal Register add a new Part 37 to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes be based on those temporary regulations, would relate to submission to the Internal Revenue Service of certain employee withholding exemption certificates and would be incorporated as a new paragraph (g) of § 31.3402(f)(2)-1 of Part 31 of Title 26 in place of that paragraph (g) which was deleted by the Treasury decision which adopted the temporary regulations. For the text of the temporary regulations, see FR Doc. 81-8544 (T.D. 7772) published in the Rules and Regulations portion of this issue of the Federal Register. The preamble to the temporary regulations explains the addition to the regulations.

These regulations are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code (26 U.S.C. 7805; 68A Stat. 917).

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81-8545 Filed 3-17-81; 10:00 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141, 406, 409, 413, 416, 418, 420, 421, 422, 424, 426, 428, 432, 435, 436, 440, 443, 457, and 460

[AS-FRL 1782-5]

Withdrawal of Proposed Regulations

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Environmental Protection Agency has identified a number of regulations which were proposed before January 1, 1979 and which the Agency does not presently intend to promulgate. Accordingly, EPA is withdrawing these proposals. Some of these regulations may be reproposed at a later date. The regulations were proposed under the Safe Drinking Water Act, Clean Water Act and Atomic Energy Act. These actions are being taken to inform the public of the status of these proposals.

FOR FURTHER INFORMATION CONTACT:
Susan G. Lepow, Assistant General Counsel, Water and Solid Waste Division, Office of General Counsel, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 (202) 426-4497.

SUPPLEMENTARY INFORMATION: The following proposed regulations are withdrawn.

	CFR part affected	FR citation	Subject matter
1.	40 CFR 141.51-141.55	40 FR 5756 (2/9/76) 40 FR 29135 (7/9/76)	Safe Drinking Water Act: Control of Organic Contaminants in Drinking Water by Granular Activated Carbon Systems.
2.	40 CFR 406.74, 406.84, 406.94, 406.104	40 FR 921 (1/3/75)	Clean Water Act. Grain Mills Category: Proposed Pretreatment Standards for Existing Sources.
3.	40 CFR 409.43-409.46, 409.53-409.56, 409.63-409.66, 409.73-409.76, 409.83-409.86.	40 FR 8506 (2/27/75)	Clean Water Act. Sugar Processing Category: Proposal Concerning Best Available Technology, New Source Performance Standards and Pretreatment Standards.
4.	40 CFR 413.13, 413.15, 413.16; 412.23, 413.25, 413.26, 413.43, 413.45, 413.46; 413.53, 413.55, 413.56; 413.63, 413.65, 413.66.	40 FR 16140 (4/24/75)	Clean Water Act. Electroplating Category: Proposal Concerning Best Available Technology, New Source Performance Standards, and Pretreatment Standards for New Source.
5.	40 CFR 416.144, 416.154, 416.164, 416.174, 416.184, 416.194, 416.204, 416.214.	40 FR 3730 (1/23/75)	Clean Water Act. Plastics and Synthetics Category: Proposed Pretreatment Standards for Existing Sources.
6.	40 CFR 418.14, 418.24, 418.34, 418.44, 418.54	40 FR 12842 (4/8/74)	Clean Water Act. Fertilizer Category: Proposed Pretreatment Standards for Existing Sources.
7.	40 CFR 418.64, 418.74	40 FR 2054 (1/14/75)	Clean Water Act. Fertilizer Category: Proposed Pretreatment Standards for Existing Sources.
8.	40 CFR 420.223-420.226, 420.253-420.256	41 FR 13017 (3/29/76)	Clean Water Act. Iron and Steel Category: Proposal Concerning Best Available Technology, New Source Performance Standards, Pretreatment Standards.
9.	40 CFR 421.14, 421.24	39 FR 12829 (4/8/74)	Clean Water Act. Nonferrous Metals Category: Proposed Pretreatment Standards for Existing Sources.
10.	40 CFR 421.44-421.46, 421.54-421.56, 421.64-421.66, 421.74-421.76, 421.84-421.86.	40 FR 8530 (2/27/75)	Clean Water Act. Nonferrous Metals Category: Proposed Pretreatment Standards and New Source Performance Standards.
11.	40 CFR 422.14, 422.24, 422.34	39 FR 6586 (2/20/74)	Clean Water Act. Phosphate Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.
12.	40 CFR 422.44, 424.46, 422.54, 422.56, 422.64, 422.66	40 FR 4110 (1/27/75)	Clean Water Act. Phosphate Manufacturing Category: Proposed Pretreatment Standards.
13.	40 CFR 424.14, 424.24, 424.34	39 FR 6513 (2/22/74)	Clean Water Act. Ferroalloy Manfacturing Category: Proposed Pretreatment Standards for Existing Sources.
14.	40 CFR 424.44-424.46, 424.54-424.56, 424.64-424.66, 424.74-424.76	40 FR 8038 (2/24/75)	Clean Water Act. Ferroalloy Manufacturing Category: Proposed New Source Performance Standards and Pretreatment Standards.
15.	40 CFR 426.14	39 FR 2567 (1/22/74)	Clean Water Act. Glass Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.
16.	40 CFR 426.54, 426.74	39 FR 5721 (2/14/74)	Clean Water Act. Glass Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.
17.	40 CFR 426.84, 426.104, 426.114, 426.124, 426.134	40 FR 2953 (1/16/75)	Clean Water Act. Glass Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.

CFR part affected	FR citation	Subject matter
18 40 CFR 428.14, 428.24, 428.34, 428.44	39 FR 6866 (2/21/74)	Clean Water Act. Rubber Manufacturing Category: Proposed Pretreatment Standards for Existing Sources.
19 40 CFR 428.54, 428.64, 428.74, 428.84, 428.94, 428.104, 428.114	40 FR 2347 (1/10/75)	Clean Water Act. Rubber Manfacturing Category: Proposed Pretreatment Standards for Existing Sources.
20 40 CFR 432.110–432.116, 432.120–432.126, 432.130–432.136, 432.140–432.146, 432.150–432.156.	40 FR 18150 (4/24/75)	Clean Water Act. Poultry Processing Category: Proposed Concerning Best Practicable Technology, Best Available Technology, New Source Performance Standards and Pretreatment Standards.
21 40 CFR 435.13–435.16, 435.23–435.26	40 FR 42573 (9/16/75)	Clean Water Act. Oil and Gas Extraction Category: Proposed Concerning Best Available Technology and Pretreatment Standards.
22 40 CFR 435.33–435.36, 435.43–435.46, 435.53–435.56, 435.63–435.66	41 FR 44950 (10/13/76)	Clean Water Act. Oil and Gas Extraction Category: Proposed Concerning Best Availble Technology, New Source Performance Standards and Pretreatment Standards.
23 40 CFR 436.23, 436.25, 436.26, 436.33, 436.35, 436.36, 436.43, 436.45, 436.46, 436.53, 436.55, 436.56, 436.63, 436.65, 436.66, 436.73, 436.75, 436.76, 436.103, 436.105, 436.106, 436.113, 436.115, 436.116, 436.123, 436.125, 436.126, 436.133, 436.135, 436.136, 436.143, 436.145, 436.146, 436.153, 436.155, 436.156, 436.183, 436.185, 436.193, 436.195, 436.196, 436.223, 436.225, 436.226, 436.233, 436.235, 436.236, 436.243, 436.245, 436.246, 436.253, 436.255, 436.256, 436.263, 436.265, 436.266, 436.323, 436.325, 436.326, 436.383, 436.385, 436.386.	41 FR 23573 (6/10/76)	Clean Water Act. Mineral Mining and Processing Category: Proposal Concerning Best Available Technology, New Source Performance Standards and Pretreatment Standards for New Sources.
24 40 CFR 436.54, 436.64, 436.74, 436.104, 436.114, 436.124, 436.134 436.144, 436.154, 436.194, 436.224, 436.234, 436.244, 436.254, 436.264, 436.324, 436.364.	40 FR 48667 (10/16/75)	Clean Water Act. Mineral Mining Processing Category: Proposed Pretreatment Standards for Existing Sources.
25 40 CFR 440.13–440.16 440.23–440.26 440.33–440.36 440.43–440.46 440.53–440.56 440.63–440.66 440.73–440.76.	40 FR 51739 (11/6/75)	Clean Water Act. Ore Mining and Dressing Category: Proposal Concerning Best Available Technology, New Source Performance Standards and Pretreatment Standards.
26 40 CFR 443.14, 443.24, 443.34, 443.44	40 FR 31197 (7/24/75)	Clean Water Act. Paving and Roofing Materials Category: Proposed Pretreatment Standards for Existing Sources.
27 40 CFR 457.13–457.16, 457.33–457.36	41 FR 10167 (3/9/76)	Clean Water Act. Explosives Manufacturing Category: Proposal Concerning Best Available Technology, New Source Performance Standards and Pretreatment Standards.
28 40 CFR 460.13, 460.15, 460.16	41 FR 18780 (5/6/76)	Clean Water Act. Hospital Category: Proposal Concerning Best Available Technology, New Source Performance Standards for New Sources.
29 Criteria Document 42 U.S.C. § 2021(h)	43 FR 53262 (11/15/78)	Atomic Energy Act: Environmental Criteria for Radioactive Wastes.

Dated: March 13, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-8605 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286]

Federal-State Joint Board on Jurisdictional Separations; Denial of Petitions

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order denying petitions.

SUMMARY: The Joint Board denied Petitions requesting that it reconsider its previous decision to employ notice and comment procedures and instead mandate discovery and oral evidentiary hearings because the requested procedures are not required as a matter of law and are not otherwise warranted at this point in the proceeding. The Joint Board will proceed pursuant to notice and comment procedures and consider requests for discovery and evidentiary hearings in particular areas at a later date when the issues in this proceeding have been more specifically delineated.

DATE: This action is effective March 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, Policy & Program Planning Division, Common Carrier Bureau (202–632–9342).

Memorandum Opinion and Order

Adopted: February 23, 1981

Released: March 13, 1981.

In the matter of amendment of Part 67 of the Commission's rules and establishment of a Joint Board.

By the Federal-State Joint Board:

I. Introduction

1. On June 11, 1980, the Commission instituted this proceeding to amend Part 67 of the Commission's Rules involving jurisdictional separations and established a Federal-State Joint Board to develop the relevant revisions pursuant to Section 410(c) of the Communications Act, as amended. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board,* CC Docket No. 80–286, 78 FCC 2d 837 (1980). In establishing the Joint Board, the Commission noted that some participants in the *MTS–WATS Market Structure Inquiry,* CC Docket No. 78–72, which to establish procedural ground rules for the operation of the Joint Board. The Commission declined to do this, noting that previous Joint Boards had been allowed to establish their own procedures adopted by the Joint Board will not comport with all applicable rules of this Commission and requirements of administrative due process." *Id.* at 846.

2. The Joint Board adopted a procedural order on November 12, 1980, (45 FR 82281) stating that it would "in general attempt to follow the Commission's Rules and Regulations pertaining to Rule Making" set out in Sections 1.1 to 1.120 and 1.399 to 1.430 of the Commission's Rules since the purpose of this preceeding was to amend Part 67 of the Rules. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board,* CC Docket No. 80–286, FCC 80–692, released December 5, 1980. On December 18, 1980, United States Transmission Systems, Inc. (USTS) filed a Petition for Reconsideration of this action with the Joint Board.[1] Southern Pacific Communications Company (SPCC) and MCI Telecommunications Corporation (MCI) also filed Petitions for Reconsideration with the Joint Board on January 5, 1981. The American Telephone and Telegraph Company (AT&T) filed a Response to the USTS Petition on January 9, 1981, and a consolidated Response to the SPCC and MCI Petition on January 19, 1981 GTE Service Corporation (GTE) and the United States Independent Telephone Association (USITA) also filed Responses to the USTS, SPCC and MCI Petitions for Reconsideration on January

[1] The USTS Petition was addressed to the Commission, but USTS filed an Erratum on January 6, 1981 indicating that it meant to direct its filing to the Joint Board.

21, 1981 respectively.[2] USTS also filed a Reply and a Further Reply.

II. Summary of the Pleadings

3. In their Petitions for Reconsiderations, USTS, SPCC and MCI challenged the Joint Board's decision to proceed pursuant to the Sections of the Commission's Rules governing informal notice and comment rulemaking proceedings, and sought an opportunity for discovery and oral evidentiary hearings pursuant to Section 1.201 *et seq.* of the Commission's Rules. USTS argued that in the absence of such procedures it would not be able to obtain necessary information concerning AT&T's implementation of the present separations procedures. In particular, USTS argued that the differences in the type of local interconnection provided to the specialized common carriers and AT&T Long Lines must be taken into consideration in arriving at changes in the separations procedures—something which USTS believed would be impossible in the absence of detailed information concerning current AT&T implementation of those procedures.

4. SPCC criticized the Joint Board for establishing procedural ground rules without giving the parties notice and an opportunity to comment, claiming that this constituted a violation of their due process rights. SPCC argued that this proceeding involves factual issues in addition to major policy questions. Specifically, SPCC took the position that it needs to know how the separations process is currently administered by AT&T before it can develop an informed position on possible changes. Thus, it argued that discovery and oral hearings were necessary in order to elicit the relevant information which SPCC stated was almost exclusively within the control of AT&T, an interested party to the proceeding. SPCC pointed out that the federal courts have embraced procedures in excess of notice and comment in informal rulemaking proceedings when the following factors were present: (1) the subject matter was of great substantive importance, highly complex and not readily subject to proper analysis under informal rulemaking procedures; (2) the proceeding was quasi-judicial in character, exceptionally affecting particular parties; and (3) relevant information was subject to the control of one party. SPCC argued that all three of these factors are present in this proceeding, noting that the Joint Board will determine the magnitude of local access charges to be paid by SPCC. Assuming that discovery and evidentiary hearing procedures were not strictly required as a matter of law, SPCC asked that the Joint Board exercise its discretion to adopt these procedures. SPCC also emphasized that it did not wish to impede or delay the work of the Joint Board by its request for evidentiary procedures.

5. MCI argued that the language of section 410 indicates a Congressional intent that Joint Board proceedings be evidentiary in nature. In support of this contention, MCI pointed out that Section 410(a) of the Act specifies that Joint Boards, "shall have all the jurisdiction and powers conferred by law upon an examiner * * *." It recognized that the Ozark Plan for jurisdictional separations was adopted without evidentiary hearings, but distinguished that situation on the ground that no controverted issues of material fact were involved. It also noted that the Ozark Plan was a compromise measure endorsed by nearly all of the active parties to the proceeding which led to its promulgation. MCI took the position that one of the principal issues in this proceeding involves the development of separations procedures which take into account the quantitative cost differences in the local interconnection provided to the specialized common carriers and AT&T Long Lines. It argued that the need for evidentiary hearings on this point is intensified by the proposal in the Second Supplemental Notice in the *MTS/WATS Market Structure Inquiry* to apply the results of this proceeding to determine the access charges imposed on the specialized carriers. According to MCI this involves rate prescription pursuant to Section 205 of the Act. MCI also noted that in Docket No. 18128, *AT&T Private Line Ratemaking Principles*, the Commission rejected relative use methodologies similar to those employed in the present Separations Manual after evidentiary hearings, and argued that it would be improper for the Commission to decide to employ relative use principles in interstate ratemaking on the basis of less rigorous procedures than those employed in Docket No. 18128. MCI also stressed that the need for an evidentiary hearing was particularly acute where, as in this situation, most of the critical facts are in the exclusive control of one of the parties in an adversary proceeding.

6. AT&T opposed the requests for discovery and evidentiary hearings by USTS, SPCC and MCI. It argued that none of the parties had cited authority to the effect that such procedures are required as a matter of law under the Communications Act. AT&T contended that the notice and comment procedures established by the Joint Board satisfied the requirements of due process. It stated that even if this proceeding involved ratemaking (a conclusion which it disputed), evidentiary hearings were not required as a matter of law. AT&T noted that evidentiary hearing procedures involve the potential for unnecessary delay, but recognized that they are desirable in certain situations. However, it argued that no showing of need had been made by the petitioners. In fact, AT&T took the position that such a showing was impossible at this early stage of the proceeding, stating that the issues to be dealt with by the Joint Board have only been outlined in very general terms. Thus, AT&T concluded that the requests for discovery and evidentiary hearings should be denied as premature.

7. GTE also filed a brief response to the USTS, SPCC and MCI Petitions. It emphasized the agency's discretion in ordering its proceedings and stated that the specialized carriers have not been prejudiced by the Joint Board's decision to follow notice and comment procedures at this point in the proceeding. Although GTE believed that the use of discovery and oral evidentiary hearings throughout this proceeding would generate delay and a lengthy, but unenlightening record, it indicated that such procedures might be appropriate on particular issues. In addition, USITA filed a response, charging USTS, SPCC and MCI with the use of delaying tactics and urging the Joint Board to employ informal rulemaking procedures supplemented with written information requests if necessary.

8. USTS filed a Reply to AT&T's Response. It reiterated that due process requires a full evidentiary hearing in certain situations regardless of the statutory language involved, and argued that the complexity of the subject matter and the fact that so much information is predominantly within the control of one party mandates such procedures in this case. USTS also disputed AT&T's claim that the request for evidentiary hearings was premature. USTS argued that it now has so little information concerning separations implementation that it can not even determine whether present

[2] By an Order issued on January 21, 1981, the Chief, Common Carrier Bureau acting pursuant to delegated authority provided for consolidated responses to the Petitions for Reconsideration filed with the Joint Board, and established February 5, 1981 as the deadline for Replies. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board*, CC Docket No. 80-286, Mimeo No. 06172, released January 21, 1981.

implementation procedures would have a significant bearing on possible changes in the Manual. It took the position that waiting until a later date to adopt evidentiary procedures would cause the Joint Board to lose valuable time since the parties would have to come to the Board requesting evidentiary procedures on each separate issue. USTS subsequently filed a Further Reply.[3]

III. Discussion

9. The pleadings discussed above raise three major issues. One question is whether the nature of the Joint Board forum affects the type of hearing procedure required. The second issue involves the general scope of statutory and due process rights to hearing on matters of the type involved in this proceeding. The final question is whether the Joint Board should exercise its discretion to prescribe discovery and evidentiary hearings at this time if such procedures are not required as a matter of law.

A. Procedural Implications of Joint Board Forum

10. Section 410(c) requires that the Commission refer all proceedings concerning jurisdictional separations to a Federal-State Joint Board. 47 U.S.C. 410(c)(1976). Such Joint Boards have the same authority as a Board established under Section 410(a) which provides that Joint Boards shall have "all the jurisdiction and powers conferred by law upon an examiner provided for in Section 1010 of Title 5, designated by the Commission, and shall be subject to the same duties and obligations." 47 U.S.C. 410(a)(1976).

11. A review of the legislative history of Section 410 establishes that this language does not indicate a Congressional intent that Joint Board proceedings be adversarial or adjudicative in nature. Originally, section 410(a) gave Joint Boards the same authority that an individual Commissioner had when designated to hold a hearing. When the procedure which allowed individual Commissioners to hear cases was abolished in 1952, section 410(a) was amended to give Joint Boards the same authority as the Commission itself. 1952 U.S. Code Cong. and Adm. News 2234.

12. In 1955, the Commission requested modification of section 410(a). It stated that "the new delegation of jurisdiction and powers is undesirably broad," adding that "with the wording of section 410(a) inserted by the Communications Act Amendments, 1952, it does not seem likely that the Commission would ever find it desirable to refer any matter to a joint board." 1956 U.S. Code Cong. and Admin. News 4139. In particular, the Commission suggested:

> [I]f the second sentence of section 410(a) were changed to give joint boards the same jurisdiction that is now conferred on an examiner, it would be more nearly what Congress must have intended and would make the section more usable to the Commission in the administration of the act.

Id. The House Report accompanying this legislation stated that "[the proposed amendment . . . would authorize the Commission to confer on joint boards the same power and authority as is now conferred on the Commission's hearing examiners in adjudicatory cases and *thereby gives the full Commission an opportunity to act before a final determination is made." Id.* at 4136 (emphasis added). Thus, it is clear that the language giving Joint Boards the authority of hearing examiners was added to ensure an opportunity for Commission review of Joint Board actions, not for the purpose of indicating that proceedings before Joint Boards should be adjudicatory in nature.

13. This view is reinforced by the legislative history of Pub. L. 92–131 which added section 410(c) to the Act in 1971 requiring Joint Board consideration of matters involving jurisdictional separations. In explaining the background of this amendment, the Senate Report reviewed, in considerable detail, the proceedings which led to adoption of the Ozark Plan the previous year. As the Report makes clear, the Ozark Plan was considered in informal rulemaking proceedings. 1971 U.S. Code Cong. and Admin. News 1514. The Commission order adopting the plan specifically states that "this is an ordinary Commission rulemaking proceeding * * * governed by section 553 of the Administrative Procedure and Judicial Review Act * * *." *Separations Procedures,* Docket No. 18866, 26 F.C.C. 2d 247 at 250 (1970). In fact, the State of California unsuccessfully argued against Commission adoption of the Ozark Plan on the ground that an evidentiary hearing had not been provided for as allegedly required by Section 221(c) of the Communications Act.

14. In recommending approval of this legislation, the Senate Report stated that "[it] would make mandatory the procedures voluntarily followed last year in the formulation of the Ozark Plan." 1971 U.S. Code Cong. and Admin. News 1514. This reference was directed primarily to the Federal-State composition of the Joint Board and the fact that its action took the form of a recommendation subject to Commission review. However, the Commerce Committee's familiarity with the informal rulemaking procedures employed in consideration of the Ozark Plan and the absence of any comments in its Report questioning these procedures strongly suggests that such informal rulemaking procedures were not viewed as being inconsistent with the provisions of section 410(a) giving Joint Boards the jurisdiction and powers of an examiner. Presumably, if these procedures were viewed as inappropriate, the Report would have so stated. Evidence of Congressional familiarity with an agency interpretation of its statute coupled with a failure to criticize that interpretation when expanding the coverage of the statute provides clear evidence of approval of the agency practice.[4]

15. In addition to running counter to the legislative history of the Act, it is hardly persuasive from a logical standpoint to argue that reference in section 410(a) to the Joint Board's having the power, duties and obligations of an examiner mandates evidentiary hearings. Separate Joint Board procedures were carved out of the Act in section 410 to insure full State participation on matters of joint Federal-State concern. Plainly, there is no logical basis for suggesting that Congress intended to establish disparate procedural requirements and to impose obligations upon Joint Boards which it did not impose upon the Commission itself. It would make little sense for Congress to allow the Commission itself to proceed by rulemaking whereas, its agent, the Joint Board, would have to hold a full evidentiary hearing in each and every proceeding without considering such relevant circumstances such as the nature of the case, its importance, the appropriateness of a hearing to the underlying subject matter and the availability of resources.

B. Administrative Procedure Act Hearing Requirements

16. Since the existence of a Joint Board in this proceeding does not affect the type of procedures required, we

[3] The Joint Board will consider USTS' Further Reply even though it does not appear to have been filed in a timely fashion. In view of the conclusions reached herein, such consideration does not prejudice the opposing parties.

[4] *See Red Lion Broadcasting Co.* v. *Federal Communications Commission,* 395 U.S. 367 at 380–382 (1969); *Power Reactor Development Co.* v. *International Union of Electrical, Radio & Machine Workers,* 367 U.S. 396 at 413–414 (1961); *Norwegian Nitrogen Products Co.* v. *United States,* 288 U.S. 294 at 311–315 (1933); *Costanzo* v. *Tillinghast,* 287 U.S. 341 at 345 (1932).

must examine the Administrative Procedure Act (APA) and relevant case law to determine if oral evidentiary hearings are required in the present circumstances as a general matter of law. The procedural framework for rulemaking by Federal agencies is established by the APA. Section 553 of the APA provides for rulemaking pursuant to notice and comment procedures, specifying that the opportunity for oral presentations is optional. 5 U.S.C. 553(c) (1976). Section 553(c) also provides that "[w]hen rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection." 5 U.S.C. 553(c) (1976). Proceedings governed by sections 556 and 557 are subject to various procedural requirements not contained in section 553. In particular, section 556(d) states that:

[a] party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rulemaking or determining claims for money or benefits or applications for initial licenses an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

5 U.S.C. 556(d) (1976).

17. In *United States v. Florida East Coast Railway Co.*, 410 U.S. 224 (1973), the Supreme Court dealt with the question of when rulemaking proceedings are subject to the strictures of sections 556 and 557 of the APA. The District Court had held that section 1(14)(a) of the Interstate Commerce Act which authorized the Commission to take certain actions "after hearing" mandated the application of sections 556 and 557. The Supreme Court reversed, holding that the agency's proceeding was governed by section 553. It stated that the requirement of a hearing in section 1(14)(a) was not the equivalent of a statutory requirement that a rule "be made on the record after opportunity for an agency hearing" thereby triggering the application of sections 556 and 557. The Court recognized, however, that the phrase "on the record after opportunity for an agency hearing" was not a term of art and stated that other statutory language having the same meaning might trigger the application of sections 556 and 557.

18. Stating that the APA does not limit or repeal other statutory procedural requirements, the Court turned to the question of whether the Interstate Commerce Act requirement for a hearing mandated oral presentation of evidence and cross-examination even though the full requirements of sections 556 and 557 did not apply. It concluded that "the term 'hearing' as used in [Section 1(14)(a) of the Interstate Commerce Act] does not necessarily embrace * * * the right to present evidence orally and to cross-examine opposing witnesses * * *." *Id.* at 240. It is significant that the Court reached this conclusion in a case involving an industry-wide rate prescription.[6]

19. Under *Florida East Coast Railway* the present proceeding appears to be subject to the requirements of section 553 rather than the more rigorous provisions of sections 556 and 557. Sections 221(c), 213(a) and 205(a), the substantive provisions of the Act which give the Commission authority to act upon the recommended decision the Joint Board will submit, require a hearing, but do not specify that rules be made "on the record."[6]

20. Although the present Joint Board proceeding is not formally subject to the requirements of sections 556 and 557, a number of decisions have indicated that agencies are required, under certain circumstances, to accord procedural rights in addition to those specified in section 553 of the APA even though the proceeding involved may not be governed by sections 556 and 557.[7] In *Mobil Oil Corporation v. Federal Power Commission*, 483 F.2d 1238 (D.C. Cir. 1973), the D.C. Circuit concluded that the Federal Power Commission was not required to follow sections 556 and 557 of the APA, but stated that compliance with section 553 was not necessarily adequate.

21. However, in *Vermont Yankee Nuclear Power Corp.* v. *Natural Resources Defense Council, Inc.*, 435 U.S. 519 (1978), the Supreme Court held that "generally speaking [section 553] of the Act establishe[s] the maximum procedural requirements which Congress was willing to have the courts impose upon agencies in conducting rulemaking procedures." *Id.* at 524. Recognizing that prior decisions suggested that additional procedures might be required in rulemaking involving a " 'quasi-judicial' determination by which a very small number of persons are 'exceptionally affected, in each case upon individual grounds,' " *Id.* at 542, quoting *United States* v. *Florida East Coast Railway Co.*, 410 U.S. 224 at 242–245 (1973), the Court cautioned that its decision should not be read "to say necessarily that there are no circumstances which would ever justify a court in overturning agency action because of a failure to employ procedures beyond those required by the statute." *Id.* at 524. But, it stated that "such circumstances, if they exist, are extremely rare," and "emphasized that the formulation of procedures was basically to be left within the discretion of the agencies to which Congress had confided the responsibility for substantive judgments." *Id.* The Court summarized its holding on this point, stating:

> Absent constitutional constraints or extremely compelling circumstances the "administrative agencies 'should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties.' "

Id. at 543 quoting *Federal Communications Commission* v. *Schreiber*, 381 U.S. 279 at 290 (1965). Thus, the Joint Board is not required to

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[5] In addition, the Court distinguished the rulemaking involved in *Florida East Coast Railway* from the proceeding under review in *Interstate Commerce Commission v. Louisville and Nashville Railroad Co.*, 227 U.S. 88 (1913), which involved commission action on a complaint by a shipper that specified rates set by a carrier were unreasonable, a type of proceeding traditionally viewed as adjudicatory.

[6] Section 221(c) of the Communications Act which gives the Commission authority to allocate telephone company plant between the interstate and intrastate jurisdictions states that such "classification shall be made after hearing, upon notice to the carrier, the State commission * * * of any State in which the property is located, and such other persons as the Commission may prescribe." 47 U.S.C. 221(c) (1976). Section 213(a) which provides for Commission valuation of carrier property also requires an "opportunity for hearing." 47 U.S.C. 213(a) (1976). Section 205(a) provides for Commission prescription of just and reasonable rates "after full opportunity for hearing." 47 U.S.C. 205(a) (1976).

[7] These cases indicated that the procedures employed should be suited to the nature of the issues involved. *Water Holm & Co. v. Hardin*, 440 F.2d 1009 at 1015 (D.C. Cir. 1971). They took the position that "the need for an evidentiary hearing is particularly acute when the issue presented is one which possesses great substantive importance, or is one which is unusually complex or difficult to resolve on the basis of pleadings and arguments." *National Air Carrier Assoc. v. Civil Aeronautics Board*, 436 F.2d 185 at 191 (D.C. Cir. 1970), summarizing *Marine Space Enclosures, Inc. v. Federal Maritime Commission*, 420 F.2d 577 (D.C. Cir. 1969); *Citizens for Allegan County, Inc. v. Federal Power Commission*, 414 F.2d 1125 (D.C. Cir. 1969); *Trailways of New England, Inc. v. Civil Aeronautics Board*, 412 F.2d 926 (D.C. Cir. 1969). A subsequent case observed that "a right of cross-examination, consistent with time limitations, might well extend to particular cases of need, on critical points where the general procedure proved inadequate to probe 'soft' and sensitive subjects and witnesses." *International Harvester Co. v. Ruckelshaus*, 478 F.2d 615 at 631 (D.C. Cir. 1973).

employ procedures in addition to those set out in section 553 of the APA, absent exceptional circumstances,[8] although the record must be adequate to support any proposed rules.[9]

[8] *Vermont Yankee* involved "rulemaking procedures in their most prisfine sense," rather than rulemaking which Justices Douglas and Stewart viewed as "adjudicatory" within the terms of the APA in their dissent in *Florida East Coast Railway. Vermont Yankee Nuclear Power Corp.* v. *Natural Resources Defense Council, Inc.*, 435 U.S. 519 at note 1 (1978).

[9] Although the Court upheld the agency's discretion to order its proceedings in *Vermont Yankee*, the case was remanded to the D.C. Circuit for a determination of "whether the challenged rule finds sufficient justification in the administrative proceedings that it should be upheld by the reviewing court." *Id.* at 549.

C. Discretionary Provision for Evidentiary Procedures

22. Although discovery and oral evidentiary hearings are not required, this Joint Board, like its predecessors, has been given wide latitude by the Commission to establish its own procedures. No showing has been made that the use of discovery or oral evidentiary procedures is warranted at this point in the proceeding. This issues which the Joint Board is to consider have only been sketched in very broad outline, and we have not issued information requests or sought comments on the issues. There is no reason to believe that such preliminary steps would be facilitated by discovery and oral evidentiary hearings. When these steps have been completed, we will be in a better position to determine whether there are specific issues which should be explored through discovery and evidentiary hearings. At that time the parties can file appropriate requests for use of such procedures.

23. Accordingly, it is ordered, That the Petitions for Reconsideration filed by USTS, SPCC and MCI ARE DENIED.

24. It is further ordered, That this action is without prejudice to the filing of petitions seeking discovery and oral evidentiary hearings on particular issues at a later date as outlined above.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-8822 Filed 3-18-81; 8:45 am]

BILLING CODE 6712-01-M

V.46/53 MAR 19 81 UMI

Notices

Federal Register
Vol. 46, No. 53
Thursday, March 19, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Geographic Areas; Amendments to Assigned Geographic Areas of Fostoria Grain Inspection and D. L. Boltenhouse Grain Inspection

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces amendments to the assigned geographic areas of Fostoria Grain Inspection, Fostoria, Ohio, and D. L. Boltenhouse Grain Inspection, Bellevue, Ohio, to include portions of the Toledo, Ohio, nonexport area for the performance of official inspection functions under authority of the U.S. Grain Standards Act, as amended.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-8262.

SUPPLEMENTARY INFORMATION: This final action has been reviewed and determined not to be a rule or regulation as defined in the Presidential Memorandum of January 29, 1981, regarding postponement of pending regulations and as defined in Executive Order 12291, therefore, neither document applies to this action.

The April 30, 1980, issue of the Federal Register (45 FR 28981) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to provide official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the nonexport area formerly serviced by the Toledo Board of Trade (TBOT), Toledo, Ohio. Applications were to be postmarked by June 30, 1980. A total of three qualified application were received. The names of the applicants for designation are as follows: D. L. Boltenhouse Grain Inspection, P.O. Box 98, Bellevue, Ohio 44811; Fostoria Grain Inspection, 506 Lockwood Avenue, P.O. Box 864, Fostoria, Ohio 44830; and Northern Ohio Grain Inspection, R.R. #1, Lone Oak Drive, Farmland, Indiana 47340.

FGIS announced the names of these applicants and requested comments on them in the December 5, 1980, issue of the Federal Register (45 FR 80777). A total of seven comments were received. One commentor recommended the designation of D. L. Boltenhouse Grain Inspection, two commentors recommended the designation of Northern Ohio Grain Inspection, and four commentors requested that FGIS continue to provide official inspection services in the nonexport area.

The export port locations will continue to be provided service by the FGIS Field Office in Toledo, Ohio, and currently include the following facilities: The Andersons, Toledo, Ohio, and Maumee, Ohio; Cargill, Inc. (East and West Side Elevators), Toledo, Ohio, and Cargill, Inc., Maumee, Ohio; and Mid-States Terminals, Inc., Toledo, Ohio. These export port locations in Toledo and Maumee, Ohio, were listed in the December 5, 1980, issue of the Federal Register.

Except for the export port locations listed above, all other geographic areas previously serviced by the TBOT have been determined to be domestic locations and were provided service by FGIS only on an interim basis in accordance with Section 7(h) of the Act, until such time as services could be provided on a regular basis by a designated official agency.

After considering all available information in relation to the criteria for designation in Section 7(f)(1)(A) of the Act, the Administrator, in accordance with Section 7(f)(1)(B), has determined that Fostoria Grain Inspection and D. L. Boltenhouse Grain Inspection are better able than any other applicants to provide official inspection services in the Toledo, Ohio, nonexport area. These assignments will facilitate official services in the area and therefore be in the best interest of the public. The portions designated to the applicants and described in this Notice constitute the entire geographic area as originally proposed. As a result, the geographic areas previously assigned to the subject agencies are amended as follows.

The assigned geographic area of the Fostoria Grain Inspection published on January 14, 1980 (45 FR 2670), and corrected on April 30, 1980 (45 FR 28981), is amended to include Fulton County. The Fostoria Agency is currently providing services to Metamora Elevator in this County under an interim authority.

The assigned geographic area of D. L. Boltenhouse Grain Inspection published on April 30, 1979 (44 FR 25258), is amended to include the remainder of the nonexport area that is open for assignment. This assignment includes Lucas and Ottawa Counties in Ohio, and those portions of Jackson, Lenawee, and Monroe Counties which are east of Michigan State Route 127 and south of Michigan State Route 50 in Michigan. An exception to this geographic area is the following location situated inside Boltenhouse's area which has been and will continue to be serviced by Grain Inspection Services, Inc., Battle Creek, Michigan: Crop Aid, Hudson, Michigan, in Lenawee County.

For clarification purposes, the exception as cited above was assigned to Grain Inspection Services, Inc., in the January 31, 1980, issue of the Federal Register (45 FR 6979).

Effective March 23, 1981, the responsibility for providing official inspection services to the geographic areas indicated above will be transferred from the FGIS Field Office in Toledo, Ohio, to the Fostoria and Boltenhouse agencies, respectively. The FGIS will continue to provide service to the export locations as cited previously.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic areas and a list of specified service points by contacting the agencies or the Regulatory Branch, Compliance Division, Federal Grain Inspection

Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447–8525.

(Sec. 8, Pub. L. 94–582, Stat. 2870 (7 U.S.C. 79))

Done in Washington, DC on: March 13, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-8574 Filed 3-18-81; 8:45 am]

BILLING CODE 3410-02-M

Foreign Agricultural Service

Information on Proposed Foreign Standards Affecting International Trade

March 13, 1981.

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

SUMMARY: This notice informs the public of the types of, and the procedures for obtaining, information concerning proposed foreign standards affecting international trade in agricultural commodities. The publication of this notice carries out one of the functions of the Technical Office established in the Department of Agriculture (45 FR 82153, December 15, 1980) pursuant to Section 412(a)(2) of the Trade Agreements Act of 1979 (Pub. L. 96–39).

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connell, Technical Office, U.S. Department of Agriculture, Room 5528, South Agriculture Building, Washington, D.C. 20250; Telephone: (202) 382–1318.

Notice

The purpose of this notice is to inform interested parties that notifications of proposed foreign standards related activities affecting international trade in agricultural commodities will be made available by the Technical Office, upon request, to all interested parties, including state governmental agencies and trade associations. These include titles and brief description, where appropriate, of notices of proposed foreign standards related activities, government and private, and copies of foreign notifications to the Secretariat of the General Agreement on Tariffs and Trade (GATT) of proposed standards.

Information on *existing* foreign regulations on standards related activities will not be available from the Technical Office; however, the National Bureau of Standards (U.S. Department of Commerce) can assist interested persons in obtaining copies of such foreign regulations. Inquiries may be made by calling the Standards Information Center, (301) 921–2092/2587.

Information on proposed regulations on standards related activities may be obtained from the Technical Office by providing a description of the category(ies) of agricultural commodities of interest. Such categorizations should be made as specific as possible (e.g. "fruits and vegetables" is usually too broad; "fresh apples" or "canned peaches" is better).

To the extent possible, information regarding proposed standards related activities will be provided in "Export Briefs", which is published weekly by the Export Trade Services Division (ETSD) of FAS. Subscription (at no cost) to "Export Briefs" may be made by contacting ETSD, FAS, USDA, Room 4945 South Building, Washington, D.C. 20250 (Telephone: (202) 447–7102). In addition, the Technical Office will disseminate relevant information through contacts with appropriate trade associations and commodity sector advisory groups.

(Sec. 412 of the Trade Agreements Act of 1979, Pub. L. 96–39, 19 U.S.C. 2542; Executive Order 12188)

Richard A. Smith,

Acting Administrator.

[FR Doc. 81-8575 Filed 3-18-81; 8:45 am]

BILLING CODE 3410-10-M

Forest Service

Custer National Forest, Montana, North Dakota, South Dakota; Environmental Impact Statement

In the matter of Custer National Forest Plan: Carbon, Carter, Park, Powder River, Rosebud, Stillwater, and Sweet Grass Counties, Montana; Billings, Dunn, Golden Valley, Grant, McHenry, McKenzie, Ransom, Richland, Sioux, and Slope Counties, North Dakota; and Corson, Harding Perkins, and Ziebach Counties, South Dakota.

Pursuant to the National Environmental Policy Act Regulations, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Custer National Forest in Montana, North Dakota, and South Dakota.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction affecting the natural and human resources within the boundaries of the Custer National Forest.

The plan will be selected from a range of alternatives including: continuation of current management practices and policies; alternatives displaying possible outputs of resources at several expenditure levels; and alternatives designed to resolve or mitigate major public issues and management concerns.

Early in the development of the plan, Federal, State, Indian tribes, and local agencies and other individuals or organizations, who may be interested in or affected by the decision, will be invited to participate in the scoping process. All issues identified will be considered and those of significance will be addressed in the plan. The rationale for selecting the significant issues and the disposition of those issues will be visible in the planning process.

In conjunction with this planning effort and pursuant to 43 CFR Part 3460, the Custer National Forest is in the process of applying "coal unsuitability criteria" as mandated by the Surface Mining Control and Reclamation Act of 1977. The Little Missouri National Grasslands contain some Known Recoverable Coal Resource Areas where the criteria are being applied.

Tom Coston, the Regional Forester for the Northern Region, is the responsible official for approval of the Forest Plan. The responsible official for preparing the Forest Plan is Forest Supervisor Daniel C. MacIntyre, Custer National Forest. Questions concerning development of the plan should be directed to Daniel C. MacIntyre, Forest Supervisor, Custer National Forest, P.O. Box 2556, Billings, MT 59103, (406) 657–6361.

The draft environmental impact statement is expected to be available in early 1982 and the final in mid-1982.

Dated: March 13, 1981.

James E. Reid,

Acting Regional Forester, Northern Region.

[FR Doc. 81-8425 Filed 3-18-81; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one project for a twelve month period beginning July 1, 1981. The total cost of the project will not exceed $909,000.

Funding Instrument: It is anticipated that the funding instrument, as defined

by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority businesspersons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either non-profit or commercial entities). These firms must be capable of providing such services as:

—Preparation of business plans;
—Financial packaging;
—Industrial management assistance;
—Personnel management services;
—Marketing planning;

and a broad range of other business services excluding legal services.

Applications are invited for the following project:

One grant for a management and technical assistance project to operate in the Miami, Fort Lauderdale and West Palm Beach SMSAs in Florida.

The project will operate at a cost not to exceed $300,000. The Project I. D. Number is 04-10-80000-01. This project will also include supplying specialized consulting services.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Pre-Application Conference: A Pre-application Conference for this project will be held on April 6, 1981 at 1:30 p.m. at the following address:

U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia 30309

Application Materials: An application kit for this project may be requested by writing the following address:

U.S. Department of Commerce, Minority Business Development Agency, 1365 Peachtree Street, NE, Room 225, Atlanta, GA 30309

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, federally recognized Indian tribal units, educational institutions, hospitals, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 21, 1981.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

(This program is not subject to the requirements of OMB Circular A-95)

Dated: March 13, 1981.

Gordon M. Anderson,

Grant Specialist.

[FR Doc. 81-8640 Filed 3-18-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss implementation of the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, (Public Law 96-118).

DATE: The meeting will convene on Monday April 13, 1981 at 10:00 a.m. and will adjourn at approximately 5:00 p.m. The meeting is open to the public, however, space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building No. 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, State/Federal Division, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: (202) 634-7454.

Dated: March 16, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-8630 Filed 3-18-81; 8:45 am]

BILLING CODE 3510-22-M

Weather Facsimile (WEFAX) Conference

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Public meeting on WEFAX services from GOES satellites.

SUMMARY: The National Oceanic and Atmospheric Administration's National Earth Satellite Service (NESS) will sponsor a WEFAX Users Conference on April 28 and 29, 1981, for current and future U.S. Weather Facsimile (WEFAX) system users. NESS will describe their WEFAX operating procedures, plans, policies, and interpretation and application of products. NESS will solicit comments for improving present and future services.

DATE: The meeting will be held at the Ramada Inn, 5910 Princess Gardens Parkway, Lanham, Maryland 20810, from 9:00 a.m. to 5:00 p.m. on April 28 and from 9:00 a.m. to 12:00 noon on April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Popham, Chairperson, Coordinator for Direct Readout Services, National Oceanic and Atmospheric Administration, National Earth Satellite Service S/OP31, U.S. Department of Commerce, Washington, D.C. 20233 (301-763-8062).

Dated: March 13, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems, National Oceanic and Atmospheric Administration.

[FR Doc. 81-8635 Filed 3-18-81; 8:45 am]

BILLING CODE 3510-12-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket 81-C0006]

Gillette Co., a Corporation, d.b.a. Braun North America; Provisional Acceptance of a Consent Order Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a consent order agreement under the Consumer Product Safety Act.

SUMMARY: Under requirements of 16 CFR 1118.20, the Commission must publish in the **Federal Register** consent agreements which it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally-accepted Consent Order Agreement with the Gillette Company, doing business as Braun North America.

DATES: Any interested person may ask the Commission not to accept this agreement by filing a written request with the Office of the Secretary by April 2, 1981.

ADDRESS: Persons wishing to comment on this Consent Order Agreement should send written comments to the Office of the Secretary, Suite 300, 1111-18th St., NW, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT:
Earl Gershenow, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6626.

SUPPLEMENTARY INFORMATION:
[Attached.]

Dated: March 13, 1981.

Sadye E. Dunn,
Secretary.

Agreement Containing Consent Order To Cease and Desist

In the matter of Gillette Company, a corporation, doing business as Braun North America (hereinafter, "Gillette" or "Respondent") and the staff of the Consumer Product Safety Commission (hereinafter, the Commission) pursuant to 16 CFR 1118.20, in settlement of a complaint for a civil penalty pursuant to 15 U.S.C. 2069, for knowingly failing to report immediately to the Commission a defect in the Braun Aromaster Coffeemaker, Model KF-20, Type 4050, which could create a substantial product hazard, as required by 15 U.S.C. 2064(b)(2), in violation of 15 U.S.C. 2068(a)(4). A copy of the complaint is attached hereto and incorporated herein by reference.

Gillette and the staff of the Commission hereby stipulate and agree:

1. The Consumer Product Safety Commission has jurisdiction over Gillette and the subject matter of this Consent Order Agreement pursuant to 15 U.S.C. 2051 *et seq.*

2. Gillette is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Boston, Massachusetts. Gillette is an international consumer product firm engaged in the manufacture and sale of products for personal care and use.

3. Braun North America (hereinafter Braun) is an unincorporated division of Gillette, with its principal place of business located in Cambridge, Massachusetts. Braun imports, *inter alia*, coffee makers.

4. Gillette, through Braun "imported" and "distributed in commerce" as these terms are defined in 15 U.S.C. 2052(a)(8), (11), and (12), respectively, the Braun Aromaster Coffeemaker, Model KF-20, Type 4050 (hereinafter the "Coffeemaker"). The Coffeemaker is an automatic, drip-type (120 volts, 750 watts), employing a main heating element to heat the water and a smaller warming element. The Coffeemaker is manufactured by Braun AG, a subsidiary of Gillette located in West Germany. The Coffeemaker retails for approximately $80.00.

5. The Coffeemaker is produced and distributed in commerce for sale to consumers for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, and is therefore a "consumer product" within the meaning of 15 U.S.C. 2052(a).

6. Between July 1976 and March 1977, Braun distributed in commerce as many as 2,135 Coffeemakers that the staff of the Commission alleged contained a defective thermostat which presented a "substantial product hazard" within the meaning of 15 U.S.C. 2064(b), as more fully set forth in the complaint.

7. In the complaint, the staff of the Commission has alleged that Gillette knowingly failed to inform the Commission immediately of the defect upon having obtained information which reasonably supported the conclusion that the Coffeemaker contained a defect which could create a "substantial product hazard," as required by 15 U.S.C. 2064(b)(2), in violation of 15 U.S.C. 2068(a)(4), for which a civil penalty may be issued pursuant to 15 U.S.C. 2069. The staff of the Commission seeks in the complaint a civil penalty against Gillette in the sum of $100,000.

8. Gillette denies all claims set forth in the complaint and without admitting the existence of a substantial product hazard or a violation of the reporting requirements under 15 U.S.C. 2064(b), Gillette hereby agrees to pay the sum of $45,000 upon final acceptance of this Consent Agreement by the Commission, in full settlement any and all claims by the Commission of any kind whatsoever against Gillette arising out of the alleged defect in the Coffeemaker which is the subject of the complaint.

9. The complaint represents the allegations of the Commission staff and the Commission has made no formal finding that the Coffeemaker contained the defect or constituted a substantial hazard.

10. Upon final acceptance by the Commission of this Consent Order Agreement, Gillette knowingly and voluntarily waives any and all rights to an administrative or judicial hearing, and to any and all other procedural stages; including the right to judicial review, or to otherwise challenge or contest this Consent Order Agreement and the Commission's Order.

11. Upon execution of this Consent Order Agreement by Gillette and the Commission staff, and provisional acceptance by the Commission, as provided in 16 CFR 1118.20(d), pursuant to 16 CFR 1118.20(e) this Consent Order Agreement will be made a matter of the public record in the Commission's Public Calendar, and in the Federal Register, for a period of fifteen days. The Commission will then consider and act upon the Consent Order Agreement pursuant to 16 CFR 1118.20(f)-(g).

12. Final acceptance by the Commission of the Consent Order Agreement and issuance of the Order contained herein, pursuant to 15 U.S.C. 2069, shall settle all claims set forth in the complaint. The Order shall take effect upon its issuance.

13. Upon final acceptance, the Commission will disclose the terms of this Consent Order Agreement to the public and will make the Consent Order Agreement available for public viewing at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street N.W., Washington, D.C. 20207.

Order

It is ordered that The Gillettee Company, doing business as Braun North America, shall pay to the order of the United States Treasurer the sum of forty-five thousand dollars ($45,000.00) in full settlement of any and all claims of any kind whatsoever by the Consumer Product Safety Commission against Gillette arising out of an alleged defect in the Braun Aromaster Coffeemaker, Model KF-20 Type 4050, as more fully set forth in the complaint which accompanies the Consent Order Agreement executed by Gillette and the staff of the Commission on December 30, 1980.

Earl A. Gershenow,
Trial Attorney, Counsel for the staff of the Consumer Product Safety Commission.

By direction of the Commission, this Consent Order Agreement is provisionally accepted pursuant to 16 CFR 1118.20(d), and shall be placed on the public record, and the Commission shall announce provisional acceptance of the Consent Order Agreement in the Commission's Public Calendar and in the **Federal Register.**

So ordered by the Commission, this 13th day of March 1981.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 81-8531 Filed 3-18-81; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS); Proposed Revision to Water Control Plan for Prado Dam; Santa Ana River, Orange, Riverside, and San Bernardino Counties, California

AGENCY: US Army Corps of Engineers, DoD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. *Proposed Action.* The proposed action has been initiated to evaluate alternative reservoir release plans that take advantage of the recently increased capacity of the downstream Santa Ana River channel and thereby provide greater public safety. The study will also address alternative water conservation operations for Prado Basin that should contribute to groundwater supplies.

2. *Alternatives.* Six alternative plans for flood control releases have been selectively paired with 4 alternative plans for water conservation within Prado Basin to identify a total of 21 alternatives. The flood control release alternatives range from maximum controlled releases of 5,000 to 14,000 cubic feet per second with progression increases from zero to a maximum controlled release for each alternative. The water conservation pool alternatives range from maximum elevations of 490 feet above mean seal level (msl) to up to 510 feet msl, depending on time of the year and with a required empty reservoir during August and September.

3. *Scoping Process.* A 15 December 1980 Letter of Initiation for the Prado Dam Water Control Study was sent to numerous federal, state, county, and city agencies and to interested groups and individuals. The alternatives were presented and questions and comments were solicited. Public meetings are expected to be held during the month of October 1981 approximately 15 days following the publication of the DEIS. Informal coordination with interested individuals and groups and local, state, and federal agencies is anticipated.

The DEIS will address several significant impacts in depth. Effects on land use, cultural resources, riparian habitat, and endangered species potentially resulting from the proposed conservation pool alternatives will be investigated. Effects on riparian habitat in the Santa Ana Canyon and on the feeding habitat of the endangered least tern at the mouth of the Santa Ana River potentially resulting from the proposed flood release alternatives will also be investigated.

The requirements of the following acts and executive orders will be addressed in the DEIS: National Historic Preservation Act, Endangered Species Act, Fish and Wildlife Coordination Act, Wild and Scenic Rivers Act, Clean Water Act, Executive Order 11990 Protection of Wetlands, and Executive Memorandum Analysis of Impacts on Prime and Unique Farmlands.

4. *Scoping Meeting.* A scoping meeting will not be held.

5. *Publication of DEIS.* The DEIS is expected to be available to concerned agencies and the interested public for review and comment in October 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by Grigor Grigorian, Project Manager ((213) 688–4756) or by Ken Kules, Chief, Environmental Planning Section ((213) 688–5421), Corps of Engineers, P.O. Box 2711, Los Angeles, California 90053.

Dated: March 12, 1981.

Roger C. Higbee,

Lieutenant Colonel, CE Acting District Engineer.

[FR Doc. 81-8134 Filed 3-18-81; 8:45 am]

BILLING CODE 3710-KF-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 25, 1981, commencing at 11 a.m. The hearing will be a part of the Commission's regular March business meeting which is open to the public. Both the hearing and the meeting will be held in the seventh floor lounge at the Sheraton Inn, 1570 North duPont Highway, Dover, Delaware. The subjects of the hearing will be:

A. A proposal that the Fifteenth Water Resources Program, adopted by the Commission on October 25, 1978 be re-adopted and continued as the current Water Resources Program, in accordance with the requirements of Section 13.2 of the Delaware River Basin Compact.

B. Application for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact:

1. *Village of Monticello (D–81–5 CP).* A well water supply project to augment public water supplies in the Village of Monticello, Sullivan County, New York. Two new wells having a combined capacity of 900,000 gallons per day will be used to augment current supplies from Kiamesha Lake.

2. *New Jersey Department of Environmental Protection, Division of Fish, Game and Shellfisheries (D–81–8 CP).* A waste treatment project at the Pequest Trout Hatchery in Liberty Township, Warren County, New Jersey. The project will remove 89 percent of BOD from a wastewater flow of 296,000 gallons per day. Treated effluent will discharge to the Pequest River.

3. *Broad Run Sewer Company (D–80–58).* A sewage treatment plant expansion project in West Bradford Township, Chester County, Pennsylvania. The plant, with a present capacity of 150,000 gallons per day and discharging to the East Branch Brandywine Creek, would be expanded to the East Branch Brandywine Creek, would be expanded to treat 400,000 gallons per day to serve proposed housing developments.

4. *Philadelphia Electric Company (D–80–75).* Expansion of existing industrial waste treatment facilities at the Company's Cromby Generating Station in East Pikeland Township, Chester County, Pennsylvania. The project would provide 97 percent removal of suspended solids from a wastewater flow of about 1.4 million gallons per day. Treated effluent would discharge to the Schuylkill River.

5. *Gressona Aluminum Company (D–80–87).* A well water supply project to provide process water at the Company's plant in the Borough of Cressona, Schuylkill County, Pennsylvania. The new facility is planned for use at an average rate of 720,000 gallons per day.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

March 11, 1981.

[FR Doc. 81-8136 Filed 3-18-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Conduct of Employees; Waiver

Notice of Waiver pursuant to section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91).

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91) authorizes the Secretary of Energy to

waive the post-employment restrictions of section 605(a)(1) of the Department of Energy Organization Act, to permit a former employee with outstanding scientific or technological qualifications to make appearances before or communications to the Department in connection with a pasticular matter in a scientific or technological field, where it has been determined that such a waiver would serve the national interest.

It has been established to my satisfaction that Robert G. Matlock, formerly Deputy Director for Nuclear Reactor Programs, has outstanding scientific and technological qualifications in the fields of nuclear reactor physics and engineering, and in nuclear plant design, construction, operation, and safety evaluation. I am further satisfied that it will serve the national interest to permit him, in his capacity as Special Assistant to the Managing Director/Chief Executive Officer of the Washington Public Power Supply System—

(1) With respect to the New Plutonium Production Reactor (NPR) of the Department of Energy, to confer with officials of the Richland Operations Office of the Department on matters related to the purchase of NPR generated steam by the Washington Public Power Supply System, and to confer with officials of the Bonneville Power Administration on the sale of electricity produced from NPR generated steam by the Washington Public Power Supply System to the Bonneville Power Administration, and

(2) With respect to nuclear power plants of the Washington Public Power Supply System that are subject to Bonneville Power Administration review authority, to confer with officials of the Bonneville Power Administration on matters relating to the operation and construction of the plants, including the generation, distribution, and sale of electrical power produced from the plants.

I am also satisfied that these activities require the qualifications stated.

I have, therefore, waived the post-employment appearance and communication prohibitions of section 605(a)(1) of the Department of Energy organization Act, with respect to contact with officials of the Richland Operations Office of the Department of Energy and of the Bonneville Power Administration by Mr. Robert G. Matlock to permit him to undertake the stated activities in his capacity as Special Assistant to the Managing Director/Chief Executive Officer of the Washington Public Power Supply System.

Dated: March 5, 1981.

James B. Edwards,

Secretary of Energy.

[FR Doc. 81-8385 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the supply of the following materials:

Contract Number S–EU–083, for the sale of 50 milligrams of thorium, enriched to 99.8% in thorium-230, and 1,150 milligrams of thorium, enriched to 91.54% in thorium-230 to be used as standard reference material for mass spectrometry at the Central Bureau for Nuclear Measurements, Geel, Belgium.

Contract Number S–CA–306, for the sale of 1 milligram of thorium, enriched to 99.80% in thorium-230, to be used for isotopic exchange studies at Carleton University, Ontario, Canada.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 13, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-8383 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Uranium Hexafluoride; Separative Work Charges, and Base Charges for Natural Uranium

The Department of Energy (DOE) hereby announces changes in the base charges for uranium in the form of uranium hexafluoride (UF_6). Accordingly, the notice entitled, "Uranium Hexafluoride: Separative Work Charges, and Base Charges for Natural Uranium," as published in the **Federal Register** on September 20, 1977 (42 FR 51636) and amended by notice published on January 21, 1980 (45 FR 3948) is further amended by deleting paragraph 2 and inserting the following paragraph in lieu thereof:

2. *Base Charges for Natural Uranium*

(a) The base charge for natural uranium furnished on other than a short notice, one time basis, is $23.85 per pound of contained U_3O_8 in the form of concentrate and $90.52 per kg of contained uranium in the form of UF_6.

(b) The base charge for natural uranium furnished on a short notice, one time basis, is $42.71 per pound of contained U_3O_8 in the form of concentrate and $116.77 per kg of contained uranium in the form of UF_6.

Effective date: This notice is effective March 19, 1981.

Dated: February 18, 1981.

Francis Allhoff, Jr.,

Acting Assistant Secretary, Resource Applications.

[FR Doc. 81-8384 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Finding of No Significant Impact; Oak Ridge Gaseous Diffusion Plant, Roane County, Tenn.

The Department of Energy has prepared an environmental assessment on the continued operation of the Oak Ridge Gaseous Diffusion Plant in Roane County, Tennessee. Based on the environmental assessment, which is available to the public on request, the Department of Energy has determined that the continued operation of the plant does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* Therefore, an environmental impact statement is not required.

The Oak Ridge Gaseous Diffusion Plant, which has been in operation since 1945, is located on a 64-acre tract of land near the junction of Poplar Creek and the Clinch River on the Oak Ridge Reservation in Roane County, Tennessee. Low enriched uranium is expected to be the primary source of fuel for nuclear power reactors through the year 2000. Conventional light-water reactors require uranium enriched to a nominal uranium-235 content of 3 percent. Since natural uranium contains only 0.7 percent uranium-235, an enrichment process is needed to provide reactor fuel. The Oak Ridge Gaseous Diffusion Plant is one of three such

facilities operated by the Federal Government for enriching natural uranium through the gaseous diffusion process.

At the present time, the diffusion cascades at Oak Ridge are being upgraded and uprated to provide additional enrichment capability. The analysis of the proposed action assumes operation of the plant at full capacity after the upgrading and uprating is complete. Alternatives to the proposed action include: (1) shutdown or reduced operation; (2) replacement of the gaseous diffusion process with an alternative enrichment process technology; (3) relocation of the gaseous diffusion plant; (4) alternatives for supplying electrical power requirements of the plant; and (5) various alternative subsystems. The analysis of these alternatives in the environmental assessment concludes that the Oak Ridge Gaseous Diffusion Plant must continue to operate if contractual commitments to the private sector are to be fulfilled. Conversion to either the gas centrifuge or an advanced isotope separation technology is not economically justifiable at this time. Operation of the plant at its present site is environmentally preferable to relocating to another site. Additionally, the supply of power by the Tennessee Valley Authority is preferable to the alternatives, both environmentally and economically and implementation of alternative subsystems will depend upon the result of on-going feasibility studies.

There are no significant environmental impacts associated with the full-power operation of the Oak Ridge Gaseous Diffusion Plant. Environmental impacts and mitigation measures that will be taken are as follows:

Air Quality Impacts

The Oak Ridge Gaseous Plant will release approximately 660 microcuries of radionuclides into the air from operation during 1984. The amount is about the same as the current annual release. The annual dose to an individual living at the plant boundary is well below Nuclear Regulatory Commission limits and calculated health effects to the population within 80 kilometers of the plant are negligible.

The steam plant and the process and support facilities produce nonradioactive emissions: particulates, nitrous oxide, sulfur dioxide, and hydrogen fluoride. Projected 1984 emissions are essentially the same as present releases, with the exception of a decrease in hydrogen fluoride. Particulate emissions and ambient concentrations of nitrous oxide and sulfur dioxide will be in compliance with Federal and state standards.

Water Quality Impacts

All applicable Federal and state standards will be met for effluents after the planned mitigation measures are incorporated into the project. The mitigation measures include:

(1) Wastewater treatment improvements which will provide a slight reduction in effluent concentration of chromium, copper, and dissolved solids, and a large reduction in nitrate and nickel levels;

(2) New settling ponds and additional use of existing chemical treatment facilities to better control effluent quality;

(3) Collection and treatment of runoff from coal piles;

(4) A new sludge treatment facility;

(5) Repair sewage system piping to prevent the infiltration of surface runoff during periods of heavy precipitation which now results in overloading of the plants' capacity and is responsible for many of the noncompliances.

Land-Use Impacts

The Oak Ridge Gaseous Diffusion Plant generates solid radioactive wastes in the form of contaminated scrap paper, wood, equipment, and residues from treatment of gaseous and liquid wastes. Nonclassified wastes are buried at the Y-12 plant and contaminated scrap is being stored pending a Nuclear Regulatory Commission decision on whether to allow smelting and recycling. Classified waste is burned on a 22-acre plot within the plant. The highest possible dose to humans would result from release into a drinking supply and has been calculated to be very low.

Through the year 2000 it has been projected that 20 acres of land will be used for low level radioactively contaminated waste disposal and 2 acres will be used for sanitary landfill. Disposal of wastes will occur in areas of the Oak Ridge reservation which are already dedicated to these uses and which are monitored under the overall monitoring program for the facility.

Approximately 2700 acres of land is dedicated to electric transmission line corridors. These corridors are presently in existence and are covered with either grass or low growing vegetation for erosion control. The land within the corridors is managed on a periodic schedule to control growth of the vegetation.

Biological Impacts

The only air pollutant emitted by the Oak Ridge Gaseous Diffusion Plant which is expected to cause some biological damage is hydrogen fluoride. Although average concentrations of hydrogen fluoride are never expected to exceed threshold values for sensitive plants, short-term concentrations under stable atmospheric conditions are expected to cause some damage to on-site vegetation. Plants beyond the site boundary should be unaffected. There have been no signs of fluoride damage to wildlife.

Some vegetation damage within the facility boundary will also be caused by cooling tower drift salts. Cooling tower drift also contains zinc and chromium, the latter of which now occurs at higher levels in plants around the facility. However, neither metal tends to accumulate in animal food chains, and consequently no impact is likely.

No detectable radiological impact is expected on either aquatic or terrestrial biota as a result of the radionuclides released into the air and aquatic environments. There also have been no detectable adverse effects due to the use of pesticides and herbicides.

Entrainment, impingement, and thermal impacts associated with the steam plants' use of cooling water will not be significant.

Some of the substances in the effluents can reach concentrations greater than the criteria for protection of aquatic biota, e.g., nickel, zinc, and residual chlorine. Possible impacts of these concentrations include acute and/or chronic toxic effects, community composition changes and increased bioaccumulation of heavy metals. However, this would only occur during infrequent periods of zero flow. Thus, these impacts will not be significant.

Electrical Energy Consumed

At full power operation, 2080 megawatts of electrical energy will be consumed. This represents 6.6 percent of the Tennessee Valley Authority total power output. The power is supplied under a bulk power contract that does not involve specific powerplants dedicated to supplying the diffusion plant. In addition, even if the power were not purchased from the Tennessee Valley Authority system, that system would continue to operate as it exists, and the environmental effects in the area of its plants would not be altered. Consequently, there are no significant environmental effects directly attributable to supplying power to the diffusion plant.

Transportation

Solid uranium fluoride, other chemicals and materials are shipped to

and from the Oak Ridge Gaseous Diffusion Plant by rail and truck. All uranium fluoride shipments are regulated by both the Department of Energy and the Department of Transportation.

Accidents, Safeguards and Securities

Potential accidents at Oak Ridge Gaseous Diffusion Plant include criticality, process and handling accidents. Since design features, operating procedures, and administrative and safety practices are strictly controlled, the possibility of a criticality accident, especially at low enrichment, is remote and in any event, radiological releases from a criticality accident are likely to be contained by the process equipment or building. Only minor contamination would occur in the immediate vicinity and no exposure to the general public from such an accident would be anticipated. Highly enriched material is not processed at the plant. The worst case accident cited for the Oak Ridge Gaseous Diffusion Plant would involve the mishandling of a 14-ton cylinder of liquid uranium fluoride in which case lethal concentrations of hydrogen fluoride could exist within the immediate vicinity of the plant. Although the probability of such an accident is extremely low, in the event that it should happen, the effects would be mitigated through emergency response procedures (Emergency Preparedness Plan, etc.) which are established at Oak Ridge.

In addition to safety programs, a comprehensive security program is maintained at the plant to meet the Department's requirements for protecting the valuable enriched uranium the equipment used for effecting the enrichment, and the technical information related to the enrichment. The basic components of this program are a physical protection system, a nuclear material control system, and an internal personnel control program.

SINGLE COPIES OF THE EA ARE AVAILABLE FROM: James Behrend, Gaseous Diffusion, Operations Division, Industrial and Utility Applications and Operations, Federal Building, 12th Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 633–8841.

FOR FURTHER INFORMATION CONTACT: Michael Kleinrock, Regulations and Procedures Branch, NEPA Affairs Division, Room 4G–064, Office of Environmental Compliance and Overview, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–6374.

Dated: March 13, 1981.

Alex G. Fremling,

Acting Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness.

[FR Doc. 81-8328 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Application by San Diego Gas & Electric Co. for Authority to Transmit Electric Energy to Mexico: PP–68–A

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application by San Diego Gas & Electric Company (SDG&E) for authority to export electric energy to Mexico.

SUMMARY: SDG&E has applied to the Department of Energy (DOE) for authority to export electric energy to the Comision Federal de Electricidad, Baja, California, Norte (CFE), pursuant to Section 202(e) of the Federal Power Act and Presidential Permit PP 68 that has been issued to SDG&E.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Division of Power Supply and Reliability, Department of Energy, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3825

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5E–064, Forrestal Bldg., 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–2900

SUPPLEMENTARY INFORMATION: On December 30, 1980, SDG&E filed an application with the Division of Power Supply and Reliability of the Department of Energy (DOE) pursuant to Section 202(e) of the Federal Power Act for authority to transmit electric energy to Mexico.

The Interconnection and Exchange Agreement (Agreement) between SDG&E and CFE, a copy of which was submitted as Exhibit A of its application, provides for the sale of non-emergency capacity and/or energy and emergency assistance to CFE. SDG&E has full discretion, under the terms of the Agreement, to sell non-emergency capacity and/or energy to the CFE. In addition, the sale of emergency assistance energy is conditional; the Agreement provides that "* * * such supply will not result in impairment or serious hazard to service in the system of the Supplier * * *." According to SDG&E, this Agreement gives it the same discretion to protect its own system from adverse impacts on its system reliability, system stability, or sufficiency of electric supply as it has in its electricity sales agreements with other U.S. utilities.

SDG&E notes that the exporting of electric energy will increase the quantity of fuel being consumed during the periods of actual energy export. However, SDG&E intends any such energy export to be part of a program of mutual benefit between CFE and itself. Due to the nature of the two systems, SDG&E expects that its total exports of electric energy to CFE will not exceed its total imports from CFE. In fact, according to SDG&E, the opportunity exists to decrease its total fuel oil requirements, as well as to slightly improve its system reliability by means of interconnecting its operations with CFE. This is described in the joint study between SDG&E and CFE, which was previously submitted to DOE and to the California Public Utility Commission in connection with SDG&E's application for a Presidential Permit (PP–68).

On November 8, 1979, SDG&E applied pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038, for a Permit to construct, connect, operate and maintain an international interconnection at a point on the United States-Mexican border, approximately ten miles south of the SDG&E Miguel substation. SDG&E proposes to export electric energy to Mexico via this 230-kilovolt overhead transmission line. The line will interconnect with a similar transmission line owned and operated by CFE at the CFE Tijuana substation.

Upon consideration of the latter application, it was found that the issuance of the Presidential Permit was appropriate and consistent with the public interest. Accordingly, the Permit was issued on January 12, 1981, authorizing SDG&E to construct, connect, operate and maintain an electric transmission facility at the United States-Mexican border.

Any person desiring to be heard, or to protest this application to export electric energy, should file a petition to intervene or protest with the Director, Division of Power Supply and Reliability, Room 4103, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with § 1.8 or 1.10 of the Rules of Practice and Procedure (18 CFR 1.8 and 1.10).

Any such petitions and protests should be filed on or before March 30, 1981. Protests will be considered by the DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are

on file with DOE and will, upon request, be made available for public inspection and copying by the Division of Power Supply and Reliability, Room 4103, 2000 M Street, N.W., Washington, D.C.

Dated: March 12, 1981.

Howard F. Perry,

Acting Assistant Administrator for Utility Systems, Department of Energy.

[FR Doc. 81-8380 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Presidential Permit, PP–70, for 12 kV International Interconnection to Minnkota Power Cooperative, Inc.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of issuance of Presidential permit, PP–70, for 12 kilovolt (kV) international interconnection to Minnkota Power Cooperative, Inc.

SUMMARY: The Department of Energy (DOE) gives notice of the issuance of a Presidential Permit, PP–70, to Minnkota Power Cooperative, Inc., for a 12 kV International Interconnection at the United States-Canadian Border.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Division of Power Supply and Reliability, Department of Energy, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3825.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5E–064, Forrestal Bldg., 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–2900.

SUPPLEMENTARY INFORMATION: On June 13, 1979, the Minnkota Power Cooperative, Inc., applied for authorization, pursuant to the Executive Order No. 10485, as amended by Executive Order No. 12038, to construct, connect, operate and maintain an international interconnection at the United States-Canadian border, in the Minnesota Northwest Angle State Forest. The proposed 12 kilovolt transmission line, approximately 75 feet in length, would connect a similar transmission line owned by the Manitoba Hydro-Electric Board to an underground cable owned by the Roseau Electric Cooperative in the Minnesota Northwest Angle State Forest.

The Department of Interior, Bureau of Indian Affairs (BIA), conducted an environmental review of the proposed route because certain significant portions of the project are located on Indian lands in the Northwest Angle State Forest. The BIA made a negative determination of the environmental impacts. On September 5, 1980, the Department of Energy (DOE) adopted the negative determination of environmental impacts made by the BIA.

The Secretary of State by letter dated October 27, 1980, and the Secretary of Defense by letter dated October 14, 1980, favorably recommended that the Permit be granted.

Upon consideration of the matter, the DOE found that issuance of the Permit was appropriate and consistent with the public interest. Accordingly, the Permit was issued on November 10, 1980, authorizing the Minnkota Power Cooperative, Inc., to construct, connect, operate and maintain an electric transmission facility at the U.S.-Canadian border. The Permit was accepted and executed by the Board of Directors of Minnkota Power Cooperative on December 19, 1980, and an executed copy of the Permit returned to the DOE on January 12, 1981.

Copies of the Order are on file with the Division of Power Supply and Reliability and will, upon request, be made available for public inspection and copying at Room 4103, 2000 M Street, N.W., Washington, D.C.

Issued in Washington, D.C., March 12, 1981.

Howard F. Perry,

Acting Assistant Administrator for Utility Systems, Department of Energy.

[FR Doc. 81-8379 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Presidential Permit PP–69 to Vermont Electric Cooperative, Inc.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of issuance of Presidential permit PP–69 authorizing Vermont Electric Cooperative, Inc. (VEC), to operate and maintain electric transmission facilities at the international border between the United States and Canada.

SUMMARY: On October 9, 1980, the Department of Energy (DOE) authorized the VEC to operate and maintain electric transmission facilities at the international border between the United States and Canada. This Permit (No. PP 69) superseded the prior authorization, issued in 1945 to the International Electric Company, which sold the facilities to the VEC in 1970.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Division of Power Supply & Reliability, Department of Energy, Room 4110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3825.

Lise Courtney M. Howe, Office of the General Counsel, Department of Energy, Forrestal Building, Room 5E–064, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: On October 4, 1945, President Harry S. Truman signed Presidential Permit No. PP–9 authorizing the International Electric Company (IEC), a subsidiary of the Southern Canada Power Company, to construct, operate and maintain certain electric transmission facilities at the United States/Canada border. This authorization was for a total of five three-phase electric power lines and three single-phase electric power lines.

In February 1979, the DOE staff learned that the VEC had in service several electric power facilities crossing the United States/Canada border. From communications with the VEC staff, it was determined that in 1970 the VEC had purchased all of the U.S. facilities of the International Electric Company, including those lines authorized pursuant to Presidential Permit No. PP–9. This purchase occurred despite a restriction in Article 9 of the Permit prohibiting the transfer of the facilities. In 1970 the VEC also constructed a new distribution structure for its own use at Derby Line, Vermont; and in the fall of 1977, it made several changes in the transformers and structures to accommodate a change by Hydro Quebec (the successor organization to the Southern Canada Power Company) in the line voltage from 46 kV to 24.95 kV.

It appeared to the DOE staff that the VEC's violations—*viz*, the unauthorized purchase of the facilities, and the structural changes—were due to a lack of knowledge of Executive Order No. 10485, which requires a Presidential Permit for any international electric interconnection. This conclusion was supported by the expeditious submission by VEC of an application for a Presidential Permit on April 26, 1979.

The Secretary of State and the Secretary of Defense favorably recommended that this Permit be granted. Upon consideration of this matter, the DOE found that the issuance of the Permit was appropriate and consistent with the public interest. Accordingly, the Presidential Permit was issued on October 9, 1980.

The Permit then was accepted by the Vermont Electric Cooperative on October 28, 1980, and a copy of that

Testimony of Acceptance was returned to DOE on November 7, 1980.

Copies of the Permit are on file with the Department of Energy and will, upon request, be made available for public inspection and copying by the Division of Power Supply and Reliability, Room 4103, 2000 M Street, NW., Washington, D.C.

Issued in Washington, D.C., March 12, 1981.

Howard F. Perry,

Acting Assistant Administrator for Utility Systems, Department of Energy.

[FR Doc. 81-8381 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Modification of Duration of Orders Granting Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed modification extending duration of orders granting special temporary public interest exemptions.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes to extend the duration of the Orders issued to the petitioners listed below for a period of time sufficient to allow construction of natural gas pipeline interconnections, necessary payback periods, plus an additional 18 months.

Petitioner/generating station	Identification	Original expiration date
City of Detroit (Mistersky).	#5, 6 & 7	Dec. 7, 1981.
Florida Power & Light Co. (Putnam).	CC 1 & 2	Do.
Jacksonville Electric Authority (Northside).	#1, 2 & 3	Do.
Virginia Electric & Power Co. (Yorktown).	#3	Do.

A copy of the proposed modification has been sent by certified mail to each petitioner.

Each of the above listed petitioners was issued an Order granting a temporary public interest exemption pursuant to section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), 10 CFR 501.68 and 10 CFR Part 508. In each instance, the powerplants listed above are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. The Order granting the temporary exemption allows the powerplants to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of high sulfur residual fuel oil.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing section 311(e) of FUA. This final rule, 10 CFR Part 508 (44 FR 21230, April 9, 1979) sets forth the policy ERA has adopted in implementing section 311(e) of FUA, and the eligibility standards which petitioners for the temporary exemption must meet.

ERA published Orders in the **Federal Register** granting temporary public interest exemptions to Putnam CC 1 & 2; Northside #1, 2 & 3; and Yorktown #3 on October 16, 1980, (45 FR 68714), and to Misteraky #5, 6 & 7 on October 17, 1980, (45 FR 69006). The temporary exemptions permit the existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by section 301(a) (2) and (3) of FUA. The use of natural gas permitted under the temporary exemptions was to displace the burning of high sulfur residual fuel oil in the existing powerplants.

ERA has been informed that each of the above listed petitioners has been unable to utilize natural gas pursuant to the granted temporary exemption because there is no natural gas interconnection to these powerplants. Before a petitioner can commit to the construction of the interconnection it must have assurance that it will be able to utilize the natural gas for a period of sufficient length to recover the capital expense of installing the pipeline and accrue some economic benefit for its customers. Therefore, ERA proposes to extend the duration of the Orders, for a period of time covering construction of natural gas pipeline interconnections, payback periods, plus an additional 18 months. If ERA issues modified orders extending the duration of the temporary exemptions, the expiration date of such extension will be listed for each petitioner in the modified Order.

Without this extension, the issued Orders will have no practical effect in promoting ERA's policy set forth in 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). In the Special Rule, ERA determined that to the extent that the near term choice for certain existing powerplants is limited to petroleum or natural gas, generally, the use of natural gas is preferred. The increased use of natural gas helps to reduce the Nation's short-term oil consumption and the demand for imported oil. This decreased consumption of imported oil helps the Nation's balance of payments and domestic inflation rate.

There are presently surplus quantities of natural gas available for short term contracts to displace fuel oil. The general natural gas supply and demand picture also looks more encouraging for the near future than it has in the recent past. ERA believes this additional displacement of fuel oil will have minimal impact on refineries serving the regions wherein these powerplants are located.

The duration of the exemptions may be extended upon request of the petitioners for an additional period at the discretion of ERA. However, the temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn natural gas while their petitions were pending may not exceed the lesser of the maximum 5-year period authorized by the Act, or extend beyond June 30, 1985.

In addition, these modifications would not relieve the existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Comments

ERA is publishing this notice of proposed modification, to invite interested persons to submit written comments. In addition, any interested person may request that a public hearing be convened in regard to this proposed modification.

Dates

Written comments relating to the proposed modification are due on or before May 4, 1981. A request for a public hearing may be made by any interested person within this same 45 day period.

Addresses

Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vanderberg, Office of Public Information, Economic Regulatory

Administration, Department of Energy, Room B-160, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4065
James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4288
Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2967

Issued in Washington, D.C. on March 13, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-8070 Filed 3-18-81; 8:45 am]
BILLING CODE 6450-01-M

Windham Gas & Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective February 10, 1981. Comments by: April 20, 1981.

ADDRESS: Send comments to: Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Joseph B. Connolly, Audit Director, Office of Enforcement, Suite 260, 7 Parkway Center, Pittsburgh, Pennsylvania 15220.

SUPPLEMENTARY INFORMATION: On February 10, 1981, the Office of Enforcement of the ERA executed a Consent Order with Windham Gas and Oil Company of Windham, Ohio. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Windham Gas and Oil Company, with its home office located in Windham, Ohio, is a firm engaged in the sale of motor gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Part 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Windham, the Office of Enforcement of the ERA, and Windham have entered into a Consent Order, the significant terms of which are as follows:

1. Windham has agreed to refund a total of $36,000 and interest thereon from December 31, 1980 and in four (4) equal installments beginning 10 days after the execution of the Consent Order which occurred on February 10, 1981 in full settlement of overcharges alleged by the DOE for the period March 1, 1979 to August 31, 1979.

2. Windham has agreed to pay a civil penalty of $3,000.

3. The provisions of 10 CFR 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Windham agreed to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $36,000, together with interest. Refund of those overcharges will be in the form of certified check(s) made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount specified in I.1. above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim with the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by Windham.

You should send your comments or written notification of a claim to Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597-2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on Windham Gas and Oil Company Consent Order." We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time, on April 20, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pennsylvania on the 23rd day of February 1981.

Edward F. Momorella,

District Manager, Northeast District.

[FR Doc. 81-8062 Filed 3-18-81; 8:45 am]
BILLING CODE 6450-01-M

[ERA Case No. 52416-9185-21, 22-22; Docket No. ERA-FC-80-031]

Puget Sound Power & Light Co.; Public Hearing

This notice sets forth the date, time and place of the public hearing concerning Puget Sound Power & Light Company's petitions for permanent peakload powerplant exemptions from the provisions of the Powerplant & Industrial Fuel Use Act of 1978. The Notice of order granting a Public Hearing was published in the **Federal Register** on February 24, 1981 (46 FR 13758). The hearing will be held on April 1, 1981, beginning at 9:00 a.m. The hearing will be held in the Fourth Floor Auditorium of the Federal Building, 915 Second Avenue, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202) 653-4055;

Kathleen J. Ewing, FUA Public Hearings Staff, Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3009, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4258;

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

Issued in Washington, D.C., March 17, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-8705 Filed 3-18-81, 9:48 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-037; OFC Case No. 67001-9020-08-12]

Upjohn Co.; Powerplant and Industrial Fuel Use, Prohibition Orders

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order Granting Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: Pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act) the Economic Regulatory Administration (ERA) of the Department of Energy, in response to a petition filed by the Upjohn Company (Upjohn) on November 17, 1980, hereby grants to Upjohn, subject to the terms and conditions specified herein, the following exemption from the prohibitions of Title II of FUA:

For a major fuel burning installation (MFBI), designated as boiler No. 8 by Upjohn, installed at Upjohn's Portage Road Plant in Kalamazoo, Michigan, a permanent exemption for lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, as authorized by section 212(a) of the Act and 10 CFR 503.32(c) (45 FR 38315, June 6, 1980).

In accordance with section 702(a) of FUA, this order shall take effect on May 18, 1981.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, phone (202) 653-4226.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, phone (202) 653-4228.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178; 1000 Independence Avenue SW., Washington, D.C. 20585, phone (202) 252-2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is avilable for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday through Friday, 8:00 a.m.—4:30 p.m.

SUPPLEMENTARY INFORMATION: Title II of FUA prohibits the use of natural gas or petroleum as a primary energy source in new major fuel burning installations (MFBI's) consisting of a boiler unless an exemption for such use has been granted by ERA. Procedures and criteria for petitioning for exemptions from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Under the authority of section 212(a) of the Act, 10 CFR 503.32 sets forth eligibility criteria and evidentiary requirements for a permanent exemption for lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. In lieu of the evidentiary requirements of 10 CFR 503.32(b), a certification alternative under 10 CFR 503.32(c) is available for MFBI's which will be operated less than 600 hours at full load, or equivalent, on an annual basis. Upjohn petitioned ERA under the provisions of 10 CFR 503.32(c) for a permanent exemption for its boiler No. 8. Boiler No. 8 has a design heat input rate of 150 million Btu's per hour and is capable of burning residual fuel oil and natural gas. As stated by Upjohn, the boiler will be used to supply steam as a backup for the seven existing boilers at the Portage Road plant.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published notice of its acceptance of Upjohn's petition in the **Federal Register** on December 11, 1980, at 45 FR 81649. The Notice of Acceptance provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and could request a public hearing. This period expired on January 26, 1981. No comments were received nor was a public hearing requested.

Upon reaching a tentative determination that the certifications made by Upjohn in its petition fulfilled the requirements of 10 CFR 503.32(c), the ERA staff completed a Tentative Staff Analysis which recommended that the exemption requested by Upjohn be granted. A Notice of Availability of the Tentative Staff Analysis was published in the **Federal Register** on February 17, 1981, at 46 FR 12536. A 14-day comment period for interested persons to submit written comments on the Tentative Staff Analysis, or to request a public hearing, was provided. The period expired on March 3, 1981. No comments were received nor was a public hearing requested.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of Upjohn's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. Written comment was received from the Acting Regional Administrator, Region V, Environmental Protection Agency (EPA), which addressed the environmental permits granted by EPA to Upjohn for boiler No. 8, and indicated that the limited operation of the unit under the exemption was not expected to result in any undesirable impacts upon National Ambient Air Quality Standards and Prevention of Significant deterioration increments. No comments were received from the Federal Trade Commission.

Decision and Order: Based upon review of the entire record of this proceeding, ERA has determined that Upjohn has satisfied the certification requirements of 10 CFR 503.32(c). Therefore, pursuant to section 212(a) of the Act, and subject to the terms and

conditions stated below, ERA hereby grants Upjohn a permanent exemption from the prohibitions of Title II of FUA for boiler No. 8 installed at Upjohn's Portage Road Plant, Kalamazoo, Michigan.

Terms and Conditions: Section 214(a) of FUA authorizes ERA to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.32(c), Upjohn, in accordance with 10 CFR 503.32(d), agreed, upon grant of such exemption, to the terms and conditions specified in 10 CFR 503.32(d). Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemption.

(1) Boiler No. 8 will be operated less than 600 hours annually at its maximum design heat input rate or equivalent. Based upon the boiler's design fuel heat input rate of 150 million Btu's per hour x 600 hours, the amount of natural gas and petroleum consumed in boiler No. 8 under the provisions of this exemption shall not, in the aggregate, exceed 90 billion Btu's annually.

(2) The quality of any petroleum to be burned in boiler No. 8 will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Upjohn shall report annually the hours of use, the total amount of fuels consumed, and the total Btu value of such fuels, for boiler No. 8 in the previous calendar year. The report, to be executed by a duly authorized representative of Upjohn, shall be filed with ERA at the address provided below not later than January 31 of each following year and shall be in the following format:

Hours of operation	Annual fuel consumption				
	Natural gas		Petroleum		
	Mcf	Btu value	Grade	Bbls	Btu value

(4) Upjohn will, prior to operating boiler No. 8 under the provisions of this exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reports required under this order shall be sent to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

OFC Case Number 57001–9020–08–12 shall be cited on each report filed with ERA pursuant to this order.

On August 11, 1980, DOE published in the Federal Register (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum for a MFBI that will be operated less than 600 hours annually at full load or equivalent, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Upjohn has certified that it will secure all applicable permits and approvals prior to commencement of operation of the unit under exemption. The Environmental Checklist completed and certified to by Upjohn pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that Upjohn's responses to the questions therein indicate that the operation of boiler No. 8 under this exemption will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. As no comments were received during the proceeding on Upjohn's petition which raised questions regarding the application of the categorical exclusion in this instance, no additional environmental review is deemed to be required.

Effectiveness of Order: The exemption granted by this order shall become effective on May 18, 1981.

Judicial Review: Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before May 18, 1981, petition for judicial review in accordance with 10 CFR 501.89.

Issued in Washington, D.C. on March 13, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-8023 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3916-000]

Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

March 16, 1981.

Take notice that Richard L. Bean and Fred G. Castagna (Applicants) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3916 to be known as Deep Creek located on Deep Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: R. L. Bean and F. G. Castagna, 741 Baker Road Redding, California 96003. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a penstock; (3) a powerhouse containing a 4,500–kW generating unit; and (4) a transmission line.

The Applicant estimates that the average annual energy output would be 36,000,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would make geographic studies; prepare an environmental report; study the economic and financial feasibility; and apply for the necessary permits. The Applicant estimates the cost of these studies to be $120,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary

studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing for the Commission are invited to submit comments on the described application for preliminary permits. (A copy of the application may be obtained directly from the Applicant.) Comments should confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *May 13, 1981*, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *July 13, 1981*. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3916. Any comments, notices of intent, competing applications, protest, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Banch, Division of Hydropower Licensing, Federal Enery Regulatory Commission, Room 208, 400 First Street, N.W., Washinton, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8458 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3823-000]

Continental Hydro Corp.; Application for Preliminary Permit

March 16, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3823 to be known as the Corbett Diversion Dam located at the Water and Power Resources Services Corbett Diversion Dam on the Shoshone River in Park County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing dam owned by the Water and Power Resources Service. Applicant's facilities would be located on U.S. lands. Project No. 3823 would consist of: (1) a proposed powerhouse, located at the south end of the existing dam, that would contain generating units having a total installed capacity of 600 kW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates the average annual energy output for the project to be 4,800 MWh.

Purpose of Project—The applicant proposes to sell the energy produced at the project to the Pacific Power and Light Company and other public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time he would perform engineering, economic, and environmental studies to determine the feasibility of the project. In addition, he would apply for DOE funds, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license. The Applicant estimates the cost of the studies under the permit would be approximately $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 15, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 14, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the

Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE" as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3823. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8454 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 5, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ADOBE OIL & GAS CORPORATION				RECEIVED: 02/09/81 JA: TX			
8116856	26492	4213332410	102	KERR #3	MANGUM NORTH (3200)	106.0	ODESSA NATURAL CORP
8116716	22414	4213332200	102	SNEED #1	MANGUM NORTH (3200)	101.0	ODESSA NATURAL CORP
-ALFORD PETROLEUM CORP				RECEIVED: 02/09/81 JA: TX			
8116702	21507	4217531239	103	L W WHEELIS 2-79-H	LA BAHIA (2600)	99.0	TRUNKLINE GAS CO
-AMOCO PRODUCTION CO				RECEIVED: 02/09/81 JA: TX			
8116945	29486	4218930322	103	ANTON-IRISH CLEARFORK UNIT #452	ANTON-IRISH	0.9	PIONEER NATURAL GAS
8116696	21064	4234730451	102	C R MIZE GAS UNIT NO 1	NACOGDOCHES E /PETTIT/	200.0	UNITED GAS PIPE LINE
8116978	29814	4207931056	103	DEAN UNIT #30	SLAUGHTER	0.7	EL PASO NATURAL GAS
8116976	29812	4200332245	103	FULLERTON SAN ANDRES UNIT #44	FULLERTON SAN ANDRES	6.2	AMOCO PRODUCTION CO
8116977	29813	4200332281	103	FULLERTON SAN ANDRES UNIT #58	FULLERTON SAN ANDRES	14.9	AMOCO PRODUCTION CO
8116972	29781	4239330713	103	J C VOLLMERT B NO 2	NW MENDOTA	219.0	PANHANDLE EASTERN PI
8116862	26746	4235531587	103	KATHERINE L SHAFFER B #8	LUBY/3450/	0.0	VALLEY GAS TRANSMISS
8116911	28397	4235730836	103	PEARSON UNIT F WELL #2U	LIPS WEST (CLEVELAND)	242.0	NORTHERN NATURAL GAS
8116980	29818	4244530837	103	PRENTICE NORTHEAST UNIT #146	PRENTICE / 6700	1.0	AMOCO PRODUCTION CO
8116979	29817	4244530845	103	PRENTICE NORTHEAST UNIT #147	PRENTICE / 6700	4.7	AMOCO PRODUCTION CO
*8116920	28625	4203931356	103	VELMA F STOCKWELL B WELL NO 4	HASTINGS WEST	148.0	AMOCO GAS CO
8116891	27863	4248930617	103	WILLAMAR COMMUNITY E WELL NO 6	WILLAMAR (6350)	56.0	NATURAL GAS PIPE LIN
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/09/81 JA: TX			
8116717	22505	4234130566	103	A J DONELSON A #2	WEST PANHANDLE FIELD	365.0	PANHANDLE EASTERN PI
8116729	22584	4229530699	102	PAINE BROS CO INC NO 1	KIOWA CREEK S (MORROW L)	913.0	TRANSWESTERN PIPELIN
8116680	06270	4229530571	103	SIM PAINE NO 2	KIOWA CREEK (DOUGLAS)	113.0	NORTHERN NATURAL GAS
-B & W OIL & GAS				RECEIVED: 02/09/81 JA: TX			
8116981	29819	4206530829	103	MISTY # 5	PANHANDLE - CARSON	25.0	PANHANDLE EASTERN PI
-BAR M PETROLEUM CO INC				RECEIVED: 02/09/81 JA: TX			
8116715	22304	4247900000	102	ARNOLD #1	ADAMI WEST (360)	12.0	BAR M PETROLEUM CO I
-BENNETT PRODUCTION CORP				RECEIVED: 02/09/81 JA: TX			
8116878	27176	4233700000	108	CLISBEE	EAMES (CADDO)	0.0	J L DAVIS
8116871	27133	4207700000	108	CLYDE SHAW	BUD (5970 CONGL)	18.0	CITIES SERVICE OIL C
*8116875	27170	4223700000	108	COYLE	DEWEBER (CONGL)	4.0	CITIES SERVICE OIL C
*8116870	27131	4223700000	108	HANCOCK ESTATE	DEWEBER (CONGL)	3.0	KOCH OIL CO
8116881	27201	4233700000	108	J B IRONS D	EAMES (CADDO)	6.0	J L DAVIS
8116879	27177	4207700000	108	J C HARRIS	J C HARRIS CONGL	4.0	CITIES SERVICE OIL C
8116873	27168	4207700000	108	KINBROUGH	BUFFALO SPRING N (CONGL)	2.0	CITIES SERVICE OIL C
8116874	27169	4223700000	108	LILLIE MAE CARTER	DEWEBER (CONGL)	8.0	CITIES SERVICE OIL C
*8116876	27171	4223700000	108	PICKENS	DEWEBER (CONGL)	8.0	CITIES SERVICE OIL C
8116880	27178	4233700000	108	REBA STANFIELD	BONIE (MISS)	13.0	J L DAVIS
-BLOCKER EXPLORATION CO				RECEIVED: 02/09/81 JA: TX			
8116830	25806	4229330484	102	L D CROSS TRUSTEE UNIT (888045)	S THORNTON (COTTON VALLE	548.0	TEXAS UTILITIES FUEL
-BOB WALLACE OIL INC				RECEIVED: 02/09/81 JA: TX			
8116962	29762	4206530832	103	BURNETT NO 6	PANHANDLE CARSON COUNTY	100.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116963	29763	4206530830	103	BURNETT NO 8	PANHANDLE CARSON COUNTY	120.0	PANHANDLE EASTERN PI
-BORDER EXPLORATION CO				RECEIVED: 02/09/81 JA: TX			
					X-RAY (MARBLE FALLS)	148.0	VALERO ENERGY CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116963	29763	4206530830	103		BURNETT NO 8	PANHANDLE CARSON COUNTY	120.0	PANHANDLE EASTERN PI
-BORDER EXPLORATION CO					RECEIVED: 02/09/81 JA: TX			
8116732	23101	4214330622	103		MCINROE NO 2	X-RAY (MARBLE FALLS)	145.0	VALERO ENERGY CORP
-BTA OIL PRODUCERS					RECEIVED: 02/09/81 JA: TX			
8116864	26812	4237133004	107		8004 GRANDE #1	WILDCAT	1825.0	
-CENTURA INCORPORATED					RECEIVED: 02/09/81 JA: TX			
8116925	28839	4231131362	102		GORDON A NO 1	N HAGIST RANCH (WILCOX 8	180.0	VALERO TRANSMISSION
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 02/09/81 JA: TX			
8116956	29687	4243130889	103		R L COPE NO 3	CONGER SW (PENN)	139.0	NORTHERN NATURAL GAS
-CHEVRON U S A INC					RECEIVED: 02/09/81 JA: TX			
8116752	24972	4236130314	102		POWELL LUMBER CO ET AL #1	LONG PRAIRIE (12300)	912.5	VALERO TRANSMISSION
-CINNARON OIL CO INC					RECEIVED: 02/09/81 JA: TX			
8116839	26224	4222103601	102		STERLING GAS UNIT #1	GRANBURY NE (MARBLE FALL	237.2	ALEDO GAS CO LTD
-CITIES SERVICE COMPANY					RECEIVED: 02/09/81 JA: TX			
8116999	29870	4214930638	103		IVY B NO 1	GIDDINGS (AUSTIN CHALK)	27.0	FALCON GAS CO
-CLEMCO INC					RECEIVED: 02/09/81 JA: TX			
8116833	25945	4249930690	103		M BLALOCK NO 1	QUITMAN (HILL)	369.0	ARKANSAS LOUISIANA G
-COASTAL OIL & GAS CORP					RECEIVED: 02/09/81 JA: TX			
8116961	29754	4237530731	103		BIVINS 3507 S	PANHANDLE (RED CAVE)	34.0	COLORADO INTERSTATE
8116964	29765	4237530740	103		MASTERSON D-1101	PANHANDLE (RED CAVE)	50.0	COLORADO INTERSTATE
-COBRA OIL AND GAS CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116686	16574	4207731344	109		W I HOLT AB #1-CS	JOY NW (MARBLE FALLS)	16.0	SANFORD P FAGADAU
-COLA PETROLEUM INC					RECEIVED: 02/09/81 JA: TX			
*8116957	29695	4238331468	103		HOLT 110 #1	CALVIN (DEAN)	18.0	UNION TEXAS PETROLEU
*8116958	29696	4238331509	103		HOLT 114 #1	CALVIN (DEAN)	35.0	UNION TEXAS PETROLEU
*8116959	29697	4238331512	103		HOLT 130 #1	CALVIN (DEAN)	38.1	UNION TEXAS PETROLEU
*8116960	29698	4238331488	103		HOLT 132 #1	CALVIN (DEAN)	33.5	UNION TEXAS PETROLEU
-COMINCO AMERICAN INC					RECEIVED: 02/09/81 JA: TX			
8116749	24460	4229530776	102		STUART RANCH #5	LADY (UPPER MORROW)	500.0	NORTHERN NATURAL GAS
-COOK EXPLORATION CO					RECEIVED: 02/09/81 JA: TX			
8116868	27061	4218300000	103		FLEWELLEN #3	WILLOW SPRINGS-MACKEY (T	300.0	ARKANSAS LOUISIANA G
-COOK PRODUCTION CO					RECEIVED: 02/09/81 JA: TX			
*8116681	07588	4223700000	108		ANDY SHAWVER #2	JACK COUNTY REGULAR	5.4	CITIES SERVICE CO
*8116682	07589	4223700000	108		C L WILSON #1	JACK COUNTY REGULAR	17.5	CITIES SERVICE CO
-CORNELL OIL CO					RECEIVED: 02/09/81 JA: TX			
8116893	27873	4236700000	103		DUVALL BROS #1	TOTO (STRAWN)	36.5	SOUTHWESTERN GAS PIP
8116892	27872	4236700000	103		JONES C MCCONNELL NO 1	TOTO (STRAWN)	36.5	SOUTHWESTERN GAS PIP
-CORPUS CHRISTI OIL AND GAS CO					RECEIVED: 02/09/81 JA: TX			
8116762	25264	4205730941	102		NO 1 LITTLE HEIRS	STEAMBOAT PASS SOUTH (50	0.0	HOUSTON PIPE LINE CO
-CPC EXPLORATION INC					RECEIVED: 02/09/81 JA: TX			
8116936	29105	4215731103	102		WHELESS NO 1-U	PECAN GROVE (7700)	750.0	HOUSTON PIPELINE CO
-CRAWFORD ENERGY					RECEIVED: 02/09/81 JA: TX			
8117019	30073	4233731325	103		W LAIRD #1	LAIRD (ATOKA)	12.0	TEXAS UTILITIES FUEL
-DANDEN PETROLEUM INC					RECEIVED: 02/09/81 JA: TX			
8116730	22767	4223300000	108		KNUDSEN #18	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
-DELRAY OIL INC					RECEIVED: 02/09/81 JA: TX			
8116744	24234	4208332066	103		BERTIE E STONE NO 6	BURT-OGDEN-NABEE	100.0	LONE STAR GAS CO
-DEVON CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116900	27992	4211531386	103		GRAVES #1-A	ACKERLY (DEAN SAND)	30.0	GETTY OIL CO
-DINERO OIL CO					RECEIVED: 02/09/81 JA: TX			
8116921	28662	4224931245	103		F MCCARTHY #1	EMBLETON (MET 3400)	91.0	NUE-WELLS PIPELINE C
-DISCOVERY OPERATING INC					RECEIVED: 02/09/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8116738	23744	4241300000	108		MARY JACKSON #3	ELDORADO (CANYON)	3.6	ARCO OIL & GAS CO
-DIXON EXPLORATION INC					RECEIVED: 02/09/81 JA: TX			
8117004	29896	4202530956	103		P D GRAY #1 (88550)	KARON S (SLICK)	39.0	TEXAS EASTERN TRANSM
-DOUGLAS PETROLEUM INC					RECEIVED: 02/09/81 JA: TX			
8116863	26808	4231100000	102		HAGIST RANCH A WELL #1	PAYNE (2050) FIELD	110.0	ESPERANZA TRANSMISSI
-ECHO PRODUCTION INC					RECEIVED: 02/09/81 JA: TX			
8116902	28074	4249731597	103		SHANNON HARRIS #1-T	BOONSVILLE (BEND CONGL)	15.1	LONE STAR GAS CO
-ENSERCH EXPLORATION INC					RECEIVED: 02/09/81 JA: TX			
8116922	28664	4249731792	103		G R TAYLOR NO 3-T			
8116753	24714	4228930348	103		HAMILL GAS UNIT 1 NO 1	WISE COUNTY	34.0	LONE STAR GAS CO
8116888	27665	4223733111	103		L H YATES E NO 2-T	BUFFALO EAST	483.0	LONE STAR GAS CO
-ESPERANZA ENERGY CORP					RECEIVED: 02/09/81 JA: TX	BOONSVILLE	287.0	LONE STAR GAS CO
8116943	29477	4235330952	103		JORDAN #4			
-EXXETER PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX	WHITE (GARDNER SAND) FIE	0.0	ESPERANZA PIPELINE C
8116890	20929	4210500000	108		UNIVERSITY 1-25			
-EXXON CORPORATION					RECEIVED: 02/09/81 JA: TX	HOWARD DRAW (GRAYBURG SA	0.0	EL PASO NATURAL GAS
8116883	27383	4247531571	103		AMERICAN NATIONAL LIFE INS #34			
8116927	28932	4226130538	103		C M ARMSTRONG 57-F (90511)	ESTES BLOCK 34 (PENN)	87.0	DELHI GAS PIPELINE C
8117002	29878	4226130536	103		C M ARMSTRONG 58-F (07533)	CANDELARIA (J-65)	365.0	NATURAL GAS PIPELINE
						CANDELARIA (I-60)	10.0	NATURAL GAS PIPELINE
*8116726	022550	4220330483	103		DURKEE GAS UNIT 1 #2			
8116838	26127	4236530611	103		ELSIE JONES #2 (CFEC #497)	WOODLAWN (COTTON VALLEY)	190.0	ARMCO STEEL CORP
*8116966	29770	4200332339	103		FULLERTON CLEARFORK UNIT #635	CARTHAGE (COTTON VALLEY)	280.0	
*8116967	29771	4200332338	103		FULLERTON CLEARFORK UNIT #743	FULLERTON	36.0	PHILLIPS PETROLEUM C
*8116680	19036	4215730885	103		H P LOCKWOOD #44	FULLERTON	14.0	PHILLIPS PETROLEUM C
*8116728	22572	4215731010	103		H P LOCKWOOD #45	THOMPSON	58.0	ARMCO STEEL CORP
*8116725	022547	4249930744	103		HAWKINS FIELD UNIT # 4114	THOMPSON	35.0	ARMCO STEEL CORP
*8116720	22540	4249930718	103		HAWKINS FIELD UNIT # 4284	HAWKINS	18.0	ARMCO STEEL CORP
*8116719	22539	4249930731	103		HAWKINS FIELD UNIT # 9919	HAWKINS	80.0	ARMCO STEEL CORP
*8116721	22541	4249930746	103		HAWKINS FIELD UNIT # 9922	HAWKINS	109.8	ARMCO STEEL CORP
*8116723	022543	4249930725	103		HAWKINS FIELD UNIT #0052	HAWKINS	20.0	ARMCO STEEL CORP
*8116700	21384	4249930612	103		HAWKINS FIELD UNIT #4062	HAWKINS	11.0	ARMCO STEEL CORP
*8116722	22542	4249930676	103		HAWKINS FIELD UNIT #4218	HAWKINS	139.8	ARMCO STEEL CO
*8116701	21385	4249930614	103		HAWKINS FIELD UNIT #4239	HAWKINS	34.5	ARMCO STEEL CORP
*8116697	21207	4249930679	103		HAWKINS FIELD UNIT #9918	HAWKINS	25.0	ARMCO STEEL CORP
*8116740	23861	4249930732	103		HAWKINS FIELD UNIT #9921	HAWKINS	80.0	ARMCO STEEL CORP
8116923	28687	4235730966	103		HELEN ROGERS #5	HAWKINS	160.0	ARMCO STEEL CORP
*8116865	26831	4247330299	103		KATY GAS FIELD CONSOL #8205D	ELLIS RANCH (CLEVELAND)	280.0	TRANSWESTERN PIPELIN
*8116866	26833	4247330299	103		KATY GAS FIELD CONSOL #8205F	KATY (I-A)	0.0	UNITED TEXAS TRANSMI
8116741	23863	4247330294	103		KATY GAS FIELD UNIT I W-47	KATY (II-B)	0.0	UNITED TEXAS TRANSMI
8116933	28988	4247330331	103		KATY OIL UNIT NO 23 WELL 1	KATY (WILCOX 10200 SEG 4	181.2	AMOCO PRODUCTION CO
*8116711	21876	4227331268	103		KING RANCH ALAZAN 311-D	KATY (I-B)	19.0	UNITED TEXAS TRANSMI
*8116745	24363	4227331336	102		KING RANCH ALAZAN 327-B	ALAZAN	840.0	ARMCO STEEL CORP
*8116746	24371	4227331336	102		KING RANCH ALAZAN 327-F	ALAZAN (J-37)	256.0	ARMCO STEEL CORP
*8116759	25190	4227331383	102		KING RANCH ALAZAN 340-F (87355)	ALAZAN (I-87)	1000.0	ARMCO STEEL CORP
8116831	25879	4215731074	103		LOCKWOOD & SHARP A #92	ALAZAN (D-19)	500.0	ARMCO STEEL CORP
*8116835	25999	4215731073	103		LOCKWOOD & SHARP A-91	THOMPSON	50.0	
8116837	26126	4215731088	103		LOCKWOOD & SHARP B #65	THOMPSON	27.0	
*8116699	21346	4236530679	103		M J COLEMAN #2	THOMPSON	28.0	
8116969	29773	4200332348	103		MEANS SAN ANDRES UNIT #7214	CARTHAGE (COTTON VALLEY)	0.0	ARMCO STEEL CO
8116970	29774	4200332346	103		MEANS SAN ANDRES UNIT #7366	MEANS	6.0	PHILLIPS PETROLEUM C
8116903	28169	4242731279	103		MIGUEL JUAREZ 7-F	MEANS	9.0	PHILLIPS PETROLEUM C
*8116713	21924	4228530724	102		MONT GAS UNIT 1 #1	KELSEY SOUTH (ZONE 19-N	128.0	TRUNKLINE GAS CO
						MONT	140.0	ARMCO STEEL CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8116727	22551	4242330355	103		OVERTON GAS UNIT 18 #1	OVERTON (HAYNESVILLE)	329.0	ARMCO STEEL CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8116727	22551	4242330355	103		OVERTON GAS UNIT 18 #1	OVERTON (HAYNESVILLE)	329.0	ARMCO STEEL CORP
*8116724	22546	4242330356	103		OVERTON GAS UNIT 19 #1	OVERTON (HAYNESVILLE)	511.0	ARMCO STEEL CORP
*8116712	21922	4203930812	102		PLEDGER GAS UNIT 1 #2	PLEDGER (FRIO 7260)	730.0	ARMCO STEEL CORP
8116968	29772	4216531827	103		ROBERTSON CLEARFORK UNIT #103	ROBERTSON N (CLEARFORK 7	27.0	PHILLIPS PETROLEUM C
*8116751	24540	4234730436	103		SAM B HAYTER ESTATE #1-L	DOUGLASS W (TRAVIS PEAK)	506.0	ARMCO STEEL CORP
*8116731	22897	4234730436	103		SAM B HAYTER ESTATE #1-U	DOUGLASS (PETTIT)	200.0	ARMCO STEEL CORP
8116965	29769	4216531799	103		SAM C JENKINS #9	JENKINS NORTH (CANYON)	5.0	PHILLIPS PETROLEUM C
8117001	29876	4226130600	103		SOGU 158	SARITA (2-R W)	438.0	NATURAL GAS PIPELINE
8116692	20942	4220130927	103		WEBSTER FIELD UNIT #0157	WEBSTER	64.4	HOUSTON PIPELINE CO
8116691	20940	4220130630	103		WEBSTER FIELD UNIT #2133	WEBSTER	716.7	HOUSTON PIPELINE CO
8116695	20964	4220130783	103		WEBSTER FIELD UNIT #2308	WEBSTER	336.7	HOUSTON PIPELINE CO
8116694	20963	4220130596	103		WEBSTER FIELD UNIT #2756	WEBSTER	99.2	HOUSTON PIPELINE CO
8116693	20962	4220130799	103		WEBSTER FIELD UNIT #2765	WEBSTER	322.0	HOUSTON PIPELINE CO
-FRANK CASS					RECEIVED: 02/09/81 JA: TX			
8117000	29872	4217331078	103		DANIEL/HOELSCHER A NO 2	SPRABERRY (TREND AREA)	420.0	EL PASO NATURAL CO
8117020	30074	4238331654	103		DANIEL/HOELSCHER 33 NO 1	SPRABERRY (TREND AREA)	520.0	EL PASO NATURAL GAS
-GAS WEST					RECEIVED: 02/09/81 JA: TX			
8116836	26014	4237930681	103		BIVINS 1-1	PANHANDLE	0.0	COLORADO INTERSTATE
-GEODYNAMICS OIL & GAS INC					RECEIVED: 02/09/81 JA: TX			
8116742	24143	4209130551	102		BEN HEJL NO 1	CALDWELL (AUSTIN CHALK)	144.0	CHAMPLIN PETROLEUM C
8116750	24492	4209130724	102		BRAVENEC #1	CALDWELL (AUSTIN CHALK)	98.0	CHAMPLIN PETROLEUM C
8116770	25717	4209100000	102		BUNDICK #1	BIDDINGS (AUSTIN CHALK)	140.0	CLAJON GAS CO
8116687	18484	4209130375	102		HOVORAK #1	CALDWELL (AUSTIN CHALK)	114.0	CLAJON GAS CO
8116743	24230	4209130539	102		JOSEPHINE HEJL UNIT #1	BIDDINGS (AUSTIN CHALK)	144.0	CLAJON GAS CO
8116771	25718	4209100000	102		JUNEK UNIT #1	BIDDINGS (AUSTIN CHALK)	214.0	CLAJON GAS CO
8116748	24445	4209130535	102		JURRIES #3	CALDWELL (AUSTIN CHALK)	36.0	CHAMPLIN PETROLEUM C
8116755	25099	4209130520	102		KACHTIK #1	CALDWELL (AUSTIN CHALK)	269.0	CLAJON GAS CO
8116747	24373	4209130505	102		LYON #2	CALDWELL (AUSTIN CHALK)	143.0	CHAMPLIN PETROLEUM C
8116758	25103	4209130633	102		MAIS UNIT #2	CALDWELL (AUSTIN CHALK)	135.0	CLAJON GAS CO
8116756	25100	4209130406	102		RYAN #1	CALDWELL (AUSTIN CHALK)	94.0	CLAJON GAS CO
8116757	25101	4209130485	102		RYAN NO 2	CALDWELL (AUSTIN CHALK)	259.0	CLAJON GAS CO
8116754	25098	4209130617	102		VYCHOPEN A UNIT #1	CALDWELL (AUSTIN CHALK)	80.0	CLAJON GAS CO
-GETTY OIL COMPANY					RECEIVED: 02/09/81 JA: TX			
8116714	22156	4230130237	102		GLENN BRUNSON 12-26 #1	WILDCAT (PENN LOWER)	9125.0	INTRATEX GAS CO
8116714	22156	4230130237	107		GLENN BRUNSON 12-26 #1	WILDCAT (PENN LOWER)	9125.0	INTRATEX GAS CO
8116975	29802	4223330938	103		HERRING A TRACT 2 #99	PANHANDLE HUTCHINSON CO	62.1	PANHANDLE EASTERN PI
-GIBBS COX & GIBBS INC					RECEIVED: 02/09/81 JA: TX			
8117005	29897	4208332046	103		E S HAYNES A #1-A (89893)	SANTA ANNA (MARBLE FALLS	225.0	ODESSA NATURAL CORP
8117006	29898	4208332031	103		M J LINEBERRY # 1-B (90374)	SANTA ANNA (MARBLE FALLS	95.0	ODESSA NATURAL CORP
-GRAND BANKS ENERGY CO					RECEIVED: 02/09/81 JA: TX			
*8116885	27408	4203330581	103		DYER #1	ACKERLY (DEAN SAND)	14.4	TEXACO INC
-GROVER J GEISELMAN					RECEIVED: 02/09/81 JA: TX			
8116763	25266	4215731096	103		PETRUSEK WELL NO 1 87946	NEEDVILLE (MIO 4200)	168.0	PHILLIPS PETROLEUM C
-GULFSTREAM PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8116910	28373	4233930482	103		TEXAS A & M WELL NO 3	SPRINGER (YEGUA Y-4)	169.0	TEXAS INTRASTATE GAS
-H & R OILS INC					RECEIVED: 02/09/81 JA: TX			
8116698	21237	4239931490	103		VOELKER E R #3A	BALLINGER (GARDNER)	23.0	UNION TEXAS PETROLEU
-HARKINS & COMPANY					RECEIVED: 02/09/81 JA: TX			
8116930	28949	4224931144	102		COLONY ESTATES NO 1 WELL	COLONY (STILLWELL SD) FI	110.0	UNITED GAS PIPE LINE
8116930	28949	4224931144	103		COLONY ESTATES NO 1 WELL	COLONY (STILLWELL SD) FI	110.0	UNITED GAS PIPE LINE
-HILL PRODUCTION CO					RECEIVED: 02/09/81 JA: TX			
8116736	23681	4240130854	102		RAS REDWINE NO 1	REDWINE (TRAVIS PEAK)	72.0	DELHI GAS PIPELINE C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116737	23733	4240130907	102		TUCKER DAVIS UNIT NO 1	REDWINE (TRAVIS PEAK)	0.0	DELHI GAS PIPELINE C
8116735	23680	4240130899	102		WARREN ALLEN HANN UNIT NO 1	REDWINE (TRAVIS PEAK	36.0	DELHI GAS PIPELINE C
8116739	23771	4240130866	102		WILLIS DAVIS UNIT NO 1	REDWINE (PETTIT NORTH)	50.0	DELHI PIPELINE OIL C
-HUMBLE EXPLORATION CO INC					RECEIVED: 02/09/81 JA: TX			
8116689	19249	4228700000	102		HELEN #1 - 11984	GIDDINGS	124.0	PHILLIPS PETROLEUM
8116689	19249	4228700000	103		HELEN #1 - 11984	GIDDINGS	124.0	PHILLIPS PETROLEUM
8116915	28470	4228730765	102		NADINE LOAFMAN #1	GIDDINGS	130.0	PHILLIPS PETROLEUM
8116915	28470	4228730765	103		NADINE LOAFMAN #1	GIDDINGS	130.0	PHILLIPS PETROLEUM
-HURLEY PETROLEUM CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116760	25210	4236530822	102		ALLIE M HOGG #3-C	BETHANY TRAVIS PEAK 7700	360.0	TENNESSEE GAS PIPELI
-INDIAN WELLS OIL CO					RECEIVED: 02/09/81 JA: TX			
8116877	27175	4210531062	103		ROBERTSON #1-B	OZONA (CANYON SAND)	150.0	DELHI GAS PIPELINE C
-INLAND PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8116909	28369	4213100000	103		INLAND STATE NO 1	LONA NOVIA NE (6300)	73.0	SEAGULL PIPELINE COR
-J B PRODUCTION CO					RECEIVED: 02/09/81 JA: TX			
8116859	26508	4239931461	103		SOUTH MILES CITY UNIT NO 1	SOUTH MILES CITY UNIT NO	0.0	ODESSA NATURAL CORP
-J M HUBER CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116854	26301	4210532341	103		UNIVERSITY 19-39 NO 1	BLOCK 39-B (ELLENBERGER)	164.0	EL PASO NATURAL GAS
-JAMES E FAGAN					RECEIVED: 02/09/81 JA: TX			
8116949	29495	4239131413	103		FAGAN #2	FAGAN (2100) FIELD	180.0	UNITED GAS PIPELINE
-JAMES K ANDERSON INC					RECEIVED: 02/09/81 JA: TX			
8116867	26845	4239931572	102		GERHART D NO 1	GERHART GARDNER	36.0	UNION TEXAS PETROLEU
-JOHN H HENDRIX CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116884	27394	4210332221	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-JONES CO					RECEIVED: 02/09/81 JA: TX			
8116919	28588	4241732900	102		WALKER-BUCKLER 78 #1	ROCKWELL SOUTH (CONGL)	200.0	DELHI GAS PIPELINE C
-KENDRICK & MULLIGAN OIL & GAS INC					RECEIVED: 02/09/81 JA: TX			
8116882	27375	4236731107	103		J G THOMAS UNIT #1	LAKE MINERAL WELLS (4330	60.0	SOUTHWESTERN GAS PIP
-LIBERTY OIL & GAS CORP					RECEIVED: 02/09/81 JA: TX			
8116939	29310	4249731558	103		THOMAS NIVENS #1	ALVORD (CADDO CONGLOMERA	100.0	TEXAS UTILITIES FUEL
-MEG PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8117003	29889	4233500000	103		#1 MELBA WILSON	MCCABE (PENNSYLVANIAN)	45.0	SUN GAS CO
-NEWBOURNE OIL COMPANY					RECEIVED: 02/09/81 JA: TX			
8116834	25968	4235731001	102		HARDY #3	HARDY (MORROW UPPER)	22.0	TRANSWESTERN PIPELIN
8116768	25507	4235731005	102		JUDICE #4	HARDY (MORROW UPPER)	148.0	TRANSWESTERN PIPELIN
8116895	27939	4229530808	103		TUBB 424 NO 2	S M LIPSCOMB FIELD	190.0	NORTHERN NATURAL GAS
-NGF OIL CORP					RECEIVED: 02/09/81 JA: TX			
8116928	28938	4247930890	108		GUILLERMO B GARZA #1 (66572)	SANTO TOMAS (ESCONDIDO)	7.7	LONE STAR GAS CO
8116929	28939	4247930878	108		MACHAR 1-D (66622)	SANTO TOMAS (OLMOS)	3.6	LONE STAR GAS CO
8116973	29796	4207131028	103		M E MAYES NO 3	MAYES WEST (F-2)	18.0	
-MITCHELL ENERGY CORPORATION					RECEIVED: 02/09/81 JA: TX			
8116887	27658	4249700000	108		ARTHERHOLT #1 11255	LEFTWICH (STRAWN)	4.0	UPHAM OIL AND GAS
8116769	25616	4249700000	108		J M BRIDGES #1	BOONESVILLE (BEND CONGL	11.8	NATURAL GAS PIPELINE
8116734	23646	4249700000	108		LAVONIA VANDIVER #1	BOONESVILLE (BEND CONGL	12.9	NATURAL GAS PIPELINE
-MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 02/09/81 JA: TX			
8116971	29778	4221932860	103		MAPLE WILSON #97	SLAUGHTER	41.6	AMOCO PRODUCTION CO
-MOTE RESOURCES INC					RECEIVED: 02/09/81 JA: TX			
8117011	29905	4233731392	103		THWEATT #2 20095	SUNSET CONGLOMERATE	5.5	TEXAS UTILITIES FUEL
8117008	29902	4249731846	103		YATES #2 20157	SUNSET CONGLOMERATE	14.0	NATURAL GAS PIPELINE
8117009	29903	4249731857	103		YATES #3 20515	SUNSET CONGLOMERATE	7.0	NATURAL GAS PIPELINE
8117010	29904	4249731863	103		YATES #4 20514	SUNSET CONGLOMERATE	10.5	NATURAL GAS PIPELINE
-NATURAL GAS ANADARKO INC					RECEIVED: 02/09/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-NUECES PRODUCTION CO					RECEIVED: 02/09/81 JA: TX			
8116886	27393	4210332220	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-OCCIDENTAL PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8116888	27395	4210332222	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-OLSEN OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116885	27392	4210332219	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PAN AMERICAN PETROLEUM CORP					RECEIVED: 02/09/81 JA: TX			
8116890	27397	4210332224	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PARKER & PARSLEY DEVELOPMENT CO					RECEIVED: 02/09/81 JA: TX			
8116891	27398	4210332225	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PENNZOIL COMPANY					RECEIVED: 02/09/81 JA: TX			
8116892	27399	4210332226	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PETRO-LEWIS CORP					RECEIVED: 02/09/81 JA: TX			
8116893	27400	4210332227	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PETROLEUM DEVELOPMENT CORP					RECEIVED: 02/09/81 JA: TX			
8116894	27401	4210332228	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PHILLIPS PETROLEUM CO					RECEIVED: 02/09/81 JA: TX			
8116896	27403	4210332230	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116897	27404	4210332231	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116898	27405	4210332232	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116899	27406	4210332233	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116900	27407	4210332234	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116901	27408	4210332235	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116902	27409	4210332236	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116903	27410	4210332237	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116904	27411	4210332238	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116905	27412	4210332239	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116906	27413	4210332240	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116907	27414	4210332241	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116908	27415	4210332242	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116909	27416	4210332243	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116910	27417	4210332244	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116911	27418	4210332245	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116912	27419	4210332246	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116913	27420	4210332247	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116914	27421	4210332248	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116915	27422	4210332249	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116916	27423	4210332250	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116917	27424	4210332251	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116918	27425	4210332252	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116919	27426	4210332253	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116920	27427	4210332254	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116921	27428	4210332255	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116922	27429	4210332256	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116923	27430	4210332257	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116924	27431	4210332258	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116925	27432	4210332259	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116926	27433	4210332260	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116927	27434	4210332261	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116928	27435	4210332262	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116929	27436	4210332263	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116930	27437	4210332264	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116931	27438	4210332265	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116932	27439	4210332266	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116933	27440	4210332267	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116934	27441	4210332268	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116935	27442	4210332269	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116936	27443	4210332270	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116937	27444	4210332271	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116938	27445	4210332272	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116939	27446	4210332273	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116940	27447	4210332274	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116941	27448	4210332275	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116942	27449	4210332276	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116943	27450	4210332277	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116944	27451	4210332278	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116945	27452	4210332279	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116946	27453	4210332280	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116947	27454	4210332281	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116948	27455	4210332282	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116949	27456	4210332283	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116950	27457	4210332284	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116951	27458	4210332285	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116952	27459	4210332286	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116953	27460	4210332287	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116954	27461	4210332288	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116955	27462	4210332289	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116956	27463	4210332290	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116957	27464	4210332291	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116958	27465	4210332292	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116959	27466	4210332293	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116960	27467	4210332294	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116961	27468	4210332295	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116962	27469	4210332296	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116963	27470	4210332297	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116964	27471	4210332298	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116965	27472	4210332299	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116966	27473	4210332300	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116967	27474	4210332301	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116968	27475	4210332302	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116969	27476	4210332303	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116970	27477	4210332304	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116971	27478	4210332305	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116972	27479	4210332306	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116973	27480	4210332307	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116974	27481	4210332308	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116975	27482	4210332309	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116976	27483	4210332310	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116977	27484	4210332311	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116978	27485	4210332312	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116979	27486	4210332313	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116980	27487	4210332314	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116981	27488	4210332315	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116982	27489	4210332316	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116983	27490	4210332317	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116984	27491	4210332318	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116985	27492	4210332319	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116986	27493	4210332320	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116987	27494	4210332321	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116988	27495	4210332322	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116989	27496	4210332323	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116990	27497	4210332324	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116991	27498	4210332325	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116992	27499	4210332326	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116993	27500	4210332327	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116994	27501	4210332328	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116995	27502	4210332329	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116996	27503	4210332330	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116997	27504	4210332331	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116998	27505	4210332332	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8116999	27506	4210332333	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8117000	27507	4210332334	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8117001	27508	4210332335	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8117002	27509	4210332336	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8117003	27510	4210332337	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8117004	27511	4210332338	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8117005	27512	4210332339	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8117006	27513	4210332340	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81 JA: TX			
8117007	27514	4210332341	103		GULF-EDWARDS #1		225.0	INTRATEX GAS CO
-PRIDE OIL & GAS CO					RECEIVED: 02/09/81

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116764	25307	4235730979	102		CAMP #1-64T	PENDING	200.0	TRANSWESTERN PIPELIN
-O N BERRY					RECEIVED: 02/09/81 JA: TX			
8116860	26435	4223500000	103		FAWN A-2	SIXTY-SEVEN CANYON	6.0	NORTHERN NATURAL GAS
-OILWELL OPERATORS INC					RECEIVED: 02/09/81 JA: TX			
8116955	29591	4212900000	108		MELTON A #2	PANHANDLE	12.0	PIONEER NATURAL GAS
8116954	29589	4217900000	108		MELTON A #4	PANHANDLE	12.0	PIONEER NATURAL GAS
8116953	29588	4217900000	108		MELTON A #5	PANHANDLE	12.0	PIONEER NATURAL GAS
-P & R OIL INC					RECEIVED: 02/09/81 JA: TX			
8116914	28463	4242932354	102		RAMSEY NO 2-U (88531)	BAGGETT (RANGER)	0.0	ATLAS-REISS PIPELINE
-PALO PETROLEUM INC					RECEIVED: 02/09/81 JA: TX			
8116858	26497	4238300000	103		PALO BOOTHE #1	SPRAYBERRY TREND	13.0	BIG LAKE GASOLINE PL
8116857	26495	4238300000	103		ROBERTSON MULHOLLAND #1	SPRAYBERRY TREND	9.1	BIG LAKE GASOLINE PL
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/09/81 JA: TX			
8116935	29061	4213500362	108		CUMMINS A #6	GOLDSMITH (CLEARFORK)	8.0	EL PASO NATURAL GAS
8116952	29555	4200304783	108		UNIVERSITY ANDREWS #77	EMBAR (PERMIAN)	20.0	EL PASO NATURAL GAS
8116951	29554	4200304789	108		UNIVERSITY ANDREWS #83	EMBAR (PERMIAN)	18.0	EL PASO NATURAL GAS
8116950	29553	4238310203	108		ZULETTE #12	SPRABERRY (TREND AREA)	16.0	NORTHERN NATURAL GAS
-PICKETT OIL CO					RECEIVED: 02/09/81 JA: TX			
8117007	29899	4228730565	103		PAUL J STOUT #1 (12588)	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-PRODUCTION MANAGEMENT ASSOC					RECEIVED: 02/09/81 JA: TX			
8117012	30009	4217900000	108		J B BOWERS (00377) NO 4	PANHANDLE GRAY COUNTY	6.0	PHILLIPS PETROLEUM C
-R N SIEGFRIED INC					RECEIVED: 02/09/81 JA: TX			
8117013	30061	4249700000	103		R L MORRIS-A- NO 20A	CHICO WEST (CADDO CONGL	120.0	NATURAL GAS PIPELINE
-R K G ENGINEERING INC					RECEIVED: 02/09/81 JA: TX			
8116937	29173	4212732061	103		COTULLA	CATARINA SW (OLMOS)	0.0	VALERO TRANSMISSION
8116905	28273	4237133139	103		MOBIL 13 LEASE NO 26097	TROPORO (DEVONIAN)	97.2	PGP GAS PRODUCTS INC
-R L BURNS CORP					RECEIVED: 02/09/81 JA: TX			
8116907	28292	4247930465	108		HUGHES NO 1	SEGUNDO (OLMOS)	12.5	HOUSTON PIPE LINE CO
-RALPH L WAY INC					RECEIVED: 02/09/81 JA: TX			
8116996	29865	4210532540	103		UNIVERSITY DYCO A #1	FARMER (SAN ANDRES)	6.5	NORTHERN NATURAL GAS
8116995	29864	4210532783	103		UNIVERSITY DYCO A #10	FARMER (SAN ANDRES)	9.4	NORTHERN NATURAL GAS
8116997	29866	4210532777	103		UNIVERSITY DYCO A #4	FARMER (SAN ANDRES)	2.9	NORTHERN NATURAL GAS
8116991	29856	4238331570	103		UNIVERSITY 9A #4	FARMER (SAN ANDRES)	24.4	NORTHERN NATURAL GAS
8116998	29867	4238331578	103		UNIVERSITY 98 #6	FARMER (SAN ANDRES)	29.0	NORTHERN NATURAL GAS
-REALITOS ENERGY CORP					RECEIVED: 02/09/81 JA: TX			
8116872	27141	4240931421	102		ERIC HARTZENDORF ET AL NO 1	WILDCAT-PROPOSED WILLMAN	275.0	UNITED GAS PIPE LINE
-ROLLERT CO INC					RECEIVED: 02/09/81 JA: TX			
8116926	28854	4217531323	102		TRAVIS S MARKS NO 1	COLOGNE WEST (1260)	109.5	HOUSTON PIPE LINE CO
-RUTHERFORD OIL CORP					RECEIVED: 02/09/81 JA: TX			
8116869	27129	4246900000	102		AUGUST GAUGLER #2	COLETTO CREEK E (4100)	350.0	HOUSTON PIPE LINE CO
-SHELL OIL CO					RECEIVED: 02/09/81 JA: TX			
8116913	28459	4221531006	103		A A MCALLEN NO 68	MCALLEN RANCH (VICKSBURG	200.0	VALERO INTERSTATE TR
8116853	26252	4213500000	108		E HARPER NO 127	HARPER	1.2	PHILLIPS PETROLEUM C
8116844	26243	4213500000	108		E HARPER NO 331	HARPER	1.0	PHILLIPS PETROLEUM C
8116852	26251	4213500000	108		E HARPER UNIT 223	HARPER	1.1	PHILLIPS PETROLEUM C
8116850	26249	4213500000	108		E HARPER UNIT 302	HARPER	1.0	PHILLIPS PETROLEUM C
8116849	26248	4213500000	108		E HARPER UNIT 304	HARPER	0.0	PHILLIPS PETROLEUM C
8116848	26247	4213500000	108		E HARPER UNIT 305	HARPER	1.4	PHILLIPS PETROLEUM C
8116847	26246	4213500000	108		E HARPER UNIT 314	HARPER	2.0	PHILLIPS PETROLEUM C
8116846	26245	4213500000	108		E HARPER UNIT 315	HARPER	1.9	PHILLIPS PETROLEUM C
8116845	26244	4213500000	108		E HARPER UNIT 323	HARPER	1.0	PHILLIPS PETROLEUM C
8116843	26242	4213500000	108		E HARPER UNIT 348	HARPER	1.2	PHILLIPS PETROLEUM C
8116842	26241	4213500000	108		E HARPER UNIT 402	HARPER	1.2	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116841	26240	4213500000	108		E HARPER UNIT 406	HARPER	1.3	PHILLIPS PETROLEUM C
8116851	26250	4213500000	108		E HARPER 241	HARPER	0.8	PHILLIPS PETROLEUM C
8116787	25747	4213500000	108		EAST HARPER UNIT # 216	HARPER	1.0	PHILLIPS PETROLEUM C
8116788	25748	4213500000	108		EAST HARPER UNIT # 231	HARPER	1.0	PHILLIPS PETROLEUM C
8116789	25749	4213500000	108		EAST HARPER UNIT # 234	HARPER	1.0	PHILLIPS PETROLEUM C
8116790	25750	4213500000	108		EAST HARPER UNIT # 235	HARPER	1.0	PHILLIPS PETROLEUM C
8116791	25751	4213500000	108		EAST HARPER UNIT # 236	HARPER	1.0	PHILLIPS PETROLEUM C
8116792	25752	4213500000	108		EAST HARPER UNIT # 240	HARPER	1.0	PHILLIPS PETROLEUM C
8116793	25753	4213500000	108		EAST HARPER UNIT # 247	HARPER	1.0	PHILLIPS PETROLEUM C
8116794	25754	4213500000	108		EAST HARPER UNIT # 254	HARPER	1.0	PHILLIPS PETROLEUM C
8116795	25755	4213500000	108		EAST HARPER UNIT # 259	HARPER	1.0	PHILLIPS PETROLEUM C
8116796	25756	4213500000	108		EAST HARPER UNIT # 260	HARPER	1.0	PHILLIPS PETROLEUM C
8116797	25757	4213500000	108		EAST HARPER UNIT # 265	HARPER	1.0	PHILLIPS PETROLEUM C
8116799	25759	4213500000	108		EAST HARPER UNIT # 313	HARPER	1.0	PHILLIPS PETROLEUM C
8116801	25761	4213500000	108		EAST HARPER UNIT # 325	HARPER	1.0	PHILLIPS PETROLEUM C
8116802	25762	4213500000	108		EAST HARPER UNIT # 336	HARPER	1.0	PHILLIPS PETROLEUM C
8116804	25765	4213500000	108		EAST HARPER UNIT # 342	HARPER	1.0	PHILLIPS PETROLEUM C
8116805	25766	4213500000	108		EAST HARPER UNIT # 343	HARPER	1.0	PHILLIPS PETROLEUM C
8116807	25768	4213500000	108		EAST HARPER UNIT # 345	HARPER	1.0	PHILLIPS PETROLEUM C
8116808	25769	4213500000	108		EAST HARPER UNIT # 349	HARPER	1.0	PHILLIPS PETROLEUM C
8116809	25770	4213500000	108		EAST HARPER UNIT # 355	HARPER	1.0	PHILLIPS PETROLEUM C
8116810	25771	4213500000	108		EAST HARPER UNIT # 357	HARPER	2.0	PHILLIPS PETROLEUM C
8116811	25772	4213500000	108		EAST HARPER UNIT # 358	HARPER	1.0	PHILLIPS PETROLEUM C
8116813	25774	4213500000	108		EAST HARPER UNIT # 365	HARPER	1.0	PHILLIPS PETROLEUM C
8116814	25775	4213500000	108		EAST HARPER UNIT # 367	HARPER	1.0	PHILLIPS PETROLEUM C
8116772	25731	4213500000	108		EAST HARPER UNIT #10	HARPER	1.0	PHILLIPS PETROLEUM C
8116778	25737	4213500000	108		EAST HARPER UNIT #102	HARPER	2.0	PHILLIPS PETROLEUM C
8116779	25738	4213500000	108		EAST HARPER UNIT #104	HARPER	2.0	PHILLIPS PETROLEUM C
8116780	25739	4213500000	108		EAST HARPER UNIT #105	HARPER	2.0	PHILLIPS PETROLEUM C
8116781	25740	4213500000	108		EAST HARPER UNIT #107	HARPER	1.0	PHILLIPS PETROLEUM C
8116782	25741	4213500000	108		EAST HARPER UNIT #128	HARPER	1.0	PHILLIPS PETROLEUM C
8116773	25732	4213500000	108		EAST HARPER UNIT #15	HARPER	1.0	PHILLIPS PETROLEUM C
8116774	25733	4213500000	108		EAST HARPER UNIT #16	HARPER	2.0	PHILLIPS PETROLEUM C
8116775	25734	4213500000	108		EAST HARPER UNIT #17	HARPER	1.0	PHILLIPS PETROLEUM C
8116776	25735	4213500000	108		EAST HARPER UNIT #19	HARPER	1.0	PHILLIPS PETROLEUM C
8116777	25736	4213500000	108		EAST HARPER UNIT #20	HARPER	2.0	PHILLIPS PETROLEUM C
8116783	25742	4213500000	108		EAST HARPER UNIT #206	HARPER	1.0	PHILLIPS PETROLEUM C
8116784	25743	4213500000	108		EAST HARPER UNIT #207	HARPER	1.0	PHILLIPS PETROLEUM C
8116785	25745	4213500000	108		EAST HARPER UNIT #214	HARPER	1.0	PHILLIPS PETROLEUM C
8116786	25746	4213500000	108		EAST HARPER UNIT #215	HARPER	1.0	PHILLIPS PETROLEUM C
8116798	25758	4213500000	108		EAST HARPER UNIT #308	HARPER	1.0	PHILLIPS PETROLEUM C
8116800	25760	4213500000	108		EAST HARPER UNIT #321	HARPER	1.0	PHILLIPS PETROLEUM C
8116803	25763	4213500000	108		EAST HARPER UNIT #340	HARPER	1.0	PHILLIPS PETROLEUM C
8116806	25767	4213500000	108		EAST HARPER UNIT #344	HARPER	1.0	PHILLIPS PETROLEUM C
8116812	25773	4213500000	108		EAST HARPER UNIT #362	HARPER	1.0	PHILLIPS PETROLEUM C
8116815	25776	4213500000	108		EAST HARPER UNIT #368	HARPER	1.0	PHILLIPS PETROLEUM C
8116816	25777	4213500000	108		EAST HARPER UNIT #369	HARPER	1.0	PHILLIPS PETROLEUM C
8116817	25778	4213500000	108		EAST HARPER UNIT #370	HARPER	1.0	PHILLIPS PETROLEUM C
8116818	25779	4213500000	108		EAST HARPER UNIT #371	HARPER	1.0	PHILLIPS PETROLEUM C
8116819	25781	4213500000	108		EAST HARPER UNIT #376	HARPER	1.0	PHILLIPS PETROLEUM C
8116820	25782	4213500000	108		EAST HARPER UNIT #404	HARPER	1.0	PHILLIPS PETROLEUM C
8116821	25783	4213500000	108		EAST HARPER UNIT #407	HARPER	1.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116822	25784	4213500000	108		EAST HARPER UNIT #413	HARPER	1.0	PHILLIPS PETROLEUM C
8116823	25785	4213500000	108		EAST HARPER UNIT #414	HARPER	1.0	PHILLIPS PETROLEUM C
8116824	25786	4213500000	108		EAST HARPER UNIT #426	HARPER	1.0	PHILLIPS PETROLEUM C
8116825	25787	4213500000	108		EAST HARPER UNIT #429	HARPER	1.0	PHILLIPS PETROLEUM C
8116826	25788	4213500000	108		EAST HARPER UNIT #440	HARPER	1.0	PHILLIPS PETROLEUM C
8116827	25789	4213500000	108		EAST HARPER UNIT #449	HARPER	1.0	PHILLIPS PETROLEUM C
8116828	25790	4213500000	108		EAST HARPER UNIT #450	HARPER	1.0	PHILLIPS PETROLEUM C
8116829	25791	4213500000	108		EAST HARPER UNIT #454	HARPER	1.0	PHILLIPS PETROLEUM C
8116840	26239	4213500000	108		EAST HARPER UNIT 455	HARPER	1.0	PHILLIPS PETROLEUM
8117018	30070	4221131204	103		FEE 321	GLAZIER NW (MORROW UPPER	298.3	PHILLIPS PETROLEUM C
[illegible]					MIDWAY LANE 1100 UNIT #115	MIDWAY LANE (PERMIAN)	1.3	JAMES C BURNETT
8116733	23108	4249500000	108		SEALY SMITH B NO 8	HALLEY	1.0	TRANSWESTERN PIPELIN
8117017	30069	4247532180	103		SEALY SMITH FOUNDATION #192	MONAHANS (CLEAR FORK)	32.9	EL PASO NATURAL GAS
8117016	30068	4249531238	103		SEALY SMITH FOUNDATION #194	MONAHANS (CLEAR FORK)	36.6	EL PASO NATURAL GAS
8117015	30067	4249531239	103		SEALY SMITH FOUNDATION #195	MONAHANS NE (PENN DERTIT	73.2	EL PASO NATURAL GAS
8116718	22531	4249500000	108		SEALY SMITH 120	MONAHANS QUEENS SAND	1.0	EL PASO NATURAL GAS
-SONIO PETROLEUM CO					RECEIVED: 02/09/81 JA: TX			
8116931	28953	4232930901	103		EARNEST BRADEN WELL NO 1	CALVIN (DEAN)	4.0	UNION TEXAS PETROLEU
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/09/81 JA: TX			
8116947	29400	4250131819	103		BENNETT RANCH UNIT #319	WASSON	9.8	SHELL OIL CO
8116946	29487	4250131821	103		BENNETT RANCH UNIT #320	WASSON	12.8	SHELL OIL CO
8116948	29489	4250131815	103		BENNETT RANCH UNIT #324	WASSON	7.3	SHELL OIL CO
8116705	21805	4208100000	108		BLOODWORTH N E C U NO 5-2L	BLOODWORTH N E	1.0	EL PASO NATURAL GAS
8116704	21804	4208100000	108		BLOODWORTH N E C U NO 8-11	BLOODWORTH N E	3.0	EL PASO NATURAL GAS
8116703	21803	4208100000	108		BLOODWORTH N E C U NO 8-3	BLOODWORTH N E	1.0	EL PASO NATURAL GAS
8116944	29484	4216130427	103		BRUMLOW #1	FREESTONE (COTTON VALLEY	200.0	UNITED TEXAS TRANSMI
8116984	29825	4207931100	103		DELA S WRIGHT -D- NO 3	LEVELLAND	1.5	CITIES SERVICE CO
8116987	29828	4207931018	103		DELA S WRIGHT -F- NO 2	LEVELLAND	0.0	CITIES SERVICE CO
8116986	29827	4213533310	103		E GOLDSMITH MOLT UT #19-6L	GOLDSMITH E (MOLT)	5.0	PHILLIPS PETROLEUM C
8116683	16196	4240100000	108		E S SMITH NO 3	EAST TEXAS	0.7	MOBIL OIL CORP
8116985	29826	4213533309	103		EAST GOLDSMITH SAN ANDRES UT #14-1	GOLDSMITH E (SAN ANDRES)	48.5	PHILLIPS PETROLEUM C
8116982	29823	4213533310	103		EAST GOLDSMITH SAN ANDRES UT #19-6U	GOLDSMITH E (SAN ANDRES)	32.0	PHILLIPS PETROLEUM C
8116988	29829	4213533145	103		EAST GOLDSMITH SAN ANDRES UT #2-1	GOLDSMITH E (SAN ANDRES)	73.0	PHILLIPS PETROLEUM C
8116709	21809	4208100000	108		FRED JAMESON WELL NO 6	JAMESON EAST	2.0	LONE STAR GAS CO
8116990	29831	4212731181	103		G G BOYD NO 18	PEARSALL	5.0	HOUSTON PIPE LINE CO
8116940	29359	4233531515	103		J F MCCABE B NO 1	JAMESON NORTH (ELLEN)	26.0	LONE STAR GAS CO
8116706	21806	4208100000	108		J S WALKER WELL NO 6	BLOODWORTH	10.0	LONE STAR GAS CO
8116707	21807	4208100000	108		J S WALKER WELL NO 7	BLOODWORTH	1.0	LONE STAR GAS CO
8116708	21808	4208100000	108		J S WALKER WELL NO 8	BLOODWORTH	1.5	LONE STAR GAS CO
8116710	21810	4208100000	108		J S WALKER WELL NO 9	BLOODWORTH	15.0	LONE STAR GAS CO
8116983	29824	4222731971	103		L C DENMAN -B- NO 11	IATAN E HOWARD	0.0	GETTY OIL CO
8116684	16210	4218300000	108		M T COLE NO 18	EAST TEXAS	1.0	ATLANTIC RICHFIELD C
8116942	29435	4242731362	103		MARRS MCLEAN NO 22	LOCKHART	18.0	TENNESSEE GAS PIPELI
8116989	29830	4213533288	103		PAUL MOSS UNIT #189	COWDEN S (CANYON 8790)	0.0	ODESSA NATURAL CORP
8116941	29372	4233531721	103		V T MCCABE C NO 14	JAMESON N (ODOM)	2.6	LONE STAR GAS CO
8116855	26443	4233531688	103		V T MCCABE NO 30	N JAMESON (ODOM)	165.0	LONE STAR GAS CO
8116932	28961	4235330833	102		W M GEORGE #1	WITHERS (ELLENBURGER)	1.1	
8116934	29001	4235330853	102		W M GEORGE #2	WITHERS (ELLENBURGER)	1.2	
-SUPREME OIL CO					RECEIVED: 02/09/81 JA: TX			
8116974	29800	4213331985	103		LULA CANET #1 (88376)	EASTLAND COUNTY REGULAR	350.0	LONE STAR GAS CO
-TANA OIL & GAS CORP					RECEIVED: 02/09/81 JA: TX			
8116761	25253	4229700000	102		R L SPARKMAN NO 1	CLAY WEST (MASSIVE WILCO	1100.0	EL PASO NATURAL GAS

JD NO	JA OKT	API NO	SEC	D	WELL NAME
-TAURUS OIL CORP					RECEIVED: 02/09/81 JA: TX
8116767	25372	4222130479	108		HOUSTON RANCH A-1
8116766	25371	4221130481	108		HOUSTON RANCH B-2
8116765	25370	4221130480	108		HOUSTON RANCH C-3 78285
-TENNECO OIL COMPANY					RECEIVED: 02/09/81 JA: TX
8116832	25944	4221531013	103		PEARL KEIRN UNIT NO 4
-TEXAS OIL & GAS CORP					RECEIVED: 02/09/81 JA: TX
8116685	16386	4226130398	102		ERCK WELL #5
-TEXLAND-RECTOR & SCHUMACHER					RECEIVED: 02/09/81 JA: TX
8116924	28804	4221932690	103		DAVIS NO 5
-TRANSCONTINENTAL OIL CORPORATION					RECEIVED: 02/09/81 JA: TX
*8116992	29858	4241330826	103		UNIVERSITY 12 #1
*8116994	29860	4241330875	103		UNIVERSITY 19 #1 WELL
*8116993	29859	4241330946	103		UNIVERSITY 4 #1
-U S OPERATING INC					RECEIVED: 02/09/81 JA: TX
8116897	27955	4228730689	102		BIRDIE NO 1
8116938	29273	4247730338	102		HNK ANNIE NO 1
8116896	27953	4228730688	102		JENSEN NO 1
8116898	27956	4228730588	102		LUCILLE NO 1
8116899	27957	4247730362	102		PATSY LEE NO 1
-UNC TEXAS INC					RECEIVED: 02/09/81 JA: TX
8117014	30062	4217500000	103		GRACE RAMSEY 1-A ID #90469
-UNION OIL & MINERALS CORP					RECEIVED: 02/09/81 JA: TX
8116894	27903	4214930530	103		PASEUR #1
-UNION OIL COMPANY OF CALIF					RECEIVED: 02/09/81 JA: TX
8116890	27669	4213533337	103		MOSS UNIT #2-7
8116889	27668	4213533336	103		MOSS UNIT #20-9
-UNITED PETROSEARCH INC					RECEIVED: 02/09/81 JA: TX
8116901	28045	4217930710	103		G A BENTLEY #1
-WALLACE OIL & GAS INC					RECEIVED: 02/09/81 JA: TX
8116908	28338	4229508611	103		LEWIS #1
-WALSH AND WATTS INC					RECEIVED: 02/09/81 JA: TX
8116906	28290	4215100000	103		BOYD D #5 (10970)
-WILBROOK EXPLORATION INC					RECEIVED: 02/09/81 JA: TX
8116861	26695	4213331731	103		HANCOCK #1 (15003)
8116886	27604	4213331967	103		JUANITA MASSENGALE A NO 1
-WM GRUENEWALD & ASSOC INC					RECEIVED: 02/09/81 JA: TX
8116918	28514	4234130555	103		MASTERSON M #14R 03947
8116916	28511	4234130557	103		MASTERSON M #15R 03947
8116917	28512	4234130556	103		SNEED-THOMPSON #4-A 04224
-ZENITH EXPLORATION COMPANY					RECEIVED: 02/09/81 JA: TX
8116904	28209	4216331771	103		ESTHER BERRY NO 4

VOLUME 374 PAGE 009

FIELD NAME	PROD	PURCHASER
HOUSTON RANCH (STRAWN)	4.8	NORTHERN GAS PRODUCT
HOUSTON RANCH (STRAWN)	6.1	NORTHERN GAS PRODUCT
HOUSTON RANCH (STRAWN)	11.0	NORTHERN GAS PRODUCT
MCALLEN	125.0	TRUNKLINE GAS CO
MCGILL (8130)	150.0	FLORIDA GAS TRANSMIS
SLAUGHTER	2.0	AMOCO PRODUCTION CO
UNIVERSITY 53 (ELLENBURG	442.0	CRA INC
UNIVERSITY 53 (CANYON)	187.0	CRA INC
UNIVERSITY 54 (CANYON)	86.5	CRA INC
GIDDINGS (AUSTIN CHALK G	400.0	PGP GAS PRODUCTS INC
GIDDINGS (AUSTIN CHALK G	96.0	PGP GAS PRODUCTS INC
GIDDINGS (AUSTIN CHALK G	360.0	PGP GAS PRODUCTS INC
GIDDINGS (AUSTIN CHALK G	150.0	PGP GAS PRODUCTS INC
GIDDINGS (AUSTIN CHALK G	70.0	PGP GAS PRODUCTS INC
CABEZA CREEK S (YEGUA UP	59.0	UNITED GAS PIPELINE
GIDDINGS (AUSTIN CHALK)	180.0	PHILLIPS PETROLEUM C
CONDEN SOUTH	12.0	ODESSA NATURAL CORP
CONDEN SOUTH	30.0	ODESSA NATURAL CORP
EAST PANHANDLE GAS	48.5	PHILLIPS PETROLEUM C
FRITZLEN FIELD	36.4	DIAMOND SHAMROCK COR
JUDY GAIL (CANYON SAND)	0.0	LONE STAR GAS CO
MASSENGALE (DUFFER)	44.0	LONE STAR GAS CO
MASSENGALE (DUFFER)	45.0	LONE STAR GAS CO
PANHANDLE (RED CAVE)	29.9	COLORADO INTERSTATE
PANHANDLE (RED CAVE)	20.8	COLORADO INTERSTATE
PANHANDLE (RED CAVE)	38.8	PANHANDLE EASTERN PI
BERRY (PRIO) FIELD	118.0	TRANSCONTINENTAL GAS

OTHER PURCHASERS VOLUME NO 8374

8116681 CITIES SERVICE CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant

were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of

OTHER PURCHASERS VOLUME NO 8374

8116681 CITIES SERVICE CO
8116682 CITIES SERVICE COMPANY
8116688 E I DUPONT DE NEMOURS & CO INC
8116697 E I DUPONT DE NEMOURS & CO INC
8116699 E I DUPONT DE NEMOURS & CO INC
8116700 E I DUPONT DE NEMOURS & CO INC
8116701 E I DUPONT DE NEMOURS & CO INC
8116711 E I DUPONT DE NEMOURS & CO INC
8116712 E I DUPONT DE NEMOURS & CO INC
8116713 E I DUPONT DE NEMOURS & CO INC
8116719 E I DUPONT DE NEMOURS & CO INC
8116720 E I DUPONT DE NEMOURS & CO INC
8116721 E I DUPONT DE NEMOURS & CO INC
8116722 E I DUPONT DE NEMOURS & CO INC
8116723 E I DUPONT DE NEMOURS & CO INC
8116724 E I DUPONT DE NEMOURS & CO INC
8116725 E I DUPONT DE NEMOURS & CO INC
8116726 E I DUPONT DE NEMOURS & CO INC
8116727 E I DUPONT DE NEMOURS & CO INC
8116728 E I DUPONT DE NEMOURS & CO INC
8116731 E I DUPONT DE NEMOURS & CO INC
8116738 NORTHERN NAT GAS CO
8116740 E I DUPONT DE NEMOURS & CO INC
8116745 E I DUPONT DE NEMOURS & CO INC
8116746 E I DUPONT DE NEMOURS & CO INC
8116751 E I DUPONT DE NEMOURS & CO INC
8116759 E I DUPONT DE NEMOURS & CO INC
8116835 E I DUPONT DE NEMOURS & CO INC
8116865 LONE STAR GAS CO
8116866 LONE STAR GAS CO
8116870 CITIES SERVICE OIL CO
8116875 TEXAS UTILITIES FUEL CO
8116876 TEXAS UTILITIES FUEL CO
8116885 PIONEER NATURAL GAS CO
8116920 TEXAS EASTERN TRANSMISSION CO
8116957 EL PASO NATURAL GAS CO
8116958 EL PASO NATURAL GAS CO
8116959 EL PASO NATURAL GAS CO
8116960 EL PASO NATURAL GAS CO
8116966 PHILLIPS PETROLEUM CO
8116967 PHILLIPS PETROLEUM CO
8116992 LONE STAR GAS CO
8116993 LONE STAR GAS CO
8116994 LONE STAR GAS CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 3, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL REGISTER	R: Revision of National Agency C: Correction to Prior Fed. Reg. Notice
81-12873	TX	Southland Minerals Co	W L Goldston #1	359	2/12/81	C: 102 & 103 approved
81-12987	TX	Gunn Oil Co	Burnett S.B. Estate Q1	359	2/12/81	C: 102 & 103 approved
81-12900	TX	Tana Oil & Gas Corp	Tana #1 Helm - State	359	2/12/81	C: 102 & 103 approved

[FR Doc. 81-8481 Filed 3-18-81; 8:45 am]
BILLING CODE 6450-85-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 5, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION							
-MACQUEST PETROLEUM INC				RECEIVED: 02/09/81 JA: MT			
9117178	11-80-238	2503521474	103	MACQUEST #1-25 HUEBNER	LITTLE ROCK GAS FIELD	23.0	FOUREN CO
9117176	11-80-236	2503521478	103	MACQUEST #2-23 STUFFT FARMS	LITTLE ROCK GAS FIELD	24.0	FOUREN CO
9117177	11-80-237	2503521476	103	MACQUEST #2-26 TUMA	LITTLE ROCK GAS FIELD	36.0	FOUREN CO
NORTH DAKOTA GEOLOGICAL SURVEY							
-TEXACO INC				RECEIVED: 02/09/81 JA: ND			
9117174	320	3305301056	102	C M LOOMER NO 10	BLUE BUTTES SOUTH	1040.0	MONTANA DAKOTA UTILI
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED: 02/09/81 JA: ND			
*9117171	318	3300700529	102	BARANKO #1	WILDCAT	259.0	KOCH HYDROCARBON CO
*9117172	316	3300700458	102	EGLY #4	BIG STICK	295.0	KOCH HYDROCARBON CO
*9117173	319	3300700386	102	KORDON B #1	FOUR EYES	33.0	KOCH HYDROCARBON CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-AMOCO PRODUCTION CO				RECEIVED: 02/09/81 JA: NM			
9117183		3001523196	102	STATE IH COM #1	UND SOUTH ROCK TANK MORR	638.0	EL PASO NATURAL GAS
-FRED POOL DRILLING CO				RECEIVED: 02/09/81 JA: NM			
9117182		3000560631	102	CORN BROS INC #1	WILDCAT-UND ABO	0.0	TRANSWESTERN PIPELIN
-KERSEY & COMPANY				RECEIVED: 02/09/81 JA: NM			
9117180		3001505178	108	STATE W K #2 B-3105	GRAYBURG JACKSON GRAYBUR	9.0	CONTINENTAL OIL CO
-MORAN EXPLORATION INC				RECEIVED: 02/09/81 JA: NM			
9117179		3002526740	103	GANN NO 2	CAUDILL (DEV)	0.0	
-TENNECO OIL COMPANY				RECEIVED: 02/09/81 JA: NM			
9117181		3002526528	102	KENNITZ DEEP LF-29 #2	SOUTH KENNITZ ATOKA-MORR	1800.0	
OKLAHOMA CORPORATION COMMISSION							
-AN-SON CORPORATION				RECEIVED: 02/09/81 JA: OK			
*9117026	07155	3501520683	103	COATES NO 1	N W COGAR	16.0	TRANSOK PIPE LINE CO
-ANDOVER OIL COMPANY				RECEIVED: 02/09/81 JA: OK			
9117027	07157	3500320668	103	PROVOST #6-1		180.0	DELHI GAS PIPELINE C
9117028	07156	3500320672	103	RICHTER #31-1		180.0	DELHI GAS PIPELINE C
9117029	07158	3509321809	103	STURGEON #15-2		185.0	PANHANDLE EASTERN PI
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/09/81 JA: OK			
9117031	07233	3505920846	103	FREDA A YAUK UNIT WELL #3	N W LOVEDALE	73.0	CITIES SERVICE GAS C
-BERRY PETROLEUM CORP				RECEIVED: 02/09/81 JA: OK			
9117034	07240	3504722182	103	HELBERG #31-1	SOONER TREND	150.0	GRACE PETROLEUM CORP
-BIG HOPE OIL & GAS INC				RECEIVED: 02/09/81 JA: OK			
9117033	07250	3507300000	103	WHEELBARGER #20-1		0.0	CONOCO INC

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME		FIELD NAME	PROD	PURCHASER
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 02/09/81	JA: OK			
9117025	07267	3510900000	108		MERRILL NO 1		OKLAHOMA CITY	4.0	PHILLIPS PETROLEUM
9117038	07208	3500300000	108		RUTH B DAVIS NO 1		E CHANEY DELL	11.0	CHAMPLIN PETROLEUM
-CLEMENTS ENERGY INC					RECEIVED: 02/09/81	JA: OK			
9117062	07153	3510320978	103		DAY NO 1			18.3	AMINOIL USA INC
-CONOCO INC					RECEIVED: 02/09/81	JA: OK			
9117057	07400	3503920332	102		M L AGAN NO 1		CUSTER	0.7	
-DALCO PETROLEUM INC					RECEIVED: 02/09/81	JA: OK			
9117022	07025	3507322449	103		GLADYS #1		SOONER TREND	91.3	CITIES SERVICE GAS C
9117063	07205	3507322475	103		WENDT #2		SOONER TREND	91.3	CITIES SERVICE GAS C
-DONALD C SLAWSON					RECEIVED: 02/09/81	JA: OK			
9117060	07220	3501721276	103		#1-17 HORWEDEL		WATONGA TREND	36.0	CITIES SERVICE GAS C
-ECC OIL CO					RECEIVED: 02/09/81	JA: OK			
9117059	07249	3514721283	103		NEUSTADT WELL #1		OGLESBY GAS FIELD	65.4	OKAN GAS CO
-F C D OIL CORP					RECEIVED: 02/09/81	JA: OK			
9117024	07004	3507322474	103		CAROL 1-34		SOONER TREND	18.3	EASON OIL CO
-HARPER OIL COMPANY					RECEIVED: 02/09/81	JA: OK			
9117058	07264	3507321981	103		AGNES A-1		SOONER TREND	16.0	EXXON CO USA
*9117044	07262	3500300000	103		MCCOLLUM B-1		RINGWOOD	44.0	OKLAHOMA GAS & ELECT
*9117047	07263	3502321992	103		RATCLIFF #1		SOONER TREND	13.0	EXXON COMPANY USA-PR
-KEITH F WALKER					RECEIVED: 02/09/81	JA: OK			
9117052	07214	3501922043	103		CARLOCK #1		OIL CITY	182.0	MOBIL OIL CORP
-LUBELL OIL CO					RECEIVED: 02/09/81	JA: OK			
9117041	07226	3506321146	103		MEADORS #1-21		GILCREASE	150.0	
-MACRELLAR INC					RECEIVED: 02/09/81	JA: OK			
9117053	07138	3507322506	103		ELIZABETH #1		SOONER TREND	0.0	CITIES SERVICE GAS C
-MORAN EXPLORATION INC					RECEIVED: 02/09/81	JA: OK			
9117055	07480	3501721319	102		DOLEZAL NO 2		YUKON	0.0	PHILLIPS PETROLEUM C
-NATIONAL OIL COMPANY					RECEIVED: 02/09/81	JA: OK			
9117050	07137	3509321743	103		HARVEY DIERKSEN		S E MENO	185.0	CITIES SERVICE GAS C
-NEVA ASSOCIATES					RECEIVED: 02/09/81	JA: OK			
9117046	06859	3507121860	103		KELLE #1-23			6.0	CITIES SERVICE GAS C
9117045	06860	3507121870	103		KEMNITZ #2-23		EAST BLACKWELL	10.0	CITIES SERVICE GAS C
-O L SCOTT JR					RECEIVED: 02/09/81	JA: OK			
9117037	07221	3504722169	103		VOSKUHL #1			60.0	ARCO GAS CO
-PACIFIC OIL & GAS CO					RECEIVED: 02/09/81	JA: OK			
9117030	07192	3509321748	103		EDWARDS NO 2		WEST CHEYENNE VALLEY	30.0	PHILLIPS PETROLEUM C
9117040	07193	3509321673	103		EDWARDS 1-A		WEST CHEYENNE VALLEY	30.0	PHILLIPS PETROLEUM C
-RICKS EXPLORATION CO					RECEIVED: 02/09/81	JA: OK			
9117056	07386	3501552086	102		MERIWETHER #1		WATONGA TREND	33.0	DELHI GAS PIPELINE C
-RODMAN PETROLEUM CORP					RECEIVED: 02/09/81	JA: OK			
9117036	07253	3504722175	103		DAVE-J LEE 17-1			82.0	PANHANDLE EASTERN PI
9117035	07252	3504722207	103		DAVE-J LEE 17-2			73.0	PANHANDLE EASTERN PI
-SHELL OIL CO					RECEIVED: 02/09/81	JA: OK			
9117054	07143	3500721848	103		BARBY 2-6		ROCANE LAVERNE	365.0	EL PASO NATURAL GAS
9117039	07255	3515300000	108		MARSTON 2-33		HARMON	1.0	MULTISTATE OIL PROPE
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/09/81	JA: OK			
9117051	06977	3501120994	103		F L FORNEY NO 2		FAY S E	588.0	OKLAHOMA GAS & ELECT
9117043	07222	3505300000	108		SCHMITZ NO 1		WAKITA	7.0	CITIES SERVICE GAS C
-SUNDANCE ENERGY CORP					RECEIVED: 02/09/81	JA: OK			
9117064	07148	3504722197	103		ROBERTSON #1		NORTH ENID	120.0	CHAMPLIN PETROLEUM C
-TEXAS OIL & GAS CORP					RECEIVED: 02/09/81	JA: OK			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117023	07009	3504722159	103		BOLENBAUGH A #1	SOONER TREND	77.0	
-VIERSEN & COCHRAN			RECEIVED: 02/09/81 JA: OK					
8117032	07236	3508321222	103		ARMOUR B #2	SOONER TREND	18.0	CONOCO INC
-VULCAN ENERGY CORP			RECEIVED: 02/09/81 JA: OK					
8117048	07216	3507322393	103		LORENZ #1	SOONER TREND	150.0	CITIES SERVICE CO
8117042	07217	3507322392	103		LUETKEMEYER #1	SOONER TREND	100.0	CITIES SERVICE CO
-WILLIAM H DAVIS			RECEIVED: 02/09/81 JA: OK					
8117061	07206	3508321364	103		MCNEIL #1	W LAWRIE	21.0	EASON OIL CO
-WOODS PETROLEUM CORPORATION			RECEIVED: 02/09/81 JA: OK					
8117049	07215	3504920982	103		ABSHURE #17-1	WEST ANTIOCH	7.0	WARREN PETROLEUM CO
WEST VIRGINIA DEPARTMENT OF MINES								
-TUG FORK CORP			RECEIVED: 02/09/81 JA: WV					
*8117114		4704301223	107		AUBREY TURLEY 1-1001	WASH	8.9	TENNESSEE GAS PIPELI
*8117065		4709900137	107		B J PRICHARD 1-550	STONEWALL	3.6	TENNESSEE GAS PIPELI
*8117108		4704301187	107		BARRETT-MALLORY 1-968	WASH	9.8	TENNESSEE GAS PIPELI
*8117069		4704500028	107		BETTY CONLEY 1-1187	CHAPMANVILLE	4.9	TENNESSEE GAS PIPELI
*8117119		4704301318	107		BOWMAN HOPKINS 1-1003	WASH	6.5	TENNESSEE GAS PIPELI
*8117097		4704301165	107		C UNDERHILL 1-921	WASH	1.2	TENNESSEE GAS PIPELI
*8117118		4704301265	107		C UNDERHILL 2-1014	WASH	5.1	TENNESSEE GAS PIPELI
*8117115		4704301227	107		CAMBRIDGE GAS CO 2-973	WASH	0.9	TENNESSEE GAS PIPELI
*8117113		4704301201	107		CAMBRIDGE GAS CO 3-974	WASH	0.3	TENNESSEE GAS PIPELI
*8117103		4704301177	107		ELWOOD RUNYAN 2-963	WASH	8.2	TENNESSEE GAS PIPELI
*8117105		4704301183	107		ELWOOD RUNYAN 3-964	WASH	12.5	TENNESSEE GAS PIPELI
*8117067		4709900913	107		F E MATHEWSON 12-901	GRANT	0.9	TENNESSEE GAS PIPELI
*8117122		4704301377	107		F F STARCHER 10-1198	HARTS CREEK	4.9	TENNESSEE GAS PIPELI
*8117123		4704301386	107		F F STARCHER 11-1203	HARTS CREEK	12.6	TENNESSEE GAS PIPELI
*8117124		4704301388	107		F F STARCHER 12-1207	HARTS CREEK	7.3	TENNESSEE GAS PIPELI
*8117125		4704301406	107		F F STARCHER 13-1209	HARTS CREEK	9.3	TENNESSEE GAS PIPELI
*8117126		4704301437	107		F F STARCHER 16-1220	HARTS CREEK	10.1	TENNESSEE GAS PIPELI
*8117127		4704301440	107		F F STARCHER 17-1223	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117128		4704301441	107		F F STARCHER 18-1224	HARTS CREEK	4.9	TENNESSEE GAS PIPELI
*8117079		4704301084	107		F F STARCHER 3-864	HARTS CREEK	8.3	TENNESSEE GAS PIPELI
*8117089		4704301122	107		F F STARCHER 5-891	HARTS CREEK	7.3	TENNESSEE GAS PIPELI
*8117092		4704301143	107		F F STARCHER 6-895	HARTS CREEK	4.0	TENNESSEE GAS PIPELI
*8117096		4704301158	107		F F STARCHER 7-896	HARTS CREEK	3.6	TENNESSEE GAS PIPELI
*8117121		4704301376	107		F F STARCHER 8-928	HARTS CREEK	5.3	TENNESSEE GAS PIPELI
*8117078		4704301083	107		G J ALEXANDER 1-863	HARTS CREEK	9.8	TENNESSEE GAS PIPELI
*8117117		4704301264	107		GLADYS JOHNSON 1-993	WASH	12.7	TENNESSEE GAS PIPELI
*8117116		4704301246	107		HILL-HOY-THOMPSON 1-995	WASH	18.6	TENNESSEE GAS PIPELI
*8117068		4709901278	107		HOARD BLADWIN 57-1095	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117083		4704301104	107		ISLAND CREEK MINING 1-875	HARTS CREEK	4.5	TENNESSEE GAS PIPELI
*8117094		4704301148	107		ISLAND CREEK MINING 10-903	HARTS CREEK	6.3	TENNESSEE GAS PIPELI
*8117095		4704301149	107		ISLAND CREEK MINING 11-909	HARTS CREEK	8.3	TENNESSEE GAS PIPELI
*8117102		4704301173	107		ISLAND CREEK MINING 12-910	HARTS CREEK	2.2	TENNESSEE GAS PIPELI
*8117098		4704301166	107		ISLAND CREEK MINING 13-924	HARTS CREEK	6.9	TENNESSEE GAS PIPELI
*8117090		4704301131	107		ISLAND CREEK MINING 8-890	HARTS CREEK	7.8	TENNESSEE GAS PIPELI
*8117093		4704301147	107		ISLAND CREEK MINING 9-900	HARTS CREEK	6.9	TENNESSEE GAS PIPELI
*8117071		4704300552	107		KOONTZ REALTY CO 1-692	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117075		4704300996	107		KOONTZ REALTY CO 11-829	HARTS CREEK	9.8	TENNESSEE GAS PIPELI
*8117076		4704301055	107		KOONTZ REALTY CO 20-853	HARTS CREEK	5.6	TENNESSEE GAS PIPELI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8117091		4704301091	107		KOONTZ REALTY CO 21-848	HARTS CREEK	6.1	TENNESSEE GAS PIPELI
*8117104		4704301174	107		KOONTZ REALTY CO 22-911	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117099		4704301167	107		KOONTZ REALTY CO 23-925	HARTS CREEK	4.9	TENNESSEE GAS PIPELI
*8117100		4704301168	107		KOONTZ REALTY CO 24-926	HARTS CREEK	4.9	TENNESSEE GAS PIPELI
*8117101		4704301169	107		KOONTZ REALTY CO 25-927	HARTS CREEK	4.9	TENNESSEE GAS PIPELI
*8117072		4704300553	107		KOONTZ REALTY CO 2-693	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117073		4704300554	107		KOONTZ REALTY CO 3-694	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117074		4704300555	107		KOONTZ REALTY CO 4-695	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117077		4704301082	107		KOONTZ REALTY CO 5-862	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117080		4704301085	107		KOONTZ REALTY CO 6-865	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117081		4704301086	107		KOONTZ REALTY CO 7-866	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117082		4704301087	107		KOONTZ REALTY CO 8-867	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117084		4704301105	107		KOONTZ REALTY CO 9-876	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117085		4704301106	107		KOONTZ REALTY CO 10-877	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117086		4704301107	107		KOONTZ REALTY CO 11-878	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117087		4704301108	107		KOONTZ REALTY CO 12-879	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117088		4704301109	107		KOONTZ REALTY CO 13-880	HARTS CREEK	4.1	TENNESSEE GAS PIPELI
*8117110		4704301224	107		LEE BRADLEY 1-1002	WASH	8.9	TENNESSEE GAS PIPELI
*8117111		4704301225	107		LEE BRADLEY 2-1013	WASH	8.9	TENNESSEE GAS PIPELI
*8117112		4704301226	107		LEE BRADLEY 3-1015	WASH	8.9	TENNESSEE GAS PIPELI
*8117120		4704301375	107		LEE BRADLEY 4-1016	WASH	8.9	TENNESSEE GAS PIPELI
*8117064		4709900912	107		LEWIS HEIRS 1-1096	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117066		4709900914	107		LEWIS HEIRS 2-1097	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117109		4704301221	107		MARY ANN HOPKINS 1-1000	WASH	8.9	TENNESSEE GAS PIPELI
*8117106		4704301184	107		MOLLIE RUNYAN 1-965	WASH	12.5	TENNESSEE GAS PIPELI
*8117107		4704301185	107		MOLLIE RUNYAN 2-966	WASH	12.5	TENNESSEE GAS PIPELI
*8117062		4709900911	107		NEAL HEIRS 1-1094	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117063		4709900910	107		NEAL HEIRS 2-1095	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117060		4709900909	107		NEAL HEIRS 3-1098	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117059		4709900908	107		NEAL HEIRS 4-1099	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117058		4709900907	107		NEAL HEIRS 5-1100	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117057		4709900906	107		NEAL HEIRS 6-1101	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117056		4709900905	107		NEAL HEIRS 7-1102	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117055		4709900904	107		NEAL HEIRS 8-1103	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117054		4709900903	107		NEAL HEIRS 9-1104	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117053		4709900902	107		NEAL HEIRS 10-1105	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117052		4709900901	107		NEAL HEIRS 11-1106	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117051		4709900900	107		NEAL HEIRS 12-1107	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117050		4709900899	107		NEAL HEIRS 13-1108	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117045		4709900894	107		NEAL HEIRS 14-1109	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117044		4709900893	107		NEAL HEIRS 15-1110	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117043		4709900892	107		NEAL HEIRS 16-1111	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117046		4709900895	107		NEAL HEIRS 17-1112	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117047		4709900896	107		NEAL HEIRS 18-1113	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117041		4709900890	107		NEAL HEIRS 19-1114	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117040		4709900889	107		NEAL HEIRS 20-1115	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117039		4709900888	107		NEAL HEIRS 21-1116	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117038		4709900887	107		NEAL HEIRS 22-1117	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117037		4709900886	107		NEAL HEIRS 23-1118	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117036		4709900885	107		NEAL HEIRS 24-1119	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117035		4709900884	107		NEAL HEIRS 25-1120	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117034		4709900883	107		NEAL HEIRS 26-1121	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117033		4709900882	107		NEAL HEIRS 27-1122	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117031		4709900881	107		NEAL HEIRS 28-1123	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117030		4709900880	107		NEAL HEIRS 29-1124	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117029		4709900879	107		NEAL HEIRS 30-1125	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117028		4709900878	107		NEAL HEIRS 31-1126	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117027		4709900877	107		NEAL HEIRS 32-1127	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117026		4709900876	107		NEAL HEIRS 33-1128	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117025		4709900875	107		NEAL HEIRS 34-1129	STONEWALL	5.6	TENNESSEE GAS PIPELI
*8117024		4709900874	107		NEAL HEIRS 35-1130	STONEWALL	5.6	TENNESSEE GAS PIPELI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8117081		4704301091	107		KOONTZ REALTY CO 21-868	HARTS CREEK	6.1	TENNESSEE GAS PIPELI
*8117082		4704301092	107		KOONTZ REALTY CO 22-869	HARTS CREEK	12.0	TENNESSEE GAS PIPELI
*8117084		4704301105	107		KOONTZ REALTY CO 23-876	HARTS CREEK	7.0	TENNESSEE GAS PIPELI
*8117085		4704301113	107		KOONTZ REALTY CO 24-878	HARTS CREEK	9.7	TENNESSEE GAS PIPELI
*8117087		4704301118	107		KOONTZ REALTY CO 25-882	HARTS CREEK	5.7	TENNESSEE GAS PIPELI
*8117091		4704301132	107		KOONTZ REALTY CO 26-888	HARTS CREEK	6.7	TENNESSEE GAS PIPELI
*8117109		4704301196	107		KOONTZ REALTY CO 27-946	HARTS CREEK	5.7	TENNESSEE GAS PIPELI
*8117070		4704500862	107		LAWSON HRS 9-1208	CHAPSMANVILLE	11.5	TENNESSEE GAS PIPELI
*8117100		4704301170	107		M BOWMAN A 1-952	WASH	7.3	TENNESSEE GAS PIPELI
*8117099		4704301167	107		M BOWMAN B 1-941	WASH	6.5	TENNESSEE GAS PIPELI
*8117111		4704301199	107		M V TRIMBLE 1-980	WASH	1.8	TENNESSEE GAS PIPELI
*8117107		4704301185	107		MACEL PAULEY 1-957	WASH	3.1	TENNESSEE GAS PIPELI
*8117120		4704301324	107		MARY BESS 1-1000	WASH	10.4	TENNESSEE GAS PIPELI
*8117106		4704301184	107		M GILCHRIST 1-969	WASH	4.8	TENNESSEE GAS PIPELI
*8117072		4704300646	107		PATTIE PORTER 7-734	LAUREL HILL	24.5	TENNESSEE GAS PIPELI
*8117104		4704301180	107		R W RONK 1-960	WASH	5.2	TENNESSEE GAS PIPELI
*8117074		4704300989	107		STEIN & MCCOMAS 14-814	HARTS CREEK	7.1	TENNESSEE GAS PIPELI
*8117086		4704301114	107		STEIN & MCCOMAS 19-867	HARTS CREEK	5.8	TENNESSEE GAS PIPELI
*8117088		4704301119	107		STEIN & MCCOMAS 20-887	HARTS CREEK	2.9	TENNESSEE GAS PIPELI
*8117073		4704300814	107		STEIN & MCCOMAS 5-767	HARTS CREEK	10.6	TENNESSEE GAS PIPELI
*8117077		4704301082	107		T H HARVEY 1-857	HARTS CREEK	7.3	TENNESSEE GAS PIPELI
*8117080		4704301090	107		T H HARVEY 2-858	HARTS CREEK	3.9	TENNESSEE GAS PIPELI
*8117110		4704301197	107		T H HARVEY 3-953	HARTS CREEK	6.0	TENNESSEE GAS PIPELI
*8117112		4704301200	107		T H HARVEY 5-975	HARTS CREEK	9.4	TENNESSEE GAS PIPELI
*8117101		4704301172	107		W O MORRIS 1-939	WASH	4.6	TENNESSEE GAS PIPELI
*8117066		4709900434	107		WILSON COAL LAND CO 43-753	LINCOLN	9.9	TENNESSEE GAS PIPELI
** U.S. GEOLOGICAL SURVEY - LOS ANGELES,CA								
-OXY PETROLEUM INC					RECEIVED: 02/09/81 JA: CA 2			
8117175	CA1-80	0402958723	102		CHEVRON-OJAI USL NO 34-30	CAL CANAL	180.0	KERNRIDGE OIL CO
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
-PETRO-LEWIS CORPORATION					RECEIVED: 02/07/81 JA: NM 4			
8117021	NM-0154-80	3003900000	103		FLORANCE #8	TAPACITO	146.0	
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
-MIDLANDS GAS CORPORATION					RECEIVED: 02/09/81 JA: MT 5			
*8117130	M 634-0	2507121373	108		0213 FEDERAL 1-0213	WILDCAT	15.0	KANSAS-NEBRASKA NATU
*8117131	M635-0	2507121531	108		0871 FEDERAL 1	WILDCAT	22.0	KANSAS-NEBRASKA NATU
8117129	M 514-0	2507121462	108	D	1351 FEDERAL 133531		0.0	
*8117132	M648-0	2507121360	108		1532 FEDERAL 1	WILDCAT	22.0	KANSAS-NEBRASKA NATU
-TRICENTROL UNITED STATES INC					RECEIVED: 02/09/81 JA: MT 5			
8117133	M666-0	2504122174	103		U S 22-6-T30N-R15E	TIGER RIDGE-BULLHOOK UNI	44.0	NORTHERN NATURAL GAS
8117134	M667-0	2504122172	103		US 34-16-T31N-R17E	TIGER RIDGE	110.0	NORTHERN NATURAL GAS
-BWAB INC					RECEIVED: 02/09/81 JA: ND 5			
8117136	ND679-0	3305301070	102		FEDERAL #35-43	MONDAK	8.0	MONTANA DAKOTA UTILI
-DOME PETROLEUM CORP					RECEIVED: 02/09/81 JA: ND 5			
8117135	ND 678-0	3305301136	102		DOME FEDERAL 3-26	MON-DAK	17.3	SHELL OIL CO
-AMOCO PRODUCTION CO					RECEIVED: 02/09/81 JA: WY 5			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117150	W 647-0	4900720521	102		COAL GULCH UNIT E NO 1	COAL GULCH	265.0	CITIES SERVICE GAS C
8117157	W 672-0	4904120279	102		RYCKMAN CREEK UNIT NO 16	RYCKMAN CREEK	730.0	NORTHWEST PIPELINE C
8117158	W 673-0	4904120316	102		RYCKMAN CREEK UNIT NO 28	RYCKMAN CREEK	300.0	NORTHWEST PIPELINE C
-ARCO OIL AND GAS COMPANY					RECEIVED: 02/09/81 JA: WY 5			
8117159	W 674-0	4901321010	103		ARCO - TRIBAL #32	RIVERTON DOME	158.0	MONTANA-DAKOTA UTILI
-BELCO PETROLEUM CORPORATION					RECEIVED: 02/09/81 JA: WY 5			
8117146	W 642-0	4903520566	103		ELBU 30-21	EAST LABARGE	0.0	NORTHWEST PIPELINE C
8117147	W 643-0	4903520568	103		ELBU 33-28	EAST LABARGE	4.0	NORTHWEST PIPELINE C
8117148	W 644-0	4903520541	103		GRBU 70-19	GREEN RIVER BEND	0.0	NORTHWEST PIPELINE C
8117160	W 675-0	4903520572	103		GRBU 72-27	GREEN RIVER BEND	0.0	NORTHWEST PIPELINE C
8117149	W 645-0	4903520599	103		S 31-28	MESAVERDE	0.0	NORTHWEST PIPELINE C
8117156	W 668-0	4903506160	108		S-13-22	MIDDLE PINEY	20.0	NORTHWEST PIPELINE C
-CITIES SERVICE COMPANY					RECEIVED: 02/09/81 JA: WY 5			
8117151	W 650-0	4900720569	102		FEDERAL BE #1	ECHO SPRINGS	200.0	CITIES SERVICE GAS C
-COLUMBINE EXPLORATION CORP					RECEIVED: 02/09/81 JA: WY 5			
8117137	W609-0	4903721695	103		LEAR FEDERAL #1-30	SIX MILE SPRING	1.0	MOUNTAIN FUEL SUPPLY
-DAVIS OIL COMPANY					RECEIVED: 02/09/81 JA: WY 5			
8117153	W 652-0	4900921652	102		#1 GATES FEDERAL	WILDCAT	25.2	PHILLIPS PETROLEUM C
8117164	W 681-0	4901920548	102		#2 BRAVE FEDERAL G	INDIAN CREEK	77.0	PHILLIPS PETROLEUM C
8117169	W 687-0	4901920592	102		CULP DRAW UNIT II #65	WILDCAT	0.0	PHILLIPS PETROLEUM C
8117140	W 628-0	4900921533	103		GRACE FEDERAL NO 1	MIKES DRAW	19.4	PHILLIPS PETROLEUM C
8117168	W 686-0	4903721626	102		GREAT DIVIDE NO 7	GREAT DIVIDE UNIT AREA	545.0	PANHANDLE EASTERN PI
8117139	W627-0	4900525468	103		HILIGHT FEDERAL NO 1	HILIGHT FEDERAL	16.7	PHILLIPS PETROLEUM C
8117165	W 682-0	4901920568	102		INDIAN CHIEF FEDERAL #30	INDIAN CREEK	18.0	PHILLIPS PETROLEUM C
8117152	W 651-0	4900525410	103		J C FEDERAL (F) #1	HILIGHT	23.2	PHILLIPS PETROLEUM C
8117167	W 685-0	4903721498	102		J T FEDERAL #3	HAY RESERV DIR	363.4	PANHANDLE EASTERN PI
8117154	W 654-0	4900921687	102		MEASOR FEDERAL #2	WILDCAT	10.7	PHILLIPS PETROLEUM C
8117163	W 680-0	4900525452	102		N POWELL ARMSTRONG FED #1	WILDCAT	231.4	PHILLIPS PETROLEUM C
-MARATHON OIL COMPANY					RECEIVED: 02/09/81 JA: WY 5			
8117155	W 662-0	4900525268	102		ANTELOPE CREEK #1-30	LOGAN DRAW	44.0	
*8117144	W 638-0	4902920769	103		BASTON A #14 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	14.6	COLORADO INTERSTATE
*8117145	W 639-0	4902920770	103		BASTON A #15 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	8.6	COLORADO INTERSTATE
*8117143	W 632-0	4902920811	103		OWENS A NO 9	OREGON BASIN FIELD	21.6	COLORADO INTERSTATE
8117138	W626-0	4902320318	102		WHISKEY BUTTES #35	WHISKEY BUTTES	73.0	MOUNTAIN FUEL SUPPLY
-MOBIL OIL CORP					RECEIVED: 02/09/81 JA: WY 5			
8117162	W 677-0	4903520516	103		TIP TOP UNIT NO T32-6G	TIP TOP UNIT	400.0	NORTHWEST PIPELINE C
8117161	W 676-0	4903520553	103		TIP TOP UNIT T22-17G	TIP TOP	350.0	NORTHWEST PIPELINE C
-PETRO ENERGY INC					RECEIVED: 02/09/81 JA: WY 5			
8117142	W 631-0	4904521363	103		FEDERAL 1-23	LONETREE CREEK	75.0	PHILLIPS PETROLEUM C
-RAYMOND T DUNCAN					RECEIVED: 02/09/81 JA: WY 5			
8117170	W688-0	4900921578	102		FEDERAL 1-33	SCOTT FIELD	20.0	CHINOOK CONSTRUCTION
-TEXAS OIL & GAS CORP					RECEIVED: 02/09/81 JA: WY 5			
8117166	W 684-0	4903721720	103		SAND DUNES FEDERAL #1	MITCHIE GULCH	150.0	MOUNTAIN FUEL SUPPLY
-TRIGG DRILLING COMPANY INC					RECEIVED: 02/09/81 JA: WY 5			
8117141	W 629-0	4901320981	103		TRIBAL - TRIGG 1-11	EAST RIVERTON	0.0	MONTANA DAKOTA UTILI

OTHER PURCHASERS VOLUME NO 8375

8117026	MUSTANG FUEL CORP	8117119	INDUSTRIAL GAS CORP

OTHER PURCHASERS VOLUME NO 0375

8117026	MUSTANG FUEL CORP	8117119	INDUSTRIAL GAS CORP
8117044	UNION TEXAS PETROLEUM	8117120	INDUSTRIAL GAS CORP
8117047	ONG WESTERN INC	8117121	INDUSTRIAL GAS CORP
8117065	INDUSTRIAL GAS CORP	8117122	INDUSTRIAL GAS CORP
8117066	INDUSTRIAL GAS CORP	8117123	INDUSTRIAL GAS CORP
8117067	INDUSTRIAL GAS CORP	8117124	INDUSTRIAL GAS CORP
8117068	INDUSTRIAL GAS CORP	8117125	INDUSTRIAL GAS CORP
8117069	INDUSTRIAL GAS CORP	8117126	INDUSTRIAL GAS CORP
8117070	INDUSTRIAL GAS CORP	8117127	INDUSTRIAL GAS CORP
8117071	INDUSTRIAL GAS CORP	8117128	INDUSTRIAL GAS CORP
8117072	INDUSTRIAL GAS CORP	8117130	MONTANA DAKOTA UTILITIES CO
8117073	INDUSTRIAL GAS CORP	8117131	MONTANA DAKOTA UTILITIES CO
8117074	INDUSTRIAL GAS CORP	8117132	MONTANA DAKOTA UTILITIES CO
8117075	INDUSTRIAL GAS CORP	8117143	CODY GAS CO
8117076	INDUSTRIAL GAS CORP	8117144	CODY GAS CO
8117077	INDUSTRIAL GAS CORP	8117145	CODY GAS CO
8117078	INDUSTRIAL GAS CORP	8117171	WESTERN GAS PROCESSORS INC
8117079	INDUSTRIAL GAS CORP	8117172	WESTERN GAS PROCESSORS LTD
8117080	INDUSTRIAL GAS CORP	8117173	WESTERN GAS PROCESSORS INC
8117081	INDUSTRIAL GAS CORP		
8117082	INDUSTRIAL GAS CORP		
8117083	INDUSTRIAL GAS CORP		
8117084	INDUSTRIAL GAS CORP		
8117085	INDUSTRIAL GAS CORP		
8117086	INDUSTRIAL GAS CORP		
8117087	INDUSTRIAL GAS CORP		
8117088	INDUSTRIAL GAS CORP		
8117089	INDUSTRIAL GAS CORP		
8117090	INDUSTRIAL GAS CORP		
8117091	INDUSTRIAL GAS CORP		
8117092	INDUSTRIAL GAS CORP		
8117093	INDUSTRIAL GAS CORP		
8117094	INDUSTRIAL GAS CORP		
8117095	INDUSTRIAL GAS CORP		
8117096	INDUSTRIAL GAS CORP		
8117097	INDUSTRIAL GAS CORP		
8117098	INDUSTRIAL GAS CORP		
8117099	INDUSTRIAL GAS CORP		
8117100	INDUSTRIAL GAS CORP		
8117101	INDUSTRIAL GAS CORP		
8117102	INDUSTRIAL GAS CORP		
8117103	INDUSTRIAL GAS CORP		
8117104	INDUSTRIAL GAS CORP		
8117105	INDUSTRIAL GAS CORP		
8117106	INDUSTRIAL GAS CORP		
8117107	INDUSTRIAL GAS CORP		
8117108	INDUSTRIAL GAS CORP		
8117109	INDUSTRIAL GAS CORP		
8117110	INDUSTRIAL GAS CORP		
8117111	INDUSTRIAL GAS CORP		
8117112	INDUSTRIAL GAS CORP		
8117113	INDUSTRIAL GAS CORP		
8117114	INDUSTRIAL GAS CORP		
8117115	INDUSTRIAL GAS CORP		
8117116	INDUSTRIAL GAS CORP		
8117117	INDUSTRIAL GAS CORP		
8117118	INDUSTRIAL GAS CORP		

The above notices of determination were received from the indicated jurisdictional agenices by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for detemination in these proceddings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, execpt to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 3, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8462. Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION								
-IMPERIAL OIL COMPANY					RECEIVED: 02/05/81 JA: KS			
9117217	79-1976	1511920201	108		ATKINSON #1-26	ANGELL	0.0	MICHIGAN WISCONSIN P
LOUISIANA OFFICE OF CONSERVATION								
-ANADARKO PRODUCTION COMPANY					RECEIVED: 02/05/81 JA: LA			
9117192	81-204	1701723259	102		CLYDE W MILLER JR ET AL #1	METCALF	34.0	J-W OPERATING CO
-DAVIS OIL COMPANY					RECEIVED: 02/05/81 JA: LA			
9117211	80-3557	1708920394	102		L L & E NO 1	MARTINS ISLAND	365.0	TRANSCONTINENTAL GAS
-GLENDA PETROLEUM CORP					RECEIVED: 02/05/81 JA: LA			
9117189	81-210	1711122441	108		BRANTLEY #1 S/N 168602	MONROE	12.6	MID LOUISIANA GAS CO
9117190	81-209	1711122442	108		BRANTLEY #2 S/N 168603	MONROE	12.6	MID LA GAS CO
9117188	81-211	1711122268	108		DARBONNE CO 12 #16 S/N 167568	MONROE	12.6	MID LA GAS CO
9117207		1711122118	108		EXXON 11 #11 S/N 166340	MONROE	16.2	MID LOUISIANA GAS CO
9117198	81-218	1711122120	108		EXXON 11 #13 S/N 166342	MONROE	12.6	MID LOUISIANA GAS CO
9117199	81-217	1711122121	108		EXXON 11 #14 S/N 166343	MONROE	12.6	MID LOUISIANA GAS CO
9117184	81-212	1711122092	108		EXXON 11 #7 S/N 166128	MONROE	12.6	MID LA GAS CO
9117187	81-215	1711122093	108		EXXON 11 #8 S/N 166129	MONROE	12.6	MID LOUISIANA GAS CO
9117185	81-213	1711122103	108		EXXON 12 #2 S/N 166202	MONROE	12.6	MID LA GAS CO
9117186	81-214	1711122104	108		EXXON 12 #3 S/N 166203	MONROE	12.6	MID LOUISIANA GAS CO
9117191	81-208	1711122356	108		RABUN 1 #2 S/N 168187	MONROE 6824	12.6	MID LOUISIANA GAS CO
9117197	81-219	1711122359	108		RABUN 1 #5 S/N 168190	MONROE	12.6	MID LOUISIANA GAS CO
9117194	81-222	1711122344	108		SMITH 36 #1 S/N 168149	MONROE	5.7	MID LOUISIANA GAS CO
-GODFREY & RILEY					RECEIVED: 02/05/81 JA: LA			
9117205		1711122876	103		MASHAW-RABUN NO 5	MONROE	14.0	MID LOUISIANA GAS CO
9117204	81-228	1711122877	103		MASHAW-RABUN NO 6	MONROE	14.0	MID LOUISIANA GAS CO
9117200	81-229	1711122878	103		STELL NO 3	MONROE	14.0	MID LOUISIANA GAS CO
-GULF OIL CORPORATION					RECEIVED: 02/05/81 JA: LA			
9117214	80-3554	1707522713	102		SL 7342 #1	QUARANTINE BAY	160.5	UNITED GAS PIPELINE
-HENRY GOODRICH D/B/A GOODRICH OIL C					RECEIVED: 02/05/81 JA: LA			
9117215	80-3556	1700120875	102		WRIGHT & SARVER NO 1	MIDLAND	365.0	CONOCO INC
-INC EXPLORATION COMPANY					RECEIVED: 02/05/81 JA: LA			
9117203	81-225	1711122970	103		CHAPMAN #4	MONROE	14.0	PETRO-LEWIS CORP
9117213	80-3555	1700120843	102		MILLER ET AL NO 1	CHURCH POINT FIELD	730.0	UNITED GAS PIPELINE
9117193	81-223	1711122945	103		SMITH #13	MONROE	14.6	PETRO-LEWIS CORP
9117202	81-224	1711122946	103		SMITH #14	MONROE	14.0	PETRO-LEWIS CORP
-INEXCO OIL COMPANY					RECEIVED: 02/05/81 JA: LA			
9117210	80-3691	1702321406	102		MIAMI CORP NO 1	LAKE MISERE	1139.0	LOUISIANA RESOURCES
9117209	80-3690	1702321338	102		MIAMI CORP NO 3	LAKE MISERE	185.0	LOUISIANA RESOURCES
-LLOG EXPL CO					RECEIVED: 02/05/81 JA: LA			
9117212	80-3559	1708920406	102		S J SIMONEAUX NO 1	BOUTTE	450.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-MID LOUISIANA GAS COMPANY					RECEIVED: 02/05/81 JA: LA			
9117206	81-220	1711122877	103		MASHAW-RABUN NO 4	MONROE	14.0	MID LOUISIANA GAS CO
9117201	81-221	1711122879	103		MASHAW-RABUN NO 7	MONROE	14.0	MID LOUISIANA GAS CO
9117196	81-227	1711122880	103		MASHAW-RABUN NO 8	MONROE	14.0	MID LOUISIANA GAS CO
-MOBIL OIL CORPORATION					RECEIVED: 02/05/81 JA: LA			
9117208	80-3558	1708920405	102		SL 7342 #2	QUARANTINE BAY	160.5	UNITED GAS PIPELINE
-PETROLEUM DEVELOPMENT CORP					RECEIVED: 02/05/81 JA: LA			
9117195	81-226	1711122969	103		MASHAW-RABUN NO 9	MONROE	14.0	MID LOUISIANA GAS CO
-SOUTHLAND ROYALTY COMPANY					RECEIVED: 02/05/81 JA: LA			
9117182	81-206	1711122440	108		BRANTLEY #1 S/N 168602	MONROE	12.6	MID LOUISIANA GAS CO
9117183	81-207	1711122439	108		BRANTLEY #2 S/N 168603	MONROE	12.6	MID LA GAS CO
-TEXACO INC					RECEIVED: 02/05/81 JA: LA			
9117216	80-3553	1707522712	102		SL 7342 #3	QUARANTINE BAY	160.5	UNITED GAS PIPELINE
-TEXAS GAS EXPLORATION CORP					RECEIVED: 02/05/81 JA: LA			
9117181	81-205	1711122438	108		BRANTLEY #1 S/N 168602	MONROE	12.6	MID LOUISIANA GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-MID LOUISIANA GAS COMPANY					RECEIVED: 02/05/81 JA: LA			
9117195	81-221	1711121391	108		MLGC FEE GAS #678	MONROE GAS FIELD	22.1	MID LOUISIANA GAS CO
9117196	81-220	1711121616	108		MLGC FEE GAS #753	MONROE GAS FIELD	19.0	MID LOUISIANA GAS CO
-MIDWAY PRODUCTION CO IX					RECEIVED: 02/05/81 JA: LA			
9117206		1707321614	103		WADDELL #6	MONROE	40.0	INC EXPLORATION CO
-UNION OIL COMPANY OF CALIF					RECEIVED: 02/05/81 JA: LA			
9117208	80-3692	1710922234	102		LATERRE CO INC F NO 1	LAKE PAGIE	1500.0	TEXAS GAS TRANSMISSI
-VIKING RESOURCES (LA)					RECEIVED: 02/05/81 JA: LA			
9117201	81-226	1711122809	103		DEAN NO 1	MONROE	22.0	PETRO-LEWIS FUNDS IN
MICHIGAN DEPARTMENT OF NATURAL RESOURCES								
-DELTA OIL CO INC					RECEIVED: 02/11/81 JA: MI			
9117299		2105500000	103		MANUEL J FRANCO UNIT #1-34	BLAIR 34-26N-11W POOL	480.0	CONSUMERS POWER CO
-HUNT ENERGY CORPORATION ET AL					RECEIVED: 02/11/81 JA: MI			
9117300		2105500000	102		C VAN DELLEN #1A-1 (PER #33607)	WILDCAT	73.0	MICHIGAN CONSOLIDATE
9117300		2105500000	103		C VAN DELLEN #1A-1 (PER #33607)	WILDCAT	73.0	MICHIGAN CONSOLIDATE
NORTH DAKOTA GEOLOGICAL SURVEY								
-DOME PETROLEUM CORP					RECEIVED: 02/10/81 JA: ND			
9117218	317	3305300908	102		DOME BURNS 3-34	NON-DAK	24.9	SHELL OIL CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-AMERADA HESS CORPORATION					RECEIVED: 02/12/81 JA: NM			
9117322		3002500000	108		E WOOD NO 8	DRINKARD	4.3	NORTHERN NATURAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 02/02/81 JA: NM			
9117216		3004522646	103		HEATH GAS COM A #1A	BLANCO MESAVERDE	130.0	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 02/12/81 JA: NM			
9117349		3004524247	103		HAROLD B CHAPSON NO 1	BLOOMFIELD GALLUP	73.0	EL PASO NATURAL GAS
9117334		3004524217	103		JAQUEZ GAS COM B NO 3E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
9117341		3004507952	108		PRESPENTT GAS COM #1 (2ND FIL)	AZTEC-PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
9117342		3004509214	108		STEDJE GAS COM #1 (3RD FIL)	BASIN DAKOTA	19.0	EL PASO NATURAL GAS
-ARCO OIL AND GAS COMPANY					RECEIVED: 02/12/81 JA: NM			
9117333		3002525497	103		FLYING M STATE NO 2	FLYING M SAN ANDRES	7.0	CITIES SERVICE OIL C
-BASS ENTERPRISES PRODUCTION CO					RECEIVED: 02/12/81 JA: NM			
9117328		3002526904	103		MONTIETH #1	NORTHEAST LOVINGTON (PEN	0.0	GAS CO OF NEW MEXICO
-COQUINA OIL CORPORATION					RECEIVED: 02/12/81 JA: NM			
9117350		3001500000	102		CARLSBAD PECOS #1	WILDCAT	78.0	EL PASO NATURAL GAS
-DALLAS MCCASLAND					RECEIVED: 02/12/81 JA: NM			
9117329		3002500000	108		CHRISTMAS A	JALMAT	0.0	EL PASO NATURAL GAS
9117331		3002500000	108		CHRISTMAS B	JALMAT	0.0	EL PASO NATURAL GAS
-DAVID FASKEN					RECEIVED: 02/12/81 JA: NM			
9117344		3001521471	108		BRADSHAW NO 1	ATOKA (PENN)	4.0	TRANSWESTERN PIPELIN
-DOYLE HARTMAN OIL OPERATOR					RECEIVED: 02/12/81 JA: NM			
9117313		3001523418	103		SOUTH EMPIRE STATE COM #1	EMPIRE MORROW SOUTH	400.0	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 02/12/81 JA: NM			
9117317		3003922310	103		SAN JUAN 27-5 UNIT #24A (MV)	BLANCO MESAVERDE	128.0	EL PASO NATURAL GAS
9117319		3003922310	103		SAN JUAN 27-5 UNIT #24A (PC)	SOUTH BLANCO PICTURED CL	55.0	EL PASO NATURAL GAS
9117337		3003922303	103		SAN JUAN 30-6 UNIT #86A	BLANCO MESAVERDE	219.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC					RECEIVED: 02/12/81 JA: NM			

JD NO	JA DKT	API NO	SEC	D	WELL NAME
9117312		3002526920	103		AMOCO STATE #3
-GETTY OIL COMPANY					RECEIVED: 02/12/81 JA: NM
9117314		3004524302	103		GARRETT FEDERAL COM #1E
9117321		3002526915	103		MYERS LANGLIE MATTIX #234
-GULF OIL CORPORATION					RECEIVED: 02/12/81 JA: NM
9117307		3002526763	103		LEA ED STATE (NCT-A) #4
-HARPER OIL COMPANY					RECEIVED: 02/12/81 JA: NM
9117332		3002500000	103		SEAY #2
-HONDO OIL & GAS COMPANY					RECEIVED: 02/12/81 JA: NM
9117302		3001522188	108		HONDO 22 STATE #1
-JOHN H HENDRIX CORP					RECEIVED: 02/12/81 JA: NM
9117339		3002500000	108		BERTHA J BARBER #2
9117343		3002500000	108		BERTHA J BARBER #3
9117338		3002500000	108		BERTHA J BARBER #4
9117340		3002500000	108		BERTHA J BARBER #6
9117324		3002500000	108		J L GREENWOOD #10
9117326		3002500000	108		J L GREENWOOD #8
9117325		3002500000	108		J L GREENWOOD #9
-KERR-MCGEE CORPORATION					RECEIVED: 02/12/81 JA: NM
9117320		3000520740	103		STATE F NO 14
-MARALO INC					RECEIVED: 02/12/81 JA: NM
9117311		3002526753	103		MARALO 16 STATE #9
-MESA PETROLEUM					RECEIVED: 02/12/81 JA: NM
9117303		3004523744	103		STATE COM AD #26E
-MILLARD DECK					RECEIVED: 02/12/81 JA: NM
9117310		3002526965	103		POSSH NO 2
-MMJ PRODUCING COMPANY					RECEIVED: 02/12/81 JA: NM
9117330		3001500000	103		STATE GMA #1
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/12/81 JA: NM
9117327		3002502837	108		E VAC GB/SA TR 2059 #001
9117306		3002526577	103		E VAC GB/SA TR 2923 #001
9117304		3002526580	103		E VAC GB/SA TR 2980 #002
9117305		3002526852	103		LEANEX #29
-SOUTHLAND ROYALTY CO					RECEIVED: 02/12/81 JA: NM
9117308		3004523955	103		CAIN COM #12E(DAKOTA)
9117309		3004523955	103		CAIN COM #12E(CHACRA)
9117323		3002521366	108		FARRAR A #1
9117315		3001523041	103		STATE 14-A COMM #1
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/12/81 JA: NM
9117347		3002500000	108		J A AKENS NO 9
9117346		3000500000	108		NEW MEXICO -H- STATE NO 11
9117348		3000500000	108		STATE TRACT -C- NO 4
-TEXACO INC					RECEIVED: 02/12/81 JA: NM
9117335		3004524490	103		FEDERAL STATE COM NO 1E
-W A MONCRIEF JR					RECEIVED: 02/12/81 JA: NM
9117301		3002520592	103	D	STATE 27 NO 1
-YATES PETROLEUM CORPORATION					RECEIVED: 02/12/81 JA: NM
9117316		3001523321	103		IRISH HILLS KW STATE COM #2
9117336		3000560778	103		LONG ARROYO OD ST COM #1
9117345		3001523149	102		SRC STATE KZ #6
-ZIA ENERGY INC					RECEIVED: 02/12/81 JA: NM
9117318		3002527009	103		ELLIOTT A STATE NO 1

VOLUME 376 PAGE 003

FIELD NAME	PROD	PURCHASER
BUCKEYE ABO	32.4	PHILLIPS PETROLEUM C
BLANCO-MESAVERDE	175.0	EL PASO NATURAL GAS
LANGLIE MATTIX	96.7	EL PASO NATURAL GAS
QUAIL RIDGE BONE SPRINGS	0.0	PHILLIPS PETROLEUM C
EAST HIGHTOWER	20.0	WARREN PETROLEUM CO
UNDESIGNATED ATOKA-GAS	10.0	EL PASO NATURAL GAS
EUNICE MONUMENT (G-SA)	4.5	EL PASO NATURAL GAS
EUNICE MONUMENT (G-SA)	3.9	EL PASO NATURAL GAS
EUNICE MONUMENT (G-SA)	3.0	EL PASO NATURAL GAS
EUNICE MONUMENT (G-SA)	5.4	EL PASO NATURAL GAS
DRINKARD	12.3	GETTY OIL CO
DRINKARD	7.1	GETTY OIL CO
DRINKARD	8.7	GETTY OIL CO
CHAVEROO	0.0	CITIES SERVICES CO
SIOUX YATES	13.9	EL PASO NATURAL GAS
BASIN DAKOTA	100.0	EL PASO NATURAL GAS
LANGLIE MATTIX	36.5	EL PASO NATURAL GAS
AVALON DELAWARE	5.0	EL PASO NATURAL GAS
VACUUM GB/SA	8.0	EL PASO NATURAL GAS
VACUUM GB/SA	7.0	EL PASO NATURAL GAS
VACUUM GB/SA	8.0	EL PASO NATURAL GAS
MALJAMAR GB/SA	34.0	EL PASO NATURAL GAS
BASIN	95.0	SOUTHERN UNION GATHE
UNDESIGNATED	88.0	SOUTHERN UNION GATHE
INBE PERRO PENN	8.7	WARREN PETROLEUM CO
TURKEY TRACK	98.0	EL PASO NATURAL GAS
OIL CENTER-BLINEBRY	10.8	PHILLIPS PETROLEUM C
CATO/SAN ANDRES	5.6	CITIES SERVICE CO
CHAVEROO	0.9	CITIES SERVICE CO
BASIN DAKOTA	114.0	SOUTHERN UNION GATHE
UNDESIGNATED ATOKA-MORRO	350.0	CONTINENTAL OIL CO
UND PENASCO DRAW PERMO P	0.0	TRANSWESTERN PIPELIN
UND MORROW	0.0	TRANSWESTERN PIPELIN
PENASCO DRAW MORROW	0.0	TRANSWESTERN PIPELIN
EUMONT	109.5	EL PASO NATURAL GAS

VOLUME 376 PAGE 004

JD NO	JA DKT	API NO	SEC	D	WELL NAME
9117319		3002526966	103		POSSH NO 3
-YATES PETROLEUM CORPORATION					RECEIVED: 02/12/81 JA: NM
9117322		3002526967	103		POSSH NO 4
-ZIA ENERGY INC					RECEIVED: 02/12/81 JA: NM
9117317		3002527008	103		ELLIOTT A STATE NO 2

FIELD NAME	PROD	PURCHASER
UNDESIGNATED	0.0	TRANSWESTERN PIPELIN

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
-BENNETT PETROLEUM CORP					RECEIVED: 02/06/81 JA: NY			
9117240	935	3112114426	103		JAMES M WRIGHT NO 1		32.0	COLUMBIA GAS TRANSMI
-CHAUTAUQUA ENERGY INC					RECEIVED: 02/06/81 JA: NY			
9117222	863	3101314155	103		VILARDO #2	LAKE SHORE	10.8	NATIONAL FUEL GAS
9117242	862	3101314156	103		VILARDO #3	LAKE SHORE	10.8	NATIONAL FUEL GAS
9117223	861	3101314157	103		VILARDO #4	LAKE SHORE	0.0	NATIONAL FUEL GAS
-ENVIROGAS INC					RECEIVED: 02/06/81 JA: NY			
9117226	901	3101314428	103		#1 D BARGER	LAKESHORE	18.0	NATIONAL FUEL GAS DI
9117264	952	3101314368	103		#1 J MITZ	LAKESHORE	18.0	NATIONAL FUEL GAS DI
9117229	893	3101314431	103		#1 LEFEVER	LAKESHORE	18.0	NATIONAL FUEL GAS DI
9117230	889	3101314396	103		#2 I COCHRANE	LAKESHORE	18.0	NATIONAL FUEL GAS DI
9117227	899	3101314795	103		#2 J MERATKO	LAKESHORE	18.0	NATIONAL FUEL GAS DI
9117228	894	3101314432	103		#2 LEFEVER	LAKESHORE	18.0	NATIONAL FUEL GAS DI
-J M RESOURCES					RECEIVED: 02/06/81 JA: NY			
9117225	859	3101314420	103		KNIGHT-KOPOOD #5	LAKE SHORE	27.8	NATIONAL FUEL GAS DI
-LOCAL ENERGY INC					RECEIVED: 02/06/81 JA: NY			
9117236	870	3101313019	108		DICKINSON #2	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
9117239	858	3101312228	108		DIX #1	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
9117238	906	3101312555	108		DIX-LUDOVICY #2	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
9117224	857	3101312326	108		HANOVER FISH & GAME CLUB #1	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
9117237	907	3101312439	108		HANOVER FISH & GAME CLUB #2	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
9117234	871	3101312144	108		LUDOVICY #1	LAKE SHORE	10.0	NATIONAL FUEL GAS DI
-P & S DRILLING INC					RECEIVED: 02/06/81 JA: NY			
9117239	904	3100914448	103		CORBETT #1B	SKINNER HOLLOW	9.0	NATIONAL FUEL GAS
9117231	912	3102913722	103		DABB #1	HARILLA	3.9	NATIONAL FUEL GAS
9117243	916	3102913914	103		ELMA WELL #1	ELMA	47.7	NATIONAL FUEL GAS
9117233	913	3100913724	103		PANIGUTTI #1A	SKINNER HOLLOW	30.0	NATIONAL FUEL GAS
9117232	914	3102913783	103		PFENNING #1	COWLESVILLE	2.7	NATIONAL FUEL GAS
9117219	905	3102914450	103		ZIEZIULA #3	ELMA	66.0	NATIONAL FUEL GAS
-PARAGON RESOURCES INC					RECEIVED: 02/06/81 JA: NY			
9117260	393	3101311193	108		UNIT NO 114 - KERMIT JOHNSON	LAKESHORE	8.0	NATIONAL FUEL GAS DI
9117261	462	3101311526	108		UNIT NO 128 - JAMES SOMMERS	LAKESHORE	1.4	NATIONAL FUEL GAS DI
9117244	233	3101310176	108		UNIT NO 129-ROLLIN NORTHRUP	LAKESHORE	5.9	NATIONAL FUEL GAS DI
9117251	273	3101311181	108		UNIT NO 134 - JOHN BEARDSLEY	LAKESHORE	1.9	NATIONAL FUEL GAS DI
9117252	274	3101311146	108		UNIT NO 139 - ALAN BRIGGS	LAKESHORE	5.9	NATIONAL FUEL GAS DI
9117248	258	3101310944	108		UNIT NO 146-R DAY HOWARD	LAKESHORE	3.0	NATIONAL FUEL GAS DI
9117257	390	3101311154	108		UNIT NO 150 - MARGARET ANDERSON	LAKESHORE	4.3	NATIONAL FUEL GAS DI
9117258	391	3101311169	108		UNIT NO 151 - HERB STORER	LAKESHORE	1.0	NATIONAL FUEL GAS DI
9117259	392	3101311205	108		UNIT NO 152 - JOSEPH MIKULA	LAKESHORE	11.1	NATIONAL FUEL GAS DI
9117253	378	3101311138	108		UNIT NO 153 - JOSEPH MIKULA	LAKESHORE	10.1	NATIONAL FUEL GAS DI
9117254	379	3101311120	108		UNIT NO 154 - ED BUSECK	LAKESHORE	8.5	NATIONAL FUEL GAS DI
9117249	256	3101311022	108		UNIT NO 158-CLARENCE BARBER	LAKESHORE	2.0	NATIONAL FUEL GAS DI
9117245	245	3101311429	108		UNIT NO 216-HERMAN RIEDESEL	LAKESHORE	6.4	NATIONAL FUEL GAS DI
9117221	225	3101311063	108		UNIT NO 219 - CALVIN BOWEN	LAKESHORE	5.2	NATIONAL FUEL GAS DI
9117220	227	3101311165	108		UNIT NO 228 - GEORGE HOLCOMB	LAKESHORE	4.8	NATIONAL FUEL GAS DI
9117250	263	3101310033	108		UNIT NO 57 - CHARLES H SKINNER	LAKESHORE	7.8	NATIONAL FUEL GAS DI
9117246	246	3101310883	108		UNIT NO 64-ARTHUR LONGHOUSE	LAKESHORE	1.0	NATIONAL FUEL GAS DI
9117247	247	3101310895	108		UNIT NO 65-LESTER LONGHOUSE	LAKESHORE	6.1	NATIONAL FUEL GAS DI
9117263	133	3101310919	108		UNIT NO 69 - WARREN R SMITH	LAKESHORE	4.4	NATIONAL FUEL GAS DI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117256	389	3101310530	108		UNIT NO 76 - ROBERT SCHRADER	LAKESHORE	6.4	NATIONAL FUEL GAS DI
8117262	217	3101310459	108		UNIT NO 91 - SEBASTIAN BELARD EST	LAKESHORE	9.9	NATIONAL FUEL GAS DI
8117255	385	3101311152	108		UNIT NO 94 - MCGUINN-SHERARDSON	LAKESHORE	8.8	NATIONAL FUEL GAS DI
-ROBERT D CHARLEBOIS					RECEIVED: 02/06/81 JA: NY			
8117266	968	3101314785	103		WESTFIELD WATERSHED 14785	LAKESHORE	44.5	COLUMBIA GAS TRANSMI
8117265	969	3101314806	103		WESTFIELD WATERSHED 14806	LAKESHORE	54.8	COLUMBIA GAS TRANSMI
-SCB GAS QUEST INC					RECEIVED: 02/06/81 JA: NY			
*8117267	924	3102913955	103		JOHN J THOMAS #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
*8117241	925	3102913952	103		TMV ENTERPRISES CORP #1	EDEN-EVANS MEDIANA	36.5	TENNESSEE GAS PIPELI
OKLAHOMA CORPORATION COMMISSION								
-AMAREX INC					RECEIVED: 02/06/81 JA: OK			
*8117268	06615	3500920172	102		NICHOLS-GREGORY #1	CARPENTER	275.0	OKLAHOMA NATURAL GAS
-AN-SON CORPORATION					RECEIVED: 02/06/81 JA: OK			
8117276	07087	3501720705	103		KUNNEMAN #1-30	N CONCHO	8.4	PHILLIPS PETROLEUM C
-GETTY OIL COMPANY					RECEIVED: 02/06/81 JA: OK			
8117273	7064	3501721399	103		J C PAVY NO 2	HATONGA TREND	300.0	DELHI GAS PIPELINE C
-GETTY RESERVE OIL INC					RECEIVED: 02/06/81 JA: OK			
8117274	7065	3507920351	103		HATTER FARMS #20-2	KINTA	730.0	ARKANSAS LOUISIANA G
-HADSON PETROLEUM CORP					RECEIVED: 02/06/81 JA: OK			
8117297	06789	3505120922	103		HAYHURST #1-32	CHITWOOD	365.0	MOBIL OIL CORP
-HAHN PRODUCTION CO					RECEIVED: 02/06/81 JA: OK			
*8117272	7062	3509321837	103		FULLER #1	RINGWOOD	138.7	UNION TEXAS PETROLEU
-O L SCOTT JR					RECEIVED: 02/06/81 JA: OK			
8117277	07128	3504721980	103		CHARLES H KRIPPES ESTATE NO 1		56.8	ARCO GAS CO
-P-T III LTD					RECEIVED: 02/06/81 JA: OK			
8117282	6931	3504722077	103		GREGORY #31-1	SOONER TREND	180.0	WELLHEAD ENTERPRISES
-PETROLIA DRILLING CORP					RECEIVED: 02/06/81 JA: OK			
8117270	06796	3509321731	103		EILENA NO 2	SOONER TREND (MISS)	36.5	PIONEER GAS PRODUCTS
-RED EAGLE OIL CO					RECEIVED: 02/06/81 JA: OK			
8117279	6998	3509321877	103		CAROLYN NO 1	EAST CHEYENNE VALLEY	369.0	PHILLIPS PETROLEUM C
*8117271	6999	3509321830	103		RUBY NO 1	RINGWOOD	91.0	PIONEER GAS PRODUCTS
-SAMSON RESOURCES COMPANY					RECEIVED: 02/06/81 JA: OK			
8117278	07296	3512920486	103		GUENZEL UNIT NO 1	S W REYDON	2190.0	NORTHERN NATURAL GAS
-SEARCH DRILLING CO					RECEIVED: 02/06/81 JA: OK			
8117293	7129	3500721795	103		WELLS #1-25	MOCANE-LAVERNE	2.5	
-SINGER-FLEISCHAKER OIL OPR CO					RECEIVED: 02/06/81 JA: OK			
8117280	6996	3502720344	103		ROBERTS NO 2	SW CORN	146.0	SUN GAS CO
-SOUTHWESTERN EXPLOR CONSULT INC					RECEIVED: 02/06/81 JA: OK			
8117292	7130	3510321003	103		SMITH #3	POLO	0.0	ARCO OIL & GAS CO
-SPELLER OIL CORP					RECEIVED: 02/06/81 JA: OK			
8117290	8462	3507322317	103		CAROLYN 35-1	SOONER TREND	36.0	EASON OIL CO
-SULLIVAN AND CO					RECEIVED: 02/06/81 JA: OK			
8117269	6997	3508120937	103		NINA BALES NO 1	SOUTHWEST PRAIRIE GEN	44.0	SUN OIL CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/06/81 JA: OK		2190.0	DELHI GAS PIPELINE C
8117289	07503	3512920458	102		TAYLOR FARMS NO 2			
-VULCAN ENERGY CORP					RECEIVED: 02/06/81 JA: OK	GOLTRY	125.0	PANHANDLE EASTERN PI
8117281	04088	3500320684	103		DEFOE #1			
-WESTHEIMER-NEUSTADT CORP					RECEIVED: 02/06/81 JA: OK			
8117296	7356	3509520175	102		#1 FISH	ISOM SPRINGS	64.2	NATURAL GAS PIPELINE
8117287	7363	3509520186	102		#1 HAROLD	ISOM SPRINGS	5.8	NATURAL GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117298	07359	3509520237	102		#1 HOUK	ISOM SPRINGS	27.4	NATURAL GAS PIPELINE

VOLUME 376 PAGE 006

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117298	07359	3509520237	102		#1 HOUK	ISON SPRINGS	27.4	NATURAL GAS PIPELINE
8117286	7364	3509520192	102		#1 JONES	ISON SPRINGS	99.6	NATURAL GAS PIPELINE
8117284	7362	3509520155	102		#1 OSTEEN	ISON SPRINGS	31.2	NATURAL GAS PIPELINE
8117294	7357	3509520194	102		#1 WILLIAMS	ISON SPRINGS	54.0	NATURAL GAS PIPELINE
8117283	7361	3509520180	102		#2 FISH	ISON SPRINGS	146.0	NATURAL GAS PIPELINE
8117295	7358	3509520217	102		BRUCE #1	ISON SPRINGS	12.8	NATURAL GAS PIPELINE
8117288	7355	3509520228	102		SCOTT NO 1	ISON SPRINGS	36.5	NATURAL GAS PIPELINE
8117285	7365	3509520162	102		VICTOR #1	ISON SPRINGS	20.0	NATURAL GAS PIPELINE
8117291	7366	3509520147	102		WALLACE #1	ISON SPRINGS	30.0	NATURAL GAS PIPELINE
-WILLIAM H DAVIS			RECEIVED: 02/06/81 JA: OK					
8117279	07066	3508321351	103		BUCK LOWE #1	W LAMBSTON	61.0	EASON OIL CO
WEST VIRGINIA DEPARTMENT OF MINES								
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED: 02/12/81 JA: WV					
8117353		4705900917	107		BURNING CREEK MARROWBONE 820445	WEST VIRGINIA FIELD AREA	64.0	COLUMBIA GAS TRANS C
8117366		4705900916	107		CENTRAL TRUST CO 820444	WEST VIRGINIA FIELD AREA	15.0	COLUMBIA GAS TRANS C
8117356		4701900216	107		KANAWHA GAILEY COAL & COKE 809793	FIELD AREA A	12.0	COLUMBIA GAS TRANS C
8117351		4703902605	107		KING LAND CO 809789	FIELD AREA A	8.0	COLUMBIA GAS TRANS C
8117354		4703902606	107		KING LAND CO 809790	FIELD AREA A	12.5	COLUMBIA GAS TRANS C
8117355		4703902621	107		KING LAND CO 809799	FIELD AREA A	8.8	COLUMBIA GAS TRANS C
8117364		4703902622	107		KING LAND CO 809800	FIELD AREA A	9.7	COLUMBIA GAS TRANS C
8117365		4703902624	107		KING LAND CO 809802	FIELD AREA A	1.0	COLUMBIA GAS TRANS C
8117357		4703902611	107		KING LAND CO 809805	FIELD AREA A	14.0	COLUMBIA GAS TRANS C
8117363		4703902614	107		KING LAND CO 809808	FIELD AREA A	10.0	COLUMBIA GAS TRANS C
8117352		4703902667	107		KING LAND CO 809844	FIELD AREA A	20.0	COLUMBIA GAS TRANS C
-LENA CARR HEIRS GAS CO			RECEIVED: 02/12/81 JA: WV					
8117367		4708524387	102		LENA CARR HRS M-803	CLAY DISTRICT	39.0	CONSOLIDATED GAS SUP
-PETROLEUM DEVELOPMENT CORP			RECEIVED: 02/12/81 JA: WV					
8117362		4700101126	103		DONALD MURPHY #1	CLENTOWN	15.0	CONSOLIDATED GAS SUP
8117359		4703301925	103		G RAPP #3	BRIDGEPORT	56.5	CONSOLIDATED GAS SUP
8117361		4703301233	103		M REED #1	BRIDGEPORT	21.0	CONSOLIDATED GAS SUP
-SWIFT ENERGY CO			RECEIVED: 02/12/81 JA: WV					
8117358		4702103566	103		BEALL NO 3	GLENVILLE NORTH	50.0	CONSOLIDATED GAS SUP
-THE CARTER JONES LUMBER CO			RECEIVED: 02/12/81 JA: WV					
8117360		4710301177	103		GLENN AMOS #1	PORTER FALLS	15.0	

OTHER PURCHASERS VOLUME NO 8376

8117241 SOUTHERN CONNECTICUT GAS CO
8117267 SOUTHERN CONNECTICUT GAS CO
8117268 PANHANDLE EASTERN PIPELINE CO
8117271 OKLAHOMA NATURAL GAS GATHERING CO
8117272 PANHANDLE EASTERN PIPELINE CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 205.204, file a protest with the Commission on or before April 3, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8463 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD								
-EXXON CORPORATION					RECEIVED: 02/13/81 JA: MS			
3117505	2-80-147	2309100000	108		KNOXO GAS UNIT 8 NO 1	KNOXO	18.0	SOUTHERN NATURAL GAS
-PRUET PRODUCTION CO					RECEIVED: 02/13/81 JA: MS			
3117506	38-80-413	2309520280	102		CREEKMORE UNIT #36-9 NO 1	MAPLE BRANCH FIELD	31.0	TENNESSEE GAS PIPELI
3117506	38-80-413	2309520280	103		CREEKMORE UNIT #36-9 NO 1	MAPLE BRANCH FIELD	31.0	TENNESSEE GAS PIPELI
-TOMLINSON INTERESTS INC					RECEIVED: 02/13/81 JA: MS			
3117507	66-80-420	2306520037	107		CHARLES W CAVANAUGH NO 1	HOLIDAY CREEK FIELD	109.5	MICHIGAN-WISCONSIN P
MONTANA BOARD OF OIL & GAS CONSERVATION								
-TRICENTROL UNITED STATES INC					RECEIVED: 02/13/81 JA: MT			
3117512	12-80-239	2500522163	102		FINCH 35-1-T32N-R18E	TIGER RIDGE	20.0	NORTHERN NATURAL GAS
3117515	12-80-242	2504122157	103		SOLOMON 34-3-T31N-R16E	TIGER RIDGE	11.0	NORTHERN NATURAL GAS
3117513	12-80-241	2504122155	103		MAVRICK 25-2-T31N-R14E	TIGER RIDGE - BULLHOOK U	10.0	NORTHERN NATURAL GAS
3117511	12-80-240	2500522155	102		WILLIAMSON 8-4-T31N-R18E	TIGER RIDGE GAS UNIT	15.0	NORTHERN NATURAL GAS
3117514	12-80-243	2504122158	103		YATES 34-8-T32N-R14E	TIGER RIDGE	6.0	NORTHERN NATURAL GAS
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-HARLAN DRILLING CO					RECEIVED: 02/12/81 JA: NM			
3117368		3004500773	108		HARTMAN #2	FULCHER-KUTZ	0.0	EL PASO NATURAL GAS
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
-SCG GAS QUEST INC					RECEIVED: 02/13/81 JA: NY			
3117508	918	3102914269	102	D	LARDO B #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
3117510	919	3102914271	102	D	VEREERSTRAETEN #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
3117509	922	3102914270	102	D	WILLIAMS #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
OHIO DEPARTMENT OF NATURAL RESOURCES								
-ALLEN M ANDERSON					RECEIVED: 02/13/81 JA: OH			
3117485		3416725623	103		VERNON BEAVER #1	GRANDVIEW TOWNSHIP	5.0	COLUMBIA GAS
-ALSID OIL & GAS DEVELOPMENT CO					RECEIVED: 02/13/81 JA: OH			
3117427		3412724846	103		CAMPBELL #3	HOPEWELL	15.0	
3117428		3412724847	103		CAMPBELL #4	HOPEWELL	15.0	
3117454		3405922796	103		SLIFKO #1	JACKSON	20.0	
3117453		3405922794	103		VALENTINE #1	JACKSON	20.0	
-ALTHEIRS OIL INC					RECEIVED: 02/13/81 JA: OH			
3117449		3405320627	103		DARST #1	CHESHIRE TWP	5.0	COLUMBIA GAS TRANS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
3117447		3405320611	103		HAMMACK #1	CHESHIRE TWP	5.0	COLUMBIA GAS TRANS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
9117447		3405320611	103		HAMMACK #1	CHESHIRE TWP	5.0	COLUMBIA GAS TRANS C
9117448		3405320612	103		SIDERS/NELSON #1	CHESHIRE TWP	4.0	COLUMBIA GAS TRANS C
-AMERICAN EXPLORATION CO			RECEIVED: 02/13/81 JA: OH					
9117462		3407521541	108		A GINGERICH #1		3.0	COLUMBIA GAS
9117436		3415722638	108		BEITZEL-GRIMM #2		3.0	LIBBY OWENS FORD
9117419		3412720971	108		GOBLE #1		3.0	ELJER PLUMBING
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 02/13/81 JA: OH					
9117429		3412724881	103		FRANK MOORE NO 1	MADISON	18.0	
9117387		3408923964	103		PALMER NO 1	BOWLING GREEN	18.0	
-ATLAS ENERGY GROUP INC			RECEIVED: 02/13/81 JA: OH					
9117433		3415521592	102		BIBBY DETELICH UNIT NO 1	BROOKFIELD	6.0	COLUMBIA GAS TRANS C
9117391		3409921059	108		KOCH UNIT NO 1		11.0	COLUMBIA GAS TRANSMI
9117392		3409921058	108		KOCH UNIT NO 2		11.0	COLUMBIA GAS TRANSMI
9117434		3415521614	102		SANTUCCI NO 1	HARTFORD	6.0	COLUMBIA GAS TRANS C
-BETHEL RESOURCES INC			RECEIVED: 02/13/81 JA: OH					
9117477		3416922419	103		HINES #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
9117476		3416922410	103		MANN #1	FRANKLIN	12.0	COLUMBIA GAS TRANSMI
9117473		3416922249	103		PETERSON #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
9117463		3407521625	108		SCHLEGEL #2	PRARIE	12.0	COLUMBIA GAS TRANSMI
9117479		3416922470	103		SPECK #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
9117475		3416922344	103		WEISER #2	CHESTER	12.0	COLUMBIA GAS TRANSMI
9117474		3416922260	103		ZIMMERMAN #3	WAYNE	12.0	COLUMBIA GAS TRANSMI
-C W RIGGS INC			RECEIVED: 02/13/81 JA: OH					
9117439		3416724678	107		ANNA HESSON #1	INDEPENDENCE FIELD	27.0	
9117437		3416724746	107		ANNA HESSON #2	INDEPENDENCE FIELD	45.6	
9117492		3416724754	107		ARTIE MITCHELL #1	NEWPORT FIELD	15.0	
9117482		3416725459	107		BARBER RIGGS #1	NEWPORT FIELD	11.7	
9117483		3416725463	107		BERNARD WILLIAMSON #1	NEWPORT FIELD	4.4	
9117504		3416725429	107		BOBBY BOWERSOCK #2	RENO	3.6	COLUMBIA GAS TRANS C
9117494		3416725054	107		CARROLL HARTSHORN #1	RENO	17.0	COLUMBIA GAS TRANS C
9117497		3416725214	107		DEAN ZINNER #1	RENO	3.6	COLUMBIA GAS TRANS C
9117499		3416725278	107		DELBERT DAVIS #1	RENO	33.2	COLUMBIA GAS TRANS C
9117502		3416725364	107		DELNO INGRAM #1	NEWPORT FIELD	11.5	
9117480		3416725434	107		DONNA BIEHL #1	RENO	8.7	COLUMBIA GAS TRANS C
9117503		3416725393	107		E WARGO UNIT #1	RENO	11.0	COLUMBIA GAS TRANS C
9117493		3416724918	107		FRANK VAUGHT #1	RENO	4.4	COLUMBIA GAS TRANS C
9117481		3416725439	107		FRED BARTH #1	RENO	14.6	COLUMBIA GAS TRANS C
9117498		3416725257	107		FRED MOCKENBERRY #2	RENO	2.1	COLUMBIA GAS TRANS C
9117500		3416725314	107		PATSY SPROUT #1	RENO	5.5	COLUMBIA GAS TRANS C
9117487		3416725710	107		USA - DEPUY #1	DART FIELD	12.4	
9117501		3416725344	107		USA - GRACY #1	RENO	16.0	COLUMBIA GAS TRANS C
9117496		3416725076	107		USA - WOODS #1	INDEPENDENCE FIELD	20.0	
9117495		3416725057	107		VIRGIL LONG #2	RENO	6.0	COLUMBIA GAS TRANS C
-CALLANDER & KIMBREL INC			RECEIVED: 02/13/81 JA: OH					
9117389		3408923998	103		ROBERT & LINDA BUTLER #1	NEWARK	5.0	
9117388		3408923985	103		WILLIAM & JEAN KREIDER #1	MARNE	5.0	
-CHAMFORD OIL AND GAS CORP			RECEIVED: 02/13/81 JA: OH					
9117488		3416725729	107		CHARLES H CONGLETON #1	LIBERTY	30.0	
9117489		3416725732	107		CHARLES H CONGLETON #3	LIBERTY	20.0	
-CLINTON OIL CO			RECEIVED: 02/13/81 JA: OH					
9117420		3412722480	108		T & L DEAVERS #1		20.0	QUAKER STATE
9117421		3412722491	108		T & L DEAVERS #2		20.0	FORAKER
9117430		3413322421	103		T BATTAGLIA UNIT #1-595	BRIMFIELD	0.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-DISCOVERY OIL LTD					RECEIVED: 02/13/81 JA: ON			
8117464		3407522113	103		#2 SMITH FLYING S RANCH	MECHANIC	1.3	COLUMBIA GAS TRANSMI
-DON MCKEE DRILLING CO INC					RECEIVED: 02/13/81 JA: ON			
8117426		3412724298	103		SAMUEL JOHNSON ETAL #1		10.0	NATIONAL GAS & OIL C
-EDCO DRILLING & PRODUCING INC					RECEIVED: 02/13/81 JA: ON			
8117467		3407522853	103		KB-10A EVANS FOUNDATION	RICHLAND	18.0	
-ENTERPRISE GAS & OIL INC					RECEIVED: 02/13/81 JA: ON			
8117450		3405922642	103		HENRY #1	RICHLAND	18.2	COLUMBIA GAS TRANSMI
8117452		3405922778	103		NIEKRO #1	CENTER	36.5	COLUMBIA GAS TRANSMI
-FLOYD E KIMBLE DBA RED HILL DEV					RECEIVED: 02/13/81 JA: ON			
8117461		3406720393	103		A CROSIER #1	FREEPORT	12.0	
8117456		3406720266	103		A GROVES #1	WASHINGTON	15.0	
8117378		3415723537	103		B WIDDER #1	DOVER	14.0	
8117370		3415723469	103		E FUNK #1	AUBURN	18.0	
8117374		3415723503	103		E MILLER #6	BUCKS	15.0	
8117459		3406720386	103		F STEWART #1	FREEPORT	16.0	
8117371		3415723487	103		G SCHERER #1	BUCKS	14.0	
8117460		3406700392	103		HOLMES LIMESTONE #1	FREEPORT	19.0	
8117372		3415723488	103		J FRAUTSCHY #2	DOVER	40.0	
8117376		3415723533	103		MARVIN MILLER #7	BUCKS	22.0	
8117458		3406720385	103		R ALDEN MOORE #1	FREEPORT	18.0	
8117457		3406720384	103		R CLARK #1	FREEPORT	14.0	
8117377		3415723536	103		REYNOLDS-STUCKY UNIT #1	DOVER	14.0	
8117373		3415723502	103		T KANE #2	FRANKLIN	34.0	
8117369		3415723296	103		T KANE #3	DOVER	37.0	
8117379		3415723547	103		W STUCKY #1	AUBURN	37.0	
8117375		3415723532	103		W YOUNGEN #1	AUBURN	15.0	
8117451		3405922703	103		WM HAUETER #1	WASHINGTON	18.0	
8117455		3406720259	103		WM MCCLINTOCK #1	FREEPORT	12.0	
8117444		3403123922	103		WM SNYDER #1	CRAWFORD	22.0	
8117380		3415723548	103		WM SNYDER #2	BUCKS	22.0	
-GIANT PETROLEUM CORPORATION					RECEIVED: 02/13/81 JA: ON			
8117441		3400721180	103		PARKER #3	BRWELL	20.0	EAST OHIO GAS CO
-H D COLLINS TRUST					RECEIVED: 02/13/81 JA: ON			
8117422		3412723676	108		E R PETTIT #1		5.0	NATIONAL GAS & OIL C
8117423		3412723915	108		E R PETTIT #2		5.0	NATIONAL GAS & OIL C
8117424		3412723929	108		E R PETTIT #3		5.0	NATIONAL GAS & OIL C
-HOPCO RESOURCES INC					RECEIVED: 02/13/81 JA: ON			
8117417		3411925439	103		HAROLD & MARY SLACK #1	HOPEWELL	12.0	NATIONAL GAS & OIL C
-HORTIN & HUFFMAN					RECEIVED: 02/13/81 JA: ON			
8117386		3408923919	103		EDWIN & JOY SPARGROVE #1	FALLSBURG	2.0	NATIONAL GAS & OIL C
-L & M PETROLEUM INC					RECEIVED: 02/13/81 JA: ON			
8117484		3416725615	107		BENNETT/GARDNER UNIT #1		12.0	COLUMBIA GAS TRANSMI
8117486		3416725701	107		LAWRENCE SMITH #1	LAWRENCE	12.0	COLUMBIA GAS TRANSMI
-L A MOORE & SON INC					RECEIVED: 02/13/81 JA: ON			
8117418		3411925444	103		NEWTON AM LEGION & CLAYPOOL #1	NEWTON	6.0	NATIONAL GAS & OIL C
-L BOARD OIL CO INC					RECEIVED: 02/13/81 JA: ON			
8117470		3416726049	103		#2-LAURA BOARD ETAL	BARLOW	10.0	COLUMBIA GAS TRANSMI
-LIBERTY OIL & GAS CORP					RECEIVED: 02/13/81 JA: ON			
8117402		3410521794	108		C COLLINS #1		20.0	COLUMBIA GAS TRANSMI
8117395		3410521714	108		CLYDE MORLAN #1		4.0	COLUMBIA GAS TRANSMI
8117381		3416723744	108		DAVID KANEFF #1A		1.0	RIVER GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117382		3416723788	108		EUGENE LANE #1		1.0	RIVER GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
9117382		3416723799	108		EUGENE LANE #1		1.0	RIVER GAS CO
9117383		3416723903	108		EUGENE LANE #2		1.0	RIVER GAS CO
9117397		3410521736	108		GARLAND CALDWELL #1		5.0	COLUMBIA GAS TRANSMI
9117401		3410521786	108		GLEN BAKER #1		5.0	COLUMBIA GAS TRANSMI
9117400		3410521784	108		GLEN LAWSON #1		2.0	COLUMBIA GAS TRANSMI
9117398		3410521735	108		HOWARD CALDWELL #1		9.0	COLUMBIA GAS TRANSMI
9117385		3416723919	108		HOWARD DYAR #1		4.0	RIVER GAS CO
9117438		3416723960	108		HOWARD LANG #1		1.0	RIVER GAS CO
9117399		3410521747	108		KENNETH FRECKER #1		1.0	COLUMBIA GAS TRANSMI
9117394		3410521701	108		ORLAND GILLAND #1		1.0	COLUMBIA GAS TRANSMI
9117384		3416723918	108		RAYMOND TORRES #1		2.0	RIVER GAS CO
9117396		3410521733	108		WILLIAM CASTO #1		8.0	COLUMBIA GAS TRANSMI
-MINNESOTA-OHIO OIL CORP					RECEIVED: 02/13/81 JA: ON			
9117411		3411121937	167		GRIFFIN #1	WASHINGTON	25.0	COLUMBIA GAS TRANSMI
9117410		3411121924	167		U S A #1	WASHINGTON	25.0	COLUMBIA GAS TRANSMI
-NATIONAL PETROLEUM CORP					RECEIVED: 02/13/81 JA: ON			
9117412		3411121999	167		F LISK #1	SUMMIT	15.0	TEXAS EASTERN TRANSM
-NATIONAL PRODUCTION CORPORATION					RECEIVED: 02/13/81 JA: ON			
9117390		3400924037	103		CUNNINGHAM #1	MADISON	12.0	NATIONAL GAS & OIL C
-ORION ENERGY CORP					RECEIVED: 02/13/81 JA: ON			
9117431		3413322432	103		PLYMALE #1	4TWATER	10.0	
-OXFORD OIL CO					RECEIVED: 02/13/81 JA: ON			
9117414		3411922458	108		ALPINE - SLACK #2		4.0	EAST OHIO GAS CO
9117415		3411924385	108		ALPINE-BOTSON #1		11.0	EAST OHIO GAS CO
9117416		3411925390	103		D L GOINS #1		10.0	
9117440		3400523315	108		LURA OTTO #1	MONICAN	10.0	
9117413		3411522059	103		RAYMOND HIVNOR #1		10.0	
9117465		3407522646	103		WARREN STEINER #1	KILLBUCK	10.0	
-PETRO-LEWIS FUNDS INC					RECEIVED: 02/13/81 JA: ON			
9117393		3410521683	108		REED NANCY C #1	RUTLAND CIVIL TOWNSHIP	0.6	COLUMBIA GAS TRANSMI
-POI ENERGY INC					RECEIVED: 02/13/81 JA: ON			
9117466		3407522734	105		MELLAR #3	RICHLAND	15.0	COLUMBIA GAS TRANSMI
9117443		3400721323	103		PAVILONIS #2	COLEBROOK	20.0	
9117442		3400721224	103		WESOLOWSKI #2	NEW LYME	0.0	
-RELIANCE MANAGEMENT CO					RECEIVED: 02/13/81 JA: ON			
9117445		3406520592	108		C A MILLER #1		3.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY INV CORP 80-II					RECEIVED: 02/13/81 JA: ON			
9117446		3405320591	103		HALLIDAY-SHEETS #4	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY 80 - III					RECEIVED: 02/13/81 JA: ON			
9117404		3410521964	108		BUSH #1	BEDFORD	5.0	COLUMBIA GAS TRANSMI
9117405		3410521965	108		BUSH #2	BEDFORD	5.0	COLUMBIA GAS TRANSMI
9117406		3410521966	108		CLIFFORD #1	BEDFORD	5.0	COLUMBIA GAS TRANSMI
9117407		3410521967	108		CLIFFORD #2	BEDFORD	5.0	COLUMBIA GAS TRANSMI
9117408		3410521968	108		MYSELL #1	BEDFORD	5.0	COLUMBIA GAS TRANSMI
9117409		3410521969	108		MYSELL #2	BEDFORD	5.0	COLUMBIA GAS TRANSMI
-RINCO OPERATING INC					RECEIVED: 02/13/81 JA: ON			
9117478		3416922461	103		G & B STULL #1	PLAIN	12.0	COLUMBIA GAS
-ROYSE DRILLING CO INC					RECEIVED: 02/13/81 JA: ON			
9117403		3410521894	103		MOLTER #2	LEBANON	20.0	COLUMBIA GAS TRANS C
-VESCORP INDUSTRIES INC					RECEIVED: 02/13/81 JA: ON			
9117432		3415122952	108		DEL PUPPO #1		3.0	TIMKEN CO
9117425		3415122953	108		GATES #1		3.0	TIMKEN CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
9117435		3415723281	108		P GINGERICH #2		3.0	COLUMBIA GAS
-WHITMAN OIL & GAS CORP					RECEIVED: 02/13/81 JA: OH			
9117472		3416726296	103		BERNARD WAGNER #1	ADAMS	10.0	
9117469		3416726033	103		CARL DRAKES #2	LUDLOW	15.0	
9117490		3416725874	103		DECATUR CHAPEL CHURCH #1	DECATUR	10.8	
9117491		3416725874	107		DECATUR CHAPEL CHURCH #1	DECATUR	10.8	
9117468		3416725956	103		DONALD SCHAAD #2	FAIRFIELD	10.0	
9117471		3416726156	103		LOWELL HOME BUILDERS #2	MUSKINGUM	15.0	
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-ADOBE OIL & GAS CORPORATION					RECEIVED: 02/13/81 JA: PA			
9117521	6380	3712921288	103		ALLAN R POOLE #1	BLAIRSVILLE	30.0	PEOPLES NATURAL GAS
9117517	6306	3712921289	103		ALLAN R POOLE #2	BLAIRSVILLE	30.0	PEOPLES NATURAL GAS
9117516	6308	3712921393	103		B W AMALONG	LATROBE	25.0	PEOPLES NATURAL GAS
9117520	6303	3712921338	103		MICHAEL SHABELLA #1	LATROBE	22.0	PEOPLES NATURAL GAS
9117518	6305	3706522171	103		ORVAL SPRAGUE #1-A	DUBOIS	26.0	
9117519	3876	3700522265	103		ROCHESTER & PITTSBURGH COAL #2	RURAL VALLEY	30.0	PEOPLES NATURAL GAS
9117522	6370	3706522169	103		WILLIAM B BENSON #1-A	PUNXSUTAWNEY	30.0	
-ARNCLAR GAS CO					RECEIVED: 02/13/81 JA: PA			
9117523	6377	3700522546	103		SHOFFNER #1 87A	HOGBACK	36.0	COLUMBIA GAS TRANSMI
-CASTLE GAS CO INC					RECEIVED: 02/13/81 JA: PA			
9117526	6346	3706324089	108		H C MCCLURE #1 (C-474) IND-24089	EAST MANNING TWP	18.0	PEOPLES NATURAL GAS
9117527	6347	3706324117	108		H C MCCLURE #2 (C-475) IND-24117	EAST MANNING TWP	18.0	PEOPLES NATURAL GAS
9117524	6344	3706323740	108		J MACK #1 (C-419) IND-23740	YOUNG TWP	18.0	T W PHILLIPS GAS & O
9117525	6345	3706323726	108		J MACK #2 (C-420) IND-23726	YOUNG TWP	18.0	T W PHILLIPS GAS & O
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 02/13/81 JA: PA			
9117530	6060	3712324704	102		TCO-CHRISTENSEN 620164	WHITES RUN	26.3	COLUMBIA GAS TRANS C
9117528	6058	3703920462	102		TCO-POST 620160	ATHENS	52.6	COLUMBIA GAS TRANS C
9117529	6059	3703920466	102		TCO-SCOUTEN 620162	SPARTA	37.8	COLUMBIA GAS TRANS C
-DORAN & ASSOCIATES INC					RECEIVED: 02/13/81 JA: PA			
9117531	6146	3706325753	103		H SCOTT #3 K-A-55	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
9117533	5959	3700522084	108		R SCHALL #1 K-L-22	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SALES
9117532	5975	3706323720	108		W HELMAN #2 K-L-4	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SALES
-DORSO ENERGY					RECEIVED: 02/13/81 JA: PA			
9117535	6375	3706325218	103		JOHN J WEYANDT #1 #142	CRETE	30.0	BETHLEHEM STEEL CORP
9117534	6376	3706325219	103		JOHN J WEYANDT #2 #143	CRETE	30.0	BETHLEHEM STEEL CORP
-FOX OIL & GAS INC					RECEIVED: 02/13/81 JA: PA			
9117537	5132	3712921425	108		DON MEFFE #2	SOUTH HUNTINGDON	12.2	LOUDEN PROPERTIES CO
9117536	6229	3706325828	103		FLORENCE CHARRAN #2	MONTGOMERY TOWNSHIP	2.6	COLUMBIA GAS TRANS C
-J & J ENTERPRISES INC					RECEIVED: 02/13/81 JA: PA			
9117546	6318	3706324083	108		CLAYTON WINEBARK #1	CANOE	12.2	CONSOLIDATED GAS SUP
9117543	6325	3703320701	108		D T MITCHELL JR #1 (160A)	BELL	3.0	CONSOLIDATED GAS SUP
9117558	6369	3703320890	108		E E MITCHELL #B-6	BURNSIDE	18.1	CONSOLIDATED GAS SUP
9117538	6368	3703320896	108		E E MITCHELL #B-7	BURNSIDE	18.1	CONSOLIDATED GAS SUP
9117553	6312	3703320854	108		H A RORABAUGH #2 (90A)	BURNSIDE	9.6	CONSOLIDATED GAS SUP
9117544	6320	3706323793	108		J W BURBA #2 (108A)	MONTGOMERY	1.2	CONSOLIDATED GAS SUP
9117539	6329	3703320745	108		JOHN PENCHAK #1 (54A)	BELL	20.2	CONSOLIDATED GAS SUP
9117540	6328	3706324211	108		JOHN PRUSHNOK #1	MONTGOMERY	2.8	CONSOLIDATED GAS SUP
9117542	6326	3706324213	108		JOHN PRUSHNOK #3	MONTGOMERY	4.6	CONSOLIDATED GAS SUP
9117552	6313	3706324360	108		JOHN PRUSHNOK #4 (108A)	MONTGOMERY	3.6	CONSOLIDATED GAS SUP
9117555	6371	3706324318	108		L LAVELLE CONRAD #1	BANKS	16.1	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
						BURNSIDE	8.3	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117559	6373	3703320895	108		MARY MCGEE #B-14	BURNSIDE	8.3	CONSOLIDATED GAS SUP
8117557	6374	3703320788	108		MARY MCGEE #B-16	BURNSIDE	8.3	CONSOLIDATED GAS SUP
8117556	6370	3703320893	108		MARY MCGEE #B-8	BURNSIDE	8.3	CONSOLIDATED GAS SUP
8117554	6372	3703320894	108		MARY MCGEE #B-9	BURNSIDE	8.3	CONSOLIDATED GAS SUP
8117551	6316	3703320786	108		MARY MCGEE B-11 (588A)	BURNSIDE	3.1	CONSOLIDATED GAS SUP
8117545	6319	3703320787	108		MARY MCGEE B-12 (588A)	BURNSIDE	5.5	CONSOLIDATED GAS SUP
8117548	6310	3703320889	108		MECKLEY BROS #1 (60A)	BURNSIDE	1.4	CONSOLIDATED GAS SUP
8117550	6317	3706521378	108		R & P COAL CO #19	HENDERSON	3.9	CONSOLIDATED GAS SUP
8117549	6309	3703320879	108		R RORABAUGH (LENTZ) #1 (175A)	BURNSIDE	3.1	CONSOLIDATED GAS SUP
8117547	6311	3703320898	108		R RORABAUGH #2 (175A) (LENTZ)	BURNSIDE	1.4	CONSOLIDATED GAS SUP
8117541	6327	3703320888	108		STEPHEN SOLTIS #1 (50A)	BELL	3.3	CONSOLIDATED GAS SUP
-MEA CROSS CO					RECEIVED: 02/13/81 JA: PA			
8117560	5946	3704921057	102		P SKELTON #1	MILL VILLAGE	10.0	NATIONAL FUEL GAS SU
-PHILLIPS PRODUCTION CO					RECEIVED: 02/13/81 JA: PA			
8117563	6262	3706325777	103		EDWARD C BAKER ET UX #1	MONTGOMERY	30.0	
8117569	6247	3706325736	103		EDWARD C HOUCK ET UX #1	GREEN	25.0	
8117565	6238	3706325756	103		EULALE GROMLEY ET AL #1	GRANT	45.0	
8117564	6315	3706522184	103		FRED ROBERTS ET UX #2	BELL	30.0	
8117562	6261	3706325778	103		LEONARD MUMAU #1	GRANT	40.0	
8117561	6260	3706325613	103		RICHARD L BROWN ET UX #1	E MANNING	50.0	
8117567	5281	3706324719	108		W WILLIAM BENNETT #1	WHITE	20.0	COLUMBIA GAS TRANSMI
8117568	5275	3706324867	108		WILLIAM CHERNEY ET AL #3	YOUNG	9.0	COLUMBIA GAS TRANSMI
8117566	5282	3706324718	108		WILLIAM T MARTIN #1	WHITE	17.0	COLUMBIA GAS TRANSMI
-VICTORY DEVELOPMENT CO					RECEIVED: 02/13/81 JA: PA			
8117571	6151	3706325723	103		DEYARMIN #2 IND-25723	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRANSMI
8117570	6113	3706325722	103		DEYARMIN #3 - IND-25722	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRANSMI

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 3, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8404 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2634-002]

Great Northern Nekoosa Corp., Application for Amendment of License

March 16, 1981.

Take notice that on February 12, 1981, great Northern Nekoosa Corporation (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C 791(a)–825(r)] for amendment of its license for its Great Northern Storage Project, Caucomgomoc Development, FERC NO. 2634 located at the headwaters of the West Branch of the Penobscot River, Piscataguis County, Maine. Correspondence with the Applicant should be directed to: Mr. W. A. Nash, Chief Engineer, Central Engineering Department, Great Northern Nekoosa Corporation, Millinocket, Maine 04462.

Applicant requests that its license be amended to authorize the replacement of the existing rock–filled timber–crib dam, gates, and fishway at Caucomgomoc Lake with a new concrete gravity dam including four new gates, an Ogee-type spillway section and a vertical slot fishway. In addition the earthen wing dikes at the dam would be increased 3.7 feet in height. The replacement of the dam and the increase in height of the wing dikes is necessary to enhance the ability of the dam and dikes to withstand extreme flood conditions. The normal water surface elevation of Caucomgomoc Lake will remain the same.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petiton to intervene must be received on or before April 24, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 8405 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3107-000]

Newfound Hydroelectric Co.; Application for Short-Form License (Minor)

March 16, 1981.

Take notice that the Newfound Hydroelectric Company (Applicant) filed on January 7, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Newfound Hydroelectric Project No. 3107. The project would be located on the Newfound River in Grafton County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Henry Harris, Central Square, Bristol, New Hampshire 03222.

Project Description—The proposed project would consist of: (1) a diversion weir (presently breached) located adjacent to New Hampshire Route 3A in Bristol, New Hampshire; (2) a new 800-foot long water conveyance facility, leading to (3) a new powerhouse located approximately 800 feet downstream of the Water St. Bridge; and (4) appurtenant works. The installed capacity would be approximately 1,487 kW. Applicant estimates that the average annual generation would be 7,400 megawatt-hours.

The application was filed during the term of the Applicant's preliminary permit for the Newfound Project, issued August 14, 1980.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 15, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8437 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3545-000]

Utah Hydro Corp.; Application for Preliminary Permit[1]

March 13, 1981.

Take notice that Utah Hydro Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3545 to be known as the Echo Hydro Project located on the Weber River in Summit County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. D. Catten, 8184 Breeze Drive, Magna, Utah 84044. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Echo Dam and Reservoir, operated and maintained by the Weber River Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 2,500 kW and 7,070 kW; (3) a tailrace; (4) a new 46 kV transmission line, two miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 10,740,000 kWh and 25,000,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company. Other alternative markets will be studied.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3545. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8438 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3894-000]

Town of Wareham, Mass.; Application From Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

March 16, 1981.

Take notice that the Town of Wareham (Applicant) filed with the Federal Energy Regulatory Commission on December 22, 1980, an application for exemption for it's Tremant Hydroelectric Project No. 3894-000 from all or part of Part 1 of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Weweantic River in the Town of Wareham, Plymouth County, Massachusetts. Correspondence with

[1] This notice supersedes the Notice of Application for Preliminary Permit issued on February 24, 1981.

[1] Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

the Applicant should be directed to: Mr. Robert F. Packard, Tremont Dam Project, Town Hall, Wareham, Massachusetts 02571.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a 1,200-foot long, 15-foot high earthen and granite-faced dam; (2) a reservoir of negligible storage capacity at a normal water surface elevation of 58.7 feet M.S.L.; (3) two overflow spillway gates and two inlet gates leading to the penstocks; (4) two 7-foot high, 10-foot wide, 18-foot long concrete penstocks; (5) a powerhouse which would contain two new 150-kW turbine-generator units; (6) a 1,200-foot long, 25-kV transmission line located either overhead or buried; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,027,000 KWH.

Purpose of the Project—Project energy would be sold to the Bedford Gas and Edison Light Company for distribution to customers in it's service area.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than August 25, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3894. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first Paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8439 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3922]

James E. White; Application for Exemption for Small Hydroelectric Power Project Under 5 Megawatts Capacity

March 16, 1981.

Take notice that on January 5, 1981, James E. White (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part 1 of the Federal Power Act. The proposed James E. White small hydroelectric project (FERC No. 3922) would be located on Derr Creek in Bonner County, Idaho. Correspondence with the Applicant should be directed to: James E. White, P.O. Box 158, Clark Fork, Idaho 83811.

Project Description—The proposed project would consist of: (1) an intake structure; (2) two parallel penstocks, each 3,050 feet in length; (3) a powerhouse, containing five generating units with a total installed capacity of 250 kW; and (4) two 24-inch diameter discharge culverts. The power plant would be operated in a run-of-the-river mode, without capacity for storage or ponding.

Purpose of the Project—The energy generated by the proposed project would be marketed to a local utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuances of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Application.—Any qualified license applicant desiring in file a competing application must submit to the Commission, on or before April 27, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than August 25, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (C) (1980). A competing license application

must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3922. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8498 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-20-002]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

March 12, 1981.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on March 2, 1981, tendered for filing Revised 55th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed to track a downward adjustment in rates by its pipeline supplier, Texas Eastern Transmission Corporation, in compliance with the directive of the Commission order dated February 17, 1981, accepting Algonquin Gas' currently effective March 1, 1981 rates for filing.

Algonquin Gas also states such adjustment is in lieu of the treatment of reduced rates filed by Texas Eastern by a credit adjustment to Account 191 as prescribed in Section 17 of the Purchased Gas Cost Adjustment Provisions of its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas requests that the Commission accept for filing effective March 1, 1981, Revised 55th Revised Sheet No. 10.

Algonquin Gas notes that a copy of this filing is being mailed to each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8499 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-17-000]

American Standard Plumbing/Heating Division; Application for Staff Adjustment

March 12, 1981.

Take notice that on February 9, 1981, American Standard (Applicant), P.O. Box 279, Tiffin, Ohio 44883, filed with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure an application for an adjustment. Applicant seeks relief from § 282.207(c)(3) of the Commission's regulations under the NGPA.

Specifically, Applicant states that it has installed its own gas supply system (self-help) for its plant operation. The Applicant's present disclosed estimation methodology, dated January 26, 1981, prorates its self-help gas among exempt and non-exempt (boiler) use in accordance with Order No. 86 in Docket No. RM80-16 (Issued on May 8, 1980).

Applicant further states that self-help gas has benefit for both the public and industry by reducing total demand from utilities and increasing supplies available to residential areas, while in addition reducing operation cost which affects employment and production cost to consumers. Applicant asserts that it should be able to subtract its self-help gas directly from its non-exempt boiler fuel in order to reduce or eliminate the amount of natural gas subject to incremental surcharges. In addition, Applicant feels that installing additional special costly and unnecessary piping so that the self-help gas could be exclusively designated for use in the boiler or increasing industry's cost by prorating to comply to Order No. 86 was not the intent of the law, rather than intent was to reduce dependence on oil, whether foreign or domestic.

The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979 (44 FR 19861, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41(e). All petitions to intervene must be filed on or before April 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8500 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-319-000]

Arizona Public Service Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 6, 1981, Arizona Public Service Company (APS) tendered for filing Amendment No. 1 to Service Schedule K dated April 23, 1980 to the Power Coordination Agreement between Salt River Project Agricultural Improvement and Power District (SRP) and APS for the purpose of providing standby transmission facilities for the power to be generated at the Coronado Generating Station.

APS requests waiver of the Commission's Regulations to permit an effective date of October 27, 1980, the date that one of APS' customers will require to have its power flow to serve its load in the Coronado and Cholla areas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8601 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4034-000]

Beacon Aluminum Finishing Corp.; Application for Preliminary Permit

March 12, 1981.

Take notice that Beacon Aluminum Finishing Corp. (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4034 to be known as the Braendley Hydro Project located on Fishkill Creek in Dutchess County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph Guarneri, P.O. Box 850, One E. Main Street, Beacon, New York 12508. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing overflow gravity dam, 128 feet long and 15 feet high, constructed of cut stone set in mortar and capped with concrete; (2) a reservoir having negligible pondage; (3) a rehabilitated intake structure with a new gate; (4) a rehabilitated penstock; (5) a new powerhouse containing a generating unit having a total rated capacity of 300 kW; (6) a tailrace; (7) a new 13.2 kV transmission line; and (8) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 1,500,000 kWh.

Purpose of Project—Project energy would be sold to the Central Hudson Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to David Goodman and George R. Oliger's application for Project No. 3512, filed on September 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to made any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 3, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4034. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8617 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4109-000]

City of Fairbury; Application for Preliminary Permit

March 12, 1981.

Take notice that City of Fairbury (Applicant) filed on February 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825 (r)] for Proposed Project No. 4109 to be known as Fairbury Dam Power Project located on the Little Blue River in Jefferson County, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Marion E. Stewart, Chairman, Board of Public Works, 612 D Street, Fairbury, Nebraska 68352. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Fairbury Dam and reservoir. Project No. 4109 would consist of: (1) a proposed forebay; (2) a proposed powerhouse located adjacent to the existing powerhouse; (3) proposed transmission lines; (4) an existing masonry dam approximately 240 feet long and 16 feet high; (5) an existing reservoir of approximately 5 acres at a normal crest elevation of 1,300 feet m.s.l. with minimal storage capacity and a drainage area of approximately 2,300 square miles; and (6) appurtenant facilities. Applicant estimates the installed capacity of the proposed project to be 300 kW, and the annual energy output to be 1.8 GWh.

Purpose of Project—Energy produced at the proposed project would be utilized within the municipality.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4109. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8309 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3803-000]

City of Rome, New York; Application for Preliminary Permit

March 13, 1981.

Take notice that the City of Rome, New York (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3803 to be known as the Delta Project located on the Mohawk River in Oneida County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor J. Eilenberg, City Hall, Rome, New York 13440. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would consist of: (1) an existing gravity dam composed of a 300-foot long ogee spillway with a maximum height of 86 feet flanked by non-overflow sections of 331 feet and 361 feet in length; (2) the Delta Reservoir with a surface area of 2,483 acres at a crest elevation of 550 feet m.s.l.; (3) four existing 60-inch diameter outlet penstocks; (4) two existing 30-inch conduits in the western section of the dam providing water for a fish hatchery downstream; (5) a new powerhouse located below the eastern non-overflow section; (6) turbine/generator units with a total capacity between 1.5 and 2.2

MW; (7) a short transmission line and appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,000,000 kwh.

Purpose of the Project—Project power would be used by the Applicant for municipal purposes.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost under the permit would be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Power Authority of the State of New York's application for Project No. 3630 filed on October 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3803. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8008 Filed 3-18-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4240]

City of Santa Clara; Application for Preliminary Permit

March 16, 1981.

Take notice that the City of Santa Clara, (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–824(r)] for proposed Project No. 4240 to be known as the North Fork Dam Hydroelectric Project located on the North Fork American River in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the applicant should be directed to: Mr. Barry R. Flynn, Director of Electric Utility, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, California 95050. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project, to be located at the base of the existing U.S. Army Corps of Engineers' North Fork Dam, would consist of: (1) a penstock; (2) a powerhouse to be operated under a head of 130 feet with a rated capacity of 12 MW; and (3) approximately 5 miles of existing 12–kV transmission line connected to a pacific Gas and Electric Company substation. The Applicant estimates that the average annual energy output would be 60 million Kwhs.

Purpose of Project—Power generated from the project would be used to serve the Applicant's electrical service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks a preliminary permit for a period of 36 months during which it would conduct environmental, engineering, and economical studies to determine the feasibility of constructing and operating the proposed project. Applicant estimates that the costs of the feasibility studies and preparation of an FERC license application are $125,000.

Purpose of Preliminary Permit—A Preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to the City of McFarland and

Western Renewable Resources' Project No. 3256 and the City of Redding's Project No. 3704, filed on July 17, 1980, and November 12, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4240. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8488 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-318-000]

Cleveland Electric Illuminating Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on March 6, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 20 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on March 1, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8489 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project 3482-001]

Susan A. Craft; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 12, 1981.

Take notice that on January 7, 1981, Susan A. Craft (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Pub. L. 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The Lilliwaup Falls Hydroelectric Project (FERC Project No. 3482) is located on Lilliwaup Creek in Mason County, Washington. Correspondence with the Applicant should be directed to: Mr. John Scarola, c/o Montgomery, Lytal, Reiter, Denney and Searcy, P.O. Drawer 3626, West Palm Beach, Florida 33409.

Project Description—The existing project consists of: (1) a 45-foot long, 8-foot high concrete dam; (2) a 235-foot long tunnel with a 5-foot by 7-foot cross section; (3) a 486-foot long concrete flume with a 4-foot by 3-foot cross section; (4) a 24-inch diameter, 900-foot long wooden penstock; (5) a brick powerhouse containing two generating units with total installed capacity of 160 kW; and (6) appurtenant facilities.

Applicant proposes to increase the installed capacity to between 1,000 and 1,200 kW.

Purpose of Project—Project energy is and would be sold to a local utility company.

Agency Comments—The U.S. Fish and Wildlife Service and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than June 17, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and

Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3482. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Spreinger, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to interevene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8610 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-295]

El Paso Electric Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on or about February 23, 1981, El Paso Electric Company submitted for filing a compliance report, pursuant to the Commission's letter of January 27, 1981, in the above referenced proceeding.

A copy of this filing has been sent to the California Public Utility Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8609 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4206-000]

Enagenics; Application for Preliminary Permit

March 13, 1981.

Take notice that Enagenics (Applicant) filed on February 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4206 to be known as the Laguna Project located on the Colorado River in Yuma County, Arizona. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., Presient, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Laguna Dam, 4,780 feet long and 43 feet high and would consist of: (1) a new power plant adjacent to the downsteam face of the dam; (2) a new penstock and new trashracks; (3) a turbine/generator unit rated at 600 kW; (4) a new 2.0 mile long, 69-kV transmission line and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 2,200,000 kWh.

Purpose of Project—Project power would be sold either to the Western Area Power Administration or the Arizona Power Authority.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant tot he issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordane with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protest, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT OT FILE COMPETING APPLICATION", "COMPETING APPLCIATION", "PROTEST", or "PETITON TO INTERVENE", as applicable. Any of hese filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4206. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20428. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8511 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3063-001]

Gelardin/Bruner/Cott, Inc.; Application for Short Form License (Minor)

March 12, 1981.

Take notice that Gelardin/Bruner/Cott, Inc. (Applicant) filed on January 26, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for reconstruction and operation of a water power project to be known as Central Falls Hydroelectric Project No. 3063. The project would be located on the Blackstone River at Central Falls, in Providence County, Rhode Island. Correspondence with the Applicant should be directed to: Mr. Eric Richelson, Gelardin/ Bruner/Cott, Inc., 75 Cambridge Parkway, Cambridge, Massachusetts 02142, and Mr. Todd Cormier, Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914.

Project Description—The proposed project would consist of existing project works including: (1) Valley Falls Dam, a curved granite-masonry structure about 200 feet long and 10 feet high; (2) Valley Falls Pond, a reservoir of negligible storage capacity at surface elevation 49.5 feet m.s.l.; (3) a gatehouse/headgate structure containing five timber gates, each 7 feet-10 inches wide and 9 feet-3 inches high; (4) a headrace canal about 300 feet long, 12 feet deep, and varying from 28 to 60 feet wide; (5) a powerhouse area, located in the substructure of the restored south mill building (Blackstone Falls Mill), in which would be installed two new 409 kw turbine-generators for a total installed capacity of 818 kW; (6) a tailrace channel about 1,200 feet long and 25 feet wide at its narrowest section; (7) electrical facilities; and (8) other appurtenances. Applicant estimates annual generation would average 4,761,000 kWh.

Purpose of Project—The Blackstone Valley Falls Elderly Housing Project will utilize more than 25 percent of the project energy with the remainder being sold to the Blackstone Valley Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 11, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 11, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc.81-8512 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4158-000]

Georgia-Pacific Corp.; Application for Preliminary Permit

March 16, 1981.

Take notice that Georgia-Pacific Corporation (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4158 to be known as Skookum Creek Project located on Skookum and Orsino Creeks in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Georgia-Pacific Corporation, P.O. Box 1236, Attn: John H. Asmundson, Bellingham, Washington 98227. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two 3-foot high concrete diversion weirs; (2) a 3-mile long pipeline; (3) a surge tank; (4) a 4,000-foot long penstock; (5) a powerhouse containing one generating unit rated at 5,000 kW; and (6) a 2-mile

long transmission line. The Applicant estimates that the average annual energy output would be 34.5 million kWh.

Purpose of the Project——The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Uunder Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering and geological studies, perform preliminary designs, make an economic and feasibility analysis, obtain water rights, conduct environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit is $250,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "PETITION TO INTERVENE", as applicable.

Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4156. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8467 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4198-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4198 to be known as Cagles Mill Water Power Project located on the Mill Creek in Putnam County, Indiana. The Applicant is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5020 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir, and the Applicant facilities would be located mostly on U.S. lands. The proposed project would consist of: (1) an existing outlet conduit to be reinforced with a new steel liner; (2) a proposed penstock; (3) a proposed powerhouse containing generating units with a total installed capacity of 2.6 MW; (4) a proposed tailrace channel which would connect with the existing outlet channel; (5) proposed transmission lines; and (6) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 6,900 MWh.

Purpose of Project—The power generated by the proposed project would be sold by the Applicant to the local residents.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmetal and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Fedral, State, and local agencies that recieve this notice through direct mailing form the Commssion are invited to submit

comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corp. Project No. 3389 filed on August 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 8, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4198. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Divison of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8488 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4195-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 10, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4195 to be known as Salamonie located on the Salamonie River in Wabash County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir, and would consist of: (1) a proposed steel liner in the existing outlet tunnel; (2) a proposed shut-off valve, wye and short penstock; (3) a proposed powerhouse; (4) a proposed tailrace; (5) proposed transmission lines and switchyard; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 7.7 Mw, and the annual energy output to be 20.1 Gwh.

The proposed project will be located on Federal Lands.

Purpose of Project—Energy produced at the proposed project would be utilized by the twelve Indiana Municipal Power Agency (IMPA) members to displace power which would otherwise be purchased from private utilities.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corp., Project No. 3353 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, on further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it has made a response to this notice of

application for preliminary permit for Project No. 4195. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8469 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4197-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4197 to be known as Mississinewa Water Power Project located on the Mississinewa River southeast of Peru, Indiana, in Miami County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James V. Williamson, R. W. Beck and Associates, 200 Tower Building, 7th Avenue and Olive Way, Seattle, Washington 98101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 4197 would consist of: (1) a proposed waterway formed by the installation of a steel liner through the existing outlet tunnel; (2) a proposed wye from the existing conduit at the entrance to the stilling basin; (3) a proposed penstock from the wye to a manifold; (4) a proposed powerhouse located on the north bank of the river and discharging into the existing outlet channel; (5) proposed transmission lines; and (6) appurtenant facilities. The Applicant estimates the capacity of the project would be 10,300 kW and the annual output would be 26,900,000 KWh.

The proposed project will be located on Federal lands.

Purpose of Project—Energy produced at the proposed project would be utilized by the Indiana Municipal Power Agency members to displace power which would otherwise be purchased from private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Continental Hydro Corporation, Project No. 3365 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4197. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8470 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4196-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4196 to be known as C.M. Harden located on Raccoon Creek in Parke County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920

Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir and would consist of: (1) a proposed steel liner in the existing outlet conduit; (2) a proposed shut-off valve, wye and a short penstock; (3) a proposed powerhouse; (4) a proposed tailrace; (5) proposed transmission lines and switchyard; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 1.4 MW, and the annual energy output to be 4.6 GWh.

The proposed project is to be located on Federal lands.

Purpose of Project—Energy produced at the proposed project would be utilized by the twelve Indiana Municipal Power Agency (IMPA) members to displace power which would otherwise be purchased from private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation, Project No. 3391 filed on August 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4196. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208, RB Building, Washington, D.C 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc.81-8471 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4196-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 16, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 12, 1981, an application for prelimianry permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4191 to be known as Monroe Lake located on Salt Creek in Monroe County, Indiana. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir, and would consist of: (1) a proposed steel liner in the existing outlet conduit; (2) a proposed shut-off valve, wye and short penstock; (3) a proposed powerhouse; (4) a proposed tailrace; (5) proposed transmission lines and switchyard; and (6) appurtenant facilities. Appliant estimates the capacity of the proposed project to be 3.5 mw, and the annual energy output to be 9.1 Gwh. The proposed project would be located on Federal Lands.

Purpose of Project—Energy produced at the proposed project would be utilized by the twelve Indiana Municipal Power Agency (IMPA) members to displace power which would otherwise be purchased from private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmetal and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and

environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to *Continental Hydro Corp.* Project No. 3355 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4191. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Divison of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8472 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4150-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 13, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 9, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4150 to be known as Huntington Waterpower Project located on the Wabash River in Huntington County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir, and the Applicant's facilities would be located mostly on U.S. lands. The proposed project would consist of: (1) a proposed intake structure; (2) a proposed power conduit bored through the left concrete non-overflow section; (3) a proposed steel penstock; (4) a proposed powerhouse containing generating units with a total installed capacity of 5.2 MW; (5) a proposed tailrace channel which would connect with the existing outlet channel; (6) proposed transmission lines; and (7) appurtenant facilities.

The Applicant estimates that the averge annual energy output would be 13,600 MWh.

Purpose of Project—The power generated by the proposed project would be utilized by the customers of the Indiana Municipal Power Agency.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit tb prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corp. Project No. 3326 filed on August 18, 1980, under 18 CFR 4.33 (1980), and, therfore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordane with the Commission's Rules. Any comments, protests, or

petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4150. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8513 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3918-000]

Jackson County, Oreg.; Application for Preliminary Permit

March 12, 1981.

Take notice that Jackson County (Applicant) filed on January 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3918 to be known as Gold Ray Hydroelectric Project located on Rogue River in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul Steinbrenner, County Administrator, Jackson County Courthouse, 10 South Oakdale, Medford, Oregon 97501. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) the existing Gold Ray Reservoir with gross storage capacity of 100 acre-feet at elevation 1,146 feet (mean sea level); (b) the existing 40-foot high, 394-foot long Gold Ray concrete gravity dam; (c) either the existing abandoned powerhouse (to be restored) or a new powerhouse (to be built) housing new generating units with total rated capacity of 6.5 to 9.0 MW; and (d) appurtenant facilities.

The Applicant estimates that the average annual energy output would be between 30 and 40 million kWh.

Purpose of Project—Project energy would be sold to Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right to priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Gold Hill and Gold Ray Water Power Project No. 3210 on Rogue River in Jackson County, Oregon, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3918. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8514 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-325-000]

Kansas City Power & Light Co. Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 9, 1981, Kansas City Power & Light Company ("KCPL") tendered for filing an Assignment and Indemnification dated May 31, 1980, entered into between KCPL and The Empire District Electric Company ("Empire"), under the Associated-Companies Contract dated March 28, 1962, KCPL's Rate Schedule FPC No. 31A.

KCPL states the purpose of this filing is to assign to KCPL all of Empire's right, title and interest in and to all electric transactions under the Missouri Integration Arrangements during the remaining term of the Associated-Companies Contract. KCPL requests an effective date 60 days from the date of this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8691 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-66-000, ER81-225-000, ER81-136-000, and ER80-502, et al.]

Louisville Gas & Electric Co.; Order Accepting for Filing and Suspending in Part Rate Schedule Changes, Waiving Notice in Part, Consolidating Dockets, Initiating Hearing, and Establishing Procedures

March 13, 1981.

The Louisville Gas and Electric Company (Louisville) filed certain amendments to its interconnection agreements with Public Service Company of Indiana (PSCI) on January 12, 1981,[1] in Docket No. ER81-66-000, with Big Rivers Electric Corporation (Big Rivers) on January 19, 1981, in Docket No. ER81-225-000, and with the Cincinnati Gas and Electric Company (CG&E) on November 24, 1980, in Docket No. ER81-136-000.[2] The amendments provide for (1) an increase in the demand charge for short-term power sold under the respective agreements, and (2) the replacement of percentage adders with fixed adders as part of the rates for any transmission or third party purchase and resale service provided by either party to the agreements pursuant to the Commission's Order Nos. 84 and 84-B.

Louisville requested an effective date of September 1, 1980, for the fixed adders and effective dates of January 1, 1981, and March 16, 1981, for all other rate changes filed in Docket Nos. ER81-66-000 and ER81-225-000, respectively. The charges filed by Louisville and CG&E in Docket No. ER81-136-000 have been previously accepted for filing by letter dated December 30, 1980, pursuant to the delegated authority of the Director of the Electric Power Regulation.

Lousiville's proposed amendments applicable to the three remaining parties provide for an increase from $0.07/kW/week to $0.85/kW/week in the demand charge for short-term power. The proposed amendments also provide for fixed adders of 2 mills/kWh for Louisville and PSCI, and 1 mill/kWh for CG&E as part of the rates for transmission service or third party purchase and resale service. Louisville also proposes to cancel a service schedule for maintenance power service to PSCI.[3]

PSCI and CG&E have submitted executed certificates of concurrence which are considered by the Commission to constitute filings in their own right with respect to these proposed charges, *i.e.*, a 2 mills/kWh adder for PSCI and a 1 mill/kWh adder for CG&E. No pleadings have been received in response to public notice of these filings.[4]

Discussion

Our analysis of the proposed demand charge for short-term power in Docket Nos. ER81-66-000 and ER81-225-000 indicates that this charge is cost-justified. Moreover, the $0.85/kw/week charge has already been accepted for filing with respect to PSCI.[5] Consequently, we shall accept the demand charges for short-term power for filing to become effective, without suspension, 60 days after completion of the filings on March 14, 1981 (Docket No. ER81-666-000) and March 21, 1981 (Docket No. ER81-225-000).

Our preliminary review, however, does not support the proposed 2 mills/kWh fixed adder in Docket Nos. ER81-666-000 and ER81-225-000. We find that this proposed charge has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Consequently, we shall accept this portion of the submittals in both dockets for filing and we shall suspend operation of the 2 mills/kwh adder as directed below.

In a number of suspension orders, [6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We have consistently imposed a nominal suspension for interchange arrangements of the type involved in Docket Nos. ER81-666-000 and Docket No. ER81-225-000, recognizing that such arrangements provide for the mutual availability of necessary services. A one day suspension and the imposition of a refund obligation should protect the affected ratepayers pending the outcome of these consolidated proceedings. We further note that Order Nos. 84 and 84-B anticipated that required limitations on adders for third party transmission service would become effective on or about September 1, 1980. In addition, while the proposed fixed adders have not been shown to be just and reasonable, it appears that such adders can be expected to produce revenues

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[1] This submittal was orginally made on October 30, 1980, but was declared deficient by letter order issued December 29, 1980.

[2] See Attachment A for rate schedule designations.

[3] Louisville's original transmittal letter in Docket No. ER81-66-000 also proposed to cancel a service schedule for fuel conservation energy service. By letter dated December 29, 1980, Louisville was requested to provide support for the cancellation of this service and to indicate what service would be offered in place of fuel conservaton energy service in the future if a fuel shortage situtation arose. On January 12, 1981, Louisville responded by indicating that the parties intended to retain the fuel conservation energy rate in accordance with the Commission's order in Docket Nos. ER78-228, *et al.*, establishing principles for fuel conservation energy rate schedules. Louisville's filing in Docket No. ER81-225-000 similarly indicated that the portion of the executed amendment which provided for the cancellation of the fuel conservation energy rate schedule was to be considered a nullity and that the service schedule would remain in effect pending renegotiation of the fuel conservation energy rate.

[4] Notices of the submittals in Docket Nos. ER81-66-000 and ER81-225-000 were issued on November 5, 1980, and January 20, 1981, respectively, with responses due on or before November 25, 1980, and February 13, 1981, respectively.

[5] *See* Letter order dated October 8, 1980, Docket No. ER80-255.

[6] *E.G., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket No. ER80-506, *et al.*, (August 28, 1980) (one-day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-498 (August 22, 1980) (one-day suspension).

lower than the existing percentage adders. Accordingly, we shall waive the prior notice requirements, and the proposed fixed adders filed in Docket Nos. ER81–666–000 and ER81–225–000 will be suspended for one day to become effective on September 2, 1980.

As noted above, Louisville's previous submittal in Docket No. ER81–136–000 was accepted for filing and allowed to go into effect without suspension as a result of a letter order issued by the Director of the Office of Electric Power Regulation. Since our current review of the filings in Docket Nos. ER81–666–000 and ER81–225–000 indicates that the 2 mills/kWh fixed adder may not be just and reasonable, and since an identical 2 mills/kWh fixed adder was filed in Docket No. ER81–136–000, we are compelled to look into the matter further. Based upon our present analysis, we believe it is in the public interest to institute an investigation pursuant to section 206(a) of the Federal Power Act for the limited purpose of invetigating the fixed adder in Docket No. ER81–136–000.

Since the proposed 2 mills/kWh fixed adder in Docket No. ER81–136–000 is identical to those filed by Louisville in Docket Nos. ER81–66–000 and ER81–225–000, consolidation of these proceedings is appropriate and in the public interest. Futhermore, consolidation of these three dockets with the current proceeding in Allegheny Power System, et al., Docket Nos. ER80–592, *et al.*, is appropriate since common questions of law and fact are presented.

The Commission Orders:

(A) Waiver of the notice requirements is hereby granted with respect to the fixed adders filed in Docket Nos. ER81–66–000 and ER81–225–000.

(B) The proposed 2 mills/KWh fixed adders filed in Docket Nos. ER81–66–000 and ER81–225–000 are hereby accepted for filing and suspended for one day to become effective on September 2, 1980, subject to refund pending hearing and decision.

(C) The proposed rate changes, other then the proposed 2 mills/KWh fixed adder, which have been filed in Docket Nos. ER81–66–000 and ER81–225–000 are hereby accepted for filing to become effective on March 14, 1981, in Docket No. ER81–66–000 and on March 21, 1981, in Docket No. ER–61–000, without suspension.

(D) Docket No. ER81–136–000 is hereby re-opened for the purposes specified in this order.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the 2 mills/KWh fixed adders filed in Docket Nos. ER81–66–000 and ER81–225–000, respectively, and currently in effect in Docket No. ER81–136–000.

(F) The proceedings in Docket Nos. ER81–66–000, ER81–225–000, and ER81–136–000 are hereby consolidated with the pending proceedings in Docket Nos. ER80–592, *et al*, for purposes of hearing and decision.

(G) The administrative law judge designated to preside in the consolidated proceeding in Docket Nos. ER80–592, *et al.*, shall determine the appropriate procedures necessary to accommodate consolidation of Docket Nos. ER81–66–000, ER81–225–000, and ER81–136–000, with the existing proceedings.

(H) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—*Louisville Gas & Electric Co., Docket Nos. ER81–66–000, ER81–225–000 Rate Schedule Designations*

Docket No. ER81–66–000.
Other party: Public Service Co. of Indiana, Inc.

Designation and Description

Louisville Gas & Electric Co.

(1) Supplement No. 6 to Rate Schedule FPC No. 21; Amendment to Interconnection Agreement
(2) Supplement No. 1 to Supplement No. 6 to Rate Schedule FPC No. 21; Letter Dated January 8, 1981, Stating Intention to Retain Service Schedule F
(3) Supplement No. 7 to Rate Schedule FPC No. 21; Service Schedule A—Emergency Service
(4) Supplement No. 8 to Rate Schedule FPC No. 21; Service Schedule B—Interchange Power
(5) Supplement No. 9 to Rate Schedule FPC No. 21; (Supersedes Supplement No. 1 to Supplement No. 4); Service Schedule E—Short-Term Power

Public Service Co. of Indiana, Inc.

(6) Supplement No. 12 to Rate Schedule FPC No. 208 (Supersedes Supplement Nos. 1, 2, 3 and 10, as Supplemented and Concurs in (1)–(5) Above); Certificate of Concurrence

Docket No. ER81–225–000.
Other party: Big Rivers Electric Corp.

Designation and Description

Louisville Gas & Electric Co.

(7) Supplement No. 10 to Rate Schedule FPC No. 27; Amendment to Interconnection Agreement
(8) Supplement No. 1 to Supplement No. 10 to Rate Schedule FPC No. 27; Letter Dated January 15, 1981 Stating Intention to Retain Service Schedule E
(9) Supplement No. 11 to Rate Schedule FPC No. 27 (Supersedes Supplement No. 1); Service Schedule A—Emergency Energy
(10) Supplement No. 12 to Rate Schedule FPC No. 27 (Supersedes Supplement No. 2); Service Schedule B—Interchange Energy
(11) Supplement No. 13 to Rate Schedule FPC No. 27 (Supersedes Supplement No. 9); Service Schedule C—Short Term Power

[FR Doc. 81–8473 Filed 3–18–81; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. ER81–222–000]

Louisville Gas & Electric Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E), on March 5, 1981, tendered for filing proposed changes in its Interconnection Agreement between LG&E and East Kentucky Power Cooperative (East Ky.) designated Louisville Gas and Electric Company FPC Rate Schedule No. 25.

The purpose of this filing is to increase the transmission charge as set forth under Article II of the Interconnection Agreement from 0.6 mill per kilowatt-hour to 1 mill per kilowatt-hour, and to increase the demand charge as set forth under Article VI from $0.12 per kilowatt per weekday (Monday through Saturday) to $0.14 per kilowatt per weekday (Monday through Saturday). These proposed revisions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems.

Copies of the filing were served upon East Ky. and the Energy Regulatory Commission of Kentucky.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8502 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4215-000]

Metropolitan District Commission; Application for Preliminary Permit

March 13, 1981.

Take notice that the Metropolitan District Commission (Applicant) filed on February 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4215 to be known as the Tariffville Project located on the Farmington River in Tariffville, Hartford County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new 30-foot high, 220-foot long concrete dam at the location of the old Tariffville dam; (2)(a) a new powerhouse at the location of the old powerhouse containing two turbine-generators with a total rated capacity of 3.0 MW; or (b) a diversion structure and 4,000-foot long power conduit extending downstream through Tariffville Gorge to the site of the old dam (which would eliminate the need for a dam) and a new powerhouse, located at the site of the old powerhouse containing two turbine-generators with total rated capacity of 3.0 MW; or (c) a 5,000 to 6,000-foot long tunnel whose intake would be located 1½ miles upstream from the old dam (which would also eliminate the need for a dam) and which would extend across the bend in the river, leading to a new powerhouse located approximately 1,000 to 2,000 downstream from the old dam containing two turbine-generator units with a total rated capcity of 4.5 MW; (3) a transmission line; and (4) appurtenant facilities.

The applicant estimates that the average annual energy output would be up to 20,000 kWh.

Purpose of Project—Energy produced at the project would be sold to Hartford Electric Light Company for distribution to its customers.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include preliminary designs and economic analysis and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Tariffville Project, No. 3324 filed on August 15, 1980, by Hartford Electric Light Company under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordane with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedure specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the commission's Rules. Any comments, protests, or petitions to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4215. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Room 208 RB Building, Washington, D. C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8515 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4117-000]

Metropolitan District of Hartford, Connecticut; Application for Preliminary Permit

March 16, 1981.

Take notice that the Metropolitan District of Hartford County, Connecticut, (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4117-000 to be known as the Collinsville Project. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements

specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would include the following existing works: (1) the Collins Company Upper Dam, having a height of 32 feet and a length of 900 feet. The dam impounds a reservoir of 55 surface acres and a storage capacity of 350 acre-feet; (2) the Collins Company Lower Dam, having a height of 33 feet and a length of 400 feet. The dam impounds a reservoir of 40 surface acres and a storage capacity of 180 acre-feet; (3) the Goodwin Dam, having a height of 125 feet and a length of 900 feet. The dam impounds a reservoir of 215 surface acres and 8,900 acre-feet of storage; (4) the Nepaug Dam, having a height of 133 feet and a length of 600 feet; (5) the Phelps Brook Dam, having a height of 67 feet and a length of 1,250 feet. The Nepaug and Phelps Brook Dams together impound the Nepaug Reservoir having 900 surface acres and 34,120 acre-feet of storage capacity; (6) the Saville Dam, which impounds the Barkhamsted Reservoir, having a storage capacity of approximately 92,000 acre-feet; (7) a powerhouse at the Collins Company Upper Dam, which would be restored and would have an installed generating capacity of 1,500 kW. Alternately, the Applicant might construct a new powerhouse; (8) a powerhouse at the Collins Company Lower Dam, which would be restored and would have an installed generating capacity of 1,500 kW. Alternately, the Applicant might construct a new powerhouse; (9) a proposed powerhouse, which would utilize flows from the Nepaug and Barkhamsted Reservoirs and would have an installed generating capacity of 2,500 kW; and (10) appurtenant works.

The project would have a total installed generating capacity of 5,500 kW, and an estimated average annual energy output of 19,000,000 kWh.

Purpose of Project—Project energy would be sold to the Hartford Electric Light Company, or to local users of electric energy.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time Applicant would investigate the power generation, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for a FERC license.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Collins Company Dams Project No. 3271, filed on July 29, 1980, by Water Power Development Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4117. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8474 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-166-000]

Missouri Utilities Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on or about February 17, 1981, Missouri Utilities Company submitted for filing a compliance report pursuant to the Commission's order, dated February 6, 1981, in the above-referenced proceeding.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8482 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-66-001, ER80-67-002, ER80-68-001, ER80-220-001]

New England Power Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on February 23, 1981, New England Power Company submitted for filing a compliance report pursuant to the Commission's order, dated November 26, 1980, in the above referenced proceeding.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8489 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-321-000]

Ohio Power Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 9, 1981, tendered for filing on behalf of its affiliate Ohio Power Company (OPCo.), Modification No. 16 dated February 23, 1981 to the Operating Agreement dated June 14, 1982 between The Cleveland Electric Illuminting Company and Ohio Power Company, OPCo.'s Rate Schedule FERC No. 31.

Sections 1 and 2 of Modification No. 16 provide for an increase in the demand charge for Short Term and Limited Term Power from $0.85 to $1.05 per kilowatt per week and $4.50 to $5.50 per kilowatt per month respectively. Both schedules proposed to become effective February 23, 1981.

Applicant states that since the use of Short Term Power and Limited Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from its modification for such period. Applicant's Appendix V which was included with the filing of this modification, demonstrates that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1980 would have been $4,009,642.88 (i.e., from $86,474,006.74 to $90,483,649.62) for Short Term power and $5,100,000.00 (i.e., from $98,052,425.50 to $103,152,424.50) for Limited Term Power.

Copies of the filing were served upon The Cleveland Electric Illuminating Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8503 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA 81-2-40-000 (PGA 81-2)]

Raton Natural Gas Co.; Change in Rates

March 12, 1981.

Take notice that Raton Natural Gas Company (Raton), on March 6, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Volume No. 1, consisting of Twenty-fourth Revised Sheet No. 3a. The change in rates is for jurisdictional gas service. The proposed effective date is April 1, 1981.

Raton states that the instant notice of change in rates is occasioned solely for decrease in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG gas cost decrease results in decrease in Demand Rate from $1.85 to $1.79 and decrease in Commodity Rate from 305.16¢ to 302.84¢ per MCF. The annual revenue decrease, by reason of the tracking, amounts to $25,462.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.9 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.9, 1.10). All such petitions or protests should be filed on or before March 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8484 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-316-000]

Southeastern Electric Power Co., Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 5, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing an Agreement between SWEPCO and Gulf States Utilities Company (Gulf States) dated October 2, 1978, which provides for SWEPCO to offer to sell and GSU to purchase capacity without reserves from specific generating units according to the following schedule:

Period	Unit	Megawatt rated capability	Megawatt offered	Estimated unit cost per kWhr delivered
June 1, 1981 to May 31, 1982.	Flint Creek No. 1.	264	90	200
June 1, 1982 to May 31, 1983.	Welsh No. 3...	528	160	295
June 1, 1983 to May 31, 1984.	Welsh No. 3...	528	115	295

SWEPCO states that it desires to sell the capacity from these units in order to reduce its reserves and Gulf States desires to purchase this capacity to assist in meeting its load requirements.

SWEPCO further states that energy schedule to be delivered each month shall be primary energy which is that energy scheduled up to 146 hours times the maximum Kilowatts established during the billing months, and secondary energy which is the scheduled energy which exceeds 146 hours times the maximum Kilowatts established during the billing month but not to exceed, in the aggregate, 436 hours times the maximum Kilowatts used during the same billing month.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8

and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8804 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-41-000 (PGA81-2)]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

March 12, 1981.

Take notice that Southwest Gas Corporation ("Southwest") on February 27, 1981 tendered for filing Tenth Revised Sheet No. 10 and Second Revised Sheet No. 10A pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a reduction in rates occasioned by a decrease in rates from Southwest's northern Nevada sole supplier of gas, Northwest Pipeline Corporation, effective April 1, 1981. The proposed effective date for Southwest's proposed reduction in rates is April 1, 1981.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8805 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3926-000]

Mr. Edward D. Stone, Jr., and Mr. Robert V. Stone; Application and Preliminary Permit

March 13, 1981.

Take notice that Mr. Edward D. Stone, Jr. and Mr. Robert V. Stone (Applicant) filed on January 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3926 to be known as the Stone Project located on the Eightmile River in New London County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Stone; 24 West 69th Street; Apartment 2S; New York, New York 10023. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 10 foot high, two section stone dam having a length of 70 feet; (2) an existing stone and concrete spillway; (3) the existing Mill Pond having a surface area of approximately 20 acres with a normal surface elevation of 24.37 feet; (4) an existing flume; (5) an existing penstock; (6) a new powerhouse having an installed generating capacity of 85 kW; (7) an existing tailrace; (8) new transmission lines and switchyard equipment; and (9) appurtenant works. The Mill Pond and Dam are owned by the Lyme Land Conservation Trust. The Applicant estimates that the average annual energy output would be 500,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate and generate project design alternatives, financial feasibility, environmental effects of project construction and operation and power output potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the costs of studies under the permit would be $15,650.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed; but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a4 petition to intervene in accordance with the Commission's Rules. Any comments,

protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3926–000. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8510 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[ER81-324-000]

Union Electric Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 9, 1981, Union Electric Company tendered for filing under Appendix B of the Interconnection Agreement between Central Illinois Public Service Company, Illinois Power Company, and Union Electric Company a new connection point and a revision to an existing connection point. Also included in the filing is a new Appendix "I" and an Amended Appendix "C" to the Facility Use Agreement between Union Electric Company and Central Illinois Public Service Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Energy Regulatory Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8508 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-379-001 and ER80-380-001]

Utah Power & Light Co.; Filing

March 12, 1981.

The filing company submits the following:

Take notice that on December 5, 1980, Utah Power and Light Company, (UPL) submitted for filing revised sheets in UPL's F.E.R.C. Electric Tariff, Original Volume No. 1.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8509 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-310-000]

The Washington Water Power Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that on March 2, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Capacity Sales Agreement" between Washington and the City of Seattle, Department of Lighting (Seattle) for the sale of capacity. Washington states that the capacity will be made available to Seattle from November 1, 1980, through February 28, 1981.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to November 1, 1980, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8506 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-326-000]

West Texas Utilities Co.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that West Texas Utilities Company ("WTU") on March 9, 1981 tendered for filing as an initial rate schedule an agreement between WTU and the South Texas Electric Cooperative, Inc. ("STEC"). The agreement provides for sales of economy energy from WTU to STEC and from STEC to WTU.

Copies of the filing were served upon STEC and the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said rate schedule should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 or the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8007 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-323-000]

Wisconsin Public Service Corp.; Filing

March 12, 1981.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation on March 9, 1981 tendered for filing a revised certified map of the City of Wisconsin Rapids, Wood County, Wisconsin. This revision reflects the addition of a small area in the City of Wisconsin Rapids, Wood County, Wisconsin, to the area to be served by Wisconsin Public Service Corporation.

Copies of the filing were served upon the City of Wisconsin Rapids.

The agreement is to be effective May 11, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8008 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-38]

Zenith Natural Gas Co. and Gulf Oil Corp.; Protest To Charge and Collect Section 108 of NGPA Price

March 13, 1981.

Take notice that on February 27, 1981 Zenith Natural Gas Company (Zenith) filed with the Federal Energy Regulatory Commission (Commission), a protest pursuant to 18 CFR 154.94 to any proposed rate change described in any blanket affidavit filed under 18 CFR 154.94(h)(i), any interim collection filing made pursuant to 18 CFR 273.202, or any rate change filing by Gulf Oil Corporation (Gulf), selling gas to Zenith insofar as any blanket affidavit, interim collection or rate change filing pertains to the collection of the maximum lawful price prescribed under section 108 of the Natural Gas Policy Act of 1978 (NGPA) for gas sales to Zenith under Rate Schedule No. 598 of Gulf, and the gas purchase contract related thereto, dated March 14, 1929.

Zenith asserts that Gulf claims to have the contractual authority to collect the maximum lawful price under section 108 of the NGPA, but that the above-mentioned contract does not authorize the collection of this price

These contracts are on file with the Commission and are open to public inspection.

Any person desiring to be heard or to protest said filings should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8007 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to members of the public $1,629,000 in consent order funds. Separate escrow accounts of $1,100,000 and $529,000 were established by the Aluminum Company of America and Palo Pinto Oil and Gas Company, respectively, in settlement of enforcement proceedings brought by the Office of Enforcement of the Department of Energy.

DATES AND ADDRESSES: Comments must be filed on or before April 18, 1981, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461. All comments should display conspicuously a reference to case numbers BEF-0021 and BEF-0034.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to two consent orders. One consent order was entered into by the Aluminum Company of America (Alcoa) and the Office of Enforcement of the DOE's Economic Regulatory Administration. *See* 44 FR 41908 (1979); 44 FR 67210 (1979). The Alcoa consent order was intended to settle all disputes between the DOE and Alcoa regarding Alcoa's first sale prices of natural gas liquids (NGLs) from its Point Comfort natural gas processing plant during the period September 1973 through December 1978. Under the terms of the consent order, Alcoa has deposited $1,100,000 into an escrow account. The other consent order was entered into by Palo Pinto Oil and Gas Company (Palo Pinto) and the ERA's Office of Enforcement. *See* 44 FR 41286 (1979). The Palo Pinto consent order was intended to settle all disputes between the DOE and Palo Pinto regarding first sale prices of NGLs from the firm's Markley natural gas processing plant during the period September 1973 through December 1978. Under the terms of this consent order, Palo Pinto has deposited $529,000 into an escrow account. In both consent orders, the parties stipulated that the refunds would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V.

The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow accounts funded by Alcoa and Palo Pinto. The DOE has tentatively decided that Applications for Refund should be accepted from the three initial purchasers of NGLs from the two plants during the covered period. We have also determined that Applications for Refund should be accepted from downstream

customers who bought products produced with or from the NGLs sold by Alcoa or Palo Pinto during the relevant time period. The Proposed Decision and Order states that in order to establish entitlement to some portion of the funds, a purchaser should provide all relevant information pertaining to a claim, including information concerning the date and place of purchase of the relevant product, information concerning whether increased costs incurred were retained or passed through to other purchasers by the claimant, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

The Proposed Decision and Order further provides a mechanism for distributing the funds remaining after all valid claims are paid.

The Proposed Decision and Order states DOE's view that the remainder of the consent order funds should be distributed through the three initial purchasers to persons or groups of persons who are likely to have suffered any overcharge injury. The DOE therefore solicits proposals from those three firms which set forth appropriate mechanisms for returning these moneys to the parties who likely paid increased prices as a result of the alleged overcharges. The DOE also invites proposals from other entities as well.

It should be pointed out that until final procedures are adopted, no claims for refunds can be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the processing of claims is begun. No less than 90 days from publication of such notice in the **Federal Register** will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before April 18, 1981, and should be addressed to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B–120, 2000 M Street, N.W., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: March 13, 1981.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

March 13, 1981.

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Aluminum Company of America and Palo Pinto Oil and Gas Company

Dates of Filing: December 15, 1980; February 13, 1981

Case No. BEF–0021; BEF–0034

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals to formulate and implement a specially-designed process to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of alleged violations of the DOE regulations. 10 CFR, Part 205, Subpart V. In accordance with these regulatory provisions, the OE recently filed Petitions for the Implementations of Special Refund Procedures in connection with Consent Orders entered into with the Aluminum Company of America (Alcoa) and Palo Pinto Oil and Gas Company (Palo Pinto). Pursuant to the two Consent Orders, Alcoa and Palo Pinto agreed to make refunds for alleged violations of the DOE price regulations in the amounts of $1,100,000 and $529,000, respectively. The funds are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the DOE regarding their final distribution.

I. Background

Both Alcoa and Palo Pinto are "gas plant owners" within the meaning of 10 CFR 212.162. During the relevant time periods, they were therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR, Part 150, Subpart L, and 10 CFR, Part 212, Subparts E and K. Those regulations governed the prices charged in the first sales of natural gas liquids (NGLs). As a part of its enforcement activities, the OE conducted audits of certain Alcoa and Palo Pinto natural gas processing plants. The funds involved in this decision were obtained as a result of Consent Orders agreed to in settlement of alleged overcharge by the two firms in the sale of NGLs.

The ERA's audit of Alcoa's Point Comfort gas plant revealed possible pricing violations with respect to Alcoa's first sales of NGLs during the period September 1973 through December 1978. Alcoa's sole purchaser of NGLs from the Point Comfort plant during this period was the Tenneco Oil Company (Tenneco). In order to settle all claims and disputes between the parties regarding Alcoa's first sale prices of NGLs from the Point Comfort plant, Alcoa and the ERA entered into a Proposed Consent Order on June 18, 1979. In the Proposed Consent Order, Alcoa agreed to pay $1,100,000 to the DOE. The parties further agreed that the $1,100,000 would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. Notice of the Proposed Consent Order was published in the **Federal Register** on July 18, 1979. *See* 44 FR 41906 (1979). Interested persons were provided an opportunity to comment on the terms of the Proposed Consent Order and to submit written notice to ERA of potential claims against the settlement funds. In response, Tenneco submitted a claim for the $1,100,000 fund. No comments were received. The Proposed Consent Order was finalized without modification on November 16, 1979. *See* 44 FR 67210 (1979).

In its audit of Palo Pinto's Markley gas plant, the ERA similarly found possible violations with respect to first sales of NGLs during the period September 1973 through December 1978. Palo Pinto sold NGLs from the Markley Gas plant to only two refiners during this period: Warren Petroleum Corporation (Warren) and GTM Corporation (GTM). According to the ERA, 94.4 percent of the total alleged overcharges are attributable to sales to Warren, which purchased NGLs from Palo Pinto for 35 months of the relevant period. The ERA calculated that 5.6 percent of the alleged overcharges occurred in sales to GTM, which purchased NGLs from Palo Pinto during only four months of the relevant period.

On June 28, 1979, the ERA and Palo Pinto entered into a Consent Order under which Palo Pinto agreed to refund $529,000 (*1*) in settlement of all claims and disputes between the parties arising out of the Markley gas plant audit. Again, the parties stipulated that the refunds were to be distributed by the DOE pursuant to Subpart V proceedings. Notice of the Consent Order was published in the **Federal Register** on July 18, 1979. *See* 44 FR 41286 (1979). Interested parties were given an opportunity to comment on the terms of the Consent Order and invited to submit notice of potential claims against the refund account. The DOE also issued a press release regarding the proposed Consent Order. No comments or claims

were received in response to the Notices.

II. Jurisdiction

Section 205.280 of the DOE procedural regulations provides that special refund procedures may be adopted by the Office of Hearings and Appeals upon petition by a DOE enforcement official when that official is unable to readily identify persons who are entitled to refunds specified in a remedial order or in a consent order. In the Alcoa and Palo Pinto Consent Orders, the parties stipulated that since the initial purchasers from the firms were refiners, it is likely that any overcharges have been passed through as higher prices to subsequent purchasers. Because the ultimate consumers who paid higher prices are not readily identifiable, the parties to the Alcoa and Palo Pinto Consent Orders agreed that refunds would be made pursuant to Subpart V proceedings.

In reaching a determination to accept jurisdiction in prior Subpart V proceedings, we have considered the following factors: (1) whether the refund amount at issue is large enough to justify the employment of special refund procedures; (2) the complexity of the issues involved; and (3) the importance of providing notice and opportunity to comment to interested parties. *See generally Office of Enforcement*, 4 DOE ¶82,567 (1979).

The Alcoa case involves $1,000,000. In the Palo Pinto case, $529,000 is at issue. These amounts are certainly substantial enough to justify the employment of special refund procedures. *See, e.g., Office of Enforcement*, 4 DOE § 82,574 (1979). On several prior occasions, we have held that cases in which there were only a few initial purchasers did not present issues of sufficient complexity to warrant the implementation of special refund procedures. *See, e.g., Office of Enforcement*, 5 DOE ¶82,520 (1980). However, those decisions were reached at a time when the DOE had a comprehensive price regulation scheme in effect which could facilitate the channeling of refunds through price reductions to ultimate consumers.

As a result of decontrol, there is uncertainty regarding the effectiveness of price rollbacks as a method of making restitution to purchasers who were overcharged in the past. Moreover, to effect restitution to the parties actually injured by the alleged overcharges, a determination must be made regarding the extent to which the first purchasers absorbed the overcharges, or passed the higher costs through to their customers by raising their prices. As noted above, the sole first purchaser of the NGLs from Alcoa's Point Comfort plant during the period covered by the consent order was Tenneco. Similarly, Palo Pinto had only two first purchasers during the relevant period—Warren and GTM. We believe that the present Subpart V proceedings offer the most appropriate forum in which to adjudicate the claims of these three firms to portions of the consent order funds. Furthermore, we think that Tenneco, Warren, and GTM can effectively assist the DOE in identifying the downstream customers who are entitled to receive any remaining portions of the consent order funds. Accordingly, we will grant the Office of Enforcement's Petitions for Implementation of Special Refund Procedures, and accept Subpart V jurisdiction over the consent order funds obtained from Alcoa and Palo Pinto.

III. Authority to Fashion Refund Procedures

In several recent decisions we have explained the OHA's authority to conduct special refund proceedings under Subpart V. *See, e.g., Office of Enforcement*, No. DFF-0006, 46 FR 15320 (1981) (Proposed decision) (hereinafter cited as *Vickers); Office of Special Counsel*, 4 DOE ¶82,511 (1979). Subpart V authorizes the Office of Hearings and Appeals to fashion special procedures to distribute refunds obtained as part of settlement agreements. These provisions of the DOE regulations are intended to implement several different statutes. Congress provided for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 *et seq.* (1976). Natural gas liquids are petroleum products for the purposes of the EPAA and are therefore subject to its provisions. *Mobil Oil Corp. v. FEA*, 666 F.2d 87 (Temp. Emer. Ct. App. 1977). The enforcement mechanisms for regulations issued under the EPAA were specified in the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1970). EPAA, § 5(a), 15 U.S.C. 754(a).

The authority contained in the foregoing statutes to issue and enforce regulations with respect to petroleum allocation and pricing was delegated to the Administrator of the Federal Energy Administration and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA), § 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), 201(a), 42 U.S.C. 7151(a) (1979). To carry out the statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

In order to implement these statutory and regulatory goals the DOE's enforcement process is designed to accomplish two independent ends: disgorgement of the fruits of a regulatory violation from the wrongdoer, and restitution to persons injured by the regulatory violation. *See generally, Vickers*, slip op. at 4. The latter objective—restitution to overcharged persons—furthers the specific EPAA goals of "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users" and "economic efficiency." 15 U.S.C. 753(b)(1)(F), (H).

IV. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed above, and the Consent Orders themselves, procedures should be devised in these two cases which, to the maximum extent practicable, provide for the distribution of the refund amounts to parties on whose behalf the settlements were negotiated.

As we stated in *Vickers*, restitution is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process "pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation" of DOE regulations. 10 CFR 205.280. The Subpart V process is intended to provide refunds whenever possible to the persons or firms who were injured by overcharges during a particular period. It offers a means of compensation for many individuals who lack the resources or the financial stake to institue their own private lawsuits under Section 210 of the ESA. The Subpart V process can also be an efficient administrative mechanism for returning overcharges to affected parties which avoids lengthy and costly court actions. The distribution of funds to overcharged persons should generally take place in two primary ways: (1) payment of funds to persons and firms who file individual applications for refund and prove they are entitled to a portion of the funds held in trust, and (ii) payment of funds on behalf of injured persons to entities which can themselves implement restitution which furthers the foregoing purposes. The Subpart V regulations specify that "any

remaining funds * * * shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.288(c).

A. Refunds to Identifiable Purchasers

As a first step, the consent order funds should be distributed to claimants who successfully identify themselves as adversely affected purchasers. While we recognize that it is likely that Tenneco, Warren, and GTM (the first purchasers) passed on some portions of the alleged overcharges to their own customers, they will of course be afforded an opportunity to demonstrate the extent to which they did not actually do so. To the extent that Tenneco, Warren, and GTM can establish that they absorbed the price increases rather than passing them through to customers, they will be entitled to receive refunds themselves. In order to qualify for a refund, a first purchaser will be required to demonstrate that during the period covered by the relevant Consent Order it could have kept its prices at the same level if it had experienced a cost reduction equal to the amount of the refund claimed. In order to show this, a firm must demonstrate that at the time it purchased covered products from Alcoa or Palo Pinto it had unrecovered product costs which were at least equal to the amount of the refund claim, and that market conditions would not permit it to increase its prices to pass through the higher costs. In addition, it must have maintained a "bank" of unrecovered costs during each month thereafter in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered costs available to the claimant for recovery through price increases. *See Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511. If the three initial purchasers are able to make these showings, the entire amount of the funds at issue in this proceeding will be disbursed to them. In the event they are unable to make a satisfactory showing, the next group of persons who will be entitled to receive a portion of these funds are those firms and individuals who purchase NGLs and natural gas liquid products (NGLPs) from the first purchasers.

In order to establish entitlement to a refund, any person identifying itself as an injured party must demonstrate initially that it purchased a specific quantity of products which were produced with or from the NGLs sold by Alcoa or Palo Pinto during the relevant time period. Privity with Alcoa, Palo Pinto, or one of the three refiner-first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution from Alcoa or Palo Pinto. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified products must show that market conditions did not permit them to raise prices charged to downstream customers, and that as a result they were forced to absorb any cost increases incurred. In the absence of that showing, we must conclude that the claimant was not injured in any way by the alleged overcharge. *See Vickers*, slip. op. at 6; *Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511 at 85,043–44 (1979). Refunds to purchasers who establish their entitlement to a refund would be made on a volumetric basis—*i.e.*, the refund would be based on the proportion of NGLs purchased by the applicant to the total amount of NGLs sold by Alcoa from the Point Comfort gas processing plant and by Palo Pinto from the Markley gas processing plant.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information pertaining to a claim for refunds of alleged overcharges, including the type of information described above concerning the date and place of purchase, the retention of increased costs, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received from Alcoa and Palo Pinto, we intend to provide the maximum possible notice of the distribution process and the opportunity to file claims. This notice will be provided to parties who may wish to request a refund by identifying themselves as adversely affected purchasers.

In addition to publishing notice in the **Federal Register**, notice will be provided in trade journals and in the areas in which Tenneco, Warren, and GTM marketed their respective products during the period covered by the Consent Orders. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis as received.

B. Distribution of the Remainder of the Refund Amount

After the claims of parties identifying themselves as adversely affected purchasers of the Alcoa and Palo Pinto NGLs have been filed and appropriate refunds to those purchasers have been made, the refund amounts provided by the firms pursuant to the Consent Orders are likely to be diminished but not exhausted. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that such consumers will possess detailed records regarding the validity of their claims, we anticipate that the foregoing showing of entitlement can be made by only limited numbers of persons. *See Vickers*, slip. op. at 7. The fact that claims to specific refunds may not have been proven, however, does not mean that injury has not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty of establishing a valid claim for a portion of the consent order funds.

As discussed above, the remaining amount should be distributed in accordance with the broadly conceived goals announced in the DOE's enabling legislation and implementing regulations. Consequently, the remaining funds should be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Alcoa and Palo Pinto. This philosophy was reflected in our recent decision in *Vickers*, in which we proposed to return unclaimed portions of the consent order funds to ultimate consumers through organizations such as public utilities which are required by law to pass through the benefits of any cost reductions to their customers. In that decision we stated our belief that the class of customers of public utilities in the affected area was likely to bear a close relationship to the class of customers who were adversely affected by Vickers' pricing policies. *See Vickers*, slip. op. at 8–10.

The present case, however, is significantly different from *Vickers*. As an initial matter, the marketing and distribution of NGLs is much different from the marketing of motor gasoline through independent retail outlets. A significant proportion of the NGLs involved here were in all likelihood sold

for processing into other types of products such as petrochemicals. Although the effect of Vickers' pricing policies were isolated in an eight-state area, there is no indication in the present record regarding the geographic area in which the impact of the price increases was likely to have occurred.

As noted earlier, we believe that the first purchasers of the NGLs from Alcoa and Palo Pinto could most effectively assist the DOE in channeling the remaining Consent Order funds to persons who are most likely to have suffered any overcharge injury. Consequently, we propose to distribute any funds remaining after payments are made to successful claimants through Tenneco, Warren, and GTM. We solicit proposals from those three firms which set forth appropriate mechanisms for returning these moneys to the parties who likely paid increased prices as a result of the alleged overcharges. These plans should identify groups of end-users who were likely to have been adversely affected by the Alcoa and Palo Pinto price increases. To this end, each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that product purchases from the Point Comfort and Markley gas plants can be isolated in the appropriate distribution systems, the plans should limit the proposed refunds to customers who were downstream purchasers of the NGLs covered by the Consent Orders. The plans should also provide, as much as practicable, for a method by which to exclude from participation in this stage of the refund proceeding any purchasers who recovered a portion of the consent order funds during the prior distribution to successful claimants. In developing the foregoing plans, the first purchasers should give paramount consideration to the cost efficiency and an administrative ease of any proposed refund plan. For example, to the extent that the NGLs were used by agricultural producers, the plan may propose to distribute funds through agricultural cooperatives in the affected areas rather than to individuals.

We believe that the first purchasers of the Alcoa and Palo Pinto NGLs are, in the present cases, uniquely situated to provide a mechanism whereby refunds can be made to adversely affected parties. Of course, there may be other entities that might wish to submit proposals suggesting either a distribution scheme through which the first purchasers could channel remaining funds to injured parties, or an alternative method of distribution for the unclaimed Alcoa and Palo Pinto consent order funds. We invite any party interested in submitting such a plan to do so.

It is therefore ordered that: The $1,100,000 refund amount provided by the Aluminum Company of America and the $529,000 refund amount provided by Palo Pinto Oil and Gas Company will be distributed in accordance with the foregoing Decision.

Footnote

(1) The total refund amount of $529,000 includes a principal amount of $434,822 and interest of $94,178.

[FR Doc. 81-8224 Filed 3-18-81; 8:45 am]
BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals Department of Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to members of the public a $2,000,000 fund established by Conoco, Inc., in settlement of enforcement proceedings brought by the Office of Special Counsel for Compliance of the Department of Energy.

DATES AND ADDRESSES: Comments must be filed on or before April 18, 1981, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to a consent order between Conoco, Inc. and the Office of Special Counsel for Compliance of the DOE's Economic Regulatory Administration. *See* 43 FR 38925 (1978). The consent order is intended to settle various disputes between the DOE and Conoco with regard to prices charged by the firm in sales of motor gasoline and No. 2 heating oil to Foremost Petroleum Company and M & A Petroleum Company during the period March 6, 1973 through November 30, 1973. Under the terms of the consent order, Conoco has deposited $2,000,000 plus interest into an escrow account. The DOE agreed in the consent order to establish and administer a claims procedure to be followed by persons asserting a right to any portion of the payment which Conoco made.

The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow account funded by Conoco. Since Foremost and M & A have agreed to waive all claims for refunds which they might have against Conoco, the DOE has tentatively decided that Applications for Refund should be accepted from purchasers of motor gasoline or No. 2 heating oil sold by foremost or M & A during the period covered by the consent order. The Proposed Decision tentatively identifies an area consisting of fourteen states (Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey and New York) and the District of Columbia in which purchasers affected by the alleged Conoco overcharge are most likely to be found. The Proposed Decision and Order states that in order to establish entitlement to some portion of the funds, a purchaser including should provide all relevant information pertaining to a claim, information concerning the date and place of purchase of heating oil or motor gasoline traceable to Foremost or M & A, information concerning whether increased costs incurred were retained or passed through to other purchasers by the claimant, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

The Proposed Decision and Order further provides a mechanism for distributing the funds remaining after all valid claims by purchasers of the refined products are paid. The Proposed Decision and Order states DOE's view that the remainder of the Conoco funds should be distributed directly to the types of organizations that are required by applicable law to pass through the benefits of the refund to ultimate consumers of energy in the area in which the effects of the alleged overcharges were experienced. The DOE therefore proposes in the present case to distribute the remaining portions of the Conoco funds to electric utilities which have fuel adjustment clauses or other mechanisms requiring the benefit

of a refund to be passed through to the consuming public in the form of lower electric utility rates. Of course, there may be other entities, such as state governments in the affected areas, which can provide an identical service in distributing these refunds, and we solicit comments on the extent to which refunds should be made to these organizations as well. Comments are invited on the propriety of this approach to distribute the Conoco funds and the standards for distributing the funds if this approach is adopted in a final Decision and Order in this case.

It should be pointed out that until final procedures are adopted, no claims for refunds can be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the processing of claims is begun. No less than 90 days from publication of such notice in the **Federal Register** will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before April 18, 1981, and should be addressed to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B–120, 2000 M Street, N.W., Washington, D.C., between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: March 13, 1981.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

March 13, 1981.

Name of Petitioner: Office of Special Counsel, for Compliance: In the Matter of Conoco, Inc.
Date of Filing: April 20, 1979
Case No. DFF–0003

On August 21, 1980, the Office of Hearings and Appeals (OHA) issued an interlocutory order stating that we would implement special refund procedures to disburse $2,000,000 obtained through a Consent Order which was entered into by Continental Oil Company, now Conoco, Inc. (Conoco) and the Office of Special Counsel for Compliance (OSC) on August 11, 1978. *See* 43 FR 38925 (August 31, 1978). Pursuant to the terms of the Consent Order, on September 25, 1978, OSC had accepted a check from Conoco in the amount of $2,000,000 plus accrued interest. Because of the difficulties involved in specifically identifying purchasers who may have been injured by Conoco overcharges, and in determining the amounts of any overcharges, the Office of Special Counsel requested on April 20, 1979 that special refund procedures be implemented pursuant to 10 CFR, Part 205, Subpart V. In the present decision, we consider the procedures under which the $2,000,000 plus interest earned should be distributed.

I. Background

The Conoco Consent Order resulted from an investigation initiated in March 1977 by the Federal Energy Administration (FEA) and later completed by the DOE. The investigation was undertaken after representatives of Conoco informed the FEA that in 1973 Conoco employees might have engaged in a scheme to sell motor gasoline and No. 2 heating oil at unlawful prices. The OSC investigation generally confirmed the information that had been provided by Conoco and further revealed that the purchasers of the products in question, Foremost Petroleum Company (Foremost) and M & A Petroleum Company (M&A), had voluntarily participated in the scheme. *See* 43 FR 38925 (August 31, 1978).

After completing its investigation, the OSC referred the matter to the Department of Justice for investigation of possible criminal violations by Conoco, Foremost, and M&A. The three firms, the DOE, and the Department of Justice subsequently agreed to the following disposition of the pending proceedings: Conoco entered a plea of *nolo contendere* to a felony charge of making false records under 18 U.S.C. 1001 and a misdemeanor count of violating Cost of Living Council regulations. It paid $15,000 in criminal fines. M&A entered a plea of *nolo contendere* to one felony count of violating 18 U.S.C. 1001 and paid $10,000 in criminal fines. Foremost entered a plea of *nolo contendere* to one misdemeanor count of violating Cost of Living Council regulations and paid $5,000 in criminal fines.

Conoco, M&A, and Foremost also entered into separate Consent Orders with the DOE. In the Conoco Consent Order, the firm agreed to tender a certified check for $2,000,000 to the United States government. This payment was deemed to satisfy any administrative remedial action that might be sought by the DOE for the refund of overcharges by Conoco in sales of gasoline and No. 2 heating oil to M&A and Foremost during the period March 6, 1973 through November 30, 1973. Conoco and the DOE agreed in the Consent Order that the payment to the United States government represented the most effective means of achieving restitution to persons ultimately affected by Conoco's allegedly unlawful practices.

In addition, the DOE agreed in the Consent Order to establish and administer a claims procedure to be followed by persons asserting a right to any portion of the payment which Conoco made to the United States. The Department stated that it would evaluate these claims and make refunds to persons who were able to prove that they had been overcharged. At the same time, Conoco agreed to cooperate with the DOE in the evaluation of those claims.

Finally, Conoco agreed to pay the United States an additional $265,000 in civil penalties in complete settlement of all administrative remedial actions that might be undertaken by the DOE against Conoco with regard to the matters described in the Consent Order.

In the other two Consent Orders, also executed on August 11, 1978, M&A and Foremost agreed to pay $40,000 and $45,000, respectively, in civil penalties in settlement of all administrative remedial actions that might be undertaken in connection with the transactions with Conoco. M&A and Foremost further agreed to waive all claims for refunds which they might have against Conoco with respect to the transactions involved.

On April 20, 1979, the OSC filed a Petition for Implementation of Special Refund Procedures in which it requested the Office of Hearings and Appeals to institute proceedings under the provisions of 10 CFR, Part 205, Subpart V, for the disposition and distribution of the $2 million payment which Conoco made to the United States pursuant to the August 11, 1978 Consent Order. On August 21, 1980, we accepted jurisdiction to adjudicate the disposition of the funds. *Office of Enforcement*, 6 DOE ¶ 82,572 (1980). Our determination to accept jurisdiction over the Conoco matter was based on the amount of money involved, the complexity of disbursing this sum, and the importance of providing notice so that persons who may have an interest in the funds have an opportunity to participate in the refund proceedings. *Id.* at 85,220. Implementation of proceedings pursuant to the provisions of Subpart V will discharge the obligations of the DOE

under the Conoco Consent Order "to provide for a claims procedure to be followed by persons asserting a right to any portion of the payment" and "to evaluate such claims and make refunds to those persons who are able to support such claims." Consent Order at 7.

The Office of Hearings and Appeals has received and reviewed extensive comments submitted in connection with this matter. On April 9, 1980, twenty consumer and public interest groups represented by common counsel filed a Comment and Request concerning the OSC Petition. (*1*) In their submission, the consumer and public interest groups request that the Conoco Consent Order funds be used to provide the initial funding for an independent entity called the Public Energy Trust. This organization would use the funds remaining after payments are made to individual consumers who are able to prove that they were overcharged to finance projects designed to assist consumers in coping with energy costs. The OSC supported this proposal. Conoco has filed comments in opposition.

Subsequently, we solicited views from a broad spectrum of interested parties. On September 10, 1980, the Office of Hearings and Appeals issued a Notice of Solicitation of Comments, in which we requested written comments on the manner in which all Consent Order funds currently under the control of the DOE should be disbursed. 45 FR 59627. The Consent Orders involved at that time were entered into by six independent and major integrated petroleum firms, including Conoco. A total of 101 written comments were received. The comments presented the views of major integrated refiners, independent refiners, petroleum marketers and resellers, trade associations, a broad range of consumer groups and several local, State, and Federal Government agencies. In issuing the procedures set forth below we have accorded careful consideration to these comments. We wish to emphasize that the conclusions which follow are tentative and may be revised upon consideration of submissions received in the comment stage of this proceeding. A copy of the final Decision and Order establishing refund procedures issued by the Office of Hearings and Appeals will be served upon each of the commenting parties. In addition, this proposed determination will be published in the **Federal Register**. We encourage interested parties to fully respond to the proposals advanced in this decision. The issuance of this tentative determination does not bar commenting parties from submitting alternative proposals concerning the proper disposition of the Conoco Consent Order funds.

II. Proposed Refund Procedures

A. Authority To Fashion Refund Procedures

The authority of the Office of Hearings and Appeals to fashion appropriate refund procedures was discussed in detail in a recent Decision involving the Vickers Energy Corporation. *Office of Enforcement*, No. DFF-0006 (February 27, 1981) (proposed decision) (hereinafter cited as *"Vickers"*). In that Decision we found that the regulations in Subpart V authorize the Office of Hearings and Appeals to fashion special procedures to distribute refunds obtained as part of settlement agreements. We reviewed the background of the Subpart V regulations and found that they are intended to implement several different statutes. Congress provided for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 *et seq.* (1976). The enforcement mechanisms for regulations issued under the EPAA were specified in the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1970). EPAA, Section 5(a), 15 U.S.C. 754(a).

The authority contained in the foregoing statutes to issue and enforce regulations with respect to petroleum allocation and pricing was delegated to the Administrator of the Federal Energy Administration and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA) Section 5, 15 U.S.C. 766 (1974); Department of Energy Organization Act (DOE Act) Section 301(a), 42 U.S.C. 7151(a) (1979). To carry out the statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b), 38 FR 21981 (1973); 10 CFR 205.2, 39 FR 1925 (1974) (defining "remedial order").

We noted in the Vickers proceeding that in order to implement these statutory and regulatory goals the DOE's enforcement process is designed to accomplish two independent ends: disgorgement of the fruits of a regulatory violation from the wrongdoer, *Bulzan v. Atlantic Richfield Co.*, 620 F. 2d 278, 281 (Temp. Emer. Ct. App. 1980), and restitution to persons injured by the regulatory violation, *Bonray Oil Co. V. DOE*, 472 F. Supp. 899, 903–04 (W.D. Okla. 1978), *aff'd per curiam*, 601 F. 2d 1191 (Temp. Emer. Ct. App. 1979). The latter objective—restitution to overcharged persons—furthers the specific EPAA goals of "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users" and "economic efficiency." 15 U.S.C. 753(b)(1)(F), (H). These provisions correspond to Section 102 of the DOE Act, which states that one of the Act's purposes is "to promote the interests of consumers through the provision of an adequate supply of energy at the lowest reasonable cost." 42 U.S.C. 7102. The DOE Act also reflects stated goals of the Federal Energy Administration Act of 1974, in which Congress expressed its purpose of maintaining "fair and reasonable consumer prices" for energy supplies, 15 U.S.C. 761(a), and of "prevent[ing] unreasonable profits within the various segments of the energy industry," 15 U.S.C. 764(b)(5).

In *Vickers*, it was also noted with regard to the goal of restitution that Congress had re-enacted enabling authority for the DOE and its predecessors on several occasions during periods in which the agency had been issuing remedial orders directing that refunds be made to remedy the effects of regulatory violations. This fact was viewed as specific congressional approval of DOE's authority to order restitution. *See Mobil Oil Corp. v. FEA*, 566 F. 2d 87, 100 (Temp. Emer. Ct. App. 1977); *cf. Commissioner v. Noel's Estate*, 380 U.S. 678, 682 (1965) (a long-standing administrative interpretation, applying to a substantially re-enacted statute, is deemed to have received congressional approval and has the effect of law). Moreover, it is highly significant that Congress specifically authorized the DOE to issue "Remedial Orders," 42 U.S.C. 7193(a), a term previously defined by the FEA and DOE regulations to encompass directions "to eliminate or to compensate for the effects of a violation." 10 CFR § 205.2. In addition, the Temporary Emergency Court of Appeals has held that the DOE is authorized by its enabling legislation to enforce compliance with its regulations by requiring violators to disgorge the benefits so obtained and to make refunds to injured parties for the purpose of restitution. *See, e.g., Bonray Oil Co. v. DOE; Univ. of Southern California v. COLC*, 472 F. 2d 1065, 1070 (Temp. Emer. Ct. App. 1972).

We conclude, as we did in *Vickers*, that restitution is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process "pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation" of DOE regulations. 10 CFR 205.280. The Subpart V process is intended to provide refunds whenever possible to the persons or firms who were injured by overcharges during a particular period. The distribution of funds to overcharged persons should generally take place in two primary ways: (i) payment of funds to persons and firms who file individual applications for refund and prove they are entitled to a portion of the funds held in trust; and (ii) payment of funds on behalf of injured persons to entities which can themselves implement restitution which furthers the foregoing purposes. The Subpart V regulations specify that "any remaining funds * * * shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.288(c).

The relevant portion of the Conoco Consent Order reads as follows:

> The Department of Energy agrees that it will accept and discharge the full administrative responsibility for establishing and administering a program which will provide for a claims procedure to be followed by persons asserting a right to any portion of the payment. The Department of Energy will evaluate such claims and make refunds to those persons who are able to support such claims. Conoco agrees to cooperate with the Department of Energy in the evaluation of claims filed by persons asserting a right to any portion of the payment. Such evaluation will be made prior to disposition of the funds to the Treasury of the United States.

Consent Order at 7. We find that the language quoted from the Consent Order clearly confirms that the DOE agreed to implement a procedure for evaluating individual claims for refunds by Conoco's customers. It does not, however, exclude the possibility that, after considering individual claims, the DOE might for administrative convenience distribute any remaining portions of the funds to entities which could further implement restitution to injured or overcharged persons who were unable to submit individual claims. Moreover, the Consent Order leaves open the possibility that residual Consent Order funds might be deposited in the United States Treasury if other distribution methods prove inappropriate.

Persons generally interested in Subpart V proceedings have suggested that additional types of distribution be made of refund amounts. For example, it has been suggested that funds subject to Subpart V proceedings should be used to assist entities in developing alternative energy resources or to subsidize public transit rather than refunded to injured members of the public. In *Vickers* we rejected these suggestions in the following manner:

> The goal of the Subpart V process is restitution to injured firms and consumers. This process offers the only means of compensation for individuals who lack the resources or the financial stake to institute their own private lawsuits under Section 210 of the Economic Stabilization Act. It can also be an efficient administrative mechanism for returning price increases to affected parties which avoids lengthy and costly court actions. While the funding of entities engaged in the development of alternative energy resources or the subsidization of public transit may well benefit the public at large, it is not so closely related to the statutory goals referred to above or to the objectives of the enforcement program as the interests of injured persons. Although there may be cases in which some of these forms of disbursement of Subpart V funds may be appropriate, particularly if the Consent Order specifies that type of distribution, this is not such a case. As indicated below, when it is possible to effectuate restitution to the class that may have been injured by the alleged regulatory violations, that class should enjoy a priority over other classes that are more removed from the actions giving rise to the refund.

Id., slip op. at 5.

In view of the objectives expressed in the statutes and regulations discussed above, and the Consent Order itself, procedures must be devised for the distribution of the $2,000,000 refund amount (plus interest) to affected parties. As a first step, this money should be distributed to claimants who successfully identify themselves as adversely affected purchasers. In the event that the claims of these persons do not exhaust the funds in the settlement account, an appropriate remaining portion should be distributed to other members of the classes of injured purchasers on whose behalf the settlement funds were negotiated. However, with respect to the latter group, since members of the injured class not filing as claimants may be extremely numerous and impossible to identify specifically, we will attempt to devise a special procedure. This procedure should operate to distribute funds to a group that corresponds as closely as possible to the group on whose behalf the settlement funds were negotiated. The courts have sanctioned restitution made for the benefit of an injured class as an appropriate exercise of equitable discretion. *See, e.g., Bebchick v. Public Utilities Comm'n*, 318 F.2d 187 (D.C. Cir. 1962) *(en banc), cert. denied*, 373 U.S. 913 (1963); *Democratic Central Committee v. Washington Metropolitan Area Transit Comm'n* 485 F.2d 922 (D.C. Cir. 1968). One approach of this type was proposed in the *Vickers* proceeding. Funds remaining after the completion of this two-step process should be distributed to the U.S. Treasury.

B. Refunds to Identifiable Purchasers

It is stipulated in the Conoco Consent Order that the $2,000,000 refund amount is in settlement of alleged overcharges by Conoco in sales of motor gasoline and No. 2 heating oil to Foremost and M&A during the period March 6, 1973 through November 30, 1973. However, M&A and Foremost have agreed in their Consent Orders to waive all claims for refunds which they might have against Conoco.

Any injury attributable to the alleged Conoco overcharge would have been experienced by Foremost and M&A or by the chain of customers who purchased motor gasoline or heating oil from those two firms. Because Foremost and M&A have waived their claims, our inquiry will extend solely to the latter group of firms and individuals. (2) Consequently, in order to establish entitlement to a refund, a purchaser identifying itself as an injured party must demonstrate initially that it purchased a specific quantity of motor gasoline or No. 2 heating oil from Foremost or M&A or from a firm which sold motor gasoline or No. 2 heating oil traceable to Foremost or M&A during the relevant time period (March 6, 1973 through November 30, 1973). Privity with Foremost or M&A need not be established; evidence need only be presented that the motor gasoline or heating oil purchased was initially marketed by one of them. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass on any cost increases implemented by Foremost or M&A to the purchaser's own customers. For example, purchasers who resold the products must show that market conditions did not permit them to raise prices charged to downstream customers, and that as a result they were forced to absorb any cost increases incurred. In the absence of that showing, we must conclude that the reseller was not injured in any way by the alleged overcharge. *See Office of Special Counsel for Compliance*, 4 DOE § 82,511 at 85,043–44 (1979). Refunds to purchasers who establish their entitlement to a refunds would be made on a volumetric basis—*i.e.*, the refund

would be based on the proportion of motor gasoline or heating oil purchased by the applicant to the total amount of the relevant prodoucts marketed by Foremost and M&A during the relevant period.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information pertaining to a claim for refunds of alleged overcharges resulting from purchases of Foremost or M&A motor gasoline or heating oil, including the type of information described above concerning the date and place of purchase, the retention of increased costs, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

Detailed procedures for filing applications will be provided in a final Decision and Order. Before dispoeing of any of the funds received from Conoco, we intend to provide the maximum possible notice of the distribution process and the opportunity to file claims. This notice will be provided to parties who may wish to request a refund by identifying themselves as adversely affected purchasers. In addition to publishing notice in the Federal Register, notice will be provided in newspapers and trade journals in the areas in which Foremost and M&A market motor gasoline or heating oil. We also intend to request Foremost and M&A to supply lists of their motor gasoline and heating oil customers during the relevant period so that direct mail notice may be provided to those customers. In addition, notice will be provided to business and consumer organizations in the areas in which these firms distributed motor gasoline or heating oil during the period covered by the Consent Order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis as received.

C. Distribution of the Remainder of the Refund Amount

After the claims of parties identifying themselves as adversely affected purchasers of heating oil or motor gasoline from Foremost or M&A during the relevant period have been filed and appropriate refunds to those purchasers have been made, the fund provided by Conoco pursuant to the August 11 Consent Order is likely to be diminished but not exhausted. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that such consumers will possess detailed records regarding the validity of their claims, we anticipate that the foregoing showing of entitlement can be made by only limited numbers of persons. As discussed above, the remaining amount should be distributed in accordance with the broadly conceived goals announced in DOE's enabling legislation and implementing regulations.

In the present case, the distribution chain for the motor gasoline and heating oil marketed by Foremost and M&A appears to cover broad regions of the United States ranging from Texas through the New York City metropolitan area. The preliminary information which we have received from Conoco reveals that Foremost and M&A conducted most of their reselling operations during 1973 in Texas and the Southeast. Conoco has indicated that motor gasoline and heating oil sold to Foremost and M&A during 1973 could be traced to Conoco's Lake Charles refinery in Louisiana. The products were then transported through the Colonial Pipeline which, with its branches, distributes refined products in a fourteen state area (Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey and New York) and the District of Columbia. We have tentatively decided to treat this region as the area likely to have been affected by the alleged overcharges, although we expect that further information, including data supplied by Foremost and M&A and persons commenting on the Proposed Decision, may lead us to modify this determination.

The fact that claims to specific refunds may not have been proven does not mean that injury has not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty of filing a valid individual claim and to indicate that some resellers of products pruchased from M&A or Foremost were not injured because they passed on to their customers the increased costs which they incurred. The persons who were injured in these cases were all users of motor gasoline-powered vehicles or oil-fired furnaces who purchased motor gasoline or heating oil from these firms in the affected area during the relevant period. It is extremely likely that these purchasers paid higher prices for these refined products than they would have paid absent the alleged Conoco violation. This group in our view corresponds to a very considerable degree to energy consumers generally in that area. Moreover, it is very likely that persons who purchased motor gasoline and heating oil in a particular area reside there as well, and are also ulitmate consumers of electricity.

Consequently, we have concluded that any portions remaining of the Conoco refund amount after identifiable claims are paid should be distributed directly to the types of organizations that are required by applicable law to pass through the benefits of the refund to ultimate consumers of energy in the area of the country in which the effects of the pricing violations are likely to have been experienced. Voluntary agreements could also be fashoned to achieve the same result. This result is supported by the comments received in response to the Notice of Solicitation of Comments placed by the Office of Hearings and Appeals in the Federal Register, 45 FR 59627, many of which supported distribution of refunds to organizations that are in a position to pass through the benefits of the refunds to ultimate consumers.

This plan of distribution can be accomplished in the relevant area by electric utilities which have fuel adjustment clauses or other mechanisms requiring the passthrough of a refund to ultimate consumers. Generally, a fuel adjustment clause of the desired type would require the benefit of a refund to be treated as a reduction in the cost of purchased fuels that can be passed through to the consuming public in the form of lower electric utility rates. We note that in the Vickers proceeding we tentatively decided to make use of natural gas utilities as well. However, since in the Conoco proceeding customers of these utilities often would not have borne any portion of the burden resulting from alleged overcharges on the sale of heating oil, we have determined that natural gas utilities would not be the most appropriate mechanism for effectuating restitution to the persons actually injured by the alleged Conoco overcharge. In contrast, all injured persons can be expected to use electricity and thereby receive benefits from this method of implementing restitution.

We believe that this proposal has a number of advantages. In the first place, the group of ultimate consumers of electricity in the area where the effects of the alleged overchargers were experienced bears a close relationship to the consumers who will not file individual claims and on whose behalf

the settlement amount was negotiated. In addition, this proposal is very desirable from a standpoint of administrative efficiency, since it may be implemented quickly and economically, and can be easily monitored. It represents, moreover, an appropriate balancing of the costs and benefits involved in identifying and effectuating restitution to a group of consumers corresponding to the group actually injured. Of course, there may be other entities which can provide an identical service in distributing these refunds, and we solicit comments on the extent to which refunds should be made to these organizations as well.

It is also possible to give preference to any municipalities that purchased motor gasoline or heating oil from Foremost or M&A during the relevant period in the event they cannot make claims as identifiable purchasers. Preference could also be given to public utilities that were purchasers of these refined products from Foremost or M&A during the audit period. State governments in the affected areas also may be designated as refund recipients for the purpose of reducing energy-related expenses (such as automobile licensing fees) subject to their direct control. In general, recipient organizations would receive refund amounts in proportion to the volumes of gasoline and heating oil marketed by Foremost or M&A in their areas. Determinations of the specific organizations to be chosen, the amount distributed to each organization, and the exact method of distribution will be based upon further information, including data supplied by the firms concerning the distribution of their refined products and upon proposals submitted by organizations or entities identified as potential distributors of the remainder of the refund amount. In general, however, we would tend to favor reduction in utility costs for residential users as opposed to commercial users, since commercial use would include offices occupied by persons who also own residences, and this could produce an unintended double measure of benefits for the persons involved. Industrial customers could also be excluded if the firm involved did not purchase commensurately large amounts of gasoline or heating oil in the area during the relevant period.

Refunds of this nature will benefit ultimate consumers of motor gasoline and heating oil in the areas where the effects of any overcharges have been experienced. These procedures will enable the DOE to order the refund of price increases under circumstances in which adversely affected purchasers are not specifically identifiable. In most instances, ultimate consumers will be the beneficiaries of this mechanism, and this is consistent with the fact that claims to specific refunds by this group are difficult to make and administer.

We believe the refund procedures outlined above will maintain a close relationship or nexus between the class of purchasers injured and the class of persons receiving the restitution proposed. The procedures selected reflect the agency's determination to fulfill its Congressional mandate to, *inter alia*, assure "equitable prices" for "refined petroleum products" in the United States. 15 U.S.C. 753(b)(1). As we stated in the Vickers Decision, we are unable to accept the proposition, advanced by some commenters(3), that the DOE lacks the authority to order refunds to an entity because the consumer's specific identity or degree of injury may not be ascertained. That position would be contrary to the intention of Congress in enacting the EPAA and related statutes, and contrary to the public interest. *Vickers*, slip op. at 10. *Cf. Bonray Oil Co. v. DOE*, 472 F. Supp. 899, 903–04 (W.D. Okla. 1978), *aff'd per curiam*, 610 F.2d 1191 (Temp. Emer. Ct. App. 1979), (ordering of refunds is implied power under EPAA); *Univ. of Southern California v. COLC*, 472 F.2d 1065, 1070 (Temp. Emer. Ct. App. 1972) (broad grant of authority to enforce program carries with it authority to order refunds).

It is therefore ordered that: The $2,000,000 refund amount provided by Conoco, Inc. in accordance with the August 11, 1978 Consent Order, plus interest earned, will be distributed in the manner set forth in the foregoing Decision.

Footnotes

1. The twenty consumer and public interest groups are as follows:
Consumer Energy Council of America
Citizen/Labor Energy Coalition
Conference on Alternative State and Local Policies
Consumer Federation of America
Critical Mass Energy Project
Energy Action Educational Foundation
Environmental Policy Center
International Association of Machinists and Aerospace Workers
International Union, Unted Auto Workers
Massachusetts Fair Share
National Community Action Agency Executive Directors Association
National Consumers League
National Council of Senior Citizens
National Farmers Union
National Urban Coalition
Public Citizens Congress Watch
Rural America
Solar Lobby
United States Conference of Mayors
United Steelworkers of America

2. Foremost and M&A contend that they did not pass through to their own purchasers any portion of the cost increases attributable to the alleged Conoco overcharges. This cannot be verified, for neither Foremost nor M&A was subject to price restrictions in sales of motor gasoline or No. 2 heating oil from March 8, 1973 until June 13, 1973. In the uncontrolled environment, the prices charged by Foremost and M&A in all likelihood were affected by their increased marginal costs. Accordingly, absent strong evidence to the contrary, M&A and Foremost can be treated as having passed through their increased costs to their puchasers. Although these purchasers were not victims of unlawful prices charged by foremost or M&A, they suffered injury by paying higher prices than would have prevailed absent the alleged Conoco overcharge.

3. *See generally* comments submitted in response to Notice of Solicitation of Comments, 45 FR 57627 (September 10, 1980), concerning proper disposition of consent order funds.

In other contexts as well, interested parties have discussed the scope of DOE's authority to distribute Consent Order funds. For example, at the request of the Honorable John D. Dingell, Chairman of the House Subcommittee on Energy and Power, the Comptroller General of the United States has issued an opinion, dated October 10, 1980, concerning the terms of a Consent Order entered into by the DOE and Getty Oil Company (Getty) on December 3, 1979. *See* Notice of Proposed Consent Order, 44 FR 71453 (December 11, 1979); Notice of Action on Consent Order, 45 FR 9992 (February 14, 1980). The Getty Consent Order was intended to settle, with certain exceptions, all disputes between Getty and DOE concerning the firm's compliance with price and allocation regulations in effect during the period August 19, 1973 through December 31, 1978. By its terms, the Consent Order required Getty to deposit $25,000,000 into an escrow account.

The Comptroller General commented on a proposal for distributing the $25,000,000 refund amount announced by the DOE on July 11, 1980. Under that plan, $21,000,000 was to be distributed to twenty state governments in proportion to Getty's home heating oil sales in those states, and $4,000,000 was to be distributed to lower pay grade military servicemen in states where heating oil was sold by the firm. The state governments would be required to distribute the settlement funds granted to them to low income residents for the purpose of defraying home heating oil costs.

The Comptroller General concluded that the Getty refund plan failed to meet certain requirements specified in DOE's enabling legislaion and implementing regulations. The Comptroller General observed, moreover, that "distribution of the Getty funds must be made in approximate proportion to the injury actually sustained to Getty customers and to ultimate consumers of Getty products who were the victims of the overcharges." Opinion of the Comptroller General at 7.

Because the July 11, 1980 plan was designed to effectuate restitution to low

income consumers only, the plan was found not to satisfy these requirements. In the words of the Comptroller General, "all ultimate consumers of Getty heating oil, regardless of income, were injured by the violations and should be entitled to a portion of the refunds." *Id.* at 9. As a result of these and other deficiencies, the Comptroller General concluded that the Getty funds should have been designated for distribution pursuant to the Subpart V process.

The disposition proposed in this Decision of the $2,000,000 refund amount involved in the Conoco case is not subject to the deficiencies referred to in the Comptroller General's Opinion. In the first place, the Conoco funds are, as recommended, being distributed pursuant to the Subpart V process. Moreover, the method of distribution proposed in this decision is intended initially to effectuate restitution to any injured consumer establishing entitlement to a refund, regardless of income level. Furthermore, remaining refund portions would be distributed to a group of ultimate consumers bearing a close relationship to the consumers on whose behalf the settlement amount was negotiated. As a result, this method of distribution is consistent with the views of the Comptroller General, who in the October 10 opinion specifically recognized that "it is frequently not possible to identify each individual customer or consumer who has been overcharged nor is it always possible to make a precise determination of the amounts each individual has been overcharged. So long as a good faith effort was made to identify overcharged individuals, we would not view a distribution scheme which lacked dollar for dollar precision as unauthorized." *Id.* at 10.

[FR Doc. 81-8524 Filed 3-18-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Criteria for Radioactive Wastes

Cross Reference: For a document withdrawing a document seeking public comment on environmental protection criteria for storage and disposal of all forms of radioactive wastes, see FR Doc. 81-8403 in the Proposed Rule section of this issue.

[EW-FRL 1782-3]

Georgia Pretreatment Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the national pollutant discharge elimination system pretreatment program of the State of Georgia.

SUMMARY: On March 12, 1981, the Environmental Protection Agency approved the State of Georgia's National Pollutant Discharge Elimination System State Pretreatment Program. This action authorizes the State of Georgia to administer the National Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT: George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) prevent introduction of pollutants into POTWs which will interfere with the operation of the POTW or contaminate the sewage sludge; (2) prevent introduction of pollutants into POTWs which will pass through treatment works into receiving waters or the atmosphere or otherwise be incompatible with the works; (3) improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment. Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. The EPA and States approved to administer the National Pollutant Discharge Elimination System (NPDES) Pretreatment Program will enforce the national standards where local governments do not develop a pretreatment program. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

"Federal Register" Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. Each notice will include a table similar to the following one, setting forth the current status of program approval. This table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	.....
Colorado	03/27/75	.....	.....
Connecticut	09/26/73	.....	.....
Delaware	04/01/74	.....	.....
Georgia	06/28/74	12/08/80	3/12/81
Hawaii	11/28/74	06/01/79	.....
Illinois	10/23/77	9/20/79	.....
Indiana	01/01/75	12/09/78	.....
Iowa	06/10/78	06/10/78	.....
Kansas	06/28/74	.....	.....
Maryland	09/05/74	.....	.....
Michigan	10/17/73	12/09/78	.....
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74	.....	.....
Missouri	10/30/74	06/28/79	.....
Montana	06/10/74	.....	.....
Nebraska	06/12/74	11/02/79	.....
Nevada	09/19/75	08/31/78	.....
New York	10/28/75	06/13/80	.....
North Carolina	10/19/75	.....	.....
North Dakota	06/13/75	.....	.....
Ohio	03/11/74	.....	.....
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	.....
South Carolina	05/10/75	09/26/80	.....
Tennessee	12/28/77	.....	.....
Vermont	05/11/74	.....	.....
Virgin Islands	06/30/74	.....	.....
Virginia	03/31/75	.....	.....
Washington	11/14/73	.....	.....
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75	.....	.....

Dated: March 12, 1981.

Walter C. Barber,
Acting Administrator.

[FR Doc. 81-8367 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-33-M

[EN-FRL 1782-4]

Oregon Pretreatment Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of Approval of the national pollutant discharge elimination system pretreatment program of the State of Oregon.

SUMMARY: On March 12, 1981, the Environmental Protection Agency approved the State of Oregon's National Pollutant Discharge Elimination System State Pretreatment Program. This action delegates to the State of Oregon the authority to administer the national Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT:
George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) prevent introduction of pollutants into POTWs which will interfere with the operation of the POTW or contaminate the sewage sludge; (2) prevent introduction of pollutants into POTWs which will pass through treatment works into receiving waters or the atmosphere or otherwise be incompatible with the works; (3) improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment.

Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. The EPA and States approved to administer the National Pollutant Discharge Elimination System (NPDES) Pretreatment Program will enforce the national standards where local governments do not develop a pretreatment program. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

"Federal Register" Notice of Approval of State NPDES Programs or Modifications

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Colorado	03/27/75	...	...
Connecticut	09/26/73	...	...
Delaware	04/01/74	...	...
Georgia	06/26/74	12/06/80	03/12/81
Hawaii	11/26/74	06/01/79	...
Illinois	10/23/77	09/20/79	...
Indiana	01/01/75	12/09/78	...
Iowa	06/10/78	06/10/79	...
Kansas	06/26/74	...	...
Maryland	09/05/74	...	...
Michigan	10/17/73	12/06/78	...
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	06/01/74	...	...
Missouri	10/30/74	06/26/79	...
Montana	06/10/74	...	...
Nebraska	06/12/74	11/02/79	...
Nevada	09/19/75	06/31/79	...
New York	10/28/75	06/13/80	...
North Carolina	10/19/75	...	...
North Dakota	06/13/75	...	...
Ohio	03/11/74	...	...
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	...
South Carolina	05/10/75	09/26/80	...
Tennessee	12/26/77	...	...
Vermont	03/11/74	...	...
Virgin Islands	06/30/74	...	...
Virginia	03/31/75	...	...
Washington	11/14/73	...	...
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75	...	...

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-8388 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-33-M

[TSH-FRL 1779-8; OPTS-59043A]

Polyester(1,4-Butanediol/Isophthalic Acid, Dimethyl Ester/ Poly(Oxyethylene/Oxypropylene)/ Terephthalic Acid, Dimethyl Ester); Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On February 6, 1981, EPA received from E. I. du Pont de Nemours and Co., Inc. (du Pont) an application for a test marketing exemption (TM-81-1) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). The manufacturer has claimed the chemical identity and specific use confidential.

EPA has determined that the manufacturer's test marketing of this chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted this manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application.

FOR FURTHER INFORMATION CONTACT:
David Dull, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-208, Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

The application was assigned tests marketing exemption number TM-81-1. EPA issued a notice of receipt of the application published in the **Federal Register** of March 3, 1981 (46 FR 14960).

Du Pont claimed the specific chemical identity, the specific use, and the amount of the PMN substance to be manufactured as confidential business information.

The substance is described generically as "polyester(1,4-butanediol/ isophthalic acid, dimethyl ester/ poly(oxyethylene/oxypropylene)/ terephthalic acid, dimethyl ester). Its generic use is as an extruded or molded plastic. A limited quantity of the material (deemed confidential business information by the manufacturer) will be

manufactured during the test marketing period (approximately 4 months) for sampling by a limited number of companies engaged in the fabrication of up to five different types of industrial products. A maximum of 100 persons is expected to be exposed dermally to the new polymer during manufacture of the industrial goods. No consumer exposure to the new polymer is anticipated by du Pont.

EPA has established that the test marketing of TM-81-1, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below.

There were no significant health or environmental concerns for the TME substance. Based on estimates of its molecular weight, the polymer is not expected to be absorbed. Polyesters of this type have been approved for use as components of packaging material in direct contact with food products. The acute lethal dose of materials of this type is greater than 25,000 mg/kg of body weight. The manufacturing process for production of the polymer is an essentially closed system.

Based on the facts and information obtained and reviewed, EPA grants du Pont a test marketing exemption for TM-81-1, effective on March 12, 1981 but subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to du Pont;

2. The applicant must maintain records of the date(s) of shipment(s) to any customers specified in the application who will test market the substance, and the quantities shipped in each shipment, and must make these records available to EPA upon request;

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application;

4. The production volume of the new substance may not exceed the quantity stated in the confidential version of the test market application;

5. The test marketing activity approved in this notice is limited to a four-month period commencing on the date of publication of the notice in the Federal Register;

6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified;

7. The public will have until April 20, 1981 to submit comments on this test marketing exemption. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of the substance will not present an unreasonable risk of injury to human health or the environment.

Dated: March 12, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-8068 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

[Docket No. A-80-46; AD-FRL-1782-6]

Revisions to the Guideline on Air Quality Models

AGENCY: Environmental Protection Agency, Washington, D.C.

ACTION: Notice of Delay in Revisions to the Guideline on air quality models.

SUMMARY: This notice announces a delay in the schedule for the revision of the Guideline on Air Quality Models (EPA-450/2-78-027). The draft revised guideline is now expected to be completed by the end of 1981. Public hearings on the revised guideline can be anticipated in early 1982. The Conference on Air Quality Modeling required by Section 320 of the Clean Air Act will still be held in Washington, D.C., this summer. It will be an information exchange meeting to discuss modeling issues, primarily those concerning the accuracy of air quality models and their role in regulatory decision-making. There will be a notice of the Conference published in the Federal Register when the date and agenda are finalized. The guideline revisions will *not* be a Conference agenda item.

DATES AND SCHEDULE: The dates and other details of the Conference on Air Quality Modeling will be announced in the Federal Register in the summer of 1981. The hearing on the revised Guideline on Air Quality Models will be announced in the Federal Register in late 1981.

ADDRESSES: The Conference will be held in Washington, D.C. The precise location will be indicated in the later Federal Register notice.

FOR FURTHER INFORMATION CONTACT: Charlotte J. Hopper, Source Receptor Analysis Branch (MD-14), Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park, North Carolina 27711; phone (919) 541-5661.

SUPPLEMENTARY INFORMATION: In October 1980 the Environmental Protection Agency presented to the public proposed revisions to the Guideline on Air Quality Models at three meetings (Washington, D.C.; Seattle, Washington; and Chicago, Illinois). It was announced at the three meetings, and also in the Federal Register notice of those meetings, that a draft of the revised guideline would be available for comment at the Conference on Air Quality Modeling to be held in early 1981. This schedule has been changed and revisions to the guideline have been delayed.

Numerous comments were received on the proposed revisions presented in October 1980. Several of the commenters requested EPA to consider the costs associated with the implementation of the proposed revisions. Many requested additional consideration be given to model accuracy and also requested a re-examination of the role of air quality models in regulatory decision-making. EPA believes the time required to complete a cost analysis and to further analyze the issues of model accuracy and application will be beneficial. EPA also wishes to review and evaluate the National Commission on Air Quality recommendations to Congress.

For the above reasons EPA has determined that a delay in the revisions to the guideline will be advantageous to all concerned. It is anticipated that a draft of the revised guideline will be available for public comment by late 1981.

The Conference on Air Quality Modeling required by Section 320 of the Clean Air Act will be held in the summer of 1981. The format for the Conference will encourage an information exchange rather than solicit comments on EPA proposals. Discussions at the Conference will include such topics as the use of models in regulatory processes and the accuracy and reliability of models.

Until further notice, the Guideline on Air Quality Models, EPA 450/2-78-027

(April 1978) is the applicable guidance for the use of models in such applications as prevention of significant deterioration, new source review and the revision of state implementation plans. EPA Regional Offices should be contacted for more detailed information concerning the interpretation and use of that guideline.

Dated: March 13, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-8386 Filed 3-18-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80-766; Transmittal 191]

RCA American Communications, Inc.; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum to memorandum opinion and order.

SUMMARY: The Federal Communications Commission corrects a typographical error in a Memorandum Opinion and Order (March 2, 1981; 46 FR 14816) that denied a petition filed by RCA American Communications, Inc. to consolidate this proceeding with the Commission's ongoing competitive carrier rulemaking proceeding in Docket No. 79-252.

DATES: Comment dates are the same as were stated in the original order.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carl E. Douglas, Common Carrier Bureau, (202) 632-6617.

SUPPLEMENTARY INFORMATION: In the matter of RCA American Communications, Inc., revisions to Tariff F.C.C. Nos. 1 and 2, CC Docket No. 80-766, Transmittal No. 191 (46 FR 14816).

Released: March 5, 1981.

The Memorandum Opinion and Order in the above entitled matter, released February 19, 1981, is corrected to read in paragraph seven, line 14, "May 26, 1981" instead of "May 31, 1981."

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-8367 Filed 3-18-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Alsip Bancorporation, Inc.; Formation of Bank Holding Company

Alsip Bancorporation, Inc., Alsip, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Alsip Bank and Trust, Alsip, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8475 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 11, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (real estate lending activities; California): to expand the previously approved activities of an existing office of its subsidiary, Citicorp Homeowners, Inc., located in San Jose, California, to include the making, acquiring, and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate. The previously approved activities of the office include the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate; and the originating, for its own account and the account of others, of 1-4 family residential mortgage loans. The previously approved service area of the office, comprised of the metropolitan San Jose area, will also be expanded to include the entire State of California for all the activities of the office.

B. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Byrd Street, Richmond, Virginia 23261:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking activities; Virginia and Maryland): to engage, through its wholly-owned subsidiary The Kissel Company, in mortgage banking, including the making or acquiring and servicing for its own account or the account of others loans and other extensions of credit. These activities will be conducted from an office in Manassas, Virginia, serving Clarke, Culpeper, Fauquier, Prince William, Rappahanock, Stafford and Warren Counties, Virginia; an office in Annandale, Virginia, serving Fairfax and Loudoun Counties, Virginia; and an office in Baltimore, Maryland, serving

Baltimore, Carroll, Harford, Kent, and Queen Anne Counties, Maryland.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 12, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
[FR Doc. 81-8627 Filed 3-18-81; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 12, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (commercial leasing and financing activities; Missouri, Kansas, and Southern Illinois): to engage, through its subsidiary Manufacturers Hanover Leasing Corporation in leasing real and personal property on a full payout basis, acting as agent, broker or adviser in leasing such property, making or acquiring for its own account or for the account of others loans and other extensions of credit, such as would be made by a commercial finance or commercial mortgage company, with respect to real and/or personal property, and servicing such leases, loans and other extensions of credit, as permitted under § 225.4(a) (1), (3) and (6) of Regulation Y. These activities would be conducted from a *de novo* office of Manufacturers Hanover Leasing Corporation to be located at 34 North Meramec, Clayton, Missouri, and serving the areas listed in the caption above.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (escrow activities; California): to engage through its subsidiary, S.P.M.C. Escrow, Inc., in acting as escrow agent for the purchase and sale of real property and in all other activities engaged in by an escrow company under California law. These activities would be conducted from an office in Downey, California, serving the State of California.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 13, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
[FR Doc. 81-8480 Filed 3-18-81; 8:45 am]
BILLING CODE 6210-01-M

Brighton Bancshares Corp.; Formation of Bank Holding Company

Brighton Bancshares Corporation, Brighton, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Brighton Savings Bank, Brighton, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
[FR Doc. 81-8479 Filed 3-18-81; 8:45 am]
BILLING CODE 6210-01-M

Campbell State Co.; Formation of Bank Holding Company

Campbell State Company, Campbell, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Campbell State Bank, Campbell, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.
Jefferson A. Walker,
Assistance Secretary of the Board.
[FR Doc. 81-8477 Filed 3-18-81; 8:45 am]
BILLING CODE 6210-01-M

Chisholm Financial Services, Inc.; Acquisition of Bank

Chisholm Financial Services, Inc., Richardson, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 82 per cent, less directors' qualifying shares, of the voting shares of Chisholm National Bank, Plano, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistance Secretary of the Board.

[FR Doc. 81-8478 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancshares, Inc.; Formation of Bank Holding Company

Commercial Bancshares, Inc., Champaign, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less directors' qualifying shares, of the voting shares of the successor by merger to The Commercial Bank of Champaign, Champaign, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8479 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Crosstown Holding Co.; Formation of Bank Holding Company

Crosstown Holding Company, Ham Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Crosstown State Bank of Ham Lake, Inc., Ham Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8480 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Faribault Bancshares, Inc.; Formation of Bank Holding Company

Faribault Bancshares, Inc., Faribault, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 93.64 per cent or more of the voting shares of The State Bank of Faribault, Faribault, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8481 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Live Oak Bancshares Corp.; Formation of Bank Holding Company

Live Oak Bancshares Corporation, George West, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank in George West, George West, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8482 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

Mercer Bancorp, Inc.; Formation of Bank Holding Company

Mercer Bancorp, Inc., Mercer, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 8142(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Peoples Bank of Mercer, Mercer, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal reserve System, Washington, D.C. 20551 to be received no later thn April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
[FR Doc. 81-8483 Filed 3-18-81; 8:45 am]
BILLING CODE 6210-01-M

NBA International Banking Corp.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as NBA International Banking Corporation, Seattle, Washington. NBA International Banking Corporation would operate as a subsidiary of National Bank of Alaska, Anchorage, Alaska. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
[FR Doc. 81-8484 Filed 3-18-81; 8:45 am]
BILLING CODE 6210-01-M

Ohio Citizens Bancorp., Inc.; Acquisition of Bank

Ohio Citizens Bancorp., Inc., Toledo, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of the Farmers & Merchants Deposit Company, Swanton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
[FR Doc. 81-8485 Filed 3-18-81; 8:45 am]
BILLING CODE 6210-01-M

Orchard Valley Financial Corp.; Formation of Bank Holding Company

Orchard Valley Financial Corporation, Hotchkiss, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First State Bank of Hotchkiss, Hotchkiss, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
[FR Doc. 81-8486 Filed 3-18-81; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Pittsburgh National Corp.

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 10, 1981.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking, Michigan): to engage *de novo*, through a wholly-owned subsidiary, The Kissell Company, Springfield, Ohio in the activity of mortgage banking, including the making or acquiring and servicing for its own accounts and or the accounts of others, loans and other extensions of credit. The proposed office will be located in Grand Rapids, Michigan and will serve the metropolitan area of Grand Rapids, Michigan, and Kent, Montcalm, Muskegon, Oceana, Newaygo, Mecosta, Isabella, Gratiot, Osceola, Lake, Mason, Ionia, Calhoun, Shiawassee, Livingston, Ingham, Genessee, Ottawa, Clinton, Allegan, Barry, Van Buren, Kalmazoo, Berrien, St. Joseph Branch and Jackson counties, Michigan.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8660 Filed 3-18-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Prairie Farms Dairy Incorporated is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Muller-Pinehurst Dairy, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Prairie Farms. Neither agency intends to take action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8518 Filed 3-18-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Madison Fund Incorporated is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of AM International Incorporated. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 5, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8519 Filed 3-18-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Roxboro Investments (1976) Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Bache Group, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Roxboro. Neither agency intends to take action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8520 Filed 3-18-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Celanese Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Monsanto Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to requests for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of

1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8321 Filed 3-18-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

National Advisory Council on Health Professions Education; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of April 1981:

Name: National Advisory Council on Health Professions Education.
Date and Time: April 22-24, 1981, 8:30 a.m.
Place: Conference Room 6, 6th Floor, Building 31—C Wing, National Institutes of Health, Bethesda, Maryland 20205.
Closed April 22, 1981.
Open April 23 and 24, 1981.

Purpose. The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda. The open portion of the meeting will cover: report of the Acting Administrator; welcome and opening remarks; budget update; legislative update; report on Health Promotion and Disease Prevention; and future agenda items. The meeting will be closed to the public on April 22, 1981, from 8:30 a.m. to 5:00 p.m., for the review of grant applications for Health Careers Opportunity Program and Residency Training in the General Practice of Dentistry. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, Bureau of Health Professions, Health Resources Administration, Room 4-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6504.

Agenda items are subject to change as priorities dictate.

Dated: March 13, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81-8299 Filed 3-18-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 4090 and 4398, Blocks 294 and 293, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 12, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-8363 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Arizona Wilderness Inventory Program: Decision on Protests to the Final Intensive Wilderness Inventory

SUMMARY: This notice is to advise the public of my decisions on the protests received on the "Final Intensive Wilderness Inventory for Arizona."

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1980, I announced my Final Intensive Wilderness Inventory Decision for Arizona. The above notice advised the public of their right to file a protest to my decision. All units recommended as Wilderness Study Areas (WSAs) were protested. Twenty-one units which were recommended to be released from the constraints of Section 603 of the Federal Land Policy and Management Act (FLPMA) were protested.

As a result of the evaluation of information contained in these protests, I am announcing amendments to eleven inventory unit decisions.

Amended Decisions

The inventory decision amendments are summarized as follows:

Arizona Strip District

AZ-010-031: Because of new information supplied by the public, ways were judged to be roads. These changes resulted in 665 acres being dropped from the unit. It is now 39,242 acres.

AZ-010-033A: Five ways have been recognized as roads and cherrystemmed from the unit. The boundary was adjusted near Tom Lamb Reservoir adding approximately 20 acres. The net result in acreage after the deletions and one area of addition remains the same. The unit remains at 63,882 acres.

AZ-010-034A: Grandfathered mining activity within the unit has expanded the area of impact. An additional 230 acres are dropped. The unit is now 9,441 acres.

AZ-010-104B: A way was judged to be a road after a field check because of new information supplied by the public. The road deletes 1,338 acres from the unit. It remains a WSA of 25,912 acres.

AZ-010-111: A way was judged to be a road. This road forms a new boundary which deletes 4,065 acres from the unit. The unit remains a WSA of 33,985 acres.

Phoenix District

AZ–020–083: The public supplied information which changed the status of a way to a road. The road deletes 2,400 acres from the unit. The unit remains a WSA of 21,800 acres.

AZ–020–125: Field investigation proved a vehicle access route which was formerly judged to be a way is actually a road. The road deletes 18,025 acres. The portion dropped was judged to lack outstanding opportunities for solitude or a primitive, unconfined type of recreation. The original unit remains a WSA of 40,575 acres.

AZ–020–176: The accumulation of minor works of man resulted in the decision to drop this unit from WSA status. The 10,065 acre unit is dropped from further consideration.

AZ–020–187: An area which contains minor works of man was deleted because of their cumulative effect. The area dropped is 700 acres. The unit remains a WSA of 6,268 acres.

Safford District

AZ–040–014: A way was judged to be a road. The road deletes 10 acres from the unit. The unit remains a WSA of 15,003 acres.

AZ–040–085: A road was cherrystemmed from the edge of the unit. The change deletes two acres from the unit. The WSA contains 16,769 acres.

Decisions Which Will Remain as Previously Announced

The Final Decision is in effect on the following WSAs.

Arizona Strip District

AZ–010–106A	AZ–010–099
AZ–010–106B	AZ–010–099A/19
AZ–010–106C	AZ–010–099B
AZ–010–106D	AZ–010–099
AZ–010–041	AZ–010–091
AZ–010–050	AZ–010–093
AZ–010–051	AZ–010–098A
AZ–010–052	AZ–010–104A
AZ–010–098C	AZ–010–132
AZ–010–098D	AZ–010–138
AZ–010–097	

Phoenix District

AZ–020–001A	AZ–020–119
AZ–020–007	AZ–020–126A
AZ–020–008	AZ–020–136
AZ–020–009	AZ–020–136
AZ–020–010	AZ–020–142/144
AZ–020–12/42	AZ–020–157
AZ–020–014	AZ–020–160
AZ–020–015	AZ–020–163
AZ–020–021	AZ–020–164
AZ–020–024	AZ–020–172
AZ–020–028/029	AZ–020–194
AZ–020–068	AZ–020–197
AZ–020–071	AZ–020–202
AZ–020–075	AZ–020–203B
AZ–020–084A	AZ–020–204
AZ–020–099	AZ–020–205
AZ–020–100	

Safford District

AZ–040–001A	AZ–040–048
AZ–040–008	AZ–040–060
AZ–040–016	AZ–040–076
AZ–040–22/23/24(A)	AZ–040–077
AZ–040–22/23/24(B)	

Yuma District

AZ–050–006B	AZ–050–017
AZ–050–007C/5–46/1–52	AZ–050–023A
AZ–050–012	AZ–050–023B
AZ–050–013	AZ–050–031
AZ–050–014A/B	AZ–050–033
AZ–050–015A	AZ–050–034

The Final Decision to release the following units is in effect. Therefore, these units are released from the constraints of Section 603 of FLPMA and the Interim Management Guidelines.

Arizona Strip District

AZ–010–131
AZ–010–133

Phoenix District

AZ–020–107	AZ–020–132/133
AZ–020–108	AZ–020–155A
AZ–020–126B	AZ–020–155B
AZ–020–127A	AZ–020–169
AZ–020–130	AZ–020–175
AZ–020–131	

Safford District

AZ–040–001B	AZ–040–017
AZ–040–013	AZ–040–083

Yuma District

AZ–050–009	AZ–050–040
AZ–050–038	

Right To Appeal

The publication of this Federal Register starts a 30-day appeal period.

An appeal from these decisions must be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subparts A, B, and E. However, if an appeal is taken, the Notice of Appeal must be filed in this office (not the Board), so that the permanent document file(s) can be transmitted to the Board. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must be served on the Field Solicitor, U.S. Department of the Interior, 2000 Valley Bank Center, Phoenix, Arizona 85073 not later than 15 days after filing the document. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

Clair M. Whitlock,

State Director.

March 11, 1981.

[FR Doc. 81–8288 Filed 3–18–81; 8:45 am]

BILLING CODE 4310–84–M

Boise District Public Meetings—Wilderness Study

The Bureau of Land Management Boise District is beginning the study phase of the wilderness review. BLM will now study these areas as part of the land use planning process and make a recommendation to the Secretary of Interior on whether the areas are suitable or unsuitable for Wilderness designation. The final decision is made by Congress.

Public meetings have been scheduled for:

April 15, 1981: Boise District Office Conference Room, 3948 Development Ave., Boise, Idaho.

April 16, 1981: Homedale County Agent's Office, Marsing, Idaho (Hwy 78—across from the gradeschool).

April 22, 1981: American Legion Hall, Bruneau, Idaho.

At each session, 12 noon to 7:30 p.m. will be open house, and 7:30 p.m. to 10 p.m. will be a public meeting.

The purpose of these meetings will be to obtain public comment and recommendations on planning and criteria, and to discuss alternate land uses in each area. For details on planning criteria, refer to Federal Register of December 19, 1980, Part III. During this planning, 23 wilderness study areas will be considered, all lying within the 5½ million acres managed by the Boise District in southwestern Idaho.

Also to be discussed at the meetings will be the intensive inventory for those areas proposed as wilderness study areas along the Idaho-Oregon and Idaho-Nevada borders. Completion of the inventory in these Stateline units has been delayed because of an earlier appeal. The appeal has now been settled and the Bureau will proceed with intensive inventory on these 10 units.

A map showing the exact locations of these areas is available from the BLM Boise District, 3948 Development Avenue, Boise, Idaho 83705. For further information contact John Benedict or Steve Addington at 208–334–1582, above address.

James Gabettas,

Acting District Manager.

March 9, 1981.

[FR Doc. 81–8286 Filed 3–18–81; 8:45 am]

BILLING CODE 4310–84–M

Carson City District Grazing Advisory Board; Meeting

ACTION: Notice of meeting.

SUMMARY: This notice announces the agenda of the next meeting of the Board.

DATE: April 23, 1981—9:30 a.m.

ADDRESS: Bureau of Land Management, Carson City District Office, 1050 East Highway 50, Suite 335, Carson City, Nevada 89701.

FOR FURTHER INFORMATION CONTACT: Stephen Weiss, Public Affairs Officer, Carson City District Office, (702) 882–1631.

SUPPLEMENTARY INFORMATION: The Carson City District Grazing Advisory Board is chartered to advise the District Manager regarding the development of allotment management plans and the utilization of range betterment funds.

The agenda for the meeting will include discussion of allotment management plans, range improvement projects, the proposed Management Framework Plan for the Reno Planning Area, and consultation with permittees.

The meeting is open to the public. Any person may attend, file a written statement by mail, or appear before the Board at 3:00 p.m.

Thomas J. Owen,

District Manager.

March 10, 1981.

[FR Doc. 81-8314 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 23723]

Colorado: Realty Action; Non-Competitive Sale of Public Lands in Fremont County

March 10, 1981.

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value. ($1,275.00)

New Mexico Principal Meridian

T. 48 N., R. 10 E.,
Sec. 10, Lot 2.

The tract described contains 0.85 acres in Fremont County.

The sale of this land will be held on approximately the twelfth day of May, 1981. The lands are being offered as a direct, non-competitive sale to Mr. Clarence Canterbury, the owner of the adjoining tract and a water well inadvertently drilled on lot 2 prior to the boundaries of the public lands in the vicinity being identified and monumented under a dependent resurvey of the township. Disposal by direct sale to Mr. Canterbury, rather than by public auction, will legalize his use of the parcel and protect his equity investment in his improvements on the land and avoid an undue hardship if he were required to cease his use of the land. The sale will resolve an unauthorized use situation.

The triangular-shaped parcel is part of a public land tract. Its northwest boundary is the Fremont County road along West Creek. The road effectively separates it from the larger area of public land northwest of the road, and non-federal land adjoins all of the south and east boundaries. The parcel has not been used, and is not suitable for, nor needed for management by another Federal Department or agency. Disposal would best serve the public interest.

The sale will be consistent with the Bureau of Land Management's planning for the lands. Disposal would have no adverse impact on local planning and zoning. The Fremont County Commissioners have not objected to sale of the land.

The terms and conditions applicable to the sale are:

The patent will include a reservation of a right of way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of this land will be subject to all valid existing rights, including the right of way for the county road along West Creek.

Detailed information concerning the sale, including the environmental assessment report and land report, is available for review at the Bureau of Land Management Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212.

On or before April 16, 1981, interested parties may submit comments to the Secretary of the Interior (LLM-320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior and the required payment, plus the cost of publishing the notice, shall be requested of Mr. Canterbury. Such payment, in full, shall be in accordance with 43 CFR 1822.1-2.

Harold R. Martin,

Acting State Director.

[FR Doc. 81-8380 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Monument Resource Management Plan

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare Resource Management Plan and Environmental Impact Statement for public lands in Blaine, Minidoka, Lincoln, Jerome, Gooding, and Power Counties, Idaho.

SUMMARY: Pursuant to 43 CFR 1600, the Shoshone District, Bureau of Land Management is developing a Resource Management Plan (RMP) and accompanying Environmental Impact Statement (EIS), covering approximately 1,200,000 acres of public land in southcentral Idaho. The RMP and EIS will analyze resource management alternatives ranging from production to protection, including a no action alternative, and are scheduled for completion in mid-1985. The Shoshone District invites members of the public, other Federal agencies, State and local governments, and Indian tribes to identify resource management issues and opportunities to be considered during the preparation of the Monument RMP.

Meetings to facilitate issues and opportunity identification will be held in late April in various areas (to be announced at a later date) within the planning area. All concerned parties are invited to attend the meetings. Opportunities for public participation will be made available throughout the process.

The interdisciplinary team will include the following disciplines: Economics, Public Affairs, range, wildlife, recreation, watershed (soil, water, and air), cultural resources, visual resources, minerals, lands, and realty.

DATE: Written comments concerning resource management issues and opportunities for the Monument RMP should be sent to the BLM District Manager, Shoshone District Office, P.O. Box 2 B, Shoshone, Idaho 83352. Comments must be received by May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Ervin R. Cowley, Monument Area Manager, Shoshone BLM District Office, P.O. Box 2 B, Shoshone, Idaho 83352 (208) 886-2206.

SUPPLEMENTARY INFORMATION: As the planning is developed, documents will be available for inspection at the above address.

Dated: March 12, 1981.

Charles J. Hazzier,

District Manager.

[FR Doc. 81-8377 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on Friday, April 24, 1981.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of

Land Management, 425 E. 4th Street, Safford, Arizona 85546.

The agenda for the meeting will include: (1) Election of chairman and vice-chairman; (2) Final rulemaking on grazing regulations; (3) Progress update on implementation of Upper Gila-San Simon Environmental Statement; (4) Drought conditions; (5) Update on Stewardship program; (6) Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:30 a.m. and 11:30 a.m. A written copy of the oral statement must be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., April 23, 1981.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: March 12, 1981.

Fritz U. Rennebaum,

Acting District Manager.

[FR Doc. 81-8424 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[1784.2]

Cedar City District Grazing Advisory Board; Meeting; Correction

The April 9, 1981 meeting of the Cedar City District Grazing Advisory Board announced in the **Federal Register**, Volume 46, No. 41, page 14973 on Tuesday March 3, 1981 has been rescheduled for April 7, 1981. All other information remains the same.

Morgan S. Jensen,

District Manager.

March 11, 1981.

[FR Doc. 81-8430 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Eastern States; Transfer of Submarginal Lands; Bad River Indian Reservation

1. Pursuant to Public Law 94-114 (89 Stat. 577) and Sec. 2 thereof, the land described in paragraph 3 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin, subject to all valid rights, reservations, rights-of-way, and easements of record. The land shall be part of the established Bad River Indian Reservation. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and Sec. 55 of the Act of August 24, 1935 (49 Stat. 750, 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. Any existing mineral leases, including oil and gas leases, which have been issued on this land will remain in force and effect in accordance with the terms and provisions of the Act under which the leases were issued. The lease files will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Minneapolis, Minnesota. Future rentals for these leases will be paid to and collected by that office. Jurisdiction of these mineral leases is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin.

3. Fourth Principal Meridian, Wisconsin

T. 46 N., R. 2 W.,
- Sec. 1, Lots 1 and 3, N½N½SE¼NE¼, N½SW¼;
- Sec. 2, Lots 3 and 4, S½NW¼;
- Sec. 3, Lots 1 and 2, S½NE¼;
- Sec. 4, Lots 3 and 4, SW¼SW¼, NW¼SE¼;
- Sec. 5, Lots 3 and 4;
- Sec. 6, Lots 1 and 2, SW¼NE¼, SE¼NE¼, NE¼SW¼, NW¼SE¼;
- Sec. 7, Lot 2, SE¼NE¼, SE¼NW¼, NE¼SE¼, NW¼NE¼, NE¼NW¼;
- Sec. 8, S½SW¼, N½SE¼, SW¼NE¼, NW¼NW¼;
- Sec. 9, N½SW¼, S½SW¼, S½SE¼, NE¼NE¼, NW¼NE¼, NE¼NW¼, NW¼NW¼, SW¼NW¼;
- Sec. 10, SE¼NW¼, NE¼SE¼, NW¼NW¼, NW¼NE¼, NE¼SE¼, S½SE¼;
- Sec. 11, S½NE¼, W½SW¼, SW¼NW¼, NE¼SE¼;
- Sec. 12, NE¼NE¼, N½NW¼, N½SW¼;
- Sec. 14, NE¼SW¼, SE¼SW¼;
- Sec. 15, SE¼SW¼, NW¼SE¼;
- Sec. 16, N½NW¼;
- Sec. 17, NE¼NE¼; SE¼NE¼, E½SE¼, NW¼NE¼;
- Sec. 18, SE¼NE¼, W½W½E½NW¼NE¼, W½NW¼NE¼, E½NE¼NW¼, E½W½NE¼NW¼;
- Sec. 21, W½SE¼, S½NW¼;
- Sec. 23, S½S½SE¼;
- Sec. 26, N½NE¼;
- Sec. 27, SE¼SW¼, W½NE¼;
- Sec. 28, S½SW¼, NE¼NE¼, E½NW¼NE¼;
- Sec. 29, SE¼NE¼, NE¼SE¼;
- Sec. 30, SW¼NE¼, NE¼NW¼, N½NE¼SW¼, S½SE¼, SE¼NW¼;
- Sec. 31, SE¼SW¼, SW¼SE¼, NE¼NW¼, Lots 1 and 4;
- Sec. 32, SW¼NW¼, NW¼SW¼;
- Sec. 35, S½S½N½N½NW¼, S½N½NW¼, N½N½N½N½S½NW¼; and
- Sec. 36, NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼.

T. 47 N., R. 2 W.,
- Sec. 1, SE¼NW¼;
- Sec. 3, SE¼NW¼, SE¼;
- Sec. 5, SE¼SE¼;
- Sec. 6, E½SE¼, SE¼NW¼;
- Sec. 7, NE¼SE¼;
- Sec. 8, S½NE¼;
- Sec. 10, E½SW¼, SW¼SW¼;
- Sec. 11, NE¼SW¼, N½SE¼;
- Sec. 12, E½NW¼ NE¼NE¼;
- Sec. 13, NW¼, NE¼SE¼, N½SW¼;
- Sec. 14, SE¼SW¼, S½NE¼;
- Sec. 17, SW¼NE¼;
- Sec. 18, NW¼NW¼, NE¼NW¼, SW¼SW¼, SE¼SW¼, SW¼NE¼, NE¼SW¼;
- Sec. 19, W½NW¼, S½ except for E½SE¼;
- Sec. 20, N½NE¼, N½NW¼, N½SW¼, S½SE¼;
- Sec. 21, N½NE¼, SW¼NE¼, SE¼NW¼;
- Sec. 22, W½NW¼, SE¼SW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
- Sec. 23, W½NE¼NW¼, SW¼SW¼;
- Sec. 25, NE¼SE¼, SE¼SW¼, N½NE¼, NW¼SW¼;
- Sec. 26, W½NE¼;
- Sec. 27, W½NW¼, NW¼NE¼, E½SE¼NE¼, SE¼SE¼;
- Sec. 28, E½NE¼NE¼, SE¼NW¼, NE¼SW¼;
- Sec. 29, S½NE¼;
- Sec. 30, E½NW¼, NE¼SW¼, NW¼SW¼, N½SE¼;
- Sec. 31, W½NW¼, S½SW¼;
- Sec. 32, NW¼, W½SE¼;
- Sec. 33, E½SE¼, NE¼NW¼, SW¼¼SW¼, SE¼SW¼, W½NW¼;
- Sec. 34, N½SE¼, N½SE¼SE¼, S½SE¼SE¼, S½SE¼NE¼, S½SW¼, N½NE¼;
- Sec. 35, NW¼NE¼, S½SE¼, S½NW¼; and
- Sec. 36, SW¼NE¼, E½NW¼, W½SW¼, NE¼NE¼, W½NW¼, N½SE¼SE¼, NW¼NE¼.

T. 46 N., R. 2W.,
- Sec. 35, SW¼SE¼.

T. 46 N., R. 3W.,
- Sec. 1, Lots 2 and 11, SW¼NE¼, S½SE¼, NE¼SE¼, NW¼SE¼;
- Sec. 3, Lots 2 and 3, SW¼SW¼, SE¼NW¼, NE¼SW¼;
- Sec. 4, SE¼SE¼;
- Sec. 5 SW¼SE¼NE¼;
- Sec. 10, SE¼SE¼;
- Sec. 11, NW¼SW¼;
- Sec. 12, Lot 2, SE¼SE¼;
- Sec. 13, W½SW¼;
- Sec. 15, NE¼SW¼, SW¼SW¼, S½SE¼;
- Sec. 17, N½NE¼, NW¼SW¼;
- Sec. 18, SW¼SE¼;
- Sec. 21, E½E½E½W½NE¼, W½E½NE¼, W½W½E½E½NE¼, E½W½ E½E½NE¼, E½E½E½NE¼;
- Sec. 22, W½W½W½NW¼, W½W½ E½W½NW¼;

Sec. 24, Lot 5, N½NW¼;
Sec. 25, S½NW¼;
Sec. 35, NW¼SW¼; and
Sec. 36, S½NW¼.
T. 47 N., R. 3 W.,
Sec. 1, S½SW¼;
Sec. 2, W½NE¼, E½NE¼;
Sec. 9, S½NW¼SW¼, N½N½ SW¼SW¼;
Sec. 11, SW¼NE¼, N½NW¼SW¼;
Sec. 12, Lots 1, 3, 4, and 5, S½SW¼ NW¼, SW¼SW¼, NW¼NW¼, N½SW¼ NW¼;
Sec. 13, Lots 1 and 11, SE¼SW¼, NW¼SE¼;
Sec. 16, E½NW¼SW¼;
Sec. 24, SE¼SW¼, NE¼SE¼, NW¼SE¼;
Sec. 25, NE¼NE¼, SE¼NE¼;
Sec. 26, NE¼SW¼, NW¼SW¼;
Sec. 27, NE¼SW¼;
Sec. 30, SW¼NW¼;
Sec. 32, W½SE¼;
Sec. 33, W½E½E½W½NW¼, W½E½ W½NW¼, E½W½W½NW¼, W½W½SW¼, "ERR17" E½E½ W½SW¼, E½E½SW¼, W½W½W½ SE¼, E½NE¼;
Sec. 34, NW¼SW¼, S½SW¼; and
Sec. 36, S½SE¼.
T. 48 N., R. 3 W.,
Sec. 25, Lot 7, and also, a parcel of land Beginning at a point 1617 feet west of the SE corner of the SW¼SE¼ of Sec. 25, aforesaid, thence 313 feet, thence north 15° West 418 feet, thence east 313 feet, thence south 15° east 418 feet to place of beginning described as follows: Beginning at a point in the west boundary line of the tract described above, 189 feet from the southwest corner thereof, and running thence southerly along the easterly boundaryline of said 161 feet, thence easterly parallel to the southerly boundaryline of said tract 193 feet, thence northerly parallel with the easterly boundaryline of said tract 221 feet thence southerly to the point of beginning, comprising a total of .663 acres in Stearn's Addition in Village of Odanah, Wisc.;
Sec. 26, Lots 3, 4, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 25, comprising a total of 4.757 acres in Browns subdivision in Village of Odanah, Wisc.; Lots 2, 3, 4, 7, & 8, all in Block 1; Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, & 23, all in Block 2; Lots 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20, all in Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20, all in Block 4; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20, all in Block 5; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, & 14, all in Block 7; comprising a total of 7.896 acres in Blatchford's Addition in Village of Odanah, Wisc.;
Sec. 35, E½W½SE¼, E½W½W½SE¼; and
Sec. 36, Lots 2, 4, 6, 7, and 10, SW¼NE¼, SW¼SW¼.

4. The areas described aggregate 13,148.81 acres, more or less.

5. All inquiries relating to these lands should be sent to the Director (921), Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before May 4, 1981.

Pieter J. VanZanden,
Acting Eastern States Director.

[FR Doc. 81-8429 Filed 3-18-81; 8:45 am]
BILLING CODE 4310-84-M

[Coal Lease Modification Application C-22644]

Land in Routt County, Colo.; Public Hearing and Request for Public Comment

March 13, 1981.

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado hereby gives notice that a public hearing will be held on April 21, 1981 at 7:00 p.m. in the Yampa Valley Electric Building, 32 10th Street, Steamboat Springs, Colorado. Application has been made by Energy Fuels Corporation for modification of coal lease C-22644 to include certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and (3) methods of determining the fair market value of the coal to be offered. Written requests to testify orally at the April 21, 1981 public hearing should be received at the Craig District Office, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81625, prior to the close of business April 20, 1981. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resources, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, and to the Deputy Conservation Manager, Conservation Division (RE), C/R, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than April 22, 1981.

The coal resource to be offered is limited to strippable coal reserves in the Wadge seam and any overlying coal seams. The 1.3 million estimated recoverable tons are located in the following lands approximately 13 miles southeast of Milner, Colorado:

A parcel of land located in Section 19 and the NW¼NW¼ of Section 20, T4N, R86W of the 6th P.M., whose description is more particularly described as follows:

Beginning at the NW corner of said Section 20; thence along the North line of Section 20, N. 89°47'28" E., 329.08 feet, to the NE corner of the NW¼NW¼NW¼NW¼ of Section 20; thence along the East line of the NW¼NW¼NW¼NW¼ of Section 20, S. 00°01'00" E., 330.00 feet to the SE corner of the NW¼NW¼NW¼NW¼ of Section 20; thence along the south line of the NW¼NW¼NW¼NW¼ of Section 20, S. 89°47'28" W., 329.09 feet, to the East line of said Section 19; thence along the North line of the S½NE¼NE¼NE¼ of said Section 19, S. 89°59'54" W., 660.00 feet; thence along the

West line of the NE¼NE¼NE¼ of said Section 19, S. 00°01'00" E., 329.98 feet, to the SW corner of the NE¼NE¼NE¼ of said Section 19; thence along the North line of the S½NE¼NE¼ of said Section 19, West 660.00 feet, to a point on the West line of the NE¼NE¼ of said Section 19; thence along the West line of the NE¼NE¼ of said Section 19, S. 00°01'00" E., 329.98 feet; thence along the North line of the S½S½NW¼NE¼ of said Section 19, N. 89°59'52" W., 1320.01 feet, to a point on the North-South centerline of said Section 19; thence along the North-South centerline of said Section 19, S. 00°01'00" E., 989.74 feet, to a point on the East line of Lot 8 of said Section 19; thence N. 89°59'22" W., 660.00 feet, to the center of Lot 8 of said Section 19; thence S. 00°01'01" E., 659.72 feet, to a point on the South line of Lot 8 of said Section 19; thence along the South line of Lot 8 of said Section 19, N. 89°59'19" W., 660.00 feet, to the NE corner of Lot 10; thence along the East line of said Lot 10, S. 00°01'01" E., 659.78 feet; thence N. 89°59'07" W., 660.00 feet, to the center of said Lot 10; thence S. 00°00'59" E., 329.86 feet, to a point on the North-South centerline of said Lot 10; thence N. 89°59'04" W., 659.99 feet, to a point on the West line of said Lot 10; thence S. 00°01'03" E., 329.86 feet, to the NE corner of Lot 14 of said Section 19; thence N. 89°58'58" W., 660.00 feet, to a point on the North line of said Lot 14; thence N. 4°28'28" E., 1093.03 feet; thence N. 53°29'00" E., 4819.65 feet, to the northeast corner of the W½NW¼NE¼ of said Section 19; thence along the North line of said Section 19, N. 89°59'46" E., 1980.00 feet to the point of beginning, said parcel containing 148.12 acres more or less.

The application and the case file will be available for public inspection at the Colorado State Office, Bureau of Land Management at the address set out above.

Rodney A. Roberts,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-8437 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 26171, Survey Group 79]

Michigan; Filing of Plat of Survey Stayed

On Tuesday, February 3, 1981, there was published in the **Federal Register**, Volume 46, Number 22, at page 10543, a notice of the filing of plat of survey of two islands in Buhl Lake, T. 30 N., R. 4 W., Michigan Meridian, Michigan, accepted October 20, 1980.

The official filing of the plat is hereby stayed pending consideration and final determination of all protests and objections to the plat filing.

All inquiries relating to lands described in the notice published on February 3, 1981, should be sent to the Director, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 81-8427 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory; Miles City and Lewistown Districts; Decisions on Protests of Intensive Inventory Decisions

March 13, 1981.

The final intensive wilderness inventory decisions for the Miles City and Lewistown Districts were announced in the **Federal Register** of November 14, 1980 (pages 75589–75590). The decisions were subject to a 45-day protest period which ended December 31, 1980. Nineteen inventory units from a total of 136 units inventoried were protested. The protests included 15 units in the Lewistown District and 4 units in the Miles City District.

The State Director has modified his decision on 4 of the units in the Lewistown District. The decisions on the remaining 11 protested units in the Lewistown District and the decisions on all the protested units in Miles City District remain unchanged.

A. The State Director's final decisions to designate the following inventory units as wilderness study areas remain unchanged:

Unit No.	Name	Acreage
	LEWISTOWN DISTRICT	
MT-087-207	Big Horn Tachon	4,470
MT-088-244	Dog Creek South	5,230
MT-088-250	Stafford	4,700
MT-088-253	Ervin Ridge	12,000
MT-088-256	Cow Creek	38,200
MT-085-278	Burnt Lodge/Sage Creek	15,000
Total		77,600
	MILES CITY DISTRICT	
MT-024-675	Bridge Coulee	5,650
Total		5,650
Grand total		83,250

B. The State Director's final decision to eliminate the following inventory units, or portions of units, from further wilderness consideration remain unchanged.

Unit No.	Name	Acreage
	LEWISTOWN DISTRICT	
MT-088-245	Chimney Bend	18,700
MT-088-249	The Wall	12,200
MT-088-250	Stafford	2,477
MT-088-253	Ervin Ridge	10,927
MT-088-255	Bullwhacker	40,881
MT-088-256	Cow Creek	34,913
MT-084-330	Caravan	5,580
MT-084-336	Marsh Hawk Hills	78,340
Total		201,528
	MILES CITY DISTRICT	
MT-027-701	Zook Creek	12,090
MT-027-715	Dead Horse Badlands	28,140
MT-027-736	Tongue River Breaks Contiguity	520
Total		3 8,740
Grand total		240,328

C. After careful consideration of the protests received and a field evaluation, the State Director has modified his decision on the following inventory units:

Lewistown District

Unit No. and name	Acreage identified for WSA status	Acreage eliminated from further wilderness consideration
MT-088-231—Two Calf Creek:		
Former decision	8,500	6,500
Present decision (+6,500)	0	15,000
MT-087-206—Burnt Timber Canyon:		
Former decision	0	10,968
Present decision (+3,958)	3,955	7,033
MT-088-246—Woodhawk:		
Former decision	0	17,000
Present decision (+7,855)	7,855	9,145
MT-088-288—Antelope Creek:		
Former decision	9,400	12,100
Present decision	12,340	9,160
Total, present decision	24,150	40,334

Any person who is adversely affected by this decision has the right of appeal to the Interior Board of Land Appeals in Washington, D.C. Information on appeals may be obtained by writing: Montana State Director (931), Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

Michael J. Penfold,

State Director.

[FR Doc. 81-8428 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Intent to File Survey Plat

March 13, 1981.

Notice is hereby given, pursuant to § 1813.1–2 of Code 43 Federal Regulations of intent to file the survey plat of Township 2 South, Range 1 East, New Mexico Principal Meridian, New Mexico, accepted February 3, 1981.

The plat, in five sheets, representing the dependent resurvey of a portion of the New Mexico Principal Meridian, a portion of the north boundary of the Socorro Grant, a portion of the subdivisional lines of the township, and certain boundaries of small holding claims, the subdivision of sections 7, 18, 19 and 30, the survey of accreted lands, and riparian surveys in 7, 18, 19, 30, and 31, T. 2 S., R. 1 E., New Mexico Principal Meridian, New Mexico, for Group No. 768.

This survey was executed to meet certain administrative needs of the Bureau.

The plat will be officially filed in the Records Section of the Bureau of Land Management, New Mexico State Office, Santa Fe, New Mexico, on April 27, 1981.

Purpose of this notice is to inform the public of the foregoing described action. Interested persons desiring to oppose filing of the plat should address their views promptly to the Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Robert Sanchez,

Acting Chief, Division of Management Services.

[FR Doc. 81-8429 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[1203 (943)]

Redelegation of Authority

March 11, 1981.

Pursuant to the authority contained in section 1.1(a) of Bureau order 701, as amended, the following specific authorities delegated to the State director in the cited Bureau order are hereby redelegated to the incumbents of the positions designated. The specific authorities redelegated are those listed in the designated sections of the Bureau order and are subject to the limitations listed in that order together with any additional limitations outlined below.

Section 3.9(g). *Materials other than forest products.* The district managers may take action on any sale or contract for sale of materials, other than forest products, or the free use of materials other than forest products, under 43 CFR Part 3610. The area managers may take action on any sale or contract for sale of materials, other than forest products, or the free use of materials other than forest products, under 43 CFR 3610 except transactions in which the materials are valued in excess of $2,000.

All of the above authorities redelegated to the area managers are to be performed in their respective areas of responsibility and in accordance with existing policies and regulations and under the direct supervision of the district manager. The district manager may at any time temporarily restrict or withhold any portion of the above-delegated authority through use of district manual supplements.

This redelegation of authority supersedes the redelegation regarding sale of materials other than forest products dated August 14, 1978 (43 FR 36035).

EFFECTIVE DATE: This redelegation is effective on May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Harold A. Berends (943)(503-231-6904) Oregon State Office, BLM, P.O. Box 2965, Portland, Oregon 97208.

William G. Leavell,

State Director.

[FR Doc. 81-8428 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[W-60227]

Wyoming; Termination of Proposed Withdrawal and Reservation of Lands

March 11, 1981.

The Fish and Wildlife Service, U.S. Department of the Interior, filed an application, serial number W-60227, on July 19, 1977, for withdrawal of the following described public lands for use as a district administrative headquarters site for Animal Damage Control activities:

Sixth Principal Meridian, Wyoming

T. 19 N., R. 105 W.,

Sec. 22, Lots 22, and 23.

The area described contains 11.21 acres in Sweetwater County, Wyoming.

The proposed withdrawal and reservation of lands for W-60227 was published as Federal Register Document 77-27526 on Page 47887 of the issue for September 22, 1977. This notice segregated the above-described lands from settlement, sale, location, or entry under all of the general land laws, including the mining laws, for a period of two (2) years from date of publication. The lands are still withdrawn for use by the Bureau of Land Management as an administrative site by Public Land Order 1778, dated January 14, 1959, and remain segregated from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. However, all minerals in the above-described lands are in non-Federal ownership.

The Fish and Wildlife Service has cancelled its application for withdrawal of the above lands, and requested authorization for use of the site by a right-of-way grant pursuant to Section 507 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2781; 43 U.S.C. 1767). The segregative effect of proposed withdrawal W-60227, terminated on September 21, 1979. The lands were open to operation of the public land laws at that time, subject to valid existing rights and the provisions of existing withdrawals.

Questions concerning these lands should be addressed to the undersigned at the Bureau of Land Management, Wyoming State Office, P.O. box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-8430 Filed 3-18-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-24612]

Alaska Native Claims Selection

Correction

In FR Doc. 81-5787, published on page 13385, in the issue of Friday, February 20, 1981, in the second column, under "T.1 N., R.13W.," the following should appear after the third line: "Sec. 35, N½ SE¼."

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 8]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights; Authority Prior to Certification Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served

concurrently upon the carrier's representative, or carrier if no representative is named.

MC 113843 (Sub-265) (Republication), filed July 23, 1979, published in the Federal Register issue of February 14, 1980, and republished, this issue: Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils (same as above). A Decision of the Commission, *Division 1*, decided January 6, 1981, and served January 13, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *frozen foods*, from the facilities of Campbell Soup Company, Inc., and from the facilities of the subsidiaries and affiliates of Campbell soup company, Inc., at or near (a) Salisbury and Pocamoke City, MD, (b) Clayton and Milford, DE, (c) Downingtown and Philadelphia, PA, and (d) Camden, NJ, to points in Illinois, Michigan, Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Vermont, Maine, Massachusetts, New Hampshire, Nebraska, Texas, Arkansas, South Carolina, and Georgia; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose of this republication is to indicate and give proper notice that service being rendered from the facilities of Campbell Soup Company, Inc., also includes its subsidiaries and/or affiliates.

Motor Carrier Intrastate Applications(s); Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the appliction is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 60272, filed February 19, 1981. Applicant: DELTRAN, INC., 25662 Minos, Mission Viejo, CA 92691. Representative: Gary W. Wigand, 13031 San Antonia Dr., Suite 214, Norwalk, CA 90650. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: A. Displays, padded and crated, and electronics. B. From, to and within all points and places within the State of California. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to California Public Utilities Commission, California State Bldg., 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-1418, filed February 17, 1981. Applicant: ACORN TRANSPORTATION, INC., No. 3 Sussex Road, East Greenbush, NY 12016. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany, Rensselaer and Schenectady. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8447 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[No. AB-6 (Sub-69)]

Burlington Northern, Inc.—Abandonment Between West Quincy and Kirksville, MO; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided February 18, 1981, a finding, which is administratively final, was made by the Commission stating that, the public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of that portion of its line of railroad and operations between milepost 1.99 near West Quincy, MO and milepost 70.68 at Kirksville, MO, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Burlington Northern, Inc., based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8443 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-13)]

Denver and Rio Grande Western Railroad Co. Exemption for Contract Tariff ICC-DRGW-C-0001

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemptions.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariff will become effective on one day's notice but not before April 1, 1981. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Denver and Rio Grande Western Railroad Company (DRGW) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract tariff ICC-DRGW-C-0001 be made effective on a minimum of 30 days' notice. This tariff is currently scheduled to take effect on April 7, 1981. DRGW seeks to advance this effective date by 6 days to April 1, 1981. The tariff reflects a contract of 3 months duration with Chrysler Corporation. During the term of the agreement, Chrysler agrees to ship a fixed minimum volume of assembled automobiles and trucks by railroad under applicable rates. After a specified time DRGW will refund shipper a percentage of the total revenues derived from transportation under the provisions of the contract. Chrysler's financial difficulties have prompted this request. The advancement of the dates of Tariff ICC-DRGW-C-0001 would allow the parties to fulfill the contract terms within normal monthly accounting periods. This will result in a savings of money and time.

The carrier does not indicate whether protests are expected. However, we note that the Ex Parte No. 387 (Sub-1, 2, 5 and 8) exemption orders also cover special arrangements with automobile manufacturers. This proposal should enhance carrier service by encouraging efficient movement and should not impair the carrier obligation to provide service to other shippers. An earlier effective date is necessary to assist Chrysler in its financial condition.

In this unusual situation, we believe an exemption should be granted. DRGW has already indicated in its petition a willingness to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the period specified in 49 U.S.C. 10713.

Thus, subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed on or before April 3, 1981.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: March 12, 1981.

By the Commission, Division 1. Commissioners Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8040 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirments of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from the date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-074

Decided: March 12, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Taylor.

MC 128720 (Sub-12), filed February 6, 1981. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between Nashville, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with applicant's existing regular-route authority.

MC 144630 (Sub-54), filed February 5, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *pulp, paper, and related products*, between Chicago, IL, on the one hand, and, on the other, points in IN, MI, OH, and KY.

MC 153821, filed January 21, 1981. Applicant: ROSALIE E. STOUT, d.b.a. PLEASURE TOURS, 295 E. Main St., Chillicothe, OH 45601. Representative: Rosalie E. Stout (same address as applicant). As a *broker*, at Chillicothe, OH, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Ross County, OH, and extending to points in the U.S.

Volume No. OP2-042

Decided: March 10, 1981.

By the commission, Review Board No. 1, Members, Parker, Chandler and Taylor.

MC 151533 (Sub-11), filed February 6, 1981. Applicant: BESTWAY FREIGHT LINES, LTD., 1749 Wilbur Cross Hwy, Berlin, CT 06037. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *such commodities* as are dealt in by manufacturers and distributors of electrical wire and electrical supplies, between the facilities of Kerite Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153952, filed January 23, 1981. Applicant: HAMEL BUS CO., Highway 140, Box 354, Hamel, IL 62046. Representative: Raymond E. Haun (same as applicant), (618) 633-2864. Transporting *passengers and their baggage*, in the same vehicle with passengers, beginning and ending at points in Madison County, IL, and extending to points in U.S.

MC 154473, filed January 22, 1981. Applicant: INTERNATIONAL TRAVEL, INC., 3720 Hillsboro Road, Nashville, TN 37215. Representative: Bernerd G. Krohn (same as applicant), (615) 385-1222. To engage in operations, in interstate or foreign commerce, as a *broker*, at Nashville, TN arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in round trip, special and charter operations, beginning and ending at points in AL, GA, KY, SC and TN, and extending to points in the U.S.

Volume No. OP3-201

Decided: March 11, 1981.

By the Commission, Review Board No. 2, Members, Carlton, Fisher and Williams.

MC 107295 (Sub-1012), filed January 21, 1981. Previously published in the **Federal Register** issue of February 20, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duance Zehr (same address as applicant). Transporting *materials and supplies* used in the manufacture and distribution of insulation, from points in the U.S., to points in Ottawa County, MI; and (2) *materials and supplies* used in the manufacture and distribution of metal roofing, from points in the U.S., to points in Kent County, MI.

Note.—This republication modifies the commodity and territorial description.

MC 138505 (Sub-14), filed February 2, 1981. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 6000 South Ulster, Suite 206, Englewood, CO 80111. Representative: Ralph F. Fox (same address as applicant), (303) 773-8883. Transporting *office products*, between points in the U.S., under continuing contract(s) with Boise Cascade Office Products Division, of Houston, TX.

MC 145494 (Sub-6), filed February 5, 1981. Applicant: EDINA CARTAGE COMPANY, a corporation, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *containers, container closures, and container ends*, between the facilities of All-Pak Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 147644 (Sub-6), filed January 26, 1981. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Lane, Jeffersonville, IN 47130. Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Transporting *such commodities* as are dealt in or used by producers and distributors of alcoholic beverages, between Kansas City, and St. Louis, MO, Cincinnati, OH, and points in IN and KY, on the one hand, and, on the other, Phoenix and Tuscon, AZ, Little Rock, AR, Harahan, Lafayette, and Shreveport, LA, and Amarillo, Corpus Christi, Dallas, El Paso, Ft. Worth, Houston, Odessa, and San Antonio, TX.

MC 152134 (Sub-4), filed February 3, 1981. Applicant: BESTWAY TRANSPORT CO., a corporation, Route 2, Willard, OH 44890. Representative: Lewis Witherspoon, 88 E. Broad St., Columbus, OH 43215, (614) 224-2477. Transporting *sugar*, between New York City, NY, Philadelphia, PA, and Baltimore, MD, on the one hand, and, on the other, points in OH.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8442 Filed 3-18-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80100.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified

statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-078

Decided: March 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 121650 (Sub-1), filed February 17, 1981. Applicant: UTAH PACKAGE XPRESS, INCORPORATED, 961 W 1820 S, Salt Lake City, UT 84104. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111 (801) 531-1300. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Condition: Upon issuance of a certificate in this proceeding, the certificate issued in MC 121650 will be cancelled.

MC 147461 (Sub-5), filed February 18, 1981. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Drive, Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100 1660 L St., NW., Washington, DC 20036 (202) 452-7422. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S.

Volume OPY-2-011

Decided: March 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 87103 (Sub-90), filed February 19, 1981. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Walter C. Keal (Same as Applicant) (216) 673-2800. *Transporting Shipments Weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume OPY-4-26

Decided: March 13, 1981.

By the Commission, Review Board No. 2, Members Carlton, Fisher and Williams.

MC 87006 (Sub-10), filed February 23, 1981. Applicant: DISTILLERY TRANSFER SERVICE, INC., P.O. Box H, Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223-6244. Transporting, for or on behalf of the United States Government, (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no package exceeds 100 pounds, between points in the U.S.

MC 138686 (Sub-14), filed March 2, 1981. Applicant: L C W TRUCKING, INC., P.O. Box 728, Crowley, TX 76036. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76013 (817) 332-4718. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 139006 (Sub-27), filed February 23, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223-5906. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used houshold goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154466, filed February 6, 1981. Applicant: RAINBOW TRANSPORTATION BROKERS, P.O. Box 9224, Baltimore, MD 21222. Representative: Charles Berube (same address as applicant) (301) 285-6564. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8440 Filed 3-16-81, 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environmental nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new

entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-075

Decided: March 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 381 (Sub-27), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435-7140. Transporting *metal products*, between the facilities used by Hoeganaes Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 2860 (Sub-218), filed March 3, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave. Vineland, NJ 08360. Representative: Richard M. Parnicky (same address as applicant). Transporting *food and related products*, between points in Cook County, IL, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MO, and WI.

MC 52460 (Sub-316), filed February 23, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446-4434. Transporting *food and related products*, between points in Santa Cruz County, CA, on the one hand, and, on the other, points in IL, IA, LA, MO, OK and TX.

MC 52460 (Sub-317), filed February 27, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446-4434. Transporting *food and related products*, between points in Ford County, KS, on the one hand, and, on the other, points in CA, CO, IL, IA, MN and NE.

MC 82841 (Sub-304), filed February 9, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106 (402) 392-1220. Transporting (1) *Lumber and wood products*, (2) *pulp, paper and related products*, and (3) *forest products*, between points in (1) UT and MN, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, KY, MI, MN, MO, NC, NE, OH, PA, SC, SD, TN, WI, WV, and WY, (2) Navajo County, AZ, on the one hand, and, on the other, points in Bernalillo County NM and (3) CA, on the one hand, and, on the other, points in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NV, NE, NM, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, WA, WV, WI, and WY.

MC 82841 (Sub-306), filed February 27, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106 1-402-392-1220. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment, industrial equipment, and lawn and leisure products, between points in Denver County, CO, on the one hand, and, on the other, points in ID,UT, those in that part of OK on and west of U.S. Hwy 183, those in that part of TX on and north of a line beginning at the NM-TX state line and extending along U.S. Hwy 60 to junction TX Hwy 86, then along TX Hwy 86 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 183, then along U.S. Hwy 183 to the TX-OK state line, and those in that part of MT on and south of a line beginning at the ID-MT state line and extending along Interstate Hwy 90 to junction Interstate Hwy 94, then along Interstate Hwy 94 to the MT-ND state line.

MC 111231 (Sub-343), filed March 2, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (same address as applicant) (501) 751-4806. Transporting *lumber and wood products*, between points in Searcy County, AR, on the one hand, and, on the other, points in the U.S.

MC 117380 (Sub-4), filed February 24, 1981. Applicant: EWING BROS. INC., 1200 North "A" St., Las Vegas, NV 89106. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067 (213) 879-5955. Transporting *transportation equipment*, between points in NV, AZ, CA, and UT.

MC 120821 (Sub-3), filed February 27, 1981. Applicant: ILLINOIS FREIGHT SYSTEM, INC., 618 Brookwood Dr., East Alton, IL 62024. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-8466. Transporting (1) *construction materials*, and (2) *metal products*, between points in IL, IN, MO, and WI. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of its Certificate of Registration in No. MC 120821 (Sub-1).

MC 120761 (Sub-70), filed March 2, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, TX 76117. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102 (817) 332-4415. Transporting (1) *forest products* and (2) *lumber and wood products*, between points in AL and MS, on the one hand, and, on the other, points in the U.S.

MC 120981 (Sub-36), filed February 10, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, 706 McClure Bldg. Frankfort, KY 40601 (502) 227-7384. Transporting *general commodities* (except classes A and B explosives), (A) over regular routes, (1) between Mobile, AL, and Baton Rouge, LA, from Mobile, AL, over Interstate Hwy 10 to junction Interstate Hwy 12, then over Interstate Hwy 12 to Baton Rouge, LA, and return over the same route, serving all intermediate points, (2) between Montgomery, AL, and Jackson, MS, from Montgomery, AL, over U.S. Hwy 30 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Jackson, MS, and return over the same route, serving all intermediate points, (3) between Mobile, AL, and Jackson, MS, from Mobile, AL, over U.S. Hwy 98 to junction U.S. Hwy 49, then over U.S. Hwy 49 to Jackson, MS, and return over the same route, serving all intermediate points, (4) between Lexington, KY, and Delaplain, KY, from Lexington, KY, over U.S. Hwy 25 to junction KY U.S. Hwy 620, then over KY Hwy 620 to Delaplain, KY, and return over the same route, serving all intermediate points, (5) between Lexington, KY, and Cynthiana, KY, from Lexington, KY, over Interstate Hwy 75 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Cynthiana, KY, and return over the same route, serving all intermediate points, and (B) Over irregular routes, (1) between points in Scott County, KY, on the one hand, and, on the other, points in OH, those points in PA on and west of U.S. Hwy 219, and those points in NY on and west of NY Hwy 14, and (2) between Baton Rouge, LA, and points in Hinds County, MS,

and Davidson County, TN, on the one hand, and, on the other, those points in TX on and east of Interstate Hwy 35, and those points in LA on and south of a line beginning at the TX–LA State line and extending along Interstate Hwy 10 to junction Interstate Hwy 12, then along Interstate Hwy 12 to the LA–MS State line.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 125660 (Sub-22), filed February 18, 1981. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, Route 2, Missoula, MT 59801. Representative: Michael D. Duppenthaler, 211 S. Roshington St., Seattle, WA 98104 (206) 622–3220. Transporting *such commodities* as are dealt in or used by grocery stores, drug stores, hardware stores and food business houses, between points in MT, WY, ID, WA, OR, NV, UT, CA, CO, ND, and SD.

MC 125771 (Sub-9), filed February 19, 1981. Applicant: CAYUGA SERVICE, INC., 121 Ridge Rd. (Drawer C), Lansing, NY 14882. Representative: Robert L. Wilkinson (same address as applicant) (607) 533–4291. Transporting *salt products* between points in the U.S., under continuing contract(s) with Cargill, Inc., of Lansing, MI.

MC 134271 (Sub-2), filed March 2, 1981. Applicant: PRUITT MOVING AND STORAGE COMPANY, 800 West Hardin St., Findlay, OH 45840. Representative: Andrew Jay Burkholder, 275 East State St. Columbus, OH 43215 (614) 228–6575. Transporting *rubber and plastic products*, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, IA, and MN.

MC 135231 (Sub-53), filed February 23, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6869. Transporting *general commodities* (except classes A and B explosives), between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 135691 (Sub-52), filed February 23, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 South 33rd St., P.O. Box 6045, Lincoln, NE 68506. Transporting *Metal products*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 143061 (Sub-10), filed February 9, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant) (919) 623–9106 Transporting *textile mill products*, between points in the U.S. under continuing contract(s) with Blue Bell, Inc., of Greensboro, NC.

MC 143280 (Sub-16), filed March 2, 1981. Applicant: SAFE TRANSPORTATION COMPANY, A Corporation, 6634 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6869. Transporting *food and related products*, between points in Chippewa County, WI and Big Stone and Sibley Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 145950 (Sub-90), filed February 9, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Dr., Waco, TX 76706. Representative: Arthur W. Grimes (same address as applicant) (817) 752–1613. Transporting (1) *general commodities* (except classes A and B explosives), between points in Washington County, MD, on the one hand, and, on the other, points in the U.S., (2) *machinery*, between points in Washington County, MD, Berkeley and Jefferson Counties, WV, on the one hand, and, on the other, points in the U.S., (3) *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S., and (4) *food and related products*, between points in McLennan and Bosque Counties, TX, on the one hand, and, on the other, points in KS, NE, IA, and MN.

MC 146380 (Sub-6), filed March 2, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603., (312) 236–0375. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with National Tile Industries, Inc., of Shawnee, OK.

MC 146670 (Sub-2), filed February 26, 1981. Applicant: STOKLEY TRANSPORTATION CORP., P.O. Box 159, Glassboro, NJ 08020. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. (201) 575–7700. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Shieldalloy Corporation, Division of Metallurg, Inc., of Newfield, NJ.

MC 149411 (Sub-1), filed February 10, 1981. Applicant: HEUERTZ TRUCKING, INC., 436 Second Ave., N.W., LeMars, IA 51031. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. Transporting *ores and minerals*, between points in IA, NE, MN, and SD.

MC 150180 (Sub-2), filed February 13, 1981. Applicant: MENCHVILLE MARINE SUPPLY CORPORATION, 494 Menchville Rd., Newport News, VA 23602. Representative: T.V. Morrison, Jr., P.O. Box Box 1003, (9306 Warwick Blvd.) Newport News, VA 23601. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Associates Research Management, Inc., of Crystal Lake, IL.

MC 152021 (Sub-5), filed February 23, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant). Transporting *pulp, paper and related articles*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 152140, filed February 27, 1981. Applicant: GRIMES TRUCKING COMPANY, 600 N. Ellis Road, P.O. Box 37587, Jacksonville, FL 32205. Representative: William E. Scheu, P.O. Box 479, Jacksonville, FL 32201. Transporting *food and related products*, between points in Duval, Nassau, Baker, Union, Bradford, Alachua, Marion, Lake, Orange, Seminole, Osceola, Brevard, Volusia, Flagler, Putnam, St. Johns, Clay, Palm Beach, Broward, Dade, Pinellas, Hillsborough, Polk and Columbia Counties, FL.

MC 152930 (Sub-1), filed February 10, 1981. Applicant: BOTTAMILLER ENTERPRISES, INC., 12121 N. Springmill Road, Carmel, IN 46032. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *machinery*, between points in Hamilton County, IN, on the one hand, and, on the other, San Francisco and Los Angeles, CA, and points in Washoe County, NV.

MC 154360, filed February 10, 1981. Applicant: ERZAK LIMOUSINES, LTD., 39 Magnolia Lane, Hamilton Township, NJ 08610. Representative: Myron D. Milch, 660 Stuyvesant Ave., Irvington, NJ 07111, (201) 399–2500. Transporting *passengers and their baggage*, between John F. Kennedy International Airport and LaGuardia Airport, NY, Newark International Airport, NJ, and Philadelphia International Airport, PA, on the one hand, and, on the other, Bensalem, PA, and Atlantic City and Trenton, NJ, under continuing contract(s) with Commercial Capital

Co., Inc., of Bensalem, PA, and The Money Store of Trenton, NJ.

MC 154420, filed February 27, 1981. Applicant: DAVID L. DURBANO CONSTRUCTION, INC., d.b.a. D L D TRUCKING, P.O. Box 1544, 680 West 21st St., Ogden, UT 84402. Representative: David L. Durbano (same address as applicant), (801) 621–5311. Transporting *metal and metal products,* between points in the U.S. under continuing contract(s) with Nucor Steel, a division of Nucor Corporation, of Charlotte, NC.

MC 154421, filed February 27, 1981. Applicant: ART DESERANO, INC., 420 Gilbertville Road, Elk Run Heights, IA 50707. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005, (212) 269–2540. Transporting *general commodities* (except classes A and B explosives), between points in Boone, Bureau, Carroll, De Kalb, Fulton, Grundy, Hancock, Henderson, Henry, Jo Daviess, Kane, Kendall, La Salle, Lee, Livingston, McDonough, McHenry, McLean, Marshall, Mason, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Tazewell, Warren, Whiteside, Winnebago, and Woodford Counties, IL, Adams, Columbia, Crawford, Dane, Dunn, Eau Claire, Grant, Green, Iowa, Jackson, La Crosse, Lafayette, Monroe, Pierce, Richland, Rock, St. Croix, Sauk, Trempealeau, Vernon, and Walworth Counties, WI, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Jackson, Lac qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Waseca, Washington, Watonwan, and Yellow Medicine Counties, MN, on the one hand, and, on the other, points in IA.

MC 154450, filed February 27, 1981. Applicant: MILTON LEE SIMS, d.b.a. M & S TRANSIT, 3412 Westminster Ave., Santa Ana, CA 92703. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *food and related products,* between points in Los Angeles County, CA, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY.

MC 154550 filed February 20, 1981. Applicant: TOURS A LA CARTE, INC., Spread Eagle Village, Wayne, PA 19087. Representative: Dixie R. McAfee, Arbordeau, #6 Brettagne, Devon, PA 19333, (215) 644–1957. As a *broker,* at Chadds Ford, PA, in arranging for the transportation of *passengers and their baggage,* between points in the U.S.

Volume No. OPY2–016

Decided: March 12, 1981.

By the Commission, Review Board No 1, Members Parker, Chandler and Taylor.

MC 1263 (Sub-40), filed February 23, 1981. Applicant: MCCARTY TRUCK LINE, INC., 17th and Harris, Trenton, MO 64683. Representative: James M. McCarty (same address as applicant), 816–359–2253. Transporting *general commodities* (except classes A and B explosives) (1) between points in Jackson, Clay, Platte, and Cass Counties, MO, Wyandotte, Leavenworth, and Johnson Counties, KS, on the one hand, and, on the other, those points in the U.S., in and east of ID, UT, and AZ, (2) between points in Livingston County, MO, on the one hand, and, on the other, those points in the U.S., in and east of ID, UT, and AZ, (3) between points in Lee and Whiteside Counties, IL, on the one hand, and, on the other, those points in the U.S., in and east of ID, UT, and AZ, and (4) between the facilities of (a) Carnation Company, (b) Donaldson Company, Inc., (c) Heinz U.S.A., Division of H. J. Heinz Co., (d) Mid-Continent Bottlers, Inc., (e) L. T. York, Inc., (f) Purex Corporation, (g) Modine Manufacturing Corporation, (h) Young Radiator Company, and (i) Brown Transfer & Storage Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 63562 (Sub-66), filed February 9, 1981. Applicant: BN TRANSPORT, INC., 6775 East Evans Ave., P.O. Box 22694—Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307, 515–243–4191. Over *regular routes,* transporting *general commodities* (except classes A and B explosives) (1) between St. Louis, MO and Houlton, ME: from St. Louis over Interstate Hwy 64 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction New Jersey Turnpike, then over New Jersey Turnpike to junction Interstate Hwy 95, then over Interstate Hwy 95 to Houlton, and return over the same route, (2) between Galesburg, IL and Cincinnati, OH, over Interstate Hwy 74, (3) between Gary, IN and Cleveland, OH: from Gary over Interstate Hwy 65 to Louisville, KY, then over Interstate Hwy 71 to Cleveland, and return over the same route, (4) between Staunton, VA and intersection Interstate Hwy 81 and the International Boundary line between the U.S. and Canada, over Interstate Hwy 81, (5) between Chicago, IL and Boston, MA, over Interstate Hwy 90, (6) between St. Louis, MO and Baltimore, MD, over Interstate Hwy 70, (7) between Chicago, IL and intersection Interstate Hwy 87 and the International Boundary line between the U.S. and Canada: from Chicago over Interstate Hwy 80 to junction Interstate Hwy 95, then over Interstate Hwy 95 to intersection Interstate Hwy 87, then over Interstate Hwy 87 to the International Boundary line between the U.S. and Canada, and return over the same route, (8) between Cleveland, OH and Erie, PA: from Cleveland over Interstate Hwy 77 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Erie, and return over the same route, (9) between Lexington, KY and Muskegon, MI: from Lexington over Interstate Hwy 75 to junction Interstate Hwy 96, then over Interstate Hwy 96 to Muskegon, and return over the same route, (10) between Philadelphia, PA and junction Interstate Hwys 76 and 71, over Interstate Hwy 76 to junction Interstate Hwy 71, (11) between Baltimore, MD and Jersey City, NJ: from Baltimore over Interstate Hwy 83 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 to Jersey City, and return over the same route, (12) between New Haven, CT and intersection Interstate Hwy 91 and the International Boundary line between the U.S. and Canada, over Interstate Hwy 91, and (13) serving all intermediate points in routes (1) through (12) above, and serving points in CT, DE, IN, KY, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and WV, as off-route points in connection with carrier's authorized regular routes.

MC 114273 (Sub-774), filed March 3, 1981. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant), (319) 396–4400. Transporting *general commodities* (except classes A and B explosives), between the facilities used by ITOFCA, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 114273 (Sub-775), filed March 3, 1981. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant), (319) 396–4400. Transporting *transportation equipment* (1) between Nashville, TN on the one hand, and, on the other, Chicago, IL, and (2) between Nashville, TN and Cleveland, OH, on the one hand, and, on the other, Kansas City and St. Louis, MO, and St. Paul, MN.

Note.—Applicant indicates intention to tack part (1) of the instant application at Chicago, IL with authority in Sub 226(1).

MC 120822 (Sub-7), filed February 23, 1981. Applicant: INDUSTRIAL FREIGHT SYSTEM, INC., 9120 San Fernando Rd., Sun Valley, CA 91352. Representative: Gary W. Wigand, 13031 San Antonio Dr., Suite 214, Norwalk, CA 90650 (213) 863–8818. Transporting *general commodities* (except classes A and B explosives), between points in CA, CO, FL, GA, IL, IN, KS, LA, MN, MO, MT, NJ, NY, OH, TN, TX, VA, and WI.

MC 129712 (Sub-41), filed February 27, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326 (404) 237–6472. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (1) lumber and wood products, and (2) building materials, between points in the U.S., under continuing contract(s) with Erb Lumber Company, of Birmingham, MI.

MC 138693 (Sub-10), filed March 2, 1981. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Rd., Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting *bananas*, between points in the U.S., under continuing contract(s) with Schultz-Sav-O Stores, Inc., of Sheboygan, WI.

MC 142672 (Sub-164), filed March 2, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701 (501) 521–8121. Transporting *such commodities* as are dealt in or used by discount, variety, and grocery stores, between the facilities of Mass Merchandisers, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144692 (Sub-5), filed February 23, 1981. Applicant: GARY L. MANN, d.b.a. G. L. MANN TRUCKING, 16500 Fischer Ave., Hastings, MN 55033. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *coal and coal products*, between points in IA, MN, and WI.

MC 146753 (Sub-19), filed March 3, 1981. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: R. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, N.W. Washington, DC 20001 (202) 628–9243. Transporting *chemicals and related products* between Atlanta, GA and Chicago, IL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, KS, OK, AND TX.

MC 147003 (Sub-11), filed February 23, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68802. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506 (402) 488–4841. Transporting *food and related products*, between points in Hall and Lancaster Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 150783 (Sub-13), filed February 27, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same as applicant) (501) 636–1879. Transporting (1) *transportation equipment*, (2) *machinery*, and (3) *rubber and plastic products*, between the facilities of Union Carbide Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150953 (Sub-2), filed February 25, 1981. Applicant: SEVERS YARN EXPRESS, INC., Suite 724, 3450 Drummond St., Montreal, Quebec H3G 1Y2, Canada. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW, Washington, DC 20005 (202) 347–9332. Transporting *textile mill products*, between points in TN, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in NY.

MC 151682, filed March 3, 1981. Applicant: T. R. WOODS TRUCKING, INC., 1908 Gravois Rd., High Ridge, MO 63049. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101 (314) 241–9333. Transporting *chemicals and related products* between St. Louis, and points in Pemiscot County, MO, on the one hand, and, on the other, points in AR, IA, IL, IN, KY, MO, MS and TN

MC 151993, filed February 27, 1981. Applicant: FRANK SMITH d.b.a. FRANK SMITH TRUCKING, Rte. 1, Box 3, Marble Falls, TX 78654. Representative: Robert J. Birnbaum, Suite 151, 3636 Executive Center Drive, Austin, TX 78731, 5120. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Calcium Carbonate Company, Division of J. M. Huber Corporation, of Marble Falls, TX.

MC 153082 (Sub-1), filed February 23, 1981. Applicant: TRANS CONTINENTAL TRANSPORT, INC., P.O. Box 7583, Boise, ID 83707. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111 (801) 531–1300. Transporting *lumber and wood products, metal products, machinery, and building materials*, between points in the U.S., under continuing contract(s) with Trus Joist Corporation, of Boise, ID.

MC 153282 (Sub-1), filed February 27, 1981. Applicant: FINLEY TANK TRUCKING, INC., Rte No. 1, Box 1190, Parma, ID 83660. Representative: Jack Finley (same address as applicant). Transporting *food and related products*, and chemicals and related products, between points in ID, WA, OR, NV, UT and MT.

MC 154232, filed February 9, 1981. Applicant: SLX TRANSPORT, INC., 1703 Highway Two, Duluth, MN 55810. Representative: E. L. Newville (same address as applicant) 218–624–4601. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt, cement, lime, calcium chloride, fly ash and soda ash, between points in MN, MI, IN, IL, IA, NE, WY, MT, ND, SD, and WI. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 154493, filed February 25, 1981. Applicant: DANVILLE TRAVEL SERVICE, INC., WBTM Bldg., 710 Grove St., Danville, VA 24541. Representative: Peter A. Greene, 1920 N St., NW, Washington, DC 20036 (202) 331–8800. As a *broker* at Danville, VA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

Volume OPY–3–009

Decided: March 10, 1981.

By the Commission, Review Board No. 2. Members Carlton, Fisher and Williams.

MC 1515 (Sub-296), filed February 9, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant) (602) 248–2942. Over regular routes, transporting (1) *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (a) between Pensacola, FL and Panama City, FL over U.S. Hwy 98, (b) between junction U.S. Hwy 231 and FL Hwy 20 and Tallahassee, FL, from junction U.S. Hwy 231 and FL Hwy 20 over FL Hwy 20 to Tallahassee, and return over the same route; and (2) over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations,

beginning and ending at points in FL, and extending to points in the U.S.

MC 15975 (Sub-46), filed February 10, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant) (217) 324–2141. Transporting *general commodities* (except classes A and B explosives), between the facilities of Sweet Sue Kitchens, Inc., at or near Athens, AL, on the one hand, and, on the other, points in the U.S.

MC 29934 (Sub-28), filed February 13, 1981. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006 (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, PA, CT, RI, MA, NH, ME, VT, WV, VA, OH, DE, MD, NC, and DC. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC–29934 and related subs, at applicant's written request.

MC 52704 (Sub-292), filed February 10, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Box Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321–1765. Transporting *pulp, paper and related products,* between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 94565 (Sub-5), filed February 10, 1981. Applicant: B.K.W. COACH LINE d.b.a. B.K.W. TOURS, Hummels Wharf, PA 17831. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., Suite 301, Mclean, VA 22101 (703) 821–1305. As a *broker,* at Hummels Wharf and Sunbury, PA, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, beginning and ending at points in Hummels Wharf and Sunbury, PA, and extending to points in the U.S.

MC 107515 (Sub-1414), filed February 10, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE, 5th Floor-Lenox Towers South, Atlanta, GA 30326 (404) 262–7855. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Camp Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107515 (Sub-1415), filed February 10, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE, 5th Floor-Lenox Towers South, Atlantic, GA 30326 (404) 262–7855. Transporting *metal products,* between points in Madison County, TN, Tishomingo County, Ms, and Washington County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 116254 (Sub-325), filed February 9, 1981. Applicant: CHEM–HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: Hampton M. Mills (same address as applicant) (205) 766–9111. Transporting *commodities in bulk,* between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 116544 (Sub-239), filed February 9, 1981. Applicant: ALATRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303 (415) 856–0117. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in FL, on the one hand, and , on the other, points in AL, CT, DE, GA, ID, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, VT, WA, WV, and ports of entry on the international boundary line between the United States and Canada in the U.S.

MC 116915 (Sub-142), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602 (502) 227–2254. Transporting *machinery,* between points in the U.S.

MC 124154 (Sub-106), filed February 10, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thoma F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302 (904) 576–1221. Transporting *general commodities* (except classes A and B explosives), between those points in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, points in the U.S.

MC 126555 (Sub-88), filed February 12, 1981. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, rapid City, SD 57709. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203 (303) 861–4273. Transporting *metal products,* between points in SD, MN, ND, MT, WY, IA, NE, CO, UT, IL IN, NV, KS, WI, OH, PA, MI, MO, OK, TX, LA, AR, NM, AZ, ID, WA, OR, and MD.

MC 126904 (Sub-41), filed February 10, 1981. Applicant: H.C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107 (215) 735–3060. Transporting *metal* and *rubber and plastic products,* between points in Sangamon and Montgomery Counties, IL, Prentiss County, MS and Marshall County, KY on the one hand, and, on the other, points in the U.S.

MC 126904 (Sub-42), filed February 10, 1981. Applicant: H.C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107 (215) 735–3060. Transporting *alcoholic and malt beverages,* (1) between points in AL, AR, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, TN, TX and WI, and (2) between points in AL, AR, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, TN, TX and WI on the one hand, and, on the other, points in the U.S. in and east of NY, PA, WV, VA, NC, GA, and FL.

MC 124154 (Sub-106), filed February 10, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thoma F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302 (904) 576–1221. Transporting *General commodities* (except classes A and B explosives), between those points in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, points in the U.S.

MC 133695 (Sub-4), filed February 12, 1981. Applicant: WILLIAM NORDSTROM d.b.a. PIGGY BACK CARTAGE COMPANY, 1518 Garst Avenue, Boone, IA 50036. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309 (515)–245–4300. Transporting (1) *food and related products,* (2) *pulp, paper and related products,* and (3) *household goods,* between points in Hamilton, Boone, Greene and Story Counties, IA, on the one hand, and, on the other, points in IL, IN, MO, KS, NE, SD, ND, MN and WI.

MC 135605 (Sub-16), filed February 10, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103 (901)–526–4114. Transporting *chemicals and related products* between points in the U.S.

MC 140484 (Sub-88), filed February 10, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC

20005 (202) 296–3555. Transporting *general commodities* (except classes A and B explosives), between points in Lee, Charlotte, and Collier Counties, FL, on the one hand, and, on the other, points in the U.S.

MC 140685 (Sub-130), filed February 10, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216) 296–2877. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 140685 (Sub-131), filed February 10, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216)–296–2877. Transporting *food and related products*, (1) between points in MO, IN, NE, OH, PA, KS, IA, MN and WV, on the one hand, and, on the other, points in the U.S., and (2) between points in Clark County, SD, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO and NM.

MC 141424 (Sub-6), filed February 10, 1981. Applicant: P-Y TRANSPORT, INC., 50 S. Williams St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg. 1511 K St., N.W. Washington, DC 20005 (202) 783–7900. Transporting (1) *Gypsum and gypsum products*, (2) *building materials*, (3) *paper and paper products*, (4) *chemicals and related products*, and (5) *rubber and plastic products*, between points in the U.S.

MC 144115 (Sub-15), filed February 10, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th St., NW, Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095 (414) 677–2566. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between the facilities of Carnation Co, at points in the U.S., on the the one hand, and, on the other, points in the U.S.

MC 144474 (Sub-3), filed February 10, 1981. Applicant: MORGAN MOVING & STORAGE, INC., Route 2, Highway 45 South, Booneville, MS 38829. Representative: W. H. Timlinson, 1001 13th Street, Suite B, Columbus GA 31906 (404)–322–8404. Transporting *rubber and plastic products*, between points in Alcorn County, MS, on the one hand, and, on the other, points in the U.S.

MC 145084 (Sub-), filed February 10, 1981. Applicant: THOMASSON TRANSPORTATION COMPANY, A CORPORATION, P.O. Box 284 (Height Rd.), Noxapater, MS 39346. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203 (205) 251–5223. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Decatur Aeration & Temperature, of Decatur, IL, (2) Pine Belt Wood Preserving, Inc., of Laurel, MS, (3) Santiam Midwest Lumber Co.-Utica, of Utica, MI, (4) structural steel service, Inc., of Meridian, MS, (5) T. H. Webb Construction Co., Inc., of Meridian, MS, (6) Forest Lumber Company, Meridian, MS, (7) Indland Pacific Forest Products, Inc., of Elgin, IL, (8) B & P Lumber Company, Inc., of College Park, GA, (9) Morgan Building Corporation, of Dallas, TX, and (10) Woodstock, Inc., of Terry, MS.

MC 145384 (Sub-56), filed February 10, 1981. Applicant: ROSE-WAY, INC., 1914 East Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial center, Des Moines, IA 50309 (515) 245–4300. Transporting *metal products*, (1) between points in Allen County, IN, on the one hand, and, on the other, points in CA, and (2) between Detroit, MI, and points in New Haven County, CT, on the one hand, and, on the other, points in the U.S.

MC 145734 (Sub-15), filed February 9, 1981. Applicant: B D TRUCKING CO., P.O. Box 817, Ripon, CA 95366. Representative: E. J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104 (415) 986–5778. Transporting *general commodities* (except classes A and B explosives), between Tacoma, WA, on the one hand, and, on the other, points in CA.

MC 146355 (Sub-2), filed February 10, 1981. Applicant: P-N-J KORNACKER, INC., 3030 West 10th St., Waukegan, IL 60085. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *salt, calcium chloride, animal and poultry feed, turf maintenance supplies and equipment*, and *irrigation equipment and supplies*, between points in the U.S.

MC 146464 (Sub-6), filed February 10, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1181, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, (208) 336–5955.Transporting (1) *Mercer commodities*, and (2) *contractors and mining equipment*, between points in CA, OR, WA, ID, NV, AZ, UT, MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, and LA.

MC 147404 (Sub-5), filed February 10, 1981. Applicant: DONALD J. GETTELFINGER, d.b.a. GETTELFINGER FARMS, Rural Route 2, Box 241, Palmyra, IN 47164. Representative: Robert W. Loser, II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Armour and Company, of Phoenix, AZ.

MC 148284 (Sub-2), filed February 12, 1981. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *food and related products*, between points in Crawford County, AR, on the one hand, and, on the other, points in the U.S.

MC 148494 (Sub-2), filed February 13, 1981. Applicant: QUALITY READY MIX CONCRETE CO., a Corporation, 1415–14th Ave., Fulton, IL 61252. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *fertilizer*, between points in Whiteside County, IL, and Dubuque County, IA, on the one hand, and, on the other, points in IA, MN, and WI.

MC 148344 (Sub-6), filed February 10, 1981. Applicant: TRAVIOLI AND SONS TRUCKING, INC., Rural Route 31, Box 169A, Terre Haute, IN 47803. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204 (317)–635–2339. Transporting *printed matter*, between points in the U.S. under a continuing contract(s) with World Color Press, Inc., of Effingham, IL.

MC 148244 (Sub-3), filed February 10, 1981. Applicant: PEAKE, INC., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304 (515) 245–2730. Transporting *chemicals and related products*, between points in NE and IA.

MC 150954 (Sub-15), filed February 12, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217 (512) 826–6496. Transporting *lumber and wood products, building materials*, and *pulp, paper, and related products*, between points in CA, ID, and OR, on the one hand, and, on the other, points in the U.S.

MC 150954 (Sub-16), filed February 12, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217 (512) 826–6496. Transporting *malt beverages*, between points in

Multnomah County, OR, on the one hand, and, on the other, points in the U.S.

MC 151655 (Sub-3), filed February 11, 1981. Applicant: FRANK BROS. TRUCKING CO., a corporation, P.O. Box 241, 349 Abbott Ave., Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *metal products*, between points in Ellis County, TX, on the one hand, and, on the other, points in the U.S.

MC 153314 (Sub-2), filed February 10, 1981. Applicant: M & D TRANSPORTATION, INC., 6538 North 57th Ave., Box 775, Glendale, AZ 85301. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of material handling equipment, between points in AZ, CA, NM, and NV, on the one hand, and, on the other, points in the U.S.

MC 154165 (Sub-1), filed February 10, 1981. Applicant: RICHARD M. SEAWICK, d.b.a. SEAWICK TRANSPORT, 6815 Dorr St., Toledo, OH 43615. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of iron and steel articles, between Youngstown, OH, and points in Lorain, Erie, Huron, Sandusky, and Seneca Counties, OH, and Westmoreland and Allegheny Counties, PA, on the one hand, and, on the other, points in IN, KY, MI, OH, PA, and WV.

MC 154234, filed February 10, 1981. Applicant: LAMBERT TRANSFER COMPANY, a corporation, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245–2730. Transporting *cement*, between points in MN and WI.

MC 154335, filed February 17, 1981. Applicant: FUELL TRANSPORTATION CO., INC., 1401 Fairfax Trafficway, Bldg. D, Kansas City, KS 66115. Representative: Arthur J. Cerra, 2100 Charterbank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *chemicals, building materials, machinery*, and *metal products*, between points in KS, MO, and MS, on the one hand, and, on the other, points in the U.S.

MC 154374, filed February 17, 1981. Applicant: SUN COAST TOURS, 6401 Ocean Ave., Wildwood Crest, NJ 08260. Representative: Richard S. Adelizzi (same address as applicant), (609) 522–0206. As a *broker* in arranging for the transportation of *passengers and their baggage*, between Philadelphia, PA, and Wildwood Crest, NJ.

Volume OPY–3–018

Decided: March 10, 1981.

By the Commission Review Board No. 2. Members, Carlton, Fisher and Williams.

MC 2095 (Sub-35), filed February 10, 1981. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS 66534. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–0629. Transporting (1) *fertilizer*, and (2) *feed and feed ingredients*, between points in MO, AR, KS, NE, IA, OK, TX, IL, and CO.

MC 73134 (Sub-3), filed February 10, 1981. Applicant: SUPREME EXPRESS & TRANSFER CO., a corporation, 3311 Chouteau Ave., St. Louis, MO 63101. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101, (314) 241–0333. Transporting *copper and copper products*, between points in the U.S., under continuing contract(s) with Cerro Copper Products Company, of East St. Louis, IL.

MC 107295 (Sub-1020), filed February 17, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *bottle washing machines*, between points in Hennepin and Anoka Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 112854 (Sub-40), filed February 11, 1981. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Otario Center, NY 14520. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *food and related products*, between points in Cattaraugus, Chautauqua, Erie, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 124835 (Sub-28), filed February 19, 1981. Applicant: PRODUCERS TRANSPORT CO., a Corporation, P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant) (615) 756–7678. Transporting *clay, concrete, glass or stone products*, between points in Washington County, TN, on the one hand, and, on the other, points in AL, GA, KY, NC, SC, TN, VA, and WV.

MC 125535 (Sub-24), filed February 12, 1981. Applicant: NATIONAL SERVICE LINES, INC., 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Heim (same address as applicant), (314) 569–1161. Transporting *clay, concrete, glass or stone products*, between points in Hawkins and Sullivan Counties, TN, and points in Taylor County, WA, on the one hand, and, on the other, points in the U.S.

MC 125535 (Sub-25), filed February 17, 1981. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Heim (same address as applicant), (314) 569–1161. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with C–E Glass, Combustion Engineering, Inc., of Cinnaminson, NJ.

MC 126305 (Sub-154), filed February 10, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *food and related products*, between those points in the U.S. in and east of ND, NE, SD, KS, OK, and TX.

MC 127974 (Sub-27), filed February 10, 1981. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, NJ 08610. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC.

Note.—Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificate No. 127974 and Subs thereunder.

MC 129784 (Sub-16), Filed: February 13, 1981. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71720. Representative: Tom E. Moore (same address as applicant), (318) 255–3850. Transporting *commodities in bulk*, between points in AR and LA, on the one hand, and, on the other, points in the U.S.

MC 133194 (Sub-24), Filed: February 10, 1981. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Rd., P.O. Box 1047, Russellville, AR 72801. Representative: Richard Streeter, 1729 H. St., N.W., Washington, DC 20006 (202) 337–6500. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Greenville, TX, and Kansas City, KS, from Greenville, TX, over U.S.

Hwy 24 to junction U.S. Hwy 75, then over U.S. Hwy 75, to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Kansas City, KS, and return over the same route, (2) between Fort Smith, AR, and Tulsa, OK, from Fort Smith, AR, over Interstate Hwy 40 to junction Muskogee Turnpike, then over Muskogee Turnpike to Tulsa, OK, and return over the same route, (3) between Bentonville, AR, and Joplin, MO, over U.S. Hwy 71, and return over the same route, (4) between Bear Creek Springs, AR, and Joplin, MO, from Bear Creek Springs, AR, over U.S. Hwy 65 to junction Interstate Hwy 44, then over Interstate Hwy 44, to junction U.S. Hwy 71, then over U.S. Hwy 71, to Joplin, MO, and return over the same route, (5) between Fort Smith, AR, and Greenville, TX, from Fort Smith, AR, over Interstate Hwy 40 to junction U.S. Hwy 75, then over U.S. Hwy 75, to junction U.S. Hwy 24, then over U.S. Hwy 24, to Greenville, TX.

Note.—Applicant intends to interline and tack this authority with its existing regular route authority.

MC 134105 (Sub-97), Filed: February 11, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant), (615) 756–4066. Transporting *food and related products*, between the facilities of American Pantry, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139434 (Sub-10), filed February 17, 1981. Applicant: MID AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, NE 68401. Representative: Arthur J. Cerra, 2111 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O' Lakes, of Schuyler, NE.

MC 140665 (Sub-132), filed February 10, 1981. Applicant: PRIME, INC., P.O. Box 4204, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266, (216) 296–2877. Transporting *chemicals and related products*, between points in the U.S.

MC 140665 (Sub-133), filed February 10, 1981. Applicant: PRIME, INC., P.O. Box 4204, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266, (216) 296–2877. Transporting (1) *glass bottles*, between points in San Francisco County, CA, on the one hand, and, on the other, points in Comal County, TX, (2) *furniture and fixtures*, between points in Laclede County, MO, on the one hand, and, on the other, points in WA, OR, UT, CA, MN, and TX, (3) *automotive parts*, between Los Angeles, CA, and Chicago, IL, on the one hand, and, on the other, points in the U.S., (4) *wire staples, tools and tool boxes*, between Cleveland and Youngstown, OH, New Orleans, LA, Port Elizabeth, NJ, Baltimore, MD, Wilmington, DE, Houston, TX, Seattle, WA, Los Angeles and San Francisco, CA, on the one hand, and, on the other, points in the U.S., (5) *artificial flowers, plastic articles, cloth, dried flowers*, and *floral supplies*, between points in Polk County, MO, on the one hand, and, on the other, points in the U.S., and (6) *bearings, machines, and machine parts*, between Cleveland, OH, on the one hand, and, on the other, points in the U.S.

MC 141424 (Sub-7), filed February 10, 1981. Applicant: P–Y TRANSPORT, INC., 50 S. Williams St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 783–7900. Transporting *clay, concrete, glass or stone products*, between Cumberland County, PA and New Hanover County, NC.

MC 143394 (Sub-23), filed February 12, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant) (717)–249–2425. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Trans-Am Shippers Cooperative Association, of Chicago, IL.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 145694 (Sub-3), filed February 10, 1981. Applicant: EQUIPMENT SUPPLIES, INC., 7736 W. 62nd Place, Summit, IL 60501. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602. (312)–726–9722. transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, New York, NY, Newark, NJ and Baltimore, MD, and points in KY, MO, MN and OH.

MC 146075 (Sub-7), filed February 13, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert D. Ewing (same address as applicant) (303) 429–4065. Transporting *food and related products*, between points in AR, CO, LA, ID, MT, NM, OK, TX, UT, and WY.

MC 148874 (Sub-4), filed February 18, 1981. Applicant: PROFICIENT FOOD CO., a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773–4111. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with George A. Hormel & Co., of Austin, MN. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 150954 (Sub-18), filed February 17, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217 (512)–826–6496. Transporting *lumber and wood products* and *building materials*, between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL.

MC 152074 (Sub-1), filed February 9, 1981. Applicant: KEY-STONE FREIGHT, INC., 767 St. George St., Woodbridge, NJ 07095. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201)–435–7140. Transporting *Toilet preparations and personal care products*, between points in the U.S., under continuing contract(s) with Charles of the Ritz, of Holmel, NJ.

MC 151445, filed February 10, 1981. Applicant: DUO TRUCKING CORP., 901 Castle Rd., Secaucus, NJ 07094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201)–435–7140. Transporting *general commodities*, (1) between points in the New York, NY, Commercial Zone, and (2) between New York, NY, on the one hand, and, on the other, points in NY, NJ, CT, MA, PA, DE, and MD.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 154014 (Sub-1), filed February 12, 1981. Applicant: ALLEN TRUCK AND TRAILER LEASING, INC., 125 West Peach St., P.O. Box 724, Connellsville, PA 15425. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326 (404)–237–6472. Transporting *such commodities as dealt in or used by manufacturers of cosmetics*, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of New York, NY.

MC 154134 (Sub-1), filed February 10, 1981. Applicant: H & B TRUCKING CO., INC., 224 Oregon St., El Segundo, CA 90245. Representative: R. J. Rees (same address as applicant) (213) 322-0508. Transporting *food and related products*, between the facilities of Bavarian Specialty Foods, in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 154184, filed February 13, 1981. Applicant: AMERICAN PACIFIC POWER APPARATUS, CO., INC., P.O. Box 515, Aurora, OR 97002. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., N.W. Washington, DC 20036 (202) 785-0048. Transporting (1) *metal products*, and (2) *machinery*, between points in the U.S. under continuing contracts with Wellons, Inc., of Sherwood, OR, Fahey Machinery Co., of Portland, OR, Layton Sales and Supply Co., Wilsonville, OR, and D & D Equipment Wholesalers, Inc., of Spokane, WA.

MC 154265, filed February 10, 1981. Applicant: MIKE WILLIAMS TRANSFER, INC., 2 Foxhurst Court, Manhasset Hills, NY 11040. Representative: Arthur J. Piken, Queens Office Tower, 95-25 Queens Blvd., Rego Park, NY 11374 (212) 275-1000. Transporting *machinery*, between points in the U.S., under continuing contract(s) with H. O. Penn Machinery Co., of Armonk, NY.

Volume No. OPY4-24

Decided: March 12, 1981.

By the Commission, Review Board No. 3, Members Carleton, Fisher and Williams.

MC 148706 (Sub-3), filed February 23, 1981. Applicant: AKIN BARNES d.b.a. AKIN BARNES TRUCKING, Rt. 2, Halls, TN 38040. Representative: Edward G. Grogan, Twentieth Fl., First Tennessee Bldg., Memphis, TN 38103 (901) 525-8231. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Office Equipment Distributors, Inc., of Atlanta, GA and Memphis, TN.

MC 151386 (Sub-1), filed February 23, 1981. Applicant: COLDRITE CORPORATION d.b.a. S & J TRUCKING AND LEASING CO., 2045 E. Vernon Ave., Vernon, CA 90058. Representative: Harold D. Samson (same address as applicant) (213) 231-4351. Transporting *food and related products*, between points in CA and AZ.

MC 153156 (Sub-1), filed February 27, 1981. Applicant: DEN-COL CARTAGE & DISTRIBUTION, INC., 3400 Walnut St., Denver, CO 80205. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609 (213-945-2745). Transporting *general commodities* (except classes A and B explosives), between Denver, CO, on the one hand, and, on the other, points in CO, ID, NM, UT, and WY.

MC 154486, filed March 2, 1981. Applicant: CARROLL DAVIS d.b.a. CARROLL DAVIS TRUCKING CO., 2521 Mills Park Rd., Bryant, AR 72022. Representative: Thomas B. Staley, 1550 Tower Bdlg., Little Rock, AR 72201 (501) 375-6151. Transporting (1) *clay, concrete, glass or stone products* and (2) *ores and minerals*, between points in Saline County, AR, on the one hand, and, on the other, points in the U.S.

Volume No. OPY4-25

Decided March 13, 1981.

By the Commission, Review Board No. 2 Members Carleton, Fisher and Williams.

MC 67646 (Sub-97), filed February 27, 1981. Applicant: HALL'S MOTOR TRANSIT CO., 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant), (717) 790-8543. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Syracuse and Alexandria, NY: From Syracuse over U.S. Hwy 11 (also over Interstate Hwy 81) to Watertown, NY, then over Interstate Hwy 81 to junction NY Hwy 12 near Fishers Landing, then over NY Hwy 12 to Alexandria Bay, and return over the same route, serving all intermediate points, and (2) Between Watertown and Glenfield, NY: (a) From Watertown over NY Hwy 3 to junction NY Hwy 28, then over NY Hwy 28 to juction NY Hwy 12, then over NY Hwy 12 to Glenfield, and return over the same route, (b) From Watertown over NY Hwy 12 to Glenfield, and return over the same route, serving all intermediate points and the off-route points of Beaver Falls and Croghan, NY.

MC 97186 (Sub-4), filed February 23, 1981. Applicant: SOUTH PARK MOTOR LINES, INC., d.b.a. COLORADO ALL STATE TRANSPORTATION, P.O. Box 16, Jefferson CO 80456. Representative: David M. Sherman, Suite 475, Capitol Life Center, Denver, CO 80203, (303) 861-2509. Transporting (1) *lumber and wood products*, (2) *pulp, paper and related products*, (3) *chemicals and related products*, (4) *petroleum, natural gas and their products*, (5) *coal and coal products*, (6) *rubber or plastic products*, (7) *clay, concrete, glass or stone products*, (8) *metal products*, (9) *machinery and supplies, transportation equipment*, and (11) *hazardous materials*, between points in CO, AZ, ID, UT, KS, WY, ND, SD, NE, OK, NM, and MT.

MC 117766 (Sub-131), filed February 26, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264-4881. Transporting *such commodities* as are dealt in or used by grocery, retail, and department stores, between points in Los Angeles County, CA, on the one hand, and, on the other, points in AZ.

MC 120316 (Sub-6), filed February 23, 1981. Applicant: WALTON TRANSPORTATION CO., a corporation, 13020 Sarah Lane, Houston, TX 77015. Representative: Joe G. Fender, 9801 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827-1407. Transporting (1) *Mercer commodities*, (2) *metal products*, and (3) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in TX.

MC 125916 (Sub-19), filed February 9, 1981. Applicant: NORWOOD TRANSPORTATION, INC., 2232 So. 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Tower, 36 So. State St., Salt Lake City, UT 84111. Transporting *salt and salt products*, in containers, between points in Grand County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, NM, NV, OR, TX, WA, and WY.

MC 138176 (Sub-9), filed February 26, 1981. Applicant: RENTZ FARM SUPPLY, INC., Route 1, Brinson, GA 31725. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326 (404) 237-8472. Transporting *petroleum, natural gas and their products*, between points in FL, AL, and GA.

MC 139906 (Sub-151), filed February 27, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (401) 476-1144. Transporting *kerosene heaters*, between points in the U.S.

MC 139596 (Sub-2), filed February 23, 1981. Applicant: D & S EXPRESS, INC., 365 Route 22, Green Brook, NJ 08805. Representative: Ken Wilson, 167 Sylvan Rd., Bloomfield, NJ 07003, (201) 338-4425. Transporting *general commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, points in VA, DE, MD, NY, CT, MA, RI, PA, VT, NH and NJ.

MC 147536 (Sub-30), filed February 27, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton

(same address as applicant), (417) 782–2000. Transporting *such commodities* as are dealt in and used by grocery, dairy and food business houses, between points in the U.S.

MC 150486 (Sub-13), filed March 2, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant), (501) 361–2545. Transporting *such commodities* as are dealt in or used by discount and variety stores, between points in Dale County, AL, Boone County, AR, Orleans Parish, LA, Dakota and Lancaster City Counties, NE, Washoe County, NV, and Tarrant County, TX, on the one hand, and, on the other points in the U.S.

MC 150656 (Sub-5), filed March 2, 1981. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 154, Marengo, IL 60152. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507, (813) 758–4153. Transporting *such commodities* as are dealt in or used by manufactures of stairs, paint spraying booths, and railroad crossings, between points in Cook, DuPage, Lake, and McHenry Counties, IL, and Hinds and Rankin Counties, MS, on the one hand, and on the other, points in the U.S.

MC 152066 (Sub-2), filed March 2, 1981. Applicant: RHETT BUTLER TRUCKING, INC., Route 6, Box 63, Andalusia, AL 36420. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting (1) *farm products*, and (2) *machinery*, between points in AL, FL, and GA, on the one hand, and, on the other points in AR, AL, AZ, FL, GA, IL, KY, IN, LA, MS, NC, SC, TN, and TX.

MC 154536, filed March 2, 1981. Applicant: LES–MAR TRUCKING, INC., 1316 Central Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *commodities in bulk*, between points in Hudson and Bergen Counties, NJ, on the one hand, and, on the other, points in NJ, NY, PA, MA, MD, DE, CT, RI, VA, NC, and DC.

Volume No. OP4–82

Decided: March 12, 1981.

By the Commission Review Board No. 2. Members Carlton, Fisher, and Williams.

MC 67646 (Sub-95), filed February 4, 1981, previsouly noticed in the Federal Register issue of February 26, 1981, and republished this issue. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Richmond, VA, and Charleston, WV: from Richmond over Interstate Hwy 64 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Charleston, and return over the same route, serving all intermediate points, and (b) from Richmond over U.S. Hwy 60 to Charleston, serving all intermediate points, (2) between Charleston, WV, and Chicago, IL: from Charleston over Interstate Hwy 64 to Louisville, KY, then over Interstate Hwy 65 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Chicago, and return over the same route, serving all intermediate points; and (3) between Cincinnati, OH, and Danville, KY: (a) from Cincinnati over Interstate Hwy 75 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Danville, and return over the same route, and (b) from Cincinnati over Interstate Hwy 75 to junction KY Hwy 922, then over KY Hwy 922 to KY Hwy 4, then over KY Hwy 4 to junction KY Hwy 68, then over U.S. Hwy 68 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Danville, and return over the same route, serving in (a) and (b) above all intermediate points, and serving points in Boyle County, KY, as intermediate or off-route points.

Note.—(a) The purpose of this republication is to correctly state the requested authority, and (b) Applicant states it intends to tack the above routes with one another, and with its existing authority.

MC 150776 (Sub-4), filed February 5, 1981. Applicant: ALFRED DANIELS, INC., Rt. 1, P.O. Box 272–I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *chemnicals and related products*, between points in Lawrence County, PA, Boyd County, KY, Cabell and Wayne Counties, WV, and Pittsburgh, PA, on the one hand, and, on the other, points in the U.S.

MC 154548, filed February 3, 1981. Applicant: DOROTHY J. COLEMAN, d.b.a. D AND D TRANSPORT, 101 Amherst Rd., S. Hadley, MA 01075. Representative: Dorothy J. Coleman (same address as applicant). Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with National Blank Book Co., Inc., of Holyoke, MA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–8441 Filed 3–18–81; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. AB–109 (Sub-1)]

Quanah Acme & Pacific Railway Co.; Abandonment Between Acme and Floydada in Cottle, Motley, Floyd, and Hardeman Counties, TX; Findings: Correction [1]

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided January 26, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the present and future public convenience and necessity permit the abandonment by the Quanah, Acme & Pacific Railway Company of the line of railroad between milepost 766 at or near Paducah, TX to milepost 833.2 at or near Floydada, TX a distance of approximately 67.2 miles. The total distance of the above segment is subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of public convenience and necessity permitting abandonment was issued to the Quanah, Acme & Pacific Railway Company. Since the investigation has been completed, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than March 30, 1981. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

[1] Republished to cure defects in our February 10, 1981 notice.

shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8444 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-10796]

Shipments Weighing 100 Pounds or Less

AGENCY: Interstate Commerce Commission.

ACTION: Notice of declaratory order proceeding.

SUMMARY: In response to a petition filed by the American Package Express Carriers Association, Inc., (APECA), the Commission is instituting a declaratory order proceeding to give our interpretation of "shipments weighing 100 pounds or less" under 49 U.S.C. 10922(b)(4)(D). Petitioner requests that the Commission promulgate rules which will include language in all certificates issued pursuant to the involved section defining "shipments weighing 100 pounds or less" as "one or more packages weighing in the aggregate 100 pounds or less transported from a consignor to a consignee on any one day." It argues that the statutory language is ambiguous and the failure of the Commission to clarify this section could lead to unauthorized transportation under the involved fitness-only procedure. Although we do not believe a rulemaking proceeding is warranted, we agree that a certain ambiguity exists within the statute as to the meaning of the involved phrase. Therefore, we will exercise our discretion and issue a declaratory order to clarify the meaning of the involved section.

DATES: Comments are due on or before April 20, 1981.

ADDRESS: Send an original and, if possible, 15 copies of any comments to: MC-C-10796, Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20432.

FOR FURTHER INFORMATION CONTACT:
Richard J. Osterman, Jr., (202) 275-7893
or
Edward E. Guthrie, (202) 275-7691.

SUPPLEMENTARY INFORMATION: By petition filed December 10, 1980, the American Package Express Carriers Association, Inc., (APECA) requests that this Commission institute a proceeding to promulgate rules which will incorporate language in all certificates issued pursuant to 49 U.S.C. 10922(b)(4)(D), defining the 100-pound shipments authorized, as "shipments of not more than 100 pounds a day from one consignor to one consignee." Petitioner notes that the Motor Carrier Act of 1980 does not define "100-pound shipments" and that the phrase, therefore, may be subject to a variety of interpretations. To prevent unauthorized transportation by carriers which are granted certificates under the involved fitness only procedure, petitioner seeks the incorporation of language in each certificate which will set forth the Congressional intent.

We believe that a rulemmaking is not the appropriate way to handle this matter; however, since we believe petitioner is correct in noting that an ambiguity exists in the meaning of the phrase "shipments weighing 100 pounds or less" as used in 49 U.S.C. 10922(b)(4)(D), we shall exercise our discretion to issue a declaratory order to clarify the matter.[1]

The term "shipment" has been defined by the Commission to mean "a quantity of freight received from one shipper, at one time, at one place, consigned to one consignee at a single destination under one bill of lading." See *East Express, Inc., Ext.—High Point*, 117 M.C.C. 383, 386 (1972). Under this definition, a certificate authorizing the transportation of "shipments weighing 100 pounds or less" might be interpreted to authorize the transportation of several packages aggregating more than 100 pounds from one consignor to one consignee as long as each package is shipped on a separate bill of lading and does not exceed 100 pounds. However, an examination of the legislative history of subsection (b)(4)(D) seems to preclude this interpretation.

The report of the House Committee on Public Works and Transportation states that under subparagraph (4)(D):

> A shipment is one or more packages weighing in the aggregate 100 pounds or less transported from a consignor to a consignee on any one day. This will allow carriers receiving a certificate under this subparagraph to transport up to 100 pounds from one consignor at any one location to one consignee at any one location on any day.

H.R. Rep. No. 96-1069, 96th Cong., 2d. Sess. 16 (1980). Thus, on any given day, a carrier holding a certificate under this subparagraph appears authorized to transport only a package or aggregate of packages weighing 100 pounds or less from one consignor to one consignee. To prevent confusion as to the interpretation of the phrase "shipments weighing 100 pounds or less", we believe we must declare that the Congressional intent as set forth in House Report 96-1069 is the proper interpretation of the transportation authorized under the involved fitness related application procedure.

All interested persons are invited to comment about this clarification and its impact. This action does not appear to affect significantly either the quality of the human environment or conservation of energy resources. However, anyone may comment on this aspect of the proceeding.

It is ordered:

The petition is denied.

Pursuant to 5 U.S.C. 554(e), and in the sound exercise of our discretion, a declaratory proceeding is instituted.

Decided: March 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8436 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-15)]

Southern Pacific Transportation Exemption for Contract Tariff ICC-SP-C-0003

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed will become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:
Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed March 9, 1981, Southern Pacific Transportation Company (SP) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its proposed contract tariff ICC-SP-C-0003 be made effective on a minimum of 30 days' notice. SP seeks to file the contract tariff on one day's notice with an effective date of March 23, 1981. The duration of the contract is one year.

The contract involves the movement of pipe for the Northern Border Pipeline Project over the lines of SP, the St. Louis

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[1] While petitioner's request for inclusion of language contained in House Report 96-1069 is denied, we note that the statutory language will be included in certificates issued pursuant to 49 U.S.C. 10922(b)(4)(D). See Ex Parte No. 55 (Sub-No. 43A), *Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property)*, 45 Fed. Reg. 86798, December 31, 1980.

Southwestern, the Norfolk and Western and Soo Line. The shipping schedule has recently undergone a significant change. The new schedule accelerates the beginning date for shipments by two weeks with a starting date of March 23, 1981. Corresponding commitments for the receipt of pipe shipments have been made by the receiver. Petitioner thus contends that a 30-day waiting period would be extremely disruptive to the scheduling to which the shipper and receiver have already committed themselves.

SP does not expect any protest of the contract tariff to be filed. It alleges that the contract is of limited scope because it involves a single commodity moving over a single route and has only a year duration. It also contends that the 30 day notice period is not required to protect shippers from any abuse of market power. SP will use a pool of leased rail cars to provide service under the contact, so its own fleet of rail cars will be available to meet its common carrier obligation to serve other shippers. For these reasons, petitioner argues that the requested exemption is warranted.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contract at issue is designed to allow responsive transportation service in connection with a major energy project. To permit the contract to become effective only after a 30-day period could seriously disrupt shipping and production schedules already in place. The contract proposal should enhance carrier service by encouraging efficient use of transportation facilities. It should not impair the carriers' obligation to provide service to other shippers because SP will use a pool of lease cars to move the pipe. Thus, we conclude that a provisional exemption should be granted.

SP has already agreed in its petition to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it during the periods specified in 49 U.S.C. 10713.

In Ex Parte No. 387 (Sub-11), *Southern Pacific Transportation Company Exemption for Contract Tariff ICC–SP–C–0002*, served February 27, 1981, we advised S. P. that the filing of an exemption request on such short notice with no explanation as to why the request was not made earlier will be considered a strong indication that the requested exemption is not actually required. While SP has complied in part to our advice by filing earlier, in the future the Commission will require more detail as to why a shipper made commitments for shipment weeks before the contract's original effective date, April 6, 1981.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed on or before April 3, 1981.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: March 13, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8445 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of

effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Dated: March 12, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC–F–14577F, filed February 17, 1981. DON WARD, INC. d.b.a. DON WARD & CO. (Ward) (241 West 56th Avenue, Denver, CO 80216)—Purchase—Lynden Transport, Inc. (Lynden) (P.O. Box 433, Lynden, WA 98264). Representative: Steven E. Napper, 1700 Western Federal Building, Denver, CO 80202. Ward seeks authority to purchase the interstate operating rights of Lynden. Don A. Ward is the majority stockholder of Ward, and as a condition to the approval of this transaction, he will be required to join in the application. Ward is purchasing those rights contained in Lynden's Permit in MC 136438 (Sub 1), which authorizes the transportation of *Liquid concrete admixtures*, in bulk or tank vehicles. From Seattle, WA to points in OR, ID, MT and that part of CA lying on and north of a line beginning at Eureka and extending along U.S. Highway 101 to junction California Highway 299, thence along California Highway 299 to the California/Nevada state line, with no transportation for compensation on return except as otherwise authorized. The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Master Builders, Division of Martin Marietta Corporation. Ward is a common carrier operating under MC 111434. An application for temporary lease has not been filed. Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Don A. Ward stating that he is the person in control of transferee and that he joins in this application.

MC–F–14574, filed February 11, 1981. ALLTRANS PILOT, INC. (AP) (Two Robert Speck Parkway, Suite 1050, Mississauga, Ontario, Canada L5A 353)—Control—PILOT FREIGHT CARRIERS, INC., (Pilot) (Cherry Street & Polo Road, Winston-Salem, NC 27102). Representatives: Jack Goodman c/o Axelrod, Goodman, Steiner and Bazelon, 39 South La Salle Street, Chicago, IL 60603 and Pansy Beroth, P.O. Box 615, Cherry Street & Polo Road, Winston-Salem, NC 27102. Authority is sought by AP to control Pilot through ownership of its capital stock. AP is controlled by a noncarrier, Alltran Holdings, Inc. (AH) which, in turn, is controlled by a noncarrier, Thomas Nationwide Transport Limited (TNTL), whose stock is widely held. AH also controls a motor common carrier, Alltrans Express USA, Inc. (AXUSA), which in turn controls a freight forwarder, Alltrans Alaska Freight, Inc. (AAF). AH also controls a motor common carrier, MMar Transportation, Inc. (MMT). TNTL controls a noncarrier, Alltrans Canada, Inc. which in turn controls a motor common carrier TNT Canada, Inc. (TC). TC controls a motor common carrier, Trojan Freight Lines, Limited (TFL), a motor common carrier, Overland Western International, Inc. (OWI), and a carrier Champlain Steptilles Express, Inc. (CSX). CSX in turn owns 49 percent of the outstanding capital stock of a noncarrier, Champlan Express, Inc. which in turn controls a motor common carrier, Champlain Express Transport (CXT). TNTL corporate-system carriers hold operating rights generally authorizing transportation of general and specified commodities in Washington, Oregon, California, Arizona, Missouri, Illinois, Wisconsin, Michigan, Ohio, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. AP proposes to control Pilot which holds operating rights generally authorizing transportation of (1) general commodities (serving all intermediate and off-route points) of specified commodities in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Ohio, West Virginia, Kentucky, Indiana and the District of Columbia. The authorities which AP or its affiliates hold duplicate authorities which AP would control through Pilot. A more detailed description of the carrier operating rights are on file as part of the application at the Commission's main office in Washington, DC and at its Regional Office in Atlanta, GA. To avoid conflict with 49 U.S.C. 11323, the authority of AAF will be transferred to Pilot prior to consummation of the instant transaction. Impediment: Duplication exists between the authorities of the TNTL corporate system carriers and Pilot. Therefore, applicants should submit a plan for eliminating duplicate authority.

Notes.—(1) AP has filed an application for temporary control of Pilot. (2) Pilot has filed a directly-related application under 49 U.S.C. 11301 in Finance Docket No. 29583 for authority issue 1,000,000 shares of $1.00 par value common stock to AP as part of the control transactions. At the time of issuance, Pilot will have no authorized stock outstanding because it previously will have redeemed and cancelled its outstanding stock as a earlier step in the control transaction.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8529 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP1-073]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 144621 (Sub-22) (republication), filed August 13, 1980, published in the Federal Register of August 26, 1980, and republished this issue. Applicant: CENTURY MOTOR LINES, INC., Box 66, 52275 U.S. Highway 31, North 46637, South Bend, IN 46624. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. A decision by the Commission, Division 2, acting as an Appellate Division, decided February 23, 1981, and served February 27, 1981, finds that applicant is authorized to operate as a *common carrier* transporting (1) *buffing, polishing, and cleaning compounds, personal care products, and foodstuffs* (except commodities in bulk), (a) from the facilities of Alberto-Culver Co., at or near Melrose Park, IL, to points in AZ, CA, GA, ID, MA, NJ, NV, NY, OR, PA, TX, and WA, (b) from the facilities of Alberto-Culver Co., at or near Sparks, NV, to points in AZ, CA, ID, OR, and WA, and (c) from the facilities of Alberto-Culver Co., at or near Atlanta, GA, to points in FL, IL, MD, NJ, and NY, and (2) *materials, equipment and supplies* used in the manufacture and disposition of the commodities in (1) in the reverse direction. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this

republication is to indicate that applicant has been granted authority to serve points in NV, WA, and OR, which were inadvertently omitted from the initial publication.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8439 Filed 3-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-5301, appearing at page 12863 in the issue for Wednesday, February 18, 1981, make the following correction:

On page 12864, in the second column, in paragraph "MC 108350 (Sub-1-2TA)", application of "Western New York Motor Lines, Inc.", in the twenty-fourth line, "Cleveland, OH." should have read "Cleveland, OH, with other carriers), and interline passengers at Cleveland, OH."

BILLING CODE 1505-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Amendment to Redelegation of Authority No. 99.1.3]

Chief, Excess Property Division, et al., Redelegation of Authority Regarding Excess Property

Pursuant to the authority redelegated to me by Redelegation of Authority No. 99.1.3 dated May 1, 1973, from the Assistant Administrator for Program and Management Services (38 FR 12834), I hereby further amend Redelegation of Authority No. 99.1.3, as amended (38 FR 12837) to substitute "607(c)" for "607(b)" in paragraph A.5 of the Redelegation.

This amendment is effective immediately.

Dated: February 23, 1981.

Hugh L. Dwelley,
Director, Office of Contract Management.

[FR Doc. 81-8304 Filed 3-18-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-10]

Ganes Chemicals, Inc.; Partial Denial of Registration

On March 25, 1980, the Acting Administrator of the Drug Enforcement Administration [DEA] issued to Ganes Chemicals, Inc., Lessee of Siegfried Chemical, Inc., of Pennsville, New Jersey, an Order to Show Cause as to why Ganes Chemicals' application for registration as a manufacturer of controlled substances in Schedules II, III and IV should not be denied. The Order to Show Cause specified a number of instances in which Ganes [hereinafter referred to as "the Respondent"] had failed to provide adequate security and had failed to maintain complete and accurate records with respect to certain controlled substances it manufactured; particularly, these specifications related to methaqualone, a Schedule II substance which the Respondent manufactured in bulk quantities.

On April 23, 1980, the Respondent requested a hearing on the issues raised by the Order to Show Cause and this matter was placed on the docket of Administrative Law Judge Francis L. Young. Following the completion of prehearing proceedings, a hearing was scheduled to be held in Salem, New Jersey, commencing on January 13, 1981.

Contemporaneously with the issuance of the Order to Show Cause in this matter, the United States Attorney for the District of New Jersey filed, in the United States District Court for that jurisdiction, a complaint seeking the assessment of civil penalties against the Respondent. The civil complaint alleged recordkeeping violations similar to those specified in the administrative proceeding.

During the pendency of the civil and administrative proceedings, attorneys and principals representing DEA, the U.S. Attorney's office and the Respondent met on numerous occasions to discuss alternatives to the full sanctions sought in these actions. During this period, the Respondent invested extensively in physical and procedural security measures designed to improve the firm's overall security posture and to prevent a recurrence of the conditions which led to the initiation of these proceedings. Ultimately, on December 9, 1980, agreement was reached on terms for the settlement of both the civil and administrative matters. The scheduled hearing was cancelled and, on February 26, 1981, all proceedings pending before the Administrative Law Judge were terminated.

The agreement reached between representatives of the Government and the Respondent provides, essentially, that the Respondent has withdrawn its opposition to the proposed denial of its application to be registered as a bulk manufacturer of methaqualone and has agreed not to reapply for such registration until 1984. DEA has agreed to withdraw the Order to Show Cause proposing to deny the Respondent's applications in all other respects. The Government further agreed to permit the Respondent to complete the production of all methaqualone in various stages of production at the Respondent's facility and to facilitate the acquisition of this material by the Respondent's single customer for this drug. The Respondent agreed to pay, and has paid, a civil penalty in the sum of $25,000.00 in settlement of the civil action in New Jersey. Additional penalties are provided for if the Respondent fails to dispose of its entire inventory of methaqualone within the allotted time.

The Administrator finds that settlement of this matter, according to the terms agreed upon by the parties, is in the public interest. The record clearly establishes that adequate grounds for the denial of the Respondent's application to manufacture methaqualone exist. Furthermore, the Administrator is confident that the Respondent has taken, and will in the future take, all necessary measures to prevent the diversion of controlled substances into other than legitimate medical, scientific and industrial channels. The Congress, in enacting the Controlled Substances Act, has mandated that all handlers of controlled substances do so under conditions designed to prevent the diversion of these substances into illicit channels. The requirements relating to manufacturers, such as the Respondent, are particularly stringent because of the extremely large quantities of dangerous drugs they handle. The vast majority of manufacturers and other commercial registrants take their responsibilities under the law very seriously. The casual disregard of these responsibilities, by a registrant, cannot, and will not, be tolerated.

Accordingly, under the authority vested in the Attorney General by Sections 303(a) and 303(d) of the Controlled Substances Act, 21 U.S.C. 823(a) and 823(d), the Administrator hereby denies the application of Ganes Chemicals, Inc., to be a bulk manufacturer of methaqualone. In all other respects, the Order to Show Cause

of March 25, 1980, is withdrawn. The Respondent's applications to be registered as a manufacturer of various controlled substances other than methaqualone will be processed and, in due course, issued. Until such processing is completed, the Respondent remains appropriately registered pursuant to the provisions of 21 CFR 1301.47. This order is effective upon execution by the Administrator.

Dated: March 13, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-8370 Filed 3-18-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Efficient Use of Police Resources; Solicitation

The National Institute of Justice plans to initiate a program of research to investigate alternative means of utilizing State and local police agency resources to develop policies, programs or actions that would increase the efficiency and/or productivity of police departments given austere budget environments. This research is prompted by the current situation surrounding the police agency which is placing unusual demands on police resources. There is increasing pressure from the public for governmental fiscal restraint while at the same time Federal aid to police agencies is decreasing. But high crime levels persist and the public continues its demand for more and improved police service. This situation of diminishing resources and rising service demands present police administrators and the police research community new challenges to investigate more efficient alternatives to current police methods and operations.

The solicitation, entitled "Research on Efficient Use of Police Resources" asks for the submission of preliminary proposals rather than concept papers or full proposals. The selection of the final applicants will be determined by a peer review panel process in accordance with the criteria set forth in the solicitation. In order to be considered, all submissions must be postmarked no later than June 1, 1981. Two or more grants or cooperative agreements are planned for award in September 1981 with total funding support not to exceed $200,000 and a time period of 12–18 months in duration. To maximize competition for this award, both profit-making and non-profit organizations are eligible.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, "Research on Efficient Use of Police Resources", National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Further information regarding the solicitation can be obtained by contacting George Shollenberger or Joseph Kochanski, Office of Research Programs, National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (301/492–9110).

Dated: March 3, 1981.

Approved:

Harry Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-8681 Filed 3-18-81; 8:45 am]

BILLING CODE 4410-18-M

Fiscal Year 1981 Research Solicitations

During fiscal year 1981, the National Institute of Justice plans to fund research in the following areas:

Victim Responses to Violent Crime—an analysis of victimization data to explore the effects of victims' resistance or non-resistance to such crimes as robbery, rape, mugging and other criminal violence.

**The Role and Impact of Police Collective Bargaining*—a study of the effects of collective bargaining on police administration and operations, focusing on the experience of the last decade. Deadline for proposals is April 30, 1981.

Efficient Use of Police Resources—an open solicitation that will invite proposals that investigate approaches for increasing police efficiency and productivity in a time of budget cutbacks.

Comparative Analysis of Various Dispute Resolution Programs—an assessment of the effectiveness of various approaches to developing and operating dispute resolution programs and the advantages and disadvantages of dispute resolution compared to traditional court processing.

**Methods for Alleviating Racial Tensions in Prisons*—an open solicitation for research that focuses on improving techniques for managing institutions where racial tensions are high and the potential for racial conflict exists. Deadline for proposals is April 14, 1981.

**Critical Issues Relating to the Operations and Use of Jails (Jail Research)*—an open solicitation for research that can yield empirically-derived knowledge about the role of jails and their impact. Deadline for proposals is April 20, 1981.

Synthesis of Research on Neighborhood Crime Prevention—a grant that will synthesize and assess research on informal social control processes in neighborhoods, describe the current state of knowledge and areas where new information is needed, and draw implications for citizen crime prevention activities.

Evaluation of the Differential Police Response Field Test—an assessment of an NIJ-sponsored field experiment that is testing the feasibility and utility of a system of alternative responses to non-emergency calls for police service.

**Unsolicited Research Program*—grants in the $10,000 to $120,000 range for creative approaches to justice research issues. Deadline for proposals is June 30, 1981.

Programs marked with an asterisk have already been announced in the **Federal Register**; other solicitations will be announced as issued. Additional topics for research may also be announced in future months. All prospective applicants must obtain a copy of the full solicitation before submitting proposals. Readers interested in receiving a copy of a particular program announcement should write to: *National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.* Please specify the title of the announcement.

Dated: March 10, 1981.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-8452 Filed 3-18-81; 8:45 am]

BILLING CODE 4410-18-M

Office of Juvenile Justice and Delinquency Prevention

Postponement of Submission Date

The Office of Juvenile Justice and Delinquency Prevention is postponing the date for submission of Planning and Coordination Grant applications as announced in Part VIII of the January 9, 1981 **Federal Register** until further notice.

For additional information, contact Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue N.W., Washington, D.C., 20531, 202/724–7751.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-8449 Filed 3-18-81; 8:45 am]

BILLING CODE 4410-18-M

METRIC BOARD

American National Metric Council Instrument Sector Conversion Plan Available For Public Comment

The United States Metric Board (USMB) was established by the Metric Conversion Act of 1975 (Pub. L. 94–168) to coordinate the voluntary increasing use of the metric system. Section 6(3) of that Act directs the USMB to keep interested parties informed and to encourage broad participation in private sector metric conversion planning activities. That is the purpose of this notice.

At the request of the American National Metric Council (ANMC) the USMB is announcing the availability for public comment of the third and final draft of the Instrument Sector Metric Conversion Plan which was developed under the auspices of the ANMC. ANMC is a private, nonprofit organization acting as a principal representative of the private sector in formulating and coordinating industrywide metric conversion plans.

The ANMC Instrument Plan has been under development for a period of four years by a group of company and trade association representatives. During that period, the plan has been available for public comment on two previous occasions.

In the event that the USMB is called upon to review this plan the record of public review and comment will be carefully examined. Therefore the Board urges the public to avail itself of this final opportunity to participate in the development of this important industry plan. Comments on the plan may be made in writing to ANMC on or before June 15, 1981.

Additional information or copies of the Instrument Sector Metric Conversion Plan may be obtained by contacting: Instrument Sector Program Manager, American National Metric Council, 1625 Massachusetts Avenue, NW., Washington, D.C. 20036. Telephone (202) 232–4545.

Dated: March 12, 1981.

Malcolm E. O'Hagan,

Executive Director, United States Metric Board.

[FR Doc. 81-8290 Filed 3-18-81; 8:45 am]

BILLING CODE 6820-84-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

Date: April 16–17, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for General Research Program: Research Conferences Panel Division of Research Programs, for projects beginning after June 1, 1981.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose.

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, Untied States Code.

Further information about this meeting can be obtained form Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-8294 Filed 3-18-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-12]

Reports, Recommendations and Responses; Availability

Aircraft Accident Report—Scenic Airlines, Inc., Cessna 404, N2683S, Near Grand Canyon National Park Airport, Tusayan, Arizona, July 21, 1980 (NTSB–AAR–81–2).—The National Transportation Safety Board's investigation showed that the Cessna, on a VFR commuter flight to Phoenix, Ariz., crashed approximately 3 miles after takeoff from Tusayan. The aircraft cut a swath through densely wooded area on a magnetic heading of 165° and came to rest upright about 230 feet from the initial point of impact with trees. The pilot and the seven passengers died as a result of the accident.

The Safety Board determined that the probable cause of the accident was a substantial loss of power from the left engine at a critical point in the takeoff and the failure of the pilot to establish a minimum drag configuration which degraded the marginal single-engine climb performance of the aircraft. The loss of power resulted from seizure of the turbocharger following progressive failure of the turbine wheel blades initiated by foreign object ingestion which had occurred previous to this flight and was not detected during maintenance on the engine 4 days before the accident.

As a result of this investigation, the Safety Board reiterated recommendation A–79–80, issued to the Federal Aviation Administration on October 17, 1979 (44 FR 61477, October 25, 1979), and reiterated recommendations A–80–90 through –95, issued last September 9 as a result of Board study on general aviation accidents involving postcrash fires between 1974 and 1978 (45 FR 62233, September 18, 1980).

Safety Effectiveness Evaluation of Rail Rapid Transit Safety NTSB–SEE–81–1).—The Safety Board reports on the public hearing which it held last July 28 and 29, during which 25 witnesses testified on fire safety issues, emergency evacuation from rail rapid transit systems and safety oversight of transit systems. The Board examined fire safety issues involving transit car design; emergency exit from cars; emergency tunnel ventilation; evacuation from tunnels; emergency procedures including training, drilling, and testing; emergency communications, equipment, and mobility; and local/State/Federal safety oversight of rail rapid transit properties.

Based on the findings of this evaluation, the Safety Board on February 11 made the following recommendations:

—to the Secretary of Transportation:

Propose legislation to explicitly authorize the Secretary of Transportation to regulate the safety of rail rapid transit systems which receive Federal financial assistance. Such legislation should include the authority to establish Federal minimum safety standards, to enforce compliance, to conduct inspections, to conduct investigations of accidents and incidents, and such other general powers and duties as are necessary to provide for effective safety oversight. (R-81-1)

Pending the enactment of legislation conferring direct regulatory authority, require the Urban Mass Transportation Administration to establish Federal guidelines for equipment and operations, to aggressively utilize existing grant programs and investigative authority to promote conformance with Federal guidelines, and to conduct a program of substantially increased safety oversight of Federal assisted rail rapid transit systems. (R-81-2)

—to the Urban Mass Transportation Administration:

In cooperation with rail rapid transit authorities and local fire officials, immediately survey the facilities, communication systems, fire safety and other emergency equipment, and emergency plans of existing rail rapid transit systems to determine their capability for evacuation of passengers under various operational and passenger load conditions. (R-81-3)

Establish procedures to consult organizations, such as the United States Fire Administration, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, and employee unions, as apporpriate, in addition to the American Public Transit Association and individual transit properties, in developing Federal guidelines for car and tunnel design, safety equipment requirements, training programs (including emergency response) and other appropriate safety areas. (R-81-4)

Make appropriate organizational changes to provide for more direct consideration of safety issues in the formulation of the Administration's rail rapid transit policies and priorities. (R-81-5)

Establish, on a priority basis, Federal guidelines for the elimination or minimization of combustible and toxic gas and smoke-generating materials in existing rail rapid transit cars. Wherever possible, adherence to these guidelines should be made mandatory as a condition of Federal financial assistance. (R-81-6)

In cooperation with rail rapid transit authorities and local fire officials, assess the need for modification or retrofit of existing rail rapid transit cars to reduce the potential for the exposure of combustible or toxic materials to fire. (R-81-7)

Include in Federal financial assistance to rail rapid transit systems and ability to provide funding for acquisition of emergency equipment and for periodic inspection, maintenance, and testing of such equipment after it is installed. (R-81-8)

Develop and publish for public comment a comprehensive, 5-year safety program plan for increased safety oversight of new rail rapid transit systems as they are developed and for improving the safety of existing systems. (R-81-9)

Develop and publish for public comment a comprehensive, 5-year plan for rail rapid transit safety research and development. (R-81-10)

Establish a process, based upon testing and evaluation in accordance with such criteria as the Administration shall establish, for the certification or identification of specific products and materials used in the construction of rail rapid transit cars as meeting minimum safety standards or guidelines, and provide this information to rail rapid transit authorities on a regular basis. (R-81-11)

Develop and publish for public comment a formal plan for the review, evaluation, and certification of rail rapid transit system safety plans. (R-81-12)

Establish a fire safety research and testing program to assess the combustibility and toxic gas and smoke generation of materials used in the construction of rail rapid transit cars and to evaluate the fire safety of rail rapid transit cars through full-scale testing. (R-81-13)

Offer to assist and cooperate with the United States Fire Administration in its development of a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems. (R-81-14)

Develop Federal guidelines for training programs for rail rapid transit employees, to include actual performance, under simulated conditions, of the duties they may be required to perform in the event of a fire or other emergency. (R-81-15)

Conduct research to determine the most effective means of informing rail rapid transit passengers of the actions to be taken in the event of an emergency, the location of emergency equipment, and the means of operating vehicle exit doors, and promulgate Federal guidelines. (R-81-16)

Study and evaluate the need for fire suppression systems on new rail rapid transit vehicles and conduct research and development, and develop and promulgate Federal guidelines if so indicated. (R-81-17)

Require rail rapid transit authorities to have a formal, continuing process for including local fire and emergency medical service officials in reviews of fire and life safety considerations during system planning, design, construction, and operation. (R-81-18)

Include local fire and emergency response services in onsite reviews performed by the Administration of new and existing rail rapid transit systems. (R-81-19)

Until such time as comprehensive, formal safety standards have been established for rail rapid transit, publish an annual report assessing the degree of conformance or nonconformance of rail rapid transit systems with each Federal safety guideline established by the Administration. (R-81-20)

—to the United States Fire Administration:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its development of rail rapid transit system training program guidelines which address fire safety concerns, such as tunnel rescue in a smoke and/or fire environment. (R-81-21)

In consultation with the Urban Mass Transportation Administration, develop a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems. (R-81-22)

—to the International Association of Fire Chiefs:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its development of rail rapid transit system training program guidelines which address fire safety concerns, such as tunnel rescue in a smoke and/ or fire environment. (R-81-23)

Offer to assist and cooperate with the United States Fire Administration in its development of a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems. (R-81-24)

Offer to assist and cooperate with the Urban Mass Transportation Administration in its determination of minimum fire safety equipment needs of rail rapid transit systems. (R-81-25)

—to the International Association of Firefighters:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its development of rail rapid transit system training program guidelines which address fire safety concerns, such as tunnel rescue in a smoke and/or fire environment. (R-81-26)

Offer to assist and cooperate with the United States Fire Administration in its development of a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems. (R-81-27)

—to the National Fire Protection Association:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its determination of minimum fire safety equipment needs of rail rapid transit systems. (R-81-28)

—to the International Transport Workers Union of America, AFL-CIO:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its determination of minimum training and equipment needs to improve the ability of rail rapid transit employees to respond to emergencies (including smoke and/or fire conditions) in transit environments. (R-81-29)

—to the Amalgamated Transit Union:

Offer to assist and cooperate with the Urban Mass Transportation Administration in its determination of minimum training and equipment needs to improve the ability of rail rapid transit employees to respond to emergencies (including smoke and/or fire conditions) in transit environments. (R-81-30)

—to the American Public Transit Association:

Encourage and facilitate participation by organizations having related safety interests in safety meetings and other safety activities of the Association. (R–81–31)

Recommendations R–81–3 and R–81–9 are designated "Class I, Urgent Action." All other of the above recommendations are designated "Class II, Priority Action."

Safety Board Member Patricia A. Goldman, in a separate concurring and dissenting statement appearing in the report, contends that (1) mandatory Federal standards or regulations are not essential to achieve the desired level of safety; (2) increases safety oversight should not be entirely a Federal responsibility; (3) the historical lack of effective Federal safety oversight is based more on philosophy and lack of resources than on deficient legal authority, therefore R–81–1 is not justified at this time; and (4) R–81–21 through –30 are redundant of other recommendations and should not be issued to the addressees, since these organizations have already pledged their support.

Responses to Safety Recommendations

A–80–35, from the Federal Aviation Administration, February 26, 1981.—Response supplements FAA's letter of last August 6 [45 FR 55678, August 21, 1980) regarding recommendation stemming from the September 19, 1978, incident at Washington (D.C.) National Airport involving a Piper aircraft, Model PA–31–350. While the aircraft was being taxied, the nose gear assembly collapsed.

FAA provides a copy of a proposal to adopt an airworthiness directive to require inspection of the nose wheel and replacement of wheels found with cracks on certain Piper models PA–31, PA–31–325, and PA–31–350 airplanes (Docket No. 80–SO–78). Also, FAA has recommended to Piper Lakeland that a production change be instituted to make available a preferred spare Cleveland Nose Wheel P/N 40–140 or an equivalent wheel supplied by any other wheel manufacturer. The P/FN 40–140 wheel is more rugged and should provide longer life, and was developed as a replacement for the P/N 40–120a covered by the AD and approved by Piper Lock Haven for the PA–31T.

A–80–139 and –140, from the National Oceanic and Atmospheric Administration, February 27, 1981.—Response is to recommendations issued January 5 following investigation of the crash last June 12 near Valley, Nebr., of an Air Wisconsin Swearingen SA–226 Metro (46 FR 7113, January 22, 1981).

Re A–80–139, NOAA believes that present criteria for issuing Center Weather Advisories (CWA's) are satisfactory. The Weather Service Operations Manual, Chapter D–25, "Support to Air Traffic Facilities," describes three circumstances in which a Center Weather Service Unit meteorologist will issue a CWA.

Re A–80–140, NOAA notes that Severe Weather Warnings are not intended for inflight operations. Their effectiveness would be minimal to the highly mobile aviation user, since none of their navigational aids contain the local references used in Warnings. Pilots, and even controllers, are also unlikely to be familiar with all of these references. Thus, the relay of Warnings as suggested by A–80–140 would not enhance the accuracy or detail of weather intelligence available to the aviation community.

H–77–31, from the Chicago Rock Island and Pacific Railroad Company, March 3, 1981.—Response is to Safety Board inquiry of February 9, 1981, seeking information as to implementation of this recommendation, issued following investigation of the July 1, 1976, railroad/highway grade crossing accident at Des Moines, Iowa (42 FR 60237, November 25, 1977). The recommendation suggested a modification of the approach track circuit at the crossing where the accident occurred. The response indicates that the crossing signal apparatus at Northeast 56th Street was updated in March 1979 from conventional track circuits to Safetran 500 motion sensors and termination shunts.

M–79–112 and –113, from the U.S. Coast Guard, February 26, 1981.—Refers to the Board's comments of last May 21 on Coast Guard's initial response dated March 13, 1980 (45 FR 26189, April 17, 1980). The recommendations stemmed from the collision of the *SS Sea-Land Venture* and the *M/T Nelly Maersk* in the Galveston inner bar channel, August 27, 1978.

Re M–79–112, Coast Guard agrees with the Board's comments in that meeting or overtaking at bends in the channel constitutes a higher risk than such maneuvers in straight sections of the channel, but is concerned that a single traffic management regulation may force pilots into even more hazardous maneuvers in order to maintain a reasonable traffic flow. Coast Guard notes that in certain situations, usually emergencies, the Houston-Galveston Vessel Traffic Service does recommend that vessels refrain from meeting and/or overtaking maneuvers, and when this VTS becomes mandatory, such maneuvers may be prohibited in emergencies.

Re M–79–113, Coast Guard continues to not concur, believing that no master, pilot, or watch officer should rely on helmsmen to keep him informed of the rudder's position. Although the recommended system is standard procedure for U.S. military seagoing services, Coast Guard finds no justification to impose this requirement on the civilian sector. A proposed amendment to SOLAS 74, requiring rudder angle and propeller RPM indicators to be readable from the conning position, has been approved by the IMCO Navigation Safety Subcommittee.

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

March 13, 1981.

[FR Doc. 81–8072 Filed 3–18–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on La Salle County Station; Notice of Meeting

The ACRS Subcommittee on the La Salle County Station will hold a meeting on April 3 and 4, 1981 at the Holiday Inn, Route 47 at Interstate 80, Morris, IL to review the application of Commonwealth Edison Company for a license to operate Units 1 and 2 of the La Salle County Station.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made

to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, April 3, 1981—2:00 p.m. until the conclusion of business

Saturday, April 4, 1981—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Commonwealth Edison Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 16, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-8413 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

Receipt of Petition Concerning Financial Qualifications of Nuclear Power Plant Licensees; Request for Action

Notice is hereby given that by petition dated January 2, 1981, Mr. John Abbotts requested the Commission to order nuclear power plant licensees to show cause why their operating licenses and/or construction permits should not be revoked on the basis that these licensees have allegedly not demonstrated their ability to finance the costs which could result from serious nuclear plant accidents similar to that which occurred at the Three Mile Island Unit #2 nuclear power plant on March 28, 1979. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable period of time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 12th day of March, 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-8400 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 37-14600-01 EA-80-84]

Applied Health Physics, Inc.; Order to Modify License and Terminate Show Cause Order Dated December 8, 1980

I

Applied Health Physics, Inc., 2896 Industrial Boulevard, Bethel Park, Pennsylvania 15102 (the "licensee") is the holder of Byproduct Material License No. 37-14600-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the company to receive and possess packages containing waste byproduct material for the purpose of transferring the packages to authorized land burial facilities. The license was issued on September 4, 1975, and was due to expire on August 31, 1980. The license continues in force on a timely renewal application.

II

As a result of the manner in which waste byproduct material was being handled at the licensee's facility, on December 8, 1980 the Director, Office of Inspection and Enforcement, issued an order to the licensee which limited the authority for possession of licensed material to the six (6) containers of transuranics currently in the licensee's possession, required disposal by immediate transfer to an authorized recipient of any other containers of radioactive material possessed by the licensee, prohibited any acquisition of additional licensed materials, and ordered the licensee to show cause why the requirements should not be made permanent.

The licensee responded by filing a written answer to the Order to Show Cause on January 27, 1981. The licensee set forth corrective measures for inspection and packaging of radioactive wastes, including revisions to its quality assurance program and guidelines for preparation of radioactive shipments. The licensee also described steps taken to improve the storage of licensed waste materials at its site. On the basis of an evaluation of the licensee's response, the Director, Office of Inspection and Enforcement, has determined that the specific plans, procedures and facility modifications if implemented as described by the licensee are adequate to enable the licensee to conduct future activities involving licensed material in compliance with Commission requirements. The Director has further determined that the public health, safety and interest requires that these commitments be made requirements effective immediately in lieu of the modifications ordered by the December 8, 1980 Order.

III

In view of the foregoing and pursuant to section 161(b) of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 20 and 30, *it is hereby ordered, effective immediately, that:*

A. (1) The Order to Show Cause Why Such Modifications Should Not Be Made Permanent dated December 8, 1980 is terminated.

(2) Conditions 1, 2 and 3 imposed by Order to Modify License (Effective Immediately) dated December 8, 1980 are deleted.

B. License No. 37-14600-01 is amended to incorporate as requirements the statements made by the licensee in his letter dated January 27, 1981 "response to Show Cause Order dated December 8, 1980." This amendment will remain in effect until a new license is issued pursuant to licensee's renewal application dated July 29, 1980.

IV

Any person who has an interest affected by this Order may request a hearing on this Order within 25 days of its issuance. A request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request also shall be sent to the

Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. *Any request for a hearing shall not stay the effectiveness of this order.*

If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in section II of this Order, License No. 37–14600–01 should be modified as set forth in section III.B of this Order.

Dated: March 9, 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-8614 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–313]

Arkansas Power & Light Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR–51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to support operation at full rated power during Cycle 5.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 30, 1981 as supplemented February 12 and 26, 1981, (2) Amendment No. 52 to License No. DPR–51, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russelville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of March 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-8615 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 37–00611–09 EA 81–25]

Automation Industries, Inc.; Order

I

Automation Industries, Inc., Nuclear Encapsulation Facility, Kimberton Road, Route 113 South, Phoenixville, Pennsylvania 19460 (the "licensee") is the holder of Byproduct Material License No. 37–00611–09 (the "license") issued by the Nuclear Regulatory Commission (the "commission"). The license authorizes the company to fabricate, test, store and distribute sealed sources of irridium-192 for use in industrial radiography and to test, store and distribute sealed sources of cobalt-60 for the same use. The license was originally issued October 4, 1966 and has been renewed periodically, most recently on October 3, 1978. The license expires on October 31, 1983.

II

As a result of the manner in which licensed material was used at the licensee's facility, an Order Suspending License and an Order To Show Cause Why The Suspension Should Not Be Continued, Pending Further Order was issued on February 17, 1981 to the licensee.

The licensee responded by filing a written answer dated February 27, 1981 to the Order Suspending License and Order to Show Cause Why the Suspension Should Not Be Continued, Pending Further Order. In this answer, the licensee described changes in the management of the facility and its radiation safety program, which together with procedural changes, were intended to assure adequate control of the operation of the facility. After a careful review of the licensee's February 27, 1981 response, it was determined that the proposed corrective procedures (1.a-1.g.) appear to be adequate to assure sufficient management control of the licensee's byproduct materials program and that these commitments should be made temporary requirements and formalized by Order pending approval of an amendment finalizing these procedures. Further information and specific details may be required prior to issuance of this amendment. Accordingly, the director, Office of Inspection and Enforcement, has determined that the February 17, 1981 Suspension Order should be terminated and that the actions Ordered in Section III are required by the public health, safety and interest.

III

In view of the foregoing and pursuant to Sections 81 and 161(b) of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2 and 30, *it is hereby ordered, effective immediately, that:*

A. (1) The February 17, 1981 order to Show Cause Why The Suspension of The License Should Not Be Continued, Pending Further Order, is terminated.

(2) The February 17, 1981 Order Suspending License is rescinded.

B. License No. 37–00611–09 is amended temporarily to incorporate as requirements the procedures submitted in the licensee's February 27, 1981 "Answer to Order Suspending License and to Show Cause Why The Suspension of the License Should Not Be Continued, Pending Further Order." This amendment will remain in effect until the licensee submits an amendment application and the amendment finalizing these procedures is issued. The amendment application shall be submitted no later than March 20, 1981.

IV

Any person who has an interest affected by this Order may request a hearing on this Order within 25 days of its issuance. A request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and The

Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. *Any request for a hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether License No. 37-00611-09 should be modified as set forth in section IIIB of this Order.

Dated at Bethesda, Maryland this 6th day of March 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-8116 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-373 and 50-374]

Commonwealth Edison Co.; Availability of Safety Evaluation Report for La Salle County Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the La Salle County Station, Units 1 and 2, to be located in Brookfield Township, La Salle County, Illinois. Notice of receipt of the application for facility operating licenses submitted by the Commonwealth Edison Company was published in the **Federal Register** on June 9, 1977 (42 FR 29576).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Illinois Valley Community College, Rural Route #1, Oglesby, Illinois 16348 for inspection and copying. The report (Document No. NUREG-0519) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 13th day of March 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-8117 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255, License No. DPR-20, EA 81-16]

Consumers Power Co. (Palisades Nuclear Power Facility); Order Confirming Licensee Actions To Upgrade Facility Performance

I

The Consumers Power Company (the "licensee") is the holder of Provisional Operating License No. DPR-20 (the "license") which authorizes the operation of the Palisades Nuclear Power Facility (the "facility") at a steady state reactor core power level not in excess of 2,530 megawatts thermal (rated power). The license was issued for less than full power levels on March 24 and November 20, 1971 and September 1, 1972 and for full power on October 16, 1972. The facility, a pressurized light water moderated and cooled reactor (PWR), is located at the licensee's site in Covert Township, Van Buren County, Michigan.

II

Over the past several years, this facility has been cited for a number of violations of regulatory requirements. The items for each year from 1975 through 1980 are shown in the attachment to this Order. As part of the NRC's Systematic Appraisal of Licensee's Performance (SALP), a meeting was held with licensee management on November 24, 1980 to discuss the results of the appraisal for the period September 1, 1979 to September 1, 1980. Inspections conducted during this period disclosed a total of 41 items of noncompliance.

Escalated enforcement action was taken on two occasions. On one occasion, November 9, 1979, an order modifying the license was issued and a civil penalty of $450,000 was proposed for a continuing violation of containment integrity and related procedural violations. The civil penalty action is being contested by the licensee, though the licensee has admitted the underlying procedural violations. On the other occasion, September 16, 1980, a $16,000 civil penalty was proposed (which was subsequently paid by the licensee) for two separate events relating to personnel errors which involved misvalving safety-related equipment. As a result of these findings, the licensee's performance in the area of reactor operations and radiation protection was rated "below average" as compared to other Region III licensees. In summarizing the licensee's regulatory performance the SALP report stated, "There are recent indications of some improvements in regulatory performance, but it is too soon to draw meaningful conclusions. If regulatory performance does not show improvement, additional escalated enforcement action will be taken."

III

On January 6, 1981, an electrical repairman did not follow procedures when conducting a surveillance test. This caused the two 125-volt battery banks to be isolated in violation of the Limiting Condition for Operation in Technical Specification 3.7.1.f. Had there been a loss of offsite power, there might not have been power available for operation of safety-related equipment at the plant. This condition existed for one hour while the plant was operating. Short-term corrective actions were addressed in an Immediate Action Letter, dated January 9, 1981, to the licensee from the NRC Region III office.

IV

The recent personnel error described in Section III, when evaluated with the undesirable level of regulatory performance as discussed in Section II, indicates that major changes in the licensee's management controls are necessary to assure that the licensee can operate the Palisades facility without undue risk to the health and safety of the public. At the request of the licensee, representatives of Region III and the licensee's management met on February 18, 1981. The licensee presented a planned program of intended actions to assure that the Palisades facility will operate without undue risk to the health and safety of the public while major, long-term actions are implemented to upgrade the facility performance. The Region III representatives emphasized that it is essential that broad, significant changes in the licensee's control of licensed activities accompany long-term operation of the facility. Region III representatives cautioned the licensee that these changes must be carried out in a timely fashion without adversely impacting the safety of near-term operations. In a letter to Region III dated February 23, 1981, and in a telephone conservation on March 3, 1981, between Mr. R. F. Heishman of the NRC Region III office and Mr. D. F. Hoffman of the

licensee's corporate staff, the licensee provided additional commitments related to short- and long-term improvements in the quality of operations at the Palisades facility.

Because the licensee has committed to take actions listed in the Immediate Action Letter of January 9, 1981, which are confirmed in a clarified and revised form in Section V.A of this Order, and because the licensee has committed to other supplemental actions, as confirmed in Sections V.B and C of this Order, there is reasonable assurance that the Palisades facility can be operated safely in the near-term. However, continued operation over the long-term requires significant changes in the licensee's control of licensed activities, as described and confirmed in Section V.D of this Order. Accordingly, I have determined that these commitments are required in the interest of public health and safety and, therefore, should be confirmed by an immediately effective order.

V

In view of the foregoing, pursuant to Section 161(i) of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Part 2 and 10 CFR Part 50, it is hereby ordered effective immediately that:

A. The licensee shall continue to operate under the following provisions which are a clarified and revised form of the provisions of the Immediate Action Letter issued January 9, 1981:

1. The licensee shall conduct an audit of plant operations daily by a corporate management representative. This representative may be any Consumers Power Company employee from within the Energy Supply Department holding at least the title of Staff Engineer or its equivalent.

2. A committee comprised of a member of corporate management (in addition to the corporate representative referenced in item 1 above), a Senior Reactor Operator, and another qualified individual shall review, prior to use, all Technical Specification surveillance procedures to assure that:

a. Each procedure is specifically identified as being safety-related, or as having the potential to affect safety-related equipment;

b. Authorization to perform work is required from plant management;

c. Special notification of work performed is made to the Shift Supervisor;

d. System conditions to perform work are defined;

e. Minimum personnel skill-level is defined; and

f. Return-to-normal verification requirements are specified.

Credit can be taken for the review performed in response to the NRC's November 9, 1979 Order.

3. The licensee shall reinstruct all personnel who perform safety-related work or other work in vital areas of the importance of strict adherence to procedures and the necessity for performance of all assigned duties in a disciplined and professional manner.

4. The licensee shall verify by a second qualified individual, that all activities involving the manipulation of safety-related circuits or systems outside the control room have been completed as required. Qualified individuals will be designated by the Plant General Manager for the specific tasks.

5. The licensee shall review the specific circuitry involved in the January 6, 1981 event to determine if control room indications are required to show when an abnormal line-up exists. Necessary circuit modifications will be performed on a schedule to be agreed to by Region III of the NRC.

The Director of Region III may relax or terminate any of the preceding conditions in writing for good cause.

B. Extended overtime on the part of licensed operators shall be avoided by restricting the overtime for licensed operators as follows:

(1) No more than 4 overtime hours in any 24-hour period;

(2) No more than 24 overtime hours in any 7-day period;

(3) No more than 64 overtime hours in any 28-day period;

The Director of Region III may relax or terminate any of the preceding conditions in writing for good cause.

C. A corporate review team shall perform independent reviews of safety-related events which are reportable as Licensee Event Reports per Technical Specification 6.9 and which are caused by personnel errors or procedural inadequacies. The review team shall be chaired by the Chairman of the Safety and Audit Review Board. Serving on the review team shall be one member, holding at least the title of Staff Engineer or its equivalent, from each of the following departments: Quality Assurance—Nuclear operations; Nuclear Services Department; and Nuclear Activities Department.

These members and their replacements shall be selected such that the team shall have experience and expertise in quality assurance, plant operations and plant systems.

For each occurence reviewed, the team shall recommend to the Palisades Plant General Manager and the Vice President for Nuclear Operations appropriate corrective actions to prevent recurrence.

The director of Region III may relax or terminate any of the preceding conditions in writing for good cause.

D. the licensee shall submit to the Director of Region III of the NRC, within 30 days of this Order, a comprehensive pain of action that will ensure sufficient controls will be implemented to prevent recurrence of valving and system misalignments and other operational errors similar to those set forth in Sections II and III above. The plan shall include a description of the actions to be taken, required impelmenting staff and their qualifications, documentation requirements, and the plan's schedule with important milestones. The milestones shall not be changed without prior written approval by the Director of Region III. The plan shall include at least the elements itemized below.

1. An independent outside consultant hired by the licensee shall evaluate current organizational responsibilities, management controls, staffing levels and competence, training and retraining programs, communications, and operating practices both at the facility and the corporate office. This consultant shall be directed to make recommendations for changes in the aforementioned areas that will assist the licensee in meeting NRC requirements. The licensee shall submit a copy of the independent evaluation to the Director of Region III.

2. The licensee shall review, evaluate and modify, as necessary, presently approved safety/related procedures and the process used in the development and approval of these procedures to ensure that prerequisites, precautions and limitations necessary to safe operation of the facility are included.

3. The licensee shall review, evaluate and modify, as necessary, the program for training and retraining of personnel (licensed and unlicensed) involved in safety/related activities in vital areas to ensure that the program adequately addresses these activities.

4. The licensee shall review and evaluate the adequacy of the current plant operations staff, including licensed operators and senior operators, to safely perform the necessary plant operation functions.

5. The licensee shall establish measures, including incentives and disciplinary action, to motivate personnel adherence to administrative controls and safety/related procedures.

6. The licensee shall develop and implement a system of audits by management representatives aimed at

assuring conformance to procedures and continued adherence to changes which result from the reviews identified in items V.D.1 through V.D.4 above.

VI

Any person who has an interest affected by this Order may request a hearing on this Order within 25 days of its issuance. A request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address.If a hearing is requested by a person other than the licensee, that person shall describe in accordance with 10 CFR 2.714(a)(2) the nature of the person's interest and the manner in which that interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in Sections II and III of this Order, this Order should be sustained.

In the event that a need for further inforcement action becomes apparent, either in the course of a hearing or any other time, appropriate action will be taken by the Director.

Effective date: March 9, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Palisades Noncompliance Data

Year	Number of items of noncompliance	Action points
1975	33	282
1976	30	258
1977	35	238
1978	34	268
1979	31	416
1980	36	262

[FR Doc. 81-8618 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethrope Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised the license and Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

This amendment deletes a satisfied license condition and revises the Technical Specifications to add Limiting Conditions for Operation and Surveillance Requirements for the system to monitor the output of the power supply for the Reactor Protection System. This amendment also corrects an identified deficiency in the specifications for the AC inverter associated with the Low Pressure Injection System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 15, 1980, as supplemented November 11, 1980, (2) Amendment No. 23 to License No. NPF-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressd to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of March 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-8619 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment consists of additions to the Technical Specifications to provide greater assurance that redundancy in decay heat removal capability will be maintained in all modes of operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 3, 1980, (2) Amendment No. 54 to License No. DPR-36, and (3) the Commission's letters dated June 11, 1980 and March 5, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of March 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-8420 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272 OLA (Proposed Issuance of Amendment to Facility Operating License No. DPR-70)]

Public Service Electric & Gas Co., et al. (Salem Nuclear Generating Station, Unit 1); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of March 12, 1981, oral argument on the appeals of the Township of Lower Alloways Creek and Alfred C. and Eleanor G. Coleman from the October 27, 1980, initial decision of the Licensing Board will be heard at *10:00 a.m. on Thursday, April 30, 1981,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: March 12, 1981.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-8421 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas & Electric Corp.; Issuance of Amendment to Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Provisional Operating License No. DPR-18 to Rochester Gas and Electric Corporation (the licensee) which revised the license for operation of the R. E. Ginna Nuclear Plant located in Wayne County, New York. The amendment is effective as of the date of issuance and the portion relating to Safeguards Contingency is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license, and revises the license condition relating to the Security Plan to incorporate approved changes.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensee's filings (transmitted by letter dated April 3, 1980, July 24, 1980, and September 10, 1980) are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. to License No. DPR-18, and (2) the Commission's related letter to the licensee dated March 11, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-8422 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Extension of Completion Date

By letter dated February 17, 1981, Yankee Atomic Electric Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension for installation of rated fire-sealant material for four penetrations through fire barriers at Yankee Nuclear Power Station (Yankee-Rowe), located in Franklin County, Massachusetts.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 17, 1981, and (2) the Director's letter to the licensee dated March 11, 1981.

Dated at Bethesda, Maryland, this 11th day of March, 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-8423 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Minor Amendments to Systems of Records

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Proposed Minor Amendments of Systems of Records.

SUMMARY: The Nuclear Regulatory Commission is proposing minor amendments to the NRC Systems of Records, NRC-24. The amendments clarify and update the information contained in the NRC Systems of Records, in order to facilitate planned direct interface with the NRC Accounting, Payroll and Personnel Systems. For control purposes, these systems must maintain the same key fields. The Social Security Account Number is the key for individual person identifiers.

COMMENT DATE: Comments are due on or before April 20, 1981.

ADDRESS: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Phone: (301) 492-8133.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Nuclear Regulatory Commission has published notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as documents subject to publication in the annual compilation of the Privacy Act documents. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization

Act of 1974, as amended, and sections 552 and 552a of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following amendments to the NRC Systems of Records is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch by April 20, 1981. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, DC.

1. The paragraphs of NRC–24 entitled "Categories of records in the system" and "Retrievability" are amended to read as follows:

NRC–24

SYSTEM NAME:

Property and Supply System (PASS)–NRC.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information about the equipment (type, make, model, serial number, etc.), and information about the custodians of the equipment (social security account number, office, and office location).

* * * * *

RETRIEVABILITY:

Accessed by social security account number, office, and office location.

* * * * *

Dated at Bethesda, Maryland this 10th day of March 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-8412 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; New System of Records

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of New System of Records.

SUMMARY: The Nuclear Regulatory Commission (NRC) is establishing a new system of records identified as Employee Alcoholism and Drug Abuse Program Files. The purpose of the system is to enable the system manager to maintain confidential records pertaining to the counselling, referral, and treatment of individuals seeking assistance through the program.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–492–8133.

SUPPLEMENTARY INFORMATION: The new system, "Employee Alcoholism and Drug Abuse Program Files," NRC–14, will consist of confidential records taken by the system manager during the course of counselling an NRC employee or any members of the employee's family. The records will be used for statistical purposes in conjunction with the program.

A notice of the proposed new system of records was published in the Federal Register on January 15, 1981 (46 FR 3693). No comments were received on the proposed new system of records.

Notice is hereby given that the Commission has established the new system of records, "Employee Alcoholism and Drug Abuse Program Files," NRC–14. The text of NRC–14 is identical except for minor grammatical corrections with the text of the proposed NRC–14 published on January 15, 1981.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, the following notice of NRC Systems of Records, Employee Alcoholism and Drug Abuse Program Files, NRC–14, is published as a document subject to publication in the annual compilation of Privacy Act Documents.

Dated at Bethesda, Maryland, this 11th day of March 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

NRC–14

SYSTEM NAME:

Employee Alcoholism and Drug Abuse Program files—NRC.

SYSTEM LOCATION:

Office of Administration, U.S. Nuclear Regulatory Commission, 7735 Old Georgetown Road, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees and/or family members who have been counselled by or referred to the Manager of the Employee Alcoholism and Drug Abuse Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of NRC employees and/or their families who have been referred to the manager of the Employee Alcoholism and Drug Abuse Program for counselling, and the results of any counselling which may have taken place. The records contain information as to the nature of each individual's problem, progress, and subsequent treatment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 4561; 21 U.S.C. 1180.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For statistical reporting purposes.

b. Any disclosure of information pertaining to an individual will be made in compliance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulation, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on paper in file folders.

RETRIEVABILITY:

Information accessed by name of the individual counselled.

SAFEGUARDS:

Files are maintained in a safe under the immediate control of the Manager of the Employee Alcoholism and Drug Abuse Program.

RETENTION AND DISPOSAL:

Retained for one year after successful completion of treatment or other termination of contact, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Employee Alcoholism and Drug Abuse Program, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information compiled by the Manager of the Employee Alcoholism and Drug Abuse Program during the course of counselling with an NRC employee and/or members of the employee's family.

[FR Doc. 81-8411 Filed 3-18-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 16, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
The number of forms in the request for approval;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wesderoth—703-697-1195

New

• Departmental and Others
The 1981 National Survey of Prospects for Military Service
Nonrecurring
Individuals or housholds
Youth ages 16-21
Department of Defense—Military, 1,435 responses, 717 hours; $217,000 Federal cost, 1 form
Kenneth B. Allen, 202-395-3785

The fiscal year 81 authorization bill mandated the test of an educational assistance program. The collection effort described in the attached supporting statement and document will collect data with which to study (1) advertising and recruiting effectiveness, (2) perceptions of the value of educational assistance, (3) importance of educational benefits as a means to increase enlistment propensity, and (4) the appeal of prop. edu. and other benefits not included in the test.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5930

Revisions

• Office of Postsecondary Education
Lender's request for interest and special allowance
Guaranteed student loan program and parent loans for Undergraduate students
Ed 799 (formerly OE 1166)
Annually
Businesses or other institutions
Financial and credit institutions
Sic: 822, 601, 602, 603, 604, 605
Education, training, employment, and social services, 45,000 responses, 63,000 hours; $103,141 Federal cost, 1 form
• Laverne V. Collins, 202-395-6880

This form is used by the lender to bill for interest and special allowances on a quarterly, semi-annually, and annual basis.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Health Care Financing Administration
National Assessment of Medicare Diagnostic and Surgical
Data Quality HCFA-259
Nonrecurring
Businesses or other institutions
Fifty-four hospitals located country-wide
Sic: 806
Health, 54 responses, 216 hours; $60,000 Federal cost, 1 form
Richard Eisinger, 202-395-6880

The information collected is needed to evaluate the quality of data which is critical to the users of the medicare statistical system. Thus, it will be necessary to determine data low steps

and processes between the fiscal intermediaries and hospitals and processes between the fiscal intermediaries and HCFA to identify cost effective measures for improving and monitoring data quality on a national basis.

• Food and Drug Administration
License Applications for the Manufacture of viral, bacterial Alergenics, and Plasma Derivatives products and General
FDA 3210, 3211, 3212, 3213, 3214
On occasion
Businesses or other institutions
Respd. are drug mfgs of biolog. prod. (vaccines, etc.)
Sic: 283
Small businesses or organizations
Consumer and occupational health and safety, 144 responses, 288 hours; $18,220 Federal cost, 5 forms
Gwendolyn Pla 202–395–6880

Section 351 of the Public Health Service Act and 21 CFR 601.2 requires all manufacturers of biological products to submit applications for review and approval to the Bureau of biologics prior to marketing a product. A separate license is issued to the manufacturer for each approved product application. The data is used to determine if the manufacturer is in compliance with license provisions of the regulations.

• Food and Drug Administration
Premarket Approval Application
On occasion
Businesses or other institutions
Medical device manufacturers
Sic: 382, 383, 384, 385
Consumer and occupational health and safety, 100 responses, 100,000 hours; $2,400,000 Federal cost, 1 form
Gwendolyn Pla 202–395–6880

Information is reviewed to assure that devices are safe for commercial distribution.

• Health Care Financing Administration
Medicare Reimbursement Settlement Data for Hospitals and Skilled Nursing Facilities
HCFA–247
Annually
Businesses or other institutions
Hosp. and skilled nurs. fac. which use the odr as their inte.
Sic: 806, 805
Health, 345 responses, 4,485 hours; $76 Federal cost, 1 form
Richard Eisinger 202–395–6880

This form is used by the Office of Direct Reimbursement (ODR) in HCFA for cost settlement of its provider's fiscal year. It indicates which services have been paid and which remain to be paid by ODR. This information allows the provider and ODR to reconcile their records as of the date of final settlement.

• Health Care Financing Administration
Letter to Collect Data on State Regulation of Medigap Insurance Policies
HCFA–L–263
Nonrecurring
State or local governments
Insurance commissioners in all 53 States
Sic: 911
Health, 53 responses, 27 hours; $71,851 Federal cost, 1 form
Richard Eisinger 202–395–6880

This letter will be issued by the supplemental health insurance panel. It collects information on State legislative and regulatory programs relative to medicare supplemental health insuranmedigap) policies.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Reinstatements

• Housing Programs
Application for Insurance Benefits and General Assignment
HUD 2777, 2777A, and 2777B
On occasion
Businesses or other institutions
FHA aprroved mortgagees
Sic-Multiple
Small businesses or organizations
Mortgage credit and thrift insurance, 5,000 responses, 2,500 hours; $30,000 Federal cost, 3 forms
Richard Sheppard, 202–395–6880

The Federal Housing Commissioner may approve the assignement of any mortgage covering a one to four family residence if he finds that the default was due to circumstances beyond the mortgagors control. Form HUD–2777, is used to notify the Secretary that the approved assignment has been filed for record. Form 2777A is a duplicate copy for internal distributor and form 2777B is used in submitting fiscal data in support of the claim.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor—202–426–1867

Extensions (Burden Change)

• Coast Guard
Application for Enlistment
CG–2520
On occasion
Individuals or households
All per. who apply for enlistment in U.S. CG Reserve
Water transportation, 30,000 responses, 15,000 hours; $114,000 Federal cost, 1 form
Terry Grindstaff 202–395–7340

This Form collects required background data to determine an individual's eligibility for enlistment in accordance with the U.S. Code, CFR and Coast Guard regulations. Meets requirement of 45.01–34, Title 33, CFR and Coast Guard Regulations. Meets requirement of 45.01–34, Title 33, CFR and warns applicant against giving false data which would make their englistment fraudulent.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–857–2386

Reinstatements

• Home Insulation Program Participant Survey
TVA–6254]
Monthly
Individuals or households
Households serviced by the 180 TVA distributors
Multiple functions, 25,661 responses, 4,276 hours; $62,174 Federal cost, 1 form
Charles A. Ellett 202–395–7340

The information collected on this form will be aggregated and used to determine the characteristics of TVA program participants for both internal and external purposes. In-House analysis will aid in progress reporting and development of promotional strategies. Externally, DOJ's Title VI (28 CFR 42.406) regu will be fulfilled with race/ethnic, sex, and age data gathered.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• Solicitation of Identification Data
21–8332A
Nonrecurring
Individuals or households
Veterans and spouses
Income security for veterans, 700,000 responses, 116,667 hours; $210,000 Federal cost, 1 form
Robert Neal, 202–395–6880

Social Security numbers will be used in the identification of Veterans or persons claiming or receiving VA benefits and their records and may be used to verify social security benefit entitlement (including amounts payable) with the Social Security Administration. (38 CFR 1.575)

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81–8627 Filed 3–18–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21992; 70-8563]

Allegheny Power System, Inc.; Proposal by Holding Company To Become Bonded as Surety for Public-Utility Subsidiary Company

March 13, 1981.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny") 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Allegheny proposes to become bonded as surety to the State of West Virginia in such amount as shall be determined by the West Virginia Public Service Commission for prompt refund by Allegheny's wholly-owned subsidiary, The Potomac Edison Company ("Potomac"), of all amounts Potomac, under certain tariffs filed with said Commission on December 23, 1980, may collect or receive in excess of such rates and charges as may be finally fixed by said Commission, plus interest at such annual rate as such Commission may determine by order to be necessary and appropriate. The purpose of the proposed transaction is to enable Potomac, as permitted by West Virginia law, to begin applying the new increased rates prior to completion of the West Virginia Commission's investigation, hearing, and decision with respect thereto. It is expected that the amount of the bond will not exceed $13,200,000, which is the estimated additional annual revenue that the new rates will provide.

The fees and expenses incurred by Allegheny in connection with the proposed transaction are estimated not to exceed $2,200, including legal fees. The declaration states that no state commission and no federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 9, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8289 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 17627; SR-CBOE-80-28]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

March 13, 1981.

On December 29, 1980, the Chicago Board Options Exchange, Incorporated, 141 West Jackson Street, Chicago, Illinois 60604 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which permits, when unusual trading conditions exist, two floor officials to waive the requirements of Rule 8.7(b)(i), with respect to maximum bid/ask differentials, in those options series 10 or more points in the money to allow marketmakers to make bid/ask differentials as wide as the quotation in the primary market for the underlying security.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17485, January 26, 1981) and by publication in the **Federal Register** (46 FR 10580, February 3, 1981). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8287 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17626; File No. SR-DTC-81-1]

Depository Trust Co; Proposed Rule Change; Self-Regulatory Organizations

Relating to an upper limit on the aggregate amount of all contributions to its Participants Fund.

Comments requested on or before April 9, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 25, 1981, The Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change involves placing an upper limit on the aggregate amount of all contributions to the Participants Fund of The Depository Trust Company (DTC). Whenever the aggregate amount of all contributions to the Participants Fund would exceed $200,000,000, the contribution of each DTC Participant will be reduced pro rata so that the aggregate amount of all contributions to the Participants Fund will not exceed $200,000,000. Such pro rata reductions will be calculated monthly. The formula pursuant to which contributions to the Participants Fund are fixed is unchanged and the minimum contribution for each Participant remains at $10,000.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change places an upper limit on the size of the DTC Participants Fund. The Participants Fund was almost $225,000,000 at the end of January 1981 and had increased by $102,000,000 in 1980 alone because of high settlement volume at DTC. After consideration, DTC concluded that a Participants Fund of $200,000,000 appears adequate for the foreseeable future. Moreover, although Participants receive the interest earned by their securities pledged to secure open account indebtedness to the Participants Fund, the necessity of providing DTC with qualifying securities in some cases creates a burden for those Participants which do not own such securities in the required amounts.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to DTC because it equitably allocates Participants Fund contributions among DTC Participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since placing an upper limit on the size of the Participants Fund will still leave substantial resources in the Particpants Fund, which is available in addition to DTC's extensive insurance and its retained earnings and undivided profits. Moreover, DTC's Rules provide for a further call if needed equal to 100% of all Participants' contributions to the Participants Fund before any participant could withdraw from DTC in order to terminate DTC's right to call for additional contributions from the Participant.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change received from Members, Participants or Others

Written comments on the proposed rule change from DTC Participants or others have not been solicited or received. All Participants have been notified of the proposed rule change by the DTC Important Notice attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–1.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 13, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8888 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11682; 812-4999]

Keystone Provident Life Insurance Co., et al.; Application

March 13, 1981.

In the matter of Keystone Provident Life Insurance Company, KMA Variable Account, American Liquid Trust, Keystone Custodian Fund, Series B–1, Keystone Custodian Fund, Series B–2, Keystone Custodian Fund, Series B–4, Keystone Custodian Fund, Series S–1, Keystone Custodian Fund, Series S–3, Keystone Custodian Fund, Series S–4, Massachusetts Fund and Money Market/Options Investment, Inc., 99 High Street, Boston, Massachusetts 02110. Notice of application for an order pursuant to Section 11 of the act approving certain offers of exchange and pursuant to Section 6(c) of the act granting exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the act, and Rule 22c–1 thereunder.

Notice is hereby given that Keystone Provident Life Insurance Company ("Keystone" or the "Company"), a stock life insurance company established under the laws of the State of Rhode Island, and KMA Variable Account ("Variable Account"), a separate account of Keystone registered under the Investment Company of 1940 ("Act") as a unit investment trust, and American Liquid Trust ("ALT"), Keystone Cutodian Fund, Series B–1 ("Series B–1"), Keystone Custodian Fund, Series B–2 ("Series B–2"), Keystone Custodian Fund, Series B–4 ("Series B–4"), Keystone Custodian Fund, Series S–1 ("Series S–1"), Keystone Custodian Fund, Series S–3 ("Series S–3"), Keystone Custodian Fund, Series S–4 ("Series S–4"), Massachusetts Fund and Money Market/Options Investments, Inc. ("Money Market/Options"), each registered under the Act as an open-end management investment company (collectively "Applicants"), filed an application on July 5, 1980, and amendments thereto on November 21, 1980, January 21, 1981, and March 10, 1981, for an order of the Commission pursuant to Section 11 of the Act approving certain offers of exchange and pursuant to Section 6(c) of the Act granting exemptions from Sections

2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the transactions described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Background

The Company is a wholly-owned subsidiary of Keystone Custodian Funds, Inc., which is a wholly-owned subsidiary of The Travelers Corporation of Hartford, Connecticut.

The Company is the depositor and sponsor of the Variable Account. The Variable Account is a segregated investment account of the Company established to act as the funding entity for the Individual Flexible Purchase Payment Variable Annuity Contracts (the "Contracts") to be issued by the Company.

Keystone Custodian Funds, Inc. ("KCF") is trustee for Series B-1, Series B-2, Series B-4, Series S-1, Series S-3 and Series S-4, and the investment adviser for the Massachusetts Fund and Money Market/Options. An affiliate of KCF, ALT Management Corporation, is the investment adviser for ALT.

The purchase payments under the Contracts will be allocated to the Variable Account and will be invested in one or more of ALT, Series B-1, Series B-2, Series B-4, Series S-1, Series S-3, Series S-4, Massachusetts Fund, and Money Market/Options at net asset value in accordance with the selection made by the contract owner in the application.

The Contracts will be sold by licensed insurance agents in those States where the Contract may be lawfully sold. Such agents will be registered representatives of broker-dealers registered under the Securities Exchange Act of 1934 which are members of the National Association of Securities Dealers, Inc. The Contracts will be distributed through Keystone Massachusetts, Inc. ("KMI") which is affiliated with KCF.

The Contracts permit purchasers to make investments in such amount and at such frequency as they elect, and to change such election as to prospective payments at will. The Contracts will be offered without the imposition of a sales charge deduction at time of sale. However, the Contracts contain a provision which imposes a deferred sales charge in the event there is a redemption in the early years of the Contract. The charge is referred to as a Contingent Deferred Sales Charge and is intended to reimburse the Company for expenses incurred which are related to contract sales.

A Contingent Deferred Sales Charge is deducted, except as noted below, in the event of a partial or complete redemption. The Contingent Deferred Sales Charge is based on a graded table of charges but in no event will the charge exceed 5% of the lesser of the amount redeemed or the purchase payments, less amounts redeemed during the previous five years which were subject to the Contingent Deferred Sales Charge. After the first Contract Anniversary, a contract owner may, not more frequently than once annually on a noncumulative basis, make a withdrawal of up to 7% of purchase payments per Contract Year without payment of any Contingent Deferred Sales Charges. The Contingent Deferred Sales Charge will be waived on distributions made pursuant to the death of the annuitant.

The Contingent Deferred Sales Charge will be applied in accordance with the table below:

Year	Deduction (percent)
1	5
2	4
3	3
4	2
5	1
6 and thereafter	0

The Custodian for the Contracts and for the Vairable Account is the Bradford Trust Company of Boston, Massachusetts, which performs all custodian and administrative functions for the Contracts and the Variable Account.

The Contracts are subject to a Contract Maintenance Charge which is deducted from the contract value on each Contract Anniversary and is currently $30 per Contract Year. The Contracts offered by the Company are unlike traditional variable annuity contracts in that there is no expense guarantee. Applicants agree that if the exemptions applied for are granted they shall remain in effect only so long as there is no increase in the charges made in connection with the Contracts. The Company also deducts premium taxes where applicable.

Contingent Deferred Sales Charge

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustees' or custodians' fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotitonal expenses.

Applicants submit that the proposed Contingent Deferred Sales Charge is consistent with the intent of the definition of sales load contained in the Act. The charge would be imposed by the Company to reimburse it for expenses related to the sale of the Contracts, which the Applicants submit is within the Section 2(a)35) definition of sales load but for the timing of the imposition of the charge.

Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35) to the extent such exemption may be necessary to implement the proposed pricing of their Contracts.

Section 22(c) and Rule 22c-1

Rule 22c-1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. When the contract owner surrenders all or a part of the contract value, the proceeds paid on such surrender will be based on the current net asset value. The Contingent Deferred Sales Charge, if applicable, will be deducted at the time of surrender in arriving at the contract owner's proportionate share or account value.

While Applicants do not believe that the imposition of the Contingent Deferred Sales Charge is violative of Section 22(c) or Rule 22c-1, they have requested an exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder, to the extent necessary, to offer the Contracts as proposed.

Sections 26(a) and 27(c)(2)

Section 27(c)(2) of the Act prohibits a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) of the Act and are held by such trustee or custodian under an agreement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act.

Section 26(a) of the Act further provides as here pertinent, in substance,

that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian.

Applicants allege that the Contingent Deferred Sales Charge to be imposed (if any) upon the surrender of the Contracts issued with respect to the Separate Account is designed to recover distribution costs relating to the sales of the Contracts. The Contracts merely defer the time when the sales charge may be imposed.

Applicants further allege that since there is nothing in the Act to suggest that if Contingent Deferred Sales Charges were being used at the time the Act was promulgated, that deductions for such sales charges would not have been permitted, and, since it is in the contract owners' best interests that the entire amount of their purchase payments be invested at the time when made, they have requested an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the Contingent Deferred Sales Charge as described above.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof.

Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants assert that the Contracts offered are not periodic payment contracts but request exemption from such Sections, to the extent necessary, to offer the Contracts. Applicants submit that the imposition of a Contingent Deferred Sales Charge does not violate Sections 2(a)(32) and 27(d).

Applicants assert that Sections 2(a)(32) and 27(d) contemplate the assessment of an initial sales load and that under the Contracts the net amount invested is the gross purchase payments. Thus, the owner's proportionate share or account value would be the gross Purchase Payments, plus or minus any increase or decrease in value less the charge. Applicants assert that deferring the imposition of the charge in no way restricts the contract owner from receiving his proportionate share or account value upon redemption. Applicants contend that the charge is contingent upon an event which might never occur, and that the purchaser's initial amount invested is maximized, thus providing a benefit to the purchaser. Applicants have requested an exemption from the provisions of Sections 2(a)(32) and 27(d), to the extent necessary, to permit the imposition of the Contingent Deferred Sales Charge and to offer the Contracts.

Section 27(c)(1)

Sections 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company from issuing periodic payment plan certificates, or depositor or underwriter of such company, from selling any such certificate unless it is a redeemable security. Applicants assert that the Contracts issued are not periodic payment plans but nevertheless request an exemption to the extent necessary to offer the Contracts.

Applicants submit that the Contingent Deferred Sales Charge is not a restriction on redemption under Section 27(c)(1). Applicants assert that deferring the imposition of the sales charge in no way restricts the contract owner from receiving his proportionate share or current value or surrender and has the effect, through deferral of sales charge until contract value is withdrawn, of increasing the contract value available for redemption. However, Applicants have requested an exemption from the operation of the provisions of Section 27(c)(1) to the extent necessary to permit the charge to be imposed only upon surrender of contract values.

Annual Administrative Charge

As previously noted, the Contracts are subject to an annual administrative charge of $30. If the value of a Contract is surrendered for its full value on other than the Contract Anniversary date, the Administrative Charge will be deducted from the owner's redemption proceeds.

Because the provisions of the Act discussed above under the heading "Contingent Deferred Sales Charge" may be said to be equally applicable in this situation, Applicants hereby request an exemption from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), 27(d) and Rule 22c-1, to the extent necessary, to permit the deduction of the annual Administrative Charge under the circumstances described.

Deduction and Payment of Contract Charges and Fees

Sections 26(a) and 27(c)(2)

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of or underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian. Section 26(a)(2)(D) provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A), (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust. Section 27(c)(2) applies the same restrictions to periodic payment plan certificates.

The Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) to the extent necessary to permit the deduction and payment of: (1) the Contract Maintenance Charge; (2) the Mortality Risk fee; and (3) applicable annuity premium taxes.

The Applicants consent that the foregoing requested exemptions from Sections 26(a) and 27(c)(2) may be made subject to the following conditions: (1) that the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of the Variable Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Exchanges

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or

of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to the Commission. Section 11(c) provides that the provisions of subsection (a) shall be applicable irrespective of the basis of exchange to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants assert two distinct requests for exemptive relief pursuant to Section 11. The first pertains to a proposal to permit shareholders of ALT, Series B–1, Series B–2, Series B–4, Series S–1, Series S–3, Series S–4, Massachusetts Fund and Money Market/Options to exchange their shares for the Contracts. That is, the Applicants propose to permit shareholders, who are shareholders of record upon the effective date of the prospectus for the Variable Account of ALT, Series B–1, Series B–2, Series B–4, Series S–1, Series S–3, Series S–4, Massachusetts Fund, and Money Market/Options, to exchange their shares for the Contracts. Such shareholders will be notified of the offer to exchange and will be permitted to make such an exchange without payment of a fee, sales load, transfer charge or Administrative Charge. All such exchanges will be accomplished at net asset value.

The second request pertains to a proposal to permit contract owners to reallocate their contract values among ALT, Series B–1, Series B–2, Series B–4, Series S–1, Series S–3, Series S–4, Massachusetts Fund and Money Market/Options. There is no limitation on such transfers, and in no event will solicitation of existing shareholders be made until such shareholders have been provided with a currently effective prospectus for the Contracts and for the particular underlying investment medium involved.

The Applicants submit that the proposed transfer rights will afford an owner the availability of choice among shares of mutual funds having different investment objectives, and that the granting of such rights is in recognition of the potentially changing nature of the owner's investment objectives and retirement needs over the years.

The Applicants further assert that the proposed transfer rights involve only a change in the underlying accumulation or annuity units related to a Contract, which are merely accounting units of measure to quantify contract value and, thus, do not involve the exchange of a unit investment trust security for the security of any other investment company. However, to avoid any questions that might be raised as to the applicability of Section 11(c), the Applicants request an order pursuant to Section 11 to the extent necessary to permit the proposed offer of transfer rights described above.

Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act or any rule or regulation under the Act if, and to the extent, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than April 7, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such Communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 7, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notice or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-8389 Filed 3-18-81; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 21961; 70-6556]

Louisiana Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

March 13, 1981.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell, at competitive bidding, up to $75,000,000 principal amount of its first mortgage bonds ("Bonds") of a new series having a term of not less than five nor more than thirty years. In light of uncertainties in the present capital markets, however, and to provide the company with flexibility in responding to capital market requirements prior to the time of bidding, Louisiana seeks to reserve the right to reduce the principal amount of the Bonds to be issued and sold and/or to change the maturity of the Bonds to a maturity of not less than five nor more than 29 years. If Louisiana exercises this right, it will give appropriate notice of such change and/or reduction not later than 24 hours preceding the time fixed for the presentation of bids. Furthermore, Louisiana may file an amendment seeking an exception from competitive bidding if market conditions, in the opinion of management, are not propitious for the competitive bidding of the Bonds.

The interest rate of the Bonds (which will be a multiple of ⅛th of 1%) and the price, exclusive of accrued interest, to be paid to Louisiana for the Bonds (which will be not less than 98% nor more than 101¾% of the principal amount thereof) will be determined by competitive bidding. The Bonds will be

issued under the company's Mortgage and Deed of Trust, dated as of April 1, 1944, as heretofore supplemented by various indentures and as it is to be further supplemented by a Twenty-ninth Supplemental Indenture to be dated as of the first day of the calendar month in which the Bonds are issued. The supplemental indenture will include a prohibition against refunding the Bonds, directly or indirectly, with funds borrowed at a lower interest cost for a period of not more than five years.

Louisiana will use the Bond proceeds primarily to reduce short-term borrowings estimated to be $110,000,000 at the time of the Bond offering and to finance in part Louisiana's construction expenditures estimated to total $280,200,000 in 1981.

The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $207,737, including legal fees of $57,000, rating fees of $31,875, and printing costs of $48,000. The successful bidders for the Bonds will pay legal fees and expenses estimated to be $23,000.

It is stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 6, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-8280 Filed 3-18-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17624; File No. SR-MCC-81-1]

Midwest Clearing Corp.; Proposed Rule Change; Self-Regulatory Organizations

Relating to a price revision to the Midwest Clearing Corporation pricing schedule.

Comments requested on or before April 9, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 9, 1981, the Midwest Clearing Corporation filed with the Commission the proposed rule change as described in Item I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the proposed Price Revision Schedule effective January 1, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) the proposed rule change is a revision of the Midwest Clearing Corportion (MCC) pricing schedule. The revised prices are necessitated by increased operational costs due to inflationary pressures and management decisions to enhance the MCC System. Improvements to the system include additional computer hardware to serve as a back-up to the existing system, the acquisition of two high-speed printers for report preparation, and conversion from keypunch to key-to-disc equipment to improve throughput and the accuracy of the system.

(2) The proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934. Midwest Clearing Corporation believes the improvements to the system will ensure all participants a more efficient system for the prompt and accurate settlement and clearance of trades and the safekeeping of assets. Consequently, the resultant costs from the upgrades must be offset by increased revenues. The proposed increases will be equitably allocated among all participants using the services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Price Revision Schedule was adopted to reflect increased inflation and operational costs and the Midwest Clearing Corporation believes that no burdens have been placed on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Porposed Rule Change Received from Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act rule 19b-4. At any time within 200 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments,

all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 13, 1981.

George A. Fitzsimmons,

Secretary.

Exhibit A—MCC Price Revisions

(Effective January 1, 1981)

	Old	New
Trade Recording and Processing		
1-1000 trades/mo. (side)	$.97	$.99
1001-2000 trades/mo. (side)	.87	.89
2001-4000 trades/mo. (side)	.78	.79
4001-8000 trades/mo. (side)	.68	.70
over 8000 trades/mo. (side)	.58	.60
Price includes services associated with regular trade recording plus additional services and reports provided to Specialist Accounts.		
Service Charges		
Account Maintenance Fees (month)	105.00	125.00
Secondary Specialist Trdg. and Market Maker Account (month)	75.00	100.00
Trade Recording		
Pre-compared O/L, M/L, R/L:		
MSE R/L M/L	0.57	0.52
MSE O/L	.42	.52
Comss. Market Place	.47	.52
NSCC	.47	.52
PCC	.47	.52
PBW	.47	.52
CHIN	.47	.52
OCC	.57	.52
Processed for comparison:		
OTC	.57	.62
Non-machine readable trade input submitted will be subject to a $0.10 fee per transaction to be charged to the submitting participant.		
Settlement Services		
Trade for trade processing:		
Delivery	2.25	2.50
Receipt	2.25	2.50
Settling trade option long settling trades to DF or LF (month)	30.00	60.00
Dividends		
Automatic entry	0.35	0.50
Auto stock loan (percent)	4.2	4.2
Special Services		
Collateral loan:		
Service charge reg. acct. (month)	25.00	50.00
Spec. and trading acct. (month)		80.00
Processing charge	3.00	3.00
Communication system:		
Equipment (rebillable at cost):		
Line charge (month)	185.00	185.00
Access fee	300.00	300.00
Long distance lines (mile)	.16	.16
Input correction charge	1.50	2.50
Dividend settlement service:		
Claimant (claiming part.) (item)	1.00	2.00
Recipient (part. charged) (item)	.50	1.00
Form preparation (participant serv-		

Exhibit A—MCC Price Revisions

(Effective January 1, 1981)

	Old	New
(cost) (ticket)	4.00	5.00
Member to member stock loans:		
Delivery (loan or return of loan) (deliveries)	2.25	2.50
Receipt (receives)	2.25	2.50
Mandatory (item)	20.00	25.00
Request (item)	8.00	10.00
Voluntary (item)	5.00	6.00
Microfiche service:		
Per microfiche card (net position activity report, purchase and sales, security glossary)	2.90	3.25
Duplicate additional cards	.90	1.00
OTC envelope settlement service:		
Delivery	2.50	3.00
Receipt	1.50	1.75
Late delivery (11:00–11:30 p.m.)	5.00	7.50
Special security movement settlement service (SSMS):		
Delivery	2.00	5.00
Receipt	1.50	2.50
Late delivery (11:00–11:30 p.m.)	5.00	7.50

[FR Doc. 81-8381 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21983; 70-6574]

New England Power Co.; Proposed Amendment of Charter and By-Laws To Increase Authorized Preferred Stock

March 13, 1981.

Notice is hereby given that New England Power Company ("NEP") 25 Research Drive Westborough, Massachusetts 01581, a subsidiary of New England Electric System, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NEP has three authorized classes of preferred stock: 6% Cumulative Preferred Stock ("6% Preferred Stock") of which there is one series outstanding; Dividend Series Preferred Stock ("$100 Par Stock") of which there are seven series outstanding; and Preferred Stock-Cumulative ("$25 Par Stock") of which there is one series outstanding. The $100 Par Stock and the $25 Par Stock are collectively referred to as the Cumulative Preferred Stock. The three classes of preferred stock have cumulative dividends and are of equal rank as to dividends and assets, but differ in various respects such as dividends rates and redemption prices for each series.

On July 31, 1980, NEP amended its Articles of Organization and By-Laws to increase from $150,000,000 to $250,000,000 the aggregate par value of Cumulative Preferred Stock it could issue without a majority vote of the shares of said stock then outstanding (HCAR No. 21634 (June 20, 1980)). NEP now proposes to amend its Articles of Organization and By-Laws to use the same limit in establishing the par value of Cumulative Preferred Stock it can issue without a majority vote of the shares of stock having general voting rights. Holders of NEP's Common Stock and 6% Preferred Stock have general voting rights. NEP's Cumulative Preferred Stock presently issued and outstanding has an aggregate par value of $101,764,000.

As a result of recent amendments to the Massachusetts General Laws, Massachusetts electric companies may now have authorized but unissued shares. In the past, the need to secure from stockholders with general voting rights approval of each series of preferred stock prior to issuance significantly increased the lead time required for these financings, and, thereby, reduced NEP's flexibility in placing its preferred stock. To better respond to capital markets, NEP wishes to take advantage of the statutory amendments by having stockholders authorize additional shares of Cumulatove Preferred Stock to be available for future issuance as necessary.

Proceeds from the issues of new preferred stock will be used to pay a portion of NEP's construction program. NEP's 1981–1985 construction program is estimated to total about $984 million, including allowance for funds used during construction. Included in the construction program are $916 million for generating facilities, $59 million for transmission lines and substations, and $9 million for other facilities.

NEP's Articles of Organization and By-Laws will be amended to provide that the company may not issue any series of Dividend Series Preferred Stock or Preferred Stock-Cumulative, without a majority vote of stock generally entitled to vote, if after such issue the aggregate outstanding par value of all issues of Dividend Series Preferred Stock and Preferred Stock-Cumulative would exceed $250 million. The Articles of Organization will be amended to increase the authorized number of shares of Dividend Series Preferred Stock from 780,140 to 2,262,500, or an increase of 1,482,360, and to increase the number of shares authorized of Preferred Stock-Cumulative from 1,000,000 to 6,879,440, or an increase of 5,879,440. (As 50,000 previously authorized shares have been retired, the company could issue 5,929,440 additional shares of Preferred Stock-Cumulative. This will permit the Board of Directors to issue either

Dividend Series Preferred Stock or Preferred Stock-Cumulative, or both, up to the $250 million maximum, as the market may demand.

NEP intends to submit the proposed amendments of its Articles of Organization by By-Laws to its stockholders at the Special in lieu of Annual Meeting to be held on April 15, 1981. The increase in the number of authorized shares of capital stock will require a vote of the majority of the Common Stock and 6% Preferred Stock voting together as a single class. The related amendments to the Articles of Organization and By-Laws will require a two-thirds vote of the Common Stock and 6% Preferred Stock voting together as a single class. It is anticipated that NEES, which owns all of the Common Stock, will vote in favor of each of the proposals, thereby assuring the necessary vote in each case.

It is stated that no state commission and no federal commission, other than this Commission, has jurisidiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated at $4,125.

Notice is further given that any interested person may, not later than April 9, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8269 Filed 3-18-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 740]

Declaration of Hostile Action

Pursuant to 22 CFR Subchapter T, Section 191.1,* I declare that:

(1) As of November 4, 1979, and for a period deemed to continue until January 1, 1983, individuals in the civil or uniformed services of the United States rendering personal services to the United States abroad similar to the service of a civil officer or employee of the United States, have been placed in captive status in Iran because of hostile action abroad directed against the United States.

(2) Occurring or continuing after November 4, 1979, and for a period deemed to continue until January 1, 1983, Diego C. Asencio, and individual in the civil service of the United States, and Richard Starr, a United States citizen rendering personal services abroad similar to the service of a civil officer or employee, were placed in captive status in Colombia because of hostile action abroad directed against the United States.

Dated: February 20, 1981.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 81-8261 Filed 3-18-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-020]

Coast Guard Academy Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held at the U.S. Coast Guard Academy, New London, CT, on Monday, Tuesday and Wednesday April 27-29 1981. The session on Monday will be held from 10:30 to 11:45 a.m and from 2:00 to 3:15 p.m. An open session will also be held on Wednesday from 10:15 to 11:45 a.m.

The agenda for this meeting is as follows: (a) faculty, (b) curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75-38 to advise on the course of instruction at the Academy, and to make recommendations as necessary.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend or present oral statements at the hearing should notify, not later than the day before the meeting: CAPT Roderick M. White, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 444-8275.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on March 5, 1981.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 81-8020 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-14-M

[CGD 79-077]

International Association of Drilling Contractors; Meeting

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of meeting, amendment.

SUMMARY: This document amends the date of a notice of meeting that appeared at page 15402 in the Federal Register of Thursday, March 5, 1981 (46 FR 15402). At the request of the International Association of Drilling Contractors, the meeting originally scheduled for March 24, 1981, has been rescheduled for April 7, 1981.

DATE: April 7, 1981, 10:00 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Lt. Dennis Cashman, U.S. Coast Guard Headquarters, Commandant (G-MP-3), Washington, DC 20593 (202/472-5160).

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-8020 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-14-M

*Published elsewhere in this Federal Register.

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held from April 6 at 1 p.m. through April 10 at 1 p.m., in Conference Rooms 7A and B at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. L. Lane Speck, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave., S.W., Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 13, 1981.

James M. O'Malley,

Executive Secretary.

[FR Doc. 81-8282 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

[Docket No. 81-ASW-3AC]

Gulfstream American Corp. Models 690D and 695A; Aircraft Certification and Availability of Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Specification of closing dates for receipt of comments concerning the type certification program for the Gulfstream American, formerly Rockwell International Models 690D and 695A.

SUMMARY: This document specifies the closing date for comments regarding the announcement of the Certification Program and Type Certification Basis for the Gulfstream American Models 690D and 695A. This announcement was published in 46 FR 14248, February 26, 1981.

DATES: The closing date for submitting comments, views, or data is April 20, 1981.

ADDRESSES: Send comments on the program in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-3AC, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James L. Patras, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 518.

SUPPLEMENTARY INFORMATION: Persons may participate in the certification proceedings by submitting their views or data. Communications must identify the regulatory docket number and be submitted in duplicate to the above address. Comments received on or before the closing date will be considered and may cause the program to be changed if comments received justify the issuance of special conditions or retroactive application of previously adopted airworthiness regulations. Comments can be examined in the office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. Request for copies of this announcement must include the docket number and be submitted to the Federal Aviation Administration, Public Affairs Officer, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 207.

BACKGROUND: On June 14, 1977, Gulfstream American applied to the FAA, Southwest Region, for type certification of the Models 690C and 695. These models would be an outgrowth of the already certificated Model 690B (Type Certificate Data Sheet 2A4). Changes to the wing, fuselage, engines, systems, and equipment were proposed. A preliminary Type Certification Board Meeting was held under Delegation Option Authorization procedures with FAA personnel in attendance on November 15, 1977. At an interim Type Certification Board Meeting requested by Gulfstream American with FAA participation, Gulfstream American advised that it was their intent to accomplish their original proposed changes (Models 690C and 695) on four models rather than two. Therefore, they intended to certify models designated as 690C, 695, 690D, and 695A. The changes that would be accomplished on each model were defined at this meeting held on August 29, 1978. Application for type certificate for the Models 690D and 695A was received on July 16, 1979. Models 690C and 695 were subsequently certificated under Delegation Option Authorization and are now included in the Type Certificate Data Sheet 2A4.

The Model 690D will be the same as the Model 690C except for the following changes:

1. Increased gross weight.
2. Increase in cabin pressure.
3. Revised interior items.

The Model 695A will be the same as the Model 690D except for the following changes:

1. Install Garrett TPF 331-501K engines.
2. Increased fuel capacity.
3. Increased gross weight.
4. Increased speed.

Based on the date of application, July 16, 1979, and pursuant to Section 21.17(a)(1), the type certification basis of the Models 690D and 695A airplanes will be:

CAR 3 dated May 15, 1956, including paragraphs 3.197, 3.270, 3.395, and 3.396 of Amendment 3-2 dated August 12, 1957; Amendment 3-3 dated May 17, 1958, 3-4 dated October 6, 1958, 3-6 dated September 13, 1961, paragraphs 23.473, 23.479, 23.481, and 23.483 of FAR 23, Amendment 23-7 dated September 14, 1969, plus Special Conditions letter dated April 1, 1965, and August 12, 1970; Docket No. 10506.

FAR 36 dated December 1, 1969, through Amendments 36-6 dated January 24, 1977.

Note.—This is a nonrulemaking proceeding within the meaning of the administrative procedure provision of 5 U.S.C. 551 *et seq.* Notices of Proposed Rule Making (NPRM) will be used for the issuance of special conditions and retroactive application of previously adopted airworthiness regulation.

Issued in Fort Worth, Texas, on March 9, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-8286 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 145—Digital Avionics Software; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 145 on Digital Avionics Software to be held on April 7-9, 1981 in Conference Rooms 9A-B-C, DOT/Federal Aviation Administration Building, 800 Independence Avenue,

SW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Third Meeting Held on January 13–15, 1981; (3) Review First Draft of Committee Report; (4) Working Groups Meet in Separate Sessions; (5) Committee Plenary Session; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW, Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 10, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-8339 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Mendocino County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Mendocino County, California.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry L. Budwig, Division Engineer, Central Direct Federal Division, P.O. Box 25246, Denver, CO 80225, Attention: Mr. Robert Arensdorf (303) 234–4798.

SUPPLEMENTARY INFORMATION: The Forest Highway Program Agencies (FHWA-lead agency, U.S. Forest Service, and California Department of Transportation) and Mendocino County are proposing to improve 7.3 miles of California Forest Highway Route 7 (Mendocino County Route 338). This proposal begins 5.3 miles northeast of Covelo, California at the Short Creek bridge and proceeds eastward 7.3 miles to the U.S. Forest Service work station at the Middle Fork Eel River bridge. The proposal crosses private, Round Valley Indian Reservation, and U.S. Forest Service lands. The proposed action will follow closely the existing asphalt surfaced roadway, and will include regrading, widening, drainage improvement, channel relocation and bank stabilization (Williams Creek), paving, and the reconstruction of bridges over Williams Creek and the Middle Fork Eel River. The improvements are considered necessary to provide a highway facility that will safely accommodate existing and anticipated future traffic volumes.

Alternatives under consideration include (A) taking no action, and (B) reconstructing the existing roadway. (B1), (B2), and (B3) are design alternatives for a 1-mile section along Williams Creek.

Letters announcing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed interest in this proposal. Interagency and public meetings were held in Covelo, California on March 15, 1978, and a public hearing was held in Covelo on July 18, 1980. Coordination with interested agencies, organizations and citizens will continue throughout the EIS process. The draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on March 13, 1981.

J. L. Budwig,

Division Engineer, Denver, Colorado.

[FR Doc. 81-8431 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Head and Neck Injury Criteria; Consensus Workshop

Notice is hereby given of a Consensus Workshop on Head and Neck Injury Criteria to be held on March 26, and 27, 1981. Invited participants from national and international centers of expertise in this field (academic, industry, and government agencies) will review the latest data and critique the existing standards for Head and Neck Injury Tolerances (e.g., the HIC). Intensive group discussions aimed at human and human surrogate data sources by the participants will result in a published report embodying resolutions and specific recommendations for further research to develop more rigorous criteria. The meetings will start at 8:30 a.m. at the Dulles Marriott Hotel near Dulles Airport. Attendance is open to the interested public but limited to the space available. Members of the public may present a written statement to the Workshop Chairman, Dr. A. K. Ommaya, at the National Highway Traffic Safety Administration, Room 6220, Mail Code NRD–12, 400 7th Street, S.W., Washington, D.C. 20590.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 81-8369 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81–6; Notice 1]

Cooper Tire & Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

The Cooper Tire & Rubber Co. of Findlay, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et. seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

Paragraph S4.3(b) requires that the sidewalls of each passenger car tire be labeled with the maximum permissible inflation pressure. Because of an erroneous mold, Cooper produced L78–15 Falls Avenger polyster/fiberglass belted, tubeless white sidewall tires between the 39th and 50th weeks of 1980 labeled with a maximum inflation pressure of 35 psi. The correct value is 32 psi. Cooper was able to recover and rebrand some of the tires but about 1800 remain uncorrected.

In the belief that tire strength would be the only factor possibly adversely affected by inflation to 35 psi, Cooper tested two of the mislabeled tires "finding * * * plunger energy of 3310

inch pounds (average of the two tires) which is well in excess of the required 2000 inch pounds under FMVSS 109 * * *." For this reason, the company argues that its noncompliance is inconsequential as it relates to motor vehicle safety, noting that the tires otherwise comply with Standard No. 109.

Interested persons are invited to submit written data, views and arguments on the petition of Cooper Tire & Rubber Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: April 15, 1981.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 10, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-8086 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes on April 3, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
1662-X	Greer Hydraulics, Inc., Los Angeles, CA.	1662
2706-X	Union Carbide Corporation, Linde Division, Tarrytown, NY.	2706
2905-X	Sunolin Chemical Co., Claymont, DE.	2905
4177-X	Hydrodyne Industries, Inc., Hauppauge, L.I., NY.	4177
5206-X	Austin Powder Company, Cleveland, OH.	5206
5206-X	Monsanto Company, St. Louis, MO.	5206
5843-X	Union Carbide Corporation, Linde Division, Tarrytown, NY.	5843
6113-X	Process Engineering, Inc., Plaistow, NH.	6113
6215-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6215
6253-X	Akzo Zout Chemie Nederland, Amsterdam, Holland.	6253
6253-X	Leschaco, Inc., Houston, TX	6253
6253-X	Hapag Lloyd, Hamburg, Germany.	6253
6293-X	Olin Corporation, East Alton, IL	6293
6557-X	General Fire Extinguisher Corporation, Northbrook, IL.	6557
6752-X	Pennwalt Corporation, Philadelphia, PA.	6752
6793-X	Tralpak Limited, Aylesbury, England (see footnote 1).	6793
7010-X	Dow Chemical Company, Midland, MI.	7010
7446-X	Kaiser Aluminum & Chemical Corporation, Erie, PA.	7446
7451-X	Union Carbide Corporation, Linde Division, Tarrytown, NY.	7451
7513-X	MG Burdett Gas Products Company, Reading, PA.	7513
7625-X	Van Waters & Rogers, Saint Paul, MN.	7625
7849-X	Southern Oxygen Supply Company, Atlanta, GA.	7849
7872-X	Magna Corporation, Houston, TX.	7872
7943-X	Chem Lab Products, Inc., Anaheim, CA (see footnote 2).	7943
7943-X	Hill Brothers Chemical Company, Orange, CA.	7943
7985-X	Process Engineering, Inc., Plaistow, NH.	7985
8005-X	Hugonnet S.A., Paris, France	8005
8050-X	XMAS Corporation, Tulsa, OK	8050
8307-X	U.S. Department of Energy, Washington, DC (see footnote 3).	8307
8488-X	FMC Corporation, Philadelphia, PA (see footnote 4).	8488
8558-X	International Minerals and Chemical Corporation, Allentown, PA.	8558

[1] To authorize cumene hydroperoxide, classed as an organic peroxide, as an additional commodity.

[2] To modify location of top flap handholes in the corrugated fiberboard box similar to DOT Specification 12B.

[3] To authorize rail, water, and cargo-only aircraft as additional modes of transportation.

[4] To authorize rail as an additional mode of transportation.

Application No.	Applicant	Parties to exemption
5206-P	Nelson Brothers, Inc., Parrish, AL.	5206
6418-P	Simplot Soilbuilders, Moses Lake, WA.	6418
7052-P	Signode Corporation, Glenview, IL.	7052
7060-P	Las Vegas Airlines, Inc., Las Vegas, NV.	7060
7060-P	Econo-Flight, Inc., Hillsboro, OR	7060
7259-P	Exxon Chemical International Supply, Florham Park, NJ.	7259
7259-P	Monsanto Company, St. Louis, MO.	7259
7777-P	Stabilex, Limited, Wellington W. Palm Beach, FL.	7777
7929-P	International Minerals and Chemical Corporation, Allentown, PA.	7929
8073-P	FIBA Leasing, Westboro, MA	8073
8116-P	Department of Defense, Washington, DC.	8116
8362-P	Bunker Ramo Corporation, Westlake Village, CA.	8362
8401-P	Maritime Helicopters, Homer, AK.	8401
8441-P	Department of Energy, Washington, DC.	8441
8445-P	Owens-Corning Fiberglas Corporation, Granville, OH.	8445
8572-P	H.L. & A.G. Belsinger, Inc., Bridgeville, PA.	8572

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 10, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-8087 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes April 20, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8573-N	Shenango Enterprises, Incorporated, Fountain Valley, CA.	49 CFR 173.217	To manufacture, mark and sell non-DOT specification polyethylene bottles for shipment of certain oxidizers in four 15 pound bottles or two 30 pound bottles overpacked in a DOT Specification 12B fiberboard box (modes 1, 2, 3).
8574-N	Enterprise Steel Drum Corporation, Berlin, NJ	49 CFR 173.28(a), 178.116-10(a)	To authorize conversion of non-DOT specification tight head 18 gauge stainless steel 55 gallon drums to DOT Specification 17H except for marking for shipment of all commodities authorized in a DOT Specification 17H drum (modes 1, 2, 3, 4).
8575-N	Cincinnati Drum Service, Inc., Ludlow, KY	49 CFR 173.28(a), 178.116-10(a)	To authorize conversion on non-DOT specification tight head 18 gauge steel 55 gallon drums to DOT Specification 17H except for marking for shipment of all commodities authorized in a DOT specification 17H drum (modes 1, 2, 3, 4).
8576-N	Crown Zellerbach Corporation, San Francisco, CA.	49 CFR 172.28(m)(1)	To authorize reuse of new DOT Specification 17H drums which were previously used to ship a flammable liquid and to refill them with the same or similar material without thoroughly cleaning them (mode 1).
8577-N	Micor Company, Inc., Milwaukee, WI	49 CFR 172.312, 173.249	To authorize shipment of a corrosive liquid in a 25 mil., two quart capacity plastic bottle overpacked in a tray type polyethylene liner all overpacked into a DOT Specification 37C steel drum containing a non-regulated material (modes 1, 2, 3).
8578-N	Republic Tank and Supply Company, Temple, TX.	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.340-8, 178.342-8, 178.343-8.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids (mode 1).
8579-N	E. I. du Pont de Nemours and Company, Wilmington, DE.	49 CFR 176.410(d)	To authorize shipment of ammonium nitrate fertilizer in strapped or stretch wrapped palletized loaded bags aboard cargo vessel exempt from spacing criteria for bags and location (mode 3)
8580-N	Priority Air, Incorporated, Sanford, FL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize carriage of Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment (mode 4).
8581-N	U.S. Environmental Protection Agency, Research Triangle Park, NC.	49 CFR Parts 100-199	To authorize shipment of minute quantities (no greater than 100 milligrams) of various poison B liquids, flammable liquids, corrosive and ORM-A materials shipped as analytical standards when packed in specially designed packaging (modes 1, 2, 3, 4, 5)
8582-N	Missouri Pacific Railroad Company, St. Louis, MO.	49 CFR Parts 100-177	To authorize carriage of railway torpedoes and fuses packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment (mode 1).
8583-N	Process Engineering Incorporated, Plaistow, NH.	49 CFR 172.101, 173.315(a)	To manufacture, mark and sell non-DOT specification cargo tanks for shipment of certain flammable gases (cryogenic liquids) (mode 1).
8584-N	Safety-Kleen Corporation, Elgin, IL	49 CFR Part 173.245	To authorize shipment of a compound, cleaning, liquid, classed as a corrosive liquid, n.o.s. in non-DOT specification reusable 16 gallon removable head steel drums similar to a DOT Specification 37A (mode 1).
8585-N	Bergen Barrel and Drum Company, Demarest, NJ.	49 CFR 173, Subpart F	To manufacture, mark and sell a non-DOT specification reusable, tight-head polyethylene drum not to exceed 30 gallon capacity for shipment of those corrosives presently authorized in a DOT Specification 34 (modes 1, 2, 3).
8586-N	Bennett Paper Corporation, Maryland Heights, MO.	49 CFR 172.400, 172.402(a)(2)(3)(4), 172.504(a), 173.345(a), 173.364(a), 175.30.	To manufacture, mark and sell a packaging for the shipment of certain small quantities of class B poisonous liquids and solids, to be excepted from labeling requirements and flammable solids from placarding requirements (modes 1, 2, 4).
8587-N	Thatcher Chemical Company, Salt Lake City, UT.	49 CFR 173.256	To authorize shipment of a compound, cleaning, liquid, containing hydrofluoric acid, classed as a corrosive liquid in 5 gallon DOT Specification 2U polyethylene containers in a DOT Specification 12P fiberboard overpack. (mode 1).
8588-N	Sohio Alaska Petroleum Company, Anchorage, AK.	49 CFR 173.118a, 173.119	To authorize a DOT Specification 57 steel or stainless steel portable tank for shipment of flammable and combustible liquids by water (mode 3).
8589-N	Cowboy Oil Company, Pocatello, ID	49 CFR 173.315, 173.33	To authorize shipment of liquefied petroleum gas (propane) in a non-DOT specification cargo tank constructed in year 1980 in accordance with the ASME Code (mode 1).
8590-N	Hugonnet, S.A., Paris, France	49 CFR 173.119, 173.125, 173.245, 173.346(a), 173.506.	To authorize shipment of certain flammable, corrosive, poison B liquids and ORM-A materials in non-DOT specification IMCO Type I portable tanks with gravity discharge and bottom openings (modes 1, 2, 3)

New Exemptions—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6591-N	Hugonnet, S.A., Paris France	49 CFR 172.119, 173.125, 173.245, 173.245(a), 173.906.	To authorize shipment of certain flammable, corrosive, poison B liquids and ORM-A materials in non-DOT specification IMCO Type I portable tanks with pressure discharge and no bottom outlets (modes 1, 2, 3)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 10, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-8088 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-60-M

[No. WASP-1]

Civil Aircraft Allocation Order

AGENCY: Research and Special Programs Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: This notice updates the Civil Aircraft Allocation Order published in the Federal Register, September 15, 1964 (29 FR 12939).

FOR FURTHER INFORMATION CONTACT: George W. Barry, Office of Emergency Transportation, Room 8330, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: With the passage of the Airline Deregulation Act of 1978 (Pub. L. 95-504), it is appropriate to redefine the statutory bases under which civil air carrier resources for the War Air Services Program (WASP) are allocated to the Civil Aeronautics Board. Accordingly, the following notice supersedes that of September 15, 1964 (29 FR 12939).

[No. WASP-1]
CIVIL AIRCRAFT
Allocation Order

Pursuant to authority under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), enabling Executive Order 10480, as amended, DMO-3, as amended (44 CFR Part 322.3 as amended), and Executive Order 11490, as amended, there is allocated to the Civil Aeronautics Board for use in the War Air Services Program (WASP) fleet, the following civil air carrier aircraft:

All aircraft operated by air carriers holding certificates issued by the Board under the following provisions of the Federal Aviation Act of 1958, as amended: Sections 401 (scheduled route and charter air carriers), and 418 (domestic all-cargo air carriers) and aircraft operated by commuter air carriers designated by the Civil Aeronautics Board to provide essential air service to small communities under Section 419 with the exception of those allocated or reallocated from time to time to the Department of Defense for use in the Civil Reserve Air Fleet (CRAF) Program.

This material supersedes the material appearing in FR Doc. 64-9306, filed September 14, 1964, and published in Federal Register dated Tuesday, September 15, 1964, page 12939.

Issued in Washington, D.C., on March 12, 1981.

Howard Degoff,

Administrator, Research and Special Programs Administration.

[FR Doc. 81-8089 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 6-81]

Treasury Notes of March 31, 1985, Series G-1985; Invitation for Tenders

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond act, as amended, invites tenders for approximately $3,500,000,000 of United States securities, designated Treasury Notes of March 31, 1985, Series G-1985 (CUSIP No. 912827 LS 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury Securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 31, 1981, and will bear interest from that date, payable on a semiannual basis on September 30, 1981, and each subsequent 6 months on March 31 and September 30 until the principal becomes payable. They will mature March 31, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in

effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, March 24, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 23, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in mulitples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a spcified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tneders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government secutities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, March 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, March 27, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the

Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-8337 Filed 3-18-81; 11:01 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 30, 1981, at 8:30 a.m., the Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances, shall, at the Federal Building, Room 621, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons pursuing Apprenticeship Training for Power Plant Operator II, City of Tallahassee, Arva Hopkins Generating Station, Tallahassee, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 11, 1981.

Carlos L. Rainwater,

Director.

[FR Doc. 81-8433 Filed 3-18-81; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 30, 1981, at 8:00 a.m., the Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances, shall, at the Federal Building, Room 621, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the on-the-job training program for Police Officers at City of Lakeland, Police Department, Lakeland, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 11, 1981.

Carlos L. Rainwater,

Director.

[FR Doc. 81-8432 Filed 3-18-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 53
Thursday, March 19, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1, 2
Federal Communications Commission	3, 4
Federal Deposit Insurance Corporation	5
Federal Election Commission	6
Federal Energy Regulatory Commission	7
Postal Rate Commission	8

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, March 27, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-439-81 Filed 3-17-81; 11:22 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, March 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proposed Dealer Option Regulations.

The Commission will consider recommendations of the Office of the General Counsel to publish a **Federal Register** notice of a proposed rule governing dealer option transactions.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-440-81 Filed 3-17-81; 11:26 am]

BILLING CODE 6351-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Special Closed Commission Meeting

The Federal Communications Commission will hold a Special Closed Meeting on the subject listed below on Thursday, March 19, 1981 at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—Relocation of FCC Headquarters.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: March 13, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-442-81 Filed 3-17-81; 1:36 pm]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

Closed Commission Meeting

The Commission will hold a Closed Meeting Monday, April 6, 1981, for the purpose of issuing instructions to the staff following scheduled oral argument.

The Oral Argument, which is open to the public is scheduled to start at 1:00 P.M. on the issue of the authorized rate of return for the American Telephone and Telegraph Company on its interstate and foreign services, CC Docket No. 79-63 in Room 856, at 1919 M Street, N.W., Washington, D.C. (See Order, FCC 81-114, released March 13, 1981).

The Closed Meeting will take place at the same location after the conclusion of the Oral Argument.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: March 16, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-443-81 Filed 3-17-81; 1:37 pm]

BILLING CODE 6712-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 16, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,705-SR—Citizens State Bank, Carrizo Springs, Texas

Case No. 44,710-L—First Augusta Bank & Trust Company, Augusta, Georgia

Case No. 44,711-L—Franklin National Bank, New York, New York

Memorandum and Resolution re: North Point State Bank, Arlington Heights, Illinois

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(9)(B), and (c)(10)).

Dated: March 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-438-81 Filed 3-17-81; 11:00 am]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, March 24, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits. Labor/Management Relations.

• • • • •

DATE AND TIME: Thursday, March 26, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Advisory opinions:
  Draft AO 1981–10: C. Normand Poirier, General Counsel, United States International Communication Agency
  Draft AO 1981–15: Joseph F. McBride, Treasurer, Citizens for Spellman Committee
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S–436–81 Filed 3–17–81; 2:27 pm]
BILLING CODE 6715–01–M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 17006, March 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 18, 1981.

CHANGE IN THE MEETING: The following Docket No. and Company is being added to Item CAM–4:

Item No., Docket No., and Company

CAM–4. RA80–33, Phillips and Munzel Shell.

Kenneth F. Plumb,
Secretary.

[S–441–80 Filed 3–17–81; 12:15 pm]
BILLING CODE 6450–85–M

8

POSTAL RATE COMMISSION.

TIME AND DATE: Periodic meetings scheduled on short notice on business days during the period March 18 through April 17, 1981.

PLACE: Conference Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Reconsideration of Commission Opinion and Recommended Decision in Docket R80–1 issued on February 19, 1981.
[Closed pursuant to 5 U.S.C. § 552b(c)(10)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268; Telephone (202) 254–5614.

[S–437–81 Filed 3–18–81; 4:40 pm]
BILLING CODE 7715–01–M

V.46/53 MR 1981

federal register

Thursday
March 19, 1981

Part II

Department of Transportation

Federal Aviation Administration

Advisory Circular for Performance Standards, Retread, Repair and Alterations of Aircraft Tires

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC No. 145-XX]

Advisory Circular for Performance Standards, Retread, Repair and Alterations *of* Aircraft Tires

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft advisory circular and request for comments.

SUMMARY: The draft Advisory Circular (AC) is intended to provide guidance for the development, qualification, and approval of aircraft tire repair and retread process specifications, and the use of special nondestructive inspection techniques. It also provides information related to certain rule changes having particular emphasis on aircraft tires used on transport aircraft in order that tire reliability will be enhanced, and the incident of tire failure decreased.

DATES: Comments must identify the AC No. 145-XX and be received on or before May 18, 1981.

ADDRESSES: Send all comments on the draft advisory circular to: Federal Aviation Administration, Attention: General Aviation and Commercial Branch (AWS-340), 800 Independence Ave., S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Angelo R. Mastrullo, General Aviation and Commercial Branch, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C. 20591; Telephone (202) 426-8204.

Comments received on the draft AC may be inspected in Room 313, FAA Headquarters Building (FOB-10A), 800 Independence Ave., S.W., Washington, D.C. 20591, between the hours of 8:30 and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments are solicited from all interested persons. A copy of the draft AC referenced herein may be obtained by contacting the person identified under "For Further Information Contact".

Discussion of the Draft Advisory Circular

This advisory circular provides INTERIM guidance for the inspection, repair, and retreading of aircraft tires to enhance tire reliability and decrease the incidence of tire failure.

The FAA's safety surveillance and analysis of aircraft tires with respect to cause of tire failure disclosed that complex landing gear systems, unprecedented high maximum aircraft operating weights, the operation of aircraft at higher taxi speeds on long taxi distances, and the quality of the inservice tire maintenance were among the significant factors in tire failures.

In the interest of safety to meet the increasingly severe tire operation conditions, Federal Aviation Regulations (FAR) Part 25, Airworthiness Standards: Transport Category Airplanes, and Technical Standard Order TSO -C62c, Aircraft Tires, were amended to incorporate updated and improved minimum performance standards applicable to main landing gear and nose wheel aircraft type design standards covering tire loads and speed ratings.

In keeping with those improved requirements, in the interest of safety, the FAA has decided to issue interim guidance by way of this advisory circular covering tire retread process specifications that are consistent with the test and dynamometer testing specified in the TSO under which the tire was built or requalified by testing.

The FAA has recognized the need to identify minimum performance levels for aircraft tire retreading, inspection, repair and retreading process specifications predicated upon substantial data. The FAA anticipates future data inputs from two major sources. The Office of Airworthiness has established a project plan agreement with the Transportation System Center (TSC) in Cambridge, Mass., through the FAA Technical Center in Atlantic City, N.J., to develop this technology to assure the continued airworthiness of aircraft tires.

The object of this project is to set forth standards for inservice tire qualifications, tests, inspections, and will include life and retread limits for these tires. It will also establish standards for nondestructive inspection which will include the latest state-of-the-art technology. In addition, the FAA will rely on aircraft tire manufacturers who are required to furnish the FAA with maintenance data as a condition of TSO authorizations that include the inspection criteria for tires to determine the eligibility of used tires to be continued in service. Recapping procedures are required to be included in the maintenance information along with any specific repair methods applicable to the tire and special nondestructive inspection techniques.

The recommendations received from the FAA aircraft tire project, along with the tire manufacturers' data provided the FAA, will be evaluated and the analysis of the findings will be used to update this interim AC.

Issued in Washington, D.C., on March 12, 1981.

George J. Pour,

Acting Director of Airworthiness.

AC145-XX—Advisory Circular

Dated: March 12, 1981.

Subject: Performance standards, retread, repair and alterations of aircraft tires.

1. *Purpose.* This advisory circular (AC) provides interim guidance for the development, qualification, and approval of aircraft tire repair and retread process specifications, and the use of special nondestructive inspection techniques. It also provides information related to certain rule changes having particular emphasis on aircraft tires used on transport aircraft in order that tire reliability will be enhanced, and the incidence of tire failure decreased.

2. *Related FAR.* FAR Part 25, Airworthiness Standards: Transport Category Airplanes, FAR Part 43, Maintenance, Preventative Maintenance, Rebuilding and Alteration, Technical Standard Order —C62c —Aircraft Tires, FAR Part 145, Repair Stations.

3. *Related Reading Materials.* TSO —C62, —C62a, —C62b and —C62c, Aircraft Tires. Tire manufacturers maintenance and repair instructions.

4. *Background.* Federal Aviation Administration (FAA) Technical Standard Order TSO —C62c —Aircraft Tires, which sets forth the minimum performance standards applicable to the main landing gear and nose wheel aircraft tires, has been amended to incorporate updated and improved minimum performance standards. In addition, FAR Section 25.733 was amended to include more comprehensive transport category airplane type design standards related to tire loads and speed ratings. Those revisions were necessary in the interest of safety to meet increasingly severe tire operating conditions.

5. *Terminating the Use of Certain Tires.* Tires manufactured and approved under TSO —C62, —C62a, or —C62b may be continued to be manufactured under the provisions of their original approval and be continued in use on aircraft except that after December 31, 1982, no person may identify or mark a tire having a speed rating above 160 mph with those TSO numbers (Ref: TSO —C62c Paragraph (d)).

6. *Ground Load.* The ground loads which tires must support is based on the most critical combination of aircraft gross weight (up to maximum ramp weight), center of gravity position, and the effect of engine thrust, reacted by inertia at the airplane center of gravity on each main wheel tire and nose wheel tire with some exceptions.

a. *Dynamic Loading.* Since the maximum ramp weight of the airplane may be significantly greater than the maximum take-off weight, it is considered important in relation to the tire design. To account for dynamic loading conditions, and to be consistent with TSO standards, the FAR specify limiting ground reaction loads for

aircraft tires in terms of the tire load rating (Ref: FAR Section 25.733(a)(b) and (c)).

b. *Turning.* Turning loads subject the aircraft landing gear structure, wheel carriage, rims and tires to high loads. Turning loads should be computed using the most critical combination of ramp weight, center of gravity position, and engine thrust, reacted by inertia at the airplane center of gravity on each main wheel tire and nose wheel tire.

7. *Multiple Mounted Tires.* When more than one wheel and tire are mounted on a single landing gear axle, disproportionate loads on individual tires may occur. Such unequal tire loading between adjacent tires may cause temporary overloading of individual tires and subsequent tire failure.

a. *Overload Test.* The FAA has concluded that derating the main wheel tire rated load by 7 percent (i.e., a load factor of 1.07), in combination with other changes, is appropriate. The change requires high-speed tires to withstand an overload of 1.01 times the present load rating (Ref: FAR Section 25.733 (c), (1), and (2)).

b. *Matching Tires.* To assist in equalizing loads on pairs of tires on the same axle, it is recommended that tire pairs, be from the same manufacturer, be inflated to the same tire pressure, and have equal amounts of tread on each tire. These measures will help ensure equal deflection of both tires on an axle. A slight difference in tire diameter between pairs can cause excessive deflection in the larger tire, with consequent overheating; this can result in sidewall damage.

8. *Technical Data Requirements.* Manufacturers are required to provide the FAA with tire speed and load rating, rated inflation pressure, tire mold skid depth, size, width, outside diameter, nominal loaded radius at rated load and inflation pressure, permissable tolerance on the normal loaded radius, the actual loaded radius of the test tire at rated load and inflation pressure, weight, static unbalance of test tire, wheel rim designation, and manufacturer's part number. For high-speed tires a load deflection curve at loads up to 1.5 times load rating, and a summary of the loan-speed-time parameters used in the dynamometer test, are also required. The term "high-speed tire" as used herein means a tire tested at a speed greater than 120 miles per hour (mph). (Ref: TSO–C62c, Paragraph (c)(1)).

9. *Maintenance and Repair instructions.* Manufacturers are required to furnish the FAA with maintenance data that includes the inspection criteria for tires to determine the eligibility of used tires to be continued inservice. Recapping procedures must be included in the maintenance information along with any specific repair methods applicable to the tire and special nondestructive (NDT) inspection techniques (Ref: TSO –C62c, Paragraph (c) (2)).

10. *Retread, Repair and Alteration of Aircraft Tires.*

a. *Retread.* The term "retread", for the AC, refers to several means of restoring a used tire by renewing the tread alone, or by renewing the tread plus one or both sidewalls. It refers as well to the process of extending new sidewall material to cover the bead area of the tire. Repairs are included in the retreading of tires. The retread and repair of a tire is considered to be a major repair because it cannot be done by an elementary operation and, if improperly done, would affect the airworthiness of the tire. The terms recap and recapping as used in this AC are synonymous with the terms retread and retreading.

b. *Data.* A repair station that is certificated to retread aircraft tires is required by FAR Section 145.23 to perform that work in accordance with a process specifications approved by the FAA. Before the process specification is approved by the FAA, it is required to meet the requirements of FAR Section 43.13(a) and (b), and be qualified by dynamometer testing. In addition, testing such as cross section sliver inspection, NDT inspection, etc., may be required. The manufacturer of an aircraft tire is now required to furnish maintenance data that includes maintenance and repair, recapping information, and special NDT inspection techniques. Such information provided by a tire manufacturer does not constitute an approved process specification. However, such data may be acceptable for use by a retreading agency in developing its process specifications to be submitted for approval. Required testing for approval is as follows:

(1) *For retreading tires manufactured under TSO –C62b,* the process is required to meet the requirements of FAR Section 43.13(a) and (b), be qualified by the test and dynamometer testing as outlined in AC 43.13–1A, Acceptable Methods, Techniques, and Practices, Aircraft Inspection and Repair, Chapter 8, Paragraph 332. Aircraft tires manufactured under TSO –C62b may continue to be retreaded using FAA approved process specifications for the TSO –C62b tires for use on aircraft.

(2) *Since the revised TSO –C62c* –Aircraft Tires, contains updated and improved minimum performance standards, repair stations who retread TSO –C62c tires will be required to requalify their retread process specifications to substantiate that the process can produce a product that meets the requirements of FAR Section 43.13 (a) and (b), and be qualified by the test and dynamometer testing as outlined in the TSO under which the tire was built.

(3) *Aircraft tires manufactured under TSO –C62b* which are requalified to TSO –C62c in order to remain a –C62c tire will be required to be retreaded under a process specification approved by the FAA for use on a –C62c tire. If any other process is used the tire will revert back to a –C62b aircraft tire.

c. *Performance.* The maintenance performance rules of FAR Section 43.13(a) and (b) state in part that, a product after undergoing maintenance shall be at least equal to its original or properly altered condition. This makes it necessary for a tire on which maintainance was performed to continue to meet the requirements outlined in the TSO under which it was built or qualified by testing. Retread tires are required to meet the same qualifications as when the tire was new in regard to speed rating, load rating, size, material, weight, skid depth, etc. Any deviations from the specifications under which a tire was built or qualified by testing would be an alteration to the tire and it would be considered a new product. As a new product, it would be necessary for the altered tire to be tested for approval under the TSO, and, be approved for use on each aircraft of which it would be a part.

11. *Tire Repairs.* The following represent industry practices regarding aircraft tire repairs.

a. *For high-speed tires:*

(1) *Tread Area.* Cuts, cracks, or other tread injuries 1½ inches in length and ¼ inch in width or less on the first cord body ply, and which do not extend through more than 40 percent of the actual tire cord body plies, may be repaired without an inside reinforcement. However, any tread injury repaired by skiving or resping methods must not have the final repair greater than 2 inches in length.

(2) *Major Tread.* Repairs to tread areas are limited to six (6) per tire and must be no closer than 60 degrees apart along the tire circumference. Major repairs consist of repairs to tread injuries that penetrate a distance equal to 40 percent of the actual tire cord body plies, and are 1½ inches in length or less on the first cord body ply.

(3) *Tread Injuries.* Injuries that are less than major repairs are not limited.

(4) *Punctures.* Punctures that penetrate through the cord body are not repairable.

(5) *Sidewall Rubber.* Surface defects of any degree (checking radial and circumferential cracks, cuts and snags) may be repaired provided the injuries do not penetrate into the cord body fabric plies.

(6) *Sidewalls.* Sidewalls that display a significant amount of ozone cracking or weather checking shall be veneered during retreading. Retreaders must be equipped to recover sidewalls on all of an airline's tire sizes processed by a particular retreader.

(7) *Bead area.* Bead areas must be free of cuts, snags, separations, deformations or other irregularities. Minor damage to the bead area may be repaired provided the cord body plies are not damaged.

(8) *Bead seal.* The bead seal must not be affected or intersected by impressions or depressions.

(9) *Bead Face and Bead Heel.* Those areas must be smooth.

(10) *Bead Toe.* The bead toe must be trimmed so that no edges are exposed above the bead face and so that any bead toe flash remaining does not protrude more than ⅛ inch from the face contour of the bead. If trimming of the bead toe is necessary, the trimming shall not cut or expose the tire cord material or more than one layer of chafer fabric.

(11) *Chafer Strip.* Minor injuries in the chafer strip or slight tire tool injuries in the general bead area, if they do not extend into the plies of the tire and there is no sign of separation in the bead area, can be repaired. Loose or blistered chafer strips can be repaired or replaced.

(12) *Inner Liner.* Inner liner surface damage and defects other than liner splices that are less than two inches in length, may be repaired. A maximum of ten of these repairs are acceptable with no more than three repairs in any one quadrant. Liner splice

damage and defects may be repaired if less than ten inches in length.

(13) *Exposed Cord.* Exposed cord, either in the breaker or carcass ply, must not exceed one percent of the buffed total tread area on one spot or more than two percent for the entire tire. Exposed fabric shall not exceed one carcass ply in depth.

(b) *For low speed tires.*

(1) *Bead Injuries.* Repairs may be made where only the chafe resistant material is damaged or loose, or where minor injuries do not penetrate into more than 25 percent of the tire plies up to three damaged plies.

(2) *Tread or Sidewalls.* Injuries may be repaired by the spot method. This includes cuts in the tread area that are smaller than ½ inch in length and do not penetrate more than the following number of plies into the cord body.

Ply rating	Maximum cut depth (plies)
Less than 8	
8 through 16	2
More than 16	4

12. *Retreadable Tires.* Tires with sound cord bodies and beads, or those with flat spots which do not extend into the carcass plies, are retreadable. This should be established by appropriate NDT using the equipment, techniques, and procedures which are recommended by the tire manufacturer or those outlined in the repair station's process specification approved by the FAA.

a. *Number of Retreads.* The wide variation in tire operating environments which may affect total carcass life and serviceability make it inadvisable to prescribe arbitrarily the maximum number of times a tire should be retreaded. Tire studies have disclosed that due to the complexity of aircraft tires, the propagation mechanism is critically influenced by the overall structural strength and structural uniformity of the carcass. Small separations in a weak carcass may propagate very fast while the same separation in a very strong carcass will propogate very slowly and go through many R levels before it will lead to a terminal failure. Accordingly, the number of times a tire can be recapped can only be controlled by a thorough inspection of the carcass, using all the appropriate NDT methods for each area of the carcass being inspected.

b. *Marking of Retreaded Tires.* Whenever it is necessary to replace the area containing the required original markings (Ref: TSO–C62 as applicable), or if those markings are damaged, such markings are required to be replaced. When retreading tires for certain air carriers, they may require additional tire markings. In addition, each retreaded tire sidewall should be permanently embossed with the retread information as follows:

(1) *The letter "R"* followed by a number "1", "2", etc., to signify the sequential number of retreads applied therein.

(2) *The month and year* of retread application.

(3) *The name* or identifying letters of the person who retreaded the tire.

(4) *The plant location* of the retreader.

c. *Balance Marker.* To indicate the lightweight point of the tire, remove the old balance marker and durably affix a new relocation balance marker, consisting of a single red dot of appropriate size, to the sidewall of the tire immediately above the bead. The dot should remain for any period of storage plus the retread life of the tire.

d. *Tread Design.* All tires will have a full circumferential groove tread design. The grooves will be continuous, uninterrupted, and of constant depth around the tire circumference.

e. *Tread Reinforcement Fabric.* The uppermost ply of tread fabric must be placed at least 1/32 inch below the bottom of the tread grooves to prevent cord fraying or breaking. The tread reinforcing fabric must not end directly under an outer tread groove.

f. *Balance Tolerance.* Initially an attempt must be made to balance all tires to zero unbalance, but nose tires must be statically or dynamically balanced to within one ounce of zero unbalance, and main tires must be statically or dynamically balanced to within two ounces of zero unbalance.

g. *Tire Weight.* The weight of a tire will not be greater than the applicable aircraft type certificate limitations unless specified otherwise.

h. *Balance Pads.* Balance pads must be removed prior to performing the initial liner leak check.

i. *Tire Venting.* All existing vent holes shall be rebored if not venting during air needle test or if covered during the retreading operation.

j. *Tire Dimensional Roundness Control.* Tire will be placed in a drying room at a temperature of 150°F + 10°F under a relative humidity of less than 15 percent for at least twelve hours before retreading. Tires shall preferably be laid flat and supported off the floor by utilizing pallets.

13. *Nonrepairable Aircraft Tires.* If any of the following conditions exists, repair of the tire is not recommended.

a. *Injuries to the bead* or bead area (except repairs may be made where only the chafe resistant material is damaged or loose if damages do not extend into the plies of the tire and if there is no sign of separation in the bead area).

b. *Bead injuries* that affect the seal of the bead on tubeless tires.

c. *Evidence of separation* between plies or around bead wire.

d. *Injuries* requiring reinforcement and all injuries requiring sectional repair.

e. *Kinked or broken* bead.

f. *Weather checking* or radial cracks that expose body cords.

g. *Evidence of* flex breaks.

h. *Loose,* internally damaged or broken cords.

i. *Broken or cut cords* in the outside, sidewall, or shoulder area.

j. *Evidence of blisters or heat damage* to the bead seat where reversion, scorching or rubber flaking has occurred.

k. *Cracked, deteriorated,* or damaged inner liners.

l. *Flat spots and skid burns* that have penetrated more than one carcass ply.

m. *Tires that have been* heavily saturated with grease or oil.

n. *A tire run flat* or partially flat due to loss of air pressure, melting, or failure of fuse plugs should be scrapped, even though no unusual damage is evident. It is recommended that a dual mounted tire should also be removed and not repaired or reused. The only exception would be if the tire lost air and was not run in an underinflated condition.

o. *Tires when sidewalls have been buffed and veneered three times.*

14. *Certification of a Repair Station for Aircraft Tire Retreading.* A limited rating-specialized service for aircraft tire retreading is issued to an operator who desires to operate a repair station to retread aircraft tires. The wide differences in the techniques, materials and processes used by the aircraft tire manufacturers makes it necessary for a tire retreader to provide specific detailed process data for the repair and retreading of aircraft tires.

a. *Repair stations* may obtain such data from the respective tire manufacturer or may develop its own for inclusion in its process specification required by FAR Section 145.33(c). The process specification requirements are outlined in paragraph 10(b) of this AC.

b. *Since a process specification* for the retreading of aircraft tires contains in-depth details and instructions for the inspection, repair and retreading process, the document should be given a title and number by the applicant. The process specification should identify all types of tires to which the process specification applies, including qualification test reports and outlines of the procedure for the use of the specification by repair station personnel. A statement should be included to show that all changes to the process specification must be submitted to the FAA for approval before being implemented. The specification should also relate that if there are any current or future requirements of the FAR, the FAR requirements will take precedence. After the process specification is approved by the FAA, it is required to be referenced on the Repair Station Operations Specifications, FAA Form 8000–4–1 by title, number and date approved.

c. *Since the revised* TSO–C62c contains updated and improved minimum performance standards, repair stations will be required to requalify their retread process to substantiate that the process can produce a product equal to those new standards.

d. *Repair stations retreading tires* for an air carrier having a continuous airworthiness program under FAR Parts 121, 125, 127, or 135 must perform that work in accordance with the procedures as outlined in the air carrier's maintenance manual.

(1) Air carriers should assure that its maintenance manual content will provide that a retreaded tire meets the performance rules of FAR 43.13(a) and (b) and the TSO under which the tire was built or qualified by testing.

(2) Aircraft operators should consider keeping a detailed history of a tire. A copy of this record sent to the retread agency would be an asset to help determine if it would be economical for a tire to be retreaded, and possibly prevent an in-service failure of a

retreaded tire. The history should contain information such as, tire serial number, brand name, the date of manufacture, total time in service, number of landings, reasons for prior removals or repairs made to the tire during prior retreads, etc.

(3) A copy of that record should be supplied to the retread agency along with information as to why the tire is now being sent to that agency. Such as, rejected take-off, underinflation, dual mounted on axle with a failed tire, went flat static, went flat in motion, fuse plug blew, etc.

e. *The retreader's record* of work performed for each tire processed should at least contain information as follows:

(1) *Brand name.*
(2) *Tire size.*
(3) *Load rating.*
(4) *Speed rating.*
(5) *Serial number.*
(6) *Ply rating.*
(7) *Retread number.*
(8) *Skid Depth.*
(9) *Repairs made* to carcass prior to retreading and previous repairs noted that were not recorded.
(10) *Manufacturer's Part No.*
(11) *Type of tread applied.*
(12) *Plant Code.*
(13) *Month and year applied.*
(14) *Applicable TSO Number.*

f. *The retreader's quality control system* is expected to maintain a satisfactory level of workmanship throughout the retread process, including assurance that each retreaded tire meets the qualification specifications as outlined in the TSO under which the tire was built or qualified by testing. It should contain an acceptable means for determining that the methods, techniques, and practices utilized in the retread process will continue to produce a tire that meets the requirements of FAR Section 43.13, and that the work is done in accordance with the retreader's FAA approved process specification, by subjecting a representative tire to the qualification tests as outlined in the TSO under which the tire was built or qualified by testing. In addition, a representative tire of each R number escalation should also be subjected to those tests.

15. *Tire Inspection.* The life span of an aircraft tire is expected to include several retreads. In order to provide an increase in tire life span, it is necessary to subject the worn or defective tire to inspection procedures and limiting defect criteria to qualify the tire for repair, retread and return to service. Continued research is being conducted to improve tire inspection methods and criteria that will improve existing levels of tire performance, and enhance the safety of tires in service.

a. *An aircraft tire* is passed through a repair agency's inspection system to determine if the tire has defects that would make it uneconomical for retreading. The first unrepairable defect that is noted is cause for the tire to be marked for scrap and no further work is done on the tire.

b. *All repairable damage and/or defects found* are marked and identified on the work sheet for attention during the retread process.

16. *Inspection Methods.* Only three inspection procedures are now in relatively widespread use by tire retread agencies. (1) Visual, (2) air needle, and (3) holographic. Other candidate procedures require testing and validation before they can be considered effective for insuring the airworthiness of tire casings. Each procedure has limitations and should be used with full knowledge of the risks of overlooking potentially damaging defects. As inspection technology evolves, and after suitable validation, a candidate procedure will be added to these recommendations. A list and description of other candidate inspection procedures is also included in this document. Inspection procedures presently being used and evaluated by tire retread agencies are as follows:

a. *Visual Inspection.* A detailed visual inspection is the first inspection that a qualified inspector makes of an aircraft tire's outer surfaces. Any external damage that would be a reason to reject a tire for retread is usually detected during the visual inspection. Consequently, the visual tire inspection process will qualify a tire for retreading and continued service, reject it, or recommend nondestructive inspection (NDI). Visual inspection will include cuts, breaks, ply separations, exposed cords and bead damage. Specifically the visual tire inspection will include the items listed below:

(1) *Age*: Review it's history sheet, date of manufacture, use environment, number of retreads, and repair history.

(2) *Weather Checking*: Examine for sidewall checking that has exposed cords beyond repair limits.

(3) *Cuts and Punctures*: Check for injuries which have penetrated the ply structure beyond the repair limits.

(4) *Exposed Fabric*: Check for exposed fabric resulting from excessive tread wear, heavy scuffing, and bead damage that has exposed turn-up plies and/or chafer fabric.

(5) *Ply Separation*: Examine for visual signs of carcass separations in the tread, shoulder, and bead areas.

(6) *Bead Damage*: Check for bead damage that might affect the bead seal, abrasions, exposed bead wires, and evidence of excessive heat.

(7) *Internal Breaks or Ruptures*: Inspect for breaks or ruptures to the liner that will allow air to pass into the carcass.

(8) *Removal of Balance Pads*: Examine for damage to the liner, i.e. exposed fabric, etc.

(9) *Spot Repairs*: Inspect the casing to determine the need for spot repairing, determine whether the strength of the tire is affected, and approve or disapprove the repairs accordingly.

(10) *Foreign Material*: Examine the casing to ensure that the casing is free of embedded stones, nails, glass, and other foreign materials.

(11) *Pass-Fail Criteria*: See Paragraph 16b(3) this AC.

b. *Air Needle Inspection.* Aircraft tires will be inspected twice using the air needle method during each retread process. The first inspection is made after the visual inspection to check for liner and bead leaks, ply separations, and other defects such as improper venting. After the tire is repaired and the retread is cured, a second air needle inspection is acomplished to verify satisfactory vent hole function and to check for leaks, ply separations and defects that occured during retreading.

(1) *Equipment Description:* The operation requires:

(i) A rack for holding the tires in an upright position.

(ii) Hypodermic needles, 15 to 16 gauge, .050 inch ID, and approximately ½" long with special adapters allowing them to be attached to high pressure hoses.

(iii) A regulator capable of adjusting and monitoring air pressure at 125 psi.

(iv) A line trap within the system to collect moisture, oil and dirt.

(v) A portable light for close inspection work.

(vi) An air gun spray for applying leak indicator solution.

(2) *Test Method:* For the test two separate needles are inserted into each sidewall of the tire approximately 180° opposite each other. The needles are inserted in the ply turn-up region (just outboard of the annular rings) at a 45° angle to the sidewall surface with the needle point outboard away from the bead so the needle penetrates into the carcass plies taking care to use a needle length that will not penetrate the liner and cause a liner leak.

(i) The ply structure of the casing will be pressurized to 125 psi, for a minimum of 15 minutes.

(ii) The vent holes are sprayed with a leak indicator solution. Air leakage from the vent holes will verify that air pressure has migrated throughout the carcass.

(iii) Leak solution is then sprayed on the liner and over both bead areas. The surfaces are visually inspected for air bubbles, and by touch, for bulges.

(iv) Bulges are probed to determine the depth of the separation and/or cord breakage. Small isolated leakage, if only the liner, may be repairable by patching.

(v) All excess leak detector solution is cleaned from the tire. The inspection results are noted on the tire work sheets and the tire is forwarded to a drying room prior to repair or retreading.

(vi) After retreading, cleaning and trimming, the tire is given the second or final air needle test. Retreaded tires rechecked by air needle inspection station for defects, are returned to shop for correction or rejection.

(3) *Pass/Fail Criteria* described in this AC represent a consensus of industry practice and not verified test results. Tests are presently in progress to establish safe flaw sizes for tire operating condition. When these tests are complete the results will be included as part of the pass/fail criteria. When any of the following conditions become evident, the tire should be rejected:

(i) In tire sizes:

40 x 14, 20 ply rated, 120 MPH
40 x 14, 22 & 24 ply rated, 225 MPH
41 x 15, 22 ply rated, 225 MPH
(A) Shoulder separations larger than ⅜"
(B) Crown separations larger than ¾"

(ii) In tire sizes:

40 x 17, 30 ply rated, 210 MPH
50 x 20, 32 & 34 ply rated, 225 MPH
(A) Shoulder separations larger than ½"
(B) Crown separations larger than 1"

(C) Any ply separation in the bead areas, including the turnups and chafers, shall cause the tire to be rejected.

c. *Holographic Inspection.* This system uses a photographic technique to detect distortion of a tire surface in an unstressed condition as compared to that same surface in a stressed condition. The stress is applied by enclosing the tire in a controlled vacuum environment.

(1) *A photographic film* is double exposed with the first exposure of the tire surface in the unstressed position in ambient air and the second exposure of the same tire surface stressed with the tire in the vacuum chamber.

(2) *Holography is a process* of three dimensional photography that requires a coherent or single frequency light. A laser is used and the beam is split into two distinct paths. One path is called the object beam, used to illuminate the object and is reflected back from the object to the film plane. The second path is the reference beam, brought directly onto the film plane by a system of mirrors. It is the interference of the reflected light waves from the object and the reference beam that creates an interference pattern that is recorded on the film producing a "hologram."

(3) *Capillaries* in the cord plies of a tire and the micropores in the rubber contain air. The quickly induced vacuum allows expansion of this air, causing swelling of the tire and a small movement of the tire surface towards the camera. A separation defect would permit a local increase in movement or bulging.

(4) *Using the double exposure holographic technique,* small surface movements change the length of the reflected light path. This difference in optical path length creates a series of interference lines on the hologram. If the surface of the stressed tire moves uniformly toward the film plane, the interference fringe lines are horizontal and uniform. If the object contains a structural defect, it would produce distorted fringe lines in the local defect area.

(5) *Different types of structural defects* produce their own characteristic of distorted fringe lines. By learning to recognize those different types, the location, type and size of structural defects can be noted.

(6) *Bead to bead inspection* is readily available with holographic nondestructive testing using two different techniques, inside mirror view or outside camera view. Due to the complex shape of the tire, the crown, shoulders and mid-sidewall regions are inspected together in one view from the inside. The lower bead region can be viewed from the inside by inserting mirrors into the tire and looking at the reflected image. There is currently available a camera which can view the crown, shoulder and mid-sidewall areas from the inside and can be moved from the inside to the outside of the tire to view the lower bead region from the outside. This transition from the inside to outside can be accomplished in a matter of seconds.

(7) *Equipment Description:* Holographic equipment is available commercially and consists of the following:

(i) A platform supporting a turntable upon which the tire is mounted for inspection.

(ii) A laser and interferometer mounted on the same platform so that a fixed relationship with a tire can be maintained. All elements involved in the photographic process are uniformly vibration isolated on the platform.

(iii) Camera and interferometer optics mounted at the center of the turntable.

(iv) A dome over the entire assembly within which a partial vacuum may be created.

(v) A device used to spread the tire beads for the insertion of spreader bars.

(vi) A hologram viewer illuminated by a laser light source. Adequate floor space is necessary for the flat storage of tires, while allowing for dimensional stabilization after spreading.

(8) *Inspection Procedure.*

(i) The tire's beads are spread apart and the tire is allowed to stabilize for about 30 minutes.

(ii) The tire is loaded on the machine's turntable and fixed into position; the dome is brought down over it.

(iii) The tire is illuminated by a laser and is photographed.

(iv) Without moving the tire, a vacuum is induced within the chamber and the tire is again photographed, double exposing the hologram.

(v) Steps (iii) and (iv) are repeated until all four quadrants of the tire have been photographed.

(vi) The film is developed and the hologram is read.

(9) *Pass/Fail Criteria.* See Paragraph 16b(3) of this AC.

d. *Other Nondestructive Inspection Techniques.* Several promising techniques are beginning to be considered for aircraft tire integrity confirmation. While some show great potential, none has the ability to consistently demonstrate the ability to find flaws related to tire airworthiness. The criterion for acceptance of a potential technique should answer to the question: "Is the technique valuable in identifying tires which may fail to remain airworthy during the next cycle between retreads?" No known inspection method can find all flaws, but several have proved to be cost effective in reducing the number of tire removals between retreads, when used in the appropriate circumstances. As nondestructive technology evolves, new methods will become available which meet these criteria. The FAA in its approval procedure will compare the proposed overall inspection procedure to the anticipated maximum service severity of the carrier, in order to determine whether the procedure provides the necessary safeguards to maintain tire airworthiness. It is presently recognized, that a method for efficient casing selection prior to retreading tires is essential for an overall tire quality assurance program. Some of the other nondestructive inspection techniques are:

(1) *Air Needle Buffing.* This is accomplished on a machine designed to permit tire buffing and air needle inspection at the same time.

(i) The tire to be inspected is installed onto the expandable rim of the tire buffing machine. The rim is expanded by air pressure and the tire is inflated by air pressure to force the beads outward against the rim flanges and firm the tire to its inflated position. The air needles are put in place and the tire is slowly rotated to check needle hoses for clearance while rotating.

(ii) The buffing operation is started in a normal manner. As the heavy tread and shoulder rubber and tread reinforcement plies are buffed off, separation may become apparent on the buffed surface since outward surface bulges are no longer suppressed by the heavy outer rubber.

(iii) The machine operator continually observes the surface for separation evidence and may stop the machine for closer inspection. Carcass ply separation is cause for disqualifying a tire for retread. Isolated separations between outer carcass ply and undertread rubber may be repairable.

(2) *X-ray Method.* Present day X-rays use a video image of a flourescope screen for direct observation by the tire inspector in place of the use of film to record a tire image.

(i) The machinery used is composed of two enclosures that are air conditioned. The radiation enclosure houses the tire manipulator, and drive the X-ray source, generator system, cooling system, and the image system. The second is the operator enclosure that houses the systems controls and the operator's video display used during inspection. A radiation protective window is provided adjacent to the console so the operator has a direct view of the tire as it is manipulated during the inspection.

(ii) Analysis of defective areas in the structure of a tire requires a knowledge of tire construction. Anomalies appear as an area of greater distinguishable brightness than the surrounding area of similar construction for surface gouge or some separations. X-ray detects the tire construction components by their relative transparency to radiation. A single ply flaw in a multi-ply tire cause a small difference in overall X-ray transparency and is difficult to detect. In tires that contain multiple bead wire bundles, one bundle screens the X-ray penetration from the others and they are difficult to view. X-ray has a limited use in the inspection of a tire carcass.

(3) *Ultrasonic* is a system that uses sound waves passed through the tire to inspect the integrity of the laminated structure of the tire. The tire being inspected by a sonic method may be surrounded by various media, usually air or water, through which the sound travels from transmitter to the tire and then to the receiver. Testing in a media is necessary since the transducers are not in direct contact with the tire surface. By detecting the changes in sound wave transmission, it is possible to detect anomalies in the tire. Following are two systems in general use.

(i) *Through-Transmission.* This type uses a device (transducer) to generate sound waves near one surface of the tire and one or more receivers on the opposite side of the tire to detect the sound wave and converts the intensity of the received sound into an electrical voltage signal which is displayed as a wave form trace on an oscilloscope. When a ply separation or other tire defect is in the path of the transmitted sound, the wave form is changed in relation to the anomaly. A ply separation makes a noticeable reduction in the intensity of the sound at the receiver,

causing an altered wave form. A comparison of the altered wave forms displayed when the sound is received in an area of the tire containing a defect, with a region of the tire without a defect confirms the presence of the defect and usually shows the type and size of the anomaly.

(ii) *Pulse-echo.* This system also uses transducers to transmit a sound wave at very short intervals and to receive the delayed reflected sound waves from the intersurface of the tire laminate layers in the path of the transmitted waves. The reflected sound waves or echos from successive laminations are received at successively later times as the distance traveled by the transmitted and reflected sound increases. Each layer in the tire laminate affects the reflected wave forms in accordance with the layer material's sound transmission and sound impedance characteristics, as does an anomaly within the laminate. On an oscilloscope display the wave form differences can be evaluated to determine the type and extent of tire anomalies.

e. *100 percent tire inspection.* A review of tire studies shows that no single NDT inspection method can detect all the possible unsafe tire defects. It is therefore necessary to use multiple tire inspections to cover the entire tire structure to locate all possible defect areas.

(1) In order to quickly identify a tire that is not economical for retreading, it is recommended that the visual inspection should be done first in conjunction with an air needle inspection to check for liner leakage and vent hole function. This should provide identification of liner leaks to be considered for repairs or scrapping of the tire and to check the integrity of any earlier repairs. After those inspections, advanced NDT methods should than be used to further qualify a tire carcass for retreading.

(2) The holographic inspection method is the primary advanced method which is used on aircraft tires as a routine retread qualification method. It is used to search for separations in the bead, mid-sidewall, shoulder, and crown areas of tires and to check the overall structural integrity of a tire carcass as related to defects such as separation, poor adhesion, weak or loose splices, undercure, flex breaks, integrity of repairs, and porosity. Holographic tire inspection equipment is commercially available, and, considering the vast background experience in the process and analysis, this is ideal for use after the initial inspection to further qualify tires for retreading or as a final inspection to qualify the retread process.

(3) There is no off-the-shelf ultrasonic test equipment available for aircraft tires. Until such equipment is available, its use will be limited.

(4) X-ray inspection equipment is commercially available for aircraft tires and is used widely for examination of tire construction, but little of it is used for the qualification of aircraft tires for retread.

17. *High-Speed Tire Maintenance and Operational Practices.* Studies show that tire failure and carcass deterioration of inservice tires can be alleviated by proper maintenance and operational practices. Advisory Circular No. 20-97 provides information on the causes of aircraft tire failures and methods of increasing tire reliability. This advisory circular is available from the U.S. Department of Transportation, Publications Section, M-443.1, Washington, D.C. 20591.

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Part III

Department of Transportation

Research and Special Programs Administration

Listing of Hazardous Materials

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-145C Amdt. No. 172-66]

Listing of Hazardous Materials

March 10, 1981

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule amends the Hazardous Materials Regulations to include materials that have been determined by EPA to be "hazardous substances," as that term is defined in the comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), also known as the "Superfund" Act. Section 306(a) of that Act requires that each hazardous substance which is listed or designated as such shall, within 90 days after the date of enactment of the Act, be listed as a hazardous material under the Hazardous Materials Transportation Act. The effect of this rule is to initiate coordination of the MTB hazardous materials program with the implementation of CERCLA.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Charlton (202-426-2075), Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Background

Section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that, within 90 days after the date of enactment of the Act, each substance that is listed or designated as a hazardous substance under the Act shall be listed as a hazardous material under the Hazardous Materials Transportation Act (HMTA). Section 306(b) provides that common and contract carriers shall not be liable under CERCLA for releases of hazardous substances prior to the effective date of the listing of that substance as a hazardous material unless it is demonstrated that the carrier has actual knowledge of the identity or nature of the substance.

The purpose of these provisions is twofold: First, to assure coordination of the implementation of CERCLA (as it relates to transportation) with the administration of the HMTA so as to avoid regulatory inconsistencies and overlaps; and, second, to provide reasonable notice, through the HMTA regulatory system, to transporters of hazardous substances that they are subject to the liability and other provisions of CERCLA.

Listings

The purpose of this final rule is to fulfill the requirements of Section 306(a) of CERCLA by listing as hazardous materials those substances that EPA has determined to be "hazardous substances," as defined in Section 101(14). That definition incorporates six lists of substances, five of which have been developed under other statutory authorities:

1. Section 311(b)(2)(A) of the Federal Water Pollution Control Act (FWPCA);
2. Section 3001 of the Solid Waste Disposal Act;
3. Section 307(a) of the FWPCA;
4. Section 112 of the Clean Air Act; and
5. Section 7 of the Toxic Substances Control Act (TSCA).

The sixth list is comprised of substances for which authority to designate is granted to EPA in Section 102 of CERCLA.

The listing in this rule does not include:

1. Substances listed under Section 311(b)(2)(A) of the FWPCA. These substances were incorporated into the Hazardous Materials Table on May 22, 1980, (45 FR 34560) and are currently covered by the Hazardous Materials Regulations. It is therefore unnecessary to repeat them in this listing.

2. Substances under Section 7 of the TSCA. No substances have yet been designated under this authority.

3. Substances designated under Section 102 of CERCLA. No substances have yet been designated under this authority.

The listing in this rule includes substances designated under Section 307(a) of the FWPCA, Section 3001 of the Solid Waste Disposal Act, and Section 112 of the Clean Air Act. It should be noted that many of these substances either are already listed in the Hazardous Materials Table or meet an existing hazard class definition and are currently subject to the Hazardous Materials Regulations. Today's listing indicates by asterisk (*) those materials that were listed as hazardous substances in the Department's May 22, 1980, final rule. With respect to the other substances listed, reference should be made to the existing regulations to determine their applicability to those substances.

Effect of Listings

This rule meets the requirement of Section 306(a) of CERCLA since hazardous substances, as defined in Section 101(14) of CERCLA, are listed as hazardous materials under the Hazardous Materials Transportation Act. It does not, however, extend the applicability of the Department's Hazardous Materials Regulations to any materials that are not already covered by those regulations. For example, if in the past shipping papers were not required by 49 CFR 172.200 for a material included in this new listing, they will not now be required as a result of the listing. Specifically, the Department is not at this time incorporating these materials into the list of "hazardous substances," as defined in the Hazardous Materials Regulations (49 CFR 171.8), nor is the Department assigning reportable quantities (RQs) for purposes of the Hazardous Materials Regulations.

Section 102 of CERCLA provides that, pending establishment by EPA of a different quantity, the RQ for all hazardous substances shall be one pound. The Hazardous Materials Regulations provide that shipping papers must be issued for all shipments of hazardous substances (as defined in § 171.8) that equal or exceed their reportable quantity. Therefore, the effect of listing the materials covered by this action as "hazardous substances," as defined by the Department, and assigning an RQ of one pound would be to vastly increase the number of shipments requiring shipping papers under the Hazardous Materials Regulations. For example, every shipment of galvanized steel containing more than one pound of zinc would require a hazardous materials shipping paper. This result would not promote the purposes of CERCLA, and it would be contrary to the Department's goal of minimizing paperwork requirements.

At such time as EPA exercises its authority under Section 102 to establish RQs for particular substances, the Department will determine the appropriateness of listing those substances as "hazardous substances" and assigning those RQs to them.

It should be noted that, as discussed above, some of the materials listed in this rule are already designated as hazardous substances in the Hazardous Materials Table, and RQs for these materials have already been assigned.

Section 102 of CERCLA provides that all materials in today's listing that have not been assigned an RQ shall have an RQ of one pound pending establishment

of a different quantity by EPA. Section 103 (a) and (b) of CERCLA requires that all releases of an RQ of a hazardous substance into the environment be reported to the National Response Center. While the Department does not currently contemplate changing its general incident reporting requirements (49 CFR 171.15 and 171.16), EPA is currently developing a notice explaining how it will implement the requirements of Section 103 (a) and (b) of CERCLA. Shippers and transporters of materials listed in this rule should contact EPA (Mr. H. D. Van Cleave, Acting Director, Emergency Response Division (WH-548), Office of Hazardous Emergency Response, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3045) for additional information regarding these reporting requirements.

With respect to those materials listed in this rule that are not already covered by the Hazardous Materials Regulations, the Department is aware that, since shipping papers are not required for these materials, carriers will not always be aware that CERCLA's release notification requirements apply to them. While this uncertainty is unfortunate, it is far preferable to the imposition of extensive new shipping paper and other regulatory requirements that would be necessary to provide carriers with certainty. Furthermore, this uncertainty is an interim consequence of the enactment of CERCLA; as EPA establishes RQs for these materials, the Department will begin to incorporate them into the Hazardous Materials Table as "hazardous substances" and assign RQs to them, at which point the Department's requirements of the Hazardous Materials Regulations will apply.

With respect to the release notification requirements for hazardous substances, (as defined in 49 CFR 171.8), it should be noted that, in addition to the requirements of 49 CFR 171.17 for releases "into or upon the navigable waters or adjoining shorelines," Section 103 (a) and (b) of CERCLA requires the reporting of such releases into the "environment," which is defined broadly to include surface water, ground water, land surface, and ambient air.

Regulatory Impact

The listing contained in this rulemaking, which is required by Section 306(a) of CERCLA to be promulgated within 90 days after the date of enactment of that Act, is essentially informational in nature since no new regulatory requirements are imposed as a result of the listing. Therefore, this rule does not constitute a "major rule" as defined in Executive Order 12291 and DOT implementing procedures (44 FR 11034).

With regard to the requirements of the Administrative Procedure Act (5 U.S.C. 553), the Department finds that notice and public procedure thereon are impracticable and unnecessary because this rule is required to be promulgated within 90 days after the enactment of CERCLA.

In consideration of the foregoing, Part 172 of Title 49 Code of Federal Regulations is amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. Section 172.101 is amended by adding the following after the Hazardous Materials Table:

§ 172.101 Hazardous Materials Table.

* * * * *

CERCLA List

Note.—The following listing fulfills the requirement of Section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), that all "hazardous substances," as defined in that Act, shall be listed as hazardous materials under the Hazardous Materials Transportation Act. That definition includes substances listed under Section 311(b)(2)(A) of the Federal Water Pollution Control Act (FWPCA). Those materials have already been listed as hazardous substances in the Hazardous Materials Table of this section, and that listing is not repeated here. The definition of "hazardous substance" in CERCLA also includes substances designated under Section 307(a) of the FWPCA, Section 3001 of the Solid Waste Disposal Act, and Section 112 of the Clean Air Act. The following listing consists of materials designated under those authorities. Materials indicated in the listing by an asterisk (*) are also listed in the Hazardous Materials Table as hazardous substances. With respect to other materials in the following listing, those that are not forbidden materials or fall within a hazard class are not subject to the requirements of this Subchapter.

It should be noted that Section 306(b) of CERCLA provides that common and contract carriers may be held liable under that Act for the release of a "hazardous substance" as defined in that Act, after the effective date of the listing of that substance as a hazardous material under the Hazardous Materials Transportation Act.

Specific Chemical Wastes

EPA hazardous waste No.	Substance
U001	*Acetaldehyde (I)
U034	Acetaldehyde, trichloro-
U187	Acetamide, N-(4-ethoxyphenyl)-
U005	Acetamide, N-9H-fluoren-2-yl-
U112	Acetic acid, ethyl ester (I)
U144	*Acetic acid, lead salt
U214	Acetic acid, thallium (I) salt
U002	Acetone (I)
U003	Acetonitrile (I,T)
U004	Acetophenone
U005	2-Acetylaminofluorene
U006	*Acetyl Chloride (C,R,T)
U007	Acrylamide
U008	Acrylic acid (I)
U009	*Acrylonitrile
U150	Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-
U011	Amitrole
U012	*Aniline (I,T)
U014	Auramine
U015	Azaserine
U010	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione,6-amino-8-[((aminocarbonyl)oxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-
U157	Benz(j)aceanthrylene,1,2-dihydro-3-methyl-
U016	Benz[c]acridine
U016	3,4-Benzacridine
U017	Benzalchloride
U018	Benz[a]anthracene
U018	1,2-Benzanthracene
U094	1,2-Benzanthracene,7,12-dimethyl-
U012	*Benzenamine (I,T)
U014	Benzenamine, 4,4-carbonimidoylbis(N,N-dimethyl-
U049	Benzenamine, 4-chloro-2-methyl-
U093	Benzenamine, N,N-dimethyl-4-phenylazo-
U158	Benzenamine, 4,4'-methylenebis(2-chloro-
U222	Benzenamine, 2-methyl-, hydrochloride
U181	Benzenamine, 2-methyl-5-nitro-
U019	*Benzene (I,T)
U038	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	Benzene, 1-bromo-4-phenoxy-
U037	*Benzene, chloro-
U190	1,2-Benzenedicarboxylic acid anhydride
U028	1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester
U069	*1,2-Benzenedicarboxylic acid, dibutyl ester
U088	1,2-Benzenedicarboxylic acid, diethyl ester
U102	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	1,2-Benzenedicarboxylic acid, di-n-octyl ester
U070	*Benzene, 1,2-dichloro-
U071	*Benzene, 1,3-dichloro-
U072	*Benzene, 1,4-dichloro-
U017	Benzene, (dichloromethyl)-
U223	Benzene, 1,3-diisocyanatomethyl-(R,T)
U239	*Benzene, dimethyl-(I,T)
U201	*1,3-Benzenediol
U127	Benzene, hexachloro-
U056	*Benzene, hexahydro-(I)
U188	*Benzene, hydroxy-
U220	*Benzene, methyl-
U105	*Benzene, 1-methyl-2,4-dinitro-
U106	*Benzene, 1-methyl-2,6-dinitro-
U203	Benzene, 1,2-methylenedioxy-4-allyl-
U141	Benzene, 1,2-methylenedioxy-4-propenyl-
U090	Benzene, 1,2-methylenedioxy-4-propyl-
U055	Benzene, (1-methylethyl)-(I)
U169	*Benzene, nitro-(I,T)
U183	Benzene, pentachloro-
U185	Benzene, pentachloro-nitro-
U020	Benzenesulfonic acid chloride (C,R)
U020	Benzenesulfonyl chloride (C,R)
U207	Benzene, 1,2,4,5-Tetrachloro-
U023	Benzene, (trichloromethyl)-(C,R,T)
U234	Benzene, 1,3,5-trinitro-(R,T)
U021	Benzidine
U202	1,2-Benzisothiazolin-3-one, 1,1-dioxide
U120	Benzo[j,k] fluorene
U022	Benzo[a]pyrene
U022	3,4-Benzopyrene
U197	p-Benzoquinone
U023	Benzotrichloride (C,R,T)
U050	1,2-Benzphenanthrene
U085	2,2'-Bioxirane (I,T)
U021	(1,1'-Biphenyl)-4,4'-diamine
U073	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-
U091	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-
U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-
U024	Bis(2-chloroethoxy) methane
U027	Bis(2-chloroisopropyl) ether
U244	Bis(dimethylthiocarbamoyl) disulfide
U028	Bis(2-ethylhexyl) phthalate
U246	Bromine cyanide
U225	Bromoform

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
U030	4-Bromophenyl phenyl ether
U128	1,3-Butadiene, 1,1,2,3,4,4,-hexachloro-
U172	1-Butanamine, N-butyl-N-nitroso-
U035	Butanoic acid, 4-[Bis(2-chloroethyl) amino] benzene-
U031	1-Butanol (I)
U159	2-Butanone (I,T)
U160	2-Butanone peroxide (R,T)
U053	*2-Butenal
U074	2-Butene, 1,4,-dichloro-(I,T)
U031	n-Butyl alcohol (I)
U136	Cacodylic acid
U032	*Calcium chromate
U238	Carbamic acid, ethyl ester
U178	Carbamic acid, methylnitroso-, ethyl ester
U176	Carbamide, N-ethyl-N-nitroso-
U177	Carbamide, N-methyl-N-nitroso-
U219	Carbamide, thio-
U097	Carbamoyl chloride, dimethyl-
U215	Carbonic acid, dithallium(I) salt
U156	Carbonochloridic acid, methyl ester (I,T)
U033	Carbon oxyfluoride (R,T)
U211	*Carbon tetrachloride
U033	Carbonyl fluoride (R,T)
U034	Chloral
U035	Chlorambucil
U036	*Chlordane, technical
U026	Chlornaphazine
U037	*Chlorobenzene
U245	1-(p-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid
U039	4-Chloro-m-cresol
U041	1-Chloro-2,3-epoxypropane
U042	2-Chloroethyl vinyl ether
U044	*Chloroform
U046	Chloromethyl methyl ether
U047	beta-Chloronaphthalene
U048	o-Chlorophenol
U049	4-Chloro-o-toluidine, hydrochloride
U032	*Chromic acid, calcium salt
U050	Chrysene
U051	Creosote
U052	*Cresols
U052	Cresylic acid
U053	*Crotonaldehyde
U055	Cumene (I)
U246	Cyanogen bromide
U197	1,4-Cyclohexadienedione
U056	*Cyclohexane (I)
U057	Cyclohexanone (I)
U130	*1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	Cyclophosphamide
U240	*2,4-D, salts and esters
U059	Daunomycin
U060	*DDD
U061	*DDT
U142	*Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta [c,d]-pentalen-2-one
U062	Diallate
U133	Diamine (R,T)
U221	Diaminotoluene
U063	Dibenz [a,h] anthracene
U063	1,2:5,6-Dibenzanthracene
U064	1,2:7,8-Dibenzopyrene
U064	Dibenz [a,i] pyrene
U066	1,2-Dibromo-3-chloropropane
U069	*Dibutyl phthalate
U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate
U070	*o-Dichlorobenzene
U071	*m-Dichlorobenzene
U072	*p-Dichlorobenzene
U073	3,3'-Dichlorobenzidine
U074	1,4-Dichloro-2-butene (I,T)
U075	Dichlorodifluoromethane
U192	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide
U060	*Dichloro diphenyl dichloroethane
U061	*Dichloro diphenyl trichloroethane
U078	*1,1-Dichloroethylene
U079	1,2-Dichloroethylene
U025	Dichloroethyl ether
U081	2,4-Dichlorophenol
U082	2,6-Dichlorophenol
U240	*2,4-Dichlorophenoxyacetic acid, salts and esters
U083	*1,2-Dichloropropane
U084	*1,3-Dichloropropane
U085	1,2:3,4-Diepoxybutane (I,T)
U108	1,4-Diethylene dioxide
U086	N,N-Diethylhydrazine

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
U087	O-O-Diethyl-S-methyl-dithiophosphate
U088	Diethyl phthalate
U089	Diethylstilbestrol
U148	1,2-Dihydro-3,6-pyradizinedione
U090	Dihydrosafrole
U091	3,3'-Dimethoxybenzidine
U092	*Dimethylamine (I)
U093	Dimethylaminoazobenzene
U094	7,12-Dimethylbenz(a) anthracene
U095	3,3'-Dimethylbenzidine
U096	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	Dimethylcarbamoyl chloride
U098	1,1-Dimethylhydrazine
U099	1,2-Dimethylhydrazine
U101	*2,4-Dimethylphenol
U102	Dimethyl phthalate
U103	Dimethyl sulfate
U105	*2,4-Dinitrotoluene
U106	*2,6-Dinitrotoluene
U107	Di-n-octyl phthalate
U108	1,4-Dioxane
U109	1,2-Diphenylhydrazine
U110	Dipropylamine (I)
U111	Di-n-propylnitrosamine
U001	*Ethanal (I)
U174	Ethanamine, N-ethyl-N-nitroso-
U067	*Ethane, 1,2-dibromo-
U076	Ethane, 1,1-dichloro-
U077	*Ethane, 1,2-dichloro-
U114	1,2-Ethanediylbiscarbamodithioic acid
U131	Ethane, 1,1,1,2,2,2-hexachloro-
U024	Ethane, 1,1'-[methylenebis(oxy)]bis [2-chloro-
U003	*Ethanenitrile (I,T)
U117	Ethane, 1,1'-oxybis-(I)
U025	Ethane, 1,1'-oxybis [2-chloro-
U184	Ethane, pentachloro-
U208	Ethane, 1,1,1,2-tetrachloro-
U209	Ethane, 1,1,2,2-tetrachloro-
U218	Ethanethioamide
U227	Ethane, 1,1,2-trichloro-
U043	Ethene, chloro-
U042	Ethene, 2-chloroethoxy-
U078	*Ethene, 1,1-dichloro-
U079	Ethene, trans-1,2-dichloro-
U210	Ethene, 1,1,2,2-tetrachloro-
U173	Ethanol, 2,2'-(nitrosoimino)bis-
U004	Ethanone, 1-phenyl-
U006	*Ethanoyl chloride (C,R,T)
U112	Ethyl acetate (I)
U113	Ethyl acrylate (I)
U238	Ethyl carbamate (urethan)
U038	Ethyl 4,4'-dichlorobenzilate
U114	Ethylenebis(dithiocarbamic acid)
U067	*Ethylene dibromide
U077	*Ethylene dichloride
U115	Ethylene oxide (I,T)
U116	Ethylene thiourea
U117	Ethyl ether (I)
U076	Ethylidene dichloride
U118	Ethyl methacrylate
U119	Ethyl methanesulfonate
U139	Ferric dextran
U120	Fluoranthene
U122	*Formaldehyde
U123	*Formic acid (C,T)
U124	Furan (I)
U125	*2-Furancarboxaldehyde (I)
U147	*2,5-furandione
U213	Furan, tetrahydro- (I)
U125	*Furfural (I)
U124	Furfuran (I)
U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-
U126	Glycidylaldehyde
U163	Guanidine, N-nitroso-N-methyl-N'-nitro-
U127	Hexachlorobenzene
U128	Hexachlorobutadiene
U129	*Hexachlorocyclohexane (gamma isomer)
U130	*Hexachlorocyclopentadiene
U131	Hexachloroethane
U132	Hexachlorophene
U243	Hexachloropropene
U133	Hydrazine (R,T)
U086	Hydrazine, 1,2-diethyl-
U098	Hydrazine, 1,1-dimethyl-
U099	Hydrazine, 1,2-dimethyl-
U109	Hydrazine, 1,2-diphenyl-
U134	*Hydrofluoric acid (C,T)
U134	*Hydrogen fluoride (C,T)

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
U135	Hydrogen sulfide
U096	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U136	Hydroxydimethylarsine oxide
U116	2-Imidazolidinethione
U137	Indeno (1,2,3-cd) pyrene
U245	Indomethacin
U139	Iron dextran
U140	Isobutyl alcohol (I,T)
U141	Isosafrole
U142	*Kepone
U143	Lasiocarpine
U144	*Lead acetate
U145	Lead phosphate
U146	Lead subacetate
U129	*Lindane
U147	*Maleic anhydride
U148	Maleic hydrazide
U149	Malononitrile
U150	Melphalan
U151	Mercury
U152	Methacrylonitrile (I,T)
U092	*Methanamine, N-methyl-(I)
U029	Methane, bromo-
U045	Methane, chloro-(I,T)
U046	Methane, chloromethoxy-
U068	Methane, dibromo-
U080	Methane, dichloro-
U075	Methane, dichlorodifluoro-
U138	Methane, iodo-
U119	Methanesulfonic acid, ethyl ester
U211	*Methane, tetrachloro-
U153	Methanethiol (I,T)
U225	Methane, tribromo-
U044	*Methane, trichloro-
U121	Methane, trichlorofluoro-
U123	*Methanoic acid (C,T)
U036	*4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,-7,7a-tetrahydro-
U154	Methanol (I)
U155	Methapyrilene
U154	Methyl alcohol (I)
U029	Methyl bromide
U186	1-Methylbutadiene (I)
U045	Methyl chloride (I,T)
U156	Methyl chlorocarbonate (I,T)
U226	Methyl chloroform
U157	3-Methylcholanthrene
U158	4,4'-Methylenebis(2-chloroaniline)
U132	2,2'-Methylenebis(3,4,6-trichlorophenol)
U068	Methylene bromide
U080	Methylene chloride
U122	*Methylene oxide
U159	Methyl ethyl ketone (I,T)
U160	Methyl ethyl ketone peroxide (R,T)
U138	Methyl iodide
U161	Methyl isobutyl ketone (I)
U162	*Methyl methacrylate (I,T)
U163	N-Methyl-N'-nitro-N-nitrosoguanidine
U161	4-Methyl-2-pentanone (I)
U164	Methylthiouracil
U010	Mitomycin C
U059	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,- 6-trideoxy-alpha-L-lyxo-hexopyranosyl) oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-
U165	*Naphthalene
U047	Naphthalene, 2-chloro-
U166	1,4-Naphthalenedione
U236	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'diyl)]-bis(azo)bis(5-amino-4 hydroxy)-, tetrasodium salt
U166	1,4-Naphthaquinone
U167	1-Naphthylamine
U168	2-Naphthylamine
U167	alpha-Naphthylamine
U168	beta-Naphthylamine
U026	2-Naphthylamine, N,N'-bis(2-chloromethyl)-
U169	*Nitrobenzene (I,T)
U170	*p-Nitrophenol
U171	2-Nitropropane (I)
U172	N-Nitrosodi-n-butylamine
U173	N-Nitrosodiethanolamine
U174	N-Nitrosodiethylamine
U111	N-Nitrosodi-n-propylamine
U176	N-Nitroso-N-ethylurea
U177	N-Nitroso-N-methylurea
U178	N-Nitroso-N-methylurethane
U179	N-Nitrosopiperidine
U180	N-Nitrosopyrrolidine

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
U181	5-Nitro-o-toluidine
U193	1,2-Oxathiolane, 2,2-dioxide
U058	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloroethyl) amino] tetrahydro-2-oxide
U115	Oxirane (I,T)
U041	*Oxirane, 2-(chloromethyl)-
U182	Paraldehyde
U183	Pentachlorobenzene
U184	Pentachloroethane
U185	Pentachloronitrobenzene
U242	*Pentachlorophenol
U186	1,3-Pentadiene (I)
U187	Phenacetin
U188	*Phenol
U048	Phenol, 2-chloro-
U039	Phenol, 4-chloro-3-methyl-
U081	Phenol, 2,4-dichloro-
U082	Phenol, 2,6-dichloro-
U101	*Phenol, 2,4-dimethyl-
U170	*Phenol, 4-nitro-
U242	*Phenol, pentachloro-
U212	Phenol, 2,3,4,6-tetrachloro-
U230	*Phenol, 2,4,5-trichloro-
U231	*Phenol, 2,4,6-trichloro-
U137	1,10-(1,2-Phenylene)pyrene
U145	Phosphoric acid, lead salt
U087	Phosphorodithioic acid, O,O-diethyl-, S-methyl ester
U189	Phosphorous sulfide (R)
U190	Phthalic anhydride
U191	2-Picoline
U192	Prolenamide
U194	1-Propanamine (I,T)
U110	1-Propanamine, N-propyl-(I)
U066	Propane, 1,2-dibromo-3-chloro-
U149	Propanedinitrile
U171	Propane, 2-nitro-(I)
U027	Propane, 2,2'-oxybis[2-chloro-
U193	1,3-Propane sultone
U235	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U126	1-Propanol, 2,3-epoxy-
U140	1-Propanol, 2-methyl-(I,T)
U002	2-Propanone (I)
U007	2-Propenamide
U084	*Propene, 1,3-dichloro-
U243	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	*2-Propenenitrile
U152	2-Propenenitrile, 2-methyl-(I,T)
U008	2-Propenoic acid (I)
U113	2-Propenoic acid, ethyl ester (I)
U118	2-Propenoic acid, 2-methyl-, ethyl ester
U162	*2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U233	*Propionic acid, 2-(2,4,5-trichlorophenoxy)-
U194	n-Propylamine (I,T)
U083	*Propylene dichloride
U196	Pyridine
U155	Pyridine, 2-[(2-dimethylamino)ethyl)-2-thenylamino]-
U179	Pyridine, hexahydro-N-nitroso-
U191	Pyridine, 2-methyl-
U164	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	Pyrrole, tetrahydro-N-nitroso-
U200	Reserpine
U201	*Resorcinol
U202	Saccharin and salts
U203	Safrole
U204	Selenious acid
U204	*Selenium dioxide
U205	Selenium disulfide (R,T)
U015	L-Serine, diazoacetate (ester)
U233	*Silvex
U089	4,4'-Stilbenediol, alpha, alpha'-diethyl-
U206	Streptozotocin
U135	Sulfur hydride
U103	Sulfuric acid, dimethyl ester
U189	Sulfur phosphide (R)
U205	Sulfur selenide (R,T)
U232	*2,4,5-T
U207	1,2,4,5-Tetrachlorobenzene
U208	1,1,1,2-Tetrachloroethane
U209	1,1,2,2-Tetrachloroethane
U210	Tetrachloroethylene
U212	2,3,4,6-Tetrachlorophenol
U213	Tetrahydrofuran (I)
U214	Thallium(I) acetate
U215	Thallium(I) carbonate
U216	Thallium(I) chloride
U217	Thallium(I) nitrate

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
U218	Thioacetamide
U153	Thiomethanol (I,T)
U219	Thiourea
U244	Thiram
U220	Toluene
U221	Toluenediamine
U223	Toluene diisocyanate (R,T)
U222	o-Toluidine hydrochloride
U011	1H-1,2,4-Triazol-3-amine
U228	1,1,1-Trichloroethane
U227	1,1,2-Trichloroethane
U228	*Trichloroethene
U228	*Trichloroethylene
U121	Trichloromonofluoromethane
U230	*2,4,5-Trichlorophenol
U231	*2,4,6-Trichlorophenol
U232	*2,4,5-Trichlorophenoxyacetic acid
U234	sym-Trinitrobenzene (R,T)
U182	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	Tris(2,3-dibromopropyl) phosphate
U236	Trypan blue
U237	Uracil, 5[bis(2-chloromethyl)amino]-
U237	Uracil mustard
U043	Vinyl chloride
U239	*Xylene (I)
U200	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxy-benzoyl)oxy]-, methylester
P012	*Arsenic(III) oxide
P011	*Arsenic pentoxide
P011	*Arsenic(V) oxide
P012	*Arsenic trioxide
P038	Arsine, diethyl-
P054	Aziridine
P013	*Barium cyanide
P024	Benzenamine, 4-chloro-
P077	Benzenamine, 4-nitro-
P028	*Benzene, (chloromethyl)-
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino) ethyl]-
P014	Benzenethiol
P028	*Benzyl chloride
P015	Beryllium dust
P016	Bis(chloromethyl) ether
P017	Bromoacetone
P018	Brucine
P021	*Calcium cyanide
P123	Camphene, octachloro-
P103	Carbamimidoselenoic acid
P022	*Carbon bisulfide
P022	*Carbon disulfide
P095	*Carbonyl chloride
P033	*Chlorine cyanide
P023	Chloroacetaldehyde
P024	p-Chloroaniline
P026	1-(o-Chlorophenyl)thiourea
P027	3-Chloropropionitrile
P029	Copper cyanides
P030	Cyanides (soluble cyanide salts), not elsewhere specified
P031	Cyanogen
P033	*Cyanogen chloride
P036	Dichlorophenylarsine
P037	*Dieldrin
P038	Diethylarsine
P039	*O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate
P041	Diethyl-p-nitrophenyl phosphate
P040	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	Diisopropyl fluorophosphate
P044	Dimethoate
P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methyl- amino)carbonyl] oxime
P071	*O,O-Dimethyl O-p-nitrophenyl phosphorothioate
P082	Dimethylnitrosamine
P046	alpha,alpha-Dimethylphenethylamine
P047	4,6-Dinitro-o-cresol and salts
P034	4,6-Dinitro-o-cyclohexylphenol
P048	*2,4-Dinitrophenol
P020	Dinoseb
P085	Diphosphoramide, octamethyl-
P039	*Disulfoton
P049	2,4-Dithiobiuret
P109	Dithiopyrophosphoric acid, tetraethyl ester
P050	*Endosulfan
P088	Endothall
P051	*Endrin
P042	Epinephrine
P046	Ethanamine,1,1-dimethyl-2-phenyl-

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
P064	Ethanamine,N-methyl-N-nitroso-
P101	Ethyl cyanide
P054	Ethylenimine
P097	Famphur
P056	Fluorine
P057	Fluoroacetamide
P058	Fluoroacetic acid, sodium salt
P065	Fulminic acid, mercury (II) salt (R,T)
P059	*Heptachlor
P051	*1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene
P037	*1,2,3,4,10,10-Hexachloro-6,7-epoxy,1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene
P060	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene
P004	*1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonaphthalene
P060	Hexachlorohexahydro-exo,exo-dimethanonaphthalene
P062	Hexaethyl tetraphosphate
P116	Hydrazinecarbothioamide
P068	Hydrazine, methyl-
P063	*Hydrocyanic acid
P063	*Hydrogen cyanide
P096	Hydrogen phosphide
P064	Isocyanic acid, methyl ester
P007	3(2H)-Isoxazolone,5-(aminomethyl)-
P092	Mercury,acetato-(3)phenyl-
P065	Mercury fulminate (R,T)
P016	Methane,oxybis[chloro-
P112	Methane, tetranitro-(R)
P118	Methanethiol, trichloro-
P059	*4,7-Methano-1H-indene,1,4,5,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P066	Methomyl
P067	2-Methylaziridine
P068	Methyl hydrazine
P064	Methyl isocyanate
P069	*2-Methyllactonitrile
P071	*Methyl parathion
P072	alpha-Naphthylthiourea
P073	Nickel carbonyl
P074	Nickel cyanide
P074	Nickel(II) cyanide
P073	Nickel tetracarbonyl
P075	Nicotine and salts
P076	Nitric oxide
P077	p-Nitroaniline
P078	*Nitrogen dioxide
P076	Nitrogen(II) oxide
P078	*Nitrogen(IV) oxide
P081	Nitroglycerine (R)
P082	N-Nitrosodimethylamine
P084	N-Nitrosomethylvinylamine
P050	*5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro cyclic sulfite
P085	Octamethylpyrophosphoramide
P087	Osmium oxide
P087	Osmium tetroxide
P088	7-Oxabicyclo[2.2.1] heptane-2,3-dicarboxylic acid
P089	*Parathion
P034	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	*Phenol, 2,4-dinitro-
P047	Phenol, 2,4-dinitro-6-methyl-
P030	Phenol, 2,4-dinitro-6-(1-methylpropyl)-
P009	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P036	Phenyl dichloroarsine
P092	Phenylmercuric acetate
P093	N-Phenylthiourea
P094	Phorate
P095	*Phosgene
P096	Phosphine
P041	Phosphoric acid, diethyl p-nitrophenyl ester
P044	Phosphorodithioic acid, 0,0-dimethyl S-[2-(methyl-amino)-2-oxoethyl] ester
P043	Phosphorofluoric acid, bis(l-methylethyl) ester
P094	Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester
P089	*Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester
P040	Phosphorothioic acid, O-O-diethyl O-pyrazinyl ester
P097	Phosphorothioic acid, O,O-dimethyl O-[p-((dimethyl-amino)-sulfonyl)phenyl) ester
P116	*Pterbene, tetraethyl-

Specific Chemical Wastes—Continued

EPA hazardous waste No	Substance
P098	*Potassium cyanide
P099	Potassium silver cyanide
P070	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino) carbonyl] oxime
P101	Propanenitrile
P027	Propanenitrile, 3-chloro-
P069	*Propanenitrile, 2-hydroxy-2-methyl-
P081	1,2,3-Propanetriol, trinitrate (R)
P017	2-Propanone, 1-bromo-
P102	Propargyl alcohol
P003	*2-Propenal
P005	*2-Propen-1-ol
P067	1,2-Propylenimine
P102	2-Propyn-1-ol
P008	4-Pyridinamine
P075	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts
P111	*Pyrophosphoric acid, tetraethyl ester
P103	Selenourea
P104	Silver cyanide
P105	Sodium azide
P106	*Sodium cyanide
P107	Strontium sulfide
P108	*Strychnidin-10-one, and salts
P018	Strychnidin-10-one, 2,3-dimethoxy-
P108	Strychnine and salts
P115	*Sulfuric acid, thallium(I) salt
P109	Tetraethyldithiopyrophosphate
P110	*Tetraethyl lead
P111	*Tetraethylpyrophosphate
P112	Tetranitromethane (R)
P062	Tetraphosphoric acid, hexaethyl ester
P113	Thallic oxide
P113	Thallium(III) oxide
P114	Thallium(I) selenite
P115	*Thallium(I) sulfate
P045	Thiofanox
P049	Thioimidodicarbonic diamide
P014	Thiophenol
P116	Thiosemicarbazide
P026	Thiourea, (2-chlorophenyl)-
P072	Thiourea, 1-naphthalenyl-
P093	Thiourea, phenyl-
P123	*Toxaphene
P118	Trichloromethanethiol
P119	Vanadic acid, ammonium salt
P120	*Vanadium pentoxide
P120	*Vanadium(V) oxide
P001	Warfarin
P121	*Zinc cyanide
P122	*Zinc phosphide (R,T)
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations.
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents.
F003	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.
F004	The following spent non-halogenated solvents: cresols and cresylic acid, and nitrobenzene; and the still bottoms from the recovery of these solvents.
F005	The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine; and the still bottoms from the recovery of these solvents.
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum

Specific Chemical Wastes—Continued

EPA hazardous waste No	Substance
F019	Wastewater treatment sludges for the chemical conversion coating of aluminum.
F007	Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).
F008	Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges).
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).
F010	Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges).
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning).
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges).
F015	Spent cyanide bath solutions from mineral metals recovery operations.
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.
K004	Wastewater treatment sludge from the production of zinc yellow pigments.
K005	Wastewater treatment sludge from the production of chrome green pigments.
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007	Wastewater treatment sludge from the production of iron blue pigments.
K008	Oven residue from the production of chrome oxide green pigments.
K009	Distillation bottoms from the production of acetaldehyde from ethylene.
K010	Distillation side cuts from the production of acetaldehyde from ethylene.
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.
K015	Still bottoms from the distillation of benzyl chloride.
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.
K018	Heavy ends from the fractionation column in ethyl chloride production.
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.
K020	Heavy ends from the distillation of vinyl dichloride in vinyl chloride monomer production.
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.
K022	Distillation bottom tars from the production of phenol/acetone from cumene.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Specific Chemical Wastes—Continued

EPA hazardous waste No	Substance
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
K026	Stripping still tails from the production of methyl ethyl pyridines.
K027	Centrifuge and distillation residues from toluene diisocyanate production.
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.
K083	Distillation bottoms from aniline production.
K103	Process residues from aniline extraction from the production of aniline.
K104	Combined wastewater streams generated from nitrobenzene/aniline production.
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.
K073	Chlorinated hydrocarbon waste from the purification step of the diaphram cell process using graphite anodes in chlorine production.
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.
K031	By-product salts generated in the production of MSMA and cacodylic acid.
K032	Wastewater treatment sludge from the production of chlordane.
K033	Wastewater and scrub water and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.
K035	Wastewater treatment sludges generated in the production of creosote.
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.
K037	Wastewater treatment sludges from the production of disulfoton.
K038	Wastewater from the washing and stripping of phorate production.
K039	Filter cake from filtration of diethylphosphorodithioic acid in the production of phorate.
K040	Wastewater treatment sludge from the production of phorate.
K041	Wastewater treatment sludge from the production of toxaphene.
K098	Untreated process wastewater from the production to toxaphene.
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.
K043	2,6-Dichlorophenol waste from the production of 2,4-D
K099	Untreated wastewater from the production of 2,4-D.
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.
K045	Spent carbon from the treatment of wastewater containing explosives.
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K047	Pink/red water from TNT operations.
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
K049	Slop oil emulsion solids from the petroleum refining industry.
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Specific Chemical Wastes—Continued

EPA hazardous waste No.	Substance
K051	API separator sludge from the petroleum refining industry.
K052	Tank bottoms (leaded) from the petroleum refining industry.
K061	Emission control dust/sludge from the primary production of steel in electric furnaces
K062	Spent pickle liquor from steel finishing operations.
K069	Emission control dust/sludge from secondary lead smelting.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K101	Distillation tar residues form the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.
K060	Ammonia still lime sludge from coking operations.
K087	Decanter tank tar sludge from coking operations.

BILLING CODE 4910-60-M

Chemicals listed by EPA under Section 307(a) of the Clean Water Act

Acenaphthylene

Acenaphthene

*Acetic acid

*Acrolein

Anthracene

Antimony

*Antimony pentachloride

*Antimony potassium tartrate

*Antimony tribromide

*Antimony trichloride

*Antimony trifluoride

*Antimony trioxide

Arsenic

Arsenic acid

*Arsenic disulfide

*Arsenic pentoxide

*Arsenic trichloride

*Arsenic trioxide

Asbestos

Benz[a] anthracene

*Benzene

Benzidine

Benzo[ghi] perylene

Benzo[a] pyrene

Beryllium

*Beryllium chloride

*Beryllium fluoride

*Beryllium nitrate

Bis(2-chloroethoxy)methane

Bis(2-chloroethyl)ether

Bis(2-chloroisopropyl)ether

Bis(2-ethylhexyl) phthalate

Bromomethane

4-Bromophenyl phenyl ether

Butyl benzyl phthalate

*n-Butyl phthalate

Cadmium

*Cadmium acetate

*Cadmium bromide

*Cadmium chloride

*Carbon tetrachloride

*Chlordane

*Chlorobenzene

Chlorodibromomethane

Benzo[b] fluoranthene

Benzo[k] fluoranthene

2-Chloroethyl vinyl ether

*Chloroform

Chloromethane

Chloromethyl methyl ether

Chloronaphthalene (all isomers)

2-Chloronaphthalene

Chlorophenol

2-Chlorophenol

2-Chloronaphthalene

4-Chlorophenyl phenyl ether

Chromium

*Chromic acetate

*Chromic acid

*Chromic sulfate

*Chromous chloride

Chrysene

Copper

Copper cyanide

*Cupric acetate

*Cupric acetoarsenite

*Cupric chloride

*Cupric nitrate

p-Chloro-m-cresol

Choroethane

*Cupric oxalate

*Curpic sulfate

*Cupric sulfate ammoniated

*Cupric tartrate

*Cyanides (soluble salts and complexes),n.o.s.

*Cyanogen chloride

2-Cyclohexyl-4, 6-dinitrophenol

*DDD

DDE

*DDT

Dibenz[a,h] anthracene (Dibenzo[a,h] anthracene)

Dibenzo [a,e] pyrene

Dibenzo[a,h] pyrene

Dibenzo[a,i] pyrene

Dibromomethane

*Di-n-butyl phthalate

*Dichlorobenzene (all isomers)

Dichlorobenzidine (all isomers)

3,3'-Dichlorobenzidine

Dichlorobromomethane

Dichloroethane (all isomers)

1,1-Dichloroethane

1,2-Dichloroethane

*Dichloroethylene (all isomers)

*1,1-Dichloroethylene

*1,2-Dichloroethylene

Dichloromethane

Dichloronaphthalene (all isomers)

Dichlorophenol (all isomers)

2,4-Dichlorophenol

2,6-Dichlorophenol

Dichlorophenylarsine

*Dichloropropane (all isomers)

*Dichloropropene–Dichloropropane mixture

*Dichloropropene(s) (all isomers)

*1,3-Dichloropropene

*Dieldrin

Diethylarsine

Diethyl phthalate

7,12-Dimethylbenz[a]anthracene

Dimethylnitrosamine

*2,4-Dimethylphenol

Dimethyl phthalate

4,6-Dinitro-o-cresol

*Dinitrotoluene (all isomers)

*2,4-Dinitrotoluene

*2,6-Dinitrotoluene

Di-n-octyl phthalate

Di-n-propylnitrosamine

*Endosulfan (all isomers)

Endosulfan sulfate

*Endrin and metabolites

*Ethyl benzene

Ethyl cyanide

*Ethylene dichloride

Fluoranthene

Fluorene

*Heptachlor

Heptachlor epoxide

Hexachlorobenzene

*Hexachlorobutadiene

Hexachlorocyclohexane (all isomers)

*Hexachlorocyclooentadiene

Hexachloroethane

Hexachlorophene

Indeno(1,2,3-cd)pyrene

Iodomethane

Isophorone

Lead

*Lead

*Lead

*Lead

*Lead

*Lead

*Lead

Lead p

*Lead

Lead s

*Lead

*Lead

*Lead

*Mercu

*Mercu

*Mercu

Mercuri

*Mercu

Mercury

Nickel

*Nickel

*Nickel

*Nickel

Lead

*Lead acetate

*Lead arsenate

*Lead chloride

*Lead fluoborate

*Lead fluoride

*Lead iodide

*Lead nitrate

Lead phosphate

*Lead stearate

Lead subacetate

*Lead sulfate

*Lead sulfide

*Lead thiocyanate

*Mercuric cyanide

*Mercuric nitrate

*Mercuric sulfate

Mercuric thiocyanate

*Mercurous nitrate

Mercury

Nickel

*Nickel ammonium sulfate

*Nickel chloride

*Nickel hydroxide

*Nickel nitrate

*Nickel sulfate

*Nitrobenzene

*Nitrophenol (all isomers)

*2-Nitrophenol

*4-Nitrophenol

N-Nitrosodi-n-butylamine

N-Nitrosodiethanolamine

N-Nitrosodiethylamine

N-Nitrosodimethylamine

N-Nitrosodiphenylamine

N-Nitrosodi-n-propylamine

N-Nitrosomethylethylamine

N-Nitrosomethylvinylamine

Octachloronaphthalene

Pentachlorobenzene

Pentachloroethane

*Pentachlorophenol

Phenanthrene

*Phenol

Phenyl dichloroarsine

Phenylmercury acetate

*Polychlorinated biphenyl(s) (PCBs)

Potassium silver cyanide

Nickel carbonyl

Nickel cyanide

Selenium

Selenium oxide

Selenium sulfide

Silver

Silver cyanide

*Silver nitrate

Tetrachlorobenzene

1,2,4,5-Tetrachlorobenzene

2,3,7,8-Tetrachlorodibenzo-p-dioxin

Tetrachloroethane (all isomers)

1,1,1,2-Tetrachloroethane

1,1,2,2-Tetrachloroethane

Tetrachloroethene (Tetrachloroethylene)

*Tetrachloromethane

Tetrachlorophenol (all isomers)

2,3,4,6-Tetrachlorophenol

*TDE

Thallium

Thallic oxide

Thallium (I) acetate

Thallium (I) carbonate

Thallium (I) chloride

Pyrene

Selenious acid

Trichlorfon

Trichloroethane (all isomers)

1,1,1-Trichloroethane

1,1,2-Trichloroethane

*Trichloroethylene

*Trichlorophenol (all isomers)

*2,4,5-Trichlorophenol

*2,4,6-Trichlorophenol

Vinyle chloride

Zinc

*Zinc acetate

*Zinc ammonium chloride

*Zinc borate

*Zinc bromide

*Zinc carbonate

*Zinc chloride

*Zinc cyanide

*Zinc fluoride

*Zinc formate

*Zinc hydrosulfite

*Zinc nitrate

*Zinc phenolsulfonate

Thallium (I) nitrate

Thallium (I) selenite

*Thallium (I) sulfate

*Toluene

*Toxaphene

Tribromomethane

Trichlorobenzene (all isomers)

1,2,4-Trichlorobenzene

BILLING CODE 4910-60-C

*Zinc phosphide

*Zinc silicofluoride

*Zinc sulfate

*Zirconium nitrate

*Zirconium potassium fluoride

*Zirconium sulfate

*Zirconium tetrachloride

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11043), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321) et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-8340 Filed 3-18-81; 8:45 am]

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FEDERAL

14727-148
14885-151
15129-152
15257-154
15491-156
15685-158
15855-160
16099-162
16235-166
16653-168
16877-170
17009-171
17187-175
17535-177

Reader Aids

Federal Register

Vol. 46, No. 53

Thursday, March 19, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
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Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
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Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17
17187-17534	18
17535-17750	19

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

485 17187

3 CFR

Executive Orders:

12247 (Revoked by EO 12298) 16879
12296 15129
12297 16877
12298 16879

Proclamations:

4822 14885
4823 15491
4824 17009
4825 17535

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857

Proposed Rules:

28 15884

5 CFR

Ch XIV 17187
550 14887
831 16653

7 CFR

905 16237
907 ..... 15257, 16237, 17537
910 ..... 15493, 15864, 16655
907 16238
2024 15493

Proposed Rules:

930 15888
1002 17207
1004 ..... 15713, 16266
1007 16266
1011 16266
1030 16266
1032 16266
1046 16266
1049 16266
1050 16266
1062 16266
1064 16266
1065 16266
1068 ..... 16266, 16689
1071 16266
1073 16266
1076 16266
1079 16266
1094 16266
1096 16266
1097 16266
1098 16266
1099 16266
1102 16266
1104 16266
1106 16266
1108 16266
1120 16266
1126 16266
1131 16266
1132 16266
1136 16266
1139 16690
2851 14899
2859 15512

8 CFR

238 16656

9 CFR

75 15494

Proposed Rules:

308 15512
381 15512

10 CFR

20 16230
35 15683
212 15257

Proposed Rules:

Ch. I 17566
2 17216
30 15278
40 15278
50 15278
51 15154
70 15278
72 15278
211 15112
212 17566
376 15484
390 15484

12 CFR

Ch. VII 14887
1 16240
5 16656-16661
8 16663
21 15864
206 16099
216 15864
326 15864
541 17187
544 16881
545 17187
546 14727

556.....16246
611.....17011
568.....14727
563a.....15864
701.....17187, 17537
748.....15864
749.....17188
1204.....15131

Proposed Rules:
400.....15888
545.....15175
618.....17022

14 CFR

39.....14728–14729, 15259, 17538–17540 16247, 16248, 16881–16888
71.....14730–14734
91.....16666, 16888
95.....14735
97.....15259, 16249
121.....15480

Proposed Rules:
Ch. I.....14749, 15278, 15746
21.....16279
39.....15479
241.....17022
71.....15478, 16899–16902
93.....15458
159.....15458

15 CFR

4a.....16251
386.....16869
388.....17189
503.....15496
804.....16892
805.....16892
935.....14741
936.....14741
937.....14741
938.....14741

Proposed Rules:
377.....17218

16 CFR

1.....14868
13.....15261, 15262, 16892, 14741, 17189
1000.....17541

Proposed Rules:
13.....16274

17 CFR

15.....15132, 16255
200.....16255
211.....15496
231.....16670
240.....14888, 15133, 15134, 15498, 15713, 15866
241.....16670
270.....16673, 17011

Proposed Rules:
1.....16891
210.....15278
240.....14749, 15178, 17219

18 CFR

4.....15873
250.....15874
260.....15878
282.....14742, 15498, 15879, 16256

Proposed Rules:
Ch. I.....15512
Subchapter B.....16903
1.....14751, 17023
1b.....17023
2.....17023
3.....17023
3a.....17023
3c.....17023
4.....14751, 17023
12.....17023
16.....17023
25.....17023
32.....17023
33.....17023
34.....15513
35.....17023, 17227
41.....17023
131.....15513
152.....17023
153.....17023
154.....14899
156.....17023
157.....14899, 16903
158.....17023
250.....14899
260.....14899
270.....17023
271.....16914, 17023
275.....17023
281.....17023
282.....17023
284.....17023
286.....17023
292.....17023
375.....16903, 17023
385.....17023
388.....17023

19 CFR

Ch. II.....17526
200.....17542
210.....17526
211.....17526
353.....15135, 17190
355.....16099, 17014

Proposed Rules:
101.....17228

21 CFR

5.....16674
73.....15500
81.....15500
175.....16675
177.....16675
193.....16256, 17015
430.....15880, 16676
431.....16676
436.....15880, 16676, 16678, 16681
440.....15880, 16681
442.....15880, 16679
444.....16676, 16680, 16681
446.....16681
448.....16681
449.....16681
450.....16681
452.....16678, 16681
540.....14889
561.....14889, 17015
864.....14890

Proposed Rules:
20.....17063
109.....15518
110.....15518
193.....15261
225.....15518
226.....15518
452.....16892
500.....15518
509.....15518
601.....17063
803.....17063
872.....15519
876.....17063, 17064

22 CFR

Ch. XIV.....16058, 16065
191.....17543
41.....15504
51.....16257

24 CFR

201.....17190
203.....14743, 16893
207.....14743, 16893
213.....16893
220.....14743, 16893
221.....16893
232.....16893
234.....16893
235.....16893
236.....16893
241.....16893
242.....16893
244.....16893
300.....15505
803.....17366
886.....17366

25 CFR

43c.....14890
700.....15720

Proposed Rules:
72.....16916
280.....16916

26 CFR

1.....15262, 15685, 16100, 17191
20.....17191
25.....17191
31.....17547
37.....17547
55.....15262
150.....16257

Proposed Rules:
1.....15892, 17229
26.....15893
31.....17566

28 CFR

0.....16100
40.....16100

Proposed Rules:
2.....14904

29 CFR

1910.....14897
2200.....14744
2610.....16685

Proposed Rules:
92.....16827

30 CFR

950.....17191

Proposed Rules:
806.....16276

32 CFR

201.....15505
286.....14890
309.....15506
875.....15506

33 CFR

1.....15685
230.....14745

34 CFR

690.....16823

36 CFR

3.....16101
21.....16101
36.....16696

39 CFR

10.....17016
111.....14746, 15283, 15286

40 CFR

52.....15136–15139, 15686, 16687, 16895–16897, 17019, 17549–17557 17191–17193
55.....15686
81.....14891, 14892, 15140, 16258, 17557
86.....15686, 16258, 16259
122.....16897
123.....17194
162.....15104
180.....14894, 15122–15125 17020, 17021
205.....17558
261.....17196
264.....16897
265.....16897
761.....16090

Proposed Rules:
Ch. I.....16916
51.....16280
52.....15180, 15181, 15284, 15743, 16280
60.....14905
81.....15744, 15744
86.....15893, 16917
141.....17567
180.....15181, 15182, 15285, 16917, 17229, 17230
192.....16278
406.....17567
409.....17567
413.....17567
416.....17567
418.....17567
420.....17567
421.....17567
422.....17567
424.....17567
426.....17567
428.....17567
430.....15287
431.....15287
432.....17567
435.....17567
436.....17567
440.....17567
443.....17567
457.....17567
460.....17567
761.....16096
763.....14905

41 CFR

Ch. 101.....17564

1-3.....
1-4.....
11.....
16.....
5-6.....
5A-6.....
5B-6.....
101-26.....
101-35.....
101-36.....
101-40.....
Proposed
8-4.....

42 CFR

110.....

43 CFR

20.....
Public Land
5797.....
5798.....
5799.....
5802.....
5804.....
5805.....
5806.....
5809.....
5810.....
5812.....
5814.....
5817.....
5818.....
5819.....
5821.....
5824.....
5825.....
5826.....
5827.....
5828.....
5830.....
5831.....
5832.....
5833.....
5834.....
5836.....
5837.....
5838.....
5839.....
5840.....
5841.....
5842.....
5844.....
5845.....
5846.....
5848.....
5849.....
5850.....
5851.....
5852.....
5853.....
5854.....
5855.....

44 CFR

64.....
65.....
Proposed R
60.....
67.....1

45 CFR

1060.....
1357.....

1-3 17559
1-4 16102
11 17559
16 17559
5-8 17202
5A-8 17202
5B-8 17202
101-26 17564
101-35 16102
101-36 16102
101-40 14894

Proposed Rules:
8-4 17232

42 CFR

110 15141

43 CFR

20 16897

Public Land Orders:
5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15267, 15269
65 15142

Proposed Rules:
60 16892
67 ..... 14907, 15183, 15287, 16282

45 CFR

1060 15270
1357 14895
1812 16267

46 CFR

3 15746
14 15746
24 15746
188 15746
189 15746

Proposed Rules:
502 17064

47 CFR

2 ..... 15146, 15690
73 ..... 15147-15151, 15271, 15707, 15709-15711, 16268
81 15690
83 15690
90 ..... 15152, 15273
97 15146

Proposed Rules:
Ch. I 14907, 15184, 15296, 16892
67 17568
0 15297
22 15749
25 15754
81 15297
83 ..... 14754, 15297
73 ..... 15184-15186, 15298, 15754, 15756, 15757, 17065, 17233
83 17233
90 16104

48 CFR

Proposed Rules:
31 16916

49 CFR

172 17738
173 17564
1003 16200
1005 16200
1033 ..... 14895, 14896, 15507
1039 15509
1056 16200
1132 15509
1240 15880
1243 15881
1310 16200
1322 16200
1331 ..... 15277, 16102

Proposed Rules:
23 16282
1048 16106
1056 16225
1057 15300
1100 17065
1206 15302
1207 15302
1307 17234
1310 17234

50 CFR

611 16103
652 15510

Proposed Rules:
230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing February 19, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.]

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
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1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
WHEN: April 10 and 24; at 9 a.m. (identical sessions).
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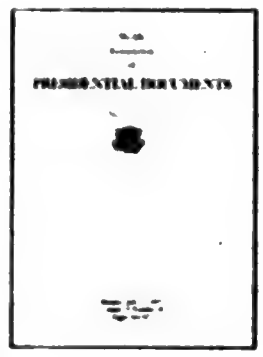

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federal register

Friday
March 20, 1981

Highlights

Cumulative List of Public Laws—The fourth and final cumulative list of public laws for the second session of the 96th Congress can be found in the **Reader Aids** Section of the issue of January 7, 1981

17751 **Presidential Advisory Board on Ambassadorial Appointments** Executive order

17790 **Infants** HHS/FDA extends comment period until 5–1–81, on proposed requirements for quality control procedures for the manufacture of infant formula products

17994 **Recombinant DNA** HHS publishes notice of actions under NIH guidelines for research involving Recombinant DNA Molecules; comments by 4–20–81 (Part IV of this issue)

17758 **Postal Service** PS solicits comments by 5–1–81, on new postal rates, fees and classifications scheduled to take effect March 22, 1981 at 12:01 a.m.

17829 **Natural Gas** DOE/EIA gives notice of alternative fuel price ceilings and incremental price threshold for high cost natural gas

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

17826 **Coal** DOE request public comments by 4–30–81, on the "Interim Report of the Interagency Coal Export Task Force"

17876 **Grant Programs—Minority Businesses** EPA extends comment period to 5–4–81, on proposed changes to the minority business enterprise and women's business enterprise policies

17791 **Travel and Transportation Expenses** GSA proposes to revise Federal Travel Regulations to update and improve relocation allowances; comments by 5–19–81

17787 **Travel** DOE proposes to provide explicit guidelines on payment from Department funds of travel expenses of persons who are not Government employees; comments by 4–20–81

17788 **Consumer Protection** CPSC withdraws proposed standard for miniature Christmas tree lights; comments by 5–19–81

17876 **Communications** FCC terminates inquiry into the abolition of special rates for letter telegrams

17893 **Common Carriers** ICC invites comments by 5–15–81, on Congress mandated study of cargo liability

17814 **Motor Carriers** ICC proposes to authorize individual carriers to establish their own nondiscriminatory c.o.d. collection and remittance rules; comments by 5–4–81

17980 **Minimum Wages** Labor/ESA publishes basic hourly wage rates and fringe benefit payments for certain classes of laborers and mechanics employed on construction projects (Part II of this issue)

17947 **Sunshine Act Meetings**

Separate Parts of this Issue

17980 **Part II, Labor/ESA**
17991 **Part III, HHS/NIH**
17994 **Part IV, HHS/NIH**
18000 **Part V, DOE**
18011 **Part VI, DOE/FERC**

Contents

Federal Register
Vol. 46, No. 54
Friday, March 20, 1981

The President
EXECUTIVE ORDERS
17751 Presidential Advisory Board on Ambassadorial Appointments (EO 12293)

Executive Agencies

Agricultural Marketing Service
RULES
17754 Lemons grown in Ariz. and Calif.
17755 Onions grown in Tex.

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service.

Animal and Plant Health Inspection Service
RULES
Plant pest regulations:
17753 Mediterranean fruit fly; final rule and request for comments

Arts and Humanities, National Foundation
NOTICES
Meetings:
17936 Design Arts Panel
17936 Literature Panel

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
17825 Procurement list, 1981; additions and deletions (2 documents)

Bonneville Power Administration
NOTICES
Environmental statement; availability, etc.:
17827 Allston-Portland Area, Wash. and Oreg.; electrical transmission system reinforcement

Census Bureau
NOTICES
Meetings:
17819 Agriculture Statistics Advisory Committee et al.; cancellation

Civil Aeronautics Board
NOTICES
17817 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
17816 Air Berlin USA fitness investigation
17816 Air Transport Association
17817 Empresa Guatemalteca de Aviacion enforcment proceeding
17817 Former large irregular air service investigation
17818 Trans World Airlines additional points Akron/Canton-Youngstown show cause proceeding
17947 Meetings; Sunshine Act

Commerce Department
See Census Bureau; International Trade Administration; National Bureau of Standards.

Consumer Product Safety Commission
PROPOSED RULES
17768 Christmas tree lights, miniature; withdrawal of standard
NOTICES
Meetings:
17825 Product Safety Advisory Council
17947 Meetings; Sunshine Act

Copyright Royalty Tribunal
NOTICES
17825 Cable royalty fees; declaratory relief petitions; inquiry

Customs Service
NOTICES
Customhouse broker license cancellation, suspension, etc.:
17946 Barnhart, James A.

Defense Department
See also Navy Department.
NOTICES
Meetings:
17826 Electron Devices Advisory Group
17826 Wage Committee

Economic Regulatory Administration
NOTICES
Consent orders:
17828 O'Connell Oil Co.
Remedial orders:
17829 Hester, B. M.

Employment Standards Administration
NOTICES
17980 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Conn., Fla., Ga., Ky., La., Miss., Nev., N. Mex., N. Dak., Tex. and Va.)

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Energy Information Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
PROPOSED RULES
17787 Travel expenses, non-government employees; payment procedures
NOTICES
17826 Interagency Coal Export Task Force; report availability; inquiry
18000 National energy plan, third biennial; hearings

Energy Information Administration
NOTICES
17829 Natural gas, high cost; alternative fuel price ceilings and incremental price threshold

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
17777 Georgia
17778 Iowa
17779 New Jersey
17779 Final rules; deferral of effective dates; correction
PROPOSES RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
17790 California; extension of time
NOTICES
17875 Confidential business information, access by JRB Associates, Inc.; contract to provide expert witnesses
Environmental statements; availability, etc.:
17873 Agency statements; weekly receipts
Grants; State and local assistance;
17876 Minority and women's business enterprise policy, construction grants program; inquiry; extension of time
Pesticides; experimental use permit applications:
17875 Monsanto Co.

Farmers Home Administration
RULES
Rural housing loans and grants:
17753 Policies, procedures, and authorizations (Section 502); deferral of effective date

Federal Communications Commission
RULES
Radio stations; table of assignments:
17783, 17784 Pennsylvania (3 documents)
Television stations; table of assignments:
17785 North Carolina; cross reference; correction
PROPOSED RULES
Radio services, special:
17813 Land mobile services; radio spectrum use; additional technologies for improved efficiency; inquiry; extension of time
Radio stations; table of assignments:
17809 Alabama
17810 California
17811 Oregon
NOTICES
Hearings, etc.:
17876 Alabama Christian Broadcasting Co. Inc., et al.
17877 Brownfield Broadcasting Corp. et al.
17878 Dial Electric & Engineering, Inc.
17879 Harkins, Robert G.
17880 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies
17876 Telegrams, letter; special rates, abolition

Federal Deposit Insurance Corporation
RULES
Authority delegations:
17756 Bank Supervision Division Director; termination of pending administrative proceedings against closed banks
17755 General Counsel or designee; enforcement of orders to cease-and-desist
NOTICES
17947 Meetings; Sunshine Act

Federal Election Commission
NOTICES
17948 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
17781 Alabama et al.
17782 Michigan et al.; correction
Flood insurance; special hazard areas:
17782 New York et al.
PROPOSED RULES
Flood elevation determinations:
17795 Arkansas
17795 Colorado
17796 Connecticut et al.
17804 Kentucky
17804 New York
17805 North Carolina; correction
17808 Oregon
17806, 17807 Pennsylvania (2 documents)
17808 Virginia; correction
NOTICES
Radiological emergency; State plans:
17880 Arkansas
17881 South Carolina

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
18011 Incremental pricing; alternative fuel price ceilings for March 1981; hearing
NOTICES
Hearings, etc.:
17831 Cook Electric Co.
17831 Enagenics
17832-17835 Mitchell Energy Co., Inc. (3 documents)
17834 Mitchell Energy Co., Inc., et al.
17835 Tennessee Gas Pipeline Co., et al.
Natural Gas Policy Act of 1978:
17837-17862 Jurisdictional agency determinations (5 documents)

Federal Home Loan Bank Board
NOTICES
17948 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
17881 Delta Steamship Lines, Inc. and Compania Peruana deVapores; increase in annual number of minimum sailings
17881 Georgia Ports Authority and Moller Steamship Co., Inc., et al.; use of certain paved premise within the Container Central, Garden City Terminal, etc.
17948, 17949 Meetings; Sunshine Act (3 documents)

Federal Pay Advisory Committee
NOTICES
17816 Continuation of committee; inquiry

Federal Prevailing Rate Advisory Committee
NOTICES
17881 Meetings

Federal Reserve System
NOTICES
Applications, etc.:
17882 ABC Holding Co.
17882 Banco Cafetero International Corp.
17882 Bovey Financial Corp.
17882 DeWitt Bancorp, Inc.
17883 Financial Bancshares, Inc.
17883 Firstmark, Inc.
17883 Oak Hill Financial, Inc.
17883 Pan American Bank International
17884 Schmid Brothers Investment Co., Inc.
17883 Seafirst Corp.
17884 Suburban Bankshares, Inc.
17884 Woodland Bancorp, Inc.
Bank holding companies; proposed de novo nonbank activities:
17884 Chase Manhattan Corp.
17949 Meetings; Sunshine Act

Fish and Wildlife Service
NOTICES
17890 Endangered and threatened species permit applications (3 documents)

Food and Drug Administration
RULES
Color additives:
17756 Lead acetate; use in hair coloring cosmetics; permanent listing; removal of stay and effective date confirmed; correction
Food additives:
17758 Hydrogen peroxide
Human drugs:
17758 Tobramycin ophthalmic solution; correction
Organization and authority delegations:
17757 Toxicological Research National Center Director et al.; availability of laboratory animals, etc.
PROPOSED RULES
17790 Infant formula quality control procedures; extension of time
NOTICES
Animal drugs, feeds, and related products:
17885 Aflatoxin-contaminated corn; interstate shipment and blending, exemption; correction
Food additives, petitions filed or withdrawn:
17885 American Cyanamid Co.
17885 Coconut Products Corp.
17886 Huntington Labs., Inc.
17886 Kay Chemical Co.
17886 Monsanto Co.
17886 3M Co.
Human drugs:
17885 Single-entity barbiturates; class labeling guideline; correction
Medical devices:
17887 Alcon soft (hydrophilic) contact lens thermal disinfection system; premarket approval
17887 Pliagel sterile cleaning solution for soft (hydrophilic) contact lens; premarket approval
Meetings:
17888 Chest X-Ray Referral Criteria Panel
X-Ray systems variance approvals, etc.:
17889 Monsanto Industrial Chemicals Co.

Forest Service
NOTICES
Enivronmental statements; availability, etc.:
17816 North Fork Cascade River, wild and scenic river evaluation, Wash.; et al.

General Services Administration
RULES
Procurement:
17780 Reporting requirements; cancellation of Standard Forms 37 and 37A; temporary
PROPOSED RULES
Property management:
17791 Travel regulations; transferred Federal employees; updated and improved relocation allowances

Health and Human Services Department
See Food and Drug Administration; Health Services Administration; National Institutes of Health

Health Services Administration
NOTICES
Meetings; advisory committees:
17889 April

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
17870 Decisions and orders

Heritage Conservation and Recreation Service
NOTICES
Natural Landmarks National Registry; additions, deletions, etc.:
17891 Connecticut et al.

Interior Department
See Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau; Water and Power Resources Service.

International Trade Administration
NOTICES
Antidumping:
17820 Ceramic wall tile from United Kingdom
17821 Diamond tips for phonograph needles from United Kingdom
17822 Vinyl film, printed, from Brazil
Countervailing duty petitions and preliminary determinations:
17819 Butter from Denmark

Interstate Commerce Commission
RULES
Motor carriers:
17785 Household goods transportation; revision of operational regulations; correction
Practice and procedure:
17785 Attorney registration requirements; elimination

PROPOSED RULES
Motor carriers:
17814 COD shipments, handling of funds; elimination of requirements
17813 COD shipments, handling of funds; withdrawal
NOTICES
Motor carriers:
17895 Intercorporate hauling operations; intent to engage in
17896 Operating rights applications
17897-17915 Permanent authority applications (7 documents)
17901, 17916 Permanent authority applications; restriction removals (2 documents)
17922 Permanent authority applications; restriction removals; correction
17922 Temporary authority applications; correction
Rail carriers:
17893 Cargo liability study; report to Congress; inquiry
17922 Mountain Pacific territory; class rate prescription; inquiry
Railroad services abandonment:
17923 Chicago & Northwestern Transportation Co.
17923 Chicago & North Western Transportation Co.

Labor Department
See also Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
17924 Automotive Moulding Co.
17924 B. F. Goodrich Co.
17926 Bethlehem Steel Corp. et al.
17925 Chromium Mining & Smelting Corp.
17925 McKeown Transportation Co.
17925 Profile Steel & Wire, Inc.
17928 Setting Sun Seat Co. et al.
17926 True Temper Sports, Inc.

Land Management Bureau
NOTICES
Meetings:
17891 Baker District Advisory Council
Withdrawal and reservation of lands, proposed, etc.:
17891 California

Merit Systems Protection Board
NOTICES
Senior Executive Service:
17935 Performance Review Board; membership

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
17929 Peabody Coal Co.

Minimum Wage Study Commission
NOTICES
17935 Meetings

National Bureau of Standards
NOTICES
Information processing standards, Federal:
17823 Advanced data communication control procedures; correction

National Institutes of Health
NOTICES
Meetings:
17991 Recombinant DNA Advisory Committee
Recombinant DNA molecules research:
17994 Actions under guidelines

National Railroad Passenger Corporation
NOTICES
17949 Meetings; Sunshine Act

Navy Department
NOTICES
Environmental statements; availability, etc.:
17826 Navy Resale & Services Support Office (NAVRESSO), Brooklyn, N.Y.; intent to relocate at Staten Island, N.Y.

Occupational Safety and Health Administration
NOTICES
Variance applications:
17930 Texas Commerce Bank, N.A.
17931 U.I.D.C. of Colorado, Inc.

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
17931 Dakota Steel & Supply Co. Employees Profit-Sharing Retirement Plan
17933 Lovell's Profit Sharing Trust
17932 Paul W. Lawrence Co., Inc. Profit Sharing Plan
17934 Zorn's Poultry Farms, Inc. Retirement Plan

Postal Service
RULES
Domestic Mail Manual:
17758 Rates, fees and mail classifications; implementation; final rule and request for comments

Securities and Exchange Commission
RULES
17756 Forms; removal of obsolete material and editorial changes, etc.
NOTICES
Hearings, etc.:
17943 Dreyfus Service Corp.
17945 Galaxy Oil Co.
Self-regulatory organizations; proposed rule changes:
17936 American Stock Exchange, Inc.
17938 Midwest Securities Trust Co.
17393 New York Stock Exchange, Inc.

Trade Representative, Office of United States
NOTICES
17946 International Coffee Agreement; regulation and monitoring of coffee imports and exports, implementation; letters to Acting Customs Commissioner

Treasury Department
See Customs Service.

Water and Power Resources Service
NOTICES
Contract negotiations:
17892 Farwell Irrigation District, Farwell Unit, Pick-Sloan Missouri Basin Program, Nebr.

17883 Uncompahgre Project, Colo.
17892 Water service contracts, interim; intent to negotiate
17892 Water service rate policy; Central Valley Project (CVP), Calif.; availability and inquiry; extension of time

MEETINGS ANNOUNCED IN THIS ISSUE

ARTS AND HUMANITIES, NATIONAL FOUNDATION
17936 Design Arts Panel, Washington, D.C., 4-13 and 4-14-81
17936 Literature Panel, Washington, D.C., 3-3 and 3-4-81

CONSUMER PRODUCT SAFETY COMMISSION
17825 Product Safety Advisory Council, Washington, D.C., 4-13 and 4-14-81

DEFENSE DEPARTMENT
Office of the Secretary—
17826 DOD Advisory Group on Electron Devices (AGED), Working Group C (Mainly Imaging and Display), New York, N.Y., 4-23-81
17826 Department of Defense Wage Committee, Washington, D.C., 5-5, 5-12, 5-19, and 5-26-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
17881 Open Committee Meeting, Washington, D.C., 4-2, 4-9, 4-16, 4-23 and 4-30-81

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Drug Administration—
17888 Chest X-Ray referral criteria panel, Albuquerque, N. Mex., 4-1 and 4-2-81
Health Resources Administration—
17889 National Advisory Council on the National Health Service Corps., Denver, Colo., 4-27 and 4-28-81
National Institutes of Health—
17991 Recombinant DNA Advisory Committee, Bethesda, Md., 4-23 and 4-24-81

INTERIOR DEPARTMENT
Land Management Bureau—
17891 Baker District Advisory Council, Baker, Oreg., 4-29-81

MINIMUM WAGE STUDY COMMISSION
17935 Meeting, Washington, D.C., 4-6 through 4-10-81

CANCELLED MEETINGS

COMMERCE DEPARTMENT
Census Bureau—
17819 Census Advisory Committee on Agriculture Statistics and Census Advisory Committee on Population Statistics, Suitland, Md., 3-24 and 4-10-81 respectively

HEARINGS

ENERGY DEPARTMENT
18000 National Energy Plan, 4-13 through 4-17-81

FEDERAL ENERGY REGULATORY COMMISSION
18011 Regulations implementing alternative fuel price ceilings for incremental pricing under the Natural Gas Policy Act of 1978, 3-23-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
11970 (Revoked by EO 12299)....17751
12258 (Revoked in part by EO 12299)....17751
12299....17751

7 CFR
Ch. XVIII....17753
331....17753
910....17754
959....17755

10 CFR
Proposed Rules:
1060....17787

12 CFR
303 (2 documents)...17755, 17756

16 CFR
Proposed Rules:
1208....17788

17 CFR
239....17756
249....17756
259....17756
269....17756
274....17756
279....17756

18 CFR
282....18011

21 CFR
5....17757
73....17758
81....17758
178....17758
444....17758
Proposed Rules:
106....17790

39 CFR
111....17758

40 CFR
52 (3 documents)...17777–17779
162....17779
Proposed Rules:
52....17790

41 CFR
Ch. 1....17780
Proposed Rules:
101-7....17791

44 CFR
64 (2 documents)...17781, 17782
65....17782
Proposed Rules:
67 (10 documents)...17795–17806

47 CFR
73 (4 documents)...17783–17785
Proposed Rules:
73 (3 documents)...17809–17811
90....17813

49 CFR
1003....17785
1005....17785
1056....17785
1100....17785
1310....17785
1322....17785
Proposed Rules:
1052 (2 documents)...17813, 17814

Federal Register
Vol. 46, No. 54
Friday, March 20, 1981

Presidential Documents

Title 3—

The President

Executive Order 12298 of March 17, 1981

Presidential Advisory Board on Ambassadorial Appointments

By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to terminate the Presidential Advisory Board on Ambassadorial Appointments established on February 5, 1977, it is hereby ordered that Executive Order No. 11970, as amended, and Section 1-101(f) of Executive Order No. 12258, as amended, are revoked.

Ronald Reagan

THE WHITE HOUSE,
March 17, 1981.

[FR Doc. 81-8796
Filed 3-18-81; 4:16 pm]
Billing code 3195-01-M

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DEPARTI

Farmers

7 CFR Ch

Revision
502 Rural
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AGENCY: F
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SUMMARY
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Rules and Regulations

Federal Register
Vol. 46, No. 54
Friday, March 20, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Ch. XVIII

Revision and Redesignation of Section 502 Rural Housing Loan Policies, Procedures, and Authorizations; Postponement of Effective Date

AGENCY: Farmers Home Administration, USDA.

ACTION: Postponement of effective date of final rule.

SUMMARY: Farmers Home Administration (FmHA) is postponing the effective date of its previously published Section 502 Rural Housing Loan Program regulations to allow time for review under Executive Order 12291.

DATES: The effective date of the regulations identified below is postponed until further notice.

FOR FURTHER INFORMATION CONTACT: Daryl Grove, Director, Single Family Housing Loan Division, Single Family Housing, Farmers Home Administration, Room 5343 S, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4295.

SUPPLEMENTARY INFORMATION: On January 19, 1981, FmHA published a final rule in the Federal Register (46 FR 4681) to revise and redesignate its regulations regarding the Section 502 Rural Housing Loan Program. These regulations were to become effective on March 20, 1981. As directed by the President, the Department of Agriculture postponed the effective date until March 30, 1981 (46 FR 11501). To allow time for the further review required of major rules under Section 7(e) E.O. 12291, FmHA hereby further postpones the effective date of these regulations until further notice.

By postponing this rule, the Agency continues in effect all current requirements and provisions of the Code of Federal Regulations which this rule would have changed or amended.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exception in 5 U.S.C. 553, with respect to such rules. This action is not published for proposed rulemaking since the purpose of this action is to comply with E.O. 12291 and any delay would be contrary to the public interest. The official making this determination is Dwight O. Calhoun, Acting Administrator, telephone (202) 447–7967.

Dated: March 12, 1981.

Dwight O. Calhoun,
Acting Assistant Secretary for Rural Development.

[FR Doc. 81-8080 Filed 3-19-81; 8:45 am]
BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

7 CFR Part 331

Mediterranean Fruit Fly; Changing Methyl Bromide Treatment for Bell Peppers

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Plant Pest Act, this document amends the Mediterranean fruit fly emergency regulations by changing a methyl bromide treatment for bell peppers from 2½ hours to 3½ hours. This action is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States.

DATES: Effective date of final rule; March 20, 1981. Written comments concerning this final rule must be received on or before May 19, 1981.

ADDRESSES: Written comments should be submitted to E. E. Crooks, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: E. E. Crooks, Acting Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, (301) 436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, emergency circumstances make it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possibility that Mediterranean fruit fly could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document and a final document discussing comments received and any amendments required will be published in the Federal Register as soon as possible.

Certification Under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of certain bell peppers from specified areas in

Alameda County and Santa Clara County in California. There are hundreds of small entities that move bell peppers interstate from California and many more hundreds of small entities that move bell peppers interstate from other States. However, based on information submitted by the California Department of Agriculture it has been determined that fewer than 5 entities move bell peppers interstate from the specified areas in Alameda County and Santa Clara County.

Written Comments

Interested persons are invited to submit written comments concerning the final rule. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register**. All written comments made pursuant to this document will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

Background

The Mediterranean fruit fly, *Ceratitis capitata* Wiedeman, is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Because of infestations of the Mediterranean fruit fly found in areas in California, emergency Mediterranean fruit fly regulations were published in the **Federal Register** on July 29, 1980 (45 FR 50318–50324), and emergency amendments to the regulations were published in the **Federal Register** on August 15, 1980 (45 FR 54302–54304), on September 12, 1980 (45 FR 60402–60403), and on December 12, 1980 (45 FR 81728–81731). The regulations and the amendments thereto became effective on the dates of publication and are set forth in 7 CFR 331.1 through 331.1–9. The regulations restrict the interstate movement of regulated articles from regulated areas in California for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas.

Section 331.1–9 of the regulations (7 CFR 331.1–9) sets forth treatments for certain regulated articles. Under the regulations a regulated article would be eligible for interstate movement pursuant to a certificate if, among other things, it had been treated in accordance with § 331.1–9 of the regulations, and would be eligible for interstate movement pursuant to a limited permit if it were moving under certain conditions for such treatment. The treatments are designed to destroy any accompanying Mediterranean fruit flies.

Prior to the effective date of this document, § 331.1–9(f) of the regulations provided a treatment for bell peppers consisting of fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 2½ hours at 21°C. (70°F.) or above. The 2½ hour time period was in error and should have been a 3½ hour time period. Based on research, it has been determined that it is necessary to fumigate bell peppers with such methyl bromide treatment for 3½ hours in order to destroy the pest. Therefore, the time period should be changed from 2½ hours to 3½ hours. This change is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States.

§ 331.1–9 [Amended]

Accordingly, the Mediterranean fruit fly emergency regulations, which, as noted above, became effective on July 29, 1980, and were amended on August 15, 1980, September 12, 1980, and December 12, 1980 (45 FR 50318–50324, 54302–54304, 60402–60403, 81728–81731) are further amended by changing the time period for the treatment of bell peppers with methyl bromide in § 331.1–9(f) of the regulations (7 CFR 331.1–9(f)) from "2½ hours" to "3½ hours".

(Secs. 105 and 106, 71 Stat. 32 and 33; 7 U.S.C. 150dd, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 17th day of March 1981.

Harry C. Mussman,

Acting Assistant Secretary for Marketing and Transportation Services, Department of Agriculture.

[FR Doc. 81-8636 Filed 3-19-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 297]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 22–28, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 22, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 17, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been

apprised of such provisions and the effective time.

Section 910.597 is added as follows:

§ 910.597 Lemon Regulation 297.

The quantity of lemons grown in California and Arizona which may be handled during the period March 22, 1981, through March 28, 1981, is established at 250,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 18, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-8827 Filed 3-19-81; 11:43 am]

BILLING CODE 3410-02-M

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7 CFR Part 959

Onions Grown in South Texas; Handling Regulation; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correction.

SUMMARY: This corrects FR Doc. 81–7604 published at page 16238 of the March 12, 1981, Federal Register. Under paragraph (g) Safeguards, subparagraph (6) should begin "Make each shipment" instead of "Bill each shipment".

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250, (202) 447–2615.

In § 959.321 (46 FR 16238) subparagraph (g)(6) is hereby corrected to read as follows:

§ 959.321 [Corrected]

(g) * * *

(6) Make each shipment directly to the applicable processor and include a copy of the Report of Special Purpose Onion Shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 17, 1981, to become effective March 20, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-8879 Filed 3-19-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

Applications, Requests and Submittals; Delegation of Authority To Discontinue Proceedings To Terminate Deposit Insurance or To Cease-and-Desist

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC is amending its regulations to authorize the Director of the Division of Bank Supervision to terminate pending administrative proceedings against banks which are closed while proceedings are pending. The delegation of this authority eliminates the need for formal action by FDIC's Board of Directors in each case. FDIC's purpose in adopting this rule is to save time and other resources required for Board Action.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Werner Goldman, Assistant General Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (202–389–4324).

SUPPLEMENTARY INFORMATION: The Board of Directors of the Federal Deposit Insurance Corporation (the "Board") may initiate proceedings for termination of deposit insurance of insured banks under Section 8(a) of the Federal Deposit Insurance Act (the "Act") (12 U.S.C. 1818(a)). Under Section 8(b) of the Act (12 U.S.C. 1818(b)), the Board has the authority to order an insured nonmember bank to cease-and-desist from practices which are unsafe or unsound, or from violating an applicable law, rule or regulation. Section 8(c) of the Act (12 U.S.C. 1818(c)) gives the Board discretion to issue a temporary order to cease-and-desist where an insured nonmember bank is engaged in, or is about to engage in, unsafe or unsound banking practices.

Since termination of pending proceedings under Section 8(a), 8(b) or 8(c) of the Act calls for an essentially ministerial act when the bank is closed, FDIC will save time and other agency resources by delegating the authority to terminate such proceedings.

This final rule will have no effect on administrative proceedings against a bank which merges with another bank while proceedings are pending. The rule makes this explicit.

FDIC considered two alternatives to this rule. One of these was to include language in each administrative order to terminate the order if the bank closed. This approach was rejected because it would preclude FDIC from making an independent judgment to terminate administrative proceedings in a given case. FDIC staff also believes that language in an order calling for termination of proceedings when the bank is closed could make capital formation or other rehabilitation more difficult since the existence and material terms of final orders must be disclosed in stock offerings and shareholders proxy solicitations. The other considered alternative was to delegate authority by general resolution. This approach was rejected because § 303.13(a) of Part 303 of FDIC's Rules and Regulations (12 CFR 303.13(a)) states that the Board does not delegate its authority except as provided in Part 303, (with exceptions for prompt action and operational flexibility which do not pertain here).

This regulation affects only internal FDIC operating procedures. It does not affect the recordkeeping, reporting requirements, or competitive status of any insured bank. Therefore, FDIC has determined that a cost-benefit analysis (including a small bank impact statement) regarding the amendment is unnecessary.

In promulgating this rule, FDIC did not follow the requirements of Subsections b and d of Section 553 of Title 5 of the United States Code (5 U.S.C. 553 (b) and (d)) for public notice and comment and for deferred effective date, because this amendment involves only internal FDIC procedures and in no way restricts or otherwise affects existing rights of the public.

12 CFR Part 303 is amended as follows:

1. The authority citation for Part 303 is revised as follows:

Authority: Secs. 2(5), 2(6), 2(7(j)), 2(9 "Seventh" and "Tenth"), 2(18), 2(19), Pub. L. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. 86–463, 74 Stat. 129; sec. 2, Pub. L. 87–827, 76 Stat. 953; Pub. L. 88–593, 78 Stat. 940; Pub. L. 89–79, 79 Stat. 244; sec. 1, Pub. L. 89–356; 80 Stat. 7; sec. 12(c), Pub. L. 89–485, 80 Stat. 242, sec. 3, Pub. L. 89–597, 80 Stat. 824; Title II, secs. 201, 205, Pub. L. 89–695, 80 Stat. 1055; sec. 2(b), Pub. L. 90–505, 82 Stat. 856; secs. 8(c)(7), (12), (13), Pub. L. 95–369, 92 Stat. 616–620; Title III, secs. 306, 309 and Title VI, sec. 602, Pub. L. 95–630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth", 1828, 1829).

2. Section 303.13 is amended by adding a subsection (l) as follows:

§ 303.13 Other delegations of authority.

* * * * *

(l) *Termination of administrative proceedings against closed banks.* The Board of Directors has delegated to the Director of the Division of Bank Supervision authority to discontinue proceedings to terminate deposit insurance or to cease-and-desist, including final orders, brought against a bank under Subsection (a), (b), or (c) of Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818(a), (b), or (c)), which are pending when the bank is closed by a Federal or State authority. This rule does not delegate authority to terminate administrative proceedings against a bank when the bank merges.

By Order of the Board of Directors.
Dated: March 16, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 81-8599 Filed 3-19-81; 8:45 am]
BILLING CODE 6714-01-M

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12 CFR Part 303

Applications, Requests and Submittals; Delegation of Authority To Enforce Administrative Orders

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC is amending its regulations to authorize its General Counsel, or his designee, to enforce in United States District Court any effective and outstanding order to cease-and-desist issued by its Board of Directors. This final rule codifies existing agency practice to conform with Part 303 of FDIC's Rules and Regulations regarding delegations of authority. The effect of this regulation is to eliminate the need for the Board of Directors of the FDIC to delegate authority to enforce an order in each case.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Werner Goldman, Assistant General Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (202-389-4324).

SUPPLEMENTARY INFORMATION: The Federal Deposit Insurance Act (the "Act") at Section 8(i) (12 U.S.C. 1818(i)) provides for the Board of Directors of FDIC to enforce any effective and outstanding administrative notice or order issued by it under Section 8 of the Act (12 U.S.C. 1818) in the United States District Court with jurisdiction in the matter. Orders which may be enforced include orders to cease-and-desist from unsafe or unsound practices or from violations of applicable laws or regulations issued under Section 8(b) of the Act (12 U.S.C. 1818(b)). In addition, FDIC may issue temporary orders to cease-and-desist under Section 8(c) of the Act, and enforce such orders under Section (d). (12 U.S.C. 1818 (c) and (d)). Delegation of enforcement authority is necessary in each case brought under Section 8(b) or 8(c). For this reason, FDIC determined to issue this final rule of general applicability under its rulemaking powers.

The only alternative FDIC considered was to continue to delegate enforcement authority in each case. The alternative was rejected because it does not conform with § 303.13(a) of Part 303 of FDIC's Rules and Regulations (12 CFR 303.13(a)) which states that the Board of Directors does not delegate its authority except by regulation as provided in Part 303 (with exceptions for prompt action and operational flexibility which do not pertain here).

This final rule affects only internal FDIC procedures. It does not affect the recordkeeping, reporting requirements, or competitive status of any insured bank. Therefore, a cost-benefit analysis (including a small bank impact statement) regarding the amendment is unnecessary.

In issuing this rule, FDIC did not follow the requirements of Subsections b and d of Section 553 of Title 5 of the United States Code (5 U.S.C. 553 (b) and (d)) for public notice and comment and for deferred effective date, because the amendment involves only internal FDIC procedures and in no way restricts or otherwise affects existing rights of the public.

12 CFR Part 303 is amended as follows:

1. The authority citation for Part 303 reads as follows:

Authority: Secs. 2(5), 2(6), 2(7(j)), 2(9 "Seventh" and "Tenth"), 2(18), 2(19), Pub. L. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. 86-463, 74 Stat. 129; sec. 2, Pub. L. 87-827, 76 Stat. 953; Pub. L. 88-593, 78 Stat. 940; Pub. L. 89-79, 79 Stat. 244; sec. 1, Pub. L. 89-356; 80 Stat. 7; sec. 12(c), Pub. L. 89-485, 80 Stat. 242, sec. 3, Pub. L. 89-597, 80 Stat. 824; Title II, secs. 201, 205, Pub. L. 89-695, 80 Stat. 1055; sec. 2(b), Pub. L. 90-505, 82 Stat. 858; secs. 6(c)(7), (12), (13), Pub. L. 95-369, 92 Stat. 616-620; Title III, secs. 308, 309 and Title VI, sec. 902, Pub. L. 95-630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth", 1828, 1829).

2. Section 303.13 is amended by adding a subsection (m) as follows:

§ 303.13 Other delegations of authority.

* * * * *

(m) *Enforcement of Administrative Orders.* The Board of Directors has delegated to the General Counsel, or his designee, authority to initiate and prosecute any action to enforce any effective and outstanding order, or temporary order, issued by the Board under Section 8(b) or 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818 (b) or (c)), or any provision thereof, in the appropriate United States District Court.

By Order of the Board of Directors.
Dated: March 16, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 81-8594 Filed 3-19-81; 8:45 am]
BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239, 249, 259, 269, 274, and 279

[Release Nos. 33-6288, 34-17623, 35-21980, 39-615, IC-11581, and IA-753]

Miscellaneous Amendments Related to Forms

AGENCY: Securities and Exchange Commission.

ACTION: Miscellaneous amendments and editorial changes.

SUMMARY: The Commission is amending various Parts of Title 17, Chapter II, of the Code of Federal Regulations which list forms prescribed under the Acts administered by it to remove obsolete forms, eliminate duplications, and make certain editorial changes. These amendments are administrative in nature and are intended to make it easier for the reader to identify the forms currently in use and to indicate the availability of the forms.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, (202-272-2600).

Text of Amendments

Accordingly, 17 CFR Chapter II is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. By revising § 239.0-1 to read as follows:

§ 239.0–1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Securities Act of 1933.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Any person may inspect the forms at this address and at the Commission's regional offices. (See § 200.11 of this chapter for the addresses of SEC regional offices.)

§§ 239.507, 239.508, 239.509, 239.510, 239.514, 239.515, 239.516, and 239.517 [Removed]

2. By removing Subpart C and §§ 239.507, 239.508, 239.509, 239.510, 239.514, 239.515, 239.516, and 239.517 thereunder.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. By revising § 249.0–1 to read as follows:

§ 249.0–1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Securities Exchange Act of 1934.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Any person may inspect the forms at this address and at the Commission's regional offices. (See § 200.11 of this chapter for the addresses of SEC regional offices.)

§§ 249.10a, 249.10b, 249.450, 249.503, 249.504, 249.504a, 249.504b, 249.504c, 249.504d, 249.504e, 249.504f, 249.504g, 249.504h, 249.504i, 249.504k, 249.504l, 249.504m, 249.514, 249.515, 249.516, 249.517, and 249.519b [Removed]

2. By removing §§ 249.10a, 249.10b, 249.450, 249.503, 249.504, 249.504a, 249.504b, 249.504c, 249.504d, 249.504e, 249.504f, 249.504g, 249.504h, 249.504i, 249.504k, 249.504l, 249.504m, 249.514, 249.515, 249.516, 249.517, and 249.519b.

3. By revising the heading of § 249.402 as follows:

§ 249.402 Form 2-MD, annual report for investment trusts having securities registered on forms N-1, N-2, or S-6.

4. By revising the heading of Subpart I to read as follows:

Subpart I—Forms for Self-Regulatory Organization Rule Changes and Forms for Registration of and Reporting by National Securities Associations and Affiliated Securities Associations

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

1. By revising § 259.0–1 to read as follows:

§ 259.0–1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Public Utility Holding Company Act of 1935.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Any person may inspect the forms at this address and at the Commission's regional offices. (See § 200.11 of this chapter for the addresses of SEC regional offices.)

§§ 259.217a and 259.217b [Removed]

2. By removing §§ 259.217a and 259.217b.

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

1. By revising § 269.0–1 to read as follows:

§ 269.0–1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Trust Indenture Act of 1939.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Any person may inspect the forms at this address and at the Commission's regional offices. (See § 200.11 of this chapter for the addresses of SEC regional offices.)

§§ 269.17, 269.18, 269.19, 269.20, 269.24, 269.25, 269.26, and 269.27 [Removed]

2. By removing §§ 269.17, 269.18, 269.19, 269.20, 269.24, 269.25, 269.26, and 269.27.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. By revising § 274.0–1 to read as follows:

§ 274.0–1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Investment Company Act of 1940.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Any person may inspect the forms at this address and at the Commission's regional offices. (See § 200.11 of this chapter for the addresses of SEC regional offices.)

§§ 274.207, 274.208, 274.209, 274.210, 274.214, 274.215, 274.216, 274.217, and 274.218 [Removed]

2. By removing §§ 274.207, 274.208, 274.209, 274.210, 274.214, 274.215, 274.216, 274,217, and 274.218

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

1. By revising § 279.0–1 to read as follows:

§ 279.0–1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Investment Advisers Act of 1940.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Any person may inspect the forms at this address and at the Commission's regional offices. (See § 200.11 of this chapter for the addresses of SEC regional offices.)

Since these amendments are administrative in nature, the Commission finds that notice and comment procedures are unnecessary and therefore the amendments may become effective immediately.

By the Commission.

George A. Fitzsimmons,
Secretary.

March 12, 1981.

[FR Doc. 81–8627 Filed 3–19–81; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations Regarding Certain Programs and Grants

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the regulations for delegations of authority to (1) provide the Director of the National Center for Toxicological Research with a delegation of authority under section 301 of the Public Health Service Act and (2) update the delegation of grants authority to officials in the Division of Contracts and Grants Management.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: Section 5.25(c) (21 CFR 5.25(c)) is being amended as a result of a reorganization of the Division of Contracts and Grants Management. The Grants Management Branch has been retitled the State Contracts and Assistance Agreements Branch, and a Grants and Assistance Agreements Section was established. The delegation of authority is being amended accordingly. Section 5.25(d) is added to authorize the National Center for Toxicological Research to make available to educational institutions laboratory animals which are not required in support of the Center's research programs.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and the Public Health Service Act (sec. 301, 58 Stat. 691, (42 U.S.C. 241)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended in § 5.25 by revising paragraph (c) and adding new paragraph (d), to read as follows:

§ 5.25 Research, investigation, and testing programs and health information and health promotion programs.

* * * * *

(c) The Associate and Deputy Associate Commissioner for Management and Operations, the Director and Deputy Director of the Division of Contracts and Grants Management of the Office of Management and Operations, the Chief of the State Contracts and Assistance Agreements Branch, and the Chief of the Grants and Assistance Agreements Section of that Division and Office are authorized to sign and issue all notices of grant awards and amendments thereto and sign and issue notices of suspension and termination thereof for grants approved under the authority delegated in paragraphs (a) and (b) of this section.

(d) The Director of the National Center for Toxicological Research is authorized under section 301, as amended by Pub. L. 95–622, of the Public Health Service Act to make available to educational institutions, for biomedical and behavioral research, laboratory animals bred for research purposes of the Center which are not required to support Center research programs.

Effective date. This regulation shall be effective March 20, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)); sec. 301, 58 Stat. 691 (42 U.S.C. 241))

Dated: March 6, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8230 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 73 and 81

[Docket No. 80N-0447]

Removal of Stay of Regulation for the Listing of Lead Acetate as a Color Additive in Cosmetics That Color the Hair on the Scalp; Confirmation of Effective Date

Correction

In FR Doc. 81–7093 appearing on page 15500 in the issue of Friday, March 6, 1981, on page 15502, second column, second paragraph under the paragraph numbered 5, fifth line from the bottom, "FR 51223 * * *" should read "FR 51233 * * *".

BILLING CODE 1505-01-M

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21 CFR Part 178

[Docket No. 79F–0318]

Indirect Food Additives: Adjuvants, Production Aids and Sanitizers; Hydrogen Peroxide; Availability of Method

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) announces the public availability of a method that can be used to measure hydrogen peroxide at the 0.1 part per million (ppm) level in distilled water when it is used to sterilize packaging materials under simulated use conditions.

FOR FURTHER INFORMATION CONTACT: Carl L. Ciannetta, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a final rule published in the Federal Register of January 9, 1981 (46 FR 2341), FDA announced the amendment of the food additive regulations to provide for the safe use of hydrogen peroxide as a sterilizing agent for polyethylene used in contact with food. This action was in response to a food additive petition filed by Brik Pak, Inc., 2775 Villa Creek Drive, Dallas, TX 75234.

In response to a comment contending that methods available to measure low levels of hydrogen peroxide obtain varying results at high sensitivity, the agency indicated that it was investigating a number of methods to develop better reliability and sensitivity. This notice announces the public availability of such a method.

Copies of the method are available for review in the Dockets Management Branch (formerly the Hearing Clerk's office), Food and Drug Administration, RM. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Dated: March 9, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-8219 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 444

[Docket No. 81N–00191]

Tobramycin Ophthalmic Solution

Correction

In FR Doc. 81–7842, published at page 16660, in the issue of Friday, March 13, 1981, in the third column on page 16661, in the fourth full paragraph, the effective date should read: "*Effective date.* This regulation shall be effective March 13, 1981."

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Part 111

New Domestic Mail Manual Regulations To Implement Changes in Rates, Fees and Classifications

AGENCY: Postal Service.

ACTION: Final rule, with comments invited for consideration in future rulemakings.

SUMMARY: As announced in the Federal Register on March 12, 1981 (46 FR 16404), new postal rates, fees and classifications are scheduled to take effect on March 22, 1981, at 12:01 a.m. Implementing regulations for the rate, fee, and classification changes have been developed and are set forth below. Although they are to take effect on March 22, 1981, comments on these regulations are solicited, and any proposed changes will be considered and acted upon as appropriate.

EFFECTIVE DATE: March 22, 1981. Comments Date: Written comments on these implementing regulations should be received on or before May 1, 1981.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 1640, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Ernest Collins (202) 245–4353.

SUPPLEMENTARY INFORMATION: The new rates adopted by the Governors of the Postal Service (46 FR 16404) included several new presortation differentials as well as classification changes. Many of these changes require new implementing regulations in the Domestic Mail Manual. The following is a summary of the changes made to the Domestic Mail Manual as a result of the rate, fee and classification changes.

1. The definitions of *Within BMC (INTRA–BMC) and INTER–BMC* were added to section 122.7, Postal Zones, to provide for the new parcel post rates which apply to parcels originating and destinating at post offices assigned to the same parent Bulk Mail Center (BMC).

2. The fees for on-site meter settings in section 144.351b. were changed.

3. The permit imprint permit application fee in section 145.21 was increased.

4. Changes were made in section 149 as a result of the classification change adopted by the Governors making the purchase of insurance with registered mail optional.

5. The dead mail fee in sections 159.53b and 159.554 was increased.

6. A new zone for Express Mail was added to section 211.2 to provide for pieces traveling up to 150 miles.

7. All Express Mail rates, and the Express Mail pickup and delivery charge, changed. This required changes in Exhibit 212, section 213 and exhibit 213, section 214 and exhibits 214A and 214B.

8. Section 296 was added to provide for the purchase of return receipts for Express Mail.

9. All rates and fees for First-Class Mail in part 310 changed. Included in these changes is the addition of a carrier route presort First-Class rate.

10. A new section 323.2 was added to describe carrier route First-Class Mail.

11. The change in section 341, annual presort fee for First-Class Mail, announced as a proposed rule (effective on an interim basis) at 45 FR 84060, is made final. No comments were received regarding this change. The wording of the section has been altered slightly due to the addition of the First-Class carrier route rate.

12. The surcharge for nonstandard First-Class Mail was increased in section 353.3.

13. Preparation requirements, including marking and sortation for carrier route First-Class Mail were added to sections 362.31, 367.2, 367.3 and 367.4.

14. Sections 374, presort verification, and 382, payment of postage, were changed to provide for the new carrier route First-Class rate.

15. Due to the introduction of several new per-piece rate presortation levels for second-class mail, and the merger of second-class and controlled circulation, part 410 of chapter 4 has been completely restructured. A separate rate chart is provided for each rate category and type of authorization in section 411. The original entry fee in section 412.1 has been changed.

16. Section 422.6 was added to include publications formerly mailed as controlled circulation in a separate authorization category of second-class mail. Controlled circulation is no longer a separate class of mail.

17. Section 441.1 was changed to clarify the application requirements for second-class mail privileges and to set forth application procedures for controlled-circulation type second-class publications.

18. Section 442.1 was changed to clarify the procedures for additional entry applications and to include the provisions for a 30-day waiting period for controlled-circulation type second-class publications desiring additional entry points, made final effective March 6, 1981 (46 FR 10721).

19. Part 444 was changed to clarify reentry application procedures for a change in title, frequency or office of publication (section 444.1) and to provide for changes in qualification categories from controlled circulation to general (section 444.23) and from general to controlled circulation (section 444.24).

20. Second-Class presort requirements in section 467.6 were changed to provide for new 5-digit and carrier route per-piece rates for mailings of special rate publications to destinations outside the county of publication, new carrier route per piece rates for regular rate and science of agriculture limited circulation publications, and new carrier route per piece rates for in-county copies.

21. Chapter 5 of the DMM has been entirely deleted due to the merger of second-class and controlled circulation. All regulations governing publications formerly mailed as controlled circulation are now found in chapter 4 (second-class).

22. The single piece third-class rates in section 611.11 have been increased, with the first rate increment applicable to pieces up to one ounce.

23. The bulk third class rates have been changed in section 611.2, with three levels of presortation reflected in the rates, carrier route, five-digit presort and basic (required presortation). The rate differences between books/catalogs and all other bulk third-class matter have been eliminated. Exhibits 611.2a and 611.2b have been added which show the weight breakpoints for application of the minimum per piece rate.

24. The rates for keys and identification devices in section 611.4 have been increased.

25. Eligibility and preparation requirements for the five-digit presort level rate have been added to sections 622.1, 667.4 and 672.3.

26. Part 628 has been changed due to the combination of books/catalogs and all other third-class matter.

27. Part 652 has been changed to increase the surcharge on nonstandard third-class mail, and to make it applicable only to pieces weighing one ounce or less.

28. All of the fourth-class rates in part 711 have changed. The parcel post rates in section 711.1 are shown in three separate rate charts due to the introduction of the intra-BMC discount and the nonmachinable surcharge.

29. Section 722.1 was changed by adding Exhibit 722.1 to show the ZIP Code areas served by bulk mail centers (BMCs).

30. Section 724.223 was changed to reduce the number of pieces required for special fourth-class presort level B rates to 500 pieces.

31. Part 753 was added to provide for the nonmachinable surcharge for inter-BMC parcels.

32. Section 911 was changed to make the purchase of insurance with registered mail optional. All fees for registered mail changed.

33. The fees for certified mail in section 912.3 changed.

34. The fees for insuring mail in section 913.21 were increased. The insurance limit for unnumbered insured articles increased from $15 to $20, requiring changes in 913.21, 913.43, 913.44, 913.46 and 913.51.

35. Fees for collect on delivery (COD) in section 914.21 were increased.

36. Special delivery fees in section 915.41 and special handling fees in section 916.2 were increased.

37. Changes were made in section 917 for business reply, 918 for parcel airlift (PAL) and 919 for merchandise return, due to fee increases.

38. The fees for certificates of mailing in section 931.2 were increased.

39. Sections 932.1 and 932.32 have changed to include the provision for return receipts for Express Mail and the increase in the insurance limit for unnumbered insured articles. The fees for return receipts were increased in section 932.2.

40. The fee for restricted delivery increased in section 933.2. Provision was made for the increase in the insurance limit for unnumbered insured articles in section 933.1.

41. In section 941.1, the fees for money orders were increased and the maximum amount of money orders was raised from $400 to $500.

42. In part 945 the fees for correction of mailing lists (945.1) furnishing address changes to election boards and registration commissions (945.2), and ZIP Coding of mailing lists (945.5) were changed).

43. In part 951, the lockbox fee schedule was revised to eliminate subgroups, show fee increases, and simplify the fee schedule by separating rental fee information and lockbox size standards into separate sections. Group 3 fees are now based on annual, rather than semiannual periods.

44. The caller service fee in section 952.222 has been increased.

45. Changes have been made in section 951.23 for lockboxes and section 952.221 for caller service to eliminate the requirement for retroactive adjustment for fee increases.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service ordinarily invites comment from the public whenever it proposes a new or amended regulation, such as those set forth below, which might have a substantive effect on the public. In this case, however, publishing these rules as proposals, with a comment period of 30 days, would delay implementation of many of the changes adopted by the Governors and ordered implemented on March 22, 1981, by the Board of Governors. This would particularly disadvantage mailers desiring to take advantage of changes such as presortation discounts for various classes of mail. Moreover, the Governors decision followed ten months of on-the-record hearings at the Postal Rate Commission (Docket No. R80–1; see 39 U.S.C. 3624).

Accordingly, the Postal Service finds it unnecessary and contrary to the public interest to follow its customary practice of publishing these rules as proposed rules for comment before they become effective. See 5 U.S.C. 553(d). However, we reiterate that comments are welcomed on the published rules, and that any proposed changes will be considered and acted upon as appropriate.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the Federal Register as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2) 3621, 3625, 3626, 3641)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions to the Domestic Mail Manual which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

BILLING CODE 7710-12-M

CHAPTER 1.—DOMESTIC MAIL SERVICES

CHAPTER 1.—DOMESTIC MAIL SERVICES

* * * * *

120 Preparation for Mailing

* * * * *

122 Addresses

* * * * *

122.7 Postal Zones

* * * * *

j. *Within BMC (INTRA-BMC).* This rate applies to parcels originating and destinating at post offices assigned to the same parent Bulk Mail Center (BMC) or Auxiliary Service Facility (ASF) when located within the contiguous United States. The Within BMC (Intra-BMC) rate also applies to parcels originating and destinating within: (1) the State of Alaska; (2) the State of Hawaii including Guam, American Samoa, Northern Mariana Islands, and the Trust Territories; or (3) Puerto Rico including the Virgin Islands.

k. INTER-BMC. This rate applies to parcels originating and destinating at post offices assigned to different BMC's or ASF's.

* * * * *

140 Postage

* * * * *

144 Postage Meters and Meter Stamps

* * * * *

144.5 Setting meters

* * * * *

.551b. Fees for on-site meter settings are:

Private Businesses
$14.00—first meter on scheduled basis
$16.00—first meter on emergency basis
$ 4.00—each additional meter
Motor Company Offices
$ 8.50—each meter on a scheduled basis

* * * * *

145 Permit Imprints

* * * * *

145.2 Permit

.21 Application. A permit to use permit imprints and pay postage in cash at the time of mailing may be obtained by submitting Form 3601, *Application to Mail Without Affixing Postage Stamps*, with a fee of $40 to the post office where mailings will be made. The postmaster will give the applicant * * * [The remainder of 145.21 is unchanged.]

* * * * *

149 Indemnity Claims

149.1 Insured Mail and COD Claims

* * * * *

.15 Assignment of Responsibilities

.151 a. Accept claims when evidence of postal insurance, assessment of value (including proper documentation), and required signatures are furnished.

* * * * *

.16 Payable and Nonpayable Claims

.161 Payable Claims. Subject to 149.162 insurance for loss or damage to registered, insured or COD mail within the amount covered * * *. [The remainder of 149.161 is unchanged.]

* * * * *

.162 Nonpayable Claims. [Delete 149.162d.]

* * * * *

149.6 Registered Mail Claims

* * * * *

.64 Information Required

.641 Evidence of Registration. The customer must submit evidence that the article was registered and that postal insurance was purchased. Acceptable evidence * * *. [The remainder of 149.641 is unchanged.]

* * * * *

149.7 Payment Conditions and Recovery of Articles or Reimbursement

* * * * *

.712 If commercial insurance is carried on an insured or COD * * *. [The remainder of 149.712 is unchanged.]

150 Collection and Delivery

* * * * *

159 Undeliverable Mail

* * * * *

159.5 Dead Mail

* * * * *

.53 Matter Sent to Dead Letter and Dead Parcel Branches

* * * * *

b. A fee of 70 cents is charged for delivery to sender or addressee of each letter and first-class parcel opened in the dead mail branch.

* * * * *

.554 Dead Mail Fee. The dead mail fee of 70¢ (see 159.536) is charged * * * [The remainder of 159.536 is unchanged.]

* * * * *

CHAPTER 2.—EXPRESS MAIL

210 Rates and Fees

* * * * *

211 General Rate Information

* * * * *

211.2 Express Mail postage rates are based on zones measured by great circle air miles between the airport serving the origin postal facility and the airport serving the destination postal facility, as follows:

Zone	Miles: Greater than	Miles: Up to and including
1 & 2	0	150
3	150	300
4	300	600
5	600	1,000
6	1,000	1,400
7	1,400	1,800
8	1,800	2,400
9	2,400	

* * * * *

213 Express Mail Custom Designed Service Rates

* * * * *

213.2a. Add $5.60 for each delivery stop for item(s) tendered for delivery to addressee.

213.2b. For each collection stop, add $5.60 per occurrence.

* * * * *

214 Express Mail Next Day Service Rates

214.1 This service was formerly called Regular Service.

214.2 The rates for Express Mail Next Day Service are set forth in Exhibits 214a (*Express Mail Next Day Service-Post Office to Addressee*) and 214b (*Express Mail Next Day Service-Post Office to Post Office*). They are subject to the following: for each collection stop, add $5.60 per occurrence.

* * * * *

290 Ancillary Services

* * * * *

296 Return Receipts

Return receipts furnish the mailer with evidence of delivery. The fee paid for a return receipt does not insure the article against loss or damage. The return receipt is returned by mail by the Postal Service to the mailer after the article is delivered to the addressee. For fees, see 932.2. Restricted delivery service is not available for Express Mail.

Exhibit 213—Custom Designed Service Rates

LBS	ZONE 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	5.30	5.50	5.60	5.70	5.80	5.90	6.05	6.15
2	5.70	6.10	6.20	6.40	6.65	6.85	7.15	7.35
3	6.05	6.65	6.85	7.15	7.45	7.80	8.25	8.60

Exhibit 212—Same Day Airport Service Rates

LBS	ZONE 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	8.85	9.05	9.10	9.20	9.30	9.40	9.55	9.70
2	9.20	9.60	9.75	9.90	10.15	10.35	10.65	10.90
3	9.55	10.15	10.35	10.65	11.00	11.30	11.75	12.10

Exhibit 212—Same Day Airport Service Rates

Exhibit 213—Custom Designed Service Rates

LBS	ZONE 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	8.85	9.05	9.10	9.20	9.30	9.40	9.55	9.70
2	9.20	9.60	9.75	9.90	10.15	10.35	10.65	10.90
3	9.55	10.15	10.35	10.65	11.00	11.30	11.75	12.10
4	9.90	10.75	11.00	11.40	11.80	12.25	12.85	13.30
5	10.30	11.30	11.65	12.10	12.65	13.20	13.95	14.50
6	10.65	11.85	12.25	12.85	13.50	14.10	15.05	15.70
7	11.00	12.45	12.90	13.55	14.35	15.05	16.10	16.90
8	11.40	13.00	13.55	14.30	15.15	16.00	17.20	18.15
9	11.75	13.55	14.15	15.00	16.00	16.95	18.30	19.35
10	12.10	14.15	14.80	15.75	16.85	17.90	19.40	20.55
11	12.45	14.70	15.40	16.45	17.65	18.80	20.50	21.75
12	12.85	15.25	16.05	17.20	18.50	19.75	21.60	22.95
13	13.20	15.85	16.70	17.90	19.35	20.70	22.70	24.15
14	13.55	16.40	17.30	18.65	20.20	21.65	23.80	25.40
15	13.90	16.95	17.95	19.35	21.00	22.60	24.85	26.60
16	14.30	17.50	18.60	20.10	21.85	23.50	25.95	27.80
17	14.65	18.10	19.20	20.80	22.70	24.45	27.05	29.00
18	15.00	18.65	19.85	21.55	23.55	25.40	28.15	30.20
19	15.35	19.20	20.50	22.25	24.35	26.35	29.25	31.40
20	15.75	19.80	21.10	22.90	25.20	27.30	30.35	32.60
21	16.10	20.35	21.75	23.70	26.05	28.25	31.45	33.85
22	16.45	20.90	22.35	24.45	26.85	29.15	32.50	35.05
23	16.80	21.50	23.00	25.15	27.70	30.10	33.60	36.25
24	17.20	22.05	23.65	25.90	28.55	31.05	34.70	37.45
25	17.55	22.60	24.25	26.65	29.40	32.00	35.80	38.65
26	17.90	23.20	24.90	27.35	30.20	32.95	36.90	39.85
27	18.25	23.75	25.55	28.10	31.05	33.85	38.00	41.10
28	18.65	24.30	26.15	28.80	31.90	34.80	39.10	42.30
29	19.00	24.90	26.80	29.55	32.75	35.75	40.20	43.50
30	19.35	25.45	27.45	30.25	33.55	36.70	41.25	44.70
31	19.75	26.00	28.05	31.00	34.40	37.65	42.35	45.90
32	20.10	26.55	28.70	31.70	35.25	38.60	43.45	47.10
33	20.45	27.15	29.30	32.45	36.10	39.50	44.55	48.30
34	20.80	27.70	29.95	33.15	36.90	40.45	45.65	49.55
35	21.20	28.25	30.60	33.90	37.75	41.40	46.75	50.75
36	21.55	28.85	31.20	34.60	38.60	42.35	47.85	51.95
37	21.90	29.40	31.85	35.35	39.40	43.30	48.90	53.15
38	22.25	29.95	32.50	36.05	40.25	44.20	50.00	54.35
39	22.65	30.55	33.10	36.80	41.10	45.15	51.10	55.55
40	23.00	31.10	33.75	37.50	41.95	46.10	52.20	56.80
41	23.35	31.65	34.40	38.25	42.75	47.05	53.30	58.00
42	23.70	32.25	35.00	38.95	43.60	48.00	54.40	59.20
43	24.10	32.80	35.65	39.70	44.45	48.95	55.50	60.40
44	24.45	33.35	36.25	40.40	45.30	49.85	56.60	61.60
45	24.80	33.95	36.90	41.15	46.10	50.80	57.65	62.80
46	25.15	34.50	37.55	41.90	46.95	51.75	58.75	64.00
47	25.55	35.05	38.15	42.60	47.80	52.70	59.85	65.25
48	25.90	35.60	38.80	43.35	48.60	53.65	60.95	66.45
49	26.25	36.20	39.45	44.05	49.45	54.55	62.05	67.65
50	26.65	36.75	40.05	44.80	50.30	55.50	63.15	68.85
51	27.00	37.30	40.70	45.50	51.15	56.45	64.25	70.05
52	27.35	37.90	41.35	46.25	51.95	57.40	65.30	71.25
53	27.70	38.45	41.95	46.95	52.80	58.35	66.40	72.45
54	28.10	39.00	42.60	47.70	53.65	59.30	67.50	73.70
55	28.45	39.60	43.25	48.40	54.50	60.20	68.60	74.90
56	28.80	40.15	43.85	49.15	55.30	61.15	69.70	76.10
57	29.15	40.70	44.50	49.85	56.15	62.10	70.80	77.30
58	29.55	41.30	45.10	50.60	57.00	63.05	71.90	78.50
59	29.90	41.85	45.75	51.30	57.80	64.00	72.95	79.70
60	30.25	42.40	46.40	52.05	58.65	64.90	74.05	80.95
61	30.60	43.00	47.00	52.75	59.50	65.85	75.15	82.15
62	31.00	43.55	47.65	53.50	60.35	66.80	76.25	83.35
63	31.35	44.10	48.30	54.20	61.15	67.75	77.35	84.55
64	31.70	44.70	48.90	54.95	62.00	68.70	78.45	85.75
65	32.05	45.25	49.55	55.65	62.85	69.60	79.55	86.95
66	32.45	45.80	50.20	56.40	63.70	70.55	80.65	88.15
67	32.80	46.35	50.80	57.10	64.50	71.50	81.70	89.40
68	33.15	46.95	51.45	57.85	65.35	72.45	82.80	90.60
69	33.50	47.50	52.05	58.60	66.20	73.40	83.90	91.80
70	33.90	48.05	52.70	59.30	67.05	74.35	85.00	93.00

Exhibit 214A—Next Day Service, Post Office to Addressee Rates

LBS	ZONE 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	5.30	5.50	5.60	5.70	5.80	5.90	6.05	6.15
2	5.70	6.10	6.20	6.40	6.65	6.85	7.15	7.35
3	6.05	6.65	6.85	7.15	7.45	7.80	8.25	8.60
4	6.40	7.20	7.50	7.85	8.30	8.70	9.35	9.80
5	6.75	7.80	8.10	8.60	9.15	9.65	10.45	11.00
6	7.15	8.35	8.75	9.30	10.00	10.60	11.50	12.20
7	7.50	8.90	9.40	10.05	10.80	11.55	12.50	13.40
8	7.85	9.50	10.00	10.75	11.65	12.50	13.70	14.60
9	8.25	10.05	10.65	11.50	12.50	13.45	14.80	15.85
10	8.60	10.60	11.30	12.20	13.30	14.35	15.90	17.05
11	8.95	11.20	11.90	12.95	14.15	15.30	17.00	18.25
12	9.30	11.75	12.55	13.65	15.00	16.25	18.10	19.45
13	9.70	12.30	13.15	14.40	15.85	17.20	19.15	20.65
14	10.05	12.90	13.80	15.15	16.65	18.15	20.25	21.85
15	10.40	13.45	14.45	15.85	17.50	19.05	21.35	23.05
16	10.75	14.00	15.05	16.60	18.35	20.00	22.45	24.30
17	11.15	14.60	15.70	17.30	19.20	20.95	23.55	25.50
18	11.50	15.15	16.35	18.05	20.00	21.90	24.65	26.70
19	11.85	15.70	16.95	18.75	20.85	22.85	25.75	27.90
20	12.20	16.25	17.60	19.50	21.70	23.80	26.80	29.10
21	12.60	16.85	18.25	20.20	22.55	24.70	27.90	30.30
22	12.95	17.40	18.85	20.95	23.35	25.65	29.00	31.55
23	13.30	17.95	19.50	21.65	24.20	26.60	30.10	32.75
24	13.65	18.55	20.10	22.40	25.05	27.55	31.20	33.95
25	14.05	19.10	20.75	23.10	25.85	28.50	32.30	35.15
26	14.40	19.65	21.40	23.85	26.70	29.40	33.40	36.35
27	14.75	20.25	22.00	24.55	27.55	30.35	34.50	37.55
28	15.15	20.80	22.65	25.30	28.40	31.30	35.55	38.75
29	15.50	21.35	23.30	26.00	29.20	32.25	36.65	40.00
30	15.85	21.95	23.90	26.75	30.05	33.20	37.75	41.20
31	16.20	22.50	24.55	27.45	30.90	34.10	38.85	42.40
32	16.60	23.05	25.20	28.20	31.75	35.05	39.95	43.60
33	16.95	23.65	25.80	28.90	32.55	36.00	41.05	44.80
34	17.30	24.20	26.45	29.65	33.40	36.95	42.15	46.00
35	17.65	24.75	27.05	30.35	34.25	37.90	43.20	47.25
36	18.05	25.30	27.70	31.10	35.05	38.85	44.30	48.45
37	18.40	25.90	28.35	31.85	35.90	39.75	45.40	49.65
38	18.75	26.45	28.95	32.55	36.75	40.70	46.50	50.85
39	19.10	27.00	29.60	33.30	37.60	41.65	47.60	52.05
40	19.50	27.60	30.25	34.00	38.40	42.60	48.70	53.25
41	19.85	28.15	30.85	34.75	39.25	43.55	49.80	54.45
42	20.20	28.70	31.50	35.45	40.10	44.45	50.90	55.70
43	20.55	29.30	32.15	36.20	40.95	45.40	51.95	56.90
44	20.95	29.85	32.75	36.90	41.75	46.35	53.05	58.10
45	21.30	30.40	33.40	37.65	42.60	47.30	54.15	59.30
46	21.65	31.00	34.05	38.35	43.45	48.25	55.25	60.50
47	22.00	31.55	34.65	39.10	44.25	49.20	56.35	61.70
48	22.40	32.10	35.30	39.80	45.10	50.10	57.45	62.90
49	22.75	32.70	35.90	40.55	45.95	51.05	58.55	64.15
50	23.10	33.25	36.55	41.25	46.80	52.00	59.60	65.35
51	23.50	33.80	37.20	42.00	47.60	52.95	60.70	66.55
52	23.85	34.35	37.80	42.70	48.45	53.90	61.80	67.75
53	24.20	34.95	38.45	43.45	49.30	54.80	62.90	68.95
54	24.55	35.50	39.10	44.15	50.15	55.75	64.00	70.15
55	24.95	36.05	39.70	44.90	50.95	56.70	65.10	71.40
56	25.30	36.65	40.35	45.60	51.80	57.65	66.20	72.60
57	25.65	37.20	41.00	46.35	52.65	58.60	67.30	73.80
58	26.00	37.75	41.60	47.10	53.50	59.55	68.35	75.00
59	26.40	38.35	42.25	47.80	54.30	60.45	69.45	76.20
60	26.75	38.90	42.85	48.55	55.15	61.40	70.55	77.40
61	27.10	39.45	43.50	49.25	56.00	62.35	71.65	78.60
62	27.45	40.05	44.15	50.00	56.80	63.30	72.75	79.85
63	27.85	40.60	44.75	50.70	57.65	64.25	73.85	81.05
64	28.20	41.15	45.40	51.45	58.50	65.15	74.95	82.25
65	28.55	41.75	46.05	52.15	59.35	66.10	76.00	83.45
66	28.90	42.30	46.65	52.90	60.15	67.05	77.10	84.65
67	29.30	42.85	47.30	53.60	61.00	68.00	78.20	85.85
68	29.65	43.45	47.95	54.35	61.85	68.95	79.30	87.10
69	30.00	44.00	48.55	55.05	62.70	69.85	80.40	88.30
70	30.35	44.55	49.20	55.80	63.50	70.80	81.50	89.50

Exhibit 214B—Next Day Service, Post Office to Post Office Rates

CHAPTER 3.—FIRST-CLASS MAIL

310 Rates and Fees

A. Single Letters (12 oz. or less)

This applies to first-class letters which do not exceed 12 ounces.

First oz. or fraction of an oz..... 18¢
Each additional oz. or fraction of an oz..... 17¢

B. Cards

Postal cards are stamped cards sold by the USPS. Post cards are sold commercially and must have stamps added. Rates:

Postal cards:
Single ..... 12¢ each
Double ..... 24¢ (12¢ each part)

Post cards:
Single ..... 12¢ each
Double ..... 24¢ (12¢ each part)

(Reply part does not have to bear postage when originally mailed.)

C. Presort First-Class Mail:

To mail at presort rate, the *annual presort fee of $40* must first be paid.

Rates: The applicable first-class rate, less 5¢ per piece for letters and less 1¢ per piece for cards.

D. Carrier Route First-Class Mail

To mail at the carrier route First-Class rate, the presort *annual fee of $40* must first be paid. (This is the same fee to mail at Presort First-Class Mail rates.)

Rates: The applicable full first-class rate, less 4¢ per piece for letters and less 2¢ per piece for cards.

E. Zone Rated (Priority) Mail (Over 12 oz.)

Weight (not Exceeding Pounds)	Priority mail					
	L, 1, 2, 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1	$2.22	$2.27	$2.41	$2.57	$2.72	$2.91
1.5	2.22	2.27	2.41	2.57	2.72	2.91
2	2.40	2.56	2.74	2.95	3.14	3.43
2.5	2.64	2.84	3.07	3.34	3.60	3.85
3	2.86	3.12	3.40	3.72	4.04	4.43
3.5	3.12	3.41	3.73	4.10	4.47	4.93
4	3.38	3.69	4.06	4.49	4.91	5.44
4.5	3.62	3.98	4.39	4.87	5.34	5.96
5	3.87	4.26	4.73	5.26	5.78	6.44
6	4.35	4.83	5.39	6.02	6.65	7.44
7	4.84	5.40	6.05	6.78	7.52	8.45
8	5.33	5.98	6.71	7.56	8.40	9.45
9	5.82	6.55	7.37	8.32	9.27	10.46
10	6.31	7.10	8.03	9.09	10.14	11.46
11	6.80	7.67	8.69	9.86	11.01	12.46
12	7.29	8.24	9.35	10.62	11.88	13.47
13	7.78	8.80	10.01	11.39	12.76	14.47
14	8.27	9.37	10.67	12.16	13.63	15.48
15	8.76	9.94	11.34	12.93	14.50	16.48
16	9.24	10.51	12.00	13.69	15.37	17.48
17	9.73	11.08	12.66	14.46	16.24	18.49
18	10.22	11.64	13.32	15.23	17.12	19.49
19	10.71	12.21	13.98	15.99	17.99	20.50
20	11.20	12.78	14.64	16.76	18.86	21.50
21	11.69	13.35	15.30	17.53	19.73	22.50

Weight (not Exceeding Pounds)	Priority mail					
	L, 1, 2, 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
22	12.18	13.92	15.95	18.29	20.60	23.51
23	12.67	14.48	16.62	19.06	21.48	24.51
24	13.16	15.05	17.28	19.83	22.35	25.52
25	13.65	15.62	17.95	20.60	23.22	26.52
26	14.13	16.19	18.61	21.36	24.09	27.52
27	14.62	16.76	19.27	22.13	24.96	28.53
28	15.11	17.32	19.93	22.90	25.84	29.53
29	15.60	17.89	20.59	23.66	26.71	30.54
30	16.09	18.46	21.25	24.43	27.58	31.54
31	16.58	19.03	21.91	25.20	28.45	32.54
32	17.07	19.60	22.57	25.96	29.32	33.55
33	17.56	20.16	23.23	26.73	30.20	34.55
34	18.05	20.73	23.89	27.50	31.07	35.56
35	18.54	21.30	24.56	28.27	31.94	36.56
36	19.02	21.87	25.22	29.03	32.81	37.56
37	19.51	22.44	25.88	29.80	33.68	38.57
38	20.00	23.00	26.54	30.57	34.56	39.57
39	20.49	23.57	27.20	31.33	35.43	40.58
40	20.98	24.14	27.86	32.10	36.30	41.58
41	21.47	24.71	28.52	32.87	37.17	42.58
42	21.96	25.28	29.18	33.63	38.04	43.59
43	22.45	25.84	29.84	34.40	38.92	44.59
44	22.94	26.41	30.50	35.17	39.79	45.60
45	23.43	26.98	31.17	35.94	40.66	46.60
46	23.91	27.55	31.83	36.70	41.53	47.60
47	24.40	28.12	32.49	37.47	42.40	48.61
48	24.89	28.68	33.15	38.24	43.28	49.61
49	25.38	29.25	33.81	39.00	44.15	50.62
50	25.87	29.82	34.47	39.77	45.02	51.62
51	26.36	30.39	35.13	40.54	45.89	52.62
52	26.85	30.96	35.79	41.30	46.76	53.63
53	27.34	31.52	36.45	42.07	47.64	54.63
54	27.83	32.09	37.11	42.84	48.51	55.64
55	28.32	32.66	37.78	43.61	49.38	56.64
56	28.80	33.23	38.44	44.37	50.25	57.64
57	29.29	33.80	39.10	45.14	51.12	58.65
58	29.78	34.36	39.76	45.91	52.00	59.65
59	30.27	34.93	40.42	46.67	52.87	60.66
60	30.76	35.50	41.08	47.44	53.74	61.66
61	31.25	36.07	41.74	48.21	54.61	62.66
62	31.74	36.64	42.40	48.97	55.48	63.67
63	32.23	37.20	43.06	49.74	56.36	64.67
64	32.72	37.77	43.72	50.51	57.23	65.68
65	33.21	38.34	44.39	51.28	58.10	66.68
66	33.69	38.91	45.05	52.04	58.97	67.68
67	34.18	39.48	45.71	52.81	59.84	68.69
68	34.67	40.04	46.37	53.58	60.72	69.69
69	35.16	40.61	47.05	54.34	61.59	70.70
70	35.65	41.18	47.69	55.11	62.46	71.70

Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

320 Classification

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323 *Presorted First-Class Mail*

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323.2 Carrier Route First-Class Mail

Carrier route First-Class rates apply to each piece that is part of a group of 10 or more pieces properly sorted to the same carrier route, rural route, highway contract route, lockbox section, or general delivery unit, when they are presented at one post office as part of a single mailing of not less than 500 pieces. All pieces in the mailing must weigh 12 ounces or less, and be within the same processing category (see 128). The appropriate identification marking and Presort rate or full First-Class postage must be paid on the pieces not sorted in groups of 10 or more to the same carrier route, rural route, highway contract route, lockbox section, or general delivery unit. Mailers must, at the time of each mailing, provide the post office a listing indicating the number of qualifying pieces to each 5-digit ZIP Code area. Mailers are responsible for the proper makeup of mail to carrier routes according to the latest official Postal Service scheme. See 622.11e(2) for procedures to obtain official Postal Service schemes. When a carrier route First-Class mailing is found to have more than 5 percent error in the makeup to carrier routes in a 5-digit ZIP Code area, postage will be recalculated at the Presort First-Class rate of postage for all pieces within that 5-digit ZIP Code area, providing the pieces meet the Presort First-Class Mail preparation requirements.

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340 Authorizations and Permits

341 Annual Presort Fee

A Presort First-Class mailing fee must be paid once each calendar year at each office of mailing by any person or organization who enters mailings at a Presort First-Class Mail rate or at a carrier route First-Class rate. Persons or organizations paying this fee may enter mail of their clients as well as their own mail. Payment of one fee allows a mailer to enter mail materials at both rates.

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350 Physical Limitations

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353 Nonstandard First-Class Mail

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353.3 Surcharge. A surcharge of 9 cents is assessed on each piece of nonstandard First-Class Mail.

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360 Preparation Requirements

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362 Marking Requirements

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362.2 Presort First-Class Mail

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362.3 Carrier Route First-Class Mail

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.31 Qualifying Pieces

All pieces which qualify for the carrier route rates in a carrier route First-Class mailing, must be marked *First-Class* and *Carrier Route Presort* or *CAR-RT SORT* as follows:

a. When a permit imprint is used, the identifications *First-Class* and *Carrier Route Presort* or *CAR-RT SORT* must be part of the permit imprint or printed or rubber stamped by the mailer above the address and immediately below or to the left of the permit imprint, except as provided in 362.31(e).

b. When a meter stamp is used, the identifications *First-Class* and *Carrier Route Presort* or *CAR-RT SORT* must be printed or rubber stamped by the mailer above the address and immediately below or to the left of the meter stamp, except as provided in 362.31(e).

c. When a precanceled stamp is used, the identifications *First-Class* and *Carrier Route Presort* or *CAR-RT SORT* must be printed or rubber stamped by the mailer above the address and immediately below or to the left of the precanceled stamp, except as provided in 362.31(e). *Note:* Precanceled stamps in denominations suitable for carrier route rate may be provided by the Postal Service as conditions permit and demand suggests. There is no guarantee that they will be available. Precanceled stamps bearing the words *Carrier Route Presort*, if provided, will be sufficient identification for carrier route mailings, and the identifications *Carrier Route Presort* or *CAR-RT SORT* need not be printed or rubber stamped on the piece if such stamps are used.

d. The *First-Class* and *Carrier Route Presort* or *CAR-RT SORT* markings may be printed by a postage meter, special ship, ad plate, or other suitable means which will ensure a legible endorsement.

e. As an alternative to a, b, and c above, the endorsement *Carrier Route Presort* or *CAR-RT SORT* may be located in the address area on either the line above the address or two lines above the address. (The preferred position is two lines above the address.)

.32 Nonqualifying Pieces (Presort rate and residual full rated pieces)

All pieces which are part of a carrier route First-Class mailing, but which do not qualify for the carrier route rate, must be marked *"PRESORTED FIRST-CLASS"* as noted in 362.2. *Exception to marking:* When, *and only when*, the total number of Presort rate and residual (full rate) pieces in a carrier route First-Class mailing does not exceed 5% of the total number of qualifying pieces, Presort rate and residual pieces may be marked with the *Carrier Route Presort* or *CAR-RT SORT* identification.

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367 Preparation of Presorted Mailings

367.1 Presort First-Class Mail (General) (see Exhibit 367.1)

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367.2 Presort First-Class Mail (Sortation Requirements)

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.26 Nonqualifying Pieces

All nonqualifying pieces in a Presort First-Class mailing are residual and are subject to full First-Class rates. Nonqualifying pieces must be sorted and prepared according to 367.5.

367.3 Carrier Route First-Class Mail

.31 Packages

.311 When to Make Packages

When there are 10 or more pieces to the same carrier route, rural route, highway contract route, lockbox section, or general delivery unit, the mailer must prepare the pieces as a package. Rubber bands are the only acceptable means of securing packages of trayed mail.

.312 Rubber Bands

Rubber bands will be provided by the Postal Service and must be used by mailers to secure packages of carrier route First-Class under the following conditions.

a. Packages of letter size pieces, as described in 128.2, must be secured with rubber bands.

b. Packages should not exceed approximately 4 inches in thickness.

c. Packages up to one inch in thickness must be secured with one rubber band around the girth. Packages between one and four inches in thickness must be secured with two rubber bands, the first around the length and the second around the girth.

.313 Labeling Packages

Whenever a carrier package is not placed in a tray labeled to show that it contains only packages for the

**CR 22

Resident
1300 Waterford Drive
District Heights, MD 20028

Line 3. Office of Mailing

Sample:

SAN FRANCISCO CA 94123

up according to the latest "official scheme") will be made at the delivery unit.

12 Collected at Customer's Facility. All presorted and carrier route First-Class mailings collected at the customer's facility will be verified at a post office accepta-

two rubber bands, the first around the length and the second around the girth.

.313 Labeling Packages

Whenever a carrier package is not placed in a tray labeled to show that it contains only packages for the same carrier route, rural route, highway contract route, lockbox section, or general delivery unit, the mailer must use one of the following procedures to label the package:

a. The mailer may prepare packages with a facing slip which must be affixed to the front of the package and marked as shown below:

Line 1: City, State, and 5-Digit ZIP Code of Address.
Line 2: Carrier Route, Rural Route, Highway Contract Route, Lockbox Section, or General Delivery Unit.
Line 3: Office of Mailing.

Sample:

SAN FRANCISCO CA 94133
RURAL ROUTE 12
BOSTON MA 021

b. Packages made up to individual carrier routes, rural routes, highway contract routes, lockbox sections, or general delivery units may be prepared without facing slips when the following conditions are met:

(1) The carrier route information consisting of a descriptive prefix (or its abbreviation), plus a two-digit route number or four-digit numeric code, must be on the top line of the address, either alone (the preferred format), or with other information (addressee, account data, etc.). Alternatively, the carrier route information may appear with the *Carrier Route Presort* endorsement on the line above or two lines above the address when the *Carrier Route Presort* endorsement is located in the address area in accordance with 362.31e.

(2) The descriptive prefix "carrier route", "rural route", "highway contract route", "lockbox section", or "general delivery unit" must either be spelled out (the preferred format) or abbreviated as follows:

Carrier Route	CR
Rural Route	RR
Highway Contract Route	SR
Lockbox Section	LS
General Delivery	GD

(3) The descriptive prefix must be followed by one blank space and a two-digit route number. The mailer may use a four-digit numeric route code. This four-digit route code must consist of the last two digits of the ZIP Code followed by the two-digit carrier route number.

(4) The carrier route information must be right justified.

(5) The carrier route information must be preceded by at least two asterisks (**), or other distinctive non-alphabetic or non-numeric characters. The following are examples of address formats:

**CR 22
Resident
1300 Waterford Drive
District Heights, MD 20028

**Rural Route 05
Postal Customer
1602 Country Lane
Burke, VA 22015

Postal Customer **RR 1505

CAR-RT SORT **CR 22
Resident
1300 Waterford Drive
District Heights, MD 20028

(6) At least 10 spaces must be allowed for carrier route information if it is included with other information on the top line.

.32 Traying

Packages must be made up into trays in accordance with 367.4.

367.4 Carrier Route First-Class Mail (Sertation Requirements)

.41 Carrier Route Packages and Trays

.411 Carrier Route Packages. When there are 10 or more pieces, but less than a full tray, addressed to the same carrier route, rural route, highway contract route, lockbox section, or general delivery unit, the mailer must prepare them in packages of 10 or more pieces, and not more than 4 inches in thickness. The pieces in the packages must be faced in the same direction and secured with one or two rubber bands around each package as provided in 367.414.

.412 Trays

a. *Carrier Route Trays.* When there are enough qualifying carrier packages to the same carrier route to fill a tray, a direct carrier route tray must be prepared. Each tray must be labeled in the following manner:

Line 1: City, State, and 5-Digit ZIP Code Destination.
Line 2: Contents and Carrier Route, or Rural Route, Lockbox Section, Highway Contract Route, or General Delivery Unit.
Line 3: Office of Mailing.

Sample:

SAN FRANCISCO CA 94133
FCM—CARRIER ROUTE 18
PORTLAND OR 972

b. *Carrier Routes Trays.* All qualifying carrier packages which are not placed in carrier route trays must be placed in carrier routes trays labeled to a 5-digit ZIP Code destination. Each tray must be labeled in the following manner:

Line 1: City, State, and 5-Digit ZIP Code Destination.
Line 2: Contents followed by the words *CARRIER ROUTES.*

Line 3. Office of Mailing

Sample:

SAN FRANCISCO CA 94133
FCM—CARRIER ROUTES
BOSTON MA 021

.42 Nonqualifying Pieces

.421 Definition. Pieces remaining after packages and trays have been prepared in accordance with 367.3 are nonqualifying and are ineligible for the carrier route rate. The nonqualifying portion of the mailing consists of Presort First-Class mail pieces (367.2) and residual pieces (367.5). The applicable rate on nonqualifying pieces is the Presort rate or full rate on residual pieces.

.422 Sortation. Pieces remaining after all possible carrier route packages and carrier route and carrier routes trays have been prepared must be sorted according to the requirements in 367.2 and 367.5. The nonqualifying portion must be completely separated from the qualifying carrier route or carrier routes trays.

.423 Limits on Nonqualifying Pieces. There is no limit on the total number of nonqualifying pieces in a carrier route mailing, provided all Presort First-Class Mail and residual pieces are marked with the identification required in 362.32. If the number of Presort rate and residual (full rate) pieces is 5% or less of the total number of qualifying carrier route pieces in the mailing, mailers may endorse these pieces as *First-Class Carrier Route* or *CAR-RT SORT*. (Mailers can use this option only if the total number of nonqualifying pieces is 5% or less of the total number of carrier route qualifying pieces.)

367.5 Residual (Full Rate) Pieces

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370 Mailing

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374 Presort Verification

374.1 Where Verified

.11 Accepting Post Office.

a. Presort First-Class mailings will be verified at the post office of acceptance to establish that each mailing made at the Presort rate is properly made up and presorted and qualifies for the Presort rate.

b. Carrier route First-Class mailings will be verified at the post office of acceptance to ensure the nonqualifying pieces are properly prepared and do not exceed applicable limits. Verification for proper carrier route presort makeup according to the latest "official scheme") will be made at the delivery unit.

12 Collected at Customer's Facility. All presorted and carrier route First-Class mailings collected at the customer's facility will be verified at a post office acceptance unit unless the mailing is made under an optional procedure or complete acceptance and verification is accomplished at the customer's facility. If a presorted or carrier route First-Class mailing, which has been collected at the customer's facility and brought to the appropriate acceptance unit is found not to qualify due to makeup irregularities, improper postage, or other reasons, the mailer must come to the acceptance unit to resolve the discrepancies.

374.2 When a Presort Mailing Is Disqualified.

.21 Options. a. When a presort mailing is disqualified, the mailer has the option of taking corrective action or paying the full regular single piece rate. When necessary, the return of such mailings to the customer's plant is the responsibility of the mailer. Discrepancies are to be corrected or the full first-class postage rate is to be paid before the mailing will be accepted.

b. When a carrier route First-Class mailing is found to have more than 5 percent error in the makeup to carrier routes in a 5-digit ZIP Code area, the mailing does not qualify for the carrier route First-Class rate. Postage will be recalculated at the Presort First-Class rate of postage on all pieces within that 5-digit ZIP Code area, provided the pieces meet the Presort First-Class Mail preparation requirements.

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380 Payment of Postage

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382 Presort and Carrier Route Rates (See Exhibit 310)

382.1 Method of Payment

Postage on mailings made at Presort or carrier route rates must be paid by meter stamps, permit imprints, or precanceled postage. Permit imprints may only be used on mailings of nonidentical weight under the provisions of 145.8 or 145.9.

382.2 Exact Postage on Each Piece

.21 Presort Rates. When precanceled postage or meter stamps are used, pieces must bear postage at the Presort First-Class rate on qualifying pieces, and at the full First-Class rate on residual pieces except as provided in 382.3.

.22 Carrier Route Rates. When precanceled postage or meter stamps are used, pieces must bear postage at the carrier route First-Class rate on qualifying pieces. Nonqualifying pieces must bear postage as required in 382.21.

CHAPTER 4.—SECOND-CLASS MAIL

410 Rates, Fees, and Charges

411 Rates

411.1 Rate Elements

The postage charged for mailing second-class matter is based on the application of the following rate elements to the mailing:

a. *Per pound rate.* The total weight of the mailing in pounds is multiplied by the per pound rate.

b. *Per piece rate.* The total number of pieces in the mailing is multiplied by the per piece rate. An individual addressed copy or package of unaddressed copies is considered a piece.

Note: The postage to be paid for a mailing is the sum of the charges determined by applying the per pound rate, and the charges determined by applying the per piece rates.

411.2 Regular Rates

.21 General

(*Note:* The rates in 411.21 through 411.24 apply to all copies of publications which do not qualify for one of the preferred rates contained in 411.3.)

.211 Per pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	14.2
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.212 Per Piece Rates. The three per piece rates reflect the level of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level A—Basic—Pieces not qualifying for Level B—5-Digit or Level C—Carrier (SCF, states, mixed states)	8.0
Level B—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	6.4
Level C—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	5.4

Note: Copies of second-class publications that do not qualify for Level B—5-Digit or Level C—Carrier must be sorted to the finest extent possible as required by 467.

.22 Commingled Nonsubscriber rate

.221 General. These rates apply to nonsubscriber copies of second-class publications that are commingled and presorted with subscriber or requester copies if the nonsubscriber and nonrequester copies are in excess of the 10 percent allowance (See 428.1) mailable at the applicable rates in 411.21, 411.32, 411.33, 411.34, 411.35, 411.36 and 411.37.

.222 Per pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	14.2
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.223 Per Piece Rates. The three per piece rates reflect the level of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level A—Basic—Pieces not qualifying for Level B—5-Digit or Level C—Carrier (SCF, state, mixed states)	8.0
Level B—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	6.4
Level C—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	5.4

Note: Copies of second-class publications that do not qualify for Level B—5-Digit or Level C—Carrier must be sorted to the finest extent possible as required by 467.

.23 Controlled Circulation Publications

.231 General. These rates apply to requester and commingled nonrequester copies of controlled-circulation publications.

.232 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	14.2
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.233 Per Piece Rates. The three per piece rates reflect the level of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level A—Basic—Pieces not qualifying for Level B—5-Digit or Level C—Carrier (SCF, states, mixed states)	8.0
Level B—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	6.4
Level C—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	5.4

Note: Copies of second-class publications that do not qualify for Level B—5-Digit or Level C—Carrier must be sorted to the finest extent possible as required by 467.

.24 Transient Rate for Noncommingled Copies:

.241 General. The transient rate for noncommingled copies is charged for copies mailed by the general public (persons other than publishers or registered news agents), or copies mailed by publishers or registered news agents which are not commingled and presorted as part of the regular mailing of subscriber or requester copies.

.242 Rate per Copy

Weight:	Cents
0 to 1 ounce	15
Over 1 to 2 ounces	33
Over 2 to 3 ounces	49
Over 3 to 4 ounces	59
Over 4 to 5 ounces	69
Over 5 to 6 ounces	79
Over 6 to 7 ounces	89
Over 7 to 8 ounces	99
Over 8 to 10 ounces	$1.09
Over 10 to 12 ounces	$1.19
Over 12 to 14 ounces	$1.29
Over 14 to 16 ounces	$1.39
Over 16 ounces	[1] $1.59

[1] Plus 10 cents for each additional 2 ounces over 16 ounces.

Note:

a. Rates are computed on each individually addressed copy or package of unaddressed copies.

b. The fourth-class rates for parcel post or bound printed matter, as appropriate, must be charged if they are lower than the transient rate.

411.3 Preferred Rates

.31 General

There are six preferred rates. They are:

a. In-county

b. Special Nonprofit

c. Classroom

d. Science-of-Agriculture

e. Limited Circulation

f. Limited Circulation Science-of-Agriculture

.32 In-County Rates

.321 General Application. In-county rates apply to copies of second-class publications (except commingled nonsubscriber in excess of the 10% allowance, and controlled-circulation) which are to be delivered to addresses within the county of publication if such copies are:

a. Mailed at the office of original entry; or

b. Mailed at an office of additional entry within the county of publication.

Note: If the postmaster of an office of entry directs a publisher to deposit copies of the publication at a postal facility serving that office, these copies will be considered as mailed at the office of entry. Copies are subject to in-county rates if they are addressed to destinations within the county and are entered at a post office which serves these addresses, but is located outside the county.

.322 Rates. In-County rates are:

	Cents
Per Pound	3.2
Per Piece:	
Level J—Not Presorted to Carrier Route	1.6
Level K—Presorted to Carrier Route—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.6

.323 Independent Cities. Each second-class publication (except commingled nonsubscriber copies in excess of the 10% allowance, and controlled circulation) having original entry at an incorporated city which is situated entirely within a county or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, will be considered to be within and a part of the county with which it is principally contiguous, and copies mailed into that county are chargeable with postage at the in-county rates. Where more than one county is involved, the publisher will select the principal county and notify the postmaster.

.33 Special Nonprofit Rate

.331 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	6.5
Advertising portion:	
Zones 1 and 2	9.5
Zone 3	10.0
Zone 4	11.4
Zone 5	13.3
Zone 6	15.0
Zone 7	16.6
Zone 8	18.0

Note: The advertising zone rates are applicable to issues in which the advertising portion exceeds 10 percent. Issues containing 10 percent or less advertising will be computed at the nonadvertising rate.

.332 Per Piece Rates. The three per piece rates reflect the level of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level G—Basic—Pieces not qualifying for Level H—5-Digit or Level I—Carrier (SCF, states, mixed states)	2.8
Level H—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	2.6
Level I—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	2.5

Note: Copies of second-class publications that do not qualify for Level H—5-Digit or Level I—Carrier must be sorted to the finest extent possible as required by 467.

.34 Classroom

.341 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	4.0

try located outside the county where published and entered, when the total number of out-of-county copies is less than 5,000.

.362 Per Pound Rates. Rates per pound or fraction

	Cents
Level D—Basic—Pieces not qualifying for Level E—5-Digit or Level F—Carrier (SCF, states, mixed states)	2.7

cation, and 50 percent or more of the copies of the publication must be distributed to persons making such requests. Subscription copies paid for or promised to be

.341 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	4.0
Advertising portion:	
Zones 1 and 2	5.9
Zone 3	6.0
Zone 4	7.3
Zone 5	9.4
Zone 6	11.7
Zone 7	13.6
Zone 8	15.6

.342 Per Piece Rate. The per piece rate is 1.6 cents.

.35 Science of Agriculture

.351 General. These rates apply to copies of publications which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70% of the total number of copies distributed by any means for any purpose.

.352 Per Pound. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	9.9
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.353 Per Piece Rates. The three per piece rates reflect the level of present for mailings of 5,000 or more copies per issue. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level A—Basic—Pieces not qualifying for Level B—5-Digit or Level C—Carrier (SCF, states, mixed states)	8.0
Level B—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	6.4
Level C—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	5.4

Note: Copies of second-class publications that do not qualify for Level B—5-Digit or Level C—Carrier must be sorted to the finest extent possible as provided in 467.

.36 Limited Circulation

.361 General. These rates apply to copies of publications (except commingled nonrequester/nonsubscriber in excess of the 10% allowance (see 411.38), controlled-circulation, special nonprofit, classroom, and limited circulation science of agriculture) which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of out-of-county copies is less than 5,000.

.362 Per Pound Rates. Rates per pound or fraction of a pound

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	14.2
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.363 Per Piece Rates. The three per piece rates reflect the level of present (see 467) for mailings of less than 5,000 out-of-county copies per issue:

	Cents
Level D—Basic—Pieces not qualifying for Level E—5-Digit or Level F—Carrier (SCF, states, mixed states)	2.7
Level E—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	2.1
Level F—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	2.1

Note: Copies of second-class publications that do not qualify for Level E—5-Digit or Level F—Carrier must be sorted to the finest extent possible as required by 467.

.37 Limited Circulation Science of Agriculture

.371 General. These rates apply to copies of science of agriculture publications which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of out-of-county copies is less than 5,000, and when the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70% of the total number of copies distributed by any means for any purpose.

.372 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	9.9
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.373 Per Piece Rates. The three per piece rates reflect the level of present (see 467) for mailings of less than 5,000 out-of-county copies per issue.

	Cents
Level D—Basic—Pieces not qualifying for Level E—5-Digit or Level F—Carrier (SCF, states, mixed states)	2.7
Level E—5-Digit—Packages of six or more addressed pieces for 5-Digit or multi-ZIP Coded City destinations	2.1
Level F—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	2.1

Note: Copies of second-class publications that do not qualify for Level E—5-Digit or Level F—Carrier must be sorted to the finest extent possible as required by 467.

.38 Nonsubscriber Copies, Sent at a Preferred Rate

Nonsubscriber copies mailed at any time during the calendar year up to 10 percent of the total weight of copies mailed to subscribers during the calendar year are preferred mail and subject to the preferred mail rates, provided that the nonsubscriber copies would have been preferred mail if mailed to subscribers.

412 Fees

412.1 Application Fees for Second-Class Privileges

The fees to accompany applications for second-class original entry, reentry, additional entry, or for registration as a news agent, are:

Kind of application:	Amount
a. Original Entry	$160.00
b. News Agent Registry	30.00
c. Reentry (because of change in title, frequency of issue, office of publication, or other reason)	30.00
d. Additional Entry (Only one is collectible for an application for additional entry even if the additional entry for which application is made modifies another previously approved additional entry	50.00

Note: If an application is not approved, no part of the fee is returned to the applicant.

412.2 Fee for Address Correction Service

The fee for address correction service is 25 cents per notice issued.

480 Classification

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422 Types of Authorization

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422.6 Controlled Circulation Publications

.61 General. A publication, whether circulated free or to subscribers, is eligible for authorization to mail at the rates in 411.23 if it meets the requirements in 421 and all of the following requirements:

a. Each issue must contain at least 24 pages;

b. No issue may contain more than 75 percent advertising (see 422.232);

c. The publication must not be owned or controlled by one or more individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control it; and

d. Effective March 20, 1982, the publication must have a legitimate list of persons who request the publication, and 50 percent or more of the copies of the publication must be distributed to persons making such requests. Subscription copies paid for or promised to be paid for including those at or below a nominal rate may be included in the determination of whether the 50 percent request requirement is met. Persons will not be deemed to have requested the publication if their request is induced by a premium offer or by receipt of material consideration. Requests which are more than three years old will not be considered to meet this requirement.

* * * * *

425 What May be Mailed at the Second-Class Rates

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425.6 Enclosures. The only enclosures permitted in second-class publications are receipts and orders for subscriptions. Copies of publications authorized controlled circulation mailing privileges may also contain forms for requesting the publication. These may either be inserted loose or bound in the publication. Preparation methods include, but are not limited to:

a. Printed or written;

b. Printed on cards and envelopes including business reply;

c. Arranged to include coin receptacles; or

d. Arranged as combination forms for two or more second-class publications issued by same publisher.

* * * * *

490 Authorization and Permits

441 Original Entry for Publishers and News Agents

441.1 Application Forms and Copies Filed

.11 General

.111 An application must be filed by the publisher before a publication will be considered for second-class authorization. Copies of application forms may be obtained from the local postmaster. The headings on the forms describe the information the publisher must furnish. Two copies of the issue published nearest to the date of application must accompany the application. These copies must meet the preparation requirements contained in 460. The copies must be marked to show the advertising content and the percentage of advertising must be stated on the cover. When one-half or more of the total copies distributed are purchased by news agents for resale or are consigned to news agents for sale, two copies each of at least four issues must be filed before an application is either approved or disapproved, to demonstrate compliance with the requirement for regular issuance at least four times each year. If the publication is printed in a foreign language, a brief translation of the contents of the copies must be furnished with the application. Generally a synopsis of each article and advertisement will suffice.

.112 The postmaster will forward the application and one copy of the publication to his Mail Classification Center (MCC). The MCC, after reviewing the application for completeness, will forward it with one copy of the publication to the Office of Mail Classification, Rates and Classification Department, USPS Headquarters, Washington, DC 20260.

* * * * *

.15 Controlled Circulation Publications

.151 Application. An application for a publication which seeks authorization under 422.6 must be filed on Form 3511, *Application for Mailing Under Controlled Circulation Privileges*, at the post office serving the known office of publication.

.152 Supporting Documentation. Effective March 20, 1982; the publisher must maintain records adequate to establish that the primary distribution of the publication is to persons who have requested it. See 447 for a description of the types of records needed to satisfy this requirement. The postmaster of the office of publication (original entry) will review the application and verify the accuracy and adequacy of the publisher's records.

.16 Foreign Publications.

An application for a publication which seeks authorization under 422.5 must be filed on Form 3501–A, *Application to Mail Publications at Second-Class Rates*, at the post office where the mailings are to be made. All information requested on the form must be made available by the publisher or the publisher's agent for verification (see 447).

.17 News Agents

A news agent must file application Form 3501–A before being considered for authorization to mail at the second-class rates. All information requested on the form must be provided. The application must be filed at the post office where mailings are to be made (see 447).

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442 Additional Entry Applications

442.1 Application Procedure. If multiple entry points are desired, a Form 3510, *Application for Additional Entry or Reentry of Second-Class Publication*, must be filed by the publisher at the original entry post office. A publisher may apply for permission to mail at additional entry post office(s) at the time of the original entry application or at a later time. Two copies of the issue nearest the application date must accompany the application(s). These must be marked to show the advertising content as described in 483. Publishers of publications authorized second-class privileges under the provisions of 422.6 (controlled circulation) must file applications for additional entry 30 days prior to making a mailing at the proposed additional entry office(s). Postage for mailings presented prior to the expiration of the 30-day period must be made at the first-, third-, or fourth-class postage rates.

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444 Application for Reentry

444.1 Change in Title, Frequency, or Office of Publication. An application for reentry must be filed on Form 3510, *Application for Additional Entry or Reentry of Second-Class Publication*, whenever the name, frequency of issuance, location of the known office of publication, or qualification category (see 422) is changed. When the name or frequency of issuance of a publication is changed, a Form 3510 must be filed at the post office of original entry with two copies of the publication showing the new name or frequency. When the location of the known office of publication is changed, a Form 3510 must be filed at the new mailing office with two copies of the publication showing the name of the new office as the known office of publication. These copies must be marked to show the percentage of advertising as prescribed in 483. A reentry application need not be filed if the known office of publication is moved to a location served by the same post office. An application for reentry is not required when only the ownership of a publication is changed unless the change disqualifies the publication for an entry which was authorized under 422.3.

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444.2 Changing Qualification Categories

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.23 *Controlled Circulation to General.*

When a publication authorized under 422.6 wishes to change its authorization to 422.2, the publisher must submit Form 3510 and Form 3501, *Application for Second-Class Mail Privileges* (pink form), at the office of original entry. The postmaster will verify the circulation records of the publication and complete the application to determine whether the publication meets the paid circulation requirements of 422.2.

.24 *General to Controlled Circulation.*

When a publication authorized under 422.2 wishes to change its authorization to 422.6, the publisher must submit Form 3510 and Form 3511, *Application for Mailing Under Controlled Circulation Privileges*, at the office of original entry. The postmaster will verify the circulation records of the publication and complete the application to determine whether the publication meets the requirements of 422.6.

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460 Preparation Requirements

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467 Presort Requirements

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467.6 Preparing Presort Level Discount Rated Pieces (Levels B, C, E, F, H, I & K)

.61 General.

There are several different piece rates provided for pieces mailed outside the county of publication (except pieces mailed at the classroom rate) and for pieces mailed within the county of publication, which reflect the level of presort. Presort Levels A–(basic), B–(5-digit), C–(carrier) are provided for pieces mailed at the regular, commingled nonsubscriber, and science of agriculture rates mailed to destinations outside the county of publication and for pieces mailed at the controlled circulation rate. Presort Levels D–(basic), E–(5-digit), and F–(carrier) are provided for pieces mailed at limited circulation and limited circulation science of agriculture rates mailed to destinations outside the county of publication. Presort Levels G–(basic), H–(5-digit), and I–(carrier) are provided for pieces mailed at the special nonprofit rates mailed to destinations outside the county of publication. Presort Levels J–(basic) and K–(carrier) are provided for pieces eligible for within county rates.

.62 Qualification Requirements.

a. *5-Digit Rates.* To qualify for the Level B, E, or H piece rate a piece must be: (1) In a 5-digit package of six or more pieces and the package must be in a 5-digit sack, or (2) In a city package (see 467.114) or 3-digit package of six or more pieces addressed to a city having a unique 3-digit ZIP Code prefix. The package must be in a city sack or a 3-digit sack for a city with a unique 3-digit ZIP Code prefix.

b. *Carrier Rates.* To qualify for the Level C, F, I, or K piece rate, a piece must be in a carrier route package of six or more pieces and the package must be in a carrier route sack or carrier routes sack. The following provisions also apply:

(1) *Proper Makeup.* Mailers are responsible for makeup of mail to carrier routes according to the latest official Postal Service scheme. Postage on mailings with more than a 5% error in the makeup to carrier routes in the 5-digit ZIP Code area will be recalculated at the appropriate "basic" rate (level A, D, G or J) for all pieces claimed at carrier route level rates delivered in that 5-digit ZIP Code area.

(2) *Obtaining Schemes.* See 622.11e(2)

c. *Bundling Instead of Sacking.* Pieces presented in bundles instead of sacks (see 467.3) are eligible for presort rates providing they meet all other requirements for the presort rates.

.63 *Documentation Requirements.*

Mailers must be prepared to document or otherwise confirm the number of pieces mailed and paid for at Levels B, C, E, F, H, I and K piece rates. This may be done in any of the following ways:

a. By separating sacks paid at the various presort category rates when they are presented for mailing. That is, group the sacks by: (1) Those containing pieces eligible for basic rates (Levels A, D, G and J); (2) Those containing pieces eligible for 5-digit rates (Levels B, E or H); and (3) Those containing pieces eligible for carrier rates (Levels C, F, I or K).

b. By attaching to the mailing statement a list of the number of copies (and pieces) contained in sacks to each 5-digit ZIP Code, to each city having a unique 3-digit ZIP Code prefix, to each city listed in 467.114, and to each carrier route for which levels B, D, F, H, I, and K piece rates are being paid, or

c. By maintaining records for each mailing which will confirm the number of pieces in qualifying 3-digit city, 5-digit, carrier route sacks, and carrier routes sacks. The records must document the number of copies (and pieces) to each qualifying 3-digit city, 5-digit, and carrier route destination for which sacks are made up. A printout must be presented prior to the first mailing made under this arrangement. These records must be retained for at least two months, or until any pending action regarding the recalculation of postage is resolved to the satisfaction of the Postal Service (see 467.62b(1)).

Notes: The mailer must provide a copy of the record for a particular mailing, or portions of it, within 30 days of a request by the postmaster of the office of entry. Postmasters will advise the Region's Revenue Protection Programs Manager of all publications being mailed under this arrangement. Acceptance units will maintain a list of publications authorized to mail under this arrangement.

.64 Combining more than one Second-Class Publication.

.641 More than one second-class publication may be combined to meet the volume per sack or bundle requirement for the presort level discount piece rates. To qualify for Levels B and C piece rates, at least 5,000 copies of each issue in the combined mailing must be mailed to destinations outside the county of publication or be a controlled circulation publication. To qualify for the Levels E–(5-digit) and F–(carrier) rates, each publication must mail fewer than 5,000 copies per issue to destinations outside the county of publication. To qualify for Levels H–(5-digit) and I–(carrier) rates, each publication must be authorized the special nonprofit rate. To qualify for the Level K–(carrier) rate the copies of each publication in the mailing must be eligible for the in-county rates at the post office of mailing.

.642 Listings and records provided by publishers in accordance with 467.63 must also declare the total number of addressed pieces and copies of each publication mailed to each unique 3-digit city, each city listed in 467.114, each 5-digit ZIP Code destination, and each carrier route. The number of addressed mailing pieces for all publications in the mailing for each level of presort may be reported on the mailing statement for one of the publications in the mailing, or the number of addressed pieces of all publications in the mailing may be shown on a separate mailing statement.

.643 A notation such as "per piece charge for consolidated copies of (title), (title), etc." must be included on the Form 3541 or 3541–A on which the piece rates are computed. The Forms 3541 or 3541–A used to compute pound-rate postage for the individual publications must include a notation of the number of copies included on the consolidated mailing statement, and where the piece rate computations can be found (i.e., (number) copies sent in consolidated bundles and reported on the Form 3541 for (title)).

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Note: Chapter 5 will be entirely deleted.

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CHAPTER 6.—THIRD-CLASS MAIL

610 Rates and Fees

Over 3 to 4 oz..... .69

BULK THIRD-CLASS—Continued

PIECES WHICH ARE EQUAL TO OR WEIGH LESS THAN THE WEIGHTS SHOWN BELOW MUST BE

CHAPTER 6.—THIRD-CLASS MAIL

610 Rates and Fees

611 Rates

611.1 Single Piece Rates

.11 General. The single piece rates are applied to each piece according to its weight. The single piece rates are:

0 to 1 oz	$0.18
Over 1 to 2 oz	.35
Over 2 to 3 oz	.52
Over 3 to 4 oz	.69
Over 4 to 5 oz	.70
Over 5 to 6 oz	.92
Over 6 to 8 oz	1.14
Over 8 to 10 oz	1.36
Over 10 to 12 oz	1.58
Over 12 to 14 oz	1.81
Over 14 but less than 16 oz	

611.2 Bulk Rates (See Exhibit 611.2 a and b)

BULK THIRD-CLASS

	Regular Rate		*Special rates for authorized nonprofit organizations only (see 623)*	
	Per pound or fraction	*Minimum rate per piece*	*Per pound or fraction*	*Minimum rate per piece*
Presort level:				
Basic	33¢	10.4¢	14¢	5.5¢
5-digit	33¢ minus 1.6¢ per piece	8.8¢	14¢ minus 0.2¢ per piece	5.3¢
Carrier route	33¢ minus 4¢ per piece	6.4¢	14¢ minus 0.4¢ per piece	5.1¢

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate—for which the matter and the mailing could qualify *except* for weight—the fourth-class rate may be paid without the necessity of adding needless additional weight.

For example: A piece which weighs less than 1 pound and which meets all prescribed requirements, other than weight, for fourth-class bound printed matter may be mailed at the fourth-class bound printed matter rate.

All other requirements of bulk third-class remain applicable.

Exhibit 611.2a

BULK THIRD-CLASS

Regular rates:

Presort level:	Per pound or fraction of a pound:
Basic	33¢.
5-digit	33¢ minus 1.6¢ per piece.
Carrier route	33¢ minus 4.0¢ per piece.

PIECES WHICH ARE EQUAL TO OR WEIGH LESS THAN THE WEIGHTS SHOWN BELOW MUST BE PAID AT PRESCRIBED MINIMUM PER PIECE RATE FOR EACH PRESORT LEVEL

	Minimum rate per piece	*Ounces*	*Pounds*	*Grams*
Basic	10.4¢	5.04	0.315	142.9
5-digit	8.8¢	5.04	0.315	142.9
Carrier route	6.4¢	5.04	0.315	142.9

SPECIAL RATES FOR AUTHORIZED NONPROFIT ORGANIZATIONS ONLY (SEE 623)

Presort level:	Per pound or fraction of a pound:
Basic	14¢.
5-digit	14¢ minus 0.2¢ per piece.
Carrier route	14¢ minus 0.4¢ per piece.

BULK THIRD-CLASS—Continued

PIECES WHICH ARE EQUAL TO OR WEIGH LESS THAN THE WEIGHTS SHOWN BELOW MUST BE PAID AT PRESCRIBED MINIMUM PER PIECE RATE FOR EACH PRESORT LEVEL

	Minimum rate per piece	*Ounces*	*Pounds*	*Grams*
Basic	5.5¢	4.00	0.250	113.4
5-digit	5.3¢	4.00	0.250	113.4
Carrier route	5.1¢	4.00	0.250	113.4

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate—for which the matter and the mailing could qualify *except* for weight—the fourth-class rate may be paid without the necessity of adding needless additional weight.

For example: A piece which weighs less than 1 pound and which meets all prescribed requirements, other than weight, for fourth-class bound printed matter may be mailed at the fourth-class bound printed matter rate.

All other requirements of bulk third-class remain applicable.

Exhibit 611.2b

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611.4 Keys and Identification Devices. Keys and identification devices such as identification cards or identification tags that are without cover may be mailed at third-class rates if they bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern, with instructions to return to such address and a statement guaranteeing the payment of the postage due on delivery. They are charged 33¢ for the first 2 ounces and 30¢ for each additional 2 ounces or fraction thereof.

680 Classification

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622 Third-Class Bulk Mail

622.1 Eligibility

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.12 Five Digit Presort Level

a. *Minimum Quantity.* Each mailing must consist of at least 200 pieces or 50 pounds of mail presorted to 5-digit destinations. Each piece must be part of a group of 10 or more pieces sorted and sacked to the same 5-digit ZIP Code in order to be eligible for the five-digit presort level rate.

b. *Residual.* Residual pieces (those not part of a group of 10 or more pieces to a particular five-digit ZIP Code) may be included in a five-digit presort level rate mailing subject to the following provisions:

(1) Residual pieces do not count toward the minimum quantity requirements for the five-digit presort level rate.

(2) Residual pieces are not eligible for the five-digit presort level rate and must have postage paid at the appropriate third-class "basic" level bulk rate.

(3) Residual pieces must be prepared in accordance with the applicable provisions of 667.12 and 667.13.

c. *Listing Required.* Mailers must, at the time of each mailing, provide the post office a listing of the number of pieces to each ZIP Code destination when 5-digit mailings contain pieces mailed at the "basic" rate.

.13 Basic Presort Level

Mailings of at least 200 pieces or 50 pounds, presorted in accordance with 667 (except for the requirements in 667.5 for the carrier route presort level rate, which is optional) are eligible for the third-class bulk basic presort level rates.

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625 Attachments

The front cover page or the back cover page of a mailing piece may bear an attachment provided the following conditions are met:

a. The material must qualify for and be mailed at bulk rates.

b. Pieces bearing attachments must be larger than 6 by 11 inches (too large to be distributed in a regular letter case).

c. The mailing must be presorted to carrier routes.

d. Attachments must be secured so as not to interfere with processing or delivery. Folded or multipage attachments must be secured to prevent opening during handling.

e. Each piece in the mailing must bear the same attachment.

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680 Physical Limitations

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652 Nonstandard Third-Class Mail

652.1 Size Limits. Third-class single piece rate mail weighing one ounce or less (except keys and identification devices as provided in 611.4) is nonstandard if it exceeds any of the following size limits:

a. Its length exceeds 11½ inches, or

b. Its height exceeds 6½ inches, or

c. Its thickness exceeds ¼ of an inch, or

d. Its aspect ratio (length divided by height) does not fall between 1 to 1.3 and 1 to 2.5 inclusive.

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652.9 Surcharge. A surcharge of 9 cents is assessed on each piece of nonstandard single piece rate third-class mail.

660 Preparation Requirements

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667 *Preparation of Bulk Rate Mailings (see Exhibit 667)*

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667.4 Preparation Requirements for Five-Digit Presort Level Rate.

.41 *Five-Digit Packages.* When there are 10 or more pieces addressed to the same five-digit ZIP Code area, the mailer must prepare them in packages of 10 or more pieces. A package of letter size mail should not exceed four inches in thickness. All pieces in a package must be faced in the same direction and securely wrapped or tied together. Rubber bands are the preferred method of securing packages.

.42 *Sacking.* All qualifying packages of 10 or more pieces must be placed in and sacked to a five-digit ZIP Code destination. Each sack must be labeled in the following manner:

Line 1: City, State and 5-Digit ZIP Code Destination.
Line 2: Contents.
Line 3: Office of Mailing.

Sample:

San Francisco, CA 94133
SC LTRS
Boston, MA 021

.43 *Trays.* The accepting post office may authorize the use of trays or other containers instead of sacks provided all pieces are oriented and faced in the same direction.

.44 *Residual Pieces.* Residual pieces must be packaged and sacked in accordance with the applicable provisions of 667.12 and 667.13.

.45 *Loose Packing.* Management Sectional Center (MSC) Managers may authorize loose packing of pieces in full No. 3 sacks without bundling when all material in a sack goes to the same 5-digit ZIP Code. Pieces must be prepared to maintain orientation while in transit. Mailers desiring to loose pack pieces must request approval from the post office of mailing.

Note: The terms *loose pack* or *loose packing* refer to the placement of unbundled, unbound mail pieces in a receptacle such as a mail sack.

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670 Mailing

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672 *Bulk Rates*

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672.5 Separation of Mailings.

Mailings at carrier route, and 5-digit bulk rates must be physically separated when presented for mailing.

CHAPTER 7.—FOURTH-CLASS MAIL

710 Rates and Fees

711 Rates

See exhibits 711.1a through 711.4

712 Fees

712.1 Annual Fourth-Class Presort Mailing Fee

The annual fourth-class presort mailing fee is $40.00.

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Exhibit 711.1a.—Parcel Post Rates—Inter BMC/ASF ZIP Codes Only, Machinable Parcels, No Discount, No Surcharge

Lbs.	1 and 2	3	4	5	6	7	8
2	$1.55	$1.61	$1.70	$1.83	$1.99	$2.15	$2.46
3	1.63	1.73	1.86	2.06	2.30	2.55	3.05
4	1.71	1.84	2.02	2.29	2.61	2.94	3.60
5	1.79	1.96	2.18	2.52	2.92	3.32	4.07
6	1.87	2.07	2.33	2.74	3.14	3.64	4.54
7	1.95	2.18	2.49	2.88	3.35	3.85	5.00
8	2.03	2.30	2.64	3.05	3.53	4.27	5.55
9	2.11	2.41	2.75	3.25	3.95	4.63	6.08
10	2.19	2.52	2.87	3.46	4.22	5.00	6.62
11	2.28	2.60	3.00	3.68	4.51	5.38	7.15
12	2.36	2.66	3.10	3.80	4.80	5.75	7.68
13	2.41	2.72	3.19	4.02	4.96	5.95	7.97
14	2.46	2.78	3.28	4.15	5.12	6.14	8.26
15	2.51	2.85	3.36	4.25	5.26	6.32	8.46
16	2.56	2.89	3.44	4.35	5.40	6.49	8.72
17	2.59	2.94	3.51	4.45	5.53	6.65	8.96
18	2.64	2.99	3.58	4.55	5.65	6.80	9.13
19	2.68	3.04	3.66	4.64	5.77	6.96	9.35
20	2.72	3.10	3.73	4.73	5.88	7.09	9.55
21	2.76	3.14	3.79	4.82	6.00	7.22	9.72
22	2.81	3.20	3.86	4.90	6.10	7.35	9.89
23	2.84	3.26	3.92	4.98	6.21	7.48	10.06
24	2.88	3.36	4.02	5.07	6.31	7.60	10.24
25	3.00	3.47	4.15	5.14	6.40	7.75	10.40
26	3.06	3.56	4.27	5.27	6.58	8.02	10.56
27	3.08	3.65	4.40	5.44	6.75	8.28	10.71
28	3.13	3.70	4.47	5.58	7.00	8.54	10.85
29	3.17	3.75	4.58	5.70	7.17	8.64	10.98
30	3.21	3.80	4.58	5.84	7.27	8.75	11.13
31	3.23	3.85	4.65	5.91	7.36	8.86	11.28
32	3.29	3.89	4.71	5.98	7.44	8.96	11.41
33	3.34	3.95	4.76	6.05	7.53	9.06	11.53
34	3.38	4.00	4.82	6.12	7.61	9.16	11.76
35	3.42	4.05	4.88	6.19	7.69	9.26	12

Exhibit 711.1b.—Parcel Post Rates—Local and Within BMC (Intra BMC/ASF) ZIP Codes Only, All Parcels ($0.14 Discount Subtracted)

Lbs.	Local	1 & 2	3	4	5
1	$2.78	$2.92	$3.08	$3.29	$3.55
2	2.78	2.92	3.08	3.29	3.55
3	2.78	2.92	3.08	3.29	3.55
4	2.78	2.92	3.08	3.29	3.55
5	2.78	2.92	3.08	3.29	3.55
6	2.78	2.92	3.08	3.29	3.55
7	2.78	2.92	3.08	3.29	3.55
8	2.78	2.92	3.08	3.29	3.55
9	2.78	2.92	3.08	3.29	3.55
10	2.78	2.92	3.08	3.29	3.55
11	2.78	2.92	3.08	3.29	3.55
12	2.78	2.92	3.08	3.29	3.55
13	2.78	2.92	3.08	3.29	3.55
14	2.78	2.92	3.08	3.29	3.55
15	2.78	2.92	3.08	3.29	3.55
16	2.78	2.92	3.08	3.29	3.55
17	2.78	2.92	3.08	3.29	3.55
18	2.78	2.92	3.08	3.29	3.55
19	2.78	2.92	3.08	3.29	3.55
20	2.78	2.92	3.08	3.29	3.55
21	2.78	2.92	3.08	3.29	3.55
22	2.78	2.92	3.08	3.29	3.55
23	2.78	2.92	3.08	3.29	3.55
24	2.78	2.92	3.08	3.29	3.55
25	2.78	2.92	3.08	3.29	3.55
26	2.78	2.92	3.08	3.29	3.55
27	2.78	2.92	3.08	3.29	3.55
28	2.78	2.92	3.08	3.29	3.55
29	2.78	2.92	3.08	3.29	3.55
30	2.78	2.92	3.08	3.29	3.55
31	2.78	2.92	3.08	3.29	3.55
32	2.78	2.92	3.08	3.29	3.55
33	2.78	2.92	3.08	3.29	3.55
34	2.78	2.92	3.08	3.29	3.55
35	2.78	2.92	3.08	3.29	3.55
36	2.78	2.92	3.08	3.29	3.55
37	2.78	2.92	3.08	3.29	3.55
38	2.78	2.92	3.08	3.29	3.55
39	2.78	2.92	3.08	3.29	3.55
40	2.78	2.92	3.08	3.29	3.55
41	2.78	2.92	3.08	3.29	3.55
42	2.78	2.92	3.08	3.29	3.55
43	2.78	2.92	3.08	3.29	3.55
44	2.78	2.92	3.08	3.29	3.55
45	2.78	2.92	3.08	3.29	3.55
46	2.78	2.92	3.08	3.29	3.55
47	2.78	2.92	3.08	3.29	3.55
48	2.78	2.92	3.08	3.29	3.55
49	2.78	2.92	3.08	3.29	3.55
50	2.78	2.92	3.08	3.29	3.55
51	2.78	2.92	3.08	3.29	3.55
52	2.78	2.92	3.08	3.29	3.55
53	2.78	2.92	3.08	3.29	3.55
54	2.78	2.92	3.08	3.29	3.55
55	2.78	2.92	3.08	3.29	3.55
56	2.78	2.92	3.08	3.29	3.55

Exhibit 711.1b.—Continued

Lbs.	Local	1 & 2	3	4	5
57	$3.78	$4.13	$4.97	$6.18	$7.94
58	3.78	4.13	4.97	6.18	7.94
59	3.78	4.13	4.97	6.18	7.94
60	3.78	4.13	4.97	6.18	7.94
61	3.78	4.13	4.97	6.18	7.94
62	3.78	4.13	4.97	6.18	7.94
63	3.78	4.13	4.97	6.18	7.94
64	3.78	4.13	4.97	6.18	7.94
65	3.78	4.13	4.97	6.18	7.94
66	3.78	4.13	4.97	6.18	7.94
67	3.78	4.13	4.97	6.18	7.94
68	3.78	4.13	4.97	6.18	7.94
69	3.78	4.13	4.97	6.18	7.94
70	3.78	4.13	4.97	6.18	7.94

Exhibit 711.1b.—Parcel Post Rates—Local and Within BMC (Intra BMC/ASF) ZIP Codes Only, All Parcels ($0.14 Discount Subtracted)

Lbs.	Local	1 & 2	3	4	5
2	$1.38	$1.41	$1.47	$1.56	$1.69
3	1.44	1.49	1.59	1.72	1.92
4	1.51	1.57	1.70	1.88	2.15
5	1.57	1.65	1.82	2.04	2.38
6	1.64	1.73	1.93	2.19	2.60
7	1.70	1.81	2.04	2.35	2.75
8	1.77	1.89	2.16	2.50	2.92
9	1.83	1.97	2.27	2.61	3.11
10	1.90	2.05	2.38	2.73	3.32
11	1.96	2.14	2.46	2.86	3.54
12	2.03	2.22	2.58	2.96	3.75
13	2.07	2.27	2.58	3.05	3.88
14	2.12	2.32	2.64	3.14	3.99
15	2.17	2.37	2.69	3.22	4.11
16	2.21	2.42	2.75	3.30	4.21
17	2.26	2.45	2.80	3.37	4.31
18	2.30	2.50	2.85	3.45	4.41
19	2.34	2.54	2.90	3.52	4.50
20	2.38	2.58	2.96	3.59	4.59
21	2.42	2.62	3.00	3.65	4.68
22	2.46	2.67	3.06	3.72	4.76
23	2.50	2.70	3.12	3.78	4.85
24	2.54	2.79	3.22	3.88	4.93
25	2.58	2.86	3.33	4.01	5.00
26	2.62	2.90	3.42	4.13	5.13
27	2.65	2.94	3.51	4.26	5.30
28	2.69	2.99	3.56	4.33	5.45
29	2.73	3.03	3.61	4.39	5.62
30	2.76	3.07	3.66	4.45	5.70
31	2.83	3.11	3.71	4.51	5.77
32	2.87	3.16	3.76	4.57	5.84
33	2.91	3.20	3.81	4.62	5.91
34	2.94	3.24	3.86	4.68	5.98
35	2.98	3.28	3.90	4.74	6.05
36	3.02	3.30	3.94	4.79	6.11
37	3.06	3.36	4.00	4.84	6.18
38	3.09	3.40	4.04	4.90	6.25
39	3.13	3.44	4.09	4.95	6.31
40	3.17	3.48	4.13	5.00	6.37
41	3.20	3.52	4.18	5.05	6.44
42	3.24	3.56	4.22	5.10	6.50
43	3.28	3.60	4.26	5.15	6.56
44	3.32	3.64	4.31	5.20	6.62
45	3.35	3.67	4.35	5.25	6.68
46	3.39	3.71	4.39	5.30	6.74
47	3.42	3.75	4.44	5.35	6.80
48	3.46	3.79	4.48	5.40	6.85
49	3.50	3.83	4.52	5.45	6.91
50	3.53	3.87	4.57	5.50	6.99
51	3.57	3.90	4.61	5.55	7.13
52	3.60	3.94	4.65	5.65	7.26
53	3.64	3.98	4.69	5.76	7.40
54	3.68	4.02	4.73	5.86	7.53
55	3.71	4.05	4.80	5.97	7.67
56	3.75	4.09	4.88	6.07	7.80

(continued on the following page)

Exhibit 711.1b.—Continued

Lbs.	Local	1 & 2	3	4	5
57	$3.78	$4.13	$4.97	$6.18	$7.94
58	3.82	4.18	5.05	6.28	8.07
59	3.85	4.25	5.14	6.39	8.21
60	3.89	4.30	5.22	6.49	8.34
61	3.92	4.39	5.31	6.60	8.48
62	3.96	4.46	5.39	6.70	8.61
63	3.99	4.53	5.48	6.81	8.75
64	4.03	4.60	5.56	6.91	8.88
65	4.06	4.67	5.65	7.02	9.02
66	4.10	4.74	5.73	7.12	9.15
67	4.13	4.81	5.82	7.23	9.29
68	4.17	4.88	5.90	7.33	9.42
69	4.20	4.95	5.99	7.44	9.56
70	4.24	5.02	6.07	7.54	9.69

Exhibit 711.1c.—Parcel Post Rates—Inter BMC/ASF ZIP Codes Only, Nonmachinable Parcels ($0.50 Surcharge Included)

Lbs.	1 & 2	3	4	5	6	7	8
2	$2.05	$2.11	$2.20	$2.33	$2.49	$2.65	$2.88
3	2.13	2.23	2.36	2.56	2.80	3.05	3.35
4	2.21	2.34	2.52	2.79	3.11	3.44	4.10
5	2.29	2.46	2.68	3.02	3.42	3.88	4.57
6	2.37	2.57	2.83	3.24	3.64	4.14	5.05
7	2.45	2.68	2.99	3.39	3.88	4.43	5.52
8	2.53	2.80	3.14	3.56	4.15	4.77	6.05
9	2.61	2.91	3.25	3.75	4.43	5.13	6.58
10	2.69	3.02	3.37	3.96	4.72	5.50	7.12
11	2.78	3.10	3.50	4.18	5.01	5.88	7.65
12	2.86	3.16	3.60	4.39	5.30	6.25	8.19
13	2.91	3.22	3.69	4.52	5.46	6.45	8.47
14	2.96	3.28	3.78	4.63	5.62	6.64	8.74
15	3.01	3.33	3.86	4.75	5.76	6.82	8.98
16	3.06	3.39	3.94	4.85	5.90	6.99	9.22
17	3.09	3.44	4.01	4.95	6.03	7.15	9.44
18	3.14	3.49	4.09	5.05	6.15	7.30	9.65
19	3.18	3.54	4.16	5.14	6.27	7.44	9.85
20	3.22	3.60	4.23	5.23	6.39	7.59	10.05
21	3.26	3.64	4.29	5.32	6.50	7.72	10.23
22	3.31	3.70	4.36	5.40	6.60	7.85	10.41
23	3.34	3.76	4.42	5.49	6.71	7.98	10.58
24	3.43	3.86	4.52	5.57	6.81	8.10	10.74
25	3.50	3.97	4.63	5.64	6.90	8.25	10.90
26	3.54	4.06	4.77	5.77	7.08	8.52	11.06
27	3.58	4.15	4.90	5.94	7.29	8.78	11.21
28	3.63	4.20	4.97	6.09	7.50	9.03	11.35
29	3.67	4.25	5.03	6.26	7.67	9.14	11.49
30	3.71	4.30	5.09	6.34	7.77	9.25	11.63
31	3.75	4.35	5.15	6.41	7.86	9.36	11.79
32	3.80	4.40	5.21	6.48	7.94	9.46	11.91
33	3.84	4.45	5.26	6.55	8.03	9.56	12.03
34	3.88	4.50	5.32	6.62	8.11	9.66	12.26
35	3.92	4.54	5.38	6.69	8.19	9.76	12.57
36	3.94	4.58	5.43	6.75	8.28	9.86	12.38

(Continued on the following page)

Exhibit 711.1c.—Continued

Lbs.	1 & 2	3	4	5	6	7	8
37	$4.00	$4.64	$5.48	$6.82	$8.36	$9.95	$12.70
38	4.04	4.68	5.54	6.89	8.43	10.04	13.01
39	4.08	4.73	5.59	6.95	8.51	10.13	13.32
40	4.12	4.77	5.64	7.01	8.59	10.22	13.58
41	4.16	4.82	5.69	7.08	8.66	10.31	13.70
42	4.20	4.86	5.74	7.14	8.74	10.40	13.81
43	4.24	4.90	5.79	7.20	8.81	10.48	13.92
44	4.28	4.95	5.84	7.26	8.88	10.64	14.03
45	4.31	4.99	5.89	7.32	8.95	10.86	14.14
46	4.35	5.03	5.94	7.38	9.02	11.08	14.24
47	4.39	5.08	5.99	7.44	9.16	11.30	14.35
48	4.43	5.12	6.04	7.49	9.33	11.52	14.45
49	4.47	5.16	6.09	7.55	9.51	11.74	14.55
50	4.51	5.21	6.14	7.63	9.68	11.96	14.65
51	4.54	5.25	6.19	7.77	9.86	12.18	14.75
52	4.58	5.29	6.29	7.90	10.05	12.40	14.85
53	4.62	5.33	6.40	8.04	10.21	12.62	14.94
54	4.66	5.37	6.50	8.17	10.38	12.84	15.04
55	4.69	5.44	6.61	8.31	10.56	13.06	15.26
56	4.73	5.52	6.71	8.44	10.73	13.28	15.52
57	4.77	5.61	6.82	8.58	10.91	13.50	15.78
58	4.82	5.69	6.92	8.71	11.08	13.72	16.04
59	4.89	5.78	7.03	8.85	11.26	13.94	16.30
60	4.96	5.86	7.13	8.98	11.43	14.16	16.56
61	5.03	5.95	7.24	9.12	11.61	14.38	16.82
62	5.10	6.03	7.34	9.25	11.78	14.60	17.08
63	5.17	6.12	7.45	9.39	11.96	14.82	17.34
64	5.24	6.20	7.55	9.52	12.13	15.04	17.60
65	5.31	6.29	7.66	9.66	12.31	15.26	17.86
66	5.38	6.37	7.76	9.79	12.48	15.48	18.12
67	5.45	6.46	7.87	9.93	12.66	15.70	18.38
68	5.52	6.54	7.97	10.06	12.83	15.92	18.64
69	5.59	6.63	8.08	10.20	13.01	16.14	18.90
70	5.66	6.71	8.18	10.33	13.18	16.36	19.16

Exhibit 711.2.—Bound Printed Matter Rates

A. Single Piece Zone Rate

Pieces Weighing up to (Pounds)	Local	Zones 1 & 2	3	4	5	6	7	8
1.5	$0.28	$0.39	$0.43	$0.49	$0.58	$0.68	$0.78	$0.91
2	.31	.43	.48	.56	.68	.82	.95	1.12
2.5	.34	.47	.53	.63	.78	.95	1.12	1.34
3	.37	.51	.59	.70	.88	1.09	1.29	1.55
3.5	.40	.55	.64	.77	.98	1.23	1.46	1.76
4	.42	.59	.69	.85	1.09	1.36	1.63	1.98
4.5	.45	.65	.74	.92	1.19	1.50	1.80	2.19
5	.48	.67	.80	.99	1.29	1.64	1.98	2.41
6	.54	.74	.90	1.13	1.49	1.91	2.32	2.83
7	.59	.82	1.01	1.28	1.70	2.18	2.66	3.26
8	.65	.90	1.11	1.42	1.90	2.45	3.00	3.69
9	.70	.98	1.22	1.57	2.11	2.73	3.34	4.11
10	.76	1.06	1.32	1.71	2.31	3.00	3.68	4.54

B. Bulk Rate

	Per piece (cents)	Per pound (cents)
Local	20	4.0
1 and 2	27	5.8
3	27	8.4
4	27	12.2
5	27	18.2
6	27	25.1
7	27	32.0
8	27	40.6

Kind of mail (Rate restricted to items specifically named)	Rate (without regard to zone)		
	First pound or fraction of a pound	Each additional pound or fraction through 7 pounds	Each additional pound or fraction over 7 pounds
Books: 16-millimeter or narrower width films and catalogs of such films (rate applies for films and catalogs except when mailed to or from commercial theaters); printed music; printed objective test materials, sound recordings, playscripts and manuscripts for books, periodicals and music; printed educational reference charts; looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. (See 724.1)			
Single piece rate	63¢	23¢	14¢
Presort rates:			
Level A	[1]46¢	23¢	14¢
Level B	[2]50¢	23¢	14¢

[1] Mailing of 500 or more pieces properly prepared and presorted to 5-digit destination ZIP Codes (See 724.2)
[2] Mailing of 500 or more pieces properly prepared and presorted to BMCs (See 724.2)

Exhibit 711.3.—Special Fourth-Class Rates

Kind of mail	Rate (Without regard to zone)		
	First pound or fraction of a pound	Each additional pound or fraction through 7 pounds	Each additional pound or fraction over 7 pounds
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; museum and herbarium materials; 16-millimeter or narrower width films, filmstrips, transparencies, slides, microfilms, scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. See 725	21¢	8¢	5¢

Exhibit 711.4.—Library Rates

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720 Classification

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722 What May Be Mailed at Parcel Post Rates

722.1 Description. Any fourth-class matter may be mailed at parcel post rates (see 711.1). The parcel post

ASF	ZIP Code Areas Served
Buffalo	130–136, 140–149
Oklahoma City	730–731, 734–738, 740–741, 743–746, 748–749
Houston	706, 759, 770–779, 783–785
New Orleans	395, 700–701, 703–705, 707–708,

CHAPTER 9.—SPECIAL SERVICES

910 Special Mail Services

911 *Registered Mail*
911.1 Description

.232 Examples

Kind of mail matter	Value to be declared

720 Classification

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722 *What May Be Mailed at Parcel Post Rates*

722.1 Description. Any fourth-class matter may be mailed at parcel post rates (see 711.1). The parcel post rates are based on zones described in 122.7 and on whether a parcel is mailed and delivered within a BMC or ASF service area.

BMC	ZIP Code Areas Served
Puerto Rico	006-009
New York	070-079, 088-119, 124-127
Springfield	010-069, 120-123, 128-129
Philadelphia	080-087, 137-139, 160-199
Pittsburgh	150-168, 280-286, 439-447
Washington	200, 202-212, 214-239, 244, 254, 267-268
Atlanta	298, 300-312, 317-319, 350-352, 354-368, 373-374, 377-379
Dallas	679, 710-712, 718, 733, 739, 747, 750-758, 760-768, 780-782, 786-799
Greensboro	240-243, 245-248, 270-288, 290-297, 376
Jacksonville	299, 313-316, 320, 322-331, 333-340
Memphis	369-372, 380-396, 396-397, 716-717, 719-729
Chicago	403-464, 530-532, 534-535, 537-538, 600-608, 609-611, 613
Cincinnati	250-259, 235-259, 400-418, 421-422, 425-427, 430-433, 437-438, 448-457, 460-462, 469-474
Des Moines	500-516, 520-528, 612, 680-681, 683-689
Detroit	434-436, 458, 465-468, 480-497
Kansas City	635, 640-641, 644-653, 656-658, 660-678
Minneapolis	498-499, 540-564, 566
Saint Louis	420, 423-424, 475-479, 614-620, 622-634, 636-639, 654-655, 659
Denver	690-693, 800-816, 820-831
Los Angeles	890-891, 900-908, 910-918, 920-928, 930-935
San Francisco	894-897, 936-966
Alaska	995-999
Hawaii	967-969
Seattle	835, 838-839, 970-978, 980-994

ASF	ZIP Code Areas Served
Buffalo	130-136, 140-149
Oklahoma City	730-731, 734-738, 740-741, 743-746, 748-749
Houston	706, 759, 770-779, 783-785
New Orleans	395, 700-701, 703-705, 707-708, 713-714
Sioux Falls	570-577
Fargo	565, 567, 580-588
Billings	590-599
Salt Lake City	832-834, 836-837, 840-847, 893, 898, 979
Albuquerque	865, 870-871, 873-875, 877-884
Phoenix	850, 852-853, 855-857, 859-860, 863-864

Exhibit 722.1—Within BMC (Intra-BMC/ASF) Rate ZIP Code Service Areas

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724 *What May Be Mailed at Special Fourth-Class Rates*

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724.2 Special Fourth-Class Presort Rates

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.22 Qualification for Presort Rates

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.223 Level B

a. To qualify as a presorted piece subject to the special forth-class presort level B rate, a piece must be one of a mailing of at least 500 identical weight sackable pieces receiving identical service, properly prepared and presented in full sacks or substantially full sacks presorted to bulk mail centers (BMCs).

b. Mailings of at least 500 identical weight nonmachinable outside parcels as described in 128 may qualify for presort level B if they are made up to preserve the BMC presort as prescribed by the postmaster of the office of mailing. The postmaster may require notification up to 24 hours before the mailing is presented. The mailer must comply with the postmaster's instructions on how to separate and present mailings of outside parcels. The postmaster will coordinate such mailings and obtain procedures for separation of parcels through the regional logistics office.

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730 Physical Limitations

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753 *Nonmachinable Surcharge.* A fifty cent surcharge must be paid for all outside parcels (as defined in 128.6) mailed at inter-BMC parcel post rates. (The rates contained in Exhibit 711.1c include the surcharge.) The surcharge is in addition to the fourth-class postage. *Exception:* If the special handling fee (916) or the special delivery fee (915) is paid, the nonmachinable surcharge is not to be paid.

Note: Chapter 8 is reserved.

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CHAPTER 9.—SPECIAL SERVICES

910 Special Mail Services

911 *Registered Mail*

911.1 Description

.110 *Purpose.* The registered mail system is designed to provide added protection for valuable and important mail. Postal insurance coverage may be purchased • • • [The remainder of 911.11 is unchanged.]

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911.2 Fees and Liability

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.23 Postal Insurance Liability

.231 Obtaining Postal Insurance. Postal insurance may be purchased, at the option of the mailer, to cover articles valued at the time of mailing up to $25,000. To obtain postal insurance, the full value of the article must be declared at the time of mailing and the correspondingee fee, as shown in Column A, Exhibit 911.21, must be paid.

.232 With Commercial Insurance Containing A Deductible Amount. If the mailer has commercial insurance containing a deductible amount, postal insurance may be purchased for the amount of the deductible up to the first $25,000 of value on the article at the time of mailing. To do this, the mailer must declare the full value of the article at the time of mailing. The mailer must then tell the accepting postal employee the amount of the deductible requiring postal insurance. The fee for the deductible amount will then be taken from Column A, Exhibit 911.21, and the remaining value of the article will be charged a handling fee of 25 cents per $1,000, or fraction thereof on values up to $1,000,000 dollars. Articles valued at higher amounts will be charged the handling charge applicable in Exhibit 911.21.

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.25 Declaration By Sender

.251 Value. The sender must tell the postal clerk (or enter on the firm mailing bill if a firm mailer) the *FULL* value of mail matter presented for registration. The fact that private insurance may be carried on registered mail does not modify the requirements for declaring the full value.

.252 Examples

Kind of mail matter	Value to be declared
Negotiable instruments—Instruments payable to bearer, and MATURED interest coupons.	*Market value.*
Nonnegotiable instruments—All registered bonds, warehouse receipts, checks, drafts, deeds, wills, abstracts, and similar documents. Certificates of stock are considered nonnegotiable so far as declaration of value is concerned.	No value, or replacement cost if postal insurance coverage is desired. (See Note below.)
Money	Full value.
Jewelry, gems, precious metals.	Market value or cost.
Merchandise	Market value or cost.
Nonvaluables—matter not having intrinsic value such as letters, files, records, etc.	No value, or replacement cost if postal insurance coverage is desired. (See Note below.)

Note: Mailers who do not know replacement costs should contact a person or firm familiar with such documents and determine replacement costs before the articles are mailed.

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.26 Mail Registered Without Prepayment

.262d No liability is assumed by the Postal Service. If coverage is desired, the regular registration fees as shown in Column A, Exhibit 911.21, must be paid.

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Value	Fees (in addition to postage)	
	For articles with Postal Insurance	For articles without Postal Insurance
	Column A	Column B
$0.00 to $100	$3.30	$3.25
$100.01 to $500	3.60	3.55
$500.01 to $1,000	3.90	3.85
$1,000.01 to $2,000	4.20	4.10
$2,000.01 to $3,000	4.50	4.35
$3,000.01 to $4,000	4.80	4.60
$4,000.01 to $5,000	5.10	4.85
$5,000.01 to $6,000	5.40	5.10
$6,000.01 to $7,000	5.70	5.35
$7,000.01 to $8,000	6.00	5.60
$8,000.01 to $9,000	6.30	5.85
$9,000.01 to $10,000	6.60	6.10
$10,000.01 to $11,000	6.90	6.35
$11,000.01 to $12,000	7.20	6.60
$12,000.01 to $13,000	7.50	6.85
$13,000.01 to $14,000	7.80	7.10
$14,000.01 to $15,000	8.10	7.35
$15,000.01 to $16,000	8.40	7.60
$16,000.01 to $17,000	8.70	7.85
$17,000.01 to $18,000	9.00	8.10
$18,000.01 to $19,000	9.30	8.35
$19,000.01 to $20,000	9.60	8.60
$20,000.01 to $21,000	9.90	8.85
$21,000.01 to $22,000	10.20	9.10
$22,000.01 to $23,000	10.50	9.35
$23,000.01 to $24,000	10.80	9.60
$24,000.01 to $25,000	11.10	9.85
$25,000 to $1,000,000	$11.10 plus handling charge of 25 cents per $1,000 or fraction over first $25,000.	$9.85 plus handling charge of 25 cents per $1,000 or fraction over first $25,000.
$1,000,000 to $15,000,000	$254.85 plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000.	$250.60 plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

ADDITIONAL SERVICES	Extra fee
COD COLLECTION CHARGE (Maximum amount collectible is $400)	$1.20
RESTRICTED DELIVERY	$1.60
RETURN RECEIPTS:	
Requested at time of mailing:	
Showing to whom and date delivered	$0.60
Showing to whom, when and address where delivered	$0.70
Requested after mailing:	
Showing to whom and date delivered	$0.75

Exhibit 911.21.—Registry Fees

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912 Certified Mail

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912.3 **Fees.** The fees for certified mail are:

Fee in addition to postage	75¢
Restricted delivery	$1.00
Return receipts	
Requested at time of mailing:	
Showing to whom and date delivered	60¢
Showing to whom, date, and address where delivered	70¢
Requested after mailing:	
Showing to whom and date delivered	$3.75

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913 Insured Mail

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913.2 Fees and Liability

.21 **Fees (in Addition to Postage).** The fees for insuring mail are:

Liability:	Fee
$0.01 to $20	$0.45
20.01 to 50	.85
50.01 to 100	1.25
100.01 to 150	1.70
150.01 to 200	2.05
200.01 to 300	3.45
300.01 to 400	4.70
Liability for insured mail is limited to $[illegible]	

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913.4 Mailing

.43 *Individual Receipts for Mailing.* Mailers are issued a receipt for each insured parcel mailed on one of the following forms:

a. Form 3813, *Receipt for Domestic Insured Parcel,* when the package is insured for $20 or less.

b. Form 3813-P, *Receipt for Insured Mail Domestic-International,* when the package is insured for more than $20.

.44 Firm Mailings

.441 Firm Mailing Books

a. Parcels to be insured for $20 or less are not to be numbered and should be listed on separate sheets or grouped together. Prepare one copy only.

b. For parcels to be insured for more than $20, the . . . . [The remainder of 913.441b is unchanged.]

.442 Special Firms Mailing Bills or Multiple Forms. Mailers may use special firm mailing bills or multiple forms which incorporate mailing receipts containing all necessary postal information. Such forms must be submitted to the postmaster for approval before use. For parcels to be insured for more than $20, the postmaster . . . . [The remainder of 913.442 is unchanged.]

* * * * *

.46 Endorsement and Postmarking

.461 Each package insured for $20 or less will be stamped on the address side with the obliterator stamp. Each package insured for more than $20 will be stamped. . . . . [The remainder of 913.461 is unchanged.]

* * * * *

913.5 Delivery

.51 *General Provisions.* Delivery is made in accordance with the following provisions and those in 153. Parcels insured for over $20 are. . . . [The remainder of 913.51 is unchanged.]

* * * * *

914 Collect on Delivery Mail

* * * * *

914.2 Fees

.21 **In Addition to Postage.** Collect on delivery fees are:

Amount to be collected, or insurance coverage desired	COD fees
$0.01 to $10	$1.20
$10.01 to $25	1.50
$25.01 to $50	1.80
$50.01 to $100	2.15
$100.01 to $200	2.55
$200.01 to $300	3.00
$300.01 to $400	3.60
Restricted delivery	$1.00
Notice of nondelivery	1.10
Alteration of COD charges or designation of new addressee	1.10
Registered COD	1.20

* * * * *

915 Special Delivery

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915.4 Payment

.41 **Fees.** The special delivery fees are:

Class of mail	Weight		
	2 pounds and under	10 pounds and less, but over 2 pounds	Over 10 pounds
Firm-Class (including Priority)	$2.10	$2.35	$3.00
All others	$2.35	$3.00	$3.40

* * * * *

916 Special Handling

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916.2 **Fees.** The fees for special handling are:

Weight	Fee
10 pounds or less	$0.75
More than 10 pounds	1.50

* * * * *

917 Business Reply Mail (BRM)

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917.2 Permit

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932 Return Receipts

932.1 **Purpose.** Return receipts furnish the mailer with evidence of delivery. The fee paid for a return receipt does not insure the article against loss or damage. Return receipts may be obtained for mail which is sent COD,

Amount of money order	Amount of fee
	Domestic

b. The qualification of a business, association, organization, church, or other institution, to rent a box in any rental fee group, will be determined separately from the qualification of any associated person.

222 Fee Groups; Application

917 Business Reply Mail (BRM)

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917.2 Permit

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.23 Annual Permit Fee. An annual $40 fee will be charged. . . . [The remainder of 917.23 is unchanged.]

917.3 Postage and Fees

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.32 Accounts

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.321 Business Reply Account

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b. If payment is by business reply account, the amount to be collected is the appropriate First-Class Mail postage, plus a surcharge of 5 cents per piece.

• • • • •

.322 Cash or Postage Due Account

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b. If no business reply account is maintained, the amount to be collected is the appropriate First-Class Mail postage, plus a surcharge of 10 cents per piece.

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918 Parcel Airlift

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918.4 Fees.

The PAL fee is 50¢ for parcels weighing 2 pounds or less; 60¢ for parcels weighing over 2 pounds and not exceeding 3 pounds; 90¢ for parcels weighing over 3 pounds and not exceeding 4 pounds; and $1.20 for parcels weighing over 4 pounds in addition to the regular surface rate of postage.

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919 Merchandise Return

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919.3 Postage and Fees

.31 Annual Fee. An annual fee of $40 will be charged each calendar year for each permit issued.

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900 Supplemental Mail Services

931 Certificates of Mailing

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931.2 Fees

.21 Individual Pieces. Original certificate of mailing for individually listed pieces of all classes of ordinary mail 40¢ for each piece of mail described. Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and COD mail, 40¢.

.22 Bulk Pieces.

Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:	
Up to 1,000 pieces (1 certificate for total number)	$1.35
For each additional 1,000 pieces, or fraction	15¢
Duplicate copy	40¢

• • • • •

932 Return Receipts

932.1 Purpose. Return receipts furnish the mailer with evidence of delivery. The fee paid for a return receipt does not insure the article against loss or damage. Return receipts may be obtained for mail which is sent COD, Express Mail, is insured for more than $20.00, or which is registered. . . . [The remainder of 932.1 is unchanged.]

932.2 Fees (In Addition to Postage and Other Fees). The fees for return receipts are:

Requested at time of mailing:	
Showing to whom (signature) and date delivered	60¢
Showing to whom (signature), date and address where delivered	70¢
Requested after mailing:	
Showing to whom and date delivered	$0.75

932.3 Procedures at Mailing Office

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.32 The sender may request a return receipt after mailing an article which is registered, Certified, COD, Express Mail, or insured for more than $20.00 by . . . . [The remainder of 932.32 is unchanged.]

• • • • •

.34 Payment for return receipts shall be noted on the receipt given for purchase of the COD, registry, certified mail, or insurance service.

• • • • •

933 Restricted Delivery

933.1 Purpose. Restricted delivery is a service by which a mailer may direct that delivery be made only to the addressee or to an agent of the addressee who has been specifically authorized in writing by the addressee to receive his mail. This service is available only for articles addressed to natural persons specified by name. Restricted delivery may be obtained for mail which is COD, insured for more than $20, registered. . . . [The remainder of 933.1 is unchanged.]

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933.2 Fee (In Addition to Postage and Other Fees). Restricted delivery, $1.00.

940 Nonmail Services

941 Money Orders

941.1 Issuance

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.12 Amounts, Fees and Payments

.121 *Amounts.* The maximum amount for a single money order is $500. There . . . . [the remainder of 941.121 is unchanged.]

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.122 Fees

a. The fee for a postal military money order is 25¢. They are issued by military facilities authorized by the Department of Defense.

b. Fees for domestic money orders issued at other post offices including those with branches or stations on military installations are as follows:

Amount of money order	Amount of fee
	Domestic
$0.01 to $25	$0.75
$25.01 to $50	1.10
$50.01 to $500	1.55

• • • • •

945 Mailing List Services

945.1 Correction of Mailing Lists

.13 Charges

.131 The minimum charge for each list corrected is $1.00. For a list of more than seven names or addresses, the charge is 13¢ per name or street address, including individual apartments. Where rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

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945.2 Furnishing Address Changes to Election Boards and Registration Commissions.

Residential change-of-address information is available to duly constituted election boards or registration commissions using permanent registration at a cost of 15¢ for each change-of-address Form 3575. An election board . . . . [Remainder of 945.2 is unchanged.]

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945.5 ZIP Coding Mailing Lists

.52 Multi-ZIP Coded Post Offices. Under the following conditions, post offices will sort mailing lists consisting of addresses for the multi-ZIP-Coded post office described in 122.633 (see also 122.634) according to five-digit ZIP Code delivery units at a charge of $33.00 per thousand addresses or fraction thereof, payable to the local postmaster upon submission of the list:

[Remainder of 945.52 is unchanged.]

980 Alternate Delivery Services

951 Post Office Lockbox Service

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951.2 Rental Fees

.21 Rental Fee Payment Periods

.211 Group 1 and 2 fees, listed in 951.26, are for a semi-annual or six month period. One or two periods may be paid at a time (see also 951.276).

.212 Group 3 fees listed in 951.26 are for an annual period. Group 3 fees may be paid for an annual period only.

.22 Rental Fee Groups

.221 General Provisions

a. Customers at all facilities under the administration of the same post office are subject to the same lockbox rental fees applicable at the main office. This includes any post office which has been discontinued and re-established as a station or branch of another post office. See 951.222c(1) for an exception applicable to rural stations, rural branches, and community post offices.

b. The qualification of a business, association, organization, church, or other institution, to rent a box in any rental fee group, will be determined separately from the qualification of any associated person.

.222 Fee Group Application

a. *Group 1 Fees*

(1) Customers at all facilities of a post office providing city carrier delivery are charged Group 1 fees, except as provided by 951.222b(2).

(2) Customers at post offices which establish city carrier delivery service must start paying Group 1 fees, subject to the exclusion in 951.222b(2), after the beginning of city carrier delivery.

(3) All customers who receive their mail at mail processing facilities which are not under the administration of a post office, must pay Group 1 fees.

b. *Group 2 Fees*

(1) Customers at post offices with more than 25 revenue units, which do not provide city carrier delivery service, will be charged Group 2 fees.

(2) Customers at offices which provide city carrier delivery service may rent one box for the Group 2 fee if they are not eligible for and do not receive any kind of delivery by postal carrier. (Additional boxes may be rented at the applicable Group 1 fee.)

c. *Group 3 Fees*

(1) Customers at post offices with 25 or fewer revenue units, and at rural stations, rural branches, and community post offices, will be charged the flat Group 3 fee for lock-boxes of all sizes.

(2) Post offices with 25 or fewer revenue units must charge the Group 3 fee unless or until they exceed 25 revenue units. They will then change rates in Group 2, if city carrier delivery has not been established, or in Group 1 if city carrier delivery is established.

951.23 *Changes in Fees.* Revised lockbox rental fees may be required by a general fee change, by a change in carrier service, or by a change in the status of a postal facility. Revised lockbox fees are effective on the date of the action which caused the change unless another date is specified in an official announcement. If a lockbox fee is increased, no retroactive adjustment is to be made for payments made before the effective date of the revision.

• • • • •

.26 Fee Schedule

.261 Rental fees are:

Group	Box size 1	2	3	4	5
	Per semi-annual period				
1	$10.00	$15.00	$22.50	$34.50	$51.00
2	2.50	3.50	5.50	8.50	13.00
	Per annual period				
3	$2.00	2.00	2.00	2.00	2.00

.262 Box sizes are determined by the following cubic inch capacities

Box size	Capacity
1	All boxes under 265 cubic inches.
2	From 265 through 499 cubic inches.
3	From 500 through 999 cubic inches.
4	From 1000 through 1999 cubic inches.
5	2000 or more cubic inches.

.27 Payment of Box Rent

.271 Payment Period. The Postal Service has established semi-annual payment periods for groups 1 and 2 lockbox fees, and an annual period for group 3. The beginning date for these periods is determined by either:

a. Option 1: Payment may be made for any six or twelve consecutive months. The beginning of a payment period is established on the date of the approval of the application to rent a box.

b. Option 2: Postmasters at group 2 offices with less than 500 lockboxes may establish April 1 and October 1 as the beginning of payment periods for boxholders in their office. For customers paying group 3 fees, the annual period begins on October 1. When this option is used, payment periods beginning other than April 1 or October 1 for group 2 offices or October 1 for group 3, will be brought into alignment with these respective dates by adjusting fees in accordance with 951.272c.

.272 Rent Paid in Advance

a. Box rents must be paid in advance for no less than one annual period for group 3 fees or for one and no more than two semi-annual periods for group 1 or 2 fees, except as provided by 951.252, and 951.272b and c. Fees may be paid by check to postmasters; however, checks sent by mail must be received by the postmaster by the due date.

b. Government agencies, whose payment period coincides with the Government fiscal year, may, upon request to the postmaster, pay their box rent during the first quarter rather than in advance.

c. Postmasters who adopt Option 2 (see 951.271b) will adjust new or existing payment periods to begin on April 1 or October 1 at the time of a new rental or at the expiration of all payment periods for which a customer has paid. Adjustments for customers paying group 1 or 2 fees will be made by charging one-sixth of a semi-annual rental fee for each month remaining between the beginning of a new payment period (as determined under 951.276), or the expiration of existing payment periods, and the next subsequent April 1 or October 1. Adjustments for customers paying group 3 fees will be made by charging one-twelfth of an annual rental fee for each month remaining between the beginning of a new annual payment period (as determined by 951.276), or the expiration of existing payment periods and the next subsequent October 1. The total amount due will be rounded off to the next higher 10¢. After payment periods have been adjusted in accordance with this section, only fees for full semi-annual payment periods will be accepted for group 1 or 2 fees as indicated in 951.272a. Payments for up to two semi-annual periods plus the adjustment period may be accepted. For group 3 fees, only payments for one annual period may be accepted.

.273 Receipt. Form 1538, *Receipt for Box Rent and Caller Service Fees*, will be given for each box rent payment except that boxholders who hold more than one box may be issued one receipt for the payment for all of their boxes.

.274 ***Change of Payment Period Date.*** Except for customers at facilities which have adopted Option 2 (see 951.271b), boxholders of record may change their payment period by submitting a new application with the month they wish to use as the start of their revised payment period noted thereon. The date selected must be before the end of the current payment period. The unused fee for the period being discontinued may be refunded in accordance with 951.3, and the fee for the new payment period must be fully paid in advance.

.275 ***Renewal of Service.*** Boxholders of record paying group 1 or 2 fees, may, during the last month of their rental period, pay rent for their next one or two semi-annual payment periods. Boxholders paying group 3 fees must pay for a full annual period during the last month of their payment period.

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951.3 Refund of Box Rent

.31 When a lockbox is closed or surrendered, the unused portion of the fee may be refunded as follows:

a. No refund is made for any group 3 fee.

b. For group 1 or 2 fees:

(1) Refunds will be processed in accordance with 147.26.

(2) The entire fee will be refunded for a semiannual payment period subsequent to that in which the service is discontinued.

(3) Refunds for the payment period in which service is discontinued will be determined as follows:

(a) For service discontinued any time within the first three months (i.e., on or before the last day of the third month) of the semiannual payment period, the amount refunded will be one-half of the semiannual rental fee for the discontinued box (see 951.26).

(b) No refund will be made when service is discontinued any time after the third month (i.e., on or after the first day of the fourth month) of the semiannual payment period.

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952 *Caller Service*

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952.2 Fees

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.22 Caller Service Fees

.221 ***When Fees Are Effective.*** Caller service fees may be revised in connection with a general change in postal rates and fees. Caller service fee revisions will be effective at the same time as the general increase unless another date is specified in an official announcement. If the caller service fee is increased, no retroactive adjustment is to be made for payments made before the effective date of the revision.

.222 Basic Caller Service Fee

a. General Rule. The basic fee for caller service is $95.00 for a semi-annual period to be applied to each caller number or separation used.

[FR Doc. 81-8886 Filed 3-19-81; 8:45 am]

BILLING CODE 7710-12-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1777-6]

Approval and Promulgation of Implementation Plans; Georgia: Complete Approval of Georgia's Particulate Part D Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces full approval of the revisions which the State of Georgia submitted pursuant to Part D of Title I of the Clean Air Act. The revisions represent an approvable plan for achieving the particulate National Ambient Air Quality Standards (NAAQS) in the Atlanta and Savannah nonattainment areas. EPA gave conditional approval of the revisions on September 16, 1979 (44 FR 54047). Under the terms of the conditional approval, the State was required to correct deficiencies in the revisions by February 15, 1980. Specifically, by that date the State was to:

a. Inspect all sources which may impact the particulate nonattainment areas in Atlanta and Savannah;

b. Submit to EPA a report of their inspections describing the existing controls.

c. Prescribe in the industries' permits a schedule for implementing RACT.

These conditions were met by the State, and on September 4, 1980 (45 FR 58598), EPA proposed full approval of Georgia's total suspended particulate (TSP) nonattainment plan revisions. The September 4, 1980, notice solicited comments on the revisions. The comment period ended on October 6, 1980, and no comments were received. Therefore, EPA is today fully approving Georgia's TSP nonattainment plans.

DATE: These actions are effective April 20, 1981.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Library, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street SW., Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Melvin Russell, EPA Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION:

Background

In the May 9, 1979, Federal Register (44 FR 27134) EPA proposed approval of the Georgia revisions for the following designated total suspended particulate nonattainment areas:

A. That portion of Fulton County within the northwest section of Atlanta (primary and secondary standards).

B. That portion of Chatham County within the north central section of Savannah (primary and secondary standards).

C. That portion of the northern part of Walker County which includes Rossville (primary and secondary standards).

D. That portion of Washington County within the southern section of Sandersville (secondary standards).

In the September 18, 1979, Federal Register (44 FR 54047) EPA conditionally approved Georgia's TSP nonattainment plans for Atlanta (Fulton County) and Savannah (Chatham County). Also, EPA approved the State's TSP plan for Rossville (Walker County), and stated EPA's policy on redesignation as it would apply to the Sandersville (Washington County) nonattainment area. Therein, EPA also granted 18-month extensions (to July 1980) for submittal of the nonattainment plans for attaining the TSP secondary standard in Atlanta, Savannah and Rossville. On December 6, 1979 (44 FR 70143), EPA redesignated Sandersville as attainment for total suspended particulate (TSP) in accordance with Agency policy. Therefore, Atlanta and Savannah remained as the only TSP areas with deficient nonattainment plans.

The State has met the conditions stated in the Summary section of this preamble. On December 27, 1979, the State submitted to EPA part of the necessary corrective material. EPA reviewed the material and presented comments at the subsequent public hearing held on January 31, 1980. The remainder of the material necessary to correct the deficiencies was submitted to EPA on April 8, 1980.

The April 8, 1980 submittal was reviewed and determined adequate to complete the State's correction of all deficiencies.

Action

Based on the foregoing, EPA hereby fully approves Georgia's total suspended particulate revisions. With approval of these revisions, Georgia has now met all requirements of Part D of the Clean Air Act, for all applicable criteria pollutants. These actions are effective April 20, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of Georgia's TSP plan is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before May 19, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 12, 1981.

Walter C. Barber,
Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Georgia was approved by the Director of the Federal Register on July 1, 1980.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart L—Georgia

1. In § 52.570, paragraph (c)(17) is revised to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(17) 1979 Implementation plan revisions for nonattainment areas for ozone, total suspended particulates, and carbon monoxide, submitted on January 17, March 9, 16, 20, June 29, December 27, 1979 and April 8, 1980, by the Georgia Department of Natural Resources.

§ 52.573 [Removed]

2. Section 52.573 Control strategy: particulate matter, is removed.

[FR Doc. 81-8669 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-7-FRL 1778-5]

Approval and Promulgation of Iowa State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: As required by Section 110 of the Clean Air Act and the October 5, 1978 (43 FR 46246) promulgation of a National Ambient Air Quality Standard for lead, the State of Iowa has submitted for approval to EPA a State Implementation Plan (SIP) for lead. The lead SIP provides for the attainment of the National Ambient Air Quality Standards (NAAQS) for lead in all areas of State by October 31, 1982. A notice of Proposed Rulemaking (PRM) on this action appeared in the **Federal Register** on November 21, 1980 (45 FR 77052). The PRM contained a discussion of the basis for the proposed action. The present action is a final rulemaking which approves the Iowa lead SIP and amends the Code of Federal Regulations at Sections 52.820 and 52.827 for Iowa.

DATE: This approval is effective April 20, 1981.

ADDRESSES: Copies of the State submission, the public hearing minutes, the PRM, and the technical support memo which explains the rationale for EPA's approval of the Iowa lead SIP are available for public review at the following locations:

Environmental Protection Agency, Region VII, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106
Public Information Reference Unit, Environmental Protection Agency, Room 2922, 401 M Street, SW., Washington, D.C. 20460
The Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20460
Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374-3791 or (FTS) 758-3791.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, National Ambient Air Quality Standards (NAAQS) for lead were promulgated by the Environmental Protection Agency (EPA) (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms lead per cubic meter of air (μg lead/m^3), averaged over a calendar quarter. As required by section 110(a)(1) of the Clean Air Act (the Act), within nine months after promulgation of a NAAQS each State is required to submit a State implementation plan (SIP) which provides for attainment and maintenance of the primary and secondary NAAQS within the State. The State of Iowa has developed and submitted a SIP for the attainment of the lead NAAQS. The SIP shows that all areas of the State of Iowa are presently, and will remain, in attainment of the lead NAAQS.

II. Description of Previous Actions Concerning Iowa Lead SIP

A. Basic Requirements

The basic requirements for a SIP in general are outlined in Section 110(a)(2) of the Clean Air Act and EPA regulations at 40 CFR Part 51, Subpart B. These provisions require the submission of air quality data, emission inventory data, air quality modeling, a control strategy, a demonstration that the NAAQS will be attained within the time frame specified in the Clean Air Act, and provisions for ensuring maintenance of the NAAQS. Specific requirements for developing a SIP for lead are outlined in 40 CFR Part 51, Subpart E.

B. Description of SIP and PRM

A description of the Iowa lead SIP was discussed in the PRM published in the **Federal Register** on November 21, 1980 (45 FR 77052). Also, a discussion was presented in the PRM of the adequacy of the SIP submission, and a description of EPA's proposed actions. Except for minor deficiencies, the SIP met all of the EPA requirements for an approvable lead SIP. As explained in the PRM, the minor deficiencies were: (1) The Iowa SIP listed an attainment date in 1983. The attainment date should be October 31, 1982. EPA requested that Iowa submit to EPA a correction. (2) The Iowa SIP did not provide for review of new sources of lead locating in Iowa consistent with EPA guidance. The SIP did not demonstrate that all new sources of lead with potential lead emissions of 5 tons per year or more would be reviewed by the State before construction; nor did the SIP demonstrate that the permit review procedure would allow the public 30 days to review the State's proposed actions before the final approval/disapproval of new lead source permits. EPA requested that the State submit clarifying information to EPA. (3) The SIP states that most of the State ambient air sampling sites do not meet the currently proposed EPA siting criteria for lead ambient air monitoring (October 10, 1980—45 FR 67564). EPA requested that the State revise its lead monitoring system to conform to the lead ambient air monitoring siting criteria, and submit confirmation that the revisions have been made to EPA within nine months of the date that the final siting criteria rules for lead ambient air monitoring are published. (4) The SIP indicates that problems were encountered in the modeling of the two lead-acid battery plants in Iowa, and discrepancies were encountered between EPA emission factors and State stack-test information obtained at one of the lead-acid battery plants. The State committed in the SIP to do further modeling and additional monitoring around the lead-acid battery plants.

C. Information Submitted by Iowa

The State of Iowa submitted a letter to EPA on January 19, 1981 that provided information which corrected most of the minor deficiencies of the Iowa lead SIP. The State has submitted a change page for the SIP which correctly states that the attainment date for the lead NAAQS is October 31, 1982. The State also submitted information which clarifies the State's process of reviewing new lead source permits. The State explained that its recently revised review procedures for new air pollution sources authorize State review of all new lead sources of 5 tons lead emissions per year or greater, and allow for 30 days of public review of the State's actions on new lead source permits. The State is also in the process of revising its lead ambient air monitoring system to comply with EPA's siting criteria for lead monitoring. In addition, the State is in the process of doing additional modeling and monitoring around the lead-acid battery plants in the State, and a contract to do additional stack testing at one of these battery plants has been initiated.

III. Public Comments

No public comments were received by EPA during the 60-day public comment period.

EPA's Actions

EPA approves all parts except one of the Iowa lead SIP as adequate to attain and maintain the lead NAAQS in the State of Iowa. EPA takes no action at the present time on the section of the Iowa lead SIP which deals with review of permits for new sources of lead. As previously mentioned, Iowa has recently revised its procedures concerning review of permits for new air pollution sources. The State has provided assurances to EPA in a January 19, 1981

letter that all new sources of lead with potential lead emissions of 5 tons per year or more will be reviewed by the State before construction. The State also assured EPA that the permit review procedure will allow the public 30 days to review the State's proposed actions before the final approval/disapproval of new lead source permits. Since EPA has not taken final action on approving/disapproving Iowa's recently revised procedures concerning review of permits for new air pollution sources, EPA takes no action in this rulemaking concerning the issue of adequacy of Iowa's permit review procedures for new sources of lead. EPA's rulemaking on Iowa's new source review procedures and the adequacy of the review procedures concerning new lead sources will be published in the next few months.

Another EPA action is possible in the future concerning the Iowa lead SIP. If additional monitoring or modeling around the lead-acid battery plants in the State show exceedances of the lead NAAQS, the EPA will require the state to revise its lead SIP to bring the area into attainment of the lead NAAQS.

The Administrator's decision to approve or disapprove the Iowa lead SIP was based on the information received from the State and on a determination whether the SIP meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Note.—The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Incorporation by reference of the State Implementation Plan for the State of Iowa was approved by the Director of the Office of the Federal Register on July 1, 1980.

(Sec. 110 and 301(a) of the Clean Air Act as amended (45 U.S.C. 7410) and 7601(a))

Dated: March 12, 1981.

Walter C. Barber,

Acting Administrator.

Title 40, Part 52, Subpart Q—Iowa, of the Code of Federal Regulations is amended to include the following:

(1) Section 52.820 is amended by adding paragraphs (c)(31) and (c)(36) as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(31) The State of Iowa Lead State Implementation Plan was submitted on August 19, 1980 by the Director of the Department of Environmental Quality.

* * * * *

(36) A letter was submitted dated January 19, 1981 by the Director of the Department of Environmental Quality which provided additional information concerning the Iowa Lead State Implementation Plan.

(2) Section 52.827 is amended by adding the pollutant "Lead" in a new column with the letter "g" in each row and with the footnote "g" inserted in proper order below the table as follows:

§ 52.827 Attainment dates for National Standards.

Air quality control region	Pollutant: Lead
Metropolitan Omaha-Council Bluffs Interstate:	
a. Council Bluffs	g.
b. Remainder of AQCR	g.
Metropolitan Sioux Falls Interstate	g.
Metropolitan Sioux City Interstate:	
a. Sioux City	g.
b. Remainder of AQCR	g.
Metropolitan Dubuque Interstate:	
a. Dubuque	g.
b. Remainder of AQCR	g.
Metropolitan Quad Cities Interstate:	
a. Davenport	g.
b. Clinton	g.
c. Muscatine	g.
d. Remainder of AQCR	g.
Burlington-Keokuk Interstate:	
a. Keokuk	g.
b. Remainder of AQCR	g.
Northwest Iowa Intrastate:	
North Central Iowa Intrastate:	
a. Fort Dodge	g.
b. Mason City	g.
Remainder of AQCR	g.
Northeast Iowa Intrastate:	
a. Cedar Rapids	g.
b. Waterloo	g.
c. Remainder of AQCR	g.
Southwest Iowa Intrastate	g.
South Central Iowa Intrastate:	
a. Des Moines	g.
b. Marshalltown	g.
c. Remainder of AQCR	g.
Southeast Iowa Intrastate	g.

* * * * *

g. October 31, 1982.

* * * * *

[FR Doc. 81-8011 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1783-5]

Approval and Promulgation of Implementation Plans; New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Final rule related notice.

SUMMARY: EPA, under the provisions of a federal regulation promulgated at 40 CFR 52.1601(b), requires the State of New Jersey to submit a copy of the permit application for specific coal conversions, together with an air quality analysis employing methodology acceptable to EPA. On January 30, 1981 the New Jersey Department of Environmental Protection submitted a permit and an air quality analysis for the conversion from oil to coal at unit 7 of Public Service Electric and Gas Company's Burlington generating station located in Burlington, New Jersey. EPA has reviewed the impact of the proposed conversion and determined on the basis of the air quality modeling results that the proposed coal conversion will not interfere with the attainment or maintenance of air quality standards and will not cause any Prevention of Significant Deterioration (PSD) increment to be exceeded.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, Rm. 1005, New York, New York 10278, (212) 264-2517.

Note.—The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7601))

Dated: March 6, 1981.

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-8009 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 162

[AS FRL 1781-1]

Deferral of Effective Dates; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of deferral of effective dates; correction.

SUMMARY: This notice amends the Federal Register notice of February 12, 1981 (46 FR 11972) and corrects the effective date of certain EPA regulations issued pursuant to FIFRA to reflect a statutory provision allowing a specified time period for a Congressional Resolution of disapproval. The listed FIFRA regulations will not take effect until a notice announcing a specific effective date is published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Faith Halter, Special Assistant to the General Counsel, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, 202-755-0709.

SUPPLEMENTARY INFORMATION: In the 1978 amendments to the Federal

Insecticide, Fungicide, and Rodenticide Act (FIFRA), Congress added a new provision (section 25(a)(4)) requiring transmittal of final rules to Congress for a specified period to provide an opportunity for adoption of a concurrent resolution disapproving the rules. Under this provision, any final rule issued under FIFRA will have its effective date deferred until the rule has been before Congress for 60 days of continuous session. If, during this 60-day waiting period, certain steps are taken to adopt a resolution of disapproval, the waiting period is extended by a further 30 days of continuous session. Unless both Houses of Congress adopt a concurrent resolution of disapproval within the allocated 90 days, the rule becomes effective.

On February 12, 1981, the Environmental Protection Agency published a notice deferring until March 30, 1981 the effective dates of certain EPA regulations, including under FIFRA a final rule on the restricted use classification of uses of active pesticide ingredients, and a final rule on the State registrations of pesticides to meet local needs. This deferral was based on the January 29, 1981 Executive Order postponing pending regulations for 60 days. The February 12, 1981 **Federal Register** notice listed March 30, 1981 as the new effective date for these regulations. The Agency also issued a **Federal Register** notice on February 24, 1981 (46 FR 13691) correcting an error in the CFR part affected by the regulation dealing with State registrations.

This notice corrects the March 30, 1981 effective date to take into account, among other things, the time period allowed for a Congressional Resolution of disapproval. This correction is necessary because the 60 (or 90, if appropriate) days of continuous session are expected to extend beyond the March 30, 1981 date. The new effective date of the regulations will be published in the **Federal Register** at a time not earlier than the conclusion of the time period allowed for a Congressional Resolution of disapproval.

The February 12, 1981 and February 24, 1981 listings for these two rules are therefore corrected to read:

CFR part affected	FR citation	Subject matter	Old effective date	New effective date
40 CFR 162.31	46 FR 5896 (1/19/81)	Federal Insecticide, Fungicide and Rodenticide Act. Classification of Uses of Active Ingredients for Restricted Use.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (3/30/81).	Not earlier than the conclusion of the time period allowed for a Congressional Resolution of disapproval. The regulation will not take effect until a specific effective date is published in the FEDERAL REGISTER. In no event will this regulation take effect prior to March 30, 1981.
40 CFR 162.150—162.156	46 FR 2008 (1/7/81)	Federal Insecticide, Fungicide and Rodenticide Act. State Registration of Pesticides to Meet Local Needs.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (3/9/81).	Not earlier than the conclusion of the time period allowed for a Congressional Resolution of disapproval. The regulation will not take effect until a specific effective date is published in the FEDERAL REGISTER. In no event will this regulation take effect prior to March 30, 1981.

Dated: March 16, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-8604 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 58]

Standard Forms 37 and 37-A Submission Requirements

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation deletes the SF 37 and SF 37-A and their reporting requirements from the FPR. This deletion was requested by the Office of Federal Procurement Policy. The intended effect is to reduce procurement reporting burdens on Executive agencies.

EFFECTIVE DATE: October 1, 1980.

EXPIRATION DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate (VR), Office of Acquisition Policy, 703-557-8947.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

In 41 CFR Chapter 1, the following temporary regulation is listed in the appendix at the end of the chapter.

[Federal Procurement Regs.; Temporary Reg. 58]

Standard Forms 37 and 37-A submission requirements

February 23, 1981.

1. *Purpose.* This temporary regulation deletes the Standard Forms 37 and 37-A and their reporting requirements from the Federal Procurement Regulations.

2. *Effective date.* This regulation is effective October 1, 1980.

3. *Expiration date.* This regulation expires on October 1, 1982.

4. *Background.* a. The Federal Procurement Data System (FPDS), a system developed by the Office of Federal Procurement Policy (OFPP), became operational in fiscal year 1979. Much of the information provided by Standard Forms 37 and 37-A, which provide data on procurement by executive agencies, duplicates the data provided by the FPDS. However, use of SF 37 and SF 37-A has been continued pending a determination that the FPDS is sufficiently reliable.

b. The SF 37 report was adopted as a result of a request from President Truman that GSA collect data from civilian executive agencies regarding awards to small business concerns. In later years other data requirements were added. SF 37-A was added in 1977, at the request of OFPP, in order to provide an interim Government-wide procurement data system.

c. The FPDS is now deemed to be functioning satisfactorily. Both the Federal Procurement Data Center and the reporting agencies have had sufficient experience with the new system to place full reliance on it in fiscal year 1981. Consequently, OFPP has requested that SF 37 and SF 37-A and their reporting requirements be deleted from the Federal Procurement Regulations.

5. *Explanation of changes.* a. The following sections are deleted and reserved.

§ 1-1.709
§ 1-1.807
§ 1-1.1302(a)(9)
§ 1-16.804-1
§ 1-16.804-2
§ 1-16.804-3
§ 1-16.804-4
§ 1-16.804-6
§ 1-16.901-37
§ 1-16.901-37A

b. This change does not affect the status of the Optional Form 61, Subcontracting Program—Quarterly Report of Participating Large Company on Subcontracting Commitments.

6. *Cancellations.* Standard Forms 37 and 37–A, and Interagency Report Control No. 1118–GSA–SA, are canceled.

7. *Agency action.* Cancellation of Standard Forms 37 and 37–A, effective October 1, 1980, eliminates the need for agencies to collect and submit data in fiscal year 1981. However, agencies will be expected to complete the submission of data for fiscal year 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-8553 Filed 3-19-81; 8:45 am]

BILLING CODE 6820-61-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6013]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–8620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Johnson, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this progrm is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama: Jefferson	Brookside, town of	010118C	Feb. 18, 1981, suspension withdrawn	Aug. 23, 1974, Dec. 26, 1975, and July 21, 1978.
Illinois:				
Madison	Collinsville, city of	170439B	do	May 24, 1974 and Apr. 2, 1976.
Jersey	Elsah, village of	170313B	do	Nov. 23, 1973 and Mar. 1, 1974.
Pike	Florence, village of	170552B	do	Jan. 30, 1976.
Lake	Lake Forest, city of	170374C	do	Aug. 27, 1976.
DuPage	Oak Brook, village of	170214B	do	Sept. 5, 1975.
Do	Oak Brook Terrace, city of	170215B	do	Mar. 28, 1974 and Mar. 26, 1976.
Iowa:				
Jefferson	Fairfield, city of	190108C	do	June 28, 1974, Dec. 26, 1975, and Mar. 26, 1976.
Lee	Montrose, city of	190186B	do	Jan. 23, 1974 and Apr. 30, 1976.
Kansas: Pottawatomie	Wamego, city of	200276B	do	Dec. 7, 1973 and Dec. 26, 1975.
Michigan:				
Barry	Hastings, city of	260314B	do	Apr. 12, 1974 and Oct. 3, 1975.
Muskegon	Muskegon Heights, city of	260162B	do	June 28, 1974 and July 23, 1976.
Wayne	Plymouth, city of	260236B	do	May 17, 1974 and June 11, 1976.
Macomb	Utica, city of	260608A	do	Oct. 17, 1975.
Minnesota:				
Wabasha and Goodhue	Lake City, city of	270466C	do	Mar. 15, 1974, Apr. 9, 1976, and Mar. 9, 1979.
Marshall	Minneapolis, city of	270172B	do	Mar. 22, 1974 and Apr. 30, 1976.
Do	Warren, city of	270274B	do	May 3, 1974 and Feb. 14, 1975.
Missouri:				
St Louis	Bel-Ridge, village of	290333B	do	Mar. 29, 1974 and Sept. 17, 1976.
Do	Frontenac, city of	290353B	do	Jan. 23, 1974 and Jan. 2, 1976.
Franklin	New Haven, city of	290133A	do	Mar. 5, 1976.
New Hampshire: Hillsborough	Manchester, city of	330169B	do	Jan. 14, 1977.
New York: Monroe	Penfield, town of	360426B	do	Aug. 9, 1974 and Sept. 3, 1976.
Ohio:				
Summit	Akron, city of	390523B	do	Mar. 15, 1974 and Sept. 10, 1976.
Knox	Fredericktown, village of	390309B	do	Apr. 5, 1974 and Oct. 24, 1975.
Cuyahoga	Glenwillow, village of	390735A	do	Aug. 8, 1975.
Washington	Marietta, city of	390572C	do	Dec. 7, 1973, July 11, 1975 and Oct. 26, 1979.
Cuyahoga	Valley View, village of	390134B	do	Jan. 23, 1974 and July 2, 1976.
Washington	Unincorporated areas	390566B	do	Jan. 31, 1975 and June 9, 1976.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Oklahoma:				
Delaware	Grove, town of	400068	do	Oct. 28, 1976 and Aug. 16, 1977.
Murray	Sulphur, city of	400119B	do	Nov. 26, 1973 and Feb. 6, 1976.
Pennsylvania:				
Perry	Penn, township of	422766B	do	Feb. 6, 1974 and Dec. 19, 1978.
Columbia	Mt. Pleasant, township of	421043B	do	Aug. 2, 1974 and July 9, 1976.
Texas:				
Cherokee	Jacksonville, city of	480123B	do	May 24, 1974 and Apr. 16, 1976.
Anderson	Palestine, city of	480004B	do	May 31, 1974 and Nov. 19, 1976.
West Virginia: Ohio	Wheeling, city of	540153B	do	Dec. 13, 1974 and Oct. 31, 1975.
Michigan: Saginaw	Thiabaudeau, township of	260604	Feb. 16, 1981, emergency	Aug. 16, 1978.
Texas: Bowie	Unincorporated areas	481194A	Feb. 17, 1981, emergency	Aug. 16, 1978.
Minnesota: Marshall	Alvarado, city of	270557A	Apr. 16, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended, Feb. 16, 1981, reinstated.	Jan. 16, 1981.
Pennsylvania:				
Tioga	Roseville, borough of	420628A	Feb. 17, 1981, emergency	Dec. 13, 1974 and Nov. 28, 1980.
Clearfield	Houston, township of	421525	Feb. 24, 1981, emergency	Dec. 20, 1974.
Ohio: Greene	Cedarville, village of	390507A	Feb. 24, 1981, emergency, Feb. 24, 1981, regular.	Jan. 10, 1975 and July 2, 1980.
Alabama: Shelby	Montevallo, city of	0103488	Feb. 25, 1981, emergency	Jan. 26, 1977 and June 15, 1979.
New York: St. Lawrence	Clare, town of	361422	Feb. 26, 1981, emergency	Jan. 3, 1975.
Kentucky: Scott	Georgetown, city of	2102088	June 25, 1975, emergency, Feb. 4, 1981, regular, Feb. 4, 1981, suspended, Feb. 25, 1981, reinstated.	May 24, 1974.
New York: Allegany	Burns, town of	361088	Feb. 26, 1981, emergency	Nov. 8, 1974.
Ohio: Clinton	Sabina, village of	390527A	Feb. 27, 1981, emergency	July 25, 1975 and July 6, 1979.
Texas: Upshur	Unincorporated areas	481696A	Feb. 27, 1981, emergency	May 31, 1977.
Tennessee: Knox	Farragut, town of	470367-new	Aug. 14, 1970,[1] emergency, Aug. 14, 1970,[1] regular.	Aug. 14, 1970.[2]

[1] Since the area now incorporated and known as the Town of Farragut was formerly participating in the National Flood Insurance Program under the Knox County application, the Town's effective dates are the same as the County's.

[2] Although Farragut has not been issued its flood maps, the Town has agreed to use the Knox County FIRM in the interim. However, insurance policies should be written using Farragut's new identification number.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 9, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8078 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

Suspension of Community Eligibility Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule, correction.

SUMMARY: In **Federal Register** Doc. 81–5906, appearing at pages 13691–13693, Tuesday, February 24, 1981, on page 13692, 44 CFR 64.6 in the table, beginning with the entry for the Township of Plymouth, Michigan, through the Village of Black Village, Wisconsin, the Regular Program effective date should be corrected to read "March 2, 1981."

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 9, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8077 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA–6006]

National Flood Insurance Program; Communities With Minimal Flood Hazard Areas

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or Toll Free Line 800–424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater

than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

The entry reads as follows:

§ 66.7 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
New York	Greene	Town of Ashland	Apr. 10, 1981.
North Dakota	Divide	City of Noonan	Apr. 21, 1981.
Indiana	Porter	Town of Dune Acres	Apr. 24, 1981.
Pennsylvania	Franklin	Township of Antrim	Apr. 24, 1981.
Pennsylvania	Allegheny	Borough of Marshall	Apr. 24, 1981.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Federal Insurance Administrator)

Issued: February 24, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8869 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-238; RM-3419]

FM Broadcast Stations in Bradford, Kane, and Warren, Pennsylvania; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 276A to Warren, Pennsylvania, as that community's second FM assignment, in response to a petition filed by God's Station, Inc. In order to effect the assignment to Warren, Channel 280A is substituted for Channel 276A at Kane, Pennsylvania, and Channel 252A is substituted for Channel 280A at Bradford, Pennsylvania.

DATE: Effective May 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Bradford, Kane and Warren, Pennsylvania); Report and Order; Proceeding Terminated.

Adopted: March 6, 1981.

Released: March 13, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 37240, published June 2, 1980, proposing the assignment of FM Channel 276A to Warren, Pennsylvania, as that city's second FM assignment, the substitution of Channel 280A for Channel 276A at Kane, Pennsylvania, and the substitution of Channel 252A for Channel 280A at Bradford, Pennsylvania, at the request of God's Station, Inc. ("petitioner"). Channel 276A at Kane is currently unoccupied with one application pending;[1] Channel 280A at Bradford is currently unoccupied and unapplied for. Comments supporting the assignment and related channel substitutions were filed by petitioner; Hope Ministries, a potential applicant for the channel at Bradford; and Radio Buffalo, Inc., licensee of Station WACJ(FM), Buffalo, New York. No oppositions to the assignments were submitted.

2. Warren (pop. 12,998),[2] seat of Warren County (pop. 47,682), is located approximately 80 kilometers (50 miles) southeast of Erie, Pennsylvania. It is served locally by daytime-only AM Station WNAE and FM Station WRRD (Channel 222).

3. As stated in the *Notice*, the assignments proposed by petitioner would cause new preclusion to only one community with a population over 1,000 having no FM assignment, Smethport, Pennsylvania. In response to the Commission's request that a channel search be conducted to determine if alternative channels are available for assignment to Smethport, petitioner states that Channel 292A may be assigned in compliance with the Commission's minimum distance separation requirements. The assignment of Channel 276A to Warren would result in intermixture of Class A and Class B channels in that city. However, petitioner is willing to apply for and operate on a Class A channel despite the competitive disadvantages. In such a situation, we are not disposed to deny the assignment based on intermixture. *See Yakima, Washington*, 42 F.C.C. 2d 548 (1973).

4. After giving careful consideration to the proposal, we believe the proposed amendments to the Table of assignments should be adopted. Petitioner has submitted persuasive information with respect to Warren and its need for a second FM broadcast service. Channel 276A can be assigned to Warren with a required site restriction of 12 kilometers (7.35 miles) northeast of the community. Petitioner and all potential applicants are reminded that the Commission's rules require that a transmitter located at such a distance from Warren must nonetheless place a 70 dBu signal over the entire community. See § 73.315(a) of the Commission's Rules. Regarding the channel substitution at Kane, Huber-Dixon Broadcasting will be permitted to amend its application to specify operation on Channel 280A.

5. Canadian concurrence in the assignments has been obtained.

6. Accordingly, *It Is Ordered*, That effective May 4, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the communities listed below, as follows:

City	Channel No.
Bradford, Pa	252A
Kane, Pa	280A
Warren, Pa	222, 276A

[1] The applicant is Huber-Dixon Broadcasting (File No. BPH-810128AF).

[2] All population data are taken from the 1970 U.S. Census.

7. Authority for the actions taken herein are contained in Sections 4(i), 5(d), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. *It Is Further Ordered,* That the Secretary of the Commission shall send a copy of this *Report and Order* by certified mail, return receipt requested, to Huber-Dixon Broadcasting, 5351 William Flynn Hwy., Rte. 8, Gibsonia, Pennsylvania 15044, the applicant affected by this *Report and Order.*

9. *It Is Further Ordered,* That this proceeding *is terminated.*

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-8833 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-234; RM-3434]

FM Broadcast Station, Mifflintown, Pennsylvania; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends the Commission's Rules, the FM Table of Assignments, by assigning Channel 296A to Mifflintown, Pennsylvania, in response to a petition filed by Mifflintown Broadcasters Association. The assignment could provide Mifflintown with its first FM service.

DATE: Effective May 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Mifflintown, Pennsylvania); Report and Order; Proceeding Terminated.

Adopted: March 6, 1981.

Released: March 12, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making,* 45 FR 37243, published June 2, 1980, inviting comments on a proposal to assign Channel 296A to Mifflintown, Pennsylvania. This proceeding was instituted on the basis of a petition filed by Mifflintown Broadcasters Association ("petitioner"). Supporting comments were filed by petitioner in which it restated its intent to apply for the channel, if assigned. Comments were filed by Mifflin County Broadcasting Company ("MCB"), licensee of radio Stations WMRF and WMRF(FM), Lewistown, Pennsylvania.

2. Mifflintown (pop. 828),[1] seat of Juniata County (pop. 16,712), is located approximately 216 kilometers (135 miles) east of Pittsburgh, Pennsylvania. It presently has no local aural broadcast service.

3. MCB, in comments, pointed out that there is a pending proceeding to assign Channel 288A to Lewistown, Pennsylvania (BC Docket No. 80-233), which is 15 kilometers (9.4 miles) from Mifflintown. MCB argues that, given the close proximity of the communities and the relatively low population of the area, only one channel should be assigned. MCB requests that the Lewistown and Mifflintown proceedings be consolidated.

4. As we stated in the Lewistown proceeding, since the Commission does not allocate FM channels according to a state-wide or regional plan, and each community's needs are typically considered separately, we are not convinced that these proposals should be treated together as if they were in some way mutually exclusive.

5. In view of the first local aural service that would be provided to the community, the Commission finds it to be in the public interest to assign Channel 296A to Mifflintown, Pennsylvania.

6. Canadian concurrence in the proposal has been obtained.

7. Accordingly, *it is ordered,* That effective May 4, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, *is amended* for the community listed below, as follows:

City	Channel No
Mifflintown, Pa.	296A

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

9. *It is further ordered,* that this proceeding *is terminated.*

10. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-8834 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-233; RM-3436]

FM Broadcast Station in Lewistown, Pennsylvania; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends the Commission's Rules, the FM Table of Assignments, by assigning Channel 288A to Lewistown, Pennsylvania, in response to a petition filed by Central Pennsylvania Broadcasting Company. The assignment could provide Lewistown with its second FM service.

DATE: Effective May 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Lewistown, Pennsylvania); Report and Order; Proceeding Terminated.

Adopted: March 6, 1981.

Released: March 12, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making,* 45 FR 37242, published June 2, 1980, inviting comments on a proposal to assign Channel 288A to Lewistown, Pennsylvania, as that community's second FM assignment. This proceeding was instituted on the basis of a petition filed by Central Pennsylvania Broadcasting Company ("petitioner"), licensee of AM Station WKVA, Lewistown, Pennsylvania. Supporting comments were filed by petitioner in which it restated its intent to apply for

[1] Population figures are taken from the 1970 U.S. Census.

the channel, if assigned. Comments were filed by Mifflin County Broadcasting Company ("MCB"), licensee of radio Stations WMRF–FM and WMRF(AM), Lewistown, Pennsylvania, to which petitioner replied.[1]

2. Lewistown (pop. 11,008),[2] seat of Mifflin County (pop. 45,268), is located approximately 200 kilometers (125 miles) east of Pittsburgh, Pennsylvania. It is presently served by fulltime AM Stations WKVA and WMRF, and FM Station WMRF–FM (Channel 240A).

3. In its comments, MCB pointed out that there is a pending proceeding to assign Channel 296A to Mifflintown, Pennsylvania, which is 15 kilometers (9.4 miles) from Lewistown (BC Docket No. 80–234). MCB argues that the proceedings should be consolidated and only one channel assigned to the area because the communities are so close and the population of the area relatively small. MCB claims that the radio market in Lewistown is "depressed" and rather than experiencing growth and redevelopment is actually losing jobs and population. According to MCB, new census figures show Lewistown's population to be 9,696, a 12.6 percent decrease from 1970. Petitioner, in response, does not dispute MCB's population figures, but asserts that the decline is due to a major flood which occurred in 1972. Petitioner claims that cooperative efforts among industry, local groups, and government have led to Lewistown's recovery and redevelopment. Petitioner also points out that MCB has applications pending before the Commission to upgrade its facilities in Lewistown—plans MCB would not make unless it believed them economically feasible.

4. Economic arguments such as MCB makes here are normally deferred to the application stage. *FCC* v. *Sanders Brothers Radio Station*, 309 U.S. 470, 60 S. Ct. 693 (1940); *Carroll Broadcasting Co.* v. *FCC*, 258 F. 2d 440 (D.C. Cir. 1958). Moreover, since the Commission does not allocate FM channels according to a state-wide or regional plan, and each community's needs are considered separately, we are not convinced that these proposals should be treated together as if they were in some way mutually exclusive. Although the population of Lewistown may have declined recently, as claimed by MCB, assignment of Channel 288A will be in accordance with the Commission's population criteria, which allow one or two FM assignments for communities of 50,000 or less.

5. After careful consideration of the proposal and comments, we believe it to be in the public interest to assign Channel 288A to Lewistown, Pennsylvania, to provide a second local FM service. As stated in the *Notice*, no new preclusion would be caused to any community exceeding 1,000 population.

6. Canadian concurrence has been obtained.

Accordingly, *it is ordered*, That effective May 4, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, *Is Amended* with regard to the following community:

City	Channel No.
Lewistown, Pa	240A, 288A

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

9. *It Is Further Ordered*, That this proceeding *Is Terminated*.

10. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–8035 Filed 3–19–81; 8:45 am]

BILLING CODE 6712–01–M

[1] MCB's pleading, styled "Reply Comments," was filed on the last day for submitting such comments, August 7, 1980. Petitioner filed a Motion to Strike MCB's comments, claiming that they were original comments and therefore should have been filed by July 18, 1980. MCB replied to petitioner's Motion, claiming that the pleading was intended to "reply" to statements made in petitioner's comments supporting the *Notice*. Petitioner then filed a "Motion for Acceptance of Response to Reply Comments," requesting that its reply comments be accepted for filing after the August 7, 1980, deadline. There does appear to have been some confusion about the distinction between "comments" and "reply comments." However, since petitioner has responded to MCB's comments and we now have before us a complete set of pleadings, we believe it to be in the public interest to consider the pleadings.

[2] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

Assignment of UHF-Television Channel; Laurel Hill, N.C.

Cross Reference: For a document released by the Federal Communications Commission on March 2, 1981, assigning UHF-television Channel 59 to Laurel Hill, North Carolina, see FR Doc. 81–6878 published March 4, 1981 (46 FR 15150).

That document incorrectly carried the heading "FM broadcast station" and was accordingly listed in the Contents under "Radio stations."

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1005, 1056, 1310, and 1322

[Ex Parte MC 19 (Sub-36)]

Practices of Motor Common Carriers of Household Goods; Revision of Operational Regulations

Correction

In FR Doc. 81–7555 appearing at page 16200 in the issue for Wednesday, March 11, 1981, make the following correction:

On Page 16212, in the second column, in the third paragraph under the heading "Proposed §§ 1005.1 and 1310.15", in the third line, "1056.16" should read "1056.7".

BILLING CODE 1505–01–M

49 CFR Part 1100

[Ex Parte No. 55 (Sub-46)]

Elimination of Attorney Registration Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules.

SUMMARY: This Notice abolishes the Commission's requirement in 49 CFR 1100.8 that attorneys file declarations that they are qualified members of the bar, before they represent others before the Commission. The Commission believes it can be assumed that an attorney, acting in a representative capacity in a proceeding, is qualified to practice before the Commission. The Commission will no longer maintain a register of attorney practitioners under 40 CFR 1100.7. Since these rules primarily affect internal Commission procedures, they are issued in final form and public comment will not be required. However, informal comments may be submitted..

DATE: Effective April 20, 1981.

ADDRESS: Informal comments, an original and one copy, if possible, may be submitted to: Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: James Bayne (202) 275–7646, or

Kathleen King (202) 275–0956.

SUPPLEMENTARY INFORMATION:

Attorneys who practice before the Commission have been required to submit a written declaration that they are members in good standing of the bar of the highest court of any State, possession, territory, Commonwealth or the District of Columbia before they could represent persons before the Commission. The declaration was a one time filing and based on that declaration the attorney's name was entered in the Commission's register of practitioners. See 5 U.S.C. 500 and 49 CFR 1100.7 and 1100.8.

The Commission has surveyed other regulatory agencies and found that only one, the Federal Maritime Commission, requires an attorney to submit a written declaration of bar membership or maintains a register of attorney practitioners. The Commission has decided that it is no longer necessary to maintain our attorney declaration procedure under Rule 8, or the attorney portion of the Practitioner Register under Rule 7. Declarations will still be required in accordance with 49 CFR 1100.10 when an attorney or non-attorney practitioner or other representative of a party makes an initial appearance in any proceeding.

Therefore, 49 CFR 1100.8 is revised to state that a person who is a member of the bar of any of our 50 States or the District of Columbia, is qualified to practice before the Interstate Commerce Commission. 49 CFR 1100.7 is modified to state that only a Register of non-attorney practitioners will be maintained by the Commission in the future.

It should be noted that the fact that we will no longer maintain a register of attorney practitioners does not change the fact that attorneys are bound to observe the Code of Ethics For Practitioners Before the Interstate Commerce Commission. Moreover, the Commission will still retain the jurisdiction to disbar, suspend, or discipline attorneys, as provided in 49 CFR 1100.11.

The revisions set forth in the attached appendix are adopted.

This action does not affect significantly the quality of the human environment or conservation of energy resources.

Issued under authority of 5 U.S.C. 553 and 49 U.S.C. 10308.

Decided: March 4, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Clapp, Gresham, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

PART 1100—GENERAL RULES OF PRACTICE

49 CFR 1100.7 is revised to read as follows:

§ 1100.7 Register of non-attorney practitioners (rule 7).

A register is maintained by the Commission which contains the names of all non-attorneys entitled to practice before the Commission. The register is maintained according to the individual non-attorney practitioner's name and not by corporation or firm name. Corporations and firms are not admitted or recognized as practitioners before the Commission.

49 CFR 1100.8 is revised to read as follows:

§ 1100.8 Attorney at law-qualification and requirements for practice before the Commission (rule 8).

Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, commonwealth or the District of Columbia may represent others before the Commission.

(5 U.S.C. 553 and 49 U.S.C. 10308)

[FR Doc. 81-8606 Filed 3-19-81; 8:45 am]

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DEPARTM

10 CFR P

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AGENCY: D

ACTION: P

SUMMARY:
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Proposed Rules

Federal Register
Vol. 46, No. 54
Friday, March 20, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 1060

Payment of Travel Expenses of Persons Who Are Not Government Employees

AGENCY: Department of Energy.

ACTION: Proposed regulations.

SUMMARY: The Department of Energy is proposing to amend 10 CFR to establish a new Part 1060 which establishes policies on payment from Department funds of travel expenses of persons who are not Government employees (often referred to as "invitational travel"). The proposed regulations will provide Department employees and members of the public with explicit guidelines with respect to authorization and approval of such payments.

DATE: Written comments must be submitted on or before April 20, 1981.

ADDRESS: Written comments should be submitted to Ralph D. Goldenberg, Assistant General Counsel for Standards of Conduct, GC–45, U.S. Department of Energy, MS 6F094, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:
Susan Fonner, Attorney, Office of the Assistant General Counsel for Standards of Conduct, GC–45, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–1522.

SUPPLEMENTARY INFORMATION:

Classification: The Department of Energy has determined that no substantial issue of fact or law exists with respect to these regulations and that these regulations are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. The Department of Energy has further determined that these regulations relate to agency management and therefore are exempt from the requirements of 5 U.S.C. 553, 603, and 604, and the requirements of Executive Order 12291.

Regulatory analysis: Not required for this rulemaking.

Environmental Impact Statement: Not required for this rulemaking.

Request for Comments: Written comments are solicited and will be accepted. Comments must be received by 5:00 p.m. on April 20, 1981, at the address indicated in the "Address" section of this preamble. Seven copies should be submitted.

Background

The authority to provide payment from DOE funds for travel expenses of persons who are not Government employees is primarily based on provisions incorporated in chapter 57, title 5, United States Code, as amplified by Decisions of the Comptroller General. (See, for example, 4 Comp. Gen. 281; 8 Comp. Gen. 465; 21 Comp. Gen. 610; 27 Comp. Gen. 163; 36 Comp. Gen. 483; 40 Comp. Gen. 221; 41 Comp. Gen. 482; 48 Comp. Gen. 110; 51 Comp. Gen. 800; 54 Comp. Gen. 554; 56 Comp. Gen. 661.) Section 645 of the DOE Organization Act (42 U.S.C. 7255) provides statutory authority with respect to expenses of subpoenaed persons.

Some Government agencies, including the DOE, have internal rules that attempt to provide guidance to agency employees with respect to certain aspects of invitational travel. However, the lack of more explicit guidance has resulted in uncertainty on the part of both DOE employees and private individuals as to when payment for such travel is authorized. The proposed regulations will provide express guidelines for limiting international travel to specific categories of individuals and to certain invitations approved by high-level DOE officials.

For the reasons set out in the preamble, Chapter X of Title 10 of the Code of Federal Regulations is proposed to be amended by adding a new Part 1060 as set forth below.

Issued in Washington, D.C., February 11, 1981.

William S. Heffelfinger,
Director of Administration.

Part 1060 is added to 10 CFR Chapter X to read as follows:

PART 1060—PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

Sec.
1060.101 Persons who may be paid.
1060.201 Relatives and contractors excluded.
1060.301 Government employees excluded.
1060.401 Applicability of internal DOE rules.
1060.501 Definitions.

Authority: Section 644, Pub. L. 95–91 Stat. 599 (42 U.S.C. 7254).

§ 1060.101 Persons who may be paid.

(a) Payment may not be authorized or approved for transportation, lodging, subsistence, or other travel expenses from DOE funds to, or on behalf of, a person who is not a Government employee unless such payment is made—

(1) Pursuant to an invitation received by that person from the Department to confer with a DOE employee on matters essential to the advancement of DOE programs or objectives and (i) in the case of a person invited to confer at the post of duty of the conferring DOE employee, a designated official has approved and stated the reasons for the invitation in writing, or (ii) in the case of a person invited to confer at a place other than the post of duty of the conferring DOE employee, a principal departmental officer has approved and stated the reasons for the invitation in writing.

(2) Pursuant to an invitation for an interview to a prospective employee of the Department who is an applicant for (i) a position in the Department classified at GS–16 or above of the General Schedule or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16, (ii) a position for which a determination has been made that there is a manpower shortage pursuant to 5 U.S.C. 5723, or (iii) a DOE position for which the Department has the exclusive duties of recruitment and selection;

(3) In accordance with 28 U.S.C. 1821 or other applicable law, to a person who is subpoenaed by the Department to appear and testify or to appear and to produce documents at a designated place;

(4) To a person who serves as a travel attendant for a handicapped individual who is authorized to travel at DOE expense and whose handicap prevents him from traveling alone; or

(5) Pursuant to a written determination of a principal departmental officer that it is in the

interest of the Government to provide such payment, where the Counselor has determined in writing that the payment is authorized under 5 U.S.C. Ch. 57 or other statutory authority.

(b) The authority of a designated official or a principal departmental officer, as the case may be, to provide approval of an invitation to travel under paragraph (a)(1) of this section and of a principal departmental officer to determine that payment of travel expense is in the interest of the Government under paragraph (a)(5) of this section may not be delegated.

(c) Within 30 days of providing written approval of an invitation under paragraph (a)(1)(i) of this section, a designated official who is an Administrator of a power administration or the head of a regional or district office or a field installation shall transmit a copy of the written approval to the principal departmental officer to whom the official or the official's organization reports under the organizational arrangement described in Part 1003 of Chapter X of this Title.

(d) Payment of travel expenses may not be made pursuant to an invitation to travel under paragraph (a)(1) or (a)(5) of this section unless the written approval and statement of reasons required by paragraph (a)(1) of this section, or the written determinations required by paragraph (a)(5) of this section, are made before the travel to be authorized by the invitation takes place.

§ 1060.201 Relatives and contractors excluded.

Notwithstanding any other provision in this part, a DOE employee may not authorize or approve, require another person to authorize or approve, or (except in the case of payment under § 1060.101(a)(4)) advocate the authorization or approval of, payment from DOE funds of travel expenses of a person who is not a Government employee and who is (a) the DOE employee's relative, or (b) in the case of payment under § 1060.101(a)(1), a DOE contractor or a DOE contractor's employee.

§ 1060.301 Government employees excluded.

Nothing in this part shall be interpreted as being applicable to authorization or approval of payment of travel expenses of Government employees, including DOE employees.

§ 1060.401 Applicability of internal DOE rules.

Payment of travel expenses under § 1060.101(a)(1)–(5) shall be subject to other Department rules relating to authorization of travel.

§ 1060.501 Definitions.

For purposes of this part—

(a) "Counselor" means the General Counsel of the Department or the General Counsel of the Federal Energy Regulatory Commission or their delegates, as appropriate.

(b) "Designated official" means (1) a principal departmental officer, (2) an individual who is appointed to a position in the Department by the President of the United States with the advice and consent of the Senate, (3) the Administrator of a power administration, or (4) the head of a regional or district office or a field installation (as defined in Part 1003 of Chapter X of this Title).

(c) "DOE" or "Department" means the Department of Energy established by the Department of Energy Organization Act, section 201, Pub. L. 95–91 (42 U.S.C. 7131).

(d) "Employee" means—

(1) An employee as defined by 5 U.S.C. 2105;

(2) A special Government employee as defined in 18 U.S.C. 202(a);

(3) A member of a Uniformed Service.

(e) "Handicapped individual" means a person who has a physical or mental disability or health impairment, and includes an individual who is temporarily incapacitated because of illness or injury.

(f) "Principal departmental officer" means the Secretary, Deputy Secretary, Under Secretary, or Chief Financial Officer of the Department, or, in the case of the Federal Energy Regulatory Commission, the Chairman or Executive Director of the Commission.

(g) "Relative" means, with respect to a DOE employee, an individual who is related to the employee, by blood, marriage, or operation of law, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandchild, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister, and shall also include the grandparent of an employee's spouse, an employee's fiance or fiancee, or any person residing in the employee's household.

[FR Doc. 81-8543 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1208

Miniature Christmas Tree Lights; Proposed Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Proposal to withdraw proposed standard.

SUMMARY: Based on information showing that there has been significant upgrading of voluntary standards to address the risks of injury from fire and shock associated with miniature Christmas tree lights, as well as information showing a decline in fire incidents from 1977 to 1980, the Commission proposes to withdraw its proposed standard for miniature Christmas tree lights. The proposed standard was published on May 3, 1978. March 15, 1981 is the date by which the Commission is now obligated to either publish a final standard or withdraw the proposal. Since the Commission wishes to obtain public comments on withdrawal of the proposed standard before the effective date of the withdrawal, the Commission extends its decision date from March 15, 1981 to September 15, 1981.

DATES: Comments, preferably in five copies, are due on or before May 19, 1981. Comments received after this date will be considered to the extent practicable.

ADDRESSES: Comments on this proposal to withdraw the proposed standard should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Copies of the staff briefing packages and related materials on miniature Christmas tree lights are available at the Office of the Secretary, 1111 18th Street NW., 3rd floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Carl W. Blechschmidt, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6557.

SUPPLEMENTARY INFORMATION: On May 3, 1978, the Commission proposed a standard under section 7 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2056) for miniature Christmas tree lights and similar miniature decorative lights in order to eliminate or reduce the risks of injury from electric shock and fires. (43 FR 19136) Based on information available at the time of the proposal the Commission preliminarily

determined that a consumer product safety standard was necessary to eliminate or reduce the unreasonable risks of injury from fires and electric shock associated with these products.

Since its formation in 1973, the Commission has received reports of incidents and injuries due to electric shocks and fires from miniature Christmas tree lights and similar miniature decorative lights. In 1974 a number of manufacturers voluntarily initiated a recall of certain lights as a result of reports received at that time and the encouragement of the Commission's staff.

The Commission initiated its standard development proceeding on March 31, 1977 (42 FR 17154) based primarily on the CPSC's 1975 Christmas Decorative Light Survey and technical analyses of Christmas light products. The 1975 survey involved the inspection of manufacturers, importers, and major retailers of miniature Christmas tree lights to identify hazardous products. From this survey, the Commission learned that defects in miniature Christmas tree light products could very likely lead to hazardous situations.

At the time the Commission initiated the standard development proceeding the Commission received information about two existing voluntary standards for miniature Christmas tree light products: Underwriters Laboratories Inc., (UL)—"Standard for Christmas Tree and Decorative Lighting Outfits—UL 588" (13th Edition, November 15, 1974, revised December 30, 1974 and February 4, 1976); and National Ornament and Electric Lights Christmas Association (NOEL)—"NOEL Standard Midget Sets, September 16, 1975. The Commission recognized at that time that although the voluntary standards included many beneficial features, application of those standards as they existed would not eliminate or sufficiently reduce the unreasonable risks of injury. (43 FR 19137) During the rulemaking proceeding the Commission staff continued to work with the voluntary standards organizations in an effort to encourage improvements in the voluntary standards.

In response to the Commission's work, in July, 1978 UL revised its existing standard to include virtually all of the requirements in the Commission's proposed standard. In addition, NOEL indicated in October 1978 that it would amend its standard to include the provisions of the standard recommended to the Commission by the National Consumers League. On March 9, 1979, after considering the existing information on the improvements in the voluntary standards, the Commission extended, until March 15, 1981 the date by which it must either publish a final standard or withdraw the proposed standard. (44 FR 13040) The reason for the extension was to allow the Commission additional time in which to monitor the voluntary standards before making any decision that a mandatory standard is not necessary to protect the public.

Since that time, the staff has provided the Commission with eight progress reports concerning the status of the voluntary standards. The Commission staff's efforts to monitor the voluntary standard development show that UL has in fact, adopted the provisions of the Commission's proposed standard and has, in addition, adopted certain provisions for larger size parallel connected light strings. The staff reports also show that NOEL has adopted the provisions of the NCL standard, with the exception of one testing requirement.

The Commission has sponsored a project with the National Bureau of Standards (NBS) to monitor the degree of compliance with the voluntary standards for the 1980 Christmas season. The results of these tests showed a disappointing level of conformance with the voluntary standards. However, the lights tested represented the first production year for lights manufactured to meet the newly upgraded standards, so that some failures because of quality control problems could be corrected in a second production year. In the NBS tests, there were serious deviations from compliance with the voluntary standards. Thirty-six percent of the UL models tested and 92 percent of the NOEL models tested had more than one failure for more than one test requirement. (The non-UL and non-NOEL models tested had conformance results that were between those of the UL and NOEL models.) To help address this situation the Commission staff has contacted the manufacturers of the models that were found not to comply with the voluntary standards, and informed of the non-compliance. The staff has requested these manufacturers to provide information as to why the lights do not conform to the voluntary standard requirements and to advise the Commission of any steps to assure future conformance. The Commission staff has also contacted UL and NOEL about the test results. In response to these inquiries, UL has indicated that it is interested in following up on deficiencies under its compliance program. NOEL has indicated that it will make arrangements with a third party laboratory to offer a third party certification program to individual members of the association, and will encourage members to use third party certification on an individual basis.

The staff has also examined the reported incidents of injuries and fires associated with miniature Christmas tree lights from 1977–1980. Based on this examination, the number of fires involving Christmas tree lights appears to have decreased in the 1980 Christmas season compared to previous years. From 1977–1979, there were an estimated 150 fires each year caused by miniature Christmas tree lights based on U.S. Fire Administration data. Although the data collection for 1980 is not yet complete, the number of fires reported to the Commission from newspaper clippings and consumer complaints in the 1980 Christmas season show a decline from those in previous years—from 41 in 1977, 37 in 1978, and 40 in 1979 to 25 in 1980. There have been no shock injuries reported from 1977–1980, except for those involving consumer abuse. The number of reported incidents involving melting or overheating of component parts has been decreasing continuously since 1977, from 53 in 1977 to 13 in 1980.

The Commission staff estimates that in 1980, 38.5 million miniature Christmas tree lights were imported into the United States. Over 35 million were imported from Taiwan and Korea. Only a small number of miniature christmas tree lights were produced in the United States. The staff estimates that by 1979, over 50 percent of miniature Christmas tree lights were UL listed. (In 1974 less than 20 percent of miniature Christmas tree lights were UL listed.)

Summary and Conclusion

Based on the foregoing information, the Commission has decided to propose to withdraw its proposed standard for miniature Christmas tree lights and similar miniature decorative lights. There has been a significant upgrading in the voluntary standards for the product, covering approximately 90 percent of the entire industry, as a result of the Commission's efforts over the past few years to improve the safety of the product. The gross hazards of exposed live parts, melting, and short circuits have largely been resolved. The voluntary standards, if met by industry members, will sufficiently reduce the risks of injury from fire and shock with miniature Christmas tree lights. In addition, the Commission notes that there has been a reduction in the number of reported fires associated with the product in 1980, as well as a continuous reduction in melting and

overheating incidents since 1977. Also there have been no injuries from electrical shock except those caused by consumer abuse. The Commission, therefore, concludes that a standard for miniature Christmas tree lights is not reasonably necessary at this time to eliminate or reduce the risks of injury from fire and electric shock associated with the products.

The Commission, however, remains concerned about the level of conformance to the voluntary standards, and has instructed the staff to monitor the industry's compliance with these standards. This continued monitoring should enable the Commission to respond in an expeditious fashion to any need for future regulation in this area. If in the future, the Commission becomes aware of significant violations of the voluntary standards that result in serious risks of injury from fire and shock, the Commission will consider the need for action under section 15 of the CPSA (15 U.S.C. 2064). Moreover, manufacturers (including importers), distributors, and retailers of miniature Christmas tree lights who obtain information supporting the conclusion that the product contains a defect which could create a substantial product hazard must immediately inform the Commission in accordance with section 15(b) of the act and the Commission's regulations at 16 CFR Part 1115.

In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) the Commission certifies that the proposed rule withdrawing the proposed standard for miniature Christmas tree lights will not, if issued, have a significant economic impact on a substantial number of small entities. In contrast with a final regulation with requirements that are being or will be enforced, the proposed standard which is proposed to be withdrawn at this time is not binding, creates no obligations, and has no legal impact. Thus, any action to withdraw the proposed standard will also not have a significant impact on small entities.

Accordingly, pursuant to section 9(a)(1)(B) of the CPSA, the Commission proposes to withdraw proposed Part 1208 and solicits public comment on this proposal.

In order to receive and evaluate comments on this proposal, the Commission, for good cause as an administrative matter, extends from March 15, 1981 to September 15, 1981 the date by which it must either publish a final standard or withdraw the proposal.

Dated: March 17, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-8653 Filed 3-19-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CRF Part 106

[Docket No. 80N-0025]

Infant Formula Quality Control Procedures; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its proposal to establish a new Part 106 (21 CFR Part 106), that would require quality control procedures for the manufacture of infant formula products. FDA is granting this extension in response to several requests.

DATE: Comments on the proposed rule by May 1, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Bureau of Foods (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 30, 1980 (45 FR 86362), FDA proposed to establish a new Part 106 (21 CFR Part 106) that would require quality control procedures for the manufacture of infant formula products. The proposed regulations specify a systematic procedure for sampling, testing, analyses, and recordkeeping for in-process and finished formulas. The proposed regulations also would require manufacturers to establish the following: an acceptance protocol for ingredients assuring that they conform to strict specifications for composition and purity; an in-process operational control program of ingredient addition, blending, homogenization, and standardization; and a finished product evaluation system that specifies sampling frequency and an analytical format that defines product release ranges at which the product may be shipped. The proposal is intended to ensure that infant formula products contain the necessary nutrients at the specified levels as required by the Infant Formula Act of 1980. Written comments were to be submitted on or before March 2, 1981.

FDA has received requests for an extension of the comment period from The Infant Formula and Nutrition Organization, also known as FORMULA, Gerber Products Company and the American Medical Association. The requests are on file with the Dockets Management Branch, FDA.

After carefully evaluating the requests, FDA has concluded that an extension is appropriate to provide adequate time to prepare responses to the proposed regulations. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested parties have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended an additional 60 days.

Interested persons may, on or before May 1, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8356 Filed 3-19-81; 11:20 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1783-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On February 4, 1981, a notice of proposed rulemaking for the San

Diego Air Basin nonattainment area plan was published concerning volatile organic compound (VOC) rules. The notice provided a 30-day public comment period. During the comment period, the EPA Regional Office received several requests to extend the comment period.

DATES: This notice officially revises the public comment period and extends the comment period to April 8, 1981.

FOR FURTHER INFORMATION CONTACT: Doug Grano, (415) 556-3308.

Dated: March 12, 1981.

Sheila M. Prindiville,

Acting Regional Administrator.

[40 FR Doc. 81-8999 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

41 CFR Part 101-7

Federal Travel Regulations

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to revise the Federal Travel Regulations (FTR), FPMR 101-7, to update and improve relocation allowances for Federal employees who are transferred in the interest of the Government. These proposed changes are the result of a comprehensive study of the adequacy of employee relocation allowances recently conducted jointly by GSA and the Office of Personnel Management (OPM) in coordination with the Office of Management and Budget (OMB).

DATE: Comments and recommendations must be received on or before May 19, 1981.

ADDRESS: Written comments should be sent to the General Services Administration (TTT), 425 I Street, NW., Room 3112, Washington, D.C. 20405. GSA will review all comments and modify the final regulations as considered appropriate.

FOR FURTHER INFORMATION CONTACT: Phyllis Hickman, Federal Travel Management Division (202-275-0661).

SUPPLEMENTARY INFORMATION: Executive Order 11609 (July 22, 1971) and the Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975) authorized the Administrator of General Services to prescribe the regulations necessary to administer subchapters I and II of chapter 57 of title 5, United States Code, governing per diem, travel, transportation, and relocation allowances and entitlements for Federal civilian employees. Under this authority, GSA proposes to revise the Federal Travel Regulations (FTR), FPMR 101-7, to improve relocation allowances for Federal civilian employees transferred in the interest of the Government. These proposed changes reflect the recommendations of a comprehensive study of the adequacy of employee relocation allowances conducted jointly by GSA and OPM in coordination with the Office of Management and Budget (OMB). This review was conducted because of agency complaints that financial hardships were making it difficult to get well-qualified and experienced personnel to relocate in the interest of the Government. The GSA/OPM review group surveyed Federal civilian employees and their employing agencies to determine the changes necessary to alleviate some of the financial burdens being encountered by transferred employees.

Questionnaires were sent to 35 Federal headquarters agencies soliciting their views and recommendations for changes to the FTR. In addition, a survey sampling of employees who moved during Fiscal Year 1979 was conducted to obtain actual costs and other related problems encountered during their relocation. Sufficient data received from Federal agencies and those selected employees enabled the GSA to recommend the following proposed regulatory changes to the existing FTR allowances while other recommendations received will require statutory action. GSA has forwarded a draft legislative package to OMB for consideration.

Also included in this regulatory proposal are recommendations to modify certain travel allowances. These recommended changes are based on several employee suggestions already on file with GSA.

To assist interested parties in understanding the extent of the proposed changes to the FTR, the following explanation is furnished:

a. Paragraph 1-2.3c is revised to permit agencies to restrict reimbursement for the use of taxicabs or place a monetary limit on the amount of reimbursement under certain circumstances.

b. Paragraph 1-4.2c(3) is renumbered to read 1-4.2c(4) and a new paragraph 1-4.2c(3) is added to allow reimbursement for actual mileage incurred between home, office, and common carrier terminals, when a privately owned automobile is used on a voluntary basis to transport fellow travelers in connection with official travel.

c. Paragraph 2-1.4d(1)(b) is revised to expand the definition of "immediate family" to provide for the travel costs of a child born after the employee reports for duty at the new official station, if the spouse's travel to the new station at Government expense is prevented because of advanced stage of pregnancy, and paragraph 2-1.4h is revised for clarification and to include additional items which can be shipped as household goods.

d. Paragraph 2-2.3b is revised to increase the permanent change of station mileage reimbursement rate to reflect the current airline fare level, and paragraph 2-2.3c is revised to reference the applicable privately owned vehicle mileage reimbursement rate as prescribed.

e. Paragraph 2-3.1b(5) is revised to allow reimbursement under the miscellaneous expenses allowance for unrefundable or nontransferable contract costs incurred for private institutional care for handicapped dependents.

f. Paragraph 2-3.3a (1) and (2) are revised to increase the miscellaneous expense flat rate allowances from $100 to $200 for an employee without immediate family and $200 to $400 for an employee with immediate family.

g. Paragraph 2-4.1a is revised to allow reimbursement for separate househunting trips for the employee and spouse, limited to the cost of one round-trip for employee and spouse traveling together, and paragraph 2-4.2 is revised to extend the maximum period of time to seek housing from 6 to 10 calendar days.

h. Paragraph 2-5.2c is revised to permit payment of temporary quarters subsistence expenses when the temporary quarters occupied ultimately become the employee's permanent residence, if the agency can establish that the original intent was to occupy the residence temporarily, and paragraph 2-5.2g is revised for clarity.

i. Paragraph 2-5.4c is revised to allow temporary quarters subsistence allowance reimbursement to the employee for the first 10-day period up to the maximum per diem rate prescribed for the locality (e.g., conterminous United States or nonforeign area) in which the temporary quarters are located instead of the current 75-percent limitation.

j. Paragraph 2-6.1e is revised to extend the residential transaction eligibility period for an additional year beyond the current 2-year period when necessary.

k. Paragraph 2–6.2d is revised to allow reimbursement of the loan origination fee incurred when buying a new residence, and paragraph 2–6.2g is revised to increase the maximum reimbursement limitation for the sale of a residence from $8,000 or 10 percent of the price, whichever is the lesser amount, to $15,000 or 10 percent of the price, whichever is the lesser amount; and the limitation on the purchase of a new residence is increased from $4,000 or 5 percent of the price, whichever is the lesser amount, to $5,000 or 5 percent of the price, whichever is the lesser amount.

l. Paragraph 2–8.2a is revised to allow the same maximum weight allowance for shipment of household goods for all employees regardless of family status, and paragraph 2–8.2c is revised to extend the household goods temporary storage period from 60 to 90 days and to give agencies the authority to allow an additional 90 days under certain conditions.

Note.—The General Services Administration has determined that this proposal will not be considered a major rule under E.O. 12291 of February 17, 1981, because it is not likely to: have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or result in significant adverse effects.

Accordingly, it is proposed to amend the Federal Travel Regulations (FPMR 101–7) as follows:

Chapter 1. Travel Allowances

Part 2. Transportation Allowable

1. Paragraph 1–2.3c is revised to read as follows:

1–2.3. Local transportation.

* * * * *

c. *To and from carrier terminals.* (1) Reimbursement will be allowed for the usual taxicab and airport limousine fares, plus tip, between a common carrier or other terminal and either the employee's home of official duty station or place of lodging at a temporary duty point, or between the airport and airport limousine terminal.

(2) However, an agency shall restrict the use of taxicabs hereunder or place a monetary limit on the amount of taxicab reimbursement when:

(a) Suitable Government or common carrier transportation service, including airport limousine service, is available for all or part of the distance involved, or

(b) Courtesy transportation service is provided by hotels/motels between the place of lodging at the temporary duty site and the common carrier terminal.

* * * * *

Part 4. Reimbursement for Use of Privately Owned Conveyances

2. Paragraph 1–4.2c(3) is renumbered to read 1–4.2c(4) and a new paragraph 1–4.2c(3) is added to read as follows:

1–4.2. When use of a privately owned conveyance is advantageous to the Government.

* * * * *

c. * * *

(3) *Privately owned conveyance instead of taxicab used to transport other employees between residence, office, and common carrier terminals.* Instead of payment under (2) and (3) above, payment may be made on the basis of actual mileage incurred at the rate of 22.5 cents per mile without the taxifare limitation when an employee uses a privately owned conveyance to pick up and transport other employees traveling between home, office, and common carrier terminals incident to a temporary duty assignment. Employee participation under this provision is voluntary.

* * * * *

h. *Household goods.* (1) All personal property associated with the home and all personal effects belonging to an employee and the immediate family when shipment or storage begins, which can be legally accepted and transported as household goods by an authorized commercial carrier in accordance with the rules and regulations established or approved by an appropriate Federal or State regulatory authority, except the following:

(a) Boats and airplanes;

(b) Live animals, birds, fowls, and reptiles;

(c) Cordwood and building materials;

(d) Property for resale, disposal, or commercial use rather than for use by the employee or the immediate family; and

(e) A privately owned motor vehicle that:

(i) Is self-propelled;

(ii) Is required to be licensed to travel overland on the public highways;

(iii) Has four or more wheels;

(iv) Is designed to carry passengers or property; and

(v) Is not owned by the Government and is in the possession of and used by the employee or the immediate family for the primary purpose of providing personal transportation.

(2) A vehicle with two or three wheels may be shipped as household goods or, if authorized, may be shipped as a privately owned vehicle under Part 10 of this chapter.

(3) Generally carriers' tariffs prohibit household goods carriers from accepting the articles listed below for shipment. Agencies are advised to consult applicable tariffs or to contact the carrier involved if problems arise concerning shipment of the following prohibited articles:

(a) Property liable to impregnate or otherwise damage equipment or other property (e.g., hazardous articles, including explosives, flammable and corrosive materials, poisons, etc.).

(b) Articles which cannot be taken from the premises without damage to the article or the premises.

(c) Perishable articles, including frozen foods, articles requiring refrigeration, or perishable plants unless:

(i) Shipment is to be transported not more than 150 miles and/or delivery accomplished within 24 hours from the time of loading.

(ii) No storage of shipment is required, and

(iii) No preliminary or enroute servicing or watering or other preservative method is required of the carrier.

(4) Items of extreme value or sentiment are not provided special security. Employees and their immediate families are advised to personally transport these items.

* * * * *

Chapter 2. Relocation Allowances

Part 1. Applicability and General Rules

3. Paragraphs 2–1.4d(1)(b) and 2–1.4h are revised to read as follows:

2–1.4. Definitions.—As used in these regulations, and unless otherwise specifically provided in these regulations, the following definitions apply:

* * * * *

d. * * *

* * * * *

(b) Children of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (The term "children" shall include natural offspring; stepchildren; adopted children; grandchildren, legal minor wards, or other dependent children who are under legal guardianship of the employee or employee's spouse; and a child born after the employee's effective date of transfer when the travel of the employee's expectant spouse to the new official station is prevented at the time of the transfer because of advanced stage of pregnancy or other reasons acceptable to the agency concerned.)

* * * * *

Part 2. Allowances For Subsistence and Transportation

4. Paragraphs 2–2.3 b and c are revised to read as follows:

2–2.3. For use of a privately owned automobile in connection with permanent change of station.

* * * * *

b. *Mileage rates prescribed.* Payment of mileage allowances when authorized or approved in connection with transfer shall be allowed as follows:

Occupants of automobile	Mileage rate (cents)
Employee only; or one member of immediate family	15
Employee and one member; or two members of immediate family	17
Employee and two members; or three members of immediate family	19
Employee and three or more members; or four or more members of immediate family	21

c. *Mileage rates in special circumstances.* Heads of agencies may prescribe that travel orders or other administrative determinations specify higher mileage rates at a rate not more than the maximum rate prescribed in 1–4.2a(2) for individual transfers of employees or transfers of groups of employees when:

* * * * *

Part 3. Allowances for Miscellaneous Expenses

5. Paragraph 2–3.1b(5) is revised to read as follows:

2–3.1. Applicability.

* * * * *

b. * * *

(5) Forfeiture losses on medical, dental, and food locker contracts that are not transferable; and contracts for private institutional care, such as that provided for handicapped or invalid dependents only, which are not transferable or refundable; and

* * * * *

6. Paragraphs 2–3.3a(1) and (2) are revised to read as follows:

2–3.3. Allowable Amount.

* * * * *

a. * * *

(1) $200 or the equivalent of 1 week's basic pay, whichever is the lesser amount, for an employee without immediate family; and

(2) $400 or the equivalent of 2 week's basic pay, whichever is the lesser amount, for an employee with immediate family.

* * * * *

Part 4. Travel to Seek Residence Quarters

7. Paragraph 2–4.1a is revised to read as follows:

2–4.1. Applicability of and general policy for authorizing travel to seek residence quarters.

a. Payment of travel and transportation expenses of the employee and spouse traveling together, or the employee and spouse traveling separately provided the cost is limited to the cost of one round trip for the employee and spouse together, between the localities of the old and new duty stations to seek housing, may be authorized when circumstances warrant. A round trip performed by the employee for this purpose must be accomplished before reporting to the new official station. This trip by the spouse traveling separately or traveling with the employee may be accomplished at any time before relocation of the family to the new official station but not after the expiration of the maximum time for beginning allowable travel and transportation. (See paragraph 2–1.5a(2).) An appropriate official of the agency who will be responsible for payment of the travel and transportation allowances for the employee shall decide whether this trip should be authorized.

* * * * *

8. Paragraph 2–4.2 is revised to read as follows:

2–4.2. Duration of trip. The round trip should be allowed for a reasonable period of time considering distance between the old and new official stations, mode of transportation to be used, and the housing situation at the new official station location. In no instance shall the period of the round trip at Government expense be allowed in excess of 10 calendar days, including travel time. In authorizing or allowing a particular mode of transportation, consideration shall be given to providing minimum time en route and maximum time at the new official station locality. Accordingly, if the use of a privately owned automobile is permitted, this use is considered advantageous to the Government and the mileage allowance shall be as provided in paragraphs 2–2.3b and c. Reasonable expenses for local transportation at the location of the new official station shall be allowed. Agencies may authorize local transportation by common carrier, local transit systems, GSA contract rental or other commercially rented automobiles, or privately owned automobiles; however, the mode of local transportation must be consistent with the mode of transportation authorized for travel to and from the new official station. Expenses for the use of taxis shall be limited to transportation between depots, airports, or other carrier terminals and place of lodging.

Part 5. Subsistence While Occupying Temporary Quarters

9. Paragraphs 2–5.2 c and g are revised to read as follows:

2–5.2. Conditions and limitations for eligibility.

* * * * *

c. *What constitutes temporary quarters.* Generally, the term "temporary quarters" refers to lodging obtained from private or commercial sources for the purpose of temporary occupancy after vacating the residence occupied when the transfer was authorized. However, occupancy of temporary quarters that eventually becomes the employee's permanent residence shall not prevent payment of temporary quarters allowance if, in the agency's judgment, the employee shows satisfactorily that the quarters occupied were intended initially to be only temporary.

* * * * *

g. *Effect of partial days.* (1) The following guidelines shall be used for determining the eligibility period for temporary quarters, subsistence expense reimbursement and in computing maximum reimbursement when occupancy of temporary quarters for reimbursement purposes occurs the same day that en route travel per diem ends:

(a) For en route travel of more than 24 hours, reimbursement for temporary quarters subsistence expenses shall start at the beginning of the calendar day quarter immediately following termination of the en route travel per diem. This will be considered the first full day of the entitlement period for the purpose of computing maximum reimbursement.

(b) For en route travel of 24 hours or less, reimbursement for temporary quarters subsistence expenses shall start at the beginning of the same calendar day quarter in which en route travel per diem ends upon arrival at destination. This will be considered the first full day of the entitlement period for the purpose of computing maximum reimbursement.

(2) In all other cases, the temporary quarters period shall start with the first quarter of the calendar day in which temporary quarters subsistence expense reimbursement is claimed: *Provided,* That temporary quarters are occupied during that calendar day.

(3) The temporary quarters period shall terminate at midnight of the last day of eligibility.

* * * * *

10. Paragraph 2–5.4c is revised to read as follows:

2–5.4. Allowable amount.

* * * * *

c. *Computation of maximum.* The amount which may be reimbursed for temporary quarters subsistence expenses shall be the lesser of either (1) the actual amount of allowable expense incurred for each 10-day period or (2) the amount computed as follows:

(1) *For the first 10 days.* (a) For the employee, a daily rate not more than the maximum per diem rate prescribed for the locality in which the temporary quarters are located (see 1–7.2 a or b); and

(b) For each member of the employee's immediate family, two-thirds of the employee's daily rate established in (a), above.

(2) *For the second 10 days.* (a) For the employee, two-thirds of the daily rate established for the employee for the first 10 days in 2–5.4c(1)(a); and

(b) For each member of the employee's immediate family, two-thirds of the daily rate established for members of the immediate family for the first 10 days in 2–5.4c(1)(b).

(3) For the third 10 days and for any portion of an authorized additional 30–day period. (a) For the employee, one-half of the daily rate established for the employee for the first 10 days in 2–5.4c(1)(a).

(b) For each member of the employee's immediate family, one-half of the daily rate established for members of the immediate family for the first 10 days in 2–5.4c(1)(b).

* * * * *

Part 6. Allowances for Expenses Incurred in Connection With Residence Transactions

11. Paragraph 2–6.1e is revised to read as follows:

2–6.1. Conditions and requirements under which allowances are payable.

* * * * *

e. *Time limitation.* The settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested are not later than 1 (initial) year after the date that the employee reported at the new official station. Upon an employee's written request, this time limit for completion of the sale and purchase or lease termination transaction may be extended by the head of the agency or a designee, for an additional period of time not to exceed 1 year regardless of the reasons, if it is determined that the particular residence transaction is reasonably related to the transfer of official station. Further, when extenuating circumstances prevent the employee from completing the sale and purchase or lease termination transactions in the above time frame, upon an employee's written request, the time limit may be extended beyond the 2–year period for an additional period of time not to exceed 1 additional year, by the agency head or a designee. Agencies are advised to carefully review the employee's request to ensure that the circumstances for the request indicate the additional time is necessary and the sale and/or purchase in reasonably related to the transfer.

* * * * *

12. Paragraphs 2–6.2 d and g are revised to read as follows:

2–6.2. Reimbursable and nonreimbursable expenses.

* * * * *

d. *Miscellaneous expenses*—(1) *Reimbursable items.* The expenses listed below are reimbursable in connection with the sale and purchase of residences, provided they are customarily paid by the seller of a residence in the locality of the old official station or by the purchaser of a residence at the new official station to the extent they do not exceed amounts customarily paid in the locality of the residence.

(a) FHA or VA fee for the loan application;

(b) Loan origination fee;

(c) Costs of preparing credit reports;

(d) Mortgage and transfer taxes;

(e) State revenue stamps;

(f) Other fees and charges similar in nature to those listed above, unless specifically prohibited in (2), below;

(g) Charge for prepayment of a mortgage or other security instrument in connection with the sale of a residence at the old official station to the extent the terms in the mortgage or other security instrument provide for this charge. This prepayment penalty is also reimbursable when the mortgage or other security instrument does not specifically provide for prepayment, provided this penalty is customarily charged by the lender but in that case the reimbursement may not exceed 3 months' prevailing interest on the loan balance.

(h) Mortgage title policy paid for by the employee on a residence purchased by the employee for the protection of, and required by, the lender;

(i) Owner's title policy, provided it is a prerequisite to financing or the transfer of property; or the cost of the owner's title policy is inseparable from the cost of other insurance, which is a prerequisite to financing or the transfer of property;

(j) Expenses in connection with construction of a residence, which are comparable to expenses that are reimbursable in connection with the purchase of an existing residence;

(2) *Nonreimbursable items.* Except as specifically provided in (1), above, the following items of expense are not reimbursable:

(a) Owner's title policy, "record title" policy, mortgage insurance or insurance against loss or damage of property, and optional insurance paid for by the employee in connection with the purchase of a residence for the protection of the employee;

(b) Interest on loans, points, and mortgage discounts;

(c) Property taxes;

(d) Operating or maintenance costs;

(e) No fee, cost, charge, or expense determined to be part of the finance charge under the Truth in Lending Act, Title I, Pub. L. 90–321, and Regulation Z issued in accordance with Pub. L. 90–321 by the Board of Governors of the Federal Reserve System, unless specifically authorized in (1), above; and

(f) Expenses that result from construction of a residence.

* * * * *

g. *Overall limitations.* The total amount of expenses that may be reimbursed is as follows:

(1) In connection with the sale of the residence at the old official station, reimbursement shall not exceed 10 percent of the actual sale price or $15,000, whichever is the lesser amount.

(2) In connection with the purchase of a residence at the new official station, reimbursement shall not exceed 5 percent of the purchase price or $5,000, whichever is the lesser amount.

* * * * *

Part 8. Transportation and Temporary Storage of Household Goods

13. Paragraphs 2–8.2a and c are revised to read as follows:

2–8.2. General limitations.

a. *Maximum weight allowance.* The maximum weight of household goods that may be transported or stored in connection therewith at Government expense is limited to 11,000 pounds net weight for all employees. The total weight of household goods stored under 2–9.2 plus the weight of household goods transported under this Part 8 shall not exceed the above maximum weight allowance.

* * * * *

c. *Temporary storage time limit.* The time allowable for temporary storage in connection with an authorized shipment of household goods shall not exceed a period of 90 days. This time period also applies when an employee returns to his or her place of actual residence for leave before serving a new tour of duty outside the conterminous United States either at a different post of duty or at the same post of duty if the storage is provided instead of furnished quarters or a quarters allowance. However, upon an employee's written request, the initial 90 days period may be extended an additional period not to exceed 90 days under certain conditions if approved by the agency head or a designee. Justification for an additional storage period may include but is not limited to the following reasons:

(1) An intervening temporary duty or long term training assignment;

(2) Nonavailability of suitable housing;

(3) Completion of residence under construction;

(4) Serious illness of employee or illness or death of a dependent; or

(5) Strikes, acts of God, or other circumstances beyond the control of the employee.

* * * * *

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: February 26, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-8354 Filed 3-19-81; 8:45 am]

BILLING CODE 6820-AM-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6007]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Van Buren, Crawford County, Ark.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for partcipation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the Office of the Mayor, City Hall, 1000 East Main, Van Buren, Arkansas.

Send comments to: The Honorable Robert E. Bell, Mayor, City of Van Buren, 1000 East Main, Van Buren, Arkansas 72956.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Van Buren, Arkansas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zones and base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are as follows:

Source of flooding	Location	Elevation (NGDV)
Town Branch	At the southernmost corporate limits.	399
	At Oak Grove Road	404
	At Alma Boulevard	442
	Just upstream of North 24th Street.	462
	At the Limit of Detailed Study	483
Town Branch Overflow	At the confluence with Flat Rock Creek.	399
	Approximately 1,300 feet downstream from the confluence of Town Branch.	401
Flat Rock Creek	At the confluence with Town Branch Overflow.	399
	Approximately 300 feet downstream from Oak Grove Road.	401
	Just upstream of U.S. Routes 64 and 71.	429
	Approximately 1,500 feet upstream from U.S. Routes 64 and 71.	434
Arkansas River	At the westernmost corporate limits.	414

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 6, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-8384 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-4088]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for La Plata County, Colo.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in La Plata County, Colorado.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 FR 27197 and 27198 on June 23, 1978 and in the *Durango Herald*, published on or about May 22, 1978, and May 23, 1978, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the La Plata County Courthouse, 1060 Second Avenue, Durango, Colorado.

Send comments to: the Honorable R. T. Scott, P.O. Box 30220, Durango, Colorado 81301.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in La Plata County, Colorado, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground Elevation in feet (NGVD)
Animas River near Durango.	Along Denver and Rio Grande Western Railroad (River side of Railroad) approximate 0.2 mile north along U.S. Route 550 from Hospital in Durango.	*6,553
	Durango Corporate Limits at Station 66.28 upstream side.	*6,547
	Durango Corporate Limits at Station 62.40 downstream side.	*6,462
	La Posta Road (New Bridge) upstream side.	*6,454
	100 feet downstream of Old La Posta Road Bridge.	*6,449
Junction Creek	Private Drive Bridge No. 3 downstream side.	*6,776
	Private Drive Bridge No. 2 upstream side.	*6,767
	Private Drive Bridge No. 1 upstream side.	*6,754
Dry Gulch Creek	On Creek side of Dirt Road 0.8 mile north along Dirt Road from Y intersection in Durango (Dirt Road is parallel to Dry Gulch Creek).	*6,690
	Corporate Limits at Station 3,750 upstream side.	*6,690
Lightner Creek	Bridge No. 11 downstream side.	*7,160
	Bridge No. 10 upstream side	*6,908
	Bridge No. 9 upstream side	*6,806
	Bridge No. 8 downstream side	*6,711
	Bridge No. 4 upstream side	*6,586
	Bridge No. 3 upstream side	*6,548
Vallecito Creek	Upper County Road Bridge upstream side.	*7,835
	Upper County Road Bridge downstream side.	*7,833
	Lower County Road Bridge upstream side.	*7,690
	Lower County Road Bridge downstream side.	*7,686
	80 feet downstream of Lower County Road Bridge.	*7,686
Los Pinos River at Bayfield.	Highway 160 Bridge upstream side.	6,666
	Downstream of Bayfield Corporate Limits (approximately 1,300 feet downstream of Highway 160 (alternate) Bridge).	*6,664
Los Pinos River at Ignacio.	Bridge No. 2 upstream side	*6,480
	Bridge No. 2 downstream side	*6,477
	Bridge No. 1 upstream side	*6,441
Grimes Creek	First Private Drive downstream of Upper County Road.	*7,775
	Lower County Road Bridge upstream side.	*7,693
	Lower County Road Bridge downstream side.	*7,691

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–8688 Filed 3–19–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA 6012]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Connecticut et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4 (a)).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Franklin, Town, New London County	Susquetonscut River	Upstream of State Route 87	*128
			Upstream of Murphy Road	*140
			Approximately 1,680' upstream of Murphy Road	*146
			Approximately 3,175' downstream of Meeting House Hill Road.	*161
			Approximately 1,050' downstream of Meeting House Hill Road.	*161
			Downstream of Meeting House Hill Road	*206
		Yantic River	Approximately 430' downstream of Franklin Road	*117
			Approximately 140' upstream of Franklin Road	*117
	Maps available for inspection at the Office of the Planning Board, Franklin Town Hall, Meetinghouse Road, Franklin, Connecticut.			
	Send comments to Honorable Grace Curren, First Selectwomen of Franklin, Town Hall, Meetinghouse Road, Franklin, Connecticut 06254.			
Maine	Bridgton, Town, Cumberland County	Stevens Brook	Kansas Road	*336
			Approximately 100' downstream of Smith Avenue	*346
			Approximately 250' upstream of Smith Avenue	*358
			Approximately 90' downstream of footbridge (downstream footbridge).	*365
			Upstream of footbridge (downstream footbridge)	*374
			Approximately 70' downstream of Bisbee Dam	*380
			Upstream of Bisbee Dam	*380
			Upstream of Portland Street (U.S. Route 302)	*387
			Upstream of Main Street (U.S. Route 302)	*407
			Downstream of dam and footbridge	*417
			Upstream of dam and footbridge	*427
			Downstream of Highland Lake Dam	*428
		Willett Brook	Confluence with Stevens Brook	*403
			Upstream of Willett Road	*407
		Corn Shop Brook	Confluence with Stevens Brook	*403
			Upstream of Park Street	*405
		Long Lake	Entire shoreline within Corporate Limits	*274
		Highland Lake	Entire shoreline within Corporate Limits	*428
	Maps available for inspection at the Bridgton Municipal Building, 48 Main Street, Bridgton, Maine.			
	Send comments to Honorable Robert Hatch, Chairman of the Bridgton Board of Selectmen, Municipal Building, 48 Main Street, Bridgton, Maine 04009.			
Massachusetts	Bridgewater, Town, Plymouth County	Matfield River	Confluence with Taunton River	*33
			Downstream of West Pond Street	*33
			Upstream of West Pond Street	*35
		Sawmill Brook	Confluence with Taunton River	*23
			Downstream of State Routes 18 and 28	*23
			Upstream of State Routes 18 and 28	*25
			Approximately 1,400' upstream of State Routes 18 and 28.	*26
		Snows Brook	Confluence with Taunton River	*22
			Upstream of South Street	*31
			Approximately 1,200' downstream of Footbridge	*33
			Approximately 500' downstream of Footbridge	*35
			Downstream of Footbridge	*37
			Upstream of Footbridge	*38
			Approximately 1,100' downstream of Cross Street	*40
			Approximately 500' downstream of Cross Street	*42
			Downstream of Cross Street	*44
			Upstream of Cross Street	*48
			Approximately 500' upstream of Cross Street	*50
			Approximately 1,000' upstream of Cross Street	*53
			Approximately 1,500' upstream of Cross Street	*55
			Approximately 1,300' downstream of Forest Street	*58
			Approximately 700' downstream of Forest Street	*60
			Downstream of Forest Street	*62
			Upstream of Forest Street	*68
		South Brook	Confluence with Town River	*36
			Downstream of Water Street (Upper crossing)	*38
			Upstream of Water Street (Upper crossing)	*41
			Approximately 450' downstream of Conrail	*41
			Downstream of Conrail	*47
			Upstream of Conrail	*51
			Downstream of Summer Street	*51
			Upstream of Summer Street	*55
			Approximately 1,500' downstream of Bedford Street	*55
			Approximately 100' downstream of Bedford Street	*57
			Bedford Street	*64
		Taunton River	Corporate Limits	*21
			Downstream of Plymouth Street	*22
			Confluence of Sawmill Brook	*23
			Upstream of Bedford Street	*24
			Upstream of Titicut Street	*25
			Downstream of Woodward Bridge	*26
			Downstream of Auburn Street	*27
			Downstream of Cherry Street	*28
			Approximately 1,500' upstream of Cherry Street	*29
			Downstream of Dam	*30
			Downstream of Mill Street	*31
			Upstream of Mill Street	*32
			Confluence of Town and Matfield Rivers	*33
		Town River	Confluence with Taunton River	*33

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. ^Elevation in feet (NGVD)
			Approximately 580' upstream of confluence with Taunton River.	*35
			Approximately 2,000' upstream of Hayward Street	*36
			Upstream of Broad Street	*37
			Downstream of Oak Street	*38
			Upstream of Oak Street	*38
			Upstream of Dirt Road	*40
			Downstream of High Street	*41
			Upstream of High Street	*48
			Upstream Corporate Limits	*49
Maps available for inspection at the Engineering Office, Academy Building, Central Square, Bridgewater.				
Send comments to Honorable John Hickey, Selectman, Town Offices, Central Square, Bridgewater, Massachusetts 02324.				
Massachusetts	Dudley, Town, Worcester County	French River	Downstream of Perryville Road	*392
			Upstream of Perryville Road	*402
			Upstream of Hill Street	*411
			Upstream of Chase Avenue	*417
			Upstream of Peter Street	*421
			Downstream of Dam (Approximately 1,400' upstream of Peter Street).	*426
			Upstream of Dam (Approximately 1,400' upstream of Peter Street).	*435
			Downstream of Dam (Approximately 600' downstream of North Main Street).	*438
			Upstream of Dam (Approximately 600' downstream of North Main Street).	*453
		Quinebaug River	Downstream Corporate Limits	*356
			Approximately 3,700' upstream of State Route 131	*362
			Peck Avenue (Extended)	*370
			Downstream of Providence and Worcester Company Railroad.	*375
			Upstream of Boise Cascade Company Dam	*386
		Tributary 1	Mill Pond	*537
			Downstream of Mason Road	*545
			Approximately 1,000' upstream of Mason Road	*560
Maps available for inspection at the Selectmen's Office, Dudley Town Hall, Dudley, Massachusetts.				
Send comments to Honorable Shirley B. Killen, Chairman of the Board of Selectmen, Town Hall, Dudley, Massachusetts 02106.				
Massachusetts	Great Barrington, Town, Berkshire County	Housatonic River	Downstream Corporate Limits	*668
			Upstream of Bridge Street	*675
			Downstream of Breached Dam	*682
			Upstream of Breached Dam	*686
			Upstream of Division Street	*696
			Downstream of Rising Dam	*702
			Upstream of Rising Dam	*728
			Downstream of Monument Mills Building	*736
			Upstream Corporate Limits	*747
		Williams River	Confluence with Housatonic River	*693
			2.17 miles downstream of Conrail Bridge	*703
			Downstream of Conrail Bridge	*711
			Upstream of State Route 41	*719
			Upstream of Night Avenue	*728
			Upstream of foot path bridge	*736
			Upstream Corporate Limits	*744
		Green River	Confluence with Housatonic River	*669
			Upstream of Conrail	*673
			Downstream of Maple Avenue	*686
			Upstream of Rock Dam	*697
			Upstream of Hallburt Road	*708
			Downstream of Seekonk Cross Road	*716
			Approximately .50 mile downstream of Pumpkin Hollow Road.	*720
			Upstream Corporate Limits	*740
		Alford Brook	Confluence with Green River	*709
			Downstream of Private Road	*722
			Downstream of Seekonk Cross Road	*731
			Approximately .18 mile upstream Seekonk Cross Road	*745
			Approximately .185 mile downstream of Division Street	*753
			Upstream of Division Street	*763
			Approximately 1.2 miles upstream of Division Street	*779
Maps available for inspection at the Great Barrington Selectmen's Office, Great Barrington Town Hall, 334 Main Street, Great Barrington, Massachusetts.				
Send comments to the Honorable John Tuller, Chairman of the Great Barrington Board of Selectmen, Great Barrington Town Hall, 334 Main Street, Great Barrington, Massachusetts 02130.				
Massachusetts	Hancock, Town, Berkshire County	West Branch Green River	Corporate Limits	*1,001
			Approximately 2,500' upstream Corporate Limits	*1,029
			First Private Drive (upstream)	*1,085
			Approximately 2,500' upstream of first Private Drive	*1,107
			Second Private Drive (Upstream)	*1,142
			Approximately 4,600' upstream of second Private Drive	*1,215
		Kinderhook Creek	Corporate Limits	*955
			Downstream crossing State Route 43 (Upstream)	*998
			Private Drive (Upstream)	*1,020
			Upstream crossing State Route 43 (Upstream)	*1,024
			Potter Mountain Road	*1,035

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. ^Elevation in feet (NGVD)
Maps available for inspection at the Hancock Town Offices, Town Hall, Hancock, Massachusetts 01237.				
Send comments to Honorable Donald Ravenel, Chairman of the Hancock Board of Selectmen, Town Hall, Hancock, Massachusetts 01237.				
Massachusetts	Plympton, Town, Plymouth County	Winnetuxet River	Downstream Corporate Limits	^29
			Downstream of Winnetuxet Road	^40
			Upstream of Winnetuxet Road	^47
			Upstream of Dam above Winnetuxet Road	^56
			Approximately 1,550' upstream of Pasonagn Road	^66
			Upstream Corporate Limits	^76
Maps available for inspection at the Plympton Planning Office, Town Hall, Palmer Road, Plympton, Massachusetts.				
Send comments to Honorable David Barnes, Chairman of the Plympton Board of Selectmen, Plympton Town Hall, Palmer Road, Plympton, Massachusetts 02367.				
Massachusetts	Sudbury, Town, Middlesex County	Sudbury River	Downstream Corporate Limits	^122
			Upstream Corporate Limits (furthest upstream crossing).	^124
		Hop Brook	Confluence with Sudbury River	^123
			150' downstream of Boston Post Road	^130
			Upstream of Codjer Lane	^139
			Upstream of Dutton Road Dam	^159
			Downstream of Dutton Road (Upstream crossing)	^166
			Upstream of Cart Road Dam	^167
			Downstream of Calvin Howe Pond Dam	^199
			Upstream Corporate Limits	^213
		Landham-Allowance Brook	Downstream Corporate Limits	^123
			Upstream Corporate Limits	^134
		Dudley Brook	Confluence with Hop Brook	^139
			Upstream of Horse Pond Road	^149
			Approximately 900' upstream of Bent Road	^155
		Run Brook	Confluence with Hop Brook	^149
			Upstream of Hudson Road	^169
			Approximately 175' downstream of Fairbanks Road	^175
		Pantry Brook	Confluence with Sudbury River	^122
			Approximately 100' upstream of Marlborough Road	^142
Maps available for inspection at the Office of the Sudbury Town Clerk, Sudbury, Massachusetts.				
Send comments to Honorable William J. Cofflott, Chairman of the Sudbury Board of Selectmen, Town Offices, Sudbury, Massachusetts 01776.				
Massachusetts	Webster, Town, Worcester County	French River	Approximately 1,200' downstream of downstream Corporate Limits.	^392
			Downstream Corporate Limits	^402
			Upstream of Providence & Worcester Railroad	^406
			Upstream of Chase Avenue	^417
			Upstream of Peter Street	^421
			Downstream of dam located approximately 1,800' upstream of Peter Street.	^426
			Upstream of dam located approximately 1,800' upstream of Peter Street.	^435
			Downstream of dam located approximately 650' downstream of North Main Street.	^436
			Upstream of dam located approximately 650' downstream of North Main Street.	^453
			Confluence of Mill Brook	^453
			Upstream Corporate Limits	^454
		Mill Brook	Confluence with French River	^453
			Approximately 1,250' upstream of Arlewright Road	^466
Maps available for inspection at the Engineer's Office, Webster Town Hall, Webster, Massachusetts.				
Send comments to Honorable Michael Mangan, Chairman of the Webster Board of Selectmen, Town Hall, Main Street, Webster, Massachusetts 01570.				
Massachusetts	West Stockbridge, Town Berkshire County	Williams River	Upstream Great Barrington Road (State Route 41)	^854
			Downstream Main Alford Road	^868
			Approximately 450' upstream of Logging Road	^880
			Upstream Hotel Street	^883
		Cone Brook	Downstream Cone Hill Road	^914
			Approximately 800' upstream Farm Road	^924
Maps available for inspection at the West Stockbridge Town Offices, Main Street, West Stockbridge, Massachusetts.				
Send comments to Honorable Lena Consolini, Chairwoman of the West Stockbridge Board of Selectmen, Town Offices, Main Street, West Stockbridge, Massachusetts 01266.				
Massachusetts	Winchendon, Town, Worcester County	Millers River	Approximately 4,825' upstream of River Street	^854
			Approximately 2,280' downstream from Brown Street	^875
			Approximately 280' downstream from Brown Street	^895
			Approximately 370' upstream of Brown Street	^903
			Approximately 100' upstream of U.S. Route 202	^912
			Approximately 1,160' upstream of U.S. Route 202	^922
			Downstream of Tannery Dam	^934
			Upstream of Tannery Dam	^941
			Downstream of Mason and Parker Dam	^952
			Downstream of Winchendon Electric Light and Power Company (WELPCO) Dam.	^959
			Upstream of WELPCO Dam	^973
			Upstream of Pumping Station Access Road	^981
			Approximately 2,375' upstream, of 3rd Boston and Maine Railroad crossing from upstream Corporate Limits.	^983
			Downstream crossing of Spring Street	^1,006

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 3,250' downstream of upstream crossing of Spring Street.	*1,015
			Upstream Corporate Limits	*1,026
		North Branch Millers River	Confluence with Millers River	*975
			Approximately 1,690' downstream of Maple Street.	*995
			Upstream of Maple Street	*1,011
			Upstream of U.S. Route 202	*1,020
Maps available for inspection at the Selectmen's Office, Winchendon Town Hall, Winchendon, Massachusetts.				
Send comments to Honorable Burton Gould, Chairman of the Winchendon Board of Selectmen, Town Hall, Winchendon, Massachusetts 01475.				
Mississippi	City of Pearl, Rankin County	Conway Slough	Just upstream of U.S. Highway 49	*266
			Just downstream of Old Brandon Road	*269
		Neeley Creek (Right Channel)	Approximately 300 feet upstream of confluence of Prairie Branch Canal.	*286
		Neely Creek (Left Channel)	Just upstream of North Biedeman Road	*275
			Just downstream of U.S. Highway 80	*276
			Just downstream of Old Brandon Road	*281
		Neely Creek Tributary 2	Just upstream of North Biedeman Road	*273
			Just downstream of Illinois Central Gulf Railroad Spur	*274
		Prairie Branch Canal	Just downstream of confluence with Neely Creek (Right Channel).	*286
		Richland Creek	Just upstream of Pearson Road	*283
			Just upstream of Richland Avenue extended	*284
		Richland Creek Tributary 1	Just downstream of Illinois Central Gulf Railroad	*289
			Just upstream of Old Whitfield Road	*304
Maps available for inspection at the City Hall, P.O. Box 5948, Pearl, Mississippi 39208.				
Send comments to Mayor Vaughn Galloway or Ron Morgan, Assistant Mayor, City Hall, P.O. Box 5948, Pearl, Mississippi 39208.				
Missouri	(Unincorporated) Cole County	Missouri River	At eastern county boundary	*547
			At confluence of Moreau River	*552
			At western corporate limit of City of Jefferson	*559
			At confluence of Moniteau Creek	*568
			At upstream county boundary (with Moniteau County)	*573
		Osage River	At eastern county boundary	*545
			At U.S. Highway 50–63	*545
		Moreau River	Approximately 920 feet downstream of Bald Hill Road	*558
			Approximately 1280 feet upstream of Bald Hill Road	*559
			Approximately 2650 feet downstream of County Route B.	*567
			Just upstream of County Route B	*568
		Wears Creek (Frog Hollow)	At western Jefferson City corporate limits	*583
			Approximately 2050 feet upstream of Jefferson City corporate limits.	*586
			Approximately 1.8 miles upstream of Jefferson City corporate limits.	*607
		Frog Hollow Tributary	At confluence with Wears Creek	*614
			Approximately 2580 feet upstream of confluence with Wears Creek (Frog Hollow).	*644
		Dickerson Creek	Approximately 1300 feet downstream of U.S. Highway 50.	*646
			Just upstream of U.S. Highway 50	*650
			Approximately 150 feet upstream of Apache Trail	*685
			Approximately 0.8 mile upstream of Apache Trail	*728
		Dickerson Creek Tributary No. 1	At confluence with Dickerson Creek	*647
			Just upstream of U.S. Highway 50	647
			Approximately 630 feet upstream of U.S. Highway 50	*652
		Dickerson Creek Tributary No. 2	At confluence with Dickerson Creek	*699
			Approximately 570 feet upstream of confluence with Dickerson Creek.	*704
			Approximately 3250 feet upstream of confluence with Dickerson Creek.	*739
Maps available for inspection at the Public Works Department, Cole County Courthouse, Jefferson City, Missouri.				
Send comments to Honorable Paul D. Schloer, Presiding Judge, Cole County, Cole County Courthouse, Jefferson City, Missouri 65101.				
New Hampshire	Plymouth, Town, Grafton County	Pemigewasset River	Downstream Corporate Limits	*483
			Upstream Corporate Limits	*490
		Baker River	Confluence with the Pemigewasset River	*485
			Upstream Corporate Limits	*490
		Senborn Mill Brook	Confluence with Baker River	*488
			Downstream side of Old State Route 25	*492
			Upstream side of 1st crossing Yeaton Road	*501
			Upstream side of 2nd crossing Yeaton Road	*507
			Approximately 2,700' upstream of 2nd crossing Yeaton Road.	*528
Maps available for inspection at the Plymouth Town Office, Plymouth, New Hampshire.				
Send comments to Honorable Madison Sears, Chairman of the Plymouth Board of Selectmen, Town Office, Plymouth, New Hampshire 03264.				
New Hampshire	Raymond, Town, Rockingham County	Lamprey River	Downstream Corporate Limits	*160
			Downstream side of State Route 107	*167
			Approximately 1,000' upstream of State Route 107	*180
			Upstream side of Epping Road	*186
			Approximately 800' upstream of Langford Road	*196
			Downstream side of State Route 101	*209
			Upstream Corporate Limits	*217

Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Raymond Town Office, Raymond, New Hampshire.				
Send comments to Honorable Ivan Reed, Chairman of the Raymond Board of Selectmen, Office of the Selectmen, Raymond, New Hampshire 03077.				
New Jersey	Bethlehem, Township, Hunterdon County	Musconetcong River	Most downstream Corporate Limits	*257
			Corporate Limits 4,300' downstream of Person Road	*280
			Person Road	*287
			2,200' downstream of Valley Station Road	*297
			Approximately 700' upstream of Valley Station Road	*303
			2,500' downstream of Main Street	*315
			Just upstream of Dam	*327
			Most upstream Corporate Limits	*335
		Spruce Run	Downstream Corporate Limits	*313
			1,215' upstream of Corporate Limits at Private Drive	*325
			2,000' upstream of Corporate Limits	*335
			1,310' downstream of State Route 31	*345
			State Route 31 at upstream Corporate Limits	*365
Maps available for inspection at the Municipal Building, Office of the Township Clerk, Mine Road, Asbury, New Jersey.				
Send comments to Honorable David A. Petersen, Mayor of the Township of Bethlehem, Mine Road, Asbury, New Jersey 08802.				
New Jersey	Mahwah, Township, Bergen County	Hohokus Brook	Confluence with Valentine Brook	*292
			Upstream of Access Road	*306
			Upstream Corporate Limits	*312
		Mahwah River	Confluence with Ramapo River	*272
			Confluence of Masonicus Brook	*275
			Upstream Corporate Limits	*277
		Masonicus Brook	Confluence with Mahwah River	*275
			Upstream of abandoned railroad siding	*283
			Upstream State Route 17 (2nd upstream crossing)	*292
			Upstream State Route 17 (3rd upstream crossing)	*298
			Upstream North Central Avenue	*306
			Approximately 230' upstream North Central Avenue	*318
			Approximately 70' upstream Constantine Drive	*324
		Ramapo River	Downstream Corporate Limits	*239
			Upstream Dam	*248
			Upstream Private Drive	*259
			Upstream State Route 17	*268
			Confluence of Mahwah River	*272
			Upstream Corporate Limits	*276
		Valentine Brook	Confluence of Hohokus Brook	*292
			Upstream Forest Road	*310
			Upstream Corporate Limits	*322
Maps available for inspection at the Town Hall, 211 Franklin Turnpike, Mahwah, New Jersey.				
Send comments to Honorable Susanne Knudsen, Mayor of Mahwah Township, 211 Franklin Turnpike, Mahwah, New Jersey 07430.				
New Jersey	Raritan, Borough, Somerset County	Raritan River	Upstream of downstream Corporate Limits	*51
			Downstream of upstream Corporate Limits	*54
Maps available for inspection at the Borough Clerk's Office, First Street, Raritan.				
Send comments to Honorable Steve Del Rocco, Mayor of Borough of Raritan, 22 First Street, Raritan, New Jersey 08869.				
New Jersey	Spring Lake Heights, Borough, Monmouth County	Wreckpond Brook	Downstream Corporate Limits	*10
			Upstream Corporate Limits	*14
Maps available for inspection at the Office of the Borough Clerk, 557 Brighton Avenue, Spring Lake Heights.				
Send comments to Honorable John E. Roberts, Mayor, 557 Brighton Avenue, Spring Lake Heights, New Jersey 07762.				
New Jersey	Washington, Township, Burlington County	Great Bay	Mullica River entire shoreline within community	*9
Maps available for inspection at the residence of the Township Clerk, River Road, Lower Bank, New Jersey.				
Send comments to Honorable Earle Hill, Mayor of the Township of Washington, R. D. 2, Box 235, Egg Harbor, New Jersey 08215.				
New Jersey	West Paterson, Passaic County	Passaic River	Intersection of Passaic River and center of Hillery Street.	*128
			Interstate of Passaic River and center of Lackawanna Avenue.	*132
		Peckman River	Intersection of Peckman River and upstream corporate limit.	*134
		Dowling Brook	Intersection of Dowling Brook and center of Lackawanna Avenue.	*259
			200 feet north-northwest along Andrews Drive from intersection with Browertown Road.	#2
		Pearl Brook	60 feet upstream from center of McBride Avenue	*130
			360 feet east-southeast along Woodrow Avenue from intersection with Garden Avenue.	#3
		Slippery Rock Brook	30 feet upstream from center of Glover Avenue	*162
			Intersection of Squirrelwood Road and center of Slippery Rock Brook.	*265
			40 feet upstream from center of Rifle Lamp Park Road	*262
		Great Notch Brook	105 feet upstream from center of Lower Notch Road	*255
Maps available for inspection at McBride Avenue and Brophy Lane, West Paterson, New Jersey				
Send comments to Honorable Alfred H. Baumann, McBride Avenue and Brophy Lane, West Patterson, New Jersey 07421.				
New York	Leicester, Town, Livingston County	Genesee River	Downstream Corporate Limits	*559
			Confluence of Beards Creek	*561
			Downstream of State Route 36	*572
			Approximately 4,200' upstream of State Route 36	*587
		Beards Creek	Confluence with Genesee River	*561
			Confluence of Tributary to Beards Creek	*566
			Approximately 150' upstream of River Road	*575

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 3,400' upstream of River Road	*901
		Tributary to Beards Creek	Approximately 1,800' upstream of Jones Bridge Road	*989
Maps available for inspection at the Town Hall, Main Street, Leicester, New York.				
Send comments to Honorable John Douglas, Town Hall, Main Street, Leicester, New York 14481.				
New York	Monroe, Town, Orange County	Ramapo Creek	Downstream Corporate Limits	*360
			Downstream of Third Dam	*368
			Upstream Corporate Limits	*532
		Ramapo Creek (Downstream of Freeland Street).	Upstream of Village of Harriman, Village of Monroe Corporate Limits.	*365
		Tributary No. 25	Downstream Corporate Limits	*395
			Downstream of footbridge	*570
			80' upstream of Spring Street	*578
			390' upstream of Spring Street	595
			1,170' upstream of Spring Street	*599
		Orchard Hill Brook	Downstream Corporate Limits	*632
			600' upstream of Corporate Limits	*662
			1,190' upstream of Corporate Limits	*699
			1,810' upstream of Corporate Limits	*699
			1,890' upstream of Corporate Limits	*695
			2,270' upstream of Corporate Limits	*639
			2,590' upstream of Corporate Limits	*642
			2,990' upstream of Corporate Limits	*664
			3,390' upstream of Corporate Limits	*662
Maps available for inspection at the Office of the Town Engineer, 11-13 Stage Road, Monroe.				
Send comments to Honorable John DeAngelis, Supervisor, 13 Stage Road, Monroe, New York 10950.				
New York	Potsdam, Village, St. Lawrence County	Raquette River	Downstream Corporate Limits	*399
			Downstream of Dam	*409
			Upstream of Route 11 bridge	*410
			Upstream Corporate Limits	*411
Maps available for inspection at the Office of the Village Administrator, Civic Center, Potsdam.				
Send comments to Honorable Ruth F. Garner, Mayor, Civic Center, Potsdam, New York 13676.				
Ohio	(Unincorporated) Montgomery County	Dry Run Creek	At the downstream county boundary	*700
			About 1,160 feet upstream of downstream county boundary.	*706
		Great Miami River	At the downstream county boundary	*699
			About 0.25 mile upstream of Interstate Route 75	*760
			About 880 feet downstream of Taylorsville Dam	*777
		Holes Creek	Just upstream of Springboro Pike in City of Moraine	*727
			Just downstream of Alexandersville-Bellbrook Road (downstream most crossing).	*753
			Just upstream of Alexandersville-Bellbrook Road (downstream most crossing).	*757
			About 2.8 miles upstream of State Route 725	*910
		Lilly Creek	About 340 feet downstream of Smithville Road	*766
			Just downstream of Harshman Road	*767
		Little Twin Creek	At Germantown corporate limits	*726
			About 1,830 feet upstream of Germantown corporate limits.	*731
		Stillwater River	About 1.3 miles downstream of Shoup Mill Road	*750
			About 950 feet downstream of Englewood Dam	*762
		West Tributary Great Miami River	At convergence with Great Miami River	*762
			At divergence with Great Miami River	*769
		Sugar Creek	At Centerville corporate limits	*860
			At upstream county boundary	*864
		Wolf Creek	At Dayton corporate limits, just upstream of Gettysburg Avenue.	*772
			About 0.85 mile upstream of Airhill Road	*867
		Twin Creek	At downstream county boundary	*699
			About 1,700 feet downstream of Germantown Dam	*762
		Shallow Flooding (overflow from Holes Creek).	At intersection of Student Street and Jessamine Drive	*723
			At intersection of Student Street and Palm Drive	*723
		Shallow Flooding (overflow from Great Miami River near Carlisle).	At Carlisle corporate limit	*660
			At intersection of Farmington Road and Chautauqua Road.	*694
Maps available for inspection at the Office of the County Planner, 451 West Third Street, P.O. Box 972, Dayton, Ohio.				
Send comments to Honorable Raymond Wolfe, President of the Board of Commissioners, Montgomery County, 451 West Third Street, P.O. Box 972, Dayton, Ohio 45422.				
Pennsylvania	Export, Borough, Westmoreland County	Turtle Creek	Downstream Corporate Limits	*955
			Abandoned concrete bridge	*958
			Confluence of Tributary No. 1	*960
			2nd Conrail crossing	*963
		Tributary No. 1	Approximately 175' upstream of Jefferson Street	*986
			Confluence with Turtle Creek	*960
			Access Road	*963
			Approximately 1,030' upstream of confluence with Turtle Creek.	*1,005
			Approximately 1,800' upstream of confluence with Turtle Creek.	*1,025
			Upstream Corporate Limits	*1,037
		Tributary No. 2	Confluence with Turtle Creek	*956
			Approximately 70' upstream of Corporate Limits	*957
Maps available for inspection at the Borough Hall, Export, Pennsylvania.				
Send comments to Honorable William Stevick, Mayor of Export, 8830 Lincoln Avenue, Export, Pennsylvania 15632.				
Pennsylvania	LeBoeuf, Township, Erie County	French Creek	Upstream U.S. Route 6	*1,167
			Upstream Fleitz Road	*1,176
			.33 mile upstream Dewey Road	*1,199

Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. ^Elevation in feet (NGVD)
Maps available for inspection at the Township Building, LaBoeuf, Pennsylvania.				
Send comments to Honorable James H. Glover, Chairman of the LaBoeuf Board of Supervisors, 9011 West Oliver Road, Waterford, Pennsylvania 16441				
Pennsylvania	Millbourne, Borough, Delaware County	Cobbs Creek	Downstream Corporate Limits	^79
			Upstream side of Dam	^90
			Upstream Corporate Limits	^95
Maps available for inspection at the Office of the Borough Solicitor, Mr. George Koudelis, 7104 Chestnut Street, Upper Darby, Pennsylvania.				
Send comments to Honorable John W. Rupp, Mayor of Millbourne, 36 Elvis Court, Upper Darby, Pennsylvania 19082.				
Pennsylvania	New Stanton, Borough, Westmoreland County	Beechley Creek	Downstream Corporate Limits	^937
			Upstream of Central Avenue	^940
			Upstream of Conrail	^942
			Upstream Corporate Limits	^950
Maps available for inspection at the Borough Hall, New Stanton, Pennsylvania.				
Send comments to Honorable John Reagan, Mayor of New Stanton, P.O. Box 237, New Stanton, Pennsylvania 15672.				
Pennsylvania	Upper Burrell, Township, Westmoreland County	Pucketa Creek	Downstream Corporate Limits	^794
			Approximately 1,300' upstream from downstream Corporate Limits.	^804
			Approximately 570' upstream from Alta Drive	^813
			Approximately 300' downstream from Myers Drive	^823
			Upstream from Myers Drive	^828
			Approximately 2,000' upstream from Myers Drive	^837
			Approximately 3,570' upstream from Myers Drive	^847
			Approximately 760' downstream from Merwin Road	^857
			Approximately 450' upstream from Merwin Road	^870
			Upstream from downstream crossing of State Route 366.	^894
			Approximately 2,330' upstream from downstream State Route 366.	^905
			Approximately 1,380' downstream from Plan Road	^906
			Upstream from Plan Road	^916
			Upstream Corporate Limits	^918
		Tributary No. 1	Confluence with Pucketa Creek	^887
			Approximately 1,240' upstream from confluence with Pucketa Creek.	^882
			Approximately 2,240' upstream from confluence with Pucketa Creek.	^900
			Approximately 2,320' upstream from Merwin Road	^910
			Approximately 2,240' upstream from Merwin Road	^925
		Tributary No. 2	Upstream from State Route 366	^892
			Approximately 980' upstream from State Route 366	^904
			Approximately 1,375' upstream from State Route 366	^913
			Approximately 2,220' upstream from State Route 366	^925
		Little Pucketa Creek	Downstream Corporate Limits	^909
			Approximately 1,700' upstream from Corporate Limits	^923
			Downstream Brier Lane	^937
			Approximately 1,080' upstream from Brier Lane	^945
			Approximately 500' upstream from Milligantown Road	^958
			Approximately 1,430' upstream from Milligantown Road.	^968
			Downstream Township Route 644/Baxter Drive	^979
			Approximately 1,520' upstream from Township Route 644/Baxter Drive.	^998
			Upstream Rich Hill Road	^1,012
			Approximately 1,000' upstream from Rich Hill Road	^1,017
Maps available for inspection at the Township Building, Upper Burrell, Pennsylvania.				
Send comments to Honorable Sidney R. Slaton, Sr., Chairman of the Upper Burrell Board of Supervisors, 3735 Seventh Street, New Kensington, Pennsylvania 15068				
Pennsylvania	Waterford, Borough, Erie County	LaBoeuf Creek	Downstream Corporate Limits	^1,178
			Upstream Corporate Limits	^1,180
		Trout Run	Confluence with LaBoeuf Creek	^1,178
			0.18 mile downstream of West Third Street	^1,178
Maps available for inspection at the Waterford Borough Municipal Building, Waterford, Pennsylvania.				
Send comments to Honorable Earl Dawson, Mayor of Waterford, 137 West 4th Street, Waterford, Pennsylvania 16441.				
Pennsylvania	Youngwood, Borough, Westmoreland County	Jacks Run	Downstream Corporate Limits	^951
			Upstream of Conrail Crossing	^951
			Upstream of Depot Street	^952
			Upstream Corporate Limits	^958
Maps available for inspection at the Borough Hall, Youngwood, Pennsylvania.				
Send comments to Honorable Michael Allery, Council President of Youngwood, 508 South 3rd Street, Youngwood, Pennsylvania 15697.				
Vermont	Hyde Park, Village, Lamoille County	Lamoille River	Upstream Corporate Limits	^540
			Downstream Corporate Limits	^541
Maps available for inspection at the Village Offices, Hyde Park, Vermont.				
Send comments to Honorable Clyde Stannard, Chairman of the Village Trustees, Village Offices, Hyde Park, Vermont 05655.				
Virginia	Bells Haven, Town, Accomack County	Chesapeake Bay	Occohannock Creek Shoreline	^4
Maps available for inspection at the Bells Haven Town Offices or by contacting Mayor Peggy Robinson at (804) 442-7782.				
Send comments to Honorable Peggy Robinson, Mayor of Bells Haven, P.O. Box 84, Bells Haven, Virginia 23306.				
Virginia	Onancock, Town, Accomack County	Chesapeake Bay	Onancock Creek Shoreline	^5

Maps available for inspection at the Municipal Building, Oceanside, Virginia.
Send comments to Honorable C. William Gay, Mayor of Oceanside, Municipal Building, Oceanside, Virginia 23417.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8569 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6008]

National Flood Insurance Program; Proposed Incorporated Annexed Area, Boundaries, Base Flood Elevations, and Zone Designations for the City of Paducah, Ky.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed incorporated annexed area, boundaries, base flood elevations and zone designations described below.

The proposed incorporated annexed area, boundaries, base flood elevations and zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailing outlines of the floodprone areas and the proposed incorporated annexed area, boundaries, base flood elevations and zone designations are available for review at the Mayor's Office.

Send comments to: The Honorable John K. Penrod, Mayor, City of Paducah, P.O. Box 2267, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line, (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed incorporated annexed area, boundaries, base flood elevations (100-year flood) and zone designations for the City of Paducah, Kentucky, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed incorporated annexed area, boundaries, base flood elevations and zone designations together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed incorporated annexed area, boundaries, base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Perkins Creek	Between the Illinois Central Gulf Railroad and the confluence with Crooked Creek.	350 to 362 feet NGVD	A3
Crooked Creek	Between the confluence with Perkins Creek and 600 feet above the confluence with Perkins Creek.	365 to 367 feet NGVD	A3
Crooked Creek	Between 600 feet above the confluence with Perkins Creek and 4600 feet above the confluence with Perkins Creek.	367 to 379 feet NGVD	A2
Crooked Creek	Between 4600 feet above the confluence with Perkins Creek and Albert Road.	379 to 400 feet NGVD	A4

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 9, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-8568 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5947]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; New York

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Skaneateles, Onondaga County, New York.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Press Observer* on November 5, 1980, and November 12, 1980, and in the Federal

Register at 45 FR 77087 on November 21, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Village Hall, 46 Genesee Street, Skaneateles, New York.

Send comments to: Honorable Carl Fisher, Mayor of Skaneateles, Village Hall, 46 Genesee Street, Skaneateles, New York 13152.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585 or Toll Free Line (800) 424–8872, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Village of Skaneateles, Onondaga County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Skaneateles, Village, Onondaga County	Skaneateles Lake	Entire shoreline within the community	*867
		Skaneateles Creek	Upstream of downstream corporate limits	*857
			Upstream of West Elizabeth Street	*858
			Downstream of State Dam	*860

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8687 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5773]

National Flood Insurance Program, Proposed Flood Elevation Determinations; Correction; North Carolina

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Hope Mills, Cumberland County, North Carolina, previously published at 45 FR 6964 on January 3, 1980.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 755–5585 (in Alaska and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Hope Mills, Cumberland County, North Carolina, previously published at 45 FR 6964 on January 3, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

The last two elevations listed under the Source of Flooding of Little Rockfish Creek were incorrect. The elevation just upstream of Lake View Road should be 103' NGVD and the elevation just downstream of Lake View Road should be 95' NGVD.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
North Carolina	Town of Hope Mills, Cumberland County	Little Rockfish Creek	Just downstream of Lake View Road (Hope Mills Dam)	*95
			Just upstream of Lake View Road (Hope Mills Dam)	*103

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority of Federal Insurance Administrator)

Issued: February 25, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8569 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5724]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; Pennsylvania

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Columbia, Lancaster County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises to proposed determinations of base (100-year) flood elevations published the Federal Register at 44 FR 64446 on November 7, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Building, 3rd and Locust Street, Columbia, Pennsylvania.

Send comments to: Honorable Paul W. Myers, President of the Columbia, Borough Council, 3rd and Locust Streets, Columbia, Pennsylvania 17512.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585 or Toll Free Line (800) 424-8872, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Borough of Columbia, Lancaster County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128 and 44 CFR 68.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Borough of Columbia, Lancaster County	Susquehanna River	Confluence of Strickler Run	*239
			State Route 462 (upstream)	*241
			U.S. Route 30	*244
			Corporate Limits	*246
		Tributary No. 11 to Susquehanna River.	Seventh Street Culvert Inlet (upstream)	*233
			Eighth Street (extended)	*236
			Furnace Street (downstream)	*242
			Furnace Street (upstream)	*246
			Ninth Street (downstream)	*263
			Ninth Street (upstream)	*269
			U.S. Route 30 (downstream)	*270
			U.S. Route 30 (upstream)	*285
			Approximately 100' downstream of Kinderhook Road	*296
		Tributary No. 12 to Susquehanna River.	Culvert Inlet Near Third & Linden Streets	*298
			U.S. Route 30 (downstream)	*300
			U.S. Route 30 (upstream)	*307
			Waterlank Road (downstream)	*338
			Approach Dirt Road	*348
			Upstream Corporate Limits	*354
		Shawnee Run	Confluence with Susquehanna River	*239
			State Route 441	*247
			Conrail (near Second Street) (downstream)	*247
			Conrail (near Second Street) (upstream)	*271
			Florence Street (upstream)	*276
			Lancaster Avenue (upstream)	*282
			Upstream Conrail (downstream)	*304
			Upstream Conrail (upstream)	*312
			Farm Road (downstream)	*342
			Farm Road (upstream)	*347
			U.S. Route 30 Culvert (downstream)	*347
			U.S. Route 30 Culvert (upstream)	*358
		Tributary No. 1 to Shawnee River	Downstream Conrail Culvert (upstream)	*236
		Strickler Run	Upstream side of South Front Street	*242
			First Corporate Limits	*252
			Second Corporate Limits	*258
			Upstream Conrail	*269
			Thirteenth Street (extended) at third Corporate Limits	*265
			Fourth Corporate Limits	*278
			Fifth Corporate Limits	*282

—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 600' upstream of fifth Corporate Limits.....	*287

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8980 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6019]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for the Township of Lower Mount Bethel, Northampton County, Pa.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at Centerfield School Auditorium on State Route 611, Martins Creek, Pennsylvania.

Send comments to: Mr. Tony Piebani, Chairman, Lower Mount Bethel Township Supervisors, P.O. Box 213R, Martins Creek, Pennsylvania 18063.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designations for the Township of Lower Mount Bethel, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations are:

285 feet MSL to 207 feet MSL along the Delaware River from the northern corporate limits to the southern corporate limits.

275 feet MSL to 212 feet MSL along Martins Creek from a point approximately 4,600 feet upstream from the confluence of Martins Creek and Little Martins Creek to the confluence of Martins Creek and the Delaware River.

280 feet MSL to 245 feet MSL along Little Martins Creek from a point approximately 3,300 feet upstream from the confluence of Martins Creek and Little Martins Creek to the confluence of Martins Creek and Little Martins Creek.

The proposed zone designation are:

Zone A16 along the Delaware River from the northern corporate limits to a point approximately 9900 feet downstream from the northern corporate limits.

Zone A18 along the Delaware River from a point approximately 9900 feet downstream from the northern corporate limits to a point approximately 2300 feet northeast of the confluence of the Oughoughton Creek and Delaware River.

Zone A22 along the Delaware River from a point approximately 2300 feet northeast of the confluence of the Oughoughton Creek and te Delaware River to the southern corporate limits; along Oughoughton Creek between the confluence of Oughoughton Creek with the Delaware River and a point approximately 3300 feet downstream from the junction of Oughoughton Creek and L.R. 48025; along Mud Run between the Conrail tracks and the Delaware River; along Martins Creek between its confluence with the Delaware River; along Martins Creek between its confluence with the Delaware River and a point approximately 3050 feet downstream from the State Highway 611 bridge across Martins Creek.

Zone A12 along Martins Creek between two points approximately 3050 feet and 2000 feet respectively downstream from the State Highway 611 bridge across Martins Creek.

Zone A8 along Martins Creek between a point approximately 2000 feet downstream from the State Highway 611 bridge across Martins Creek and the State Highway 611 bridge itself.

Zone A9 along Martins Creek between State Highway 611 bridge across Martins Creek and a point approximately 4000 feet upstream from the confluence of Martins Creek and Little Martins Creek.

Zone A6 along Little Martins Creek between a point approximately 100 feet upstream from the fifth bridge which crosses Little Martins Creek above its confluence with Martins Creek and a point approximately 150 feet upstream from the confluence of Martins Creek and Little Martins Creek.

Zone B along the east side of Martins Creek between a line parallel to and approximately 100 feet north of State

Highway 611 and a line perpendicular to Martins Creek and approximately 2000 feet downstream from the State Highway 611 bridge across Martins Creek.

Zone C along the Delaware River from the northern corporate limits to the southern corporate limits; along Oughoughton Creek between L.R. 48025 and Delaware River; along Martins Creek between a point approximately 4000 feet upstream from the confluence of Little Martins Creek and Martins Creek, and the confluence of Martins Creek and the Delaware River; along Little Martins Creek between a point approximately 100 feet upstream from the fifth bridge which crosses Little Martins Creek above its confluence with Martins Creek, and the confluence of Little Martins Creek and Martins Creek; and along Mud Run between L.R. 48025 and the confluence of Mud Run and the Delaware River.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 6, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-8091 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-5842]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction; Virginia

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in Pittsylvania County, Virginia, previously published at 45 FR 29319 on May 2, 1980.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in Pittsylvania County, Virginia, previously published at 45 FR 29319 on May 2, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following locations to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for Sandy Creek Tributary No. 1 and Pole Bridge Branch in Pittsylvania County, Virginia, the descriptions should be amended to read as follows. The elevations were correct as cited.

Source of flooding	Location	*Elevation in feet (NGVD)
Pole Bridge Branch.	Confluence with Cherrystone Reservoir.	*680
	State Route 640 (Upstream)	*720
	Approximately 2,500' upstream of State Route 799.	*780
Sandy Creek Tributary No. 1.	Confluence with Sandy Creek	*823
	Approximately 4,000' upstream of State Route 666.	*853

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued March 3, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8088 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6011]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Seaside, Clatsop County, Oreg.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the Office of the City Auditor, 851 Broadway Street, Seaside, Oregon.

Send comments to: Mr. Burton M. Lowe, City Manager, 851 Broadway Street, Seaside, Oregon 97138.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Seaside, Oregon, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zones and base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations in the recently annexed areas are:

Source of flooding	Location	Elevation (NGVD)
Neawanna Creek	Area east of Oregon Coast Highway and north of Alder-crest Street.	12
	Area between Avenues S and a point approximately 100 feet south of Avenue R.	13
Necanicum River	Northern portion of the City	11

Source of flooding	Location	Elevation (NGVD)
	Area approximately 600 feet north of 30th Avenue.	14

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 6, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-8579 Filed 3-19-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-154; RM-3882]

FM Broadcast Station, Ansley, Alabama; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 281A to Ansley, Alabama, in response to a petition filed by Reid Spann. The proposed channel would provide a first local aural service to Ansley.

DATES: Comments must be filed on or before May 4, 1981, and reply comments on or before May 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Ansley, Alabama); Notice of Proposed Rule Making.

Adopted: March 6, 1981.

Released: March 16, 1981.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making [1] filed by Reid Spann ("petitioner"), which seeks the assignment of Channel 281A to Ansley, Alabama, as that community's first FM assignment. Petitioner failed to state that he would apply for the channel, if assigned. He is requested to make a commitment to that effect.

2. The transmitter site must be located at least 1.6 kilometers (1 mile) northwest of the community. Petitioner proposes a site approximately 7 kilometers (4.4 miles) northwest.

3. Ansley (not listed in the 1970 Census), is located approxiately 56 kilometers (35 miles) south of Montgomery, Alabama. It has no local aural broadcast service.

4. Petitioner asserts that the population of the Ansley area is approximately 600, of which 30% is Black. Their social activities are centered around the cities of Troy and Montgomery. Petitioner further states that Ansley is in need of a station that will relate to the needs of the community, although it is dependent on the aid of larger cities. Petitioner should submit a recent population estimate for the community of Ansley, and furnish economic and demographic information which demonstrate the need for an FM assignment.

5. In view of the fact that the proposed FM channel could provide a first local aural service to Ansley, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Ansley, Alabama, as follows:

City	Channel No.	
	Present	Proposed
Ansley, Alabama		281A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 4, 1981, and reply comments on or before May 25, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations,

[1] Public Notice of the petition was given on July 7, 1980, Report No. 1228.

interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-8527 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-153; RM-3729]

FM Broadcast Stations in Fort Bragg and Mendocino, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 249A to Fort Bragg, California, as that community's second FM assignment in response to a petition filed by Ft. Bragg Broadcasting Co. In addition, we are proposing the reassignment of Channel 224A from Fort Bragg to Mendocino, California, to reflect its actual use there.

DATE: Comments must be filed on or before May 4, 1981, and reply comments on or before May 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of § 73.202(b), table of assignments, FM broadcast stations. (Fort Bragg and Mendocino, California; Notice of Proposed Rule Making.

Adopted: March 6, 1981.

Released: March 18, 1981.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making,[1] filed by Fort Bragg Broadcasting Company ("petitioner"), proposing the assignment of FM Channel 249A to Fort Bragg, California, as that community's second FM assignment. Although Fort Bragg presently has Channel 224A assigned, that channel is being used at Mendocino, California, and we have proposed to reassign the channel to reflect its actual use in that community under Section 73.203(b) of the Commission's Rules. Petitioner failed to state that it would apply for the channel, if assigned. It is requested to make a commitment to that effect in its comments. No oppositions to the proposal were received.

2. Fort Bragg (pop. 4,455),[2] in Mendocino County (pop. 51,101) is located approximately 216 kilometers (135 miles) northwest of San Francisco. It is served locally by fulltime AM Station KDAC. FM Channel 237A is presently unoccupied with two applications pending.

3. Petitioner states that the economy is supported by fishing, lumbering and tourism. Sufficient information was submitted to demonstrate the need for a second FM assignment to Fort Bragg.

4. The proposed assignment of Channel 249A to Fort Bragg would cause preclusion on Channel 248A within 65 miles, Channel 247 within 65 miles, Channel 248 within 105 miles, Channel 249A within 65 miles, and Channel 250 within 65 miles. Petitioner claims that no communities would be precluded as a result of the proposed assignment.

5. In view of the apparent need for a second FM channel for Fort Bragg, the Commission believes it would be in the public interest to propose assignment of Channel 249A to that community. We also propose to reassign Channel 224A from Fort Bragg to Mendocino, California, to reflect its current usage. Comments are invited on the proposal to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with regard to the following communities:

City	Channel No.	
	Present	Proposed
Fort Bragg, California	224A, 237A	237A, 249A
Mendocino, California		224A

6. The Commission's authority to institute rule making proceedings,

showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 4, 1981, and reply comments on or before May 25, 1981.

8. The Commission has detemined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Federal Register 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a

[1] Public Notice of the petition was given on August 13, 1980, Report No. 1244.

[2] Population figures are taken from the 1970 U.S. Census.

station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-8839 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-155; RM-3608, RM-3728]

FM Broadcast Station in Bend, Oregon; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Class C FM Channels 248 and 289 to Bend, Oregon, in response to separate petitions filed by Terry A. Cowan and KBND, Inc. The proposals would provide a third and forth FM station to Bend.

DATES: Comments must be filed on or before May 4, 1981, and reply comments on or before May 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Bend, Oregon); Notice of Proposed Rule Making.

Adopted: March 6, 1981.

Released: March 17, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration two petitions to assign two additional Class C channels to Bend, Oregon, as that community's third and fourth FM assignments. The first, filed by Terry A. Cowan ("Cowan"), requests assignment of channel 248 to Bend, Oregon.[1] the second, filed by KBND, Inc. ("KBND"), licensee of Station KBND(AM), Bend, Oregon, requests assignment of Channel 289 to the same community.[2] Capps Broadcasting Group, Inc. ("Capps"), licensee of Stations KGRL(AM) and KXIQ(FM), Bend, Oregon, filed comments in opposition to both assignments.

2. Bend (pop. 13,710),[3] the seat of Deschutes County (pop. 30,442), is located approximately 197 kilometers (123 miles) southeast of Portland, Oregon. Bend is currently served locally by FM Station KXIQ (Channel 231), FM Station KICE (Channel 264), fulltime AM Station KBND, and daytime-only AM Station KGRL.

3. Petitioner Cowan states that Bend, the largest city in the central Oregon area, is a rapidly growing community. According to Cowan, Bend's population in 1980 was 17,912, a figure representing a thirty percent increase since 1970 and a sixty percent increase since 1960. As the hub of the county, Bend is the regional retail sales center and the location of numerous state and federal offices. Major industries are lumbering, mining, light manufacturing and tourism. Petitioner KBND also emphasized the area's rapid growth. According to KBND, projected population growth for Deschutes County is 40.4% between 1980 and 1990, and 23.5% between 1990 and the year 2000. Although neither petitioner submitted projected population figure for Bend itself, both pointed out that, as the county seat, Bend will undoubtedly participate in the overall growth of the county. Both petitioners argue that although the population of Bend does not meet the criteria for assignment of three FM channels, the community's rapid and steady growth justify a waiver of the Commission's population guidelines.

4. In comments, Capps requested that the petitions considered herein be consolidated with two other petitions to assign Class C channels to two other communities in the area, Redmond and Madras.[4] Capps argues that the proposals are so closely related geographically and economically that consideration of the proposals individually may have an adverse impact on the total service offered by existing stations in the area if most or all are adopted. Because the Commission does not allocate FM channels according to a state-wide or regional plan and each community's needs are typically considered separately, we are not convinced that these four proposals should be treated together as if they were in some way mutually exclusive. The fact that each proposal involves wide area coverage assignments does not in itself require consolidation.

5. In its comments, Capps raised the argument that Bend, already sufficiently served by local and nearby stations in the area, cannot support the addition of two Class C channels. Normally such economic considerations are deferred to the application stage. *FCC* v. *Sanders Brothers Radio Station*, 309 U.S. 470, 60 S. Ct. 693 (1940); *Carroll Broadcasting Co.* v. *FCC*, 258 F. 2d 440 (D.C. Cir. 1958); *Melbourne and Satellite Beach, Florida*, 47 FCC 2d 717, 721 (1974). However, as Capps pointed out, the Commission in 1975 found the addition of a third FM channel to Bend to be unwarranted.[5] At that time, the Commission did not find in Bend's increasing economic and population growth, sufficient circumstances to warrant deviation from the population guidelines and noted particularly the adverse economic impact the assignment would have had

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[1] Public Notice of the petition was given on May 29, 1980, Report No. 1229.

[2] Public Notice of the petition was given on July 21, 1980, Report No. 1240.

[3] Population figures are taken from the 1970 U.S. Census.

[4] One petition requests assignment of Channel 275 to Redmond, Oregon, and was filed by Oregon Broadcasting Company on July 25, 1980 (RM-3725). The second petition requests assignment of Channel 243 to Madras, Oregon, and was filed by Peregrine Broadcasting Co. (BC Docket No. 80-491; RM-3611).

[5] *See Bend, Oregon*, Docket 20481, 35 R.R. 2d 836 (1975); *recons. den.*, 37 R.R. 2d 333 (1976).

on independent Station KICE–FM.[6] In addition, the Commission noted the fact that the population of Bend was not predicted to reach even 50,000 by 1985.[7] In light of the previous action on a proposal almost identical to that considered herein, petitioners are requested to show in their comments how circumstances in Bend have changed to warrant assignment of a third and fourth FM channel at the present time. Although we denied a similar proposal only 5 years ago, our approach to cases involving requests to exceed our population criteria has become less restricted as exemplified by the recent case of *Waycross, Georgia*, 45 FR 25806, published April 16, 1980, 47 R.R. 2d 319, which holds that equitable and efficient distribution of available frequencies depends for the most part on the preclusive impact of a specific proposal. Otherwise, to "artificially restrain" the provision of additional broadcast service may not serve the public interest. We have been provided a list of precluded communities and alternative channel assignments by KBND, Inc. which would justify our proposing a third assignment to Bend. However, the need for and the impact of a fourth assignment to Bend has not been sufficiently shown. Thus, we issue this proposal to provide the opportunity for submissions of an adequate showing.

6. *Preclusion.* (a) According to petitioner KBND, assignment of Channel 289 to Bend will preclude the use of several channels in nine communities, as follows:

Community	Population	Channels precluded
Madras	1,899	288A, 292A
Oakridge	3,422	288A
Prineville	4,191	288A, 292A
Redmond	3,721	288A, 292A
Ashland	12,342	288C
Burns	3,283	288C, 288C
John Day	1,598	288C, 288C
Klamath Falls	15,775	288C
Lakeview	2,765	288C

KBND states that in each case the community has either an FM assignment already or an alternate channel available to it for assignment.

(b) Petitioner Cowan states that assignment of Channel 248 to Bend will have "no unacceptable preclusion on adjacent channels." Precluded communities with populations over 1,000 and possible alternative channels were not listed. Cowan is requested to provide such information in his comments. *See Policy Statement to Govern Requests for Additional FM Assignments*, 8 F.C.C. 2d 79 (1967).

7. Accordingly, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's Rules) with respect to Bend, Oregon, as follows:

City	Channel No.	
	Present	Proposed
Bend, Oregon	231, 284	231, 248, 284, 289

8. The commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before May 4, 1981, and reply comments on or before May 25, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, Published February 9, 1981.

11. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, [202] 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed

[6] *Id.* at 837.
[7] *Id.*

comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-8000 Filed 3-19-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket 80-440]

Land Mobile Radio Stations To Provide for Additional Technologies Which Can Improve the Efficiency of Radio Spectrum Use; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of comment and reply comment period.

SUMMARY: This Order extends the time for filing comments to the Notice of Inquiry in Docket PR 80-440 which solicited information and comments concerning the application of spectrum efficient technologies to land mobile radio systems. This action is taken to provide additional time for the submission of experimental test data so that it may be examined in the public record.

DATES: Comments are now due by May 26, 1981 and replies by July 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Larry Reed or Roger Madden, Policy Development Division, Private Radio Bureau, 632-7597 or 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of the Commission's rules governing land mobile radio stations to provide for additional technologies which can improve the efficiency of radio spectrum use. Order extending time for filing comments (See also 45 FR 63305, September 24, 1980).

Adopted: March 5, 1981.
Released: March 6, 1981.

By the Chief, Private Radio Bureau.

1. The Land Mobile Communications Section of the Communications Division of Electronics Industries Association has filed a request for an extension of the deadline for filing comments on the Notice of Inquiry in the above-entitled matter. The Communications Section requested an extension of 90 days in order that it may submit data resulting from tests and experiments that likely will be pertinent to this Inquiry. It has indicated that such tests are expected to be analyzed after 60 days, and 30 more days are needed for preparing the analysis for submission to the Commission.

2. Inasmuch as we would like to provide additional opportunity for the inclusion of experimental data for the record, I am, therefore, extending the comment and reply comment periods by 75 and 45 days respectively. It appears that good cause has been shown and that the public interest would be served by granting an additional period in order to afford the petitioner and other interested parties a full opportunity for their preparation and presentations in this proceeding.

3. Accordingly, *it is ordered,* pursuant to Section 0.331 and 1.46 of the Commission's Rules, that the time for filing comments in the above-captioned proceeding is *extended* from March 9, 1981, to May 26, 1981, and for filing reply comments from May 11, 1981, to July 10, 1981.

Federal Communications Commission.
Carlos V. Roberts,
Chief, Private Radio Bureau.

[FR Doc. 81-8021 Filed 3-19-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1052

[Ex Parte No. MC 42 (Sub-1)]

Handling of C.O.D. Shipments

AGENCY: Interstate Commerce Commission.

ACTION: Withdrawal of Proposed Rules and Termination of Proceeding.

SUMMARY: The Commission has decided not to adopt the proposed rules (43 FR 32314, July 26, 1978) which proposed to include a number of additional requirements for carriers providing cash-on-delivery (c.o.d.) service and to discontinue the proceeding. We believe that overly detailed industry-wide rules governing c.o.d. shipments are not in the public interest. Elimination of the proposal should encourage shipper-carrier arrangements which are satisfactory to both groups.

DATE: This decision will be effective March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: In this proceeding, we proposed to amend 49 CFR 1052.3 to include a number of additional requirements for carriers providing cash-on-delivery (c.o.d.) service.[1] We proposed to limit the form of payment, to limit the amount of cash that could be accepted, and to require that checks and money orders be payable only to the consignee or designated payee. We also sought comment on other related issues, such as the need for separate accounts or escrow accounts for c.o.d. funds held by carriers and the need for a bonding requirement. Generally, the proposals stemmed from a concern that there were insufficient safeguards to ensure payment of the funds to the consignor, especially in the case of carrier insolvency, bankruptcy, or misappropriation.

The limited number of comments filed in response to our proposals were mixed. Carriers, for the most part, objected to all but one of the proposals. A number of carriers favored a limit on the amount of cash a carrier should be expected to collect. Shippers generally sought greater regulation in this area to prevent improper handling of c.o.d. funds and to ensure that, in the case of carrier bankruptcy, shippers would be in a more favorable position than that of typical unsecured creditors.

For the reasons discussed below, we have decided not to implement any of these proposals. We are also proposing, in a related proceeding (Ex Parte MC 42, *Handling of C.O.D. Shipments*) instituted this date, to repeal the present 10-day remittance rule.

The requirements that were proposed closely parallel Item 430 of the National Motor Freight Classification Tariff 100-G, and reflect current carrier practice. However, as noted above, the carriers are strongly opposed to making these proposals absolute rules for the industry. A number of carriers have published exceptions to Item 430 because it fails to meet their needs. (See, for example, statements of Jones Transfer Company, Bayview Trucking, Inc., and United Parcel Service.)

[1] 1052.3 now requires that c.o.d. remittances be made within 10 days of delivery.

We agree with the National Industrial Traffic League's observation that "the balancing of benefits and burdens is important in this proceeding." It is our belief that, at the present time, the additional burdens that would be imposed by required application of certain of the proposed rules ((a)(v), (b), and the bonding and fund segregation suggestions) outweigh their benefits as industry requirements. The other proposals do not, in our view, warrant mandatory rules.

In their performance of c.o.d. service, carriers should be free to establish reasonable and nondiscriminatory rules that meet their needs and the needs of their shippers. This is not to say that the concerns raised by shippers here are not important. We recognize the legitimate interest of consignors if bankrupt carriers have commingled c.o.d. funds, and we believe that a provision such as our proposed rule (b) is a reasonable one. Similarly, segregation of funds is also a reasonable approach and certain carriers already do so. However, these observations need not result in ironclad rules for the industry. We must prefer to give carriers the opportunity to offer whatever services are necessary. We see no significant added costs in providing many of these services, e.g., accepting cash greater than $250. Accepting personal checks, on the other hand, may involve added risk, although UPS does it successfully. We also believe that a requirement that checks be made payable to the consignor is a reasonable request on the part of shippers. One carrier commenter pointed out that it accommodates these requests from one of its shippers.

We expect that reasonable requests for services such as these will be met in the marketplace. If carriers are able to price c.o.d. service at a level that recovers cost and produces a reasonable profit, we expect that a real choice of carriers will be available. Thus, as this traffic should be desireable, competition should produce adequate service responsive to shipper needs. Shippers dissatisfied with particular c.o.d. service or fearful of imminent bankruptcy may use another carrier or support the need for service by new carriers. In addition, the complaint remedy under 49 U.S.C. 11701 remains available, if reasonable c.o.d. service demands are not met in the marketplace. We also note that order-notify service is another alternative. This service eliminates the carriers handling of the funds.

We believe this analysis is consistent with the national transportation policy (49 U.S.C. 10101), as amended by Pub. L. 96-296. New section 7 of that policy states:

> With respect to transportation of property by motor carrier, to promote competitive and efficient transportation services in order to (A) meet the needs of shippers, receivers, and consumers; (B) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping public; * * *

Under our analysis, carriers will be able to respond quickly and effectively to market demands and adopt rules that meet specific needs of their shippers.

We reaffirm the conclusion that c.o.d. service is an integral part of the nation's transportation system and although in exercising our regulatory responsibilities we see no need to prescribe additional regulation, we remain willing to investigate claims or unreasonable practice or discrimination. See *C.O.D. and Freight-Collect Shipments*, 356 I.C.C. 37, 41–43 (1977).

This decision does not significantly affect either the quality of the human environment or conservation of energy resources nor does it have an adverse impact on small business.

(49 U.S.C. 10101, 10321, 10701, 10762, 11101, 5 U.S.C. 553)

Decided: March 12, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8576 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1052

[Ex Parte MC 42 [1]]

Handling of C.O.D. Shipments

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory c.o.d. collection and remittance rules and to eliminate the requirements in existing recordkeeping. By this action, the Commission intends to promote efficient operation through individually tailored rules, and to promote competition which should produce better c.o.d. service.

DATE: Comments of interested persons will be due May 4, 1981.

ADDRESS: An original and 15 copies of comments should be sent to: Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: *Remittance Period.* The present regulations for the handling of cash-on-delivery (c.o.d) funds (49 CFR 1052) were promulgated in 1949. *Handling of C.O.D. Shipments*, 51 M.C.C. 5 (1949). Among other things, these rules require that c.o.d. monies collected by carriers will be remitted directly to the consignor or other payee designated by the consignor within 10 days following delivery and, at the same time, the delivering carrier will notify the originating carrier, if an interline movement, of the remittance (49 CFR 1052.3).

We propose to remove this rule and to substitute a rule authorizing each carrier offering c.o.d. service to publish its own non-discriminatory c.o.d. provisions in its tariff.

The rule requiring remittance of c.o.d. funds within 10 days after delivery has been in effect since 1949. In recent years, fewer carriers have been eager to undertake c.o.d. service and it is not as available as it once was. It may be that the 10 day remittance requirement, among other things, discourages carriers from providing the service. Recently, the Commission was informed by Mistletoe Express Service that it was unable to streamline its operation to meet the 10 day deadline.[2]

Under our proposal, a carrier in this situation will be able to publish a remittance period which is practical for its operation. On the other hand, other carriers could remit c.o.d. funds faster and specify a shorter remittance period. We believe that this freedom to publish individual c.o.d. rules will create an opportunity for additional carriers to offer c.o.d. service to the public. In an era of inflation and high interest rates, a carrier which remits c.o.d. funds promptly offers very desirable service.

We also believe that out proposal is consistent with the trend in motor carrier regulation evidenced by the Motor Carrier Act of 1980, Pub. L. 96-296. That Act amended the national transportation policy, 49 U.S.C. 10101(a), to include:

> with respect to transportation of property by motor carrier, to promote competitive and efficient transportation services in order to (A) meet the needs of shippers, receivers, and

[1] The petition filed January 17, 1980, by Mistletoe Express Service for an exemption is consolidated for disposition here.

[2] As a result of this proposal, we will not consider Mistletoe's request further. In any case, the rules provide for no exceptions and a rule change would have been necessary to grant the request.

consumers; (B) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping public; * * *

Individual c.o.d. handling rules should enable each carrier to operate more efficiently. Each carrier may tailor its c.o.d. rules to coordinate best with its own operations.

We recognize that the length of time carriers retain c.o.d. funds is of extreme importance to shippers and that freedom to extend the remittance time could be used to discourage c.o.d. transportation. In accordance with our findings in *C.O.D. and Freight Collect Shipments*, 356 I.C.C. 37 (1978), and our conviction that c.o.d. service is a necessary part of motor transportation services, we are willing to investigate claims by shippers that reasonable c.o.d. service or alternative service (perhaps order-notify) is not available. We are, nonetheless, confident that increased entry and service competition will ensure adequate levels of c.o.d. service. Whatever provisions determined by a carrier (we hope in consultation with its c.o.d. shippers) to be necessary must be applied on a non-discriminatory basis. The size of a shipper or the amount of c.o.d. funds involved are not proper grounds for establishing different remittance periods or different procedures (e.g., amounts of cash accepted, acceptance of checks payable to the consignor).

We also believe that the second part of § 1052.3, requiring notification of remittance to the originating carrier in a joint movement at the time the remittance is made, should be removed. Matters such as these involving day-to-day carrier relations are more appropriately resolved by the carriers themselves. To the extent connecting carriers need this, or other similar information, we are confident that they will develop procedures that meet their needs.

Carriers offering c.o.d. service will be required to publish their c.o.d. handling rules in their tariffs. As discussed above, the rules must apply to all the carrier's c.o.d. shipments and would be subject to protest upon filing. The rules may include as many optional services as may be desirable or needed by particular shippers (e.g. clear shipper notation requirement, acceptance of cash versus checks, maximum cash accepted), and, if appropriate, contain reasonable charges for the various services. The restrictions imposed on rate bureau activities in Ex Parte 297 (Sub-5), *Motor Carrier Rate Bureaus-Implementation of Pub. L. 96-296*, 364 I.C.C. 464, served December 30, 1980, will be applicable, as pertinent, to collective establishment of c.o.d. rules.

We are also proposing to repeal 49 CFR 1052.4, which requires that a separate record of all c.o.d. shipments be kept and that it contain certain information. Considering the need for business to maintain complete records in the case of customer inquiry or problem, we question the necessity of a rule to accomplish the same thing. Unless the carriers believe it useful, we see no need for a separate listing for c.o.d. shipments.

It is proposed that § 1052.3 of Part 1052, Subchapter A, Chapter X of Title 49 of the Code of Federal Regulations be revised to read as follows:

§ 1052.3 Collection and remittance.

Every common carrier of property subject to the Interstate Commerce Act, except as otherwise provided in § 1052.1, which provides any c.o.d. service must publish and maintain a tariff or tariffs which set forth non-discriminatory rules governing the collection and remittance of c.o.d. funds.

§ 1052.4 [Removed]

It is also proposed that § 1052.4 be removed.

The proposed rules do not appear to affect significantly the quality of the human environment, the conservation of resources or small business. However, comments on this issue are welcome.

This notice of proposed rulemaking is issued under authority contained in 49 U.S.C. 10101, 10321, 10762, 11101, and 5 U.S.C. 553.

Decided: March 9, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham concurring.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8907 Filed 3-19-81; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 54
Friday, March 20, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COMMITTEE ON FEDERAL PAY

Continuation of Committee; Public Inquiry

This is to request any expressions from the public as to the desirability of continuation of the Advisory Committee on Federal Pay.

The Advisory Committee on Federal Pay was established by the Federal Pay Comparability Act of 1970. It consists of three experts on pay and labor relations who are Federal employees only for the time that they serve on this Committee. The Committee serves as an independent third party in advising the President on salary adjustments for Federal white-collar employees. In making its recommendations on pay increases for these Federal employees, the Committee considers pay in the private sector, the views of Federal employee organizations, government officials and pay experts.

Any comments should be sent in writing to the Advisory Committee on Federal Pay, Suite 205, 1730 K Street, NW., Washington, D.C. 20006, by April 10. Any such communications will be incorporated in the report that the Advisory Committee makes to the Administrator of GSA.

Jerome M. Rosow,
Chairman.

[FR Doc. 81-8533 Filed 3-19-81; 8:45 am]
BILLING CODE 6820-43-M

DEPARTMENT OF AGRICULTURE

Forest Service

North Fork Cascade River Wild and Scenic River Evaluation, Mount Baker-Snoqualmie National Forest, Skagit County, Wash.; Decision Notice and Finding of No Significant Impact

The Wild and Scenic Rivers Act (Pub. L. 90-542), as amended by the National Parks and Recreation Act of 1978 (Pub. L. 95-625), directed that a segment of the North Fork Cascade River from its confluence with the South Fork to the boundary of the North Cascades National Park be investigated to find if it qualifies for the National Wild and Scenic Rivers System.

The river segment is located within the Mount Baker-Snoqualmie National Forest and is approximately one mile long. About 280 acres of National Forest System lands are encompassed by the study area. The act further provides that, if the segment is found to be qualified and suitable for the National Wild and Scenic Rivers System, notice of the finding shall be published in the Federal Register and the segment will become a component of the National System.

A Forest Service interdisciplinary study team developed three alternatives for possible management of the river area. Public involvement and interagency coordination were important parts of this phase of the study process. This involvement led to the elimination of one alternative; namely, partial designation of the segment. Therefore, the alternatives given consideration were: a no action alternative that would maintain current management, and an alternative to designate the entire one mile segment as a component of the National Wild and Scenic Rivers System. Subsequently, the study team prepared a report which contains the elements of an environmental assessment and documents the analysis and evaluation of the alternatives. The report is available for public review in the Forest Service office in Seattle, Washington, and in the Office of the Chief, Forest Service, Washington, D.C.

Based on the analysis and evaluation described in the environmental assessment, it is my decision to implement the alternative for designating the North Fork of the Cascade River from its confluence with the South Fork to the boundary of the North Cascades National Park as a component of the National Wild and Scenic Rivers System. This segment meets the criteria for designation, as established by the Wild and Scenic Rivers Act and the Department of Agriculture—Department of the Interior Guidelines for Evaluating Wild and Scenic Rivers. Designation will ensure future protection of the water quality and scenic values and will protect or enhance cultural resources. Final management plans for this segment will be developed in the Skagit Wild and Scenic River Management Plan.

I have determined through the environmental analysis that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) designation will protect and/or enhance cultural resources; (b) there are no irreversible or irretrievable commitments of resources; (c) there are no adverse effects on the physical or biological environment, and effects on the social and economic environment are minimal or insignificant; (d) wetlands along the North Fork will not be affected; and (e) there are no known threatened or endangered plants or animals.

Project implementation will take place on the date this decision is published in the Federal Register, pursuant to Pub. L. 95-625.

John R. Block,
Secretary.
March 16, 1981.

[FR Doc. 81-8569 Filed 3-19-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 39412]

Air Berlin USA Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., March 16, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-8564 Filed 3-19-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-3-79; Docket 39166]

Air Transport Association; Order Granting Exemption

Issued Under Delegated Authority March 13, 1981.

By application filed February 27, 1981, the Air Transport Association (ATA) on behalf of the U.S. certificated scheduled air carriers requests that the exemption granted by Board orders,[1] be amended to the extent necessary to permit them to provide free unlimited transportation over their domestic routes to the former hostages and selected family members during the period of April 14–18, 1981. The current exemptions are marked to expire with March 10, 1981.

In support of its application, ATC states that the purpose of the trapsportation is for these individuals to travel to and from their homes to a conference site in connection with a meeting to be called by the Department of state.

We find that the reasons given by the carriers supporting this request are consistent with the criteria we have previously found necessary to approve this type of exemption, and the exemption is consistent with the public interest, and therefore we will approve the exemption. We will also extend this exemption to all other U.S. air carriers.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 3854.16,

1. We exempt all U.S. air carriers from the provisions of Section 403 of the Federal Aviation Act of 1958, and Parts 221 and 223 of the Board's Economic Regulations, insofar as the enforcement of Section 403 and Parts 221 and 223 would prevent them from providing the free transportation as described herein.

2. We will serve a copy of this order on all U.S. air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective immediately and the filing of a petition for review shall not preclude its effectiveness.

This order will be published in the Federal Register.

Julien R. Schoenk,

Chief, Donestic Fares and Rates Division, Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8888 Filed 3-19-81; 8:45 am]

BILLING CODE 6320-01-M

[1] 81-1-114, January 22, 1981, 81-1-129, January 28, 1981, 81-3-56, February 6, 1981, and 81-3-105 February 24, 1981.

[Docket Nos. 39403, etc.]

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended March 13, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answering period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Mar. 10, 1981	39403	Quebec Aviation Limited, Hangar No. 2, Aeroport de Quebec, Ste-Foy Province de Quebec, Canada G2E-3M3. Application of Quebec Aviation Limited pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests a permit authorizing scheduled foreign air transportation of persons, mail and property between Quebec City and Boston, between Sherbrooke and Boston and between Quebec City and Portland.
Do		Answers may be filed by April 7, 1981.
Mar. 13, 1981	39414	Western Air Lines, Inc., 6060 Avion Drive, Los Angeles, California 90045. Application of Western Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment of its certificate of public convenience and necessity for Route 152 so as to authorize service between a point or points in the United States and Paris, Marseilles, and Nice, France.
Do		Conforming Applications, motions to modify scope, and Answers may be filed by April 9, 1981.
Mar. 12, 1981	39417	Air Florida, Inc., 3900 N.W. 79th Avenue, Miami, Florida 33166. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and necessity for Route 197-F authorizing it to engage in air transportation with respect to persons, property and mail as follows: Between the terminal point Miamsi, Florida, and ther terminal point, Prestwick, Scotland.
Do		Air Florida further requests that the Board condition this authority as follows: The holder may serve Prestwick, Scotland on flights serving foreign points listed on other segments of this certificate or other certificates or exemption orders authorizing the holder to engage in foreign air transportation and may carry local traffic between such points; *provided* that such service may be conducted only in accordance with all treaties and agreements between the United States and other countries.
Do		Conforming Applications, motions to modify scope, and Answers may be filed by April 9, 1981.
Mar. 13, 1981	39427	Lone Star Airways, Inc., P.O. Box 2075, Dallas, Texas 75221. Application of Lone Star Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authority to engage in scheduled air transportation of passengers, property and mail to the following additional markets: Omaha, Nebraska; Tulsa, Oklahoma; and Oklahoma City, Oklahoma.
Do		Conforming Applications, motions to modify scope, and Answers may be filed by April 10, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8889 Filed 3-19-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39246]

Empresa Guatemalteca De Aviacion (Aviateca) Enforcement Proceeding; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., March 16, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-8886 Filed 3-19-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363, 39103, 39104]

Former Large Irregular Air Service Investigation and Applications of Zantop Airways, Inc.; Assignment of Proceeding

This proceeding, insofar as it involves the applications of Zantop Airways, Inc., Dockets 39103 and 39104, has been assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., March 12, 1981.

Joseph J. Saunders

Chief Administrative Law Judge.

[FR Doc. 81-8887 Filed 3-19-81; 8:45am]

BILLING CODE 6320-01-M

[Order 81-3-55; Docket 39114]

Trans World Airlines Additional Points, Akron/Canton-Youngstown Proceeding; Order To Show Cause

Issued under delegated authority; March 11, 1981.

On December 31, 1980, Trans World Airlines (Trans World) filed an application in Docket 39114 for amendment of its certificate of public convenience and necessity for Route 2 so as to authorize it to engage in unrestricted operations between the terminal point Akron/Canton, Ohio, eighty-two intermediate points, and the terminal point Youngstown, Ohio.[1] Trans World submitted requisite schedules and other data for its proposed operations, and requested that its application be processed under Subpart Q in a show-cause proceeding.

A statement of position was received on February 2, 1981,[2] from the Lubbock Civic Parties,[3] supporting approval of the proposed application of Trans World.

Eleven points involved in Trans World's application already appear on the carrier's certificate, namely:

Albuquerque, New Mexico
Boston, Massachusetts
Chicago, Illinois
Denver, Colorado
Honolulu, Hawaii
Houston, Texas
Los Angeles, California
Miami, Florida
Pittsburgh, Pennsylvania
St. Louis, Missouri
Seattle-Tacoma, Washington

We therefore will dismiss Trans World's application as it pertains to these points.

We have decided to issue an order to show cause why Trans World's application for new unrestricted authority at the points listed in Appendix B should not be granted. We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to award unrestricted authority to Trans World [4] at the points in Appendix B. Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution.

Upon review of all the facts and pleadings in this case, we have tentatively determined that there is no reason why we should not grant unrestricted authority at the 73 points [5] requested by Trans World.[6] Our tentative conclusions comport with the letter and spirit of the Airline Deregulation Act of 1978, particularly the declaration of policy set forth in Section 102 which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition.[7] See our general conclusions about the benefits of multiple authority in *Improved Authority to Wichita Case, et al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought by the applicant, whether or not services are in fact operated. The existence of additional operating rights at points now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the points in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Because demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and efficiently is to award operating authority to all carriers that are fit, willing and able to provide service.

We remain open to receiving objections to the award of route authority and will continue to evaluate and adjudicate any such objections. In particular, we are sensitive to claims based on environmental considerations, and will consider matters based on any special factual circumstances concerning a given point. Nevertheless, while we will consider any claim that we should not apply the policy of multiple entry in a particular case, the fundamental policies of the Act lead us to conclude that generally we should continue to award authority at new points to all fit, willing and able carriers in order to assure that the benefits of competition are widely available.

In accordance with our rules, Trans World submitted an estimate of the amount of annual aircraft fuel required if it instituted daily nonstop round trip service between and among the 84 points applied for—82.3 million gallons. Clearly, no operation of this scope or remotely approaching it will materialize. The authority we are awarding is permissive and Trans World will exercise such authority only as it perceives a demand that it can profitably satisfy. What we expect to materialize eventually from our award here, if anything, is some pattern of single-plane or connecting flights serving some of the points where other carriers have withdrawn existing services or Trans World steps in to meet growing demand. Such service would involve far less than the projected gallonage and would be in the public interest. We therefore conclude that our action fully meets the standards of the Energy Policy and Conservation Act of 1975.

We will give interested persons 30 days following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final; answers will be due within 10 days after that. We expect such persons to direct their objections, if any, to the application and points at issue, and to support such objections with detailed economic analysis. If an oral evidentiary hearing or discovery procedures are requested, the objector should state in detail why such a hearing or discovery is considered necessary and what material issues of decisional fact he would expect to establish through such hearing or discovery that cannot be established in written pleadings. The objector

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[1] See Appendix A: List of Cities. Appendices A–C are filed as a part of the original document.

[2] The statement of position was late filed and not accompanied by a motion to file a late document under Part 302.4 of our Procedural Rules. We will acknowledge it despite this procedural omission.

[3] The Lubbock Chamber of Commerce, the Board of City Development and the Lubbock Airport Board.

[4] On the basis of officially noticeable data, we find that Trans World is a citizen of the United States and is fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

[5] Excludes 11 points described in paragraph 3 on page 1. See Appendix B.

[6] We recently have amended Part 203 of our Regulations to make clear that, after December 31, 1980, the addition of a new point to a certificated carrier's route will automatically authorize the carrier to provide unrestricted nonstop service between such point and all other points on its system (see ER-1206 and 1207). In the future, therefore, it will be sufficient for an application filed under Subpart Q to list points at which the carrier wishes to obtain new certificate authority; such application will satisfy the evidence requirements of Subpart Q if it contains illustrative schedules and the other requisite data for operations from the new cities to a base city or cities already included in the carrier's certificate.

[7] Section 102(a) specifies as being in the public interest, among other things: "The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation system, (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation and low prices, and to determine the variety, quality and price of air transportation services."

should consider whether discovery procedures alone would suffice to resolve material issues of decisional fact; if so, the type of procedure should be specified (see Part 302, Rules 19 and 20); if not, the reasons why not should be explained. We will not entertain general, vague, or unsupported objections.

If no objections are filed, the Secretary shall enter an order which will make final our tentative findings and conclusions and will issue the amended certificate.

We are issuing this order under authority delegated by the Board in its Regulations, 14 CFR 385.13.

Accordingly: 1. We institute the *Trans World Airlines Additional Points Akron/Canton-Youngstown Proceeding*, Docket 39114;

2. We dismiss as moot the application of Trans World in Docket 39114 to the extent that it involves authority at Albuquerque, New Mexico, Boston, Massachusetts, Chicago, Illinois, Denver, Colorado, Honolulu, Hawaii, Houston, Texas, Los Angeles, California, Miami, Florida, Pittsburgh, Pennsylvania, St. Louis, Missouri and Seattle-Tacoma, Washington;

3. We direct all interested persons to show cause why we should not allow the tentative findings and conclusions stated above to become final, and amend the cerificate of public convenience and necessity of Trans World for Route 2 to allow it to engage in unrestricted operations at the 73 points[8] listed in Appendix B;

4. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendment set forth here, to file in Docket 39114, and serve upon all persons listed in paragraph 7 no later than April 15, 1981, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the objections; answers to objections shall be filed no later than April 27, 1981;

5. If timely and properly supported objections are filed, we will accord full consideration to the matters or issues raised by the objections before we take further action;[9]

6. In the event no objections are filed, the Secretary will enter an order making final our tentative findings and conclusions and issue the certificate amendment; and

7. We will serve a copy of this order on all parties listed in Appendix C.

We will publish a summary of this order in the Federal Register.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8039 Filed 3-19-81; 8:45 am]

BILLING CODE 6320-01-M

[8] See footnote [4].

[9] Since we have provided for the filing of objections to this order, we will not entertain petitions for review.

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics and Census Advisory Committee on Population Statistics; Cancellation of Public Meetings

Notice is hereby given of the cancellation of the meetings of two census advisory committees: The Census Advisory Committee on Agriculture Statistics and the Census Advisory Committee on Population Statistics. Notices of these meetings were previously published in the Federal Register on March 3, 1981, (46 FR 14913), and March 6, 1981, (46 FR 15525), respectively. The meetings are being cancelled because of current travel limitations and related budgetary problems.

Dated: March 18, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-8738 Filed 3-19-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Butter From Denmark; Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination To Revoke

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination To Revoke.

SUMMARY: As a result of an administrative review of the countervailing duty order on butter from Denmark, the Department of Commerce has tentatively determined to revoke such order on the grounds that the Government of Dennark has eliminated the subsidy. This product remains covered by the order on dairy products from the EC. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-2104).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 28, 1935, in T.D. 47896, the Department of the Treasury imposed countervailing duties on butter imported directly or indirectly from Denmark. The notice stated that the Treasury Department had determined that exports of butter from Denmark were provided bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). On December 29, 1936, T.D. 48734 modified this prior order, restricting its application to butter exported indirectly from Denmark on or after November 10, 1935.

On January 1, 1973, Denmark became a member of the European Communities ("the EC"). Since then, the Common Agricultural Policy of the EC has applied to all butter exported from Denmark. On May 19, 1975, a "Final Countervailing Duty Determination" on dairy products from the EC, including Denmark, T.D. 75-113, was published in the Federal Register (40 FR 21719). The notice stated that the Department of the Treasury had determined that exports of certain dairy products from the EC, including butter, were subject to bounties or grants within the meaning of section 303 of the Tariff Act. In conjunction with the notice, T.D. 75-114 was published waiving imposition of countervailing duties under the authority of section 303(d) of the Tariff Act.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on butter from Denmark.

Scope of the Review

Imports covered by this review are butter imported indirectly from Denmark. Such imports are currently classifiable under items 116.00-116.25, Tariff Schedules of the United States.

The review covers the period January 1, 1973 to the present.

Preliminary Results of the Review

The Department has received official confirmation from the Government of Denmark that the Government abolished all subsidy programs for exported butter when Denmark became a member of the EC on January 1, 1973. Therefore, the Department has tentatively determined to revoke the 1935 countervailing duty order concerning butter from Denmark. Such merchandise will remain covered by the 1975 countervailing duty order on dairy products from the European Communities.

Interested parties may submit written comments on this decision on or before April 20, 1981 and may request disclosure and/or a hearing on or before April 6, 1981. The Department will publish a notice of final results of administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review, tentative determination to revoke, and notice are in accordance with section 104(c) of the TAA and sections 751(a)(1), (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 16, 1981.

[FR Doc. 81-8612 Filed 3-19-81; 8:45 am]

BILLING CODE 3510-25-M

Ceramic Wall Tile From the United Kingdom; Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination To Revoke

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke.

SUMMARY: This notice is to advise the public that, as a result of an administrative review of the antidumping finding on ceramic wall tile from the United Kingdom, the Department of Commerce has tentatively determined to revoke such finding. All sales by the only known exporter covered by the finding, H & R Johnson, Ltd., with the exception of several isolated sales on which *de minimis* margins were found, were made at not less than fair value for the period December 1, 1975 through December 31, 1979. There is no indication of sales at less than fair value since that time. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Seiger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3986).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1971, a dumping finding with respect to ceramic wall tile from the United Kingdom was published in the **Federal Register** as Treasury Decision 71-129 (36 FR 9008-10). On June 26, 1974, the Department of the Treasury published in the **Federal Register** a notice excluding Pilkington's Tiles Sales, Ltd. from the scope of the finding (39 FR 20786). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on ceramic wall tile from the United Kingdom. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Merchandise covered by this review is glazed ceramic wall tile, currently classifiable under item 532.2400 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one exporter of ceramic wall tile from the United Kingdom to the United States still covered by the finding.

That firm is H & R Johnson, Ltd. The review covers the period from December 1, 1975 through December 31, 1979. The Treasury Department previously reviewed all earlier periods covered by the finding and issued appraisement instructions ("master lists") for those periods. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980, and covered by previous appraisement instructions, is under review. Liquidation has been suspended pending disposition of this issue.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, in cases where sales were made to unrelated purchasers in the U.S. prior to the date of exportation. Purchase price here was calculated on the basis of the F.O.B. packed price to unrelated purchasers. Where applicable, we deducted cash discounts from this price. No other adjustments were claimed or allowed.

Exporter's Sales Price

The Department used exporter's sales price, as defined in section 204 of the 1921 Act, in cases where sales were made to a related U.S. purchaser. Exporter's sales prices here were calculated on the basis of the delivered price from the related U.S. party to unrelated U.S. purchasers. Where applicable, deductions were made for cash discounts, ocean freight, U.S. duty and insurance. No other adjustments were claimed or allowed.

Foreign Market Value

The Department used home market price, as defined in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide the basis for comparison. H & R Johnson sold 61% of its total production in the home market during the covered period. The home market prices here are based on delivered prices with adjustments for cash discounts, a U.K. inland freight differential, and a packing differential. Adjustments for differences in circumstances of sale, in accordance with § 153.10 of the Customs Service Regulations or § 353.15 of the Commerce Regulations, were made, where applicable, for the costs of technical services and advertising. When home market price was compared to exporter's sale price, we made an additional adjustment for home market selling expenses. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price (and exporter's sale price, where appropriate) to foreign market value, we have concluded that, with the exception of several isolated sales on which *de minimis* margins were found, there were no sales at less than fair value by H & R Johnson, Ltd. for the period December 1, 1975 through December 31, 1979. There is no

indication of any sales at less than fair value by this firm since that time.

As provided for in § 353.54(e) of the Commerce Regulations, H & R Johnson, Ltd. has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that ceramic wall tile thereafter imported into the United States is being sold at less than fair value.

Tentative Determination

As a result of our review we tentatively determine to revoke the finding on ceramic wall tile from the United Kingdom. If the finding is revoked it shall apply with respect to unliquidated entries entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Interested parties may submit written comments on or before April 20, 1981, and may request disclosure and/or a hearing on or before April 6, 1981. A request for administrative protective order must be made on or before March 25, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will, for entries made during the period of review, issue appraisement instructions for this exporter directly to the Customs Service. The Department will issue subsequent appraisement instructions for entries made between January 1, 1980 and the date of publication of this notice.

This administrative review, tentative determination to revoke, and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 353.54(e) of Commerce Regulations (19 CFR 353.54(e)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 16, 1981.

[FR Doc. 81-8588 Filed 3-19-81; 8:45 am]

BILLING CODE 3510-25-M

Diamond Tips for Phonograph Needles From the United Kingdom; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on diamond tips for phonograph needles from the United Kingdom. The review covers two of the three known exporters of this merchandise to the United States. The review covers separate time periods up to March 31, 1980 for each exporter. This review indicates the existence of dumping margins in particular periods for one of the exporters, and the absence of dumping margins during the entire period of review for the other exporter. The Department is currently conducting review of the third exporter.

As a result of the present review, the Department has preliminarily determined to assess dumping duties for the one exporter equal to the calculated difference between foreign market value and United States price on each of its shipments occurring during the covered periods. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Philip S. Gallas, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-4023).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 1, 1972, a dumping finding with respect to diamond tips for phonograph needles from the United Kingdom was published in the Federal Register as Treasury Decision 72-91 (37 FR 6665). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on diamond tips for phonograph needles from the United Kingdom. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are diamond tips for phonograph needles, consisting of an almost microscopic chip of diamond bonded to steel and shaped to fit into the grooves of a phonograph record. Diamond tips for phonograph needles are currently classifiable under item 665.340 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of three exporters to the United States of diamond tips for phonograph needles from the United Kingdom. This review covers two of them, Bauden Precision Diamonds Ltd. ("Bauden") and Diamond Stylus Company Ltd. ("Diamond Stylus"), for all time periods up to March 31, 1980, during which shipments of diamond tips for phonograph needles may have been made to the United States and for which appraisement instructions ("Master lists") have not been issued. Therefore, different time periods are involved for each company. The Department is currently conducting a review of the third company, Fidelitone International Ltd., and will publish the results in a subsequent notice. The issue of the Department's obligation to conduct administrative review of entries unliquidated as of January 1, 1980 and covered by prior master lists is under review. Liquidation has been suspended pending disposition of the issue.

United States Price

In calculating United States price for all sales by Bauden during the entire review period, the Department used exporter's sales price, as defined in section 772(c) of the Tariff Act or section 204 of the 1921 Act, since all sales were made to a related purchaser. In this case exporter's sales price was calculated on the basis of an ex-factory, packed price to the first unrelated purchaser in the United States. Deductions were made for U.S. duty, brokerage charges, selling expenses, and repacking. No other adjustments were claimed or allowed.

In calculating United States price for most sales by Diamond Stylus, the Department again used exporter's sales price since those sales were made to a related purchaser, Phono Stylus Corp. In this case exporter's sales price was calculated on the basis of an ex-factory, packed price to the first unrelated purchaser in the United States. Deductions were made for U.S. duty, brokerage charges, selling expenses, repacking, U.S. inland freight, and insurance. No other adjustments were claimed or allowed.

Some of the sales made by Diamond Stylus during the period under review were made directly to unrelated U.S. customers. In such instances, in calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act or section 203 of the 1921 Act. In this

case purchase price was calculated on the basis of an ex-factory, packed price to the unrelated purchaser in the United States. No adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value for both firms the Department used home market price, as defined in section 773(a) of the Tariff Act or section 205 of the 1921 Act, since sufficent quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Diamond Stylus sold in the home market at least 6 percent of total sales, and at least 7 percent of sales for export to countries other than the United States, during the periods covered. Bauden sold in the home market at least 12 percent of total sales. Bauden made no sales for export other than those to the United States. Home market prices for both companies were based on the ex-factory, packed price. No adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Company	Time period	Margin (percent)
Diamond Stylus/Phono Stylus	7/1/78–3/31/79	
	4/1/79–3/31/80	0
		.79
Diamond Stylus	7/1/78–3/31/79	
	4/1/79–3/31/80	2.1
		.0
Bauden	7/1/78–10/31/77	
	11/1/77–3/31/80	0
		[1] 0

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results on or before April 20, 1981, and may request disclosure and/or a hearing on or before April 6, 1981. Any request for administrative protective order must be made no later than March 25, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates or export dates as appropriate during the time periods involved. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 16, 1981.

[FR Doc. 81-8688 Filed 3-19-81; 8:45 am]

BILLING CODE 3510-25-M

Printed Vinyl Film From Brazil; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This is notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on printed vinyl film from Brazil. The review is limited to the only known exporters—Vulcan Material Plastico, S.A. and Plasticos Plavinil, S.A.—and to the periods July 1, 1978 through July 31, 1980; and December 1, 1973 through July 31, 1980, respectively. The review has disclosed no imports of printed vinly film from Vulcan Material Plastico, S.A. for the period July 1, 1978 through July 31, 1980. There are no known unliquidated entries for this firm for the period of the review. The Department has evidence that there was a shipment by Plasticos Plavinil, S.A. during the covered period which remains unliquidated. For the latter firm the Department has preliminarily decided to assess dumping duties equal to the calculated differences between foreign market value and purchase price on that shipment. Since no information was received from this firm, the Department has used the best information available. Although Vulcan Material Plastico, S.A. has requested revocation of the dumping finding, it has not submitted the required written agreement. Therefore, the Department is taking no further action on this request at this time. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. E. Valerie Newkirk, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 24, 1973, a dumping finding with respect to printed vinyl film from Brazil was published in the Federal Register as Treasury Decision 73–232 (38 FR 22794). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on printed vinyl film from Brazil. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are printed vinyl film, also known as printed polyvinyl chloride sheeting. Printed vinyl film is currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two Brazilian exporters of printed vinyl film to the United States. These firms are Vulcan Material Plastico, S.A. and Plasticos Plavinil, S.A. This review covers all time periods, that is, from July 1, 1978 through July 31, 1980 for Vulcan Material Plastico, S.A., and December 1, 1973 through July 31, 1980 for Plasticos Plavinil, S.A., during which shipments of printed vinyl film may have been made to the United States and for which appraisement instructions ("master lists") have not been issued.

The Department received an inadequate response from Plasticos Plavinil, S.A. and Vulcan Material Plastico, S.A. replied that they had no shipments. Therefore, the Department

used the best information available. For Vulcan Material Plastico, S.A. the best information is the most recent master list information with values (January, 1973 to December, 1976), and for Plasticos Plavinil, S.A. the best information is the fair value margin.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the margin of 52 percent of the entered value exists for Plasticos Plavinil, S.A. We preliminarily determine that no margin exists for Vulcan Material Plastico, S.A. Vulcan Material Plastico, S.A. has requested a revocation of the dumping finding but has failed to respond to our requests for the written agreement required by § 353.54(e) of the Commerce Regulations. The Department, therefore, has taken no further action on this request at this time.

Interested parties may submit written comments on this preliminary determination on or before April 20, 1981, and may request disclosure and/or a hearing on such determination on or before April 6, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates during the time periods involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin calculated above, that is 52 percent of the entered value, shall be required for Plasticos Plavinil, S.A., on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. There will be no cash deposit requirement for Vulcan Material Plastico, S.A., since no margin was found on the last known shipment. The cash deposit requirement for Plasticos Plavinil, S.A., and the deposit waive for Vulcan Material Plastico, S.A., shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 16, 1981.

[FR Doc. 81-8857 Filed 3-19-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Proposed Revision to Federal Information Processing Standard 71, Advanced Data Communication Control Procedures

Correction

In FR Doc. 81-6231 appearing on page 14029 in the issue of Wednesday, February 25, 1981, in the third column, in the third full paragraph, delete the last three lines now reading "or before [please insert date of publication of this notice in the Federal Register].", and insert "or before May 26, 1981". Also the *Proposed Revisions to FIPS PUB 71* which appeared on pages 14029—14031 are republished below to correct substantive errors. The *Proposed Revisions to FIPS PUB 71* read as follows:

Proposed Revisions to FIPS PUB 71

It is proposed that the specifications section of FIPS PUB 71, Advanced Data Communication Control Procedures, be revised to add the following two new items:

(4) All systems shall implement the 16-bit frame check sequence (FCS) specified in American National Standard X3.66–1979, referenced above.

A 32-bit FCS may also be provided for use when it has been determined that a higher degree of error protection is necessary on a link. For a discussion of the relative merits of the 16-bit and 32-bit FCS, see FIPS PUB 78, Guideline for Implementing Advance Data Communication Control Procedures, Section 7.0.

The equations for 32-bit FCS generation are:

$$\frac{X^{n}G(X)^{k} + X^{k}L(X)}{P(X)} = Q(X) + \frac{R(X)}{P(X)}$$

$FCS = L(X) + R(X) = R(X)$

The arithmetic is modulo 2.

$L(X) = X^{31} + X^{30} + X^{29} + X^{28} + X^{27} + X^{26} + X^{25} + X^{24} + X^{23} + X^{22} + X^{21} + X^{20} + X^{19} + X^{18} + X^{17} + X^{16} + X^{15} + X^{14} + X^{13} + X^{12} + X^{11} + X^{10} + X^{9} + X^{8} + X^{7} + X^{6} + X^{5} + X^{4} + X^{3} + X^{2} + X^{1} + 1.$

$R(X)$ = The remainder which is of degree less than 32.
k = The number of bits represented by $G(X)$.
$P(X)$ = The generator polynomial $X^{32} + X^{26} + X^{23} + X^{22} + X^{16} + X^{12} + X^{11} + X^{10} + X^{8} + X^{7} + X^{5} + X^{4} + X^{2} + X^{1} + 1$
$G(X)$ = The message polynomial, which includes the contents of the address, control, and information fields, excluding the zero bits inserted for transparency (see American National Standard X3.66–1979, Section 3.7).

The generation of the remainder R(X) differs from that used in conventional (non-ADCCP) check sequence generation by the presence of the $X^k L(X)$ term in the generation equation. When the 32-bit FCS generation is by the usual shift register technique, the $X^k L(X)$ term is added in either of two ways:

a. Preset the shift register to all ones rather than to all zeros as in conventional (non-ADCCP) generation procedures. Otherwise, shift the data G(X) through the register as in conventional procedures, or,

b. Invert the first 32 bits of G(X) before shifting into the register and shift the remaining part of G(X) through the register uninverted. This requires that G(X) contain at least 32 bits.

Whether 1 or 2 is used, the shift register contents, after shifting through G(X), are R(X). These contents are inverted bit-by-bit and transmitted as the FCS sequence.

The transmitted sequence is always (in algebraic notation):
$M(X) = X^{32}G(X) + FCS$.

The received sequence will be denoted $M^*(X)$ and may differ from the transmitted sequence M(X) if transmission errors are introduced. The checking process always involves dividing the received sequence by P(X) and testing the remainder. Direct division, however, does not yield a unique remainder and it is expected that in most cases the received sequence will be modified for checking purposes by the addition of terms which will cause the division to yield such a unique remainder when $M^*(X) = M(X)$, i.e., when the frame is error free.

Two classes of checking equations are given below:

$$\frac{X^{\gamma}[M^*(X) + X^k L(X)]}{P(X)} = Q(X) + \frac{R(X)}{P(X)}$$

(Equation 1)

In this case, the unique remainder is the remainder of the division

$$X^{\gamma}\frac{L(X)}{P(X)}$$

When $\gamma = 0$ the remainder is L(X) (32 ones).
When $\gamma = 32$ the remainder is $X^{31} + X^{30} + X^{29} + X^{28} + X^{26} + X^{25} + X^{24} + X^{16} + X^{15} + X^{14} + X^{13} + X^{11} + X^{10} + X^{8} + X^{6} + X^{5} + X^{4} + X^{3} + X^{1} + 1$.

$$\frac{X^{\gamma}[M^*(X)^k + (X+1)\,L(X)]}{P(X)} = Q(X) + \frac{R(X)}{P(X)}$$

(Equation 2)

In this case, the unique remainder is always zero regardless of the value of γ.

Shift register implementation of the above equations normally use $\gamma = 32$ (pre-multiplication). When this is the case, the added term $X^k L(X)$ in Equations 1 and 2 is added by either inverting the first 32 received bits of $M^*(X)$ before shifting them through the checking register or by presetting the register to all ones and shifting all of $M^*(X)$ through normally. Thus, the receiver action on the leading portion of a frame is the same with either Equation 1 or 2.

The $+1$ of the term $(X^k + 1)L(X)$ of Equation 2 is added by inverting the 32-bit FCS. This implies a 32-bit storage delay by the 32-bit FCS function at the receiver since the location of the 32-bit FCS is not known until the closing flag is received.

(5) To maximize interoperability among major Federal data communication networks, while still allowing flexibility to tailor a network for efficient day-to-day use, the following features are required:

a. The W bit in the frame reject (FRMR) information field shall be set to indicate the cause of the frame rejection condition. (See American National Standard X3.66–1979, Section 7.5.3.1.)

b. Upon receiving a FRMR with the W bit set to one, a primary/combined station shall issue an appropriate mode setting command (i.e., SNRM, SARM, SABM, SNRME, SARME, or SABME) and shall not subsequently, during the same connection with the same secondary/combined station, transmit a frame containing the command or response that caused the frame rejection condition. (See American National Standard X3.66–1979, Section 7.4.1.)

It is also proposed that the cross-index section of FIPS PUB 71 be revised to add the following new items:

(c) FIPS PUB 78, Guideline for Implementing Advance Data Communication Control Procedures.

(d) International Standard 3309: Data Communications—High-level Data Link Control Procedures—Frame Structure.

(e) International Standard 4335: Data Communications—High-level Data Link Control Procedures—Elements of Procedures.

(f) Addendum 1 to International Standard 4335: Data Communications—High-level Data Link Control Procedures—Elements of Procedures.

(g) Addendum 2 to International Standard 4335: Data Communications—High-level Data Link Control Procedures—Elements of Procedures.

(h) International Standard 6159: Data Communications—High-level Data Link Control Procedures—Unbalanced Classes of Procedure.

(i) International Standard 6256: Data Communications—High-level Data Link Control Procedures—Balanced Class of Procedure.

(j) CCITT Recommendation X.25: Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Terminals Operating in the Packet Mode on Public Data Networks.

(k) CCITT Recommendation X.75: Terminal and Transit Call Procedures and Data Transfer Systems on International Circuits Between Packet-Switched Data Networks.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletions from procurement list.

SUMMARY: This action deletes from Procurment List 1981 services provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 20, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 16, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 3953) of proposed deletions from Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following services are hereby deleted from Procurement List 1981:

Sic 7395: Film Developing (Photographic Processing for GSA Self-Service Store #60), Denver Federal Center, Denver, Colorado

Sic 7399: Repair of Field Jackets, Fort Riley, Kansas

C. W. Fletcher,

Executive Director.

[FR Doc. 81-8981 Filed 3-19-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1981 a commodity to be produced by workshops for the blind and other severely handicapped.

DATES: Comments must be received on or before April 22, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 8530: Litter, Folding Aluminum, 8530–00–782–7805

C. W. Fletcher,

Executive Director.

[FR Doc. 81-8982 Filed 3-19-81; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Product Safety Advisory Council; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: Product Safety Advisory Council.

SUMMARY: This notice announces a meeting of the Product Safety Advisory Council on Monday, April 13, 1981, 12:00 Noon–6:00 p.m., and Tuesday, April 14, 1981, 8:30 a.m.–3:00 p.m. The meeting will be held at 1111 18th Street, NW., Washington, D.C. 20207, Third Floor Conference Room.

FOR FURTHER INFORMATION CONTACT: Barbara Rosenfeld, Director, Office of Public Participation, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, D.C. 20207, 202/634–7700.

SUPPLEMENTARY INFORMATION: The Product Safety Advisory Council was established by Section 28 of the Consumer Product Safety Act, which provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the Act.

The agenda for the meeting will include a discussion of reauthorization issues and the impact of proposed budget cuts; a report on fire and flammability projects; an update on child safety activities, and a briefing on the status of urea-formaldehyde foam insulation regulatory action.

The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentation to the Product Safety Advisory Council should notify the Office of the Secretary (see address above) by April 6, 1981. The notification should list the name of the individual who will make the presentation, the person, the company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the Council may be allowed by the presiding officer.

Dated: March 17, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-8989 Filed 3-19-81; 8:45 am]

BILLING CODE 6355-01-M

COPYRIGHT ROYALTY TRIBUNAL

Commencement of Obligation To Pay Adjusted Royalty Fees

March 16, 1981.

The American Society of Composers, Authors and Publishers; Broadcast Music, Inc.; Major League Baseball; Motion Picture Association of America, Inc.; National Association of Broadcasters; National Basketball Association; National Hockey League; and North American Soccer League (Copyright Owners) in the matter of Compulsory License for Secondary Transmissions by Cable Systems; Royalty Adjustment Proceeding, CRT Docket No. 80–3, have filed a Petition for Declaratory Relief to the effect that if the Tribunal's adjustment of cable royalties is sustained on judicial review that:

1. Cable systems are obligated for payment of the adjusted royalty fees as of January 1, 1981.

2. Interest on the adjusted royalty fees must be calculated from the first semi-annual deposit date in 1981 through the date of actual payment by a cable system.

The National Cable Television Association has filed an Opposition to Petition for Declaratory Relief urging the dismissal or denial of the petition.

The Petition of the Copyright Owners and the Opposition of the National Cable Television Association are available for inspection in the office of the Tribunal.

The pending Petition for Declaratory Relief presents questions of general application to all Tribunal royalty adjustment proceedings. Therefore the Tribunal has determined that prior to any action on the petition, the Tribunal should provide an opportunity for comments by any interested person on the issues presented by the Petition and the general subject of any retroactive application of Tribunal royalty rate adjustments.

Any person desiring to present views to the Tribunal on these matters shall submit such comments not later than April 15, 1981. Comments should be addressed to Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW., Washington, D.C. 20036.

Clarence L. James, Jr.,

Chairman, Copyright Royalty Tribunal.

[FR Doc. 81-8810 Filed 3-19-81; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

Intent To Commence Relocation of Navy Resale and Services Support Office (NAVRESSO) to Staten Island, N.Y.

The Department of the Navy announces its intent to commence the relocation of the Navy Resale and Services Support Office (NAVRESSO) from Brooklyn, N.Y. to three existing buildings located at Fort Wadsworth, Staten Island, N.Y. The action is being taken because the present Brooklyn location is to be vacated by 1984 (the building is unsafe and further repair is considered uneconomical) and Fort Wadsworth is the preferred alternative among possible facilities investigated. A Finding of No Significant Impact concerning the environmental assessment of this relocation has been on file for a period of 30 days from January 22, 1981. Since the Navy has received no substantive comments which would be cause to alter the original relocation plans, the Department of the Navy intends to commence a phased relocation of NAVRESSO on the date of publication of this notice.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

March 13, 1981.

[FR Doc. 81-8832 Filed 3-19-81; 8:45 am]

BILLING CODE 3810-70-M

Office of the Secretary of Defense

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 23 April 1981, at the Palisades Institute for Research Services, Inc., 201 Varick Street, New York, New York, 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

Dated: March 17, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-8879 Filed 3-19-81; 8:45 am]

BILLING CODE 3810-70-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, May 5, 1981; Tuesday, May 12, 1981; Tuesday, May 19, 1981; and Tuesday, May 26, 1981 at 10:00 a.m. in Room 3D-321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-264, The Pentagon, Washington, D.C.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 16, 1981.

[FR Doc. 81-8865 Filed 3-19-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Request for Public Comment on the "Interim Report of the Interagency Coal Export Task Force"

AGENCY: Department of Energy.

ACTION: Request for public comment on the "Interim Report of the Interagency Coal Export Task Force."

SUMMARY: The Interagency Coal Export Task Force, under the direction of the U.S. Department of Energy, has recently published its Interim Report. It will be available from the Superintendent of Documents in early March for

approximately $5.00 (document number 061-000-00506-1).

DATE: Written public comments are invited and should be received by April 30, 1981.

ADDRESS: Comments should be directed to: The Deputy Secretary of Energy, Department of Energy, Forrestal Building, Mail Stop 7E064, 1000 Independence Avenue, SW, Washington, DC 20545.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Beecy, re: Interagency Coal Export Task Force, U.S. Department of Energy, Room C-125, Germantown, FP-52, Washington, DC 20545; Telephone: (301) 353-2800.

SUPPLEMENTARY INFORMATION: The Interagency Coal Export Task Force was formed in the Spring of 1980 at the direction of the President. It included some fifty representatives of fourteen Federal agencies, and was chaired by the Deputy Secretary of Energy. The Task Force was asked to report on possible courses of action to increase U.S. steam coal exports in a manner consistent with national energy policies, including the commitment to environmental protection.

Over approximately six months, the Task Force undertook a number of related activities. It assembled existing data and developed new information regarding the international coal market. It analyzed restrictions and barriers to coal export and served as a clearinghouse for ideas and information. The Task Force acted as a point of contact for U.S. and foreign representatives both to obtain current information on coal development in the United States and to register concerns. Finally, it contributed to public awareness that increased coal exports will serve both the domestic and international interests of the United States.

Separate staff working groups addressed issues and alternatives in six specific areas:

Supply and Demand
Inland Transportation
International Cooperation
Ports and Ocean Transportation
Marketing and Business Issues
Environmental Impacts and Issues

In addition, contractor personnel on site in the major consuming countries provided up-to-date information on current and projected demand among the major importers of steam coal.

The Task Force efforts resulted in a number of conclusions as follows:

- There will be significant growth in world demand for steam coal, even greater than predicted in previous studies, such as the *World Coal Study*. In millions of short tons of coal, these projections are:

	1979	1985	1990	2000
Europe	82.6	97-123	146-190	273-343
Pacific Rim	13.9	43	90	202-222
Total	78.5	140-166	236-280	475-565

- The primary demand will be for low-sulfur (generally below 1.5% and preferably below 1%), bituminous coal.
- Increased steam coal exports are not likely to exceed ten percent of domestic production.
- U.S. coal is generally higher priced than coal from other major supplying countries (Australia, Poland, and South Africa), largely due to higher costs for transportation, both inland and ocean, and handling. Foreign buyers, however, appear willing to pay a premium (of as much as ten percent) to insure diversity and security of supply.
- A critical factor in current price differences between U.S. and competing coals is demurrage associated with the long lines of ships waiting (an average of 40 days) to load coal at East Coast ports. Current capacity expansion plans (if implemented) will eliminate this problem by the mid-1980's.
- Inability to handle larger (100,000+deadweight tons) vessels does *not* appear to be a deterrent, at least at this time, although the trend toward increased use of these vessels will result in certain pressure to deepen ports to accommodate their use. Decisions to deepen ports will be made by the Congress based on considerations above and beyond that of coal export.
- The possible U.S. share of the world steam coal market has been projected (in millions of short tons, and as a percentage of total market) as follows:

	1985	1990	2000
European market	28 (28%)	49 (29%)	145 (47%)
Pacific rim market		15 (17%)	52 (25%)
Total world market	28 (17%)	64 (25%)	197 (36%)

- The ultimate U.S. share of this world market will depend largely on actions by the private sector to increase transportation and handling capacity. Given the availability of long-term contracts ensuring adequate future sales of steam coal, the capital will be available in the private sector for needed facility and equipment improvements.

Finally, the Task Force identified four areas for possible Federal involvement: coal ports, environmental review, inland transportation, and encouragement of foreign investment. Possible actions within these areas include:

- That the U.S. Corps of Engineers develop an analysis for an optimizing strategy that will capture the benefits of early expenditures on partial port dredging: for example, by dredging to 50 feet initially, and then 55 feet at a later date; or by dredging outbound channels first.
- That support be provided for blanket Congressional authorization for harbor improvement projects approved in the administrative review process. this will significantly shorten the time required from proposal to completion of construction.
- That initiatives be supported that will result in streamlined Federal, state, and local review of such critical energy projects as port expansions.
- The the Federal government remain sensitive to foreign concerns about possible export restrictions by reassuring foreign buyers that the United States will not interrupt steam coal supply except in a national emergency.
- That the Federal government actively encourage foreign investment in domestic steam coal production and transportation systems.
- That the Administration support passage of a coal slurry pipeline bill granting the right of eminent domain to traverse other rights of way.
- That Federal responsibility for communications with foreign countries on steam coal exports be centralized (in State, Commerce, Energy, or the White House).

Dated: March 16, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 81-8884 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Intent To Prepare a Draft Environmental Impact Statement for Alston-Portland Area; Transmission System Reinforcement

The Bonneville Power Administration (Bonneville) hereby gives notice of its intent to prepare and consider an environmental impact statement (EIS) on a proposal to reinforce the electrical transmission system serving the Longview, Washington, and Portland,

Oregon, areas. This proposal was initially evaluated in the Allston-Portland Area Reinforcement Draft Facility Planning Supplement to Bonneville's Proposed Fiscal Year 1981 Program Draft EIS (DOE/EIS-0060), which was filed with the Environmental Protection Agency on December 6, 1979. Bonneville has since identified alternative plans of service not discussed in the draft EIS supplement. To better facilitate a comparative and meaningful analysis of the alternatives, Bonneville will prepare a revised draft EIS rather than supplement and finalize the existing draft EIS supplement.

The proposed action is to construct, in stages, additions to the electrical transmission grid between the Longview and Portland-Vancouver areas. Five feasible alternative plans of service are presently identified, all involving the construction of new 230-kV and 500-kV overhead transmission line segments utilizing existing right-of-way, purchasing new right-of-way, and upgrading existing lower capacity circuits. Possible routes range approximately from 65 to 95 miles in total length.

No action is a possible alternative to construction. If loads in the Longview and Portland-Vancouver areas grow as forecast and Bonneville takes no action to reinforce the transmission system, the system would operate at substandard reliability. No action would also mean increased energy losses in transmission.

To help determine the scope of issues to be addressed in the EIS and to identify significant issues related to the proposed action, Bonneville will consider the comments it has received on the draft facility planning supplement. In addition, Bonneville will invite current participation by sending a scoping notice to interested persons and agencies and by holding scoping meetings in the project area. When specific dates and places for these meetings are arranged, they will be announced through local news media. Questions and comments about the proposed action and the EIS should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621-SJ, Portland, Oregon 97208.

Dated at Portland, Oregon, this 6th day of March 1981.

Stanley E. Efferding,

Acting Administrator.

[FR Doc. 81-8661 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

O'Connell Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of a Consent Order.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114.

SUPPLEMENTARY INFORMATION: "On December 1, 1980, the Office of Enforcement of the ERA executed a Consent Order with O'Connell Oil Company (O'Connell) of Pittsfield, Massachusetts. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution."

I. The Consent Order

O'Connell, with its home office located in Pittsfield, Massachusetts, is a firm engaged in the sale and allocation of Motor Gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of O'Connell, the Office of Enforcement, ERA and O'Connell entered into a Consent Order, the significant terms of which are a follows:

1. O'Connell has agreed to refund a total of $9,361.13 including interest through November 30, 1980 in full settlement of overcharges alleged by the DOE for the period April 1, 1979 through April 30, 1980.

2. The amount that O'Connell overcharged and the applicable interest is as follows:

Blend of gasoline	Class	Amount	Interest through 11/30/80	Total
Regular	Reseller Delivered	$4,578.20		
	Retail Ser. Station	886.15	$1,088.83	$6,756.79
	Retail-Commercial	511.91		
No Lead	Retail Ser. Station	410.89	140.07	894.91
	Reseller Delivered	334.18		
Premium	Reseller Delivered	1,321.60	272.17	1,718.43
	Retail Ser. Station	125.66		
Total		7,679.36	1,481.77	9,361.13

3. O'Connell has agreed to pay a civil penalty of $500.00.

4. The provisions of 10 C.F.R. 205.199J are applicable to the Consent Order.

II. Disposition of Matters Covered by This Consent Order

O'Connell agreed to refund in full settlement of any civil liability with respect to actions which might be brought by the DOE arising out of the allegations specified in paragraph 1, above, the sum of $9,361.13. Refunds of those overcharges will be in the form of certified check(s) made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a

claim to all or a portion of the refund amount specified in I.1 above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim with the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by O'Connell.

You should send your comments or written notification of a claim to Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597–2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on O'Connell Oil Company Consent Order." We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time, on April 20, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pennsylvania on the 17th day of February 1981.

Edward F. Momorella,

District Manager, Northeast District Enforcement.

[FR Doc. 81-8626 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-01-M

B. M. Hester; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to B. M. Hester. This Proposed Remedial Order charges Hester with pricing violations in the amount of $285,587.73 connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR 212, Subpart D during the time period September 1973 through May 1979 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7745. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 11th day of March 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-8629 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621), signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204(e), the Energy Information Adminsitration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective April 1, 1981. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., NW., Rm. 4121, Washington, D.C. 20461, (202) 633–9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	$3.95
Arizona [1]	3.45
Arkansas [1]	3.97
California [1]	3.45
Colorado [1]	3.63
Connecticut	4.99
Delaware [1]	4.40
Florida	4.47
Georgia	4.52
Idaho [1]	3.63
Illinois	2.97
Indiana [1]	3.72
Iowa [1]	4.04
Kansas [1]	4.04
Kentucky [1]	3.72
Louisiana	3.64
Maine [1]	5.13
Maryland [1]	4.40
Massachusetts	5.07
Michigan [1]	3.72
Minnesota [1]	4.04
Mississippi	4.46
Missouri	3.82
Montana [1]	3.63
Nebraska [1]	4.04
Nevada [1]	3.45
New Hampshire [1]	5.13
New Jersey [1]	4.40
New Mexico	3.55
New York	4.28
North Carolina [1]	4.55
North Dakota [1]	4.04
Ohio [1]	3.72
Oklahoma	3.80
Oregon [1]	3.45
Pennsylvania [1]	4.40
Rhode Island [1]	5.13
South Carolina [1]	4.55
South Dakota [1]	4.04
Tennessee	4.37
Texas [1]	3.97
Utah [1]	3.63
Vermont [1]	5.13
Virginia [1]	4.55
Washington	3.25
West Virginia [1]	3.72
Wisconsin	3.33
Wyoming	3.25

[1] Region based price as required by FERC Interim Rule, issued on Mar. 2, 1981, in Docket No. RM79–21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during

January 1981 was $40.18 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective April 1, 1981, is $9.01 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of November 1980, December 1980, and January 1981.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective April 1, 1981 (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, November 1980, December 1980, and January 1981. Reported prices for sales in November 1980 were adjusted by the percent change in the nationwide volume-weighted average price from November 1980 to January 1981. Prices for December 1980 were similarly adjusted by the percent change in the nationwide volume-weighted average price from December 1980 to January 1981. The volume-weighted 3-month average of the adjusted November 1980 and December 1980, and the reported January 1981 prices was then computed for each State.

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending March 12, 1981, and dividing that price by the corresponiding weighted average price computed from prices published by Platt's for the month of January 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

C. *Listing of States by Region.* States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	

Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	

Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	

Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C. on March 17, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81-8723 Filed 3-19-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3834-000]

Cook Electric Co.; Application for Preliminary Permit

March 17, 1981.

Take notice that Cook Electric Company (Applicant) filed on December 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3834 to be known as Wallowa Valley Improvement District located on Big Sheep Creek and Little Sheep Creek in Wallowa County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of 3 sites. The No. 1 site at Salt Creek Ridge would include a diversion structure, a 54-inch diameter 4,600-foot long penstock, and a powerhouse with two 2,200 kW generating units. The No. 2 site at Canal Creek would include a diversion structure, a 54-inch diameter 400-foot long penstock, and a powerhouse with two 750 kW generating units. The No. 3 site at Ferguson Ridge would include a diversion structure, a 54-inch diameter 1,750-foot long penstock, and a powerhouse with two 800 kW generating units.

The Applicant estimates that the average annual energy output would be 38,989,834 kWh.

Purpose of Project—The power generated by the proposed project would be sold to either Portland Power and Light Company or Idaho Power and Light Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time they would conduct hydrologic and engineering studies and determine environmental impacts. The Applicant estimates the cost of the studies to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing form the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3834. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8063 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3964]

Enagenics; Application for Preliminary Permit

March 17, 1981.

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3964 to be known as Three Mile Falls Diversion Dam Project located on Umatilla River in Umatilla County, Oregon. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas H. Clarke, Jr., 1727 Q Street NW., Washington D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a government dam owned by the United States Water and Power Resources Service and would consist of a power plant with a total capacity of 3.1 MW. The Applicant estimates that the average annual energy output would be 5.03 GWh.

Purpose of Project—Applicant proposes to market the power generated by the project to local institutions, industrial users, or utilities.

Proposed Scope and Cost of Studies Under Permit—The proposed studies

would include an economic analysis, preliminary engineering, and environmental aspects. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and preparation of an application for license to construct and operate the project. Applicant estimates cost of studies would be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3462 filed on September 12, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3904. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Divison of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8804 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3806-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

March 17, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on December 1, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3806 to be known as Falmouth Dam Hydroelectric Project located at the U.S. Army Corps of Engineers Falmouth Dam, on Licking River in Pendleton County, Falmouth, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02110. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers dam. Project No. 3806 would consist of: (1) a proposed powerhouse located just below the existing dam structure, and having an estimated installed generating capacity of 40 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The project is located on Federal Lands.

The Applicant estimates that the average annual energy output would be 137,000,000kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to Ohio Edison Company or another local utility.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. Within the 36 month time period the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July

17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3604. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8005 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3650-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

March 17, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3650 to be known as Mississippi Lock and Dam No. 2 Hydroelectric Project located at the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 2 on the Mississippi River near Dakota County, near the township of Hastings, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' dam. Project No. 3650 would consist of: (1) a proposed powerhouse that would operate as a run-of-the-river installation and located just below the existing dam having generation units with a total capacity of approximately 7.1 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands.

The Applicant estimates that the average annual energy output would be a maximum of 43,500,000 kWh.

Purpose of Project—The Applicant proposes to sell the output of energy generated to a local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. Within the 36 month time frame, the Applicant proposes to conduct engineering, environmental and legal investigations. The Applicant estimates the cost of the proposed investigations to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for

Project No. 3650. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8886 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3738-000 and 3813-000]

Mitchell Energy Company, Inc. and, ENAGENICS; Applications for Preliminary Permit

March 17, 1981.

Take notice that Mitchell Energy Company, Inc. (MECI) and ENAGENICS (EN), (Applicants) filed on November 12, 1980, and December 3, 1980, respectively, applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3738 and 3813 both to be known as the Merritt Dam Hyroelectric Project located at the Ainsworth Irrigation District, United States Water and Power Resourses Service, on the Snake River, in Cherry County, near Valentine, Nebraska. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants MECI and EN, respectively should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116, and Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q Street, NW, Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize a United States Water and Power Resources Service's dam. Project No. 3738 would consist of: (1) a proposed powerhouse located just below the dam where the outlet works conduit branches to serve the Ainsworth Canal and river, and having an estimated installed generating capacity of 4 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Project No. 3813 would consist of: (1) a proposed powerhouse located on the left side of the river outlet works stilling basin and having one unit with an installed capacity of approximately 1.5 MW; (2) a proposed bifurcation installed in the river outlet control house with a slide gate placed at the power penstock side of the bifurcation; (3) a proposed 57-inch diameter buried penstock 80-foot long and connecting the bifurcation to the powerplant; (4) a proposed five mile transmission line to interconnect with the K.R.B. Rural Power District; and (5) appurtenant facilities. The Merritt Dam Hydroelectric Project is located on Federal lands.

MECI estimates that the average annual energy output would be 10,500,000 dWh and EN estimates that the average annual energy output would be 7,500,000 kWh.

Purpose of Project—MECI proposes to sell the generated output of energy to Nebraska Public Power District or other local utility. EN proposes to sell the generated output of energy to K.R.B. Rural Power District or public or private utilities.

Proposed Scope and Cost of Studies under Permit—The Applicants seek issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. MECI estimates that the cost of the studies would be $50,000. EN estimates that the cost of the studies would be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to e heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1,8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a part to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3738 and 3813. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F.

Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D. C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D. C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8957 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3746-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

March 17, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3746 to be known as the Carter Lake Hydroelectric Project located on the Big Thompson River near the City of Boulder in Larimer County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Water and Power Resources Service's main Carter Lake Dam and would consist of: (1) a powerhouse located at the existing outlet tunnel containing generating units having a total rated capacity of 26,654 kW; (2) a short tailrace discharging to the existing St. Urain Supply Canal; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 70,046,700 kWh.

Purpose of Project—Project energy would be sold to Public Service Company of Colorado or another local utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the geologic, hydraulic, construction, economic, and environmental aspects of the project. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3746. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8958 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-97, etc.]

Tennessee Gas Pipeline Co., et al.; Informal Settlement Conference

March 17, 1981.

In the matter of Tennessee Gas Pipeline Company, Docket No. RP80-97; Michigan Wisconsin Pipe Line Company, Docket No. RP80-100; Southern Natural Gas Company, Docket No. RP80-102; Natural Gas Pipe Line Company of America, Docket No. RP80-107; Transcontinental Gas Pipe Line Corporation, Docket No. RP80-117; United Gas Pipe Line Company, Docket No. RP80-121; Trunkline Gas Company, Docket No. RP80-106; Columbia Gulf Transmission Company, Docket No. RP80-145; Columbia Gas Transmission Corporation, Docket No. RP80-146; Sea Robin Pipeline Company, Docket Nos. RP80-55 and RP80-118; Florida Gas Transmission Company, Docket No. RP81-7; High Island Offshore System, Docket No. RP81-18; and U-T Offshore

System, Docket No. RP81-20; Notice of Informal Settlement Conference.

Take notice that on March 26, 1981, at 10:00 a.m. there will be an informal conference of all interested persons for the purposes of discussing settlement of issues pertaining to the allocation of transmission costs between the transportation of natural gas and liquids and liquefiable hydrocarbons. Such issues appear to arise in the above-captioned dockets, which while not consolidated, will be the subject of joint discussions as a matter of convenience and to assure consistency in the resolution of these issues to the extent possible.

The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, Hearing Room A, 825 North Capitol Street, NE., Washington, D.C. 20426.

Customers, those retaining an interest in the subject liquids and liquefiable hydrocarbons and other interested persons will be permitted to attend this conference, but if such persons have not previously been permitted to intervene in any of the above-captioned dockets by order of the Commission or of a Presiding Administrative Law Judge attendance will not be deemed to authorize intervention as a party in any of these proceedings nor will attendance by a person granted intervention in one or more of the above-captioned proceedings be deemed to authorize intervention in any other docket.

All participants will be expected to come fully prepared to discuss the merits of the issues arising in those proceedings in which they have a pertinent and cognizable interest and to make commitments with respect to such issues and to any offer of settlement or stipulations discussed at the conference.

Inquiries regarding this conference should be directed to Lawrence Acker or Norma Rosner at (202) 357-8585.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8609 Filed 3-19-81; 8:45 a.m.]
BILLING CODE 6450-85-M

[Volume 383]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

V. 46 / 54 / MR 20 81

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
ANADARKO PRODUCTION COMPANY				RECEIVED: 02/23/81 JA: KS			
0116578	K-80-1086	1512920460	103	CHANCE A NO 4	INTERSTATE	75.0	PANHANDLE EASTERN PI
0116579	K-81-0036	1517320409	102	MITCH B-2	SHUCK	183.0	CIMARRON-QUINOSE
0116576	K-80-1083	1512920457	103	INTERSTATE C NO 10	INTERSTATE	67.0	PANHANDLE EASTERN PI
0116574	K-81-1088	1512920471	103	INTERSTATE NO 12	INTERSTATE	22.0	PANHANDLE EASTERN PI
0116566	K-80-1090	1512920472	103	INTERSTATE NO 13	INTERSTATE	102.0	PANHANDLE EASTERN PI
0116600	K-80-0940	1512920455	103	KNELLER C NO 1	PANOMA	37.0	CIMARRON-QUINOSE
0116573	K-80-1089	1512920463	103	ROLL B NO 1	INTERSTATE	84.0	PANHANDLE EASTERN PI
0116601	K-80-0932	1512920447	103	SIMMONS E NO 1	PANOMA	24.0	CIMARRON-QUINOSE
BENSON MINERAL GROUP				RECEIVED: 02/23/81 JA: KS			
0116595	K-81-0017	1514320499	102	COLEMAN 01-10	BRYANT	666.0	NORTHERN NATURAL GAS
0116596	K-81-0018	1514320720	102	SALES 01-10	BRYANT	165.0	NORTHERN NATURAL GAS
BERGEN CORPORATION				RECEIVED: 02/23/81 JA: KS			
0116598	K-80-1093	1509720931	103	STERLING #2	HARDTNER	30.0	KANSAS GAS SUPPLY CO
BEYMER & BEYMER				RECEIVED: 02/23/81 JA: KS			
0116588	K-81-0033	1509320646	103	KLEEMAN #1	HUGOTON	30.0	CITIES SERVICE GAS C
CHAMPLIN PETROLEUM COMPANY				RECEIVED: 02/23/81 JA: KS			
0116587	K-81-0048	1509520353	103	BROWN AD 2	PANOMA	700.0	CITIES SERVICE GAS C
CITIES SERVICE COMPANY				RECEIVED: 02/23/81 JA: KS			
0116583	K-81-0052	1509720961	103	FITZGERALD B NO 1	STRANATHAN	73.0	
CONTINENTAL ENERGY				RECEIVED: 02/23/81 JA: KS			
0116569	K-81-0010	1512900000	108	GLENN #1	HUGOTON	17.3	CITIES SERVICE GAS C
0116564	K-81-0051	1509300000	108	MEAIRS #18	HUGOTON	9.0	NORTHERN NATURAL GAS
DIAMOND SHAMROCK CORPORATION				RECEIVED: 02/23/81 JA: KS			
0116561	K-81-0054	1511920430	103	MARTIN ECKHOFF NO 2	HOMLER N E	0.0	PANHANDLE EASTERN PI
EDWIN L COX				RECEIVED: 02/23/81 JA: KS			
0116560	K-81-0053	1512900000	108	CENTRAL LIFE NO 1	GREENWOOD	10.0	PANHANDLE EASTERN PI
GRAHAM-MICHAELIS CORP				RECEIVED: 02/23/81 JA: KS			
0116599	K-80-0011	1510720331	103	PLUMMER C 2	PANOMA	100.0	COLORADO INTERSTATE
GUNNER OIL CO				RECEIVED: 02/23/81 JA: KS			
0116586	K-81-0049	1500720941	103	SEA KUMBERG #1	HARDING WEST FIELD	27.3	CENTRAL STATES GAS C
HERNDON OIL & GAS CO				RECEIVED: 02/23/81 JA: KS			
0116593	K-80-1091	1500720960	103	ERMA SMITH #1	MCGUIRE-GOEMANN	150.0	PANHANDLE EASTERN PI
KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 02/23/81 JA: KS			
0116568	K-81-0011	1509320669	103	TATE 7-2	PANOMA-COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
0116567	K-81-0012	1509320406	103	THOMAS 1-2	PANOMA-COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
LADD PETROLEUM CORPORATION				RECEIVED: 02/23/81 JA: KS			
0116589	K-80-1096	1502320391	102	CANNON #1-8	WILDCAT	39.1	
0116591	K-80-1094	1507300000	108	MCU -1341 #1	BRADSHAW	20.0	KANSAS-NEBRASKA NATU
0116577	K-81-0038	1507320330	103	MCU-1720-B	BRADSHAW	24.0	KANSAS NEBRASKA NATU
0116578	K-81-0037	1507320332	103	MCU-3231-B	BRADSHAW	31.0	KANSAS NEBRASKA NATU

VOLUME 383 PAGE 002

FIELD NAME	PROD	PURCHASER
WILDCAT	38.0	
WILDCAT	0.0	MICHIGAN WISCONSIN P
WILDCAT	0.0	MICHIGAN WISCONSIN P
SPIVEY-GRABS	10.0	NORTHERN NATURAL GAS
SPIVEY-GRABS	91.2	PANHANDLE EASTERN PI
MCCLANAHAN WEST MISSISSI	100.0	KANSAS-NEBRASKA NATU
	90.0	KANSAS POWER AND LIG
	68.0	KANSAS POWER AND LIG
SOUTHEAST RED CAVE	20.7	
GREENWOOD	91.2	COLORADO INTERSTATE
HUGOTON	36.0	PANHANDLE EASTERN PI
HUGOTON (CHASE)	90.0	PANHANDLE EASTERN PI
PANOMA	37.0	PANHANDLE EASTERN PI
STELTENBERG	100.0	NORTHERN NAT PRODUCT
E L W EAST EXT	8.0	KANSAS-NEBRASKA NATU
PANOMA	0.0	PEOPLES NATURAL GAS
KANSAS PANOMA	91.2	PEOPLES NATURAL GAS
HUGOTON	100.0	PEOPLES NATURAL GAS
BEAVER CREEK	91.0	HIGH PRODUCERS CO
ELKHORN RANCH	80.0	HIGH PRODUCERS CO
T R (PROUND)	80.0	HIGH PRODUCERS CO
FOUR EYES	100.0	MONTANA DAKOTA UTILI
BLUE BUTTES	82.0	MONTANA DAKOTA UTILI
BLUE BUTTES SOUTH	100.0	MONTANA DAKOTA UTILI
TRESTOP	90.0	HIGH PRODUCERS CO
TRESTOP	10.0	HIGH PRODUCERS CO

JD NO	JA DKT	API NO	SEC D WELL NAME
0110590	K-80-1095	1508180360 102	NORTON #1-8
CLEAR PETROLEUM EXPLORATION INC			RECEIVED: 08/83/81 JAI KS
0110596	K-81-0016	1503320591 102	DAYNE #3-8
0110597	K-81-0015	1503320590 102	FITZWATER #3A-8
ENCORE PETROLEUM CORP			RECEIVED: 08/83/81 JAI KS
0110603	K-80-0016	1505180578 103	LAUTERBACH #8
0110604	K-80-0017	1507720580 103	HUIR A #1
EVERETT GAS COMPANIES INC			RECEIVED: 08/83/81 JAI KS
0110608	K-80-0028	1505780578 103	BELCHER #1
FREEMAN DRILLING COMPANY			RECEIVED: 08/83/81 JAI KS
0110866	K-81-0013	1508180595 103	SCOTT C #1
0110896	K-81-0010	1508180577 102	SHAVER B #1
M. PATRICK OPERATING CO			RECEIVED: 08/83/81 JAI KS
0110885	K-81-0050	1518780480 103	LENDCUT NO 1
TEXAS OIL & GAS CORP			RECEIVED: 08/83/81 JAI KS
0110605	K-80-0098	1512980440 103	WILDER #1
W B OSBORN JR (OPERATOR)			RECEIVED: 08/83/81 JAI KS
0110870	K-81-0000	1507820710 102	DOWNS #2
0110872	K-81-0007	1507820670 103	MILLER #1
0110871	K-81-0008	1503320640 102	ORVILLE #1-A
CW M PEACHEE			RECEIVED: 08/83/81 JAI KS
0110865	K-80-1090	1505380000 102	#1 NEAL
CW R MURPHY D/B/A MURPHY DRILLING CO			RECEIVED: 08/83/81 JAI KS
0110868	K-81-0045	1504780630 100	DINNICK #1-07 GAS UNIT
WALLACE OIL & GAS INC			RECEIVED: 08/83/81 JAI KS
0110608	K-80-0005	1507820880 103	#1 MERRHANN
0110606	K-80-0008	1507820813 103	MAY #1
0110607	K-80-0009	1507820885 103	WALTERS #1
NORTH DAKOTA GEOLOGICAL SURVEY			
0110880	385	3300700070 102	RECEIVED: 08/83/81 JAI ND
CRYSTAL OIL & GAS CORP			RECEIVED: 08/83/81 JAI ND
0110853	380	3300700063 102	MYSTERY CREEK A NO 36-1-C
FARMERS UNION CENTRAL EXCHANGE INC			RECEIVED: 08/83/81 JAI ND
0110880	385	3300700070 102	KONDEN 8-8
CREST OIL COMPANY			RECEIVED: 08/83/81 JAI ND
0110886	381	3300700063 102	MYSTERY CREEK A NO 36-1-C
GULF OIL CORPORATION			RECEIVED: 08/83/81 JAI ND
0110889	384	3300700100 102	CARUS 1-8C3 B
0110888	387	3300700044 102	LEDA TRUST 1-13-1 B
0110851	386	3300700067 102	TARNAVSKY 1-8-2 B
0110850	385	3300700144 102	TWO BARONEY 2-33-1B
HOOK INDUSTRIES INC			RECEIVED: 08/83/81 JAI ND
0110857	388	3300700350 102	KONDOMPTOTAL 31-8
TEXACO INC			RECEIVED: 08/83/81 JAI ND
0110856	331	3300700040 102	C LOVAAS (NCT-1) NO 5
0110887	382	3300701120 102	C H LOOMER NO 11
WILLIAM HERBERT HUNT TRUST ESTATE			RECEIVED: 08/83/81 JAI ND
0110855	380	3300700008 102	DOROTHY GRANCHUM B #1 (CONSOLI
0110854	389	3300700005 102	GREGORY USA #1
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES			
ADDOR OIL & GAS CORPORATION			RECEIVED: 08/83/81 JAI PA

JP NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118304	6383	3706323796	103		CERDBICH & BONARRIGO #1-B	BRUSH VALLEY	30.0	
8118303	6382	3706322086	103		CORALIE SNYDER THOMPSON #1	REYNOLDSVILLE	30.0	
8118301	6378	3706322160	103		HERBERT HAMMERS #1-A	PUNXSUTAWNEY	30.0	
=ABOT OIL & GAS CORP					RECEIVED: 08/20/81 JAI PA			
8118320	6410	3703920698	102		ALLAN HART #2	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118323	6414	3703920693	102		DAVID DUNN #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118322	6413	3703920689	102		DAVID DUNN #2	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118319	6409	3703920705	102		DONALD B MULLEY #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118324	6415	3703920583	102		FRANK & HELEN BITENC #1	GREENWOOD	30.0	TENNESSEE GAS PIPELI
8118317	6406	3703920701	102		HUGH PETERSON #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118316	6408	3703920691	102		JOHN PODUSZLO ET AL #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118318	6407	3703920735	102		RONALD R LONGO #1-B	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118315	6404	3703920688	102		THELMA SMITH #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118325	6416	3703920763	102		VICTOR BABYAK #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8118321	6411	3703920533	102		WILBUR DUNN #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
=ASTLE GAS CO INC					RECEIVED: 08/20/81 JAI PA			
8118498	6330	3706323956	108		J DOYLE #1 (C-455) INC=23956	EAST MAHONING TWP	30.0	PEOPLES NATURAL GAS
8118499	6331	3706323957	108		J DOYLE #2 (C-456) INC=23957	EAST MAHONING TWP	30.0	PEOPLES NATURAL GAS
=CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 08/20/81 JAI PA			
8118494	4856	3706981696	108		AUGUST WERNER WN-1632	SOLDIER RUN 664915	7.0	GENERAL SYSTEM PURCH
=CRAM & ASSOCIATES INC					RECEIVED: 08/20/81 JAI PA			
8118493	9862	3703320866	108		JACK BRACKEN #2 K-L-109	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS & O
8118496	5974	3706323716	108		MADE MELMAR #1 K-L-8	UPPER DEVONIAN SANDS	30.0	INDUSTRIAL GAS SALES
=FOX OIL & GAS INC					RECEIVED: 08/20/81 JAI PA			
8118497	6025	3706323787	103		MILLIAM LEWIS #3	MONTGOMERY	8.6	COLUMBIA GAS TRANS C
=GULF OIL CORPORATION					RECEIVED: 08/20/81 JAI PA			
8118500	6364	3706500000	108		FEE/B/WO 12	BROOKVILLE	0.7	NATIONAL FUEL GAS SU
=KEYSTONE ENERGY RESOURCES					RECEIVED: 08/20/81 JAI PA			
8118310	6391	3706323521	103		DOUDS #4	E SCOTT DOUDS	89.4	INDUSTRIAL ENERGY SE
8118311	6392	3706323716	103		KENDALL #1	J N KENDALL	89.4	T W PHILLIPS GAS & O
8118306	6386	3706323590	103		POLITO #1	WILLIAM POLITO	88.9	INDUSTRIAL ENERGY SE
8118308	6388	3706323589	103		POLITO #1	WILLIAM POLITO	88.9	INDUSTRIAL ENERGY SE
8118307	6387	3706323591	103		POLITO #2	WILLIAM POLITO	89.2	INDUSTRIAL ENERGY SE
8118309	6389	3706323588	103		POLITO #2	WILLIAM POLITO	89.2	INDUSTRIAL ENERGY SE
=UNION DRILLING INC					RECEIVED: 08/20/81 JAI PA			
8118302	6381	3706981181	102		DANNY R THOMAS #1 0782	UNION TOWNSHIP	0.0	COLUMBIA GAS TRANSMI
=WAINOCO OIL & GAS COMPANY					RECEIVED: 08/20/81 JAI PA			
8118313	6400	3703920717	102		ANDY M SINGERICH NO 1 (N-70)	ATHENS	89.0	COLUMBIA GAS TRANSMI
8118308	6394	3703920743	102		DAVID C SLUSSER NO 1 (N-81)	ATHENS	89.0	COLUMBIA GAS TRANSMI
8118314	6401	3703920715	102		LEROY SCHNEITZER NO 1 (N-69)	ATHENS	89.0	COLUMBIA GAS TRANSMI
8118312	6399	3703920704	102		NEIL B WHITMAN NO 1 (N-67)	ATHENS	4.0	COLUMBIA GAS TRANSMI
**********								
WYOMING OIL & GAS CONSERVATION COMMISSION								
**********								
=AMOCO PRODUCTION CO					RECEIVED: 08/23/81 JAI WY			
8118340	NB 167-80	4904180142	102		BLAINE & SANDERS NO 1	YELLOW CREEK	1000.0	MOUNTAIN FUEL SUPPLY
8118346	NB173-80	4904180196	102		CHAMPLIN 186 AMOCO F #1	BRUFF	30.0	CITIES SERVICE GAS C
8118345	NB172-80	4900720906	102		CHAMPLIN 222 AMOCO B #1	STANDARD DRAW	330.0	CITIES SERVICE GAS C
8118336	NB-165-80	4900720430	103		CHAMPLIN 226 AMOCO D #1	WILD ROSE	140.0	CITIES SERVICE GAS C
8118344	NB171-80	4900720437	102		CHAMPLIN 242 AMOCO M #1	ECHO SPRINGS	330.0	CITIES SERVICE GAS C
8118350	NB177-80	4903721415	102		CHAMPLIN 320 AMOCO B #1	LOST CREEK BASIN	110.0	CITIES SERVICE GAS C
8118341	NB-168-80	4904180280	102		CHAMPLIN 375 AMOCO A #2	YELLOW CREEK	130.0	MOUNTAIN FUEL SUPPLY

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118330	NS-166-80	4900720498	103		CHAMPLIN 444 AMOCO B #1	WILDROSE	160.0	CITIES SERVICE GAS C
8118347	NS176-80	4904120287	102		CHAMPLIN 457 AMOCO A NO 2	WHITNEY CANYON	1000.0	NATURAL GAS PIPELINE
8118348	NS 169-80	4902920670	103		ELK BASIN MADISON UNIT #313	ELK BASIN	7.3	MONTANA-DAKOTA UTILI
8118343	NS 170-80	4900720537	103		FOUR MILE SHEEP UNIT C #1	WEST SIDE CANAL	113.0	MOUNTAIN FUEL SUPPLY
8118346	NS175-80	4902320269	102		WHISKEY BUTTES UNIT #20	WHISKEY BUTTES	200.0	CITIES SERVICE GAS C
8118349	NS176-80	4902320303	103		WILSON RANCH UNIT #13	WILSON RANCH	125.0	CITIES SERVICE GAS C
=AMERADA U S A INC					RECEIVED: 08/23/81 JA: WY			
8118355	NS185-80	4904120212	102		PAINTER RESERVOIR UNIT 12-31B	PAINTER RESERVOIR	222.0	NORTHERN NATURAL GAS
8118356	NS186-80	4904120277	102		PAINTER RESERVOIR UNIT 22-9B	PAINTER RESERVOIR	1176.0	
8118354	NS184-80	4904120137	102		PAINTER RESERVOIR UNIT 24-31B	PAINTER RESERVOIR	99.0	NORTHERN NATURAL GAS
=DAVID OIL COMPANY					RECEIVED: 08/23/81 JA: WY			
8118350	NS180-80	4900585891	103		KECK #1	WILDCAT	16.0	PHILLIPS PETROLEUM C
=HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 08/23/81 JA: WY			
8118361	NS-189-80	4903721420	102		AMOCO CHAMPLIN 836-33	CAMEL ROCK	900.0	NORTHERN NATURAL GAS
=INEXCO OIL COMPANY					RECEIVED: 08/23/81 JA: WY			
8118358	NS188-80	4900585390	103		DALE NO 1-33	WILIGHT	208.0	MCCULLOCH OIL CORP
=KENNEDY COAL COMPANY					RECEIVED: 08/23/81 JA: WY			
8118357	NS187-80	4900720467	103		BARREL SPRINGS UNIT NO 16-1	BARREL SPRINGS UNIT II	600.0	NORTHWEST PIPELINE C
=PACIFIC TRANSMISSION SUPPLY CO					RECEIVED: 08/23/81 JA: WY			
8118360	NS-181-80	4903721326	102		PTS 3-34X STATE ECHO SPRINGS	ECHO SPRINGS	78.0	PACIFIC GAS AND ELEC
=ROBERT C BALBAN					RECEIVED: 08/23/81 JA: WY			
8118351	NS 179-80	4904321315	102		WAYNE #1	BLACK THUNDER	25.0	PHILLIPS PETROLEUM C
=TRIGG DRILLING COMPANY INC					RECEIVED: 08/23/81 JA: WY			
8118352	NS182-80	4900700000	102		BATTLE MOUNTAIN #1-19	ROBBERS GULCH	0.0	COLORADO INTERSTATE
8118353	NS183-80	4900700000	102		STATE OF WYOMING #1-18	ROBBERS GULCH	0.0	COLORADO INTERSTATE
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
=MIDLANDS GAS CORPORATION					RECEIVED: 08/17/81 JA: NT S			
8118476	N-822-0	2507181718	103		3013 FEDERAL 1	BONDOIN	93.0	KANSAS-NEBRASKA NATU
=MIDLANDS GAS CORPORATION					RECEIVED: 08/20/81 JA: NT S			
8118475	N 182-0	2507181484	108	D	8161 FEDERAL 1	BONDOIN	0.0	KANSAS-NEBRASKA NATU
8118491	N715-0	2507181196	108		8781 FEDERAL 1	BONDOIN	18.0	KANSAS-NEBRASKA NATU
=PENNZOIL COMPANY					RECEIVED: 08/20/81 JA: WY S			
8118479	WD 881-0	3305300942	102		PENNZOIL-DEPCO FEDERAL #18-14	MONDAK	5.3	MONTANA-DAKOTA UTILI
=SELCO PETROLEUM CORPORATION					RECEIVED: 08/20/81 JA: WY S			
8118488	W704-0	4903505854	108		ELS-12	EAST LABARGE	0.0	NORTHWEST PIPELINE C
=DAVID OIL COMPANY					RECEIVED: 08/20/81 JA: WY S			
8118481	W 683-0	4900981683	102		GATES FEDERAL NO 2	SCOTT	0.0	PHILLIPS PETROLEUM C
=DEVON CORPORATION					RECEIVED: 08/20/81 JA: WY S			
8118480	W-814-0	4903721663	103		FEDERAL #1-26	WILDCAT	730.0	NORTHWEST PIPELINE C
=DIAMOND SHAMROCK CORPORATION					RECEIVED: 08/20/81 JA: WY S			
8118489	W706-0	4900921714	103		PLATTOP FEDERAL 32-10	PLATTOP	17.0	
8118492	W710-0	4901980585	102		HATCH FEDERAL 34-15	BULLWHACKER CREEK	83.0	
8118490	W707-0	4900921713	103		TRAINER FEDERAL 24-17	MIKES DRAW	8.0	
=HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 08/17/81 JA: WY S			
8118478	N 698-0	4903721617	102		FEDERAL 12-30	CAMEL ROCK	800.0	NORTHERN NATURAL GAS
8118476	N691-0	4903721669	102		FEDERAL 21-4	CAMEL ROCK	90.0	NORTHERN NATURAL GAS
8118477	N692-0	4903721931	102		FEDERAL 23-4	CAMEL ROCK	0.0	NORTHERN NATURAL GAS
=MARATHON OIL COMPANY					RECEIVED: 08/17/81 JA: WY S			
8118473	N 601-0	4903721944	102		LINCOLN ROAD UNIT #10	LINCOLN ROAD UNIT	73.0	
=MARATHON OIL COMPANY					RECEIVED: 08/20/81 JA: WY S			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118468	NS-178-80	4903720273	103		BARTON B #13 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118469	NS-179-80	4903720274	103		BARTON B #14 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118470	NS-180-80	4903720275	103		BARTON B #15 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118471	NS-181-80	4903720276	103		BARTON B #16 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118472	NS-182-80	4903720277	103		BARTON B #17 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118474	NS-183-80	4903720278	103		BARTON B #18 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118467	NS-177-80	4903720272	103		BARTON B #12 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118466	NS-176-80	4903720271	103		BARTON B #11 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118465	NS-175-80	4903720270	103		BARTON B #10 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118464	NS-174-80	4903720269	103		BARTON B #9 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118463	NS-173-80	4903720268	103		BARTON B #8 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118462	NS-172-80	4903720267	103		BARTON B #7 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118461	NS-171-80	4903720266	103		BARTON B #6 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118460	NS-170-80	4903720265	103		BARTON B #5 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118459	NS-169-80	4903720264	103		BARTON B #4 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118458	NS-168-80	4903720263	103		BARTON B #3 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118457	NS-167-80	4903720262	103		BARTON B #2 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118456	NS-166-80	4903720261	103		BARTON B #1 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118455	NS-165-80	4903720260	103		BARTON A #19 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118454	NS-164-80	4903720259	103		BARTON A #18 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118453	NS-163-80	4903720258	103		BARTON A #17 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118452	NS-162-80	4903720257	103		BARTON A #16 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118451	NS-161-80	4903720256	103		BARTON A #15 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118450	NS-160-80	4903720255	103		BARTON A #14 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118449	NS-159-80	4903720254	103		BARTON A #13 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118448	NS-158-80	4903720253	103		BARTON A #12 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118447	NS-157-80	4903720252	103		BARTON A #11 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118446	NS-156-80	4903720251	103		BARTON A #10 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118445	NS-155-80	4903720250	103		BARTON A #9 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118444	NS-154-80	4903720249	103		BARTON A #8 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118443	NS-153-80	4903720248	103		BARTON A #7 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118442	NS-152-80	4903720247	103		BARTON A #6 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118441	NS-151-80	4903720246	103		BARTON A #5 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118440	NS-150-80	4903720245	103		BARTON A #4 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118439	NS-149-80	4903720244	103		BARTON A #3 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118438	NS-148-80	4903720243	103		BARTON A #2 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118437	NS-147-80	4903720242	103		BARTON A #1 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118436	NS-146-80	4903720241	103		BARTON A #20 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118435	NS-145-80	4903720240	103		BARTON A #21 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118434	NS-144-80	4903720239	103		BARTON A #22 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118433	NS-143-80	4903720238	103		BARTON A #23 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118432	NS-142-80	4903720237	103		BARTON A #24 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118431	NS-141-80	4903720236	103		BARTON A #25 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118430	NS-140-80	4903720235	103		BARTON A #26 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118429	NS-139-80	4903720234	103		BARTON A #27 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118428	NS-138-80	4903720233	103		BARTON A #28 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118427	NS-137-80	4903720232	103		BARTON A #29 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118426	NS-136-80	4903720231	103		BARTON A #30 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118425	NS-135-80	4903720230	103		BARTON A #31 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118424	NS-134-80	4903720229	103		BARTON A #32 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118423	NS-133-80	4903720228	103		BARTON A #33 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118422	NS-132-80	4903720227	103		BARTON A #34 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118421	NS-131-80	4903720226	103		BARTON A #35 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118420	NS-130-80	4903720225	103		BARTON A #36 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118419	NS-129-80	4903720224	103		BARTON A #37 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118418	NS-128-80	4903720223	103		BARTON A #38 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118417	NS-127-80	4903720222	103		BARTON A #39 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118416	NS-126-80	4903720221	103		BARTON A #40 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118415	NS-125-80	4903720220	103		BARTON A #41 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118414	NS-124-80	4903720219	103		BARTON A #42 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118413	NS-123-80	4903720218	103		BARTON A #43 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118412	NS-122-80	4903720217	103		BARTON A #44 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118411	NS-121-80	4903720216	103		BARTON A #45 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118410	NS-120-80	4903720215	103		BARTON A #46 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118409	NS-119-80	4903720214	103		BARTON A #47 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118408	NS-118-80	4903720213	103		BARTON A #48 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118407	NS-117-80	4903720212	103		BARTON A #49 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118406	NS-116-80	4903720211	103		BARTON A #50 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118405	NS-115-80	4903720210	103		BARTON A #51 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118404	NS-114-80	4903720209	103		BARTON A #52 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118403	NS-113-80	4903720208	103		BARTON A #53 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118402	NS-112-80	4903720207	103		BARTON A #54 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118401	NS-111-80	4903720206	103		BARTON A #55 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118400	NS-110-80	4903720205	103		BARTON A #56 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118399	NS-109-80	4903720204	103		BARTON A #57 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118398	NS-108-80	4903720203	103		BARTON A #58 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118397	NS-107-80	4903720202	103		BARTON A #59 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118396	NS-106-80	4903720201	103		BARTON A #60 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118395	NS-105-80	4903720200	103		BARTON A #61 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118394	NS-104-80	4903720199	103		BARTON A #62 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118393	NS-103-80	4903720198	103		BARTON A #63 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118392	NS-102-80	4903720197	103		BARTON A #64 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118391	NS-101-80	4903720196	103		BARTON A #65 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118390	NS-100-80	4903720195	103		BARTON A #66 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118389	NS-99-80	4903720194	103		BARTON A #67 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118388	NS-98-80	4903720193	103		BARTON A #68 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118387	NS-97-80	4903720192	103		BARTON A #69 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118386	NS-96-80	4903720191	103		BARTON A #70 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118385	NS-95-80	4903720190	103		BARTON A #71 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118384	NS-94-80	4903720189	103		BARTON A #72 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118383	NS-93-80	4903720188	103		BARTON A #73 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118382	NS-92-80	4903720187	103		BARTON A #74 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118381	NS-91-80	4903720186	103		BARTON A #75 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118380	NS-90-80	4903720185	103		BARTON A #76 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118379	NS-89-80	4903720184	103		BARTON A #77 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118378	NS-88-80	4903720183	103		BARTON A #78 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118377	NS-87-80	4903720182	103		BARTON A #79 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118376	NS-86-80	4903720181	103		BARTON A #80 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118375	NS-85-80	4903720180	103		BARTON A #81 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118374	NS-84-80	4903720179	103		BARTON A #82 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118373	NS-83-80	4903720178	103		BARTON A #83 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118372	NS-82-80	4903720177	103		BARTON A #84 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118371	NS-81-80	4903720176	103		BARTON A #85 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118370	NS-80-80	4903720175	103		BARTON A #86 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118369	NS-79-80	4903720174	103		BARTON A #87 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118368	NS-78-80	4903720173	103		BARTON A #88 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118367	NS-77-80	4903720172	103		BARTON A #89 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118366	NS-76-80	4903720171	103		BARTON A #90 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118365	NS-75-80	4903720170	103		BARTON A #91 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118364	NS-74-80	4903720169	103		BARTON A #92 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118363	NS-73-80	4903720168	103		BARTON A #93 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE
8118362	NS-72-80	4903720167	103		BARTON A #94 (FMBAR A TRANSFER)	OREGON BASIN FIELD	0.0	COLORADO INTERSTATE

VOLUME 383 PAGE 003

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8118482	WA96-0	4902920773	103		BASTON B #13 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	0.2	COLORADO INTERSTATE
*8118484	WA98-0	4902920732	103		GOVT TRACT 3 A #10(EMBAR & TENSLEEP)	OREGON BASIN FIELD	0.3	COLORADO INTERSTATE
*8118486	W703-0	4902920743	103		GOVT TRACT 3A #9 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	31.8	COLORADO INTERSTATE
*8118485	WA99-0	4902920839	103		ROUSSEAU #12 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	0.5	COLORADO INTERSTATE
*8118483	WA97-0	4902920779	103		WILSON A #5 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	8.7	COLORADO INTERSTATE
-MONSANTO COMPANY			RECEIVED: 08/20/81 JAS NY 5					
8118487	W703-0	4901321037	102		LYDYER #2-6	HADDEN	300.0	COLORADO INTERSTATE
-TOM BROWN INC			RECEIVED: 08/17/81 JAS NY 5					
8118472	N 287-0	4901320975	102		TRIBAL-TRIBE 6 24-43A	MUDDY RIDGE	3.6	MONTANA-DAKOTA UTILS
-UNION OIL COMPANY OF CALIF			RECEIVED: 08/20/81 JAS NY 5					
8118491	W703-0	4904320413	103		MORLAND UNIT 682-I6	RATTLESNAKE	1.0	MONTANA-DAKOTA UTILS
** U.S. GEOLOGICAL SURVEY - TULSA,OK								
-GULF OIL CORPORATION			RECEIVED: 08/23/81 JAS OK 6					
8118363	OK-73-0	3501781512	102		CHEYENNE ARAPAHO #1-17	CONCHO FIELD	178.0	PHILLIPS PETROLEUM C
8118362	OK-72-0	3501781300	102		CHEYENNE-ARAPAHO #1-8	CONCHO/HUNTON LOWER	800.0	PHILLIPS PETROLEUM C

OTHER PURCHASERS VOLUME NO 8383

8118478 MONTANA-DAKOTA UTILITIES CO
8118482 CODY GAS CO
8118483 CODY GAS CO
8118484 CODY GAS CO
8118485 CODY GAS CO
8118486 CODY GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Nautral Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 6, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8870 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 384]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 16, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION								
-AMOCO PRODUCTION CO					RECEIVED: 02/23/81 JA: KS			
3118651	K-80-1059	1503320001	108		BALLET RANCH B #7	AETNA	20.0	CITIES SERVICE GAS C
-ANADARKO PRODUCTION COMPANY					RECEIVED: 02/23/81 JA: KS			
3118650	K-80-1066	1517520478	102		GUTTRIDGE F 40 2	SHUCK	28.0	CIMARRON-QUINQUE
-BARTLING OIL CO					RECEIVED: 02/23/81 JA: KS			
3118641	K-81-0034	1507120178	103		#1 NATIONS	BYERLY	90.0	SUNFLOWER ELECTRICAL
3118639	K-81-0036	1507120210	103		#1 SANKEY	BYERLY	70.0	SUNFLOWER ELECTRIC C
3118640	K-81-0035	1507120183	103		#1 MINEINGER	BYERLY	54.0	SUNFLOWER ELECTRIC C
-BENSON MINERAL GROUP					RECEIVED: 02/23/81 JA: KS			
3118654	K-80-1082	1512522703	103		COONS #3-20	JEFFERSON-SYCAMORE	5.7	UNION GAS SYSTEMS IN
3118652	K-80-1084	1512522704	103		COTNER #1-20	JEFFERSON-SYCAMORE	10.6	UNION GAS SYSTEMS IN
3118653	K-80-1083	1512522864	103		KIMBREL #2-19	JEFFERSON-SYCAMORE	11.3	UNION GAS SYSTEMS IN
-F G HOLL					RECEIVED: 02/23/81 JA: KS			
3118657	K-80-1079	1504720106	108		DUTTON NO 1	ENLOW	15.0	NORTHERN NATURAL GAS
-GRAHAM-MICHAELIS CORP					RECEIVED: 02/23/81 JA: KS			
*3118649	K-80-1075	1509300000	108		GILMORE #1	HUGOTON FIELD	15.0	NORTHERN NATURAL GAS
-J MARK RICHARDSON					RECEIVED: 02/23/81 JA: KS			
3118645	K-81-0027	1509720556	103		MCFADDEN B #1	FRALICK WEST EXT	75.0	PANHANDLE EASTERN PI
-J-W OPERATING COMPANY					RECEIVED: 02/23/81 JA: KS			
3118647	K-80-1077	1502320120	102		ROBERT WALTERS A #1	CHERRY CREEK	90.0	CITIES SERVICE GAS C
3118648	K-80-1076	1502320111	102		RUDOLPH WALTERS #5	CHERRY CREEK	75.0	CITIES SERVICE GAS C
-KANSAS CRUDE INC					RECEIVED: 02/23/81 JA: KS			
3118655	K-80-1081	1511520603	103		MARTIN KLENDA #1	LOST SPRINGS	4.0	CLOVER PIPELINE CORP
3118656	K-80-1080	1511520539	103		MELLAND #1	LOST SPRINGS	7.3	CLOVER PIPELINE CORP
-KANSAS PETROLEUM INC					RECEIVED: 02/23/81 JA: KS			
3118643	K-81-0031	1509520978	103		HENNING #1		45.0	PEOPLES NATURAL GAS
3118642	K-81-0032	1509520937	103		WOOLDRIDGE #1	SETTLE	30.0	PEOPLES NATURAL GAS
-KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 02/23/81 JA: KS			
3118646	K-80-1078	1509300000	108		CONKLIN 1	HUGOTON	20.0	KANSAS-NEBRASKA NATU
-PICKRELL DRILLING COMPANY					RECEIVED: 02/23/81 JA: KS			
3119644	K-81-0029	1509720629	103		#1 CHILDRESS B		46.8	KANSAS GAS SUPPLY CO
3118650	K-80-0532	1504720391	108		FISHER S #1	HULL	19.3	KANSAS-NEBRASKA NATU
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-CITIES SERVICE COMPANY					RECEIVED: 02/23/81 JA: NM			
3118637		3001523394	103		SIMPSON-B #1	UND BURTON FLAT MORROW	365.0	
-EL PASO NATURAL GAS COMPANY					RECEIVED: 02/23/81 JA: NM			
3119635		3003922304	103		SAN JUAN 30-6 UNIT #87A	BLANCO MESAVERDE	220.0	EL PASO NATURAL GAS
-GETTY OIL COMPANY					RECEIVED: 02/23/81 JA: NM			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118634		3002507506	108		CLARA FOWLER NO 6	BOWERS SEVEN RIVERS	0.0	PHILLIPS PETROLEUM C
8118631		3002525677	108		MYERS LANGLIE MATTIX UNIT WELL #74	LANGLIE-MATTIX	6.2	EL PASO NATURAL GAS
8118630		3002521871	108		D L COLEMAN WELL NO 5	EUNICE + MONUMENT (B-SA)	3.4	PHILLIPS PETROLEUM C
8118633		3002506586	108		STATE 8 WELL NO 1	DRINKARD	10.4	EL PASO NATURAL GAS
8118632		3002512378	108		WEST DOLLARHIDE DRINKARD UNIT #76	DOLLARHIDE TUBB-DRINKARD	2.6	EL PASO NATURAL GAS
-MEXABON OIL & GAS INC					RECEIVED: 08/23/81 JAI NM			
8118636		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-YATES PETROLEUM CORPORATION					RECEIVED: 08/23/81 JAI NM			
8118638		3002526442	107		BARBEE LL #1	AUSTIN-MISSISSIPPIAN	0.0	EL PASO NATURAL GAS

OKLAHOMA CORPORATION COMMISSION

-ANADARKO PRODUCTION COMPANY					RECEIVED: 08/23/81 JAI OK			
8118618	07408	3500300000	108		BLACKLEDGE A 1-6	S E LAMBERT	20.0	PIONEER GAS PRODUCTS
8118625	7406	3500300000	108		GEORGE C 1-9	S E LAMBERT	18.0	PIONEER GAS PRODUCTS
8118624	7403	3500300000	108		MEANS A 1-8	S E LAMBERT	21.0	PIONEER GAS PRODUCTS
8118622	7405	3500300000	108		METCALF A NO 1	S E LAMBERT	13.0	PIONEER GAS PRODUCTS
8118623	7404	3500300000	108		RIDDEWAY A 1-8	S E LAMBERT	10.0	PIONEER GAS PRODUCTS
8118626	7407	3500300000	108		STATE OF OKLAHOMA 8 NO 1-36	S E LAMBERT	0.0	PIONEER GAS PRODUCTS
8118612	07401	3500300000	108		WAGAR A NO 1-24	S E LAMBERT	6.0	PIONEER GAS PRODUCTS
-ANDOVER OIL COMPANY					RECEIVED: 08/23/81 JAI OK			
8118620	07376	3501701616	102		RHODYBACK #10-1		180.0	DELHI GAS PIPELINE C
8118619	7410	3501701584	102		WALTER MILLS 24-3		105.0	DELHI GAS PIPELINE C
-APACHE CORPORATION					RECEIVED: 08/23/81 JAI OK			
8118609	10835	3500900382	107		K C CATTLE 03-2	ATOKA	1000.0	MICHIGAN WISCONSIN P
-ARGONAUT ENERGY CORPORATION					RECEIVED: 08/23/81 JAI OK			
-8118617	07408	3513900567	108		EATON #1-33 139-46318	GUYMON-HUGOTON	19.0	PANHANDLE EASTERN PI
8118616	07409	3513901067	108		HUDSON #1 139-86119	AICE-SH	7.0	PANHANDLE EASTERN PI
-FALCON PETROLEUM COMPANY					RECEIVED: 08/23/81 JAI OK			
8118621	07385	3519301875	102		ANDERSON NO 1	N W DORBEY	91.0	PANHANDLE EASTERN PI
-GETTY OIL COMPANY					RECEIVED: 08/23/81 JAI OK			
-8118616	07338	3513700000	108		FRENSLEY J NO 17	SHO-VEL-TUN	3.0	LONE STAR GAS CO
-8118615	07337	3513700000	108		FRENSLEY J NO 19	SHO-VEL-TUN	3.0	LONE STAR GAS CO
-HEATON OIL CO					RECEIVED: 08/23/81 JAI OK			
8118611	07333	3513301134	103		COKER #20-1	ROSCOE	25.0	ARCO
8118610	07334	3504701304	103		EIPERT #13-1	BOOMER TREND	45.0	UNION TEXAS PETROLEU
-HOOVER & BRACKEN ENERGIES					RECEIVED: 08/23/81 JAI OK			
8118614	7336	3501101402	103		ACRE 02-20	S W CANTON	360.0	DELHI GAS PIPELINE C
-HUNT ENERGY CORPORATION ET AL					RECEIVED: 08/23/81 JAI OK			
8118629	07606	3504520705	103		HANAN #1		152.0	NORTHERN NATURAL GAS
-LAGUNA PETROLEUM CO					RECEIVED: 08/23/81 JAI OK			
8118627	7444	3504702142	103		KUNKLE NO 1-23		84.0	CHAMPLIN PETROLEUM C
-RICKS EXPLORATION CO					RECEIVED: 08/23/81 JAI OK			
8118628	10845	3505120918	107		CRADDOCK SA	CHITWOOD	1780.0	SOUTHERN NATURAL GAS

WEST VIRGINIA DEPARTMENT OF MINES

-ALLEGHENY LAND & MINERAL COMPANY					RECEIVED: 08/24/81 JAI WV			
8118709		4709702876	103		A - 864	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8118710		4709702890	103		A - 869	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRANSMI
8118712		4709702878	103		A - 879	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8118711		4709702878	103		A - 880	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRANSMI
8118708		4709702832	103		A- 883	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-ARGONAUT ENERGY CORPORATION					RECEIVED: 08/24/81 JAI OK			
8118713	07409	3513901067	108		HUDSON #1 139-86119	AICE-SH	7.0	PANHANDLE EASTERN PI
-BOWMAN OIL COMPANY					RECEIVED: 08/24/81 JAI OK			
8118715	07411	3500300000	108		STATE OF OKLAHOMA 16 NO 1-16	S E LAMBERT	0.0	PIONEER GAS PRODUCTS
-CONOCO INC					RECEIVED: 08/24/81 JAI NM			
8118717		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-HARVEY E YATES COMPANY					RECEIVED: 08/24/81 JAI NM			
8118716		3002526442	107		BARBEE LL #1	AUSTIN-MISSISSIPPIAN	0.0	EL PASO NATURAL GAS
-HEXABON OIL & GAS INC					RECEIVED: 08/24/81 JAI NM			
8118714		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-MARATHON OIL COMPANY					RECEIVED: 08/24/81 JAI OK			
8118718	07412	3500300000	108		STATE OF OKLAHOMA 16 NO 1-16	S E LAMBERT	0.0	PIONEER GAS PRODUCTS
-MOBIL OIL CORPORATION					RECEIVED: 08/24/81 JAI OK			
8118719	07413	3500300000	108		STATE OF OKLAHOMA 16 NO 1-16	S E LAMBERT	0.0	PIONEER GAS PRODUCTS
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 08/24/81 JAI NM			
8118720		3002507506	108		CLARA FOWLER NO 6	BOWERS SEVEN RIVERS	0.0	PHILLIPS PETROLEUM C
-TEXACO INC					RECEIVED: 08/24/81 JAI NM			
8118721		3002525677	108		MYERS LANGLIE MATTIX UNIT WELL #74	LANGLIE-MATTIX	6.2	EL PASO NATURAL GAS
8118722		3002521871	108		D L COLEMAN WELL NO 5	EUNICE + MONUMENT (B-SA)	3.4	PHILLIPS PETROLEUM C
8118723		3002506586	108		STATE 8 WELL NO 1	DRINKARD	10.4	EL PASO NATURAL GAS
8118724		3002512378	108		WEST DOLLARHIDE DRINKARD UNIT #76	DOLLARHIDE TUBB-DRINKARD	2.6	EL PASO NATURAL GAS
-TEXAS OIL & GAS CORP					RECEIVED: 08/24/81 JAI NM			
8118725		3002526442	107		BARBEE LL #1	AUSTIN-MISSISSIPPIAN	0.0	EL PASO NATURAL GAS
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118726		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118727		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118728		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118729		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118730		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118731		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118732		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118733		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118734		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118735		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118736		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118737		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118738		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118739		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118740		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118741		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118742		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118743		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118744		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118745		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118746		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118747		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118748		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118749		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118750		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118751		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118752		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118753		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118754		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118755		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118756		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118757		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118758		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118759		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118760		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118761		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118762		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118763		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118764		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118765		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118766		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118767		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118768		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118769		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118770		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118771		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118772		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118773		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118774		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118775		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118776		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118777		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118778		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118779		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118780		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118781		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118782		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118783		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118784		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118785		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118786		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118787		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118788		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118789		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118790		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118791		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118792		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118793		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118794		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118795		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118796		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118797		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118798		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118799		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118800		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118801		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118802		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118803		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118804		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118805		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118806		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118807		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118808		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118809		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118810		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118811		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118812		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118813		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118814		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118815		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118816		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118817		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118818		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118819		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118820		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219.0	CONOCO INC
-TEXLAND PETROLEUM INC					RECEIVED: 08/24/81 JAI NM			
8118821		3002526636	103		SOMBRERO MB STATE NO 2	KINNITI-LOWER WOLFCAMP	219

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
=APPALACHIAN EXPLORATION & DEVEL INC					RECEIVED: 02/24/81 JAS WV			
8118688		4707900926	108		MCLEAN HEIRS A-13	UNION	11.0	CABOT CORP
8118692		4707900663	108		MCLEAN HEIRS A-6	UNION	10.7	CABOT CORP
8118691		4707900867	108		PUTNAM LAND CO B-6	UNION	10.0	CABOT CORP
8118690		4707900874	108		PUTNAM LAND COMPANY B-2	UNION	10.3	CABOT CORP
8118689		4707900922	108		PUTNAM LAND COMPANY B-9	UNION	11.0	CABOT CORP
=ASHLAND EXPLORATION INC					RECEIVED: 02/26/81 JAS WV			
8118693		4708900870	108		ELK CREEK COAL DEV - 78681	LOGAN-WYOMING	14.0	CONSOLIDATED GAS SUP
8118694		4704500950	106		PARDEE 950 - 074871	LOGAN-WYOMING	17.0	CONSOLIDATED GAS SUP
8118696		4708901057	108		SOUTHERN LAND 82 - 064741	LOGAN-WYOMING	0.0	CONSOLIDATED GAS SUP
8118695		4708901050	108		SOUTHERN LAND 84 - 64791	LOGAN-WYOMING	4.0	CONSOLIDATED GAS SUP
=BONNER GAS & OIL CO					RECEIVED: 02/26/81 JAS WV			
8118671		4701303214	108		S L KLIPSTINE #2		0.1	CONSOLIDATED GAS SUP
=BRAXTON OIL AND GAS CORP					RECEIVED: 02/26/81 JAS WV			
8118670		4708701515	103		NO 1 CARTER	SUMMERVILLE	20.0	CONSOLIDATED GAS SUP
=BRUCE FOSTER					RECEIVED: 02/26/81 JAS WV			
8118678		4702103504	108		SUMMERS NO 4	GLENVILLE SOUTH	10.0	EQUITABLE GAS CO
=CARBON PETROLEUM CORP					RECEIVED: 02/26/81 JAS WV			
8118682		4702102967	108		ADAMS 2-A	TROY DISTRICT	20.0	CONSOLIDATED GAS SUP
8118697		4708701360	108		WINE NO 1	MCCAULLEY RUN	0.0	EQUITABLE GAS CO
=CHRISMAN DRILLING COMPANY					RECEIVED: 02/26/81 JAS WV			
8118681		4703302103	103		8008E08-LUCAS 3	EAGLE	0.0	EQUITABLE GAS CO
=COFFMAN OIL & GAS CO					RECEIVED: 02/26/81 JAS WV			
8118683		4706502576	108		GUY IRELAND #2	WHITE OAK CREEK	2.0	CARNEGIE NATURAL GAS
=COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 02/26/81 JAS WV			
8118687		4703902683	107		KING LAND COMPANY 809801	FIELD AREA A	4.8	COLUMBIA GAS TRANSMI
=EARL KNOTTS					RECEIVED: 02/26/81 JAS WV			
8118674		4701302071	108		S N KNOTTS #2		4.0	CONSOLIDATED GAS SUP
=EASTERN AMERICAN ENERGY CORPORATION					RECEIVED: 02/26/81 JAS WV			
8118680		4701702715	103		EA #1 CUMPSTON	BEECHLICK FORK	20.0	COLUMBIA GAS TRANSMI
8118668		4701702716	103		EA #4 CUMPSTON	BEECHLICK FORK	20.0	COLUMBIA GAS TRANSMI
=ELLIOTT OIL & GAS CO					RECEIVED: 02/26/81 JAS WV			
8118698		4701300744	108		ELLIOTT OIL & GAS CO	SHERMAN DISTRICT	8.0	CABOT CORP
=ENERGY UNLIMITED INC					RECEIVED: 02/26/81 JAS WV			
8118673		4710700675	103		ELLIOTT - STEPHENS UNIT #1	UNION	3.0	CONSOLIDATED GAS SUP
8118679		4710700677	103		JAMES WINGROVE #1	UNION	3.0	CONSOLIDATED GAS SUP
=FRANCIS E CAIN					RECEIVED: 02/26/81 JAS WV			
8118669		4701302997	103		RUSSEL B RICHARDS #1	SHERIDAN	0.0	CABOT CORP
=J & J ENTERPRISES INC					RECEIVED: 02/26/81 JAS WV			
8118676		4709702077	103		J-6	BANKS	200.0	COLUMBIA GAS TRANSMI
8118675		4701702576	103		J-88	COVE	200.0	CONSOLIDATED GAS SUP
8118661		4701702767	103		J-97	WEST UNION	200.0	COLUMBIA GAS TRANSMI
=JAMES P SCOTT					RECEIVED: 02/26/81 JAS WV			
8118672		4703301110	108		T P REYNOLDS #3 (8-200)	COAL DISTRICT	0.3	CONSOLIDATED GAS SUP
=LEYDEN GAS CO					RECEIVED: 02/26/81 JAS WV			
8118666		4703901468	108		RUFFNER #4		22.4	COLUMBIA GAS TRANSMI
=QUAKER STATE OIL REFINING CORPORATI					RECEIVED: 02/26/81 JAS WV			
8118664		4703903466	103		L V HUFFMAN #3	ELK DISTRICT	19.3	COLUMBIA GAS TRANSMI
=ROY B WILDRETH					RECEIVED: 02/26/81 JAS WV			
8118677		4701301406	103		WIANT GAS COMPANY #1	LEE DISTRICT	0.0	CONSOLIDATED GAS SUP
=STAR GAS COMPANY					RECEIVED: 02/26/81 JAS WV			
8118665		4709900086	108		DALLAS SIMMONS		15.0	COLUMBIA GAS TRANS C

VOLUME 366 PAGE 094

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116684		4709900248	108		ELLA SPAULDING #1		0.0	COLUMBIA GAS TRANS C
8116687		4709900282	108		ELLA SPAULDING #2		0.0	COLUMBIA GAS TRANS C
=STONESTREET LANDS CO					RECEIVED: 08/24/81 JAI WV			
8116705		4701501806	103		ALMA DUFFIELD #1-8-83	ELMIRA	44.0	COLUMBIA GAS TRANSMI
8116707		4701501711	103		DANA EAKLE #1-8-84	ELMIRA	26.0	COLUMBIA GAS TRANSMI
8116701		4701501779	103		GROVER GIBSON #1-8-86	ELMIRA	31.0	COLUMBIA GAS TRANSMI
8116702		4701501775	103		HARDMAN #2-8-85	ELMIRA	30.0	COLUMBIA GAS TRANSMI
8116703		4701501715	103		JARVIS #1-8-86	ELMIRA	43.0	COLUMBIA GAS TRANSMI
8116706		4701501713	103		JIM ROGERS #1-8-87	ELMIRA	80.0	COLUMBIA GAS TRANSMI
8116704		4701501714	103		KELLEY #1-8-88	ELMIRA	38.0	COLUMBIA GAS TRANSMI
8116700		4701501787	103		MCCOY #1-8-89	ELMIRA	26.0	COLUMBIA GAS TRANSMI
8116668		4706701468	103		P M MORRIS #2-8-#9	ELMIRA	44.0	COLUMBIA GAS TRANSMI
=TALLWOOD CORP					RECEIVED: 08/24/81 JAI WV			
8116690		4706700880	102		GEORGE RABLAND #1	GRANT	50.0	EQUITABLE GAS CO
8116660		4706700881	102		GEORGE RABLAND #2	GRANT	50.0	EQUITABLE GAS CO
=TEXAS INTERNATIONAL PET CORP					RECEIVED: 08/24/81 JAI WV			
8116666		4708701480	103		CLARA BELL DOUGLAS ET AL #1	SALT LICK	19.0	COLUMBIA GAS TRANS C
8116665		4706700818	102		HOWER LUMBER COMPANY #8-8	JEFFERSON	22.0	EQUITABLE GAS CO
=WILSON GAS COMPANY					RECEIVED: 08/24/81 JAI WV			
8116663		4709900142	108		FERGUSON #23	LINCOLN	11.3	COLUMBIA GAS TRANSMI
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
=EL PASO NATURAL GAS COMPANY					RECEIVED: 08/24/81 JAI NM 4			
8116699		3004931409	108	D	BALLARD #17	ANGELS PEAK-GALLUP GAS	13.0	EL PASO NATURAL GAS

OTHER PURCHASERS VOLUME NO : 4

8116615 OKLAHOMA NATURAL GAS CO
8116616 OKLA NATURAL GAS CO
8116617 NORTHERN NATURAL GAS COMPANY
8116649 MAX MILLER

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) proceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings, together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 6, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8671 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 16, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS							
*ASHLAND EXPLORATION INC				RECEIVED: 08/24/81 JAI KY			
*0118984	501819	1619500000	108	ALLEN B CAMPBELL #1 -009560	EASTERN KENTUCKY	8.0	COLUMBIA GAS TRANSMI
*0118985	501820	1607100000	108	BAILEY CRIDER #1	EASTERN KENTUCKY	6.0	COLUMBIA GAS TRANSMI
*0118983	501818	1611900000	108	EASTERN KENTUCKY REALTY #11 -5043	EASTERN KENTUCKY	17.0	COLUMBIA GAS TRANSMI
*CHARLEY GAIN				RECEIVED: 08/24/81 JAI KY			
*0118993	500241	1613900000	108	A P CASSADY NO 1	KENTUCKY	3.6	COLUMBIA GAS TRANSMI
*0118990	500237	1613900000	108	PARLEY HEIRS 3309	KENTUCKY	13.0	COLUMBIA GAS TRANSMI
*0118989	500235	1613900000	108	H C CASSADY 8021208	KENTUCKY	19.8	COLUMBIA GAS TRANSMI
*0118991	500238	1613900000	108	RICHMOND & HALE 3309A	KENTUCKY	3.8	COLUMBIA GAS TRANSMI
*0118992	500240	1613900000	108	VINA MAYNARD 9084	KENTUCKY	3.8	COLUMBIA GAS TRANSMI
*0118994	500243	1613900000	108	W B PREECE 9084	KENTUCKY	4.1	COLUMBIA GAS TRANSMI
*INLAND GAS CO INC				RECEIVED: 08/24/81 JAI KY			
*0118997	501732	1613300000	108	ALBERT SHEPHERD 42	BIG SANDY	3.4	ACP INDUSTRIES
*0118786	501620	1611900000	108	AMBURGEY HEIRS 374	BIG SANDY	8.7	ACP INDUSTRIES
*0118720	501594	1601900000	108	ARMCO (CLINTON FEE TR) K-106	ASHLAND	9.8	A E P INDUSTRIES
*0118728	501563	1601900000	108	ARMCO #18 FEE K-87	ASHLAND	1.0	ACP INDUSTRIES
*0118724	501561	1601900000	108	ARMCO #28 K-93	ASHLAND	7.0	A E P INDUSTRIES
*0118727	501562	1601900000	108	ARMCO #3 K-12	ASHLAND	7.0	ACP INDUSTRIES
*0118754		1601900000	108	ARMCO CLINTON TRACT 890	ASHLAND	1.0	A E P INDUSTRIES
*0118860	501695	1601900000	108	ARMCO CLINTON TRACT 907	ASHLAND	6.3	ACP INDUSTRIES
*0118862	501697	1601900000	108	ARMCO CLINTON TRACT 913	ASHLAND	8.3	A E P INDUSTRIES
*0118761	501595	1601900000	108	ARMCO FEE K-19	ASHLAND	7.8	ACP INDUSTRIES
*0118760	501594	1601900000	108	ARMCO FEE K-77	ASHLAND	8.4	ACP INDUSTRIES
*0118752		1601900000	108	ARMCO FEE K-80	ASHLAND	8.4	A E P INDUSTRIES
*0118751	501586	1601900000	108	ARMCO FEE K-99	ASHLAND	8.4	A E P INDUSTRIES
*0118718	501552	1601900000	108	ARMCO FEE NO 31 K-87	ASHLAND	8.3	A E P INDUSTRIES
*0118874	501709	1601900000	108	B B & EULA M REYNOLDS 561	ASHLAND	9.1	A E P INDUSTRIES
*0118856	501691	1611900000	108	BECKHAM BATES ET AL 327	BIG SANDY	8.0	ACP INDUSTRIES
*0118813	501648	1611900000	108	BELLE HAMMONDS ET AL 428	BIG SANDY	3.3	ACP INDUSTRIES
*0118830	501668	1611900000	108	BELLE HAMMONDS ET AL 468	BIG SANDY	3.3	ACP INDUSTRIES
*0118877	501712	1601900000	108	BESSIE BURNETT ET AL 561	ASHLAND	2.0	ACP INDUSTRIES
*0118831	501666	1611900000	108	BILL CORNETT 262	BIG SANDY	3.5	ACP INDUSTRIES
*0118832	501667	1611900000	108	BOOTEN BATES 323	BIG SANDY	0.7	ACP INDUSTRIES
*0118729	501564	1611900000	108	C C RICE ET AL 280	BIG SANDY	3.5	ACP INDUSTRIES
*0118727	501762	1611900000	108	C P CONLEY 222	BIG SANDY	8.0	ACP INDUSTRIES
*0118979	501814	1619300000	108	CALVIN CORPORATION 550	BIG SANDY	7.1	ACP INDUSTRIES
*0118980	501815	1619300000	108	CALVIN CORPORATION 554	BIG SANDY	8.6	ACP INDUSTRIES
*0118770	501604	1607100000	108	CANNIE HALE ET AL 336	BIG SANDY	4.7	ACP INDUSTRIES
*0118715	501549	1601900000	108	CECIL R RUNYON 586	ASHLAND	16.7	A E P INDUSTRIES
*0118873	501708	1601900000	108	CLINTON FEE TRACT 532	ASHLAND	3.8	A E P INDUSTRIES
*0118782	501616	1611900000	108	CRADY WADDLE & JULIA WHITTAKER 195	BIG SANDY	3.5	ACP INDUSTRIES

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER

VOLUME 303 PAGE 002

API NO	SEC	D	WELL NAME	PROD	PURCHASER	ACF INDUSTRIES	JA DKT	JD NO
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

FIELD NAME

[illegible]

VOLUME 383 PAGE 003

PROD	PURCHASER
1	A C F INDUSTRIES
2	ACF INDUSTRIES
3	ACF INDUSTRIES
4	ACF INDUSTRIES
5	ACF INDUSTRIES
6	ACF INDUSTRIES
7	ACF INDUSTRIES

VOLUME 365 PAGE 004

JP NO	JA DKT	API NO	SEC D	WELL NAME	PROD	PURCHASER	FIELD NAME
0111800	0017285	1810300000	108	JOHN E & MARY STEPHENS #8		INDUSTRIES	BIG SANDY
0111801	0017286	1810300000	108	JOHN E & MARY STEPHENS #9		INDUSTRIES	BIG SANDY
0111802	0017287	1810300000	108	JOHN E ROSE #48		INDUSTRIES	ASHLAND
0111803	0017288	1810300000	108	JOHN BARTON #48		INDUSTRIES	BIG SANDY
0111804	0017289	1810300000	108	JOHN HOWARD HEIRS #25		INDUSTRIES	BIG SANDY
0111805	0017290	1810300000	108	JOHN HOWARD HEIRS #26		INDUSTRIES	BIG SANDY
0111806	0017291	1810300000	108	JOHN HOWARD HEIRS #27		INDUSTRIES	BIG SANDY
0111807	0017292	1810300000	108	JOHN HOWARD HEIRS #28		INDUSTRIES	BIG SANDY
0111808	0017293	1810300000	108	JOHN J HOWARD #29		INDUSTRIES	BIG SANDY
0111809	0017294	1810300000	108	JOSEPH PIGMAN #30		INDUSTRIES	BIG SANDY
0111810	0017295	1810300000	108	KENDALL HOUSE #31		INDUSTRIES	BIG SANDY
0111811	0017296	1810300000	108	KIT HOUSLEY #32		INDUSTRIES	BIG SANDY
0111812	0017297	1810300000	108	KOUNS HEIRS #33		INDUSTRIES	BIG SANDY
0111813	0017298	1810300000	108	KY & VA GAS CO #34		INDUSTRIES	BIG SANDY
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0111815	0017300	1810300000	108	KY & VA GAS CO #36		INDUSTRIES	BIG SANDY
0111816	0017301	1810300000	108	KY & VA GAS CO #37		INDUSTRIES	BIG SANDY
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0111825	0017310	1810300000	108	L K HIREMAN #46		INDUSTRIES	BIG SANDY
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0111828	0017313	1810300000	108	LEONARD & KERNIE COLLINS #10		INDUSTRIES	BIG SANDY
0111829	0017314	1810300000	108	LILLIE MAE HIREMAN #02		INDUSTRIES	BIG SANDY
0111830	0017315	1810300000	108	LILLIE MAE HIREMAN #03		INDUSTRIES	BIG SANDY
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0111834	0017319	1810300000	108	LINDSEY ARBURGEY #72		INDUSTRIES	BIG SANDY
0111835	0017320	1810300000	108	LINDSEY ARBURGEY ET AL #32		INDUSTRIES	BIG SANDY
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0111837	0017322	1810300000	108	M M & LAYNE HEIRS #57		INDUSTRIES	BIG SANDY
0111838	0017323	1810300000	108	M M & LAYNE HEIRS #58		INDUSTRIES	BIG SANDY
0111839	0017324	1810300000	108	M M & LAYNE HEIRS #59		INDUSTRIES	BIG SANDY
0111840	0017325	1810300000	108	MARTHA STEPHENS #6		INDUSTRIES	BIG SANDY
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0111842	0017327	1810300000	108	MARY & JOSEPH #18		INDUSTRIES	BIG SANDY

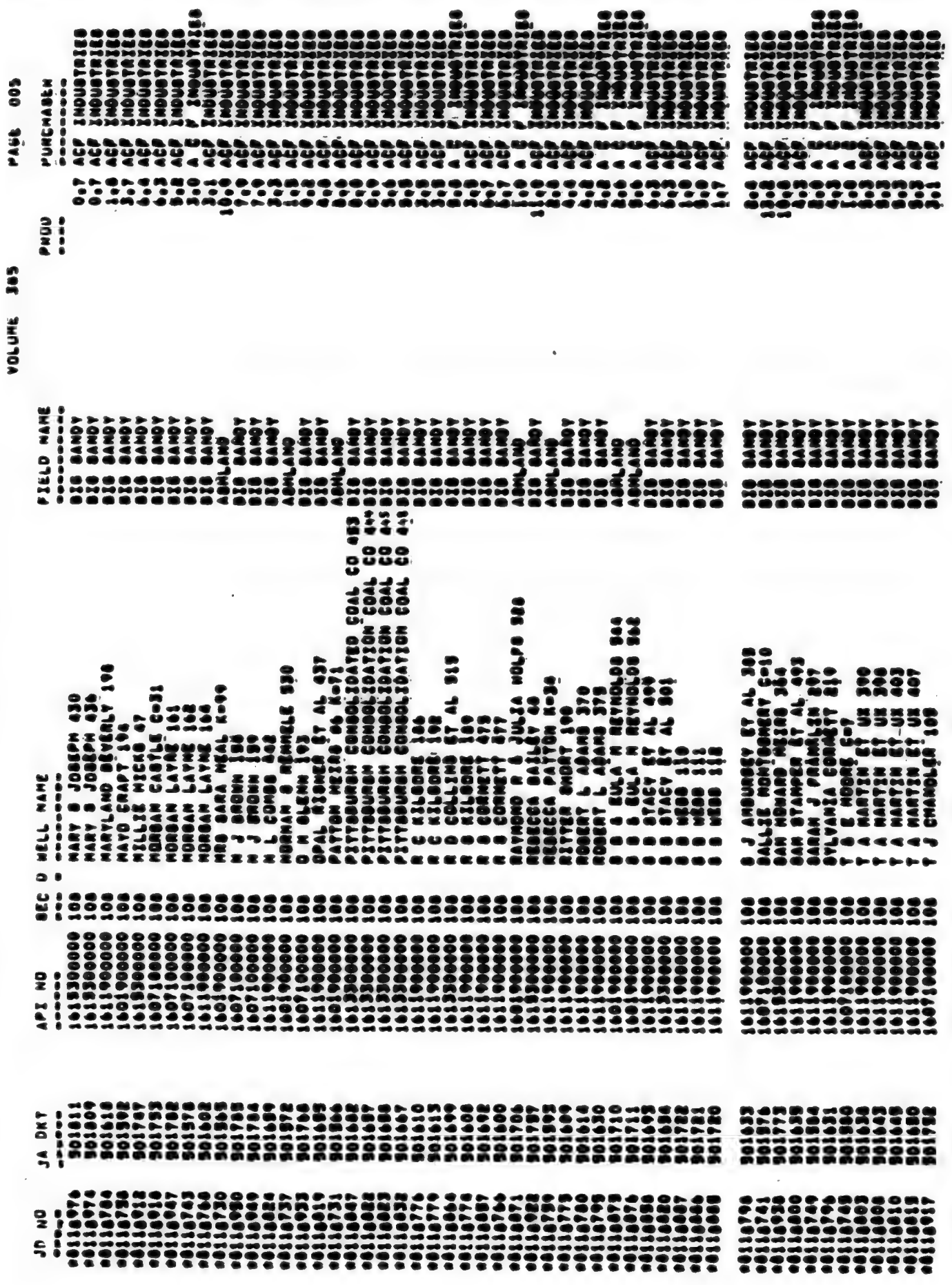

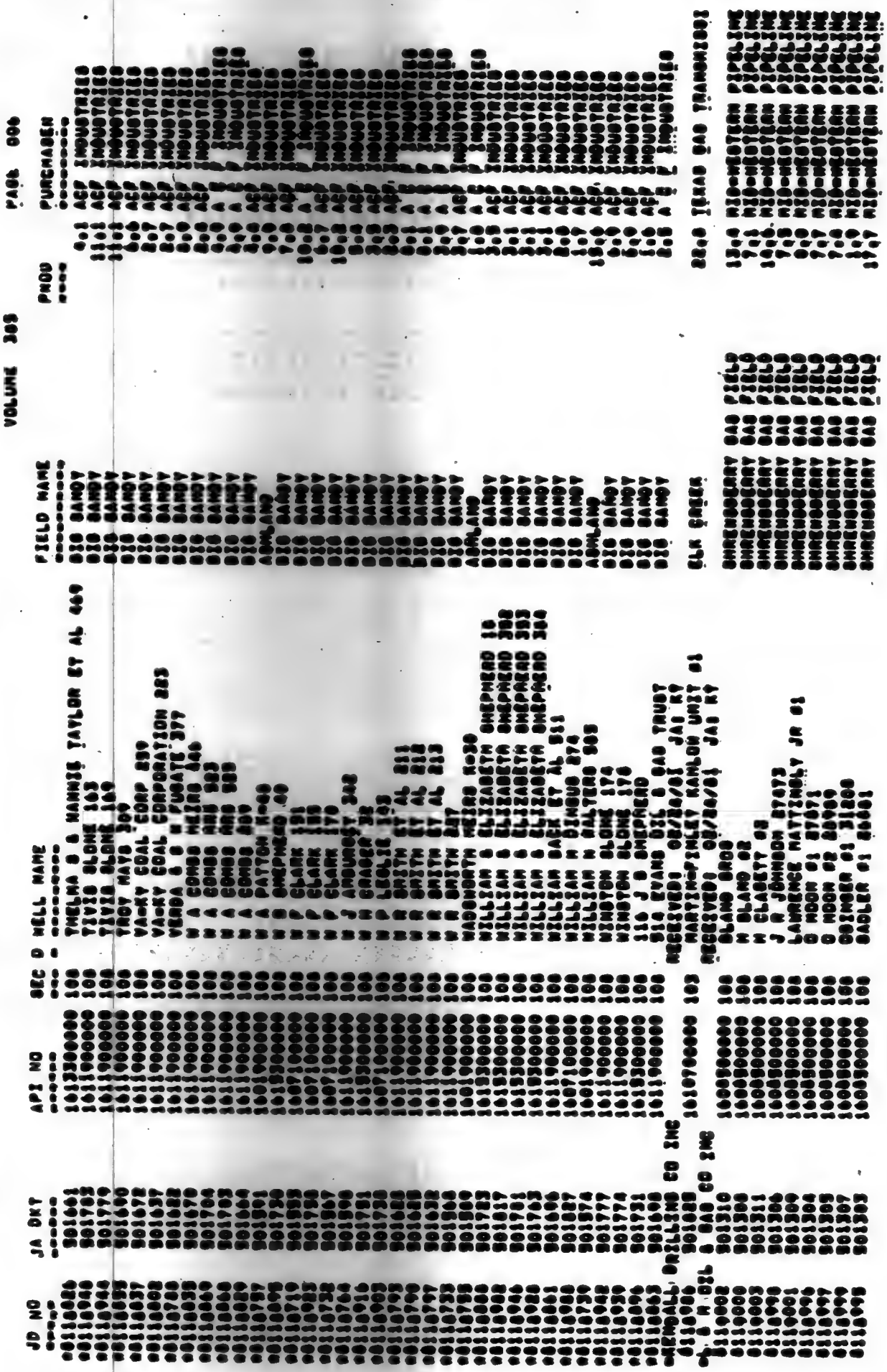

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OTHER PURCHASERS		VOLUME NO	OTHER PURCHASERS		VOLUME NO 1385
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OTHER PURCHASERS	VOLUME NO 1		
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8119003	A C LAWRENCE LEATHER CO		
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8119005	A C LAWRENCE LEATHER CO		
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8119021	A C LAWRENCE LEATHER CO		
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8119030	A C LAWRENCE LEATHER CO		
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8119036	A C LAWRENCE LEATHER CO		
8119037	A C LAWRENCE LEATHER CO		
8119038	A C LAWRENCE LEATHER CO		
8119039	A C LAWRENCE LEATHER CO		
8119040	A C LAWRENCE LEATHER CO		

OTHER PURCHASERS	VOLUME NO 1385
8118941	A C LAWRENCE LEATHER CO
8118942	A C LAWRENCE LEATHER CO
8118943	A C LAWRENCE LEATHER CO
8118944	A C LAWRENCE LEATHER CO
8118945	A C LAWRENCE LEATHER CO
8118946	A C LAWRENCE LEATHER CO
8118947	A C LAWRENCE LEATHER CO
8118948	A C LAWRENCE LEATHER CO
8118949	A C LAWRENCE LEATHER CO
8118950	A C LAWRENCE LEATHER CO
8118951	A C LAWRENCE LEATHER CO
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8118959	A C LAWRENCE LEATHER CO
8118960	A C LAWRENCE LEATHER CO
8118961	A C LAWRENCE LEATHER CO
8118962	A C LAWRENCE LEATHER CO
8118963	A C LAWRENCE LEATHER CO
8118964	A C LAWRENCE LEATHER CO
8118965	A C LAWRENCE LEATHER CO
8118966	A C LAWRENCE LEATHER CO
8118967	A C LAWRENCE LEATHER CO
8118968	A C LAWRENCE LEATHER CO
8118969	A C LAWRENCE LEATHER CO
8118970	A C LAWRENCE LEATHER CO
8118971	A C LAWRENCE LEATHER CO
8118972	A C LAWRENCE LEATHER CO
8118973	A C LAWRENCE LEATHER CO
8118974	A C LAWRENCE LEATHER CO
8118975	A C LAWRENCE LEATHER CO
8118976	A C LAWRENCE LEATHER CO
8118977	A C LAWRENCE LEATHER CO
8118978	A C LAWRENCE LEATHER CO
8118979	A C LAWRENCE LEATHER CO
8118980	A C LAWRENCE LEATHER CO
8118981	A C LAWRENCE LEATHER CO
8118982	A C LAWRENCE LEATHER CO
8118987	A C LAWRENCE LEATHER CO
8118988	A C LAWRENCE LEATHER CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 6, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8872 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 386]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 16, 1981.

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 16, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
APPALACHIAN ENERGY INC					RECEIVED: 08/26/81 JA: PA			
8110066	6108	3706923085	103		L MEERDINK #1 A-87	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
BAGOT OIL & GAS CORP					RECEIVED: 08/26/81 JA: PA			
8110099	6412	3703920690	103		DAVID DUNN #2	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8110137	6463	3703920769	103		F & M BITENC #2	GREENWOOD	30.0	TENNESSEE GAS PIPELI
8110136	6462	3703920757	103		F & M BITENC #3	GREENWOOD	30.0	TENNESSEE GAS PIPELI
8110135	6461	3703920759	103		F & M BITENC #5	GREENWOOD	30.0	TENNESSEE GAS PIPELI
8110134	6460	3703920722	103		HORACE HART #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8110130	6456	3703920723	103		JAMES D MUNFORD #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8110132	6458	3703920687	103		KEBERT DEVELOPERS INC GAS1	GREENWOOD	30.0	TENNESSEE GAS PIPELI
8110098	6408	3703920584	103		KEBERT DEVELOPERS INC #33	GREENWOOD	30.0	TENNESSEE GAS PIPELI
8110133	6459	3703920624	103		LARRY HART #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8110138	6464	3703920734	103		LAWRENCE D ABBOTT #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8110097	6403	3703920744	103		THELMA SMITH #2	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8110129	6455	3703920748	103		THELSTON W WILLIAMS #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8110131	6457	3703920821	103		W & C HOTZINE #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
8110128	6454	3703920767	103		WAGNERCREST FARMS #1	FAIRFIELD	30.0	TENNESSEE GAS PIPELI
BADGLE GAS CO INC					RECEIVED: 08/26/81 JA: PA			
8110064	6348	3706323736	108		B MCHENRY #1 (C-388) IND-23736	RAYNE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110079	6339	3706323747	108		C B KINTER #1 (C-424) IND-23747	GREEN TWP	9.0	PEOPLES NATURAL GAS
8110065	6349	3706323619	108		C MCHENRY #1 (C-412) IND-23619	RAYNE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110066	6350	3706323620	108		C MCHENRY #2 (C-413) IND-23620	RAUNE TWP	10.0	COLUMBIA GAS TRANS C
8110080	6340	3706323627	108		D LEABURE #1 (C-410) IND-23627	RAYNE TWP	10.0	COLUMBIA GAS TRANS C
8110073	6333	3706323968	108		D R GRIFFITH #1 (C-431) IND-23968	WHITE TOWNSHIP	20.0	COLUMBIA GAS TRANS C
8110074	6334	3706323974	108		D R GRIFFITH #2 (C-432) IND-23974	WHITE TOWNSHIP	20.0	COLUMBIA GAS TRANS C
8110075	6335	3706323977	108		B GROFF #1 (C-397) IND-23977	WHITE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110076	6336	3706323978	108		B GROFF #2 (C-398) IND-23978	WHITE TWP	10.0	COLUMBIA GAS TRANS C
8110077	6337	3706323610	108		B GROFF #3 (C-403) IND-23610	WHITE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110091	6353	3706323983	108		M F WILLIAMS #1 (C-107) IND-23983	ARMSTRONG TWP	7.0	PEOPLES NATURAL GAS
8110081	6341	3706323728	108		M LEWIS #1 (C-481) IND-23728	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRANS C
8110082	6342	3706323729	108		M LEWIS #2 (C-482) IND-23729	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRANS C
8110083	6343	3706323885	108		M LEWIS #3 (C-434) IND-23885	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRANS C
8110118	6433	3706323308	103	D	HARRY WHITE #1 (C-228) IND-23308	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110119	6440	3706323307	103	D	HARRY WHITE #2 (C-224) IND-23307	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110113	6434	3706323457	103	D	HARRY WHITE #2 (C-370) IND-23457	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110120	6441	3706323309	103	D	HARRY WHITE #3 (C-226) IND-23309	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110103	6424	3706323468	108		HARRY WHITE #3(C-371) IND-23468	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110121	6442	3706323310	103	D	HARRY WHITE #4 (C-227) IND-23310	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110114	6438	3706323491	103	D	HARRY WHITE #4 (C-372) IND-23491	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110122	6443	3706323311	103	D	HARRY WHITE #5 (C-228) IND-23311	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110115	6436	3706383669	103	D	HARRY WHITE #5 (C-373) IND-83669	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110123	6446	3706383672	103	D	HARRY WHITE #6 (C-379) IND-83672	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110116	6437	3706383690	103	D	HARRY WHITE #6 (C-384) IND-83690	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110117	6438	3706383692	103	D	HARRY WHITE #7 (C-385) IND-83692	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110118	6439	3706383686	103	D	HARRY WHITE #8 (C-386) IND-83686	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110088	6352	3706383679	108		J & B MCKEE #6 (C-417) IND-83679	WHITE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110089	6353	3706383680	108		J & B MCKEE #5 (C-418) IND-83680	WHITE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110078	6338	3706384139	108		J E HILL #1 (C-490) IND-84139	WHITE TOWNSHIP	10.0	PEOPLES NATURAL GAS
8110090	6354	3706383681	108		P F RHOADS #1 (C-404) IND-83681	RAUNE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110106	6427	3706383540	103	D	ROCHESTER & PITTSBURGH COAL CO #1	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110107	6428	3706383541	103	D	ROCHESTER & PITTSBURGH COAL CO #2	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110087	6351	3706383822	108		S MCHENRY #2 (C-440) IND-83822	WHITE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110108	6429	3706383545	103	D	W C VERNOCY #1 (C-392) IND-83545	WHITE TOWNSHIP	25.0	COLUMBIA GAS TRANS C
8110109	6430	3706383546	103	D	W C VERNOCY #2 (C-393) IND-83546	WHITE TOWNSHIP	25.0	COLUMBIA GAS TRANS C
8110110	6431	3706383574	103	D	W C VERNOCY #3 (C-399) IND-83574	WHITE TOWNSHIP	25.0	COLUMBIA GAS TRANS C
8110111	6432	3706383575	103	D	W C VERNOCY #4 (C-400) IND-83575	WHITE TOWNSHIP	25.0	COLUMBIA GAS TRANS C
8110092	6356	3706383570	108		W WOLFE #1 (C-363) IND-83570	RAUNE TOWNSHIP	10.0	COLUMBIA GAS TRANS C
8110104	6425	3706383479	103	D	WHITE TWP REC PARK #1(C-381) IND	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
8110105	6426	3706383480	103	D	WHITE TWP REC PARK #2 (C-382) IND	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRANS C
=J J BRUNAZZ & SONS INC					RECEIVED: 08/26/81 JAS PA			
8110067	6268	3706300000	108		POTTS J B 184A	POTTS J B 184A	8.8	EQUITABLE GAS CO
=ENVIROGAS INC					RECEIVED: 08/26/81 JAS PA			
8110101	6422	3704981195	103		#1 B LUKE	NORTH EAST DEEP	10.0	NATIONAL FUEL GAS SU
8110102	6423	3704981144	103		#1 J SZYDOWSKI	NORTH EAST DEEP	10.0	NATIONAL FUEL GAS SU
8110045	5990	3704981054	103		#1 M ADAM	NORTH EAST DEEP	10.0	NATIONAL FUEL GAS SU
=KEYSTONE ENERGY RESOURCES					RECEIVED: 08/26/81 JAS PA			
8110095	6393	3706388759	103		KENDALL #2	J M KENDALL	43.4	T M PHILLIPS GAS & O
=KONROE RESOURCES LTD					RECEIVED: 08/26/81 JAS PA			
8110072	6324	3712386967	108		ABE BYLER #1	LOTTSVILLE	20.0	COLUMBIA GAS TRANSMI
8110069	6321	3712386966	108		ANTHONY LAMBERT #1	SUGAR GROVE	20.0	COLUMBIA GAS TRANSMI
8110071	6323	3712387103	103		HARRY BARVIS #1	SUGAR GROVE	20.0	COLUMBIA GAS TRANSMI
8110070	6322	3712387067	108		LEVI SHETLER #1	FREEHOLD TOWNSHIP	60.0	COLUMBIA GAS TRANSMI
=PHILLIPS PRODUCTION CO					RECEIVED: 08/26/81 JAS PA			
8110068	6314	3706382183	103		FRED ROBERTS ET UX #1	BELL	35.0	
8110125	6447	3706380615	103		GEORGE I REAM ET UX #1	CENTER	35.0	
8110094	6367	3706385683	103		PAUL B BETTY SR ET UX #1	GRANT	50.0	
8110126	6448	3706385688	103		STELLA PRIDGEN #1	CENTER	30.0	
8110096	6402	3712981744	103		VIOLET I SANDERSON ET AL #1	UNITY	45.0	
8110124	6445	3703381084	103		WILLIAM I MOCH ET UX #1	BELL	50.0	
=SCOTT AND HUSKINS					RECEIVED: 08/26/81 JAS PA			
8110100	6417	3712981748	103		CONCORD-LIBERTY #3 #147	SALTSBURG	30.0	BETHLEHEM STEEL CORP
8110127	6451	3706385557	103		ROY A ORR #3 #164	PLUM CREEK	30.0	BETHLEHEM STEEL CORP
=VINEYARD OIL & GAS CO					RECEIVED: 08/26/81 JAS PA			
8110093	6357	3704981150	103		BOYD #1 E-949	BOYD - NORTH EAST	12.0	NATIONAL FUEL GAS CO

WEST VIRGINIA DEPARTMENT OF MINES

=D C MALCOLM INC.					RECEIVED: 08/25/81 JAS WV			
8110043		4707900942	107		BOBBEBS #1	ST ALBANS - BURDETTE	12.0	COLUMBIA GAS TRANSMI
8110042		4707900938	107		C BURNS #1	ST ALBANS-BURDETTE	28.0	COLUMBIA GAS TRANSMI
=DENNIS D BLAUSER					RECEIVED: 08/25/81 JAS WV			
8110019		4708102383	108		MARY DAVIDSON #1	DEKALB	4.6	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
=J & J ENTERPRISES INC					RECEIVED: 08/26/81 JAS WV			
8110021		4708102384	108		#1 ANNA MAE CRAIG	SPENCER	4.0	CONSOLIDATED GAS SUP
8110020		4708102385	108		#2 ANNA MAE CRAIG	SPENCER	4.0	CONSOLIDATED GAS SUP
=JOHN L CARTER					RECEIVED: 08/25/81 JAS WV			
8110018		4708102382	108		#1 ROBERT & ANNA MAE CRAIG	SPENCER	4.0	CONSOLIDATED GAS SUP
=KEYSTONE ENERGY RESOURCES					RECEIVED: 08/25/81 JAS WV			
8110017		4708102381	108		#1 ROBERT & ANNA MAE CRAIG	SPENCER	4.0	CONSOLIDATED GAS SUP
=KONROE RESOURCES LTD					RECEIVED: 08/25/81 JAS WV			
8110044		4707900943	107		#1 ROBERT & ANNA MAE CRAIG	ST ALBANS - BURDETTE	12.0	COLUMBIA GAS TRANSMI
=PHILLIPS PRODUCTION CO					RECEIVED: 08/25/81 JAS WV			
8110041		4707900937	107		#1 ROBERT & ANNA MAE CRAIG	ST ALBANS-BURDETTE	28.0	COLUMBIA GAS TRANSMI
=SCOTT AND HUSKINS					RECEIVED: 08/25/81 JAS WV			
8110016		4708102380	108		#1 ROBERT & ANNA MAE CRAIG	DEKALB	4.6	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
=J & J ENTERPRISES INC					RECEIVED: 08/28/81 JA: WV			
8110018		4701702741	103		J-242	NEW MILTON	200.0	COLUMBIA GAS TRANSMI
=JAMES P SCOTT					RECEIVED: 08/28/81 JA: WV			
8110014		4703302376	103		C L KING S-306	EAGLE DISTRICT	26.0	CONSOLIDATED GAS SUP
8110013		4703302275	103		CHESTER QUEEN S-296	UNION DISTRICT	26.0	CONSOLIDATED GAS SUP
8110015		4703302302	103		EVERETT M AYER (S-310)	UNION DISTRICT	26.0	CONSOLIDATED GAS SUP
8110017		4704102526	108		HORNBECK (S-298)	MACKEAR CREEK DISTRICT	6.0	CONSOLIDATED GAS SUP
8110016		4703302444	103		JEWELL MAYMURAT S-289	EAGLE DISTRICT	10.0	CONSOLIDATED GAS SUP
=L & M PETROLEUM INC					RECEIVED: 08/28/81 JA: WV			
8110007		4707300602	103		DAVIS/WAGNER #1	UNION	10.0	COLUMBIA GAS TRANSMI
8110006		4707300704	103		JIM POWELL #4	UNION	10.0	COLUMBIA GAS TRANSMI
=L B PIGOTT					RECEIVED: 08/28/81 JA: WV			
8110040		4701700120	108		ADA KOCH #1	ISRAELS FORK	3.0	CONSOLIDATED GAS SUP
8110039		4701700139	108		JAMES SIMPSON #1	ISRAELS FORK	3.0	CONSOLIDATED GAS SUP
=LYTTON GAS CO					RECEIVED: 08/28/81 JA: WV			
8110061		4703900599	108		DELANY #1	POCA	10.0	COLUMBIA GAS TRANSMI
8110060		4703901330	108		DURHAM #1	ELK	22.0	COLUMBIA GAS TRANSMI
8110046		4703901346	108		RUFFNER #1	ELK	22.0	COLUMBIA GAS TRANSMI
8110045		4703901400	108		RUFFNER #2	ELK	22.0	COLUMBIA GAS TRANSMI
8110026		4703901457	108		RUFFNER #3	ELK	22.0	COLUMBIA GAS TRANSMI
8110021		4703900378	108		B D ROBINSON #1	ELK	13.0	COLUMBIA GAS TRANSMI
8110044		4703900404	108		B D ROBINSON #2	ELK	13.0	COLUMBIA GAS TRANSMI
8110020		4703901284	108		B D ROBINSON #3	ELK	13.0	COLUMBIA GAS TRANSMI
=MAE FLUHARTY					RECEIVED: 08/28/81 JA: WV			
8110036		4701302236	108		PETER BOOHER GAS CO #2	LEE DISTRICT	3.0	CONSOLIDATED GAS SUP
8110025		4702100650	108		M B STUMP #1 (OLLIE)	CENTER	3.0	CONSOLIDATED GAS SUP
=MONITOR PETROLEUM CORP					RECEIVED: 08/28/81 JA: WV			
8110008		4700101275	103		#1 LUCILLE RAMSEY	BARKER	30.0	COLUMBIA GAS TRANSMI
=P P QUINN ESTATE					RECEIVED: 08/28/81 JA: WV			
8110024		4701302504	108		HERBERT SMITH #3	CENTER	3.0	CONSOLIDATED GAS SUP
=P&M OIL CO					RECEIVED: 08/28/81 JA: WV			
8110047		4701700214	108		EVALYN WILLIAMS #6	STRAIGHT FORK	4.1	EQUITABLE GAS CO
8110032		4701700166	108		EVELYN WILLIAMS #1	STRAIGHT FORK	4.0	EQUITABLE GAS CO
8110048		4701701374	108		EVELYN WILLIAMS #9	STRAIGHT FORK	4.1	EQUITABLE GAS CO
8110029		4701700178	108		GEORGIA MCKAIN #1	LONG RUN - MIDDLE FORK	4.7	EQUITABLE GAS CO
8110028		4701700187	108		JACKSON LEEGUN #4	STRAIGHT FORK	4.1	EQUITABLE GAS CO
8110031		4701700168	108		JESSIE WILLIAMS #1	MIDDLE FORK	7.1	EQUITABLE GAS CO
8110030		4701700172	108		JESSIE WILLIAMS #2	MUD LICK - MIDDLE FORK -	7.1	EQUITABLE GAS CO
8110027		4701700207	108		JESSIE WILLIAMS #3	MIDDLE FORK HUGHES	7.1	EQUITABLE GAS CO
8110034		4701700152	108		JOHN MC CONNELL #1	ENGLANDS RUN	8.4	CONSOLIDATED GAS SUP
8110033		4701700196	108		M O POLAN #1	MEATHOUSE FORK	3.0	CARNEGIE NATURAL GAS
8110040		4701700169	108		MARVEL MAUGHT #1	JIM RUN	0.3	EQUITABLE GAS CO
8110041		4701700170	108		MARVEL MAUGHT #2	JIM RUN	0.3	EQUITABLE GAS CO
8110027		4701700193	108		MARVEL MAUGHT #3	MIDDLE FORK	0.3	EQUITABLE GAS CO
8110051		4701700194	108		MARVEL MAUGHT #4	UPPER RUN	0.3	EQUITABLE GAS CO
=PETROLEUM DEVELOPMENT CORP					RECEIVED: 08/28/81 JA: WV			
8110052		4703302176	103		B RAPP #1	BRIDGEPORT	23.0	CONSOLIDATED GAS SUP
=R & B GAS COMPANY					RECEIVED: 08/28/81 JA: WV			
8110004		4708504797	103		J W HEPNER NO 4	MURPHY DISTRICT	18.0	CABOT CORP
=RARE EARTH ENERGY INC					RECEIVED: 08/28/81 JA: WV			
8110005		4707300686	103		WAGNER #1	UNION DISTRICT	0.0	COLUMBIA GAS TRANSMI
=ROY G WILDRETH ET AL					RECEIVED: 08/28/81 JA: WV			

JD NO	JA DKT	API NO	SEC	D	WELL NAME		
8110028		4701303101	108		JETT LEASE		
=B & B GAS & OIL CO					RECEIVED: 08/28/81	JA:	NV
8110037		4709901569	108		E J MAYNARD #1		
=SOUTHEASTERN GAS COMPANY					RECEIVED: 08/28/81	JA:	NV
8110018		4704380370	108		JULIA HILL #8-28		
=STAR GAS COMPANY					RECEIVED: 08/28/81	JA:	NV
8110022		4703900236	108		AMAZ SPENCER #1		
8110039		4703900585	108		BERRY-ODELL #1		
8110034		4703900335	108		C T PARSONS #1		
8110048		4703900246	108		CONANT #1		
8110035		4703900445	108		EDNAN J KNIGHT #1		
8110026		4703900519	108		ESTA FISHER BONHAM #1		
8110057		4703900436	108		F M RAY (RED HILL) #1		
8110053		4703900334	108		G T PARSONS #1		
8110054		4703900469	108		MILAN FABER #1		
8110064		4708900328	108		PFOST #1		
8110036		4703900407	108		RAY #2		
8110023		4703900701	108		T E SAYRE #1		
8110063		4703900314	108		Z R PARISH #1		
=UNITED OPERATING COMPANY					RECEIVED: 08/28/81	JA:	NV
8110010		4701702651	103		F P RANDOLPH 2-A		
8110011		4701702652	103		F P RANDOLPH 3-A		
8110009		4701702649	103		F P RANDOLPH 5-A		

BILLING CODE 6450-85-C

VOLUME 306 PAGE 004

FIELD NAME	PROD	PURCHASER
LEE DISTRICT	3.3	CABOT CORP
LINCOLN	4.6	INDUSTRIAL GAS CORP
JEFFERSON	9.7	PENNZOIL CO
POCA	25.6	COLUMBIA GAS TRANSMI
POCA	21.1	COLUMBIA GAS TRANSMI
RIPLEY	18.3	COLUMBIA GAS TRANSMI
RIPLEY	50.9	COLUMBIA GAS TRANSMI
POCA	7.8	COLUMBIA GAS TRANSMI
POCA	21.3	COLUMBIA GAS TRANSMI
POCA	8.5	COLUMBIA GAS TRANSMI
RIPLEY	20.2	COLUMBIA GAS TRANSMI
POCA	21.0	COLUMBIA GAS TRANSMI
WASHINGTON	28.0	COLUMBIA GAS TRANS C
POCA	1.4	COLUMBIA GAS TRANSMI
UNION	0.4	COLUMBIA GAS TRANSMI
RIPLEY	14.1	COLUMBIA GAS TRANSMI
MEATHOUSE FORK	0.0	CONSOLIDATED GAS SUP
MEATHOUSE FORK	0.0	CONSOLIDATED GAS SUP
MEATHOUSE FORK	0.0	CONSOLIDATED GAS SUP

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notice.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 6, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8673 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 16, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PNOD	PURCHASER
ALABAMA OIL & GAS BOARD						
-GRACE PETROLEUM CORPORATION			RECEIVED: 02/25/81 JA: AL			
811@338	2-16-812PD	0103720211 102	ARTHUR 7-7	MUSGROVE CREEK	144.0	
811@330	12-12-807PDC	0107320275 102	FRANKS 2-14	N BLOWHORN CREEK	28.0	
811@331	2-16-811 PD	0107320270 102	JONES 1-14	BLOOMING GROVE	24.0	WARRIOR DRILLING & E
KANSAS CORPORATION COMMISSION						
-LADD PETROLEUM CORPORATION			RECEIVED: 02/25/81 JA: KS			
811@334	K-80-0070	1507320235 103	HCU 1461-B	BRADSHAW	20.0	KANSAS-NEBRASKA NATU
-OX BOW GAS CO			RECEIVED: 02/25/81 JA: KS			
811@337	K 80-1092	1520521406 108	FULGHUM #1	NE 1/4 SE 1/4 S36 T29 R1	7.3	UNION GAS CO
MICHIGAN DEPARTMENT OF NATURAL RESOURCES						
-AMOCO PRODUCTION CO			RECEIVED: 02/25/81 JA: MI			
811@332		2105533961 102	STATE UNION /B/ NO 2-29	UNION 29-26N-9W	0.0	CONSUMERS POWER CO
811@334		2105531993 103	STATE WHITEWATER /E/ NO 3-32	WHITEWATER 32-27N-9W	0.0	CONSUMERS POWER CO
-DART OIL & GAS CORPORATION			RECEIVED: 02/25/81 JA: MI			
811@335		2111300000 102	PALMER SCHOOL 08-36 (34000)	AETNA	20.0	CONSUMERS POWER CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-ARCO OIL AND GAS COMPANY			RECEIVED: 02/26/81 JA: NM			
811@385		3002527095 103	FREDERICK M CURRY NM NO 5	LANGLIE MATTIX (SEVEN RI	55.0	EL PASO NATURAL GAS
-CONSOLIDATED OIL & GAS INC			RECEIVED: 02/26/81 JA: NM			
811@387		3004524322 103	TEMPLETON 1-E (DAKOTA)	BASIN-DAKOTA	0.0	SOUTHERN UNION GATHE
811@386		3004524322 102	TEMPLETON 1-E (GALLUP)	GALLUP	0.0	
-EL PASO NATURAL GAS COMPANY			RECEIVED: 02/26/81 JA: NM			
811@380		3003907306 108	SAN JUAN 28-8 UNIT 843	BLANCO - MESAVERDE	24.0	EL PASO NATURAL GAS
811@383		3003907306 108	SAN JUAN 28-8 UNIT 843	BLANCO - MESA VERDE	28.0	EL PASO NATURAL GAS
811@381		3004505630 108	WILSON A #1	BALLARD - PICTURED CLIFF	18.0	EL PASO NATURAL GAS
-MOLLY ENERGY INC			RECEIVED: 02/26/81 JA: NM			
811@382		3001500000 103	STATE B 14 COMM NO 1	EMPIRE MORROW SOUTH (GAS	700.0	NORTHERN NATURAL GAS
-MINERALS INC			RECEIVED: 02/26/81 JA: NM			
811@388		3002526490 102	LLANO 3 STATE COM NO 1	EAST BRANA RIDGE BONE SP	0.0	PHILLIPS PETROLEUM C
-SOUTHLAND ROYALTY CO			RECEIVED: 02/26/81 JA: NM			
811@384		3002527046 103	SCHARB A 28	UNDESIGNATED	30.0	WARREN PETROLEUM CO
-YATES PETROLEUM CORPORATION			RECEIVED: 02/26/81 JA: NM			
811@389		3001523426 102	GUSHWA DR #3	BOYD MORROW	0.0	TRANSWESTERN PIPELIN
OHIO DEPARTMENT OF NATURAL RESOURCES						
-ALBID OIL & GAS DEVELOPMENT CO			RECEIVED: 02/25/81 JA: OH			

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PNOD	PURCHASER
811@383		3003907306 108	SAN JUAN 28-8 UNIT 843	BLANCO - MESA VERDE	28.0	EL PASO NATURAL GAS
811@381		3004505630 108	WILSON A #1	BALLARD - PICTURED CLIFF	18.0	EL PASO NATURAL GAS
-MOLLY ENERGY INC			RECEIVED: 02/26/81 JA: NM			
811@382		3001500000 103	STATE B 14 COMM NO 1	EMPIRE MORROW SOUTH (GAS	700.0	NORTHERN NATURAL GAS
-MINERALS INC			RECEIVED: 02/26/81 JA: NM			
811@388		3002526490 102	LLANO 3 STATE COM NO 1	EAST BRANA RIDGE BONE SP	0.0	PHILLIPS PETROLEUM C
-SOUTHLAND ROYALTY CO			RECEIVED: 02/26/81 JA: NM			
811@384		3002527046 103	SCHARB A 28	UNDESIGNATED	30.0	WARREN PETROLEUM CO
-YATES PETROLEUM CORPORATION			RECEIVED: 02/26/81 JA: NM			
811@389		3001523426 102	GUSHWA DR #3	BOYD MORROW	0.0	TRANSWESTERN PIPELIN
OHIO DEPARTMENT OF NATURAL RESOURCES						
-ALBID OIL & GAS DEVELOPMENT CO			RECEIVED: 02/25/81 JA: OH			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110840		3415521334	103		DUCK #1	BLOOMFIELD	15.0	
8110870		3415521335	103		DUCK #2	BLOOMFIELD	15.0	
8110871		3415521362	103		DUCK #3	BLOOMFIELD	15.0	
8110872		3415521364	103		DUCK #4	BLOOMFIELD	15.0	
8110876		3413723444	103		LANNERS #1	SALEM	15.0	
8110877		3413723445	103		LANNERS #2	SALEM	15.0	
8110881		3409921267	103		SCHROEDER UNIT #1	SMITH	15.0	
-AMERICAN WELL MANAGEMENT COMPANY					RECEIVED: 08/28/81 JAI DH			
8110848		3411988287	103		ALAN GASTO NO 1	CASS	15.0	
-ATLAS ENERGY GROUP INC					RECEIVED: 08/28/81 JAI DH			
8110864		3415521351	102		JENNINGS NO 2	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8110865		3415521349	102		JENNINGS NO 3	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8110867		3415521352	102		MICHALEC NO 1	FOWLER	15.0	COLUMBIA GAS TRANSMI
-B T SIMPSON JR					RECEIVED: 08/28/81 JAI DH			
8110806		3407522033	103		MARGARET D SHAIL #1	WELCOME	50.0	COLUMBIA GAS TRANSMI
8110807		3407522002	103		ROBERT E KARNER #1	MILLERSBURG (HARDY TWO)	100.0	COLUMBIA GAS TRANSMI
-BARTLO OIL AND GAS COMPANY					RECEIVED: 08/28/81 JAI DH			
8110823		3410322287	103		ANTHONY MARRONE #1	SHARON	0.0	
8110824		3410322317	103		JOHN STROPOLI #1	SHARON	0.0	
-BENZA OIL AND GAS CORPORATION					RECEIVED: 08/28/81 JAI DH			
8110875		3415500490	103		SCHUBERT UNIT #2	VIENNA	1.0	EAST OHIO GAS CO
-BERRESFORD ENTERPRISES INC					RECEIVED: 08/28/81 JAI DH			
8110178		3403123496	103		MIRIAM MIKESELL #1	NEW CASTLE	0.0	
8110882		3410722806	103		WILLIAM BAKER #1	WATERFORD	0.0	COLUMBIA GAS TRANSMI
-BUCKEYE OIL PRODUCING CO					RECEIVED: 08/28/81 JAI DH			
8110831		3411121898	108	8	POLLOCK #1		10.0	COLUMBIA GAS TRANSMI
-C M RIGGS INC					RECEIVED: 08/28/81 JAI DH			
8110883		3416728277	107		E & V EDDY #1	RENO	10.0	COLUMBIA GAS TRANS C
8110896		3416728081	107		EDDY-DAVIS-WEST #2	RENO	10.0	COLUMBIA GAS TRANS C
8110896		3416728083	107		FRANCIS KALER #2	RENO FIELD	12.0	COLUMBIA GAS TRANS C
8110888		3416728069	107		SALE STRICKLER #2	RENO	10.0	COLUMBIA GAS TRANS C
8110888		3416728368	107		GEORGE CADY UNIT #1	RENO	9.0	COLUMBIA GAS TRANS C
8110889		3416728389	107		HAROLD LORENTZ #1	RENO	9.0	COLUMBIA GAS TRANS C
8110912		3416728993	107		JOSEPH HERLAN #1	RENO	15.0	COLUMBIA GAS TRANS C
8110891		3416728402	107		OIA HUTCHINSON #1	RENO	12.0	COLUMBIA GAS TRANS C
8110888		3416728898	107		RALPH MEMORICKS #2	RENO	11.0	COLUMBIA GAS TRANS C
8110890		3416728396	107		ROBERT BUICK #1	RENO	9.0	COLUMBIA GAS TRANS C
8110881		3416728148	107		ROBERT THEOBALD #2	RENO	23.7	COLUMBIA GAS TRANS C
8110887		3416728361	107		ROBERT THOMAS #1	RENO	12.0	COLUMBIA GAS TRANS C
8110886		3416728340	107		STEVE NULFERT #1	RENO	13.7	COLUMBIA GAS TRANS C
8110892		3416728996	107		USA - WOODS #2	RENO	12.0	COLUMBIA GAS TRANS C
8110879		3416724773	107		VIRGIL BATE #1-B	RENO	8.7	COLUMBIA GAS TRANS C
8110897		3416728420	107		WEST - DAVIS #1	RENO	9.0	COLUMBIA GAS TRANS
-CALLANDER & KIMBREL INC					RECEIVED: 08/28/81 JAI DH			
8110815		3408923959	103		HURCHELL & GLADYS WILLIAMS #1	HANOVER	4.0	
-CHANFORD OIL AND GAS CORP					RECEIVED: 08/28/81 JAI DH			
8110314		3416726072	103		C AND S KENDALL #2	LIBERTY	30.0	
8110315		3416726072	107		C AND S KENDALL #2	LIBERTY	30.0	
8110322		3416726169	103		H D & J M HELDMAN #1	INDEPENDENCE	35.0	
8110323		3416726169	107		H D & J M HELDMAN #1	INDEPENDENCE	35.0	
8110316		3416726075	103		VIVIAN J MYERS #1	LIBERTY	30.0	
8110317		3416726075	107		VIVIAN J MYERS #1	LIBERTY	30.0	

VOLUME 387 PAGE 003

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
					RECEIVED: 02/25/81 JA: DH			
-CLINTON OIL CO								
8110262		3413322496	103		D & T TURNER #2-685	MANTUA	7.0	
8110261		3413322261	103		E BANIECKI #2-512	ROOTSTOWN	7.0	
8110183		3403183999	103		J & R MCCONNELL #4-533	WASHINGTON	70.0	
8110200		3408922459	103		JOHN & DIANE CUBON #1-617	ROOTSTOWN	0.0	
					RECEIVED: 02/25/81 JA: DH			
-DAVID JACKSON								
8110264		3416725880	103		FLOYD COCHRAN NO 1	LUDLOW	15.0	
					RECEIVED: 02/25/81 JA: DH			
-DERBY OIL & GAS CORP								
8110194		3408922768	103		ELEANOR HARRIS #1	SPENCER	12.0	COLUMBIA GAS TRANSMI
8110195		3408922769	103		ELEANOR HARRIS #2	SPENCER	12.0	COLUMBIA GAS TRANSMI
					RECEIVED: 02/25/81 JA: DH			
-DOMESTIC OIL & GAS CO								
8110186		3403184076	103		FRITZ UNIT #1 (FOWLER) 4076	BLISSFIELD	5.0	
8110187		3403184077	103		NECK #1 4077	BLISSFIELD	3.0	
					RECEIVED: 02/25/81 JA: DH			
-DORAN & ASSOCIATES INC								
8110257		3412724969	103		HOUSEHOLDER #1B	JACKSON	12.0	COLUMBIA GAS TRANSMI
8110256		3412724970	103		HOUSEHOLDER #2B	JACKSON	12.0	COLUMBIA GAS TRANSMI
8110255		3412724934	103		HOUSEHOLDER #3	JACKSON	12.0	COLUMBIA GAS TRANSMI
8110254		3412724963	103		MARGUERITE GORDON #2	JACKSON	12.0	COLUMBIA GAS TRANSMI
					RECEIVED: 02/25/81 JA: DH			
-EDCO DRILLING & PRODUCING INC								
8110205		3407322918	103		BL-1A WISE	RICHLAND	18.0	
8110204		3407322863	103		KB-11A EVANS FOUNDATION	RICHLAND	18.0	
					RECEIVED: 02/25/81 JA: DH			
-ENERGY RECOVERY CO								
8110210		3408923609	103		EVANS #1	PERRY	15.0	
8110198		3404320626	103		HARTMAN #1	RUSH CREEK	9.1	
8110197		3404320638	103		HARTMAN #2	RUSH CREEK	10.0	
					RECEIVED: 02/25/81 JA: DH			
-EVERFLOW EASTERN INC								
8110220		3409920664	106		HAMILTON-BERARDI #1	ELLSWORTH	7.0	AMERICAN ENERGY SERV
					RECEIVED: 02/25/81 JA: DH			
-GREEN GAS COMPANY								
8110191		3403320990	103		P B K - ZEIGLER #1	OLMSTED	8.0	COLUMBIA GAS OF OHIO
					RECEIVED: 02/25/81 JA: DH			
-HORTIN & HUFFMAN								
8110222		3409921890	103		EOHLER #1	BERLIN	6.0	EAST OHIO GAS
					RECEIVED: 02/25/81 JA: DH			
-INLAND DRILLING CO INC								
8110260		3413322161	103		JUHASZ #1	WINDHAM	0.1	
					RECEIVED: 02/25/81 JA: DH			
-IRVIN PRODUCING COMPANY								
8110240		3411924218	103		MARY & RICHARD LEASURE #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
					RECEIVED: 02/25/81 JA: DH			
-JADOIL INC								
8110180		3403184097	103		D & J PENDER #1	MILLCREEK	15.0	EAST OHIO GAS CO
8110202		3407322333	103		DAN & ELLA YODER #1	CLARK	40.0	EAST OHIO GAS CO
8110179		3403183782	103		E J & C K ZOLLINGER #1	CLARK	0.0	COLUMBIA GAS TRANSMI
8110178		3403183691	103		GLADYS BUCKLEN #1	CLARK	0.0	COLUMBIA GAS TRANSMI
8110212		3408923692	103		HAZEL KIDD ETAL #2	FALLSBURY	0.0	COLUMBIA GAS TRANSMI
8110241		3411923348	107		JAMES & VIOLET MADDEN #1	WASHINGTON	0.0	COLUMBIA GAS TRANSMI
8110184		3403184007	103		L & F DOWNES #1	BETHLEHEM	0.0	COLUMBIA GAS TRANSMI
8110213		3408923694	103		RALPH & NORMA JEAN THOMPSON #1	MADISON	15.0	NATIONAL GAS & OIL C
8110208		3408922773	103		RAYMOND & DONNA BESST #1	WAYNE	9.0	COLUMBIA GAS TRANSMI
8110185		3403184011	103		THELMA L SPARKS #1	BETHLEHEM	35.0	COLUMBIA GAS TRANSMI
8110177		3403183698	103		WILLARD H CATLIN #1	CLARK	10.0	COLUMBIA GAS TRANSMI
					RECEIVED: 02/25/81 JA: DH			
-JERRY MOORE INC								
8110175		3403183652	103		CAMERON MILLS NO 1	KEENE	6.0	COLUMBIA GAS TRANSMI
8110174		3403183584	103		CARL LAWRENCE NO 1	KEENE	5.0	COLUMBIA GAS TRANSMI
8110181		3403183777	103		DAVID DREHER UNIT NO 1	COSHOCTON	6.0	COLUMBIA GAS TRANSMI
8110182		3403183817	103		ETHEL METZ UNIT NO 1	TUNNEL HILL	6.0	COLUMBIA GAS TRANSMI

VOLUME 387 PAGE 004

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110171		3403182679	103	D	MILDRED KISTLER NO 1	WEST LAFAYETTE	8.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0110171		3403128679	103	D	MILDRED KISTLER NO 1	WILDCAT LAPAYETTE	2.0	COLUMBIA GAS TRANSMI
0110172		3403123124	103		NORA ZIMMER NO 2	WILDCAT LAPAYETTE	3.0	COLUMBIA GAS TRANSMI
0110173		3403128340	103		P DAVID APPLE NO 2	WILDCAT LAPAYETTE	8.0	COLUMBIA GAS TRANSMI
0110174		3400900397	103		CARSON 01	WILDCAT	8.0	
0110175		3400900978	103		GUYRIDGE 01	WILDCAT	8.0	
0110176		3400900975	103		MCPENDELL SCHOOL 01	WILDCAT	8.0	
0110177		3400900390	103		WEST 01	WILDCAT	8.0	
0110178		3403123690	103		WINSTON WYGNOFF 01	WILDCAT	6.0	COLUMBIA GAS TRANSMI
0110179		3410700730	103		U S REMMEDY 01 WELL	WILDCAT	350.0	RIVER GAS CO
0110180		3410700730	103		A ROHR #1	WILDCAT	9.0	COLUMBIA GAS TRANSMI
0110181		3410900900	103		A ROHR #2	WILDCAT	11.0	COLUMBIA GAS TRANSMI
0110182		3401918780	103		A DANIELANET 01	WILDCAT	18.0	COLUMBIA GAS TRANSMI
0110183		3401900900	103		BRYAN & OPAL LEE 01	WILDCAT	1.0	COLUMBIA GAS TRANSMI
0110184		3401812341	103		BRYAN & OPAL LEE 02	WILDCAT	1.1	COLUMBIA GAS TRANSMI
0110185		3401812342	103		DENNIS & RUTH NEDEN 02	WILDCAT	1.2	COLUMBIA GAS TRANSMI
0110186		3401812371	103		DENNIS & RUTH NEDEN 03	WILDCAT	1.3	COLUMBIA GAS TRANSMI
0110187		3401812306	103		DENNIS & RUTH NEDEN 04	WILDCAT	0.6	COLUMBIA GAS TRANSMI
0110188		3401812307	103		DENNIS & RUTH NEDEN 05	WILDCAT	0.9	COLUMBIA GAS TRANSMI
0110189		3401812306	103		MORAN & BRITHENERGY 04	WILDCAT	0.9	COLUMBIA GAS TRANSMI
0110190		3401812310	103		MORAN & BRITHENERGY 05	WILDCAT	0.9	COLUMBIA GAS TRANSMI
0110191		3401812390	103		MORAN BRITHENERGY 07	WILDCAT LAPAYETTE	1.3	COLUMBIA GAS TRANSMI
0110192		3401912010	107		DUY DCHAUB 01	WILDCAT	18.0	RIVER GATHERN TRANSM
0110193		3401900900	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110194		3401900400	103		MARRY KOPCHAK 01	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110195		3401900400	103		MAURICE BOLENDER 01	WILDCAT	18.0	
0110196		3401900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110197		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110199		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110201		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110203		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110205		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110207		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110209		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110213		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110215		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
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0110393		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110394		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
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0110407		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110408		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110409		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110410		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110411		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110412		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110413		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110414		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110415		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110416		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110417		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110418		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110419		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110420		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110421		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110422		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110423		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110424		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110425		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110426		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110427		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110428		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110429		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110430		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110431		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110432		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110433		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110434		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110435		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110436		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110437		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110438		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110439		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110440		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110441		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110442		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110443		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110444		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110445		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110446		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C
0110447		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	
0110448		3400900400	103		B M OUTRIDGE 013	WILDCAT	18.0	COLUMBIA GAS TRANS C

VOLUME 387 PAGE 005

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110169		3400981969	102		83-79A MCCUNE (BLACK DIAMOND COAL	BERN	20.0	OHIO PARTNERS UIL CO
-PETRO EVALUATION SERVICES INC			RECEIVED: 02/25/81 JAI DM					
8110327		3416922328	103		GORDON-DOTTERER #3	MILTON	25.0	COLUMBIA GAS TRANSMI
8110328		3416922438	103		HUGHES UNIT #1	MILTON	25.0	COLUMBIA GAS TRANSMI
-PETRO-LEWIS CORPORATION			RECEIVED: 02/25/81 JAI DM					
8110226		3410521672	108	D	DREHEL #3 JAMES	RUTLAND CIVIL TOWNSHIP	8.0	COLUMBIA GAS TRANSMI
8110225		3410521660	108	D	DREHEL #4 JAMES	RUTLAND CIVIL TOWNSHIP	10.0	COLUMBIA GAS TRANSMI
-POI ENERGY INC			RECEIVED: 02/25/81 JAI DM					
8110132		3400721385	103		BENTLEY #1	ROME	10.0	
8110146		3400721396	103		BROKEN WHEEL #1	COLEBROOK	15.0	
8110147		3400721397	103		BROKEN WHEEL #2	COLEBROOK	15.0	
8110148		3400721346	103		CORRIGAN #1	ROME	45.0	
8110163		3400721512	103		E SIGAL #1	ORWELL	35.0	EAST OHIO GAS CO
8110165		3400721552	103		E SIGAL #2	ROME	35.0	EAST OHIO GAS CO
8110130		3400721803	103		H KAMPF #1	ROME	30.0	
8110151		3400721384	103		HUBBELL #1	ROME	20.0	
8110157		3400721419	103		HUBBELL #2	ROME	20.0	
8110142		3400721838	103		KAMPF #4	ROME	35.0	
8110153		3400721391	103		LAMBERT #1	ROME	35.0	
8110154		3400721395	103		MAICHRONICZ #2	ORWELL	15.0	
8110160		3400721452	103		MECKLEY-BIRRINE #1	ROME	30.0	
8110155		3400721397	103		PECK #1	NEW LYME	50.0	
8110161		3400721453	103		PECK #2	NEW LYME	40.0	
8110164		3400721517	103		PHILLIPPI #1	ORWELL	15.0	EAST OHIO GAS CO
8110141		3400721831	103		R KAMPF #1	ROME	40.0	
8110149		3400721367	103		RUNYAN #3	NEW LYME	15.0	
8110159		3400721448	103		SHEARSOLL #1	COLEBROOK	15.0	
8110156		3400721398	103		SHEARSOLL #2	COLEBROOK	15.0	
8110150		3400721382	103		STOKES #1	NEW LYME	25.0	
8110144		3400721327	103		STOKES #2	NEW LYME	25.0	
8110145		3400721380	103		STRINGFELLOW #3	NEW LYME	40.0	
8110140		3400721813	103		STRINGFELLOW #7	NEW LYME	35.0	
8110162		3400721475	103		WHITELY #1	NEW LYME	50.0	
8110158		3400721486	103		WYNN #6	ROME	30.0	
-PREMIER ENERGY CORP			RECEIVED: 02/25/81 JAI DM		YUMASZ #4	COLEBROOK	10.0	
8110178		3401380319	103		PAUL E MILLER #1	SOMERSET	9.0	COLUMBIA GAS TRANSMI
-QUADRANT EXPLORATION			RECEIVED: 02/25/81 JAI DM					
8110892		3416728499	103		EARL CONGLETON WELL #2	LIBERTY	60.0	
8110236		3411122062	103		PAUL & BERNICE MARSHALL #2	BETHEL	60.0	
8110237		3411122063	103		PAUL & BERNICE MARSHALL #3	BETHEL	60.0	
-QUAKER STATE OIL REFINING CORP			RECEIVED: 02/25/81 JAI DM					
8110893		3412723768	106		BRADSHAW-STARNER #3		3.0	COLUMBIA GAS TRANSMI
-RUSSELL E SNIDER			RECEIVED: 02/25/81 JAI DM					
8110244		3411983775	103		ROBERT PRYOR #81-A	WAYNE	3.0	NATIONAL GAS & OIL C
-RYDER RESOURCES INC			RECEIVED: 02/25/81 JAI DM					
8110284		3416726240	103		PERRY #1	RAINBOW CREEK	10.0	COLUMBIA GAS TRANSMI
-SANDHILL ENERGY INC (OH)			RECEIVED: 02/25/81 JAI DM					
8110311		3416728991	103		HARRY HEDDLE #1	BRANDVIEN	500.0	
8110309		3416728974	103		JOSEPH SEMON #1	BRANDVIEN	320.0	
8110306		3416728983	103		LLOYD MILLER #1	FEARING	150.0	
8110304		3416728981	103		R D FICKIESEN #1	CANRENCE	400.0	

VOLUME 387 PAGE 006

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8110306		3416785922	103	R D FICKIESEN #2	LAWRENCE	250.0	
8110310		3416785977	103	WILLIAM CLEGG #1	BRANDVIEN	340.0	
=SHELDON L TURRILL				RECEIVED: 02/22/81 JA: DN			
8110311		3408982811	103	D WEAVER #1	HOPEWELL	30.0	NEWZANE GAS CO
=SOUTHERN OHIO PETROLEUM CO INC				RECEIVED: 02/22/81 JA: DN			
8110333		3411100000	103	CHARLES D ZNICK #2	BETHEL	12.0	COLUMBIA GAS TRANSMI
8110334		3411121970	107	CHARLES D ZNICK #2	BETHEL	12.0	COLUMBIA GAS TRANSMI
8110332		3411121968	103	CHARLES D ZNICK #3	BETHEL	12.0	COLUMBIA GAS TRANSMI
=TEMPLE OIL & GAS CO				RECEIVED: 02/22/81 JA: DN			
8110339		3411322284	103	IVA PORTER-KIRKWOOD #3	YORK	10.0	
=THE MUTUAL OIL & GAS COMPANY				RECEIVED: 02/22/81 JA: DN			
8110178		3415783571	103	FALLON FIELDS #1-W	WASHINGTON	10.0	REPUBLIC STEEL CORP
8110190		3403184174	103	FLETCHER #1	PERRY	9.0	
8110188		3403184091	103	HAHN #6	PERRY	8.0	
=TRANS DELTA OIL & GAS CO INC				RECEIVED: 02/22/81 JA: DN			
8110327		3410322008	103	GENE ROMINE #1	HEMLOCK GROVE	10.0	
=WASHINGTON ENERGY LTD				RECEIVED: 02/22/81 JA: DN			
8110330		3411121890	107	DONALD MONELL #1	WASHINGTON	25.0	COLUMBIA GAS TRANSMI
=WHITMAN OIL & GAS CORP				RECEIVED: 02/22/81 JA: DN			
8110320		3416786174	103	A PRIDLEY #2	DECATUR	10.0	
8110321		3416786174	107	A PRIDLEY #2	DECATUR	10.0	
8110313		3416786033	107	CARL BRAKES #2	INDEPENDENCE	10.0	
8110299		3416785859	103	DAVID & CAROL ADELSPERGER #3	DECATUR	10.0	
8110300		3416785859	107	DAVID & CAROL ADELSPERGER #3	DECATUR	10.0	
8110307		3416785958	103	OOAK #3	FAIRFIELD	10.0	
8110306		3416785986	107	DONALD SCHAAD #2	FAIRFIELD	10.0	
8110303		3416785878	107	QUINN P PERRY #2	DECATUR	10.0	
8110319		3416786171	103	LARRY POUBS #3	MUSKINGUM	10.0	
8110328		3410982047	103	P STABLER #1	OLIVE	10.0	
8110329		3410982047	107	P STABLER #1	OLIVE	10.0	
8110302		3416785875	103	QUINN PERRY #22	DECATUR	10.0	
8110301		3416785868	107	RANDALL-HARPER #3	DECATUR	10.0	
8110296		3416785788	103	RAYMOND LANE #1	ADAMS	10.0	
8110318		3416786155	103	SELMA ROE #2	MUSKINGUM	10.0	
=WILLIAM F HILL				RECEIVED: 02/22/81 JA: DN			
8110803		3407982774	103	DAVID O KAUFMAN #1	KNOX	9.0	

OKLAHOMA CORPORATION COMMISSION

=AMOCO CORPORATION				RECEIVED: 02/22/81 JA: OK			
8110374	07318	3501900000	108	RATLIFF CITY #1	SHOLEM ALECHEM	7.3 AMINOIL USA	
=CLARK RESOURCES INC				RECEIVED: 02/22/81 JA: OK			
8110368	7393	3507322608	103	KRAMER 32-1	SOONER TREND	93.0 CITIES SERVICE GAS C	
=COTTON PETROLEUM CORPORATION				RECEIVED: 02/22/81 JA: OK			
8110363	7307	3501520657	103	HAMILTON NO 1	S W HINTON	300.0 TRANSOK PIPE LINE CO	
=CUMMINGS OIL CO				RECEIVED: 02/22/81 JA: OK			
8110370	6889	3500321318	103	REECE #1-21	WEST ARELL	0.0 EASON OIL CO	
=EASON OIL COMPANY				RECEIVED: 02/22/81 JA: OK			
8110372	06336	3500720669	103	DONMAN #1	FRENCH EAST	54.0 CITIES SERVICE GAS	
8110367	06333	3500700000	103	GARNER-LILLARD #1	FRENCH EAST	54.0 CITIES SERVICE GAS	
8110373	06337	3504900000	103	LANE #1	GOLDEN TREND	54.0 CITIES SERVICE GAS	
8110371	06338	3504981833	103	LANE #2	GOLDEN TREND	54.0 CITIES SERVICE GAS	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110368	06334	3504921859	103		ROBERTSON #1	GOLDEN TREND	84.0	CITIES SERVICE GAS C
-ICC OIL CO					RECEIVED: 02/25/81 JA: OK			
8110379	07344	3514720936	103		REYNOLDS #1	OSLEGBY GAS FIELD	19.7	OKAN GAS CO
-IMPERIAL OIL COMPANY					RECEIVED: 02/25/81 JA: OK			
8110374	07019	3515120357	108		PLATT-HADA B #1	HOLBANDTT	13.0	PANHANDLE EASTERN PI
-KAISER-FRANCIS OIL COMPANY					RECEIVED: 02/25/81 JA: OK			
8110378	07326	3501121450	103		CARL JONES #1	N E FAVE	700.0	DELHI GAS PIPELINE C
-LOCO OIL INC					RECEIVED: 02/25/81 JA: OK			
8110377	07321	3511122116	103		WILSON 1-A	HAMILTON SWITCH	41.6	PHILLIPS PETROLEUM
-MCFARLAND ENERGY INC					RECEIVED: 02/25/81 JA: OK			
8110361	08036	3506300000	103		LONG NO 2-33	WEST NETUMKA	0.0	PUBLIC SERVICE CO OF
-MIDWEST OPERATING CO					RECEIVED: 02/25/81 JA: OK			
8110375	07139	3507300000	108		STRINGER #1	MENNESSEY WEST	4.3	CONOCO
-RICKS EXPLORATION CO					RECEIVED: 02/25/81 JA: OK			
8110369	05601	3504520743	102		CLINE 2A	N W FARGO	91.0	PANHANDLE EASTERN PI
8110360	8796	3501120990	103		JONES #1	E FAVE	100.0	MICHIGAN WISCONSIN P
-SANSON RESOURCES COMPANY					RECEIVED: 02/25/81 JA: OK			
8110364	02705	3500720206	108		BARBY UNIT NO 1-19	NOCANE	13.2	MICHIGAN WISCONSIN P
8110362	06475	3506120269	102		CRAFT NO 1-9	KINTA	139.0	ARKANSAS LOUISIANA G
-SERVICE DRILLING CO					RECEIVED: 02/25/81 JA: OK			
8110364	7379	3513900000	108		CLARA #1	BUYNON-HUGOTON	10.0	WESTERN GAS INTERSTA

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** U.S. GEOLOGICAL SURVEY - CASPER,WY

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-PETROLEUM CORP OF AMERICA					RECEIVED: 02/25/81 JA: ND 5			
8110349	ND 732-0	3301100890	103		RINGSTAD #3-8	LITTLE MISSOURI	11.9	MONTANA DAKOTA UTILI
-SHELL OIL CO					RECEIVED: 02/25/81 JA: ND 5			
8110359	ND 744-0	3305300836	108		USA #1-12-44	CARTWRIGHT	8.5	MONTANA DAKOTA UTILI
-SINCLAIR OIL CORPORATION					RECEIVED: 02/25/81 JA: ND 5			
8110353	ND 737-0	3305301027	102		FEDERAL NO 2-18 RR	ROUGH RIDER	168.0	KOCH HYDROCARBON CO
8110352	ND 736-0	3305300997	102		FEDERAL 1-18 RR	ROUGH RIDER	110.0	KOCH HYDROCARBON CO
-TEXACO INC					RECEIVED: 02/25/81 JA: ND 5			
8110356	ND 743-0	3305301121	102		SILURIAN UNIT 18 NO 1	CHARLSON	270.0	MONTANA DAKOTA UTILI
8110336	ND 716-0	3305300069	102		SILURIAN UNIT 4 NO 1	CHARLSON	193.0	MONTANA DAKOTA UTILI
-AMOCO PRODUCTION CO					RECEIVED: 02/25/81 JA: WY 8			
8110337	W 741-0	4900320363	103		SHUTE CREEK UNIT NO 6	SHUTE CREEK	309.0	STAUFFER CHEMICAL CO
8110347	W 730-0	4900321476	102		USA AMOCO U NO 1	WILCOX TERTIARY TRAIL	143.1	CITIES SERVICE GAS C
8110348	W 731-0	4900320301	103		WILSON RANCH NO 8	WILSON RANCH	140.0	CITIES SERVICE GAS C
-CELCO PETROLEUM CORPORATION					RECEIVED: 02/25/81 JA: WY 8			
8110346	W 729-0	4900320340	103		GRBU 67-6	GREEN RIVER BEND	0.0	NORTHWEST PIPELINE C
-DAVIS OIL COMPANY					RECEIVED: 02/25/81 JA: WY 8			
8110350	W 733-0	4900321648	102		HORN CANYON NO 6	HORN CANYON UNIT	170.0	PANHANDLE EASTERN PI
-MARATHON OIL COMPANY					RECEIVED: 02/25/81 JA: WY 8			
*8110343	W 726-0	4900320915	103		BASTON A #20 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	173.4	COLORADO INTERSTATE
*8110344	W 727-0	4900320672	103		BASTON B #13 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	8.3	COLORADO INTERSTATE
*8110345	W 728-0	4900320038	103		BASTON B #17 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	8.7	COLORADO INTERSTATE
*8110341	W 722-0	4900320063	103		CUSTER #21 (TENSLEEP FORMATION)	OREGON BASIN FIELD	9.8	COLORADO INTERSTATE
*8110339	W 720-0	4900320074	103		FORTIN #6 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	9.6	COLORADO INTERSTATE
*8110342	W 723-0	4900320040	103		GARAN #36 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	10.7	COLORADO INTERSTATE
*8110340	W 721-0	4900320041	103		WILSON A #9 (EMBAR & TENSLEEP)	OREGON BASIN FIELD	8.3	COLORADO INTERSTATE
-PACIFIC TRANSMISSION SUPPLY COMPANY					RECEIVED: 02/25/81 JA: WY 8			
8110354	W 738-0	4900320373	103		PTS 13-11 FEDERAL	FONTENELLE II	178.0	PACIFIC GAS TRANSMIS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
							168.0	PACIFIC GAS TRANSMIS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110381	W 735-0	4908380378	103		PTR 13-36 FEDERAL	FONTENELLE	105.0	PACIFIC GAS TRANSMIS
•TRIBO DRILLING COMPANY	INC		RECEIVED: 02/26/81		JAS NY S			
8110384	W 748-0	4901381097	103		TRIBAL TRIBO 21-2	EAST RIVERTON	0.0	MONTANA-DAKOTA UTILI
•W A MONCRIEF			RECEIVED: 02/26/81		JAS NY S			
8110388	W 739-0	4901380968	107		STEFFEN HILL UNIT NO 21-1	UNNAMED	103.3	MICHIGAN WISCONSIN P

OTHER PURCHASERS VOLUME NO : 367

8110379 CODY GAS CO
8110340 CODY GAS CO
8110341 CODY GAS CO
8110342 CODY GAS CO
8110343 CODY GAS CO
8110344 CODY GAS CO
8110345 CODY GAS CO

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 6, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8674 Filed 3-19-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of Jan. 19 Through Jan. 23, 1981

During the week of January 19 through January 23, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

David Bowman, New York, N.Y., BFA-0555, freedom of information

David Bowman filed an Appeal from a denial by the Director of the Office of Safeguards and Security of a request for information which he had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the document initially withheld under Exemptions 2 and 5 should be released to the public because it is not internal agency material within the scope of Exemption 2, and because any Exemption 5 claim that it could be withheld as a predecisional intra-agency memorandum had been waived by the prior broad distribution of the document. In addition, the DOE found that the document may not be withheld under Exemption 3 because it does not contain information specifically exempted from disclosure by another statute.

Chevron U.S.A., Inc., Washington, D.C., DEA-0323, DEE-2209, crude oil

Chevron U.S.A., Inc. filed an Appeal from the January 1979 Entitlements Notice. In its submission, Chevron: (i) challenged the validity of the methodology used by the Economic Regulatory Administration's Office of Petroleum Operations to correct reporting errors in the Entitlements Program, and (ii) questioned the equity of the ERA's correction to adjust for amended entitlements reports which Chevron had filed. Chevron also filed an Application for Exception claiming that the dollar amount of the adjustment which the ERA calculated for Chevron on the January 1979 Notice was insufficient and that the ERA correction methodology therefore resulted in a gross inequity for Chevron. In considering the applicable regulations, the DOE found that, although the ERA is permitted some discretion in making corrections to entitlements reporting errors, it had not considered certain relevant factors in calculating Chevron's adjustment. The DOE therefore granted Chevron's Appeal and issued $6,487,575 of additional entitlements to the firm. Chevron's Application for Exception was deemed to be moot and was dismissed.

Getty Oil Co., Los Angeles, Calif., BFA-0558, freedom of information

Getty Oil Company filed an Appeal from a partial denial by the Manager of the Western Enforcement District of the Economic Regulatory Administration of a request for information which the firm had submitted under the Freedom of Information Act. The document which the firm requested contained suggested model language for enforcement documents concerning crude oil import license transactions. In considering the Appeal, the DOE found that the District Manager correctly determined that Exemption 5 applied to the withheld document since the document was advisory in nature and reflected the individual views of its authors. The DOE also found that the District Manager had correctly determined that its disclosure would be contrary to the public interest.

Hughes Oil Co., Atlanta, Ga., BFA-0557, freedom of information

On December 17, 1980, the Hughes Oil Company filed an Appeal from a denial by the District Manager for the Southeast District of the Economic Regulatory Administration of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the documents which were initially withheld under Exemption 7(A) should not be released to the public. The DOE found that disclosure of the documents would interfere with enforcement proceedings and that a generic index of the withheld documents was appropriate since, in this situation, the release of a detailed index was not required by law.

Request for Modification and/or Rescission

BP Oil, Inc., Cleveland, Ohio, BER-0694, gasohol

BP Oil, Inc. filed a Request for Modification or Rescission of a Decision and Order issued to Hollowell Oil Co. on October 31, 1980. *Hollowell Oil Co.*, 6 DOE ¶ 81,367 (1980). In its Application, BP sought modification of the Hollowell Decision to require Hollowell to blend gasohol at the accepted ratio of nine parts motor gasoline to one part alcohol. In the alternative, BP sought modification of the reporting requirements placed upon Hollowell by the Decision and Order. In considering the request, the DOE found that the provisions of the Decision and Order which permitted Hollowell to allow its customers to upgrade its gasoline-alcohol blend prior to retail sale could allow the firm increased flexibility in its gasohol marketing program and thereby further the production and use of gasohol. The DOE also found that the reporting requirements which BP suggested would be an onerous and unnecessary burden for Hollowell. Accordingly, BP's request for modification was denied.

Requests for Exception

Akron/Canton Truck Plaza, Inc., North Canton, Ohio, DEE-7052, motor gasoline

Akron/Canton Truck Plaza, Inc., filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm was not experiencing any financial difficulties which would warrant exception relief. Accordingly, the Application was denied.

Astro, Inc., Camden, North Carolina, DEE-7495, gasohol

Astro, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increased allocation of motor gasoline for the express purpose of blending and marketing gasohol. In considering the request, the DOE found that exception relief was necessary to enable the firm to produce and market gasohol.

Bailey's Corner Store, Clinton, Washington, BEO-0469, motor gasoline

Bailey's Corner Store filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increase in its base period allocation of gasoline. In considering the request, the Department of Energy found that the firm had failed to demonstrate that it would be adversely affected to a significant degree if exception relief were not granted. Accordingly, the Application for Exception was denied.

Bolin Oil Co., Uniontown, Ohio, DEE-4775, motor gasoline

Bolin Oil Company filed an application for Exception from the provisions of 10 CFR 211.102, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to show that it was experiencing a gross inequity or unfair distribution of burdens as a result of DOE

regulations. Accordingly, exception relief was denied.

Charles H. Booth, Inc., Anniston, Ala., BEE–0674, gasohol

Charles H. Booth, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought exception relief increasing its allocation of unleaded motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE found that exception relief was necessary to enable the firm to expand its gasohol marketing operations. Accordingly, exception relief was granted.

E. B. Brooks, Jr., Dallas, Texas, DEE–2222, crude oil

E. B. Brooks, Jr. (Brooks) filed an Application for Exception from the provisions of 10 C.F.R. Part 212, Subpart D, in which the firm sought to reclassify the oil sold from the Baptist Foundation Lease as stripper well oil because of decreased production due to equipment malfunction. In considering the request, the DOE found that the lease was ineligible for stripper well classification, since average daily production figures must be adjusted when significant decreases in production are attributable to mechanical failure. Accordingly, exception relief was denied.

Dale Olson Oil Co., Sioux Falls, S. D., BEE–0501, gasohol

Dale Olson Oil Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.102, in which the firm sought an increased allocation of motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE found that exception relief should be granted because Olson had demonstrated that a demand for gasohol exists in its market area, that it is in an advantageous position to further the production and use of gasohol, that it has made a substantial commitment of resources toward that end, and that DOE regulations significantly frustrate its project. In denying objections to the grant of relief, the DOE discussed (i) whether an applicant is required to use all of its existing allocation of gasoline for blending gasohol before it is entitled to exemption relief; (ii) whether a supplier which conducts its own gasohol activities should be excused from supplying additional gasoline to a firm which seeks exception relief for gasohol production and marketing; and (iii) whether OHA's failure to notify potential suppliers and to give them an opportunity to comment prior to the issuance of the proposed Decision and Order violated their due process rights. Accordingly, exception relief was granted.

Dunn Fuels, Adrain, Mich., DEE–5842 DES–5842, motor gasoline

Dunn Fuels filed an Application for Exception from the provisions of 10 C.F.R. Part 211, Subparts A and F, in which the firm sought an increase in base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was adversely affected to a significant degree by DOE Regulations. Accordingly, exception relief was denied.

Faith Christian Assembly, Lincoln Park, Mich., BEO–0427, temperature restrictions

The Faith Christian Assembly filed an Application for Exception from the provisions of 10 C.F.R. Part 490, in which the firm sought permission to raise the maximum heating temperature in its building above 65°F. In considering the request, the DOE found that Faith Christian Assembly had failed to establish that the Temperature Restrictions cause it to incur a special hardship, gross inequity, or unfair distribution of burdens. Accordingly, exception relief was denied.

Flippo's Oil Company, Harrisonburg, Virginia; BEE–1071, gasohol

Flippo's Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increased allocation of unleaded motor gasoline with which to blend gasohol. In considering the request, the DOE found that exception relief was necessary to prevent the firm from suffering a gross inequity as a result of the Mandatory Petroleum Allocation Regulations which allocate motor gasoline on the basis of historical relationships. Accordingly, exception relief was granted.

Gulf Oil Corporation, Houston, Texas; BXE–1204, crude oil

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Gulf to sell at upper tier ceiling prices 70.59 percent of the crude oil produced from the Kirby Lumber Company *et al* "C" Lease.

Jerry's Marathon, Winamac, Indiana; BEO–0550, motor gasoline

Jerry's Marathon filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to prevent the firm from experiencing a gross inequity as a result of a significant change in the firm's operating posture intended to increase its gasoline sales volume. Accordingly, exception relief was granted.

Krantz Shell Service, New Philadelphia, Ohio; BEO–0613, motor gasoline

Krantz Shell Service filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm was not experiencing a serious hardship, gross inequity, or unfair distribution of burdens as a result of the DOE allocation regulations. Accordingly, exception relief was denied.

L. W. Green Co., Oxford, Kansas; DEE–7081, motor gasoline

L. W. Green Co. filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought assignment of a lower-priced supplier of motor gasoline. In considering the request, the DOE found that the firm was not experiencing serious competitive difficulty in its sales of motor gasoline and that it had not been forced to reduce its gross margin on those sales. Accordingly, exception relief was denied.

Lee Oil Company, Selmer, Tennessee; DEE–5962, motor gasoline

Lee Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm failed to show that it would suffer a significant financial hardship in the absence of exception relief. Accordingly, exception relief was denied.

Linn Enterprises, Inc., Cottage Grove, Minnesota; DEE–6854, motor gasoline

Linn Enterprises, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increase in the base period allocation of motor gasoline of two retail outlets which the firm operates. In considering the request, the DOE found that the firm was not experiencing any financial difficulties which warranted exception relief. The DOE also found that the residents of the community in which the applicant's retail outlets are located are not experiencing an unfair distribution of burdens. Accordingly, exception relief was denied.

Alex Nuszen, Patchogue, New York; DEE–777, motor gasoline

Alex Nuszen filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to prevent the firm from experiencing a gross inequity and serious hardship as a result of its low base period volumes. Accordingly, exception relief was granted.

P F & E Oil Company, Brownwood, Texas; DEE–6411, motor gasoline

P F & E Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm failed to show that either it or the community it serves was suffering an inequity or an unfair distribution of burdens as a consequence of DOE regulations. Accordingly, exception relief was denied.

Scenic Texaco Automotive Center, Alamogordo, New Mexico; BEO–0370, motor gasoline

Scenic Texaco Automotive Center filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the applicant has no reasonable expectation of receiving an increase in the base period allocation of motor gasoline for the retail outlet which it purchased subsequent to the updating of the base period. The DOE also found that the residents of the community in which the applicant is located are not experiencing an unfair distribution of burdens. Accordingly, exception relief was denied.

Schaeffer Oil Co., Winner, South Dakota; BEE–0326 gasohol

Schaeffer Oil Company filed an Application for Exception from the provisions

of 10 C.F.R. Part 211, in which the firm sought an increase in its base period allocation of unleaded gasoline in order to blend and sell gasohol. In considering the request, the DOE found that the firm was not in an advantageous position to further the production and use of gasohol. Accordingly, exception relief was denied.

Sigmor Refining Company, Three Rivers, Texas; DEE-0737, motor gasoline

Sigmor Refining Company filed an Application for Exception regarding the computation of maximum allowable selling prices for motor gasoline produced at a refinery which it purchased and rebuilt. Since the refinery had not previously produced motor gasoline, the Mandatory Petroleum Price Regulations are not specifically designed to apply to the circumstances of this case. Sigmor requested that the DOE establish: (i) May 15, 1973 selling prices for regular, premium, and unleaded motor gasoline for the firm's wholesale, f.o.b. refinery class of purchaser; (ii) a May 1973 cost for certain feedstocks which are purchased and refined or blended and which are attributable to the production of motor gasoline; and (iii) nonproduct costs for each of the allowable nonproduct cost categories specified in 10 C.F.R. § 212.83(c).

In considering Sigmor's request, the DOE found that, although Sigmor's acquisition of an existing refinery resulted in the firm's being classified as a "refiner" for purposes of DOE Price Regulations, Sigmor has not previously produced or sold motor gasoline. Consequently, motor gasoline produced at the firm's refinery is a "new item" which should be priced in accordance with 10 C.F.R. § 212.111. Since Sigmor was unable to obtain the May 15, 1973 prices charged by other refiners in the marketing area, the DOE permitted the firm to use May 15, 1973 prices published in an industry publication as its May 15, 1973 selling prices. The DOE also permitted Sigmor to impute a May 15, 1973 price for unleaded motor gasoline. The DOE allowed Sigmor to impute its May 1973 costs of certain feedstocks, other than crude oil, by using data available from the files of a consultant which had wide experience working with refiners in Sigmor's area. In addition, the DOE allowed Sigmor to impute its May 1973 nonproduct costs on the basis of the refinery's actual nonproduct costs in early 1978. Finally, the DOE determined that in view of the inordinate administrative delay which occured between the date of the firm's original submission and the date of the determination by the DOE, the relief granted to Sigmor should be approved retroactive to the date the firm began producing motor gasoline.

Stepp's General Tire, Inc., Ioeger, West Virginia; BEO-1028, motor gasoline

Stepp's General Tire, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm was not experiencing a serious hardship, gross inequity, or unfair distribution of burdens as a result of the DOE allocation regulations. Accordingly, exception relief was denied.

Texaco, Inc., White Plains, New York, BEE-1323, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 212.84(h), which provides that landed costs for imported crude oil shall be considered to be incurred in accordance with a refiner's customary accounting procedures. Under Texaco's customary accounting procedures, the costs for imported crude oil accured when the crude oil was landed in the United States. In considering the request, the DOE found that changes in the credit terms of Persian Gulf countries, and new shipping procedures had rendered Texaco's customary accounting procedures anomalous. The DOE further found that because of the operation of § 212.84(h) Texaco would be discouraged from using its sour crude oil refining capacity. Accordingly, exception relief was granted in order to allow Texaco to accure its costs for imported crude oil on a loaded basis.

Tom McDonald Oil Co., Inc., Tampa, Florida, DEE-2309, motor gasoline

Tom McDonald Oil Co., Inc., filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increase in its base period allocations of motor gasoline. In considering the request, the DOE found that the firm had failed to show that it would be adversely affected to a significant degree in the absence of exception relief. Accordingly, exception relief was denied.

Tomahawk Oil Company, Hiawatha, Kansas, BEE-0331; gasohol

Tomahawk Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increase in its base period allocation of unleaded gasoline in order to blend and sell gasohol. In considering the request, the DOE found that exception relief was appropriate in order to further the national policy objective of developing alternative energy sources. Accordingly, exception relief was granted.

Veyo Mercantile, Veyo, Utah, BEO-0780, motor gasoline

Veyo Mercantile filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought exception relief increasing its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to show that it was suffering serious financial difficulties as a result of the DOE regulations. Accordingly, exception relief was denied.

Wise Oil & Fuel, Inc., Cambridge, Maryland, DEE-7564, gasohol

Wise Oil & Fuel, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 211, in which the firm sought an increased allocation of motor gasoline for the express purpose of blending and marketing gasohol. In considering the request, the DOE found that exception relief was appropriate in order to further the national policy objective of developing alternate energy sources. The DOE considered and rejected Shell's objections that (1) the appropriate form for the issues involved is a rulemaking rather than an adjudicatory proceeding; (2) OHA must comply with the requirements of the National Environmental Policy Act in granting such relief; (3) Wise has not demonstrated sufficient demand for gasohol, a significant commitment to gasohol production or that it is in an advantageous position to further the national policy objective of increasing the use of gasohol; (4) the level of exception relief was excessive; (5) that Shell Unleaded is an inappropriate blendstock for gasohol. Accordingly, exception relief was granted.

Zitro Energy Consultants Holtsville, New York, DEE-2394, motor gasoline

Zitro Energy Consultants filed an Application for Exception from the provisions of 10 C.F.R. § 211.9, in which the firm sought the termination of the supplier/purchaser arrangement between Zitro and its base period supplier. In considering the request, the DOE found that the firm was suffering neither gross inequity nor serious hardship. Accordingly, exception relief was denied.

Requests for Stay

Huntway Refining Company, Wilmington, California, BES-0125, BST-0125, crude oil

Huntway Refining Company (Huntway) filed Applications for Stay and Temporary Stay of certain portions of a Decision and Order issued to the firm by the DOE Office of Hearings and Appeals. *Huntway Refining Co.*, 6 DOE ¶ 81,256 (1980), which partially denied the firm's request for an exception from the provisions of 10 C.F.R. § 211.67, regarding the treatment under the Entitlements Program of Huntway's starting crude oil inventory. Huntway sought the stay relief pending a determination on the merits of a Petition for Review which the firm intends to file with the Federal Energy Regulatory Commission and pending further judicial review in the event Huntway's Petition is unsuccessful. The stay, if granted would increase by approximately $714,000 the value of the entitlements to be issued to the firm in the next Entitlements List. In considering the request, the DOE found that Huntway had neither raised significant issues nor presented unusual circumstances and the DOE therefore concluded that the firm had failed to show any likelihood of success on the merits of its Petition for Review with FERC or in judicial review. The DOE also found that Huntway would be unlikely to suffer an irreparable injury in the absence of stay relief since revenues will be available following the expiration of the Entitlements Program which will permit the satisfaction of the firm's claims in the event the firm is successful in its appeals. Finally, the DOE found that the approval of Huntway's stay request would be inadvisable on public policy grounds since the granting of stays to all firms which have been denied entitlements exception relief based on the possibility that the firms will be successful in their appeals would result in a massive transfer of funds through the Entitlements Program from all firms on the Entitlements List to all firms which have recently been denied relief. Consequently, the DOE determined that Huntway had failed to

satisfy the criteria for the approval of a stay and denied the Application for Stay and dismissed the Application for Temporary Stay.

Plateau, Inc., Washington, D.C., BES-0128, crude oil

Plateau, Inc. filed an Application for Stay seeking to increase the amount of exception relief tentatively granted to the firm in a Proposed Decision and Order on December 16, 1980. In considering the Application, the DOE determined that the firm had made a strong showing of the likelihood of success on the merits of its Statement of Objections to the Proposed Decision. Plateau's stay request was therefore granted.

Supplemental Order

Warrior Asphalt Company of Alabama, Washington, D.C., BEX-0150, crude oil

The DOE issued a Supplemental Order to the Warrior Asphalt Company of Alabama which corrected the calculation of that firm's entitlements purchase obligation for the period December 1980 through May 1981 which had been established in a recent Proposed Decision and Order issued to Warrior.

Motion For Discovery

Mitchell Energy Corporation, Houston, Texas, DRD-0093, DRH-0093, crude oil

Mitchell Energy Corporation (Mitchell) filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order issued to it by ERA Region VI on January 28, 1978. The PRO alleged that Mitchell misclassified certain of its crude oil producing properties and consequently charged unlawful prices for crude oil from those properties. In its Motion for Discovery, Mitchell sought to discover all documents concerning the meaning of and basis for three Federal Energy Administration interpretive rulings which it claimed supported its classification of the properties. It also sought to discover information concerning the sampling techniques ERA used in determining which of Mitchell's properties to audit. The DOE denied all discovery pertaining to the meaning of the three rulings because it found such discovery could not aid the agency in evaluating Mitchell's contention that its interpretation of the ruling was the only one permissible. However, some discovery concerning audit sampling techniques was permitted on the ground that access to such information was necessary to enable Mitchell to prove that the agency had not audited a random sample of its properties and that the self-audit remedy requested by ERA was therefore inappropriate.

In its Motion for Evidentiary Hearing, Mitchell requested that the DOE convene an evidentiary hearing with the following witnesses: (1) officials of the DOE Office of General Counsel to prove Mitchell's interpretation of the term "property" is consistent with that of FEA interpretive rulings; (2) the Senior Vice-President of Mitchell and an official of the Texas Railroad Commission, to give information concerning Mitchell's accounting practices; (3) a DOE auditor to give information concerning the audit sampling techniques used. The DOE denied the Motion with respect to the first two categories of witnesses because it found that they could not provide information concerning any relevant factual issues in the case. With regard to the auditor, the DOE decided that it could not determine whether an evidentiary hearing was necessary on the audit sampling issue until discovery was completed. This portion of the Motion was therefore dismissed without prejudice to refiling within 30 days after completion of discovery.

Interim Order

The following firm was granted Interim Exception Relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Location, and Case No.

Energy Cooperative, Inc., Washington, D.C., BEN-0079

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Company Name, Location, and Case No.

Commonwealth Oil/Chevron U.S.A., Washington, D.C., BEJ-0175
Commonwealth Oil/Mobil Oil, BEJ-0177
Dow Chemical, U.S.A./Chevron U.S.A., Inc., Washington, D.C., BEJ-0179
Energy Cooperative, Inc., Washington, D.C., BEJ-0178
Kerr-McGee Corporation

Petition

The following firm filed an Application for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be granted.

Company Name, Location, and Case No.

Paris Avenue Amoco, New Orleans, LA, DEO-0366

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Location, and Case No.

Bill's Standard, Washington, DC, BEO-0591
Clark Super 100, Hazel Park, MI, BEO-1066
George's of Seymour, Inc., Seymour, TN, BEO-0451
Hess Store, Baltimore, MD, BEO-1262
Shelby Arco Station, Madison, VA, DEO-0374

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Associate Fellow, BFA-0561
Atlantic Richfield Co., DEE-2092
Barielle Oil Co., Inc., BXE-0049
BRO Oil Company, Inc., BEE-0710
Carey Johnson Oil Co., Inc., BEE-0856
Dixon Oil Co., BEE-1521
Energy Development of California, Inc., DRO-0150
Giant Refining Co., DEE-1076
Golden Gate Petroleum Co., BRS-0117
Independent Refining Corp., DEE-1553
Instrument Control Service, BFA-0584
Keith W. Kennedy, DEE-2653; DST-2653; DES-2653
Michaelson Producing Co., DRA-0217
Monsanto Company, DXE-2537
Pierremont Petroleum Corp., DEE-5536
Seneca Oil Co., BEE-1506 through BEE-1512; BEL-1506 through BEL-1512
Sheboygan Oil, Inc., DEE-3781
Ten-Com Service, BEE-1183
TPCO, Inc., BEE-1392; BEL-1392
Town Hall Westport, DEE-0221

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published looseleaf reporter system.

Thomas L. Wieker,
Acting Director, Office of Hearings and Appeals.

March 13, 1981.

[FR Doc. 81-8562 Filed 3-19-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1763-7]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), US Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of March 9, 1981 to March 13, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice

is calculated from March 20, 1981 and will end on May 4, 1981. The 30-day review period for final EIS's as calculated from March 20, 1981 will end on April 20, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558–8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245–3006.

Dated: March 17, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

DEPARTMENT OF AGRICULTURE

Contact: Barry Flamm, Office of Environmental Quality, (202) 447–3965.

SOIL CONSERVATION SERVICE

Final

JUMPER CREEK WATERSHED PROTECTION, SUMTER COUNTY, FLORIDA, Date Filed 3–12–81—proposed installation of water control/grade stabilization structures, channel rehabilitation and land treatment. Comments made by: USDA, DOC, HEW, COE, DOT, EPA, State and Local Agencies. (EIS Order No. 810199.)

FOREST SERVICE

Final

PANDORA MOTH MANAGEMENT PLAN, COCONINO COUNTY, ARIZONA, Date Filed 3–12–81—proposed suppression of moth infestation of Ponderosa Pine around Jacob Lake within Kaibab National Forest. Comments made by: DOI, USDA, EPA, DOT FERC, State and Local Agencies, Groups, Individuals and Businesses. (EIS Order No. 810200.)

US ARMY CORPS OF ENGINEERS

Contact: Richard Makinen, Office of the Chief of Engineers, (202) 272–0121.

Final

SAVANNAH HARBOR NAVIGATION CHANNEL WIDENING, CHATHAM COUNTY, GEORGIA, Date Filed 3–9–81—widening of channel to 500 feet from Fig Island Turning Basin to King Island Turning Basin. Comments Made by: EPA, FEA, HEW, HUD, DOI, DOC, DOE, State and Local Agencies. (EIS Order No. 810185.)

PAXTON CREEK AND SUSQUEHANNA RIVER FLOOD CONTROL, DAUPHIN COUNTY, PENNSYLVANIA, Date Filed 3–9–81—measures include flood wall, channel modification and construction of a detention reservoir. Comments made by: DOI, HUD, HEW, DOC, DOE, SRBC, EPA, State Agencies. (EIS Order No. 810186.)

HILO LAVA FLOW CONTROL, ISLAND AND STATE OF HAWAII, Date Filed 3–13–81—proposed protection plan involving construction of barrier segments only in the event of an actual eruption of Mauna Loa. Comments made by: DOI, DOC,USDA, HUD, EPA, DOT, State Agencies, Groups, Individuals and Businesses. (EIS Order No. 810193.)

BONNEVILLE LOCK AND DAM, NAVIGATION, OREGON AND WASHINGTON, Date Filed 3–13–81—proposed construction of new navigation lock with dimensions of 86 by 675 feet south of existing lock and powerhouse. Comments made by: DOC, DOI, DOT, EPA, USDA. (EIS Order No. 810194.)

HALSTEAD FLOOD CONTROL PLAN, HARVEY COUNTY, KANSAS, Date Filed 3–12–81—proposed construction of horseshoe levee, and channel enlargement and realignment. Comments made by: HUD, DOC, DOT, USDA, ACH, HEW, DOI, EPA, State and Local Agencies. (EIS Order No. 810096.)

EAST BAY HARBOR, OLYMPIA HARBOR, THURSTON COUNTY, WASHINGTON, Date Filed 3–12–81—proposed construction of East Bay Marina including moorage for 800 boats, recreational facilities, and cargo handling area. Comments made by: DOC, DOD, USDA, HUD, DOE, DOT, State and Local Agencies, Groups, Individuals and Businesses. (EIS Order No. 810201.)

BRAZOS ISLAND HARBOR, CHANNEL IMPROVEMENT, CAMERON COUNTY, TEXAS, Date Filed 3–13–81—proposed enlargement of turning basin, main channel and entrance channel. Comments made by: AHP, DOI, EPA, DOT, State and Local Agencies. (EIS Order No. 810203.)

PRESQUE ISLE PENINSULA BEACH EROSION, LAKE ERIE, ERIE COUNTY, PENNSYLVANIA, Date Filed 3–13–81—proposed placement of 58 offshore breakwater segments extending from the west end of the peninsula through Sunset Point. Comments made by: DOT, DOC, USDA, DOI HUD, EPA, State Agencies, Groups and Individuals. (EIS Order No. 810204.)

FOURCHE BAYOU BASIN, LITTLE ROCK, PULASKI COUNTY, ARKANSAS, Date Filed 3–12–81—proposed flood control improvements consisting of channel clearing, bank shaping and alteration of highway and railroad bridges. Comments made by: EPA, DOI, DOC, AHP, DOE, State and Local Agencies. (EIS Order No. 810205.)

Report

CHARLESTON HARBOR NAVIGATION IMPROVEMENTS, CHARLESTON COUNTY, SOUTH CAROLINA, Date Filed 3–11–81—supplemental information. (EIS Order No. 810191.)

EXTENSION: Bowline Point Generating Station, Haverstraw, NY, published FR February 13, 1981—review period has been extended to March 27, 1981. (No. 810100.)

DEPARTMENT OF COMMERCE

Contact: Robert T. Miki, Regulatory Policy, (202) 377–3482.

Economic Development Administration

Final

GATLINBURG INTERCITY WATER SUPPLY, SEVIER COUNTY, TENNESSEE, Date Filed 3–11–81—funding for a four phase water supply plan including interconnection of systems, construction of distribution lines and new pipeline and development of new water sources. Comments made by: DOT, HUD, EPA, DOI, State and Local Agencies, Groups and Individuals. (EIS Order No. 810192.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Bill Geise, Region VIII, (303) 837–4831.

Draft

DURANGO AREA WASTEWATER MANAGEMENT PLAN, LA PLATA COUNTY, COLORADO, Date Filed 3–13–81—awarding of grant for construction of 28 miles of interceptor sewers. (EIS Order No. 810180.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Office of Environmental Quality, (202) 755–6300.

Draft

ROSEMEADE SUBDIVISION, DENTON COUNTY, TEXAS, Date Filed 3–10–81—issuance of HUD home mortgage insurance for development consisting of 2,221 units on 900 acres at completion. (EIS Order No. 810188.)

Final

NORTHSHORE CLUB ESTATES, KING COUNTY, WASHINGTON, Date Filed 3–13–81—issuance of HUD home mortgage insurance for development consisting of 1,465 dwelling units on 338 acres. Comments made by: EPA, USDA, DOE, DOI, State and Local Agencies, Groups, Individuals and Businesses. (EIS Order No. 810207.)

DEPARTMENT OF THE INTERIOR

Contact: Bruce Blanchard, Environmental Project Review, (202) 343–3891.

Bureau Land Management

Draft

HUALAPAI-AQUARIUS GRAZING MANAGEMENT PLAN, MOHAVE AND YAVAPI COUNTIES, ARIZONA, Date Filed 3–9–81—management of 1,308,588 acres for livestock, wild burro and big game grazing. (EIS Order No. 810187.)

EXTENSION: The review period for the above EIS has been extended until May 7, 1981. (No. 810187.)

Bureau of Indian Affairs

Draft

AK-CHIN WATER SUPPLY PROJECT, MARICOPA AND PINAL COUNTIES, ARIZONA, Date Filed 3–9–81—construction of interim water delivery system to provide 85,000 acre-feet of water to Ak-Chin Indian

community for next 25 years. (EIS Order No. 810188.)

EXTENSION: The review period for the above EIS has been extended until May 11, 1981. (No. 810188.)

DEPARTMENT OF DEFENSE, NAVY

Contact: Ed Johnson, Environmental Impact Statement/RDT&E Branch, (202) 679-3868.

Draft Supplement

COSO GEOTHERMAL DEVELOPMENT PROGRAM (DS-1), INYO, KERN, SAN BERNARDINO COUNTIES, CALIFORNIA, Date Filed 3-13-81—proposed geothermal exploratory drilling and testing, and construction of necessary facilities. (EIS Order No. 810199.)

NUCLEAR REGULATORY COMMISSION

Contact: Daniel R. Muller, Environmental Technology, (301) 492-7017.

Final

THREE MILE ISLAND, RADIOACTIVE WASTE DISPOSAL, PENNSYLVANIA, Date Filed 3-10-81—activities for decontamination of facility, defueling and disposition of radioactive waste. Comments made by: COE, EPA, FERC, HEW, DOI, DOT, State and Local Agencies, Groups, Individuals and Businesses. (EIS Order No. 810180.)

EXTENSION: Decommissioning of Nuclear Facilities, published FR February 6, 1981—review period has been extended until April 4, 1981. (No. 810068.)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Office of Environment and Safety, (202) 426-4357.

Federal Highway Administration

Draft

US 82 AND US 280/US 19 IMPROVEMENT, SEVERAL COUNTIES, GEORGIA, Date Filed 3-12-81—reconstruct as a partially controlled access highway with four lanes. (EIS Order No. 810195.)

Draft

US 264/NORTHWEST BYPASS, PITT COUNTY, NORTH CAROLINA, Date Filed 3-12-81—construction of a new four lane divided highway between relocated US 264 and the US 13/NC 11 and NC 1580 intersection. (EIS Order No. 810197.)

LAKESHORE DRIVE EXTENSION, JEFFERSON COUNTY, ALABAMA, Date Filed 3-12-81—proposed construction of four lane partially controlled access highway from Green Springs Highway to Spaulding Highway. (EIS Order No. 810202.)

Final

TRENTON COMPLEX COMPLETION, MERCER AND BURLINGTON COUNTIES, NEW JERSEY, Date Filed 3-9-81—completion of I-195 and I-295, extension of NJ-29 and addition of NJ-129. Comments made by: USDA, COE, DOT, DOC, EPA, HUD, DOI, DRBC, State and Local Agencies, Groups and Individuals. (EIS Order No. 810184.)

WHITEWATER RIVER CROSSING, FAYETTE COUNTY, INDIANA, Date Filed 3-13-81—construction of a new bridge and approaches from IN-1 to IN-121 for west fork of Whitewater River. Comments made by: DOI, EPA, USDA, COE, DOT, State and Local Agencies.

[FR Doc. 81-8099 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-01-M

[EN-FRL 1783-2]

JRB Associates, Inc., Contracted To Provide Witnesses To Assist in Preparing for Legislation

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The EPA has contracted with JRB Associates, Inc. to provide expert witnesses to assist the Agency in preparing for litigation. In the process of procuring these expert witnesses, JRB may require, and EPA may permit, access to documents containing confidential business information.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Libber, Attorney-Advisor, Special Programs and Policy Staff, Office of Enforcement, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-3065.

SUPPLEMENTARY INFORMATION: The EPA frequently needs expert witnesses in order to effectively prosecute violations of the environmental statutes it enforces. Expert witnesses are used both in preparation for litigation and in the actual course of a tribal or administrative proceeding. The demand for qualified expert witnesses has often been inadequately satisfied. To satisfy this demand more effectively, EPA has contracted with JRB Associates, Inc. to locate and subcontract with qualified expert witnesses as EPA needs them. The contract numbered 68-01-6187 will run until September 1981, but may be extended up to two additional years at the option of EPA.

In order to locate expert witnesses, JRB will need some knowledge of the technical and scientific issues involved in the cases. Therefore, JRB may need access to some confidential business information obtained by EPA under the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, and the Federal Insecticide, Fungicide, and Rodenticide Act. EPA has determined pursuant to 40 CFR 2.301(h), 2.303(h), 2.304(h), 2.306(h), 2.308(j), and 2.307(h) that is may need to disclose confidential business information to JRB. Whenever specific materials are no longer required by JRB to procure witnesses, JRB will return the confidential business information to the Agency.

JRB is legally required under the terms of the contract to safeguard from unauthorized disclosure any confidential business information it receives from EPA. In addition JRB has been authorized under the EPA Toxic Substances Control Act Confidential Business Information Security Manual to have access to confidential business information. EPA has approved JRB's security plan. EPA has also conducted the required inspection of the JRB facilities and has found them to be in compliance with the requirements of the Security Manual.

When JRB locates and subcontracts with an expert witness with EPA's approval, each affected business will receive notice prior to disclosure of confidential business information to that subcontractor as provided by EPA regulations.

Dated: February 23, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-8098 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50529; PH-FRL 1783-4]

Monsanto Co.; Renewal of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a renewal of an experimental use permit to Monsanto Co., for use of the herbicide glyphosate on forage grasses and legumes to evaluate control of weeds. Such permits are in accordance with and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

DATE: This experimental use permit expires January 29, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7086).

SUPPLEMENTARY INFORMATION: EPA has issued a renewal of an experimental use prmit to Monsanto Co., 1101 17th St., NW., Washington, D.C. 20036. This experimental use permit (524-EUP-46) allows the use of 3,720 pounds of the remaining quantity of the herbicide glyphosate on forage grasses and legumes to evaluate control of weeds. A

total of 2,600 acres are involved. The program is authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming. The program was previously effective from November 14, 1978 to November 14, 1980. It is now effective from January 29, 1981 to January 29, 1982. Temporary tolerances for residues of the herbicide in or on forage legumes, liver and kidney of cattle, goats, hogs, horses, poultry, and sheep have been established. A permanent tolerance for residues of glyphosate in or on the forage grasses has been established (40 CFR 180.364).

Persons wishing to review this experimental use permit are referred to the designated product manager. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136))

Dated: March 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-8697 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-32-M

[AS-FRL 1784-2]

Intent To Issue Revised Minority Business Enterprise Policy for Construction Grants Program; Technical Amendments to Women's Business Enterprise Policy for Construction Grants Program; Procedures for Implementation of Minority Business Enterprise and Women's Business Enterprise Policies; Extension of Comment Period

AGENCY: The Environmental Protection Agency.

ACTION: Proposed policy revisions and proposed program requirements memorandum; extension of comment period.

SUMMARY: This document announces the extension of the opportunity for the public to comment on proposed policy revisions, technical amendments, and implementing procedures relating to EPA's minority business enterprise and women's business enterprise policies, published in the Federal Register on January 19, 1981 (46 FR 5666).

DATE: Comments must be submitted on or before May 4, 1981.

ADDRESS: Comments (in duplicate, if possible) may be mailed to Central Docket Section (A-130), ATTN: Docket No. G-80-5, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Knox (Director, Office of Small and Disadvantaged Business Utilization), (202) 755-0393, or Sylvia Horitz (Office of General Counsel), (202) 426-4090, 401 M Street, SW., Washington, D.C. 20460.

Dated: March 16, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

The deadline for submitting comments on the proposed Revised Minority Business Enterprise Policy for the Construction Grants Program, Technical Amendments to the Women's Business Enterprise Policy for the Construction Grants Program, and Procedures for Implementation of Minority Business Enterprise and Women's Business Enterprise Policies is extended from March 20, 1981, to May 4, 1981.

These policies will apply to Construction Grants for Wastewater Treatment Works, Catalogue of Federal Domestic Assistance No. 66.418. Grants for construction of wastewater treatment works are subject to the requirements of Office of Management and Budget Circular A-95 (clearinghouse review).

[FR Doc. 81-8784 Filed 3-19-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20609]

An Inquiry Into the Abolition of Special Rates for Letter Telegrams

AGENCY: Federal Communications Commission.

ACTION: Order terminating docket.

SUMMARY: Docket No. 20609 was initiated as an inquiry into the abolition of special rates for letter telegrams. Its purpose was to gather information to assist the Commission in advising the Department of State on the U.S. position to the Sixth Plenary Assembly of the CCITT held in 1976. The proceeding is moot and therefore is terminated.

ADDRESS: Not Applicable.

DATES: Not Applicable.

FOR FURTHER INFORMATION CONTACT: Earl S. Barbely, Chief, International Conference Staff, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554.

In the matter of an inquiry into the abolition of special rates for letter telegrams; order; *See also* 40 FR 49124, October 21, 19755.

Adopted: March 4, 1981.

Released: March 9, 1981.

By the Acting Chief, Common Carrier Bureau.

1. On October 15, 1975, the Commission released a Notice of Inquiry in this docket designed primarily to provide the Commission with the information necessary to advise the Department of State with respect to the U.S. Position at the Sixth Plenary Assembly of the International Telegraph and Telephone Consultative Committee (CCITT) of the International Telecommunications Union (ITU) which was scheduled to be held in the Fall of 1976, as well as at preliminary international meetings where this subject would be considered.

2. Comments were filed in the proceeding and were used by the Commission in advising the Department of State concerning the U.S. position on this subject at the various ITU meetings. The CCITT Sixth Plenary Assembly agreed to maintain those provisions which provide for reduced rate letter telegrams as an optional service within the CCITT F series Recommendations. The U.S. international record carriers continue to offer letter telegram service to those countries who will accept and deliver such telegrams.

3. Accordingly, pursuant to §§ 0.91, 0.291, and 1.401(e), it is *Ordered* that this Docket is terminated.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-8864 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-166, 81-167, File Nos. BPH-791218AE, BPH-800701AB]

Alabama Christian Broadcasting Co., Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Alabama Christian Broadcasting Company Inc., Reform, Alabama, Req: 101.7 MHz, Channel 269A, 1 kW (H&V), 479 feet, BC

Docket No. 81-166, File No. BPH-791218AE. L. D. Vail, Margaret M. Ramage, and Charlie Taggart, a partnership d.b.a. REGO Broadcasting Company, Reform, Alabama. Req: 101.7 MHz, Channel 269A, 3kW (H&V), 300 feet, BC Docket No. 81-167, File No. BPH-800701AB; for a Construction Permit for a New FM Station.

Adopted: March 9, 1981.

Released: March 17, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Alabama Christian Broadcasting Co. Inc. (ACBC) and L. D. Vail, Margaret Ramage and Charlie Taggart, a partnership d.b.a. REGO Broadcasting Company (REGO) for a construction permit for a new FM station.

2. *REGO.* Analysis of the financial data submitted by REGO reveals that $119,263.76 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment cost	$88,172.26
Studio and transmitter site rental	750.00
Miscellaneous	12,716.40
Operating cost (three months)	15,625.00
Total	119,263.76

REGO plans to finance construction and operation with a $100,000.00 loan from the Bank of Reform. The letter of commitment from the Bank of Reform does not set forth the rate of interest, or the terms for repayment and is, in any event, not enough to cover applicant's proposed costs. A limited financial issue will be specified.

3. *Other Matters.* Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the area and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding,* at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to REGO:

(a) the source and availability of funds to meet its expected costs; and

(b) whether, in light of the evidence adduced in (a) above, REGO is financially qualified.

2. To determine which of the proposals would on a comparative basis better serve the public interest.

3. To determine in light of the foregoing issues which if either, of the applications should be granted.

6. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating the intention to appear on the date fixed for the hearing and to present evidence or the issues specified in this Order.

7. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed and such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-8822 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-164, 81-165, File Nos. BPH-800527AC, BPH-800708AB]

Brownfield Broadcasting Corp., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Brownfield Broadcasting Corp., Brownfield, Texas, Req: 103.9 MHz, Channel 280A 3 kW (H&V), 300 feet, BC Docket No. 81-164, File No. BPH-800527AC. Brownfield Radio, Inc., Brownfield, Texas, Req: 103.9 MHz, Channel 280A 3 kW (H&V), 227.75 feet, BC Docket No. 81-165, File No. BPH-800708AB; For Construction Permit for a New FM Station.

Adopted: March 5, 1981.

Released: March 18, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Brownfield Broadcasting Corporation (BBC) and Brownfield Radio, Inc. (BRC).

2. *BBC.* Analysis of the financial portion of BBC's application reveals that it will require $59,500 to construct the proposed facility and operate for three months, itemized as follows:

Equipment	$24,500
Building	2,000
Miscellaneous and other costs	18,000
Operating costs (three months)	15,000
Total	59,500

BBC has failed to provide a complete itemization of cost of operation for the first three months as required by Section III, Paragraph 1(b) of FCC Form 301. Consequently, its costs of proposed operation cannot be determined. BBC plans to finance construction and operation with the following funds: a $50,000 loan from the Brownfield State Bank and Trust Co. and $24,500 in radio equipment on hand. However, the bank letter fails to comply with Paragraph 4(e) of Section III of FCC Form 301 in that it does not specify the interest rate of the loan, the terms of repayment, or collateral or security required. Therefore, only $24,500 has been shown to be available to the applicant. Accordingly, a financial issue will be specified.

3. *BRC.* Analysis of the financial portion of BRC's application reveals that it will require $39,679 to construct the proposed facility and operate for three months, itemized as follows:

Equipment	$32,679
Miscellaneous and other costs	1,500
Operating costs (three months)	5,700
Total	39,879

To meet these requirements BRC intends to rely on $12,000 in profits from commonly-owned radio station KKUB(AM) and $45,000 in anticipated advertising revenues. However, the applicant cannot rely on anticipated revenues. *Financial Qualifications Standards for Aural Broadcast Applicants,* 69 FCC 2d 407, 43 RR 2d 1101 (1978); *Amber Producations Inc.,* FCC 79-549, 46 RR 2d 448, (1979). Since the applicant has shown only $12,000 to be available, a limited financial issue will be specified.

4. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local

notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that BRC published the required notice. To remedy this deficiency, BRC will be required to publish local notice of its application, if they have not already done so, and to file a statement of publication with the presiding Administrative Law Judge.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to BBC:

(a) The cost of operation of the proposed station for the first three months;

(b) The source and availability of funds to meet its expected costs; and

(c) In light of the evidence adduced pursuant to (a) and (b) above, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine with respect to BRC:

(a) The source and availability of funds to meet its expected costs; and

(b) In light of the evidence adduced pursuant to (a) above whether the applicant is financially qualified to construct and operate the proposed station.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. *It is further ordered,* That BRC shall publish local notice of the filing of its application with the Commission in accordance with § 73.3580(h) of the Rules and file a statement of publication with the presiding Administrative Law Judge.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

11. *It is further ordered,* That in the event the application of BRC is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, BRC will divest itself of either its AM, station or FM station in accordance with the requirements established in such rulemaking proceeding.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 8023 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81-120, File Nos. 42191-IB-65, 42192-IB-65, and 42193-IB-65]

Dial Electric & Engineering, Inc., for Renewal of Business Radio Station Licenses KN-2705, KII-93 and KRK-603; Designating Application for Hearing on Stated Issues

Adopted: March 9, 1981.

Released: March 12, 1981.

The Chief, Private Radio Bureau, has under consideration the applications of Dial Electric & Engineering, Inc. dated May 7, 1980, to renew the Business Radio Service licenses issued to it on June 13, 1975, for five terms.[1] [2]

1. Information before the Commission indicates that Dial Electric & Engineering, Inc., 7020 Beach Street, Westminster, Colorado 80030, has operated its stations in a manner which causes harmful interference to the transmissions of other licensees who share the frequency 463.425 MHz and 468.425 MHz with Dial Electric. On August 16, 1979, the Commission's Denver, Colorado office sent a Certified letter to Kenneth Schoenicke of Dial Electric & Engineering, Inc., directing him to install tone control equipment at Dial Electric's mobile relay station KRK-603 within 90 days from the date of that letter to eliminate the cause of the harmful interference, pursuant to § 90.243(c)(2) of the Private Land Mobile Radio Service Rules. On December 27, 1979, an authorized Commission representative attempted to inspect Dial Electric's Business Radio Service station transmitters and authorizations pursuant to § 90.439 of the Private Land Radio Service Rules. This section states that all stations and records of stations should be made available for inspection at any reasonable time or any time while the station is in operation, upon reasonable request of an authorized representative of the Commission. The inspection was refused. However, information was obtained during the attempted inspection which indicated that Dial Electric had failed to install the required tone control equipment at its mobile relay stations.

2. The Commission's information also indicates that Dial Electric installed an unlicensed mobile relay station at 82nd and Osceola Streets, Westminster, Colorado and operated it on December 27, 1979, in conjunction with Dial Electric's Business Radio Service stations, in wilful violation of § 90.113 of the Private Land Mobile Radio Service Rules.

3. The apparent violations of December 27, 1979, were the subject of three Official Notices of Violation mailed to Dial Electric & Engineering, Inc. on February 11, 1980.

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[1] Pursuant to § 1.929(c) of the Commission's Rules, Dial Electric has continuing operating authority for Business Radio stations KII-93, KN-2705 and KRK-603 pending determination of whether its renewal applications should be granted or denied.

[2] Dial Electric filed an application, dated May 7, 1980, to renew the Business Radio Service license KRK-602 issued to it on March 12, 1975, for a five year term. Pursuant to § 1.929(c) of the Commission's Rules, all applications for renewal of a license must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. Dial Electric failed to make a timely and sufficient application for the renewal of this license. Therefore, pursuant to § 1.955(c) of the Commission's Rules, Dial Electric's renewal application for Business Radio Service KRK-602 is dismissed as defective.

4. Section 309(e) of the Communications Act of 1934, as amended, requires that the Commission designate an application for hearing where it cannot find that grant of the application would serve the public interest, convenience and necessity. Accordingly, *it is ordered*, that Dial Electric's applications for renewal of its Business Radio Service licenses (KN–2705, KII–93, KRK–603) *are designated for hearing* upon the following issues:

(a) To determine whether Mobile Relay station KRK–603, licensed to Dial Electric & Engineering, Inc., has been the source of harmful interference to other authorized users of the frequency pair 463.425 MHz and 468.425 MHz and whether Dial Electric & Engineering, Inc., failed to install tone control equipment as required by the Federal Communications Commission.

(b) To determine whether the Commission inspection of stations KN–2705, KII–93, and KRK–603 was refused on December 27, 1979, in wilful violation of § 90.439 of the Private Land Mobile Radio Service Rules.

(c) To determine whether Dial Electric & Engineering, Inc., has established an unauthorized Mobile Relay station, in wilful violation of § 90.113 of the Private Land Mobile Radio Service.

(d) To determine, in light of the evidence adduced above, whether grant of the applications would serve the public interest, convenience and necessity.

5. *It is ordered*, that if Dial Electric wants a hearing on this matter, it must file a written request for a hearing within 20 days.[2] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent Order. If Dial Electric waives its right to a hearing, its applications will be dismissed with prejudice.

6. *It is further ordered*, that pursuant to § 1.227 of the Commission's Rules, Dial Electric's applications for renewal of its Business Radio Service licenses (KN–2705, KII–93, KRK–603) are consolidated for hearing.

7. *It is further ordered*, that a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at its address of record (as shown in the caption).

[2] The attached form should be used to request or waive hearing. It should be completed and mailed to the Federal Communications Commission, Washington, D.C. 20554, in the enclosed envelope.

Chief, Private Radio Bureau.

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-8819 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81–121, et al.]

Robert G. Harkins, et al.; Designating Applications for Consolidated Hearing on Stated Issues

In the matters of revocation of license of Robert G. Harkins, 1895 Wild Cat Court, Cool, California 95614, licensee of Station WD6GRV in the Amateur Radio Service, PR Docket No. 81–121. Suspension of license of Robert G. Harkins, 1895 Wild Cat Court, Cool, California 95614, Technician Class Amateur Radio Operator License, PR Docket No. 81–122. Application of Robert G. Harkins, 1895 Wild Cat Court, Cool, California 95614, for Advanced Class Amateur Radio Operator License, PR Docket No. 81–123.

Adopted: March 9, 1981.

Released: March 13, 1981.

The Chief, Private Radio Bureau, has under consideration the amateur radio station license, WD6GRV, and the Technician Class Amateur Radio Operator's license of Robert G. Harkins. The licenses were issued February 26, 1980, for a five year term. Also under consideration is Harkins' application to upgrade his Technician Class license to Advanced Class dated April 23, 1980.

1. Information before the Commission indicates that on January 23, 1980, Harkins appeared at the Commission's District Office in San Francisco, California, and submitted an Application for Individual Amateur Radio Station and/or Operator License (FCC Form 610) for change of class of operators license from Novice to Technican Class in the name of Alfred E. Bloch. Harkins then proceeded to take the written portion of the Commission's examination (Element 3) associated with that application. Harkins signed all associated Commission examination papers with Bloch's name and otherwise represented to the Commission that he was Bloch, in an attempt to fraudulently obtain a Technician Class Amateur radio operator license for Bloch, in wilful violation of Section 97.129 of the Commission's Rules.[1] The information further indicates that Bloch gave Harkins one hundred dollars ($100.00) to take the examination for him.

[1] Section 97.129 of the Commission's rules states that "[n]o licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means."

2. On April 23, 1980, Harkins was issued an Interim Amateur Permit (FCC Form 660–B) authorizing him Advanced Class privileges, based upon his successful completion of the elements required to upgrade his Technical Class license. On April 29, 1980, that Permit was set aside by the Commission's San Francisco Field Office.

3. Harkins' application for an Advanced Class Amateur Operator's license was granted on June 17, 1980. This grant was set aside on July 11, 1980, pursuant to § 1.113(a) of the Commission's Rules and Harkins' application reverted to pending status.

4. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked for wilful violation of the Commission's Rules. Section 303(M)(1)(F) of the same act provides that an operator license may be suspended upon proof sufficient to satisfy the Commission that the licensee has assisted another to obtain or attempt to obtain an operator's license by fraudulent means. Accordingly, *it is ordered* that Harkins SHOW CAUSE why the license for Amateur radio station WD6GRV should not be revoked, and that Harkins' Technician Class Amateur radio operator's license IS SUSPENDED for the remainder of the license term. The suspension will be held in abeyance if Harkins requests a hearing or submits a written statement for consideration.

5. *It is further ordered*, That Harkins' application for an Advanced Class Operator's license is designated for hearing on the issues specified below.

6. *It is further ordered*, That if Harkins desires a hearing on the revocation, suspension and/or application matters, he must file a written request for a hearing within 30 days of his receipt of this Order.[3] [4] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent order.

7. *It is further ordered*, That if Harkins waives his right to a hearing on the revocation and/or the suspension matters, those matters will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Rules.[5] If Harkins does not file a written appearance in triplicate on the application matter, as required by

[2] Any contrary provisions of § 1.85 of the Rules are waived.

[3] Any contrary provisions of §§ 1.85 and 1.221(c) of the Rules are waived.

[4] The enclosed form should be used to request or waive hearing. It should be returned to the Federal Communications Commission, Washington, D.C. 20554.

[5] Any contrary provisions of § 1.85 of the Rules are waived.

§ 1.221(c) of the Rules, within 30 days of his receipt of this Order, the application will be dismissed with prejudice pursuant to § 1.221(c).[6]

8. *It is further ordered,* That the revocation, suspension, and application proceedings are consolidated for hearing pursuant to § 1.227 of the Commission's Rules and shall be resolved upon the following issues:

(a) To determine whether Harkins assisted Alfred E. Bloch to fraudulently obtain or attempt to obtain a Technician Class Amateur radio operator license in wilful violation of Section 97.129 of the Commission's Rules.

(b) To determine, in light of the evidence adduced pursuant to issue (a), whether Robert G. Harkins has the requisite qualifications to remain a Commission licensee.

(c) To determine whether the license for Amateur radio station WD6GRV should be revoked.

(d) To determine whether the suspension order for Harkins' Technician Class Amateur radio operator's license should be affirmed, modified or dismissed.

(e) To determine whether the grant of Harkins' application for an Advanced Class Amateur radio operators license would serve the public interest, convenience and necessity.

9. *It is further ordered,* That the proceedings in this case shall be consolidated with the proceedings in the case of ALFRED E. BLOCH (PR DOCKET NOS. 81-124, 81-125, 81-126 and 81-127), pursuant to § 1.227 of the Rules.

10. *It is further ordered,* That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record (as shown in the caption).

Chief, Private Radio Bureau.

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-8620 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1275]

Petitions for Reconsideration of Actions in Rule Making Proceedings

March 16, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 C.F.R. 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Changes in the Rules Relating to Noncommercial Educational FM Broadcast Stations. (Docket No. 20735, RM-1974 and RM-2655.)

Filed by: Donald Martin and Marc F. G. Giattini, Attorneys for National Public Radio on 3-5-81.

Subject: Amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method. (Docket No. 20188.)

Filed by: Paul Rodgers, Charles D. Gray & Deborah A. Dupont, Attorneys for National Association of Regulatory Utility Commissioners on 2-26-81.

Subject: An Inquiry into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System. (BC Docket No. 78-253.)

James A. McKenna, Jr., Thomas N. Frohock & R. Michael Senkowski, Attorneys for Broadcast Licensees (Birmingham Television Corporation (WBMG-TV), et al.) on 2-17-80.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Columbia, Jamestown and Smith Grove, Kentucky) (BC Docket No. 80-75, RM-3296.)

Filed by: Charles M. Anderson and J. Barry Williams on 2-27-81.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Bountiful, Centerville and West Jordan, Utah, and Rock Springs, Wyoming) (BC Docket No. 80-95, RM-3117, RM-3165 and RM-3204.)

Filed by: George H. Shapiro and Thomas Pace, Attorneys for General Broadcasting, Inc. on 3-2-81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-8618 Filed 3-19-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. 1; FEMA-REP-6-AR-1]

Arkansas; Radiological Emergency Plans

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plans.

SUMMARY: This is a notice that the State of Arkansas has submitted Radiological Emergency Plans to the Federal Emergency Management Agency for review and approval. The plans include Annex "V" to the "Arkansas Emergency Operations Plan" and appropriate plans for those counties located near the Arkansas Power and Light Company's Arkansas Nuclear One generating facility.

FOR FURTHER INFORMATION CONTACT:

Mr. Dale Milford, Regional Director, FEMA Region VI, Federal Center, Denton, Texas 76201—(817) 387-5811.

NOTICE: This provides notice in accordance with 44 CFR Part 350.6 of the FEMA Proposed Rule, "Review and Approval of State and Local Radiological Emergency Plans and Preparedness", 44 FR 42341, that the Federal Emergency Management Agency, Region VI Office, received on January 6, 1981 from the State of Arkansas, Radiological Emergency Plans for the State of Arkansas.

These plans include "Annex 'V' to the Arkansas Emergency Operations Plan, 'Radiological Emergency Response Plan for Nuclear Power Reactors' "; Attachment No. 14, "Pope County Radiological Response Plan"; Attachment No. 15, "Johnson County Radiological Response Plan"; Attachment No. 16, "Yell County Radiological Response Plan" and Attachment No. 17, "Logan County Radiological Response Plan."

Copies of these plans are available for review and copying at the FEMA Region VI Office.

Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests. This schedule which covers exemptions from the fee, is set forth in Subpart C of 44 CFR Part 5. Reproduction fees are $0.10 a page for this document. There are in excess of 400 pages in the document, excluding, Standing Operating Procedures. (As the cost will be over $25.00, the fee is to be paid in advance.)

Comments on the plans may be submitted in writing to Mr. Dale Milford, Regional Director, at the above address within thirty days.

FEMA Proposed Regulation 44 CFR 350.10 calls for a public meeting in advance of FEMA approval. Public meetings will be conducted in each of

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[6] Any contrary provisions of § 1.221(c) of the Rules are waived.

the four subject counties prior to FEMA approval.

Dale Milford,
Regional Director.
February 3, 1981.
[FR Doc. 81-8884 Filed 3-19-81; 8:45 am]
BILLING CODE 6718-01-M

[Docket: FEMA-REP-4-SC-1]

South Carolina Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of South Carolina has submitted its radiological emergency plans to the FEMA Regional office. These plans support nuclear power plants which impact on South Carolina and include those of local governments near the Carolina Power and Light Company's H. B. Robinson Plant located in Darlington County, South Carolina.

DATE: Plans Received: February 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harris M. Pope, Acting Regional Director, FEMA Region IV, 1375 Peachtree Street, NW, Atlanta, Georgia 30309, (404) 881-2400, or (912) 228-1761.

Notice: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 52341, the State Radiological Emergency Response Plan for the State of South Carolina was received by the Federal Emergency Management Agency Region IV Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the H. B. Robinson Plant, plans are included for Darlington, Lee, and Chesterfield Counties.

Copies of the Plan are available for review at the FEMA Region IV Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1,676 pages in the document; reproduction fees ar $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Harris M. Pope, Acting Regional Director, at the above address on or before April 20, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting will be announced in The Charlotte Observer, The Florence Morning News, The State, The Hartsville Messenger, Darlington News, The Chesterfield Advertiser, and The Lee County Messenger at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Harris M. Pope,
Acting Regional Director.
March 10, 1981.
[FR Doc. 81-8888 Filed 3-19-81; 8:45 am]
BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. T-3956, T-3957 and 10412]

Availability of Findings of No Significant Environmental Impact

Having completed environmental assessments, the Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3956, between Georgia Ports Authority and Moller Steamship Co., which covers the use of certain paved premises within the Container Central, Garden City Terminal.

Agreement No. T-3957, a containership terminal agreement between the Port of Oakland and Neptune Orient Lines, Ltd., covering the use of a berth, a wharf and loading cranes.

Agreement No. 10412, through which Farrell Lines, Inc., will charter space onboard its vessels sailing from the Ivory Coast to the U.S. to Societé Ivoivienne de Transport Maritime on a space available basis.

The Findings of No Significant Impact (FONSIs) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.8(b).

The FONSIs and related assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,
Acting Secretary.
[FR Doc. 81-8884 Filed 3-19-81; 8:45 am]
BILLING CODE 6730-01-M

[Agreement No. 10041-8; Amdt. No. 8]

Peru Pooling Agreement; Availability of Finding of No Significant Impact

Upon completion of an assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10041-8 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Under U.S. Atlantic/Peru Pooling Agreement No. 10041-8, Delta Steamship Lines, Inc., a U.S. national flag line member, and Compania Peruana deVapores, a Peruvian government-controlled flag line member, would increase their annual number of minimum sailings from 15 to 19.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.8(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,
Acting Secretary.
[FR Doc. 81-8835 Filed 3-19-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, April 2, 1981
Thursday, April 9, 1981

Thursday, April 16, 1981
Thursday, April 23, 1981
Thursday, April 30, 1981

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202–632–9710).

Jerome H. Ross,
Chairman, Federal Prevailing Rate Advisory Committee.
March 16, 1981.

[FR Doc. 81-8552 Filed 3-19-81; 8:45 am]
BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

ABC Holding Co.; Formation of Bank Holding Company

ABC Holding Company, Moultrie, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the voting shares of American Banking Company, Moultrie, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 81-8560 Filed 3-19-81; 8:45 am]
BILLING CODE 6210-01-M

Banco Cafetero International Corp.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Banco Cafetero International Corporation, New York, New York. Banco Cafetero International Corporation would operate as a subsidiary of Banco Cafetero, Bogota, Columbia. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 81-8559 Filed 3-19-81; 8:45 am]
BILLING CODE 6210-01-M

Bovey Financial Corp.; Formation of Bank Holding Company

Bovey Financial Corporation, Bovey, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 83 per cent or more of the voting shares of First National Bank, Bovey, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 16, 1981.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 81-8562 Filed 3-19-81; 8:45 am]
BILLING CODE 6210-01-M

DeWitt Bancorp, Inc.; Formation of Bank Holding Company

DeWitt Bancorp, Inc., DeWitt, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank

Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of DeWitt Bank & Trust Co., DeWitt, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8883 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Financial Bancshares, Inc.; Formation of Bank Holding Company

Financial Bancshares, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 50 per cent or more of the voting shares of Chippewa Bank, St. Louis, Missouri, and 50 per cent or more of the voting shares of Citizens Bank of Dexter, Dexter, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8882 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Firstmark, Inc.; Formation of Bank Holding Company

Firstmark, Inc., Allentown, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less directors' qualifying shares, of the voting shares of The First National Bank of Allentown, Allentown, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8880 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Oak Hill Financial, Inc.; Formation of Bank Holding Company

Oak Hill Financial, Inc., Oak Hill, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81.9 percent of the voting shares of The Oak Hill Savings Bank Company, Oak Hill, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8884 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Pan American Bank International; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Pan American Bank International, Miami, Florida. Pan American Bank International would operate as a subsidiary of Pan American Bank, N.A., Miami, Florida. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8881 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Seafirst Corp.; Proposed Acquisition of Seafirst Payment Services Corp.

Seafirst Corporation, Seattle, Washington, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of

Seafirst Payment Services Corporation, Seattle, Washington.

Applicant states that the proposed subsidiary would engage in the activities of issuing travelers checks which would be sold to the public by applicant's banking subsidiary, Seattle First National Bank, Seattle, Washington, and through other agents. These activities would be performed from offices of Applicant's subsidiary in Seattle, Washington, and the geographic areas to be served are the States of Washington, Oregon, Idaho, Montana, Colorado and Alaska.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 15, 1981.

Board of Governors of the Federal Reserve System, March 16, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8087 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Schmid Bros. Investment Co., Inc.; Acquisition of Bank

Schmid Brothers Investment Company, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 22.9 per cent or more of the voting shares of Financial Bancshares, Inc., St. Louis, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8088 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Suburban Bankshares, Inc.; Formation of Bank Holding Company

Suburban Bankshares, Inc., Austell, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Citizens and Southern Bank of Cobb County, Austell, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than April 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8089 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Woodland Bancorp, Inc.; Formation of Bank Holding Company

Woodland Bancorp, Inc., Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98 percent or more of the voting shares of Woodland Bank, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8092 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Notice of Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating

how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 15, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

The Chase Manhattan Corporation, New York, New York (mortgage banking and related lending and insurance activities; Pennsylvania): to engage, through its subsidiary, Chase Home Mortgage Corporation, in the following activities; to make or acquire, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including but limited to, first and second mortgage loans secured by mortgages on one-to-four family residential properties; to service loans and other extensions of credit for any person; to sell mortgage loans in the secondary market; and to offer mortgage term life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted from an office of Chase Home Mortgage Corporation located in Lancaster, Pennsylvania, serving the State of Pennsylvania.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 16, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8661 Filed 3-19-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80H-0520]

Aflatoxin-Contaminated Corn; Limited Exemptions From Prohibition of Interstate Shipment and Blending

Correction

In FR Doc. 81-2804 appearing at page 7447 in the issue of Friday, January 23, 1981, on page 7448, third column, paragraph numbered 11, tenth line, insert "of all" after "average"; and in the eleventh line, "analysis" should read "analyses".

BILLING CODE 1505-01-M

[Docket No. 80D-0378]

Single-Entity Barbiturates; Class Labeling Guidance

Correction

In FR Doc. 80-35842, published at page 76356, in the issue of Tuesday, November 18, 1980, make the following corrections:

1. On page 76357, first column, the fourth entry now reading "Methbarbital (oral)" should read "Metharbital (oral)".

2. The fifth entry should read "Pentobarbital (oral)". The remainder of the entry should begin on a new line, with the word "Pentobarbital" inserted before the word "sodium".

3. On page 76363, third column, in the second line "60 mg" should read "600 mg".

4. On page 76364, second column, second full paragraph, in the third line from the end of the paragraph "15 to 29 mg/kg" should read "15 to 20 mg/kg".

5. On page 76366, first column, Item 27, in the second line, the word "Macromolecles" should read "Macromolecules".

BILLING CODE 1505-01-M

[Docket No. 76F-0374]

American Cyanamid Co.; Withdrawal of Petition for Food Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the withdrawal without prejudice of a petition proposing that § 178.3400 *Emulsifiers and/or surface-active agents* (21 CFR 178.3400) be amended to provide for the safe use of disodium 4-isodecyl sulfosuccinate; sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether disodium salt; and sulfosuccinic acid 4-ester with polyethylene glycol nonylphenyl ether disodium sale as emulsifiers and/or surface-active agents intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Carl L. Giannetta, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1785 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), American Cyanamid Co., Wayne, NJ 07470, has withdrawn its petition (FAP 6B3182), notice of which was published in the Federal Register of September 29, 1976 (41 FR 42969).

Dated: March 9, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-8223 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0052]

Coconut Products Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Coconut Products Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sorbitan monostearate and polysorbate 60 as emulsifiers to be used in preparation of coconut milk drink.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OA3532) has been filed by the Coconut Products Corp., 779 Kii St., Honolulu, HI 96825, proposing that § 172.842 *Sorbitan monostearate* (21 CFR 172.842) and § 172.836 *Polysorbate 60* (21 CFR 172.836) be amended to provide for the safe use of sorbitan monostearate and polysorbate 60 as emulsifiers in preparation of coconut milk drink.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and its environmental assessment may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 9, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-8222 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0037]

Huntington Labs., Inc., Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that Huntington Labs., Inc., has filed a petition proposing that the food additive regulations be ammended to provide for the safe use of ethyl alcohol as a substitute for isopropyl alcohol as a component of a sanitizing solution used on food-processing equipment and utensils.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1H3544) has been filed by Huntington Labs., Inc., P.O. Box 710, Huntington, IN 46750, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of ethyl alcohol as a substitute for isopropyl alcohol as a component of a sanitizing solution used on food-processing equipment and utensils.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-8220 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 77F-0093]

Kay Chemical Co.; Withdrawal of Petition for Food Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the withdrawal without prejudice of the petition (FAP 7H3298) proposing the safe use of a certain aqueous solution as a sanitizing solution on food-contact surfaces.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Kay Chemical Co., 300 Swing Rd., Greensboro, NC 27409, has withdrawn its petition (FAP 7H3298), notice of which was published in the **Federal Register** of May 6, 1977 (42 FR 23170) proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of an aqueous solution containing sodium dichloroisocyanurate, dodecylbenzenesulfonic acid, and α-hydro-*omega*-hydroxypoly (oxyethylene)/poly (oxypropylene) (27-31 moles)/poly (oxyethylene) block copolymers, average molecular weight 2,000, as a sanitizing solution on food-processing equipment and utensils and on food-contact surfaces in public eating places.

Dated: March 9, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-8225 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0025]

Monsanto Co.; Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the Monsanto Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyamaine-epichlorohydrin resin as a wet strength agent for use in paper and paperboard that contact foods.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3419) has been filed by Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, proposing that Part 176 (21 Part 176) of the food additive regulations be amended to provide for the safe use of polyamine-epichlorohydrin resin as a wet strength agent in paper and paperboard that contact foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be publishing with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 9, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-8221 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0051]

3M Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the 3M Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of poly(vinyl acetate/vinyl *N*-octadecylcarbamate) as a release agent for pressure-sensitive adhesive tapes intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3539) has been filed by the 3M Co., 3M Center, St. Paul, MN 55101, proposing that Part 175 (21 CFR Part 175) of the food additive regulations be amended to provide for the safe use of poly(vinyl acetate/vinyl *N*-octadecylcarbamate) as a release agent for pressure-sensitive adhesive tapes intended to contact food.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a

significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen in the office of the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 9, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-8224 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0067]

Alcon Laboratories, Inc.; Premarket Approval of Alcon® Soft (Hydrophilic) Contact Lens Thermal Disinfection System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Alcon® Soft (Hydrophilic) Contact Lens Thermal Disinfection System, sponsored by Alcon Laboratories, Inc., Fort Worth, TX. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: petitions for administrative review by April 20, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On May 6, 1980, Alcon Laboratories, Inc., Fort Worth, TX, submitted to FDA an application for premarket approval of the Alcon® Soft (Hydrophilic) Contact Lens Thermal Disinfection System. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On February 23, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lens solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lens solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified by the name of the device and the docket number found in brackets in the heading of this document.

The Alcon® Soft (Hydrophilic) Contact Lens Thermal Disinfection System is designed for cleaning, rinsing, disinfecting and storing soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity For Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 20, 1981, file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8350 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0054]

Cooper Laboratories, Inc.; Premarket Approval of Pilagel® Sterile Cleaning Solution

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Pliagel® Sterile Cleaning Solution for use with soft (hydrophilic) contact lenses, sponsored by Cooper Laboratories, Inc., Mountain View, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 20, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On May 16, 1980, Cooper Laboratories, Inc., Mountain View, CA, submitted to FDA an application for premarket approval of Pliagel® Sterile Cleaning Solution for soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On February 9, 1981, FDA approved the application in a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lens solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lens solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Pliagel® Sterile Cleaning Solution states that the solution is for use to clean certain soft contact lenses each time they are taken off. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 20, 1981 file with the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 16, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8901 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0068]

Chest X-Ray Referral Criteria Panel; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming meeting of the Chest X-Ray Referral Criteria Panel. The University of California at San Francisco has convened this panel, to which FDA provides logistical support. This notice gives methods for interested persons to participate in open sessions of the meeting.

DATES: Open session: April 1, 1981, 9:45 a.m. to 12 m.; closed sessions: April 1, 1981, 8:30 a.m. to 9:30 a.m. and 1 p.m. to 4:30 p.m.; April 2, 1981, 9 a.m. to 12 m.

ADDRESS: Sheraton Old Town Hotel, 800 Rio Grande Blvd. NW., Albuquerque, NM 87104.

FOR FURTHER INFORMATION CONTACT: Jay A. Rachlin, Bureau of Radiological Health (HFX-76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4600.

SUPPLEMENTARY INFORMATION: Through the Bureau of Radiological Health, FDA

conducts and supports research, training, and other activities to minimize unproductive radiation exposure from diagnostic radiological examinations. One possible source of unproductive radiation exposure is radiological examinations that are not likely to affect patient management. To minimize requests for ineffective examinations, it is important that the referring physician have up-to-date information about when a given radiological study is likely to provide needed diagnostic information. This information, which can take the form of decision guides based on patient signs, symptoms, or history, is termed here "referral criteria."

Under one part of a program designed to facilitate the development and testing by the medical profession of referral criteria for diagnostic radiological examinations, FDA provides logistical support through a contractor for the convening of small panels of clinical and scientific experts to formulate draft referral criteria or statements of use.

This panel meeting is being called to discuss several draft chest X-ray referral criteria and comments received to date from medical professional society reviews. The draft criteria which are being reviewed by professional societies address the following: prenatal chest X-ray screening examinations, mandated chest X-ray screening examinations, and routine hospital admission chest X-ray examinations. Also, the panel meeting is being called to discuss the present status of a number of other chest X-ray use topics which have not yet been developed to the same stage in the deliberation process. Persons interested in specific agenda items to be discussed in open session may determine from the contact person the approximate time of discussion.

Interested persons may submit written data and views to the panel and may do so care of the contact person listed above. Any interested person who wishes to request time for oral presentations during the open portion of the meeting should inform the contact person, either orally or in writing, before the meeting. Any person attending the meeting who does not in advance of the meeting request time will, at the chairperson's discretion, be permitted to make an oral presentation at the conclusion of the open portion if time permits.

A list of committee members, a summary of previous panel deliberations, a copy of the draft chest X-ray referral criteria, and the meeting agenda or the report of the panel meeting may be reviewed at the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The report of the panel meeting will contain minutes of the open session, copies of written data and views submitted to the panel in open session, and summaries of the closed sessions.

Dated: March 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8264 Filed 3-18-81; 12:20 am]

BILLING CODE 4110-03-M

[Docket No. 76P-0295]

Monsanto Industrial Chemicals Co.; Approval of Extension of Variance for Monsanto Tire Inspection Cabinet X-Ray System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that an extension of a variance from the performance standard for cabinet x-ray systems has been approved by the Bureau of Radiological Health for the Tire Inspection Cabinet X-Ray System, Model 1027 manufactured by Monsanto Industrial Chemicals Co., Akron, OH. The electronic product is a cabinet x-ray system used for automatic production line x-ray inspection of tires.

DATE: The termination date of Variance No. 75003 is extended from February 25, 1981 to February 25, 1986.

ADDRESS: The application and all correspondence on the application have been placed on public display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert Phillips, Bureau of Radiological Health (HFK-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of January 26, 1976 (41 FR 3767), FDA announced that a variance from the provisions of § 1020.40(c)(4)(i) (21 CFR 1020.40(c)(4)(i)) requiring that opening the door of a cabinet x-ray system physically disconnects the energy supply circuit to the high voltage generator had been granted to the Picker Corp., 595 Miner Rd., Cleveland, OH 44143. The variance was granted under § 1010.4 (21 CFR 1010.4) for the Picker Model 1027 Tire Inspection System and was assigned Variance No. 75003. On March 2, 1977, all rights to manufacture, install, service, and distribute the Model 1027 Tire Inspection system were sold by the Picker Corp. to Monsanto Industrial Chemicals Co., 947 Waterloo Road, Akron, OH 44314 (Monsanto).

Monsanto has submitted to FDA an application for an unspecified extension of the February 25, 1981, expiration date of Variance No. 75003. The application for extension of the variance uses the same arguments used in support of the original variance application and were discussed at length in the January 26, 1976 notice.

The Director of the Bureau of Radiological Health has determined that the arguments that led to the original granting of Variance No. 75003 are still valid. Furthermore, the Director has concluded that the Monsanto Model 1027 Tire Inspection Cabinet X-Ray System still provides adequate means of radiation safety and protection. Therefore, by letter of February 26, 1981, the Director approved an extension of the variance, which terminates on February 25, 1986. This extension is being granted under the same terms and conditions as the original variance.

This variance is being extended for 5 years instead of the requested indefinite period. This will allow the Bureau the opportunity in 5 years to reevaluate the need and basis for the variance. Such a reevaluation will consider the possible amendment of the performance standard, the then current state of the art, industrial usefulness, radiation protection criteria, and other relevant factors.

In accordance with § 1010.4, the application and all related correspondence on the application (including the data and information in support of the original request and the written notice of approval) have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 16, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8269 Filed 3-19-81; 8:45 am]

BILLING CODE 4110-83-M

Health Services Administration

National Advisory Council on the National Health Service Corp; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of April 1981:

Name: National Advisory Council on the National Health Service Corps
Date and time: April 27–28, 1981, 9:00 a.m.
Place: Room 431, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294, open for entire meeting.
Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provisions of the legislation.
Agenda: Agenda items include: a report on the budget proposal for fiscal year 1981 and discussions of State involvement in the supervision and placement of NHSC assignees and the assessment of the quality of services.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should write to or contact Ms. Charlotte Walch, National Health Service Corps, Health Services Administration, Parklawn Building, Room 6A–14, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443–4040.

Agenda items are subject to change as priorities dictate.

Dated: March 12, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81–8555 Filed 3–19–81; 8:45 am]

BILLING CODE 4110–84–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Carol Buckley, 15974 Maricopa Hwy., Ojai, CA.

The applicant requests a permit to export and re-import one Asian elephant (*Elephas maximus*) for enhancement of propagation as defined in 50 CFR 17.3. The elephant was born in India in 1973 and was imported before the Asian elephant was listed under the Endangerd Species Act.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7653. Interested persons may comment on this application on or before April 20, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 17, 1981.

Robert J. Batky,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–8675 Filed 3–19–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: Dr. Paul B. Holden, Bio/West, Inc., Logan, UT

The applicant requests a permit to take (capture) bonytail chub fishes (*Gila elegans*) in the Colorado River Watershed, Wyoming, Colorado, Utah, and Arizona for a habitat and distribution study in cooperation with the U.S. Fish and Wildlife Service.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–622. Interested persons may comment on this application on or before April 20, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 13, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–8677 Filed 3–19–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct specific activities with Endangered Species:

Applicant: New York Zoological Society, PRT 2–7778, Bronx Park, Bronx, NY

The applicant requests a permit to import one captive-bred bush-tailed rat kangaroo (*Bettongia penicillata*) from the Antwerp Zoo, Belgium and to export one captive-bred bush-tailed rat kangaroo to the Antwerp Zoo for enhancement of propagation.

Applicant: Florida State Museum, PRT 2–7802, Gainesville, FL

The applicant requests a permit to import dead specimens of Haitian Solenodons (*Solenodon paradoxus*) from Haiti for scientific research.

Applicant: Jane Brolin, PRT 2–7699, Santa Barbara, CA

The applicant requests a permit to purchase in interstate commerce one captive-bred cheetah (*Acinonyx jubatus*) from Gary Marlin, Creston, Iowa for enhancement of propagation.

Applicant: Kansas City Zoological Gardens, PRT 2–7788, Kansas City, KS

The applicant requests a permit to import in foreign commerce two captive-bred Bactrian camels (*Camelus bactrianus*) from the Metropolitan Toronto Zoo, Toronto, Ontario, Canada for enhancement of propagation.

Applicant: Southeast Forest Experiment Station, PRT 2–7775, U.S. Forest Service, Clemson University, Clemson, SC

The applicant requests a permit to take (harass) red-cocaded woodpeckers (*Picoides borealis*) in the Francis Marion National Forest during a study to determine the impact of roost tree and cavity tree removal in several woodpecker colonies. Three of 400 active colonies in the forest would be affected. Birds would be color banded prior to tree removal for tracking purposes.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before April 20, 1981 by submitting written data, views, or arguments to the Director at the above address.

Dated: March 17, 1981.

Robert Batky,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–8676 Filed 3–19–81; 8:45 am]

BILLING CODE 4310–55–M

Heritage Conservation and Recreation Service

National Registry of Natural Landmarks

AGENCY: Heritage Conservation and Recreation service, Department of the Interior.

ACTION: Public Notice and Request for Comment.

The area listed below appear to qualify for designation as national natural landmarks, in accordance with the provisions of 36 CFR 1212. Pursuant to § 1212.4(d)(1) of 36 CFR Part 1212, written comments concerning the potential designation of these areas as natural landmarks may be forwarded to the Acting Associate Director for Natural Programs, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243. Detailed information on each site is available. Written comments or a request for additional time or information should be received no later than May 19, 1981.

On February 19, 1981, Secretary of the Interior James G. Watt issued an order consolidating the functions of the Heritage Conservation and Recreation Service into the National Park Service. The order calls for completion of all functional transfers by May 31, 1981. Until completion of this transfer, HCRS will continue to administer the natural landmarks program.

Dated: March 17, 1981.

Jack Hauptman,

Acting Associate Director for Natural Programs.

Connecticut

Litchfield County

Cathedral Pines; a 40-acre tract owned by The Nature Conservancy which is just southeast of Cornwall in the Berkshire Hills of northwestern Connecticut. An old-growth conifer stand dominated by white pine and hemlock (with some trees dating back to 1689), Cathedral Pines is considered to be the most massive forest in New England, with more old-growth white pine concentrated in a single areas than any other.

New Hampshire

Cheshire County

Rhododendron Natural Area; a 15-acre site located three miles south of Troy in southwestern New Hampshire. The area, which is administered by the New Hampshire Division of Parks, is the largest and most viable of the 19 rhododendron stands known to exist in central and northern New England. As such, it illustrates a relict flora persisting from an earlier warmer period when the species was more widespread.

Pennsylvania

Lancaster and York Counties

Susquehanna Piedmont Gorge; a 14,344-acre area which includes a 17-mile stretch of the Susquehanna River between Columbia and Fishing, along with numerous riverside and tributary sites. The area contains a diverse range of outstanding geological features, including the Marctic Line, unique river deeps, dry potholes, the largest fault cave in metamorphic rock in the East, and one of the finest assempblages of bedrock in the country.

The site contains a fine example of Piedmont upland forest, along with representative second-growth stands.

Texas

Blanco County

Little Blanco River Bluff; a small site south of Blanco in central Texas. Little Blanco River Bluff contains a pristine example of the Edwards Plateau limestone bluff community type, with diverse flora estimated at 250 species in 45 families, including some endangered species.

[FR Doc. 81-8526 Filed 3-19-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

Baker District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR 1780 that a meeting of the Baker District Advisory Council will be held on April 29, 1981.

The meeting will begin at 9 a.m. in the Conference Room on the second floor of the Federal Building, Baker, Oregon.

The agenda for the meeting will include:

1. Approve minutes of the January 21, 1981 meeting.
2. Review public comments received on the Baker Resource Area Draft Rangeland Management Decision. Work on resolving major public concerns and in preparing the Final Decision.
3. Public comments.
4. Arrangements for the next council meeting.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 2 and 3 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Federal Building, P.O. Box 987, Baker, Oregon 97814, telephone 503-523-6391, Ext. 281, by 12 noon, Tuesday, April 28, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the Council meeting will be maintained at the District Office and be made available for public inspection and reproduction at the cost of duplication.

Gordon R. Staker,

District Manager.

March 12, 1981.

[FR Doc. 81-8547 Filed 3-19-81; 8:45 am]

BILLING CODE 4310-84-M

[SAC 074022 WR]

California; Proposed Partial Continuation of Withdrawal and Opportunity for Public Hearing

March 12, 1981.

Pursuant to Section 204(l) of the Federal Land Policy and Management Act of 1976, (90 Stat. 2754; 43 U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue an Administrative Site withdrawal on the following described lands:

Mount Diablo Meridian, California

T. 32 N., R. 6 W.,
Section 3, Lot 5.

The area described contains approximately 33.44 acres in Shasta County, California.

The withdrawal was created by PLO 3249 of October 10, 1963, which segregated the land from prospecting; location, entry and purchase under the mining laws. The withdrawal is in aid of utilization of the surface by Federal agencies and qualified applicants under the right-of-way laws, and for the retention in public ownership of valuable radio receiving and transmitting site values.

No change in the segregative effect of the withdrawal or the use of this land is proposed.

On or before April 20, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the

State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the Federal Register giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-8548 Filed 3-19-81; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

Central Valley Project, California Water Service Rate Policy; Availability of a Proposed Ratesetting Policy for Public Review and Comment and Public Hearings: Amendment

FR Doc. 81-3650, appearing in the Federal Register of February 3, 1981, on page 10544, is amended to extend the time available for submission of written statements or other comments on the proposed ratesetting policy from March 16, 1981, to April 10, 1981.

Dated: March 16, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-8716 Filed 3-19-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations; Farwell Irrigation District, Farwell Unit, Pick-Sloan Missouri Basin Program, Nebr.; Construction of Canal Lining, Additional Drainage Works, and Purchase of Materials To Bury Certain Existing Laterals

The Department of the Interior, through the Water and Power Resources Service (Water and Power), intends to begin negotiations with the Farwell Irrigation District (FID) for repayment of the cost of constructing certain canal lining and drainage works and the purchase of pipe to bury certain laterals within the FID.

The Farwell Unit lies between the North and Middle Loup Rivers in Central Nebraska. Construction of the unit was completed in the mid-1960's and the unit presently serves about 52,000 acres of irrigable land. Due to changing crop patterns, distribution system losses, and full development of the unit's lands, the FID experiences shortages and inadequate canal capacity during portions of the irrigation season. Also, severe drainage problems have developed around St. Paul, Nebraska, as well as other areas.

The lining of the canals and installation of drains in the FID is an ongoing program; however, recently, critical areas have developed and are in need of immediate correction. The contract amendment will provide for repayment of $4 million to accomplish this construction program. This construction is being carried out in compliance with the Reclamation Project Act of 1939 (53 Stat. 1187), the Flood Control Act of 1944 (58 Stat. 887), the Act of August 3, 1956 (70 Stat. 975), and the Act of August 10, 1972 (86 Stat. 525). All meetings scheduled by Water and Power with the FID for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties who have provided a written request for notification. Requests should be addressed to Mr. Robert D. Kutz, Project Manager, Kansas River Projects Office, Water and Power Resources Service, P.O. Box 737, McCook, Nebraska 69001. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is made available to the public. If little or no public interest is evidenced in these negotiations as gauged by the response to this notice and local news releases or announcements, the availability of the proposed form of contract for public review and comment will not be publicized through the Federal Register or other media. The Commissioner of Water and Power will review comments submitted and based on the number, sources, and nature of the comments, will decide whether to hold a public hearing.

For further information on the contract negotiations, please contact Mr. Robert D. Kutz at the address stated above, or telephone (308) 345-4400.

Dated: March 13, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

Contract Negotiations; Lower Missouri Region, Denver, Colo; Intent To Negotiate Interim Water Service Contracts

The Water and Power Resources Service (Water and Power), Department of the Interior, may enter into interim water service contracts for irrigation and municipal and industrial (M&I) water when such water is available and surplus to project needs. Contracts of this type can be entered into upon short notice to meet emergency or temporary demands. However, such contracts may not exceed 1 year in duration and are limited to not more than 10,000 acre-feet per irrigation contract or 500 acre-feet per M&I contract. All interim contracts will specify quantities, rates and other terms and conditions in compliance with Reclamation law and Water and Power policy.

The Regional Director of the Lower Missouri Region, Denver, Colorado, has authority to execute interim water service contracts in southeastern Wyoming, Colorado, Nebraska, and northern Kansas. At this time it appears that water, which is surplus to project needs, will be available for use in Wyoming from Glendo Reservoir, and for use in Kansas from Glen Elder and Bonny Reservoirs of the Pick-Sloan Missouri Basin program. Also, water is expected to be available for use in Wyoming from the Pathfinder Reservoir of the North Platte Project, for use in Colorado from the Ruedi Reservoir and East Slope System of the Fryingpan-Arkansas Project, and from the Green Mountain Reservoir of the Colorado-Big Thompson Project. other Water and Power projects in the region with regulated reservoir storage may have

minor quantities of surplus water available to meet temporary demands. All releases will be subject to State laws for beneficial use and prior appropriation rights.

Parties interested in receiving information about Water and Power's interim water marketing program should contact Mr. Robin McKinley or Mr. Buddy Smith, Water and Power Resources Service, P.O. Box 25247, Denver, Colorado 80255, telephone (303) 234-3327.

Unless significant public interest in the proposed interim water marketing program is demonstrated in response to this notice and local news releases or announcements, the availability of the proposed draft contracts will be limited to those parties who have expressed an interest therein. Written comments from the public on the forms of the proposed contracts should be submitted not later than 30 days after the completed contract drafts are made available.

Parties interested in obtaining a temporary supply of water from a Water and Power project should apply in writing to the Regional Director, Lower Missouri Region, Water and Power Resources Service, at the above address.

Dated: March 13, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-8549 Filed 3-19-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations; Uncompahgre Project, Colo.; Intent To Negotiate a Rehabilitation and Betterment Loan Repayment Contract

In accordance with procedures established by the Department of the Interior regarding public participation in contract negotiations, the Water and Power Resources Service (Water and Power) intends to initiate negotiations with the Uncompahgre Valley Water Users Association (UVWUA) of Montrose, Colorado, for repayment of a $5,640,000 rehabilitation and betterment loan.

These loan funds will be used to repair deteriorating control and conveyance structures which are becoming hazards in terms of safety and the continued operation of the facilities.

The Uncompahgre Project provides irrigation water to 65,495 acres of irrigable land in the Uncompahgre Valley. Throughout the project, there are approximately 5,000 canal and lateral structures. More than 80 percent of all the canal and lateral structures are of timber construction, although the more recently constructed major structures are reinforced concrete or steel.

The proposed contract is necessary to maintain or improve the current economic welfare of the agricultural environment of the Uncompahgre Project. Rehabilitating this facility will reduce the potential for a system failure and reduce seepage, while ensuring conservation of the project water supply.

The Uncompahgre Project was authorized for construction, operation, and maintenance under the Act of June 17, 1902 (32 Stat. 388). The contract is being negotiated under authority of the Rehabilitation and Betterment Act of October 7, 1949 (63 Stat. 724), as amended. The terms and conditions of the proposed contract are ultimately dependent upon the Commissioner of Water and Power's approval of the basis for the loan, the Secretary of the Interior's approval of the form of the proposed contract, and a maximum 60-day period for congressional review of the repayment terms.

All meetings scheduled by water and Power with the UVWUA for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties who have provided a written request for notification. Requests should be addressed to the Projects Manager, Water and Power Resources Service, Attention: GJ-400, 764 Horizon Drive, Grand Junction, Colorado 81501. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is made available to the public. If little or no public interest is evidenced in these negotiations as gauged by the response to this notice and local news releases or announcements, the availability of the proposed form of contract for public review and comment will not be formally publicized through the Federal Register or other media. The Commissioner of Water and Power will review comments submitted and based on the number, source, and nature of the comments, will decide whether to hold a public hearing.

For further information on the contract negotiations, please contact Mr. Boyd Holt, Chief of Operations Branch, at the address stated above, telephone number (303) 243-4992, extension 344.

Dated: March 13, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-8550 Filed 3-19-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 403]

Cargo Liability Study; Report to Congress

AGENCY: Interstate Commerce Commission.

ACTION: Notice of request for comments.

SUMMARY: The Interstate Commerce Commission is inviting comments on whether section 11707 of Title 49, United States Code, should be modified or eliminated with respect to rail carriers. Section 11707 imposes on carriers a standard of absolute liability for damage to shipments unless the carrier and shipper have agreed in writing to a limitation of liability. The comments are being sought for the purpose of a Commission study mandated by Congress in Section 211(d) of the Staggers Rail Act of 1980, Pub. L. 96-448.

DATES: Notice of intent to participate must be received on or before April 20, 1981. Comments must be received on or before May 15, 1981. Reply statements must be received on or before June 12, 1981.

ADDRESSES: An original and 15 copies should be sent to: Office of Proceedings, Room 5356, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Kenneth R. Tyree, Office of Policy and Analysis, (202) 275-0783

or

Alan Weinstein, Office of Proceedings, (202) 275-6449.

SUPPLEMENTARY INFORMATION:

Background

Under the common law, a common carrier was fully liable, as an insurer, for any loss or damage caused during the time the goods were in its possession. Shippers were not required to allege or prove negligence to establish a prima facie case. All that was required of the shipper was to prove delivery of the shipment to the carrier in good condition and either (1) failure of the carrier to deliver the goods in whole or in part; or (2) delivery of the goods in damaged condition.

With the passage of time, the common law recognized specific exceptions to the absolute liability of the carrier. Once a prima facie case was established, the burden of proof switched to the carrier to demonstrate that it was free from negligence and that the damage or loss was attributable to one of the exceptions that would relieve it from liability. The exceptions or defenses consisted of: (1) an act of God; (2) the public enemy; (3) an act of the shipper itself; (4) public authority; or (5) the inherent vice or nature of the goods. See generally *S. Sorkin, How to Recover for Loss or Damage to Goods in Transit* (1978).

The rail carrier's general liability was based on the premise that the carrier had peculiarly within its knowledge all the facts and circumstances surrounding the transportation of the goods and the ability to inform itself of their condition upon receipt. *Missouri Pac. R. R. Co.* v. *Elmore & Stahl*, 377 U.S. 134 (1964). In contrast, the shipper rarely could be expected to have sufficient knowledge of the history of the shipment to demonstrate negligence. Thus, the law placed the burden of the loss or damage upon the carrier when it could not explain and bring its explanation within one of the accepted defenses.

The common law eventually recognized that carriers could limit their liability if the shipper entered into a signed agreement to that effect. Wide variations in handling appeared with liability disclaimers. One common practice was to permit the carrier to disclaim liability if the carrier could prove that it was not guilty of negligence. Because of the confusion that resulted from different handling of liability disclaimers by the courts, Congress in 1906 enacted the Carmack Amendment, 34 Stat. 595, as part of the Hepburn Act.

The Carmack Amendment codified the common law rule and imposed a uniform standard of liability for railroads and transportation companies. The amendment required the issuance of bills of lading and held carriers accountable for all damage to a shipment, regardless of proof of negligence or whether the damage occurred beyond the line of the issuing carrier. It also provided that no contract or any other form of agreement or regulation could exempt carriers from liability for the full actual loss sustained by the owner of the goods.

Subsequently, the Supreme Court interpreted the Carmack Amendment as permitting the use of so-called "released rates" which were based upon less than the actual value of the shipment, so long as full value rates continued to be offered, and the released rates were open, reasonable, and proportioned to the risk. *Adams Express Co.* v. *Croninger*, 226 U.S. 491, 509–510 (1913). Following *Croninger*, carriers began to settle claims based on previously published liability limitations and allegedly published higher actual value rates that effectively forced shippers to use released rates. *In Re The Cummins Amendment*, 33 I.C.C. 662, 690 (1915); *Loss and Damage Claims*, 340 I.C.C. 515, 522 (1972). In response, Congress enacted the Cummins Amendments, 38 Stat. 1197 (1915) and 39 Stat. 441 (1916). These amendments created the statutory scheme that has lasted until passage of the Staggers Act. Carriers were not permitted to limit their liability for damage except by means of a tariff establishing a reduced rate for a released value. This tariff had to be required or authorized by the Commission.

The absolute liability provisions of the Carmack and Cummins Amendments appears at 49 U.S.C. 11707 and the released rate authority given the Commission appear at 49 U.S.C. 10730. Section 211(b) of the Staggers Act modified 49 U.S.C. 10730 to permit rail carriers to establish released rates, without Commission approval, under which the carrier's liability is limited to a value established by written declaration of the shipper or by written agreement between the shipper and the carrier. The Commission issued rules implementing this provision on December 22, 1980, in Ex Parte No. 390, *Rail Rates Based on Limited Liability*, (45 FR 85029, 12/24/80). The Staggers Act also permits the use of a specified deductible for any claim against the carrier for loss and damage or delay in transportation. The intent of the legislation was to permit greater flexibility in ratemaking. Competition and restrictions on rate bureaus were assigned the primary role in insuring reasonableness. In addition, section 211(c) of the Staggers Act narrowed the venue for bringing civil actions, and section 211(d) required the Commission to conduct this study.

Conduct of Study

Specifically, the study is intended to examine whether rail carriers should continue to be subject to section 11707 of the Interstate Commerce Act. We are required to study whether other liability standards, such as comparative negligence or a no-fault system, may be more appropriate than the current standards. The study is also required to address ten specific questions set forth in section 211(d) including whether the presence of market dominance should affect the level of liability, the recovery and amount of attorneys' fees, appropriate time limits for filing of claims, and proper venue requirements.

The Commission is interested in obtaining the views and recommendations of all interested persons. This proceeding is being instituted to permit an open exchange of ideas. As it is a study directed by Congress, it will not result in a final decision within the meaning of the Administrative Procedures Act, 5 U.S.C. 551.

All interested parties shall notify the Commission within 30 days of this notice of their intention to participate. The Commission will then prepare and distribute a service list.

Comments must be filed with the Commission and all participating parties by May 15, 1981 and reply statements will be due no later than June 12, 1981.

Comments Invited

To assist us in preparing the report, we request comments from all interested parties on whether the Carmack Amendment should be modified or eliminated with respect to rail carrier liability. We are especially interested in learing what practices are in use today, what the experience has been under each, and what problems shippers and carriers actually confront in dealing with liability questions. For instance, we would like information as to what extent special or consequential damages are being recovered from rail carriers. We would also like to know whether a rail carrier ought to be responsible for such damages in the absence of a clear showing, by written agreement, that the carrier was made aware of foreseeable risks and had an opportunity to make appropriate arrangements. We believe that it will be beneficial to all parties, as well as to Congress and ourselves, to build a record that reflects the actual experiences and problems of carriers and shippers in this regard. In addition, of course, the Commission is interested in the parties' views about the specific questions posed in the Staggers Act:

(1) Whether in the case of traffic with respect to which rail carriers do not have market dominance, such carriers should be subject to any higher level of liability for loss and damage than they are willing to agree to with the shippers of such traffic.

(2) Whether in the case of traffic with respect to which rail carriers have market dominance, such carriers should be subject to any greater liability than would be imposed under a statutory comparative negligence standard.

(3) Whether liability for damage to rail traffic should be determined under a no-fault liability system and what shippers should bear the cost of such a system.

(4) Whether venue in cases arising from rail carrier liability for damages to traffic should be further limited.

(5) Whether rail carrier property damage cases should be subject to laws other than Federal law.

(6) Whether the right to claims should be limited to either the shipper or receiver of property.

(7) Whether maximum time limits should be imposed on the filing of claims with rail carriers and the courts.

(8) Whether the prevailing party in a claims proceeding should be awarded attorneys fees in order to limit needless litigation.

(9) Whether excessive attorneys fees are awarded in cases under section 11707 of title 49, United States Code.

(10) Whether claimants should be able to recover damages in excess of the market value of the commodity transported unless liability for special or consequential damages is agreed to by the carrier in unity.

The study is directed at reevaluating an area of commercial law that has its roots in antiquity. Because of its importance to commerce, it is essential that interested parties give careful consideration to those policies that would achieve the most cost effective results. We have attached a partial bibliography covering the legal, economic, and practical aspects of cargo liability. Parties should indicate when they are responding to specific questions as opposed to offering general observations.

While it does not appear that this study will significantly affect the quality of the human environment, energy consumption, or have an adverse effect on small business, comments on these matters are also invited.

(49 U.S.C. 10321; section 211 of the Staggers Rail Act, Pub. L. 96-448)

Decided: March 11, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

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[FR Doc. 81-8675 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. The parent corporation and address of its principal office is: Atlantic Steel Company, P.O. Box 1714, Atlanta, GA 30301.

2. Wholly-owned subsidiaries which are participating in the operations and their State(s) of incorporation are:

(a) Atlantic Building Systems, Inc., Georgia Corporation
(b) Atlantic Transportation Company, Georgia Corporation

1. Parent corporation and address of principal office: Domestic Incorporated, 1201 East Bell Street, Bloomington, Illinois 61701.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

Name and State of Incorporation

Domestic Incorporated—Division: The Kent Company—New York
ASAB, Inc.—Division: Rollins Building Services—Delaware
Domestic Sales Corporation—Indiana
ENVIROVAC, Inc.—Illinois
Facit, Inc.—New York
Flymo, Inc.—Washington
Getinge International, Inc.—Illinois
Husqvarna Motorcycle Company, Inc.—Ohio
Partner Pacific, Inc.—Illinois
Team Textile Service Corporation—Pennsylvania
Tecfor, Inc.—New York
Viking Sewing Machine Company, Inc.—Minnesota
National Union Electric Corporation—Divisions: The Eureka Company; Napco Plastics Company—Delaware
Emerson Quiet Kool Corporation—Delaware
Emerson International Sales Corporation—Delaware
National Union Electric International Corporation—Delaware
The Tappan Company—Ohio
Tappan International, Inc.—Delaware

1. Parent corporation and address of principal office: Ennis Paint Mfg., Inc., P.O. Box 6, Ennis, TX 75119.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices: (a) Ennis Steel Industries, P.O. Box 6, Ennis, TX 75119. (b) M.F.I., Inc., P.O. Box 6, Ennis, TX 75119. (c) Anderson & Jourgensen Truck Line, Inc., P.O. Box 6, Ennis, TX 75119.

1. Parent corporation and address of principal office: E. L. Mobley, Inc., P.O. Box 1686, 21 East Bay Street, Savannah, GA 31402.

2. Wholly-owned subsidiary which will participate in operations and state of incorporation: Savannah Fast Freight, Inc., P.O. Box 2665, 1123 Louisville Road, Savannah, GA 31402. Incorporated in the State of Georgia.

1. Parent corporation and address of principal office: Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, MO 63166.

2. Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(a) Farmers Hybrid Companies, Inc., Employees Mutual Bldg., 717 Mulberry St., P.O. Box 4528, Des Moines, IA 50309. A Delaware Corporation.

(b) Fisher Controls Company, 205 South Center St., Marshalltown, IA 50158. A Delaware Corporation.

(c) Fovil Manufacturing Company, Inc., P.O. Drawer 729, 518 Bay St., Foley, AL 36535. A Delaware Corporation.

(d) FRP Company, P.O. Box 349, Baxley, GA 31513. A Delaware Corporation.

(e) Leonard Construction Company, Corporate Square Office Park, Box 14547, St. Louis, MO 63178. A Delaware Corporation.

(f) Milwaukee Die Casting Company, Inc., 4132 North Holton St., Milwaukee, WI 53211. A Delaware Corporation.

(g) Monsanto Canada, Inc., 2000 Argentia Rd., Mississauga, Ontario, L5N IV8. Incorporated in the Country of Canada.

(h) Monsanto Enviro-Chem Systems, Inc., Corporate Square Office Park, Box

14547, St. Louis, MO 63178. A Delaware Corporation.

(i) Monsanto North Carolina, Inc., P.O. Box 2307, Fayetteville, NC 28302. A North Carolina Corporation.

(j) Olympia Industries, P.O. Box 5397, Spartanburg, SC 29301. A Delaware Corporation.

(k) Plax, Inc., 800 North Lindbergh Blvd., St. Louis, MO 63166. A Delaware Corporation.

(l) Sport Install, Inc., Rt. #7 Box 5, Elm Point Rd., St. Charles, MO 63301. A Delaware Corporation.

(m) The Hale Manufacturing Company, 58 Pomfret, Putnam, CT 06260. A Delaware Corporation.

1. Parent corporation and address of principal office: R. J. Reynolds Industries, Inc., Reynolds Boulevard, Winston-Salem, North Carolina 27102.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Alaska Packers Association, P.O. Box 3328, Bellevue, Washington 98009.

(b) Del Monte Banana Company, P.O. Box 011940, Miami, Florida 33131.

(c) Del Monte Corporation, P.O. Box 3575, San Francisco, California 94119.

(d) D. & O.—Fairchild, Inc., P.O. Box 9967, Yakima, Washington 98909.

(e) Fairchild General Freight, Inc., P.O. Box 9967, Yakima, Washington 98909.

(f) Ida-Cal Freight Lines, Inc., Drawer M, Nampa, Idaho 83651.

(g) Oak Grove Corporation, P.O. Box 2276, San Leandro, California 94577.

(h) Paddison Truck Lines, Inc., P.O. Box 2276, San Leandro, California 94577.

(i) R. J. Reynolds Tobacco Company, P.O. Box 2950, Winston-Salem, North Carolina 27102.

(j) RJR Archer, Inc., Reynolds Boulevard, Winston-Salem, North Carolina 27102.

(k) RJR Foods, Inc., P.O. Box 3575, San Francisco, California 94119.

(l) Shippers Imperial, Inc., 2277 7th Street, Oakland, California 94607.

(m) Willis Shaw Frozen Express, Inc., P.O. Box 188, Elm Springs, Arkansas 72728.

(n) Amtane, Inc., 9717 East 42nd Street, Suite 100, Tulsa, Oklahoma 74145.

(o) Morton Frozen Foods, Inc., P.O. Box 3575, San Francisco, California 94119.

1. Parent corporation and address of principal office: Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Western Farm Service, Inc., Delaware.

(ii) Turris Coal Company, Delaware.

(iii) Triton Coal Company, Delaware.

(iv) Shell Pipe Line Corporation, Maryland.

(v) Shell Export Company, Delaware.

(vi) SES, Incorporated, Delaware.

(vii) Seaway II Coal Company, Delaware.

(viii) R. & F. Coal Company, Ohio.

(ix) Pecten Trading Company, Delaware.

(x) Pecten Chemicals, Inc., Delaware.

(xi) Pecten Arabian Services Company, Delaware.

(xii) International Lubricant Corporation, Louisiana.

(xiii) IND/AG Chemicals, Inc., California.

(xix) Cortez Pipe Line Company, Delaware.

(xx) Blue Dolphin Pipe Line Company, Delaware.

(xxi) Kernridge Oil Company, Delaware.

(xxii) Belridge Farms, California.

(xxiii) Belridge Packing Co., California.

1. Parent corporation and address of principal office: South Furniture Company of Conover, Inc., P.O. Box 307, Conover, North Carolina 28613.

2. Wholly-owned subsidiary which, will participate in the operations, and State of incorporation: Bracewell Furniture Company, Inc., P.O. Box 867, Conover, North Carolina 28613.

1. Parent corporation and address of principal office: The Valspar Corporation, 1101 Third Street South, Minneapolis, Minnesota 55415.

2. Wholly-owned subsidiaries which will participate in the operations, and the address of their respective principal offices:

(a) McWhorter, Inc.

(1) Cottage Place, P.O. Box 606, Carpentersville, IL.

(2) 200 Sayre St., Rockford, IL 61101.

(3) 1401 Severn Street, P.O. Box 778, Baltimore, Maryland 21203.

1. The parent corporation is Western Gear Corporation, a Washington State corporation, with principal offices at 2800 East Imperial Highway, Lynwood, California 90262.

2. The wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Cochran Western Corporation, a California corporation;

(ii) Sky Climber, Inc., a Washington State corporation; and

(iii) Western Gear de Mexico, S.A., a corporation of Mexico.

1. Parent corporation and address of principal office: Wingard Corporation, 1100 East Presidio, P.O. Box 1506, Fort Worth, Texas 76101.

2. Wholly-owned subsidiary which will participate in the operations, and state of incorporation: Lone Star Pipe, Inc., a Texas corporation, U.S. Hwy 75 South, Ennis, Texas 75119.

1. Parent corporation, Zalev Brothers Limited, 100 Grand Marais Rd. E., Windsor, Ontario.

2. Wholly-owned subsidiary which will participate in the operations. The Far Western Trucking Co. Ltd., 100 Grand Marais Rd. E., Windsor, Ontario.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8574 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Petition Volume No. OP3-200]

Motor Carrier; Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the

application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 125985 (Sub-6) (M1) and MC 125985 (Sub-9) (M2), filed August 18, 1980, Notice of Filing of Petition to Modify the Commodity Description. Petitioner: AUTO DRIVEAWAY COMPANY, 310 South Michigan Ave., Chicago, IL 60604. Representative: Daniel B. Johnson, 4304 East-West Hwy, Washington, D.C. 20014. Petitioner holds *common carrier* authority in MC 125985 (Sub-6), served December 15, 1971, and MC 125985 (Sub-9), served April 22, 1974. MC 125985 (Sub-6) authorizes over irregular routes, the transportation of *motor homes*, in driveaway service, between points in CA, on the one hand, and, on the other, points in the U.S. (except HI). MC 125985 (Sub-9) authorizes over irregular routes the transportation of *motor homes*, in driveaway service, between points in the U.S. (including points in AK and HI, but exluding Mt. Clemens and Pontiac, MI), restricted against the transportation of traffic between points in CA, on the one hand, and, on the other, points in the U.S.

By the instant petition, petitioner seeks to modify both commodity description to read: "*motor homes* and *automobiles*, in driveaway service."

MC 147524 (Sub-2M1F), filed February 9, 1981, Notice of Filing of a Petition to Add a Contracting Shipper. Petitioner: SINED LEASING, INC., 108 High St., Mount Holly, NJ 08060. Representative: Frank L. Newburger, III, 17th Floor, 1234 Market Street, Philadelphia, PA 19107. Petitioner holds motor *contract carrier* Permit in MC 147524 (Sub-2F), served February 4, 1981, authorizing transportation, over irregular routes, of (1) *liquid sugar*, in bulk, (a) from New York, NY to Chicago, IL, and Twinsburg, OH, Dayton, OH, Lynchburg, Hollins, and Roanoke, VA, Elkin, Winston-Salem, and Greensboro, NC, and Nitro, WV; (b) from Chicago, IL, to Dayton, Akron, Maple Heights, Athens, and Columbus, OH, and Detroit, MI; (c) Chicago, IL and Twinsburg, OH; (d) from Lafayette, IN to Twinsburg, OH; (e) from Argo, OK to Cincinnati, Dayton, and Athens, OH; and (f) from Brooklyn, NY to Akron, Maple Heights, and Athens, OH; (2) *dry sugar*, in bulk, from New York, NY and Boston, MA to Buffalo, NY; (3) *liquid corn syrup*, in bulk, (a) from Hammond, IN to New York, NY, Fogelsville, PA, Baltimore, MD, and Frazer, PA, and (b) from Chicago, IL to Fogelsville, NY; (4) *dry flour*, in bulk, from Buffalo, NY to points in NH, CT, MA, PA, NJ and MD; (5) *dry flour*, in bags, from Buffalo, NY to New York, NY, and points in New Jersey and Pennsylvania; and (6) *dry corn starch*, in bulk, from Hammond, IN, to Fogelsville, PA, under continuing contract(s) with (i) Beverage Management, Inc., of Columbus, OH, (ii) Revere Sugar Corp., of Brooklyn, NY, (iii) GCC Beverages, Inc., of Miami, FL, (iv) F & M Schaefer Brewing, Inc., of Fogelsville, PA, (v) Standard Milling Company, of Kansas City, MO, and (vi) American Maize Products Co., of Hammond, IN.

By the instant petition, petitioner seeks to add International Multifoods Corporation of Minneapolis, MN and Refined Syrups & Sugars, Inc., of Yonkers, NY as contracting shippers.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8896 Filed 3-19-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this comliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3012

Decided March 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 3114 (Sub-44), filed February 27, 1981. Applicant: T. H. COMPTON, INC., R.F.D. No. 1, Berkeley Springs, WV 25411. Representative: Herbert Alan Dubin, 618 Connecticut Ave., NW, Washington, DC 20008, (202) 231–1174. Transporting *ores and minerals, coal*

and coal products, clay, concrete, glass or stone products, between points in CT, DE, MD, NJ, NY, PA, VA, WV and DC.

MC 8544 (Sub-41), filed February 23, 1981. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, TX 77011. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217 (512) 826-6496. Transporting *floor tiles,* between points in Harris, Brazoria, Waller, Liberty and Houston Counties, TX, on the one hand, and, on the other, points in AR, KS, LA, MS, MO, OK, and TN.

MC 8544 (Sub-42), filed February 23, 1981. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, TX 77011. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217 (512) 826-6496. Transporting *general commodities,* (except classes A and B explosives), between Houston and Galveston, TX, on the one hand, and, on the other, points in AR, LA, KS, MO, OK and TX, restricted to traffic having a prior or subsequent movement by rail or water.

MC 22484 (Sub-7), filed February 23, 1981. Applicant: BROWN FROM WABASH, INC., 403 S. Cass St., Wabash, IN 46992. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846-6655. Transporting *general commodities* (except classes A and B explosives), between the facilities of United States Gypsum Company and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 26825 (Sub-57), filed February 17, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. Transporting *food and related products,* between points in Madison County, NE, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, MN, MO, ND, OK, SD, TN, TX, WI, and WY.

MC 67234 (Sub-39), filed February 18, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727-0777. Transporting *sleeping bags, comforters, dog beds, shirts,* and *such commodities* as are dealt in by retail clothing stores, between Seattle, WA, New Orleans, LA, Kinston, NC, and Freeport, ME.

MC 77424 (Sub-55), filed February 24, 1981. Applicant: WENHAM TRANSPORTATION, INC., 3200 East Seventy-ninth Street, Cleveland, OH 44104. Representative: James Johnson, (same address as applicant) (216) 883-4600. Transportation *general commodities* (except classes A and B explosives, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC.

Note.—Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation at applicant's written request of MC 77424 and subs thereunder.

MC 95084 (Sub-171), filed February 23, 1981. Applicant: HOVE TRUCK LINE, a Corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682-8154. Transportation *lumber,* between points in the U.S., under continuing contract(s) with Midwest Lumber Associates, of Minneapolis, MN.

MC 96964 (Sub-20), filed February 9, 1981. Applicant: P.B.I. FREIGHT SERVICE, a Corporation, 960 North 1200 West, Orem, UT 84057. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111 (801) 328-8987. Transportation *general commodities,* between points in Utah, San Juan and Grand Counties, UT, Apache and Navajo Counties, AZ, and Dolores, San Miguel and Montexzuma Counties, Co.

Note.—(1) To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance; and (2) Applicant intends to take this authority with its existing authority.

MC 104675 (Sub-43), filed February 23, 1981. Applicant: FRONTIER DELIVERY, INC., 4338 Ridge Lea Rd., Amherst, NY 14226. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701 (716) 664-5210. Transportation *commodities in bulk,* between points in NY, CT, MA, NH, VT, and RI. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in MC 104675 and related subs, at applicant's written request.

MC 107295 (Sub-1019), filed February 17, 1981. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant) (309) 928-2141. Transportation *building materials,* between Cleveland, OH, Atlanta, GA, Piscataway, NJ, Portland, OR, Houston, TX, Minneapolis, MN, St. Louis, MO, and Tustin, CA, on the one hand, and, on the other, points in the U.S.

MC 112014 (Sub-31), filed February 19, 1981. Applicant: SKAGIT VALLEY TRUCKING CO., INC., P.O. Box 400, Mount Vernon, WA 98273. Representative: Michael D. Duppenthaler, 211 So. Washington St., Seattle, WA 98104, (206) 622-3220.Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in WA, OR, and CA.

MC 118544 (Sub-244), filed February 9, 1981. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd. Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856-0117.Transporting *such commodities* as are dealt in or used by manufacturers of animal feed and feed ingredients, between the facilities of Kal-Kan Foods, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 120364 (Sub-33), filed February 23, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608) 273-1003.Transporting *such commodities* as are dealt in by the distributors of agricultural supplies and equipment, between points in U.S. under continuing contract(s) with Timm's Grain & Supply, Inc., of Holcomb, IL.

MC 125535 (Sub-26), filed February 27, 1981. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569-1161.Transporting *paper and paper products,* between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Glens Falls, NY.

MC 127524 (Sub-28), filed February 20, 1981. Applicant: QUADREL BROS, TRUCKING CO., INC., 1603 Hart St., Rahway, NJ 07065. Representative: David L. Middleton (same address as applicant) (201) 381-6400Transporting *commodities in bulk,* between points in CT, DE, GA, IN, IL, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VA, VT, WV, and DC.

MC 129784 (Sub-17), filed February 20, 1981. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 848, Ruston, LA 71270. Representative: Tom E. Moore (same address as applicant) (318) 255-3850. Transporting *commodities in bulk,* between points in the U.S., under continuing contract(s) with Kerr-McGee Corporation, of Oklahoma City, OK.

MC 134105 (Sub-99), filed February 23, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative:

James E. Elgin (same address as applicant) (615) 756–3000. Transporting *textile mill products*, between points in AL, AZ, DE, GA, TN, and SC, on the one hand, and, on the other, points in the U.S.

MC 134105 (Sub-69), filed February 23, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant) (615) 756–4000. Transporting *food and related products*, between points in Nash County, NC, on the one hand, and, on the other, points in the U.S.

MC 134235 (Sub-32), filed February 25, 1981. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Neal A. Jackson, 1156 15th St., N.W., Washington, DC 20005 (202) 223–6680. Transporting *food and related products*, between those points in the U.S. in and east of MN, IA, NE, KS, MO, AR, and LA.

MC 135895 (Sub-125), filed February 26, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701 (601) 335–3576. Transporting *loud speakers and electrical amplification systems*, between points in Lauderdale and Scott Counties, MS, on the one hand, and, on the other, points in the U.S.

MC 139434 (Sub-11), filed February 20, 1981. Applicant: MID-AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, NE 68401. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *food and related products*, between points in Douglas County, NE, on the one hand, and, on the other, points in CT, IN, MA, MD, NH, NJ, NY, PA, OH, and DC.

MC 141255 (Sub-18), filed February 23, 1981. Applicant: TANDY TRANSPORTATION, INC., 2560 E. Long Ave., Fort Worth, TX 76111. Representative: Roy Beans (same address as applicant), (817) 834–0182. Transporting *alcoholic beverages and malt beverages*, between points in the U.S., under continuing contract(s) with Oley Distributing Company, of Fort Worth, TX.

MC 142765 (Sub-11), filed February 18, 1981. Applicant: AMERICAN TRANSPORTATION, INC., 707 Amity Road, Bethany, CT 06525. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326, (404) 237–8472. Transporting *such commodities* as are dealt in or used by manufacturers of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Newark, DE.

MC 144004 (Sub-6), filed February 26, 1981. Applicant: ALADDIN, INC., 15 Scout Ave., Kearny, NJ 07032. Representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wells Corporation, of Englewood, NJ, and Knomark, Inc., of Jamaica, NY.

MC 144715 (Sub-17), filed February 20, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005, (202) 347–9332. Transporting *food and related products*, between Richmond, VA, Battle Creek, MI, Tacoma, WA, and North Sioux City, SD, on the one hand, and, on the other, points in the U.S.

MC 144765 (Sub-2), filed February 10, 1981. Applicant: WATERVILLE-CASCADE TRUCKING, INC., P.O. Box 1668, Wenatchee, WA 98801. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102, (206) 325–8875. Transporting *petroleum products*, between points in the U.S., under continuing contract(s) with Schaeffer Mfg. Co., of St St. Louis, MO.

MC 145494 (Sub-7), filed February 27, 1981. Applicant: EDINA CARTAGE COMPANY, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Avenue, Millville, NJ, (816) 387–2231. Transporting *metal products*, between the facilities of Smith Valve Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145794 (Sub-3), filed February 27, 1981. Applicant: ARDS TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, P.O. Box 1439, Hartsville, SC 29550, (803) 332–5151. Transporting (1) *pulp, paper and related products*, (2) *lumber and wood products*, and (3) *pipe and roofing materials*, between points in the U.S.

MC 146065 (Sub-3), filed February 18, 1981. Applicant: DAY TRANSFER INC., 1245 South West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day (same address as applicant), (317) 638–3320. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Nice-Pak Products, Inc., of Mooresville, IN.

MC 146754 (Sub-6), filed February 26, 1981. Applicant: TENNANT TRUCK LINES, INC., Route 1, P.O. Box 233, Orion, Il 61273. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of building materials and supplies, between Moline, IL, Philadelphia, PA, and points in Collin County, TX, and Cowley County, KS, on the one hand, and, on the other, points in the U.S.

MC 147494 (Sub-3), filed February 9, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Drawer 5690, Jackson, MS 39206. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, (601) 969–3424. Transporting *general commodities* (except classes A and B explosives, between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 148764 (Sub-5), filed February 17, 1981. Applicant: BUFFALO FUEL CORP., 2445 Allen Ave., Niagara Falls, NY 14303. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853–0200. Transporting *commodities in bulk*, between points in CT, MAR, RI, MI, NJ, NY, VT, OH, WV, DE, MD, PA, IN, IL, TN, KY, WI, VA, and MN.

MC 148874 (Sub-5), filed February 18, 1981. Applicant: PROFICIENT FOOD CO., 17872 Cartwright Road, Irvine, CA 92705. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006, (202) 833–8884. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ore-Ida Foods, Inc., of Boise, ID.

MC 148874 (Sub-6), filed February 18, 1981. Applicant: PROFICIENT FOOD CO., 17872 Cartwright Road, Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773–4111. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with George A. Hormel & Co., of Austin, MN 55912.

MC 149385 (Sub-2), filed February 26, 1981. Applicant: WHITE BROTHERS TRUCKING CO., P.O. Box 96, Wasco, IL 60183. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603, (312) 236–0375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fiberesin Industries, Inc., of Oconomowoc, WI.

MC 150665 (Sub-3), filed February 23, 1981. Applicant: ATLANTIC & WESTERN TRANSPORTATION CO.,

INC., 3934 Thurman Road, Forest Park, GA 30051. Representative: Ronald J. Turner (same address as applicant), (404) 363–1200. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with James David, Inc., of St. Louis, MO.

MC 151365 (Sub-3), filed February 18, 1981. Applicant: MAC OF WISCONSIN, INC., 26 Lake View Dr., Sullivan, WI 53178. Representative: Steven L. Weiman, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760, (414) 261–6740. Transporting *general commodities* (except classes A and B explosives), between points in WI, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the U.S.-Canada Boundary line.

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343–11344, or submit an affidavit to the Secretary's office indicating why such approval is unnecessary. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 3, Room 2158.

MC 152455 (Sub-1), filed February 18, 1981. Applicant: A–1 WRECKER SERVICE OF CHATHAM COUNTY, INC., P.O. Box 641, Pittsboro, NC 27312. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *transportation equipment*, between points in NC, on the one hand, and, on the other, points in OK and TX, and those points in the U.S. in and east of LA, AR, MO, IA, and MN.

MC 152824 (Sub-1), filed March 2, 1981. Applicant: W & S COMPANY, a corporation, 7804 Idaho Lane, Minneapolis, MN 55445. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Veblen Cheese Factory, Inc., of Veblen, SD.

MC 153025 (Sub-1), filed February 23, 1981. Applicant: FLANCO TRANSPORTATION, INC., 3105 North U.S. Highway 75, Corsicana, TX 75110. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237, (214) 339–4106. Transporting (1) *clay, concrete, glass or stone products*, between the facilities of Guardian Industries Corporation, in Navarro County, TX, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, KS, LA, MS, MO, NE, NM, OK, TN, and TX, and (2) *chemicals and related products*, between points in Navarro County, TX, on the one hand, and, on the other, points in OK, LA, GA, MS, IL, PA, SC, and TX.

MC 153486 (Sub-1), filed March 2, 1981. Applicant: STAGECOACH EXPRESS, INC., 7985 E. 190th Street, Hastings, MN 55033. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with South St. Paul Feed, Inc., of South St. Paul, MN.

MC 153674 (Sub-1), filed February 17, 1981. Applicant: L. U. CARRIERS, INC., Route 2, P.O. Box 452, Castle Hayne, NC 28429. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *forest products, pulp, paper, and related products*, and *lumber, and wood products*, between points in the U.S., under continuing contract(s) with Federal Paper Board Company, Inc., of Riegelwood, NC.

MC 153835 (Sub-1), filed February 23, 1981. Applicant: ROCK-CO TRANSPORT, LTD., 621 Prairie Avenue, Boone, IA 50036. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *chemicals*, between points in Marshall County, IL, on the one hand, and, on the other, points in IA.

MC 154364, filed February 23, 1981. Applicant: QUALITY TRANSPORT—A DIVISION OF CAROLINA TRAILERS RENTALS, INC., 3124 North Blvd., Raleigh, NC 27604. Representative: Eric Meierhoefer, 1511 K Street NW., Suite 423, Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Facet Enterprises, Inc.—General Products Division, of Henderson, NC.

MC 154365, filed February 23, 1981. Applicant: FREDDIE STEWARD, d.b.a. FREDDIE STEWARD TRUCKING, 301 N. 8th St., West Memphis, AR 72301. Representative: Edward G. Grogan, 20th Floor, First Tennessee Bldg., Memphis, TN 38103, (901) 525–8231. Transporting *air pollution control devices and systems, pneumatic conveying systems*, and *metal products*, between points in the U.S., under continuing contract(s) with DynaSteel Coporation, of Memphis, TN

MC 154425, filed February 23, 1981. Applicant: TRUAX OIL, INC., 1760 SW Third St., Corvallis, OR 97330. Representative: Lawrence V. Smart, jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *petroleum, natural gas and their products*, between points in OR and WA.

MC 154474, filed February 10, 1981. Applicant: NADINE PERMANN, d.b.a. HAPPY TIMES, UNLIMITED, 15494 Palmdale Rd., Victorville, CA 92392. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213) 879–3955. As a *broker*, at Victorville, CA, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–8880 Filed 3–19–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each

applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later became unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-013

Decided March 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 146464 (Sub-7), filed February 20, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1161, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, (208) 336-3955. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148644 (Sub-1), filed February 23, 1981. Applicant: GARY W. GLASS, d.b.a. GLASS ENTERPRISES, 3117 Christine, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Popular Ave., Memphis, TN 38137, (901) 767-5600. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151854 (Sub-1), filed February 10, 1981. Applicant: DENNIS D. RICHMEIER, 5661 Bates Ave., Denver, CO 80227. Representative: Edward C. Hasting, 653 Grant St., Denver, CO 80203, (303) 837-1204. Transporting *food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 154334, filed February 18, 1981. Applicant: THE INTERNATIONAL SHIPPING COMPANY, a corporation, 1001 Connecticut Ave. NW., Suite 628, Washington, D.C. 20036. Representative: Robert A. Warren (same address as applicant), (202) 833-5750. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154404, filed February 19, 1981. Applicant: KUEHNE & NAGEL DISTRIBUTION SERVICES, INC., 955 Pratt Blvd., Elk Grove Village, IL 60007. Representative: Martin W. Dooley, 2420 East Oakton, Arlington Heights, IL 60005, (312) 364-0500. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154415, filed February 12, 1981. Applicant: WILLIAM R. BAIR, 2805 Barton Drive, Cinnaminson, NJ 08077. Representative: (same as applicant), (609)-829-4671. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8695 Filed 3-19-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 42]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

March 16, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 2229 (Sub-271)X, filed March 9, 1981. Applicant: SPECTOR RED BALL, INC., 3177 Irving Boulevard, Dallas, Texas 75247. Representative: Joseph S. Ruscetta (same address). Applicant seeks to remove restrictions from its Sub-No. 180 certificate to (1) delete all exceptions to its general commodity authority except classes A and B explosives; (2) allow it to serve all intermediate points between Houston and a described junction near Kent, TX; between Houston and a described junction near Harper, TX; between El Paso, TX and Phoenix, AZ; between Lordsburg, NM and Tucson, AZ; between Amarillo, TX and San Bernardino, CA; and between Barstow, CA and junction CA Hwy 58 and Interstate Hwy 5; (3) remove the limitations "serving specified points for purposes of joinder only" wherever they appear in the certificates; and (4) remove the "originating at and destined to" restriction.

MC 6575 (Sub-3)X, filed March 2, 1981. Applicant: G. ARREDONDO TRANSFER CO., INC., 270 Guadalupe St., Laredo, TX 78040. Representative:

Eduardo Pena, Jr., 243 National Press Building, Washington, DC 20045. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (1) broaden the commodity description in both certificates by removing all restrictions from its general commodities authority "except classes A and B explosives" and (2) broaden the territorial description in the lead certificate, limiting service between Laredo, TX, and a specific port of entry at or near Laredo, TX on the U.S.-Mexico boundary line, and replace Laredo, TX with county-wide authority to authorize service between Webb County, TX and points within five miles of Laredo, TX, and ports of entry on the United States-Mexico boundary line in Texas.

MC 21666 (Sub-195)X, filed March 9, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its Sub-No. 136F certificate to (1) broaden the commodity description from general commodities (with exceptions) to *"general commodities* (except classes A and B explosives);" (2) broaden the territorial description by removing facilities limitations and expanding to county-wide authority and to authorize radial service between points in Berks and Dauphin Counties, PA, (facilities at Boyertown and Harrisburg, PA), on the one hand, and, on the other, points in the United States; and (3) remove the exceptions of AK and HI.

MC 22179 (Sub-27)X, filed March 2, 1981. Applicant: FREEMAN TRUCK LINE, INC., 419 Jackson Avenue, Oxford, MS 38655. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 15, 17, 20, 22F, 23F, and 24F certificates, and in its certificate acquired in No. MC-F 13931F (portion of MC-141853), in which issuance of a certificate is pending, by broadening its territorial descriptions to (1) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service in the regular route portions of (a) the lead certificate, part (1) between Grenada, MS, and Kosciusko, MS, and in part (2), between Memphis, TN, and Oxford, MS, (b) in Sub-No. 8, between Kosciusko, MS, and Grenada, MS and (c) in Sub-No. 17, between Yazoo City, MS, and Vicksburg, MS; (2) replace its cities and/or facilities with county-wide authority (a) in Sub-No. 15, named facilities located at or near Oxford, MS, with Lafayette County, MS, (b) in Sub-No. 20F, named facilities located at or near Kosciusko, MS, with Attala County, MS, (c) in Sub-No. 22F, named facilities in Warren County, MS, with Warren County, MS (d) in Sub-No. 23F, Oxford, MS, with Lafayette County, MS, (e) in Sub-No. 24F, Vicksburg, MS, with Warren County, MS, and (f) in MC-F 13931F, Belzoni, Rolling Fork, Yazoo City, and Vicksburg, MS, with Humphreys, Sharkey, Yazoo, and Warren Counties, MS; (3) change its one-way authority to radial authority (a) in Sub-No. 15, between Lafayette County, MS, and specified points in AL and TN, (b) in Sub-No. 20F, between Nashville, TN, and points in Attala County, MS, and (c) in Sub-No. 22F, part (1), between Warren County, MS, and points in AL, AR, GA, KY, LA, and TN, and in part (2), between AL, GA, and KY, to points in Warren County, MS; (4) eliminate the originating at and destined to restrictions in Sub-Nos. 20F, and 22F; and (5) eliminate the "cement in containers" exception in the commodity description, in MC-F 13931F.

Note.—Applicant's ability to tack authority acquired in MC-F 13931 with its other authority will be governed by the rules contained at 49 CFR Part 1042.

MC 27580 (Sub-8)X, filed March 5, 1981. Applicant: JOSEPH CORY DELIVERY SERVICE, INC., 114 Liberty Street, Suite 204, New York, NY 10006. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, and 7 certificates to (1) broaden the commodity descriptions from uncrated new furniture in its lead and Sub-No. 5, from new furniture, refused, rejected, or damaged shipments of new furniture in Sub-No. 4, and from uncrated furniture in Sub-No. 7, to "furniture and fixtures"; (2) authorize radial service in place of existing one-way authority: (a) between New York, NY and points in New York, New Jersey, Connecticut, and Pennsylvania in its lead, (b) between Jersey City, NJ and points in that part of New York and New Jersey within 50 miles of the New York, NY, commercial zone, as defined by the Commission in 1 M.C.C. 665 in Sub-No. 4, and (c) between Suffolk County, NY, and points in Connecticut, New Jersey, New York, and Pennsylvania in Sub-No. 5; and (3) remove the restriction limiting service to retail delivery service in Sub-No. 5.

MC 57902 (Sub-13)X, filed March 9, 1981. Applicant: SEWELL MOTOR EXPRESS, INC., 149 South Mulberry Street, Wilmington, OH 45177. Representative: Joe F. Asher, 88 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restriction limiting its service to traffic having a prior or subsequent movement by rail, in its Sub-No. 9F certificate on movements between Columbus, OH, and points in 7 States.

MC 71452 (Sub-22)X, filed March 3, 1981. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indianapolis, IN 46241. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8 and 10 certicates to (1) broaden (a) the general commodities descriptions (with the usual exceptions) to "general commodities (except classes A and B explosives)" in the lead (sheet 1) and Sub-Nos. 8 and 10 and (b) magazines to "printed matter" in the lead (sheet 2); (2) remove the ex-air restriction and replace the airport restriction with city-wide authority to serve Indianapolis, IN in the lead and name sub numbers; and (3) replace city-wide with county-wide authority in the lead; Wateska with Iroquois County, IL and Louisville with Jefferson County, KY.

MC 85451 (Sub-22)X, filed March 6, 1981. Applicant: BLUEBONNET EXPRESS, INC., P.O. Box 16205, Houston, TX 77023. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 11 and 19 certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; and (2) remove the "ex-air" restriction.

MC 85970 (Sub-51)X, filed March 2, 1981. Applicant: SARTAIN TRUCK LINE, INC., P.O. Box 1258, Dyersburg, TN 38024. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restriction from its Sub-No. 8 certificate to (1) remove all exceptions on its general commodities authority except classes A and B explosives; (2) authorize service at all intermediate points between Memphis, TN and Union City, TN, between Memphis, TN and Bradford, TN, and between Dyersburg, TN and St. Louis, MO; and (3) eliminate a restriction limiting service at Memphis, TN to that portion of Memphis and its commercial zone lying wholly within TN, to remove a restriction against handling traffic originating at, destined to, or interchanged at Dyersburg, TN and its commercial zone, to eliminate a restriction against handling traffic at St. Louis, MO and East St. Louis, MO and

their commercial zones which originates at or is destined to Dyersburg or Newbern, TN and points in their commercial zones, and to eliminate a restriction against the transportation of traffic between points in the St. Louis MO, East St. Louis, IL commercial zone, on the one hand, and, on the other, Memphis and Jackson, TN and points in their commercial zones.

MC 99203 (Sub-17)X, filed March 6, 1981. Applicant: SKYLINE TRANSPORTATION, INC., P.O. Box 3569, 131 Quincy Avenue, Knoxville, TN 37917. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Applicant seeks to remove restrictions from its Sub-Nos. 3, 4, 5, 6, 11, 12, 13, 14F, and 15F certificates to (1) remove all exceptions from its general commodity authority except classes A and B explosives; (2) remove the "originating at or destined to" restriction in Sub-No. 3; and (3) allow service at all intermediate points between Knoxville, TN and Harlan, KY in Sub-No. 4; between Knoxville, TN and Birmingham, AL in Sub-No. 12; and between Newport, TN and Charlotte, NC in Sub.No. 14F.

MC 104881 (Sub-8)X, filed March 4, 1981. Applicant: GAY TRUCK LINE, INC., P.O. Box 134, Falkner, MS 38629. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 7F certificates (1) to remove all exceptions from the general commodities authorization, except Classes A and B explosives; and (2) to authorize service to all intermediate points on regular routes in Sub-No. 2 between points in MS and TN; (3) to remove a restriction in its Sub-No. 2 certificate prohibiting tacking of irregular-route authority to regular-route authority, and to convert that irregular-route authority to radial authority between Ripley, MS and Hohenwald, TN.

MC 107304 (Sub-10)X, filed March 9, 1981. Applicant: TRANSWAY, INC., P.O. Box 1266, Metairie, LA 70004. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its lead and Sub-No. 9 certificate to (1) broaden the commodity description from (a) dated publications to "printed matter" in its lead (b) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 9, (2) delete the restriction limiting transportation to traffic having a prior or subsequent movement by air in Sub-No. 9.

MC 110191 (Sub-41)X, filed February 19, 1981, previously notice in the Federal Register of March 11, 1981, republished as corrected this issue. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, Norfolk, VA 23501. Representative: W. P. Davis, P.O. Box 1008, Norfolk, VA 23501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 17, 19, 20, 21, 22, 25, 37, 38 and 40 certificates (1) by broadening the commodity description in its lead from general commodities with the usual exceptions to "general commodities except Classes A and B explosives"; in its Sub-No. 22 from margarine and in its Sub-No. 37 from nonalcoholic beverages to "food and related products" and in its Sub-No. 38, from automobile parts, automobile supplies and equipment to "transportation equipment"; (2) by authorizing service at all intermediate points along its regular routes between Virginia and New York; (3) by expanding irregular authority to appropriate county-wide authority, in Sub-No. 17 from Ahoskie, NC, to points in Hertford County, NC; in Sub-No. 20 from Charleston, Clarksburg, Fairmont, Flemington, Huntington, Parkersburg, Princeton, and Morgantown, WV, to points in Cabell, Harrison, Kanawha, Marion, Mercer, Monogalia, Taylor and Wood Counties, WV; in Sub-No. 21 from named plantsite and storage facilities at Franklin, VA, to points in Isle of Wight and Southampton, VA; in Sub-No. 22 from named plantsite and storage facilities at Pennsauken, NJ, to points in Camden County, in Sub-No. 25 from Exmore, VA, to points in Accomack and Northampton Counties, VA; (4) by broadening in its lead and Sub-Nos. 20, 21, 22, 37, and 40 one-way authority on routes extending throughout the eastern United States; and (5) by removing restrictions in its lead limiting service to service for purposes of joinder only, and limiting service to points within a certain number of specified miles of New York, NY, Philadelphia, PA, Newark, NJ, Baltimore, MD, Washington, DC, Norfolk, VA, and points with Accomack and Northampton Counties, VA; in Sub-No. 17 limiting service to traffic originating at or destined to points north of the Maryland-Virginia State line and against the transportation of meats, etc. between New York, Newark, and Philadelphia; in Sub-No. 19 prohibiting service in bulk and that requiring special equipment, and having prior or subsequent motor movements from Norfolk or Suffolk, VA, or a prior or subsequent rail or water movement from any point; in Sub-No. 20 limiting service against transportation of imported foodstuffs, requiring vehicles equipped with mechanical refrigeration, and restricting service to traffic originating at a named plantsite and destined to name points; in Sub-No. 21 restricting service to traffic originating at a named plantsite and destined to named points in Sub-No. 22 requiring service in vehicles equipped with mechanical refrigeration; and in Sub-No. 25 restricting service to shipments originating at or destined to named facilities at Exmore, VA. The purpose of this republication is to give notice of the expansion of the commodities in applicant's Sub-No. 38.

MC 110641 (Sub-22)X, filed March 12, 1981. Applicant: PORT NORRIS EXPRESS CO., INC., North Avenue, Port Norris, NJ 08349. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. Applicant seeks to remove restriction in its Sub-No. 16 certificate to broaden the commodity description from cullet, in bulk, to "commodities in bulk".

MC 111231 (Sub-346)X, filed March 6, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 41 certificate to (1) broaden its commodity description (a) from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (b) from steel and steel products to "metal articles" and (c) from canned goods to "food and related products", (2) broaden the territorial description (a) by authorizing service at all intermediate points, where service is limited to specified intermediate points or no intermediate point service in connection with its regular-route general commodity operations between St. Louis, MO, and Chicago, IL, (b) authorize radial service in place of existing one-way authority in connection with applicant's irregular-route transportation of metal articles, as follows: between points on the described regular routes and Kansas City, KS, and points in IL and MO.

MC 112908 (Sub-12)X, filed March 3, 1981. Applicant: KINGSWAY TRANSPORTS LIMITED, 123 Rexdale Boulevard, Rexdale, Ontario, CN M9W 1P3. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. Applicant seeks to remove restrictions from in its Sub-No. 1F certificate and MC-126672, acquired in No. MC-F-14180F (issuance of a certificate is pending) to (1) broaden the commodity description from general commodities,

with exceptions to "general commodities (except classes A and B explosives)" in Sub-No. 1; (2) remove the specific port of entry at Detroit, MI to authorized radial service "between Detroit, MI and ports of entry on the international boundary line between US and CN in MI in Sub-No. 1; and (3) remove the specified ports of entry in VT and NY to authorize radial service "between ports of entry on the US–CN boundary in NY and VT and points in ME, NH, VT, CT, RI, and NY.

MC 116519 (Sub-92)X, filed March 6, 1981. Applicant: FREDERICK TRANSPORT LIMITED, R.R. No. 6, Chatham, Ontario, Canada N7M 5J6.Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Applicant seeks to remove restrictions from its Sub–61F certificate to (1) delete the exception in its building materials authority of "refractories and brick" in part 5; (2) eliminate the facilities limitations at specified points in IL, IA, and IN; and (3) authorize radial authority between ports of entry on the international boundary line between the U.S. and Canada in MI and NY, and points in the U.S. (except 13 western States). Removal of these restrictions will subsume parts 1–4 of applicant's authority authorizing service between specified points in IL, IA, and IN and ports of entry on the international boundary line between the U.S. and Canada in MI and NY.

MC 117765 (Sub-312)X, filed March 2, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, Oklahoma City, OK 73147. Representative: C. L. Phillips, Rm. 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73147. Applicant seeks to remove restrictions from its Sub–1 (in part), 21, 30, 36, 39, 50, 68, 138, 152, 164, 191, 196, (in part), 212, 221, 251F (in part), 260F, 267F, 278F and 292F certificates, by (1) broadening the commodity description in each from greases, lubricating oil, antifreeze, petroleum, petroleum products, etc., to "petroleum products in containers, commodities, materials, equipment and supplies used or distributed by wholesale or retail suppliers, marketers or distributors of petroleum and petroleum products"; (2) removing the "originating at and/or destined to" restrictions wherever they appear in each Sub-30, 36, 50, 68, 152, 260F, and 278F; (4) replace county-wide authority for city-wide authority: Garfield County, OK for Enid in Sub-1 (sheet 5), 21, 50, 68, 138, 152, and 267; Sedgwick County, KS for Wichita in Sub-1 (sheet 5), 30, 50, 68, 138, and 152; Kay County, OK for Ponca City in Sub-1 (sheet 5), 21, 138, 164, 196, 267, and 278; Butler County, KS for El Dorado in Sub-152, 196, and 292; Garvin County, OK for Wynnewood in Sub-191; Montgomery County, KS for Coffeyville in Sub-221; and (5) expand one-way authority to radial authority between points in 22 States located mainly in the Central portion of the U.S.

MC 119710 (Sub-33)X, filed February 26, 1981. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub–5, 11, 15, 16, 17, 18, 26 and 28F permits to (A broaden the commodity description (1) to "food and related products", from (a) salt products, pepper, mineral mixtures, and packaged servings of jams, jellies, honey, syrups, sugar, condiments, sauces, and salad dressings, in Sub-5, 15, and 26, and (b) animal and poultry feeds, and feed ingredients, in Sub-5, 11, 16, 17, 18 and 28F; and (2) to "machinery" from materials, equipment and supplies used in the manufacture of dry animal and poultry feeds and feed ingredients, in Sub-28F; and (B) broaden the territorial authority to "between points in the U.S.", under continuing contract(s) with named shippers.

MC 119777 (Sub-525)X, filed March 2, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Applicant seeks to remove restrictions in its Sub–112, 141, 161, 379F, 440F, and 488F irregular-route certificates to (1) broaden the commodity descriptions to "lumber and wood products" from lumber in Sub-112 and 161; "pulp, paper and related products" from pulpboard, wood pulp and fiber pulp (except size or weight commodities) in Sub-141; "lumber and wood products" from lumber and plywood in Sub-379F; "machinery, lumber and wood products, metal products," from agricultural implements and parts and accessories, iron and steel articles, and commodities, except in bulk, used in their and manufacture or distribution in Sub-482F, (2) broaden the territorial descriptions from one-way service, to authorize radial service: Sub-112, between points in Hancock County, KY, and points in 19 States, and between Hancock County, KY, and points in 23 States; Sub-161, between points in NM, and points in 13 States and DC; Sub-440F, between the named facilities at Pinckneyville, IL and St. Louis, MO, and points in the United States in and west of LA, AR, MO, IA and MN; and, Sub-488F, between the name facilities at Baton, LA, and points in AL, AR, FL, GA, MS, OK, TN and TX, and (3) remove the AK and HI exception in Sub-440F.

MC 120737 (Sub-79)X, filed February 26, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub–52F, 53F, 54F, 55F, 64F, 65F, and 66F certificates to (1) broaden the commodity description to "metal products" from (a) iron and steel articles, in 52F, 53F, 54F, 55F, 64F, and 66F, (b) metal articles, in Sub-65F, and (c) pipe, in Sub-66F; (2) broaden the territory description to county-wide authority: Winnebago County, IL, for Rockford, IL, in Sub-54F; Montgomery County, IN, for Crawfordsville, IN, in Sub-55F; Grayson County, TX, for Sherman, TX, and Cook County, IL, for Chicago Heights, IL, in Sub-64F; and Montgomery County, TX, for Conroe, TX, in Sub-66F; (3) in all certificates, except Sub-52F, authorize radial authority in lieu of existing one-way service between points in numerous specified States throughout the U.S. and 3 specified cities and 6 counties in the eastern half of the U.S.; (4) remove the plantsite restriction in Sub-53F, 55F, 64F, 65F, and 66F; (5) eliminate the commodities in bulk exception in Sub-52F and 66F; (6) remove the restriction limiting transportation to traffic originating at and destined to named points, in Sub-52F; and (7) remove the AK and HI exception in Sub-52F, 65F and 66F.

MC 121406 (Sub-69)X, filed March 10, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-11F certificate, to (1) broaden the commodity description from liquid chemicals and petroleum products, in bulk, to "commodities in bulk," and (2) broaden the territorial description by changing the plantsite restriction designation to the appropriate county designation of Brazoria County, TX; (3) eliminate the exceptions of AK and HI, and (4) eliminate the restriction limiting service to the transportation of traffic originating at or destined to named facilities.

MC 121499 (Sub-11)X, filed March 6, 1981. Applicant: WILLIAM HAYES LINES, INC., P.O. Box 610, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor, Deposit Guaranty

Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions from its Sub-6F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) broaden the territorial scope by removing restrictions which limit service for purpose of joinder only and which limit service to specified or no intermediate points, in order to authorize service at all intermediate points in connection with its regular route operations between points in TN, IN, KY, GA, and AL.

MC 123672 (Sub-125)X, filed March 4, 1981. Applicant: W & L MOTOR LINES, INC., Post Office Box 3467, Hickory, NC 28601. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its MC 142483 and Sub-2F permits to (1) broaden the commodity descriptions: from communications cable (except commodities which because of size or weight requires special equipment) to "communications cable, and electrical equipment, supplies and machinery" in the lead, and from glass fiber products (except commodities in bulk) to "glass and glass products" in Sub-2F; (2) broaden the territorial scope to serve between points in the U.S. under continuing contract(s) with named shippers, in those authorities.

MC 125103 (Sub-7)X, filed March 9, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. Applicant seeks to remove restrictions in its Sub-1 and 5 permits to (1) broaden commodity descriptions from meats and other foodstuff items, to "food and related products" in both permits; (2) eliminate restrictions in Sub-1, (a) except animal oils and animal fats, in bulk, in tank vehicles; (b) except fresh and frozen meats to Chicago, IL, Detroit, MI, and Covington, KY; (c) territorial restriction involving frozen foods moving in mixed loads; and (d) restriction pertaining to frozen meats, etc., from Windom, MN, to Galveston and Houston, TX applicable in foreign commerce only; (3) eliminate restriction "except commodities in bulk" in Sub-5; (4) delete the facilities limitation in Sub-5; and (5) broaden the territorial description in each permit to "between points in the United States under continuing contract(s) with named shippers."

MC 127608 (Sub-3)X, filed March 3, 1981. Applicant: B-BROTHERS CARTAGE, INC., 496 West 138th Street, Riverdale, IL 60627. Representative: Joel H. Steiner, 39 S. LaSalle, Suite 600, Chicago, IL 60603. Applicant seeks to remove restrictions from its MC 144361 and Sub-2 permits to (1) broaden the commodity description from aluminum articles (except in bulk) and steel tubing to "metal products" in each permit; and (2) expand the territorial description to between points in the U.S. under a continuing contract(s) with a named shipper.

MC 127608 (Sub-4)X, filed March 3, 1981. Applicant: B-BROTHERS CARTAGE, INC., 496 West 138th St., Riverdale, IL 60627. Representative: Joel H. Steiner, 39 South La Salle, Suite 600, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-1 and 4 certificates to (1) change the commodity description from pallet racks in its lead and steel shelving, flexible conduit, strip steel, steel angles, steel beams, dies and welding wire in Sub-4, to "metal products," from telephone directories and telephone directory pages to "printed matter" in Sub-1, and from cleaning compound chemicals and paint (except in bulk), to "chemicals and related products," (2) remove vehicle restrictions in Sub-4; (3) remove facilities limitations at Dwight and Pontiac, IL, in its lead and Sub-1 and 4; (4) substitute Livingston County, IL, for Dwight and Pontiac, IL in its lead and Sub-1 and 4; and (5) change one-way to radial authority between Livingston County, IL, and IA, WI, IN, MI, OH, KY and MO in its lead and Sub-1 and 4, and between Milwaukee, WI and Ferndale, MI and Livingston County, IL, in Sub-4.

MC 133689 (Sub-354)X, filed February 5, 1981, previously noticed in Federal Register of February 24, 1981, republished as corrected this issue. Applicant: OVERLAND EXPRESS, INC., 6651 Naples Street N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions from its Sub-264F certificate to (1) broaden the commodity description from parts and accessories for motor vehicles, and, materials, equipment, and supplies used in the manufacture and service of these commodities (except commodities in bulk) to "transportation equipment," (2) remove plantsite restrictions and replace with county-wide or city-wide authority: Fulton County, GA, for Atlanta, GA; Jefferson County, KY, for Louisville, KY; Suffolk and Hampden Counties, MA, for Boston and Springfield, MA; Washtenaw County, MI, for Milan, Rawsonville, and Saline, MI; Clay and St. Louis Counties, MO, for Kansas City and St. Louis, MO; Bergen, Middlesex, Camden, Union, and Hudson Counties, NJ, for Mahwah, Teterboro, Metuchen, Pennsauken, and Roselle, NJ; Erie and Onondaga Counties, NY, for Buffalo and Syracuse, NY; Mecklenburg County, NC, for Charlotte, NC; Shelby and Davidson Counties, TN, for Memphis and Nashville, TN; Hamilton, Cuyahoga, Richland, Lorain, and Allen Counties, OH, for Cincinnati, Cleveland, Manifield, Lorain, and Lima, OH; and Chicago, IL, Hennepin and Ramsey Counties, for Minneapolis, MN. The purpose of this republication is to reflect applicant's request for Fulton County, GA, Clay and St. Louis Counties, MO, and Hudson County, NJ, and Hennepin and Ramsey Counties, MN, for Minneapolis, MN.

MC 135195 (Sub-6)X, filed March 2, 1981. Applicant: STOVER AIR CARGO, INC., 3630 Wisman Lane, Quincy, IL 62301. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-3 certificate to broaden the commodity and territorial authority by (1) removing all restrictions in its general commodities authority "except classes A and B explosives," (2) removing a restriction limiting service to the transportation of shipments having an immediately prior or subsequent movement by air, (3) removing a restrictions against radial transportation of shipments moving between points in Cook and Du Page Counties, IL, and St. Louis, MO and its commercial zone, and points within St. Louis County, MO, and (4) removing a restriction limiting service at points in IA to the transportation of shipments originating at or destined to points in eight IA counties, to authorize radial service between Chicago and Quincy, IL, Burlington, IA, and St. Louis, MO, and points in the eight IA counties, eight IL counties, seven MO Counties, and St. Louis, MO.

MC 135684 (Sub-166)X, filed February 24, 1981. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 8181 Connecticut Ave., N.W., Washington, D.C. 20008. Applicant seeks to remove restrictions in its Sub-1, 5, 8, 10, 15, 16, 17F, 18F, 19F, 20, 23, 24, 26, 27, 28, 29, 34, 35, 40, 41, 44, 45, 46, 47, 48, 49F, 52, 54, 55, 58, 60, 63, 65, 66F, 68F, 71F, 72F, 73F, 74F, 75F, 76F, 78F, 79F, 81F, 82F, 83F, 85F, 96F, 97F, and 99F certificates to (1) broaden the commodity description from (a) fresh meats, meats, meat products, and meat byproducts and articles distributed by meat packinghouses, foodstuffs, confectioneries, chewing gum, and

novelties to "food and related products" in Sub-1, 15, 16 sheet 2 part 12 and 13, 17F sheet 2 parts 4 and 6, 27, 28, 34, 63, 65, and 66F; (b) ornamental iron products, ventilators, plastic shutters and grid ceiling systems to "building materials" in Sub-8; (c) surgical and hospital supplies, laboratory and hospital equipment, and chemicals to "instruments and photographic goods, and chemicals and related products" in Sub-10, 15, 23, and 47; (d) household cleaning products, industrial cleaning products, water purifying products and compounds, dry acids, synthetic gum resin, dry resin, chemicals, naval stores, tall oil products, paints, varnish driers, coal tar dyes, dyestuffs, acids, phthalic anhydride, salt and salt products, sodium bicarbonate and sodium carbonate, and soap to "chemicals and related products" in Sub-16, 29, 35, 44, 45, 46 (parts 1–3), 49 (part 2), 74F, 79F, 82F, 83F, and 97F; (e) hard surface floor coverings, floor coverings, tile, carpeting, rugs, floor tile, and linoleum to "such commodities as are dealt in or used by installors of floors" in Sub-18F (parts 1–6, 24–25), 46 (parts 5–7), and 71F; (f) synthetic rubber, rubber belting, matting, stair treads, packing, hose, machine parts, rubber heels, taps, soles, soling, plastic bottles, jars, jugs, and closures, plastic containers and tubes, plastic sheet lines, plastic bags, to "rubber and plastic products" in Sub-18F (parts 7–16), 19F (part 7–10, 13–14, 18–19, 24–28 and 31), 58, and 76F; (g) limestone, and glass containers to "clay, concrete, glass or stone products" in Sub-18F and 60; (h) paper, wrapping paper, paper bags and closures, pulpboard and by byproducts, fiberboard, wastepaper, and paperboard to "pulp, paper, and related products" in Sub-19F (part 3, 6, 11, 12, 21, 29, and 32, and 20) (parts 1, 3, and 7); (i) burlap bagging and burlap cloth, burlap and cotton bags, and finished burlap cloth, and laminated burlap bags to "textile mill products" in Sub-19F in (parts 1, 2, 4, 5 and 22–23); (j) sewing machine heads and stands, skids, pallets, machinery materials and supplies, office equipment and supplies to "machinery" in Sub-19F (part 15), and 20 (parts 2, 5, and 6); (k) paper and paper products, and supplies, materials, and machinery to "pulp, paper, and related products, and machinery" in Sub-24; (l) synthetic gum resin, resin, dry resin, chemicals, plastic pellets or granules and powder and plastic scrap, plastic film and sheeting, plastic doors and partitions, tall oil products, paints, varnish driers, coal tar dyes and dyestuffs, limestone, ground limestone, and ground clay to "chemicals and related products, rubber and plastic products, and clay, concrete, glass or stone products" in Sub-28; (m) salt and salt products to "chemicals and related products and ores and minerals" in Sub-48; (n) waste and scrap paper to "pulp, paper and related products" in Sub-52; (o) pipe fittings, gaskets, and valves to "metal products and rubber and plastic products" in Sub-54; (p) kitchen utensils, bathroom fixtures, and handles for kitchen utensils to "rubber and plastic products, metal products, and furniture and fixtures" in Sub-55; (q) chemicals and plastic products to "chemicals and related products and rubber and plastic products" in Sub-66F; and (r) containers, container ends, and container closures to "such commodities are dealt in or used by manufacturers and distributors of containers" in Sub-85F; (2) remove all exceptions on commodity descriptions, such as commodities in bulk, in containers, in rolls, in trailers, in bags, in tank vehicles, unusual value, hides, furniture, foodstuffs, frozen, foods, and fresh meats, wastepaper, special equipment, carpeting and rugs, wherever they appear in each of the above numbered certificates; (3) eliminate the named facilities or plantsite limitations in Sub-1, 5, 8, 10, 15, 16, 17F, 18F, 24, 26, 40, 46, 48, 49F, 54, 60, 66F, 72F, 73F, 74F, 75F, 78F, 79F, 81F, 82F, 83F, 95F, 96F and 97F; (4) replace specific point authority with county-wide authority wherever they appear in the above numbered certificates as follows: Franklin Park to Cook County, IL; Billerica, Chelsea, East Pepperall, Ayer, Piscataway, and Wilmington to Middlesex County, MA; Murray Hill, Cranford, Elizabeth, and Linden to Union County, NJ; Fitzwilliam to Cheshire County, NJ; Covington to Newton County, GA; Upland to San Beranardino County, CA; Lawrence to Douglas County, KS; Itasca to DuPage County, IL; Bridewater Township, Sommerville, and Neshanic to Somerset County, NJ; King of Prussia and Pottstown to Montgomery County, PA; Pittsburgh to Allegheny County, PA; Bristol to Bucks County, PA; Nashua and Tampa to Hillsboro County, FL; New Orleans to Orleans Parish, LA; Savannah to Chatham County, GA; Canton and Massillon to Stark County, OH; Milton to Northumberland County, PA; La Mirada and Los Angeles, to Los Angeles County, CA; Hamilton Township to Mercer County, NJ; Cambridge to Suffolk County, MA, Norwood and Stoughton to Norfolk County, MA; Moonacnie, Fair Lawn, and Garfield to Bergen County, NJ; Ripley to Tippah County, MS; Middletown to Dauphin County, PA; Etowah to McMinn County, TN; Lawrenceville to Lawrence County, IL; Lewiston and Libson to Androscoggin County, ME; Texas to Baltimore County, MD; Flemington to Hunterdon County, NJ; Hoboken to Hudson County, NJ; Berlin to Coos County, NH; Old Hickory to Davidson County, TN; Buffalo To Erie County, NY; Louisiana to Pike County, MO; Crossett to Ashley County, AR; Cuyahoga Falls and Akron to Summit County, OH; Youngstown to Mahoning County, OH; Rittman to Wayne County, OH; Lancaster to Lancaster County, PA; Cleveland to Cuyahoga County, OH; Tustin to Orange County, CA; Sanford to York County, ME; Pownal to Bennington County, VT; Winthrop to Kennebec, ME; Watkinsville to Oconee County, GA; Bay Minette to Baldwin County, AL; Pensacola to Escambia County, FL; Telogia to Liberty County, FL; Fords to Perth Amboy County, NJ; East Rutherford and Carlstadt to Rutherford County, NJ; Rockaway to Morris County, NJ; Patterson to Passaic County, NJ; Lobeco to Beaufort County, SC; Reading to Berks County, PA; Dalton to Whitfield County, GA; High Point to Guilford County, NC; Charlotte to Mecklenburg County, NC; Florence to Rutland County, VT; Chester to Windsor County, VT; Gordon to Wilkinson County, GA; Sandersville to Washington County, GA; Edelman, Easton, and Nazareth to Northampton County, PA; Grasselli to Linden County, NJ; Phillipsburg to Warren County, NJ; Chamblee to DeKalb County, GA; to London to Madison County, OH; Neville Island to Allegheny County, PA; Chestertown to Kent County, MD; Lawrenceburg to Dearborn County, IN; Rochester to Monroe County, NJ; Elmira to Chemung County, NY; St. Clair to St. Clair County, MI; South Plainfield to Middlesex County, NJ; Locke Mills to Oxford County, ME; Byesville to Guernsey County, OH; Bohemia to Suffolk County, NY; Warner Robins to Houston County, GA; Duryea to Luzerne County, PA; Scranton to Lackawanna County, PA; Midland to Midland County, MI; Battle Creek to Calhoun County, MI; Lancaster to Fairfield County, OH; Sharonville to Hamilton County, OH; Kent to Portage County, OH; Harrision to Hudson County, NJ; Syracuse to Onondaga County, NY; and Racine and Waxdale to Racine County, WI; (5) authorize radial service between points located throughout the entire US or combinations of specified States therein; (6) remove the following restrictions (a) except AK and HI in Sub-66F; (b) originating at or destined to restriction in Sub-1, 5, 8, 10, 17F, 19F, 20, 27, 28, 34, 46, 47, 49F, 63, 65, 72F, 73F, 78F, and 96F; and (d) ex-water limitations in Sub-99F.

MC 135609 (Sub-9)X, filed March 2, 1981. Applicant: B-H TRANSFER CO., P.O. Box 151, Sandersville, GA 31082. Representative: J. Raymond Clark, Suite 350, 1225 Nineteenth Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-7F certificate to (1) commodity description in part (1) from insulators, electrical wiring, pottery, and pottery parts, to "clay, concrete, glass or stone products"; (2) remove the restriction against transportation of commodities in bulk, in tank vehicles and (3) broaden the territorial scope by replacing city-wide authority with county-wide to allow service as follows: between points in Washington County, GA (Sandersville) and points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV.

MC 136283 (Sub-5)X, filed March 6, 1981. Applicant: DERON, INC., P.O. Box 17170, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-4F permit to enlarge the territorial scope to "between points in the U.S." under contract(s) with a named shipper.

MC 136285 (Sub-40)X, filed March 3, 1981. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions from its Sub-3 certificate to (a) remove all exceptions except classes A and B explosives from its general commodities authority; (b) remove the restrictions "in Containers or in trailers"; (c) remove the "ex-Water" restriction; and (d) in part (2) of the certificate, broaden the commodity description from empty containers, trailers, and trailer chassis to "transportation equipment, and such commodities as are dealt in or used by manufacturers of containers".

MC 136315 (Sub-142)X, filed March 4, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 705, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-54 and 64 certificates to (A) broaden the commodity descriptions to "metal products" from (1) pipe fittings, valves and hydrants, and (2) accessories used in the installation of the commodities in (1) above, in Sub-54; from "tubular steel poles, iron and steel articles and accessories thereto" in Sub-64; (B) replace specified plantsites in Jefferson and Talladega Counties, AL with county-wide authority and eliminate the "originating at or destined to" restriction, in Sub-54; (C) replace specified facilities in Harris County, TX, with county-wide authority, in Sub-64; and (D) expand its one-way authority to radial authority between the counties named in (B) and (C) above, and, those points in the United States in and east of TX, OK, KS, NE, SD, and ND.

MC 138773 (Sub-4)X, filed March 6, 1981. Applicant: EAST SOUTH EXPRESS, INC., P.O. Box 13887, Roanoke, VA 24038. Representative: Walter Keal, P.O. Box 322, Cuyahooga Falls, OH 44222. Applicant seeks to remove restrictions in its lead and Sub-2F and 3F certificates to (1) broaden its commodity descriptions from electric controllers and instruments, which because of their size or weight require the use of special equipment, to "commodities which because of their size or weight require the use of special handling or equipment and electrical controllers, instruments and equipment parts and accessories", in all authority above; (2) change its one-way authority to radial authority (a) between Roanoke City, VA, and points in the U.S., in the lead certificate, (b) between Roanoke County, VA, and points in CA, FL, GA, ID, MT, NV, NC, OR, SC, VA, UT, and WA, in Sub-2F, (3) eliminate the exceptions (a) AK, HI, VA, NC, SC, GA, WA, OR, CA, MT, ID, UT, NV, and FL, in the lead certificate, and (b) AK and HI, in Sub-3F, and (4) eliminate the restriction against transportation of shipments destined to named destination points.

MC 140033 (Sub-97)X, filed March 2, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10006 Goodnight Lane, Dallas, Texas 75220. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, Texas 75235. Applicant seeks to remove restrictions in its MC 142296 and Sub-Nos. 2 and 3 permits to (1) broaden the commodity descriptions to "textile mill products" from: (a) wearing apparel in the lead; (b) clothing and wearing apparel in Sub-No. 2; and (c) yard, and clothing and wearing apparel and component parts used in the manufacture thereof (except commodities in bulk) in Sub-No. 3; and (2) expand the territorial descriptions to between points in the U.S., under a continuing contract(s) with a named shipper.

MC 140273 (Sub-28)X, filed March 2, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels Street, Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-15F certificate to (1) broaden the commodity descriptions from soda ash, lime, limestone, silica sand and crushed glass to "chemicals and related products, clay, concrete, glass or stone products, and ores and minerals"; (2) remove the restriction prohibiting the transportation of a specified commodity from named points in the authorized states; and (3) authorize radial authority in lieu of existing one-way service between points in IL, IN, IA, MN, MO, NE, ND, OH, SD, WI, and WY, and Minneapolis, MN.

MC 140273 (Sub-31)X, filed March 2, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to broaden the commodity description in its Sub-No. 21F Certificate from aggregate, crushed rock, stone, and gravel to "ores, minerals, and building materials".

MC 141620 (Sub-1)X, filed March 3, 1981. Applicant: VAN BUS DELIVERY COMPANY, d.b.a. UNITED VAN BUS DELIVERY, 2601 32nd Avenue, South, Minneapolis, MN 55406. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 6, 7, 8F and 9F permits to (1) broaden the commodity description from liquid calcium chloride, in bulk, and liquid chlorine in cylinders to "chemicals and related products" in Sub-No. 9F; (2) remove the "except commodities in bulk" restrictions in Sub-Nos. 6 and 7; (3) expand the territorial descriptions to between points in the U.S. under continuing contract(s) with a named shipper; and (4) eliminate the "ex-rail" restriction.

MC 142857-9X, filed March 3, 1981. Applicant: MCC TRANSPORTATION, INC., Rt. 2, Box 107-B, Hope, AR 71801. Representative: Mark J. Andrews, 1660 L St. NW Suite 1100, Washington, DC 20036. Applicant seeks to remove restrictions in its lead and Sub-No. 4 permits to (1) broaden the commodity description from greeting cards, paper in rolls; envelopes; books; candles; games and toys; earthenware and chinaware; paper napkins, place mats and tablecloths; wrapping paper, foil and ribbon; and equipment, materials and supplies used in the manufacture or distribution of the above described commodities to "such commodities as are dealt in by retail greeting card stores" in the lead, (2) broaden the territorial description to "between points in the United States" under continuing contract(s) with a named shipper in both.

MC 143621 (Sub-56)X, filed March 2, 1981. Applicant: TENNESSEE STEEL

HAULERS, INC., Post Office Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub 2F certificate to (1) broaden the commodity descriptions from fireplace grates and screens and materials, except commodities in bulk, to "clay, concrete, glass, and stone products" and "metal products," (2) authorize service at points in AK and HI, (3) authorize two-way radial operations between specified points in TN, AL, and IL and points in the U.S., (4) replace Bloomington, IL with "McLean County, IL," and (5) delete the facilities limitations.

MC 144268 (Sub-2)X, filed March 3, 1981. Applicant: HIRSON TRUCKING, INC., P.O. Box 24203, Oakland, CA 94623. Representative: Thomas M. Loughran, 100 Bush St., 21 St. Fl. San Francisco, CA 94104. Applicant seeks to remove restrictions in its lead certificate to (1) remove the restriction against transportation of articles of unusual value from its general commodities authority; (2) eliminate the restriction requiring transportation to be performed in containers or in trailers, having an immediately prior or subsequent movement by water in interstate or foreign commerce; and (3) broaden the base territorial description from ports located on San Francisco Bay to county-wide authority: Alameda, Contra Costa, Solano, San Mateo, and San Francisco Counties, CA.

MC 144457 (Sub-22)X, filed March 2, 1981. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 6, 8, 10F, 13F, 14F, 16F, 17F, 18F, and 19F certificates to (1) change the commodity descriptions in Sub-nox. 1F, 2F, 6, 8, 10F, 14F, 16F and 19F, from various foodstuff items, such as flour and cornmeal, sugar, canned vegetables, etc., to "food and related products"; (2) remove the restrictions against commodities in bulk from the lead and Sub-Nos. 1F, 2F, 6, 8, 10F, 13F, 14F, 16F, 17F, and 19F; (3) delete the "originating at and destined to" restriction in Sub-No. 18F; (4) remove the facilities limitations in the lead, Sub-Nos. 2F, 6, 10F, 13F, 14F, 16F, 17F, 18F and 19F; (5) replace city-wide authority with county-wide authority: in the lead, Brundidge and Troy with Pike County, AL; in Sub-No. 2F, Shawnee with Pottawatomie County, OK; in Sub-No. 8, New Richmond, Eden, Oakfield and Gillett with St. Croix, Fond du Lac, and Oconto Counties, WI; in Sub-No. 10F, Reserve and Kenner with St. John the Baptist and Jefferson Parishes, LA; in Sub-No. 14F, Greenville with Greenville County, SC; in Sub-No. 17F, Lexington with Davidson County, NC; in Sub-No. 18F, Pittsburgh with Allegheny County, PA, Fremont with Sandusky County, OH, and Holland with Ottawa County, MI; and in Sub-No. 19F, Highland City with Polk County, FL; (6) expand its territorial authority in all Sub-Nos., except the lead and Sub-No. 17F, to authorize radial service between points located throughout the U.S., or combinations of States therein; and (7) delete the exception to AK and HI in the lead and Sub-No. 17F.

MC 144682 (Sub-58)X, filed March 4, 1981. Applicant: R. R. STANLEY, P.O. Box 95, 1738 Empire Central, Dallas, TX 75235. Representative: Edwin M. Snyder, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. Applicant seeks to remove restrictions from its Sub-Nos. 10F, 22F, 40F, and 49 certificates to (1) change the commodity descriptions in Sub-No. 10F, from clay glaze tile to "clay, concrete, glass or stone products"; in Sub-No. 22F, from coin-operated pool tables and games and parts to "sporting or athletic goods, and coin-operated amusement or service machines"; in Sub-Nos. 40F and 49, from plumbing goods and fixtures, flexible gas connectors, water closet bowls and tanks, sheet steel sinks and bathtubs to "metal products"; (2) replace city-wide authority with county-wide authority: in Sub-No. 10F, Laredo with Webb County, TX; and in Sub-Nos. 40F and 49, Hearne with Robertson County, TX; and in Sub-No. 49, Plano with Dallas County, TX; (3) authorize radial service between specified points in TX or CA, and, points in the U.S. or specified States therein and (4) remove the AK and HI exception in Sub-No. 10F.

MC 145086 (Sub-3)X, filed March 6, 1981. Applicant: C. HENDERSON TRUCKING, INC., 8 Ruth Street, East Brunswick, NJ. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

MC 146293 (Sub-79)X, filed March 2, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum (same as applicant). Applicant seeks to remove restrictions from its Sub-No. 57 certificates by (1) removing restrictions (a) " except in bulk, in tank vehicles"; (b) against service to AK and HI; (c) to shipments having a prior movement by water; and (d) traffic moving on bills of lading of a freight forwarder; (2) expanding one-way authority to radial authority between points in the US and New Orleans, LA, and Houston, TX and; (3) change Port Everglades, FL to Monroe County, FL.

MC 146607 (Sub-1)X, filed March 2, 1981. Applicant: KING CARRIAGE CO., Davis and Oak Street, Ludlow, KY 41016. Representative: Boyd B. Ferris, 50 W. Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead certificate which authorizes the transportation of such commodities as are dealt in or used by manufacturers, converters, and distributors of paper products to (1) replace plantsite facilities with county-wide authority, allowing radial service between Covington and Kenton Counties, KY (for Ludlow, Erlanger, and Covington, KY), Cameron County, TX (for Brownsville, TX), and St. Croix County, WI (for Hudson, WI), and points in the U.S.; and (2) remove the restriction against service to AK and HI.

MC 146753 (Sub-21)X, filed March 3, 1981. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 6F certificates to (a) broaden the commodity descriptions: from (1) paper and paper products and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) to "pulp, paper, and related products" in Sub-No. 1F; and from plastic articles to "rubber and plastic products" in Sub-No. 6F; (b) broaden the territorial scope by replacing one-way authority with radial authority, removing named facility limitations from city-wide authority and replacing named facility limitations with county-wide authority to authorize service between points in Philadelphia, PA, Cincinnati, OH, Cook County (Forest Park) IL, Atlanta, GA, Miami, FL, and points in the US, in Sub-No. 1F; and between points in New York (Kings County) NY and points in the U.S. in Sub-No. 6F; and (c) remove the except AK and HI restriction from those authorities.

[FR Doc. 81-8883 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 85771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPY4-827

Decided: March 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 35387 (Sub-4), filed February 25, 1981. Applicant: ORBIT EXPRESS, INC., 105 Creeper Hill Rd., North Grafton, MA 01536. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *food and related products,* between points in Monroe and Ontario Counties, NY, on the one hand, and, on the other, points in MA, CT, RI, VT, NH, and ME.

MC 42487 (Sub-1034), filed February 6, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: W. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives), between points in Somerset County, PA, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack with its existing regular route authority in Sub 578.

MC 124896 (Sub-101), filed February 26, 1981. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne and Ralston Sts., P.O. Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N. St., NW., Washington, DC 20036 (202) 331-8800. Transporting (1) *chemicals and related products,* (2) *lubricating oil,* (3) *janitorial supplies and equipment,* and (4) *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Texize, Division of MortonNorwich, of Greenville, SC.

MC 154566, filed March 6, 1981. Applicant: DONNIE GENE VANDERVORT, SR, d.b.a. D. VANDERVORT WHOLESALERS, 4725 El Cedro Loop NE, Salem, OR 97303. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204 (503) 228-5275. Transporting *general commodities* (except classes A and B explosives), between points in OR, on the one hand, and, on the other, points in WA, CA, AZ, NV, ID, and MT.

Volume No. OPY4-828

Decided: March 12, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 35387 (Sub-3), filed February 25, 1981. Applicant: ORBIT EXPRESS, INC., 105 Creeper Hill Rd., North Grafton, MA 01536. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103 (413) 732-1136. Transporting *general commodities* (except classes A and B explosives), between points in MA, on the one hand, and, on the other, points ME, NH, VT, CT, RI, MA, NY, NJ, and PA.

MC 119387 (Sub-21), filed March 2, 1981. Applicant: OZARK MOTOR LINES, INC., 27 West Illinois Ave., Memphis, TN 38106. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Howard Industries, Inc., of Brinkley, AR.

MC 119387 (Sub-22), filed February 27, 1981. Applicant: OZARK MOTOR LINES, INC., 27 West Illinois Ave., Memphis, TN 38106. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Waterloo Industries, Inc., of Waterloo, IA.

MC 123407 (Sub-665), filed February 9, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant) (219) 926-7575. Transporting (1) *textile mill products,* (2) *coal and coal products,* (3) *petroleum, natural gas and their products,* and (4) *rubber and plastic products,* between points in Bartow County, GA, and points in the U.S.

MC 129537 (Sub-53), filed March 2, 1981. Applicant: REEVES TRANSPORTATION CO., a corporation, Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. Transporting *rubber and plastic products,* between points in Shelby County, TN, on the one hand, and, on the other, points in AL, FL, GA, NC, OK, SC, TX, AR, LA, and MS.

MC 129537 (Sub-54), filed March 2, 1981. Applicant: REEVES TRANSPORTATION CO., a corporation,

Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602 (813) 229–6165. Transporting *metal products*, between points in TX, OK, LA, and AR, on the one hand, and, on the other, points in AL, MS, TN, GA, FL, SC, NC, VA, and KY.

MC 148367 (Sub-2), filed February 27, 1981. Applicant: S.M.P., INC, 196 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *clay, concrete, glass or stone products*, between points in Lehigh and Northampton Counties, PA, on the one hand, and, on the other, points in NJ, NY, PA, DE, MD, VA, MA, CT, RI, and DC.

MC 149167 (Sub-4), filed March 2, 1981. Applicant: ALL-FREIGHT EXXPRESS, INC., 7200 So. Ferdinand Ave., Bridgeview, IL 60455. Representative: Anthony E. Young, 29 So. LaSalle St., Suite 350, Chicago, IL 60603 (312) 782–0890. Transporting (1) *metal products*, and (2) *commodities in bulk*, between points in the U.S., under continuing contract(s) with R. Lavin & Sons, of Chicago, IL.

MC 152377 (Sub-1), filed February 27, 1981. Applicant: PAUL JOSEPH, d.b.a. JOSEPH'S EXPRESS, 543 Maplewood Ave., Roselle Park, NJ 07204. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *rubber and plastic products*, between points in PA, NJ, DE, MD, NY, CT, RI, MA, VA, and DC.

MC 152337 (Sub-3), filed February 23, 1981. Applicant: CENTRAL STATES TRUCKING CO., a corporation, 1311 So. First Ave., Maywood, IL 60153. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *such commodities* as are dealt in or used in the manufacture and distribution of glass containers and closures, between points in Lake and Cook Counties, IL, and points in Delaware County, IN, on the one hand, and, on the other, points in IL, IN, WI, and MI.

MC 154367, filed February 17, 1981. Applicant: T.A.Z. FREIGHT LINES, INC., 44 Foley Ave., Edison, NJ 08820. Representative: William G. Onifer (same address as applicant) (201) 382–8269. Transporting *food and related products*, between points in NJ, on the one hand, and, on the other, points in PA, VA, WV, GA, NC, SC, FL, MD, and MD.

Volume No. OPY–5–80

Decided: March 11, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Powell.

MC 99619 (Sub-3), filed February 10, 1981. Applicant: WALPOLE TRANSPORTATION CO., INC., P.O. Box 367, Walpole, MA 02081. Representative: Russell S. Callahan, P.O. Box 1808, Brockton, MA 02403 (617) 697–7748. Transporting *general commodities* (except classes A and B explosives), (1) between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC, and (2) between points in CT, MA, ME, NH, RI, VT, on the one hand, and, on the other, points in IL, IN, MI, MO, OH, and WI. Condition: Issuance of this certificate is subject to prior or coincidental cancellation at applicant's written request of Certificate of Registration No. MC 99619 (Sub-No. 1).

MC 100449 (Sub-127), filed February 23, 1981. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309 (515) 245–4300. Transporting *such commodities* as are dealt in by wholesale and retail grocery and hardware business houses, between points in the U.S. in and west of MI, OH, KY, TN, and AL.

MC 105269 (Sub-94), filed February 11, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Union Camp Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 121658 (Sub-37), filed February 10, 1981. Applicant: STEVE D. THOMPSON TRUCKING, INC., 1205 Percy St., Winnsboro, LA 71295. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245 (214) 358–3341. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Monroe, LA and Houston, TX, from Monroe over U.S. Hwy 165 to junction U.S. Hwy 90 and Interstate Hwy 10, then over U.S. Hwy 90 and Interstate Hwy 10 to Houston, and return over the same route, serving all intermediate points.

MC 124679 (Sub-134), filed February 13, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant) (801) 972–2712. Transporting *such commodities* as are dealt in by wholesale, retail and appliance businesses, between the facilities of the Sony Corporation at Los Angeles, CA, on the one hand, and, on the other, points in OR, WA, MT, ID, UT, NV, CO, WY, NM, and AZ.

MC 126118 (Sub-360), filed February 10, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant) (402) 475–4414. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of all existing certificates.

MC 140689 (Sub-11), filed February 20, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, 216–781–1600. Transporting *rubber and plastic products*, between points in the U.S. under continuing contract(s) with Mobile Chemical Company, of Pittsford, NY.

MC 144858 (Sub-41), filed February 19, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Danile, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, 402–348–0832. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S. under continuing contract(s) with SCM Corporation, of Cleveland, OH.

MC 147198 (Sub-10), filed February 23, 1981. Applicant: P. & E. I. TRUCK LINES, INC., Box 175, Rossville, IL 60963. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5466. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Hubbard Milling Co., of Mankato, MN.

MC 149029 (Sub-4), filed February 11, 1981. Applicant: VANWORMER TRUCKING, INC., Star Route, Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830, 814–765–9611. Transporting *metal products*, between points in Venango County, PA, on the one hand, and, on the other, points in the U.S.

MC 150189 (Sub-2), filed February 13, 1981. Applicant: R. G. BERRY, Box 6, Shawneetown, IL 62984. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5466. Transporting *such merchandise* as is dealt in by grocery and food business houses, between points in the U.S., under continuing contract(s) with The Kroger Company, of Cincinnati, OH.

MC 151118 (Sub-6), filed February 10, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1285, Greenville, MS 38701 (601) 335-3576. Transporting *machinery*, between points in Craighead County, AR and Shelby County, TN, on the one hand, and, on the other, points in the U.S.

MC 152128 (Sub-4), filed February 10, 1981. Applicant: STATE TRANSPORT SERVICE, INC., 12200 Market St., Houston, TX 77015. Representative: C. W. Perebes, 720 N. Post Oak, Suite 220, Houston, TX 77024 (713) 688-6110. Transporting *Mercer commodities*, between points in TX, on the one hand, and, on the other, points in AR, CO, LA, MS, NM, OK, TX, and WY.

MC 152230 (Sub-3), filed February 10, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (address same as applicant) 916-436-2215. Transporting (1) *building materials*, and (2) *rubber and plastic products*, between points in Contra Costa and San Joaquin Counties, CA, and Umatilla County, OR, on the one hand, and, on the other, points in AZ, CA, OR, WA, ID, UT, and NV.

MC 153198 (Sub-1), filed February 18, 1981. Applicant: CORN ENTERPRISES, INC., 1 Mackie Court, Harrison, OH 45030. Representative: Rex A. Corn, (same address as applicant) 513-367-2342. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Dorcy Ashflash, Inc., and Central Ohio Shippers Coordinated Corporation, both of Columbus, OH.

MC 153348 (Sub-1), filed February 12, 1981. Applicant: HAROLD J. FUNK, d.b.a. FUNK TRANSPORT, 605 South Polk St., Lancaster, WI 53813. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719 (608) 273-1003. Transporting *petroleum products, natural gas and related products, and gasohol*, between points in the U.S., under continuing contract(s) with People's Community Oil Co-operative, of Lancaster, WI.

MC 154200, filed February 10, 1981. Applicant: RONNIE G. LAWRENCE, d.b.a. RON'S TRANSPORT, 518 Beard Ave., Modesto, CA 95354. Representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *furniture and fixtures*, between points in WA, OR, CA, NV, MT, ID, UT, AZ, CO, WY, NM, NE, KS, TX, MO, AR, LA, KY, TN, MS, GA, AL, FL, VA, OH, and IN.

MC 154308, filed February 10, 1981. Applicant: RAYMER'S EXPRESS, INC., 41 Danton Drive, Methuen, MA 01844. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (671) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in MA, NH, and RI.

Volume No. OP5-10

Decided: March 12, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 466 (Sub-24) filed February 9, 1981. Applicant: BREMAN'S EXPRESS COMPANY, a corporation, Monroeville, PA 15146. Representative: Joseph E. Breman, 700 Fifth Ave. Bldg., 5th Fl., Pittsburgh, PA 15219, 412-281-1980. Transporting *clay, concrete, glass or stone products* between those points in the U.S. in and east of WI, IA, MO, AR, and TX.

MC 6058 (Sub-47) filed February 10, 1981. Applicant: THE YOUNGSTOWN CARTAGE COMPANY, INC., 825 West Federal St., Youngstown, OH 44501. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215, 614-228-1541. Transporting (1) *metal products* and (2) *clay, concrete, glass or store products*, between those facilities used by Kaiser Aluminum and Chemical Corporation at points in the U.S. in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 95088 (Sub-6) filed February 10, 1981. Applicant: FAYARD MOVING AND TRANSPORTATION CORPORATION, 2615 25th Ave., Gulfport, MS 39501. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205, 601-948-8620. Over regular routes, serving all intrmediate points, transporting *general commodities* (except classes A and B explosives), (1) between Mobile, AL, and Atlanta, GA, from Mobile over U.S. Hwy 31 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Montgomery, AL, and then over Interstate Hwy 85 to Atlanta, and return over the same route; (2) between Montgomery, AL, and Atlanta, GA, from Montgomery over U.S. Hwy 31 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Birmingham, AL, then over U.S. Hwy 78 to junction Interstate Hwy 20, and then over Interstate Hwy 20 to Atlanta, and return over the same route; and (3) between New orleans, LA, and Houston, TX, from New Orleans over Interstate Hwy 10 to Houston.

Note.—Applicant intends to tack this authority with existing regular-route authority so as to provide a direct service.

MC 105269 (Sub-95) filed February 18, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI, 616-459-6121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 106398 (Sub-1095) filed February 10, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant) (918) 582-1900. Transporting *metal products*, between points in the U.S.

MC 117119 (Sub-838), filed February 11, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant) (501) 248-7261. Transporting *lighting fixtures*, between points in the U.S.

MC 119989 (Sub-35), filed February 9, 1981. Applicant: PEERLESS TRANSPORT CORP., 2701 Railroad Street, Pittsburgh, PA 15222. Representative: Robert T. Hefferin (same address as applicant) (412) 456-2976. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. on the one hand, and, on the other, the facilities used by Airwick Industries, Inc., at points in the U.S.

MC 129908 (Sub-77), filed February 10, 1981. Applicant: AMERICAN FARM LINES, INC., 6125 S.W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147, 405-787-6660. Transporting (1) *machinery* and (2) *lumber and wood products* between Oklahoma City, OK, Los Angeles, CA, and Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 129908 (Sub-78), filed February 11, 1981. Applicant: AMERICAN FARM LINES, INC., 6125 S.W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147, 405-787-6660. Transporting *food and related products*, between points in IA and WI, on the one hand, and, on the other, points in TX, TN, KS, MO, IN, and IL.

MC 133478 (Sub-27), filed February 12, 1981. Applicant: DG TRANSPORT, INC., P.O. Box 23727, Portland, OR 97223. Representative: Peter H. Glade, One SW Columbia, #555, Portland, OR 97258.

503–227–1681. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Chapman Lumber Co., of Portland, OR.

MC 135969 (Sub-21), filed February 12, 1981. Applicant: COAST EXPRESS, INC., 1428 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, 303–320–6100. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Sterling Colorado Beef Co., of Sterling CO., and Circle C Beef Co., of Denver, CO.

MC 142059 (Sub-162), filed February 10, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant) 800–435–9355. Transporting *metal products* between points in Cook County, IL, and Lake County, IN, on the one hand, and, on the other, points in the U.S.

MC 146149 (Sub-19), filed February 10, 1981. Applicant: KENNEDY FREIGHT LINES, INC., 4969 Vulcan Ave., Columbus, OH 43228. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *metal products, and rubber and plastic products*, between points in Hillsborough County, FL, and Cuyahoga and Stark Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 154119 (Sub-1), filed February 26, 1981. Applicant: LINDSEY MOTOR EXPRESS, INC., 3415 Southside Ave., Cincinnati, OH 45204. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *commodities in bulk*, between Cincinnati, OH, on the one hand, and, on the other, points in the U.S.

MC 154228, filed February 10, 1981. Applicant: MICHIGAN LIMOUSINE, INC., 626 North Illinois Ave., Atlantic City, NJ 08401. Representative: Brian S. Stern, North Springfield Professional Center II, 5411–D Backlick Rd., 703–941–8200. Transporting *passengers and their baggage* in the same vehicle with passengers, limited to the transportation of not more than 16 passengers in any one vehicle (exclusive of the driver), in charter and special operations, between points in Atlantic County, NJ, on the one hand, and, on the other, LaGuardia and John F. Kennedy Airports, New York, NY, Philadelphia International Airport, Philadelphia, PA, Greater Wilmington Airport, Wilmington, DE, Baltimore-Washington International Airport, near Baltimore, MD, Washington National Airport, Arlington, VA, and Dulles International Airport, near Chantilly, VA.

MC 154288, filed February 10, 1981. Applicant: HENDERSON TRAVEL, INC., 121 West Barnwell St., Hendersonville, NC 28739. Representative: Virginia D. Johnson (same address as applicant) (704)–693–0701. Authority to operate as a *broker* at Hendersonville, NC, in arranging for the transportation of *passengers* and *their baggage*, beginning and ending at points in Henderson, Buncombe, Polk, and Transylvania Counties, NC, and extending to points in the U.S.

MC 154318, filed February 12, 1981. Applicant: G.F.C, INC., 227 Old Dominion Drive, Charleston, SC 29405. Representative: John D. Cook (same address as applicant) (803) 552–6786. Transporting *general commodities* (except classes A and B explosives), between points in SC.

MC 154349, filed February 12, 1981. Applicant: VERNON MILLING COMPANY, INC., Highway 18 West, P.O. Drawer R, Vernon, AL 35592. Representative: James W. Porter, 1725–28 City Federal Bldg., Birmingham, AL 35203, (205) 322–1744. Transporting (1) *food and related products*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with International Minerals and Chemical Corporation, of Mundelein, IL.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–8089 Filed 3–19–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP1–077

Decided: March 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 154400, filed January 27, 1981. Applicant: LEYDEN SHIPPING CORPORATION, One World Trade Center, Suite 2661, New York, NY 10048. Representative: Bernard Leyden (same address as applicant). As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP2-044

Decided: March 11, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler and Taylor.

MC 109533 (Sub-18), filed January 27, 1981. Applicant: WIEDERHOLD FREIGHT LINES, 5224 Whalen St., Elkton, MI 48731. Representative: Edward E. Wiederhold (same as applicant) (517) 375-4030. Transporting for or on behalf of the United States Government (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP5-78

Decided: March 12, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce and Dowell.

MC 119988 (Sub-272), filed January 6, 1981. Initially published in the Federal Register on February 5, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood (same address as applicant). Transporting *general commodities* (except Classes A and B explosives), between Ft. Calhoun, NE, Arbyrd, Hornersville, and Whitewater, MO, Gosnell, AR, Roseville, IL, Randolph, IA, Clayton, Commerce, and Talihina, OK, Treece, KS, Griffith and Merrillville, IN, Cayce, KY, Lanare and Mentone, CA, Ballston and Milton, NY, on the one hand, and, on the other, points in the United States.

Note.—The purpose of this application is to substitute motor carrier service for completely abandoned rail service. This application is republished so as to include Cayce, KY, and Lanare and Mentone, CA, as service points.

MC 121489 (Sub-23F), filed October 16, 1980. Applicant: NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: William S. Rosen, 630 Osborn Bldg., St. Paul, MN 55102. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 154009, filed February 2, 1981. Applicant: EAST COAST CONSOLIDATORS, INC., 1301 North Broad St., Woodbury, NJ 08096. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8570 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the govering section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP1-078

Decided: March 12, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler and Taylor.

MC 142080 (Sub-18), filed February 6, 1981. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Chase & Company of New York, NY.

MC 148620 (Sub-4), filed February 5, 1981. Applicant: K. G. L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., Atlanta, GA 30043 (404) 658-8045. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in the U.S., under continuing contract(s) with General Foods Corporation of White Plains, NY.

MC 151480 (Sub-2), filed February 4, 1981, previously noticed in the Federal Register issue of March 5, 1981. Applicant: SUNBELT EXPRESS, INC., P.O. Box 13008, Florence, SC 29504. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *metal products*, between Charleston, SC, on the one hand, and, on the other, points in OK and TX and those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Note.—The purpose of this republication is to reflect the correct territorial description.

MC 151550 (Sub-1), filed February 5, 1981. Applicant: DERRILL GREENE, Route 1, Box 230, Clio, AL 36017. Representative: Boyd Whigham, 104 Court Square, Clayton, AL 36016, (205) 775–8555. Transporting *lumber and wood products*, between points in Barbour County, AL, on the one hand, and, on the other, points in AR, FL, GA, IL, IN, KY, LA, MS, NC, OH, SC, TN, TX, and VA.

Volume No. OP4–069

Decided: March 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 42487 (Sub-1033), filed February 6, 1981. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *lumber and wood products*, between points in MO.

Note.—Applicant intends to tack to its existing authority in Docket No. MC–42487 (Subs 500, 578, 646, 708, 787, 799, 831, 865 and 896) at St. Louis, Kansas City, and St. Joseph, MO to permit service to and from points in the U.S.

MC 147276 (Sub-3), filed January 26, 1981. Applicant: BULBURG, INC., 25060 Wick Rd., Warren, MI 48684. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684. Transporting *machinery and metal products*, between points in Wayne, Oakland and Macomb Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 154476 filed February 2, 1981. Applicant: STAR TRANSPORTATION SERVICE, INC., 6660 Dixie Hwy., Fairfield, OH 45014. Representative: Ross A. Vaughn (same address as applicant), (513) 721–7460. Transporting *such commodities* as are used or dealt in by the shipping and container industry, between points in Hamilton, Butler, and Montgomery Counties, OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, and DC.

Volume No. OP5–75

Decided: March 12, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 478 (Sub-1), filed January 28, 1981. Applicant: BRINKE TRANSPORTATION CORPPORATION, 11858 N.W. 36th Ave., Miami, FL 33168. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting in interstate commerce, *general commodities*, between points in FL, on the one hand, and, on the other, points in GA, IL, NJ, and NY.

MC 37898 (Sub-1), filed February 5, 1981. Applicant: THE SNYDER BROTHERS MOVING, INC., d.b.a. GEORGE TRANSPORTATION COMPANY, P.O. Box 427, Warrendale, PA 15086. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. Transporting *household goods*, between points in PA on and west of U.S. Hwy 219, on the one hand, and, on the other, points in AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 40978 (Sub-83), filed January 23, 1981, previously published in **Federal Register** issue February 20, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Transporting *general commodities* (except Classes A and B explosives) between the facilities of Liberty Diversified Industries, Inc., its divisions and subsidiaries, in Minneapolis-St. Paul, MN, and at points in Winona County, MN, on the one hand, and, on the other, points in IL, IN, MI, and WI.

Note.—This republication adds the words "its divisions and subsidiaries."

MC 142559 (Sub-162F), filed October 24, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of electrical and electronic equipment and parts, and plastic articles and parts, and (2) *materials and supplies* used in the production and distribution of the commodities in (1), between the facilities used by Gould, Inc., at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153379 (Sub-1), filed February 3, 1981, previously noticed in the **Federal Register** issue (republication) of March 10, 1981. Applicant: FRANK LACKEY TRUCKING, P.O. Box 48, Fort Smith, AR 72902. Representative: William D. Hendrix (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with International Minerals and Chemical Corp., of Florence, AL.

Note.—Purpose of republication is to include territorial description inadvertantly omitted in original publication.

MC 154258, filed February 6, 1981. Applicant: G. L. WASKO AND SONS, 7615 Date Rd., Stevensville, MI 49127. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Midwest Foundry Co. (Div. of Marmon Group), of Coldwater, MI, Manley Brothers of Indiana, Inc., of Chesterton, IN, and Insulation Consultant & Management Service, Inc., of Baroda, MI.

MC 154279, filed February 6, 1981. Applicant: S & S SERVICES, INC., East Pier, Port of Gulfport, Gulfport, MS 39501. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036. Transporting (1) *food and related products*, between points in MS, AL, and TX, on the one hand, and, on the other, points in AL, GA, FL, TN, MS, LA, ,TX, OK, AR, and MO, and (2) *lumber and wood products*, between points in MA and AL, on the one hand, and, on the other, points in AL, GA, FL, TN, MS, LA, TX, OK, AR, and MO.

MC 154300, filed February 5, 1981. Applicant: TRAVEL RESOURCES, INC., 126 State St., Boston, MA 02109. Representative: William A. Lowell, One Federal St., Boston, MA 02110 (617) 426–4600. To operate as a *broker*, at Boston, MA, of *passengers and their baggage*, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–8871 Filed 3–19–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of

any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been notified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in fulll effect only long as as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a vertified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPY-2-015

Decided: March 12, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 73533 (Sub-16), filed February 20, 1981. Applicant: KEY WAREHOUSE SERVICES, 820 South Oldham St., Baltimore, Maryland, 21224. Representative: William F. Lamperelli (same address as applicant) 301-327-5800. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 128153 (Sub-5), filed March 2, 1981. Applicant: VICTORY VAN CORPORATION, 950 South Pickett Street, Alexandria, VA 22304. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8872 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rule of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commssion's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-045

Decided: March 11, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 151213 (Sub-1F), (Correction), filed November 25, 1980, published in the Federal Register, issue of December 16, 1980, and republished, as corrected this issue. Applicant: S. KENNETH PUCKETT, 8638 Hayshed Lane, Columbia, MD 21045. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *such commodities* as are dealt in by retail department stores, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between Altavista, Lynchburg and Martinsville, VA and points in NC.

MC 152593 (Sub-1), filed February 6, 1981. Applicant: MARTY'S AUTO SERVICE, 314 SE 10th St., Dania, FL 33004. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. Transporting *used motor vehicles*, between points in AL, CT, DE, FL, GA, MD, MA, NJ, NY, NC, PA, RI, SC, VA and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8873 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 41]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 13, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 3581 (Sub-31)X, filed February 23, 1981, previously noticed in the **Federal Register** of March 11, 1981, republished as corrected this issue. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, NE, Suite 107, Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from automobiles, trucks, chassis, tractors and tractor attachments and accessories to "transportation equipment and machinery" (2) authorize radial service in the first portion of its authority between Fulton County, GA (for Hapeville, GA) and points in AL, FL, GA, MS, NC, SC, and TN and (3) remove the restriction against the transportation of shipments moving from Guntersville, AL, and Memphis, TN, which have previously moved to such points by barge and which have originated at Detroit, MI, or Toledo, OH, and are destined to any point in NC or SC. The purpose of this republication is to add machinery to part (1) of the captain summary to bring the commodity description into conformance with the STCC.

MC 19627 (Sub-3)X, filed March 2, 1981. Applicant: FULTON MOVING AND STORAGE, INC., 3002 N. Wygant Avenue, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-3 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) remove the requirement that shipments have an immediately prior or subsequent movement by air and (3) expand the territorial authority from named airports to cities and commercial zones: (a) Portland International Airport, OR to Portland, OR, and (b) Seattle-Tacoma International Airport, near Seattle, WA to Seattle, WA.

MC 24784 (Sub-42)X, filed March 2, 1981. Applicant: BARRY, INC., 463 South Water, Olathe, Kansas. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, Missouri 64141. Applicant seeks to remove the restriction in its Sub-No. 12F certificate limiting the transportation of traffic to that having a prior or subsequent movement by rail.

MC 41098 (Sub-56)X, filed February 18, 1981, previously noticed in the **Federal Register** of March 9, 1981, republished as corrected this issue. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Suite 301, Washington, DC 20006. Applicant seeks to remove restrictions in its Subs-42, 49F, and 50F certificates, and permit MC 144860 Sub-1F to (1) broaden its commodity descriptions (A) in Sub-42, from new furniture, and furnishings, and new store, restaurant, household, hospital, institutional, and office fixtures and equipment, to "furniture and fixtures, machinery and furnishings," and from new floor covering, carpet and padding, to "textile mill products," and (B) in Subs-49F, 50F, and permit MC 144860 Sub-1, from golf carts and industrial vehicles, and parts and attachments, and, helicopters and parts for helicopters, to "transportation equipment"; (2) in each certificate, change its one-way authority to radial authority between several specified States in the U.S., and replace cities or specified plantsites with county-wide authority: (A) in Sub-42, part (II)(a), Allentown, PA, with Lehigh County, PA, Brockport, NY, with Monroe County, NY, Ashland, MA, with Middlesex County, MA, Asheboro, NC, with Randolph County, NC, Ontario, San Leandro, and Garden Grove, CA, with San Bernardino, Alameda, and Orange Counties, CA Tukwila, WA, with King County, WA; in part (II)(b), Seattle and Tukwila, WA, with King and Seattle Counties, WA, Ontario, CA, with San Bernardino County, CA, Grand Prairie, TX, with Dallas County, TX, Lenexa, KS, with Johnson County, KS, Broadview, IL, with DuPage County, IL, Laurel, MD, with Prince George County, MD, Edison, NJ, with Middlesex County, NJ, and Columbus, OH, with Franklin County, OH; in part (II)(c), Jackson and Canton, MS, with Hinds and Madison Counties, MS, Alamogordo, NM, with Otero County, NM; in part (II)(d), St. Cloud, MN, with Stearns County, MN, Mansfield, OH, with Richland County, OH, Heron, IL, with Williamson County, IL; in part (III) (a) and (c), Dalton and Cartersville, GA, with Whitfield and Bartow Counties, GA; (B) in Sub-49F, Anaheim, CA, with Orange County, CA; (C) in Sub-50F, Redlands, CA, with San Bernardino County, CA; and (D) in permit MC 144860 Sub-1, authorize service between points in the U.S., under continuing contract(s) with a named shipper. The purpose of this republication is to reflect the expansion of Jackson and Canton, MS, not MI, to appropriate counties.

MC 59666 (Sub-11)X, filed March 3, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Avenue, Pawtucket, RI 02860. Representative: A. Joseph Mega (same as applicant). Applicant seeks to remove restrictions in its MC 148370 Subs-6F, 7F, and 8F permits to broaden its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper, in each permit.

MC 90611 (Sub-7)X, filed March 3, 1981. Applicant: CONSTABLE TRANSPORT, LIMITED, P.O. Box 248, Thorold Ontario, Canada L2V 3Y9. Representative: Robert D. Gunderman, Suite 710, Statler Building, Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Subs-3 and 4 by (1) broadening the commodity descriptions wood pulp and pulpboard, paper stock, pulpboard, and paper winding cores and plugs and waste paper to "pulp, paper and allied products"; (2) broadening Tonowanda, Akron, Oakfield, Lockport, and the town of Tonawanda, NY to points in Erie, Genesee and Niagara Counties, NY; (3) replacing one-way with radial authority, including attendant implied authority for the movement of materials, equipment and supplies; and (4) broadening authority from the ports of entry on the International Boundary line between the United States and Canada at Niagara Falls and Buffalo, NY, to all ports of entry in New York to allow radial service between ports of entry in NY, and points in Erie, Genesee, and Niagara Counties, NY.

MC 106644 (Sub-360)X, filed February 26, 1981. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker III (same as above). Applicant seeks to remove restrictions in its Subs-168, 227 and 262F certificates to (1) broaden the commodity description from source, special nuclear, and by-product materials, radioactive materials, related radioactive equipment, component parts and associated materials to "metal products; machinery; hazardous materials; chemicals and related products; ores and minerals; clay concrete, glass or stone products; waste or scrap material not identified by industry producing", and (2) remove the AK and HI exceptions to allow radial service between TX and the U.S.

MC 108223 (Sub-43)X, filed February 23, 1981. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Robert S. Lee, 1800 TCF Tower, Minneapolis, MN 55402. Applicant, a non-rail affiliated carrier, seeks to remove restrictions in its lead and Subs-13, 16, 19, 23, 29, 33, 34, 36, and 40 certificates and MC 52752 (acquired in MC-F-14132) to: (A) broaden its commidity description from (1) general commodities with various exceptions to "general commodities except Classes A and B explosives" in all instances in the lead and Subs-13, 16, 19, 29, 34, and 40 certificates and MC 52752, (2) from packinghouse products to "food and related products" in the lead certificate, sheet 6, (3) from farm machinery and twine to "machinery" and "textile mill products" in Sub-19, sheet 8, (4) from batteries, paper, paper labels, paper boxes, and chipboard to "machinery" and "pulp, paper, and related products" in Subs-19, sheet 8 and Sub-23, and (5) from charcoal, charcoal briquettes, barbecue accessories and materials, supplies and equipment used in the manufacture or distribution of such items to "such commodities as are dealt in by manufactures and distributors of charcoal and barbecue equipment" in Sub-36; (B) to authorize service at all intermediate points along its authorized regular routes between named points primarily in MN, WI, and IL, in its lead and Subs-19, 34, and 40 certificates and MC 52752, and to remove the following restrictions from its lead certificate (1) sheet 3, No service shall be rendered between Brainerd, Cass Lake, and Bemidji, Minn., or between any points located between Brainerd and Bemidji on the route between St. Paul and Blackduck, Minn. No service shall be rendered between The Twin Cities and points located on U.S. Highway 169 between Minneapolis and Onamia, Minn., including Onamia, on the route between St. Paul, Minn., and junction U.S. Highway 71 and Minnesota Highway 11. (2) sheet 4, No service shall be rendered between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, Waskish, Minn., and points on U.S. Highways 10 and 371 between The Twin Cities and Brainerd, including Brainerd. No service shall be rendered between Bemidji and Waskish, Minn. No service shall be rendered at Brainerd in connection with traffic moving to or from Duluth, Minn. No service shall be rendered between Duluth, Minn., and Superior, Wis., or between Superior and Minneapolis and St. Paul, Minn. (3) sheet 6, Shipments transported shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said operation to service which is auxiliary to, or supplemental of, express service. (4) sheet 7, The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering, in addition to a motor carrier movement by said carrier, and immediately prior or immediately subsequent movement by rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. and (5) sheet 8, Restriction: No traffic may be transported over U.S. Highway 8 from Minneapolis and St. Paul, Minn., to points south of Riverside, Wis., on carrier's authorized route between Duluth, Minn., and St. Croix Falls; (C) to delete facilities restriction (C.C.C. Camps) in the lead certificate, sheet 9; (D) to replace plantsite authority at Rochelle, IL with city-wide authority at Rochelle, IL in Sub-19, sheet 2; (E) to remove the originating at and destined to restriction in Sub-19, sheet 2; (F) to broaden its territorial description to replace (1) Minneapolis, St. Paul, South St. Paul, and Newport, MN, with Minneapolis, MN in Sub-19, sheet 7, (2) Belvidere, IL, with Boone County, IL, in Sub-19, sheet 7, (3) Two River, WI, with Manitowoc County, WI, in Sub-19, sheet 7, (4) Grand Rapids, MN, with Itasco County, MN, in Sub-33, and (5) replace named points and areas with county-wide authority in Pepin , Buffalo, Pierce, Dunn, Trempleleau, Jackson, and LaCrosse Counties, WI, and Houston, Fillmore, Winona, Olmstead, Mower, Wabasha, Washington, and Goodhue, MN, in the irregular route portion of Sub-34; and (G) replace one-way authority with radial authority (1) between St. Paul, MN, and Chicago, IL, and points in Wisconsin in Sub-19, sheet 8, (2) between Stillwater, MN, and points in Wisconsin in Sub-19, sheet 8, (3) between Duluth, MN, and Chicago, IL, and points in Wisconsin in Sub-23, and (4) between Itasco County, MN, and points in the U.S. in Sub-33.

MC 111574 (Sub-8)X, filed March 2, 1981. Applicant: A. GIORDANA TRUCKING CORPORATION, d.b.a. EMMETT TRUCKING CO., 548 Lehigh Avenue, Union, NJ 07083. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant, a non-rail affiliated carrier seeks to remove restrictions in its lead certificate and Sub-No. 7 to (1) remove all exceptions from its general commodities authorities (except classes A and B explosives); (2) replace Elizabethport, Roselle, Bayway, Grasselli, Warners, Tremley, Fanwood, with Union County, NJ, Kearny, and Bayonne, with Hudson County, NJ, Carteret, Barber, Sewaren, and Middlesex with Middlesex County, NJ, and Finderne with Somerset County, NJ, in its lead certificate; remove the

various restrictions limiting service to that performed by the carrier as auxiliary or supplemental of rail service, in its lead certificate; and eliminate the restrictions limiting traffic moving on freight forwarder bills of lading, as defined by the Commission, in its lead certificate.

MC 112617 (Sub-478)X, filed February 27, 1981. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 257, 289, 310, 346, 382, 428, 429F, 433F, 447F, 473F, and 474F certificates, and E–26, E–36, E–43, E–44, and E–45 letter notices to (1) broaden the commodity description from chemicals, petroleum and petroleum products, acids, plastic and plastic materials, in bulk, to "commodities, in bulk" in all certificates and letter notices; (2) remove from the commodity description restrictions (a) "in tank vehicles" in Sub-Nos. 346, 382, 428, 429F, 433F, 447F, 473F, E–36, E–43, E–44, and E–45; (b) "in tank or hopper type vehicles" in Sub-No. 474F; (c) "except petrochemicals" in Sub-Nos. 289 and E–26, E–36, E–43, E–44, and E–45; (d) "except cryogenic liquids" and "lard, fats, tallow, oils and greases to points in Indiana" in Sub-No. 346; and (e) "dry chemicals to points in Ohio, Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties, TX", in Sub-No. 289; (3) remove the facilities limitations in each certificate and letter notice; (4) change city-wide to county-wide authority from: Carrollton to Carrollton County, KY in Sub-No. 257; Owensboro to Daviess County, KY in Sub-No. 289, E–26, E–36, E–43, E–44, and E–45; Mount Vernon to Posey County, IN in Sub-No. 310; Paducah to McCracken County, KY in Sub-No. 346; Paris to Bourbon County, KY in Sub-No. 382; Wood River to Madison County, IL in Sub-No. 429F; Chocolate Bayou and Texas City to Brazoria and Galveston Counties, TX, respectively, in Sub-No. 433F; Deer Park to Harris County, TX in Sub-No. 447F; Knoxville to Knox County, TN in Sub-No. 473F; Haverhill to Scioto County, OH in Sub-No. 474F; and Kingsport and Elizabethton to Sullivan and Carter Counties, TN, respectively, in E–36; (5) expand one-way authority to radial authority between (a) Carrollton County, KY and points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, OH, NC, SC, TN, TX and WI in Sub-No. 257; (b) Daviess County, KY and points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NC, OH, OK, SC, TN, TX, and WI in Sub-No. 289; (c) Posey County, IN and points in AL, AR, CA, CO, CT, DE, FL, GA, IA, KS, LA, MA, MD, MI, MN, MS, NJ, NY, NC, OH, OK, PA, SC, TX, VT, VA, WV, WA, and WI in Sub-No. 310; (d) McCracken County, KY and points in AL, AR, GA, IL, IN, KY, MS, MO, OH, TN, WV, and VA in Sub-No. 346; (e) Madison County, IL and points in AL, AR, FL, GA, IN, KY, LA, MA, MD, MI, MO, MS, NJ, NY, OH, PA, RI, SC, TX, VA, and WV in Sub-No. 429F; (f) Brazoria and Galveston Counties, TX, Houston, TX and points in the US in and east of LA, AR, MO, IA, and MN in Sub-No. 433F; (g) Harris County, TX and points in the US in Sub-No. 447F; (h) Scioto County, OH and points in the US in Sub-No. 474F; (i) Daviess County, KY and points in MD, VA, Detroit, MI, Sullivan and Carter Counties, TN, PA, WV, FL, NM, WY, UT, CO, and MT in E–26, E–36, E–43, and E–45; and (j) expand one-way authority to two-way authority between Daviess County, KY and ND in E–44; and (6) remove restrictions against (a) AK and HI in Sub-Nos. 382, 447F, 473F, and 474F; and (b) "originating at and destined to" in Sub-Nos. 257, 310, 346, 382, and 428.

MC 114632 (Sub-293)X, filed March 2, 1981. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same as above). Applicant seeks to remove restrictions in its Sub-No. 285F certificate to (1) broaden the commodity description from general commodities (except commodities in bulk) to "general commodities", and (2) remove the restriction to traffic moving on bills of lading of freight forwarders.

MC 121470 (Sub-80)X, filed February 26, 1981. Applicant: TANKSLEY TRANSFER CO., 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions from its Sub-No. 23F certificate to (1) broaden commodity description from steel footwalks, aluminum footwalks, and fiberglass footwalks to "metal products and clay, concrete, glass or stone products"; (2) remove the facilities limitation; (3) change city-wide to county-wide authority from Gulfport to Harrison County, MS; Easton to Northampton County, PA; and Long Island City to Queens County, NY; (4) remove the AK and HI exception; (5) expand one-way authority to radial authority between Charlotte, NC, Harrison County, MS, Kansas City, KS, Nashville, TN, Northampton County, PA, Queens County, NY and points in the US; and (6) remove the "originating at and destined to" restriction.

MC 121470 (Sub-81)X, filed March 2, 1981. Applicant: TANKSLEY TRANSFER CO., 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to eliminate restrictions, in its its Sub-Nos. 9 and 11 certificate to (A) expand the commodity description to "buildings and such commodities as are dealt in by manufacturers and distributors of building materials", from, buildings, complete, knocked down, or in sections, building sections, and building panels, parts and accessories used in the installation thereof, metal and prefabricated structural components in panels, and materials, equipment and supplies in Sub-No. 9, and printed hardboard, fibreboard, and particleboard, returned shipments thereof, and equipment, materials and supplies in Sub-No. 11; (B) eliminate the facilities limitation in each Sub-No., (C) replace city with county-wide authority from Portland, TN to Sumner County, TN in Sub-No. 9 and from Dickson, TN to Dickson County, TN in Sub-No. 11, (D) eliminating the restrictions to the transportation of traffic originating at or destined to named points or facilities in each sub, (E) change one way to radial authority between Sumner County, TN, and, and described portion of the U.S. in Sub-No. 9 and Dickson County, TN, and, a described portion of the U.S. in Sub-No. 11.

MC 121712 (Sub-9)X, filed February 27, 1981. Applicant: MORRIS TRANSPORTATION, INC., 6300 Baldwin St., Oakland, CA 94621. Representative: Marvin Handler, 100 Pine St., Suite 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its Sub-No. 8F certificate to broaden the commodity description from (a) oil filters to "machinery", petroleum products (in containers) to "petroleum, natural gas, and their products", in part (A)(2); (b) scaffolding and shoring and related steel items and machinery, materials, tools, and supplies used in concrete construction to "metal products, machinery, and construction and building materials, equipment, and supplies," in part (A)(3); (c) iron and steel articles to "metal products," in part (A)(4); (d) tinplate to "metal products" in part (A)(5); and (e) general commodities (with exceptions, including the exception of automobiles and trucks) to "general commodities (except household goods and classes A and B explosives)" in part (B); and remove the restriction against the transportation of Mercer commodities, earth drilling machinery and equipment, self-propelled articles

weighing 15,000 lbs. or more and size and weight commodities in part (A)(3).

MC 121615 (Sub-4)X, filed March 3, 1981. Applicant: ALL SOUTH MOTOR FREIGHT, INC., 1220 Snyder Court, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F to (1) broaden the commodity descriptions from general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)" and (2) to authorize service at all intermediate points along described regular routes between (a) Chattanooga and Memphis, TN and (b) Chattanooga and Nashville, TN, in Sub-No. 2F, and Nashville, TN and St. Louis, MO, in Sub-No. 3F.

MC 125910 (Sub-3)X, filed March 3, 1981. Applicant: CUSTOM TRANSPORT, INC., P.O. BOX 310, Lincolnton, NC 28092. Representative: Jack F. Counts, P.O. Box 26125, Charlotte, NC 28213. Applicant seeks to remove restrictions in its lead and Sub-No. 2F certificates to broaden its commodity description to (1) "textile mill products and materials, equipment and supplies used in the manufacture and distribution thereof, waste or scrap materials not identified by industry and chemicals and related products", from textile materials, textile waste materials, and used bagging and textile waste materials, and cotton which are within the exemption of 49 U.S.C. 10526(a)(6), when transported in the same vehicle with the commodities specified herein, and synthetic textile fibers in its lead certificates; to (2) "pulp, paper and related products" from paper, paper products, and materials and supplies used in the manufacture of paper and paper products in Sub-No. 2F; (3) remove the "except commodities in bulk" restriction in Sub-No. 2F; and (4) change the territorial description by substituting Escambia County, FL for the named facilities in Cantonment, FL, in Sub-No. 2F.

MC 128570 (Sub-23)X, filed March 4, 1981. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, DE 19802. Representative: James F. Flint, 406 World Center Building, 918 16th Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its permit No. MC-115601 (Sub-Nos. 3, 6, and 14) to (1) expand the territorial description to authorize service in each of the above permits between points in the U.S., under a continuing contracts(s) with various shippers, primarily financial institutions; (2) broaden the commodity descriptions (a) in Sub-No. 3 from cash letters to "audit media and other business records", (b) in Sub-No. 6 from cash, coin currency, securities, and other negotiable instruments to "article of unusual value" and (c) in Sub-No. 14 from coin and currency to "articles of unusual value"; and (3) remove the "in armored vehicles" restriction in Sub-No. 14.

MC 128868 (Sub-4)X, filed March 2, 1981. Applicant: CENTRAL PENN AIR SERVICE, INC., P.O. Box 192, Middletown, PA 17057. Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1 and 2 certificates by (a) broadening it commodity description from "general commodities" (with usual exceptions) to "general commodities (except class A and B explosives)"; (b) removing the "ex-air" restrictions; and (c) expanding the territorial description to authorize county-wide authority: In Sub 1, Dauphin County, PA for Middletown, and, in Sub 2, Essex County for Newark, NJ.

MC 129081 (Sub-11)X, filed March 2, 1981. Applicant: LAND-AIR DELIVERY, INC., P.O. Box 2250, Bowling Green, KY 42101. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions in its Sub-Nos. 9 and 10 certificates which authorize the transportation of general commodities (with exceptions) radially between airports in KS, MO, NE, OK, and TX, and points in KS, MO, NE, OK, and TX, in Sub-No. 9 and radially between a portion of AR and the radial points named above in Sub-NO. 10, by removing a restriction requiring traffic to have a prior or subsequent movement by air.

MC 134477 (Sub-436)X, filed March 2, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43486, St. Paul, MN 55164. Applicant seeks to remove restrictions from its Sub-419F certificate to (1) broaden the commodity descriptions from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) remove the facilities limitation at Minneapolis, MN; and (3) expanded one-way authority to radial authority between points in CT, MD, MA, NJ, NY, PA, RI and Minneapolis, MN.

MC 135003 (Sub-4)X, filed March 5, 1981. Applicant: C.R.X. CORPORATION, 4016 7th Place, Winona, MN 55987. Representative: Jack H. Blanshan, 205 West Toughy Avenue, Park Ridge, IL 60068. Applicant seeks to remove restrictions from its Sub-3F certificate to (1) broaden the commodity description from frozen potatoes and potato products to "food and related products", (2) remove the facilities limitation at Minneapolis, MN and expand one-way authority to radial authority between Minneapolis, MN and points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, OH, PA, RI, VT, VA, WV, and DC; and (3) eliminate the "originating at the destined to" restriction.

MC 136605 (Sub-165)X, filed March 2, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 6129, Missoula, MT 59807. Representative: Allen P. Felton (same address). Applicant seeks to remove restrictstion from its Sub-Nos. 45F, 65F, 71F, 76F, 77F, 79F, 96F, 97, 103F, 120F, 123F, 130F, 136F, and 158F certificates to (1) change the commodity descriptions from various steel and metal items, such as iron and steel articles, steel and metal buildings, steel pipe and oil well casing, etc., to "metal products" in each of the above-number certificates, and in Sub-No. 136F, from precast concrete units and accessories and steel products to "metal, clay, concrete, glass or stone products"; (2) remove the facilities limitations located in 19 central and western States in each of the above-numbered certificates; (3) delete the "originating at" restriction in Sub-No. 97F; (4) replace city-wide authority with county-wide authority: In Sub-No. 45F, Norfolk with Madison County, NE; in Sub-No. 71F, Hopkins and Hennepin County, MN; in Sub-No. 76F, Spanish Fork with Utah County, UT; in Sub-No. 77F, Vermillion with Clay County, SD; in Sub-No. 97F, Sterling with Whiteside County, IL; in Sub-No. 103F, Sioux Falls with Minnehaha County, SD; in Sub-No. 130F, Peoria with Peoria County, IL; and in Sub-No. 136F, Fort Morgan with Morgan County, CO; and (5) authorize radial service befween points located mainly throughout the central and western portions of the U.S.

MC 138157 (Sub-267)X, filed February 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931-South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). Applicant seeks to remove restrictions in its Sub-No. 229F certificate to (1) broaden the commodity description from paperboard products (except in bulk) to "pulp, paper, and related products", (2) remove the in bulk exceptions; (3) broaden the city-wide authority to county-wide authority as follows: Hamilton County, TN for Chattanooga, TN, (4) remove the AK and

HI exceptions, and (5) remove an originating at and destined to named facilities restriction to authorize radial service between Hamilton County, TN and points in the U.S.

MC 138602 (Sub-20)X, filed February 25, 1981. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, VA 22932. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its authority acquired in MC-F-13930 (the following Sub-Nos. refer to those under docket MC 138635 which is the acquired authority) to (1) change the commodity descriptions from frozen foods in Sub-2, 4, 18, 26, 27, and 32, frozen foods (except in bulk) in Sub-3, 29, and 30, meats, meat products, and meat by-products, dairy products and articles distributed by meat-packinghouses as described in *Modifications of Permits—Packing House Products*, 46 M.C.C. 23, meats, meat products and meat by-products and articles distributed by meat packinghouses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (with or without exceptions of commodites in bulk or hides), prepared foodstuffs and frozen bakery goods in Sub-4, from frozen bakery products in Sub-15, from frozen foodstuffs in Sub-20, and from foodstuffs, packaging materials and supplies used in the manufacture and production of frozen foods (except in bulk), to "food and related products"; (2) remove facilities limitations at Crozet, VA in Sub-2, 3, 4, 18, and 24, Cleveland, OH, New Albany, IN, and Goodlettsville, TN, in Sub-4, Pottstown, PA, in Sub-15, Russellville, AR, in Sub-18, Greenville, MI, in Sub-20, Seabrook, NJ, in Sub-26, Syracuse, NY, in Sub-27, Plover, WI, in Sub-29 and 30, and Cumberland, Gloucester, and Salem Counties, NJ, in Sub-32; (3) substitute Albemarle County, VA, for Crozet, VA, in Sub-2, 3, 18 and 24; Dane County, WI, for Madison, WI, in Sub-4; Pope County, AR, for Russellville, AR, in Sub-18; Davidson County, TN, for Goodlettsville, TN, in Sub-4; Montgomery County, PA, for Pottstown, PA, in Sub-4 and 15; Montcalm County, MI, for Greenville, MI, in Sub-20; Cumberland County, NJ, for Seabrook, NJ, in Sub-26; Onandaga County, NY, for Syracuse, NY, in Sub-27; Portage County, WI, for Plover, WI, in Sub-29 and 30; and Kent and Ionia Counties, MI, for Lake Odessa and Grand Rapids, MI, in Sub-32; (3) delete vehicle restrictions in Sub-3 and 4; (4) remove the exceptions of (a) bakery goods moving from Toledo and Cleveland, OH, in Sub-3, (b) dairy products moving form Madison, WI, in Sub-4; (5) remove originating at or destined to restrictins in Sub-2, 3, 4, 18, 24, 26, 29, 30, and 32; (6) remove an interlining restriction in Sub-4; and (7) change one-way to radial authority (a) between Albemarle County, VA and Cleveland and Toledo, OH and 29 eastern, southern, and midwestern States in Sub-2, 3, 4, 18, and 24, (b) between Cleveland, OH, and 10 northeastern and mid-atlantic States in Sub-4, (c) between Dane County, WI, and NC, VA, MD, WV, and DC in Sub-4, (d) between New Albany, IN, and MO, IL, IN, OH, WV, KY, TN, PA, VA, NC, SC and GA in Sub-4, (e) between Davidson County, TN, and AL, GA, KY, NC, SC, VA, and WV in Sub-4, (f) between Montgomery County, PA, and CT, KY, MA, NC, OH, RI, SC, TN, VA, and WV, in Sub-4 and 15, (g) between Moncalm County, WI and 20 southern and eastern States in Sub-20, (h) between Cumberland County, NJ and NJ, PA, OH, IN, IL, KY, and MI, in Sub-26, (i) between Onandaga County, NY and 13 eastern and mid-atlantic States in Sub-27, (j) between Portage County, WI, and 23 eastern southern and midwestern States in Sub-29 and 30, and (k) between Kent and Ionia Counties, MI and Cumberland, Gloucester, and Salem Counties, NJ, in Sub-32.

MC 140273 (Sub-29)X, filed March 2, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Towers, 121 So. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions from its Sub-7F certificate to (1) broaden commodity description from park equipment, playground equipment, benches, tables, planters, litter recepticles and finished redwood products to "lumber and wood products, and metal products", (2) replace city with county-wide authority form DeLano, MN, to Wright County, MN, (3) remove an exception against transportation to and from AK to HI, and (4) change one-way authority to two-way authority between Wright County, MN, and, points in the United States.

MC 140273 (Sub-30)X, filed March 2, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-13F certificate to (1) broaden its commodity description from salt (except in tank and hopper containers), to "food and related products", and (2) change its one-way authority to radial authority between St. Paul, MN, and points in WI, IA, ND, SD, IL, and the Upper Peninsula of MI.

MC 140294 (Sub-25)X, filed March 3, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions from its regular route authority, paragraph (1), in its Sub-17F certificate to allow it to serve all intermediate points between Hagerstown, MD and Baltimore, MD.

MC 141124 (Sub-58)X, filed February 27, 1981. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 1709, Wilmington, DE 19899. Representative: Boyd B. Ferris, 50 W. Broad, Columbus, OH 43215. Applicant seeks to remove restrictions from its lead and Sub-2, 3, 4, 5, 7, 9, 10, 12, 13, 15F, 16F, 17F, 18F, 23F, 27F, 29F, 30F, 31F, 32F, 33F, 34F, 39F, 40F, 42F, 43F, 44F, 45F, 48F, 49F, 55F and 56F certificates to (1) change the commodity descriptions (a) from paper and paper products, and such commodities as are dealt in by manufacturers or converters of paper and paper products, etc., to "pulp, paper and related products" in the lead, Sub-2, 4, 10, 12, 15F, 17F, 23F, 27F, 29F, 30F, 31F, 32F, 33F, 34F, 39F, 40F, 42F, 43F, 44F, 45F, 49F,and 56F; (b) from materials, equipment and supplies utilized in the installation of floor coverings, etc., to "such commodities as are dealt in or used by manufacturers of floor coverings" in the lead; (c) from various foodstuff items such as oleomargarine, shortening, etc., to "such commodities as are dealt in or used by manufacturers or distributors of foodstuffs" in Sub-3 and 18F; (d) from asbestos-cement roofing and siding and accessories to "such commodities as are dealt in or used by manufacturers or distributors of buildings or construction materials" in Sub-5; (e) from wood furniture stock, wood dimension stocks, wood fiber board, etc., to "such commodities as are dealt in or used by manufacturers or distributors of lumber and wood products and furniture, matches, and veneer" in Sub-7, 9 and 55F; (f) from doors, door parts, panels, hardware, electrical control parts, steel channels, etc., to "such commodities as are dealt in or used by manufacturers or distributors of building and construction materials" in Sub-13; (g) from abrasives and commodities used in the manufacture or distribution of abrasives to "such commodities as are dealt in or used by manufacturers of chemicals or

allied products" in Sub-16F; and (h) from plastic products to "such commodities as are dealt in or used by manufacturers and converters of pulp, paper, and related products and plastic products" in Sub-42F; (2) remove all exceptions to commodities in bulk wherever they appear in each of the above-numbered certificates; (3) delete facilities and plantsite limitations in the lead, Sub-2, 3, 7, 10, 13, 15F, 16F, 33F, and 46F; (4) replace city-wide authority with county-wide authority; in the lead, Hamilton and Piqua with Butler and Miami Counties, OH; in the lead and Sub-2, Chillicothe with Ross County, OH; in Sub-3, St. Bernard with Hamilton County, OH; in Sub-5, Windgap with Northhampton County, PA; in Sub-7, Hanover, South Boston, and Westfield with Plymouth, Boston and Hampden Counties, MA and Norwich and Windsor Locks with New London and Hartford Counties, CT; in Sub-9, Dixfield and Oakland with Oxford and Kennebec Counties, ME and Springfield with Hampden County, MA; in Sub-10 and 29F, Jay and Livermore Falls with Franklin and Androscoggin Counties, ME; in Sub-12, Woodland with Washington County, ME, Gilman with Essex County, VT, Lyons Falls and Plattsburg with Lewis and Clinton Counties, NY; in Sub-13, Hartford and Shelbyville with Blackford and Shelby Counties, IN, Cortland with Cortland County, NY, Marion with Marion County, OH, Salem with Marion County, OR, and Lewistown with Mifflin County, PA; in Sub-18F, Canton and Waynesville with Haywood County, NC, Asheville and Fletcher with Buncombe and Henderson Counties, NC; in Sub-17F, Corinth and Ticonderoga with Saratoga and Essex Counties, NY; in Sub-18, Fair Lawn with Bergen County, NJ; in Sub-23F, Newark with Alameda County, CA; in Sub-27F, 39F, and 43F, Morris and St. Charles with Grundy and Kane Counties, IL; in Sub-31F, Middletown and Hamilton with Butler County, OH, Miamisburg, Urbana and West Carrollton with Montgomery, Champaign, and Montgomery Counties, OH; in Sub-32F, Fort Edward with Washington County, NY; in Sub-34F, Groveton with Coos County, NH and Old Town with Penobscot County, ME; in Sub-40F, Gouverneur with St. Laurence County, NY and Wilmington with Will County, IL; in Sub-43F, Natchez with Adams County, MS; in Sub-45F, Rumford with Oxford County, ME, Beaver Falls and Lowville with Lewis County, NY, Brownville with Jefferson County, NY, and Brattleboro with Windham County, VT; in Sub-48F, Hicksville with Nassau County, NY, Saddlebrook with Rochelle County, NJ, and Harrodsburg with Mercer County, KY; in Sub-49F, Kalamazoo and Parchment with Kalamazoo and Parchment Counties, MI, Berlin and Gorham with Coos County, NH; and in Sub-55F, Winchester with Clark County, KY; (5) eliminate the "originating at and destined to" restrictions in Sub-4 and 16F; (6) remove except AK and HI from the territorial descriptions in Sub-5, 13, 22F, 26F, 40F, 42F, 48F, 49F, and 55F; and (7) expand its territorial authority to authorize radial service between points located throughout the U.S. or combinations of various specified States therein.

MC 141993 (Sub-3)X, filed March 2, 1981. Applicant: AIR CARGO TRANSIT, INC., 1311 South 27th Street, Phoenix, AZ 85034. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions in its Sub-2F certicate to remove the restriction to the transportation of traffic having a prior or subsequent movement by air.

MC 142370 (Sub-6)X, filed March 2, 1981. Applicant: PAUL LONDINO, d.b.a. SCRANTON TRANSFER, 500 North 3rd Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Applicant seeks to remove restrictions in its Sub-5F certificate to eliminate the restriction prohibiting transportation of commodities to and from named facilities located at Paris and Charleston, AR, from its authorities to transport general commodities with the unsual exceptions over a regular route between Morrison's Bluff and Ft. Smith, AR.

MC 142300 (Sub-4)X, filed March 5, 1981. Applicant: ELLERBROCK TRUCKING, INC., Highway 20 East, Sac City, Iowa 50583. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, Iowa 50309. Applicant seeks to remove restrictions in its Sub-2F, certificate to (1) replace the plantsite restriction with countywide authority: Sac County, IA, for Sac City, IA, (2) eliminate the "except commodities in bulk" restriction; and (3) eliminate the restriction against participating in joint-line service.

MC 144049 (Sub-2)X, filed March 2, 1981. Applicant: EXPORT STORAGE COMPANY, INC., 270 Guadalupe Street, Laredo, Texas 78040. Representative: Eduardo Peña, Jr., 243 National Press Building, Washington, DC 20045. Applicant seeks to remove restrictions in its Sub-1F certificate to(1) remove exceptions to its general commodity description, except classes A and B explosives; (2) replace the designation of the port of Brownsville, Brownsville, and Boca Chica, Texas with county-wide authority in Cameron County, Texas; (3) remove the restriction limiting authority to shipments having a prior or subsequent movement in foreign commerce, and (4) expand ports of entry on the international boundary line between the U.S. and Mexico from Brownsville, Texas to ports of entry in Texas.

MC 144568 (Sub-9)X, filed March 4, 1981. Applicant: S. W. TRANSPORT, INC., 61 Lake Street, P.O. Box 728, Rouses Point, NY 12979. Representative: Donald E. Cross, 400 World Center Building, 918 16th Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Permit MC 144568 (Sub-1, 4, 5, 6, and 7)F by (1) removing "except in bulk" restrictions and broadening the commodity descriptions (a) in Sub-1F, 4F, 6F, and 7F, from iron and steel articles and materials, equipment and supplies used in the manufacture of iron and steel articles to "such commodities as are dealt in or used by manufacturers or distributors of iron and steel articles", and (b) in Sub-5F from fencing and fencing parts and material, equipment and supplies used in the manufacture of fencing and fencing parts to "such commodities as are dealt in or used by manufacturers or distributors of fencing"; and (2) expanding the territorial authority to authorize service between points in the U.S. in each of the above permits under a continuing contract(s) with named shippers.

MC 146145 (Sub-5)X, filed February 27, 1981. Applicant: TOWER TRANSPORT, INC., 5300 West 41st Street, Chicago, IL 60650. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions from its Sub-1F and 2F certificates to (1) broaden the commodity description from frozen foodstuffs to "food and related products" in Sub-1F; (2) remove the facilities limitation at Chicago, IL in Sub-1F; and at named points in Sub-2F; (3) change city-wide to county-wide authority from Hammond to Lake County, IN; Indianapolis to Marion County, IN; Versailles to Woodford County, KY; Lexington to Fayette County, KY; Ossining to Westchester County, NY; Nashville to Davidson County TN; Taunton to Bristol County, MA; and Muscatine to Muscatine County, IA in Sub-2F; (4) expand one-way authority to radial authority between Chicago, IL and points in CO, IL, IN, IA, KS, KY, MI, MN, NO, NE, ND,

OH, SD, and WI in Sub-1F; and (5) remove the restrictions (a) "except AK and HI" in Sub-2F; and (b) "originating at or destined to" in Sub-1F.

MC 146464 (Sub-4)X, filed March 2, 1981. Applicant: F. J. CRIKOS TRUCKING, INC., 141 Helman Lane, Cotati, CA 94928. Representative: Eldon M. Johnson, The Hartford Building, 650 California Street, Suite 2606, San Francisco, CA 94108. Applicant seeks to remove restrictions in its lead permit to (1) remove the facilities limitation at Trentwood, Mead, and Tacoma, WA; and (2) broaden the territorial description to between points in the U.S., under the continuing contract(s) with a named shipper.

MC 146844 (Sub-5)X, filed March 3, 1981. Applicant: NATIONAL TRUCK BROKERAGE, INC., d.b.a. HICKS MOTOR LINES, P.O. Box 176, Humboldt, TN 38343. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Popular Ave., Memphis, TN 38137. Applicant seeks to remove restrictions from its Sub-4 certificate to (1) broaden its commodity descriptions (a) in parts (1) and (2), from meats, meat products, meat by-products, articles distributed by meat-packing houses, and foodstuffs, (except commodities in bulk and those described above, to "food and related products", and (b) in part (3), from hot melted adhesives, to "chemicals and related products"; (2) change city-wide to county-wide authority and one-way to authorize radial service between points in Tipton, Obion and Gibson Counties (Covington, Union City, and Humboldt) TN, and points in the US; (3) eliminate the restriction limiting transportation to traffic in vehicles equipped with mechanical refrigeration; and (4) remove the AK and HI exception.

MC 147571 (Sub-1)X, filed March 2, 1981. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, 500 Armory Drive, South Holland, IL 60473. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Il 60603. Applicant seeks to remove restrictions from its lead permit to (1) broaden the commodity description from frozen foodstuffs, and materials, equipment and supplies, foodstuffs, flavorings, stabilizers, chocolate coatings, sticks, and paper products, chocolate cocoa powder, fruit, fruit juice, and applesauce to "food and related products and pulp paper and related products"; (2) remove the restriction "except commodities in bulk"; (3) expand its territorial authority to between points in the US under continuing contract(s) with a named shipper; and (4) remove the restriction against service to AK and HI.

MC 147919 (Sub-1)X, filed March 2, 1981. Applicant: SEA LANE EXPRESS, INC., 2 Longview Place, Great Neck, NY 11021. Representative: Eugene M. Malkin, Suite 1632, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity description from general commodities, with exceptions, to general commodities (except Classes A and B explosives); (2) remove restrictions which limit transportation to shipments in trailers or containers, and to traffic having a prior or subsequent movement by water; and (3) replace (a) New Bedford, MA with Bristol County, MA, and (b) New Haven, CT, with New Haven County, CT.

MC 147948 (Sub-6)X, filed March 2, 1981. Applicant: A. J. ROSS ENTERPRISES, INC., 225 Smith St., Keasbey, NJ 08832. Representative: Morton E. Kiel, Suite 1632, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its (Sub-2F, 4F, and 7F) certificates to (1) change the commodity description from iron and steel articles in (Sub-2F), iron and steel wire rods in (Sub-4F), and structural steel in (Sub-7F), to "metal products"; (2) delete the facilities limitations at Keasbey, NJ, in (Sub-2F) and at Newington, CT, in (Sub-7F); (3) substitute Middlesex County, NJ, for Keasbey, NJ, in (Sub-2F), and Hartford County, CT, for Newington, CT, in (Sub-7F); (4) change one-way to radial authority (a) between Perth Amboy, NJ, and CT, MA, RI, NY, DE, DC, MD, VA, NC, PA, OH, IN, MI, IL, VA, KY, and NJ, in (Sub-4F), and (b) between Hartford County, CT, and NY, MA, NJ, AND RI; and (5) remove a restriction requiring prior or subsequent movement by water in (Sub-4F).

MC 149406 (Sub-9)X, filed March 2, 1981. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Grisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its (Sub-1F and 2F) certificates to (1) expand the territorial authority from named facilities at Chicago, IL to Chicago, IL, in (Sub-1F); and in (Sub-2F), Sterling and Rock Falls, IL to Whiteside and Lee Counties, IL, respectively, (2) authorize radial authority in place of one-way authority, (3) remove a restriction to traffic originating at the named origin and destined to the named destination, in (Sub-2F), and (4) remove a restriction against participation in joint line service, in (Sub-2F).

MC 150060 (Sub-1)X, filed March 3, 1981. Applicant: DAVE STRICKLER, INC., 97 Anita Place, Mableton, GA 30059. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Applicant seeks to remove restrictions in its lead permit to broaden its authorized territory to between points in the United States, under a continuing contract with named shippers.

[FR Doc. 81-8838 Filed 3-19-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 30]

Motor Carriers; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Correction

In FR Doc. 81-6918 appearing at page 15227, in the issue of Wednesday, March 4, 1981, make the following correction:

On page 15227, second column, the last paragraph in the application for George W. Brown, Inc., first line "MC 65491 (Sub-24)X" should read "MC 65491 (Sub-18)X".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-5039, published at page 13593, on Monday, February 23, 1981, make the following corrections:

(1) On page 13601, in the first column, the first full paragraph, in the eighth and ninth lines of paragraph "MC 119917 (Sub-3-1TA)", for Dudley Trucking Company, Inc., *"soap products,"* should be corrected to read *"soap and soap products,"*.

(2) Also on page 13601, in the application for Neely Transport, Inc., MC 150706 (Sub-3-2TA), in the third column, the first line, "A/TN" should be corrected to read "AL/TN".

BILLING CODE 1505-01-M

[Nos. 30416; 30660]

Class Rates, Mountain Pacific Territory and Transcontinental Rail, 1950

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reopening to eliminate prescription.

SUMMARY: The Commission proposes to vacate the order in these proceedings

applying the Docket No. 28300, *Class Rate Prescription, 1938*, maximum rate ceiling to rates between, from, and to mountain Pacific territory. This action is a necessary complement to our decision in No. 37403, *Consolidated Rail Corporation—Petition to Eliminate Docket No. 28300 Class Rate* Prescription, 364 I.C.C. 615, decided January 9, 1981, served January 19, 1981 (46 FR 8787, published January 27, 1981).

DATES: Comments are due May 4, 1981.

ADDRESS: An original and 15 copies of comments should be sent to: Interstate Commerce Commission, Room 5358, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: This proceeding was a logical outgrowth of No. 28300, *supra*, 262 I.C.C. 447 (1945), 264 I.C.C. 41 (1945), 266 I.C.C. 577 (1947), 281 I.C.C. 213 (1951). In No. 28300, the Commission prescribed maximum rail class rates for all territories other than mountain Pacific. Here, with certain exceptions, rates comparable to the No. 28300 scale were established as maximum reasonable rates within, to, and from mountain—Pacific territory. The basis for this action was the same as that explained in No. 28300.

In No. 37403, *supra*, we concluded that the outstanding prescription in No. 28300 conflicted with the Staggers Rail Act of 1980 in that it improperly and arbitrarily limited the rail industry's ratemaking flexibility and was not consistent with the current law of discrimination. The prescription was vacated. Given the relationship between No. 28300 and Nos. 30416 and 30660, the same analysis and conclusions appear required here. We reiterate our findings in No. 37403 that removal of the prescription need not mean the end of the usefulness of the classification system.

It does not appear that this decision will significantly affect the quality of the human environment or conservation of energy resources. However, comments on these issues are invited.

(49 U.S.C. 10321, 10701, 10702, and 10704)

Dated: March 9, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8007 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-103F)]

Chicago and North Western Transportation Co.; Abandonment and Discontinuance of Service Over Union Pacific Railroad Co. Near Fremont, Ames, and Lincoln, Nebr.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated February 27, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company (CN&W) of (1) operations over a line of railroad of the Union Pacific Railroad Company extending from Union Pacific milepost 39.20 near Fremont, NE to Union Pacific milepost 44.79 near Ames, NE, a distance of 5.6 miles, and (2) a line of railroad extending from C&NW milepost 5.6 near Ames, NE to C&NW milepost 52.1 at the end of the line near Lincoln, NE, a distance of 46.4 miles, for a total distance of 52.0 miles, all in Dodge, Saunders and Lancaster Counties, NE, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the CN&W based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8008 Filed 3-19-81; 8:45 am]

BILLING CODE 7035-01-M

[No. AB-1 (Sub-101)]

Chicago and Northwestern Transportation Co., Abandonment in Worth and Mitchell Counties, IA, and Mower County, MN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided March 6, 1981 a finding, which is administrately final, was made by the Commission, Review Board Number, stating that, the public convenience and necessity permit the abandonment by the Chicago and Northwestern Transportation Company of its line extending from rail milepost 48.0 near Manly, IA to rail milepost 14.8 near Austing, MN, a distance of 33.2 miles in Worth and Mitchell Counties, IA, and Mower County, MN. The abandonment is subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.–Abandonment Goshen*, 360 I.C.C. 91 (1979). Additionally, Chicago Northwestern Transportation Company is required to keep intact all of the right-of-way underlying track, including all bridges and culverts, for a period of 120 days following the effective date of the decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of abandonment will be issued to the

Chicago and Northwestern Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that: (1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and (2) It is likely that such proffered assistance would: (a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonble return on the value of such line, or (b) cover the acquisition cost of all or any portion of such line of railroad. If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8537 Filed 3-19-81: 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-8710]

Automotive Moulding Co., Warren, Mich.; Affirmative Determination Regarding Application for Reconsideration

By a letter[1] received February 24, 1981, a worker representative requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of Automotive Moulding Company, Warren, Michigan. The determination was published in the **Federal Register** on February 10, 1981 (46 FR 11740).

The applicant for reconsideration claimed that the company's customers purchased imported mouldings which adversely affect the domestic moulding market; that two other domestic moulding manufacturing concerns which had the same customers as Automotive Moulding were certified for adjustment assistance; that the output of Automotive Moulding's production declined at a greater ratio than the decline of imported mouldings; and that the domestic moulding manufacturing concerns must compete with Canadian firms which are favored by the exchange rate between the Canadian and the U.S. dollar.

Conclusion

After review of the application, I conclude that the petitioner's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 12th day of March 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-8545 Filed 3-19-81: 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8282]

The B. F. Goodrich Co., Oaks, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on May 27, 1980 in response to a petition which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers at the Oaks, Pennsylvania plant of the B. F. Goodrich Company. The workers produce automobile tires and truck tires.

The investigation revealed that criterion (3) has not been met.

The Department surveyed both randomly selected and major B. F. Goodrich Company automobile and truck tire customers. Respondents to this survey accounted for the majority of Goodrich's 1979 automobile and truck tire sales.

Automobile tire customers which decreased purchases from Goodrich and increased purchases of imported auto tires in 1979 compared with 1978 and during the first half of 1980 compared with the first half of 1979 did not represent a significant proportion of B. F. Goodrich's auto tire sales or total sales decline.

Responding truck tire customers which decreased purchases from the subject firm while increasing import purchases represented an insignificant proportion of Goodrich's truck tire sales in both 1979 and the first half of 1980. These truck tire customers did not account for a significant percentage of Goodrich's decline in truck tire sales.

Conclusion

After careful review, I determine that all workers of the Oaks, Pennsylvania plant of the B. F. Goodrich Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

[1] The letter is filed as a part of the original document.

Signed at Washington, D.C., this 11th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-8048 Filed 3-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6760]

Chromium Mining & Smelting Corp., Memphis, Tenn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 4, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Chromium Mining and Smelting Corporation, Memphis, Tennessee. The workers primarily produce high carbon ferrochrome.

U.S. imports of high carbon ferrochrome increased both absolutely and relative to domestic production in the first half of 1980 compared to the same period in 1979.

A Department of Labor survey revealed that customers with reduced purchases from Chromium Mining and Smelting Corporation and increased purchases of imported high carbon ferrochrome accounted for a significant portion of the subject firm's sales decline in the first eight months of 1980 compared to the same period in 1979.

Conclusion

After careful reveiw of the acts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the high carbon ferrochrome produced at the Chromium Mining and Smelting Corporation, Memphis, Tennessee contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Chromium Mining and Smelting Corporation, Memphis, Tennessee who became totally or partially separated from employment on or after August 20, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-8047 Filed 3-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6666]

McKeown Transportation Co. (Union Carbide Corp., Linde Division) Milwaukee, Wis.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

The investigation was initiated on August 4, 1980 in response to a petition which was filed by workers engaged in the transportation of gas products from the Union Carbide Corporation, Linde Division plant in Milwaukee, Wisconsin. The investigation revealed that the workers are employees of the McKeown Transportation Company driving under an operational agreement between the McKeown Transportation Company and the Union Carbide Corporation.

The McKeown Transportation Company does not produce an article within the meaning of Section 222(3) of the Act. The Department of Labor has consistently determined that the performance of services does not constitute production of an article, as required by Section 222 of the Trade Act of 1974; and this determination has been upheld in the U.S. Court of Appeals. Therefore, workers of McKeown Transportation Company may be certified only if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of this case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

During the course of the investigation it was determined that workers of the McKeown Transportation Company driving under an operational agreement between the McKeown Transportation Company and the Union Carbide Corporation are *de facto* employees of Union Carbide and that Union Carbide constitutes the "workers' firm" within the meaning of Section 222 of the Trade Act.

None of the workers engaged in the production of acetylene, argon, nitrogen and oxygen at the Union Carbide Corporation, Linde Division are currently certified as eligible to apply for adjustment assistance benefits. Industry sources reported that imports of gases such as acetylene, argon, oxygen and nitrogen are negligible due to the high transportation costs.

Conclusion

After careful review, I determine that all workers of McKeown Transportation Company, (Union Carbide Corporation, Linde Division) Milwaukee, Wisconsin are driving under an operational agreement between the McKeown Transportation Company and the Union Carbide Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of March, 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-8048 Filed 3-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6371]

Profile Steel & Wire, Inc. Detroit, Mich.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 27, 1980, in response to a petition which was filed on behalf of workers at profile Steel and Wire, Incorporated, Detroit, Michigan. Workers at the plant produce cold rolled steel wire.

The investigation revealed that criterion (3) has not met.

The investigation revealed that profile Steel and Wire's customers purchased no imported cold rolled steel wire. All of profile's wire production is shipped to plants that produce Pierce Nuts, which are patented multi-threaded automotive fasteners and can not be imported. One of the plants is affiliated with Profile Steel and Wire.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at profile Steel and Wire, Incorporated, Detroit, Michigan. Although imported automobiles incorpoate Pierce Nuts made from cold rolled steel wire, imports of the whole product are not like or directly competitive with their component parts. Imports of cold rolled steel wire and Pierce Nuts must be considered in determining import injury to workers producing cold rolled steel wire and Pierce Nuts.

Conclusion

After careful review, I determine that all workers of Profile Steel and Wire, Incorporated, Detroit, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of March, 1981.

[FR Doc. 81-8949 Filed 3-19-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-9533]

True Temper Sports, Inc., Division of True Temper Corp. Geneva, Ohio; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like to directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 28, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Geneva, Ohio plant of True Temper Sports, Incorporated, Division of True Temper Corporation. The workers produce golf shafts, tennis racquet frames, racquet ball racquet frames, steel military antennas, and ferrules (steel tubular hardware for rakes and shovels).

The investigation revealed that criterion (3) has not been met.

U.S. imports of golf shafts decreased relative to domestic production in 1979 compared to 1978. Imports of golf shafts decreased absolutely in 1978 and 1979 compared to the previous year, and in the period January through June 1980 compared to the period January through June 1979.

U.S. imports of tennis racquet frames (or unstrung tennis rackets) declined absolutely in 1979 compared to 1978 and in the period January through June 1980 compared to January through June 1979.

U.S. imports of military antennas, which are included in the same category as amateur radio antennas and 2-way professional radio antennas, are negligible.

The Department of Labor conducted a survey of customers who purchased golf shafts, tennis racquet frames and steel military antennas from True Temper Corporation. None of the respondents to the survey imported steel military antennas in 1978, 1979 or in the period January through September 1980. None of the respondents decreased purchases of tennis racquet frames from True Temper Corporation and increased imports of tennis racquet frames in 1979 compared to 1978 or in the period January through September 1980 compared to January through September 1979. Customers which decreased purchases of golf shafts from True Temper Corporation and increased purchases of imported golf shafts represented an insignificant proportion of True Temper Corporation's total sales of golf shafts in 1979. Furthermore, company-wide sales of golf shafts by True Temper Corporation increased in 1979 compared to 1978 and in the period January through June 1980 compared to January through June 1979.

Ferrules (steel tubular hardware for rakes and shovels) were produced at the Geneva, Ohio plant of True Temper Sports, Incorporated as an inventory item and were transferred to the True Temper hardware division plants at Saybrook, Ohio and at Dunkirk, New York, to be assembled into rakes and shovels. The ratio of U.S. imports to U.S. shipments of shovels, spades and ice choppers (which includes parts for shovels and rakes) was only 2.1 percent in 1979. Absolute imports of shovels, spades and ice choppers decreased in the period January through March 1980 compared to January through March 1979.

Conclusion

After careful review, I determine that all workers of the Geneva, Ohio Plant of True Temper Sports, Incorporated, Division of True Temper Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of March 1981.

James F. Taylor,
Director, Office of Management Administration and Planning.

[FR Doc. 81-8950 Filed 3-19-81; 8:45 am]
BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein present summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 2–6, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–8119; Bethlehem Steel Corp., Lackawanna, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,372; Hayes-Albion Corp., Fifty Division, Bryan, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10, 874; Quinlan Lumber Co., Flint, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of wooden industrial pallets and boxes are negligible.

TA–W–10,016; Pennwalt Corp., Lucidol Div., Geneseo, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of organic peroxides are negligible.

TA–W–8780; Clements Mfg. Co., Inc., Deckerville, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8979; Clevepak Corporation, Clevaflex Div., Cleveland, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8612; Wellington Industries, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8624; Dominion Auto Accessories, Inc., Sevierville, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8988; Martha Manning Co., Inc., Mascoutha, IL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8927; Clipper International Corp., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8747; Liquid Carbonic Corp., Detroit, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of industrial gases are negligible.

TA–W–9410; Sealed Power Corp., Franklin, KY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8992, 9033 & 9034; T.D. Shea Manufacturing, Inc., Detroit, MI, Kendallville, IN, and Pontiac, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9532; Quality Gasket & Manufacturing Co., Clawson, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,261; Ohio Truss Mart, Walled Lake, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of trusses are negligible.

TA–W–8803; Fabricon Automotive Products Co., Division of Eagle Picher Industries, River Rouge, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8584, 8585, 8586, 9099 & 9100; Keeler Corporation, Godfrey Street Plant, Grand Rapids, MI, Kentwood Plant, Kentwood, MI, Stevens Street Plant, Grand Rapids, MI, Lake Odessa Plant, Lake Odessa, MI, Hall Street Plant, Grand Rapids, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,635; MCP Industries, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. The workers' firm does not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA–W–11,731; Central Steel and Wire Co., Detroit, MI

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA–W–11,210; Tracor Marine, Inc., South Bristol, ME

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA–W–10,560 & 10,561; Indiana Renewal Center of International Harvester Co., Franklin, IN

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA–W–9125; Fishman and Tobin, Inc., Philadelphia, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8974; St. Clair-Pakwell, North Wales, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of paper bags, folding boxes and gift wrap are negligible.

TA–W–8735; G.P. Plastics, Inc., Pontiac, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8900; Hi-Vol Products, Inc., Livonia, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8370; Niko Mfg., Co., Inc., Copiague, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8742; Copiague Knitwear Corp., Copiague, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separation at the firm.

TA-W-9743; Famous Cottons, Inc., Copiague, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separation at the firm.

TA-W-9013; TRW, Inc., Michigan Division, Van Dyke Plant, Sterling Hgts, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8951; Teledyne-Vasco, Monaca, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separation at the firm.

TA-W-9602; The Lunkenheimer Co., Cincinnati, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8968; Norris Industries; Automotive Trim Division; Ypsilanti, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8898; Beam Industries, Inc.; Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8748; Huntsville United Research & Technology, Inc.; Huntsville, AL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,362; Union Metal Mfg., Co.; Material Handling Div., Macedonia, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of auto storage racks & containers are negligible.

TA-W-11,301, 11,302, & 11,303; Wausau Homes, Inc.; Wausau, WI; Oscoda, MI. & Lansing, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of prefabricated homes are negligible.

TA-W-8136; Automotive Products Division; U.S. Mfg., Corp.; Fraser, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9006; Die Cast Corp; Jackson, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8703; Claude Sintz, Inc; Deshler, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8961; Diamond Stamping & Mfg., Co., Roseville, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,644; The Exolon Co.; Tonawanda, N.Y

Print document as it is (see enclosures).

TA-W-8716; Bernel Foam Products Co.; Buffalo, N.Y

Print document as it is (see enclosures).

Affirmative Determinations

In each of the following cases, it has been concluded that all of the criteria have been met, and certifications have been issued covering workers totally or partially separated from employment on or after the designated dates.

TA-W-9760; Chromium Mining & Smelting Corp.; Memphis, TN

A certification was issued applicable to all workers at the subject firm separated from employment on or after August 30, 1980.

TA-W-9498; Alongi Oldsmobile, Inc.; Niagara Falls, N.Y.

A certification was issued applicable to all workers at the subject firm separated from employment on or after July 11, 1979 and before December 1, 1980.

Split Determination

TA-W-8188 & 8724; Textile Trim, Inc.; Fraser, MI & Fair Haven, MI

A certification was issued covering all workers of the Fraser, Michigan plant separated from employment on or after April 30, 1979 and before September 30, 1979.

With respect to workers of the Fair Haven, Michigan plant investigation revealed that criterion (3) has not been met.

I hereby certify that aforementioned determinations were issued during the period March 2–6, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: March 6,1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8661 Filed 3-19-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 9–13, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-9426; Setting Sun Seat Co., Red Bluff, CA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,682; AAA Punch & Die Products, Inc., Ferndale, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of auto punches and die buttons are negligible.

TA-W-9020; Pyron Corporation, Niagara Falls, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8859 & 10,347; Kelsey Hayes Co., Romulus, MI and Heintz Division, Philadelphia, PA

Investigation revealed that criterion (3) has not been met. With respect to wheels, a survey of customers indicated that increased imports did not contribute importantly to

worker separations at the firm. With respect to hoods, fenders, and doors, U.S. imports are negligible.

TA–W–10,291; Sen-Wel Industries,Inc., Buffalo, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fabricated structural steel are negligible

TA–W–8808; Fort Smith Outerwear Inc., Fort Smith, AR

Investigation revealed that sales by manufactueres for whom subject firm produced under contract did not decline.

TA–W–9130; Wagner Electric Corp., Weatherly, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9063; Arbitman and Arbitman, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of women's, girls and infants leather coats and jackets did not increase as required for certification.

TA–W–9409; Teledyne Howell Penncraft, Howell Gear Div., Howell, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9406; Teledyne Howell Penncraft, Standards Div., Plymouth, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9408; Teledyne Howell Penncraft, Lincoln Park Div., Lincoln Park, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9102; Schmelzer Corp., Durand, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9025; Carbon City Products Co., St. Marys, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8963; GRM Industries, Inc., Grand Rapids, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9041; International Hardware Mfg. Co., Inc., Oak Park, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9367, 9368, & 9369; Detroit Plastic Molding Co., Detroit, MI, Roseville, MI, and Sterling Heights, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9047; Richmond Instruments Co., Richmond, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9071 & 9072; Lyntex Mfg. Inc., Ubly, MI and Gemini Plastics, Ubly, MI

Investigation revealed that criterion (3) has not been met. With respect to map pocket assemblies, vent glass assemblies and button retainers, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to plastic profile extruded parts, sales and production increased from 1978 to 1979 and in the first six months of 1980 compared with the same period in 1979.

TA–W–8872; Trim Parts, Inc., Marshall, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,162; Eiffel Leather Fashions, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leather coats and jackets did not increase as required for certification.

TA–W–9061; Gibralter Steel Corp., Buffalo, New York, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9104; Fast Machine Inc., Grand Rapids, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9063; McCreary Tire and Rubber Co., Indiana, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9402; Alofs Mfg. Co., Wyoming, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA–W–11,368; McKnight Road Dodge, Inc., Pittsburgh, PA

A certification was issued applicable to all workers at the subject firm separated on or after October 10, 1979 and before November 1, 1980.

TA–W–11,744; Chrysler Products of Claremore, Claremore, OK

A certification was issued applicable to all workers at the subject firm separated on or after November 7, 1979 and before November 1, 1980.

TA–W–8849, 8849A, & 8850; Snyder Tank Corp., Buffalo, NY, Springfield, OH, and Galeton, PA

A certification was issued applicable to all workers at the subject firm separated from employment on or after June 1, 1980.

TA–W–8916; Goodyear Tire and Rubber Co., Sun Prairie, WI

With respect to workers producing hydraulic brake hose, a certification was issued covering all workers separated on or after June 2, 1979.

I hereby certify that the aforementioned determinations were issued during March 9–13, 1981. Copies of these determinations are available for inspection in Room S–5324, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: March 16, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–8852 Filed 3–19–81; 8:45 am]

BILLING CODE 4510–28–M

Mine Safety and Health Administration

[Docket No. M–81–10–C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, Camp No. 1, P.O. Box 350, Morganfield, Kentucky 42437, has filed a petition to modify the application of 30 CFR 75.303 (preshift examination) to its mine located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns a request by the petitioner to monitor the air passing the first-south off second west seals at a point outby the present seals due to two massive roof falls which prohibit the physical examination of these seals.

2. The seals are located approximately 800 feet from the second main west track in an area of the mine where the roof is badly deteriorated; additional roof support has been added in the area of these seals with very little satisfactory results toward stabilizing the roof.

3. Because of these adverse conditions, rehabilitation of these areas would expose miners to hazardous roof conditions which would result in a diminution of safety for the miners affected.

4. As an alternate method, petitioner proposes to monitor the air passing these seals outby the last open crosscut of the second south off second wall seals in front of No. 2 seal.

5. Petitioner states that the alternate method will provide the same degree of safety for the miners as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 20, 1981. Copies of the petition are available for inspection at that address.

Dated: March 11, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-8640 Filed 3-19-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

[V-81-1]

Texas Commerce Bank, N.A.; Application

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of application for variance.

SUMMARY: This notice announces the application of Texas Commerce Bank, N.A., for variance from the standard prescribed in 29 CFR 1910.66(b)(3), concerning the design requirements of powered platforms for exterior building maintenance.

DATES: The last date for interested persons to submit commments is April 20, 1981. The last date for affected employers and employees to request a hearing on the application is April 20, 1981.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third St. and Constitution Ave. NW, Room N3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination at the above address, telephone: 202-523-7144;

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202;

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 No. 505 NASA Road 1, Houston, Texas 77058.

Notice of Application

Notice is hereby given that Texas Commerce Bank, N.A., c/o James R. Berry, 707 Travis—Suite 800, Houston, Texas 77002, has made application pursuant to section (6)(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standard prescribed in 29 CFR 1910.66(b)(3) powered platforms for exterior maintenance—design requirements.

The address of the place of employment that will be affected by the application is as follows: Texas Commerce Center, 601 Travis, Houston, Texas 77002.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) which states that all new powered platforms for exterior building maintenance shall meet the requirement of Parts II and III of ANSI A120.1-1970. The ANSI standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of dead and live loads on the working platform. The face of the building shall be provided with continuous T-rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. On buildings where the working platform has a rise of less than 130 feet, guides providing positive engagement are not required.

The applicant contends that its design does not allow for continuous vertical mullions and, therefore, does not provide continuous T-rails or indented mullions required by ANSI A120.1-1970, since the building height is approximately 206 feet.

The applicant proposes to use a system of intermittent stabilization of his powered platform to prevent horizontal translation of the platform with respect to the face of the building. The system will consist of protruding anchors secured to the face of the building in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect- quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant also contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than April 20, 1981. In addition, employers and employees who believe they would be

affected by a grant or denial of the variance may request a hearing on the application no later than April 20, 1981, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Signed at Washington, D.C., this 13th day of March 1981.

David C. Zeigler,

Acting Deputy Assistant Secretary of Labor.

[FR Doc. 81-8861 Filed 3-19-81; 8:45 am]

BILLING CODE 4510-26-M

[V-81-2]

U.I.D.C. of Colorado, Inc.; Application

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of application for variance.

SUMMARY: This notice announces the application of U.I.D.C. of Colorado, Inc., for variance from the standard prescribed in 29 CFR 1910.66(b)(3), concerning the design requirements of powered platforms for exterior building maintenance.

DATES: The last date for interested persons to submit comments is April 20, 1981. The last date for affected employers and employees to request a hearing on the application is April 20, 1981.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third St. and Constitution Ave. NW., Room N3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: 202-523-7144;

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building Room 1554, 1961 Stout Street, Denver, Colorado 80294;

U.S. Department of Labor, Occupational Safety and Health Administration, Tremont Center, 1st Floor, 333 West Colfax, Denver, Colorado 80204.

Notice of Application

Notice is hereby given that U.I.D.C. of Colorado, 717 17th Street, Suite 1330, Denver, Colorado, has made application pursuant to section (6)(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1598; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standard prescribed in 29 CFR 1910.66(b)(3) powered platforms for exterior maintenance—design requirements.

The address of the place of employment that will be affected by the application is as follows: Energy Center II, 707 17th Street, Denver, Colorado 80202.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) which states that all new powered platforms for exterior building maintenance shall meet the requirement of Parts II and III of ANSI A120.1-1970. The ANSI standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of dead and live loads on the working platform. The face of the building shall be provided with continuous T-rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. On buildings where the working platform has a rise of less than 130 feet, guides providing positive engagement are not required.

The applicant contends that its design does not allow for continuous vertical mullions and, therefore, does not provide continuous T-rails or indented mullions required by ANSI A120.1-1980, since the building height is approximately 550 feet.

The applicant proposes to use a system of intermittent stabilization of his powered platform to prevent horizontal translation of the platform with respect to the face of the building. The system will consist of protruding anchors secured to the face of the building in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect—quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant further states that the building has been provided with vertical track guides to stabilize the platform as it descends or ascends past the transition between the hotel and office portions of the building.

The applicant also contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than April 20, 1981. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 20, 1981, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Signed at Washington, D.C., this 13th day of March 1981.

David D. Zeigler,

Acting Deputy Assistant Secretary of Labor.

[FR Doc. 81-8842 Filed 3-19-81; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefit Programs Office

[Prohibited Transaction Exemption 81-27; Exemption Application No. D-2128]

Exemption From the Prohibitions for Certain Transactions Involving The Dakota Steel & Supply Co. Employees Profit-Sharing Retirement Plan, Rapid City, S. Dak.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the cash sale of certain improved real

property by the Dakota Steel and Supply Company Employees Profit-Sharing Retirement Plan (the Plan) to the Dakota Steel and Supply Company (the Employer), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the Federal Register (46 FR 2418) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed by the trustee of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice and an accompanying letter have been provided to all interested persons in order to comply with the notification requirements set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 406(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale, for $93,500, of certain real property located in the Deadwood Avenue industrial area of Pennington, South Dakota, provided this amount is not less than the fair market value on the date of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 12th day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8011 Filed 3-19-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-34; Exemption Application No. D-1878]

Exemption From the Prohibitions for Certain Transactions Involving the Paul W. Lawrence Co., Inc. Profit Sharing Plan, Hastings, Minn.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This temporary exemption permits for a period of three years the sales by the Paul W. Lawrence Co., Inc. (the Employer), the sponsor of the Paul W. Lawrence Co., Inc. Profit Sharing Plan (the Plan) of its interests in contracts for deed or residential first mortgage loans (collectively, the Contracts) to the Plan. The exemption also permits the guarantee of the obligation of the Employer in such sales by Paul W. Lawrence (Lawrence) and his wife.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the Federal Register (46 FR 2416) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a period of three years to the sales by the Employer of its interest in the Contracts to the Plan and for the guarantee of the obligation of the Employer in such sales

by Lawrence and his wife. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that they have met the notice provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affects the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply for a period of three years to the sales by the Employer of its interest in the Contracts to the Plan and to the guarantee of the obligation of the Employer in such sales by Lawrence and his wife.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 12th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8312 Filed 3-19-81; 8:45 am]
BILLING CODE 4510-29-M

[Application No. D-2083]

Proposed Exemption for Certain Transactions Involving Lovell's Profit Sharing Trust, Astoria, Oreg.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Empolyee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale of two parcels of real property by Lovell's Profit Sharing Trust (the Plan) to Robert S. Lovell, the Plan Administrator, a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Mr. Lovell, the Plan and its participants and beneficiaries and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 5, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2083. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department of Labor, telephone (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Plan Administrator, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file

with the Department for the complete representations of the applicant.

1. The employees participating in the Plan joined a labor union in 1977 and are now covered by the union pension plan. As a result, the assets of the Plan are being liquidated and distributed to participants. All of the assets except for two parcels of property (the Property), have been distributed. The Property is known as Lot 1 Block 1 and Lot 18 Block 3 of the Lock Haven Highlands Subdivision in Clatsop County, Oregon.

2. In order to complete the liquidation of the Plan it is necessary to dispose of the Property. Presently, the Property is completely surrounded by property owned by Pacific Power & Light Company (Pacific). The Property was offered to Pacific. By letter dated January 22, 1981, Pacific declined to purchase the Property.

3. The Plan acquired the Property from Astoria Auto Finance (Astoria) in 1973 in exchange for a $3,100 note receivable due from Astoria. The Property at the time it was transferred to the Plan was assessed at $3,100. The Property was held by the Plan as an investment, as there were plans for the construction of a housing development in the area.

4. The Property was appraised on December 1, 1980 by Michael J. Manion of Oregon Coast Realty as having a value of $1,800. Mr. Manion stated that because of the water, sewage disposal and access problems created by Pacific's ownership of surrounding land, and the lack of improved streets, the Property has little, if any, value. The current assessed value of the Property is $1,577.

5. In order to complete the liquidation of the Plan, Mr. Lovell has agreed to purchase the Property at the Plan's original cost of $3,100. No commissions will be paid in connection with the sale.

6. The property has been, and continues to be, a non-income producing asset of the Plan. Each year the Plan remains in existence it suffers a loss, since administrative costs exceed income. This situation will persist until a buyer is found for the property.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because (1) it is a one time transaction for cash, (2) the Plan will liquidate its remaining assets and complete a distribution of benefits to Plan participants, (3) the amount to be paid for the Property exceeds its present appraised value, and (4) the trustee has determined that the transaction is appropriate for the Plan and is in the best interests of the Plan's participants and beneficiaries.

Notice to Interested Persons

Notice will be given to all Plan participants within 15 days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption. The notice will be mailed to all Plan participants at their last known address.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of the Property by the Plan to Mr. Robert S. Lovell for $3,100, provided that this amount is not less than the fair market value at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 12th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8313 Filed 3-19-81; 8:45 am]
BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-26 Exemption Application No. D-1864]

Exemption From the Prohibitions for Certain Transactions Involving the Zorn's Poultry Farms, Inc., Retirement Plan; Bethpage, N.Y.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt a loan of $150,000 by the Zorn's

Poultry Farms, Inc. Retirement Plan (the Plan) to Zorn's Poultry Farms, Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8334. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the Federal Register (46 FR 2433) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the Plan Administrator. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemption of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a loan of $150,000 by the Plan to the Employer, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 12th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8315 Filed 3-18-81; 8:45 am]

BILLING CODE 4510-29-M

MERIT SYSTEMS PROTECTION BOARD

Appointment of Members to the Performance Review Board

AGENCY: Merit Systems Protection Board.

ACTION: Notice of change in the membership of the Performance Review Board.

SUMMARY: Title IV of the Civil Service Reform Act (Sec. 405(a), Title IV, Pub. L. 95-454; 5 U.S.C. 4314(c)(1) through (5)) requires agencies to establish a Performance Review Board whose members make a recommendations to the Chairwoman of the Board relating to the performance of senior executives of the Merit Systems Protection Board, and to publish the membership in the Federal Register.

This Notice amends the Performance Review Board membership to delete the name of Samuel A. Chaitovitz, who has resigned, and to add the name of Harold D. Kessler, Federal Labor Relations Authority, who has been appointed to complete the unexpired term ending December 31, 1981.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Lawrence Bembry, Director, Personnel Management Division, Merit Systems Protection Board, 1717 H Street, N.W., Room 367, Washington, D.C. 20419, (202) 653-5919.

For the Board.

Dated: March 16, 1981.

Ruth T. Prokop,

Chairwoman.

[FR Doc. 81-8991 Filed 3-19-81; 8:45 am]

BILLING CODE 7400-01-M

MINIMUM WAGE STUDY COMMISSION

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, (Pub. L. 92-463), announcement is made of the following meeting.

Name: Minimum Wage Study Commission
Date: April 8, 9, and 10, 1981
Time: 10 a.m. April 8; all other days at 9 a.m.
Place: 1430 K St. NW, Suite 700, Washington DC 20005

Original notification of this meeting appeared in the **Federal Register** March 3, 1981.

Proposed Agenda

1. Pending business concerning indexation; inflation; youth subminimum; noncompliance; income distribution; demographics; agriculture; agricultural service exemptions; executive, administrative and professional exemptions; student certification.

2. New business as necessary.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Suite 500, Washington, DC 20005, telephone (202) 376–2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 81-8643 Filed 3-19-81, 8:45 am]

BILLING CODE 4510-23-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Design Arts Panel; Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Design Arts Panel to the National Council on the Arts will be held on April 13–14, 1981 from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St. NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be Policy.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-8630 Filed 3-19-81; 8:45 am]

BILLING CODE 7537-01-M

Literature Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Literature Panel to the National Council on the Arts will be held on April 3–4, 1981, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on April 4, 1981, from 9:00 a.m.–5:30 p.m. to discuss guidelines.

The remaining sessions of this meeting on April 3, 1981, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-8631 Filed 3-19-81; 8:45 am]

BILLING CODE 7537-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17632; File No. SR-Amex-81-1]

Self-Regulatory Organizations, Proposed Rule Change by American Stock Exchange, Inc.

In the matter of proposed rule change relating to implementation of a program to trade options on United States Treasury Department securities; Comments requested on or before May 19, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 3, 1981, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Amex's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to establish a program for the trading of standardized options on U.S. Treasury Department bills, notes and bonds ("Government security options").

The Government security options program would be conducted pursuant to the rules which now govern the trading of options on underlying stocks on the Exchange, with certain modifications to reflect the economic characteristics of, and markets for, the proposed underlying Government securities. The Exchange also anticipates that The Options Clearing Corporation ("OCC") will submit appropriate corresponding proposed rule changes to the Commission relating to the subject matter now covered by OCC rules (*e.g.*, specification of units of trading, and requirements concerning exercise and delivery).

While the terms of the proposed rules are sufficiently broad to permit the Exchange to list options on both 13-week and 26-week Treasury bills, as well as all Treasury notes and Treasury bonds which meet the criteria set forth in proposed Rule 917, the Exchange would commence the program by listing options only on 13-week Treasury bills and on "long-term" Treasury bonds (*i.e.*, Treasury bonds having terms to maturity of at least 20-¼ years during the life of any option covering them). The addition of other classes of options permitted under the proposed rules would be deferred pending the acquisition of experience with options on these two categories of underlying securities.

If the security underlying an option contract were a Treasury bond or Treasury note, the security would be identified by its coupon rate and maturity date. Each option contract would relate to $100,000 principal value of the underlying bond or note; *i.e.*, following the exercise of such an option, the holder of a put or the writer of a call would be required to deliver $100,000 principal value of the underlying security. The exercise price of an option on a bond or note would be expressed as a percentage of the principal value. For example, if an option had an exercise price of 90, the price to be paid for the underlying security following the exercise of the option would be $90,000; in addition, the call holder or put writer purchasing the underlying security pursuant to the exercise of an option would be required to pay accrued interest computed in accordance with Exchange Rule 859. (Exchange Rule 859

embodies the terms of Treasury Department Circular 300, subpart P, which requires the buyer of Government securities (other than Treasury bills) to pay the seller the accrued interest on a pro rata basis from the date of the last coupon payment.) The premium for an option contract relating to an underlying bond or note would be expressed as a percentage of $100,000; *i.e.*, a bid of "1" would represent a bid to pay a premium of $1,000. Increases or decreases in premium values would be expressed in increments of one thirty-second of one percent, each such increment representing $31.25.

If the security underlying an option contract were a Treasury bill, the security would be identified as either a 13-week or 26-week Treasury bill. Each option contract would relate to $1,000,000 principal value of the underlying security in the case of a 13-week bill, and $500,000 principal value of the underlying security in the case of a 26-week bill. Following the exercise of such an option, the holder of a put or the writer of a call would be required to deliver $1,000,000 principal value of Treasury bills having 13 weeks (plus or minus one day) to maturity on the date of delivery, or $500,000 principal value of Treasury bills having 26 weeks to maturity (plus or minus one day) on the date of delivery, depending upon the underlying security involved.

Treasury bills are purchased and sold at a discount from principal value, expressed on an annualized basis using a 360 day year. For example, if a Treasury bill were selling at a 10% discount, then, hypothetically, a purchaser of $1,000,000 principal value would pay $900,000 if he purchased it exactly 360 days before maturity. If he purchased the bill on a date when there were a lesser number of days to maturity, the $100,000 discount (which represents 360 days of interest) would have to be lowered accordingly. Thus, if the bill had 91 days to maturity on the date of purchase, the discount would be 91/360 of $100,000, or $25,277.78; and the purchase price of the Treasury bill would be $974,722.22.

Option exercise prices would reflect this method of trading. The exercise price of an option would be expressed as the complement of the annualized discount (*i.e.*, 100% minus the annualized discount) at which the underlying Treasury bill could be purchased or sold pursuant to exercise of an option. For example, suppose the exercise price of a call option contract covering a 13-week Treasury bill were 90. This would mean the underlying Treasury bill could be purchased by the option holder at an annualized dicount of 10%. Thus, if, following the exercise of the option, the option writer delivered the underlying Treasury bill on a date 91 days prior to maturity, the option holder would be required to pay $974,722.22.

The proposed Government security options plan anticipates that, regardless of the date on which an option exercise notice is delivered by an option holder, the delivery of the underlying security by the put holder or call writer will (with limited exceptions) occur on the following Thursday. Thus, if the holder of a call option to purchase a 13-week Treasury bill excercised the option on a Monday, he would probably receive delivery the following Thursday of Treasury bills having 91 days to maturity on the date of delivery.

The underlying security could sometimes be delivered on the Wednesday following exercise. If the Thursday following exercise were a holiday, the Treasury Department would issue Treasury bills on Wednesday instead, and they would have 92 days to maturity. The put holder or call writer could acquire such Treasury bills upon their issuance and deliver them immediately.

In addition, the Exchange would permit delivery on a Friday following exercise of an option, to allow for the possibility that it might sometimes be difficult, due to transfer facilities, for a put holder or call writer to obtain Treasury bills for Thursday delivery. However, the Exchange's plan anticipates that if Treasury bills are delivered on a Friday, the price to be paid by the call holder or put writer would be calculated as if delivery had occurred on Thursday.

To effectuate these procedures, the Exchange expects OCC rules to provide that if an option covering 13-week Treasury bills is exercised, the securities to be delivered must be Treasury bills having 90, 91 or 92 days to maturity on the date of delivery; and that if an option covering 26-week Treasury bills is exercised, the securities to be delivered must be Treasuru bills having 181, 182 or 183 days to maturity on the date of delivery. Unless the Thursday following the excercise date is a holiday, the earliest date on which the securities could be delivered under OCC rules would be 91 days prior to maturity in the case of an option covering 13-week Treasury bills, and 182 days prior to maturity in the case of an option covering 26-week Treasury bills.

In addition to amending its rules to establish the terms, conditions, and fundamental trading characteristics of Government security options contracts, the Exchange would apply all of its existing options rules to Government security options. The topics covered by those rules include position limits, exercise limits, customer protection requirements, obligations of specialists and registered options traders, criteria for underlying securities, exercise and delivery requirements, and margin requirements, among other things.

In some cases (*e.g.*, rules relating to confirmations and limits on uncovered short positions), the terms of existing rules are sufficiently broad to apply to Government security, as well as stock, options; or, the rules can be extended to cover Government security options by making minor revisions, such as changing the word "stock" to "security". In other cases (*e.g.*, position limits, exercise limits, and obligations of specialists and registered options traders), the Exchange has made more extensive revisions to reflect differing economic and market characteristics of common stocks and Government securities. In each case in which a rule is proposed to be revised, the purpose of the revision is to allow the current purpose of the rule to be served in connection with Government security options.

II. Amex's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Amex's Statement of the Purpose of, and statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish an Exchange program for the trading of standardized options on U.S. Treasury Department bills, notes and bonds.

The Exchange believes that its proposal is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges.

The program as a whole would comport with the general purposes of the Act by making available new categories of securities which could

further the investment objectives of a variety of market participants.

The proposed rules would be consistent with the requirements of Section 6(b)(5) of the Act in particular by providing for a fair and orderly market in Government security options, promoting just and equitable principles of trade, and protecting public customers. The rules which would be applicable to options on Government securities are an extension of the Exchange's rules relating to options on common stocks, and the Commission has already determined that those rules, as applied to stock options, meet the requirements of the Act, including Section 6(b)(5). The Exchange's existing options rules would be adapted to apply to Government security options in a manner designed to achieve the current objectives of those rules with respect to the new categories of options.

B. Amex's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition.

C. Amex's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has received written comments on the proposed rule change from a few member firms. Those firms agreed that it would be desirable for the Exchange to develop a program for trading options on Treasury Department securities, and that Treasury security options would be more suitable for the public than equivalent futures.

In general, the firms either agreed with the systems chosen by the Exchange for expressing option premiums and exercise prices, or they expressed no opinion.

The firms' opinions differed with respect to which securities, ranging from 13-week Treasury bills to 20-year and over Treasury bonds, would be the best choices as underlying securities. One commentator suggested (and others have suggested orally) that the Exchange use a "market basket" of bonds, rather than a single bond, as an underlying security. Following the receipt of these comments, the Exchange did additional research and, on that basis, decided (1) to commence its program by using 13-week Treasury bills and "long-term" Treasury bonds as underlying securities, and (2) to permit OCC to authorize, under appropriate circumstances, the delivery of bonds differing in some respects from a designated underlying bond following the exercise of an option.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 19, 1981. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 16, 1981.

[FR Doc. 81-8614 Filed 3-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17625; File No. SR-MSTC-81-1]

Self-Regulatory Organizations, Proposed Rule Change; Midwest Securities Trust Co.; Price Revision to Pricing Schedule

Comments requested on or before April 10, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 9, 1981, the Midwest Securities Trust Company filed with the Commission the proposed rule change as described in Item I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the proposed Price Revision Schedule effective January 1, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, the Statutory Basis for, the Proposed Rule Change

(1) The proposed rule change is a revision to the Midwest Securities Trust Company (MSTC) pricing schedule. The revised prices are necessitated by increased operational costs due to inflationary pressures and management decisions to enhance the MSTC System.

Improvements to the system include additional computer hardware to serve as a back-up to the existing system, the acquisition of two high-speed printers for report preparation, and conversion from keypunch to key-to-disc equipment to improve throughput and the accuracy of the system.

(2) The proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934. Midwest Securities Trust Company believes the improvements to the system will ensure all participants a more efficient system for the prompt and accurate settlement and clearance of trades and the safekeeping of assets. Consequently, the resultant costs from the upgrades must be offset by

increased revenues. The proposed increases will be equitably allocated among all participants using the services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Price Revision Schedule was adopted to reflect increased inflation and operational costs and the Midwest Securities Trust Company believes that no burdens have been placed on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 10, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 13, 1981.

George A. Fitzsimmons,
Secretary.

Exhibit A.—*MSTC Price Revision*

[Effective Jan. 1, 1981]

	Old	New
Service Charges		
Participant account maintenance fee (per month)	$170.00	$175.00
Options "Z" account (per month)	60.00	75.00
Depository Services		
Depository delivery inst. (DDI):		
Interparticipant delivery (per delivery)	$0.84	Same
Interparticipant record (per record)	.84	$0.94
Intra account delivery (per delivery)	.94	Same
3d party DDI (2S)	.94	Same
Automatic DDI redelivery:		
Regular account (per month)	30.00	50.00
"Z" account (per month)	50.00	Same
(Automatic DDI intra account delivery of positions established by receipt of inter-Participant D.D.I.s in Depository Free to Clearing Free or Loan Free.) No additional D.D.I. activity charges		
Interactivity: C.N.S. interactivity movement for long or short settling positions	.80	.82
Dividends: Automatic entry (per entry)	.35	.50
Safekeeping:		
Equity shares (per 1,00 shares per month)	.035	.04
Bonds (per $40,000 per P.V.)	.035	.04
Transfer: Transfer withdrawal request (plus shipping at cost and transfer agent fee, if applicable) (per request)	1.25	
Tape		1.25
Paper		1.75
Deposits:		
A.M.	.80	.80
P.M.	.75	.75
Late deposit (11:00 to 11:30	5.00	7.50
Withdrawal:		
Withdrawal by street request (per request)	3.50	3.75
Withdrawal by demand street request (per request)	4.00	5.00
Reorganizations:		
Manadatory reorganization (per symbol)	10.00	20.00
Normandatory reorganization (per proc. auth.)	10.00	20.00
Pledge loan program:		
Pledge movement (to both pledgee bank and broker/dealer) (per item)	.65	.70
Release movement (to both pledgee bank and broker/dealer) (per item)	.65	.70
Institutional pledge account:		
Pledge (per movement)	.89	.94
Release (per movement)	.89	.94
Broker "X" option pledge program:		
Broker "X" account (per month)	12.00	50.00
Pledge (per movement)	.89	.94
Releast (per movement)	.89	.94
Special Services		
Input error correction charge (per item)	1.50	2.50
Form preperation (by participant services) (per ticket)	4.00	5.00
Messenger identification badge (per badge)	9.00	10.00
Microfilm services for research records:		
Current (per page)	.75	Same
Over 1-yr. old (per page)	1.00	1.50
Reports produced at New York Center (activity and net position reports and purchase and sales report): Regular account—New York and Chicago printing (per month)	90.00	145.00
Tape output services:		
Daily purchase and sales report (per month)	125.00	150.00
Daily net position and activity report (per month)	210.00	250.00
Daily net position report only (per month)	125.00	150.00
Daily activity report only (per month)	125.00	150.00
Net position, purchase and sales or activity report upon request (per request)	40.00	75.00

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[Release No. 34-17631; File No. SR-NYSE-1981-5]

Self-Regulatory Organizations, Proposed Rule Change by New York Stock Exchange, Inc.

In the matter of proposed rule change relating to trading of Government security options; comments requested on or before May 19, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 5, 1981, the New York Stock Exchange, Inc. ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission the proprosed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. NYSE's Statement of the Terms of Substance of the Proposed Ruled Change

The proposed rule change provides a regulatory framework for a market on the Floor in options on obligations issued or guaranteed by the U.S.Government and by quasi-governmental corporations other than the Government National Mortgage Association ("Government securities"), initially limited to securities issued by the U.S. Treasury. The proposed rule change also extends the reach of the Exchange's "upstairs" option rules (existing series 700) to cover options on Government securities and on modified pass-through mortgage-backed debt securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association ("GNMAs"). The particulars of the new rules and of the amendments to existing rules are described below. Except for Proposed Rules 701, 703, 704, 706, 709, 715, 716, 717, 750, 751, 752 and 792, the proposed rule change is identical to the proposed rule change pertaining to GNMA options that was

recently filed by the Exchange (File No. SR–NYSE–81–4).

Rule 345. Rule 345 is proposed to be amended to require a registered representative to take an appropriate examination in order to qualify as a "Registered Options Principal".

Rule 700. Existing definitions of "put", "call", "exercise price", "aggregate exercise price" and "covered" in Rule 700 are proposed to be amended to make those terms applicable to options on Government securities and GNMAs. Additional definitions of new terms are also proposed. The rule's definitions also would be alphabetized.

The definition of "aggregate exercise price" would be amended to mean, as applied to GNMA options, the exercise price of an option multiplied by the nominal principal amount of the underlying GNMAs. The definition would provide for adjustment of the aggregate exercise price in the event the remaining unpaid principal balance of a GNMA delivered upon exercise of a GNMA option varies from the nominal principal amount. The adjustment would reflect both the actual remaining unpaid principal balance of the GNMA delivered and the "appropriate differential". The term "appropriate differential" is defined as an amount calculated with reference to variations in the remaining unpaid principal balance actually delivered upon exercise of a GNMA option and the "current cash market price" of GNMAs bearing the same stated rate of interest as that borne by the GNMAs delivered. As applied to Government security options, "exercise price" would mean the exercise price of an option multiplied by the principal amount of the particular Government security underlying the option.

The definitions of "put" and "call" would be amended to provide that a holder of a GNMA option has the right to sell to or purchase from OCC, in accordance with the terms of the option, a remaining unpaid principal balance of GNMAs (referred to as the "nominal principal amount"), plus or minus the permitted principal variance. The "nominal principal amount" of a GNMA option would be fixed, in accordance with the OCC Rules, at $100,000 remaining unpaid principal balance of GNMAs. In order to apply to Government securities, the definitions of "put" and "call" would be amended to provide that the holder of a Government security option has the right to sell or to purchase from OCC, in accordance with the terms of the option, $100,000 principal amount of particular Government securities.

"Covered" would be amended to apply to GNMA options by appropriately correlating (i) short positions in GNMA call options with long positions in either the underlying GNMAs or in GNMA call options and (ii) short positions in GNMA put options with long positions in such options, based on the exercise price of the offsetting options positions or the remaining unpaid principal balance of the offsetting GNMA position. "Covered" would also be amended to apply to Government security options in an identical manner, except that the "principal amount", rather than the "remaining unpaid principal balance", is the measure of the basis of an offsetting Government securities position.

The definition of "exercise price" would be amended to apply to GNMA options and Government security options. As applied to GNMA options, the term would refer to the specified percentage of the nominal principal amount at which the underlying GNMA may be purchased or sold upon exercise of an option. The definition would provide for adjustment of that specified percentage in the event a GNMA delivered upon such exercise bears a stated rate of interest at a "qualifying rate" other than the "designated rate" of eight percent. The adjustment would cause the amount paid to provide the same yield to maturity as the amount which would have been payable if the stated rate of interest had been equal to the designated rate, assuming a 30-year term and prepayment at the end of the twelfth year of the mortgage obligations underlying GNMAs. In its application to Government security options, "exercise price" would refer to the specified percentage of the principal amount at which the particular underlying Government security may be purchased or sold upon exercise of an option.

"GNMA" would be defined to confine it to GNMAs bearing a "qualifying rate" of interest. What constitutes a qualifying rate would be subject to change from time to time on the basis of the then current "GNMA production rate", that is, a rate of interest .50 percent below the current Federal Housing Administration-Veterans Administration mortgage rate. A qualifying rate would be any rate equal to or less than the current GNMA production rate, provided that (i) in the event of a change in the GNMA production rate, already outstanding GNMAs bearing interest at the changed GNMA production rate would not be deemed to bear a qualifying rate for the periods specified and (ii) if the change is a decrease, outstanding GNMAs bearing an interest rate that was a qualifying rate immediately before the change would be deemed to continue to bear a qualifying rate for the periods specified. Finally, the definition of "GNMA" would provide that any two or more separate certificates representing GNMAs bearing the same qualifying rate delivered in accordance with the OCC Rules would be deemed to be a single GNMA (representing the aggregate of the remaining unpaid principal balances of such separate certificates).

"Government security" would be defined to include "Treasury bills", "Treasury notes" and "Treasury bonds", each of which is also proposed to be defined in Rule 700. "Government security" is defined with sufficient breadth to include the several types of securities issued or guaranteed by the U.S. Government and by quasi-governmental corporations, but GNMAs are explicitly excluded.

Supplementary material is proposed to be added to Rule 700 to make clear that the current standard form prospectus covering GNMAs is Form HUD 1717 and to establish that the time for determining the cash market price of GNMAs for purposes of calculating the appropriate differential would be immediately prior to preparation of advice by OCC concerning the precise amounts of aggregate exercise prices payable with respect to exercised GNMA options.

Rules 701, 702 and 703. Proposed Rule 701 specifies the procedures for selecting which Government security option contracts are to be traded, provides for designation of Treasury securities by reference to the coupon rate and date of maturity and permits Treasury securities to be the subject of options trading any time after initial public auction. Proposed Rule 702 establishes that the rights and obligations of holders and writers thereof are determined by the OCC Rules. Proposed Rule 703 sets forth how series of such contracts are to be fixed.

Rules 704, 705 and 706. Proposed Rules 704, 705 and 706 establish position and exercise limits of 2000 Government security option contracts and require reporting of aggregate positions of 200 or more contracts.

Rules 707, 708 and 709. Proposed Rule 707 requires liquidation of positions in excess of the 2000 contract limit of proposed Rule 704. Proposed Rule 708 empowers the Exchange to prohibit writing transactions and uncovering of covered short positions if there are outstanding an excessive number, or an excessively high percentage, of uncovered short positions. Proposed

Rule 709 authorizes the Exchange to impose other restrictions on Exchange option transactions and on the exercise of Government security option contracts.

Rules 715 and 716. Proposed Rules 715 and 716 empower the Exchange to establish minimum original public sale criteria for approving underlying Treasury securities and withdrawing its approval of underlying Government securities. In addition, proposed Rule 716 confines underlying Treasury securities to the most recently issued and actively traded issues and assures that specified minimum amounts of such securities remain outstanding.

Rule 717. Proposed Rule 717 requires trading rotations following the availability of quotations for Government securities following halts and suspensions, and at expiration. The rule also provides for halts and suspensions when trading in the Government security has been halted or suspended in the primary market or in the event current quotations are unavailable, or when, in the case of underlying Treasury securities, either the Federal Reserve is active in the primary market or a new issue is occurring.

Rule 721. Rule 721 is proposed to be amended to require special approval of customers' accounts prior to acceptance by members of orders from customers to purchase or write GNMA or Government security options.

Rule 726. Rule 726 is proposed to be amended to require delivery of a current OCC prospectus on GNMA and Government security options to customers whose accounts have been approved for GNMA and Government security transactions, respectively.

Rule 750. Proposed Rule 750 makes applicable certain existing Floor rules of the Exchange to Exchange trading of Government security options.

Rules 751 and 752. Proposed Rules 751 and 752 provide that bids and offers for Government security options shall be deemed to be for one option contract unless otherwise stated and shall be expressed in terms of a percentage of the aggregate principal amount and establish that such bids and offers shall be expressed in terms of 1/64th of one percent of the principal amount unless a different percentage is approved by the Exchange.

Rule 753. Proposed Rule 753 regulates the acceptance and precedence of bids and offers made for Government security options.

Rule 754. Proposed Rule 754 provides that the unit of trading in each series of Exchange options shall be established by OCC.

Rule 755. Proposed Rule 755 obligates the specialist to report on orders left with him.

Rule 756. Proposed Rule 756 requires a member to attempt to execute a transaction in a Government security option on an exchange before executing it in the over-the-counter market.

Rule 757. Proposed Rule 757 requires each Competitive Options Trader and specialist to report to the Exchange all orders handled and all accounts in which he trades.

Rules 758. Proposed Rule 758 prescribes qualifications for Competitive Options Traders, regulates their Floor conduct, restricts transactions in which they have an interest and specifies the manner in which they may engage in options trading.

Rules 759. Proposed Rule 759 provides for cabinet trading of Government security options at premiums of $1.00 or less.

Rules 760, 761 and 762. Proposed Rules 760, 761 and 762 require that each clearing member submit specified trade information relating to each transaction he effects and be responsible for the clearance of each such compared transaction through OCC.

Rules 763 through 766. Proposed Rules 763, 764, 765 and 766 set forth procedures for Exchange comparison of trade information and generation of lists of compared and uncompared trades. Clearing members are required by these proposed rules to reconcile uncompared trades, report such reconciliations to the Exchange and resubmit trade information for comparison by the Exchange.

Rules 767. Proposed Rule 767 directs that every clearing member maintain an office at an Exchange-approved location and that an authorized clearing member representative be present at that office for such hours as the Exchange shall determine.

Rules 770. Proposed Rule 770 prescribes the manner in which unreconciled, uncompared trades are to be resolved. The rule requires the member representing the purchaser (writer) to enter the Floor and buy (sell) the questioned option contract, unless the uncompared trade is for a firm account.

Rules 771 and 772. Proposed Rule 771 offers the writer of an Exchange option transaction the choice, upon the default of a clearing member, of canceling the transaction or entering into a new transaction and charging any loss to the defaulting clearing member. Proposed Rule 772 regulates the treatment of unsecured open positions of members who become suspended.

Rules 780. Proposed Rule 780 requires that option contracts be exercised by the clearing member according to the OCC Rules and sets a fixed cut-off time prior to the expiration date of the option contract at which a member organization will be able to accept exercise instructions.

Rules 781. The proposed amendments to Rule 781 provide that in allocating exercise notices, the member organization shall differentiate between positions of block size and smaller positions in GNMA options and Government security options. They further provide that when so directed by OCC, a member organization shall allocate a Government security or GNMA call option contract exercise notice to a customer who has made a specific deposit of the underlying Government security or GNMA.

Rules 782. The proposed amendments to Rule 782 require that payment of the aggregate exercise price by a customer be accompanied by accrued interest in the cases of GNMA option contracts and Government security option contracts. They also propose that in the case of GNMA option contracts, the customer need not pay the aggregate exercise price until the member organization informs the customer of the exact amount.

Rules 792. Proposed Rule 792 establishes the days and hours of the Exchange's option market independently of the Exchange's stock and bond markets, and provides for the trading of Government security options during the hours that Government securities ordinarily trade in the cash market.

II. NYSE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) NYSE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to provide the regulatory framework for a market on the Floor in options on obligations issued or guaranteed by the U.S.

Government or by quasi-governmental corporations other than the Government National Mortgage Association ("Government securities"), initially to be limited to securities issued by the U.S. Treasury. The proposed rule change is also designed to extend the reach of the Exchange's "upstairs" option rules (existing series 700) to cover options on Government securities and on modified pass-through mortgage-backed securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association ("GNMAs"). More detailed explanation of the purposes of the proposed amendments to existing rules and of the proposed new rules is set forth below on a rule-by-rule basis.

Rule 700. The proposed changes to Rule 700 are intended to provide the requisite scope to the Exchange's option rules and to define necessary terms used throughout the option rules.

Rules 701, 702 and 703. Proposed Rules 701, 702 and 703 are designed to provide the mechanism for approving and designating Government security option contracts and for initiating trading therein.

Rules 704, 705 and 706. Proposed Rules 704, 705 and 706 are intended to proscribe transactions resulting in excessive positions with respect to a particular underlying Government security, to proscribe the exercise within a short period of time of an excessive number of long positions in a particular class of Government security options, and to provide the Exchange with information necessary to enforce the position and exercise limits established in proposed Rules 704 and 705.

Rules 707, 708 and 709. Proposed Rules 707, 708 and 709 are intended to empower the Exchange to enforce the Rule 704 position limits, and to impose such other restrictions on Exchange option transactions and on the exercise of option contracts as are necessary to rectify undesirable market situations.

Rules 715 and 716. Proposed Rule 715 is intended to assure that the Treasury securities chosen for options trading are widely held and actively traded. Proposed Rule 716 is intended to assure the cessation of trading in an option when the underlying Government security ceases to be a suitable subject of options trading.

Rule 717. Proposed Rule 717 is intended to authorize trading rotations, halts and suspensions in circumstances appropriate for Government securities.

Rule 750. Proposed Rule 750 is intended to apply appropriate existing Floor rules to trading on the Exchange of Government security options.

Rules 751 and 752. Proposed Rules 751 and 752 are intended to establish the manner in which bids and offers on option contracts are to be expressed and to establish a minimum fractional change for Exchange option transactions involving Government securities.

Rule 753. Proposed Rule 753 is intended to regulate the acceptance and precedence of bids and offers on options.

Rule 754. Proposed Rule 754 is intended to prescribe the manner in which units of trading are to be established.

Rule 755. Proposed Rule 755 is designed to impose on specialists a duty to report orders when requested to do so by the member supplying them.

Rule 756. Proposed Rule 756 is intended to impose market responsibility obligations on members.

Rule 757. Proposed Rule 757 is intended to impose on specialists and Competitive Options Traders an obligation to report to the Exchange accounts in which they trade and orders which they place.

Rule 758. Proposed Rule 758 is intended to regulate the option trading of Competitive Options Traders.

Rule 759. Proposed Rule 759 is intended to permit accommodation liquidations.

Rules 760 through 767, 770 and 771. These proposed rules are intended to provide for the comparison of Exchange option transactions.

Rule 772. Proposed Rule 772 is intended to prescribe the manner in which open option contracts of suspended members are to be treated.

Rule 780. Proposed Rule 780 is designed to establish procedures for the exercise of option contracts.

Rule 792. Proposed Rule 792 is intended to permit the Exchange's option market to operate, and suspend operation, independently of the Exchange's stock and bond markets, and to permit the hours of the Exchange's market in government security options to track those of the primary market in the underlying Government securities.

(2) *Statutory Basis.* The proposed rule change relates to section 6(b)(1) of the Act in that it would provide a regulatory framework for a market in government security options on the Floor. The proposed rule change would give the Exchange the capacity to carry out the purposes of the Act, to comply with the provisions of the Act, the rules and regulations thereunder and the rules of the Exchange, and to enforce compliance therewith by Exchange members and persons associated with members. Except for the changes necessary to accommodate Government security options trading on the Floor, the Exchange's existing rules, and hence the same bases and policies underlying those rules, apply to the Exchange's proposed market in Government security options. Thus, the proposed rule change contemplates the application to Exchange trading of Government security options of long-established regulatory principles and techniques which are designed to assure the fairness, orderliness and quality of the Exchange's stock and bond markets. In addition, except for changes necessitated by the particular characteristics of the underlying Government securities and the markets therein, most of the new rules contained in the 700 series are substantially identical to those of the 900 series of the rules of the American Stock Exchange, Inc. and therefore have a common basis with the AMEX option rules in the Act and the rules and regulations thereunder. Consequently, the Exchange believes the public interest will be advanced by Exchange trading of Government security options.

(B) NYSE's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Quite to the contrary, the Exchange believes that significant benefits will flow to the U.S. economy, to market professionals and to investors from the creation of a free and open market for the trading of standardized options on Government securities. The Exchange believes that the proposed rule change will permit the creation of such a market—a market designed to prevent fraudulent and manipulative acts and practices, to permit just and equitable principles of trade, to protect investors and the public interest and to provide appropriate disciplinary procedures applicable to its members and persons associated with its members who violate the rules of the Exchange.

(C) NYSE's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments have been solicited or received to date. The Exchange expects to solicit comments on the proposed rule change from Exchange members and member organizations and to incorporate appropriate comments into the proposed rule change by an amendment. In addition, the Exchange is forming a users advisory committee to

assist it in designing its market in Government security options.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the filing by the NYSE of one or more appropriate amendments setting forth the completion of all action required to be taken by the NYSE under its Constitution, Certificate of Incorporation and rules or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 19, 1981.

For the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 16, 1981.

FR Doc. 81-8615 Filed 3-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11995; 812-4764]

Dreyfus Service Corp.; Filing of Application

March 13, 1981.

Notice is hereby given that Dreyfus Service Corporation ("Applicant"), 767 Fifth Avenue, New York, New York 10153, a New York corporation which serves as sponsor to The Dreyfus Income Trust (First Short Term Series and Subsequent Series) ("Trust"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), filed an application on December 19, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rule 22c-1 under the Act to the extent necessary to permit Applicant to offer Units of the Trust at a public offering price other than the price next computed after receipt of a purchase order. The exemptive relief requested by Applicant would be limited to a period of the first five business days of the initial offering period for each future Series of the Trust, or until 80% of the units of such Series are sold, whichever occurs first. All intrerested persons are referred to the applicaiton on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that as of the date of the application there had been sixteen Series of the Trust. Applicant further represents that Units representing fractional undivided interests in each Series of the Trust have been, and will be, registered as securities purusant to the Securities Act of 1933 ("1933 Act"). According to the application, each Series of the Trust has consisted, and will consist of certificates of deposit (including contracts for the purchase of certain certificates of deposit and irrevocable letters of credit) deposited by Applicant with The Bank of New York ("Trustee").

Applicant represents that, after the filing of a preliminary prospectus with the Commission in connection with a proposed public offering of Unts of a Series, it contacts dealers who have purchased Units of past Series for indications of interest from them. On the basis of the indications of interest received from such dealers, Applicant purchases the certificates of deposit which will constitute the Series on the day prior to the effectiveness of the Units of the Series under the 1933 Act. Applicant further states that at 9:00 a.m. the following day ("Closing Date") the certificates of deposits are deposited with the Trustee for which Applicant receives from the Trustee a certificate for Units representing the entire ownership of such Series, one Unit for each $1,000 principal amount of certificates of deposit deposited with the Trustee. Upon the effectiveness of such Units under the 1933 Act on the morning of the Closing Date, Applicant states that the initial offering period commences, during which it offers the Units for sale to the public.

Applicant further states that the overwhelming majority of Units are sold by the Applicant to dealers who presumably buy for, or resell to, their retail cusomters. Applicant adds, that as the indications of interest previously received from such dealers are only approximations and cannot be firm offers to purchase, the actual purchases of Units by dealers upon the effectiveness of an offering may be considerably different due to, for example, mistake, changed market conditions, or inaccurate estimations. The initial offering period continues from day to day as may be necessary until all such Units are sold, but for a maximum of 30 days. Historically the Trust Series have been sold out, on average, 7½ business days from the Closing Date.

Rule 22c-1 adopted under the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant proposes to offer Units of each future Series of the Trust to the public at a public offering price determined as of 4:00 p.m. on the business day prior to any such offer ("backward pricing") for a period of the first five business days of the intitial offering period for each such Series, or until 80 percent of the Units are sold, whichever occurs sooner. Since the public offering price so determined will be effective for all sales of the Units during the following 24 hour period, the "forward pricing" requirement of Rule 22c-1 under the Act would not be met.

Applicant asserts that under the current forward pricing requirements of Rule 22c-1, Applicant is subject to whatever gains or losses may result due to changing market conditions: (1) between the time of purchase of the underlying certificates (approximately 11:00 a.m. on the day prior to the Closing Date) and the time the first public offering price is established (4:00 p.m. on

the Closing Date) and (2) between successive evaluations. While the market movement normally to be expected will be minor, such shifts will have a significant total impact on Applicant due to its initial position as owner of all the Units in a Series. Applicant further states that the average single day fluctuation of $.71 per $1,000 Unit, which it contends is a minimal difference to an individual investor, subjects the Applicant to substantial financial risks. Applicant further asserts that pursuant to the requested exemption, these particular risks would be reduced significantly, although not totally eliminated.

Applicant states that Rule 22c–1 has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset value; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant submits that the purposes of Rule 22c–1 will not be offended by the proposed backward pricing of the Units. In this regard Applicant asserts that, since it will own all the Units at the beginning of the initial offering period, the price at which it sells those Units can affect only Applicant, not the value of the underlying certificates of deposit nor the fractional undivided interest in those certificates of deposit represented by each Unit outstanding. Thus, Applicant concludes that dilution of the Trust is not a relevant concept as neither the Trustee nor the assets of the Trust are involved in the sale of the Units. Applicant further asserts that the movement of interest rates on the short-term certificates of deposit which constitute the Series is not sufficient to make speculative trading practices ordinarily profitable. Applicant states that the sales charge on a Unit is currently 0.70% of the public offering price, or $7.05 on a $1,000 Unit, and that this is the amount of price movement necessary between successive daily valuations for a potential speculator simply to break even. Applicant represents that there has never been a single day fluctuation that large during the initial offering period of any Series of the Trust, and that the average single day fluctuation during this period has been approximately 1/10 of that necessary to make speculation numerically feasible on the basis of the foregoing. Thus, Applicant argues that the possibility of speculation by an investor is so remote as to be considered a practical impossibility.

Moreover, Applicant states that a speculator who desires to take advantage of a movement in the aggregate value of the certificates of deposit composing the portfolio of a particular Series would, in addition to confronting a market in which fluctuations are limited, have to accurately assess the value of the underlying portfolio of certificates of deposit, none of which is listed on a securities exchange. To the extent that the portfolio of a Series consists of certificates of deposit issued by London branches of domestic banks, Applicant further represents that the problems of evaluation for the purpose of speculation would be increased by the necessity of considerably the different inherent risks of a foreign market, the six hour time difference from the domestic market and the costs of obtaining such data.

Applicant further represents that in a period where the market value of Units is rising there is little or no possibility that either Applicant or the dealers would be able to profit by redeeming Units with the Trustee because price changes are limited in respect to the short-term certificates of deposit which underlie such Units. In order for the Applicant or a dealer to make more profit by redeeming Units than by selling to investors, there would have to be a single day fluctuation greater than the sum of the difference between the offering and bid prices (since the redemption price for Units is forward priced and based on the aggregate bid side evaluation of the underlying certificates of deposit) and the .70% sales charge. Nonetheless, Applicant agrees that it will not tender back to the Trustee for redemption any of its unsold Units during the initial offering period of any Series. With respect to Units tendered by investors to the Trustee for redemption, and which are instead purchased by Applicant, Applicant states that it is prohibited by the terms of the Trust Indenture and Agreement from subsequently redeeming those Units at a greater price than it paid for them, plus interest. Applicant represents that, while it can not, and does not, guarantee the maintenance of a market for Units during the initial offering period of each Series, it intends to do so and to continuously offer to repurchase such Units at prices in excess of the redemption price.

According to the application, the sole risk to investors in the Trust from the adoption of daily backward pricing of the Units is that an investor whose purchase price is based on the previous day's evaluation may be paying more, because the evaluation has declined, than the price such investor would pay if the price was determined on the day of the purchase pursuant to the forward pricing requirement of Rule 22c–1. In order to reduce the risk of loss to potential investors in the Trust to what Applicant views as a *de minimis* level, Applicant proposes that pricing of the Units during the first five days of an offering, or until 80% of the Units are sold, whichever occurs sooner, be done daily on a backward pricing basis; but if the purchase price declines by more than $5.00 per Unit between two successive valuations, then the investor would receive the lower purchase price determined by forward pricing of the Units for that day. Applicant submits that under its proposal the maximum potential risk to an investor in the Trust is $5.00 per $1,000 Unit, or ½ of 1% of the total investment.

Applicant further submits that potential investors in the Trust will benefit significantly from the proposed backward pricing of the Units because it would allow investors to profit from positive market shifts without limitation, while limiting the risk of a negative market shift to a *de minimis* level, and facilitate the continued availability to the public of a desirable investment vehicle.

Finally, Applicant claims that the Trust can be readily distinguished from other unit investment trusts with portfolios of long-term debt obligations, as follows: (1) the financial risks to sponsors of long-term trusts, and therefore their need for protection, are comparatively minimal. Such other trusts utilize a much higher sales charge than the Applicant in pricing their units, and are therefore able to profitably offer series of much smaller principal amount, with less investment of capital and correspondingly less financial risk; (2) sponsors of long-term trusts normally buy the underlying instruments in the market at a price between the bid and asked price, but deposit the instruments in the trust at the asked price, thereby providing themselves an immediate margin of profit unavailable to the applicant, which purchases directly from the issuers; and (3) Units of the Trust, with an underlying portfolio of short-term instruments, are subject to minimal market shifts (to an individual investor), while units of long-term trusts are subject to much larger price fluctuations. For this reason the sponsor of such a trust would often be unable to utilize a backward pricing exemption of the type being requested here, as the ½ of 1% *de*

minimis protection of the instant application could be regularly exceeded.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In view of the foregoing, Applicant asserts that the exemption requested is appropriate and in the public interest, and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 7, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8016 Filed 3-19-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 2-65259 (22-10072)]

Galaxy Oil Co.; Application and Opportunity for Hearing

March 16, 1981.

Notice is hereby given that Galaxy Oil Company (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Bank of the Southwest National Association, Houston, ("Trustee") under certain existing indentures of the Applicant, one of which is qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from continuing to act as trustee under the Applicant's indentures.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of Subsection (1), there shall be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. The Applicant has currently issued an outstanding $9,611,000 principal amount of 9% Convertible Subordinated Debentures Due 1994 ("Registered Debentures") issued pursuant to an indenture dated as of September 15, 1979 ("Registered Indenture") entered into between the Applicant and the Trustee. The Registered Debentures were issued in a registered public offering in the United States (Registration Statement No. 2–65259) and the Registered Indenture was qualified under the Act (Registration No. 22–10072).

2. As of January 1, 1981, the Applicant has entered into a second indenture ("Unregistered Indenture") with the Trustee pursuant to which Galaxy Oil International N.V. ("International"), wholly-owned Netherlands Antilles subsidiary of the Applicant issued $12,000,000 principal amount of 8½% Convertible Subordinated Debentures Due 1996 ("Unregistered Debentures"), which Debentures are guaranteed, on a subordinated basis, by the Applicant.

3. As a result of the Applicant's guarantees ("Guarantees") of the Unregistered Debentures, the trusteeship of the Trustee under the Unregistered Indenture may be deemed to create a conflict of interest within the meaning of Section 310(b)(1) of the Act and Section 8.08 of the Registered Indenture, requiring the Trustee to resign as Trustee under either the Registered Indenture or the Unregistered Indenture within 90 days after January 1, 1981, unless such conflict of interest is otherwise eliminated.

4. The Unregistered Indenture contains provisions relating to the subordination of the Guarantees which are the same in all material respects to the subordination provisions contained in the Registered Indenture, which provisions cause the Guarantees to rank equally with the Registered Debentures as obligations of the Applicant.

5. The respective obligations of the Applicant represented by the Registered Debentures and the Guarantees are *pari passu*, and the holders of such obligations would share (on a pro rata basis with the holders of any other subordinated indebtedness of the Applicant which might exist from time to time) any assets remaining in the Applicant after the payment of all senior indebtedness of the Applicant.

6. Neither the Registered Debentures, the Unregistered Debentures nor the Guarantees are secured by any of the property or assets of the Applicant.

7. In the opinion of the Applicant, the provisions of the aforementioned indentures are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any holder of any of the debentures issued under such indentures to disqualify the Trustee from acting as trustee under both indentures.

For a more detailed account of the

matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 6, 1981, submit to the Commission his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such requests, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8617 Filed 3-19-81 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-54]

James A. Barnhart; Customhouse Broker License—Revocation

Notice is bereby given that the Acting assistant Secretary of the Treasury, on February 3, 1981, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and Part 111 of the Customs Regulations, as amended (19 CFR Part 111), revoked the individual customhouse broker's license No. 3605 issued to James A. Barnhart, Los Angeles, California on July 1, 1964, for the Customs District of Los Angeles, California. The decision is effective as of February 3, 1981.

William T Archey,

Acting Commissioner of Customs.

March 16, 1981.

[FR Doc. 81-8603 Filed 3-19-81; 8:45 am]

BILLING CODE 4810-22-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Letters to the Acting Commissioner of Customs Concerning Implementation of the International Coffee Agreement, 1976

Executive Order No. 12297 of March 12, 1981, delegates to the United States Trade Representative the functions vested in the President by the International Coffee Agreement Act of 1980 (Pub. L. 96-599; 94 Stat. 336).

The following letters were sent to the Acting Commissioner of Customs providing for customs to carry out the obligations of the United States under the International Coffee Agreement to regulate and moniter coffee imports and exports and notifying him that the control provisions of the Agreement are now in effect.

William E. Brock,

U.S. Trade Representative.

March 16, 1981.

Mr. William T. Archey,

Acting Commissioner of Customs, U.S. Customs Service, Washington, D.C. 20229.

Dear Mr. Archey: The International Coffee Agreement Act of 1980 provides that for such period prior to October 1, 1982, as the International Coffee Agreement, 1976, (ICA) remains in effect, the President is authorized to regulate the entry of coffee for consumption, or any other form of entry or withdrawal of coffee such as transportation or exportations. When ICA quotas are in effect, the President is authorized to limit entry of coffee from non-ICA members; prohibit entry of coffee from ICA members which is not accompanied by documentation required under the ICA: require that coffee exports from the United States have documentation required by the ICA; require the keeping of records and data as he may prescribe; and take such other actions and make such rules and regulations as he considers necessary or appropriate for the United States to implement its ICA obligations.

The President, by Executive Order No. 12297 of March 12, 1981 delegated to me or my designee the authority under the International Coffee Agreement Act of 1980 (Pub. L. 96-599; 94 Stat. 3491) to take action implementing U.S. rights and obligations under the Agreement.

Accordingly, the U.S. Customs Service is directed to issue any necessary internal directives or operational procedures necessary to implement the control provisions of the International Coffee Agreement Act of 1980. It is the responsibility of the U.S. Customs Service to regulate the entry of coffee into the United States. Upon receipt of notification from USTR that quotas are in effect, the Customs Service shall limit the entry of coffee from non-ICA members; prohibit entry of coffee from ICA members which is not accompanied by required documentation; require that coffee exports from the United States have required documentation; and issue such rules and procedures that are necessary for the United States to implement and control provisions of the ICA.

The U.S. Customs Service is directed to publish any directives and procedures under which the control provisions of the Act are to be implemented.

This letter will be published in the Federal Register.

Very truly yours,

William E. Brock.

March 16, 1981.

Mr. William T. Archey,

Acting Commissioner of Customs, United States Customs Service, Washington, D.C. 20229.

Dear Mr. Archey: The International Coffee Agreement Act of 1980 provides that for such period prior to October 1, 1982, as the International Coffee Agreement (ICA), 1976, remains in effect, the President is authorized to regulate the entry of coffee for consumption, or any other form of entry or withdrawal of coffee such as transportation or exportations. When ICA quotas are in effect, the President is authorized to limit entry of coffee from non-ICA members and to prohibit entry of coffee into the United States from ICA members that is not accompanied by required certification.

The President, by Executive Order No. 12297 of March 12, 1981, delegated to me or my designee the authority under the International Coffee Agreement Act of 1980 (P. L. 96599; 96 Stat. 3491) to take action implementing U.S. rights and obligations under the Agreement.

This office has been informed by the ICO (Circulars ED-1011/80 and ED1017/81) that quotas are in effect. In accordance with our letter of March 16, 1981, you are hereby directed to: prohibit entry of coffee from ICA members that is not accompanied by the proper certification, and limit the entry of coffee from non-ICA members to 121,860 bags of coffee for coffee year 1980-81.

This letter will be published in the Federal Register.

Very truly yours,

William E. Brock.

[FR Doc. 81-8613 Filed 3-19-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 54
Friday, March 20, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Consumer Product Safety Commission	2
Federal Deposit Insurance Corporation	3
Federal Election Commission	4
Federal Home Loan Bank Board	5
Federal Maritime Commission	6–8
Federal Reserve System (Board of Governors)	9
National Railroad Passenger Corporation	10

1

[M–310]

CIVIL AERONAUTICS BOARD.

March 17, 1981.

TIME AND DATE: 10 a.m., March 24, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 36244, Carrier Selection Case For Columbus, Hastings, Kearney and McCook, Nebraska. Instructions to the staff. (BDA)
3. Supplementary data needed for U.S. report to the International Civil Aviation Organization (ICAO). (OC, BIA, OGC)
4. U.S. Air Inc. credit card refund practices. (Memo No. 350, BCCP)
5. Docket 38425, *(American Airlines, Inc. v. American Eagle Airlines, Inc.)* Motion for review of the Director, BCCP's dismissal of third-party complaint (Memo No. 342, OGC)
6. Docket 33477, *Texas/Great Lakes-Eastern Canada Service Case.* Partial Final Order. (OGC)
7. Docket 39298, United's 90-day notice to suspend all service at Ely and Elko, Nevada. (BDA, OCCR)
8. Dockets 39218 and 39317—TWA's notice of its intention to suspend service at Reno, Nevada, and its application for an exemption to suspend this service three days early on April 28, 1981. (BDA, OCCR)
9. Docket 39244, 90-day notice of Republic Airlines proposing to suspend scheduled service at Manistee/Ludington, Michigan. (Memo No. 346, BDA, OCCR)
10. Docket 36727, Trans-Pacific Airlines, Inc.—Application for a section 418 All-Cargo Air Service Certificate. (Memo No. 347, BDA)
11. Dockets 39199 and 39200, 90-day notice of Republic Airlines to suspend service at Syracuse, New York, and request for exemption to suspend on less than the statutory notice period. (BDA, OCCR)
12. Dockets 39279, 39280, and 39281, Notices of Republic Airlines to terminate service at Worthington, Fairmont, and Mankato, Minnesota. (BDA, OCCR)
13. Docket 38692, Notice of intent of Semo Aviation, Inc., to terminate service at Jonesboro, Arkansas. (BDA)
14. Docket 39171, Ozark Air Lines, Inc.—application for a section 418 All-Cargo Air Service Certificate. (BDA)
15. Docket 39263, Application of Robert G. Rutkowski d.b.a. Northeastern International Airways for Transfer and Reissuance of Charter Certificates. (Memo No. 341, BDA)
16. Docket 30332, Motion of Electronics Shippers for Stay of Order 78–7–115 pending judicial review. (Memo No. 344, BDA, BIA)
17. Dockets 37818 and 37976, In the Matter of Intra-Hawaii Service Mail Rates. (Memo No. 351, BDA)
18. Docket 37294, *Priority and Nonpriority Domestic Service Mail Rates Investigation.* Docket 37392, *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation.* (Memo No. 343, BDA)
19. Docket 35634, IATA agreements proposing general fuel-related increases in cargo rates in a variety of international markets. (Memo No. 345, BIA)
20. Cancellation of the Foreign Air Carrier Permits held by various foreign air freight forwarders. (Memo No. 356, BIA, OGC)
21. Docket 39090, Petition of Air California for the institution of a 401(g) investigation to determine whether or not a new carrier should be designated to replace the dormant carriers holding authority to serve Routes A.3 and A.4 of the U.S.-Mexico Bilateral Agreement. (Memo No. 354, BIA)
22. Docket 27158, Application of AeroPeru for additional widebodied authority between Miami and Lima. (BIA, OGC)
23. Docket 38842—Application of Challenge Air Transport, Inc. (CAT) for authority pursuant to 401 to engage in foreign charter air transportation of cargo throughout the Western Hemisphere north of and including Colombia, Venezuela, Guyana, Surinam, and French Guiana. (BIA, OGC, BCAA, BALJ)
24. Dockets 33641 and 37076, Order granting Boston-Central America authority to Braniff Airways, Inc. and Pan American World Airways, Inc. (BIA, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–434–81 Filed 3–16–81; 3:56 pm]

BILLING CODE 6320–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION.

Revised Agenda [1]

TIME AND DATE: 9:30 a.m., Thursday, March 19, 1981.[2]

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Part Open, part closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. *Alkaline Batteries Petition, HP 80–2* the Commission will consider a petition in which Melvin Alberts asks CPSC to declare certain alkaline batteries to be a banned hazardous substance under the Federal Hazardous Substances Act.

Closed to the public:

2. *Enforcement Matter (OS #925)* The Commission and staff will discuss matters associated with an enforcement matter. Closed under exemption 10: agency adjudication.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, DC 20207; Telephone: (202) 634–7700.

[S–446–81 Filed 3–18–81; 10:47 am]

BILLING CODE 6355–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5, U.S.C. 552b(e)(2)), notice is hereby given that at 4:00 p.m. on Tuesday, March 17, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

(a) authorization of funds for the payment of insured deposits in the Des Plaines Bank, Des Plaines, Illinois, which was closed by the Commissioner of Banks and Trust Companies of the State of Illinois on March 14, 1981, and appointment of a liquidator for the assets of the closed bank;

(b)(1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Peoples Banking Company, Boston, Georgia, whose board of directors turned over possession of

[1] Agenda revised March 17 to delete two items which will be rescheduled, and to add current item 2. The matters to be rescheduled are: Briefing on Toy Enforcement Program, and an Enforcement Matter (OS #921); both will be closed to the public.

[2] This meeting was originally scheduled for Wednesday, March 18; the Commission changed the date on March 17.

the bank to the Commissioner of Banking and Finance of the State of Georgia as of the close of business on March 17, 1981; (2) accept the bid for the transaction submitted by Commercial Bank, Thomasville, Georgia, a subsidiary of CB&T Bancshares, Inc., of Columbus, Georgia; (3) approve a resulting application of Commercial Bank, Thomasville, Georgia, for consent to purchase assets and assume liabilities and establish a branch; (4) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (5) appoint a liquidator for such of the assets of the closed bank as were not purchased by Commercial Bank;

(c) an application of Bankers Trust of South Carolina, Columbia, South Carolina, for consent to merge, under its charter and title, with Spartanburg Bank and Trust Company, Spartanburg, South Carolina, to establish the seven offices of Spartanburg Bank and Trust Company as branches of the resultant bank, and to purchase and retire common stock of Bankers Trust of South Carolina; and

(d) an application of Franklin Savings Bank of New York, New York (Manhattan), New York, for consent to merge, under its charter and with the title "American Savings Bank," with American Savings Bank, New York (Manhattan), New York, and Empire Savings Bank, New York (Manhattan), New York, and to establish the eight full-service offices and one public accommodation office of American Savings Bank and the eleven offices of Empire Savings Bank as nineteen full-service branches and one public accommodation office of the resultant bank.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: March 18, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-450-81 Filed 3-18-81; 3:45 pm]

BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Monday, March 23, 1981 at 2 p.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be partially open and partially closed.

MATTERS TO BE CONSIDERED IN OPEN SESSION: Potential budget reductions for fiscal year 1982.

MATTERS TO BE CONSIDERED IN CLOSED SESSION (Immediately following conclusion of open meeting): FEC responses to Senate Rules Committee on inquiries involving enforcement matters.

DATE AND TIME: Wednesday, March 25, 1981 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Continuation of agenda of March 18, 1981 regarding enforcement matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons

Secretary of the Commission.

[S-449-81 Filed 3-18-81; 3:13 pm]

BILLING CODE 6715-01-M

5

[No. 461]

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 3 p.m., March 23, 1981.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Request for a Commitment to Insure Accounts—First Union Savings & Loan Association (in organization), Fort Pierce, Florida

Merger Application—Kalamazoo Savings & Loan Association, Michigan *into* First Federal Savings & Loan Association of Detroit, Detroit, Michigan

Proposed Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—Central Federal Savings & Loan Association, Terre Haute, Indiana *into* Wabash Federal Savings & Loan Association, Terre Haute, Indiana

Preliminary Application for Conversion to a Federal Mutual Charter—The Tremont Savings & Loan Association, Bronx, New York

Request for Approval of Acquisition of Raritan Valley Savings & Loan Association, East Brunswick, New Jersey *by* Raritan Valley Financial Corporation, East Brunswick, New Jersey.

Service Corporation Activity—Island Federal Savings & Loan Association, Hempstead, New York

Branch Office Application—Berkeley Federal Savings & Loan Association of New Jersey, Millburn, New Jersey

Merger Application—Colonial Federal Savings & Loan Association, Louisville, Kentucky *into* Greater Louisville First Federal Savings & Loan Association, Louisville, Kentucky

Proposed Merger—La Jolla Federal Savings & Loan Association, La Jolla, California *into* Glendale Federal Savings & Loan Association, Glendale, California

Application for Merger—Security Savings & Loan Association, Pocatello, Idaho *into* United First Federal Savings & Loan Association, Boise, Idaho

Request for Commitment of Insurance of its Accounts—(Proposed) Central Savings & Loan Association, Stuart, Florida

Increase in Accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance; and Transfer of Stock—Stonewall Savings & Loan Association of Linden, New Jersey *into* Columbia Savings & Loan Association, Fair Lawn, New Jersey

Request for Approval of Acquisition of Control of—Hawthorne Savings & Loan Association, Hawthorne, California *by* Republic Financial Services, Inc. (Republic), Dallas, Texas

Announcement is being made at the earliest practicable time.

[S-446-81 Filed 3-18-81; 3:06 pm]

BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 16775, March 13, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 18, 1981.

CHANGES IN THE MEETING: Withdrawal of the following item from the open session:

9. Discussion of Interstate Commerce Commission Ex Parte 230 (Sub. 5).

[S-453-81 Filed 3-18-81; 3:45 pm]

BILLING CODE 6730-01-M

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 3 p.m., March 19, 1981.

PLACE: Hearing room one, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Discussion of Interstate Commerce Commission Ex Parte 230 (Sub. 5).

2. Special Permission Application (4137) of Trans Pacific Freight Conference of Japan/Korea—Request for Waiver of Tariff Filing Requirements.

3. Petition of the U.S.-Flag Far East Discussion Agreement for Commission action

pursuant to Section 19 of the Merchant Marine Act, 1920.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523–5725.

[S–452–81 Filed 3–18–81: 3:45 pm]

BILLING CODE 6730–01–M

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., March 26, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 9925–3: Proposed 10-Year Extension of the Pacific America Container Express Service Agreement.
2. Agreement No. T–3927: Between the City of Los Angeles and Oversea Terminal Company, Inc.—Non-exclusive Assignment of Berths and Terminal Facilities.
3. Exemption of Exclusive Interchange (Including Lease) Arrangements of Empty Containers, Chassis, LASH/SEABEE Barges, and Related Equipment between two or more persons subject to the Shipping Act, 1916.
4. Agreement Nos. 2744–44, 10390, and 10391: Modification of the Atlantic & Gulf/West Coast of South America Conference Agreement to eliminate Ecuador from its scope; establishment of the United States Atlantic & Gulf/Ecuador Freight Conference Agreement; and establishment of the United States Florida/Ecuador Steamship Conference Agreement, respectively.
5. Agreements Nos. 10041–8 and 10044–6—Extension of U.S. Atlantic and Gulf/Peru Pools.
6. Docket No. 80–19: Requirements for Filing Currency Adjustment Factors Reflecting Changes in the Exchange Rate of Tariff Currencies.
7. Informal Dockets Nos. 941(I) and 942(I)—J. T. Baker Chemical Co. v. Atlantic Container Line—Review of Settlement Officer's Decision.
8. Informal Docket No. 949(I)—Bristol Myers Company v. Seatrain International, S.A.—Review of Settlement Officer's Decision.

Portion closed to the public:

1. Docket No. 76–34—Tariff FMC 6, Rule 22 of the Continental North Atlantic Westbound Freight Conference; and Docket No. 76–38—Tariff Rules Concertedly Published Defining Practices of Conferences and Rate Agreement Members Regarding the Acceptance and Responsibility for Shipper-Owned or Shipper-Leased Trailers or Containers—Scope of Further Proceedings.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523–5725.

[S–451–81 Filed 3–18–81: 3:45 pm]

BILLING CODE 6730–01–M

9

FEDERAL RESERVE SYSTEM.

BOARD OF GOVERNORS.

TIME AND DATE: 10 a.m., Wednesday, March 25, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Request by the Commodity Futures Trading Commission for comment on proposals to provide additional delivery dates for certain futures contracts.
2. Proposed 1981 fee schedule for Federal Reserve commercial check services.
3. Proposed revisions to the Board's "Rules Regarding Delegation of Authority" in the areas of Reserve Bank operations and personnel.
4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–445–81 Filed 3–18–81: 9:46 am]

BILLING CODE 6210–01–M

10

NATIONAL RAILROAD PASSENGER CORPORATION

ADDITIONAL AGENDA ITEM

In accordance with Rule 4(d) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the following item will be added to the agenda for the Board of Directors meeting of March 25, 1981.

Commitment Approval Requests

80–211–S1 Establishment of 403(b) Service to Decatur, Illinois

Board members Mills, Boyd, Luna, Lamphier, Quinn, Range, Nathan, Neel and Langdon determined by recorded vote that the business of the Corporation requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time. Board members Lewis and Kling were not reached for the vote.

the revised agenda to be discussed at the meeting follows:

Agenda—National Railroad Passenger Corporation

Meeting of the Board of Directors—March 25, 1981

(9:30) *Closed Session*
1. *Internal Personnel Matters*
2. *Litigation Matters*
3. *Washington Terminal Company*

(10:30) *Open Session*
4. *Approval of Minutes of Regular Meeting of February 25, 1981*
5. *Commitment Approval Requests*
   - 81–65 Upgrade Coffee Creek Bridge-Porter, Indiana
   - 81–66 Reroute of the Washington Section of the Broadway Limited
   - 81–67 Two-year Lease of Remote Access Data Processing Equipment
   - 81–68 Purchase/Resale/Leaseback of IBM Tape Peripherals
   - 78–76–S3 Supplemental Funding for Grade Crossing Improvements—Florida Phase III
   - 80–211–S1 Establishment of 403(b) Service to Decatur, Illinois
6. *Board Committee Reports*
   - Equipment
   - Finance
   - Legal Affairs
   - Northeast Corridor Improvement Project
   - Organization & Compensation
7. *President's Report*
8. *New Business*
9. *Adjournment*

Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383–3754.

March 18, 1981.

Sandra Spence,

Corporate Secretary.

[S–447–81 Filed 3–18–81: 12:47 pm]

V 4 6 / 5 4 M R 2 0 8 1

federal register

Friday
March 20, 1981

Part II

Department of Labor

Wage and Hour Division, Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Connecticut:	
CT81-3001	Jan. 23, 1981
Florida:	
FL79-1039	Feb. 16, 1979
FL80-1072	May 16, 1980
Kentucky:	
KY77-1102	Aug. 26, 1977
Louisiana:	
LA80-4084	Nov. 7, 1980.
LA80-4089	Nov. 7, 1980
Nevada:	
NV80-5100	Feb. 1, 1980.
New Mexico:	
NM80-4090	Nov. 28, 1980
North Dakota:	
ND80-5102	Feb. 1, 1980
ND80-5132	Oct. 10, 1980
Texas:	
TX80-4024	Apr. 4, 1980
TX80-4086	Nov. 7, 1980
Virginia:	
VA81-3015	Mar. 6, 1981

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	
FL78-1066 (FL81-1196)	Oct. 6, 1978
Georgia:	
GA80-1082 (GA81-1196)	July 7, 1980
Kentucky:	
KY79-1164 (KY81-1197)	Dec. 14, 1979
Mississippi:	
MS81-1153 (MS81-1195)	Jan. 6, 1981

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 13th day of March 1981.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 2

MODIFICATION PAGE 1

DECISION NO. CT81-3001

DECISION NO. CT81-3001
MOD. #1
(46 FR 7721 - January 23, 1981)
Fairfield, Litchfield and Windham Counties, Conn.

CHANGE:
DESCRIPTION OF WORK: Building, Residential (excluding Windham Co.), Highway & Heavy (excluding tunnel construction) Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No. FL79-1039 - Mod. #7 (44 FR 10228 - Feb. 16, 1979) Volusia Co. (except Cape Kennedy Space Flight Center & Cape Canaveral Air Force Station, Florida)					
CHANGE:					
Boilermakers	12.75	1.275	1.10		.04
Electricians					
Base Zone (within 40 miles of Daytona Beach):					
Electricians	10.89	.50	3% +.98		.05
Cable Splicers	11.14	.50	3% +.98		.05
Zone I (all work beyond 40 miles from Daytona Beach and not accessible by public roads & including power generation plants & industrial over 3,000,000 total permit)					
Electricians	12.47	.50	3% +.98		.05
Cable Splicers	12.72	.50	3% +.98		.05
Elevator Constructors					
Mechanic	11.29	1.195	.95	a+b	.035
Helper	7.90	1.195	.95	a+b	.035
P.E.O.					
Group I	11.08	.55	.50		.06
Group II	9.90	.55	.50		.06
Group III	7.80	.55	.50		.06
Roofers					
Roofer	9.50	.35	.25		
Kettlemen	8.05	.35	.25		
Sprinkler Fitters	12.65	.35	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No. FL80-1072 - Mod. #5 (45 FR 32535 May 16, 1980) Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center & Melabar Radar Site, Florida					
Change:					
Boilermakers	12.75	1.275	1.10		.04
Electricians					
Base Zone (within 40 miles of Daytona Beach):					
Electricians	10.89	.50	3% +.98		.05
Cable Splicers	11.14	.50	3% +.98		.05
Zone I (all work beyond 40 miles from Daytona Beach & not accessible by public roads & including power generation plants & industrial over 3,000,000 total permit)					
Electricians	12.47	.50	3% +.98		.05
Cable Splicers	12.72	.50	3% +.98		.05
Roofers					
Roofer	9.50	.35	.25		
Kettlemen	8.05	.35	.25		
Sprinkler Fitters	12.65	.85	1.20		.13
Decision No. KY77-1102 - Mod #2 (42 FR 3305 - August 26, 1977) Knox, Laurel, McCreary, Pulaski, Rockcastle, Wayne & Whitley Counties, KY					
Change:					
Boilermakers	14.50	1.275	1.20		.04

MODIFICATION PAGE 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. LA80-4084 - MOD. #6 (45 FR 74347 - November 7, 1980) Statewide Louisiana					
CHANGE: Power Equipment Ops.: Zone 5:					
Group 1	$ 9.57	.65	1.10		.10
Group 2	9.25	.65	1.10		.10
Group 3	9.03	.65	1.10		.10
Group 4	9.85	.65	1.10		.10
Group 5	12.61	.65	1.10		.10
Group 6	10.36	.65	1.10		.10
Group 7	11.15	.65	1.10		.10
Group 8	11.78	.65	1.10		.10
See Below for change in Power Equipment Ops. Classifications definitions					
DECISION NO. LA80-4089 - MOD. #3 (45 FR 74361 - November 7, 1980) Bossier, Caddo & Calcasieu Parishes, Louisiana					
CHANGE: Power Equipment Ops.: Calcasieu Par. - Group 1	9.57	.65	1.10		.10
Group 2	9.25	.65	1.10		.10
Group 3	9.03	.65	1.10		.10
Group 4	9.85	.65	1.10		.10
Group 5	12.61	.65	1.10		.10
Group 6	10.36	.65	1.10		.10
Group 7	11.15	.65	1.10		.10
Group 8	11.78	.65	1.10		.10
See Below for change in Power Equipment Ops. Classifications definitions					

MODIFICATION PAGE 4

DECISION NOS. LA80-4084 & LA80-4089 (CONT'D)

POWER EQUIPMENT OPERATORS CLASSIFICATIONS DEFINITIONS CHANGE:
GROUP 5 - Combination oiler-compressor; combination oiler-fireman; asphalt spreader; backhoe (all types); bulldozer; cableways; cherry pickers (all types); concrete mixers (over 1 sack); cranes; deck winch (2 drums or over); derricks; ditching or trenching machines (riding type); draglines; dredges; forklifts (other than farm type) outside warehouse; foundation drill; front end loaders (except farm type); grease serviceman; hoist-1 drum (4 stories or more on buildings); hoist-1 drum (over 40 feet on structures other than buildings); hoist (2 drums or over); locomotive (all types); mechanic; mixer plant operator-central mix; motor patrols; pile-drivers; pull cat; pumpcrete-6" & over discharge; push cat; road pavers; rollers (plant mix asphalt); scrapers; shovels; sidebooms; welder, journeyman; wellpoint system; whirleys; winch cats (cat D-4 & over); winch truck with A-Frame (5 tons & over); work boats-requiring licensed operator
GROUP 8 - Unit operators

DECISION NO. NV80-5100 Mod. #8
(45 FR 7451 - February 1, 1980)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Statewide)does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada					
Change: Power Equipment Operators: Clark, Esmeralda, Lincoln, and Nye Counties:					
Group 1	$13.60	$1.10	$2.80	.92	.14
Group 2	13.88	1.10	2.80	.92	.14
Group 3	14.17	1.10	2.80	.92	.14
Group 4	14.31	1.10	2.80	.92	.14
Group 5	14.53	1.10	2.80	.92	.14
Group 6	14.69	1.10	2.80	.92	.14
Group 7	14.76	1.10	2.80	.92	.14
Group 8	14.93	1.10	2.80	.92	.14
Group 9	15.06	1.10	2.80	.92	.14

MODIFICATION PAGE 5

MODIFICATION PAGE 6

DECISION NO. NM80-4090 - Mod. #2
(45 FR 79286-November 28, 1980)
Statewide, New Mexico

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:					
Roosevelt, Curry and Quay Counties	$12.50	$ .80	$1.35		.02
Boilermakers	12.65	1.30	1.25	.75	.04
Bricklayers; Stonemasons					
Zone 1-A	12.71	.77	.60		.10
Zone 1-B	13.81	.77	.60		.10
Zone 1-C	14.56	.77	.60		.10
Zone VII	13.54	.77	.60		.10
Electricians:					
Zone III:					
3-A	11.90	.60	3%		1/10%
3-B	13.35	.60	3%		1/10%
Zone IV:					
4-A	13.45	.60	3%		.01
4-B	13.90	.60	3%		.01
4-C	14.05	.60	3%		.01
4-D	14.30	.60	3%		.01
Cable Splicers:					
Zone III:					
3-A	12.15	.60	3%		1/10%
3-B	13.60	.60	3%		1/10%
Zone IV:					
4-A	13.80	.60	3%		.01
4-B	14.25	.60	3%		.01
4-C	14.40	.60	3%		.01
4-D	14.65	.60	3%		.01
Elevator Constructors:					
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torran Torrance, Union and Valencia Counties:					
Elevator Constructors	12.95	1.195	.82	b+c	.035
Elevator Constructors Helpers	70%JR	1.195	.82	b+a	.035

DECISION NO. NM80-4090 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Chaves, Hidalgo, Dona, Ana, Eddy, Grant, Lea, Luna, Otero, and Sierra Counties:					
Elevator Constructors	$ 9.605	$1.195	.82	b+c	.035
Elevator Constructors Helpers	70%JR	1.195	.82	b+c	.035
Glaziers	10.59	.70	.30		.04
Commercial Line Work:					
Zone I:					
Linemen - Technicians	13.95	.60	3%+.70		1/2%
Cable Splicers	15.35	.60	3%+.70		1/2%
Equipment Operator (includes helicopter operator)	13.25	.60	3%+.70		1/2%
Equipment Mechanic (includes helicopter mechanic)	12.14	.60	3%+.70		1/2%
Powderman	12.14	.60	3%+.70		1/2%
Groundman and Jack-hammer Operators	9.90	.60	3%+.70		1/2%
Zone II:					
Linemen - Technicians	15.07	.60	3%+.70		1/2%
Cable Splicers	16.47	.60	3%+.70		1/2%
Equipment Operators (includes helicopter operator)	14.37	.60	3%+.70		1/2%
Equipment Mehcanic (includes helicopter mechanic)	13.26	.60	3%+.70		1/2%
Powderman	13.26	.60	3%+.70		1/2%
Groundman and Jack-hammer Operators	11.02	.60	3%+.70		1/2%
Zone III:					
Linemen - Technicians	15.90	.60	3%+.70		1/2%
Cable Splicers	17.30	.60	3%+.70		1/2%
Equipment Operator (includes helicopter Operator)	15.20	.60	3%+.70		1/2%
Equipment Mechanic (includes helicopter mechanic)	14.09	.60	3%+.70		1/2%
Powderman	14.09	.60	3%+.70		1/2%

MODIFICATION PAGE 7

DECISION NO. NM80-4090 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman and Jackhammer Operators	$11.85	.60	3%+.70		1/2%
Zone IV:					
Linemen - Technicians	17.44	.60	3%+.70		1/2%
Cable Splicers	18.84	.60	3%+.70		1/2%
Equipment Operator (includes helicopter Operator)	16.74	.60	3%+.70		1/2%
Equipment Mechanic (includes helicopter mechanic)	15.63	.60	3%+.70		1/2%
Powderman	15.63	.60	3%+.70		1/2%
Groundman and Jackhammer Operators	13.39	.60	3%+.70		1/2%
*See Description for Commerical Line Work Following page.					
Sheet Metal Workers:					
Zone 1	14.17	.53	1.32		.23
Zone 2	16.42	.53	1.32		.23
Zone 3	15.17	.53	1.32		.23
Zone 4	17.02	.53	1.32		.23
Zone 5	11.57	3%+.51	..585		.06
Sound Installers:					
Soundman:					
Zone 1	11.25	.60	3%		1/2%
Zone 2	12.66	.60	3%		1/2%
Zone 3	15.47	.60	3%		1/2%
Zone 4	13.45	.60	.40		.01
Technicians:					
Zone 1	9.00	.60	3%		1/2%
Zone 2	10.41	.60	3%		1/2%
Zone 3	13.22	.60	3%		1/2%
Zone 4	10.76	.60	.32		.01
Sound Installers:					
Zone 1	7.31	.60	3%		1/2%
Zone 2	13.22	.60	3%		1/2%
Zone 3	11.53	.60	3%		1/2%
Zone 4	8.74	.60	.26		.01

MODIFICATION PAGE 8

DECISION NO. NM80-4090 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Laborers: (Building)					
Group I	$8.18	.63	.80		.10
Group II	8.48	.63	.80		.10
Group III	8.48	.63	.80		.10
Group IV	8.78	.63	.80		.10
Group V	8.93	.63	.80		.10
Laborers Classifications for Building Construction:					
Groups 1 through 5					
Add:					
Laborers: (Building)					
Group 1	$8.18	.63	.80		.10
Group 2	8.48	.63	.80		.10
Group 3	8.78	.63	.80		.10
Group 4	8.93	.63	.80		.10

LABORERS:
Building

Group 1: Unskilled; Building and Common Laborers; Carpenter Tenders; Concrete Workers; Chainmen-Stakedrivers; Concrete Buggy Operators

Group 2: Semi-skilled; Air and power tool Operator; Asphalt Raker; Demolition, Gunite, Reboundman; Log Machine Operator; Power Buggy Operators; Rodmen; Sandblasters (Pot Men); Window Washers; Wagon, Core, Diamond Driller's Tender; Outside Scaler; Grade Setter

Group 3: Concrete Burner; Cement Mason Tenders; Hod Carriers; Mortar Mixers; Plaster Spreader Operators; Plaster Tenders; Gunite Nozzlemen; Pipelayers; Pumpcrete Nozzlemen

Group 4: Powderman and Blasters

MODIFICATION PAGE 9

DECISION NO. NM80-4090 (Cont'd)

MODIFICATION PAGE 10

DECISION NO. NM80-4090 (Cont'd)

COMMERCIAL LINE WORK (Descriptions)

Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia, and White Sands Missile Range and that portion of Fort Bliss in New Mexico

ZONE I:
Cities and Towns basing points:
Albuquerque - 15 miles from Main Post Office
Santa Fe - 10 miles from Main Post Office
Las Vegas - 8 miles from Main Post Office
Farmington - 6 miles from Main Post Office
Raton - 6 miles from Main Post Office
Tucumcari - 6 miles from Main Post Office
Aztec - 6 miles from Main Post Office
Roswell - 12 miles from Main Post Office
Ruidoso - 12 miles from Main Post Office
Portales - 12 miles from Main Post Office
Clovis - 12 miles from Main Post Office
Gallup - 12 miles from Main Post Office
Carrizozo - 12 miles from Main Post Office
*Pojoaque - 2 miles from Main Post Office

*All areas adjacent to Pojoaque that are over two miles distant from the Main Post Office in that town will be zoned out of Santa Fe.

ZONE II: Extending up to 20 miles beyond Zone I

ZONE III: Extending up to 30 miles beyond Zone I

ZONE IV: Anything beyond 30 miles from Zone I

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. ND80-5102 - Mod #3 (45 FR 7463 - Feb. 1, 1980) Statewide North Dakota					
CHANGE:					
ELECTRICIANS:					
Cass and Grand Forks Cos.	$11.55	.50	3% + .50	6%	1%
Burleigh and Ward Counties	12.15	.60	3% +1.00	6%	1%
DECISION NO. ND80-5132 - Mod #4 (45 FR 67525 - Oct. 10, 1980) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh, and Ward Counties, North Dakota					
CHANGE:					
ELECTRICIANS:					
Area 2:					
Electricians	$12.15	.60	3% + 1.00	6%	1%
Cable Splicers	12.55	.60	3% + 1.00	6%	1%
ROOFERS	11.05				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4024 - MOD. #4 (45 FR 23280 - April 4, 1980) El Paso County, Texas					
CHANGE:					
Electricians:					
Electricians	$11.90	.60	3%		1/10%
Cable splicers	12.15	.60	3%		1/10%
DECISION NO. TX80-4086 - MOD. #5 (45 FR 74368 - November 7, 1980) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Carpenters:					
Zone 1:					
Carpenters	12.29	.80	.75		.005
Millwrights	12.69	.80	.75		.005
Piledrivermen	12.79	.80	.75		.005
Power Equipment Operators:					
Group 2	11.655	.65	.90		.125
Group 3	12.055	.65	.90		.125
DECISION NO. VA81-3015-Mod. #1 (46 FR 15666-March 6,1981) Radford Army Ammunition Plant, Virginia					
CHANGE:					
Plumbers and Pipefitters	$11.75	.50	.65	.35	.05

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: Brevard & Volusia
DECISION NUMBER: FL81-1198 DATE: Date of Publication
Supersedes Decision No. FL78-1086 dated October 6, 1978 in 43 FR 46449
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION consisting of single family homes and apartments up to and including four stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C Mechanic	6.17				
Bricklayers	8.00				
Carpenters	6.16				
Cement Masons	7.35				
Electricians	7.50				
Insulation Installer	6.00				
Ironworkers; Reinforcing	5.50				
Laborers					
Common	4.00				
Pipelayers	4.75				
Painters	7.00				
Plasterers	8.75				
Plumbers	6.89				
Roofers	5.76				
Soft Floor Layers	5.50				
Tile Setters	8.00				
Truck Drivers	4.24				
Welders - Rate for craft					
P.E.O.					
Grader	5.52				
Crane Operator	6.00				
Loader Operator	5.35				
Backhoe Operator	5.08				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTIES: DEKALB & FULTON
DECISION NUMBER: GA81-1196 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA80-1082, dated July 7, 1980, in 45 FR 45794.

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: See below
DECISION NUMBER: KY81-1197 DATE: Date of Publication

SUPERSEDEAS DECISION

STATE: GEORGIA
DECISION NUMBER: GA81-1196
COUNTIES: DEKALB & FULTON
DATE: DATE OF PUBLICATION
Supersedes Decision Number GA80-1082, dated July 7, 1980, in 45 FR 45794.
DESCRIPTION OF WORK: HEAVY CONSTRUCTION PROJECTS (does not include Sewer & Water Lines Construction Projects).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICK MASONS	$11.60	.75	.67		.10
CARPENTERS	11.75	.70	.55		.02
CEMENT MASONS/FINISHERS	10.95	.60	.80		
ELECTRICIANS	12.95	7%	13%		1/2 of 1%
IRONWORKERS	12.15	.70	.97		.07
LABORERS:					
Unskilled	8.06	.30	.47		.10
Air tool operators (air, electric, or gas powered, such as jackhammer, paving breaker, tamper, vibrator, spade, chipping hammer, & barco tamp), & pipe layers	8.28	.30	.47		.10
Tunnel laborers	8.81	.30	.47		.10
Powderman	8.56	.30	.47		.10
Miners	10.66	.30	.47		.10
PAINTERS:					
Brush & Roller	11.60	.65	.90		.05
Spray	12.60	.65	.90		.05
PILEDRIVERMEN	11.90	.70	.55		.02
PLUMBERS & PIPEFITTERS	12.95	1.00	.85		.11
SHEET METAL WORKERS	13.00	.70	.91		.12
TRUCK DRIVERS	7.17				
WATERPROOFERS (ROOFERS)	8.75	.35	.20		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Backhoe, Crane, Mechanic, & Mucker	11.40	.63	.75		.09
Bulldozer, Front end loader, & Motor grader	11.05	.63	.75		.09
Oiler/Greaser, & Pump	7.81	.63	.75		.09

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY81-1197
COUNTIES: See below
DATE: Date of Publication
Supersedes Decision No. KY79-1164 dated December 14, 1979 in 44FR 72796
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories

Anderson, Breckinridge, Bullitt, Grayson, Hardin, Larue, Marion, Meade, Nelson, Spencer, & Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C & Heating Mechanics	9.90				
Bricklayers	7.29				
Carpenters	6.31				
Cement Masons	6.11				
Drywall Hanger	8.00				
Drywall Finisher	7.00				
Electricians	6.67				
Insulation Installer	6.16				
Ironworkers, Structural & Ornamental	5.47				
Laborers					
Common	4.39				
Asphalt Raker	4.52				
Mason Tenders	4.50				
Painters	6.47				
Plumbers & Pipefitters	7.59				
Roofers	5.16				
Sheet Metal Workers	5.62				
Tile Setters	8.00				
Truck Drivers	4.50				
Welders - Rate for craft					
P.E.O.					
Backhoe	6.37				
Front End Loader	7.30				
Grader	7.25				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Maryland COUNTY: Baltimore
DECISION NO.: MD81-3020 DATE: Date of Publication
Supersedes Decision No. MD77-3130 dated September 23, 1977 in 42 FR 48661
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	11.70	.75	.69		.07
CEMENT MASONS	6.32				
ELECTRICIANS	8.10				
IRONWORKERS:					
Structural & Ornamental	12.41	.90	2.15		.06
Reinforcing	9.88				
LABORERS:					
Unskilled	5.13				
Air Tool Operators	6.50				
Asphalt Rakers & Spreaders	5.75				
Form Setter	6.06				
Guardrail Post Hammer Operators	8.00				
MECHANICS	7.86				
PAINTERS	8.00				
TRUCK DRIVERS	8.65	1.05	1.00		
WELDERS - Rate for craft to which welding is incidental					
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor - Liquid	6.45				
Backhoe	6.51				
Bulldozer	7.87				
Cranes - Derricks - Liquid	6.51				
Gradall	8.47				
Grader	10.55				
Hammer Operator	8.00				
Loader	7.66				
Motor Patrol Graders	8.57				
Oilers - Greasers	7.73				
Pavers	6.80				
Rollers	6.05				
Scraper Pan Scoops	7.64				

[FR Doc. 81-8332 Filed 3-19-81: 8:45 am]
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SUPERSEDEAS DECISION

STATE: Mississippi COUNTIES: *SEE BELOW
DECISION NO: MS81-1195 DATE: DATE OF PUBLICATION
Supersedes Decision No.: MS81-1153, January 6, 1981, 46FR 1525
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS CONSISTING OF SINGLE FAMILY HOMES AND APARTMENTS UP TO AND INCLUDING 4 STORIES

COUNTIES: * ADAMS, AMITE, FRANKLIN, JEPPERSON, LAWRENCE, LINCOLN, PIKE, WALTHALL, & WILKINSON

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	5.50				
Bricklayers	7.00				
Carpenters	6.01				
Cement Masons	6.75				
Drywall Finishers	5.00				
Drywall Hangers	5.95				
Electricians	6.40				
Ironworkers:					
Reinforcing	6.50				
Insulators	5.00				
Laborers - unskilled	4.25				
Mason Tenders	4.50				
Pipelayers	4.75				
Painters	4.50				
Plumbers & Pipefitters	6.88				
Roofers	5.25				
Sheet Metal Workers	5.50				
Soft Floor Layers	4.50				
Welders - rate for craft					
Power Equipment Operators:					
Backhoe	5.67				
Bulldozer	5.67				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

federal register

Friday
March 20, 1981

Part III

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Advisory Committee; Meetings

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Advisory Committee; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Large Scale Review Working Group sponsored by the Recombinant DNA Advisory Committee at the National Institutes of Health, Conference Room 7A24, Building 31A, 9000 Rockville Pike, Bethesda, Maryland 20205, on April 22, 1981, from 2 p.m. to 5 p.m.

The Working Group will hold an organizational meeting to institute working procedures.

Further information may be obtained from Dr. Elizabeth Milewski, Executive Secretary, Large Scale Review Working Group, NIAID, Building 31, Room 4A52, Bethesda, Maryland, telephone, (301) 496-8051.

The meeting will be open to the public. Attendance will be limited to space available.

In addition, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee at the National Institutes of Health, Conference Room 10, Building 31C, 9000 Rockville Pike, Bethesda, Maryland 20205, on April 23, 1981, from 9 a.m. to recess to approximately 6 p.m., and, if necessary, on April 24, 1981, from 8:30 a.m. to 5 p.m. This meeting will be open to the public on April 23 from 9 a.m. to approximately 3 p.m., and on April 24 from 8:30 a.m. to adjournment to discuss:

Amendment of Guidelines
E. coli K-12 host-vector systems
Host-vector systems other than *E. coli* K-12
Risk-assessment
Review of protocols for required containment levels
Request for exception to a prohibition to clone genes of Foot and Mouth Disease Virus
Containment levels for cloning of toxins
Other matters requiring necessary action by the Committee.

Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for approximately three hours for the review, discussion and evaluation of proposal(s) from a commercial concern(s) for scale-up of recombinant DNA experiments. It is anticipated that this will occur on April 23, from approximately 3 p.m. until adjournment. The proposal(s) and the discussion could reveal confidential trade secrets or commercial property such as patentable material.

Dr. William J. Gartland, Jr., Executive Secretary, Recombinant DNA Advisory Committee, National Institutes of Health, Building 31, Room 4A52, telephone (301) 496-6051, will provide materials to be discussed at the meeting, rosters of committee members and substantive program information. A summary of the meeting will be available at a later date.

Dated: March 9, 1981.

Thomas E. Malone, Ph.D.,
Deputy Director, NIH.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

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federal register

Friday,
March 20, 1981

Part IV

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Proposed Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Recombinant DNA Research; Proposed Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of actions under NIH guidelines for research involving recombinant DNA molecules.

SUMMARY: This notice sets forth proposed actions to be taken under the NIH Guidelines for Research Involving Recombinant DNA Molecules. Interested parties are invited to submit comments concerning these proposals. After consideration of these proposals and comments by the NIH Recombinant DNA Advisory Committee (RAC) at its April 23–24, 1981 meeting, the Director of the National Institutes of Health will issue decisions on these proposals in accord with the Guidelines.

DATE: Comments must be received by April 20, 1981.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from Drs. Stanley Barban or Elizabeth Milewski, Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6051.

SUPPLEMENTARY INFORMATION: The National Institutes of Health will consider the following changes and amendments under the Guidelines for Research Involving Recombinant DNA Molecules, as well as actions under these Guidelines.

I. Proposed Revision of Guidelines for Recombinant DNA Experiments Involving E. Coli K–12 and Saccharomyces Cerevisiae Host-Vector Systems

Containment requirements and administrative procedures for the conduct of most recombinant DNA experiments involving EK1 *E. coli* K–12 and laboratory strain *Saccharomyces cerevisiae* host-vector systems are currently specified by Section III–O of the Guidelines. The chairpersons of Institutional Biosafety Committees, at a meeting in Washington, D.C. on November 24–25, 1980, passed by a large majority a resolution that experiments currently covered by Section III–O should be made exempt from the Guidelines. The chairpersons felt that the risks associated with these experiments are negligible, and that exemption of experiments currently covered by Section III–O would reduce paperwork by approximately 90%.

This proposal was discussed by the RAC at its meeting on January 8–9, 1981. In "straw votes" at the meeting, an overwhelming majority of RAC members favored doing something to reduce materially or eliminate the paperwork and reporting functions for experiments covered by Section III–O; about half the RAC members felt serious consideration should be given to exempting entirely from the Guidelines experiments currently covered by Section III–O. The RAC requested that a series of options be developed and published for comment in the Federal Register. Accordingly, the following options will be considered at the April 23–24, 1981 meeting of the RAC.

Note.—It is recognized that changes will be necessary in a number of sections of the Guidelines in order to implement whatever option is selected. Necessary editorial changes will be made by the NIH Director when a final decision on the recommendations of the RAC is promulgated.

Option A—Review by an Institutional Official of Experiments Covered by Section III–O: Under Option A, experiments currently covered under Section III–O would remain under Section III–O. However, rather than requiring IBC review of all registration documents, option A would specify that experiments covered by Section III–O could be reviewed by a designated institutional official. This official may be a member of the IBC. Large-scale experiments (e.g., more than 10 liters of culture) would continue to be reviewed by procedures specified by RAC.

Two types of experiments, currently covered under Section III–O, are treated differently from the majority of experiments under this Section. These experiments are:

(1) Experiments involving the cloning in *E. coli* K–12 of DNA from CDC Class 3 etiological agents. These experiments currently require P3 containment conditions.

(2) Experiments involving a deliberate attempt to have *E. coli* K–12 efficiently express a eukaryotic gene. This type of experiment currently requires prior review and approval by the IBC.

These cases may be handled under one of the following suboptions:

Suboption A–1–a: Under Suboption A–1–a, experiments involving DNA from CDC Class 3 etiological agents would continue to require P3 containment and continue to require review by the IBC.

Suboption A–1–b: Under Suboption A–1–b, experiments involving Class 3 agents would continue to require P3 containment, but review may be effected by a designated institutional official.

Suboption A–1–c: Under Suboption A–1–c, experiments involving Class 3 agents would require P1 containment and would be reviewed by a designated institutional official. This option would relax the requirements for these experiments to the same level as experiments with CDC Class 1 or Class 2 agents.

Suboption A–2–a: Under Suboption A–2–a, deliberate attempts to obtain expression of a eukaryotic gene in *E. coli* K–12 would continue to require prior review and approval by the IBC.

Suboption A–2–b: Under Suboption A–2–b, deliberate attempts to obtain expression of a eukaryotic gene in *E. coli* K–12 would require prior review by a designated institutional official.

Suboption A–2–c: Under Suboption A–2–c, no prior review would be required of attempts to obtain expression of a eukaryotic gene in *E. coli* K–12

Option B—Elimination of Registration Requirements for Experiments Covered by Section III–O: Under Option B, experiments currently covered under Section III–O would remain under Section III–O. However, under Option B, the current requirements for the registration and review of experiments covered by Section III–O would be eliminated. That is, under Option B, no registration or review of such experiments, by the IBC or by an institutional official, would be required. Large-scale experiments (e.g., more than 10 liters of culture) would continue to be reviewed by procedures specified by the RAC.

The following suboptions might be considered for handling the special cases of (1) cloning of DNA from CDC Class 3 agents in *E. coli* K–12, and, (2) deliberate attempts to efficiently express eukaryotic genes in *E. coli* K–12.

Suboption B–1–a: Under Suboption B–1–a, experiments involving the cloning of DNA from CDC Class 3 etiological agents in *E. coli* K–12 would continue to require P3 containment conditions and continue to require review by the IBC.

Suboption B–1–b: Under Suboption B–1–b, experiments involving the DNA of Class 3 agents would continue to require P3 containment conditions. However, no registration document would be required, nor would review by the IBC

or by any institutional official be required.

Suboption B–1–c: Under Suboption B–1–c, experiments involving Class 3 agents would require P1 containment conditions. No registration document or review by the IBC or a designated official, however, would be required. The status of these experiments would then be equivalent to experiments with CDC Class 1 or Class 2 agents.

Suboption B–2–a: Under Suboption B–2–a, deliberate attempts to obtain expression of a eukaryotic gene in *E. coli* K–12 would continue to require prior review by the IBC.

Suboption B–2–b: Under Suboption B–2–b, no prior review of experiments involving deliberate attempts to obtain expression of eukaryote gene in *E. coli* K–12 would be required.

Option C—Exemption of Experiments Currently Covered by Section III–O: Under Option C, experiments currently covered by Section III–O would be removed from Section III–O. These experiments would be exempted from the Guidelines under Section I–E–5. The exemption would apply to all nonprohibited experiments which use either laboratory strains of *Saccharomyces cerevisiae* or *E. coli* K–12 as the host-vector system.

Suboption C–1–a: Under Suboption C–1–a, the exemption would apply to all nonprohibited experiments using *E. coli* K–12 as the host.

Suboption C–1–b: Under Suboption C–1–b, the exemption would be qualified with the statement that "(a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Pf bacteriopheges or non-conjugative plasmids (49) shall be used as vectors." This qualification would then be qualified by the statement that experiments "involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information (35) with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a non-conjugative vector is used, the *E. coli* K–12 host may contain conjugation-proficient plasmids either autonomous or integrated, or generalized transducing phages."

Suboption C–2–a: Under Suboption C–2–a, language would be added to the Guidelines to explicitly make Prohibition I–D–6 concerning large-scale applicable to these experiments.

Suboption C–2–b: Under Suboption C–2–b, Prohibition I–D–6 would not apply to those experiments. That is, experiments involving over, as well as under, 10 liters in volume would be exempt from the Guidelines.

Suboption C–3–a: Under Suboption C–3–a, the entry in Appendix C which would effect the exemption under Section I–E–5 would contain a statement that although exempt, for these experiments "P1 physical containment conditions are recommended."

Suboption C–3–b: Under Suboption C–3–b, no statement would be included recommending P1 physical containment conditions.

Suboption C–4–a: Under Suboption C–4–a, experiments involving the cloning in *E. Coli* K–12 of DNA from CDC Class 3 etiological agents would not be exempted. Rather they would continue to require P3 containment conditons and would continue to require review and approval by the IBC.

Suboption C–4–b: Under Suboption C–4–b, experiments involving the DNA of CDC Class 3 agents would not be exempted. However, containment might be specified at P1, P2 or P3, and some form of review by either the IBC or an institutional official would be required.

Suboption C–4–c: Under Suboption C–4–c, experiments involving the cloning of CDC Class 3 agents in *E. Coli* K–12 would be exempt.

Suboption C–5–a: Under Suboption C–5–a, attempts at deliberate expression of a eukaryotic gene in *E. coli* K–12 would continue to require prior review by the IBC.

Suboption C–5–b: Under Suboption C–5–b, no prior review of experiments involving attempts at deliberate expression of a eukaryotic gene in *E. coli* K–12 would be required.

II. Proposal To Convert the NIH Guidelines Into a Code of Standard Practice and To Reduce the Recommended Containment Levels for Some Experiments

Drs. Allan Campbell and David Baltimore, RAC members, propose to convert the NIH Guidelines into a "code of standard practice" and to reduce recommended containment levels for some experiments. They propose that the Guidelines be amended as follows:

(1) Section I–A of the Guidelines would be amended to read as follows:

I–A. *Purpose.* The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to these standards by all laboratories using recombinant DNA is recommended.

(2) Section I–C of the Guidelies wold be eliminated.

(3) Part III of the Guidelines would be replaced with the following:

Part III discusses experiments covered by the Guidelines. The reader must first consult Part I, where listings are given of prohibited and exempt experiments.

Where there are existing recommended physical containment levels applicable to non-recombinant DNA experiments with either the host or the vector (such as those specified by the CDC Guidelines), recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. Otherwise, all non-prohibited experiments may be carried out under conditions of P1 physical containment. As a general practice, investigators should use the highest level of biological containment (HV3 HV2 HV1) which is available and appropriate for the purposes of the experiment.

Specific exceptions to the prohibitions may be approved by the Director, NIH (see Section I–D). The Director will consider requests for exceptions from individuals, institutions or corporations regardless of whether the applicant is affiliated with or supported by NIH. Such exceptions will generally be approved for specified levels of physical and biological containment.

This will be followed by a listing of those exceptions which are presently authorized and the containment levels approved for the excepted experiments.

(4) Part IV of the Guidelines would be eliminated, with the following exceptions:

(a) Those definitions listed in Part IV–C which may be needed to clarify statements made elsewhere in the Guidelines shall be retained.

(b) Those portions of Part IV–E defining the composition of RAC and prescribing rules for RAC procedures shall be retained.

(c) The following statement shall be added:

Each institution conducting or sponsoring recombinant DNA research should take responsibility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH.

(5) Section VI of the Guidelines will be eliminated, except for those portions of section VI–F relevant to the protection of proprietary information submitted in support of requests for exceptions from the prohibiitons.

The authors provide an explanaton and justification for their proposals in a letter to ORDA.

III. Containment Levels for Recombinant DNA Experiments Involving Neurospora Crassa

Dr. David Perkins of Stanford University has proposed that entry 2 in Appendix E be amended to read as follows:

Unmodified laboratory strains of *Neurospora crassa* can be used in all

experiments for which HV1 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used. For agents other than Class 1, unmodified laboratory strains of *N. crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. crassa*. Care must be exercised to prevent aerial dispersal or macroconidia, in accordance with good laboratory practice.

Mutationally modified strains of *N. crassa* specified as HV1 in Appendix D can used in all experiments for which HV2 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used.

The rationale for the proposed changes is stated in a letter to ORDA.

IV. Request for Approval of Certain Streptomyces HV1 Host-Vector Systems

Dr. Stanley Cohen of Stanford University has requested that *Streptomyces coelicolor* and the related organisms with which *S. coelicolor* naturally exchanges genetic information (e.g., *S. lividans, S. parvulus* and *S. griseus*), using *Streptomyces* plasmids SCP2, SLP1.2, pIJ101, actinophage phiC31, and their derivatives as vectors, be approved as HV1 host-vector systems.

V. Proposed Containment for Recombinant DNA Experiments Involving the Genus Streptomyces

Dr. Stanley Cohen of Stanford University has requested that the following entry be added to Appendix E:

Experiments involving the cloning of DNA among members of the genus *Streptomyces* are permitted under P1 conditions. For these experiments, no registration document, as described in Part III, is required.

The rationale for the proposal is stated in a letter to ORDA.

VI. Containment Levels for Recombinant DNA Experiments Involving Bacillus Subtilis

Dr. Donald Dean of the Ohio State University has proposed that any *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source, using vectors indigenous to *B. subtilis*, under the same conditions specified by the RAC for *E. coli* K-12 and *Saccharomyces cerevisiae* host-vector systems.

Dr. Dean has further proposed that the following items be added to Appendix E:

Bacillus subtilis strains that do not carry an asporogenic mutation can be used with vectors indigenous to *B. subtilis* for the cloning of DNA from any CDC Class 1 organism under P2 conditions.

Bacillus subtilis strains that do not carry an asporogenic mutation can be used with vectors indigenous to *B. subtilis* under P1 conditions for the cloning of DNA from any Class 1 *Bacillus* species.

VII. Expression of Foot Mouth Disease Virus Capsid Proteins in Saccharomyces Cerevisiae, Bacillus Subtilis, and Mammalian Tissue Culture

Genetech, Inc. South San Francisco, California and the United States Department of Agriculture Plum Island Animal Disease Center, Greenport, New York request permission to extend their cooperative studies aimed at the eventual production of a viral subunit vaccine for Foot and Mouth Disease (FMD). They wish to expand studies aimed at the expression of the FMD capsid protein in host vector systems other than *E. coli* K-12. They propose to study the expression of FMD capsid proteins in *Saccharomyces cerevisiae, Bacillus subtilis*, and mammalian tissue culture systems.

VIII. Proposals Concerning Recombinant DNA Experiments With Genes Coding for Toxins

The Recombinant DNA Advisory Committee (RAC), at its September 25-26, 1980 meeting, requested that an *ad hoc* working group be formed to evaluate Section I-D-2 of the Guidelines. Section I-D-2 prohibits the "deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins potent for vertebrates (2A) (e.g., botulinum or diphtheria toxins; venons from insects, snakes, etc.)." An *ad hoc* working group on toxins composed of Drs. Werner Maas and Alan Bernheimer of New York University, Dr. John Collier of Yale University, Dr. Michael Gill of Tufts University, Dr. Myron Levine of the University of Maryland, and Dr. James Mason of the Utah State Department of Health, was subsequently convened on January 7, 1981 to recommend containment conditions for recombinant DNA experiments with genes coding for toxins. Their recommendations were discussed by the RAC at the January 8-9, 1981 meeting. The *ad hoc* working group requests that the following proposed modifications to the Guidelines be published in the **Federal Register** for thirty days of comment.

A. Section I-D-2 of Section I-D, Prohibitions, would be amended to read as follows:

I-D-2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{100} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G.

B. A new Appendix G, would be added to the Guidelines as follows:

Appendix G—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates.

1. General Information

Appendix G specifies the containment to be used for the cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{100} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{100} of 100 micrograms or more per kilogram of body weight. A list of toxins classified as to LD_{100} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* working group on toxins prior to inclusion of the toxin on the list. (See Section IV-E-1-b-(3)-(i)).

2. Containment Conditions for Cloning of Toxin Genes in E. Coli K-12

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{100} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., diphtheria toxin, abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{100} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under Section III-O (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally than parenterally. The following enterotoxins, whose effects are confined to the stimulation of intestinal secretion and whose effects can be entirely reversed by administration of electrolyte solutions, shall be subject to Section III-O. These are cholera toxin, the heat labile toxins of *E. coli, Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum monospecific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. Containment Conditions for Cloning of Toxins Genes in Organisms Other Than E. Coli K-12

Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K-12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV-E-1-b-(3)-(j)).

C. Section V, Footnote 2A would be modified to delete the words: " 'toxins potent for vertebrates' (Section I-D-2)"

D. A new Section IV-E-1-b-(3)-(i) would be added as follows: "IV-E-1-b-(3)-(i). Adding new entries to the list of toxins for vertebrates. (See Appendix G.)"

E. A new Section IV-E-1-b-(3)-(j) would be added as follows: "IV-E-1-b-(3)-(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K-12. (See Appendix G.)"

IX. Cloning and Expression of DNA Coding for Diphtheria Toxin

Dr. John Murphy of Harvard University has proposed that the 3.9 kb Bam restriction fragment of *Corynephage Beta* which carries the structural gene of diphtheria toxin be cloned in *E. coli* K-12.

He advances the following arguments as to why these experiments should be permitted:

(1) Studies of diphtheria toxin-producing organisms would yield valuable data for risk assessment.

(2) To determine the localization of diphtheria toxin in *E. coli* and its possible secretion by *E. coli.*

(3) Mutagenesis of the tox gene would be used to elucidate (a) diphtheria toxin interaction with the eukaryotic cell toxin receptor, and (b) the mechanism of fragment A translocation into the eukaryotic cell cytosol.

X. Request for Permission to Clone the Vibrio Cholerae Enterotoxin Gene in E. Coli K-12.

Dr. J. J. Mekalanos of Harvard Medical School has requested an exemption from Section I-D-2 of the Guidelines. This section prohibits the "formation of recombinant DNAs containing genes for the biosynthesis of toxins potent for vertebrates."

Dr. Mekalanos requests the exemption based on the fact that naturally occurring transmissible plasmids, which encode a heat-labile enterotoxin (LT), exist in *E. coli.* LT has recently been shown to share a high degree of structural, antigenic and DNA sequence homology with cholera enterotoxin. In addition, both the LT and cholera enterotoxins are composed of two subunits (A and B) both of which are required for toxicity.

Dr. Mekalanos requests consideration and approval of the appropriate containment level for the experiments which will be performed in three stages, i.e., the cloning in *E. coli* K-12 of specific cholera DNA restriction enzyme fragments known to contain sequences homologous to: (1) The LT A subunit gene, (2) the LT B subunit gene, (3) the LT A and B subunit genes.

Since stage 3 experiments are anticipated to produce recombinant DNA molecules which might express active cholera enterotoxin in *E. coli* K-12 hosts, these experiments might be conducted at more stringent levels of containment than either stage 1 or 2.

Dr. Mekalanos also proposes to perform risk assessment experiments in appropriate animal models to evaluate the pathogenicity of *E. coli* K-12 recombinant clones constructed during the course of this work.

XI. Request To Clone the Genetic Determinant of the Toxic-Shock Syndrome Caused by Staphylococcus Aureus

Dr. Richard Novick of the Public Health Research Institute of the City of New York, Inc., requests permission to clone in *Staphylococcus aureus* the genetic determinant of the toxic-shock syndrome caused by *S. aureus.* Dr. Novick states that recombinant DNA techniques promise the most rapid and direct means of unraveling the biology of this determinant and of the disease in which it is implicated. He requests permission to conduct the experiments under P2 containment using *S. aureus* strain, RN450, which is non-hemolytic, non-pigmented, and lacking any detectable prophage.

XII. Request To Use an E. Coli Strain Containing a MU Phage Insertion

Dr. Daryl Holten of the University of California at Riverside, requests permission to utilize the *E. coli* K-10 strain DF 214 (or derivatives thereof), and EK plasmid vectors (e.g., pBR322, pBR325) to clone rat cDNA. Strain DF 214, a K-12 derivative, contains a Mu phage insertion in the phosphoglucose isomerase gene.

XIII. Request To Employ a Conjugative Plasmid To Transfer N. Crassa DNA

Dr. Norman Giles of the University of Georgia requests permission to use a conjugative plasmid to transfer the QA2 gene of *Neurospora crassa* among *E. coli* K-12 strains. The *N. crassa* QA2 gene would be ligated into a derivative of the mobilizable plasmid RSF2124.

Dated: March 13, 1981.

Donald S. Fredrickson,

Director, National Institutes of Health.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.*

Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8-(b)-(4) and (5) of that Circular.

[FR Doc. 81-8596 Filed 3-19-81; 8:45 am]

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federal register

Friday
March 20, 1981

Part V

Department of Energy

National Energy Plan; Public Hearings

DEPARTMENT OF ENERGY

Public Hearings on National Energy Plan

AGENCY: Department of Energy.

ACTION: Notice of public hearings on national energy plan.

SUMMARY: In accordance with Section 801 of the Department of Energy Organization Act (Pub. L. 95–91), the Department of Energy (DOE) is beginning to prepare the third biennial National Energy Plan (NEP–III), currently scheduled to be submitted to the Congress in June, 1981. In order to have the benefit of a broad range of public viewpoints in the development of NEP–III, DOE will hold a series of public hearings throughout the Nation. Listed below are the dates and location of the hearings, and regional contacts.

Public Hearings on NEP–III

April 13, 1981 (Monday)—Holiday Inn—Golden Gateway, 1500 Van Ness Avenue, San Francisco, California 94109: Contact Dale Crook, 415–764–7027

April 14, 1981 (Tuesday)—Hyatt Regency—Dallas, 300 Reunion, Dallas, Texas 75207: Contact Grace Morrison, 214–767–7741

April 15, 1981 (Wednesday)—Richard B. Russell Fed. Bldg. & U.S. Courthouse (L. D. Strom Auditorium) 75 Spring S.W., Atlanta, Georgia 30303: Contact David R. Alaniz 404–881–2837

April 15, 1981 (Wednesday)—Plaza Cosmopolitan, 1780 Broadway, Denver, Colorado 80202: Contact Tim Ahern, 303–234–2420

April 16, 1981 (Thursday)—Gardner Auditorium, State House, Boston, Massachusetts 02133: Contact Hugh Saussey, Jr., Deputy Regional Rep., 617–223–5207

April 17, 1981 (Friday)—U.S. Department of Energy, Forrestal Building, Room GE–086, 1000 Independence Ave. SW., Washington, D.C. 20585: Contact Liz Overstreet, 202–252–6460

April 17, 1981 (Friday)—Hyatt Regency Kansas City, 2345 McGee Street, Regency Chicago Room, Kansas City, Missouri 64108: Contact James L. Maas, 816–374–2061

Hearings will begin at 9 a.m. At each of these hearings, the opening morning session will include introductory remarks and a brief discussion by a panel of participants from the region, followed by questions by the Federal panel.

The balance of the day will be devoted to presentations by individual citizens and by representatives of groups and organizations. Persons desiring to speak should register in advance by writing or by calling the appropriate hearing contact, who will schedule the presentations. Those who register in advance will be heard first. Those present at the hearing who desire to speak but who have not preregistered will be accommodated if time permits. Verbatim transcripts will be made of all sessions.

For the purpose of stimulating and focusing discussion at these hearings, DOE staff have prepared a short working paper which is appended to this Notice. There is no requirement, however, that presentations or discussions at the meeting be limited to the subject matter of this document. Single copies of the working paper will be available on *Monday, March 23* and may be obtained free of charge from: DOE Press Room, Forrestal Building, Room 1E–218, 1000 Independence Avenue SW., Washington, D.C. 20585; Phone: 202–252–5575.

Further information and copies of the working paper also may be obtained from the DOE Regional Offices:

Deputy Regional Representative, Region I, U.S. Department of Energy, Analex Building, Room 700, 150 Causeway Street, Boston, Massachusetts 02114; Phone: 617–223–3701

Deputy Regional Representative, Region II, U.S. Department of Energy, 26 Federal Plaza, Room 3206, New York, New York 10007; Phone: 212–264–4780

Deputy Regional Representative, Region III, U.S. Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102; Phone: 215–597–3890

Deputy Regional Representative, Region IV, U.S. Department of Energy, 1655 Peachtree Street, NE, Eighth Floor, Atlanta, Georgia 30309; Phone: 404–881–2837

Deputy Regional Representative, Region V, U.S. Department of Energy, 175 West Jackson Boulevard, Room A–338, Chicago, Illinois 60604; Phone: 312–353–0540

Deputy Regional Representative, Region VI, U.S. Department of Energy, 2626 West Mockingbird Lane, P.O. Box 35228, Dallas, Texas 75235; Phone: 214–767–7741

Deputy Regional Representative, Region VII, U.S. Department of Energy, 324 East Eleventh Street, Kansas City, Missouri 64104; Phone: 816–376–2061

Deputy Regional Representative, Region VIII, U.S. Department of Energy, 1075 South Yukon Street, P.O. Box 26247, Belmar Branch, Lakewood, Colorado 80226; Phone: 303–234–2420

Deputy Regional Representative, Region IX, U.S. Department of Energy, 333 Market Street, San Francisco, California 94105; Phone: 415–764–7035

Deputy Regional Representative, Region X, U.S. Department of Energy, 1992 Federal Building, 915 Second Avenue, Seattle, Washington 98174; Phone: 206–442–7285

Copies of the working paper may also be obtained from the hearing contacts and at the hearings.

The staff working paper is not intended to constitute a draft National Energy Plan. It appears at the end of this Federal Register Notice and has been written with the intent to stimulate public comment and recommendations that can be used to shape the final NEP–III plan and report.

Procedures for Participation

Written Comment. Interested persons are invited to submit to the address below by May 8, 1981, data, views or recommendations with respect to the next National Energy Plan: Bruce B. Robinson, Associate Director for Policy Integration, Office of Policy, Planning, and Analysis, Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585.

"NEP–III" should be written on the outside of the envelope and on documents submitted.

Any information or data considered confidential by the person furnishing it must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat the information or data according to its determination.

Public Hearings. Any person or representative of a group of persons may make a written or oral request for an opportunity to make an oral presentation at the public hearings. Such a request should be directed to the address given above for the appropriate hearing contact and in accordance with the procedures set forth below. Requests must be received not later than three working days before the appropriate NEP–III hearing. Written requests should be labeled "NEP–III" both on the document and on the envelope.

It would be helpful if the person making the request would describe briefly the interest concerned, if applicable, state why she or he is a proper representative of the group having such an interest, and give a phone number where she or he may be contacted during working hours.

While an attempt will be made to accommodate all who wish to be heard, it may not be practical to do so, and DOE reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. Time allotted to each presentation may be limited, based on the number of persons requesting to be heard.

A presiding officer will be designated to conduct the hearings. These hearings will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings. As a rule, oral presentations shall be limited to ten minutes. Any additional testimony may be submitted in writing.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts

Verbatim transcripts of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by DOE and made available for inspection at DOE's Freedom of Information Office Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C. on March 17, 1981.

Roger W. A. LeGassie,

Acting Director, Policy, Planning, and Analysis.

Public Discussion Package for the Third National Energy Plan

Staff Working Paper

Table of Contents

List of Figures
I. Developing the Third National Energy Plan
II. The International Context
III. Current Prospects and Problems
IV. New Views of Energy Policy

List of Figures

1 Prices of Domestically Produced Fossil Fuels
2 Consumption of Energy by End-Use Sector
3 Production of Energy by Type
4 U.S. Energy Production and Consumption to 1990 (Best Estimate Case)
5 U.S. Energy Sources and Uses in 1979
6 Projected U.S. Energy Sources and Uses in 1985
7 Projected U.S. Energy Sources and Uses in 1990
8 Projected Pollutant Emissions

I. Developing the Third National Energy Plan

The Department of Energy is in the process of preparing for the President, the third biennial National Energy Plan. That plan, required by Title VIII of the Department of Energy Organization Act (Pub. L. 95–91), currently is scheduled to be submitted to the Congress in June, 1981.

In order to have the benefit of a broad range of public viewpoints in the development of the plan, the Department will hold a series of seven public hearings throughout the Nation, during the week of April 13, 1981. The purpose of this paper is to provide background information for those hearings and to stimulate public discussion.

The balance of the paper is divided into three sections. Section II provides a very brief description of the international energy context. Section III describes recent trends and provides projections of energy supply, consumption, and imports through 1990. Developed in November, 1980, those projections are based on existing legislation and on the programs and policies of the previous Administration. The public's views are solicited on the appropriateness of the assumptions which underlie the forecasts.

Section IV lists a set of principles which will guide decisionmaking on energy issues. The public's views are solicited on the appropriateness of these guidelines for energy policy.

II. The International Context

The U.S. energy situation must be seen in the context of the world energy situation if we are to avoid the false starts and misconceptions that have characterized past energy policy. The following data on the world petroleum market set the context for domestic energy policy.

World Petroleum Market

(1979, millions of barrels per day)

	Production	Consumption	Imports (exports)
United States	10	18	8
Middle East	21	2	(19)
Other non-Communist	21	33	12
Communist countries	14	13	(1)
02Total	66	66	

The U.S. must get its domestic energy house in order but, as the data show, energy is clearly an international issue. Contrary to the conventional wisdom, the level of U.S. imports per se has only an indirect bearing on U.S. security and well-being. Given the U.S. position as a world power, we have a vital stake in the economies, and energy supplies, of other free world countries, which cannot be safeguarded simply by a policy of energy self-sufficiency. World petroleum production is, and is likely to remain for some time, concentrated in the Middle East, and so we must prepare ourselves, together with other free world countries, for disruption of supplies in that area, through petroleum stockpiling and other measures.

III. Current Prospects and Problems

Energy

Markets are finally beginning to adjust strongly to the effects of higher energy prices (figure 1).

Growth in consumption of energy in general, and of oil and motor gasoline in particular, is moderating significantly, as conservation measures, brought on by higher prices, begin to take effect (figure 2). The decline in domestic energy production has slowed (figure 3), with gains in coal production and increased drilling for both oil and gas.

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Figure 1. Prices of Domestically Produced Fossil Fuels

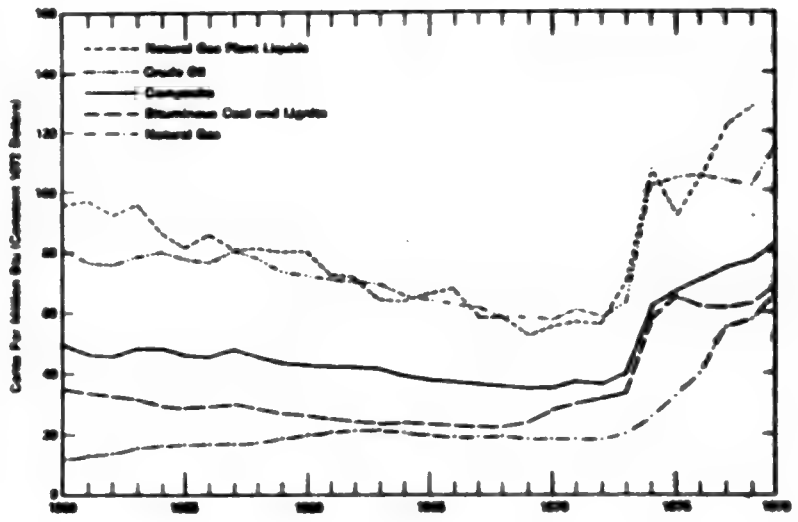

Figure 2. Consumption of Energy by End-Use Sector 1950–1990

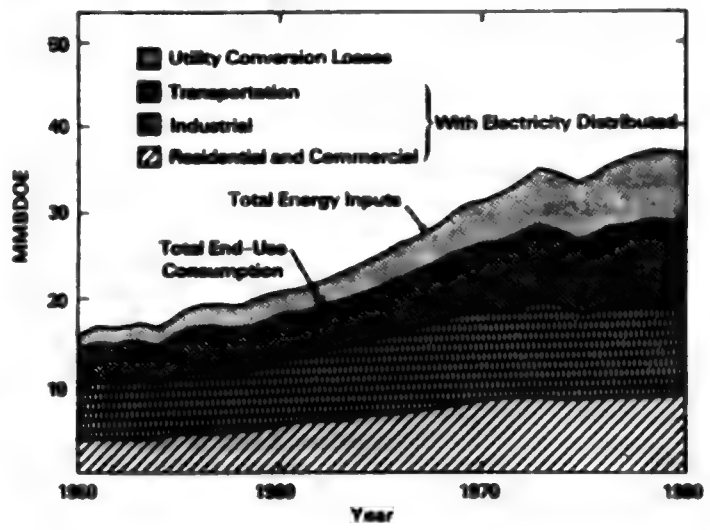

Figure 3. Production of Energy by Type

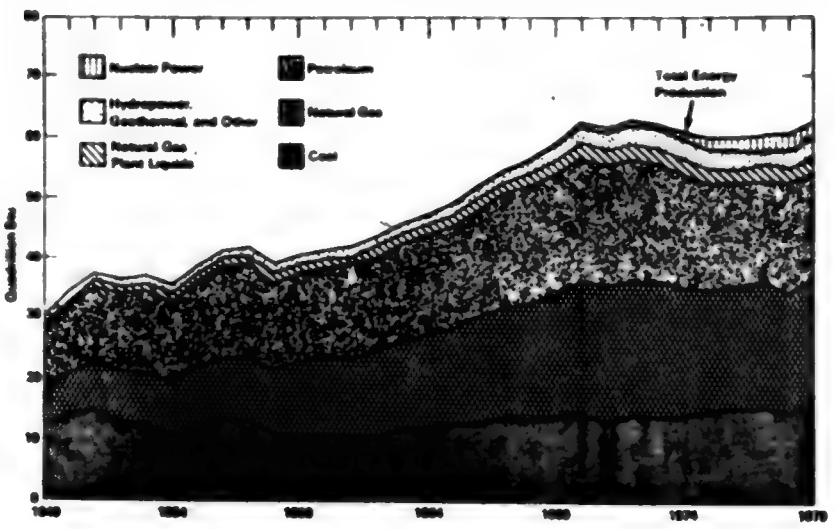

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Forecasts of the future are uncertain. Future energy use will depend heavily on future economic activity, notoriously difficult to project with accuracy. And the price at which energy will be available is an important determinant of economic activity. Energy supplies will depend on future developments in geology and technology. Both will depend on, and will help determine, price. Clearly, future policies will have to deal with these uncertainties. Present policies must also recognize the uncertainties. Government policy itself both at home and abroad, will help determine the behavior of energy markets.

To provide the basis for discussion, it is useful to project future energy supply, demand, and price likely to result if government policies were to remain unchanged. Preliminary NEP–III base case projections were prepared in November, 1980. They assume existing legislation and continuation of the previous Administration's energy policies as of that date. As such, they provide a baseline for comparison. But they are *not* forecasts of the future, or even projections of what would happen under the policies of the new Administration.

In the base case, future energy growth is likely to be quite slow (even when compared to forecasts made quite recently), reflecting a variety of influences. For example, forecasts of U.S. economic growth have dropped substantially, in part because of last year's recession. Also, in the wake of the upheavals in the Middle East, prices of oil on the world market in 1990 are likely to be significantly higher than estimated earlier. The base case now assumes that world oil prices will rise to almost $45 per barrel by 1990 (in 1980 dollars), compared with the $25 per barrel assumed just two years ago.

As a result, overall energy consumption is projected to grow at slightly more than one percent per year from 1979 to 1990, well below the two percent per year forecast less than two years ago (figure 4). Total domestic energy production in 1990 also is projected to be lower than projected earlier, at least partially because of continued delays in the completion of new nuclear powerplants.

Figure 4. U.S. Energy Production and Consumption to 1990 (Best Estimate Case)

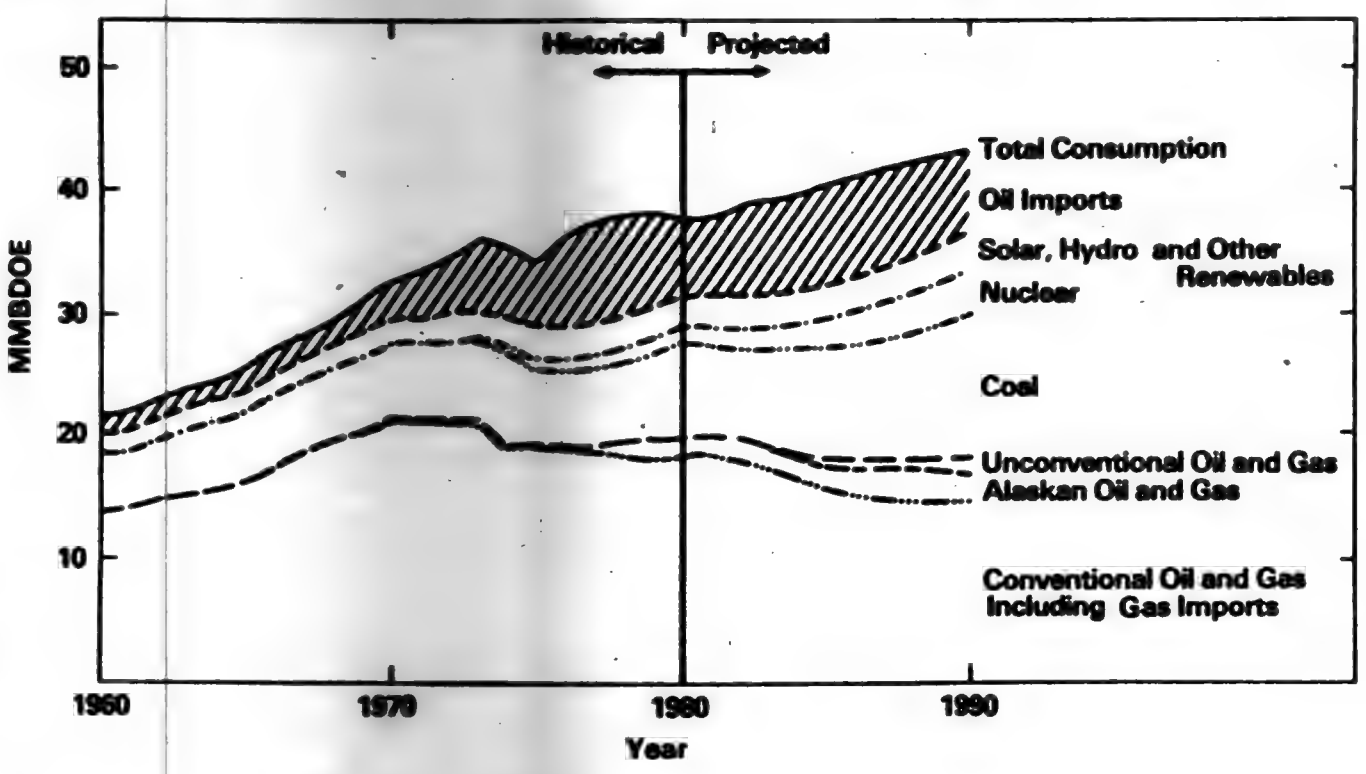

The reduction in estimates of future consumption is more than enough to offset the reduction in estimates of future production. In the base case, U.S. oil imports are likely to range from 7 to 9 million barrels per day in 1985, and 4 to 8 million barrels per day in 1990. Oil imports are expected to be higher in 1985 than in 1990 because of the long lead-times required to reduce consumption of oil and to increase production of nuclear power and alternative fuels.

Although the overall demand for energy is projected to increase slowly, the mix of sources and uses would change considerably in the next decade in the base case. Oil, which provided 43 percent of the Nation's energy needs in 1979, would provide only about 35 percent in 1990. Coal use would increase from 19 percent to 27 percent of total energy use, with smaller increases in nuclear power and renewable resources.

Conservation would permit overall energy use in the residential and commercial sectors to remain about the same. Use of energy for transportation would decline significantly, permitting significant increases in energy use—and

thus substantially increased economic activity—in the increasingly efficient industrial sector (compare figures 5, 6, and 7).

This represents some progress in de-linking economic growth from energy consumption. Prior to the oil price explosion of 1973–1974, every percent increase in gross national product (GNP, a measure of economic activity) was accompanied by a similar increase in energy use. Since 1974, that energy growth-too-GNP growth ratio has dropped to about 0.5, and is expected to remain below 0.5 throughout the forecast period. This means that the effects of price changes and of conservation measures will have reduced total energy consumption in 1990 about 20 percent below what would have been required for the same level of economic activity had the old ratio continued.

Environmental Quality

The projections of base case environmental trends (figure 8) are based on the base case energy projections.

There will be significant improvement in some areas. At the national level, emissions of total suspended particulates (approximately 40 percent of which are emitted by energy sources) are projected to decline by 33 percent between 1975 and 1990. Hydrocarbons and carbon monoxide, which are produced primarily by transportation sources, are projected to decline 28 percent and 45 percent respectively over the same time period.

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Figure 5. U.S. ENERGY SOURCES AND USES IN 1979
(IN MILLIONS OF BARRELS PER DAY OF OIL EQUIVALENT — MMBDOE)

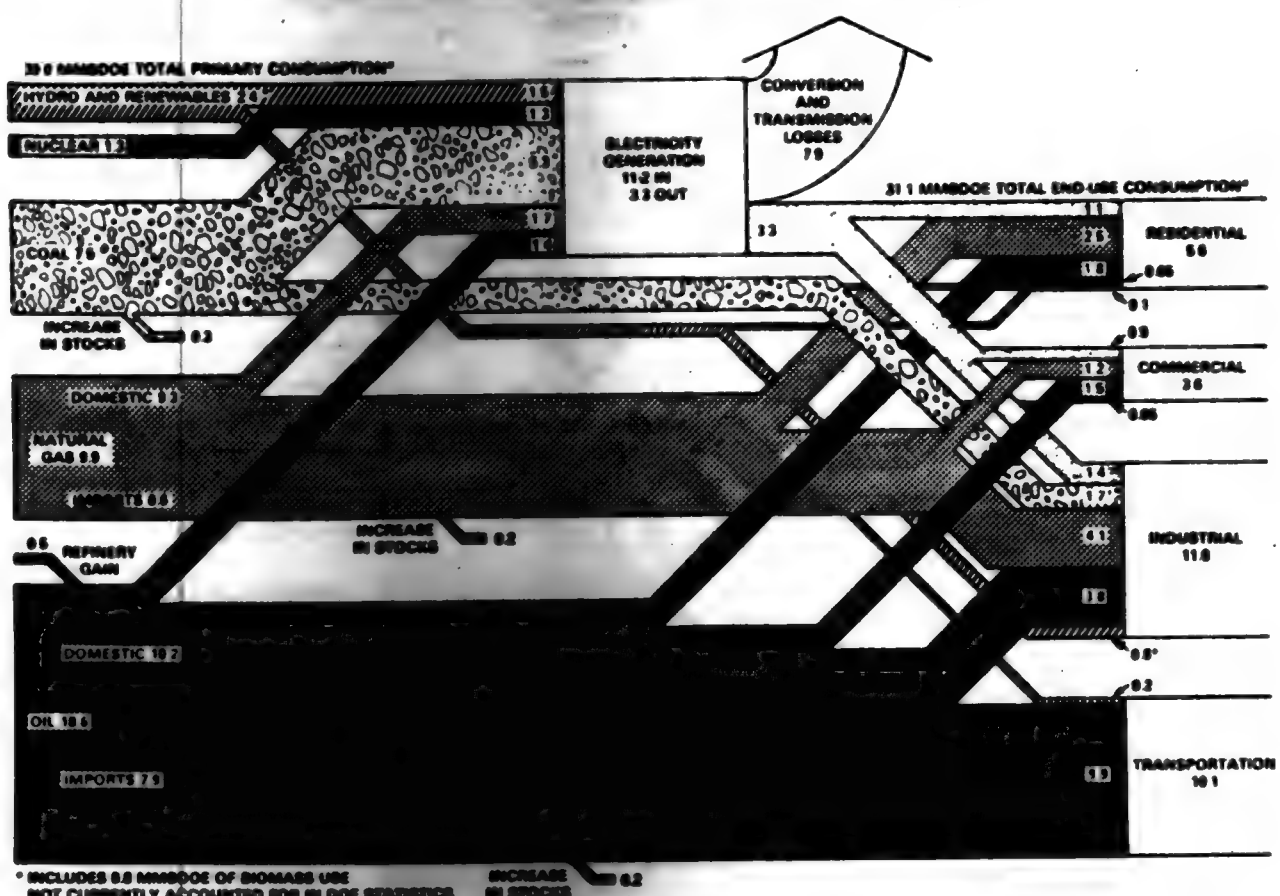

Figure 6.
PROJECTED U.S. ENERGY SOURCES AND USES IN 1985
(IN MILLIONS OF BARRELS PER DAY OF OIL EQUIVALENT — MMBDOE)

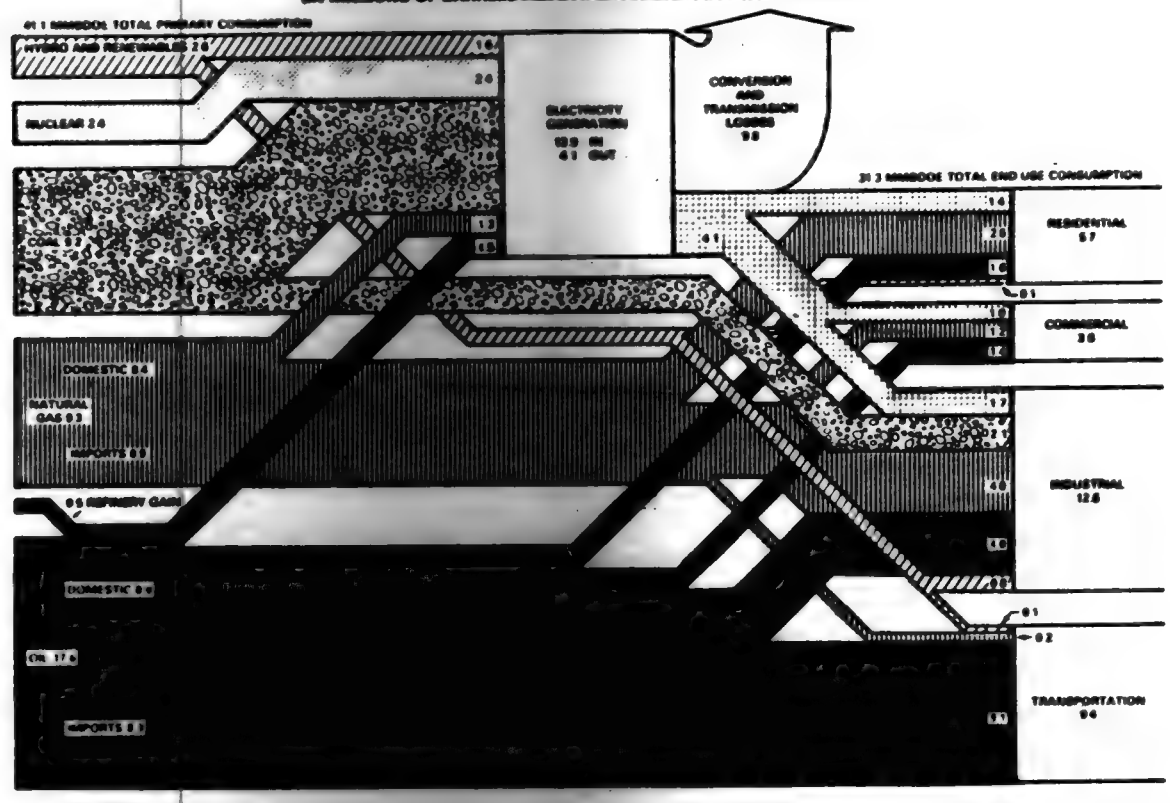

Figure 7.

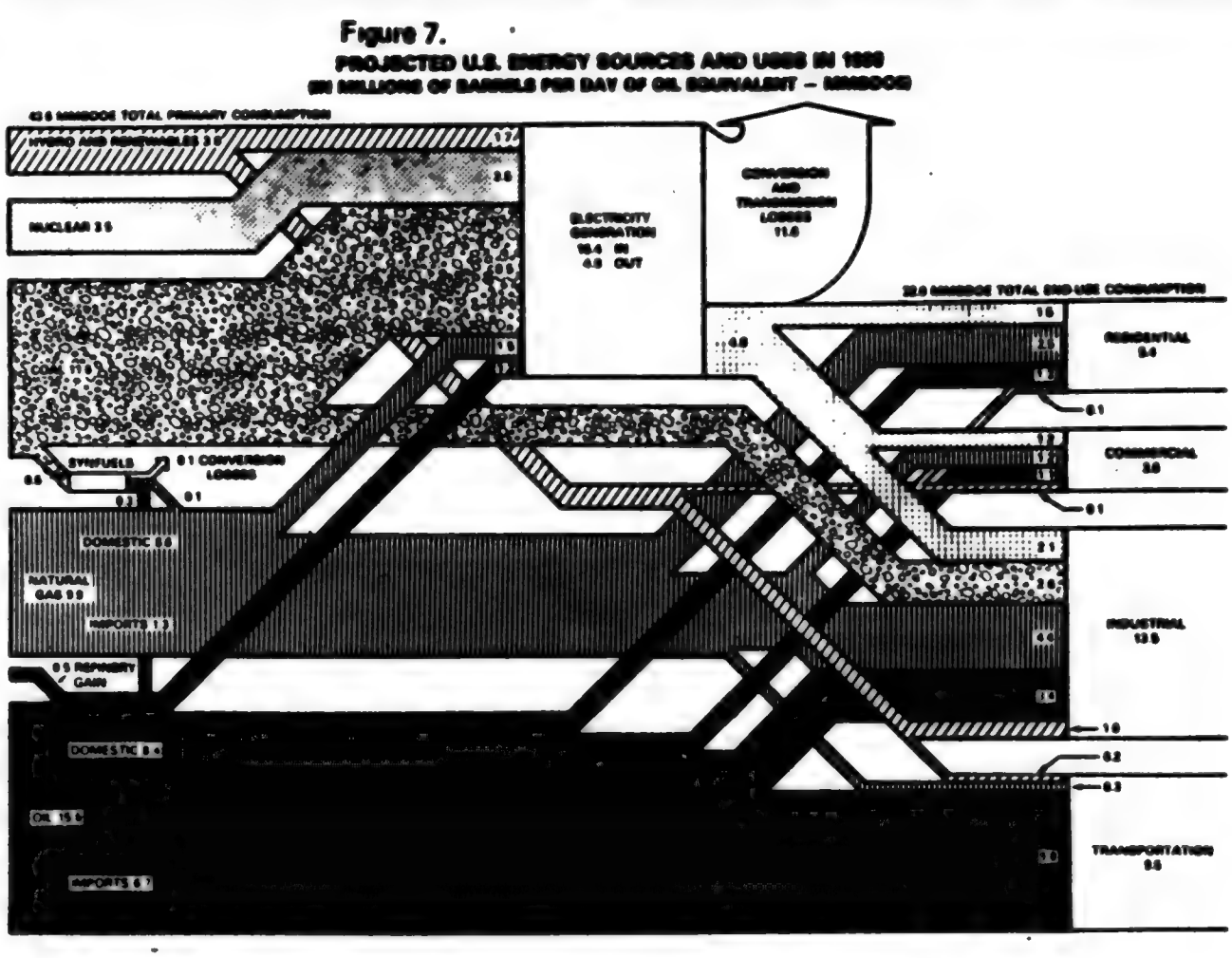

FIGURE 8. PROJECTED POLLUTANT EMISSIONS

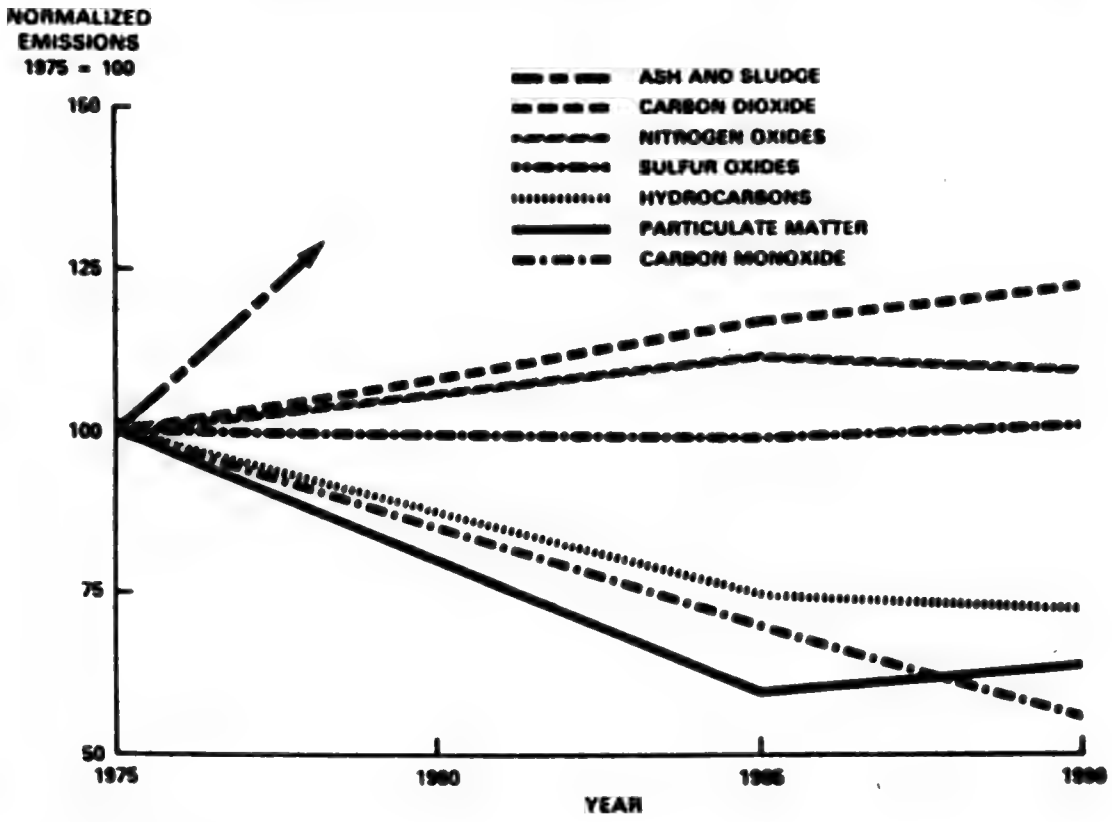

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Some existing problems will continue. Emissions of oxides of sulfur (primarily from coal-fired utilities and industrial boilers) are projected to remain at about today's levels because improvements in pollution control will be offset by increases in coal use; nitrogen oxide emissions (from fossil fuel combustion) are expected to increase by about 10 percent over the period.

Some problems will increase, in part because of success in controlling others. The production of bottom ash, primarily from coal combustion, is expected to double as coal use increases and as suspended particulates are better controlled (and trapped in the ash). Similarly, scrubber sludge, which results from the control of sulfur oxides emissions, is projected to increase from insignificant quantities in 1975 to 31–45 million tons per year by 1990. Discharges of dissolved solids, primarily from coal mining and coal utility operations, are also projected to increase 60 percent to 80 percent over the period.

Because of the use of advanced water pollution control equipment, biochemical oxygen demand from energy sources is expected to remain low. Local water availability problems might arise as a result of energy development, especially in the arid west.

Of concern in the long run are pollutants whose effects are more subtle. Emissions of carbon dioxide, long thought harmless, are projected to continue to increase because carbon dioxide is the final product of combustion of any fossil fuel and because there are no known control technologies. There is considerable uncertainty concerning the long-term effects of carbon dioxide on the earth's temperature and climate, but problems in this century are unlikely.

This discussion summarizes an analysis of environmental trends associated with the base case energy projections.

Uncertainty and Vulnerability

All of these projections are subject to great uncertainty. There could be large changes in world oil prices (particularly in OPEC pricing behavior), which might alter the picture for better or worse. There might be new changes in the character or rate of GNP growth. There could be unexpected technological breakthroughs in energy production or energy saving. Oil and gas resources might be more or less abundant than these projections assume.

With respect to the level of oil imports, dependence on oil imports is not synonymous with vulnerability, nor does independence mean security. Reducing oil imports to the U.S. regardless of the cost of doing so can damage the economy, interfere with efficient use of the Nation's resources, lower our standard of living, and provide little additional security. The Nation's economy and national security would remain vulnerable to some degree even if all U.S. oil imports had been eliminated, because our allies would still depend on imported oil, and because we would still be participating in a world economy that would be affected by a major disruption. Vulnerability is an international problem.

The projections presented in this section assume no major disruption in international flows of oil. That assumption is necessary because, of course, it is impossible to predict when and where a disruption might occur, or how severe it might be. However, the U.S. must be prepared for the possibility of a major disruption.

IV. New Views of Energy Policy

New approaches will have to be taken to achieve fundamental improvements in the Nation's energy picture. The Administration believes that it is important to establish a set of guiding principles:

- The Nation's energy problems will be solved primarily by the American people themselves—by consumers, workers, managers, inventors and investors in the private sector—not by the Government.
- The Government's role is to establish sound public policies, based on economic principles, national security concerns, and a due regard for environmental values, so that individuals and firms in the private sector have the incentives to produce and conserve energy efficiently, consistent with the national interest.
- The Government's role is *not* to select and promote favored sources of energy. Doing so risks wasting the Nation's resources.
- Formulation of energy policy must be sensitive to the needs of the poor. But energy policy should not be used as an income transfer program. For example, holding energy prices down for rich and poor alike is an ineffective way to help the poor.
- Federal public spending for energy purposes should be limited to those areas where the private sector is unlikely to invest sufficiently, such as in high cost, long lead time technologies with substantial prospects of high pay-off. Public spending should not be used to subsidize domestic energy production and conservation since this buys us little additional security and diverts capital, workers and initiative from more productive uses elsewhere in the economy.
- The U.S. government should also take steps necessary to deal with potential disruptions in world oil markets. These steps include increasing strategic petroleum stocks and eliminating controls on oil which discourage the private sector from dealing with disruptions effectively.
- The level of oil imports per se is only a rough indicator of the Nation's progress in solving its energy problem. The welfare of the American people is inextricably linked to that of people in other countries, so the U.S. cannot insure its own security by a reckless attempt to eliminate imports.
- Energy is an international issue and so the American people have an interest in seeing that other countries establish sound energy policies.

A first, major step has been taken. On January 28, 1981, President Reagan ended the system of controls on the price of oil which for nearly a decade had discouraged both domestic production and conservation. But there remain numerous other barriers to the timely development and efficient utilization of our energy resources. Suggestions are sought from the public on these principles for resolving energy issues.

[FR Doc. 81-8625 Filed 3-19-81, 8:45 am]
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federal register

Friday
March 20, 1981

Part VI

Department of Energy

Federal Energy Regulatory Commission

Alternative Fuel Price Ceilings for Incremental Pricing Under the Natural Gas Policy Act of 1978; Public Hearing

V 46 / 54 MR 20 81 MI

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-21]

Alternative Fuel Price Ceilings for Incremental Pricing Under the Natural Gas Policy Act of 1978; Public Hearing

Issued: March 18, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of public hearing.

SUMMARY: On March 2, 1981, the Federal Energy Regulatory Commission (Commission) issued an Interim Rule (46 FR 15496, March 6, 1981) in Docket No. RM79-21 amending its regulations on incremental pricing under the Natural Gas Policy Act of 1978. Requests for a public hearing were required to be filed with the Commission no later than March 13, 1981. The Commission hereby gives notice that the public hearing will be held on March 23, 1981 at the time and address listed below. Members of the hearing panel will be designated by the Chairman of the Commission.

DATES: Written comments in this docket are due on or before April 13, 1981. A public hearing will be held in Washington, D.C. on March 23, 1981.

ADDRESS: The public hearing will be held at 10:00 a.m. at: (Room to be announced), Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Sandra Deluda, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 357-5522.

Alice Fernandez, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 357-8095.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8615 Filed 3-19-81; 10:00 am]

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V 46 / 54 MR 20 81 UMI

Read

INFORMA

PUBLICA

Code of F
CFR Unit

General inf
Incorporati
Printing sc

Federal Re
Corrections
Daily Issue
General inf
Public Insp
Scheduling

Laws
Indexes
Law numbe

Slip law or

Presidentia
Executive
Public Pape
Weekly Co

Privacy Ac

United Sta

SERVICES
Agency ser
Automatio
Dial-a-Reg
Chicago,
Los Ang
Washing
Magnetic t
volumes
Public brie
What It
Public Insp
Regulations
Special Pro
Subscriptio
Subscriptio
TTY for the

FEDERAL

14727–1488
14885–1512
15129–1525
15257–1549
15491–1568
15685–1585
15855–1606
16099–1623
16235–1665
16653–1687
16877–1700
17009–1718
17187–1753
17535–1775
17751–1801

Reader Aids

Federal Register

Vol. 46, No. 54

Friday, March 20, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-5419 523-5517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	523-5215
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

465	17187

3 CFR

Executive Orders:	
11970 (Revoked by EO 12299)	17751
12247 (Revoked by EO 12296)	16879
12258 (Revoked in part by EO 12299)	17751
12296	15129
12297	16877
12298	16879
12299	17751
Proclamations:	
4822	14885
4823	15491
4824	17009
4825	17535
Administrative Orders:	
Presidential Determinations:	
No. 81-2 (Supplemented by No. 81-4 of March 5, 1981)	16235
No. 81-4 of March 5, 1981	16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981)	15855
No. 81-3 of February 27, 1981	15855

4 CFR

27	15857
28	15857
Proposed Rules:	
28	15884

5 CFR

Ch XIV	17187
550	14887
831	16653

7 CFR

Ch XVIII	17753
331	17753
905	16237
907	15257, 16237, 17537
910	15493, 15864, 16655, 17754
907	16238
959	17755
2024	15493
Proposed Rules:	
930	15888
1002	17207
1004	15713, 16266
1007	16266
1011	16266
1030	16266
1032	16266
1046	16266
1049	16266
1050	16266
1062	16266
1064	16266
1065	16266
1068	16266, 16689
1071	16266
1073	16266
1076	16266
1079	16266
1094	16266
1096	16266
1097	16266
1098	16266
1099	16266
1102	16266
1104	16266
1106	16266
1108	16266
1120	16266
1126	16266
1131	16266
1132	16266
1138	16266
1139	16690
2851	14899
2859	15512

8 CFR

238	16656

9 CFR

75	15494
Proposed Rules:	
308	15512
381	15512

10 CFR

20	16230
35	15683
212	15257
Proposed Rules:	
Ch. I	17566
2	17216
30	15278
40	15278
50	15278
51	15154
70	15278
72	15278
211	15112
212	17566
376	15484
390	15484
1060	17787

12 CFR

Ch. VII	14887

1 16240
5 16656–16661
8 16663
21 15864
206 16099
216 15864
303 ..... 17755, 17756
326 15864
541 17187
544 16881
545 17187
546 14727
556 16246
611 17011
563 14727
563a 15864
701 ..... 17187, 17537
748 15864
749 17188
1204 15131

Proposed Rules:

400 15888
545 15175
618 17022

14 CFR

39 ..... 14728–14729, 15259, 17538–17540
16247, 16248, 16881–16888
71 14730–14734
91 ..... 16666, 16888
95 14735
97 ..... 15259, 16249
121 15480

Proposed Rules:

Ch. I 14749, 15278, 15746
21 16279
39 15479
241 17022
71 ..... 15478, 16899–16902
93 15458
159 15458

15 CFR

4a 16251
386 16669
388 17189
503 15496
804 16892
805 16892
935 14741
936 14741
937 14741
938 14741

Proposed Rules:

377 17218

16 CFR

1 14888
13 ..... 15261, 15262, 16892, 14741, 17189
1000 17541

Proposed Rules:

13 16274
1208 17788

17 CFR

15 ..... 15132, 16255
200 16255
211 15496
231 16670
239 17756
240 ..... 14888, 15133, 15134, 15496, 15713, 15866
241 16670
249 17756
259 17756
269 17756
270 ..... 16673, 17011
274 17756
279 17756

Proposed Rules:

1 16691
210 15278
240 ..... 14749, 15178, 17219

18 CFR

4 15873
250 15874
260 15878
282 ..... 14742, 15498, 15879, 16256, 16011

Proposed Rules:

Ch. I 15512
Subchapter B 16903
1 ..... 14751, 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 ..... 14751, 17023
12 17023
16 17023
25 17023
32 17023
33 17023
34 15513
35 ..... 17023, 17227
41 17023
131 15513
152 17023
153 17023
154 14899
156 17023
157 ..... 14899, 16903
158 17023
250 14899
260 14899
270 17023
271 ..... 16914, 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 ..... 16903, 17023
385 17023
388 17023

19 CFR

Ch. II 17526
200 17542
210 17526
211 17526
353 ..... 15135, 17190
355 ..... 16099, 17014

Proposed Rules:

101 17226

21 CFR

5 ..... 16674, 17757
73 ..... 15500, 17758
81 ..... 15500, 17758
175 16675
177 16675
178 17758
193 ..... 16256, 17015
430 ..... 15880, 16676
431 16676
436 ..... 15880, 16676, 16678, 16681
440 ..... 15880, 16681
442 ..... 15880, 16679
444 ..... 16676, 16680, 16681, 17758
446 16681
448 16681
449 16681
450 16681
452 ..... 16676, 16681
540 14889
561 ..... 14889, 17015
864 14890

Proposed Rules:

20 17063
106 17790
109 15518
110 15518
193 15281
225 15518
226 15518
452 16692
500 15518
509 15518
601 17063
603 17063
872 15519
876 ..... 17063, 17064

22 CFR

Ch. XIV 16058, 16065
191 17543
41 15504
51 16257

24 CFR

201 17190
203 ..... 14743, 16893
207 ..... 14743, 16893
213 16893
220 ..... 14743, 16893
221 16893
232 16893
234 16893
235 16893
236 16893
241 16893
242 16893
244 16893
300 15505
803 17366
888 17366

25 CFR

43c 14890
700 15720

Proposed Rules:

72 16916
260 16916

26 CFR

1 ..... 15262, 15685, 16100, 17191
20 17191
25 17191
31 17547
37 17547
55 15262
150 16257

Proposed Rules:

1 ..... 15892, 17229
26 15893
31 17566

28 CFR

0 16100
40 16100

Proposed Rules:

2 14904

29 CFR

1910 14897
2200 14744
2610 16665

Proposed Rules:

92 16827

30 CFR

950 17191

Proposed Rules:

906 16276

32 CFR

201 15505
286 14890
369 15506
875 15506

33 CFR

1 15685
230 14745

34 CFR

690 16623

38 CFR

3 16101
21 16101
36 16686

39 CFR

10 17016
111 ..... 14746, 15263, 15266, 17758

40 CFR

52 ..... 15136–15139, 15686, 16687, 16695–16697, 17019, 17191–17193, 17549–17557, 17777–17779
55 15686
81 ..... 14891, 14892, 15140, 16258, 17557
86 ..... 15686, 16258, 16259
122 16697
123 17194
162 ..... 15104, 17779
180 ..... 14894, 15122–15125 17020, 17021
205 17558
261 17196
264 16697
265 16697
761 16090

Proposed Rules:

Ch. I 16916
51 16280
52 ..... 15160, 15161, 15284, 15743, 16280, 17790
60 14905
81 ..... 15744, 15744
86 ..... 15693, 16917
141 17567
180 ..... 15161, 15162, 15285, 16917, 17229, 17230
192 16278
406 17567
409 17567

413 .....
416 .....
418 .....
420 .....
421 .....
422 .....
424 .....
426 .....
428 .....
430 .....
431 .....
432 .....
435 .....
436 .....
440 .....
443 .....
457 .....
460 .....
761 .....
763 .....

41 CFR

Ch. 1 .....
Ch. 101 .....
1-3 .....
1-4 .....
11 .....
16 .....
5-8 .....
5A-8 .....
5B-8 .....
101-26 .....
101-35 .....
101-36 .....
101-40 .....

Proposed Rules:

8-4 .....
101-7 .....

42 CFR

110 .....

43 CFR

20 .....

Public Land Orders:

5797 .....
5798 .....
5799 .....
5802 .....
5804 .....
5805 .....
5806 .....
5809 .....
5810 .....
5812 .....
5814 .....
5817 .....
5818 .....
5819 .....
5821 .....
5824 .....
5825 .....
5826 .....
5827 .....
5828 .....
5830 .....
5831 .....
5832 .....
5833 .....
5834 .....
5836 .....
5837 .....
5838 .....
5839 .....
5840 .....

413 17567
416 17567
418 17567
420 17567
421 17567
422 17567
424 17567
426 17567
428 17567
430 15287
431 15287
432 17567
435 17567
436 17567
440 17567
443 17567
457 17567
460 17567
761 16096
763 14905

41 CFR

Ch. 1 17780
Ch. 101 17564
1-3 17559
1-4 16102
11 17559
16 17559
5-8 17202
5A-8 17202
5B-8 17202
101-26 17564
101-35 16102
101-36 16102
101-40 14894

Proposed Rules:

8-4 17232
101-7 17791

42 CFR

110 15141

43 CFR

20 16897

Public Land Orders:

5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15287, 15289, 17781, 17782
65 ..... 15142, 17782

Proposed Rules:

60 16692
67 ..... 14907, 15183, 15287, 16282, 17795-17806

45 CFR

1060 15270
1357 14895
1612 16287

46 CFR

3 15746
14 15746
24 15746
166 15746
169 15746

Proposed Rules:

502 17064

47 CFR

2 ..... 15148, 15690
73 ..... 15147-15151, 15271, 15707, 15709-15711, 16268, 17783-17785
81 15690
83 15690
90 ..... 15152, 15273
97 15148

Proposed Rules:

Ch. I 14907, 15184, 15296, 17568 16692
0 15297
22 15749
25 15754
61 15297
63 ..... 14754, 15297
73 ..... 15184-15186, 15298, 15754, 15756, 15757, 17065, 17233, 17809-17811
83 17233
90 ..... 16104, 17813

48 CFR

Proposed Rules:

31 16918

49 CFR

172 17738
173 17564
1003 ..... 16200, 17785
1005 ..... 16200, 17785
1033 ..... 14895, 14896, 15507
1039 15509
1056 ..... 16200, 17785
1100 17785
1132 15509
1240 15880
1243 15881
1310 ..... 16200, 17785
1322 ..... 16200, 17785
1331 ..... 15277, 16102

Proposed Rules:

23 16282
1048 16106
1052 ..... 17813, 17814
1056 16225
1057 15300
1100 17065
1206 15302
1207 15302
1307 17234
1310 17234

50 CFR

611 16103
652 15510

Proposed Rules:

230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

[Last Listing March 18, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.]

V 46 / 54 MR 20 81 UMI

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V 46 / 54 MR 20 81

3-23-81
Vol. 46 No. 55
Pages 18013-18208

federal register

Monday
March 23, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

18013 National Day of Prayer Presidential proclamation

18174 Budget Rescissions and Deferral OMB issues report of 81 proposals rescinding a total of $11.1 billion in budget authority previously provided by Congress (Part III of this issue)

18055 Legal Services LSC proposes a comprehensive statement of grant and contract related civil rights obligations of corporation recipients in delivery of services and employment practices; comments by 4–22–81

18170 Nuclear Materials DOE publishes criteria for determining eligibility for access to classified matter or special nuclear material; effective 4–22–81 (Part II of this issue)

18061 Natural Gas ANGTS seeks comments by 4–6–81 on final design cost estimate of the Eastern Leg "Prebuild" segment

CONTINUED INSIDE

V 46 / 55 MR 23 81 UMI

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

18054 **Environmental Protection** EPA seeks comments by 4–14–81 on potential approaches to regulation of combustion of hazardous wastes in boilers and other high termperature combustion processes

18026 **Environmental Protection** CEQ publishes memorandum to agencies containing answers to 40 most asked questions on National Environmental Policy Act regulations (NEPA)

18051 **Veterans** VA proposes to amend to its medical school and health manpower assistance regulations; comments by 4–22–81

18054 **Postal Service** PS proposes international express mail rates to Kuwait; comments by 4–22–81

18023 **Surface Mining** Interior/SMREO publishes notice suspending three rules pertaining to exemptions and definitions for prime farmland, initial and permanent regulatory programs; 4–22–81

18015 **Banks and Banking** FRS amends Regulation K by removing ineligible bankers' acceptances from the limitation on the total amount of bankers' acceptances that foreign branches of member banks may issue; effective 3–16–81

18045 **Nuclear Safety** NRC proposes to add to its power reactor safety regulations a set of licensing requirements, applicable only to construction permit and manufacturing license applications; comments by 4–13–81

18141 **Sunshine Act Meetings**

Separate Parts of This Issue

18170 **Part II, DOE**
18174 **Part III, OMB**

Con

18013

18065

18040

18061

18061

18062
18062
18063

18024

18141

18124
18124

Contents

Federal Register
Vol. 46, No. 55
Monday, March 23, 1981

The President
PROCLAMATIONS
18013 Prayer, National Day of (Proc. 4828)

Executive Agencies

Air Force Department
NOTICES
Meetings:
18065 Scientific Advisory Board

Agricultural Marketing Service
PROPOSED RULES
18040 Filberts grown in Oreg. and Wash.

Agriculture Department
See Agricultural Marketing Service.

Alaska Natural Gas Transportation System, Office of Federal Inspector
NOTICES
18061 Eastern Leg "prebuild" segment; Northern Border Pipeline Co., final design cost estimate

Civil Aeronautics Board
NOTICES
Hearings, etc.:
18061 Southern Air Transport, Inc.

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
18062 Illinois
18062 Maryland
18063 West Virginia

Commerce Department
See Foreign-Trade Zones Board; Maritime Administration; National Oceanic and Atmospheric Administration.

Defense Department
See also Air Force Department; Engineers Corps.
RULES
Organization, functions, and authority delegations:
18024 Health Sciences Uniformed Services University; officers reporting to Dean of University

Depository Institutions Deregulation Committee
NOTICES
18141 Meetings; Sunshine Act

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
18124 Fields, Alan D., D.O.
18124 Stepan Chemical Co.

Energy Department
RULES
18170 Classified matter or special nuclear material, access; criteria and procedures for determining eligibility; nomenclature changes, etc.

Engineers Corps
PROPOSED RULES
Danger zones:
18050 Ohau, Hawaii

Environmental Protection Agency
RULES
Air programs; nonferrous smelter orders, primary (NSOs):
18025 Arizona
Hazardous waste:
18025 Standards for owners and operators of treatment, storage, and disposal facilities; and consolidated permit regulations; interim final; correction
Pesticides; tolerances in animal feeds:
18023 Thiophanate-methyl; correction
PROPOSED RULES
Hazardous waste:
18054 Incinerator standards for owners and operators of management facilities; seminar discussion
Water pollution; effluent guidelines for point source categories:
18055 Seafood, canned and preserved, processing; response to petition for modification; extension of time and additional information availability
NOTICES
Environmental statements; availability, etc.:
18065 Jacksonville, Fla.; 1200 MW coal-fired electric generating station

Environmental Quality Council
RULES
18026 National Environmental Policy Act; agency implementation; questions and answers; memorandum

Equal Employment Opportunity Commission
NOTICES
18141 Meetings; Sunshine Act

Ethical Problems in Medicine and Biomedical and Behavioral Research, President's Commission for the Study of
NOTICES
18132 Meetings

Federal Aviation Administration
RULES
Airworthiness directives:
18016 Boeing
18017 Canadair
18018 Lockheed-California
18019 Partenavia Costruzioni Aeronautiche S.p.A.
18020 Standard instrument approach procedures

PROPOSED RULES
18049, 18050 Transition areas (2 documents)

NOTICES
Aircraft certification status, etc.:
18135 McDonnell Douglas
Meetings:
18135 Aeronautics Radio Technical Commission

Federal Deposit Insurance Corporation
NOTICES
18141 Meetings; Sunshine Act (2 documents)

Federal Energy Regulatory Commission
NOTICES
18141, 18142 Meetings; Sunshine Act (2 documents)

Federal Home Loan Bank Board
NOTICES
Applications, etc.:
18065 First Federal Savings & Loan Association of El Dorado
18066 Security Savings & Loan Association
18143 Meetings; Sunshine Act

Federal Mine Safety and Health Review Commission
NOTICES
18143 Meetings; Sunshine Act

Federal Railroad Administration
NOTICES
Petitions for exemption, etc.:
18135 Auto-Train Corp.
18136 Bangor & Aroostook Railroad et al.
18137 City of Prineville Railway Co.
18137 Duluth & Northeastern Railroad Co.
18138 Georgetown Railroad et al.

Federal Reserve System
RULES
International banking operations (Regulation K):
18015 Ineligible acceptances by foreign branches of member banks, issuance; removal of restrictions
NOTICES
Applications, etc.:
18058 JCT Trust Co. Ltd. et al.
18066 Midland Bank Ltd.
18067 Banks and bank holding companies; acquisition of thrift institutions; inquiry
Meetings:
18068 Consumer Advisory Council
18143 Meetings; Sunshine Act

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
18063 Pennsylvania
18063 Virginia

Health and Human Services Department
See National Institutes of Health.

Indian Affairs Bureau
NOTICES
Environmental statements; availability, etc.:
18071 Crow Indian Reservation, Mont.; Shell Oil coal lease; availability
Meetings:
18071 Exceptional Children Advisory Committee

Interior Department
See Indian Affairs Bureau; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Trade Commission
RULES
Import investigation procedures:
18022 Antidumping, countervailing duty determinations, and suspension agreements, review of outstanding investigations; procedures

Interstate Commerce Commission
NOTICES
Motor carriers:
18077 Fuel costs recovery, expedited procedures
18123 Operating rights applications; republication
18077–18091 Permanent authority applications (7 documents)
18103 Temporary authority applications
Rail carriers:
18124 Existing railroad rates; petition
Railroad operation, acquisition, construction, etc.:
18123 Oregon Trunk Railway et al.
Railroad services abandonment:
18123 Missouri Pacific Railroad Co.

Justice Department
See Drug Enforcement Administration.

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
18072 Azachorok Inc.
Environmental statements; availability, etc.:
18072 Prairie potholes vegetation allocation, Mont.; availability
Meetings:
18072 California Desert Conservation Area Advisory Committee

Legal Services Corporation
PROPOSED RULES
18055 Civil rights regulations, comprehensive

Management and Budget Office
NOTICES
18129 Agency forms under review
18174 Budget rescissions and deferrals

Maritime Administration
NOTICES
Applications, etc.:
18063 Seabulk Transmarine I, Inc., et al.

National Aeronautics and Space Administration
NOTICES
Meetings:
18125 Advisory Council

National Credit Union Administration
NOTICES
18143 Meetings; Sunshine Act (3 documents)

National Highway Traffic Safety Administration
RULES
Fuel economy standards, average; passenger automobile; exemptions:
18038 Excalibur Automobile Corp.
PROPOSED RULES
Motor vehicle safety standards:
18059 Passenger vehicles; crashworthiness performance rating program; correction
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
18138 Vintage Reproductions, Inc.

National Institutes of Health
NOTICES
Meetings:
18070 Aging Institute, National; Scientific Counselors Board
18070 Allergy and Infectious Diseases, National Institute; Scientific Counselors Board
18069 Blood Diseases and Resources Advisory Committee
18071 Dental Research National Institute, Scientific Counselors Board
18069 Dental Research Programs National Institute Advisory Committee
18069 Mandatory retirement age for commercial airline pilots; report
18070 Pulmonary Diseases Advisory Committee

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
18065 National Museum of Natural History
18065 Washington Department of Game

National Park Service
NOTICES
Concession permits, etc.:
18075 Acadia National Park
18076 Rocky Mountain National Park; correction
Meetings:
18076 Ozark National Scenic Riverways Advisory Commission
18076 Pictured Rocks National Lakeshore Advisory Commission
18077 Santa Monica Mountains National Recreation Area Advisory Commission
National scenic trail systems; relocations of rights-of-way:
18075 Appalachian National Scenic Trail

National Science Foundation
NOTICES
18144 Meetings; Sunshine Act

Nuclear Regulatory Commission
RULES
Radiation protection standards:
18015 Region IV Office; telephone number change
PROPOSED RULES
Production and utilization facilities, domestic licensing:
18045 Nuclear power plants; pending construction permit and manufacturing license applications
NOTICES
Applications, etc.:
18126 Connecticut Light & Power Co. et al.
18127 Dairyland Power Cooperative
18129 Florida Power & Light Co.; conference location change
18127 Kansas Gas & Electric Co., et al.
18127 Pacific Gas & Electric Co.
18127 Portland General Electric Co.; correction
18127 Tennessee Valley Authority
18128 Vermont Yankee Nuclear Power Corp.
Meetings:
18125, 18126 Reactor Safeguards Advisory Committee (2 documents)
Reports; availability, etc.:
18128 Mark II containment lead plant program load evaluation and acceptance criteria

Oceans and Atmosphere, National Advisory Committee
NOTICES
18125 Meetings; amended agenda

Postal Service
PROPOSED RULES
International mail:
18054 Kuwait; express mail rates

Securities and Exchange Commission
NOTICES
18144 Meetings; Sunshine Act

Small Business Administration
NOTICES
Applications, etc.:
18133 Bay Venture Group
18134 Commerce Southwest Capital, Inc.
18132 Holding Capital Management Co.
18133 Japanese American Capital Corp. et al.
18134 Quidnet Capital Corp.
Disaster areas:
18134 New York
Meetings; advisory councils:
18134 New York
18134 Virginia

Surface Mining Reclamation and Enforcement Office
RULES
Surface coal mining and reclamation enforcement operations:
18023 Initial and permanent regulatory programs; suspension of regulations

Transportation Department
See Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

Treasury Department
NOTICES
18139 Advisory committees; comprehensive review; inquiry

Veterans Administration
PROPOSED RULES
Medical benefits:
18051 Medical school and health manpower assistance

NOTICES
Environmental statements; availability, etc.:
18140 Oklahoma City, Okla.; purchase of land for parking
Meetings:
18139 Career Development Committee

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
18062 Illinois Advisory Committee, Chicago, Ill., 4-10-81
18062 Maryland Advisory Committee, Salisbury, Md., 4-22-81
18063 West Virginia Advisory Committee, Charleston, W.Va., 4-9-81

DEFENSE DEPARTMENT
Air Force Department—
18065 USAF Scientific Advisory Board, Wright-Patterson Air Force Base, Ohio, 4-23 and 4-24-81

ENVIRONMENTAL PROTECTION AGENCY
18054 Incinerator Standards for Owners and Operators of Hazardous Waste Management Facilities, Cincinnati, Ohio, 4-21 and 4-22-81

FEDERAL RESERVE SYSTEM
18068 Consumer Advisory Council, Washington, D.C., 4-15 and 4-16-81

INTERIOR DEPARTMENT
Bureau of Indian Affairs—
18071 Exceptional Children Advisory Committee, Oklahoma City, Okla., 3-19, 3-20 and 3-21-81
Bureau of Land Management—
18072 California Desert Conservation Area Advisory Committee, Riverside, Calif., 4-24-81
National Park Service—
18076 Ozark National Scenic Riverways Advisory Commission, Van Buren, Mo., 4-10-81
18076 Pictured Rocks National Lakeshore Advisory Commission, Grand Marais, Mich., 4-10-81
18077 Santa Monica Mountains National Recreation Area Advisory Commission, Los Angeles, Calif., 4-14-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
18125 NASA Advisory Council, Kennedy Space Center, 4-7 and 4-8-81

NUCLEAR REGULATORY COMMISSION
18125 Reactor Safeguards Advisory Committee, Subcommittee on Procedures and Administration, Washington, D.C., 4-7-81
18126 Reactor Safeguards Advisory Committee, Subcommittee on Regulatory Activities, Washington, D.C., 4-7-81

PRESIDENTS COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BEHAVIORAL RESEARCH
18132 Meeting, Miami, Fla., 4-9 and 4-10-81

SMALL BUSINESS ADMINISTRATION
18134 Region II (Syracuse, N.Y.) Advisory Council, 4-24-81
18134 Region III, (Richmond, Va.) 5-14 and 5-15-81

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
18135 Radio Technical Commission for Aeronautics (RTCA), Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment, Washington, D.C., 4-16 and 4-17-81

VETERANS ADMINISTRATION
18139 Career Development Committee, Washington, D.C., 4-15 through 4-17-81

CHANGED MEETING

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE
18125 Meeting, Washington, D.C., 3-26 and 3-27-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4826 18013

7 CFR
Proposed Rules:
982 18040

10 CFR
20 18015
710 18170
Proposed Rules:
50 18045

12 CFR
211 18015

14 CFR
39 (4 documents) 18016–18019
97 18020
Proposed Rules:
71 (2 documents) 18048, 18050

19 CFR
207 18022

21 CFR
561 18023

30 CFR
700 18023
716 18023
785 18023

32 CFR
242b 18024

33 CFR
Proposed Rules:
204 18050

36 CFR
Proposed Rules:
17 18050

38 CFR
Proposed Rules:
10 18054

40 CFR
57 18025
122 18025
264 18025
265 18025
1500 18026
1501 18026
1502 18026
1503 18026
1504 18026
1505 18026
1506 18026
1507 18026
1508 18026
Proposed Rules:
264 18054
406 18055

46 CFR
Proposed Rules:
1624 18055

49 CFR
531 18038
Proposed Rules:
583 18059

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Federal
Vol. 46,
Monday,

Title 3-

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Federal Register
Vol. 46, No. 55
Monday, March 23, 1981

Presidential Documents

Title 3—

The President

Proclamation 4826 of March 19, 1981

National Day of Prayer, 1981

By the President of the United States of America

A Proclamation

Our Nation's motto—"In God We Trust"—was not chosen lightly. It reflects a basic recognition that there is a divine authority in the universe to which this Nation owes homage.

Throughout our history Americans have put their faith in God and no one can doubt that we have been blessed for it. The earliest settlers of this land came in search of religious freedom. Landing on a desolate shoreline, they established a spiritual foundation that has served us ever since.

It was the hard work of our people, the freedom they enjoyed and their faith in God that built this country and made it the envy of the world. In all of our great cities and towns evidence of the faith of our people is found: houses of worship of every denomination are among the oldest structures.

While never willing to bow to a tyrant, our forefathers were always willing to get to their knees before God. When catastrophe threatened, they turned to God for deliverance. When the harvest was bountiful the first thought was thanksgiving to God.

Prayer is today as powerful a force in our Nation as it has ever been. We as a Nation should never forget this source of strength. And while recognizing that the freedom to choose a Godly path is the essence of liberty, as a Nation we cannot but hope that more of our citizens would, through prayer, come into a closer relationship with their Maker.

Recognizing our great heritage, the Congress, by Joint Resolution approved April 17, 1952 (36 U.S.C. 169h; 66 Stat. 64), has called upon the President to set aside a suitable day each year as a National Day of Prayer.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Thursday, May 7, 1981, National Day of Prayer. On that day I ask all who believe to join with me in giving thanks to Almighty God for the blessings He has bestowed on this land and the protection He affords us as a people. Let us as a Nation join together before God, fully aware of the trials that lie ahead and the need, yes, the necessity, for divine guidance. With unshakable faith in God and the liberty which is heritage, we as a free Nation will surely survive and prosper.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of March, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-8864
Filed 3-20-81; 10:23 am]
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10 CFR P

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Rules and Regulations

Federal Register
Vol. 46, No. 55
Monday, March 23, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Change of Telephone Number for NRC Regional Office

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; change of telephone number.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to change a telephone number officially identified in its regulation 10 CFR Part 20, "Standards for Protection Against Radiation", as the telephone number for NRC's Region IV office located in Arlington, Texas.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC, 20555. Telephone (301) 492–7086.

SUPPLEMENTARY INFORMATION: Effective March 30, 1981, the telephone number for the Nuclear Regulatory Commission's Region IV office located in Arlington, Texas at 611 Ryan Plaza Drive, will be changed to 817–465–8100.

Since this amendment relates solely to a minor procedural matter, notice of proposed rulemaking and public procedure thereon are unnecessary, and good cause exists to make the amendments effective upon publication in the Federal Register (March 23, 1981).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to 10 CFR Part 20 is published as a document subject to codification.

Part 20—Appendix D [Amended]

1. In Appendix D, the telephone number for NRC's Region IV Office in Arlington, Texas is revised (for both Daytime and Nights and Holidays) to read as follows:

Appendix D—United States Nuclear Regulatory Commission Inspection And Enforcement Regional Offices

* * * * *

Region IV * * *
Telephone: (817) 465–8100.

* * * * *

(Sec. 1611, Pub. L. 83–703, 68 Stat. 948, Pub. L. 93–377, 42 U.S.C. 2201(i))

Dated at Bethesda, Maryland, this 13th day of March, 1981.

For the Nuclear Regulatory Commission.
William J. Dircks,
Executive Director for Operations.

[FR Doc. 81-8797 Filed 3-20-81; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Regulation K; Docket No. R-0353]

International Banking Operations; Issuance of Ineligible Acceptances by Foreign Branches of Member Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended Regulation K—International Banking Operations to remove ineligible bankers' acceptances from the limitation on the total amount of bankers' acceptances that foreign branches of member banks may issue. Removal of this restriction will assure that the regulatory treatment of bankers' acceptances issued by a foreign branch of a member bank is on the same basis as those issued by a member bank domestically.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452–3625), or Paul S. Pilecki, Attorney (202/452–3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Under Regulation K—International Banking Operations (12 CFR Part 211), a foreign branch of a member bank is authorized to issue acceptances of drafts or bills of exchange drawn upon it ("bankers' acceptances"); however, all such acceptances, whether eligible [1] or ineligible, are subject to the amount limitations of paragraph 7 of section 13 of the Federal Reserve Act (12 U.S.C. 372) ("Act"). That provision of the Act limits the amount of eligible acceptances that a member bank may issue to 50 percent of its paid-up and unimpaired capital stock and surplus (100 percent upon approval by the Board). The Board has amended Regulation K to provide that only eligible acceptances issued by a member bank's foreign branches will count towards the aggregate limitation on bankers' acceptances in the Act. Ineligible acceptances also will not be subject to the per customer lending limitation of paragraph 7 of section 13.

In 1963, the Board authorized the foreign branches of member banks to issue acceptances as a means of liberalizing the powers of such branches. However, all acceptances, both eligible and ineligible, were to be counted as part of the aggregate limitation on eligible acceptances of the member bank. For those member banks that are at or near the statutory maximum, the limitation restricts the issuance of ineligible acceptances by foreign branches of member banks, particularly those denominated in

[1] An "eligible" acceptance generally is one that (1) grows out of a trade transaction involving exporting, importing, or storage or domestic shipment of goods, and (2) has a maturity of not more than six months' sight to run. Acceptances created to finance the domestic shipment of goods are eligible if they have attached at the time of acceptance shipping documents conveying or securing title to the goods; acceptances financing the domestic storage transactions are eligible if secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title involving readily marketable staples. In addition, certain dollar exchange transactions also may be eligible for discount (paragraph 12 of section 13 of the Act). All other acceptances are regarded as "ineligible."

foreign currencies which are readily marketable abroad. The competitive ability of foreign branches of some member banks is thereby impaired.

The Board believes that foreign branch ineligible acceptances are functionally equivalent to certificates of deposit issued by the foreign branches and therefore should be treated on the same basis. Consequently, it is appropriate to remove the restrictions on issuance of ineligible acceptances at this time. In this regard, ineligible acceptances and certificates of deposit issued by a foreign branch of a member bank or of any other depository institution are not now subject to reserve requirements if they are payable only outside the United States. However, were the Board to impose reserve requirements on any substantially similar instruments issued by foreign branches, such as Eurocurrency CDs, ineligible acceptances would likely be subject to the same reserve requirements.

The Board believes that this modification, which relieves a regulatory restriction, will enhance the competitive position of foreign branches of member banks. Consequently, the Board for good cause finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553 (b) and (d) with regard to this action are unnecessary and contrary to the public interest.

Effective March 16, 1981, pursuant to the Board's authority under section 25 of the Federal Reserve Act (12 U.S.C. 601), Regulation K (12 CFR Part 211) is amended by revising subparagraph (2) of § 211.3(b) to read as follows:

§ 211.3 Foreign branches of member banks.

* * * * *

(b) * * *

(2) accept drafts or bills of exchange drawn upon it; however, such acceptances that are of the type described in paragraph 7 of section 13 of the FRA (12 U.S.C. 372) shall be subject to the amount limitations provided therein and such acceptances that are of the type described in paragraph 12 of section 13 of the FRA shall be subject to the amount limitations provided therein;

* * * * *

By order of the Board of Governors, March 16, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-8705 Filed 3-20-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-65-AD; Amdt. 39-4072]

Airworthiness Directives: Boeing Model 737 Series Airplanes Prior to Line No. 726

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: On December 13, 1980, the FAA issued a telegraphic Airworthiness Directive, AD T80-26-51, to all known operators of Boeing Model 737 series airplanes, effective upon receipt, which required inspection of the bolt assembly installed in the inner and lower clevis of each elevator Power Control Unit (PCU) input rod on all 737 airplanes if the bolts had not previously been removed and reinstalled since manufacture. This action was necessary because bolt assemblies have been found displaced from the lower PCU input rod assembly or with stop nuts missing. Inspection will detect and result in correcting any loose or missing bolt assemblies which could cause loss of elevator control. The AD is hereby published in the **Federal Register** to make it effective to all persons.

DATES: Effective date April 1, 1981. This AD was effective earlier to all recipients of the telegraphic AD T80-26-51 dated December 13, 1980. Initial compliance is within 150 flight hours.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Airframe Branch, ANW-1208, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: During a preflight control check a pilot had difficulty in returning the control column to neutral and upon investigation a bolt assembly was found displaced from the lower PCU input rod assembly. An inspection was made of other aircraft in the operator's fleet and two stop nuts were found missing on one other airplane. Both airplanes were delivered during 1980.

The results of inspections to date indicate that the problem arose at the time of production, and therefore the inspection is not required for aircraft on which the bolts have been removed and reinstalled, or inspected in the manner specified in the AD, since manufacture. The rule affects only aircraft prior to production line number 726.

Since a situation existed that required immediate adoption of this regulation, it was found that notice and public procedure thereon were impracticable and good cause existed at the time of issuance, and still exists, for making this amendment effective in less than 30 days.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 737 series airplanes, certified in all categories, prior to line number 726. To prevent control system jamming, accomplish the following within the next 150 hours time-in-service after the effective date unless already accomplished, or unless the affected bolt assemblies have been removed and reinstalled since manufacture:

1. Inspect the bolt assemblies installed at the upper and lower clevis of each elevator power control unit input rod assembly for proper installation in accordance with Boeing Alert Service Bulletin 27A1109, dated December 11, 1980, or later FAA-approved revisions. Bolt assemblies not properly installed must be reinstalled in accordance with the service bulletin.

2. Alternate methods of compliance with this Airworthiness Directive may be used when they are approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

This amendment becomes effective April 1, 1981, and was effective earlier to those recipients of telegraphic AD T80-26-51 dated December 13, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to

follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on March 12, 1981.

Jonathan Howe,

Deputy Director, Northwest Region.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-8703 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-5-AD; Amdt. 39-4087]

Canadair Limited Model CL-44D4 and CL-44J Airplanes; Airworthiness Directive

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspections to detect cracks and corrosion on the nose landing gear crossbeam on Canadair CL-44D4 and CL-44J airplanes and repair and replacement of parts, when necessary. This AD is necessary because there have been reports of stress corrosion cracking along the horizontal parting plane on both the forward and aft external faces of the forging, and cracking in the pivot pin taper bores. Failure of the crossbeam could result in collapse of the nose landing gear.

DATES: Effective date March 31, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Canadair Limited, Post Office Box 6087, Montreal, Quebec, Canada H3C 3G9, Attention: Mr. W. Remington, Airworthiness Coordinator. Also, a copy of the service information may be reviewed at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108; or FAA Eastern Region, Federal Building, JFK International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Mr. D. C. Jacobsen, Acting Chief, Aircraft Certification Division, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2565, or Lester Lipsius, Aerospace Engineer, Airframe Branch, AEA-212, Engineering and Manufacturing Branch, FAA Eastern Region, Federal Building, JFK International Airport, Jamaica, New York 11430, telephone (212) 995-2875.

SUPPLEMENTARY INFORMATION: There have been at least seven occurrences of stress corrosion cracking of the nose landing gear crossbeam, P/N 44-85082, of which five were on British Britannia aircraft and two were on CL-44 aircraft in British registry. An earlier Airworthiness Directive 74-26-03, Amdt. 39-2045, 39 FR 43295 was issued to correct the problem by requiring an external inspection of the crossbeam. Since then, additional cracks have been found in the pivot pin taper bores. This rule which supersedes AD 74-26-03, requires an inspection of the internal bore for cracks which, if allowed to progress, will result in beam failure and gear collapse. Since this condition is likely to exist or develop in other airplanes of the same type design in U.S. registry, an Airworthiness Directive is being issued which requires inspection, rework, or replacement of the affected part in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. Accomplishment of Canadair Service Information Circular (SIC) No. 431-CL44, dated June 11, 1980, has been FAA approved as a means of compliance with this Airworthiness Directive.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this Amendment effective in less than 30 days.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Canadair: Applies to all Canadair Models CL-44D4 and CL4J aircraft certificated in all categories with nose landing gear crossbeam, P/N 44-85082 or P/N 44-85082-2.

Compliance required as indicated.

A. To prevent failure of the nose landing gear crossbeam, accomplish the following:

1. Within the next 30 days after the effective date of this AD, unless already accomplished within the last 60 days, conduct the following inspections for cracks and corrosion:

(a) Using dye penetrant and a 10-power glass, inspect the forward and aft external faces as detailed in paragraph 3.2 and shown in Figure 1 of Canadair Service Information Circular (SIC) No. 431-CL44, dated June 11, 1980, or an approved equivalent inspection.

(b) Using eddy current procedure, inspect the pivot pin taper bore as detailed in paragraph 3.3 and shown in Figure 2 of SIC No. 431-CL44, or an approval equivalent inspection.

2. Within the next 65 hours in service or 30 days, whichever occurs first, after the initial inspection specified in paragraph A1, conduct a visual inspection of the forward and aft external faces as detailed in paragraph 3.1 as shown in Figure 1 of SIC No. 431-CL44, or an approved equivalent inspection.

3. The inspection specified in paragraph A2 shall be repeated at intervals not to exceed 65 hours in service or 30 days, whichever occurs first, from the previous visual inspection. The inspection specified in paragraph A1(a) shall be repeated at intervals not to exceed 650 hours in service or 90 days, whichever occurs first. The inspection specified in paragraph A1(b) shall be repeated at intervals not to exceed 1300 hours in service or 180 days, whichever occurs first.

B. A cracked crossbeam must be replaced prior to further flight with a part of the same number or equivalent, or repaired by an approved method. An acceptable replacement part is a Britannia crossbeam, Messier P/N 200182-302, conforming to Aviation Traders (Engineering) Limited (ATL) Modification No. 44/094 and Drawing No. 78-41-039, in accordance with paragraph 5.3 of SIC No. 431-CL44.

C. Remove any corrosion found in the inspection areas and reprotect the surface in accordance with instructions in paragraph 6.0 on SIC No. 431-CL44, or equivalent.

D. All replacement or repaired crossbeams must be inspected for cracks immediately prior to installation, in accordance with paragraphs A1(a), A1(b), and A2, and at repetitive intervals in accordance with paragraph A3.

E. The aircraft may be flown, in accordance with FAR 21.197, to a base where the inspection or repair can be performed.

F. Equivalent means of accomplishing the repairs, equivalent inspections, and parts must be approved by the Chief, Aircraft Certification Division, FAA Northwest Region.

G. Upon submission of substantiating data by an owner or operator, through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the inspection intervals specified in this AD.

This AD supersedes AD 74-26-03.

The manufacturer's specification and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Canadair Limited, P.O. Box 6087, Montreal, Quebec, Canada H3C 3G9, Attention Mr. W. Remington, Airworthiness Coordinator. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective March 31, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in an aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on March 11, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 9, 1967.

[FR Doc. 81-8711 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-14-AD; Amdt. No. 39-4073]

Airworthiness Directives: Lockheed-California Co. Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection of Lockheed Model L-1011 Series aircraft main landing gear wheels and the removal from service of all wheels found to have cracks. This AD is needed to insure that L-1011 main landing gear wheels are retired before cracks in the wheel bead seat radius area propagate to the extent to cause wheel flange separation in flight, resulting in structural damage and possible decompression.

DATES: Effective date April 15, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Bonanno, Aerospace Engineer, Systems and Equipment Branch, ANW-130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6387.

SUPPLEMENTARY INFORMATION: An accident occurred on December 23, 1980, involving a foreign air carrier Model L-1011 aircraft main landing gear wheel rim which disintegrated in flight causing two fatalities and damaging aircraft structure and portions of hydraulic, electrical, and flight control systems. It has been determined that the cause of the wheel failure was material fatigue, which initiated from a surface corrosion pit. An eddy current inspection has been developed which will detect wheel bead seat area cracks of the size that could possibly progress to wheel failure prior to the next inspection interval.

Since this condition is likely to exist or develop on other airplances of the same type design, an airworthiness directive is being issued which requires inspections and replacement, as necessary, of Goodrich main landing gear wheels on Lockheed Model L-1011 series airplanes.

Since a situtation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Lockheed-California: Applies to Model L-1011 series airplanes certificated in all categories. Compliance required as indicated. To prevent possible failures of the main landing gear wheels, accomplish the following:

Inspect Goodrich main landing gear wheel assemblies for cracks, pits and corrosion in accordance with Lockheed Service Bulletin 093-33-184 dated February 5, 1981, and Goodrich Service Bulletin 393, Revision 1, dated February 20, 1981, in accordance with the following schedule:

A. All in service Goodrich wheel assembly part numbers 3-1311-3 and 3-1365 (wheel outboard half P/N 10-1323 below change G, and wheel inboard half P/N 10-1324 and 10-1324-1 below change G) must be inspected at the next tire change on a main landing gear wheel/tire assembly after the effective date of this AD, and thereafter reinspected at each subsequent tire change.

B. All in service Goodrich wheel assembly part numbers 3-1365 (wheel outboard half P/N 10-1323 change G and up, and wheel inboard half P/N 10-1324-1 change G and up), 3-1365-1, 3-1375, and 3-1375-1 must be inspected at the fourth tire change on a main landing gear wheel assembly after the effective date of this AD, and thereafter reinspected at each subsequent fourth tire change.

C. Wheel halves found to have confirmed defects shall be replaced with an appropriate wheel-half inspected and found to be satisfactory in accordance with this AD or with a new or unused wheel half; except that if an inspected or new or unused wheel-half is not available, an uninspected wheel/tire assembly may be installed and the airplane operated to the next airport where the inspections can be accomplished, but in no event shall the uninspected wheel exceed ten landings. NOTE: Wheel half assemblies specified in paragraph B of this AD are considered new or unused until the fourth tire change.

D. If a tire change is required at a station where the inspections required by this AD cannot be accomplished, an uninspected wheel/tire assembly may be installed and the airplane may be operated to the next airport where the inspections can be accomplished, but in no event shall the uninspected wheel exceed ten landings.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the inspection requirements of this AD.

F. Alternative means of compliance, or other actions which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specification and procedures identified and described in this directive and incorporated herein are made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261.

This amendment becomes effective April 15, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec 6(a), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impractical for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on March 13, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

The incorporation by reference provision in the document was approved by the Director of the Federal Register on June 9, 1967.

[FR Doc. 81-8710 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21522; Amdt. 39-4074]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Models P68 and P68B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection, and adjustment if necessary, of the longitudinal trim tab position indicator to preclude the possibility of an incorrect trim tab position indication at the time of takeoff, and the installation of a new trim cable travel stop and keep plate and a metal indicator plate where necessary, on certain Partenavia Model P68 and P68B series airplanes. This AD is necessary to preclude inadvertent positioning of the longitudinal trim tab to an incorrect position for takeoff because of indicator error which could result in loss of control of the airplane.

DATES: Effective April 6, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria—Napoli, Italy.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: The FAA has determined that the longitudinal trim tab position indicator, located on the control pedestal in the cockpit, can be inadvertently repositioned, thereby causing an incorrect setting of the longitudinal trim tab for takeoff, on certain Partenavia Model P68 and P68B series airplanes, which could result in loss of control of the airplane during the takeoff. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires an inspection before each flight, and adjustment if necessary, to ensure that the longitudinal trim tab position agrees with the cockpit indicator, until the airplane is modified by the installation of a metal indicator plate at the pedestal and, for specified serial number airplanes, a longitudinal trim tab cable guide and cable stop.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to Model P68 and P68B series airplanes, Serial Numbers 1 to 75 inclusive which do not have Partenavia Kit P/N 68-010 installed, and Serial Numbers 76 to 159 inclusive which do not have Partenavia Kit P/N 68-009 installed, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent inadvertent positioning of the longitudinal trim tab to an incorrect position for takeoff, accomplish the following:

(a) Before each flight, until the airplane is modified in accordance with paragraph (e) of this AD—

(1) Set the longitudinal trim tab position indicator to the zero position.

(2) Position the leading edge of the stabilator to the zero reference point on the left, aft side of the fuselage, as described in Partenavia Service Bulletin No. 41, dated October 5, 1978 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(3) Check that the longitudinal trim tab is streamlined with the stabilator.

(b) If, as a result of the check in paragraph (a) of this AD, the longitudinal trim tab is streamlined, the longitudinal trim tab position indicator is positioned correctly.

(c) If, as a result of the check in paragraph (a) of this AD, the longitudinal trim tab is not streamlined with the stabilator:

(1) Reposition the longitudinal trim tab position indicator to read zero when the longitudinal trim tab and stabilator are streamlined with the stabilator leading edge set to its zero reference; or

(2) Set the stabilator leading edge to the zero reference as in paragraph (a)(2) of this AD, and rotate the trim wheel until the stabilator and the longitudinal trim tab are streamlined to obtain a new zero position for the trim tab position indicator. Note the amount and direction the new zero point varies from the originally marked zero point and install, adjacent to the longitudinal trim tab position indicator, a placard which shows the amount and direction of the correction

that must be used when setting the longitudinal trim tab for takeoff.

(d) The check required by paragraph (a) of this AD and the repositioning required by paragraph (c) of this AD may be performed by the pilot and an entry made in the airplane maintenance records in accordance with Part 43 of the Federal Aviation Regulations.

(e) Within 50 hours time in service after the effective date of this AD—

(1) For airplanes with Serial Numbers 1 to 75 inclusive, install Partenavia Kit P/N 66-010 in accordance with the kit manufacturer's instructions, or an FAA-approved equivalent.

(2) For airplanes with Serial Numbers 76 to 159 inclusive install Partenavia Kit P/N 66-009 in accordance with the kit manufacturer's instructions, or an FAA-approved equivalent.

(f) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 6, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria—Napoli, Italy. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on March 18, 1981.

George J. Pour,

Acting Director of Airworthiness.

The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-8561 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 21513; Amdt. No. 1186]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. The amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective March 23, 1981 and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require

making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

** * * Effective May 14, 1981*

Meridian, MS—Key Field, VOR–A, Amdt. 12
Memphis, TN—Memphis Intl, VOR Rwy 18R, Amdt. 1

** * * Effective April 30, 1981*

West Memphis, AR—West Memphis Muni, VOR/DME–A, Amdt. 3
Avalon, CA—Catalina, VOR–A, Amdt. 3
Avalon, CA—Catalina, VOR/DME–B, Amdt. 1
Twentynine Palms, CA—Twentynine Palms, VOR Rwy 28, Original
Atlanta, GA—DeKalb-Peachtree, VOR Rwy 27, Amdt. 13
Bainbridge, GA—Commodore Decatur, VOR–C, Amdt. 1
Moultrie, GA—Moultrie Municipal, VOR Rwy 4, Amdt. 10
Marion, IN—Marion Muni, VOR Rwy 4, Amdt. 8
Marion, IN—Marion Muni, VOR Rwy 16, Amdt. 5
Marion, IN—Marion Muni, VOR Rwy 22, Amdt. 11
Parsons, KS—Tri-City, VOR Rwy 13, Original
Caribou, ME—Caribou Muni, VOR–A, Amdt. 6
Davison, MI—Davison Genova, VOR Rwy 8, Amdt. 1
Hillsdale, MI—Hillsdale Muni, VOR–A, Amdt. 4
Plymouth, MI—Mettetal, VOR–A, Amdt. 5
Salem, MI—Salem, VOR–A, Amdt. 2
Wixom, MI—Spencer Field, VOR–A, Amdt. 1
Minneapolis, MN—Flying Cloud, VOR Rwy 9L, Amdt. 10, cancelled
Minneapolis, MN—Flying Cloud, VOR Rwy 9R, Amdt. 2
Minneapolis, MN—Flying Cloud, VOR Rwy 36, Amdt. 7
Thief River Falls, MN—Thief River Falls Regional, VOR Rwy 13, Amdt. 6
Thief River Falls, MN—Thief River Falls Regional, VOR/DME Rwy 13, Amdt. 1
Thief River Falls, MN—Thief River Falls Regional, VOR Rwy 31, Amdt. 7
Thief River Falls, MN—Thief River Falls Regional, VOR/DME Rwy 31, Amdt. 2
Somerville, NJ—Somerset, VOR Rwy 8, Amdt. 9
Lexington, NC—Lexington Muni, VOR/DME Rwy 8, Original
Maxton, NC—Laurinburg-Maxton, VOR/DME–A, Amdt. 2
Coshocton, OH—Richard Downing, VOR–A, Amdt. 3
Connellsville, PA—Connellsville, VOR–A, Original
Norfolk, VA—Norfolk Intl, VOR Rwy 23, Amdt. 6
Everett, WA—Snohomish County (Paine Fld), VOR Rwy 16, Amdt. 3
Everett, WA—Snohomish County (Paine Fld), VOR Rwy 34, Amdt. 2
Silverdale, WA—Apex Airpark, VOR–A, Amdt. 1

** * * Effective April 16, 1981*

Miami, FL—Miami Intl, VOR Rwy 12, Amdt. 25
Willmar, MN—Willmar Muni, VOR Rwy 10, Amdt. 9
Willmar, MN—Willmar Muni, VOR Rwy 28, Amdt. 4

** * * Effective March 5, 1981*

Ontario, CA—Ontario Intl, VOR or TACAN Rwy 26R, Amdt. 7

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

** * * Effective April 30, 1981*

Eagle, CO—Eagle County, LDA–A, Amdt. 1
Ft. Lauderdale, FL—Ft. Lauderdale-Executive, LOC Rwy 8, Amdt. 1
Champaign-Urbana, IL—University of Illinois-Willard, LOC BC Rwy 13, Amdt. 4
Chicago, IL—Chicago Midway, LOC Rwy 31L, Amdt. 9
Maxton, NC—Laurinburg-Maxton, SDF Rwy 8, Amdt. 2

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective May 14, 1981*

Meridian, MS—Key Field, NDB Rwy 1, Amdt. 17
Washington, NC—Warrent Field NDB–A, Amdt. 2
Memphis, TN—Memphis Intl, NDB Rwy 36R, Amdt. 6

** * * Effective April 30, 1981*

West Memphis, AR—West Memphis Muni, NDB Rwy 17, Amdt. 7
Chicago, IL—Chicago Midway, NDB Rwy 4R, Amdt. 10
Chicago, IL—Chicago Midway, NDB Rwy 13R, Amdt. 8
Chicago, IL—Chicago Midway, NDB Rwy 31L, Amdt. 8
Parsons, KS—Tri-City, NDB Rwy 17, Amdt. 4
Parsons, KS—Tri-City, NDB Rwy 35, Amdt. 2
Belfast, ME—Belfast Muni, NDB Rwy 15, Amdt. 1
Thief River Falls, MN—Thief River Falls Regional, NDB Rwy 31, Amdt. 1
Hastings, NE—Hastings Muni, NDB Rwy 14, Amdt. 9
Caldwell, NJ—Essex County, NDB–A, Amdt. 2
Caldwell, NJ—Essex County, NDB Rwy 22, Amdt. 3
Maxton, NC—Laurinburg-Maxton, NDB Rwy 8, Amdt. 4
Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwys 5R/L, Amdt. 15
Port Angeles, WA—William R. Fairchild Intl, NDB–A, Original
Everett, WA—Snohomish County (Paine Fld), NDB Rwy 16, Amdt. 10

** * * Effective March 19, 1981*

Miami, FL—Miami Intl, NDB Rwy 27L, Amdt. 15

4. By amending § 97.29 ILS–MSL SIAPs identified as follows:

** * * Effective May 14, 1981*

Meridian, MS—Key Field, ILS Rwy 1, Amdt. 21
Memphis, TN—Memphis Intl, ILS Rwy 18L, Amdt. 6
Memphis, TN—Memphis Intl, ILS Rwy 18R, Amdt. 7
Memphis, TN—Memphis, Intl, ILS Rwy 36L, Amdt. 6
Memphis, TN—Memphis Intl, ILS Rwy 36R, Amdt. 7

** * * Effective April 30, 1981*

Chicago, IL—Chicago Midway, ILS Rwy 4R, Amdt. 7
Chicago, IL—Chicago Midway, ILS Rwy 13R, Amdt. 35
Marion, IN—Marion Muni, ILS Rwy 4, Amdt. 2
Minneapolis, MN—Flying Cloud, MLS Rwy 9R (Interim), Amdt. 1
Thief River Falls, MN—Thief River Falls Regional, MLS Rwy 31 (Interim), Amdt. 2
Monticello, NY—Sullivan County Intl, ILS Rwy 15, Amdt. 1
Cleveland, OH—Cleveland-Hopkins Intl, ILS Rwy 5R, Amdt. 9
Everett, WA—Snohomish County (Paine Fld), ILS Rwy 16, Amdt. 16
Wheeling, WV—Wheeling-Ohio County, ILS Rwy 3, Amdt. 13
Janesville, WI—Rock County, ILS Rwy 4, Amdt. 7

** * * Effective April 16, 1981*

Cordova, AK—Cordova Mile 13, ILS/DME Rwy 27, Amdt. 4

** * * Effective March 19, 1981*

Miami, FL—Miami Intl, ILS Rwy 9R, Amdt. 4
Miami, FL—Miami Intl, ILS Rwy 27L, Amdt. 20

** * * Effective March 5, 1981*

Ontario, CA—Ontario Intl, ILS Rwy 8L, Amdt. 2
Ontario, CA—Ontario Intl, ILS Rwy 26R, Amdt. 32

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective May 14, 1981*

Memphis, TN—Memphis International, RADAR-1, Amdt. 35

* * * *Effective April 30, 1981*

Champaign-Urbana, IL—University of Illinois-Willard, RADAR-1, Amdt. 3
Chicago, IL—Chicago-Midway, RADAR-1, Amdt. 23
Cleveland, OH—Cleveland-Hopkins Intl, RADAR-1, Amdt. 25

* * * *Effective April 16, 1981*

Miami, FL—Miami Intl, RADAR-1, Amdt. 19

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective May 14, 1981*

Meridian, MS—Key Field, RNAV Rwy 19, Amdt. 2

* * * *Effective April 30, 1981*

Parsons, KS—Tri-City, RNAV Rwy 17, Amdt. 2
Parsons, KS—Tri-City, RNAV Rwy 35, Amdt. 2
Somerville, NJ—Somerset, RNAV Rwy 12, Amdt. 1
Spokane, WA—Spokane Intl, RNAV Rwy 21, Original

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation. The FAA has also determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Washington, D.C., on March 13, 1981.

John S. Kern,
Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81-8542 Filed 3-20-81; 8:45 am]
BILLING CODE 4910-13-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 207

Investigations To Review Outstanding Antidumping and Countervailing Duty Determinations and Outstanding Suspension Agreements

AGENCY: United States International Trade Commission.

ACTION: Final rule.

SUMMARY: Section 207.45 of the Commission's Rules of Practice and Procedure implements section 751 of the Tariff Act of 1930. This rule, as amended, sets forth procedures for the conduct of Commission investigations to review suspension agreements under sections 704 and 734 of the Tariff Act and determinations under sections 704(h)(2), 705(b), 734(h)(2), and 735(b) of the Tariff Act, under the Antidumping Act, 1921, and under the duty-free merchandise provisions of section 303(b) of the Tariff Act.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Easton, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0379.

SUPPLEMENTARY INFORMATION: An analysis of comments on the proposed amendments to the rule follows.

On August 14, 1980, a Notice of Proposed Rulemaking was published in the **Federal Register** (45 FR 54006) proposing to amend § 207.45 of title 19, chapter II, of the Code of Federal Regulations. The notice provided that comments concerning the proposed amendment were to be submitted on or before September 15, 1980. A submission was received from one interested person. That submission suggested that the Commission adopt procedures for publishing a notice in the **Federal Register** as soon as it receives a request to review an outstanding suspension agreement or an outstanding antidumping or countervailing duty determination and allow interested persons 30 days from the date of that publication in which to provide their views with regard to whether there are changed circumstances sufficient to warrant an investigation. This suggestion has been adopted. In the event that the Commission were to deny a petition on the basis that it failed to show sufficient changed circumstances, any subsequent petition for a review investigation would also have the burden of showing changed circumstances.

Another difference between the final rule and the proposed rule concerns the modification of outstanding antidumping and countervailing duty orders. The scope of § 207.45 as it was promulgated covered both the modification and revocation of outstanding orders. Given the possibility that an outstanding order may cover different merchandise in more than one market, the Commission can expect to receive requests for review investigations with a narrower product scope than the subject outstanding order. In such circumstances a request for modification of the coverage of the outstanding order would be more appropriate than a request to revoke it. The proposed rule published in the Federal Register of August 14, 1980, would have limited Commission action to the revocation of outstanding orders. The final rule covers both the revocation and modification situations.

The final rule contains a statement that in the case of an evenly divided vote as to whether a Commission determination should be affirmative or negative, the outstanding agreement or order shall remain unaffected. The final rule contains a reference to antidumping "orders" issued under the Antidumping Act, 1921, repealed January 1, 1980. The language in that act referred to "findings," not "orders." The term "order" is used in the antidumping provisions of title VII of the Tariff Act. The purpose of this reference to "orders" in the amended rule is to indicate that it considers these terms to be equivalent and that the Commission intends to continue to exercise review authority over the determinations issued under the Antidumping Act, 1921.

Section 207.45 is revised to read as follows:

§ 207.45 Investigation to review outstanding determination.

(a) *Purpose.* Upon the receipt of information concerning, or upon a request for a review of, a determination concerning a suspension agreement accepted under section 704 or 734 of the Act or an affirmative determination made under section 704(h)(2), 705(b), 734(h)(2), or 735(b) of the Act, or a determination which resulted in an order issued under the Antidumping Act, 1921, or section 303(b) of the Act, which shows changed circumstances sufficient to warrant a review of such determination, the Commission shall institute an investigation to determine, as the case may be, (1) whether, in light of the changed circumstances, the agreement continues to completely eliminate the injurious effect of imports

of the merchandise; or (2) whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of the merchandise covered by the countervailing duty order or the antidumping order if the order were to be modified or revoked. In the case of an evenly divided vote as to whether a Commission determination should be affirmative or negative, the outstanding agreement or order shall remain unaffected. In the absence of good cause shown, no investigation under this section shall be instituted within 24 months of the date of publication of the notice of the suspension or determination.

(b) *Procedures.* (1) *Commencement of proceedings.* (i) *Upon receipt of a request.* A proceeding is commenced upon the filing with the Commission of the original and nineteen (19) true copies of a request. Requests for a review investigation may be filed by any person. All requests shall set forth a description of changed circumstances sufficient to warrant the institution of a review investigation by the Commission under this section.

(ii) *Upon the initiative of the Commission.* Upon receipt of information concerning a suspension agreement accepted under section 704 or 734 of the Act or an affirmative determination made under 704(h)(2), 705(b), 734(h)(2), or 735(b) of the Act, or a determination which resulted in an order issued under the Antidumping Act, 1921, or section 303(b) of the Act, which shows changed circumstances sufficient to warrant a review of such determination, the Commission shall initiate an investigation to review such determination.

(2) *Notice of receipt of a request.* Upon the receipt of a properly filed request for a review investigation, the Commission shall publish a notice of having received such a request in the **Federal Register** inviting public comment on the question of whether the Commission should institute a review investigation. Interested persons shall have at least thirty (30) days from the date of publication in the **Federal Register** within which to submit comments to the Commission.

(3) *Institution of an investigation.* Within thirty (30) days after the close of the period for public comments following publication of the receipt of a request, the Commission shall determine whether the request shows changed circumstances sufficient to warrant a review and, if so, shall institute an investigation. The investigation instituted by notice published in the **Federal Register** and shall be completed within 120 days of the date of such publication. If the Commission determines that a request does not show changed circumstances sufficient to warrant a review, the request will be dismissed and a notice of the dismissal published in the **Federal Register** stating the reasons therefor.

(4) *Procedures set forth in Subpart C of Part 207.* The procedures set forth in §§ 207.21 through 207.24 and § 207.26 of this Part shall apply to all investigations instituted under this section.

(Sec. 751 of the Tariff Act of 1930)

By order of the Commission.

Issued: March 19, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8822 Filed 3-20-81; 8:45 am]

BILLING CODE 7020-02-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PH-FRL 1756-3; FAP 9H5241/R75]

Thiopanate-Methyl; Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency

Correction

In FR Doc. 81-5092 appearing on page 12956 in the issue of Thursday, February 19, 1981, make the following correction:

In the center column of page 12957, in the fourth line of § 561.387,

"* * * (iminocarbonothioyl)] * * *" should have read

"* * * (iminocarbonothioyl)] bis [carbamate]) * * *.".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 716 and 785

Surface Coal Mining and Reclamation Operations; Initial and Permanent Regulatory Programs

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Department of the Interior.

ACTION: Notice of suspension of certain rules in 30 CFR Chapter VII.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is suspending three final rules pending the outcome of rulemaking to modify those rules. This action is being taken as a result of preliminary review of the rules under Executive Order 12291. The specific regulations affected by this action are listed below.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew V. Bailey, Principal Deputy Director, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240 (202) 343-4006.

SUPPLEMENTARY INFORMATION: On February 4, 1981, the Department of the Interior, in accordance with the President's memorandum of January 29, 1981, extended until March 30, 1981, the effective dates of three final rules which had not yet become effective. The three rules deal with exemptions and definitions for the prime farmland rules of OSM's initial and permanent regulatory programs and an exemption for operations which affect two acres or less. As a result of a preliminary review of these rules undertaken pursuant to Executive Order No. 12291, 46 FR 13193, OSM has determined that it is in the public interest to consider modifications of these rules. The three rules are therefore suspended pending the outcome of further rulemaking which OSM will initiate in the near future. All appropriate procedures under Executive Order 12291, the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the Administrative Procedure Act (APA), and other applicable laws and regulations will be followed.

As a result of this notice, these rules will not become effective on March 30, 1981, as was stated in the notice published in the **Federal Register** on February 4, 1981, 46 FR 10707. Because none of the rules has ever been in effect, this suspension will allow the prior versions of each rule to remains in effect until the completion of new rulemaking proceedings.

Justification for Postponement Followed by Suspension

Many states have recently received outright or conditional approval of their regulatory programs and are beginning the difficult task of implementing those programs. If these rules were allowed to become effective on March 30, 1981, those states would be required to begin the process of amending their state programs to meet the new federal rules. State resources would be needlessly expended in this effort, however, if the result of OSM's planned future rulemaking differs from the postponed rules. Imposition of such an unnecessary burden on States which are currently facing the difficult task of implementing their regulatory programs is not justifiable. Consequently, good cause exists for immediate suspension of these

rules without notice and public procedure thereon to prevent such a wasteful exercise and allow a careful reevaluation and revision of the prime farmland and two acre exemption rules. Good cause similarly exists for this suspension to take effect immediately. Because the prior rules will remain in effect, the suspension of these versions of the rules will have no adverse effect upon achieving the purposes of SMCRA pending completion of the rulemaking process.

Notice of Suspended Regulations

The following regulations are suspended:

A. 30 CFR 716.7(a) and (b). Prime Farmland Exemption.

The regulation as published on January 22, 1981 (46 FR 7212) is suspended. The regulation which was removed by that notice remains in effect.

B. 30 CFR 716.7 (a) and (b). Prime Farmlands Exemption.

This regulation as published on January 23, 1981 (46 FR 7900) is suspended. The regulation which was revised by that notice remains in effect.

C. 30 CFR 785.17. Prime Farmland Exemption.

This regulation as published on January 23, 1981 (46 FR 7900) is suspended. The regulation which was revised by that notice remains in effect.

D. 30 CFR 700.11(b). Extraction of Coal; Two acres or less.

This regulation as published on January 23, 1981 (46 FR 7904) is suspended. The regulation which was revised by that notice remains in effect.

Dated: March 18, 1981.

Perry Pendley,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-8801 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 242b

General Procedures and Delegations of the Board of Regents of the Uniformed Services University of the Health Sciences

AGENCY: Uniformed Services University of the Health Sciences.

ACTION: Final rule.

SUMMARY: This document amends the General Procedures and Delegations to realign certain functions of officers reporting to the Dean of the University (President). It revises titles and responsibilities to correspond to the realignment of functions.

EFFECTIVE DATE: March 2, 1981.

ADDRESS: Legal Counsel, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

FOR FURTHER INFORMATION CONTACT: Merel Glaubiger, Legal Counsel, 202/295-3028.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-36169 published in the **Federal Register** on December 20, 1977 (42 FR 63775) the Uniformed Services University of the Health Sciences published General Procedures and Delegations of the Board of Regents of the Uniformed Services University of the Health Sciences. This was amended in FR Doc. 78-28367 published in the **Federal Register** on October 10, 1978 (43 FR 46531) to alter the number and responsibilities of officers reporting to the Dean of the University (President). The purpose of this amendment is to alter the responsibilities of these officers without changing their number and to reflect the changes in responsibility by changes in title. The rule establishes the offices of Associate Dean for Operations and Associate Dean for Academic Affairs in place of the Director of Resource Management and the Assistant Dean for Administration. The rule also makes technical changes in language.

Because these rules relate solely to matters of University organization and procedure, notice of proposed rulemaking and public participation in the rulemaking are not required by Section 553 of Title 5 of the United States Code.

Accordingly, pursuant to the Uniformed Services Health Professions Revitalization Act, Sections 552 and 553 of Title 5 of the United States Code, and Section 242b.8(a) of Title 32, Code of Federal Regulations, the Board of Regents of the Uniformed Services University of the Health Sciences, amends § 242b.7, Chapter I, Title 32, Code of Federal Regulations by revising § 242b.7(a)(7) and § 242b.7(b)(2)-(4) to read as follows:

PART 242b—GENERAL PROCEDURES AND DELEGATIONS OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

§ 242b.7 Officers of the University.

(a) * * *

(7) * * *

(iii) an Associate Dean for Operations; and

(iv) an Associate Dean for Academic Affairs.

* * * * * *

(b) * * *

(2) Associate Dean of the School of Medicine.

(i) The Associate Dean shall assist the Dean of the School of Medicine in planning, developing, and directing the activities and functions of the School of Medicine.

(ii) In the absence of the Dean, he or she shall act for the Dean.

(3) Associate Dean for Operations.

(i) The Associate Dean for Operations shall be responsible for the support of the educational and research activities of the University including but not limited to:

(A) financial management;

(B) building support and materiel acquisition;

(C) laboratory animal medicine;

(D) personnel/manpower;

(E) instructional and research support; and

(F) learning resources center.

(ii) He or she shall be responsible for preparation of the University budget estimates and program submission presentations for the approval of the Board.

(iii) He or she shall make all books, records or vouchers available for the inspection of any member of the Board and shall report at each meeting of the Administrative Affairs Committee.

(4) Associate Dean for Academic Affairs

(i) The Associate Dean for Academic Affairs shall be responsible for the overall management and supervision of the University's Basic Sciences Departments, Clinical Sciences Departments, and the Academic Sections including but not limited to:

(A) Operational and Emergency Medicine; and

(B) Medical Education.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
March 18, 1981.
[FR Doc. 81-8774 Filed 3-20-81; 8:45 am]
BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 57

[EN-FRL 1783-3]

Primary Nonferrous Smelter Orders

AGENCY: United States Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: In response to petitions for reconsideration, the Administrator, on December 24, 1980, proposed for public comment two amendments to the regulations concerning nonferrous smelter orders (NSOs). The one public comment received supported the proposal, and the Administrator is today promulgating the amendments as proposed. Their intended effect is to (1) allow an NSO to provide that certain emissions that occur during startup of an acid plant after scheduled maintenance are not excess emissions and (2) make a smelter owner's consent to liability inapplicable in criminal proceedings.

DATES: These amendments are effective April 22, 1981.

ADDRESS: Docket Number DSSE 78-1 contains all material relevant to this action and is located at the Central Docket Section, Gallery 1, West Tower, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. There may be a reasonable charge for copying.

FOR FURTHER INFORMATION CONTACT: David Rochlin, Division of Stationary Source Enforcement (EN-341), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; telephone 202-755-2542.

SUPPLEMENTARY INFORMATION: On June 24, 1980 (45 FR 42514), the Administrator promulgated regulations that established the minimum required contents of initial primary NSOs issued under Section 119 of the Clean Air Act and the criteria and procedures EPA will use in issuing NSOs and evaluating NSOs issued by States.

In response to a petition for reconsideration from the State of Arizona, EPA on December 24, 1980 (45 FR 85084) proposed for public comment two amendments to the NSO regulations. The only public comment received supported the proposal and did not request a hearing. The reasons for these amendments, which the Administrator is today promulgating as proposed, are set out in the Administrator's response to the petitions for reconsideration of the NSO rules published December 24, 1980 (45 FR 85009, 85010-85011).

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Secs. 110, 114, 119 and 301 of the Clean Air Act, 42 U.S.C. 7410, 7414, 7419 and 7601)

Dated: March 12, 1981.

Walter C. Barber,
Acting Administrator.

The Administrator hereby amends Part 57 in Title 40 of the Code of Federal Regulations as follows:

1. Subpart C—Constant Controls and Related Requirements is amended by revising the first sentence of paragraph (e) of § 57.304 to read as follows:

§ 57.304 Bypass, excess emissions and malfunctions.

* * * * *

(e) An NSO may provide that excess emissions which occur during acid plant start-up as the result of the cooling of acid plant catalyst due to the unavailability of process gas to an acid plant during a prolonged SCS curtailment or scheduled maintenance are not excess emissions. * * *

2. Subpart D—Supplementary Control System Requirements is amended by revising § 57.403 to read as follows:

§ 57.403 Written consent.

(a) *The consent.* The NSO shall include a written consent, signed by a corporate official empowered to do so, in the following form:

As a condition of receiving a Primary Nonferrous Smelter Order (NSO) under section 119 of the Clean Air Act for the smelter operated by (*name of company*) at (*location*), the undersigned official, being empowered to do so, consents for the company as follows:

(1) In any civil proceeding (judicial or administrative) to enforce the NSO, the company will not contest:

(a) Liability for any violation of the National Ambient Air Quality Standards for sulfur dioxide in the smelter's designated liability area (DLA), except on the ground that a determination under 40 CFR 57.402(c)(3) was clearly wrong; or

(b) The conclusive allocation of liability under NSO provisions satisfying 40 CFR 57.402(d)(1) between the company's smelter and any other smelter(s) for any violation of the National Ambient Air Quality Standards for sulfur dioxide in an area of overlapping DLAs.

(2) The issuing agency (as defined in 40 CFR 57.103) will be allowed unrestricted access at reasonable times to inspect, verify calibration of, and obtain data from ambient air quality monitors operated by the company under the requirements of the NSO.

(b) *Rights not waived by the consent.* This consent shall not be deemed to waive any right(s) to judicial review of any provisions of an NSO that are otherwise available to the smelter owner or operator under section 307(b) of the Clean Air Act.

[FR Doc. 81-8783 Filed 3-20-81; 8:45 am]
BILLING CODE 6560-33-M

40 CFR Parts 122, 264, and 265

[SWH-FRL 1672-7a]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Consolidated Permit Regulations

Correction

In FR Doc. 81-463 appearing on page 2802, on Monday, January 12, 1981, make the following corrections:

(1) On page 2824, in the third column, in the second full paragraph, in the twenty-first line "post-closure period." should be corrected to read "post-closure trust fund since payments to the fund are not required in the post-closure period."

(2) On page 2857, in the first column, in the eighth paragraph, § 264.145(b), *"guaranteed"* should be corrected to read *"guaranteeing"*.

(3) On page 2861, in the first column, in the third line, "§ 264.140" should be corrected to read "§ 264.149".

(4) In § 264.151(f), on page 2866, in the first column, under **"Irrevocable Standby Letter of Credit"**, in the third line, "Irrevocable Letter" should be corrected to read "Irrevocable Standby Letter".

(5) In § 265.145(f), on page 2883, in the second column, in the third line, "post-closure of" should be corrected to read "post-closure care of".

BILLING CODE 1505-01-M

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508

Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations

March 17, 1981.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of Memorandum to Agencies Containing Answers to 40 Most Asked Questions on NEPA Regulations.

SUMMARY: The Council on Environmental Quality, as part of its oversight of implementation of the National Environmental Policy Act, held meetings in the ten Federal regions with Federal, State, and local officials to discuss administration of the implementing regulations. The forty most asked questions were compiled in a memorandum to agencies for the information of relevant officials. In order efficiently to respond to public inquiries this memorandum is reprinted in this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006; 202-395-5750.

March 16, 1981.

Memorandum for Federal NEPA Liaisons, Federal, State, and Local Officials and Other Persons Involved in the NEPA Process

Subject: Questions and Answers About the NEPA Regulations

During June and July of 1980 the Council on Environmental Quality, with the assistance and cooperation of EPA's EIS Coordinators from the ten EPA regions, held one-day meetings with federal, state and local officials in the ten EPA regional offices around the country. In addition, on July 10, 1980, CEQ conducted a similar meeting for the Washington, D.C. NEPA liaisons and persons involved in the NEPA process. At these meetings CEQ discussed (a) the results of its 1980 review of Draft EISs issued since the July 30, 1979 effective date of the NEPA regulations, (b) agency compliance with the Record of Decision requirements in Section 1505 of the NEPA regulations, and (c) CEQ's preliminary findings on how the scoping process is working. Participants at these meetings received copies of materials prepared by CEQ summarizing its oversight and findings.

These meetings also provided NEPA liaisons and other participants with an opportunity to ask questions about NEPA and the practical application of the NEPA regulations. A number of these questions were answered by CEQ representatives at the regional meetings. In response to the many requests from the agencies and other participants, CEQ has compiled forty of the most important or most frequently asked questions and their answers and reduced them to writing. The answers were prepared by the General Counsel of CEQ in consultation with the Office of Federal Activities of EPA. These answers, of course, do not impose any additional requirements beyond those of the NEPA regulations. This document does not represent new guidance under the NEPA regulations, but rather makes generally available to concerned agencies and private individuals the answers which CEQ has already given at the 1980 regional meetings. The answers also reflect the advice which the Council has given over the past two years to aid agency staff and consultants in their day-to-day application of NEPA and the regulations.

CEQ has also received numerous inquiries regarding the scoping process. CEQ hopes to issue written guidance on scoping later this year on the basis of its special study of scoping, which is nearing completion.

Nicholas C. Yost,
General Counsel.

Index

1. Range of Alternatives
2. Alternatives Outside the Capability of Applicant or Jurisdiction of Agency
3. No-Action Alternative
4. Agency's Preferred Alternative
5. Proposed Action v. Preferred Alternative
6. Environmentally Preferable Alternative
7. Difference Between Sections of EIS on Alternatives and Environmental Consequences
8. Early Application of NEPA
9. Applicant Who Needs Other Permits
10. Limitations on Action During 30-Day Review Period for Final EIS
11. Limitations on Actions by an Applicant During EIS Process
12. Effective Date and Enforceability of the Regulations
13. Use of Scoping Before Notice of Intent to Prepare EIS
14. Rights and Responsibilities of Lead and Cooperating Agencies
15. Commenting Responsibilities of EPA
16. Third Party Contracts
17. Disclosure Statement to Avoid Conflict of Interest
18. Uncertainties About Indirect Effects of A Proposal
19. Mitigation Measures
20. Worst Case Analysis
21. Combining Environmental and Planning Documents
22. State and Federal Agencies as Joint Lead Agencies
23. Conflicts of Federal Proposal With Land Use Plans, on Policies and Controls
24. Environmental Impact Statements on Policies, Plans or Programs
25. Appendices and Incorporation by Reference
26. Index and Keyword Index In EISs
27. List of Preparers
28. Advance or Xerox Copies of EIS
29. Responses to Comments
30. Adoption of EISs
31. Application of Regulations to Independent Regulatory Agencies
32. Supplements To Old EISs
33. Referrals
34. Records of Decision
35. Time Required for the NEPA Process
36. Environmental Assessments (EA)
37. Findings of No Significant Impact (FONSI)
38. Public Availability of EAs v. FONSIs
39. Mitigation Measures Imposed in EAs and FONSIs
40. Propriety of Issuing EA When Mitigation Reduces Impacts

Questions and Answers About the NEPA Regulations (1981)

1a. Q. What is meant by "range of alternatives" as referred to in Sec. 1505.1(e)? [1]

A. The phrase "range of alternatives" refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. A decisionmaker must not consider alternatives beyond the range of alternatives discussed in the relevant environmental documents. Moreover, a decisionmaker must, in fact, consider all the alternatives discussed in an EIS. Section 1505.1(e).

1b. Q. How many alternatives have to be discussed when there is an infinite number of possible alternatives?

[1] References throughout the document are to the Council on Environmental Quality's Regulations For Implementing The Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500-1508.

A. For some proposals there may exist a very large or even an infinite number of possible reasonable alternatives. For example, a proposal to designate wilderness areas within a National Forest could be said to involve an infinite number of alternatives from 0 to 100 percent of the forest. When there are potentially a very large number of alternatives, only a reasonable number of examples, covering the *full spectrum* of alternatives, must be analyzed and compared in the EIS. An appropriate series of alternatives might include dedicating 0, 10, 30, 50, 70, 90, or 100 percent of the Forest to wilderness. What constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case.

2a. Q. If an EIS is prepared in connection with an application for a permit or other federal approval, must the EIS rigorously analyze and discuss alternatives that are outside the capability of the applicant or can it be limited to reasonable alternatives that can be carried out by the applicant?

A. Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are *practical or feasible* from the technical and economic standpoint and using common sense, rather than simply *desirable* from the standpoint of the applicant.

2b. Q. Must the EIS analyze alternatives outside the jurisdiction or capability of the agency or beyond what Congress has authorized?

A. An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered. Section 1506.2(d). Alternatives that are outside the scope of what Congress has approved or funded must still be evaluated in the EIS if they are reasonable, because the EIS may serve as the basis for modifying the Congressional approval or funding in light of NEPA's goals and policies. Section 1500.1(a).

3. Q. What does the "no action" alternative include? If an agency is under a court order or legislative command to act, must the EIS address the "no action" alternative?

A. Section 1502.14(d) requires the alternatives analysis in the EIS to "include the alternative of no action." There are two distinct interpretations of "no action" that must be considered, depending on the nature of the proposal being evaluated. The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no management at all would be a useless academic exercise. Therefore, the "no action" alternative may be thought of in terms of continuing with the present course of action until that action is changed. Consequently, projected impacts of alternative management schemes would be compared in the EIS to those impacts projected for the existing plan. In this case, alternatives would include management plans of both greater and lesser intensity, especially greater and lesser levels of resource development.

The second interpretation of "no action" is illustrated in instances involving federal decisions on proposals for projects. "No action" in such cases would mean the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward.

Where a choice of "no action" by the agency would result in predictable actions by others, this consequence of the "no action" alternative should be included in the analysis. For example, if denial of permission to build a railroad to a facility would lead to construction of a road and increased truck traffic, the EIS should analyze this consequence of the "no action" alternative.

In light of the above, it is difficult to think of a situation where it would *not* be appropriate to address a "no action" alternative. Accordingly, the regulations require the analysis of the no action alternative even if the agency is under a court order or legislative command to act. This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. It is also an example of a reasonable alternative outside the jurisdiction of the agency which must be analyzed. Section 1502.14(c). See Question 2 above. Inclusion of such an analysis in the EIS is necessary to inform the Congress, the public, and the President as intended by NEPA. Section 1500.1(a).

4a. Q. What is the "agency's preferred alternative"?

A. The "agency's preferred alternative" is the alternative which the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors. The concept of the "agency's preferred alternative" is different from the "environmentally preferable alternative," although in some cases one alternative may be both. See Question 6 below. It is identified so that agencies and the public can understand the lead agency's orientation.

4b. Q. Does the "preferred alternative" have to be identified in the Draft EIS and the Final EIS or just in the Final EIS?

A. Section 1502.14(e) requires the section of the EIS on alternatives to "identify the agency's preferred alternative if one or more exists, in the draft statement, and identify such alternative in the final statement . . ." This means that if the agency has a preferred alternative at the Draft EIS stage, that alternative must be labeled or identified as such in the Draft EIS. If the responsible federal official in fact has no preferred alternative at the Draft EIS stage, a preferred alternative need not be identified there. By the time the Final EIS is filed, Section 1502.14(e) presumes the existence of a preferred alternative and requires its identification in the Final EIS "unless another law prohibits the expression of such a preference."

4c. Q. Who recommends or determines the "preferred alternative?"

A. The lead agency's official with line responsibility for preparing the EIS and assuring its adequacy is responsible for identifying the agency's preferred alternative(s). The NEPA regulations do not dictate which official in an agency shall be responsible for preparation of EISs, but agencies can identify this official in their implementing procedures, pursuant to Section 1507.3.

Even though the agency's preferred alternative is identified by the EIS preparer in the EIS, the statement must be objectively prepared and not slanted to support the choice of the agency's preferred alternative over the other reasonable and feasible alternatives.

5a. Q. Is the "proposed action" the same thing as the "preferred alternative"?

A. The "proposed action" may be, but is not necessarily, the agency's "preferred alternative." The proposed action may be a proposal in its initial form before undergoing analysis in the EIS process. If the proposed action is

internally generated, such as preparing a land management plan, the proposed action might end up as the agency's preferred alternative. On the other hand the proposed action may be granting an application to a non-federal entity for a permit. The agency may or may not have a "preferred alternative" at the Draft EIS stage (see Question 4 above). In that case the agency may decide at the Final EIS stage, on the basis of the Draft EIS and the public and agency comments, that an alternative other than the proposed action is the agency's "preferred alternative."

5b. Q. Is the analysis of the "proposed action" in an EIS to be treated differently from the analysis of alternatives?

A. The degree of analysis devoted to each alternative in the EIS is to be substantially similar to that devoted to the "proposed action." Section 1502.14 is titled "Alternatives including the proposed action" to reflect such comparable treatment. Section 1502.14(b) specifically requires "substantial treatment" in the EIS of each alternative including the proposed action. This regulation does not dictate an *amount* of information to be provided, but rather, prescribes a *level of treatment*, which may in turn require varying amounts of information, to enable a reviewer to evaluate and compare alternatives.

6a. Q. What is the meaning of the term "environmentally preferable alternative" as used in the regulations with reference to Records of Decision? How is the term "environment" used in the phrase?

A. Section 1505.2(b) requires that, in cases where an EIS has been prepared, the Record of Decision (ROD) must identify all alternatives that were considered, ". . . specifying the alternative or alternatives which were considered to be environmentally preferable." The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

The Council recognizes that the identification of the environmentally preferable alternative may involve difficult judgments, particularly when one environmental value must be balanced against another. The public and other agencies reviewing a Draft EIS can assist the lead agency to develop and determine environmentally preferable alternatives by providing their views in comments on the Draft EIS. Through the identification of the environmentally preferable alternative, the decisionmaker is clearly faced with a choice between that alternative and others, and must consider whether the decision accords with the Congressionally declared policies of the Act.

6b. Q. Who recommends or determines what is environmentally preferable?

A. The agency EIS staff is encouraged to make recommendations of the environmentally preferable alternative(s) during EIS preparation. In any event the lead agency official responsible for the EIS is encouraged to identify the environmentally preferable alternative(s) in the EIS. In all cases, commentors from other agencies and the public are also encouraged to address this question. The agency must identify the environmentally preferable alternative in the ROD.

7. Q. What is the difference between the sections in the EIS on "alternatives" and "environmental consequences"? How do you avoid duplicating the discussion of alternatives in preparing these two sections?

A. The "alternatives" section is the heart of the EIS. This section rigorously explores and objectively evaluates all reasonable alternatives including the proposed action. Section 1502.14. It should include relevant comparisons on environmental and other grounds. The "environmental consequences" section of the EIS discusses the specific environmental impacts or effects of each of the alternatives including the proposed action. Section 1502.16. In order to avoid duplication between these two sections, most of the "alternatives" section should be devoted to describing and comparing the alternatives. Discussion of the environmental impacts of these alternatives should be limited to a concise descriptive summary of such impacts in a comparative form, including charts or tables, thus sharply defining the issues and providing a clear basis for choice among options. Section 1502.14. The "environmental consequences" section should be devoted largely to a scientific analysis of the direct and indirect environmental effects of the proposed action and of each of the alternatives. It forms the analytic basis for the concise comparison in the "alternatives" section.

8. Q. Section 1501.2(d) of the NEPA regulations requires agencies to provide for the early application of NEPA to cases where actions are planned by private applicants or non-Federal entities and are, at some stage, subject to federal approval of permits, loans, loan guarantees, insurance or other actions. What must and can agencies do to apply NEPA early in these cases?

A. Section 1501.2(d) requires federal agencies to take steps toward ensuring that private parties and state and local entities initiate environmental studies as soon as federal involvement in their proposals can be foreseen. This section is intended to ensure that environmental factors are considered at an early stage in the planning process and to avoid the situation where the applicant for a federal permit or approval has completed planning and eliminated all alternatives to the proposed action by the time the EIS process commences or before the EIS process has been completed.

Through early consultation, business applicants and approving agencies may gain better appreciation of each other's needs and foster a decisionmaking process which avoids later unexpected confrontations.

Federal agencies are required by Section 1507.3(b) to develop procedures to carry out Section 1501.2(d). The procedures should include an "outreach program", such as a means for prospective applicants to conduct pre-application consultations with the lead and cooperating agencies. Applicants need to find out, in advance of project planning, what environmental studies or other information will be required, and what mitigation requirements are likely, in connecton with the later federal NEPA process. Agencies should designate staff to advise potential applicants of the agency's NEPA information requirements and should publicize their pre-application procedures and information requirements in newsletters or other media used by potential applicants.

Complementing Section 1501.2(d), Section 1506.5(a) requires agencies to assist applicants by outlining the types of information required in those cases where the agency requires the applicant to submit environmental data for possible use by the agency in preparing an EIS.

Section 1506.5(b) allows agencies to authorize preparation of environmental assessments by applicants. Thus, the procedures should also include a means for anticipating and utilizing applicants' environmental studies or "early corporate environmental assessments" to fulfill some of the federal agency's NEPA obligations. However, in such cases the agency must still evaluate independently the environmental issues

and take responsibility for the environmental assessment.

These provisions are intended to encourage and enable private and other non-federal entities to build environmental considerations into their own planning processes in a way that facilitates the application of NEPA and avoids delay.

9. Q. To what extent must an agency inquire into whether an applicant for a federal permit, funding or other approval of a proposal will also need approval from another agency for the same proposal or some other related aspect of it?

A. Agencies must integrate the NEPA process into other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Specifically, the agency must "provide for cases where actions are planned by . . . applicants," so that designated staff are available to advise potential applicants of studies or other information that will foreseeably be required for the later federal action; the agency shall consult with the applicant if the agency foresees its own involvement in the proposal; and it shall insure that the NEPA process commences at the earliest possible time. Section 1501.2(d). (See Question 8.)

The regulations emphasize agency cooperation early in the NEPA process. Section 1501.6. Section 1501.7 on "scoping" also provides that all affected Federal agencies are to be invited to participate in scoping the environmental issues and to identify the various environmental review and consultation requirements that may apply to the proposed action. Further, Section 1502.25(b) requires that the draft EIS list all the federal permits, licenses and other entitlements that are needed to implement the proposal.

These provisions create an affirmative obligation on federal agencies to inquire early, and to the maximum degree possible, to ascertain whether an applicant is or will be seeking other federal assistance or approval, or whether the applicant is waiting until a proposal has been substantially developed before requesting federal aid or approval.

Thus, a federal agency receiving a request for approval or assistance should determine whether the applicant has filed separate requests for federal approval or assistance with other federal agencies. Other federal agencies that are likely to become involved should then be contacted, and the NEPA process coordinated, to insure an early and comprehensive analysis of the direct and indirect effects of the proposal and any related actions. The agency should inform the applicant that action on its application may be delayed unless it submits all other federal applications (where feasible to do so), so that all the relevant agencies can work together on the scoping process and preparation of the EIS.

10a. Q. What actions by agencies and/or applicants are allowed during EIS preparation and during the 30-day review period after publication of a final EIS?

A. No federal decision on the proposed action shall be made or recorded until at least 30 days after the publication by EPA of notice that the particular EIS has been filed with EPA. Sections 1505.2 and 1506.10. Section 1505.2 requires this decision to be stated in a public Record of Decision.

Until the agency issues its Record of Decision, no action by an agency or an applicant concerning the proposal shall be taken which would have an adverse environmental impact or limit the choice of reasonable alternatives. Section 1506.1(a). But this does not preclude preliminary planning or design work which is needed *to support an application* for permits or assistance. Section 1506.1(d).

When the impact statement in question is a program EIS, no major action concerning the program may be taken which may significantly affect the quality of the human environment, unless the particular action is justified independently of the program, is accompanied by its own adequate environmental impact statement and will not prejudice the ultimate decision on the program. Section 1506.1(c).

10b. Q. Do these limitations on action (described in Question 10a) apply to state or local agencies that have statutorily delegated responsibility for preparation of environmental documents required by NEPA, for example, under the HUD Block Grant program?

A. Yes, these limitations do apply, without any variation from their application to federal agencies.

11. Q. What actions must a lead agency take during the NEPA process when it becomes aware that a non-federal applicant is about to take an action within the agency's jurisdiction that would either have an adverse environmental impact or limit the choice of reasonable alternatives (e.g., prematurely commit money or other resources towards the completion of the proposal)?

A. The federal agency must notify the applicant that the agency will take strong affirmative steps to insure that the objectives and procedures of NEPA are fulfilled. Section 1506.1(b). These steps could include seeking injunctive measures under NEPA, or the use of sanctions available under either the agency's permitting authority or statutes setting forth the agency's statutory mission. For example, the agency might advise an applicant that if it takes such action the agency will not process its application.

12a. Q. What actions are subject to the Council's new regulations, and what actions are grandfathered under the old guidelines?

A. The effective date of the Council's regulations was July 30, 1979 (except for certain HUD programs under the Housing and Community Development Act, 42 U.S.C. 5304(h), and certain state highway programs that qualify under Section 102(2)(D) of NEPA for which the regulations became effective on November 30, 1979). All the provisions of the regulations are binding as of that date, including those covering decisionmaking, public participation, referrals, limitations on actions, EIS supplements, etc. For example, a Record of Decision would be prepared even for decisions where the draft EIS was filed before July 30, 1979.

But in determining whether or not the new regulations apply to the preparation of a *particular environmental document*, the relevant factor is the date of filing of the draft of that document. Thus, the new regulations do not require the redrafting of an EIS or supplement if the draft EIS or supplement was filed before July 30, 1979. However, a supplement prepared after the effective date of the regulations for an EIS issued in final before the effective date of the regulations would be controlled by the regulations.

Even though agencies are not required to apply the regulations to an EIS or other document for which the draft was filed prior to July 30, 1979, the regulations encourage agencies to follow the regulations "to the fullest extent practicable," i.e., if it is feasible to do so, in preparing the final document. Section 1506.12(a).

12b. Q. Are projects authorized by Congress before the effective date of the Council's regulations grandfathered?

A. No. The date of Congressional authorization for a project is not determinative of whether the Council's regulations or former Guidelines apply to the particular proposal. No incomplete projects or proposals of any kind are grandfathered in whole or in part. Only certain environmental documents, for which the draft was issued before the effective date of the regulations, are grandfathered and

subject to the Council's former Guidelines.

12c. Q. Can a violation of the regulations give rise to a cause of action?

A. While a trivial violation of the regulations would not give rise to an independent cause of action, such a cause of action would arise from a substantial violation of the regulations. Section 1500.3.

13. Q. Can the scoping process be used in connection with preparation of an environmental assessment, i.e., before both the decision to proceed with an EIS and publication of a notice of intent?

A. Yes. Scoping can be a useful tool for discovering alternatives to a proposal, or significant impacts that may have been overlooked. In cases where an environmental assessment is being prepared to help an agency decide whether to prepare an EIS, useful information might result from early participation by other agencies and the public in a scoping process.

The regulations state that the scoping process is to be preceded by a Notice of Intent (NOI) to prepare an EIS. But that is only the minimum requirement. Scoping may be initiated earlier, as long as there is appropriate public notice and enough information available on the proposal so that the public and relevant agencies can participate effectively.

However, scoping that is done before the assessment, and in aid of its preparation, cannot *substitute* for the normal scoping process after publication of the NOI, unless the earlier public notice stated clearly that this possibility was under consideration, *and* the NOI expressly provides that written comments on the scope of alternatives and impacts will still be considered.

14a. Q. What are the respective rights and responsibilities of lead and cooperating agencies? What letters and memoranda must be prepared?

A. After a lead agency has been designated (Sec. 1501.5), that agency has the responsibility to solicit cooperation from other federal agencies that have jurisdiction by law or special expertise on any environmental issue that should be addressed in the EIS being prepared. Where appropriate, the lead agency should seek the cooperation of state or local agencies of similar qualifications. When the proposal may affect an Indian reservation, the agency should consult with the Indian tribe. Section 1508.5. The request for cooperation should come at the earliest possible time in the NEPA process.

After discussions with the candidate cooperating agencies, the lead agency and the cooperating agencies are to determine by letter or by memorandum which agencies will undertake cooperating responsibilities. To the extent possible at this stage, responsibilities for specific issues should be assigned. The allocation of responsibilities will be completed during scoping. Section 1501.7(a)(4).

Cooperating agencies must assume responsibility for the development of information and the preparation of environmental analyses at the request of the lead agency. Section 1501.6(b)(3). Cooperating agencies are now required by Section 1501.6 to devote staff resources that were normally primarily used to critique or comment on the Draft EIS after its preparation, much earlier in the NEPA process—primarily at the scoping and Draft EIS preparation stages. If a cooperating agency determines that its resource limitations preclude any involvement, or the degree of involvement (amount of work) requested by the lead agency, it must so inform the lead agency in writing and submit a copy of this correspondence to the Council. Section 1501.6(c).

In other words, the potential cooperating agency must decide early if it is able to devote any of its resources to a particular proposal. For this reason the regulation states that an agency may reply to a request for cooperation that "other program commitments preclude any involvement or the degree of involvement requested in the *action* that is the subject of the environmental impact statement." (Emphasis added). The regulation refers to the "action," rather than to the EIS, to clarify that the agency is taking itself out of all phases of the federal action, not just draft EIS preparation. This means that the agency has determined that it cannot be involved in the later stages of EIS review and comment, as well as decisionmaking on the proposed action. For this reason, cooperating agencies with jurisdiction by law (those which have permitting or other approval authority) cannot opt out entirely of the duty to cooperate on the EIS. See also Question 15, relating specifically to the responsibility of EPA.

14b. Q. How are disputes resolved between lead and cooperating agencies concerning the scope and level of detail of analysis and the quality of data in impact statements?

A. Such disputes are resolved by the agencies themselves. A lead agency, of course, has the ultimate responsibility for the content of an EIS. But it is supposed to use the environmental analysis and recommendations of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible, consistent with its own responsibilities as lead agency. Section 1501.6(a)(2).

If the lead agency leaves out a significant issue or ignores the advice and expertise of the cooperating agency, the EIS may be found later to be inadequate. Similarly, where cooperating agencies have their own decisions to make and they intend to adopt the environmental impact statement and base their decisions on it, one document should include all of the information necessary for the decisions by the cooperating agencies. Otherwise they may be forced to duplicate the EIS process by issuing a new, more complete EIS or Supplemental EIS, even though the original EIS could have sufficed if it had been properly done at the outset. Thus, both lead and cooperating agencies have a stake in producing a document of good quality. Cooperating agencies also have a duty to participate fully in the scoping process to ensure that the appropriate range of issues is determined early in the EIS process.

Because the EIS is not the Record of Decision, but instead constitutes the *information* and *analysis* on which to base a decision, disagreements about conclusions to be drawn from the EIS need not inhibit agencies from issuing a joint document, or adopting another agency's EIS, if the analysis is adequate. Thus, if each agency has its own "preferred alternative," both can be identified in the EIS. Similarly, a cooperating agency with jurisdiction by law may determine in its own ROD that alternative A is the environmentally preferable action, even though the lead agency has decided in its separate ROD that Alternative B is environmentally preferable.

14c. Q. What are the specific responsibilities of federal and state cooperating agencies to review draft EISs?

A. Cooperating agencies (i.e., agencies with jurisdiction by law or special expertise) and agencies that are authorized to develop or enforce environmental standards, must comment on environmental impact statements within their jurisdiction, expertise or authority. Sections 1503.2, 1508.5. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should simply comment accordingly. Conversely, if the cooperating agency determines that a draft EIS is incomplete, inadequate or inaccurate, or it has other comments, it should promptly make such comments, conforming to the requirements of specificity in section 1503.3.

14d. Q. How is the lead agency to treat the comments of another agency with jurisdiction by law or special expertise which has failed or refused to cooperate or participate in scoping or EIS preparation?

A. A lead agency has the responsibility to respond to all substantive comments raising significant issues regarding a draft EIS. Section 1503.4. However, cooperating agencies are generally under an obligation to raise issues or otherwise participate in the EIS process during scoping and EIS preparation if they reasonably can do so. In practical terms, if a cooperating agency fails to cooperate at the outset, such as during scoping, it will find that its comments at a later stage will not be as persuasive to the lead agency.

15. Q. Are EPA's responsibilities to review and comment on the environmental effects of agency proposals under Section 309 of the Clean Air Act independent of its responsibility as a cooperating agency?

A. Yes. EPA has an obligation under Section 309 of the Clean Air Act to review and comment in writing on the environmental impact of any matter relating to the authority of the Administrator contained in proposed legislation, federal construction projects, other federal actions requiring EISs, and new regulations. 42 U.S.C. Sec. 7609. This obligation is independent of its role as a cooperating agency under the NEPA regulations.

16. Q. What is meant by the term "third party contracts" in connection with the preparation of an EIS? See Section 1506.5(c). When can "third party contracts" be used?

A. As used by EPA and other agencies, the term "third party contract" refers to the preparation of EISs by contractors paid by the applicant. In the case of an EIS for a National Pollution Discharge Elimination System (NPDES) permit, the applicant, aware in the early planning stages of the proposed project of the need for an EIS, contracts directly with a consulting firm for its preparation. See 40 C.F.R. 6.604(g). The "third party" is EPA which, under Section 1506.5(c), must select the consulting firm, even though the applicant pays for the cost of preparing the EIS. The consulting firm is responsible to EPA for preparing an EIS that meets the requirements of the NEPA regulations and EPA's NEPA procedures. It is in the applicant's interest that the EIS comply with the law so that EPA can take prompt action on the NPDES permit application. The "third party contract" method under EPA's NEPA procedures is purely voluntary, though most applicants have found it helpful in expediting compliance with NEPA.

If a federal agency uses "third party contracting," the applicant may undertake the necessary paperwork for the solicitation of a field of candidates under the agency's direction, so long as the agency complies with Section 1506.5(c). Federal procurement requirements do not apply to the agency because it incurs no obligations or costs under the contract, nor does the agency procure anything under the contract.

17a. Q. If an EIS is prepared with the assistance of a consulting firm, the firm must execute a disclosure statement. What criteria must the firm follow in determining whether it has any "financial or other interest in the outcome of the project" which would cause a conflict of interest?

A. Section 1506.5(c), which specifies that a consulting firm preparing an EIS must execute a disclosure statement, does not define "financial or other interest in the outcome of the project." The Council interprets this term broadly to cover any known benefits other than general enhancement of professional reputation. This includes any financial benefit such as a promise of future construction or design work on the project, as well as indirect benefits the consultant is aware of (e.g., if the project would aid proposals sponsored by the firm's other clients). For example, completion of a highway project may encourage construction of a shopping center or industrial park from which the consultant stands to benefit. If a consulting firm is aware that it has such an interest in the decision on the proposal, it should be disqualified from preparing the EIS, to preserve the objectivity and integrity of the NEPA process.

When a consulting firm has been involved in developing initial data and plans for the project, but does not have any financial or other interest in the outcome of the decision, it need not be disqualified from preparing the EIS. However, a disclosure statement in the draft EIS should clearly state the scope and extent of the firm's prior involvement to expose any potential conflicts of interest that may exist.

17b. Q. If the firm in fact has no promise of future work or other interest in the outcome of the proposal, may the firm later bid in competition with others for future work on the project if the proposed action is approved?

A. Yes.

18. Q. How should uncertainties about indirect effects of a proposal be addressed, for example, in cases of disposal of federal lands, when the identity or plans of future landowners is unknown?

A. The EIS must identify all the indirect effects that are known, and make a good faith effort to explain the effects that are not known but are "reasonably foreseeable." Section 1508.8(b). In the example, if there is total uncertainty about the identity of future land owners or the nature of future land uses, then of course, the agency is not required to engage in speculation or contemplation about their future plans. But, in the ordinary course of business, people do make judgments based upon reasonably foreseeable occurrences. It will often be possible to consider the likely purchasers and the development trends in that area or similar areas in recent years; or the likelihood that the land will be used for an energy project, shopping center, subdivision, farm or factory. The agency has the responsibility to make an informed judgment, and to estimate future impacts on that basis, especially if trends are ascertainable or potential purchasers have made themselves known. The agency cannot ignore these uncertain, but probable, effects of its decisions.

19a. Q. What is the scope of mitigation measures that must be discussed?

A. The mitigation measures discussed in an EIS must cover the range of impacts of the proposal. The measures must include such things as design alternatives that would decrease pollution emissions, construction impacts, esthetic intrusion, as well as relocation assistance, possible land use controls that could be enacted, and other possible efforts. Mitigation measures must be considered even for impacts that by themselves would not be considered "significant." Once the proposal itself is considered as a whole to have significant effects, all of its specific effects on the environment (whether or not "significant") must be considered, and mitigation measures must be developed where it is feasible to do so. Sections 1502.14(f), 1502.16(h), 1508.14.

19b. Q. How should an EIS treat the subject of available mitigation measures that are (1) outside the jurisdiction of the lead or cooperating agencies, or (2) unlikely to be adopted or enforced by the responsible agency?

A. All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. Sections 1502.16(h), 1505.2(c). This will serve to

alert agencies or officials who *can* implement these extra measures, and will encourage them to do so. Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation.

However, to ensure that environmental effects of a proposed action are fairly assessed, the probability of the mitigation measures being implemented must also be discussed. Thus the EIS and the Record of Decision should indicate the likelihood that such measures will be adopted or enforced by the responsible agencies. Sections 1502.16(h), 1505.2. If there is a history of nonenforcement or opposition to such measures, the EIS and Record of Decision should acknowledge such opposition or nonenforcement. If the necessary mitigation measures will not be ready for a long period of time, this fact, of course, should also be recognized.

20a. Q. When must a worst case analysis be included in an EIS?

A. If there are gaps in relevant information or scientific uncertainty pertaining to an agency's evaluation of significant adverse impacts on the human environment, an agency must make clear that such information is lacking or that the uncertainty exists. An agency must include a worst case analysis of the potential impacts of the proposal and an indication of the probability or improbability of their occurence if (a) the information relevant to adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining the information are exorbitant, or (b) the information relevant to adverse impacts is important to the decision and the means to obtain it are not known.

NEPA requires that impact statements, at a minimum, contain information to alert the public and Congress to all known *possible* environmental consequences of agency action. Thus, one of the federal government's most important obligations is to present to the fullest extent possible the spectrum of consequences that may result from agency decisions, and the details of their potential consequences for the human environment.

20b. Q. What is the purpose of a worst case analysis? How is it formulated and what is the scope of the analysis?

A. The purpose of the analysis is to carry out NEPA's mandate for full disclosure to the public of the potential consequences of agency decisions, and to cause agencies to consider those potential consequences when acting on the basis of scientific uncertainties or gaps in available information. The analysis is formulated on the basis of available information, using reasonable projections of the worst possible consequences of a proposed action.

For example, if there are scientific uncertainty and gaps in the available information concerning the numbers of juvenile fish that would be entrained in a cooling water facility, the responsible agency must disclose and consider the possibility of the loss of the commercial or sport fishery.

In addition to an analysis of a low probability/catastrophic impact event, the worst case analysis should also include a spectrum of events of higher probability but less drastic impact.

21. Q. Where an EIS or an EA is combined with another project planning document (sometimes called "piggybacking"), to what degree may the EIS or EA refer to and rely upon information in the project document to satisfy NEPA's requirements?

A. Section 1502.25 of the regulations requires that draft EISs be prepared concurrently and integrated with environmental analyses and related surveys and studies required by other federal statutes. In addition, Section 1506.4 allows any environmental document prepared in compliance with NEPA to be combined with any other agency document to reduce duplication and paperwork. However, these provisions were not intended to authorize the preparation of a short summary or outline EIS, attached to a detailed project report or land use plan containing the required environmental impact data. In such circumstances, the reader would have to refer constantly to the detailed report to understand the environmental impacts and alternatives which should have been found in the EIS itself.

The EIS must stand on its own as an analytical document which fully informs decisionmakers and the public of the environmental effects of the proposal and those of the reasonable alternatives. Section 1502.1. But, as long as the EIS is clearly identified and is self-supporting, it can be physically included in or attached to the project report or land use plan, and may use attached report material as technical backup.

Forest Service environmental impact statements for forest management plans are handled in this manner. The EIS identifies the agency's preferred alternative, which is developed in detail as the proposed management plan. The detailed proposed plan accompanies the EIS through the review process, and the documents are appropriately cross-referenced. The proposed plan is useful for EIS readers as an example, to show how one choice of management options translates into effects on natural resources. This procedure permits initiation of the 90-day public review of proposed forest plans, which is required by the National Forest Management Act.

All the alternatives are discussed in the EIS, which can be read as an independent document. The details of the management plan are not repeated in the EIS, and vice versa. This is a reasonable functional separation of the documents: the EIS contains information relevant to the choice among alternatives; the plan is a detailed description of proposed management activities suitable for use by the land managers. This procedure provides for concurrent compliance with the public review requirements of both NEPA and the National Forest Management Act.

Under some circumstances, a project report or management plan may be totally merged with the EIS, and the one document labeled as both "EIS" and "management plan" or "project report." This may be reasonable where the documents are short, or where the EIS format and the regulations for clear, analytical EISs also satisfy the requirements for a project report.

22. Q. May state and federal agencies serve as joint lead agencies? If so, how do they resolve law, policy and resource conflicts under NEPA and the relevant state environmental policy act? How do they resolve differences in perspective where, for example, national and local needs may differ?

A. Under Section 1501.5(b), federal, state or local agencies, as long as they include at least one federal agency, may act as joint lead agencies to prepare an EIS. Section 1506.2 also strongly urges state and local agencies and the relevant federal agencies to cooperate fully with each other. This should cover joint research and studies, planning activities, public hearings, environmental assessments and the preparation of joint EISs under NEPA and the relevant "little NEPA" state laws, so that one document will satisfy both laws.

The regulations also recognize that certain inconsistencies may exist between the proposed federal action and any approved state or local plan or law. The joint document should discuss the extent to which the federal agency would reconcile its proposed action with such plan or law. Section 1506.2(d). (See Question 23).

Because there may be differences in perspective as well as conflicts among

federal, state and local goals for resources management, the Council has advised participating agencies to adopt a flexible, cooperative approach. The joint EIS should reflect all of their interests and missions, clearly identified as such. The final document would then indicate how state and local interests have been accommodated, or would identify conflicts in goals (e.g., how a hydroelectric project, which might induce second home development, would require new land use controls). The EIS must contain a complete discussion of scope and purpose of the proposal, alternatives, and impacts so that the discussion is adequate to meet the needs of local, state and federal decisionmakers.

23a. Q. How should an agency handle potential conflicts between a proposal and the objectives of Federal, state or local land use plans, policies and controls for the area concerned? See Sec. 1502.16(c).

A. The agency should first inquire of other agencies whether there are any potential conflicts. If there would be immediate conflicts, or if conflicts could arise in the future when the plans are finished (see Question 23(b) below), the EIS must acknowledge and describe the extent of those conflicts. If there are any possibilities of resolving the conflicts, these should be explained as well. The EIS should also evaluate the seriousness of the impact of the proposal on the land use plans and policies, and whether, or how much, the proposal will impair the effectiveness of land use control mechanisms for the area. Comments from officials of the affected area should be solicited early and should be carefully acknowleged and answered in the EIS.

23b. Q. What constitutes a "land use plan or policy" for purposes of this discussion?

A. The term "land use plans," includes all types of formally adopted documents for land use planning, zoning and related regulatory requirements. Local general plans are included, even though they are subject to future change. Proposed plans should also be addressed if they have been formally proposed by the appropriate government body in a written form, and are being actively pursued by officials of the jurisdiction. Staged plans, which must go through phases of development such as the Water Resources Council's Level A, B and C planning process should also be included even though they are incomplete.

The term "policies" includes formally adopted statements of land use policy as embodied in laws or regulations. It also includes proposals for action such as the initiation of a planning process, or a formally adopted policy statement of the local, regional or state executive branch, even if it has not yet been formally adopted by the local, regional or state legislative body.

23c. Q. What options are available for the decisionmaker when conflicts with such plans or policies are identified?

A. After identifying any potential land use conflicts, the decisionmaker must weigh the significance of the conflicts, among all the other environmental and non-environmental factors that must be considered in reaching a rational and balanced decision. Unless precluded by other law from causing or contributing to any inconsistency with the land use plans, policies or controls, the decisionmaker retains the authority to go forward with the proposal, despite the potential conflict. In the Record of Decision, the decisionmaker must explain what the decision was, how it was made, and what mitigation measures are being imposed to lessen adverse environmental impacts of the proposal, among the other requirements of Section 1505.2. This provision would require the decisionmaker to explain any decision to override land use plans, policies or controls for the area.

24a. Q. When are EISs required on policies, plans or programs?

A. An EIS must be prepared if an agency proposes to implement a specific policy, to adopt a plan for a group of related actions, or to implement a specific statutory program or executive directive. Section 1508.18. In addition, the adoption of official policy in the form of rules, regulations and interpretations pursuant to the Administrative Procedure Act, treaties, conventions, or other formal documents establishing governmental or agency policy which will substantially alter agency programs, could require an EIS. Section 1508.18. In all cases, the policy, plan, or program must have the potential for significantly affecting the quality of the human environment in order to require an EIS. It should be noted that a proposal "may exist in fact as well as by agency declaration that one exists." Section 1508.23.

24b. Q. When is an area-wide or overview EIS appropriate?

A. The preparation of an area-wide or overview EIS may be particularly useful when similar actions, viewed with other reasonably foreseeable or proposed agency actions, share common timing or geography. For example, when a variety of energy projects may be located in a single watershed, or when a series of new energy technologies may be developed through federal funding, the overview or area-wide EIS would serve as a valuable and necessary analysis of the affected environment and the potential cumulative impacts of the reasonably foreseeable actions under that program or within that geographical area.

24c. Q. What is the function of tiering in such cases?

A. Tiering is a procedure which allows an agency to avoid duplication of paperwork through the incorporation by reference of the general discussions and relevant specific discussions from an environmental impact statement of broader scope into one of lesser scope or vice versa. In the example given in Question 24b, this would mean that an overview EIS would be prepared for all of the energy activities reasonably foreseeable in a particular geographic area or resulting from a particular development program. This impact statement would be followed by site-specific or project-specific EISs. The tiering process would make each EIS of greater use and meaning to the public as the plan or program develops, without duplication of the analysis prepared for the previous impact statement.

25a. Q. When is it appropriate to use appendices instead of including information in the body of an EIS?

A. The body of the EIS should be a succinct statement of all the information on environmental impacts and alternatives that the decisionmaker and the public need, in order to make the decision and to ascertain that every significant factor has been examined. The EIS must explain or summarize methodologies of research and modeling, and the results of research that may have been conducted to analyze impacts and alternatives.

Lengthy technical discussions of modeling methodology, baseline studies, or other work are best reserved for the appendix. In other words, if only technically trained individuals are likely to understand a particular discussion then it should go in the appendix, and a plain language summary of the analysis and conclusions of that technical discussion should go in the text of the EIS.

The final statement must also contain the agency's responses to comments on the draft EIS. These responses will be primarily in the form of changes in the document itself, but specific answers to each significant comment should also be included. These specific responses may be placed in an appendix. If the comments are especially voluminous, summaries of the comments and responses will suffice. (See Question 29 regarding the level of detail required for responses to comments.)

25b. Q. How does an appendix differ from incorporation by reference?

A. First, if at all possible, the appendix accompanies the EIS, whereas the material which is incorporated by reference does not accompany the EIS. Thus the appendix should contain information that reviewers will be likely to want to examine. The appendix should include material that pertains to preparation of a particular EIS. Research papers directly relevant to the proposal, lists of affected species, discussion of the methodology of models used in the analysis of impacts, extremely detailed responses to comments, or other information, would be placed in the appendix.

The appendix must be complete and available at the time the EIS is filed. Five copies of the appendix must be sent to EPA with five copies of the EIS for filing. If the appendix is too bulky to be circulated, it instead must be placed in conveniently accessible locations or furnished directly to commentors upon request. If it is not circulated with the EIS, the Notice of Availability published by EPA must so state, giving a telephone number to enable potential commentors to locate or request copies of the appendix promptly.

Material that is not directly related to preparation of the EIS should be incorporated by reference. This would include other EISs, research papers in the general literature, technical background papers or other material that someone with technical training could use to evaluate the analysis of the proposal. These must be made available, either by citing the literature, furnishing copies to central locations, or sending copies directly to commentors upon request.

Care must be taken in all cases to ensure that material incorporated by reference, and the occasional appendix that does not accompany the EIS, are in fact available for the full minimum public comment period.

26a. Q. How detailed must an EIS index be?

A. The EIS index should have a level of detail sufficient to focus on areas of the EIS of reasonable interest to any reader. It cannot be restricted to the most important topics. On the other hand, it need not identify every conceivable term or phrase in the EIS. If an agency believes that the reader is reasonably likely to be interested in a topic, it should be included.

26b. Q. Is a keyword index required?

A. No. A keyword index is a relatively short list of descriptive terms that identifies the key concepts or subject areas in a document. For example it could consist of 20 terms which describe the most significant aspects of an EIS that a future researcher would need: type of proposal, type of impacts, type of environment, geographical area, sampling or modelling methodologies used. This technique permits the compilation of EIS data banks, by facilitating quick and inexpensive access to stored materials. While a keyword index is not required by the regulations, it could be a useful addition for several reasons. First, it can be useful as a quick index for reviewers of the EIS, helping to focus on areas of interest. Second, if an agency keeps a listing of the keyword indexes of the EISs it produces, the EIS preparers themselves will have quick access to similar research data and methodologies to aid their future EIS work. Third, a keyword index will be needed to make an EIS available to future researchers using EIS data banks that are being developed. Preparation of such an index now when the document is produced will save a later effort when the data banks become operational.

27a. Q. If a consultant is used in preparing an EIS, must the list of preparers identify members of the consulting firm as well as the agency NEPA staff who were primarily responsible?

A. Section 1502.17 requires identification of the names and qualifications of persons who were primarily responsible for preparing the EIS or significant background papers, including basic components of the statement. This means that members of a consulting firm preparing material that is to become part of the EIS must be identified. The EIS should identify these individuals even though the consultant's contribution may have been modified by the agency.

27b. Q. Should agency staff involved in reviewing and editing the EIS also be included in the list of preparers?

A. Agency personnel who wrote basic components of the EIS or significant background papers must, of course, be identified. The EIS should also list the technical editors who reviewed or edited the statements.

27c. Q. How much information should be included on each person listed?

A. The list of preparers should normally not exceed two pages. Therefore, agencies must determine which individuals had *primary* responsibility and need not identify individuals with minor involvement. The list of preparers should include a very brief identification of the individuals involved, their qualifications (expertise, professional disciplines) and the specific portion of the EIS for which they are responsible. This may be done in tabular form to cut down on length. A line or two for each person's qualifications should be sufficient.

28. Q. May an agency file xerox copies of an EIS with EPA pending the completion of printing the document?

A. Xerox copies of an EIS may be filed with EPA prior to printing only if the xerox copies are simultaneously made available to other agencies and the public. Section 1506.9 of the regulations, which governs EIS filing, specifically requires Federal agencies to file EISs with EPA no earlier than the EIS is distributed to the public. However, this section does not prohibit xeroxing as a form of reproduction and distribution. When an agency chooses xeroxing as the reproduction method, the EIS must be clear and legible to permit ease of reading and ultimate microfiching of the EIS. Where color graphs are important to the EIS, they should be reproduced and circulated with the xeroxed copy.

29a Q. What response must an agency provide to a comment on a draft EIS which states that the EIS's methodology is inadequate or inadequately explained? For example, what level of detail must an agency include in its response to a simple postcard comment making such an allegation?

A. Appropriate responses to comments are described in Section 1503.4. Normally the responses should result in changes in the text of the EIS, not simply a separate answer at the back of the document. But, in addition, the agency must state what its response was, and if the agency decides that no substantive response to a comment is necessary, it must explain briefly why.

An agency is not under an obligation to issue a lengthy reiteration of its methodology for any portion of an EIS if the only comment addressing the methodology is a simple complaint that the EIS methodology is inadequate. But agencies must respond to comments, however brief, which are specific in their criticism of agency methodology. For example, if a commentor on an EIS said that an agency's air quality dispersion analysis or methodology was inadequate, and the agency had included a discussion of that analysis in the EIS, little if anything need be added in response to such a comment. However, if the commentor said that the dispersion analysis was inadequate because of its use of a certain computational technique, or that a dispersion analysis was inadequately explained because computational techniques were not included or referenced, then the agency would have to respond in a substantive and meaningful way to such a comment.

If a number of comments are identical or very similar, agencies may group the comments and prepare a single answer for each group. Comments may be summarized if they are especially voluminous. The comments or summaries must be attached to the EIS regardless of whether the agency believes they merit individual discussion in the body of the final EIS.

29b. Q. How must an agency respond to a comment on a draft EIS that raises a new alternative not previously considered in the draft EIS?

A. This question might arise in several possible situations. First, a commentor on a draft EIS may indicate that there is a possible alternative which, in the agency's view, is not a reasonable alternative. Section 1502.14(a). If that is the case, the agency must explain why the comment does not warrant further agency response, citing authorities or reasons that support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response. Section 1503.4(a). For example, a commentor on a draft EIS on a coal fired power plant may suggest the alternative of using synthetic fuel. The agency may reject the alternative with a brief discussion (with authorities) of the unavailability of synthetic fuel within the time frame necessary to meet the need and purpose of the proposed facility.

A second possibility is that an agency may receive a comment indicating that a particular alternative, while reasonable, should be modified somewhat, for example, to achieve certain mitigation benefits, or for other reasons. If the modification is reasonable, the agency should include a discussion of it in the final EIS. For example, a commentor on a draft EIS on a proposal for a pumped storage power facility might suggest that the applicant's proposed alternative should be enhanced by the addition of certain reasonable mitigation measures, including the purchase and setaside of a wildlife preserve to substitute for the tract to be destroyed by the project. The modified alternative including the additional mitigation measures should be discussed by the agency in the final EIS.

A third slightly different possibility is that a comment on a draft EIS will raise an alternative which is a minor variation of one of the alternatives discussed in the draft EIS, but this variation was not given any consideration by the agency. In such a case, the agency should develop and evaluate the new alternative, if it is reasonable, in the final EIS. If it is qualitatively within the spectrum of alternatives that were discussed in the draft, a supplemental draft will not be needed. For example, a commentor on a draft EIS to designate a wilderness area within a National Forest might reasonably identify a specific tract of the forest, and urge that it be considered for designation. If the draft EIS considered designation of a range of alternative tracts which encompassed forest area of similar quality and quantity, no supplemental EIS would have to be prepared. The agency could fulfill its obligation by addressing that specific alternative in the final EIS.

As another example, an EIS on an urban housing project may analyze the alternatives of constructing 2,000, 4,000, or 6,000 units. A commentor on the draft EIS might urge the consideration of constructing 5,000 units utilizing a different configuration of buildings. This alternative is within the spectrum of alternatives already considered, and, therefore, could be addressed in the final EIS.

A fourth possibility is that a commentor points out an alternative which is not a variation of the proposal or of any alternative discussed in the draft impact statement, and is a reasonable alternative that warrants serious agency response. In such a case, the agency must issue a supplement to the draft EIS that discusses this new alternative. For example, a commentor on a draft EIS on a nuclear power plant might suggest that a reasonable alternative for meeting the projected need for power would be through peak load management and energy conservation programs. If the permitting agency has failed to consider that approach in the Draft EIS, and the approach cannot be dismissed by the agency as unreasonable, a supplement to the Draft EIS, which discusses that alternative, must be prepared. (If necessary, the same supplement should also discuss substantial changes in the proposed action or significant new circumstances or information, as required by Section 1502.9(c)(1) of the Council's regulations.)

If the new alternative was not raised by the commentor during scoping, but could have been, commentors may find that they are unpersuasive in their efforts to have their suggested alternative analyzed in detail by the agency. However, if the new alternative is discovered or developed later, and it could not reasonably have been raised during the scoping process, then the agency must address it in a supplemental draft EIS. The agency is, in any case, ultimately responsible for preparing an adequate EIS that considers all alternatives.

30. Q. When a cooperating agency with jurisdiction by law intends to adopt a lead agency's EIS and it is not satisfied with the adequacy of the document, may the cooperating agency adopt only the part of the EIS with which it is satisfied? If so, would a cooperating agency with jurisdiction by law have to prepare a separate EIS or EIS supplement covering the areas of disagreement with the lead agency?

A. Generally, a cooperating agency may adopt a lead agency's EIS without recirculating it if it concludes that its NEPA requirements and its comments and suggestions have been satisfied. Section 1506.3(a), (c). If necessary, a cooperating agency may adopt only a portion of the lead agency's EIS and may reject that part of the EIS with which it disagrees, stating publicly why it did so. Section 1506.3(a).

A cooperating agency with jurisidiction by law (e.g., an agency with independent legal responsibilities with respect to the proposal) has an independent legal obligation to comply with NEPA. Therefore, if the cooperating agency determines that the EIS is wrong or inadequate, it must prepare a supplement to the EIS, replacing or adding any needed information, and must circulate the supplement as a draft for public and agency review and comment. A final supplemental EIS would be required before the agency could take action. The adopted portions of the lead agency EIS should be circulated with the supplement. Section 1506.3(b). A cooperating agency with jurisdiction by law will have to prepare its own Record of Decision for its action, in which it must explain how it reached its conclusions. Each agency should explain how and why its conclusions differ, if that is the case, from those of other agencies which issued their Records of Decision earlier.

An agency that did not cooperate in preparation of an EIS may also adopt an EIS or portion thereof. But this would arise only in rare instances, because an agency adopting an EIS for use in its own decision normally would have been a cooperating agency. If the proposed action for which the EIS was prepared is substantially the same as the proposed action of the adopting agency, the EIS may be adopted as long as it is recirculated as a final EIS and the agency announces what it is doing. This would be followed by the 30-day review period and issuance of a Record of Decision by the adopting agency. If the proposed action by the adopting agency is not substantially the same as that in

the EIS (i.e., if an EIS on one action is being adapted for use in a decision on another action), the EIS would be treated as a draft and circulated for the normal public comment period and other procedures. Section 1506.3(b).

31a. Q. Do the Council's NEPA regulations apply to independent regulatory agencies like the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission?

A. The statutory requirements of NEPA's Section 102 apply to "all agencies of the federal government." The NEPA regulations implement the procedural provisions of NEPA as set forth in NEPA's Section 102(2) for all agencies of the federal government. The NEPA regulations apply to independent regulatory agencies, however, they do not direct independent regulatory agencies or other agencies to make decisions in any particular way or in a way inconsistent with an agency's statutory charter. Sections 1500.3, 1500.6, 1507.1, and 1507.3.

31b. Q. Can an Executive Branch agency like the Department of the Interior adopt an EIS prepared by an independent regulatory agency such as FERC?

A. If an independent regulatory agency such as FERC has prepared an EIS in connection with its approval of a proposed project, an Executive Branch agency (e.g., the Bureau of Land Management in the Department of the Interior) may, in accordance with Section 1506.3, adopt the EIS or a portion thereof for its use in considering the same proposal. In such a case the EIS must, to the satisfaction of the adopting agency, meet the standards for an adequate statement under the NEPA regulations (including scope and quality of analysis of alternatives) and must satisfy the adopting agency's comments and suggestions. If the independent regulatory agency fails to comply with the NEPA regulations, the cooperating or adopting agency may find that it is unable to adopt the EIS, thus forcing the preparation of a new EIS or EIS Supplement for the same action. The NEPA regulations were made applicable to all federal agencies in order to avoid this result, and to achieve uniform application and efficiency of the NEPA process.

32. Q. Under what circumstances do old EISs have to be supplemented before taking action on a proposal?

A. As a rule of thumb, if the proposal has not yet been implemented, or if the EIS concerns an ongoing program, EISs that are more than 5 years old should be carefully reexamined to determine if the criteria in Section 1502.9 compel preparation of an EIS supplement.

If an agency has made a substantial change in a proposed action that is relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, a supplemental EIS must be prepared for an old EIS so that the agency has the best possible information to make any necessary substantive changes in its decisions regarding the proposal. Section 1502.9(c).

33a. Q. When must a referral of an interagency disagreement be made to the Council?

A. The Council's referral procedure is a *pre-decision* referral process for interagency disagreements. Hence, Section 1504.3 requires that a referring agency must deliver its referral to the Council not later than 25 days after publication by EPA of notice that the final EIS is available (unless the lead agency grants an extension of time under Section 1504.3(b)).

33b. Q. May a referral be made after this issuance of a Record of Decision?

A. No, except for cases where agencies provide an internal appeal procedure which permits simultaneous filing of the final EIS and the record of decision (ROD). Section 1506.10(b)(2). Otherwise, as stated above, the process is a pre-decision referral process. Referrals must be made within 25 days after the notice of availability of the final EIS, whereas the final decision (ROD) may not be made or filed until after 30 days from the notice of availability of the EIS. Sections 1504.3(b), 1506.10(b). If a lead agency has granted an extension of time for another agency to take action on a referral, the ROD may not be issued until the extension has expired.

34a. Q. Must Records of Decision (RODs) be made public? How should they be made available?

A. Under the regulations, agencies must prepare a "concise *public* record of decision," which contains the elements specified in Section 1505.2. This public record may be integrated into any other decision record prepared by the agency, or it may be separate if decision documents are not normally made public. The Record of Decision is intended by the Council to be an environmental document (even though it is not explicitly mentioned in the definition of "environmental document" in Section 1508.10). Therefore, it must be made available to the public through appropriate public notice as required by Section 1506.6(b). However, there is no specific requirement for publication of the ROD itself, either in the Federal Register or elsewhere.

34b. Q. May the summary section in the final Environmental Impact Statement substitute for or constitute an agency's Record of Decision?

A. No. An environmental impact statement is supposed to inform the decisionmaker before the decision is made. Sections 1502.1, 1505.2. The Council's regulations provide for a 30-day period after notice is published that the final EIS has been filed with EPA before the agency may take final action. During that period, in addition to the agency's own internal final review, the public and other agencies can comment on the final EIS prior to the agency's final action on the proposal. In addition, the Council's regulations make clear that the requirements for the summary in an EIS are not the same as the requirements for a ROD. Sections 1502.12 and 1505.2.

34c. Q. What provisions should Records of Decision contain pertaining to mitigation and monitoring?

A. Lead agencies "shall include appropriate conditions [including mitigation measures and monitoring and enforcement programs] in grants, permits or other approvals" and shall "condition funding of actions on mitigation." Section 1505.3. Any such measures that are adopted must be explained and committed in the ROD.

The reasonable alternative mitigation measures and monitoring programs should have been addressed in the draft and final EIS. The discussion of mitigation and monitoring in a Record of Decision must be more detailed than a general statement that mitigation is being required, but not so detailed as to duplicate discussion of mitigation in the EIS. The Record of Decision should contain a concise summary identification of the mitigation measures which the agency has committed itself to adopt.

The Record of Decision must also state whether all practicable mitigation measures have been adopted, and if not, why not. Section 1505.2(c). The Record of Decision must identify the mitigation measures and monitoring and enforcement programs that have been selected and plainly indicate that they are adopted as part of the agency's decision. If the proposed action is the issuance of a permit or other approval, the specific details of the mitigation measures shall then be included as appropriate conditions in whatever grants, permits, funding or other approvals are being made by the federal agency. Section 1505.3 (a), (b). If the proposal is to be carried out by the

federal agency itself, the Record of Decision should delineate the mitigation and monitoring measures in sufficient detail to constitute an enforceable commitment, or incorporate by reference the portions of the EIS that do so.

34d. Q. What is the enforceability of a Record of Decision?

A. Pursuant to generally recognized principles of federal administrative law, agencies will be held accountable for preparing Records of Decision that conform to the decisions actually made and for carrying out the actions set forth in the Records of Decision. This is based on the principle that an agency must comply with its own decisions and regulations once they are adopted. Thus, the terms of a Record of Decision are enforceable by agencies and private parties. A Record of Decision can be used to compel compliance with or execution of the mitigation measures identified therein.

35. Q. How long should the NEPA process take to complete?

A. When an EIS is required, the process obviously will take longer than when an EA is the only document prepared. But the Council's NEPA regulations encourage streamlined review, adoption of deadlines, elimination of duplicative work, eliciting suggested alternatives and other comments early through scoping, cooperation among agencies, and consultation with applicants during project planning. The Council has advised agencies that under the new NEPA regulations even large complex energy projects would require only about 12 months for the completion of the entire EIS process. For most major actions, this period is well within the planning time that is needed in any event, apart from NEPA.

The time required for the preparation of program EISs may be greater. The Council also recognizes that some projects will entail difficult long-term planning and/or the acquisition of certain data which of necessity will require more time for the preparation of the EIS. Indeed, some proposals should be given more time for the thoughtful preparation of an EIS and development of a decision which fulfills NEPA's substantive goals.

For cases in which only an environmental assessment will be prepared, the NEPA process should take no more than 3 months, and in many cases substantially less, as part of the normal analysis and approval process for the action.

36a. Q. How long and detailed must an environmental assessment (EA) be?

A. The environmental assessment is a concise public document which has three defined functions. (1) It briefly provides sufficient evidence and analysis for determining whether to prepare an EIS; (2) it aids an agency's compliance with NEPA when no EIS is necessary, i.e., it helps to identify better alternatives and mitigation measures; and (3) it facilitates preparation of an EIS when one is necessary. Section 1508.9(a).

Since the EA is a concise document, it should not contain long descriptions or detailed data which the agency may have gathered. Rather, it should contain a brief discussion of the need for the proposal, alternatives to the proposal, the environmental impacts of the proposed action and alternatives, and a list of agencies and persons consulted. Section 1508.9(b).

While the regulations do not contain page limits for EA's, the Council has generally advised agencies to keep the length of EAs to not more than approximately 10–15 pages. Some agencies expressly provide page guidelines (e.g., 10–15 pages in the case of the Army Corps). To avoid undue length, the EA may incorporate by reference background data to support its concise discussion of the proposal and relevant issues.

36b. Q. Under what circumstances is a lengthy EA appropriate?

A. Agencies should avoid preparing lengthy EAs except in unusual cases, where a proposal is so complex that a concise document cannot meet the goals of Section 1508.9 *and* where it is extremely difficult to determine whether the proposal could have significant environmental effects. In most cases, however, a lengthy EA indicates that an EIS is needed.

37a. Q. What is the level of detail of information that must be included in a finding of no significant impact (FONSI)?

A. The FONSI is a document in which the agency briefly explains the reasons why an action will not have a significant effect on the human environment and, therefore, why an EIS will not be prepared. Section 1508.13. The finding itself need not be detailed, but must succinctly state the reasons for deciding that the action will have no significant environmental effects, and, if relevant, must show which factors were weighted most heavily in the determination. In addition to this statement, the FONSI must include, summarize, or attach and incorporate by reference, the environmental assessment.

37b. Q. What are the criteria for deciding whether a FONSI should be made available for public review for 30 days before the agency's final determination whether to prepare an EIS?

A. Public review is necessary, for example, (a) if the proposal is a borderline case, i.e., when there is a reasonable argument for preparation of an EIS; (b) if it is an unusual case, a new kind of action, or a precedent setting case such as a first intrusion of even a minor development into a pristine area; (c) when there is either scientific or public controversy over the proposal; or (d) when it involves a proposal which is or is closely similar to one which normally requires preparation of an EIS. Sections 1501.4(e)(2), 1506.27. Agencies also must allow a period of public review of the FONSI if the proposed action would be located in a floodplain or wetland. E.O. 11988, Sec. 2(a)(4); E.O. 11990, Sec. 2(b).

38. Q. Must (EAs) and FONSIs be made public? If so, how should this be done?

A. Yes, they must be available to the public. Section 1506.6 requires agencies to involve the public in implementing their NEPA procedures, and this includes public involvement in the preparation of EAs and FONSIs. These are public "environmental documents" under Section 1506.6(b), and, therefore, agencies must give public notice of their availability. A combination of methods may be used to give notice, and the methods should be tailored to the needs of particular cases. Thus, a **Federal Register** notice of availability of the documents, coupled with notices in national publications and mailed to interested national groups might be appropriate for proposals that are national in scope. Local newspaper notices may be more appropriate for regional or site-specific proposals.

The objective, however, is to notify all interested or affected parties. If this is not being achieved, then the methods should be reevaluated and changed. Repeated failure to reach the interested or affected public would be interpreted as a violation of the regulations.

39. Q. Can an EA and FONSI be used to impose enforceable mitigation measures, monitoring programs, or other requirements, even though there is no requirement in the regulations in such cases for a formal Record of Decision?

A. Yes. In cases where an environmental assessment is the appropriate environmental document, there still may be mitigation measures or alternatives that would be desirable to consider and adopt even though the impacts of the proposal will not be "significant." In such cases, the EA should include a discussion of these measures or alternatives to "assist

agency planning and decisionmaking" and to "aid an agency's compliance with [NEPA] when no environmental impact statement is necessary." Section 1501.3(b), 1506.9(a)(2). The appropriate mitigation measures can be imposed as enforceable permit conditions, or adopted as part of the agency final decision in the same manner mitigation measures are adopted in the formal Record of Decision that is required in EIS cases.

40. Q. If an environmental assessment indicates that the environmental effects of a proposal are significant but that, with mitigation, those effects may be reduced to less than significant levels, may the agency make a finding of no significant impact rather than prepare an EIS? Is that a legitimate function of an EA and scoping?

A. Mitigation measures may be relied upon to make a finding of no significant impact only if they are imposed by statute or regulation, or submitted by an applicant or agency as part of the original proposal. As a general rule, the regulations contemplate that agencies should use a broad approach in defining significance and should not rely on the possibility of mitigation as an excuse to avoid the EIS requirement. Sections 1508.8, 1508.27.

If a proposal appears to have adverse effects which would be significant, and certain mitigation measures are then developed during the scoping or EA stages, the existence of such *possible* mitigation does not obviate the need for an EIS. Therefore, if scoping or the EA identifies certain mitigation possibilities without altering the nature of the overall proposal itself, the agency should continue the EIS process and submit the proposal, and the potential mitigation, for public and agency review and comment. This is essential to ensure that the final decision is based on all the relevant factors and that the full NEPA process will result in enforceable mitigation measures through the Record of Decision.

In some instances, where the proposal itself so integrates mitigation from the beginning that it is impossible to define the proposal without including the mitigation, the agency may then rely on the mitigation measures in determining that the overall effects would not be significant (e.g., where an application for a permit for a small hydro dam is based on a binding commitment to build fish ladders, to permit adequate down stream flow, and to replace any lost wetlands, wildlife habitat and recreational potential). In those instances, agencies should make the FONSI and EA available for 30 days of public comment before taking action. Section 1501.4(e)(2).

Similarly, scoping may result in a redefinition of the entire project, as a result of mitigation proposals. In that case, the agency may alter its previous decision to do an EIS, as long as the agency or applicant resubmits the entire proposal and the EA and FONSI are available for 30 days of review and comment. One example of this would be where the size and location of a proposed industrial park are changed to avoid affecting a nearby wetland area.

[FR Doc. 81-8734 Filed 3-20-81; 8:45 am]
BILLING CODE 3125-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 77-05; Notice 5]

Passenger Automobile Average Fuel Economy Standards; Exemption From Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final decision to grant exemption from fuel economy standards.

SUMMARY: This notice exempts Excalibur Automobile Corporation (Excalibur) from the generally applicable average fuel economy standards of 19.0 miles per gallon (mpg) and 20.0 mpg for 1979 and 1980 model year passenger automobiles, respectively, and establishes alternative standards. The alternative standards are 11.5 mpg in the 1979 model year and 16.2 mpg in the 1980 model year.

DATES: The exemptions and alternative standards set forth in this notice apply in the 1979 and 1980 model years.

FOR FURTHER INFORMATION CONTACT: Robert Mercure, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-755-9384).

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is exempting Excalibur from the generally applicable average fuel economy standards for the 1979 and 1980 model year and establishing alternative standards applicable to that company in those model years. This exemption is issued under the authority of section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act) (15 U.S.C. 2002(c)). Section 502(c) provides that a manufacturer of passenger automobiles that manufactures fewer than 10,000 passenger automobiles annually may be exempted from the generally applicable average fuel economy standard for a particular model year if that standard is greater than the low volume manufacturer's maximum feasible average fuel economy and if the NHTSA establishes an alternative standard applicable to that manufacturer at the low volume manufacturer's maximum feasible average fuel economy. Section 502(e) of the Act (15 U.S.C. 2002(e)) requires the NHTSA to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

This final rule was preceded by a notice announcing the NHTSA's proposed decision to grant an exemption to Excalibur for the 1979 and 1980 model years (45 FR 50640, July 31, 1980). No comments were received during the 45-day comment period.

Based on its conclusions that it is not technologically feasible and economically practicable for Excalibur to improve the fuel economy of its 1979 and 1980 model year automobiles above an average of 11.5 and 16.2 mpg, respectively, that other Federal automobile standards did not affect achievable fuel economy beyond the extent considered in this analysis, and that the national effort to conserve energy will be negligibly affected by the granting of the requested exemptions, this agency concludes that the maximum feasible average fuel economy for Excalibur in the 1979 and 1980 model years is 11.5 mpg and 16.2 mpg, respectively. Therefore, NHTSA is exempting Excalibur from the generally applicable standards and is establishing alternative standards of 11.5 mpg for the 1979 model year and 16.2 mpg for the 1980 model year.

In consideration of the foregoing, 49 CFR Part 531 is amended by revising § 531.5(b)(5) to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the fuel economy standards indicated below for the specified model years:

* * * * *

(5) Excalibur Automobile Corporation.

Model year	Average[1]
1978	11.5
1979	11.5
1980	16.2

[1] Average fuel economy standard (miles per gallon).

* * * * *

The program official and attorney principally responsible for the development of this decision are Robert Mercure and Stephen Kratzke, respectively.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 49 CFR 1.50)

Issued on March 13, 1981.

Diane Steed,

Acting Administrator.

[FR Doc. 81-8661 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 46, No. 56
Monday, March 23, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

Filberts Grown in Oregon and Washington; Decision and Referendum Order on Proposed Further Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision proposes an amendment of the filbert marketing agreement and order program, and provides filbert producers the opportunity to vote in a referendum on the proposed amendment. The proposed amendment would change the method for adopting and implementing the marketing policy and volume regulation. Other changes include a definition of the new term "marketing year," setting new beginning and ending dates for that year which would change some marketing order operations, and renaming the Board which works with AMS in administering the program. The main purpose of the proposed amendment is to improve the operation and effectiveness of the program.

DATE: The representative period for purposes of the referendum herein ordered is August 1, 1979, through July 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697. An impact statement relative to this action is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued June 18, 1980, and published June 24, 1980 (45 FR 42315).

Notice of Recommended Decision—Issued January 7, 1981, and published January 12, 1981 (46 FR 2622).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers.

Preliminary Statement. This proposed amendment was formulated on the record of a public hearing held at Portland, Oregon, July 9, 1980. Notice of the hearing was published in the June 24, 1980, issue of the **Federal Register** (45 FR 42315). The notice contained proposals submitted by the Filbert Control Board. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900).

On the basis of the evidence introduced at the hearing and the record thereof, Deputy Administrator Manley, on January 7, 1981, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision which contained notice of the opportunity to file by January 30, 1981, written exceptions thereto. One exception was filed by Larry L. Holden, General Manager of the Oregon Division of the Robert L. Berner Company. The Berner Company is a handler under the filbert marketing agreement and order program.

Findings and Conclusions. The material issues, findings and conclusions, rulings, general findings, and regulatory provisions of the recommended decision published in the January 12, 1981, issue of the **Federal Register** (46 FR 2622) are hereby incorporated herein and made a part hereof subject to the following modifications and corrections:

In Material Issue (1)(a), 13 new paragraphs are added after the fourth paragraph as follows:

"The exceptor was against changing the marketing policy year to May 1 through April 30, and beginning the 1981–82 marketing policy year on May 1, 1981."

"The exceptor's main objection to beginning the 1981–82 marketing policy year on May 1, 1981, was a matter of preparation. The exceptor stated that shortening the current 1980–81 marketing policy year by three months from July 31, 1981, to April 30, 1981, would not give handlers adequate notice to plan their processing, shelling, and marketing operations, and that Berner Company has been operating as if the current marketing year would end July 31, not April 30."

"The provisions of the proposed order amendment, including the proposed change in the marketing policy year, are well known to handlers of filberts grown in the production area. Considerable effort was made by the Department to bring the hearing to the attention of all handlers, producers, and others. The hearing on the proposed amendment began July 9, 1980, at Portland, Oregon. A pre-notice press release announcing the proposed order amendment and inviting public comment was released April 9, 1980. A notice of hearing was published in the **Federal Register** June 24, 1980, in accordance with the Department's Rules of Practice and Procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders (7 CFR Part 900). A copy of this notice was mailed to all known handlers, producers, and to the Governors of the States of Oregon and Washington. Press releases concerning the proceeding were issued and made available to the media. The intent of the extensive notification process was to give all interested persons, including handlers, as much notice as possible, that the current 1980–81 marketing policy year might end April 30, not July 31, and afford them opportunity to respond."

"No opposition to changing the beginning of the marketing policy year to May 1 was presented as a result of the prenotice press release and at the hearing, and no briefs containing proposed findings and conclusions were submitted after the hearing opposing the proposed change in the marketing policy year. The result is a compilation of evidence which provides a basis to change the beginning of the marketing policy year to May 1."

"Up to the time of the exception, there appeared to be no opposition to changing the beginning of the marketing policy year from August 1 to May 1, and it appeared that all of the handlers were planning their operations accordingly.

However, as discussed in Material Issue (7), there could be some inequities as a result of this change with respect to the last date handlers can defer temporarily their 1980–81 marketing policy year withholding obligations. For the reasons discussed in that Material Issue, the last date for deferments during the current 1980–81 marketing policy year should continue to be April 30, 1981. Hence, the marketing policy year change should have no impact on handlers meeting their 1980–81 withholding obligations."

"The exceptor agreed with those findings and conclusions of the recommended decision that excessive supplies of inshell filberts carried over into the new marketing policy year have resulted in price weakness in that year but cautioned that beginning the marketing policy year May 1 would actually tend to increase the amount of inshell filberts carried over into the next year and thereby act contrary to the declared policy of the order. The purpose of the order is to establish and maintain orderly marketing conditions."

"The main cause of the excessive inshell filbert carryovers in the last few seasons has been ineffective marketing policies which caused market uncertainty. That is, buyers purchased only enough filberts to cover their immediate needs in anticipation of later price reductions. This action has been reinforced because handlers have in fact reduced prices following the peak shipping season in six of the last ten years in order to sell excessive supplies and avoid the high costs associated with carrying the supplies until August 1."

"As discussed in Material Issue (5), the recommended change in setting marketing policy is intended to provide filbert growers and handlers with a marketing policy mechanism which will reduce the risk of underestimated crops and overly optimistic trade demand estimates. In other words, a marketing policy which will contribute toward the establishment and maintenance of orderly marketing conditions and fair returns for growers, handlers, and reasonable prices to consumers."

"The change to a marketing policy year beginning May 1 is intended to reinforce the recommended change in the method of setting marketing policy. As indicated previously, the proposed marketing policy year change would encourage handlers to shell or export filberts not needed for the inshell market earlier and avoid the cost of carrying excessive inventory until August 1. It will also reduce the chances of excessive carryovers burdening the next crop."

"Under the current August 1–July 31 marketing policy year some handlers have shelled or exported inshell filberts during the months of May, June, and July. These are outlets eligible for the disposition of restricted filberts. However, as the exceptor pointed out, these dispositions generally were in excess of any withholding obligation incurred by handlers during that year. Under the proposed marketing policy year, these dispositions would occur early in the year before the peak inshell shipping season and credit for the disposition in restricted outlets would be available for use if volume regulations were established later for that marketing policy year. Thus, the chances that some handlers would lower prices during January through April would be lessened as would late year inventory buildups which burden new crop sales."

"While changing the beginning date of the marketing policy year to May 1 will reflect current industry marketing operations, the fact that changes may occur which would necessitate a different period of operation has been recognized. Authority to make such a needed change by informal rulemaking has been retained, and any needed changes in the date could be made in a timely fashion."

"Also, a marketing policy year beginning May 1 gives handlers additional time to plan their marketing strategies for the new crop. Since inshell filberts have a limited domestic market of short duration, a well formulated marketing plan is very critical."

"In view of all the foregoing, the exceptor's request to retain the August 1–July 31 marketing policy year, is denied."

The first and second sentences of the fourth paragraph of Material Issue (1)(a) are removed and replaced with the following sentence: "May 1 should be selected initially for the beginning of the marketing policy year because handlers generally have completed processing by May 1, and most have satisfied their withholding obligations by then." The deleted sentences referred to an inventory tax which has been abolished.

In Material Issue (3), two new paragraphs are added after paragraph (4) as follows:

"The exceptor pointed out that because § 982.32(e) would require nominations for Board membership to be submitted at least 60 days prior to the beginning of the marketing year, the order would have to be amended by February 28, for this deadline to be met. Because of time limitations and equity considerations, the earliest the order can be amended is May 1, 1981. Therefore, the nominations of the members and alternate members whose terms would begin May 1, 1981, should be submitted as soon as practicable following the beginning of the marketing year and paragraph (e) is revised accordingly."

"Moreover, it is not likely that the new Board will be selected and organized for some time after May 1. Therefore, § 982.32(f) should be revised so that the Board can submit its nominations for public and alternate public members for the term of office beginning May 1, 1981, as soon as practicable following the beginning of the marketing year. This change would give the newly selected Board the time it needs to find qualified persons interested in serving as public and alternate public members."

In Material Issue (7), a new paragraph is added after paragraph (2) as follows:

"The exceptor pointed out that a marketing year beginning May 1, 1981, would require handlers to meet their 1980–81 withholding obligations by February 28, 1981. For the 1980–81 marketing policy year, the deadline date should be April 30, 1981. Under the current order, handlers could have deferred temporarily their 1980–81 withholding obligations until April 30, 1981. Consequently, some handlers may have posted bonds maturing on April 30, 1981, as a surety that they will have satisfied fully their 1980–81 withholding obligations by that date. Thus, it would be inequitable to require handlers to satisfy their 1980–81 marketing policy year obligations earlier than April 30, 1981, especially since the earliest any order amendment resulting from the hearing could be effectuated would be May 1, 1981. Paragraph (a) is revised accordingly."

In addition, the following amendments correcting and clarifying the recommended decision and order are made:

Page	Column	Paragraph	Line	Correction
2622	2	9	1	Insert "in" after "specified".
2623	1	3	21	Change "revised" to "amended".
2623	2	3	10	Change "demonstrates" to "indicates".
2623	2	3	11	Change "purposes" to "purpose".
2624	3	2	21	Delete "and" and add a period after "prices".
2624	3	2	22	Change "the" to "The".
2625	2	3	10	Change "that" to "such".
2625	3	.....	16	Change "carrying" to "carryin".
2626	2	1	22	Change "handles" to "handled".
2626	1	5	1	Insert "public" before "member".
2626	2	.....	18	Change "presentation" to "representation".
2626	2	3	1	Change "any" to "no".
2626	2	3	2	Delete "not".
2626	2	3	3	Delete "direct".

Page	Column	Paragraph	Line	Correction
2628	3	3	5	Change "That" to "The"
2628	3	3	8	Delete "be" and "to"
2628	3	3	12	Insert "more representative" before "prior"
2629	1	6	4	Insert "to the Secretary" after "thereof"

Another correction is needed on page 2623, column 2, paragraph 5. That paragraph should be changed to read as follows: "So that the "public member" would be truly representative of the public and represent its views, that member should not have any financial interest in the growing or handling of filberts. A "public member" should not have any business dealing with any handler or grower and should not receive any remuneration directly from a grower or handler. For example, this would preclude a banker making loans to filbert growers or handlers from serving as a "public member", but would not disqualify University personnel receiving grants for studies of agricultural products from serving in this capacity. This qualification should be added as a new paragraph (b) in § 982.34. Paragraph (b) should provide that no person nominated to serve as a public member or alternate shall have a financial interest in any filbert growing or handling operation."

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington", and "Order Amending the Order, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of filberts grown in Oregon and Washington, is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1979, through July 31, 1980.

The agents of the Secretary to conduct such referendum are hereby designated to be Joseph C. Perrin, Dennis West, and J. S. Miller, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture.

Signed at Washington, D.C. on March 18, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

ORDER [1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of filberts grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of filberts grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of filberts grown in Oregon and Washington shall be in conformity to and in compliance with the following terms and conditions of the order, as hereby amended.

Except for the previously noted corrections and modifications, the provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Deputy Administrator on January 7, 1981, and published in the **Federal Register** on January 12, 1981 (46 FR 2022), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. The title of the order is revised to read as follows:

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

2. Section 982.17 is revised to read as follows:

§ 982.17 Marketing year.

"Marketing year" means the 12 months from May 1 to the following April 30, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary.

§§ 982.1-982.68 [Nomenclature change.]

3. The terms "marketing policy year" and "fiscal year" are changed in "marketing year" wherever they appear in §§ 982.1 through 982.68.

4. Section 982.18 is revised to read as follows:

§ 982.18 Board.

"Board" means the Filbert/Hazelnut Marketing Board established pursuant to § 982.30.

5. Section 982.19 is redesignated § 982.20 and a new § 982.19 is added to read as follows:

§ 982.19 Disappearance.

"Disappearance" means the difference between orchard-run production and the available supply of merchantable filberts and merchantable equivalent of shelled filberts.

§ 982.20 [Renumbered from § 982.19]

6. Section 982.30(g) is revised to read as follows:

§ 982.30 Establishment and membership.

* * * * *

(g) One public member who is neither a grower nor a handler.

7. Section 982.32 (e) and (f) are revised to read as follows:

§ 982.32 Nomination.

* * * * *

(e) All votes cast by cooperative handlers, independent handlers, or for cooperative growers, shall be weighted according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each such handler or cooperative grower group during the preceding marketing year and if less than one ton is recorded for any such handler or cooperative grower group, the vote shall be weighted as one vote. All votes cast by independent growers shall be given equal weight. Nominations received in the foregoing manner by the Board shall be reported to the Secretary at least 60 days prior to the beginning of each marketing year, together with a certificate of all necessary data and other information deemed by the Board to be pertinent or requested by the Secretary: *Provided,* That the nominations of the persons who would serve for terms beginning May 1, 1981, together with such certificate and other information, shall be reported as soon as practicable after May 1. If such nominations of any group are not submitted to the Secretary by that time, the Secretary may select the representatives of that group without nomination.

(f) Nominees for the public member and alternate member positions specified in § 982.30(g) shall be chosen by the other eight members who are to serve on the Board during the ensuing marketing year. If nominations for such member or alternate are not submitted within 30 days after the beginning of the marketing year, the Secretary may select such member or alternate without nomination: *Provided,* That the nominations for such member and alternate member whose terms would begin May 1, 1981, shall be submitted as soon as practicable after May 1.

* * * * *

8. Section 982.33(b)(1) is revised to read as follows:

§ 982.33 Selection and term of office.

* * * * *

(b) *Term of office.* (1) The term of office of each member and alternate member shall be two marketing years from the beginning of the marketing year, except that (i) the terms of office of one of the grower members and the member's alternate specified in § 982.30 (a) and (b) shall expire at the end of the first even numbered marketing year following the year of selection, and the terms of office of all other members and alternate members shall expire at the end of the first odd-numbered marketing year following the year of selection; (ii) if the representation on the Board in an ensuing marketing year will, by reason of change in representation pursuant to § 982.30 (c) and (f), be different from that in the current marketing year, the terms of office of all grower and handler members and alternate members shall expire at the end of the current marketing year and successor members and alternate members shall be nominated and selected in conformance with §§ 982.30 and 982.33; (iii) if the districts for independent grower representation in an ensuing marketing year will be different from that in the current marketing year, the terms of office of all independent grower members and alternate members specified in § 982.30 (e) and (f) shall expire at the end of the current marketing year, and persons nominated to succeed them shall be nominated and selected so as to conform with such changed representation.

* * * * *

9. Section § 982.34 is revised to read as follows:

§ 982.34 Qualification.

(a) Any person selected to serve as a member or an alternate member of the Board shall qualify by filing with the Secretary a written acceptance of appointment. Any member or alternate member who at the time of selection was a member or employed by a member of the group which nominated that person shall, upon ceasing to be such a member or employee, become disqualified to serve further and that position on the Board shall be deemed vacant. In the event any member or alternate member of the Board qualified and selected, in accordance with the provisions of §§ 982.30 and 982.32, to represent independent growers should during that person's term of office handle filberts produced by other growers or become an employee of a handler, that position on the Board shall thereupon be deemed to be vacant.

(b) No person nominated to serve as a public member or alternate shall have a direct financial interest in any filbert growing or handling operation.

10. Section 982.39(f) is revised to read as follows:

§ 982.39 Duties.

* * * * *

(f) To cause the books of the Board to be audited by one or more public accountants approved by the Board at least once for each marketing year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary reports of all audits made;

* * * * *

11. Section 982.40 is revised to read as follows:

§ 982.40 Marketing policy and volume regulation.

(a) *General.* As provided in this section, for each marketing year the Board may hold meetings for the purpose of computing its marketing policy for that year and shall do so for the purpose of submitting any recommendations on its policy to the Secretary. The Board may designate one of its employees to compute and announce the preliminary computed and final computed free and restricted percentages.

(b) *Trade demand.* Prior to August of a marketing year, the Board shall recommend establishment of an inshell trade demand for that year to the

Secretary. The inshell trade demand shall equal the average of the trade acquisitions of inshell filberts during the preceding three years. If the trade acquisitions during any one or all of those years was abnormally low because of crop conditions, the Board may use more representative prior year or years in determining the three-year average. If the Secretary finds, on the basis of the Board's recommendation or other information that limiting the quantity of merchantable filberts which may be handled during a marketing year through application of the free and restricted percentages to that trade demand as provided in paragraph (c) of this section would tend to effectuate the declared policy of the act, the Secretary shall establish that trade demand.

(c) *Inshell allocation*—(1) *Preliminary computed percentages.* Prior to September 20 of that marketing year, the Board shall compute and announce preliminary computed free and restricted percentages for that year, to release 70 percent of the inshell trade demand computed for that year. The preliminary computed free percentage shall be computed by multiplying that trade demand, adjusted by the declared carryin, by 70 percent and dividing by the most recent official estimate of orchard-run production less the average disappearance during the preceding three years, plus the undeclared carryin. The difference between 100 percent and the preliminary free percentage shall be the preliminary computed restricted percentage.

(2) *Final computed percentages.* The Board upon determining that a firm field price has been established for filberts for that marketing year shall compute and announce final computed free and restricted percentages for that year, to release 80 percent of the inshell trade demand computed for that year. The final computed free percentage shall be computed by multiplying that trade demand, adjusted by the declared carryin, by 80 percent and dividing by the most recent official estimate of orchard-run production less the average disappearance during the preceding three years plus the undeclared carryin. The difference between 100 percent and the final computed free percentage shall be the final computed restricted percentage.

(3) *Final percentages.* On or before November 15 the Board shall meet to recommend to the Secretary the final free and restricted percentages to release 100 percent or up to 110 percent if market conditions justify of the inshell trade demand previously established by the Secretary for the marketing year. The recommendation shall include the following:

(i) The estimated tonnage of merchantable filberts expected to be produced during the marketing year.

(ii) The estimated tonnage of inshell filberts held by handlers on the first day of the marketing year which may be available for handling as inshell filberts thereafter.

(iii) Any other pertinent factors bearing on the marketing of filberts during the marketing year.

Whenever the Secretary finds, on the basis of the recommendation of the Board or other available information that to establish the final free and restricted percentages would tend to effectuate the declared policy of the act, the Secretary shall establish such percentages.

(d) *Grade and size regulations.* Prior to September 20 the Board may consider grade and size regulations in effect and may recommend modifications thereof to the Secretary.

(e) *Revision of marketing policy.* At any time prior to February 15 of the marketing year the Board may recommend to the Secretary revisions in the marketing policy for that year: *Provided,* That in no event shall any revision result in free and restricted percentages which would release more than 110 percent of the inshell trade demand computed for that marketing year. At any time during the period December 1 through February 10 at the request of two or more handlers who during the preceding marketing year handled at least 10 percent of all filberts handled the Board shall meet to determine whether the marketing policy should be revised.

12. Section 982.41 is revised to read as follows:

982.41 Free and restricted percentages.

The free and restricted percentages computed by the Board or established by the Secretary pursuant to § 982.40, shall apply to all merchantable filberts handled during the current marketing year. Until the preliminary or final computed free and restricted percentages are computed by the Board for the current marketing year, the percentages in effect at the end of the previous marketing year shall be applicable.

§ 982.50 [Amended]

13. Sections 982.50(a)(1) and (d) are amended by adding the word "applicable" before the words "free percentage" and "reserve percentage" wherever they appear.

14. Sections 982.54(a) and (c) are revised to read as follows:

§ 982.54. Deferment of restricted obligation.

(a) *Bonding.* Compliance by any handler with the requirements of § 982.50 as to the time when restricted filberts shall be withheld shall be temporarily deferred to any date required by the handler, but not later than 60 days prior to the end of the marketing year, upon the voluntary execution and delivery by such handler to the Board before handling any merchantable filberts of such marketing year of a written undertaking secured by a bond or bonds with a surety or sureties acceptable to the Board that on or prior to such date the handler will have fully satisfied the restricted obligation required by § 982.50: *Provided,* That for the marketing period August 1, 1980, through April 30, 1981, compliance with any restricted obligation may be deferred to April 30, 1981.

* * * * *

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to handler f.o.b. shipping point which shall be computed at the opening price for such pack announced by the handler or handlers who during the preceding marketing year handled more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more handlers for respective packs the price so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such handler. Until bonding rates for a marketing year are fixed the rates in effect for the preceding marketing year shall continue in effect, and when such new rates are fixed necessary adjustments should be made.

* * * * *

15. Section 982.62(a) and (b) are revised to read as follows:

§ 982.62 Accounting.

(a) *Operating reserve.* The Board with the approval of the Secretary may establish and maintain an operating monetary reserve in an amount not to exceed approximately one marketing year's operational expenses or such lower limits as the Board with the approval of the Secretary may establish.

(b) *Refunds.* At the end of a marketing year funds in excess of the marketing

year's expenses and reserve requirements shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments the handler paid in excess of the handler's pro rata share of expenses of the Board. However, excess funds may be maintained and used by the Board until December 1 following the end of any such marketing year: *Provided,* That the Board shall refund to each handler upon request, or credit to the handler's account with the Board, the handler's share of such excess prior to January 1.

* * * * *

16. Section 982.65 is revised to read as follows:

§ 982.65 Carryover reports.

As of January 1, May 1, and August 1, or such other dates as the Board may recommend and the Secretary approve, each handler shall report within 10 days to the Board the handler's inventory of inshell and shelled filberts. Such reports shall be certified to the Board and the Secretary as to their accuracy and completeness and shall show, among other items, the following: (a) Certified merchantable filberts on which the restricted obligation has been met; (b) merchantable filberts on which the restricted obligation has not been met; (c) the merchantable equivalent of any filberts intended for handling as inshell filberts; and (d) restricted filberts withheld.

17. Section 982.66(b)(3) is revised to read as follows:

§ 982.66 Effective time, termination or suspension.

* * * * *

(b) *Suspension or termination.* * * *

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever the Secretary finds that such termination is favored by a majority of the producers of filberts who during the preceding marketing year have been engaged in the production for marketing of filberts in the States of Oregon and Washington: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced 30 days or more before the end of the then current marketing year.

* * * * *

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Licensing Requirements for Pending Construction Permit and Manufacturing License Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to add to its power reactor safety regulations a set of licensing requirements applicable only to construction permit and manufacturing license applications pending at the effective date of the rule. The requirements stem from the Commission's ongoing effort to apply the lessons learned from the accident at Three Mile Island to power plant licensing. Each applicant covered by the rule would have to meet these requirements, together with the existing regulations, in order to obtain a permit or license. Comments are particularly sought on whether the rule should be applied to the pending manufacturing license application.

DATES: Comments must be received on or before April 13, 1981.

ADDRESSES: Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Robert A. Purple, Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 301-492-7980.

SUPPLEMENTARY INFORMATION:

Background of the Rulemaking

The events leading up to the issuance of this proposed rule were discussed in detail in the Notice of Proposed Rulemaking, which appeared in the Federal Register on October 2, 1980, at pages 65247-65248. In that notice the Commission reviewed some of the actions it had already taken in response to the accident at Three Mile Island, and outlined the options it was considering in regard to the review of construction permit and manufacturing license applications. The Commission proposed to resume licensing using pre-TMI requirements augmented as necessary by selected new requirements from the Commission's TMI Action Plan, NUREG-0660. In connection with a request for public comments on these new requirements, the Commission noted that final rules might be issued on some or all of the matters discussed in that notice.

The Commission held a series of meetings regarding this proposed rule in January, February, and March of 1981. At its March 12 meeting the Commission decided that a further brief period of public comment was desirable prior to promulgation of a final rule to ensure that all interested persons have an opportunity ot review the contents of the proposed rule and, in particular, have the opportunity to comment on the applicability of the proposed rule to the pending manufacturing license application.

Justification of 20-day Comment Period

As stated above, a Notice of Proposed Rulemaking has already been published and comments have been received and analyzed. In addition, the Commission wishes to issue a final rule at the earliest possible date. The Commission has therefore concluded that a 20-day comment period is appropriate at this time. It is not expected that extensions will be granted since the Commission intends to act on a final rule soon after close of the comment period.

Comments on Inclusion of the Manufacturing License Application

While the Commission will review all aspects of comments received in response to this notice, the Commission particularly desires comment on whether or not the pending manufacturing license application, filed by Offshore Power Systems, Inc., should be covered by the proposed rule. At issue is whether the rule's requirements for the capacity of containments to withstand the effects of accident-generated hydrogen are sufficient when applied to floating nuclear power plants. (Refer to subsection (3)(v) of the proposed rule.)

Subetance of the Rule

This rule, which has been drawn from NUREG-0718, Licensing Requirements for Pending Applications for Construction Permits and Manufacturing License, March 1981, imposes new safety requirements on pending construction permit and manufacturing license applications. The Commission has determined that these requirements must be met by all applicants for construction permits or manufacturing licenses whose applications are pending as of the effective date of the rule. It should be noted, however, that there are some elements in the TMI Action Plan (NUREG-0660), not included in NUREG-0718, that have not yet been acted upon by the Commission. These are items that

the Commission has directed be subject to further study before taking approval action. It is possible, therefore, that some of these items will be approved for implementation prior to completion of the licensing review of the pending construction permits or manufacturing license. In that event, such items might be added to this rule. The Commission is aware, however, that the applications covered by this rule have already been substantially delayed and the facility designs may be further advanced than normally expected at the construction permit and manufacturing license review stage. The Commission will take this into account as further requirements are considered. Full opportunity for public comment will be provided if additional requirements are contemplated which would apply to these applications.

While this rule contains the basic requirements set out in NUREG–0718, it does not incorporate the entirety of the document. In particular, the rule does not contain the detailed criteria contained in Appendix B to NUREG–0718, for satisfying many of the requirements. To have included such detail would have resulted in a rule that would be excessively detailed and restrictive. In addition, this rule does not identify, as does NUREG–0718, the items from the TMI–2 Action Plan, NUREG–0660, that are considered either not applicable to pending construction permit and manufacturing license applications, or to be requirements of the type customarily left for the operating license stage. However, the Commission has reviewed NUREG–0718, and has concluded that the list of TMI-related requirements contained therein can provide a baiss for responding to the TMI–2 accident. Applicants may, of course, propose to satisfy the rule's requirements by a method other than that detailed in NUREG–0718, but in such cases must provide a basis for determining that the requirements of the rule have been met.

Based upon its extensive review and consideration of the issues arising as a result of the Three Mile Island accident, the Commission has decided that pending applications for a construction permit or manufacturing license should be measured by the NRC staff and Presiding Officers in adjudicatory proceedings against the existing regulations, as augmented by this rule. It is the Commission's view that this new rule, together with the existing regulations, form a set of regulations, conformance with which meets the requirements of the Commission for issuance of a construction permit or manufacturing license.

Some of the proposed rule's provisions deal with studies to be conducted by the license applicants. The Commission intends to impose license conditions upon all permits and licenses covered by this rule which will require submittal of these studies to the NRC for review and appropriate action. The license conditions will specify due dates or may require that studies be submitted prior to hardware procurement or other construction events.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant impact on a substantial number of small entities. This proposed rule affects six applicants for construction permits and one applicant for a manufacturing license. These applications are for permits or a license for plants that do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act in the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 552 and 553 of Title 5 of the United States Code, the Commission proposes to amend Part 50 of Chapter 1, Title 10 of the Code of Federal Regulations as follows:

1. A new paragraph (e) is added to § 50.34 to read as follows:

§ 50.34 Contents of applications; technical information.

. . . . . .

(e) *Additional TMI-related requirements.* In addition to the requirements of paragraph (a) of this section, each applicant for a construction permit or manufacturing license whose application was pending as of (insert effective date of rule) shall meet the requirements in the following paragraphs (e) (1) through (3).

(1) To satisfy the following requirements, the application shall provide sufficient information to describe the nature of the studies, how they are to be conducted, estimated submittal dates, and a program to ensure that the results of such studies are factored into the final design:

(i) Perform a plant/site specific probabilistic risk assessment, the aim of which is to seek such improvements in the reliability of core and containment heat removal systems as are significant and practical and do not impact excessively on the plant. (II.B.8)[1]

(ii) Perform an evaluation of the proposed auxiliary feedwater system (AFWS), to include (applicable to PWR's only). (II.E.1.1)

(A) A simplified AFWS reliability analyses using event-tree and fault-tree logic techniques.

(B) A design review of AFWS.

(C) An evaluation of AFWS flow design bases and criteria.

(iii) Perform an evaluation of the potential for an impact of reactor coolant pump seal damage following small-break LOCA with loss of offsite power. If damage cannot be precluded, provide an analysis of the limiting small-break loss-of-coolant accident with subsequent reactor coolant pump seal damage. (II.K.2.16 and II.K.3.25)

(iv) Perform an analysis of the probability of a small-break loss-of-coolant accident (LOCA) caused by a stuck-open power-operated relief valve (PORV). If this probability is a significant contributor to small-break LOCA's from all causes, provide an evaluation of the effect of an automatic PORV isolation system that would operate when the reactor coolant system pressure falls after the PORV has opened (Applicable to PWR's only.) (II.K.3.2)

(v) Perform an evaluation of the safety effectiveness of providing for separation of high pressure coolant injection (HPCI) and reactor core isolation cooling (RCIC) system initiation levels so that the RCIC system initiates at a higher water level than the HPCI system, and of providing that both systems restart on low water level. (Applicable to BWR's only.) (II.K.3.13)

(vi) Perform a study to identify practicable system modifications that would reduce challenges and failures of relief valves, without compromising the performance of the valves or other systems. (Applicable to BWR's only.) (II.K.3.16)

(vii) Perform a feasibility and risk assessment study to determine the optimum automatic depressurization system (ADS) modifications that would eliminate the need for manual activation to ensure adequate core cooling. (Applicable to BWR's only.) (II.K.3.18)

(viii) Perform a study of the effect of designing the core spray and low pressure coolant injection systems so that they will automatically restart on loss of water level, after having been

[1] Alphanumeric designations correspond to the related action plan items in NUREG 0718 and NUREG 0660, "NRC Action Plan Developed as a Result of the TMI–2 Accident." They are provided herein for information only.

manually stopped, if an initiation signal is still present. (Applicable to BWR's only.) (II.K.3.21)

(ix) Perform a study to determine the need for space cooling for the long-term operation of the reactor core isolation cooling (RCIC) and high-pressure coolant injection (HPCI) systems, to verify the acceptability of the consequences on these systems of a loss of alternating current power, and to demonstrate that the RCIC and HPCI systems can withstand a loss of off-site power to their support systems, including coolers, for at least two hours. (Applicable to BWR's only.) (II.K.3.24)

(x) Perform a study to ensure that the Automatic Depressurization System, valves, accumulators, and associated equipment and instrumentation will be capable of performing their intended functions during and following an accident situation, taking no credit for non-safety related equipment or instrumentation, and accounting for normal expected air (or nitrogen) leakage through valves. (Applicable to BWR's only.) (II.K.3.28)

(xi) Perform a study to demonstrate that, for anticipated transients combined with the worst single failure, and assuming proper operator actions, the core remains covered or no significant fuel damage results from core uncovery. (Applicable to BWR's only.) (II.K.3.44)

(xii) Provide an evaluation of depressurization methods, other than by full actuation of the automatic depressurization system, that would reduce the possibility of exceeding vessel integrity limits during rapid cooldown. (Applicable to BWR's only.) (II.K.3.45)

(2) To satisfy the following requirements, the application shall provide sufficient information to demonstrate that the required actions will be satisfactorily completed by the operating license stage. This information is of the type customarily required to satisfy 10 CFR 50.35(a)(2) or to address unresolved generic safety issues.

(i) Provide simulator capability that correctly models the control room and includes the capability to simulate small-break LOCA's. (Applicable to construction permit applicants only.) (I.A.4.2)

(ii) Establish a program, to begin during construction and follow into operation, for integrating and expanding current efforts to improve plant procedures. The scope of the program shall include emergency procedures, reliability analyses, human factors engineering, crisis management, operator training, and coordination with INPO and other industry efforts. (I.C.9)

(iii) Provide, for Commission approval, a control room design that applies state-of-the-art human factor principles prior to committing to fabrication or revision of fabricated control room panels and layouts. (I.D.1)

(iv) Provide a plant safety parameter display console that will display to operators a minimum set of parameters defining the safety status of the plant, capable of displaying a full range of important plant parameters and data trends on demand, and capable of indicating when process limits are being approached or exceeded. (I.D.2)

(v) Provide for automatic indication of the bypassed and operable status of safety systems. (I.D.3)

(vi) Provide the capability of venting noncondensible gases from the reactor coolant system, and other systems that may be required to maintain adequate core cooling. Systems to achieve this capability shall be capable of being operated from the control room and their operation shall not lead to an unacceptable increase in the probability of loss-of-coolant accident or an unacceptable challenge to containment integrity. (II.B.1)

(vii) Perform radiation and shielding design reviews of spaces around systems that may, as a result of an accident, contain highly radioactive fluids, and design as necessary to permit adequate access to important areas and to protect safety equipment from the radiation environment. (II.B.2)

(viii) Provide a capability to promptly obtain and analyze reactor coolant and containment atmosphere samples, without radiation exposures to any individual exceeding 5 rem to the whole-body or 75 rem to the extremities. Materials to be analyzed and quantified include certain radionuclides that are indicators of the degree of core damage (e.g., noble gases, iodines and cesiums, and non-volatile isotopes), hydrogen in the containment atmosphere, dissolved gases, chloride, and boron concentrations. (II.B.3)

(ix) Provide a system for hydrogen control capable of handling hydrogen generated by the equivalent of a 100% fuel-clad metal water reactor. (II.B.8)

(x) Provide a test program, and associated model development to qualify reactor coolant system relief and safety valves and, for PWR's, block valves, under expected operating conditions for design-basis transients and accidents, including anticipated-transient-without-scram conditions. (II.D.1)

(xi) Provide direct indication of relief and safety valve position (open or closed) in the control room. (II.D.3)

(xii) Provide automatically and manually initiated safety-grade auxiliary feedwater (AFW) system initiation, provide for safety-grade auxiliary feedwater system flow indication in the control room, and provide an analysis of the effect on containment integrity and return to reactor power of automatic AFW system initiation with a postulated main steam line leak inside containment. (Applicable to PWR's only) (II.E.1.2)

(xiii) Provide pressurizer heater power supply and associated motive and control power interfaces sufficient to establish and maintain natural circulation in hot standby conditions with only onsite power available. (Applicable to PWR's only) (II.E.3.1)

(xiv) Provide containment isolation systems that: (II.E.4.2)

(A) Ensure all non-essential systems are isolated automatically by the containment isolation system,

(B) For each non-essential penetration (except instrument lines), have two isolation barriers in series,

(C) Do not result in reopening of the containment isolation valves on resetting of the isolation signal.

(D) Utilize a containment set point pressure for initiating containment isolation as low as is compatible with normal operation.

(E) Include automatic closing on a safety–grade high radiation signal for all systems that provide an open path to the environs.

(xv) Provide a capability for containment purging/venting designed to minimize purging time consistent with ALARA principles for occupational exposure. Provide and demonstrate high assurance that the purge system will reliably isolate under accident conditions. (II.E.4.4)

(xvi) Establish a design criterion for the allowable number of actuation cycles of the emergency core cooling system and reactor protection system consistent with the expected occurrence rates of severe overcooling events (considering both anticipated transients and accidents). (Applicable to B&W designs only) (II.E.5.1)

(xvii) Design systems so as to reduce primary system sensitivity to transients. (Applicable to B&W designs only). (II.E.5.2)

(xviii) Provide instrumentation to measure: (A) containment pressure, (B) containment water level, (C) containment hydrogen concentration, (D) containment radiation intensity (high level), and (E) noble gas effluents. Provide for continuous sampling of plant gaseous effluents for post-accident releases of radioactive iodines and

particulates, and for onsite capability to analyze and measure these samples. (II.F.1)

(xix) Provide instruments that provide an unambiguous indication of inadequate core cooling, such as primary coolant saturation meters in PWR's, coolant level in the reactor vessel, core exit thermocouples, and core coolant flow rate. (II.F.2)

(xx) Provide instrumentation adequate for monitoring plant conditions following an accident that includes core damage. (II.F.3)

(xxi) Provide power supplies for pressurizer relief valves, block valves, and level indicators such that: (A) level indicators are powered from vital buses; (B) motive and control components are designed to safety-grade criteria; and (C) electric power is provided from emergency power sources. (Applicable to PWR's only) (II.G.1)

(xxii) Design auxiliary heat removal systems such that necessary automatic and manual actions can be taken to ensure proper functioning when the main feedwater system is not operable. (Applicable to BWR's only) (II.K.1.2)

(xxiii) Perform a failure modes and effects analysis of the integrated control system (ICS) to include consideration of failures and effects of input and output signals to the ICS. (Applicable to B&W-designed plants only) (II.K.2.9)

(xxiv) Provide a hard-wired safety grade reactor trip that would be actuated on loss of main feedwater and/or on turbine trip. (Applicable to B&W-designed plants only) (II.K.2.10)

(xxv) Provide complete justification for the use of the type of pressure-operated relief valve (supplied by Control Components, Inc.) that failed during hot functional testing at the McGuire plant, if such use is planned. (Applicable to PWR's only) (II.K.3.11)

(xxvi) Provide capability to record, in one location, on recorders that meet normal post-accident recording requirements, reactor vessel water level over the range from the top of the vessel dome to the lowest pressure tap. (Applicable to BWR's only) (II.K.3.23)

(xxvii) Provide a Technical Support Center, an onsite Operational Support Center, and an Emergency Operations Facility. (III.A.1.2)

(xxviii) Design systems outside containment that contain (or might contain radioactive material either during normal operations or following an accident so that exposure to workers and the public is maintained as low as reasonably achievable. (III.D.1.1)

(xxix) Provide for monitoring of inplant radiation and airborne radioactivity as appropriate for a broad range of routine and emergency conditions. (III.D.3.3)

(xxx) Evaluate potential pathways for radioactivity and radiation that may lead to control room habitability problems, and make necessary design provisions to preclude such problems. (III.D.3.4)

(3) To satisfy the following requirements, the application shall provide sufficient information to demonstrate that the requirement has been met. This information is of the type customarily required to satisfy 10 CFR 50.34(a)(1) or to address the applicant's technical qualifications and management structure and competence.

(i) Provide administrative procedures for evaluating operating, design and construction experience and for ensuring that applicable important industry experiences will be provided in a timely manner to those designing and constructing the plant. (I.C.5)

(ii) Ensure that the quality assurance (QA) list required by Criterion II, App. B, 10 CFR Part 50 includes all structures, systems, and components important to safety. (I.F.1)

(iii) Establish a quality assurance (QA) program based on consideration of: (A) ensuring independence of the organization performing checking functions from the organization responsible for performing the functions; (B) performing the entire quality assurance/quality control function at construction sites; (C) including QA personnel in quality-related procedures associated with design, construction, and installation; (D) establishing criteria for determining QA requirements for specific classes of equipment; (E) establishing minimum qualification requirements for QA and QC personnel; (F) sizing the QA staff commensurate with its duties, responsibilities, and importance to safety; (G) establishing procedures for maintenance of "as-built" documentation; and (H) providing a QA role in design and analysis activities. (I.F.2)

(iv) Provide one or more dedicated containment penetrations, equivalent in size to a single 3-foot diameter opening, in order not to preclude future installation of systems to prevent containment failure, such as a filtered vented containment system. (II.B.8)

(v) Provide preliminary design information at a level of detail consistent with that normally required at the construction permit stage of review sufficient to demonstrate that: (II.B.8)

(A) Containment integrity will be maintained (i.e., for steel containments by meeting the requirements of the ASME Boiler and Pressure Vessel Code, Section III, Division 1, Subsubarticle NE-3220, Service Level C Limits, except that evaluation of instability is not required, considering pressure and dead load alone. For concrete containments by meeting the requirements of the ASME Boiler and Pressure Vessel Code, Section III, Division 2, Subsubarticle CC-3720, Factored Load Category, considering pressure and dead load alone)[2] during an accident that releases hydrogen generated from 100% fuel clad metal-water reaction accompanied by either hydrogen burning or the added pressure from post-accident inerting assuming carbon dioxide is the inerting agent, depending upon which option is chose for control of hydrogen. As a minimum, the specific code requirements set forth above appropriate for each type of containment will be met for a combination of dead load and an internal pressure of 45 psig. Modest deviations from these criteria will be considered by the staff, if good cause is shown by an applicant. Systems necessary to ensure containment integrity shall also be demonstrated to perform their function under these conditions.

(B) The containment and associated systems will provide reasonable assurance that uniformly-distributed hydrogen concentrations do not exceed 10% during and following an accident that releases an equivalent amount of hydrogen as would be generated from a 100% fuel clad metal-water reaction, or that the post-accident atmosphere will not support hydrogen combustion.

(C) The facility design will provide reasonable assurance that, based on a 100% fuel clad metal-water reaction, combustible concentrations of hydrogen will not collect in areas where unintended combustion or detonation could cause loss of containment integrity or less of appropriate mitigating features.

(D) If the option chosen for hydrogen control is post-accident inerting: (*1*) Containment structure loadings produced by an inadvertent full inerting (assuming carbon dioxide), but not including seismic or design basis accident loadings will not produce stresses in steel containments in excess of the limits set forth in the ASME Boiler and Pressure Vessel Code, Section III, Division 1, Subsubarticle NE-3220, Service Level A Limits, except that evaluation of instability is not required (for concrete containments the loadings

[2] Approval for the incorporation by reference provisions in Division 2 is being sought from the Director of the Federal Register.

specified above will not produce strains in the containment liner in excess of the limits set forth in the ASME Boiler and Pressure Vessel Code, Section III, Division 2, Subsubarticle CC-3720, Service Load Category).[3] (J) A pressure test, which is required, of the containments, at 1.10 and 1.15 times (for steel and concrete containments, respectively) the pressure calculated to result from carbon dioxide inerting can be safely conducted. (J) Inadvertent full inerting of the containment can be safely accommodated during plant operation.

(E) If the option chosen for hydrogen control is a distributed ignition system, equipment necessary for achieving and maintaining safe shutdown of the plant shall be designed to perform its function during and after being exposed to the environmental conditions created by activation of the distributed ignition system.

(vi) For plant designs with external hydrogen recombiners, provide redundant dedicated containment penetrations so that the recombiner systems can be connected to the containment atmosphere without violating single-failure criteria. (II.E.4.1)

(vii) Provide a description of the management plan for design and construction activities, to include: (A) the organizational and management structure singularly responsible for direction of design and construction of the proposed plant; (B) technical resources directed by the applicant; (C) details of the interaction of design and construction within the applicant's organization and the manner by which the applicant will ensure close integration of the architect engineer and the nuclear steam supply vendor; (D) proposed procedures for handling the transition to operation; (E) the dedgree of top level management oversight and technical control to be exercised by the applicant during design and construction, including the preparation and implementation of procedures necessary to guide the effort. (II.J.3.1)

(Secs. 161b, 161i, Pub. L. 83-703, 68 Stat. 948, 42 U.S.C. 2201; Secs. 201, 204(b)(1), Pub. L. 93-438, 88 Stat. 1242, 1243, 1245, 42 U.S.C. 5841, 5844)

Dated at Washington, D.C., this 18th day of March 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-8733 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

[3] Approval for the incorporation by reference provisions in Division 2 is being sought from the Director of the Federal Register.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-8]

Proposed Alteration of Transition Area, Greenville, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Greenville, South Carolina, Transition Area by lowering the base of controlled airspace in the vicinity of the Donaldson Center Airport from 1200 to 700 feet AGL. A standard instrument approach procedure has been developed for the airport, and additional controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before: April 22, 1981.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlan D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before April 17, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Greenville, South Carolina, Transition Area. This Action will provide controlled airspace protection of IFR operations at the Donaldson Center Airport. The existing Donaldson Center Non-Directional Radio Beacon (non-federal) would support the NDB RWY 4 instrument approach procedure. The operating status of the NDB is being changed from VFR to IFR, and the airport is being changed from private use to public use.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Greenville, South Carolina

"* * * within an 8.5-mile radius of Donaldson Center Airport (lat. 34°45'29" N., long. 82°22'35" W.); within 3 miles each side of the 210° bearing from Donaldson Center RBN (lat. 34°44'35" N., long. 82°23'31" W.), extending from the 8.5-mile radius area to 8.5 miles south of the RBN * * *".

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

The FAA has also determined that this proposed regulation is *not* a major rule under Executive Order 12291 since the action only involves an established body of technical requirements for which frequent and routine

amendments are necessary to keep them operationally current.

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in East Point, Georgia, on February 20, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-8708 Filed 3-20-81; 8:45 am]

BILLING Code 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-6]

Proposed Establishment of 700 Foot Transition Area, Twentynine Palms, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to add a 700 foot transition area for the Twentynine Palms Airport, Twentynine Palms, California, to provide controlled airspace for aircraft executing an instrument approach procedure to the Twentynine Palms Airport utilizing the Twentynine Palms, California VORTAC. The need for the transition area will be created when VOR instrument approach procedure is established for the airport.

DATES: Comments must be received on or before April 22, 1981.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261: telephone (213) 536-6270.

FOR FURTHER INFORMATION: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261: telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. All communications received on or before March 26, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulvard, Lawndale, California, 90261, of by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NURMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot transition area. This action will provide controlled airspace protection for IFR operations at the Twentynine Palms Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

§ 71.181 Twentynine Palms, California [Amended]

Preceding "That airspace extending upward from 1200 feet . . ." insert "That airspace extending upward from 700 feet above the surface within a 4-mile radius of Twentynine Palms Airport (latitude 34°07'46"N, longitude 115°56'22"W) and within 4 miles each side of the Twentynine Palms VORTAC 279°T (265°M) radials extending from the 4-mile radius area to the VORTAC, and * * *"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate. The FAA has also determined that this proposed regulation is *not* a major rule under Executive Order 12291 and under the criteria of the Regulatory Flexibility act that this rule, at promulgation, will not have a significant impact on a substantial number of small entities since the action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current.

Issued in Los Angeles, California on February 9, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-8707 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 204

Danger Zone, Isle of Oahu, Hawaii

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: The Department of the Army is establishing danger zone regulations in navigable waters of the United States at the Marine Corps Air Station (MCAS) Kaneohe Bay, Island of Oahu, Hawaii. The danger zone is needed to outline the affected area and provide formal notice of potential hazards due to ricochet rounds and accidental firing from the existing Ulupau Crater Weapons Training Range at the MCAS.

DATE: Comments must be received on or before 30 April 1981.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley T. Arakaki at (808) 438-9258 or Mr. Ralph T. Eppard at (202) 272-0199.

SUPPLEMENTARY INFORMATION: The Commanding Officer, Marine Corps Air Station Kaneohe Bay, Hawaii has requested that danger zone regulations be established to designate an area considered unsafe for boaters when firing is in progress and provide formal notice of potential hazards associated with the existing tactical weapons training range in Ulupau Crater. Tactical

military weapons are fired at fixed targets within Ulupau Crater; however, ricochet rounds and accidental firings have occasionally impacted in the adjacent waters. There have never been any injuries or damages, but two near misses have been reported in the past 18 months. Both incidents occurred within the existing 500 yard wide prohibited area contiguous to the shoreline of Mokapu Peninsula, but it is considered to be in the best interest of the general public and the Marine Corps to provide formal notice of these potential hazards.

These danger zone regulations allow unrestricted use of the area, except during hazardous weapons (machine guns) firing which would occur about two times a month, on non-consecutive weekdays for about 8 hours per day. Specific dates and hours for weapons firing and information on onshore warning signals will be published in the Coast Guard's Local Notice to Mariners and can also be obtained by calling the MCAS Officer in Charge of the Range Training Facility (telephone no. 257–2067).

For the reasons stated above, the Corps of Engineers proposes to add 33 CFR 204.224c as set forth below.

§ 204.224c Marine Corps Air Station, (MCAS) Kaneohe Bay, Island of Oahu, Hawaii—Ulupau Crater Weapons Training Range Danger Zone.

(a) *The Danger Zone.* The waters within a section extending seaward a distance of 3,900 yards between radial lines bearing 350° true and 61° true, respectively, from a point on Mokapu Peninsula at latitude 21°27'17"N, longitude 157°43'51"W, exclusive of the existing 500 yard wide prohibited area. The interface between the existing 500 yard prohibited area and this danger zone is defined by three points having the following coordinates:

Point A: Latitude 21°27'50"N Longitude 157°43'56"W
Point B: Latitude 21°27'52"N Longitude 157°43'02"W
Point C: Latitude 21°27'38"N Longitude 157°43'12"W

(b) *The Regulations.* (1) Weapons firing at the Ulupau Crater Weapons Training Range may occur at any time betwen 6:00 a.m. and 11:00 p.m., Monday through Friday, and between 6:00 a.m. and 6:00 p.m., Saturday and/or Sunday, when required. Specific dates and hours for weapons firing, along with information regarding onshore warning signals, will be promulgated by the U.S. Coast Guard's Local Notice to Mariners. Information on weapons firing schedules may also be obtained by calling the Officer in Charge of the Range Training Facility, Headquarters and Headquarters Squadron MCAS (telephone no. 257–2067).

(2) Whenever hazardous weapons (machine guns) firing is scheduled and in progress during daylight hours, two large red triangular warning pennants will be flown at each of two highly visible and widely separated locations on the shore at Ulupau Crater.

(3) Whenever tactical weapons (exclusive of machine guns) firing is scheduled and in progress during daylight hours, a single large red rectangular warning flag will be flown at the two separate locations on the shore.

(4) Whenever any weapons firing is scheduled and in progress during periods of darkness, flashing red warning beacons will be displayed on the shore at Ulupau Crater.

(5) Boaters will have complete access to the proposed danger zone whenever there is no weapons firing scheduled, which will be indicated by the absence of any warning flags, pennants, or beacons displayed ashore.

(6) The danger zone is not considered safe for boaters whenever hazardous weapons (machine guns) firing is in progress. Hazardous weapons firing will usually be scheduled approximately twice per month, on non-consecutive weekdays, for about eight hours on each occasion. Boaters shall expeditiously vacate the danger zone at best speed and by the most direct route whenever hazardous weapons firing is scheduled. Passage of vessels through the danger zone when hazardous weapons firing is in progress will be permitted, but boaters shall proceed directly through the area at best speed. Hazardous weapons firing will be suspended as long as there is a vessel in the danger zone. Whenever a boater disregards the publicized warning signals that hazardous weapons firing is scheduled, the boater will be personally requested to expeditiously vacate the danger zone by MCAS Kaneohe Bay military personnel utilizing a bull-horn from either a Marine helicopter or Navy crash boat.

(7) The danger zone may be occupied for extended periods and with caution at individual risk whenever tactical weapons (exclusive of machine guns) firing is scheduled and in progress because of the remote possibility of a rifle round from an accidental discharge impacting outside the limits of the existing prohibited ares.

(8) Observation posts will be manned whenever any weapons firing is scheduled and in progress. Visibility will be sufficient to maintain visual surveillance of the entire danger zone and for an additional distance of 5 miles in all directions whenever weapons firing is in progress.

(c) *The Enforcing Agency.* The foregoing regulations shall be enforced by the Commanding Officer, MCAS Kaneohe Bay and such agencies as he/she may designate.

(33 U.S.C. 1a3)

Note.—The Chief of Engineers has determined that this proposed rule is exempt from the general requirements of EO 12291 in accordance with the exception provided military functions. The Chief of Engineers has also determined that these regulations would not have a significant economic impact on a substantial number of small entities, as required by Pub. L. 96–354.

Dated: March 5, 1981.

John J. Quinn, Jr.,

Deputy Executive Director, Engineer Staff.

[FR Doc. 81-8715 Filed 3-20-81; 8:45 am]
BILLING CODE 3710-08-M

VETERANS ADMINISTRATION

38 CFR Part 17

Medical School and Health Manpower Assistance

AGENCY: Veterans Administration.

ACTION: Proposed rules.

SUMMARY: The Veterans Administration is proposing to amend its Medical School and Health Manpower Assistance regulations to implement two laws, the Veterans Health Programs Extension and Improvement Act of 1979, and the Veterans Administration Health Care Amendments of 1980. These laws (1) remove authority of the Administrator to enter into agreements supporting new State Medical Schools, (2) delete the requirement for enrollment increases in Medical School and Other Health Manpower Training Institution classes, and (3) extend the appropriations authorization to Fiscal Year 1982. In addition, the Veterans Administration proposes to remove the 7-year limitation for program periods of grants to Medical Schools and Other Health Manpower Training Institutions. This action would provide an easier terminal transition period for the grantee institution, and permit a smoother shift from Federal funding cycles to academic year funding cycles, particularly in this time of severe inflationary impact on higher education budgets.

DATE: Comments must be received on or before April 22, 1981. It is proposed to make these changes effective the date of final approval.

ADDRESS: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposal to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only at the Veterans Administration Central Office, Veterans Services Unit in room 132 of the above address between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until May 5, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Chester W. DeLong, (202) 389-3072.

SUPPLEMENTARY INFORMATION: The Agency Head has determined that this proposed revision to VA regulations is non-major in accordance with the requirements of Executive Order 12291 on Federal Regulation. It has also been determined, as required by the Regulatory Flexibility Act (Pub. L. 96-354), that this revision poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local government.

Approved: March 9, 1981.

Rufus H. Wilson,

Acting Administrator.

38 CFR Part 17 is amended as follows:

Grants and Assistance for Development, Expansion and Improvement of Medical and Allied Health Education

1. Section 17.400 is amended by adding four new citations after "Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972" so that the revised section reads as follows:

§ 17.400 Purpose and scope of the program.

The provisions of §§ 17.400 through 17.416 are applicable to a program of grants and other forms of assistance under the "Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972" as amended by the Veterans Omnibus Health Care Act of 1976 (Pub. L. 94-581), the Veterans Administration Programs Extension Act of 1978 (Pub. L. 95-520), the Veterans Health Programs Extension and Improvement Act of 1979 (Pub. L. 96-151), and the Veterans Administration Health Care Amendments of 1980 (Pub. L. 96-330) (38 U.S.C. Chapter 82). This Act authorizes the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans Administration; to develop cooperative arrangements between institutions of higher education, hospitals, and other nonprofit health service institutions affiliated with the Veterans Administration to coordinate, improve, and expand the training of professional and allied health and paramedical personnel; to develop and evaluate new health careers, interdisciplinary approaches and career advancement opportunities; to improve and expand allied and other health manpower utilization; and for other purposes.

2. In § 17.402, paragraph (c), paragraphs (f) (1), (2), and (3), and (g)(1) are revised to read as follows:

§ 17.402 Definitions.

For the purpose of §§ 17.400 through 17.416 the term:

* * * * *

(c) "Program period" means the time for which the grant assistance has been approved as specified in the agreement or grant document.

* * * * *

(f) For the purposes of 38 U.S.C. 5071-5074: (1) "Colleges" means nonprofit institutions of higher learning, which are primarily supported by the State, and are authorized to offer, and are offering, a formal program of college level studies leading to the baccalaureate degree and are accredited or approved by an accrediting body or bodies recognized for such purposes by the Secretary of the Department of Education.

(2) "Universities" means educational institutions, which are primarily supported by the State; which are comprised of one or more undergraduate colleges or professional schools, each appropriately accredited or approved by an accrediting body or bodies recognized for such purposes by the Secretary of the Department of Education; and which are authorized to confer degrees.

(3) "Medical school" means a nonprofit school of medicine or osteopathy which provides a complete course of study which culminates in a degree of doctor of medicine or doctor of osteopathy; and with regard to which there has been a finding made of reasonable assurance that such a school can proceed to full accreditation as determined by the body or bodies recognized for such purposes by the Secretary of the Department of Education.

* * * * *

(g) For the purposes of 38 U.S.C. 5081-5083: (1) "Medical school" means a nonprofit school of medicine or osteopathy which provides a course of study of not less than 2 years, which forms a part or whole of the necessary requirements leading to a degree of doctor of medicine or doctor of osteopathy, and which has been reviewed and accredited for its stage of development by an appropriate accrediting agency recognized for such purpose by the Secretary of the Department of Education.

* * * * *

3. In § 17.403, paragraph (a)(3) is amended by changing the words "he may require" to read "as may be required" so the revised material reads as follows:

§ 17.403 Eligibility.

(a) To be eligible to receive assistance under 38 U.S.C. 5071-5074, the applicant must:

* * * * *

(3) Furnish the Administrator with such evidence as may be required that the college or university has prepared and presented a plan for the proposed new school of medicine or osteopathy; and that in a letter dated not earlier than October 24, 1972, has received reasonable assurance of accreditation of the new school as defined in § 17.402(f)(3).

* * * * *

4. In § 17.405, the introductory portions of (a)(1), (b)(1) and (c)(1) and paragraphs (a)(2) (ii) and (iii), (b)(2) and (c)(2) have been amended by changing the word "his" to "the Administrator's" wherever it appears and new paragraph (a)(4) has been added. In paragraph (b)(1)(iii) the words "including the accomplishment of the increased enrollment of full-time students" have been removed. In paragraph (c)(1)(iii) the words "including the increase in enrollment of students," have been removed and the title of the Commissioner of Education for the Department of Health, Education and Welfare has been revised. In paragraph (d)(1) the words "(not to exceed 7 years.)" have been removed. The revised and added material reads as follows:

§ 17.405 Agreements and grant awards.

(a) For the purposes of 38 U.S.C. 5071-5074: (1) Within the limits of funds available each year for such purposes, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may enter into, or continue with, agreements to provide assistance to a total of not more than eight applicants whose proposals in the Administrator's

judgment best achieve the purposes of 38 U.S.C. 5071, taking into consideration:

* * * * *

(2) The terms of any agreement and the amount of any funds to be awarded shall be determined by the Administrator on the basis of:

* * * * *

(ii) The Administrator's estimate of the sums necessary to accomplish the adequate extension, alteration, remodeling, improvement, or repair of the building or structures to be leased; and to adequately equip such buildings or structures for the purposes proposed; and

(iii) The Administrator's estimate to the amounts necessary to assist in the payment of the cost of the salaries of faculty, the proportion will not exceed 90 percent of the salaries for the first year of operation, and a like percentage for the second and third years; 80 percent for the fourth year; 70 percent for the fifth year; 60 percent for the sixth year; and 50 percent for the seventh year.

* * * * *

(4) Notwithstanding any other provision concerning this program set forth in §§ 17.400 through 17.416, the Administrator may not enter into any agreement under Subchapter I of Chapter 82, Title 38, United States Code, after September 30, 1979. This is not to be interpreted as interfering with the continued administration of existing agreements under Subchapter I.

(b) For the purposes of 38 U.S.C. 5081–5083: (1) Within the limits of funds available for such purposes, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may award grants and other assistance to those applicants whose projects or programs will in the Administrator's judgment best promote the purposes of 38 U.S.C. 5061, taking into consideration:

* * * * *

(iii) The capability of the applicant to carry out the proposed program or project, without threat to its accreditation as required in § 17.402(g)(1);

* * * * *

(2) The amount of any award shall be determined by the Administrator on the basis of the Administrator's estimate of the sum necessary for the cost of the applicant's approved program or project.

(c) For the purposes of 38 U.S.C. 5091–5093: (1) Within the limits of funds available for such purpose, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may award grants to those applicants whose projects or programs will in the Administrator's judgment best promote the purposes of 38 U.S.C. 5091, taking into consideration:

* * * * *

(iii) The capability of the applicant to carry out the proposed program or project under circumstances which will not compromise the quality of education at the institution nor jeopardize the accreditation of the training program by the appropriate body or bodies recognized for such purposes by the Secretary of the Department of Education.

* * * * *

(2) The amount of any award shall be determined by the Administrator on the basis of the Administrator's estimate of the sum necessary for the cost of the applicant's approved program or project.

(d) For the purposes of any grant program of 38 U.S.C. Chapter 82: (1) All grant awards shall be in writing, shall set forth the total amount of assistance awarded and the total period for which it will be available for obligation by the grantee.

* * * * *

5. In § 17.407, paragraph (b) is amended by changing the word "and" which appears after the word "expansion" to "or", and by replacing the words "to increase the production" with "in the training" so that the revised paragraph reads as follows:

§ 17.407 Expenditure of grant funds.

* * * * *

(b) For the purposes of 38 U.S.C. 5081–5083, any funds granted shall be expended solely for the expansion or improvement of the training capacities of medical schools affiliated with the Veterans Administration and to permit such schools to cooperate with other public and nonprofit institutions of higher learning, hospitals and other health manpower institutions affiliated with the Veterans Administration in the training of professional and other health personnel in accordance with the applicable provisions of 38 U.S.C. Chapter 82, §§ 17.400 through 17.416, and the terms and conditions of the grant award.

* * * * *

6. In § 17.408, paragraph (a) is amended by updating the title of the Department of Health, Education and Welfare so that the revised paragraph reads as follows:

§ 17.408 Nondiscrimination.

(a) Grants made under 38 U.S.C. Chapter 82 shall be subject to Title IX of the "Education Amendments Act of 1972" (effective July 1, 1972) and regulations promulgated by the Department of Education. Such title prohibits sex discrimination in all federally assisted education programs.

* * * * *

7. In § 17.410, paragraph (c) is amended by adding the word "revised," after the words "No. A–87" so that the revised paragraph reads as follows:

§ 17.410 Accountability.

* * * * *

(c) For the purposes of 38 U.S.C. 5061–5083 and 5091–5093, indirect costs may be computed on a percentage basis or on the basis of a negotiated lump-sum allowance in accordance with the principles set forth in the Office of Management and Budget Circulars No. A–88, No. A–87 revised, and No. A–21. In the method of computation used, only indirect costs shall be included which bear a reasonable relationship to the program funded by the grant and shall not exceed a percentage greater than the total institutional indirect cost is of the total direct salaries and wages paid by the institution.

8. Sections 17.412, 17.413, and paragraph (a) of § 17.414 are amended by replacing the word "his" with the words "the Administrator's" wherever it appears. The revised sections read as follows:

§ 17.412 Additional conditions.

The Administrator may with respect to any grant award impose additional conditions prior to or at the time of any award when in the Administrator's judgment such conditions are necessary to assure or protect advancement of the grant purposes, the interest of the Veterans Adminstration or the conservation of grant funds. All construction, and alterations of buildings and structures, related to the award of a grant or other assistance will be subject to section 102(2)(C) of the National Environmental Policy Act.

§ 17.413 Early termination and withholding of payments.

Whenever the Administrator finds that a grantee has failed in a material respect to comply with the applicable provisions of 38 U.S.C. Chapter 82, §§ 17.400 through 17.416, or the terms of the grant, the Administrator may, on reasonable notice to the grantee withhold further payments and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of 38 U.S.C. Chapter 82 and §§ 17.400 through 17.416. Non-cancellable obligations of the grantee properly

incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 17.414 Recapture provision.

(a) If the Administrator determines that any school established with assistance under §§ 17.400 through 17.416

(1) Is not accredited and fails to gain appropriate accreditation within a reasonable period of time;

(2) Is accredited but fails substantially to carry out the terms of the agreement entered into under 38 U.S.C. Chapter 82; or

(3) Is no longer operated for the purpose for which such assistance was granted,

the Administrator shall be entitled to recover from the recipient of assistance the facilities of such school which were established with assistance under §§ 17.400 through 17.416. In order to recover such facilities the Administrator may bring an action in the district court of the United States for the district in which such facilities are situated.

(38 U.S.C. 210(c))

[FR Doc. 81-8606 Filed 3-20-81; 8:45 am]

BILLING CODE 8220-01-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Rates to Kuwait

AGENCY: Postal Service.

ACTION: Proposed international express mail rates to Kuwait.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service proposes to begin International Express Mail Service with Kuwait at rates indicated in the table below. The proposed rates are scheduled to become effective on May 1, 1981.

DATE: Comments must be received on or before April 22, 1981.

ADDRESS: Written comments should be directed to the General Manager, Rate Resource Division, Rates and Classification Department, U.S. Postal Service, Washington, DC 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday in Room 8606, 475 L'Enfant Plaza, West, SW, Washington, DC 20260.

FOR FURTHER INFORMATION CONTACT: Martin R. Anker (202) 245-4418.

SUPPLEMENTARY INFORMATION: Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments and the Postal Service is exempted by 39 U.S.C. 410(a) from the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 533), the Postal Service invites interested persons to submit written data, views, or arguments concerning the proposed rates of postage for International Express Mail set out in the following table (designated Table 18 for inclusion as a separate country entry in the International Mail Manual, incorporated by reference 39 CFR 10.1).

In consideration of the foregoing, the Postal Service proposes to add Table 18 to the International Mail Manual to read as follows:

(39 U.S.C. 401, 403, 404(2), 407, 410(a), Universal Postal Convention, Lausanne, 1974, TIAS No. 8231, Art. 6)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Table 18.—*Kuwait—International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
1	$26.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 81-8736 Filed 3-20-81; 8:48 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 264

[SWH-FRL 1764-5]

Incinerator Standards for Owners and Operators of Hazardous Waste Management Facilities; Seminar Discussion

AGENCY: Environmental Protection Agency.

ACTION: Notice of technical panel discussion.

SUMMARY: This notice announces a meeting to obtain comments and advice from knowledgeable experts on the proposed additions to Regulations under RCRA, 40 CFR Part 264 Subpart O Incineration, proposed in the Federal Register January 23, 1981 [46 FR 7664]. Also, EPA is seeking comments on the potential approaches to regulation of the combustion of hazardous wastes in boilers and other high temperature combustion processes.

DATES: The discussion panels are scheduled for April 21, 1981, and April 22, 1981.

ADDRESS: Environmental Protection Agency, Industrial Environmental Research Laboratory, Auditorium, 26 West St. Clair Street, Cincinnati, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert Olexsey, Incineration Research Branch, 26 West St. Clair Street, Cincinnati, Ohio, 45268, (513) 684-4417.

SUPPLEMENTARY INFORMATION: This meeting will be a series of group discussions and group work shops designed to obtain the technical community's reactions to the January 23, 1981 proposed incinerator performance standards. This meeting will encourage interchange and discussion between knowledgeable members of the scientific and technical community and EPA officials beyond that possible in the formal public hearing process.

The panels will also discuss the desirability of developing regulations for the burning of hazardous wastes in power boilers and industrial processes under either RCRA or the Clean Air Act. This practice is currently not regulated under the hazardous waste provisions of RCRA. The Agency is concerned that this practice, while being encouraged in order to recover energy resources, may also have an adverse impact on human health and the environment.

EPA is inviting selected technical experts and others known to be interested in these regulations. Other parties wishing to participate on these

panels should send a written summary of their proposed contributions to Robert Olexsey (address above). These descriptions should be received before April 14, 1981. The Agency may limit the participation in the work shop sessions to allow for meaningful interchange in small groups.

Dated: March 17, 1981.

Alfred W. Lindsey,

Acting Director, Hazardous and Industrial Waste Division.

[FR Doc. 81-8782 Filed 3-20-81; 8:45 am]

BILLING CODE 6560-20-M

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40 CFR Parts 408

[WH-FRL 1784-3]

Canned and Preserved Seafood Processing Point; Source Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extention of comment period and notice of availability of additional supporting information.

SUMMARY: On January 9, 1981, EPA published in the Federal Register a proposed response to a petition for modification and amendment of regulations governing wastewater discharges from certain seafood processors located in Alaska (46 FR 2544). The comment period was scheduled to expire March 10, 1981. The purpose of this notice is to extend until May 11, 1981, the period for comment on all aspects of the proposed response to petition for modification and amendment of regulations.

DATE: Comments on the proposed response to petition and amendments to BPT regulations for the "non-remote" Alaskan subcategories of the seafood processing industry must be submitted to EPA by May 11, 1981.

ADDRESS: Send comments in triplicate to: Mr. Daniel S. Lent, Effluent Guidelines Division, (WH-552), Environmental Protection Agency, 401 M St., S.W. Washington, D.C. 20460, Attention: EGD Docket Clerk—Seafood Processing Industry.

The supporting information and all public comments submitted in response to this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (rear) PM-213 (EPA Library), 401 M St. S.W., Washington, D.C. 20460; EPA Region X, 1200 6th Avenue, Seattle, Washington 98101; and the EPA Alaska Operations Office, 701 "E" Street, Anchorage, Alaska. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel S. Lent at (202) 426-2707.

SUPPLEMENTARY INFORMATION: On January 9, 1981, EPA proposed a response to a petition for modification and amendment of regulations for portions of the Canned and Preserved Seafood Processing Industry (46 FR 2544). More specifically, the proposed regulation amended effluent limitations based on the best practicable control technology currently available (BPT) for the "non-remote" Alaskan subcategories of the seafood industry. Comments on the proposal were to be submitted on or before March 10, 1981. Attorneys for the industry have requested a 60 day extension of the comment period, until May 11, 1981. EPA has decided to extend the period for comment on all technical and economic aspects of the proposed response to petition and amendment of BPT regulations until May 11, 1981. Interested persons should be aware that subsequent to January 9, 1981, the Agency placed additional supporting information in the EPA Public Information Reference Unit, Washington, D.C., EPA Region X, and the EPA Alaska Operations Office. This information and the dates made available are listed below:

(1) *Market Feasibility Study of Seafood Waste Reduction in Alaska,* July 1980—3/2/81

(2) *Market Feasibility Study of Seafood Waste Reduction in Alaska,* November 1980—3/2/81

(3) Telephone Memo on Fish Hatchery Program dated 2/25/81—3/2/81

(4) Memo on Current Seafood Waste Recovery Systems Planned or Under Review in Alaska dated 12/11/80—3/2/81

(5) Telephone Memo on Waste Trucking Costs dated 5/14/80—3/13/81

In view of industry's familiarity with the pertinent issues from prior contacts with EPA, we believe that these actions will provide the petitioning seafood processors and other interested parties with sufficient opportunity to comment on the proposed response to petition and amendment of regulations.

Dated: March 17, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-8784 Filed 3-20-81; 8:45 am]

BILLING CODE 6560-20-M

LEGAL SERVICES CORPORATION

45 CFR Part 1624

Comprehensive Civil Rights Regulations

AGENCY: Legal Services Corporation.

ACTION: Proposed rules.

SUMMARY: This regulation is intended to be a comprehensive statement of all grant and contract related civil rights obligations of Corporation recipients in both the delivery of services and in their employment practices. The present Part 1624 would be incorporated into the proposed civil rights regulation. This regulation would now include the Corporation's 504 regulations, present part 1624, as well as all of the other civil rights obligations of Corporation fund recipients.

DATE: Comments due April 22, 1981.

ADDRESS: Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Linda Hanten, 202-272-4010.

SUPPLEMENTARY INFORMATION: While the proposed regulation seeks to guarantee the civil rights of a number of groups distinctions are made among the protected groups in the treatment required. For example, recipents are required to take affirmative action as to the employment of women and minorities and not as to the employment of members of other groups protected by the regulation. The regulation requires affirmative action to be taken only as to women and minorities because they are the groups traditionally given such protection. These groups have been afforded such protection because they, unlike the other groups protected by this part, historically have been unable to remedy discrimination against them through the political process.

An additional distinction made among the protected groups by the regulation is the provision of "special" services to persons with communication problems, e.g., language minorities, the hearing impaired and the blind. These services are provided because without them legal services would not be available to members of these groups. Additionally, Section 1006(b)(6) of the Act requires the Corporation to provide that the language of non-English speakers be used in the provision of services where they constitute a signficant number of the client population.

As used in this part, minority language groups are defined as Asians, Native Americans, Alaskan Natives and persons of Spanish origin. This is the definition used in the Voting Rights Act, 42 U.S.C. 1973aa, which requires elections to be conducted in the appropriate minority language(s) as well as in English in political jurisdictions where members of a minority language group make up five or more percent of the population. This definition is used here, as it was in the Voting Rights Act,

because these groups and their number can be determined from census data. There is presently no nation or region-wide data base which can be used to identify persons who do not speak English or persons from other linguistic groups not listed in this definition. The use of this definition is not intended to preclude programs from offering services in other minority languages when the program has the desire to do so or the ability to make a reasonable determination that more than five percent of the residents of its service area belong to another linguistic group.

The Civil Rights Regulation, in particular the provisions governing anti-discrimination, is not intended to prevent the adoption of priorities which by their nature would have the effect of foreclosing services to one or more of the protected classes. The statute, 42 U.S.C. 2996f, clearly requires that there be priority-setting at the local level. The Civil Rights Regulation merely defines what purpose (discrimination against one of the protected classes) may not serve as a basis for establishing priorities.

For example, if a program picks Supplemental Security Income but not Aid to Families with Dependent Children practice as a priority, the fact that a particular age group, young adults, is not represented in connection with AFDC claims or that the program services primarily seniors does not itself create a prima facie case of discrimination. It merely reflects that the program has established priorities which, when complied with, result in the program serving clients in a particular age group. However, a program may not use the priority-setting process as a justification for failing to serve a particular protected group. The Corporation will monitor those programs having the greatest disparity in the delivery of legal services on any prohibited basis.

It is proposed to revise Part 1624 to read as follows:

PART 1624—COMPREHENSIVE CIVIL RIGHTS REGULATIONS

Subpart A—General

Sec.
1624.1 Purpose.
1624.2 Applicability.
1624.3 Definitions.

Subpart B—Discrimination

1624.4 General.
1624.5 Discrimination prohibited—in the provision of legal services.
1624.6 Discrimination prohibited—employment practices.

Subpart C—Required Recipient Civil Rights Program

1624.7 Assurance.
1624.8 Data and information requirements.
1624.9 Required recipient civil rights program—delivery of services.
1624.10 Required recipient civil rights program—employment.

Subpart D—Conduct of Investigation and Review

1624.11 Monitoring.
1624.12 Complaint process.

Subpart E—Procedure for Effecting Compliance

1624.12 Remedies.

Authority: Secs. 1005(b)(2), 1006(a), (b)(1)(A) and (b)(6) of the Legal Services Corporation Act, (42 U.S.C. 2996d(b)(2), 2996e(a), (b)(1)(A) and (b)(6)).

The proposed Regulation is as follows:

Subpart A—General

§ 1624.1 Purpose.

The purpose of this part is to prevent discrimination by legal services programs supported in whole or in part by Legal Services Corporation funds in the delivery of services or in employment on the basis of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation. Further, it is the purpose of this part to assist such programs in establishing policies and procedures to ensure equal opportunity in the delivery of services and employment and affirmative action in employment to end the underutilization of certain protected groups in their work forces. This part is adopted in accordance with Secs. 1005(b)(2), 1006(a), 1006(b)(1)(A), 1006(b)(6) of the Legal Services Corporation Act; 42 U.S.C. 2996d(b)(2), 2996e(a), 2996e(b)(1)(A), 2996e(b)(6).

§ 1624.2 Applicability.

This part applies to all recipients of Legal Services Corporation funds.

§ 1624.3 Definitions.

As used in this part, the term:

(a) "Protected Groups" means those groups which have been historically subjected to discrimination on the basis of race, color, national origin, sex, religion, or sexual orientation;

(b) "Affirmative Action" means specific steps, in recruiting, hiring, promotion and other areas, which are taken for the specific purpose of eliminating the present effects of past discrimination;

(C) "Goals" means projected levels of achievement arrived at through analysis of employment utilization patterns and consideration of what may reasonably be done to remedy any apparent underutilization given labor force participation and unemployment rates of minorities and women in the labor market area and the expected rate of turnover and the projected number of new positions in the employer's work force;

(d) "Underutilization" means having fewer minorities and/or women in the particular job category than would reasonably be expected given their availability in the relevant labor market area, or employing persons in jobs that do not adequately use their skills, training or capabilities;

(e) "Relevant labor market area" means the area from which an employer can reasonably expect to recruit or draw applicants for positions in a given job category;

(f) "Delivery of services" means providing or making legal services available to eligible clients of a recipient's service area;

(g) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real property or interest in such property;

(h)(1) "Handicapped person" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment;

(2) As used in subparagraph (1) the phrase:

(i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; digestive; genitourinary, hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The phrase includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebal palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism;

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working;

(iii) "Has record of such impairment" means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities;

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but is treated by a legal services

program as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairments; or (C) has none of the impairments defined in paragraph (c)(2)(i) of this section but is treated by a recipient as having such an impairment;

(i) "Qualified handicapped person" means: (1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question; (2) with respect to other services, a handicapped person who meets the eligibility requirements for the receipt of such services from the recipient;

(j) "Employment test or criteria" means any performance measure used as a basis for an employment decision including all formal, scored, quantified or standardized techniques used to assess the suitability of an applicant for a particular job;

(k) "Minority language group" means persons who are American Indian, Asian American, Alaskan Native or of Spanish heritage;

(l) "Labor force characteristics" means the demographic, racial, ethnic, sex and educational characteristics of the population of an employer's relevant labor market area or areas; and

(m) "Terms, conditions and privileges of employment" means all aspects of the employment relationship including compensation, fringe benefits, physical environment, work-related rules, work assignments, training and education and opportunities to serve on committees and decision making bodies.

Subpart B—Discrimination

§ 1624.1 General.

No person shall be subjected by a recipient to discrimination in the provision of services, treatment, or employment practices on the basis of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation.

§ 1624.5 Discrimination prohibited—in the provision of legal services.

(a) No recipient to which this part applies shall directly or through contractual or other arrangements discriminate against an individual in the provision of services on the grounds of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation.

(b)(1) A recipient, in determining the type of services, aid or benefits which will be provided, or the manner in which such services, aid or benefits shall be offered, may not directly or through contractual or other arrangements, utilize criteria or methods of administration with the purpose of subjecting individuals to discrimination on the basis of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation or which have the effect of substantially impairing accomplishment of the objectives of the program with respect to individuals on one of the bases outlined above.

(2)(i) An individual shall not be deemed subjected to discrimination if refused services by a recipient because his/her legal problem does not come within the recipient's priorities established pursuant to § 1620. Further, an individual shall not be deemed subject to discrimination by reasons of his/her exclusion from the benefits of a program limited by Federal law to individuals with a handicap or race, color, sex, national origin, or age group, not his/her own or from the benefits of a program specifically designed to address legal issues concerning a particular status not shared by the individual.

(ii) A recipient shall not be deemed to have discriminated in determining the site or location of facilities, unless selection was made with the purpose of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program on the grounds of race, color, sex, religion, national origin, political affiliation, sexual orientation, age or handicap or with the purpose of substantially impairing the accomplishment of the objectives of this part.

(c) A recipient shall conduct its programs and activities so that, when viewed in their entirety, they are readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons, or require a recipient to make structural changes in existing facilities when other methods are effective in achieving compliance. In choosing among available methods for meeting the requirements of this paragraph, a recipient shall give priority to those methods that offer legal services to handicapped persons in the most integrated setting appropriate.

(d) A recipient shall, to the maximum extent feasible, insure that new facilities it rents or purchases are accessible to handicapped persons. Prior to entering into any lease or contract for the purchase of a building, a recipient shall submit a statement to the regional office or other appropriate Corporation official certifying that the facilities covered by the lease or contract will be accessible to handicapped persons, or if the facilities will not be accessible, a detailed description of the efforts the program made to obtain accessible space, the reasons why the inaccessible facility was nevertheless selected, and the specific steps that will be taken by the recipient to insure that its services are accessible to handicapped persons who would otherwise use that facility. After a statement certifying facility accessibility has been submitted, additional statements need not be resubmitted with respect to the same facility, unless substantial changes have been made in the facility that affect its accessibility.

(e) A recipient shall ensure that new facilities designed or constructed for it are readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to make the altered facilities readily accessible to and usable by handicapped persons.

§ 1624.6 Discrimination prohibited—employment practices.

(a) No recipient to which this part applies shall directly or through contractual or other arrangements subject any person to discrimination in employment on the grounds of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation.

(b) A recipient shall make all decisions concerning employment in a manner insuring that discrimination on the basis of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation does not occur in the terms, conditions or privileges of employment.

(c) A recipient may not participate in any contractual or other relationship with persons, agencies, organizations or other entities, such as, but not limited to, employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the recipient, and organizations providing training and apprenticeship programs, if the practices of such person, agency, organization or other entity have the effect of subjecting qualified applicants or employees to discrimination on any of the bases enumerated in this subpart.

(d) A recipient program shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the

accommodation would impose an undue hardship on the operation of the program.

(1) For purposes of this paragraph (d), reasonable accommodation may include (i) making facilities used by employees readily accessible to and usable by handicapped persons, and (ii) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

(2) In determining whether an accommodation would impose an undue hardship on the operation of a recipient, factors to be considered include, but are not limited to, the overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget, and the nature and costs of the accommodation needed.

(3) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is a need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

(e) A recipient may not use employment tests or criteria that discriminate against handicapped persons, and shall insure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual or speaking skills.

(f) A recipient may not conduct a pre-employment medical examination or make a pre-employment inquiry as to whether an applicant is a handicapped person or as to the nature or severity of a handicap except where the examination or inquiry is related to an essential job function.

(g) A recipient shall post a notice in a prominent place in each of its offices stating that it does not discriminate on any of the bases enumerated in this subpart.

(h) Any recruitment materials published or used by a recipient shall include a statement that the recipient does not discriminate.

Subpart C—Required Recipient Civil Rights Program

§ 1624.7 Assurance.

(a) Every application for financial assistance submitted under the Legal Services Corporation Act shall contain the assurance that the program will comply with this part.

§ 1624.8 Data and information requirements.

(a) Each recipient shall collect, maintain and, upon request of the Corporation, submit the information set forth in this subpart. All information set forth in this subpart shall be collected unless the Director of the Corporation's Office of Equal Opportunity or his/her designee grants a written exemption to any information requirement for good cause shown by the recipient.

(b) Each recipient shall collect and maintain the following information:

(1) All information required by the Corporation in its instructions to recipients titled Application for Refunding;

(2) Data regarding employment including: (i) the number, race, sex and national origin of applicants for employment; (ii) relevant work force availability data by race, sex and national origin; (iii) staff composition by race, sex and national origin; (iv) the use or planned use of bilingual staff to provide equal access to legal services for members of minority language groups and (v) documentation of all recruitment efforts made in filling program vacancies; and

(3) A log of complaints under this part identifying the nature of the complaint, the date the complaint was filed, the date the recipient's investigation was completed and the disposition and date of the disposition.

(c) Each recipient shall permit access by the Corporation during normal business hours to its books, records, accounts, and other sources of information as may be pertinent to ascertain compliance with this part, except where such information would violate client confidentiality.

§ 1624.9 Required recipient civil rights program—delivery of services.

(a) Recipients shall provide equal access to legal services to eligible clients regardless of race, religion, color, sex, age, national origin, handicap, political affiliation or sexual orientation and shall adopt:

(1) a written policy of equal access to services and equal employment opportunity and

(2) a written procedure for the uniform handling of complaints of discrimination approved by the Regional Office or Research Institute.

(b) A recipient shall designate a person to be responsible for monitoring each aspect of its civil rights program and an employee to assist persons alleging discrimination who shall be someone not responsible for the recipient's personnel decisions.

(1) This employee shall (i) be available to provide aggrieved persons with assistance in processing claims of discrimination, (ii) have the authority to review the underlying facts of such complaints and (iii) when requested by the complainant, shall seek to conciliate the complaint. This employee shall not be deemed to represent the complainant.

(2) In cases of claims of discrimination in the delivery of services where conciliation is not possible, the complainant shall be afforded all rights under the recipient's client grievance procedure adopted pursuant to § 1621.

(c) To insure that language minority persons have equal access to legal services, in any area where five percent of the eligible population are members of a minority language group, a recipient shall take the following steps:

(1) Employ persons who are bilingual in English and in the appropriate minority language in public contact positions in numbers sufficient to accommodate the needs of the client community;

(2) Place bilingual employees in job categories where necessary to promote equal access to legal services including but not limited to clerical positions where it is necessary to translate materials into a minority language, attorney positions, paralegal positions, investigator positions and other positions which involve client contact and the direct provision of services;

(3) Provide informational literature, forms, notices, letters and other materials available to English-speaking clients in appropriate minority language(s).

(4) Conspicuously post signs in the appropriate minority language(s) stating that clients may request and receive services in those languages.

(d) Where a receipt serves an area where members of minority language groups comprise less than five percent of the eligible population, the recipient shall take all steps necessary to develop an appropriate capability for communicating with minority language clients or potential clients and shall make reasonable effort to comply with (c)(1)–(4) of this subpart.

(e)(1) A recipient that employs a total of 15 or more persons, regardless of whether such persons are employed at one or more locations, shall provide, when necessary, appropriate auxiliary aids to persons with impaired sensory, manual or speaking skills, in order to afford such persons an equal opportunity to benefit from the recipient's services. A recipient is not required to maintain such aids at all times, provided they can be obtained on reasonable notice.

(2) The Corporation may require a recipient with fewer than 15 employees to provide auxiliary aids where the provision of such aids would not

significantly impair the ability of the recipient to provide its services.

(3) Auxiliary aids include, but are not limited to, brailled and taped material, interpreters, telecommunications equipment for the deaf, and other aids for persons with impaired hearing, speech or vision.

(f) A recipient shall take reasonable steps to insure that communications with its applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

§ 1624.10 Required recipient civil rights program—employment.

(a) Recipients shall use the structure set out in § 1624.9(a) (1) and (2) and (b)(1) to ensure equal opportunity in employment regardless of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation.

(b) Recipients with 50 or more employees must implement an affirmative action plan approved by the Corporation's Director of Office of Equal Opportunity or his/her designee. All other recipients must develop an Equal Opportunity program in accordance with § 1624.9(a) (1) and (2) and (b)(1).

(c) Before developing an affirmative action plan or equal opportunity policy statement, a recipient shall determine if underutilization on the basis of race, national origin or sex occurs in any job category or unit of its work force by using an underutilization formula approved by the Corporation's Director of Office of Equal Opportunity or his/her designee.

(d) Written affirmative action plans required by this subpart must include at least the following elements:

(1) An Equal Opportunity policy statement;

(2) Specific data by race, national origin and sex concerning the recipient's current work force, applicant flow, hirings, promotions, training attendance, terminations and disciplinary actions;

(3) Appropriate labor force characteristics, including a breakdown by race, national origin and sex;

(4) A program of remedial or preventive action to correct employment disparities based on race, sex, or national origin;

(5) Goals and timetables to correct underutilization of women and minorities;

(6) A procedure for publicizing and disseminating the plan to all employees, applicants and the general public;

(7) A procedure for prompt and uniform handling of complaints of employment discrimination.

(e) The enumeration of specific requirements for an affirmative action plan does not limit the authority of the Corporation to require other elements in Recipient's Affirmative Action Plans in the presence of a past history of noncompliance with this part.

Subpart D—Conduct of Investigation and Review

§ 1624.11 Monitoring.

(a) The Corporation shall monitor those recipients having the greatest disparity in the delivery of legal services on any basis prohibited by this part or appearing to have the most serious systematic employment problems.

(b) If the monitoring process finds noncompliance with this Part, the Corporation shall notify the recipient in writing of:

(1) Preliminary findings;

(2) Recommendations for achieving voluntary compliance, where appropriate; and

(3) The opportunity to engage in voluntary compliance negotiations, where appropriate.

(c) If voluntary compliance has not been secured within 30 days of the Corporation's recommendations, the Corporation shall make a formal written determination of noncompliance and the Corporation shall undertake the imposition of such sanctions as may be appropriate.

(d) All agreements to come into voluntary compliance shall be in writing, shall set forth the specific steps the recipient has agreed to take, and shall be signed by the Corporation's Director of Office of Equal Opportunity and an official of the recipient with authority to legally bind the recipient.

§ 1624.12 Complaint process.

(a) In addition to or in lieu of using the recipient's complaint process, a complainant may file a complaint directly with the Corporation's Office of Equal Opportunity alleging a pattern and practice of discrimination by the recipient in the delivery of services or employment.

(b) If a complainant files an allegation of a pattern and practice of discrimination with the Corporation prior to availing itself of the recipient's grievance procedure, the recipient shall immediately be advised of the complaint and given 30 days in which to investigate, hear and attempt to resolve the complaint. Upon completion of the grievance process, the recipient shall submit written findings to the appropriate Regional Office or the Research Institute and the Corporation's Office of Equal Opportunity.

(c) No recipient shall intimidate, threaten, coerce, retaliate or discriminate against a person in order to interfere with any right secured by this part or applicable Federal or State law, or because he/she has made a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this part.

Subpart E—Procedure for Effecting Compliance

§ 1624.13 Remedies.

(a) Failure to comply with this part shall be regarded by the Corporation in the same manner as the Corporation regards a recipient's failure to comply with any other section of the Act or implementing regulations. Accordingly, the procedures described in Part 1606 may be pursued in the presence of violation of this part by a recipient.

(b) A recipient found to have discriminated in the delivery of services on the basis of race, color, sex, national origin, age, or handicap may be required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of such prior discrimination, a recipient, in administering a program, may take affirmative action to overcome effects or conditions which result in limiting participation by persons on the grounds of race, color, sex, national origin, age or handicap.

(c) Where a recipient is found to have a work force or segment of the work force not on parity with the relevant labor market, the Regional Office or Research Institute may require its approval prior to the filling of all vacancies in such segment(s) of the recipient's work force in order to assure maximum efforts of affirmative action.

Mario Lewis,

General Counsel, Legal Services Corporation.

[FR Doc. 81-8730 Filed 3-20-81; 8:45 am]

BILLING CODE 8020-36-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 583

[Docket No. 79-17; Notice 2]

Crashworthiness Ratings; Correction

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This notice corrects inadvertent errors in the text of the National Highway Traffic Safety

Administration's (NHTSA) notice of proposed rulemaking proposing establishment of a new car crashworthiness performance ratings program.

FOR FURTHER INFORMATION CONTACT:
Mr. Steve Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202–426–1740.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–2257, appearing on page 7025, in the issue of Thursday, January 22, 1981, make the following corrections:

1. On page 7025, under the heading "FOR FURTHER INFORMATION CONTACT:" the telephone number should read "202–426–1740".

§ 583.6 [Corrected]

2. On page 7030, in § 583.6(d)(2) the words "S4 of" should be deleted in the second place they appear.

3. On page 7030, in § 583.6(d)(4) the designation reading "S6" should read "S5.6".

§ 583.7 [Corrected]

4. On page 7030, in § 583.7 the final designation reading "§ 583.6(a)" should read "§ 583.5(a)".

(Secs. 201, 203; Pub. L. 92–513, 80 Stat. 947 (15 U.S.C. 1941, 1944); secs. 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1401, 1407), delegations of authority at 49 CFR 1.50 and 501.8)

Issued on March 16, 1981.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 81-8882 Filed 3-20-81; 8:45 am]
BILLING CODE 4910-59-M

V 46 / 55 MR 23 81 UMI

Notices

Federal Register
Vol. 46, No. 55
Monday, March 23, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Final Design Cost Estimate

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System..

ACTION: Notice of Tentative Decision, and Request for Public Comments, on the Final Design Cost Estimate of the Eastern Leg "Prebuild" Segment of the Alaska Natural Gas Transportation System.

Take notice that on March 20, 1981, the Office of the Federal Inspector (OFI) made a tentative decision on the Final Design Cost Estimate (FDCE) submitted by the Northern Border Pipeline Company for the "prebuild" section of the Eastern Leg of the Alaska Natural Gas Transportation System. Copies of this tentative decision are available by writing or telephoning: Mr. Richard Berman, director, Audit and Cost Analysis, Office of the Federal Inspector, ANGTS, Room 2413, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044 (202) 275–1153.

Public comments on this tentative decision should be submitted in writing to the OFI, at the same address, by April 6, 1981.

As a first step to implement the Incentive Rate of Return (IROR) for the Eastern Leg "prebuild," the Federal Energy Regulatory Commission on April 28, 1980, set the Certification Cost and Schedule Estimate (CCSE) at $1,061,581,000 (1979 dollars). Subsequently, Northern Border applied to the OFI for approval of changes to its certificated design. These engineering and schedule matters have already been analyzed and approved, where appropriate, by the OFI. As a related matter, Northern Border seeks OFI approval of an increase of about $180 million from its CCSE to yield its FDCE, upon which the IROR will operate during construction.

It is solely this $180 million portion of the FDCE to which the OFI's tentative decision is, and public comments should be, addressed. How do these designs changes comport with Condition 9 of the FERC's Order Nos. 31 and 31–B?

Dated: March 18, 1981.

John T. Rhett,
Federal Inspector.

[FR Doc. 81-8813 Filed 3-20-81; 8:45 am]
BILLING CODE 6320-AW-M

CIVIL AERONAUTICS BOARD

[Docket 38230; Order 81-3-63]

Southern Air Transport, Inc.; Petition; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of March, 1981.

By Order 80–7–147, July 24, 1980, the Director, Bureau of Domestic Aviation, acting under delegated authority, dismissed as moot the application of Southern Air Transport [1] for an emergency exemption from section 401 of the Federal Aviation Act to permit it to operate, during the period June 10–August 31, 1980, cargo charter flights on behalf of Bering Pacific between various points, all of which are within the State of Alaska.[2]

On August 7, 1980, Southern filed a petition for reconsideration and request for formal investigation of the staff's handling of the application.[3]

Southern also stated that, although the 1980 salmon season in Alaska was coming to a close, the issues raised by its exemption application are not moot and should be resolved. Therefore, it urged us to review the action of the staff and grant its application on its merits.

We will deny Southern's request for a special investigation of the staff's handling of its application. This matter is now moot and no purpose would be served by a further consideration of it.

We have decided to grant all air carriers an exemption from the provisions of the Act and our own regulations to the extent necessary to permit them to engage in air transportation between any two points in Alaska, *subject to the condition that the carrier also hold authority from the Alaska Transportation Commission for all intra-Alaska operations.*

This decision, which essentially confers upon the State of Alaska the authority to decide whether to grant or deny requests for authority to operate by exemption between points in Alaska, is consistent both with the law, which reserves to the State of Alaska a unique position in the federal regulatory system, and with our intention to simplify and reduce the burdens of joint State and Federal economic regulation of air service within Alaska to the extent that we are able to do so.

The threshold issue raised by an application like Southern's in Docket 38230 is whether we have jurisdiction at all over transportation between two points that lie wholly within Alaska. Although some persons have suggested that there are provisions of the Deregulation Act which foreclose, or limit, our jurisdiction over air transportation between points in Alaska, we do not agree.[4] In fact, we have consistently exercised control over air transportation between points that lie wholly within the same state if the carrier transports more than a *de minimis* volume of traffic moving as part of a continuous journey in interstate

[1] Southern holds authority as a charter air carrier under section 401 for operations in interstate and overseas air transportation (Order 79–12–31) and foreign air transportation (Order 80–1–67) and as an all-cargo air carrier under section 418 (Order 78–5–129). These certificates do not, however, include authority to engage in interstate air transportation between points wholly within Alaska.

[2] King Salmon-Anchorage, King Salmon-Kenai, King Salmon-Homer, Bethel-Anchorage, Egegik-Anchorage, Egegik-King Salmon, Egegik-Homer, and Egegik-Kenai. Southern's application was acted on concurrently with a similar application filed by Rosenbalm Aviation, Inc. (Docket 38228). Wien Air Alaska, Inc. and Northern Air Cargo, Inc. filed an answer in opposition to Southern's application. Alaska International Air, Inc. and Great Northern Airlines, Inc. filed answers stating that all of these operations, except the Alaska-Canada flights and those flights within Alaska on which the cargo was shortly transshipped for carriage to Canada, were intrastate and, that we should dismiss them as beyond our jurisdiction and moot the balance of the pending applications. They also claimed that Rosenbalm and Southern concur in this "analysis and that their applications for exemption authority to operate intrastate movement were filed out of an abundance of caution."

[3] Southern's petition is, in fact, a petition for Board review of staff action and, therefore, will be treated as such.

[4] See answer of Alaska International Airlines, Inc. and Great Northern Airlines, Inc., June 3, 1980, in Docket 38230.

commerce.[6] We conclude that no provision of the Airline Deregulation Act reduced our jurisdiction with respect to interstate air transportation between two points in the same state in a manner relevant here.[6]

We have also decided that it is in the public interest and consistent with efficient administration of both Alaskan and Federal regulatory policy to exempt all air carriers from the Federal laws and regulations that would otherwise prevent them from providing service between two points in Alaska but to condition this exemption so that it is ineffective unless the carrier also holds state authority for the intra-Alaska service.

Alaska is the one state not totally pre-empted by the Airline Deregulation Act from regulating carriers that hold federal authority. *See* Section 105(a)(2). Congress recognized the absolute dependence of some areas of the State on air transportation and in a number of provisions included specific limitations on our power to grant authority to serve intra-Alaska markets. For example, section 401(n)(3) specifically forbids us from issuing charter certificates between two points in Alaska unless we specifically authorize such charter air transportation after determining that it is *required* by the public convenience and necessity. Section 418(b)(3) prohibits us from including authority to engage in all-cargo air service between points located within Alaska or Hawaii in certificates issued under section 418.[7] Section 416(b)(5) states:

> The exemption from section 401 of this title or any other requirement of this Act shall not apply to any air transportation by any carrier between points both of which are in the State of Alaska, or one of which is in the State of Alaska and the other in Canada, unless such air carrier also holds authority to provide such air transportation from the State of Alaska.

See also sections 401(d)(5) (A) and (D) 419(f)(2).

A blanket Federal exemption of the kind that we propose here permits the State to determine, by its standards, whether a praticular service within Alaska is needed and whether an applicant should be permitted to provide it. It avoids the necessity for any class of carriers to deal with both Federal and State authorities in order to receive an intra-Alaskan exemption. Air service between many Alaskan communities is the only convenient form of transportation available, and its reliability is monitored closely by the State.[8]

Although we are granting the exemption as described above, we will accept comments on our action. Comments are due in 30 days; replies are due 15 days after that. Upon receipt of any comments, we will decide whether any modification to this decision is necessary.

Accordingly, 1. We grant Southern's petition for review of staff action in Docket 38230, and deny its request for an investigation of staff action;

2. We grant a blanket exemption to all U.S. certificated air carriers to engage in air transportation between any two points in Alaska provided that the carrier holds authority to operate from the Alaska Transportation Commission for its intra-Alaska service;

3. We direct interested persons to file comments no later than April 15, 1981;

4. Reply comments are due no later than April 30, 1981; and

5. We will serve a copy of this order on all parties in the attached service list.[9]

. We will publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8781 Filed 3-20-81; 8:45 am]

BILLING CODE 6320-01-M

[6] *C.A.B.* v. *Friedkin Aviation*, 246 F.2d 173 (1957); *People of the State of Cal.* v. *C.A.B.*, 501 F.2d 954 (D.C. Cir. 1978); *People of the State of Cal., et. al.* v. *C.A.B.* 567 F.2d 1 (D.C. Cir. 1977), aff'd Orders 78-5-77, May 12, 1978, 75-9-78, September 22, 1975, and 75-6-135, June 27, 1975. *See also* Orders 80-3-9, March 3, 1980, 79-6-167, June 26, 1979, 79-4-85, April 12, 1979, 78-11-62, November 16, 1978, 78-7-162, July 28, 1978; and 78-5-77, May 12, 1978.

[6] Pub. L. 95-504, October 24, 1978.

[7] There is a question of whether this section applies to all exemptions or only to air taxis. We need not decide that question here in view of our action here.

[8] Under the present statutory scheme, carriers that hold a 401 certificate for scheduled service between any two Alaskan points are beyond the reach of the Alaska Transportation Commission since, as to these licensees, Alaska has been pre-empted. See section 105 of the Act. Therefore, this group of certificated carriers can operate between Alaskan points on their certificates without obtaining additional State approval. Carriers that seek intra-Alaska authority for service that is predominantly interstate in character, e.g., for direct service operated on a Fairbanks-Anchorage-Seattle routing, may apply for a specific exemption that does not require ATC approval.

[9] Service List filed as part of the original document.

CIVIL RIGHTS COMMISSION

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 5:00 p.m., on April 10, 1981, at 230 South Dearborn Street, Chicago, Illinois 60604. The purpose of this meeting is for the Housing Subcommittee to develop project concept for FY 81–82; and organize Subcommittee for follow up on Chicago desegregation monitoring.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss Theresa F. Cummings, 2836 West Lawrence Avenue, Springfield, Illinois 62704, (217) 788–0751; or the Midwestern Regional Office, 230 South Dearborn Street, Chicago, Illinois 60604, (8) 353–7371.

The meeting will be conducted pursuant to the provisions of the rules and Regulations of the Commission.

Dated at Washington, D.C., March 16, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-8880 Filed 3-20-81; 8:45 am]

BILLING CODE 6335-01-M

Maryland Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland Advisory Committee to the Commission will convene at 3:30 to 5:30 p.m. (Business Session), and 7:00 to 9:30 p.m. (Forum), on April 22, 1981, at the Government Office Building, Council Chambers, North Division Street and Route 50, Salisbury, Maryland 21801. The purpose of this meeting is—Business Session: release the Maryland Conference Report, discuss followup on Baltimore Police Complaint Evaluation Procedure Report, monitoring of hate groups, State Government's role in Federal antipoverty funding, and other new business; Eastern Shore Forum: equal opportunities in Somerset County educational systems and Wicomico County government, and police practices in the City of Salisbury.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Newton I. Steers, Jr., 6801 River Road, Bethesda, Maryland 20034, (301) 320–5820; or the Mid-Atlantic Regional Office, 2120 L Street, N.W., Room 510, Washington, D.C. 20037, (202) 254–6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 18, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-8662 Filed 3-20-81; 8:45 am]

BILLING CODE 6335-01-M

West Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 5:00 p.m., on April 9, 1981, at the Federal District Court, Room 5110, 500 Quarrier Street, Charleston, West Virginia 25329. The purpose of this meeting is to release the Report *Achieving Change*, and plan activities for 1981–82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. James B. McIntyre, 611 Virginia Street East, Charleston, West Virginia 25301, (304) 344–3862; or the Mid-Atlantic Regional Office, 2120 L Street, N.W., Room 510, Washington, DC 20037, (202) 254–6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 18, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-8697 Filed 3-20-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 172]

Approval for Expansion of Foreign-Trade Zone No. 33, Allegheny County, Pennsylvania, Within the Pittsburgh Customs Port of Entry

Pursuant to its authority under the Foreign-Trade Zone Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Regional Industrial Development Corporation of Southwestern Pennsylvania (RIDC), Grantee of Foreign-Trade Zone No. 33, has applied to the Board for authority to expand its general-purpose zone located at RIDC's Park West facility, to include three additional sites within the facility in Allegheny County, near the Greater Pittsburgh International Airport and within the Pittsburgh Customs port of entry;

Whereas, the application was accepted for filing on October 14, 1980, and notice inviting public comment was given in the Federal Register on October 21, 1980 (45 FR 69525);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to provide zone services to new tenants whose operations cannot be accommodated within existing zone space; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's Regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to expand its zone in accordance with the application filed October 14, 1980. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations not mentioned in the application. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 16th day of March 1981.

Malcolm Baldrige,

Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-8707 Filed 3-20-81; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 173]

Approval for Relocation of Foreign-Trade Zone No. 20, From Portsmouth to Suffolk, Va., Adjacent to the Norfolk-Newport News Customs Port of Entry

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Virginia Port Authority, Grantee of Foreign-Trade Zone No. 20, has applied to the Board for authority to relocate its general-purpose zone from Portsmouth to nearby Suffolk, Virginia, adjacent to the Norfolk-Newport News Customs port of entry;

Whereas, the application was accepted for filing on November 25, 1980, and notice inviting public comment was given in the Federal Register on December 2, 1980 (45 FR 79660);

Whereas, as examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the proposed relocation is necessary for effective and efficient zone operations in the area; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's Regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to relocate its zone from Portsmouth to Suffolk, Virginia, in accordance with the application filed November 25, 1980. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the new site. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 16th day of March 1981.

Malcolm Baldrige,

Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-8708 Filed 3-20-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-680]

Seabulk Transmarine I, Inc.; Seabulk Transmarine II, Inc.; and Seabulk Transmarine III, Inc.; Application for Written Permission Under Section 805(a) of the Merchant Marine Act, 1936, as Amended (Act)

Notice is hereby given that Seabulk Transmarine I, Inc. (STM I); Seabulk Transmarine II, Inc. (STM II) and Seabulk Transmarine III, Inc. (STM III), following approval of their application of September 23, 1980, as amended by

letter of February 6, 1981, have requested by letter of March 17, 1981, further writtten permission under section 805(a) of the Act. The following subsidiaries of Occidental Petroleum Corporation (OXY) hold Operating-Differential Subsidy (ODS) contracts to aid in the operation of three CATUG integrated tug and barge units (vessels), and the subject applicants anticipate assignment of the ODS contracts to them as follows:

ODS Contract Holders and Anticipated Assignees

Suwannee River Finance, Inc.—STM I
Suwannee River SPA Finance, Inc.—STM II
Suwannee River Phosphate Finance, Inc.—STM III

STM I, STM II, and STM III are Florida corporations organized to operate the vessels and are wholly-owned subsidiaries of Hvide Marine International, Inc., which is principally owned by Hans J. Hvide, as Trustee.

The applicants advise that under the presently contemplated structure, the following OXY subsidiaries will bareboat charter the vessels and the applicants will sub-bareboat charter the vessels from those OXY subsidiaries as follows:

Contemplated Bareboat Charterers and Contemplated Sub-bareboat Charterers

Suwannee River Lines, Inc.—STM I
Suwannee River SPA Lines, Inc.—STM II
Suwannee River Phosphate Lines, Inc.—STM III

The applicants further advised that pursuant to a management agreement to be arranged, Hvide Shipping, Incorporated (HSI) will manage the operations of the vessels on behalf of STM IM, STM II, nad STM III. HSI is, also, a Florida corporation wholly-owned by Hans J. Hvide.

On March 17, 1981 the Maritime Subsidy Board (Board) took the following action with respect to the September 23, 1980 applications as amended by letter of February 6, 1981:

I. Found and determined that the grant of written permission to the applicants, pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended (Act), will not result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service nor be prejudicial to the objects and policy of the Act, with respect to the following operations of their associated companies: (1) for Hvide Shipping, Incorporated (HSI), an affiliate of the applicants, to have time chartered the *Seabulk Magnachem* and SCC 3902 to Diamond Shamrock Corporation for a period of 20 years with a five-year renewal option, which vessel is engaged in the carriage of liquid chemicals, petroleum or petroleum products in the domestic intercoastal and coastwise service; (2) for Seabulk Tankers, Ltd., a subsidiary of HSI, to have time chartered the *Seabulk Challenger* and *STL 3901* to Shell Oil Company for 10 years with three five year renewal options, which vessel is engaged in the carriage of liquid chemicals, petroleum or petroleum products in the domestic intercoastal and coastwise service; (3) for HSI to own the harbor tugs *Fort Lauderdale, Capt. Nelson* and *Everglades* which are operated exclusively at Port Everglades, Florida; and (4) for HSI to own the harbor tugs *Capt. Brinn* and *Hollywood* which are operated exclusively at Port Canaveral, Florida.

II. Granted written permission, pursuant to section 805(a) of the Act, for the above described domestic operation, subject to actual assignment of operating-differential subsidy contracts to the subject applicants.

III. Authorized amendment of Article I-12 of Operating-Differential Subsidy Agreement, Contract Nos. MA/MSB-440, MA/MSB-441 and MA/MSB-442 to reflect the above actions.

By letter of March 17, 1981, the applicants advised that the harbor tugs *Capt. Brinn* and *Hollywood* are bareboat chartered by Hvide Shipping, Incorporated (HSI) to Port Everglades Towing, Inc. (PET), a Florida corporation which is an affiliate of Seabulk Transmarine I, Inc., Seabulk Transmarine II, Inc. and Seabulk Transmarine III, Inc. through the common stock ownership in Hvide Marine International, Inc. and PET by J. Erik Hvide and Hans J. Hvide, as trustee.

PET has an operating agreement with HSI pursuant to which HSI operates and manages *Capt. Brinn* and *Hollywood*. PET has no employees or operating capability of its own. Its role in regard to *Capt. Brinn* and *Holywood* is entirely passive and relates only to internal financial considerations.

At the time the application was filed, the applicants did not deem it necessary to request permission in regard to PET because it is not involved in the ownership or operation of *Capt. Brinn* and *Hollywood* or indeed, any other vessels and hence is not in a position to divert subsidy, which section 805(a) is intended to prevent. However, such permission is now requested.

The letter of February 6, 1981 also stated, in reference to the five harbor tugs, that "the aforesaid vessels are operated exclusively in the two respective ports." By letter of March 17, 1981, the applicants advised that this language was intended to indicate that all of the tugs were operated from time to time in both ports and no where else. In the written permission pursuant to section 805(a) it is stated that the tugs *Fort Lauderdale, Capt. Nelson* and *Everglades* are operated exclusively at Port Everglades, Florida, and the tugs *Capt. Brinn* and *Hollywood* are operated exclusively at Port Canaveral, Florida. The applicants request that this language be modified to reflect their intention.

The approval of the subject requests for written permission under section 805(a) would be subject to actual assignment of the ODS contracts to the applicants in accordance with section 606 of the Act.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a)) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, maritime Administration, by close of business on March 20, 1981, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs/Maritime Subsidy Board.

Dated: March 18, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-8730 Filed 3-20-81; 8:45 am]
BILLING CODE 3810-15-M

National Oceanic and Atmospheric Administration

Receipt of Application for Marine Mammal Permit; National Museum of Natural History

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: National Museum of Natural History (P6E).

b. Address: Smithsonian Institution, Washington, D.C. 20560.

2. Type of Permit: Scientific research and scientific purposes.

3. Name and Number of Animals: Unspecified cetaceans, undetermined. Dugong (Dugong dugon), undetermined.

4. Type of Take: The applicant wishes to import scientific materials from opportunistically collected cetaceans and dugongs from beach cast and subsistence specimens in Indonesia.

5. Location of Activity: Indonesia.

6. Period of Activity: 1 year.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before April 22, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; Director, Wildlife Permit Office, Fish and Wildlife Service, Federal Wildlife Office, U.S. Department of the Interior, Washington, D.C. 20240; and Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 13, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-8696 Filed 3-20-81; 8:45 am]

BILLING CODE 3510-22-M

Modification of Marine Mammal Permit; Washington State, Department of Game

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 305 issued to the State of Washington, Department of Game, 53 Portway Street, Astoria, Oregon 97103 on October 10, 1980 (45 FR 69533) is modified as follows:

Section B–3 is modified by changing the allowable loss rate during the 1981 and 1982 field seasons from 10% to 33⅓%. This makes Condition B–3 consistent with Condition A–1 which allows the striking of 150 animals in the attempt to collect 100 specimens.

Dated: March 16, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-8694 Filed 3-20-81; 8:45 am]

BILLING CODE 3510 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 5, 1981.

The USAF Scientific Advisory Board Acquisition Logistics Division Advisory Group will meet at Wright-Patterson Air Force Base, Ohio on April 23 and 24, 1981. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. on both days.

The Committee will review the ALD mission, objectives, and major technical problems, and new technology having the promise for favorably impacting logistics problem areas. The briefings and discussions will be closed to the public in accordance with Section 552b(c), Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-8709 Filed 3-20-81; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL 1783–6]

Region IV, Atlanta, Ga.; Intent To Prepare an Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency, Region IV, Atlanta, Georgia.

ACTION: Preparation of Environmental Impact Statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the Environmental Policy Act, the EPA has identified a need to prepare an EIS and therefore publish this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Bisterfeld, EIS Branch Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365, Telephone (404) 881–7458.

SUMMARY:

1. Description of Proposed Action.—The EPA action is a decision on issuance of a new source NPDES permit for a 1200 MW coal-fired electric generating station at Jacksonville, Florida. Jacksonville, Electric Authority and Florida Power and Light Company propose joint ownership of the project. Applicant's preferred site is adjacent to the existing Northside Generating Station on the St. Johns River. Extensive additions to the transmission line network are now also proposed.

All feasible alternatives available to the Applicant will be considered in the EIS and all regulatory alternatives available to the Agency in its decision-making will be explored.

Major emphasis of the EIS is expected to be on the assessment of alternatives for reducing JEA dependence on foreign oil, plant siting alternatives, impacts to air quality, impacts from disposal of solid and liquid wastes and impacts to estuarine wetlands.

2. Public Participation Program.—Participation in the EIS process is invited from individuals, organizations, and government agencies.

3. Significant Issues.—Extent to which the proposed coal-fired plant will help the JEA reduce present electric rates.

—Siting of the power plant.

—Impacts to Jacksonville area air quality.

—Power plant wastes management.

—Construction and operational impacts to estuarine wetlands.

4. Scoping.—The EPA, Region IV and the Florida Department of Enviornmental Regulation will hold a joint public scoping meeting in Jacksonville on April 9, 1981. Local notice has been given for this meeting to be held at 7:30 p.m. in the Jacksonville City Health Department, First Floor Auditorium 515 West Sixth Street. EPA will request public comment in the meeting to help the Agency identify major issues which should be addressed in the EIS.

Input to the EIS may also be given by writing the Regional EPA Office.

5. Timing.—The EIS schedule has not been set; but EPA expects to have a draft EIS available in November or December of this year.

6. Requests for Copies of Draft EIS.—Persons wishing to be included on the EIS List should write to the Regional contact named above.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

March 17, 1981.

[FR Doc. 81-8742 Filed 3-20-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-118]

First Federal Savings and Loan Association of El Dorado, El Dorado, Ark.; Final Action; Approval of Conversion Application

Dated: March 18, 1981.

Notice is hereby given that on February 12, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-88, approved the application of First Federal Savings and Loan Association of El Dorado, El Dorado, Arkansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-8737 Filed 3-20-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-117]

Security Savings and Loan Association, Salina, Kansas; Final Action; Approval of Conversion Application

Dated: March 18, 1981.

Notice is hereby given that on February 12, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-89, approved the application of Security Savings and Loan Association, Salina, Kansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-8738 Filed 3-20-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Midland Bank Limited; Formation of Bank Holding Company

Midland Bank Limited, London, England, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 50 per cent or more of the voting shares of Crocker National Corporation, San Francisco, California, a bank holding company which owns Crocker National Bank, San Francisco, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Midland Bank Limited, London, England, has also applied to do business under section 25(a) of the Federal Reserve Act by acquiring indirectly the shares of three Edge Corporation subsidiaries owned by Crocker National Bank, Crocker Bank International (Chicago), Chicago, Illinois, Crocker Bank International (New York), New York, New York, and Crocker International Investment Corporation, San Francisco, California. The factors that are considered in acting on these applications are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

Midland Bank Limited has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire indirectly voting shares of the following subsidiaries of Crocker National Corporation: (1) Bishop Building Co., Inc., Honolulu, Hawaii, which owns and operates the Bishop Trust Building in Honolulu and leases it to subsidiaries of Crocker National Corporation and other tenants; (2) Bishop Trust Company, Ltd., Honolulu, Hawaii, which conducts a full-service trust business and provides limited data processing services to other Crocker National Corporation subsidiaries from an office in Honolulu, Hawaii, serving the State of Hawaii, and an office in Hilo, Hawaii, serving the Commonwealth of Guam; (3) Hawaii Finance Company Ltd., Honolulu, Hawaii which operates as an industrial loan company making secured and unsecured loans to individuals from offices in Honolulu and Hilo, Hawaii, serving the State of Hawaii; (4) Miles Crossing Ltd., Honolulu, Hawaii, which owns real estate mortgages and other real estate receivables, and serves the State of Hawaii from an office in Honolulu, Hawaii; (5) CNC Insurance Agency Inc., San Francisco, California, which engages in the activity of acting as agent for credit life and credit accident and health insurance directly related to extensions of credit by Crocker National Corporation's subsidiaries, and serves the State of California from its office in San Francisco, California; (6) Crocker Investment Management Corp., San Francisco, California, which engages in the activity of providing portfolio investment advice and general economic and financial information and advice, and serves customers throughout the United States from its offices in Los Angeles and San Francisco, California; (7) Crocker Mortgage Investment Company Inc., Los Angeles, California, which engages in the activities of originating, purchasing and servicing loans secured by real estate and servicing loans and other extensions of credit for any person throughout the United States from offices in Los Angeles, San Francisco, Century City, and Orange County, California; Phoenix, Arizona; Salt Lake City, Utah; Atlanta, Georgia; Indianapolis, Indiana; and

Chicago, Illinois; (8) Western Bradford Trust Company, San Francisco, California, a trust company which furnishes services to security holders, brokers, dealers and issuers; provides data processing services to Crocker National Corporation and its subsidiaries; and provides computer software services to Crocker National Corporation and its subsidiaries, throughout the western part of the United States from offices in San Francisco and Los Angeles, California; and (9) Crocker Holdings, Inc., Germantown, Tennessee, which holds real estate related assets of Crocker National Corporation that are in the process of liquidation, serves the southeastern part of the United States from its office in Germantown, Tennessee.

In addition, Midland Bank Limited, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the following indirect subsidiaries: (1) Samuel Montagu (Metals), Inc., New York, New York, which engages in the activity of dealing in precious metals by buying and selling gold and silver on the spot and futures market for its own account, and deals with other precious metals dealers throughout the world from its New York, New York office; (2) Thomas Cook, Inc., New York, New York, a company that engages in the issuance and sale of travelers cheques and serves the United States from offices throughout the country; and (3) London American Finance Corporation, New York, New York, a holding company for Export Credit Corporation, New York, New York, a commercial finance company specializing in overseas trade financing of products manufactured in the United States from its New York office, and LAFCO (Western Hemisphere), Ltd., New York, New York, which markets in the western hemisphere the services of certain financing affiliates and extends credit to Latin American importers of United States products.

In addition, Midland Bank Limited, has applied, pursuant to section 4(c)(8) of the Banking Holding Company Act and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain indirect investments in the following subsidaries of European American Bank, New York, New York, held by that company under the authority of section 4(c)(8): (1) European American Banking Corporation, New York, New York, a New York investment company that primarily provides wholesale financial services from its New York offices to European corporations doing business in the United States; (2) Euram Realty Corporation, Jersey City, New Jersey, which engages in the activity of leasing real property; (3) Euramcor Realty Corporation, Jersey City, which also engages in the activity of leasing real property; and (4) Disk Pack Leasing Corporation, New York, New York, which engages in the activity of leasing personal property.

It appears that the activities applied for have either been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b) or have been authorized by order under section 4(c)(8) in particular cases.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on these applications that requests a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 11, 1981.

Board of Governors of the Federal Reserve System, March 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8740 Filed 3-20-81; 8:45 am]

BILLING CODE 6210-01-M

Notice Requesting Comment on the Acquisition of Thrift Institutions by Banks and Bank Holding Companies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: Congress has asked the Board to undertake a study of the potential effects of the acquisition of thrift institutions by banks and bank holding companies. The Board is soliciting comment from the public on this issue to assist the Board in completing its study.

DATE: Comments must be received by April 30, 1981.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

FOR FURTHER INFORMATION CONTACT: Michael E. Bleier, Assistant General Counsel (202-452-3721), Carl V. Howard, Senior Attorney (202-452-3786), Legal Division; or Joe M. Cleaver, Assistant Director (202-452-3905), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Section 4(c)(8) of the Bank Holding Company Act, 12 U.S.C. 1843(c)(8), provides that bank holding companies may acquire

> • • • [S]hares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

The Board has previously found the operation of a savings and loan association to be "closely related" to banking, but has not determined this activity to be a "proper incident" to banking.[1] Accordingly, interested persons are invited to express their views on the "proper incident" question. The Board's study of the affiliation of banks and bank holding companies and thrift institutions is not limited to this issue, however, and interested persons are also invited to express their views on any potential effects of such affiliation.

The Board has advised the Senate Committee that the Board intends to complete this study by the early summer

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[1] *D. H. Baldwin Company*, 63 Federal Reserve Bulletin 280 (1977). The Board recently received an application from National Detroit Corporation, Detroit, Michigan, to acquire Landmark Savings and Loan Association, Saginaw, Michigan. The Board has dismissed the application without prejudice to its resubmission following completion of the study.

of 1981. Accordingly, persons wishing to comment on the issues described above should submit their views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received by April 30, 1981.

Board of Governors of the Federal Reserve System, March 16, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-9741 Filed 3-20-81; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Wednesday, April 15, and Thursday, April 16. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The April 15 session is expected to begin at 1 p.m. and to continue until 5 p.m. The April 16 session is expected to begin at 9 a.m. and to conclude at 3 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. Time permitting, the Council will consider the following topics:

1. *Revision of Regulation C (Home Mortgage Disclosure).* A discussion of (1) the Board proposed revision of Regulation C to implement recent statutory amendments to the Home Mortgage Disclosure Act and Certain simplifying regulatory changes, and (2) the impact of the Regulatory Flexibility Act on consumer regulations, considered in the context of the Board's current efforts to simplify Regulation C.

2. *Regulation B Enforcement Guidelines.* A discussion of issues raised in the proposed uniform guidelines for the administrative enforcement of Regulation B (Equal Credit Opportunity) and the Fair Housing Act. (The board and four other financial regulatory agencies published proposed guidelines in the summer of 1978. The Federal Financial Institutions Examination Council is currently considering the matter.)

Interstate Banking Activities. A discussion of the impact on consumer markets of current multi-state banking activities made possible by loan production offices, unmanned automated teller machines, and holding company and credit card subsidiaries.

4. *Costs and Benefits of Credit Scoring Proposals.* A general discussion of the costs and benefits to creditors and consumers if the Board adopts two proposed interpretations of Regulation B (Equal Credit Opportunity) regarding a creditor's consideration of applicant income and disclosure of reasons for adverse action.

5. *Truth in Lending Simplification and Reform.* A discussion of certain aspects of the Board's revised Regulation Z, such as (1) transition procedures, model forms, and the official staff commentary, and (2) implementation of the Truth in Lending preemption provisions, as well as (3) the implication of section 18 of the Federal Trade Commission Improvements Act of 1980 under which creditors subject to the FTC's enforcement jurisdiction may request Board interpretations.

6. *Consumer Leasing Act: Considerations for Simplification.* A discussion of the need for statutory changes to the Consumer Leasing Act, as a continuation of regulatory simplification.

7. *Relationship Between Truth in Lending and Electronic Fund Transfer Acts.* Status report on draft statutory amendments to integrate provisions of these two acts relating to error resolution and consumer liability for unauthorized use.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be received no later than close of business Friday, April 10, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, March 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-8900 Filed 3-20-81; 8:45 am]

BILLING CODE 6210-01-M

JCT Trust Co. Limited, Otzar Hityashvuth Hayehudim B.M., Trust Created by Otzar Hityashvuth Hayehudim Jewish Colonial Trust Limited and JCT Trust Company Limited, and Bank Leumi Le-Israel B.M.; Proposal To Engage in Securities-Related Activities and in Dealing in Gold and Silver

JCT Trust Company Limited, Otzar Hityashvuth Hayehudim B.M., the Trust Created by Otzar Hityashvuth Hayehudim Jewish Colonial Trust Limited and JCT Trust Company Limited, and Bank Leumi le-Israel B.M., all located in Tel Aviv, Israel, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage, through their subsidiary, Leumi Securities Corporation, in the activity of acting as managing agent for customers' securities. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Applicants have also applied to engage through their subsidiary in the activities of executing unsolicited purchases and sales of securities as agent solely upon the order and for the accout of customers, acting as custodian for securities, and buying and selling gold and silver coin and bullion for the subsidiary's own account and for the account of others. These activities have not been specified by the Board as being permissible, in general, for bank holding companies, although all are carried on to some degree by commercial banks and their trust departments. Interested persons may express their views on the question of whether these activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," or are incidental to "closely related" activities.

All of the proposed activities would be performed from offices of Applicant's subsidiary in New York, New York, and the geographic areas to be served are the entire United States and foreign countries.

Interested persons may also express their views on the question of whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater

convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submited in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 20, 1981.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8799 Filed 3-20-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Blood Diseases and Resources Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, April 30-May 1, 1981, National Institutes of Health, Building 31, Conference Room 9, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 AM—5:00 PM, April 30, 1981, and from 8:30 AM—4:30 PM, May 1, 1981, to discuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21A, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Institutes of Health, Bethesda, Maryland, 20205, phone (301) 496-1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 81-8720 Filed 3-20-81; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Dental Research Programs Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Institute of Dental Research Programs Advisory Committee, on May 1, 1981, from 9:00 a.m. to 1:00 p.m., in Conference Room 8, Building 31C, National Institutes of Health, Bethesda, Maryland.

The Subcommittee on Dental Caries, National Institute of Dental Research Programs Advisory Committee, will meet on April 30, 1981, from 9:00 a.m. to 12:00 Noon, in Conference Room 4, Building 31A, National Institutes of Health, Bethesda, Maryland, and from 1:00 p.m. to 5:00 p.m., in Conference Room 451, Park Building, 12420 Parklawn Drive, Rockville, Maryland.

The Subcommittee on Periodontal Diseases, National Institute of Dental Research Programs Advisory Committee, will meet on April 30, 1981, from 9:00 a.m. to 5:00 p.m., in Conference Room 9, Building 31C, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public to discuss research progress and ongoing plans and programs of the National Caries Program and the Periodontal Diseases Program Branch. Attendance by the public will be limited to space available.

Dr. William Rogers, Acting Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, MD 20205 (telephone 301 496-7239) and Dr. Paul F. Parakkal, Scientist Administrator, Periodontal Diseases Program Branch, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 519, Bethesda, MD 20205 (telephone 301 496-7784) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.840, Caries Research, and No. 13.841, Periodontal Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: March 10, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-8721 Filed 3-20-81; 8:45 am]

BILLING CODE 4110-08-M

National Institutes of Health Study of the Mandatory Retirement Age for Commercial Airline Pilots; Open Meetings

AGENCY: National Institutes of Health.

ACTION: Notice of meetings.

SUMMARY: In April, May and June 1981, the National Institutes of Health (NIH) will hold three meetings to examine the key isues in Pub. L. 96-171, An act to require a study of the desirability of mandatory age retirement for certain pilots and for other purposes, to discuss the forthcoming report prepared by the Institute of Medicine (IOM) of the National Academy of Sciences (NAS) on the medical and scientific questions relevant to the mandatory retirement of commercial airline pilots at age 60 and to consider written technical comments of responsible parties on the report. Attendancy by the public will be limited to the space available.

DATES: These meetings are scheduled to be held on April 27-28, 1981, May 27-29, 1981 and June 22-23, 1981, beginning at 9:00 a.m.

ADDRESS: These three meetings will all be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting of April 27-28, 1981 will be in Conference Room 6 of Building 31; the meeting of May 27-29, 1981 will be in Conference Room 9 of Building 31 and the meeting of June 22-23, 1981 will be in Conference Room 10 of Building 31.

FOR FURTHER INFORMATION CONTACT: Ms. Lily O. Engstrom, Office of the Deputy Director, National Institute on Aging, Building 31, Room 2C-06, Bethesda, Maryland 20205, (301) 496-5808.

SUPPLEMENTARY INFORMATION: Pub. L. 96-171, enacted on December 29, 1979, requires the Director of the NIH, in consultation with the Secretary of Transportation, to conduct a study to determine—

(1) whether an age limitation which prohibits all individuals who are sixty years of age or older from serving as pilots is medically warranted;

(2) whether an age limitation which prohibits all individuals who are older than a particular age from serving as pilots is medically warranted;

(3) whether rules governing eligibility for first- and second-class medical certification, as set forth in part 67 of title 14 of the Code of Federal Regulations (as in effect on the date of enactment of this Act), are adequate to determine an individual's physical condition in light of existing medical technology;

(4) whether rules governing the frequency of first- and second-class medical examinations, as set forth in part 67 of title 14 of the Code of Federal Regulations, are adequate to assure that an individual's physical condition is being satisfactorily monitored; and

(5) the effect of aging on the ability of individuals to perform the duties of pilots with the highest level of safety.

The Director of NIH shall complete this study and submit a report on its results to Congress.

The NIH, with the National Institute on Aging (NIA) serving as the lead agency, awarded a contract to the Institute of Medicine to provide an objective examination, summary and assessment of existing scientific knowledge that is relevant to the five points in P.L. 96-171.

It is anticipated that the report from the IOM will be completed by March 31, 1981. As previously announced in the **Federal Register** on February 24, 1981, page 13816, copies of the IOM report can be obtained by writing the Office of the Deputy Director, National Institute on Aging, National Institutes of Health, Bethesda, Maryland 20205. Technical comments on this report from responsible persons are welcomed and should be submitted to NIA at the above address by May 4, 1981.

Dated: March 5, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-8732 Filed 3-20-81; 8:45 am]

BILLING CODE 4110-08-M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, National Institutes of Health, at the Detroit Plaza Hotel, Detroit, Michigan, on May 9, 1981.

The entire meeting, from 8:30 a.m. to 5:00 p.m. will be open to the public. The Committee will discuss implementation of the Division of Lung Diseases fiscal 1982 initiatives and the 10-year evaluation of the Division of Lung Diseases research programs. Attendance by the public will be limited to the space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Suzanne Hurd, Acting Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: March 17, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-8730 Filed 3-20-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on May 6, 7, and 8, 1981. On May 6 and 7 the meeting will be held at the Laboratory of Infectious Diseases, Building 5, Conference Room 216, Bethesda, Maryland 20205. On may 8, 1981 the meeting will be held at the National Institutes of Health, Building 31, Conference Room 7A24, Bethesda, Maryland 20205. This meeting will be open to the public on May 6 and 7 from 8:30 a.m. until adjournment. During this open session, the permanent staff of the Laboratory of Microbial Immunity and the Laboratory of Immunogenetics will present and discuss their immediate past, and present research activities.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Board will be closed to the public on May 8 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 5, Room 137, telephone (301) 496-2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated: March 17, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-8729 Filed 3-20-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, April 23-24, 1981, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on Thursday, April 23, and from 9:00 a.m. until 1:30 p.m. on Friday, April 24. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 24, from 1:30 p.m. until adjournment for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Managment Officer, NIA Building 31, Room 2C-08, National Institutes of Health, Bethesda, Maryland 20205 (telephone: 301/496-5898) will provide a summary of the meeting and a roster of committee members. Dr. Richard C. Greulich, Scientific Director, NIA Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland

21224, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: March 17, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-8725 Filed 3-20-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research, on April 6-7, 1981, in conference Room 117, Building 30, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on April 6, to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:00 a.m. to adjournment on April 7 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institute of Dental Research, HIH, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Marie U. Nylen, Director of Intramural Research, National Institute of Dental Research, National Institutes of Health, Building 30, Room 132, Bethesda, MD 20205, (telephone 301 496-1483) will provide summaries of meeting, rosters of committee members, and substantive program information.

Dated: March 17, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-8727 Filed 3-20-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Advisory Committee; To Investigate the Unmet Needs of Handicapped Indian Children

March 18, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

In accordance with section 612(7) of Pub. L. 91-230 as amended by section 5(a) of Pub. L. 94-142, Education of the Handicapped Act, the Bureau of Indian Affairs Advisory Committee will meet March 19-21, 1981, at the Ramada Inn, 6800 South I-35/Ex. 35 at 66th Street at Crossroads Mall, Oklahoma City, Oklahoma, from 8:00 a.m. to 4:00 p.m. on March 19-20 and from 8:00 a.m. to 12:00 noon on March 21.

The purpose of the meeting will be to investigate the unmet needs of handicapped Indian children and to discuss miscellaneous related items.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed.

Additional information about the meeting may be obtained from Ms. Dixie Owen, Bureau of Indian Affairs, Main Interior, room 4655, phone (202) 343-4071.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-8728 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-02-M

[(INT DEIS —)81-12]

Crow-Shell Coal Lease; DEIS Availability

AGENCY: Bureau of Indian Affairs.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Statement for the proposed coal lease on the Crow Indian Reservation, Big Horn County, Montana.

The proposed action is the approval by the Department of the Interior of a lease of Crow Tribal lands for the purpose of mining coal. The lease area is located entirely on the Crow Indian Reservation. The proposed project contemplates the strip-mining of approximately 2,560 acres of land, referred to as the Youngs Creek Area Lease, for the removal of approximately 190 million tons over a period of 26 years. The agreement also includes options for mining coal in the Upper and Lower Tanner Creek areas and for the Crow Tribe to enter into a joint venture with Shell to Mine the Entire Tanner Creek area rather than lease each area independently. If the joint venture is selected, approximately 660 million tons of coal would be mined from all three areas in 45 years.

In addition to the mining and coal processing facilities, Shell proposes to construct an access road, a railroad spur to transport the coal, and an electric power transmission line to the mine.

Copies of the Environmental Statement are available for inspection at the following locations:

Office of Communications, Room 7200, Interior Building, Washington, D.C. 20245, Telephone: (202) 343-3171

Billings Area Office, Bureau of Indian Affairs, Rights Protection, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 636-2671

Office of the Superintendent, Bureau of Indian Affairs, Crow Agency, Montana 59022, Telephone: (406) 638-2671

Bureau of Indian Affairs, Department of the Interior, Environmental Quality Services, Room 4552, Washington, D.C. 20245, Telephone: (202) 343-6248

Parmley Billings Public Library, 510 North Broadway, Billings, Montana 59103

Sheridan County Fulmer Public Library, 320 North Brooks, Sheridan, Wyoming 82103

Big Horn County Public Library, 419 North Custer Avenue, Hardin, Montana 59034

The Rosebud County Library, 201 North 9th Avenue, Forsyth, Montana 59327.

Single copies of the Draft Environmental Impact Statement may be obtained from the Billings Area Office, Bureau of Indian Affairs, Rights Protection, 316 North 26th Street, Billings, Montana 59101.

Oral and/or written comments are invited and will be received at a public hearing to be held at 7:00 p.m., April 22, 1981, at the Tribal Administration Building, Crow Agency, Montana. Oral statements by any party will be limited to no more than ten minutes. Written statements can be entered into the record by filing a copy with the presiding officer.

Comment on the Draft Environmental Impact Statement are invited from all interested parties and should be forwarded to the following official no later than two months from the date of this notice:

David W. Pennington, Natural Resource Specialist, Billings Area Office, Rights Protection, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 657-6145.

Dated: March 13, 1981.

Cecil S. Hoffmann,

Special Assistant to the Assistant Secretary of the Interior.

[FR Doc. 81-8743 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

Montana; Prairie Potholes Vegetation Allocation Draft Environmental Impact Statement: Availability and Notice of Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Prairie Potholes Vegetation Allocation Draft Environmental Impact Statement Availability and Notice of Public Hearings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement (DEIS) for north-central Montana. The DEIS details six alternative vegetation allocations on nearly 1.75 million acres of public land within BLM's Lewistown District.

DATES: Comments will be accepted until May 22, 1981. Hearings will be held: April 22, 7:30 p.m. at the Valley County Courthouse in Glasgow, Montana; April 23, 7:30 p.m. at the Blaine County Library in Chinook, Montana; April 24, 7:30 p.m. at the Phillips County Courthouse in Malta, Montana; April 27, 7:30 p.m. at the Colonial Inn in Helena, Montana.

ADDRESSES: Comments and requests for further information should be addressed to: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown District, Drawer 1160, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Draft EIS describes and analyzes environmental consequences for six alternative courses of action. The six alternatives are: (A) Enhanced Combined Vegetation Uses; (B) Continuation of Present Management (BLM's Preferred Alternative); (C) Enhanced Livestock Forage; (D) Enhanced Watershed Value and Wildlife Habitat; (E) No Grazing; and (F) No Action. Comments upon the Draft EIS analysis will be considered and used to prepare a final EIS. The final EIS will be used to develop a Rangeland Management Program for the area included in the EIS.

A limited number of copies of the Draft are available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, Interior Building, 18th & C Streets NW., Washington, D.C. 20240

Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457

Bureau of Land Management, Phillips Resource Area, 501 S. 2nd E., Malta, Montana 59538

Bureau of Land Management, Montana State Office, P.O. Box 30157, 222 North 32nd Street, Billings, Montana 59107

Bureau of Land Management, Havre Resource Area, Old Highway West, Havre, Montana 59501

Bureau of Land Management, Valley Resource Area, Route 1—775, Glasgow, Montana 59230

Dated: March 9, 1981.

Michael J. Penfold,

State Director.

[FR Doc. 81-8745 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-84-M

California Desert Conservation Area Advisory Committee; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will meet April 24, 1981, in Riverside, California. The purpose of the meeting is to discuss progress of implementation of the California Desert Plan. The meeting will begin at 9:00 a.m., Friday, April 24, and is scheduled to adjourn by 5:00 p.m. Location is the Board Room, Raincross Square, 3443 Orange St., Riverside, California. The meeting is open to the public and interested persons may attend and file statements with the Advisory Committee.

Further information may be obtained from Mr. Clayton A. Record, Jr., Chairman, California Desert Conservation Area Advisory Committee, c/o California Desert District Office, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Dated: March 9, 1981.

Bruce Ottenfeld,

District Manager.

[FR Doc. 81-8749 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-84-M

[F-14899-A and F-14899-A2]

Alaska Native Claims Selections

This decision rejects improperly filed Sec. 14(h)(1) selection applications, approves lands selected pursuant to Sec. 12(a) in the area of Mountain Village for conveyance to Azachorok Incorporated, and rejects a Sec. 12(b) selection to the extent that it conflicts with lands herein approved for conveyance under Sec. 12(a).

I. Section 14(h)(1) Applications Rejected in Entirety

Calista Corporation filed selection applications pursuant to Sec. 14(h)(1) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(h)(1976)). Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since the lands encompassed in the subject Sec. 14(h)(1) applications had been properly selected by Azachorok Incorporated under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the following applications must be and are hereby rejected in their entirety.

Seward Meridian, Alaska (Unsurveyed)

Date of Application, Serial No. and Land Description

10/20/1975, AA-10045, T. 23 N., R. 78 W., S.M., Fractional W½SW¼NE¼, Sec. 13., Fractional E½SE¼NW¼, Sec. 13.
10/23/1975, AA-10087, T. 23 N., R. 78 W., S.M., N½NW¼NE¼, Sec. 15.
10/23/1975, AA-10088, T. 23 N., R. 77 W., S.M., Fractional W½NW¼SE¼, Sec. 18.
06/02/1976, AA-11464, T. 23 N., R. 78 W., S.M., Fractional SW¼NE¼NW¼, Sec. 18.
06/02/1976, AA-11465, T. 23 N., R. 78 W., S.M., N½NW¼NW¼, Sec. 17.
06/02/1976, AA-11466, T. 23 N., R. 78 W., S.M., Fractional SE¼NW¼NE¼, Sec. 16.
06/02/1976, AA-11468, T. 23 N., R. 80 W., S.M., Fractional N½SE¼NE¼, Sec. 4.
06/02/1976, AA-11469, T. 23 N., R. 80 W., S.M., Fractional NW¼SE¼NE¼, Sec. 14.

When this decision becomes final, these applications will be closed of record.

II. Section 12(b) Application Rejected in Part; Lands Proper for Village Selection, Approved for Interim Conveyance

On November 13, 1974, Azachorok Incorporated for the Native village of Mountain Village filed selection application F-14899-A, under the provisions of sec. 12(a) of ANCSA (85 Stat. 688, 701; 43 U.S.C. 1601, 1611, (1976)), for the surface estate of certain lands in the vicinity of Mountain Village.

Azachorok Incorporated, in its November 13, 1974 application excluded several bodies of water. Because certain

of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4(b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excluded other lands available for selection within its exterior boundaries. For these reasons, the water bodies which were improperly excluded in the November 13, 1974 application are considered selected by Azachorok Incorporated.

Azachorok Incorporated, in its November 13, 1974 application, excluded all Native allotment applications in its selection. Some of the Native allotment applications were improperly plotted on the master title plats. The plats have been corrected to more accurately depict the location of the Native allotment applications. This decision excludes Native allotment applications in the selection area as shown on the corrected plats.

On December 15, 1975, Azachorok Incorporated filed selection application F-14896-A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selection overrides the Sec. 12(b) selection. Therefore, application F-14896-A2 is hereby rejected as to lands herein approved for conveyance.

As to the lands described below, the Sec. 12(a) application is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 123,918 acres, is considered proper for acquisition by Azachorok Incorporated and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 23 N., R. 77 W.
Sec. 6, all;
Sec. 7, excluding Native allotment F-16582 Parcel B;
Sec. 18, excluding Native allotments F-18291, F-18573 Parcel B and unnamed interconnecting slough of the Yukon River
Containing approximately 1,540 acres.

T. 24 N., R. 77 W.
Sec. 31, all.
Containing approximately 607 acres.

T. 23 N., R. 78 W.
Secs. 1 to 6, inclusive, all;
Sec. 7, excluding Native allotments F-16540 Parcel B, F-16541 Parcel B, and F-18390 Parcel B;
Sec. 8, excluding Native allotments F-16541 Parcel B, F-17311 Parcel D, F-18336 Parcel B, and F-18390 Parcel C;
Sec. 9, excluding Native allotments F-16555 Parcel A, F-17311 Parcel D, F-16547 Parcel B, and F-16556 Parcel A;
Sec. 10, excluding Native allotments F-17313 Parcel B, F-17314 Parcel D, and F-18555 Parcel A;
Sec. 11, excluding Native allotments F-17313 Parcel B, F-17314 Parcel D, and F-18540;
Sec. 12, excluding Native allotments F-16545 Parcel A, F-16556 Parcel C, and F-16765 Parcel B;
Sec. 13, excluding Native allotments F-16555 Parcel C, F-16765 Parcel B, F-17309 Parcel A, Yukon River, and unnamed interconnecting slough of the Yukon River;
Sec. 14, excluding Native allotments F-17309 Parcel A, F-18295, F-17315 Parcel B, and Yukon River;
Sec. 15, excluding Native allotments F-16709 Parcel A, F-18295, F-18438 Parcel B, F-16555 Parcel A, and Yukon River;
Sec. 16, excluding Native allotments F-18387 Parcel C, F-16555 Parcel A, F-18389 Parcel D, and Yukon River;
Sec. 17, excluding Native allotments F-18389 Parcel C, F-18302 Parcel A, F-16550 Parcel A, F-16545 Parcel B, and Yukon River;
Sec. 18, excluding Native allotments F-16550 Parcel A, F-18391 Parcel B, P18354 Parcel D, F-18497 Parcel B, and Yukon River.
Containing approximately 7,125 acres.

T. 24 N., R. 78 W.
Secs. 7 to 18, inclusive, all;
Secs. 19 and 20, excluding east fork of Archuelinguk River;
Secs. 21 to 27, inclusive all;
Sec. 28, excluding Native allotments F-16552 and F-16553;
Sec. 29, excluding Native allotment F-16552 and east fork of Archuelinguk River;
Sec. 30, excluding Native allotment F-16550 Parcel B and east fork of Archuelinguk River;
Secs. 31 and 32, all;
Sec. 33, excluding Native allotment F-16553;
Sec. 34, 35 and 36, all.
Containing approximately 18,540 acres.

T. 22 N., R. 79 W.
Secs. 4 and 5, excluding Black River;
Sec. 6, all;
Secs. 7, 8, and 9, excluding Black River;
Sec. 16, all;
Secs. 17 to 21, inclusive, excluding Black River;
Sec. 28, all;
Secs. 29 and 30, excluding Black River;
Secs. 31, 32 and 33, all.
Containing approximately 11,422 acres.

T. 23 N., R. 79 W.
Secs. 1 and 2, all;
Sec. 3, excluding Native allotments F-16557, F-18293 Parcels A and B, and Azacharum Slough;
Sec. 4, excluding Native allotment F-16549 Parcel B, Azacharum Slough and Patsy's Slough;
Sec. 5, excluding Native allotments F-16549 Parcel B, F-16595 Parcel B, F-17300 Parcel A, Patsy's Slough, and unnamed interconnecting slough of the Yukon River;
Sec. 6, excluding Native allotments F-17312 Parcel C, F-16595 Parcel B, F-17300 Parcel A, Patsy's Slough, and unnamed interconnecting sloughs of the Yukon River;
Sec. 7, excluding Native allotment F-17300 Parcel A, Yukon River, and unnamed interconnecting slough of the Yukon River;
Sec. 8, excluding Native allotment F-17300 Parcel A, Yukon River, Patsy's Slough, and unnamed interconnecting slough of the Yukon River;
Sec. 9, excluding F-17314 Parcel C, Azacharum Slough, Patsy's Slough, and unnamed interconnecting slough of the Yukon River;
Sec. 10, excluding Native allotments F-16544 Parcel B, F-16545 Parcel C, F-16547 Parcel A, F-17314 Parcel C, F-18293 Parcel C, and Azachaum Slough;
Sec. 11, excluding Native allotments F-17311 Parcel C, F-17315 Parcel C, and F-18386 Parcel A;
Sec. 12, all;
Sec. 13, excluding Native allotments F-16606 Parcel A, F-17394, F-16384 Parcel D, and Yukon River;
Sec. 14, excluding Native allotments F-16386 Parcel A, F-17394, lot 1 of U.S. Survey 4055 (ANCSA Sec. 3(e) application AA-16145), ANCSA Sec. 3(e) application AA-41433, U.S. Survey 4412, U.S. Survey 4010, and Yukon River;
Sec. 15, excluding U.S. Survey 4412, lot 1 of U.S. Survey 4055 (ANCSA Sec. 3(e) application AA-16145), lots 2 and 3 of U.S. Survey 4055, and Yukon River;
Sec. 16, excluding Yukon River;
Secs. 17 and 18, excluding Yukon River and unnamed interconnecting slough of the Yukon River;
Sec. 19, all;
Sec. 20, excluding Yukon River and unnamed interconnecting slough of the Yukon River;
Sec. 21, excluding Native allotments F-17313 Parcel D, F-16294 Parcel A, and Yukon River;
Sec. 22, excluding Native allotment F-17306 Parcel A and Yukon River;
Sec. 23, excluding Native allotments F-17306 Parcel A, F-17386 Parcel B, F-17315 Parcel D, F-16390 Parcel D, Yukon River, and Black River;
Sec. 24, excluding Native allotment F-17389 Parcel B, Yukon River, and Black River;
Secs. 25 and 26, excluding Black River;

Sec. 27, all;
Sec. 28, excluding Native allotments F-18294 Parcel A and F-16544 Parcel C;
Secs. 29 to 34, inclusive, all;
Sec. 35, excluding Black River;
Sec. 36, all.
Containing approximately 16,564 acres.

T. 24 N., R. 79 W.
Sec. 10, all;
Sec. 11, excluding Archuelinguk River;
Sec. 12, excluding Native allotment F-19595 Parcel A, and Archuelinguk River;
Sec. 13, all;
Sec. 14, excluding Native allotments F-18292 Parcel A, F-16558 Parcel B, and Archuelinguk River;
Sec. 15, excluding Native allotments F-18705 Parcel A, F-18292 Parcel A, and F-16558 Parcel B;
Sec. 22, excluding Native allotments F-16544 Parcel D, F-16547 Parcel D, F-18294 Parcel C, F-16386 Parcel C, F-17314 Parcel B, F-16558 Parcel B, F-17388 Parcel B, and Archuelinguk River;
Sec. 23, excluding Native allotments F-16558 Parcel B, F-17389 Parcel B, and Archuelinguk River;
Sec. 24, excluding Native allotments F-16542, F-17512 Parcel B, and east fork of Archuelinguk River;
Sec. 25, excluding Native allotments F-16542 Parcel B, F-17310 Parcel A, F-17512 Parcel B, F-17312 Parcel B, F-16550 Parcel B, and east fork of Archuelinguk River;
Sec. 26, excluding Native allotments F-16540 Parcel A, F-16541 Parcel A, F-17310 Parcel A, F-17313 Parcel C, Archuelinguk River, and east fork of Archuelinguk River;
Sec. 27, excluding Native allotments F-17311 Parcel B, F-19268, and Archuelinguk River;
Sec. 31, excluding unnamed interconnecting slough of the Yukon River and Patsy's Slough;
Sec. 32, excluding Azacharum Slough;
Sec. 33, excluding Native allotment F-16549 Parcel A, Azacharum Slough, and Archuelinguk River;
Sec. 34, excluding Native allotments F-18293 Parcel A, F-16557, F-16558 Parcel B, and Archuelinguk River;
Sec. 35, excluding Native allotments F-16556 Parcel B, F-17313 Parcel C, and Archuelinguk River;
Sec. 36, all.
Containing approximately 8,530 acres.

T. 21 N., R. 80 W.
Secs. 1, 2 and 3, all;
Secs. 10 to 14, inclusive, all.
Containing approximately 5,120 acres.

T. 22 N., R. 80 W.
Secs. 1 to 5, inclusive, all;
Secs. 6 and 7, excluding Black River;
Secs. 8 to 16, inclusive, all;
Secs. 17, 18, and 19, excluding Black River;
Sec. 20, excluding Native allotment F-18921 Parcel A and Black River;
Sec. 21, all;
Secs. 22 and 23, excluding Native allotment F-18174 Parcel A and Black River;
Secs. 24 to 28, excluding Black River;
Sec. 29, excluding Native allotment F-18921 Parcel A, and Black River;
Secs. 30, 31, and 32, all;
Sec. 33, excluding Black River;
Sec. 34, excluding Native allotment F-17389 Parcel D, and Black River;
Sec. 35, excluding Native allotment F-17392 Parcel C and Black River;
Sec. 36, all.
Containing approximately 22,702 acres.

T. 23 N., R. 80 W.
Sec. 1, excluding Native allotment F-17392 Parcel B, Yukon River, and unnamed interconnecting slough of the Yukon River;
Sec. 2, excluding Yukon River and unnamed interconnecting slough of the Yukon River;
Sec. 3, excluding Native allotments F-16543 Parcel A, F-17537 Parcel C, and Yukon River;
Sec. 4, excluding Yukon River;
Secs. 5 to 9, exclusive, excluding Petukang River;
Secs. 10, 11 and 12, excluding Yukon River;
Sec. 13, excluding Native allotment F-18921 Parcel B, Yukon River, and unnamed interconnecting slough of the Yukon River;
Sec. 14, excluding Yukon River and Petukang River;
Secs. 15, 16, and 17, inclusive, excluding Petukang River;
Secs. 18 and 19, all;
Secs. 20 to 23, inclusive, excluding Petukang River;
Secs. 24, 25 and 26, all;
Sec. 27, excluding Petukang River;
Secs. 28 to 36, inclusive, all.
Containing approximately 20,366 acres.

T. 22 N., R. 81 W.
Sec. 1, excluding Native allotment F-17390 Parcel B and Black River;
Sec. 2, excluding Black River;
Sec. 3, all;
Secs. 10, 11, and 12, excluding Black River;
Secs. 13 and 14, excluding Black River;
Sec. 15, all;
Secs. 22 to 27, inclusive, all;
Secs. 34, 35 and 36, all.
Containing approximately 11,400 acres.
Aggregating appoximately 123,918 acres.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under application pending further adjudication; lands are underlying water bodies determined to be navigable and/or tidally influenced; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601,1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14809-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement identified. Any uses which are not specifically listed are prohibited.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 9 C9) An easement forty (40) feet in width, for an existing road located entirely within Sec. 14, T. 23 N., R. 79 W., Seward Meridian, from the end of the granted road right-of-way to St. Mary's (AA-12922) southeasterly to the Mountain Village airstrip, thence southwesterly to the Mountain Village townsite. The uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 9b C9) An easement forty (40) feet in width for an existing road located entirely within Sec. 14, T. 23 N., R. 79 W., Seward Meridian, from the end of the granted road right-of-way to St. Mary's (AA-12922) westerly to the Lower Yukon School District Complex. The uses allowed are those listed above for a sixty (60) foot wide road easement.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2)

of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Airport lease AA–6632, containing 99.5 acres, lying within Secs. 11 and 14, T. 23 N., R. 79 W., Seward Meridian, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928 (45 Stat. 728–729; 49 U.S.C. 211–214);

4. A right-of-way, AA–12822, portions of which are 100 feet and portions 200 feet in width, in Secs. 6 and 7, T. 23 N., R. 77 W., Seward Meridian; Secs. 1, 7, 8, 9, 10, 11 and 12, T. 23 N., R. 78 W., Seward Meridian; Secs. 11, 12 and 14, T. 23 N., R. 79 W., Seward Meridian, for a Federal Aid Highway. Act of August 27, 1958, as amended, 23 U.S.C. 317;

5. A right-of-way, AA–12952, in Secs. 9 and 16, T. 23 N., R. 78 W., Seward Meridan and Sec. 14, T. 23 N., R. 79 W., Seward Meridian, Alaska, (unsurveyed) for two Federal Aid Material sites and one access haul road. Act of August 27, 1958, 23 U.S.C. 317; and

6. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Azachorok Incorporated is entitled to conveyance of 138,240 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 123,918 acres of this entitlement have been approved for conveyance. The remaining entitlement of approximately 14,322 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Azachorok Incorporated and shall be subject to the same conditions as the surface conveyance.

Within the above-described lands, only the following inland water bodies are considered to be navigable:

The Yukon River and its interconnecting sloughs, Patsy's Slough, and Azacharum Slough.

The Kashunuk River is navigable from the Yukon River to its outlet in the Bering Sea.

The Archuelinguk River is navigable from its mouth through the selection, and the east fork of the Archuelinguk River is navigable to the east boundary of Sec. 29, T. 24 N., R. 78 W., Seward Meridan.

The Petukang River is navigable from its mouth through the selection to the Kusilvak Mountains.

The Black River is navigable from its confluence with the Yukon River in Sec. 19, T. 23 N., R. 78 W., Seward Meridian, southwesterly through the selection.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in The Tundra Drums.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 22, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Azachorok Incorporated, Mt. Village, Alaska 99632;

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 81-8725 Filed 3-20-81; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

Appalachian Trail Route Changed

Nineteen proposed relocations of the Appalachian Trail right-of-way, and Trail routes within those rights-of-way, were published on January 23, 1981 (46 FR 7464) to provide an opportunity for public review and comment. No substantive comments were received on the proposals. Environmental assessments have been prepared on those relocations where the National Park Service is acquiring land, and a Finding of No Significant Impact for each of these relocations is on file with the Appalachian Trail Project Office, National Park Service, Harpers Ferry, West Virginia 25425. This notice confirms these right-of-way relocations as the official route of the Appalachian Trail.

David A. Richie,
Project Manager.
March 13, 1981.

[FR Doc. 81-8722 Filed 3-20-81; 8:45 am]
BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before April 22, 1981, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with The Acadia Corporation, authorizing it to continue to provide concession facilities and services for the public at Acadia National Park for a period of approximately ten (10) years from January 1, 1981, through December 31, 1990.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the North Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under a prior contract which expired by limitation of time on December 31, 1974. It has continued to conduct satisfactory operations, at the request of the National Park Service, under the terms and conditions of this expired contract. Therefore, pursuant to the Act of October 9, 1965, as cited above, the foregoing concessioner is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants The Acadia Corporation, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of The Acadia Corporation is substantially equal to others received. In the event a responsive proposal superior to that of The Acadia Corporation, (as determined by the Secretary) is submitted, The Acadia Corporation will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with The Acadia Corporation. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before the thirtieth (30th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, North Atlantic Region, National Park Service, 15 State Street, Boston, MA 02109, for information as to the requirements of the proposed contract.

Dated: March 4, 1981.

Steven H. Lewis,

Acting Regional Director, North Atlantic Region, National Park Service.

[FR Doc. 81-8723 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract; Correction

In FR Vol 46, No. 46, Doc. 81-7443 appearing at pages 15955 and 15956 in the issue for Tuesday, March 10, 1981, make the following corrections:

On page 15955, in the third column, first paragraph of subject notice, the line that reads "given that sixty (60) days after the date" should read "given that thirty (30) days after the date."

On page 15956, column 1, first paragraph, the line that reads "May 11, 1981." should read "April 9, 1981."

Dated: March 16, 1981.

Stanley T. Albright,

Acting Director, National Park Service.

[FR Doc. 81-8729 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-70-M

Ozark National Scenic Riverways Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Friday, April 10, 1981, at 10:00 a.m. (CST), at the Riverways' Headquarters on U.S. Highway 60 in Van Buren, Missouri.

The Commission was established by the Act of August 27, 1964, 78 Stat. 608, 16 U.S.C. 460m-6, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are as follows:

Dr. Oscar Hawksley, Warrensburg, Missouri (Chairman)
Mr. H. C. Daniel, Van Buren, Missouri
Mr. Carlton E. Bay, Salem, Missouri
Mr. Cecil J. Brallier, Houston, Missouri
Mr. Henry F. Luepke, Jr., St. Louis, Missouri
Mr. Edward Hodge, Eminence, Missouri

The purpose of this meeting is to review with the Commission progress on the General Management Plan, in particular the selection of alternatives following the public response period for the Environmental Assessment of Alternatives. Other review topics will include a research update and recent developments regarding concession operations, land acquisition, and youth programs.

The meeting will be open to the public. Any member of the public may file with the Commission, prior to the meeting, a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact Arthur L. Sullivan, Superintendent, Ozark National Scenic Riverways, P.O. Box 490, Van Buren, Missouri 63965, telephone 314-323-4236.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at Ozark National Scenic Riverways' Headquarters in Van Buren, Missouri.

Dated: March 10, 1981.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 81-8710 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-70-M

Pictured Rocks National Lakeshore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held on Friday, April 10, 1981, at 2:00 p.m. (EST), at the Grand Marais Community Center, Grand Marais, Michigan.

The Commission was established by the Act of October 15, 1966, 80 Stat. 922, 16 U.S.C. 460-s, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Pictured Rocks National Lakeshore.

The members of the Commission are as follows:

Mr. Glenn C. Gregg (Chairman)
Mr. James Mueller
Mr. James Becker
Mr. Leo R. Gariepy
Mr. Lawrence L. Lemanski

Matters to be discussed at this meeting include:

1. Activity review by the Superintendent.
2. Discussion of the draft General Management Plan.
3. Review of public comment on the General Management Plan.
4. Discussion of Lakeshore improvement being considered during the 1981-1982 period.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Donald F. Gillespie, Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, telephone 906-387-2607.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Pictured Rock National Lakeshore Headquarters at Sand Point, 4 miles east of Minising, Michigan.

Dated: March 13, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-8719 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Tuesday, April 14, 1981 at 2:30 p.m. at the Park Ranger Visitor Center at Griffith Park, 4730 Crystal Springs Drive, Los Angeles, CA.

The Advisory Commission was established by Pub. L. 95-625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:
Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Ms. Margot Feuer
Dr. Henry David Gray
Mr. Edward Heidig
Mr. Frank Hendler
Ms. Mary C. Hernandez
Mr. Bob Hollman
Ms. Susan Barr Nelson
Mr. Carey Peck
Mr. Donald Wallace
Ms. Marilyn Wheley Winters

The major agenda items include the Superintendent's status report and recommendations by the Commission on the General Management Plan. There will be a designated period for public comment on the General Management Plan.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by May 15, 1981, at the above address.

Dated: March 9, 1981.

Robert S. Chandler,

Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 81-8724 Filed 3-20-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: March 17, 1981.

In our decisions of February 25, March 3, and March 9, 1981, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 19.0-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 19.0-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor the 7.1-percent surcharge for the bus carriers, nor the 2.2-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. March 20, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis, Commissioners Gresham concurred with separate expressions.

Agatha L. Mergenovich,

Secretary.

Ex Parte No. 311

Acting Chairman Alexis, concurring:

Commissioner Gresham believes that there should be public comment on the issue of the relationship between Ex Parte No. 311 (Sub-No. 4) and Ex Parte No. MC-122 (Sub-No. 2). However, the entire Commission considered this issue and rejected it by a 4-1 vote and concluded instead that such an invitation for additional comments would be unnecessary. The public has had ample opportunity to comment on these proceedings. The comment period in both proceedings is closed. In my view, therefore, the majority decision means that no unsolicited comments will be received or considered by the Commission in these proceedings.

Commissioner Gresham, concurring:

I join today's decision, but I am distressed at the lack of progress in reviewing the fuel surcharge program over the past ten months. Accordingly, I would have requested public comment as to whether our resolution of Ex Parte No. 311 (Sub-No. 4) should or should not be further delayed until we reach a final decision in Ex Parte No. MC-122 (Sub-No. 2), *Lease of Equipment and Drivers to Private Carriers*, 132 MCC 361 (1980). I would also have invited comment as to whether the substantive result in either proceeding should or should not influence the resolution of the other proceeding.

Appendix—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

March 16, 1981 ..... 135.0¢

	Transportation performed by—			
	Owner operator[1]	Other[2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	19.0	3.3	7.1	[3]3.0
Percent surcharge allowed	19.0	3.3	7.1	[4]2.2

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 61 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-8751 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be

protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-814

Decided: March 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 135524 (Sub-163), filed February 18, 1981. Applicant: G. F. TRUCKING COMPANY, 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509, (216) 747-4401. Transporting *general commodities*, between Lanare, Hub, and Mentone, CA, Roseville and Youngstown, IL, Commerce, OK, DeSoto and Nashville, NE, Jordan, KY, and Spelter and Farnum, WV, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service.

MC 147585 (Sub-11), filed March 2, 1981. Applicant: DICK WELLER, INC., Shoham Rd., Warehouse Point, CT 06088. Representative: Patrick A. Doyle, 60 Robbins Rd., Springfield, MA 01104, (413) 737-1476. As a *broker*, transporting *general commodities* (except household goods), between points in the U.S.

MC 152315 (Sub-1), filed February 24, 1981. Applicant: MARYLAND MESSENGER SERVICE, INC., 16 Albemarle St., Baltimore, MD 21202. Representative: Theodore H. Cromer (same address as applicant), (302) 837-5550. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons or ammunitions), between points in the U.S.

MC 154254, filed February 20, 1981. Applicant: JOHN L. MOYER, d.b.a. MOYER'S KWIK SERVICE, 1414 Cathy's Lane, North Wales, PA 19454. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154545, filed March 2, 1981. Applicant: LOUIS E. BURRISS, d.b.a. L & M EXPRESS, 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-4-29

Decided: March 18, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153256 (Sub-1), filed March 6, 1981. Applicant: JACK BENTLEY, d.b.a. JACK BENTLEY TRUCKING, 36505 Wilson Hwy., Tillamook, OR 97141. Representative: Lex F. Page, One Southwest Columbia, Suite 800, Portland, OR 97258, (503) 222-4422. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8730 Filed 3-20-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80100.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common

control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statments filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-078

Decided March 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 142080 (Sub-18), filed February 6, 1981. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Chase & Company of New York, NY.

MC 148620 (Sub-4), filed February 5, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 6202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., Atlanta, GA 30032; (404) 658-8045. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in the U.S., under continuing contract(s) with General Foods Corporation of White Plains, NY.

MC 151480 (Sub-2), filed February 4, 1981, previously noticed in the Federal Register issue of March 5, 1981. Applicant: SUNBELT EXPRESS, INC., P.O. Box 13008, Florence, SC 29504. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *metal products*, between Charleston, SC, on the one hand, and, on the other, points in OK and TX and those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Note.—The purpose of this republication is to reflect the correct territorial description.

MC 151550 (Sub-1), filed February 5, 1980. Applicant: DERRILL GREENE, Route 1, Box 230, Clio, AL 36017. Representative: Boyd Whigham, 104 Court Square, Clayton, AL 36016, (205) 775-8550. Transporting *lumber and wood products*, between points in Barbour County, AL, on the one hand, and, on the other, points in AR, FL, GA, IL, IN, KY, LA, MS, NC, OH, SC, TN, TX, and VA.

Volume No. OP1-079

Decided March 16, 1981.

By the Commission, review Board No. 1, Members Carleston, Joyce and Jones.

MC 145150 (Sub-16), filed February 2, 1980. Applicant: HAYNES TRAPNSORT CO., INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *chemicals and related products*, between points in Moore County, TX, on the one hand, and, on the other, points in UT.

Note.—This republication clarifies the commodity description.

Volume No. OP1-081

Decided March 13, 1981.

By the Commission, Review Board No. 1, Parker Chandler and Taylor.

MC 33070 (Sub-23), filed February 6, 1980. Applicant: GEORGE HILDEBRANT, INC., F.D. No. 4, Hudson, NY 12534. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *Salt, salt products, lime, lime products,* and *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, between points in NY, ME, NH, MA, RI, CT, PA, DE, MD, VT, NJ, VA, and DC.

MC 93840 (Sub-60), (Republication); filed February 28, 1981, previously noticed in the Federal Register issue of February 18, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *general commodities* (except class A and B explosives), between the facilities of Grain Processing Corporation and Kent Feeds, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to include the facilities of Grain Processing Corporation as part of the radial territorial description.

MC 153731 (Sub-1), filed February 2, 1981. Applicant: RICHARD D. VEST, d.b.a., VEST EXCAVATING, Box 801, R.R. No. 3, Collinsville, IL 62234. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *sand, lime, and metal products*, between points in the U.S., under continuing contract(s) with Chemetco, Inc., of Hartford, IL.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8749 Filed 3-20-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual

operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-4-30

Decided: March 17, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 59686 (Sub-9), filed March 6, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Robert A. Mega, 510 Turks Head Bldg., Providence, RI 02903, (401) 272-4040. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Soluol Chemical Company, Inc., of West Warwick, RI.

MC 59686 (Sub-10), filed March 6, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Robert A. Mega, 510 Turks Head Bldg., Providence, RI 02903, (401) 272-4040. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Collyer Insulated Wire Company, Division of Gulf & Western Mfg. Co., of Lincoln, RI.

MC 139306 (Sub-12), filed March 6, 1981. Applicant: DEL R. STANGE AND JOE R. STANAGE, d.b.a. STANAGE TRANSPORTATION, a partnership, 121 Indian Springs Rd., Hot Springs, AR 71901. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201, (501) 375-3022. Transporting *metal products*, between points in Clark, Garland, Hot Spring, and Saline Counties, AR, on the one hand, and, on the other, those points in OK on and east of Interstate Hwy 35.

MC 146636 (Sub-6), filed March 6, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, d.b.a. SMITH TRUCKING, Rt. 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products*, between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counties, MN, on the one hand, and, on the other, points in AL, AZ, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI and DC.

MC 153356 (Sub-1), filed March 6, 1981. Applicant: RAYMOND FULLER d.b.a. A T & E TRUCKING, 18995 Forest Blvd. N., Forest Lake, MN 55025. Representative: James F. Finley, AAA Bldg., Suite 200, 170 E. 7th Pl., St. Paul, MN 55101, (612) 464-5290. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Fritz Company, Inc., of Newport, MN.

MC 154416, filed February 26, 1981. Applicant: J & S LINES, INC., P.O. Box 184, Mukwonago, WI 53149. Representative: Ronald E. Laitsch, P.O. Box 70, Watertown, WI 53094. Transporting (1) *chemicals and related products* and (2) *abrasives*, between the facilities of Metal Finishing Co., Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OP1-682

Decided March 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 11740 (Sub-8), filed February 20, 1981. Applicant: BLUE & GRAY TRANSPORTATION CO. INC., 1111 Commerce Road, Richmond, VA 23224. Representative: Francis W. McInerny, 1000 16th St., NW., No. 802, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives) between points in VA, on the one hand, and, on the other, points in IL, IN, OH, PA, MD, DE, WV, VA, NC, SC, TN, KY and DC.

MC 33641 (Sub-160), filed February 17, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant), (801) 972-7263. Transporting *waste and scrap materials* not identified by industry producing, between points in Middlesex County, MA, on the hand, and, on the other, points in Benton, Grant and Franklin Counties, WA.

MC 61231 (Sub-185), filed February 9, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *food and related products*, between points in Johnson and Muscatine Counties, IA, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, LA, MI, MN, MO, NE, NM, ND, OK, SD, TX, WI, and WY.

MC 75281 (Sub-21), filed February 17, 1981. Applicant: BOOTHEEL TRANSPORTATION CO., a corporation, P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE, Atlanta, GA 30326. Transporting *such commodities* as are manufactured, distributed or dealt in by manufacturers or converters of paper and paper products, between the facilities of Westvaco Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 82841 (Sub-305), filed February 17, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106, (402) 392-1220. Transporting *transportation equipment*, between (1) points in OH, PA, Harris County, TX and Cook County, IL, on the one hand, and, on the other, points in Box Butte County, NE, and (2) points in Box Butte County, NE, on the one hand, and, on the other, points in Multnomah County, OR.

MC 86360 (Sub-39), filed March 2, 1981. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Rd., P.O. Box 4309, Fort Worth, TX 76106. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102, (817) 332-4415. Transporting *building materials*, between Los

Angeles, CA, on the one hand, and, on the other, points in TX.

MC 102181 (Sub-11), filed February 10, 1981. Applicant: O. H. & F., INC., P.O. Box 129, Grayville, IL 62844. Representative: William P. Whitney, Jr., Suite 708 McClure Bldg., Frankfort, KY 40601. Transporting *mercer commodities* (1) between points in NY, on the one hand, and, on the other, points in KY, MS, MO, NE, OH, PA, TN, IL, IN, and WV, and (2) between points in NY.

MC 121740 (Sub-1), filed February 9, 1981. Applicant: MANLEY TERMINALS, INC., P.O. Box 955, Homer, AK 99603. Representatives: John M. Stern, Jr., P.O. Box 1672, Anchorage, AK 99510; J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. Transporting *general commodities* (except classes A and B explosives), between Anchorage, AK, on the one hand, and, on the other, points in AK on the Kenai Peninsula.

MC 124821 (Sub-116), filed February 18, 1981. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: Daniel W. Krane, Box 628, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Rouses Point, NY, and Harrisburg, PA, from Rouses Point, NY, over U.S. Hwy 11 to junction Interstate Hwy 81, at or near Great Bend, PA, then over Interstate Hwy 81 to Harrisburg, PA, and return over the same route, (2) between junction U.S. Hwy 11 and NY Hwy 104, at or near Maple View, NY, and Buffalo, NY, from junction U.S. Hwy 11 and NY Hwy 104, at or near Maple View, NY, over NY Hwy 104 to junction NY Hwy 384, then over NY Hwy 384 to Buffalo, NY, and return over the same route, (3) between Syracuse, NY, and Buffalo, NY, from Syracuse over NY Hwy 175 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction NY Hwy 5, at or near Depew, NY, then over NY Hwy 5 to Buffalo, and return over the same route, (4) between Alton, NY, and Elmira, NY, over NY Hwy 14, (5) between Rochester, NY, and Binghamton, NY, from Rochester over NY Hwy 15 to junction Interstate Hwy 390, then over Interstate Hwy 390 to junction NY Hwy 17, then over NY Hwy 17 to Binghamton, and return over the same route, (6) between Buffalo, NY, and Salamanca, NY, over U.S. Hwy 219, (7) between Buffalo, NY, and the NY-PA State line, over Interstate Hwy 90, (8) between Barcelona, NY, and Erwin, NY, from Barcelona over NY Hwy 17 to junction NY Hwy 417, then over NY Hwy 417 to Erwin, and return over the same route, (9) between Painted Post, NY and the PA-MD State line, over U.S.Hwy 15, (10) between junction U.S. Hwy 15 and Interstate Hwy 80, at or near New Columbia, PA, and New York, NY, over Interstate Hwy 80, (11) between Wilkes-Barre, PA, and Philadelphia, PA, over U.S. Hwy 309, (12) between Scranton, PA, and junction Interstate Hwys 380 and 80, over Interstate Hwy 380, (13) between junction Interstate Hwys 380 and 84, near Scranton, PA, and the PA-NY State line, over Interstate Hwy 84, (14) between junction Interstate Hwys 81 and 78, at or near Ft. Indiantown Gap, PA, and New York, NY, over Interstate Hwy 78, (15) between Harrisburg, PA, and Philadelphia, PA, from Harrisburg over U.S. Hwy 322 to junction U.S. Hwy 422, then over U.S. Hwy 422 to Philadelphia, and return over the same route, (16) between Harrisburg, PA, and the PA-MD State line, over Interstate Hwy 83, (17) between York, PA, and Absecon, NJ, over U.S. Hwy 30, (18) between Camden, NJ, and Wildwood, NJ, over NJ Hwy 47, (19) between Philadelphia, PA, and junction NY Hwy 70 and U.S. Hwy 9, at or near Pleasant Plains, NJ, from Philadephia over NY Hwy 70 to junction U.S. Hwy 9, and return over the same route, (20) between Vineland, NJ, and Milford, PA, from Vineland, NJ, over NJ Hwy 54 to junction U.S. Hwy 206, then over U.S. Hwy 206 to Milford, PA, and return over the same route, (21) between N. Cape May, NJ, and junction U.S. Hwy 9 and NJ-NY State line, over U.S. Hwy 9, (22) between Philadelphia, PA, and New York, NY, over U.S. Hwy 1, serving all intermediate points in (1) through (22) above, and serving those points in NY, NJ, and PA not included in (1) through (22) above as off-route points.

Note.—The purpose of this application is to convert applicant's irregular-route authority to regular-route authority.

Note.—Applicant intends to tack this authority with its existing authority.

MC 135021 (Sub-6), filed February 23, 1981. Applicant: MOLERWAY FREIGHT LINES, INC., 2707 Beartooth Dr., Billings, MT 59102. Representative: John L. Mohr, 111 West Main, Laurel, MT 59044. Transporting *general commodities* (except classes A and B explosives), between points in MT.

MC 136511 (Sub-107), filed February 23, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517, (804) 369-5661. Transporting *food and related products*, between points in Gloucester County, NJ, and those in Berks, Delaware, Chester, Montgomery, Bucks and Philadelphia Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 136181 (Sub-10), filed February 11, 1981. Applicant: TRANSPORT EXPRESS, INC., P.O. Box 663, Dodge City, KS 67801. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *chemicals and related products*, between points in KS, NE, OK, CO, UT, TX and IA.

MC 138690 (Sub-16), filed February 27, 1981. Applicant: MOODIE, INC., 301 Acorn St., Stevens Point, WI 54481. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *food and related products*, between points in Waupaca and Outagamie Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 144821 (Sub-12), filed February 23, 1981. Applicant: FREEDOM FREIGHTWAYS, INC., 9060 Latty Ave., St. Louis, MO 63134. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335-3576. Transporting *petroleum, natural gas and their products, chemicals and related products*, and *such commodities* as are dealt in or used by retail filling stations and automotive service centers, between CA, WA, and those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 146121 (Sub-1), filed February 23, 1981. Applicant: BAY CARTAGE COMPANY, 1122 East Barney, Muskegon, MI 49444. Representative: William H. Heritage, Jr., 444 Union Bank Plaza, Grand Rapids, MI 49503, (616) 774-8031. Transporting *pulp, paper and related products*, and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Scott Paper Company of Philadelphia, PA.

MC 148451 (Sub-2), filed March 3, 1981. Applicant: HOLSTINE TRUCKING, INC., 125th Old Brighton Road, Henderson, CO 80640. Representative: Edward C. Hastings, 653 Grant St., Denver, CO 80203, (303) 837-1204. Transporting *food and related products*, between points in Adams County, CO, on the one hand, and, on the other, points in TX, NM, OK, KS, and AZ.

MC 148620 (Sub-7), filed March 2, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., 2270 Southwest 36th St., Fort Lauderdale, FL 33312. Representative: Robert W. Gerson, 1400 Candler Bldg., Atlanta, GA 30043, (404) 658-8045. Transporting (1) *transportation equipment*, (2) *rubber and plastic products*, and (3) *metal and*

metal products, between points in the U.S., under continuing contract(s) with Ray's Tires, Inc., of Fort Lauderdale, FL.

MC 150900 (Sub-1), filed February 18, 1981. Applicant: CREATIVE TOURS AND CHARTER SERVICE CORPORATION, 6962 Cantaloupe Ave., Van Nuys, CA 91405. Representative: Mike Frost (same address as applicant), (213) 994–7324. Transporting *passengers and their baggage*, in charter operations, between points in Los Angeles, Orange, Ventura, and Kern Counties, CA, on the one hand, and, on the other, points in Clark County, NV.

MC 154431, filed February 23, 1981. Applicant: DONALD D. WALDROP, P.O. Box 1636, LaGrande, OR 97850. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *liquid commodities*, between points in OR, WA, and ID.

MC 154531, filed March 2, 1981. Applicant: TIPPETT TRAVEL, INC., 3095 South Military Trail, Lake Worth, FL 33463. Representative: Connie A. Vassalotti (same address as applicant), (305) 964–8777. As a *broker*, in arranging for the transportation of *passengers and their baggage*, between points in Palm Beach County, FL, on the one hand, and, on the other, points in the U.S.

EF 541, filed February 17, 1981. Applicant: E. F. MITCHELL & WILMA J. MITCHELL, d.b.a. ALASKA EXPRESS FORWARDERS, 1123 N. Fourth Ave., Kent, WA 98031. Representative: David W. Wiley, 1100 Norton Bldg., Seattle, WA 98104, (206) 622–4007. As a *freight forwarder* in connection with the transportation of *general commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in WA and AK.

Volume No. OPY–2–012

Decided: March 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 1222 (Sub-51), filed February 26, 1981. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 Tenth St., Portsmouth, OH 45662. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *metal and metal products*, between points in Boyd and Greenup Counties, KY, on the one hand, and, on the other, points in AL, GA, KY, LA, MS, NC, SC, TN, VA, and WV.

MC 8472 (Sub-9), filed February 10, 1981. Applicant: SOUTH END CARTAGE, INC., 4222 South Knox Ave., Chicago, IL 60632. Representative: H. Neil Garson, 3251 Old Lee Hwy, Suite 400, Fairfax, VA 22030, (703) 691–0900. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, NE, OH, and WI.

MC 10343 (Sub-44), filed February 10, 1981. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36, West, P.O. Box 250, Chillicothe, MO 64601. Representative: Vernon M. Masters (same as applicant) (816) 646–1500. Transporting *general commodities* (except classes A and B explosives), serving points in Rice County, KS, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 61632 (Sub-5), filed February 9, 1981. Applicant: PITZER TRANSFER & STORAGE CORP., P.O. Box 12966, 341 Reserve Avenue, SW., Roanoke, VA 24030. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 737–1030. Transporting *household goods*, between points in VA, on the one hand, and, on the other, those points in the U.S. in and east of MI, WI, IA, NE, CO, OK, and TX.

MC 67403 (Sub-12), filed February 10, 1981. Applicant: BROBS TRUCKING CO., INC., Interstate Hwy 295 & Dominick Lane, Paulsboro, NJ 08066. Representative: Ira G. Megdal, 499 Cooper Landing Rd., Cherry Hill, NJ 08002, (609) 667–6000. Transporting *metal products*, between Philadelphia, PA, on the one hand, and, on the other, points in VA, MA, RI, NJ, NY, CT, MD, DE, PA, and DC.

MC 69633 (Sub-161), filed February 9, 1981. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave. NW., 6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant), 616–456–2866. (A) Over *regular routes*, transporting *general commodities* (except classes A and B explosives) (1) between Keokuk and Mt. Pleasant, IA, over U.S. Hwy 218, (2) between Burlington, IA and junction U.S. Hwy 34 and Interstate Hwy 35, over U.S. Hwy 34, (3) between the IA–MO state line and Des Moines, IA, over Interstate Hwy 35, (4) between Des Moines, IA and the IA–MN state line, over U.S. Hwy 69, (5) between the IA–MN state line and St. Cloud, MN, over MN Hwy 15, (6) between Elmore and Princeton, MN, over U.S. Hwy 169, (7) between St. Cloud and Taylors Falls, MN, over MN Hwy 95, (8) between Taylors Falls, MN and junction MN Hwy 95 and U.S. Hwy 61, over MN Hwy 95, (9) between junction MN Hwy 95 and U.S. Hwy 61 and LaCresent, MN, over U.S. Hwy 61, (10) between LaCrescent and Fairmont, MN, over Interstate Hwy 90, (11) between St. Cloud, MN and Dubuque, IA, over U.S. Hwy 52, (12) between Albert Lea and Cambridge, MN, over U.S. Hwy 65, (13) between Owatonna, MN and Mt. Pleasant, IA, over U.S. Hwy 218, (14) between Dubuque and Keokuk, IA, over U.S. Hwy 61, (15) between Des Moines and Davenport, IA, over U.S. Hwy 6, (16) between junction U.S. Hwy 20 and U.S. Hwy 69 and Dubuque, IA, over U.S. Hwy 20, (17) between Garner and McGregor, IA, over U.S. Hwy 18, (18) between Waterloo, IA and the IA–MO state line over U.S. Hwy 63, and (19) serving (a) all points on and east of Interstate Hwy 35 from the IA–MO state line to junction U.S. Hwy 69, then over U.S. Hwy 69 to the IA–MN state line, and (b) all points on, east, and south of MN Hwy 15 from the MN–IA state line to junction MN Hwy 95, then over MN Hwy 95 to the MN–WI state line, as off-route points in connection with carrier's regular-route operations, and serving all intermediate points in (1) through (19) above; (B) over Irregular Routes, between points on and east of Interstate Hwy 35 from the IA–MO state line to junction U.S. Hwy 69, then over U.S. Hwy 69 to the IA–MN state line, and points on, east, and south of MN Hwy 15 from the MN–IA state line to junction MN Hwy 95, then over MN Hwy 95 to the MN–WI state line.

Note.—Applicant intends to tack this authority with its existing authority.

MC 72243 (Sub-73), filed February 10, 1981. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Rd., SE., P.O. Box 350, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting (1) *those commodities* which because of their size or weight require the use of special handling or equipment, (2) *transportation equipment*, (3) *machinery*, (4) *metal products*, (5) *clay, concrete, glass or stone products*, and (6) *lumber and wood products*, between points in CO, IA, KS, MN, MO, NE, SD, and KY, on the one hand, and, on the other, Richmond, VA, and points in Accomack and Northampton Counties, VA, and points in IL, WI, MI, IN, OH, NY, PA, WV, NJ, DE, CT, MA, MD, and DC.

MC 108453 (Sub-42), filed February 19, 1981. Applicant: G & A TRUCK LINE, INC., 404 West Peck Ave., White Pigeon, MI 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* between points in the U.S., under a

continuing contract(s) with ACM Plastic Products, of Sturgis, MI.

MC 108453 (Sub-43), filed February 18, 1981. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, MI 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *general commodities* between points in the U.S., under a continuing contract(s) with Simplex Industries, Inc., of Constantine, MI.

MC 112822 (Sub-466), filed March 3, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant), (918) 225-0365. Transporting *food and related products*, between Ft. Worth, TX, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, IL, KS, LA, MT, MO, NV, MN, OK, OR, UT, WA, and WY.

MC 112822 (Sub-467), filed March 3, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191; 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *food and related products*, between points in Anderson County, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NM, NC, NE, OH, OK, SC, TN, WI, and UT.

MC 116202 (Sub-173), filed March 3, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives), (1) Between points in CT, DE, MA, MD, NJ, NY, PA, and RI, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TX, and WI, and (2) Between Chicago, IL, on the one hand, and, on the other, points in IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TX, and WI.

MC 118263 (Sub 109), filed February 10, 1981. Applicant: COLDWAY CARRIERS, INC., P.O. Box 3038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., Suite 706, McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting *instruments and photographic goods*, between points in TX, AR, MO, IA, and MN.

MC 124073 (Sub-59), filed February 10, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. Transporting *such commodities* as are dealt in by meat packinghouses and hide companies, between points in the U.S., under continuing contract(s) with (a) Iowa Beef Processors, Inc. and (b) Texas Amarillo Systems Co., both of Dakota City, NE.

MC 125433 (Sub-459), filed February 10, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant). Transporting *coal and coal products, and clay, concrete, glass or stone products*, between points in SD, WY, and MT, on the one hand, and, on the other, points in the U.S.

MC 135082 (Sub-118), filed February 10, 1981. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: Robert G. Russell (same address as applicant. Transporting (1) *ores and minerals*, (2) *lumber and wood products*, (3) *pulp, paper and related products*, (4) *chemicals and related products*, (5) *petroleum, natural gas and their products*, (6) *coal and coal products*, (7) *rubber and plastic products*, (8) *clay, concrete, glass or stone products*, (9) *metal products*, (10) *machinery*, (11) *transportation equipment*, (12) *waste or scrap materials not identified by* industry producing, between those points in the U.S. in and west of MN, IA, MO, AR, and LA. Condition: Issuance of this certificate is conditioned, at applicant's written request, upon coincidental cancellation of carrier's authority held in MC 135082 and Sub Nos. 8, 10, 11, 17, 18, 20, 23, 24, 33, 34, 35, 39, 40, 41, 45, 53, 54, 65, 73, 76, 83, 84, 92, 109, 110, 112, and 115, and concurrent dismissal of authority pending in Sub Nos. 86, 113, 114, 116, and 117.

MC 136363 (Sub-26), filed February 13, 1981. Applicant: J & P PROPERTIES, INC., P.O. Box 1146, Apopka, FL 32703. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801, (305) 425-2213. Transporting *such commodities* as are dealt in by retail department stores, between points in Clayton County, GA, on the one hand, and, on the other, points in FL.

MC 136363 (Sub-27), filed February 13, 1981. Applicant: J & P PROPERTIES, INC., P.O. Box 1146, Apopka, FL 32703. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801, (305) 425-2213. Transporting *electrical machinery, equipment or supplies*, between points in FL, on the one hand, and, on the other, points in IA, TN, and WI.

MC 141532 (Sub-109), filed February 17, 1981. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104, (801) 973-4449. Transporting *such commodities* as are dealt in by retail lumber and building materials stores, home improvement stores, and home furnishing stores, between points in the U.S., under a continuing contract(s) with The Flintkote Supply Company, a subsidiary of Flintkote Company, of Dallas, TX.

MC 143433 (Sub-14), filed February 27, 1981. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING COMPANY, 310 South First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *Food and related products*, between points in KS, on the one hand, and, on the other, points in the U.S.

MC 144603 (Sub-14), filed February 18, 1981. Applicant: F. M. S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant), (314) 291-3030. Transporting *chemicals and related products*, between points in LA and TX, on the one hand, and, on the other, points in CA and those in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 144662 (Sub-54), filed February 10, 1981. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *such commodities* as are dealt in by grocery and food business houses, and department and variety stores, between the facilities of Safeway Stores, Inc., at those points in the U.S. in and west of WI, IA, MO, AR, and LA, on the one hand, and, on the other, those points in the U.S. in and west of WI, IA, MO, AR, and LA.

MC 146293 (Sub-78), filed February 10, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 629, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd. NE, Atlanta, GA 30326, (404) 262-7855. Transporting *such commodities* as are dealt in by manufacturers and distributors of batteries, between points in the U.S.

MC 150432 (Sub-14), filed February 19, 1981. Applicant: H & M TRANSPORTATION, INC., U.S. 42 and 70, London, OH 43140. Representative: Owen B. Katzman, 1828 L Street NW., Suite 1111, Washington, DC 20036, (202) 296-2728. Transporting *chemicals and related products, rubber and plastic products*, and *pulp, paper and related products*, between points in the U.S., under a continuing contract(s) with

Borden Chemical, division of Borden, Inc., of Columbus, OH.

MC 150783 (Sub-14), filed February 27, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72758. Representative: Ronnie Sleeth (same as applicant). Transporting *pulp, paper and related products, rubber and plastic products, and furniture and fixtures*, between the facilities of Scott Paper Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150883 (Sub-7, filed February 23, 1981. Applicant: PDR TRUCKING, INC., P.O. Box 809, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005 (202) 347-6332. Transporting *metal products*, between points in Hill County, TX, on the one hand, and, on the other, points in NJ, NY, MI, IL, IN, OK, AR, CA, AZ, and WA.

MC 153323 (Sub-4), filed February 23, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309 (515) 245-4300. Transporting *food and related products*, between points in Muscatine County, IA, El Paso County, TX, and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 154363, filed February 23, 1981. Applicant: DAVID C. BUNIGER AND JOHN D. BUNIGER d.b.a. BUNIGER FARMS, 1663 14½ Rd., Loma, CO 81524. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203 (303) 861-8046. Transporting *Mercer commodities*, between points in CO, NM, UT, and WY.

MC 154382 (Sub-1), filed February 23, 1981. Applicant: R WAY, INC., 107 Ellison St., Fountain Inn, SC 29644. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Carotell Paper Board Corp., of Taylors, SC, and (b) Hoechst Fibers Industries, of Spartanburg, SC., a division of American Hoechst Corporation.

Volume No. OPY2-013

Decided March 5, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 110252 (Sub-66), filed February 26, 1981. Applicant: JAMES J. WILLIAMS, INC., East 5711 Third Ave., Spokane, WA 99220. Representative: Boyd Hartman, P.O. Box 3041, Bellevue, WA 98009 (206) 453-0312. Transporting (1) *commodities in bulk*, (2) *fertilizer, and* (3) *flour*, between points in WA, OR, ID, MT, and points in Big Horn County, WY.

MC 118292 (Sub-42F), filed February 23, 1981. Applicant: BALLENTINE PRODUCT, INC., P.O. Box 454, Alma, AR 72921. Representative: Barry Roberts, 888 17th Street, NW., Washington, DC 20006. Transporting *food and related products* between points in Orange County, FL on the one hand, and, on the other, points in TN, TX, LA, MS, AL, AR and CO.

MC 134672 (Sub-3), filed February 10, 1981. Applicant: VALENCIA SYSTEMS, INC. d.b.a. VALENCIA TRUCKING CO., 25555 Avenue Stanford, Valencia, CA 91355. Representative: William Davidson, P.O. Box 58408, Los Angeles, CA 90058. Transporting *general commodities* (except classes A and B explosives) between points in Los Angeles County, CA.

MC 142603 (Sub-42F), filed February 24, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell (same address as applicant) (413) 732-6283. Transporting *waste or scrap materials* not identified by Industry producing, between points in the U.S., under continuing contract(s) with L. Cohen & Company, Inc., of Suffield, CT.

MC 144503 (Sub-35), filed February 10, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601, (608) 784-5860. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Board Member Taylor dissents.

MC 144503 (Sub-37), filed February 9, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601, (608) 784-5860. Transporting *general commodities* (except classes A and B explosives) between points in Oakland and Wayne County, MI, on the one hand, and, on the other, points in the U.S.

MC 146782 (Sub-44), filed February 26, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 606 Nashville Bank & Trust Bldg., Nashville, TN 37201, (615) 244-2926. Transporting *metal products*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in AL, GA, IL, PA, SC, and VA.

MC 151042 (Sub-1), filed February 9, 1981. Applicant: STOOPS COACHES, INC., 4720 N. Franklin Road, Indianapolis, IN 46226. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846-6855. Transporting *passengers and their baggage* in round trip, special, and charter operations, beginning and ending at points in Marion, Madison, Delaware, Hamilton, Johnson, Hancock, Hendricks, and Henry Counties, IN, and extending to points in the U.S.

MC 151103 (Sub-1), filed February 19, 1981. Applicant: LARLER LEASING, INC., 524 N. Wayne Ave., Cincinnati, OH 45215. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230 (513) 621-1672. Transporting *petroleum, natural gas and their products*, between Ashland and Catlettsburg, KY, on th eone hand, and on the other, Cincinnati, OH.

MC 151383 (Sub-4), filed February 24, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103 (918) 583-6000. Transporting *metal products*, between points in the U.S., under continuing contract(s) with (a) ANC-CO, Inc., of Ponca City, OK, (b) Central Manufacturing and Supply Company, of Ponca City, OK, (c) High-Temp Metals, Inc., of Oklahoma City, OK, and (d) Alloy Pipe Fabricators, Inc., of Oklahoma City, OK.

MC 151392 (Sub-2), filed February 9, 1981. Applicant: ALPHA MOTOR WAYS, INC., 25 County Ave., Secaucus, NJ 07094. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410 (201) 791-2270. Transporting *such commodities* as are dealt in by chain, grocery or food stores, between points in the U.S., under continuing contract(s) with Wilco Trading Co., INc., of Lakewood, NJ.

MC 152062 (Sub-1), filed February 23, 1981. Applicant: R. C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603 (312) 263-1600. Transporting *general commodities* between points in the United States under continuing contract with Al-ways Air Freight, Inc., of Bensenville, il. Condition: To the extent this permit authorizes classes A and B explosives it shall be limited in term to a period expiring 5 years from its date of issuance.

MC 153732 (Sub-1), filed February 9, 1981. Applicant: A-WAY COACHES, INC., 120 E. Calhoun Street, Macomb, IL 61455. Representative: James C.

Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting: *Passengers and their baggage, in charter and special operations*, between points in Henderson, Warren, Fulton, Brown, McDonough, Hancock, Adams, Schuyler, Knox and Mercer Counties, IL; Lee, Des Moines and Henry Counties, IA, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 154152, filed February 9, 1981. Applicant: ALLIED BULK CARRIERS, INC., 9 Union Hill Road, Englishtown, NJ 07726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *commodities in bulk*, between points in NY, NJ, CT, PA, DE, and MD.

MC 154170, filed February 9, 1981. Applicant: ARNIE M. ARNIO, 3302 Ivy, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *building materials*, between points in MT and WY on the one hand, and, on the other, points in NE, ND and SD.

MC 154183, filed February 9, 1981. Applicant: D & H DELIVERY SERVICE, P.O. Box 168, Caldwell, NJ 07006. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410. Transporting (1) *plastic bottles* under continuing contracts with Vanguard Plastics, Inc., of PA, of Patterson, NJ, and (2) *air filters and components for air filters*, between points in the U.S., under continuing contract(s) with Drico Industrial Corporation, of Wallington, NJ and its subsidiary Viskon-Aire Corp., of Bound Brook NJ.

MC 22182 (Sub-39), filed February 23, 1981. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840-2565. Transporting *transportation equipment*, between those points in the U.S. in and east of WI, IL, KY, TN, AR, and LA. Condition: This grant of authority is conditioned upon coincidental cancellation, of applicant's written request, of all its outstanding certificates.

MC 43992 (Sub-2), filed February 9, 1981. Applicant: CARL C. PICKEL, d.b.a. RAY A. PICKEL TRUCKING COMPANY, R.D. #1, Brogue, PA 17309. Representative: Norman T. Petow, Esq., 43 North Duke St., York, PA 17401, (717) 843-8004. Transporting *such commodities* as are dealt in by chain grocery and food business houses, between points in DE, NJ and NY, on the one hand, and, on the other, points in York County, PA.

MC 69742 (Sub-6), filed February 9, 1981. Applicant: CORDIN MOTOR FREIGHT, INC., 7738 West 62nd Place, Summit, IL 60501. Representative: Stephen H. Loeb, 33 N. La Salle Street, Chicago, IL 60602, (312) 726-9722. *General commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Steel Corporation, of Pittsburgh, PA.

MC 84273 (Sub-11), filed February 26, 1981. Applicant: JONES TRUCKING CO., INC., 3020 Bay View Drive, Green Bay, WI 54301. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 97872 (Sub-4), filed February 26, 1981. Applicant: R. L. NEHLS TRANSFER, INC., 315 Barrington Avenue, Dundee, IL 60118. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 636-1301. Transporting *general commodities*, (except classes A and B explosives), between points in Boone, Cook, DeKalb, DuPage, Kane, Lake, McHenry, Will, and Winnebago Counties, IL, Dane, Dodge, Jefferson, Kenosha, Milwaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties, WI, and Lake and Porter Counties, IN.

MC 115663 (Sub-8), filed February 20, 1981. Applicant: HULL & SMITH HORSE VANS, INC., Route 1, Box 12, Ashland, NE 68003. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102, (402) 348-0632. Transporting *horses*, other than ordinary, and, in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots and the personal effects of their attendants, trainers and exhibitors, between points in the U.S.

Volume No. OPY-2-014

Decided: March 12, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

FF 543, filed February 23, 1981. Applicant: MIAMI VALLEY TRANSPORTATION CONSULTANTS, INC., 1300 East Third St., Dayton OH 45403. Representative: Harold P. Hansen (same address as applicant), (513) 222-4065. As a *freight forwarder*, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 107012 (Sub-669), filed February 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 W., P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), (219) 429-2294. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with International Business Machines Corporation (IBM), of Armonk, NY.

MC 107912 (Sub-38), filed February 2, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd., Memphis, TN 38118. Representative: Tommie J. Perkins, Sr., (same address as applicant), (901) 795-4100. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Jackson, MS and Jackson, TN: from Jackson, MS over U.S. Hwy 51 to Memphis, TN, then over Interstate Hwy 40 to Jackson, TN, and return over the same route, (2) between Jackson, MS and Memphis, TN, over Interstate Hwy 55, and (3) serving all intermediate points on routes (1) and (2) above.

Note.—Applicant proposes to tack this authority with its presently existing authority.

MC 108473 (Sub-55f), filed March 4, 1981. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St, NW, Washington, DC 20036. Transporting *general commodities*, (except Classes A and B explosives) over regular routes, (1) between Erie, PA and Chicago, IL over U.S. Hwy 20, (2) between Pittsburgh, PA and Chicago, IL: from Pittsburgh over U.S. Hwy 22 to Cincinnati, OH, then over U.S. Hwy 52 to Chicago, and return over the same route, (3) between Zanesville, OH, and Indianapolis, IN over U.S. Hwy 40, and (4) between Pittsburgh, PA and Joliet, IL over U.S Hwy 30, serving all intermediate points and points in OH, IN and points in Iroquois, Kankakee, Grundy, Kendall, La Salle, Will, DeKalb, Kane, McHenry, Du Page, and Lake Counties, IL, as off-route points in connection with carrier's regular route operation.

MC 115322 (Sub-204), filed February 27, 1981. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: James E. Wharton, Suite 611, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801, (305) 425-2213. Transporting *food and*

related products, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation of all of carrier's outstanding authority within the above specified area, involving the above specified commodities, and also withdrawal of all pending applications involving the same authority. Applicant shall submit a list of all existing certificates and dates of issue to be cancelled.

MC 118202 (Sub-174), filed February 27, 1981. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 406, Winona, MN 55982. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005, (212) 269–2540. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of rubber and plastic products, between points in Kern and Yolon Counties, CA, Newton County, GA, Wayne and Ontario Counties, NY, Morgan and Will Counties, IL, Middlesex County, MA, Tolland County, CT, Pottawatomie County, OK, Bell County, TX, and Warren County, NJ, on the one hand, and, on the other, points in the U.S.

MC 143522 (Sub-6), filed March 6, 1981. Applicant: CONSOLIDATED CARRIERS, INC., P.O. Box D, Irwin, PA 15642. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, (402) 346–0832. Transporting *general commodities* (except classes A and B explosives), between those points in NY in and west of Jefferson, Oswego, Onondaga, Cortland, and Broome Counties, on the one hand, and, on the other, points in the U.S.

MC 143563 (Sub-10), filed March 2, 1981. Applicant: R. C. MOORE, INC., P.O. Box 346, Waldoboro, ME 04572. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. Transporting (a) *general commodities* (except classes A and B explosives), between points in CA, FL, GA, MA, ME and NH, on the one hand, and, on the other, points in the U.S., (b) *such commodities* as are dealt in by manufacturer and distributors of automotive supplies, between points in CO, CT, MO, NJ, OH, OR, RI, VT and TX, and (c) *metal products*, between points in the U.S. on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the U.S.

MC 145813 (Sub-3), filed February 12, 1981. Applicant: POINTS WEST TRUCKING, INC., P.O. Box 55085, Valencia, CA 91335. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *food and related products*, between points in Erie County, NY and New Haven County, CT, on the one hand, and, on the other, points in AZ, CA, CO, KS, MO, NV, NM, OK, TX and UT.

MC 146403 (Sub-4F), filed March 6, 1981. Applicant: ROGER LOVE, d.b.a. ROGER LOVE TRUCKING, Route 3, East Grand Forks, MN 56721. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *general commodities* (classes A and B explosives), between points in the U.S., under continuing contract(s) with Peterson-Biddick Company, of Thief River Falls, MN.

MC 147003 (Sub-12), filed February 26, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68802. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, 402–488–4841. Transporting *such commodities* as are dealt in or used by building materials stores and home improvement stores, between the facilities of Payless Cashways, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147193 (Sub-5F), filed March 5, 1981. Applicant: MARTIN RUITER, d.b.a. MARTIN'S FEED CO., P.O. Box 189, Custer, WA 98240. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting *ores and minerals*, between points in Whatcom County, WA, on the one hand, and, on the other, points in OR, CA, UT, AZ, TX, ID, NV, and CO.

MC 147332 (Sub-1), filed March 2, 1981. Applicant: SUBURBAN AIRPORTER, INC., 713 110th N.E., Bellevue, WA 98004. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *passengers and their baggage*, in the same vehicle with passengers in special and charter operations, between points in King, Pierce, Snohomish, Island and Skagit Counties, WA, on the one hand, and, on the other, points in the U.S.

MC 147492 (Sub-5), filed February 27, 1981. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: James T. Harmon III (same address as applicant), (504) 246–8221. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with The Continental Group, Inc., of Stamford, CT.

MC 150183 (Sub-5), filed March 5, 1981. Applicant: CASSCO REFRIGERATED TRANSPORT, DIVISION OF CASSCO CORPORATION, 125 W. Bruce St., Harrisonburg, VA 22801. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *food and related products*, between points in Cumberland, Franklin, Lackawanna, Lehigh and York Counties, PA, Frederick County, VA, and Berkeley and Jefferson Counties, WV, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NC, NJ, NY, RI, SC, VA, VT, WV, and DC.

MC 151482, filed February 10, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Drive, Rockford, IL 61109. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219, (412) 471–1800. Transporting (1) *metal products* between points in the U.S., under continuing contract(s) with National Lock Fastener Division of Keystone Industries, Inc., of Rockford, IL. (2) *furniture and fixtures*, between points in the U.S., under continuing contract(s) with United Industries, Inc., of Beloit, WI; (3) *metal products* between points in the U.S., under continuing contract(s) with Illinois Water Treatment Co. of Rockford, IL; (4) *machinery* between points in the U.S., under continuing contract(s) with (a) Centro Morganshammer, Inc., of Rockford, IL, and (b) W. F. & John Barnes Co. of Rockford, IL. (5) *floor coverings*, between points in the U.S., under continuing contract(s) with United Flooring Distributor's Inc., of Rockford, IL; (6) *machinery and metal products* between points in the U.S., under continuing contract(s) with Feldmann, Inc., of Rockford, IL; (7) *metal products*, between points in the U.S., under continuing contract(s) with Techni Chem, Inc., of Belvidere, IL.

MC 151582, filed February 17, 1981. Applicant: FOUR J. ENTERPRISES, INC., 3822 W. Park Ave., Orange, TX 77630. Representative: Anita Jimerson, P.O. Box 1162, Orange, TX 77630. Transporting *rubber and plastic products*, between Orange, TX, on the one hand, on the other, points in AL, CA, FL, GA, IL, KY, LA, MO, MS, OH, PA, and SC.

MC 152532 (Sub-1), filed March 3, 1981. Applicant: G & W PAVING, INC., P.O. Box 237, Garden City, AL 35070. Representative: D. E. Wood, 10th Street, West, P.O. Box 237, Garden City, AL 35070, 205–352–5770. Transporting *Chemicals and related products*, between points in AL, GA, and TN.

MC 152823 (Sub-1), filed February 27, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gilbert and Bennett Manufacturing Company, of Georgetown, CT.

MC 153402 (Sub-1), filed February 23, 1981. Applicant: SAGINAW VALLEY MARINE TERMINAL AND WAREHOUSE, INC., 700 Harrison St., Bay City, MI 48708. Representative: Paul Buda (same address as applicant), 517-895-8571. Transporting (A) *such commodities* as are dealt in or used by manufacturers and distributors of doors, between points in Genesee and Ogemaw Counties, MI and Polk County, FL, on the one hand, and on the other, points in the U.S., and (B) *general commodities* (except classes A and B explosives), between points in the U.S., on the one hand, on the other, points in FL, IA, IL, IN, KY, MI, MN, OH, PA, WV, and WI.

MC 153602, filed February 18, 1981. Applicant: C & C TRUCKING, 108 Coburn Drive, Chattanooga, TN 37414. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *food and related products*, between Hamilton County, TN, on the one hand, and, on the other, points in NC, SC, AL, FL, GA, VA, LA, MS, KY, and IL.

MC 154208 (Sub-1), filed March 5, 1981. Applicant: MELVIN DUFF, d.b.a. DUFF TRUCKING, R.R. No. 1, Murray, IA 50174. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, (515) 245-430. Transporting (1) *food and related products*, between points in Polk County, IA, on the one hand, and, on the other, points in IL, KS, MO, and TX, and (2) *chemicals and related products*, between points in KS, on the one hand, and, on the other, points in Polk County, IA.

MC 154482, filed February 23, 1981. Applicant: SULLIVAN TRUCKING CO., INC., 1610 South Oakland, Dallas, TX 75226. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. Transporting (1) *those commodities* which because of their size or weight require the use of special handling or equipment, (2) *transportation equipment*, and (3) *mercer commodities*, between points in TX, OK, and LA.

MC 154483F, filed March 2, 1981. Applicant: JUSTIN D. ATEN, 8128 Mackinaw Trail, Cadillac, MI 39601. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684. Transporting *lumber, wood products and building materials*, between points in IL, IN, MI, OH, KY, WV, and PA.

MC 154492, filed March 4, 1981. Applicant: FIRST TRUCK LINES, INC., 10 Kelly Ave., Dayton, OH 45404. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Garlock, Inc., of Dayton, OH.

MC 154522, filed February 17, 1981. Applicant: JAMES K. JUNG, d.b.a. NEW YORK TOUR LIMOUSINE CENTER, P.O. Box 355, Elmhurst, NY 11380. Representative: John J. Kim, 445 Park Ave., Suite 1600, New York, NY 10022, (212) 888-0020. Transporting (1) *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, between points in the U.S., and (2) *passengers and their baggage*, in roundtrip special and charter operations, beginning and ending at points in Queens County, NY, and extending to points in the U.S.

MC 154532, filed March 2, 1981. Applicant: GREGORY TRUCKING, INC., R.D. 6, Fairhill Rd., Sewickley, PA 15143. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of iron and steel articles and construction materials, and (2) *machinery*, between points in PA, OH, WV, MD, VA, DE, NY, NJ, MI, IN, IL, MO, OK, KY, TN, MS, AR, TX, LA, and DC.

MC 154562, filed March 5, 1981. Applicant: WILSON MOVING AND STORAGE, INC., P.O.B. 390, Bend, OR 97701. Representative: David C. White, 2400 SW. Fourth Ave., Portland, OR 97201, 503-226-6491. Transporting *household goods*, between points in CA, ID, NV, OR and WA.

Volume No. OPY5-11

Decided: March 13, 1981.

By the Commission, Review Board No. 3, members Kroch, Joyce, and Dowell.

MC 56679 (Sub-177), filed February 10, 1981. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (Same as applicant), (404) 752-5151. Transporting *general commodities* (except classes A and B explosives), (1) between Cincinnati, OH and Minneapolis, MN; from Cincinnati over US Hwy 27 to jct US Hwy 35, then over US Hwy 35 to jct US Hwy 31, then over US Hwy 31 to jct US Hwy 30, then over US Hwy 30 to jct US Hwy 41, then over US Hwy 41 to jct US Hwy 12, then over US Hwy 12 to Minneapolis, MN and return over the same route, (2) between Cincinnati, OH and Indianapolis, IN over I-74, (3) between Indianapolis, IN and Richmond, IN over US Hwy 40, (4) between Indianapolis, IN and Minneapolis, MN; from Indianapolis over I-65 to jct I-90, then over I-90 to jct I-94, then over I-94 to Minneapolis, MN and return over the same route, (5) between Peru, IN and Muncie, IN; from Peru over IN Hwy 21 to jct IN Hwy 18, then over IN Hwy 18 to jct IN Hwy 9, then over IN Hwy 9 to jct IN Hwy 32, then over IN Hwy 32 to Muncie, IN and return over the same route, (6) between West College Corner, IN and jct US Hwy 35 and IN Hwy 22; from West College Corner, IN over US Hwy 27 to jct IN Hwy 1, then over IN Hwy 1 to jct IN Hwy 38, then over IN Hwy 38 to jct IN Hwy 3, then over IN Hwy 3 to jct IN Hwy 26, then over IN Hwy 26 to jct IN Hwy 22, then over IN Hwy 22 to jct US Hwy 35 and return over the same route, (7) between Anderson, IN and Indianapolis, IN; from Anderson, IN over IN Hwy 32 to jct IN Hwy 37, then over IN Hwy 37 to Indianapolis, IN and return over the same route, (8) between Union City, IN and Muncie, IN over IN Hwy 32, (9) between Chicago, IL and Madison, WI; from Chicago, over US Hwy 20 to jct IL Hwy 72, then over IL Hwy 72 to jct US Hwy 51, then over US Hwy 51 to jct US Hwy 14, then over US Hwy 14 to Madison, WI and return over the same route serving all intermediate points and serving all points within 25 miles of Chicago, IL as off-route points, (10) between Chicago, IL and Madison, WI over I-94; (11) between Chicago, IL and Omaha, NE over US Hwy 6, (12) between Chicago, IL and Omaha, NE over I-80, (13) between Chicago, IL and Chippewa Falls, WI; from Chicago, IL over US Hwy 34 to jct IL Hwy 92, then over IL Hwy 92 to jct US Hwy 67, then over US Hwy 67 to jct US Hwy 52, then over US Hwy 52 to jct US Hwy 61, then over US Hwy 61 to jct US Hwy 53, then over US Hwy 53 to Chippewa Falls, WI and return over the same routes, (14) between Rockford, IL and Peoria, IL; from Rockford over US Hwy 51 to jct IL Hwy 29, then over IL Hwy 29 to Peoria, IL and return over the same routes, (15) between Rockford, IL and Moline, IL over IL Hwy 2, (16) between Sioux City, IA and Keokuk, IA; from Sioux City over US Hwy 20 to jct US Hwy 69, then over US Hwy 69 to jct IA Hwy 92, then over IA Hwy 92 to jct IA Hwy 157, then over IA Hwy 137 to jct IA Hwy 23, then over

IA Hwy 23 to jct US Hwy 34, then over US Hwy 34 to jct US Hwy 61, then over US Hwy 61 to Keokuk and return over the same routes, (17) between jct US Hwy 20 and US Hwy 69 and Dubuque, IA over US Hwy 20, (18) between Ames, IA and Iowa City, IA; from Ames over US Hwy 30 to jct I–380, then over I–380 to Iowa City and return over the same route, (19) between Cedar Falls, IA and Cedar Rapids, IA over US Hwy 218, (20) between Council Bluffs, IA and Sioux City, IA over I–29, (21) between Davenport, IA and Burlington, IA over US Hwy 61, (22) between Minneapolis, MN and jct US Hwy 65 and US Hwy 20 over US Hwy 65, (23) between Minneapolis, MN and Des Moines, IA over I–35, (24) between St. Cloud, MN and Minneapolis, MN over US Hwy 10, (25) between Minneapolis, MN and Mankato, MN over US Hwy 169, (26) between Milwaukee, WI and Green Bay, WI over US Hwy 141, (27) between Milwaukee, WI and Green Bay, WI over US Hwy 41, (28) between Peoria, IL and jct I–74 and I–80 over I–74, (29) between Fond du lac, WI and Cedar Rapids, IA over US Hwy 151, (30) between Dayton, OH and Richmond, IN over US Hwy 35. Serving all intermediate points, Pembina, ND and all points in IA, MN and WI as off-route points in connection with the above regular routes.

Note.—Applicant intends to tack this authority with its present authority.

MC 136206 (Sub-12), filed February 12, 1981. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham, (same address as applicant), (916) 842–4161. Transporting *pulp, paper and related products*, between points in Multnomah County, OR, and Kings County, CA, on the one hand, and, on the other, points in AZ, CA, CO, MT, NM, NV, OR, UT, WA, and WY.

MC 136978 (Sub-2), filed February 10, 1981. Applicant: HILLTOP TRANSPORTATION, INC., 5178 Fisher Rd., Columbus, OH 43228. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting (1) *general commodities* (except classes A and B explosives), between Columbus, OH, on the one hand, and, on the other, points in IL, MI, WV, VA, KY, IN, TN, PA, MS, OH, NC, SC, and WI, and (2) *food and related products*, between Cleveland, OH, on the one hand, and, on the other, points in IL, MO, WV, VA, KY, IN, TN, PA, MS, OH, NC, SC, and WV. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of permit MC 136978, issued October 15, 1973, and MC 136978 (Sub-1), issued August 7, 1978.

MC 138018 (Sub-65), filed February 10, 1981. Applicant: RFI TRANSPORT, INC., P.O. Box 1018, Denver, CO 80201. Representative: Jo Ann M. Harvey (same address as applicant). Transporting *food and related products*, between those points in the U.S. in and west of OH, MI, KY, TN, AR, and LA.

MC 139958 (Sub-16), filed February 13, 1981. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 113 West Main St., Frankfort, KY 40601, (502) 227–7326. Transporting *general commodities* (except classes A and B explosives), between points in TX, LA, AR, MS, AL, FL, GA, SC, NC, TN, KY, VA, WV, WI, IL, MO, IA, MN, MD, NJ, CT, NY, PA, OH, IN, and MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to Team 5, Room 6370.

MC 141869 (Sub-11), filed February 10, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by manufacturers, converters and printers of paper and paper products, between points in Portage and Wood Counties, WI, on the one hand, and, on the other, points in FL and TX.

MC 142059 (Sub-160), filed February 10, 1981. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley (same address as applicant), (815) 729–3606. Transporting *metal products* between points in the U.S., on the one hand, and, on the other, the facilities of Anacond-Ericsson, Inc., in the U.S.

MC 145018 (Sub-20), filed February 17, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in Erie County, PA, and Chautauqua and Erie Counties, NY, on the one hand, and, on the other those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 145149 (Sub-12), filed February 11, 1981. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, Wichita, KS 67201. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–8628. Transporting *fertilizer*, and *petroleum, natural gas and their products*, between points in CO, WY, MT, ND, SD, NE, KS, OK, TX, AR, MO, IA, MN, WI, IL, and KY.

MC 145849 (Sub-5), filed February 10, 1981. Applicant: CHARLES K. MONIN AND JOSEPH E. MONIN, d.b.a. MONIN TRUCKING, 300 West John Rowan Blvd., Bardstown, KY 40004. Representative: John M. Nader, 1000 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives), between points in Nelson County, KY, on the one hand, and, on the other, points in the U.S.

MC 156328 (Sub-3), filed February 10, 1981. Applicant: ALLIED DELIVERY SYSTEM CO., a corp., 6200 Roland Ave., Cleveland, OH 44127. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between Cleveland, OH and points in Franklin County, OH, on the one hand, and, on the other, points in Boyd, Carter, Rowan, Fleming, Mason, Lewis and Greenup Counties, KY, and points in OH.

MC 146769 (Sub-6), filed February 10, 1981. Applicant: SHELDON J. GOLDFIN d.b.a. NEVADA PRODUCE, 500 Freeport Blvd., Unit No. 17, Sparks, NV 89431. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Under continuing contract(s) with Perfect Pac International, Ltd., of Oak Forest, IL.

MC 149498 (Sub-4), filed February 10, 1981. Applicant: RIVERBEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, AZ, MD, WY, CA, CO, CT, FL, GA, ID, IL, IN, KY, LA, MI, MO, MS, NC, NJ, NV, NM, NY, OH, OR, PA, SC, TN, TX, UT, VA, WA, WI, WV, and DC.

MC 150438 (Sub-1), filed February 9, 1981. Applicant: JAFCO INDUSTRIES, INC., 8015 N. Market St., Spokane, WA 99220. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *lumber and wood products*, between

points in the U.S., under continuing contract(s) with (a) R & R Lumber Co., Trumark Industries, Inc., and Wales Lumber Co., Inc., all of Spokane, WA, and (b) Tolko Forest Products, of Vancouver, B.C. Canada, (2) *building materials*, between points in the U.S., under continuing contract(s) with Hern Lumber & Sawmills Co., Inc., and G & W Drywall Supply Co., both of Spokane, WA, (3) *fertilizers and feed minerals*, between points in the U.S., under continuing contract(s) with Greenacres Gypsum & Lime Co., of Greenacres, WA, (4) *construction equipment and supplies* between points in the U.S., under continuing contract(s) with Delta Summit Corp., of Spokane, WA, (5) *transportation equipment*, between points in the U.S., under continuing contract(s) with Fruehauf Trailer, of Spokane, WA, (6) *machinery*, between points in the U.S., under continuing contract(s) with (a) George Merriman, Inc., and Discount Machinery, Inc., both of Spokane, WA, and (b) Square D Company Spokane Transformers, of Airway Heights, WA, and (7) *food and related products*, between points in the U.S., under continuing contract(s) with Fox Milling Inc., of Mead, WA.

MC 151118 (Sub-7), filed February 9, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1296, Greenville, MS 38701, (601) 335-3576. Transporting *building materials*, between the facilities used by E. C. Barton & Co., Inc., its affiliates and subsidiaries, at points in the 21 States named below, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 154238, filed February 9, 1981. Applicant: WESTERN CARRIER EXPRESS INCORPORATED, 2800 Brighton Blvd., Denver, CO 80216. Representative: Jerald Watters (same address as applicant), (303) 629-7117. Transporting *food and related products*, between points in El Paso County, TX, and those in CO, NM, AR, CA, UT, NV, and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8746 Filed 3-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition of intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its applications shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30

days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferrig only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce over irregular routes, except as otherwise noted.

Volume No. OP1-060

Decided: March 13, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 119710 (Sub-32), filed June 6, 1980. Applicant: SHUPE BROS. CO., a Corporation, P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington Bldg. Washington, DC 20005. Transporting (1) *salt and salt products*, and (2) *materials and supplies* used in the agriculture, water treatment, food processing, wholesale grocery and institutional supply industries in mixed loads with salt and salt products, between the facilities of Great Salt Lake Minerals & Chemicals Corporation, at or near Little Mountain, UT, on the one hand, and, on the other, points in CO, NE, KS, SD, WY, MT, NM, OK, IA, MO, TX, and MN, under continuing contract(s) with Great Salt Lake Minerals & Chemicals Corp., of Ogden, UT.

MC 150311 (Sub-14F), filed March 31, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Forth Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Dodge City, KS, to points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8747 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregaular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. 284

Decided: January 28, 1981.

By the Commission Review Board No. 3, Parker, Fortier and Hill. (Member Hill not participating.)

MC 118224 (Sub-7), filed January 13, 1981. Applicant: STANDARD FRUIT & VEGETABLE CO., INC, 2111 Taylor Street, Dallas, TX 75201. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. General commodities (except Classes A and B explosives) between points in TX, LA, MS, AR, TN, OK, AL, MO, NM, AR, and CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8748 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate accross the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each

applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except here specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legaly sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Volume No. OP1-084

Decided: March 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 151190 (Sub-1), filed February 6, 1981. Applicant: QUICK-WAY CARRIERS, INC., P.O. Box 8, Lascassas, TN 37130. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives) between points in Rutherford County, TN, on the one hand, and, on the other, points in the U.S.

Note.—This application is directly related to MC-F-14572, published in this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8706 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 43]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 18, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2368 (Sub-104)X, filed March 2, 1981. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O. Box 495, 2212 Deepwater Terminal Road, Richmond, VA 23405. Representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 7, 13, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 34, 38, 44, 45, 47, 49, 51, 52, 53, 56, 59, 60, 62, 64, 66, 67, 69, 70, 72, 75, 76, 77, 78, 84, 85, 87, 89, 91, 92, 94, 95, and 102 certificates and E-1 through 81, and 87 letter notices (1) by broadening the commodity descriptions from named commodities, in bulk, such as petroleum and petroleum products, plastic materials, edible and inedible vegetable and animal oils, dry adipic acid, fertilizer and fertilizer materials, to "commodities in bulk"; (2) by eliminating equipment restrictions, such as "in tank or dump vehicles" wherever they appear in the above-numbered authorities; (3) by replacing specific point or named facilities authority with city or county-wide authority as follows: In Sub-No 7, Friendship with Gilford County, NC, Cabin Creek, with Kanawha County, WV, East Lexington with Rockbridge County, VA, Middletown with Frederick County, VA; Charleston with Kanawha County, WV, Boomer with Fayette County, WV; Sub-No. 13, Montvale with Bedford County, VA; Sub-No. 14, facilities at Perryville with Cecil County, MD; Sub-No. 20, Smithfield with Isle of Wight County, VA, Crozet with Albemarle County, VA; Sub-No. 24, Smithfield with Isle of Wight County, VA; Sub-No. 29, Natrium with Marshall County, WV; Sub-No. 30, Smithfield with Isle of Wight County, VA; Sub-No. 31, Linville with Rockbridge County, VA; Sub-No. 34, Buffalo with Erie County, NY; Vandenberg Air Force Base with Santa Barbara County, CA, Santa Cruz with Santa Cruz County, CA, Sunnyvale with Santa Clara County, CA, Edwards Air Force Base with Kern County, CA, Santa Susana with Ventura County, CA, San Juan Capistrano and Huntington Beach with Orange County, CA, Holloman Air Force Base with Otero County, NM, Eglin Air Force Base with Okaloosa County, FL and Cape Kennedy with Brevard County, FL; Sub-No. 38, Chestertown, MD with Kent County, MD; Sub-No. 51, facilities at Fayetteville with Cumberland County, NC, and Gainesville with Hall County, GA; Sub-No. 53, facilities at Fayetteville with Cumberland County, NC; Sub-No. 56, facilities at South Plainfield with Middlesex County, NJ; Sub-No. 62, Greensboro with Guilford County, NC; Sub-No. 66, Dover with Tuscarawas County, OH; Sub-No. 67, facilities at Dover, OH with Tuscarawas County; Sub-No. 69, facilities at Gainesville with Hall County, GA; Sub-No. 70, facilities at Wilmington with Wilmington, NC; Sub-No. 72, Muncie with Delaware County, IN; Sub-No. 78, Sidney with Shelby County, TN; Sub-No. 85, terminals of the Plantation pipeline Roanoke with Roanoke, VA and terminals of Colonial Pipeline at Montvale with Bedford County, VA; Sub-No. 94F, Camden with Kershaw County, SC and Seaford with Sussex County, DE; Sub-No. 95F, Piaquemine and Taft with St. Charles and Iberville Parishes, LA, Moncure with Chatham County, NC; and Bayport with Harris County, TX and Institute with Kanawha County, WV; facilities at Williamsburg with Williamsburg, VA, Manheim with

Lancaster County, PA, Buffalo with Erie County, NY, East Brunswick with Middlesex County, NJ; Linnville with Rockbridghe County, VA; Sub-E2, Vandenburg Air Force Base with Santa Barbara County, CA, Sunnyvale with Santa Clara County, CA, Santa Cruz with Santa Cruz County, CA, Edwards Air Force Base with Kern County, CA, Santa Susana with Ventura County, CA, San Juan Capistrano and Huntington Beach with Orange County, CA and Holloman Air Force Base with Otero County, NM; Sub-E3, Natrium with Marshall County WV, Perth Amboy with Middlesex County, NJ, and Chestertown with Kent County, MD; Sub-E21, E-25, and E26, and E87; Crozet with Albemarle County, VA; Sub-E24 and 27, Smithfield with Isle of Wight County, VA; (4) by removing alll exceptions to the commodity descriptions such as liquid cocoa butter, hydroilized or stabilized animal oils, petroleum chemicals, petrochemicals, flour, fly ash, sirups wherever they appear in the above numbered authorities; (5) by removing restrictions against the transportation of named commodities to or from specified points in Sub-Nos. 20, 21, 52, and 60; (6) by removing the restriction that limits traffic destined to points in VA, in Sub-No. 23; (7) by expanding its one-way authority to radial authority over various combinations of routes between points primarily in VA, and AL, AK, DE, IL, IN, IA, KS, KY, LA, MD, MN, MS, MO, NE, NC, OH, OK, SC, TN, TX, FL, NJ, NY, and PA, and points in the U.S.; (8) by removing "originating at and destined to" restrictions in Sub-Nos. 14, 22, and 67; and (9) remove the exceptions AK and HI wherever they appear in the above-numbered authorities.

MC 4024 (Sub-14)X, filed February 2, 1981. Applicant: HORN TRUCKING CO., 300 Schmetter Road, Highland, IL 62249. Representative: Leslieann G. Maxey, 907 South Fourth Street, Springfield, IL 62703. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to broaden the commodity description to "iron and steel articles, and metal and metal articles "from iron and steel articles, and metal in Sub-No. 6F, part (1).

MC 10173 (Sub-21)X, filed March 3, 1981. Applicant: MARVIN HAYES LINES, INC., P.O. Box 468, Clarksville, TN 37040. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant is authorized in its lead certificate to transport general commodities, with the usual exceptions, machinery, machine parts, tobacco, seed, fruit, farm products, printing machinery, malt beverages and empty containers between points in TN, OH and IN over regular routes. Applicant seeks to broaden the commodity descriptions to: General Commodities (except Classes A and B explosives), machinery, food or related products, tobacco products and farm products. In sub-Nos. 11, 17F and 18F, applicant is authorized to transport general commodities, with the usual exceptions, between points in TN and KY over regualr routes, with the following restriction: Sub 11 is restricted against the transportation of traffic originating at, destined to, or interchanged at Louisville, KY, and Clarksville and Nashville, TN and points in their respective commercial zones, and at the plantsite of the Trane Company at or near Clarksville, TN. Applicant seeks to serve all intermediate points between Dover and Memphis, TN in Sub-No. 11, between named KY and TN points in Sub-No. 17, and between Louisville, KY and Nashville and Memphis, TN in Sub No. 18F; to remove the restriction stated; and to remove all exceptions except Classes A and B explosives, from its general commodities authorities.

MC 25869 (Sub-179)X, filed February 5, 1981, previously noticed in the Federal Register of February 24, 1981, republished as corrected this issue. Applicant: C.O.D.E., INC., 4600 N. Colorado Blvd., Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 150F and 151F certificates by (A) broadening the commodity description in Sub-No. 150F from general commodities, with the usual exceptions, to "general commodities (except classes A and B explosives)", and in Sub-No. 151F, part (2), from iron and steel articles to "such commodities as are dealt in or used by manufacturers and distributors of iron and steel articles"; (B) removing in Sub-No. 150F, the plantsite limitation at or near Chicago, IL and the facilities restriction for traffic destined to Kansas City, MO, and Albuquergue, NM; (C) replacing one-way authority with radial authority: in Sub-No. 150F between Chicago, IL and points in IA, Kansas City, MO, Albuquerque, NM, and; in Sub-No. 151F, part (1)(a), between points in Philadelphia, PA and points in OH, and points in CO, KS, MN, NE, IL and IA; (b) between Omaha, NE and Denver, CO; and (c) between Chicago, IL and points in NE, CO and IA (with exceptions); and in part (2) between Chicago, IL and points in CO; and (D) changing the restriction in Sub-No. 151F part (a) to traffic originating at or destined to the facilities of a named shipper in OH. The purpose of this republication is to add "and the facilities restriction for traffic destined to Kansas City, MO, and Albuquergue, NM" to (B) of the caption summary.

MC 29328 (Sub-8)X, filed February 13, 1981, previously noticed in the Federal Register of March 2, 1981, republished as corrected in this issue. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Avenue, Joliet, IL 60432. Representative: Anthony E. Young, 29 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description (a) from plastic pipe and fittings, and materials used in the installation of plastic pipe to "rubber and plastic products," (b) building materials and cement pipe to "building materials, clay, concrete, glass or stone products" (c) insulation board to "pulp, paper, and related products," (2) replace plantsite facilities with county-wide authority: Muscatine County for Wilton, IA, Lake County for Waukegan, IL, and Will County for Rockdale, IL, and (3) provide radial service in lieu of existing one-way authority between those counties and points in several midwestern States. The purpose of this republication is to correct the omission of building materials in the commodity description, and to note the substitution of Will County, IL for Rockdale, IL.

MC 41406 (Sub-166)X, filed March 3, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC. P.O. Box 6414, Merrillville, IN 46410. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 66, 71F 75F, 106, and 139F certificates to (1) broaden its commodity descriptions (a) in Sub-Nos. 66, and 139F, from automobile parts, and materials, supplies, and equipment used in the manufacture and production thereof, to "transportation equipment", (b) in Sub-No. 71F, from window glass and flat glass, to "clay, concrete, glass or stone products", (c) in Sub-No. 75F, from general commodities (with exceptions), to "general commodities (except classes A and B explosives), and (d) in Sub-Nos. 106, parts (1) and (2) from automoblie transmissions, automobile transmission parts, metal containers, metal racks, and such commodities as are used in the manufacture and distribution thereof, to "transportation equipment and metal products", and in part (3), iron and steel scrap, to "waste or scrap materials not

identified by industry producing". (2) replace its cities and/or plantsite facilities with county-wide authority (a) in Sub-No. 71F, Dearborn and Wixom, MI, with Wayne and Oakland Counties, MI, (b) in Sub-75, named facilities at Milan, MI, with Washtenaw County, MI, and (c) Batavia Township, OH, with Clermont County, OH; (3) change its one-way authority to radial authority (a) in Sub-No. 68 between MI, Lucas, Wood, Erie and Sandusky Counties OH, and points in 13 northeastern States, (b) in Sub-No. 71F, between Wayne and Wixom Counties, MI, and points in 11 northeastern States, and (c) in Sub-No. 75F, between Washtenaw County, MI, and points in 7 northeastern States; (4) in Sub-Nos. 75F and 108, remove the originating at and destined to restrictions; and (5) in Sub-Nos. 108 and 139F, remove the AK and HI exceptions.

MC 59570 (Sub-47)X, filed March 2, 1981. Applicant: HECHT BROTHERS, INC., 2075 Lakwood Road, Toms River, NJ 08753. Representative: Harry C. Maxwell, P.O. Box 827, Cherry Hill, NJ 08003. Applicant seeks to remove restrictions in its lead and Sub-Nos. 13 and 17 certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to "general commodities" (except household goods as defined by the Commission and classes A and B explosives) in the regular and irregular portion of the lead, (b) from commodities in bulk, except liquids, and except fly ash in bulk, in hopper vehicles to "commodities in bulk", in Sub-No. 13, (2) remove the in bulk and in bag restrictions in Sub-No. 13, (3) remove restrictions to "shipments having an immediately prior or subsequent movement by rail or water from or to points beyond New Jersey", in Sub-No. 13, (4) remove restriction to traffic having an immediately prior rail movement, in Sub-No. 17, (5) authorize radial authority in place of one-way authority, between named points and states in the east in Sub-Nos. 13 and 17, (6) remove restriction "against the transportation of building and insulating materials and gypsum and gypsum products between Newark, NJ and points within 15 miles thereof, on the one hand, and, on the other, points in New Jersey", in Sub-No. 13, (7) to reflect the state redesignation of former NJ Hwy 528 to "NJ Hwy 18" and former NJ Hwy 40 to "NJ Hwy 70" in the regular routing of its lead, and replace the tacking restriction in Sub-No. 17 with "the carrier's ability to tack will be governed by 49 CFR 1042".

MC 60117 (Sub-4)X, filed March 2, 1981. Applicant: WILSON TRANSFER COMPANY, 600 East Main Street, Quinton, OK 74561. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates (1) broaden its commodity descriptions from general commodities (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) to "general commodities (except those of unusual value, livestock, classes A and B explosives, commodities requiring special equipment, and those injurious or contaminating to other lading)" and (2) authorize service at all intermediate points along described regular routes between Quinton, OK, and Ft. Smith, AR in the lead; and between Kinta, OK, and Spiro, OK, and between Quinton, OK and Eufaula Dam, OK, in Sub-No. 2.

MC 64048 (Sub-10)X, filed March 12, 1981. Applicant: CAPITAL CITY TRANSFER CO., 1295 Johnson St. NE., Salem, OR 97303. Representative: Lawrence V. Smart, jr., 419 NW 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-Nos. 4 and 8 certificates to (1) broaden the commodity description of (a) newsprint in rolls to "pulp, paper and related products", in Sub-No. 4, (b) liquid sweeteners to "food and related products", in Sub-No. 8, (2) by broadening Salem, OR to Marion and Polk Counties, OR, in Sub-No. 8 and Port Angeles, WA to Clallam County, WA, in Sub-No. 4, (3) remove a bulk and in tank restriction in Sub-No. 8; and (4) by changing one-way to radial authority between Salem, OR and points in WA and between Clallam County, WA and Seattle, WA and Salem, OR.

MC 66247 (Sub-30)X, filed: March 2, 1981. Applicant: INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 8, 10, 12F, 15F and 23F certificates to (1) change the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in its lead, Sub-Nos. 3 and 4; from sand, in dump vehicles in Sub-No. 8, and magnesite in bulk, in dump vehicles in Sub-Nos. 12F and 15F to "ores and minerals"; from nepheline syenite, in bulk, in dump or hopper bottom vehicles in Sub-No. 10 to "chemicals and related products"; from high temperature bonding material, in bulk, in dump vehicles in Sub-Nos. 12F and 15F to "building materials"; and from iron and steel in Sub-No. 23F to "metal products" (2) remove facilities limitations at Romeo, MI, in Sub-No. 4, at Rockwood, MI, in Sub-No. 8, at Manistee, MI, in Sub-No. 12F, and at Ludington, MI, in Sub-No. 15F, (3) substitute Macomb County, MI, for Romeo, MI in Sub-No. 4, Wayne County, MI, for Rockwood, MI, in Sub-No. 8, Lucas County, OH, for Toledo, OH, Manistee County, MI, for Manistee, MI, in Sub-No. 12F, and Mason County, MI for Ludington, MI, in Sub-No. 15F; (4) replace specified ports of entry with ports of entry on the international boundary line between the U.S. and Canada in MI in its lead and Sub-Nos. 3, 4, 8, 10, 12F, 15F, and 23F; (5) replace one-way with radial authority between (a) Wayne County, MI and ports of entry in MI in Sub-No. 8, (b) between Lucas County, OH and ports of entry in MI in Sub-No. 10F, (c) Manistee County, MI, and ports of entry in MI in Sub-No. 12F and (d) Mason County, MI, and ports of entry in MI in Sub-No. 15F; and (6) remove originating at or destined to restrictions in its lead and Sub-No. 8.

MC 87546 (Sub-4)X, filed March 10, 1981. Applicant: KRAMER'S MOTOR SERVICE AND STORAGE, INC., 402 N. Queen St., York, PA 17403. Representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from (a) general commodities" (with exceptions) to "general commodities (except classes A and B explosives) (b) empty trailers to "transportation equipment" (c) new furniture to "furniture and fixtures" (d) paper, paper, products, to "pulp, paper, and related products", (e) playground equipment, sleds, hobby-horses, wagons, wagon wheels to "miscellaneous products to manufacturing"; (2) remove restriction limiting service to shipments originating at or destined to named points; (3) authorize countywide for city authority: Hanover, York, and Orrtanna, PA, with York and Adams County, PA; and (4) remove the restriction requiring service on trailers moving in TOFC service from and to Hanover and York, PA.

MC 103480 (Sub-87)X, filed March 4, 1981. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Representative: Morton E. Kiel, Two World Trade Center, Suite 1632, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-Nos. 36,

55, 57, 60, 62, 64, 68G, 69, 71, 72F, 73F, 74F, 75F, 76F, 77F, 78F, 79F, 81F, 82F, 83F, 85F, certificates, and E1, E2, letter notices to (1) broaden the commodity description from (a) petroleum products, aviation gasoline, petroleum wax, to "petroleum, natural gas and their products" in Sub-Nos. 36, 68G, 69, 72, 73, 76, 78, 79, 81, E2 (b) alcohols, esters, Ketones, naphtha, coating material solvents, thinners, zinc fumes, dry ammonium nitrate, disobutylene, to "chemicals and related products" in Sub-Nos. 35, 36, 64, 72, 75 77, 79, 81, 82, 85, E1(c) coal tar products to "coal and coal products" in Sub-No. 36; (d) Stone, processed aggregates, sand, gravel, fill, paving materials, bituminous concrete, dry cement, concrete pipe fittings, materials, supplies and equipment to "clay, concrete, glass, or Stone products "in Sub-Nos. 36, 57, 60, 62, 71; (e) liquid condensed fish solubles, vegetable oil to "flood and related products" in Sub-Nos. 74 and 82; (f) ores and aggregates to "ores and minerals" in Sub-Nos. 62 and 82; (2) delete the commodity restrictions in Sub-Nos. 36, 55, 57, 62, 64, 68, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 85, E1 E2, (3) remove the exceptions of AK and HI in Sub-Nos. 75, 77, 82, 83, (4) eliminate an originating at and/or destined to restriction in Sub-Nos. 74, 81; (5) authorize radial service betwen specified origins and points in the U.S. in lieu of existing one-way authority in Sub-Nos. 36, 55, 57, 60, 62, 64, 68, 69, 72, 73, 74, 75, 76, 78, 79, 81, E1 and E2' (6) authorize county-wide service for city authority: Fairfield County for Stanford and E. Porchester, CT; Westchester and Putnam Counties for Bedford, Poundridge, Lewisboro, Somers, North Salem, Carmel, Mount Vernon, White Plains, New Castle, Scarsdale, North Castle and Bedford, NY; Gloucester County for Paulsboro, NJ; Cattaraugurs and Ulster Counties for Olean, and MT Pleasant, NY; York County for York, PA; Broome County for Vestal, NY; Dutchess County for Poughkeepsie; NY; Allegany County for Wellsville, NY; New Castle County for Delaware City, DE, in Sub-No. 36; Staten Island County for Tottenville, NY; Middlesex County for Carteret, NJ, in Sub-No. 55; Fairfield County for Brookfield, CT, in Sub-No. 57; Ulster County for Rosendale, NY, in Sub-No. 60; Rockland County for Haverstraw, NY in Sub-No. 62; Schuylkill County for Reynolds, PA, in Sub-No. 64; Gloucester County for Paulsboro, NJ and Camden County for Pettys Island, NJ in Sub-No. 68; Rockland County for Haverstraw, NY, in Sub-No. 71; Gloucester County for Westville, NJ, in Sub-No. 73; Essex County for Gloucester, MA, in Sub-No. 74; Rockland County for Stony Point, NY, in Sub-No. 75; Middlesex County for Sewaren, NJ, in Sub-No. 76; Mobile County for Theodore, AL, in Sub-No. 77; Butler County for Petrolia, PA, and Passaic County for Passaic, NJ, in Sub-No. 78; Haverhill County for Groveland, MA; Northfield County for Macedonia, OH; New Haven County for Milford, CT; Warren County for Warren, PA, and Middlesex County for Woburn, MA, in Sub-No. 79; Fairfield County for Brookfield, CT, in Sub-No. 81; Newcomb County for Tahawas, NY; Middlesex County for Sayreville, NJ, in Sub-No. 82; Gloucester County for Paulsboro, NJ and Camden County for Pettys Island, NJ, in E1; Bristol County for Fall River, MA; Hartford, New Haven and Middlesex Counties for Hartford, New Haven and Middletown, CT; Plymouth, Hampden, Middlesex, Bristol, Essex, Hampshire, Worcester Counties for Brockton, Chicopee Falls, Chelmsford, Lawrence, Salem, Marlboro, Northampton, Springfield, Worcester, and New Bedford, MA; Litchfield, Windham, Middlesex, and New Haven Counties for Canaan, Middletown, Putnam and Torrington, CT; and (7) remove the exceptions of service to Marcy and Utica, NY in Sub-No. 36, sheet 2.

MC 107376 (Sub-18)X, filed March 2, 1981. Applicant: UNITED STATES EXPRESS, INC., 1209 Triplett Blvd., Akron, OH 44306. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 11, and 16F certificates to broaden the commodity descriptions to: lead certificate, "machinery, metal products, rubber and plastic products, and clay, concrete, glass or stone products" from pipe and pipelaying equipment and machinery; Sub-No. 6, "clay, concrete, glass or stone products, rubber and plastic products, chemicals and related products, and machinery" from high pressure concrete water pipe and equipment, materials and supplies used in connection with the installation, construction, maintenance, or repair of high pressure concrete water pipelines; Sub-No. 11, "clay, concrete, glass or stone products, and those commodities which because of their size or weight require the use of special handling or equipment" from precast concrete slabs and beams of such size and weight as to require the use of special equipment, and accessories, supplies and materials incidental to their manufacture and installation; Sub-No. 16F, "metal products" from wrought steel pipe and pipe coupling. Applicant also seeks to broaden the territorial descriptions by substituting county-wide authority in place of specified cities or plantsite, and change from one-way service to radial service: Sub-No. 6 between Wayne County, MI (plantsite at Dearborn, MI), and points in NY and PA; Sub-No. 11 between Wayne County, MI (Livonia, MI), and points in OH, IN, PA and KY, and between Portage County, OH (Kent, OH), and points in MI, KY, IN, and PA; Sub-No. 16F between Beaver County, PA (Aliquippa, PA), and points in IL, IN, OH, KY and MI.

MC 109449 (Sub-55)X, filed March 5, 1981. Applicant: KUJAK TRANSPORT, INC., P.O. Box 799, Winona, MN 55987. Representative: Jack H. Blanshan, 205 W. Touhy Avenue, Suite 200, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-No. 36F to (1) broaden the commodity description from foodstuffs to "food and related products", (2) remove the facilities limitation, and replace Hudson, IA with Blackhawk County, IA, (3) replace one-way with radial authority between points in MN, WI, and Blackhawk County, IA, and, points in IN, MI and OH.

MC 111231 (Sub-344)X, filed March 5, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 67, 285F and 287F certificates to (1) broaden the commodity description from general commodities, with usual exceptions (and with the size or weight limitation in Sub-No. 67), to "general commodities, except classes A and B explosives"; (2) remove the restriction which limits service to specified or no intermediate points, to authorize service to all intermediate points in connection with its regular-route operations in OK, TX, AR, AL, and TN; and (3) eliminate the restriction prohibiting the transportation of shipments moving between Atlanta, GA and Birmingham, AL, and points in their commercial zones, in Sub-No. 67:

MC 111231 (Sub-345)X, filed March 5, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as above). Applicant seeks to remove restrictions from its Sub-No. 238F certificate to (1) eliminate all exceptions to its general commodity authority, except classes A and B explosives; (2) delete the limitation on service for purpose of joinder only; (3) remove the restriction against radial service between Atlanta, GA and Dallas and Ft. Worth, TX and points in their respective commercial zones; and (4) allow service at all

intermediate points between Atlanta, GA and Denver, CO.

MC 111231 (Sub-347)X, filed March 6, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 222 and 223 certificates to (1) broaden the commodity description in both certificates by removing all restrictions in its general commodities authority "except classes A and B explosives," (2) remove limitations on services to specified or no intermediate points between points in AL, GA, LA, and MS, and remove limitations on service at Montgomery, AL and a highway intersection near Cuba, AL for purpose of joinder only, and remove restrictions against the radial transportation of traffic moving between Atlanta, GA and Birmingham, AL and points in their respective commercial zones, and points in Chicago, IL, Dallas and Fort Worth, TX and points in their Commercial zones in Sub-No. 222.

MC 111231 (Sub-351)X, filed March 9, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 207 certificate to (1) delete from the general commodity description, all exceptions, except classes A and B explosives; (2) eliminate the directional pickup and delivery restrictions on specified commodities; and (3) authorize service at all intermediate points between Washington, KS and Kansas City, MO; between Washington, KS and Omaha, NE; between Republic, KS and Kansas City, MO; between Kansas City, MO and Haddam, KS; between Kansas City, MO and Belleville, KS; between Morrowville, KS and Kansas City, MO; between Morrowville, KS and Omaha, NE; between Morrowville, KS and Grand Island, NE; between Republic, KS and Omaha, NE; between Superior, NE and Wichita, KS; and between Belleville, KS and Holdrege, NE.

MC 111231 (Sub-352)X, filed March 6, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 269F and 282F certificates to (1) broaden the commodity descriptions from general commodities, with exceptions, to "general commodities (except classes A and B explosives)," in both authorities; and (2) broaden the territorial scope by removing restrictions in portions of each certificate which limit service for purposes of joinder only, and which limit service to specified or no intermediate points, in order to authorize service at all intermediate points in connection with its regular route operations as follows: (a) between Springfield, MO and Conway, AR; (b) between Gateway and Hoxie, AR; (c) between Springdale and a junction near Alpena, AR; (d) between South Haven, MS and a junction near Ash Flat, AR; (e) between Texarkana, TX and Conway, AR, in Sub-No. 269F; and (a) between Baton Rouge, LA and Texarkana, AR; (b) between a junction near Alexandria, LA and a junction near Shreveport, LA; and (c) between a junction near Shreveport, LA and Dallas, TX, in Sub-No. 282F.

MC 111231 (Sub-353)X, filed March 6, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its certificate acquired in Nos. MC-F-12453 (portion of MC-11207), in which issuance of a certificate is pending, to (1) in the regular and irregular route authorities broaden its commodity descriptions from general commodities (with exceptions), to "general commodities, except classes A and B explosives; (2) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service in the regular route portion of authority, in part (16), between Atlanta, GA, and Oxford, AL; (3) remove the restrictions limiting service for the purpose of joinder only, in the regular-route portion, part (10) and (16), and in the irregular route portion of authority; and (4) eliminate (a) the originating at and destined to restriction (regular route portion), and (b) tacking restrictions prohibiting the transportation of shipments to provide a through service between points in MS.

Note.—Applicant's ability to tack existing authorities will be governed by rules set forth 49 CFR Part 1042.

MC 111274 (Sub-69)X, filed March 3, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same as above). Applicant seeks to remove restrictions in its Sub-No. 59 permit, which authorizes the transportation of metal buildings, and, materials and components used or useful in the manufacture and erection of metal buildings to expand its territorial description to "between points in the U.S.," under continuing contract(s) with a named shipper.

MC 111729 (Sub-770)X, filed March 3, 1981. Applicant: PUROLATOR COURIER CORP, 3333 New, New Hyde Park, NY 11042. Representative: Peter A. Greene, 1920 N St., N.W., Suite 700, Washington, D.C. 20036. Applicant seeks to remove restrictions in its (Sub-250, 494, 497, 502, 519, 520, 535, 536, 542, 543, 547, 555, 557, 565, 571, 595, 622, 693, 695, 707, 743F, 744F, 746F, 748F, 749F, 755F, 758F and 765F) certificates to (1) remove all exceptions to general commodities authorities except class A and B explosives in (Sub-250, 494 part (b), 497, 502, 519, 520, 535, 536, 542, 543, 547, 555 part (l), 557, 565, 571, 595, 622, 693, 695, 707, 743F, 744F, 746F, 748F, 749F, 755F, 758F and 765F), (2) eliminate size and/or weight moving from one consignor to one consignee on any one day restrictions in (Sub-250, 494, 497, 502, 519, 520, 535, 536, 542, 543, 547, 555, 557, 565, 571, 595, 622, 693, 695, 707, 743F, 744F, 746F, 748F, 749F, 755F, 758F and 765F), (3) remove restriction in (Sub-250) which precludes service between any two points within IN or from Cincinnati, OH to points in IN on its irregular route radially between a described portion of KY, and specified points in 2 states; between a described portion of KY, and, 2 points in IN and Cincinnati; between Louisville, KY, and, a described portion of IN, (4) replace city with county-wide authority (a) Cincinnati and Portsmouth, OH, with Hamilton and Scioto Counties, OH; Evansville and New Albany, IN with Vanderburgh and Floyd Counties, IN; Louisville, KY with Jefferson County, KY in (Sub-250); (b) Seattle and Tacoma, WA with King and Pierce Counties, WA, Denver and Colorado Springs, CO, with Denver and El Paso Counties, CO; and Phoenix, AZ with Maricopa County, AZ in (Sub-494), (c) Portland, OR, with Multnomoh County, OR in (Sub-502 and 693) (d) Wichita, KS with Sedgwick County, KS in (Sub-555) and (e) Spokane County, WA in (Sub-695 and 707), (5) eliminate restriction requiring that traffic have a prior or subsequent movement by any mode of transportation or type of carriers in (Sub-494, 543, 693 and 707), and (6) change one-way to radial authority between King County, WA, and, points in King, Pierce, Snohomish, Skagit, Thurston, and Mason Counties, WA in (Sub-494).

MC 111837 (Sub-3)X, filed March 9, 1981. Applicant: SEMCA MOTOR LINES, INC., 77-15 19th Rd., Jackson Heights, NY 11370. Representative: Edward L. Nehez, P.O. Box 1409, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from (a) airplanes, seaplanes, and parts

thereof, and (b) commodities requiring special equipment and handling because of size and weight, and building and road construction material and machinery to "transportation equipment, machinery, building materials, and commodities which because of size of weight require the use of speical handling or equipment."

MC 115273 (Sub-17)X, filed March 9, 1981. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, NY 11215. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Applicant seeks to remove restrictions in its (Sub-2 and 14) certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; and (2) broaden the territorial scope by replacing one-way authority with radial to serve between points in New York, NY, and points in Chicago, IL in (Sub-2).

MC 116519 (Sub-93)X, filed March 6, 1981. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route No. 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Applicant seeks to remove retrictions in its (Sub-52F) certificate to (1) broaden the commodity description to "metal products" from steel tubing, steel pipe and steel piling; (2) authorize radial authority, in lieu of existing one-way service, between ports of entry on the U.S.-Canada international boundary line in MI and NY and points in 37 states in the U.S. (except AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY), and (3) remove the AK and HI exception.

MC 116519 (Sub-94)X, filed March 6, 1981. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route No. 6, Chatham, Ontario, Canada, N7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its (Sub-13) certificate to (1) broaden the commodity description from agricultural machinery and agricultural implements (except hand implements and tractors) to "machinery", (2) remove the restriction on service to parts of entry on the United States-Canada Boundary line in the Upper Peninsula of Michigan, (3) remove facilities limitation in part (2) and replace city with county-wide authority: New Holland, Mountville, and Belleville, PA with Lancaster and Mifflin Counties, PA; Grand Island, NE with Hall County, NE; and Vinton, IA with Benton County, IA (4) remove the restriction that traffic originate and be destined to named facilities in both parts of the authority, and (5) change one-way to radial authority between Lancaster and Mifflin Counties, PA, Hall County, NE and Benton County, IA, and, ports of entry on the US-Canada Boundary Line located in NY and MI.

MC 116519 (Sub-95)X, filed March 6, 1981. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route No. 6, Chatham, Ontario, Canada, N7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Applicant seeks to remove restrictions its (Sub-45) certificate to (1) allow the transportation of "lumber and wood products" where lumber is presently authorized; (2) allow radial service for existing one-way authority: between ports of entry on the US-CN Boundary line located in MI and NY and points in the U.S. (with exceptions), (3) eliminate a restriction limiting traffic to that originating at named facilities in the province of Ontario, Canada, and (4) remove the exceptions of AK and HI.

MC 116519 (Sub-96)X, filed March 12, 1981. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route No. 6, Chatham, Ontario, Canada. Representative: Jeremy Kahn, 1511 K Street, NW, Washington, DC 20005. Applicant seeks to remove restrictions from its (Sub 87F) certificate to (1) change the commodity description from glass containers to "clay, concrete, glass or stone products"; (2) authorize radial service between ports of entry on the International boundary line between the U.S. and Canda at points in MI, NY, VT, NH, and ME, and points in the U.S. (except certain States); (3) remove the exception to AK and HI from the territorial description; and (4) delete the restriction to traffic moving in foreign commerce.

MC 117883 (Sub-277)X, filed March 3, 1981. Applicant: SUBLER TRANSFER, INC., 1 Vista Drive, P.O. Box 62, versailles, OH 45380. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, N.W. Washington, DC 20001. Applicant seeks to remove restrictions in its (Sub 93 and 247) certificates to: (1) broaden the commodity descriptions (a) to "food and related products" from groceries in Paragraph 3, and meats in Paragraphs 22 and 24, of (Sub-93); (b) "pulp, paper and related products" from paper products in Paragraph 1, paper, paper products, and pulpboard, in Paragraph 2, paper and paper products in Paragraph 13, and paper, paper products, pulpboard, and pulpboard products in Paragraphs 15 and 16, of (Sub-93) (c) "clay, concrete, glass or stone products" from tile and refractory products in Paragraph 20 and brick, tile, and other refactory products in Paragraph 21 of (Sub-93); (d) "metal products" from "stell strapping" in Paragraph 1 of (Sub-93); (e) "such commodities as are dealt in by food business houses" from cleaning compounds, washing compounds, soap, soap products, concentrated lye, chlorinated lime, shortening, oleomargarine, and glycerine, in Paragraph 17 of (Sub-93); (f) "metal products, transportation equiupment, machinery, clay, concrete, glass or stone products, and pulp, paper and related products," from wire, iron, brass, and steel products, automobile parts and appliances, electrical automobile equipment, electrical household appliances, refrigerators, cooling machinery supplies, and equipment, pottery insulators, and printing paper, paper product, in Paragraph 6 of (Sub-93); and (g) "general commodities (except class A and B explosives)" for general commodities (with certain exceptions) in (Sub-247); and (2) expand authority to serve specified points or plant sites with authority to served city or county-wide authority as follows: (a) Champaign, Hamilton, and Montgomery Counties, OH, for Dayton, Lockland, and Urbana, OH, in Paragraph 2 of (Sub-93); (b) Hancock, Richland, and Seneca Counties, OH, for findlay, Fostoria, Mansfield, and Tiffin, OH, in Paragraph 3 of (Sub-93); (c) Butler, Montgomery, Seneda, Warren, and Wyandot Counties, OH, for Carey, Fostoria, Franklin, Middletown, and Moraine, OH, in Paragraph 6 of (Sub-93); (d) Butler County, OH, for Hamilton, OH in Paragraph 13 of (Sub-93); (e) clark County, OH, for Springfield, OH, in Paragraph 15 of (Sub-93); (f) Champaign County, OH, for Urbana, OH in Paragraph 16 of (Sub-93); (g) Carroll County, OH, for Minerva, OH and Perry County, OH for Shawnee, OH, in Paragraph 20 of (Sub-93); (h) Beaver County, PA for Beaver Falls, Darlington, West Darlington, and Eastvale, PA, in Paragraph 21 of (Sub-93); (i) Nobles County, MN for a facility near Worthington, Minnesota, in Paragraph 22 of (Sub-93); (j) Cherokee County, IA for facility at Cherokee, IA in Paragraph 24 of (Sub-93); and (k) Louisville, KY for a facility at Louisville, KY, in (Sub-247); (3) expand its "from and to" regular route authority to two-way authority and authorize service to all intermediate points between Hamilton, OH and Chicago, IL, in Paragraph 1, (Sub-93); (4) in (Sub-93), broaden its one-way authority to radial authority between Hamilton, Montgomery and Champaign Counties, OH, and, Chicago, IL, in Paragraph 2; between Chicago, IL, and

Hancock, Seneca, and Richland Counties, OH, in Paragraph 3; between Wyandot, Seneca, Warren, Butler, and Montgomery Counties, OH and Toledo, OH, and, Chicago, IL, in Paragraph 6; between Butler County, OH, and, St. Louis, MO, and a part of IN (except Hammond, Munica, and Richmond, IN), part of IL (except Chicago, Dekalb, LaSalle, and Peoria, IL, and points within 30 miles of Chicago), in Paragraph 13; between Chicago, IL, and, points in a described portion of OH, in Paragraph 17; between Carroll, Perry, Hocking and Wyandot Counties, OH and that part of Franklin County, OH east of US Hwy 23 (except Columbus, OH), and, points in IL, in Paragraph 20; between Beaver and Lawrence Counties, PA, and, points in IL, in Paragraph 21; between Nobles County, MN, and, points in IL, IN, and OH, in Paragrapah 22; between Cherokee County, IA, and, points in IN and OH, in Paragraph 24; and (5) remove the "originating at or destined to" restrictions in Paragraphs 22 and 24, and in (Sub-2477).

MC 119750 (Sub-6)X, filed March 2, 1981. Applicant: PERKINS MOTOR TRANSPORT, INC., P.O. Box 218, Savage, MN 55378. Representative: Jack McGraw (same as applicant). Applicant seeks to remove restrictions in its lead certificate to broaden part (1) of the commodity description from commodities, the transportation of which because of size or weight requires the use of special equipment to "such commodities which because of their size or weight require the use of special equipment" and part (2) from building contractors' tools and supplies to "building and construction materials and related articles."

MC 119777 (Sub-520)X, filed March 2, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Applicant seeks to remove restrictions in its (Sub-9, 48, 61, 155, 168 and 202) certificates to (1) broaden the commodity description from general commodities (with usual exceptions, and those injurious or contaminating to other lading) to "general commodities (except classes A and B explosives)," in (Sub-168); (2) eliminate the restriction limiting or prohibiting the transportation of commodities which (a) do not require the use of special equipment, in (Sub-48), and (b) because of size or weight require the use of special handling or equipment, in (Sub-155); (3) remove the restriction which limits service to specified intermediate points, to authorize service to all intermediate points between Clarksville, MO and East St. Louis, IL, in (Sub-168); and (4) replace one-way service with radial authority between points in specified counties in 3 eastern States and points (with one exception) in numerous specified eastern and central States, in (Sub-9, 48, 61, 155 and 202).

MC 120737 (Sub-80)X, filed March 2, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its (Sub-7, 8, 10, 16, 27, 35, 39, 45, 67F, and 69F) certificates to (1) broaden its commodity descriptions from various machinery items such as agricultural implement parts, tractor parts, non-agricultural tractor parts, tractor attachments and equipment, and irrigation systems, and parts and attachments, thereof, to "machinery", in each certificate; (2) replace its cities with county-wide authority (a) in (Sub-35 and 67F), Havana, IL, with Mason County, IL, and (b) in (Sub-69F), Litchfield, MN, with Meeker County, MN; (3) in (Sub-39), replace the facilities located at East Moline, Moline, and Rock Island, IL, with East Moline, Moline and Rock Island, IL; (4) change its one-way authority to radial authority (a) in (Sub-7), between Louisville, KY, and points in Fulton and Rock Island Counties, IL, (b) in (Sub-16), between Eau Claire, WI, and points in 16 several specified eastern States, (c) in (Sub-27), between Louisville, KY, and points in the U.S., (d) in (Sub-35), between Mason County, and points in the U.S. (with exceptions), (e) in (Sub-39), between East Moline, Moline, and Rock Island, IL, and points in the U.S. (with exceptions), (f) in (Sub-45), between Harrison County, MS and points in the U.S., (g) in (Sub-67F), between Mason County, IL, and points in FL, GA, and OK, and (h) in (Sub-69F), between Meeker County, MN, and points in MI, IA, and NC, (5) in (Sub-16, 35, 39, and 45), eliminate the originating at and destined to restrictions; (6) in (Sub-8, 16, and 35), eliminate the size and weight restrictions; and (7) remove the exceptions in (Sub-27, 35, 39, and 45), against service to AK and HI.

MC 121496 (Sub-66)X, filed March 6, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th St. NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its (Sub-16F) certificate to (1) broaden the commodity description from petroleum products, vehicle body sealers, sound deadening compounds, and accoustical control products, in bulk, in tank vehicles to "commodities in bulk", (2) remove the facilities limitation in Warren County, MS, (3) replace one-way authority with radial authority between Warren County, MS and points in the U.S., (4) remove restriction to the transportation of traffic originating at the named facilities and (5) remove the AK and HI exception.

MC 121496 (Sub-67)X, filed March 6, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th St. NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its (Sub-8) certificate to (1) broaden its commodity description from petroleum and petroleum products, in bulk, in tank vehicles, to "commodities in bulk"; (2) replace the city of Cotton Valley, LA, with parish-wide authority in Webster Parish, LA; and (3) change its one-way authority to radial authority between Webster Parish and Shreveport, LA, and points in TX.

MC 121496 (Sub-68)X, filed March 11, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its (Sub-14F) certificate, to (1) broaden the commodity description from diethylene glycol, dipropylene glycol and recovered glycols, in bulk, in tank vehicles, to "commodities in bulk," and (2) broaden the territorial description by (a) changing the town designation to the appropriate Parish designation of Madison parish, LA; (b) eliminating the "except Alaska and Hawaii restriction, and (c) replacing one-way authority with radial authority between Madison Parish, LA, and points in the U.S. (except points in St. Louis, MO–East St. Louis, IL commercial zone).

MC 121496 (Sub-70)X, filed March 10, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its (Sub-37F) certificate to (1) broaden the commodity description from acids, chemicals and petroleum products, in bulk, in tank vehicles to "commodities in bulk" and (2) remove the facilities limitation at North Seadrift, TX and expand the one-way authority to radial authority between Calhoun County, TX and points

in the U.S.; and (3) remove the "except Alaska and Hawaii" restriction.

MC 123189 (Sub-4)X, filed March 9, 1981. Applicant: FRANKLIN EXPRESS INCORPORATED, U.S. 31 W. North, Franklin, KY 42134. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to remove restrictions in its (Sub-3F) certificate to (1) remove all exceptions, except "classes A & B explosives," from its general commodities authority; (2) remove the restriction limiting shipments to those having a prior or subsequent movement by rail; and (3) broaden the territorial description by substituting Warren County, KY, for Bowling Green, KY.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 123376 (Sub-2)X, filed March 2, 1981. Applicant: SODAK TRANSPORT, INC., 2380 Wycliff, St. Paul, MN 55114. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its lead certificate to (1) replace city-wide authority with county-wide authority: Mitchell, Huron, Flandreau, Kimball, Pierre Brookings, Watertown, Sioux Falls and Madison with Davidson, Beadle, Moody, Brule, Hughes, Brookings, Codington, Minnehaha, and Lake Counties, SD; and Hopkins and Chaska with Hennepin and Carver Counties, MN; (2) change its one-way authorities to radial authorities between Minneapolis, MN, Hennepin and Chaska Counties, MN and named counties in SD, and, points in portions of IA and SD (with exceptions); and (3) remove the restriction limiting service to the transportation of the specified commodities moving from, to, or between warehouses, stores, or other facilities of retail grocery and retail food business houses.

MC 124128 (Sub-4)X, filed March 9, 1981. Applicant: NORTH CENTRAL TRUCK LINES, INC., Hotel Bothwell, 4th and Ohio, Sedalia, MO 65301. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from stock in trade of drug stores to "such commodities as are dealt in, sold, or used by drug stores".

MC 124170 (Sub-161)X, filed March 5, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, Suite 205, 2021 Midwest Road, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 151F certificate to (1) broaden the commodity description by removing all restrictions in tis general commodities authority "except classes A and B explosives," and (2) broaden the territorial description by removing the restriction limiting service to traffic originating at or destined tot he facilities of a named shipper at or near Chicago, IL, and removing the exception to service being performed in AK and HI, to authorize service between points in the United States.

MC 127303 (Sub-85)X, filed March 4, 1981. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 76F certificate to (1) broaden the commodity description by removing the restriction against transportation of commodities in bulk, and (2) broaden the territorial description by removing the names of three facilities located in eight named NJ counties, and remove the exception to service being performed in AK and HI, to authorize radial service between point in Cumberland, Ocean, Atlantic, Gloucester, Mercer, Salem, Camden, and Cape May Counties, NJ, and points in the United States.

MC 127303 (Sub-86)X, filed March 4, 1981. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 63126. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 75F certificate to (1) remove the restriction against the transportation of "commodities in bulk, in tank vehicles," and (2) broaden the territorial description: (a) eliminate the "except AK and HI" restriction, and (b) replace the plantsite limitation at Des Plaines, IL, with Cook County, IL.

MC 127840 (Sub-172)X, filed March 2, 1981. Applicant: MONTGOMERY TANK LINES, INC., 7745 West 59th Street, Summit, IL 60501. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove resrictions from its Sub-Nos. 39, 80, 84F, 90F, 96F, 99F, 108F, 133F, 142F, 154F, and 158F certificates to (1) broaden the commodity description from (a) animal fats, animal oils, vegetable oils, blends and products of animal fats, animal oils, and vegetable oils, to "food and related products and chemicals and related products" in Sub-Nos. 39 and 90F; (b) cleaning compounds, liquid chemcials, and chemicals to "chemicals and related products" in Sub-Nos. 80, 84F, 99F, 133F, 142F and 158F; (c) petroleum, petroleum products, and chemicals to "petroleum, natural gas and their products and chemicals and related products" in Sub-No. 96F; and (d) petroleum and petroleum products to "petroleum, natural gas and their products" in Sub-Nos. 108F and 154F; (2) remove the restriction "in bulk, in tank vehicles" from the commodity description in Sub-Nos. 39, 80, 84F, 90F, 99F, 108F, 133F, 142F, 154F, and 158F; (3) eliminate the facilities limitations in Sub-Nos. 39, 96F, 99F, 108F, 142F, 154F, and 154F; (4) change city-wide to county-wide authority from: Denison to Grayson County, TX in Sub-No. 39; Pasadena to Harris County, TX in Sub-No. 96F; Austin to Travis County, TX, Youens to Montgomery County, TX, and Port Neches to Jefferson County, TX in Sub-No. 99F; Port Arthur to Jefferson County, TX in Sub-No. 108F; garyville to St. John the Baptist Parish, LA in Sub-No. 133F; Chocolate Bayou to Brazoria County, TX and Texas City to Galveston County, TX in Sub-No. 142F; and Orange to Orange County, TX, Dowling to Jefferson County, TX, and Victoria to Victoria County, TX in Sub-No. 158F; (5) expand one-way authority to radial auhtority between Fort Worth, TX and points in AR, CO, IL, KS, LA, MO, OK, IA, and NE in Sub-No. 39; Jersey City and Hoboken, NJ and points in CA, IA, IN, IA, KY, MI, and OH in Sub-No. 80; Travis, Montgomery and Jefferson Counties, TX and points in IL, KY, MO, OH, IN, IA, NE, ND, SD, WI, MN, OK, KS, and CO in Sub-No. 99F; Jefferson County, TX and points in AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NV, NM, NC, ND, OH, OK, SC, SD, TN, UT, and WI in Sub-No. 108 F; St. John the Baptist Parish, LA and points in the US in Sub-No. 133F; Brazoria and Galveston Counties, TX and points in the US in and east of LA, AR, MO, IA, and MN in Sub-No. 142F; Texas City, TX and points in IA, IL, IN, MN, OH, PA, and WI in Sub-No. 154F; and Orange, Jefferson and Victoria Counties, TX and points in the US in Sub-No. 158F; and (6) remove the restrictions (a) originating at or destined to a named facility in Sub-Nos. 39, 90F, 99F, 108F, 142F, 154F, and 154F; (b) against service to AK and HI in Sub-Nos. 84F, 90F, 133F, and 158F; (c) against service to AK, HI and TX in Sub-No. 96F; (d) "originating at or destined to" in Sub-No. 90F; and (e) "except points in their respective commercial zones" in Sub-No. 80.

MC 129387 (Sub-120)X, filed March 10, 1981. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Applicant seeks to

remove the restriction in its Sub-No. 116F certificate to (a) broaden the commodity description from frozen food to *"food and related products"* and (b) broaden the territorial authority from one way authority to radial authority between points in WA, OR, ID, UT, and points in IA, IL, NE.

MC 135231 (Sub-55)X, filed March 9, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Hwy 1 & 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions from its Sub-No. 46F certificate to (1) broaden the commodity description from paper forms to "pulp, paper and related products"; (2) remove the "except commodities in bulk" restriction; (3) change city-wide to county-wide authority from Arlington to Tarrant County, TX; Merced to Merced County, CA; and Manchester to Hartford County, CT to authorize radial authority between those Counties and points in the U.S.; and (4) eliminate the "except AK and HI" restriction.

MC 135592 (Sub-7)X, filed March 2, 1981. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, OR 97501. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-Nos. 5 and 6 certificates, and in MC-138789 and Sub-Nos. 4, 5, and 7 permits to (1) broaden the commodity description in each to "lumber and wood products" from wood residuals, and (2) broaden the territorial description in all four permits to between points in the U.S., under continuing contract(s) with named shippers.

MC 136663 (Sub-3)X, filed March 2, 1981. Applicant: DEALERS AUTO TRANSPORT, INC., 1902 West North Grand Ave., Porterville, CA 93257. Representative: Miles L. Kavaller, Suite 315, 315 South Beverly Drive, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in its lead certificate to (1) change the commodity descriptions to "transportation equipment" from used motor vehicles which have been repossessed, embezzled, stolen or damaged, in secondary movements, in truckaway service, and to "transportation equipment, by tow-away or drive-away under the vehicles' own power" from wrecked, embezzled or stolen automobiles by tow-away or drive-away under the vehicles' own power, (2) change the territorial descriptions from one-way service to radial service: between points in 22 States, and points in CA; between points in TX, and points in AZ and MO; between points in AZ and WA, and points in NV; between points in UT, and points in AZ; and between points in the United States, and points in Los Angeles, CA, and (3) remove the exception to service being performed in AK and HI in its nationwide authority.

MC 139016(Sub-10)X, filed March 9, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 3, 6, 7F, 8F, and 9F certificates, to (1) broaden the commodity descriptions from packinghouse products, packinghouse supplies, dressed poultry, and dairy products, meats, meat products, meat by-products and articles distributed by meat packinghouses, to "food and related products" in each certificate; (2) remove the restrictions "except commodities in bulk and hides" in Sub-Nos. 1, 3, 6, 8F and 9F; and "except hides and skins and commodities in bulk" in Sub-No. 7F; (3) replace city-wide with county-wide authority from Crete to Saline County, NE in Sub-No. 3; Oakland to Pottawattamie County, IA in Sub-No. 7F; and Pontiac to Oakland Conty, MI in Sub-No. 9F; (4) expand one-way authority to radial authority between (a) Omaha, NE and points in IN, OH and that part of Pennsylvania on and west of U.S. Hwy 219 in Sub-No. 1; (b) Saline County, NE and points in IL, IN, LA, KY, MI, MO, and OH in Sub-No. 3; Omaha, NE and Detroit, MI and points in IN, NJ, NY, OH, and PA in Sub-No. 6; Pottawattamie County, IA and points in IN, MI, OH, NJ, NY, and PA in Sub-No. 7F; and Omaha, NE and Detroit, MI and points in NJ, NY, and PA in Sub-No. 8F; and (5) remove the facilities limitations in Sub-Nos. 1, 3, 6, and 7F; and the "originating at and destined to" restrictions in Sub-Nos. 1, 3, 6, 7F and 8F.

MC 138741 (Sub-125)X, filed March 6, 1981.Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove restrictions in its Sub-No. 42 certificate to (1) change the commodity description to "metal products and construction materials" from iron, steel, zinc, lead, and articles or products thereof (except in bulk), springs, and construction materials, supplies and equipment (except in bulk), (2) broaden the territorial description by removing the restriction limiting service to transportation of traffic originating at and destined to the named origins and named destinations, except traffic moving in foreign commerce, and (3) substitute county-wide authority for the specified plantsites and cities, and change from one-way service to radial service between points in Cook and Will Counties, IL (plantsites at or near Blue Island and Joliet, IL), Kent and Ingham Counties, MI (Grand Rapids and Lansing, MI), Toledo and Columbus, OH, Appanoose County, IA (Centerville, IA), Allen, Howard, Elkhart, and Hamilton Counties, IN (Fort Wayne, Kokomo, Elkhart and Cicero, IN), and Hinds County, MA (Jackson, MS) and points in 23 States.

MC 140033 (Sub-66)X, filed March 9, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75235. Applicant seeks to remove restrictions in its Sub-Nos. 6, 43F, 70F, 89F, and 90F certificates to (1) broaden its commodity descriptions (a) in Sub-Nos. 6 and 90F, from empty cans, and iron and steel pipe fittings, to "metal products", (b) in Sub-No. 70F, from artificial kidneys, dialysate solution, dialysis treatment machines, and equipment, materials, supplies used or useful in the performance thereof, to "instruments and photographic goods, and chemicals and related products", and (c) in Sub-No. 89F, from chemicals and plastic pellets, in containers, to "chemicals and related products"; (2) replace its cities with county-wide authority (a) in Sub-No. 43F, Trenton and Salem, NJ, with Mercer and Salem Counties, NJ, Norwood, MA, with Norfolk County, MA, Whitehall, and Lancaster, PA, with Allegheny and Lancaster Counties, PA, (b) in Sub-No. 70F, McAllen, TX, with Hidalgo County, TX, and Cinnaminson, NJ, with Burlington County, NJ, and (c) in Sub-No. 89F, Clinton, IA, with Clinton County, IA; (3) change its one-way authority to radial authority (a) in Sub-No. 6, between Philadelphia, PA, and Dallas, TX, (b) in Sub-No. 43F, between Mercer and Salem Counties, NJ, Norfolk County, MA, Vailsgate, NY, Allegheny and Lancaster Counties, PA, and Lehigh, Marietta and Marcus Hook, PA, and points in TX, Denver, CO, Kansas City, KS, and Kansas City, MO, and (c) in Sub-No. 70F, part (1) between Hildalgo County, TX, and Toledo, OH, and Burlington County, NJ, and in part (2), between Burlington County, NJ, and Toledo, OH, Atlanta, GA, Miami and Tampa, FL, New Orleans, Houston and Dallas, TX, and Costa Mesa, CA; and (4) in Sub-No. 6, remove the restriction prohibiting transportation of traffic from

those points in the Philadelphia, PA, commercial zone located in New Jersey to Dallas, TX.

MC 140033 (Sub-99)X, filed March 2, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10000 Goodnight Lane, Dallas, TX 75220. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75235. Applicant seeks to remove restrictions in its Sub-Nos. 3, 13, 30, 63F, 78F, 79F, 80F and 84F certificates to (1) broaden the commodity descriptions to "food and related products" from meats, meat products, meat by-products, and articles distributed by meat packing houses (except hides and commodities in bulk, in tank vehicles) in Sub-Nos. 3 and 30; from ice cream, in Sub-No. 13; from confectionery products, in Sub-No. 63F; from canned goods, in Sub-No. 78F; from foodstuffs (in vehicles equipped with mechanical refrigeration, except in bulk), in part 1 of Sub-No. 79F; from confectionery, in Sub-No. 80F; and from sugar (in bags), in Sub-No. 84F, (2) in all Subs expand its one-way authority to radial authority, between the points specified below and various combinations of states; (3) replace authority to serve specified facilities at named points and authority to serve specified points with county-wide authority; in Sub-No. 3, Cactus, TX with Moore County, TX; in Sub-No. 13, McKinney, TX with Collin County, TX; in Sub-No. 30, Brownwood, TX to Brown County, TX; in Sub-No. 63F, Covington, TN to Tipton County, TN; in Sub-No. 78F, City of Industry, CA to Los Angeles County, CA; in Sub-No. 80F, Chicago, IL and in Sub-No. 84F Marietta, OK to Love County, OK and (4) remove restriction "to transportation of shipments originating at or destined to named origins and destinations", in Sub-Nos. 3 and 63F.

MC 140125 (Sub-2)X, filed March 2, 1981. Applicant: SCHUSTER GRAIN COMPANY, INC., P.O. Box 616, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (1) broaden the commodity descriptions: (a) from soybean meal, soybean meal run, soybean hulls, animal and poultry feeds and ingredients, animals health products and alfalfa products to "food and related products" in the lead and Sub-No. 2; (b) from insecticides, mineral block, rodent exterminators and pesticides to "chemicals and related products" in the lead and (c) from minerals to "ores and minerals" in the lead; (2) remove the "dry, in bags and in bulk", "liquids in bulk" and "commodities in bulk" restrictions in the lead and Sub-No. 2; (3) broaden the territorial scope by: replacing named facility limitations with city-wide or county-wide authority and replacing one-way with radial to serve as follows: in the lead, between Woodbury County (Sergeant Bluff), IA and points in IL, KS, MN, MO, NE, ND, SD, WI and WY; between Plymouth County (LeMars), IA and points in MN, SD and NE; between Sioux City, IA and points in MN, NE and SD; between Des Moines, IA and points in NE, SD and MN; between Clay County (Vermillion and Meckling), SD and points in NE, IA, MN, WI and IL; between Plymouth County (LeMars), IA and points in AR, IL, IN, KS, KY, MN, MO, NE, SD, WI and WY; and in Sub-No. 2, between Woodbury County (Sergeant Bluff), IA and points in CO.

MC 140389 (Sub-96)X; filed March 5, 1981. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. Applicant seeks to remove restrictions in MC-140389 and Sub-Nos. 10, 14, 16, 17, 29, 35, 36, 39, 41, 43, 44, 47, 52, 56, 58, 61, 62, 64, 70, 79, 80, 82, 83, 84, 87, 89, 91 and MC-20783 Sub-No. 98 certificates to (1) broaden the commodity description from canned goods, meats, frozen foods & various other items to (a) "food and related products" in MC-140389 and Sub-Nos. 10, 14, 16, 47, 58, 61, 62, 70, 79, 80, 87, and MC-20783 Sub-No. 98, (b) carpeting, rugs, & carpet padding to "textile mill products" in MC-140389 and Sub-Nos. 17, 39, 82, 89, (c) household appliances & hot water heaters to "machinery" in MC-140389 and Sub-No. 84; (d) liquid cleaning compounds to "chemicals" in MC-140389 Sub-No. 43; (e) glass beads, spheres to "clay, concrete, glass, or stone products" in MC-140389 Sub-No. 44; (f) petroleum, vehicle body sealer to "petroleum, natural gas, and their products" in MC-140389 Sub-No. 52; (g) "general commodities (except Classes A&B explosives) in MC-140389 Sub-Nos. 35 and 36, (h) scrap paper to "pulp, paper, and related products" in Sub-No. 83, (i) thermoplastic marking materials "rubber and plastic products" in Sub-No. 44; (2) eliminate originating at and/or destined to plantsite facilities of named shippers in MC-140389 and Sub-Nos. 10, 14, 16, 29, 39, 41, 43, 51, 52, 56, 58, 61, 64, 70, 79, 80, 83, 84, 87, 91 and MC-20783 Sub-No. 98; (3) broaden the territorial description by substituting county-wide for city-wide authority: Dalton, Archer, Calhoun, Rossville, La Grange, Summerville, Athens, Ringgold, Columbus, Cartersville, La Fayette, and Chamblee, GA, with Whitfield, Washington, Calhoun, Walker, Troup, Floyd, Chattanooga, Oconee, Catoosa, Chattahoochee, Bartow, and DeKalb Counties, GA, and Memphis, Chattanooga, Knoxville, Sweetwater, Rockwood, with Shelby, Hamilton, Davidson, Knox, Monroe & Roane Counties, TN, for named cities within in MC-140389; Storey County for Sparks, NV, in Sub-No. 35; Pierce County for Tacoma, WA, in Sub-No. 36; Lee and Lowndes Counties for Tupelo and Columbia, MS, in Sub-No. 39; Hillsborough County for Lakeland, FL, in Sub-No. 41; Rankin County for Jackson, MS, in Sub-No. 44; Scott County for Forest, MS, in Sub-No. 58; Shelby County for Arlington, TN, in Sub-No. 79; Jefferson County for Louisville, KY, in Sub-No. 80; Shelby County for Arlington, TN, in Sub-No. 87; Jefferson County for Birmingham, AL, in Sub-No. 89; (4) authorize radial in lieu of existing one-way authority between the above counties and named points throughout the U.S. in MC-140389 and Sub-Nos. 10, 14, 16, 29, 35, 39, 41, 43, 44, 47, 51, 52, 56, 61, 62, 70, 79, 80, 82, 87, 89 and MC-20783 Sub-No. 98; (5) remove equipment restrictions in MC-140389 and Sub-Nos. 29, 41, 64, and MC-20783 Sub-No. 98; (6) eliminate the restriction limiting service to the transportation of shipments having a prior or subsequent movement by water in MC-140389 Sub-Nos. 35, and 36; (7) remove the exceptions of AK and HI in MC-140389 Sub-Nos. 70, 83, 87, and MC-20783 Sub-No. 98; and (8) remove the commodity restrictions in MC-140389 and Sub-Nos. 14, 16, 29, 41, 43, 47, 52, 61, 62, 64, 80, and MC-20783 Sub-No. 98.

MC 141064 (Sub-22)X; filed March 2, 1981. Applicant: NATIONAL FREIGHT LINES, INC., P.O. Box 1031, San Fernando, CA 91341. Representative: Bill D. Gardner (same as above). Applicant seeks to remove restrictions in its Sub-No. 5, 10F, 14F and 15F permits to (1) broaden the territorial description in all subs to between points in the U.S. under continuing contract(s) with named shippers, (2) eliminate the "in bulk" restriction from Sub-Nos. 5, 10F, and 14F, (3) broaden the commodity descriptions from canned goods, pet foods, and sugar, in Sub-No. 5 and from sugar in Sub-No. 10F to "such commodities as are dealt in by retail grocery stores."

MC 142797 (Sub-2)X; filed March 2, 1981. Applicant: FULTON OREGON AIR, INC., 3002 N. Wygant Avenue, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 NW., 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-

No. 1 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) to remove the ex-air restriction and (3) to broaden the territorial description from the Portland, OR International Airport to Portland, OR.

MC 142864 (Sub-30)X, filed February 27, 1981. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 4F, 5F, 6F, 9F, 10F, 14F, 15F, 17F, 20F, 21F, 24F, 25F and 27F certificates, and its MC-125035 Sub-Nos. 32, 36, 39, 41 and 42 permits to (1) change the commodity descriptions from (a) metal containers, composite containers, and container ends in its lead and from (1) containers, container ends and closures, (2) commodities manufactured or distributed by manufacturers and distributors of containers, and (3) materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures (except in bulk) in Sub-No. 24F, to "such commodities as are dealt in or used by manufacturers of containers"; (b) from frozen foodstuffs in Sub-No. 1, from foodstuffs, canned and preserved in Sub-No. 10F, from canned and preserved foodstuffs in Sub-No. 17F, and from frozen foodstuffs in Sub-No. 25F to "such commodities as are dealt in or used by manufacturers and distributors of foodstuffs"; (c) from charcoal briquettes, boxed fireplace coal, fireplace logs, and fuel lighting liquids in Sub-No. 4F to "such commodities as are dealt in or used by manufacturers and distributors of coal and charcoal products, paper products, and petroleum products"; (d) from (1) ice cream confections, and dairy products and (2) materials and supplies used in the production and distribution of the commodities in (1) above, in Sub-Nos. 9F and 14F to "such commodities as are dealt in or used by manufacturers and distributors of confections and dairy products"; (e) from pulpboard and pulpboard products in Sub-No. 15F and from paper and paper products in Sub-No. 20F to "such commodities as are dealt in or used by manufacturers and distributors of pulp, paper and related products"; (f) in Sub-No. 21, from plastic pellets, plastic resins, plastic flakes, plastic powder, plastic chips, and plastic extrusions, (except in bulk), to "such commodities as are dealt in or used by manufacturers or distributors of plastic and plastic products" and from wire cable to "such commodities as are dealt in or used by manufacturers or distributors of iron and steel articles"; and (g) from coated abrasives and coated paper in Sub-No. 27F to "such commodities as are dealt in or used by manufacturers and distributors of chemicals and chemical products"; (2) remove except in bulk restrictions in Subs-Nos. 5F, and 6F; (3) remove facilities limitations at Deerfield and Chicago, IL, in Sub-No. 1, at Leetsdale, PA, and Cleveland, Solon, and Massillon, OH, in Sub-No. 6F; at Pittsburgh, PA, Canton, OH, and Lexington, KY, in Sub-No. 9F; at Iowa City and Muscatine, IA in Sub-No. 10F; at Holland, MI, in Sub-No. 17F; at Alliance, OH, in Sub-No. 20F; and at Cranbury and Elizabeth, NJ, in Sub-No. 24F; (4) remove originating at or destined to restrictions in Sub-Nos. 9F, 10F, 17F, 24F and 25F; (5) remove a restriction precluding service to 6 named shippers in its lead; (6) substitute Stark County, OH, for Massillon, OH, in its lead, Lake County, IL for Deerfield, IL, in Sub-No. 1; Mahoning County, OH, for Sebring and Alliance, OH, Logan and Baxter Counties, AR, for Paris and Cotter, AR, Dent County, MO, for Salem, MO, and Mercer County, NJ, for Princeton, NJ in Sub-No. 4F; Allegheny County, PA, for Leetsdale, PA, and Stark County, OH, for Solon, OH, in Sub-No. 6F; Chautaugua County, NY, for Dunkirk, NY, in Sub-No. 14F; Stark County for Massillon, OH, in Sub-No. 15F; Ottawa County for Holland, MI, in Sub-No. 17F; (7) remove originating at or destined to restrictions in its lead, Sub-No. 1, 9F, 10F, 17F, 24F, and 25F; (8) replace one-way with radial authority between (a) Stark County, IL and IL, IN, IA, KY, MI, MN, MO, NE and WI in its lead; (b) Chicago, IL, and OH in Sub-No. 1; (c) the counties substituted in (6) above, Canton, OH, and Louisville, KY and 19 eastern and southern States in Sub-No. 4F; (f) Iowa City and Muscatine, IA, and NJ, NY, PA and OH in Sub-No. 10F; (e) Stark County, OH and NJ and WI and named points in IL, IN, KY, and PA in Sub-No. 15F; (f) Ottawa County, MI, and NJ, NY, and PA in Sub-No. 17F, (g) Passaic, NJ, and IN, IL, MI, NY, OH, and PA in Sub-No. 21F; in (h) Deerfield and Chicago, IL to a part of PA in Sub-No. 25F; (i) Alliance, OH and IL, IN, IA, MI, NJ, PA, and WI in Sub-No. 27F; and (9) broaden the territorial description in MC-125035 Sub-Nos. 32, 36, 29, 41, and 42 to between points in the U.S. under continuing contract(s) with named shippers.

MC 143059 (Sub-109)X, filed March 2, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-Nos. 1, 4, 5, 6, 9, 10, 12F, 14F, 22F, 25F, 70F, 109F, and 119F certificates to (1) broaden the commodity descriptions from plastic pipe, tubing, fittings, connection; materials, supplies and accessories used in the manufacture and installation thereof, etc. to "such commodities as are dealt in by manufacturers and distributors of building materials", (2) remove in bulk and in tank vehicle restrictions in Sub-Nos. 1, 4, 5, 6, 9, 10 (in bulk only), 12F, 109F and 119F, (3) remove restrictions to the transportation of traffic originating at and/or destined to specified points or facilities in Sub-Nos. 1, 4, 12F, 70F and 109F, (4) authorize radial authority between specified origins and points in the U.S. in place of one-way authority in Sub-Nos. 4, 5, 14F, 22F, 25F, 70F and 109F, (5) remove the AK and HI exceptions in Sub-Nos. 1, 4, 5, 6, 9, 10, 12F, 14F, 22F, 25F, 70F, 109F (Hawaii only) and 119F, (6) remove restrictions to the transportation of traffic from or to named facilities and (7) broaden the territorial description from city-wide to county-wide authority as follows: Prairie, MS with Monroe County, MS, Danville, IL with Vermilion County, IL, Sylvania, OH with Lucas County, OH and Slidell, LA with Tammany Parish, LA, in Sub-No. 1; Bakersfield, Sun Valley and Santa Anna, CA with Kern, Los Angeles and Orange Counties, respectively, and Bristol, IN with Elkhart County, IN, in Sub-No. 4; Springfield, KY with Washington County, KY, Anderson, SC with Anderson County, SC, Vestal, NY with Broome County, NY, in Sub-No. 6; Grinnell, IA with Poweshiek County, IA, Rolla, MO with Phelps County, MO, Hillsboro, TX with Hill County, TX, in Sub-No. 9; Rivera Beach, FL with Palm Beach County, FL, in Sub-No. 10; Weatherford, TX with Parker County, TX, in Sub-No. 12F; Oakland, CA with Alameda County, CA, Turner, OR with Marion County, OR, in Sub-No. 25F; Sacramento, CA with Sacramento County, CA, in Sub-No. 109F and Corsicana, TX with Navarro County, TX, in Sub-No. 119F.

MC 143209 (Sub-11)X, filed March 9, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024. Applicant seeks to remove restrictions in its Sub-Nos. 3, 7F and 9F certificates to (1) broaden the commodity description from (a) coal tar and coal tar products to "coal and coal products" in Sub-No. 3, (b) rust

preventive pipeline coating to "chemicals and related products: in Sub-Nos. 7 and 9, (c) petroleum pitch to "petroleum, natural gas, and their products" in Sub-No. 3; (2) remove the commodity restrictions in Sub-Nos. 3, 7, 9; (3) authorize county-wide service for city-wide authority: Morris County for Lone Star, TX; Larimer County for Fort Collins, CO; and Jefferson County for Birmingham, AL, in Sub-No. 7; Larime County for Fort Collins, CO, and Canadian County for El Reno, OK, in Sub-No. 9; (4) authorize radial service in lieu of existing one-way authority between the above counties and points in CO, AL, OK, LA, AR, in all three Sub-Nos.

MC 144513 (Sub-17)X, filed March 2, 1981. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 3F, 6F, 9F, 10F, 11F, and 15F certificates to (1) broaden the commodity descriptions to: (a) "electrical machinery, equipment or supplies" from electrical and electronic equipment enclosures and parts and accessories therefor in the lead, and, stereo systems, and, materials, equipment, and supplies, used in the manufacture, sale, and distribution of stereo systems in Sub-No. 2F; (b) "building materials" from brick in Sub-No. 6F and flooring materials, and materials and supplies used in the installation and distribution of flooring materials in Sub-No. 10F (part 3); (c) "metal products, and rubber and plastic products" from metal and plastic containers, and parts for metal and plastic containers, and, materials, equipment and supplies used in the production and distribution of these commodities in Sub-No. 9F; (d) "machinery" for paddle fans, and accessories for paddle fans, and, materials, equipment, and supplies used in the manufacture and distributions of these commodities in Sub-No. 10F (part 1 and 2), and, "textile mill products" from carpet in Sub-No. 10F (part 3); (e) "furniture and fixtures" from new furniture, and materials used in the manufacture of new furniture in Sub-No. 11F; and (f) "chemicals and related products" from solvents and cleaning compounds, adhesives, and, materials, equipment and supplies used in the production and distributuion of these commodities in Sub-No. 15F; (2) replace some cities with county-wide authority and named facilities with city-wide or county-wide authority: Willoughby, OH and Phoenix, AZ in the lead; Compton with Los Angeles County, CA, in Sub-No. 2F; Medina with Medina County, OH, and Gilroy with Santa Clara County, CA, in Sub-No. 3F; Los Angeles, CA in Sub-No. 6F; Homerville and Valdosta with Clinch and Lowndes Counties, GA, Picayune with Pearl River County, MS, and Jacksonville, FL, in Sub-No. 9F; Rogers with Benton County, AR, Pasadena with Los Angeles County, CA, Trenton with Mercer County, NJ, Norwood with Norfolk County, MA, Nashville and Chattanooga with Davidson and Hamilton Counties, TN, and Center with Shelby County, TX in Sub-No. 10F; Newcomertown with Tuscarawas County, OH in Sub-No. 11F; and Phoenix, AZ, Medina with Medina County, OH, and Cerritos with Los Angeles, County, CA in Sub-No. 15F. Applicant also seeks to (1) change its one-way authorities to radial authorities between named points throughout the U.S. or combination of states therein in the sub numbers named above; (2) remove the restriction against the transportation of commodities in bulk in the lead and Sub-Nos. 3F, 9F, 10F, and 15F; (3) remove the restriction against transportation of commodities which because of size and weight require the use of special equipment in the lead and Sub-Nos. 3F and 10F; (4) remove the restriction limiting service to the transportation of traffic originating at named origins and destined to named destinations in the lead and Sub-Nos. 2F and 3F; and (5) eliminate the except AK and HI restriction in Sub-Nos. 2F, 3F, 6F, 9F, 10F, 11F and 15F.

MC 146495 (Sub-1)X, filed March 6, 1981. Applicant: DAILEY OIL, INC., 2201 Main St., Greenfield, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions from its lead certificate to (1) broaden the commodity description from malt beverages to "food and related products", (2) replace city with county-wide authority: Milwaukee, WI with Milwaukee County, WI, and (3) replace one-way with radial authority between Milwaukee County, WI, and, points in IN on and South of Indiana Hwy 28 (except Evansville and Chandler, IN).

MC 146496 (Sub-5)X, filed March 9, 1981. Applicant: JOSEPH MOVING AND STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Road, Atlanta, GA 30341. Representative: Edward J. Kiley, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 7 permit to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except household goods as defined by the commission, classes A and B explosives, and commodities in bulk)," and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 146568 (Sub-12)X, filed March 9, 1981. Applicant: PHOENIX BIRD, INC., Suite 118, 1 Neshaminy Plaza, Street Road & Bristol Pike, Cornwells Height, PA 19020. Representative: Robert L. Cope, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Applicant seeks to remove restrictions from its Sub-Nos. 2F, 3F, 5F, 8F, and 9F permits to (1) change the commodity descriptions in Sub-No. 2F, from drugs, toilet preparations, and health care items to "pulp, paper and related products"; and "chemicals and related products"; in Sub-Nos. 3F and 8F, from chemicals, and drugs, medicines and chemicals to "chemicals and related products"; in Sub-No. 5F, from foodstuffs to "food and related products"; and in Sub-No. 9F, delete "except household goods as defined by the Commission" from its general commodity description; (2) remove the bulk restrictions in Sub-Nos. 3F, 5F, and 8F; (3) delete the facilities limitations in Sub-Nos. 3F, 5F, and 8F; and (4) authorize authority between points in the U.S. under contract(s) with named shippers.

MC 146878 (Sub-7)X, filed March 2, 1981. Applicant: SOUTHLAND TRANSPORTATION, INC., P.O. Box 7760, Ben Franklin Station, Washington, D.C. 20044. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to broaden the commodity description from automotive parts, electric motors and materials, to "transportation equipment."

MC 148896 (Sub-3)X, filed March 9, 1981. Applicant: PAR DELIVERY SERVICE, INC., 4250 South Santa Fe Drive, Englewood, CO 80110. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-No. 2, permit to authorize service between points in the U.S. under continuing contract(s) with a named shipper.

MC 149218 (Sub-13)X, filed March 5, 1981. Applicant: SUNBELT EXPRESS INC., U.S. Hwy 78, West, Breman, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Applicant seeks to remove restrictions in its Sub. Nos. 1F, 6F, 7F and 8F certificates; in Sub. 1F to: (1) delete the

restriction limiting service to traffic originating or destined to named facilities, (2) delete the "except in bulk" restriction, (3) replace city with county-wide authority, Jeffersonville, IN with Clark County, IN (4) change one-way to radial authority between Clark County, IN and, points in AL, FL, GA and TN; in Sub. 6F to (1) broaden commodity description from foodstuffs (except in bulk) to "food and related products", (2) replace DuPage City, IL with DuPage County, IL, and (3) change one-way to radial authority between DuPage County, and, points in GA and TN; in Sub. 7F to (1) broaden commodity description from cleaning compounds, textile softeners, lubricating oil, deodorants, and disinfectants (except commodities in bulk) to "such commodities as are dealt in by manufacturers and distributors of cleaning and washing compounds", (2) change one-way to radial authority between points in Will and Cook Counties, IL, and, points in AL, FL, GA, KY, NC, SC, TN and WV; and in Sub. 8F (1) broaden the commodity description from filters to "such commodities as are dealt in by manufacturers and distributors of filters", (2) substitute county-wide authority, Vance County, NC, for Henderson, NC, and (3) broaden one-way to radial authority between Vance County, NC, and, points in numerous states.

MC 150639 (Sub-1)X, filed March 9, 1981. Applicant: MURPHY WAREHOUSE COMPANY, P.O. Box 1406, Minneapolis, MN 55440. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the general commodity description by removing the household goods and commodities in bulk exceptions; and (2) broaden the territorial scope by: replacing the named facility limitation with Minneapolis, MN; and by replacing one-way authority with radial, to serve between Minneapolis, MN and points in Grand Forks County (Grand Forks), Cass County (Fargo) and Richland County (Whapeton), ND, Eau Claire County (Eau Claire and Altoona), La Crosse County (La Crosse), Douglas County (Superior), Chippewa County (Chippewa Falls), and Dunn County (Menomonie), WI, Minnehaha County (Sioux Falls), Brookings County (Brookings), and Codington County (Watertown), SD, and points in MN and remove the restriction to traffic originating at the named facility.

MC 151218 (Sub-2)X, filed March 3, 1981. Applicant: FACTORY SERVICES, INC., 624 Kennedy St., Lexington, KY 40601. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the general commodities description (with the usual exceptions) to "general commodities (except classes A and B explosives)" and (2) remove the restriction limiting service to transportation of traffic having an immediately prior or subsequent movement by rail.

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BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-104

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 45721 (Sub-1-1TA), filed March 6, 1981. Applicant: WHITE BUS COMPANY, INC., 807 South Orange Avenue, East Orange, NJ 07018. Representative: Sanford Weiss (same as applicant). *Passengers and their baggage in charter operations* between points in NY, NJ, PA, DE, MA, RI, MD, CT and DC. Restricted to members and supporters of Families For Life of Ronkonkoma, NY. Tacking requested with authority in Docket 45721. Supporting shipper: Families For Life, 71 W. 5th St., Ronkonkoma, NY 11779.

MC 142539 (Sub-1-2TA), filed March 6, 1981. Applicant: B.W.T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative: Robert B. Pepper, 168 Woodridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Cleaning compounds, chemicals, petroleum and petroleum products, exept commodities in bulk, and materials and supplies used in the manufacture and sale of the aforesaid commodities, except in bulk,* between points in the US, under continuing contract(s) with Witco Chemical Corp., and its subsidiaries, of New York, NY. Supporting shipper: Witco Chemical Corp., and its subsidiaries, 277 Park Avenue, New York, NY 10017.

MC 144150 (Sub-1-1TA), filed March 5, 1981. Applicant: DELTA BULK, INC., P.O. Box 38, Edgewater, NJ 07020. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Plastic granules and powder in bulk,* from the facilities of Delta Bulk Packaging & Warehouse, Inc. at Edgewater, NJ to points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, VT, and DC, under continuing contract(s) with Delta Bulk Packaging & Warehouse, Inc., of Edgewater, NJ. Supporting shipper: Delta Bulk Packaging & Warehouse, Inc., 299 River Road, Edgewater, NJ 07020.

MC 95490 (Sub-1-2TA), filed March 10, 1981. Applicant: UNION CARTAGE COMPANY, INC., 37 Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M Street NW., Washington, D.C. 20036. *Foodstuffs in containers* from Canajoharie, NY to points in VT. Supporting shipper: Beechnut Foods, Church Street, Canajoharie, NY 13317.

MC 150181 (Sub-1-2TA), filed March 5, 1981. Applicant: RUDY'S LIMOUSINE SERVICE, INC., 15 Neil Lane, Riverside, CT 06878. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. *Passengers and their*

baggage, in special and charter opertions, limited to the transportation of not more than six passengers in any one vehicle, not including driver, between points in CT, on the one hand, and, on the other, points in NY. Supporting shipper(s): Knapp Funeral Home, 267 Greenwich Ave., Greenwich, CT; Bosak Funeral Home, 641 Atlantic St., Stamford, CT 06902; John J. Hart Funeral Home and Cremation Service, Inc., 934 East Man St., Stamford, CT 06902; Franklin Hoyt Funeral Home, Inc., 199 Main Street, New Canaan, CT 06840.

MC 59223 (Sub-1–1TA), filed March 9, 1981. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th Street, New York, NY 10018. Representative: Kenneth M. Piken, Esq., Piken & Piken, P.C., 95–25 Queens Blvd., Rego Park, NY 11374. *Such merchandise as is sold by department stores,* between Keasby and Cherry Hill, NJ, on the one hand, and, on the other, Nanuet, NY, East Brunswick, Cherry Hill, Livingston, Menlo Park, Monmouth (Eatontown), Morristown, Newark, Paramus, Plainfield, Princetown, Willowbrook, Deptford, Ocean County Mall (Toms River), Quaker Bridge Mall (Lawrenceville), Rockaway, NJ, Springfield, Oxford Valley (Langhorne), Lehigh Valley Mall (Whitehall) and Montgomeryville, PA, Wilmington, DE, White Marsh and Hunt Valley, MD, restricted to the transportation of shipments moving between the facilities of Bamberger's Division of R. H. Macy & Co., Inc. at the above specified points. Supporting shipper: Bamberger's, division of R. H. Macy & Co., 131 Market Street, Newark, NJ 07101.

MC 45630 (Sub-1–1TA), filed March 6, 1981. Applicant: OSAR TRUCKING CO., INC., 94 Sylvan Ave., Clifton, NJ 07011. Representative: Harold L. Reckson, 33–28 Halsey Road, Fair Lawn, NJ 07410. *Solidified carbon dioxide (dry ice),* from Gibbsboro, NJ to Enfield, CT. Supporting shipper: Esquire Gas Products, 156 Spring Street, Enfield, CT 06082.

MC 148580 (Sub-1–2TA), filed March 9, 1981. Applicant: GOLD STAR, INC., 130 Davidson Avenue, Somerset, NJ 08873. Representative: Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *Such commodities as are dealt in and used by wholesale, retail and chain grocery and food business houses, and in connection therewith equipment, materials and supplies used in the conduct of such businesses,* between points in AL, FL, GA, MS, SC and TN, under continuing contract(s) with Supermarket Distribution Services, Inc., 2 Paragon Drive, Montvale, NJ 07645.

MC 99019 (Sub-1–2TA), filed March 9, 1981. Applicant: KILLIAN BULK TRANSPORT, INC., (Formerly Killian Black Trucking, Inc.), 100 Katharine Street, Buffalo, NY 14210. Representative: Robert D. Gunderman, Suite 710, Statler Building, Buffalo, NY 14202. *Soda Ash, in bulk in tank vehicles,* from the facilities of Stetson Chemicals at Buffalo, NY to points in OH, and PA. Supporting shipper: Stetson Chemicals, 391 Exchange Street, Buffalo, NY 14204.

MC 151601 (Sub-1–4TA), filed March 10, 1981. Applicant: ARMORED MOTOR SERVICE OF AMERICA, INC., 15 Hudson Avenue, Rochester, NY 14605. Representative: Herbert M. Canter, Esq., Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Contract carrier:* irregular routes: *(1) High value gold plated electronics scrap metal* from Emigsville (York Co.) and New Cumberland (Cumberland Co.), PA to Scottsville (Monroe Co.), NY and *(2) Copper based bullion containing precious metals* from Scottsville (Monroe Co.), NY to Waterbury (New Haven Co.), CT and Newark (Essex Co.) and Carteret (Middlesex Co.), NJ under continuing contract(s) with Sabin Metal Corp, Scottsville, NY. Supporting shipper: Sabin Metal Corp., 1647 Wheatland Center Road, Scottsville, NY 14546.

MC 154612 (Sub-1–1TA), filed March 10, 1981. Applicant: ROBERT T. LEVESQUE, d.b.a. R. J. LEVESQUE & SONS, 9 Mayhill Road, Monson, MA 01057. Representative: Patrick A. Doyle, Esq., 40 Sky Ridge Lane, Springfield, MA 01128. *Heavy equipment, crushing equipment, sand, gravel, trap rock, bituminous concrete, lime, scrap metal, recycled glass, lumber, wood chips and coal* from ME, NH, VT, MA, CT, RI, NY, NJ, and PA to points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA. Supporting shipper: Chapman Crushing Service, Inc., Box 442, Broad Brook, CT 06016.

MC 52832 (Sub-1–1TA), filed March 10, 1981. Applicant: SHORTY'S EXPRESS, INC., 132 Seeley Avenue, Syracuse, NY 13205. Representative: Murray J. S. Kirshtein, Esq., 118 Bleecker Street, Utica, NY 13501. *Foodstuffs and merchandise and materials used in the marketing and sale of foodstuffs,* between Onondaga County, NY, on the one hand, and on the other all points in the state of NY. Supporting shipper: Oscar Mayer & Co., P.O. Box 7188, Madison, WI 53707.

MC 87451 (Sub-1–13TA), filed March 10, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: S. A. Bithoney, Jr. (same as applicant). *Contract carrier:* irregular routes: *Fruit juices, natural or artificial, and materials, equipment and supplies used in the manufacture, sale and distribution thereof, with the usual exceptions,* between points in NY and NJ on the one hand, and, on the other, points in CT, MA, ME, NH, RI, and VT. Supporting shipper: Snapple Distributors of Mass, Inc., 166 Alewife Brook Parkway, Cambridge, MA 02138.

MC 154576 (Sub-1–1TA), filed March 9, 1981. Applicant: WILLIE H. JONES, d.b.a. WILLIE H. JONES TRUCKING, RFD 4, Box 174, Auburn, ME 04210. Representative: Nancy L. Jones, RFD 4, Box 174, Auburn, ME 04210. *Contract carrier:* irregular routes: *General commodities (except household goods, explosives, bulk commodities and commodities of unusual value)* between points in the U.S. under continuing contract(s) with Poland Spring Bottling Co., Poland Spring, ME. Supporting shipper: Poland Spring Bottling Co., Poland Spring, ME 04274.

MC 154004 (Sub-1–1TA), filed March 6, 1981. Applicant: TRANSPORTATION TECHNIQUES, INC., 10 Potomac Lane, Southington, CT 06489. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. *Contract carrier:* irregular routes: *Paper, paper articles, printing paper, woodenware, book matches, fine paper and sanitary paper and supplies and materials used in the manufacturing, sale and distribution of the above items* between points in the U.S. (excluding AK and HI) under a continuing contract(s) with Diamond International Corporation, of New York, NY. Supporting shipper: Diamond International Corporation, 733 Third Avenue, New York, NY 10017.

MC 59264 (Sub-1–6TA), filed March 6, 1981. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, P.O. Box 2015, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Esq., Zelby, Burstein, Hartman & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *(1) Books, periodicals, magazines and printed matter and (2) materials, equipment and supplies used in the manufacture, sale and distribution of (1)* from Richmond, VA to points and places in PA, NY, NJ, CT. Supporting shipper: William Byrd Press, 2901 Byrd Hill Road, Richmond, VA 23228.

MC 127524 (Sub-1–9TA), filed March 9, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart Street, Rahway, NJ 07065. Representative: David L. Middleton (same as applicant). *Web Off-Set News Black and Letter Press News Black in bulk in tank*

trailers from Paterson, NJ to the Port of Entry on the International Boundary line between the US and CD at or near Rouses Point, NY. Supporting shipper: SICPA North America, 25 McLean Boulevard, Paterson, NY 07514.

MC 146857 (Sub-1–3TA), filed March 9, 1981. Applicant: W. K. THOMAS, INC., d.b.a., 60 Robbins Road, Springfield, MA 01104. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128. *Contract carrier:* irregular routes: *Games and toys, Animal feed supplement, Hides, and related items to the manufacturing process* from Plymouth, MA to points in the U.S. under continuing contract(s) with Superior Pet Products, Inc., Boston, MA. Supporting shipper: Superior Pet Products, Inc., 470 Atlantic Ave., Boston, MA 07210.

MC 145406 (Sub-1–6TA), filed March 10, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 & Adams Street, P.O. Box 3062, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 West Dodge Road, Omaha, NE 68114. *Food and related products,* between Dubuque, Fremont, Crawford, Hamilton, Story, and Hardin Counties, IA, on the one hand, and, on the other, points in the U.S. Supporting shipper: W & G Marketing Inc., and its Sidney Sheep and Lamb Division, P.O. Box 1742, Ames, IA 50010.

MC 146286 (Sub-1–1TA), filed March 10, 1981. Applicant: AIR-SERVICE CONSOLIDATORS TRANSPORT, INC., P.O. Box 5714, 793 Beahan Road, Rochester, NY 14624. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *Such commodities as are used in and dealt by manufacturers and distributors of optical goods,* from Parsippany, NJ and New York, NY on the one hand, and, on the other, Rochester, NY. Supporting shipper: Bausch & Lomb Corporation, 50 Spencerport Road, Rochester, NY 14616.

MC 154631 (Sub-1–1TA), filed March 10, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: George Chapdelaine, Providence Pike, North Smithfield, RI 02895. *Contract carrier:* irregular routes: *Sand,* between Holliston, MA and North Smithfield, RI and points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Holliston Sand Company under continuing contract(s) with Holliston Sand Company, of Holliston, MA Supporting shipper: Holliston Sand Company, Lowland Street, Holliston, MA 01746.

MC 150636 (Sub-1–7TA), filed March 10, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Metal products,* from Gloucester, NJ, to New York, NY commercial zone, under contract(s) with Roll Form Products, Inc. of Boston, MA. Supporting shipper(s): Roll Form Products, Inc., 140 Federal Street, Boston, MA 02110.

MC 150546 (Sub-1–2TA), filed March 10, 1981. Applicant: S-J TRANSPORTATION CO., E. Millbrooke Ave., P.O. Box 91, Woodstown, NJ 08098. Representative: S. H. Jones, Jr. (same as applicant). *(1) Waste materials, hazardous and non-hazardous, except nuclear and radio active between* points in AZ, CA, CO, ID, IA, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, WY; *(2) Commodities in bulk, hazardous and non-hazardous and soap products in containers or cartons* between points in AL, AR, CT, FL, GA, IL, KY, LA, MO, ME, MA, NC, OH, RI, SC, TN, TX, VA, WV, WI, MD, MI, MS, NH, NJ, DE, NY, IN, PA, VT, and DC. Supporting shipper(s): Rollins Environmental Services (NJ) Inc., P.O. Box 221, Route 322, Bridgeport, NJ 08014; Concord Chemical Co., 17th and Federal St., Camden, NJ 08105; South Jersey Farmers Exchange, East Ave. & Broad St., Woodstown, NJ 08098.

MC 153611 (Sub-1–2TA), filed March 6, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3905 River Road, Pennsauken, NJ 08110. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360. *Such commodities as are dealt in by wholesale and retail chain groceries, drug, and food business houses and equipment, materials, and supplies used in the manufacture and distribution thereof,* between Jeffersonville, IN on the one hand, and, on the other hand, points in AL, FL, GA, IL, KS, LA, MN, MS, OH, TN, and WI. Restricted to traffic originating at or destined to the Colgate-Palmolive Company. Supporting shipper: Colgate-Palmolive Company, P.O. Box 9, Jeffersonville, IN 47130.

MC 153611 (Sub-1–3TA), filed March 9, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3905 River Road, Pennsauken, NJ 08110. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360. *General Commodities,* between points in MO, KY, NJ, PA, NC, OH, IL, CA, WA, on the one hand, and, on the other hand, points in the United States. Restricted to traffic originating at or destined to the facilities of Mallinckrodt, Inc. Supporting shipper: Mallinckrodt, Inc., 675 Brown Road, St. Louis, MO 63134.

MC 150030 (Sub-1–2TA), filed March 9, 1981. Applicant: NICHOLAS POLSELLI, d.b.a. TEMPERATURE CONTROL TRANSPORT, 74 South St., Troy, NH 03465. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Foodstuffs* from points in Suffolk County, MA to points in FL. Supporting shippers: Rite Foods, Inc., 145 Northern Ave., Boston MA 02210; Colonial Provision Co., Inc., 1100 Massachusetts Ave., Boston, MA 02125.

MC 153811 (Sub-1–4TA), filed March 9, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3905 River Road, Pennsauken, NJ 08110. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360. *Commodities as are dealt in or used by manufacturers and distributors of printed matter,* between points in IL and IN, on the one hand, and, on the other hand, points in and east of ND, SD, NE, KS, OK, and TX. Restricted to traffic originating at or destined to the facilities of R. R. Donnelly & Sons, Inc. Supporting shipper: R. R. Donnelly & Sons, Inc., 2223 S. King Drive, Chicago, IL 60616.

MC 87523 (Sub-1–2TA), filed March 9, 1981. Applicant: STEWART TRUCKING CO., INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M Street N.W., Washington, D.C. 20036. *Pulp, paper, and related products, materials, equipment and supplies, used in the manufacture, sale and distribution of pulp, paper and related products* (1) between Berlin and Gorham, NH, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MD, DC, VA, (2), between Groveton and Northumberland, NH, on the one hand, and, on the other, points in NY, and (3) between Claremont, NH, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, and WV. Supporting shippers: CPM, Inc., 131 Sullivan Street, Claremont, NH 03743; Groveton Papers Co; Groveton, NH 03582; and James River Corp. of Virginia, Box 2218, Richmond, VA 23217.

MC 146026 (Sub-1–4), filed March 9, 1981. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island Turnpike, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Cladstone, NJ 07934. *(1) Highway marking spheres and strip glass, ballotini, broken glass, and plastic and metal articles (except commodities in bulk in tank vehicles); and (2) materials, equipment, and supplies used in the manufacture and*

sale of the commodities named in (1) above (except commodities in bulk in tank vehicles), between points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities used or utilized by Potters Industries and its subsidiaries. Supporting shipper(s): Potters Industries, 377 Route 17, Hasbrouck Heights, NJ 07604.

MC 151632 (Sub-1–6TA), filed March 9, 1981. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road, Westfield, MA 01085. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Books and printed matter, and materials, equipment and supplies used in the manufacture of books and printed material,* between points in CA, IL, IN, ME, MA, NH, NY and PA, on the one hand, and, on the other, points in the contiguous 48 states. Supporting shipper: Courier Citizen Corporation, 165 Jackson Street, Lowell, MA. 01853.

The following applications were filed in region 2. Send protest to: ICC Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 150080 (Sub-II–5TA), filed March 11, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Non-exempt food or kindred products,* from the facilities of Heinz U.S.A., located at or near Pittsburgh, PA, to points in FL, SC, and TX, restricted to traffic originating at the named facility and destined to the named state, for 270 days. Supporting shipper: Heinz USA, division of H. J. Heinz Co. P.O. Box 57, Pittsburgh, PA 15230.

MC 147723 (Sub-II–2TA), filed March 10, 1981. Applicant: E. B. Co., INC., 667 Front St., Berea, OH 44017. Representative: Susan J. Radwan (same as applicant). *(1) Chemicals, concrete and cement additives, paint, paint additives, materials, equipment and devises used in the application of the above; (2) divises and products derived from the commodities described in (1); (3) equipment, materials and supplies used in the transportation and manufacturing of the commodities in* (1), between all pts. in OH, WA, on the one hand, and, on the other, pts. in the US, for 270 days. Applicant intends to tack. Supporting shipper: CWO-Ohio, 8010 Boher Ave., Cleveland, OH 44102.

MC 147723 (Sub-II–3TA), filed March 10, 1981. Applicant: E. B. COMPANY, INC., 667 Front St., Berea, OH 44017. Representative: Susan J. Radwan (same as applicant). *(1) Hardware, hardware iron and steel, combined with copper and brass, automobile parts, devices, racks, plastic and plastic articles, iorn and steel products and articles, glass and articles derived from glass, transportation equipment and supplies, materials and supplies used in the manufacturing of the above,* between all pts. in the states of OH, TX, NJ, NY, MA and GA, on the one hand, and, on the other, pts. in the US, for 270 days. Applicant intends to tack. Supporting shipper: Big Rig Components, 7916 Lake Ave., Cleveland, OH 44102.

MC 107387 (Sub-II–1TA), filed March 5, 1981. Applicant: BOWMAN BUS SERVICE, INC., R.D. 2, Box 75, Milford, DE 19963. Representative: R. Emery Clark, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. *Passengers and their baggage in the same vehicle with passengers, in round-trip charter operations,* beginning and ending at Wicomico, Worcester and Somerset Counties, MD and extending to points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting witnesses: Worcester County Arts Council, Ocean City, MD 21842; Curtis United Methodist Church Women, Frankford, DE 19945; Ocean Pines Association, Berlin, MD 21811; Rusty Rudder Restaurant, Rehoboth, DE 19971; Depart. of Recreation for Ocean City, Ocean City, MD 21842; Wicomico County Youth Council, Salisbury, MD 21801; and Salisbury Ski Club of Delmarva, Salisbury, MD 21801.

MC 129124 (Sub-II–7TA), filed February 27, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 1661. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave. NW., Washington, DC 20036. *Coal, in bulk in dump vehicles,* from points in Armstrong and Butler Counties, PA, to points in NY. An underlying ETA seeks 120 days authority. Supporting shipper: Basic Energies, Inc., 414 Main Street, Reynoldsville, PA 15851.

MC 87379 (Sub-II–1TA), filed February 27, 1981. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Ave., Ulrichsville, OH 44683. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Iron and steel articles* from Coshocton County, OH to points in FL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Clow Corp., 1211 W. 22d St., Oak Brook, IL 60521.

MC 154512 (Sub-II–1TA), filed March 4, 1981. Applicant: HOWARD MACKNETT d.b.a. B. J. TRUCKING CO., 606 Old Baltimore Pike, Newark, DE 19702. Representative: Perry F. Goldlust, 901 Market St. Mall, 913 Market Tower, P.O. Box 2094, Wilmington, DE 19899. Contract, irregular—*Malt beverages, in bottles, cans and kegs,* between the facilities of Anheuser Busch Co. in Williamsburg, VA, on the one hand, and, on the other, Milford and New Castle, DE, under continuing contract(s) with NKS Distributors, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): NKS Distributors, Inc., New Churchman's Rd., New Castle, DE.

MC 149541 (Sub-II–3TA), filed March 4, 1981. Applicant: LEBARNOLD, INC., 625 S. 5th Ave., P.O. Box 630, Lebanon, PA 17042. Representative: Francis W. McInerny, 1000 16th St. NW., No. 502, Washington, D.C. 20036. Contract, irregular—*Animal feed, foodstuffs and kindred products, ingredients and supplies used in the manufacture and distribution of the above products,* between Shiremanstown, PA, on the one hand, and, on the other, Rockford, IL; Landover, MD; and Marion, OH, and between Rockford, IL and Marion, OH, on the one hand, and, on the other, Landover, MD, under continuing contract(s) with The Quaker Oats Co., for 270 days. Supporting shipper(s): The Quaker Oats Co., 345 Merchandise Mart Plaza, Chicago, IL 60654.

MC 107012 (Sub-2–139TA), filed February 25, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (Same as applicant). *Contract; irregular: General commodities (except Class A & B explosives),* between Boca Raton, FL and a 50 mile radius thereof on the one hand, and, on the other, points in the U.S. west of the Mississippi River (except MN, IA and MO) for 270 days under continuing contract with IBM Corp. Supporting shipper: International Business Machines, Corp. (IBM), P.O. Box 10, Princeton, NJ 08540.

MC 154214 (Sub-II–1TA), filed March 4, 1981. Applicant: VO CONCRETE PIPE, AND PRODUCTS, INC., t.d.b.a. VO-CON, 2018 Stefko Blvd., Bethlehem, PA 18017. Representative: Gary M. Miller, 1414 Millard St., Bethlehem, PA 18018. *Chemical waste material,* between pts. in the U.S. east of AR, IA, LA, MN and MO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Armstrong World Industries, Inc., P.O. Box 3001, Lancaster, PA 17604. Bridon American Corp., P.O. Box 6000, Wilkes-Barre, PA 18773.

MC 76282 (Sub-II–2TA), filed March 6, 1981. Applicant: WEIR-COVE MOVING & STORAGE CO., 4224 Freedom Way, Weirton, WV 26062. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Iron and steel*

articles, and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles (except commodities in bulk), between the facilities of Newark Steel Co., at or near Newark, OH, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MD, MI MO, NJ, NY, NC, PA, SC, TN, VA, WV and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Newark Steel Co., 550 Wehrle Ave., Newark, OH 43055.

MC 107403 (Sub-II-45TA), filed March 11, 1981. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Hydrogen sulfide*, from Natrium, WV to Lancaster, PA and Towanda, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 151707 (Sub-II-9TA), filed March 11, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis Kupchik (Same address as applicant). *Contract; irregular: Electrical equipment and parts, materials, and supplies used in the manufacture and distribution thereof* between points in the U.S. under continuing contract(s) with General Electric Co. Supporting shipper: General Electric Co., Nela Park, Cleveland, OH 44112.

MC 2202 (Sub-II-22TA), filed March 9, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Turney & Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Common, regular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*: Serving Somerset, PA and points in its commercial zone as off-route points in connection with applicant's route to and from Johnstown, PA, for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Johnstown, PA. Applicant proposes to interline at existing gateways throughout its system. Supporting shipper: Coleman Company, Inc., P.O. Box 1762, Wichita, KS 67201.

MC 154616 (Sub-II-1TA), filed March 9, 1981. Applicant: H. TOLBERT & SON, INC., 6745 Agenbroad Rd., Tipp City, OH 45371. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of paint, chemicals and related articles*, between the facilities of Sherwin-Williams Co. located in Dayton, OH, on the one hand, and, on the other, points in KY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Sherwin-Williams Co., 101 Prospect Ave., Cleveland, OH 44101.

MC 150567 (Sub-II-22TA), filed March 9, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005. *Contract Irregular: Such Commodities* as are dealt in by retail and mail order houses, between points in the U.S., under continuing contract(s) with T.G. & Y. Stores Co., Oklahoma City, OK for 270 days. Supporting shipper: T.G. & Y. Stores Co., 3815 N. Sante Fe, Oklahoma City, OK 73125.

MC 154177 (Sub-II-1-TA), filed March 6, 1981. Applicant: TRI-STATE AIR CARGO, INC., P.O. Box 712, Ceredo, WV 25507. Representative: James W. Muldoon, 50 W. Broad, Columbus, OH 43215. *General commodities (except classes A and B explosives)*, between Putnam and Kanawha Counties and Huntington, WV, on the one hand, and, on the other, pts. in KY, OH, PA and WV for 270 days. Supporting shipper(s): Branchland Pipe & Supply Co., 4034 Altizer Ave., Huntington, WV 25705. Unit Rig & Equipment Co., 4200 First Ave. Nitro, WV 25143.

MC 134545 (Sub-II-1-TA), filed March 9, 1981. Applicant: STEWART S. COOK, JR., d.b.a. FRANK SALERNO, 2751 Queen St., Easton, PA 18042. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Contract, Irregular, (1) *Sulphuric Acid*, in bulk, in tank vehicles, from Edelman, Northampton County, PA, to Ashtabula, OH, and (2) *Hydrochloric Acid*, in bulk, in tank vehicles, from Ashtabula, OH to Edelman, Northampton County, PA, for 270 days, under a continuing contract with Hi-Pure Chemicals, Inc. of Nazareth, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Hi-Pure Chemicals, Inc., P.O. Box 351, Nazareth, PA 18064.

MC 123091 (Sub-II-2-TA), filed March 9, 1981. Applicant: NICK STRIMBU, INC., 3500 Parkway Rd., Brookfield, OH 44403. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Marble chips and marble fillers* from the facilities of North Country Aggregates, Inc., in St. Lawrence County, NY, to points in IN, MI, OH and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: North Country Aggregates, Inc., P.O. Box 96, Gouverneur, NY 13642.

MC 117883 (Sub-II-14-TA), filed March 11, 1981. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Robert Von Aschen (same as applicant). *Food and related products*, from Chicago, IL to points in the states of IA, KS, NE, and Kansas City, MO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Salerno-McGowen Bisc. Co., 7777 N. Caldwell, Niles, IL 60648, Schulz and Burch Biscuit Co., 1133 W. 35th Street, Chicago, IL 60609, Fearn International Inc., 9353 Belmont Avenue, Franklin Park, IL 60131, Standard Brands, Inc., 7001 South Harlem, Chicago, IL 60638.

MC 35990 (Sub-II-2-TA), filed March 10, 1981. Applicant: M-B TRANSPORT, INC., 1941 Land Road, Jamison, PA 18929. Representative: Francis W. Doyle, 323 Maple Ave, Southampton, PA 18966. *Fertilizer*, in bulk, in dump vehicles, from Baltimore, MD, to Hunterdon and Mercer Counties, NJ and Bucks and Montgomery Counties, PA for 270 days. Supporting shipper(s): R. Thorpe & Sons, Box 101, Rural Delivery 2, New Hope, PA 18938.

MC 107403 (Sub-II-44-TA), filed March 10, 1981. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Sulfuric Acid (65%), Liquid, in bulk, in tank vehicles*, from Dominguez, CA to the port of entry at the International boundary between the US and Mexico at El Paso, TX for delivery to Ciudad Juarez, Mexico for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) The Procter & Gamble Company, P.O. Box 599, Cincinnati, OH 45201.

MC 136511 (Sub-II-6-TA), filed March 9, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Paint and related products, bonding and sealing cements and plastic sheeting and materials and supplies used in the manufacture and distribution thereof*, between Little Rock, AR on the one hand, and, on the other, points in the United States for 270 days. Supporting shipper: Ameron Protective Coatings, 201 N. Berry St., Brea, CA 92621.

MC 150954 (Sub-II-23-TA), filed March 11, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003.

Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. *Plastic bags and plastic roll film,* between Tyler, TX and Marysville, CA; Chicago, IL; Manistee, MI; Rittman, OH; Asheville, NC; Oxford, PA and Suffolk, VA, for 270 days. Supporting shipper: U. S. I. FILM PRODUCTS, P.O. Box 818, Tyler, TX 75701.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 129063 (Sub-3–5–TA), filed March 11, 1981. Applicant: JIMMY T. WOOD, P.O. Box 248, Ripley, TN 38063. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Pig iron* between Memphis, TN and points in its commercial zone, on the one hand, and, on the other, points in the U.S. in and east of the states of MN, IA, MO, AR and TX. Supporting shipper: Derby & Co., Inc., 400 Holiday Dr., Pittsburgh, PA 15220.

MC 67500, (Sub-3–1–TA), filed March 11, 1981. Applicant: BLUE RIDGE TRUCKING CO., INC., Sweeten Creek Road, P.O. Box 5118, Asheville, NC 28813. Representative: Ron Goldstein (Same as above). *Textiles and textile products,* between Carter County, TN and points in NC. Supporting shipper: Slosman Corporation, P.O. Box 3019, Sweeten Creek Rd., Asheville, NC 28802.

MC 112520 (Sub-3–15TA), filed March 11, 1981. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Choline Chloride,* from Hampton, SC to points in AL, FL, GA and MS. Supporting shipper: Cholineco, Inc., P.O. Box 476, Hampton, SC 29924.

MC 107912 (Sub-3–5TA), filed March 11, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, Memphis, TN 38118. Representative: A. Doyle Cloud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Foodstuffs,* from points in LA to Jackson, MS and its commercial zone. Supporting shipper: McCarty-Holman Company, Inc., 453 North Mill Street, Jackson, MS 39207.

Note.—Applicant intends to tack with authority held in MC–107912 and subs thereto.

MC 146451 (Sub-3–29TA), filed March 11, 1981. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, AL 36302. Representative: R. S. Richard, Capell, Howard, Knabe & Cobbs, P.A., P.O. Box 2069, Montgomery, AL 36197. (a) *Audio cassettes, plastic parts and shipping pallets,* between the facilities of Sony Magnetic Products of America at or near Laredo, TX, and the facilities of Sony Magnetic Products of America at or near Dothan, AL; and (b) *plastic cases,* from Los Angeles, CA to the facilities of Sony Magnetic Products of America at or near Dothan, AL. Supporting shipper: Sony Magnetic Products of America, Highway 84 West, Dothan, AL 36301.

MC 152193 (Sub-3–2TA), filed March 11, 1981. Applicant: REYNOLDS TRUCK LINES, INC., 215 Cherry Street, Madison, TN 37115. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tennessee 37219. *Contract:* Irregular *General commodities, except classes A & B explosives,* between points in the U.S. under a continuing contract(s) with Kabinart Corporation. Supporting shipper: Kabinart Corporation, 3650 Trousdale Drive, P.O. Box 110774, Nashville, TN 37211.

MC 129063 (Sub-3–6TA), filed March 12, 1981. Applicant: JIMMY T. WOOD, P.O. Box 248, Ripley, TN 38063. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Scrap metals* between Memphis, TN and points in its commercial zone, on the one hand, and on the other, Jackson, TN; Pittsburgh, PA; New Orleans, LA; Checotah, OK; points in TX, Elwood and Evansville, IN; Birmingham, AL, Chicago, IL; St. Louis, MO and Malvern, AR. Supporting shipper: There are five (5) appendices of support which may be reviewed at the ICC Atlanta Regional Office.

MC 146481 (Sub-3–1TA), filed March 12, 1981. Applicant: WOLF LEASING CO., INC., P.O. Box 13297, Eightmile, AL 36613. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. *Contract:* Irregular routes: *general commodities (except Classes A and B explosives)* between points in the U.S. (except AK and HI) under a continuing contract or contracts with (1) Armco, Inc., and (2) Bittner Industries, Inc. Supporting shipper: (1) Armco, Inc., P.O. Box 600, Middletown OH 45043 and (2) Bittner Industries, Inc., 639 Diaz St., Prichard, AL 36610.

MC 124896 (Sub-3–6TA), filed March 12, 1981. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3484, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., N.W., Washington, DC 20036. *Air cleaners, coolers, other than water evaporator type, and parts,* from Charleston, SC; Louisville, GA; and Minneapolis, MN to Atlanta and Louisville, GA; El Paso, TX; and Raleigh and Wilson, NC. Supporting shipper: Thermo-King of Atlanta, Inc., Atlanta, GA.

MC 114096 (Sub-3–1TA), filed March 12, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. *Contract carrier,* irregular routes, *lumber and wood products and forest products,* between points in Duval County, FL, on the one hand, and, on the other, points in the US, under a continuing contract with American Cross-Arm Co., Inc. Supporting shipper: American Cross-Arm Co., Inc., P.O. Box 1255, Jacksonville, FL 32201.

MC 154323 (Sub-3–1TA), filed March 10, 1981. Applicant: EAGLE CARTAGE CORPORATION, 201 Sherlake Rd., Knoxville TN 37922. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Fayette County, KY, on the one hand, and, on the other, points in the United States. Supporting shipper: Foam Design, Inc., 444 Transport Ct., P.O. Box 12178, Lexington, KY 40511.

MC 149563 (Sub-3–10TA), filed March 9, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Pipe, tubing and casing* between the facilities of Trident Steel Corp. at or near Houston and Electra, TX, Tulsa, OK and Great Bend, KS and points in the U.S. (Except AK and HI). Supporting shipper: Trident Steel Corp., 10097 Manchester Road, St. Louis, MO 63122.

MC 154187 (Sub-3–1TA), filed March 11, 1981. Applicant: PIKNIK TRANSPORTATION COMPANY, INC., 3808 Day St., Montgomery, AL 36195. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* irregular routes: *General commodities except Class A and B explosives,* between points in the U.S., except AK and HI under contract to: Upchurch Oil & Supply, Co., Inc.; Hudson-Thompson, Inc.; Shenandoah Apple Cooperative; Schloss & Kahn, Inc.; and Piknik Products Company. Supporting shippers: There are five supporting shippers.

MC 52704 (Sub-3–15TA), filed March 11, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B.

Culberth, John P. Tucker, Jr., Suite 212, 2200 Century Parkway, Atlanta, GA 30345. *Malt beverages*, (1) from Trenton, NJ, San Antonio, TX and Belleville, IL to Pine Bluff, AR, and (2) from LaCrosse, WI and St. Paul, MN to Pine Bluff, Newport and Little Rock, AR. Supporting shipper: George A. Campbell & Sons, Inc., 309 Missouri Street, Pine Bluff, AR 71611.

MC 26307 (Sub-3-2TA), filed February 5, 1981. Republication—originally published in Federal Register of February 23, 1981, page 13603, volume 46, No. 35. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 North Graham Street, Charlotte, NC 28206. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., Charlotte, NC 28204. *General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment*, between points in the following counties in NC: Alexander, Alleghany, Ashe, Bladen, Brunswick, Burke, Caswell, Chatham, Columbus, Davie, Duplin, Franklin, Granville, Harnett, Hoke, Lincoln, Moore, Nash, Onslow, Orange, Pender, Person, Polk, Randolph, Robeson, Sampson, Scotland, Stokes, Surry, Transylvania, Watauga, Wayne, Wilson and Yadkin, on the one hand, and points in NC on the other hand. NOTE: Applicant intends to tack with existing authority in MC–26307 and to interline with other carriers at Asheville, Charlotte, Greensboro, and Hickory, NC and Knoxville and Johnson City, TN. Supporting shipper(s): There are 21 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 129063 (Sub-3-4TA), filed March 11, 1981. Applicant: JIMMY T. WOOD, P.O. Box 248, Ripley, TN 38063. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Commodities designated as hazardous waste by the Environmental Protection Agency* between Memphis, TN and its commercial zone, on the one hand, and, on the other, Tulsa, OK, Livingston, and Baton Rouge, LA and Wright City, MO, and points in their respective commercial zones. Supporting shipper: Buckman Laboratories, 1256 N. McLean Blvd., Memphis, TN 38108.

MC 31675 (Sub-3-39TA), filed March 10, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34203, Charlotte, NC 28234. Representative: Jay R. Hanson (same as above). *Sodium Sulphate* between Cleveland County, NC, Gaston County, NC, and McMinn County, TN, on the one hand, and on the other points in and west of MN, IA, MO, AR and LA. Supporting shipper(s): Prior Chemical Corp., 420 Lexington Ave., New York, New York 10017.

MC 140460 (Sub-3-3TA), filed March 10, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 186, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 818 Connecticut Avenue NW., Washington, D.C. 20006. *Food and related products* between Aroostook and Cumberland Counties, ME, on the one hand, and, on the other, points in the U.S. Supporting shipper: AKF Foods, Inc. d.b.a. Potato Service, P.O. Box 808, Presque Isle, ME 04769.

MC 154635 (Sub-3-1TA), filed March 10, 1981. Applicant: D. A. YOUNG, d.b.a. TRICITY TRUCKING, 5904 Walden Drive, Knoxville, TN 37919. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Primary aluminum smelter products* from Alcoa, TN to Rockport, IN. Supporting shipper: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

MC 152213 (Sub-3-2TA), filed March 10, 1981. Applicant: MISSISSIPPI RIVER TRUCKING, INC., 1424 Lamar Ave., Memphis, TN 38104. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Such goods as are dealt in and distributed by wholesale and retail grocery enterprises and materials and supplies used thereby (except commodities in bulk)* between points in and east of ND, SD, NE, CO, OK and TX. There are eight (8) supporting shippers. Their statements may be reviewed at the I.C.C.'s Regional Office, Atlanta, GA. 154376

MC 154376 (Sub-3-1TA), filed March 10, 1981. Applicant: BOBBY R. HODGSON, 556 Roxbury Drive, Riverdale, GA 30274. Representative: Bobby R. Hodgson (same address as applicant). *Slaw, meat, meat products and meat by-products, and related products distributed by meat packing houses*, from GA to SC, NC, FL, AL, MS, LA and TX. Supporting shipper: Talmadge Farms, Inc., Talmadge Road, Lovejoy, Ga 30250.

MC 58923 (Sub-3-2TA), filed March 10, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Rd., SE., Atlanta, GA 30315. Representative: Clyde W. Carver, Atty., P.O. Box 720434, Atlanta, GA 30328. *Contract* carrier: irregular: (1) *Such commodities used and dealt in by the printing industry* between points in the United States (except AK and HI) under continuing contract(s) with Kingsport Press; (2) *Buffing and polishing compounds, cleaning compounds, solvents, starch, bleach, lubricating oil, carbon, gum and sludge removing compounds, disinfectants, softeners, sizing, and janitorial supplies and equipment; insecticides and pesticides; plastic sprayers and parts therefore; and materials and supplies used in the manufacture and distribution of the above named commodities* between points in the United States (except AK and HI) under continuing contract(s) with Texize, Division of Morton Norwich. Supporting shippers: Kingsport Press, P.O. Box 711, Kingsport, TN 37662; Texize, Division of Morton Norwich, P.O. Box 368, Greenville, SC 29602.

MC 112617 (Sub-3-16TA), filed March 9, 1981. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson, (same address as applicant). *Chemicals, in bulk, in tank vehicles*, from Tuscola, IL; Linden, NJ; Texas City, TX; Willow Springs, IL; Sauget, IL; Lemont, IL; St. Louis, MO; Chicago, IL; to the plantsite of GAF Corporation at Calvert City, KY. Supporting shipper: GAF Corporation, 1361 Alps Road, Wayne, New Jersey 07470.

MC 154281 (Sub-3-2TA), filed March 9, 1981. Applicant: PASCO PRODUCTS, INC., 2017 King Edward Avenue, Cleveland, TN 37311. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier;* irregular; *such commodities as are dealt in or used by manufacturers of floor coverings* and (2) *materials and supplies used in the manufacture and distribution of the commodities in (1) above* between Chatsworth and Dalton, GA on the one hand, and on the other, points in AR, DE, FL, IL, IN, KY, LA, MD, MI, NJ, NY, NC, OH, PA, TN, TX, and VA under continuing contract(s) with S & S Mills, Inc., of Dalton, GA. Supporting shipper: S & S Mills, Inc., P.O. Box 534, Dalton, GA 30720.

MC 150706 (Sub-3-3TA), filed March 9, 1981. Applicant: NEELY TRANSPORT, INC., P.O. Box 5132, Birmingham, AL 35214. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Petroleum and petroleum products*, between points in Hale and Tuscaloosa Counties, AL, on the one hand, on the other, points in Lowndes, Oktibbeha, Clay, Monroe, Itawamba, Tishomingo, Kempter, Winston and Noxubee Counties, MS. Supporting shippers: Weeks Dredging & Contracting, Inc., Columbus, MS; and, Trico Oil Co., Inc., Reform, AL.

MC 142161 (Sub-3-5TA), filed March 10, 1981. Applicant: LIBERTY

CONTRACT CARRIER, INC., 214 Hermitage Avenue, Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *Such merchandise as is dealt in by catalogue showroom, department and discount store companies* between points in the U.S. Supporting shippers: There are 16 certificates of support submitted with this application that can be reviewed at the Atlanta, GA, regional offices.

MC 126305 (Sub-3–16TA), filed March 10, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.F.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Used Railroad Cross Ties*, from IL, IN, OH, KY, to TN, NC, SC, GA, AL. Supporting shipper: Railroad Cross Tie Sales Co., Inc., 800 Cobb Parkway, NE., P.O. Box 7118, Marietta, GA. 30065.

MC 107515 (Sub-3–105TA), filed March 9, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. *(1) Aluminum and aluminum products and (2) equipment, materials and supplies used in the manufacture and distribution of (1) above* between the plantsite facilities of Consolidated Aluminum located at or near Jackson, TN; Iuka, MS; and Hannibal (Omal), OH, on the one hand, and, on the other, points in and east of MN, IA, NE, KS, OK and TX. Supporting shipper: Consolidated Aluminum Corporation, 11960 Westline Industrial, St. Louis, MO 63141.

MC 115491 (Sub-3–2TA), filed March 9, 1981. Applicant: COMMERCIAL CARRIER CORPORATION, P.O. Drawer 67, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). *Fibreboard Boxes, Corrugated or other than Corrugated.* Between Wildwood, FL on the one hand and points in FL on the other, restricted to shipments having a prior or subsequent movement by water. Supporting shipper: Container Corporation of America, P.O. Box 1225, Stone Mountain, GA 30083.

MC 148283 (Sub-3–4TA), filed March 9, 1981. Applicant: ABC TRANSPORTATION, INC., State Docks Street, Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. *Kiln Dried hardwood lumber* from Cortland, NY to points in AL, CA, GA, NC, SC, and VA. Supporting shipper: Gutchess Lumber Co., P.O. Box 192, Cortland, NY 13045.

MC 107913 (Sub-3–1TA), filed March 9, 1981. Applicant: F & W EXPRESS, INC., 165 S. Parkway West, Memphis, TN 38109. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Steel wire* from Clarksdale, MS to points in AR, GA, TN and TX. Supporting shipper: Delta Wire Corporation, 110 Industrial Drive, Clarksdale, MS 38614.

MC 126305 (Sub-3–17TA), filed March 10, 1981. Applicant: BOYD BROTHERS TRANSORTATION CO., INC., R.F.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Lumber and Composition Board, and (2) Materials, Equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, (except in bulk in tank vehicles),* between the International Boundray Line of the US and Canada located at or near Detroit, MI, and Windsor, Ontario; Niagara Falls, Buffalo, NY, and Hamilton, Ontario on the one hand, and on the other, points in the US in and east of IL, MO, KY, TN, and MS. Supporting shipper: MacMillan Bloedel Building Materials, 6540 Powers Ferry Road, Suite 200, Atlanta, GA 30339.

MC 149281F (Sub-3–1TA). Applicant: FLEIG LEASING, INC., 1287 Burlington Road, Roxboro, NC 27573. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Contract;* Irregular *Aluminum and Aluminum Articles, and equipment, materials, and supplies used in the distribution, installation or manufacture of Aluminum and Aluminum Articles,* between points in the United States, under continuing contract with Hunter Douglas Inc. Supporting shipper: Hunter Douglas Inc., P.O. Box 61, Roxboro, NC 27573.

MC 146451 (Sub-3–28TA), filed March 9, 1981. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, AL 36302. Representative: R. S. Richard, Capell, Howard, Knabe & Cobbs, P.A., P.O. Box 2069, Montgomery, AL 36197. *Plastic pipe, fittings, and materials, equipment, and supplies used in the manufacturing, shipping, and installation of plastic pipe and fittings, except no commodities in bulk,* from all points and places in and east of ND, SD, NE, KS, OK and TX, to the facilities of Samson Plastic Conduit and Pipe Corporation at or near Samson, AL. Supporting shipper: Samson Plastic Conduit and Pipe Corporation, 100 Industrial Drive, Samson, AL 36477.

MC 59150 (Sub-3–14TA), filed March 9, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duvall Street, Jacksonville, FL 32202. *Salt,* from LA and OH to FL, GA, NC, and SC. Supporting shipper: Great Southern Salt Co., Inc., P.O. Box 17152, Jacksonville, FL 32216.

MC 143059 (Sub-3–37TA), filed March 9, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). *Lumber, lumber products, and wood products,* from PA to points in the United States in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Ritenaur Lumber Co., Box 33, Melcroft, PA 15462.

MC 136123 (Sub-3–12TA), filed March 9, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). *Foodstuffs, materials, equipment and supplies* used in the manufacture of foodstuffs between the plant sites of Aster Nut Products, Inc., located in South Hampton County, VA and Essex County, NJ, on the one hand and points in the United States on the other. Supporting shipper: Aster Nut Products, Inc., 1455 McCarter Hwy., Newark, NJ 07104.

MC 134064 (Sub-3–12TA), filed March 9, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *(1) Emulsified petroleum parafin wax and chemicals (except in bulk, and (2) Materials, equipment and supplies used in the application of the commodities named in Item (1) above (except in bulk),* from Cincinnati, OH and points in its commercial zone, to points in the U.S. Supporting shipper: Michelman Chemicals, Inc., 9089 Shell Road, Cincinnati, OH, 45236.

MC 144913 (Sub-3–2TA), filed March 9, 1981. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Road, Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Paper and Paper products (except in bulk),* between points in the US in and east of MN, IA, MO, KS, OK and TX. Supporting shipper: Treasure Chest Advertising Company, Inc., 3271 Hamilton Blvd., SE, Atlanta, GA 30359.

MC 144913 (Sub-3–3TA), filed March 9, 1981. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Road, Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *(1) Such commodities as are dealt in by*

wholesale, retail and chain grocery houses, and (2) materials, equipment and supplies used in the distribution and sale of (1) above between Memphis, TN, on the one hand, and on the other, points in AL, FL, GA, KY, MS, NC and SC. Supporting shipper: Southern Warehouses, Inc., P.O. Box 30149, Memphis, TN 38130.

MC 147888 (Sub-3-9TA), filed March 9, 1981. Applicant: AM & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Such goods as are dealt in and distributed by wholesale and retail grocery enterprises and materials and supplies used thereby (except commodities in bulk)* between points in and east of ND, SD, NE, CO, OK and TX. There are seven (7) supporting shippers.

MC 152544 (Sub-3-6TA), filed March 2, 1981. Applicant: CYPRESS TRUCK LINES, INC., 1746 East Adams Street, Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Construction Materials,* between Springfield, VA, Miami, FL and Minneapolis, MN on the one hand, and, on the other, points in the U.S., in and east of TX, OK, KS, NE, SD and ND. Supporting shipper: VSI Corporation, P.O. Box 866, Springfield, VA 22150.

MC 145794, (Sub-3-4TA), filed March 3, 1981. Applicant: ARDS TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, P.O. Box 1439, Hartsville, SC 29550. *Paper and paper products, bituminized fiber pipe and roofing, lumber and lumber materials, and equipment and supplies used in the manufacture and distribution thereof* between points in the United States. Supporting Shipper: Sonoco Products Company, North Second Street, Hartsville, S.C.

MC 145696 (Sub-3-1TA), filed March 9, 1981. Applicant: M & M LIMITED, 228 Louisville Air Park, Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Contract,* Irregular; *Malt beverages and equipment, materials, and supplies* used in the manufacture, sale, and distribution of malt beverages, between the facilities of Mo Moorman Distributor, Inc., at Louisville, KY and Minneapolis, MN, under contract with Mo Moorman Distributor, Inc., of Louisville, KY Supporting Shipper: Mo Moorman Distributor, Inc., 228 Louisville Air Park, Louisville, KY 40213.

Note.—Applicant is affiliated with supporting shipper.

MC 148043 (Sub-3-1TA), filed March 9, 1981. Applicant: LEE DAMRON, Route 1, Counce, TN 38326. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Material aggregate, sand and gravel* between the facilities of Clyde Owen Sand & Gravel, Inc. at or near Olive Branch, MS, on the one hand, and, on the other, points in Hardin, McNairy, and Shelby Counties, TN and Tishomingo County, MS. Supporting Shipper: Clyde Owen Sand & Gravel, Inc., P.O. Box 190, Collierville, TN 38017.

MC 144827 (Sub-3-34TA), filed March 6, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Metal containers or parts and components thereof, and materials, supplies and equipment used in the manufacture, sales and distribution of metal containers or parts and components thereof* between facilities of Armstrong Container, Inc. at Garland, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Armstrong Container, Inc., 3737 Miller Park Dr., Garland, TX 75042.

MC 107515 (Sub-3-103TA), filed March 6, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd., N.E., 5th Floor, Atlanta, GA 30326. *Such commodities as are dealt in by grocery business houses (except in bulk)* from: facilities of Lever Brothers Company, Inc. at or near Hammond, IN; Clearing and Elgin, IL; Detroit, MI; and St. Louis, MO to points in the US in and east of ND, SD, NE, KS, CO and NM. Supporting shipper: Lever Brothers Company, Inc., Lever House, 390 Park Avenue, New York, NY 10022.

MC 146822 (Sub-3-8TA), filed March 9, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Contract;* irregular; *forest products, lumber and wood products,* between points in WA, OR, CA, AZ, NM, MT, ID, and WY, on the one hand, and, on the other, points in TX, KS, OK, AR, MO, IL and IA under contract with Broadview Lumber Company, Inc. Supporting shipper: Broadview Lumber Company, P.O. Box 816, Carthage, MO 64836.

MC 107515 (Sub-3-104TA), filed March 6, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *(1) Ceiling fans and (2) materials, equipment and supplies used in the manufacture and installation of ceiling fans* from facilities of Codep International, Houston, TX to points in the US. Supporting shipper: Codep International, 1730 Stebbins Drive, Houston, TX 77043.

MC 149563 (Sub-3-9TA), filed March 9, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Avenue, Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Common,* irregular, *Metal products,* between the facilities of Engineered Components, Inc. at or near Stafford, TX and Jemison, AL and points in the U.S. Supporting shipper: Engineered Components, Inc., P.O. Drawer C, Stafford, TX 77477.

MC 148075 (Sub-3-5TA), filed March 5, 1981. Applicant: CECIL E. KING, JR. d.b.a. CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, Esquire, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. *Contract carrier:* irregular: (1) *synthetic fiber rayon staple in machine pressed bales,* and (2) *synthetic yarn rayon, in cartons,* from Front Royal, VA to points in CA, CO, AR, UT, TX and NE. Supporting shipper: Avtex Fibers, Inc., 9 Executive Mall, Valley Forge, PA 19482.

MC 47171 (Sub-3-1TA), filed March 9, 1981. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Clarence E. Cannon (Same address as applicant). *Contract,* Irregular; *General commodities, (except household goods as defined by the Commission, Classes A and B explosives and commodities in bulk)* between points in the US (except AL and HI) under a continuing contract with United Freight, Inc., Morrow, GA. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 148183 (Sub-3-14TA), filed March 10, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Mr. Jerry Gereghty (Same as applicant's). *Foodstuffs and materials, equipment and supplies, used in the manufacture and distribution thereof,* from points in the United States to Hall County, GA. Supporting shipper: Deep South Products, Inc., P.O. Box 2534, Gainesville, GA 30503.

MC 144827 (Sub-3-33TA), filed March 6, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N.

Main Bldg., Memphis, TN 38103. *General commodities (with the usual exceptions)* between facilities utilized by M. G. Maher and Co., Inc. at New Orleans, LA; Houston, TX; and Mobile, AL on the one hand, and, on the other, points in MS, LA, AR, MO, IL, IN, KY, TN and AL. Restriction: Restricted to shipments having a prior or subsequent movement by water. Supporting shipper: M. G. Maher and Co., Inc., 442 Canale St., New Orleans, LA 70130.

MC 154633 (Sub-3-1TA), filed March 10, 1981. Applicant: JAMES BELL & FREDDIE BELL d.b.a. BELL & SONS TRUCKING COMPANY, Route 2, Box 65, Aberdeen, MS 39730. Representative: Kent F. Hudson, 202 Main Street, P.O. Box 696, Purvis, MS 39475. *Contract carrier,* irregular, *iron and steel articles,* between Birmingham, AL, on the one hand, and Aberdeen, MS, on the other. Supporting shipper: Walker Manufacturing Company, a division of Tenneco Corporation, 704 Highway 25 South, Aberdeen, MS 39730.

MC 153566 (Sub-3-2TA), filed March 11, 1981. Applicant: BELCHER TRUCKING CO., INC., P.O. Box 160, Brent, AL 35034. Representative: John R. Frawley, Jr. Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Pipe, fittings, valves, hydrants, fire brick and related accessories used in their installation,* between Coshocton and Parral, OH and points in the states of AL, AR, GA, FL, MS, LA, NC, SC, TN. Supporting shipper: Clow Corporation, 1211 W. 22nd Street, Oak Brook, IL 60521.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 99123 (Sub-4-7TA), filed March 9, 1981. Applicant: QUAST TRANSFER, INC., P.O. Box 7, Winsted, MN 55395. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Common regular: *General commodities* (except household goods as defined by the Commission and Classes A and B explosives), 1) Between Minneapolis and Eden Valley, MN, over MN Hwy 55; 2) Between Minneapolis and Litchfield, MN, over U.S. Hwy 12; 3) Between Minneapolis, MN and junction MN Hwys 7 and 22, over MN Hwy 7; 4) Between Minneapolis and Stewart, MN, over U.S. Hwy 212; 5) Between Minneapolis and Norwood, MN, over MN Hwy 5; 6) Between Eden Valley, MN and junction MN Hwys 22 and 15, over MN Hwy 22; 7) Between Kimball, MN and junction MN Hwy 15 and U.S. Hwy 212, over MN Hwy 15; 8) Between Howard Lake, MN and junction MN Hwy 261 and U.S. Hwy 212, from Howard Lake over Wright and McLeod County Road 6 to junction MN Hwy 261, then over MN Hwy 261 to junction U.S. Hwy 212, and return over the same route; 9) In connection with routes 1) through 8) above, serving a) all intermediate points and b) Green Isle and Fairhaven, MN, points in McLeod and Carver Counties, MN, those in Wright and Hennepin Counties, MN on and south of MN Hwy 55, and those in Meeker County, MN on and south of MN Hwy 55, and on and east of MN Hwy 22, as off-route points. An underlying ETA seeks 120 days authority. Supporting shippers: Farmhand, Inc., 525—15th Avenue South, Hopkins, MN 55343 and Carlson Marketing Group, 12755 Highway 55, Minneapolis, MN 55441.

Note.—Applicant intends to tack and interline.

MC 107295 (Sub-4-32TA), filed March 9, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Contract* irregular: *General commodities* (except Class A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract with W. W. Grainger, Inc. Supporting shipper: W. W. Grainger, Inc., 5959 W. Howard, Niles, IL 60648.

MC 110420 (Sub-4-13TA), filed March 9, 1981. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant). *Cleaning Compounds,* in bulk, from Cleveland, OH to Cumberland, MD; Grand Rapids, MI; and Russell, KY. An underlying ETA seeks 120 days authority. Supporting shipper: Reliance Brooks, Inc., 3302 East 87th Street, Cleveland, OH 44127.

MC 123407 (Sub-4-56TA), filed March 9, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). *Pallets and pallet racks, and materials, equipment, and supplies used in the manufacturing, sale, and distribution thereof,* between Floyd County, GA, and points in the U.S. Supporting shipper: Cerco Stak-Pal Corporation, 1051 Old Lindale Road, Rome, GA 30161.

MC 123407 (Sub-4-57TA), filed March 9, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). *Lead, lead products, and other articles as named in Items 10, 28, and 33 of STCC, and materials, equipment, and supplies used in the manufacturing, sale, and distribution thereof,* between Lake County, IN; Montgomery County, PA; and points in the U.S. Supporting shipper: Hammond Lead Products, Inc., P.O. Box 306, Hammond, IN 46325. An underlying ETA seeks 120 days authority.

MC 123407 (Sub-4-58TA), filed March 9, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). *Windows, doors, building woodwork, and other articles as named in Item 24 of STCC, and materials, equipment, and supplies used in the manufacturing, sale, and distribution thereof,* between Dubuque County, IA, and points in FL, GA, IL, MN, MO, TN, and WI. Supporting shipper: Jeld-Wen Fiber Products, Inc. of Iowa, 250 East 8th Street, Dubuque, IA 52001. An underlying ETA seeks 120 days authority.

MC 133689 (Sub-4-69TA), filed March 10, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Cans, cabinets and oilers,* between Wellsburg, WV on the one hand, and, on the other, points in the U.S. restricted to the transportation of shipments originating at or destined to the facilities of Eagle Manufacturing Company. Supporting shipper: Eagle Manufacturing Company, Wellsburg, WV 26070.

MC 133689 (Sub-4-70TA), filed March 10, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Cleaning compounds and toilet preparations (except commodities in bulk) and equipment, materials and supplies used in the manufacture, sale and distribution of commodities described above,* between the facilities of Minnetonka, Inc. on the one hand, and, on the other hand, points in the U.S. Supporting shipper: Minnetonka, Inc., P.O. Box 1A, Minnetonka, MN 55343.

MC 134970 (Sub-4-2TA), filed March 6, 1981. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Starch,* from Indianapolis, IN to Muscatine, IA. Supporting shipper: Star-Kist Foods, Inc., 582 Tuna Street, Terminal Island, CA 90731.

MC 135231 (Sub-4-6TA), filed March 4, 1981 Applicant: NORTH STAR

TRANSPORT, INC., Rt. 1, Highway 1 & 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs*, between the facilities of The Pillsbury Company at Springfield, IL; Terre Haute, IN; Buffalo, NY and Mechanicsburg, PA, on the one hand, and, on the other, points in the U.S. in and east of MI, IN, KY, TN and AL. An underlying ETA seeks 120 days. Supporting shipping: The Pillsbury Company, Minneapolis, MN.

MC 141869 (Sub-4-1TA), filed March 9, 1981. Applicant: BILL & GENE'S TRUCKING, INC., Box 303 W. Hwy. 34, Madison, SD 57042. Representative: Thomas J. Simmons, 5301 N. Cliff Ave., Box 480, Sioux Falls, SD 57101. *Masonary products, and articles used in the manufacture and distribution of masonary products*, between Points in IA and MN on the one hand, and on the other, points in the U.S., restricted to traffic originating at or destined to Sioux City Brick & Tile, Inc., and its subsidiaries. Supporting shipper: Sioux City Brick & Tile, Inc., 222 Commerce Building, Box 807, Sioux City, IA 51102.

MC 142305 (Sub-4-3TA), filed March 10, 1981. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Such commodities as are dealt in or used by a manufacturer or distributor of foodstuffs*, between points in the U.S. under continuing contracts with Flanagan Brothers, Inc. Supporting shipper: Flanagan Brothers, Inc., 400 Clark Street, Bear Creek, WI, 54922.

MC 142715 (Sub-4-13TA), filed March 9, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Chewing gum and equipment, materials and supplies used in the manufacture and distribution of chewing gum*, between Chicago, IL; Garland, TX; Flowery Branch, GA and Edison, Plainfield and South Plainfield, NJ on the one hand, and on the other, points in the United States in and east of ND, SD, NE, CO, OK and TX. Restricted to traffic originating at or destined to the facilities of Wm. Wrigley Jr. Company. Supporting shipper: Wm. Wrigley, Jr., 410 N. Michigan Ave., Chicago, IL 60611.

MC 142715 (Sub-4-14TA), filed March 9, 1981 Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Beverages and equipment, materials and supplies used in the manufacture and distribution of beverages (except commodities in bulk)*, between St. Paul, MN on the one hand, and on the other, all points in ND, SD IA, IL, WI, IN, OH, MO and MI. Supporting shipper: Gold Medal Beverages, 553 N. Fairview Ave., St. Paul, MN 55104.

MC 142715 (Sub-4-15TA), filed March 10, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul. MN 55075. Representative: K. O. Petrick (same address as applicant). *Welders, battery chargers, electrical apparatus, welding supplies and related parts; and equipment, materials and supplies used in the manufacture, sales and distribution of these commodities*, between Minneapolis, MN on the one hand, and, on the other, all points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: Century Manufacturing Company, 9231 Penn Ave. So., Minneapolis, MN 55431.

MC 142715 (Sub-4-16TA), filed March 10, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Automotive parts and accessories*, between points in Dakota, Hennepin and Ramsey Counties, MN on the one hand, and on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to traffic originating at or destined to points in Dakota, Hennepin and Ramsey Counties, MN. Supporting shipper: Norm's Tire Sales, 477 E. Little Canada Road, St. Paul, MN 55117.

MC 145742 (Sub-4-3), filed March 9, 1981. Applicant: BOLES TRUCKING, INC., R.R. #1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract* irregular: *Creosote oil, asphalt, paving blocks, railroad ties, lumber and materials and supplies used in the manufacture and distribution of such commodities*, between Toledo, OH, Granite City, IL and Detroit, MI on the one hand, and on the other, points in AR, IL, IA, IN, KS, LA, MO, MI, NY, PA, OK and TX. Restricted to traffic moving under continuing contract with The Jennison-Wright Corporation. An underlying E/T/A seeks 120 days authority. Supporting shipper: The Jennison-Wright Corporation, P.O. Box 691, Toledo, OH 43694.

MC 146969 (Sub-4-9TA), filed March 9, 1981. Applicant: STAN KOCH & SONS TRUCKING, INC., 4901 Excelsior Boulevard, Minneapolis, MN 55416. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Such commodities as are dealt in or used by hardware and farm supply stores* (a) between points in CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI; and (b) between points in CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, WI, on the one hand, and, on the other, points in the U.S. in the east of ND, SD, NE, CO, OK, and TX. Supporting Shipper: There are 19 shippers.

MC 148428 (Sub-4-5TA), filed March 9, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Foodstuffs and related products* from Chicago, IL and its commercial zone and Madison, WI and its commercial zone to the facilities of American Fruit & Produce at Eagan, MN. Supporting shipper: American Fruit & Produce, 2864 Eagandale Blvd., P.O. Box 43039, Eagan, MN 55164.

MC 150820 (Sub-4-4TA), filed March 9, 1981. Applicant: LEXINGTON TRANSFER, INC., 0136 McKay Drive, Anoka, MN 55303. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Wilson Road, Edina, MN 55435. *Asphalt, asphalt products and joint compounds (except in bulk)* between points in MN, on the one hand, and, on the other, points in IA, ND, SD, and WI, and the Chicago, IL commercial zone. Supporting shipper: L. N. Sickels Co. 530 N. Cleveland, Ave., St. Paul, MN 55114.

MC 150867 (Sub-4-2TA), filed March 9, 1981. Applicant: PRESS EXPRESS, 15234 Ezers, Dolton, IL 60419. Representative: William H. Shawn, Suite 501, 1730 M Street NW., Washington, D.C. 20036. *Contract:* Irregular *those commodities which, because of their size or weight, require the use of special handling or equipment*, between all points in the U.S. (except Hawaii), for or on behalf of Danly Machine Corp. Supporting shipper: Danly Machine Corp., 2100 So. Laramie Ave., Cicero, IL 60650.

MC 152282 (Sub-4-3TA), filed March 6, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 66, Savage, MN 55378. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *Contract* irregular: *Aluminum castings, and materials, equipment and supplies used in the distribution and manufacture of aluminum castings*, between points in the United States under continuing contracts with Le Sueur Foundry Company, Inc. and Sheldon Die Casting Corporation, Division of Le Sueur Foundry Company, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Le Sueur Foundry Company, Inc., 1408 Vine Street, Le Sueur, MN 56058.

MC 154232 (Sub-4-1TA), filed March 5, 1981. Applicant: SLX TRANSPORT INC., 1703 Highway Two, Duluth, MN

55810. Representative: E. L. Newville (same address as applicant). *Minerals*, between points in MN, MI, IL, ND, SD, WI and IA. An underlying ETA seeks 120 days authority. Supporting shipper: Cutler Magner Co., 12th Ave West and Waterfront, Duluth, MN 55802.

MC 154348 (Sub-4-2), filed March 9, 1981. Applicant: FRINK'S INDUSTRIAL WASTE, INC., Box 555, Pecatonica, IL 61063. Representative: Donald L. Shriver, 401 W. State Street, Suite 701, Rockford, IL 61101. *Industrial and hazardous waste material*, between points in IL on the one hand, and on the other, points in IL, IA, IN, KY, MS, MN, NE, NV, UT, WI and WY. Supporting shippers: (1) Colt Industries FM Engine Div., 702 Lawton Ave., Beloit, WI 53511; (2) Stone Hydraulic Industries, Inc., 2130 Harlem Rd., Rockford, IL 61111; (3) MTE Hydraulics, Inc., 4701 Kishwaukee St., Rockford, IL 61101; and (40 John S. Barnes Corp., 2222 15th Street, Rockford, IL 61125.

MC 154396 (Sub-4-1TA), filed March 9, 1981. Applicant: LORENZ MANUFACTURING COMPANY, Route 3, Box 127, Benson, MN 56215. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *Pet food and pet food ingredients* between points in the U.S. under a continuing contract or contracts with Supreme Pet Food Co., De Graff, MN. Underlying ETA seeks 120 days authority. Supporting shipper: Supreme Pet Food Company, De Graff, MN 56233.

MC 154598 (Sub-4-1), filed March 9, 1981. Applicant: GARY CALHOUN, d.b.a. JARLYN CO., South Street and Harvestore Drive, P.O. Box 160-A, DeKalb, IL 60115. Representative: Michael F. Sheehan, Jr., 29 South LaSalle Street, Suite 830, Chicago, IL 60603. *Contract:* Irregular *Vermiculite and Vermiculite products including bulk, Perlite and Perlite products, plant media mix including bulk, horticulture products, and dirt, gravel and limestone* from DeKalb County, IL on the one hand and to all points in IL, IN, IA, MI, MN, MD, OH, PA, WI and KY on the other. Supporting shipper: Mica Pellets, Inc., 1120 Oak Street, DeKalb, IL 60115.

MC 154599 (Sub-4-1TA), filed March 9, 1981. Applicant: CHAMPION TRUCK LINES, INC., 3651 E. Milwaukee, Detroit, MI 48211. Representative: John M. Veale, 32nd Floor, 100 Renaissance Center, Detroit, MI 48228. *General commodities* between points in MI, OH, KY, TN, IN, MO, IL, WI, KS, OK, PA, NJ, NY, GA, and TX. Supporting shipper: Ford Motor Company, One Parklane Blvd., Dearborn, MI 48120.

MC 154601 (Sub-4-1TA), filed March 9, 1981. Applicant: JAMES L. SCHWEHR, SR., d.b.a. AAAPCO TRANSPORTATION COMPANY, 202 2nd Ave. SE, P.O. Box 89, Valley City, ND 58072. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Lumber and wood products* from Escanaba, MI; Hayward, WI; and points in MT, ID, WA, OR and CA, to points in Cass and Burleigh Counties, ND and Clay and Becker Counties, MN. Restricted to traffic destined to the facilities of Custom Fabricators, Inc. or its customers. An underlying ETA seeks 120 days authority. Supporting shipper: Custom Fabricators, Inc., 1230 36th St., P.O. Box 2171, Fargo, ND 58107.

MC 154607 (Sub-4-1TA), filed March 10, 1981. Applicant: NIXON TRANSPORTATION, INC., 208 N. Hull, Fort Branch, IN 47648. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract: General commodities except Class A and B explosives*, between points in the U.S. except AK and HI under contracts to Red Spot Paint & Varnish Co., Inc. An underlying ETA seeks 120 day authority. Supporting shipper: Red Spot Paint & Varnish Co., Inc., P.O. Box 418, Evansville, IN 47703.

MC 720 (Sub-4-5TA), filed March 11, 1981. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman, P.O. Box 227, Waupun, WI 53963. *Scrap metal and machinery parts* between points in and east of ND, SD, KS, OK and TX on the one hand, and on the other hand, the facilities of Sajac Company, Inc. at or near Beaver Dam, WI, Rochelle, IL and Caldwell, OH. Supporting shipper: Sajac Company, Inc., 1100 Green Valley Road, Beaver Dam, WI 53916.

MC 35628 (Sub-4-10TA), filed March 10, 1981. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 110 Ionia Avenue, N.W., P.O. Box 175, Grand Rapids, MI 49501. Representative: Michael P. Zell (address some as applicant). Common: Regular *General Commodities*, (except Classes A & B explosives) serving all off-route Danville, KY points, in connection with applicant's presently authorized regular route service. Supporting shipper: Thom McAn Shoe Company, Div. of Melville Corp.; 67 Millbrook Street, Worcester, MA 01606.

MC 52473 (Sub-4-4TA), filed March 11, 1981. Applicant: BEHNKE, INC., 77 South Monroe Street, Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract:* irregular; *Bakery goods, NOIBN other than frozen and related products*, between points in Calhoun County, MI and various points in IL, IN, OH and WI under continuing contract(s) with Interbake Foods, Inc. Supporting shipper: Interbake Foods, Inc., P.O. Box 158, Battle Creek, MI 49016.

MC 60024 (Sub-4-3TA), filed March 9, 1981. Applicant: H. B. RUSSELL TRUCK SERVICE, INC., 104 Orange St., Red Bud, IL 62278. Representative: Gale H. Stellhorn (same address as applicant). *Foodstuffs, edible flour, cleaning, scouring and washing compounds, soap, and materials, equipment and supplies used in their manufacture and distribution (except commodities in bulk)*, between points in Perry County, MO and Randolph County, IL, on the one hand, and, on the other, points in AL, AR, FL, IL, IN, KY, LA, GA, MS, MO and TN. An underlying ETA seeks 120 days authority. Supporting shipper: Gilster-Mary Lee Corp., P.O. Box 227, Chester, IL 62233.

MC 76266 (Sub-4-18TA), filed March 10, 1981. Applicant: ADMIRAL MERCHANTS MOTOR FREIGHT, INC., 215 South 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Air Cleaners and Air Coolers with Blowers; Cooling or Freezing Machines; Refrigeration Evaporators (Cooling Coils or Cooling Units) or Refrigeration Condensers, iron or steel, other than iron or steel, and Furnaces, house heating, hot air*, between Owatonna, MN on the one hand, and, on the other, points in all 48 contiguous states. An underlying ETA seeks 120 days authority. Supporting shipper: The King Company, 1001 21st Ave. N.W., Owatonna, MN 55060.

MC 80430 (Sub-4-17TA), filed March 10, 1981. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Representative: Keith J. Margelowsky, 455 Park Plaza Drive, La Crosse, WI 54601. *Auto Parts*, viz, Axle Assemblies, and materials, equipment and supplies used in the manufacture of Auto Parts between the plant site of A. O. Smith Corporation, at Milan, TN, and all points in the U.S. in and east of the states of MN, IA, MO, OK and TX. An underlying ETA seeks 120 days authority. Supporting shipper, A. O. Smith Corporation, P.O. Box 584, Milwaukee, WI 53201.

MC 95876 (Sub-4-17TA), filed March 10, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell,

1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Commodities as are dealt in or used by manufacturers of pollution and environmental control equipment;* between points in Rowan, Mecklenburg, Stanley, and Richmond Counties NC, on the one hand, and, on the other, points in and east of TX, OK, KS, NE, SD and ND. There are five supporting shippers.

MC 111274 (Sub-4-7TA), filed March 10, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (address same as applicant). *Contact* irregular: *Building, roofing and insulation materials* from points in AL, AR, CO, ID, IN, LA, MI, MN, MS, MO, MT, OH, WI, SC, and WY and from Charlotte, Conway and Whiteville, NC; Jarratt, VA; Monticello and Savannah, GA, to points in the counties of IL: Brown, Cass, Champaign, Christian, Coles, DeWitt, Douglas, Edgar, Ford, Fulton, Iroquois, Livingston, Logan, McDonough, McLean, Macon, Marshall, Mason, Menard, Morgan, Moultrie, Piatt, Peoria, Sangamon, Schuyler, Stark, Tazewell, Vermilion and Woodford, under a continuing contract with Georgia Pacific Corp. Supporting shipper: Georgia Pacific Corp., 2175 Parklake Drive, Atlanta, GA 30345.

MC 114194 (Sub-4-14TA), filed March 10, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donell (same as applicant). *Flour, in bulk,* from Chester, IL, to points and places in AR, IN, KY, LA, MO, MS, OH, OK, TN, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Conagra, Inc., P.O. Box 360, Chester, IL 62233.

MC 116519 (Sub-4-8TA), filed March 11, 1981. Applicant: FREDERICK TRANSPORT LIMITED, R.R. No. 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, 1511 K Street, N.W., Washington, DC 20005. *Aluminum sheet,* in coils, from ports of entry on the U.S.-Canada boundary line located in MI and NY to the facilities of Alcan Aluminum Corp., at or near Warren, OH, restricted to traffic originating at the facilities of Alcan Canada Products Limited at or near Kingston, Ontario. Supporting shipper: Alcan Smelters and Chemicals Ltd., P.O. Box 6090, Montreal, Quebec, Canada H3C 3H2.

MC 117730 (Sub-4-11TA), filed March 10, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route No. 47, Huntley, IL 60142. Representative: Stephen H. Loeb, 33 North LaSalle, Suite 2027, Chicago, IL 60602. *Frozen bagels,* from the facilities of Lenders Bagel Bakery, Inc., at Buffalo, NY and New Haven, CT to Milwaukee, WI, St. Louis, MO, Minneapolis, MN, Detroit and Grand Rapids, MI, Chicago, IL and points in DE, MA, MD, NJ, NY, OH, PA, and VA. Supporting shipper: Lender's Bagel Bakery, Inc., P.O. Box 191, West Haven, CT 06516.

MC 118202 (Sub-4-16TA), filed March 10, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. *Food and related products,* between the facilities of Fearn International, Inc., in Los Angeles and Milpitas, CA, Denver, CO and Franklin Park, IL, on the one hand, and, on the other, points in the United States. An underlying ETA seeks 120 days authority. Supporting shipper: Fearn International, Inc., 9353 W. Belmont Ave., Franklin Park, IL 60131.

MC 127187 (Sub-4-5TA), filed March 10, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *Contract: Lumber, wood products and forest products,* between points in the U.S. under a continuing contract(s) with Gibbs Lumber Company of Lake Elmo, MN. Supporting shipper: Gibbs Lumber Company, 3394 Lake Elmo Ave., P.O. Box 878, Lake Elmo, MN, 55042.

MC 139420 (Sub-4-2TA), filed March 10, 1981. Applicant: GLACIER TRANSPORT, INC., P.O. Box 428, Grand Forks, ND 58201. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *Contract,* irregular. *(1) Food and related products, and (2) commodities used in the manufacture and distribution of food and related products,* between points in the U.S. Restricted to traffic moving under continuing contract or contracts with Grand Forks Branch, Bridgeman Western Division of Land O' Lakes, Inc., Grand Forks, ND. An underlying ETA seeks 120 days authority. Supporting shipper: Grand Forks Branch, Bridgeman Western Div., Land O' Lakes Inc., Grand Forks, ND 58201.

MC 141989 (Sub-4-1TA), filed March 9, 1981. Applicant: CHRISTIANSON LIME SPREADING SERVICE, INC., Route 2, Box 202, Almond, WI 54909. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Agricultural lime* between points in Schoolcraft County, MI, and points in WI. An underlying ETA seeks 120 days authority. Supporting shipper: Jerzak Lime Service, Route 2, Box 202, Almond, WI, 54909.

MC 142069 (Sub-4-17TA), filed March 10, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). *Paper products* from the facilities of Southern Paper Box Co. at or near Little Rock and Benton, AR to points in AL, GA, LA, KY, MO (including Kansas City Commercial Zone), MS, TN, TX and New Albany, IN. Supporting shipper: Southern Paper Box Co., 1400 East 28th Street, Little Rock, AR 72203.

MC 142848 (Sub-4-1TA), filed March 10, 1981. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Coal,* between points in IL, IN and KY. Restricted to traffic having prior or subsequent movement by water. Supporting shipper: Southwind Marketing Service, P.O. Box 364, Mt. Vernon, IN 47620.

MC 143280 (Sub-4-11TA), filed March 10, 1981. Applicant: SAFE TRANSPORTATION CO. 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper and plastic products,* between the facilities of Stone Container Corporation in Chicago, IL on the one hand, and, on the other, points in the U.S. Supporting shipper: Stone Container Corporation, 360 North Michigan Avenue, Chicago, IL 60601.

MC 143280 (Sub-4-12TA), filed March 10, 1981. Applicant: SAFE TRANSPORTATION CO., 6834 Washington Avenue, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Plastic Products,* between Hennepin County, MN and Denver County, CO, on the one hand, and, on the other hand, points in the U.S. Supporting shipper: Poly-Tech Division of U.S.I., 1401 W. 94th Street, Minneapolis, MN 55431.

MC 143280 (Sub-4-13TA), filed March 10, 1981. Applicant: SAFE TRANSPORTATION CO., 6834 Washington Avenue, S., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs,* from the facilities of Our Best Canning Co., Inc. in Brown County, WI to points in the U.S. An underlying ETA seeks 120 days. Supporting shipper: Our Best Canning Co., Inc., 323 3rd St., Pulaski, WI 54162.

MC 143280 (Sub-4-14), filed March 10, 1981. Applicant: SAFE TRANSPORTATION CO., 6834 Washington Ave. S., Eden Prairie, MN 55344. Representative: Robert P. Sack,

P.O. Box 6010, West St. Paul, MN 55118. *Recreational vehicles,* from the facilities of Unit Distribution at Bedford Park, IL to points in MN, ND, SD, NE, WI, and IA. An underlying ETA seeks 120 days. Supporting shipper: Unit Distribution, 6558 W. 73rd Street, Bedford, Park, IL 60638.

MC 143280 (Sub-4–15TA), filed March 10, 1981. Applicant: SAFE TRANSPORTATION CO., 6634 Washington Ave. S., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper dividers or fillers,* from the facilities of Clevepak Corporation at Milwaukee, WI; Vineland, NJ; Dallas, TX; Merced, CA; Eaton, IN; Macon, GA and Charleroi, PA to points in the U.S. Supporting shipper: Clevepak Corporation, 1640 West Silver Spring Drive, Milwaukee, WI 53209.

MC 143739 (Sub-4–3TA), filed March 10, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN. 56072. Representative: Leonard K. Sackson (same address as applicant). *Lumber or wood products,* between points in Baxter County and Izard County, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Cotter Manufacturing, P.O. Box 100, Cotter, AR. 72626.

MC 145276 (Sub-4–4TA), filed March 11, 1981. MINNESOTA EXPRESS, INC., 2400 Trott Avenue SW., P.O. Box 427, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. *Meat, meat products, meat by-products distributed by meat packinghouses* from St. Paul, MN to points in SD. Supporting shipper: Twin City Meats, 236 Chester Street, St. Paul, MN 55107.

MC 154716 (Sub-4–1TA), filed March 10, 1981. Applicant: WALGREEN OSHKOSH, INC., 200 Wilmot Road, Deerfield, IL 60015. Representative: John T. O'Connell, 521 S. La Grange Rd., LaGrange, IL 60525. *Contract envelopes, tubes, boxes, air bills of lading, pouches and printed service magazines,* from points and places in IL, AR, GA, MS, AL, KY to Memphis, TN commercial zone under continuing contract with Federal Express Corporation, Memphis, TN. Supporting shipper: Federal Express Corp., P.O. Box 727, Dept. 162–030, Memphis, TN 38194.

MC 149184 (Sub-4–4TA), filed February 12, 1981. Applicant: FIFTH WHEEL TRUCKING, INC., Route 4, Box 26, Black River Falls, WI 54615. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *(1) Steel doors and frames and (2) parts and attachments for commodities in (1),* from Carlstadt, NJ to points in IL, MI, MN and WI. Supporting shipper: Pioneer Industries, Division Core Industries, Inc., 401 Washington Avenue, Carlstadt, NJ 07072.

MC 151168 (Sub-4–3TA), filed March 10, 1981. Applicant: STEPHEN W. KETCHUM, d.b.a. KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. *Motorcycles and all terrain vehicles,* between Chicago, IL and points within its commercial zone on the one hand, and on the other points in WI and MN. Supporting shipper: Unit Distribution, Inc., 6558 West 73rd Street, Bedford Park, IL 60638.

MC 151270 (Sub-4–2TA), filed March 10, 1981. Applicant: BATESVILLE CASKET COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: John P. Fonte, 1333 New Hampshire Ave., N.W., Washington, DC 20036. *General commodities (except Classes A and B explosives)* between points in AZ, AR, CA, IL, IN, IA, KS, KY, MO, NM, OH, OK, OR, TN, TX and WA, moving on bills of lading of ACME Fast Freight, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: ACME Fast Freight, Inc., 2110 Alhambra Ave., Los Angeles, CA 90032.

MC 152730 (Sub-4–2TA), filed March 10, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 21, Hartford City, IN 47348. Representative: William E. Ervin, 211 North High St., Hartford City, IN 47348. (1) *Paper Products, Materials, equipment and supplies utilized in the manufacture, sale and distribution of paper products;* between Grayson County, Ky: Saint Claire County, MI on the one hand and on the other to all points in the U.S. except AK and HI. (2) *Expandable Polystyrene Plastic Parts, materials, equipment and supplies utilized in the manufacture, sale and distribution of Expandable Polystyrene Plastic Parts;* between Jay County, IN on the one hand and on the other to all points in the U.S. except AK and HI. Supporting shippers: Huron Copysette, Inc., P.O. Box 377, Leitchfield, Ky 42754, and Createc Corporation, Post Office Box 933, Portland, IN 47371.

MC 154495 (Sub-4–2TA), filed March 10, 1981. Applicant: THOMAS J. PAWLACYK, d.b.a. N & M TRANSFER, 1120 North Perkins Street, Appleton, WI 54911. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between points in Winnebago, Fond du Lac, Outagamie and Brown Counties, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, OH and WI. Restricted to traffic moving in vehicles having a gross weight of 30,000 pounds or less. Underlying ETA seeks 120 days authority. Supporting shippers: There are twelve supporting shippers.

MC 154623 (Sub-4–1TA), filed March 11, 1981. Applicant: MACHINERY TRANSPORTS OF ILLINOIS, INC., 300 Ashland, Morton, IL 61550. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Self-propelled vehicles and commodities which because of their size or weight require special equipment or handling,* between Scott County, IA and points in IL. Supporting shipper: Caterpillar Tractor Co., 100 N. Adams St., Peoria, IL 61629.

MC 154643 (Sub-4–1TA), filed March 11, 1981. Applicant: KLINK TRUCKING, INC., R.R. No. 1, Pleasant Lake, IN 46779. Representative: Phillip A. Renz, Suite 200, Metro Building, Fort Wayne, IN 46802. *Contract:* irregular: *Coal and coal products.* Between Jefferson County, AL and points in MI, IN, IL and OH. Restricted to service to be performed under continuing contracts with Alabama By-Products Corp. Supporting shipper: Alabama By-Products Corp., P.O. Box 10246, Birmingham, AL 35202.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 9644 (Sub-5–2TA), filed March 11, 1981. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, P.O. Box 4060, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Paper and paper products,* from the facilities of Owens-Illinois at or near Mount Olive, IL, to Omaha, NE. Supporting shipper: Owens-Illinois, P.O. Box 1035, Toledo, OH 43666.

MC 26825 (Sub-5–14TA), filed March 11, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *Food and related products,* between pts in IA, MN, NE and Chicago, IL on the one hand, and on the other, pts in CA. Supporting shippers: Fancyfarms Foods, Inc., P.O. Box 8662, Emeryville, CA 94662 and Les Galbreath Associates, Inc., 6400 Bay Street, Emeryville, CA 94662.

MC 60066 (Sub-5–8TA), filed March 11, 1981. Applicant: BEE LINE MOTOR

FREIGHT, INC., 1804 Paul Street, Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Such commodities as are dealt in by discount and variety stores* from the facilities of Woolcon, Inc. at Hodgkins, IL to Omaha, NE. Supporting shipper: F. W. Woolworth Co., 915 Lee Street, Des Plaines, IL 60016.

MC 60060 (Sub-5-9TA), filed March 11, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Such commodities as are dealt in or used by manufacturers of electric storage batteries, electric chargers and telephone equipment* between facilities of Eltra Corporation at Sidney, Scottsbluff, and Oshkosh, NE, on the one hand, and, on the other, points in the U.S. Supporting shipper: Eltra Corporation, 511 Hamilton Street, Toledo, OH 43694.

MC 66380 (Sub-5-5TA), filed March 11, 1981. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, P.O. Box 4308, Fort Worth, TX 76106. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. (1) *Poles, arms, brackets, bases and accessories; and (2) iron and steel articles; and (3) materials, equipment and supplies used in the manufacture of (1) and (2) above,* between Washington County, TX, on the one hand, and, on the other, points in the U.S. (except AK an HI). Supporting shipper: American Lighting Standards, A Subsidiary of Valmont Industries, Inc., Valley, NE 68064.

MC 113908 (Sub-5-30TA), filed March 11, 1981. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10066 G.S., Springfield, MO 65808. Representative: Jim G. Erickson (same address as applicant). *Chemicals, i.e., denatured unpotable beer, aluminum chlorohydroxide, and many others used in the manufacturing of drugs and pharmaceutical supplies;* between Union and Somerset Counties, NJ, on the one hand, and, on the other, St. Louis County, MO. Supporting shipper: Bristol-Myers Products Company, 225 Long Avenue, Hillside, NJ 07207.

MC 115331 (Sub-5-15TA), filed March 11, 1981. Applicant: TRUCK TRANSPORT, INCORPORATED, 11040 Manchester Road, St. Louis, MO 63122. Representative: J. R. Ferris (same as applicant). *Liquid oxygen and liquid nitrogen, in bulk, in shipper-owned trailers,* from East Chicago, Burns Harbor, Mount Vernon and Indianapolis, IN, North Baltimore, OH, Decatur, AL, Pryor, OK and New Martinsville, WV to Granite City, IL. Supporting shipper(s): Air Products and Chemicals, Inc., P.O. Box 538, Allentown, PA 18105.

MC 117119 (Sub-5-55TA), filed March 11, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Aluminum products, glass, equipment and supplies* used in the manufacture and distribution thereof between points in Clackamas and Multnomah Counties, OR on the one hand, and, on the other, points in CA, FL, GA, MO, NJ, and TN. Supporting shipper: Aluminum Supply Company, P.O. Box 66382, Portland, OR 97266.

MC 119789 (Sub-5-46TA), filed March 10, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). *Food and Kindred Products* between the facilities of Serv-A-Portion at Chatsworth, CA; Atlanta, GA; and Cincinnati, OH; on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative destinations may be any major city or town in the U.S. having a restaurant supply house or fast food warehouse. Supporting shipper: Serv-A-Portion, 9140 Lurline Avenue, Chatsworth, CA, 91311.

MC 128007 (Sub-5-6TA), filed March 10, 1981. Applicant: HOFER, INC., 20th and 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *(1) Plastic and Plastic Articles, and (2) Boxes and Pallets,* between the facilities of Able Plastics of Newton, KS, on the one hand, and, on the other, Sacramento and Los Angeles, CA; Jacksonville, FL; Atlanta, GA; Broadview and Chicago, IL; Louisville, KY; New Orleans, LA; Kansas City, MO; Omaha, NE; Greensboro, NC; Oklahoma City and Purcell, OK; Portland, OR; Nashville, TN; Dallas, TX; Salt Lake City, UT; Norfolk, VA; and Seattle, WA. Supporting shipper: Able Plastics of Newton, KS, 1100 South Meridian, Newton, KS 67114.

MC 129908 (Sub-5-49TA), filed March 11, 1981. Applicant: AMERICAN FARM LINES, INC., 6125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Furniture and fixtures* between CA, GA, NC, and VA, on the one hand, and, OK on the other. Supporting shipper: Evans Home Furnishings, 600 S. Western, Oklahoma City, OK.

MC 134755 (Sub-5-16TA), filed March 11, 1981. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, MO 65804. *General Commodities (except those of unusual value, Classes A and B explosives and household goods, as defined by the Commission),* between the facilities of Co-Operative Shippers, Inc., and its members in OH, KY, WV, and IN, on the one hand, and, points in the U.S. Supporting shipper: Co-Operative Shippers, Inc., 1448 Dalton Street, Cincinnati, OH 45214.

MC 135691 (Sub-5-7TA), filed March 11, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *(1) Paint and materials, supplies and equipment used in the manufacture, sale and distribution of paint* between points in the contiguous U.S.—restricted to traffic originating or terminating at the facilities of PPG Industries, Inc. Supporting shipper: PPG Industries, 1377 Oakleigh Drive, East Point, GA 30344.

MC 138469 (Sub-5-36TA), filed March 10, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75367, Oklahoma City, OK 73147. Representative: Daniel O. Hands, Attorney at Law, Blanshan & Summerfield, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Such commodities as are used or dealt in by grocery and foods business houses and equipment, materials, and supplies used in the conduct of such business,* between points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities of The Kroger Co. Supporting shipper: The Kroger Co., Cincinnati, OH.

MC 142506 (Sub-5-50TA), filed March 10, 1981. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *General commodities* from the facilities of Bailey's Express, Inc., in Middletown, CT, to Pts in IL, IA, IN, KS, MN, MO, NE, ND, SD, OK, and TX. Supporting shipper: Bailey's Express, Inc., 61 Industrial Parkroad, Middletown, CT 06457.

MC 142506 (Sub-5-51TA), filed March 11, 1981. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office 37096, Omaha, NE 68137. *Food and related items* from Pts in DE, FL,

MD, NY, and NJ, to the facilities of Shurfine Eastern in CT, MA, ME, NH, VT, NY, and PA. Supporting shipper: Shurfine Eastern Corporation, 440 Turnpike Street, Canton, MA 02021.

MC 145113 (Sub-5–1TA), filed March 11, 1981. Applicant: PLANTATION FOODS, INC., P.O. Box 889, Waco, TX 76703. Representative: Nelson M. "Mike" Davidson, Jr., P.O. Box 1148, Austin, TX 78767. Contract irregular. (1) *Aluminum and aluminum products, paper bags, foil-lined sheets, bags, iron and steel articles,* from points in MI, KY, PA, CT, MA, NC, and IN to points in TX, under continuing contract(s) with National Steel Corporation of Pittsburgh, PA; (2) *Floor coverings and related articles,* from points in NJ to points in TX, under continuing contract(s) with American Biltrite, Inc., of Cambridge, MA; (3) *Envelopes* from points in NY to points in TX, under continuing contract(s) with Accurate Envelope of New York, NY; (4) *Iron oxide, in 100 lb. bags,* from points in PA to points in TX, under continuing contract(s) with Reichard Coulston, Inc. of New York, NY.

MC 146448 (Sub-5–18TA), filed March 11, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Polydoroff and Miller, P.C., Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Title and materials, equipment and supplies used in the installation, manufacture and sale thereof,* between the facilities of American Olean Tile Co. at Olean, NY and Lansdale and Quakertown, PA, on the one hand, and, on the other, points in the United States. Supporting shipper: American Olean Tile Co., 1000 Cannon Ave., Lansdale, PA 19446.

MC 151364 (Sub-5–3TA), filed March 11, 1981. Applicant: SOUTHERN EXPRESS, INC., P.O. Box 1088, Cape Girardeau, MO 63701. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Contract, irregular, *Materials, equipment and supplies used, sold or dealt in by a manufacturer of carpets, rugs, padding and cushioning,* between all points in the U.S., under a continuing contract(s) with Recticel Foam Corporation. Supporting shipper: Recticel Foam Corporation, 344 Vulcan St., Buffalo, NY.

MC 152537 (Sub-5–2TA), filed March 10, 1981. Applicant: WIN WILLIAMS TRUCKING CO., INC., 14025 Spencer Rd. Suite No. 201, Houston, Texas 77041. Representative: Win Williams, 14025 Spencer Rd. Suite No. 201, Houston, Texas 77041. *Iron or steel articles and pipe, when moving as oilfield equipment,* between points in TX, OK, and LA. Supporting shippers: There are nine supporting shippers.

MC 153341 (Sub-5–2TA), filed March 10, 1981. Applicant: CUSTOM BUS LEASING, INC, 645 Highway 1378, Wylie, TX 75098. Representative: Robert Q. Stanton, 3800 Republic Bank Tower, Dallas, TX 75201. *Passengers and their luggage on sleeper buses, round-trip pleasure tours and charter operations are proposed,* between points within Dallas and Denton Counties, TX, on the one hand, and, on the other, points within Mineral and La Plata Counties, CO. Supporting shippers: Week-End Skiers of Texas, 601 West Renner Road, #242, Richardson, TX 75080, First United Methodist Church, 201 South Locust, Denton, TX 76201.

MC 154451 (Sub-5–1TA), filed March 10, 1981. Applicant: J. D. HARRISON AND BILL HARRISON d.b.a. HARRISON BROS. TRUCKING, 2100 Peachtree, Balch Springs, TX 75180. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237. *Hazardous waste* from Albuquerque, NM, to Taylor County, TX. Supporting shipper: Materials Recovery Enterprises, Inc., 4835 LBJ Freeway, Suite 450, Dallas, TX 75234.

MC 154562 (Sub-5–1TA), filed March 10, 1981. Applicant: J. B. L., INC., 1245 Wedgewood, Cleburne, TX 76031. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Lime, in bulk,* between points in TX and OK. Supporting shipper: Woodbine Corporation, 2510 Decatur Avenue, Fort Worth, TX 76106.

MC 154621 (Sub-5–1TA), filed March 10, 1981. Applicant: MONROE WAREHOUSE, INC., 2019 Jackson Street, Monroe, LA 71201 Representative: Donald B. Morrison; P.O. Box 22828; Jackson, MS 39205. Contract; irregular; (1) *ores and minerals and (2) chemicals and related products* between the facilities used by International Minerals & Chemical Corporation, on the one hand, and, on the other, points in the U.S. (except AK and HI), under a continuing contract with International Minerals & Chemical Corporation. Supporting shipper: International Minerals & Chemical Corporation, 421 E. Hawley street, Mundelein, IL 60060.

MC 154622 (Sub-5–1TA), filed March 10, 1981. Applicant: CLIFTON T. BARKER, D.B.A. BARTCO, 2214 Cloverdale, Arlington, TX 76010. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76106. *Iron and steel articles,* between Dallas and Fort Worth, TX, on the one hand, and, on the other, Houston, TX. Restricted to shipments having prior or subsequent movements by water. Supporting shipper: Basic Metals, Inc., 1601 S. Peyco Drive, Arlington, TX 76017.

MC 154646 (Sub-5–1TA), filed March 11, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREAT WEST TRANSPORTATION, 4245 Norseman Ave. Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Food and related products,* between the facilities of ConAgra, Inc. on the one hand, and, on the other, points in the U.S. Supporting shipper: ConAgra, Inc., 200 Kiewit Plaza, Omaha, NE 68131.

MC 154648 (Sub-5–1TA), filed March 11, 1981. Applicant: WAYNE PHILLIPS, d.b.a. WAYNE PHILLIPS TRUCKING, P.O. Box 648, Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Contract; irregular: *food and related products requiring refrigeration,* between points in the U.S. under continuing contract(s) with Land O' Frost of Arkansas, Inc. Supporting shipper: Land O' Frost of Arkansas, Inc., Hastings Ave., Searcy, AR 72143.

MC 154656 (Sub-5–1TA), filed March 11, 1981. Applicant: ROY HAMILL d.b.a. HAMILL TRUCKING, Rt. 2, Box 164, Pryor, OK 74361. Representative: Roy Hamill d.b.a. Hamill Trucking (same address as applicant). Contract: Irregular, *Packaged beer, keg beer and empty return trade,* between St. Louis, MO, Tulsa, OK, and Stillwater, OK, and their commercial zones. Supporting shipper: Golden Eagle Distributing Co., 4470 South 70th East Ave., Box 45495, Tulsa, OK 74145.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 135989 (Sub-6–6TA), filed March 12, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Contract* carrier, irregular routes, *automobile parts and accessories,* from Fort Worth, TX to Compton, Port Hueneme, and Benicia, CA, Tacoma and Kent, WA, and Grand Rapids, MI, for 270 days, under continuing contract(s) with Mazda Motors of America (Central), Inc. Supporting shipper: Mazda Motors of America (Central), Inc., 3040 East Ana St., Compton, CA 90221.

MC 147960 (Sub-6–1TA), filed March 11, 1981. Applicant: RON GARNER, Rt. 2, Box 405, Buckley, WA 98321. Representative: James T. Johnson, 1610

IBM Bldg., Seattle, WA 98101. *Iron and steel articles, including pipe and plate* between points in WA, OR, CA, ID, MT, WY and UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Millsteel Co., POB 2445, Seattle, WA 98124 and Western Iron Works, Inc., POB 3238, Butte, MT 59701.

MC 153134 (Sub-6–4TA), filed March 11, 1981. Applicant: HI COUNTRY CARRIERS, INC., 4061 S. Broadway, Englewood, CO 80110. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *(1) Commodities dealt in by manufacturers or distributors of plumbing fixtures, materials, equipment and supplies, (2) vitreous china urinals, toilets and lavatories, and (3) porcelain enamel steel bathtubs, lavatories and kitchen sinks,* from the facilities of Colton-Wartsilla Co. at or near Colton, CA, to points in the U.S. in and west of MT, WY, CO, NM, and TX (except AK and HI), for 270 days. An underlying ETA seeks 120 days of authority. Supporting shipper: Colton-Wartsilla Co., 330 W. Citrus Ave., Colton, CA 92324.

MC 48958 (Sub-6–6TA), filed March 11, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 16404, Denver, CO 80216. Representative: Robert A. Haddock (same address as applicant). *Contract Carrier* irregular route, *papeteries* from Colorado Springs, CO to Bedford Park, IL for 270 days. Supporting shipper: Current, Inc., 1025 E. Woodman Valley Rd., Colorado Springs, CO 80918.

MC 106360 (Sub-6–5TA), filed March 11, 1981. Applicant: JOHNSON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203. *Hazardous waste material,* from Whitewood, SD to Denver, CO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: St. Regis Paper Co., Box 65160, W. Des Moines, IA 50265.

MC 146401 (Sub-6–3TA), filed March 11, 1981. Applicant: NEU-WAY, INC., 23720 72nd Ave., Langley, B.C., Canada V3A 4P9. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract carrier,* irregular routes, *Glass* from Kingsburg, CA to Ports of Entry on the U.S./Canada Boundary Line in WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Guardian Industries, Corp., 11535 E. Mountain View, Kingsburg, CA 93631.

MC 146464 (Sub-6–3TA), filed March 11, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 469 Idaho Street, Elko, NV 89801. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. (1) *Oil drilling mud compounds* (a) from points in NV to points in ND, WY, NM, MT and CA, and (b) from points in UT to points in OK, TX, KS and NM; (2) *structural steel* from Tulsa, OK and the commercial zone thereof, to Clearfield, UT and the commercial zone thereof, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Riverside Industries, Inc., P.O. Box 1282, Clearfield UT 84016, IMCO Services, 410 17th St., Suite 2070, Denver, CO 80202, D & D Enterprises, P.O. Box 12, Greenville, TX 75401, Mill-Chem, Inc., P.O. Box 838, Denver, CO 80202, and Nevada Barite, Inc., 1612 W. 2nd S., Linden, UT 84062.

MC 143144 (Sub-6–2TA), filed March 11, 1981. Applicant: PACIFIC DUMP TRUCKS, INC., 1507 E. Illinois, Bellingham, WA 98225. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *concrete products* from points in Whatcom County, WA, to points in OR and CA for the account of Builders Concrete, Inc., for 270 days. Supporting shipper: Builders Concrete, Inc., C and Maple Sts., Bellingham, WA 98225.

MC 123265 (Sub-6–5TA), filed March 11, 1981. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *soda ash, salt, soda bicarbonate, talc, and chemicals in containers NOI,* from Salt Lake City, UT, to points in MT, WA, OR and ID, under continuing contracts with Van Waters & Rogers—Division of Univar, for 270 days. Supporting shipper: Van Waters & Rogers—Division of Univar, P.O. Box 2767, Spokane, WA 99220.

MC 141599 (Sub-6–3TA), filed March 11, 1981. Applicant: MOUNTAIN PACIFIC TRANSPORT, LTD., d.b.a. SHADOW LINES, 241 School House Rd., Coquitlam, B.C., Canada V3K 4X9. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Roofing and insulation materials* from ports of entry in MT, ID & WA to points in MT, ID, WA & OR, restricted to traffic moving from the facilities of Iko Industries Ltd., for 270 days. Supporting shipper: Iko Industries Ltd., P.O. Box 1325, Calgary, Alberta, Canada T2P 2L2.

MC 138875 (Sub-6–48TA), filed March 12, 1981. Applicant: SHOEMAKER TRUCKING, CO., 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell, (same address as applicant). *Boxes, paper board, other than corrugated, knocked down flat, pulpboard sheets, printed paper labels and various paper and pulpboard strips used in packaging bakery goods,* from Marsailles, IL to Buena Park and Oakland, CA and Portland, OR, for 270 days. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 150433 (Sub-6–1TA), filed March 11, 1981. Applicant: CRUSE H. THOMASON, 2nd and Houston, Yuma, CO 80759. Representative: Pam Phifer, (same address as applicant). *Contract carrier:* Irregular routes: *Liquid Fertilizer* from Borger, TX to points in Yuma County, CO under continuing contract(s) with American Feritilizer and Chemical Co., for 270 days. Supporting shipper: American Fertilizer and Chemical Co., 101 So. Detroit, Yuma, CO 80759.

MC 154675 (Sub-6–1TA), filed March 12, 1981. Applicant: GEORGE VAN DYKE TRUCKING, INC., Rt. 3, Box 878M, Albany, or 97321. Representative: George and Marianne Van Dyke (same address as above). *Lumber, veneer, plywood, shakes,* and *wood products,* Between OR, WA, and CA. For 270 days. Supporting shipper: Boise Cascade Corp., P.O. Box 290, Monmouth, OR 97361.

MC 26396 (Sub-6–62TA), filed March 12, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. B. 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. B. 82028, Lincoln, NE. 68501. *"Mercer Commodities",* from the ports of entry on the International Boundary line between the U.S. and Canada located at points in MT to points in the U.S. in and West of ND, SD, NE, KS, OK and TX, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shippers: Cenalta Oilwell Servicing, Ltd., 1450–633–6 Ave. SW., Clagary, Alberta, Canada T2P 2X5; Faster Oilfield Services, Ltd., Box 210, Nisku Industrial Park, Nisku, Alberta, Canada TOC 2GO; Atco Drilling, Inc., 3515 S. Tamarac, Denver, CO 80237; and Nugget Drilling, Ltd., 6755 51st Ave, Edmonton, Alberta, Canada T6E 5H1.

MC 116544 (Sub-6–27TA), filed March 9, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303. *Furniture parts, metal products, paper products and materials equipment and supplies used in the manufacture, transportation and installation thereof* between points in the U.S. (except AK and HI), restricted to shipments originating at or destined to the facilities of Leggett & Platt, Inc., for 270 days. Supporting shipper: Leggett

& Platt, Inc., P.O. Box 757, Carthage, MO 64836.

MC 154626 (Sub-1TA), filed March 10, 1981. Applicant: AMERICAN CARGO EXPRESS, LTD., P.O. B. 39056, Denver, CO 80239. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *General commodities (except Classes A and B explosives, commodities in bulk, household goods, and commodities requiring mechanical refrigeration)* between points in Harris, Galveston, Brazoria and Ft. Bend Counties, TX, on the one hand, and, on the other, points in Denver, Adams, Arapahoe, Jefferson and Boulder Counties, CO: (1) points in from the named CO counties over U.S. Hwy 36 and Interestate 25 to Raton, NM, then over U.S. Hwy 87 to Amarillo, TX, then over U.S. Hwy 287 to its junction with Interstate Hwy 45, then over Interstate Hwy 45, to Galveston, TX, and return over the same route and (2) from points in the named CO counties over U.S. Hwy 36 and 287 and Intereste Hwy 70 to the junction of Interstate Hwy 70 and U.S. Hwy 287 east of Limon, CO, and then over U.S. Highway 287 to Amarillo, TX, then over U.S. Hwy 287 to Lubbock, TX, then over U.S. Hwy 84 to its junction U.S. Hwy 183, then over U.S. Hwy 183, to Austin TX, then over U.S. Hwy 290 to Houston, TX, then over U.S. Interstate Hwy 45 to Galveston, TX, and return over the same route. (3) From the points in the named counties in CO via U.S. Hwy 36, 287 and Interstate Hwy 70 to Limon, CO, then over U.S. Hwy 287 to Amarillo, TX, then over U.S. Hwy 287 to Lubbock, TX, then over U.S. Hwy 284 to Abilene, TX, then over Texas Hwy 36 to Houston, TX, then over Interstate Hwy 45 to Galveston, TX, then over Interstate Hwy 45 to Galveston, TX, and return over the same route, for 270 days Supporting shipper: There are 30 shippers. Their statements may be examined at the regional office list.

MC 154,410 (Sub-6–1TA), filed March 10, 1981. Applicant: BALDUC TRUCKING, INC., d.b.a. PAULSON TRUCKING CO., P.O.B. 1034, Station A, San Mateo, CA 94403. Representative: Thomas E. Kurtenbach (same as applicant). *Contract Carrier,* Irregular routes, *General Commodities,* (except items of unusual value, explosives, chemicals, hazardous materials or in-tank vehicles) restricted to shipments having a prior to or subsequent movement by rail between all points in CA on or N of a line running from the Pacific Ocean on the W at Lucia and continuing E thereon through Coalinga and Tulare and continuing E to the NV border for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nabisco, Inc., P.O.B. 3042, San Francisco, CA 94119.

MC 146723 (Sub-6–2TA), filed March 10, 1981. Applicant: J. C. BANGERTER & SONS, INC., 1285 N. Main St., Bountiful, UT 84010. Representative: Harry D. Pugsley, 1283 East South Temple, No. 501, Salt Lake City, UT 84102. *Tires*— from Waco, TX to Pocatello, ID and Salt Lake City, UT, for 270 days. Supporting shipper: Utah Farm Bureau Service Co., 5300 S. 360 West, P.O. Box 30045, Salt Lake City, UT 84130.

MC 134387 (Sub-6–10TA), filed March 6, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4906 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., No. 1800, Los Angeles, CA 90017. *Cabinets* from the plantsites and facilities of Olympia Cabinet Manufacturing and Sales located at Salt Lake City, UT to Denver, CO, restricted to cabinets in packages, for 270 days. An underlying ETA seeks up to 120 days authority. Supporting shipper: Olympia Manufacturing & Sales, 1537 S. 700 West, Salt Lake City, UT 84104.

MC 145229 (Sub-6–2TA), filed March 9, 1981. Applicant: JAMES D. BASOLO and HAROLD W. FULLERTON, d.b.a. J & H, P.O.B. 2670, Missoula, MT 59806. Representative: Walter Anno (same as applicant). (1) *Soft drinks* from Salt Lake City, UT, to points in MT and (2) *soft drink containers* from points in MT to Salt Lake City, UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Royal Crown Bottling of Missoula, P.O.B. 3077, Missoula, MT 59806.

MC 11722 (Sub-6–10TA), filed March 9, 1981. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Common carrier, regular route *Liquid Corn Syrup in bulk in tank vehicles,* from Harrah, WA, to the U.S./ Canada boundary line at or near Oroville, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Liquid Sugar, Inc., 1299 N.E. Front St., Salem, OR 97310.

MC 138805 (Sub-6–34TA), filed March 9, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same address as above). *Chemicals,* between St. Genevieve, MO and Denver, CO on the one hand and points in CO, WY, and MT on the other, for 270 days. Restricted to the account of Van Waters and Rogers. An underlying ETA seeks 120 days authority. Supporting shipper: Van Waters and Rogers, 4300 Holly St., Denver, CO 80216.

MC 56640 (Sub-6–9TA), filed March 9, 1981. Applicant: DELTA LINES, INC., P.O.B. 2061, Oakland, CA 94604. Representative: Kirk W. Horton, P.O.B. 2061, Oakland, CA 94604. *Nonexempt food or kindred products,* between points in CA on the one hand, and, on the other, points in AZ for 270 days. Supporting shipper: Del Monte Corp., P.O.B. 3575, San Francisco, CA 94119.

MC 115826 (Sub-6–20TA), filed March 5, 1981. Applicant: W. J. DIGBY, INC., 6015 E. 58th Ave., Commerce City, CO 80022. Representative: Mark A. Davidson, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *General commodities* (except: Classes A and B explosives and hazardous wastes) between the facilities of Potters Industries, Inc. at or near Brownwood, TX; Cleveland, OH; Anaheim, CA; Pottsdam, NY; Carlstadt and West Caldwell, NJ; Apex, NC and Canby, OR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Potters Industries, Inc., 377 Rt. 17, Hasbrouck Heights, NJ 07604. An underlying ETA application seeks authority for 120 days.

MC 115826 (Sub-6–21TA), filed March 10, 1981. Applicant: W. J. DIGBY, INC., 6015 E. 58th Ave., Commerce City, CO 80022. Representative: Charles J. Kimball, 350 Capitol Life Ctr., 1600 Sherman St., Denver, CO 80203, (303) 839–5856. *Contract carrier,* Irregular Route: *General commodities,* except Classes A and B explosives and hazardous wastes, and used household goods, between points in the United States for the accounts of Acme Fast Freight, Inc., ABC-Trans National Transport, Inc., and Freight Forwarder, Inc., for 270 days. Supporting shippers: Acme Fast Freight, Inc., ABC-Trans National Transport, Inc., 2110 Alhamba Ave., Los Angeles, CA 90031 and Freight Forwarder, Inc., Box 5088 TA, Denver, CO 80217.

MC 125433 (Sub-6–52TA), filed March 9, 1981. Applicant: F–B TRUCK LINE CO., 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). *General Commodities* (except commodities in bulk, household goods and classes A and B explosives as defined by the Commission), between points in the United States (except AK and HI), for 270 days. Supporting shipper: American Cyanamid Co., 2300 S. Eastern Avenue, Los Angeles, CA. 90040. Restricted to shipments and traffic originating at or destined to the facilities of American Cyanamid Co.

MC 125433 (Sub-6–53TA), filed March 9, 1981. Applicant: F–B TRUCK LINE

CO., 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). *Glass and glass containers*, one gallonor less in capacity, between points in MS, OH, TN, TX, and WV on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Chattanooga Glass Co., 400 West 45th St., Chattanooga, TN 37410.

MC 263 (Sub-6-7TA), filed March 9, 1981. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same as applicant). *Waste PCB* from Salt Lake and Tooele Counties, UT to the facilities of Chem Security System, Inc., near Arlington, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kennecott Minerals Co., a Division of Kennecott Corp., P.O.B. 11248, 10 E. South Temple, Salt Lake City, UT 84147.

MC 114761 (Sub-6-1TA), filed March 9, 1981. Applicant: GETTER TRUCKING INC., 1635 N. Frontage Rd., Billings, MT 59101. Representative: John R. Davidson, Suite 805, First Bank Bldg., Billings, MT 59101. Machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of manufactured and natural gas and petroleum and their products and by-products, between points in AZ, CA, KS, NV, NM, OK, OR, and TX, and between points in CO, ID, MT, NB, ND, SD, UT, WA and WY on the one hand, and, on the other, points in KS, for 270 days. There are fifteen (15) shippers supporting the application. Their statements may be examined at the Regional Office listed.

MC 153134 (Sub-6-3TA), filed March 9, 1981. Applicant: HI COUNTRY CARRIERS, INC., 4061 S. Bdwy., Englewood, CO 80110. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Fiberglass reinforcements and related materials, equipment and supplies*, from Wichita County, TX, to points in the U.S., in and west of MT, WY, CO and NM (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Erskine-Johns Co., 4677 Worth St., Los Angeles, CA 90063.

MC 147193 (Sub-6-2TA), filed March 5, 1981. Applicant: MARTIN RUITER, d.b.a. MARTIN'S FEED CO., P.O. Box 189, Custer, WA 98240. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. *Sand* from Bellingham, WA to Portland, OR, for 270 days. Supporting shipper: Olivine Corp., 1015 Hilton Ave., Bellingham, WA 98225.

MC 127115 (Sub-6-2TA), filed March 9, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. Contract Carrier, irregular routes: Iron and steel articles, from points in AZ, CA, CO, ID, MT, OR, NV, WA, and WY to Plymouth, UT under a continuing contracts(s) with David J. Joseph Co. for 270 days. An ETA seeks 120 days authority. Supporting shipper: The David J. Joseph Co., 801-A W. 8th St. Cincinnati, OH 45201.

MC 147553 (Sub-6-3TA), filed March 9, 1981. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O.B. 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier*, Irregular routes: *Commodities dealt in by grocery and food business houses and materials, equipment and supplies used in the conduct of such business*, between points in ID, OR, WA, CA, NV, and UT. Restricted to shipments originating at or destined to the facilities of Waremart, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Waremart, Inc., P.O.B. 5756, Boise, ID 83705.

MC 142311 (Sub-6-1TA), filed March 9, 1981. Applicant: QUALITY STEAKS TRANSPORTATION CO., INC., 5100 Race Ct., Denver, CO 80216. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract carrier*, irregular routes, *Foodstuffs and restaurant materials, equipment and supplies*, between Denver, CO and its commercial zone, on the one hand, and, on the other, points in the U.S. under contract with Cork'n Cleaver d.b.a. Chef's Pride Food Service for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cork'n Cleaver d.b.a. Chef's Pride Food Service, 1301 S. Cherokee, Denver, CO, 80223.

MC 154628 (Sub-6-1TA), filed March 10, 1981. Applicant: R & R, INC., 2882 W. Lk. Sammamish Pkwy. NE., Redmond, WA 98052. Representative: Boyd Hartman, P.O.B. 3641, Bellevue, WA 98009. *Contract Carrier*, Irregular routes: *General Commodities* (except Class A & B explosives, used household goods, commodities in bulk in tank trailers) between points in the U.S., including AK under contracts or continuing contracts with Bostrum-Warren, Inc. for 270 days. Supporting shipper: Bostrum-Warren, Inc., 3200 4th Ave., Seattle, WA.

MC 151444 (Sub-6-3TA), filed March 10, 1981. Applicant: ROBERT A. AND VIVIAN D. CARPENTER, d.b.a. CARPENTER TRANSPORT COMPANY, 747 W White, Grand Junction, CO 81501. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203. *Common carrier*, regular routes: *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (a) between Denver, CO, and points within its commercial zone, on the one hand, and, on the other, Grand Junction, CO, and points within its commercial zone: from Denver over U.S. Hwy 6 and Interstate Hwy 70 to Grand Junction, and return over the same route, and (b) between Grand Junction, CO, and points within its commercial zone, on the one hand, and, on the other, Montrose, CO, and points within its commercial zone: from Grand Junction to Montrose over U.S. Hwy 50, and return over the same route, serving in (a) and (b) above, all intermediate points and their commercial zones, for 270 days. Applicant intends to tack parts (a) and (b) at Grand Junction, CO, and to interline with other carriers at Denver, CO. An underlying ETA seeks 120 days authority. Supporting Shippers: There are 16 supporters. Their statements may be examined at the regional office listed.

MC 154625 (Sub-6-1TA), Filed March 9, 1981. Applicant: RAYDAN TRANSPORT, LTD., 1802-8 Street, Nisku, Alberta, Canada. Representative: Daniel O. Hands, Attorney at Law, 205 W Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Mercer commodities* between the ports of entry along the U.S.-CD Int'l. Boundary at Sweetgrass and Raymond, MT and Fortuna and Portal, ND, on the one hand, and, on the other, points in and west of ND, SD, NE, KS, OK and TX for 270 days. An underlying ETA seeks 120 days authority. There are 5 shippers, their statements may be examined at the regional office listed.

MC 147334 (Sub-6-1TA), filed March 9, 1981. Applicant: ROBERT J. SALZ, 3446 Longview Road, Erie, CO 80516. Representative: Winston A. Hollard, 5672 Wadsworth Blvd. (P.O. Box 1169), Arvada, CO 80001. *Hides, Pelts, Skins; Blue Chromed Hides*, from Denver, CO, to points in the states of AZ, CA, IL, IA, KY, MN, TN, TX and WI for 270 days. Supporting shipper: Chilewich Corp.: Denver Division, 4400 Brighton Blvd., Denver, CO 80216.

MC 154581 (Sub-6-1TA), filed March 9, 1981. Applicant: SANDPIPER CONTAINER TRUCKING, INC., 10844 E. Marginal Way So., Seattle, WA 98168. Representative: David A. Johnson (same

as applicant). *General Commodities* (except class A & B explosives) in containers or trailers having prior or subsequent movement by water. Between points in WA and Multnomah County, OR on the one hand, and, on the other, points in WA and the counties of Multnomah, Washington, Clackamas, OR for 270 days. Supporting shipper: There are (10) shippers. Their statements may be examined at the Regional Office listed.

MC 126514 (Sub-6–23TA), filed March 6, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 W Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle, Street, Chicago, IL 60603. *General commodities of products manufactured by the various units of Norris Industries, Inc. (except those of exceptional value, commodities in bulk, or Class A & B explosives and household goods)* from the facilities of Norris Industries in CA, OH, TX, AR, IL, WI, MI, IN, KY, WV, NC, and VA to points in the U.S. except AK and HI for 270 days. Supporting shipper: Norris Industries, Inc., 5215 S. Boyle Ave., Los Angeles, CA 90058.

MC 126514 (Sub-6–25TA), filed March 6, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Paper and paper products* between the facilities of James River Corp. in VA, DE, NJ, MA, OH, IL, NH, ME, MI and PA on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: James River Corp., P.O. Box 2218, Richmond, VA 23217.

MC 154627 (Sub-6–1TA), filed March 10, 1981. Applicant: SEA-TRADE SERVICES, INC., 5658 W. Marginal Way SW., Seattle, WA 98106. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *General commodities* (except Class A&B explosives and hazardous waste), restricted to shipments having immediately prior or subsequent movement by water (1) between points in WA, (2) between points in WA on the one hand, and, on the other, points in OR, ID and MT for 270 days. Supporting shippers: American President Lines, Ltd., 3225 E. Marginal Way South, Seattle, WA 98134; Sea-Land Service, Inc., 100 W. Harrison St., Seattle, WA 98119.

MC 145498 (Sub-6–1TA), filed March 6, 1981. Applicant: SKYLINE CONSTRUCTION CO., INC., Box 38, Big Piney, WY 83113. Representative: Toni Gilchrist, Box 783, Big Piney, WY 83113. *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, their products and by-products between points in AZ, NV, and SD and points in CO, ID, MT, ND, UT and WY for 270 days. An underlying ETA seeks 120 days authority. This application to be joined to existing authority. Supporting shipper(s): N.L. Baroid, P.O. Box 552, Evanston, WY; Phillips Petroleum Co., P.O. Box 2535, Page, AZ; Magcobar Co., P.O. Box 929, Big Piney, WY.

MC 145678 (Sub-6–2TA), filed March 6, 1981. Applicant: SHORT ROUND TRUCKING, 9328 Tanya Ave., W. Jordan, UT 84084. Representative: Boyd Wayne Anderson (same as applicant). *General commodities except hazardous waste and toxic chemicals* between points in UT, CA, and the counties of Kane, Kendall, Will, Cook, and Du Page in IL, for 270 days, an underlying ETA seeks 120 days authority. Supporting shippers: Schenkers International Forwarders, Inc., 5140 W. Amelia Earhart Dr., Salt Lake City, UT 84116. S. D. Ogden Associates, 218 North 2200 West, Salt Lake City, UT 84116.

MC 108461 (Sub-6–2TA), filed March 10, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., 124 W. Thomas Rd., Phoenix, AZ 85013. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *General Commodities*, except in bulk from Alameda, Contra Costa, Fresno, Kern, Kings, Madera, Marin, Merced, Monterey, Napa, Sacramento, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaug, Tulare, and Inyo Counties, CA to Phoenix, AZ for 270 days. Supporting shipper: A.J. Bayless Markets, Inc., P.O.B. 21152, Phoenix, AZ 85036.

MC 154563 (Sub-6–1TA), filed March 5, 1981. Applicant: WESTBROOK TRUCKING, INC., 600 S. Davis, Clovis, NM. 88101. Representative: Lynn Westbrook, 1421 E. 21st St., Clovis, NM. 88101. *Contract Carrier*, Irregular routes: (1) *Meats, Meat Products, Meat By-Products and Articles Distributed by Meat Packing Houses as described in Sections A and C of Appendix I to the reports in Description in Motor Carrier Certificates 61 MCC 209 and 766, and, (2) Materials, Equipment and Supplies used in processing, distribution and sale of the commodities named in (1) above* from Clovis, NM to points in TX, NM, CA, CO, AZ, and KS, for the account of Clovis Packing, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Clovis Packing, Inc., 721 S. Edwards, Clovis, NM. 88101.

MC 152129 (Sub-6–1TA), filed March 4, 1981. Applicant: CANADIAN LYNDEN TRANSPORT, INC., P.O.B. 690, Spruce Grove, Alberta, CN TOE 2CO). Representative: Charles H. Ruby, 5615 W. Marginal Way SW., Seattle, WA 98106. *Hazardous waste material* from the British Columbia, CN–US boundary line at or near Eastport, ID to the disposal facility at or near Arlington, OR for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chem–Security Systems, Inc., POB 1666, Bellevue, WA 98009.

MC 136605 (Sub-6–30TA), filed February, 3 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 6129, Missoula, MT 59807. Representative: Allen P. Felton (same address as above). Lumber, Lumber Products, Wood, Wood Products, and Forest Products From points ID to points in CA, AZ, NM, TX, OK, KS, CO, NE, WY, SD, ND, MT, MN, WI, MO, IL, IN, IA and UT. For 270 days. Supporting shipper: Brand S Lumber, POB 631, LaClede, ID 83841; Overland Mills, Inc., POB 25386, Portland, OR 97225; Emmer Brothers Co. 6800 France Ave. S., Minneapolis, MN 55435; and Intermountain Orient Inc., POB 4297, Boise, ID 83704.

MC 145102 (Sub-6–14TA), filed February 25, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Frozen foodstuffs* from the facilities of and commercial warehouse facilities utilized by Calavo Growers of California located in Los Angeles, Orange and Ventura Counties, CA to Denver, CO, Bonner Springs, KS, Chicago, IL, Dallas, TX, Doraville, GA, and Secaucus, NJ. An underlying ETA seeks 120 days authority. Supporting shipper: Cavalo Growers of California, P.O.B. 3846, Terminal Annex, Los Angeles, CA 90051.

MC 154351 (Sub-6–1TA), filed February 23, 1981. Applicant: DAVID BAIN, d.b.a. GOLDEN WEDGE TRUCKING, P.O. Box 55, Placerville, CO 81430. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Common carrier*, regular route, *general commodities (except classes A and B explosives)*, between Montrose and Rico, CO, serving as intermediate points all points from Placerville, CO to Rico, CO and including Telluride, CO. From Montrose, CO over U.S. Hwy 550 to the intersection of Colorado Hwy 62, then Colorado Hwy 62 to Intersection of Colorado Hwy 145 at Placerville, CO,

then over Colorado Hwy 145 to Rico, CO and return over the same route, for 270 days. An underlying ETA seeks 120 days authority. Applicant seeks to interline with another carrier at Montrose, CO to provide through service. There are 20 shippers. Their statements may be examined at the Regional Office listed.

MC 106380 (Sub-6-3TA), filed February 26, 1981. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203. *Cement and building materials and supplies* between points in CO and WY, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): Falcon Concrete Co., P.O.B. 730, Mills, WY 82644.

MC 127019 (Sub-6-1TA), filed March 5, 1981. Applicant: LA RUE LAMB TRUCKING, INC., POB 374, Myton, UT 84052. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Gilsonite,* from Bonanza, UT to Weston, WV and Ft. Smith, AR, for 270 days. An ETA seeks 120 days authority. Supporting shipper: American Gilsonite Company, 1150 Kennecott Bldg., Salt Lake City, UT 84133.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8771 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29596]

Oregon Trunk Railway—Merge—Oregon Electric Railway Co.; Exemption

Pursuant to 49 CFR 1111.4(g) and 1111.5(c)(3) as amended by *Railroad Consolidation Procedures,* 363 I.C.C. 200, 224 and 226 (1980), Oregon Trunk Railway (OT) and Oregon Electric Railway Company (OE), both wholly owned subsidiary companies of Burlington Northern Inc. (BN) notify the Commission of their intention to participate in transactions considered exempt under 49 U.S.C. 10505.

The transaction is a statutory merger where OT shall merge into OE. OE, the surviving corporation, will continue to be a wholly owned subsidiary of BN, and OT will cease to exist as a separate corporation. Because OT and OE are operated by BN employees as an integral part of BN, the merger of OT into OE will involve no changes in operations and will have no impact on employees, shippers, or rail service. Likewise, because BN is responsible for maintenance, capital expenditures and all expenses and obligations relative to both OT and OE business and property, no increased financial obligations will accrue to BN. Benefits achieved by the OT into OE merger is limited to administrative and incidental savings resulting from corporate simplification, elimination of separate record keeping, intercompany billing and accounting, and administrative burden of maintaining separate corporate existence of OT.

The transaction is within a corporate family that will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balances with carriers outside BN corporate family. For this reason, the transaction is eligible for exemption under 49 CFR 1111.5(c)(3). Consummation may occur upon publication of this notice.

In granting this exemption we may not relieve a carrier of its obligation to protect the interests of employees. See 49 U.S.C. 10505(g)(2) as amended by the Staggers Rail Act of 1980 (Pub. L. No. 96-448, October 14, 1980). Therefore, we will require, as a condition to use of this exemption, the same level of labor protection as is usually required in the type of transactions proposed here. We have determined that the employee protective provisions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees involved in these transactions, which normally would require approval under 49 U.S.C. 11343. The exemption, therefore, will be subject to those protective provisions.

OT and OE's failure to comply with these requirements may be grounds to revoke the exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8733 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. 418]

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(c) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 150445 (republication), filed October 6, 1980, published in the **Federal Register** issue of October 23, 1980. Applicant: ALFONSO V. MANGIONE, 510 S. Main St., Pittson, PA 18640. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. A Decision of the Commission, Review Board Number 1, decided January 28, 1981, and served February 18, 1981, finds that the performance by applicant of the service will serve a useful purpose, responsive to a public demand to operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal,* from points in Luzerne and Schuylkill Counties, PA, to points in NH, VT, NY, DE, and OH; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. Note: The purpose of this republication is to reflect service to points in New York in lieu of Nebraska as previously published.

By the Commission.

Agath L. Mergenovich,

Secretary.

[FR Doc. 81-8732 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-24)F]

Missouri Pacific Railroad Co.; Abandonment Between Montrose and Crossett, AR; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a certificate and decision decided March 13, 1981, a finding was made by the Commission Review Board Number 3, stating that the present and future public convenience and necessity permit the abandonment by Missouri Pacific Railroad Company of a portion of its line of railroad known as Hamburg Subdivision from milepost 443.4 at Montrose, to milepost 475.2 at Crossett, all in Ashley County, AR, a total distance of 31.8 miles, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity will be issued to Missouri Pacific Railroad Company based on the above-described finding of abandonment within 15 days after the decision became final, unless postponed by the Commission. However, issuance will be delayed if: (1) an appeal is filed and considered; and (2) within 15 days from the date of publication the Commission further finds that:

(a) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(b) it is likely that such proffered assistance would:

(i) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(ii) cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8770 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. 37822]

Petition for Declaratory Order—Existing Railroad Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision interpreting statutory provisions.

SUMMARY: The Staggers Rail Act of 1980 provides that existing railroad rates are base rates and may be challenged as unreasonably high only within 180 days from the effective date of the Act (October 1, 1980). In response to a petition, the Commission has issued a decision answering certain interpretive questions concerning the statutory provisions.

DATES: The interpretive decision was effective on its date of service.

ADDRESS: Copies of the decision are available from: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall (202) 275-7693.

SUPPLEMENTARY INFORMATION: A railroad rate in effect on October 1, 1980 is a base rate under the rate freedom provisions of section 203 of the Staggers Rail Act of 1980, Pub. L. 96-448. Unless such a rate is challenged during a 180 day period from October 1, 1980, it is deemed reasonable under section 229 of the Staggers Act. In response to a petition and certain supporting comments, the Commission has issued a decision interpreting the "existing rate" provisions of these sections.

The primary conclusions of the decision are as follows:

1. The 180-day period ends on March 30, 1981.

2. In complaints filed within the 180-day period, the burden of proof is on the complainant.

3. A particular type of rate, such as a class rate, single-car rate or unit-train rate is an existing rate only with respect to new rates of the same type.

4. An existing rate may be challenged after the expiration of the 180-day period if it meets the following conditions: (a) the volume of traffic moved during the 12-month period preceding the effective date of the Act did not exceed 500 tons, and (b) the volume increased tenfold during the 3-year period before the rate was challenged. The 500 ton/tenfold conditions refer to the aggregate of the traffic of all shippers under the rate.

5. To qualify as an existing rate, a rate must apply between the points at issue in the later rate challenge.

6. For any rate that was the subject of a Commission proceeding or on judicial appeal on October 1, 1980, a shipper need not file an additional complaint during the 180-day period if the issue in the proceeding was one of unreasonableness.

(Pub. L. 96-448, sections 203 and 229)

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Decided: March 18, 1981.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8811 Filed 3-20-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-30]

Alan D. Fields, D.O.; Detroit, Mich.; Hearing

Notice is hereby given that on September 15, 1980, the Drug Enforcement Administration, Department of Justice, issued to Alan D. Fields, D.O., Detroit, Michigan, an Order To Show Cause and Immediate Suspension Of Registration. Respondent was afforded an opportunity to show cause as to why his DEA Certificate of Registration, AD6338215, should not be revoked.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, April 14, 1981, in Courtroom No. 2, Room 306, U.S. Court of Claims, 717 Madison Place, N.W., Washington, D.C.

Dated: March 17, 1981.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-8772 Filed 3-20-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 9, 1981, Stepan Chemical Co. Natural Prod., 100 W. Hunter Avenue, Maywood, N.J. 07607 made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of

the basic class of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II.
Ecgonine (9180)	II.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than April 23, 1981.

Dated: March 17, 1981.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-8773 Filed 3-20-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting; Amended Agenda

March 17, 1981.

The agenda for the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled for March 26–27, 1981, published in the Federal Register of March 13, 1981 (Page 16701), has been changed. The amended agenda is as follows for March 26–27, 1981.

Thursday, March 26, 1981

9 a.m.–9:30 a.m.—Plenary
- Announcements
- Introduction and Swear in of New NACOA Member

9:30 a.m.–12 noon—U.S. Coast Guard
- VADM Robert Scarborough, Vice Commandant
- An Overview of U.S. Coast Guard Needs

12 noon–1 p.m.—Lunch

1 p.m.–4 p.m.—Plenary
- Review of National Oceanic and Atmospheric Programs (Continued)

1 p.m.–3 p.m.—U.S. Navy Ocean Programs
- Capt. Ron Hughes, Office of the Chief of Naval Operations

3 p.m.–4 p.m.—National Science Foundation
- Dr. Eugene W. Bierly, Director, Division of Atmospheric Sciences
- Dr. M. Grant Gross, Director, Division of Ocean Sciences
- Dr. Peter E. Wilkniss, Director, Division of Ocean Drilling Programs

4 p.m.–5 p.m. Steering Committee Meeting

5 p.m.—Adjourn

March 27, 1981

8:30 a.m.–10 a.m.—Panel Meeting
- Atmospheric Science Research, Facilities Panel—Louis Battan
- Discussion of Draft Report

10 a.m.–12 noon—Plenary
- Review of National Oceanic and Atmospheric Programs (Continued)
- National Oceanic and Atmospheric Administration
- Martin Belsky, Assistant Administrator for Policy Planning

12 noon–1 p.m.—Lunch

1 p.m.–2 p.m.—Plenary
- Review of National Oceanic Programs
- Maritime Administration (Speaker to be Announced)

2 p.m.–3:30 p.m.—Panel Reports

3:30 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Room 438, Page Building #1), Washington, DC 20235. The telephone number is (202) 653–7818.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-8717 Filed 3-20-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-26)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council.

DATE AND TIME: April 7, 1981, 1 p.m. to 5 p.m.; April 8, 1981, 9 a.m. to 4 p.m.

ADDRESS: NASA Kennedy Space Center, Room 3201, Headquarters Building, Kennedy Space Center, FL 32899.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB–4, National Aeronautics and Space Administration, Washington, D.C. 20546 (202/755–8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Dr. William A. Nierenberg and is composed of twenty-five members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, life sciences, space and terrestrial applications, space science, space systems and technology, and history, as they relate to NASA's activities.

Type of Meeting: Open. Visitors will be admitted to the meeting room up to its seating capacity, which is about 50 persons including Council members and other participants. However, potential visitors should note that, because of the character of operations at the Kennedy Space Center, access to the installation is strictly controlled. Visitors will be granted access only in accordance with normal installation policy.

Agenda

April 7, 1981

1 p.m.—Introduction.
1:15 p.m.—Fiscal year 1982 Amended Budget.
2:30 p.m.—Aeronautics.
4:00 p.m.—Space and Life Science.
5:30—Adjourn.

April 8, 1981

9 a.m.—Space and Terrestrial Applications.
10 a.m.—Space Transportation System.
1 p.m.—Computer Technology and Automation.
2 p.m.—NASA: History and Social Science.
3 p.m.—New Business and General Discussion.
4 p.m.—Adjourn.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

March 18, 1981.

[FR Doc. 81-8781 Filed 3-20-81; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Procedures and Administration; Meeting

The ACRS Subcommittee on Procedures and Administration will hold a meeting on April 7, 1981 in Room 1010, 1717 H St., NW, Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss information of a personal nature. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 6). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Tuesday, April 7, 1981: 8:30 a.m. until the conclusion of business.*

The Subcommittee will hold discussions regarding ACRS activities including the following topics:

(1) Discuss employment arrangements for ACRS members.

(2) Discuss the use of telecommunications equipment in support of ACRS activities.

(3) Discuss the format and content of Committee Reports.

I have determined, in accordance with Subsection 10(d) Public Law 92–463 that it may be necessary to close some portions of this meeting to discuss information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The authority for such closure is Exemption (6) to the Sunshine Act, 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Raymond F. Fraley (telephone 202/634–3265) between 8:15 a.m. and 5:00 p.m., est.

Dated: March 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-8786 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Regulatory Activities; Notice of Meeting

The ACRS Subcommittee on Regulatory Activities will hold a meeting on April 7, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arragements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Tuesday, April 7, 1981; the meeting will commence at 1:00 p.m.*

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide 1.142, Revision 1, "Safety-Related Concrete Structures For Nuclear Power Plants" (Post Comment).

(2) Regulatory Guide 1.68.3 (Formerly Regulatory Guide 1.80), "Preoperational Testing of Instrument and Control Air Systems" (Post Comment).

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guides 1.142, Revision 1 and 1.68.3, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy, the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, DC 20555 or telecopy them to the Designated Federal Employee (202/634–3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy, (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., Eastern time.

Dated: March 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-8785 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Connecticut Light & Power Co. et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Provisional Operating License No. DPR–21, issued to the Connecticut Light and Power Company, The Hartford Electric Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1, located in the Town of Waterford, Connecticut. This amendment is effective as of its date of issuance.

This amendment approves Appendix A Technical Specifications to allow return to full power operation following the seventh refueling outage.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 9, 1980, as supplemented, September 10, 1980, September 30, 1980, November 6, 1980, and February 25, 1981, (2) Amendment No. 73 to License No. DPR–21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C.

20555, and at the Waterford Public Library, Roper Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this March 11, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-8787 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative; Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Provisional Operating License No. DPR-45 issued to Dairyland Power Cooperative (the Licensee) which revised Technical Specifications for operation of the La Crosse Boiling Water Reactor (LACBWR), located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment adds new requirements to the LACBWR Technical Specifications to specify limiting conditions for operation and surveillance requirements for the (1) Emergency Service Water Supply System and (2) Primary Coolant System Pressure Isolation Valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this action was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the Safety Evaluation by the Office of Nuclear Reactor Regulation Relating to Liquefaction Potential at the LaCrosse Site, dated August 29, 1980, (2) the application for amendment dated February 18, 1981, and letters dated October 14, 1980, November 26, 1980, and February 2, 1981, (3) Amendment No. 24 to License No. DPR-45 and (4) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin. A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of February 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 8788 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482 OL]

Kansas Gas & Electric Company, et al. (Wolf Creek Generating Station, Unit 1); Prehearing Conference

March 13, 1981.

Pursuant to 10 CFR 2.751(a) the Board hereby orders a special prehearing conference at 9:05 a.m., on April 15, 1981, at the TraveLodge-Emporia, 3021 N. Highway 50, Emporia, Kansas.

The conference will be for the purpose of identification of the issues, any further actions on petitions that may be necessary and to establish a future schedule for the proceedings.

For the Atomic Safety and Licensing Board.

James P. Gleason,

Administrative Judge.

Dated at Bethesda, Maryland this 13th day of March 1981.

[FR Doc. 81-8789 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275-OL and 50-323-OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Pacific Gas and Electric Company* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), Docket Nos. 50-275-OL and 50-323-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. John F. Wolf. Mrs. Elizabeth S. Bowers was the Chairman of this Board, but, because of a schedule conflict, she is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

John F. Wolf, Chairman
Mr. Glenn O. Bright
Dr. Jerry R. Kline

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board members is:

Administrative Judge John F. Wolf, 3409 Shepherd Street, Chevy Chase, Maryland 20015

Dated at Bethesda, Md., this 16th day of March 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel

[FR Doc. 81-8791 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co.; Correction

On Wednesday, February 25, 1981, at 46 FR 14099, the Nuclear Regulatory Commission (NRC) published a notice regarding the relocation of the Local Public Document Room (LPDR) for Portland General Electric Company's Trojan Nuclear Plant. The telephone number given in that notice for the new LPDR was incorrect; the correct telephone number for the Trojan LPDR now located at the Multnomah Public Library is (503) 223-7201.

Dated at Bethesda, Md., this 12th day of March 1981.

For the Nuclear Regulatory Commission.

Joseph M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-8792 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-33, Amendment No. 65 to Facility Operating License No. DPR-52 and Amendment No. 41 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of

the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, (the facility) located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments revise the Environmental Technical Specifications to (1) delete water quality and aquatic monitoring and reporting requirements which duplicate those conditions regulated by the Browns Ferry Nuclear Plant's NPDES Permit No. AL0022060 issued to TVA on June 30, 1977 and (2) change the titles in Section 5.0 (Administrative Controls) for the offices within TVA responsible for environmental activities to reflect recent organizational changes.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 29, 1979, (2) Amendment No. 69 to License No. DPR-33, Amendment No. 65 to License No. DPR-52, and Amendment No. 41 to License No. DPR-68, and (3) the Commission's letter to the licensee dated March 6, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 6th day of March 1981.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2, Division of Licensing

[FR Doc. 81-8790 Filed 3-20-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revises the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont. The amendment is effective as of the date of its issuance.

This amendment changes the Technical Specifications to permit the performance of stability and recirculation pump trip tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 12, 1981, (2) Amendment No. 64 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th day of March 1981.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-8791 Filed 3-20-81; 8:45 am]
BILLING CODE 7590-01-M

[NUREG-0487 Supplement 2]

Mark II Containment Lead Plant Program Load Evaluation and Acceptance Criteria; Issuance and Availability

The Nuclear Regulatory Commission (NRC) staff has prepared a report entitled "Mark II Containment Lead Plant Program Load Evaluation and Acceptance Criteria" (NUREG-0487 Supplement 2), dated February 1981. This Report provides the staff's partial resolution of the NRC's Generic Technical Activity A-8, "Mark II Containment Pool Dynamic Loads". This is an "Unresolved Safety Issue" pursuant to section 210 of the Energy Reorganization Act of 1974.

The suppression tool hydrodynamic loads associated with a postulated loss-of-coolant accident (LOCA) were first identified during large scale testing of the Mark III containment system design in the period 1972 through 1974. These newly identified loads, that had not been explicitly considered in the original design of the Mark II containment, result from the dynamic effects of drywell air and steam being rapidly forced into the suppression pool, during a postulated LOCA.

As a result of these concerns, the Mark II owners formed a group to develop a program consisting of both analytical and experimental tasks to support their pool dynamic loads application methods. In May 1977, Mark II owners divided the overall program into two parts: a Lead Plant Program (LPP) and a Long Term Program (LTP). The LPP was developed to establish a conservative design basis appropriate for the anticipated 40 year life of each Mark II BWR facility.

The United States Nuclear Regulatory Commission reviewed the LPP and issued the Mark II Containment Lead Plant Program Load Evaluation and Acceptance Criteria Report (NUREG-0487) in October 1978. That report included an evaluation of the Mark II Owners' proposed methodology for establishing pool dynamic loads for the lead Mark II plants and a description of the bases for load methodologies that we find acceptable for use in the individual plant-unique assessments. Since that report was issued, the Mark II owners submitted additional reports in

which they proposed alternative load methodologies for use in the evaluation of Mark II plants. Supplement 1 to NUREG–0487 issued in September 1980 included an evaluation of these alternative load specifications. Supplement 2 addresses interim condensation oscillation and chugging loads proposed by the lead Mark II plants in consideration of observations in full scale Mark II tests conducted in 1979. This report concludes the staff's generic review of the lead Mark II pool dynamic LOCA loads. We plan to issue an additional report in June 1981 to include an evaluation of the Mark II Long Term Program.

In implementing the criteria described in NUREG–0487 and Supplements 1 and 2, all applicants are required to document conformance with the staff's criteria, deviations from the criteria and bases for the deviations in their Design Assessment Report during the FSAR review.

Copies of the NUREG–0487 Supplement 2 report will be available after February 1981. Copies will be sent directly to utilities, utility industry groups and associations and environmental public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C.; and the Commission's local public document rooms located in the vicinity of existing nuclear power plants. Addresses of these local public document rooms can be obtained by contacting the Chief, Local Public Document Rooms Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492–7536. A single copy of NUREG–0487, Supplement 2, will be provided free of charge, while the supply lasts, upon written request of a full participant in an ongoing NRC proceeding. This request must identify the requester as a participant and should be addressed to Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md., this 16th day of March 1981.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Division of Safety Technology, Office of Nuclear Reactor Regulation.

[FR Doc. 81-8790 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250-SP and 50-251-SP]

Florida Power & Light Co. (Turkey Point Nuclear Generating, Units 3 and 4); Proposed Amendments to Facility Operating License To Permit Steam Generator Repairs; Change of Location for Prehearing Conference

March 17, 1981.

The Notice of Prehearing Conferences issued by this Board on March 10, 1981, indicated that the Prehearing Conference scheduled for March 24–25, 1981, would be held at the Council Chambers in Homestead, Florida. Subsequent to that order, the Council Chambers became unavailable for that purpose. Consequently, the location of such prehearing conference has been changed to the following:

March 24–25, 1981—Commencing at 10:00 a.m., local time, in the Homestead Branch Court, 715 N.E. First Road, Homestead, Florida.

It is so ordered.

Dated at Bethesda, Md., this 17th day of March 1981.

For the Atomic Safety & Licensing Board.

Marshall E. Miller,

Administrative Judge.

[FR Doc. 81-8827 Filed 3-20-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 18, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticiate commenting on a form but find that time to prepare will prevent you from submitting comments

promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

New

• Forest Service
Supplemental Qualifications Statement—Forestry Aid/Technician Positions, GS-2/7
On occasion
Individuals or households
Applicants for employment
Conservation and Land Management, 9,000 responses, 9,000 hours; $72,000 Federal cost, 1 form
Charles A. Ellett, 202-395-7340

The form is a supplement to the basic application form for Federal employment (SF-171) and has been designed as a rating tool to be used in conjunction with the examining plan and rating schedule for determining applicants' qualifications for various grade levels.

• Agricultural Cooperatives Service
Farmer Perceptions of Cooperative Fertilzer Outlets in Iowa
Nonrecurring
Farms
Iowa farmers throughout the State
SIC: 011 013 016
Agricultural Research and Services, 900 responses, 450 hours; $70,000 Federal cost, 1 form
Charles A. Ellett, 202-395-7340.

Develop and compare the attitudes, preceptions and choice motivators which farmers have towards cooperative and private fertilizer suppliers. Results will be used by managers of fertilizer companies, researchers, Congress and executive agencies helping cooperatives adjust to a changing fertilizer market.

• Food and Nutrition Service
Work Registration Forms—Job Search Reporting
ES-511 & 511C
On occasion
Individuals or households/State or local governments
Food stamp applicants and participants
SIC: 999
Food and nutrition assistance, 3,768,492 responses, 1,076,550 hours; $13,610 Federal cost, 2 forms
Charles A. Ellett, 202-395-7340.

The information collection is needed to: (1) require certain members of food stamp households to register for work, inquire about employment, and report the results of this inquiry and, (2) provide for a management plan to detail operational guidelines of work registration and job search.

Revisions

• Economics and Statistics Service
June Enumerative Survey
Annually
Farms
Crop and livestock producers land operators in sample area
SIC: 021 011 013 024 025 027
Small businesses or organizations
Agricultrual research and services, 123,200 responses, 43,595 hours; $3,000,000 Federal cost, 5 forms
Off. of Federal Statistical Policy & Standard, 202-673-7974

Provides national and State indications of acres planted to major crops. Area Frame used to measure incompleteness of various commodity lists (40-R0302, 40-R0306, 40-R2764, 40-R3723, 40-R3774). Provides a sampling base for objective yield survey (40-R2764). Also used to establish training fields for computer classification of landsat satellite data. Estimates used throughout government and agriculture in production and marketing decisions.

Extensions (Burden Change)

• Economics and Statistics Service
Cranberry Grower Inquiries
Other-see SF83
Farms
Cranberry growers
SIC: 017
Small businesses or organizations
Agricultural research and services, 880 responses, 73 hours; $6,000 Federal cost, 1 form
Off. of Federal Statistical Policy & Standard, 202-673-7974

Provides data to estimate acreage, production, disposition and value of cranberries grown in all States having commercial production. Estimates of prospective supplies of cranberries are used by growers, processors and handlers in production and marketing decisions.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

• Bureau of the Census
June 1981 Fertility and Birth Expectation Survey CPS-1
Annually
Individuals or households
Interviewed Households in June 1981 CPS
Other advancement and regulation of commerce, 39,400 responses, 1,706 hours; $130,000 Federal cost, 1 form
Off. of Federal Statistical Policy & Standard, 202-673-7974

The data obtained on childbearing and future birth expectations will be utilized to update estimates of current and future birth rates and to examine trends in family development.

• Minority Business Development Agency
Descriptive Data Questionnaire: Minority Managers/Students
Nonrecurring
Individuals or households
Minority entrepreneurs/owners/ma/students
Small businesses or organizations
Other advancement and regulation of commerce, 7,000 responses, 7,000 hours; $20,000 Federal cost, 2 forms
William T. Adams 202-395-4814

The information collected will assist MBDA determine the critical long and short term business management development needs of minorities. It will be utilized to guide the development of effective programs designed to meet these needs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Social Security Administration
Financial Status Report (Child Support Enforcement Program)
OSCE-41
Quarterly
State or local governments
State Title IV-D agencies
Sic: 944
Other income security, 216 responses, 216 hours; $13,700 Federal cost, 1 form
Barbara F. Young, 202-395-6860

This form provides quarterly information concerning the States' expenditures in operating the child support enforcement program. This data is used to compute the portion of funding to be provided by the Federal Government.

• Health Care Financing Administration
Health Prepayment Data Card Coding Sheet
HCFA-1929
On occasion

Business or other institutions
Group medical practices dealing directly with HCFA
Sic: 801
Small businesses or organizations
Health, 27,000 responses, 9,300 hours; $38,540 Federal cost, 1 form
Richard Eisinger, 202-395-6880

This form is used to collect identifying information on medicare beneficiaries enrolled in direct-dealing group practice prepayment plans.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

Reinstatements

• Housing Programs
Supplemental Application and Processing Form—Housing For the elderly
FHA-2013-E
On occasion
Business or other institutions
Profit and non-profit motivated sponsors
Sic: 953
Small businesses or organizations
Mortgage credit and thrift insurance, 1,000 responses, 3,000 hours; $110,060 Federal cost, 1 form
Richard Sheppard, 202-395-6880

Authority for this report is Section 207 of the National Housing Act (P.L. 479, 48 Stat., 12 U.S.C. 1701 et seq.). Submitted by profit and nonprofit motivated sponsors seeking feasibility analysis, conditional of firm commitment on a proposal for housing for the elderly. Needed by HUD to determine eligibility and acceptability of the project.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor—202-426-1887

New

• Research and Special Programs Administration
Applications to Add or Change Materials in the IM Tank Table
Nonrecurring
Businesses or other institutions
Shippers of hazardous materials
Small businesses or organizations
Other Transportation, 50 responses, 25 hours; $1,250 Federal cost, 1 form
Terry Grindstaff, 202-395-7340

These records are needed to obtain information on the properties and characteristics of the material for which the action is sought and the MTB uses this information to determine whether the action should be approved. This information collection is prescribed by section 173.32D.

• Research and Special Programs Administration
Hydrostatic Test Reports
Other—See F83
Businesses or other institutions
Owners of intermodal portable tanks
Small businesses or organizations
Other transportation, 1,625 responses, 135 hours; 1 form
Terry Grindstaff, 202-395-7340

These records are needed for proper documentation of violations in enforcement proceedings and are used to ascertain whether an IM portable tanks has been properly maintained in compliance with the applicable DOT regulation. This information collection is prescribed by section 173.32B.

• Research and Special Programs Administration
Approval Certificate for IM Portable Tanks
Nonrecurring on occasion
Businesses or other institutions
Organizations and persons designated by MTB to certify IM portable tanks
Small businesses or organizations
Other transportation, 15 responses, 15 hours; $3,750 Federal cost, 1 form
Terry Grindstaff, 202-395-7340

These records are needed and used as written documentation that a tank design covered by the certificate meets the applicable DOT specification. This information collection is prescribed by section 173.32A(B)(5)(II), (C) and (G).

• Research and Special Programs Administration
Certification Reports for IM Portable Tanks Under DOT Exemption
Nonrecurring
Businesses or other institutions
Manufacturers and owners of IM portable tanks under a DOT exemption
Small businesses or organizations
Other transportation, 120 responses, 240 hours; $6,500 Federal cost, 1 form
Terry Grindstaff, 202-395-7340

These records are needed and used as written documentation that the tank covered by the certificate meets the applicable DOT specification. This information collection is prescribed by section 173.32A(G).

• Research and Special Programs Administration
Application for Approval of an IM Portable Tank
Nonrecurring
Businesses or other institutions
Manufacturers and owners of intermodal portable tanks
Small businesses or organizations
Other transportation, 40 responses, 20 hours; 1 form
Terry Grindstaff, 202-395-7340

These records are needed to obtain information from IM portable tank owners and manufacturers on the design type of the tank for which certification is sought. Information will be used to determine whether a portable tank design complies with the applicable DOT specification. This information collection is prescribed by section 173.32A.

• Research and Special Programs Administration
Manufacturing and Test Reports
Nonrecurring
Businesses or other institutions
Manufacturers of IM portable tanks
Small businesses or organizations
Other transportation, 200 responses, 17 hours; 1 form
Terry Grindstaff, 202-395-7340

These records are needed for proper documentation of violations in enforcement proceedings and are used to ascertain whether an IM portable tank has been manufactured and properly tested in accordance with the applicable DOT regulations. This information collection is prescribed by section 173.32A.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

Extensions (Burden Change)

• United States Customs Service
Certificate of Manufacturing and Delivery
CF-7585
On occasion
Businesses or other institutions
Manufacturers
SIC: 208
Small businesses or organizations
Federal law enforcement activities, 50 responses, 17 hours; $1,227 Federal cost, 1 form
Warren Topelius, 202-395-7340

Establish eligibility for refund of Internal Revenue tax on domestic alcohol.

Extensions (No Change)

• United States Customs Service
Drawback Entry for Exported Articles
CF-7573
On occasion
Businesses or other institutions
Manufacturers
SIC: All
Small businesses or organizations
Federal law enforcement activities, 18,000 responses, 3,600 hours; $4,111 Federal cost, 1 form
Warren Topelius, 202-395-7340

Allows a manufacturer to file a drawback entry for exported articles if certificates of manufacture are filed prior to the filing of the entry or when completely manufactured are purchased for exportation and the drawback entry to be paid to the purchaser.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Mel Kollander—202-287-0754

Extensions (Burden Change)

• Open Dump Inventory Report
EPA T8700-14
Nonrecurring
State or local governments
State solid waste agencies
Pollution control and abatement, 1,568 responses, 784 hours; $34,500 Federal cost, 1 form

Edward H. Clarke, 202-395-7340

Public Law 94-580, the "Resource Conservation and Recovery Act of 1876" (RCRA) required EPA to publish an inventory of all disposal facilities in the U.S. which are open dumps, in order to inform Congress and citizens of the magnitude and extent of problems resulting from land disposal of solid waste.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

Extensions (Burden Change)

• Electrical Systems Inspection Report (Mobile Home)
26-8731B
On occasion
Businesses or other institutions/ individuals or households
Business, individual
SIC: 173
Small businesses or organizations
Veterans housing, 1,100 responses, 2,200 hours; $8,490 Federal cost, 1 form

Robert Neal, 202-395-6880

Abstract: Completed by inspectors to record findings for electrical systems of used mobile home units proposed as security for guaranteed loans authorized by U.S.C. 1819. Section 1819(h)(1) of title 38 U.S.C. requires that such mobile home units meet VA standards. Information collected is used to determine acceptability of units for VA financing.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-8803-Filed 3-20-81; 8:45 am]

BILLING CODE 3110-01-M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committees Act, that the eighth meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held in Room 924, Federal Building, 51 S.W. First Avenue, Miami, Florida, from 9:00 a.m. to 5:30 p.m. on Thursday, April 9, 1981 and from 9:00 a.m. to 4:00 p.m. on Friday, April 10, 1981.

The meeting will be open to the public, subject to limitations of available space. The agenda of this Commission meeting will include, among other things, (a) testimony on ethical and legal implications of decisions to prolong life and terminate treatment, and (b) discussion of a draft report on the provision of compensation for research injuries.

During the afternoon of April 9, 1981, one-half hour will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time or those unable to attend the meeting.

Records shall be kept of all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street, N.W., Washington, D.C. 20006. For further information, contact Andrew Burness, Public Information Officer, at (202) 653-8051.

Alexander M. Capron,

Executive Director.

[FR Doc. 81-8756 Filed 3-20-81; 8:45 am]

BILLING CODE 6820-AV-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0413]

Holding Capital Management Co.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), by Holding Capital Management Company (Applicant), 711 Fifth Avenue, 12th Floor, New York, New York 10022, for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The formation and licensing of a limited partnership SBIC is subject to the provisions of Section 107.4 of the Regulations. The application provides for a corporate general partner which must be a corporation, organized under State law solely for the purpose of managing the functions and activities of the limited partnership SBIC. There will be five limited partners.

The initial investors and their percent of ownership of the Applicant are as follows:

Holding Development Corp., general partner, 11.28 pct [1]
*Bobemond Corp., limited partner, 18.80 pct [1]
Mary M. Spencer, limited partner, 15.04 pct
Arie Gener, limited partner, 24.80 pct
Arnold Broser, limited partner, 15.04 pct
Alvin S. Trank, limited partner, 15.04 pct

The Applicant proposes to commence operations with a maximum partnership capital of $1,000,000 and a minimum of $655,000. The Applicant anticipates it will primarily provide venture capital in the form of equity financing and long-term debt. It will have a broad financing policy. The Applicant intends to provide advisory and management services on a contractual basis to client small concerns.

The corporate general partner (Holding Development Corporation) will consist of the following officers, directors and shareholders:

Sash A. Spencer, president and director, 811 Ocean Drive, Town House 21, Key Biscayne, FL 33139, 100 pct
James W. Donaghy, vice president and director, 218 West Rocks Road, Norwalk, CT 06851
Alan P. Raines, director, 31 W. 70th Street, Apt. No. 5, New York, New York 10023

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed officers, directors, and shareholders of the corporate general partner, as well as the limited partners of the Applicant, and the probability of successful operation of the Applicant, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communication should be

[1] Owned 100% by S. A. Spencer, husband of Mary M. Spencer.

addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8713 Filed 3-20-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5367 et al.]

Japanese American Capital Corporation (Japanese) et al.; Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Japanese, 02/02-5367, 120 Broadway, New York, New York 10005, Pan Pac, 02/02-5368, 195 Hudson Street, New York, New York 10013, and Taroco, 02/02-5318, 120 Broadway, New York, New York 10005, Federal Licensees under the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 *et seq.*), have filed an application with the Small Business Administration, pursuant to Section 312 of the Act and covered by Sections 107.1004(3)(g) and 107.1004(b)(1) of the Regulations governing small business investment companies (SBICs/Licensees) (13 FR 107.1004 (1980)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

The Licensees propose to provide the following financing to: Taroco Food Corporation, 189 Hudson Street, New York, New York 10013.

The participants in the joint financing are:

Japanese—$100,000 equity; $50,000 debt commitment

Pan Pac—$100,000 equity; $50,000 debt commitment

Taroco—$100,000 equity; $50,000 debt commitment

The names of the persons and the nature of the affiliation are:

No Associate of Japanese is an officer, director, or controlling shareholder of Taroco Food Corporation.

David R. C. Chang—Shareholder, Director and President of Taroco is a Shareholder and Director of Taroco Food Corporation, the small concern.

Jack Lee—Shareholder, Director and President of Pan Pac is a Shareholder, Director and President of Taroco Food Corporation.

Need for financing:

(a) Taroco Food Corporation is unable to seek additional financing from traditional sources as it has already received a line of credit from a community bank and is unable to borrow additional funds.

(b) The ability of this Asian American business to raise additional capital, especially equity, is hampered by the size and nature of its capital structure.

(c) Taroco Food Corporation, which sells food products to the Asian American community cannot effectively compete with larger well financed companies unless it receives more equity capital.

(d) Taroco Food Corporation's share of the market is very small and the funds will be used to expand production and sales and to enlarge market share.

In light of the foregoing, the Section 301(d) companies will provide $300,000 to Taroco Food Corporation through the purchase of 49% of its common stock. Each of the Section 301(d) companies will also commit to lend up to $50,000 for straight debt financing at an agreed interest rate in light of market conditions and payable in three to five years. The funds will be used for working capital purposes and to expand its existing production.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of this notice, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8714 Filed 3-20-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-0287]

Bay Venture Group; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), has been filed by Bay Venture Group (Applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The formation and licensing of a limited partnership SBIC is subject to the provisions of § 107.4 of the Regulations. The Regulations and the application provide for an individual general partner, and a corporate general partner, organized under State law solely for the purpose of managing the functions and activities of the limited partnership SBIC. There may be any number of limited partners.

The initial investors and their percent of ownership of the Applicant are as follows:

Bay Venture Management, Inc., 601 Montgomery Street, Suite 1125, San Francisco, California 94111, Corporate General Partner; 1 percent

William R. Chandler, 160 Mt. Lassen Drive, San Rafael, California 94903, Individual General Partner; Beneficial owner of one-half of 1 percent

Frederick B. Henderson, 3541 Elmwood Avenue, Rochester, New York 14610, Limited Partner; 10 percent

Russell R. Klein, M.D., One Cloud View Circle, Sausalito, California 94965, Limited Partner; 10 percent

There are 30 additional proposed limited partners, each owning less than 10 percent of the partnership interest (based on $500,000 beginning Capital)

The Applicant, with its principal place of business at 601 Montgomery Street, San Francisco, California 94111, proposes to commence operations with a maximum partnership capital of $990,101 and a minimum of $500,000. The Applicant intends to primarily provide venture capital in the form of equity investments and long-term debt. Also, the Applicant intends to invest in start-up companies desiring to develop and exploit scientific and technological inventions.

Bay Venture Management, Inc., the corporate general partner, will consist of the following officers, directors and shareholders:

William R. Chandler, 160 Mt. Lassen Drive, Rafael, California 94903; Board Chairman, President, Chief Financial Officer, 50 percent Shareholder

Peter M. Sturtevant, 49 Montecito Drive, Corona del Mar, California 92625; Vice President, Director, 20 percent Shareholder

Charles H. Slutzkin, 10 Mesa Avenue, Piedmont, California 94611; Secretary, Director, 20 percent Shareholder

William E. Horwich, 1129 Shattuck Avenue, Berkeley, California 94707; Assistant Secretary

Horwich & Warner, Attorneys at Law, 601 Montgomery Street, San Francisco, California 94111; 10 percent shareholder

There will be only one class of common stock of which approximately $500 of the initial paid-in capital and paid-in surplus will be contributed to the capital of the partnership for a general partner's interest in the partnership.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed officers, directors, and shareholders of the corporate general partner, as well as the limited partners of the Applicant, and the probability of a successful operation of the Applicant in accordance with the Act and Regulations.

Notice is further given that any person may not later than April 7, 1981, submit to SBA, in writing, comments on the proposed licensing of this company.

Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 16, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8775 Filed 3-20-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0242]

Commerce Southwest Capital, Inc.; Issuance of License To Operate as a Small Business Investment Company

On February 10, 1981, a notice was published in the **Federal Register** (46 FR 11749), stating that an application had been filed by Commerce Southwest Capital, Inc., Room 202, 1525 Elm Street, Dallas, Texas 75201, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business February 25, 1981, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0242, on February 27, 1981, to Commerce Southwest Capital, Inc. to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 16, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8776 Filed 3-20-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1980]

New York; Declaration of Disaster Loan Area

The area of 600 West 110th Street, in the City of New York, New York, constitutes a disaster area because of damage resulting from a fire which occurred on January 8, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 11, 1981, and for economic injury until the close of business on December 14, 1981, at: Small Business Administration District Office, 26 Federal Plaza, Room 3100, New York, New York 10007, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 12, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-8778 Filed 3-20-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0350]

Quidnet Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Quidnet Capital Corporation (Quidnet), 909 State Street, Princeton, New Jersey 08540, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1981)), for approval of a conflict of interest transaction.

Quidnet desires to invest an additional $252,000 in Fox-Vliet Holding Corporation (FVHC), 4529 Enterprise Place, Oklahoma City, Oklahoma 73124. This amount includes Quidnet's pro-rata share of $154,000 plus the pro-rata shares of two associates, Commercial Union Life Insurance Company ($73,000) and Quidnet Company ($25,000). The investment represented by this transaction, or $252,000 would increase Quidnet's total investment in FVHC to $384,000.

FVHC is considered an associate of Quidnet because Quidnet's associates own over ten percent of the stock of FVHC and Mr. Stephen W. Fillo, President of Quidnet, is a Director of FVHC. Consequently, the proposed transaction falls within the purview of Section 107.1004 of the Regulations and requires a written exemption granted by the SBA. SBA granted an exemption to Quidnet on February 14, 1980, for its initial investment in FVHC.

Notice is hereby given that any person may, not later than April 7, 1981 submit written comments on the proposed transaction. Any such comments should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Princeton, New Jersey and Oklahoma City, Oklahoma.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 16, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8777 Filed 3-20-81; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of Syracuse, New York, will hold a public meeting at 9:00 a.m., on Friday, April 24, 1981, at the Syracuse Hilton Inn, 1306 Buckley Road, North Syracuse, New York, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, of others attending.

For further information, write or call J. Wilson Harrison, District Director, U.S. Small Business Administration, 1071 Federal Building, 100 South Clinton Street, Syracuse, New York 13260, (315) 423-5371

Dated: March 18, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-8779 Filed 3-20-81; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area

of Richmond, Virginia, will hold a public meeting at 10:00 a.m., on Thursday, May 14, 1981, through Noon on Friday, May 15, 1981, at the John Marshall Hotel, Richmond, Virginia, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Willie E. Poe, Acting District Director, U.S. Small Business Administration, P.O. Box 10126, Richmond, Virginia 23240, (804) 771-2741.

Dated: March 18, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-8788 Filed 3-20-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Amendment of Type Certificate; McDonnell Douglas Model DC-10-30F (KC-10A)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Announcement of design approval and notice of availability of documents.

SUMMARY: This Notice announces the certification of a major derivative model of the DC-10-30F (freighter) aircraft and the public availability of the "Type Certification Decision Document" for this action.

SUPPLEMENTARY INFORMATION: On January 15, 1976, the McDonnell Douglas Corporation proposed design changes to the DC-10-30 freighter aircraft in response to the U.S. Air Force's Advanced Capability Tanker Program. The resulting aircraft has been designated KC-10A by the Air Force. Although purely military in nature, the Air Force has asked that the aircraft be certificated by the FAA in an effort to eliminate duplication of the certification activities already accomplished by the FAA and to allow the aircraft to be highly compatible with the commercial fleet.

The KC-10A has successfully demonstrated compliance with a set of regulations which have been upgraded from a safety standpoint in comparison to those standards originally applied to the basic DC-10-30F airplane. In addition, the Director of the FAA's, Northwest Region, the region having responsibility for the certification of all heavy transport category airplanes, has reviewed the major issues involved in the design approval of the KC-10A and has discussed with his staff a certification summary document entitled "Summary of Decision Basis for Type Certification of the McDonnell Douglas DC-10-30F (KC-10A)." Based on this review the Director approved issuance of the KC-10A design approval, and the type certificate of the DC-10-30F has been amended to include approval of the KC-10A configuration.

A copy of the "Summary of Decision Basis for Type Certification of the McDonnell Douglas Model DC-10-30F (KC-10A)" is on file in the FAA Rules Docket. The bulk of this report is devoted to summarizing the tests and analysis required of McDonnell Douglas to demonstrate compliance with FAA certification requirements. Detailed appendices include a summary of the method by which compliance was established for each rule and a bibliography of the reports documenting that compliance. This report is available for examination and copying at the FAA Rules Docket, Room 918, 800 Independence Avenue, S.W., Washington, D.C. Copies of the report may be obtained by contacting the Los Angeles Area Aircraft Certification Office, ANW-108L, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009.

Issued in Seattle, Washington, on March 12, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-8136 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 135; Environmental Conditions and Test Procedures for Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment to be held on April 16-17, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Review of Revised Committee Terms of Reference; (3) Consideration of United Kingdom Draft Proposal on Explosion Testing; (4) Assignment of Tasks for Drafting Changes to Explosion Test Procedures of RTCA Document No. DO-160A, "Environmental Conditions and Test Procedures for Airborne Equipment"; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006, (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 16, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-8712 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-81-2]

Auto-Train Corporation; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the Auto-Train Corporation (Auto-Train) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that Auto-Train be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

Auto-Train seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not

appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–2, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before April 30, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on March 10, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-8701 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-06-M

[Petition Docket Nos. RSGM–80–45 Through RSGM–81–4]

Requests for Waivers of Compliance With the Safety Glazing Standards

Notice is hereby given that seven petitioners have submitted requests for temporary or permanent waivers of compliance with the Safety Glazing Standards (49 CFR Part 223). The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulation provides for equipping the affected locomotives, passenger cars, and cabooses with certified glazing in all windows prior to June 30, 1983.

The individual petitions for a waiver of compliance with this regulation are described below. The description indicates the nature and extent of the relief requested as well as any information that has been submitted in support of the request for the waiver of compliance.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM–80–21) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Nassif Building, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before April 30, 1981, will be considered by the FRA before the date final action is taken. All comments will be available for examination both before and after the closing date for comments, during regular business hours (9 a.m.–5 p.m.), in Room 8211, Nassif Building, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

Bangor and Aroostook Railroad

(FRA Waiver Petition Docket No. RSGM–80–45)

The Bangor and Aroostook Railroad (BAR) seeks this waiver for a fleet of forty-two locomotives and nineteen cabooses that are currently in operation.

The BAR states that it operates through rural areas and, in the last five years, has experienced only one incident of rock throwing by vandals. That single incident resulted in a minor injury to a train crew member when the rock entered the open caboose window. The BAR states that the glazing materials currently installed conform to standard motor vehicle requirements and are sufficient to protect crew members from a virtually non-existant hazard.

Seaboard Coastline Railroad

(FRA Waiver Petition Docket No. RSGM–80–52)

The Seaboard Coast Line Railroad (SCL) seeks both a temporary and permanent waiver of compliance with Part 223 for approximately 340 locomotives that are part of its present fleet of 1,240 locomotives.

The temporary waiver sought by SCL would apply to a group of approximately 100 locomotives that are currently scheduled for rebuilding. This rebuilding program is scheduled for completion in June of 1986 and currently completes one locomotive each week. The rebuilding program includes the installation of certified glazing and SCL desires to delay the installation of certified glazing until the rebuilding effort in order to avoid duplicative efforts. The temporary waiver would also apply to an additional group of 110 locomotives that will be retired by June 30, 1988. The short term use of these locomotives does not in SCL's judgment warrant the cost of installing the certified glazing.

Peoria and Pekin Union Railway

(FRA Waiver Petition Docket No. RSGM–80–58)

The Peoria and Pekin Union Railway (P&PU) seeks a permanent waiver of compliance with Part 223 for its present fleet of 13 locomotives and 10 cabooses. The P&PU notes that it basically provides switching service in a limited area that has a very minimal vandalism problem. The railroad has no record that indicate it has experienced any incident where trains were shot at or rocks thrown at locomotives or cabooses. Consequently, the installation of the required glazing materials would impose significant costs to protect against a nonexistent hazard.

Elgin, Joliet and Eastern Railway

(FRA Waiver Petition Docket No. RSGM–80–60)

The Elgin, Joliet and Eastern Railway (EJ&E) seeks a permanent waiver of compliance with Part 223 for a locomotive fleet that presently includes 103 units. The EJ&E indicates that it performs primarily switching and terminal type operations and has less than 60 miles of main track.

The EJ&E has experienced some limited incidents of vandalism between 1977 and 1979. The records maintained by the railroad indicate that in this period there were 15 incidents that resulted in damage to the windows on only five locomotives. None of these incidents caused a personal injury. The low incident rate is best reflected, according to EJ&E, by the fact that it has experienced roughly one incident for every 100,000 hours of locomotive operation.

Duluth, Missabee & Iron Range Railroad

(FRA Waiver Petition Docket No. RSGM–80–77)

The Duluth, Missabee & Iron Range Railroad (DM&IR) seeks a permanent waiver of compliance with Part 223 for its present fleet of locomotives and cabooses. That fleet currently includes 66 locomotives and 39 cabooses.

The DM&IR notes that it primarily operates in rural areas which are sparsely populated. This operating environment has produced a good record in terms of vandalism. The available records for a ten year period indicate that there have only been 19 instances of vandal damage to equipment and only one of these resulted in a minor personal injury. Based on this record the DM&IR seeks to avoid the cost of installing the improved glazing.

Oregon, California and Eastern Railway

(FRA Waiver Petition Docket No. RSGM–81–3)

The Oregon, California and Eastern Railway (OC&E) seeks a permanent waiver of compliance for its present fleet of 14 locomotives and one caboose. The OC&E notes that it commenced operation in 1975 in basically open rural countryside. It currently operates approximately 70 miles of main track.

The OC&E states that there are no records to indicate any vandalism problems during the five years it has been operating. The installation of the improved glazing would not provide any needed safety benefit in the opinion of the OC&E.

Southern Railway System

(FRA Waiver Petition Docket No. RSGM–81–4)

The Southern Railway System (Southern) seeks both a permanent and temporary waiver of compliance with Part 223. The permanent waiver would apply to approximately 555 cabooses currently operated by Southern and the temporary waiver would apply to 143 locomotives currently in service.

The waiver sought by Southern for its cabooses would apply only to a single end facing window located near the door on each caboose. This window is a small porthole type window that is primarily designed to allow light to enter the caboose. It is not located in a position where crew members would normally be in close proximity to the window. Additionally, the window is mounted fairly close to the roof overhang so that is is partially protected. Southern indicates that all other windows on these cabooses will meet the regulation.

The Southern also seeks a temporary waiver for a group of locomotives that are scheduled for retirement. These locomotives are all approximately 30 years old and most should be removed from service prior to the June 30, 1983, deadline for the installation of certified glazing. The waiver sought by Southern would permit some of these locomotives to ramain in service for period not to exceed five years so that its orderly retirement program can be completed.

This notice is issued under the authority of Section 202 of the Federal Railroad Safety Act of 1970, 84 Stat. 97 (45 U.S.C. 431) and Sec. 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n).

Issued in Washington, D.C. on March 10, 1981.

J. W. Walsh,
Chairman, Railroad Safety Board.

[FR Doc. 81-8705 Filed 3-20-81; 8:45 am]
BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS–81–3]

City of Prineville Railway Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the City of Prineville (COP) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the COP be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The COP seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–3, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before April 10, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 821, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on March 10, 1981

Joseph W. Walsh,
Chairman, Railroad Safety Board.

[FR Doc. 81-8702 Filed 3-20-81; 8:45 am]
BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS–81–1]

Duluth & Northeastern Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Duluth & Northeastern Railroad (D&NE) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the D&NE be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The D&NE seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–1, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before April 30, 1981, will be considered by the FRA before final action is taken. Comments

received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d))

Issued in Washington, D.C. on March 10, 1981

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-8708 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-06-M

[Waiver Petition Docket Nos. RSGM-80-44 through RSGM-81-14]

Petitions for Waiver of Safety Glazing Standards

Notice is hereby given that nineteen railroads have submitted requests for permanent waivers of compliance with the Safety Glazing Standards (49 CFR Part 223). The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulations provide for the affected locomotives, passengers cars, and cabooses to be equipped with certified glazing in all windows after June 30, 1983.

The individual railroads seeking a waiver of compliance with this regulation are listed below. In this listing FRA has identified the railroad, the specific docket designation and the number of locomotives or cabooses that are involved in each request. Each of the petitions are similar in most respects. The railroad operates ten or less locomotives and has experienced no vandal related damage to the windows of its equipment. Most of these railroads operate in rural surroundings and the others provide service in very compact industrial areas. The petitioners generally indicate that the cost of retrofitting would be very costly in terms of their limited operating budget.

The railroads seeking the waivers are as follows:

1. Georgetown Railroad (Docket No. RSGM-80-44) which operates ten locomotives.

2. Arcade and Attica Railroad (Docket No. RSGM-80-57) which operates two locomotives.

3. East Erie Commercial Railroad (Docket No. RSGM-80-59) which operates five locomotives.

4. Goodwin Railroad (Docket No. RSGM-80-68) which operates two locomotives.

5. Detroit Shore Line Railroad (Docket No. RSGM-80-69) which operates three locomotives.

6. Octoraro Railway (Docket No. RSGM-80-80) which operates three locomotives.

7. Lamoille Valley Railroad (Docket No. RSGM-80-81) which operates five locomotives.

8. Fore River Railroad (Docket No. RSGM-81-1) which operates two locomotives.

9. East Camden and Highland Railroad (Docket No. RSGM-81-2) which operates four locomotives.

10. Lenawee County Railroad (Docket No. RSGM-81-5) which operates two locomotives.

11. Madison Railroad (Docket No. RSGM-81-6) which operates one locomotive.

12. Grafton and Upton Railroad (Docket No. RSGM-81-7) which operates two locomotives.

13. Lackawaxen and Stourbridge Railroad (Docket No. RSGM-81-1) which operates one locomotive.

14. Cooperstown & Charlotte Valley Railway (Docket No. RSGM-81-9) which operates one locomotive

15. Fonda Johnston & Gloversville Railroad (Docket No. RSGM-81-10) which operates two locomotives.

16. Central New York Railroad (Docket No. RSGM-81-11) which operates one locomotive

17. Arkansas & Louisana, Missouri (Docket No. RSGM-81-12) which operates four locomotives and two cabooses.

18. Little Rock Port Railroad (Docket No. RSGM-81-13) which operates one locomotive

19. Lancaster & Chester Railway (Docket No. RSGM-81-14) which operates two locomotives.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM-80-44) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration (FRA), 400 Seventh Street, S.W, Washington, DC 20590. Communications received before April 30, 1981, will be considered by the Federal Railroad Administration before the date final action is taken. All comments will be available for examination both before and after the closing date for comments during regular business hours (9 a.m.–5 p.m.), in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, DC 20590.

(Sec. 202 of the Federal Railroad Safety Act of 1970, 84 Stat. 97 (45 U.S.C. 431) and Section 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n))

Issued in Washington, DC on March 10, 1981.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-8704 Filed 3-20-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. EX81-2; Notice 1]

Vintage Reproductions, Inc.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Vintage Reproductions, Inc. of Fort Lauderdale, Florida, has applied for temporary exemption for its 1900 Series Horseless Carriages from certain safety standards on grounds of substantial economic hardship.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

The company produces replicas of turn-of-the-century vehicles. It appears to produce about 100 such each year. Petitioner's 1900 Series Horseless Carriages have received NHTSA exemptions twice previously (EX74-6, EX76-1). While its latest exemptions, which expired March 1, 1981, were in effect, it states that it has achieved conformance with Safety Standards Nos. 101, 102, 105, 106, 109, 110, 124, 207, 210, 212 and 301. The company now requests exemption from the following standards for the reasons indicated:

Standard No. 103, *Windshield Defrosting/Defogging Systems*
Standard No. 104, *Windshield Wiping and Washing Systems*

The vehicles are open, and not likely to be used in adverse weather. An electric wiping system is nonetheless supplied.

Standard No. 114, *Theft Protection*
Standard No. 115, *Vehicle Identification Number*

Due to its unique configuration, this vehicle would be readily identifiable if stolen. It has a VIN attached to the dash and number stamped into the frame.

Standard No. 201, *Occupant Protection in Interior Impact*

Standard No. 203, *Impact Protection for the Driver From the Steering Control System*

Standard No. 204, *Steering Control Rearward Displacement*

The steering column is mounted vertically from the floor rather than having "the conventional wheel which is aimed directly at driver's chest."

Standard No. 202, *Head Restraints*

The vehicle's maximum speed of 35 mph and use "for non-conventional purposes (parades, sales/marketing)" make it unlikely to be involved in accidents. Further, head restraints "would absolutely destroy the reproduction value."

Standard No. 208, *Occupant Crash Protection*

Petitioner's basis for its request is unclear; however, under its previous exemption it was required to provide a Type 1 seat belt assembly at each designated seating position, though relieved of compliance with the remainder of the standard.

Standard No. 302, *Flammability of Interior Materials*

The vehicle is open and occupants can easily jump free of it in the event of an accident.

A 3-year exemption is requested from each of the above standards.

In support of its petition the company argues that it is not likely that its replica vehicles will present a significant hazard to traffic safety. It believes the overall concept is such that the vehicles' appeal primarily is for occasional, limited use (e.g., auto shows, resort use) rather than extensive daily use on the public roads. The company has over 25 full-time employees. In its last 6 fiscal years (May 1, 1974–April 30, 1980) it had a cumulative net loss of about $80,000. Therefore, compliance with any of the standards for which its requests exemption would cause it substantial economic hardship.

Interested persons are invited to submit comments on the petition of Vintage Reproductions, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: April 22, 1981.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 16, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-8880 Filed 3-18-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Comprehensive Review of Advisory Committees

The Department of the Treasury is conducting a comprehensive review of its advisory committees in accordance with the requirements of Pub. L. 92–463 and implementing regulations. This review is to determine if each committee is carrying out its purpose, whether responsibilities assigned to each committee should be revised and whether committees should be merged or abolished.

Treasury advisory committees under review include:

(1) Advisory Committee on Explosive Tagging—recommends and evaluates R&D of explosive detection and identification systems.

(2) Advisory Committee on the International Monetary System—advises on issues concerning the effective functioning of the international monetary system

(3) Advisory Group to the Commissioner of Internal Revenue—provides an organized forum for discussions of relevant tax administration issues.

(4) Foreign Portfolio Investment Survey Advisory Committee—furnishes expertise on international securities markets and technical advice to assist in meeting the requirements of the Foreign Investment Survey Act of 1976.

(5) Government Borrowing Committee of the American Bankers Association—provides financial information and advice for Treasury debt management operations.

(6) Government and Federal Agencies Securities Committee of the Public Securities Association—provides financial information and advice for Treasury debt management operations.

(7) The Art Advisory Panel of the Commissioner of Internal Revenue—reviews and advises on the acceptability of property appraisals submitted by taxpayers.

(8) The Art Print Panel of the Commissioner of Internal Revenue—reviews and advises on the acceptability of art print appraisals submitted by taxpayers.

(9) Treasury Small Business Advisory Committee—provides information and advice on a broad range of economic issues that affect the small business community.

Interested persons or organizations are invited to comment. All queries and comments should be sent to William Coffman, Department of the Treasury, Room 4406, Main Treasury Building, 15th and Pennsylvania Avenues, N.W., Washington, D.C. 20220. Comments must be received no later than April 3 if they are to be considered in this review.

Arthur D. Kallen,

Acting Deputy Assistant Secretary (Administration).

March 19, 1981.

[FR Doc. 81-8825-Filed 3-20-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Career Development Committee; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92–463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in the Conference Room 1104 of the Park Central Hotel, 705 18th Street, N.W., Washington, DC 20006, April 15 through 17, 1981 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration. The committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clincial Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because

of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Career Development Committee (151J), Veterans Administration Central Office, Washington, DC 20420 (Phone 202–389–2317) prior to April 6, 1981.

The meeting will be closed from 9 a.m. to 5 p.m. on April 15 through 17 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition, decisions recommended by the committee are strictly advisory in nature; other factors are considered in final decisions. Premature disclosure of committee recommendations as well as the disclosure of research information would be likely to significantly frustrate implementation of final proposed agency actions. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of the Federal Advisory Committee Act, Public Law 92–463 as amended, in accordance with subsections (c)(6) and (c)(9)(B), 5 U.S.C. 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Mr. David D. Thomas, Chief, Career Development Program, Medical Research Service (151J), Veterans Administration, Washington, DC 20420 (Phone 202–389–2317).

Dated: March 17, 1981

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-8736 Filed 3-20-81; 8:45 am]

BILLING CODE 8320-01-M

Purchase of Land for Parking; Veterans Administration Medical Center, Oklahoma City, Okla.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the Purchase of Land for Parking at the Veterans Administration Medical Center (VAMC) Oklahoma City, Oklahoma.

The VAMC is presently short of parking and some existing parking will be temporarily lost to future construction. Future parking needs are projected to increase. To help reduce the parking problems, the Veterans Administration proposes to acquire 11 parcels totaling about 2 acres adjoining the hospital to the north. This land would be converted from residential to surface parking with the potential for future parking garage construction. Land acquisition and construction of surface parking is estimated at $635,000. An additional $3,300,000 would construct a 400 car parking structure.

In conjunction with this project proposal, a parking analysis will be conducted in accordance with the requirements of OMB Circular A–116. This will more clearly delineate the magnitude of parking requirements. The information will help in the decision among the alternatives of no action, surface parking or a parking structure.

In the past the VA investigated construction of a parking garage on other sites near the VAMC, but these proposals have not received favorable comment from the Capitol Medical Center Zoning Commission.

Attempts have been made to increase the efficiency and utilization of public transportation systems. The extremely spread out nature of Oklahoma City makes travel by public transportation impractical from many areas.

Carpooling and vanpooling is encouraged at the VAMC but does not eliminate the problem. Current alternatives are acquisition and construction of surface parking, acquistion and construction of a parking garage, and no action. No action would allow the lack of parking to continue. As the needs of VAMC increase, additional hardships will be placed on the patients and staff.

Development of this project would have impacts on the natural and human environments as it affects local residents through relocation; real property through acquisition and change in land use; neighborhood character by change in land use; and it will reduce land on the tax rolls.

Additional impacts from construction include increased surface runoff, potential erosion and sedimentation of stormwater, temporary increase in particulate emissions in air quality, temporary construction noise, generation of solid waste from demolition, and removal of some local vegetation.

Acquisition and relocation would be accomplished in accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquistion Policies Act of 1970 (Public Law 91–646) dated January 2, 1971. Efforts should be made to accomplish relocation through a local agency and keep residents in the local neighborhood if they so desire. Sensitive handling will reduce any potential for controversy.

Design of the parking facility should be as aesthetically pleasing as possible to be compatible with the residences across the street. Landscaping will replace some of the removed vegetation.

Construction impacts should be mitigated by normal measures to control erosion, generation of dust and fumes and screening of visual impacts and implementation of noise control measures. All local and federal environmental regulations will be adhered to.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. 20420, (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: March 13, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-8734 Filed 3-20-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol 46, No. 55
Monday, March 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Depository Institutions Deregulation Committee	1
Equal Employment Opportunity Commission	2
Federal Deposit Insurance Corporation	3, 4
Federal Energy Regulatory Commission	5, 6
Federal Home Loan Bank Board	7
Federal Mine Safety and Health Review Commission	8
Federal Reserve System	9
National Credit Union Administration	10-12
National Science Board	13
Securities and Exchange Commission	14

1

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE.

TIME AND DATE: 3 p.m., Thursday, March 26, 1981.

PLACE: Officers of the Board of Governors of the Federal Reserve System, Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Effective date for new ceiling rates on money market certificates (MMCs) and small saver certificates (SSCs).
2. Consideration of penalty-free early withdrawals of time deposit funds in the event of bankruptcy of the depositor.
3. Reconsideration of rule permitting a phaseout of finders fees for qualifying institutions.
4. Ceiling rates on regular savings accounts and on interest-bearing transaction accounts.
5. Discussion of strategies for deregulation and consideration of petitions for ceiling rate adjustments.
6. Election of Chairman and Vice Chairman.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board of Governors of the Federal Reserve System's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors fo the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Public Information Officer (202) 652-3204.

Dated: March 19, 1981.

Normand R. V. Bernard,
Executive Secretary of the Committee.

[S-466-81 Filed 3-19-81; 11:00 am]
BILLING CODE 6210-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, March 24, 1981.

PLACE: Commission conference room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 81-2-FOIA-4-AT, concerning material in a Commissioner's charge.
2. Freedom of Information Act Appeal No. 81-1-FOIA-5-SL, concerning an Investigator's Memorandum and Notes in a charge file.
3. Freedom of Information Act Appeal No. 81-1-FOIA-013-IN, concerning aggregate EEO-1 statistics for the 386 Standard Industrial Classification for Marshall and St. Joseph counties in Indiana.
4. Freedom of Information Act Appeal No. 80-12-FOIA-09-IN, concerning materials from charge file and data on EEOC Personnel.
5. Freedom of Information Act Appeal No. 81-1-FOIA-30-CH, concerning materials in a charge file.
6. Privacy Act Record System EEOC-1, Age and Equal Pay Act Discrimination Case Files.
7. Proposed Contract for Computer Programming Services.
8. Report on Commission Operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued March 19, 1981.

[S-465-81 Filed 3-19-81; 3:19 pm]
BILLING CODE 6570-06-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Time of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the closed meeting of the Corporation's Board of Directors scheduled for 2:30 p.m. on Monday, March 23, 1981, will be held instead at 11:30 a.m. on Monday, March 23, 1981, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C. No earlier notice of the change in the time of the meeting was practicable.

Dated: March 19, 1981.

Federal Deposit Insurance Corporation.
Alan J. Kaplan,
Assistant Executive Secretary.

[S-466-81 Filed 3-19-81; 3:22 pm]
BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Time of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the open meeting of the Corporation's Board of Directors scheduled for 2:00 p.m. on Monday, March 23, 1981, will be held instead at 11:00 a.m. on Monday, March 23, 1981, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C. No earlier notice of the change in the time of the meeting was practicable.

Dated: March 19, 1981.

Federal Deposit Insurance Corporation.
Alan J. Kaplan,
Assistant Executive Secretary.

[S-467-81 Filed 3-19-81; 3:22 pm]
BILLING CODE 6714-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

March 18, 1981.

TIME AND DATE: 10 a.m., March 25, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—484th Meeting, March 25, 1981, Regular Meeting (10 a.m.)

CAP–1. Project No. 3923–000, Sun Ventures, Ltd.
CAP–2. Project No. 2697, Northern States Power Co.
CAP–3. Project No. 3368, Continental Hydro Corp.
CAP–4. Project No. 459, Union Electric Co.
CAP–5. Project No. 3629, Keystone Hydro Ltd.
CAP–6. Docket No. ER81–248–000, Wisconsin Electric Power Co.
CAP–7. Docket No. ER80–569, Yankee Atomic Electric Co.; CAP–7. Docket No. ER80–570, Public Service Co. of New Hampshire
CAP–8. Docket No. ER77–533, Louisiana Power & Light Co.
CAP–9. Docket Nos. 8 ER77–488 and ER78–520 (phase II), El Paso Electric Co.
CAP–10. Docket Nos. E–8586 and E–8587 (remand), Public Service Co. of Indiana, Inc.
CAP–11. Docket No. ER80–337, Southwestern Electric Power Co.
CAP–12. Docket No. EF79–3011, Southeastern Power Administration—Georgia-Alabama Projects

Miscellaneous Agenda—484th Meeting, March 25, 1981, Regular Meeting

CAM–1. Docket No. RM81– , Establishment of Format No. FERC 561, annual report of interlocking positions
CAM–2. Docket No. RM79–76 (New Mexico—2), high-cost gas produced form tight formations
CAM–3. Docket No. GP80– , State of Mississippi, Section 107 NGPA determination, Tomlinson Interests, Inc., NGPA Docket No. 66–80–420, JD81–17507

Gas Agenda—484th Meeting, March 25, 1981, Regular Meeting

CAG–1. Docket No. RP80–75, Southern Natural Gas Co.
CAG–2. Docket No. TA81–2–33–000 (PGA81–2, IPR81–2, AP81–2, LFUT81–2 and TT81–2), El Paso Natural Gas Co.
CAG–3. Docket No. TA81–2–34–000 (PGA81–2), Florida Gas Transmission Co.
CAG–4. Docket No. TA81–2–41–000 (PGA81–2), Southwest Gas Corp.
CAG–5. Docket No. RP81–41–000, ANR Storage Co.
CAG–6. Docket No. RP81–32–000, Pacific Gas Transmission Co.; Docket No. TA81–2–5–002 (PGA81–2), Midwestern Gas Transmission Co.; Docket No. TA81–2–51–000 (PGA81–2), Great Lakes Gas Transmission Co.
CAG–7. Docket No. CI68–915, Phillips Petroleum Co.; Docket No. CI68–951, Continental Oil Co.; Docket No. CI68–924, Cities Service Oil Co.; Docket No. CI69–220, Union Oil Co. of California; Docket No. CI69–245, Gulf Oil Corp.; Docket No. CI69–351, Mobil Oil Corp.; Docket No. CI69–337, Texaco Inc.; Docket No. CI70–775, Sun Oil Co.; Docket No. CI70–803, Marathon Oil Co.; Docket No. CI71–55, The Superior Oil Co.
CAG–8. Docket No. RP80–84, Eastern Shore Natural Gas Co.
CAG–9. Docket Nos. RP75–105 and RP76–94 (negative salvage element of offshore plant depreciation rate), Columbia Gulf Transmission Co.
CAG–10. Docket Nos. CS71–92, et al., Amarex, Inc., et al.
CAG–11. Docket No. RP72–8, El Paso Natural Gas Co.; Docket No. RP72–6 (ignition fuel and flame stabilization), El Paso Natural Gas Co.; Docket No. RP72–6 (gas turbines, etc.), El Paso Natural Gas Co.; Docket No. RP72–6 (pre-existing shortages), El Paso Natural Gas Co.; Docket No. RP72–6 (new sources of supply), El Paso Natural Gas Co.; Docket No. RP77–113, El Paso Natural Gas Co.; Docket No. RP77–135–1 (City of Denver City), El Paso Natural Gas Co.; Docket No. RP77–135–2 (Community Public Service Co.), El Paso Natural Gas Co.; Docket No. TC79–133, Citizens Utilities Co.; Docket No. RP76–38, Arizona Electric Power Cooperative, Inc., and the City of Willcox, Arizona v. El Paso Natural Gas Co.; Docket Nos. RP72–6 and RP76–38 (storage), El Paso Natural Gas Co.; Docket Nos. CP76–87, CP77–289 and CP78–172 (just and reasonable issues), El Paso Natural Gas Co.; Docket No. CP76–87, El Paso Natural Gas Co.; Docket No. CP80–497, El Paso Natural Gas Co.; Docket No. SA80–93, El Paso Natural Gas Co.; Docket No. CP76–285, Mountain Fuel Resources, Inc., Docket No. CP77–289, El Paso Natural Gas Co.; Docket No. CP77–511, Northwest Pipeline Corp.; Docket No. CP77–512, Clay Basin Storage Co.; Docket No. CP79–224, El Paso Natural Gas Co.; Docket No. CI72–519, Cities Service Co.; Docket No. CI79–350, Arapahoe Gas, Ltd.; Docket No. CI79–351, Black River Corp.; Docket Nos. CP80–222, et al. (consolidated El Paso Storage Certificates Proceeding), El Paso Natural Gas Co.; Docket No. TC79–142, El Paso Natural Gas Co.
CAG–12. Docket No. CP75–93–003 (remand), Black Marlin Pipeline Co.
CAG–13. Docket No. CP80–561, Locust Ridge Gas Co.
CAG–14. Docket No. CP80–38, Northern Natural Gas Co.
CAG–15. Docket No. CP80–546, Northern Natural Gas Co., a Division of Internorth Inc.
CAG–16. Docket No. CP81–42–000, Florida Gas Transmission Co.
CAG–17. Docket No. CP81–104–000, Natural Gas Pipeline Co. of America

Power Agenda—484th Meeting, March 25, 1981, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2545, Washington Water Power Co.

II. Electric Rate Matters

ER–1. Docket Nos. ER76–304, ER76–317 and ER76–498, New England Power Co.
ER–2. Docket No. ER77–614, Union Electric Co.
ER–3. Docket No. ER78–522, Virginia Electric & Power Co.
ER–4. Docket No. ER81–179–000, Arizona Public Service Co.

Miscellaneous Agenda—484th Meeting, March 25, 1981, Regular Meeting

M–1. Docket No. RM79–52, implementation of Section 206 of the Public Utility Regulatory Policies Act of 1978, continuance of service
M–2. Reserved
M–3. Reserved
M–4. Docket No. RM81–30, phase II delegations
M–5. Docket No. RM81– , sales and transportation for pipelines and distributors
M–6. (a) Docket No. RM79–76 (Ohio—1), high cost gas produced from tight formations; (b) Docket No. RM79–76 (Colorado—3), high cost gas produced from tight formations
M–7. Docket No. RM79–3, Railroad Commission of Texas alternative filing plan under Section 274.207
M–8. Docket No. GP80–17, Mississippi River Transmission Corp.
M–9. Docket No. SA79–8, Partnership Properties Co.

Gas Agenda—484th Meeting, March 25, 1981, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket Nos. RP79–22 (storage) and RP80–61, Consolidated Gas Supply Corp.

II. Producer Matters

CI–1. Docket No. CI64–26, Gulf Oil Corp.

III. Pipeline Certificate Matters

CP–1. Docket No. TC81–21–000, Arkansas Louisiana Gas Co.
CP–2. Docket No. CP75–104, High Island Offshore System; Docket No. CP76–118, U–T Offshore System
CP–3. Docket No. CP81–43–000, Energy Gathering, Inc.; Docket No. CP80–520, Natural Gas Pipeline Co. of America

Kenneth F. Plumb,

Secretary.

[S–450–81 Filed 3–19–81; 9:09 am]

BILLING CODE 6450–85–M

6

FEDERAL ENERGY REGULATORY COMMISSION.

March 18, 1981.

TIME AND DATE: 10 a.m., March 20, 1981.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: (1) Docket No. ER77–578, Kansas Gas & Electric Co.; (2) *New York State Electric & Gas Corp.* v. *FERC*, 2d Cir. No. 79–4185.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357–3400.

Kenneth F. Plumb,

Secretary.

[S-456-81 Filed 3-19-81; 3:03 pm]

BILLING CODE 6820-32-M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 3 p.m., Monday, March 23, 1981.

PLACE: 1700 G Street NW., board room, 6th floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Monday, March 23, 1981 at 3:00 p.m. has been changed to 4:00 p.m.

[S-455-81 Filed 3-19-81; 3:29 pm]

BILLING CODE 6720-01-M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 18, 1981.

TIME AND DATE: 10 a.m., Wednesday, March 25, 1981.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Ideal Basic Industries—Cement Division, Docket No. SE 79–16–M (Issues include interpretation and application of 30 CFR § 56.9–2)
2. White Pine Copper Company, Docket No. LAKE 79–202–M, etc. (Petition for Discretionary Review; issues include interpretation and application of 30 CFR § 57.12–62).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S-463-81 Filed 3-19-81; 2:05 pm]

BILLING CODE 6820-12-M

9

FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to Federal Register on March 17, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, March 25, 1981.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such open item(s) was added:

1. Proposal to continue revised Senior Loan Officer Opinion Survey (FR 2018).

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-458-81 Filed 3-19-81; 4:19 pm]

BILLING CODE 6210-01-M

10

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, March 26, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Federal Credit Union Insurance and Group Purchasing Activities.
3. Proposed policy limiting share withdrawals under Article III, Section 5 (a) of the Federal Credit Union Bylaws.
4. Final Rule—Business Relationship with Mortgage Lender.
5. Report of actions taken under delegations of authority.
6. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, March 26, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Participation of state supervisory authority in the examination of a corporate Federal Credit Union. Closed pursuant to exemption (8).
2. Report of mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Proposed mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Administrative Action under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Request for a continuance and amendment of an Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
7. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
8. Request from federally insured credit union for special assistance under Section 208 and for purchase and assumption under Sections 107 and 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
9. Organization structure. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357–1100.

[S-460-81 Filed 3-19-81; 4:44 pm]

BILLING CODE 7535-01-M

11

NATIONAL CREDIT UNION ADMINISTRATION.

Change in Subject of Meeting

The National Credit Union Administration Board has determined that its business required that the previously announced closed meeting on Thursday, March 12, 1981 include the following additional item which was closed to public observation:

Proposed charter amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).

Earlier announcement of this change was not possible.

The previously announced items were:

1. Administrative Adjudications. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
2. Report of mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Proposed Mergers. closed pursuant to exemptions (8) and (9)(A)(ii).
4. Administrative Action under Sections 205 and 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Recommendation from Executive Resources Board regarding performance appraisal review. Closed pursuant to exemption (2).

The meeting was held at 10:45 a.m., in the 7th Floor Board Room, 1776 G Street NW., Washington, D.C.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S-457-81 Filed 3-18-81; 4:45 pm]

BILLING CODE 7535-01-M

12

NATIONAL CREDIT UNION ADMINISTRATION.

Change in Subject of Meeting.

The National Credit Union Adminstration Board has determined that its business required that the

previously announced open meeting on March 12, 1981 include an additional item, which was open to public observation:

Waiver of Reserve for first quarter 1981.

Earlier announcement of this change was not possible.

The Previously announced items were:

1. Review of Central Liquidity Facility Lending Rate.
2. Federal Credit Union Insurance and Group Purchasing Activities.
3. Revised Long-Range Plan for Fiscal Years 1981–1983.
4. Consideration of revised procedures and instructions for processing standard bylaw amendments.
5. Proposed amendment to Part 701.11 of the NCUA Rules and Regulations regarding filing of Annual Report of Officials.
6. Proposed amendment to Part 749 of the NCUA Rules and Regulations, Records Preservation Program.
7. Final Rule—Deregulation of the real estate lending regulation, Section 701, which prohibits FCUs with assets of less than $2,000,000 from granting long-term real estate loans and removal of regulatory restraints which limit the amount of loan origination fees that can be assessed.
8. Report of actions taken under delegations of authority.
9. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

The meeting was held at 9:30 a.m., in the 7th Floor Board Room 1776 G Street, NW., Washington, D.C.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–458–81 Filed 3–19–81, 4:45 pm]

BILLING CODE 7535–01–M

13

NATIONAL SCIENCE BOARD.

DATE AND TIME:

March 19, 1981: 8:30 a.m. open session; 4:00 p.m. closed session.[1]

March 20, 1981: 9:00 a.m. open session; 10:00 a.m. closed session.

PLACE: National Science Foundation, Room 540, 1800 G Street N.W., Washington, D.C.

The Closed Session originally scheduled to begin at 10:00 a.m., Friday, March 21, was rescheduled to begin at 4:00 p.m., Thursday, March 20. This will be an Executive Closed Session to discuss Item C of the Closed Session Agenda: "NSF Budget Requests and Proposed Changes for Future Fiscal Years." The Closed Session will reconvene at 10:00 a.m., Friday, March 20, to cover the remaining agenda items.

Previous announcement of this Executive Closed Session was not possible since the decision was made by the Executive Committee which met at 7:00 p.m. on Wednesday, March 18.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357–9582.

[S–461–81 Filed 3–19–81; 11:39 am]

BILLING CODE 7555–01–M

14

SECRUTIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: 46 FR 1643, March 12, 1981.

STATUS: Open/closed meeting.

[1]Status: Correction to previously published announcement.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, March 9, 1981.

CHANGES IN THE MEETING: Deletion/additional items. The following items were not considered at an open meeting scheduled for Wednesday, March 18, 1981, at 10:00 a.m.:

1. Consideration of whether to authorize the transmission of a voluntary survey questionnaire to Form 146 filers. For further information, please contact Hugh R. Haworth at (202) 523–5629.
2. Consideration of whether to release two survey questionnaires: to (1) discount broker-dealers and (2) full-service firms. For further information, please contact Terry M. Chuppe at (202) 523–5624.

The following additional item was considered at a closed meeting scheduled for Wednesday, March 18, 1981, following the 10:00 a.m. open meeting.

Formal order of investigation.

Commissioners Loomis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

March 18, 1981.

[S–462–81 Filed 3–19–81; 12:27 pm]

BILLING CODE 8010–01–M

federal register

Monday
March 23, 1981

Part II

Department of Energy

Defense Programs; Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material; Correction of Nomenclature

DEPARTMENT OF ENERGY

10 CFR Part 710

Defense Programs; Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material; Correction of Nomenclature

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy is amending 10 CFR Part 710 to reflect better its present character as a DOE Regulation. This Part previously published as an Energy Research and Development Administration (ERDA) Regulation and was revised as of May 31, 1979, to reflect its new status as a DOE Regulation. DOE is amending Part 710 and is correcting nomenclature throughout Part 710 to remove certain inaccuracies contained in the May 31, 1979 verion. DOE is also amending the administrative review procedures used for granting, denying, or revoking an individual's access authorization. Such an authorization allows an individual access to national security information, Restricted Data, and special nuclear material. DOE is also requiring access authorization for individuals handling lesser amounts of special nuclear material than has previously been the case.

EFFECTIVE DATE: April 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Martin J. Dowd, Director, Division of Security, Office of Safeguards and Security, U.S. Department of Energy, Washington, DC 20545, 301/353–3652.

SUPPLEMENTARY INFORMATION:

A. Background

The DOE published its proposed rule in the **Federal Register** on September 24, 1980, 45 FR 63292. Public comments were invited on or before October 24, 1980. No public comments have been received.

B. Minor Changes

To clarify Definitions the phrase in § 710.5, "Manager of Operations", has been expanded to include the Manager of the Pittsburgh Naval Reactors Office and the Manager of the Schenectady Naval Reactors Office.

Issued in Washington, DC, on March 12, 1981.

Robert L. Morgan,

Acting Assistant Secretary for Defense Programs.

For the reasons set out in the preamble, Part 710 of Chapter III of Title 10 of the Code of Federal Regulations is amended as set forth below.

PART 710—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

1. Part 710 is amended by deleting the words "Assistant Administrator for National Security", "Administrator", "Personnel Security Review Board" (or "Board"), and "Personnel Security Board" (or "Board") wherever they appear, and substituting the words, "Assistant Secretary for Defense Programs", "Secretary", "Personnel Security Review Examiner", and "Hearing Officer", respectively.

2. Section 710.5 is revised to read as follows:

§ 710.5 Definitions.

As used in this part:

(a) "Access Authorization" means an administrative determination that an individual (including a consultant) who is employed by, or is an applicant for employment with DOE contractors, agents, and access permittees of DOE is eligible for access to Restricted Data or national security information or is eligible for access to, or control over, significant quantities of special nuclear material; and an individual (including a consultant) who is a DOE employee or applicant for DOE employment or otherwise designated by the Secretary of DOE is eligible for security clearance.

(b) For the purposes of this Regulation, "significant quantities of special nuclear material" means unclassified special nuclear material, not subject to a Nuclear Regulatory Commission (NRC) license, in one facility or one shipment in the following quantities:

(1) Uranium 235 (contained in uranium enriched 20 percent or more in the Uranium 235 isotope) alone, or in combination with Plutonium and/or Uranium 233 when (multiplying the Plutonium and/or Uranium 233 content by 2½) the total is 1,000 grams or more.

(2) Plutonium and/or Uranium 233 when the Plutonium and/or Uranium 233 content is 400 grams or more.

(3) Special nuclear material in lesser quantities but which is located in the same area or shipment with other special nuclear material with which it could be selectively combined to produce the equivalent quantities in paragraph (b)(1) or (2) of this section.

(c) "DOE Personnel Security Review Examination" means a review process as described in § 710.31, in which the designated DOE Personnel Security Review Examiners individually and independently review questions concerning the eligibility or continued eligibility of those individuals described in § 710.2, and offer findings and recommendations to the DOE Assistant Secretary for Defense Programs.

(d) "DOE Personnel Security Review Examiners" are persons appointed by the DOE Assistant Secretary for Defense Programs who are designated to review questions concerning the eligibility or continued eligibility of those individuals described in § 710.2. Examiners shall be U.S. citizens and have a DOE "Q" clearance and shall not otherwise be in the employ of the DOE.

(e) "Hearing Counsel" means a DOE attorney assigned to prepare and conduct hearings as provided in §§ 710.26 and 710.27.

(f) "Manager of Operations" means the Manager of a DOE Operations Office, the Manager of Pittsburgh Naval Reactors Office, the Manager of Schenectady Naval Reactors Office (and at Headquarters, the Director, Office of Safeguards and Security—see § 710.38).

(g) "Hearing Officer" is an individual appointed by the Manager of Operations who, upon considering the evidence at a hearing, makes specific findings as to the truth of the derogatory information, and determines whether to recommend to the Manager of Operations the granting, denial, or revocation of an individual's access authorization. Hearing Officers shall be U.S. citizens and have a DOE "Q" clearance.

(h) "Secretary" means the head of the Department of Energy as provided by section 201 of the Department of Energy Organization Act.

§ 710.20 [Amended]

3. § 710.20 is amended by deleting the words "Personnel Security Board" where they appear.

4. § 710.22 is amended by revising paragraphs (c), (e), and (f) to read as follows:

§ 710.22 Notice to individual.

* * * * *

(c) That in the event the individual desires a hearing the individual must, within twenty days of the date of receipt of the notification letter, indicate in writing to the Manager of Operations from whom the letter was received that the individual wishes a hearing before a Hearing Officer.

* * * * *

(e) That, if the individual so requests, a hearing will be scheduled before a Hearing Officer, with due regard for the convenience and necessity of the parties or their representatives, for the purpose of affording the individual an

opportunity of supporting his eligibility for access authorization.

(f) That, if the individual requests a hearing, the individual will be notified in writing of the Hearing Officer's identity when the Hearing Officer is appointed by the Manager of Operations.

* * * * *

5. § 710.25 is amended by revising paragraph (b) to read as follows:

§ 710.25 Selection of DOE hearing counsel.

* * * * *

(b) Hearing Counsel shall, prior to the scheduling of the hearings, review the information in the case and shall request the presence of witnesses and the production of physical evidence in accordance with the provisions of paragraphs (m), (n), (o), and (p) of § 710.27. When the presence of a witness is deemed by the Hearing Counsel to be necessary or desirable to a proper determination of the issues before the Hearing Officer, the Manager of Operations shall make arrangements by subpoena or otherwise for such witnesses to appear, be confronted by the individual, and be subject to examination and cross-examination.

(6) Section 710.26 is revised to read as follows:

§ 710.26 Appointment of hearing officers.

(a) Upon notification from the Hearing Counsel that arrangements for an expeditious hearing have been completed, the Manager of Operations shall appoint a Hearing Officer.

(b) No person shall serve as a Hearing Officer who has prejudged the case to be heard; who possesses information that would impair his ability to render impartial recommendations or advice; or who for bias or prejudice generated for any reason would be unable to render fair and impartial recommendations or advice.

(c) Immediately upon the appointment of a Hearing Officer, the Manager of Operations will notify the individual of the identity of the Hearing Officer and of the individual's right to challenge the Hearing Officer for cause. Such challenge, accompanied by the reasons therefor, must be submitted to the Manager of Operations within seventy-two hours of the receipt of the notice of the identity of the Hearing Officer.

(d) In the event the individual challenges the Hearing Officer, the Manager of Operations will rule on the challenge. Where the challenge of the individual is sustained, the Manager of Operations shall appoint a new Hearing Officer and notify the individual. The individual shall have the right to challenge the new Hearing Officer for cause and such challenge shall be dealt with in the same manner as an original challenge. The Manager of Operations shall also notify the individual of the rejection of any challenge. The Hearing Officer shall convene a hearing as soon as is reasonably practicable.

(e) The Manager of Operations shall notify the individual in writing, at least one week in advance of the date, hour, and place the hearing will convene. In the event the individual fails to appear at the time and place specified, a recommendation as to the final action to be taken shall be made by the Manager of Operations to the Assistant Secretary for Defense Programs on the basis of the record in the case. At the request of the individual, however, the Manager of Operations may permit a hearing at a newly scheduled date, hour, and place for good cause shown.

7. In § 710.27, paragraphs (a), (c)(2), (e), (f) and (j) are revised to read as follows:

§ 710.27 Conduct of proceedings.

(a) The proceedings shall be conducted by the Hearing Officer in an orderly, impartial, and decorous manner with every effort made to protect the interest of the Government and of the individual in determining the truth of the allegations. In no case will undue delay be tolerated or will the individual be hampered by unduly restricting the time necessary for proper preparation and presentation. In performing duties, the Hearing Officer shall always bear in mind and make clear to all concerned that the proceeding is an administrative hearing and not a trial.

* * * * *

(c) * * *

(2) Hearing Counsel shall express no opinion to the Hearing Officer concerning the merits of the case. Hearing Counsel shall advise the individual of the individual's rights under these procedures when the individual is not represented by counsel of the individual's own choosing.

* * * * *

(e) During the course of the hearing the Hearing Officer shall rule on all questions presented to the Hearing Officer for the Hearing Officer's determination.

(f) In the event it appears in the course of the hearing that Restricted Data or national security information may be disclosed, it shall be the duty of the Hearing Officer to assure that disclosure is not made to persons who are not authorized to receive it.

* * * * *

(j) The Hearing Officer shall endeavor to obtain all the facts that are reasonably available in order to arrive at recommendations. If, prior to or during the proceedings, in the opinion of the Hearing Officer the allegations in the notification letter are not sufficient to cover all matters into which inquiry should be directed, the Hearing Officer shall recommend to the Manager of Operations concerned that, in order to give more adequate notice to the individual, the notification letter should be amended. Any amendment shall be made with the concurrence of the Director, Division of Safeguards and Security, DOE, and the Office of the General Counsel. If, in the opinion of the Hearing Officer, the circumstances of such an amendment may involve an undue hardship to the individual because of limited time to answer the new allegations in the notification letter, an appropriate adjournment shall be granted upon the request of the individual.

* * * * *

8. Section 710.28 is amended by revising paragraphs (c) and (d) to read as follows:

§ 710.28 Recommendation of the Hearing Officer.

* * * * *

(c) The Hearing Officer's recommendation shall be predicated upon the Hearing Officer's findings. If, after considering all the factors in light of the criteria set forth in this part, the Hearing Officer is of the opinion that it will not endanger the common defense and security and will be clearly consistent with the national interest to grant access authorization to the individual, the Hearing Officer shall make a favorable recommendation; otherwise the Hearing Officer shall make an adverse recommendation.

(d) The Hearing Officer's recommendation shall be submitted to the Manager of Operations accompanied by a statement of the findings and reasons supporting the Hearing's Officer's conclusions.

10. Section 710.29 is amended by revising paragraph (b)(1) to read as follows:

§ 710.29 New evidence.

* * * * *

(b) * * *

(1) Refer the matter to the Hearing Officer who had been appointed in the individual's case when the Manager of Operations has not yet transmitted the record to the Assistant Secretary for Defense Programs. The Hearing Officer receiving the application for the presentation of the new evidence shall determine the form in which it shall be

received, whether by testimony before the Hearing Officer, by deposition, or by affidavit.

* * * * *

11. Section 710.30 is amended by revising paragraph (a) to read as follows:

§ 710.30 Actions on the recommendations.

(a) The recommendations of the Hearing Officer shall be signed by the Hearing Officer, and together with the record of the case, shall be transmitted with the least practicable delay to the Manager of Operations concerned.

* * * * *

11. Section 710.31 is revised to read as follows:

§ 710.31 Recommendation of the DOE Personnel Security Review Examiners.

(a) The Assistant Secretary for Defense Programs shall designate three DOE Personnel Security Review Examiners to conduct a DOE Personnel Security Review Examination of the record of the case. The designated Examiners shall individually and independently, without consulting or otherwise communicating with one another, consider the matter under review based upon the record supplemented by such brief as the individual submits. Examiners may request such additional briefs as any of them deems appropriate, which will be obtained by the Assistant Secretary for Defense Programs and provided to each Examiner. In any case where an Examiner determines that additional evidence or further proceedings are necessary, the record may be returned to the Assistant Secretary for Defense Programs with a recommendation that the case be remanded to the Manager of Operations for appropriate action, which may include returning the case to the Hearing Officer and reconvening the hearing to obtain additional testimony.

(b) In the Examiner's consideration, each shall make individual findings and recommendations on the record supplemented by additional testimony or briefs as have previously been determined by an Examiner(s) as appropriate. When additional testimony is taken by the Hearing Officer, a verbatim transcript of such testimony shall be made part of the record.

(c) The Examiners shall not consider the possible impact of the loss of the individual's services upon the DOE program.

(d) After consideration, each Examiner shall individually prepare a report of findings and recommendations and submit the report in writing to the Assistant Secretary for Defense Programs. These findings and recommendations shall be fully supported by stated reasons supporting their conclusions.

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federal register

Monday
March 23, 1981

Part III

Office of Management and Budget

Proposed Budget Rescissions and Deferral

OFFICE OF MANAGEMENT AND BUDGET

Proposed Budget Rescissions and Deferral

To the Congress of the United States

In accordance with the Impoundment Control Act of 1974, I herewith report 81 proposals to rescind a total of $11.1 billion in budget authority previously provided by the Congress. In addition, I am proposing to reduce authority to incur obligations for direct loans by a total of $751.8 million and I am reporting one new deferral of $3.4 million. These proposals are an integral part of my plan to reduce government spending.

The details of the rescission proposals and the deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
March 17, 1981.

BILLING CODE 3110-01-M

Rescis

R81-1
R81-2
R81-3
R81-4
R81-4
R81-4
R81-4
R81-4
R81-4
R81-4
R81-4
R81-5
R81-5
R81-5
R81-5
R81-5
R81-5
R81-5
R81-5
R81-5
R81-5
R81-6
R81-6
R81-6
R81-6

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Executive Office of the President	
R81-38	Council on Environmental Quality and Office of Environmental Quality	709
	Office of Science and Technology Policy	
R81-39	Salaries and expenses	595
	Funds Appropriated to the President	
R81-40	Appalachian Regional Development Programs	110,000
R81-41	Disaster Relief	8,000
	International Development Assistance	
R81-42	Sahel development program	2,000
R81-43	Inter-American Foundation	138
	Department of Agriculture	
	Agricultural Stabilization and Conservation Service	
R81-44	Dairy and beekeeper indemnity programs	1,500
	Rural Electrification Administration	
R81-45	Rural communication development fund	16,341
	Farmers Home Administration	
R81-46	Rural development planning grants	2,000
R81-47	Rural community fire protection grants	1,500
R81-48	Rural housing supervisory assistance grants	500
	Department of Commerce	
	Economic Development Administration	
R81-49	Economic development assistance programs	342,350
	Regional Development Program	
R81-50	Regional development programs	21,000
	United States Travel Service	
R81-51	Salaries and expenses	41
	National Oceanic and Atmospheric Administration	
R81-52	Construction	9,000
R81-53	Coastal energy impact fund	40,000
	Science and Technical Research	
R81-54	Scientific and technical research and services	3,370
	National Telecommunications and Information Administration	
R81-55	Salaries and expenses	313
	Maritime Administration	
R81-56	Research and development	2,500
	Department of Education	
	Office of Elementary and Secondary Education	
R81-57	Equal educational opportunities	73,253
	Office of Special Education and Rehabilitation Services	
R81-58	Education for the handicapped, gifted and talented	267,938
R81-59	Rehabilitation services and handicapped research	22,323
	Office of Postsecondary Education	
R81-60	College housing loans	14,550
	Office of Educational Research and Improvement	
R81-61	Libraries and learning technologies	42,750
R81-62	Institute of museum services	12,357
R81-63	School improvement programs	36,606

Rescission #	Item	Budget Authority
	Department of Energy	
	Energy Programs	
R81-64	Fossil energy construction	246,900
R81-65	Energy production demonstration and distribution	12,649
R81-66	Energy information administration	13,443
R81-67	Economic regulation	33,155
R81-68	Geothermal resources development fund	22,066
R81-69	Alternative fuels production	300,000
R81-70	Departmental administration	11,500
	Department of Health and Human Services	
	Health Services Administration	
R81-71	Indian health facilities	8,871
	National Institutes of Health	
R81-72	National Institute of Allergy and Infectious Diseases	1,083
R81-73	National Institute of General Medical Sciences	18,682
	Alcohol, Drug Abuse, and Mental Health Administration	
R81-74	Construction and renovation, St. Elizabeths Hospital	1,020
	Office of Assistant Secretary for Health	
R81-75	Salaries and expenses	30,724
	Health Care Financing Administration	
R81-76	Payments to health care trust funds	8,693
R81-77	Program management	6,992
	Social Security Administration	
R81-78	Refugee assistance	25,100
	Department of Housing and Urban Development	
	Housing Programs	
R81-79	Subsidized housing programs	5,099,104
	Solar Energy and Energy Conservation Bank	
R81-80	Assistance for solar and conservation improvements	121,000
	Community Planning Development	
R81-81	Planning assistance	34,976
R81-82	Rehabilitation loan fund	110,857
	Neighborhoods, Voluntary Associations and Consumer Protection	
R81-83	Housing counseling assistance	6,000
R81-84	Neighborhood self-help development program	8,119
	Department of the Interior	
	Office of Water Research and Technology	
R81-85	Salaries and expenses	11,800
	United States Fish and Wildlife Service	
R81-86	Construction and anadromous fish	2,500
	National Park Service	
R81-87	Urban park and recreation grants	35,000
R81-88	Land and water conservation fund	250,000
R81-89	Historic preservation fund	8,000
R81-90	Construction (trust fund)	15,500
	Office of Surface Mining Reclamation and Enforcement	
R81-91	Regulation and technology	1,954
	Department of Labor	
	Employment and Training Administration	
R81-92	Temporary employment assistance	234,475
	Department of State	

Rescission #	Item	Budget Authority
	Bureau of Refugee Programs	
R81-93	Migration and refugee assistance	22,500
	Bureau for International Narcotics Matters	
R81-94	International narcotics control	3,100
	Department of Transportation	
	Urban Mass Transportation Administration	
R81-95	Urban mass transportation fund	24,700
	Research and Special Program Administration	
R81-96	Cooperative automotive research	11,500
	Department of the Treasury	
	Bureau of Government Financial Operations	
R81-97	Biomass energy development	1,245,500
	Environmental Protection Agency	
R81-98	Research and development (pollution and abatement)	149
R81-99	Abatement, control and compliance	1,253
R81-100	Construction grants	1,700,000
	National Aeronautics and Space Administration	
R81-101	Research and development	4,500
	Veterans Administration	
R81-102	Construction, major projects	152,160
	Other Independent Agencies	
	Action	
R81-103	Operating expenses, domestic programs	3,207
	Arms Control and Disarmament Agency	
R81-104	Arms control and disarmament activities	1,500
	Corporation for Public Broadcasting	
R81-105	Public broadcasting fund	95,000
	Federal Mediation and Conciliation Service	
R81-106	Salaries and expenses	637
	Federal Trade Commission	
R81-107	Salaries and expenses	226
	Marine Mammal Commission	
R81-108	Salaries and expenses	4
	Merit Systems Protection Board	
R81-109	Salaries and expenses	210
	National Science Foundation	
R81-110	Research and related activities	56,000
R81-111	Science and engineering education activities	16,000
	Occupational Safety and Health Review Commission	
R81-112	Salaries and expenses	39
	Office of the Federal Inspector for the Alaska Natural Gas Transportation System	
R81-113	Salaries and expenses	445
	Pennsylvania Avenue Development Corporation	
R81-114	Salaries and expenses	60
	Selective Service System	
R81-115	Salaries and expenses	1,940
	Small Business Administration	
R81-116	Salaries and expenses	1,405
	Tennessee Valley Authority	
R81-117	Tennessee Valley Authority fund	500

Rescission #	Item	Budget Authority
	Water Resources Council	
R81-118	Water resources planning.....	5,000
	Subtotal, rescission proposals.....	11,079,386
	Rescissions of Authority to Incur Obligations for Direct Loans:	
	Department of Agriculture	
	Farmers Home Administration	
R81-119	Rural housing insurance fund.....	316,000
R81-120	Agricultural credit insurance fund.....	99,950
R81-121	Rural development insurance fund.....	160,000
	Off-Budget Federal Entities:	
	Department of Agriculture	
	Rural Electrification Administration	
R81-122	Rural electrification and telephone revolving fund.....	187,000
	Subtotal, rescissions of loan authority...	731,350

Deferral #	Item	Budget Authority
	Department of Commerce	
	Minority Business Development Agency	
D81-103	Minority business development.....	3,400
	Subtotal, deferrals.....	3,400
	Total, rescission proposals and deferrals.....	11,834,636

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(in thousands of dollars)

	Rescissions	Deferrals
Seventh special message:		
New items	11,831,236	3,400
Change to amounts previously submitted	—	—
Effect of seventh special message	11,831,236	3,400
Previous special message	129,533	8,573,788
Total amount proposed in special messages	11,960,769 a/	8,577,188 b/

a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.
b/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-19B).

Rescission Proposal No: R81-38

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Executive Office of the President	New budget authority (P.L. 96-526): $ 3,250,000
Bureau:	Other budgetary resources: 242,000
Appropriation title & symbol: Council on Environmental Quality and Office of Environmental Quality 1111-53	Total budgetary resources: 3,492,000
	Amount proposed for rescission: $ 708,000
OMB identification code: 11-1453-0-1-802	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Council on Environmental Quality (CEQ) performs studies and analyses related to current environmental issues, as well as other activities related to the National Environmental Policy Act (NEPA).

This rescission proposal is an integral component of President Reagan's plan for reducing Federal spending and eliminating duplicative regulatory activities.

In compliance with NEPA Section 205(2), CEQ's activities will be reduced to those statutoril mandated which do not unnecessarily overlap or conflict with established agency activities.

Estimated Effect: The duplication of activities among established agencies and CEQ will be eliminated. Responsibility for various activities will be formally recognized in established agencies.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
3.2	2.6	0.6	0.1	---	---

R81-38

COUNCIL ON ENVIRONMENTAL QUALITY
AND OFFICE OF ENVIRONMENTAL QUALITY

Council on Environmental Quality
and Office of Environmental Quality

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, $708,000 are rescinded.

Rescission Proposal No: R81-19

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Executive Office of the President	New budget authority (P.L. 96-526) -- $ 2,658,000
Bureau Office of Science and Technology Policy	Other budgetary resources ---- --
Appropriation title & symbol	Total budgetary resources 2,658,000
Salaries and Expenses 1112600	Amount proposed for rescission $ 595,000
OMB identification code: 11-2600-0-1-802	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This appropriation funds the activities of the Office of Science and Technology Policy, within the Executive Office of the President, to provide analysis and advice to the President and other agencies in the Executive Office. The proposed reductions would result in a reduced permanent staff and a decrease in the number of external researchers and advisors. Sufficient resources will remain available to meet the major goals and objectives of the office.

Estimated effect:

The permanent staff of the office will be reduced from 24 to 12 and positions for consultant appointees reduced from 30 to 10.

Outlay effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2.6	2.0	.6	--	--	--

R81-39

FUNDS APPROPRIATED TO THE PRESIDENT

Office of Science and Technology Policy

Salaries and Expenses

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $595,000 are rescinded.

Rescission Proposal No: R81-40

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 96-367) --$339,300,000
Bureau Appalachian Regional Development Programs	Other budgetary resources ---- 50,233,279
Appropriation title & symbol	Total budgetary resources 389,533,279
Appalachian Regional Development Programs 11X0090	Amount proposed for rescission $110,000,000
OMB identification code: 11-0090-0-1-452	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: The Appalachian Regional Commission's mission is assisting the Appalachian region in promoting and managing growth through planning, research, technical assistance, administration, direct and supplemental funding of Federal grant-in-aid programs, and through construction of the Appalachian Development Highway System to improve access to Appalachia.

The remaining non-highway 1981 appropriations are proposed for rescission because Federal involvement is not required in general purpose, multi-state coordinating bodi There are other means that States have for working together on mutual concerns. In addition, economic expansion and job creation in Appalachia will be stimulated through general tax, fiscal and regulatory reductions.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: No new projects will be funded for area development, local development district support, or Commission research. The highway program will be transferred to the Department of Transportation and funded out of the Highway Trust Fund beginning in 1982.

Outlay Effect: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
325.0	319.1	5.9	50.0	46.5	4.5

R81-40

FUNDS APPROPRIATED TO THE PRESIDENT

Appalachian Regional Development Programs

Of the funds appropriated under this head in the Energy and Water Development Appropriation Act, 1981, $110,000,000 are rescinded.

Rescission Proposal No: R81-41

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 96-526) $ 366,449,000
Bureau	Other budgetary resources 234,192,000
Appropriation title & symbol Disaster Relief 11X0039	Total budgetary resources 600,641,000
	Amount proposed for rescission $ 8,000,000
OMB identification code: 11-0039-0-1-453	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year: _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: The Disaster Relief Act of 1974 (P.L. 93-288) authorizes a comprehensive program of disaster relief, response, and recovery. Supplemental assistance is provided to individuals and State and local governments in the event of a Presidentially-declared emergency or disaster.

Several cost-saving measures will be applied to tighten the administration of this program. These include:

-- Placing Federal financial contributions on a 75% Federal/25% State-local basis as a way of insuring that Federal public assistance be supplemental in nature.

-- Placing the administration of the temporary housing program with the States instead of the Federal Government.

-- Eliminating the present year-long period during which the Federal Government provides rent-free temporary housing.

-- Tightening disaster declaration criteria.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: These actions will contribute to a more efficient, cost-effective method of responding to disasters. They will not affect the provision of essential disaster relief activities.

R81-41

Outlay Effect: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
640.0	632.0	8.0	---	---	---

R81-41

FUNDS APPROPRIATED TO THE PRESIDENT

Disaster Relief

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, $8,000,000 are rescinded.

Rescission Proposal No: R81-42

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority ~~$66,600,00~~
Bureau International Development Assistance	(P.L. 96-536) 5,163,000
Appropriation title & symbol	Other budgetary resources
Sahel Development Program	Total budgetary resources ~~$71,763,00~~
11X1012	Amount proposed for rescission $ 2,000,000
OMB identification code: 11-1012-0-1-151	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The funds proposed for rescission were provided for the African Development Foundation as stipulated in Section 101b of P.L. 96-536. The Administration proposes that the Foundation not be funded, because the types of programs it would support will be carried out by the Agency for International Development without creating a new government entity.

This rescission proposal is a component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: The African Development Foundation board will not be appointed and the Foundation will not begin operation.

Outlay Effect: (in millions of dollars for African Development Foundation)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
0.6	---	0.6	0.9	0.5	---

R81-42

FUNDS APPROPRIATED TO THE PRESIDENT

International Development Assistance
Sahel Development Program

Of the funds made available by P.L. 96-536 for the above-named account, $2,000,000 provided for transfer to the African Development Foundation are rescinded.

Rescission Proposal No: R81-43

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 96-536) ~~$ 10,868,820~~
Bureau Inter-American Foundation	Other budgetary resources ~~21,149,607~~
Appropriation title & symbol: Inter-American Foundation 11X4031	Total budgetary resources 32,005,127
	Amount proposed for rescission $ 138,000
OMB identification code: 11-4031-0-3-151	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Inter-American Foundation provides grants to indigenous, democratically structured groups which promote social change and community development among the poor in Latin America and the Caribbean.

The proposed rescission represents savings realized by the implementation of Administration guidelines for lower personnel ceilings and reduced expenditures for travel and equipment.

Estimated Effects: This proposal will rescind savings realized during FY 1981 from a 15 percent reduction in travel and procurement of equipment and a decrease in Inter-American Foundation employees from 69 to 66.

OUTLAY EFFECTS: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
5.2	5.1	.1	--	--	--

R81-43

FUNDS APPROPRIATED TO THE PRESIDENT
Inter-American Foundation

Of the funds provided for "Inter-American Foundation" for fiscal year 1981 in P.L. 96-536, $138,000 are rescinded.

Rescission Proposal No: RSI-44

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Agriculture Bureau: Agricultural Stabilization and Conservation Service	New budget authority (P.L. 96-528) $ 1,700,000 Other budgetary resources Total budgetary resources 1,700,000
Appropriation title & symbol Dairy and Beekeeper Indemnity Programs 1213314	Amount proposed for rescission $ 1,500,000
OMB identification code: 12-3314-0-1-351 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This rescission proposal is for beekeeper indemnity payments and is part of the Administration's effort to reduce Federal spending.

This discretionary program provides payments to beekeepers who suffer losses of honey bees as a result of the use of insecticides near or adjacent to property on which the beehives of such beekeepers are located. Payments have been made to cover such losses incurred each year since 1967.

The program is difficult to administer in a way that is fair to both the intended beneficiaries and to taxpayers because:

-- Recording and monitoring the movement of colonies is difficult because of the necessity of moving bees from one location to another either to provide pollination services or to escape pesticide contamination.

-- Hard data on specific bee kills in the field is extremely difficult to develop, and scientific accuracy in determining the exact cause of bee deaths through a testing protocc is generally difficult.

-- Available tests for determining pesticide residues in dead bees are expensive to run and many times inconclusive.

-- Continuation of the program has not been demonstrated as necessary to a viable beekeeping industry. However, in areas of high risk of pesticide contamination, upward adjustments of pollination fees would probably be necessary in the absence of a program.

Estimated Effects: This rescission proposal will eliminate indemnity payments to beekeepers in FY 1981.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
1.7	.2	1.5	--	--	--

R81-44

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Dairy and Beekeeper Indemnity Programs

Of the funds appropriated under this head in P.L. 96-528 making appropriations for fiscal year 1981, $1,500,000 are rescinded.

Rescission Proposal No: R81-45

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 96-528) $ 34,000,000
Bureau. Rural Electrification Administration	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 34,000,000
Rural Communication Development Fund 12X4142	Amount proposed for rescission $ 16,341,000
OMB identification code: 12-4142-0-3-452	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Authority to Borrow

Justification: This fund is used to make or guarantee loans for community antenna television services or facilities. The Administration believes that it is more appropriate for the private sector to fund this activity. This rescission proposal is part of the Administration's effort to combat inflation. It has been determined that this reduction can be made without adversely affecting human health and safety or other critical needs. Also, it is believed that sufficient capital will be available from the private investors to fund this activity.

Estimated Effects: The proposed rescission would reduce the amount of insrued Community Antenna Television Facility loans from $31.4 million to $15.1 million.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlays Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
18.9	12.1	6.8	9.5	---	---

R81-45

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Rural Communication Development Fund

Of the loan levels authorized under section 310B under this head in P.L. 96-528, making appropriations for fiscal year 1981, $16,341,000 are rescinded.

Rescission Proposal No: R81-46

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528) $ 5,000,000
Bureau: Farmers Home Administration	Other budgetary resources ----
Appropriation title & symbol	Total budgetary resources 5,000,000
Rural Development Planning Grants 1212068	Amount proposed for rescission $ 2,000,000
OMB identification code: 12-2068-0-1-452	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Under this program, grants are made to public bodies or such other agencies as the Secretary may select to prepare comprehensive plans for rural development.

The proposed rescission is part of the Administration's effort to reduce the inflationary impact of Federal spending on the economy. It has been determined that this program is of low priority and reductions can be made without adversely affecting human health and safety or other critical needs and that the benefits provided must be foregone in order to combat the high rate of inflation existing today. Furthermore, some funding for this activity may be obtained through other Federal programs such as HUD's Community Development Block Grant program.

Estimated Effects: The proposed rescission would reduce the number of grants estimated to be made in 1981 to 80 or 53 less than indicated in the January Budget.

Estimated Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
6.4	6.0	0.4	1.2	0.4	--

R81-46

DEPARTMENT OF AGRICULTURE

Farmers Home Administration
Rural Development Planning Grants

Of the funds appropriated under this head in P.L. 96-528, making appropriations for fiscal year 1981, $2,000,000 are rescinded.

Rescission Proposal No: R81-47

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 96-528) $ 3,500,000
Bureau Farmers Home Administration	Other budgetary resources 3,500,000
Appropriation title & symbol — Rural Community Fire Protection Grants 1212067	Total budgetary resources
	Amount proposed for rescission $ 1,500,000
OMB identification code: 12-2067-0-1-452	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Rural Community Fire Protection Grant program provides fire-fighting equipment and funds for organizing and training personnel in rural communities. Adequate credit assistance to provide equipment is available at reasonable interest rates and terms through the Community Facility Loan Program under the Rural Development Insurance Fund. Surplus government equipmen which can be used for fire fighting is also available from the Forest Service. This rescissio proposal is part of the Administration's effort to combat inflation. It has been determined that this reduction can be made without adversely affecting human health and safety or other critical needs.

Estimated Effects: The proposed rescission would reduce the number of grants to be made in 1981. Adequate credit assistance to provide equipment is available through the Community Facility Loan Program under the Rural Development Insurance Fund.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
3.5	2.7	0.8	0.7	--	--

R81-47

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Community Fire Protection Grants

Of the funds appropriated under this head in P.L. 96-528, making appropriations for fiscal year 1981, $1,500,000 are rescinded.

Rescission Proposal No: R81-48

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 96-528) $ 1,500,000
Bureau Farmers Home Administration	Other budgetary resources ---
Appropriation title & symbol	Total budgetary resources 1,500,000
Rural Housing Supervisory Assistance Grants	Amount proposed for rescission $ 500,000
1212062	
OMB identification code: 12-2062-0-1-371	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:
This program provides grants to local groups which aid low income families in obtaining assistance under the various FmHA housing programs. These groups also provide counseling to such families after they occupy FmHA assisted housing. Reduced FmHA lending workload under the revised 1982 budget should enable FmHA county office staff to perform these functions at equivalent levels to that provided under this program.

Estimated Effects: The proposed rescission would reduce the number of grants estimated to be made in 1981 to 11 or 6 less than indicated in the January Budget.

Outlay Effect: (in millions of dollars)

Without Rescission	With Rescission	Outlay Savings 1981	1982	1983	1984
1.8	1.8	--	--	.5	--

R81-48

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Housing Supervisory Assistance Grants

Of the funds appropriated under this head in P.L. 96-528, making appropriations for fiscal year 1981, $500,000 are rescinded.

Rescission Proposal No: R81-49

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 96-536) $624,650,000
Bureau Economic Development Administration	Other budgetary resources 6,900,000
Appropriation title & symbol: Economic Development Assistance Programs 1312050	Total budgetary resources 631,550,000
	Amount proposed for rescission $342,350,000
CMB identification code: 13-2050-0-1-452	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The objectives of the Economic Development Administration (EDA) are to reduce substantial and persistent unemployment in economically distressed areas and to deal with problems of economic adjustment. Aid provided includes grants, loans and loan guarantees.

There is no convincing evidence that these economic development programs have been effective in creating new jobs or capital investment, or are actually needed to promote local or regional economic development. Economic expansion and job creation in distressed areas will be stimulated through the Administration's general tax, fiscal and regulatory reduction measures, and more flexible community development support assistance. Development assistance to rural areas will be provided by the Farmers Home Administration.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens. FY 1981 funding available for Trade Adjustment Assistance and loan guarantee payments will not be proposed for rescission.

Estimated Effect: The EDA programs will be curtailed in an orderly fashion. No projects which have been approved to date will be cancelled. In addition, EDA will maintain sufficient funding authority to cover costs of collateral protection and to provide coverage for possible defaults on loan guarantees. EDA's current funding from direct appropriations for FY 1981 is $624.6 million. The proposed revisions would reduce the FY 1981 funding level to $282.3 million, which includes funds for Trade Adjustment Assistance, care and preservation of collateral, and defaults on guarantees, and would reduc the FY 1981 loan guarantee authority to $163 million.

This reduction will eliminate the rest of the eligible projects that would have been funded this year. The effect on job losses will be minimal in 1981 and will be more than offset in 1982 and beyond once the President's overall economic program is in effect.

Outlay Effects:

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
508.7	501.0	7.7	163.3	92.2	39.4

R81-49

DEPARTMENT OF COMMERCE

Economic Development Administration

Economic Development Assistance Programs

Of the funds included under this head in H.R. 7584 making appropriations for the Department of Commerce for fiscal year 1981, and appropriated by Public Law 96-536, $342,350,000 are rescinded and total commitments to guarantee loans shall not exceed $163,000,000 of contingent liability for loan principal.

Rescission Proposal No: R81-50

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-536) $ 43,838.00
Bureau: Regional Development Program	Other budgetary resources 12,554.75
Appropriation title & symbol: Regional Development Programs 13X2100	Total budgetary resources 56,392.75
	Amount proposed for rescission $ 21,000,00
OMB identification code: 13-2100-0-1-452	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Title V Regional Commissions' primary mission is to assist regions in promoting and managing growth through planning, research, technical assistance, administration programs, and direct and supplemental funding of Federal grant-in-aid programs.

The appropriations remaining for the second half of 1981 are proposed for rescission becau Federal involvement is not required in general purpose, multi-state coordinating bodies. There are other means that States have for working together on mutual concerns and the Regional Commissions are, in fact, not advancing regional objectives.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: Upon approval of this proposed rescission, no new projects will be funded, all staff except those needed to process ongoing projects will be released, and the eight Regional Development Commissions and the Office of Regional Development will be closed no later than September 30,1981. Funds will be reprogrammed among the Commissions in order to accommodate the rescission and to insure that funds will be available to pay termination costs.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
53.9	46.0	7.9	6.6	4.1	1.4

R81-50

DEPARTMENT OF COMMERCE

Regional Development Program

Regional development programs

Of the funds included under this head in H.R. 7584, making appropriations for the Department of Commerce for fiscal year 1981, and appropriated by Public Law 96-536, $21,000,000 are rescinded, and the balance remaining under this head shall be available only to the extent necessary to complete termination of the program.

Rescission Proposal No: R81-51

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 96-536) $ 8,000,000
Bureau United States Travel Service	Other budgetary resources
Appropriation title & symbol Salaries and Expenses 1310700	Total budgetary resources 8,000,000
	Amount proposed for rescission $ 41,000
OMB identification code: 13-0700-0-1-376	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This rescission proposal is for a reduction in travel as part of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

The effect of this action would be a reduction in staff travel in FY 1981. Low priority international travel and trips to and from regional offices will be reduced.

Outlay Effects: (in thousands of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
10,482	10,441	41	---	---	---

R81-51

DEPARTMENT OF COMMERCE

United States Travel Service

Salaries and expenses

Of the funds included under this head in H.R. 7584 making appropriations for the Department of Commerce for fiscal year 1981, and appropriated by Public Law 96-536, $41,000 are rescinded.

Rescission Proposal No: R81-52

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. _____): $ _____
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources: $1,944,360
Appropriation title & symbol:	Total budgetary resources: $1,944,360
Construction ~~13-1452~~	Amount proposed for rescission: $ 9,000,000
OMB identification code: 13-1452-0-1-306	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions. This reduction will eliminate the construction of the Education Center portion of NOAA's Western Regional Center in Seattle, Washington. The Center is not necessary for NOAA to carry out its mission.

Estimated Effect: Training of NOAA personnel will not be affected since centralized training will continue at NOAA's present training facility in Kansas City, Missouri.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
37.5	33.5	4	5	---	---

R81-52

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Construction

Of the funds appropriated under this head in Public Law 95-86, making appropriations for the Department of Commerce, for fiscal year 1978, $9,000,000 are rescinded.

Rescission Proposal No: R81-53

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. ____): $ ____
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources: 50,411,741
Appropriation title & symbol: Coastal Energy Impact Fund 13x4315	Total budgetary resources: 50,411,741
	Amount proposed for rescission: $ 40,000,000
OMB identification code: 13-4315-0-3-452	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other ____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions.

This program provides for Federal loan assistance to States and localities for the costs of planning for and meeting energy development impacts and front-end financing of public facilities. The local impacts from oil and gas development have proven to be far less than originally anticipated and well within the capability of States and localities to handle.

Estimated Effect: The rescission of these funds would reduce Federal spending for FY 1981 and 1982, without hampering the carrying out of NOAA's overall mission. No additional projects would receive Federal loan assistance from this program. The anticipated energy impacts are not that significant in eligible areas, and States/localities should be able to absorb them.

Outlay Effects: (in millions of dollars)

1981 Outlay Savings	
Without Rescission	With Rescission
60.4	56.4

Outlay Savings			
1981	1982	1983	1984
4	12	12	12

R81-53

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal energy impact fund

Of the funds appropriated under this head in Public Law 95-86, making appropriations for the Department of Commerce for fiscal year 1973, $40,000,000 are rescinded.

Rescission Proposal No: R81-54

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-536) $ 113,100,000
Bureau: Science and Technical Research	Other budgetary resources -1,370,757
Appropriation title & symbol: Scientific and Technical Research and Services 13X0500	Total budgetary resources 111,729,243
	Amount proposed for rescission $ 3,370,000
OMB identification code: 13-0500-0-1-376	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Cooperative Generic Technology Centers (COGENT's), the major program administered by the Department of Commerce's Office of Productivity, Technology, and Innovation (OPTI) have as their purpose under the Stevenson-Wydler Technology Innovation Act of 1980 (P.L. 96-480) the development and demonstration of new technologies with generic commercial applications as a means of enhancing public and private sector productivity.

Appropriations for 1981 are proposed for rescission because Federal involvement in COGENT's is not required as a means for enhancing productivity. The rate of increase in productivity will be stimulated through general tax, fiscal and regulatory reduction measures included in the President's Economic Recovery Program.

This rescission is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: Upon approval of this rescission, the three planned COGENT's would not be funded. OPTI would be phased out in an orderly manner. Some generic technology development may be delayed in specific areas, but the Administration's economic program will encourage private sector investment in the more promising technology development areas.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
105.7	104.1	1.6	1.8	--	--

R81-54

DEPARTMENT OF COMMERCE

Science and Technical Research

Scientific and Technical Research and Services

Of the funds included under this head in H.R. 7584 making appropriations for the Department of Commerce for fiscal year 1981 and appropriated by Public Law 96-536, $3,370,000 are rescinded.

V 46 / 55 MAR 23 81 UM

Rescission Proposal No: R81-55

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Commerce Bureau: National Telecommunications and Information Administration	New budget authority (P.L. 96-536) $ 17,409,000 Other budgetary resources 2,652,000 Total budgetary resources 20,052,000
Appropriation title & symbol Salaries and Expenses 13x0550	Amount proposed for rescission $ 313,000
OMB identification code: 13-0550-0-1-376 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other

Justification- This rescission proposal is an integral part of President Reagan's comprehensive economic package designed to reduce the tax burden on the American people by reducing and eliminating low priority programs. This rescission reflects decreases in the following areas considered, by the President, to fall under this low priority category: Public Telecommunications Facilities Program (administrative costs), $100,000; Satellite Applications, $15,000; Travel and transportation of persons, $55,000; Equipment purchases and rentals, $86,000; Consultant expenses, $56,000 and other personnel costs, $1,000.

Estimated Effects- The administration of Public Telecommunications Facilities grants would be substantially reduced (elimination of this program has been proposed in FY1981). This rescission reflects the lower level of funding required to effectively administer grants to projects already approved or under construction. In the Satellite Applications program, work performed on both the international and technical support missions assigned under the Civil Space Policy Presidential Directive (PD-42) would be phased out in FY1981. Encouragement of U.S. private industry and professional organizations to pursue these initiatives has already begun and will continue in FY1981 and thereafter.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
16.8	16.5	.3	---	---	---

R81-55

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Salaries and expenses

Of the funds included under this head in H.R. 7584 making appropriations for the Department of Commerce for fiscal year 1981 and appropriated by Public Law 96-536, $313,000 are rescinded.

V 46 / 55 MR 23 81 UMI

Rescission Proposal No: R81-56

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Commerce Bureau: Maritime Administration Appropriation title & symbol: Research and Development 13x1716	New budget authority (P.L. 96-536): $16,300,000 Other budgetary resources: 2,465,795 Total budgetary resources: 18,765,795 Amount proposed for rescission: $2,500,000
OMB identification code: 13-1716-0-1-403 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The purpose of the Maritime research and development program is to innovate concepts, methods, systems, and equipment to improve productivity and operating efficiency in the U.S. shipbuilding and ship operating industries.

Selected low priority long-term research activities will be limited in order to reduce Federal spending. Similar higher priority research will continue to be carried out by the Department of Defense.

This rescission proposal will contribute to President Reagan's comprehensive economic plan for spending reductions.

Estimated Effect:

Research Center: Navigation and communciation research activities will be reduced.

Research Contracts: Research on the construction of new ship types and the potential market opportunities of Arctic shipping will not be expanded beyond existing activities.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
17	16.4	0.5	0.8	1.1	--

R81-56

DEPARTMENT OF COMMERCE

Maritime Administration

Research and development

Of the funds included under this head in H.R. 7584, making appropriations for the Department of Commerce for fiscal year 1981, and appropriated by Public Law 96-536, $2,500,000 are rescinded.

Rescission Proposal No: R81-57

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Education	New budget authority (P.L. 96-536) $292,008,000
Bureau Office of Elementary & Secondary Education	Other budgetary resources
Appropriation title & symbol Equal Educational Opportunities 9110103	Total budgetary resources 292,008,000 Amount proposed for rescission $73,253,000
OMB identification code: 91-0103-1-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Programs funded under the Equal Educational Opportunities appropriation include Emergency School Aid, Training and Advisory Services, and Women's Educational Equity. The purpose of the Emergency School Aid and Training and Advisory Services programs is to aid school districts engaged in desegregation in the areas of race, sex, or national origin. The Women's Educational Equity program supports development, demonstration, and dissemination projects that promote educational equity for women and girls at all levels of education.

As part of the President's overall budget reform plan, funding for all programs and agencies will be reduced on an equitable basis. The purpose of the rescission proposed here is to reduce government spending and thereby control one source of inflationary pressure.

Estimated Effect:

Emergency School Aid Act: The rescission proposal will decrease average awards for new and continuation proposals under Basic Grants (-$26,950,000), and will reduce the number of new awards for Special Programs and Projects (-$20,896,000), Magnet Schools, Neutral Sites, and Pairing (-$7,500,000), Grants to Non-Profit Organizations (-$1,875,000), Educational Television and Radio(-$1,613,000), and Evaluation (-$500,000).

Training and Advisory Services: The rescission proposal will decrease average awards for desegregation assistance centers, training institutes, and State and local educational agency projects (-$11,419,000).

Women's Educational Equity: The rescission proposal will reduce the number of new awards for general and small grants and for contracts (-$2,500,000).

Outlay Effect: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
289.4	282.6	6.8	48.7	14.2	3.2

R81-57

DEPARTMENT OF EDUCATION
Office of Elementary and Secondary Education

Equal Educational Opportunities

Of the funds provided for Title IV of the Civil Rights Act of 1964, the Emergency School Aid Act, and Title IX, Part C of the Elementary and Secondary Education Act of 1965, for fiscal year 1981 in Public Law 96-536, $73,253,000 are rescinded.

Rescission Proposal No: R81-53

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Education	New budget authority (P.L. 96-536) $1,102,050,00
Bureau Office of Special Education and Rehabilitative Services	Other budgetary resources 593,627,26
Appropriation title & symbol: Education for the Handicapped, Gifted and Talented 9110300 911/20300 910/10300	Total budgetary resources 1,695,577,26
	Amount proposed for rescission $267,938,000
OMB identification code: 91-0300-0-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual 9/30/81 (593,627,268) ☒ Multiple-year 9/30/82 (947,000,000) (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This program provides funds to assure a free appropriate public education for handicapped children. In addition, funds are provided for deaf-blind centers, special projects for early childhood education and the severely handicapped, media resource services as well as for regional, vocational adult and postsecondary programs. Funds are also included for innovation and development, and training of special education personnel.

As part of the President's overall economic program to reduce federal spending, funding for these programs would be reduced. Obligated and unobligated balances currently available will minimize the impact of the proposed reduction.

Estimated Effect:

State Grant Program

A rescission is requested of $230,500,000 from the $922,000,000 projected to be available for the Handicapped State Grant program funded under Part B of the Education of the Handicapped Act. The average Federal share per child will be $180 compared to an average Federal share of $239 under the amounts presently available.

Preschool Incentive Grants

A rescission is requested of $6,250,000 from the $25,000,000 projected to be available for Preschool Incentive Grants. The Federal contribution will be $76 per child under the revised estimate as compared to a Federal contribution of $102 per child under the amounts presently projected to be available.

Severely Handicapped Projects

A rescission is requested of $1,250,000 from the $5,000,000 available. It is estimate. that, in addition to supporting $1,750,000 in continuation projects, $2,000,000 would be available for new Severely Handicapped Projects.

Early Childhood Education

A rescission is requested of $5,000,000 from the $20,000,000 available. It is estimated that, in addition to supporting $10,000,000 in continuation projects, an additional $5,000,000 would be available for new projects.

Media Services and Captioned Films

A rescission is requested of $2,000,000 from the $19,000,000 projected to be available for Media Services and Captioned Films. It is estimated that no new demonstration and development projects would be funded.

Regional Resource Centers

A rescission is requested of $2,438,000 from the $9,750,000 projected to be available for Regional Resource Centers. It is estimated that continuation projects will be reduced by this amount in 1981.

Regional Vocational, Adult, and Postsecondary Programs

A rescission of $1,000,000 is requested from the $4,000,000 available for Regional Vocational, Adult and Postsecondary programs. It is estimated that, in additional to supporting $1,800,000 in continuation projects for vocational technical schools for the deaf, $1,200,000 would be available for new demonstration projects.

Innovation and Development

A rescission of $5,000,000 is requested from the $20,000,000 available for Innovation and Development. Remaining funds would provide $12,250,000 for new and continuation projects for research and development, as well as student research. Model demonstration projects and technical assistance would be funded at a level of $2,750,000.

Special Education Personnel Development

A rescission of $14,500,000 is requested from the $58,000,000 available for Special Education Personnel Development. It is estimated that funding of continuation projects will be reduced by $1,000,000 to $43,500,000 and no new projects would be funded.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
1,074	1,069	5	152	99	12

R81-58

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Education for the Handicapped

Of the funds provided for "Education for the Handicapped" for fiscal year 1981 in P. L. 96-536, $267,938,000 are rescinded: Provided, That notwithstanding other provisions of law, $891,500,000 for section 611 and $18,750,000 for section 619 of the education of the Handicapped Act shall become available for obligation on July 1, 1981, and shall remain available until September 30, 1982.

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Rescission Proposal No: R81-59

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536) $ 965,875,000
Bureau: Office of Special Education and Rehabilitative Services	Other budgetary resources 1,795,170
Appropriation title & symbol: Rehabilitation Services and Handicapped Research 911030[illegible] 91X0301	Total budgetary resources 967,670,170
	Amount proposed for rescission $ 22,323,000
OMB identification code: 91-0301-0-1-506	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This program supports a wide variety of services aimed at maximizing the potential for employment and independent living of handicapped individuals.

Under Rehabilitation Services, basic State grants provide funding to State vocational rehabilitation agencies. This proposal does not affect basic State grants. Also funded are service projects, independent living projects, and professional training.

The National Institute of Handicapped Research (NIHR) was established to help promote the coordination of research with respect to handicapped persons, in collaboration with other Federal agencies. The National Council on the Handicapped establishes general policies for NIHR and reviews the operation of the Rehabilitation Service Administration and NIHR.

As part of the President's overall economic program to reduce Federal spending rescissions are proposed for most of the lower priority discretionary activities included in this account.

Estimated Effect:

Service Projects

A rescission of $6,572,000 is requested from the $32,860,000 available for Service Projects. Priority will be placed on continuing projects initiated in prior years.

Independent Living

A rescission of $3,600,000 is requested from the $18,000,000 available for Independent Living Centers. It is estimated that this will allow for the continuation of 59 existing projects.

Training

A rescission of $5,100,000 is requested from the $25,500,000 available for training. The revised estimate will allow $14,728,000 to complete the funding for the 1980-1981 academic year, and $5,672,000 to provide initial funding for academic year 1981-1982.

National Institute of Handicapped Research

A rescission of $7,000,000 is requested from the $35,000,000 available for the National Institute of Handicapped Research. This level of funding will provide for the continuation of ongoing projects.

National Council on the Handicapped

A rescission of $51,000 is requested from the $256,000 available for the National Council on the Handicapped. The reduction will not affect the ability of the Council to properly function.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
960.0	956.0	4.0	16.0	2.0	--

R81-59

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Rehabilitation Services and Handicapped Research

Of the funds provided for "Rehabilitation Services and Handicapped Research" for fiscal year 1981 in P.L. 96-536, $22,323,000 are rescinded: Provided, That notwithstanding other provisions of law, the appropriation for section 112 of the Rehabilitation Act of 1973 shall be $2,800,000.

Rescission Proposal No: R81-60

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Education	New budget authority $ 14,271,000
Bureau Office of Postsecondary Education	(P.L. 96-536)
Appropriation title & symbol	Other budgetary resources 356,935,713
College Housing Loans	Permanent Indefinite Accounts 279,000
91X4250	Total budgetary resources 371,485,713
OMB identification code: 91-4250-0-3-502	Amount proposed for rescission $ 14,550,000
Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This appropriation is used to pay insufficiencies resulting from the sale of participation certificates. The insufficiency is the difference between the interest revenue received on the loans to institutions and the cost of interest paid on the participation certificate. It is proposed that budget authority no longer be used to pay for the insufficiencies but rather the expense be paid for out of the unobligated balance of the College Housing Loan revolving account.

Estimated Effect:

This action will eliminate the need for budget authority for this program. If new loan activity is authorized for the program, the revolving funds available for lending will decrease by an amount identical to the formerly required appropriation. This will reduce program activity by an estimated 10-15 projects.

Outlay Effect: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
31.7	13.5	18.2	4.0	29.5	20.0

DEPARTMENT OF EDUCATION

R81-60

Office of Postsecondary Education

College Housing Loans

Of the funds appropriated for participation sales insufficiencies for fiscal year 1981 in Public Law 96-536, $14,550,000 are rescinded. Payments of insufficiencies in fiscal year 1981 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717), shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), using loan repayments and other income available during fiscal year 1981. The excess of total loan repayments and other income available during fiscal year 1981, less operating costs including costs for participation insufficiencies, shall be used to reduce the balance of direct loans outstanding from the Department of the Treasury.

Rescission Proposal No: R81-61

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536) $263,655,000
Bureau: Office of Educational Research and Improvement	Other budgetary resources 898,214
Appropriation title & symbol: Libraries and Learning Resources 9110104,911/20104 and 910/10104	Total budgetary resources 264,553,214
	Amount proposed for rescission $42,750,000
OMB identification code: 91-0104-0-1-503	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual; ☒ Multiple-year 9/30/81 ($898,214) 9/30/82 ($171,000,000) (expiration date); ☐ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other

Justification: The Administration is proposing to include the School Libraries and Instructio Resources program as part of the Education State Block Grant program in 1982. This rescission proposes to reduce the 1981 level for this program by $42.8 million. This reduction is proposed as a part of the Administration's overall effort to reduce federal spending.

Estimated Effect: The School Libraries and Instructional Resources program would be continued in its present form, but with a reduced funding level of $128,250,000. The revised estimate would provide for a per-pupil expenditure of $2.94, compared with the previous estimate of $3.92.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
257	250	7	27	9	—

R81-61

DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
Libraries and Learning Resources

Of the funds provided for "Libraries and Learning Resources" for fiscal year 1981 in P.L. 96-536, $42,750,000 of the amount provided for title IV, part B of the Elementary and Secondary Education Act are rescinded, and the remaining funds provided for fiscal year 1981 may be expended without regard to the provisions of section 402(a)(2)(A)(i) of title IV, part A of the Elementary and Secondary Education Act.

Rescission Proposal No: R81-62

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-514): $12,857,000
Bureau: Office of Educational Research and Improvement	Other budgetary resources: --
Appropriation title & symbol: Institute of Museum Services 9110801	Total budgetary resources: 12,857,000
	Amount proposed for rescission: $12,357,000
OMB identification code: 91-0801-0-1-503	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification. The Institute of Museum Services provides grants to aquaria zoos, and botanical gardens to maintain, increase, and improve their services. Most grants are for general operating support, although some provide funds for emergency assistance and innovative projects.

This rescission proposal is a part of the Administration's effort to reduce Federal spending for low priority programs and activities.

Estimated Effects. The rescission would eliminate almost all funding for grants to museums. The remaining $500,000 in the program will allow the staff of the Institute to begin the orderly phase-out of the program. The termination of the Institute is part of an overall Administration effort to reduce Federal involvement in cultural activities.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
13.0	12.9	0.1	8.4	3.9	--

R81-62

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvment

Institute of Museum Services

Of the funds appropriated under this head in Public Law 96-514 for fiscal year 1981, $12,357,000 of the amount appropriated for carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976 are rescinded.

Recission Proposal No: R81-63

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Education	New budget authority (P.L. 96-536) $166,973,000
Bureau Office of Educational Research & Improvement	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 166,973,000
School improvement programs 9110502	Amount proposed for rescission $36,606,000
OMB identification code: 91-0502-0-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

This appropriation consists of a large number of relatively small discretionary grant programs. Many of these programs overlap services or offer "micro categorical" grants. A rescission of $36,606,000 is proposed in 1981 covering 12 programs.

Estimated Effect: Since this rescission covers a large number of programs at relatively low dollar reduction levels, the general effect of the rescission is for most programs either to (1) reduce the number of awards made in individual program categories, or (2) to fund the same number of projects at lower dollar levels.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
171	167	4	24	9	--

R81-63

DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
School Improvement

Of the funds provided for "School Improvement" in Public Law 96-536 for fiscal year 1981, $36,606,000 of the amount appropriated for title II, title III (part B, part C, and part L), and title IX, parts A and E of the Elementary and Secondary Education Act, title V (part A and part B), section 532 of the Higher Education Act, the Alcohol and Drug Abuse Education Act, part B of the Headstart-Follow Through Act, section 3(a)(1) of the National Science Foundation Act of 1950, as amended, are rescinded: Provided, That $14,000,000 shall be made available under title I, part A of the Elementary and Secondary Education Act.

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Rescission Proposal No: R81-64

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514) $423,300,000
Bureau Energy Programs	Other budgetary resources [illegible]
Appropriation title & symbol: Fossil Energy Construction 89X0212	Total budgetary resources [illegible]
	Amount proposed for rescission $246,900,000
OMB identification code: 39-32-0-1-276	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

SRC I Demonstration Plant (78-2-d). A rescission is proposed for this project in FY 1981 totalling $197,300,000. The nature of the demonstration and the technical risks are such that it could qualify for support from the Synthetic Fuels Corporation (SFC). An orderly closeout is possible by using the design work to date to provide a definitive mechanical configuration. This along with a definitive cost estimate to be completed by July 1981 will be made available to industry to pursue commercialization of this technology. It would also be sufficient to merit consideration for financial assistance by the SFC.

High Btu Pipeline Gas Demonstration Plants (76-1-b and 77-1-b). Projects 76-1-b and 77-1-b are proposed for rescission in FY 1981 for the amounts of $2,000,000 and $42,000,000 respectively. An evaluation of the competitive ICGG and CONOCO design efforts was scheduled in FY 1981. The nature of these demonstrations and the technical risks are such that both projects may qualify for financial assistance under the provisions of the SFC.

Low/Medium-Btu Demonstration Plant (76-1-c). Project 76-1-c is proposed for rescission in FY 1981 in the amount of $45,400,000. It is the Administration's position that industry should develop and commercialize near term technologies to convert coal to synthetic fuels. By capturing the design work to date and finalizing the Environmental Impact Statement by use of prior year unobligated balances, industry would be able to continue the project. The technical risks and size of the Memphis Project may qualify it for financial assistance under the provisions of the SFC.

Estimated Effects: The Department is redirecting its research and development (R&D) funds to primarily long range and high risk activity. Near term R&D will continue only where the government has a unique resource or facility which is necessary to the development and commercialization of first-of-a-kind technologies by the private sector. Therefore, government support for SRC-I, the two high Btu pipeline projects and Memphis will be withdrawn. These plants may qualify as candidates to be supported by the SFC and will be recommended to the SFC by the Department.

Outlay Effects:

1981 Outlay Estimates (in millions of dollars)

Without Rescission	With Rescission	Outlay Savings 1981	1982	1983	1987
163.3	0	163.3	83.6	0	0

R81-64

Department of Energy

Fossil Energy Construction

Of the funds provided under this head in Public Law 96-514, $246,900,000 are rescinded.

Rescission Proposal No: R81-65

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-514) $ 226,062,000
Bureau: Energy Programs	Other budgetary resources
Appropriation title & symbol: Energy Production, Demonstration, and Distribution 89X0219	Total budgetary resources 226,062,000
	Amount proposed for rescission $ 12,649,000
OMB identification code: 89-0219-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

This rescission is proposed to phase down near term energy supply and commercialization activities. These activities cover a broad range of energy programs primarily aimed at subsidizing adoption and studying commercialization of energy technologies. Many of these activities were based upon a desire to assist the private sector in adopting new technologies in the synfuels, oil and gas and coal combustion areas. These relatively small programs have not been effective primarily because the economic incentives to adopt newer technologies were not sufficient. With the creation of the SFC and the decontrol of energy prices it is expected that private market forces will be sufficient to overcome commercialization obstacles without the need for continued Federal assistance in these areas.

DOE's Federal leasing activities would be phased down in FY 1981 except for the establishment of production goals pending the proposed consolidation of these activities to the Department of Interior. There will no longer be a need for continued DOE activity in this area in the future.

The Solar rescission for FY 1981 is predicated on the new healthier environment for commercial solar technologies, brought about by the establishment of sound energy pricing policies, primarily through the decontrol of crude oil prices, and extensive solar tax credits. The inequities and inefficiencies built into previous energy pricing policies have prevented solar energy from achieving its true potential. It is now possible to shift the focus of the Department's solar activities away from costly near-term development, demonstration, and commercialization efforts into longer-range research and development projects that are too risky for private firms to undertake. Therefore, a rescission is proposed for solar market development efforts since the private sector can pursue these activities on their own in response to market forces.

Estimated Effects:

The estimated effects of this rescission are:

- Reduction in Coal resource of $.5 million for monitoring projects funded under the Alternative Fuels Act because of the planned transfer of these responsibilities to the Synthetic Fuels Corporation.
- Reduction of Oil and Gas resources of $.9 million for municipal grants for demonstrations of unconventional gas sources.
- Terminate the coal loan guarantee reserve program which was established in FY 1978 and to date has not been utilized ($6.0 million).
- Terminate initiation of oil shale production goals ($120,000) given the creation of the SFC.
- Terminate oil shale and tar sands alternative bidding systems studies ($90,000). These activities will be pursued by the DOI.
- Terminate new onshore oil and gas leasing initiatives given the Administration's policy to consolidate all Federal leasing activities in DOI ($190,000).
- Reduction of solar market analysis activities ($5.5 million).

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
238.0	234.1	3.9	2.8	--	--

R81-65

DEPARTMENT OF ENERGY

Energy Programs
Energy Production, Demonstration and Distribution

Appropriations under this heading contained in P.L. 96-514 and P.L. 95-240 are rescinded in the amounts of $6,649,000 and $6,000,000, respectively.

Rescission Proposal No: R81-66

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514) $ 104,117,000
Bureau Energy Programs	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 104,117,000
Energy Information Administration 8910216	Amount proposed for rescission $ 13,443,000
OMB identification code: 89-0216-0-1-276	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The proposed rescission would reduce funds presently available to the Energy Information Administration. State level energy forecasts required by the Emergency Energy Conservation Act and conservation activities will be curtailed. Model updates, documentatio verification, quick response analytical reports, schedules analyses reports, international analysis, long term forecasts and quarterly reports on policy issues will be scaled down. The OGIS will scale down collection of information at the field level of detail. The Emergency Energy Management Information System function will be sharply curtailed. The curtailment of these activities is consistent with the Administration's goal to rely primari on the private sector to meet energy needs.

Estimated Effects: The proposed rescission will require the scaling down of analytical, data collecting systems, development and validation activities currently underway.

Outlay Effects: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
13.4	-0-	13.4	--0-	-0-	-0-

R81-66

DEPARTMENT OF ENERGY

Energy Information Administration

Of the funds provided under this head in Public Law 96-514, $13,443,000 are rescinded.

Rescission Proposal No: 281-47

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-514): ~~$176,867,000~~
Bureau: Energy Programs	Other budgetary resources:
Appropriation title & symbol: Economic Regulation 8910217	Total budgetary resources: 176,867,000
	Amount proposed for rescission: $ 33,155,000
OMB identification code: 89-0217-0-1-270	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The proposed rescission of $33,155,000 represents the net effect of savings realized by a reduction in funding requirements for gasoline rationing less absorption of the costs of the FY 1981 pay raise by the agency. The detail of these savings is as follows:

Savings from Gasoline Rationing Appropriation	$39,167,000
Less: Agency Absorption of Pay Raise Costs for Other Programs 1/	6,012,000
Net Rescission	$33,155,000

As shown below, all but $3.5 million of the amounts in the January budget for gasoline rationing are proposed for rescission. 2/ ($ in millions)

	January Budget	Changes	Proposed Budget
Appropriation	$42.7	$-39.2	$3.5
Proposed Supplemental	72.0	-72.0	-0-
Rationing Portion of Pay Supplemental	0.3	-0.3	-0-
Total	115.0	-111.5	3.5

1/ The total pay supplemental for this account was $6,312,000. Of this amount, $300,000 for gasoline rationing is being deleted by other action and $6,012,000 is being absorbed by the agency.

2/ An additional $7,433,000 was made available by Congressional direction from the Energy Policy and Conservation (EPCA) State grants appropriation. $2,108,000 of this amount has been awarded. EPCA funds are not included in this account or the rescission figure.

The $3.5 million remainder reflects cost incurred through February 1981, and estimated termination costs.

The program under development is being terminated because it is not expected to be a viable response to an energy emergency and because there are more efficient ways of dealing with energy emergencies. Work completed to date has shown that the program's effectiveness would be severely limited by the program's complexity and vulnerability to fraud. The program would also have resulted in an extraordinary regulatory burden imposed on gasoline consumers and suppliers. In lieu of this cumbersome coupon rationing system, the Department plans to pursue alternate programs relying on market forces.

Effects of the Rescission:

The direct effect of the rescission on budget outlays is shown below. In addition, termination of the rationing program reduces outlays over $78 million in FY 1982 and $42 million per year from FY 1983 through 1986.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
176.9	143.7	33.2	-0-	-0-	-0-

R81-67

DEPARTMENT OF ENERGY
Economic Regulation

Of the funds provided under this head in Public Law 96-514, $33,155,000 are rescinded.

Rescission Proposal No: R81-68

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-367) $ 1,294,000
Bureau Energy Programs	Other budgetary resources 42,233,417
Appropriation title & symbol	Total budgetary resources 43,517,417
Geothermal Resources Development Fund	Amount proposed for rescission $ 22,066,000
89X0206	
OMB identification code: 89-0206-0-1-271	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The purpose of the program is to accelerate the commercial development and utilization of geothermal energy by providing loan guarantee commitments. The guarantee reserve fund was established to provide for a fund in the event of loan defaults. Also, a fund for interest differential payments for loans to municipalities is provided. The progr: has developed sufficient interest in the private sector to the point that private capital will be available to continue development of hydrothermal/geothermal resources. This will then allow market forces to determine the appropriate allocation of financial resources. Therefore, this rescission of $22,066,000 is proposed to eliminate the reserve fund. The interest differential reserve would be continued.

Estimated Effects: The guarantee reserve fund does not contain sufficient resources to cover all possible defaults. If an existing loan guarantee defaults, a budget supplemental will be requested.

Outlay Effects: (In millions of dollars)

No outlays are associated with the guarantee reserve fund.

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2.5	2.5	—	—	—	—

R81-68

DEPARTMENT OF ENERGY
Geothermal Resources Development Fund

Appropriations provided under this head in P.L. 94-355, P.L. 95-69, and P.L. 96-367 are hereby rescinded in the amount of $22,066,000.

Rescission Proposal No: R81-69

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-304) $ 3,310,000,000
Bureau: Energy Programs	Other budgetary resources 2,208,000,000
Appropriation title & symbol: Alternative Fuels Production 89X5180	Total budgetary resources 5,518,000,000
	Amount proposed for rescission $ 300,000,000
OMB identification code: 89-5180-0-2-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This rescission is proposed for $300 million in the Alternative Fuels program to phase out funding for additional feasibility studies and cooperative agreements. The Federal Governments has already obligated $200 million for such studies. Committing an additional $300 million will do little to expand synfuel production capacity and will not be cost effective. Since these funds would be used primarily to subsidize private sector studies of the viability of potential synfuel projects, rescinding these funds will effect only those projects where there is not sufficient private sector interest or funds to proceed with such evaluations. Furthermore, because the cost of such studies is a minor percentage of the total costs of the typical project and because, for synfuels, funds will be available from the Synthetic Fuels Corporation to finance plant construction, there is a substantial incentive for private firms to continue with their project evaluations.

Estimated Effects: This rescission proposal will eliminate $270.0 million in funding for additional feasibility studies and cooperative agreement awards and $30.0 million for synthetic fuel facilities and direct coal combustion projects. No effect on the economic viability of these technologies is expected and the total number of projects ultimately funded by the SFC will not be reduced.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
200	100	100	125	75	0

R81-69

DEPARTMENT OF ENERGY
Alternative Fuels Production

Of the funds provided in P.L. 96-304, $300,000,000 provided for support of preliminary alternative fuels commercialization activities are rescinded.

Rescission Proposal No: R81-70

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority ..... $ 38,065,000 (P.L. 96-367)
Bureau Departmental Administration	Other budgetary resources ..... ---
Appropriation title & symbol	Total budgetary resources 38,065,000
Departmental Administration	Amount proposed for rescission $ 11,500,000
89X0228	
OMB identification code: 89-0228-0-1-999	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☒ No-year	☐ Other

Justification: This program funds energy conservation retrofit projects, energy conservation surveys of DOE facilities, the acquisition and construction of real property and capital equipment and other related and administrative activities.

In accordance with President Reagan's comprehensive economic plan to reduce Government spending, $11.5 million is proposed for rescission for plant and capital equipment. The funding levels of lower priority projects are being reduced.

Estimated Effect: This rescission will defer one fuel conversion project start until 1982 and reduce the funding levels of several other energy conversion retrofit projects in the In-House Energy Management Program. The rescission complements programmatic spending reductions in other parts of the agency by reducing the number of advanced Architect-Engineering (A-E) designs in the Plant Engineering and Design program.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
44.7	43.2	1.5	10.0	---	---

R81-70

DEPARTMENT OF ENERGY

Departmental Administration
Plant and Capital Equipment

Of the funds appropriated under this head in Public Law 96-367 making appropriations for Energy and Water Development, $11,500,000 are rescinded.

Rescission Proposal No: R81-71

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-514) $ 84,469,000
Bureau Health Services Administration	Other budgetary resources 22,459,629
Appropriation title & symbol Indian Health Facilities 75X0391	Total budgetary resources 106,928,629
	Amount proposed for rescission $ 8,871,000
OMB identification code: 75-0391-0-1-551	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Indian Health Facilities appropriation has as its primary purpose the construction of health facilities, the provision of sanitation facilities for Indian homes, and the construction of personnel quarters for employees of the health facilities. As part of an overall effort to reduce the level of Federal spending, a rescission is proposed to reduce new FY 1981 budget authority to the level originally requested for FY 1981.

Estimated Effects:

Hospitals--New and Replacement. A rescission of $3.6 million is proposed for the New and Replacement program. The funds appropriated for this activity would have been used to plan and design replacement hospitals at Crownpoint, New Mexico, Kanakanak, Alaska, and Browning, Montana. As a result of the reduction these projects will not be undertaken. The remaining $25,358,000 will fund second stage costs of construction for the replacement hospital at Tahlequah, Oklahoma, completion of the Chinle, Arizona hospital, and major modernization of hospitals at Sells, Arizona and Winnebago, Nebraska.

Outpatient Care Facilities. A rescission of $4.5 million is proposed for the Outpatient Care Facilities activity. The funds appropriated for this activity would have been used to complete the first phase of construction of new health centers at Anadarko, Oklahoma, Tsaile, Arizona and Huerfano, New Mexico. As a result of the reduction these projects will not be undertaken.

Personnel Quarters. A rescission of $0.8 million is proposed for this activity. The funds appropriated for this activity would have been used to construct 12 units of personnel quarters at Lodge Grass, Montana. These units would have been used to house the personnel needed to operate the health clinic under construction at this location. As a result of the reduction, this project will not be undertaken.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
84.2	82.8	1.4	5.6	1.9	---

R81-71

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration
Indian Health Facilities

Of the funds provided for "Indian Health Facilities" for fiscal year 1981 in P.L. 96-514, $8,871,000 are rescinded.

Rescission Proposal No: R81-72

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536) $ 167,296,0
Bureau: National Institutes of Health	Other budgetary resources 80,0
Appropriation title & symbol: National Institute of Allergy and Infectious Diseases 7510885	Total budgetary resources 167,376,0
	Amount proposed for rescission $ 1,088,0
CFS identification code: 75-0885-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification:

The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $1,088,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $2,796,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

Research Training: The Administration is proposing to eliminate the indirect costs and institutional allowances paid under the National Research Service Awards program. This would reduce research training by $588,000.

Research Grants: The number of competing research project grants awarded would be reduced from 235 to 230, a saving of about $500,000, yielding a revised level of $ 73,177,000 for total research project grants under the continuing resolution. The reduction would reflect a decrease of one competing research project in the immunology, allergic and immunologic diseases program and a decrease of four competing projects in microbiology and infectious diseases.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
226.4	225.8	0.6	0.5	---	---

R81-72

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
National Institute of Allergy and Infectious Diseases

Of the funds provided for "National Institute of Allergy and Infectious Diseases" for fiscal year 1981 in P.L. 96-536, $1,088,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: R81-73

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $241,687,000
Bureau National Institutes of Health	Other budgetary resources —
Appropriation title & symbol: National Institute of General Medical Sciences - 7510851	Total budgetary resources 241,687,000
	Amount proposed for rescission $ 18,682,000
CFS identification code: 75-0851-5-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program. ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $18,682,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $2,368,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect:

Research Training: The Administration is proposing to eliminate the indirect costs and institutional allowances paid under the National Research Service Awards program. This would reduce research and training by $15,545,000. Additionally, the proposal would reduce the number of trainees planned under the Continuing Resolution by 292 for a revised level of 3,765 trainees or a reduction of $3,137,000.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
296.7	290.3	6.4	12.3	---	---

R81-73

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health

National Institute of General Medical Sciences

Of the funds provided for "National Institute of General Medical Sciences" for fiscal year 1981 in P.L. 96-536, $19,582,000 are rescinded, and funds made available under this head may be expended without regard to the provisions of section 472 (b) (5) of the Public Health Service Act.

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Rescission Proposal No: R81-74

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536) $ 1,020,000
Bureau: Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources 46,727,231
Appropriation title & symbol: Construction and Renovation, Saint Elizabeths Hospital 75X1312	Total budgetary resources 47,747,261
	Amount proposed for rescission $ 1,020,000
OMB identification code: 75-1312-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This rescission proposal of $1,020,000 is requested because large unobligated balances remain available in this account for high priority construction and renovation at Saint Elizabeths Hospital. An additional $480,000 is planned to be proposed for rescission if additional 1981 funding is provided after the present Continuing Resolution expires on June 5, 1981.

Estimated Effects:

More than $45 million in funds carried over from prior appropriations would be used to support repairs deemed to be most critical for both the proper operation of the hospital and for assuring the health and safety of hospital employees and patients.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
8.6	8.4	0.2	0.3	.5	--

R81-74

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration
Saint Elizabeths Hospital,
Construction and Renovation

Of the funds provided for "Saint Elizabeths Hospital, Construction and Renovation" for fiscal year 1981 in P.L. 96-536, $1,020,000 are rescinded.

Rescission Proposal No: RSI-75

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 127,333,400
Bureau Office of the Assistant Secretary for Health	Other budgetary resources 14,815,000
Appropriation title & symbol	Total budgetary resources 142,148,400
Salaries and Expenses 7511101	Amount proposed for rescission $ 30,724,000
OMB identification code: 75-1101-0-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other

Justification:

As a result of the President's efforts to reduce Federal spending, a rescission is proposed for the low priority activities within the following programs: health services research ($728,000); smoking and health ($933,000); and health promotion ($969,000).

In addition, the HMO program is proposed for phase-out by the end of 1982. This rescission, which includes $28,094,000 for HMO grants, marks the first stage of this phase-out. The HMO concept has been adequately demonstrated through 215 HMOs with over 9 million members located in every major city in the nation. Further assistance for HMO development should come from the private sector--particularly insurance companies and employers with large workforces--who have provided substantial amounts of HMO development capital in recent years. The Federal Government is now facing substantial losses in the HMO loan program in future years due to anticipated loan defaults. The HMOs that the Federal Government funds through this grant program are those least likely to become viable--since they could not obtain funding in private markets--and are most likely to need loan support following their grant cycle, thus aggravating the anticipated bankrupt status of the loan program.

Estimated Effects:

Health services research - $728,000. The proposed rescission will eliminate low priority grant and contract activities.

Health maintenance organizations - $28,094,000. This rescission will eliminate feasibility and planning grants in fiscal year 1981. Only initial development grants will be funded so that current, viable grantees can achieve Federal qualification status.

Health promotion - $969,000. This rescission will reduce funding for low priority health promotion activities. The current program to produce and distribute health promotion films will be eliminated and the National Health Information Clearinghouse will reduce its capacity to respond to public inquiries.

Smoking and health - $933,000. This rescission will eliminate low priority public and technical information activities. The scope of the annual report to Congress will also be reduced.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
138.3	128.2	10.1	5.4	15.2	—

R81-75

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Assistant Secretary for Health
Salaries and Expenses

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in P.L. 96-536, $30,724,000 are rescinded.

Rescission Proposal No: R81-76

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 7,829,720,00
Bureau Health Care Financing Administration	Other budgetary resources —
Appropriation title & symbol	Total budgetary resources 7,829,720,00
Payments to Health Care Trust Funds 7510580	Amount proposed for rescission $8,693,000
OMB identification code: 75-0580- -1-551	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation provides for payments from Federal funds to the health care trust funds for certain types of benefits and related administrative costs not financed by contributions from workers and employers. As part of the general effort to contain health care costs by stimulating competition in the health care industry, the Administration is proposing to phase out the professional standards review organizations (PSROs). Consistent with this phase-out, a rescission of $8,693,000 is proposed for the Payments to Health Care Trust Funds for PSRO activities.

Estimated Effects: The proposal will reduce reimbursement to the Health Care Trust Funds by $8,693,000. PSRO activity (for which the Trust funds were being reimbursed) is being phased out.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate	
Without Rescission	With Rescission
9,619.3	9,610.6

Outlay Savings			
1981	1982	1983	1984
8.7	---	---	---

R81-76

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration
Payments to Health Care Trust Funds

Of the funds provided for "Payments to Health Care Trust Funds" for fiscal year 1981 in P.L. 96-536, making further continuing appropriations for the fiscal year 1981, $8,693,000 are rescinded.

Rescission Proposal No: R81-77

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services Bureau Health Care Financing Administration	New budget authority (P.L. 96-536) $703,034,600 Other budgetary resources 659,723,252 Total budgetary resources 762,715,852
Appropriation title & symbol Program Management 7510511	Amount proposed for rescission $ 6,992,000
OMB identification code: 75-0511-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

PSROs. As part of the general effort to contain health care costs by stimulating competition in the health care industry, the Administration is proposing to phase-out the professional standards review organizations (PSROs). This program, which is administered through 185 relatively autonomous PSROs of widely varying effectiveness, regulates health care services for Medicare and Medicaid beneficiaries. The program is planned to be phased out over the 1981-1983 period, consistent with the 2-year Administration timetable to develop and carry out health financing reforms that encourage competition in the health sector. To begin the phase-out, contracts will be renewed with only those PSROs judged most effective in controlling health care costs. To initiate this phase-out (scheduled to begin in April, 1981), $5,992,000 is being proposed for rescission.1/

State certification. Consistent with other proposals to reduce regulatory burdens upon American society, the Administration is revising current policies that call for annual provider surveys for Medicare and Medicaid certification. This reduction is consistent with efforts to reduce Federal expenditures and includes a reduction of $1,560,000 from amounts which otherwise would be transferred from the Medicare trust funds pursuant to P.L. 96-536. 1/

1/ An additional $11,083,000 reduction from amounts which would otherwise be transferred from the health care trust funds is planned to be proposed if additional 1981 funding is provided for State certification ($4,440,000) and PSROs ($6,643,000) after the Present continuing resolution expires on June 5, 1981.

Research. For 1981, the Administration is proposing a rescission of $1,000,000 and a reduction of $3,000,000 from amounts which would otherwise be transferred from the health care trust funds. These reductions are for low priority activities that are not essential to accomplishment of the Administration's goals.

Estimated Effects:

Based on this rescission proposal, 40 PSROs would be phased out beginning April 1, 1981. This would reduce the number of PSROs from 185 to 145 in FY 1981. The reduction in the health care trust funds transfer authorizations for State certification would cause a retargeting of planned annual surveys of all providers to specific problem areas. HCFA research would remain focused on high priority activites to fulfill the Administration's responsibilities for Medicare and Medicaid.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
115.8	109.3	6.5	0.5	---	---

R81-77

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration
Program Management

Of the funds provided for "Program Management" for fiscal year 1981 in P.L. 96-536, $6,992,000 are rescinded. Further, the amount to be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust funds referred to therein, is reduced by $4,560,000.

Rescission Proposal No: R81-78

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 467,000,000
Bureau Social Security Administration	Other budgetary resources ____
Appropriation title & symbol Refugee Assistance 7510473	Total budgetary resources 467,000,000
	Amount proposed for rescission $ 25,100,000 1/
OMB identification code: 75-0473-0-1-609	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Funds totalling $18 million for cash payments and medical assistance to Indochinese refugees and voluntary agency grants for Soviet Jewish refugee resettlement are proposed for rescission. This proposal reflects savings realized because actual refugee admissions to the U.S. during the first quarter of FY 1981 were 40% lower than expected.

In addition, a reduction of $5 million is proposed for an earlier phase-out than previously planned of the Cuban program which reimburses States for cash and medical assistance to pre-1978 arrivals. These funds are no longer needed due to the successful economic resettlement of the pre-1978 arrivals and lower State reestimates of anticipated costs.

Reductions totalling $2,100,000 are also proposed for low priority, non-State administered, non-direct social service projects ($2,000,000), and for a reduction of four full-time permanent positions in Federal Administration ($100,000).

Estimated Effects: This rescission proposal will not affect the Refugee Assistance Program due to the lower than anticipated refugee admissions in the first quarter of 1981.

The proposed rescission of grant funds for the Voluntary Agency Program would reduce Federal aid in FY 1981 for Soviet Jewish and other refugees served by the voluntary agencies.

The reduction proposed for the Cuban program will have no effect on the program since the current estimated level of need can be met with the lower 1981 amount.

1/ An additional $24,705,000 for cash and medical assistance and State administration ($4,000,000), Services for Asylum Applicants ($7,000,000), Social Services/non-State programs ($2,000,000), Cuban Program Phasedown ($3,000,000), Voluntary Agency grants ($8,400,000), and Federal Administration ($305,000) are planned to be proposed for rescission if additional 1981 funding is provided for these programs after the present Continuing Resolution expires on June 5, 1981.

The $2,000,000 rescission for Social Services would affect Federal low priority non-direct social services.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
579.4	564.3	15.1	7.5	2.5	—

R81-78

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Social Security Administration

Refugee Assistance

Of the funds provided for "Refugee Assistance" for fiscal year 1981 in P.L. 96-536, making further continuing appropriations for the fiscal year 1981, $25,100,000 are rescinded.

Rescission Proposal No: R81-79

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. 96-526) $30,169,767.00
Bureau Housing Programs	Other budgetary resources 5,919,960.44
Appropriation title & symbol: Subsidized Housing Programs - 86X0139	Total budgetary resources 35,189,727.44
	Amount proposed for rescission $ 5,099,104.15
OMB identification code: 86-0139-0-1-604	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other

Justification:

This account provides budget authority to enter into contracts for the Lower Income Housing Assistance Payments program (Section 8), the Public Housing program and the Public Housing Modernization program. These programs are executed in part through grants to State and local housing authorities.

Budget Authority totalling $5,099,104,150 is proposed for rescission in FY 1981. The rescission has two components: (1) $4,799,104,150 is a reduction in the planned number of additional subsidized housing (Section 8 and public housing) units in 1981 from 254,550 to 210,000 units; (2) $300 million is a reduction in the 1981 Public Housing Modernization program level.

A reduction of 44,550 additional subsidized housing units in 1981 is being taken as part of President Reagan's comprehensive economic plan. As a result of examining the current demand for subsidized housing, the resources available, and HUD's ability to provide housing units given delays in 1981 processing, it has been determined that the 1981 level of subsidized housing should be reduced. A 1981 program level of 210,000 units is now believed to be both realistic and consistent with the goals of this program.

The Public Housing Modernization rescission relates to delays in the start-up of the new Comprehensive Improvement Assistance Program authorized by the Housing and Community Development Act of 1980. Although the 1981 appropriation for Annual Contributions for Assisted Housing calls for $2 billion in budget authority to be set aside for Public Housing Modernization, a more feasible program level is now projected at $1.7 billion in light of the timing considerations involved in getting final regulations issued, staff trained, and funding applications received from Public Housing agencies and approved by HUD.

Estimated Effects:

This rescission action will reduce the number of households to be assisted under the subsidized housing programs by approximately 44,550. The rescission will not affect the over 3 million families already receiving rental assistance in HUD subsidized housing projects. The 210,000 units which will still be provided in 1981 will assist an estimated additional 532,000 persons. There is no estimate available at this time on the number of Public Housing Modernization projects which will not be approved in 1981 as a result of the rescission in Public Housing Modernization funding.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate

Without Rescission	With Rescission	Outlay Savings 1981	1982	1983	1984
4471.0	4467.6	3.4	15.0	42.0	94.0

R81-79

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subsidized Housing Programs

Annual Contributions for Assisted Housing

Of the amounts of additional contract authority provided under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, as authorized by Section 5 of the United States Housing Act of 1937, $15,000,000 for the modernization of existing low-income housing projects, $30,611,609 for existing units under Section 8, including Section 8(j), of such Act, and $182,102,148 for newly constructed and substantially rehabilitated units assisted under such Act, and $5,099,104,150 of budget authority, are rescinded.

Rescission Proposal No: R81-90

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526) $121,250,00
Bureau: Solar Energy and Energy Conservation Bank	Other budgetary resources
Appropriation title & symbol: Assistance for Solar and Conservation Improvements 861/20179	Total budgetary resources 121,250,00
	Amount proposed for rescission $121,000,00
OMB identification code: 86-0179-0-1-272	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Reagan Administration does not intend to start-up this new program, which is designed to subsidize investments in energy conservation measures and solar technologies. Instead, existing tax credits and rising energy prices will be relied upon to provide incentives for these types of investments in residences and agricultural and commercial buildings.

Estimated Effects:

Had this program been implemented, it was expected that the 1981 appropriation would have supported loan subsidies or grants to about 75,000 lower income households making energy conservation investments 11,000 households would have received payments to reduce their mortgage costs on purchases of new homes with passive solar design features. These loan subsidies, grants and payments will not be made.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
47	(less than $500,000)	47	69	5	

R81-80

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Solar Energy and Energy Conservation Bank

Assistance for Solar and Conservation Improvements

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, any unobligated balances and amounts becoming unobligated are rescinded.

V 46 / 55 5 M R 23 81 1 UMI

Rescission Proposal No: R81-81

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $ 33,750,000
Bureau: Community Planning and Development	Other budgetary resources: 1,425,709
Appropriation title & symbol: Planning Assistance 86X0104	Total budgetary resources: 35,175,709
	Amount proposed for rescission: $ 34,975,709
OMB identification code: 86-0104-0-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Planning Assistance program provides discretionary grants to States, area-wide organizations, and localities to support, in part, planning and management activities. This program was established in 1954 to develop local planning capabilities and help finance local planning activities.

All available budgetary resources are being proposed for rescission because: (1) the program has already accomplished its primary purpose of developing local planning capabilities; (2) it is a low-priority program; and (3) other Federal and non-Federal funds are available to promote planning activities at the discretion of localities.

Estimated Effect: It is estimated that no States, areawide organizations, or localities will receive Planning Assistance funds as a result of this rescission. However, other sources of planning assistance funds, such as block grant or general revenue sharing funds, are available to these entities.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
40.0	37.0	3.0	21.3	10.7	---

1/ Estimated balance available for rescission.

R81-81

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Community Planning and Development
Planning Assistance

Any amounts not reserved from appropriations provided under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, for 1981 and prior years, including any amounts becoming available from cancellation of prior year reservations, are rescinded.

Rescission Proposal No: R81-82

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $ 129,980,000
Bureau: Community Planning and Development	Other budgetary resources: 87,149,954
Appropriation title & symbol: Rehabilitation Loan Fund 86X4036	Total budgetary resources: 217,129,954
	Amount proposed for rescission: $ 110,856,954 a/
OMB identification code: 86-4036-0-3-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Rehabilitation Loan Fund provides low-interest loans for single-family and multifamily, as well as some commercial, rehabilitation in order to promote the revitalization of selected distressed areas.

All unreserved funds from 1981 appropriations and prior years currently available, and all recoveries of prior reservations, will be rescinded except for balances which may be necessary for operating expenses to service loans and provide for property acquisition and property management and for funds needed to capitalize delinquent interest. In addition, the authority to make further commitments for the principal amounts of direct loans will be terminated. This program is being terminated because it unnecessarily duplicates the rehabilitation efforts eligible under the Community Development Block Grant program.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: It is estimated that this rescission will result in approximately 9,150 units not being rehabilitated which otherwise would have been rehabilitated through this program. However, should localities use more of their own funds or more of their Block Grant funds for rehabilitation, this estimate can be reduced.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984 b/
132.9	93.9	39.0	98.0	6.0	-10.2

a/ Estimated balance available for rescission.
b/ Reflects reduced program income due to termination of program in 1981.

381-82

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Rehabilitation Loan Fund

All unreserved funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1981 and prior years, including any recoveries of prior reservations, but excluding necessary funds for operating costs and the capitalization of delinquent interest on delinquent or defaulted loans, are rescinded. No further commitments for principal amounts of direct loans shall be made.

Rescission Proposal No: R81-83

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $ 10,000,000
Bureau: Neighborhoods, Voluntary Associations, and Consumer Protection	Other budgetary resources:
Appropriation title & symbol: Housing Counseling Assistance 8610156	Total budgetary resources: 10,000,000
	Amount proposed for rescission: $ 6,000,000
OMB identification code: 86-0156-0-1-506	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Housing Counseling Assistance program provides grants and technical assistance to HUD-approved private and public non-profit housing counseling agencies. In turn, these agencies provide information and advice to current and prospective tenants and homeowners of HUD-assisted or HUD-insured housing.

$6,000,000 in budgetary resources are being proposed for rescission because: (1) the effectiveness of most types of counseling has never been proven; (2) it is a low-priority program; and (3) other Federal funds are available to provide housing counseling at the discretion of localities. The remaining $4,000,000 in budgetary resources will be used solely for homeowner default counseling, which studies indicate to be an effective Federal expenditure.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: It is estimated that about 70 counseling agencies will not receive funding in 1981 as a result of this proposal. However, other Federal and non-Federal funds could be used for housing counseling at the discretion of localities.

Outlay Effect: (in millions of dollars)

1981 Outlay Savings		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
9.4	6.5	2.9	1.8	0.7	0.6

R81-83

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Counseling Assistance

Of the funds provided under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, $6,000,000 are rescinded.

Rescission Proposal No: R81-84

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $ 9,000,000
Bureau: Neighborhoods, Voluntary Associations, and Consumer Protection	Other budgetary resources: 230,000
Appropriation title & symbol: Neighborhood Self-Help Development Program 860/10175 861/20175	Total budgetary resources: 9,230,000
	Amount proposed for rescission: $ 8,118,534 1/
CMB identification code: 86-0175-0-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1981 / September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Neighborhood Self-Help Development Program provides grants and technical assistance to neighborhood organizations to undertake neighborhood preservation and revitalization activities in lower-income areas.

All available budgetary resources are being proposed for rescission because (1) the program unnecessarily duplicates the neighborhood efforts of the Neighborhood Reinvestment Corporation and the Community Development Block Grant program, (2) it is a low-priority program, and (3) other Federal funds are available to promote neighborhood efforts at the discretion of localities.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: As a result of this rescission, it is estimated that sixty neighborhood organizations will not receive neighborhood self-help grants. However, localities may use more of their own funds or more of their Block Grant funds for neighborhood activities.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
15.4	11.0	4.4	3.7	0	0

1/ Estimated balance available for rescission does not include estimates from recoveries of cancelled prior commitments.

R81-84

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Neighborhoods, Voluntary Associations, and Consumer Protection
Neighborhood Self-Help Development Program

All unobligated funds provided under this head in the Department of Housing and Urban Development-Independent Agencies appropriation Acts, 1981, and previous years, are rescinded. In addition all recoveries of prior obligations are rescinded as they become available.

V46/55MR2381 UMI

Rescission Proposal No: R81-85

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514) $ 30,485,000
Bureau: Office of Water Research & Technology	Other budgetary resources 3,914,570
Appropriation title & symbol: Salaries and Expenses 141/20115 1410115	Total budgetary resources 34,399,570
	Amount proposed for rescission $ 11,800,000
OMB identification code: 14-0115-0-1-301	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The programs carried out by the Office of Water Research & Technology include support of State water institutes, grants for basic research and development, and grants for water desalting research and development.

This rescission will reduce the carryover into 1982 of funding appropriated for 1981 and prior years. Together with withdrawal of the request for 1982 appropriations, this will result in termination of the agency's activities early in 1982. These activities are more appropriately conducted by private industry.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: This rescission will allow speedy termination of all activities of the agency. It will terminate Federal support for State water institutes, as well as ending basic R&D assistance.

Outlay Effect: (In millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
28.7	22.9	5.8	6.0	--	--

R81-85

DEPARTMENT OF THE INTERIOR

Office of Water Research and Technology

Salaries and Expenses

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981, $11,800,000 are rescinded.

Rescission Proposal No: R81-86

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 96-514) $ 37,897,000
Bureau U.S. Fish and Wildlife Service	Other budgetary resources 29,530,967
Appropriation title & symbol Construction and Anadromous Fish 14X1612	Total budgetary resources 67,427,967
	Amount proposed for rescission $ 2,500,000
OMB identification code: 14-1612-0-1-303	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☒ Other P.L. 93-344
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

Funds proposed for rescission were appropriated for the first phase of contruction for an additional national fishery research laboratory. Seventeen fish and wildlife research laboratories are already operated by the Fish and Wildlife Service, as well as over ninety national fish hatcheries and development centers. Given the present climate of fiscal restraint, it is not appropriate to begin construction on an additional laboratory at this time.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects

This proposal will rescind all construction funds for the Gainesville National Fishery Research Laboratory, Florida.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
55.1	54.6	.5	2.0	--	--

R81-86

DEPARTMENT OF THE INTERIOR

United States Fish and Wildlife Service

Construction and Anadromous Fish

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981, $2,500,000 are rescinded.

Rescission Proposal No: R81-87

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 96-514) $ 20,000,000
Bureau National Park Service	Other budgetary resources 69,647,665
Appropriation title & symbol Urban Park and Recreation Grants 14X0720	Total budgetary resources 89,647,665
	Amount proposed for rescission $ 35,000,000
OMB identification code: 14-0720-0-1-303	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☒ Other 93-344
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: To bring the budget under control and refocus the Department's conservation and preservation programs, this grant program is proposed for elimination. The Urban Park and Recreation Fund provides grants to aid the rehabilitation of local recreation systems and to encourage planning for and demonstration of innovative approaches to park and recreation management.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: The rescission would reduce available funds by $35 million. It will halt grant approvals for the remainder of fiscal year 1981. Approximately $4 million is now estimated to be available to fund grants previously announced but not yet obligated. Local efforts to improve planning and management of local recreation programs, begun in response to this Urban Park program, are expected to continue at a somewhat diminished level.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
$53.2	$43.2	$10.0	$9.6	$7.7	$6.0

R81-87

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

Urban Park and Recreation Fund

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 and prior years, $35,000,000 are rescinded.

Rescission Proposal No: R81-88

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 96-514) $ 378,593,000
Bureau National Park Service	Other budgetary resources 251,786,852
Appropriation title & symbol Land and Water Conservation Fund 14X5005	Total budgetary resources 630,379,852
	Amount proposed for rescission $ 250,000,000
OMB identification code: 14-5005-0-2-303	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program 1/ ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Land and Water Conservation Fund provides support for Federal land acquisition and State recreation grants. In order to refocus Interior's conservation and preservation programs, a moratorium on Federal land purchases is proposed. This will allow for a thorough policy review of existing park and recreation legislation, as well as making additional funds available for restoration and improvement of existing national park lands. An aggressive land exchange program will be initiated to round out the Federal conservation estate.

In addition, assistance to States for low priority recreation grants is proposed for rescission as part of President Reagan's comprehensive plan for reducing Federal spending.

Estimated Effects: The rescission would reduce available funds by $250 million. Rescission of $105 million for Federal purchases for parks, recreation, trails, wild and scenic rivers, and other purchases would halt all land acquisition activities for the remainder of FY 1981, and may require the Federal acquisition agencies to reduce staff. Rescission of $145 million for recreation project grants to States would essentially end the program. Many local projects will continue to completion in the next two fiscal years due to large unliquidated balances available to many States.

The rescission would require redistribution of any unobligated balances of the FY 1981 appropriation in a manner which will result in total apportionments differing from the formula established by section 6 of the Land and Water Conservation Fund Act, as amended (16 U.S.C. 4601). Therefore it is proposed that the Secretary be given the discretion to allocate the funds in a manner which will assure that the purposes of the Land and Water Conservation Fund Act are achieved.

1/ These funds support both grant and non-grant programs.

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
518.0	443.0	75.0	66.4	72.3	21.8

R81-88

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

Land and Water Conservation Fund

Of the funds appropriated under this head, $250,000,000 are rescinded in the following amounts: $145,000,000 for payments to the States; $105,000,000 combined amounts for the Bureau of Land Management, Forest Service, the United States Fish and Wildlife Service, the National Park Service, and for Pinelands National Reserve: Provided, that notwithstanding the provisions of section 6 of the Land and Water Conservation Fund Act, as amended, the unobligated balance of the contingency reserve and of funds appropriated and apportioned for the various States and unobligated upon the date of this Act shall be made available to the States in the most equitable means practicable, in the judgment of the Secretary, consistent with the general purposes of the Land and Water Conservation Fund Act.

Rescission Proposal No: R81-89

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 96-514) $ 32,500,000
Bureau National Park Service	Other budgetary resources 10,545,980
Appropriation title & symbol: Historic Preservation Fund 141725140 140/15140	Total budgetary resources 43,045,980
	Amount proposed for rescission $ 8,000,000
OMB identification code: 14-5140-0-2-303	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1981 September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: To bring the budget under control and refocus the Department's conservation and preservation programs, a moratorium on providing grants to States under this Fund is proposed. No changes are proposed for grants to the National Trust for Historic Preservation or for the current tax incentives for historic preservation. This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: The proposed rescission of $8 million in State grants will reduce funding for State operations and acquisition and development by $7.4 million and would eliminate $.6 million for the Secretary's Discretionary Fund. Most of these funds are for specific State projects which can be deferred or completed with State or private funds.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
49.0	46.0	3.0	2.5	1.5	1.0

R81-89

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

Historic Preservation Fund

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriation Act, 1981, and prior years, $8,000,000 are rescinded.

Rescission Proposal No: R81-90

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. ____) $ ____
Bureau: National Park Service	Other budgetary resources 15,500,000
Appropriation title & symbol: Construction (Trust Fund) 14X8215	Total budgetary resources 15,500,000
	Amount proposed for rescission $ 15,500,000
OMB identification code: 14-8215-0-7-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other

Justification: The amount proposed for rescission would have funded the first phase of a multi-year project to construct a 4,100 foot highway tunnel under the Cumberland Gap National Historic Park. The total cost of the project is presently estimated at $150,000,00 Because of the high cost of the tunnel, the Administration does not consider it appropriate to initiate construction when a less costly alternative is available. This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: The tunnel would not be constructed and U.S. Route 25E would not be relocated

Outlay Effect: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
7.5	---	7.5	7.5	.5	---

R81-90

DEPARTMENT OF THE INTERIOR

National Park Service

Construction

Of the funds appropriated under this head in Public Law 96-126, making appropriations for the Department of the Interior and related agencies, 1980, $15,500,000 are rescinded.

Rescission Proposal No: R81-91

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514): $ 92,933,000
Bureau: Office of Surface Mining Reclamation and Enforcement	Other budgetary resources: --
Appropriation title & symbol: Regulation and Technology 1411801	Total budgetary resources: 92,833,000
	Amount proposed for rescission: $ 1,954,000
OMB identification code: 14-1801-0-1-302	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The regulatory programs funded under this appropriation include inspection of coal mining operations under the provisions of the interim surface mining regulatory program and monitoring of states with approved permanent regulatory programs. Other activities include provision of technical assistance to Federal and State surface mining regulatory staffs, review of mine plans on Federal lands, and processing of petitions to designate lands unsuitable for mining.

The funds being proposed for rescission include savings resulting from hiring limitations and reductions in travel and consulting services.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: Inspection and enforcement activities, evaluation of state programs and technical assistance will be curtailed slightly through this $1.9 million reduction. These curtailments will reduce the regulatory burden imposed on states and mine operators.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
96.9	94.9	2.0	-0-	-0-	-0-

R81-91

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Regulation and Technology

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981, $1,954,000 are rescinded.

Rescission Proposal No: R81-92

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 96-536) $ 729,000,000
Bureau Employment and Training Administration	Other budgetary resources 54,252,350
Appropriation title & symbol	Total budgetary resources 783,252,350
Temporary Employment Assistance 161/20173	Amount proposed for rescission $ 234,475,000
OMB identification code: 16-0173-0-1-504	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation provides resources for the CETA Title VI program of temporary public service employment (PSE) for low-income individuals in times of high unemployment. Evidence suggests that the program has been an ineffective counter-cyclical tool and indicates that net job creation has been relatively small in the long term. Therefore, it is proposed to phase out the Title VI PSE program by the end of 1981. The phase out will be accomplished by not hiring individuals to fill vacancies as they occur, by placing people in unsubsidized jobs, or, if necessary to achieve the phase-out by the end of the fiscal year, by layoffs.

Estimated Effects: 1981 enrollment in the program would average 85,600 instead of the 100,000 financed by Continuing Resolution, P.L. 96-536. All participants would be out of the program before October 1, 1981.

Outlay Effects: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
974	844	130	105	---	---

R81-92

DEPARTMENT OF LABOR
Employment and Training Administration
Temporary Employment Assistance

Of the funds made available under this head in Public Law 96-536 making continuing appropriations through June 5, 1981, and in previous years, any unobligated balances, including amounts becoming unobligated, are rescinded as they become available.

Rescission Proposal No: R81-93

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of State	New budget authority (P.L. 96-536) $ 328,494,000
Bureau Bureau of Refugee Programs	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 328,494,000
Migration and Refugee Assistance 1911143	Amount proposed for rescission $ 22,500,000
OMB identification code: 19-1143-0-1-151	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Continuing Resolution (P.L. 96-536) in effect through June 5, 1981, provides $328.5 million for State Department's refugee assistance activities. For FY 1981, $40 million was originally planned as the appropriate U.S. share of the international famine relief program in Kampuchea and $25 million for special assistance to Soviet refugees resettling in Israel.

Improved conditions in Kampuchea, due primarily to the large amounts of relief aid provided over the last year, have reduced food and other emergency relief requirements below the level originally anticipated. As a result, the United States will contribute $30 million for Kampuchean relief in 1981. The amount of assistance to Soviet refugees resettling in Israel is halved because of the sizable and continued decline in the number of refugees allowed to emigrate from the Soviet Union and lower percentage of those refugees electing to go to Israel.

This rescission proposal, totalling $22.5 million, is an integral part of the President's comprehensive economic plan for spending and tax reductions and regulatory reform.

Estimated Effect:

This proposal will capture budget savings due to diminished requirements while maintaining an appropriate level of U.S. support for these activities.

In addition, this proposal is consistent with the U.S. position of responding to emergency relief needs in Kampuchea rather than to longer-term rehabilitation activities.

Outlay Effect:

(in millions of dollars)

1981 Outlay Estimate		Outlays Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
$353.8	$335.8	18.0	4.5	--	--

R81-93

DEPARTMENT OF STATE
Other
Migration and Refugee Assistance

Of the funds provided for "Migration and Refugee Assistance" for fiscal year 1981 in P.L. 96-536, $22,500,000 are rescinded.

Rescission Proposal No: R81-94

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of State	New budget authority (P.L. 96-536): $ 35,106,000
Bureau: Bureau for International Narcotics Matters	Other budgetary resources: —
Appropriation title & symbol: International Narcotics Control 1111022	Total budgetary resources: 35,106,000
	Amount proposed for rescission: $ 3,100,000
OMB identification code: 11-1022-0-1-151	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year: (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Continuing Resolution (P.L. 96-536) in effect through June 5, 1981, provides $35.1 million for State Department's international narcotics control activities. Funds totalling $3.3 million were planned in FY 1981 for U.S. narcotics control assistance to Bolivia to enhance enforcement and customs capability and support alternative agricultural projects in that country.

Current circumstances in Bolivia preclude continuing effective narcotics control activities as originally planned. Therefore, $3.1 million is proposed for rescission.

This rescission proposal is an integral part of the President's comprehensive economic plan for spending and tax reductions and regulatory reform. This proposal is made in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This proposal will effect savings due to eliminated requirements without damaging overall U.S. international narcotics control efforts.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
35.7	33.7	2.0	0.8	0.3	---

— R81-94

DEPARTMENT OF STATE
Other
International Narcotics Control

Of the funds provided for "International Narcotics Control" for fiscal year 1981 in P.L. 96-536, $3,100,000 are rescinded.

Rescission Proposal No: R81-95

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $4,615,200,000
Bureau: Urban Mass Transportation Administration	Other budgetary resources: 705,955,115
Appropriation title & symbol: Urban Mass Transportation Fund (Waterborne Transportation Demonstration Project) 69X1119 699/11119 690/11119	Total budgetary resources: 5,321,155,115
	Amount proposed for rescission: $24,700,000
OMB identification code: 69-1119-0-1-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1981 (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION: The Waterborne Transportation Demonstration grant program was authorized by the Urban Mass Transportation Act of 1964, as amended by Title III of the Surface Transportation Assistance Act of 1978. It provides Federal financing to carry out a demonstration project using high-speed waterborne transportation equipment and facilities, and operating in the vicinity of New York, New York. The purpose of the project is to determine the feasibility of utilizing this technology in providing certain public mass transportation service.

A 1981 program level of $13 million was planned, consisting of 1979 and 1980 carryover appropriations. A 1982 program level of $12 million was planned, consisting of 1981 carryover appropriations. At this time, only $300 thousand has been obligated, with a balance of $24.7 million available for rescission.

This rescission is intended to eliminate this low priority program as part of the President's plan for economic recovery.

Estimated Effect: This rescission action will terminate the program.

Outlay Effect (in millions of dollars):

1981 Outlay Estimate					
Without Rescission	With Rescission	1981	1982	1983	1984
3	---	3	5	8	9

DEPARTMENT OF TRANSPORTATION
Urban Mass Transportation Administration
Urban Mass Transportation Fund
Waterborne Transportation Demonstration Project

R81-95

Of the funds appropriated under this head in P.L. 96-38, P.L. 96-131, and P.L. 96-400, making appropriations for a waterborne transportation demonstration project for fiscal years 1979, 1980, and 1981, $24,700,000 are rescinded.

Rescission Proposal No: R81-96

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400): $ 12,000,000
Bureau: Research and Special Program Administration	Other budgetary resources:
Appropriation title & symbol: Cooperative Automotive Research 69X0107	Total budgetary resources: 12,000,000
	Amount proposed for rescission: $ 11,500,000
OMB identification code: 69-0107-0-1-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Cooperative Automotive Research Program was developed in cooperation with the domestic automobile industry, to provide a substantial body of basic research aimed at fundamentally improving U.S. automotive technology for development of advanced, fuel-efficient automobiles during and beyond the 1990's. The Administration has decided, that financing long term research to benefit a particular industry is not an appropriate Federal role and that the auto industry is in a better position to decide what research to undertake. This lower priority item is being proposed for rescission as part of the Administration's overall plan to reduce Federal spending.

Estimated Effects:

There are no programmatic impacts upon the current RSPA mission or activities that result from this rescission action. The impact upon the industry's support of basic research is not precisely known. In the short run, the current financial condition of the industry will probably defer any changes in the levels of support provided to basic research in auto-related disciplines. In the long run, increases should be expected through tax incentives and other Federal actions.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	with Rescission	1981	1982	1983	1984
6.0	0.5	5.5	6.0	--	--

R81-96

DEPARTMENT OF TRANSPORTATION

Research and Special Program Administration
Cooperative Automotive Research Program

Appropriations under this heading contained in Public Law 96-400 are hereby rescinded in the amount of $11,500,000.

Rescission Proposal No: R81-97

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. _____) $ _____
Bureau: Bureau of Government Financial Operations	Other budgetary resources 1,270,000,000
Appropriation title & symbol: Biomass Energy Development 20X0114	Total budgetary resources 1,270,000,000
	Amount proposed for rescission $ 1,245,500,000
OMB identification code: 20-0114-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Funds totalling $1,245,500,000 for financial incentive programs for alcohol fuels, biomass and energy from municipal waste are proposed for rescission. This action woul terminate the feasibility study, cooperative agreement, loan and loan guarantee programs for alcohol fuels and biomass in the Departments of Energy and Agriculture (proposed rescission amounts of $521.6M and $505.0M respectively), and would terminate feasibility studies, cooperative agreements, loan guarantees and price support loans for the energy from municipal waste program of the Department of Energy (proposed rescission of $218.9M).

These financial incentive programs owuld be terminated as part of the general effort to adopt market principles to achieve national energy goals. Additional direct government spending programs are not needed in light of the following incentives for the development of alcohol fuels, biomass and urban waste energy:

- The 4¢ per gallon exctse tax exemption for gasohol (a mixture of 10% alcohol and 90% unleaded gasoline) results in a subsidy of $16.80 per barrel of alcohol. This subsidy reduces the cost of gasohol to the point where it is competitive with gasoline. In addition, approximately 30 States provide tax credits for gasohol. The federal excise tax exemption will result in an estimated tax expenditure of approximately $2 billion over the next 5 years.

- Captial investment in alcohol fuels, biomass and urban waste projects are made more attractive because certain types of plant and equipment are eligible for an investment tax credit of 20%. In 1982, these costs will result in tax expenditures of over $200 million.

- The removal of price controls from domestic crude oil will restore market forces in the energy field and make alternative energy sources more competitive with petroleum.

- The President's program for economic recovery is designed to result in a significant increase in the amount of capital formation in the private sector for all types of investment projects. This should increase capital availability for alcohol fuels, biomass and urban waste projects without the need for government intervention through loan guarantees and other financial incentives. Also, unlike other forms of alternative fuels, alcohol fuels, biomass and urban waste projects are a less risky investment because the technology is proven and the economic feasibility can be estimated relatively accurately.

These incentives will ensure that alcohol fuels, biomass and energy from municipal waste will be able to compete effectively with conventional energy alternatives without the need for additional government subsidies through loan guarantees, feasibility studies and cooperative agreements.

Estimated Effect: As a result of this rescission, alcohol fuels, biomass and urban waste energy development projects selected by the Departments of Energy and Agriculture for feasibility studies, cooperative agreements, loan guarantee awards and price support loans will not be funded. The responsibility for financing these activities will shift to the private sector. While there may be instances of delays while alternative sources of funding are secured for individual projects, it is not anticipated that there will be any significant effect on the overall rate of development of these alternative energy soruces.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
163.0	14.5	148.5	122.0	16.0	19.0

R81-97

DEPARTMENT OF THE TREASURY

Bureau of Government and Financial Operations
Biomass Energy Development

Of the funds provided under this head for Fiscal Year 1980 in Public Law 96-304, $1,245,500,000 are rescinded.

Rescission Proposal No: R81-98

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 96-526) — $ 253,520,000
Bureau	Other budgetary resources
Appropriation title & symbol 68 1/20107 Research and Development (Pollution Control and Abatement)	Total budgetary resources 253,520,000 Amount proposed for rescission $ 149,300
OMB identification code: 68-0107-0-1-304	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The President has directed a reduction of 5 percent for consulting services for fiscal year 1981. The 5 percent reduction also applies to certain procurements for management and professional services, and special studies and analyses that are reported to the Federal Procurement Data System.

The planned 5 percent reduction is part of the President's program to reduce Federal spending in fiscal year 1981, and to eliminate excessive and unnecessary expenditures for consulting and related services.

Estimated Effects:

This proposal will allow the savings associated with this reduction in consulting services to be achieved.

Outlay Effect: (in thousands of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
230,000	229,900	100	49	---	---

ENVIRONMENTAL PROTECTION AGENCY R81-98

Research and Development

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $149,300 are rescinded.

Rescission Proposal No: R81-99

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Environmental Protection Agency Bureau:	New budget authority (P.L. 96-526): $545,183,000 Other budgetary resources: Total budgetary resources: 545,183,000
Appropriation title & symbol: Abatement, Control and Compliance 68l/20108	Amount proposed for rescission: $1,253,100
OMB identification code: 68-0108-0-1-304 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The President has directed a reduction of 5 percent for consulting services for fiscal year 1981. The 5 percent reduction also applies to certain procurements for management and professional services, and special studies and analyses that are reported to the Federal Procurement Data System.

The planned 5 percent reduction is part of the President's program to reduce Federal spending in fiscal year 1981, and to eliminate excessive and unnecessary expenditures for consulting and related services.

Estimated Effects:

This proposal will allow the savings associated with this reduction in consulting services to be achieved.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
$495.2	494.1	1.1	0.2	---	---

Rescission Proposal No: 81-100

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Environmental Protection Agency Bureau	New budget authority (P.L. 96-526) $3,304,837,000 Other budgetary resources 3,316,758,185 Total budgetary resources 6,621,595,185
Appropriation title & symbol Construction Grants 68X0103	Amount proposed for rescission $1,700,000,000
OMB identification code: 68-0103-0-1-304	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

A total of $1,700,000,000 of unobligated wastewater treatment construction grant funds are proposed for rescission by the President. These funds were appropriated in 1981, 1980, and under the Public Works Employment Appropriation Act of 1977. The reductions are an integral part of the President's overall Economic Recovery Program which includes lower near term levels of Federal funding for capital investment. In addition to these reductions, the President is also proposing major legislative reforms which will ensure the long term viability of this program. The combination of lower funding levels and program reforms will relieve the burden on the Federal government for financing projects that improve the environment marginally or not at all.

Estimated effects

The proposed reductions will primarily impact new, yet to be initiated projects or segments of projects, and will fall more heavily on those States with relatively large unobligated balances. An estimated $14 billion in appropriated but unspent funds remain for continuing or completing ongoing projects.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
4,200	4,180	20	275	510	440

R81-100

ENVIRONMENTAL PROTECTION AGENCY

Construction Grants

Of the funds appropriated under this head, $586,382,091 in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1980, and $1,000,000,000 in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, are rescinded. The reduction in each appropriation will be distributed among the States according to the allotment formula specified in Sec. 205(c) of P.L. 92-500 as amended by P.L. 95-217. However, whenever a State's share of the reduction from an appropriation, as determined by the formula, is greater than its March 4, 1981 unobligated balance for that appropriation, the shortfall will be distributed according to the allotment formula among all the States which still have funds remaining from that appropriation. This process of distributing the shortfall will continue until the amount of the reduction has been allocated among the States.

In addition, all remaining funds, in the amount of $113,617,909, appropriated under this head in the Public Works Employment Appropriation Act, 1977, are rescinded.

Rescission Proposal No: R81-101

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency National Aeronautics and Space Administration	New budget authority (P.L. 96-526) $4,340,788,(
Bureau	Other budgetary resources
Appropriation title & symbol Research and Development 80l/20108	Total budgetary resources 4,340,788,(
	Amount proposed for rescission $ 4,500,(
CMB identification code: 80-0108-0-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year Sept. 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This rescission is the net effect of required 1981 adjustments to the NASA research and development programs as part of the President's Budget Reform Plan. Because of the urgent need for fiscal restraint, reductions are proposed for numerous relatively lower priority research and development programs. Included as part of the adjustment is an upward reestimate in funding required to maintain progress in the highest priority space shuttle program to meet civilian and critical defense needs.

Estimated Effect: The orderly development and procurement of an operational fleet of space shuttle orbiters will continue as currently planned. As noted above, some lower priority research and development programs will be reduced; however, core programs will be continued in space science, space applications, aeronautical technology, and advanced space technology.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
4,054.2	4,051.9	2.3	2.2	---	---

R81-101

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Research and Development

Of the funds appropriated under this head in the Department of Housing and Urban Development--Independent Agencies Appropriation Act, 1981, $4,500,000 are rescinded.

Deferral No: R81-102

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Veterans Administration	New budget authority (P.L. 96-526): $423,774,0
Bureau:	Other budgetary resources: 853,523,0
Appropriation title & symbol: Construction, Major Projects; 36X0110	Total budgetary resources: 1,277,297,0
	Amount to be deferred: Part of year: $162,160,0; Entire year:
CMB identification code: 36-0110-0-1-703	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act; ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual; ☐ Multiple-year (expiration date); ☒ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other

Justification:

This account provides funds for constructing, altering and improving the facilities under the jurisdiction of the Veterans Administration. This rescission proposes the cancellation of construction plans for VA hospitals in Baltimore, Maryland and Camden, New Jersey. These two areas are heavily overbedded and well-served by community and private hospitals. In each instance, there are three other VA hospitals within commuting distance which are underutilized at present.

Estimated Effects:

Two proposed VA hospitals will not be built. However, adequate health for eligible veterans will continue to be available.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
277	261	16	41	32	58

R81-102

VETERANS ADMINISTRATION

Construction, Major Projects

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $162,160,000 are rescinded.

Rescission Proposal No: R81-103

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency ACTION	New budget authority (P.L. 96-536) $ 113,760,000
Bureau	Other budgetary resources 3,271,000
Appropriation title & symbol	Total budgetary resources 117,031,000
Operating Expenses, Domestic Programs	Amount proposed for rescission $ 3,207,000
4410103	
OMB identification code: 44-0103-0-1-506	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☐ No-year	☐ Other

Justification: Volunteers in Service to America (VISTA) supports full-time volunteers who work with community groups to solve poverty problems. The Senior Companion Program supports poor or near poor volunteers age 60 and over. These volunteers help other older people, who have moderate impairments and inadequate family support, achieve and maintain the highest possible degree of independent living.

Reductions are proposed for these two programs as a part of the Administration's overall plan to reduce spending throughout the Federal Government. A revised 1982 request eliminates the expansion of these programs that was proposed in the January Budget. This rescission will prevent 1981 expansion toward 1982 levels that are no longer planned. The proposed reductions represent a 2.7 percent decrease in the total budgetary resources available for domestic program operations.

Estimated Effect:

Volunteers in Service to American (VISTA): A savings of $1,727,000 will be realized through the reduction of 1,800 trainees and 273 volunteer service years from the planned level in FY 1981.

Senior Companion Program: Thirteen new projects with 819 volunteers serving the needs of the homebound or potentially institutionalized elderly will not be funded as originally planned in FY 1981. The savings will be $1,480,000.

2

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
153.7	151.8	1.9	1.1	0.2	---

R81-103

ACTION

Operating Expenses, Domestic Programs

Of the funds provided under this heading for ACTION for fiscal year 1981 in Public Law 96-536, $3,207,000 are rescinded.

Rescission Proposal No: R81-104

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Arms Control and Disarmament Agency	New budget authority (P.L. 96-536): $18,500,000
Bureau:	Other budgetary resources: 550,000
Appropriation title & symbol: Arms Control and Disarmament Activities 9410100	Total budgetary resources: 19,050,000
	Amount proposed for rescission: $1,500,000
OMB identification code: 94-0100-0-1-153	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Reduced activity for arms control negotiations, slow obligation of research funds, realignment of agency staffing and responsibilities, and general administrative savings have allowed reductions of $300,000 in program operations and $1,700,000 in research.

These savings will be achieved by withdrawal of the pending $500,000 pay supplemental and by proposing this rescission of $1,500,000.

Estimated Effects: This will reduce the agency's operating margin and would slow reprogramming of lower-priority research funds into operational support of negotiations, should negotiating opportunities arise. Revival of an active international arms control agency would require supplemental appropriations to allow agency participation.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
16.8	16.2	.6	.6	.2	.1

R81-104

ARMS CONTROL AND DISARMAMENT AGENCY

Arms Control and Disarmament Activities

Of the funds provided for "Arms control and disarmament activities" for fiscal year 1981 in P.L. 96-536, $1,500,000 are rescinded.

Rescission Proposal No. R81-105

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Corporation for Public Broadcasting	New budget authority (1982) $172,000,00 (P.L. 95-205,96-38)
Bureau	Other budgetary resources (1983) $172,000.
Appropriation title & symbol: Public Broadcasting Fund	Total budgetary resources $344,000,000
2020151 / 2030151	Amount proposed for rescission $ 95,000,00
OMB identification code: 20-0151-0-1-503	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual; ☐ Multiple-year _____ (expiration date); ☐ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other

Justification

CPB is the primary vehicle for providing Federal financial assistance to the 217 radio and 170 television stations that currently compose the non-commercial broadcasting system.

Because non-commercial stations should determine the need for and type of programs they require and finance their own productions funds for CPB's national program production and administrative activities should be cut. This pattern of reductions will provide an opportunity for private and corporate donations to play a greater role in financing local public radio and television productions.

Estimated Effects

The reductions will be primarily directed at CPB's administrative costs and national program production while CPB support for local stations will be maintained at as high a level as possible.

A proposed distribution of funds for 1982 could allow for $82 million for Community service grants for radio and television, $30 million for national radio and television program productions and $11.5 million for Administration, Research and Training.

A proposed distribution of funds for 1983 would allow for $77 million for Community Service Grants to local radio and television stations, $27 million for national radio and television productions and $10 million for Administration, Research and Training.

Outlay effects (in millions of dollars)

	Outlay Estimates		Outlay Savings			
	1982	1983	1981	1982	1983	1984
Without Rescission	172	172	--	$43	--	--
With Rescission	129	120	--	--	$52	--

R81-105

CORPORATION FOR PUBLIC BROADCASTING

Of the funds provided for "The Corporation for Public Broadcasting" for fiscal year 1982 in P.L. 95-205, $43 million are rescinded, and of the funds provided for "The Corporation for Public Broadcasting" for fiscal year 1983 in P.L. 96-38, $52 million are rescinded.

Rescission Proposal No: R81-106

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Federal Mediation and Conciliation Service	New budget authority (P.L. 96-536) $ 18,942,000
Bureau	Other budgetary resources
Appropriation title & symbol: Salaries and Expenses 9310100	Total budgetary resources 18,342,000
	Amount proposed for rescission $ 687,000
OMB identification code: 93-0100-0-1-505	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

This appropriation provides for mediation, technical assistance, and arbitration services to aid parties to collective bargaining disputes to settle their disputes. Funds are also provided for a new program of grants to support the establishment of labor-management committees. The grant program is a low priority program which cannot be afforded in a truly austere budget, and this rescission eliminates funds rendered excess by the decision not to implement the program. Remaining grant funds of $313 thousand are being reprogrammed to cover the increased cost of civilian pay.

The supplemental request for civilian pay increases for this account is being withdrawn due to this decision as well as to reductions in Federal employment and in spending on items like travel and equipment.

Estimated Effects:

Approximately 10 to 12 grants would not be awarded for the establishment and operation of plant, area, and industry committees. The effect of not awarding these grants on the number of committees which will or will not be formed is not known.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
24.5	24.5	--	0.7	--	--

R81-106

FEDERAL MEDIATION AND CONCILIATION SERVICE

Salaries and Expenses

Of the funds provided for the Federal Mediation and Conciliation Service, "Salaries and expenses," for fiscal year 1981 in P.L. 96-536, $687,000 are rescinded.

Rescission Proposal No: R31-107

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Federal Trade Commission	New budget authority (P.L. 96-536) $ 71,000,000
Bureau:	Other budgetary resources: -
Appropriation title & symbol: Salaries and Expenses 2910100	Total budgetary resources: 71,000,000
	Amount proposed for rescission: $ 226,000
CMB identification code: 29-0100-0-1-376	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances expenses necessary for antitrust enforcement, consumer protection, and economic reporting. In support of these activities, the Commission operates ten regional offices in the United States. This rescission in conjunction with the withdrawal of the pay supplemental now pending before the Congress would initiate the phase-out of these offices and a reduction in the Washington headquarters office. The Administration believes that this action would allow the Commission to focus more on problems of a nationwide scope, reduce multigovernmental regulatory burdens, and permit State and local agencies, as well as private business on its own, to reduce antitrust problems. This action is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: The phasing out of the regional offices would allow the Federal Trade Commission to focus on issues of national importance and would shift activities to State and local governments. The reductions described would result in an overall agency savings of 30% by 1986.

Outlay Effect (in millions of dollars)

1981 Outlay Estimates 1/		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
70.0	69.8	.2	---	---	---

1/ The 1981 outlay estimate does not include the effect of withdrawal of the pay supplemental now pending before the Congress

R81-107

FEDERAL TRADE COMMISSION

Salaries and Expenses

Of the funds provided for Federal Trade Commission, "Salaries and Expenses" for fiscal year 1981 in P.L. 96-536, $226,000 are rescinded.

Rescission Proposal No: R81-108

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Marine Mammal Commission	New budget authority (P.L. 96-536): $734,000
Bureau:	Other budgetary resources:
Appropriation title & symbol: Salaries and Expenses 9512200	Total budgetary resources: 734,000
	Amount proposed for rescission: $ 4,000
OMB identification code: 95-2200-0-1302	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☐ No	☐ Other:
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: This rescission is proposed to achieve the savings realized by a reduction of $4,000 in FY 1981 travel expenses.

This proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: On site reviews of Federal marine mammal programs will be limited to priority oversight activities.

Outlay Effect: (in thousands of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
725	721	4	—	—	—

R81-109

MARINE MAMMAL COMMISSION
Salaries and Expenses

Of the funds provided for "Marine Mammal Commission" for fiscal year 1981 in P.L. 96-536, $4,000 are rescinded.

Rescission Proposal No: R81-109

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Merit Systems Protection Board Bureau	New budget authority (P.L. 96-536) $ 10,905,000 Other budgetary resources 432,000 Total budgetary resources 11,337,000
Appropriation title & symbol Salaries and Expenses 4110100	Amount proposed for rescission $ 210,000
OMB identification code: 41-0100-0-1-805	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Merit Systems Protection Board was created in 1978 to assume the adjudicatory functions of the former Civil Service Commission. The Board processes employee appeals and conducts studies of merit system abuse. This proposal would reduce the funds available for these activities by $210,000.

This rescission is proposed as a part of the Administration's overall effort to reduce Federal spending.

Estimated Effect: It is anticipated that this rescission will cause the Board to target studies at potential merit abuse patterns, rather than general Civil Service evaluation, as well as to reduce administrative support functions. A temporary case backlog is also expected to result.

Outlay Effect: (In millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
16.1	15.9	.2	---	---	---

R81-109

MERIT SYSTEMS PROTECTION BOARD

Salaries and Expenses

Of the funds provided for the Merit Systems Protection Board, "Salaries and Expenses" for fiscal year 1981 in P.L. 96-536, $210,000 are rescinded.

Rescission Proposal No: RSI-110

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency National Science Foundation	New budget authority (P.L. 96-526) $ 987,900,000
Bureau	Other budgetary resources 25,000,000
Appropriation title & symbol: Research and Related Activities 491/20100	Total budgetary resources 1,012,900,000
	Amount proposed for rescission $ 66,000,000
OMB identification code: 49-0100-0-1-251	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

Programs funded from this appropriation support basic and applied research in all scientific disciplines, engineering and related activities. Support is also provided for the U.S. Antarctic Program, International Cooperative Science, and Science Policy Activities.

Programs which are substantially affected by the proposed reductions are those which are narrowly focused or of less immediate priority in meeting the National Science Foundation's major goals and objectives. Less severe reductions are proposed in core programs. However, the adjusted funding levels will not impair the foundation's ability to maintain its support of critical research or its ability to meet statutory responsibilities for the advancement of science.

These reductions are proposed in order to reduce Federal spending.

Estimated Effect

Research support in the behavioral and neural sciences will be reduced by approximately 13 percent from the planned FY 1981 level; social and economic science programs by 31 percent; industry/university cooperative research projects by 45 percent; the Small Business Innovation Program by 36 percent; University-Based Innovation Centers by 29 percent; 2/4 year college instrumentation support by 42 percent; minority research initiation projects by 6 percent; international science programs by 28 percent; and the Experimental Program to Stimulate Competitive Research by 27 percent. Programs for which all FY 1981 appropriation funding is eliminated are: intergovernmental science programs, the Appropriate Technology Program, Visiting Professorships for Women, National Research Opportunity Grants, and Research Improvement in Minority Institutions.

Programs supporting research in the basic sciences and engineering will be reduced by a total of $20 million or approximately 2.5 percent.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
922.9	901.4	21.5	31.3	13.2	—

R81-110

NATIONAL SCIENCE FOUNDATION

Research and Related Activities

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $66,000,000 are rescinded.

Rescission Proposal No: R81-111

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: National Science Foundation	New budget authority (P.L. 96-526) $ 80,704,000
Bureau:	Other budgetary resources 5,000,000
Appropriation title & symbol: Science and Engineering Education Activities 4910106	Total budgetary resources 85,704,000
	Amount proposed for rescission $ 16,000,000
OMB identification code: 49-0106-0-1-251	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This appropriation funds the National Science Foundation's programs to strengthen science education at all academic levels. It includes the programs for scientific personnel improvement, science education resources improvement, science education development and research, and a science education communications program.

Specific reductions in these areas are proposed for programs which are less critical to meeting the major goals and objectives of the Foundation and are being made in order to reduce Federal spending.

Estimated Effect:

The proposed reductions will reduce funding from the planned FY 1981 level by the following percentages: Comprehensive Assistance to Undergraduate Education, 38 percent; Development in Science Education, 56 percent; Research in Science Education, 33 percent; Public Understanding of Science, 25 percent; and the Science for Citizens program, 35 percent. Funding for the Information Dissemination in Science Education program would be eliminated.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
72.8	58.3	14.5	1.5	—	—

R81-111

NATIONAL SCIENCE FOUNDATION
Science Education Activities

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $16,000,000 are rescinded.

Rescission Proposal No: R81-112

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Occupational Safety and Health Review Commission	New budget authority (P.L. 96-536): $5,659,200
Bureau:	Other budgetary resources: --
Appropriation title & symbol: Salaries and Expenses 9512100	Total budgetary resources: $5,659,200
	Amount proposed for rescission: $39,000
OMB identification code: 95-2100-0-1-554	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Occupational Safety and Health Review Commission adjudicates contested enforcement actions of the Department of Labor.

This rescission proposal reflects reductions in obligations for personnel, travel, and equipment procurement and is a component of President Reagan's comprehensive economic plan.

Estimated Effects:

Reductions in personnel and travel may cause some delays in hearings and decisions. However, the Commission's workload in the first part of 1981 has fallen below the estimates on which the budget was based. Moreover, the workload is determined in large part by enforcement activity in the Occupational Safety and Health Administration. Since this activity is expected to decrease, the decline in the Commission's workload is expected to continue and to counteract much of the effects of reduced personnel and travel resources.

Outlay Effects: (in thousands of dollars)

1981 Outlays		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
5,662	5,625	37	2	--	--

R81-112

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
Salaries and Expenses

Of the funds provided for the Occupational Safety and Health Review Commission, "Salaries and expenses," for fiscal year 1981 in P.L. 96-536, $39,000 are rescinded.

Rescission Proposal No: R81-113

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Office of the Federal Inspector, ANGTS	New budget authority (P.L. 96-514) $21,683,000
Bureau	Other budgetary resources 141,000
Appropriation title & symbol: Salaries and Expenses 3210100	Total budgetary resources 21,824,000
	Amount proposed for rescission $ 445,000
OMB identification code: 52-0100-0-1-276	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The proposed rescission of $445,000 represents the net effect of savings realized from reduction in travel, procurement of furniture and equipment, and personnel, less the additional absorption of FY 1981 pay raise costs by the agency. The details of these savings is as follows:

Savings from Travel Cut	$165,000
Savings from Procurement Cut	76,000
Savings from Hiring Freeze	500,000
Total Savings	$741,000
Less-Agency Absorption of Pay Raise Costs	$296,000
Net Rescission	$445,000

Estimated Effects: The effect of this proposal is to allow savings to be achieved from reductions in travel, procurement of equipment, and personnel.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
20.3	19.9	0.4	—	—	—

R81-113

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE
Permitting and Enforcement

Appropriations under this heading contained in Public Law 96-514 are hereby rescinded in the amount of $445,000.

Rescission Proposal No: R81-114

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Pennsylvania Avenue Development Corporation	New budget authority (P.L. 96-514) $ 2,443,000
Bureau	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 2,443,000
Salaries and expenses 4215100	Amount proposed for rescission $ 60,000
OMB identification code: 42-0100-0-1-451	Legal authority (in addition to sec. 1012): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other
Type of account or fund: [X] Annual [ ] Multiple-year (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: This appropriation provides funds for the Corporation's staff, space rental, office expenses, and other operating expenses that are not directly related to land acquisition and development activities.

Funds totalling $60,000 are proposed for rescission as a result of equipment and staff reductions. This proposal is part of President Reagan's efforts to reduce Federal spending.

Estimated Effect: The Corporation will experience a staff and equipment reduction that is commensurate with the proposed reduction in land acquisition and public development operations.

Outlay effect: (In thousands of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2,443	2,383	60	--	--	--

R81-114

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Salaries and expenses

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriation Act, 1981, $60,000 are rescinded.

Rescission Proposal No: R81-115

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Selective Service System	New budget authority (P.L. 96-526) $ 26,594,00(
Bureau	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 26,594,00(
Salaries and Expenses	Amount proposed for rescission $ 1,940,00(
9010400	
OMB identification code: 90-0400-0-1-54	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Funds for the pre-mobilization procurement of area office telecommunicat equipment are proposed for rescission. These funds would be used to equip each of the approximately 400 area offices with an on-line computer terminal to transmit data directly to the headquarter's computer system. This low priority item is proposed for reduction as part of President Reagan's plan to reduce Federal spending. Upon mobilization, data would be transmitted via mail service until adequate telecommunicatior gear could be installed.

Estimated Effect: Pre-mobilization procurement of area-office terminals will not be funded as planned in 1981. Several area offices would have demonstration terminals. Installation of the complete system would be delayed one to two months after mobilization.

Outlay Effect: (In millions of dollars)

1981 Outlay Estimate		Outlays Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
34.0	32.1	1.9	---	---	---

R81-115

SELECTIVE SERVICE SYSTEM

Salaries and Expenses

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, $1,940,000 are rescinded.

Rescission Proposal No: 81-116

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Small Business Administration Bureau:	New budget authority (P.L. 96-536): $ 238,245,000 Other budgetary resources: 3,927,000 Total budgetary resources: 242,172,000
Appropriation title & symbol: Salaries and Expenses 7310100	Amount proposed for rescission: $ 1,405,000
OMB identification code: 73-0100-0-1-376 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This account funds several special purpose management and technical assistance programs, as well as salaries and administrative expenses of the Small Business Administration (SBA). To constrain Federal spending, the Administration proposes to integrate, wherever possible, special interest group assistance programs with on-going SBA management and technical assistance programs. Moreover, enhancements to special purpose programs will be eliminated, particularly in those cases where SBA's efforts are being supplemented by those of other Federal agencies. These efforts to achieve program economies and to reduce administrative overhead costs will result fn savings of $1.4 million fn 1981, which are now proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: The activities of the Women's Business Enterprise program will be performed through on-going SBA programs, and the 1981 budget enhancement for the 7(j) Development Assistance program will be eliminated. This rescission will also reduce the level of consulting service, travel, and procurement obligations originally planned for 1981.

Outlay Effect (in millions of dollars):

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
235.9	234.5	1.4	--	--	--

R81-116

SMALL BUSINESS ADMINISTRATION

Salaries and expenses

Of the funds included under this head in H.R. 7584 making appropriations for the Small Business Administration for fiscal year 1981 and appropriated by Public Law 96-536, $1,405,000 are rescinded.

Rescission Proposal No: R81-117

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Tennessee Valley Authority Bureau:	New budget authority (P.L. 96-367): $287,563,000 Other budgetary resources: 87,394,000 Total budgetary resources: 374,957,000
Appropriation title & symbol Tennessee Valley Authority Fund 64X4110	Amount proposed for rescission: $ 500,000
OMB identification code: 64-4110-0-3-999 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other:
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other:

Justification: This rescission proposal provides a $300,000 decrease in travel and a $200,000 decrease in procurements in support of President Reagan's comprehensive economic plan for spending reductions. These selected lower priority activities will be curtailed or postponed to reduce Federal spending. In addition, TVA also proposes to administratively reduce travel and procurement by another $2.5 million in its power program.

Estimated Effect: The effect of the rescission proposal is to reduce TVA travel and procurement activities by a total of $0.5 million in 1981.

Outlay Effect:

(in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2227.0	2226.5	.5	-	-	-

R81-117

TENNESSEE VALLEY AUTHORITY

Payment to the Tennessee Valley Authority Fund

Of the funds appropriated under this head in P.L. 96-367 making appropriations for Energy and Water Development $500,000 are rescinded.

Rescission Proposal No: R81-118

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Water Resources Council Bureau: Appropriation title & symbol: Water Resources Planning 85X0100	New budget authority (P.L. 96-367) $ 24,777,000 Other budgetary resources — Total budgetary resources 24,777,000 Amount proposed for rescission $ 5,000,000
OMB identification code: 85-0103-0-1-301 Grant program: ☒ Yes ☐ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The programs carried out by the Water Resources Council have as their primary purpose the improvement of Federal, State, and regional water resource planning, and the coordination of Federal water resource policy.

This rescission will reduce the carryover into 1982 of funds appropriated for fiscal year 1981. Together with withdrawal of the request for 1982 appropriations, this will terminate the activities of the Water Resources Council, because high priority activities have been completed, and remaining programs are carried out ineffectively.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: This rescission will allow speedy termination of all Water Resources Council activities. Elimination of all funding for the Water Resources Council in 1982 will allow redirection of Federal policy to develop a more effective process for coordination of water resource programs. The proposal will terminate Federal participation in six river basin commissions and will also eliminate the $10 million program of cost shared grants to states for water planning and management.

Outlay Effect: (In millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
22.6	22.6	—	5.0	—	—

R81-118

WATER RESOURCES COUNCIL

Water Resources Planning

Of the funds provided for "Water Resources Planning" in P.L. 96-367, $5,000,000 are rescinded.

Rescission Proposal No: R81-112

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	Current direct loan limitation (P.L. 96-528) $4,099,600,00(
Bureau Farmers Home Administration	Other budgetary resources --
Appropriation title & symbol Rural Housing Insurance Fund 12X4141	Total loan limitation 4,099,600,00(
	Amount proposed for rescission $ 316,000,00(
OMB identification code: 12-4141-0-3-371	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Authority to incur obligations for direct loans.

Justification:

The Rural Housing Insurance Fund program finances a variety of loans to purchase, develop, improve, repair and rehabilitate housing in rural areas. This proposal reduces the authority to incur obligations for direct loans under the moderate income homeownership loan program by $316,000,000. This proposal is part of the Administration's effort to combat inflation, reduce subsidies and limit Federal involvement in the credit market.

Estimated Effects:

The proposed $316 million reduction of authority to incur obligations for moderate income housing direct loans (from $825 million to $509 million) would reduce the number of estimated housing units assisted in 1981 to 14,700 (7,700 less than in the January budget).

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
762.1	760.5	1.6	31.1	35.3	34.9

DEPARTMENT OF AGRICULTURE

R81-119

Farmers Home Administration

Rural Housing Insurance Fund

The fiscal year 1981 appropriations language for the above account is amended as follows:

Loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, $24,000,000 shall be available from funds in the rural housing insurance fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, $3,759,600,000, of which $3,195,600,000 shall be available for subsidized interest loans to low-income borrowers as determined by the Secretary; and not to exceed $5,000,000 for advances as authorized by section 501(e) of such Act and not to exceed $2,000,000 for compensation of construction defects as authorized by section 509(c) of such Act: Provided, That unsubsidized interest guaranteed loans of not to exceed $25,000,000 shall be in addition to these amounts.

Rescission Proposal No: R81-120

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	Current direct loan limitation $ 7,973,600,00 (P.L. 96-529)
Bureau Farmers Home Administration	Other budgetary resources
Appropriation title & symbol: Agricultural Credit Insurance Fund 12X4140	Total loan limitation 7,973,600,00
	Amount proposed for rescission $ 88,950,00
OMB identification code: 12-4140-0-3-351	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Authority to incur obligations for direct loans.

Justification:

The Agricultural Credit Insurance Fund finances a number of Agricultural Credit Programs. This rescission proposes to reduce the authority to incur obligations for direct loans by $80.0 million for the Farm Ownership Program, $5.0 million for the Soil and Water Conservation Program, and $3.8 million for the Resource Conservation and Development program. These activities can be financed through private sources of credit. The $3,850,000 reduction in the Resource Conservation and Development Loans is consistent with the phase down of the Resource Conservation and Development program. This proposal is part of the Administration's effort to combat inflation and reduce the role of the Federal government in the credit market. It has been determined that this reduction can be made without adversely affecting human health and safety or other critical needs.

Estimated Effects:

The proposed reduction of $80 million of authority to incur obligations for direct loans under the farm ownership program (from $870 million to $790 million) would reduce the number of loans estimated to be made in 1981 to 10,700 (470 less than indicated in the January budget). A $5 million reduction of authority to incur loan obligations under the soil and water loan program would reduce the number of loans to 2,050 in 1981 (210 less than indicated in the January budget).

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
753.6	753.6	---	1.4	1.5	1.5

DEPARTMENT OF AGRICULTURE R81-120

Farmers Home Administration

Agriculturual Credit Insurance Fund

The fiscal year 1981 aporopriations language for the above account is amended as follows:

Loans may be insured, or made to be sold and insured, ~~under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928-1929,~~ or guaranteed, as follows: real estate loans, $914,600,000, ~~including $840,000,000 for farm ownership loans of which $50,000,000 shall be~~ guaranteed loans; and $55,500,000 for water development use, and ~~conservation~~ loans of which $6,000,000 shall be guaranteed ~~loans; operating~~ loans, $875,000,000 of which $25,000,000 shall be guaranteed loans; and emergency insured and guaranteed loans ~~in amounts necessary to~~ meet the needs resulting from natural disasters.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service
Resource Conservation and Development

The loan level authorized under this head in Public Law ~~96-528~~, making appropriations for fiscal year 1981 is reduced to $150,000.

Rescission Proposal No: R81-121

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Agriculture	Current direct loan limitation (P.L. 96-528): $1,010,000,000
Bureau: Farmers Home Administration	Other budgetary resources: --
Appropriation title & symbol: Rural Development Insurance Fund 12X4155	Total loan limitation: 1,010,000,000
	Amount proposed for rescission: $ 160,000,000
OMB identification code: 12-4155-0-3-452	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other: Authority to incur obligations for direct loans.

Justification:

The Rural Development Insurance Fund finances three loan programs: Water and Waste Disposal Loans, Community Facility Loans, and Business and Industry Loans. This proposal, which reduces the authority to incur obligations for direct loans under the Water and Waste Disposal Loan Program, is part of the Administration's effort to combat inflation and reduce Federal involvement in the credit market.

Estimated Effects:

The proposal to reduce by $160 million authority to incur obligations for direct loans under the water and sewer program (from $750 million to $590 million) would reduce the number of loans estimated to be made in 1981 to 1,398 (379 less than indicated in the January budget).

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
280.4	280.4	--	0.8	4.2	7.8

DEPARTMENT OF AGRICULTURE R81-121

Farmers Home Administration

Rural Development Insurance Fund

The fiscal year 1981 appropriations language for the above account is amended as follows:

Loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661-664, as follows: insured water and sewer facility loans, $590,000,000; guaranteed industrial development loans, $741,000,000; and insured community facility loans, $260,000,000.

Rescission Proposal No: R81-122

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	Current direct loan limitation $1,100,000,000 (P.L. 96-528)
Bureau Rural Electrification Administration	Other budgetary resources ---
Appropriation title & symbol: Rural Electrification and Telephone Revolving Fund 12X4230	Total loan limitation 1,100,000,000
	Amount proposed for rescission $ 187,000,000
OMB identification code: 72-4230-0-3-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Authority to incur obligations for direct loans

Justification:

These proposed actions are based on the fact that REA has largely accomplished its purpose to provide the basic investment capital necessary to provide electric and telephone service in rural areas. More than 99% of all farms and rural establishments now have electric service, and more than 90% have telephone service. The bulk of borrowing is now for power generation and system improvements, costs that could be born by system users.

Estimated Effects:

The rescission would reduce direct lending to rural telephone systems ($125 million) and direct lending to rural electric systems for power generation and transmission facilities ($62 million).

The major reason that these systems have not already converted to using the private sector as a major capital source is the highly favorable term structure--for both the direct and guaranteed lending--offered by REA. As a consequence, the availability of these subsidies reduces the necessity for recipients to improve their financial positions in order to attract private capital.

Taking these actions will result in a dramatic reduction in direct Federal lending. At the same time, rural electric and telephone consumers served by these systems will continue to receive adequate service at rates comparable to those charged to customers of non-REA-financed utilities.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
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R81-122

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Rural Electrification and Telephone Revolving Fund

Loan authorizations provided for the Rural Electrification and Telephone Revolving Fund for fiscal year 1981 in P.L. 96-528, for Section 305 of the Rural Electrification Act of 1936, as amended, are reduced as follows: a reduction of $62,000,000 in rural electrification loans; and $125,000,000 in rural telephone loans to provide for a total level of $788,000,000 for rural electrification loans; and a reduction of $125,000,000 for rural telephone loans: Provided, That loans made pursuant to section 306 of that Act are in addition to these amounts, but during 1981, total commitments to guarantee loans pursuant to section 306, shall not exceed $5,145,000,000 of contingent liability for loan principal.

Deferral No: 081-103

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-536) $ 44,400,000
Bureau: Minority Business Development Agency	Other budgetary resources 4,586,291
Appropriation title & symbol: Minority Business Development 13X0201	Total budgetary resources 48,986,291
	Amount to be deferred: Part of year $ ____ Entire year 3,400,000
OMB identification code: 13-0201-0-1-376	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation provides for the delivery of management and technical assistance to minority businesses through private business consulting firms. While this deferral will reduce the number of locations where services can be provided, it will still enable the Minority Business Development Agency (MBDA) to offer management assistance in 65 out of the 100 metropolitan areas with the highest concentration of minority businesses.

This deferral action is taken as a part of the Administration's effort to reduce Federal spending.

Estimated Effects: By deferring resources in the three components of the Enterprise Development program, the effect of reduction on any client group, particularly those benefitting from the General Business Service Centers, will be minimized.

Outlay Effect: This deferral action will reduce 1981 outlays by $3.4 million and will reduce the need for budget authority in 1982.

[FR Doc. 81-8888 Filed 3-20-81; 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

Federal Register

Vol. 46, No. 55

Monday, March 23, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20
18013-18306	23

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

485 17187

3 CFR

Executive Orders:

11970 (Revoked by EO 12299) 17751
12247 (Revoked by EO 12298) 16879
12258 (Revoked in part by EO 12299) 17751
12296 15129
12297 16877
12298 16879
12299 17751

Proclamations:

4822 14885
4823 15491
4824 17009
4825 17535
4826 18013

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857

Proposed Rules:

28 15884

5 CFR

Ch XIV 17187
550 14887
831 16653

7 CFR

Ch XVIII 17753
331 17753
905 16237
907 ..... 15257, 16237, 17537
910 ..... 15493, 15864, 16655, 17754
907 16238
959 17755
2024 15493

Proposed Rules:

930 15888
982 18040
1002 17207
1004 ..... 15713, 16266
1007 16266
1011 16266
1030 16266
1032 16266
1046 16266
1049 16266
1050 16266
1062 16266
1064 16266
1065 16266
1066 ..... 16266, 16689
1071 16266
1073 16266
1076 16266
1079 16266
1094 16266
1096 16266
1097 16266
1098 16266
1099 16266
1102 16266
1104 16266
1106 16266
1108 16266
1120 16266
1126 16266
1131 16266
1132 16266
1138 16266
1139 16690
2851 14899
2859 15512

8 CFR

238 16058

9 CFR

75 15494

Proposed Rules:

308 15512
381 15512

10 CFR

20 ..... 16230, 18015
35 15683
212 15257
710 18170

Proposed Rules:

Ch. I 17566
2 17216
30 15278
40 15278
50 ..... 15278, 18045
51 15154
70 15278
72 15278
211 15112
212 17566
376 15484

390 15484
1060 17787

12 CFR

Ch. VII 14887
1 16240
5 16656–16661
8 16663
21 15864
206 16099
211 16015
216 15864
303 ..... 17755, 17756
326 15864
541 17187
544 16881
545 17187
546 14727
556 16246
611 17011
563 14727
563a 15864
701 ..... 17187, 17537
748 15864
749 17188
1204 15131

Proposed Rules:

400 15888
545 15175
618 17022

14 CFR

39 ..... 14728–14729, 15259, 17538–17540, 16247, 16248, 16881–16888, 18016–18019
71 14730–14734
91 ..... 16666, 16888
95 14735
97 ..... 15250, 16249, 18020
121 15480

Proposed Rules:

Ch. I 14749, 15278, 15746
21 16279
39 15479
71 ..... 15478, 16899–16902, 18049, 18050
93 15458
159 15458
241 17022

15 CFR

4a 16251
386 16669
388 17189
503 15496
804 16892
805 16892
935 14741
936 14741
937 14741
938 14741

Proposed Rules:

377 17218

16 CFR

1 14888
13 ..... 15261, 15262, 16892, 14741, 17189
1000 17541

Proposed Rules:

13 16274
1208 17788

17 CFR

15 ..... 15132, 16255
200 16256
211 15496
231 16670
239 17756
240 ..... 14888, 15133, 15134, 15498, 15713, 15866
241 16670
249 17756
259 17756
269 17756
270 ..... 16673, 17011
274 17756
279 17756

Proposed Rules:

1 16691
210 15278
240 ..... 14749, 15178, 17219

18 CFR

4 15673
250 15674
260 15678
282 ..... 14742, 15498, 15879, 16256, 18011

Proposed Rules:

Ch. I 15512
Subchapter B 16903
1 ..... 14751, 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 ..... 14751, 17023
12 17023
16 17023
25 17023
32 17023
33 17023
34 15513
35 ..... 17023, 17227
41 17023
131 15513
152 17023
153 17023
154 14899
156 17028
157 ..... 14899, 16903
158 17023
250 14899
260 14899
270 17023
271 ..... 16914, 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 ..... 16903, 17023
385 17023
388 17023

19 CFR

Ch. II 17526
200 17542
207 18022
210 17526
211 17526
353 ..... 15135, 17190
355 ..... 16099, 17014

Proposed Rules:

101 17228

21 CFR

5 ..... 16674, 17757
73 ..... 15500, 17758
81 ..... 15500, 17758
175 16675
177 16675
178 17756
193 ..... 16256, 17015
430 ..... 15880, 16676
431 16676
436 ..... 15880, 16676, 16678, 16681
440 ..... 15880, 16681
442 ..... 15880, 16679
444 ..... 16676, 16680, 16681, 17756
446 16681
448 16681
449 16681
450 16681
452 ..... 16678, 16681
540 14889
561 ..... 14889, 17015, 18023
864 14890

Proposed Rules:

20 17063
106 17790
109 15518
110 15518
193 15281
225 15518
226 15518
452 16692
500 15518
509 15518
601 17063
803 17063
872 15519
876 ..... 17063, 17064

22 CFR

Ch. XIV 16058, 16085
191 17543
41 15504
51 16257

24 CFR

201 17190
203 ..... 14743, 16893
207 ..... 14743, 16893
213 16893
220 ..... 14743, 16893
221 16893
232 16893
234 16893
235 16893
236 16893
241 16893
242 16893
244 16893
300 15505
803 17366
888 17366

25 CFR

43c 14890
700 15720

Proposed Rules:

72 16916
260 16916

26 CFR

1 ..... 15262, 15685, 16100, 17191
20 17191
25 17191
31 17547
37 17547
55 15262
150 16257

Proposed Rules:

1 ..... 15892, 17229
26 15893
31 17586

28 CFR

0 16100
40 16100

Proposed Rules:

2 14904

29 CFR

1910 14897
2200 14744
2610 16685

Proposed Rules:

92 16827

30 CFR

700 18023
716 18023
785 18023
950 17191

Proposed Rules:

808 16276

32 CFR

201 15505
242b 18024
286 14890
369 15506
875 15506

33 CFR

1 15685
230 14745

Proposed Rules:

204 18050

34 CFR

690 16826

38 CFR

3 16101
21 16101
36 16686

Proposed Rules:

17 18050

39 CFR

10 17016
111 ..... 14746, 15263, 15266, 17758

Proposed Rules:

10 18054

40 CFR

52 ..... 15136–15139, 15686, 16687, 16895–16897, 17019, 17191–17193, 17549–17557, 17777–17779
55 15686
57 18025
81 ..... 14891, 14892, 15140, 16258, 17557
86 ..... 15686, 16258, 16259
122 ..... 16897, 18025
123 17194
162 ..... 15104, 17779
180 ..... 14894, 15122–15125 17020, 17021

205 17558
261 17196
264 ..... 16897, 18025
265 ..... 16897, 18025
761 16000
1500 18026
1501 18026
1502 18026
1503 18026
1504 18026
1505 18026
1506 18026
1507 18026
1508 18026

Proposed Rules:

Ch. I 16916
51 16280
52 ..... 15180, 15181, 15284, 15743, 16280, 17790
60 14905
81 ..... 15744, 15744
86 ..... 15883, 16917
141 17567
180 ..... 15181, 15182, 15285, 16917, 17229, 17230
192 16278
264 18054
406 17567
408 18055
409 17567
413 17567
416 17567
418 17567
420 17567
421 17567
422 17567
424 17567
426 17567
428 17567
430 15287
431 15287
432 17567
435 17567
436 17567
440 17567
443 17567
457 17567
460 17567
761 16096
763 14905

41 CFR

Ch. 1 17780
Ch. 101 17564
1-3 17558
1-4 16102
11 17559
16 17559
5-8 17202
5A-8 17202
5B-8 17202
101-26 17564
101-35 16102
101-36 16102
101-40 14894

Proposed Rules:

8-4 17232
101-7 17791

42 CFR

110 15141

43 CFR

20 16897

Public Land Orders:

5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15267, 15269, 17781, 17782
65 ..... 15142, 17782

Proposed Rules:

60 16692
67 ..... 14907, 15183, 15287, 16282, 17795-17808

45 CFR

1060 15270
1357 14895
1612 16267

Proposed Rules:

1624 18055

46 CFR

3 15746
14 15746
24 15746
188 15746
189 15746

Proposed Rules:

502 17064

47 CFR

2 ..... 15146, 15690
73 ..... 15147-15151, 15271, 15707, 15709-15711, 16268, 17783-17785
81 15690
83 15690
90 ..... 15152, 15273
97 15146

Proposed Rules:

Ch. I 14907, 15184, 15296, 17568, 16692
0 15297
22 15749
25 15754
61 15297
63 ..... 14754, 15297
73 ..... 15184-15186, 15296, 15754, 15756, 15757, 17065, 17233, 17809-17811
83 17233
90 ..... 16104, 17813

48 CFR

Proposed Rules:

31 16916

49 CFR

172 17738
173 17564
531 18038
1003 ..... 16200, 17785
1005 ..... 16200, 17785
1033 ..... 14895, 14896, 15507
1039 15509
1056 ..... 16200, 17785
1100 17785
1132 15509
1240 15880
1243 15881
1310 ..... 16200, 17785
1322 ..... 16200, 17785
1331 ..... 15277, 16102

Proposed Rules:

23 16282
583 18059
1048 16106
1052 ..... 17813, 17814
1056 16225
1057 15300
1100 17065
1206 15302
1207 15302
1307 17234
1310 17234

50 CFR

611 16103
652 15510

Proposed Rules:

230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing March 18, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.]

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: April 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.

V 4 6 1 5 5 MR 23 81 UMI

V 4 6 / 5 5 M R 2 3 8 1 UMI

NEW PUBLICATION NOW AVAILABLE

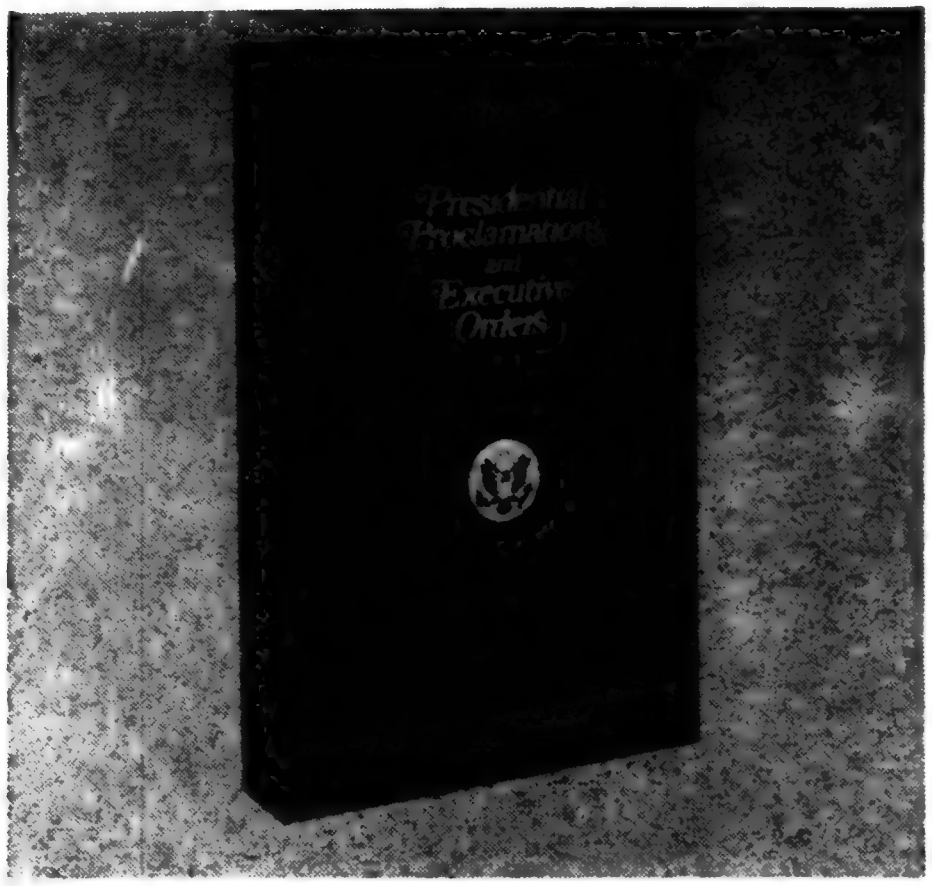

For those of you who must keep informed about Presidential proclamations and Executive orders, there is now a convenient reference source that will make researching certain of these documents much easier.

Arranged by subject matter, this first edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period January 20, 1961, through January 20, 1977, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1961–1977 period, along with any amendments, an indication of its current status, and, where applicable, its location in this volume.

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V 46 / 55 MR 23 81 UMI

3-24-81
Vol. 46 No. 56
Pages 18307-18520

federal register

Tuesday
March 24, 1981

Highlights

Cumulative List of Public Laws—The fourth and final cumulative list of public laws for the second session of the 96th Congress can be found in the **Reader Aids** section of the issue of January 7, 1981.

18478 **Budget** OMB reports 33 proposals to rescind $2.6 billion in budget authority previously provided by Congress, and one new deferral of $8 million (Part III of this issue)

18430 **Government Securities** Treasury/Sec'y invites tenders for $1,750,000,000 of U.S. securities, designated Treasury Bonds of 2001

18312 **Pensions** PBGC provides interest rates and factors for valuation of benefits in non-multiemployer plans; effective 4-1-81

18401 **Juvenile Delinquency** Justice/OJJDP cancels proposed guideline entitled "Prevention of Juvenile Delinquency Through Capacity Building-Cycle II"

18329 **Elementary and Secondary Education** ED intends to waive applicability of certain Title I, Elementary and Secondary Education Act requirements for the Trust Territory of the Pacific Islands; comments by 4-23-81

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

18331 **Electric Utilities** DOE/BPA clarifies role of public in negotiation of initial long-term power sales and certain other contracts; effective 3-24-81

18448 **Deep Seabed Mining** Commerce/NOAA proposes procedures and requirements for exploration licenses; comments by 5-29-81; hearings on 4-24, 4-28 and 5-6-81 (Part II of this issue)

18322 **Pesticides** EPA proposes exemptions from regulation for certain organisms which are used as biological control agents and therefore are considered pesticides; comments by 5-26-81

18427 **Coffee** Treasury/Customs issues guidelines and instructions for administration of import and export quotas; effective 3-24-81

18326 **Antidumping** Commerce/ITA issues preliminary results of administrative review of duty order on sugar and syrups from Canada; effective 3-24-81

18309 **Large Cigars** Treasury/BATF eliminates requirements for wholesale price package markings; effective 4-23-81

Privacy Act Documents

18327 Commerce/Sec'y
18360 HHS
18359 HHS/HCFA
18367 Interior

18433 **Sunshine Act Meetings**

Separate Parts of This Issue

18448 **Part II, Commerce/NOAA**
18478 **Part III, OMB**

Contents

Federal Register
Vol. 46, No. 56
Tuesday, March 24, 1981

Alcohol, Tobacco and Firearms Bureau
RULES
Cigars, cigarettes, and cigarette papers and tubes:
18309 Cigars, large; deletion of wholesale price marks on packages

Bonneville Power Administration
NOTICES
18331 Power sales contracts, initial long-term, and other contracts; negotiation process; clarification of public role

Civil Aeronautics Board
NOTICES
Hearings, etc.:
18326 Air Berlin USA fitness investigation
18326 Jet America fitness investigation

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration.
NOTICES
18327 Privacy Act; systems of records

Customs Service
NOTICES
18427 International Coffee Agreement of 1976; coffee importation and exportation

Defense Department
See also Navy Department.
NOTICES
Meetings:
18328 Science Board task forces
18328 Personal property traffic management; carrier representation by agent, elimination of regulations; inquiry

Economic Regulatory Administration
NOTICES
Consent orders:
18334 Cibro Gasoline Corp.
Crude oil, domestic; allocation program:
18333 Petroleum substitutes; applications for entitlement benefits
Natural gas; fuel oil displacement certification applications:
18335 Coline Gasoline Corp.
18332 Public Service Electric & Gas Co.
18337 Triton Oil & Gas Corp.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
18336 Community Public Service Co. et al.

Education Department
PROPOSED RULES
Civil rights:
18321 Handicapped in federally-assisted programs, nondiscrimination; hearing-impaired persons rights to access to television programs; advance notice; correction and extension of time
NOTICES
18329 Elementary and Secondary Education Act; waiver of certain Title I requirements for Trust Territory of the Pacific Islands
Meetings:
18330 Indian Education National Advisory Council (2 documents)

Energy Department
See Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
18315 Diphenamid
18314 2,4-*D* Isopropyl ester
18315 Lecithin
18313 Methidathion
18316 Terbacil
PROPOSED RULES
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
18321 New Jersey and Virgin Islands
Pesticide programs:
18322 Biological control agents, exemption
NOTICES
Hazardous waste:
18347 National Contingency Plan, draft revision; delay in mailing
Meetings:
18347 Air Pollution Control Techniques National Advisory Committee
18438 Motor vehicle pollution control. Waiver of oxides of nitrogen emission standards; cancellation of public hearing
Pesticides; emergency exemption applications:
18345 Bolero and propanil
18345 Fenvalerate
Pesticides; temporary tolerances:
18346 Butachlor
18346 Ethephon
Toxic and hazardous substances control:
18347 Premanufacture notices receipts; amendment

Federal Communications Commission
RULES
Radio stations; table of assignments:
18316 California
18317 Missouri; correction
18319
NOTICES
18348, AM broadcast applications accepted for filing and
18349 notification of cut-off date (2 documents)
Hearings, etc.:
18349 Hawaiian Telephone Co.

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
18340 Arkansas Power & Light Co. et al.

18338 Bountiful City, Utah
18342 Central Maine Power Co.
18342 Central Vermont Public Service Corp.
18338 Columbia Gas Transmission Corp. et al.
18343 Figueira, Marc Leon
18341 Finberg, Burton Allen
18344 Massachusetts Municipal Wholesale Electric Co.
18339 Mitchell Energy Co., Inc.
18344 Western Gas Interstate Co.
Natural gas companies:
18342 Small producer certificates, applications

Federal Home Loan Bank Board
NOTICES
18433 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
18357 Agreements filed, etc.
Freight forwarder licenses:
18356 Boston Overseas, Inc.
18357 Colon International et al.
18357 Texas International Port Service

Federal Reserve System
NOTICES
Bank holding companies; proposed de novo nonbank activities:
18358 FirstBank Holding Co. et al.

Federal Trade Commission
RULES
Home insulation, labeling and advertising:
18307 Cellulose insulation, partial exemption

Food and Drug Administration
NOTICES
Meetings:
18359 Advisory committees, panels, etc.; cancellation
18359 Consumer participation information exchange (3 documents)

General Services Administration
NOTICES
Authority delegations:
18358 Defense Department Secretary (2 documents)

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
18362 Getty Oil Co.
18362 Tenneco Oil Exploration & Production
18363 Union Oil Co. of California

Health and Human Services Department
See also Food and Drug Administration; Health Care Financing Administration.
NOTICES
Meetings:
18360 Federal Council on Aging
18360 Privacy Act; systems of records

Health Care Financing Administration
NOTICES
18359 Privacy Act; systems of records

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; pending nominations:
18366 Arizona et al.

Indian Affairs Bureau
NOTICES
Land transfer:
18363 Lake Superior Tribe, Chippewa Indians, Bad River Reservation, Wis.

Interior Department
See also Geological Survey; Heritage Conservation and Recreation Service; Indian Affairs Bureau; Land Management Bureau.
NOTICES
18367 Privacy Act; systems of records

Internal Revenue Service
NOTICES
Authority delegations:
18430 Internal Revenue Commissioner, authorization to sign name of or on behalf of

International Trade Administration
NOTICES
Antidumping:
18326 Sugar and syrups from Canada

Interstate Commerce Commission
NOTICES
Motor carriers:
18389 Finance applications
18380–18399 Permanent authority applications (6 documents)

Justice Department
See also Juvenile Justice and Delinquency Prevention Office
NOTICES
Pollution control; consent judgments:
18400 Growmark, Inc.
18401 Rookwood Oil Terminals, Inc.

Juvenile Justice and Delinquency Prevention Office
NOTICES
18401 Prevention of juvenile delinquency through capacity building, cycle II, guideline; cancellation

Labor Department
See also Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
18418 Carmet Co.
18418 Dana Corp.
18418 GAF Corp.
18419 Nicholson Machine Products, Inc.
18419 Reynolds Machine Co.
18419 Rockwell International, Inc.
18419 Stalwart Rubber
18420 Van Wormer Industries
18419 Weinman Pump Manufacturing Co.

Land Management Bureau
NOTICES
Coal leases, exploration licenses, etc.:
18363 Montana
Withdrawal and reservation of lands, proposed, etc.:
18364, 18365 Idaho (4 documents)
18365 Oregon

Management and Budget Office
NOTICES
18478 Budget rescissions and deferrals

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
18401 Armstrong & Armstrong
18401 Cordero Mining Co.
18402 Multi Mineral Corp.
18402 Webster County Coal Corp. et al.

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
18318 Tanner crab off Alaska
PROPOSED RULES
18448 Deep seabed mining; exploration licenses

Navy Department
RULES
18313 Midway Islands Code; administrative and organizational changes

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
18421 Public Service Electric & Gas Co., et al.
18421 Wisconsin
Meetings:
18420, 18421 Reactor Safeguards Advisory Committee (3 documents)

Occupational Safety and Health Administration
NOTICES
State plans; development, enforcement, etc.:
18404 Vermont

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
18409 Everett Clinic, Inc. Employees' Profit Sharing Trust Agreement
18407 Parker-Hannafin Corp. Pension and Retirement Income Plans
18411 Profit Sharing Plan for the Employees of McKenney's Inc., and Affiliated Companies
18405 R & L Grell, Inc. Money Purchase Pension Plan et al.
18413 Taylor Enterprises, Inc. Profit Sharing Plan
18415 Thompson Steel Co., Inc. Pension Trust A
18416 United Cotton Goods Co., Inc.; withdrawal
18416 Utah Carpenters & Cement Masons Vacation Trust Fund

Pension Benefit Guaranty Corporation
RULES
Plan benefits valuation:
18312 Interest rates and factors; final; amendment

Personnel Management Office
NOTICES
Health benefits program, Federal employees:
18422 Los Padres

Postal Service
RULES
International mail:
18313 Argentina et al.; express mail rates; and implementation of "on demand" international express mail service with France; correction

Securities and Exchange Commission
NOTICES
Hearings, etc.:
18422 Canadian Javelin Ltd.
18423 Jersey Central Power & Light Co.
18423, 18424 Middle South Utilities, Inc. (2 documents)
18425 Mutual of Omaha Cash Reserve Fund, Inc.
18426 Troy Gold Industries Ltd.
Self-regulatory organizations; proposed rule changes:
18426 Philadelphia Stock Exchange, Inc.
Self-regulatory organizations; unlisted trading privileges:
18422 Cincinnati Stock Exchange
18426 Pacific Stock Exchange, Inc.

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Customs Service; Internal Revenue Service.
NOTICES
Bonds, Treasury:
18430 2001 series

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Office of the Secretary—
18328 Defense Science Board, Mapping, Charting and Geodesy Task Force, St. Louis, Mo., 4–21 and 4–22–81

EDUCATION DEPARTMENT
18330 Indian Education National Advisory Council, Executive Committee, Washington, D.C., 4–7–81
18330 Indian Education National Advisory Council, Search Committee, Washington, D.C., 4–6–81

ENVIRONMENTAL PROTECTION AGENCY
18347 National Air Pollution Control Techniques Advisory Committee, Raleigh, N.C., 4–29 and 4–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT
18360 Federal Council on the Aging, Long-Term Care Committee, Washington, D.C., 4–6–81

Food and Drug Administration—
18359 Consumer participation; West Palm Beach, Fla., 4–3–81; Reno, Nev., 4–6–81; Baltimore, Md., 4–14–81 (3 documents)

NUCLEAR REGULATORY COMMISSION
18421 Reactor Safeguards Advisory Committee, NRC Safety Research Program Subcommittee, Washington, D.C., 4–6–81
18421 Reactor Safeguards Advisory Committee, Reactor Operations Subcommittee, Washington, D.C., 4–8–81
18420 Reactor Safeguards Advisory Committee, Safety Philosophy, Technology and Criteria Subcommittee, Washington, D.C., 4–6–81

CHANGED MEETINGS

ENVIRONMENTAL PROTECTION AGENCY
18347 National Contingency Plan, Washington, D.C., 3–26–81, time change, delay in mailing Plan

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
18359 Arthritis Advisory Committee, Rockville, Md., 4–2 and 4–3–81, cancelled

HEARINGS

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
18448 Deep seabed mining exploration licenses, 4–24, 4–28 and 5–8–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

15 CFR
Proposed Rules:
970..... 16448

16 CFR
460..... 16307

27 CFR
270..... 16309
275..... 16309
290..... 16309
295..... 16309

29 CFR
2610..... 16312

32 CFR
762..... 16313

34 CFR
Proposed Rules:
104..... 16321

39 CFR
10..... 16313

40 CFR
180 (5 documents)..... 16313-16316
Proposed Rules:
62..... 16321
162..... 16322

47 CFR
73 (3 documents)..... 16316-16316

50 CFR
671..... 16316

V 46 / 56 MR24 81 UMI

Rules

This section contains re general app of which a the Code o published u U.S.C. 1510 The Code by the Sup Prices of n first FEDER month.

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16 CFR Pa

Trade Reg Advertisin Exemption

AGENCY: Fe

ACTION: Inv tentative p of condition

SUMMARY: Commissio grant an ex certain type the require Trade Regu advertising Part 460]. S that tests to cellulose in settled den General Se (GSA) Fede (June 15, 19 would be co alternative settled den Method B, S (April 1, 197 Governmen (CGSB). The permits the by adjusting factor of 1.2 issued a co requirement manufactur test procedu GSA Specifi 1978), pendi decision on stay is cond B in the CG

DATES: Effe stay: March regarding th decision to

Rules and Regulations

Federal Register
Vol. 46, No. 56
Tuesday, March 24, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL TRADE COMMISSION

16 CFR Part 460

Trade Regulation Rule: Labeling and Advertising of Home Insulation; Partial Exemption for Cellulose Insulation

AGENCY: Federal Trade Commission.

ACTION: Invitation to comment on tentative partial exemption and notice of conditional stay.

SUMMARY: The Federal Trade Commission has tentatively decided to grant an exemption to manufacturers of certain types of cellulose insulation from the requirement in § 460.5(a)(2) of its Trade Regulation Rule on labeling and advertising of home insulation [16 CFR Part 460]. Section 460.5(a)(2) requires that tests to determine R-value of cellulose insulation be conducted at settled density, as determined by the General Services Administration's (GSA) Federal Specification HH–I–515D (June 15, 1978). This partial exemption would be conditioned upon the use of an alternative procedure to determine settled density which is incorporated as Method B, Specification 51–GP–60M (April 1, 1979) of the Canadian Government Specifications Board (CGSB). The Canadian specification permits the calculation of settled density by adjusting a blown density result by a factor of 1.27. The Commission also has issued a conditional stay of the requirement that those cellulose manufacturers use the settled density test procedure which was required by GSA Specification HH–I–515D (June 15, 1978), pending a final Commission decision on the exemption petition. The stay is conditioned on the use of Method B in the CGSB Specification 51–GP–60M.

DATES: Effective date of conditional stay: March 24, 1981. Written comments regarding the Commission's tentative decision to grant the conditional exemption will be accepted until April 23, 1981.

ADDRESSES: Written comments should be addressed to the Secretary, Federal Trade Commission, 6th and Pennsylvania Ave., N.W., Washington, D.C. 20580. All comments should be captioned: "Comment on Proposed Partial Exemption for Cellulose Manufacturers—Home Insulation Rule, FTC File No. 215–59."

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, 202–724–1515, Attorney, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On August 31, 1979, the Commission promulgated a Trade Regulation Rule concerning the labeling and advertising of home insulation (44 FR 50218). On August 15, 1980, the Commission announced that the effective date of the rule would be September 29, 1980 (45 FR 54702).

Monotherm Industries, Inc., and ConServ, a Division of Bay State Gas Company, filed a Petition for a partial exemption from the Rule.[1] The Petition seeks a partial exemption from Section 460.5(a)(2) of the Rule, which requires that the R-value of cellulose insulation be determined at its settled density, according to the test procedure set out in General Services Administration (GSA) Federal Specification HH–I–515D. By an advisory opinion issued September 25, 1980, the Commission interpreted this provision to require the use of the test procedure set out in the GSA Specification which was in effect at the time the Rule was promulgated in August, 1979.[2]

This test procedure is generally known as the Canadian drop box test method for determining the settled density of cellulose. At the same time, the Commission stated that it would accept use of the results of the settled density test procedure required by the current version of the GSA specification [3] as compliance with § 460.5(a)(2) of the Rule.[4] That test procedure is generally known as the cyclone shaker test method.

In support of their Petition for a partial exemption, Monotherm and ConServ argue that the Canadian drop box test method is presently impossible to conduct because of the lack of qualified laboratories; that the Canadian authorities have concluded that a portion of the original drop box test is unnecessary; and that the Canadian authorities have developed a simple, inexpensive, and efficient procedure for determining settled density which provides test results substantially comparable to the full Canadian drop box test. They also assert that the cyclone shaker test is unacceptable to them because it allegedly overstates cellulose settled density. Therefore, Petitioners urge that they, and other manufacturers of cellulose, be exempted from the test procedure required by § 460.5(a)(2), conditioned on their use of the simpler procedure developed by the Canadian authorities.

Section 18(g) of the Federal Trade Commission Act permits the Commission to grant exemptions from Trade Regulation Rules where the "application of a rule * * * to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates * * *."[5] The unfair or deceptive act or practice which § 460.5(a)(2) is intended to prevent is the overstatement of the R-value and

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[1] Copies of the Petitioners' cover letter dated December 18, 1980, and the petition are available for public inspection as documents X–13 and X–14, respectively, in F.T.C. File No. 215–59. Copies of Petitioners' cover letter dated January 16, 1981, and an enclosed exhibit supplementing the Petition are available for public inspection as documents X–15 and X–16, respectively, in F.T.C. File No. 215–59.

[2] GSA Federal Specification HH–I–515D (June 15, 1978).

[3] GSA Federal Specification HH–I–515D, Amendment–1 (October 11, 1979).

[4] In the advisory opinion issued September 25, 1980, the Commission noted that it would permit (but not require) the use of an alternative test procedure known as the cyclone shaker test. The Commission took this action in view of the fact that the GSA specification referenced by the Rule was amended shortly after the Rule was promulgated to require that R-values be determined at the settled density determined by the cyclone shaker test, rather than by the Canadian drop box test. Consequently, there was significant confusion in the industry as to which test procedure was required under the Rule, compounded by erroneous staff advice. In addition, the Commission recognized that both the Consumer Product Safety Commission (CPSC) and GSA currently required cellulose manufacturers to conduct the cyclone shaker test for purposes of conducting flammability tests. To avoid unnecessary compliance costs imposed by a different test, and taking into account its required use by the two federal agencies, the Commission decided to permit its use.

[5] 15 U.S.C. § 57a(g)(2).

coverage area of cellulose insulation which is due to the failure to account for the effect of settling on its R-value and coverage area. A specific test procedure was prescribed to ensure, to the extent technically feasible, that a uniform and accurate method is used to eliminate this overstatement of R-value. The test requirement ensures that consumers will not only get accurate information about the R-value they will receive, but also uniform information which can be used to compare competing brands of cellulose. To the extent that the proposed alternative procedure produces results comparable to the drop box test, while reducing compliance costs, the Rule's purposes and the public interest would be served by permitting the alternative method of compliance. The most important question is therefore whether the proposed alternative procedure does yield substantially equivalent results.

The Canadian drop box test was developed by National Research Council of Canada (NRCC), an organization roughly comparable to the National Bureau of Standards, based on research it had conducted. The test consists of blowing cellulose at a prescribed application rate and angle into standardized containers to determine a "blown" density. The containers next are dropped six times from a specified height, and then exposed to controlled temperature and humidity cycling for at least twenty-eight days. The settled density of the product is then determined by measurement.

NRRC researchers conducted a series of tests to determine if a numerical correlation could be drawn between simple "blown" density and the settled density results of the full drop box procedure.[6] The researchers took 82 samples of 56 cellulose insulation materials and determined blown and settled density according to the full Canadian drop box test. Based on the results of these tests,[7] the researchers concluded that the average product settled 21.5%. More importantly, they also found that most products "behave as the hypothetical average product." [8] Therefore, the researchers concluded that settled density could be determined accurately and simply by multiplying the blown density by the factor of 1.27, which is equivalent to a 21.5% settling effect.[9] Subsequently, the Canadian government's specification was changed to permit the use of this factor in determining settled density for coverage charts.[10]

Having reviewed the NRCC reports, the Commission has tentatively determined that this "factor" procedure adequately reproduces the results that would be achieved by the full drop-box test for those types of cellulose insulation studied. The Commission believes, however, that interested parties should have an opportunity to comment on the "factor" procedure's accuracy and correlation with the full drop box test. Therefore, the Commission will accept public comment on this issue for a period of 30 days.

In addition to considering whether the "factor" procedure is accurate and correlates with the drop box test, the Commission must also weigh the effects of granting the relief sought. Clearly, the major benefits from permitting the use of the factor procedure in lieu of the full drop box test are the lower cost of the factor method and the increased speed with which it can be conducted. No special humidity-temperature chambers are needed; no lengthy cycling period is required. Especially since most cellulose manufacturers are small businesses, minimizing compliance costs is an important goal.

However, the Commission solicits public comment on any adverse effects that might result from adopting the "factor" procedure. For example, to the extent that some cellulose products settle more or less than the average 21.5%, the use of the factor will lead to labeled R-values which are different than those actually obtained by consumers who buy the non-average product. This may be particularly of concern with respect to cellulose materials which may settle significantly more than average. In that instance, the consumer will be getting less R-value than that represented on the label and fact sheet. While the Canadian research data indicates that only a few products fall into this category, and that the resulting distortion is not great,[11] the Commission is interested in receiving public comment on this issue.

In addition, the factor of 1.27 was derived only from certain types of cellulose products.[12] Thus, while the majority of cellulose manufacturers should be able to use the factor procedure, some might not.[13] Those whose products are different from those upon which the Canadian factor was based would not be able to use the alternative factor method. Thus, while it appears that allowing the alternative use of the Canadian factor method will overcome the alleged burdensomeness involved in the full "drop box" test procedure for some products, the fact that the factor method may not be appropriate for all cellulose products could have some adverse impact on the ability of these other cellulose manufacturers to compete. The Commission believes that public comment can indicate whether such an effect is likely to occur.

Weighing the benefits and potential adverse effects, the Commission has tentatively decided to grant a partial exemption from the testing requirements of § 460.5(a)(2) based on use of the proposed factor procedure.

The question also arises whether interim relief should be granted, pending the completion of the exemption proceeding. The Canadian data, and the action of the Canadian government in incorporating the factor procedure into its specification, present a strong *prima facie* case for the accuracy of the factor procedure. Since this is the same organization responsible for the development of the test upon which the Commission presently relies, it is appropriate for the Commission to give serious weight to the improvements or simplifications it has created. Further, there is no question but that the drop box test is expensive and time-consuming. In view of these facts, the Commission sees no compelling reason to require manufacturers of the types of cellulose materials tested by NRCC to use the drop box test pending the conclusion of the exemption proceeding. Therefore, the Commission has granted a temporary partial stay of § 460.5(a)(2) for those cellulose manufacturers, if they use the factor procedure, including the initial determination of blown density, which is embodied in method B in the Canadian specification.

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[6] M. Bomberg and C. J. Shirtliffe, Comments on Standardization of Density and Thermal Resistance Testing of Cellulose Fiber Insulation for Horizontal Applications, Building Research Note #147, National Research Council of Canada (May, 1979). A copy is available for public inspection as document Y-1 in F.T.C. File No. 215-80.

[7] *Id.*, at Table. 1.

[8] *Id.*, at p.2. The standard deviation was only 1.9%. Ninety-three percent of the measurements of total settlement varied within only a ±3.5% spread.

[9] *Id.*, at Appendix A.

[10] *See* CGSB standard 51-GP-80M. A copy is available for public inspection as document number X-10 in F.T.C. File No. 215-80.

[11] *Supra* note 6, at Table 1. Only 2 of the 82 samples tested settled more than 3.5% more than the average, and both were under 4%.

[12] *Supra* note 6, at p.2. The data apply only to newsprint-based cellulose treated with borax and boric acid, or with boric acid, or with borax, boric acid and aluminum sulphate based chemical compositions.

[13] The proposed conditional exemption to allow the alternative use of the Canadian factor procedure to determine settled density is limited at this time to those cellulose products which are substantially the same as those which are included in the Canadian data. *Id.*

Following the comment period, the Commission will review the comments received and will determine whether to make permanent its decision to grant a partial exemption conditioned upon use of the factor, or to rescind its tentative decision and its conditional stay, or to take other action.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-8934 Filed 3-23-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 270, 275, 290, and 295

[TD ATF-80]

Large Cigars; Deletion of Wholesale Price Marks on Packages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule (Treasury decision).

SUMMARY: This rule deletes regulations in 27 CFR Parts 270, 275, 290, and 295 for wholesale price markings on packages of large cigars. The marking requirements were originally added by a Treasury decision published January 26, 1977, but were temporarily suspended pending further study by the Bureau. This study has been completed, and ATF has decided not to require manufacturers and importers to show wholesale price information on packages of large cigars. Consequently, the present Treasury decision eliminates all regulatory requirements for wholesale price package markings.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT: Steve Simon, Research and Regulations Branch (202-566-7626), or Melvin T. Bruce, Tobacco Advisor (202-566-7566), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

SUPPLEMENTARY INFORMATION: On December 3, 1976, ATF published a notice of proposed rulemaking (Notice No. 305, 41 FR 53055). The notice dealt with changes in the basis for taxation of large cigars as required by Public Law 94-455. One of the provisions of that notice proposed that manufacturers and importers mark packages of large cigars with the suggested delivered price to retailers (wholesale price), which is the tax base under the new taxing system. It was explained that this wholesale price information was similar in nature to the previously required tax class information and was pertinent for—

(1) Determination of the tax at the time of removal;

(2) Any subsequent refunds or credits to the manufacturer or importer;

(3) Entries in the manufacturer's records of tax-determined products returned to the factory;

(4) Payments made to wholesale and retail dealers in connection with disaster claims; and

(5) Tax liabilities incurred and satisfied by proprietors of export warehouses.

Numerous comments were received from the industry objecting to the package marking proposal. The commenters said that this would be an extremely costly requirement for the industry, while affording very little benefit to either the Government or industry. The cigar manufacturers agreed that if this requirement were dropped they would be willing to accept refund of large cigar taxes based on the minimum tax applicable during a specified period preceding the date of the claim.

The Bureau felt that with built in regulatory safeguards protecting the Government in case of withdrawals from the market, and with similar provisions requiring payment of the maximum tax for losses and shortages at export warehouses, wholesale price information on packages might not be essential. Consequently, the regulations as adopted in Treasury Decision ATF-40 (42 FR 4998, January 26, 1977) suspended the provisions relating to wholesale price information pending a study of the need for such information, and solicited additional public comment that would be relevant to this study.

The study consisted of on-site inspections of export warehouses and tobacco products factories. Information was sought regarding known problems associated with the absence of wholesale price package markings, as a result of the suspension of regulatory requirements already discussed. The results of the study showed that since industry had offered (in response to the notice of proposed rulemaking) to give the Government maximum tax except where industry furnished evidence to show that a lesser amount was due, package price markings were not very important. Furthermore, it was shown that, in those cases where wholesale price markings would have been useful, other records were generally available to supply the same information. This left only a few isolated instances where the lack of specific information regarding wholesale price would require the Bureau to collect the maximum tax or refund the minimum amount applicable to that brand and front mark recorded during the record retention period (about three years). It is clear, from the industry comments received, that it would be far preferable to the cigar industry to accept these adjustments than to be required to mark packages of large cigars with the wholesale price information.

A records simplification that is made by this Treasury decision provides an option in 27 CFR 270.183 for all large cigars with a wholesale price of more than $235.294 per thousand to be combined for record purposes. This is one of the possible changes for which public comment was requested in the preamble to Treasury Decision ATF-40. In accordance with ATF's program for improving the clarity of regulations, occasional non-substantive stylistic changes are also made.

Drafting Information

The principal authors of this document were Dorene F. Erhard and Steve Simon of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel from offices of the Bureau of Alcohol, Tobacco and Firearms and from the Department of the Treasury participated in developing these regulations, in matters affecting both substance and style.

Authority and Issuance

This Treasury Decision is issued pursuant to Notice No. 305 (41 FR 53055) and Treasury Decision AFT-40 (42 FR 4998).

This Treasury decision is issued under the authority found in 26 U.S.C. 7805 (68A Stat. 917).

Accordingly, the regulations in 27 CFR Parts 270, 275, 290, and 295 are amended as follows:

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

Paragraph A. The following amendments are made to 27 CFR Part 270:

1. Paragraph (b) of § 270.21, listing large cigar tax rates that were in effect prior to February 1, 1977, is deleted because it is obsolete. Paragraph (a) is divided into two paragraphs. As amended, § 270.21 is revised to read as follows:

§ 270.21 Cigar tax rates.

(a) On cigars, manufactured in or imported into the United States, the following taxes are imposed by law:

(1) *Small cigars.* Seventy-five cents per thousand.

(2) *Large cigars.* Eight and one-half percent of the wholesale price, but not more than $20 per thousand.

(b) Cigars not exempt from tax under 26 U.S.C. Chapter 52 and the provisions of this part which are removed but not intended for sale are taxed at the same rate as similar cigars removed for sale.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1414, as amended by sec. 2128, Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5701))

2. In § 270.183, material relating to suspension of wholesale price markings is deleted; the requirement for recording wholesale prices of tax-determined large cigars is deleted; and an option is added which will allow the record of large cigars removed subject to tax with a wholesale price at or above the highest tax category ($20 per thousand) to be shown as if the wholesale price were $236 per thousand. As amended, § 270.183 is revised to read as follows:

§ 270.183 Record of cigars and cigarettes.

The record of a manufacturer of tobacco products shall show the date and total quantities of all cigars and cigarettes, by kind (small cigars—large cigars; small cigarettes—large cigarettes):

(a) Manufactured;

(b) Received in bond by—

(1) Transfer from other factories,

(2) Release from customs custody, and

(3) Transfer from export warehouses;

(c) Received by return to bond;

(d) Disclosed as an overage by inventory;

(e) Removed subject to tax (by wholesale price for large cigars, except that those over $235.294 per thousand may optionally be shown as if the wholesale price were $236 per thousand;

(f) Removed, in bond, for—

(1) Export,

(2) Transfer to export warehouses,

(3) Transfer to other factories,

(4) Use of the United States, and

(5) Experimental purposes off factory premises;

(g) Otherwise disposed of, without determination of tax, by—

(1) Consumption by employees on factory premises,

(2) Consumption by employees off factory premises, together with the number of employees to whom furnished,

(3) Use for experimental purposes on factory premises,

(4) Loss,

(5) Destruction, and

(6) Reduction to tobacco;

(h) Disclosed as a shortage by inventory; and

(i) On which the tax has been determined and which are—

(1) Received, and

(2) Disposed of.

(Sec. 2128(c), Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5741))

3. Paragraphs (b), (c), and (d) of § 270.214, relating to expression of wholesale price on packages of large cigars, are deleted. Paragraph (a) of that section is rephrased for improved clarity. As amended, § 270.214 is revised to read as follows:

§ 270.214 Notice for cigars.

Before removal subject to tax, every package of cigars shall have adequately imprinted on it, or on a label securely affixed to it—

(a) The designation "cigars";

(b) The quantity of cigars contained in the package; and

(c) For small cigars, the classification of the product for tax purposes (i.e., either "small" or "little").

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723))

4. Material in § 270.311 relating to the suspension of wholesale price package markings is deleted. Other material in this section is redrafted for improved clarity. As amended, § 270.311 is revised to read as follows:

§ 270.311 Action by claimant.

(a) *General.* Where cigars and cigarettes are withdrawn from the market and the manufacturer desires to file claim under the provisions of § 270.282 or § 270.283, he shall assemble the products in or adjacent to a factory if they are to be returned to bond or at any suitable place if they are to be destroyed or reduced to tobacco. The manufacturer shall group the products according to the rates of tax applicable to the products, and shall prepare a schedule of the products, on ATF Form 3069 (5200.7), in triplicate. All copies of the schedule shall be forwarded to the regional regulatory administrator for the region in which the products are assembled.

(b) *Large cigars.* Refund or credit of tax on large cigars withdrawn from the market is limited to the minimum amount applicable to that brand and size of cigar during the required record retention period (see § 270.185), except where the manufacturer establishes that a greater amount was actually paid. For each claim involving large cigars withdrawn from the market the manufacturer shall include a certification on either ATF Form 3069 (5200.7), ATF Form 2635 (5620.8), or IRS Form 843, to read as follows: "The amounts claimed relating to large cigars are based on the lowest wholesale prices applicable to the cigars during the required record retention period, except where specific documentation is submitted with the claim to establish that any greater amount of tax claimed was actually paid."

(Sec. 202, Pub. L. 85-859, 72 Stat. 1419, as amended (26 U.S.C. 5705))

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Par. B. The following amendments are made to the regulations in 27 CFR Part 275:

1. Paragraph (b) of § 275.31, listing tax rates that were in effect prior to February 1, 1977, is deleted because it is obsolete. Paragraph (a) is divided into two paragraphs. As amended, § 275.31 is revised to read as follows:

§ 275.31 Cigars.

(a) On cigars imported or brought into the United States, the following internal revenue taxes are imposed by law:

(1) *Small cigars.* Seventy-five cents per thousand.

(2) *Large cigars.* Eight and one-half percent of the wholesale price, but not more than $20 per thousand.

(b) Cigars not exempt from tax under this part which are removed but not intended for sale are taxed at the same rate as similar cigars removed for sale.

(68A Stat. 907, as amended (26 U.S.C. 7652); sec. 202, Pub. L. 85-859, 72 Stat. 1414, as amended by sec. 2128, Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5701))

2. Paragraphs (b), (c), and (d) of § 275.73, relating to expression of wholesale price on packages of large cigars, are deleted. Paragraph (a) is rephrased for greater clarity. As amended, § 275.73 is revised to read as follows:

§ 275.73 Notice for cigars.

Before removal subject to internal revenue tax, every package of cigars, except as provided in § 275.75, shall have adequately imprinted on it, or on a label securely affixed to it—

(a) The designation "cigars";

(b) The quantity of cigars contained in the package; and

(c) For small cigars, the classification of the product for tax purposes (i.e., either "small" or "little").

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723))

3. A reference in § 275.139 to the temporary suspension of wholesale price markings is deleted. Other material in § 275.139 is rephrased for

improved clarity. As amended, § 275.139 is revised to read as follows:

§ 275.139 Records.

Every manufacturer of tobacco products and cigarette papers and tubes in the United States who receives cigars, cigarettes, or cigarette papers or tubes or Puerto Rican manufacture, without payment of internal revenue tax, under his bond, shall keep separate records of all items received, removed subject to tax, removed for tax-exempt purposes, and otherwise disposed of, showing the following information:

(a) Date, quantity, and kind of cigars and cigarettes (small cigars—large cigars; small cigarettes—large cigarettes).

(b) The wholesale price of large cigars removed subject to tax, except that if the wholesale price is more than $235.294 per thousand, it may be shown as if it were $236 per thousand.

(c) The date and number of books or sets of cigarette papers of each different numerical content.

(d) The date and number of cigarette tubes.

(Sec. 2128(c), Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5741))

4. Material in § 275.170, relating to the temporary suspension of wholesale price package markings, is deleted. Other minor changes are made in this section to improve its readability. As amended, § 275.170 is revised to read as follows:

§ 275.170 Destruction or reduction to tobacco, action by taxpayer.

(a) *General.* Where cigars, cigarettes, and cigarette papers and tubes which have been imported or brought into the United States are withdrawn from the market and the taxpayer desires to file claim for refund of the tax on the articles, he shall, in addition to the requirements of § 275.163, assemble the articles at any suitable place, if they are to be destroyed or reduced to tobacco. The taxpayer shall group the articles according to the rates of tax applicable to the articles, and shall prepare a schedule of the articles on ATF Form 3069 (5200.7), in triplicate. All copies of the schedule shall be forwarded to the regional regulatory administrator for the region in which the cigars, cigarettes, and cigarette papers and tubes are assembled.

(b) *Large cigars.* Refund or credit of tax on large cigars withdrawn from the market is limited to the minimum amount applicable to that brand and size of cigar during the required record retention period (see § 275.22) except where the importer establishes that a greater amount was actually paid. For each claim involving large cigars withdrawn from the market the importer shall include a certification on either ATF Form 3069 (5200.7), ATF Form 2635 (5620.8), or IRS Form 843, to read as follows: "The amounts claimed relating to large cigars are based on the lowest wholesale prices applicable to the cigars during the required record retention period except where specific documentation is submitted with the claim to establish that any greater amount of tax claimed was actually paid."

(Sec. 202, Pub. L. 85-859, 72 Stat. 1419, as amended (26 U.S.C. 5705))

5. Material in § 275.172, relating to the temporary suspension of wholesale price package marking requirements, is deleted. Other minor changes are made in this section to improve its readability. As amended, § 275.172 is revised to read as follows:

§ 275.172 Return to nontaxpaid status, action by taxpayer.

(a) *General.* Where cigars, cigarettes, and cigarette papers and tubes which have been imported or brought into the United States are withdrawn from the market and the taxpayer desires to file a claim for refund of the tax on the articles and return them to a nontaxpaid status, he shall, in addition to the requirements of § 275.163, assemble the articles in or adjacent to the factory in which the articles are to be retained or received in a nontaxpaid status. The taxpayer shall group the articles according to the rates of tax applicable to the articles, and shall prepare a schedule of the articles, on ATF Form 3069 (5200.7), in triplicate. All copies of the schedule shall be forwarded to the regional regulatory administrator for the region in which the cigars, cigarettes, and cigarette papers and tubes are assembled.

(b) *Large cigars.* Refund or credit of tax on large cigars withdrawn from the market is limited to the minimum amount applicable to that brand and size of cigar during the required record retention period (see § 275.22) except where the importer establishes that a greater amount was actually paid. For each claim involving large cigars withdrawn from the market the importer shall include a certification on either ATF Form 3069 (5200.7), ATF Form 2635 (5620.8), or IRS Form 843, to read as follows: "The amounts claimed relating to large cigars are based on the lowest wholesale prices applicable to the cigars during the required record retention period, except where specific documentation is submitted with the claim to establish that any greater amount of tax claimed was actually paid."

(Sec. 202, Pub. L. 85-859, 72 Stat. 1419, as amended (26 U.S.C. 5705))

PART 290—EXPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

Par. C. The following amendments are made to the regulations in 27 CFR Part 290:

1. Material in § 290.67, relating to the temporary suspension of wholesale price marking requirements, is deleted. As amended, § 290.67 is revised to read as follows:

§ 290.67 Payment of tax.

(a) *General.* The taxes on cigars, cigarettes, and cigarette papers and tubes with respect to which the evidence described in § 290.66 is not timely furnished shall become immediately due and payable. The taxes shall be paid to the district director of internal revenue, for the district in which the factory or export warehouse is located, with sufficient information to identify the taxpayer, the nature and purpose of the payment, and the articles covered by the payment. (ATF Form 4640 (5600.5) may be used for this purpose.)

(b) *Large cigars.* The amount of tax liability on large cigars shall be based on the maximum tax rate of $20 per thousand unless the person liable for the tax establishes that a lower tax rate is applicable.

2. In § 290.143, the requirement for separate inventories of large cigars with wholesale prices above and below $235.294 per thousand is eliminated. Also, the reference to suspension of package marking requirements is deleted. As amended, § 290.143 is revised to read as follows:

§ 290.143 General.

(a) Every export warehouse proprietor shall make a true and accurate inventory on ATF Form 3373 (5220.3) to the regional regulatory administrator, of the numbers of (1) small cigars, (2) large cigars, (3) small cigarettes, (4) large cigarettes, (5) cigarette papers and (6) cigarette tubes, held by him at the times specified in this subpart.

(b) This inventory shall be subject to verification by an ATF officer. A copy of each inventory shall be retained by the export warehouse proprietor for 2 years following the close of the calendar year in which the inventory is made and shall be made available for inspection by any ATF officer upon his request.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5721))

3. The regulations in § 290.186 are amended to remove the requirement for wholesale price package markings on packages of large cigars. Paragraphs (b), (c), and (d) are deleted, and the other material in the section is redrafted for improved clarity. As amended, § 295.186 is revised to read as follows:

§ 290.186 Tax classification for cigars.

Before removal from a factory under this subpart, every package of cigars shall have adequately imprinted on it, or on a label securely affixed to it—

(a) The designation "cigars";

(b) The quantity of cigars contained in the package; and

(c) For small cigars, the classification of the product for tax purposes; (i.e., either "small" or "little").

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723))

4. The requirement for wholesale price package markings is removed from § 290.253 by deleting paragraphs (b), (c), and (d). Also, the other material in the section is redrafted for improved clarity. As amended, § 290.253 is revised to read as follows:

§ 290.253 Tax classification for cigars.

Before withdrawal of cigars from a customs warehouse under this subpart, every package of cigars shall have adequately imprinted on it, or on a label securely affixed to it—

(a) The designation "cigars";

(b) The quantity of cigars contained in the package; and

(c) For small cigars, the classification of the product for tax purposes (i.e., either "small" or "little").

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723))

PART 295—REMOVAL OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

Par. D. The regulations in 27 CFR 295.44 are amended to remove the requirement for wholesale price package markings. Paragraphs (b), (c), and (d) are deleted, and the other material in the section is redrafted for more clarity. As amended, § 295.44 is revised to read as follows:

§ 295.44 Notice for cigars.

Before removal under this part, every package of cigars shall have adequately imprinted on it, or on a label securely affixed to it—

(a) The designation "cigars";

(b) The quantity of cigars contained in the package; and

(c) For small cigars, the classification of the product for tax purposes (i.e., either "small" or "little").

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723))

Signed: December 4, 1980.

G. R. Dickerson,

Director.

Approved: February 3, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-8798 Filed 3-23-81; 8:45 am]

BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; technical amendment.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning April 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208, (the "Act").

This amendment is necessary to provide rates for the period beginning April 1, 1981 to be used with the formulas under the Valuation of Plan Benefits in Non-Multiemployer Plans regulation which becomes effective April 1, 1981. This amendment adopts the same rates as those adopted in the amendment to the Interim regulation on Valuation of Plan Benefits which was published March 13, 1981 (46 FR 16085). These rates and factors will remain in effect until PBGC publishes a notice revising them.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended, (46 FR 9602 *et seq.*). On March 13, 1981, the PBGC published an amendment to the Interim regulation on Valuation of Plan Benefits containing rates for plans that terminate on or after April 1, 1981 (46 FR 16085). This notice is a technical amendment which conforms the interest rates and factors in the final rule to the rates published on March 13.

Accordingly, Appendix B of the Final Rule on Valuation of Plan Benefits in Non-Multiemployer Plans is amended by this document to add a set of interest rates and factors for plans that terminate on or after April 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors added by this publication are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after April 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291 of February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or

individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising the heading of Table XXIII and by adding a new Table XXIV to Appendix B, as follows:

Appendix B—Interest Rates and Quantities Used To Value Immediate and Deferred Annuities

* * * * *

XXIII. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after February 1, 1981 and before April 1, 1981.*

* * * * *

XXIV. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after April 1, 1981.*

I. *Interest rate for valuing immediate annuities.*

An interest rate of 10 percent shall be used to value immediate annuities, to compute the quantity "G," for deferred annuities and to value both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity.

III. *Interest rates and quantities used for valuing deferred annuities.*

The following factors shall be used to value deferred annuities:

(1) $k_1 = 1.0025$
(2) $k_2 = 1.06$
(3) $k_3 = 1.04$
(4) $n_1 = 7$
(5) $n_2 = 8$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974), as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, (1980))

Issued at Washington, D.C., on this 19th day of March, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-8676 Filed 3-23-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 762

Midway Islands Code

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending the Midway Islands Code, codified in 32 CFR Part 762, to reflect certain recent administrative and organizational changes. Specifically, U.S. Naval Station, Midway Island, has been disestablished, and the functions once performed by the Naval Station relating to the administration of the Midway Islands have been transferred to the U.S. Naval Air Facility, Midway Island. In addition, the Fourteenth Naval District has been disestablished, and area coordination responsibilities formerly assigned to the Commandant, Fourteenth Naval District, have been reassigned to Commander, Naval Base Pearl Harbor. Therefore, the Midway Islands Code is being amended by substituting the words "U.S. Naval Air Facility" wherever the words "U.S. Naval Station" now appear, and by substituting the words "Commander, Naval Base Pearl Harbor" for the words "Commandant, Fourteenth Naval District."

EFFECTIVE DATE: March 24, 1981.

FOR FURTHER INFORMATION CONTACT: Staff Judge Advocate, Commander Naval Base, Pearl Harbor, HI 96860 (808) 471-0291.

Accordingly, 32 CFR Part 762 is amended as follows:

§§ 762.4, 762.8, 762.28, 762.34, 762.42, 762.50, 762.55, 762.58, 762.80, 762.92 [Amended]

1. In the sections and subsections of Part 762 listed immediately below, remove the words "U.S. Naval Station" and substitute therefor the words "U.S. Naval Air Facility":

762.4(b)
762.8, lines 4, 10–11 and 16
762.28(b), lines 3 and 5
762.34(a)
762.42
762.50(a)
762.55
762.58(b)
762.80(a)(2)
762.92

§§ 762.52 and 762.72 [Amended]

2. In the following sections and subsections of Part 762, remove the words "Commandant, Fourteenth Naval District" and substitute therefor the words "Commander, U.S. Naval Base, Pearl Harbor":

762.52
762.72(a)
762.72(c)
762.72(d)
762.72(e), lines 1–2 and 5–6

(Sec. 48, 74 Stat. 424; 3 U.S.C. 301, E.O. 11048, 3 CFR, 1959–1963 Comp., p. 632, (1962))

Dated: March 17, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy Alternate Federal Register Liaison Officer.

[FR Doc. 81-8661 Filed 3-23-81; 8:45 am]

BILLING CODE 3810-71-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates

Correction

In FR Doc. 81-8042, appearing at page 17016, in the issue of Tuesday, March 17, 1981, make the following change:

On Page 17019, third column, Table 17, the rate for two pounds, reading "29.00" should be changed to read "29.90".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E2194/R304; PH-FRL 1786-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Methidathion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the residues of the insecticide methidathion (*O,O*-dimethylphosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ²-1,3,4-thiadiazolin-5-one) and its metabolite in or on the raw agricultural commodity mangos at 0.05 part per million (ppm). This regulation was requested by the Interregional Project No. 4 (IR-4). This regulation establishes the maximum permissible level for residues of the subject insecticide in or on mangos.

EFFECTIVE DATE: March 24, 1981.

ADDRESSES: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the Federal Register of December 24, 1980 (45 FR 85103) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 9E2194 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Florida.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish a tolerance for residues of the insecticide methidathion (*O,O*-dimethylphosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-$\Delta^2$1,3,4,-thiadiazolin-5-one) and its methabolites in or on the raw agricultural commodity mangos at 0.05 part per million.

No comments or requests for referral to an advisory committee were received in response to this proposed regulation.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before April 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Effective Date: March 24, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: March 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting the raw agricultural commodity "mangos" in the table under § 180.298 to read as follows:

§ 180.298 Methidathion; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Mangos	0.05
* * * * *	

[FR Doc. 81-8888 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[OPP-300038A; PH-FRL 1785-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 2,4-D Isopropyl Ester

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation revising 40 CFR 180.142(a) by allowing the postharvest use of 2,4-*D* isopropyl ester in or on the raw agricultural commodity citrus fruits at 5 parts per million. This regulation was requested by the Interregional Research Project No. 4 (IR–4). This regulation establishes the maximum permissible level of 2,4-*D* isopropyl ester in or on the citrus fruits at 5 parts per million resulting from postharvest application.

DATE: Effective on March 24, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (202–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of December 24, 1980 (45 FR 85105) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experimental Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted a pesticide petition (6E1797) to the EPA on behalf of the IR–4 Technical Committee and the Agricultural Experimental Station of California. The petition proposed that 40 CFR 180.142(a) be amended to allow the postharvest use of the 2,4-*D* isopropyl ester in or on citrus fruits under the established 5 ppm tolerance for citrus.

No comments or requests for referral to an advisory committee were received in response to this proposed regulation. Therefore, it is concluded that the tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, on or before April 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Effective date: March 24, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: March 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by revising paragraph (a) under § 180.142 to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) Tolerances are established for residues of the herbicide, plant growth regulator, and fungicide 2,4-*D* (2,4-dichlorophenoxyacetic acid) in or on the raw agricultural commodities as follows: 5 parts per million in or on apples, citrus fruits, pears, and quinces. The tolerance on citrus fruits also includes residues of 2,4-*D* (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-*D* isopropyl ester and 2,4-*D* butoxyethyl ester and from the postharvest application of 2,4-*D* alkanolamine salts and 2,4-*D* isopropyl ester to citrus fruits.

* * * * *

[FR Doc. 81-8882 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL 1786-3; PP 4E1454/R362]

Diphenamid; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the herbicide diphenamid including its desmethyl metabolite on raspberries at 1.0 part per million (ppm). This regulation was requested by the Interregional Project No. 4 (IR-4). This regulation establishes the maximum permissible level for residues of the subject herbicide on raspberries.

EFFECTIVE DATE: Effective on March 24, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the Federal Register of December 24, 1980 (45 FR 85101) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 4E1454 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Maryland.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act establish a tolerance for residues of the herbicide diphenamid (*N,N*-dimethyl-2,2-diphenylacetamide) including its desmethyl metabolite (*N*-methyl-2,2-diphenylacetamide) in or on the raw agricultural commodity raspberries at 1.0 ppm.

No comments or requests for referral to an advisory committee were received in response to this proposed regulation.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before April 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Effective date: March 24, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: March 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically adding the raw agricultural commodity "raspberries" under § 180.230 to read as follows:

§ 180.230 Diphenamid; tolerance for residues.

* * * * *

1.0 part per million in or on raspberries.

* * * * *

[FR Doc. 81-8989 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL 1785-5, OPP-300043A]

Lecithin; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for lecithin when used as an inert (or occasionally active) ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. This regulation was requested by Decco Tiltbelt Agricultural Technology.

EFFECTIVE DATE: Effective on March 24, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of January 19, 1981 (46 FR 5003) that Decco Tiltbelt Agricultural Division, Box 120, 1713 S. California Ave., Monrovia, CA 91016, had submitted a request to the EPA to establish an exemption from the requirement of a tolerance for lecithin under 40 CFR 180.1001(c). No comments or requests for referral to an advisory committee were received in response to this proposal. It has been concluded that the amendment will protect the public health, and therefore, the amendment to the regulation should be adopted as set forth below.

Any person adversely affected by this regulation may, on or before April 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

For information on the Regulatory Flexibility Act requirements, see the Appendix to this regulation.

Effective date: March 24, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: March 13, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is to be amended by alphabetically inserting "lecithin" in the list under § 180.1001(c) to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredient	Limits	Uses
Lecithin	Meeting Food Chemicals Codex specification.	Emulsifier.

Appendix to [OPP-380043A], Lecithin Exemption From Tolerance

Certification Under Regulatory Flexibility Act:

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-343, 94 Stat. 1164, 5 U.S.C. 601-612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

Under secs. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a, 348), the Agency is authorized to establish by regulation tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually non-existent or insignificant.

This regulation will allow the use of lecithin in pesticide products applied to food crops. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: March 11, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-8679 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PH-FRL 1786-2; PP OE2371/R305]

Terbacil; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the herbicide terbacil and its metabolites on asparagus at 0.2 part per million (ppm). This regulation was requested by the Interregional Project No. 4 (IR-4). This regulation establishes the maximum permissible level for residues of the subject herbicide on asparagus.

EFFECTIVE DATE: Effective on March 24, 1981.

ADDRESSES: Written objections may be filed with the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of December 24, 1980 (45 FR 85104) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number OE2371 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Michigan and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act establish a tolerance for residues of the herbicide terbacil (3-tert-butyl-5-chloro-6-methyluracil) and its metabolites 3-tert-butyl-5-chloro-6-hydroxymethyluracil (A), 6-chloro-2,3-dihydro-7-hydroxymethyl-3,3-dimethyl-5*H*-oxazolo (3,2-a) pyrimidin-5-one (B), and 6-chloro-2,3-dihydro-3,3,7-trimethyl-5*H*-oxazolo (3,2-a) pyrimidin-5-one (C) at 0.2 ppm in or on asparagus.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before April 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Effective date: March 24, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: March 9, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically adding the raw agricultural commodity "asparagus" in the table under § 180.209(b) to read as follows:

§ 180.209 Terbacil; tolerances for residues.

(b) * * *

Commodities	Parts per million
Asparagus	0.2

[FR Doc. 81-8679 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-203; RM-3422]

FM Broadcast Station in Corning, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class B FM Channel 264 to Corning, California, as that community's first FM assignment, in response to a petition for rule making filed by Valley FM Radio.

DATE: Effective April 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

(Proceeding terminated).

Adopted: February 20, 1981.

Released: February 25, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Corning, California); report and order.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 32029, published May 15, 1980, proposing the assignment of Class B FM Channel 284 or alternate Channel 221A to Corning, California. The *Notice* was issued in response to a petition filed by Valley FM Radio ("petitioner"). Supporting comments were filed by the petitioner, stating its intent to apply for authority to construct and operate on the Class B channel, if assigned. No oppositions to the proposal were received.

2. Petitioner requested the assignment of Channel 284 to Corning, however, noting the size of the community, we proposed alternate Channel 221A. Petitioner was requested to provide a showing of need for the Class B facility, including a *Roanoke Rapids* and *Anamosa* study, and to indicate whether it would be interested in a Class A facility for Corning. In response, petitioner contends that a Class A facility could neither provide service to the sparsely populated communities nor attract the revenue through advertising needed to operate. Therefore, it urges the Commission to assign the Class B channel to Corning instead of the proposed Class A assignment.

3. Corning (pop. 3,573),[1] in Tehama County (pop. 29,512), is located approximately 160 kilometers (100 miles) north of Sacramento, California. It has no local aural broadcast service.

4. Petitioner incorporated by reference the information contained in the *Notice* which demonstrated the need for a first FM assignment to Corning. In response to the *Notice*, petitioner claims that a wide area coverage Class B facility would provide a first FM service to 1,550 square kilometers (607 square miles) for 2,185 persons and a second FM service to 2,232 square kilometers (872 square miles) for 5,837 persons. It would also provide a first nighttime service to 3,932 square kilometers (1,536 square miles) for 8,245 persons and a second nighttime service to 2,066 square kilometers (816 square miles) for 49,994 persons. However, petitioner's *Roanoke Rapids* study failed to consider several assignments which would substantially reduce the first and second FM service figures and petitioner's nighttime service figures were based on AM stations, but did not include FM assignments.

5. As a result of the proposed Channel 284 assignment to Corning, nine communities with populations greater than 1,000 would be precluded from assignments on Channels 284 and 285A. Of these, two communities [Willits and Orland, California) have no AM stations or FM assignments. Petitioner submitted a listing of alternate channels available to the communities precluded by the Class B assignment, as requested in the *Notice*.[2]

6. We have given careful consideration to the proposal and believe Channel 284 should be assigned to Corning, California. Although a community of this size is not normally assigned a Class B channel, from the information submitted by the petitioner it does appear that the Class B assignment would nevertheless provide some first and second FM and aural services to persons in sparsely populated areas. Additionally, there has been no expression of interest in operating a Class A facility in this area. Since alternate channels are available to the precluded areas, we believe that the preclusion impact is insignificant. Thus, in view of the insignificant preclusion impact by virtue of the availability of alternate channels and the apparent need for a wide coverage area station, we find the proposal justified.

7. Accordingly, it is ordered, That effective April 20, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with respect to the community listed below:

City	Channel No.
Corning, California	284

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-8863 Filed 3-23-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

[2] Alternative channel assignments listed for Orland consist of Channels 221A, 257A and 285A and for Willits—221A, 244A, 249A, 257A and 281A.

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47 CFR Part 73

[BC Docket No. 80-527; RM-3509]

Radio Broadcast Services, FM Broadcast Stations in Columbia and Monroe City, Miss.; Changes Made in Table of Assignments; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action corrects erroneous statement that Channel 269A in Monroe City, Missouri (BC Docket No. 80-527), remained unapplied for. In fact, an application for the channel, filed by Lynlee Broadcasting Co., Inc. (BPH 800606AB) is pending.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Columbia and Monroe City, Missouri).

Released: March 3, 1981.

1. On February 10, 1981, the Commission adopted a *Report and Order* (46 FR 13515) assigning Channel 269A to Columbia, Missouri, and substituting Channel 292A for Channel 269A at Monroe City, Missouri. In paragraph 3 of the *Report and Order*, we erroneously stated that Channel 269A, while recently assigned to Monroe City, remained unoccupied and unapplied for. An application for the channel, filed by Lynnlee Broadcasting Co., Inc. (BPH 800606AB) is pending.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-8862 Filed 3-23-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-169; RM-3371]

FM Broadcast Stations in Lewisburg and Ronceverte, West Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: This action assigns FM Channel 249A to Ronceverte, West Virginia, in response to a petition filed by Radio Greenbrier, Inc. The assigned channel could provide Ronceverte with its first local aural broadcast service. In addition, Channel 288A is reassigned from Ronceverte to Lewisburg, West Virginia, to reflect its use there.

DATE: Effective: March 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: February 2, 1981.

Released: February 10, 1981.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Lewisburg and Ronceverte, West Virginia); *report and order.*

(proceeding terminated).

1. The Commission has under consideration, the *Notice of Proposed Rule Making,* 45 FR 28768, published April 30, 1980, proposing the assignment of FM Channel 249A to Ronceverte, West Virginia, as that community's first FM assignment; and the reassignment of FM Channel 288A from Ronceverte to Lewisburg, West Virginia, to reflect its actual use there.[1] The *Notice* was issued in response to a petition filed by Radio Greenbrier, Inc. (petitioner). The petitioner filed supporting comments and expressed its intent to apply for the channel, if assigned. In addition, the National Radio Astronomy Observatory (NRAO) and the Naval Research Laboratory (NRL) filed comments reminding potential applicants that the *Notice* provisions of § 73.1030 of the Commission's Rules are applicable here because Ronceverte is located within the radio "quiet zone."

2. Ronceverte (pop. 1,982),[2] in Greenbrier County (pop. 32,000) is located approximately 126 kilometers (78 miles) southeast of Charleston, West Virginia. It is served locally for fulltime AM Station WRON.

3. As stated in the *Notice,* Ronceverte is the agricultural supply center for eastern Greenbrier County, and the site for several small factories. Sufficient information was submitted to demonstrate the need for an FM assignment.

4. We believe that the public interest would be served by assigning Channel 249A to Ronceverte, West Virginia, since it would provide that community with an opportunity for its first local aural broadcast service. We shall also reassign Channel 288A from Ronceverte to Lewisburg, West Virginia, to reflect its current use in that community.

5. Petitioner expressed its concern that since Channel 288A was authorized for use in Lewisburg, although assigned to Ronceverte, pursuant to the 10-mile rule (see *In Re Radio Greenbrier, Inc.,* Docket Nos. 78-333 and 78-334, 80 FCC 2d. 125 (1980)), that Channel 249A may also be authorized for use at another community. Thus petitioner requests that we stipulate that the 10-mile rule shall not be applied to Channel 249A. However petitioner should note that by the terms of § 73.203(b), the 10-mile rule may not be invoked against the same community more than once.

6. Because the assignment is located in the radio "quiet zone" all applicants for Channel 249A in Ronceverte, should be aware of the Commission's notice requirements to the NRAO and NRL as set forth in § 73.1030 of the Commission's Rules.

7. Pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective March 24, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with regard to the communities listed below:

City	Channel No.
Ronceverte, West Virginia	249A
Lewisburg, West Virginia	288A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-8881 Filed 3-23-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Channel 288A is assigned to Ronceverte, West Virginia, however, under the 10-mile rule (§ 73.203(b)), a construction permit was granted to operate on Channel 288A at Lewisburg, West Virginia.

[2] Population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

Commercial Tanner Crab Fishery off the Coast of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule.

SUMMARY: The Director, Alaska Region, (Regional Director), National Marine Fisheries Service (NMFS), closes by field order part of the South Peninsula District in Registration Area J to fishing for Tanner crab (*Chionoecetes* spp) by vessels of the United States. The action is necessary because the desired harvest level in the western part of the South Peninsula District has been reached. The action will prevent overfishing on localized stocks of Tanner crab.

EFFECTIVE DATE: 12:00 noon Alaska Standard Time, March 20, 1981 until 12:00 noon Alaska Daylight Time, May 15, 1981. Public comments must be received on or before April 6, 1981.

ADDRESS: Comments may be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert McVey (address above). Telephone (907) 586-7221.

SUPPLEMENTARY INFORMATION:

The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP) provides for in-season adjustments to fishing seasons and areas. Implementing rules in 50 CFR Part 671 specify in § 671.27(b) that these decisions shall be made by the Regional Director under the criteria set out in that section. On June 17, 1980, the Assistant Administrator for Fisheries, NOAA, delegated to the Regional Director authority to promulgate field orders making in-season adjustments.

50 CFR 671.26(f) creates four districts within Registration Area J. One of these is the South Peninsula District which is managed by the Alaska Department of Fish and Game (ADF&G) as two separate districts, the South Peninsula

district in the west ("new South Peninsula district") and the Chignik district in the east. Amendment 6 to the FMP will subdivide the South Peninsula district into two districts to be consistent with the State's management regime; final rules to this effect have not yet been promulgated.

The districts were created, in part, to prevent overfishing of individual Tanner crab stocks by allowing closure of a particular district when the desired harvest level in that district is reached. Although an optimum yield of six million pounds has been proposed by the North Pacific Fishery Management Council for the new South Peninsula district, a guideline harvest level of 3–6 million pounds was adopted by the Alaska Board of Fisheries in December 1980. This harvest level was based on the 1980 indexing survey conducted by ADF&G. The survey indicated a 50 percent reduction in numbers of harvestable crab over the previous seasons.

The 1980–81 season opened December 1 and, as of February 22, about 2.5 million pounds of crab have been harvested within the new South Peninsula district. Catch per unit of effort has been 21 crabs per pot, a decline from the 1979–80 season of 27 crabs per pot. Average width and weight of crabs being landed are less this season than they were last season, indicating that the average overall size of the crabs in the population is smaller. This is undesirable for the commercial fishery.

Evaluation of the above data indicates the harvest within the new South Peninsula district should be held to about 3.2 million pounds. This amount will be harvested by March 13, 1981.

In light of this information, the Regional Director has found that the number of harvestable Tanner crab in the western portion of the South Peninsula District is substantially different from the number anticipated at the beginning of the fishing year, and that this circumstance reasonably supports the closing of the western portion of the South Peninsula District for the rest of the 1980–81 fishing year at 12:00 noon, Alaska Standard Time, on March 13, 1981, rather than at 12:00 noon, Alaska Daylight Time, on May 15.

Because the information upon which the Regional Director based his finding has only recently become available, it would be impracticable to provide a meaningful opportunity for prior public notice and comment on this field order and still impose the March 13, 1981 closure which sound conservation of the resource and the prevention of overfishing appear at this point to demand. The Regional Director therefore finds, under 5 USC § 553(b) and (d)(3) and under 50 CFR 671.27(b)(4)(i), that there is good cause for not providing opportunity for advance notice and public comment on this field order prior to its promulgation, and for not allowing the passage of the normal 30-day period before it goes into effect. Therefore, under 50 CFR 671.27(a)(2), this field order shall become effective at 12:00 noon, Alaska Standard time, on March 13, 1981, following its filing for publication in the Federal Register and publication for 48 hours through ADF&G procedures. Under 50 CFR § 671.27(b)(4)(iii), public comments on this field order may be submitted to the Regional Director at the address stated above for 15 days ending April 8, 1981. During the 15-day comment period, the data upon which this field order is based will be available for public inspection during business hours (8:00 a.m.–4:30 p.m.) at the NMFS Kodiak field office, ADF&G Building, at Kashevaroff and Mission Roads, Kodiak, Alaska. The Regional Director will reconsider the necessity of this field order in light of the comments received, and subsequently publish in the Federal Register a notice either extending, modifying, or rescinding this field order.

A final environmental impact statement was prepared on approval and implementation of the FMP under section 102(2)(c) of the National Environmental Policy Act, and is on file with the Environmental Protection Agency.

The Acting Administrator, NOAA, has determined that this field order is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because: (1) it will not result in an annual effect on the economy of $100 million or more; (2) it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. By enhancing the long-term productivity of the Tanner crab fishery resource and thus increasing the long-term availability of Tanner crab to domestic fishermen and consumers, this field order can be expected to enhance investment in and the productivity of the United States fishing industry, to lower Tanner crab prices to consumer, and to enhance the ability of the United States fishing industry to compete in foreign shellfish markets. The short-term restrictions imposed by this field order are not expected to result in countervailing short-term decreases in investment, productivity, and competitiveness or in significant increases in consumer prices, because: (1) the total amount of crab involved in the closure is relatively small; (2) the anticipated harvest of 3.2 million pounds is well within reasonable expectations for yield from the fishery in 1981; and (3) alternative fishing grounds are available to participants in the fishery adjacent to the area to be closed. This field order implements existing regulations under the FMP. For these same reasons, the Acting Administrator, NOAA, determines that this field order will not have a significant economic impact on a substantial number of small entities, and thus does not require the preparation of a regulatory flexibility analysis under 5 USC §§ 603 and 604. Finally, this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons (Paperwork Reduction Act of 1980).

Because of the need outlined above for prompt action to protect the Tanner crab resource from overfishing, this field order responds to an emergency situation within the meaning of section 8 of Executive Order 12291, "Federal Regulation," and is thus exempt from the requirement of section 3(c)(3) of that Order that it be submitted to the Director of the Office of Management and Budget 10 days prior to publication. This field order is being transmitted to the Director simultaneously with its filing in the Federal Register.

Signed on behalf of the Regional Director in Washington, D.C. this 19th day of March, 1981.

(16 USC 1801 et seq. 50 CFR § 671.27)

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 671—TANNER CRAB OFF ALASKA

50 CFR § 671.26 is amended by adding paragraph (f)(4) as follows:

§ 671.26 Season and gear restrictions.

* * * * *

(f) Registration Area J.

* * * * *

(4) *Early Closure of 1980–81 Fishing Year in Part of South Peninsula District.* Notwithstanding paragraph (f)(2)(ii) of this section, the taking of Tanner crab in the following portion of the South Peninsula District is prohibited after 12:00 noon, Alaska Standard Time, on March 20, 1981: from east of the

longitude of Scotch Cap Light (164°44'06" W. longitude) to west of a line connecting the following points:

(i) Kupreanof Point (55°34' N., 159°36' W.)

(ii) the easternmost point of Castle Rock (55°16'48" N., 159°29' W.)

(iii) the intersection of a line extending southeast (135°T) from point (2) to (157°35' W. longitude).

This paragraph shall expire at 12:00 noon, Alaska Daylight Time, on May 15, 1981.

[FR Doc. 81-8860 Filed 3-20-81; 10:25 am]
BILLING CODE 3510-22-M

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Proposed Rules

Federal Register
Vol. 46, No. 56
Tuesday, March 24, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF EDUCATION

34 CFR Part 104

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance

AGENCY: Department of Education.

ACTION: Correction of the notice of intent to develop regulations and extended comment period.

SUMMARY: The Secretary corrects the notice of intent to develop regulations under section 504 of the Rehabilitation Act of 1973 regarding access rights of hearing-impaired persons to television programs. That notice of intent was published in the Federal Register on January 19, 1981, pages 4955–4956. Also, the period for public comment is extended.

DATE: All comments in response to the corrected Notice must be received on or before May 8, 1981.

ADDRESS: Comments should be addressed to Mr. Edward A. Stutman, Office for Civil Rights, Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Stutman, telephone (202) 245–0781 (Voice or TTY).

SUPPLEMENTARY INFORMATION: On January 19, 1981, at 46 FR 4955, the Secretary of Education published a notice stating that the Department intends to amend regulations under Section 504 of the Rehabilitation Act of 1973, as amended, to define the rights of hearing-impaired persons to access to television programs. Included in the notice was a series of questions on issues which the proposed regulations might address, and on which the public was invited to comment. Two lines were inadvertently omitted from question #4. For the convenience of the reader, the entire list of questions is restated below.

1. Should the Department pursue its intention to issue detailed regulations on the Section 504 obligations of television broadcasters and systems of broadcasters? Are there other means of defining and ensuring compliance with these obligations?

2. What is the nature and extent of the benefit derived by broadcasters from the availability of television programs produced with Department of Education funds?

3. What is the nature and extent of the benefit derived by systems of broadcasters, such as the Public Broadcasting Service (PBS) and regional networks, from the availability of these programs?

4. Which activities carried out by broadcasters and systems of broadcasters are subject to the requirements of Section 504 by reason of the benefits referred to above? For example, would broadcasters and systems of broadcasters be required to make some or all programs that they broadcast or distribute accessible to persons with impaired hearing by reason of the availability of programs produced with Department funds? By what regulatory standard should any obligation to make programs accessible be determined?

5. What differences, if any, should there be in the Department's treatment of commercial and non-commercial broadcasters and systems of broadcasters? Why?

6. What are the advantages and disadvantages of using the various available methods of making television programs accessible to persons with impaired hearing? Currently available methods include open captioning, closed captioning, and sign language interpreting. Commenters are invited to consider, with regard to these and other possible methods, such factors as effectiveness in making programs accessible to the greatest possible number of hearing-impaired persons, the extent to which the method adversely affects the video portion of programs, cost, availability of resources (such as captioning capacity or qualified interpreters), and anticipated technological developments. Are particular methods better suited for some programs than others?

7. Should the Department limit the methods which may be used? If so, which method or methods should the Department select, and why?

8. Should the Department differentiate between various types of programs in setting standards for program accessibility? Examples of such programs include live programs, programs broadcast shortly after being recorded, programs intended only for local use, and programs recorded before a certain date. If so, what should be the basis for distinctions? Commenters are invited to consider such factors as technological feasibility, cost, availability of resources to provide access, and size of potential audience.

9. How soon after publication should any requirements for program accessibility take effect?

Dated: March 13, 1981.

T. H. Bell,
Secretary of Education.

[FR Doc. 81-8665 Filed 3-23-81; 8:45 am]
BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[A-2-FRL 1780-1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; New Jersey and Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act require States to submit to the Environmental Protection Agency (EPA) plans to control fluoride emissions from existing primary aluminum plants. Alternatively, a State may submit to EPA a "negative declaration" which certifies that no primary aluminum plants exist within the State's boundaries. The purpose of this Federal Register notice is to propose approval of such negative declarations which have been submitted to EPA by the State of New Jersey and the Territory of the Virgin Islands.

DATE: Comments must be received on or before April 23, 1981.

ADDRESSES: All comments should be addressed to: Charles S. Warren,

Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the letters received from New Jersey and the Virgin Islands are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460;

Virgin Islands Department of Conservation and Cultural Affairs, Division of Natural Resources Management, Charlotte Amalie, St. Thomas, Virgin Islands 00801;

New Jersey Department of Environmental Protection, Division of Environmental Quality, John Fitch Plaza, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278 (212) 264–2517.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act requires states to submit to the Environmental Protection Agency (EPA) plans to control emissions of designated pollutants from designated facilities. "Designated pollutants" are pollutants which are not included on a list published under the provisions of Section 108(a) of the Clean Air Act (criteria pollutants), or are not regulated under the provisions of Section 112(b)(1)(A) of the Clean Air Act (hazardous air pollutants), but which are pollutants for which standards of performance for new sources have been established under Section 111(b) of the Clean Air Act (New Source Performance Standards). A "designated facility" is an existing facility which emits a designated pollutant and which would be subject to a new source performance standard for that pollutant if the facility were new.

Emission guidelines for fluoride emissions from existing primary aluminum plants were discussed in an April 17, 1980 **Federal Register** notice at 45 FR 26294. The states were directed to submit to EPA a control plan by January 19, 1981, nine months after the date that the emission guidelines were issued. Alternatively, where a state does not contain a designated facility (such as primary aluminum plant) within its borders, the state may, instead, submit a letter to EPA certifying the nonexistence of any such designated facility, as provided by Subpart A of 40 CFR Part 62. This letter is termed a "negative declaration."

The State of New Jersey and the Territory of the Virgin Islands have submitted "negative declarations" to EPA with regard to primary aluminum plants. These were submitted on September 29, 1980 and July 21, 1980, respectively. This fulfills their responsibility for submitting state control plans as required by Section 111(d) of the Clean Air Act, and Subpart A of 40 CFR Part 62. A more detailed discussion of 111(d) control plans is contained in the October 18, 1977, July 10, 1978 and November 3, 1978 issues of the **Federal Register** (42 FR 55796, 43 FR 29585, and 43 FR 51383, respectively).

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it identifies where State plans are not needed, thereby reducing further regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any Comments from OMB to EPA and any EPA response to those comments are available for public inspection from: Air Programs, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

This notice of proposed rulemaking is issued under the authority of Sections 111(d) and 301(a) of the Clean Air Act, as amended, to advise the public that comments may be submitted within 30 days of publication of this notice on whether the proposed action is appropriate.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not, if promulgated, have a significance economic impact on a substantial number of small entities. This action imposes no new requirements.

(Sections 111 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: March 5, 1981.

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-8872 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 162

[PH-FRL 1714-8; OPP-250023]

Certain Biological Control Agents; Proposed Exemption From Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This rule proposes exemptions from regulation under section 25(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, for certain organisms which are used as biological control agents and which are therefore considered "pesticides" under the definition set forth in FIFRA secion 2(u). This exemption is proposed by the Administrator under the authority of FIFRA section 25(b)(1), on the grounds that such biological control organisms are "adequately regulated by another Federal agency." The proposed rule sets forth the regulatory roles of the Federal agencies involved, the categories of organisms exempted, and procedures for determining if a specific organism is or should be covered by this exemption.

DATE: Comments must be received on or before May 26, 1981.

ADDRESS: Written comments should bear the document control number OPP–250023 and should be submitted to: Document Control Officer, Management Support Division (TS–793), Office of Pesticides and Toxic Substances, Room E–107, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Comments received will be available for public inspection in Room 447 East Tower, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Fred S. Betz, Section 25(b) Working Group Coordinator, Hazard Evaluation Division (TS–769), Office of Pesticide Programs, Evironmental Protection Agency, Rm. 800A, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–0267).

SUPPLEMENTARY INFORMATION: This rule is being proposed under section 25(b)(1) of FIFRA and will be designated as 40 CFR 162.5–1. It is being proposed as part of EPA's General Policy for the Regulation of Biorational Pesticides, as described in the **Federal Register** on May 14, 1979 (44 FR 28093). Additional exemptions may be made at a later date

under section 25(b)(1) or 25(b)(2) of FIFRA.

Background

When a living organism is intended for use as a biological control agent to prevent, repel, destroy or mitigate a pest, or is intended for use as a plant growth regulator, defoliant or desiccant, it is considered to be a pesticide under FIFRA, section 2(u), and is therefore regulated under that Act. In general, FIFRA requires that pesticides intended for use for other than research purposes be registered by EPA prior to distribution or sale. Such registration can only be issued by EPA if, on evaluation of information submitted prior to registration, EPA concludes that the pesticide can be used without unreasonable adverse effects on man or the environment.

Prior to 1979, EPA had no formal policy defining the scope of its responsibilities for registration of biological control agents. Instead, the Agency considered registration of such organisms on an *ad hoc* basis, and only a few registrations, for certain microorganisms (e.g., *Bacillus thuringiensis*), were issued.

On May 14, 1979, the Agency proposed in the Federal Register a General Statement of Policy for regulation by EPA of such microorganisms. The policy defined the microorganisms it would regulate as including viruses, bacteria, fungi, protozoa and algae. The proposed policy also stated the Agency's intent to formalize this position by exempting from regulation under FIFRA certain living organisms, other than microorganisms, used as biological control agents. EPA is authorized by FIFRA section 25(b) to exempt from the provisions of the Act, by regulation, any pesticide which the Administrator "determines either (1) to be adequately regulated by another Federal agency, or (2) to be of a character which is unnecessary to be subject to * * * (the) Act * * *"

Section 25(b)(2) cannot be used to exempt biological control agents in general from FIFRA, because such living organisms may have a substantial potential for direct adverse effects on humans, or on the environment, through alteration of the ecosystems into which they are introduced. Pesticides with these characteristics ordinarily require regulation under FIFRA.

Similarly, a broad exemption under section 25(b)(1) ("* * * adequate regulation by another Federal agency * * *") cannot be made for all biological control agents, since only EPA currently has adequate mechanisms for regulating all such organisms to prevent unreasonable adverse effects on humans or the environment. However, both the U.S. Department of Agriculture (USDA) and the Department of the Interior (USDI) have mechanisms to adequately regulate many macroorganisms, and some microorganisms, which may have adverse ecological effects, but no known significant adverse effects on humans. Therefore, it is possible to exempt many biological control agent from regulation under section 25(b)(1) of FIFRA.

Program implementation of USDA's regulatory authority is mainly within the Animal and Plant Health Inspection Service (APHIS). Under the Plant Pest Act (7 U.S.C. 150 aa–ii) and the Plant Quarantine Act (7 U.S.C. 151–167), APHIS is responsible for regulating—by inspection, quarantine, and permit requirements—the importation and interstate movement of plants, plant pests, and articles capable of disseminating plant pests and diseases. This includes *invertebrate* organisms considered pesticides under FIFRA which may, directly or indirectly, be pests of nontarget organisms. Pursuant to the Plant Pest Act and rules thereunder, the importation and interstate movement of such pests requires a permit from USDA, which may impose conditions necessary to prevent unregulated dissemination of such organisms. This often involves quarantine of the organisms to ensure that organisms, including hyperparasites, which could be detrimental to plant or animal life are not released into the environment.

In addition, USDA maintains a similar, but voluntary, quarantine and permit program for importation and release of non-pest biological control organisms. These biological control organisms are aslo checked for the presence of hyperparasites prior to issuance of a permit for release from quarantine.

Extensive research and development activities related to biological control agents and assessment of their impacts are also carried on in USDA's Science and Education Administration, Forest Service, and APHIS.

This general regulatory responsibility for plant pests combined with the voluntary program for regulation of biological control organisms and various USDA research and development activities, provides the framework for adequate regulation by USDA of many biological control agents.

With some minor exceptions, USDI has regulatory authority over *vertebrate* life forms which may be injurious to humans or the environment, or are otherwise within the Department's jurisdiction, and which may be considered pesticides under FIFRA.

Specifically, the Fish and Wildlife Service has broad authorities and responsibilities associated with the conservation of fish and wildlife resources. The Migratory Bird Treaty Act of 1918, as amended, establishes a Federal responsibility for the protection of international migratory bird resources, while the Endangered Species Act of 1973, as amended, provides for the conservation and protection of threatened and endangered species of fish, wildlife, and plants.

Other USDI authorities deal indirectly with biological control agents, including the Animal Damage Control Act of March 2, 1931, which provides for investigations, demonstrations, and control of mammalian predators, rodents, and birds. Also, the Lacey Act of May 25, 1900, as amended, provides authority to prohibit importation and transportation in interstate commerce of wild vertebrates and other animals declared by the Secretary of the Interior to be injurious to humans, agriculture, or wildlife resources, except under certain circumstances and pursuant to regulations promulgated by the Department.

These authorities under the Animal Damage Control and Lacey Acts allow the regulation of a vertebrate biological control agent when it is also considered a pest or problem. Those Acts do not provide authority to regulate an organism which only has beneficial effects as a biological control agent and which is not a pest or problem, unless the agent is an animal which is itself protected under some statute. However, vertebrates which may be used as pesticides are relatively few, and the potential for further development of such organisms as pesticides is lower than it is for invertebrates and microorganisms.

Therefore, EPA has concluded that biological control agents, with the exception of those described in § 162.5–12(d)(1) of this proposed rule, are adequately regulated and monitored by other agencies. If future events demonstrate that certain biological control agents exempted under this rule are not being adequately regulated by other agencies, those organisms would be referred to the attention of the appropriate agency, or would be added to this section by amendment. In the latter case, those organisms would no longer be considered exempt from the provisions of FIFRA.

Procedures for Determining Exemption Status

EPA expects that questions will arise in the future as to whether or not

specific biological control organisms should be classified as exempt or non-exempt under this rule—i.e., whether or not living organisms or questionable taxonomic class fit into the categories of non-exempt organisms described in § 162.5–1(d)(1). There may also be questions concerning the need to establish new non-exempt categories for biological control agents which are no longer "adequately" regulated by another agency or to establish an exception to existing non-exempt categories for specific biological control agents which are adequately regulated by another agency.

Paragraph (c) of this proposed rule authorizes the Administrator to resolve such questions. To aid the Administrator, paragraph (c) provides a detailed procedure for determining whether or not a specific living organism should be exempt under this rule. Basically, this paragraph requires the Administrator to answer six questions: (1) Is the material a "pesticide"?; (2) Is it a living organism?; (3) Is the organism of the same general type as those described in § 162.5–1(d)(1)?; (4) Is the organism currently regulated by another agency?; (5) Does the organism have a potential for human health effects?; (6) If the organism is not clearly covered by § 162.5–1(d)(1), should it specifically be made a non-exempt organism by amendment of that paragraph?

Depending on the answers to these questions, the Administrator will determine whether or not the living organism is a biological control agent exempt under the existing rule, and whether or not its status should be changed by amendment of the rule. Of course, in questionable cases the Administrator may need technical or scientific advice on several of these questions. To this end, EPA intends to enter into an understanding with other concerned agencies, including USDA, USDI, and the Food and Drug Administration, authorizing the Administrator to call on an interagency panel for such assistance on the *ad hoc* basis.

Exemptions

Section 162.5–1(d) of the proposed rule is intended to exempt all living organisms, with certain specific exceptions (e.g., bacteria, viruses, fungi, algae, and protozoa) from regulation under FIFRA.

Although this rule potentially exempts thousands of species of biota, its practical application at this time would affect only a very few. It would affect only those living organisms that currently have a specific combination of characteristics which allows their use as pesticides.

The major types of living organisms currently used as biological control agents which this rule would exempt from regulation are the parasitic and predaceous arthropods used to control populations of their insect hosts and prey. Their most intensive use has historically been under the auspices of USDA and State research and development activities.

Individual species, and occasionally genera, of any of the living organisms described as not exempted under § 162.5–1(d)(1)–(v) may be specifically exempted by amendment of this rule should circumstances warrant such an exemption in the future. Conversely, specific species which would be exempted by this proposed rule may be classified as non-exempt by amendment of the rule for reasons of the public health or environmental quality. Paragraph (d) of this proposed rule has been structured for the addition of amendments.

Regulatory Flexibility Analysis

Pursuant to section 3(a) of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354; 94 Stat. 1165; 5 U.S.C. 60 et seq.), this proposed regulation has been reviewed and it has been determined that a regulatory flexibility analysis is not required since the final regulation will not have a significant adverse impact on a substantial number of small businesses, small organizations, or small governments.

The final rule will have no known adverse effect on small organizations or small governments. Only a very few small businesses will be affected by the rule (i.e., those producing biological control agents for use as pesticides) since the technology involved is still relatively new and since the market for biological control agents is still relatively small in relation to that for chemical pesticide products. In addition, the rule will have no adverse impact on these businesses since its effect will be to eliminate the burdens, or potential burdens, imposed by FIFRA on the pesticide producers. Those producers who are not exempt from FIFRA by this rule will be subject only to existing requirements under FIFRA and other regulations written under sec. 3 of FIFRA. This proposed rule would not create any new burdens for producers of non-exempt organisms.

Under E.O. 12291, E.P.A. must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it exempts manufacturers and distributors of biological control agents from regulations under section 25(b) of FIFRA and therefore decreases the costs they would have incurred if not exempt.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: Document Control Officer, Management Support Division (TS–793), Office of Pesticides and Toxic Substances, Room 447, East Tower, EPA, 401 M Street SW., Washington, D.C. 20460.

Statutory Review

The Secretary of Agriculture has reviewed the proposed regulation in accordance with section 25(a) of FIFRA and has concurred in its publication with only a minor drafting suggestion for the preamble. The minor change suggested by the Secretary has been made.

The FIFRA Scientific Advisory Panel (SAP) also received a copy of the proposed rule for review in accordance with section 25(d) of FIFRA and in a memorandum dated December 17, 1980, the SAP concurred without comment.

(Sec. 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by sec. 23, Pub. L. 95–396, 92 Stat. 819; (7 U.S.C. 136 *et seq.*))

Dated: February 9, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

It is proposed to amend 40 CFR Part 162 by adding a new § 162.5–1, to read as follows:

§ 162.5–1 Exemption of certain pesticides from further regulation under FIFRA.

(a) *General.* (1) This regulation exempts certain biological control agents from the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (Pub. L. 95–396; 92 Stat. 819; 7 U.S.C. 136 *et seq.*), under the authority of section 25(b) of FIFRA. It does not exempt such organisms from any other applicable Federal or State law or regulation.

Paragraph (d)(1) of this rule exempts all living organisms which are considered pesticides by definition under FIFRA section 2(u), and which are defined as biological control agents by paragraph (b) of this rule, except those organisms specifically described in paragraph (d)(1)(i)–(v). The exemption made by paragraph (d)(1) is based on the fact that the exempted organisms are adequately regulated by the U.S. Departments of Agriculture or of the Interior, or by other Federal agencies, under express statutory grants of authority or under other programs administered by those agencies. Should

any exempted organism cease to be adequately regulated by another agency, it will be listed as an exception to the exemption by amendment of this rule.

(2) This regulation also sets forth procedures which the Administrator will follow in making future determinations as to whether or not certain organisms are, or should be, exempt from regulation under FIFRA.

(b) *Definitions.* Unless otherwise indicated, terms used in this section have the meanings set forth in section 2 of FIFRA and in § 162.3. In addition, as used in this section, "biological control agent" means any living organism applied to or introduced into the environment to control the population or biological activities of another life form which is considered a pest under section 2(t) of FIFRA.

(c) *Procedures for Determining Exemptions.* In deciding whether a substance is an organism covered by an exemption in paragraph (d)(1):

(1) The Administrator will determine whether the substance is a pesticide as defined by section 2(u) of FIFRA. If it is not, then it is not within the scope of section 25(b) of FIFRA or paragraph (d)(1) of this section.

(2) If the substance is a pesticide, then the Administrator will determine if it is a biological control agent. If it is not, then paragraph (d)(1) of this section does not apply.

(3) If the substance is a biological control agent, then the Administrator will determine whether it belongs to one of the classes specifically excluded from exemption under paragraph (d)(1) of this section.

(i) If the biological control agent is exempt from regulation, the Administrator may consider whether it should be made non-exempt by amendment of paragraph (d)(1) of this section.

(ii) If the biological control agent is excluded from exemption under paragraph (d)(1) of this section, the Administrator may determine how it is to be regulated under FIFRA, or whether it should be specifically exempted under either section 25(b)(1) or 25(b)(2) of FIFRA.

(4) If the Administrator is considering whether to specifically grant an exception for a biological control agent as described in paragraph (c)(3)(ii)(B) of this section, the Administrator shall determine:

(i) Whether the biological control agent has a potential for adverse effects on human health or the environment. If it has no such potential, the biological control agent may be exempted by amendment of this regulation on the grounds that it is of a nature which does not require regulation.

(ii) Whether the biological control agent is adequately regulated by another Federal agency. If the agent is adequately regulated, it shall be exempted by amendment of this section.

(5) When the Administrator is considering whether to withdraw an exemption for a biological control agent as described in paragraph (c)(3)(i) of this section, the Administrator shall determine whether the agent is being adequately regulated by another Federal agency. If the biological control agent is not being adequately regulated, the Administrator may specifically withdraw its exemption by amendment of this regulation and shall thereafter exercise appropriate regulatory authority over the organism under FIFRA.

(d) *Exemptions.* (1) As authorized by section 25(b)(2) of FIFRA, all biological control agents are hereby exempted from the provisions of FIFRA, except the following:

(i) Living organisms taxonomically defined as viruses.

(ii) Living organisms taxonomically defined as bacteria, rickettsia, mycoplasmas, or 1-form of bacteria.

(iii) Living organisms classified as members of the animal subkingdom *Protozoa.*

(iv) Organisms classified as fungi of lower taxonomic order than the Sub-Division *Basidiomycotina*, or as members of the Class *Teliomycetes*, or the Sub-Class *Phragmobasidiomycetidae* of the *Basidiomycotina*, as defined in Ainsworth's and Bisby's *Dictionary of the Fungi* (6th ed., 1971), which is incorporated by reference. This document is available at most university libraries and bookstores. It is also available for inspection at the U.S. Department of Agriculture, Science and Education Administration, National Agricultural Library, Lending Division, Beltsville, MD 20705. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(v) Organisms classified as members of Class I, *Schizophyceae*, of Division I of the Plant Kingdom, *Protophyta*, including blue-green algae, as described in *Bergey's Manual of Determinative Bacteriology* (8th ed., 1974) which is incorporated by reference. This document is available at most university libraries and bookstores. It is also available for inspection at the main library of the U.S. Environmental Protection Agency, Room 2404 WSM, 401 M St., S.W., Washington, D.C. 20460. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

[FR Doc. 81-8985 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

Notices

Federal Register
Vol. 46, No. 56
Tuesday, March 24, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 39410]

Air Berlin USA Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on April 2, 1981, at 2:00 p.m. (local time), Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Order 81-3-69, adopted March 12, 1981, defined issues to be considered in this investigation. Matters to be discussed at the prehearing conference will include affirmation of the issues, establishing procedural dates for the proceeding, and such other matters as will contribute to the proper and expeditious conduct of the investigation.

Dated at Washington, D.C., March 18, 1981.

Elias C. Rodriquez,

Administrative Law Judge.

[FR Doc. 81-8909 Filed 3-23-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39327]

Jet America Fitness Investigation; Notice of Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on April 9, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., March 18, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-8910 Filed 3-23-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Sugar and Syrups From Canada; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping duty order on sugar and syrups from Canada. The review covers the five known exporters of this merchandise to the United States. Since this is the initial review of this order, the time period covered for all exporters is from the date liquidation was suspended, November 8, 1979 through March 31, 1980. The review indicates the existence of a dumping margin for one exporter. Two other exporters did not ship to the United States, an additional exporter did not supply any information, and the fifth furnished an inadequate response. As a result of this review, the Department has preliminarily determined to assess dumping duties, for the one shipping exporter that provided adequate information, equal to the calculated difference between foreign market value and purchase price. For the two firms which supplied inadequate or no information, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 24, 1981.

FOR FURTHER INFORMATION CONTACT: Betty L. Hood, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230 (202-377-5222).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 9, 1980, an antidumping duty order with respect to sugar and syrups from Canada was published in the **Federal Register** (45 FR 24120-7). The Department of Commerce ("the Department") published in the **Federal Register** of March 10, 1981 (45 FR 16921) a notice of intent to conduct administrative reviews of certain antidumping findings and orders. As required under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has conducted an administrative review of the antidumping duty order on sugar and syrups from Canada. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of sugar and syrups produced from raw sugar derived from sugar cane and sugar beets. The sugar is refined into granulated or powdered sugar, icing, or liquid sugar. The subject merchandise is currently classifiable under items 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of five exporters to the United States of Canadian sugar and syrups. This review covers all five of the exporters from the date liquidation was suspended, November 8, 1979, through March 31, 1980. This is the initial administrative review of this order.

The Department found that one responding exporter, Redpath Sugars Ltd., exported sugar to the United States in the period under review. Two companies stated that they did not export sugar and syrups during this time period. The estimated deposit rate for these exporters is their fair value rate, since this is the most recent information available. Two exporters failed to respond or provided inadequate responses to the Department's questionnaire. For these non-responsive exporters we proceeded to use the best information available. The best information here is the amount for the one responding exporting firm in the current period, as it is higher than the fair value rates.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, since the one known sale was made to an unrelated U.S. purchaser and entry was made prior to January 1, 1980.

In this case purchase price was calculated on the basis of the F.O.B.

plant price to an unrelated purchaser in the United States, with deductions for duty, fees and brokerage. An addition was made for Customs duty paid upon importation into Canada of raw material used to produce the exported product, which duty was rebated upon exportation of the merchandise to the United States. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price as defined in Section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. The foreign market value is based on the F.O.B. factory price, with adjustments for a competitive discount, cash discount, and rebates. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of comparing purchase price to foreign market value, we preliminary determine that the following margins exist for the period November 6, 1979 through March 31, 1980:

Canadian exporter	Margin (U.S. dollars per pound)
Atlantic Sugar, Ltd.	[1] $0.0000
B. C. Sugar	[1] .010166
F. W. Jones & Son, Ltd.	.0046
Redpath Sugars, Ltd.	.0046
St. Lawrence Sugar, Ltd.	.0046

[1] No shipments during current period.

Interested parties may submit written comments on these preliminary results on or before April 23, 1981, and may request disclosure and/or a hearing on or before April 8, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess duties on all entries made during the time period involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 17, 1981.

[FR Doc. 81-8530 Filed 3-23-81; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Privacy Act of 1974; Proposed New System of Records

The purpose of this notice is to propose a new Privacy Act System of Records entitled: Descriptive Data Questionnaire—Commerce/MBDA–1.

James H. Lowry and Associates is conducting a study to determine the critical long- and short-term business management development needs of minorities. The Minority Business Development Agency (MBDA) has awarded a contract to James H. Lowry and Associates under which approximately 6,000 reasonably successful minority business managers/entrepreneurs, and 1,000 minority students currently enrolled in graduate schools of management or business administration will be surveyed on a voluntary basis. The survey is designed to allow in-depth exploration of the participants' personal experiences in order to develop programs to meet the needs of the target audience.

The purpose of this proposed system COMMERCE/MBDA–1 is to safeguard the collection and maintenance of personal data during and after the survey. James H. Lowry and Associates will submit a comprehensive report of the findings of this survey with specific policy and program recommendations for the development of MBDA-sponsored initiatives. The report will not contain individually identifiable data. The survey information will be destroyed by September 30, 1982.

A complete description of the system is set forth below.

As required by the Privacy Act, the Commerce Department submitted a New System Report dated March 18, 1981, to the Congress and to the Office of Management and Budget.

Although the Act requires the opportunity for public comment only on the proposed new routine uses, comments regarding any portion of this notice will be given due consideration before final publication. Any interested person may submit written data, views, or arguments to the Assistant Secretary for Administration (Attention: Information Policy Division, Room 5319) U.S. Department of Commerce, 14th & E Streets, N.W., Washington, D.C. 20230, any time on or before April 24, 1981. The comments will be available, as received, for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays).

This system of records will become effective 30 days from the date of publication (Apr. 24, 1981), provided the Department's request for a waiver of the 60-day advance notice requirement is granted by the Office of Management and Budget, or unless the Department notices to the contrary.

(5 U.S.C. 552a(e) (4) and (11), Sec. 3 of the Privacy Act of 1974 (Pub. L. 93–579, 88 Stat. 1896))

Dated: March 18, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

Commerce/MBDA–1

SYSTEM NAME:

Descriptive Data Questionnaire—COMMERCE/MBDA–1

SYSTEM LOCATION:

James H. Lowry and Associates, Suite 1340, 303 East Wacker Drive, Chicago, Illinois 60601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and business managers and entreprenuers surveyed on a voluntary basis as part of the study of business management development needs of minorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Age, sex, ethnic origin, education, company data, assessment of career and goals, organizational affiliation(s), personal performance evaluation, opinions of career opportunities/impediments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11625.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The James H. Lowry Associates, specifically the Project Manager and an administrative staffer, will use this information to identify those areas which MBDA's business management development program should address.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy in file folders for 60 days; then converted to magnetic tape.

RETRIEVABILITY:

By site code, cross-referenced with individuals' names on master list until September 30, 1982.

SAFEGUARDS:

Records are located in company vault with access limited to those whose official duties require access. Only two James H. Lowry and Associates employees will have access.

RETENTION AND DISPOSAL:

Survey information will be destroyed September 30, 1982.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Planning, Budget and Evaluation, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from Deputy Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

[FR Doc. 81-8081 Filed 3-23-81; 8:45 am]

BILLING CODE 3510-21-M

DEPARTMENT OF DEFENSE

[DOD 4500.34-R]

Carrier Representation by Agent

AGENCY: Office of the Secretary of Defense.

ACTION: Notice; request for comments.

SUMMARY: The Commander, Military Traffic Management Command, has received a suggestion to eliminate certain paragraphs of the Personal Property Traffic Management Regulation, entitled "Carrier Representation by Agent." The purpose of this document is to seek public guidance before a final decision is made.

DATE: Interested persons may submit written data, views and arguments on or before June 1, 1981.

ADDRESS: Commander, Military Traffic Management Command (ATTN: MT-PPQ), Washington, D.C. 20315.

FOR FURTHER INFORMATION CONTACT: LTC Joseph Jurjevich, USAF, Telephone 202-756-1682.

SUPLEMENTARY INFORMATION: The material to be eliminated under Chapter 6, 6002, subparagraph d.(8), "Carrier Representation by Agents," (page 6-9) reads as follows:

(a) For households goods originating and destined for delivery within CONUS, only four carriers to a single destination state and the DC may be represented in an origin area by the same local agent. Of the four carriers, not more than two motor carriers may hold operating authority in all of CONUS, or not more than two may be regulated freight forwarders. The combined total of 48-state motor carriers and regulated freight forwarders may not exceed three. If an agent also acts as a carrier to service a specified destination State and the DC, such agent may represent only three other carriers serving that State and the DC.

(b) For household goods, originating in the US and destined overseas, only four carriers may be represented in an origin area by the same local agent. If an agent represents himself as a carrier, such agent may represent only three other carriers. Carriers under the CF/AC of other carriers, not competing in the same code of service, are considered one carrier for carrier/agent representative purposes. The same applies for the purpose of imposing penalties providing in paragraph 6005.

(c) For household goods and unaccompanied baggage originating overseas and destined to a point in CONUS or another point overseas, the Commander, MTMC, with the advice of the field or designated representative in overseas areas, will take steps to assure that the number of carriers represented by any single oversea agent does not exceed the capability of that agent during any period.

(d) For household goods originating at, and destined to points within a given state (intrastate), an agent may represent only one carrier offering service to, from, or between points within that state. When an agent represents himself as a carrier performing such intrastate service, he may represent no other carriers performing the same service.

(e) The Commander, MTMC, may, in (a) and (b) of the above grant an exception to those numerical limitations when such an exemption would be consistent with the program's effective management and when the agent has the capability to represent a greater number of carriers during any period. Upon receipt of a written request from an agent for an exception to the numerical limitations, the ITO will add written recommendations, specifically addressing such aspects as impact on the Program's effective management at the installation, the capability of the agent to represent a greater number of carriers during all periods, and past performance of the agent in providing service during all periods. The agent's request, together with the ITO's recommendation, will be forwarded to the appropriate MTMC area commander concerned for review. Recommendations/comments will be forwarded to the Commander, MTMC. The case will be reviewed by the Commander, MTMC, considering all data submitted along with the recommendations of the military services. If the agent so elects, a hearing may be given. Otherwise, if the agent's request is not favorably considered, the entire case, together with the reasons for proposed disapproval, will be returned to the agent directly for additional comment and rebuttal. Such additional data will be returned to the Commander, MTMC, for further consideration and final decision. A complete record of the proceedings will be furnished to the agent in the event the request is finally disapproved. Final notification of approval/disapproval will be through the area commander and the ITO concerned with information to military service headquarters concerned.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 18, 1981.

[FR Doc. 81-8086 Filed 3-23-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on Mapping, Charting, and Geodesy; Advisory Committee Meeting

The Defense Science Board Task Force on Mapping, Charting and Geodesy (MC&G) will meet in closed session on 21-22 April 1981 at the DMA Aerospace Center, St. Louis, Missouri.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary for Research and Engineering on scientific and technical matters as they affect the

perceived needs of the Department of Defense.

At its meeting on 21–22 April 1981 the Defense Science Board Task Force on MC&G will review the Defense Department's plans and programs concerning generation, derivation, collection and transmission of MC&G data which is critical to the guidance of cruise missiles and other future weapons systems.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 19, 1981.

[FR Doc. 81-8915 Filed 3-23-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Title I, Elementary and Secondary Education Act; Notice of Intent To Waive Certain Title I, ESEA, Requirements for Trust Territory of the Pacific Islands

AGENCY: Department of Education.

ACTION: Notice of intent.

SUMMARY: Notice is given that, under section 1003(a) of the Elementary and Secondary Education Act of 1965 (as amended by the Education Amendments of 1978 and renumbered by Pub. L. 96-46), the Secretary of Education intends to waive the applicability of certain Title I, ESEA, requirements to the Bureau of Education for the Trust Territory of the Pacific Islands (TTPI). In addition to identifying the Title I requirements that the Secretary intends to waive, this notice sets forth the terms and conditions upon which the Secretary intends to grant the waiver.

EFFECTIVE DATE: The proposed waiver will not be granted until at least 30 days after publication of this notice. All comments must be received on or before April 23, 1981.

ADDRESSES: All comments should be sent to Dr. Gene C. Fusco, Office of Compensatory Education, 400 Maryland Avenue, SW. (Room 3642, ROB-3), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Gene C. Fusco, Telephone: (202) 245-2506.

SUPPLEMENTARY INFORMATION:

A. Authority for Granting a Waiver

The Elementary and Secondary Education Act of 1965 was amended by the Education Amendments of 1978 (Pub. L. 95-561) to authorize the Secretary to waive certain Title I, ESEA, requirements for the TTPI. In particular, Section 1003(a)(1) of the Act states that "[i]f the [Secretary] determines that compliance with any of the requirements of this Act * * * Trust Territory of the Pacific Islands is impractical or inappropriate because of conditions or circumstances particular to * * * such jurisdiction(s), he may waive any of those requirements upon the request of the State educational agency for such jurisdiction."

B. Waiver Request

In a document dated July 15, 1980, the TTPI Bureau of Education formally asked the Secretary to waive the applicability of certain Title I requirements to all Title I funds obligated by the Bureau. This waiver request identifies the requirements contained in, or based upon, the following sections of Title I as those for which it is seeking a waiver:

Section 123(a)
Section 124 (a) and (b)
Section 125(a)(1) (A), (B), and (C)
Section 125(a)(2)(A) (i) and (ii)

The July 15, 1980, waiver request clearly describes why the Title I requirements listed above are impractical or inappropriate in light of conditions in the TTPI. In general, the request is based upon the fact that virtually all students are educationally deprived and it is impractical to serve those most in need. By seeking a waiver for these requirements, the TTPI Bureau of Education hopes to be permitted to use Title I funds for upgrading the general educational program to a level where it becomes appropriate to serve the most educationally deprived. The waiver also requests relief from certain parent advisory council requirements because they are inappropriate to the culture.

C. Management Plan

Section 1003(a)(2) of the Elementary and Secondary Education Act of 1965 provides that any waiver of Title I requirements for the TTPI must "* * * be subject to such terms and conditions as the [Secretary] deems necessary to carry out the purposes of this Act," including the submission of a plan for the management of the funds provided under the Act, in order to insure that they are used in a manner designed to achieve the purposes of the Act.

In accordance with section 1003(a)(2), the TTPI Bureau of Education submitted a management plan in conjunction with its July 15, 1980, waiver request. The management plan points out that the major goal of the Title I program in TTPI is to raise the level of reading achievement of all students in the Trust Territory by improving the quality of instruction in the classroom. Competent instruction, emphasizing all aspects of reading in the classroom, is the prime focus. There is a need for inservice training for all personnel involved in the program. Support of the focus to improve the reading skills of all children requires strong administrative support and a more thorough involvement of parents and community members in the program.

D. Notice of the Secretary's Intent To Grant a Waiver

Section 1003(a)(1) of the Elementary and Secondary Education Act of 1965 requires that at least 30 days prior to approving any such request for a waiver, the Secretary shall "* * * publish in the **Federal Register** a notice of his intent to grant such a waiver and the terms and conditions upon which such a waiver will be granted."

In accordance with the above requirement, notice is hereby given that, subject to the terms and conditions described below, the Secretary intends to waive the requirements contained in the following sections of the Title I statute: 123(a), 124 (a) and (b), 125(a)(1) (A), (B), and (C), and 125(a)(2)(A) (i) and (ii). Unless the Secretary publishes further notice in the **Federal Register**, approval of the TTPI July 15, 1980, waiver request will be granted 30 days after publication of this notice of intent to waive.

E. Terms and Conditions Upon Which the Secretary Intends To Grant a Waiver

The Secretary intends to approve the request for a waiver only if the TTPI Bureau of Education formally agrees to comply with the following terms and conditions:

(1) All Title I funds that are obligated by the TTPI Bureau of Education during the period covered by the waiver must be spent in accordance with—

(a) All applicable statutory and regulatory requirements, except those Title I requirements that are specifically identified in the waiver; and

(b) The management plan that was submitted in conjunction with the July 15, 1980, waiver request, or amendments to the plan that have been approved by the Secretary.

(2) During the period covered by the waiver, the TTPI Bureau of Education must, on or before September 30 of each year, submit a report to the Secretary which describes the results and effectiveness of the Title I program in TTPI and progress that has been made in developing appropriate evaluation tools.

F. Opportunity for Public Comment

The Secretary invites public comments on this notice of intent to waive certain Title I requirements for the TTPI. Interested persons may send written comments to Dr. Gene C. Fusco, at the address given at the beginning of this notice. All comments must be received on or before April 23, 1981.

(Catalog of Federal Domestic Assistance No. 84009 Educationally Deprived Children Local Educational Agencies) Part I of OMB Circular A-95 does not apply to this program.

Dated: March 18, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-8845 Filed 3-23-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education

Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Search Committee of the National Advisory Council on Indian Education and, also describes the functions of the Council. Notice of the meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. The meeting is closed to the public. This announcement does not meet the required 15 days advance notice to the public due to scheduling problems.

DATES: Search Committee Meeting: April 6, 1981, 8:00 a.m. to 7:00 p.m.

ADDRESS: National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 202/376-8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) Submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Secretary with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) Assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318;

(7) Submit to the Congress not later than March 31 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indican children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) Be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92-318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or Aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The Search Committee meeting will be closed to the public from 8:00 a.m. to 7:00 p.m. on April 6, 1981, to conduct interviews for the position of Deputy Assistant Secretary for the Office of Indian Education. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act [Pub. L. 92-463; 5 U.S.C. Appendix I] and under exemptions (2) and (6) contained in the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b (c) (2) and (6)]. The interviews of each candidate will include discussions of their qualifications and fitnes for the position and will touch upon matters which would constitute a serious invasion of privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b (c) will be available to the public within fourteen days of the meeting.

The proposed agenda includes: (1) Interviewing candidates.

Dated: March 19, 1981.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-8834 Filed 3-23-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Indian Education and, also describes the functions of the Council. Notice of the meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. The meeting is closed to the public. This announcement does not meet the required 15 days advance notice to the public due to scheduling problems.

DATES: Executive Committee Meeting: April 7, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 202/376-8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian

Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Secretary with respect to their approvals;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92-318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The Executive Committee meeting will be closed to the public from 9:00 a.m. to 5:00 p.m. on April 7, 1981, to review proposals based on the provisions of the Indian Education Act, Title IV, Pub. L. 92-318, Section 442(b)(2) and, make recommendations to the Secretary with respect to their approval. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C., Appendix 1) and under exemptions (4) and (6)) contained in the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b (c) (4) and (6)]. The reviewing of proposals must be held in the highest confidence until the announcement is released by the proper authorities as to which projects will be funded. Financial, privileged and confidential information in and related to these proposals will be discussed at the review session. Personal information, the disclosure of which would constitute a clearly unwarranted invasion of privacy, will also be discussed. Such matters are protected by exemptions (4) and (6) of Section 552b (c), Title 5 U.S.C.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b (c) will be available to the public within fourteen days of the meeting.

The proposed agenda includes: (1) Review of proposals.

Dated: March 19, 1981.

Dr. Michael P. Does,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-8886 Filed 3-23-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Public Participation in Negotiation of Initial Long-Term Power Sales and Certain Other Contracts

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy.

ACTION: Notice of negotiation of initial long-term power sales and certain other contracts/public participation.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) requires that Bonneville simultaneously offer, within 9 months of the date of enactment, long-term power sales contracts to: (1) existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the residential exchange; and (4) the direct-service industrial customers. Bonneville has recently begun the development and negotiation of prototype contract provisions which will be included in individual contracts offered to each customer. Each customer's contract will contain the applicable prototype contract provisions as well as provisions uniquely tailored to the services provided by Bonneville to such customer. By this Notice, Bonneville clarifies the role of the public in this negotiation process.

Bonneville recognizes that the contract negotiations must take place between the entities that the Regional Act directs will be parties to the contracts. Bonneville believes that the parties, both Bonneville and its customers, are responsible for representing the interest of electric consumers, including members of the general public. Contract negotiations have historically taken place between Bonneville and its customers without a specific public process, and contracts are exempted from Bonneville's published public participation procedure (45 FR 73531, November 5, 1980).

However, the negotiations occurring as the result of the Regional Act are unusual in that they involve the simultaneous negotiation and offering of several types of long-term power sales and other contracts with some 150 customers. These contracts will implement certain power supply obligations of the Regional Act.

Because of these unusual circumstances, Bonneville has opened the negotiation process to public observation and is accepting public comment for Bonneville to consider in the negotiations.

In addition, Bonneville makes public each week a list of the scheduled contract negotiation meetings. The schedule is offered as a convenience to those interested in the negotiations and includes each meeting for which a time and place have been established. The schedule may not include meetings which are planned and conducted after the weekly schedule becomes available.

Bonneville considers this an appropriate form of public participation in keeping with its obligation to keep the region informed of major power issues. Bonneville will continue to offer the opportunity for public observation of the negotiation sessions, with an opportunity for oral public comment at

the conclusion of each negotiating session, and to offer the opportunity to those who are not parties to the contracts to make written comments to Bonneville. Bonneville will make available the papers previously distributed at negotiation sessions to any person who makes a written request for the material. Written requests should be sent to the Bonneville Public Involvement Coordinator. The prototype contracts will be available for inspection at the office of the Public Involvement Coordinator.

EFFECTIVE DATE: March 24, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4261. Oregon callers outside of Portland may use the toll-free number 1–800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 1–800–574–6048. Information on contracts is also available from Bonneville's Area and District Managers: Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Court House, East 920 Riverside Avenue, Spokane, Washington 99201, (509) 456–2518; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234–3361, ext. 4551; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442–4130; Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525–5500, ext. 701; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 775–6202; Ronald K. Rodewald, Wenatchee District Manager, Suite 117, Morris Building, 23 South Wenatchee, Wenatchee, Washington 98801, (509) 662–4379; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345–0311; Robert N. Laffel, Idaho Falls District Manager, 531, Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

SUPPLEMENTARY INFORMATION: The Regional Act directs Bonneville to commence negotiations and offer initial long-term power sales contracts simultaneously to "existing public body and cooperative customers and investors-owned utility customers." Federal agency customers, electric utility customers under the exchange provisions of the Act, and the existing direct-service industrial (DSI) customers. Bonneville opened the process with an organizational meeting on January 23, 1981, preceding the start of actual negotiations. The meeting allowed Bonneville and the other negotiating parties to establish a framework within which the negotiations could take place. A decision was also made at the meeting to develop prototype contracts, negotiated by task teams composed of Bonneville negotiators and representatives of the parties. Each prototype contract corresponds to a category of customer or a category of interest. The categories are: (1) Power Sales Contracts for Nonscheduling Customers and Scheduling Customers (Computed Demand); (2) Residential Load Purchase/Sale Contracts (Exchange contracts); (3) Direct-Service Industrial Power Sales Contracts; (4) Conservation Contracts; (5) Purchase of Resource Capability and Resource Plus Preconstruction Investigation Contracts; (6) Purchase of Output, Including Short-Term Power Purchase; (7) Service and Exchange; and (8) Resource Option.

The power sales contracts must be offered by Bonneville to the customers on or before September 8, 1981, the date which meets the requirement of Section 5(g) of the Regional Act to offer contracts "within nine months after the effective date of [the] Act." The power sales contracts may be offered by an earlier date if negotiations can be completed in time to make such an offer. Each customer offered a power sales contract will have 1 year from the date of the offer to accept service. While the prototype contracts will address issues of interest to the affected customers, final adjustments to specific contracts will be negotiated with the individual customers as necessary before the contracts are offered. Other contracts will be offered when negotiations are completed and the program which is the subject of the contract is ready to be developed (i.e., power purchase contracts will be offered when the standards and criteria of the Act have been met).

Bonneville announced in the December 1980 technical meetings with customers and other interested persons on the Regional Act, that the contract negotiation sessions would be open to the public. This is in keeping with Bonneville's policy that, as a public agency, it transacts its business in public.

Bonneville will continue to open the negotiating sessions to public observation. In addition, members of the public who wish to comment at the conclusion of individual negotiating sessions, may do so. Bonneville will also accept written comments.

Bonneville will also continue to post, and otherwise make available, a weekly notice giving the times and places of the negotiating sessions. However, due to the ongoing nature of the negotiations and the short time in which to accomplish the process, the sessions are held at the convenience of the parties and are directed toward the accomplishment of the negotiations. Bonneville cannot guarantee that notice will ber given in every instance, although a reasonable effort will be made to note changes in the schedule.

Bonneville will make available the papers distributed at the negotiation sessions. The papers may be inspected at the office of the Bonneville Public Involvment Coordinator. In addition, persons who wish to receive the documents on a regular basis may request that their names be added to a mailing list established for this purpose. The request should be made in writing to the Bonneville Public Involvement Coordinator. The prototype contracts will be available for inspection at the office of the Public Involvement Coordinator.

Bonneville believes that this approach will allow the public the opportunity to express views in the formative portion of the negotiating process while honoring the legal relationship between Bonneville and its customers and will allow Bonneville to meet its statutory obligations to offer the contracts by September 8, 1981.

Dated: March 17, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81-8913 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 81-CERT-006]

Public Service Electric & Gas Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Public Service Electric and Gas Company (Public Service), 80 Park Place, Newark, New Jersey 07101, filed an application on March 6, 1981, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at eight of its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Division of Natural Gas Docket

Room, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests certification is approximately two billion cubic feet. This volume is estimated to displace the use of approximately 292,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 8,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (MMCF)[1]	Estimated oil displacement (in thousands of barrels)	
		0.3 pct sulfur No. 6 oil	0.2 pct sulfur No. 2 oil or 0.1 pct sulfur kerosene
1. Bergen Generating Station, Ridgefield, N.J.	868	134	
2. Essex Generating Station, Newark, N.J.	25		4
3. Hudson Generating Station, Jersey City, N.J.	772	115	
4. Kearny Generating Station, Kearny, N.J.			
5. Linden Generating Station, Linden, N.J.			
6. Sewaren Generating Station, Sewaren, N.J.	280	43	
7. Edison Generating Station, Edison, N.J.	25		4
8. Mercer Generating Station, Trenton, N.J.			
Total	2,000	292	8

[1] MMFC is million cubic feet.

The eligible seller is the Alabama Tennessee Natural Gas Company, P.O. Box 918, Florence, Alabama 35637. The gas would be transported by the Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; and the North Alabama Gas District, 1100 Woodward Avenue, Muscle Shoals, Alabama 35660.

Public Service has previously been issued certification by the ERA allowing purchases of natural gas from various eligible sellers for use at the same eight electric generating stations named in this certification as follows:

ERA Docket No.	Amount	Remarks
79-CERT-020	24.1 Bcf per year.	Expired June 24, 1980, and recertified as 80-CERT-020.
80-CERT-014	5 Bcf per year	Effective May 5, 1980.
80-CERT-017	4 Bcf per year	Effective June 25, 1980.
80-CERT-020	17.5 Bcf per year.	Recertification of 79-CERT-020 and Effective June 25, 1980.
80-CERT-028	1 Bcf per year	Effective Sept. 17, 1980.
80-CERT-032	16 MMcf per year.	Effective Sept. 30, 1980, and expired Oct. 31, 1980.
80-CERT-044	8 Bcf per year	Effective Jan. 19, 1982.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Albert F. Bass, within ten (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on March 18, 1981.

Burton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-8812 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-01-M

Applications for Entitlement Benefits for Petroleum Substitutes

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Applications for Entitlement Benefits for Petroleum Substitutes.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of additional applications submitted to the ERA for designation as eligible recipients of entitlements under the domestic crude oil allocation program (10 CFR, Part 211, § 211.67). The first list of pending applications was published September 10, 1980, 45 FR 59613, and a second list of pending applications was published February 17, 1981, 46 FR 9320.

Under amendments to the Mandatory Petroleum Allocation Regulations, the ERA may grant entitlements to the producer, marketer, or consumer of a petroleum substitute made from domestically renewable sources of biomass, coal, solid waste or tar sands which is used as fuel in a refinery or which is used outside a refinery as a boiler fuel or elsewhere as fuel. The appendix contains a list of additional firms which have applied prior to December 31, 1980, for designation of their eligibility to receive entitlement benefits on a case-by-case basis as provided under Section 211.67. Those applications are now being reviewed by the ERA and a public disclosure copy of each application is available for public inspection.

FOR FURTHER INFORMATION CONTACT:

T. Wendell Butler, Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration, 2000 M Street, N.W., Room 6128, Washington, D.C. 20461, (202) 653–3372

William Funk (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Room 6A–127, Washington, D.C. 20585 (202) 252–6739.

SUPPLEMENTARY INFORMATION: Section 211.67(a)(5) of the Mandatory Petroleum Allocation Regulations provides for the automatic inclusion in the crude oil entitlements program of shale oil produced from domestic sources, ethyl alcohol derived from domestic biomass and blended into gasohol, solid municipal waste and derivatives thereof used as fuel, and methane derived from municipal sewage or landfills.

Section 211.67(a)(5) also provides for the issuance of entitlements to other petroleum substitutes which the ERA determines on a case-by-case basis to be eligible for participation in the entitlements program. Those petroleum substitutes which are eligible only on a

case-by-case basis include solid, liquid, or gaseous fuels derived from domestically found solid waste sources, and fuel in a liquid form which is derived from domestic biomass, coal, or tar sands.

On September 10, 1980, the ERA published a list of 63 applications pending as of June 23, 1980 (September 10, 1980, 45 FR 59613). On February 17, 1981, the ERA published a list of 13 applications received by ERA as of June 23, 1980, which had inadvertently been omitted from this list (February 17, 1981, 46 FR 5326). Ninety-nine additional applications have been received by ERA as of December 31, 1980. These additional applicants are identified in the appendix to this notice. The appendix also provides the date on which the firm's application was filed and indicates the type of petroleum substitute for which each applicant is seeking entitlements.

Non-confidential copies of all applications filed by the firms listed in the appendix, including supporting documentation, may be examined at the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any person may file with the ERA a submission relevant to any application. Any submission which is received within thirty days of the publication of this notice will be considered by the ERA prior to determining whether to permit the inclusion of any firm in the entitlements program. Filings should be submitted to: Economic Regulatory Administration, Office of Petroleum Operations, Entitlements Program, Room 6128, 2000 M Street, N.W., Washington, D.C. 20461.

Issued in Washington, D.C. March 17, 1981

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

Company	Date filed	Type of application
Allen Products Co., Inc.	9/18/80	Waste Cardboard
Allentown & Sacred Heart Hospital Center	7/15/80	Industrial Solid Waste
Allied Paper Co	8/18/80	Black Liquor, Bark
Alma Plantation, Alma Factory.	10/31/80	Bagasse
AMFAC, Inc	6/25/80	Bagasse
Appleton Paper, Inc	8/07/80	Black Liquor, Bark, Wood Waste, Sludge, Refuse
Arcata Redwood Company.	12/08/80	Wood Waste, Sawdust, Bark
Atchison, Topeka & Santa Fe Railway Co.	12/17/80	Wood Waste
Badger Paper Mills, Inc.	8/30/80	Bark, Black Liquor
Beasley Lumber Products.	11/28/80	Bark, Sawdust, Shavings.
Breaux Bridge Sugar Co-op, Inc.	10/30/80	Bagasse.
Bruce's, Inc	10/27/80	Wood Fuel.
Buckeye Cellulose Corp.	12/03/80	Black Liquor, Wood Waste.
Cajun Sugar Co-op	10/28/80	Bagasse.
Caldwell Sugar Co-op, Inc.	10/30/80	Bagasse.
Calypso Plywood Co., Inc.	12/17/80	Wood Waste
Casey's Mill, Inc	12/01/80	Wood Waste.
Caterpillar Tractor Co	11/25/80	Waste Oil, Paper, Wood, Plastic
Chickasebogue Lumber Co.	9/09/80	Wood Waste.
Coastal Lumber Co	11/28/80	Bark, Sawdust, Shavings.
Collins & Aikman Corp	12/02/80	Wood Pellets.
Community Playthings	10/01/80	Wood Waste, Sawdust, Shavings, Briquettes.
Container Corp. of America.	9/26/80	Black Liquor, Bark.
Continental Forest Industries.	9/15/80	Black Liquor, Bark, Wood Waste.
Cora Texas Mfg. Co	10/28/80	Bagasse.
Corbett Lumber Corp	12/30/80	Sawdust, Bark.
Coulbourn Lumber Co	11/28/80	Sawdust, Shavings.
Crown Zellerbach Corp.	7/14/80	Black Liquor, Bark, Wood Waste.
C. S. Steen Syrup Mill	10/31/80	Bagasse.
Dant & Russell Inc	12/30/80	Bark, Sawdust, Wood Chips.
Davies Hamakua Sugar Co.	7/02/80	Bagasse.
Dugas & LeBlanc, Ltd., Westfield Factory.	10/31/80	Bagasse.
Evans Lumber Co., Inc.	11/28/80	Sawdust, Shavings
F. C. Howell & Sons Lumber Co., Inc.	12/17/80	Bark, Wood Waste
Formica Corp	11/24/80	Waste Laminate
Gary Refining Co	11/03/80	Gilsonite.
Glenwood Co-op, Inc., Glenwood Factory.	10/31/80	Bagasse.
Guy C. Lee Mfg. Co	12/17/80	Bark, Wood Waste
Harry L. Laws & Co., Inc.	10/30/80	Bagasse.
Helvetia Sugar Co-op, Inc.	10/30/80	Bagasse.
Iberia Sugar Co-op, Inc.	10/30/80	Bagasse.
James W. Younce & W. T. Ralph Lumber Co., Inc.	12/17/80	Wood Waste.
Jeanerette Sugar Co., Inc.	10/31/80	Bagasse.
J. S. Turner & Son	11/28/80	Bark, Sawdust, Shavings.
Keener Lumber Co., Inc.	12/17/80	Bark, Wood Waste
Kimberly-Clark Corp	9/02/80	Black Liquor, Bark, Wood Waste.
Kirby Forest Industries, Inc	11/02/80	Bark.
Kirby Forest Industries, Inc	11/25/80	Bark
Knouse Foods Co-op, Inc.	7/07/80	Food Waste.
Koppers Co., Inc	11/06/80	Bark, Wood Waste
Lafourche Sugar Corp	10/30/80	Bagasse.
Lianga Pacific, Inc	9/09/80	Wood Waste.
Lloyd Smithwick Logging Co.	12/17/80	Wood Waste.
M. A. Patout & Son Ltd. Enterprise Factory	10/31/80	Bagasse
Meeker Sugar Co-op, Inc.	10/30/80	Bagasse
Moss Planing Mill Co	12/24/80	Sawdust.
N & C Lumber Co	12/24/80	Bark, Sawdust.
The Nestle Co., Inc.	11/10/80	Waste Coffee, Wax Oil.
Oshlawn Sugar Co., Inc.	10/31/80	Bagasse
Osceola Farms Co	9/23/80	Bagasse.
Pennitech Papers, Inc	12/23/80	Black Liquor Solids
Pine Hall Brick & Pipe Co.	10/30/80	Wood Waste
Proctor & Gamble Paper Products Co	12/03/80	Bark, Wood Waste
Pruitt Lumber Co	12/01/80	Sawdust, Bark.
Publishers Paper Co	10/28/80	Black Liquor, Waste Sludge.
Pulaski Furniture Co	7/16/80	Wood Waste.
Riegel Products Corp	8/30/80	Wood Waste.
Rio Grande Valley Sugar Growers, Inc.	11/14/80	Bagasse.
Savoie Industries, Inc., Lula Factory.	10/31/80	Bagasse.
SCM Organic Chemical Div.	8/29/80	Waste Oil.
Sherex Chemical Co	12/30/80	Fatty Acid Pitch, Waste Organic Overheads.
Scott Paper Company	12/01/80	Bark, Wood Waste, Wood Fines.
Simpson Paper Co	7/23/80	Black Liquor.
Skidmore College	10/30/80	Waste Auto-Oil
Smithfield Sugar Co-op	10/30/80	Bagasse.
Sonoco Products Co	7/07/80	Black Liquor, Bark, Wood Waste.
South Coast Sugars, Inc.	10/31/80	Bagasse
Southern Brick Co	7/25/80	Wood Waste
St. James Sugar Co-op	10/30/80	Bagasse.
St. Joe Paper Co	11/03/80	Bark, Woodlives, Black Liquor
St. Martin Sugar Co-op	10/28/80	Bagasse.
St. Mary Sugar Co-op	10/30/80	Bagasse.
St. Regis Paper Co	9/30/80	Black Liquor, Bark, Wood Waste.
Sterling Sugars, Inc., Sterling Factory.	10/31/80	Bagasse.
Stonecutter Mills Corp	11/03/80	Wood Waste, Green & Dry Dust.
Superwood Corp	8/27/80	Wood Waste, Green & Dry Dust.
Superwood Corp	9/16/80	Wood Waste.
Sylvachem Corp	8/29/80	Waste Oil.
Talisman Sugar Corp	11/03/80	Bagasse.
Teepak, Inc	9/30/80	Bark, Wood Waste
Thilmany Pulp & Paper Co.	10/15/80	Black Liquor, Bark, Waste Paper.
Toney-Theyer Lumber Co.	12/01/80	Bark, Sawdust.
United States Sugar Corp.	8/22/80	Bagasse.
U. S. Gypsum Co	12/21/80	Wood Waste, Sawdust, Bark
Waialua Sugar Co., Inc.	7/16/80	Bagasse.
Warnack Lumber Co	12/24/80	Bark, Sawdust.
Westvaco Corp	8/20/80	Wood Waste, Bark, Black Liquor, Tall Oil Pitch.
Whinney Haw Stables	9/05/80	Methane.
Williams Lumber Co	11/28/80	Sawdust, Bark

[FR Doc. 81-8610 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-01-M

Cibro Gasoline Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Proposed Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent and on potential claims against the refunds deposited in

an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: February 18, 1981.

COMMENTS BY: April 23, 1981.

ADDRESS: Send comments to Edward F. Momorella, District Manager for Enforcement, Northeast District, Economic Regulatory Administration, 10th Floor, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Herbert Maletz, New York Audit Director, Northeast District, 252 Seventh Avenue, New York, New York 10001, (212) 620–7608.

SUPPLEMENTARY INFORMATION: On February 18, 1981, the Office of Enforcement of the ERA executed a Consent Order with Cibro Gasoline Corporation. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution unless the DOE determines otherwise. By its terms the Consent Order becomes effective only after DOE has requested comments with respect to the Consent Order. Although the ERA has signed and tentatively accepted the Proposed Consent Order, the ERA may, after consideration of comments, withdraw its acceptance and if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Cibro Gasoline Corporation (Cibro), with its home office located in Bronx, New York, is a firm engaged in the sale of motor gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Cibro, the Office of Enforcement of the ERA, and Cibro entered into a Consent Order, the significant terms of which are as follows:

1. During the period June 6, 1979 through December 30, 1979 (audit period), Cibro allegedly overcharged its end-user and reseller/retailer classes of purchaser in the resale of motor gasoline.

2. It is alleged that Cibro incorrectly computed its maximum legal selling price in its sales of motor gasoline to the classes of purchaser listed above during the audit period. As as result, Cibro charged prices in excess of those permitted under 10 CFR 212.93(a).

3. This Consent Order constitutes neither an admission by Cibro that it has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that Cibro has violated such regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

5. Cibro shall pay $15,000.00 in compromise of civil penalties.

II. Disposition of Refunded Overcharges

In this Consent Order, Cibro will refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $410,819.00.

In order to accomplish the refund of overcharge of $335,055.00 to end-users, Cibro will issue, during the refund period, either cash payments or credit memorandum to affected customers in these classes of purchaser. Customers of larger volumes will receive refunds based on their pro rata purchases during the audit period; customers of smaller volumes during the audit period will be divided into sub-classes of volumes and paid an equal amount per capita within such sub-class.

In order to accomplish the refund of overcharges of $83,764.00 to reseller/retailers, Cibro will issue, during the refund period, certified checks made payable to the United States Department of Energy and delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the Cibro refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR Section 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the Cibro refunds will be made in the general public interest by an appropriate means such as payment of the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the Cibro refund amounts should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to this refund amount.

After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Edward F. Momerella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597–2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on Cibro's Consent Order." We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time, on April 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR Section 205.9(f).

Issued in Philadelphia, Pennsylvania on the 23rd day of February 1981.

Edward F. Momorella,

District Manager, Northeast District Enforcement.

[FR Doc. 81–8833 Filed 3–23–81; 8:45 am]

BILLING CODE 6450–01–M

Coline Gasoline Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation

of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: March 13, 1981.

FOR FURTHER INFORMATION CONTACT:

Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On January 8, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Coline Gasoline Corporation (Coline) of Santa Fe Springs, California on November 19, 1979, 45 FR 1672 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Coline pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, Coline refunded the sum of $628,480.79 including interest by certified check made payable to the United States Department of Energy. This amount has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA: Mobil Oil Corporation.

Action Taken

The ERA is unable to identify readily the persons entitled to receive the $628,480.79 including interest or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on March 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 13th day of March 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-8931 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-01-M

The Powerplant and Industrial Fuel Use Act; Notice and Issuance of an Order Granting Temporary Public Interest Exemptions Pursuant to Section 311

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Order granting temporary public interest exemptions, pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.*, (FUA or the Act), and the implementing regulations thereunder (10 CFR § 501.68 and 10 CFR Part 508, from the natural gas use prohibitions of section 301(a)(2) and (3) of the Act to the following powerplants in order to displace high sulfur residual fuel oil:

Docket No.	Petitioner	Generating station	Powerplant identification No.
50845-2443-04-41	Community Public Service Company	Lordsburg	4
51894-1403-01-41	Louisiana Power and Light Company	Nineveh Point	1
51887-8054-01-41	Mississippi Power & Light	Gerald Andrus	1

The Order is set forth following this Notice and has been sent by certified mail to the Petitioners.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). A notice of the petitions and proposed order granting these temporary exemptions were published in the **Federal Register** on January 30, 1981 (46 FR 9984), presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order. All comments that referred to specific petitions were supportive of them.

The powerplants listed above are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of section 301(a)(2) and (3) of FUA, to displace consumption of high sulfur residual fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum.

This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a)(2) or (3) of FUA, will displace consumption of high sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts, the petitioners have met the eligibility criteria set out in 10 CFR § 508.2. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B–110, 2000 M Street, N.W., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.*, (FUA or the Act). This Decision and Order is issued pursuant to section 311(e) of FUA, 10 CFR § 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplants listed in the table below.

Docket No.	Petitioner	Generating station	Powerplant identification No.
50645–8443–04–41	Community Public Service Company	Lordsburg	4
51664–1403–01–41	Louisiana Power and Light Company	Ninemile	1
51667–8064–01–41	Mississippi Power & Light	Gerald Andrus	1

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions until December 7, 1981. Upon the request of the petitioners, these exemptions may be extended for an additional period at the discretion of ERA. However, a temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn natural gas while their petitions were pending, may not exceed the maximum 5 year period authorized by the Act, or extend beyond June 30, 1985. All requests for extensions must be filed with ERA by September 7, 1981. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following its publication in the **Federal Register**. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230, April 9, 1979), ERA will take no action with respect to any natural gas used by the exempted powerplants during the pendency period prior to the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to section 314 of FUA and 10 CFR § 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect, so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period during which the petition was pending, and for each subsequent six-month period thereafter (periods ending June 30 and December 31), the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If the petitioner has received temporary public interest exemptions under previous orders, the first granted exemption order establishes the due date for the system-wide conservation plan.

(3) If the petitioner seeks to have the exemptions extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1982, a report on progress achieved in implementing the pertinent fuel conservation plan, if the petitioner's exemptions are extended beyond December 7, 1981.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on March 17, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–8829 Filed 3–23–81; 8:45 am]

BILLING CODE 6450–01–M

Triton Oil & Gas Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653–3541.

SUPPLEMENTARY INFORMATION: On July 11, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Triton Oil and Gas Corporation (Triton of Dallas Texas on June 27, 1979, 44 FR 40548 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a

portion of the refund of overcharges paid by Triton pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was issued as signed.

Pursuant to the Consent Order, Triton refunded the sum of $78,358.48 by certified check made payable to the United States Department of Energy. This sum was received by DOE has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The ERA is unable to identify readily the persons entitled to receive the $78,358.48 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on March 16, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determined the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 17th day of March 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-8837 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4040-000]

Bountiful City; Application for New Major License

March 18, 1981.

Take notice that Bountiful City (Applicant) filed on January 19, 1981, an application for a new major license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)825(r)] for the constructed Olmsted water power project, FERC No. 4040, located on the Provo River, in Utah County, Utah, near the City of Orem, Utah. The project affects lands of the United States, within the Uinta National Forest. The original license held by Utah Power & Light Company expired on October 20, 1975, and the project is operating under annual license.

Correspondence concerning the application should be directed to: Mr. W. Berry Hutchings, Manager, Bountiful City Light & Power Dept., 198 South 200 West, Bountiful, Utah 84010.

Project Description—Olmsted Hydroelectric Project consists of: (1) a concrete diversion dam having a 15-foot maximum height and an 80-foot length, including a 62-foot long spillway topped by variable height stop-log flashboards; (2) a pond with 52 acre-feet of storage capacity and a water surface elevation ranging between 5,181 and 5,186 feet m.s.l.; (3) a concrete screened water intake structure 104 feet in length along the right bank leading to; (4) a 25,117-foot long 8.5-foot diameter steel or concrete gravity pipeline including (a) a Taintor gate control screening structure and (b) a siltation structure; (5) a wood and/or concrete lined tunnel 950 feet long, 13 feet wide, and 10 feet high opening into; (6) a concrete and steel "pressure box" structure 50 feet long, 50 feet wide, and 60 feet high with trash screens and four Taintor gates connecting to; (7) three 730-foot long steel penstocks varying in diameter from 60 to 48 to 54-inches and a 730-foot long, 6-foot diameter steel penstock; (8) a concrete, brick, and steel powerhouse containing three 2,400-kW generating units and a 5,500-kW generating unit; (9) a tailrace 800 feet long; (10) electrical facilities connecting to a 44-kV switchyard; and (11) appurtenant facilities.

The Applicant proposes to: (1) perform ordinary operation and maintenance; (2) phase out operation of Olmsted Plant by the year 2000; and (3) develop a recreational area for public use surrounding the historic Olmsted Power Plant.

Purpose of Project—All power generated from the Olmsted Power Plant would be used by the Applicant for municipal purposes.

Competing Applications—This application was filed as a competing application to that of Utah Power and Light Company Project No. 596 filed on April 7, 1975, and most recently revised on April 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 14, 1981. the Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8843 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-21 (PGA80-3) et al.]

Columbia Gas Transmission Corp. et al; Pipeline Rates Consolidation; Order Granting Leave To Withdraw Original Complaint, Accepting Amended Complaint, and Consolidating Proceedings

Issued: March 18, 1981.

In the matter, of Columbia Gas Transmission Corporation and Columbia LNG Corporation [Docket No. TA80-2-21 (PGA80-3)], Consolidated Gas Supply Corporation, and Consolidated LNG Company [Docket No. TA80-2-22 (PGA80-5)(IPR80-3) (LFUT80-2) and (RD&D80-2)], Southern Natural Gas Company [Docket No. RP80-136], State of Ohio Ex Rel. William J. Brown, Attorney General [Docket No. RP80-129].

The Attorney General of the State of Ohio (Ohio) filed a complaint in this docket on August 9, 1980, in which numerous allegations were made regarding the LNG facility at Cove Point, Maryland. It was alleged that Columbia Gas Transmission Corporation (Columbia), Columbia LNG Corporation (Columbia LNG), Consolidated Gas Supply Corporation (Consolidated), and and Consolidated System LNG Company (Consolidated LNG) have violated tariff and contract provisions by failing to invoke minimum bill provisions following the cessation of LNG deliveries by Algeria; violated tariff provisions by failing to invoke minimum bill provisions following an accident on October 6, 1979, at the Coved Point facility; engaged in transactions which have resulted in a shifting of the risk of loss to consumers; charged unlawful and excessive rates for deliveries from the Cove Point facility; and, unlawfully overcollected capital costs through their PGA clauses.

On September 15, 1980, separate Answers were filed by both Columbia and its LNG affiliate, and Consolidated and its LNG affiliate, denying all allegations of tariff violations and unlawful activity set forth in the Attorney General's Complaint.

A Motion for Consolidation and Memorandum in Support was filed on November 3, 1980 by Ohio, in which it requested consolidation of the Complaint with proceedings in Docket Nos. TA80-2-21 (PGA80-3) and TA80-2-22 (PGA80-5)(IPR80-3)(LFUT80-2)(RD&D80-2). Ohio argued in support of its Motion that the two proceedings and its Complaint in this docket raised common questions of law and fact, noting a further similarity between the parties. No responses have been filed in this docket in opposition to Ohio's Motion for Consolidation.

On February 17, 1981, Ohio filed a Motion For Leave To File An Amended Complaint, to which was attached the Amended Complaint. The Amended Complaint realleged all counts contained in the original Complaint, with the exception of the allegation that Columbia, Columbia LNG, Consolidated and Consolidated LNG violated tariff provisions by failing to invoke the minimum bill following the October 6, 1979 accident at Cove Point.

The basic issue raised by Ohio is whether the total operations of the Cove Point LNG terminal have been sufficiently continuous with adequate levels of delivery to justify full cost recovery under the Columbia LNG and Consolidated LNG tariffs, or whether the level of service should have triggered the minimum bill provisions in the companies' tariffs. Ohio's Amended Complaint alleges a fraudulent purpose in the delivery by Columbia LNG and Consolidated LNG of a "*de minimis* stream of gas", while recovering the full cost of an "inoperable" Cove Point LNG terminal. This procedure is alleged by Ohio to be in violation of both Opinion Nos. 622 and 622-A, and the public policy. Ohio states that this issue arises as a result of the fact that Sonatrach, the state owned and operated national oil and gas company of Algeria, terminated all LNG shipments to Cove Point on April 1, 1980. To date there has been no resumption of such shipments, which were originally terminated pending the negotiations of an LNG price increase for Sonatrach.

The minimum bill provisions in the tariffs of Columbia LNG and Consolidated LNG also frame the subject matter in the proceedings initiated by Commission order of August 29, 1980 in Docket Nos. TA80-2-21, TA80-2-22 and RP80-136. Therefore, the Commission finds that it is appropriate to consolidate these proceedings to assure consistency in the resolution of related claims and to avoid unnecessary duplication of effort. In addition, the Commission shall grant the Attorney General of the State of Ohio leave to withdraw the original Complaint which was filed on August 4, 1980, pursuant to Section 1.11(d) of the Commission's Rules of Practice and Procedure.

The Commission Orders: (A) The Attorney General of the State of Ohio shall be granted leave to withdraw the complaint filed in Docket No. RP80-129 on August 4, 1980, in accordance with 18 CFR 1.11(d). In addition, the Commission hereby accepts the Amended Complaint filed in this docket on February 17, 1981 by the Attorney General.

(B) The November 3, 1980 request by the Attorney General of the State of Ohio for consolidation of the Complaint, as amended, with the proceedings in Docket Nos. TA80-2-21, *et al.*, shall be granted for purposes of hearing and decision, pursuant to 18 CFR 1.20(b). The scope of these proceedings shall be consistent with both the Commission's August 29, 1980 order in those dockets, and the Commission's order herein.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8941 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3649-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

March 17, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3649 to be known as Mississippi Lock and Dam No. 7 Hydroelectric Project to be located at the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 7, a navigation project, on the Mississippi River, near the town of Lacrosse, in Winona County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Incorporated, 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers lock and dam. Project No. 3649 would consist of: 1) a proposed powerhouse located just below the existing dam; 2) proposed transmission lines and 3) appurtenant facilities. Applicant estimates the capacity of the proposed generator units to be 12 MW. The project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 77,280,000 KWh.

Purpose of Project—Energy produced at the proposed project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice

of intent to file a competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3649. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the orginal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8945 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4016-000; Project No. 4020-000]

Arkansas Power & Light Co. and Arkansas Electric Cooperative Corp.; Application for Preliminary Permit

March 18, 1981.

Take notice that the Arkansas Power and Light Company (AP&L) filed on January 11, 1981, and the Arkansas Electric Cooperative Corporation (AEC) filed on January 16, 1981, competing applications [pursuant to Federal Power Act, 16 U.S.C. Sections 791(a)–825(r)] for preliminary permit for a proposed hydroelectric power project that would be known as the Lock and Dam No. 3 Project, FERC Project Nos. 4016 and 4020, respectively. The proposed project is located on the White River in Independence County, Arkansas. The applications are on file with the Commission and are available for public inspection. Correspondence with the Arkansas Power and Light Company, should be directed to: Mr. W. Henry Jones; Manager, Civil Engineering; Arkansas Power and Light Company, Post Office Box 551, Little Rock, Arkansas 72203. Correspondence with the Arkansas Electric Cooperative Corporation, should be directed to: Mr. Louis Fish, Assistant General Manager, Arkansas Electric Cooperative Corporation, 8000 Scott Hamilton Drive, Little Rock, Arkansas 72209. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project No. 4016 would consist of: (1) the existing Lock and Dam No. 3 (the dam is 31 feet high and has a crest length of 750 feet, the lock is 147 feet long and 36 feet wide); (2) a reservoir of negligible storage capacity; (3) a new powerhouse, adjacent to Lock No. 3, having a generating capacity of 8,400 kW; (4) a new switchyard; (5) a new transmission line; and (6) appurtenant facilities. AP&L estimates that the average annual energy output would be 48,000,000 kWh. The proposed Project No. 4020 would utilize the same Lock and Dam No. 3 and its reservoir, and would also include a new powerhouse adjacent to Lock No. 3 having a generating capacity of 15,000 kW. AEC estimates that the average annual energy output would be 80,000,000 kWh. The owner of Lock and Dam No. 3 is the Arkansas College.

Purpose of Project—AP&L proposes to utilize a portion of the energy generated and sell the remainder to the AEC and local municipalities. AEC proposes to utilize all the energy generated for distribution to its members.

Proposed Scope and Cost of Studies Under Permit—AP&L seeks issuance of a preliminary permit for a period of two years and AEC seeks issuance for a period of three years. Both Applicants would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, project power potential, and all information necessary for inclusion in an application for a license. AP&L estimates the cost of studies under the preliminary permit would be between $20,000 and $50,000 and AEC estimates the cost to be between $30,000 and $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of each application may be obtained directly from the respective Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform

with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protest, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4016 and Project No. 4020. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the orginal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8934 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4266-000]

Burton Allen Finberg; Application for Preliminary Permit

March 18, 1981.

Take notice that Burton Allen Finberg (Applicant) filed on February 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4266 to be known as Albion Hydroelectric Project located on the Blackstone River in the Towns of Lincoln and Cumberland, Providence County, Rhode Island. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Burton Allen Finberg, 184 University Avenue, Providence, Rhode Island 02906. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would consist of: (1) an existing concrete rollway dam, about 300 feet long and 25 feet high; (2) an existing reservoir with a negligible storage capacity of 235 acre feet at surface elevation of 87.7 feet m.s.l.; (3) a new headrace with gate structure and trashracks at the east (left) dam abutment; (4) a new powerhouse with an installed capacity of 850 kW; (5) a tailrace; and (6) other appurtenances. The Applicant estimates that the average annual energy output would be about 5,180,000 kWh.

Purpose of Project—Project energy would be sold to the Blackstone Valley Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time he would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would not exceed $43,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application.—Anyone desiring to file a competing application must submit to the Commission, on or before May 21, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 20, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 21, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for

Project No. ——. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8936 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-8-000]

Central Maine Power Co.; Application

March 18, 1981.

The filing company submits the following:

Take notice that on March 5, 1981, Central Maine Power Company (Central Maine) filed an application with the Federal Energy Regulatory Commission pursuant to Section 203 of the Federal Power Act seeking an order authorizing it to acquire through merger all of the assets of Carrabassett Light and Power Company (Carrabassett).

Central Maine is an electric utility organized under the laws of Maine with its principal office at Augusta, Maine. It serves approximately 380,00 customers in an area of 10,600 square miles in the central and southern parts of Maine.

Carrabassett is an electric utility incorporated under the laws of Maine and has its principal office at North Anson, Maine. It serves approximately 505 customers in the Towns of Anson and Embden, Somerset County, Maine. Carrabassett currently purchases all of its power requirements from Central Maine under a contract filed with the Federal Energy Regulatory Commission. The territory served by Carrabassett is located adjacent to the Central Maine system and, according to the application, Carrabassett's rates in general are higher than those now charged by Central Maine.

The application states that Central Maine proposes to exchange that number of shares of its common stock which, when multiplied by the Market Value (as defined in the proposed Plan of Merger) of that stock on the closing date equals or most nearly equals the total value of $246,377 for all of the outstanding common stock of Carrabassett, said sum of $246,377 being subject to change to the extent the Net Worth (as defined) of Carabassett shall have changed as of the effective time of the merger.

Central Maine represents that the intergration of the relatively small electric utility system of Carrabassett into the larger intergrated system of Central Maine will result in assuring an adequate supply of electric energy in the territory now served by Carrabassett.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 3, 1981, file with the Federal Energy Regulatory Commission in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8938 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-317-000]

Central Vermont Public Service Corp.; Filing

March 18, 1981.

The filing company submits the following:

Take notice that on March 2, 1981, Central Vermont Public Service Corporation (Central Vermont) submitted for filing a proposed modification of the availability provision of Central Vermont's Rates 8 and 8-A. Central Vermont's Rate 6 has been superseded thereby.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8937 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS81-59-000, et al.]

Emefco Petroleum Inc., et al.; Applications for "Small Producer" Certificates[1]

March 18, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission on all applications in which no petition to intervene is filed within

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS81-58-000	2/17/81	Enwico Petroleum, Inc., Suite 500, 1580 Lincoln St., Denver, Colorado 80203
CS81-60-000	2/18/81	Charles W. Kemp, 1701 E. Highland Dr., Hobbs, New Mexico 88240
CS81-61-000	2/18/81	James R. and Carl D. Deverspike, co-partners, d.b.a. J. C. Enterprises, P.O. 90, Ringgold, PA 15770
CS81-62-000	2/18/81	Ellis W. Manning, Jr., P.O. Box 2514, Casper, Wyoming 82602
CS81-63-000	2/19/81	Velda B. Wyche, 2998 Windsor Road, Austin, Texas 78703
CS81-64-000	2/20/81	Douglas G. Fuller, 904 American Tower, Shreveport, LA 71101
CS81-65-000	2/20/81	Paul W. Link, 4222 Somerville, Dallas, TX 75025
CS81-66-000	2/18/81	Theodore C. Whitson, 455 Winn Way, Suite 241, Decatur, GA 30030
CS81-67-000	2/27/81	Todd L. White, 726 White Drive, Garland, TX 75040
CS71-317-000	[1] 2/10/81	Coates Energy Trust and Elizabeth H. Maddox (formerly George H. Coates Estate), 1610 Milam Building, San Antonio, Texas 78205

[1] Being noticed to reflect a name change.

[FR Doc. 81-8938 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4187-000]

Marc Leon Figueira; Application for Preliminary Permit

March 18, 1981.

Take notice that Marc Leon Figueira (Applicant) filed on February 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4187 to be known as Sheridan Creek Project located on a tributary to Sheridan Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Marc Leon Figueira, P.O. Box 558, Route #2, Shingletown, California 96088. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a pipeline; (3) a 25-foot wide and 30-foot long powerhoue containing one generating unit rated at 411 kW; (4) a new one-half-mile long access road; and (5) a 200-foot long transmission line. The project would be operated on a run-of-the-river basis.

The Applicant estimates that the average annual energy output would be one million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the studies to be performed under the preliminary permit is estimated to be $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 20, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before May 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4187. Any comments, notices of intent, competing applications, protests, or petitions to interene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8939 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4041-000]

Massachusetts Municipal Wholesale Electric Co.; Application for Preliminary Permit

March 18, 1981.

Take notice that Massachusetts Municipal Wholesale Electric Company (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4041 to be known as the Westville Project located on the Quinebaug River in Southbridge, Worcester County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Phillip C. Otness, General Manager, Massachusetts Municipal Wholesale Electric Company, Stony Brook Energy Center, P.O. Box 426, Ludlow, Massachusetts 01056. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Army Corps of Engineers' Westville dam and the associated reservoir and would consist of a new powerhouse containing a single turbine-generator with a total rated capacity of 1 MW and a transmission line.

The Applicant estimates that the average annual energy output would be 4,300,000 kWh.

Purpose of Project—Energy generated at the project would be utilized by the Applicant for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Westville Project No. 3339 filed on August 19, 1980, by Water Power Development Corporation, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 14, 1981.

Filing and Service of Responsive Documents—Any comments, protests or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4041. Any comments, protests, or petitions to intervene must be filed by providing the orginal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8940 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-10-002]

Western Gas Interstate Co.; Notice of Filing

March 18, 1981.

Take notice that on March 6, 1981, Western Gas Interstate Company ("Western") filed Second Substitute Sixteenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective on December 2, 1980.

Western states that Second Substitute Sixteenth Revised Sheet No. 3A is being filed in compliance with the Commission's letter order dated December 30, 1980, in Docket No. RP81-10-001 requiring Western to refile revised rates "consistent with the Office of Pipeline and Producer Regulation Order in Docket No. TA81-1-52-001 (PGA81-1a)."

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8943 Filed 3-23-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL 1785-7; OPP 180553A]

Arizona and California; Amendment to Specific Exemption for Fenvalerate on Lettuce

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an amendment to specific exemptions issued to Arizona and California for the use of Pydrin on lettuce to control *Heliothis* species.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Room 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: Notice of these exemptions appeared in the **Federal Register** of February 19, 1981 (46 FR 13107). Item 15 has been amended to read as follows:

15. Head lettuce with residue levels of fenvalerate not exceeding 10 parts per million may enter into interstate commerce. The Food and Drug Administration, U.S. Department Health and Human Services, has been advised of this action.

All other terms of the specific exemptions still apply.

Dated: March 13, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-8889 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP 180580; PH-FRL 1785-4]

Arkansas; Issuance of Specific Exemption for Bolero and Propanil in Rice Fields

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Arkansas State Plant Board (hereafter referred to as the "Applicant") for use use of Bolero (thiobencarb) alone or in a tank mixture with propanil to control grasses, aquatic weeds, and boardleaf weeds infesting 200,000 acres of dry-seeded rice fields in 41 Arkansas counties. The specific exemptions are issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Room 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, grasses are very competitive with rice and can reduce rice yields by from 25 to 90 percent; the aquatic weed complex can reduce yields from 10 to 25 percent; and broadleaf weeds can reduce grain yields as much as 24 percent. The Applicant claims that currently registered pesticides have limitations resulting in ineffective control. Bolero, which contains the active ingredient (a.i.) thiobencarb, is an unregistered product manufactured by the Chevron Chemical Company. Propanil is currently registered for use on rice and is manufactured by several chemical companies. The Applicant estimates that a total savings of $16 million can be realized from the proposed use of Bolero alone or in combination with propanil through more efficient weed control resulting in increased efficacy of other production inputs and the reduced number of herbicide applications needed.

EPA has determined that residues of thiobencarb and its metabolites should not exceed 0.2 part per million (ppm) on rice grain, 1.0 ppm on rice straw, 0.05 ppm in milk, and 0.2 ppm in eggs, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep from the proposed use. Residues of propanil are not expected to exceed those levels already established from use of the proposed Bolero and propanil tank maxture. These levels have been judged to be adequate to protect the public health.

EPA has required consultations with the State Fish and Game Department and the Office of Endangered Spices, Fish and Wildlife Service, U.S. Department of the Interior, to safeguard against potential hazards to non-target organisms and federally designated endangered and threatened spices.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticides named above until August 31, 1981, subject to the following conditions:

1. The Applicant is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 CFR 166.5. This information must be submitted to EPA Headquarters through the EPA Regional Office. Information provided in accordance with paragraph (a) of this section must include the exact location of the places of application. A report summarizing the results of this program, as required in paragraph (d), must be submitted by December 31, 1981.

2. The product Bolero 8 EC, manufactured by Chevron Chemical Co., may be applied alone or in a tank mixture with propanil. EPA-registered propanil products, as emulsifiable concentrates containing 3 or 4 pounds a.i. per gallon, which are registered for use on rice, may be used.

3. Bolero 8 EC must be shipped under the most recently accepted labeling in connection with this product's use under an experimental use permit.

4. Bolero 8 EC may be applied at a rate of 4 pints of formulation (4.0 pounds a.i.) per acre as a late pre-emergence or early post-emergence application. Bolero 8 EC may also be used in a tank mixture with propanil at a rate of 3 pints of formulation (3.0 pounds a.i.) of Bolero 8 EC and 3 pounds a.i. propanil per acre and applied as an early post-emergence application. Applications are to be made in accordance with the labeling submitted.

5. A maximum of 100,000 gallons of Bolero 8 EC may be applied to 200,000 acres of dry-seeded rice in the 41 counties specified in the application.

6. Applications may be made with aerial equipment using a minimum of 10 gallons of spray mixture per acre, or with ground equipment using 15 to 20 gallons of spray mixture per acre.

7. All applications will be made by commercial or private applicators certified in this category of pest control.

8. Precautions will be taken to avoid spray drift to nontarget areas. The pesticide will not be applied when weather conditions favor drift.

9. Crops other than rice may not be planted in treated fields for 6 months following treatment.

10. Second-crop (stubble crop) rice may not be treated.

11. Phytotoxicity may occur from this use.

12. Only a single application of Bolero 8 EC (late pre-emergence or early post-emergence) is permitted.

13. A fish/wildlife monitoring program must be carried out. The results of this program must be detailed and forwarded to EPA Headquarters as soon as they become available, but no later than December 31, 1981.

14. All applicable directions, restrictions, and precautions on the proposed labeling for Bolero 8 EC and on the EPA-registered propanil label must be followed.

15. The available data indicate that nontarget aquatic invertebrates and fish larvae could potentially be adversely inpacted from this use pattern. Additionally, the endangered naiad, *Potamilus capax*, would be the federally designated endangered species most likely exposed to this herbicide. The agricultural requirement for frequent flushings as well as the label requirement for rain or flush (irrigation) after treatment would increase the likelihood of Bolero contaminating aquatic environments downstream from rice fields.

Consultations must be held regarding measures to safeguard against potential hazards to nontarget organisms and federally designated endangered and threatened species with the State Fish and Game Department and the Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, respectively. Bolero must not be used in areas where impact on endangered/threatened species is likely.

16. Residues of thiobencarb and its metabolites resulting from the above application are not expected to exceed 0.2 ppm on rice grain, 1.0 ppm on rice straw, 0.05 ppm in milk, and 0.2 ppm in eggs, and the meat, fat, and meat by-products of cattle, goats, hogs, horses, poultry, and sheep. Residues of propanil are not expected to exceed those levels already established. Commodities with residues not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

17. The EPA shall be immediately informed of any adverse effects resulting from the use of Bolero alone or with propanil in connection with this exemption.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: March 13, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-8887 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 8G1838/T289; PH-FRL 1785-4]

Butachlor; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been extended for residues of the herbicide butachlor [*N*-(butoxymethyl)-2-chloro-2',6'diethylacetanilide] in or on the raw agricultural commodities rice at 0.5 part per million (ppm) and rice straw at 3 ppm.

DATE: These temporary tolerances expire April 23, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 29, 1980 (45 FR 28485) that temporary tolerances had been established for residues of the herbicide butachlor [*N*-(butoxymethyl)-2-chloro-2',6'-diethylacetanilide] in or on the raw agricultural commodities rice at 0.5 ppm and rice straw at 3 ppm. These tolerances were established at the request of Monsanto Agricultural Products Co., 1101 17th St. NW., Washington, D.C. 20036. Monsanto Co. has requested an extension of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (524-EUP-30) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated, and it has been determined that the temporary tolerances are extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Monsanto Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 23, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

(Sec. 408 (j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: March 17, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-8886 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL 1785-3; PP 8G2068/T294]

Ethephon; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: A temporary tolerance has been extended for residues of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity cottonseed at 0.5 part per million (ppm).

DATE: This temporary tolerance expires June 15, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 17, 1980 (45 FR 26125) that a temporary tolerance had been extended for residues of the plant growth regulator ethephon in or on cottonseed at 0.5 ppm. This extension was requested by Union Carbide Agricultural Products Co., 300 Brookside Ave., Ambler, PA 19002.

Union Carbide has requested an extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (264-EUP-55) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated, and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Union Carbide will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employer of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 15, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance.

This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: March 17, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-8671 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-32-M

[TSH-FRL 1785-6; OPTS-51203A]

Metal Resinate; Premanufacture Notice; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice amends the premanufacture notice (PMN) submitted by a certain company as required by section 5(a)(1) of the Toxic Substance Control Act (TSCA) on the chemical metal resinate (generic name provided by the company). The company claimed its identity as confidential business information.

SUPPLEMENTARY INFORMATION: EPA issued a notice of receipt of a PMN (P-80-344) published in the Federal Register of January 27, 1981 (46 FR 8710). Under *"Toxicity Data."* appearing at page 8711 (FR Doc. 81-2894), second column, the information provided under said data is amended by adding the sentence, "This reflects effects caused by the PMN substance as shipped in a hydrocarbon solvent."

Dated: March 17, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-8670 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-31-M

[AD-FRL 1786-6]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on April 29 and 30, 1981, at the Hilton Inn, Washington Room, 1707 Hillsborough Street, Raleigh, North Carolina 27605. The commerical telephone number is (919) 828-0811.

The tentative agenda for the meeting is as follows:

April 29 (Wednesday)—9 a.m.

- Metallic Mineral Processing Plants, New Source Performance Standard (Section 111)
- Gypsum Plants, New Source Performance Standard (Section 111)
- Manufacture of Styrene-Butadiene Copolymers, Control Techniques Guidelines for Volatile Organic Compounds (Sections 101(b) and 103)
- Equipment Leaks from Natural Gas/Gasoline Processing Plants, Control Techniques Guidelines for Volatile Organic Compounds (Section 101(b) and 103)

April 30 (Thursday)—9 a.m.

- Continuation of April 29—As Required
- Fugitive Emissions from Polymers and Resin Manufacture, Control Techniques Guidelines for Volatile Organic Compounds (Sec. 101(b) and 103)
- Coke Wet Quenching, New Source Performance Standard (Section 111)

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by April 22, 1981. The commercial telephone number is (919) 541-5571, and the FTS number is 629-5571.

The dockets containing material relevant to metallic mineral processing plants (A-81-03), gypsum plants (A-80-15), and coke wet quenching (A-81-06) are located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby—Gallery 1, 401 M Street SW., Washington, D.C. 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: March 19, 1981.

Edward F. Tuerk,

Acting Assistant Administrator, for Air, Noise, and Radiation.

[FR Doc. 81-8673 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-26-M

[AS-FRL 1784-7]

The National Contingency Plan; Delay in Mailing of Draft Revision

AGENCY: Environmental Protection Agency.

ACTION: A delay in the mailing of the draft revision of the National Contingency Plan for the March 26th Public Meeting.

SUMMARY: An initial draft copy of the National Contingency Plan will not be mailed before the Public Meeting on the National Contingency Plan, March 26, 1981. However, the draft should be available at the Public Meeting and a two-week public comment period will follow.

DATE: A change from the original notice. Time is extended 30 minutes and will be from 9:00 a.m. until 12:30 p.m. Date is still March 26, 1981.

ADDRESS: No change from the original notice. Lisner Auditorium, George Washington University, 21st and H Streets NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Ms. Julie Frazier, EPA, Office of Hazardous Emergency Response (WH-548), 401 M Street SW., Room 2817, Mail, Washington, D.C. 20460, Telephone: (202) 755-9685.

Dated: March 18, 1981.

Michael B. Cook,

Deputy Assistant Administrator, Hazardous Emergency Response (WH-548).

[FR Doc. 81-8674 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-26-M

[EW-FRL 1787-1]

Motor Vehicle Pollution Control; Waiver of Oxides of Nitrogen Emission Standards; Cancellation of Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Cancellation of tentatively scheduled public hearing.

SUMMARY: This notice cancels a public hearing that EPA tentatively scheduled for March 25, 1981, to consider a request by General Motors Corp. (GM) for a waiver of the 1982 model year oxides of nitrogen (NOx) emission standard for its 4.3 liter (L) light-duty diesel engine family. EPA will consider this waiver request on the basis of information submitted or otherwise included in the record. The record for this waiver request will remain open for written submissions of interested parties until April 3, 1981.

DATES: This notice cancels a public hearing that was tentatively scheduled for March 25, 1981.

ADDRESSES: Parties may submit written information concerning GM's waiver request to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (Docket Number EN-81-4). Copies of all materials relevant to the waiver request will be available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A-120), Gallery I, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTAL INFORMATION:

I. Background and Discussion

EPA announced in a recent **Federal Register** notice, 46 FR 15893 (March 10, 1981) that it had received a request from GM pursuant to section 202(b)(6)(B) of the Clean Air Act (Act)[1] for waiver of the 1982-1984 NOx emission standard for its 4.3L light-duty diesel engine family.

Section 202(b)(6)(B) of the Act allows any manufacturer to petition the Administrator of EPA for waiver of the 1981-1984 model year NOx standard of 1.0 gram per mile (g/mi). The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty diesel vehicles manufactured during the four model year period up to a maximum level of 1.5 g/mi, if the manufacturer can show that the waiver is necessary to permit the use of diesel engine technology. The waiver may be granted if the Administrator can make the findings specified in section 202(b)(6)(B) of the Act.

In the **Federal Register** notice announcing receipt of GM's waiver application, EPA stated that it had tentatively scheduled a public hearing for March 25, 1981 to consider GM's request for the 1982 model year only.[2] EPA stated that it would cancel the hearing and make its waiver decision on the basis of written submissions and information otherwise contained in the record if no party notified EPA by March 12, 1981 that it wished to appear and present oral testimony. That notice also stated that the comment period would close by April 3, 1981.

EPA has not received notification from any party stating that it wishes to appear and present oral testimony concerning GM's waiver request. Therefore, EPA has cancelled the hearing scheduled for March 25, 1981. Interested parties may still submit written information for the Administrator's consideration until April 3, 1981 regarding GM's request for a waiver of the 1982 model year NOx emission standard for its 4.3L diesel engine family.

II. Procedures for Public Participation

Although EPA will not hold a public hearing to consider GM's waiver request, any party may still submit written data, views, and arguments which EPA will enter into the record upon which the Administrator bases his waiver decision. Interested parties who make written submissions should address considerations set forth in detail by the guidelines for submission of waiver requests, that EPA published in the **Federal Register** (43 FR 30341, (July 14, 1978)). Interested parties should address the following issues in particular:

(1) Whether a waiver is necessary to permit the use of diesel engine technology in the class or category of vehicles or engines for which an applicant requests a waiver;

(2) Whether the waiver would endanger the public health;

(3) Whether the waiver would result in significant fuel savings at least equal to the fuel economy standard applicable under the Energy Policy and Conservation Act (EPCA);

(4) Whether the technology utilized in the class or category for which a waiver is sought: (a) has a potential for long-term air quality benefit, and (b) has the potential to meet or exceed the average fuel economy standard applicable under EPCA at the expiration of the waiver, and;

(5) The level of NOx emissions, not to exceed 1.5 g/mi, which an applicant's diesel vehicle class or category could meet in each of the model years for which an applicant requests a waiver.

The record will remain open until April 3, 1981, for the submission of pertinent written information for consideration by the Administrator in formulating his waiver decision. EPA will make this information available for public inspection at the EPA Central Docket Section, Docket Number EN-81-4.

Dated: March 19, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-8808 Filed 3-23-81; 8:45 am]

BILLING CODE 6560-33-M

[1] 42 U.S.C. § 7521(b)(6)(B), as amended 1977.

[2] EPA will consider GM's waiver request for the 1983 and 1984 model years in separate waiver proceedings.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-27]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 20, 1981.

Cut-off Date: April 30, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after April 30, 1981. An application, in order to be considered with any application appearing on the attached list or with any other on file by the close of business on April 30, 1981, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the close of business on April 30, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on April 30, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP-791119AF (WBRM), Marion, North Carolina, Lake City Broadcasting Corp.

Has: 1230 kHz, 1 kW, D, Req: 1230 kHz, 0.5 kW, 1 kW-LS, DA-N, U

BP-800121AU (new), Monroe, North Carolina, Del Broadcasting, Inc. Req: 1430 kHz, 2.5 kW, DA-2, U

BP-800317AC [KSKS], Conroe, Texas, Montgomery Metro, Inc. Has: 1140 kHz, 0.25 kW, DA-D, Req: 1140 kHz, 1 kW, DA-D

BP-801008AB (new), Deer Trail, Colorado, Gold Bar Broadcasting and Communications, Inc. Req: 1370 kHz, 5 kW, DA-D

BP-810108AE (new) Gatlinburg, Tennessee, Gatlinburg Broadcast Communications, Inc. Req: 1230 kHz, 250 W, 1 kW-LS, U

BP-810128AH [KIOA], Des Moines, Iowa, Mid America Broadcasting, Inc. Has: 940 kHz, 5 kW, 10 kW-LS, DA-2, U, Req: 940 kHz, 5 kW, 50 kW-LS, DA-2, U

BP-810208AL (new), Bountiful, Utah, General Broadcasting, Inc. Has: 680 kHz, 1 kW, D, Req: 700 kHz, 1 kW, 10 kW-LS, DA-2, U

[FR Doc. 81-9043 Filed 3-23-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B-11]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 23, 1981.

Cut-off Date: May 1, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications by either cut-off list or operation of § 73.3516(e) of the Commission's Rules, no application which would be in conflict with any of these applications will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on May 1, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of business on May 1, 1981.

BP-810206AL (New), San Jacinto, California, Allesandro Broadcasting Company. Req: 830 kHz, 5 kW, 50 kW-LS, DA-2, U

BP-810209AB (New), La Mirada, California, New Radio Corporation. Req: 830 kHz, 1 kW, 50 kW-LS, DA-2, U

BP-810209AE (New), San Marcos, California, Western Radio Group. Req: 830 kHz, 1 kW, DA-N, U

BP-810209AF (New), Los Angeles, California, International Institute of Los Angeles. Req: 830 kHz, 1 kW, 5 kW-LS, DA-2, U

BP-810209AH (Kude), Oceanside, California, Dolph-Petty Broadcasting Company. Has: 1320 kHz, 500 W, DA-1, U, Req: 830 kHz, 1 kW, 2.5 kW-LS, DA-N, U

BP-810209AK (New), Orange, California, Orange County Broadcasting Corporation. Req: 830 kHz, 1 kW, 2.5 kW-LS, DA-N, U

BP-810209AM (New), La Mesa, California, Pro Broadcasters. Req: 830 kHz, 2.5 kW, 10 kW-LS, DA-N, U

BP-810209AN (New), Santee, California, Santee Broadcasting Company, Inc. of Indiana. Req: 830 kHz, 1 kW, 2.5 kW-LS, DA-N, U

BP-810209AQ (New), Tucson, Arizona, Doylan Forney. Req: 830 kHz, 1 kW, 50 kW-LS, DA-N, U

BP-810302AB (New), New Haven, Connecticut, Southern Connecticut Radio. Req: 1340 kHz, 250 W, 1 kW-LS, U (mutually exclusive with renewal application of WNHC, New Haven, Connecticut)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-9042 Filed 3-23-81; 8:45 am]

BILLING CODE 6712-01-M

[Docket No. 81-161; Transmittal Nos. 545, 546, 547]

Hawaiian Telephone Co.; Memorandum Opinion and Order

Adopted: March 13, 1981.

Released: March 20, 1981.

In the matter of Hawaiian Telephone Co., CC Docket No. 81-161, Transmittal No. 545, Tariff F.C.C. No. 18, Exchange Network Facilities for Interstate Access; Hawaiian Telephone Co., Transmittal No. 546, Tariff F.C.C. No. 19, Customer Indirect Network Exchange Access; Hawaiian Telephone Co., Transmittal No. 547, Revisions to Tariff F.C.C. No. 11, Foreign Exchange Service. Instituting investigation.

1. Before the Bureau are several petitions requesting rejection or, in the alternative, suspension and investigation of three separate access charge tariffs filed by the Hawaiian Telephone Company (Hawaiian). These include: proposed Tariff F.C.C. No. 18, to be called Exchange Network Facilities for Interstate Access (ENFIA); proposed Tariff F.C.C. No. 19, to be known as Customer Indirect Network Exchange Access (CINEA); and, finally, revisions to Hawaiian's existing Tariff F.C.C. No. 11, Foreign Exchange Service (FX).[1] For reasons explained below, we will deny the petitions against Hawaiian's ENFIA tariff and allow it to become effective. We find, however, that the CINEA and FX tariff filings raise issues of lawfulness and, accordingly, we will suspend them for the full statutory period and institute and investigation.

Background

2. By these three tariff proposals Hawaiian seeks compensation for use of its local exchange network in the provision of interstate MTS/WATS-type and private line services. In order to more fully understand the nature of Hawaiian's three tariff proposals, a brief review of compensation arrangements and recent Commission action in this area is warranted.

A. Current Local Exchange Compensation Arrangements

3. Three different mechanisms have evolved for compensating operators of local telephone exchange facilities for originating or terminating interstate communications. Under the traditional mechanism which dates back to the mid-1940's, compensation occurs among Bell System Operating Companies (BSOCs) and AT&T Long Lines through a process called "division of revenues" and between independent telephone companies and BSOCs through a process called "settlements". The divisions/settlements process was designed to operate as a single system producing consistent results for Bell and non-Bell telephone companies. Under the divisions/settlements process, a telephone company that originates or terminates interstate calls receives compensation from an interstate revenue pool based upon the company's total exchange and interexchange expenses and investments apportioned to the interstate operation. The procedures for determining the interstate exchange and interexchange expenses and investments is based on the Separations Manual.[2] Most

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[1] United States Transmission Systems, Inc. (USTS) and Southern Pacific Communications Company (SPCC) have filed petitions for rejection or suspension and investigation of Hawaiian's ENFIA, CINEA and FX tariff proposals. General Electric Company and Sears Roebuck & Co. (GE/Sears) filed joint petitions for rejection or suspension and investigation of Hawaiian's CINEA and FX tariff proposals. The General Services Administration (GSA) and Defense Communications Agency of the Department of Defense (DOD), on behalf of the Federal Executive Agencies (FEA), filed a petition for rejection or suspension and investigation of Hawaiian's FX tariff revisions. Also before us are Hawaiian's oppositions to these petitions.

[2] The cost apportionment procedures of the Separations Manual are arrived at by state regulators and the Commission under the mechanism of a Federal-State Joint Board convened pursuant to Section 410 of the Communications Act, 47 U.S.C. 410. The Separations Manual forms a basis for regulatory review of interstate rates by the Commission (based on the costs apportioned to the interstate jurisdiction by the Separations Manual) and for review of intrastate rates by state regulators (based on costs apportioned to the intrastate jurisdiction by the Separations Manual). On the federal side, the Separations Manual is incorporated in Part 67 of the Commission's Rules, 47 CFR 67.1; and depending on the jurisdiction involved it may or

Continued

interstate services, including interstate Message Telecommunications Service (MTS) and Wide Area Telecommunications Service (WATS), are included in the pooling arrangement.

4. A second means of compensating operators of local telephone exchange facilities for interstate communications usage is through the collection of a charge from an interexchange carrier who does not participate in the divisions/settlements process. Such charges, for example, are contained in BSOC Tariff F.C.C. No. 8, commonly known as the Exchange Network Facilities for Interstate Access (ENFIA) tariff. This tariff specifically sets out charges for interconnection services provided to other common carriers (OCC) in their provision of MTS/WATS-equivalent services. This ENFIA tariff resulted from a negotiation process under Commission *aegis* and ultimate agreement on an interim method for developing rates for MTS/WATS-type interconnections with local exchange networks. The Commission accepted the ENFIA agreement and allowed the ENFIA rates to become effective in *Exchange Network Facilities for Interstate Access (ENFIA)*, 71 F.C.C. 2d 440 (1979).

5. A final means of compensation which has developed for local telephone exchange companies is the collection of a separate charge from users of private line services that are connected with exchange facilities at one end, such as foreign exchange service (FX) and common control switching arrangements (CCSA) with off-network access lines (ONALS). Traditionally, both FX and CCSA subscribers have been billed for the open end origination or termination service at the same rate which local subscribers pay for local business exchange service in the area served by the local exchange. Revenues from the private line portion of the FX and CCSA services provided by Bell and non-Bell telephone companies are included in the interstate revenue pool and associated expenses and investments are included in the divisions/settlements computations. However, revenus from the open end service are retained by the carrier who provides the service and that carrier absorbs any associated costs. Although the open end service for interstate FX and CCSA is an interstate service, carriers have usually reported the revenues and any associated expenses and investments as intrastate for purposes of jurisdictional separations. In connection with OCC FX and CCSA services, local exchange carriers provide and bill the open end service connection directly. Local exchange carriers that provide the open end service also provide OCCs with a link between the telephone company's local central office and the OCC switching facility. That link serves essentially the same purpose as the trunk connection between the local central office and the Bell company toll switch. Those facilities are offered at non-uniform rates by various BSOCs pursuant to tariffs filed with this Commission and the associated revenues are excluded from the interstate revenue pool.

B. Commission Proposed Nationwide Tentative Access Charge Plan

6. The Commission's concerns over compensation arrangements stem, in part, from the changing communications industry structure that has resulted from competitive entry and related regulatory policies regarding the provision of interexchange facilities by OCCs. In this connection, a great deal of attention has been paid to compensation arrangements because of the legal obligation imposed upon local telephone companies under Section 201 of the Communications Act, 47 U.S.C. 201, to interconnect their local exchange facilities with interstate services without regard to what interexchange carrier may be providing the interstate service or what kind of interstate service is being offered over such interconnected facilities. This right to interconnection is limited only by the duty to pay a fair and reasonable sum to the local telephone companies for the service.[3]

7. However, as the Commission has recently observed in the *Second Supplemental Notice* of the *MTS and WATS Market Structure* proceeding,[4] the compensation which local exchange operators receive through the three mechanisms described above varies in a manner that does not appear to reflect actual differences in the costs of originating or terminating various services. The issue here is whether these disparities may produce discrimination among competing interexchange carriers and, also, indirectly result in different end user rates which violate Section 202(a) of the Communications Act, 47 U.S.C. 202(a). Moreover, as the Commission also noted in the *Second Supplemental Notice*, the discrimination problem is not confined to differences in compensation mechanisms. It extends to discrimination between message services as a whole and pooled private line services as a whole which results from use of the Separations Manual for the purpose of allocating exchange plant costs among various interstate services. As explained, the Separations Manual contains a combination of procedures designed for the purpose of apportioning message and private line costs between interstate and intrastate jurisdictions, but does not allocate exchange plant costs among various interstate services.

8. In recognition of the immediate need to develop nondiscriminatory exchange access charges for all interstate services, including those provided by the OCCs, the Commission asked for comment in the *Second Supplemental Notice* on a proposed tentative plan for uniform nationwide access charges and an exchange revenue pool.[5] Under this plan access charges would be prescribed for four categories of interstate service (MTS/WATS, FX/CCSA access, private line, and OCC–ENFIA). Although the access charges would be used to determine the compensation interexchange carriers would pay for access service, the amounts received by exchange carriers for the use of exchange plant for interstate service would not depend upon the access charge. Rather, the amount of compensation would depend upon the carriers pro rata share of all investment and expense in plant devoted to interstate service. Thus, the plan would require that access charge revenues be pooled in much the same manner that Bell and non-Bell interstate revenues are pooled under the present contractual arrangement. The pooled revenues would be reallocated among the exchange carriers in order to enable each exchange carrier to receive its interstate exchange plant expenses and a share of the residue that reflects its pro rata share of the interstate exchange plant investment. In this manner, it is anticipated that the end result should not be substantially different from the results that are produced by the current divisions/settlements process. The pooled access charges would include some services, such as ENFIA, that are not now pooled. The exchange pool would also include access charge revenues from carriers in Alaska,

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may not form part of a state regulatory agency's rules or requirements. The Separations Manual does not specify how revenues are to be divided between the Bell and independent telephone companies. This matter is normally governed by negotiated carrier-to carrier contracts.

[3] See, *MCI Telecommunications Corp.* v. *FCC*, 580 F.2d 590 (D.C. Cir.), *cert. denied*, 439 U.S. 980 (1978).

[4] *MTS and WATS Market Structure*, 67 F.C.C. 2d 757 (1978), *Supplemental Notice*, 73 F.C.C. 2d 222 (1979), *Second Supplemental Notice*, 77 F.C.C. 2d 244 (1980), and *Report and Third Supplemental Notice*, 81 F.C.C. 2d 177 (1980).

[5] This action was taken pursuant to authority in Section 201(a), 47 U.S.C. 201(a), to effectuate a division of revenues among carriers.

Hawaii, and overseas territories or possessions that might not be described as full partners in the existing contractual arrangement.

9. Although the proposed tentative access charge plan would alter the existing divisions/settlements mechanism, the plan has not been designed to affect the existing separations procedures contained in the Separations Manual. As was pointed out in the *Second Supplemental Notice*, there would be no misallocation between the state and interstate jurisdictions if aggregate interstate exchange plant costs derived from the Separations Manual are allocated among interstate services under the proposed plan in a manner that differs from the Separations Manual message and private line allocations used to arrive at an aggregate allocation between interstate and intrastate services. The proposed plan was designed to be used under any Separations Manual partly in recognition of the urgent need for new access charge arrangements and partly in recognition that revisions to the Separations Manual for that purpose would be complex and a time consuming process.

10. Although the Commission's plan does not require revision of the Separations Manual to incorporate a new formula for allocating exchange plant costs among interstate services prior to the prescription of new access charge arrangements, the Commission has convened a Federal-State Joint Board to reexamine rules for the apportionment of exchange plant investment between interstate and intrastate services in light of comments filed in the *MTS–WATS Market Structure* proceeding. See, *Notice of Proposed Rulemaking and Order Establishing a Joint Board (Joint Board)*, 78 F.C.C. 2d 837 (1980). The Joint Board is also to consider recommended technical amendments to the Separations Manual to facilitate the Commission's decision in the *Second Supplemental Notice* to prescribe access charges and to consider deletion or revision of provisions which have been rendered obsolete by recent decisions to deregulate most customer premises terminal equipment. See, *Second Computer Inquiry*, 77 FCC 2d 384 (1980).

C. ENFIA Agreement and Ratemaking Methodology

11. This brings us to the ratemaking methodology under the ENFIA agreement. It is designed to compensate local telephone companies for originating and terminating MTS/WATS-type services on the same basis as they would be compensated under the settlements/divisions process by AT&T Long Lines for originating and terminating MTS and WATS. In this connection, the ENFIA ratemaking methodology relies on use of the cost apportionment procedures of the Separations Manual. Under these procedures, costs associated with private line service are directly assigned to the appropriate jurisdiction, while costs that are common to the provision of more than one switched service, including MTS and WATS, are allocated between jurisdictions on the basis of usage. A substantial portion of MTS and WATS exchange costs allocated to the interstate jurisdiction through this process are derived through the use of the Subscriber Plant Factor (SPF) formula. The SPF formula is applied to certain defined jointly used subscriber plant in the local exchange network utilized by these interstate services.[6] Under the ENFIA ratemaking methodology use of the Separations Manual differs in the following respects: (1) the rate pertaining to the use of local exchange subscriber plant by MTS/WATS-type services is based upon an assumed number of minutes of use per month per line; (2) there is a percentage based phasing in of jointly used subscriber plant costs derived through use of the SPF formula which depends upon the level of combined revenues of all OCCs from MTS/WATS-type services;[7] and (3) the use of the cost procedures of the Separations manual in this fashion compensates the local telephone companies through ENFIA rates, rather than under a settlements or division of revenues process.

12. In ENFIA, the Commission reached no conclusion as to whether the derivation of the ENFIA rates for MTS/WATS-type services were cost based. The Commission stated that it had no evidence to make such a determination and that the parties to the proceeding had not provided any evidence which could demonstrate the relationship of the negotiated compensation to relevant costs. Acceptance of the ENFIA agreement was perceived as a reasonable means of avoiding complex and protracted litigation over methodologies, rate levels, and rate components. However, the Commission added at that time that it would prescribe compensation should the agreement not continue beyond its initial three year term.[8]

13. Among the signatories to the ENFIA agreement is GTE Service Corporation (GTE), an entity owned and controlled by the holding corporation which controls all of the FTE domestic local telephone companies, including Hawaiian. Under the ENFIA agreement, GTE has, among other things, agreed to recommend to its domestic telephone operating affiliates that they follow the ENFIA methodology by using their own specifically identifiable costs, that they use the same percentage based phasing in of jointly used subscriber plant costs derived through the use of the Separations Manual SPF formula, and lastly, that they enter into a standard form contractual arrangement with OCCs who seek ENFIA connections in GTE's service area.

14. It is also significant to note that the scope of the ENFIA agreement did not cover compensation to local telephone companies for open end interstate private line services which are connected with exchange facilities, such as FX and CCSA–ONAL. Costs associated with the use of the local exchange network by private line services, unlike message services, have been traditionally assigned under the Separations Manual directly to either the interstate or intrastate jurisdiction. Based upon this assignment of costs, FX and CCSA subscribers currently pay an intrastate (B–1) charge for access to the local exchange pursuant to state tariffs.

15. Recently, in *New York Telephone Company*,[9] the Commission held that a tariff filed with the New York Public Service Commission (NY PSC) by New York Telephone Company imposing a surcharge which would be levied solely upon interstate FX and CCSA subscribers for use of the local exchange network must be filed with this Commission rather than the state commission. This holding was based upon the Commission's finding that FX and CCSA open end access must be considered as part of an end to end interstate service within the Commission's jurisdiction. For reasons stated in *New York Telephone*

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[6] The Subscriber Plant Factor (SPF) is defined in paragraph 23.444 of the Separations Manual and can be expressed in formula form as $SPF = .85 + .15SLU + .25SLU \times CSR$. The subscriber line usage (SLU) equals the ratio of interstate holding time minutes to total holding time minutes and the composite station ratio (CSR) is a price variable reflecting the difference between the study area interstate traffic characteristics and the industry wide interstate traffic characteristics. Due to the instability of the CSR from year to year, AT&T has used a value of about 1.2 for the CSR since 1971. With the CSR equal to 1.2, the formula becomes $SPF = 3.25$ SLU.

[7] The ENFIA agreement states that only 35 to 55 percent of the SPF related costs are to be recovered by the ENFIA rate.

[8] The ENFIA agreement expires on February 28, 1982.

[9] 79 F.C.C. 2d 349, *recon. denied* 80 F.C.C. 2d 287, *aff'd* in *New York Telephone Company v. FCC*, 632 F.2d 1050 (1980).

Company, the Commission had not asserted its rate regulation authority over FX and CCSA exchange access where the rates for exchange service charged to FX and CCSA subscribers were the same as those charged local customers. Additionally, in the *Second Supplemental Notice*, the Commission stated that it would allow the present anomalous situation of state tariffs charging for a portion of an end to end service that lies within the interstate jurisdiction to continue until the FX/CCSA situation can be fully resolved through Separations Manual revisions or until such time as the proposed nationwide tentative access charge plan is implemented.[10] Until now no tariffs have been filed with the Commission imposing charges on open end interstate FX and CCSA subscribers for use of local exchange facilities. Hawaiian's FX and CINEA tariff proposals represent the first filings of this kind.

Tariff Proposals

16. The service offerings under Hawaiian's ENFIA, CINEA, and FX tariff proposals, all scheduled to become effective on March 15, 1981, would provide local exchange interconnection services for certain interstate users of Hawaiian's local exchange network facilities in the provision of interstate service. More specifically, the ENFIA offering would establish charges for OCCs, including the international record carriers and other specialized common carriers, assessing Hawaiian's local exchange network in order to provide MTS/WATS-type services, as well as interstate data or record type services. Unlike the ENFIA offering, the CINEA offering would apply to Hawaiian's non-carrier customers and would establish charges for use of Hawaiian's local exchange network via indirect access from a customer's interstate or overseas private line services (whether or not provided by Hawaiian). Finally, under the FX tariff proposal, Hawaiian would replace the local basic exchange (individual business line, individual business rotary line, and private branch exchange trunk) charge segment of the total charge for interstate FX service with an access charge for usage of the local exchange network.[11]

17. Under Hawaiian's proposed ENFIA tariff, the local exchange service provided for an MTS/WATS-type interconnection would include the following: (1) connection of the carriers system to the local exchange network via Voice Grade Central Office Connecting Facilities (VGCOCF), (2) central office switching and trunking and (3) local distribution facilities (or jointly used subscriber plant) including trunking, telephone terminal equipment, station connections, and subscriber lines. Each of these would have a separate rate element. With respect to the VGCOCF rate element, the regulations, rates, and charges would be the same as those contained in Hawaiian's Tariff No. 4. The rates for the second and third elements (use of the local exchange switching and trunking facilities and jointly used subscriber plant) would consist of a flat monthly rate for each ENFIA connection.

18. The local exchange service provided under Hawaiian's CINEA and FX tariffs for private line customers includes the same type facilities as offered under the second and third rate elements of Hawaiian's ENFIA tariff, that is the central office switching and trunking facilities and jointly used subscriber plant. However, under the CINEA and FX tariffs, the charge for these facilities would be expressed as a single rate element providing a flat monthly charge for access by each interstate private line service channel. With respect to the connection from the CINEA customer's premises to the local exchange network, Hawaiian states that this connection would be provided under its local tariff offerings.

19. Hawaiian's ENFIA, CINEA, and FX rates covering the use of the local exchange switching and trunking facilities and jointly used subscriber plant are similarly developed. In each instance, Hawaiian has employed the ratemaking methodology as set forth in the negotiated ENFIA agreement. As for the development of costs associated with the use of Hawaiian's local exchange facilities under the ENFIA, CINEA, and FX tariffs, Hawaiian has relied on its own 1978 separations study for company operations adjusted to be in accordance with the Separations Manual. For each of the three offerings, Hawaiian's cost support material shows the unit costs associated with the local exchange facilities to be identical. However, the ENFIA, CINEA, and FX rates would vary as a result of different minutes of use projections for each of the services as applied to the unit costs for jointly used subscriber plant. The ENFIA monthly rate of $208.43 (exclusive of the charge for the VGCOCF) reflects a projected 3000 minutes of use per ENFIA connection in accordance with the latest figures under the ENFIA settlement agreement. The CINEA monthly rate of $123.00 reflects a projected 1744 minutes of use per CINEA connection derived from a special study conducted by Hawaiian on local business trunk usages. Lastly, the FX monthly rate of $167.00 reflects a projected 2400 minutes of use per FX connection derived from an AT&T mainland study of FX usage of local exchange networks.[12]

Contentions of the Parties

A. Arguments for Rejection of Hawaiian's ENFIA Tariff Proposal

20. SPCC and USTS argue that Hawaiian's ENFIA tariff should be rejected because Hawaiian's use of the ENFIA methodology does not result in the establishment of cost based rates for MTS/WATS-type interconnection service with Hawaiian's local exchange network. They assert that the level of Hawaiian's ENFIA rates, twice that of AT&T's ENFIA rates, shows that Hawaiian's reliance on the ENFIA methodology is unjustified. More specifically, SPCC maintains that the unjust level of Hawaiian's ENFIA rates may be attributed, in part, to the improper allocation of jointly used subscriber plant costs calculated by using the Separations Manual CSR ratio and SPF formula which is asserts were designed only for use in the continental United States. USTS additionally contends that Hawaiian's ENFIA tariff results in non-cost based rates because Hawaiian is in contravention of the ENFIA Agreement by not entering into a carrier-to-carrier contract as recommended by GTE to all its affiliates under the ENFIA agreement. SPCC also claims that Hawaiian's support material fails to comply with § 61.38 of the

[10] The proposed access charge plan would provide for accounting and revenue requirement adjustments to the FX/CCSA classification at the time access service compensation arrangements are prescribed if the Separations Manual revisions for inclusion of some investments and expenses attributable to open end FX/CCSA access service in the interstate rate base and expenses have not yet been adopted.

[11] Additionally, we note that Hawaiian's FX tariff proposal stems, in part, from the Commission's decision in *Hawaiian Telephone Company*, 79 F.C.C. 2d 1062 (1980), ordering Hawaiian to interconnect and provide local exchange service to the Department of Defense (DOD) by allowing extensions of 19 private line interstate communications circuits, provided to DOD by Western Union International, Inc., and American Satellite Company, from the Navy Technical Control Center in Wahiawa Hawaii, to Hawaiian's central office in Honolulu. DOD's purpose in seeking interconnection was to allow the General Services Administration (GSA) to use the excess capacity of its private lines for FTS service. Hawaiian has informed us that it is presently waiting for the FX tariff proposal to become effective before providing this interconnection service. DOD and GSA state that other services are being provided GSA on an interim basis.

[12] Some per minute rate differences are apparently due to rounding in Hawaiian's cost calculations.

Commission's Rules, 47 CFR 61.38. In this regard, it questions the validity of cost figures derived from Hawaiian's 1978 separations study adjusted to be in accordance with the Separations Manual and, especially, Hawaiian's local switching and trunking costs.

21. As further grounds for rejection, SPCC argues that Hawaiian's ENFIA rates are unlawfully discriminatory because they fail to take into account differences in interconnection services provided to OCCs without appropriate cost adjustments. Since there are currently no competitive carriers providing MTS/WATS-type services to Hawaii, SPCC submits that the Commission should require Hawaii to await a decision in the *MTS/WATS Market Structure* inquiry on a method for determining just and reasonable access charges or require Hawaii to develop and implement a non-discriminatory access arrangement based upon a direct study of the costs involved in providing local exchange service to the OCCs. SPCC claims that the sanctioning of Hawaiian's ENFIA rates could, in the future, foreclose effective competition because of the high level of these rates.

B. Arguments for Rejection of Hawaiian's CINEA and FX Tariff Proposals

22. Petitioners seek rejection of the CINEA and FX tariffs under a claim that Hawaiian's use of the ENFIA methodology results in non-cost based access charges that are unlawful under the Communications Act. In this regard, they argue that the ENFIA methodology was neither designed nor accepted in *ENFIA* or under the ENFIA agreement for use in the development of interstate private line access charges. In particular, SPCC asserts that the ENFIA methodology should not be accepted for use in developing private line access charges because it uses the Separations Manual SPF formula which was designed solely to recover from interstate jurisdictions local exchange plant costs associated with MTS and WATS service. GE/Sears further submit that Hawaiian's use of the ENFIA methodology results in access charges that include costs for local exchange facilities which are not used by interstate private line subscribers. They complain that they are already paying for many of these local exchange facilities and that allowing Hawaiian to establish access charges for private line subscribers covering these costs an additional time would be unjust and unreasonable without offsetting adjustments in local revenue requirements, MTS or WATS rates, or station equipment.

23. GE/Sears, SPCC, and FEA additionally argue that allowing Hawaiian's CINEA and FX tariff to become effective at this time would be contrary to the public interest and prejudge Commission action on access charges and related matters in the *MTS and WATS Market Structure* and the *Joint Board* proceedings. In this regard, GE/Sears and SPCC maintain that Hawaiian's access charges are developed in a manner that is contrary to the Commission's interim access charge proposal in the *MTS and WATS Market Structure* proceeding. SPCC further submits that piecemeal implementation of access charges on a state by state basis utilizing differing methodologies and ratemaking philosophies will cause rate churning and confusion to the public. SPCC also contends that the alleged high level of the CINEA and FX rates were designed to force customers to utilize MTS and WATS service provided by AT&T in partnership with Hawaiian and, as such, Hawaiian's tariff proposals must be viewed as being anti-competitive.

24. As further ground for rejection, SPCC and FEA assert that Hawaiian's CINEA and FX tariff proposals would impost a discriminatory surcharge on interstate private line customers who wish to use local exchange service. In this regard, SPCC maintains that Hawaiian's CINEA and FX tariff proposals provide no more service than the basic local telephone service for private lines. Since Hawaiian's local exchange businges line rate structure is presumably lawful and should provide for the recovery of all costs, SPCC asserts that the imposition of a higher rate on one service and class of customers without justifying the differences in the services and their associated costs violates the like services standard of Section 202(a) of the Communications Act, 47 U.S.C. 202(a). Further, since Hawaiian has failed to show that the local business charges are noncompensatory, FEA believes that the local business charges now being paid by foreign exchange customers should not be replaced by the proposed FX charges.

25. GE/Sears additionally argue that Hawaiian has failed to comply with § 61.38 of the Commission's Rules. In this regard, they maintain that Hawaiian's minutes of use studies bear no relationship to actual use of the local exchange facilities by interstate private line traffic in Hawaii, and, moreover, that Hawaiian has failed to address the impact its CINEA and FX traffic proposals would have on traffic patterns and quality of service in Hawaii. They claim that Hawaiian's private line access charges are likely to cause costly shifts in tariff patterns which would adversely effect both tool and private lines services.

26. GE/Sears separately contend that Hawaiian's CINEA and FX tariffs violate Section 410(c) of the Communications Act. Unless changes are made to the Separations Manual through the convening of a Federal-State Joint Board by the Commission under Section 410(c) of the Act, they submit that Hawaiian's CINEA and FX tariffs would effect a unilateral and unlawful change in the Separations Manual by shifting part of Hawaiian's intrastate plant, expenses, and revenue requirements to the interstate jurisdiction. Until any recommended changes are acted upon by the Commission, as the result ofthe Federal-State Joint Board, the argument here is that Hawaiian must abide by the Separations Manual and can recover only those interstate costs which are covered by MTS and WATS or direct assignments of plant to private line services.

C. Arguments for Suspension and Investigation of Hawaiian's ENFIA, CINEA, and FX Tariff Proposals

27. As an alternative to rejection of Hawaiian's ENFIA, CINEA and FX tariffs, petitioners request suspension, for the full statutory period, and investigation bases upon the same grounds as set forth above. Also, as an alternative to suspension and investigation, USTS asks us to convene meetings among interested parties for the purpose of reaching an interim negotiated settlement for the local exchange services proposed by Hawaiian.

D. Hawaiian's Opposition

28. Hawaiian takes the position that its ENFIA, CINEA and FX tariff proposals comply with Commission policy. In this regard, Hawaiian asserts that the consistent use of the ENFIA methodology in developing the proposed ENFIA, CINEA, and FX rates will ensure that costs associated with the use of Hawaiian's local exchange network are shared by all interstate users. Hawaiian further maintains that these tariff proposals should not be looked upon as prejudging Commission proceedings concerned with access charge matters, such as the *MTS/WATS Market Structure* proceeding. It notes that all three tariffs contain a provision which acknowledges that modification,

revision, or withdrawal may be necessary because of future Commission action in such proceedings. Also recognizing that the *MTS/WATS Market Structure* proceeding will address discrimination issues related to the imposition of access charges, Hawaiian asserts that, in the interim, the Commission should look favorably upon Hawaiian's efforts to develop tariff proposals of a consistent basis as a means to avoid any possible discrimination between various interstate users of its local exchange network. Hawaiian additionally submits that its decision to file tariffs rather than enter into carrier-to-carrier contracts was based upon practical considerations stemming from Hawaiian's role as a concurring interstate and international carrier. As for differences in the level of Hawaiian's proposed ENFIA rates and AT&T's ENFIA rates, Hawaiian explains that this results from using its own specific costs which it maintains is consistent with the ENFIA agreement and the Commission's ENFIA decision. With respect to its CINEA tariff, Hawaiian asserts it does not provide interstate private line customers with local exchange service under presently effective tariffs. Similarly, Hawaiian notes that the FX tariff revisions are essential if it is to meet on a timely basis present customer needs, particularly those of FEA, for FX type services. Hawaiian also maintains that the minutes of use studies used in the deveopment of its CINEA and FX rates are the best available indicators for determining usage of the local exchange network by private lines users of its CINEA and FX services. As a separate matter Hawaiian purports to have sifficient capacity to meet any changes in traffic patterns which might be caused by the CINEA and FX tariffs.

Discussion

A. ENFIA

29. Our examination of the material submitted by Hawaiian in support of its ENFIA tariff proposal shows that Hawaiian has not deviated from the ENFIA methodology in the development of its ENFIA charges. In particular, this analysis reveals that Hawaiian has adhered to the ENFIA agreement in its material respect, including rate element consistency, use of the same percentages for phasing in jointly used subscriber plant costs, and assumed minutes of use per line per month for determining the rates associated with MTS/WATS-type interconnection with local exchange facilities.

30. Petitioners maintain, however, that Hawaiian's ENFIA rates are unlawfully high in comparison with AT&T's ENFIA rates. They attribute this alleged unlawfulness to Hawaiian's use of a high CSR ratio in the SPF formula for developing the interstate apportionment of jointly used subscriber plant costs, and, further, Hawaiian's use of its own specifically identifiable costs under the ENFIA methodology rather than Bell system average interstate costs.

31. With respect to the CSR ratio, we find nothing improper in Hawaiian's calculations. In this case, the higher CSR ratio reflects no more than the sizeable distance between Hawaii and the mainland United States. We also find unpersuasive SPCC's contention that use of the ENFIA methodology results in an improper allocation of jointly used subscriber plant costs because the CSR ratio and the SPF formula were designed only for use in the continental United States. We recognize that the rates and services between Hawaii and the mainland United States are not integrated at present and, as such, Hawaiian is not currently subject to the Separations Manual.[13] However, even if it is assumed for present purposes that the CSR ratio and SPF formula were designed only for use in the continental United States, this does not mean that Hawaiian's use of the CSR ratio in the SPF formula to allocate jointly used subscriber costs in accordance with the ENFIA methodology is improper or unlawful or should be investigated. Moreover, at this moment, a Federal-State Joint Board, convened by the Commission in Docket No. 21283. *Integration of Rates and Services, AT&T, et al*, 64 F.C.C. 2, 1033 (1977), has before it a joint motion by AT&T and Hawaiian to accept the current Separations Manual as the basis of rate and service integration between Hawaii and the mainland United States. This represents a change in Hawaiian's position favoring adoption of its Hawaiian II Separations Plan which would have called for a much higher allocation of costs for jointly used subscriber plant.

32. As for Hawaiian's use of its own specifically indentifiable costs under the ENFIA methodology, we note that the Commission in *ENFIA* had approved this practice for independent telephone companies of the GTE system. USTS's argument that Hawaiian violated the ENFIA agreement by filing a tariff suggests that we should now reject Hawaiian's use of specifically identifiable costs because Hawaiian's ENFIA rates have not been negotiated under a carrier-to-carrier contract mechanism. In the *ENFIA* decision, the Commission acknowledged GTE's intent to "recommend" to its affiliates that they enter into carrier-to-carrier contracts in implementing the ENFIA agreement. However, we find nothing in the ENFIA agreement, the decision in ENFIA, or the Communications Act which precludes GTE's affiliates from filing a tariff with this Commission implementing the ENFIA agreement based upon the use of an independent telephone company's own specifically identifiable costs. Additionally, SPCC has failed to provide sufficient basis to question the validity of Hawaiian's specifically identifiable costs, as well as other costs used by Hawaiian in the development of its ENFIA rates. In this regard, we further find that Hawaiian has supplied adequate cost support material under § 61.38 of the Commission's Rules.

33. This leaves the question of whether this filing should be rejected or investigated because the rates assertedly are not cost based. The Commission recognized in *ENFIA* that rates for MTS/WATS-type local exchange service interconnection developed under the ENFIA methodology may not necessarily be cost based or nondiscriminatory. However, it sanctioned use of the negotiated ENFIA methodology on an interim basis so as to enable local exchange carriers to immediately satisfy the court imposed obligation for local exchange carriers to interconnect their facilities with MTS/WATS-type services. This determination was also based upon its recognition that a case-by-case consideration and resolution of the complex costing and discrimination issues associated with such interconnection compensation arrangements could prove to be a costly and time consuming process. Although in the *MTS and WATS Market Structure* proceeding significant strides have been made towards uniformly resolving the costing and discrimination issues surrounding local exchange compensation arrangements for MTS/WATS-type services, as well as other interstate services, the Commission has yet to adopt and implement its proposed access charge plan. Until this occurs, we shall follow the Commission's position in *ENFIA*, that is, to allow independent telephone companies of the GTE system to implement compensation arrangements for MTS/WATS-type local exchange interconnection services

[13] The forward to the Separations Manual states that "These procedures are not *necessarily* designed to apply to * * * Hawaii * * *" (emphasis supplied).

using ENFIA methodology and their own specifically identifiable costs. In this regard, since Hawaiian has complied with the negotiated ENFIA methodology and sufficient reason has not been shown to question Hawaiian's own specifically identifiable costs, we will neither reject not suspend and investigate Hawaiian's ENFIA tariff.

B. CINEA and FX

34. Petitioners argue that rejection of CINEA and FX is warranted because it was improper for Hawaiian to use the ENFIA methodology to develop local exchange access charges applicable to interstate private line services. We recognize that the scope of the ENFIA agreement was limited to the development of compensation arrangements for MTS/WATS-type local exchange interconnection. However, neither the ENFIA agreement nor the ENFIA decision reached any conclusion as to whether application of the ENFIA methodology should be restricted to MTS/WATS-type local exchange interconnection. The parties to the ENFIA agreement recommended only that the Commission address and resolve the special problems associated with local exchange compensation arrangements for interstate private line services. Although in the *MTS/WATS Market Structure* proceeding the Commission is in the process of resolving issues concerning local exchange compensation arrangements for all interstate services, it has not as yet adopted or implemented a proposed access charge plan. At the same time, we also recognize that Hawaiian's CINEA and FX tariffs, unlike Hawaiian's ENFIA tariff, are the first such tariffs before the Commission proposing local exchange compensation arrangments for users of interstate private lines. As such, we are without any prescribed methodology or other standard by which we can make a prima facie determination of the lawfulness of Hawaiian's CINEA and FX tariffs. Since the Commission's authority to reject a tariff filing is limited to a clear violation of the Act, a prior Commission order, or our Rules, we find that rejection of Hawaiian's CINEA and FX tariffs simply because Hawaiian has choosen to use the ENFIA methodology to develop its CINEA and FX rates is not appropriate here. See *Associated Press v. FCC*, 448 F.2d 1095 (D.C. Cir. 1971).

35. Nor are petitioner's other arguments in support of rejection persuasive. We find that Hawaiian has provided adequate support material to comply with § 61.38 of the Commission's Rules. As to the assertion that Hawaiian's FX and CINEA tariff should be rejected because they unilaterally impose a change in the Separations Manual in violation of Section 410(c) of the Act, we note that Hawaiian is not obligated under Part 67 of our Rules to follow the Separations Manual. Moreover, the Separations Manual has not been adopted by the Federal-State Joint Board for rate and service integration between Hawaii and the United States. However, even if Hawaiian were under the Separations Manual, we would not find the proposed tariff revisions unlawful for violation of Section 410(c) or Part 67. The Separations Manual procedures govern the apportionment of costs between carriers and jurisdictions, but do not constrain carriers in the methodologies they may employ for ratemaking purposes. Thus, we are not prepared to conclude at this stage of our consideration that Hawaiian's CINEA and FX tariffs are unlawful.

36. We do, however, find that Hawaiian's use of the ENFIA methodology to develop its CINEA and FX rates raises questions regarding the lawfulness of these rates which warrant investigation. As noted, the ENFIA methodology relies on use of those procedures in the Separations Manual for determining exchange costs associated with MTS and WATS on a per minute basis. Through the application of the SPF formula the Separations Manual assigns significantly greater local exchange plant costs to the interstate jurisdiction than on a relative usage basis (*SLU*). However, the Separations Manual does not assign the costs of local exchange plant used by private line services in this manner. Rather these costs are directly assigned to the appropriate jurisdiction. Traditionally, therefore, charges to private line customers for open end local exchange service have been designed to recover a share of the telephone company's intrastate revenue requirement, as determined by the costs which the Separations Manual directly assigns to the intrastate jurisdiction. In turn, these overall jurisdictional cost assignments fixed by the Separations Manual cannot be modified except through action by a Federal-State Joint Board and the Commission. See, Section 410(c) of the Act and Part 67 of the Commission's Rules. In this case, by its use of the ENFIA methodology, Hawaiian has developed costs for CINEA and FX comparable to the MTS/WATS costs produced by the Separations Manual through application of the SPF formula. This procedure suggests that the costs developed, taken together with other intrastate costs, may be inconsistent with the total jurisdictional costs assigned by the separations process. Should this be the case, Hawaiian's proposed CINEA and FX rates could yield revenues in excess of the company's jurisdictional revenue requirement as determined by jurisdictional separations costs. Therefore, in order to justify the proposed rates, Hawaiian will be expected to establish in the investigation that the costs which it seeks to recover are consistent with the overall jurisdictional costs assigned by the separations process. Compounding this task is the fact that Hawaiian currently does not rely on the cost allocation procedures of the Separations Manual for assignment of jurisdictional costs. Nevertheless, Hawaiian's use of a methodology for purposes of rate development which is grounded in the Separations Manual makes such a showing necessary.

37. Also in need of investigation are Hawaiian's projections of local network usage of 1744 minutes per month for CINEA customers and 2400 minutes per month for FX customers. With respect to the CINEA minutes of use study, we question whether the selection of large toll users as a universe and use of a weighted toll use factor of 50 percent can reasonably reflect local exchange network usage by interstate private line customers. In this regard, we expect Hawaiian to justify the CINEA minutes of use study by providing additional information regarding the nature and number of large toll customers surveyed and further information on the derivation of the weighted toll use factor of 50 percent. As for Hawaiian's projected minutes of use for FX customers, we question Hawaiian's reliance on an AT&T minute of use study in a situation where Hawaiian has a universe of one customer with 11 FX circuits to survey. We anticipate that Hawaiian will provide satisfactory justification for using the AT&T mainland study or provide us with a traffic study based on its own FX circuits.

38. Hawaiian's CINEA and FX tariffs raise other issues of lawfulness as well. We question whether Hawaiian's CINEA and FX tariff proposals would not impose an unreasonable surcharge on interstate private line customers who wish to access the local exchange. In resolving this issue, we expect to consider future developments in the *MTS and WATS Market Structure* proceeding. Furthermore, there is some indication in these tariffs that Hawaiian may recover costs associated with private line usage of its local exchange

network more than once, expecially in the case of CINEA customers where certain local business charges would still remain applicable. This issue relates to our concern, as noted above, with whether any offsetting adjustments are necessary, or have already been made by Hawaiian, to local revenue requirements for use of Hawaiian's local exchange network as a result of additional revenues which would be received under the CINEA and FX tariffs.

39. A further issue is possible unlawful discrimination. Hawaiian has chosen to classify its FX and CINEA customers under separate tariffs and charge these customers different rates for use of its local exchange network. It apparently seeks to justify this classification scheme on the basis of how CINEA and FX customers will access its local exchange network. However, the CINEA and FX tariffs would impose charges only for use of the local exchange network after the CINEA and FX customers have interconnected with Hawaiian's local exchange. This interconnection and means of access appear to be identical for both CINEA and FX customers. Hawaiian's support material reveals no underlying differences in service or costs for the local exchange network service being provided to these customers under the separate tariffs. The rate differences result solely from the different minutes of use projections made by Hawaiian with respect to each of these services. Assuming that the ENFIA methodology is found to be proper for the development of rates for interstate private line usage of Hawaiian's local exchange, Hawaiian will still be required to justify its proposed establishment of two separate tariffs for its interstate private line customers where no cost or service differences are shown. Furthermore, as noted, Hawaiian has developed flat monthly rates, based on average usage, for each customer classification. However, Hawaiian fails to satisfactorily explain why it has not chosen a single average rate applicable to all private line customers or conversely, why it has not chosen a scheme whereby all private line customers pay for actual usage on the same basis.

40. In view of the above matters concerning the lawfulness of Hawaiian's CINEA and FX tariffs, we shall order an investigation and suspend these tariffs for the full statutory period. We are suspending these tariffs for five months because of the substantial and immediate rate impact these tariffs would have on both interstate private line customers and carriers.

41. There is one more matter we wish to address here. We recognize that Hawaiian is under a final Commission order in *Hawaiian Telephone Company* to interconnect its local exchange network with DOD's private line network for FX service in Hawaii which would be used by GSA. Aside from the fact that FEA has indicated, without submitting any detail, that other services are being provided GSA on an interim basis, we do not believe that Hawaiian must wait for the FX tariff proposal to become effective before providing this interconnection service. Tariff changes can be made to its FX tariff allowing interconnection without implementation of the proposed FX rates. DOD would pay for the interconnection service, as do other customers taking service under the FX tariff, at the local exchange business rates currently in effect. If DOD so desires, we expect such tariff changes to be implemented immediately by Hawaiian.

42. Finally, we believe that the questions raised here concerning the lawfulness of Hawaiian's CINEA and FX tariffs can be satisfactorily and promptly addressed and resolved through the use of written comment procedures. Hawaiian will have the burden of proving that its CINEA and FX tariffs are just, reasonable, and not unduly discriminatory under Sections 201 and 202 of the Act. If our investigation shows that Hawaiian's CINEA and FX tariffs are unlawful, we shall consider possible rate prescriptions.

43. Accordingly, it is ordered, That pursuant to authority delegated in § 0.291 of the Commission's Rules, 47 CFR 0.291, and pursuant to Section 4(i), 4(j), 201, 202, 203, 204, 205, and 403 of the Communications Act, 47 U.S.C. 154(i), 154(j), 201, 202, 203, 204, 205, and 403, an investigation is instituted into the lawfulness of Hawaiian Telephone Company's CINEA and FX tariff proposals.

44. It is further ordered, That Hawaiian Telephone Company, Southern Pacific Communications Company, United States Transmission Systems, Inc., General Electric Company, Sears Roebuck & Co., and the General Services Administration and Defense Communications Agency of the Department of Defense, on behalf of the Federal Executive Agencies shall be parties to this proceeding. Any other interested persons who wish to participate as parties may file a notice with the Commission within 30 days of the release of this order, or by filing comments in response to Hawaiian Telephone Company's direct case.

45. It is further ordered, That Hawaiian shall submit its direct case within 45 days of the release of this order. Other parties may file their reply cases or comments within 30 days thereafter. Hawaiian Telephone Company may file its response within 15 days thereafter.

46. It is further ordered, That Hawaiian Telephone Company's CINEA and FX tariff proposals are suspended for a period of five months.

47. It is further ordered, That the petitions to reject, or in the alternative, to suspend and investigate Hawaiian Telephone Company's CINEA and FX tariffs are granted to the extent indicated and otherwise are denied.

48. It is further ordered, That the petitions to reject, or in the alternative, to suspend and investigate Hawaiian Telephone Company's ENFIA tariff are denied.

49. It is further ordered, That this action is effective immediately.

50. It is further ordered, That the Secretary shall cause this Memorandum Opinion and Order to be published in the **Federal Register.**

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-8661 Filed 3-23-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2070]

Boston Overseas, Inc.; Order of Revocation

On March 16, 1981, Boston Overseas, Incorporated, 33 Broad St., Boston, MA 02109, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2070.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2070 issued to Boston Overseas, Incorporated, be revoked with out prejudice to reapplication for a license in the future, effective March 16, 1981.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2070 issued to Boston Overseas, Incorporated be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Boston Overseas, Incorporated.

Daniel J. Commiso,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-8866 Filed 3-23-81; 8:45 am]

BILLING CODE 6730-01-M

Colon International, et al.; Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Colon International (Jorge A. Colon, d.b.a.), 7856 N.W. 72nd Avenue, P.O. Box 51-4120, Miami, FL 33166

Wesco Shipping (U.S.A.) Ltd., One World Trade Center, Rm. 7967, New York, NY; Officers: Daria Alfonso, President/Director; Y. Violet Cavaco, Secretary/Treasurer

World Forwarders (Nicholas B. Santangelo, d.b.a.), 453 Harmon St., Brooklyn, NY 11237

By the Federal Maritime Commission.

Dated: March 18, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-8867 Filed 3-23-81; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 13, 1981. Comments shall include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments should discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3956-1.

Filing party: Mr. Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Summary: Agreement No. T-3956-1, between Georgia Ports Authority and Moller Steamship Co., Inc., as agent for Maersk Line (Lessee), modifies the parties' basic agreement which provides for the one-year lease and exclusive use of certain paved premises located within Container Central at Garden City terminal, Chatham County, Georgia. The purpose of the modification is to include an additional article to the original lease (Article 24), which would allow Lessee to rent additional slots, if available, at a rate of $180 per slot. Article 24 may be invoked by written memorandum signed on behalf of both parties whereupon all terms and conditions of the basic agreement will be applicable to such additional assignments, unless expressly modified in the memorandum.

Agreement No. 10413.

Filing party: Mr. R. J. Finnan, Chief Tariff Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary: Agreement No. 10413, between Lykes Bros. Steamship Co., Inc. (Lykes) and Carolina Shipping Company (Carolina), provides that Lykes will appoint Carolina as its agent in respect to services provided by and controlled by Lykes for intermodal traffic destined to or originating from Charleston, South Carolina. Compensation and fees will be as agreed upon from time to time by the parties.

Agreement No. 10414.

Filing party: Robert A. Peavy, Esq., Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10414, entitled "PRC-USA Eastbound Rate Agreement," has been entered into by American President Lines, Ltd., Lykes Bros. Steamship Company, Inc., Sea-Land Service, Inc., United States Lines, Inc., and Waterman Steamship Corporation. The instant agreement would establish a Rate Agreement in the eastbound trade from ports and points in the People's Republic of China to ports and points in the United States, including Hawaii and Alaska. Membership in the Rate Agreement is open to any party that regularly provides service as a vessel operating common carrier by water serving ports or points in the trade. Any qualified carrier admitted to membership will automatically become a member of the applicable autonomous "Flag Group" which will be determined in accordance with the flag of registry of the vessels it operates. Each "Flag Group"; i.e., U.S., People's Republic of China, or Third-Flag, may maintain separate tariffs apart from those established by the Rate Agreement until such tariffs are superseded by Rate Agreement tariff(s). Any party may take independent action with respect to Rate Agreement or "Flag Group" tariff matters by giving appropriate notice in accordance with the procedures set forth in the agreement.

Dated: March 18, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-8812 Filed 3-23-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1831]

Rocky Ford Moving Vans, Inc., d.b.a. Texas International Port Service; Order of Revocation

On February 24, 1981, Rocky Ford Moving Vans Inc., dba Texas International Port Services, 3811 West Industrial Avenue, Midland, Texas 79702 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1831.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1831 issued to, Rocky Ford Moving Vans Inc., dba Texas International Port Service be revoked without prejudice to reapplication for a license in the future effective February 24, 1981.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1831 issued to Rrocky Ford Moving Vans Inc., dba Texas International Port Service be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Rocky Ford

Moving Vans Inc., dba Texas International Port Service.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-9011 Filed 3-23-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 16, 1981.

A. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

FirstBank Holding Company and FirstBank Holding Company of Colorado, Lakewood, Colorado (industrial banking activities; Colorado): to engage through a subsidiary, Vail FirstBank Industrial Bank, in operating an industrial bank as authorized by Colorado law. These activities would be conducted from an office located in Vail, Colorado, serving the town of Vail, Colorado and the surrounding area.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Kansas and Missouri): to engage, through its indirect subsidiary, FinanceAmerica Credit Corporation, a Delaware corporation, in the activities of making or acquiring for its own account, loans and other extensions of credit such as would be made or acquired by a finance company; servicing such loans and other extensions of credit; and offering credit-related life, credit-related accident and disability and credit-related property insurance. Such activities will include, but not be limited to, making loans and other extensions of credit to consumers and small businesses, purchasing installment sales finance contracts, making loans secured by real and personal property, and offering credit-related life, accident and disability and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Credit Corporation.

These activities will be conducted from a *de novo* office located in Overland Park, Kansas, serving the states of Kansas and Missouri.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8686 Filed 3-23-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-2]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Mississippi Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Mississippi Public Service Commission involving the application of the South Central Bell Telephone Company for an increase in rates for private line telecommunications service. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 13, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-8683 Filed 3-23-81; 8:45 am]

BILLING CODE 6820-25-M

[F-81-3]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Missouri Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Missouri Public Service Commission involving the application of the Southwestern Bell Telephone Company for increases in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently

with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 13, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-8854 Filed 3-23-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Arthritis Advisory Committee; Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The meeting of the Arthritis Advisory Committee scheduled for April 2 and 3, 1981, and announced by notice in the Federal Register of March 13, 1981 (46 FR 16727) has been cancelled.

FOR FURTHER INFORMATION CONTACT: John G. Harter, Bureau of Drugs (HFD-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4260.

Dated: March 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8816 Filed 3-19-81; 10:26 am]

BILLING CODE 4110-88-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Adam J. Trujillo, District Director, Orlando District Office, Orlando, FL.

DATE: The meeting will be held at 2 p.m., Friday, April 3, 1981.

ADDRESS: The meeting will be held at Jordan Marsh-Training Room, Palm Beach Mall, 1801 Palm Beach Lakes Blvd., West Palm Beach, FL.

FOR FURTHER INFORMATION CONTACT: Lynne C. Trauba, Consumer Affairs Officer, Food and Drug Administration, P.O. Box 118, Orlando, FL 32802, 305-855-0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Orlando District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8817 Filed 3-23-81; 8:45 am]

BILLING CODE 4110-83-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Thomas L. Hooker, District Director, Baltimore District Office, Baltimore, MD.

DATE: The meeting will be held at 10 a.m., Tuesday, April 14, 1981.

ADDRESS: The meeting will be held at the Baltimore District Office, Food and Drug Administration, 900 Madison Ave., Baltimore, MD.

FOR FURTHER INFORMATION CONTACT: Anne B. Lane, Consumer Affairs Officer, Food and Drug Administration, 900 Madison Ave., Baltimore, MD, 21201, 301-962-3731.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Baltimore District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8818 Filed 3-23-81; 8:45 am]

BILLING CODE 4110-83-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by William C. Hill, District Director, San Francisco District Office, San Francisco, CA.

DATE: The meeting will be held from 3:30 to 5 p.m., Wednesday, April 8, 1981.

ADDRESS: The meeting will be held at the Washoe Association for Retarded Citizens Bldg., 790 Sutro St., Reno, NV 89512.

FOR FURTHER INFORMATION CONTACT: Connie Y. Saito, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, Rm. 518, San Francisco, CA 94102, 415-556-2062.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's San Francisco District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8819 Filed 3-23-81; 8:45 am]

BILLING CODE 4110-83-M

Health Care Financing Administration

Privacy Act of 1974; New and Altered Systems of Records

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Waiver of advance notice period for a new system of records and an altered system of records.

SUMMARY: HCFA provided notification of an altered system in the Federal Register (46 FR 3989-3991), January 16, 1981. That system is 09-70-0001, Medicare Second Surgical Opinion Experiments. HCFA also provided notification of a proposed new system in the Federal Register (46 FR 7453-7456), January 23, 1981. That system is 09-70-0023, Evaluation of the Home Dialysis Aide Demonstration. Both notices stated that HCFA had requested that the Office of Management and Budget (OMB) grant a waiver of the usual requirement that a new or altered system not be put into effect until 60 days after the report is sent to OMB and the Congress.

OMB granted the requested waivers on February 12, 1981.

Accordingly, effective dates for the systems are February 12, 1981, for altered system 09-70-0001, and February 23, 1981, for new system 09-70-0023 (including the routine uses).

Dated: March 17, 1981.

Paul Willging,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 81-8823 Filed 3-23-81; 8:45 am]
BILLING CODE 4110-35-M

Office of the Secretary

Federal Council on the Aging; Long-Term Care Committee; Meeting

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec 10, 1976) that the Committee will hold a meeting on Wednesday, April 8, 1981 at 9:30 a.m. to 4:30 p.m. in Rooms 403-425A, Hubert Humphrey Building, 200 Independence Ave., S.W., Washington, D.C. 20201.

The agenda will consist of a discussion with Federal officials on the policy implications of the Council's recently published chartbook on information and issues on the need for long term care.

Further information may be obtained from the Federal Council on the Aging, Washington, D.C. 20201. Telephone (202) 245-0441.

FCA meetings are open for public observation.

Dated: March 17, 1981.

Rev. Msgr. Charles J. Fahey,

Chairman, Federal Council on the Aging.

[FR Doc. 81-8814 Filed 3-23-81; 8:45 am]
BILLING CODE 4110-92-M

Privacy Act of 1974; Report of a New System of Records

AGENCY: Office of the Assistant Secretary for Planning and Evaluation (ASPE), Office of the Secretary (OS), Department of Health and Human Services (DHHS).

ACTION: Notification of a New System of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records: Recipient Survey for the Monthly Reporting and Retrospective Accounting Study, HHS/OS/ASPE, 09-90-0067. We are proposing also to include a routine use with the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new system will provide for data on the nature and extent of the effects of the monthly reporting system on the well-being of AFDC clients. Non-individually identifiable data are used for analysis by the contractor for this evaluation, any agency of government, and any member of the public who wishes to conduct statistical analysis of such data.

We will collect data from 13 local welfare offices in three states and on about 5,000 individuals. The public is invited to submit comments on the routine use of this system of records on or before April 23, 1981.

DATES: We filed a report of a new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on March 19, 1981. A request for waiver of the OMB advance notice requirement has been submitted. If OMB does not grant the waiver, the new system will not be implemented until the normal 60-day waiting period has elapsed. However, if OMB does grant the waiver, the system would be implemented on the date the waiver is granted.

The routine use will become effective April 23, 1981, (but not before the system has been implemented) unless HHS receives comments which would result in a contrary determination.

ADDRESS: Address comments to the ASPE Privacy Act Officer, Department of Health and Human Services, 200 Independence Avenue SW., Washington, D.C. 20201. We will make comments received available for public inspection in Room 419E, Hubert Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Project Officer, Monthly Reporting Project, Office of the Assistant Secretary for Planning and Evaluation, 200 Independence Avenue SW., Washington, D.C. 20201, telephone number 202-245-1794, Room 457F.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, proposes to initiate a new system of collecting data under the authority of a special Congressional appropriation initiated in fiscal year 1978.

The Monthly Reporting Systems Project being tested constitutes a major change in the way in which welfare clients provide information to state and local agencies. The systems are intended to increase the accuracy of AFDC grant payments and thereby potentially reduce total grant outlays. The evaluation of monthly reporting focuses on four basic issues; the effect of the monthly reporting system on total AFDC caseload and payment; on payment accuracy and error rates; on administrative costs and structures; and on AFDC recipients. Studying the effects on recipients is the only task that will include a system of records with personal identifiers. All other tasks where data are provided to the contractor are State initiated and controlled. Those data are made available to the contractor without any individual indentifiers.

Five thousand individuals in 13 local welfare offices in 3 states are the minimum number of offices and individuals necessary in a study of this type to yield statistically reliable national estimates of the difference between experimental and control cases. This sample size gives a .8 probability of detecting at the 95 percent confidence level a 10 percentage point difference between experimental and control cases, where the value on the variable of interest is 40 percent for the control group.

To evaluate the effects of monthly reporting on participating AFDC clients, it is necessary to interview them to determine the extent and nature of the problems they have with the monthly reporting form; the degree to which the new form increases the time and costs of reporting in terms of providing benefits when needed; the incidence of failure to provide benefits to eligible household; the effects on the quality of nonfinancial services provided to clients; and the way in which the system changes clinet interaction with agency personnel; e.g., are fewer trips made to the welfare office under a monthly reporting system? This is the only area of this project in which information will be collected from the public for analysis. Not only Federal policy makers but both state administrators and client advocates feel particularly strongly that these client effects should be analyzed in detail. Because of the potential behavioral effects induced by the test policies, no other data sources can substitute for face-to-face client interviews.

All personal indentifiers will be removed from the data before it is entered into analysis files to assure that the respondents' confidentiality is protected. Individual respondents will never be identified in any analyses or reports submitted by Abt Associates, Inc. for this project.

A letter to the survey respondents states that participation is voluntary. The Privacy Act Statement will be provided in printed form to all potential respondents so they may have the

opportunity to read the statement and provide their verbal informed consent, prior to any interviews by Abt Associates, Inc. At that time, should the respondent have any questions about the purpose of survey, the interviewer will answer them. Also, the interviewer will read the statement to the client, should the client be unable to read. Standard procedures as described further on will be established by Abt Associates with respect to the handling and use of personal indentifying information which will be gathered in the course of the interview effort.

For the interviewing effort, a separate sheet of paper will contain the names of the respondents to each interview. This will be used for data verification, potential follow-up to obtain missing interview information, and other quality control procedures. All individually identifiable information on the respondent or his or her household will be entered in the Respondent Information Booklet (RIB), but not onto the interview data. The interviews will not contain any personal indentifiers, but will use a unique system of identification which will not identify the individual. The RIB is linked to the interview by this unique identification number only and contains name, address and telephone number of respondent as well as names and birth-dates of household members. No personal information will be entered into an automated data base containing only the aggregated demographic data.

These data will not be disclosed or released to any other agency, organization, or individual except under the routine use requirements of the Privacy Act or as otherwise required by law. All hard copy interview data will be destroyed by Abt Associates, Inc., under the control of the ASPE Project Officer, within 30 days of the conclusion of the contract. Abt Associates, Inc. will retain all other records for the life of the evaluation and then return data void of personal identification to the Office of the Assistant Secretary for Planning and Evaluation.

This system is neither designed nor intended to be used to measure the behavior of any specific individual with respect to any data that are collected as part of the demonstration or evaluation.

The Privacy Act of 1974 allows us to disclose information without the consent of the individual for "routine uses," that is, disclosure for purposes that are compatible with the purposes for which the data are collected. We are establishing one routine use of information in this system. This routine use provides for disclosure in response to congressional inquiries made on behalf of any individual included in the system of records.

Individually identifiable data are maintained at Abt Associates, Inc., the contractor for this evaluation. The contractor safeguards the identifiable data according to the Department's ADP Systems Manual, "Part 6, ADP System Security." Identifiable data on other than magnetic tape or disk are maintained by the contractor in locked cabinets in a limited access area. All hard copy identifiable data will be destroyed by Abt Associates within 30 days of the conclusion of the contract. We further protect magnetic data with special account numbers and passwords.

Since we propose to establish this system in accordance with the requirements of the Privacy Act, we anticipate no adverse effect on the privacy or personal rights of individuals.

Dated: March 18, 1981.

Gerald Britton,

Acting Assistant Secretary for Planning and Evaluation.

09-90-0067

SYSTEM NAME:

Recipient Survey for the Monthly Reporting and Retrospective Accounting Study/HHS/OS/ASPE

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Abt Associates, Inc. 55 Wheeler Street Cambridge, Massachusetts 02138

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include a sample of approximately 5,000 recipients of Aid to Families with Dependent Children (AFDC)/Food Stamp (FS) programs in three states some of whose cases are active in either the monthly or conventional reporting systems and some others, whose cases have been closed after being active at some point during the experimental period.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two sets of files, containing the data the evaluation was designed to collect.

One file, the Respondent Information Booklets (RIB) consists of the names, addresses, telephone numbers, and names and birthdates of household members. It also includes the record of the one-time payment to the respondent. A unique individual identifying number links this file to the other file. Only this unique number permits identification of the individual.

The other file consists of non-individually identifiable information, except for the linking number attached, that include: prior participation in the welfare system and the nature and extent of prior work experience; reporting burden in time and money, promptness and accuracy; receipt of benefits other than their regular check; recipient's understanding of rules and regulations; current circumstances of closed case respondents, and demographics. The file will be retained as magnetic tape and disk.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1115, Social Security Act, as amended.

PURPOSE(S)

The proposed new system will provide for data on the nature and extent of the effects of the monthly reporting system on the well-being of AFDC clients. This system will determine: (1) how much time, cost, and effort recipients must expend to comply with monthly reporting rules, and the comparable response burden under the pre-existing system; (2) recipient understanding of the experimental and control groups, and recipient attitudes about the two groups; (3) the difference between the experimental and control treatments in the meeting of current need, where "current" refers to the period covered by the payment, and "need" is defined by AFDC program rules; and (4) the extent to which recipients have access to alternative resources over the short term, and are able to budget these various resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made on behalf of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING, OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic tape and disk, paper and card records.

RETRIEVABILITY:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified data only for purposes of validation of data, matching and management of data collection.

SAFEGUARDS:

The contractor, Abt Associates, Inc., stores the Respondent Information Booklet (RIB) containing individual identifiers separately from the interviews in locked file cabinets whose access will be restricted to authorized Abt Associates personnel only. Interviews with non-individually identifiable information are stored separately in a locked safe. Magnetic data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP Systems Manual, "Part 6, ADP System Security." Access to the linkage associated with identifiable data for individuals is subject to the specific approval of the Project Director at Abt Associates, Inc. Information with individual identifiers is used to verify that records and personal statements are in substantial agreement and that critical data are not missing. Should there be apparent discrepancies, the correct situation could be identified through follow-ups. These uses are performed only by persons employed by Abt Associates, Inc. and then only on a "need to know" basis. At the conclusion of the data collection and cleaning period, all files containing RIBs will be destroyed.

Non-individually identifiable data are used for analysis in support of the overall demonstration evaluation. Research topics of the evaluation include: payment and caseload effects; payment accuracy; administrative outcomes and recipient effects. The aggregated data without personal identifiers are available to any member of the public or to any agency of the government.

The Office of the Assistant Secretary for Planning and Evaluation may conduct analyses of non-individually identifiable data, as necessary.

The Government Project Officer may have access to the identifiable records only to monitor the contractor's performance of the evaluation.

RETENTION AND DISPOSAL:

Magnetic files that contain non-individually identifiable information will be destroyed by shredding or degaussing no more than three years after field work on this evaluation or at such time as it is determined that no further validation of the data will be undertaken.

There are no plans for the destruction of the non-individually identifiable data.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201

NOTIFICATION PROCEDURE:

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the Government Project Officer, at the address below, indicting his/her full name, current address and any other addresses since March 1981. Simultaneously, with requesting notification of inclusion in the system of records, the individual may request record access as described in the "Record Access Procedure" Section.

Project Officer, Monthly Reporting Demonstration Project, Room 457F, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the system of records contains information pertaining to them may request access to those records by writing to the Government Project Officer at the address given above. The Government Project Officer will notify the individual as to the place and time for access to the record(s). If the requestor prefers, and the information requested is not too voluminous, the material may be mailed.

CONTESTING RECORD PROCEDURES:

Contact the Government Project Officer at the address given above, reasonably identify the record, specify the information being contested, the rational for the challenge and supply the information to be substituted.

RECORD SOURCE CATEGORIES:

Information will be obtained from face-to-face interviews, client information systems and recipient case files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-8870 Filed 3-23-81; 8:45 am]
BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Getty Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on lease OCS–G 3983, Block 264, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 16, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-8868 Filed 3-23-81; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Publication has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0619, Block 168, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is

considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plan available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53665). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 16, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-8657 Filed 3-23-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS 0204, 0205, 0208, and OCS-G 3544, Blocks 38, 42, and 43, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53665). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 16, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-8658 Filed 3-23-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Indian Affairs

Bad River Band of the Lake Superior Tribe of Chippewa Indians, Bad River Reservation, Wisconsin

March 11, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On August 25, 1980, pursuant to authority contained in the Federal Property and Administrative services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Administrator of General Services to the Secretary of the Interior, without reimbursement to be held in trust for the use and benefit of the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Bad River Reservation, Wisconsin:

SE¼, NE¼, Sec 25, T. 47 N., R. 2 W., 4th P.M., Ashland County, Wisconsin, containing 40 acres more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Bad River Band of the Lake Superior Tribe of Chippewa Indians.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-8614 Filed 3-23-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[M 37604]

Coal Lease Offering by Sealed Bid; Montana

March 17, 1981.

U.S. Department of the Interior, Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Notice is hereby given that at 2 p.m., April 22, 1981, in the Conference Room on the 6th Floor of the Granite Tower Building, the coal resources in the tract described below will be offered for competitive lease by sealed bid to the qualified bidder of the highest cash amount per acre. No bid will be considered which is less than $25/acre and no bid will be accepted for less than fair market value as determined by the authorized officer. This offering is being made as a result of an application filed by Decker Coal Company in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101).

Bids received after 2 p.m. on the day of the sale will not be considered. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received at the above address before 2 p.m., April 22, 1981. The successful bidder is obligated to pay for the newspaper publication of this Notice.

Coal Offered

The tract is located in Big Horn County approximately 4 miles northeast of Decker, Montana, 21 miles northeast of Sheridan, Wyoming, and 40 miles southwest of Ashland, Montana, and contains 440.00 acres:

T. 9 S., R. 40 E., P.M.M.,
Sec. 8, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 9, W½NW¼;
Sec. 17, E½SW¼;
Sec. 20, N½NE¼, SE¼NE¼.

The coal resources offered are limited to all strippable reserves of the Anderson-Dietz #1 (D-1) and the Anderson-Dietz #2 (D-2) seams. The U.S. Geological Survey shall make the final determination on whether to mine the Anderson-Dietz (D-2) seam. Geological Survey has reported that the D-1 seam contains an estimated total of 16.5 million tons of strippable reserves and that the D-2 seam contains an estimated total of 5.3 million tons of

strippable coal reserves. The Anderson-Dietz #1 (D–1) seam averages 51 feet thick over the described lands. The coal is subbituminous B and averages (as-received) 9,624 Btu/lb. with 23.67 percent moisture, 0.33 percent sulfur and 3.81 percent ash. The Anderson-Dietz #2 (D–2) seam averages 20 feet thick over the described lands. The coal is subbituminous B and averages (as-received) 9,398 Btu/lb. with 24.06 percent moisture, .30 percent sulfur and 4.69 percent ash. The coal resources are within the Powder River Basin Known Recoverable Coal Resource Area.

Rental and Royalty

The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States at the rate of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Detailed Statement of Sale

A detailed statement of the sale, including bidding instructions and the terms of the lease, is available at the office listed above. All case file documents and written comments submitted by the public on fair market value or royalty rates, except those portions identified as proprietary which meet the exemptions stated in the Freedom of Information Act, will be available for public inspection at the Bureau of Land Management Office at the address given above.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-8866 Filed 3-23-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I–15375]

Idaho; Proposed Withdrawal Continuation

March 13, 1981.

The Bureau of Land Management has filed a statement of justification for continuation of an existing Public Water Reserve Withdrawal. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Boise Meridian, Idaho

(I–15375)

Public Water Reserve 107, Secretarial Order of Interpretation No. 186

T. 12 S., R. 32 E.,
Sec. 10, SW¼SW¼.
The area described aggregates 40 acres in Power County, Idaho.

The land is segregated from operation of the public land laws, including location for non-mettaliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawal or use of the lands is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before April 23, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 23, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-8880 Filed 3-23-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I–15377]

Idaho; Proposed Withdrawal Continuation

March 13, 1981.

The Bureau of Land Management has filed a statement of justification for continuation of an existing Public Water Reserve Withdrawal. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204(L) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Boise Meridian, Idaho

(I–15377)

Public Water Reserve 107, Secretarial Order of Interpretation No. 131

T. 7 S., R. 36 E.,
Sec. 9, SW¼NW¼, NW¼SW¼.
The area described aggregates 80 acres in Bannock County, Idaho.

The land is segregated from operation of the public land laws, including location for non-metalliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawal or use of the lands is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before April 23, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 23, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential

demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-[illegible] Filed 3-20-81; 8:45 am]

BILLING CODE [illegible]

[Serial No. I-4733]

Idaho; Proposed Withdrawal Continuation

March 13, 1981.

The Bureau of Land Management has filed a statement of justification for continuation of the existing land withdrawal made by Public Land Order No. 5507 of June 23, 1975. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described land is included in the proposed continuation:

Boise Meridian, Idaho

T. 10 S., R. 23 E.,
Sec. 32, SE¼SE¼.
T. 11 S., R. 15 E.,
Sec. 23, NW¼.
T. 12 S., R. 15 E.,
Sec. 4, SE¼NW¼, NE¼SW¼.

The area described aggregates 280 acres in Twin Falls County, Idaho.

The lands, known as the Burger, Castleford and Burley exclosures, have been withdrawn to preserve their cultural and historical values and to permit their continued use for ecological research. The land is withdrawn from appropriation under the public land laws and from grazing under the Taylor Grazing Act, but not from leasing under the mineral leasing laws. It is being proposed that the withdrawal be modified to exclude livestock grazing only inside the fenced exclosures on each tract.

Notice is herey given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before April 23, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 23, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-[illegible] Filed 3-23-81; 8:45 am]

BILLING CODE [illegible]

[Serial No. I-9100]

Idaho; Proposed Withdrawal Continuation

March 13, 1981.

The Bureau of Land Management has filed a statement of justification for continuation of the existing land withdrawal made by Public Land Order No. 5592 of July 6, 1976. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described land is included in the proposed continuation:

Boise Meridian, Idaho

T. 50 N., R. 5 W.,
Sec. 4, Lot 13

The area described aggregates 37.50 acres in Kootenai County, Idaho.

The lands have been withdrawn for protection of its recreational, natural, scenic, wildlife and watershed values. The land adjoins the Spokane River and is located ½ mile from the community of Post Falls, Idaho. It is segregated from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws. No change in the segregative effect of the withdrawal or use of the lands is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before April 23, 1981. Upon determination by the State Director, Bureau of Land Management, that the public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 23, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrwal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent

utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-8862 Filed 3-23-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 19341]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 754 of September 14, 1951, be continued in its entirety as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Myrtle Island

T. 24 S., R. 7 W.,
Sec. 20, Lot 9;
Sec. 21, Lot 11.

Containing 28.28 acres in Douglas County, Oregon.

The purpose of the withdrawal is to protect the scientific and educational values of the Oregon myrtle located on Myrtle Island as a timber preservation area. The status of the withdrawal is proposed to be modified from a timber preservation area to a research natural area. The land is currently segregated from operation of the public land laws, generally, including the mining laws and mineral leasing laws. No change in the segregative effect is proposed, except to restore the land to operation of the mineral leasing laws.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 27, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 27, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 13, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-8851 Filed 3-23-81; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 13, 1981. Pursuant to § 1203.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by april 8, 1981.

Carol Shull,

Acting Chief, Registration Branch.

ARIZONA

Yavapai County

Prescott, *Iron Turbine Windmill*, 415 W. Gurley St.

GEORGIA

Chatham County

Savannah vicinity, *Hill Hall at Savannah State College*, Campus of Savannah State College.

INDIANA

Johnson County

Franklin, *Johnson County Courthouse Square*, Court House Sq.

KANSAS

Geary County

Junction City, *Old Junction City High School*, Adams at 6th St.

Riley County

Manhattan, *Platt, Jeremiah, House*, 2005 Claflin Rd.

OREGON

Clackamas County

Government Camp vicinity, *Clackamas Lake Ranger Station*, S of Government Camp on Skyline Rd.

Multnomah County

Bridal Veil vicinity, *Multnomah Falls Lodge and Footpath*, NE of Bridal Veil on Old Columbia River Hwy.

WASHINGTON

Okanogan County

Tonasket vicinity, *Bonaparte Mountain Cabin*, E of Tonasket in Okanogan National Forest.

WEST VIRGINIA

Boone County

Madison, *Boone County Courthouse*, State St.

Cabell County

Huntington, *Memorial Arch*, Memorial Park.

WISCONSIN

Manitowoc County

Manitowoc, *Manitowoc County Courthouse*, 8th St. at Washington St.

Waukesha County
Delafield, *Delafield Fish Hatchery*, Main St.
[FR Doc. 81-8921 Filed 3-20-81; 8:45 am]
BILLING CODE 4310-55-M

Office of the Secretary

Privacy Act of 1974—Revision and Update of Notices of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. All changes being published are editorial in nature, and reflect organization and minor administrative changes which have occurred since the publication of the material in the Federal Register on April 11, 1977 (42 FR 18968), and February 14, 1979 (44 FR 9633).

Four records systems are no longer maintained as Privacy Act systems of records and are deleted as follows:

1. System Name: Fish Tag Returns—Interior, FWS–12 (Published at 42 FR 19088).
2. System Name: American Attitudes Towards Animals—Interior, FWS–15 (Published at 42 FR 19087).
3. System Name: Waterfowl Hunter Attitude Study—Interior, FWS–16 (Published at 42 FR 19087).
4. System Name: Animal Damage Control Authorization Records—Interior, FWS–18 (Published at 42 FR 19088).

Part VIII of the Appendix containing addresses of facilities of the Department which pertain to the U.S. Fish and Wildlife Service (Published at 42 FR 18972) is updated and republished.

The following system notices are updated and republished in their entirety below.

1. System Name: Travel Records—Interior, FWS–2 (Published at 42 FR 19082).
2. System Name: Security File—Interior, FWS–3 (Published at 42 FR 19082).
3. System Name: Tort Claim Records—Interior, FWS–4 (Published at 42 FR 19082).
4. System Name: National Wildlife Refuge Special Use Permits—Interior, FWS–5 (Published at 42 FR 19083).
5. System Name: Hunting and Fishing Survey Records—Interior, FWS–6 (Published at 44 FR 9633).
6. System Name: Water Development Project and/or Effluent Discharge Permit Application Review—Interior, FWS–7 (Published at 42 FR 19083).
7. System Name: Fish Disease Inspection Report—Interior, FWS–8 (Published at 42 FR 19084).
8. System Name: Farm Pond Stocking Program—Interior, FWS–9 (Published at 42 FR 19084).
9. System Name: National Fish Hatchery Special Use Permits—Interior, FWS–10 (Published at 42 FR 19085).
10. System Name: Real Property Records—Interior, FWS–11 (Published at 42 FR 19085).
11. System Name: Endangered Species Licensee System—Interior, FWS–19 (Published at 42 FR 19088).
12. System Name: Investigative Case File System—Interior, FWS–20 (Published at 42 FR 19089).
13. System Name: Permits System—Interior, FWS–21 (Published at 42 FR 19089).
14. System Name: U.S. Deputy Game Warden—Interior, FWS–22 (Published at 42 FR 19090).
15. System Name: Motor Vehicle Permit Log—Interior, FWS–23 (Published at 42 FR 19090).
16. System Name: Payroll—Interior, FWS–24 (Published at 42 FR 19091).
17. System Name: Contract and Procurement Records—Interior, FWS–25 (Published at 42 FR 19091).
18. System Name: Migratory Bird population and Harvest Systems—Interior, FWS–26 (Published at 42 FR 19091).
19. System Name: Avitrol Authorization Records—Interior, FWS–28 (Published at 42 FR 19093).
20. System Name: Animal Damage Control Non-Federal Personnel Records—Interior, FWS–29 (Published at 42 FR 19093).

Additional information regarding this notice may be obtained from the Departmental Privacy Act Officer, Office of Information Resources Management, Office of Secretary, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6191.

Dated: March 18, 1981.

William L. Kendig,
Deputy Assistant Secretary of the Interior.

APPENDIX

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VIII. FISH AND WILDLIFE SERVICE

A. Headquarters Office

Fish and Wildlife Service
U.S. Department of the Interior
18th and C Streets, N.W.
Washington, D. C. 20240

B. Regional Offices

Portland Regional Office (Region 1)
Fish and Wildlife Service
U.S. Department of the Interior
1500 N. E. Irving Street
Post Office Box 3737
Portland, Oregon 97208

Albuquerque Regional Office (Region 2)
Fish and Wildlife Service
U.S. Department of the Interior
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87102

Twin Cities Regional Office (Region 3)
Fish and Wildlife Service
U.S. Department of the Interior
Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

Atlanta Regional Office (Region 4)
Fish and Wildlife Service
U.S. Department of the Interior
17 Executive Park Drive, N. E.
Atlanta, Georgia 30329.

Boston Regional Office (Region 5)
Fish and Wildlife Service
U.S. Department of the Interior
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Denver Regional Office (Region 6)
Fish and Wildlife Service
U.S. Department of the Interior
10597 West Sixth Avenue
Lakewood, Colorado 80215

Alaska Area Office
Fish and Wildlife Service
U.S. Department of the Interior
813 D Street
Anchorage, Alaska 99501

C. Law Enforcement District Offices

Special Agent-in-charge
813 D Street
Anchorage, Alaska 99501

Special Agent-in-charge
P. O. Box 3737
Portland, Oregon 97208.

Special Agent-in-charge
Room E 1924-2800 Cottage Way
Sacramento, California 95825

Special Agent-in-charge
P. O. Box 25486
Denver Federal Center
Denver, Colorado 80225.

Special Agent-in-charge
P. O. Box 1038
Independence, Missouri

Special Agent-in-charge
P. O. Box 329
Albuquerque, New Mexico

Special Agent-in-charge
P. O. Box 45
Twin Cities, Minnesota 55111

Special Agent-in-charge
546 Carondelet Street-Room 406
New Orleans, Louisiana 70130

Special Agent-in-charge
P. O. Box 95467
Atlanta, Georgia 30347

Special Agent-in-charge
P. O. Box 290
Nashville, Tennessee 37202

Special Agent-in-charge
95 Aquahart Road
Glen Burnie, Maryland 21061

Special Agent-in-charge
Hangar 11, Room 1–49
John F. Kennedy Airport

Jamaica, New York 11430
Special Agent-in-charge
P. O. Box 34
Boston, Massachusetts 02101

* * * * *

INTERIOR/FWS-2

SYSTEM NAME:

Travel Records—Interior, FW-2.

SYSTEM LOCATION:

Denver Service Center, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, Denver Federal Center, Denver, Colorado 80225. (2) Input documents supplied by all facilities of the U.S. Fish and Wildlife Service. (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have performed official travel for the U.S. Fish and Wildlife Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains authorizations to perform travel, travel advance records, and vouchers claiming reimbursement for expenses incurred in the performance of travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701–5709; 5 U.S.C. 5721–5733 and 20 U.S.C. 905(a); 5 U.S.C. 5722 and 5 U.S.C. 5742(b); and 5 U.S.C. 4111(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to form the legal basis for the disbursement of federal funds. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (5) to Federal, state, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of traveler.

SAFEGUARDS:

Maintained in accordance with the provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Made in accordance with FPMR 101–11.4 dated August 1, 1974.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Denver Service Center U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 25346, DFC, Denver, Colorado 80225.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Office initiating the travel authorization and individual on whom the record is maintained.

INTERIOR-FWS-3

SYSTEM NAME:

Security File—Interior, FWS-3.

SYSTEM LOCATION:

Office of Safety and Security, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Occupants of critical-sensitive and non-critical sensitive positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains notice of level of security clearance granted to the individual or notice of favorable full-field report as well as SF–86 supplied by individual, as appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to (a) document security clearances granted to individuals, and (b) to document suitability determinations for federal employment. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

File maintained in individual folders.

RETRIEVABILITY:

Folders identified by employee name.

SAFEGUARDS:

Folders contained in locked cabinet.

RETENTION AND DISPOSAL:

Destroyed when clearance requirement no longer exists or when employee separates.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Safety and Security, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records

pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information supplied by individual and the Office of Personnel Management.

INTERIOR/FWS–4

SYSTEM NAME:

Tort Claim Records—Interior, FWS–4.

SYSTEM LOCATION:

(1) Division of Contracting and General Services, U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20240; (2) regional offices of Fish and Wildlife Service. (See Appendix for regional addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants for damages to personal property or personal injury.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information regarding the individual who is required to evaluate a claim for damage to personal property or personal injury, i.e., name, address, insurance company, estimates of repair costs, accident reports by Government officials, law enforcement officials, attorneys, hospital and doctors' reports and bills for service, statements from witnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act (28 U.S.C. 2671–2680).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is for evaluation by tort claims officers, attorneys in the Office of the Solicitor, Department of the Interior. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form, in "Tort Claim files."

RETRIEVABILITY:

By name of claimant.

SAFEGUARDS:

Maintained in compliance with provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Disposed four years after settlement of claim. Record copies held by Office of the Solicitor, Department of the Interior.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Contracting and General Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual submitting claim; investigative reports, including statements from witnesses; medical reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/FWS–5

SYSTEM NAME:

National Wildlife Refuge Special Use Permits—Interior, FWS–5.

SYSTEM LOCATION:

Regional offices of the Fish and Wildlife Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for special use permits and cooperative farm agreements on Service lands.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, address of cooperative/permittees, types of special uses, period of use, and any special conditions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee). See 50 CFR, Parts 29 and 32.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is identification of personnel having special use permits and cooperative farming agreements on National Wildlife Refuge. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in files.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are maintained in accordance with the provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Special use permits and cooperative farming agreements are usually maintained not more than one year following the period of use.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in regional or field offices. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in regional or field offices. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

INTERIOR/FWS–6

SYSTEM NAME:

Hunting and Fishing Survey Records—Interior, FWS–6

SYSTEM LOCATION:

Division of Program Plans, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals participating in hunting, fishing and nonconsumptive wildlife activities, and who voluntarily respond to fishing and hunting survey questionnaires.

CATEGORIES OF RECORDS IN THE SYSTEM:

Survey forms and questionnaires containing information on attitudes, interests, participation in, expenditures, and statistics regarding the use of fish and wildlife resources.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended; the Fish and Wildlife Act of 1956 (16 U.S.C. 741a–742l); the Federal Aid in Wildlife and Fish Restoration Acts of 1937 and 1950, as amended, 16 U.S.C. 777–777k, 669–669i.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSE OF SUCH USES:

The primary use of the records is the development of statistical analyses to assist State and Federal governments in managing wildlife resources. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local or foreign agencies responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Indexed by identification number.

SAFEGUARDS:

Maintained in accordance with the provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

For each survey that uses this system, the records will be maintained until summary analyses are completed, after which the names and address will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Program Plans, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATIONS PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirementsof 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

Interior/FWS-7

SYSTEM NAME:

Water Development Project and/or Effluent Discharge Permit Application Review—Interior, FWS—7

SYSTEM LOCATION:

(1) Division of Ecological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) All regional, area, and field offices of the Division of Ecological Services. (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for permits from other regulatory agencies including the Corps of Engineers, and the Environmental Protection Agency. (The records contained in this system which pertain to indviduals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains some public notices or permit applications from regulatory agencies which give name, address, and description of work that the applicant is requesting authorization to perform. In order to adequately evaluate the proposed project's effect on fish and wildlife resources, additional project information is at times requested and therefore on file. Environmental impact statements and environmental assessments on some proposed projects also are on file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c; 48 Stat. 401).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to review and comment on permit applications. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in file folders.

RETRIEVABILITY:

Indexed by State, name of applicant, and public notice number.

SAFEGUARDS:

Maintain records in accordance with provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Varies in each location but generally held from two to five years and then either sent to Records Center or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Ecological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in regional or field offices. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in regional or field offices. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Regulatory agency from which permit is requested, State, and the individual on whom the record is maintained.

INTERIOR/FWS-8

SYSTEM NAME:

Fish Disease Inspection Report—Interior, FWS—8.

SYSTEM LOCATION:

(1) Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) Regional offices of Fish and Wildlife Services. (See Appendix for Regional addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commercial trout farmers who request that their fish be inspected for known fish diseases. The majority of the commercial trout farmers are business establishments, however, there may be some private individuals involved. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of requester and information concerning disease.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 42–44, 3054, 3112, 62 Stat. 687, 83 Stat. 281, Fish and Wildlife Act of 1956. 16 U.S.C. 742a–742l; Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of fish disease inspection records maintained in the system is to certify the disease status of populations of fish in the case of transferring, marketing, or distribution control. Disclosures outside the Department of the Interior may be made (1) to do the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory: or charged with enforcing or implementating the statute, rule, regulation, order or license violated or potentially violated; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on Standard Form 3–226.

RETRIEVABILITY;

Indexed by name.

SAFEGUARDS:

Records maintained in accordance with the provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Fish Hatcheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual or entity that requests the inspection.

INTERIOR/FWS–9

SYSTEM NAME:

Farm Pond Stocking Program—Interior. FWS—9.

SYSTEM LOCATION:

Regional offices of the Fish and Wildlife Service and National Fish Hatcheries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for stocking private farm ponds with fish.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, size of pond, species of fish requested and other information needed to evaluate application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Ponds are stocked in conjunction with the Agricultural Stabilization and Conservation Programs of the Department of Agriculture. Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to insure that the stocking policy is maintained and to keep track of where various species have been stocked. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on 3½ x 9 inch cards.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are maintained in accordance with the provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Destroyed after ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Regional directors (See Appendix for addresses).

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Managers, with respect to records located in regional or field offices. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in regional or field offices for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

INTERIOR/FWS–10

SYSTEM NAME:

National Fish Hatchery Special Use Permits—Interior, FWS–10.

SYSTEM LOCATION:

Regional offices of Fish and Wildlife Service and National Fish Hatcheries where records are maintained.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made application for special use permits on National Fish Hatcheries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name and address of permittees, types of special uses, period of use, and any special conditions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 460k–3; 16 U.S.C. 664. See 50 CFR 70.71.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to limit and control the use of the property at the National Fish Hatcheries. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in files.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are maintained in accordance with the provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Destroyed after one year following period of use.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Hatcheries and Fish Resource Management Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office or facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors with respect to records located in the office or facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

INTERIOR/FWS-11

SYSTEM NAME:

Real Property Records—Interior, FWS-11.

SYSTEM LOCATION:

Regional Offices. Area Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Landowners, tenants and permittees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of individual files, i.e., title file; case file; and correspondence file. Along with this material is the corresponding tract appraisal report. The title file contains title evidence, original instrument of conveyance, copy of acquisition contract, title curative and closing data, title opinions, survey description and plat, payment vouchers, and appraisal summary. The case file contains a copy of the acquisition contract, copy of instrument of conveyance, closing data, survey description and plat, payment vouchers and appraisal summary. The correspondence file contains all general correspondence, negotiator's contacts and all material in connection with relocation assistance, permits or outgrants when appropriate. The appraisal report consists of the property description, local market data including comparable sales information, location maps and an analysis of value.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Land acquisition and disposal authorities are as follows: Migratory Bird Conservation Act, as amended (16 U.S.C. 715 et seq.); Migratory Bird Hunting Stamp Act, as amended (16 U.S.C. 718 et seq.); Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.); Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c); Recreational Use of Conservation Areas Act, as amended (16 U.S.C. 460k–460k–4); Colorado River Storage Project Act, as amended (43 U.S.C. 620g); Endangered Species Act of 1973 (16 U.S.C. 1531–1543); National Wildlife Refuge System Administration Act, as amended (16 U.S.C. 668dd–668ee); Act of May 19, 1948 (PL 80–547), as amended (16 U.S.C. 667b–667d); Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 471 et seq.); and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (40 U.S.C. 4001 et sec.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) transfer of pertinent documents to authorized title companies or abstractors to obtain title evidence for closings; (b) transfer of pertinent documents to Regional Solicitors and the U.S. Department of Justice for title opinions and condemnation purposes; (c) for use of appraisal information in negotiations; (d) for permit and outgrant purposes; (e) reporting lands as excess to the General Services Administration for transfer or disposal. Disclosures outside the Department of the Interior may be made (1) to the Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; and (3) Congressional inquiry.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Title File-in legal size binders. Case and Correspondence Files-in letter size file folders.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Maintained with safeguards in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Title File-stored as permanent records in GSA records center. Case and Correspondence Files-maintained until case is closed, then retired to GSA records center and destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Realty, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the offices for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Public records, other governmental contracts, community contacts, and named individuals.

INTERIOR/FWS-19

SYSTEM NAME:

Endangered Species Licensee System—Interior. FWS-19.

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240. (2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request a license to import or export fish and/or wildlife or products thereof. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and

other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of individual requesting license. Businesses are identified by type, name and title and phone number of principal officer and State of incorporation, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Endangered Species Act of 1973 (16 U.S.C. 1531(d); 87 Stat. 884).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify licensees authorized to import or export fish and/or wildlife or products thereof. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) publication in the Federal Register, as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to Special Agents in Charge, Law Enforcement Districts 1–13, with respect to records located in the district for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to Special Agents in Charge, Law Enforcement Districts 1–13, with respect to records located in the district for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom file is being maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b) which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

INTERIOR/FWS–20

SYSTEM NAME:

Investigative Case File System—Interior, FWS–20.

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects of investigation relative to violation of fish and wildlife laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name and address, place and date of birth plus other available data identifying the subjects of investigation in violation of the fish and wildlife laws as well as other information incidental to these investigations all of which carry criminal sanctions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Assault Act (18 U.S.C. 111), Bald Eagle Act (16 U.S.C. 668–668d), Black Bass Act (16 U.S.C. 851–856), Lacey Act (18 U.S.C. 42–44), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd–668ee), Migratory Bird Hunting Stamp Act (16 U.S.C. 718–718h), Migratory Bird Treaty Act (16 U.S.C. 703–711), Endangered Species Act (16 U.S.C. 1531–1543), Marine Mammal Act (16 U.S.C. 1361–1407), Upper Mississippi Refuge Act (16 U.S.C. 721–731), Bear River Refuge Act (16 U.S.C. 690), Fish and Wildlife Recreation Act (16 U.S.C. 460k–460k–4), Airborne Hunting Act (16 U.S.C. 742j) and Tariff Classification Act (19 U.S.C. 1527).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

The primary use of the records is to include all investigative and enforcement information reported to and investigated by the Division of Law Enforcement, U.S. Fish and Wildlife Service. Disclosurers outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regualtion, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2). Department of the Interior has adopted

a regulation, 43 CFR 2.79(a), which exempts the system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart C, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11) and (i) of 5 U.S.C. 5521 and the portions of the regulations in 43 CFR, Part 2, Subpart C implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975). Under the specific exemption authority provided by 5 U.S.C. 552a(k), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

INTERIOR/FWS-21

SYSTEM NAME:

Permits System—Interior, FWS-21.

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. (2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses). (3) Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permits to conduct certain activities in areas of fish and wildlife. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of persons applying for permit. Business agencies and institutions are identified by type, name, title and phone number of principal officer and State of incorporation, if applicable. Contains information on location of the activity and a briefing of the type of the proposed activity. May also include the qualifications, educational background and experience of the applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 668a, 16 U.S.C. 1539, 16 U.S.C. 704–711, 16 U.S.C. 1371, 18 U.S.C. 42–44, and 19 U.S.C. 1527.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify holders of permits which authorize otherwise illegal activity having to do with fish and/or wildlife. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) publication in the Federal Register, as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking devise in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, or Chief, Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/FWS-22

SYSTEM NAME:

U.S. Deputy Game Warden—Interior, FWS-22.

SYSTEM LOCATION:

Regional offices of the Fish and Wildlife Service. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for U.S. Deputy Game Warden Commissions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, address, date and place of birth, social security number, height, weight, color of hair and eyes of applicants for U.S. Deputy Game Warden Commissions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742l; 70 Stat. 1119).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to indentify holders of and applicants for U.S. Deputy Game Warden commissions. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Destroyed after commission expires.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. A written signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addresed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES;

Individuals on whom the file is being maintained.

INTERIOR/FWS-23

SYSTEM NAME:

Motor Vehicle Permit Log—Interior, FWS—23.

SYSTEM LOCATION:

(1) Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Washington, D.C. 20240. (2) Regional offices (See Appendix for Regional addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who require Government Vehicle Operator Permit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Log reflecting employee name, driver's license number, duty station location, date of issue of permit and date permit expires.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Service Act of 1949, (40 U.S.C. 471), as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is a ready reference of names of holders of motor vehicle permits and date when permit must be renewed. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained as simple log in loose-leaf binder.

RETRIEVABILITY:

Maintained by date and in alphabetical order.

SAFEGUARDS:

Log maintained as information system for personnel staff with normal non-security confidential procedures meeting requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Maintenance of a log on a continuing basis consistent with need of the individual to have a current permit.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Building, 18th and C Streets, NW., Washington, D.C., 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Washington office, and to regional directors, with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Washington office, and to Regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/FWS-24

SYSTEM NAME:

Payroll—Interior, FWS—24.

SYSTEM LOCATION:

Division of Financial and Management Systems, U.S. Fish and Wildlife Service, Main Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All paid employees in the Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and shift schedules.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) fiscal operations for payroll, leave, insurance, tax, retirement and cost

programs; (b) disclosure to the Department of the Treasury for preparation of (1) payroll checks and (2) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organizations and individuals; (c) disclosure to the Internal Revenue Service and to State, Commonwealth, Territorial and local governments for tax purposes; (d) disclosure to the Civil Service Commission in connection with retirement, life insurance and health insurance accounts; (e) disclosure to another Federal agency to which an employee has transferred. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, contract, grant or other benefit; and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders and on computer media.

RETRIEVABILITY:

By employee social security number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

One year from date employee separates.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Financial and Management Systems, U.S. Fish and Wildlife Service, Room 3347, Main Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, and supervisors.

INTERIOR/FWS-25

SYSTEM NAME:

Contract and Procurement Records—Interior, FWS-25.

SYSTEM LOCATION:

(1) Division of Contracting and General Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) Regional offices of Fish and Wildlife Service. (See Appendix for regional addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals submitting unsolicited proposals or replying to solicitations for bids. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information regarding the individual which would be required to evaluate contract proposals, i.e., name, age, education, experience, references, and possible other pertinent information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Act of 1949, as amended 40 U.S.C. 741-745; Fish and Wildlife Act of 1956, 16 U.S.C. 742a-7421; 70 Stat. 1119.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is evaluation by contracting officers and technical representatives of operating (requesting) Division or Office placing name and address on bidders list for use in sending out future solicitations. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper form, in either the "Bidders Mailing List" file or a "Contract Folder".

RETRIEVABILITY:

By name and contract number.

SAFEGUARDS:

Records maintained in compliance with provisions of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Bidders Mailing List—until individual requests withdrawal or solicitation returned unanswered. Destroyed immediately. Contract Files: Four years after closing of file.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Contracting and General Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, and regional directors (See Appendix for regional addresses).

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager, with respect to records located in the Washington Office, and to regional directors, with respect to records located in the office for which each is responsible. A written, signed request stating that the requester seeks information concerning records

pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager, with respect to records located in the Washington Office and to regional directors, with respect to records located in the office for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual submitting proposals for consideration.

INTERIOR/FWS-26

SYSTEM NAME:

Migratory Bird Population and Harvest Systems—Interior. FWS–26.

SYSTEM LOCATION:

(1) Office of Migratory Bird Management, U.S. Fish and Wildlife . Service, U.S. Department of the Interior, Patuxent Wildlife Research Center, Laurel, Maryland 20811. (2) Minor portions of the files comprising the system are found in the Washington Office, Regional Offices, and field offices of the U.S. Fish and Wildlife Service; offices of State conservation agencies, and other Federal and State agencies; universities; national, regional and local conservation organizations; and individuals who contribute to the collection of population and harvest information which is eventually transferred to the Office of Migratory Bird Management, Laurel, Maryland, for storage.

CATEGORIES OF INDIVIDUALS COVERED BY THE STYSTEM:

The system contains information on: (1) Persons applying for bird banding permits. (2) Persons issued bird banding permits. (3) Persons reporting upon banded birds encountered in the wild. (4) Persons participating in migratory bird population surveys. (5) Persons submitting harvest data for migratory game birds taken under hunting regulations. (6) Unidentified persons observed in the field hunting migratory game birds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms for bird banding permits, including name, address, and related information to evaluate the application, records and reports on the harvest of migratory birds, including types of birds, location, related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Migratory Bird Treaty Act of July 3, 1918 (16 U.S.C. 703–711; 40 Stat. 755).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records maintained in the system are (a) data are routinely used by biologists and/or law enforcement offices of the U.S. Fish and Wildlife Service, Canadian Wildlife Service, Mexican Department Fauna Silvestre, and State and Provincial Conservation Agencies to further understanding, protection, management and utilization of the North American migratory bird resource; (b) portions of the data files including name and address listings are used for research purposes and for guidance, planning and coordination of research on migratory birds; (c) reports of summarized and analyzed data originating from banding and surveys are analyzed and published by the U.S. Fish and Wildlife Service and other cooperating agencies: studies containing analyzed migratory bird population and harvest data also appear in the technical literature involving the records or the subject matter of the records. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information that may aid investigations or indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (6) to the Canadian Wildlife Service, Environmental Management Service, Department of the Environment, Ottawa, Ontario, Canada K1A OH3 and Mexican Direccion General Fauna Silvestre, Aquiles Serdan 28–70, Pisa, Mexico 3, DF, Mexico, as part of cooperative agreements; (7) routinely or upon request all or portions of the files, including name and address listings, are supplied to cooperators and researchers in other Federal, State, and local agencies; members of national, regional or local conservation organizations, university researchers and private individuals who establish a bona fide need for the information; (8) to contributors of band recovery information related to the bander and banding of the banded bird they reported, likewise, contributors of survey and harvest information are sometimes supplied with reports of populations and harvest surveys to which they had contributed. (Routine uses (1) and (2) apply only to those individuals in nos. (1) and (2) of the above paragraph 'Categories of individuals covered by the system,' and not to individuals who supply voluntary information to aid the Service in migratory bird management and research.)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records comprising the various files of the system are maintained on paper forms and correspondence, punched and/or interpreted cards, magnetic computer tape, computer printouts or listings, magnetic disc packs, microfilm and microfiche cards. Summarized information is found in unpublished and published reports.

RETRIEVABILITY:

The files comprising the system are indexed in various way depending upon the nature and use of the record. Files may be arranged by type of survey, species of migratory birds, cooperators, time periods, geographical areas, and biological characteristics of the banded, observed, or harvested bird. Most of the files are oriented to the migratory bird resource and its utilization; the identity of the individual person is retained only for edit, banding authority compliance; response, and acknowledgment purposes. In the banding files the identity of the bander is permanently obtainable through interpretation of the permit number. Inasmuch as banding and other surveys of migratory birds and their harvest are based upon statistical sampling of a larger universe, the identity of individuals is usually deleted early in the analysis.

SAFEGUARDS:

Records comprising the system are stored within the fenced and locked premises of the Patuxent Wildlife Research Center, Laurel, Maryland. The records themselves are stored within a locked building and the master computer files are retained in a locked vault. Only authorized individuals have access to these records. Magnetic tape files containing records of banded birds are stored for computer processing at the Washington Computer Center of the Department of the Interior. Current versions of banding tape files are stored in a locked, fire and explosion proof vault. Backup versions are stored in a library that must be entered through two locked doors. All requests for data, beyond those routinely supplied to cooperators, are reviewed by the Assistant Chief, Office of Migratory Bird Management, Laurel, Maryland. Care is taken to insure that the requesting individual has a legitimate need for the information and that the information which is supplied is limited to his specific needs. Furthermore, care is taken to protect the proprietary rights of researchers to first use of data arising from their personal banding efforts; persons requesting data generated by other researchers are instructed to secure clearance for use of the data with the original bander. Policies regarding the release and use of bird banding data are developed in consultation with the Canadian Wildlife Service and other cooperators. Means for developing improved safeguards for the computer record files at Laurel, and policies regarding release of data from the files maintained there is presently under study.

RETENTION AND DISPOSAL:

Some records are maintained only for a few days until the data can be transferred to other media, such as computer tapes or microfilm, for permanent storage. Because of the great scientific value attached to some of the files, such as those comprising the North American Bird Banding Program, source documents of banding are retained indefinitely; this is done to facilitate the possible correction and edit of those records. In contrast, source documents for other files are periodically destroyed by recycling. Computer tabulations are retained for five years or until such time as they have been updated. A system to catalog computer files is being developed; this system will insure that obsolete files are destoryed while insuring the retention of those required for current or future use.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

An individual desiring to know whether the system contains information relating to himself may address his inquiry to the System Manager. An individual seeking information about the system should provide his complete name and address, and if possible, indicate the nature of the data file (banding, population surveys, migratory game bird harvests, etc.) in which he is most interested.

RECORD ACCESS PROCEDURES:

Inquiries concerning access to and correction of records in the system may be directed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 42 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

The files comprising the Migratory Bird Populations and Harvest System evolve from several diverse groups of people. These may be generally categorized as (1) persons applying for authority to band birds, (2) persons granted authority to band birds, (3) persons reporting encounters with banded birds, (4) persons supervising or participating in various population surveys of migratory birds, (5) persons purchasing migratory bird hunting stamps, and (6) persons who hunt migratory game birds or otherwise utilize the migratory game bird resource.

INTERIOR/FWS-28

SYSTEM NAME:

Avitrol Authorization Records—Interior, FWS-28.

SYSTEM LOCATION:

Wildlife Services Office, U.S. Fish and Wildlife Service, 11 North Pearl Street, P.O. Box 150, Albany, New York 12201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aerial applicators of Avitrol for treating corn to prevent blackbird damage in cornfields.

CATEGORIES OF RECORDS IS THE SYSTEM:

Contains name, address, home and business telephone number, type of aircraft, New York State applicator's registration number and signature of applicant affirming that he or she has read and understands the Environmental Protection Agency registration label. The applicant also agrees to submit to the State Supervisor, Division of Wildlife Services, prior to treatment, a list of the number and location of fields to be treated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426–426b; Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 135–135k); and Migratory Bird Treaty Act of 1918, as amended (16 U.S.C.) 703–711; 40 Stat. 755.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for documentation of the qualifications for aerial applicators of Avitrol-treated grain to prevent blackbird damages while minimizing the hazard to non-target species of birds. Disclosures outside the Department of the Interior may be made, (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on a letter size form.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are maintained in a standard office filing cabinet and office is locked when personnel are not present.

RETENTION AND DISPOSAL:

Made in accordance with FPMR 101–11.4, dated August 1, 1974.

SYSTEM MANAGER(S) AND ADDRESS:

State Supervisor, U.S. Fish and Wildlife Service, 11 North Pearl Street, P.O. Box 150, Albany, New York 12201.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requestor seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the Systems Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

INTERIOR/FWS-29

SYSTEM NAME:

Animal Damage Control Non-Federal Personnel Records—Interior, FWS—29.

SYSTEM LOCATION:

(1) Division of Wildlife Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240; (2) regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State employees, cooperative employees paid by a cooperator, and private corporation employees (in Idaho). The number of individuals covered are: State-159, Cooperative-221, Corporation-6 (in Idaho).

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Supervisor's Record of Employees (Non-Federal)—Recruitment forms, medical forms, security records, life and health insurance forms, military service records, motor vehicle exam records, education and skills records, training records, disciplinary and suspension records, letters of commendation; (2) Payroll Records—Time and attendance records, State retirement records, social security records, workman's compensation insurance records, leave records, salary and expense cost records; (3) Travel Expense and Mileage Report; (4) Animal Damage Control Records—Hunter and trapper (district field assistant) records on animals taken, weekly itinerary and report of activity of trappers and hunters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); Federal Insecticide, Fungicide and Rodenticide Act as amended 67 U.S.C. 135–135); and Migratory Bird Treaty Act of 1981, as amended (16 U.S.C. 703–711; 40 Stat. 755).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND TE PURPOSES OF SUCH USES:

The primary uses of the records are to (a) serve as a tool for the State supervisors in the financial and manpower management of Animal Damage Control programs (b) form the legal basis for the disbursement of funds and (c) forms basis for preparation of statistical reports. Disclosures outside the Department of the Interior may be made, (1) for administrative uses by cooperating Federal, State, county, and local governmental units, and cooperating private organizations and associations, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in folders in files.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records and forms are maintained in a standard office filing cabinet and office is locked when authorized personnel are not present.

RETENTION AND DISPOSAL:

Non-record administrative material disposed 30 days after employment terminates or in compliance with State regulations on disposal of payroll records subject to audit.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Wildlife Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding existence of records shall be addressed to the Chief, Division of Wildlife management, with respect to records located in the Washington Office, or to regional directors with respect to records located in the office for which each is responsible. A written signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A written request for access signed by the requester shall be addressed to the appropriate State Supervisor. The request must meet the content requirement of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the Systems Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

[FR Doc. 81-8871 Filed 3-23-81; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Volume No. 44]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 19, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contracts carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alaspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 1540 (Sub-17)X, filed March 2, 1981. Applicant: P & J FURNITURE DELIVERY, INC., R.D. 10, Box 466, York, PA 17404. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions from its lead certificate to (1) change the commodity descriptions (a) from furniture (new or uncrated, in some instances), pianos, etc., to "furniture and fixtures" and (b) from glass products to "clay, concrete, glass or stone products"; (2) allow two-way authority where one-way authority exists between specified points in PA, NJ, and MD, and, points in specified States mainly in the eastern portion of the U.S.; (3) delete the facilities limitation at York, PA on sheet 3; (4) remove the restriction "against the transportation of such commodities when moving as part of household goods movement"; and (5) replace authority to serve specified points with county-wide authority: York, Gettysburg, and Hanover with York and Adams County, PA; and Elizabeth and Hoboken with Union and Hudson Counties, NJ.

MC 9194 (Sub-4)X, filed March 6, 1981. Applicant: AAA TRANSFER, INC., 615 South 90th, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Applicant seeks to remove restrictions from its Sub-3F certificate to (1) broaden its commodity description from general commodities (with the usual exceptions and automobiles) to "general commodities (except classes A and B explosives)"; (2) remove the "in containers or trailers" restriction; and (3) remove the "ex-water" restriction.

MC 10955 (Sub-15)X, filed March 3, 1981. Applicant: RENNER MOTOR LINES, INC., 622 West Waterloo Road, Akron, OH 44314. Representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-2, 3, 6, 7, 10, 11, 12, 13, and 14 certificates to (1) broaden the commodity descriptions: in Sub-2, 3, and 6 to "petroleum products and equipment" from petroleum products, in containers, grease guns, fittings for oil pumps and grease equipment, in truckloads; in Sub-3 and 14 to "rubber products" from rubber soles and heals, and rubber tire flaps; in Sub-7 and 12 to "molds, machinery, and fabric" from molds, machinery and fabric used in the manufacture of rubber products; Sub-10 to "foodstuffs" from salt, in packages, and pepper, sugar or mineral mixtures in packages, not exceeding 10 percent of the weight of the shipment of salt, when included as an incidental part of a shipment sale; Sub-11 and 12 to "general commodities, except classes A and B explosives" from general commodities with the usual restrictions; Sub-13 to "polyurethane products" from molded polyurethane foam cushions, and (2) broaden the territorial descriptions by substituting county-wide authority in place of specified cities and plantsites, and change from one-way service to radial authority, as follows: lead certificate, between points in Summit County, OH, and points in WV, PA, MD, and DC, and between Summit County, OH (Barberton, OH), and points in WV and PA; Sub-2 between points in McKean County, PA (Bradford, PA), and points in Summit, Richland, Marion and Allen Counties, OH (Akron, Mansfield, Marion and Lima, OH); Sub-3 between points in Portage County, OH (Mogadore, OH), and points in PA, WV, MD, and DC, between KcKean County, PA (Bradford, PA and points within one mile of Bradford, and points in Franklin County, OH, and between Medina County, OH (Wadsworth, OH), and points in PA; Sub-6 between McKean County, PA (Bradford, PA and points within one mile of Bradford), and points in Wyandot County, OH; Sub-7 between Allegany County, MD (Cumberland, MD) and points in Summit County, OH (Akron, OH); Sub-10 between Summit County, OH (Akron, OH), and points in parts of NY and PA, and points in DE, MD, and DC; Sub-11 between Summit County, OH (Barberton, OH), and points in OH; Sub-12 between points in Belmont County, OH (Blaine, OH), and points in WV, PA, MD and DC, between Allegany County, MD (Cumberland, MD), and points in Belmont County, OH (Blaine, OH), between Delmont County, OH (Blaine, OH), and points in OH, except those in five OH counties); Sub-13 between Bucks County, PA (Doylestown, PA), and points in Wayne County, IN (Richmond, IN); and in Sub-14 between Taylor County, WV (plantsite near Grafton, WV), and points in MD, OH and PA.

MC 15770 (Sub-6)X, filed March 13, 1981. Applicant: CALORE FREIGHT SYSTEM, INC., Second Street, High Spire, PA 17034. Representative: Joseph M. Klements, Richardson and Tyler, 84 State Street, Boston, MA 02109. Applicant seeks to remove restrictions in its Sub-5 certificate (1) in order to broaden the commodity description from: *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and automobiles, trucks, and buses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 232, and 766) which at the time are moving on bills of lading of freight forwarders as defined in 49 U.S.C. sec. 10102(8), to "general commodities (except classes A and B explosives)", and (2) remove the freight forwarder bill of lading limitation, to authorize service non-radially between points in 13 eastern States and DC.

MC 22311 (Sub-31)X, filed March 9, 1981. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its Sub-12F, 14F, 16F, and 20F certificates to (1) broaden the commodity description from (a) iron, steel, zinc, lead, and products of iron, steel, zinc, and lead, construction materials supplies and equipment to "metal products and construction materials" in Sub-14F; roofing and building materials to "construction materials and building materials" in Sub-16F; precast concrete beams, roof decks, joints, crypts, and panels to "building materials and crypts" in Sub-20F; (2) remove the "except commodities in bulk" restriction in Sub-12F and 14F; (3) eliminate the facilities limitations in Sub-12F, 14F, 16F, and 20F; (4) change city-wide to county-wide authority from Blue Island to Cook County, IL in Sub-14; Joliet to Will County, IL in Sub-14F and 16F; Fort Wayne to Allen County, IN, Kokomo to Howard County, IN, and Centerville to Appanoose County, IA in Sub-14F; and Oshkosh to Winnebago County, WI and Bluffton to Allen County, OH in Sub-20F; (5) expand one-way authority to radial authority between (a) Chicago, IL and points in AR, IN, IA, KS, KY, MO, MI, MN, NE, OH, PA, WV, and WI in Sub-12F; (b) Cook and Will Counties, IL, Allen and Howard Counties, IN, Grand Rapids and Lansing, MI, Columbus and Toledo, OH, Appanoose County, IA and those points in the U.S. in and east of MN, IA, MO, AR, and LA in Sub-14F; (c) Will County, IL and points in MI and OH in Sub-16F; and (d) Winnebago County, WI and

points in IN, IL, IA, KY, MI, MO, MN, ND, OH, PA, SD, TN, and WV; Allen County, OH and points in IN, IL, KY, MI, PA, TN, and WV; and St. Louis, MO and points in IL, IA, LA, MS, TN, and KY in Sub-20F.

MC 31389 (Sub-326)X, filed March 5, 1981. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27154. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27154. Applicant holds authority to perform regular- and irregular-route operations throughout the United States under its certificates MC 31389 and numerous Sub-Nos. thereunder; MC 71459 (Sub-65, 70, 71, 72, and 74) (acquired in MC-F-13974); MC 2998 and Sub-Nos. thereunder; MC 134308 (Sub-2, 3, 6, 8, 11, and 12) (acquired in MC-F-13761); MC 17006 (acquired in MC-F-71434); MC 22987 and Sub-Nos. thereunder (acquired in MC-F-12066); and under permit MC 3582 (acquired in MC-F-71434). It seeks to remove all exceptions (except classes A and B explosives) in its general commodities authority in its regular and irregular routes in MC 31389 lead certificate and Sub-28, 29, 30, 35, 38, 50, 65, 69, 70, 78, 81, 87, 90-93, 95, 96, 97, 99-101, 103, 105-113, 116, 117, 119, 120, 121, 124, 126, 127, 129, 130, 131, 133-137, 140-148, 150, 152, 154, 156, 160, 161, 164, 165, 167, 168, 170, 173, 175, 177, 179, 181-184, 187, 188, 190-195, 197, 199-204, 206-213, 215, 216, 220, 221, 223, 227-233, 237-241, 243, 244, 245, 246, 249-250, 251, 253, 254, 256-260, 263, 265-269, 271, 272, 273, 277-281, 283, 285, 286, 287, 289-294, 296-301, 303, 304, 305, 307, 317, 322, and 323; MC 2998 lead certificate and Sub-10, 16, 19, 20, 21, 22, 23, 24, and 25; MC 71459 certificate Sub-65, 70, 71, 72, and 74; MC 22987 lead certificate and Sub-4 and 6; MC 134308 certificate Sub-2, 3, 6, 8, 11, and 12; and MC 17006 lead certificate. Applicant also seeks to authorize service at all intermediate points along its authorized regular routes between named points in its lead certificate MC 31389 (eastern one half of U.S.) and Sub-28 (VA), 29 (SC), 30 (NC), 35 (DE), 48 (MD), 87 (KY), 92 (KY), 93 (RI), 95 (OH), 99 (IL), 100 (NC), 105 (NY), 112 (PA), 116 (TX), 120 (TN), 121 (LA), 124 (VA), 127 (NY), 142-146 (New England), 154 (NY), 170 (MN), 179 (TX), 183 (IL), 232 (Midwest), 233 (IL), 235 (KS), 243 (FL), 259 (KY), 263 (PA), 266 (AR), 269 (South), 285 (VA), 287 (GA), 290 (MI), 291 (IL), 293 (OK), 322 (MS), and 323 (AR); lead certificate MC 2998 (MI) and Sub-16 (IN), 22 (OH), and 25 (MI); MC 134308 Sub-2, 3, and 6 (OK); MC 71459 Sub-70 (AZ), 71 (AZ), 72 (West), and 74 (CO), and; lead certificate MC 22987 (CA). Applicant also seeks to broaden the territorial descriptions in its irregular route authorities from one-way authority to radial authority between numerous combinations of specialized origins and points throughout the United States in MC 31389 lead, route 300, p. 28, lines 58-66 and 71; Rt. 300, p. 29, lines 6-7 and 15-16; Rt. 347, p. 33, lines 66-69 and 73-74; Rt. 347, p. 34, lines 5-6 and 9-10; Rt. 419, p. 42, lines 18-19, 22-23, 30, 37, and 46-47; Sub-46; Sub-54; Sub-116, p. 85, lines 51-56, 59-64, and 67-68; Sub-116, p. 86, lines 7-8 and 11-14; Sub-232, p. 106, lines 53 and 64; Sub-232, p. 111, line 61. Sub-247; Sub-317, lines 5, 19-20, 23-24, 27-28, and 38-39; and Sub-323, sheet 5; and MC 2998, lead, sheet 4, and; Sub-15 and 26; and MC 17006, lead, sheet 3; and MC 22987 lead and Sub-2, and; permit MC 3582. Applicant also seeks to remove the restriction against return transportation for compensation on its regular routes in MC 31389 Sub-100, p. 71, lines 59-60, and MC 71459 Sub-72, Rts. 131 and 132, and also seeks to authorize two-way between operations over its regular routes by adding "and return over the same route" in MC 31389, Sub-232, p. 106, lines 54-55; Sub-232, p. 106, lines 36-39 and 42-43; and Sub-232, p. 111, lines 28-30. Applicant also seeks to remove numerous "originating at and/or destined to" restrictions involving named points in designated States in MC 31389 lead certificates, Rts. 166 (TN), 167 (TN), 210 (IL), Rt. 238, p. 23, lines 23-28 and 76-77 (MO/IL), 251 (OH), and Rt. 382, p. 36, lines 20-22 (IL); and Sub-79 (IL); 95 (OH); 103 (MO); 129 (AR); Sub-140, lines 67-68 (TX); 141 (Midwest); 154 (PA); 194 (KY); 208 (GA); 213 (KY); 216 (East); 232, section F (KS); 235 (Kansas City); 263 (East); 266, lines 52-66 (MO); 269 (South); 277 (NC facilities); 273 (St. Louis); 278 (FL); 284 (TX); 287, sheet 3 (IL); 322, sheet 4 (South); and 323, sheets 2, 4, and 7 (MS); MC 71459, Sub-72, Rts. 161A (Los Angeles); 161B (CA); 163 (AZ); 171 (AZ); 186 (NM); 198 (NV); 214 (AZ); Rts. 220-225 (CO); Rts. 234-236 (CO); 240 (CO); 244 (CO); 245 (CO); and Rt. 295 (MN); and MC 2998, lead certificate, sheet 4 (MI), and Sub-22 (OH).

Applicant also seek to remove restrictions limiting service against or to transportation (radially and non-radially) between named points in the involved States in MC 312389, lead certificate, Rte. 38, p. 24, lines 16 and 21 (ID); Rt. 379, lines 45-47 (NC); 701, lines 32-35 (WV); and Rt. 702, lines 60-61, part a (OH); and Sub-35, p. 67, lines 16-19 (NY); 81 (TN); 91 (PA); Sub-116, p. 80, part c (AR); 116, p. 81, lines 45-53 and 58-60 (LA); 116, p. 82, lines 12-13, 20-24, 31-36, 46-50, and 76-77 (TX); 116, p. 83, lines 56-66 (LA); 116, p. 84, lines 15-56 and 60-62 (TX); 118, p. 86, lines 16-19 (LA); Sub-140 (LA); 183 (WI); 186 (VA); 232, part (B) (KS); 243 (FL), and; 276 (GA); and MC 71459, Sub-72, routes 48 (WA); Rt. 231 (UT); Rt. 266, parts a and b (MO); Rt. 320 (TX); Rt. 325 (TX); and Rt. 348 (OK). It also seeks to remove restrictions limiting service to traffic moving to, from, or through named points throughout the U.S. in MC 31389, lead, Rt. 310, lines 29-31; Rt. 323, lines 34-35; Rt. 324, lines 45-48; Rt. 382, lines 16-22; and Part VI, (A), lines 29-30; and Sub-116, p. 74, lines 55-56, 65, and 72-73; Sub-116, p. 80, Part C; Sub-116, p. 81, Part D; Sub-116, p. 83, lines 8-10; Sub-116, p. 84, lines 43-45; Sub-119; 124; 136; and Sub-323, sheets 2, 4, 5, 8, and 9. Applicant also seeks to remove numerous restrictions limiting service to the transportation of traffic moving to or from specific points on the below-listed States in MC 31389, lead certificate. Routes 295-300, p. 28, lines 17-18 (MI); Rt. 363 (B) (Part IV), p. 36, lines 18-20 (OH); Rt. 382, lines 47-51 and 60-61 (OH); Rts. 420-662, Part V (a-y) p. 58-60 (East); Rt. 702, p. 63, lines 60-69 (KY); and Sub-116, p. 77, lines 38-41 (LA); Sub-161 (South/Southwest); Sub-170, lines 11-17 (IL); Sub-232 (Part B) p. 107, lines 73-75 (KS); and Sub-232, p. 111, line 34 (NE); and MC 71459, Sub-72, Rt. 16 (WA); Rt. 20 (WA); Rt. 28 (WA); Rt. 69 (CA); Rts. 131, 132, and 133 (U.S. territories); Rt. 136 (CA); Rts. 140-143 (CA); Rt. 161A (AZ); Rt. 161B (CA); Rt. 272 (KS); and Rg. 299 (WI). Applicant also seeks to remove various directional restrictions (e.g. westbound, northbound traffic) in certificate MC 31389, lead, Rt. 31, lines 61-62; Rt. 174, line 39-41; Rt. 190, lines 18-22; and Rt. 364, line 30-31; and MC 71459, Sub-72, Rts. 10, 160, and 256. Applicant also seeks to remove restrictions limiting service at named points "for purposes of joinder only" in MC 31389, lead certificate Rts. 696 and 697, lines 65-69 (Baltimore, MD/Wash., D.C.); Sub-100 (Franklin, VA); Sub-116, p. 75, lines 16-18 (Fairfield, TX); Sub-116, p. 83, lines 8-10 (Fairfield, TX); Sub-116, p. 84, lines 29-30 (Barney, GA); Sub-116, p. 84, lines 34-35 (Hahira, GA); Sub-116, p. 84, lines 39-40 (Madison, FL); Sub-129 (Little Rock, AR); Sub-170 (Davenport, IA); and Sub-287, Sheet 3 (IL); and MC 71459 Sub-72, Rt. 14 (Bellingham, WA); Rts. 201 and 202 (Kosmos, WA); Rt. 203 (Kelso, WA); Rt. 207 (Bakersfield, CA); Rt. 208 (Aquila, AZ); Rt. 2111 (Klamath Falls, OR); Rt. 212 (Reno, NV); Rt. 213 (Everett, WA); Rt. 214 (Tucson, AZ); Rts. 220-226 (western Hwy. points); Rt. 247 (Ogallala, NW); Rt. 218 (Hwys. 30 and 30A junction); Rt. 249 (Fort Morgan, CO); and Rts. 358-360 (Kingman, AZ). Applicant also seeks to broaden its

commodity descriptions (1) by removing restrictions against transporting commodities in bulk in certificate MC 31389, Sub-79; Sub-116, p. 65, lines 50, 58, and 66; Sub-116, p. 69, lines 6 and 10; Sub-232, p. 108, line 62; and Sub-232, p. 111, line 32; and MC 2908, lead certificate, sheet 4; and Sub-15 and 28; (2) by removing restrictions limiting service to transportation of traffic moving in containers or described vehicles in MC 31389, lead certificate, Rt. 300, p. 28, line 54–55 (sealed containers); Rt. 300, p. 28, line 68–69 (in same truck as pipe); Sub-100, p. 71, line 56 (in hogsheads, etc.); and Sub-232, p. 108, line 63 (in bags, except tank vehicles); (3) by removing restrictions against the transportation of specified commodities, in MC 31389, lead certificate, Rt. 702, p. 63, lines 67–69 (dressed poultry, boxes); Sub-100 (seafood); Sub-116, p. 65, lines 45–46 (liquified petroleum gas); Sub-317, p. 123, lines 17–18 and 26–27 (size and weight commodities); and Sub-232, p. 109, lines 37–38 and p. 110, lines 9–10 (livestock); and in MC 71459 Sub-72, Rt. 136 (size and weight commodities); Rt. 218 (assembled autos); and Rt. 256 (petroleum, livestock, etc.); (4) by broadening the commodity description in MC 31389 lead certificate Rt. 300, p. 29, lines 4–5, to "iron and steel products and materials, equipment, and supplies used in the manufacture and distribution of iron and steel products" from its authority to transport iron and steel articles as described in Appendix V (Groups 2 and 3) in the *Descriptions* case; and (5) by broadening the commodity description in MC 31389, lead, Rt. 300, p. 29, lines 11–12, to "road construction machinery and equipment and materials, supplies and equipment used in the manufacture and distribution of road construction equipment" from road construction equipment as described in Appendix VIII of the *Descriptions* case. Applicant also seeks to remove tacking, interchange, and interline restrictions in MC 31389, (Sub-232), p. 106, lines 21–22; and Sub-232, p. 111, lines 61–67; Sub-273; and Sub-323, sheets 2 and 4; and MC 2908, Sub-22; and MC 71459, Sub-72, Rts. 21, 240, and 262. Applicants seeks to remove restrictions limiting service at named points to pickup or delivery only in MC 31389, lead, Rt. 238, p. 23, lines 48–49; and Sub-232, p. 106, lines 34–36 and 44–46; and MC 71459, Sub-72, Routes 51, 60, 67, 68, 70, and 256; and to remove restrictions against service at named intermediate points in MC 31389, lead certificate, Rt. 238, p. 24, line 32 (Brandenburg, KY); Sub-116, p. 77, lines 38–41 (Corsicana, TX); and Sub-323, sheet 8 (Memphis, TN). Applicant also seeks to remove the following restrictions (1) facilities restrictions in MC 31389, lead certificate, Rt. 350 (Swift and Company); and Rts. 696–697 (E.I. du Pont de Nemours & Co.); (2) seasonal restrictions in MC 71459 (Sub-72), Routes 67–68; (3) restriction against service wholly within Colorado in MC 71459, (Sub-72, Route 181; (4) restrictions limiting service to or against transportation of traffic having a prior or subsequent movement by water, air, or freight forwarder in MC 31389, lead certificate, route 300, p. 29, lines 8–9; and MC 22967, lead certificate and Sub-6; (5) restriction against service at stations on the Boston rail line in MC 31389 (Sub-142–146); (6) to remove the exclusions to the exceptions appearing in the "note" in MC 31389, lead certificate, Route 682, Part V, page 61, lines 7–18 prohibiting transportation of certain traffic; (7) to broaden its territorial authority to county-wide authority in MC 31389, lead certificate, Rt. 419, p. 42, line 56 (Nash County, NC for Rocky Mount, NC); and (8) to broaden its territorial description to "between points in the United States under continuing contract(s) with a named shipper" in permit MC 3582.

Note.—Appliant's ability to tack its authorities will be governed by rules set forth at 49 CFR § 1042.

MC 48054 (Sub-83)X, filed March 13, 1981. Applicant: BROWN EXPRESS, INC., P.O. Box 9244, San Antonio, TX 78204. Representative: Jack Dawson (same as applicant). Applicant seeks to remove restrictions in its Sub-79F certificate to (a) broaden the commodity description from general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)", (b) remove restrictions against service at intermediate points (1) between Dallas, TX, and Oklahoma City, OK; (2) between Dallas, TX, and Indianapolis, IN; (3) between Louisville, KY, and Detroit, MI, in Route (4) between Houston, TX, and junction Interstate Hwy 30 and U.S. Hwy 59, and in Route and (5) between Memphis, TN, and St. Louis, MO, and, (c) remove restrictions that limit service for the purposes of joinder only at the junction Interstate Hwy 30 and U.S. Hwy 59 in (2) and (3); and at Memphis, TN in (5).

MC 57607 (Sub-24)X, filed March 9, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2645 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-13 certificate to (1) broaden the commodity description from irrigation and sprinkling systems, and parts and accessories to "machinery and metal products"; (2) authorize radial service in place of existing one-way authority and replace Denver, CO with counties in Colorado which are included within the Denver commercial zone: Between Jefferson, Boulder, Adams, Arapahoe, and Douglas Counties, CO, and points in AR, ID, IL, IN, IA, KS, MN, MO, MT, NE, ND, OK, SD, WI, WY, and points in TX in and north of Palmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, TX.

MC 59583 (Sub-183)X, filed February 26, 1981. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, TX 37662. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-107, 111, 184, 139, 171F and 179 certificates to (1) broaden its commodity description (a) from general commodities (with usual exceptions, those injurious or contaminating to other lading, and livestock) to "general commodities (except classes A and B explosives)," in all certificates, (b) from coffee, tea and meats to "food and related products" in Sub-179, (c) from petroleum products to "petroleum, natural gas and their products", in Sub-134; (2) remove territorial restrictions which limit service to some intermediate points or no intermediate point service, to authorize service at all intermediate points on its described regular routes in the midwest and east; (3) expand the off-route plantsite authority to Scottsboro, AL in Sub-111 and remove the facilities limitation at Seaford, DE and points within 5 miles thereof in Sub-107; (4) eliminate the restriction limiting or prohibiting service at specified points to the transportation of shipments moving from, to and between specified points in Sub-107, 134 and 171F; (5) remove the restriction against the transportation of shipments originating at or destined to points in MI in Sub-171F; (6) eliminate restriction which limits traffic to Baltimore, MD, and Washington, DC, for purpose of joinder only in Sub-107; (7) remove a restriction specifying the commodities of which may be transported from and to Bayonne, Bayway, and North Bergen, NJ, in Sub-134; (8) broaden existing city-wide authority with county-wide authority in the irregular route portion of Sub-179: Washington, Kent, Providence and Newport Counties, RI, for Westerly, North Kingston, South Kingston, West Warwick, Johnston and Newport, RI; New London County, CT, for Stonington, CT; and Middlesex County, MA, for Cambridge, MA; and (9) authorize radial service in lieu of existing one-way

service between various combinations of the following: Points in Washington and Kent Counties, RI, New London County, CT, Boston and Cambridge, MA, and points and counties in RI, CT, MA and NY, under the irregular route authority in Sub-179.

MC 67406 (Sub-6)X, filed March 9, 1981. Applicant: STOKDYK TRUCK LINES, INC., P.O. Box 82, Port Washington, WI 53074. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions from its lead and Sub-1 certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; and (2) authorize service to all intermediate points between: Oostburg and Milwaukee, WI in the lead; and junction US Hwy 141 and Wisconsin Hwy 57; and junction Wisconsin Hwy 144 and US Hwy 141 in Sub-1.

No. 65530 (Sub-11)X, filed March 2, 1981. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charleston, SC 29402. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its (Sub-3, 4, and 7F) certificates and (Sub-5F, 6F, and 8F) acquired in MC–F–13654F and MC–F–14298F, certificates not yet issued, to (1) broaden the commodity description from (a) general commodities, with exceptions, to "general commodities (except classes A and B explosives)" in (Sub-3, 5F, 7F, and 9F); (b) paper and film to "pulp, paper and related products and rubber and plastic products" in (Sub-4); (c) fertilizer to "chemicals and related products" in (Sub-6F); (d) agricultural products and cotton seed meal to "farm products and food and related products" in (Sub6F and 8F); (e) bottles to "such commodities as are dealt in or used by manufacturers or distributors of bottles" in (Sub-6F and 8F); (f) wooden telephone, telegraph, and electric power poles to "lumber and wood products" in (Sub-6F and 8F); and (g) cotton and cotton yarn to "textile mill products" in (Sub-6F and 8F); (2) change city-wide to county-wide authority from Charleston to Charleston County, SC, in (Sub-4 and 7F); Laurens to Laurens County, SC, in (Sub-6); Charlotte to Mecklenburg Counties, NC, in (Sub-6F and 8F); Jacksonville to Duval County, FL, in (Sub-7); Savannah to Chatham County, GA, in (Sub-7F and 9F); and Wilmington to New Hanover County, NC, in (Sub-7F); (3) expand one-way authority to radial autority between (a) Transylvania and Henderson Counties, NC, and Charleston, SC, in (Sub-4); (b) Barnwell and Bamberg Counties, SC, and Gastonia, NC, and points within 15 miles of Gastonia; Laurens County, SC, and Mechlenberg County, NC; and Spartanburg County, SC, and points in Gaston, Cleveland, Mecklenburg, Rowan, Lincoln, and Catawba Counties, NC, in (Sub-6F); (c) Charleston County, SC, and Gastonia, NC, and points within 15 miles of Gastonia; Charleston County, SC, and Mecklenburg County, NC; Charleston County, SC, and points in Gaston, Cleveland, Mecklenburg, Rowan, Lincoln, and Catawba Counties, NC, in (Sub-6F); and (4) remove the ex-water restriction from (Sub-4 and 7F).

MC 111231 (Sub-348)X, filed March 6, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its (Sub-247, 248F, and 249F) certificates to (1) broaden its commodity descriptions (a) in the regular route portion of each of the above sub-numbers, and the irregular route portion, in (Sub-247), part (1), from general commodities (with exceptions) to "general commodities, except classes A and B explosives", and (b) in (Sub-247), irregular route portion, from malt beverages, canned goods, and dairy products, dressed poultry and eggs, to "food and related products"; (2) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service in its regular route authority (a) in (Sub-247), between Chicago, IL, and Lincoln, NE, (b) in (Sub-248F), between Oklahoma City, OK, and Texarkana, AR, and (c) in (Sub-249F), between St. Louis, MO, and Denver, CO; (3) change its one-way authority to radial authority in the irregular portion of (Sub-247), between Mankato and St. Paul, MN, and points in 3 cities in NE, between Lincoln, Beatrice and Grand Island, NE, and points in the specified regular-routes, between IL, MN, and IA, and 6 cities in NE, and between points in IL and 2 cities in IA, between Fremont, Grand Island, Hastings, Wahoo, and Lincoln, NE, and 5 cities in IL, between Geneva, Hartington, Wakefield, Fairmont, and Tecumseh, NE, and Chicago, IL; between Hastings, Grand Island, Fremont, Lincoln, Beatrice, and Omaha, NE, and 2 cities in IL, and between 8 cities in IL, and 2 cities in IA, and Omaha and Lincoln, NE; and (4) eliminate the joinder only restriction in (Sub-248F).

MC 111231 (Sub-350)X, filed March 9, 1981. Applicant: JONES TRUCK LINES, INC., 610-East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as above). Applicant seeks to remove restrictions in its (Sub-1, 3, 9, 23, 32, 42, 43, 186, 199, 212 and 293F) certificates to broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)".

MC 117344 (Sub-286)X, filed February 3, 1981, previously noticed in the Federal Register of February 20, 1981, republished as corrected this issue. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to remove restrictions in its (Sub-26, 60, 61, 65, 67, 82, 85, 90, 141, 178, 189, 199, 207 and 211) certificates to (1) broaden the commodity description from paints, varnishes, fertilizer, dry chemicals, lacquers, and various other items in bulk, to "commodities in bulk" in all referenced Sub-Nos., (2) authorize radial service in lieu of existing one-way authority in all referenced Sub-Nos. which authorize service from Cincinnati, OH, to points in numerous named States, and (3) eliminate the "in tank vehicle" restriction in (Sub-26, 60, 61, 65, 67, 82, 85, 178, 207 and 211); (4) expand the territorial description in all referenced sub-numbers from Cincinnati, OH to authorize county-wide service at Dearborn County, IN; Boone, Campbell and Kenton Counties, KY, and Butler, Clermont, Hamilton and Warren Counties, OH. The purpose of this republication is to add Part (4), allowing for the territorial expansion of Cincinnati; OH and its commercial zone to county-wide authority.

MC 119702 (Sub-84)X, filed March 4, 1981. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its (Sub-5, -18, -24, -46, -47, -49, and -52) certificates to (1) broaden the commodity descriptions to "commodities in bulk" from anhydrous ammonia, in bulk, in tank vehicles and liquid fertilizer solutions, in bulk, in tank vehicles in (Sub-5), from anhydrous ammonia, in bulk in (Sub-18), from anhydrous ammonia and liquid fertilizer materials, in bulk, in tank vehicles in (Sub-24), from liquid fertilizer solutions, in bulk, in tank vehicles in (Sub-46), from liquid calcium chloride, in bulk, in

tank vehicles, in (Subs-47 and -52), and from liquid and dry fertilizer, in bulk in (Sub-49); (2) replace authority to serve named plantsites or cities with county or commercial zone authority and change one-way authority to radial authority, as follows: between Tazewell County, IL (Pekin, IL), and points in MO, IA, WI, IN, MI, and KY (deleting the restriction against the transportation of anhydrous ammonia, from the plantsite of a named shipper to points in MO, IA, WI, and IN in (Sub-5); between Peoria County, IL (Peoria, IL), and points in IN, MI, MN, MO, OH, SD, and WI and between Des Moines County, IA (Burlington, IA), and points in IL, IN, MI, MN, MO, NE, SD, and WI in (Sub-18); between Morgan County, IL (Meredosia, IL) and points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK, TN, and WI in (Sub-24); between Peoria County, IL (Peoria, IL) and points in IN (except those on and north of U.S. Highway 40), IA, KY, MI, and OH in (Sub-46); between points in St. Louis, MO, and Morgan County, IL (Meredosia, IL) and points in IL, IA, and MO in (Sub-47); between Whiteside County, IL (Fulton, IL) and points in IA, WI, MN, and IL, and MO (except the St. Louis commercial zone) and between Tazewell County, IL (Pekin, IL) and points in IA, WI, MN, and IL, and MO (except those in the St. Louis commercial zone), in (Sub-49); and between Morgan County, IL (Meredosia, IL) and points in AR, IN, KS, KY, MI, MN, NE, OK, TN, TX, and WI, in (Sub-52); (3) delete the originating at and destined to restrictions in (Sub-24 and 49); and (4) delete the restriction against interlining in (Sub-18).

MC 120737 (Sub-81)X, filed March 12, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 30, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions from its (Sub-66F and 70F) certificates to (1) change the commodity description from pre-cut log buildings or homes to "lumber and wood products"; (2) delete the named facilities limitations; (3) expand Plymouth, WI, to Sheboygan County, WI, in (Sub-66F); (4) authorize radial authority between specified WI and NC Counties, and, points in the U.S. or described portions thereof and (5) remove the AK and HI exception.

MC 123615 (Sub-9)X, filed March 9, 1981. Applicant: TRANSPET, INC., 700 South Fourth Street, Harrison, NJ 07029. Representative: Edward L. Nehez, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its (Sub-8) permit to (1) broaden its commodity descriptions from floor and floor covering conditioning machines, and materials, supplies, and equipment used in the manufacture and operations of the commodities (except commodities in bulk), to "miscellaneous products of manufacturing, machinery and materials, equipment and supplies used in the manufacture and operations of machinery; and (2) broaden its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

MC 124306 (Sub-86)X, filed March 2, 1981. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInerny, 1000 16th Street, N.W. Suite 502, Washington, D.C. 20036. Applicant seeks to remove restrictions in its (Sub-7, 13, 20, 26, 29, 30, 35, 38, 43F, 46F, 49F, 53F, 56, 57, 58F, 62F, 68F, 79F, 80F and 84F) to (A) to broaden the commodity description (1) in (Sub-7) (sheet 1) from petroleum and petroleum products to "petroleum, natural gas and their products" and on sheet 2 from nitrogen fertilizer solutions to "chemicals and related products", (2) in (Sub-13 and 28) from liquefied petroleum gas to "petroleum, natural gas and their products", (3) in (Sub-20) (sheet 2, first item) from dry sodium carbonate, dry sodium chromate, dry sodium bichromate, and dry sodium sulphate to "chemicals and related products," and on sheet 4 (first item) from fertilizer and fertilizer materials to "chemicals and related products", (4) in (Sub-29) from vegetable oils and vegetable oil products (except chemicals) to "food and related products", (5) in (Sub-30, 38, and 80F) from synthetic plastic granules to "chemicals and related products", (6) in (Sub-35) from fertilizer, fertilizer materials, and soda ash to "chemicals and related products", (7) in (Sub-43F and 58F) from dry plastic (other than expanded) and dry polyester resin, respectively to "chemicals and related products", (8) in (Sub-46F and 62F) from chemicals to "chemicals and related products", (9) in (Sub-49F and 56) from terephthalic acid and terephthalic acid and liquid chemicals, respectively to "chemicals and related products", (10) in (Sub-53F and 57) from dimethyl terephthalate to "chemicals and related products", (11) in (Sub-68F and 84F) from petroleum products to "petroleum, natural gas, and their products", and (12) in (Sub-49F) from antifreeze and cleaning compounds to "chemicals and related products", (B) remove in "in bulk, in tank vehicles" restriction in (Sub-7, sheet 1 and sheet 2 (last item), 26, 30, 38, 53F, 58F, 62F, 79F, 80F and 84F), (C) remove the "in bulk" restrictions in (Sub-20 (sheet 2, first item), 29, 49F, 56, and 68F), (D) remove the "in bulk, in tank or hopper vehicles, or dump trucks" restrictions in (Sub-35, 43F, and 46F); (E) remove in (Sub-20) (sheet 4, first item) a restriction reading "restricted against the transportation of liquid fertilizer and liquid fertilizer materials to points in Kanawha and Pleasants Counties, WV"; (F) remove the prior rail removement restrictions in (Sub-20), sheet 3 (last item) and on sheet 5 (fourth item); (G) remove all the commodity restrictions except classes A and B explosives in its general commodities authority in (Sub-20), sheet 5 (fourth item); (H) remove the restriction against service to Alaska and Hawaii in (Sub-79F (part 1) and 80F), (I) change one-way authority to authorize radial authority and in some instances substitute specific counties for named plantsities or cities: (Sub-7) (sheet 1) between Norfolk, VA and points in NC; (sheet 2) between Chesapeake, VA and points in Delaware and 14 named counties in MD; (Sub-13), between Chesapeake, VA and points in GA, AL, KY, TN, WV, NJ, and PA; (Sub-2), (sheet 2, first item) between New Hanover County (Diamond Shamrock Chemical Company at or near Castle Hayne, NC) and points in AL, CT, DE, FL, IN, KY, MD, MA, MS, NH, NJ, NY, OH, PA, RI, TN (with certain exceptions), WV, WI, and DC; (sheet 3, last item) between Wilmington, NC and points in New Hanover County, NC and points in NC and SC; (sheet 4, first item) between Hertford County, NC, and points in DE, GA, MD, NJ, PA, SC, VA, and WV; (Sub-28), between Wake County, NC (Dixie Pipeline Company, near Apex, NC) and points in VA (except Portsmouth and points in its commercial zone); (Sub-29), between Charlotte, NC, and points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MN, MO, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC; (Sub-30), between Rowan County, NC (Fiber Industries, Inc., at or near Fiberton, NC) and those ports of entry on the International Boundary Line between the United States and Canada which are located in New York; (Sub-35), between Richmond County, GA and points in SC, NC, VA, WV, KY, and TN; (Sub-38), between Cleveland County, NC and Darlington County, SC (Fiber Industries, Inc., at or near Earl, NC, and Darlington County, SC) and those ports of entry on the United States–Canada Boundary Line which are located in New York; (Sub-43F), between Spartanburg County, SC, and points in DE, PA, NY, NJ, CT, RI, MA, GA; (Sub-46F) (part 2) between GA,

NC, and SC, and points in AL, FL, MD, TN, WV, and DC; (Sub-49F), between Berkeley County, SC, and points in the U.S. in and east of TX, OK, KS, NE, SD, and ND (except SC); (Sub-53), between Davidson County, TN (E.I. du Pont de Nemours & Co., at Old Hickory, TN) and points in NC and SC; (Sub-56), between Morgan County, AL (Decatur, AL) and points in the U.S. in and east of TX, OK, KS, NE, SD, and ND (except AL); (Sub-57), between Davidson County, TN (E. I. du Pont de Nemours & Co., Inc., at Old Hickory, TN) and points in IN and OH; (Sub-58F), between Cumberland County, NC (Rohm and Haas Company at or near Fayetteville, NC) and points in OH, PA, DE, NH, TN, GA, FL, TX, and SC; (Sub-62F), between Kershaw and Orangeburg Counties, SC (Elgin and Orangeburg, SC) and points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, MC, OH, OK, PA, RI, SC TN, TX, VT, VA, NV, and WI; (Sub-68F), between Guilford and Johnston Counties, NC (Friendship and Selma, NC) and points in VA; (Sub-79F) (part 2) between Boyd County, KY (Ashland and Catlettsburg, KY) and points in VA; (Sub-80F), between Darlington County, SC (Darlington, SC) and points in the U.S.; and (Sub-84F), between Richmond, VA and points in NC; and (J) allow for service at ports of entry on the United States-Canada Boundary Line (from those ports of entry on or near the Niagara and St. Lawrence Rivers) which are located in New York, in (Sub-30 and 38).

MC 129226 (Sub-10)X, filed March 12, 1981. Applicant: TO-JON TRUCKING, INC., 460 Brown Court, Oceanside, NY 11572. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its (Sub-1, 2, 3, 4, 5, 6F, 7F, 8F, and 9F) permits to (1) broaden the commodity description from stationery to "pulp, paper and related products," in (Sub-1) and from stationery, and filing materials, supplies, and equipment (except commodities in bulk) to "pulp, paper and related products, metal products, rubber and plastic products, lumber and wood products, machinery, and furniture and fixtures" in (Sub-2), (2) remove "except in bulk" restriction in (Sub-2, 5, 6F, and 8F), (3) remove plantsite limitation in (Sub-1), (40 broaden the territorial description to "between points in the U.S." under continuing contract(s) with named shippers in all Subs.

MC 133490 (Sub-16)X, filed March 10, 1981. Applicant: LEES TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions from its (Sub-1, 3, 6, 8, 12F and 13F) permits to (1) broaden the commodity descriptions (a) from glassware, earthenware and glass, metal and plastic containers to "clay, concrete, glass and stone products, metal products, and rubber and plastic products" in (Sub-12F); (b) from glassware to "clay, concrete, glass and stone products" in (Sub-3); and (c) from pre-cut houses, knocked down, to "lumber and wood products" in (Sub-1, 6, 8, and 13F); and (2) broaden the territorial descriptions in each of its above permits to "between points in the U.S. under continuing contract(s) with named shippers."

MC 133591 (Sub-142)X, filed March 13, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions from its (Sub-101) certificate to (1) broaden the commodity description from prepared foodstuffs (except in bulk) to "foods and related products"; (2) replace county-wide authority for city-wide authority: Grayson County, TX for Denison; and (3) to change its one-way authority to radial authority between points in Grayson County, TX, and points in WA, OR, CA, NV, ID, MT, UT, AZ, CO, NM, SD, NE, KS, OK, LA, TX, AR and MO.

MC 134637 (Sub-5)X, filed March 9, 1981. Applicant: SILICA TRANSPORT, INC., P.O. Box 232, West Market Street, Guion, AR 72540. Representative: Jack A. Knight (same as applicant). Applicant seeks to remove restrictions in its (Sub-1) permit and (Sub-2F) certificate to (1) broaden the commodity description (a) from silica sand, silica flour, and resin-coated sand to "commodities in bulk and in bags" in (Sub-1) permit and (b) from dry fertilizer; granulated boiler slag, in bulk, in tank vehicles; river sand; fly ash; ferric sulfate, in bulk, in tank vehicles; fly ash, in bulk and poultry meal, in bulk to "commodities in bulk and in bags," in (Sub-2F) certificate, (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper in (Sub-1) permit, (3) remove the facilities limitations in (Sub-2F) certificate, (4) replace city-wide authority with county-wide authority: Memphis, TN with Shelby County, TN and Copperhill, TN with Polk County, TN, in (Sub-2F) certificate and (5) replace one-way authority with racial authority between points in AR, Henry County, MO, Polk and Shelby Counties, TN and points in 16 States, in (Sub-2F) certificate.

MC 134817 (Sub-4)X, filed March 12, 1981. Applicant: OWENTON EXPRESS, INC., P.O. Box 328, Carrollton, KY 41008. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Applicant seeks to remove restrictions from its lead and (Sub-1, 2 and 3F) certificates to (1) remove all exceptions to its general commodity authority, except classes A and B explosives in each certificate; (2) authorize service at all intermediate points between Owenton and Louisville, KY; and (3) delete the "originating at and destined to" restrictions in the lead and (Sub-3F).

MC 135812 (Sub-2)X, filed March 5, 1981. Applicant: PROFESSIONAL DRIVER SERVICES, 1631 Lebanon Road, Nashville, TN 37210. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its (Sub-1F) certificate to (1) broaden the commodity description from new trucks and new truck chassis to "transportation equipment" and remove the restrictions "in initial movements, in driveaway service, and in secondary movements"; and (2) eliminate the facilities limitation at Toronto, Ontario, CN, and expand the one-way authority to radial authority between (a) Hayward, CA, Allentown, PA, and points in AL, FL, GA, IN, KY, LA, ME, MA, MO, NH, NY, NC, OH, PA, SC, TN, TX, and VA; (b) Chino, CA, Seattle, WA, Indianapolis, IN, Portland, OR and Nashville and Knoxville, TN; (c) Nashville and Knoxville, TN, and those points in the U.S. in and east of WI, IL, MO, AR, and LA; and (d) Buffalo, NY, and points in AL, FL, GA, IN, KY, LA, ME, MA, MO, NH, NY, NC, OH, PA, SC, TN, TX, and VA.

MC 136087 (Sub-8)X, filed March 8, 1981. Applicant: J.C. TRUCKING, INC., 5085 Harlan St., Denver, CO 80212. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Applicant seeks to remove restrictions in its (Sub-6) permit to (1) broaden its commodity description from construction equipment, to "machinery"; (2) broaden its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper; (3) remove the restriction against transportation of traffic between points in a single State.

MC 136989 (Sub-22)X, filed March 9, 1981. Applicant: R.F. BOX, INC., 1110 South Reservoir Street, Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions

in its (Subs-8, 9, 11, 12F, 14, 18, 20F), permits to (1) broaden the territorial description to serve between all points in the U.S., under continuing contract(s) with named shipper's in all above authority; (2) remove commodity exceptions in (Subs-8, 9, 11, 12F, 14, and 20); (3) broaden the commodity description from (a) plastic, plastic film and floor coverings "rubber and plastic products" in (Subs-8, 9, 11, 12, 14), (b) synthetic fiber yarn and floor coverings to "textile mill products" in (Subs-8, 9, 11, 12, 14), (c) drugs, pharmaceuticals, paints, wood stain, wood preservatives, caulking compound to "chemicals and related products" in (Subs-18 and 20); and (4) remove are in tank vehicles exception in (Sub-20F).

MC 138627 (Sub-111)X, filed February 5, 1981, previously noticed in the Federal Register of February 24, 1981, republished as corrected this issue. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its (Subs-18 and 49) certificates to (1) broaden its commodity description from grain storage equipment, and grain handling equipment, parts and accessories, metal buildings, materials, equipment and supplies, to "machinery and metal products" in (Sub-49); (2) expand its one way authority to radial authority between named points in several southern and midwestern States; (3) to replace specified plantsites and cities with either the city or county-wide authority: a named plantsite at or near Pine Bluff, AR, with Jefferson County, AR; a named plantsite at Sheridan and Pine Bluff, AR with Grant County, AR; and a named facility at West Memphis, AR, with West Memphis, AR, in (Sub-16), and Grand Island, NE, with Hall County, NE; York, NE, with York County, NE; Elm Creek, NE, with Buffalo County, NE; Bluffton, IN, with Wells County, IN; Crawfordsville, IN, with Montgomery County, IN; Webster City, IA, with Hamilton County, IA; Greenville, MS, with Washington County, MS; Middletown, PA, with Dauphin and Westmoreland Counties, PA; Saginaw, MI, with Saginaw County, MI; and Oklahoma City, OK, with Oklahoma County, OK, in (Sub-49); and (4) eliminate the restrictions (a) against service to AK and HI; (b) prohibiting transportation of shipments originating at or destined to a named facility, and (c) against the transportation of commodities in bulk, in tank vehicles, in (Sub-49). The purpose of this republication is to replace, in part (3), a named facility, at West Memphis, AR, with West Memphis, AR (Sub-16), instead of with Crittenden County, AR, as was previously noticed.

MC 138741 (Sub-128)X, filed March 6, 1981. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, P.O. Box 258, 20 East Franklin, Liberty, MO 64068. Applicant seeks to remove restrictions in its (Sub-78F, 80F, 83F, and 87F) certificates to (1) broaden its commodity descriptions from iron and steel articles, to "metal and metal articles, in (Sub-78F and 83F); (2) replace named facilities located at or near Granite City, and Madison, IL with Madison County, IL, in (Sub-78F and 83F), and remove the facilities limitation at Kansas City, MO–KS and (3) change its one-way authority to radial authority between Madison County, IL, and points in AR, IN, KY, MO, KS, TN, and IA in (Subs-78F and 83F), and between Kansas City, KS and points in AR, MO, and OK in (Sub-80F).

MC 140859 (Sub-14)X, filed March 9, 1981. Applicant: WESTERN KENTUCKY TRUCKING, INC., 1245 Center Street, Henderson, KY 42420. Representative: William L. Willis, Suite 706, McClure Building, Frankfort, KY 40601. Applicant seeks to remove restrictions from its Certificate No. MC 140859 (Sub-2, 3F, 6F, and 7F), and its Permit No. MC 110825 (Sub-1) to (1) delete the limitations on the commodity descriptions: in (Sub-2), "restricted against commodities in bulk"; in (Sub-3F), "in bulk"; in (Sub-6F), "in bulk, in tank vehicles"; and in (Sub-7F), "except frozen and in bulk, in tank vehicles"; (2) remove the "originating at and destined to" restrictions in (Sub-2 and 3F); (3) eliminate the facilities limitations in (Sub-2, 3F, 6F, and 7F); (4) expand specified points to county-wide authority: in (Sub-2 and 7F), Owensboro and Henderson to Daviess and Henderson Counties, KY; in (Sub-3F), Melbourne to Campbell County, KY; (5) reduce one-way authority with two-way authority (a) in (Sub-3F and 6F), between specified counties or portions in KY and IL, and, points in IL, IN, MI, OH, VA, and WV, or specified portions thereof; and (6) in MC 110825 (Sub-1), expand the territorial authority to between points in the U.S. under contract(s) with a named shipper.

MC 141832 (Sub-2)X, filed March 5, 1981. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M Street NW., Washington, DC 20036. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from transformers, transformer parts, materials and supplies used in the manufacture of transformers of transformers and transformer parts, office and plant equipment, and material handling equipment and supplies (except classes A and B explosives and commodities in bulk) to "machinery, metal products, furniture and fixtures and material handling equipment and supplies"; (2) broaden the territorial scope to between all points in the U.S., under continuing contract(s) with a named shipper; and (3) remove the exception of service to HI.

MC 142703 (Sub-32)X, filed March 9, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and (Sub-1, 3F, 6F, 7F, 12F, 15F, 17F, 23F, 24F, 27F, 29F, and 30) certificates to (1) broaden its commodity descriptions (a) from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in the lead and (Sub-1, 3F, 6F, 7F, 15F, 17F, 23F, 24F, 27F, and 29F), and (b) from scrap metal (except in dump vehicles), to "metal products", in (Sub-30); (2) change its one-way authority to radial authority between Cincinnati, OH, and points in PA, in (Sub-12F); (3) remove the commodities in bulk exception in (Sub-12F); and (4) eliminate the restrictions against traffic having an immediately prior or subsequent movement by rail or water, in each certificate except (Sub-12F and 30).

MC 142994 (Sub-11)X, filed March 11, 1981. Applicant: VIRGINIA COURIER SERVICE, INC., P.O. Box 287, Harrisonburg, VA 22801. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, DC 20005. Applicant seeks to remove restrictions from its (Sub-6F) certificate to (1) delete "those requiring special equipment" from its general commodities description; and (2) remove the restriction "against the transportation of articles weighing in the aggregate more than 500 pounds, moving from one consignor at one location to one consignee on any one day."

MC 143209 (Sub-12)X, filed March 9, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX 77015. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024. Applicant seeks to remove restrictions in MC 63792 (Sub-17) acquired in MC–F–

14320 (issuance of certificate pending) to (1) broaden the commodity description from plastic pipe and plastic tubing to "rubber and plastic products"; and (2) remove the plantsite limitation at Houston, TX and expand the one-way authority to radial authority between Houston, TX and points in AR, AL, CO, TX, OK, KS, LA, NM, FL, MO, WY, UT, GA, and MS.

MC 144144 (Sub-6)X, filed March 13, 1981. Applicant: RAINS TRUCKING SERVICE, INC., P.O. Box 73, DuQuoin, IL 62832. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead and Sub-No. 1F permits (1) to broaden its commodity descriptions to "machinery, equipment or supplies and miscellaneous products of manufacturing" from inert gas cylinders, playground equipment, gas grills, and gymnasium apparatus in the lead and Sub-No. 1F permits, and (2) to broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper in its lead and Sub-No. 1F permits.

MC 145088 (Sub-10)X, filed March 9, 1981. Applicant: S & T TRUCKLOAD, INC., P.O. Box 4408, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 4F and 5F certificates: in Sub-No. 2 to broaden both the commodity and territorial authority to authorize (a) "waterproofing compounds and materials, and oils and greases "from asphalt waterproofing compounds and materials and from lubricating oils and greases; and (b) radial service "between Tarrant County, TX, (Fort Worth, TX) on and, points in the U.S." (c) remove the exceptions of AK and HI (d) delete an except in bulk, in tank vehicle restriction; Sub-No. 4, to broaden the commodity and territorial authority and remove a plantsite restriction to authorize (a) "rubber and plastic products" from rubber and plastic articles and materials"; and (b) radial service "between Dallas County, TX, (for Irving, TX) and, points in the U.S." (c) remove the exception of AK and HI (d) delete an in bulk restriction; Sub-No. 5, to broaden the commodity and territorial authority to authorize (a) "fire control systems and devices, and chemicals, and materials, equipment and supplies used in the manufacture, distribution, installation and operations of such commodities" from fire extinguishers and dry powdered chemicals for fire extinguishers, and materials, equipment and supplies used in the manufacture and distribution of such commodities; and (b) radial service "between Tarrant County, TX, (for Fort Worth, TX), and, points in the U.S." (c) remove the exceptions of AK and HI (d) remove in bulk restrictions.

MC 145108 (Sub-41)X, filed March 9, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 13F permit to remove the "except commodities in bulk" and "originating at or destined to" restrictions to authorize service between points in the U.S. under a continuing contract(s) with a named shipper.

MC 145180 (Sub-2)X, filed February 17, 1981, previously noticed in the FR of March 2, 1981, republished as corrected in this issue. Applicant: THREE TRANSPORTATION, INC., P.O. Box 1580, Bartow, FL 33830. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 1F Certificate to (1) broaden the commodity description from fiberglass and plastic gasoline storage tanks, preconditioners, ducts, and industrial ventilating commodities to "rubber and plastic products, metal products, and building materials", (2) remove the plantsite restriction at Bartow, FL and replace it with county-wide authority to serve Polk County, FL, and (3) change the one-way authority to radial authority between Polk County, FL and points in AL, AR, GA, KY, LA, MS, NC, SC, TN, and VA. The purpose of this republication is to include metal products in the new commodity description.

MC 145468 (Sub-44)X, filed March 9, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 & Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 14F, 15F, 22F, and 31F certificates to (1) broaden its commodity descriptions from frozen foods, meat products, meat by-products, and articles distributed by meat-packing houses (except hides and commodities in bulk), to "food and related products", in Sub-Nos. 14F, 15F, and 31F, (2) replace its facilities and cities with county-wide authority (a) named facilities at Carrollton, Marshall, and Macon, MO, with Carroll, Saline, and Macon Counties, MO, in Sub-No. 14F, (b) named facilities at Fairmont, MN, Omaha, NE, and Postville, IA, with Martin County, MN, Allamakee County, IA, and Omaha, NE, in Sub-No. 15F, part (a); and Storm Lake and Cherokee, IA, with Buena Vista and Cherokee Counties, IA, in part (b), (c) Mason City, IA, and Independence, MO, with Cerro Gordo County, IA, and Jackson County, MO, in Sub-No. 22F, and (d) named facilities at or near Sioux Falls, SD, with Minnehaha County, SD; (3) change its one-way authority to radial authority between the above named cities and counties and points in various specified eastern and central states, in each sub-number; (4) remove the commodities in bulk exception, in Sub-No. 22F; and (5) eliminate the restriction against traffic originating at named facilities, in Sub-Nos. 15F and 31F.

MC 146309 (Sub-7)X, filed March 13, 1981. Applicant: IRVIN D. BLAIR, d.b.a. D & T TRUCKING CO., 4300 Curtis Avenue, Baltimore, MD 21226. Representative: Walter T. Evans, 7901 Eastern Avenue, Silver Spring, MD 20910. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 5F permits (1) to broaden the territorial scope of its authority to between points in the United States under continuing contract(s) with named shippers in both permits, and (2) to broaden its commodity description from steel pipe and steel billets in Sub-No. 1F and steel articles in Sub-No. 5F to "metal products" in both Sub-Nos. 1F and 5F.

MC 147039 (Sub-4)X, filed March 6, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48133. Representative: H. Neil Garson, Suite 400, 3251 Old Lee Highway, Fairfax, VA 22030. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to broaden the commodity description from automotive parts, materials, accessories, and supplies used in the manufacture of automotive vehicles and parts to "transportation equipment, machinery, metal products, and rubber and plastic products."

MC 147096 (Sub-8)X, filed March 6, 1981. Applicant: MADISON BROTHERS DELIVERY SERVICE, INC., 101 Indiana Avenue, Toledo, OH 43602. Representative: Floyd Madison (same as applicant). Applicant seeks to remove restrictions in its MC-150974F permit and in its MC-147096 (Sub-No. 6F) certificates to (1) broaden the territorial description of the lead permit to "between points in the United States," under continuing contract(s) with a named shipper, (2) broaden the commodity description of Sub-No. 6F certificate by including "aluminum allied products" in addition to aluminum and aluminum products, and (3) broaden

the territorial description in Sub-No. 6F by replacing the named shipper facilities near Jones Mill and Gum Springs, AR with county-wide authority, to serve between Memphis, TN, and points in Hot Spring and Clark Counties, AR, and points in the United States.

MC 140105 (Sub-13)X, filed March 9, 1981. Applicant: ARCADIAN MOTORS CARRIERS, 1100 Sierra Street, P.O. Box 427, Kingsburg, CA 93631. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions from its No. MC-143477 (Sub-No. 3F) permit to (1) broaden the commodity description from institutional and industrial maintenance supplies and such commodities as are dealt in by drug, grocery and good businesshouses to "such commodities as are used or dealt in by (a) manufacturers and distributors of institutional and industrial maintenance supplies and (b) drug, grocery and food businesshouses;" (2) eliminating the restriction against commodities in bulk; and (3) broadening the territorial description between points in the United States under continuing contract(s) with the named shipper.

[FR Doc. 81-8609 Filed 3-23-81; 8:45 am]
BILLING CODE 7035-01-M

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC-F-14133, filed August 4, 1979. Ralph A. Posnik, Sr., 3601 Wyoming Avenue, Dearborn, MI 48120—Control—Michigan Transportation Company, 3601 Wyoming Avenue, Dearborn, MI 48120 and R & S Transport, Inc., 3601 Wyoming Avenue, Dearborn, MI 48120. Representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Ralph A. Posnik, the sole stockholder of Michigan Transportation Company and R & S Transport, Inc., seeks Commission authorization for common control of said carriers. Michigan Transportation Company is a motor common carrier pursuant to the certificate issued in No. MC-85934 and subs thereunder. This application is filed pursuant to the condition as set forth in the common carrier application of R & S Transport, Inc. at MC-145747 Sub 2F as published in the **Federal Register** of March 1, 1979 at page 11653.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8601 Filed 3-23-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-015

Decided: March 12, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 9914 (Sub-17), filed February 19, 1981. Applicant: WARREN TRUCKING COMPANY, INC., P.O. Box 2038, Martinsville, VA 24112. Representative: D.R. Beeler, 1261 Columbia Ave., Franklin, TN 37064, (615)-790-2510. Transporting *furniture and fixtures,* between points in NC and VA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 85934 (Sub-139), filed March 3, 1981. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Ave., P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *commodities in bulk,* between points in the U.S. on and east of Interstate Hwy. 35.

MC 94265 (Sub-374), filed February 26, 1981. Applicant: BONNEY MOTOR

EXPRESS, INC., P.O Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328, (404)–256–4320. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 113855 (Sub-526), filed March 2, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Westward Shippers Association, of Renton, WA.

MC 118865 (Sub-14), filed February 17, 1981. Applicant: CEMENT EXPRESS, INC., Hokes Mill Rd and Lemon St., York, PA 17404. Representative: Jerome M. Mulroy, (same address as applicant), (717) 843–1308. Transporting *cement*, between points in York County, PA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS. CONDITION: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificate No. MC 118865 and subs thereunder.

MC 120364 (Sub-31), filed February 25, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608)–273–1003. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Turner Corp., Division of Cleanweld Products, of Sycamore, IL.

MC 120364 (Sub-34), filed March 2, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *metal products, lumber and wood products*, and *furniture and fixtures* between points in the U.S., under continuing contract(s) with Central Quality Industries, Inc., of Polo, Il.

MC 123255 (Sub-230), filed March 2, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: Phillip D. Patterson (same address as applicant), (614) 522–8111.Transporting *building materials*, between points in the U.S.

Note.—Applicant is relying upon traffic studies and past operations in lieu to shipper's support to support this grant of authority

MC 126305 (Sub-155), filed February 10, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *buildings*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 126305 (Sub-156), filed February 23, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201)–234–0301. Transporting *clay, concrete, glass or stone products*, between Chesapeake, VA, on the one hand, and, on the other, points in the U.S.

MC 133154 (Sub-12), filed February 17, 1981. Applicant: BELL TRANSPORT COMPANY, 14000 E. 183rd St., La Palma, CA 90623. Representative: Robert C. Rodgers (same address as applicant), (714) 522–4805. Transporting (1) *clay, concrete, glass or stone products*, and (2) *mineral wool, mineral wool products, air ducts, insulating products*, and *air distributing, ventilating and exhaust systems*, between points in the U.S., under continuing contract(s) with CertainTeed Corporation.

MC 136215 (Sub-1), filed March 2, 1981. Applicant: SERVICE AIR CARGO, 6003 Telegraph Rd., Commerce, CA 90040. Representative: Mark A. Berman (same address as applicant), (213) 722–7215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with International Telephone and Telegraph Corporation, of New York, NY.

MC 138505 (Sub-15), filed February 17, 1981. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 6000 South Ulster, Suite 206, Englewood, CO 80111. Representative: Ralph F. Fox (same address as applicant), (303) 773–8883. Transporting *office products*, between Cincinnati, OH, on the one hand, and, on the other, points in KY and WV, under continuing contract(s) with Boise Cascade Office Products Division, of Cincinnati, OH.

MC 141865 (Sub-9), filed March 2, 1981. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Dr., Grand Prairie, TX 75051. Representative: A. William Brackett, 1108 Continental Life Bldg., Fort Worth, TX 76102, (817) 332–4415. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Champion International Corporation, of Hamilton, OH.

MC 144115 (Sub-17), filed February 24, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th St. NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414)–677–2566. Transporting *food and related products*, between the facilities of Globe Products Company, Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 144994, filed March 2, 1981. Applicant: ED NEAL TRUCKING, 17756 Orchid Street, P.O. Box 786, Fontana, CA 92335. Representative: Edward Michael Neal, Jr. (same address as applicant), (714) 822–6700. Transporting *lumber and wood products*, and *building materials*, between points in CA, NV, AZ, and OR.

MC 145095 (Sub-4), filed February 27, 1981. Applicant: POWER FUELS, INC., P.O. Box 1369, Minot, ND 58701. Representative: F. J. Smith, Suite 307, 420 North 4th St., Bismarck, ND 58501, (701)–255–3071. Transporting (1) *chemicals and related products*, between points in ND, SD, MT, MN and WI, and (2) *petroleum, natural gas and their products*, between points in MT and ND.

MC 147015 (Sub-2), filed March 2, 1981. Applicant: JAMES P. TAYLOR d.b.a. JAMES TAYLOR TRUCKING, 3718 Cass Lake Rd., Manitowoc, WI 54220. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *cement*, between points in York County, PA, on the one hand, and, on the other, points in IL, IN, MI, and WI.

MC 149215, filed February 26, 1981. Applicant: RAYMOND SNELL d.b.a. SNELL & SONS, 5025 Ursula, Denver, CO 80239. Representative: Raymond Snell (same address as applicant). Transporting *telephone equipment*, between points in the U.S.

MC 150054 (Sub-2), filed February 26, 1981. Applicant: J. W. CROWLEY & SONS, INC., P.O. Box 533, Dove Creek, CO 81364. Representative: Steven K. Kuhlmann, 717–17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. Transporting *salt and salt products*, between points in Grand County, UT, on the one hand, and, on the other, points in AZ, CA, CO, IN, NV, NM, TX and WY.

MC 150954 (Sub-17), filed February 17, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tersoro Drive, Suite 515, San Antonio,

TX 78217, (512)–826–8488. Transporting *containers*, between points in the U.S., under continuing contract(s) with American Can Company, of Oak Brook, IL.

MC 150954 (Sub-10), filed February 27, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217, (512) 828–0488. Transporting *rubber and plastic products*, between points in Smith County, TX, on the one hand, and, on the other, points in Yuba County, CA, Cook County, IL, Manistee County, MI, Wayne County, OH, Buncombe County, NC, Chester County, PA, and Suffolk, VA.

MC 151374 (Sub-1), filed February 23, 1981. Applicant: D. B. WATSON, d.b.a. DOT-LINE TRANSPORTATION, 6023 E. Slauson Blvd., Montebello, CA 90640. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738–3869. Transporting *such commodities as are dealt in or used by retail stores and wholesale distributors*, between points in CA, OR, WA, and AZ, on the one hand, and, on the other, points in CA, WA, OR, AZ, NV, NM, UT, CO, ID, NE, KS, MN, LA, MO, OK, TX, LA, AR, MS, AL, GA, SC, FL, TN, NC, KY, VA, WV, OH, IN, IL, WI, MI, PA, NJ, DE, and NY.

MC 153514 (Sub-2), filed March 2, 1981. Applicant: BRUCE MATTILA, d.b.a. BRUCE MATTILA TRUCKING, 5601 E. Glenmoor Rd., Minnetonka, MN 55343. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6600. Transporting *metal products*, between points in Dakota County, MN, on the one hand, and, on the other, points in the U.S.

MC 153704 (Sub-1), filed February 26, 1981. Applicant: AMERICAN TRANSPORT SERVICE, 6759 Meadowbrook Dr., Pensacola, FL 32504. Representative: Edgar O. McCall (same address as applicant), (904) 476–7578. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with American Wood Company, of Hattiesburg, MS.

MC 153914 (Sub-1), filed February 23, 1981. Applicant: NEWMAN BROTHERS TRUCKING, INC., Highway 96, Belk, AL 35455. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting (1) *lumber and wood products*, between points in AL, GA, and MS, on the one hand, and, on the other, points in the U.S., and (2) *clay, concrete, glass or stone products*, between points in Fayette County, AL, on the one hand, and, on the other, points in the U.S.

MC 154084 (Sub-1), filed February 19, 1981. Applicant: CONTRACT TRANSPORT, INC., P.O. Box 698, Hartville, OH 44632. Representative: David A. Turano, 100 East Broad, Columbus, OH 43215, (614) 228–1541. Transporting *building supplies*, between points in the U.S., under continuing contract(s) with Forest City Dillon Precast System, Inc. of Stow, OH.

MC 154455, filed March 2, 1981. Applicant: AUTUMN AGE WANDERERS, LTD., 546 92nd St., Brooklyn, NY 11209. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759–3700. As a *broker*, in arranging for the transportation of *passenger and their baggage*, beginning and ending at New York, NY, and extending to points in the U.S.

MC 154485, filed March 2, 1981. Applicant: BILLY JOE ALLISON, 2959 Knightway Drive, Memphis, TN 38118. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38118. Transporting *sand and gravel*, between points in DeSoto County, MS, on the one hand, and, on the other, points in Shelby, Fayette, Hardeman, McNairy and Hardin Counties, TN.

MC 154534, filed March 2, 1981. Applicant: MUSTANG TRUCKING COMPANY, INC., 1907 West Cedar Ridge Dr., Mustang, OK 73064. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *Mercer commodities*, between points in the U.S., under continuing contract(s) with Aztec Specialty Company, Inc. and Aztec Specialty Leasing Co., Inc., both of Oklahoma City, OK.

Volume No. OPY–3–016

Decided: March 12, 1981

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 29825 (Sub-58), filed February 17, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *rubber and plastic products*, between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 111274 (Sub-66), filed February 25, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–0773. Transporting *pipe*, between points in the U.S., under continuing contract(s) with West Tube Co., Ltd., of Coquitlam, B.C., Canada.

MC 117765 (Sub-311), filed March 2, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant), (405)–943–8533. Transporting *building materials*, (1) between points in Columbia County, AR, Bowie, Dallas, Ellis, Hill, Potter, Tarrant and Wichita Counties, TX and those in KS, MO and OK; and (2) between points in Harvey, Shawnee and Wyandotte Counties, KS, and those in AR, MO and OK.

MC 121805 (Sub-14), filed February 10, 1981. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Ave., North Little Rock, AR 72114. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902, (501) 782–1001. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Strong, AR and Texarkana, TX, over U.S. Hwy 82, serving all intermediate points, (2) Between El Dorado, AR and Magnolia, AR: From El Dorado over AR Hwy 7 to junction AR Hwy 4, then over AR Hwy 4 to East Camden, then over AR Hwy 4 to junction U.S. Hwy 79, and then over U.S. Hwy 79 to Magnolia, and return over the same route, serving all intermediate points, (3) Between Gum Springs, AR and Texarkana, TX, over U.S. Hwy 67, serving all intermediate points, and (4) Between Fort Smith, AR and Texarkana, TX, over U.S. Hwy 71, serving all intermediate points.

MC 128934 (Sub-3), filed February 17, 1981. Applicant: WILLIAM D. REPKO, d.b.a. WILLIAM REPKO TRUCKING, 4 Colonial Ave., Natalie, PA 17851. Representative: William D. Repko (same address as applicant), (717) 339–4172. Transporting (1) *plastic containers and closures*, and (2) *plastic film and sheeting*, between points in the U.S., under continuing contract(s) with Universal Packaging, Division of Kraft, Inc., of Mt. Carmel, PA.

MC 134035 (Sub-48), filed February 20, 1981. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Jack K. Williams, P.O. Box 698, Corsicana, TX 75110, (214) 872–3017. Transporting *steel pipe, conduit and nails*, between points in New Hanover County, NC, Harris and Navarro Counties, TX, Los Angeles and Orange Counties, CA, on the one hand, and, on the other points in the U.S.

MC 136774 (Sub-17), filed March 2, 1981. Applicant: MC-MOR-HAN

TRUCKING CO., INC., P.O. Box 308, Schullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603, (312)–236–0375. Transporting *food and related products*, between points in Allegheny County, PA, Ottawa County, MI, Muscatine County, IA, Mecklenburg County, NC, Sandusky County, OH, and Frederick County, VA.

MC 144115 (Sub-16), filed March 2, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th St., NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2586. Transporting *food and related products*, between the facilities of Leaf Confectionery, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145005 (Sub-5), filed February 20, 1981. Applicant: MAZCO SYSTEMS, INC.; 200 Route 17 South, Mahwah, NJ 07430. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *pipe fittings, connections, and joints*, between points in the U.S., under continuing contract(s) with Elkhart Products Corporation, of Elkhart, IN.

MC 145974 (Sub-11), filed March 2, 1981. Applicant: HIDATCO, INC., P.O. Box 358, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58116, (701) 235–4487. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Frank E. Villaume Lumber Company, of St. Paul, MN.

MC 147075 (Sub-2), filed February 17, 1981. Applicant: P.R.D. TRUCKING CO., a Corporation, 122 E. Wabash, Forrest, IL 61741. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *iron and steel articles*, between points in the U.S., under continuing contract(s) with Portable Elevator Division, Dynamics Corporation of America, of Bloomington, IL.

MC 148714 (Sub-4), filed March 3, 1981. Applicant: JAMES BROWN TRUCKING COMPANY, 6850 Chapman Rd., Lithonia, GA 30048. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 153204 (Sub-1), filed February 18, 1981. Applicant: MANCHESTER SECURITY SERVICE, INC., P.O. Box 4916, 600 Harvey Rd., Manchester, NH 03108. Representative: L. John Osborn, 1660 L St., NW., Suite 1100, Washington, D.C. 20036, (202) 452–1692. Transporting *banking commodities, currency, coin, gold, silver, negotiable and non-negotiable instruments, safety deposit boxes, diamonds, and other valuables, and bank documents and bank memoranda*, between points in NH, ME and MA.

MC 154504, filed February 27, 1981. Applicant: ROBERT E. & CAROL TAYLOR, d.b.a. ROBERT E. TAYLOR, 5227 S.E. Holgate Blvd., Portland, OR 97206. Representative: Carol Taylor, 5227 S.E. Holgate Blvd., Portland, OR 97206, (503) 775–0075. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bar Supply Brokerage, Inc., of Portland, OR.

Volume No. OPY–3–021

Decided: March 17, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 14215 (Sub-92), filed March 9, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of mine roof support systems, between points in Hancock County, WV, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1022), filed March 9, 1981. Applicant: PRE–FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *concrete additives, conditioners and forming materials, and grout*, between the facilities of Superior Concrete Accessories, Inc., in Harris County, TX, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1023), filed March 9, 1981. Applicant: PRE–FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *lumber and wood products*, between points in ID, MT and WY, on the one hand, and, on the other, points in the U.S.

MC 133384 (Sub-5), filed March 9, 1981. Applicant: BARBERTON RECON CENTER, INC., 5075 Wooster Rd., Barberton, OH 44203. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614)–889–2531. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Model A and Model T Car Reproduction Corporation, of Battle Creek, MI.

MC 152115 (Sub-1), filed March 6, 1981. Applicant: GEORGE KUIPHOF d.b.a. G. K. DISTRIBUTING CO., 13024 Maryton, Santa Fe Springs, CA 90670. Representative: (same address as applicant), (213) 921–3030. Transporting *waterheaters, solar collectors, steel pipe, and pipe fittings*, between Los Angeles, CA, points in AZ and NV.

FF 535, filed March 6, 1981. Applicant: UNITED FORWARDING, INC., 7000 Bldg., Suite 445, 7000 West Center Rd., Omaha, NE 68106. Representative: William T. Runyan (same address as applicant), (402) 393–5612. As a *freight forwarder*, transporting *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–019

Decided: March 17, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 106074 (Sub-173), filed March 3, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404)–256–4320. Transporting *food and related products*, between points in Webb, Cameron, Hidalgo, and Bexar Counties, TX, on the one hand, and, on the other, points in AL, AR, FL, GA, IA, KS, LA, MN, MI, NE, NC, OK, SC and TN.

MC 140334 (Sub-7), filed March 5, 1981. Applicant: AM–CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *such commodities* as are dealt in or used by manufacturing and distributors of woven fiber glass and synthetic fabrics, between points in the U.S., under continuing contract(s) with Clark-Schwebel Fiber Glass Corp., of Anderson, SC.

MC 141865 (Sub-10), filed March 6, 1981. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Drive, Grand Prairie, TX 75051. Representative: A. William Brackett, 1108 Continental Life Bldg., Fort Worth, TX 76102, (817) 332–4415. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Manville Forest Products Corporation, of West Monroe, LA.

MC 152754 (Sub-1), filed March 6, 1981. Applicant: CARL SHERMER, d.b.a.

C. L. SHERMER TRUCK LINES, 3282 Independence St., Grove City, OH 43123. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215) 735–3090. Transporting *general commodities* (except classes A and B explosives), betwen points in the U.S., under continuing contracts with Johnson & Tower, Inc., of Mt. Laurel, NJ, and Stonhard, Inc., of Maple Shade, NJ.

MC 154524, filed March 5, 1981. Applicant: LIESFELD LUMBER CO., INC., P.O. Box 129, Laurel, VA 23060. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting *metal products*, between points in Camden County, NJ, on the one hand, and, on the other, points in DE, MD, VA and DC.

Volume No. OPY–4–33

Decided: March 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 91306 (Sub-39), filed February 18, 1981 previously published in the Federal Register issue of March 12, 1981, and republished this issue. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW, Washington, DC 20005, (202) 347–0332. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of health-care products, between points in Union County, NJ, on the one hand, and, on the other, points in Cobb and Newton Counties, GA.

Note.—The purpose of this republication is to identify Cobb and Newton as counties in GA in lieu of CA.

MC 129296 (Sub-5), filed March 5, 1981. Applicant: M & D HAULING, INC., 260 Jordon Avenue, Montoursville, PA 17754. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting (1) *salt and salt products*, and (2) *materials* used in the agricultural, water treatment, food processing, grocery and institutional supply industries, between points in CT, DE, IN, ME, MD, MA, MI, NH, IL, NC, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 147066 (Sub-3), filed March 9, 1981. Applicant: LUCKY THIRTEEN TRANSPORTATION CO., INC., 15200 Hesperian Blvd., San Leandro, CA 94578. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with H. S. Crocker Co., Inc., of San Bruno, CA.

MC 149406 (Sub-10), filed March 5, 1981. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, 222 40th St., S.W., Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *such commodities* as are dealt in or used by agricultural and industrial equipment manufacturers, between points in Racine and Marathon Counties, WI, Vigo County, IN, Des Moines and Scott Counties, IA and Sedgwick County, KS, on the one hand, and, on the other, points in ID, MT, NE, ND, OR, SD, WA and WY.

Volume No. OP1–085

Decided: March 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 2860 (Sub-217), filed March 3, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Richard M. Parnicky (same address as applicant). Transporting *rubber and plastic products*, between the facilities of Mobil Chemical Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 99830 (Sub-2), filed February 26, 1981. Applicant: CABCO, INC., d.b.a. C & D CARTAGE, 21 Walpole St., Norwood, MA 02062. Representative: John F. O'Donnell, P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, and RI. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC–99830 Sub 1.

MC 106920 (Sub-127), filed March 5, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001, (419) 629–2861. Transporting *food and related products*, between points in Erie County, NY, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM.

MC 104430 (Sub-66), filed March 9, 1981. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Robert L. McArty, P.O. Box 22828, Jackson, MS 39205, (601) 948–6820. Transporting *chemicals and related products*, between points in Jones County, MS, on the one hand, and, on the other, points in AL, FL, GA, LA, and TN.

MC 111401 (Sub-713), filed March 9, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant), (405) 234–4663. Transporting *chemicals and related products*, between points in Hidalgo County, NM, on the one hand, and, on the other, points in TX.

MC 121060 (Sub-135), filed February 26, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant) (205) 324–4525. Transporting *pulp, paper and related products, lumber and wood products, rubber and plastic products, metal articles, and construction materials*, between points in AR, TX, LA, MS, TN, AL, GA, FL, NC, and SC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 121060 (Sub-136), filed March 3, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant) (205) 324–4525. Transporting *clay, concrete, glass or stone products*, between points in Tuscarawas County, OH, on the one hand, and, on the other, points in the U.S.

MC 123880 (Sub-1), filed March 5, 1981. Applicant: BROWN GOBBLE, d.b.a. GOBBLE TRUCKING COMPANY, 708 High St., Lawrenceburg, TN 38464. Representative: B. E. Bryant, 336 Pulaski St., Lawrenceburg, TN 38464, (615) 762–2242. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Kaiser Aluminum & Chemical Corporation, Kaiser Agricultural Chemicals Division, of Savannah, GA.

MC 125951 (Sub-71), filed February 18, 1981. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant), (402) 393–5005. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in by grocery and food stores, and retail department stores, between points in NE and IA, on the one hand, and, on the other, points in CA, NV, AZ, and those points in the U.S. in and east of SD, SD, NE, KS, OK, and TX.

MC 133221 (Sub-41), filed March 2, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Hwy., Lawrenceville, GA 30245. Representative: W. D. Beaver (same address as applicant), (404) 963–6212. Transporting *rubber and plastic*

products, between points in Butler county, OH, on the one hand, and, on the other, those points in the U.S. on and east of U.S. Hwy 85.

MC 133221 (Sub-43), filed March 9, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Hwy., Lawrenceville, GA 30245. Representative: W. D. Beaver (same address as applicant), (404) 963-6212. Transporting (1)(a) *rubber and plastic products*, and (b) *waste or scrap materials* not identified by industry producing, between Trenton, NJ, and points in Harris County, TX, on the one hand, and, on the other, points in the U.S., and (2) *rubber and plastic products*, between Parkersburg, WV, on the one hand, and, on the other, points in the U.S.

MC 135692 (Sub-53), filed March 6, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 South 33rd Street, P.O. Box 6645, Lincoln, NE 68506 (402) 489-3585. Transporting *Materials, equipment and supplies* used in the manufacture of furniture, between points in Broward County, FL, on the one hand, and, on the other, points in TX.

MC 143091 (Sub-3), filed March 9, 1981. Applicant: R AND R TRUCKING, INC., 1257 E. Reno, Oklahoma City, OK 73117. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262-1322. *Over regular routes*, transporting *general commodities* (except classes A and B explosives), (1) between Oklahoma City and Durant, OK, from Oklahoma City over U.S. Hwy 77 to junction OK Hwy 39, then over OK Hwy 39 to junction OK Hwy 3, then over OK Hwy 3 to junction OK Hwy 99, then over OK Hwy 99 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Durant, and return over the same route, (2) between Durant and Broken Arrow, OK, over U.S. Hwy 70, (3) between Caddo, OK and the OK-TX State line, over U.S. Hwy 75, between Oklahoma City and Broken Bow, OK from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 177, then over U.S. Hwy 177 to junction OK Hwy 3, then over OK Hwy 3 to Broken Bow, and return over the same route, serving the off-route point of Wright City, OK, (5) between Tupelo and Durant, OK, over OK Hwy 48, (6) between Clayton and Hugo, OK over U.S. Hwy 271, serving all intermediate points in connection with routes (1) through (6) above. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of its certificate of registration in No. MC-143091 Sub-No. 1.

Note.—The purpose of this application is to convert applicant's certificate of registration into a certificate of public convenience and necessity.

MC 144740 (Sub-32), filed March 2, 1981. Applicant: L. G. DEWITT, INC., PO Box 70, Ellerbe, NC 28338. Representative: Fred Daugherty (same address as applicant). Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Borck's Country Home Bakeries, Inc., of Atlanta, GA.

MC 146481 (Sub-4), filed March 2, 1981. Applicant: WOLF LEASING CO., INC., P.O. Box 13297, Eightmile, AL 36613. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301, (404) 522-2322. Transporting *general Commodities* (except classes A and B explosives), between points in the U.S., under continuing conract(s) with (a) Armco, Inc., of Middletown, OH, and (b) Bittner Industries, Inc., of Prichard, AL.

MC 149170 (Sub-22), filed March 5, 1981. Applicant: ACTION CARRIER, INC., 1000 East 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-0375. Transporting *general commodities* (except classes A and B explosives), between points in IA, MN, NE, and SD, on the one hand, and, on the other those points in the U.S. east of MT, WY, UT, and NM. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. 11343, or submit an affidavit indicating why such approval in unnecessary.

MC 150231 (Sub-10), filed March 3, 1981. Applicant: MAVERICK TRANSPORTATION, INC., 1803 E. Broad St., Texarkana, AR 75502. Representative: Lawrence Leahy (same address as applicant), (501) 773-7638. Transporting *metal products*, between points in Johnson and Wyandotte Counties, KS, and those in Clay and Jackson Counties, Mo, on the one hand, and, on the other, points in AL, AR, CO, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, ND, NE, OH, OK, SD, TN, TX, and WI.

MC 152821 (Sub-3), filed March 2, 1981. Applicant: RUSH TRANSPORT, INC., 172 Chestnut St., Springfield, MA 01105. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives), betwen points in CT, MA, NJ, NY, and RI, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 154031 (Sub-1), filed March 6, 1981. Applicant: GREEN LINE EQUIPMENT, INC., 2223 Old Hwy. 45 North, Columbus, MS 39701. Representative: David F. Perkins (same address as applicant), (601) 328-4965. Transporting *lumber and wood products*, between points in Marion County, AL, on the one hand, and, on the other, points in MO, IL, IA, NE, WI, and MN.

MC 154461, filed March 3, 1981. Applicant: VILLAGE CHARTERS, INC., Suite 404, Colorado Derby Bldg., 202 W. First, Wichita, KS 67202. Representative: Mark S. Marney (same address as applicant), (316) 264-3543. Transporting *passengers and their baggage*, in special and charter operations, between points in Sedgwick County, KS, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI).

MC 154481, filed March 2, 1981. Applicant: N.W. HAYMAN TRUCKING, INC., Route 1, Box 19, Ridgely, MD 21660. Representative: Gerald I. Street, 304 S. State Street, P.O. Box 1299, Dover, DE 19901, (302) 674-5025. Transporting *food and related products*, between points in MA, those in Mobile County, AL, Dade County, FL, Kane County, IL, Cumberland County, NJ, and Cuyahoga County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 154561, filed March 6, 1981. Applicant: EATON DISTRIBUTING COMPANY, INC., 2951 Coors Court, Santa Rosa, CA 95401. Representative: Thomas P. Kelly, Jr., P.O. Box 1566, Santa Rosa, CA 95402, (707) 542-5050. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) Rocky Mountain Mercantile Company of Denver, CO, and (b) Baker Beverage, Inc., of Ukiah, CA.

Volume No. OP5-12

Decided: March 16, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 19778 (Sub-116), filed March 3, 1981. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 10800 Franklin Ave., Franklin Park, IL 60131. Representative: Mr Robert F. Munsell, (same address as applicant), (312) 860-4878. Transporting *building materials*, between points in Minnehaha County, SD, and points in ND.

MC 46518 (Sub-15), filed February 23, 1981. Applicant: R.F.C. TRANSPORT, INC., 7200 Fly Rd., P.O. Box 208, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–6645. Transporting *general commodities* (except classes A and B explosives) between points in CT, MA, ME, NH, RI, VT, and those in NY north of Sullivan, Ulster, and Dutchess Counties. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation of Certificate No. MC–46518 lead and Sub Nos. 13 and 14, and also coincidental cancellation of Certificates held by applicant's commonly controlled affiliate, in No. MC–52437 lead and Sub Nos. 3, 4, 5, 6, 9, and 11.

MC 102478 (Sub-2), filed February 23, 1981. Applicant: BRIGHT BELT MOTOR LINES, INC., P.O Box 237, Grifton, NC 28530. Representative: Ralph McDonald P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *lumber and wood products*, between points in NC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MD, ME, MA, NH, NJ, NY, PA, OH, RI, SC, TN, VA, VT, WI, WV, and DC.

MC 109028 (Sub-16), filed February 10, 1981. Applicant: S & W TRANSFER, INC., 312 E. Wisconsin Ave., Milwaukee, WI 53202. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting (1) *chemicals and related products*, (2) *petroleum or coal products*, and (3) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Mobil Oil Corporation, of Dallas, TX.

MC 113059 (Sub-13), filed February 27, 1981. Applicant: KELLER TRANSPORT, INC., Route 9 Katy Lane, Billings, MT 59101. Representative: F.E. Keller (same address as applicant), (406) 656–1403. Transporting *petroleum, natural gas, and their products*, between points in Missoula County, MO, on the one hand, and, on the other, those points in ID in and north of Washington; Adams, Valley, Custer, and Lemhi Counties.

MC 113499 (Sub-9), filed March 2, 1981. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. #1, Falling Waters, WV 25419. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014, (301) 986–9030. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with E.I. du Pont de Nemours & Company, of Wilmington, DE. Condition: Any permit issued in this proceeding to the extent authority is granted to transport classes A and B explosives, shall be limited in point of time to a period expiring 5 years from the date of issuance of the permit.

MC 117169 (Sub-6), filed March 3, 1981. Applicant: DAWN ENTERPRISES, INC, d.b.a. DAWN TRUCKING CO., P.O. Box 204, Farmington, NM 87401. Representative: Richard S. Mandelson, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, (303) 861–4028. Transporting (1) *machinery and equipment*, and (2) *mercer commodities*, between points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 119619 (Sub-149), filed February 23, 1981. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43rd St., Chicago, IL 60609. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *food and related products*, between points in Hancock County, OH, on the one hand, and, on the other, points in CT, DE, IN, IL, IA, ME, MD, MA, MI, MN, NH, NJ, OH, PA, RI, VA, VT, WV, and WI.

MC 121568 (Sub-61), filed February 20, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James D. Caldwell (same address as applicant), (615) 242–5552. Transporting *general commodities* (except classes A and B explosives), between the facilities used by General Tire and Rubber Company at points in the U.S. on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack with its existing authority.

MC 127939 (Sub-6), filed March 2, 1981. Applicant: BROWN FREIGHT LINE, INC., 122 Tredco Drive, Nashville, TN 37211. Representative: J. T. Whitehead (same address as applicant), 615–255–8523. Over regular routes, transporting *general commodities*, (except classes A and B explosives), (1) between Memphis and Chattanooga, TN: from Memphis over Interstate Hwy 40 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction TN Hwy 28, then over TN Hwy 28 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Chattanooga, and return over the same route; (2) between Monteagle and Nashville, TN, serving all points within 10 miles of Tullahoma, TN: from Monteagle over U.S. Hwy 64 to junction U.S. Hwy 41A, then over U.S. Hwy 41A to Nashville and return over the same route; (3) between Nashville and Memphis, TN: from Nashville over U.S. Hwy 31 to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 31A, then over U.S. Hwy 31A to U.S. Hwy 64, then over U.S. Hwy 64 to Memphis and return over the same route; (4) between Nashville and Lewisburg, TN: over U.S. Hwy 31A; (5) between Lewisburg, TN, and junction U.S. Hwy 41A and TN Hwy 64: from Lewisburg over U.S. Hwy 31A to junction TN Hwy 64, then over TN Hwy 64 to junction U.S. Hwy 41A and return over the same route, serving all intermediate points on routes (1) through (4). Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing certificates of registration.

MC 135656 (Sub-9), filed February 20, 1981. Applicant: ROCK RIVER CARTAGE, INC., R.R. #2, Box 430, Rock Falls, IL 61071. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5466. Transporting *chemicals and related products*, between points in IA, IL, IN, MN, MO, OH, and WI.

MC 135969 (Sub-22), filed February 20, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320–6100. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Sterling Colorado Beef Co., of Sterling, CO, and Circle C Beef Co., a wholly-owned subsidiary of Sterling Colorado Beef Co., of Denver, CO.

MC 136436 (Sub-105), filed February 23, 1981. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *aluminum and aluminum products*, between points in Frederick County, MD, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 138469 (Sub-267), filed March 2, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068, (312) 692–3020. Transporting *such commodities* as are dealt in or used by distillers of alcoholic beverages, (a) between Oklahoma City, OK and points in MN, and (b) between points in IL, on the one hand, and, on the other, points in the U.S.

MC 142559 (Sub-166), filed February 27, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3630 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215,

(614) 228–1541. Transporting *pulp, paper and related products*, between points in the U.S.

MC 143069 (Sub-166), filed March 2, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant), (502) 584–2301. Transporting (1) *metal products*, and (2) *machinery*, between points in Clark County, NV, and points in CA, IL, OR, PA, and TX, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX.

MC 145018 (Sub-22), filed February 27, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507, (717) 343–2126. Transporting *building materials*, between points in IN, IL, NJ, PA, and MD, on the one hand, and, on the other, points in LA, TX, and those in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 145018 (Sub-23), filed March 2, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507, (717) 343–2126. Transporting *rubber and plastic products*, between Pottsville, PA, on the one hand, and, on the other, points in AL, KY, GA, FL, IN, IL, NC, OH, SC, and TN.

MC 145829 (Sub-28), filed February 9, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with ABC-TNT/Acme Fast Freight, Inc., of Los Angeles, CA.

Volume No. OPY–5–13

Decided March 16, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce and Dowell.

MC 143059 (Sub-165), filed March 3, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore, (same as applicant), (502) 584–2301. Transporting *metal products* between points in the U.S.

MC 145018 (Sub-21), filed February 17, 1981. Applicant: NORTHWEST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507, (717) 343–2126. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 145848 (Sub-3), filed February 17, 1981. Applicant: CROSLAND TRUCKING, INC., 3170 Broadway, Ville Brossard, Quebec, Canada J4Z 2p5. Representative: Chandler L. van Orman, 1729 H. Street, NW., Washington, DC 20006, (202) 337–6500. Transporting *lumber and wood products* between points in the U.S., under continuing contract(s) with Northland Forest Products, Inc., of Kingston, NH.

MC 146479 (Sub-12), filed March 2, 1981. Applicant: HARRISON CARRIERS, INC., P.O. Box 367, Harrison, NY 10528. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives), between points in St. Louis County, MO, on the one hand, and, on the other, points in the U.S.

MC 147318 (Sub-4), filed March 2, 1981. Applicant: DEEP SOUTH TRUCKING, INC., Hwy. 11 North, P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, 202 Main St., P.O. Box 606, Purvis, MS 39475, (601) 794–8003. Transporting *welding wire and electrodes*, between points in the U.S., under continuing contract(s) with Dealers Wholesale Welding Supply, Inc., of Dallas, TX.

MC 148308 (Sub-2), filed February 23, 1981. Applicant: ROTRANSCO, INC., 6516 W. 74th, Bedford Park, IL 60638. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375.Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Toyota Motor Distributors U.S.A., Inc., of Carol Stream, IL.

MC 148319 (Sub-3), filed March 4, 1981. Applicant: ELLIS B. STOFLE, d.b.a., Stofle Trucking, P.O. Box 42, Tioga, TX 76271. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *alcoholic beverages*, between points in NY, NJ, and MD, on the one hand, and, on the other, points in TX and LA.

MC 148958 (Sub-1), filed February 9, 1981. Applicant: EVCCO TRANSPORTATION, INC., Route 22, Box 535, Lebanon, NJ 98833. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07944, 201–435–7140. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, and (3) *health care products*, between Chicago, IL, Los Angeles, CA, points in Middlesex County, NJ, and Cobb County, GA, and facilities of Georgia-Pacific Corporation in the U.S., on the one hand, and, on the other, points in the U.S., and (4) *furniture and fixtures* between New York and points in Monroe County, NY, and points in New Haven County, CN, and Lehigh County, PA, on the one hand, and, on the other, points in the U.S.

MC 149179 (Sub-3), filed February 20, 1981. Applicant: MAYLAND ENTERPRISES, INC., Withrow Rd., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *rubber and plastic products*, between Baltimore, MD, Baton Rouge, LA, and points in Grant County, WV, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 150538 (Sub-1), filed February 10, 1981. Applicant: T. C. TRANSPORTATION, INC., 4710 Squaw Creek Rd., Crystal Lake, IL 60014. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, 312–332–5100. Transporting *metal products* between points in the U.S.

MC 150578 (Sub-12), filed February 20, 1981. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as applicant), (214) 681–0454. Transporting *general commodities* (except classes A and B explosives) between Portland, OR, Spartanburg, SC, and points in Westmoreland County, PA, on the one hand, and, on the other, points in the U.S.

MC 152309 (Sub-1), filed February 19, 1981. Applicant: CRYSTAL FREIGHT LINES, a corporation, 3928 Montclair Rd., Suite 218, Mountain Brook, AL 35213. Representative: D. R. Beeler, 1261 Columbia Ave., Franklin, TN 37064, 615–790–2510. Transporting *chemicals and related products* between Memphis, TN, on the one hand, and, on the other, points in AL, AR, GA, TX, MS, LA, MO, KS, and FL.

MC 152368 (Sub-1), filed February 9, 1981. Applicant: D. L. WILLIAMS TRUCKING, INC., P.O. Drawer 818, Hillsboro, TX 76645. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, No. 301, Dallas, TX 75237, 214–339–4106. Transporting *metal products* between points in Cross County, AR, and Hill County, TX, on the one hand, and, on the other, points in AR, AZ, CA, IN, IL, OK, NJ, NY, MI, and TX.

MC 152599 (Sub-1), filed March 2, 1981. Applicant: SOUTHERN

CARRIERS, INC., P.O. Box 631, Galena Park, TX 77547. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102, (817) 332-4415. Transporting *general commodities* (except classes A and B explosives) between points in TX and OK.

MC 152899 (Sub-1), filed March 3, 1981. Applicant: SPECIALIZED DELIVERY SERVICE, P.O. Box 8037, Albuquerque, NM 87198. Representative: John P. Barbara (same address as applicant), (505) 293-7176. Transporting *general commodities* (except classes A and B explosives), between Albuquerque, NM, on the one hand, and, on the other, points in CO south of U.S. Hwy 50, and points in NM.

MC 154259, filed February 18, 1981. Applicant: LOOKABAUGH TRUCKING, INC., 4885 Botkin Rd., London, OH 43140. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215, 614-228-1541. Transporting *food and related products* between points in Clark County, OH, on the one hand, and, on the other, points in CT, DE, FL, IL, IN, KY, MA, MD, MI, NC, NJ, NY, PA, SC, TN, VA, and WV.

MC 154479, filed March 3, 1981. Applicant: AMERICAN DELIVERY SERVICE COMPANY, 1990 North California Blvd., Walnut Creek, CA 94596. Representative: James O. Corley, (same address as applicant), (415) 943-6210. Transporting *such commodities* as are dealt in or used by retail department stores, wholesale mercantile stores, and mail order houses, between points in the U.S., under continuing contract(s) with Montgomery Ward & Co., Incorporated, of Chicago, IL, and its subsidiaries.

MC 154528, filed March 4, 1981. Applicant: LENTZ MILLING COMPANY, INC., 2045 North 11th St., Reading, PA 19604. Representative: Harris T. Bock, 1915 Three Penn Center Plaza, Philadelphia, PA 19102; (215) 563-4800. Transporting *food and related products*, between points in IA, IL, IN, MA, MI, NJ, NY, OH, PA, on the one hand, and, on the other, points in IL, IN, MD, MI, NJ, NY, OH, PA, WI, and WV.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8904 Filed 3-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4-72

Decided: March 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 37696 (Sub-41) filed February 6, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as applicant). Transporting *general commodities* (except classes A and B explosives), (1) between points in NC, SC and TN, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S.

MC 117686 (Sub-294) filed November 12, 1980, previously published in the Federal Register issue of February 3, 1981, and republished this issue. Applicant: HIRSCHBACH MOTOR LINES, INC., 920 West 21st St., P.O. Box 155, South Sioux City, NE 68776. Representative: George L. Hirschbach (same address as applicant). Transporting *bananas*, from Galveston, TX and Gulfport, MS, to points in OK and WI.

Note.—The purpose of this republication is to correct the commodity and territorial descriptions, and the filing date of the application, previously noticed as October 14, 1980.

MC 143636 (Sub-12F) filed November 5, 1981, and previously noticed in the Federal Register issue of December 2, 1980. Applicant: RON SMITH TRUCKING, INC., R.R. No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *feed ingredients and feed byproducts*, between points in IL, on the one hand, and, on the other, points in IN, IA, KY, MO and WI.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8908 Filed 3-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the

Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of the verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–202

Decided: March 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 134105 (Sub-85), filed December 8, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). Transporting *meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses* (except commodities in bulk), from the facilities of Vernon Calhoun Packing Co., at or near Palestine, TX, to points in the U.S.

MC 154105 (Sub-1), filed February 6, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., North Carolina Hwy 150, P.O. Box 471, Cherryville, NC 28021. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Celanese Corporation and its subsidiaries and division, including Celanese Fibers Company, Celanese Fibers Marketing Company, Fiber Industries, Inc., Moultrie Products Company, Amcel Company, Pan Amcel Company and Pama Manufacturing, Inc., all of Charlotte, NC. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 154424, filed February 5, 1981. Applicant: GREATER WILDWOOD GOLDEN AGE FESTIVAL, INC., 5501 Ocean Ave., Wildwood Crest, NJ 08260. Representative: Michael DiAntonio, 311E Trenton Ave., Wildwood Crest, NJ 08260. As a *broker,* in arranging for the transportation of *passenger and their baggage,* between those points in the U.S. in and east of MI, IN, KY, KY, TN, and MI.

MC 154465, filed February 4, 1981. Applicant: ALL-AMERICA DRIVEAWAY COMPANY, INC., 1018 Commonwealth Ave., Boston, MA 02215. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *transportation equipment,* between points in the U.S.

MC 154555, filed February 4, 1981. Applicant: RAYMOND M. MYLET, d.b.a. RAY MYLET TRUCKING, 628 Landmesser St., West Hazleton, PA 18201. Representative: Keith W. Karchner, P.O. Box 22, Rock Glen, PA 18246. Transporting *stone,* between points in VT, on the one hand, and, on the other, those points in PA on and east of U.S. Hwy 15.

MC 154564, filed February 6, 1981. Applicant: W. J. BARRY HOUSE TRANSPORTATION, INC., 4 Delaware Ave., Norwalk, CT 06851. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) *livestock,* other than ordinary, (2) *stable supplies and equipment,* and (3) *attendants and personal effects* of attendants, between points in ME, VT, NH, CT, MA, RI, NY, NJ, PA, OH, MD, WV, DE, VA, KY, TN, NC, SC, GA, FL, and DC, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8908 Filed 3-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OP1-083]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: March 16, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11348, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Parker, Chandler and Taylor.

Agatha L. Mergenovich,

Secretary.

MC–F–14572, filed February 6, 1981. TOLBERT F. KERR (C.D. RIPPY AND WARD DEWITT, JR.-Trustees)(Kerr) (P.O. Box 8, Lascassas, TN 37130)—CONTINUANCE IN CONTROL—QUICK-WAY CARRIERS, INC. (Quick)(P.O. Box 8, Lascassas, TN 37130). Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Kerr seeks to continue in control of Quick upon the institution by Quick of operations, in interstate or foreign commerce, as a motor common carrier. Kerr, an individual controls Murfreesboro Freight Line Co., a common carrier pursuant to certificates issued in MC 36448. Condition: To eliminate the holding of duplicating authority by commonly controlled carriers, approval and authorization of this transaction is conditioned upon the prior cancellation of MC 36448 (Sub-7). (Hearing site: Nashville, TN)

Note.—Quick has filed as a directly related application its initial common carrier application, docketed MC 151190 (Sub-1), published in this same Federal Register issue.

[FR Doc. 81-8882 Filed 3-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY5–14

Decided: March 16, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 96878 (Sub-6), filed February 24, 1981. Applicant: CONSOLIDATED TRANSFER AND WAREHOUSE CO., INC., 1251 Taney Road, North Kansas City, MO 64116. Representative: Alfred L. King (same address as applicant), (816) 221–3411. Transporting for or on behalf of the United States government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 103798 (Sub-53), filed March 2, 1981. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods,

hazardous, or secret materials, and sensitive weapons, and munitions), between points in the U.S.

MC 143559 (Sub-1), filed February 18, 1981. Applicant: MODERN TRANSPORTATION SERVICE, INC., 8192 Newington Rd., Newington, VA 22122. Representative: Joan Pascavage, (same address as applicant), (703) 550–7344. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 146018 (Sub-4), filed February 17, 1981. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148899 (Sub-2), filed February 20, 1981. Applicant: BARTLOW TRUCK LINES, INC., P.O. Box 224, Faucett, MO 64448. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068, 816–781–6000. Transporting, for and on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154468, filed March 2, 1981. Applicant: PRIORITY DISPATCH OF KENTUCKY, INC., 731-B Allendale Drive, P.O. Box 336, Lexington, KY 40584. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–3–017

Decided: March 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 125844 (Sub-27), filed March 2, 1981. Applicant: BIO–MED–HU, INC., 1901 Outer Loop, Louisville, KY 40219. Representative: Mark R. Feather, 1600 Ciltizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 146554 (Sub-1), filed March 10, 1981. Applicant: WALD TRANSFER & STORAGE CO., P.O. Box 344, Houston, TX 77001. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437–1768. Transporting, for or on behalf of the U.S. Govenment, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154395, filed February 19, 1981. Applicant: DIAMOND STATE RUCK BROKERS, INC., P.O. Box 280, Milford, DE 19963. Representative: R. Emery Clark, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005, (202) 296–3555.As a broker of *general commodities* (except household goods), between points in the U.S.

MC 154464, filed February 20, 1981. Applicant: BOB HIMES, INC., 8611 New Benton Hwy., Little Rock, AR 72209. Representative: Robert H. Himes (same address as applicant), (501) 224–0153. Transporting *general commodities* (except classes A and B explosives), between Bridgetown, Cheviot, Coverdale, Dent, Miami, and Willeys, OH, and Alum Rock, Blair's, Dudley, Jefferson, Ritts, St. Petersburg, Turkey, and Worthington, PA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 154494, filed March 3, 1981. Applicant: MIDWEST CONTINENTAL, INC., 5200 Highway 75 North, Sioux City, IA 51102. Representative: Richard D. Frank (same address as applicant), (712) 239–1613. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and materials), between points in the U.S.

MC 154535, filed March 5, 1981. Applicant: JAN PACKAGING, INC., P.O. Box 448, Harrison St., Dover, NJ 07801. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 575–7700. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154565, filed March 6, 1981. Applicant: WILLIAM E. COX, d.b.a. BORDER EXPRESS, 711 Fifth St., Apt. 4, Coronado, CA 92118. Representative: William H. Shawn, Suite 501, 1730 M St., NW, Washington, DC 20036 (202) 296–2900. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume OPY–3–022

Decided March 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 59135 (Sub-42), filed March 9, 1981. Applicant: RED STAR EXPRESS LINES OF AUBURN, INC., 24–50 Wright Ave., Auburn, NY 13021. Representative: Edward J. Kiley, 1730 M St., NW, Washington, DC 20036 (202) 296–2900. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 126925 (Sub-16), filed March 9, 1981. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Administration Building, Bluegrass Field, Lexington, KY 40504. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankford, KY 40602 (502) 223–8244. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous of secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *shipments weighing 100 lbs. or less*, if transported in a motor vehicle in which no one package exceeds 100 lbs., between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–8907 Filed 3–23–81; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Consent Decree In Action To Enforce Compliance With Clean Air Act; Growmark, Inc.

In accordance with Departmental Policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19029, notice is hereby given that a consent decree in *United States* v. *Growmark, Inc.*, was lodged with the United States District Court for the Central District of Illinois. The decree requires Growmark to comply with the applicable portion of the federally-approved Illinois state implementation

plan at three gasoline loading terminals it operates in Illinois and provides that Growmark will pay a civil penalty in the amount of $5,000.

The Department of Justice will receive for a period of thirty (30) days from the date of the notice, written comments relating to the proposed consent decree. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Growmark, Inc.*, D.J. Ref. 90-5-2-1-344.

The consent decree may be examined at the office of the United States Attorney, Central District of Illinois, Room 312, U.S. Post Office and Federal Building, 600 East Monroe Street, Springfield, Illinois 62705, at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-8660 Filed 3-23-81; 8:45 am]

BILLING CODE 4410-01-M

Consent Decree In Action To Enforce Compliance With Clean Air Act; Rookwood Oil Terminals, Inc.

In accordance with Departmental Policy, 28 C.F.R. § 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States* v. *Rookwood Oil Terminals, Inc.*, was lodged with the United States District Court for the Southern District of Ohio. The decree requires Rookwood to comply with the applicable portion of the federally-approved Ohio state implementation plan and provides that Rookwood will pay a civil penalty of $2,500.

The Department of Justice will receive for a period of thirty (30) days from the date of the notice, written comments relating to the proposed consent decree. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Rookwood Oil Terminals, Inc.*, D.J. Ref. 90-5-2-1-288.

The consent decree may be examined at the office of the United States Attorney, Southern District of Ohio, 722 U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, Ohio 43215, at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-8660 Filed 3-23-81; 8:45 am]

BILLING CODE 4410-01-M

Office of Juvenile Justice and Delinquency Prevention

Prevention of Juvenile Delinquency Through Capacity Building—Cycle II; Cancellation of Proposed Guideline

Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention is canceling the proposed Guideline entitled Prevention of Juvenile Delinquency Through Capacity Building—Cycle II published for comment in the Federal Register on January 23, 1981. (Vol. 46, No. 15, P. 7509–7510).

This cancellation is based on the following: (1) the Administration's budget request to Congress for FY 1982 eliminates funding for the Office of Juvenile Justice and Delinquency Prevention thereby necessitating that plans for new programs be canceled and that phase out procedures be initiated; (2) an examination of the costs related to the review, selection and processing of concept papers/applications indicate that the Capacity Building Cycle II initiative would not be cost-effective in relation to the funds available for award, and; (3) the initiative must be reassessed in terms of competing priorities for OJJDP funds.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-8677 Filed 3-23-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-11-M]

Armstrong and Armstrong; Petition for Modification of Application of Mandatory Safety Standard

Armstrong and Armstrong, P.O. Box 1873, Roswell, New Mexico 88201 has filed a petition to modify the application of 30 CFR 56.4-27 (fire extinguishers on self-propelled mining equipment) to its Chaves County Gravel Pit located in Chaves County, New Mexico. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-propelled mobile equipment be provided with a suitable fire extinguisher readily accessible to the equipment operator.

2. Petitioner is experiencing problems with the theft of fire extinguishers from its mobile equipment. Locks on the fire extinguishers have not proven to be a satisfactory solution.

3. Because the crusher site is above ground, petitioner states that in the event of a mobile equipment fire, the operator can stop and abandon the machine.

4. As an alternate method, petitioner proposes to keep the fire extinguishers at the control trailer. In the event of a fire, an extinguisher will be readily accessible to every person on the site to extinguish the fire.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 23, 1981. Copies of the petition are available for inspection at that address.

Dated: March 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-8660 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-24-C]

Cordero Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Cordero Mining Company, P.O. Box 1449, Gillette, Wyoming 82716 has filed

a petition to modify the application of 30 CFR 77.403a (mobile equipment; rollover protective structures (ROPS)) to its mine located in Campbell County, Wyoming. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that mobile equipment be equipped with rollover protective structures (ROPS).

2. Petitioner is seeking a modification to allow the use of a farm tractor without ROPS for preparation and seeding of mined land provided the surface does not exceed a 10 percent slope on areas in which this equipment would be subject to work.

3. In support of this request, petitioner states that:

a. Farm type tractors can safely work ten percent grades or less without the possibility of rolling over;

b. Farm tractors normally are factory constructed with roll-over protection, although not according to MSHA's standard for ROPS; and

c. Subcontracting reclamation work is of short duration on an annual basis (2–3 weeks).

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before (insert date 30 days from publication in the **Federal Register**). Copies of the petition are available for inspection at that address.

Dated: March 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-8897 Filed 3-23-81, 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-10-M]

Multi Mineral Corp.; Petition for Modification of Application of Mandatory Safety Standard

Multi Mineral Corporation, 715 Horizon Drive, Suite 380, Grand Junction, Colorado 81501 has filed a petition to modify the application of 30 CFR 57.21–22 (main intake and return air currents; requirements) to its U.S.B.M. No. 1 Shaft located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that the main intake and return air currents in mines be in separate shafts, slopes, or drifts.

2. As an alternate method, petitioner proposes to exhaust return air by means of vent tubing located in the shaft.

3. In support of the proposed alternate method, petitioner states that:

a. Exhaust ventilation is maintained at a velocity of approximately 65 miles per hour through 30-inch galvanized sheet metal ventilation ducts installed in the shaft;

b. The ventilation ducts are built of 40-foot lengths of 20-gauge spun pipe connected by neoprene joints, with damper controls at each level to adjust air flow;

c. The ventilation system is surveyed weekly for leaks and is carefully maintained.

4. Petitioner states that the proposed alternate method will provide at all times the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before (insert date 30 days from publication in the **Federal Register**). Copies of the petition are available for inspection at that address.

Dated: March 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-8899 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-43-M

Summary of Decisions Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either or both of the following: that an alternative method exists at the petitioner's mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard to the petitioner's mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register**. Final decisions on these petitions are based upon the petitioner's statement, comments and information submitted by interested persons and a field investigation of the conditions at the petitioner's mine. The Secretary has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon the petitioner's compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION CONTACT:

The petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: March 17, 1981.

Frank A. White,

Director Office of Standards, Regulations and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.	Federal Register Notice	Petitioner	Regulations affected	Summary of findings
M-79-68-C	44 FR 32307	Webster County Coal Corp	30 CFR 75.803	Proposed visual inspection of the power line on a weekly basis along with the electrical installation inspection considered acceptable alternate method. Granted with conditions.
M-79-86-C	44 FR 34654	Garden Creek Pocahontas Co	30 CFR 75.1103-4	Proposed installation of carbon monoxide monitor with sensors and point heat sensors considered acceptable alternate method of compliance. Granted with conditions.

Affirmative Decisions on Petitions for Modification—Continued

Docket No.	Federal Register Notice	Petitioner	Regulations affected	Summary of findings
M-79-91-C	44 FR 45790	Estro Coal Corp	30 CFR 75.305	Due to adverse roof conditions, petitioner's proposal to establish air monitoring checkpoints on specified return airways considered acceptable alternative to making weekly inspections of the weekly inspections of the airways. Granted with conditions.
M-79-156-C	44 FR 65219	Island Creek Coal Company	30 CFR 75.1710	Use of cabs or canopies on roof bolting machines in heights of 48" or less would result in a diminution of safety. Granted with conditions.
M-79-176-C	44 FR 75741	Dispatch Q Corp	30 CFR 75.805	Proposed use of junction boxes constructed of 1/8 inch steel and equipped with insulated strain clamps considered acceptable alternate method. Granted with conditions.
M-79-216-C	44 FR 75742	Leeco, Inc	30 CFR 75.1405	Proposed method to connect haulage equipment with a metal tongue and coupling pins considered acceptable alternative to automatic couplers. Granted with conditions.
M-79-225-C	45 FR 10041	The New River Co for Ohio-Atlas Construction Co	30 CFR 75.1400	Proposed examination of the wire rope and hoist during each shift and removal from service damaged or worn wire rope considered acceptable alternate method. Granted with conditions.
M-79-230-C	45 FR 2915	The New River Co	30 CFR 75.1710	Use of cabs or canopies on petitioner's continuous miners, shuttle cars and roof bolting machines would result in a diminution of safety in specified low mining heights. Granted with conditions.
M-79-233-C	45 FR 2915	Preston Energy, Inc	30 CFR 75.1710	Use of cabs or canopies on shuttle cars in heights of 48" or less would result in a diminution of safety. Granted with conditions.
M-79-278-C	45 FR 19478	Kaiser Steel Corp	30 CFR 75.1100-3	Due to freezing winter conditions which would render waterline ineffective, proposed draining of waterline, closing of main valve, tagging of main valve for identification and locating responsible person on surface at all times considered acceptable method of fire control from October through April. Granted with conditions.
M-79-286-C	45 FR 6192	Bishop Coal Co	30 CFR 75.326	Due to high rate of methane liberation, petitioner's proposal to use belt entry as an intake airway and to install a carbon monoxide detection system along the belt entry considered acceptable alternate method of compliance. Granted with conditions.
M-79-292-C	45 FR 28587	M.S.W. Coal Co	30 CFR 75.1400	Proposed operation of man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-79-297-C	45 FR 7321	Clinchfield Coal Co	30 CFR 75.326	Due to high rate of methane liberation, petitioner's proposed installation of carbon monoxide detection system in the belt entries considered acceptable alternate method of compliance. Granted with conditions.
M-80-5-C	45 FR 20587	Mountain Top Coal Co	30 CFR 75.1400	Proposed operation of man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-80-7-C	45 FR 20605	Eastover Mining Co	30 CFR 75.1405	Proposal to have lever arm moved up to raise the coupling pin to uncouple equipment without requiring persons to go between the cars and coupling from outside by lowering the lever arm by means of a light rod considered acceptable alternate method. Granted with conditions.
M-80-8-C	45 FR 20587	Star Coal Company	30 CFR 75.1400	Proposed operation of man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-80-10-C	45 FR 20589	Republic Steel Corp	30 CFR 75.305	Due to adverse roof conditions, petitioner's proposal to establish air monitoring checkpoints on specified return airways considered acceptable alternative to making weekly inspections of the airways. Granted with conditions.
M-80-32-C	45 FR 28169	John Bolce Co	30 CFR 75.301	Proposed airflow reduction in petitioner's mine, which would maintain a safe and healthful atmosphere considering acceptable alternate method of compliance. Granted with conditions.
M-80-51-C	45 FR 28579	Consolidation Coal Co	30 CFR 75.1105	Proposed housing of pump station in a fireproof building equipped with an automatic fire suppression system considered acceptable alternate method of compliance. Granted with conditions.
M-80-55-C	45 FR 28724	Consolidation Coal Co	30 CFR 75.1105	Proposed housing of pump station in a fireproof building equipped with an automatic fire suppression system considered acceptable alternate method of compliance. Granted with conditions.
M-80-58-C	45 FR 29426	Eastern Associated Coal Corp	30 CFR 75.305	Due to poor roof conditions resulting from a previous fire, petitioner's proposal to establish and maintain air monitoring checkpoints on specified return airways considered acceptable method of compliance. Granted with conditions.
M-80-66-C	45 FR 32449	Jones & Laughlin Steel Corp	30 CFR 75.305	Due to adverse roof conditions, petitioner's proposal to establish air monitoring checkpoints on specified return airways considered acceptable alternative to making weekly examinations of the airways. Granted with conditions.
M-80-69-C	45 FR 35022	Cannelton Industries, Inc	30 CFR 75.305	Due to adverse roof conditions, petitioner's proposal to establish air monitoring checkpoints on specified return airways considered acceptable alternative to making weekly inspections of the airways. Granted with conditions.
M-80-70-C	45 FR 37648	Island Creek Coal Co	30 CFR 75.1100-2(a)(1)	Proposed extension of the waterline to the surface and connection through a cutoff valve to the main waterline considered acceptable alternate method of compliance. Granted with conditions.
M-80-87-C	45 FR 46820	United Castle Coal Co	30 CFR 75.1701	Petitioner's proposed method of drilling boreholes considered acceptable alternate method of compliance. Granted with conditions.
M-80-95-C	46 FR 12628	Consolidation Coal Co	30 CFR 75.1105	Proposed housing of pump station in a fireproof building equipped with an automatic fire suppression system considered acceptable alternate method of compliance. Granted with conditions.

Affirmative Decisions on Petitions for Modification—Continued

Docket No	Federal Register Notice	Petitioner	Regulations affected	Summary of findings
M-80-98-C	45 FR 42427	Jim Walter Resources, Inc	30 CFR 75.902	Proposed use of a bare (noninsulated) copper conductor as a safety ground conductor considered acceptable alternate method of compliance. Granted with conditions.
M-80-100-C	45 FR 46921	Jim Walter Resources, Inc	30 CFR 75.326	Due to high rate of methane liberation, petitioner's proposal to use belt entries as intake entries and install a carbon monoxide detection system along the belt entry considered acceptable alternate method of compliance. Granted with conditions.
M-80-101-C	45 FR 46921	Jim Walter Resources, Inc	30 CFR 75.326	Due to high rate of methane liberation, petitioner's proposal to use belt entries as intake entries and install a carbon monoxide detection system along the belt entry considered acceptable alternate method of compliance. Granted with conditions.
M-79-24-M	45 FR 52364	American Gilsonite Company	30 CFR 57.19-65	Petitioner's proposal to lower conveyances by brakes considered acceptable alternate method of compliance. Granted with conditions.
M-79-25-M	45 FR 52364	Boren Mines	30 CFR 57.19-65	Petitioner's proposal to lower conveyances by brakes considered acceptable alternate method of compliance. Granted with conditions.
M-79-33-M	45 FR 10478	International Salt Co	30 CFR 57.19-11	Due to structural configuration of petitioner's hoist, extension of the hoist's drum flanges would result in a diminution of safety. Granted with conditions.
M-79-35-M	45 FR 9397	Kerr-McGee Chemical Corporation.	30 CFR 57.12-13	Proposed use of an infrared thermometer to periodically check integrity of splices considered acceptable alternate method of compliance. Granted with conditions.
M-80-22-M	45 FR 25646	Rio Blanco Oil Shale Co	30 CFR 57.21-24	Proposed use of a permissable fan powered by a standby generator or diesel generator in the event the main fan stops considered acceptable alternate to shutting down pumps in the mine in case of loss of power to main fan. Granted with conditions.
M-80-23-M	45 FR 25646	Rio Blanco Oil Shale Co	30 CFR 57.6-142	Proposed use of a wire basket canister considered acceptable alternate method to complying with the standard. Granted with conditions.
M-80-24-M	45 FR 26486	Rio Blanco Oil Shale Co	30 CFR 57.21-46	Proposed crosscut intervals of 150 feet considered acceptable alternate method of compliance. Granted with conditions.
M-80-36-M	45 FR 30736	Latrobe Construction Company.	30 CFR 57.6-220	Use of a bulk loading vehicle to fill a "Powder Monkey" (closed pressure vessel) with an ammonium nitrate-fuel oil mixture at the face area being loaded considered acceptable alternate method. Granted with conditions.
M-80-47-M	45 FR 36169	FMC Corporation	30 CFR 57.21-46	Petitioner's proposal to drive a single-entry, 1,045 foot decline with twenty-two feet stub drifts out in the right rib at 200 foot intervals considered acceptable alternate method of compliance. Granted with conditions.
M-80-45-M	45 FR 35034	AMAX Chemical Corp	30 CFR 57.12-13	Proposed use of an infrared thermometer to periodically check integrity of splices considered acceptable alternate method of compliance. Granted with conditions.
M-80-57-M	45 FR 46920	Occidental Oil Shale	30 CFR 57.4-58	petitioner's proposed method of burning underground oil shale retorts in place considered acceptable alternate method of compliance. Granted with conditions.

[FR Doc. 81-8889 Filed 3-23-81; 8:45 am]
BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Vermont State Standards; Approval

Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(e) of the Act and 29 CFR Part 1902. On October 16, 1973, notice was published in the **Federal Register** (38 FR 28658) of the approval of the Vermont plan and the adoption of Subpart U to Part 1952 containing the decision.

The Vermont plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.41 of 29 CFR provides that "Where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to the State plan shall be required." By letter dated April 8, 1980, from Joel R. Cherington, Commissioner, Vermont Department of Labor and Industry, to Edwin J. Riley, Jr., Assistant Regional Administrator, and incorporated as part of the plan, the State submitted the following as State standards comparable to Federal standards:

(a) 29 CFR Part 1910—Occupational Safety and Health Standards for General Industry, published by Commerce Clearinghouse, Inc., March 1, 1979, except for:

(i) 29 CFR 1910.1028, Benzene (not adopted because Federal benzene standard was vacated by the Supreme Court in "I.U.D. v. American Petroleum Institute," 100 S. Ct. 2884 (1980);

(ii) 29 CFR 1910.1029, Coke Oven Emissions (not proposed because there is no coke oven exposure or available supply of raw material within the State);

(iii) 29 CFR 1910.1043, Cotton Dust (not proposed because recent survey indicates no presence or use of unwashed cotton within the State);

(iv) 29 CFR 1910.1044, 1,2-dibromo-3-chloropropane (DBCP) (not adopted because there are no known manufacturers or users in the State);

(v) 29 CFR 1910.1046, Exposure to Cotton Dust in Cotton Gins (not adopted because investigation has shown that cotton ginning is not performed in the State);

(vi) 29 CFR 1910.19(d), Benzene and (f), Cotton Dust, Special Provisions for Air Contaminants (not adopted because Federal benzene standard was vacated by the Supreme Court in "I.U.D. v. American Petroleum Institute," 100 S. Ct. 2884 (1980), and there is no known exposure to cotton dust in the State);

Adoption of the above excepted standards will be considered if the current status changes.

(b) 29 CFR 1910.1025, Lead

In addition to and in place of the standard for lead as it appears in the Commerce Clearinghouse publication (29 CFR 1910.1025) the standard for exposure to lead, as amended and revised including all pending judicial stays by the U.S. Court of Appeals for the District of Columbia as they appeared in the Federal Register at:

i) 43 FR 52952, November 14, 1978;
ii) 44 FR 5446, January 26, 1979;
iii) 44 FR 14554, March 13, 1979;
iv) 44 FR 20960, April 6, 1979;
v) 44 FR 50338, August 28, 1979; and
vi) 44 FR 60961, October 23, 1979.

(c) 29 CFR Parts 1915, 1916, 1917, 1918, and 1919—Safety and Health Regulations for Maritime Employment as they appeared at 39 FR 22001, June 19, 1974 and amended at 42 FR 37672, July 22, 1977.

(d) 29 CFR Part 1928—Safety and Health Standards for Agriculture, except for 29 CFR 1928.113, Exposure to Cotton Dust in Cotton Gins (due to inapplicability in the State, as they appeared at 40 FR 18254, April 25, 1975; 41 FR 10195, March 9, 1976; 41 FR 22205, June 2, 1976; 41 FR 46568, October 22, 1976; and amended at 42 FR 37674, July 22, 1977 and at 42 FR 38666, July 29, 1977).

Whenever the terms "secretary" or "assistant secretary" are used in a rule adopted above, the terms shall mean the Commissioner of Labor and Industry.

To ensure that the Vermont job safety and health regulations coincided with Federal OSHA regulations, all previously existing Vermont Occupational Safety and Health regulations were repealed and the new ones (listed above) adopted. The new standards were first proposed on November 27, 1979 and public hearings were held on December 20 and 27, 1979. No adverse comments, either verbal or written, were filed. Consequently, the final package was filed for adoption with the Secretary of State on January 30, 1980 and the regulations took effect on February 4, 1980. The Vermont Legislative Review Committee completed its review and approval of the proposed rules during January and approved the adopted rules on February 11, 1980. The adoption of the above standards was completed pursuant to provisions of the Vermont Occupational Safety and Health Act (29 V.S.A. Sections 201(c)(2) and 224).

Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to or as effective as the Federal standards.

With regard to standards relating to; Coke Oven Emissions, Cotton Dust, and (DBCP) which were excepted from adoption in this notice, there currently are no worksites in the State where employees are exposed to the hazards covered by these standards. In the event of further activity in the State which would be covered, enforcement of the standard will be the responsibility of Federal OSHA, until such time as the State adopts the standards.

The State standards are hereby approved.

Location of Supplement for Inspection and Copying

A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Vermont Department of Labor and Industry, Division of Occupational Safety, 116 State Street, Montpelier, Vermont 05602; U.S. Department of Labor—OSHA, 16-18 North Street, 1 Dock Square Building, 4th Floor, Boston, Massachusetts 02109; and Director of Federal Compliance and State Programs, U.S. Department of Labor—OSHA, 200 Constitution Avenue, N.W., Room N3619, Washington, D.C. 20210.

Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Vermont Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standards are essentially identical to the comparable Federal standards and are deemed to be at least as effective.

b. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 24, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Boston, Massachusetts, this 15th day of December, 1980.

Donald E. MacKenzie,

Regional Administrator.

[FR Doc. 81-8909 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Application Nos. D-1649, D-1650, and D-2107]

Proposed Exemption for Certain Transactions Involving R & L Grell, Inc., Money Purchase Pension Plan, R & L Grell, Inc., Profit Sharing Plan, and R & L Grell, Inc., Defined Benefit Pension Plan, Located in Richvale, Calif.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the following transactions: (1) the assignment of an option to purchase a parcel of land (the Land) to the R & L Grell, Inc. Money Purchase Pension Plan (Money Purchase Plan) and the R & L Grell, Inc. Profit Sharing Plan (Profit Sharing Plan), by Larry Grell, vice president of R & L Grell, Inc. (R & L), on behalf of Heather Farms, a partnership owned one-third by Larry Grell and two-thirds by R & L; (2) the offer of an interest in the Land by the Money Purchase Plan to the R & L Grell, Inc. Defined Benefit Plan (Defined Benefit Plan) and the acceptance of the offer by the Defined Benefit Plan; and (3) the proposed lease of the Land by the Money Purchase Plan and the Defined Benefit Plan (collectively, the Plans) to R & L; and (4) the proposed guarantee of I10R & L's lease payments by three principal shareholders of R & L. The proposed exemption, if granted, would affect the trustees, participants and beneficiaries of the Plans, R & L and other persons involved in the proposed transactions.

EFFECTIVE DATES: The exemption, if granted, would be effective September 12, 1978 for transaction one, March 28, 1980 for transaction two and the date the exemption grant is published in the Federal Register for transactions three and four.

DATES: Written comments and requests for a public hearing must be received by the Department on or before May 11, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of

Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20216, Attention: Application Nos. D-1649, D-1650 and D-2107. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of three applications for exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in applications filed by the trustees of the Plans pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). The applications were originally filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

1. The Money Purchase Plan and the Defined Benefit Plan each have five participants. As of February 29, 1980, the Money Purchase Plan had assets of approximately $144,000 and the Defined Benefit Plan had assets of approximately $321,000. The trustees of the Plans are Roy Grell, president of R & L, Lawrence Grell, secretary of R & L, and Larry Grell.

2. R & L is engaged in the farming business in California. The Land, comprised of 124.45 acres and located in Richvale, California, was offered for sale by an independent third party seller (Seller) at a price of $285,200. On September 12, 1980, Larry Grell executed an option at a cost of $42,780 to purchase the Land. The cost of the option was to be credited against the $285,200 purchase price. The option was immediately assigned on behalf of Heather Farms, for no consideration, to the Profit Sharing Plan and the Money Purchase Plan. Each Plan paid the Seller one-half of the option price. The Profit Sharing Plan was terminated effective February 28, 1979 and its assets were rolled over into the Money Purchase Plan.

3. In letters dated December 26, 1978 and August 3, 1979, Mr. Michael L. Evans, an independent appraiser, stated that the option purchase price of the Land was lower, on a per acre basis, than the prices for which comparable properties in the area had recently been sold. He also stated that the Land was a particularly good investment for the Plans in that demand for this type of land is very high and that rental and resale prospects are excellent. Furthermore, Tri County Bank (Tri County), an independent bank, was given sole authority to decide whether the Plans should exercise the option and lease the Land to R & L. By letter dated March 27, 1980, Tri County approved both transactions and stated that the purchase of the Land and the lease to R & L were good investments, both of which would be beneficial to the Plans. Tri County also stated that the terms of the purchase and lease were better than arm's length for the Plans. R & L represents that the amount by which the rental exceeds fair market rental value will not cause the annual additions to the accounts of the Money Purchase Plan participants to exceed the limitations of section 415 of the Code.

4. The Money Purchase Plan exercised the option, offered a one-third interest in the Land to the Defined Benefit Plan and on March 28, 1980, the Plans purchased the Land from the Seller at the option purchase price of $285,200. The Money Purchase Plan purchased an undivided two-thirds interest which represented approximately 39 percent of its assets and the Defined Benefit Plan purchased the remaining undivided one-third which represented approximately 43 percent of its assets. The Plans made a total down payment of $80,200 which included the $42,780 already paid for the option.

5. The balance of $205,000 is to be paid by the Plans in the form of a purchase money mortgage at an annual interest rate of 10 percent with a term of 14 years. There will be annual payments of principal and interest until the principal balance is fully amortized. From 1981 through 1989, there will be annual principal payments of $10,000. From 1990 through 1994, the principal payments will be $23,000.

6. The initial term of the proposed lease of the Land to R & L is for five years and the Plans have the sole discretion to renew the lease for two additional five-year terms. The lease would be triple net and the annual rental would be the greater of: (1) 40 percent of the gross income from the crops grown on the land; or (2) 15 percent of the annually and independently appraised fair market value of the land. In the August 3, 1979 letter mentioned above, Mr. Evans stated that the rental terms of the proposed lease were favorable compared to rental terms for similar farm property in the area. Mr. Evans stated that similar rents in the area vary from 25 percent to 33 ⅓ percent of gross income. It is represented that the rental payments will fully amortize the annual principal and interest payments and all other expenses of the land. In fact, a net positive cash flow is projected in each year of the mortgage.

7. The net worth of R & L is currently in excess of $2 million. There are personal guarantees by the three trustees of the Plans, who collectively hold 61 percent of the outstanding stock of R & L, to ensure full compliance with all terms and conditions of the lease. More specifically, upon default by R & L, the three trustees guarantee that the lease payments due will be made to the Plans until such time as the property is sold or leased to another tenant. The current collective net worth of the three trustees is $2.75 million.

8. Furthermore, upon default by R & L, Tri County, on the Plans' behalf, could, in its sole discretion, either (a) sell the Land and pay off the purchase obligation, or (b) relet the Land and continue amortization of the purchase obligation.

9. Tri County has agreed to monitor the lease on an annual basis to ensure compliance with all terms and conditions of the exemption and to assume sole responsibility for any decisions to be made regarding the lease on the Plans' behalf.

10. In summary, the trustees of the Plans represent that the criteria of section 408(a) of the Act have been satisfied due to the following:

a. The transactions are in the best interests of the Plans' participants and beneficiaries;

b. An independent farm property manager, Tri County, approved the exercise of the option and the proposed

lease and will also monitor the lease on an on-going basis;

c. R & L has a net worth in excess of $2 million and there also are personal guarantees of R & L's lease obligations by three principal shareholders of R & L who have a collective net worth of $2.75 million;

d. The lease payments will fully amortize all principal and interest payments and all other expenses relating to the Land;

e. The rental payments are to be annually adjusted to reflect the higher of 15% of the appraised value of the Land or 40% of gross income from the crops the Land yields;

f. An independent appraiser states that the subject Land is in high demand and would be readily saleable or leaseable; and

g. The offer of an interest in the Land by the Money Purchase Plan to the Defined Benefit Plan and the acceptance of the offer by the Defined Benefit Plan was in the interests of both Plans because it facilitated the purchase of the Land. It also enabled the Defined Benefit Plan to participate in the transactions discussed herein, which was to its benefit for the above-stated reasons.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value, such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons including all participants and beneficiaries of the Plans by first class mail within 15 days of the publication of the proposed exemption in the Federal Register. The notice will include a copy of the proposed exemption and will specifically inform each recipient of his/her right to comment on and/or request a hearing with regard to the proposed exemption within the period set forth above.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 406(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement to section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 406(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 406(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply: (1) effective September 12, 1978, to the assignment of the option to purchase the Land by Larry Grell on behalf of Heather Farms to the Money Purchase Plan and the Profit Sharing Plan; (2) effective March 28, 1980, to the offer of an interest in the Land by the Money Purchase Plan to the Defined Benefit Plan and the acceptance of the offer by the Defined Benefit Plan; (3) to the proposed lease of the Land by the Plans to R & L, provided that the terms and conditions of the proposed lease are at least as favorable to the Plans as those they could obtain from an unrelated third party; and (4) to the personal guarantees of R & L's lease payments by Larry Grell, Lawrence Grell and Roy Grell.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of the exemption.

Signed at Washington, D.C., this 17th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Mangement Services Administration, U.S. Department of Labor.

[FR Doc. 81-8629 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2233]

Proposed Exemption for Certain Transactions Involving the Parker-Hannafin Corporation Pension and Retirement Income Plans, Located in Cleveland, Ohio

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of two undivided one-half interests in a 31.4 acre parcel of real property located in Irvine, California

(the Property) by the Parker-Hannafin Corporation (the Employer) to the Ameritrust Company (Ameritrust), as Trustee for the Parker-Hannafin Corporation Pension and Retirement Income Plans (the Plans), if the Property is rezoned for commercial use. The proposed exemption, if granted would affect the Employer, the Plans, Ameritrust and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 25, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2233. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Department of Labor, telephone (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plans are defined benefit plans with an estimated 13,982 participants. As of June 30, 1980, the Plans had assets with an aggregate market value in excess of $63,000,000.

2. The trustees of the Plans (the Trustees) are Ameritrust, trustee of the trust maintained in conjunction with the retirement plans for salaried employees of the Employer; and Central National Bank of Cleveland, the trustee of the trust maintained in conjunction with the hourly pension plans of the employer. Ameritrust is also the trustee of the Real Estate Collective Trust, which was established to invest in real estate for the Plans.

3. No officers of the Employer serve as directors of the Trustees, nor do any officers of the Trustees serve as directors of the Employer. Both Trustees have loan commitments to the Employer. Ameritrust has a $16,200,000 loan outstanding with the Employer, which may be increased to a maximum of $27,000,000. Central National Bank of Cleveland has a $6,000,000 loan outstanding with the Employer, which may be increased to a maximum of $9,000,000. These loan commitments to the Employer represent less than 1% of the total loan commitments of each of the Trustees.

4. The Employer, a worldwide, full-line manufacturer of fluid power systems and related components, was incorporated in Ohio in 1938.

5. The Applicants request that an exemption be granted to permit the sale of the Property by the Employer to Ameritrust, as trustee of the Real Estate Collective Trust. If the Property is rezoned to enable it to be used for commercial purposes, the Employer proposes to sell, as soon as reasonably possible, an undivided one-half interest in the Property to Ameritrust. In the fiscal year subsequent to the granting of the proposed exemption, the Employer will sell the remaining undivided one-half interest in the Property to Ameritrust. The Employer's fiscal year commences on July 1 and ends on June 30. The proposed purchase price is $13,670,000, the fair market value of the Property as determined by an independent appraisal submitted by Coldwell Banker Real Estate Appraisal Service on October 28, 1980.

6. The Property, which is now owned by the Employer, is subject to a 75 year ground lease (the Lease) with the Koll Company (Koll), an unrelated party. Koll is a major real estate development firm in California. Under the terms of the Lease, Koll has sought to have the Property rezoned from a research and light industry classification to a commercial classification. Koll may, until May 1, 1981, terminate the Lease if such rezoning is not obtained. Ameritrust, as the lessor of the Property, may until September 1, 1981, terminate the Lease if such rezoning cannot be obtained. However, the Employer and Ameritrust will engage in the proposed transaction only if the rezoning takes place.

7. Koll will pay a monthly base rent of $113,888.51. Moreover, an additional rent equal to 20% of the net cash flow from the Property will be paid by Koll to Ameritrust. Under the terms of the Lease, Koll has the option to purchase the Property, at an amount equal to its fair market value, at any time during the first six months of the 31st year of the Lease.

8. The applicant represents that the Lease is a sound investment vehicle for the Plans in that it allows diversification into real estate development with a minimum of time expended to properly monitor the investment. The Plans will not have to commit time and resources to the task of day-to-day property management. Also, based upon the Plans' investment in the Property ($13,670,000), the 31-year cash flow generated from the leasehold improvements, and the reversionary value of the sale of the land to Koll in the 31st year (if Koll exercises its option to purchase the Property), the Property will yield an internal rate of return of 22%.

9. The weighted annualized rate of return of the Plans for the four year period ending June 30, 1980 was 6.3%. The base rental which would be realized from the proposed transaction would be 10%, with additional substantial rental payments to be received from participations by the Plans in any net cash flow realized from the Property.

10. The applicants state that the Property will represent 17.8% of the total assets of the Plans, in 1981, 14% of the assets of the Plans in 1985, and less than 11% in 1990. These estimates were furnished to the Employer by the Wyatt Company, an actuarial and consulting firm in Cleveland, Ohio.

11. When the rezoning application is approved, Koll will develop the Property. The proposed development will consist of approximately 670,000 square feet of office space, a 500-room hotel and support commercial facilities.

12. Coldwell Banker Real Estate Consultation Services (Coldwell Banker), an independent real estate consulting firm, prepared a market and financial analysis of the proposed development of the Property by Koll. Coldwell Banker concluded that the proposed sale of the Property to

Ameritrust represents an exceptional investment opportunity for the Plans. Their report states that the proposed transaction will provide the Plans with a high quality secure investment. In addition, the report states that the investment combines a guaranteed return with excellent potential for appreciation and increased yield with minimum risk. Ameritrust would have complete unrestricted investment responsibility with respect to the Property and would be able to dispose of the Property at any time.

13. The Trustees recommend the proposed transaction. They agree that the acquisition of the Property by Ameritrust is a high quality, prudent, and secure investment. The Trustees also state they will critically review the proposed transaction as of the dates of the sales of the Property if the exemption is granted.

In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(1) no continued monitoring of the transaction by the Department will be required because it will not involve any ongoing business relationship between the Plans and the Employer;

(2) the proposed transaction represents an excellent investment opportunity for the Plans because the expected 10% rate of return along with potential for appreciation and increased yield will exceed the rate of return of the Plan's current investments;

(3) Coldwell Banker's market and financial analysis concludes that the proposed transaction represents an exceptional investment opportunity for the Plans; and

(4) the Trustees of the Plans have determined that the proposed transaction is in the interests of and protective of the Plans and their Participants and beneficiaries.

Notice to Interested Persons

The interested persons who will receive notice of the proposed transaction are: (1) all employees who are or may become eligible for a benefit under any one of the Plans; (2) all retired participants and former participants in receipt of benefit payments, or who have a vested deferred right to receive such payments at a later date, under any of the Plans; and (3) all collective bargaining agents under any of the Plans. Employees will be notified by posting the Notice of Pendency on the bulletin boards of the Employer, and copies of the Notice of Pendency will be mailed to the affected collective bargaining agents and to retired or terminated vested participants. The notices will be posted or mailed, as applicable, within 25 days after publication of the Notice of Pendency in the **Federal Register** and will contain a copy of the Notice of Pendency as published, and will inform the interested persons of their right to comments and/or to request a hearing within the period set forth in the Notice of Pendency.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of two undivided one-half interests in the Property (located at the northeast corner of Von Karmen Avenue and Michelson Drive in Irvine, California) by the Employer to Ameritrust as Trustee for the Plans, for a total of $13,670,000 provided this amount is no greater than the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 18th day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8928 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1752]

Proposed Exemption for Certain Transactions Involving Everett Clinic, Inc. Employees' Profit Sharing Trust Agreement Located in Everett, Wash.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income

Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the proposed lease (Proposed Lease) of real property by the Everett Clinic, Inc. Employees' Profit Sharing Trust Agreement (the Plan) to the Everett Clinic, Inc. (the Clinic), the Plan sponsor; and (2) the agreement by the Clinic to indemnify and hold the Plan harmless regarding the Proposed Lease. The proposed exemption, if granted, would affect the Plan, the Clinic and Plan participants and beneficaries.

DATES: Written comments and requests for a public hearing must be received by the Department on or before May 11, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1752. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a profit sharing plan with approximately 125 participants and assets of approximately $4.9 million as of September 30, 1980. The Clinic is a multi-specialty medical clinic which was founded in 1922. It employs 34 physicians, 123 nurses and administrative personnel and 14 supervisory personnel.

2. An unrelated party, Olympic Bank of Everett, Washington (Olympic), was appointed named fiduciary for the Plan effective October 22, 1980 and given exclusive authority and discretion to manage and control the assets of the Plan. Prior to Olympic's appointment, the three Plan trustees, who are Clinic physician-shareholders, possessed investment authority.

3. In 1962, the Plan constructed a medical clinic at 39th and Colby Avenue in Everett, Washington and leased it to the Clinic. On June 28, 1974, a revised lease agreement (the 1974 Lease) was entered into by the Plan and the Clinic.

4. The Plan proposes to enter into a new lease, the Proposed Lease, to supersede and void the 1974 Lease as of the date an exemption grant is published in the **Federal Register**. The initial term of the Proposed Lease would be 15 years. The rental for the first five years would be $305,000 per year on a triple net basis, which was calculated by an independent appraiser, Macaulay & Associates, Ltd. (Macaulay), to be the property's fair market rental value as of Novermber 30, 1979, provided that this amount is not less than the fair market rental value on the date the exemption is granted. At the fifth and tenth anniversaries of the Proposed Lease, the rental will be adjusted to reflect then current fair market rental value as determined by an independent appraiser, provided that such rental is not less than the rental in the initial five years. The Employer represents that rental paid to the Plan by the Employer in excess of fair market rental value will not cause the annual additions to participants' accounts to exceed the limitations of section 415 of the Code.

5. The Proposed Lease provides for expansion, improvements or renovation to be made only by the Clinic, solely at the Clinic's expense, with any improvements belonging to the Plan at the termination of the Proposed Lease.

6. The Clinic has agreed to indemnify and hold the Plan harmless regarding any loss or damages to the leased premises. The Clinic's net worth as of October 31, 1980 was approximately $2.3 million.

7. Olympic has reviewed the Proposed Lease and has stated that it would be in the best interests of the Plan to enter into the Proposed Lease. Olympic has also agreed to monitor the Proposed Lease to ensure compliance with its terms and conditions.

8. In summary, it is represented that the proposed transactions satisfy the statutory criteria of section 408(a) due to the following:

a. Olympic, an independent Plan fiduciary, has reviewed the Proposed Lease and has stated that it would be in the Plan's best interests to enter into the Proposed Lease;

b. Olympic has exclusive authority and discretion to manage and control Plan assets and would monitor the Proposed Lease to ensure compliance with its terms and conditions;

c. The rental, which would be triple net, would be the fair market rental value as determined by an independent appraiser;

d. If the Proposed Lease is renewed, the rental could be no less than the rental in the initial five years of the Proposed Lease; and

e. The Clinic has agreed to indemnify and hold the Plan harmless regarding any loss or damages to the leased premises.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value, such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the pending exemption will be given to all interested persons including Plan participants, beneficiaries and terminated participants with vested interests within 15 days of the date the pending exemption is published in the **Federal Register**. Such notice will include a copy of the pending exemption and will inform each recipient of his right to comment on or request a hearing regarding the pending exemption. The notice will be posted on appropriate employee bulletin boards and will be mailed to all terminated participants with vested interests.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) the Proposed Lease by the Plan to the Clinic, provided that the terms and conditions of the Proposed Lease are and will remain at least as favorable to the Plan as those it could obtain from an unrelated third party; and (2) the Clinic's agreement to indemnify and hold the Plan harmless regarding the Proposed Lease.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 17th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8882 Filed 3-23-81; 8:45 am]
BILLING CODE 4510-29-M

[Application No. D-2192]

Proposed Exemption for Certain Transactions Involving the Profit Sharing Plan for the Employees of McKenney's Inc., and Affiliated Companies Located in Atlanta, Ga.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the code). The proposed exemption would exempt: (1) the proposed sale of 100% of the common Stock (McKeps Stock) of McKeps Inc. (McKeps) by the Profit Sharing Plan for the Employees of McKenney's Inc., and Affiliated Companies (the Plan) to McKenney's Inc., (the Employer), the sponsor of the Plan and (2) the extension of credit in such sale by the Plan to the Employer. The proposed exemption, if granted, would affect the Employer, the participants and beneficiaries of the Plan and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before May 4, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2192. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-88881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan and as of October 31, 1979, had 46 participants and assets of $223,634. The trustee of the Plan is the Trust Company Bank of Georgia (the Trustee). The Trustee is completely independent of the Employer and has the exclusive responsibility for the investment of the assets of the Plan.

2. On December 20, 1963, the Plan subscribed to the McKeps Stock. Upon incorporation, and continuing to the present date, McKeps has been wholly owned by the Plan. On July 26, 1965, the Plan authorized McKeps to construct a building (the Sylvan Road Building) at 2366 Sylvan Road, East Point, Georgia. The Sylvan Road Building so Constructed was leased by McKeps to the Employer for the period beginning March 1, 1966 and extending until February 28, 1981. The construction of the Sylvan Road Building was permanently financed by a $145,000, 15 year, 6 percent loan (the Sylvan Mortgage) from Northwestern National Life Insurance Company, through their agent, Scott Hudgens Realty and Mortgage, Inc. In connection with the construction of the Sylvan Road Building, it was necessary for McKeps to borrow $65,089.78 from the Plan. The $65,089.78 loan (the 1976 Loan) was entered into between McKeps and the Plan on November 20, 1967, at an annual rate of interest of 6 percent with annual payments extending for 17 years, or through November 20, 1984. The 17 year term and 6 percent rate of interest applicable to the 1967 Loan were substantially the same as the term and interest rate on the Mortgage. On May 9, 1972, McKeps borrowed an additional $40,000 from the Plan (the 1972 Loan). The terms of the 1972 Loan were 7 percent annual interest and a 15 year payment period from May 9, 1972, through May 31, 1987. The purpose of the 1972 Loan was to enable McKeps to pay a "boot" balance in connection with a like-kind exchange transaction on April 21, 1972 in which McKeps exchanged with an unrelated party, the Aircond-Atlanta Corp., the Sylvan Road Building for the land and building located at 1056 Moreland Industrial Boulevard, S.E. (the Moreland Property). At the time of this like-kind exchange the Sylvan Mortgage was also exchanged for the mortgage on the Moreland Property. Furthermore, at that time, the lease between the Employer and McKeps of the Sylvan Road Property was cancelled and a new lease between McKeps and the Employer for the Moreland Property was entered into on May 9, 1972, effective for a term of 15 years and one month from May 1, 1972, to May 31, 1987, with an option in favor of the Employer to renew the lease for an additional 10 years until May 31, 1997. The Moreland Property constitutes the only asset of McKeps.

3. The Trustee anticipates that in the near future several participants in the Plan having accounts in the Plan that exceed the value of the Plan's assets other than the McKeps Stock will retire. In this regard, the Trustee represents that the best interests of the participants and beneficiaries of the Plan would not be served if the Plan was forced to distribute benefits in the form of McKeps Stock, since the recipients would become minority shareholders in a privately held corporation, with no ready market for the sale of its stock and which historically has not paid dividends. The Employer is requesting an exemption which would permit it to purchase (the Purchase) the McKeps Stock and thus give the Plan the liquidity necessary to pay anticipated benefits.

4. Prior to the Trustee negotiating the terms of the Purchase, it obtained an independent appraisal of the Moreland Property performed by Kirkland & Company (Kirkland) located in Atlanta, Georgia. Kirkland represented that as of April 1, 1980, the Moreland Property had a market value of $320,000. The terms of the Purchase have been negotiated at arm's length between the Trustee and the Employer. The sale price of the McKeps Stock will be $376,633. The cash to the Plan at settlement will be $163,495 which has been adjusted for a $3,351 addition for cash owned by McKeps and a deletion of $5,047 for accrued expenses and income taxes due of McKeps.

At settlement on the Purchase, the Employer will assume the Moreland Property mortgage ($161,482) and the payments thereon. The Employer will also assume the 1967 Loan and the 1972 Loan (together, totalling $49,960) with the payments thereon with the exception that on June 30, 1984 the Employer will pay off the remaining principal balance on such loans.

5. Prior to the Trustee negotiating for the sale of the McKeps Stock to the Employer, the Trustee attempted to sell the Moreland Property to an independent third party. The Moreland Property was listed with the Hailey Realty Company in the spring of 1975 through the fall of 1977. No offers were made for the purchase of the Moreland Property. The Trustee represents that the difficulty encountered in the effort to sell the Moreland Property was due, in part, to a decline in property values generally in the area in which the Moreland Property is located. In this regard, the Trustee represents that the following events, occurring subsequent to the 1972 acquisition of the Moreland Property by McKeps, have contributed to the decrease in property values in this area: (1) uncertainty over whether proposed Georgia State Highways 485 and 166 will be constructed through the area (if constructed, substantial business disruption would occur); (2) recent major highway reconstruction on Moreland Industrial Boulevard has caused a substantial number of local businesses to close or relocate; and (3) recent construction of a large low income housing project in the proximity of the Moreland Property has also had a depressing impact on land values.

6. In summary, the applicant represents that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act as follows: (1) an independent Trustee approved and negotiated the terms of the Purchase; (2) an independent appraiser valued the Moreland Property; (3) the Purchase is necessary for the Plan to meet the obligations due to its participants; (4) the Moreland Property is in an area of declining property values; and (5) the Trustee was unable to sell the Moreland Property to an independent party.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement informing participants and beneficiaries of the Plan of their right to comment or request a hearing within the prescribed time period will be provided to all participants and beneficiaries of the Plan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person

from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) the proposed sale of the McKeps Stock by the Plan to the Employer for $378,633 subject to the conditions as described herein and provided that this is at least the fair market value of the McKeps Stock at the time of the sale; and (2) the extension of credit in such sale by the Plan to the Employer provided that the Plan will receive terms and conditions on the extension of credit at least equal to that which it would receive from an unrelated party in a similar transaction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 17th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8827 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2371]

Proposed Exemption for Certain Transactions Involving Taylor Enterprises, Inc., Profit Sharing Plan Located in Mechanicsburg, Pennsylvania

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed cash sale of a parcel of real property (the Property) located in Ocean City, Maryland by the Taylor Enterprises, Inc. Profit Sharing Plan (the Plan) to Taylor Enterprises, Inc. (the Employer,) a party in interest to the Plan. The proposed exemption, if granted, would affect the Plan fiduciaries, participants and beneficiaries and the Employer.

DATES: Written comments and requests for a public hearing must be received by the Department on or before May 11, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2371. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with eight participants and total assets of approximately $165,000 as of December 19, 1980. The Plan fiduciaires are the trustee, Commonwealth National Bank (the Bank), which is otherwise unrelated to the Plan and the Employer, and Charles Taylor, president and principal shareholder of the Employer.

2. On August 15, 1980, the Plan purchased the Property which is a two-bedroom condominium townhouse, from an unrelated third party for $78,900 with closing costs of $2668.18 for a total cost of $81,588.18. The Plan expended an additional $11,956.49 to furnish the Property and $695 for an extended deck. The Plan has therefore expended a total of $94,239.67 on the Property.

3. The Plan purchased the Property for its income and appreciation potential. However, the Property was placed with a rental agent on September 15, 1980 and has not as yet been rented. Furthermore, the applicant states it does not believe the Property's appreciation in value will be as great as originally anticipated. The applicant also states that Plan assets currently invested in the Property (currently representing approximately 57% of Plan assets) could be more productively invested elsewhere.

4. Therefore, the Plan proposes to sell the Property to the Employer for use in the Employer's business. An independent appraiser, Robert L. Jester, has appraised the Property and concluded that the fair market value was $82,900 as of December 10, 1980. This represents an increase in fair market value of $4,000 over the Plan's original purchase price. The purchase price will be the greater of (1) $98,239.67 ($94,239.67 in Plan expenditures plus the $4,000 appreciation in the Property) or (2) the sum of the fair market value at the time of sale plus all Plan expenditures from the time of purchase to the time of sale. The Employer represents that if the amount paid to the Plan by the Employer is in excess of the fair market value plus expenditures relating to the Property, such excess amount will not cause the annual additions to participants' accounts to exceed the limitations of section 415 of the Code. The purchase price will be paid to the Plan entirely in cash and their will be no sales commission.

5. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act due to the following:

a. the Property has been appraised by an independent appraiser;

b. the purchase price will be paid in cash;

c. the Plan fiduciaries represent that the Plan will be able to invest the sale proceeds in more productive investments;

d. the Plan will be reimbursed for all expenditures it has made regarding the Property; and

e. the Property will be sold at a profit.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons including the participants and beneficiaries of the Plan, on or before April 8, 1981. The notice will contain a copy of the **Federal Register** Notice of Proposed Exemption and will inform each recipient of his right to comment on or request a hearing with regard to the proposed exemption. The notice will be hand-delivered or sent by first class mail to all interested persons.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusion benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Futhermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale of the Property by the Plan to the Employer for a cash purchase price of the greater of (1) $98,239.67 or (2) the sum of the fair market value of the Property at the time of sale plus all Plan expenditures relating to the Property from the time of purchase to the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 17th day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8530 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1268]

Proposed Exemption for Certain Transactions Involving the Thompson Steel Company, Inc., Pension Trust A Located in Canton, Massachusetts

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of corporate bonds by the Thompson Steel Company, Inc. Pension Trust A (the Trust) to the Paul Revere Life Insurance Company (PRL), a party in interest as defined in section 3(14) of the Act. The proposed exemption, if granted, would affect Trust participants and beneficiaries, the trustees of the Trust (the Trustees), PRL, Thompson Steel Company, Inc. (Thompson Steel) and certain of their affiliates.

DATES: Written comments and requests for a public hearing must be received by the Department on or before May 4, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective August 8, 1977.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1268. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Trust, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Trust is the investment vehicle for five pension plans—Steelworkers Pension Plans Locals 773, 5211, 7659, 3234 and 3705.

2. In July of 1977, the Trustees (Robert Dearing, George Ryan and Fred Giles, all of whom were officers of Thompson Steel) decided to liquidate the Trust's holdings in stocks and bonds and to invest Trust funds in a minimum guarantee annuity. Consequently, the Trustees ordered the Trust's investment advisor, Paul Revere Equity Management Company (PREMCO) to liquidate the Trust's portfolio prior to December 31, 1977 in order to accomplish this changeover. At this time, PREMCO was wholly owned by Paul Revere Equity Sales Co. which was in turn wholly owned by PRL, thus making PRL a party in interest with respect to the Plan.

3. PREMCO offered all of the assets of the Trust for sale to PRL in order to save brokerage commissions for the Trust and PRL. PRL chose two bond issues from the Trust's portfolio. The first bonds sold, on August 8, 1977, were Montgomery Ward Credit 8¼ percent bonds due June 30, 2002. Their face value was $100,000 and they were sold for $99,375 cash, which was their market value on the date of sale, as determined by Salomon Brothers, an independent stockbroker. The second sale, on October 20, 1977, involved Diamond International Corp. 8.35 percent bonds due September 1, 2006. Their face amount was $100,000 and they were sold for $101,350 cash, which was their market value on the date of sale, as determined by Smith Barney, Harris Upham & Co., an independent stockbroker.

4. The market value determination utilized was based on a round lot transaction even though the issues involved were odd lots. Because of the round lot valuation and the absence of brokerage commissions, the Trust's proceeds from the sales, exceeded what would have been secured from any other purchaser.

5. The Trust's portfolio was liquidated as ordered by the Trustees, and the annuity contracts were purchased from Mutual of New York and Occidental Life Insurance Company. Neither of these companies is related to any of the parties involved in the transactions described herein.

6. It is represented that none of the parties involved in the subject transactions had any knowledge that these transactions were prohibited by the Act. Only July 31, 1978, PRL was notified by the Plan's outside counsel that the bond sales were prohbited transactions. The applicants emphasize that as soon as they were made aware that the bond sales were prohibited transactions, they immediately and voluntarily decided to correct the prohibited transactions by rescinding the bond sales. Accordingly, immediately after being notifed, PRL set into action the process by which PRL voluntarily corrected the prohibited transactions by rescinding the original bond sales on December 28, 1978. It is represented that the rescission satisfied the requirements for a "correction" pursuant to Foundation Excise Tax Regulation section 53.4941(e)-1(c).[1] Shortly after the correction, the applicants applied for the exemption described herein.

[1] Foundation Excise Tax Regulation section 53.4941(e)-1(c) applies to section 4975 prohibited transactions by reason of Temporary Pension Excise Tax Regulation section 141.4975-13. Under section 53.4941(e)-1(c)(1) of the Foundation Excise Tax Regulations, any correct pursuant to Code section 4941 is not an act of self-dealing and therefore not a prohibited transaction under section 4975 by reason of the section 141.4075-13 temporary regulation.

Similarly, the Department has determined that a correction of a prohibited transaction is not itself a prohibited transaction under section 406 of the act, provided that the correction complies with the section 141.4975-13 temporary regulation. Therefore, no exemption is being proposed for the resale of the bonds.

7. In summary, it is represented by the applicants that the bond sales satisfed the criteria of section 408(a) due to the following:

(1) they were on time occurrences for cash;

(2) no broker's commission was paid by the Trust

(3) they were made at a round lot valuation that was independently determined; and

(4) they were made as part of the liquidation of all Trust assets, and were corrected voluntarily as soon as it was learned they were prohibited transactions.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons, including Thompson Steel, the Trustees, PREMCO, PRL and Trust participants and beneficiaries. This notice will contain a copy of the notice of pendency of the exemption was pubished in the **Federal Register**, as well as information on the right of interested persons to request a hearing or comment regarding the proposed exemption within the specified time period. The notice will be provided to Trust participants currently employed by Thompson Steel, within ten days after the publication of the notice of pendency, by posting it in all locations customarily used for employee communications. The notice will be mailed within the same ten day period to Trust participants who are not currently employed by Thompson Steel, beneficiaries, the Trustees of the Trust, PREMCO and PRL.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things require a fiduciary to discharge his duties respecting the plan, solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must cooperate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the above described sale by the Trust to PRL, of Montgomery Ward Credit 8¼ percent bonds due June 30, 2002 and Diamond International Corp. 8.35 percent bonds due September 1, 2006, provided that the amount the Trust received for each sale of bonds was not less than their fair market value on the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in this application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of the exemption.

Signed at Washington, D.C. this 17th day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8831 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Exemption Applicant No. D-2219]

Withdrawal of Proposed Exemption for Certain Transactions Involving the United Cotton Goods Company, Inc.

In 45 FR 85847 of the Federal Register, dated December 30, 1980, the Department of Labor (the Department) published a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954. The notice of pendency concerned an application filed by counsel on behalf of United Cotton Goods Company, Inc.

By letter dated February 26, 1981, the applicant's representative notified the Department that the applicant no longer sought an exemption for the transaction described in the above cited notice. Accordingly, the representative requested that the application for exemption be withdrawn from consideration by the Department.

Signed at Washington, D.C., this 18th day of March 1981.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8832 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2152]

Proposed Exemption for Certain Transations Involving the Utah Carpenters and Cement Masons Vacation Trust Fund Located in Salt Lake City, Utah

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the transfer of certain forfeited funds from the Utah Carpenters and Cement Masons' Vacation Trust Fund (the Vacation Plan) to the Utah Carpenters and Cement Masons' Health and Welfare Trust Fund (the Welfare Plan). The proposed exemption, if granted, would affect the trustees, participants and beneficiaries of the Vacation Plan and of the Welfare Plan, and other persons participating in the transaction.

DATES: Written comments and request for a public hearing must be received by the Department of Labor on or before May 8, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2152. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Bauer of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(b) (2) of the Act. The proposed exemption was requested in an application filed on behalf of the Vacation Plan, pursuant to section 408(a) of the Act and in accordane with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Vacation Plan and the Welfare Plan are welfare plans established in accordance with section 302 of the Labor-Management Relations Act of 1947, as amended. The participants of both Plans are the same, i.e., certain employees covered by collective bargaining agreements between the Utah District Council of Carpenters and affiliated local unions (all of which are affiliated with the International Brotherhood of Carpenters, the Building and Construction Trade Council of Utah and with the AFL-CIO having jurisdiction over work performed in the State of Utah) and the Associated General Contractors of America, Utah Chapter, Utah Builders Bargaining Unit, and the Masonry Contractors' Association of Utah.

2. The Vacation Plan was established on or about December 1, 1966 to receive employer contributions commencing in approximately May, 1967. In accordance with collective bargaining agreements, employer contributions to the Vacation Plan terminated as of July 1975. The Vacation Plan is administered by a Board of Trustees consisting of five union representatives and five employer representatives. The same individuals who serve as Trustees of the Vacation Plan also serve as the Trustees of the Welfare Plan.

3. Under the terms of the Agreement and Declaration of Trust establishing the Vacation Plan (the Agreement), the sums credited to each participant's vacation account for work performed during the calendar year are distributed to participants on or about April 1 of the following year. The benefits are distributed in the form of checks mailed to the participants. According to the Agreement, any participant who fails to apply for his benefits within the time prescribed or who fails to cash his vacation check within 90 days following its date of issuance is deemed to have elected to contribute the amount of his benefit to the maintenance of the Vacation Plan. The check which was issued to the participant becomes void and any amounts so contributed are transferred to the administrative account of the Vacation Plan for legal utilization or disbursement as determined by the Trustees of the Vacation Plan.

4. Many vacation checks mailed to participants have been returned to the Vacation Plan because the participant has moved without leaving a forwarding address. When such checks are returned, the Vacation Plan furnishes to the Utah Carpenters and Cement Masons District Council and various affiliated local unions a list of participants whose checks were returned. The local unions review their records and also post the list for the membership to review in order to generate current address information for the listed participants. In addition, the employer who last submitted contributions on behalf of the missing participant is contacted to determine if the employer has a more current address for the participant. If the participant cannot be located the amount of the vacation check is deemed contributed to the maintenance of the Vacation Plan as outlined above.

5. The Trustees have administered the forfeiture provisions liberally, permitting a participant to apply for and receive vacation benefits after the 90-day period formally prescribed in the Agreement. At the time the Vacation Plan was terminated, the Trustees determined that no action would be taken with respect to the distribution of the forfeited funds until such time as all claims against the Vacation Plan had been presented. The Trustees further determined that four years from the termination was a reasonably sufficient period within which such claims would be presented. The Vacation Plan holds $77,477.17 which represents forfeitures for fiscal years 1973, 1974 and 1975. (All forfeitures accumulated up to 1973 were disbursed to participants in the form of a dividend.) The Trustees now propose to transfer that amount to the Welfare Plan. The proposed transfer of the forfeited funds has been approved by a vote of the various affiliated local unions as well as by a vote of the labor and management trustees of both Plans.

6. The Trustees have also determined that the Welfare Plan will indemnify the Vacation Plan against any and all claims, rights and interests that a prior plan participant could enforce against the Vacation Plan if any adverse consequences result from the transfer of the forfeited funds to the Welfare Plan.

7. It is represented that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (1) it is a one-time transfer of assets between the Plans; (2) it will enhance the level of benefits currently being received by participants of the Welfare Plan; (3) it will eliminate the administrative costs which would otherwise be incurred by the Vacation Plan in distributing the forfeited funds to its remaining participants on a pro-rata basis; and (4) the rights of participants of the Vacation Plan are protected by means of the indemnification by the Welfare Plan for any future claims for forfeited benefits or other liabilities which may arise as a result of the transfer of the funds to the Welfare Plan.

Notice to Interested Persons

On or before April, 8, 1981, notice of the proposed exemption will be: (1) published in the monthly newsletter and mailed to members of Local 184 International Brotherhood of Carpenters and Joiners of America; (2) mailed to all affiliated local unions to be included in any monthly mailings of such locals, posted at all hiring halls frequented by members of such locals and generally made available at all meeting places; (3) mailed to all contributing and participating employers to be posted conspicuously in working places; and (4) posted at the offices of the Utah Carpenters' and Cement Masons' Health and Welfare Administrative Offices in Salt Lake City. The notice will include a copy of this notice of pendency and will inform interested persons of their right to comment and/or request a hearing with respect to the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a) and 406(b) (1) and (3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the transfer by the Vacation Plan to the Welfare Plan of uncommitted reserves in the amount of approximately $77,000, together with any additional forfeitures which may accrue to the Vacation Plan due to the termination of the Plan.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 17th day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-8933 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-12,060]

Carmet Co., Materials Division, Madison Heights, Mich., Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was inititated on January 12, 1981 in response to a petition received on January 6, 1981 which was filed by the United Steel Workers of America on behalf of workers at the Carmet Company, Materials Division, Madison Heights, Michigan.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,585). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 17th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8937 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,129]

Dana Corp., Ecorse, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 28, 1981 in response to a petition received on January 16, 1981 which was filed on behalf of workers at the Ecorse, Michigan plant of the Parish Division of Dana Corporation.

A negative determination applicable to the petitioning group of workers was issued on June 19, 1980 (TA-W-7665). The Department issued a negative determination regarding application for reconsideration on October 8, 1980. No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 17th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8938 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,509]

GAF Corp., Building Materials Group, Joliet, Ill.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980 in response to a petition received on October 24, 1980 which was filed by the United Steelworkers of America on behalf of workers at the GAF Corporation, Building Materials Group, Joliet, Illinois.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9782). Consequently further investigation in this case would

serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 17th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8889 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,867]

Nicholson Machine Products, Inc., Trenton, Mich., Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 31, 1980 in response to a petition received on December 23, 1980 which was filed on behalf of workers at the Nicholson Machine Products, Inc., Trenton, Michigan.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-8858). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 17th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8890 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,730]

Reynolds Machine Co., Alpena, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 24, 1980 in response to a petition received on November 17, 1980 which was filed on behalf of workers at the Reynolds Machine Company, Alpena, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 17th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8891 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,985]

Rockwell International, Inc., Auto Mechanical Devices Division; Logansport, Ind., Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 22, 1980 in response to a worker petition received on September 15, 1980 which was filed on behalf of workers at Rockwell International, Incorporated, Auto Mechanical Devices Division, Logansport, Indiana.

A determination applicable to the petitioning group of workers was issued on December 15, 1980 (TA-W-8055). Workers engaged in employment related to the production of mechanical springs were denied eligibility to apply for adjustment assistance. Workers engaged in employment related to the production of suspension springs were certified eligible to apply for adjustment assistance. The expiration date of the certification is December 15, 1982.

No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 17th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8892 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,646]

Stalwart Rubber Co., Bedford, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 10, 1980 in response to a petition received on November 3, 1980 which was filed on behalf of workers at the Bedford, Ohio plant of Stalwart Rubber Company.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9778). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 17th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8893 Filed 3-23-81; 8:35 am]

BILLING CODE 4510-28-M

[TA-W-10,705]

Weinman Pump Manufacturing Co., Columbus, Ohio; Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on September 15, 1980 in response to a petition which was filed by the United Steelworkers of America, Local 3970 on behalf of workers at Weinman Pump Manufacturing Company, Columbus, Ohio, a subsidiary of L.F.E. Corporation. Prior to July 11, 1980, workers at Weinman Pump produced and machined raw iron castings and assembled these castings into centrifugal pumps; since July 11, 1980 the workers have machined iron castings and assembled them into centrifugal pumps, but have not produced raw foundry castings.

With respect to all hourly workers, except those in the assembly, fabrication, and file bench/deburring departments, and with respect to all salaried workers engaged in employment related to the production of raw or machined pump castings at Weinman Pump Manufacturing Company, the investigation revealed that all of the requirements have been met.

L.F.E. Corporation is currently in the process of transferring all production of raw and machined pump castings from its Weinman Pump plant to a new company facility in Belfast, Northern Ireland. This process began when the Weinman foundry closed in July 1980 and will be completed between March and June 1981.

L.F.E. Corporation began importing raw castings from its Belfast facility in the second quarter of 1980, and machined castings in the fourth quarter of 1980. Total company imports of raw and machined pump castings increased steadily from the second through the fourth quarters of 1980, and are projected to increase further in the first quarter of 1981. The Belfast plant is scheduled to be supplying the Weinman Pump plant with most of its requirements for raw and machined pump castings by the second quarter of 1981.

With respect to hourly workers in the assembly (#3240), fabrication (#3347), and file bench/deburring (#3348) departments and salaried workers who are not engaged in employment related to the production of either raw or machined pump castings at Weinman Pump Manufacturing Company, the investigation revealed that criterion (3) has not been met.

Hourly workers assigned to the assembly, fabrication, and file bench/deburring departments at Weinman Pump Manufacturing Company are engaged in employment related to the assembly of centrifugal pumps and/or to the manufacture of non-foundry pump components. Workers in these departments and most salaried workers at Weinman Pump have not been engaged directly or indirectly in foundry or machine shop operations, and therefore have not been affected by the shutdown of the Weinman foundry or by increased company imports of pump castings.

U.S. imports of centrifugal pumps decreased in value terms in the period January-November 1980 compared to the period January-November 1979. U.S. exports greatly exceeded U.S. imports of centrifugal pumps throughout the 1975–1979 period. Sales of centrifugal pumps at Weinman Pump Manufacturing Company increased from 1978 to 1979 and in the first half of 1980 compared to the first half of 1979. Subsequent declines in plant sales took place during a period in which U.S. imports of centrifugal pumps declined.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with raw and machined pump castings produced at Weinman Pump Manufacturing Company, Columbus, Ohio, contributed importantly to the decline in production of pump castings and to the total or partial separation of all hourly workers, except those in the assembly, fabrication, and file bench/deburring departments, and of all salaried workers engaged in employment related to the production of raw or machined pump castings at that firm. In accordance with the provisions of the Act, I make the following certification:

All hourly workers of Weinman Pump Manufacturing Company, Columbus, Ohio, except those in the assembly, fabrication, and file bench/deburring departments, who became totally or partially separated from employment on or after July 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974; and

All salaried workers of Weinman Pump Manufacturing Company, Columbus, Ohio, who are engaged in employment related to the production of raw or machined pump castings, and who became totally or partially separated from employment on or after July 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

After careful review, I further determine that all hourly workers in the assembly (#3240), fabrication (#3347), and file bench/deburring (#3348) department, and all salaried workers who are not engaged in employment related to the production of raw or machined pump castings at Weinman Pump Manufacturing Company, Columbus, Ohio, are denied eligibility to apply for adjustment assistance under Section 233 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th of March 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-8884 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,220]

Van Wormer Industries, St. Clair Shores, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 9, 1981 in response to a petition received on February 30, 1981 which was filed on behalf of workers at the Van Wormer Industries, St. Clair Shores, Michigan.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9129). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 17th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-8885 Filed 3-23-81; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Safety Philosophy, Technology and Criteria; Notice of Meeting

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria will hold a meeting on April 8, 1981, in Room 1046, 1717 H Street, NW., Washington, DC to discuss matters related to the development of safety criteria for new (beyond NTCP) LWRs.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, April 8, 1981—11:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 17, 1981.

John C. Hoyle,

Advisory Committee Management Office

[FR Doc. 81-8783 Filed 3-23-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Operations

The ACRS Subcommittee on Reactor Operations will hold a meeting on Wednesday, April 8, 1981 in Room 1167 at 1717 H Street, N.W., Washington, DC. The Subcommittee will review Congressman Udall's inquiries on ATWS which were prompted by the June 28, 1980 Browns Ferry 3 partial failure to scram.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security Information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, April 8, 1981—1:00 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-8782 Filed 3-23-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on NRC Safety Research Program; Meeting

The ACRS Subcommittee on the NRC Safety Research Program will hold a meeting on April 8, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC.

The Subcommittee will be considering predecisional budget information associated with the NRC's Long-Range Research Program Plan as requested by the Nuclear Regulatory Commission. In order to perform this review, the ACRS must be able to engage in frank discussion with members of the NRC Staff. For the reason just stated, such a discussion would not be possible if held in public session.

I have determined, therefore, that it is necessary to close this meeting to prevent frustration of this aspect of the ACRS' statutory responsibilities. The authority for such closure is Exemption 9(B) to the Government in the Sunshine Act (522b(c)(9)(B)).

Further information can be obtained by a prepaid telephone call to the Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., est.

Date: March 19, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-8834 Filed 3-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric & Gas Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electic Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises the Radiological Technical Specifications to incorporate new requirements related to reactor decay heat removal capability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 15, 1980, (2) Amendment No. 34 to License No. DPR-70, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of March, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-8825 Filed 3-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305]

Wisconsin Public Service Corp. et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory

Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR–43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kewaunee, Wisconsin. The amendment was effective January 30, 1981.

The amendment was authorized by phone on January 30, 1981 and was confirmed by letter on the same date. The amendment revises the one-time extension of the test frequency interval for turbine stop and governor valves from monthly to a period of four months, said extended period to end April 30, 1981. After April 30, 1981, monthly tests will again be required. The amendment was authorized on an expedited basis to maintain the plant at a steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by Technical Specifications unless amended.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the request for amendment dated January 29, 1981, (2) the Commission's letter to the licensee dated January 30, 1981, (3) Amendment No. 31 to License No. DPR–43 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of March 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-8820 Filed 3-23-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees Health Benefits Program; Termination of Los Padres Group Health Plan's Participation in the Program

AGENCY: Office of Personnel Management.

ACTION: Notice of health plan termination.

SUMMARY: Pursuant to the authority contained in section 8902 of title 5, United States Code, the Office of Personnel Management hereby announces that the participation of the Los Padres Group Health Plan, San Luis Obispo, California, in the Federal Employees Health Benefits (FEHB) Program has been terminated.

EFFECTIVE DATE: March 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Karen J. Liebach, Compensation Group, Comprehensive Plans Division, Washington, D.C. 20415, 202–632–6176.

SUPPLEMENTARY INFORMATION: Due to the termination of the Los Padres Group Health Plan effective March 1, 1981, each Federal employee or annuitant enrolled in the plan who wishes to continue coverage under the FEHB Program must change to another plan offered in the area. The effective date of the change will be the first day of the first pay period beginning on or after March 1, 1981. To effect this change in health plans, the employee or annuitant should submit a completed Standard Form 2809 to his or her personnel office or retirement system. Benefits under the Los Padres plan will continue to be provided up to the date coverage under the new plan begins.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-8844 Filed 3-23-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4192]

Canadian Javelin Limited, Common Stock, no par Value; Application To Withdraw From Listing and Registration

March 18, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Canadian Javelin Limited (the "Company") has been listed and registered on the Amex since 1959. Trading in the Company's stock on the Amex has been suspended since April 1975. The Company has registered its common stock with the National Association of Securities Dealers Automated Quotation System and feels that the dual listing would not be in the best interest of the Company or the holders of its common stock.

Any interested person may, on or before April 6, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8818 Filed 3-23-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

The above named national securities exchange has filed applications with the Securities and Exchange Commission

pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Central Telephone & Utilities Corp., Common Stock, $2.50 Par Value (File No. 7-5882)
New York State Electric & Gas Corp., Common Stock, $5% Par Value (File No. 7-5883)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 6, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-8917 Filed 3-23-81; 8:45 am]
BILLING CODE 8010-01-M

[File No. 22-10971]

Jersey Central Power & Light Co.; Application and Opportunity for Hearing

March 17, 1981.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L") has filed an application pursuant to Section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of J. Henry Schroder Bank & Trust Company ("Schroder") under two existing indentures of JCP&L is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Schroder from acting as trustee under both of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in that Section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that its trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both of such indentures.

JCP&L alleges that:

(1) Effective July 31, 1973, New Jersey Power & Light Company ("NJP"), a New Jersey corporation, was merged into JCP&L, a New Jersey corporation, the applicant herein, pursuant to a Certificate of Merger filed July 30, 1973 to become effective July 31, 1973.

(2) An aggregate of $760,316,000 principal amount of First Mortgage Bonds are currently outstanding under the JCP&L indenture, dated as of March 1, 1946, as supplemented by 37 Supplemental Indentures thereto (the "JCP&L Indenture"). J. Henry Schroder Bank & Trust Company is acting as Successor Trustee under the JCP&L Indenture, which is qualified under the Act.

(3) An aggregate of $39,200,000 principal amount of First Mortgage Bonds are currently outstanding under the Mortgage and Deed of Trust, dated as of March 1, 1944, to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), Trustee, as amended by 20 Supplemental Indentures thereto (the "NJP Indenture"). The NJP Indenture is qualified under the Act.

(4) Upon the effectiveness of the merger of NJP into JCP&L, JCP&L assumed all of NJP's obligations under the JCP&L Indenture.

(5) Morgan Guaranty Trust Company of New York, Trustee, under the NJP Indenture, has indicated to JCP&L that it desires to resign as Trustee, and Schroder has indicated its willingness to assume the role of Successor Trustee under the NJP Indenture.

(6) The First Mortgage Bonds issued under the JCP&L Indenture and the First Mortgage Bonds issued under the NJP Indenture are of equal rank and without priority or preference of either one over the other.

(7) While there are minor differences, the default provisions of JCP&L and NJP Indentures are substantially similar.

(8) The mortgage property that JCP&L acquired from NJP as a result of the merger and additions thereto is subject only to the first lien of the NJP Indenture, and JCP&L's mortgaged property and additions thereto is subject to the first lien of the JCP&L Indenture.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is a public document on file in the office of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than April 10, 1981 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-8918 Filed 3-23-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 21964 (70-6561)]

Middle South Utilities, Inc.; Proposal To Issue and Sell Common Stock Pursuant To a Dividend Reinvestment and Stock Purchase Plan; Amendment of Plan To Include Employee Participation

March 16, 1981.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935

("Act") designating Sections 6(a) and 7 of the Act and Rules 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

By orders dated May 20, 1976, April 3, 1978, April 4, 1979 and May 12, 1980 (HCAR Nos. 19538, 20460, 20993 and 21566) Middle South was authorized to issue and sell from time to time through June 30, 1981, a maximum of 4,500,000 shares of its authorized but unissued common stock, $5 par value, pursuant to a Dividend Reinvestment and Stock Purchase Plan ("Plan"). Middle South has issued and sold 3,448,273 of the 4,500,000 so authorized and expects to sell the balance in the near future.

Middle South now proposes to issue and sell an additional authorized but unissued 8,000,000 shares of common stock ("Additional Common Stock") under the terms of the Plan. These additional shares should be sufficient to provide for the requirements of the Plan through December 31, 1982. Middle South intends to apply the proceeds from the sale of the Additional Common Stock toward the payment of short-term bank debt outstanding from time to time and for other corporate purposes.

Middle South also proposes to amend the Plan to permit employees of Middle South and its subsidiaries who are beneficial owners of Common Stock of Middle South through participation in the Employee Stock Ownership Plan of Middle South Utilities, Inc. and Subsidiaries and/or the Middle South Utilities System Savings Plan to participate in the Plan. These employees would join the Plan by making an initial cash payment. Thereafter, they would have cash dividends on shares in their Plan account, as well as any optional cash payments, invested in the purchase of additional shares of Common Stock of Middle South.

Middle South requests an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) for the issue and sale of the common stock pursuant to the Plan.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The fees, commissions and expenses to be incurred in connection with the proposed transaction in the first year are estimated to be $340,000 including $230,000 for bank fees and service charges, $25,000 for listing fees of stock exchanges, $25,000 for printing and engraving costs, and $20,000 for legal fees.

Notice is further given that any interested person may, not later than April 9, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8619 Filed 3-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21566; (70-6564)]

Middle South Utilities, Inc.; Proposed Issuance and Sale of Common Stock at Competitive Bidding

March 17, 1981.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South proposes to issue and sell at competitive bidding up to 10,000,000 authorized shares of common stock with $5 par value to underwriters or investment bankers who will promptly make a public offering of such shares. Middle South estimates that sale of 10,000,000 shares at a sale price of $12.50 per share would generate proceeds of $125,000,000; Middle South reserves the right to reduce the number of shares which shall constitute the additional common stock to less than 10,000,000 shares. In the event the company exercise this right, it will give appropriate notice of such reduction on a business day and not later than 28 hours prior to the time fixed for the presentation and opening of bids.

The net proceeds to be derived from the sale of the additional common stock will be applied toward the reduction of the then outstanding bank loans, presently estimted to be $154,000,000, made by various commercial banks to Middle South pursuant to a Credit Agreement, dated as of June 27, 1980, and approved by this Commission (HCAR No. 21628).

a statement of the fees and expenses incurred in connection with the proposed transaction will be provided by amendment.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 10, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in

this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8820 Filed 3-23-81; 8:45 am]
BILLING CODE 8010-01-M

[812-4672]

Mutual of Omaha Cash Reserve Fund, Inc.; Notice of Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

March 18, 1981.

Notice is hereby given that Mutual of Omaha Cash Reserve Fund, Inc. ("Applicant"), 3102 Farnam Street, Omaha, Nebraska 68131, an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on April 28, 1980, and an amendment thereto on March 9, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a Nebraska corporation on March 21, 1980, and its investment adviser is Mutual of Omaha Fund Management Company ("Adviser"). Applicant represents that its investment objective is to provide as high a level of current income as is consistent with preservation of capital and maintenance of liquidity by investing in a variety of money market instruments maturing in one year or less. Applicant states that it intends to invest in securities issued by the United States Treasury or guaranteed by the United States Government or its agencies, authorities or instrumentalities; certificates of deposit and bankers' acceptances issued by domestic banks and savings and loan institutions; corporate obligations rated Aa or better by Moody's Investors Service ("Moody's") or AA or better by Standard & Poor's Corporation ("S&P") at time of purchase; commercial paper rated Prime-1 by Moody's or A-1 by S&P at time of purchase; and repurchase agreements with respect to the foregoing obligations.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant represents that its board of directors, has determined that, absent unusual circumstances, amortized cost value represents that fair value of its portfolio securities and that the amortized cost method of valuation will benefit both the Applicant and its shareholders. Applicant states that by using the amortized cost method of valuing its shares, investors would have the convenience of being able to value their holdings simply by knowing the number of shares which they own. Furthermore, Applicant maintains that by using the amortized cost method of valuation its net asset value per share would not vary as a result of realized and unrealized capital gains and losses.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owned to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Include within the procedures to be adopted by the board of directors of the Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may

Continued

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than April 13, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–8821 Filed 3–23–81; 8:45 am]

BILLING CODE 8010–01–M

include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Pacific Stock Exchange, Inc.; Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

March 16, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Seagull Pipeline Corporation, Common Stock, $.10 Par Value (File No. 7–5881)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 8, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–8822 Filed 3–23–81; 8:45 am]

BILLING CODE 8010–01–M

[SR–Phlx–80–28]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 16, 1981.

On December 23, 1981, the Philadelphia Stock Exchange, Inc. ("Phlx"), 17th Street and Stock Exchange Place, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would amend its listing fee schedule for stocks and warrants and for bonds and similar securities listed on the Phlx by

increasing the annual maintenance fee from $750 to $1,000 for one such listing by an issuer and by increasing from $150 to $250 the fee for each additional issue of securities listed by the same issuer. The proposed increase in listing fees would not apply to options.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17435, January 9, 1981) and by publication in the Federal Register (46 FR 13023, February 23, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8823 Filed 3-23-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Troy Gold Industries Ltd.; Order of Trading Suspension

March 19, 1981.

It appearing to the Securities and Exchange Commission that there is a lack of current and accurate financial information relating to the securities of Troy Gold Industries Ltd., and that questions have been raised about the adequacy and accuracy of publicly disseminated information concerning its ore reserves and other matters, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Troy Gold Industries Ltd.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of Troy Gold Industries Ltd. is suspended, for the period from 9:30 a.m. on March 19, 1981, and terminating at midnight (EST) on March 28, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8824 Filed 3-23-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-58]

Importation and Exportation of Coffee Under the International Coffee Agreement of 1976

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice advises the importing and exporting community that import and export quotas for coffee have been established. Customs will administer these quotas through (1) limitation of importation of certain coffee, (2) prohibition of entry of other coffee without valid documentation, and (3) requirement of valid documentation of coffee exported or reexported from the United States. Accordingly, the text of the Customs operational guidelines and instructions to implement the above actions is reproduced below.

EFFECTIVE DATE: The Customs operational guidelines and instructions described in this document are effective on March 24, 1981.

FOR FURTHER INFORMATION CONTACT: David O. Ramsay, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2957).

SUPPLEMENTARY INFORMATION:

Background

International Coffee Agreement of 1976

The United States is a Contracting Party to the International Coffee Agreement of 1976 (ICA), signed at New York on February 27, 1976, and which entered into force for the United States provisionally on October 1, 1976, and on August 1, 1977, definitively. Under Article 70 of the ICA, that Agreement shall be considered as a continuation of the International Coffee Agreement of 1968 as Extended by Protocol. The ICA, unless extended, shall remain in force for a period of six years, until September 30, 1982.

The International Coffee Organization (Organization), established under the International Coffee Agreement of 1962, administers the provisions and supervises the operation of the ICA. Each Contracting Party to the ICA is a Member of the Organization (Member). The Organization functions through the International Coffee Council, the Executive Board, and the Executive Director and staff. The highest authority of the Organization is the International Coffee Council which consists of all the Members.

The United States joined the 1962, 1968, and 1976 International Coffee Agreements to help stabilize prices and export income of the developing producing countries. The United States also joined to help secure for consumers an adequate coffee supply at reasonable and stable prices.

The ICA, a treaty of the United States (28 UST 6401), was ratified by the Senate on August 23, 1976.

Among other things, the treaty requires Member importing countries, including the United States, to take specific actions to limit imports of coffee under conditions of low price. The treaty was not self-executing and the President had no authority at that time to impose such limitations.

Export quotas are the economic instrument under the ICA used to maintain prices. These quotas are tightened—thus reducing the available world supply of coffee—as prices fall through a "price band." At the lower end of the band, the most restrictive quota is in effect, and if prices exceed the upper end of the band, the quotas are removed.

When invoked, a world quota is divided among various producers, and basically is enforced by the Member importing countries, which require that all imported coffee bear a coffee stamp indicating the country of origin. Statistical information on coffee shipments is forwarded to the Organization in London, thus providing data on various nations' levels of export.

Enabling Legislation

Pub. L. 96-599, the "International Coffee Agreement Act of 1980" (the Act), was approved on December 24, 1980, to implement the treaty and to carry out the obligations of the United States under the ICA. The Act generally provides that the President may limit entry, and withdrawal from warehouse, of coffee exported from non-Members, and prohibit entry of coffee exported from Members when the coffee is not accompanied by appropriate documentation. In addition, the President may require that every export or reexport of coffee from the United States shall be accompanied by appropriate documentation. The President's authority is to be exercised in such a way as to protect American consumers against unwarranted price

increases as a result of actions taken under the ICA, or by two or more Members. If there is coffee price manipulation by two or more Members, the President shall request that the situation be remedied, either through relaxation of coffee export quotas or other actions. If the Members involved in price-increasing market manipulation fail "to remedy the situation within a reasonable time after a request for remedy," the President must suspend his authorities provided in the Act to implement the treaty until "effective market manipulation activities have ceased."

The Act also requires reports on the operation of the ICA and on international trade in coffee.

The authority provided in the Act will expire on September 30, 1982, so that the Congress will have an opportunity to review this matter in the near future.

Specifically, Section 2 of the Act provides that the President is authorized, in order to carry out and enforce the provisions of the ICA:

1. To regulate the entry of coffee for consumption, or withdrawal of coffee from warehouse for consumption, or any other form of entry or withdrawal of coffee such as for transportation or exportation, including, whenever quotas are in effect pursuant to the ICA, (i) the limitation of entry, or withdrawal from warehouse, of coffee imported from countries which are not members of the Organization, and (ii) the prohibition of entry of any shipment from any member of the Organization of coffee which is not accompanied either by a valid certificate of origin, a valid certificate of reexport, a valid certificate of reshipment, or a valid certificate of transit, issued by a qualified agency in such form as required under the ICA;

2. To require that every export or reexport of coffee from the United States shall be accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency of the United States designated by him, in such form as required under the ICA;

3. To require the keeping of such records, statistics, and other information, and the rendering of such reports, relating to the importation, distribution, prices, and consumption of coffee as he may from time to time prescribe; and

4. To take such other action, and issue and enforce such rules and regulations, as he may consider necessary or appropriate in order to implement the obligations of the United States under the ICA.

Delegation of Authority

As provided in section 4 of the Act, the President may exercise any powers and duties conferred on him by the Act through such agency or officer as he shall direct. Pursuant to Executive Order 12297 of March 12, 1981 (46 FR 16677), the President has delegated to the United States Trade Representative the functions vested in him by the Act. The Executive Order further provides that the United States Trade Representative may redelegate some or all of those functions to the head of another Executive agency.

By letters dated March 16, 1981, the United States Trade Representative has directed the Acting Commissioner of Customs to issue, and publish in the Federal Register, any necessary internal directives or operational procedures to implement the control provisions of the Act.

Decision Under ICA To Impose Quotas

Because of relevant price conditions, in a decision of the International Coffee Council (Council) concerning the entry into force of quotas, rendered in accordance with the provisions of paragraph (1) of Article 33 of the ICA, import and export quotas became effective from October 1, 1980. The initial global annual quota, in accordance with the provisions of Article 34 of the ICA, was set at 57.37 million "bags" (as defined in Article 3 of the ICA). In that decision, it was stated that importing Members shall implement on November 1, 1980, the Controls System of Certificates of Origin when Member Export Quotas Are in Effect.

For U.S. Customs Service purposes, the effective date of implementation of the quotas and controls system established by the Council decision is (upon date of publication in the **Federal Register**).

Drafting Information

The principal authors of this document were Charles D. Ressin and Todd J. Schneider, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices and the Treasury Department participated in its development.

Customs Actions When Quotas Are in Effect

Pursuant to section 4 of the Act, the U.S. Customs Service will (1) limit the entry, or withdrawal from warehouse, of coffee imported from non-Members, (2) prohibit entry of any shipment from any Member which is not accompanied by valid documentation, and (3) require that every export or reexport of coffee from the United States shall be accompanied by valid documentation.

Dated: March 18, 1981.

William T. Archey,

Acting Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

Customs Guidelines and Instructions

To administer the quota system established by the ICA and implemented by Pub. L. 96-599, the Duty Assessment Division, Office of Trade Operations, U.S. Customs Service, has formulated and distributed to Customs field personnel operational guidelines and instructions, the text of which is reproduced below:

Telex

To: All Regional Commissioners, Area, District and Port Directors of Customs.
Subject: Special procedures for the importation and exportation of coffee.
Reference: International Coffee Agreement, 1976 (treaties and other International Acts series 8063; 28 UST 6401).

On December 24, 1980, the President signed Pub. L. 96-599, authorizing full implementation of the procedures specified under the International coffee Agreement (ICA). Consequently, on March 24, 1981, Customs shall deny entry into the United States of any shipment of Coffee which does not comply with the following instructions.

A. Imports and Exports of Coffee From ICA Member Countries

1. Effective March 24, 1981, Customs officers shall require a valid certificate of orgin (form O), re-export (form R), re-shipment (form RS), or transit (form T), to be furnished on entry, of all shipments of coffee classified under item numbers 160.10, 160.20, and 160.21, Tariff Schedules of the United States (TSUS) which were exported from ICA member countries on or after November 1, 1980, except for those provided for in part F and shipments (a) proceeding through the U.S. on a through bill of lading; (b) entered for consumption in Puerto Rico; or (c) of green coffee from Hawaii shipped to the Continental United States. (A listing of ICA member countries is furnished as attachment I.)

2. Coffee exported from a member country prior to November 1, 1980, may be permitted entry if: (a) box 16 of approximate ICA form has been properly completed and is dated prior to November 1; or (b) the bill of lading is dated prior to November 1.

3. Samples of International Coffee Organization (ICO) forms O, R and RS, along with instructions for completion, were recently sent to your ports. Please pass to proper Customs officers.

4. Forms O, R, RS, and T are valid only if: (a) the certificate is marked "original" (duplicate or photostat copies are

unacceptable); (b) no more than nine months have elasped since the end of the quarter in which the certificate was issued; (c) the certificate covers only the coffee described at the time it was issued; and (d) the certificate has not previously been completed in Part B.

5. In addition, forms O, R, and RS must bear the stamp of the Customs Service of the member from which the coffee described has been imported, re-exported, or re-shipped, respectively.

6. The proper number of either ICO export or transit stamps with the code corresponding to the country of issue printed on the right half (*e.g.*, 18 for Mexico) must be affixed to the reverse side of form O or T respectively. (See attachment I for special instructions applicable to OAMCAF countries.)

7. Additionally, ICO export stamps used on form O must have the coffee year overprinted in a circle on the left half of the stamp, *e.g.*, (1) for 1980/81 coffee year.

8. ICO export stamps each a different color in kilogram denominations from 25 kg. up to 300,000 kg. differ from transit stamps which are overprinted with letter "T" and range from 5 kg. to 30,000 kg. They cannot be attached to separate sheet. The net weight of the green coffee or green coffee equivalent governs the amount of stamps required. Example, a consignment of 369 kg. requires export stamps to the value of 375 kg. or 305 kg. transit stamps, as appropriate. To find green equivalents apply the following conversion factors:

Dried coffee cherry—multiply net weight of dried coffee cherry by 0.50
Parchment coffee—multiply net weight of parchment coffee by 0.80
Roasted coffee—multiply the net weight of the roasted coffee by 1.19
Soluble coffee—multiply the net weight of the soluble or dried coffee solids contained in the soluble coffee by 3.00
Decaffeinated coffee—multiply the net weight of the decaffeinated coffee in green, roasted or soluble form by 1.00, 1.19 or 3.00 respectively

9. Importation of coffee is permitted if the number of the bags is equal to or less than number shown on the certificate provided the difference in net weight does not exceed one percent more than the net weight noted in the certificate. Example: certificate lists 20 bags at a net weight of 1200 kilograms and the Customs Officer finds 19 bags at a net weight of 1210 kilograms. Consequently, the coffee is permitted entry because the number of bags is less and the net weight does not exceed one percent more than the net weight on the certificate.

10. Customs Officers shall note in box 18 Part B of the respective certificates any differences between the certificate description of the coffee as to quantity, weight, marks and numbers and the actual shipment. If the information on the respective certificate concerning the country of destination is missing or is not accurate, the Customs Officer shall insert the correct information in the relevant box in Part A of the certificate before signing, dating and applying the customs stamp.

11. Valid certificates, completed in accordance with the foregoing instructions, shall be forwarded by Customs to the ICO within 30 days of the month of collection in securely packed batches of not more than 100.

B. Coffee Afloat and Re-Exports

1. If the holder of a valid certificate; form O, R, RS, or T, covering a parcel of coffee afloat wishes to split the shipment, the holder may, on surrending the certificate to a Customs Officer request the issue of form R.

(A) The Customs Officer should indicate in box 18 of form O, R, RS, or T (as appropriate) the exact quantity of coffee being entered at that port.

(B) Enter in box 15 of the form R being issued the following words: "shipment of coffee split while afloat. This certificate is in partial replacement of form (O, T, R, or RS, as appropriate) reference number———covering a parcel of———kgs/lbs."

(C) The original of the form R is issued to the applicant.

(D) The first copy of the form R should be attached to the relevant original form O, R, RS, or T and both forwarded to the ICO.

2. The form R is also issued by U.S. Customs for coffee re-exported after having been imported into the United States.

C. Imports of Coffee From Nonmember Countries

1. During the period March 24, 1981, and through September 30, 1981, not more than 7,936,200 pounds of coffee classifiable under items 160.10, 160.20 and 160.21 from countries other than member countries may be entered, or withdrawn from warehouse for consumption.

2. Coffee from nonmember countries shall be reported and released via the quota CRT. Reports shall indicate the actual quantity (in pounds, not converted) of coffee by TSUSA number. For items 160.1040, 160.2000, and 160.2100, the kind (roasted, souluble, dries, parchment, or liquid) shall be reflected in the remarks data field by using the first four letters, i.e., SOLU. If the country of exportation differs from the country of growth, the country of exportatic:: shall also be stated in the remarks/data field. Coffee exported from a nonmember country will be considered the growth of that country unless proof is submitted that it is the growth of another country.

3. Additionally, all importations of coffee from nonmember countries will continue to be reported to the ICO on ICO import return form I, which shall be completed in accordance with the instructions on the reverse side thereof. Importers or agents may reproduce additional copies of this form for their own use if so desired.

D. Hawaiian Coffee

1. For the exportation of coffee grown in Hawaii to member countries, a Customs Officer shall sign, date and stamp with a customs stamp boxes 16 and 17 on the original and both copies of the ICO certificate of origin form O, and verify that ICO export stamps equal to the net weight of the coffee are affixed to the reverse side of the original certificate. The Customs Officer shall then cancel the ICO stamps without obliterating them, fill in the reference number of the certificate, consisting of the U.S. country code number (69), the port code number; the consecutive number of the certificate (a new series of which shall begin on October 1 of each year); and the expiration date (nine months from the end of the quarter in which the certificate is issued). The original certificate shall be returned to the exporter; one copy (green) shall be sent to the ICO; and the remaining copy shall be retained in Customs files for four years.

2. In the case of exports of Hawaiian coffee to non-member countries, the above procedure shall apply, except: (a) coffee export stamps shall not be affixed to the original certificate of origin Form X; (b) the original and copies of the certificate shall be marked in bold print "shipment to non-members"; (c) the original shall not be returned to the exporter but shall be sent along with one copy (green) to the ICO.

3. Exporters of coffee grown in Hawaii can obtain ICO export stamps and ICO certificate of origin from the State Board of Agriculture. Correspondence in this regard should be addressed to Chairman, Board of Agriculture, State of Hawaii, P.O. Box 22159, Honolulu, Hawaii 96822.

E. Missing, Invalid, or Otherwise Unacceptable Documents

1. Upon entry, a bond on Customs form 7551, 7553 or 7595, equal to 10% of the value of the coffee but not exceeding $250,000 shall be posted for production of any missing ICO documentation. The bond liability assumed is in addition to any other bond liability required as a condition for entry of the commodity. If valid documentation is not produced within 60 days of the date of entry, liquidated damages in the full amount of the bond in the case of a single entry bond, or the amount determined necessary to accept entry in the case of a term-entry bond, shall be assessed, except that, upon written application to the District Director of Customs concerned, the period for producing the missing documentation may be extended for an additional 30 days. In the event of non-compliance, the procedures in Part 172, C.R. relating to liquidated damages, shall apply.

2. If the period of validity (nine months after end of the quarter of issuance) has lapsed prior to the surrender of forms O, R, RS, or T to Customs, the holder shall forward the certificate directly to the Executive Director of the ICO, with an application for the extension of the form's period of validity. In his application the holder shall state the reasons for the failure to use or exchange the certificate before its expiration and shall specify the present location of the coffee. If the coffee is held in a warehouse, the holder shall provide a written declaration by the manager of the warehouse identifying the coffee and confirming the period of storage.

3. Application for replacement of lost certificates should also be made by the holder directly to the Executive Director of the ICO.

F. Exemptions

1. The foregoing provisions do not apply to: the importation of samples and parcels up to a maximum net weight of 60 kg. of green coffee or the equivalent thereof namely: (a) 120 kg. of dried coffee cherry; or (b) 75 kg. of

parchment coffee; or (c) 50.4 kg. of roasted coffee; or (d) 20 kg. of soluble or liquid coffee.

G. General Guidance

(1) The address of the ICO is 22 Berners St., London W1P 4DD, England.

(2) A coffee year runs from 1 October to 30 September.

(3) For further information relative to these instructions, please call Coffee Program Manager at (FTS) 566–2957.

H. Superseded Material

Effective March 24, 1981, the following circulars and instructions are superseded: SPE –2–0:D:S dated September 21, 1979; manual supplement number 36B–01 dated January 25, 1979; and CIE 51/80 dated November 24, 1980.

Richard R. Rosettis,

Acting Director, Duty Assessment Division.

Attachment 1.—*List Members and Their Code Numbers*

Exporting Members

Angola	158
Benin	22
Bolivia	1
Brazil	2
Burundi	27
Cameroon	19
Central African Republic	20
Colombia	3
Congo	21
Costa Rica	5
Dominican Republic	7
Ecuador	8
El Salvador	9
Ethiopia	10
Gabon	23
Ghana	38
Guatemala	11
Guinea	92
Haiti	12
Honduras	13
India	14
Indonesia	15
Ivory Coast	24
Jamaica	100
Kenya	37
Liberia	107
Madagascar	25
Malawi	109
Mexico	16
Nicaragua	17
Panama	29
Papua New Guinea	166
Paraguay	122
Peru	30
Philippines	
Rwanda	23
Sierra Leone	32
Tanzania	33
Togo	26
Trinidad and Tobago	34
Uganda	35
Venezuela	36
Zimbabwe	39

Importing Members

Australia	51
Austria	52
Belgium/Luxembourg	53
Canada	54
Cyprus	86
Denmark[1]	56
Federal Republic of Germany	57
Finland	71
France[2]	53
Hong Kong	93
Hungary	94
Ireland	98
Israel	99
Italy	58
Japan	60
Netherlands	61
New Zealand[3]	70
Norway	62
Portugal[4]	31
Spain	63
Sweden	64
Switzerland	65
United Kingdom	66
United States of America	69
Yugoslavia	148

[1] Includes Greenland
[2] Includes French West Indies
[3] Includes Niue
[4] Includes Azores.

Note.—Members of the Organization African Malagasy Coffee Producers (OAMCAF) are Italic. Coffee export stamps issued to members of OAMCAF will bear the code number 155.

[FR Doc. 81-8539 Filed 3-23-81; 8:45 am]

BILLING CODE 4810-22-M

Internal Revenue Service

[Delegation Order No. 67 (Rev. 15)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The specific authorization to sign the name of, or on behalf of, Roscoe L. Egger, Jr., Commissioner of Internal Revenue. The text of the Delegation Order appears below.

EFFECTIVE DATE: March 14, 1981.

FOR FURTHER INFORMATION CONTACT: Martha M. Seeman, PR:I, 1111 Constitution Ave., N.W., Room 3528, Washington, DC 20224 (202) 566–4273 (not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Albert C. Shuckra,

Director, Internal Management Documents Division.

Delegation Order

Date of issue: March 14, 1981.

Effective date: March 14, 1981.

Subject: Signing the Commissioner's Name or on His Behalf.

Effective 12:01 A.M., March 14, 1981, all outstanding authorizations to sign the name of, or on behalf of, W. E. Williams, Acting Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of, Roscoe L. Egger, Jr., Commissioner of Internal Revenue.

This Order supersedes Delegation Order No. 67 (Rev. 14), issued October 31, 1980.

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-8508 Filed 3-23-81; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Department Circular, Public Debt Series—No. 9–81]

Treasury Bonds of 2001; Invitation for Tenders

Washington, March 18, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,750,000,000 of United States securities, designated Treasury Bonds of 2001 (CUSIP No. 912810 CU 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated April 2, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 2001, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations

and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, March 26, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, March 25, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Thursday, April 2, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, March 30, 1981. When payment has been submitted with the tender and the purchace price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the

same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-8821 Filed 3-19-81; 10:09 am]

BILLING CODE 4810-40-M

V. 46 / 56 / MAR 24 1981 UMI

Sunshine Act Meetings

Federal Register
Vol. 46, No. 56
Tuesday, March 24, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Federal Home Loan Bank Board.....	1

1

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Monday, March 23, 1981, 4 p.m.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled for Monday, March 23, 1981 at 4 p.m.

Amendment Regarding Supervisory Branch Office Acquisitions

Merger, Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—Eastern-Liberty Federal Savings and Loan Association, Washington, D.C. INTO National Permanent Federal Savings and Loan Association, Washington, D.C.

No. 463, March 23, 1981.

[S–469–81 Filed 3–20–81; 2:25 pm]

BILLING CODE 6720–01–M

federal register

Tuesday
March 24, 1981

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Deep Seabed Mining; Regulations for Exploration Licenses

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 970

Deep Seabed Mining Regulations for Exploration Licenses

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Proposed rules.

SUMMARY: Pub. L. 96-283, the Deep Seabed Hard Mineral Resources Act (the Act), establishes a program pursuant to which the Administrator of the National Oceanic and Atmospheric Administration (NOAA) is authorized to issue to eligible United States citizens licenses for exploration for deep seabed hard mineral resources and permits for the commercial recovery of such resources. The Act calls for NOAA to issue such regulations as are required by or are necessary and appropriate to implement this program. These proposed rules set forth the procedures and substantive requirements according to the terms of the Act pursuant to which U.S. citizens may apply for and NOAA will issue exploration licenses. NOAA seeks comments from interested persons on these proposed rules.

DATES: 1. Comments on these proposed rules must be submitted in writing on or before May 29, 1981.

2. Public hearings concerning these regulations will be held as follows:

a. April 24, 1981—Honolulu, Hawaii.

b. April 28, 1981—San Francisco, California.

c. May 8, 1981—Washington, D.C.

ADDRESSES: Comments should be mailed to: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

The public hearings will be held at the following locations:

a. Honolulu: Courtroom 4, U.S. Courthouse, 300 Ala Moana Boulevard (1:30 and 7:30 p.m.)

b. San Francisco: Coral Sea Room, Holiday Inn, Fishermen's Wharf, 1300 Columbus Avenue (1:30 and 7:30 p.m.)

c. Washington, D.C.: Room 4830, Commerce Department, 14th St. and Constitution Ave. (9:00 a.m.)

FOR FURTHER INFORMATION CONTACT: James P. Lawless, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235 Telephone: (202) 653-8257.

SUPPLEMENTARY INFORMATION: The Act was signed into law on June 28, 1980. It establishes a legal structure pursuant to which United States citizens may proceed with the exploration for and commercial recovery of deep seabed hard minerals (commonly referred to as "manganese nodules"), pending conclusion of an acceptable Law of the Sea Treaty which would address the same issue. The Act authorizes the Administrator of NOAA to issue to eligible U.S. citizens licenses for the exploration for deep seabed hard minerals (which licenses may not be issued before July 1, 1981) and permits for the commercial recovery of such minerals (which permits may not authorize commercial recovery to commence before January 1, 1988). The Act also authorizes NOAA, in consultation with the Secretary of State and the heads of other appropriate departments and agencies, to designate as reciprocating states those other nations which establish seabed mining programs which are compatible with and recognize the U.S. program. These reciprocal arrangements will provide a mechanism whereby each nation will recognize the rights of the others' miners.

These proposed regulations for the issuance of exploration licenses have been developed, consistent with the purposes of the Act, to establish a legal framework to facilitate the development of the new seabed mining industry in the United States, while assuring that such efforts proceed in a responsible and environmentally sensitive manner. The regulations are intended to provide the necessary degree of certainty to the industry, while also recognizing the need for flexibility in order to promote the development of deep seabed mining technology, and the usefulness of allowing initiative on behalf of miners to develop mining techniques and systems in a manner compatible with the requirements of the Act and these regulations. In this regard the regulations reflect an approach, pursuant to the Act, whereby the issues discussed ultimately will be addressed and evaluated on the basis of the application and exploration plan submitted by each applicant.

Earlier public comment. In developing these regulations, NOAA has pursued a continuing effort to provide for and encourage public participation. On July 28, 1980, NOAA published in the **Federal Register** and distributed an advance notice of proposed rulemaking (45 FR 49953), seeking comments and information for use in this rulemaking. In November 1980, after considering the responses received on the advance notice, NOAA issued a discussion paper on the major issues to be addressed in regulations. This paper was sent to interested persons and organizations, and a notice published in the **Federal Register** (45 FR 79088, November 28, 1980), seeking comments. Also, a public hearing was held on December 17, 1980, to receive comments. The proposed rules have been prepared after considering this series of comments.

Exploration licenses. The proposed regulations deal only with the requirements and procedures pertaining to exploration licenses. NOAA determined that it was neither necessary nor desirable to propose regulations at this time for commercial recovery permits. This conclusion was based substantially on comments from interested persons that it would be premature to do so. The Act prohibits commercial recovery until January 1, 1988, and current explorers have indicated an intent not to file commercial recovery permit applications until at least 1984. NOAA's decision also was based on the agency's own realization that the deep seabed mining industry is still evolving and that more information must be developed to form a rational basis for future decisions by industry and by NOAA in its implementation of the Act. Therefore, any attempt at this time to promulgate commercial recovery regulations would likely be counterproductive for both NOAA and the industry. During the interim, NOAA and the industry will develop the more extensive information base necessary for a reasoned approach to commercial recovery regulations. Meanwhile, these proposed regulations will allow miners to establish needed priorities of right in selected seabed areas and to continue necessary exploration activities in accordance with the Act.

Structure of the regulations. The proposed regulations are structured to present procedures and requirements in the approximate chronological order they will be encountered in the application process. They begin by setting out their underlying purpose and the basic legal premises established by the Act, as well as the definitions applicable to the rules. Next, the steps that the applicant and NOAA will follow are set forth mostly in Subparts B through E, while the more substantive discussion of major issues that arise during the course of issuing and operating under a license are found primarily in Subparts F, G, and H. Miscellaneous provisions, plus the primary procedural subparts, follow.

The reader also will note that a major portion of the regulations is devoted to procedures rather than to substantive requirements. Most of these procedural requirements are found in the Act. While the regulations could have been greatly shortened and their provisions much simpler by excluding the procedures and relying on reference to the Act for such provisions, NOAA has included these in the regulations for the convenience of the reader and the efficiency of being able to refer to one document for all relevant requirements and procedures. The regulations also include detailed provisions on uniform procedures for resolving conflicts among pre-enactment explorers, for formal hearings if requested, and for enforcement actions if such situations should arise. While these provisions are somewhat lengthy, they have been prepared and included primarily to assure due process for applicants and licensees.

Interagency cooperation. The Act provides for consultation and cooperation between NOAA and other Federal agencies in the issuance of exploration licenses, and urges the reduction in separate agency actions where possible. NOAA believes it can provide a useful role in this regard through the application review process. To this end, NOAA has identified for inclusion in applications the information needs of those agencies with review or permitting roles specifically identified in the Act. These are the Environmental Protection Agency (for National Pollutant Discharge Elimination System permits), the Coast Guard (for safety of life and property at sea) and the Attorney General and Federal Trade Commission (for antitrust review). NOAA also will be able to facilitate the needs of other agencies and the overall Federal review process for licenses by functioning as lead agency for the environmental impact statement on the issuance of each license.

Major issues. Many issues are addressed in the proposed regulations, and NOAA seeks comment on any of these. However, the major issues concerning which NOAA has discretion in implementing the Act are as follows (applicable sections are noted in parentheses):

1. The extent of information needed to determine the applicant's financial responsibility to engage in the proposed exploration. (§§ 970.201 and 970.401)

2. The extent of information needed to determine the applicant's technological capability to undertake the proposed exploration. (§§ 970.202 and 970.402)

3. The information specified for an applicant to include in its exploration plan. (§§ 970.203 and 970.404)

4. The extent of information or analysis to require on, and basis for evaluating potential environmental effects from, exploration activities. (§§ 970.203, 970.204, 970.506, and Subpart G)

5. Criteria and procedures for resolving overlapping applications by pre-enactment explorers. (§§ 970.302)

6. Criteria for evaluating the proposed size and location of an exploration area. (§§ 970.405 and 970.601)

7. Criteria for resolving potential conflicts on uses of the high seas and other international conflicts. (§§ 970.503, 970.504 and 970.505)

8. Criteria for determining whether there are undue threats to the safety of life and property at sea. (§§ 970.205 and Subpart H)

9. Criteria for terms, conditions and restrictions to be included in a license for the purpose of ensuring diligent exploration. (§§ 970.517 and 970.602)

10. Requirements in the form of license terms, conditions and restrictions relative to environmental impact monitoring and mitigation measures. (§§ 970.518, 970.522 and 970.702)

11. Provisions for terms, conditions and restrictions in licenses to avoid waste during mining and to allow the opportunity for future recovery of the unrecovered balance of nodules. (§§ 970.519 and 970.603)

In addition to the above major issues, NOAA especially invites comment on the following specific provisions.

Information on exploration. As part of an application, § 970.204(a) requires information for use by NOAA in preparing the mandated environmental impact statement (EIS) on the issuance of each license. It distinguishes between information needed for the period of exploration prior to equipment testing and that needed for addressing the impacts of such testing. For each of these two categories, the proposed rule also calls for information both on the surrounding environment and on the nature of proposed operations. Applicants may elect to submit the information either entirely with the application or in two stages, but they may not undertake equipment testing until at least 365 days after the second category of information is submitted to NOAA. This will be necessary to allow NOAA review and concurrence with the testing, and the filing of a final supplement to the EIS.

NOAA will develop a technical guidance document which will provide assistance for the agency and the applicant, in consultation, to identify the details on information needed for making the necessary environmental and other determinations required by the Act.

NOAA solicits comments on this approach.

Conflict resolution. In § 970.302, NOAA proposes procedures and criteria for resolving site conflicts among license applications filed by preenactment explorers. NOAA's general approach in these provisions is to encourage the quick resolution of conflicts and to discourage the continued creation of new conflicts. Comments are invited on these provisions, including the following specific issues.

—NOAA believes that applications filed by pre-enactment explorers must be in substantial compliance with the requirements for an application. However, in order to expedite the resolution of conflicts, the rules do not require a separate time period for NOAA's substantial compliance review before the 30-day amendment period allowed for applicants to remove initial conflicts (§ 970.302(a)(2) and (3)).

—The proposed rules preclude the knowing creation of conflicts among pre-enactment explorers (see the last sentence of § 970.302(a)(3)). This is intended to encourage the earliest identification of primary exploration areas and to prevent an indefinite series of new conflicts. Toward this end, NOAA also could specify in § 970.302(a)(4) the opening and announcing of amended applications immediately upon their filing. NOAA then would disallow conflicts, if any, created by subsequently filed amended applications.

—The proposed regulations state that the equities to be considered for purposes of determining the superior priority of right are those "pertaining to investment and programs related to development of the area in conflict" (§ 970.302(c)). While this allows NOAA to look beyond the area in conflict when considering equities, it so provides only if the applicant can show the relationship of the equities to such area.

—NOAA seeks to balance preserving the interests of pre-enactment explorers in the conflict resolution process with the national interest in not creating undue delay into deep seabed mining by new entrants. Generally, this can be accomplished by providing a time period for pre-enactment explorers to apply for areas they have explored. After this time period closes, such miners would not be deemed to have special priority as against new entrants (see § 970.302(f)). Alternatively, NOAA could

provide, during the time period when pre-enactment explorers are still entitled to special priority, a mechanism for pre-enactment explorers to respond to or rebut applications by new entrants for given areas. This would protect temporarily the pre-enactment explorer's special priority of right to an area for which a new entrant wished to apply.

—Administrative necessity and the need to protect the interests of U.S. miners will require the correlation of certain dates and procedures in both the U.S. domestic and reciprocating states conflict resolution procedures (e.g., the "opening date" for initial applications and procedures to allow notification to reciprocating states of the coordinates for each site). Thus, NOAA will consider procedures developed among reciprocating states as well as comments on these proposed rules in developing final domestic rules for conflict resolution.

Exempted activities. Proposed § 970.103(a)(2) reiterates the language of the Act relative to the types of activities for which no exploration license is required. NOAA believes that a definitive and useful expansion on this list could not be provided, and that the incentive for a person to file for a license and thus obtain priority of right to a certain exploration area probably is sufficient to discourage extensive effort without a license. NOAA seeks comments on if or how this list should be further explained or expanded in the regulations.

Fee. The Act provides that an applicant must pay a fee to reflect the reasonable administrative costs incurred in reviewing and processing the license application. NOAA is unable to predict with precision the amount of such costs, including those for possible formal hearings and related costs, which will be required during the approximately 15 month review period. However, after some analysis NOAA determined that $100,000 is a reasonable amount. This fee, which would be nonrefundable, will not include the cost of preparing an EIS on the license. Proposed § 970.209 provides that, if NOAA incurs any significant costs over this amount, the agency may make subsequent adjustment, yet avoid the need for frequent interim accounting or computations. NOAA seeks comments as to whether this is a reasonable approach to the administrative fee requirement.

Review of denial of certification. The proposed rules in § 970.407 allow the applicant to seek administrative review of the denial of certification by the Administrator, which review includes a formal hearing. This has been included for the benefit of applicants, although it is not required by the Act. NOAA seeks comments as to the usefulness or desirability of such optional administrative review.

Transfer of a license. The Act authorizes the transfer of a license if the Administrator determines the proposed transferee and his proposed activities meet the requirements of the Act, and if the transfer is in the public interest. NOAA was unable to identify any additional factors, beyond the requirements for issuance, which were appropriate to specify as a requirement for transfer. Thus the proposed rules in § 970.517 include the presumption that a transfer is in the public interest if it meets the requirements of the Act and these regulations. NOAA seeks comments as to what additional factors, if any, should be specified in the rules for this public interest determination.

Delineation methods. NOAA believes a uniform method must be used by applicants in delineating their exploration areas. In § 970.801(c), the proposed rules specify use of the 1866 Clarke Spheroid. NOAA solicits comments on whether this or another spheroid, or some other method, should be used.

Effects from benthic plumes. NOAA's programmatic EIS identifies for commercial recovery four types of effects which for long-term operations have the potential for creating significant effects—two relate to effects on benthic organisms from bottom disturbances and two relate to effects from a surface discharge. One of the effects may also be significant during the exploration phase—that is, the blanketing of benthic fauna and/or dilution of their food supply many kilometers away from the site of tests of scale-model mining equipment, which simulates commercial recovery, by fine sediments disturbed during the tests. Because it is currently unknown whether restricting tests to only part of the exploration area would be beneficial in limiting the affected area or if such an approach could be deterimental because of heavier blanketings, NOAA proposes to focus on this concern in research and monitoring activities and then implement mitigation measures if a significant adverse effect is detected. NOAA solicits comment on this approach to the above uncertainty.

Public participation funds. In its advance notice of proposed rulemaking, referenced above, NOAA made available $5,000 for the cost of certain public participation in these proceedings. The agency received applications for these funds, and all such funds have been used.

Environmental impact statement. Pursuant to section 109(c) of the Act, NOAA has prepared a draft programmatic environmental impact statement assessing the environmental impacts of exploration and commercial recovery in the area of the oceans in which such activities by any United States citizen will likely first occur under the authority of the Act. Public comment is welcome on that statement as well. Copies are available from the Office of Ocean Minerals and Energy (see the "ADDRESSES" section of this preamble.)

Alternative regulatory approoches. In order to benefit the decision making process and promote more informed public participation in developing the regulations, NOAA had identified and considered three alternative regulatory approaches. These are:

1. Fixed regulations;
2. Flexible regulations preceding license issuance; and
3. Flexible regulations both preceding and following license issuance.

NOAA has concluded that the fixed approach would provide the benefit of maximum certainty, but in most cases this benefit would be outweighed by the resulting lack of flexibility which is needed for this evolving industry. The specificity and certainty of this alternative can be provided and is appropriate, for instance, with respect to major issue number 8 above (safety of life and property at sea). In addition, a fixed approach has been selected for the procedural provisions referenced above, to conform to the Act where applicable and also to provide the certainty for which procedures are intended.

The second alternative approach has been selected for those issues which must be addressed by the time a license is issued. It is appropriate for such issues in that it provides the opportunity for innovation by potential miners and allows NOAA to take account of their individual approaches and circumstances, while allowing the certainty of resolving the issue by the time the license is issued. This approach has been selected for major issues number 1, 2, 3, 5, and 6 above.

The third alternative approach has been selected for those issues for which the Act allows NOAA to continue its review and consideration after a license is issued. This approach provides the benefit of flexible guidance to applicants for the issuance of a license, like the second alternative, yet allows the additional benefit of not imposing undue requirements on an applicant and

NOAA when such requirements are unnecessary for agency determinations prior to the issuance of a license. This approach has been selected for major issues number 4, 7, 9, 10 and 11 above, which also is consistent with the requirements of the Act.

Reciprocating states agreements. Before the Administrator of NOAA may designate a nation as a reciprocating state, the Act directs the Secretary of State to judge such a nation's seabed mining program on the basis of, among other criteria, compatibility with the Act and implementing regulations. NOAA proposes that these functions be addressed in two ways. First, NOAA in cooperation with the State Department will shortly publish for public information and comment a set of broad criteria which will guide decisions relating to designations of reciprocating states. While these criteria will not take the place of NOAA's future commercial recovery regulations, they will supplement these exploration regulations by outlining the factors which will be considered. Second, NOAA will incorporate in reciprocating state agreements the requirement for later consultations to assure development of compatible commercial recovery regulations.

Regulatory flexibility analysis. NOAA has conducted an analysis of the economic impact of the proposed rules on small entities, pursuant to Pub. L. 96-354. Because the persons subject to these proposed rules are, insofar as known, major corporations or subsidiaries and affiliates thereof or groups of such, NOAA does not anticipate any but incidental effects on small entities.

Executive Order 12291. NOAA has determined to publish these regulations as major rules under the new Executive Order 12291. However, section 308(a) of the Act requires NOAA to publish these proposed rules in the Federal Register not later than March 24, 1981, and therefore it was impracticable to follow the full procedures in the Executive Order for major rules prior to publishing them in proposed form. Although NOAA has proceeded to issue these rules according to the above schedule, under the exemption in Section 8(a)(2) of the Executive Order, the agency has requested consultation with the Office of Management and Budget to enable adherence to the requirements of the Executive Order to the maximum extent practicable. In this regard, NOAA is proceeding with the regulatory impact analysis specified in the Executive Order.

Accordingly, new subparts A–K are proposed to be added to Part 970. The text of these subparts read as follows:

Dated: March 18, 1981.

Samuel A. Lawrence,

Assistant Administrator for Management and Budget.

PART 970—DEEP SEABED MINING REGULATIONS FOR EXPLORATION LICENSES

Subpart A—General

970.100 Purpose.
970.101 Definitions.
970.102 Nature of licenses.
970.103 Prohibited activities and restrictions.

Subpart B—Applications

970.200 General.

Contents

970.201 Statement of financial resources.
970.202 Statement of technological experience and capabilities.
970.203 Exploration plan.
970.204 Environmental and use conflict analysis.
970.205 Vessel safety.
970.206 NPDES requirements.
970.207 Statement of ownership.
970.208 Antitrust information.
970.209 Fee.

Procedures

970.210 Substantial compliance with application requirements.
970.211 Reasonable time for full compliance.
970.212 Consultation and cooperation with Federal agencies.
970.213 Public notice, hearing and comment.
970.214 Amendment to an application.

Subpart C—Procedures for Applications Based on Exploration Commenced Before June 28, 1980

970.300 General.
970.301 Filing period for applications based on pre-enactment exploration.
970.302 Procedures and criteria for resolving conflict.

Subpart D—Certification of Applications

970.400 General.
970.401 Financial responsibility.
970.402 Technological capability.
970.403 Previous license and permit obligations.
970.404 Adequate exploration plan.
970.405 Appropriate exploration site size and location.
970.406 Fee payment.
970.407 Denial of certification.
970.408 Notice of certification.

Subpart E—Issuance/Transfer/Terms, Conditions and Restrictions

970.500 General.

Issuance/Transfer; Modification/Revision; Suspension/Revocation

970.501 Proposal to issue or transfer and of terms, conditions and restrictions.
970.502 Consultation and cooperation with Federal agencies.
970.503 Freedom of the high seas.
970.504 International obligations of the United States.
970.505 Breach of international peace and security involving armed conflict.
970.506 Environmental effects.
970.507 Safety at sea.
970.508 Denial of issuance or transfer.
970.509 Notice of issuance or transfer.
970.510 Objections to terms, conditions and restrictions.
970.511 Modification of terms, conditions and restrictions.
970.512 Suspension or modification of activities; suspension or revocation of licenses.
970.513 Revision of a license.
970.514 Scale requiring application procedures.
970.515 Duration of a license.
970.516 Approval of license transfers.

Terms, Conditions and Restrictions

970.517 Diligence requirements.
970.518 Environmental protection requirements.
970.519 Resource conservation requirements.
970.520 Freedom of the high seas requirements.
970.521 Safety at sea requirements.
970.522 Monitoring requirements.
970.523 Special terms, conditions and restrictions.
970.524 Other Federal requirements.

Subpart F—Resource Development Concepts

970.600 General.
970.601 Logical mining unit.
970.602 Diligent exploration.
970.603 Conservation of resources.

Subpart G—Environmental Effects

970.700 General.
970.701 Significant adverse environmental effects.
970.702 Monitoring and mitigation environmental effects.

Subpart H—Safety of Life and Property at Sea

970.800 General.
970.801 Criteria for safety of life and property at sea.

Subpart I—Miscellaneous

970.900 General.
970.901 Records to be maintained and information to be submitted by licensees.
970.902 Public disclosure of documents received by NOAA.
970.903 Relinquishment and surrender of licenses.
970.904 Amendment to regulations.
970.905 Computation of time.

Subpart J—Uniform Procedures

970.1000 Applicability.
970.1001 Formal hearing procedures.
970.1002 Ex parte communications.

Subpart K—Enforcement

970.1100 General.
970.1101 Assessment procedure.
970.1102 Hearing and appeal procedures.

970.1103 License sanctions.
970.1104 Remission of forfeitures.
970.1105 Observers.
970.1106 Proprietary enforcement information.
970.1107 Advance notice of civil actions.

Authority: 30 U.S.C. 1401 *et seq.*

Subpart A—General

§ 970.100 Purpose.

(a) *General.* The purpose of this part is to implement those responsibilities and authorities of the National Oceanic and Atmospheric Administration (NOAA), pursuant to Pub. L. 96-283, the Deep Seabed Hard Mineral Resources Act (the Act), to issue to eligible United States citizens licenses for the exploration for deep seabed hard minerals.

(b) *Purposes of the Act.* In preparing these regulations NOAA has been mindful of the purposes of the Act, as set forth in section 2(b) thereof. These include—

(1) Encouraging the successful conclusion of a comprehensive Law of the Sea Treaty, which will give legal definition to the principle that the hard mineral resources of the deep seabed are the common heritage of mankind and which will assure, among other things, nondiscriminatory access to such resources for all nations;

(2) Establishing, pending the ratification by, and entering into force with respect to, the United States of such a treaty, an interim program to regulate the exploration for and commercial recovery of hard mineral resources of the deep seabed by United States citizens;

(3) Accelerating the program of environmental assessment of exploration for and commercial recovery of hard mineral resources of the deep seabed and assuring that such exploration and recovery activities are conducted in a manner which will encourage the conservation of such resources, protect the quality of the environment, and promote the safety of life and property at sea;

(4) Encouraging the continued development of technology necessary to recover the hard mineral resources of the deep seabed; and

(5) Pending the ratification by, and entry into force with respect to, the United States of a Law of the Sea Treaty, providing for the establishment of an international revenue-sharing fund the proceeds of which will be used for sharing with the international community pursuant to such treaty.

(c) *Regulatory approach.* (1) These regulations incorparate NOAA's recognition that the deep seabed mining industry is still evolving and that more information must be developed to form the basis for future decisions by industry and by NOAA in its implementation of the Act. They also recognize the need for flexibility in order to promote the development of deep seabed mining technology, and the usefulness of allowing initiative by miners to develop mining techniques and systems in a manner compatible with the requirements of the Act and regulations. In this regard, the regulations reflect an approach, pursuant to the Act, whereby their provisions ultimately will be addressed and evaluated on the basis of exploration plans submitted by applicants.

(2) In addition, these regulations reflect NOAA's recognition that the difference in scale and effects between exploration for and commercial recovery of hard mineral resources normally requires that they be distinguished and addressed separately. This distinction is also based upon the evolutionary stage of the seabed mining industry referenced above. Thus, NOAA will issue separate regulations pertaining to commercial recovery, in Part 971 of this chapter.

§ 970.101 Definitions.

For purposes of this part, the term:

(a) "Act" means the Deep Seabed Hard Mineral Resources Act (Pub. L. 96-283; 94 Stat. 553; 30 U.S.C. 1401 *et seq.*);

(b) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration, or a designee;

(c) "Applicant" means an applicant for an exploration license pursuant to the Act and this part;

(d) "Affiliate" means any person—

(1) In which the applicant or licensee owns or controls more than 5% interest;

(2) Which owns or controls more than 5% interest in the applicant or licensee; or

(3) Which is under common ownership or control with the applicant or licensee.

(e) "Commercial recovery" means—

(1) Any activity engaged in at sea to recover any hard mineral resource at a substantial rate for the primary purpose of marketing or commercially using such resource to earn a net profit, whether or not such net profit is actually earned;

(2) If such recovered hard mineral resource will be processed at sea, such processing; and

(3) If the waste of such activity to recover any hard mineral resource, or of such processing at sea, will be disposed of at sea, such disposal;

(f) "Continental Shelf" means—

(1) The seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such submarine area; and

(2) The seabed and subsoil of similar submarine areas adjacent to the coast of islands;

(g) "Controlling interest", for purposes of paragraph (t)(3) of this section, means a direct or indirect legal or beneficial interest in or influence over another person arising through ownership of capital stock, interlocking directorates or officers, contractual relations, or other similar means, which substantially affect the independent business behavior of such person;

(h) "Deep seabed" means the seabed, and the subsoil thereof to a depth of ten meters, lying seaward of and outside—

(1) The Continental Shelf of any nation; and

(2) Any area of national resource jurisdiction of any foreign nation, if such area extends beyond the Continental Shelf of such nation and such jurisdiction is recognized by the United States;

(i) "Exploration" means—

(1) Any at-sea observation and evaluation activity which has, as its objective, the establishment and documentation of—

(i) The nature, shape, concentration, location, and tenor of a hard mineral resource; and

(ii) The environmental, technical, and other appropriate factors which must be taken into account to achieve commercial recovery; and

(2) The taking from the deep seabed of such quantities, of any hard mineral resource as are necessary for the design, fabrication, and testing of equipment which is intended to be used in the commercial recovery and processing of such resource;

(j) "Hard mineral resource" means any deposit or accretion on, or just below, the surface of the deep seabed of nodules which include one or more minerals, at least one of which contains manganese, nickel, cobalt, or copper;

(k) "International agreement" means a comprehensive agreement concluded through negotiations at the Third United Nations Conference on the Law of the Sea, relating to (among other matters) the exploration for and commercial recovery of hard mineral resources and the establishment of an international regime for the regulation thereof;

(l) "Licensee" means the holder of a license issued under this part to engage in exploration;

(m) "New entrant" means a person who was not engaged in exploration prior to the date of enactment of the Act (June 28, 1980);

(n) "NOAA" means the National Oceanic and Atmospheric Administration;

(o) "Permittee" means the holder of permit issued under NOAA regulations to engage in commercial recovery;

(p) "Person" means any United States citizen, any individual, and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any nation;

(q) "Pre-enactment explorer" means a person who was engaged in exploration prior to the date of enactment of the Act (June 28, 1980);

(r) "Reciprocating state" means any foreign nation designated as such by the Administrator under section 118 of the Act;

(s) "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States; and

(t) "United States citizen" means

(1) Any individual who is a citizen of the United States;

(2) Any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any of the United States; and

(3) Any corporation, partnership, joint venture, association, or other entity (whether organized or existing under the laws of any of the United States or a foreign nation) if the controlling interest in such entity is held by an individual or entity described in paragraph (t)(1) or (t)(2).

§ 970.102 Nature of licenses.

(a) A license issued under this part will authorize the holder thereof to engage in exploration within a specific portion of the sea floor consistent with the provisions of the Act, this part, and the specific terms, conditions and restrictions applied to the license by the Administrator.

(b) Any license issued under this part will be exclusive with respect to the holder thereof as against any other United States citizen or any citizen, national or governmental agency of, or any legal entity organized or existing under the laws of, any reciprocating state.

(c) A valid existing license will entitle the holder, if otherwise eligible under the provisions of the Act and implementing regulations, to a permit for commercial recovery from an area selected within the same area of the sea floor. Such a permit will recognize the right of the holder to recover hard mineral resources, and to own, transport, use, and sell hard mineral resources recovered, under the permit and in accordance with the requirements of the Act.

§ 970.103 Prohibited activities and restrictions.

(a) *Prohibited activities and exceptions.*

(1) Except as authorized under Subpart C of this part, no United States citizen may engage in any exploration or commercial recovery unless authorized to do so under—

(i) A license or a permit issued pursuant to the Act and implementing regulations;

(ii) A license, permit, or equivalent authorization issued by a reciprocating state; or

(iii) An international agreement which is in force with respect to the United States.

(2) The prohibitions of paragraph (a)(1) of this section will not apply to any of the following activities:

(i) Scientific research, including that concerning hard mineral resources;

(ii) Mapping, or the taking of any geophysical, geochemical, oceanographic, or atmospheric measurements or random bottom samplings of the deep seabed, if such taking does not significantly alter the surface or subsurface of the deep seabed or significantly affect the environment;

(iii) The design, construction, or testing of equipment and facilities which will or may be used for exploration or commercial recovery, if such design, construction or testing is conducted on shore, or does not involve the recovery of any but incidental hard mineral resources;

(iv) The furnishing of machinery, products, supplies, services, or materials for any exploration or commercial recovery conducted under a license or permit issued under the Act and implementing regulations, a license or permit or equivalent authorization issued by a reciprocating state, or under an international agreement; and

(v) Activities, other than exploration or commercial recovery activities, of the Federal Government.

(3) No United States citizen may interfere or participate in interference with any activity conducted by any licensee or permittee which is authorized to be undertaken under a license or permit issued by the Administrator to a licensee or permittee under the Act or with any activity conducted by the holder of, and authorized to be undertaken under, a license or permit or equivalent authorization issued by a reciprocating state for the exploration or commercial recovery of hard mineral resources. For purposes of this section, interference includes physical interference with activities authorized by the Act, this part, and a license issued pursuant thereto; the filing of specious claims in the United States or any other nation; and any other activity designed to harass deep seabed mining activities authorized by law. Interference does not include the exercise of any rights granted to United States citizens by the Constitution of the United States, any Federal or State law, treaty, or agreement or regulation promulgated pursuant thereto.

(4) United States citizens must exercise their rights on the high seas with reasonable regard for the interests of other states in their exercise of the freedoms of the high seas.

(b) *Restrictions on issuance of licenses or permits.* The Administrator will not issue—

(1) Any license or permit after the date on which an international agreement is ratified by and enters into force with respect to the United States, except to the extent that issuance of such license or permit is not inconsistent with such agreement;

(2) Any license or permit the exploration plan or recovery plan of which, submitted pursuant to the Act and implementing regulations, would apply to an area to which applies, or would conflict with:

(i) Any exploration plan or recovery plan submitted with any pending application to which priority of right for issuance applies under this part;

(ii) Any exploration plan or recovery plan associated with any existing license or permit; or

(iii) Any equivalent authorization which has been issued, or for which formal notice of application has been submitted, by a reciprocating state prior to the filing date of any relevant application for licenses or permits pursuant to the Act and implementing regulations;

(3) A permit authorizing commercial recovery within any area of the deep seabed in which exploration is authorized under a valid existing license if such permit is issued to a person other than the licensee for such area;

(4) Any exploration license before July 1, 1981, or any permit which authorizes

commercial recovery to commence before January 1, 1988;

(5) Any license or permit the exploration plan or recovery plan for which applies to any area of the deep seabed if, within the 3-year period before the date of application for such license or permit:

(i) The applicant therefor surrendered or relinquished such area under an exploration plan or recovery plan associated with a previous license or permit issued to such applicant; or

(ii) A license or permit previously issued to the applicant had an exploration plan or recovery plan which applied to such area and such license or permit was revoked under section 106 of the Act; or

(6) A license or permit, or approve the transfer of a license or permit, except to a United States citizen.

Subpart B—Applications

§ 970.200 General.

(a) *Who may apply; how.* Any United States citizen may apply to the Administrator for issuance or transfer of an exploration license. Applications must be submitted in the form and manner prescribed in this subpart.

(b) *Place, form and copies.* Applications for the issuance or transfer of exploration licenses must be submitted in writing, verified and signed by an authorized officer or other authorized representative of the applicant, in 25 copies, to the following address: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Suite 410, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

(c) *Use of application information.* The contents of an application, as set forth below, must provide NOAA with the information necessary to make determinations required by the Act and this part pertaining to the issuance or transfer of an exploration license. Thus, each portion of the application should identify the requirement in this part to which it responds. In addition, the information will be used by NOAA in its function under the Act of consultation and cooperation with other Federal agencies or departments in relation to their programs and authorities, in order to reduce the number of separate actions required to satisfy Federal agencies' responsibilities.

(d) *Pre-application consultation.* To assist in the development of adequate applications and assure that applicants understand how to respond to the provisions of this subpart, NOAA will be available for pre-application consultations with potential applicants.

(e) *Priority of right.*

(1) Priority of right for issuance of licenses to pre-enactment explorers will be established pursuant to Subpart C of this part.

(2) Priority of right for issuance of licenses to new entrants will be established on the basis of the chronological order in which license applications, which are in substantial compliance with the requirements established under this subpart, pursuant to § 970.210, are filed with the Administrator.

(3) Applications must be received by the Office of Ocean Minerals and Energy on behalf of the Administrator before a priority can be established.

(f) *Request for confidential treatment of information.* If an applicant wishes to have any information in his application treated as confidential, he must so indicate pursuant to § 970.902.

Contents

§ 970.201 Statement of financial resources.

(a) *General.* The application must contain information sufficient to demonstrate to the Administrator the financial resources of the applicant to carry out, in accordance with this part, the exploration program set forth in the applicant's exploration plan. The information must show that the applicant possesses the funds necessary to cover the estimated costs of the exploration program or that the applicant has reasonable assurance of obtaining the necessary funds, or a combination of the two. The information must be sufficient for the Administrator to make a determination on the applicant's financial responsibility pursuant to § 970.401.

(b) *Contents.* In particular, the information on financial resources must include:

(1) A description of how the applicant intends to finance the exploration program;

(2) The estimated cost of the exploration program;

(3) A financial statement, income statement and a balance sheet for the applicant for the two preceding years, accompanied by an opinion of a certified public accountant;

(4) If the applicant is affiliated with another company or other companies, the affiliate companies' most recent financial statements, including an income statement and a balance sheet, accompanied by an opinion of a certified public accountant; and

(5) The credit rating and bond rating of the applicant, and affiliates.

§ 970.202 Statement of technological experience and capabilities.

(a) *General.* The application must contain information sufficient to demonstrate to the Administrator the technological capability of the applicant to carry out, in accordance with the regulations contained in this part, the exploration program set out in the applicant's exploration plan. It must contain sufficient information for the Administrator to make a determination on the applicant's technological capability pursuant to § 970.402.

(b) *Contents.* In particular, the information on technological experience and capabilities must include:

(1) A description of the exploration equipment to be used by the applicant in carrying out the exploration program;

(2) A description of the environmental monitoring equipment to be used by the applicant in monitoring the environmental effects of the exploration program; and

(3) The experience of the applicant in using this or similar equipment.

§ 970.203 Exploration plan.

(a) *General.* Each application must include an exploration plan which describes the applicant's projected exploration activities during the period to be covered by the proposed license. Generally, the exploration plan must demonstrate to a reasonable extent that the applicant's efforts will lead to commercial recovery by the end of the 10-year license period. In particular, the plan must include sufficient information for the Administrator, pursuant to this part, to make the necessary determinations pertaining to the certification and issuance or transfer of a license and to the development and enforcement of the terms, conditions and restrictions for a license.

(b) *Contents.* The exploration plan must contain:

(1) The activities proposed to be carried out during the period of the license;

(2) A description of the area to be explored, including its delineation according to § 970.601;

(3) The intended exploration schedule; which must be responsive to the diligence requirements in § 970.602. The schedule should include an approximate projection for the exploration activities planned, such as the following:

(i) Conducting survey cruises to determine the location and abundance of nodules as well as the sea floor configuration, ocean currents and other physical characteristics of potential commercial recovery sites;

(ii) Assaying nodules to determine their metal contents;

(iii) Designing and testing system components onshore and at sea;

(iv) Designing and testing scale-model mining systems which simulate commercial recovery;

(v) Designing and testing scale-model processing systems to prove concepts and designing and testing systems which simulate commercial processing;

(vi) Evaluating the continued feasibility of commercial scale operations based on technical, economic, legal, political and environmental considerations; and

(vii) Applying for permits needed to construct and operate commercial scale facilities;

(4) A description of the methods to be used to determine the location, abundance, and quality (i.e., assay) of nodules, and to measure physical conditions in the area which will affect nodule recovery system design and operations (e.g., seafloor topography, seafloor geotechnic properties, and currents);

(5) A description of research and development activities for components of a nodule recovery system and of the system, or systems, planned to prove commercial recovery system concepts and demonstrate the ability to deliver a continuous flow of nodules to the surface. This description should address such factors as nodule collection technique, seafloor sediment rejection subsystem, mineship nodule separation scheme, pumping method, anticipated equipment test areas, and details on the testing plan;

(6) An estimated schedule of expenditures, which must be responsive to the diligence requirements as discussed in § 970.602; and

(7) Measures to protect the environment and to monitor the effectiveness of environmental safeguards and monitoring systems for commercial recovery. These measures must take into account the provisions in §§ 970.506, 970.518, 970.522 and Subpart G of this part.

§ 970.204 Environmental and use conflict analysis.

(a) *Environmental information.* To enable NOAA to implement better its responsibility under section 109(d) of the Act to develop an environmental impact statement (EIS) on the issuance of an exploration license, the application must include information for use in preparing NOAA's EIS on the environmental impacts of the activities proposed by the applicant. It must present physical, chemical and biological information for the exploration area. This information should include relevant environmental information, if any, obtained during past exploration activities, but need not duplicate information obtained during NOAA's DOMES Project. Planned activities in the area, including equipment and systems to be tested, as well as their environmental implications, also must be described to the best of the applicant's ability. The applicant may include all information with his application, or he may elect to delay submission of detailed and specific information pertaining to system tests and equipment. However, applicants so electing should plan to submit the latter information at least 365 days prior to the test, and if it is submitted subsequent to the original application such tests may not be undertaken in the absence of concurrence by NOAA and the filing of any required final supplement to the EIS. NOAA will develop a technical guidance document which will provide assistance for the agency and the applicant, in consultation, to identify the details on information needed in each case. NOAA may refer to such information for purposes of other determinations under the Act as well. NOAA also will seek to facilitate other Federal decisions on exploration activities by functioning as lead agency for the EIS on the application and related actions by other agencies, including those pertaining to onshore impacts.

(b) *Use conflict information.* To assist the Administrator in making determinations relating to potential use conflicts between the proposed exploration and other activities in the exploration areas, pursuant to §§ 970.503, 970.505, and 970.520, the application must include information known to the applicant with respect to such other activities.

§ 970.205 Vessel safety.

In order to provide a basis for the necessary determinations with respect to the safety of life and property at sea, pursuant to §§ 970.507, 970.521 and Subpart H of this part, the application must contain the following information, except for those vessels under 300 gross tons which are engaged in oceanographic research if they are used in exploration.

(a) *U.S. flag vessel.* The application must contain a demonstration or affirmation that any United States flag vessel utilized in exploration activities will possess a current valid Coast Guard Certificate of Inspection (COI). To the extent that the applicant knows which United States flag vessel he will be using, the application must include a copy of the COI.

(b) *Foreign flag vessel.* The application must also contain information on any foreign flag vessels to be used in exploration activities, which responds to the following requirements. To the extent that the applicant knows which foreign flag vessel he will be using, the application must include evidence of the following:

(1) That any foreign flag vessel whose flag state is party to the International Convention for Safety of Life at Sea, 1974 (SOLAS 74) possesses current valid SOLAS 74 certificates;

(2) That any foreign flag vessel whose flag state is not party to SOLAS 74 but is party to the International Convention for the Safety of Life at Sea, 1960 (SOLAS 60) possesses current valid SOLAS 60 certificates; and

(3) That any foreign flag vessel whose flag state is not a party to either SOLAS 74 or SOLAS 60 meets all applicable structural and safety requirements of a United States flag vessel.

(c) *Supplemental certificates.* If the applicant does not know at the time of submitting an application which vessels he will be using, he must submit the applicable certification for each vessel before the cruise on which it will be used.

§ 970.206 NPDES requirements.

(a) *Applicability.* Section 109(e) of the Act specifically establishes that requirements pertaining to National Pollutant Discharge Elimination System (NPDES) permits pursuant to the Clean Water Act apply to any discharge of a pollutant from a vessel or other floating craft engaged in exploration.

(b) *Information required.* In order to provide sufficient information to accomplish NOAA's role under section 103(e) of the Act of consultation and cooperation and to obtain a determination on an NPDES permit, the application should include the following:

(1) EPA Form 1-General (see the Environmental Protection Agency (EPA) consolidated permit and application form regulations, 33 CFR Parts 122 and 124, at 45 FR 33555, May 19, 1980); and

(2) EPA Form 2C–NPDES (see 45 FR 33567). The information in these forms will be used by EPA to make a determination on a NPDES permit for the proposed exploration activities, including the determination pursuant to the EPA Ocean Discharge Criteria under section 403(c) of the Clean Water Act (40 CFR Part 125, Subpart M, at 45 FR 65942, October 3, 1980). To facilitate EPA's determination, NOAA has addressed in the programmatic EIS

relating to this part the ten considerations listed in 40 CFR 125.122, from the perspective of deep seabed mining exploration activities.

§ 970.207 Statement of ownership.

The application must include sufficient information to demonstrate that the applicant is a United States citizen, as required by § 970.103(b)(6), and as defined in § 970.101(t). In particular, the application must include:

(a) Name, address, and telephone number of the United States citizen responsible for exploration operations to whom notices and orders are to be delivered; and

(b) A description of the citizen or citizens engaging in such exploration, including:

(1) Whether the citizen is a natural person, partnership, corporation, joint venture, or other form of association;

(2) The state of incorporation or state in which the partnership or other business entity is registered;

(3) The name of registered agent or equivalent representative and places of business;

(4) Certification of essential and nonproprietary provisions in articles of incorporation, charter or articles of association; and

(5) The name of each member of the association, partnership, or joint venture, including information about the participation of each partner and joint venturer and/or ownership of stock.

§ 970.208 Antitrust information.

(a) *General.* Section 103(d) of the Act specifically provides for antitrust review of applications by the Attorney General of the United States and the Federal Trade Commission.

(b) *Contents.* In order to provide information for this antitrust review, the application must contain the following:

(1) A copy of each agreement between any parties to any joint venture which is applying for a license, provided that said agreement relates to deep seabed hard mineral resource exploration or mining;

(2) The identity of any affiliate of any person applying for a license;

(3) For each applicant and affiliate of an applicant, for the two preceding years:

(i) The annual tons and dollar value of production and purchases in the United States of each of copper, nickel, cobalt, and manganese minerals;

(ii) The annual tons and dollar value of sales to and in the United States of copper, nickel, cobalt, and manganese minerals;

(iii) The annual tons and dollar value of production and sale to and in the United States of each metal refined from minerals containing copper, nickel, cobalt, and manganese;

(iv) Copies of the annual report, balance sheet and income statement;

(v) Copies of each document submitted to the Securities and Exchange Commission; and

(4) All market studies, surveys and other memoranda, in the custody or control of the applicant or affiliate of the applicant, commenting upon the future prospects for deep seabed hard mineral resource mining.

(c) *Supplementary information.* After reviewing the application submitted to NOAA, the Assistant Attorney General in charge of the Antitrust Division, or the Federal Trade Commission, may request such additional information from the applicant or his affiliate as they deem necessary adequately to fulfill their responsibility under section 103(d) of the Act. Such information must be supplied not later than 30 days after requested by the Assistant Attorney General or the Federal Trade Commission.

§ 970.209 Fee.

(a) *General.* Section 104 of the Act provides that no application for the issuance or transfer of an exploration license will be certified unless the applicant pays to NOAA a reasonable administrative fee, which must reflect the reasonable administrative costs incurred in reviewing and processing the application.

(b) *Amount.* In order to meet this requirement, the application must include a nonrefundable fee payment of $100,000, payable to the National Oceanic and Administration, Department of Commerce. If NOAA incurs any significant costs in excess of this amount in reviewing and processing an application, the agency subsequently will determine those costs and the applicant will be required to submit additional payment prior to issuance or transfer of the license.

Procedures

§ 970.210 Substantial compliance with application requirements.

(a) Priority of right for the issuance of licenses to new entrants will be established on the basis of the chronological order in which license applications which are in substantial compliance with the requirements established under this subpart are filed with the Administrator pursuant to § 970.200.

(b) In order for an application to be in substantial compliance with the requirements of this subpart, it must include information specifically identifiable with and materially responsive to each requirement contained in §§ 970.201 through 970.209.

(c) The Administrator will make a determination as to whether the application is in substantial compliance. Within 30 days after receipt of an application, he will issue written notice to the applicant regarding such determination. The notice will identify, if applicable, in what respects the application is not in either full or substantial compliance.

§ 970.211 Reasonable time for full compliance.

Priority of right will not be lost in case of any application filed which is in substantial but not full compliance, as specified in § 970.210, if the Administrator determines that the applicant, within 60 days after issuance to the applicant by the Administrator of written notice that the application is in substantial but not full compliance, has brought the application into full compliance with the requirements of this subpart.

§ 970.212 Consultation and cooperation with Federal agencies.

(a) Promptly after his receipt of an application, the Administrator will distribute a copy of the application to each other Federal agency or department which has programs or activities within its statutory responsibilities which would be affected by the activities proposed in the application. Based on its legal responsibilities and authorities, each such agency or department may, not later than 60 days after it receives a copy of the application which is in full compliance with this subpart, recommend certification of the application, issuance or transfer of the license, or denial of such certification, issuance or transfer. The advice or recommendation by the Attorney General or Federal Trade Commission on antitrust review, pursuant to § 970.208, may be submitted within 90 days after their receipt of a copy of the application which is in full compliance with this subpart. NOAA will use the benefits of this process of consultation and cooperation to facilitate necessary Federal decisions on the proposed exploration activities, pursuant to the mandate of section 103(e) of the Act to reduce the number of separate actions required to satisfy Federal agencies' statutory responsibilities.

(b) In any case in which a Federal agency or department recommends a denial, it will set forth in detail the manner in which the application does

not comply with any law or regulation within its area of responsibility and will indicate how the application may be amended, or how terms, conditions or restrictions might be added to the license to assure compliance with such law or regulation.

(c) A recommendation from another Federal agency or department for denying or amending an application will not affect its having been in substantial compliance with the requirements of this subpart, pursuant to § 970.210, for purposes of establishing priority of right. However, pursuant to section 103(e) of the Act, NOAA will cooperate with such agencies and with the applicant with the goal of resolving the concerns raised and satisfying the statutory responsibilities of these agencies.

§ 970.213 Public notice, hearing and comment.

(a) *Notice and comments.* The Administrator will publish in the Federal Register notice of receipt of each application for an exploration license. Subject to § 970.902, interested persons will be permitted to examine the materials relevant to such application. Interested persons will have at least 60 days after publication of such notice to submit written comments to the Administrator.

(b) *Hearings.* (1) The Administrator will hold a public hearing on the application and the draft EIS prepared on it pursuant to section 109(d) of the Act in an appropriate location, and may employ such additional methods as he deems appropriate to inform interested persons about each application and to invite their comments thereon.

(2) If the Administrator determines there exists one or more specific and material factual issues which require resolution by formal processes, at least one formal hearing will be held in the District of Columbia in accordance with the provisions of Subpart J of this part. The record developed in any such formal hearing will be part of the basis of the Administrator's decisions on an application.

(c) Hearings held pursuant to this section and other procedures will be consolidated insofar as practicable with hearings held and procedures employed by other agencies.

§ 970.214 Amendment to an application.

After an application has been submitted to the Administrator, but before a determination is made on the issuance or transfer of a license, the applicant must submit an amendment to the application if required by a significant change in the circumstances represented in the original application and affecting the requirements of this subpart. Applicants should consult with NOAA to determine if changes in circumstances are sufficiently significant to require submission of an amendment. The application, as amended, would then serve as the basis for determinations by the Administrator under this part. For each amendment judged by the Administrator to be significant, he will provide a copy of such amendment to each other Federal agency and department which received a copy of the original application, and also will provide for public notice, hearing and comment on the amendment pursuant to § 970.213. Such amendment, however, will not affect the priority of right established by the filing of the original application. After the issuance of or transfer of a license, any revision by the licensee will be made pursuant to § 970.513.

Subpart C—Procedures for Applications Based on Exploration Commenced Before June 28, 1980

§ 970.300 General.

Pursuant to section 101(b) of the Act, any United States citizen who was engaged in exploration before the effective date of the Act (June 28, 1980) qualifies as a pre-enactment explorer and may continue to engage in such exploration:

(a) If he applies for a license pursuant to Subpart B of this part with respect to such exploration within the time period specified in section § 970.301; and

(b) Until such license is issued to such applicant or a final administrative or judicial determination is made affirming the denial of certification of the application for, or issuance of, such license.

§ 970.301 Filing period for applications based on pre-enactment exploration.

Any United States citizen who intends to file an application based on preenactment exploration must notify the Administrator of this intent within 20 days after the effective date of this part and must submit information to confirm that he was engaged in pre-enactment exploration. He also must submit any application to be based upon pre-enactment exploration within 90 days after the effective date of this part. Such applications must be in substantial compliance with the requirements of Subpart B of this part, pursuant to § 970.210(b) and (c). Applications not filed within this 90-day period will not be considered to be based upon pre-enactment exploration. During this 90-day period only applications based on pre-enactment exploration will be accepted. The Administrator will not open such applications until a date which in advance will be announced in writing to each applicant and in the Federal Register, such date to be in accordance with agreement with reciprocating states. In no event, however, will they be opened until after the above 90-day period.

§ 970.302 Procedures and criteria for resolving conflict.

(a) *Multiple applications for the same area of the deep seabed.*

(1) *General.* In any case in which two or more applications based upon pre-enactment exploration propose logical mining units referring to all or part of the same area of the deep seabed, the Administrator will apply the procedures and principles of this section to resolve the conflicts. This section applies only to conflicts among applications submitted in the United States. Conflicts between a U.S. application and a foreign application will be resolved according to the measures provided for among reciprocating states.

(2) *Notification of conflicts.* If the Administrator determines that one or more conflicts exist between or among applications, he will send written notice of the conflicts to each applicant concerned. The notice will describe the part or parts of the proposed logical mining units in conflict. Upon receipt of the notice of conflict, the applicants involved in the conflict may elect to resolve the conflict by voluntary amendment, or, if all parties to a conflict agree, may proceed directly to binding dispute settlement.

(3) *Voluntary resolution of conflicts.* Each applicant involved in a conflict may elect to resolve the conflict by amending his application to eliminate all or part of that area of his proposed logical mining unit in conflict. Such applicant may, in amending his application, select one or more alternative locations that, in lieu of his relinquished proposed logical mining unit or in addition to that part of the original proposal not relinquished, will constitute a logical mining unit in accordance with § 970.601. The applicant must submit the amendment to his application within 30 days after receipt of a notice of conflict. The date of filing of the amendment will be deemed to be the date on which the application was originally filed. Alternative locations applied for in the amended application must be limited to areas for which no applications are pending before the Administrator or a reciprocating state.

(4) *Action on amended applications.* (i) The Administrator will open each amended application at the same hour on the first business day following the close of the 30-day amendment period. Immediately after opening the amended applications, the Administrator will announce the names of the applicants submitting amendments and the location of their proposed logical mining units, as amended.

(ii) If the amended application proposes a logical mining unit that is not in conflict with any other logical mining unit proposed by a pre-enactment explorer, the Administrator will initiate processing and review of the application. To the extent practicable, the deadlines for certification and issuance provided in §§ 970.400 and 970.500, respectively, will run from the date of the original filing.

(iii) If conflicts among proposed logical mining units continue to exist after the voluntary amendment under this section, the Administrator:

(A) Will act in accordance with paragraph (b) of this section to resolve the conflict; and

(B) Will, if an applicant so requests, proceed in accordance with this part, with review of that portion of the application that is not in conflict with another application. The Administrator will proceed with such review only if the applicant advises the Administrator in writing that loss of the area in conflict will not materially affect the applicant's ability to perform the exploration program set forth in his application. The request by an applicant for the Administrator to proceed with process and review of the non-conflicting portion of the application, and any fees paid or expenses incurred by an applicant with respect to such processing and review, will not be taken into account when applying the equitable principles described in paragraph (c) of this section.

(b) *Conflict resolution.* (1) If the Administrator finds that a conflict between applications exists after the 30-day period for resolution by voluntary amendment in paragraph (a) expires, he will send written notice of the remaining conflict to each applicant concerned with the conflict, including the location of those portions of the proposed logical mining units in conflict. The applicants will have 45 days from the date of issuance of the notice to:

(i) Agree in writing to a final resolution of the conflict; or

(ii) Agree in writing to submit the conflict to a binding conflict resolution procedure of the applicants' choice. This procedure must be one that is normally capable of making a final determination on the merits of the conflict within one year after submission of the dispute.

(2) If, at the end of the 45-day period specified in paragraph (b)(1) of this section, the applicants have not entered into an agreement as specified in paragraph (b)(1)(i) or (b)(1)(ii) of this section, then the Administrator will notify each applicant in writing that the conflicting applications will be resolved by the Administrator after a formal hearing is held concerning the conflicting applications.

(3) Any formal hearing held pursuant to paragraph (b) (2) will be held in accordance with Subpart J of this part, except that:

(i) The General Counsel of NOAA will not as a matter of right be a party to the hearing; however, the General Counsel may be admitted to the hearing by the administrative law judge as a party or as an interested person pursuant to § 970.1001(f)(2) and (3); and

(ii) The judge will take such actions as he deems necessary and appropriate to conclude the hearing and transmit a recommended decision to the Administrator not later than the 120th day following the date on which the matter was referred to the judge.

(c) *Equitable principles.* In determining the superior priority between or among conflicting applications, the judge and the Administrator will apply principles of equity. The equities considered when determining the superior priority of right to a site the subject of a conflicting application will be only the equities pertaining to investment and programs related to development of the area in conflict.

(1) *Primary principles.* The following principles must be taken into account with respect to each applicant:

(i) The date on which each applicant, or predecessor in interest, or component organization thereof, commenced exploration activities;

(ii) The continuity of such exploration between the date when it was commenced and the date of submission of the application;

(iii) The extent of such exploration, taking into account the intensity of the exploration program and the amount and quality of the data collected; and

(iv) The amount of funds expended with respect to such exploration. An appropriate discount rate may be applied to aid in the equitable comparison of expenditures made in different years.

(2) *Secondary principles.* In addition to the principles of equity listed in paragraph (c)(1) of this section, other principles of equity may be considered, but will be given secondary importance in balancing the equities between or among the applicants.

(d) *Resolution by subunits.* (1) In some cases it may be useful to resolve conflicting applications by comparing the relative equities of the applicants with respect to various portions or subunits of the area of the deep seabed subject to overlapping claims.

(2) If each applicant involved in the conflict agrees to the procedure described in the preceding sentence, the judge or the Administrator may elect to subdivide disputed areas into a number of subunits of equal predetermined size and shape. Subunits immediately inside the perimeter of the area of the deep seabed subject to the overlapping claims may be of a size smaller in area, and of a different shape along one or more sides, than the subunits of equal predetermined size and shape.

(3) The subunits should be small enough to allow a well-focused and specific comparison of exploration activities conducted in, and equities assignable to, each subunit; however, each subunit should be large enough that an efficient and diligent commercial recovery operation would require at least one year to mine the area of the deep seabed represented by the subunit.

(4) The judge or the Administrator will, after determining the relative equities of each applicant with respect to each subunit, grant priority of right to each subunit to the applicant who has the superior equitable position with respect to that subunit. To the extent practicable, the assignment of subunits will be made on the basis of contiguity to each applicant's proposed logical mining unit not in dispute.

(e) *Processing of resolved applications.* After conflicts between or among applications have been resolved pursuant to this subpart, the Administrator will process the resolved applications according to this part.

(f) *Effect on priorities of new entrants.* A pre-enactment explorer is entitled to priority of right, over a new entrant, for any area in which he has engaged in exploration. A pre-enactment explorer will not be deemed to have engaged in exploration within an area if, with respect to that area, he has not filed an application within the time period specified in § 970.301. Such application may include an amendment, which is filed by the end of the 45-day conflict resolution period provided for in paragraph (b)(1) of this section, with respect to another area where exploration has been conducted.

Subpart D—Certification of Applications

§ 970.400 General.

(a) Certification is an intermediate step between receipt of an application for issuance or transfer of a license and its actual issuance or transfer. It is a determination which focuses on the eligibility of the applicant.

(b) Before the Administrator may certify an application for issuance or transfer of a license, he must determine that issuance of the license would not violate any of the restrictions in § 970.103(b). He also must make written determinations with respect to the requirements set forth in § 970.401 through 970.406. This will be done after consultation with other departments and agencies pursuant to § 970.212.

(c) To the maximum extent possible, the Administrator will endeavor to complete certification of an application within 100 days after submission of an application which is in full compliance with Subpart B of this part. If final certification or denial of certification has not occurred within 100 days after such submission of the application, the Administrator will inform the applicant in writing of the pending unresolved issues, the agency's efforts to resolve them, and an estimate of the time required to do so.

§ 970.401 Financial responsibility.

(a) Before the Administrator may certify an application for an exploration license he must find that the applicant has demonstrated that, upon issuance or transfer of the license, the applicant will be financially responsible to meet all obligations which he may require to engage in the exploration proposed in the application.

(b) In order for the Administrator to make this determination, the applicant must show to the Administrator's satisfaction that he possesses the finances or has reasonable assurance of obtaining the finances necessary to carry out, in accordance with the provisions contained in this part, the exploration program set forth in his exploration plan.

§ 970.402 Technological capability.

(a) Before the Administrator may certify an application for an exploration license, he must find that the applicant has demonstrated that, upon issuance or transfer of the license, the applicant will have the technological capability to engage in the proposed exploration.

(b) In order for the Administrator to make this determination, the applicant must demonstrate to the Administrator's satisfaction that the applicant will possess, at the time of issuance or transfer of the license, the technology and expertise, as needed, to carry out the exploration program set forth in his exploration plan.

§ 970.403 Previous license and permit obligations.

In order to certify an application, the Administrator must find that the applicant has satisfactorily fulfilled all obligations under any license or permit previously issued or transferred to the applicant under the Act.

§ 970.404 Adequate exploration plan.

Before he may certify an application, the Administrator must find that the proposed exploration plan of the applicant meets the requirements of § 970.203.

§ 970.405 Appropriate exploration site size and location.

Before the Administrator may certify an application, he must approve the size and location of the exploration area selected by the applicant. The Administrator will approve the size and location of the area unless he determines that the area is not a logical mining unit pursuant to § 970.601.

§ 970.406 Fee payment.

Before the Administrator may certify an application, he must find that the applicant has paid the license fee as specified in § 970.209.

§ 970.407 Denial of certification.

(a) The Administrator may deny certification of an application if he finds that the requirements of this subpart or the requirements for issuance or transfer under §§ 970.503 through 970.507 have not been met.

(b) When the Administrator proposes to deny certification he will send to the applicant, and publish in the **Federal Register**, written notice of intention to deny certification. Such notice will include:

(1) The basis upon which the Administrator proposes to deny certification; and

(2) If the basis for the proposed denial is a deficiency which the Administrator believes the applicant can correct:

(i) The action believed necessary to correct the deficiency; and

(ii) The time within which any correctable deficiency must be corrected (the period of time may not exceed 180 days except as specified by the Administrator for good cause).

(c) The Administrator will deny certification:

(1) On the 30th day after the date the notice is sent to the applicant, under paragraph (b) of this section, unless before such 30th day the applicant files with the Administrator a written request for an administrative review of the proposed denial; or

(2) On the last day of the period established under paragraph (b)(2)(ii) in which the applicant must correct a deficiency, if such deficiency has not been corrected before such day and an administrative review requested pursuant to paragraph (c)(1) is not pending or in progress.

(d) If a timely request for administrative review of the proposed denial is made by the applicant under paragraph (c)(1) of this section, the Administrator will promptly begin a formal hearing in accordance with Subpart J of this part. If the proposed denial is the result of a correctable deficiency, the administrative review will proceed concurrently with any attempts to correct the deficiency, unless the parties agree otherwise or the administrative law judge orders differently.

(e) If the Administrator denies cetification, he will send to the applicant written notice of the denial, including the reasons therefor.

(f) Any final determination by the Administrator granting or denying certification is subject to judicial review as provided in Chapter 7 of Title 5, United States Code.

§ 970.408 Notice of certification.

Upon making a final determination to certify an application for an exploration license, the Administrator will promptly send written notice of his determination to the applicant.

Subpart E—Issuance/Transfer/Terms, Conditions and Restrictions

§ 970.500 General.

(a) *Proposal.* After certification of an application pursuant to Subpart D of this part, the Administrator will proceed with a proposal to issue or transfer a license for the exploration activities described in the application.

(b)(1) *Terms, conditions and restriction.* Within 180 days (or such longer period as the Administrator may establish for good cause shown in writing) after certification, the Administrator will propose terms and conditions for, and restrictions on, the proposed exploration which are consistent with the provisions of the Act and this part as set forth in §§ 970.517 through 970.524. The Administrator will propose these in writing to the applicant. Also, public notice thereof will be provided pursuant to § 970.501, and they will be included with the draft

of the EIS on the issuance of a license which is required by section 109(d) of the Act.

(2) If the Administrator does not propose terms, conditions and restrictions within 180 days after certification, he will notify the applicant in writing of the reasons for the delay and will indicate the approximate date on which the proposed terms, conditions and restrictions will be completed.

(c) *Findings.* Before issuing or transferring an exploration license, the Administrator must make written findings on the requirements in § 970.503 through 970.507. These findings will be made after considering all information submitted with respect to the application and proposed issuance or transfer. He will make a final determination on issuance or transfer of a license, and will publish a final EIS on that action, within 180 days (or such longer period of time as he may establish for good cause shown in writing) following the date on which proposed terms, conditions and restrictions, and the draft EIS, are published.

Issuance/Transfer; Modification/ Revision; Suspension/Revocation

§ 970.501 Proposal to issue or transfer and of terms, conditions and restrictions.

(a) *Notice and comment.* The Administrator will publish in the **Federal Register** notice of each proposal to issue or transfer, and of terms and conditions for, and restrictions on, an exploration license. Subject to § 970.902, interested persons will be permitted to examine the materials relevant to such proposals. Interested persons will have at least 60 days after publication of such notice to submit written comments to the Administrator.

(b) *Hearings.*

(1) The Administrator will hold a public hearing in an appropriate location and may employ such additional method as he deems appropriate to inform interested persons about each proposal and to invite their comments thereon.

(2) If the Administrator determines there exists one or more specific and material factual issues which require resolution by formal processes, at least one formal hearing will be held in the District of Columbia in accordance with the provisions of Subpart J of this part. The record developed in any such formal hearing will be part of the basis for the Administrator's decisions on issuance or transfer of, and of terms, conditions and restrictions for, the license.

(c) Hearings held pursuant to this section will be consolidated insofar as practicable with hearings held by other agencies.

§ 970.502 Consultation and cooperation with Federal agencies.

Prior to the issuance or transfer of an exploration license, the Administrator will continue the consultation and cooperation with other Federal agencies which were initated pursuant to § 970.212. He also will consult, prior to any issuance, transfer, modification or renewal of a license, with any affected Regional Fishery Management Council established pursuant to section 302 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852) if the activities undertaken pursuant to such license could adversely affect any fishery within the Fishery Conservation Zone, or any anadromous species or Continental Shelf fishery resource subject to the exclusive management authority of the United States beyond such zone.

§ 970.503 Freedom of the high seas.

(a) Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application will not unreasonably interfere with the exercise of the freedoms of the high seas by other nations, as recognized under general principles of international law.

(b) In making this finding, the Administrator will recognize that exploration for hard mineral resources of the deep seabed is a freedom of the high seas. In the exercise of this right, each licensee must act with reasonable regard for the interests of other nations in their exercise of the freedoms of the high seas.

(c)(1) In the event of a conflict between the exploration program of an applicant or licensee and a competing use of the high seas by another nation or its nationals, the Administrator, in consultation and cooperation with the Department of State and other interested agencies, will enter into negotiations with that nation to resolve the conflict. To the maximum extent possible the Administrator will endeavor to resolve the conflict in a manner that will allow both uses to take place in a manner in which neither will unreasonably interfere with the other.

(2) If both uses cannot be conducted harmoniously in the area subject to the exploration plan, the Administrator will decide whether to issue or transfer the license, taking into account:

(i) The comparative detriments to the national interests involved;

(ii) The historic uses of the area;

(iii) The comparative injury to the competing uses of locating elsewhere;

(iv) The competing equities between the uses, taking into consideration the duration and continuity of the uses and the amount of funds expended; and

(v) Other factors which the Administrator determines to be relevant.

§ 970.504 International obligations of the United States.

Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application will not conflict with any international obligation of the United States established by any treaty or international convention in force with respect to the United States.

§ 970.505 Breach of international peace and security involving armed conflict.

Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application will not create a situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict.

§ 970.506 Environmental effects.

Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application cannot reasonably be expected to result in a significant adverse effect on the quality of the environment, taking into account the analyses and information in any applicable EIS prepared pursuant to section 109(c) or 109(d) of the Act. This finding also will be based upon the considerations and approach in § 970.701.

§ 970.507 Safety at sea.

Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application will not pose an inordinate threat to the safety of life and property at sea. This finding will be based on the requirements reflected in §§ 970.205 and 970.801.

§ 970.508 Denial of issuance or transfer.

(a) The Administrator may deny issuance or transfer of a license if he finds that the applicant or the proposed exploration activities do not meet the requirements of this part for the issuance or transfer of a license.

(b) When the Administrator proposes to deny issuance or transfer, he will send to the applicant, and publish in the **Federal Register**, written notice of such intention to deny issuance or transfer. Such notice will include:

(1) The basis upon which the Administrator proposes to deny issuance or transfer; and

(2) If the basis for the proposed denial is a deficiency which the Administrator believes the applicant can correct:

(i) The action believed necessary to correct the deficiency; and

(ii) The time within which any correctable deficiency must be corrected (the period of time may not exceed 180 days except as specified by the Administrator for good cause).

(c) The Administrator will deny issuance or transfer:

(1) On the 30th day after the date the notice is sent to the applicant under paragraph (b) of this section, unless before such 30th day the applicant files with the Administrator a written request for an administrative review of the proposed denial; or

(2) On the last day of the period established under paragraph (b)(2)(ii) in which the applicant must correct a deficiency, if such deficiency has not been corrected before such day and an administrative review requested pursuant to paragraph (c)(1) is not pending or in progress.

(d) If a timely request for administrative review of the proposed denial is made by the applicant under paragraph (c)(1) of this section, the Administrator will promptly begin a formal hearing in accordance with Subpart J of this part. If the proposed denial is the result of a correctable deficiency, the administrative review will proceed concurrently with any attempt to correct the deficiency, unless the parties agree otherwise or the administrative law judge orders differently.

(e) If the Administrator denies issuance or transfer, he will send to the applicant written notice of the denial, including the reasons therefor.

(f) Any final determination by the Administrator granting or denying issuance of a license is subject to judicial review as provided in Chapter 7 of Title 5, United States Code.

§ 970.509 Notice of issuance or transfer.

If the Administrator finds that the requirements of this subpart have been met, he will issue or transfer the license along with the appropriate terms, conditions and restrictions. Notification thereof will be made in writing to the applicant and in the Federal Register.

§ 970.510 Objections to terms, conditions and restrictions.

(a) The licensee may file a notice of objection to any term, condition or restriction in the license. The licensee may object on the grounds that any term, condition or restriction is inconsistent with the Act or this part, or on any other grounds which may be raised under applicable provisions of law. If the licensee does not file notice of an objection within the 60-day period immediately following the licensee's receipt of the notice of issuance or transfer under § 970.509, he will be deemed conclusively to have accepted the terms, conditions and restrictions in the license.

(b) Any notice of objection filed under paragraph (a) of this section must be in writing, must contain the precise legal basis for the objection, and must provide information relevant to any underlying factual issues deemed by the licensee as necessary to the Administrator's decision upon the objection.

(c) Within 90 days after receipt of the notice of objection, the Administrator will act on the objection and publish in the Federal Register, as well as provide to the licensee, written notice of his decision.

(d) If, after the Administrator takes final action on an objection, the licensee demonstrates that a dispute remains on a material issue of fact, the Administrator will provide for a formal hearing which will proceed in accordance with Subpart J of this part.

(e) Any final determination by the Administrator on an objection to terms, conditions or restrictions in a license after the formal hearing provided in paragraph (d) is subject to judicial review as provided in Chapter 7 of Title 5, United States Code.

§ 970.511 Modification of terms, conditions and restrictions.

(a) After issuance or transfer of any license, the Administrator, after consultation with interested agencies and the licensee, may modify any term, condition, or restriction in such license for the following purposes:

(1) To avoid unreasonable interference with the interests of other nations in their exercise of the freedoms of the high seas, as recognized under general principles of international law. This determination will take into account the considerations listed in § 970.503;

(2) If relevant data and other information (including, but not limited to, data resulting from exploration activities under the license) indicate that modification is required to protect the quality of the environment or to promote the safety of life and property at sea;

(3) To avoid a conflict with any international obligation of the United States, established by any treaty or convention in force with respect to the United States, as determined in writing by the President; or

(4) To avoid any situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict, as determined in writing by the President.

(b) The procedures for objection to the modification of a term, condition or restriction will be the same as those for objection to an original term, condition or restriction under § 970.510. Public notice of modifications under this section will be made according to § 970.514.

§ 970.512 Suspension or modification of activities; suspension or revocation of licenses.

(a) The Administrator may:

(1) In addition to, or in lieu of, the imposition of any civil penalty under Subpart K of this part, or in addition to the imposition of any fine under Subpart K, suspend or revoke any license issued under this part, or suspend or modify any particular activities under such a license, if the licensee substantially fails to comply with any provision of the Act, this part, or any term, condition or restriction of the license; and

(2) Suspend or modify particular activities under any license, if the President determines that such suspension or modification is necessary:

(i) To avoid any conflict with any international obligation of the United States established by any treaty or convention in force with respect to the United States; or

(ii) To avoid any situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict.

(b) Any action taken by the Administrator in accordance with paragraph (a)(1) will proceed pursuant to the procedures in § 970.1103. Any action taken in accordance with paragraph (a)(2) will proceed pursuant to paragraphs (c) through (i) of this section.

(c) Prior to taking any action specified in paragraph (a)(2) the Administrator will publish in the Federal Register, and send to the licensee, written notice of the proposed action. The notice will include:

(1) The basis of the proposed action; and

(2) If the basis for the proposed action is a deficiency which the Administrator believes the licensee can correct:

(i) The action believed necessary to correct the deficiency; and

(ii) The time within which any correctable deficiency must be corrected (this period of time may not exceed 180

days except as specified by the Administrator for good cause).

(d) The Administrator will take the proposed action:

(1) On the 30th day after the date the notice is sent to the licensee, under paragraph (c) of this section, unless before such 30th day the licensee files with the Administrator a written request for an administrative review of the proposed action; or

(2) On the last day of the period established under paragraph (c)(2)(ii) in which the licensee must correct the deficiency, if such deficiency has not been corrected before such day and an administrative review requested pursuant to paragraph (d)(1) is not pending or in progress.

(e) If a timely request for administrative review of the proposed denial is made by the licensee under paragraph (d)(1) of this section, the Administrator will promptly begin a formal hearing in accordance with Subpart J of this part. If the proposed denial is the result of a correctable deficiency, the administrative review will proceed concurrently with any attempt to correct the deficiency, unless the parties agree otherwise or the administrative law judge orders differently.

(f) The Administrator will serve on the licensee, and publish in the **Federal Register**, written notice of the action taken including the reasons therefor.

(g) Any final determination by the Administrator to take the proposed action is subject to judicial review as provided in Chapter 7 of Title 5, United States Code.

(h) The issuance of any notice of proposed action under this section will not affect the continuation of exploration activities by a licensee, except as provided in paragraph (i).

(i) The provisions of paragraphs (c), (d), (e) and (h) will not apply when:

(1) The President determines by Executive Order that an immediate suspension of a license, or immediate suspension or modification of particular activities under such license, is necessary for the reasons set forth in paragraph (a)(2); or

(2) The Administrator determines that immediate suspension of such a license, or immediate suspension or modification of particular activities under a license, is necessary to prevent a significant adverse effect on the environment or to preserve the safety of life or property at sea, and the Administrator issues an emergency order requiring such immediate suspension. However, the licensee may seek administrative review of such emergency suspension or modification imposed under this paragraph after it has been imposed. The Administrator will determine whether any administrative review granted will be in the form of an informal or formal hearing.

§ 970.513 Revision of a license.

(a) During the term of an exploration license, the licensee may submit to the Administrator an application for a revision of the license or the exploration plan associated with it. NOAA recognizes that changes in circumstances encountered, and in information and technology developed, by the licensee during exploration may require such revisions. In some cases it may even be advisable to recognize at the time of filing the original license application that although the essential information for issuing or transferring a license as specified in §§ 970.201 through 920.208 must be included in such application, some details may have to be provided in the future in the form of a revision. In such instances, the Administrator may issue or transfer a license which would authorize exploration activities and plans only to the extent described in the application.

(b) The Administrator will approve such application for a revision upon a finding in writing that the revision will comply with the requirements of the Act and this part.

(c) A change which would require an application to and approval by the Administrator as a revision is a change in one or more of:

(1) The bases for certifying the original application pursuant to §§ 970.401 through 970.406;

(2) The bases for issuing or transferring the license pursuant to §§ 970.503 through 970.507; or

(3) The terms, conditions and restrictions issued for the license pursuant to §§ 970.517 through 970.524.

§ 970.514 Scale requiring application procedures.

(a) A proposal by the Administrator to modify a term, condition or restriction in a license pursuant to § 970.511, or an application by a licensee for revision of a license or exploration plan pursuant to § 970.513, is significant and must be followed by the full application procedures in this part if it would result in other than an incidental:

(1) Increase in the size of the exploration area; or

(2) Change in the location of the area.

An incidental increase or change is that which equals two percent or less of the original exploration area, so long as such adjustment is contiguous to the licensed area.

(b) All proposed modifications or revisions other than described in paragraph (a) will be acted on after a notice thereof is published by the Administrator in the **Federal Register**, with a 60-day opportunity for public comment. On a case-by-case basis, the Administrator will determine if other procedures, such as a public hearing in a potentially affected area, are warranted.

§ 970.515 Duration of a license.

(a) Each exploration license will be issued for a period of 10 years.

(b) If the licensee has substantially complied with the license and its associated exploration plan and requests an extension of the license, the Administrator will extend the license on terms, conditions and restrictions consistent with the Act and this part for a period of not more than 5 years.

(c) Successive extensions may be requested, and will be granted by the Administrator, based on the criteria, and for the length of time, specified in paragraph (b) of this section.

§ 970.516 Approval of license transfers.

(a) The Administrator may transfer a license after a written request by the licensee. After a licensee submits such a request to the Administrator, the proposed transferee will be deemed an applicant for an exploration license, and will be subject to the requirements and procedures of this part.

(b) The Administrator will transfer a license if the proposed transferee and exploration activities meet the requirements of the Act and this part, and if the proposed transfer is in the public interest. The Administrator will presume that the transfer is in the public interest if it meets the requirements of the Act and this part.

Terms, Conditions, and Restrictions

§ 970.517 Diligence requirements.

The terms, conditions and restrictions in each exploration license must include provisions to assure diligent development. The Administrator will establish these pursuant to § 970.602.

§ 970.518 Environmental protection requirements.

(a) Each exploration license must contain such terms, conditions and restrictions, established by the Administrator, which prescribe actions the licensee must take in the conduct of exploration activities to assure protection of the environment. The Administrator will establish these pursuant to § 970.702.

(b) Before establishing the terms, conditions and restrictions pertaining to

environmental protection, the Administrator will consult with the Administrator of the Environmental Protection Agency, the Secretary of State and the Secretary of the department in which the Coast Guard is operating. He also will take into account and give due consideration to the information contained in the final EIS prepared with respect to that proposed license.

§ 970.519 Resource conservation requirements.

For the purpose of conservation of natural resources, each license issued under this part will contain, as needed, terms, conditions and restrictions which have due regard for the prevention of waste and the future opportunity for the commercial recovery of the unrecovered balance of the hard mineral resources in the license area. The Administrator will establish these pursuant to § 970.503.

§ 970.520 Freedom of the high seas requirements.

Each license issued under this part must include such restrictions as may be necessary and appropriate to ensure that the exploration activities do not unreasonably interfere with the interests of other nations in their exercise of the freedoms of the high seas, as recognized under general principles of international law, such as fishing, navigation, submarine pipeline and cable laying, and scientific research. The Administrator will consider the factors in § 970.503 in establishing these restrictions.

§ 970.521 Safety at sea requirements.

The Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator, will require in any license issued under this part, in conformity with principles of international law, that vessels documented under the laws of the United States and used in activities authorized under the license comply with conditions regarding the design, construction, alteration, repair, equipment, operation, manning and maintenance relating to vessel and crew safety and the promotion of safety of life and property at sea. These requirements will be established with reference to Subpart H of this part.

§ 970.522 Monitoring requirements.

Each exploration license must require the licensee:

(a) To allow the Administrator to place appropriate Federal officers or employees as observers aboard vessels used by the licensee in exploration activities to:

(1) Monitor such activities at such time, and to such extent, as the Administrator deems reasonable and necessary to assess the effectiveness of the terms, conditions, and restrictions of the license; and

(2) Report to the Administrator whenever such officers or employees have reason to believe there is a failure to comply with such terms, conditions, and restrictions;

(b) To cooperate with such officers and employees in the performance of monitoring functions; and

(c) To monitor the environmental effects of the exploration activities in accordance with a monitoring plan developed by NOAA and to submit such information as NOAA finds to be necessary and appropriate to assess environmental impacts and to develop and evaluate possible methods of mitigating adverse environmental effects. This environmental monitoring plan and reporting will respond to the concerns and procedures discussed in Subpart G of this part.

§ 970.523 Special terms, conditions, and restrictions.

Although the general criteria and standards to be used in establishing terms, conditions, and restrictions for a license are set forth in this part, as referenced in §§ 970.517 through 970.522, the Administrator may impose special terms, conditions, and restrictions for the conservation of natural resources, protection of the environment, or the safety of life and property at sea when required by differing physical and environmental conditions.

§ 970.524 Other Federal requirements.

Pursuant to § 970.212, another Federal agency, upon review of an exploration license application submitted under this part, may indicate how terms, conditions, and restrictions might be added to the license, to assure compliance with any law or regulation within that agency's area of responsibility. In response to the intent, reflected in section 103(e) of the Act, to reduce the number of separate actions to satisfy the statutory responsibilities of these agencies, the Administrator may include such terms, conditions, and restrictions in a license.

Subpart F—Resource Development Concepts

§ 970.600 General.

Several provisions in the Act relate to appropriate mining techniques or mining efficiency. These raise what could be characterized as resource development issues. In particular, under section 103(a)(2)(D) of the Act, the applicant will select the size and location of the area of an exploration plan, which will be approved unless the Administrator finds that the area is not a "logical mining unit." Also, pursuant to section 108 of the Act the applicant's exploration plan and the terms, conditions and restrictions of each license must be designed to ensure diligent development. In addition, for the purpose of conservation of natural resources, section 110 of the Act provides that each license is to contain, but only as needed, terms, conditions, and restrictions which have due regard for the prevention of waste and the future opportunity for the commercial recovery of the unrecovered balance of the resources.

§ 970.601 Logical mining unit.

(a) In the case of an exploration license, a logical mining unit is an area of the deep seabed which can be explored under the license, and within the 10-year license period, in an efficient, economical and orderly manner with due regard for conservation and protection of the environment, taking into consideration the resource data, other relevant physical and environmental characteristics, and the state of the technology of the applicant as set forth in the exploration plan. In addition, it must be of sufficient size to allow for intensive exploration.

(b) Approval by the Administrator of a proposed exploration logical mining unit will be based on a case-by-case review of each application. In order to provide a proper basis for this evaluation, the applicant's exploration plan should describe the seabed topography, the location of mineral deposits and the nature of planned equipment and operations. Also, the exploration plan must show the relationship between the area to be explored and the applicant's plans for commercial recovery volume, to the extent projected in the exploration plan. Generally, it will be presumed that the above considerations would result in an exploration area not larger than 80,000 square kilometers; however, a larger area may be approved upon a showing by the applicant that the area will meet the standards set forth in this section.

(c) In delineating an exploration area, the applicant need not include unmineable areas. Thus, the area need not consist of contiguous segments, as long as each segment would be efficiently mineable and the total proposed area constitutes a logical mining unit. In describing the area, the

applicant must present the metes and bounds thereof, using the Universal Transverse Mercator System for the 1866 Clarke Spheroid.

(d) At the applicant's option, for the purpose of satisfying a possible obligation under a future Law of the Sea Treaty, the exploration area proposed may be up to 160,000 square kilometers, which can be divided into two exploration sites of equal estimated commercial value. The application should specify if this option is chosen.

§ 970.502 Diligent exploration.

(a) Each licensee must pursue diligently the activities described in his approved exploration plan. This requirement applies to the full scope of the plan, including environmental safeguards and monitoring systems. To help assure this diligence, terms, conditions and restrictions which the Administrator issues with a license will require such periodic reasonable expenditures for exploration by the licensee as the Administrator may establish, taking into account the size of the area of the deep seabed to which the exploration plan applies and the amount of funds which is estimated by the Administrator to be required during exploration for commercial recovery of hard mineral resources to begin within the time limit established by the Administrator. However, such required expenditures will not be established at a level which would discourage exploration by persons with less costly technology than is prevalently in use.

(b) In order to fulfill the diligence requirement, the applicant first must propose to the Administrator an estimated schedule of activities and expenditures pursuant to § 970.203(b) (3) and (6). The schedule must show, and the Administrator must be able to make a reasonable determination, that the applicant can complete his exploration activities within the term of the license. In this regard, there must be a reasonable relationship between the size of the exploration area and the financial and technological resources reflected in the application. Also, the exploration must clearly point toward developing the mine site and beginning commercial recovery operations before the end of the 10-year license period.

(c) Ultimately, the diligence requirement will involve a retrospective determination by the Administrator, based on the licensee's reasonable conformance to the approved exploration plan. Such determination, however, will take into account the need for some degree of flexibility in an exploration plan. It also will include consideration of the needs and stage of development of each licensee, again based on the approved exploration plan. In addition, the determination will take account of legitimate periods of time when there is no or very low expenditure, and will allow for a certain degree of flexibility for changes encountered by the licensee in such factors as its resource knowledge and financial considerations.

(d) In order for the Administrator to make determinations on a licensee's adherence to the diligence requirements, the licensee must submit a report annually reflecting its conformance to the schedule of activities and expenditures contained in the license. In case of any changes requiring a revision to an approved license and exploration plan, the licensee must advise the Administrator in accordance with § 970.514.

§ 970.503 Conservation of resources.

(a) With respect to the exploration phase of seabed mining, the requirement for the conservation of natural resources, encompassing due regard for the prevention of waste and the future opportunity for the commercial recovery of the unrecovered balance of the hard mineral resources in the area to which the license applies, may not be particularly relevant. Thus, since the Act requires such terms, conditions and restrictions only as needed, exploration licenses will require such provisions only if the Administrator deems necessary. However, mining systems development described in a license application and exploration plan could involve sustained reliability and endurance tests, which could in turn result in more than insignificant recovery. If so, there may be a need to set some guidelines in a license pursuant to § 970.519.

(b) If the Administrator establishes in a license such terms, conditions and restrictions relating to conservation of resources, he will employ a balancing process in the consideration of the state of the technology, the processing system utilized and the value and potential use of any waste, the environmental effects of the exploration activities, economic and resource data, and the national need for hard mineral resources.

(c) Based on the review of each exploration plan, the Administrator may include in a license the requirement for a licensee to submit information during the term of the license period on specified activities which may result in the waste, or affect the future opportunity for recovery, of hard mineral resources.

Subpart G—Environmental Effects

§ 970.700 General.

Congress, in authorizing the exploration for hard mineral resources under the Act, also enacted provisions relating to the protection of the marine environment from the effects of exploration activities. For example, before the Administrator may issue a license, pursuant to section 105(a)(4) of the Act he must find that the exploration proposed in an application cannot reasonably be expected to result in a significant adverse effect on the quality of the environment. Also, the Act requires in section 109(b) that each license issued by the Administrator must contain such terms, conditions and restrictions which prescribe the actions the licensee must take in the conduct of exploration activities to assure protection of the environment. Furthermore, the Act in section 105(c)(1)(B) provides for the modification by the Administrator of any term, condition or restriction if relevant data and other information indicates that modification is required to protect the quality of the environment. In addition, section 114 of the Act specifies that each license issued under the Act must require the licensee to monitor the environmental effects of the exploration activities in accordance with guidelines issued by the Administrator, and to submit such information as the Administrator finds to be necessary and appropriate to assess environmental impacts and to develop and evaluate possible methods of mitigating adverse environmental effects.

§ 970.701 Significant adverse environmental effects.

(a) *Activities with no significant impact.* NOAA believes that the following exploration activities are very similar or identical to activities considered in section 6(c)(3) of NOAA Directives Manual 02-10, and therefore have no potential for significant environmental impact, and will require no further environmental assessment.

(1) Gravity and magnetometric observations and measurements;

(2) Bottom and sub-bottom acoustic profiling or imaging without the use of explosives;

(3) Mineral sampling of a limited nature such as those using either core, grab or basket samplers;

(4) Water and biotic sampling, if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species, or if permitted by

the National Marine Fisheries Service or another Federal agency;

(5) Meteorological observations and measurements, including the setting of instruments;

(6) Hydrographic and oceanographic observations and measurements, including the setting of instruments;

(7) Sampling by box core, small diameter core or grab sampler, to determine seabed geological or geotechnical properties;

(8) Television and still photographic observation and measurements;

(9) Shipboard mineral assaying and analysis; and

(10) Positioning systems, including bottom transponders and surface and subsurface buoys filed in *Notices to Mariners*.

(b) *Activities with potential impact.* (1) NOAA research has identified at-sea testing of recovery equipment and the operation of processing test facilities as activities which have some potential for significant environmental impacts during exploration. However, the research has revealed that only a limited number of the effects from such activities are expected to have potential for significant adverse environmental impact.

(2) The programmatic EIS documents four at-sea effects of deep seabed mining which cumulatively during commercial recovery have the potential for significant effect. These include the following:

(i) *Destruction of benthos in and near the collector track.* Present information reflects that the impact from this effect during mining tests under exploration licenses will be extremely small.

(ii) *Blanketing of benthic fauna and dilution of food supply away from mine site subareas.* The settling of fine sediments disturbed by tests under a license of scale-model mining systems which simulate commercial recovery could adversely affect benthic fauna by blanketing, dilution of their food supply, or both. Because of the anticipated slow settling rate of the sediments, the affected area could be quite large. However, research results are insufficient to conclude that this will indeed be a problem. Therefore, pursuant to § 970.702, this potential effect will be analyzed as part of monitoring and research efforts, and mitigation measures will be imposed if a significant adverse effect is detected.

(iii) *Potential entry of trace metals into the food web.* The potential for a significant effect during the exploration period mining tests is expected to be indiscernable and remote.

(iv) *Surface plume effect on fish larvae.* The impact of demonstration-scale mining tests during exploration is expected to be insignificant.

(3) If processing facilities are to be used for testing during exploration, NOAA also will assess their impacts in site-specific EIS's.

(c) *NOAA approach.* In making determinations on significant adverse environmental effects, the Administrator will draw on the above conclusions and other findings in NOAA's programmatic environmental statement and site-specific statements issued in accordance with the Act. He will issue licenses with terms, conditions and restrictions containing, as appropriate, environmental protection or mitigation requirements (pursuant to § 970.518) and monitoring requirements (pursuant to § 970.522). The focus of NOAA's environmental efforts will be on environmental research and on monitoring during mining tests to acquire more information on the environmental effects of deep seabed mining. If these efforts reveal that modification is required to protect the quality of the environment, NOAA then may modify terms, conditions and restrictions pursuant to § 970.511.

§ 970.702 Monitoring and mitigation of environmental effects.

(a) *Monitoring.* If an application is determined to be otherwise acceptable, the Administrator will specify an environmental monitoring plan as part of the terms, conditions and restrictions developed for each license. This monitoring strategy will be devised to insure that the exploration activities do not deviate significantly from the approved exploration plan and to determine if the assessment of the plan's acceptability was sound. The plan, among other things, will include monitoring the effects of the benthic plume, to resolve the uncertainty identified in § 970.701(b)(2)(ii). NOAA also will develop a technical guidance document, to include parameters pertaining to the upper and lower water column and operational aspects, which document will provide assistance in developing monitoring plans in consultation with applicants.

(b) *Mitigation.* Monitoring and continued research may develop information on future needs for mitigating environmental effects. If such needs are identified, terms, conditions and restrictions can be modified appropriately.

Subpart H—Safety of Life and Property at Sea

§ 970.800 General.

The Act contains requirements, in the context of several decisions, that relate to assuring the safety of life and property at sea. For instance, before the Administrator may issue a license, section 105(a)(5) of the Act requires that he find that the proposed exploration will not pose an inordinate threat to the safety of life and property at sea. Also, under section 112(a) of the Act the Coast Guard, in consultation with NOAA, must require in any license or permit issued under the Act, in conformity with principles of international law, that vessels documented in the United States and used in activities authorized under the license comply with conditions regarding the design, construction, alteration, repair, equipment, operation, manning and maintenance relating to vessel and crew safety and the safety of life and property at sea. In addition, under section 105(c)(1)(B) of the Act, the Administrator may modify terms, conditions and restrictions for a license if required to promote the safety of life and property at sea.

§ 970.801 Criteria for safety of life and property at sea.

Response to the safety at sea requirements in essence will involve vessel inspection requirements. These inspection requirements may be identified by reference to present laws and regulations. The primary inspection statutes pertaining to United States flag vessels are: 46 U.S.C. 86 (Loadlines); 46 U.S.C. 395 (Inspection of seagoing barges over 100 gross tons); 46 U.S.C. 367 (Inspection of sea-going motor vessels over 300 gross tons); and 46 U.S.C. 404 (Inspection of vessels above 15 gross tons carrying freight for hire). All United States flag vessels will be required to meet existing regulatory requirements applicable to such vessels. This includes the requirement for a current valid Coast Guard Certificate of Inspection, as specified in § 970.205. Being United States flag, these vessels will be under United States jurisdiction on the high seas and subject to domestic enforcement procedures. With respect to foreign flag vessels, the SOLAS 74 or SOLAS 60 certificate requirements specified in § 970.205 apply.

Subpart I—Miscellaneous

§ 970.900 General.

This subpart contains miscellaneous provisions pursuant to the Act which are relevant to exploration licenses.

§ 970.901 Records to be maintained and information to be submitted by licensees.

(a)(1) In addition to the information specified elsewhere in this part, each licensee must keep such records, consistent with standard accounting principles, as the Administrator may specify with each license. Such records must inlcude information which will fully disclose expenditures for exploration for hard mineral resources in the area under license, and such other information as will facilitate an effective audit of such expenditures.

(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of licensees which are necessary and directly pertinent to verify the expenditures referred to in paragraph (a)(1).

(b) In addition to the information specified elsewhere in this part, each applicant or licensee will be required to submit to the Administrator at his request such data or other information as he may reasonably need for purposes of making determinations with respect to the issuance, revocation, modification, or suspension of the license in question; compliance with the biennal Congressional report requirement contained in section 309 of the Act; and evaluation of the exploration activities conducted by the licensee. At a minimum, licensees must submit an annual written report, within 90 days after each anniversary of the license issuance or transfer, of exploration activities and expenditures to address the diligence requirements in § 970.602, and of environmental monitoring to address the requirements of § 970.522(c).

§ 970.902 Public disclosure of documents received by NOAA.

(a) *Purpose.* This section provides a procedure by which persons submitting information pursuant to this part may request that certain information not be subject to public disclosure. The substantiation requested from such persons is intended to assure that NOAA has a complete and proper basis for determining the appropriateness of withholding or releasing the identified information if a public request is received.

(b) *Written requests for confidential treatment.* (1) Any person who submits any information pursuant to this part, which information is considered by him to be a trade secret or commercial or financial information which is privileged or confidential, may request that the information be afforded confidential treatment.

(2) Requests for confidential treatment of information must be in writing and must be submitted at the time of submission of the information. Information subject to the request must be segregated from information for which confidential treatment is not being requested and each page (or segregable portion of each page) subject to the request must be clearly marked with the legend "Confidential Treatment Requested." Where this marking proves impracticable, a cover sheet containing the legend must be securely attached to the compilation of information.

(c) *Substantiation of request for confidential treatment.* (1) Any request for confidential treatment must include a statement of the basis for believing that the information is deserving of confidential treatment which addresses the issues relevant to a determination whether the information is a trade secret or commercial or financial information which is privileged or confidential. Such statement itself will be treated as confidential to the extent permitted by applicable law.

(2) Issues addressed should include:

(i) The commercial or financial nature of the information;

(ii) The nature of the competitive advantage enjoyed as a result of possession of the information;

(iii) The nature of the competitive harm which would result from public disclosure of the information;

(iv) The extent to which the information has been disseminated to employees and contractors of the person submitting the information;

(v) The extent to which persons other than the person submitting the information possess, or have access to, the same information; and

(vi) The nature of the measures taken to protect the information from disclosure.

(3) No determination as to whether confidential treatment is warranted will be made until a request for disclosure of the information is made pursuant to this section.

(d) *Requests for disclosure.* (1) Any request for disclosure of information submitted pursuant to this part must be made in accordance with the requirements of 15 CFR Part 903.

(2) Upon receipt of a request for disclosure, the Administrator will determine, in consultation with the NOAA Office of General Counsel, whether confidential treatment is warranted. If the Administrator determines that confidential treatment is not warranted he will promptly notify the person requesting confidential treatment. Such notice will be given by expeditious means such as telephone, telegraph or express mail. No information subject to the request for confidential treatment will be released until the expiration of 10 calendar days from the date of issuance of such notice. In all other respects, requests for the records containing information submitted pursuant to this part will be handled in accordance with 15 CFR Part 903.

§ 970.903 Relinquishment and surrender of licenses.

(a) Any licensee may at any time, without penalty:

(1) Surrender to the Administrator a license issued to the licensee; or

(2) Relinquish to the Administrator, in whole or in part, any right to conduct any exploration activities authorized by the license.

(b) Any licensee who surrenders a license or relinquishes any such right will remain liable with respect to all violations and penalties incurred, and damage to persons or property caused, by the licensee as a result of activities engaged in by the licensee under such license.

§ 970.904 Amendment to regulations.

The Administrator may at any time amend the regulations in this part as the Administrator determines to be necessary and appropriate in order to provide for the conservation of natural resources, protection of the environment, and the safety of life and property at sea. Such amended regulations will apply to all exploration activities conducted under any license issued or maintained pursuant to this part; except that any such amended regulations which provide for conservation of natural resources will apply to exploration conducted under an existing license during the present term of such license only if the Administrator determines that such amended regulations providing for conservation of natural resources will not impose serious or irreparable economic hardship on the licensee. Any amendment to regulations under this section will be made pursuant to the procedures in Subpart J of this part, except that § 970.1001(f)(1) will not apply. Instead, the parties of right to the hearing will be limited to the Administrator. Other persons may file a request under § 970.1001(f)(2) or (3) to participate in the hearing.

§ 970.905 Computation of time.

Saturdays, Sundays, and Federal Government holidays will be included in

computing the time period allowed for filing any document or paper under this part, but when such time period expires on such a day, such time period will be extended to include the next following Federal Government work day. Also, filing periods expire at the close of business on the day specified, and for the office specified.

Subpart J—Uniform Procedures

§ 970.1000 Applicability.

The regulations of this subpart govern the following proceedings conducted by NOAA under this part.

(a) All adjudicatory hearings required by section 116(b) of the Act to be held on the following actions upon a finding by the Administrator that one or more specific and material issues of fact exist which require resolution by formal process, including but not limited to:

(1) All applications for issuance or transfer of licenses;

(2) All proposed terms, conditions and restrictions on a license; and

(3) All proposals to significantly modify a license;

(b) Hearings conducted under section 105(b)(3) of the Act on objection by a licensee to any term, condition and restriction in a license, or to modification thereto, where the licensee demonstrates, after final action by the Administrator on the objection, that a dispute remains as to a material issue of fact;

(c) Hearings conducted in accordance with section 106(b) of the Act pursuant to a timely request by an applicant or a licensee for review of:

(1) A proposed denial of issuance or transfer of a license; or

(2) A proposed suspension or modification of particular activities under a license after a Presidential determination pursuant to section 106(a)(2)(B) of the Act;

(d) Hearings conducted in accordance with section 308(c) of the Act to amend regulations for the purpose of conservation of natural resources, protection of the environment, and safety of life and property at sea;

(e) Hearings conducted in accordance with § 970.407 on a proposal to deny certification of an application; and

(f) Hearings conducted in accordance with § 970.302 to determine priority of right among pre-enactment explorers.

§ 970.1001 Formal hearing procedures.

(a) *General.* (1) All hearings described in paragraph (a) of § 970.1000 are governed by 5 U.S.C. 554–557 and the procedures contained in this section. section.

(2) Hearings held under this section will be consolidated insofar as practicable with hearings held by other agencies.

(b) *Decision to hold a hearing.* Whenever the Administrator finds that a formal hearing is required by the provision of this part he will provide for a formal hearing.

(c) *Assignment of administrative law judge.* Upon deciding to hold a formal hearing, the Administrator will refer the proceeding to the NOAA Office of Administrative Law Judges for assignment to an Administrative Law Judge to serve as presiding officer for the hearing.

(d) *Notice of formal hearing.*

(1) The Administrator will publish notice of the formal hearing in the **Federal Register** at least 15 days before the beginning of the hearing, and will send written notice by registered or certified mail to any involved applicant or licensee, and to all persons who submitted written comments upon the aciton in question, testified at any prior informal hearing on the action or filed a request for the formal hearing under this part.

(2) Notice of a formal hearing will include, among other things:

(i) Time and place of the hearing;

(ii) The name and address of the person(s) requesting the formal hearing or a statement that the formal hearing is being held by order of the Administrator;

(iii) The issues in dispute which are to be resolved in the formal hearing;

(iv) The due date for filing a written request to participate in the hearing in accordance with paragraphs (f)(2) and (f)(3) of this section; and

(v) Reference to any prior informal hearing from which the issues to be determined arose.

(e) *Powers and duties of the administrative law judge.* Judges have all the powers and duties necessary to preside over the parties and proceedings and to conduct fair and impartial hearings, as specified by 5 U.S.C 554–557 and this section, including the power to:

(1) Regulate the course of the hearing and the conduct of the parties, interested persons and others submitting evidence, including but not limited to the power to require the submission of part or all of the evidence in written form if the judge determines a party will not be prejudiced thereby, and if otherwise in accordance with law;

(2) Rule upon requests submitted in accordance with paragraph (f)(2) of this section to participate as a party, or requests submitted in accordance with paragraph (f)(3) of this section to participate as an interested person in a proceeding, by allowing, denying, or limiting such participation;

(3) Hold conferences in accordance with paragraph (i) of this section for the simplification or, if appropriate, settlement of the issues by consent of the parties or to otherwise expedite the proceedings;

(4) Administer oaths and affirmations;

(5) To the extent authorized by law, rule upon requests for, and issue, subpoenas for the attendance and testimony of witnesses and the production of books, records, and other evidence upon proper application under paragraph (p) of this section;

(6) Rule on discovery requests, establish discovery schedules, and take or cause depositions or interrogatories to be taken;

(7) Rule on requests for protective orders to protect persons in the discovery process from undue burden or expense, or for other good cause;

(8) Require, at or prior to any hearing, the submission and exchange of evidence;

(9) Rule upon offers of proof and evidence and receive, exclude and limit evidence as set forth in paragraph (j)(3) of this section;

(10) Introduce documentary or other evidence into the record;

(11) Examine and cross-examine witnesses;

(12) Consider and rule upon motions, procedural requests, and similar matters;

(13) Take such measures as may be necessary, such as sealing of portions of the hearing record, to protect proprietary and privileged information and information consisting of trade secrets and confidential commercial and financial information;

(14) Schedule the time and place of the hearing, or the hearing conference, continue the hearing from day-to-day, adjourn the hearing to a later date or a different place, and reopen the hearing at any time before issuance of the recommended or initial decision, all in the judge's discretion, having due regard for the covenience and necessity of the parties;

(15) Establish rules, consistent with applicable law, for media coverage of the proceedings and for the closure of the hearing in the interest of justice;

(16) Strike testimony of a witness refusing to answer a question ruled to be proper;

(17) Make and file decisions in conformity with this subpart; and

(18) Take any action authorized by the rules in this section or in conformance with 5 U.S.C. 554–57.

Hearings

(f) *Participation.* (1) Parties to the formal hearing will include:

(i) The NOAA General Counsel;

(ii) Any involved applicant or licensee; and

(iii) Any other person determined by the judge, in accordance with paragraph (f)(2) below, to be eligible to participate as a full party.

(2) Any person desiring to participate as a party in a formal hearing must submit a request to the judge to be admitted as a party. The request must be submitted within 10 days after the date of mailing or publication of notice of a decision to hold a formal hearing, whichever occurs later. Such person will be allowed to participate if the judge finds that the interests of justice and a fair determination of the issues would be served by granting the request. The judge may entertain a request submitted after the expiration of the 10 days, but such a request may only be granted upon an express finding on the record that:

(i) Special circumstances justify granting the request;

(ii) The interests of justice and a fair determination of the issues would be served by granting the request;

(iii) The requestor has consented to be bound by all prior written agreements and stipulations agreed to by the existing parties, and all prior orders entered in the proceedings; and

(iv) Granting the request will not cause undue delay or prejudice the rights of the existing parties.

(3)(i) Any interested person who desires to submit evidence in a formal hearing must submit a request within 10 days after the dates of mailing or publication of notice of a decision to hold a formal hearing, whichever occurs later. The judge may waive the 10 day rule for good cause, such as if the interested person, making this request after the expiration of the 10 days, shows that he lacked prior knowledge of the formal hearing, and the evidence he proposes to submit may significantly affect the outcome of the proceedings.

(ii) The judge may permit an interested person to submit evidence at any formal hearing if the judge determines that such evidence is relevant to facts in dispute concerning the issue(s) being adjudicated. The fact that an interested person may submit evidence under this paragraph at a hearing does not entitle the interested person to participate in other ways in the hearing unless allowed by the judge under paragraph (f)(3)(iii) below.

(iii) The judge may allow an interested person to submit oral testimony, oral arguments or briefs, or to cross-examine witnesses or participate in other ways, if the judge determines:

(A) That the interests of justice would be better served by allowing such participation by the interested person; and

(B) That there are compelling circumstances favoring such participation by the interested person.

(g) *Definition of issues.* Whenever a formal hearing is conducted pursuant to this section the Administrator may certify the issues for decision to the judge, and if the issues are so certified, the formal hearing will be limited to those issues.

(h) *Obligation to submit evidence and raise issues before a formal hearing is held.* Whenever a formal hearing is conducted pursuant to a request by an applicant or licensee for review of a denial of issuance or transfer of a license in accordance with section 106(a)(4) of the Act, or pursuant to an objection to any term, condition, or restriction in a license in accordance with section 105 (b)(3) or (c)(4) of the Act, no party or interested person may submit evidence which was not submitted previously for the administrative record on the action, unless good cause is shown for the failure to submit it. No issues may be raised by any party or interested person that were not submitted to the administrative record on the action unless good cause is shown for the failure to submit them. Good cause includes the case where the party seeking to raise the new issues or introduce new information shows that it could not reasonably have ascertained the issues or made the information available at a prior stage in the administrative process; or that it could not have reasonably anticipated the relevance or materiality of the information sought to be introduced.

(i) *Conferences.* (1) At any time the judge considers appropriate, he may upon his own motion or the motion of any party or interested person, direct the parties and interested persons, or their attorneys, to meet (in person, by telephone conference call, or otherwise) in a conference to consider:

(i) Simplification of the issues;

(ii) Settlements, in appropriate cases;

(iii) Stipulations and admissions of fact, and contents and authenticity of documents;

(iv) Exchange of evidence, witness lists, and summaries of expected testimony;

(v) Limitation of the number of witnesses; and

(vi) Such other matters as may tend to expedite the disposition of the proceedings.

(2) The record will show how the matters were disposed of by order and by agreement in such conferences.

(j) *Appearance and presentation of evidence.* (1) A party or interested person may appear at a hearing under this section in person, by attorney, or by other representative.

(2) Failure of a party to appear at a hearing:

(i) Constitutes waiver of the right to a hearing under this section;

(ii) Constitutes consent of the party to the making of a decision on the record of the hearing; but

(iii) Will not be deemed to be a waiver of the right to be served with a copy of the judge's decision.

(3) *Evidence.* (i) The order of presentation of evidence will be at the judge's discretion.

(ii) The testimony of witnesses will be upon oath or affirmation administered by the judge and will be subject to such cross-examination as may be required for a full and true disclosure of the facts. The formal rules of evidence do not apply, but the judge will exclude evidence which is immaterial, irrelevant, nonprobative, or unduly repetitious. Hearsay evidence is not inadmissable as such.

(iii) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, the party must state briefly the grounds for such objections. Rulings on each objection will appear in the record.

(iv) Formal exception to an adverse ruling is not required.

(v) At any time during the proceedings, the judge may require a party or a witness to state his position on any issue, and theory in support of such position.

(vi) Upon the failure of a party or interested person to effect the appearance of a witness or the production of a document or other evidence ruled relevant and necessary to the proceeding, the judge may take appropriate action as authorized by law.

(4) *Authority of judge to expedite adjudication.* To prevent unnecessary delays or an unnecessarily large record, the judge may:

(i) Limit the number of witnesses whose testimony may be cumulative;

(ii) Strike argumentative, repetitious, cumulative, immaterial, nonprobative or irrelevant evidence;

(iii) Take necessary and proper measures to prevent argumentative,

repetitious, or cumulative cross-examination; and

(iv) Impose such time limitations on arguments as the judge determines appropriate, having regard for the volume of the evidence and the importance and complexity of the issues involved.

(5) *Official notice.* Official notice may be taken of any matter not appearing in evidence in the record, which is among the traditional matters of judicial notice, or concerning which the Department of Commerce, by reason of its functions, is deemed to be expert, or of a nonprivileged document required by law to be filed with, or prepared or published by a government body, or of any reasonably available public document. The parties will be given adequate notice, at the hearing or otherwise before the judge's decision, of the matters so noticed, and upon timely request by a party will be given reasonable opportunity to show the contrary.

(6) *Record.* (i) The judge or the Administrator will arrange for a verbatim tape or other record of any oral hearing proceedings. An official transcript will be prepared and copies may be obtained upon written request filed with the reporter and upon payment of the fees at the rate provided in the agreement with the reporter.

(ii) The official transcript, exhibits, briefs, requests, and other documents and papers filed will constitute the exclusive record for the decision on the issues concerning which the hearing was held.

(iii) The record developed in any hearing held pursuant to section 116(b) of the Act will be part of the basis for the Administrator's decision to take any action referred to in section 116(a) of the Act.

(k) *Interlocutory appeals.* (1) At the request of a party or on the judge's own motion, the judge may certify to the Administrator for review a ruling which does not finally dispose of the proceeding if the judge determines that such a ruling involves a controlling question of law and that an immediate appeal therefrom may materially advance the ultimate disposition of the matter.

(2) Upon certification by the judge of an interlocutory ruling for review, the Administrator wil expeditiously decide the matter, taking into account any briefs in this respect filed by the parties within 10 days after certification. The Administrator's order on an interlocutory appeal will not be considered the final decision of the Administrator except by operation of other provisions in this section.

(3) No interlocutory appeal will lie as to any ruling not certified to the Administrator by the judge. Objections to non-certified rulings will be a part of the record and will be subject to review at the same time and in the same manner as the Administrator's review of the judge's initial or recommended decision.

(l) *Decisions.*—(1) *Proposed findings of fact and conclusions of law.* The judge will allow each party to file with the judge proposed findings of fact, and in appropriate cases conclusions of law, together with a supporting brief expressing the reasons for such proposals. Such proposals and briefs must be filed within 10 days after the hearing or within such additional time as the judge may allow. Such proposals and briefs must refer to all portions of the record and to all authorities relied upon in support of each proposal. Reply briefs must be submitted within 10 days after receipt of the proposed findings and conclusions to which they respond, unless the judge allows additional time.

(2) *Recommended decision.* As soon as practicable, but normally not later than 90 days after the conclusion of the formal hearing, the judge will evaluate the record of the formal hearing and prepare and file a recommended decision with the Administrator. The decision will contain findings of fact, when appropriate, conclusions regarding all material issues of law, and a recommendation as to the appropriate action to be taken by the Administrator. The judge will serve a copy of the decision on each party and upon the Administrator.

(3) *Final decision.* (i) As soon as practicable, but normally not later than 60 days after receipt of the recommended decision, the Administrator will issue a final decision. The final decision will include findings of fact and conclusions regarding material issues of law or discretion, as well as reasons therefor. The final decision may accept or reject all or part of the recommended decision.

(ii) With respect to hearings held pursuant to section 116(b), the Administrator may defer announcement of his findings of fact until the time he takes final action with respect to any action described in section 116(a).

(iii) The Administrator will base the final decision upon the record already made except that the Administrator may issue orders:

(A) Specifying the filing of supplemental briefs; or

(B) Remanding the matter to the judge for the receipt of further evidence, or otherwise assisting in the determination of the matter.

Miscellaneous

(m) *Motions and requests.* Motions or requests must be filed in writing with the judge or must be stated orally and made part of the hearing record. Each motion or request must state the particular order, ruling or action desired, and the grounds therefor.

(n) *Witnesses and fees.* Witnesses subpoenaed will be paid the same fees and mileage, and in the same manner, as are paid for like services in the District Court of the United States for the district in which the hearing is located.

(o) *Depositions.* (1) Any party desiring to take the deposition of a witness must make application in writing to the judge, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and mailing address of the person before whom the deposition is requested to be taken; the name and address of each witness to appear for deposition; and the subject matter concerning which each witness is expected to testify.

(2) Depositions may be taken orally or upon written interrogatories before any person designated by the judge.

(3) Such notice as the judge may order will be given for the taking of a deposition, but this ordinarily will not be less than 5 days' written notice when the deposition is to be taken within the United States and ordinarily will not be less than 20 days' written notice when the deposition is to be taken elsewhere.

(4) Each witness testifying upon deposition will be sworn and any party will have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, will be reduced to writing, read to the witness, signed by the witness unless waived, and certified by the person presiding. Thereafter, the person presiding will deliver or mail a copy of the document to each party. Subject to such objection to the questions and answers as were noted at the time of taking the deposition which would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by any party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

(p) *Subpoenas.* A party may request the judge to issue, or the judge on the judge's own motion may issue, a subpoena for the attendance and testimony of witnesses and for production of documentary or other evidence. Applications for subpoenas must be in writing and must specify the

general relevance and reasonable scope of the evidence sought to be produced.

(q) *Extension of time.* The time for the filing of any document under this section may be extended by the judge if:

(1) The request for the extension of time is made before or on the final date allowed for the filing; and

(2) The judge, after giving written or oral notice to and considering the views of all other parties (when practicable), determines that there is good reason for the extension.

(r) *Filing and service of documents.* (1) Whenever the regulations in this subpart or in an order issued hereunder require a document to be filed within a certain period of time, such document will be considered filed as of the date of the postmark, if mailed, or (if not mailed) as of the date actually delivered to the office where filing is required. Time periods will begin to run on the day following the date of the document, paper, or event which begins the time period.

(2) All submissions must be signed by the person making the submission, or by the person's attorney or other authorized agent or representative.

(3) Service of a document must be made by delivering or mailing a copy of the document to the known address of the person being served.

(4) Whenever the regulations in this subpart require service of a document, such service may effectively be made on the agent for the service of process or on the attorney for the person to be served.

(5) Refusal of service of a document by the person, his agent, or attorney will be deemed effective service of the document as of the date of such refusal.

(6) A certificate of the person serving the document by personal delivery or by mailing, setting forth the manner of the service, will be proof of the service.

§ 970.1002 Ex parte communications.

(a) "Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include requests for status reports.

(b) Except to the extent required for disposition of *ex parte* matters as authorized by law, upon assignment of a matter to an administrative law judge and until the final decision of the Administrator is effective under these regulations, no *ex parte* communication relevant to the merits of the proceeding shall be made, or knowingly caused to be made:

(1) By the judge or by an agency employee involved in the decisional process of the proceeding to any interested person outside the Department of Commerce; or

(2) By an interested person outside the Department of Commerce to the judge or to any agency employee involved in the decisional process of the proceeding.

(c) An agency employee or judge who makes or receives a prohibited communication must place in the hearing record the communication and any response thereto and the judge, or Administrator, as appropriate, may take action in this respect consistent with this part, the Act, and 5 U.S.C. 556(d) and 557(d).

(d) This section does not apply to communications to or from the agency representative; however, the agency representative may not participate or advise in the initial or recommended decision of the judge or the Administrator's review thereof except as witness or counsel in the proceeding in accordance with this subpart. In addition, the judge may not consult any person or party on the substance of the matter in issue unless on notice and opportunity for all parties to participate.

(e) This section will not apply to communications concerning national defense or foreign policy matters. Any communications on those subjects to or from an agency employee or from employees of the United States Government involving intergovernmental negotiations are permitted if the communicator's position with respect to those matters cannot otherwise be fairly presented for reasons of foreign policy or national defense. Communications described in this paragraph are not considered part of the record.

Subpart K—Enforcement

§ 970.1100 General.

(a) *Purpose and scope.* (1) Section 302 of the Act authorizes the Administrator to assess a civil penalty, in an amount not to exceed $25,000 for each violation, against any person found to have committed an act prohibited by section 301 of the Act. Each day of a continuing violation is a separate offense.

(2) Section 106 of the Act describes the circumstances under which the Administrator may suspend or revoke a license, or suspend or modify activities under a license, in addition to or in lieu of imposing of a civil penalty, or in addition to imposing a fine.

(3) Section 306 of the Act makes provisions of the customs laws relating to, among other things, the remission or mitigation of forfeitures, applicable to forfeitures of vessels and hard mineral resources. The Administrator is authorized to entertain petitions for administrative settlement of property seizures made under the Act which would otherwise proceed to judicial forfeiture.

(4) Section 114 of the Act authorizes the Administrator to place observers on vessels used by a licensee under the Act to monitor compliance and environmental effects of activities under the license.

(5) Section 117 of the Act describes the circumstances under which a person may bring a civil action against a alleged violator or against the Administrator for failure to perform a nondiscretionary duty, and directs the Administrator to issue regulations governing procedures prerequisite to such a civil action.

(6) The regulations in this subpart provide uniform rules and procedures for the assessment of civil penalties (§§ 970.1101–970.1102), and license sanctions (§ 970.1103); the remission or mitigation of forfeitures (§ 970.1104); observers (§ 970.1105); protection of certain information related to enforcement (§ 970.1106); and procedures requiring persons planning to bring a civil action under section 117 of the Act to give advance notice (§ 970.1107).

(b) *Filing and service of documents.* (1) Filing and service of documents required by this subpart shall be in accordance with § 970.1001(a). The method for computing time periods set forth in § 970.1001(a) also applies to any action or event, such as payment of a civil penalty, required by this subpart to take place within a specified period of time.

(2) If an oral or written request is made to the Administrator within 10 days after the expiration of a time period established in this subpart for the required filing of documents, the Administrator may permit a late filing if the Administrator finds reasonable grounds for an inability or failure to file within the time periods. All extensions will be in writing. Except as provided by this paragraph, by § 970.1101(b) or by order of an administrative law judge, no requests for an extension of time may be granted.

§ 970.1101 Assessment procedure.

(a) *Notice of violation and assessment (NOVA).* (1) A notice of violation and assessment (NOVA) will be issued by the Administrator and served personally or by registered or certified, mail, return receipt requested, upon the person alleged to be subject to a civil penalty (the respondent). A copy of the NOVA will similarly be served upon the affected licensee, and the owner of an

affected vessel (defined in paragraph (f) of this section), if the licensee or owner is not the respondent. Although no specific form is prescribed, the NOVA will contain:

(i) A concise statement of the facts believed to show a violation;

(ii) A specific reference to the provisions of the Act, regulations, license, or order allegedly violated;

(iii) The findings and conclusions upon which the Administrator based the proposed assessment; and

(iv) The amount of penalty proposed to be assessed.

(2) In respect to the amount of civil penalty, the Administrator will take into account information available to the agency concerning the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the respondent, any history of prior offenses, good faith demonstrated in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(3) The NOVA may also contain an initial proposal for compromise or settlement of the case. The Administrator may also attach documents which illuminate the facts believed to show a violation. The NOVA will advise the respondent of the respondent's rights at that point in the proceeding, and will be accompanied by a copy of regulations governing civil enforcement procedures, this subpart and the applicable provisions of Subpart J of this part.

(b) *Procedures upon receipt of NOVA.* (1) The respondent shall have 30 days from receipt of the NOVA in which to respond. During this time the respondent may:

(i) Accept the proposed penalty or compromise penalty, if any, by taking the actions specified in the NOVA;

(ii) Seek to have the NOVA amended or modified as prescribed in paragraph (b)(2) of this section;

(iii) Request a hearing, as prescribed in paragraph (b)(5) of this section;

(iv) Take no action, in which case the NOVA becomes final in accordance with paragraph (c) of this section; or

(v) Request an extension of the time allowed to respond to the NOVA under paragraph (b)(3) of this section.

Options, (ii), (iii), (iv) and (v) above may also be exercised by the affected licensee or the owner of an affected vessel.

(2) The respondent, the affected licensee or the owner of an affected vessel may seek amendment or modification of the NOVA to conform to the facts or law as that person sees them by notifying the Administrator at the telephone number or address specified in the NOVA. Where amendment or modification is sought, the Administrator will either amend the NOVA or decline to amend it, and will so notify the respondent, affected licensee or owner, as appropriate.

(3) The respondent, affected licensee or owner of an affected vessel may, within the 30-day period specified in paragraph (b)(1) of this section, request an extension of time to respond. The Administrator may grant an extension of up to 30 days unless the Administrator determines that the requestor could, exercising reasonable diligence, prepare a response within the 30-day period specified in paragraph (b)(1) of this section. If the Administrator does not respond to the request within 48 hours of its receipt by the Administrator, the request will be granted automatically for the extension requested, up to a maximum of 30 days. A telephonic response to the request within the 48-hour period will be considered effective response, and will be followed by written confirmation.

(4) The Administrator may, for good cause, grant an additional extension beyond the 30-day period specified in paragraph (b)(3).

(5) If the respondent, the affected licensee, or the owner of an affected vessel wishes a hearing, a written and dated request shall be served either in person or by certified or registered mail, return receipt requested, at the address specified in the NOVA. The requestor shall either attach a copy of the relevant NOVA or refer to the relevant NOAA case number.

(6) Any denial, in whole or in part, of any request under this section which is based upon untimeliness will be made in writing.

(7) The Administrator may, in the Administrator's discretion, treat any communication from a respondent, an affected licensee, or owner as a request for a hearing pursuant to paragraph (b)(5).

(c) *Final decision.* (1) If no request for a hearing is filed under paragraph (b)(5) of this section, the NOVA becomes effective and constitutes the final decision and order of the Administrator on the 30th calendar day after service of the NOVA, or on the last day of any delay period granted under § 970.1100(b)(2) or paragraph (b)(3) or (b)(4) of this section.

(2) If a request for hearing is filed in accordance with paragraph (b)(5) of this section, the date of the final decision will be as provided in § 970.1102.

(d) *Payment of final assessment.* (1) The respondent shall make full payment of the civil penalty assessed within 30 days after the date upon which the assessment becomes effective as the final decision and order of the Administrator under paragraph (c) of this section or § 970.1102(k); or, if judicial review of the assessment is initiated under section 302(b) of the Act during the 30-day period, within 10 days after the appropriate court has entered final judgment in favor of the Administrator, unless the court's order provides otherwise. Payment shall be made by mailing or delivering to the Administrator at the address specified in the NOVA a check or money order made payable in United States currency in the amount of the assessment to the "Treasurer of the United States."

(2) Upon any failure to pay the civil penalty assessed, the Administrator may request the Attorney General of the United States to recover the amount assessed in any appropriate district court of the United States, or may take action under paragraph (e) of this section. In any court action under this paragraph (d)(2), the validity and appropriateness of the final order imposing the civil penalty is not subject to review.

(e) *Compromise of civil penalty.* (1) In his or her sole discretion, the Administrator may compromise, modify, remit, or mitigate, with or without conditions, any civil penalty, imposed under this subpart, or which is subject to imposition, unless a court action, brought either under section 302(b) of the Act to review a civil penalty or under section 302(c) of the Act to recover a civil penalty, is pending in a court of the United States.

(2) The compromise authority of the Administrator under this paragraph (e) is in addition to any similar authority provided in the Act or in this subpart, and may be exercised either upon the initiative of the Administrator or in response to a request by the alleged violator or other interested person.

(3) If the Administrator acts under this paragraph (e) prior to issuing of a NOVA or after a final assessment becomes payable under paragraph (d) of this section, the Administrator will prepare a document indicating the action taken and citing this paragraph (e) and section 302(d) of the Act as authority. Once the case has been assigned for hearing under § 970.1102 (a), the Administrator will, except in unusual circumstances, defer any compromise action under this paragraph (e) until the administrative law judge has rendered an initial decision in the matter. Neither the existence of the compromise authority of the Administrator under this paragraph (e)

nor the Administrator's exercise thereof at any time changes the date upon which an assessment becomes final or payable.

(4) If compromise action is requested or otherwise becomes appropriate for the Administrator's consideration during the pendency of a petition for relief from forfeiture filed under § 970.1104, the Administrator may consolidate, consistent with the provisions of § 970.1104, consideration of the two matters.

(f) *Application of this section to licensees and vessel owners.* (1) This section applies to affected licensees. "Affected licensee" means the holder of a license issued under the Act which license may be subject to sanctions as a result of civil penalty proceedings under this subpart.

(2) This section also applies to owners of affected vessels. "Affected vessel" means any vessel of the United States that may be liable *in rem* for any civil penalty assessed as a result of civil penalty proceedings under this subpart.

§ 970.1102 Hearing and appeal procedures.

(a) *Beginning of hearing procedures.* Following receipt of a written request for hearing timely filed under § 970.1101(b), the Administrator will begin procedures under this section by forwarding the request, a copy of the NOVA, and any response thereto to the NOAA Office of Administrative Law Judges, which will docket the matter for hearing. Written notice of the referal will promptly be given to the respondent, the affected licensee, and the owner of an affected vessel (if the licensee or owner is not the respondent), with the name and address of the attorney representing the Administrator in the proceedings (the agency representative). Thereafter, all pleadings and other documents shall be filed directly with the NOAA Office of Administrative Law Judges, and a copy shall be served on the opposing party (respondent or agency representative).

(b) *Ex parte communications.* Upon assignment of the case to an administrative law judge and until an assessment or other action on the matter becomes effective under these regulations as the final administrative decision of the Administrator, ex parte communications shall be governed by the regulations set forth in § 970.1002. However, § 970.1002 will not be interpreted to diminish the authority of the Administrator under § 970.1101(e).

(c) *Duties and powers of judge.* To the extent consistent with this subpart, the administrative law judge has all powers and responsibilities enumerated in § 970.1001(e) except that paragraph (e)(2) thereof does not apply. Instead, the judge has the power to rule on a request to participate as a party in the proceedings by allowing, denying, or limiting such participation, except that the respondent, the affected licensee, the owner of an affected vessel, and the agency representative will be parties. The judge will, prior to ruling, ascertain the views of the other parties and base the ruling on whether the request is from a person who could be directly and adversely affected by the final decision and who may contribute materially to the disposition of the proceedings.

(d) *Participation by parties.* (1) The respondent, the affected licensee, the owner of an affected vessel, the agency representative, and, to the extent permitted by the judge, any other party, may appear in person, by counsel, or by other representative, and may examine and cross-examine witnesses to the extent required for a full and true disclosure of the facts, present documentary or other evidence in support of that party's case or defense, and conduct oral argument at the close of testimony. This paragraph shall not be interpreted to diminish the powers and duties of the judge provided in paragraph (c) of this section.

(2) Failure of any party to appear at the hearing will be deemed a waiver of the right to a hearing and consent to the making of a decision on the record of the hearing.

(e) *Appearance and presentation of evidence.* Appearance and the presentation of evidence are governed by in § 970.1001(k).

(f) *Settlements.* An agreement by respondent and the agency representative to settle the matter, if filed before an assessment or other action in the case becomes effective under these regulations as the final decision of the Administrator, will terminate the proceedings, and vacate any initial or administrative appellate decision which has been issued. However, if settlement is reached before the judge submits the initial decision and certifies the record under paragraph (i) of this section, the judge may require submission of a copy of the agreement solely to assure that the judge's consideration of the case is completed and to order the matter dismissed on the basis of the agreement.

(g) *Interlocutory appeals.* Appeals of interlocutory rulings by the judge under this subpart are governed by § 970.1001(k), except that objections to rulings not certified to the Administrator by the judge are subject to review at the same time and in the same manner as the Administrator's review of the initial decision of the judge upon any appeal therefrom under paragraph (j) of this section.

(h) *Proposed findings and conclusions.* Unless a different schedule is established in the discretion of the judge, the parties may file proposed findings of fact and conclusions of law, together with supporting briefs, within 30 days after the judge closes the hearing. Reply briefs may be submitted within 15 days after receipt of the proposed findings and conclusions to which they respond, unless the judge sets a different schedule.

(i) *Initial decision.* (1) After expiration of the period provided in paragaph (h) of this section for filing reply briefs, the judge will render a written initial decision upon the record in the case, setting forth:

(i) Findings and conclusions, and the reasons or basis therefor, on all material issues of fact, law, or discretion presented on the record. In determining the amount of a penalty assessment, the judge is not bound by the amount proposed or assessed in the NOVA, or elsewhere, but will decide the matter *de novo*, stating the reasons in view of the factors as set forth in section 302(a) of the Act and § 970.1101(a)(2);

(ii) Reasons for rejecting fundings and conclusions proposed by the parties;

(iii) A statement of facts officially noticed and relied upon in the decision, if the parties have not previously been advised of such notice; and

(iv) Such other matters as the judge considers appropriate, including recommendations, if any, regarding forfeiture action and license sanctions.

(2) The judge will submit the initial decision to the Administrator, serve copies on the parties, and transmit to the Administrator the record of the proceeding together with a certification to the effect that, to the best of the judge's knowledge and belief, the record is a complete and accurate compilation of all evidence and other documents in the proceeding, except in such particulars as are specified.

(j) *Appeals.* (1) Any party may appeal the initial decision of the judge by filing a notice of appeal with the Administrator, within 45 days after the date of the initial decision. The notice of appeal shall concisely state such exceptions as the appellate takes to the initial decision and shall contain citations to the record or other authority relied upon. The appellant shall serve a copy of the notice of appeal on the other parties.

(2) The Administrator will decide the appeal upon the record already made,

except that the Administrator may issue orders:

(i) Specifying the filing of supplemental briefs; or

(ii) Remanding the matter to the judge for receipt of further evidence other assistance in the determination of the matter. The decision of the Administrator will be in writing and will state the reasons for accepting or rejecting the exceptions taken by the appellant. To the extent the Administrator's decision is silent as to a material issue of fact, law, or discretion presented on the record, the decision will be deemed to adopt the findings and conclusions thereon, and the reasons or basis therefor, contained in the initial decision.

(k) *Final decision.* (1) Unless notice of appeal is timely filed in accordance with paragraph (j) of this section, the initial decision of the judge becomes effective and constitutes the final decision and order of the Administrator on the 45th calendar day after the date it is rendered.

(2) If a notice of appeal is timely filed as provided in paragraph (j) of this section, the Administrator's decision becomes effective and constitutes the final decision and order of the Administrator on the date the decision is issued, or as otherwise specified by the Administrator in the decision.

(3) Payment of any assessment which becomes final under this paragraph (k) shall be made in accordance with § 970.1101(d).

(l) *Application of this section to affected licensees and vessel owners.* The provisions of this section apply to affected licensees and owners of affected vessels as defined in § 970.1101(f).

§ 970.1103 License sanctions.

(a) *Application of this section.* This section governs the suspension or revocation of any license issued under the Act, or the suspension or modification of any particular activity or activities under a license, which suspension, revocation or modification is undertaken in addition to, or in lieu of, imposing a civil penalty under this subpart, or in addition to imposing a fine.

(b) *Basis for sanctions.* The Administrator may act under this section with respect to a license issued under the Act, or any particular activity or activities under such a license, if the licensee substantially fails to comply with any provision of the Act, any regulation or order issued under the Act, or any term, condition, or restriction in the license.

(c) *Nature of sanctions.* In the Administrator's discretion and subject to the requirements of this section, the Administrator may take any of the following actions or combinations thereof with respect to a license issued under the Act:

(1) Revoke the license;

(2) Suspend the license, either for a specified period of time or until certain stated requirements are met, or both; or

(3) Modify any activity under the license, as by imposing additional requirements or restraints on the activity.

(d) *Notice of sanction.* (1) The Administrator will prepare a notice of sanction (NOS) setting forth the sanction to be imposed and the basis therefor. The NOS will state:

(i) A concise statement of the facts believed to show a violation;

(ii) A specific reference to the provisions of the Act, regulation, license, or order allegedly violated;

(iii) The nature and duration of the proposed sanction;

(iv) The effective date of the sanction, which is 30 days after the date of the notice unless the Administrator establishes a different effective date under paragraph (d)(4) or paragraph (e) of this section;

(v) That the licensee has 30 calendar days from receipt of the notice in which to request or waive a hearing, under paragraph (f) of this section; and

(vi) The determination made by the Administrator under paragraph (e)(1) of this section, and any time period that the Administrator provides the licensee under paragraph (e)(1) to correct a deficiency.

(2) If a hearing is requested in a timely manner, the sanction becomes effective under paragraph (g) of this section, unless the Administrator provides otherwise under paragraph (d)(4) of this section.

(3) The NOS will be served personally or by registered or certified mail, return receipt requested, on the licensee. The Administrator will also publish in the **Federal Register** a notice of his intention to impose a sanction.

(4) The Administrator may make the sanction effective immediately or otherwise no earlier than 30 days after the date of the NOS if the Administrator finds, and issues an emergency order summarizing such finding and the basis therefor, that an earlier date is necessary to:

(i) Prevent a significant adverse effect on the environment; or

(ii) Preserve the safety of life and property at sea.

If the Administrator acts under this paragraph (d)(4), the Administrator will serve the emergency order as provided in paragraph (d)(3) of this section.

(5) The NOS will be accompanied by a copy of regulations governing civil enforcement procedures, this subpart and the applicable provisions of Subpart J of this part.

(e) *Opportunity to correct deficiencies.* (1) Prior to issuing the NOS, the Administrator will determine whether the reason for the proposed sanction is a deficiency which the licensee can correct. Such determination, and the basis therefor, will be set forth in the NOS.

(2) If the Administrator determines that the reason for the proposed sanction is a deficiency which the licensee can correct, the Administrator will allow the licensee a reasonable period of time, up to 180 days from the date of the NOS, to correct the deficiency. The NOS will state the effective date of the sanction, and that the sanction will take effect on that date unless the licensee corrects the deficiency within the time prescribed or unless the Administrator grants an extension of time to correct the deficiency under paragraph (e)(3) of this section.

(3) The licensee may, within the time period prescribed by the Administrator under paragraph (e)(2) of this section, request an extension of time to correct the deficiency. The Administrator may, for good cause shown, grant an extension. If the Administrator does not grant the request, either orally or in writing before the effective date of the sanction, it will be considered denied.

(4) When the licensee believes that the deficiency has been corrected, the licensee shall so advise the Administrator in writing. The Administrator will, as soon as practicable, determine whether or not the deficiency has been corrected and advise the licensee of such determination.

(5) If the Administrator determines that the deficiency has not been corrected by the licensee within the time prescribed under paragraph (e)(2) or (e)(3) of this section, the Administrator may:

(i) Grant the licensee additional time to correct the deficiency, for good cause shown;

(ii) If no hearing has been timely requested under paragraph (f)(1) of this section, notify the licensee that the sanction will take effect as provided in paragraph (e)(2) or (e)(3) of this section; or

(iii) If a request for a hearing has been timely filed under paragraph (f)(1) of this section, and hearing proceedings have

not already begun, or if the Administrator determines under paragraph (f)(3) of this section to hold a hearing, notify the licensee of the Administrator's intention to proceed to a hearing on the matter.

(f) *Opportunity for hearing.* (1) The licensee has 30 days from receipt of the NOS to request a hearing. However, no hearing is required with respect to matters previously adjudicated in an administrative or judicial hearing in which the licensee has had an opportunity to participate.

(2) If the licensee requests a hearing, a written and dated request shall be served either in person or by certified or registered mail, return receipt requested, at the address specified in the NOS. The request shall either attach a copy of the relevant NOS or refer to the relevant NOAA case number.

(3) If no hearing is requested under paragraph (f)(2) of this section, the Administrator may nonetheless order a hearing if the Administrator determines that there are material issues of fact, law, or equity to be further explored.

(g) *Hearing and decision.* (1) If a timely request for a hearing under paragraph (f) of this section is received, or if the Administrator orders a hearing under paragraph (f)(3) of this section, the Administrator will promptly begin proceedings under this section in the manner provided in § 970.1102.

(2) The hearing and appeal procedures in § 970.1102 apply to any hearing held under this section.

(3) If the proposed sanction is the result of a correctable deficiency, the hearing will proceed concurrently with any attempt to correct the deficiency unless the parties agree otherwise or the administrative law judge orders differently.

(4) The Administrator will serve notice of the initial and final decision on the licensee in the manner described by paragraph (d)(3) of this section.

§ 970.1104 Remission of forfeitures.

(a) *Application of subpart.* (1) Authorized enforcement officers are empowered by section 304 of the Act to seize any vessel (together with its gear, furniture, appurtenances, stores, and cargo) which reasonably appears to have been used in violation of the Act, if necessary to prevent evasion of the enforcement of this Act, or of any regulation, order or license issued pursuant to the Act. Enforcement agents may also seize illegally recovered or processed hard mineral resources, as well as other evidence related to a violation. Section 306 of the Act provides for the judicial forfeiture of vessels and hard mineral resources. This section establishes procedures for filing with the Administrator a petition for relief from forfeitures incurred or pending.

(2) For purposes of this subpart, the "remission or mitigation of a forfeiture" or "relief from forfeiture" means action by the Administrator, following coordination as necessary with other Federal agencies and the courts, to release from the custody of the United States property seized and subject to forfeiture under the Act, or part of such property, upon compliance with any terms and conditions set by the Administrator, such as payment of a stated amount in settlement of the forfeiture aspects of a violation. Although the Administrator may properly combine consideration of a petition for relief from forfeiture with other consequences of a violation of the Act, the Administrator's remission or mitigation of a forfeiture is not dispositive of a criminal charge under section 303 of the Act, or a civil penalty or sanction under this subpart, unless the Administrator expressly so states in the decision. Remission or mitigation of a forfeiture is in the nature of executive clemency granted in the sole discretion of the Administrator only when consistent with the purposes of the Act and the provisions of this section.

(b) *Petition for relief from forfeiture.* (1) Any person having an interest in a vessel, hard mineral resource, or other property seized and subject to forfeiture under the Act may file a petition for relief from the forfeiture. The petition shall be addressed to the Administrator and filed, within 60 days after the seizure, by mailing or delivering it to the Director, Office of Ocean Minerals and Energy at the address specified in § 970.200(b).

(2) The petition need not be in any particular form, but shall set forth the following:

(i) A description of the property seized;

(ii) The date and place of the seizure;

(iii) The interest of petitioner in the property, supported as appropriate by bills of sale, contracts, mortgages, or other satisfactory evidence;

(iv) The facts and circumstances relied upon by the petitioner to justify the remission or mitigation;

(v) Any request for release under paragraph (f) of this section of all or part of the seized property pending final decision on the petition, together with any offer of payment to protect the Government's interest that petitioner makes in return for such release, and the facts and circumstances relied upon by petitioner in the request; and

(vi) The signature of petitioner, petitioner's attorney, or other authorized agent.

(3) A false statement in a petition will subject petitioner to prosecution under 18 U.S.C. 1001.

(c) *Investigation.* The Administrator will promptly investigate the facts and circumstances shown by the petition and the seizure, and may appoint an examiner to find the facts, by informal hearing on sworn testimony or otherwise, and to prepare a report with recommendations.

(d) *Decision on petition.* (1) After the investigation specified in paragraph (c) of this section, the Administrator will decide the matter and notify petitioner. The Administrator may remit or mitigate the forfeiture, on such terms and conditions as under the Act and the circumstances the Administrator deems reasonable and just, if the Administrator finds:

(i) That the forfeiture to which the property is subject was incurred without willful negligence and without any intention on the part of the petitioner to violate the Act, regulation, order, or license;

(ii) That other circumstances justify remission or mitigation of the forfeiture.

(2) Unless the Administrator determines no valid purpose would thereby be served, the Administrator will condition a decision to remit or mitigate a forfeiture upon the submission by petitioner of an agreement, in a form satisfactory to the Administrator, to hold the United States and its officers or agents harmless from any claim based on loss of or damage to seized property. If the petitioner is not the beneficial owner of the property, the Administrator may also require petitioner to submit such an agreement executed by the beneficial owner.

(e) *Compliance with decision.* A decision by the Administrator to remit or mitigate the forfeiture upon stated conditions, as upon payment of a specified amount, is effective for 60 days after the date of the decision. If the petitioner does not within such period comply with the stated conditions, in the manner prescribed by the decision, or make arrangements satisfactory to the Administrator for later compliance, the matter will promptly be referred to the Attorney General of the United States to effect judicial forfeiture in full of the seized property to the United States under section 306 of the Act.

(f) *Release of seized property pending decision.* (1) Upon request in the petition for relief from forfeiture, and taking account of any interim report or recommendation of an examiner

appointed under paragraph (c) of this section, the Administrator may order the release, pending final decision on the petition, of all or part of the seized property upon payment by petitioner of the full value of the property to be released or such lesser amount as the Administrator in the Administrator's sole discretion deems sufficient to protect the interests served by the Act.

(2) If the Administrator grants the request, the Administrator will deposit the amount paid by petitioner in a suspense account maintained for that purpose. The amount deposited will for all purposes be considered to represent property seized and subject to forfeiture under the Act, and payment of the amount by petitioner constitutes a waiver of any claim of defective seizure, custody and control, commingling of proceeds, or related defenses. The Administrator will keep records of amounts deposited in the suspense account and will retain the deposits pending the Administrator's further order under section 304 of the Act or a court order under section 308 of the Act.

(3) The provisions of paragraph (d)(2) of this section apply to a release of property made under this paragraph (f).

§ 970.1105 Observers.

(a) Each licensee, upon notification by the Administrator, shall allow an observer duly authorized by the Administrator to board and accompany any vessel used by the licensee on any or all of the licensee's activities for the purpose of observing and reporting on:

(1) The effectiveness of the terms, conditions and restrictions of the license;

(2) Compliance with the Act, regulations and orders issued under the Act and the license terms, conditions and restrictions; and

(3) The environmental and other effects of the licensee's activities under the license.

(b) The Administrator may notify a licensee, by certified or registered mail, return receipt requested, that the Administrator plans to place an observer aboard a vessel used by the licensee in exploration activities.

(c) A licensee who is notified under paragraph (b) of this section that he is required to carry an observer aboard a vessel used for exploration activities shall notify the official specified in the Administrator's letter at least five days in advance of the departure of each exploration voyage to facilitate observer placement. A licensee who fails to comply with this section may not legally engage in exploration activities for which a license is required under the Act.

(d) Each licensee, owner or operator of an exploration vessel aboard which an observer is assigned shall:

(1) Allow the observer to use the vessel's equipment and personnel as necessary for the transmission and receipt of messages;

(2) Allow the observer access to and use of the vessel's navigation equipment and personnel as necessary to determine the vessel's location;

(3) Provide all other reasonable cooperation and assistance to enable the observer to carry out his duties; and

(4) Provide accommodations and food to the observer aboard the vessel which are equivalent to those provided to officers of the vessel.

(e) The Administrator will provide for payment of all reasonable costs directly related to the quartering and maintaining of observers on board exploration vessels.

(f) To the maximum extent practicable, observation duties when aboard the exploration vessel will be carried out in a manner that minimizes interference with the licensee's activities under the license.

(g) Licensees and other persons are reminded that the Act (see, for example, sections 301(3) and 301(4)) makes it unlawful for any person subject to section 301 of the Act to interfere with any observer in the performance of the observer's duties.

§ 970.1106 Proprietary enforcement information.

(a) Proprietary and privileged information seized or maintained under Title III of the Act concerning a person or vessel engaged in exploration will not be made available for general or public use or inspection.

(b) Although presentation of evidence in a proceeding under this subpart is not deemed general or public use of information, the Administrator will, consistent with due process, move to have records sealed, under § 970.1101(e)(13) or other applicable provisions of law, in any administrative or judicial proceeding where the use of proprietary or privileged information is required to serve the purposes of the Act.

§ 970.1107 Advance notice of civil actions.

(a) *Actions against alleged violators.* (1) No civil action may be filed in a United States District Court under section 114 of the Act against any person for alleged violation of the Act, or any regulation, or license term, condition, or restriction issued under the Act, until 60 days after the Administrator and any alleged violator receive written and dated notice of alleged violation.

(2) The notice shall contain:

(i) A concise statement of the facts believed to show a violation;

(ii) A specific reference to the provisions of the Act, regulation or license allegedly violated; and

(iii) Any documentary or other evidence of the alleged violation.

(b) *Actions against the Administrator.* (1) No civil action may be filed in a United States District Court under section 114 of the Act against the Administrator for an alleged failure to perform any act or duty under the Act which is not discretionary until 60 days after receipt by the Administrator of a written and dated notice of intent to file the action.

(2) The notice shall contain:

(i) A specific reference to the provisions of the Act, regulation or license believed to require the Administrator to perform a nondiscretionary act or duty;

(ii) A precise description of the nondiscretionary act or duty believed to be required by such provision;

(iii) A concise statement of the facts believed to show a failure to perform the act or duty; and

(iv) Any documentary or other evidence of the alleged failure to perform the act or duty.

[FR Doc. 81-8872 Filed 3-24-81; 8:45 am]

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federal register

Tuesday
March 24, 1981

Part III

Office of Management and Budget

Budget Rescission and Deferral; Cumulative Referral

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescission and Deferral; Cumulative Report

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 33 proposals to rescind a total of $2.8 billion in budget authority previously provided by the Congress, and one new deferral of $8.0 million.

The details of the rescission proposals and the deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
March 19, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Item	Budget Authority
Rescission #:	
881-147 Office of the Director	340

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
R81-123	Operations, research, and facilities	36,493
	National Telecommunications and Information Admin.	
R81-124	Public telecommunications facilities, planning and construction	25,717
	Department of Education	
	Office of Elementary and Secondary Education	
R81-125	School assistance in federally affected areas	66,300
R81-126	Elementary and secondary education	902,385
	Office of Vocational and Adult Education	
R81-127	Vocational and adult education	238,777
	Office of Postsecondary Education	
R81-128	Student loan insurance	103,270
R81-129	Higher and continuing education	69,239
	Department of Energy	
	Energy programs	
R81-130	Energy supply, research and development activities - operating expenses	126,609
R81-131	Energy supply, research and development activities - plant and capital equipment	7,967
R81-132	Fossil energy research and development	65,932
R81-133	Energy conservation	306,045
	Department of Health and Human Services	
	Health Services Administration	
R81-134	Health services	11,616
	Centers for Disease Control	
R81-135	Preventive health services	38,520
	National Institutes of Health	
R81-136	National Cancer Institute	17,986
R81-137	National Heart, Lung and Blood Institute	11,120
R81-138	National Institute of Dental Research	700
R81-139	National Institute of Arthritis, Metabolism, and Digestive Diseases	3,943
R81-140	National Institute of Neurological and Communicative Disorders and Stroke	4,398
R81-141	National Institute of Child Health and Human Development	4,119
R81-142	National Eye Institute	3,856
R81-143	National Institute of Environmental Health Sciences	2,179
R81-144	National Institute of Aging	1,593
R81-145	Research Resources	3,714
R81-146	National Library of Medicine	341
R81-147	Office of the Director	360
	Alcohol, Drug Abuse, and Mental Health Administration	
R81-148	Alcohol, drug abuse, and mental health	98,370
	Health Resources Administration	
R81-149	Health resources	131,731
	Human Development Services	
R81-150	Human development services	10,100
	Department of Housing and Urban Development	
	Housing Programs	
R81-151	Congregate services program	10,000
	Other Independent Agencies	
	Community Services Administration	
R81-152	Community services program	6,000
	Federal Mine Safety and Health Review Commission	
R81-153	Salaries and expenses	186
	Postal Service	
R81-154	Payment to the Postal Service Fund	250,000
	Tennessee Valley Authority	
R81-155	Tennessee Valley Authority Fund	177,000
	Subtotal, rescission proposals	2,798,770

Deferral #	Item	Budget Authority
	Department of Health and Human Services	
	Social Security Administration	
D81-104	Limitation on administrative expenses	6,004
	Subtotal, deferrals	6,004
	Total, rescission proposals and deferrals	2,804,780

NOTE: An errata sheet, accompanied by a substitute for rescission proposal No. R81-102, transmitted to the Congress on March 17, 1981, is appended to this special message.

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(in thousands of dollars)

	Rescissions	Deferrals
Eighth special message:		
New items	2,796,776	8,004
Effect of eighth special message	2,796,776	8,004
Previous special messages	11,960,769	8,577,188
Total amount proposed in special messages	14,757,545 a/	8,585,192 b/

a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.
b/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-198).

Rescission Proposal No: R81-123

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-536): $774,367,000
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources: 100,250,000
Appropriation title & symbol: Operations, Research, and Facilities 13X1450	Total budgetary resources: 874,617,000
	Amount proposed for rescission: $36,493,000
OMB identification code: 13-1450-0-1-306	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Selected low-priority programs in the National Oceanic and Atmospheric Administration (NOAA) are proposed to be curtailed or terminated in order to reduce Federal spending. The programs and amounts involved are as follows:

- Salmon Tagging with Japan - A study to determine the continent of origin of selected species of salmon would be terminated. The study is not considered essential to the fishery data analysis program. ($800,000)
- Conversion of Pacific Region Headquarters, National Weather Service, to an Administrative Office - The proposed reduction would consolidate managerial and administrative functions. This consolidation would have no impact on the provisions of weather services to the public. ($348,000)
- Oceanographic Instrumentation - These funds would enhance research and development on instruments which may be used for collection of shallow water data. Present base funding for designing, developing, testing, and evaluating oceanographic instrumentation is adequate for continuing support of NOAA's marine programs. ($100,000)
- Pascagoula Fisheries Laboratory Renovation and Expansion - These funds would improve the laboratory facilities and provide additional space. Improvements made to the facility through reprogramming in 1980 are felt to be adequate ($650,000)
- Flood Program - These funds would provide for installation, testing, and evaluation of a prototype flash flood warning system for Appalachian counties, which include the Big Sandy River Basin. Proceeding with installation of equipment in the Big Sandy River Basin is inconsistent with existing NWS plans. The effects of the ongoing program should be evaluated before

Additional programs are recommended for rescission from the funding transferred from the Promote and Develop Fishery Products and Research Pertaining to American Fisheries appropriation. This proposed action would delete funds above the January request for the following programs: Marine resources monitoring,

- Flood Program - These funds would provide for installation, testing, and evaluation of a prototype flash flood warning system for Appalachian counties, which include the Big Sandy River Basin. Proceeding with installation of equipment in the Big Sandy River Basin is inconsistent with existing NWS plans. The effects of the ongoing program should be evaluated before expanding the effort. Adequate funds are currently available for this purpose. ($325,000)

- Purchase of Local Warning Radars - The proposed action includes deletion of funds to purchase radars for Tupelo, Mississippi; Tucson, Arizona; and Savannah, Georgia. The purchase of these radars is unnecessary since each of these areas is adequately covered by other network radars. ($1,845,000)

- NOAA Undersea Research Program - The proposed action reduces funds for three new regional undersea research programs. The effect of reducing these regional programs in 1981 would not be significant. ($800,000)

- Anadromous Grants - The reduction of $2,000,000 will maintain the program at its 1980 level in 1981. A significant impact on anadromous fish resources is not expected through deletion of these funds. ($2,000,000)

- Campeche Oil Spill - The proposed action would reduce the level of funding for the assessment of the social, environmental, and economic damage resulting from the IXTOC-I oil spill. The impact of the reduced level of funding is minimal due to the length of elapsed time since the spill occurred (1979). ($500,000)

- Striped Bass - The proposed action would reduce the scope of the studies regarding the causes of the decline in striped bass stocks. This reduction would result in the termination of these studies as FY 1980 funds are used up. ($750,000)

- Vessel Buy-Back Program - This new program would help alleviate some of the intense fishing pressure on salmon resources in the Northwest by reducing the number of available vessels/licenses. Implementation of the buy-back program at a reduced level will not have an adverse effect on the overall program due to the likely time required to initiate the program. Additionally, States are expected to provide a 50% matching share reducing the need for Federal funds. ($10,000,000)

- National Oceanic Satellite System (NOSS) - The proposed action will postpone the establishment of the NOSS program which would have been executed jointly by NOAA, National Aeronautics and Space Administration (NASA), and Department of Defense (DOD). All three agencies would participate in all levels of program activity. Much of the data that would have been collected by NOSS is currently collected or can be made available through other means. ($6,000,000)

Additional programs are recommended for rescission from the funding transferred from the Promote and Develop Fishery Products and Research Pertaining to American Fisheries appropriation. This proposed action would delete funds above the January request for the following programs: Marine resources monitoring, assessment and prediction $3,175,000; Commercial fisheries grants to States, $2,500,000; Regional Fishery Management Councils $800,000; Restore and enhance fisheries in the Columbia River $1,100,000; additional base fisheries programs $2,400,000; and Sea Grant increase for marine education $3,000,000. Since these unrequested funds are part of the uncommitted balance in the Promote and Develop appropriation, the rescission of this funding would not affect the funding of continuing fishery programs. Additional funds in these areas are not required to carry out effective programs in 1981.

Estimated Effects: The rescission of these funds would reduce Federal spending for FY 1981 and 1982, without hampering the carrying out of NOAA's overall mission.

Outlay Effects: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
775.1	752.8	22.3	14.2	---	---

RRI-123

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Operations, Research, and Facilities

Of the funds provided for "National Oceanic and Atmospheric Administration, Operations, research, and facilities" by P.L. 96-536, $38,491,000 are rescinded.

Rescission Proposal No: RS1-124

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-536): $ 25,705,000
Bureau: National Telecommunications and Information Administration	Other budgetary resources: 11,510
Appropriation title & symbol: Public Telecommunications Facilities. Planning and Construction 13x0551	Total budgetary resources: 25,716,510
	Amount proposed for rescission: $ 25,716,510
CFDA identification code: 13-0551-0-1-303	Legal authority (in addition to sec. 1012): ☐ Anti-deficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The public telecommunications facilities program provides grants for planning and construction of noncommercial telecommunications facilities to help extend and improve the delivery of public telecommunications services. The program has succeeded in establishing and extending the availability of public T.V. and radio to over 90% of the American public and has, therefore, achieved the fundamental objectives of the legislation which created it. This action is an integral part of the President's comprehensive economic plan for achieving overall spending reductions by eliminating low priority programs. The rescission of $25,716,510 will terminate this program in FY 1981.

Estimated Effects: The effects of terminating this program will be that local interest groups will need to further identify and use other sources of funding if they wish to add to or enhance the capabilities of the already substantial public T.V. and radio system. Further, the continued expansion of satellite and cable systems through private sector initiatives will effectively soften the impact of the program's termination on the public.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Saving			
Without Rescission	With Rescission	1981	1982	1983	1984
21.8	19.2	2.6	9.3	7.7	6.1

RS1-124

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Public Telecommunications Facilities, Planning and Construction

The unobligated funds included under this head in H.R. 7584 making appropriations for the Department of Commerce for fiscal year 1981, and appropriated by Public Law 96-536, are rescinded. In addition, such other funds as are now or may become available are rescinded.

Rescission Proposal No: RS1-125

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

RS1-125

DEPARTMENT OF EDUCATION
Office of Elementary and Secondary Education

Rescission Proposal No: R81-125

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Education	New budget authority (P.L. 96-536) $ 790,000,000
Bureau Office of Elementary and Secondary Education	Other budgetary resources 46,233,878
Appropriation title & symbol School Assistance in Federally Affected Areas 91101102 910/10102 91X0102	Total budgetary resources 836,233,878
	Amount proposed for rescission $ 66,500,000
OMB Identification code: 91-0102-0-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☒ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Impact Aid Maintenance and Operations program provides assistance to local education agencies that have been adversely affected by the loss of revenues due to nontaxable lands defined as Federal property within their boundaries. Section 2 of Title I of the Act of September 30, 1950, as amended, provides assistance to school districts that have suffered a partial loss of tax base due to certain U.S. acquisitions of real property. Section 3 of the Act provides payments to assist school districts to finance the cost of educating children who reside and/or whose parents work on Federal property or are in the uniformed services.

Since many school districts receiving aid under this program have been over-compensated for the effects of the Federal burden, a rescission is proposed that will limit payments to school districts under sections 2 and 3 to 90 percent of the amounts otherwise payable in 1981.

Estimated Effects:

The proposed reduced funding level which would result from the rescission will provide payments for all eligible school districts [illegible] for [illegible] behalf of all eligible children (estimated to be 2,233,000 in 1981). By making payments at 90 percent of the amount appropriated for 1981, a savings of $66,500,000 from the Continuing Resolution level of $740 million for the Maintenance and [illegible]

R81-125

DEPARTMENT OF EDUCATION
Office of Elementary and Secondary Education

School Assistance in Federally Affected Areas

Of the funds provided for "School Assistance in Federally Affected Areas" for fiscal year 1981 in Public Law 96-536, $66,500,000 are rescinded: Provided, That the amounts paid with respect to entitlements under sections 2 and 3 shall be limited to 90 per centum of the amounts otherwise payable under those sections for fiscal year 1981: Provided further, That the last two sentences of section 5(c) of the Act of September 30, 1950, shall not apply to the allocations and payments provided for in this Act.

Rescission Proposal No: R81-126

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education Bureau: Office of Elementary and Secondary Education Appropriation title & symbol: Elementary and Secondary Education 91102100 911/20100 910/10100	New budget authority (P.L. 96-536): $3,838,135,000 Other budgetary resources: 30,647,590 Total budgetary resources: 3,868,782,590 Amount proposed for rescission: $982,385,000
OMB identification code: 91-0100-0-1-501 Grant program: ☒ Yes ☐ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual 9/30/81 (30,647,590) ☒ Multiple-year 9/30/82 (3,657,172,000) (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Grants for Disadvantaged, authorized by Title I of the Elementary and Secondary Education Act, support compensatory educational services designed to increase the educational attainment of economically disadvantaged children to a level appropriate for children of their age. Funds to support programs designed and implemented by local educational agencies (LEAs) are provided through two mechanisms. Basic grants are made to school districts according to the number of children from low-income families, and, within districts according to the schools with the greatest number of such children. Additional assistance is provided to districts with high concentrations of children from low-income families. Grants to State educational agencies (SEAs) support special educational services to children of migratory workers; handicapped children in State-operated or State-supported schools and children who have left such schools and are participating in programs conducted by local educational agencies; and neglected and delinquent children in State-operated or State-supported institutions.

Improving Local Educational Practice, authorized by Title IV-C of the Elementary and Secondary Education Act, provides grants to State educational agencies to support local educational agencies' efforts at developing and implementing innovative solutions to a variety of educational problems.

Strengthening State Educational Agency Management, authorized by Title V-B of the Elementary and Secondary Education Act, provides grants to State educational agencies to apply effective management practices to a variety of educational issues and to improve State leadership and services for elementary and secondary education programs, including the coordination of Federal programs.

Bilingual Education, supports grants to school districts, demonstration projects, training awards, material development and other support services intended to assist children of limited English proficiency improve their ability to read, write and speak English while they make progress in subject matter skills.

Territorial Assistance, provides general aid to education in the Virgin Islands and assists teacher training in Guam, American Samoa, the Northern Mariana Islands and Trust Territory of the Pacific Islands.

Ellender Fellowships, provides a grant to the Close-Up Foundation to fund fellowships for economically disadvantaged secondary school youth and their teachers. These students and teachers spend one week in Washington attending seminars on current issues and meeting with leaders from the three branches of government.

As part of the President's overall economic recovery plan, funding for many programs, including these, is proposed for reduction. The purpose of the proposed rescissions is to reduce government spending and, thereby control one source of inflationary pressure. Moreover, neither Improving Local Educational Practice nor Strengthening State Educational Management is, in a time of fiscal restraint, a high priority program. The projects supported by Title IV-C are not necessarily targeted to national needs or national priority populations. Title V-B grants represent additional Federal funds devoted to administration.

In addition, a rescission of the $5,000,000 appropriated for Territorial Assistance is proposed because sufficient funds are available from statutory set-asides in programs such as ESEA Title I, Title IV-C and Education for the Handicapped and from a variety of discretionary programs to meet the general needs addressed by these programs. Also, under the consolidated grant program established by P.L. 95-134, the Insular Areas have enhanced opportunities to target currently available Federal funds on their most urgent needs. A rescission of $750,000 of the amount available for Ellender Fellowship is proposed because local organizations have demonstrated their capacity to support the Close-Up Foundation's activities independent of Federal funding.

Estimated Effects:

Grants for Disadvantaged. Rescinding a total of $878,744,000 of the funds appropriated for Title I programs would reduce the number of disadvantaged children served in local educational agency compensatory education programs to 4,132,000, roughly 1,379,000 fewer than would be served by the original

DEPARTMENT OF EDUCATION

DEPARTMENT OF EDUCATION
Office of Elementary and Secondary Education
Elementary and Secondary Education

Of the funds provided under this head in Public Law 96-536, $878,744,000 of the amount provided for title I, parts A and B, $51,400,000 of the amount provided for title IV, part C, $12,750,000 of the amount provided for title V, part B, and $43,741,000 of the amount provided for title VII of the Elementary and Secondary Education Act, and $5,000,000 provided for sections 1525 and 1525 of the Education Amendments of 1978, and $750,000 of the amount provided for Public Law 95-561 are rescinded: Provided, that of the amount remaining for title I, parts A and B of the Elementary and Secondary Education Act, $108,750,000 shall be for the purpose of section 117, $216,000,000 shall be for the purposes of subpart 1 of such part B, $423,750,000 shall be for the purposes of subpart 2 of such part B, and $28,312,000 shall be for the purposes of subpart 3 of such part B and any reductions required thereby shall be proportionate among the States: Provided further, that, notwithstanding the provisions of section 197 of the Elementary and Secondary Education Act, a State may receive, pursuant to subpart 1 of title I, part B of such Act, an amount which is less than 100 per centum of the amount that State received in the prior fiscal year under subpart 1 of such part B, but not less than 85 per centum of that amount: Provided further, That, notwithstanding the provisions of section 193(a), the allocation of a local educational agency under subpart 1 of title I, part A of the Elementary and Secondary Education Act may be reduced to less than 85 per centum of its allocation under subpart 1 of such part A for the preceding fiscal year, but not to less than 75 per centum of that amount: Provided further, That, notwithstanding the provisions of sections 504(a)(3) and 523(c), none of the funds provided for title IV, part C of the Elementary and Secondary Education Act may be expended for the purposes of title V, part B of the Elementary and Secondary Education Act.

Estimated Effects:

Grants for Disadvantaged. Rescinding a total of $878,744,000 of the funds appropriated for Title I programs would reduce the number of disadvantaged children served in local educational agency compensatory education programs to 4,132,000, roughly 1,379,000 fewer than would be served by the original appropriation. Within this decrease, a cut of 66,000 children served would be attributable to reducing the amount available for Concentration Grants by $36,250,000. The number of migratory children receiving services under the State Agency Migrant program would drop to roughly 300,000, 100,000 fewer than the original estimate. The number of children served under the State Agency Handicapped and State Agency Neglected and Delinquent programs may decline as well. It is more likely, however, that the relevant institutions will reduce the quality and extent of services in line with the reduced amount available per child. There would be $522 available per child in the handicapped institutions, down from $696 and $562 available per child in institutions for neglected and delinquent, down from $750.

Comparable reductions in the set-asides for State Administration and Evaluation will provide similar results in the State educational agencies' monitoring activities and the Department of Education evaluation efforts.

Improving Local Educational Practices. Rescinding $41,400,000 from the total available for Title IV-C grants will reduce the number of local educational agency projects by 1,600, leaving a total of 2,600.

Strengthening State Educational Agency Management. A reduction of $12,750,000 in Title V-B funds will reduce the number of State educational agency activities supported from 500 to 380 and the number of State personnel supported from 1,600 to 1,200.

Bilingual Education. The rescission of $43,741,000 proposed for Bilingual Education will reduce the number of capacity-building grants to local educational agencies from 564 to 385, demonstration projects from 60 to 41 and bilingual desegregation grants from 32 to 26. Comparable cutbacks will occur in materials development, coordination and dissemination activities.

Territorial Assistance. Rescinding the funds appropriated for Territorial Assistance would eliminate $5,000,000 of what is essentially general aid.

Ellender Fellowships. Rescinding $750,000 of the funds appropriated for Ellender Fellowships would eliminate approximately 1,500 fellowships.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
3,365.1	3,296.9	68.2	693.6	220.4	---

Rescission Proposal No: R81-127

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Education	New budget authority (P.L. 96-536 ___) $ 932,658,455
Bureau Office of Vocational and Adult Education	Other budgetary resources 411,327,398
Appropriation title & symbol: Vocational and Adult Education 9110400 21X0400 910/10400 911/20400	Total budgetary resources 1,343,985,853
	Amount proposed for rescission $ 238,777,000
OMB identification code: 91-0400-0-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual September 30, 1981 ☒ Multiple-year September 30, 1982 (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Vocational and Adult Education appropriation provides funds for activities designed to provide individuals with the skills, education and training they need to seek and secure gainful employment, to develop linkages between schools and communities, and to enhance individual participation in the nation's social and economic arenas. A rescission of $238,777,000 is requested as part of the President's plan to reduce Federal spending.

The Vocational Education Act of 1963, as amended, primarily provides formula grants to States. The Federal role in vocational education has been to increase the availability of programs through the stimulation of State and local support, provide increased access to vocational training for special populations, encourage males and females to enter vocational areas traditionally dominated by the opposite sex, and support applied research, product dissemination, and evaluation. Each activity funded under the Vocational Education Act will be equitably reduced in order to achieve a total rescission of $196,011,000. In 1981, State and local contributions to the vocational education effort are expected to overmatch Federal funding by 11 to 1. Because of this, the level of participation in vocational education programs during the 1981-82 school year, when the rescinded funds would have been used, will not be seriously affected by this proposal.

The Adult Education Act provides formula grants to support programs that assist adults age 16 and older who do not have a high school diploma or its equivalent. States also use these funds for programs to assist adults of limited English proficiency, for residents of rural and urban areas with high unemployment rates, and for institutionalized adults. The rescission request will reduce funding from $120 million to $90 million.

The Career Education Incentive program provides formula based, matching funds to State education agencies for infusing career awareness and career education into existing educational programs and curricula. Funds are also set aside for aid to Outlying Areas and for discretionary activities. The rescission request will reduce the program from $15 million to $10 million.

The Community Schools program authorizes discretionary and State formula grants to support the use of public school facilities for the coordinated delivery of educational and social services to the community. The 1981 Continuing Resolution provides $10 million to initiate the formula grant program. A rescission is proposed in order to fund only discretionary grants at the level of $3,138,000. Funding the discretionary portion rather than the formula grant portion will target scarce budgetary resources to areas that have, or are prepared to start, community schools programs.

The Consumers' Education program awards grants and contracts to prepare the public for effective participation as informed consumers in the marketplace. The revised 1981 request will result in a decrease in funding from $3,617,000 to $2,713,000.

Estimated Effects:

Because of the State and local overmatch of Federal funds for activities under the Vocational Education Act, the proposed rescission will not seriously hamper the vocational education effort. Nationwide, the Federal contribution for this effort would be reduced from an average rate of $45 per enrollee to $34 per enrollee.

Formula grants in vocational education-- Basic Grants, Program Improvement and Supportive Services, Programs for the Disadvantaged, Consumer and Homemaking, and State Planning Grants -- will continue at about 75 percent of the 1980 level. States and localities have a great deal of flexibility within the law to use these funds to meet their own most pressing needs. Funds will continue to go to all States and Outlying Areas for State advisory councils, but in 1981 awards will be made according to the terms of section 105 of the Vocational Education Act. Activities funded under Programs of National Significance will continue in 1981, but at an equitably reduced level. The National Occupational Information Coordinating Committee will be reduced to $2,243,100 and the National Center for Research in Vocational Education, as well as other contract awards, will be similarly reduced. The reduction in the Bilingual Vocational Training program will cause the elimination of four training projects and a decrease of 20 percent in the number of teachers and students trained.

The decrease of $30 million in the Adult Education State Grant program will result in an estimated 570,000 fewer students out of 2,270,000 being served. Reports indicate that State and local contributions to the adult education effort continue to increase and will help alleviate the effects of the proposed rescission.

The effect of the Federal decrease of $5 million in the Career Education Incentive

Rescission Proposal No: R81-128

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

The decrease of $30 million in the Adult Education State Grant program will result in an estimated 570,000 fewer students out of 2,270,000 being served. Reports indicate that State and local contributions to the adult education effort continue to increase and will help alleviate the effects of the proposed rescission.

The effect of the Federal decrease of $5 million in the Career Education Incentive program will be to reduce formula grants to States and Outlying Areas. A greater number of States (30 compared to 17) will receive the minimum award of $125,000. Although funding for discretionary activities will be reduced by $325,000 and the average award will decrease, the number of discretionary activities will remain the same.

Subsequent to the proposed rescission, the Community Schools program will fund discretionary grants to local education agencies (approximately 25), nonprofit agencies (approximately 6), State education agencies (approximately 25), and institutions of higher education (approximately 6).

The proposed rescission in Consumers' Education will reduce the number of capacity building grants awarded. In 1981, approximately 42 awards, instead of 87 , will be made. Grant awards will average $45,000.

Outlay Effect: (In millions of dollars)

1981 Outlay Estimate

Without Rescission	With Rescission	Outlay Savings 1981	1982	1983	1984
839.0	801.3	37.7	115.8	31.3	9.0

R81-127

DEPARTMENT OF EDUCATION
Office of Vocational and Adult Education

Vocational and Adult Education

Of the funds provided for "Vocational and Adult Education" for fiscal year 1981 in Public Law 96-536, $196,011,000 of the amount available for the purpose of carrying out the Vocational Education Act of 1963, as amended, $30,000,000, of the amount available for the purpose of carrying out the Adult Education Act, $5,000,000 of the amount available for the purpose of carrying out the Career Incentive Act, $8,862,000 of the amount available for the purpose of carrying out title VIII, section 804 of the Elementary and Secondary Education Act and $904,000 of the amount available for the purpose of carrying out title III, part E of the Elementary and Secondary Education Act are rescinded: Provided, that not to exceed $93,323,000 shall be for carrying out Part A, Subpart 3 of the Vocational Education Act: Provided further, that notwithstanding the provisions of Subpart 1, section 105, $2,243,100 shall be made available for the National Occupational Information Coordinating Committee: Provided further, that payments for State Advisory Councils will be made in accordance with section 105: Provided further, that the $3,138,000 remaining for title VIII of the Elementary and Secondary Education Act shall be used for the purpose of carrying out sections 809, 810 and 812 of the Act.

Rescission Proposal No: R81-128

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536): $1,950,496,000
Bureau: Office of Postsecondary Education	Other budgetary resources: 267,715,625
Appropriation title & symbol: Student Loan Insurance 91X0230	Total budgetary resources: 2,218,211,625
CFS identification code: 91-0230-0-1-502	Amount proposed for rescission: $183,270,000
Grant program: [X] Yes [ ] No	Legal authority (in addition to sec. 1012): [ ] Antideficiency Act [ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification:

This program enables students and parents to borrow from over 17,000 banks and other lenders to help pay the costs of education or training at over 8,000 participating universities, colleges, and vocational schools. In most States, this program is administered through State and private nonprofit "guarantee agencies" which serve as intermediate loan insurers, default collectors, and providers of various services to lenders. In the remaining States, and in certain circumstances, loans are directly insured by the Education Department.

The Federal government pays the interest obligation of student borrowers while they are in school and during certain grace and deferment periods. The borrower's interest obligation is now generally nine percent for new borrowers. In addition to the interest subsidy, a special interest allowance is paid quarterly to lenders based on outstanding student and parent loan volume. By statutory formula, this allowance assures lenders a total yield equal to the quarterly average 91-day Treasury bill rate plus 3 1/2 percent. (This was a total of 18 percent for the first quarter of fiscal year 1981.) The Federal government is liable for costs associated with defaults, death, disability and bankruptcy of borrowers. Non-interest-bearing advances are made to guarantee agencies to support their insurance of student and parent loans, which are generally 100 percent reinsured by the Federal government. The Federal government is also authorized to pay administrative allowances to participating schools, and to guarantee agencies, based on annual volume.

R81-128

DEPARTMENT OF EDUCATION
Office of Postsecondary Education
Student Loan Insurance

Notwithstanding any other provision of law, $1,847,026,000 shall be available during 1981 for program activities under this head. Notwithstanding provisions of the Higher Education Act, new loans to student borrowers under the Guaranteed Student Loan Program shall be limited to estimated educational costs minus other financial assistance for the loan period and expected family contribution (as determined using a need analysis schedule approved by the Secretary of Education). No Federal interest benefits shall be paid on behalf of borrowers of new loans made under the Guaranteed Student Loan Program, no Federal special allowance shall be paid to lenders on loans to parents under this program, and the interest on loans to parents which are guaranteed under this program shall be set by the lender except that it shall not exceed the level reflecting the interest rate on Treasury securities of comparable maturities plus a percentage established by the Secretary of Education in consultation with the Secretary of the Treasury. Notwithstanding Part B, section 428 (c) of the Higher Education Act, no amounts shall be reserved for, or paid to, educational institutions to meet administrative expenses for academic year 1980-81. Notwithstanding other provisions of law, whenever necessary to protect the financial interests of the United States, the Secretary of Education may take over collection responsibility on any defaulted loan on which a reinsurance claim has been paid.

Under the law as now amended, a dependent student may borrow up to $12,500 during his/her undergraduate career and his/her parents may borrow an additional $15,000--all on attractive, Federally subsidized terms, and with no family financial need or income limitation.

The amount of this rescission request results from proposed enactment of several major cost-reducing program modifications (contained in the proposed appropriations language).

The following legislative amendments are proposed in conjunction with both the 1982 budget and this 1981 rescission request:

- Limitation of student loan amounts to "remaining need," i.e., educational costs minus all other financial assistance and also minus a reasonable "expected family contribution" determined using a commonly-used need analysis method.
- Elimination of the "special allowance" subsidy on parent loans, with the interest rate set by the lender up to a Treasury bill indexed level.
- Elimination of the in-school (and deferment and grace period) interest subsidy on student loans.
- Elimination of the educational institution administrative allowance.

These program changes are designed to curtail the recent rapid escalation of program costs, while improving equity in the distribution of Federal subsidies. The current high level of loan subsidies gives Federally guaranteed borrowing an artificial attractiveness which may encourage dangerously high levels of debt, discourage saving, discourage the use of otherwise available family resources, and unnecessarily inflate the level of Federal credit activity in the economy.

The educational institution allowance authorized since 1976 under the Guaranteed Student Loan program has never been funded. In view of the general need for Federal expenditure restraint and the newly increased administrative allowances available to educational institutions under the three "campus-based" Federal student aid programs, an additional institutional allowance is not necessary.

This rescission request assumes that the proposed program changes will be in effect in time to affect new loan volume in the fourth quarter of fiscal year 1981.

Estimated Effects:

This rescission would result in a reduction in 1981 student loan volume from about $6 billion to $4.2 billion, and reduction in student loan recipients from 2.6 to 2.2 million. Parent loan volume would also be reduced from about $1 billion to $900 million, and the number of parent loan recipients would decrease from one billion to 600 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2,026.4	1,943.8	82.6	20.7	—	—

Rescission Proposal No: R81-129

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Law School Clinical Experience program supports demonstrations of training programs in clinical legal experience. Funds are proposed for rescission because the Federal objective of demonstrating the value of clinical experience in the education and training of law students has been met. $ 3,000,000

Rescission Proposal No: R81-129

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536): $408,063,316
Bureau: Office of Postsecondary Education	Other budgetary resources: 16,941,872
Appropriation title & symbol: Higher and Continuing Education 9110201 910/10201 911/20201 91X0201	Permanent indefinite: 2,000,000
	Total budgetary resources: 427,005,189
CFDA identification code: 91-0201-0-1-502	Amount proposed for rescission: $49,239,000
Grant program: ☒ Yes ☐ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☒ Multiple-year Sept. 30, 1981 Sept. 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:	Program	Amount Proposed for Rescission
Education Outreach, Title I, Part B of the Higher Education Act, is a new authority designed to increase access to postsecondary education for adults and non-traditional learners. This new authority includes a ten percent setaside for Federal discretionary grants. The remainder of the funds are distributed to the States on a formula basis for comprehensive statewide planning, information services, and continuing education. Funds are also provided to the States for administration of the programs. All funds, except the State administration funds, are proposed for rescission as postsecondary planning, information services and continuing education are viewed as areas of State and institutional responsibility. State administration funds will be used to close out the old University Community Service and Continuing Education program.		$12,800,000
Veterans Cost of Instruction program provides grants to postsecondary institutions to encourage recruitment of, and special services to, eligible veterans. The number of veterans enrolled in postsecondary education has been declining in recent years. The institutions should now be able to provide services to the smaller number of veterans through their traditional counseling, tutoring and other service programs on campus.		12,039,000
Public Service and Mining Fellowships programs support grants to institutions of higher education to provide fellowship assistance respectively for students obtaining advanced training for a career in public service and for students of exceptional ability who are undertaking advanced training in domestic mining and mineral fuel conservation. Funds are proposed for rescission because there already is a substantial number of qualified persons to fill public service jobs and the attractive financial rewards associated with jobs in mining-related fields have served as a significant incentive in encouraging students to enter this field of study.		3,150,000
Law School Clinical Experience program supports demonstrations of training programs in clinical legal experience. Funds are proposed for rescission because the Federal objective of demonstrating the value of clinical experience in the education and training of law students has been met.		$ 3,000,000
Architectural Barrier Removal program provides funds to the States based on a statutory formula. There is a twenty-four percent setaside for public community colleges. Eligible institutions are those whose costs for renovation to comply with Section 504 of the Rehabilitation Act of 1973 exceed 5% of their annual educational and general expenditures or whose renovation costs exceed $600,000. Eligible institutions apply to the States which hold a competition based on criteria established in the State plan approved by the Secretary. The administrative burden in this program is considerable. The program will have only a small impact on the nation's campuses, and given its administrative requirements, it is recommended for rescission.		10,000,000
International Education and Foreign Language Studies: Domestic Programs provide grants to strengthen U. S. institutions' teaching, research and dissemination activities in modern foreign languages and area and international studies; increase the understanding of U. S. citizens about the cultures, actions and policies of other nations; and increase and strengthen the pool of trained international specialists. Funds are proposed for rescission because a substantial amount has already been spent to support these programs. More than $270 million in discretionary funds have been provided since the inception of this program in 1959. The rescission of these funds is a necessary part of the President's plan to reduce government spending. No discernible negative effect on the overall goals of the programs should result from the rescission. The initiation of new projects will merely be deferred until 1982.		4,000,000
International Education and Foreign Language Studies: Overseas Programs provide grants to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange, and to increase the number of foreign language and world area specialists in this country. Funds are proposed for rescission because a substantial amount has already been spent to support these programs. More than $45 million in discretionary funds have been provided since the inception of this program in 1964. The rescission of these funds is a necessary part of the President's plan to reduce government spending. No discernible negative effect on the overall goals of the programs should result from the rescission. The initiation of new projects will merely be deferred until 1982.		3,200,000
Law Related Education program provides grants to give persons, as part of basic education, knowledge and skills pertaining to the law, the legal system, and the legal process and to help children, youth and adults become more informed and effective citizens. The purpose of the rescission proposed here is to reduce government spending and thereby control one source of inflationary pressure. The rescission will have negligible effect on the overall goals of the program. In 1982 the purposes of this program will be included in State Education Block Grants.		250,000
Total proposed for rescission		$49,239,000

R81-129

DEPARTMENT OF EDUCATION
Office of Postsecondary Education

Higher and Continuing Education

Of the funds appropriated under this head in Public Law 96-536 for fiscal year 1981, $12,800,000 of the amount appropriated for title I, part B, $4,900,000 of the amount appropriated for title VI, $12,039,000 appropriated for section 420, $3,150,000 of the amount appropriated for title IX, part B, and $3,000,000 appropriated for title IX, part E of the Higher Education Act, $3,200,000 of the amount appropriated for the Mutual Educational and Cultural Exchange Act of 1961, $500,000 of the amount appropriated for title III, part A, and $250,000 of the amount appropriated for title III, part C of the Elementary and Secondary Education Act are rescinded and, of the amount made available under this head in Public Law 96-304 for fiscal year 1981, $10,000,000 available for title VII, part A are rescinded: Provided, that the funds appropriated in Public Law 96-536 for title IX, part B are available notwithstanding the provisions of sections 922(b)(2) and 922(e) of the Higher Education Act: Provided further, that $2,200,000 of the amount appropriated in Public Law 96-536 for title I, part B of the Higher Education Act is available only for section 115(d).

Estimated Effects:

The rescission of $12,800,000 appropriated for the Educational Outreach programs will eliminate approximately 25 Federal discretionary grants for continuing education as well as formula grants to the 57 States and territories for comprehensive planning, information services, and continuing education.

The rescission of $12,039,000 appropriated for Veterans Cost of Instruction will eliminate grants to approximately 1,025 institutions of higher education to provide services to an estimated 326,000 enrolled veterans.

The rescission of $3,150,000 appropriated for Public Service and Mining Fellowships will eliminate approximately 238 public service fellowships and 137 mining fellowships.

The rescission of $3,000,000 appropriated for the Law School Clinical Experience program will result in termination of the program.

The rescission of $10,000,000 appropriated for the Architectural Barrier Removal Program in 1980 and deferred to 1981 will eliminate grants to the 57 States and outlying areas and to approximately 300 institutions.

The rescission of $4,800,000 appropriated for the International Education and Foreign Language Studies: Domestic Programs will reduce the size of the grant to 80 national centers, eliminate 73 academic year and 56 summer fellowships, 22 undergraduate programs, 8 research grants, and 9 international understanding projects.

The rescission of $3,200,000 appropriated for the International Education and Foreign Language Studies: Overseas Programs will eliminate 14 group projects abroad, 36 faculty research abroad projects, 57 doctoral dissertation research abroad projects, 6 foreign curriculum consultants, and 7 bilateral projects.

The rescission of $250,000 appropriated for the Law-Related Education program will eliminate 5 grants which serve elementary and secondary students, 2 exemplary projects on law-related education for adults, and 1 technical assistance and program development contract.

Outlay Effects: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
$389.3	$382.1	$7.2	$38.4	$3.6	---

Rescission Proposal — R81-130

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Geothermal - $9,500,000

Confirmation of a viable geopressured resource by well drilling along the Gulf Coast will be slightly delayed while better well sites are selected.

Short-term technology research and development will be phased out; the industry is

Rescission Proposal R81-130

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-367, P.L. 96-69, P.L. 97-257): $2,268,784,000
Bureau: Energy Programs	Other budgetary resources: 452,740,818
Appropriation title & symbol: Energy Supply, Research and Development Activities - Operating Expenses 89X0224	Total budgetary resources: 2,721,494,818
	Amount proposed for rescission: $ 126,609,000
OMB Identification code: 89-0224-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Solar $57,136,000

This proposed rescission is predicated on the new, healthier environment for commercial solar technologies, brought about by the establishment of sound energy pricing policies, primarily through the decontrol of crude oil prices, and extensive solar tax credits. The inequities and inefficiencies built into previous energy pricing policies have prevented solar energy from achieving its true potential. It is now possible to shift the focus of the Department's solar activities from costly near-term development, demonstration, and commercialization efforts to longer-range research and development projects that are too risky for private firms to undertake. Therefore, funds totalling $57,136,000 for near-term technology development and commercialization activities are proposed for rescission. The Administration believes that these activities should be pursued by the private sector in response to normal market forces. No reduction is proposed for longer-term, high risk (but potentially high payoff) research and development.

Note: Additional FY 1981 funds totalling $34,562,000 are proposed for reprogramming out of the solar energy program and into other Energy Supply, Research and Development Activities, Operating Expenses, Appropriation programs.

Geothermal - $9,500,000

Confirmation of a viable geopressured resource by well drilling along the Gulf Coast will be slightly delayed while better well sites are selected.

Short-term technology research and development will be phased out for industry to pursue.

Commercialization activities, principally reservoir confirmation drilling, will be reduced in FY 1981 in anticipation of full assumption of these activities by the private sector during FY 1982.

Hydropower - $24,846,000

It is proposed to terminate feasibility study loans and demonstration grants for small hydropower projects. The program's objective, revitalization of the small hydropower industry in the U.S., has been largely achieved, as evidenced by the tremendous growth of applications at the Federal Energy Regulatory Commission for preliminary permits and licenses. Additionally, sufficient incentives are provided through a 21 percent investment tax credit and through loan programs in the Department of Agriculture.

The termination of the small hydropower feasibility studies and licensing loans should have no overall effect on the level of small hydro project activity although some individual projects could be delayed until they secure other financing. Rescission is also requested for the construction grant funds for the two Nashua, New Hampshire, projects. There is no justification for 100% Federal financing of these projects because the technology is well proven and economically feasible. The effect of the rescission will be that the city of Nashua will have to arrange a general obligation bond issue for financing.

Electric Energy Systems - $4,115,000

This rescission is requested because the Electric Energy Systems' program is phasing out development and demonstration programs that can and should be supported by the private sector and focusing on longer-term high-risk research.

The estimated effects of this rescission are:

- reduction in Power Delivery activities of $1.5 million which reduces superconducting technology work and cable designs;
- reduction in System Architecture and Integration activities of $2.3 million phasing out New Technology Integration planning methods which can be adopted by utilities; and
- reduction of $0.3 million of carryover funds for program direction which is not needed to support current positions.

Energy Storage Systems - $19,333,000

Due to the establishment of sound energy pricing policies and other Federal incentives, this program can concentrate on the most promising long term, generic technology developments. The private sector can be expected to pursue promising near-term technologies on their own in response to market forces. Hence, funds for near-term technology development efforts totalling $19,333,000 are proposed for rescission.

Environment - $3,979,000

Biological and Environmental Research

Funds in the amount of $3,979,000 are proposed for rescission on the grounds that short-term, site specific chemical characterization and toxicology is an area of applied research more appropriately managed as part of an industrial research, development and commercialization program.

In order to facilitate the commercialization of energy technologies, funds were appropriated for research on the biological and ecological effects of products, effluents, emissions, and wastes from a variety of energy technologies. This research encompasses both longer-term generic investigations and shorter-term, highly-targeted applied research to provide early environmental information for specific processes. New policies being developed to increase the private sector's contribution to technology demonstration dictate that the short-term, focused site specific research activities are an industrial responsibility. The continuing program would emphasize advanced research to understand and define health and environmental impacts of Departmental technology research and development programs. It is estimated that termination of these efforts will not impede near-term commercialization because essential environmental activities to assure regulatory compliance will be required of the industry.

Environmental Assessments

Reduction in funding of $3,000,000 is proposed due to the elimination of ineffective and duplicative efforts addressed adequately by other offices or agencies.

Energy-related environmental areas affected include nuclear radiation, air quality, water quality and availability, energy facility siting and land management, energy transportation, urban and community impacts, and energy technologies being slated for curtailment. For example, DOE-funded water-for-energy assessments performed by the Water Resources Council will be eliminated as these involve a high degree of duplication of similar efforts required to be performed by DOE under the National Environmental Policy Act. Urban and community impact analyses will be performed by the technology offices which propose projects which have potential urban and community impact.

Environmental and Safety Engineering

Funding of $1,000,000 is proposed for rescission for environmental control evaluation studies of energy technologies. This reduction is due to the elimination of environmental control evaluations which are unnecessary to formulate energy-related environmental policy judgments, and other evaluations at specific demonstration sites which no longer will be DOE-supported. It is estimated that this reduction will have no effect on the Department's ability to make judgments of the environmental control technology aspects of new energy technologies.

Program Direction

Funds totaling $1,000,000 are proposed for rescission in Environmental Program Direction as a result of employment reductions related to reductions and redirection of environmental programs. The end-of-year allowable staffing level is being reduced from 234 full-time permanent (FTP) positions to 220 FTP positions. In terms of staff effort, this results in a reduction of 24 staff years from 234 to 210 staff years. The reduction of $1,000,000 assumes an average salary cost of $41,000.

Technical Assessment Projects - $3,000,000

Funds in the amount of $3,000,000 are proposed for rescission from the Advanced Technology Projects program. This will reduce program funding in FY 1981 from $8,000,000 to $5,000,000 and will result in termination of near-term projects that the private sector can undertake on its own.

Estimated Effects:

Near-term development and commercialization of new energy technologies and low priority environmental research and assessments will be eliminated or reduced by a total of $126,609,000.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2369.4	2262.2	107.2	19.4	--	--

DEPARTMENT OF ENERGY

Operating Expenses

Energy Supply, Research and Development Activities

Of the funds previously made available in Public Law 96-367, Public Law 96-69 and Public Law 95-419, $126,609,000 are rescinded. No obligations for the principal amount of direct loans for the Alternate Fuels Production Loans Program shall be made during 1981.

PROPOSED RESCISSION OF BUDGET AUTHORITY

Agency	Department of Energy

DEPARTMENT OF ENERGY

PROPOSED RESCISSION OF BUDGET AUTHORITY
Submitted Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-367): $ 181,287,000
Bureau: Energy Programs	Other budgetary resources: 46,382,278
Appropriation title & symbol: Energy Supply, Research and Development Activities - Plant and Capital Equipment 89X0225	Total budgetary resources: 227,669,278
	Amount proposed for rescission: $ 7,967,000
OMB identification code: 89-0225-0-1-271	Legal authority (no additional authority required): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Funds were provided for construction of the Fusion Materials Irradiation Test Facility (FMIT) at Richland, Washington. The FMIT facility was proposed to provide the capability to determine the effects of the fusion environment on candidate reactor materials. This facility would provide the information base and confirmation for materials selection for mid- and long-term facilities of the fusion program. This rescission action proposes to terminate the project and rescind $7,967,000. In spite of cost reductions resulting from preliminary redesign efforts, overall resource limitations together with project cost escalations and the requirement to maintain a primarily scientific base program resulted in a decision to terminate this project. Other portions of the program will enhance their research efforts to increase the knowledge base in this area.

Estimated Effects:

The Fusion Materials Irradiation Test Facility, a low priority magnetic fusion project, will not be constructed.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
427.5	419.5	8.0	--	--	--

Note: Additional FY 1981 funds totalling $16,850,000 are proposed for reprogramming within the various Energy Supply, Research and Development Activities, Plant and Capital Equipment Appropriation programs.

RSI-131

DEPARTMENT OF ENERGY

Plant and Capital Equipment

Energy Supply, Research and Development Activities

Of the funds provided under this head in Public Law 96-367, $7,967,000 are rescinded.

Rescission Proposal No: R81-132

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-[illegible]) $ 711,439,300
Bureau Energy Programs	Other budgetary resources 31,019,111
Appropriation title & symbol: Fossil Energy Research and Development 89X0213	Total budgetary resources 742,454,111
	Amount proposed for rescission $ 61,932,000
OMB identification code: 89-0213-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: 1/

Advanced Environmental Control Technology. Funds totalling $3,000,000 for advanced flue gas desulfurization (FGD) are proposed for reduction. The program has focused on dry scrubbing technologies which are actively being pursued by the private sector. This rescission is proposed because the Administration believes such demonstrations will continue to be funded by private industry.

Coal Liquefaction. A total of $10,000,000 is proposed for reduction in FY 1981. These funds were intended primarily for subsidizing the design of the W.R. Grace Coal to gasoline facility, funding SRC pilot plant activities at Wilsonville, Alabama, and providing technical support for demonstration plants. A reduced level of effort will be needed for catalyst development for Fischer-Tropsch synthesis and in-house support at Pittsburgh Energy Technology Center. These terminations are consistent with the Administration's position that the SFC can more effectively encourage industry involvement in synthetic fuel projects and that industry should be responsible for conducting the necessary technical support work associated with commercializing coal liquefaction processes.

Combustion Systems. Funds in the amount of $3,000,000 for the Rivesville [illegible] AFB boiler and $1,750,000 for coal-oil mixtures are proposed for reduction. The Rivesville boiler has served its purpose by identifying problem areas in fluidized bed technology.

1/ Program reductions shown in the justification section totalling $67,450,000 include the effects of withdrawing a $1,518,000 supplemental request for increased pay costs.

Coal-oil mixtures substitute coal for a portion of the oil used in utility and industrial boilers. Funds are proposed for rescission because successful application of this technology has been demonstrated in past and current DOE and industry projects.

Heat Engines and Heat Recovery. Reductions are proposed of $3,000,000 in the directly fired and $2,000,000 in the low grade heat recovery project. The directly fired heat cycles activity was originally initiated to address technical problems anticipated in the use of coal derived liquid fuels in stationary diesels and gas turbines. The low grade heat recovery project will develop technology to utilize waste heat primarily at federal facilities. The proposed rescissions allow the program to focus on the High Temperature Turbine Technology project.

MHD* No funds have been requested in FY 1982 for MHD. In order to facilitate the phase out of DOE efforts, a reduction of $6,000,000 is proposed in FY 1981 for engineering development and supporting research. Efforts in engineering development which will not be conducted include combustor development and the Advanced Power Train Program. In addition, supporting research diagnostic efforts will not be conducted and reductions will be made in the Coal Fired Flow Facility, and Component Development Integration Facility. Consistent with Administration policy, continued responsibility for development and demonstration of MHD will become the responsibility of private industry.

Mining R&D. Reductions are proposed in the amount of $8,000,000 in the areas of coal preparation, underground coal mining and surface coal mining. The refocusing of the Mining R&D program will be committed to developing a technology base that encompasses longer range, higher risk projects.

Surface Coal Gasification. FY 1981 funds of $5,000,000 are proposed for reduction related to the Hygas and peat activities. Modification to the Hygas pilot plant to prepare it for operation with peat feedstock was planned for FY 1981. Proceeding would not be useful, given the Administration's position to cease efforts in support of the peat program in FY 1982. In addition, $5,000,000 in Hygas conceptual design funds are proposed for reduction. These funds were intended to finance an unsolicited proposal submitted by the Texas Gas Transmission Corporation and the Commonwealth of Kentucky for a phase zero design study for a Federally Supported Coal Demonstration Project using Hygas technology.

Enhanced Oil Recovery. A reduction of $2,000,000 is proposed to align the FY 1981 program with the refocused FY 1982 program, supporting critical in-house, long-range research activities not requiring significantly higher levels of government support.

Enhanced Gas Recovery. Funds are proposed for reduction in the amount of $3,000,000 based on the expectation that gas exploration activities will continue to increase in response to the pricing effects of the natural gas policy act. Because industry has both the technical and financial resources to continue with the development of these resources, maintaining continued government research and development support at past levels is unnecessary.

* Magneto Hydro Dynamics

Estimate Effects:

Advanced Environmental Control Technology. Industry progress in the development of scrubbers which produce a dry disposable waste product has been excellent; hence a

Enhanced Gas Recovery. The proposed rescission will reduce activities for resource assessment work and DOE research on reservoir properties. Minor impacts will also occur in direct drilling research, stress tool use, and diagnostic instrumentation on multi-well test experiments.

Estimate Effects:

Advanced Environmental Control Technology. Industry progress in the development of scrubbers which produce a dry disposable waste product has been excellent; hence a reduction in federal involvement in this area will not significantly effect development of this technology.

Coal Liquefaction. It is the Administration's position that industry should be responsible for conducting demonstrations and commercializing liquefaction technologies with the assistance of the SFC. Ongoing projects which could be supported by the Synthetic Fuels Corporation (SFC) are recommended for SFC funding rather than continued DOE support.

Heat Engines and Heat Recovery. The proposed rescissions impact minimally upon ongoing programs while yielding maximum cost savings for FY 1981. Specifically, Phase II implementation of the low NO_x combustor and material efforts will be delayed; Paducah and Portsmouth waste heat recovery projects will cancel design activities; and there will be a delay in issuance of a Program Opportunity Notice (PON) for the Oak Ridge design.

Combustion Systems. Impact is minimal since more modern designs now exist which obviate the need for further data from the Rivesville facility. In the coal-oil mixtures area, successful application of CCM technology has already been demonstrated in past and current DOE and industry projects.

MHD. Facilities will be closed out and other ongoing efforts will be brought to an orderly conclusion. As a result MHD will become the responsibility of industry with support from the SFC as necessary.

Mining R&D. Certain hardware development and demonstration and near term technology development will be terminated and an orderly phase out of cost-shared field testing and demonstration will begin. It will be left to industry to demonstrate the feasibility of near term technologies.

Surface Coal Gasification. Since there is considerable private sector interest in developing peat resources and since much of the required technology is already in use in other countries, a rescission is proposed for the FY 1981 test programs. The technologic problems in this technology are not judged to be so severe as to warrant continued federal support for near term activities. In addition, funding of a phase zero design study for the Hygas coal gasification demonstration will be proposed for a rescission. Plants using advanced technology can be supported by the SFC.

Enhanced Oil Recovery. The proposed rescission is judged to have little effect on the development of technologies in this area. Industry will continue to perform research and development. The immediate effects of the rescission will be to delay engineering and site preparation for DOE proposed field tests on thermal recovery methods from tar sands and reduce tests on steam drive efficiency for heavy oil. Both of these areas are currently being pursued by the industry.

Enhanced Gas Recovery. The proposed rescission will reduce activities for resource assessment work and DOE research on reservior properties. Minor impacts will also occur in direct drilling research, stress tool use, and diagnostic instrumentation on multi-well test experiments.

Outlay Effects:(in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
60.5	0	60.5	9.4	0	0

R81-132

DEPARTMENT OF ENERGY
Fossil Energy Research and Development

Of the funds appropriated under this heading for Fiscal Year 1981 in Public Law 96-514, $95,932,000 are rescinded.

Rescission Proposal No: R81-133

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514 and 96-126) $ 862,107,000
Bureau Energy Programs	Other budgetary resources 83,405,000
Appropriation title & symbol: Energy Conservation 89X0215	Total budgetary resources 945,512,000
	Amount proposed for rescission $ 306,045,000
OMB identification code: 89-0215-0-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Rescissions are proposed for Building and Community Systems, including Residential/Commercial Retrofit and Conservation Service ($51.77 million); Industrial Energy Conservation ($46.7 million); Transportation Energy Conservation ($38.65 million); State and Local Programs ($116.925 million); and Energy Impact Assistance ($52 million). These Federal conservation programs are no longer necessary and, in some instances, impede private initiative by imposing too great a regulatory burden. Motivated by rising energy costs and substantial Federal tax credits, individuals, businesses and other institutions are undertaking major conservation efforts on their own. This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

Buildings and Community Systems:

- Building Systems - The Buildings Energy Performance Standards project will be phased out and the number of auditors trained in energy conservation measures will be reduced.
- Community Systems - The District Heating and Cooling Systems projects will be phased out. Efforts to support business community participation in conservation activities will be phased out.
- Consumer Products - The technological development of energy-conserving equipment, such as heat pumps, and the certification and enforcement of the appliance standards program will be phased out.
- Federal Programs - The transfer of technology between the Department of Energy and private sector audiences will be phased out.
- Residential/ Commercial Retrofit - The number of innovative energy conservation delivery demonstrations will be reduced.
- Residential/Commercial Conservation Service - Training for approximately 6,000 energy conservation auditors will be eliminated. Technical assistance to States and utilities to facilitate the planning process for the Commercial and Apartments Conservation Service will be eliminated.

Industrial Energy Conservation: Various ongoing research and development activities will be phased out and terminated. Examples of such activities include two industrial heat pump projects, a recuperator system project, an oxygen enrichment development project, a waste lube oil refining project, three advanced cogeneration systems projects, three aluminum process development projects, and two food process improvement projects. The rescission would also cause stretchout of projects on an externally-fired Brayton cogeneration system, computer control applications, and conversion of waste to liquid fuels.

Transportation Energy Conservation: Reductions will be made to advanced heat engine research and development, electric and hybrid vehicle development and public information outreach activities. Research and development on alternative fuels will be delayed.

State and Local Programs: There will be weatherization of about 7,000 fewer low-income dwelling units and retrofit of about 2,700 fewer public and nonprofit school and hospital buildings with energy conservation measures. All further grants to States for emergency planning will be stopped.

Energy Impact Assistance: $52.0 million in grants to States for public facilities planning and site acquisition required by communities as a result of new energy resource development will be eliminated.

Outlay Effects: (In millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
752.5	693.0	59.5	246.5	---	---

R81-133

DEPARTMENT OF ENERGY

Energy Conservation

Of the funds provided under this head in Public Law 96-514, $306,045,000 are rescinded.

Rescission Proposal No: R81-134

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-514 and 96-126) $ 1,000,000
Bureau Health Care Financing Administration	Other budgetary resources 0
Appropriation title & symbol: Health Care Financing Administration 75X0120	Total budgetary resources 1,000,000
	Amount proposed for rescission $ 1,000,000
OMB identification code: 75-0120-0-1-571	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Administration is proposing to phase out the home health agency start-up grant program. This proposal requires rescission of $4 million. There are already over 3,000 home health agencies operating in the U.S. today. Continued support of the small, marginal program is no longer justified. Moreover, Medicare and Medicaid home health reimbursement--$947 million in 1980--is much more important to the maintenance of home health agencies than this small grant program.

Rescission Proposal No: 81-134

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 1,083,909,000
Bureau Health Services Administration	Other budgetary resources 72,223,194
Appropriation title & symbol: Health Services 7510350	Total budgetary resources 1,136,132,194
	Amount proposed for rescission $ 11,616,000
OMB identification code: 75-0350-0-1-551	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The programs covered by this rescission proposal are the primary care research demonstration program, the Title X family planning program, the home health services grant program, the Maternal and Child Health (MCH) training program, the MCH research program, and the Public Health Service hospital and clinic system.

The primary care research and demonstration program--formerly the health underserved rural area (HURA) program--has been in existence for more than five years and has funded over 100 projects designed to demonstrate innovative ways of delivering health services. After this extended period of funding, the process of deliverying primary health care services in various settings has been adequately demonstrated. This proposal would rescind $2.172 million in funds provided under the Continuing Resolution to begin phase out of the program by the end of FY 1981.

The Title X family planning program funds over 5,000 family planning clinics throughout the United States, yet it is only a part of an over $1 billion Federal family planning effort which includes at least five other programs--maternal and child health, community health centers, Title XX social services, Medicaid, and the adolescent health services program. The need for additional family planning services--particularly considering an investment of this size--has not been demonstrated, especially since the eligibility limit for subsidized services has been raised to 250% of national poverty guidelines.

The Administration is proposing to phase out the home health agency start-up grant program. This proposal requires rescission of $4 million. There are already over 3,000 home health agencies operating in the U.S. today. Continued support of the small, marginal program is no longer justified. Moreover, Medicare and Medicaid home health reimbursement--$947 million in 1980--is much more important to the maintenance of home health agencies than this small grant program.

In lieu of proposing funding for primary care R&D, Title X family planning and home health programs in 1982, the President has proposed two consolidated grants to States for health services and preventive health services. Under this proposal, States will have the flexibility to fund programs which they consider high-priority.

The MCH training and research programs rescission of $4.057 million represents the first phase of a transfer of these responsibilities to the Health Resources Administration and the National Center for Health Services Research, respectively, where they can be more effectively performed.

The 8 hospital and 37 clinic system of the Public Health Service is proposed for closure or transfer to community use. This proposal is based primarily on the following grounds:

— a special, free, medical services benefit for merchant seamen, the primary beneficiary group, is inequitable;

— the system is generally underused with less than half of its services provided for the primary beneficiary, merchant seamen;

— the hospitals aggravate currently overbedded conditions in the eight cities in which they are located; and

— the largest secondary beneficiary, Department of Defense active duty personnel, can be served in currently underutilized hospitals located in all 8 affected areas.

Reductions are proposed for hospital renovation totalling $1.387 million.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:
Primary Care Research Demonstration. This rescission will reduce the number of projects from 33 to 24. All 33 projects proposed for funding in 1981 are continuations of ongoing projects which are nearing completion. The essential research and demonstration activities have been completed and the projects are principally engaged in further data analysis. Tentative conclusions can be drawn from the findings to date and little more is to be gained by continuing these analytical efforts.

Title X Family Planning. This rescission is not a reduction of the $162 million base and all 5,125 clinics funded by Title X will be maintained so that the impact on services will be minimal.

Home Health. The phase-out of the $4 million home health agency grant program will eliminate support for 45 service grants and 21 training grants. These grants were designed strictly for start-up costs with the bulk of Federal support for operating costs scheduled to come from Medicare and Medicaid. The small amount lost per project--$60,000--should be easily recouped from other sources.

MCH training and research. The partial rescission of the MCH training and research programs--$4 million out of the $25.5 million available for these programs under the Continuing Resolution--will reduce training slots from 6,956 to 6,250 and research grants from 30 to 33.

PHS hospitals. This phase-out plan would eliminate the medical benefit for merchant seamen and require the other large beneficiary groups--DOD and the Coast Guard--to seek services in existing underutilized DOD facilities. Funds will be used to provide services, under contract, for medically indigent community residents receiving care in PHS hospitals through 1982.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
1,296.8	1,293.4	3.4	6.3	1.9	—

1/ An additional amount is planned to be proposed for rescission if additional 1981 funding is provided for health services after the present Continuing Resolution expires on June 5, 1981, as follows:

Primary Care Research Demonstration	$ 4,332,000
Family Planning	4,000,000
MCH Training and Research	1,900,000
PHS Hospitals and Clinics	34,768,000
Operating Costs	(34,086,000)
Renovation Costs	(682,000)
Total	$45,010,000

881-134

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration
Health Services

Of the funds provided for "Health Services" for fiscal year 1981 in P.L. 96-536, $11,618,000 are rescinded.

Rescission Proposal No: 881-135

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 250,427,000
Bureau Centers for Disease Control	Other budgetary resources 20,000,000
Appropriation title & symbol Preventive Health Services 7310943	Total budgetary resources 270,427,000
	Amount proposed for rescission $ 38,520,000 1/
CMB identification code: 75-0943-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The proposed rescission includes $27,000,000 in health incentive 314(d) grants provided to State health authorities for public health services. These categorical grants constitute a relatively small share of total State and local expenditures for public health. In lieu of proposing funding for this program in 1982, the President has proposed two consolidated block grants to States for health services. Under this proposal, States will have the flexibility to fund programs such as health incentive grants if such grants are considered a high priority.

Rescissions totalling $11,520,000 are also proposed for low priority activities in the following Centers for Disease Control programs: chronic diseases, $200,000; other environmental hazards, $648,000; occupational safety and health (OSH) research, $3,320,000; OSH training, $6,991,000; technology development and application, $169,000; and program management, $192,000. Essential activities under these programs will be continued.

1/ An additional $11,498,000 for risk reduction and health education ($1,976,000), chronic diseases ($294,000), other environmental hazards ($700,000), occupational safety and health research ($3,087,000), training ($4,552,000) and scientific and technical services ($467,000), technology development and application ($200,000), and program management ($222,000) are planned to be proposed for rescission if additional 1981 funding is provided for these programs after the present continuing resolution expires on June 5, 1981.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

Rescission Proposal No: 881-136

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

Health incentive grants -$27,000,000. The effect of this rescission is to eliminate a Federal share in the cost of public health programs for which State and local health agencies have the primary authority.

The proposed rescission would eliminate funding for health incentive grants used primarily for non-institutional personal health services.

Chronic diseases - $200,000. The proposed rescission would reduce programs designed to identify cadaveric kidneys available for transplantation and reduce epidemiologic and laboratory studies on arthritis.

Other environmental hazards - $649,000. This proposed rescission would reduce activities on the human aspects of exposures to toxic chemicals.

Occupational safety and health research - $3,320,000. Occupational safety and health training - $6,991,000. The proposed rescission would reduce funding for low priority research and training grants for occupational safety and health, including energy control technologies and funding for Educational Resource Centers.

Technology development and application - $169,000. The proposed rescission would reduce funding for low priority hospital acquired infections activities.

Program management - $192,000. Under the proposed rescission, low priority administrative management support services would be reduced.

Outlays Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
299.3	282.1	17.2	18.7	2.6	--

R81-135

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control
Preventive Health Services

Of the funds provided for "Preventive Health Services" for fiscal year 1981 in P.L. 96-536, $38,520,000 are rescinded.

Rescission Proposal No: R81-136

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $721,788,000
Bureau National Institutes of Health	Other budgetary resources 100,000
Appropriation title & symbol: National Cancer Institute 75X0849	Total budgetary resources 721,888,000
	Amount proposed for rescission $17,986,000
CFS identification code: 75-0849-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:
The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $17,986,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is enacted for the full fiscal year, an additional $7,400,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:
The amount proposed for rescission is composed of program decreases totalling $18,146,000, partially offset by a program increase of $160,000. The details are discussed below.

Research Grants. Research projects grants will be reduced by 20 awards and $2,439,000. Research programs to be effected include: carcinogenesis by three awards and $301,000; biological carcinogenesis by two awards and $97,000; tumor biology research by five awards and $580,000; immunological research by one award and $164,000; preclinical treatment by nine awards and $1,031,000 ; and clinical treatment which will maintain the same numbers of awards, but will be reduced by $266,000. The total revised 1981 funding for research grants will be $347.4 million. This compares with a level of $321.3 million in 1980.

Research Career Program. This program will be increased by four awards and $160,000 in order to stimulate the number of researchers who eventually enter the research professions. This adjustment is necessary to achieve program balance.

Task Forces and Clinical Cooperative Groups. Reductions include decreases in Cancer Task Forces and Clinical Cooperative Groups totalling $1,388,000. The Cancer Task Forces, which fund the organ site program, will be reduced by four awards and $500,000.Cancer Task Forces support a planned and integrated research effort oriented toward cancer at a specific site. The clinical cooperative groups will be reduced by 19 awards and $888,000. Clinical cooperative groups support clinical trials and evaluations of the efficacy of the various forms of cancer therapy.

Cancer Centers. Support for Cancer Centers will be reduced by $1,596,000. At this level, all existing centers will continue to receive support. These centers serve as focal points for basic and clinical research activities, and for education, training and community outreach.

Research Training. The Administration is proposing to eliminate the indirect costs and institutional allowances paid under the National Research Service Awards program. This would reduce research training by $7,228,000. Additionally, the number of trainees planned under the Continuing Resolution will be reduced by 47 full time equivalents (FTEs), for a revised level of 1,394 trainees. In total, this area will be reduced by $8,369,000 in FY 1981.

Research and Development Contracts. Contracts will be reduced by $2,654,000, or eight contracts. This reduction includes a decrease in support available for chemo-prevention activities, involving studies of retinoids, analogues of vitamin A, which appear to have the ability to prevent the development of certain forms of invasive cancer. Also affected are certain carcinogenic efforts. It will be necessary to curtail research efforts to characterize and evaluate new biological response modifiers as they are identified.

Intramural Research. The intramural research program, which gives research scientists the opportunity for basic and applied research and clinical investigation to solve major health problems, will be reduced by $700,000 through reduced purchases of equipment and biological and chemical resources for research.

Cancer Control. The Cancer Control Program will be reduced by $1,000,000 precluding new project starts and reducing some ongoing projects. This program is concerned with the entire health care continuum, and includes prevention, screening, diagnosis, pretreatment evaluation, treatment, rehabilitation and continuing care activities.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
994.7	986.4	8.3	9.7	---	---

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute

Of the funds provided for "National Cancer Institute" for fiscal year 1981 in P.L. 96-536, $17,986,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: R81-137

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 406,281,000
Bureau National Institutes of Health	Other budgetary resources 100,000
Appropriation title & symbol National Heart, Lung and Blood Institute 7510872	Total budgetary resources 406,381,000
	Amount proposed for rescission $ 11,120,000
OMB identification code: 75-0872-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration is committed to Federal support of biomedical research activities. But as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $11,120,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 6, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $12,748,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects. The proposed rescission of $11,120,000 would affect the following under the Continuing Resolution.

Research Projects. Competing projects would be reduced by 18 grants and $2,174,000. The revised program level would be 464 competing projects and $88.1 million. This compares with $66.5 million in 1980.

Research Centers. Research centers would be individually negotiated downward to achieve an overall centers' reduction of 5 percent, or a savings of $3,000,000. The revised funding level would be $62.0 million.

Research Career Awards. This program would be reduced by $281,000. The revised program would support an estimated 223 investigators at a level of $9.0 million.

Research Training. The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards program. This would reduce research training by $3,297,000. Additionally, the proposal will reduce the number of trainees planned under the Continuing Resolution by 32 full time equivalent (FTE) for a revised level of 500 trainees and a savings of $496,000.

Intramural Research. A reduction of $1,656,000, or 5 percent, would result in reducing the purchase of scientific equipment. The revised funding level would be $31.4 million.

Direct Operations. A reduction of $216,000 is proposed. The revised funding level would be $19.9 million.

Rescission Proposal No: R81-138

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Intramural Research. A reduction of $1,656,000, or 5 percent, would result in reducing the purchase of scientific equipment. The revised funding level would be $31.4 million.

Direct Operations. A reduction of $216,000 is proposed. The revised funding level would be $19.9 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
$16.6	$12.4	4.2	6.9	---	---

R81-137

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
National Heart, Lung and Blood Institute

Of the funds provided for "National Heart, Lung, and Blood Institute" for fiscal year 1981 in P.L. 96-536, $11,120,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: R81-138

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Service	New budget authority (P.L. 96-536) $31,353,000
Bureau National Institutes of Health	Other budgetary resources 125,000
Appropriation title & symbol	Total budgetary resources 31,478,000
National Institute of Dental Research 7510873	Amount proposed for rescission $ 700,000
OMB identification code: 75-0873-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $700,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $1,285,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

Research Training. The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards program. This would reduce research training by $607,000. Additionally, the number of trainees planned under the Continuing Resolution will be reduced by six for a revised level of 201 and a savings of $93,000.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
64.3	63.9	0.4	0.3	---	---

R81-138

Rescission Proposal No: R81-139

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental Research

Of the funds provided for "National Institute of Dental Research" for fiscal year 1981 in P.L. 96-536, $700,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 474(b)(1) of the Public Health Service Act.

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $268,740,000
Bureau: National Institutes of Health	Other budgetary resources: —
Appropriation title & symbol: National Institute of Arthritis, Metabolism, and Digestive Diseases 7510884	Total budgetary resources: 268,740,000
	Amount proposed for rescission: $ 3,943,000
CFS identification code: 75-0884-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:
The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $3,943,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year an additional $7,236,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:
Research Project Grants. The reduction of $2,672,000 will reduce the number of grants funded by 33. These reductions will include 12 fewer grants for Diabetes Endocrinology and Metabolism, seven fewer grants for Arthritis, Musculoskeletal and Skin Diseases, seven fewer grants for Digestive Diseases and Nutrition and seven fewer grants for Kidney Disease, Urology and Hematology. The revised funding level is $247.0 million to support 2,558 grants. This compares to a level of $219.7 million in 1980.

Research Training:
The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards program. This would reduce research training by $1,371,000. The level of trainees will remain at 779 during the Continuing Resolution. The total revised funding level is $14.6 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984

Rescission Proposal No: R81-140

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
234.5	232.9	1.6	2.3	—	—

R81-139

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis, Metabolism, and Digestive Diseases

Of the funds provided for "National Institute of Arthritis, Metabolism, and Digestive Diseases" for fiscal year 1981 in P.L. 96-536, $3,943,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: R81-140

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 185,364,000
Bureau National Institutes of Health	Other budgetary resources 69,000
Appropriation title & symbol: National Institute of Neurological and Communicative Disorders and Stroke 7810086	Total budgetary resources 185,433,000
	Amount proposed for rescission $ 4,388,000
CFDA Identification code: 79-0886-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $4,388,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $2,086,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

Research Training: The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards program. This would reduce research training by $2,357,000. Additionally, the proposal will maintain 488 trainees, the same number of trainees planned under the Continuing Resolution. The revised funding level is $6.6 million.

Intramural Research. The reduction of $944,000 will delay the full implementation of the Positron Emission Tomography (PETT) initiative including purchase of peripheral equipment. Development of the planned communicative disorders clinical branch will be delayed or postponed. Further development of brain tumor research would be delayed, including development of tumor models and the evaluation of long-term effects of brain tumors and rehabilitation of patients. The revised funding level would be $34.3 million.

Direct Operations. The reduction of $200,000 will defer completion of the microfilming of case records for the collaborative perinatal study. Support of workshops and conferences on hearing, speech, and language disorders would be delayed or postponed. The revised funding level would be $12.9 million.

Program Management. The reduction of $125,000 would delay the final phase of computer programming and data entry for the Institute's newly developed program information system. This system would provide data for budget and program planning, and for inquiries regarding support of the Institute's research programs. The revised funding level would be $2.2 million.

Research and Development Contracts: The reduction of $762,000 would eliminate a study of the endocrinological parameters (hormone production) in experimental anticonvulsant drugs. A new stroke clinical research program would not be initiated. A clinical trial on the pharmacologic prevention of post-traumatic epilepsy would be reduced or not funded at all. The revised funding level for research and development contracts would be $15.8 million.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
234.8	232.7	2.1	2.3	—	—

R81-140

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
National Institute of Neurological and Communicative Disorders and Stroke

Of the funds provided for "National Institute of Neurological and Communicative Disorders and Stroke" for fiscal year 1981 in P.L. 96-536, $4,388,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(3) of the Public Health Service Act.

Rescission Proposal No: R81-141

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 161,887,000
Bureau National Institutes of Health	Other budgetary resources 10,000
Appropriation title & symbol	Total budgetary resources 161,897,000
National Institute of Child Health and Human Development 75X0844	Amount proposed for rescission $ 4,119,000
CFS identification code: 75-0844-0-1-450	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $4,119,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $3,629,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:
Research Training. The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards program. This would reduce research training by $1,260,000. Additionally, the proposal will reduce the number of trainees by 13 for a revised level of 701 and a savings of $140,000.

Research Project Grants. This program would be reduced by 10 competing grants and $1,100,000 which would result in the funding of 265 competing grants for $28,300,000. These grants support investigations principally in reproductive and developmental biology.

Research Center Grants. The reduction of $500,000 would decrease the level of support for several centers. The number of centers which are planned to be funded under the Continuing Resolution would remain at 33. Other research would be reduced by one Research Career Development Award for $19,000.

Research and Development Contracts. Research and Development Contracts would be reduced by 10 contracts and $800,000 to a level of 95 contracts for $15,200,000.

Intramural Research. The proposed reduction would eliminate equipment purchases and other services by $300,000 for a new level of $16,900,000.

Outlay Effects: (in millions of dollars)

Rescission Proposal No: R81-142

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Intramural Research. The proposed reduction would eliminate equipment purchases and other services by $300,000 for a new level of $16,900,000.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
233.6	231.9	1.7	2.4	---	---

RESCISSION PROPOSAL NO. R81-141

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
National Institute of Child Health and Human Development

Of the funds provided for "National Institute of Child Health and Human Development" for fiscal year 1981 in P.L. 96-536, $4,119,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: R81-142

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $57,242,000
Bureau: National Institutes of Health	Other budgetary resources: 60,000
Appropriation title & symbol: National Eye Institute 7810807	Total budgetary resources: $57,302,000
	Amount proposed for rescission: $3,856,000
CFS identification code: 75-0807-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $3,856,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $840,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: The amount proposed for rescission is composed of program decreases totalling $4,016,000, partially offset by a program increase of $160,000. The details are discussed below.

Research Training: The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards Program. This would reduce research training by $594,000. Additionally, the proposal will reduce the number of trainees planned under the Continuing Resolution by 13 for a revised level of 114 and a savings of $245,000.

Research Projects: The proposed rescission will result in decreasing competing research projects grants by 12 grants for a level of $84,996,000. The reductions by program are as follows: Retinal and Choroidal Diseases, 6 grants, $578,000; Corneal Diseases, 2 grants, $169,000; Cataract, 2 grants, $140,000; Glaucoma, 1 grant, $122,000; Sensory and Motor Disorders of Vision, 1 grant, $159,000. The revised funding level is an increase of $8.9 million over 1980.

Research Career Awards: To refine program balance in the context of the overall budget reduction, this activity is being increased by four awards and $160,000.

Contracts: Under the rescission, the amount available for research and development contracts would be $4,301,000, $1,500,000 less than originally proposed in the budget. As a result, ongoing contracts would be supported at a reduced level.

Intramural Laboratory and Clinical Research: The purchase of equipment ($205,000) for the Ambulatory Care Research Facility will be delayed.

Direct Operations: Information Transfer initiatives will not be funded which will result in the delay of information dissemination initiatives ($210,000).

Program Management: Brochures designed specifically for the lay person will not be prepared in FY 1981. ($134,000) Plans to expand information dissemination will be postponed.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
103.8	102.5	1.3	2.6	---	---

RSI-142

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
National Eye Institute

Of the funds provided for "National Eye Institute" for fiscal year 1981 in P.L. 96-536, $3,856,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: RSI-143

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 70,946,000
Bureau National Institutes of Health	Other budgetary resources 5,613,000
Appropriation title & symbol	Total budgetary resources 76,559,000
National Institute of Environmental Health Sciences 7510862	Amount proposed for rescission $ 2,179,000
CFDA identification code: 75-0862-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $2,179,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $3,877,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

Research Training. The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards program. This would reduce training by $69,000. The level of trainees will remain at 467 during the Continuing Resolution.

Research Grants. Research grants will be reduced by 3 competing grants totalling $298,000. Total revised funding is $32.7 million, an increase of $4.3 million over 1980.

R&D Contracts. A decrease of $700,000 will maintain the commitment base but will cut out new contracts in toxicity test development and validation.

Intramural. A decrease of $1,112,000 will reduce funding for laboratory supplies and materials and large scientific equipment.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984

Rescission Proposal No: RSI-144

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
99.5	98.4	1.1	1.1	---	---

RS1-143

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
National Institute of Environmental Health Sciences

Of the funds provided for "National Institute of Environmental Health Sciences" for fiscal year 1981 in P.L. 96-536, $2,179,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: RS1-144

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $84,880,000
Bureau: National Institutes of Health	Other budgetary resources: 100,000
Appropriation title & symbol: National Institute of Aging 7810943	Total budgetary resources: 84,980,000
	Amount proposed for rescission: $1,393,000
CFS identification code: 75-0943-0-1-551	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $1,393,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 6, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $620,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:
Research Grants: The proposed rescission will reduce research project grants by 3 grants and $371,000, and other research grants by 5 grants and $284,000. Total revised funding is $43.2 million to support 403 grants.

Research Training: The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards program. This would reduce research training by $463,000. Additionally, the proposal will reduce the number of trainees planned under the Continuing Resolution by 15 full-time equivalent trainees and a savings of $171,000. The level for trainees will be 183 with a revised funding level of $2,312,000.

Intramural Research: A reduction of $304,000 is proposed for intramural research. This would result in reducing the rate women are added to the research cohort in the Baltimore Longitudinal Study.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
68.8	68.3	0.5	1.1	---	---

Rescission Proposal No: R81-145

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 170,779,000
Bureau National Institutes of Health	Other budgetary resources 7,390,000
Appropriation title & symbol: Research Resources 7510848	Total budgetary resources 178,169,000
	Amount proposed for rescission $ 3,714,000
CFDA identification code: 75-0848-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Research Resources appropriation supports the development and maintenance of resources - advanced tools, materials, specialized environments for research, expanded capability for ethnic minority faculty and students, and improved quality for biomedical science.

The Administration is committed to Federal support of biomedical research activities, but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $3,714,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981. If the Continuing Resolution is extended for the full fiscal year, an additional $7,031,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:
Research Training: The Administration is proposing to eliminate the indirect cost and institutional allowances paid under the National Research Service Awards program. This would reduce training by $184,000.

Research Centers: A reduction of $1,836,000 is proposed for support of research centers. This would result in four fewer general clinical research centers.

Biomedical Research Support: A reduction of $1,694,000 is proposed. Since the funds are distributed to all eligible institutions on a formula basis, the decrease would result in slight reductions among all recipients.

Outlay Effects: (in million of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
932.4	872.5	59.9	6.3	0.3	—

R81-144

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
National Institute on Aging

Of the funds provided for "National Institute on Aging" for fiscal year 1981 in P.L. 96-536, $1,393,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
68.8	68.3	0.5	1.1	---	---

Rescission Proposal No: R81-146

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
158.7	157.1	1.6	2.1	---	---

R81-145

DEPARTMENT OF HEALTH AND HUMAN SERVICES
National Institutes of Health
Research Resources

Of the funds provided for "Research Resources" for fiscal year 1981 in P.L. 96-536, $3,714,000 are rescinded, and funds under this head may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: R81-146

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 32,301,000
Bureau National Institutes of Health	Other budgetary resources 2,400,000
Appropriation title & symbol: National Library of Medicine 7510807	Total budgetary resources 34,701,000
	Amount proposed for rescission $ 341,000
OMB identification code: 75-0807-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Funds provided by the Congress in excess of the January budget request totalling $341,000 are proposed for rescission.

This rescission proposal is an integral component of President's Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

As a result of the rescission, the development of two components of the Chemical Substances Information Network, the Chemical Base Directory and the Chemical Structure and Nomenclature System in the Toxicology Information Program will be spread over several years. The end products will be completed at a later date than originally planned.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
46.8	46.6	0.2	0.1	--	--

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine

Of the funds provided for "National Library of Medicine" for fiscal year 1981 in P.L. 96-536, $341,000 are rescinded.

Rescission Proposal No: RS1-147

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 16,336,000
Bureau National Institutes of Health	Other budgetary resources 8,169,000
Appropriation title & symbol: Office of the Director 7510846	Total budgetary resources 24,505,000
	Amount proposed for rescission $ 360,000
OMB identification code: 75-0846-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Administration is committed to Federal support of biomedical research activities but as part of a general effort to achieve economies and reduce lower priority activities, a rescission of $360,000 is proposed for this appropriation from the 1981 Continuing Resolution through June 5, 1981.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan or spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

The proposed rescission will affect, to varying degrees, the funds available to the organizational components of the Office of the Director for personnel services. Fewer temporaries will be hired and there will be a $45,000 reduction in contract funds.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
20.6	20.3	0.3	0.1	--	--

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director

Of the funds provided for "Office of the Director" for fiscal year 1981 in P.L. 96-536, $360,000 are rescinded.

Rescission Proposal No: RS1-148

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 794,857,000
Bureau Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources 1,113,134
Appropriation title & symbol: Alcohol, Drug Abuse, and Mental Health 7511351	Total budgetary resources 768,070,134
	Amount proposed for rescission $ 98,370,000
OMB identification code: 75-1361-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

(In thousands of dollars)

Program Activity	New Budget Authority	Proposed Rescissions Under P.L. 96-536	Proposed Rescissions Remainder of FY 1981	Revised 1981 Funding
Mental Health				
Research	$ 151,050	$ 3,766	$ 4,602	$142,690
Training	93,054	6,664	14,244	72,946
Services	324,272	17,344	21,198	285,730
Subtotal	$ 569,284	$ 27,774	$ 40,044	$501,366
Drug Abuse				
Research	46,000	545	666	44,789
Training	7,644	--	192	7,452
Project Grants/Contracts	161,000	340	415	160,245
Grants to States	30,000	21,262	8,738	--
Subtotal	$ 244,644	$ 22,147	$ 10,011	$212,486

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and action to remove unnecessary regulatory burdens.

Program Activity	New a/ Budget Authority	(In thousands of dollars) Proposed Rescissions Under P.L. 96-536	Remainder a/ of FY 1981	Revised a/ 1981 Funding
Alcoholism				
Research	22,251	243	297	21,711
Training	5,821	—	374	5,447
Project Grants/Contracts .	73,000	1,018	1,244	70,738
Grants to States ..	50,000	47,188	2,812	—
Subtotal	$ 151,072	$ 48,449	$ 4,727	$ 97,896
Program Support/ Management	77,482	—	— b/	77,482
Total	$1,042,382	$ 98,370	$ 54,782 b/	$889,230

a/ Assumes funding level provided by P.L. 96-536 is extended for the remainder of FY 1981.

b/ In addition, the supplemental of $4,510,000 included in the January budget to cover 1981 pay raises has been reduced by $1,732,000 to a new supplemental request of $2,878,000.

Research. 1981 reductions are proposed to slow the rate of growth of funding for ADAMHA biomedical research and to reduce the level of funding for social sciences research below current levels. Across the board restraints in Federal spending--including biomedical research--are necessary for economic recovery; social sciences research has been reduced substantially because this research has been less productive.

Research Training. The level of support for trainees in social science areas has been reduced. In addition, institutional overhead has been eliminated from the National Research Service Act research training awards because the Federal Government should not pay higher costs to support a research trainee than are normally charged for a non-federally supported student at the same institution.

Clinical Training. The supply of mental health professionals, who have good earnings prospects, is now generally adequate and Federal subsidies for such training are no longer necessary. As a result, no funding for new starts will be requested in 1981 and 1982. Federal support for ADAMHA clinical training will be phased out by the end of 1982.

Services. In view of the Administration's intent that the States should play an increased role in the funding and management of public service programs supported within their jurisdictions, this rescission would eliminate all new and competing service project grant and contract funds not awarded to date and terminate support for the alcohol and drug abuse formula grant programs.

A total of $98,370,000 is proposed for rescission under the current continuing resolution. If the Continuing Resolution is enacted for the full fiscal year, an additional $54,782,000 will be proposed for rescission.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and action to remove unnecessary regulatory burdens.

Estimated Effects:

This rescission would reduce increases in funding for ADAMHA research, provide for reductions in ADAMHA training and service project grants, and terminate funding for State formula grants for alcohol and drug abuse. This rescission will also reduce funding for new or competing project grants and contracts below the level proposed under the continuing resolution but will still allow about $40 million for new awards in research and research training. It is expected that the States will continue to support service programs in alcohol, drug abuse, and mental health which are of high State priority.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
1,042.5	1,026.1	16.4	77.7	4.3	—

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881-148

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration
Alcohol, Drug Abuse, and Mental Health

Of the funds provided for "Alcohol, Drug Abuse, and Mental Health" for fiscal year 1981 in P.L. 96-536, $98,370,000 are rescinded, and the funds remaining in this account may be expended without regard to the provisions of section 472(b)(5) of the Public Health Service Act.

Rescission Proposal No: 81-149

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 491,634,000
Bureau Health Resources Administration	Other budgetary resources 2,741,000
Appropriation title & symbol: Health Resources 7510712	Total budgetary resources 494,375,000
	Amount proposed for rescission $ 131,781,000 1/
OMB identification code: 75-0713-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The programs for which rescissions are proposed are included within the Health Resources appropriation and are administered by the Health Resources Administration's Bureau of Health Planning and Resources Development and the Bureau of Health Professions Education.

The primary purpose of the Bureau of Health Planning programs is to control health care cost through a network of 213 local health systems agencies and 57 State health planning and development agencies. Because the planning program and its regulatory process have not proved effective in controlling costs on a national basis and inhibits market forces needed to strengthen competition and provide less costly services, the Administration is proposing a phase-out of the entire program by fiscal 1983. The proposed rescission for local planning reflects the first step of this phase-out.

Programs of the Bureau of Health Professions Education have as their primary purpose expanding the supply of health professionals in the United States. During the 1960's and 1970's, the supply of health professionals has increased dramatically, primarily as a result of Federal subsidies to expand numbers of health professions students and training programs. The current supply of health professionals is adequate and an oversupply for most specialties is now predicted prior to 1990. The proposed rescission for health professions training programs reflects a shift in emphasis from general institutional support to more targeted Federal assistance directed toward those programs which have the greatest potential for addressing the following major objectives:

- maintaining a sufficient supply of primary care providers;
- promoting equity of opportunity for minority and disadvantaged students;
- improving geographic and specialty distribution; and
- encouraging more efficient utilization of health personnel.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

A rescission of $131.8 million is proposed in 1981 through June 5, 1981, from funds available under P.L. 96-536 for health planning and health professions distributed as follows.

Estimated Effects:

Local Planning Agencies - ($13,568,000) 1/. This program provides grants for Local Health Systems Agencies which are primarily responsible for developing comprehensive, long-range health systems plans for their local communities, along with action strategies for implementing these plans. Agencies then attempt to implement the plans either through independent negotiation or by using one of several mechanisms authorized by the statute.

Health Professions Education--Start-up - ($1,790,000). The purpose of start-up grants is to provide support to new schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy or podiatry so that they may accelerate the beginning date of instruction or substantially increase enrollments. Because of a current and growing oversupply of physicians and other health professionals, increasing the capacity of health professions institutions is no longer a desirable objective.

The remaining $.9 million has been approved for reprogramming to the financial distress program to provide additional support to Meharry Medical College. The rescission would result in the elimination of support for 4 projects which would have received continuation grants in 1981.

Allied Health - Special Projects Grants and Contracts - ($4,200,000). This program provides grants and contracts to assist eligible entities in meeting costs of projects to establish regional or State systems for improved coordination, training and credentialing of allied health personnel. The revised funding level of $1.0 million would support 13 continuation awards, 1 contract and 12 cooperative agreements (REDEIC) at a reduced rate. This represents a reduction of 9 continuation projects and 47 new awards from the number which could be supported by the amount currently available in 1981.

Allied Health - Advanced Traineeships - ($1,300,000). This program provides grants to public or non-profit institutions, organizations, or agencies for the support of both long and short-term advanced traineeship programs at the post professional level. Support for 42 projects and 175 long-term and 1,313 short-term training slots would be eliminated as a result of the rescission.

Dental Extenders - ($1,900,000). This program provides additional training to dental hygienists and dental assistants to qualify them to perform newly-delegated functions formerly performed by dentists. The amount proposed for rescission would have supported 7 continuation and 17 new

Student Assistance - Health Professions Student Loans - ($16,500,000). The purpose of the student loans program is to provide long-term, seven percent interest loans up to $2,500 per year, plus tuition, to health professions

Student Assistance - (Health Professions Student Loans - ($16,000,000). The purpose of the student loan program is to provide long-term, low interest loans up to $2,500 per year, plus tuition, to health professions students (HSO/HDP). These loan funds are given to schools who then make awards to students. The total reduction of $16.5 million from the health Professions Student Loan program would eliminate support to 111 schools which would have provided loans to 11,000 additional students.

Special Education Program - Health Professions Education Improvement and Training, Development, Demonstration, and evaluation of targeted health manpower activities such as those emphasizing humanistic medicine, environmental and occupational health, health manpower development, special problems of aging, human nutrition, and development of regional systems of continuing education and preventive medicine. Support for 25 projects in these areas would be eliminated.

Special Educational Programs—Emergency Medical Training - ($3,000,000). The program provides grants and contracts for the training of physicians and other health professionals in life-saving techniques under emergency situations. The training is of short duration and is provided essentially to meet local needs. Support for 22 projects, 3 contracts and for training for 6,468 emergency medical services personnel would be eliminated as a result of the proposed rescission.

Nursing Capitation Grants ($21,000,000). Nurse Practitioners ($10,000,000). Projects ($7,500,000) and Advanced Nurse Traineeships ($3,500,000). A reduction of $21.7 million is proposed for these activities. Nursing supply problems that may exist in certain geographic and specialty areas are not directly related to the existing capacity of nursing schools, which is adequate to meet overall needs. Consequently, these funds are not necessary for addressing national priorities with respect to nursing. This reduction would result in 1,130 schools not receiving support through formula funding (466 Baccalaureate, 382 Associate Degree and 142 Diploma); reduce 3 new nurse practitioner projects; reduce 10 new special project grants/contracts and eliminate 20 current Advanced Nurse Training awards.

Health Professions Education - Nurse Traineeships - ($3,000,000). The purpose of this program is to provide support to eligible public or non-profit institutions who then make traineeship awards to individual professional nurses who are pursuing advanced educational preparation. The rescission would eliminate support for 125 grants.

General Dentistry Residencies and Training - ($4,000,000). This program provides grants to plan, develop, and implement programs to provide dental residents with advanced skills in the general practice of dentistry. The rescission would eliminate funding in 1981 for 14 continuation and 20 new projects assisting 240 students. Both this and the following 2 rescission proposals specifically reflect the Administration's assessment that the current supply of dental health professionals is adequate.

Dental Extenders - ($1,200,000). This program provides additional training to dental hygienists and dental assistants to qualify them to perform newly-delegated functions formerly performed by dentists. The amount proposed for rescission would have supported 7 continuation and 17 new projects assisting approximately 1,121 students and faculty.

Dental Team Practice - ($1,000,000). The Dental Team Practice Training Program teaches dental students to organize and manage multiple auxiliary dental team practices in lieu of traditional solo practices. Future dentists are taught how to conduct dental practices through the utilization of dental extenders, dental hygienists and other auxiliaries. The $1 million proposed for rescission will eliminate the funding of 8 continuation projects benefitting 430 dental students.

Public Health Dental Projects - ($3,100,000). This program provides grants to accredited schools of public health and to other public or nonprofit private educational entities to support the improvement and expansion of existing programs in biostatistics or epidemiology, health administration, health planning, health policy analysis and planning, environmental or occupational health, nutrition, and maternal and child health. The $3,100,000 proposed for rescission will eliminate new starts in 1981 by reducing 40 new projects, assisting 1,000 public health students.

Health Administration Grants - ($3,000,000). Grants are awarded to public or nonprofit private educational entities, including schools of social work but excluding schools of public health, in order to support the expansion and improvement of graduate programs in health administration, hospital administration and health planning. The $3,000,000 proposed for rescission will eliminate 25 formula grants benefitting 1,640 students in 1981.

Public Health Traineeships - ($3,100,000). Traineeships are awarded to full-time students in schools of public health and other public or nonprofit institutions which provide graduate or specialized training in public health. These grants provide financial support to students for tuition and living expenses. This program supports graduate or specialized training of health professional personnel in public health fields such as biostatistics, epidemiology, nutrition, environmental health, occupational health, health administration, health planning, health policy analysis, preventive medicine or dentistry, and maternal and child health. The proposed rescission would eliminate support to 1,100 students in public health training.

Health Administration Traineeships - ($1,100,000). Grants are awarded to public or nonprofit educational institutions, including graduate schools of social work but excluding schools of public health to support traineeships for graduate study in accredited programs in health administration, hospital administration, or health policy analysis and planning. The proposed rescission would reduce the formula funding amount to 25 public or nonprofit educational institutions, eliminating support for 300 students in health administration training.

Family Medicine Residencies and Training - ($16,000,000). This rescission is designed to eliminate all new starts under this program. This program supports grants and contracts to hospitals, schools of medicine, osteopathy, and other public or private nonprofit entities to provide a combination of allopathic and predoctoral training. This program also authorizes assistance in meeting the cost of supporting trainees in such programs, who plan to specialize or work in the practice of family medicine. This level will still support nearly 4,000 faculty and trainees.

General Internal Medicine and Pediatrics - ($6,000,000). This rescission is designed to eliminate all new starts under this program. These grant and contract programs assist medical and osteopathic schools with projects to plan, develop, and operate approved residency programs in internal medicine or pediatrics. These programs emphasize training for the practice of general internal medicine or general pediatrics and provide financial assistance (in the form of traineeships and fellowships) to residents who are participating in these programs and who plan to practice general internal medicine or general pediatrics. The programs supported under this authority must emphasize ambulatory care, comprehensive health care and non-clinical areas relevant to the practitioner of general internal medicine and general pediatrics. This rescission will reduce the number of projects supported by 32. The first year residency positions and total residency positions supported by these projects will be reduced by 234 and 739 respectively.

Physician Assistants - ($1,000,000). This rescission is designed to eliminate all new starts under this program. This program, through grants or contracts to schools of medicine and osteopathy, and other public or nonprofit private entities, supports costs to plan, develop, operate, or maintain physician assistant training programs and the training of physician assistant faculty. Programs supported must develop and use (1) methods designed to encourage graduates of the program to work in health personnel shortage areas; and (2) methods for placing graduates in positions for which they have been trained. The proposed rescission would reduce the number of projects supported by 3, thus reducing the number of trainees by 266 and reducing the number of faculty members trained by 14.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate 1/		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
641.8	610.0	31.8	100.0	--	--

1/ An additional amount is planned to be proposed for rescission if additional 1981 funding is provided for Health Resources after the present continuing resolution expires on June 5, 1981, as follows:

Local Planning Agencies	$ 10,432,000
Health Planning Program Support	215,000
Educational Improvement and Development Projects	4,000,000
Advanced Nurse Training	3,000,000
Nursing Scholarships	9,000,000
Health Professions Capitation	71,878,000
Nurse Practitioners	2,500,000
Nursing Special Projects	2,000,000
Health Profession Program Support	740,000
National Health Service Corps Scholarships	16,100,000
Program Management	126,000
Total	$219,991,000

881-149

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration
Health Resources

Of the funds provided for "Health Resources" for fiscal year 1981 in P.L. 96-370, $121,791,000 are rescinded: Provided, that the funds appropriated under this head in P.L. 96-370 shall be available notwithstanding the limitations of sections 785(c) and 791(c) of the Public Health Service Act.

Rescission Proposal No: 881-190

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Outlay Effects: (in millions of dollars)

Rescission Proposal No: 81-130

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $1,263,134,440
Bureau: Human Development Services	Other budgetary resources: 3,181,000
Appropriation title & symbol: Human Development Services 7511636	Total budgetary resources: 1,266,315,440
	Amount proposed for rescission: $10,100,000
CFDA identification code: 75-1636-0-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The amount available in the Continuing Resolution (P.L. 96-536) for Social Services and Senior Centers is $257,000,000 (on an annualized basis). This amount includes $10,000,000 more than the 1981 Budget request to help States assume the additional costs of transferring responsibilities from nutrition to social services as required by the Older Americans Act Amendments of 1978. The amendments, however, required that this transfer be completed by the end of fiscal year 1980. No evidence is available which indicates that States will require the additional resources to complete the transfer in fiscal year 1981. Therefore, a rescission of $10 million is proposed.

In addition, the amount available in the Continuing Resolution for the Federal Council on Aging is $581,000 (on an annualized basis). Since the functions of the Council could be assumed by the Administration on Aging or other agencies concerned with the well-being of the elderly, a rescission of $.1 million is proposed.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects:

This proposal would save $10 million which is no longer needed by States to accomplish the transfer of responsibilities under the Older Americans Act Amendments. The proposed rescission for the Federal Council on Aging will reduce ongoing activities in the area of improvements in long term care policies, participation in and follow-up plans, and the comprehensive study of programs operated under the Older Americans Act.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
1,818.5	1,812.9	5.6	4.5	—	—
—			—		

81-130

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Human Development Services

Of the funds provided for "Human Development Services" for fiscal year 1981 in P.L. 96-536, making further continuing appropriations for the fiscal year 1981, $10,100,000 are rescinded.

Rescission Proposal No: RSI-151

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $ 10,000,000
Bureau: Housing Programs	Other budgetary resources: 13,334,395
Appropriation title & symbol: Congregate Services Program 869/40178 860/40178 861/40178	Total budgetary resources: 23,334,395
	Amount proposed for rescission: $ 10,000,000
OMB identification code: 86-0178-1-604	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1984 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This program is currently being operated as a demonstration program out of funds appropriated for fiscal years 1979 and 1980. This demonstration program is testing whether providing contracts directly with local public housing agencies to supply congregate services is more effective than alternative Health and Human Services (HHS) and other social service programs. Funds appropriated for 1981 are not required to carry out the evaluation of this program. Thus, providing continued funding for the program is premature and would suggest that the Federal Government is committed to operating this type of social service program in the Department of Housing and Urban Development when this is not the case.

Estimated Effects: The 1981 appropriation now proposed for rescission would have provided meal services and supportive services to an estimated 700 elderly residents of public housing and housing for the elderly or handicapped. However, such services are also available through other Federal social service programs as well as social service agencies of State and local governments. The proposed rescission will have no effect on the evaluation of this program now being conducted by the Office of Policy Development and Research of the Department of Housing and Urban Development.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	Rescission	1981	1982	1983	1984
5.0	5.0	—	1.8	1.9	2.0

RSI-151

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

Congregate Services Program

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $10,000,000 are rescinded.

Rescission Proposal No: RSI-151

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Rescission Proposal No: 881-151

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Federal Mine Safety and Health Review Commission	New budget authority (P.L. 96-536): $2,120,000
Bureau:	Other budgetary resources: —
Appropriation title & symbol: Salaries and Expenses 9512000	Total budgetary resources: 2,120,000
	Amount proposed for rescission: $186,000
OMB identification code: 95-0900-0-1-154	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	

Justification: This appropriation provides for adjudication of contested Labor Department enforcement actions under the Federal Mine Safety and Health Amendments Act of 1977.

This rescission proposal reflects reestimates of the Commission's personnel and other resources requirements, as well as reductions in travel and equipment procurement. The savings from these actions are part of the President's comprehensive economic plan for reduced Federal spending. This rescission is proposed as a reserve for savings in accordance with the Antideficiency Act (31 U.S.C. 665).

Anticipated Effects: The rescission will have minimal impact on the Commission since most of the funds proposed for rescission would not be obligated before lapsing at the end of the fiscal year. Hearings and decisions on contested cases may be slightly delayed as a result of travel reductions, but no major programmatic effects are anticipated.

Outlay Effects: (in thousands of dollars)

1981 Outlay Effects Without Rescission	1981 Outlay Effects With Rescission	Outlay Savings 1981	1982	1983	1984
2,931	2,911	20	2	—	—

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Salaries and Expenses

Of the funds provided for the Federal Mine Safety and Health Review Commission, "Salaries and expenses," for fiscal year 1981 in P.L. 96-536, $186,000 are rescinded.

Rescission Proposal No: 881-152

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Community Services Administration	New budget authority (P.L. 96-536): $41,000,000
Bureau:	Other budgetary resources: -0-
Appropriation title & symbol: Community Services Program 8110500	Total budgetary resources: 41,000,000
	Amount proposed for rescission: $6,000,000
OMB identification code: 91-0500-0-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	

Justification: This rescission proposes to eliminate the National Youth Sports Program. There is no evidence that this program contributes to Community Services Administration's objective of assisting low-income families achieve economic self-sufficiency. Further, it duplicates activities and programs sponsored by other Federal, State and local government agencies. The program had already been scheduled for discontinuation in 1982. The proposal to advance this date is an integral part of President Reagan's policy of reducing Federal spending by eliminating ineffective and duplicative programs.

Anticipated Effects: This rescission proposal would result in cancellation of this program in 1981.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984
598.8	594.8	4.0	2.0	—	—

COMMUNITY SERVICES ADMINISTRATION

Community Services Program

Of the funds provided for the "National Youth Sports Program" for fiscal year 1981 in P.L. 96-536, making further continuing appropriations for the fiscal year 1981, $6,000,000 are rescinded.

Rescission Proposal No: 881-134

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Postal Service	New budget authority (P.L. 96-536): $ 1,593,217,000
Bureau:	Other budgetary resources: ---
Appropriation title & symbol: Payment to the Postal Service Fund 18X1001	Total budgetary resources: $ 1,593,217,000
	Amount proposed for rescission: $ 250,000,000
OMB identification code: 18-1001-0-1-372	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The President has stated that he believes the Postal Service has been unable to live within its means. The Administration believes that Federal subsidies act as disincentives for the Postal Service to realize operational efficiencies, thus slowing its progress toward financial independence.

The public service subsidy, $250,000,000 of which is proposed for rescission, compensates the Postal Service for the costs incurred by maintaining services that are not self-sustaining.

Estimated Effects: The Administration believes that this rescission will encourage the Postal Service to take additional measures to manage the national mail system more effectively. The Postmaster General has stated that the Postal Service will, when faced with reduced subsidies, realize economies through increased productivity rather than reductions in service.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
1,593	1,343	250	--	--	--

POSTAL SERVICE

Payment to the Postal Service Fund

Of the amounts in the Postal Service Fund, $250,000,000 shall be transferred to the account entitled "Payment to the Postal Service Fund" and when transferred, are rescinded.

Rescission Proposal No: 881-133

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Tennessee Valley Authority	New budget authority (P.L. 96-367): $ 287,563,000
Bureau:	Other budgetary resources: 87,304,000
Appropriation title & symbol: Tennessee Valley Authority Fund 6434110	Total budgetary resources: 374,867,000
	Amount proposed for rescission: $ 177,000,000
OMB identification code: 99-4110-0-3-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Funds totalling $177,000,000 of the $210,000,000 provided in fiscal years 1980-1981 for the Coal Gasification Demonstration Project are proposed for rescission. The rescission is proposed primarily because of the project's limited technological benefit and high cost.

- The project, from a technology standpoint, is unnecessary. Current plans are to utilize a proven technology which is already in use throughout the world.
- The plant and estimated operational costs, including environmental requirements, are quite high (estimates are now up to $6 billion for construction alone) and appear to be uneconomic from the viewpoint of product marketability.
- Operation of the plant is predicated on construction of a pipeline to connect with an existing gas system. This cost has not been factored into the project nor has TVA sponsored any planning for this aspect of the project.
- The project overlaps responsibilities of the Synthetic Fuels Corporation which was established by Congress to fund projects like this. The information benefits from this project are not large enough to justify the substantial project costs. These benefits would also be available from SFC sponsored projects.

Estimated Effects: The effect of this rescission would be to terminate this project. Preliminary work on the project would be halted. The effect on the demonstration of coal gasification technology would not be adversely affected because of the SFC's and Department of Energy's activities in this area.

Outlay Effects: (in millions of dollars)

Deferral No: D81-184

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2,227.0	2,178.5	48.5	50.0	50.0	28.5

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RS1-135

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund

Of the funds appropriated under this head in P.L. 96-367 making appropriations for Energy and Water Development and in P.L. 96-304 making supplemental appropriations for Energy and Water Development, $177,000,000 are rescinded.

Deferral No: DS1-104

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $13,900,000
Bureau: Social Security Administration	Other budgetary resources: 31,100,364
Appropriation title & symbol: Limitation on Administrative Expenses 7858704 (Construction) 1/	Total budgetary resources: 44,000,364
	Amount to be deferred: Part of year: $ ____ Entire year: 8,003,808
OMB identification code: 75-0007-0-7-601	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

The Continuing Resolution (P.L. 96-536) provided $13.5 million for the Limitation on Administrative Expenses (Construction) of the Social Security Administration. These amounts remain available until expended in recognition of the long leadtime between the provision of funds and their use in carrying out authorized construction projects. SSA does not expect to need $8,003,808 of these funds during FY 1981. These funds are deferred for the remainder of this fiscal year and will be used for program requirements in FY 1982 or later years. This deferral action is taken pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

Funds remaining available in FY 1981 will permit SSA to carry out its construction program in an orderly manner. No currently planned construction would be delayed by this deferral.

Outlay Effect:

This deferral action has no effect on outlays.

1/ This account was subject to a similar deferral during 1980 (D80-47)

[illegible]

The attached rescission proposal (RS1-102) substitutes for the version of RS1-102 that was transmitted to the Congress on Tuesday, March 17, 1981. The version of this proposal transmitted on March 17 was inadvertently prepared using a deferral report form rather than a rescission proposal form. The attached proposal has been prepared using the correct form.

Rescission Proposal No: RS1-102

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Veterans Administration Bureau:	New budget authority (P.L. 96-526): $423,774,000 Other budgetary resources: 853,523,000 Total budgetary resources: 1,277,297,000
Appropriation title & symbol: Construction, Major Projects 36X0110	Amount proposed for rescission: $162,160,000
OMB identification code: 36-0110-0-1-703 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This account provides funds for constructing, altering and improving the facilities under the jurisdiction of the Veterans Administration. This rescission proposes the cancellation of construction plans for VA hospitals in Baltimore, Maryland and Camden, New Jersey. These two areas are heavily overbedded and well-served by community and private hospitals. In each instance, there are three other VA hospitals within commuting distance which are underutilized at present.

Estimated Effects:

Two proposed VA hospitals will not be built. However, adequate health care for eligible veterans will continue to be available.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlays Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
277	261	16	41	32	58

VETERANS ADMINISTRATION

Construction, Major Projects

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $162,160,000 are rescinded.

[FR Doc. 81-8869 Filed 3-23-81; 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

INFORMATION AND ASSISTANCE

PUBLICATIONS
Code of Federal Regulations
CFR Unit

General information, index, and finding aids
Incorporation by reference
Printing schedules

Federal Register
Corrections
Daily Issue Unit
General information, index, and finding aids
Public inspection desk
Scheduling of documents

Laws
Indexes
Law numbers and dates

Slip laws

Presidential Documents
Executive orders and proclamations
Public Papers of the Presidents
Weekly Compilation of Presidential Documents

Privacy Act Compilation

United States Government Manual

SERVICES
Agency services
Automation
Dial-a-Reg
Chicago, IL
Los Angeles, CA
Washington, DC
Magnetic tapes of FR issues and CFR volumes (GPO)
Public inspection desk
Single copies and back copies of FR
Subscription orders and inquiries
TTY for the deaf

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14888 2
14885-15120 3
15121-15256 4
15257-15490 5
15491-15684 6
15685-15854 9
15855-16088 10
16089-16234 11
16235-16652 12
16653-16876 13
16877-17008 16
17009-17186 17
17187-17534 18
17535-17750 19
17751-18012 20
18013-18306 23
18307-18519 24

Reader Aids

Federal Register

Vol. 46, No. 56

Tuesday, March 24, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20
18013-18306	23
18307-18520	24

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

485 17187

3 CFR

Executive Orders:

11970 (Revoked by EO 12299) 17751
12247 (Revoked by EO 12298) 16879
12258 (Revoked in part by EO 12299) 17751
12296 15129
12297 16877
12298 16879
12299 17751

Proclamations:

4822 14885
4823 15491
4824 17009
4825 17535
4826 18013

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857

Proposed Rules:

28 15884

5 CFR

Ch XIV 17187
550 14887
831 16653

7 CFR

Ch XVIII 17753
331 17753
905 16237
907 ..... 15257, 16237, 17537
910 ..... 15493, 15864, 16655, 17754
959 ..... 16238, 17755
2024 15493

Proposed Rules:

930 15888
982 18040
1002 17207
1004 ..... 15713, 16266
1007 16266
1011 16266
1030 16266
1032 16266
1046 16266
1049 16266
1050 16266
1062 16266
1064 16266
1065 16266
1068 ..... 16266, 16689
1071 16266
1073 16266
1076 16266
1079 16266
1094 16266
1096 16266
1097 16266
1098 16266
1099 16266
1102 16266
1104 16266
1106 16266
1108 16266
1120 16266
1126 16266
1131 16266
1132 16266
1138 16266
1139 16690
2851 14889
2859 15512

8 CFR

238 16658

9 CFR

75 15494

Proposed Rules:

308 15512
381 15512

10 CFR

20 ..... 16230, 18015
35 15683
212 15257
710 18170

Proposed Rules:

Ch. I 17586
2 17216
30 15278
40 15278
50 ..... 15278, 18045
51 15154
70 15278
72 15278
211 15112
212 17586
376 15484
390 15484

1060.....17787

12 CFR

Ch. VII.....14887
1.....16240
5.....16656–16661
8.....16663
21.....15864
206.....16099
211.....16015
216.....15864
303.....17755, 17756
326.....15864
541.....17187
544.....16681
545.....17187
546.....14727
556.....16246
563.....14727
563a.....15864
611.....17011
701.....17187, 17537
748.....15864
749.....17188
1204.....15131

Proposed Rules:

400.....15888
545.....15175
618.....17022

14 CFR

39.....14728–14729, 15259, 17538–17540, 16247, 16248, 16881–16888, 18016–18019
71.....14730–14734
91.....16666, 16886
95.....14735
97.....15259, 16249, 18020
121.....15480

Proposed Rules:

Ch. I.....14749, 15278, 15746
21.....16279
39.....15479
71.....15478, 16899–16902, 18049, 18050
93.....15458
159.....15458
241.....17022

15 CFR

4a.....16251
386.....16669
388.....17189
503.....15496
804.....16892
805.....16892
935.....14741
936.....14741
937.....14741
938.....14741

Proposed Rules:

377.....17218
970.....18448

16 CFR

1.....14888
13.....15261, 15262, 16892, 14741, 17189
460.....18307
1000.....17541

Proposed Rules:

13.....16274
1208.....17788

17 CFR

15.....15132, 16255
200.....16255
211.....15496
231.....16670
239.....17756
240.....14888, 15133, 15134, 15496, 15713, 15866
241.....16670
249.....17756
259.....17756
269.....17756
270.....16673, 17011
274.....17756
279.....17756

Proposed Rules:

1.....16691
210.....15278
240.....14749, 15178, 17219

18 CFR

4.....15873
250.....15874
260.....15878
282.....14742, 15496, 15879, 16256, 18011

Proposed Rules:

Ch. I.....15512
Subchapter B.....16903
1.....14751, 17023
1b.....17023
2.....17023
3.....17023
3a.....17023
3c.....17023
4.....14751, 17023
12.....17023
16.....17023
25.....17023
32.....17023
33.....17023
34.....15513
35.....17023, 17227
41.....17023
131.....15513
152.....17023
153.....17023
154.....14899
156.....17023
157.....14899, 16903
158.....17023
250.....14899
260.....14899
270.....17023
271.....16914, 17023
275.....17023
281.....17023
282.....17023
284.....17023
286.....17023
292.....17023
375.....16903, 17023
385.....17023
388.....17023

19 CFR

Ch. II.....17526
200.....17542
207.....18022
210.....17526
211.....17526
353.....15135, 17190
355.....16099, 17014

Proposed Rules:

101.....17228

21 CFR

5.....16674, 17757
73.....15500, 17758
81.....15500, 17758
175.....16675
177.....16675
178.....17758
193.....16256, 17015
430.....15880, 16676
431.....16676
436.....15880, 16676, 16678, 16681
440.....15880, 16681
442.....15880, 16679
444.....16676, 16680, 16681, 17758
446.....16681
448.....16681
449.....16681
450.....16681
452.....16678, 16681
540.....14889
561.....14889, 17015, 18023
884.....14890

Proposed Rules:

20.....17063
106.....17790
109.....15518
110.....15518
193.....15281
225.....15518
226.....15518
452.....16892
500.....15518
509.....15518
801.....17063
803.....17063
872.....15519
876.....17063, 17064

22 CFR

Ch. XIV.....16058, 16085
41.....15504
51.....16257
191.....17543

24 CFR

201.....17190
203.....14743, 16893
207.....14743, 16893
213.....16893
220.....14743, 16893
221.....16893
232.....16893
234.....16893
235.....16893
236.....16893
241.....16893
242.....16893
244.....16893
300.....15505
803.....17366
888.....17366

25 CFR

43c.....14890
700.....15720

Proposed Rules:

72.....16916
260.....16916

26 CFR

1.....15262, 15685, 16100, 17191
20.....17191
25.....17191
31.....17547
37.....17547
55.....15262
150.....16257

Proposed Rules:

1.....15892, 17229
26.....15693
31.....17566

27 CFR

270.....18309
275.....18309
290.....18309
295.....18309

28 CFR

0.....16100
40.....16100

Proposed Rules:

2.....14904

29 CFR

1910.....14897
2200.....14744
2610.....16665, 16312

Proposed Rules:

92.....16827

30 CFR

700.....16023
716.....16023
785.....16023
950.....17191

Proposed Rules:

606.....16276

32 CFR

201.....15505
242b.....16024
286.....14890
369.....15506
762.....16313
875.....15506

33 CFR

1.....15685
230.....14745

Proposed Rules:

204.....16050

34 CFR

690.....16823

Proposed Rules:

104.....16321

38 CFR

3.....16101
21.....16101
36.....16686

Proposed Rules:

17.....16050

39 CFR

10.....17016, 18313
111.....14746, 15263, 15266, 17758

Proposed Rules:

10.....16054

40 CFR

52.....15136–15139, 15686, 16687, 16895–16897, 17019, 17191–17193, 17549–17557, 17777–17779
55.....15686

57 18025
81 ..... 14891, 14892, 15140, 16258, 17557
86 ..... 15886, 16258, 16259
122 ..... 16897, 18025
123 17194
162 ..... 15104, 17779
180 ..... 14894, 15122-15125, 17020, 17021, 18313-18316
205 17558
261 17196
264 ..... 16897, 18025
265 ..... 16897, 18025
761 16090
1500 18026
1501 18026
1502 18026
1503 18026
1504 18026
1505 18026
1506 18026
1507 18026
1508 18026

Proposed Rules:

Ch. I 16916
51 16280
52 ..... 15160, 15161, 15284, 15743, 16280, 17790
60 14905
62 18321
81 ..... 15744, 15744
86 ..... 15893, 16917
141 17567
162 18322
180 ..... 15161, 15162, 15285, 16917, 17229, 17230
192 16278
264 18054
406 17567
408 18055
409 17567
413 17567
416 17567
418 17567
420 17567
421 17567
422 17567
424 17567
426 17567
428 17567
430 15287
431 15287
432 17567
435 17567
436 17567
440 17567
443 17567
457 17567
460 17567
761 16096
763 14905

41 CFR

Ch. 1 17780
Ch. 101 17564
1-3 17559
1-4 16102
5-8 17202
5A-8 17202
5B-8 17202
11 17559
16 17559
101-26 17564
101-35 16102
101-36 16102
101-40 14894

Proposed Rules:

8-4 17232
101-7 17791

42 CFR

110 15141

43 CFR

20 16897

Public Land Orders:

5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15267, 15269, 17781, 17782
65 ..... 15142, 17782

Proposed Rules:

60 16892
67 ..... 14907, 15183, 15287, 16282, 17795-17806

45 CFR

1060 15270
1357 14895
1612 16267

Proposed Rules:

1624 18055

46 CFR

3 15746
14 15746
24 15746
188 15746
189 15746

Proposed Rules:

502 17064

47 CFR

2 ..... 15148, 15690
73 ..... 15147-15151, 15271, 15707, 15709-15711, 16268, 17783-17785, 18316-18318
81 15690
83 15690
90 ..... 15152, 15273
97 15146

Proposed Rules:

Ch. I 14907, 15184, 15296,
0 15297
22 15749
25 15754
61 15297
63 ..... 14754, 15297
67 ..... 17568, 16892
73 ..... 15184-15186, 15298, 15754, 15756, 15757, 17065, 17233, 17809-17811
83 17233
90 ..... 16104, 17813

48 CFR

Proposed Rules:

31 16916

49 CFR

172 17738
173 17564
531 18038
1003 ..... 16200, 17785
1005 ..... 16200, 17785
1033 ..... 14895, 14896, 15507
1039 15509
1056 ..... 16200, 17785
1100 17785
1132 15509
1240 15880
1243 15881
1310 ..... 16200, 17785
1322 ..... 16200, 17785
1331 ..... 15277, 16102

Proposed Rules:

23 16282
583 18059
1048 16106
1052 ..... 17813, 17814
1056 16225
1057 15300
1100 17065
1206 15302
1207 15302
1307 17234
1310 17234

50 CFR

611 16103
652 15510
671 18318

Proposed Rules:

230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
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Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 18, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.

V 46 / 56 MR 24 81 UMI

V 46 / 56 MR 24 81 UMI

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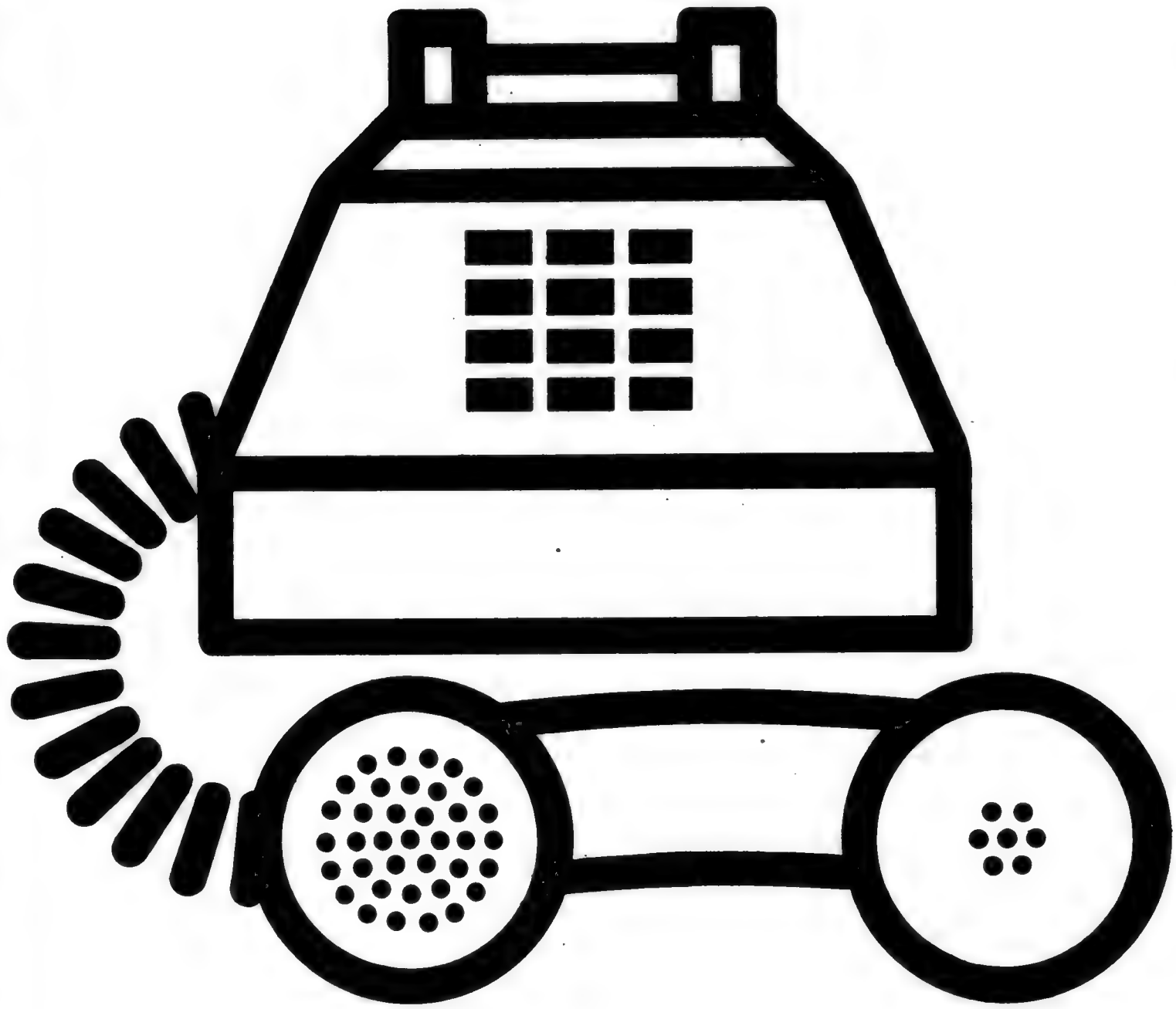

3-25-81
Vol. 46 No. 57
Pages 18521-18678

federal register

Wednesday
March 25, 1981

Highlights

18523 **Cancer Control Month** Presidential proclamation

18521 **Pan American Day and Pan American Week** Presidential proclamation

18526 **Disaster Assistance** SBA publishes final changes in eligibility to assure continuing availability of recovery assistance to all disaster victims; effective 3–19–81

18525 **Nuclear Power** NRC publishes final rule regarding environmental radiation protection standards for nuclear power operations; effective 6–23–81

18559 **Securities** SEC proposes to expand its availability to issuers which engage or intend to engage in significant mining operations; comments by 5–15–81

18528 **Commodity Futures** CFTC amends reporting requirements for positions, deliveries and exchanges of futures for physicals; effective 5–15–81

18634 **Grant Programs—Crime** Justice/NIJ plans to fund a study of the effects of various kinds of victim response in stranger to stranger violent crimes; apply by 5–7–81

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

18534 **Grant Programs—Prisons** Justice/NIJ announces competitive research grants to study the methods for alleviating racial tension in prisons; apply by 4–30–81

18532 **Securities** SEC publishes final rule regarding allocation of consolidated income tax liability by registered holding companies and their subsidiaries; effective 3–25–81

18539 **Securities** Treasury/Sec'y announces interest rate of 12⅝ percent per annum on Notes of Series P–1983

18538 **Securities** Treasury/Sec'y announces auction of Series D–1988 Notes

18560 **Postal Service** PS proposes establishment of optional endorsement line in the address block or label; comments by 4–24–81

18536 **Alcohol, Tobacco, and Firearms Violations** Treasury/ATF increases the rate of compensation that is paid to appraisers of property seized as subject to forfeiture; effective 3–25–81

18535 **Securities** SEC publishes interpretative release concerning investment bankers and banks in Rule 70 under the Public Utility Holding Company Act of 1935

18531 **Securities** SEC adopts notice-of-sales forms for transactions; effective 4–24–81

18534 **Imports** Trade amends tariff schedules of the United States with respect to color television receivers from the Republic of Korea and Taiwan

18666 **Migratory Birds** Interior/FWS proposes 1981–82 Migratory Bird Hunting regulations in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (Part II of this issue)

18568 **Antidumping** Commerce/ITA gives notice of preliminary results of antidumping duty order regarding spun acrylic yarn from Italy; effective 3–25–81

18542 **Sunshine Act Meetings**

Separate Part of This Issue

18666 **Part II, Interior/FWS**

V. 46 / 57 / MAR 25 1981 UMI

Contents

Federal Register
Vol. 46, No. 57
Wednesday, March 25, 1981

The President
PROCLAMATIONS
18523 Cancer Control Month (Proc. 4828)
18521 Pan American Day and Pan American Week (Proc. 4827)

Executive Agencies

Agency for International Development
NOTICES
Authority delegations:
18631 Commodity Management Office, Director; ocean transportation source
Meetings:
18631 International Food and Agricultural Development Board

Agricultural Marketing Service
PROPOSED RULES
Milk marketing orders:
18558 St. Louis-Ozarks et al.; extension of time

Agriculture Department
See Agricultural Marketing Service.

Air Force Department
NOTICES
Meetings:
18577 Scientific Advisory Board

Alcohol, Tobacco and Firearms Bureau
RULES
Procedures and practices:
18536 Property seized, disposition of; increase of appraiser's fees

Army Department
NOTICES
Meetings:
18578 Medical Research and Development Advisory Panel
18577 U.S. Military Enlistment Processing Command; relocation of headquarters and subordinate element from Fort Sheridan to Naval Training Center, Ill.

Bonneville Power Administration
NOTICES
18581 Billing credits, methodology of computation; intent to develop policy guidelines; inquiry
Public Utility Regulatory Policies Act:
18583 Utility practices standards for master metering, automatic adjustment clauses, consumer information, etc.; termination

Commerce Department
See also International Trade Administration; Maritime Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
RULES
Reports:
18528 Contract markets, futures commission merchants, foreign brokers, large traders; exchanges of futures for physicals, deliveries, open positions, etc.
NOTICES
18642 Meetings; Sunshine Act

Defense Department
See Air Force Department; Army Department.

Economic Regulatory Administration
NOTICES
Consent orders:
18587 Natomas North America, Inc.
Natural gas exportation and importation petitions:
18587 Gas Service, Inc., et al.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
18586 Mississippi Power & Light Co.

Education Department
NOTICES
Meetings:
18578 Adult Education National Advisory Council
18578 Community Education Advisory Council; cancellation

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
Environmental statements; availability, etc.:
18579 Los Alamos National Scientific Laboratory, Los Alamos, N. Mex.; continued operation
International atomic energy agreements; civil uses; subsequent arrangements:
18581 European Atomic Energy Community and Japan

Environmental Protection Agency
PROPOSED RULES
Air pollutants, hazardous; national emission standards:
18561 Benzene from fugitive emission sources in petroleum refining and chemical manufacturing industries; hearing postponed and extension of time
18561 Benzene from storage vessels with a capacity greater than four cubic meters; hearing postponed and extension of time
NOTICES
Environmental statements; availability, etc.:
18599 Agency statements; review and comment; report availability

Federal Communications Commission
RULES
Practice and procedure:
18551 Commission actions; effective dates, etc.

Radio broadcasting:
18556 Commercial radio broadcast stations; deregulation; correction
Radio stations; table of assignments:
18557 Maine; correction

Federal Deposit Insurance Corporation
NOTICES
18542 Meetings; Sunshine Act (4 documents)

Federal Emergency Management Agency
RULES
Flood elevation determinations:
18546 California et al.
Flood insurance; special hazard areas:
18546 Ohio et al.
PROPOSED RULES
Flood elevation determinations:
18562, 18563 New Jersey; correction (3 documents)
NOTICES
Radiological emergency; State plans:
18599 Alabama

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
18594 Cleveland-Cliffs Iron Co.
18588 Columbia Gulf Transmission Co.
18588 Delhi Gas Pipeline Corp.
18595 Eastern Shore Natural Gas Co.
18595 Kentucky Utilities Co.
18589 Michigan Wisconsin Pipe Line Co.
18589 Mid Louisiana Gas Co.
18590 Mississippi River Transmission Corp.
18595 Northern Natural Gas Co.
18596 Northern States Power Co.
18596 Occidental Chemical Co.
18597 Panhandle Eastern Pipe Line Co.
18594 Southern Natural Gas Co. et al.
18590 Texas Gas Transmission Corp.
18591, 18592 Transcontinental Gas Pipe Line Corp. et al. (2 documents)
18592 Trunkline Gas Co. et al.
18593 United Gas Pipe Line Co.

Federal Maritime Commission
RULES
Tariffs filed by common carriers in foreign commerce of U.S.:
18549 Rail/ocean transportation; waiver; interim
NOTICES
18643 Meetings; Sunshine Act
Tariff filing requirements; applications for exemption:
18600 Northern Mariana Islands

Federal Reserve System
NOTICES
Applications, etc.:
18601 South Texas Bancshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
18600 Lloyd Bank Ltd. et al.
18643 Meetings; Sunshine Act

Fine Arts Commission
NOTICES
18576 Meetings

Fiscal Service
NOTICES
18637 Funds rate; Treasury current value

Fish and Wildlife Service
PROPOSED RULES
Migratory bird hunting:
18666 Seasons, limits, and shooting hours, establishment, etc.

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
18604 Texoma Production Co.

Health and Human Services Department
See Public Health Service.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
18598 Cases filed
Remedial orders:
18598 Objections filed

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Antidumping:
18568 Spun acrylic yarn from Italy
Meetings:
18573, 18574 Semiconductor Technical Advisory Committee (4 documents)
Scientific articles; duty free entry:
18564 Alta Bates Hospital et al.
18571 Arizona State University et al.
18567 Foundation for Cancer Detection et al.
18572 National Institute for Occupational Safety and Health
18566 U.S. Navy Mare Island Naval Shipyard et al.
18569 University of Washington
18569 Washington University et al.

International Trade Commission
NOTICES
Import investigations:
18632 Floating exchange rates and U.S. competitiveness; study
18632 Food slicers and components (2 documents)
18633 Leather wearing apparel from Uruguay; hearing change
18633 Montan wax, unrefined, from East Germany

Interstate Commerce Commission
NOTICES
Motor carriers:
18616–18630 Permanent authority applications (4 documents)
18605 Temporary authority applications

Justice Department
See also National Institute of Justice.
NOTICES
Pollution control; consent judgments:
18634 Northern States Power Co.

Land Management Bureau
NOTICES
Applications, etc.:
18603 New Mexico
Environmental statements; availability, etc.:
18603 Outer Continental Shelf; Gulf of Mexico; oil and gas lease sales
Meetings:
18604 Kingman Resource Area Grazing Advisory Board
Opening of public lands:
18601, 18602 California (6 documents)
Sale of public lands:
18604 California

Maritime Administration
NOTICES
Applications, etc.:
18574 Manhattan Tankers Co., Inc., et al.

Metric Board
NOTICES
18643 Meetings; Sunshine Act

National Bureau of Standards
NOTICES
Information processing standards, Federal:
18575 I/O channel level interface standards; technical verification guidance; corrections (2 documents)

National Institute of Justice
NOTICES
Grants solicitation, competitive research:
18634 Racial tension in prisons, causes and control
18634 Victim response in stranger to stranger violent crimes

National Oceanic and Atmospheric Administration
NOTICES
Marine mammals permit applications, etc.:
18575 Auckland City Council
18576 Carnegie Museum of Natural History

National Park Service
NOTICES
Meetings:
18605 Chesapeake and Ohio Canal National Historical Park Commission

Nuclear Regulatory Commission
RULES
Radiation protection standards:
18525 Nuclear power operation; uranium fuel cycle facility release limits and licensee reporting requirements
PROPOSED RULES
Practice rules:
18558 Enforcement proceedings; burden of proof; withdrawn
NOTICES
18643 Meetings; Sunshine Act

Postal Service
PROPOSED RULES
Domestic Mail Manual:
18560 Endorsement line in address block or label; optional use in lieu of color coded pressure sensitive package labels

Public Health Service
NOTICES
Health maintenance organizations:
18640 Noncompliance determination
18640 Health maintenance organizations, qualified; list

Securities and Exchange Commission
RULES
18532 Holding companies, registered, and subsidiaries; allocation of consolidated income tax liability
18535 Holding companies, registered, and subsidiaries; investment bankers and banks, interlocking affiliations of directors and officers; exemptions under Rule 70; interpretation
18531 Notice-of-sales of securities (Form 4(6)), adoption; and technical conforming amendments to Form 242 and Rule 242
PROPOSED RULES
18559 Mining companies; securities offers and sales; availability of Rule 242 sales registration exemption
NOTICES
Hearings, etc.:
18635 Gulf Energy Corp.
18644 Meetings; Sunshine Act (2 documents)
Self-regulatory organizations; unlisted trading privileges:
18635 Midwest Stock Exchange, Inc.
18635 Philadelphia Stock Exchange, Inc.

Small Business Administration
RULES
18526 Disaster loans; changes in eligibility
NOTICES
Applications, etc.:
18635 First Alabama Capital Corp.
18636 Ideal Capital Corp.
18636 Pathfinder Venture Capital Corp.
18637 Planters Agricorp, Inc.
Meetings; advisory councils:
18637 New Mexico; change in time and place
18637 Vermont
Small business investment companies:
18637 Maximum annual cost of money to small business concerns; Federal Financing Bank rate

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission; various States:
18536 Oklahoma; discussion of comments
18541 Utah; discussion of comments

Textile Agreements Implementation Committee
NOTICES
Wool and man-made textiles:
18576 Romania

Trade Representative, Office of United States
NOTICES
Import quotas:
18634 Color television receivers and subassemblies from Korea and Taiwan

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Fiscal Service.
NOTICES
Notes, Treasury:
18638 D–1988 series
18639 P–1983 series

Truman, Harry S., Scholarship Foundation
NOTICES
18644 Meetings; Sunshine Act

Veterans Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
18640 Wage Committee

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
18573 Semiconductor Technical Advisory Committee, Discrete Semiconductor Device Subcommittee, Washington, D.C., 4–14–81
18573 Semiconductor Technical Advisory Committee, Microcircuit, Washington, D.C., 4–14–81
18574 Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C., 4–14–81
18574 Semiconductor Technical Advisory Committee, Washington, D.C., 4–15–81

DEFENSE DEPARTMENT
Air Force Department—
18577 USAF Scientific Advisory Board, Dover, N.J., 4–9 and 4–10–81
Army Department—
18578 United States Army Medical Research and Development Advisory Panel, Pharmacology Subcommittee, Washington, D.C., 4–22–81

EDUCATION DEPARTMENT
18578 Adult Education National Advisory Council, Executive Committee, Providence, R.I., 4–14–81

FINE ARTS COMMISSION
18576 Meeting, Washington, D.C., 4–7–81

INTERIOR DEPARTMENT
Land Management Bureau—
18604 Kingman Resource Area (Phoenix District) Grazing Advisory Board, Kingman, Ariz., 4–22–81
National Park Service—
18605 Chesapeake and Ohio Canal National Historical Park Commission, Cumberland, Md., 4–18–81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Agency for International Development
18631 Board for International Food and Agricultural Development, Washington, D.C., 4–14 and 4–15–81

SMALL BUSINESS ADMINISTRATION
18637 Region I (Montpelier, Vermont) Advisory Council, Montpelier, Vermont, 4–29–81

CHANGED MEETING

SMALL BUSINESS ADMINISTRATION
18637 Region VI (Albuquerque, N. Mex.) Advisory Council, Carlsbad, N. Mex., 4–9–81

CANCELLED MEETING

EDUCATION DEPARTMENT
18578 Community Education Advisory Council, Washington, D.C., 3–17 and 3–18–81

HEARINGS

EDUCATION DEPARTMENT
18578 Reauthorization of the Adult Education Act, 4–15 and 4–16–81

ENVIRONMENTAL PROTECTION AGENCY
18561 Benzene Emissions from Benzene Storage Vessels, 6–9–81
18561 Benzene Fugitive Emissions, 7–14–81

INTERIOR DEPARTMENT
Fish and Wildlife Service—
18666 1981–82 Migratory Game Bird Hunting Regulations, 6–19 and 8–4–81
Land Management Bureau—
18603 Outer Continental Shelf, Gulf of Mexico, proposed Oil and Gas Lease Sales No. 67 and 69, 5–5–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4827 18521
4828 18523

7 CFR
Proposed Rules:
1007 18558
1011 18558
1030 18558
1032 18558
1046 18558
1049 18558
1050 18558
1062 18558
1064 18558
1065 18558
1068 18558
1071 18558
1073 18558
1076 18558
1079 18558
1094 18558
1096 18558
1097 18558
1098 18558
1099 18558
1102 18558
1104 18558
1106 18558
1108 18558
1120 18558
1126 18558
1131 18558
1132 18558
1138 18558

10 CFR
20 18525
Proposed Rules:
2 18558

13 CFR
123 18526

17 CFR
15 18528
16 18528
17 18528
18 18528
21 18528
230 18531
239 18531
250 18532
251 18535
Proposed Rules:
230 18559

27 CFR
72 18536

30 CFR
936 18536
944 18541

39 CFR
Proposed Rules:
111 18560

40 CFR
Proposed Rules:
61 (2 documents) 18561

44 CFR
65 18546
67 18546
Proposed Rules:
67 (3 documents) 18562, 18563

46 CFR
536 18549

47 CFR
1 18551
73 (2 documents) 18556, 18557

49 CFR
Proposed Rules:
20 18666

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Title 3

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Federal Register
Vol. 46, No. 57
Wednesday, March 25, 1981

Presidential Documents

Title 3—

The President

Proclamation 4827 of March 20, 1981

Pan American Day and Pan American Week, 1981

By the President of the United States of America

A Proclamation

Since its first observance fifty years ago, Pan American Day has served as an annual reminder of the common ideals of the nations of this hemisphere, further strengthening our peoples' bonds.

Commitment to such common goals among nations is an example for the world. Such cooperation has as its first priority the resolution of differences through peaceful conciliation and arbitration. The Organization of American States has provided a valuable framework for such progress to be made.

Through increased awareness and mutual cooperation, the Pan American nations strive to promote peace and stability in the region, as well as economic, social and cultural development. Pan American Day commemorates the voluntary cooperation of our countries in achieving solidarity of purpose while maintaining individuality of culture and tradition.

On this Pan American Day of 1981, the people of the United States extend warm greetings to their neighbors in the Americas, and reaffirm their commitment to the spirit of solidarity, the ideals and purposes of the Inter-American system, and their active support of the Organization of American States.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Tuesday, April 14, 1981, as Pan American Day, and the week beginning on April 12, 1981, as Pan American Week; and I urge the Governors of the fifty States, and the Governor of the Commonwealth of Puerto Rico, and officials of the other areas under the flag of the United States of America to honor these observances with appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of March in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred fifth.

Ronald Reagan

[FR Doc. 81-9252
Filed 3-24-81; 11:05 am]
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Presidential Documents

Proclamation 4828 of March 20, 1981

Cancer Control Month

By the President of the United States of America

A Proclamation

This year an estimated 805,000 Americans will be diagnosed as having cancer. About 134,000 cancer patients will die who might have been saved by earlier diagnosis and prompt treatment.

While cancer is often called the disease Americans fear most, it is also now one of the most manageable chronic diseases in our country. We are approaching the day when, through surgery, chemotherapy and radiotherapy, half of the most serious forms of cancer can be cured.

Although we still face an enormous struggle in treating this disease, we must reaffirm today our ultimate goal—the cure of all those struck by this dread disease.

In addition to improving treatment for cancer patients, we must also reduce the incidence of this disease. In view of increasing evidence that a majority of cancers are related to environment and life-style, the major effort of Federal research today is in these areas.

Vigorous cancer research, directed to both treatment and prevention, must continue. All of us look to the day when this disease has been eradicated as a major threat to American lives.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1981 as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag to issue similar proclamations.

To give emphasis to this serious problem and to encourage the determination of the American people to meet it, I also ask the medical and health professions, the communications industries, and all other interested persons and groups to unite during this appointed time in public reaffirmation of our Nation's abiding commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of March in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-9259
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Rules and Regulations

Federal Register
Vol. 46, No. 57
Wednesday, March 25, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Environmental Radiation Protection Standards for Nuclear Power Operations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to incorporate the existing Environmental Protection Agency requirement for certain uranium fuel cycle licensees to comply with the EPA's "Environmental Radiation Protection Standards for Nuclear Power Operations". These standards require certain uranium fuel cycle facilities to be operated such that releases of radioactive materials and resulting radiation doses to the public are below specified limits. The amendments also require licensees to submit reports to NRC when those standards have been or may be exceeded.

EFFECTIVE DATES: The effective dates for the existing requirement to comply with EPA's 40 CFR Part 190 are already specified in 40 CFR 190.12: December 1, 1979 for most operations; December 1, 1980 for uranium mills; and January 1, 1983 for discharges of krypton-85 and iodine-129. The effective date for these amendments to 10 CFR Part 20 is June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John W. N. Hickey, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone: (301) 443–5906).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) is amending its regulations in 10 CFR Part 20, "Standards for Protection Against Radiation," to incorporate the existing Environmental Protection Agency (EPA) requirement for compliance with 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations." The EPA published 40 CFR Part 190 on January 13, 1977 (42 FR 2858). In accordance with a Memorandum of Understanding between EPA and the former Atomic Energy Commission (38 FR 24936, September 11, 1973), NRC is responsible for enforcing the provisions of 40 CFR Part 190 for NRC licensees.

Title 40 CFR Part 190 requires certain uranium fuel cycle facilities to be operated so that releases of radioactive material and resulting radiation doses to the public are below specified limits. The effective dates for compliance are December 1, 1979 for most operations; December 1, 1980 for uranium mills; and January 1, 1983 for discharges of krypton-85 and iodine-129. The regulation provides that under certain circumstances variances may be granted by the regulatory agency responsible for enforcing 40 CFR Part 190.

The amendments to NRC regulations state that NRC licensees must comply with 40 CFR Part 190, and require licensees to submit reports to NRC when 40 CFR Part 190 limits have been or may be violated.

The NRC has submitted these amendments to the Comptroller General for such review as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirement of this rule becomes effective reflects inclusion of the 45-day period which that statute allows for such review (44 U.S.C. 3513(c)(2)).

As discussed in the notice of proposed rulemaking, the Commission has concluded that an environmental impact statement for the amendments is not required, because they will not significantly affect the quality of the human environment.

The amendments were published for public comment on April 17, 1980 (45 FR 26072), with comments requested by June 16, 1980. Timely comments were received from Northeast Utilities, Duke Power Company, Consumers Power Company, and the County of San Diego. The public comments are available for free inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, Washington, D.C. 20555. No significant adverse comments or questions were received on the proposed amendments during the public comment period.[1] Therefore, they are being published in final form with only one minor change. Following is a discussion of the issues raised by the public comments.

1. One comment stated that the amendments were unnecessary because licensees are already required to comply with 40 CFR Part 190. The purpose of the amendments is to incorporate the existing 40 CFR Part 190 requirements into NRC regulations to make it more clear that compliance with 40 CFR Part 190 is required.

2. One comment stated that the requirements of 40 CFR Part 190 and 10 CFR Part 50 Appendix I should be combined, because both regulations relate to radioactive releases from nuclear power reactors. This is not practical because 40 CFR Part 190 also applies to fuel cycle facilities other than power reactors, and because the two regulations are not identical. However, whenever possible, the NRC staff is avoiding unnecessary duplicative requirements for reactors by combining release limits and reporting requirements for 40 CFR Part 190 with existing Appendix I requirements in individual licensees' technical specifications.

3. One comment expressed concern that 40 CFR Part 190 applied to combined radiation doses from all fuel

[1] In October, 1980 approximately four months after the comment period closed, several operators of uranium mills jointly filed later comments on this proposed rule. They basically requested the Commission to defer implementation of the NRC program to enforce Part 190 at uranium mills. Recognizing that their comments were late, these operators requested in the alternative that their filing be treated as a petition to rescind any NRC regulations imposing Part 190 requirements on uranium mills. In a separate action, the American Mining Congress also moved the Commission in October, 1980 to stay implementation and enforcement of Part 190 at NRC licensed uranium mills. The Commission is currently considering these filings. However, the issuance of these amendments as a final rule needs not be delayed. For the most part, these amendments simply incorporate into 10 CFR Part 20 the NRC's already existing responsibility to enforce 40 CFR Part 190 at fuel cycle facilities including uranium mills. Issuance of these amendments as a final rule does not modify that responsibility. Thus, because these amendments do not change the status quo regarding the Commission's authority, they can be issued before the Commission reaches a decision on pending requests to delay enforcement of Part 190.

cycle facilities, making it difficult to determine compliance. EPA addressed this issue when 40 CFR Part 190 was published. EPA stated: "* * * in the vast majority of situations, the sum of all reasonably postulable contributions from sources other than the immediate site will be small compared to these standards and should be ignored in assessing compliance" (42 FR 2858, January 13, 1977).

4. One comment pointed out that 40 CFR Part 190 allows for licensees to obtain variances to exceed 40 CFR Part 190 limits under temporary and unusual conditions, and requested NRC to specify procedures for obtaining such variances. Because variances will be considered only in unusual cases, it is preferable to treat each case on an individual basis. This is consistent with existing NRC regulations, which do not specify procedures for obtaining variances to exceed regulatory limits. Rather, 10 CFR § 20.501 states, "The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property."

One minor clarifying change related to variances was made to the proposed rule. When a licensee submits to NRC a report of excessive radioactive releases, the description of corrective steps taken or planned shall include the schedule for achieving conformance with 40 CFR Part 190 and associated license conditions. This is consistent with 40 CFR 190.11, which requires that a regulatory agency granting a variance should make public the schedule for achieving conformance with 40 CFR Part 190.

5. One comment stated that licensees should have 60 days to report violations of 40 CFR Part 190 to NRC, rather than the 30 days specified in the proposed rule. The reason given was that licensees need more time to perform calculations associated with assessing compliance. The NRC staff has concluded that the 30-day requirement is reasonable. Specific license conditions which implement this requirement for individual facilities will allow reasonable time to gather data and perform dose calculations as appropriate.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, the following amendments are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. A new paragraph (c) is added to § 20.105 to read as follows:

§ 20.105 Permissible levels of radiation in unrestricted areas.

* * * * *

(c) In addition to other requirements of this part, licensees engaged in uranium fuel cycle operations subject to the provisions of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations," shall comply with that part.

2. Paragraph (f) of § 20.106 is revised, and a new paragraph (g) is added, to read as follows:

§ 20.106 Radioactivity in effluents to unrestricted areas.

* * * * *

(f) The provisions of paragraphs (a) through (e) of this section do not apply to disposal of radioactive material into sanitary sewerage systems, which is governed by § 20.303.

(g) In addition to other requirements of this part, licensees engaged in uranium fuel cycle operations subject to the provisions of 40 CFR Part 190, "Environmental Radiation Protection Standard for Nuclear Power Operations," shall comply with that part.

3. Paragraph (b) of § 20.405 is revised, and a new paragraph (c) is added, to read as follows:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

* * * * *

(b) Any report filed with the Commission pursuant to paragraph (a) of this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's exposure. The report shall be prepared so that this information is stated in a separate part of the report.

(c) In addition to any notification required by § 20.403, each licensee shall make a report in writing within 30 days to the appropriate NRC Regional Office listed in Appendix D, with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of levels of radiation or releases of radioactive material in excess of limits specified by 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations," or in excess of license conditions related to compliance with 40 CFR Part 190. Each report required under this paragraph shall describe the extent of exposure of individuals to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels or concentrations; and corrective steps taken or planned to assure against a recurrence, including the schedule for achieving conformance with 40 CFR Part 190 and associated license conditions.

* * * * *

(Section 161b., 161o., Pub. L. 83-703, 68 Stat. 948, 950 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413, (42 U.S.C. 5841); Memorandum of Understanding between the Environmental Protection Agency and the Atomic Energy Commission, August 1972, 38 FR 24636, September 11, 1973)

Dated at Washington, D.C., this 17th day of March, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission

[FR Doc. 81-8860 Filed 3-24-81; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

[Rev. 9, Amt. 17]

Disaster Loans; Changes in Eligibility

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: In recognition of severe funding limitations in the face of unprecedented demand for drought disaster assistance, changes in eligibility are necessary to assure the continuing availability of recovery assistance to all disaster victims. Due to the emergency nature of these changes, they will become effective March 19, 1981, for disaster loans approved on or after that date. The changes affect the rules for disaster declarations and will reduce the amounts of physical disaster loans (other than home loans) to not more than 60% of verified loss. Economic injury loans will not exceed $100,000. Business disaster loans will be made only to concerns unable to obtain the financial assistance from their own or their principals' resources or credit.

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Questions may be addressed to: Charles R. Hertzberg, Acting Director, Disaster Operations, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, [202] 653-6574.

SUPPLEMENTARY INFORMATION: The drought catastrophes of the past summer have placed a severe strain on funds available for disaster assistance. In

addition, the critical national economic and fiscal circumstances preclude supplemental appropriations. The President has therefore directed that SBA adopt policies, forthwith, intended to ensure that SBA's Disaster Loan Fund operate within its total budgetary resources of $2.379 billion for the entire 1981 fiscal year. For these reasons, SBA avails itself of its authority pursuant to § 123.0(a) of its Disaster Loan regulation, 12 CFR 123.0(a), to change without advance notice certain regulations affecting disaster business loans. The Acting Administrator has determined that the need to resume Disaster Loan Assistance immediately to eligible persons in a rational and equitable way within the Small Business Administration's limited resources presents a circumstance contemplated by 13 CFR 101.9 and 123.0(a), thus rendering impracticable and contrary to the public interest any delay in the effectuation of these amendments. The rules for disaster home loans remain unchanged.

The amended regulations provide that disaster declarations will be made by SBA if at least 25 homes and/or businesses have suffered uninsured losses of at least 40% of their estimated fair replacement value, or at least 3 businesses have been damaged to the same extent and at least a quarter of the workforce in the community would be unemployed for at least 90 days as a result of such damage. The provision for a disaster declaration, based on 200 victims who have suffered any damage, is repealed.

No loan will be approved where SBA determines that the requested assistance is available to the damaged business either through the resources or the personal credit of the applicant concern or through its principals, as provided in 13 CFR 120.2(a)(2).

Physical disaster loan amounts will not exceed 60% of the verified loss suffered by a business concern. (It may be necessary, to insure repayment ability, that the remaining 40% will be required from other sources.) Economic injury disaster loans [Sec. 7(b)(2) of the Small Business Act, as amended (15 USC § 636)] will not be subject to the 60% limit but may not exceed $100,000.

The emergency nature of the circumstances surrounding the promulgation of these amendments makes public participation in this rulemaking procedure impractical and contrary to the public interest. SBA is publishing the rule as a final rule at this time, and is not providing an opportunity for public comment, in reliance on section 553(a)(2) of the Administrative Procedure Act ("APA"), 5 U.S.C. 553(a)(2) which provides that matters relating to loans, contracts and benefits are exempted from the public participation provisions of the Act. See also § 101.9 of SBA regulations, 13 CFR 101.9. In view of the APA exemption, no regulatory flexibility analysis is required by Pub. L. 96-354, 5 U.S.C. 603 and 604.

Finally, in accordance with section 6(a)(1) of Executive Order 12291, we are presently preparing and will transmit to the Director of the Office of Management and Budget as soon as practicable, a Regulatory Impact Analysis for these amendments.

Accordingly, and pursuant to the authority of section 5(b)(6) of the Small Business Act, as amended, 15 U.S.C. 634(b)(5), Part 123, Chapter I of Title 13 of the Code of Federal Regulations is amended as follows:

1. Section 123.1(a)(2) is revised to read as follows:

§ 123.1 General.

(a) *Disaster loan authority.* * * *

(2) Minimum damage requirements generally required for a declaration. A physical disaster declaration by the Administrator of SBA is based solely on physical property damage to items such as buildings, machinery, equipment, inventory, homes and the like of such an extent as to warrant such a declaration. The Administrator of SBA has no legal authority to make any physical disaster declaration based solely on the fact that economic injury has been incurred. The minimum amount of damage that SBA usually requires before making a physical disaster declaration is (i) At least 25 homes or 25 businesses, or a combination of at least 25 homes and businesses, in any county or other political subdivision that have sustained uninsured losses of at least forty (40) percent or more of their estimated fair replacement value. (Note: a business activity being conducted over several contiguous parcels of property, such as all growing crops in contiguous fields, is considered a single operation) or (ii) At least three businesses have sustained uninsured losses of at least forty (40) percent or more of their estimated fair replacement value and, as a result, 25 percent of the work force in the community would be unemployed for at least 90 days as a direct result of the physical damage.

* * * * *

§ 123.3 [Amended]

2. Section 123.3(a)(1) is revised to read as follows:

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or homes (including a mobile home used as a residence of the applicant) or business property as nearly as possible to predisaster condition. Such business loans shall be made to the extent that the required financial assistance is not otherwise available from private sources, see § 120.2(a)(2) of this Chapter. A loan to an individual may be used to repair or replace damaged or lost furniture and other household belongings or personal effects, except for irreplaceable or extraordinarily expensive items. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If the disaster victim elects to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property. SBA's lien position shall be at least as strong as it would have been if the victim had restored in the original location; and loans to relocate a 1 to 4 family residential structure will be subject to the Real Estate Settlement Procedures Act of 1974.

3. Section 123.3(a)(2)(i) is revised to read:

(a) *Physical—less disaster assistance.* * * *

(2) *Refinancing.* * * *

(i) the property suffered uninsured damage of 30 percent or more of the market value at the time of the disaster, and * * *.

4. Section 123.3(b) is revised to read as follows:

* * * * *

(b) *Substantial economic injury assistance.* The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture, or SBA declared physical disaster. Personal and/or business resources must be used by the applicant to the greatest extent feasible to alleviate the injury incurred, see § 120.2(a)(2) of this Chapter. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized net profits or a drop in sales not disaster-related may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any dividends, distributions, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

5. Section 123.3(m)(2) is revised to read as follows:

* * * * *

(m) *Economic dislocation loan assistance.* * * *

(2) Refinancing of existing debt is permissible if such refinancing does not reduce the exposure of any other lender. Thus, refinancing is limited to debts owed to commercial lenders as defined in § 123.1(c)(2) who will participate with SBA in a guaranteed or immediate participation loan at least retaining their prior exposure, but in no event less than 10 percent.

§ 123.5 [Amended]

6. Section 123.5(a) is revised to read as follows:

(a) Physical disaster loans to businesses shall not exceed sixty (60) percent of the actual physical loss resulting from the disaster [except as permitted by §§ 123.3(a)(2) and 123.3(h)] and shall not [except for those described in § 123.3(h)] exceed $500,000 for SBA's share in the aggregate for any one disaster. Economic injury disaster loans [described in § 123.3(b)] shall not exceed the amount of economic injury and are subject to a maximum of $100,000. Economic injury loans under § 123.3 (c) through (l) are not subject to the $100,000 maximum.

* * * * *

7. Section 123.5(a)(1) is removed.

8. Section 123.5(a) (2) through (5) are hereby renumbered § 123.5(a) (1) through (4).

(Catalog of Federal Domestic Assistance Programs Nos. 59.002 (Economic Injury Disaster Loans) and 59.008 (Physical Disaster Loans))

Dated: March 19, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-9000 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 15, 16, 17, 18 and 21

Reporting Open Positions, Deliveries and Exchanges of Futures for Physicals

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending Parts 15–18 and 21 of its regulations pertaining to reporting requirements for contract markets, futures commission merchants (FCMs), foreign brokers and large traders. The amendments to Part 17 will require FCMs and foreign brokers to report the number of exchanges of futures for physicals (EFPs) and delivery notices issued or stopped against open futures positions in accounts which are being reported to the Commission. These amendments will allow the Commission to obtain more complete and timely surveillance information concerning EFPs and deliveries.

The Commission is also effecting amendments to its reporting and publication requirements which will enable the Commission to obtain open interest data from all contract markets and futures position data from all FCMs, foreign brokers and large traders which are determined exclusive of delivery notices issued or received. This action should simplify both bookkeeping procedures for FCMs and clearing members and those procedures which the Commission utilizes in its market surveillance program.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Telephone (202) 254–3310.

SUPPLEMENTARY INFORMATION: On August 27, 1980, the Commission published for public comment[1] the following proposed amendments to its reporting requirements:

1. Amendments to Part 17 of the Commission's regulations to require FCMs and foreign brokers to report the number of EFPs and the number of delivery notices issued and stopped for individual accounts which are reported to the Commission; and

2. Amendments to Parts 15–18 and 21 of the Commission's regulations which would require contract markets, large traders, FCMs and foreign brokers to report open interest and open positions exclusive of futures contracts against which delivery notices have been issued or stopped.

In addition to these specific proposals, the Commission also sought public comment on issues concerning the practice of allowing traders to hold contracts representing long and short positions in the same future of the same commodity, whether such positions should be included in published open figures and the extent to which such practices have caused problems.[2]

FCM and Foreign Broker Reporting of EFP and Delivery Information

The Commission routinely obtains EFP and delivery information from individual traders on the series '03 report. However, as the Commission previously noted, the information concerning deliveries reported by traders who are not located in a city in which the Commission maintains an office, is generally not received in sufficient time to permit the Commission to adjust its surveillance to a fluid and fast changing market situation.[3] In addition, under Commission Rule 18.07,[4] traders located outside of the United States are not required to routinely file series '03 reports for any commodity regulated under the Act but not specifically set forth in Section 2(a) of the Commodity Exchange Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974.

Thus, because '03 reports are neither timely nor complete, it has been necessary for Commission staff to contact FCMs on a routine basis in order to determine whether certain accounts have issued or stopped delivery notices or exchanged futures for physicals. Since it is at best difficult and time consuming to attempt to gain an accurate picture of the liquidation of a maturing future in this manner, the Commission proposed to make the filing of EFP and delivery information a routine requirement for FCMs and foreign brokers. In addition, the Commission noted that this requirement would be necessary if in the future it determined to eliminate the routine filing of series '03 reports by large traders.[5]

No FCMs commented on this proposed rule. Other commentators stated that they perceived no advantage to the adoption of such a requirement, since the Commission currently receives daily information on EFPs and deliveries by clearing member FCMs from each contract market. These commentators suggested that the Commission obtain

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[1] 45 FR 57141.

[2] In the August 27, 1980, Federal Register release, the Commission also published a proposal which would have required exchanges to collect and process large trader information similar to that which the Commission obtains from FCMs and foreign brokers. The Commission is continuing its consideration of that part of its proposal.

[3] Under Rule 18.03, 17 CFR § 18.03 (1980), if a reporting trader is located in a city in which the Commission maintains an office, reports must be filed with such office on the business day following the day covered by the report. If the reporting trader is located elsewhere, reports are transmitted by mail, postmarked not later than midnight of the day covered by the report. Depending upon the speed of the postal service, this information is received by the Commission from a substantial number of traders three or four days after the trading day for which the report is filed. See 45 FR 57143 (August 27, 1980).

[4] 17 CFR § 18.07 (1980).

[5] See 45 FR 57143–44 (August 27, 1980).

information as necessary on individual traders by directly contacting FCMs.

The Commission disagrees with these comments. Those methods recommended by commentators for obtaining EFP and delivery information correspond generally to the manner in which the Commission presently obtains information. As noted above, this method is lacking in several respects. Moreover, since adoption of this rule amendment may in the future allow the Commission to reduce the reporting burden on the trading public by eliminating the routine filing of series '03 reports, the Commission has determined to adopt its amendments as proposed.

Positions Against Which Delivery Notices Have Been Issued or Stopped

Practices of contract markets, FCMs and traders in determining open interest vary according to whether a position against which delivery notices which have been issued by the clearing organization of a contract market or stopped by traders are open or closed for reporting purposes. Varying practices in this regard are due to the fact that contract markets, FCMs and foreign brokers which were regulated by the Commission's predecessor agency, the Commodity Exchange Authority (CEA), prior to the enactment of the Commodity Futures Trading Act of 1974[6] were instructed to consider futures positions open until delivery occurred. Contract markets which came under regulation after enactment of the Commodity Futures Trading Commission Act of 1974, however, generally report and publish open interest figures net of delivery notices issued. Several exchanges had requested that the Commission reconsider CEA's views on this issue.

The Commission has carefully considered this matter and determined that the present disparity in reporting practices has resulted in unwarranted costs for FCMs. For example, several FCMs have commented that the existing reporting requirements have forced them to keep two sets of books—one for clearing organization procedures, another for Commission reporting purposes. Lack of consistency among clearing organizations has further complicated the task of bookkeeping for those FCMs which are members of different exchanges. Further, certain reporting traders who commented expressed the view that it was burdensome to report positions against which delivery notices have been issued or stopped, particularly since, in certain commodities, as many as 75 days may transpire between the time a notice is issued and delivery occurs.[7]

The Commission has determined it desirable that open interest and open position information be determined in the same manner. This approach would eliminate the Commission's current practice of manually adjusting data before it is published or used for market surveillance purposes. Further, the Commission has noted its need for timely data.[8] In this respect, if persons who are required to report do not reduce positions until delivery day, the reporting of important surveillance information is delayed.

In order to ameliorate the above problems, the Commission proposed amendments to its reporting requirements which would standardize the manner in which open interest and open positions are determined with respect to delivery notices issued and stopped. In particular it proposed that for reporting purposes, open interest and open positions be reduced when a delivery notice is issued by the clearinghouse of a contract market or stopped by a trader.[9]

Although no commentators opposed the proposals to standardize the manner in which open interest and open positions are determined, several commentators noted that standardization should not be an end in itself. One commentator suggested that requirements and circumstances peculiar to various markets may dictate the adoption of divergent procedures. Other commentators, however, noted the benefits of such standardized procedures with respect to the bookkeeping procedures for FCMs and clearing members. The Commission has determined that considerable benefits may accrue from standardization of the manner in which open interest is determined not only by end users of the data, such as the Commission, but also by those who initially provide the data to the exchanges, namely their members. Accordingly, the Commission is adopting its amendments to the reporting requirements as proposed.

Traders Long and Short the Same Future of a Commodity

The Commission has also requested comment on the practice of traders holding long and short open futures positions in the same future of a commodity. The Commission noted that this practice has resulted in overstatements of published open interest figures and questioned whether this practice served any purpose. The Commission requested comment concerning any problems which may have resulted from this practice.[10]

No comments were received that would indicate problems were posed by current practices in this area. In addition, commentators offered several examples of potential benefits which could result from this practice. Accordingly, the Commission has determined it will take no further action concerning this question until such time as problems are identified that would warrant reconsideration of the issue.

The Commission has determined that the provisions of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 *et seq.*, do not apply to this rulemaking proceeding. See Section 4 of the Regulatory Flexibility Act, 94 Stat. 1170.

In consideration of the foregoing and pursuant to its authority under Section 4g, 4i, 5(d), and 8a(5) of the Commodity Exchange Act, 7 U.S.C., §§ 6g, 6i, 7(d) and 12a(5) (1978), the Commission hereby amends Parts 15, 16, 17, 18 and 21, of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 15—REPORTS—GENERAL PROVISIONS

1. Section 15.00 is amended by revising paragraph (b) as follows:

§ 15.00 Definition of terms used in Parts 15 to 21 of this chapter.

* * * * *

(b) "Reportable position" means:

(1) Any open contract position in any one future of any commodity on any one contract market, excluding positions against which notices of delivery have been stopped by a trader or issued by the clearing organization of a contract market, which at the close of the market on any business day, equals or exceeds the quantity specified below for reporting purposes for the particular commodity:

(i) For the purposes of reports required by Part 17 and § 18.04, the quantity specified in § 15.03(a).

(ii) For the purposes of reports required by § 18.00, the quantities specified in § 15.03(c).

(2) For the purposes of reports required by Part 19 any open contract position in any one future or all futures combined, either gross long or gross short, of any commodity on any one contract market, excluding positions against which notices of delivery have been stopped by a trader or issued by the clearing organization of a contract

[6] 88 Stat. 1389, *et. seq.*

[7] 45 FR 57141, 57145.

[8] *Ibid.*, at 57143.

[9] *Ibid.*, at 57147.

[10] *Ibid.* at 57148.

market which, at the close of the market on the last business day of the week, equals or exceeds the quantity fixed in § 15.03(b) for reporting purposes for the particular commodity.

* * * * *

PART 16—REPORTS BY CONTRACT MARKETS

2. Section 16.00 is amended by revising paragraphs (a) and (e) as follows:

§ 16.00 Information to be furnished by contract markets.

* * * * *

(a) The total of all long open contracts and the total of all short open contracts carried at the end of the day covered by the report, excluding the number of contracts against which delivery notices have been stopped or against which delivery notices have been issued by the clearing organization of the contract market.

* * * * *

(e) The quantity of the commodity for which delivery notices have been issued by the clearing organization of the contract market and the quantity for which notices have been stopped during the day covered by the report.

3. Section 16.02 is amended by revising paragraphs (c) and (d) as follows:

§ 16.02 Publication of volume of trading and open contracts.

* * * * *

(c) The total gross open contracts excluding contracts against which delivery notices have been stopped.

(d) Open contracts against which delivery notices have been stopped on the day for which publication is made.

* * * * *

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

4. Section 17.00 is amended by revising paragraph (a) in its entirety as follows:

§ 17.00 Information to be furnished by futures commission merchants and foreign brokers.

(a) Special Accounts—Reportable Positions and Delivery Notices. (1) Each futures commission merchant and each foreign broker, except a foreign broker who carries all accounts on a fully disclosed basis with a registered futures commission merchant, shall submit a report to the Commission for each business day with respect to all Special Accounts, including house accounts, carried by futures commission merchant or foreign broker. Such report shall be made on the appropriate series '01 form and shall show each reportable position, separately for each contract market and for each future, in such account as of the close of the market on the day covered by the report. In addition, for each Special Account, for the day covered by the report, a futures commission merchant or foreign broker shall show, separately for each contract market and for each future in the commodity for which a report is filed, the quantity of exchanges of futures for physicals and the number of delivery notices issued for the account by the clearing organization of a contract market and the number stopped by the account.

(2) A report covering the first day upon which a Special Account shows a reportable position in a particular future shall also show for the preceding business day:

(i) The position in such future account;

(ii) Exchanges of futures for physicals for the account;

(iii) Delivery notices for such future issued for the account by the clearing organization of the contract market on which delivery will occur; and

(iv) Delivery notices for such future stopped by the account.

(3) A report showing the information specified in paragraphs (a)(2)(i)–(iv) of this section shall also be filed covering the first day when any account theretofore in Special Account status is no longer in such status.

* * * * *

PART 18—REPORTS BY TRADERS

5. Section 18.00 is amended by revising the introductory text, and paragraphs (a) and (c) as follows:

§ 18.00 Information to be furnished by traders.

Every trader who holds or controls a reportable position shall submit reports to the Commission. A report shall be filed for the first day on which such trader acquires a reportable position, for each day thereafter on which he has transactions in any future of each commodity on any contract market and for the first day on which he no longer holds or controls a reportable position. In addition, a report shall be filed for the day on which delivery notices are issued by the clearing organization of a contract market against short futures positions of the trader in the commodity in which the trader is reportable and for the day on which the trader stops delivery notices against long futures positions in such commodity. Each such report shall be prepared on the appropriate series '03 form, on a separate sheet for each commodity, and shall show for the day covered by the report the following information, separately for each future and for each contract market:

(a) *Open contracts.* The quantity of all open contracts, regardless of size (except those contracts against which delivery notices have been stopped or against which delivery notices have been issued by the clearing organization of the contract market upon which delivery will occur), in each future of such commodity on all contract markets, broken down to show the quantity classified as hedging (as defined in § 1.3(z)) and the quantity classified as speculative (including spreading or straddling.

* * * * *

(c) Delivery notices issued and stopped. The quantity of the commodity against which notices of delivery have been issued by the clearing organization of the contract market on which delivery will occur and the quantity against which notices have been stopped by the trader.

* * * * *

6. Section 18.00 is further amended by removing paragraph)h)(2)(v), and by redesignating paragraph (h)(2)(vi) and paragraph (h)(2)(vii) as paragraphs (h)(2)(v) and (h)(2)(vi) respectively.

* * * * *

PART 21—SPECIAL CALLS FOR INFORMATION FROM FUTURES COMMISSION MERCHANTS, FOREIGN BROKERS AND MEMBERS OF CONTRACT MARKETS

7. Section 21.02 is amended by revising paragraph (b) as follows:

§ 21.02 Special calls for information on open contracts in accounts carried by futures commission merchants, members of contract markets and foreign brokers.

* * * * *

(b) The open contracts held or controlled by such traders in each future excluding contracts against which delivery notices have been stopped or against which delivery notices have been issued by the clearing organization of the contract market upon which delivery will occur.

* * * * *

Issued by the Commission on March 19, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-8908 Filed 3-24-81; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 239

[Release No. 33-6301]

Adoption of Notice-of-Sales Forms for Transactions Pursuant to Section 4(6) and Rule 242

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of amendments to notice-of-sales forms.

SUMMARY: The Commission is adopting in final form a notice-of-sales form to be used by issuers that sell their securities in reliance upon new Section 4(6) of the Securities Act of 1933. Section 4(6) provides an exemption from registration under the Securities Act of 1933 for offers and sales of securities by any issuer solely to one or more "accredited investors" if the aggregate offering price does not exceed the amount allowed under Section 3(b) of that Act. The exemption requires the issuer to file a notice of such sales with the Commission on such forms as the Commission shall prescribe. This form is adopted today in response to the legislative amendments included in the Small Business Investment Incentive Act of 1980. The Commission, in addition, is adopting technical conforming amendments to Form 242 to reflect similar amendments to Form 4(6), and a technical conforming amendment to the instructions in Rule 242 regarding the use of Form 242.

EFFECTIVE DATE: April 24, 1981.

ADDRESS: Copies of revised Form 4(6) and Form 242 will be available from each of the Commission's Regional Offices and the headquarters office, 500 North Capitol Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Suzanne Brannan, (202) 272-2644, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that it is adopting in final form Form 4(6) [17 CFR 239.246], a notice-of-sales form to be used by issuers that sell their securities in reliance upon Section 4(6)[1] of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.]. Section 4(6) was included in the Securities Act pursuant to the recently enacted Small Business Investment Incentive Act of 1980 (the "1980 Act") [Pub. L. No. 96-477 (October 21, 1980)]. It provides an exemption from the registration provisions of the Securities Act for transactions involving offers and sales of securities by an issuer solely to one or more "accredited investors"[2] if the aggregate price does not exceed the amount allowed under Section 3(b) of the Securities Act.[3] No advertising or public solicitation is permitted in connection with such transactions, and the issuer is required to file a notice of such sales with the Commission on such forms as the Commission shall prescribe.

In order to permit issuers immediately to utilize Section 4(6), the Commission adopted Form 4(6), effective November 14, 1980, on an interim basis, and sought public comment with respect to the form and content of a final notice.[4]

Discussion

The primary purpose of the Form 4(6) notice requirement is to elicit information which the Commission expects will be necessary in addressing the effectiveness of the exemption as a capital-raising device for small business in a manner that is consistent with the public interest and the protection of investors.[5] Form 4(6) is designed to enable an issuer to respond to most questions by simply checking boxes or by filling in blanks. In response to its request for comment on interim Form 4(6) the Commission received one comment letter. Based partly on this commentary and primarily on its further review of Form 4(6), the Commission has determined to make the following technical amendments to the Form which are designed to result in a simpler, more understandable form for the user: (1) former Part C, Brief Narrative Information About the Issuer, has been combined with Part A, Basic Identification of Issuer; (2) the ranges provided for answering statistical information about the issuer in Part B have been revised; (3) former item B.6. regarding the number of shares held by non-affiliated shareholders has been deleted and a new item calling for the percentage of shares outstanding held by non-affiliated persons and an instruction defining "non-affiliated person" included; (4) former item B.9. regarding part-time employees has been deleted, and item B.8 has been revised to call for the number of full-time equivalent employees, and a definition of the term "full-time equivalent employees" has been included; and (5) item C.4. in Form 4(6), and item C.5. in Form 242, will contain spaces to subtract expenses in connection with the issuance from the aggregate offering price to arrive at the figure for adjusted gross proceeds.

Amendments to Form 242

Rule 242 [17 CFR 230.242] promulgated under Section 3(b) of the Securities Act, provides an exemption from registration for sales of securities by domestic or Canadian corporate issuers to an unlimited number of accredited persons as defined in the rule, and to 35 non-accredited persons. Form 4(6) is substantially similar to Form 242, the notice-of-sales form required by issuers for securities issued pursuant to Rule 242, except certain information that would be inapplicable to Section 4(6) offering has been deleted. In view of the substantial similarity in purpose and content of Form 4(6) and 242, the Commission has determined that

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[1] Section 4 of the Securities Act of 1933 ("Securities Act") provides, in pertinent part, that the provisions of Section 5 shall not apply to:

(6) transactions involving offers or sales by an issuer solely to one or more accredited investors, if the aggregate offering price of an issue of securities offered in reliance on this paragraph does not exceed the amount allowed under Section 3(b) of this title, if there is no advertising or public solicitation in connection with the transaction by the issuer or anyone acting on the issuer's behalf, and if the issuer files such notice with the Commission as the Commission shall prescribe.

[2] New Section 2(15) of the Securities Act provides:

(15) the term "accredited investor" shall mean—

(i) a bank as defined in section 3(a)(21) of the Act whether acting in its individual or fiduciary capacity; an insurance company as defined in section 2(13) of the Act; an investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2(a)(48) of that Act; a Small Business Investment Company licensed by the Small Business Administration; or an employee benefit plan, including an individual retirement account which is subject to the provisions of the Employee Retirement Income Securities Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act, which is either a bank, insurance company, or registered investment adviser; or

(ii) any person who, on the basis of such factors as financial sophistication, net worth, knowledge, and experience in financial matters, or amount of assets under management qualifies as an accredited investor under rules and regulations which the Commission shall prescribe.

[3] As amended by Section 301 of the 1980 Act, the ceiling amount of Section 3(b) is $5,000,000.

[4] *See* Securities Act Release No. 6256 (November 7, 1980) [45 FR 75182] ("Interim Form Release").

[5] In its report on S. 2960, which proposed Section 4(6) as finally adopted by the House, the Senate Committee on Banking, Housing and Urban Affairs stated that it "anticipates that the Commission will monitor the effectiveness of the exemption to evaluate whether it is consistent with the underlying objectives of the federal securities laws to protect the integrity of the securities markets and fosters investor confidence in the capital formation process." S. Rep. No. 958, 96th Cong., 2d Sess., at 45 [1980].

technical amendments similar to those being made to Form 4(6) should be made in Form 242.

Amendment to Rule 242

Paragraph (h) of Rule 242 provides instructions regarding the filing and updating of Form 242. In view of the reformatting of certain items in Form 242 as described above, the Commission is adopting a technical amendment to Rule 242(h)(3) to reflect the appropriate items of Form 242 as revised.

Procedural Matters

In view of the substantial similarity in purpose and content of Forms 242 and 4(6), and in view of the technical and clarifying nature of the amendments, the Commission believes it is appropriate to adopt Form 4(6) in final form and the amendments to Form 242 and Rule 242. Accordingly, the Commission pursuant to Section 553(b) of the Administrative Procedure Act [5 U.S.C. 553(b)] for good cause finds that prior notice and comment is impracticable, unnecessary, and contrary to the public interest.

Regulatory Flexibility Act Considerations

The Commission believes that the requirement for a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act [5 U.S.C. 604(b)] is inapplicable because Form 4(6) was adopted prior to the effective date of that act, and because the amendments to Form 4(6), Form 242, and Rule 242 are considered technical and are not being published for notice and comment pursuant to the Administrative Procedure Act.

Text of Amendments

Part 239 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. By adding § 239.246, to read as follows:

§ 239.246 Form 4(6), notice-of-sales of securities pursuant to section 4(6) of the Securities Act of 1933.

(a) Five copies of a notice on this form shall be filed with the Commission:

(1) No later than 10 days after the first sale of securities in any issue is made in reliance on section 4(6) of the Securities Act of 1933.

(2) No later than 10 days after the completion date of the offering of such issue: *Provided, however,* that only one notice need be filed if the offering of the issue is completed within the 10-day period described in paragraph (a)(1) of this section and this form is filed not later than at the conclusion of that period but subsequent to the completion of the offering of the issue; and

(3) Every six months after the first sale of securities in the issue made in reliance on section 4(6) unless the final notice required by paragraph (a)(2) of this section has been filed.

(b) If more than one notice is required to be filed as to any issue of securities offered in reliance on section 4(6), notices other than the original notice need only report the issuer's name and the information in response to Part C and any material changes in Parts A and B from the facts previously reported.

(c) A notice on this form shall be deemed to be filed with the Commission:

(1) As of the date on which it is received at the Commission's principal office in Washington, D.C., or

(2) If the notice is delivered to the Commission after the date on which it is required to be filed, as of the date on which the notice is mailed by means of United States registered or certified mail to the Commission's Office of Small Business Policy, Division of Corporation Finance, at the Commission's principal office in Washington, D.C.

2. By revising § 239.242(b) as follows:

§ 239.242 Form 242, notice of sales of securities pursuant to § 230.242 of this chapter.

* * * * *

(b) If more than one notice is required to be filed pursuant to paragraph (h)(1) of the rule as to any issue of securities offered in reliance thereon, notices other than the original notice need only report the information in response to Part C and any material changes in Part A and B from the facts previously reported.

* * * * *

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

3. By revising paragraph (h)(3) of § 230.242 to read as follows:

§ 230.242 Exemption of limited offers and sales by qualified issuers.

* * * * *

(h) * * *

(3) If more than one notice is required to be filed pursuant to paragraph (h)(1) of this rule as to any issue of securities offered in reliance thereon, notices other than the original notice need only report the information required by Part C and any material change in the facts from those set forth in Parts A and B of the original notice.

* * * * *

Effective Date

Adopted Form 4(6) and amended Form 242 are effective April 24, 1981.

Authority

The Commission hereby adopts Form 4(6) pursuant to Sections 4(6) and 19(a) of the Securities Act of 1933 [Sec. 19(a), 48 Stat. 85; Sec. 209, 48 Stat. 908; Sec. 308(a), (2), 90 Stat. 57; 15 U.S.C. 77s(a)] and amends Form 242 pursuant to Sections 3(b) and 19(a) of the Securities Act of 1933. [Secs. 3(b), 19(a), 48 Stat. 75, 85; Sec. 209, 48 Stat. 908; 59 Stat. 167; 84 Stat. 1480; Sec. 308(a) (1), (2), (3), 90 Stat. 56, 57; Sec. 18, 92 Stat. 275; sec. 2, 92 Stat. 962; 15 U.S.C. 77c(b), 77s(a)]

By the Commission.

George A. Fitzsimmons,
Secretary.

March 19, 1981.

[FR Doc. 81-8187 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 250

[Release No. 35-21986; File No. S7-862]

Allocation of Consolidated Income Tax Liability by Registered Holding Companies and Their Subsidiaries

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting an amendment to Rule 45 under the Public Utility Holding Company Act of 1935 ("Act") pertaining to the methods by which registered holding companies and their subsidiaries may allocate consolidated income taxes. The amendment replaces subsection (b)(6) of Rule 45 adopted in 1955 with subsection (c), dealing with the same subject. Both are exceptions from the requirements of Rule 45(a). The amendment recognizes intervening changes in tax laws which have tended to restrict the use of the subsection (b)(6).

EFFECTIVE DATE: March 25, 1981. The amendment applies to all tax returns due after September 30, 1981, and all tax years ending on or after that date. It may be applied to the tax return for the preceding tax year, if such return has not been filed before its adoption.

FOR FURTHER INFORMATION CONTACT: Grant G. Guthrie, Associate Director (202) 523-5156, or James E. Lurie, Special Counsel (202) 523-5083, Division of Corporate Regulation, Securities and

Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The proposed amendment to Rule 45 was published for comment by release dated October 20, 1980 (HCAR No. 21767) (45 FR 73808, November 5, 1980). The history of Rule 45(b)(6) and its predecessors was sufficiently described therein. Changes in the kind and significance of available tax benefits and in methods of allocation recognized under the tax laws have made the 1955 rule inadequate. The registered systems have found it necessary to rely increasingly on a case-by-case series of applications for relief by order under Rule 45(a). Rule 45(c) reenacts the Commission's original purpose of regulating this whole subject by a general rule.

Comments on the proposed rule were received from seven registered holding company systems, two major accounting firms and one large nonutility system. All urged adoption of the rule. Several comments offered suggestions for clarification of the text, which are reflected in the final rule. None of the changes have substantive significance.

Rule 45(c) does not specify kinds of tax benefits. These change as tax laws and regulations are revised. An important function of the tax agreement, required by the rule, is to identify currently the material elements of allocation in terms of the applicable tax law. The rule specifies the amount to be allocated, that is, the difference between the consolidated return and separate return results, and establishes the principle of allocating to the individual members of the group the material effects of any particular features of the tax law applicable to them. The rule extends to all aspects of allocating consolidated return benefits. The Commission agrees with those comments which stressed the need for broad and comprehensive application.

The introductory paragraph of the rule has been revised to clarify two ambiguities. It was drawn, like its predecessor, with the Federal Internal Revenue Code in mind. Parts of some systems are also eligible to file consolidated returns under comparable state laws. The rule explicitly includes such returns also. If there are special needs with respect to state returns, suggestions for dealing with them by interpretation will be considered.

The requirement that tax agreements cover full tax years was not intended to exclude associate companies added or disposed of during a year. The text has been recast to eliminate any contrary implications and a sentence has been added to the definition of corporate taxable income to specify the treatment of partial years.

The definition of "consolidated tax" has been clarified. If the consolidated tax is negative, it would represent a refund. The "adjustments thereto thereafter determined" are adjustments to the tax shown on the return, i.e., the liability to the taxing authority. Such liability changes only by a revision of the tax, whether by an amendment of the return, a settlement or a final decision in any litigation. The procedure for dealing with such changes, and particularly with negotiated adjustments which may not involve an item-by-item modification of the return, is one of the subjects for which the tax agreement should provide.

The definition of "corporate taxable income" has been revised to make it unequivocal that the items eliminated in consolidation refer to the consolidation in the tax return under tax standards rather than to possibly inconsistent generally accepted accounting principles. The provisions for adjustment for other year carryover rights have been transferred from the definition of separate return tax to the definition of corporate taxable income, from which the separate return tax is calculated. This assures that these adjustments will be reflected in either allocation method.

The definitions of "separate return tax" and "corporate tax credit" have been rewritten to eliminate the terms "hypothetical" and "inconsistent" which might be misunderstood. The rule states the hypothesis of nonconsolidation to which these terms referred.

The first sentence of subsection (3) has been amended to correct an unintended omission by adding "(2)(ii)." The elimination of intercompany transactions would affect the allocation under the (2)(ii) method in essentially the same way as it affects a (2)(i) method allocation. In the first sentence of subsection (4), "subsidiary companies" has been changed to "associate companies." As stated in the release on the proposed rule, the holding company will not normally have a positive corporate taxable income, since intercompany dividends, its principal resource, are excluded.

Several comments also noted a failure to deal with the possibility that the tax saving in a year, including consolidated carrybacks, might not exhaust the deductions accrued in that year, so that only a partial cash reimbursement could be made. Subsection (5) has been enlarged to deal with that contingency. For reasons already stated, the rule does not prescribe the priorities to be accorded to various kinds of benefits. Such specifics depend on the tax laws then effective and should be dealt with in the tax agreement.

The final sentence of draft subparagraph (5), dealing with accounting for corporate tax credits, has been deleted.[1] The purpose of the deleted sentence was to identify the applicable principles, a purpose more appropriate for comment than in the text of the rule.

No provision was made in the proposal for amending the tax agreement. This was not an oversight. The proposal stressed the necessity of a current, reasonable and unequivocal annual determination of each member company's tax. The filing of a return on an agreed basis commits each of the associate companies to the procedures adopted, and their planning and reporting during the tax year may be affected by the terms of the agreement.

Unexpected events, including changes in the tax laws, may require modification of the agreement during its operation, as may some kinds of adjustments by the taxing authority after the return is filed. But amendments with retroactive effect cannot be treated as routine filings.[2] The effect of the rule, as proposed, would have been to require a declaration under Rule 45(a) for amendments. The adopted rule permits amendment, subject to Commission approval if the Commission directs within 60 days of the filing that the amendment be deemed a declaration under Rule 45(a). It thus eliminates formal procedures under Rule 23 if the amendment is of a character which does not need further examination.

All of the registered systems use a calendar year, except for one which uses a fiscal year ending September 30. Tax returns are filed the following year. The rule does not change the principles of present regulation. It will be effective for all tax years, including the current year, ending after its adoption. Registered systems may elect to apply it to returns for 1980, filed after its adoption, or to rely on Rule 45(b)(6) and applicable orders.

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[1] The deleted sentence read: "Such payments for tax benefits contributed to the consolidated return shall be accounted for in the same manner as tax refunds, provided that any such payment received by a subsidiary company which is not a public utility company shall be applied to reduce the costs incurred by such company for purposes of determining the costs of goods or services supplied by such company to associate companies under section 13(b) of the Act in the manner prescribed by the Commission by rule or order under that section."

[2] *Standard Gas & Electric Company*, 37 SEC 532, 542-550 (1957).

None of the outstanding orders under Rule 45(a) on this subject are inconsistent with Rule 45(c). To the extent they are more detailed, they incorporate matter which will be dealt with by the tax agreement under the new rule. The initial tax agreement will recognize carryover and other rights, if any, which have accrued under past regulation. If an amendment of existing orders is considered necessary for the orderly implementation of Rule 45(c), it should be applied for. The rule will not affect any prior or future orders under section 13 of the Act, relating to the accounting for tax benefits of service companies.

Statutory Basis and Text of the Rules

The Securities and Exchange Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations, pursuant to its authority under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79(a) *et seq.* and particularly sections 12(b), 12(f) and 20(a) thereof [15 U.S.C. § 79/(b), 79/(f) and 79t(a)]] by removing paragraph (b)(6) of § 250.45 and adding a new paragraph (c) thereto to read as set forth below. This action is effective immediately pursuant to the Administrative Procedure Act [5 U.S.C. § 553(d)(1)].

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 250.45 Loans, extensions of credit, donations and capital contributions to associate companies.

* * * * *

(b) * * *

(6) [Removed]

(c) A declaration under paragraph (a) of this section shall not be required for the filing of a consolidated tax return by the eligible associate companies in a registered holding company system, or the execution or performance of the agreement referred to herein, if such consolidated tax return is filed pursuant to a tax agreement, in writing, relating to either federal or state taxes, for a term of one or more tax years among the associate companies included in the consolidated return, and the agreement provides for allocation among such associate companies of the liabilities and benefits arising from such consolidated tax return for each tax year in a manner not inconsistent with the following conditions:

(1) Definitions:

"Consolidated tax" is the aggregate tax liability for a tax year, being the tax shown on the consolidated return and any adjustments thereto thereafter determined. The consolidated tax will be the refund if the consolidated return shows a negative tax.

"Corporate tax credit" is a negative separate return tax of an associate company for a tax year, equal to the amount by which the consolidated tax is reduced by including a net corporate taxable loss or other net tax benefit of such associate company in the consolidated tax return.

"Corporate taxable income" is the income or loss of an associate company for a tax year, computed as though such company had filed a separate return on the same basis as used in the consolidated return, except that dividend income from associate companies shall be disregarded, and other intercompany transactions eliminated in the consolidated return shall be given appropriate effect. It shall be further adjusted to allow for applicable rights accrued to the associate company under paragraphs (c)(4) and (5) of this section or under prior rules or orders, on the basis of other tax years, but carryovers or carrybacks shall not be taken into account if the associate company has been paid a corporate tax credit therefor. If an associate company is a member of the registered system's consolidated tax group for only part of a tax year, that period will be deemed to be its tax year for all purposes under paragraph (c) of this section.

"Separate return tax" is the tax on the corporate taxable income of an associate company computed as though such company were not a member of a consolidated group.

(2) The consolidated tax shall be apportioned among the several members of the group in proportion to (i) the corporate taxable income of each such member, or (ii) the separate return tax of each such member, but the tax apportioned to any subsidiary shall not exceed the separate return tax of such subsidiary.

(3) The tax agreement shall provide for appropriate and equitable adjustment of the allocation specified under paragraph (c)(2)(i) or (2)(ii) of this section if the sum of the corporate taxable incomes or separate return taxes of all members of the group in any taxable year differs from the consolidated taxable income or tax because of intercompany transactions excluded from the consolidated return. It shall provide for appropriate and equitable adjustment of the allocation specified under paragraph (c)(2)(ii) to the extent that the consolidated tax and separate return tax for any year include material items taxed at different rates or involving other special benefits or limitations. Such adjustments will be directed to allocating to the individual members of the group the material effects of any particular features of the tax law applicable to them.

(4) The tax agreement may exclude from the allocation under paragraph (c)(2)(i) of this section associate companies not having a positive corporate taxable income for the year being allocated, or under paragraph (c)(2)(ii) of this section associate companies not having a positive separate return tax for the year being allocated. An agreement under this paragraph shall make appropriate and equitable provision for preserving to each subsidiary company so excluded the equivalent of any rights which such company would have had, under the applicable tax law, had it filed a separate return, to use in other years any loss or credit availed of by the group through the consolidated return. With respect to carryover rights, such provisions will normally consist of recognition of the carryover in future allocations by reducing the consolidated tax allocation in the subsequent year of the subsidiary company entitled to the benefit, and by charging the excess to the companies which had benefited by the prior deduction or credit. In the case of a carryback, the excluded subsidiary company should normally be paid the amount of refund to which it would have been entitled had it filed a separate return.

(5) The agreement may, instead of excluding members as provided in paragraph (c)(4), include all members of the group in the tax allocation, recognizing negative corporate taxable income or a negative corporate tax, according to the allocation method chosen. An agreement under this paragraph shall provide that those associate companies with a positive allocation will pay the amount allocated and those subsidiary companies with a negative allocation will receive current payment of their corporate tax credits. The agreement shall provide a method for apportioning such payments, and for carrying over uncompensated benefits, if the consolidated loss is too large to be used in full. Such method may assign priorities to specified kinds of benefits.

(6) The tax agreement for each taxable year shall be filed as an exhibit to the system's annual report on Form U5S (§ 259.5s of this chapter) for the previous taxable year. The initial filing after the effective date of this amendment shall be made as an amendment to the last Form U5S filed. If an existing tax agreement is merely renewed or amended, prior filings may

be incorporated by reference. Amendments to a tax agreement shall be filed as an amendment to the Form U5S. Any amendment which would alter the allocation to any associate company for any period preceding its adoption shall be conditioned on approval by the Commission if the Commission directs, within 60 days after its filing, that it be deemed to be a declaration under Rule 45(a).

By the Commission.

George A. Fitzsimmons,

Secretary.

March 18, 1981.

[FR Doc. 81-8989 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 251

[Release No. 35-21957]

Interpretative Release Concerning Investment Bankers and Banks in Rule 70 Under the Public Utility Holding Company Act of 1935

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation of rule.

SUMMARY: The Securities and Exchange Commission ("Commission") today issued this interpretative release concerning Rule 70 under the Public Utility Holding Company Act of 1935 ("Act"). Rule 70 implements the Commission's authority to define, by rule, exemptions under Section 17(c) of the Act, which, without the exemptions, prohibits officers and directors of banks, investment bankers and trust companies from serving as officers or directors of a registered holding company or its subsidiaries. A recent decision by the Federal Reserve Board permitting commercial banks to underwrite commercial paper and recent legislation which has expanded the kinds of services financial institutions may provide have raised questions about the definitions of an "investment banker" and a "bank" and the related exemptions under Rule 70. The release states that directors and officers may proceed on the basis that the exemptions previously available under Rule 70 continue in effect, pending review of the rule in light of intervening changes in the banking laws or in their interpretation.

DATE: March 18, 1981.

FOR FURTHER INFORMATION CONTACT: Aaron Levy, Director, Division of Corporate Regulation, (202) 523-5691, Grant G. Guthrie, Associate Director, (202) 523-5156, or James E. Lurie, Special Counsel, (202) 523-5603, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 17(c) of the Act does not define the words "investment banker" or "bank." The first is defined in Rule 70(c)(4) and the second is defined negatively in Rule 70(c)(3).

There are virtually no exemptions for interlocking affiliations of directors and officers with respect to an investment banker. These affiliations are prohibited by section 17(c), and the two limited exemptions in Rule 70 are not significant today. There are several exemptions in Rule 70 for directors and officers in the case of banks (Rules 70(a)(3) and 70(a)(4)).

The critical distinction between an "investment banker" and a "bank" is provided in Rule 70(c)(4), which states, in relevant part:

> "investment banker" means a person engaged in business as an underwriter or a dealer [as these terms are defined in the Investment Company Act of 1940] but does not include: [i] a bank, trust company, banking association, or banking firm which is prohibited by statute or by rule or regulation thereunder from underwriting or participating in the marketing of securities of a public utility or holding company * * *.

An investment banker is broadly defined as a person "engaged in business as an underwriter or dealer," as these terms are defined in the Investment Company Act of 1940, with respect to any security of any issuer. A limited exception from this definition is provided for a bank. A bank is not an investment banker if by law it is prohibited "from underwriting or participating in the marketing" of any securities of a public utility [1] or a holding company.[2]

On September 26, 1980, the Board of Governors of the Federal Reserve System ("Board") issued a ruling denying petitions to prohibit Bankers Trust Company from selling commercial paper of corporate issuers. It concluded that commercial paper was not a security under the Glass-Steagall Act,[3] the statute with respect to issuing, underwriting, selling and dealing in securities did not apply to commercial paper.[4] An industry association and a commercial paper dealer have challenged the Board's decision in both appellate and district courts.[5] The industry association has also brought a private action against Bankers Trust Company to enjoin the latter's commercial paper activities.[6]

If as a result of the Board's ruling a bank were to lose its special exception of exclusion in Rule 70(c)(4), it would not necessarily be an investment banker. In that event the bank would be an "investment banker," as defined in Rule 70(c)(4), only if it was actually engaged in the sale of any securities as underwriter or dealer, and commercial paper is a security under section 2(a)(16) of the Act.[7] If a bank were engaged, as underwriter or dealer, in selling or marketing of any security, including commercial paper, of a public utility company or a holding company, it would be an investment banker and the special exception for a bank would not apply to it. The immediate question is what is the status of a bank that, although permitted by law so to engage, in fact does not.

No definitive answer is required at this time. The Commission here announces that, pending disposition of the appeals from the Board's ruling and until such time as the Commission amends the rule, if any amendment should be necessary, a bank shall not be considered an investment banker, as provided in Rule 70(c)(4), if in fact the bank does not engage in the sale or marketing of securities of a public utility company or a holding company. This application of the rule is consistent with the intent and effect of the exclusion for banks that Rule 70(c)(4) provides and as such is appropriate for the limited and temporary purpose it is meant to serve. A bank director or officer, who serves or proposes to serve a registered holding

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[1] Section 2(a)(5) of the Act defines a public-utility company as an electric utility company or a gas utility company. Section 2(a)(3) of the Act defines an electric utility company as one "which owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale * * *." Section 2(a)(4) of the Act defines a gas utility company as one "which owns or operates facilities used for the distribution at retail * * * of natural of manufactured gas for heat, light or power."

[2] Section 2(a)(7)(A) of the Act defines a holding company as one "which directly or indirectly owns, controls, or holds with power to vote, 10 per centum or more of the outstanding voting securities of a public-utility company * * *."

[3] 48 Stat. 162 (1933) (codified in scattered sections of 12 U.S.C.).

[4] Section 16 and section 21 of the Glass-Steagall Act, 12 U.S.C. § 24, seventh power, and § 378(a)(1), contain the prohibitions on such activities by national banks and state member banks of the Federal Reserve System, respectively.

[5] *Securities Industry Ass'n* v. *Board of Governors of the Federal Reserve System, et al.*, Civ. No. 80-2314 (D.C. Cir., filed Oct. 24, 1980); *A.G. Becker, Inc.* v. *Board of Governors of the Federal Reserve System, et al.*, Civ. No. 80-2256 (D.C. Cir., filed Oct. 14, 1980); *Securities Industry Ass'n* v. *Board of Governors of the Federal Reserve System, et al.*, Civ. No. 80-2720 (D.D.C., filed Oct. 24, 1980); *A.G. Becker, Inc.* v. *Board of Governors of the Federal Reserve System, et al.*, Civ. No. 80-2014 (D.C.C., filed Oct. 14, 1980).

[6] *Securities Industry Ass'n* v. *Bankers Trust Co.*, Civ. No. 80-6123 (S.D.N.Y., filed Oct. 27, 1980).

[7] It is also a security under section 2(1) of the Securities Act of 1933.

company or its subsidiaries in such positions pursuant to exemptions provide by Rule 70, may rely upon the exemption in Rule 70(c)(4) in light of today's announcement.

The prohibition of section 17(c) extents to a director, officer or other representative of any "bank, trust company, * * * banking association or firm * * *" except in cases the Commission exempts by rule. Rule 70(c)(3) states that these terms do not include a bank or a trust company—

(i) which does not accept deposits, or if accepting deposits, not less than 85 percent of whose total deposits at the end of the preceding calendar year consisted of time and savings deposits as defined by 12 CFR Part 329, or (ii) not more than 10 percent of whose total loans and discounts at the end of the preceding calendar year consisted of commercial loans and discounts.

The definition in Rule 70(c)(3) excludes primarily savings banks, savings and loan associations and trust companies not engaged in the general banking business. As first adopted and as later amended,[8] this definition reflected then existing laws which made sharp distinctions between commercial banks and other financial institutions regarding time and demand deposits and types of loans. These distinctions are not altogether as clear today, as a result of the Depository Institutions Deregulation and Monetary Control Act of 1980.[9] That statute, among other things, authorizes (1) banks, savings banks, mutual savings banks, savings and loan associations and credit unions to pay interest on demand deposits, or the equivalent thereto, (2) savings and loan associations to invest up to 20% of their capital in commercial paper and other corporate debt securities, and (3) mutual savings banks to invest up to 5% of their capital in corporate and business loans.

These legislative and possibly other changes may require restatement or perhaps modification of Rule 70(c)(3). Until that is done, the status of financial institutions under Rule 70(c)(3) will continue in effect, if in terms of time and savings deposits and commercial loans and discounts these institutions were qualified for the exclusion from section 17(c) pursuant to Rule 70(c)(3) as of January 1, 1979.

Accordingly, 17 CFR Part 251 is amended by adding this release thereto.

[8] HCAR No. 271 (July 2, 1936) and HCAR No. 1476 (March 22, 1939).

[9] Pub. L. No. 96-221 (March 31, 1980).

By the Commission.

George A. Fitzsimmons,

Secretary.

March 18, 1981.

[FR Doc. 81-9002 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 72

[T.D. ATF-8]

Increase of Appraiser's Fees

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule increases the rate of compensation that is paid to appraisers of property seized as subject to forfeiture. This regulation affects appraisers of such property. This change will help ATF to obtain qualified appraisers of property seized as subject to forfeiture.

EFFECTIVE DATES: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

Section 72.51 of 27 CFR currently sets the rate of compensation that is paid to an appraiser of property seized as subject to forfeiture under Title 26 U.S.C. at $3.00 per hour or a portion thereof. Because this rate is inadequate, this regulation changes the rate of compensation that is paid from $3.00 per hour to "a reasonable fee not to exceed $15.00 per hour or a portion thereof."

Drafting Information

The principal author of this document is E. J. Ference, Research and Regulations Branch, Bureau of Alcohol Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

Immediate action is needed to alleviate the undue burden on ATF of finding qualified appraisers willing to accept the present rate of compensation now authorized by regulations.

Because this regulation is nonsubstantive, liberalizing and essentially procedural, it is found unnecessary to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This regulation is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended).

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

Accordingly, Title 27 Code of Federal Regulations is amended by revising § 72.51 to read as follows:

§ 72.51 Rate of compensation.

Each appraiser selected under § 72.22(a)(2) shall receive compensation at a reasonable fee not to exceed $15.00 per hour or a portion thereof for the performance of his or her duties in appraising property seized as subject to forfeiture under Title 26 U.S.C.

(Act of August 16, 1954, ch. 736, 68A Stat. 870, as amended (26 U.S.C. 7325))

Signed: February 24, 1981.

G. R. Dickerson,

Director.

Approved: March 12, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-9028 Filed 3-24-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Comments Submitted on Oklahoma's Permanent Surface Mining Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Discussion of comments.

SUMMARY: This notice summarizes significant issues raised in comments submitted to OSM and the Secretary of the Interior on Oklahoma's permanent program submission and explains the Secretary's resolution of those issues. These comments were considered by the Secretary in his decision to approve conditionally the Oklahoma program submission. That decision was

published January 19, 1981, at 46 FR 4902–4911.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343–4225.

SUPPLEMENTARY INFORMATION: On January 19, 1981, the Secretary of the Interior published his decision to approve conditionally the Oklahoma permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). An explanation of that decision is found in the Federal Register at 46 FR 4902–4911 (the decision notice). That notice contains information necessary for a full understanding of this notice. A draft copy of the decision notice was released to officials of Oklahoma and to the public on January 14, 1981, as soon as it was completed and shortly before it was delivered to the Office of the Federal Register for publication.

As explained in it, the Secretary considered all comments submitted in making a determination on Oklahoma's program. However, when the notice was released January 14, 1981, the resolution of the issues in the comments was in the final stages of proof-reading, typing, and minor editorial revision, and the Secretary was unable to include it in the notice.

As he did with the decision announcement notice, the Secretary has also sent this notice as soon as it was completed to officials of the Oklahoma Department of Mines.

Accordingly, a summary of significant issues raised by comments received by the Secretary and a discussion of the Secretary's resolution of those issues follows. Some of the discussions refer to findings in the January 19, 1981, notice.

Disposition of Comments

1. At the public hearing on December 23, 1980, comments (written and oral) were made on the propriety of numerous OSM regulations that Oklahoma has chosen to adopt without substantive modification. Whatever their merits, these comments are not directed to the issue now before the Secretary. The issue is whether the resubmitted Oklahoma program is consistent with the requirements of SMCRA and with 30 CFR Chapter VII as modified by various court decisions. The commenters could have directed their suggestions to the Secretary during the comment period when the permanent program rules were being promulgated. Now that the OSM rules are final, it is not appropriate to question them in the context of determining whether Oklahoma's rules are consistent with OSM rules. Similarly, the commenters could have directed their suggestions to the Oklahoma DOM during its rulemaking comment periods to urge DOM to propose to the Secretary alternatives to OSM's regulations. Regardless of whether DOM received such comments, it chose to promulgate those rules identical to the OSM rules. Therefore, it is not appropriate for the Secretary to find fault with the questioned DOM rules in the context of the decision now before him.

This is not to say that those who questioned DOM rules that are equivalent to OSM rules are without redress if their comments have merit. Under 30 CFR 700.12 and the Federal Administrative Procedures Act (5 U.S.C. 553(e)), any person can petition the Secretary to change his regulations. Pursuant to the Oklahoma Administrative Procedures Act (75 O.S. 1979 Supp. Section 305), the DOM has promulgated regulation Section 700.12 to allow a similar petition process. A permanent regulatory program, once approved by the Secretary, is not unchangeable. It can be amended in response to changes in the Secretary's regulations initiated by petitioners under 30 CFR 700.12, or if the State proposes alternatives to OSM's rules that are in accordance with SMCRA and consistent with 30 CFR Chapter VII, but necessary because of local requirements or local agricultural or environmental conditions. See 30 CFR 731.13. Other circumstances allowing or requiring program modifications and the procedures for amendments are detailed at 30 CFR 732.17.

2. Several of the comments received at the December 23, 1980, hearing reveal misconceptions about the permanent regulatory program, the Oklahoma program, or particular regulations. Although the Secretary has no obligation to respond to comments on matters not germane to whether the Oklahoma program is consistent with Federal law, he believes that the misconceptions should be clarified.

(a) One commenter stated his assumption that the Oklahoma program included a precise duplicate of all of OSM's regulations because the DOM had no choice but to copy them. Although it is true that Oklahoma must have laws and regulations consistent with the Federal law, OSM encouraged states to propose alternatives appropriate for local conditions that were consistent with SMCRA (see 30 CFR 731.13) and helped states identify areas of regulation that are inapplicable. By letter dated May 15, 1980 (Admin. Record No. OK–78), OSM informed Oklahoma that major sections of its proposed regulations were not necessary because they duplicated Federal law not applicable in Oklahoma. In the initial decision of October 10, 1980, the Secretary found that other major provisions were not necessary in Oklahoma law because they were not relevant to the coal industry in Oklahoma (see 45 FR 67365).

The resubmitted Oklahoma program regulations do closely follow the OSM regulations that are applicable to Oklahoma, but duplication is not required. Other state programs have varied widely from OSM regulations or provisions of SMCRA and numerous "state window" proposals have been approved under 30 CFR 731.13 where supported by appropriate data and reasoning. Oklahoma elected to submit but one "state window" proposal under 30 CFR 731.13, which had to be disapproved as explained at 45 FR 67365 (Oct. 10, 1980).

(b) Several commenters misunderstood the permit application requirements of 30 CFR 779.13, requiring hydrology data. One misconception is that applicants must wait for the Oklahoma DOM to provide data for operators to use to show whether the planned operation will cause damage to the hydrologic balance outside the proposed permit area. Under Section 507(b)(11) of SMCRA and 30 CFR 779.13, the applicant must acquire data sufficient to make a determination of the probable hydrologic impact of his operation and sufficient for the state to determine the probable cumulative impact of all anticipated mining in the area. Although the data must reflect "seasonal flow conditions" (Section 507(b)(11) SMCRA and "seasonal variations in water quantity and quality" (30 CFR 779.16), this information can be obtained from a variety of sources, ranging from field studies by the applicant to published data. The state is required to provide to the applicant whatever useful data it has, as are Federal agencies (30 CFR 779.13(b)), but there is no requirement for operators to forego preparation of permit applications until the Oklahoma DOM acquires a data bank or modeling system of its own. It is necessary that the DOM have sufficient data from the applicant and that it make a determination consistent with 30 CFR 786.19(c) before a permit can be issued. The Oklahoma regulation reflects these

requirements in §§ 779.13–779.16 and 786.19(c).

(c) A similar misconception is that the Federal regulations impose on Oklahoma the obligation to require permit applicants to do (1) a detailed archaeological study or historical survey of the proposed permit area and (2) a detailed fish and wildlife resources study. It is true that 30 CFR 779.20 did require the fish and wildlife study, but that regulation was enjoined by the U.S. District Court for the District of Columbia (*In Re: Permanent Surface Mining Litigation,* ——F. Supp. ——, Feb. 26, 1980) and is not in effect. The Secretary's regulations have never required an archaeological or cultural study, but do require, at 30 CFR 779.12(b), that cultural, historical, or archaeological resources known from existing sources of data to be located on the proposed permit area, be identified in the application.

(d) One operator misconstrued the requirement that land be returned to its approximate original contour (Section 515(b)(3) of SMCRA) to mean that the precise pre-mining contour and drainage patterns must be restored even though the swell factor for broken overburden may make this impossible. The Secretary has defined "approximate original contour" at 30 CFR 701.5 to make clear that the term means what it implies—approximate, not exact, original contours. As required by SMRCA, specific exceptions may be granted for permanent impoundments, mountaintop removal and certain steep slope operations, and excess spoil may be disposed in designed fills (30 CFR 816.71–816.74).

(e) One commenter indicated that OSM, through the Oklahoma program, is presently requiring particular design criteria for sediment ponds. Several suggestions were made as to appropriate design criteria. It was also suggested that because EPA is considering revisions of the effluent limitations under the Clean Water Act, OSM should not require Oklahoma to enforce existing OSM effluent limitations. The Secretary, however, is not requiring the states to enforce the design criteria for sediment ponds prescribed by 30 CFR 816.46 (b), (c), and (d), concerning storage volume, detention time and dewatering because these rules were suspended on December 31, 1979 (*see* 44 FR 77452). The sediment removal rule, 30 CFR 816.46(h) is also suspended (44 FR 77453). The regulations of 30 CFR 816.46 that are not suspended continue to apply to state programs.

Similarly, 30 CFR 816.42(a), concerning effluent limitations, is no longer applicable to the reclamation phase of an operation because of its remand by the U.S. District Court for the District of Columbia on May 16, 1980 (*In Re: Permanent Surface Mining Regulation Litigation,* ——F. Supp. —— (D.D.C., 1980)), and the Secretary has suspended 30 CFR 816.42(b), concerning discharge exceptions, for the parameter of total suspended solids (*see* 44 FR 77452, December 31, 1979). The remainder of 30 CFR 816.42, including the effluent limitations of 30 CFR 816.42(a), remains applicable to land disturbed by mining until initiation of the revegetation phase.

It should be noted that EPA and OSM are considering rulemaking that might result in changes to the effluent limitations, pond design criteria, or both. EPA has published proposed rule changes on January 13, 1981, 46 FR 3136–3159. At this time, however, OSM effluent limitations, which are identical to the EPA limitations for coal mine point sources (40 CFR Part 434) are in effect and are reflected in the Oklahoma program regulations, Sections 816.42 and 817.42. The Secretary cannot suspend enforcement of the EPA–OSM effluent limitations on the premise that future rulemaking might result in some modification of the limitations.

Under the conditionally approved Oklahoma program, operators must construct sediment ponds for areas disturbed by active mining, but are free to design the ponds as they think necessary to meet the effluent limitations of Section 816.42 or 817.42. Because the ponds are point sources, operators must also obtain an NPDES permit from EPA or the State agency, if any, to which EPA has delegated its authority under the Clean Water Act. Operators are entitled to all the exemptions allowed by EPA under 40 CFR Part 434, as amended January 12, 1979 (44 FR 2586–2592).

(f) An operator asserted that the Oklahoma industry will be regulated under conflicting OSM and State standards regarding water quality criteria. The operator felt that "the OSM standards and criteria dictate that the effluent shall meet at (sic) a flow regime dictated by the 7-day, 2-year low flow conditions" is incorrect. The DOM has adopted effluent limitations based on OSM's effluent limitations in 30 CFR 816.42, which are identical to the effluent limits EPA has prescribed for coal mine point sources at 40 CFR Part 434. These effluent limitations are independent of the Oklahoma Water Resources Board's (WRB) ambient stream quality requirements (see *Oklahoma's Water Quality Standards, 1979 (Standards)* included in the resubmitted Oklahoma program.) Section 7 of the *Standards* states that the various numerical water quality standards expressed in the rules apply to perennial streams only when the flow "equals or exceeds the 7-day, 2-year low flow value" and to intermittent streams only when the flow "is at or above 1.0 cfs." The WRB standards are measurements of instream quality that a discharger cannot cause to be violated. The DOM standards are effluent quality limitations that apply to only four parameters: suspended solids, manganese, iron, and pH. Of these, WRB standards exist only for pH and suspended solids. The DOM/OSM standard for the pH of effluent waters is 6.0–9.0, which is less stringent than the WRB instream standard of 6.5–8.5 (Section 7.13). It is highly improbable that a discharge of water between pH 6.0–6.5 or 8.5–9.0 would cause the instream standard to be violated. The Secretary believes that there is no conflict between the DOM and WRB pH regulations, but to the extent there may be, the WRB regulation is more stringent and therefore not inconsistent with Section 505(b) of SMCRA.

(g) An operator stated that mulching should not be required on all regraded areas and that the phrase, "all regraded and top-soiled areas," in DOM regulation 816.114 is ambiguous and confusing. 44 FR 15235, Item 6, explains the intent of 30 CFR 816.114, from which the DOM rule was taken. The Secretary does not expect the DOM to require mulching of regrading spoil areas prior to topsoil replacement except where it will serve a useful purpose in erosion prevention.

(h) One operator asserted that DOM and OSM were advising farmers that they do not own their land for five years after a mine is reclaimed and that farmers must stay off the land. That is not necessarily the case. Surface owners have full rights to comment on proposed reclamation plans and on what the postmining land use will be (*see* DOM Regulations Parts 770–788). It is true that SMCRA Section 515(b)(20) requires operators to be responsible for the success of approved revegetation plans for a minimum of five years and Section 510(d) requires complete restoration of prime farmland soils. The obligations on operators require that they seek cooperation from surface owners so that landowners' activities will not interfere with the reclamation process. If a reclamation plan accommodates the wishes of the landowner to the extent allowed by law and the operator carries out the plan, the mutual interests of the

landowner and the operator will abet successful completion of the responsibility period. However, if the landowner interferes with the operator's reclamation obligations, the operator will have to take appropriate action to protect his ability to fulfill his reclamation responsibilities.

3. A third kind of comment received at the December 23, 1980, hearing requested the Secretary to interpret or clarify his own regulations where Oklahoma has adopted an OSM regulation without modification. This rulemaking is not the appropriate forum for interpretation of existing regulations. The commenters are directed to the preamble of the Secretary's permanent regulatory program regulations of March 13, 1979 (44 FR 14902, *et. seq.*, (book 2 of 3)), and to the preamble to the proposed permanent regulatory program of September 18, 1978 (43 FR 41662 *et seq.* (book 2 of 2)), for the Secretary's explanation of the rules and responses to comments received during the rulemaking process.

4. One commenter disagreed with the definition of "intermittent stream" in the Oklahoma regulations, alleging it is inconsistent with that used by the (U.S. Army) Corps of Engineers (COE) and the Oklahoma Water Resources Board (WRB). No evidence of inconsistency was presented, nor evidence that the differences, if any, cause the Oklahoma program to be unenforceable. The Secretary has examined the WRB regulations that were included in the Oklahoma program resubmission and finds no inconsistency with the DOM definition of "intermittent stream." In the course of the permanent program rulemaking, the Secretary solicited comments from the Corps of Engineers and the public on the definition of "intermittent stream." No fault was found with the definition on the basis of any conflict with Corps regulations (*see* 44 FR 14932, March 13, 1979). The Secretary finds that the DOM definition is consistent with the OSM definition and is not a deficiency in the Oklahoma program.

5. The same commenter suggested that "The biological criteria for stream classification purposes should be dropped." The Secretary assumes that this comment refers to Sections 816.57 and 817.57 of the DOM rules which are taken verbatim from 30 CFR 816.57 and 817.57, respectively, as these are the only rules that fit the comment. The commenter asserted that a determination of a biological community is time consuming, expensive and unnecessary, but he presented no evidence in support of these assertions and suggested no alternatives. Because the DOM rule is consistent with the OSM rules, no change is required. *See* 44 FR 15176, March 13, 1979, for a discussion of 30 CFR 816.57.

6. One commenter asserted that Section 816.65(f)(2) of the Oklahoma regulations, which prohibits blasting within 300 feet of an oil or gas line, is overly restrictive. 30 CFR 816.65(f) was remanded by the U.S. District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation*, Civil Action 79–1144, Mem. Opinion, May 16, 1980, p. 28) because of an earlier decision by the Circuit Court for the District of Columbia (*In re: Surface Mining Regulation Litigation*, No. 79–2190, May 2, 1980, p. 21–23) and is not a part of the approved Oklahoma program. Section 522(e)(5) of SMCRA, however, prohibits surface mining operations within three hundred feet of dwellings and other structures. Because Section 522(e)(5) of SMCRA includes no provision prohibiting blasting near oil and has pipelines, there is no Federal provision applicable to those structures in effect.

7. One commenter maintained that the permit review timeframe and procedures in the Oklahoma program were insufficient for "extensive environmental studies" and that the discretion reserved to the DOM was a potential source of discrimination against smaller operations. No specific timeframe, procedures or instances of illegal discrimination were criticized. The Secretary has reviewed the Oklahoma program procedures for review of permit applications and finds that they are consistent with the procedures of SMCRA and the Secretary's regulations. It should be noted that an applicant's obligation to supply information to the regulatory authority under SMCRA envisions collection and analysis of the data prior to submitting an application. For those operators planning to continue an existing operation more than eight months after the Oklahoma permanent program is approved, a permanent program permit application is required two months from the program approval date by Section 502(d) of SMCRA and Section 4(B) of OCRA. These operators should have been collecting information for their first permanent program permit application during 1980 so that a complete application could be filed within two months of program approval. The two-month requirement, however, does not preclude amendments to an application timely filed.

8. One commenter questioned the Oklahoma program procedure for making a "negative determination" on prime farmlands, suggesting that the landowner and other "knowledgeable people" should be made a "party." The Secretary notes that DOM regulation 779.27(b)–(d) is identical to 30 CFR 779.27(b)–(d), the "negative determination" rule. There is nothing in the DOM rule or OSM's rule prohibiting the use of information from landowners, past or present. The burden is on the applicant, however, to demonstrate the existence of one of the factors of Section 779.27(b) when the soil appears from the investigation required by Section 779.27(a) to be prime farmland. Although SMCRA or 30 CFR Chapter VII do not require that a landowner or any other person be made a "party" to a proceeding for a permit application, there is opportunity for participation in the application process.

9. One commenter recommended that the moist bulk density criteria be dropped for monitoring soil compaction when prime farmland is mined. As a result of litigation, *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144), OSM suspended the moist bulk density criteria (*see* 44 FR 77455, December 31, 1979). Pursuant to Oklahoma's request, the Secretary affirmatively disapproved Section 785.17(b)(3) and 823.14(c) of Oklahoma's regulations concerning excessive soil compaction. Therefore, the rule to which the commenter referred is not a part of the Oklahoma program.

10. A commenter asked that OSM not approve the Oklahoma program requirement of certification of sediment ponds by professional engineers. The request cannot be honored because Section 515(b)(10)(B)(ii) of SMCRA requires "siltation structures" to be "certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan." The Oklahoma program meets this requirement (*see* 45 O.S. 1979 Supp. Section 751).

11. One comenter asserted that the Oklahoma program permitting requirements exceeded the requirements of SMCRA in some unspecified way and suggested that the permitting requirements of the initial regulatory program were all that should be required. First, the initial regulatory program contains no Federal requirements for permit application contents nor the procedure for review of applications. Congress has, however, specified minimum requirements for permit systems under permanent regulatory programs in SMCRA, Sections 506–514. Those requirements

have been implemented through the Secretary's regulations at 30 CFR Chapter VII, Subchapter G. The Secretary has found that the Oklahoma program provisions are consistent with the Federal permitting requirements with the exception of the small operators assistance provisions of Section 507(c) of SMCRA and 30 CFR Part 795 (*see* Finding 4(n)).

12. One commenter suggested that the Oklahoma program should not be approved until a Memorandum of Understanding (MOU) between OSM and the U.S. Environmental Protection Agency is proposed for public comments. The Secretary lacks authority to delay approval of the Oklahoma program for the reasons suggested by the commenter.

13. One commenter suggested delaying approval of the Oklahoma program because the U.S. Environmental Protection Agency's New Source Performance Standards (NSPS) require an environmental assessment for mines that produce certain quantities of coal in order to obtain an NPDES permit. The Secretary lacks authority to delay approval for such a reason and the Administrator of EPA has concurred in his conditional approval. At the same time, EPA's requirement would remain in effect regardless of the Secretary's decision on the Oklahoma program.

14. One commenter questioned the appropriateness of requiring field trials before Oklahoma can approve the use of introduced species of grasses such as bermuda and fescue on reclaimed areas, as required by Section 816.112 and 817.112 of Oklahoma's regulations. In the preamble to the permanent federal regulations (44 FR 15233, March 13, 1979), OSM said, " * * * the requirement of appropriate field trials should be interpreted broadly to include successful experience with species in the mined area or a similar area * * *." Therefore, the Secretary believes that the regulations would allow the Oklahoma DOM to approve the use of bermuda or fescue without a site-specific field trial for the proposed permit area provided that the operator and the State are mindful of the geographic adaptation of each species and the use of the species is "desirable and necessary to achieve the approved postmining land use plan" as required by Section 515(b)(19) of SMCRA.

15. One commenter agreed with the concerns about the Oklahoma program expressed by the Secretary in the initial decision of October 10, 1980, and agreed that they must be resolved before the State may assume primary jurisdiction under Pub. L. 95-87. Fifteen items or areas of concern were listed, but no specific allegations or suggestions were made. As detailed in the Findings, the Secretary has found that the Oklahoma program is consistent with SMCRA and 30 CFR Chapter VII with the minor exceptions noted.

16. An operator indicated that the DOM definition of "aquifer" in Section 701.5 is inconsistent with the definition of that term by the Oklahoma Water Resources Board (WRB) and urged that its use imposes application of permit data requirements to operators that are inappropriate to the eastern Oklahoma coal field. The Secretary has examined the "Rules, Regulations and Modes of Procedure," 1979 revision, and Oklahoma's "Water Quality Standards, 1979," both published by the WRB, and finds no definition of "aquifer." The Secretary also finds no inconsistency between those rules, those of the DOM and 30 CFR Chapter VII.

17. One commenter suggested that instead of providing hydrologic information to small operators through the small operators assistance program for the determination of probable hydrologic consequences required in a permit by Section 780.12(c) and Section 784.14(c) of Oklahoma's regulations, that those requirements should be waived for those operators producing under 100,000 tons of coal per year. Section 507(b)(11) of SMCRA requires that the permit application contain a statement of the probable hydrologic consequences of the proposed mining operation, and Section 507(b)(15) of SMCRA requires a statement of the results of test borings or core samples from all applicants. The Secretary has no authority to waive the requirements.

18. Two operators objected to approval of the Oklahoma program because the Small Operator Assistance Program (SOAP) has been declared in violation of the Oklahoma Constitution by the Oklahoma Attorney General and because it discriminated against small operators. They further suggested that a state program that fails to include a SOAP as required by Section 507(c) of SMCRA must ultimately be disapproved. They are correct. The Oklahoma legislature enacted Section 19 of OCRA (45 O.S. 1979 Supp. Section 745.16) to authorize DOM to comply with Section 507(c), but the Oklahoma Attorney General ruled, in Opinion No. 79-213A (May 27, 1980) (affirmed September 2 and October 31, 1980) that enforcement of the legislature's scheme violates Article X, Section 15 of the Oklahoma Constitution. Bound by the Attorney General's opinion, the DOM withdrew proposed regulations that would have been consistent with 30 CFR part 795. However, the DOM believes that the legislature may be able to amend OCRA in a way that would eliminate the problem or that the Oklahoma Supreme Court might disagree with the Attorney General's opinions, and has committed itself to seeking renewed authority to run a SOAP. Meanwhile, DOM has entered into a cooperative agreement with OSM to administer a SOAP under special arrangements not involving expenditure of State funds (Admin. Record OK-231). The Secretary has accepted this arrangement on a temporary basis only, making it a condition of the approval of the program that DOM obtain authority to implement a SOAP on its own by November 1, 1981. In the interim, the agreement between OSM and DOM will guarantee that small operators in Oklahoma receive the assistance to which they are entitled under Section 507(c) of SMCRA.

19. Pursuant to Section 7 of the Endangered Species Act, the U.S. Fish and Wildlife Service issued a biological opinion that the approval of the Oklahoma program is not likely to jeopardize the continued existence of threatened and endangered species or adversely modify their critical habitat.

20. The U.S. Environmental Protection Agency (EPA) recommended that Oklahoma be required to amend Sections 816.89 and 817.89 of the State regulations, dealing with the disposal of non-coal wastes, to include a reference to the Resource Conservation and Recovery Act (RCRA). Subsection (b) of these sections of Oklahoma's regulations, like the Federal regulations at 30 CFR 816.89(b) and 817.89(b), requires the operation at the disposal site to be conducted "in accordance with all local, state, and federal requirements," which would include the requirements of RCRA.

21. The EPA commented that Section 776.17 of Oklahoma's regulations relating to the public availability of information required to obtain approval for coal exploration contained acceptable confidentiality provisions as long as emissions data are not classified as confidential. Emissions data are not required in an application for approval of exploration and the Secretary has found the State regulations to be consistent with 30 CFR 776.17.

22. The EPA recommended that Oklahoma be required to amend Section 780.15(b)(3) of the State regulations dealing with an air pollution control plan by requiring the applicant to submit a copy of all necessary Federal, State, and local air quality permits. The State rule requires the applicant to submit a

copy of "an air quality permit." The Secretary agrees that there is some ambiguity in this State provision. However, the Federal rule at 30 CFR 780.15(b), dealing with air pollution control plan requirements, does not require an applicant to submit a copy of any air quality permit, so the Secretary lacks the authority to require the recommended change.

23. The EPA recommended that Oklahoma be required to add two control measures to the air resources protection provisions of Section 816.95 of the State regulations. The Federal rules dealing with air quality control (30 CFR 816.95 and 817.95) were remanded by the U.S. District Court for the District of Columbia (*In Re: Permanent Surface Mining Regulations Litigation*, Civil Action No. 79-1144, Mem. Opinion, May 16, 1980, p. 26). Pursuant to the court's order to affirmatively disapprove remanded regulations, and at the State's request, the Secretary affirmatively disapproved Section 816.95 of Oklahoma's regulations. The Secretary cannot require the recommended change.

24. One commenter urged OSM to review the State program bonding requirements because he understood that the level of bonding in Oklahoma would be increased from $1,500 per acre to $3,000 per acre or greater when the permanent program goes into effect. The Oklahoma program does not contain any specific level of bonding per acre. However, Oklahoma is bound by the requirement of Section 509(a) of SMCRA that "the amount of bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture and in no case shall the bond for the entire area under one permit be less than $10,000." The level of bonding required will be set on a site-specific basis.

Dated: February 11, 1981.

Andrew V. Bailey,

Acting Director.

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30 CFR Part 944

Comments Submitted on Utah's Permanent Surface Mining Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Discussion of comments.

SUMMARY: This notice summarizes significant issues raised in comments submitted to OSM and the Secretary of the Interior on Utah's permanent program resubmission and explains the Secretary's resolution of those issues. These comments were all considered by the Secretary in his decision conditionally to approve the Utah program submission. That decision was published January 21, 1981 at 46 FR 5899–5915.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240, (202) 343-4225.

SUPPLEMENTARY INFORMATION: On January 21, 1981, the Secretary of the Interior published his decision to approve conditionally the Utah State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). That decision is found in 46 FR 5899–5915 and contains information necessary for a full understanding of this notice. A draft copy of it was released to State officials and to the public on January 15, 1981.

As explained in the notice, the Secretary considered all comments submitted to him in making his decision on Utah's program; however, when the manuscript was released on January 15, 1981, that section for the resolution of issues raised in the comments was in the final stages of proofreading, typing, and minor editorial revision. The Secretary, consequently, was unable to include it in the decision announcement notice.

Accordingly, a summary of significant issues raised by commenters on the revised submission is published herewith. Their comments were either delivered to the Secretary and OSM or made at the public hearing or in public meetings. The discussions below often refers to the January 21, 1981, notice which should be read with this one for full understanding of the decision.

Disposition of Public and Federal Agency Comments

Comments have been accepted and considered on Utah's initial program submission of March 3, 1980 (Administrative Record No. UT-1), and the State's revised submission of December 23, 1980 (Administrative Record No. UT-174). The Secretary's resolution of comments received on the initial submission is found in the initial decision notice published October 24, 1980, 45 FR 70461–70510. The Secretary's responses to the comments on the revised submission follow immediately after the summary of each issue raised by a commenter.

1. The Environmental Policy Institute (EPI) stated that although Utah amended UMC 761.11(b) to require that the restriction on areas where mining is prohibited apply to "underground mining operations," the State's definition does not include the "surface effects of underground mining." It was suggested that either the definition of underground mining be amended to include "surface effects," or that "surface effects" language be added to UMC 761.11(b).

The Secretary disagrees with the commenter. Utah amended UMC 761.11(b) to prohibit, in the circumstances set forth in that section, "underground coal mining activities," not "underground mining operations," as suggested by EPI (see Administrative Record No. UT-174, Coal Mining and Reclamation Regulations, Proposed Amendments for Adoption on December 18, 1980).

The State's definition of "underground coal mining activities" in UMC 700.5 means a combination of "surface operations" and "underground operations" incident to an underground coal mine. "Surface operations" is defined by the State as "with respect to underground coal mining activities, the activities conducted on the surface of the earth incident to an underground coal mine * * *." "Underground operations" means those operations conducted below the surface of the earth in connection with an underground coal mine. Thus, if the conditions, which are the same in the Federal rule as in Utah's rule, are met, underground mining is prohibited in Utah as broadly as under the Federal rule. The conditions specified in 30 CFR 761.11(b)(1) which prescribe that there are no significant recreational, timber, economic or other values which may be incompatible with the surface operations and impacts incident to an underground coal mine are identical to those of UMC 761.11(b)(1).

Accordingly, the Secretary finds that Utah's provision provides the protection of the surface from the effects of underground coal mining consistent with that of 30 CFR Chapter VII.

2. Three commenters expressed concern that Utah did not address the Secretary's initial finding 4(d)(iv) that the alluvial valley floor (AVF) waiver language of UMC/SMC 785.19(c)(3) provides less protection of AVF's than that provided by the Federal regulation. They further contended that in Utah's July 24, 1980, resubmission there was no indication whether the proposed new language was adopted or was even a formal part of the resubmission. They stated that the proposed language still provides the Division discretion to

waive the AVF requirements of 785.19(d) and (e).

The Secretary disagrees. Utah's response to the Secretary's initial disapproval of UMC/SMC 785.19(c)(3) is found in the State's December 23, 1980, resubmission, "Coal Mining and Reclamation Regulations—Proposed Amendments for Adoption on December 18, 1980." These amendments were adopted by the State on December 18, 1980. In that action, Utah deleted UMC/SMC 785.19(c)(3) and amended UMC/SMC 785.19(d)(1). The Secretary finds that Utah's amendment clarifies the permit application contents required by that section and as such is consistent with and as stringent as the 30 CFR 785.19(d)(1) (see Finding 4(d)(iv)).

Several other commenters expressed concern that the revised text of UMC/SMC 785.19(c), which limited the Division's discretion to waive AVF requirements, only refers to "underground operations." Since the text has been adopted for both UMC 785.19 and SMC 785.19, it would be appropriate for only UMC.

The Secretary agrees with the commenters. The omission of reference to "surface operations" was a typographical error.

The State of Utah has agreed to insert "or surface operations" after "underground operations." (See Administrative Record No. UT–189).

3. EPI stated that Utah omitted in UMC/SMC 786.19(h) the requirement that a permit applicant submit proof that all applicable reclamation fees required under the AML program be paid prior to obtaining a permit.

The Secretary notes that on December 18, 1980, Utah adopted an amendment to UMC/SMC 786.19(h) to require that all reclamation fees required by Subchapter R of CFR Chapter VII be paid before a permit is issued (see Finding 4(d)(v), 46 FR 5906, January 21, 1981). He therefore finds that the adoption of this change makes Utah's provisions consistent with the provisions of 30 CFR 786.19(h).

4. EPI expressed the concern that Utah restricts initiating rulemaking to an "interested person" as opposed to the "any person" criterion of 30 CFR 700.12(a). The former term, according to EPI, sets a more restrictive standard for public participation than does the Federal provision. The Secretary requested in Finding 4(1)(v) of 45 FR 70495, October 24, 1980, that either the State present information which demonstrates that standing under the State provision is as broad as that under the Federal provision or make an appropriate rule change.

In Utah's December 23, 1980, resubmission, Rule B–1 of the Board's Rules of Practice and Procedure (amended on August 20, 1980) defines "interested person" as *"any* person with an interest which is or may be adversely affected to bring an action before the Board (emphasis added)." A review of Utah's State laws shows that under UCA 40–6–3.3 "any person or the attorney general on behalf of the state may apply for a hearing before the Board," and UCA 63–46–6 further provides that "an interested person may petition an agency requesting the promulgation, amendment or repeal of a rule." It follows that if any person may petition the Board for a hearing (UCA 40–6–3.3), any person may petition at that hearing for a rule change. In a telephone conversation between representatives of OSM and the Utah Attorney General, the State confirmed that this interpretation is correct (Administrative Record No. UT–183). The Secretary finds UMC/SMC 700.12 consistent with the intent of 30 CFR 700.12 to provide for public participation in rulemaking under the State program, based upon the representation that any person may petition the Division of Oil, Gas, and Mining for a rule change.

5. EPI noted that while Utah has submitted a staffing and budget proposal for its AML program, it has not addressed in its December 23, 1980, resubmission, staffing for inspection, enforcement and permitting.

The Secretary notes that on December 15, 1980, the State in a discussion with OSM (Administrative Record No. UT–187) indicated that it has requested funding from its legislature for three full-time equivalents (FTE's) for inspection and enforcement and one FTE for permit review and administration (see also the December 23, 1980, resubmission budget request Form 300). The State fully expects to have this additional staff within six months of the Secretary's final decision, which falls within the initial eight month permit review requirement mandated by Section 506 of SMCRA (see Finding 4(t), 46 FR 5910, January 21, 1981). Therefore, the Secretary believes that Utah will have adequate staffing properly to carry out inspection and enforcement activities and permitting functions as required by the Act on non-Federal and non-Indian lands.

6. Three commenters expressed concern that Utah's resubmission for SMC 816.46(o) and UMC 817.46(o) does not satisfy the deficiency noted by the Secretary in his decision of October 24, 1980 (45 FR 70487). Specifically, the commenters pointed out that the State offers an exception to the requirement of 30 CFR 816/817.46(o) that prohibits the use of coal processing waste in the construction of sedimentation ponds. The Utah regulations do allow the use of non-acid and non-toxic coal processing waste when certain measures prescribed by the regulations are taken by the operator. The commenters further contended that while the State's provision might be approved as a "state window," Utah has not proposed the alternative with the required documentation prescribed by 30 CFR 731.13. The commenters noted that the State rule lacks criteria for determining when coal processing waste would be suitable. Finally, the commenters stated that the last provision of UMC 817.46(o) and SMC 816.46(o) does not "make sense" as it is constructed because the State refers to "waste" being "designed and constructed" and not "dams and embankments" as set forth in the referenced regulations, UMC 817.91–93 and SMC 816.91–93. The commenters argued that these deficiencies make the rule unapprovable by the Secretary.

As discussed in Finding 4(c)(xii), 46 FR 5903, the Secretary believes that Utah's modification of the provisions in 30 CFR 816/817.46(o) are consistent with and as stringent as the standards of the Federal rule and provide the environmental protection mandated by Section 515(b)(22)(c) of SMCRA. Further, the Secretary finds that Utah's stated need to be able to use coal processing waste in the construction of sediment pond dams and embankments in the steep narrow canyons, characteristic of Utah's mining terrain, satisfies the requirement for approval of the alternative pursuant to 30 CFR 731.13. (See Utah State Program amended text and classifications—Rules and Regulations (Adopted Amendments) pp. 33–34, and Utah State Program—State Window Submission, December 23, 1980, Utah Program Resubmission).

The Secretary finds that Utah's incorporation of 30 CFR 816/817.91–93 for the use of coal processing waste in dams and embankments makes the Utah provision consistent with and as stringent as the standards of the Federal rules for determining the suitability of such waste for such use. Under the Federal rules, waste may not be used in dams constructed according to sediment pond embankment design criteria, but may be used in embankments which meet the criteria for waste dams, even if the purpose of the impoundment behind the dam is for sediment control.

Finally, while the Secretary agrees with the commenters that the construction of the last sentence in SMC 816.46(o) and UMC 817.46(o) may be awkward, the intent and practical

application of the provision to require that sedimentation pond dams and embankments that are constructed with non-acid and non-toxic forming coal processing waste meet the standards prescribed in UMC 817.91–93 and SMC 816.91–93 are met. Accordingly, the Secretary disagrees with the commenters' request that the resubmitted rule be disapproved (see Finding 4(c)(xii), 46 FR 5903, January 21, 1981).

7. Three commenters stated that Utah's resubmission response to the deficiency identified by the Secretary in UMC 817.52(a)(1) and SMC 816.52(a)(1) regarding requirements for conducting surface and groundwater monitoring is unacceptable. The commenters pointed out that Utah did not make any changes in its December 23, 1980, resubmission, but, rather, suspended those rules pursuant to the court order in *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144, Slip op. pp. 16–17). The commenters noted that the court's order addressed 30 CFR 817.52(a)(1), but not 30 CFR 816.52(a)(1). The commenters also contended that Utah's rules remain deficient as noted in the Secretary's decision on October 24, 1980 (45 FR 70487), and must be disapproved.

Utah submitted to OSM on July 24, 1980, as part of its proposed program submission, proposed regulatory amendments for SMC 816.52(a)(1) and UMC 817.52(a)(1). Those amendments were subsequently adopted on August 20, 1980. With those changes, SMC 816.52(a)(1) is identical to 30 CFR 816.52(a)(1) and UMC 817.52(a)(1) reflects 30 CFR 817.52(a)(1) with the suspended provision deleted. The amended provisions were not considered in the Secretary's initial decision partially approving/partially disapproving the Utah program (45 FR 47461–74510, October 24, 1980) because the adoption of the amendments did not occur before June 16, 1980 (See "General Background on State Program Approval Process," 45 FR 70462). In order to maintain consistency with the district court order in *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144), Utah on November 19, 1980, "suspended pursuant to Judge Flannery's order" all regulatory provisions which it had enacted since August 15, 1980. Utah noted this in its December 23, 1980, resubmission, but inadvertently failed to resubmit the revised regulatory language described above. The Secretary believes this deletion to be inadvertent and feels that SMC 816.52(a)(1) as in effect is consistent with the Federal rule because the authorization to suspend rules based on Judge Flannery's ruling does not authorize any suspension in 816.52(a)(1), which Judge Flannery did not remand. Accordingly, the Secretary finds that the deficiencies have been corrected and therefore approves UMC 817.52(a)(1) and SMC 816.52(a)(1) (see Finding 4(c)(xiv)).

8. Three commenters argued that Utah's amendment to SMC 816.57(a) and UMC 817.57(a) contained in its December 23, 1980, resubmission is deficient in that it does not address the deficiency noted by the Secretary in his October 24, 1980, decision (see Finding 4(c)(xvi), 45 FR 70488) and introduces a new deficiency. Specifically the commenters contended that the State limits the application of the buffer zone prescribed by 30 CFR 816/817.57(a) and fails to apply the buffer zone to streams which are neither perennial nor intermittent, but where a biological community is determined to exist.

The Secretary disagrees with the commenters. As discussed in Finding 4(c)(xvi), 45 FR 5903, January 21, 1981, Utah adopted verbatim the requirement of 30 CFR 816/817.57(c) in UMC 817.57(c) and SMC 816.57(c). These provisions prescribe that a biological community in a stream be determined by the existence in the stream at any time of an assemblage of two or more species of arthropods or molluscan animals which meet certain criteria (30 CFR 816.57 and 817.57). Utah sets forth in SCM 816.57(a) and UMC 817.57(a) that "no land within 100 feet of a perennial or an intermittent stream and which contains a biological community * * * [may] be disturbed by surface (underground) coal mining activities." As explained in Finding 4(c)(xvi), the Secretary understands that a biological community could be found in both perennial and intermittent streams. This finding is consistent with the Federal preamble's discussion of the need for buffer zones (44 FR 15177, March 13, 1979). The regulation, by use of the term "biological community," seeks to protect biologically significant streams from direct disturbance except in accordance with Section 816.44. The more constant intermittent streams will usually have a biological community, but as streams become increasingly intermittent due to their climatic, geologic and geographic location, the less likely it will be that they have a biotic community that fits within the definition in 30 CFR 816/817.57(c). Further, perennial streams will almost always have a significant biota unless it has been eliminated by pollution. The Secretary knows of no perennial stream in Utah which does not have significant biota. Finally, while ephemeral streams may be significant sources of water and sediment to larger streams, the Act contemplates mining and associated activities to disturb directly minor stream channels when it allows for sedimentation ponds which have to be built in some sort of water drainage channel. Surface mining is impossible without destruction of a number of ephemeral streams, as defined in 30 CFR 701.5. The Secretary believes that in Utah's regulations all streams, perennial, intermittent, and ephemeral are afforded protection equal to that required by the Federal regulations based upon hydrologic considerations, regardless of the existence or nonexistence of a biological community.

Specifically, the provisions of SMC 816.43 and .44 are consistent with 30 CFR 816/817.43 and .44 in insuring the preservation of perennial, intermittent and ephemeral streams. All perennial streams and all intermittent streams with significant biota will be protected by the 100 foot buffer zone. Further, in Utah, ephemeral streams characteristic of the areas in which underground mining takes place do not contain biological communities which are important to fish because they derive from the direct result of snowfall which varies from year to year. Accordingly, the Secretary finds that Utah's provision provides the same level of protection as the Federal regulation.

9. Three commenters stated that Utah's response to the Secretary's finding that subsection (1) of 30 CFR 817.65 did not appear in the State rule, UMC 817.65, does not remedy the deficiency and as such may not be approved.

In its December 23, 1980, resubmission, Utah presented as adopted regulations, UMC 817.65 (i), (j) and (j)(1). These provisions are identical to 30 CFR 817.65 (i), (j) and (j)(1).

In further reviewing the Utah regulations, the Secretary has determined that UMC 817.65(l)(1) is included in the program resubmission (See Administrative Record No. UT–1). Therefore, the Secretary is approving UMC 817.65.

10. Three commenters contended that because Utah did not submit its provisions in UMC 817.72(b) and SMC 816.72(b), which differ from the requirements of 30 CFR 817/816.72(b), as a state window, they cannot be approved. 30 CFR 816/817.72(b) require that a subdrainage system always be constructed for valley fills. UMC 817.72(b) and SMC 816.72(b) allow an exemption when the operator satisfies certain conditions prescribed in the

regulation. The commenters also pointed out that Utah has not amended UMC 817.72(c) and SMC 816.72(c) to be consistent with 30 CFR 817/816.72(c). The Federal regulation only allows the regulatory authority the discretion to require the construction of lifts in valley fills less than four feet while the State allows lifts greater than four feet. The commenters argued that because the State did not file a state window to support its provision, the State rule must be disapproved as being inconsistent with and less stringent than the Federal rule.

The Secretary agrees with the commenters that Utah must revise UMC 817.72 (b) and (c) and SMC 816.72 (b) and (c) so that its regulations for insuring stability in valley fills are consistent with the standards prescribed by 30 CFR 816/817.72(c).

The Secretary has conditioned his approval of the Utah program on the revision of this section (see Findings 4(c)(xx)(5), 46 FR 5905).

11. Three commenters stated that Utah has not cured the deficiency in SMC 816.103 and UMC 817.103 identified by the Secretary in his decision on October 24, 1980 (45 FR 70488). In the decision, the Secretary pointed out that the State's regulations did not specify a minimum burial depth of four feet, if not treated, for prescribed materials and as such was inconsistent with 30 CFR 816/817.103(a)(1). The Secretary also noted that the Federal provision has been remanded by the court to allow treatment of such materials in *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–114).

Utah submitted to OSM on July 24, 1980, as part of its proposed program submission, proposed regulatory amendments for SMC 816.103(a)(1) and UMC 817.103(a)(1) which incorporated the Federal requirement that certain materials be "* * * covered with a minimum of four feet of the best non-toxic and non-combustible material * * *." The Board adopted this amendment on August 20, 1980. The amended provision was not considered in the Secretary's initial decision on October 24, 1980 (45 FR 70481–70510), partially approving and partially disapproving the Utah program because the adoption did not occur before June 16, 1980 (see "General Background on State Program Approval Process," 45 FR 70482).

In that decision the Secretary also set forth standards for applying the court order referenced above (45 FR 70482). Under those standards, the Secretary need not affirmatively disapprove state provisions similar to those Federal provisions suspended or remanded by the district court where the state had adoted such provisions in rulemaking which occurred after the date of the Round II District Court decision.

Although Utah did adopt modifications to UMC 817.103(a)(1) and SMC 816.103(a)(1) after the August 15, 1980, decision, the State did not want the Secretary to consider as part of its program any provisions which the court had indicated the Secretary could not require of a State. Accordingly, it "suspended pursuant to Judge Flannery's order" the provisions relating to cover and treatment of toxic materials on November 19, 1980. The latter action is identified in the State's resubmission on December 23, 1980. Utah elected to take this action in order to remain in accord with the court order and the revision and repromulgation of those provisions by OSM.

Based on these facts, the Secretary finds that SMC 816.103(a)(1) and UMC 817.103(a)(1), as promugated, are consistent with the requirement of 30 CFR 817/816.103(a)(1) for requiring a minimum burial depth, if not treated, and the provisions are in accord with the remanded order of the court. This finding is based on the Secretary's understanding that Utah's "suspension pursuant to Judge Flannery's order," only suspends or remands those provisions insofar as mandated by the court and as such does not affect the requirement to comply with those standards of the provision not addressed by the court. The court remanded the Federal rule because it did not include the alternative of treatment. In the case of this rule, the Utah "suspension" does not affect the applicability of the rule adopted August 20, 1980.

12. Three commenters argued that Utah's use of the phrase "to the extent technologically and economically feasible" in UMC 817.124(a) as a modifier to the requirement of the permittee to comply with the subsidence control plan approved pursuant to UMC 784.20, makes the Utah provision inconsistent with and less stringent than the 30 CFR 817.124(a).

The Secretary does not consider the phrase "to the extent technologically and economically feasible" to condition an operator's obligation to comply with the subsidence control plan. Rather, the Secretary agrees with the explanation of the use of the phrase submitted as part of the State's December 23, 1980, resubmission (Utah State Program Amended Text and Clarifications—Rules and Regulations (Adopted Amendments) page 55). In that discussion, Utah states that an operator must adopt the most technologically and economically feasible measures to control subsidence as mandated by Sections 102, 501(b) and 516(b)(1) of SMCRA. Further, the Secretary does not believe that an operator could argue legal non-compliance with an approved subsidence control plan on the basis that it was not feasible. Compliance with the plan is a standing condition of the permit. Arguments of "infeasibility" have no merit or standing. Accordingly, the Secretary finds UMC 817.124(a) consistent with and as stringent as 30 CFR 817.124(a).

13. It was noted by three commenters that while Utah added the word "noncancellable" to describe the type of prepaid insurance policy required in the protection of surface owners from the potential adverse effects of subsidence, the State did not delete the word "renewable." The commenters argued that under a "renewable" policy, the guaranteed coverage would necessarily expire at the end of the renewal term, thereby creating a situation where the coverage might expire as a result of nonpayment, notwithstanding that the policy is "noncancellable" during the term of the policy.

The Secretary agrees with the commenters that UMC 817.124(b) is inconsistent with and less stringent than 30 CFR 817.124(b) and has conditioned his approval of the Utah program on Utah's amending its provision to be consistent with the Federal regulation (see Finding (4)(c)(xxix), 46 FR 5905–5906).

14. It was pointed out by three commenters that while Utah has adopted in UMC 817.126(a) the buffer zone requirement of 30 CFR 817.126(a), the State also modified the determination the Division must make in order to waive the buffer zone. The commenters argued that by using the phrase "material damage which would result in the environmental degradation or safety hazards to streams, water bodies and associated structures" Utah has limited the use of a buffer zone. The commenters stated that the Federal rule requires the Division to determine that mining will not cause any "material damage" to listed surface structures. Further, the commenters argued, reductions in stream flow would not be considered a "material damage" under the Utah provision, when in fact loss of water owned by third persons would constitute "material damage" under the Federal rule. The commenters felt the Utah rule must be disapproved.

The Secretary believes that Utah's provision does not limit or restrict the determination of adverse effects due to material damage from subsidence. Utah

adopted, in UMC/SMC 700.5, a definition for "materially damage the quantity or quality of water" which is identical to that prescribed in 30 CFR 701.5. In that this definition recognizes changes in the quantity and quality of water supply as a material damage and there is no evidence to support that such changes would not result in "environmental degradation," the Secretary feels that UMC 817.126(a) is consistent with and as stringent as 30 CFR 817.126(a).

15. Three commenters stated that Utah did not respond to the Secretary's findings on October 24, 1980 (45 FR 70487), that the Utah definition of aquifer in UMC/SMC 700.5 was inconsistent with the definition of aquifer in 30 CFR 701.5.

The Secretary disagrees with the commenters. Utah adopted an amendment to its definition of aquifer on December 16, 1980, making the Utah definition identical to the Federal definition (See Administration Record No. UT–174) The amendment is contained in Utah's December 23, 1980, resubmission (Permanent Program Submission Under the Surface Mining Control and Reclamation Act of 1977—Proposed Amendments for Adoption).

16. Three commenters expressed concern with the provision of UMC/SMC 788.12(a)(1) which requires a permit revision if there is an increase in the size of the surface or subsurface area disturbed in an amount of 5% or greater than the originally approved area. Specifically, the commenters felt that this provision could allow a taking of property without due process of law. Further, they argued that Utah's rule is inconsistent with Section 511(a)(3) of SMCRA which requires that a revision of the permit boundary be treated as a permit revision. The commenters also contended that Utah's deletion of UMC/SMC 788.12(a)(1)(iv) only tends to limit those changes which are to be considered "significant departures" and as such require a permit revision.

A "disturbed area" is defined by UMC/SMC 700.5 and 30 CFR 701.5 to mean an area where vegetation, top soil or over burden is removed or upon which top soil, spoil, coal processing waste, underground development waste or noncoal waste is placed by surface coal mining operations. "Disturbed area" is contained within a "permit area," which is defined as the area of land and water within the boundaries of the permit approved by the regulatory authority. A permit area includes at a minimum all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit. As all mines in Utah currently permitted are underground mines, the disturbed areas are not large in acreage. Hence an increase of less than 5% will not constitute a major change in the operations. Further, Utah adopted in UMC/SMC 788.12(d) a provision identical to 30 CFR 788.12(d). This section prescribes that "any extensions to the area covered by the permit, except for incidental boundary revisions, shall be made by an application for a new permit and shall not be approved under * * *" 788.12. The Secretary feels that Utah, by adopting the provision, has clearly given notice to the public as to the changes that will be considered significant.

The Secretary understands Utah's provision to address only "disturbed areas" and not "permitted areas." Accordingly, the Secretary does not find that significant changes will be obtained under the Utah provision. While the operator can change by up to 5% the disturbed area within the permit area, any change in the permit area is subject to approval by the regulatory authority, and any extensions other than incidental ones require a new permit. The Secretary considers Utah's provision to be consistent with the intent of 30 CFR 788.12(a)(1) to allow the regulatory authority discretion in providing parameters to determine what changes will constitute significant departures as used in the program.

The Secretary further finds that Utah's provision UMC/SMC 788.12(a)(1) defines what changes in the method of conducting operations, i.e., from room and pillar mining to longwall mining, would be considered a significant change from the approved permit and as such would require a permit revision. The Secretary finds Utah's deletion of UMC/SMC 788.12(d) consistent with the requirement of 30 CFR Chapter VII to limit variance from the Federal regulations to those cases where a standard has been established and the decisions are not made on a site-by-site basis.

17. Three commenters disagreed with the Secretary's preliminary analysis of the Utah State Window for Steep Slope Mining (see 45 FR 47485). The commenters argue that the Secretary must require the elimination of highwalls in all cases. The commenters contended that while Section 515(c) of SMCRA allows an exemption to the approximate original contour requirement of Section 515(b)(3) of SMCRA for mountain top removal operations and Section 515(b)(3) provides for an exemption for their overburden, no other exemptions are allowed by SMCRA. Further, the commenters stressed that Congress did not intend for general variances or exemptions from the performance standards in SMCRA. Finally, the commenters stated that Utah has presented no justification "for not implementing 30 CFR 826.12 in addition to subsection (b)." The commenters feel that "the remaining requirements of the section should apply to whatever backfilling is performed on the site."

The Secretary disagrees with the commenters. As he explained in detail in his initial decision on the October 24, 1980 (45 FR 70485–6), the requirement of Section 515(b)(3) to return an area to its natural approximate original contour is the determining provision of the Section and the elimination of highwalls is a means of accomplishing that mandate. Further, the Secretary believes that his approval of Utah's proposed state window implements Section 101(f) of SMCRA and 30 CFR 731.13 which mandate that consideration be given to environmental or agricultural conditions or local requirements unique to a particular state. At the same time, the Secretary has conditioned his approval of the Utah program on the State's revision of its program to include requirements consistent with and as stringent as those of 30 CFR 826.12 for the prevention of dumping certain materials on the downslope of steep slope areas (see Finding 4(c)(xxxi), 46 FR 5906).

20. Three commenters stated that Utah must revise Section 40–10–18 UCA of the Utah SCMRA before its program can be approved by the Secretary. The commenters contended that Utah's proviso in the section, "standard methods of mining," cannot be construed to be equivalent to the proviso of Section 516(b)(i) of "standard methods of room and pillar mining." Further, the commenters felt that an Attorney General's opinion is not sufficient for the Secretary to base his decision of equivalency.

The Secretary disagrees with the commenters. As discussed in Finding 1(a)(v) (46 FR 5900), the Secretary considers Utah's clarification that "standard methods of mining" applies to

"room and pillar" or "long wall" mining or a combination of those methods meets the requirements of consistency and stringency set forth by the Federal program. Section 516(b)(1) of SMCRA makes it clear that the subsidence controls in the Federal Act are not to prohibit room and pillar mining or longwall mining which is a technology which requires planned subsidence in a predictable and controlled manner. Further, the Secretary believes this interpretation to be fully consistent with legislative history of SMCRA (See H.R. Rep No. 218, 95th Congress, 1st Session 128 (1977); 1977 U.S. Code, Congressional and Administrative News 658). The Secretary considers the Attorney General's opinion part of the State program. As such, any failure by the State to abide by the opinion would be considered a violation of the program, just as a violation of its statute or regulations would be. Accordingly, the Secretary finds that Utah's statutory provision provides protection of the environment and the public equal to that guaranteed by SMCRA.

Dated: February 10, 1981.

Andrew V. Bailey,

Acting Director.

[FR Doc. 81-9030 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6016]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of *List of* Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

The entry reads as follows:

§65.7 List of Communities with Minimal Flood Hazard Areas.

State	County	Community name	Date of conversion to regular program
Ohio	Stark	Village of East Sparta	May 1, 1981.
North Dakota	Burke	City of Portal	May 26, 1981.
Washington	Whitman	Town of St. John	May 26, 1981.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Federal Insurance Administrator)

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8882 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 755–5585 or

Toll Free Line (800) 424–8872 (In Alaska and Hawaii Call Toll Free (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 60.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Santa Rosa (City), Sonoma County (FI-8501)	Spring Creek	Doyle Park Drive (50 feet upstream from centerline)	*175
			Franquette Avenue (200 feet upstream from centerline)	*201
			Mayette Avenue (60 feet upstream from centerline)	*214
	Maps available for inspection at City Hall, Santa Rosa, California.			
Georgia	Waycross (City), Ware County (FI-8363)	Waycross Drainage Canal	3rd Corporate Limits at centerline	*88
			Morningside Drive—100 feet upstream of centerline	*90
			City Boulevard—20 feet upstream of centerline	*94
			Plant Avenue—30 feet upstream of centerline	*96
			Ricardo Street—60 feet upstream of centerline	*99
			Darling Avenue—20 feet upstream of centerline	*104
			Screven Avenue—20 feet upstream of centerline	*113
			Knight Avenue—60 feet upstream of centerline	*118
			Williams Street—20 feet upstream of centerline	*121
			Reynolds Street—20 feet upstream of centerline	*125
			Marion Street—20 feet upstream of centerline	*126
			Lee Street—20 feet upstream of centerline	*128
			Seaboard Coastline Railroad:	
			20 feet downstream of centerline	*129
			20 feet upstream of centerline	*134
		Tributary A	Morningside Drive:	
			80 feet downstream of centerline	*88
			60 feet upstream of centerline	*93
			Seminole Trail—20 feet upstream of centerline	*96
			City Boulevard:	
			85 feet downstream of centerline	*96
			100 feet upstream of centerline	*102
			Central Avenue:	
			40 feet downstream of centerline	*112
			50 feet upstream of centerline	*117
			Corporate Limits at centerline	*118
		Tributary B	Alice Street—40 feet upstream of centerline	*103
			Tebeau Street—40 feet upstream of centerline	*105
			Darling Avenue—20 feet upstream of centerline	*119
			Riverside Avenue—70 feet upstream of centerline	*124
		Tributary C	Alice—20 feet upstream of centerline	*110
			Tebeau Street at centerline	*111
		Tributary D	Knight Avenue—20 feet upstream of centerline	*115
			Carswell Avenue—20 feet upstream of centerline	*117
			Pendleton Street—40 feet upstream of centerline	*123
			McDonald Street—20 feet upstream of centerline	*127
			Jane Street—20 feet upstream of centerline	*131
			Ethel Street—30 feet upstream of centerline	*132
		Tributary F	Ball Street Extension at centerline	*134
		Tributary G	Lewis Avenue—20 feet upstream of centerline	*134
			Knight Avenue—125 feet downstream of centerline	*120
			Knight Avenue—125 feet upstream of centerline	*130
			Reynolds Street—25 feet upstream of centerline	*134
			Mosley Street—25 feet upstream of centerline	*137
		County Creek B	Seminole Trail—25 feet upstream of centerline	*95
	Maps available for inspection at City Hall, Waycross, Georgia.			
Kansas	(C) Kansas City, Wyandotte County (Docket No. FI-5266)	Missouri River	At eastern corporate limit	*751
			Approximately 0.5 mile downstream of Fairfax Bridge	*757
			Just upstream of Interstate 635	*759
			At northern corporate limit	*765
		Kansas River	At confluence with Missouri River	*751
			1,000 feet upstream of 7th Street	*752
			Just downstream of Kansas Avenue	*757
			At confluence of Brenner Heights Creek	*760
			At confluence of Mill Creek	*764
			At western corporate boundary	*767
		Turkey Creek	Just upstream of tunnel entrance	*763
			Just upstream of Interstate 35 Ramp	*768
			Approximately 350 feet upstream of Mission Road	*787
			Upstream of Interstate 35 (approximately 350 feet upstream of Southwest Boulevard)	*790
			Upstream of Mill Street	*799
			Just downstream of the St. Louis and San Francisco Railway	*802

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 700 feet downstream of Rice Lane	*808
			400 feet upstream of 18th Street Expressway	*835
			Approximately 150 feet upstream of the upstream Interstate 35 crossing.	*838
			Approximately 400 feet upstream of Lamar Avenue	*846
		Brenner Heights Creek	At confluence with Kansas River	*760
			Approximately 20 feet upstream of 57th Street	*785
			Approximately 200 feet downstream of State Avenue	*788
			Approximately 130 feet upstream of State Avenue	*790
			Just upstream of Everett Avenue	*816
			Approximately 600 feet downstream of Parallel Avenue	*842
			Approximately 250 feet upstream of Parallel Avenue	*849
			Just downstream of 58th Street	*849
			Just upstream of 58th Street	*862
			Approximately 2,750 feet upstream of 58th Street	*875
		Brenner Heights Creek Tributary	At confluence with Brenner Heights Creek	*783
			Approximately 150 feet downstream of State Avenue	*784
			Just upstream of 58th Street	*799
			Approximately 650 feet upstream of 58th Street	*809
			Approximately 2,950 feet upstream of 58th Street	*821
		Muncie Creek	At confluence with Brenner Heights Creek	*760
			Just upstream of 61st Street	*763
			Just upstream of Riverview Avenue	*775
			Just downstream of the Kansas Turnpike	*779
			Approximately 400 feet upstream of Kansas Turnpike	*788
			Approximately 2,900 feet upstream of Kansas Turnpike.	*788
			Just downstream of State Avenue	*811
			Approximately 100 feet upstream of State Avenue	*819
			Approximately 7,100 feet upstream of State Avenue	*881
		Mill Creek	At confluence with Kansas River	*764
			Just downstream of Union Pacific Railroad	*784
			Approximately 1,000 feet upstream of State Highway 32.	*775
			Just upstream of Kansas Avenue	*783
			Just downstream of 72nd Street	*792
			Just upstream of 72nd Street	*798
			Just downstream of Riverview Avenue	*810
			Just upstream of Riverview Avenue	*830
			Approximately 1,500 feet upstream of Interstate 70	*822
			Just downstream of State Avenue	*864
			Just upstream of State Avenue	*874
			Approximately 2,700 feet upstream of State Avenue	*881
		Little Turkey Creek	At confluence with Kansas River	*765
			Just upstream of Swartz Avenue	*777
			Just upstream of 66th Terrace	*789
			Just upstream of Kansas Avenue	*783
			At western corporate boundary	*843
		Little Turkey Creek Tributary	At confluence with Little Turkey Creek	*789
			Just upstream of Kansas Avenue	*791
			Just downstream of 66th Street	*791
			Just upstream of 66th Street	*797
			Approximately 5,700 feet upstream of 66th Street	*823
			Approximately 7,200 feet upstream of 66th Street	*840
		Connor Creek	At confluence with Missouri River	*765
			Approximately 300 feet upstream of 97th Street	*766
			Approximately 300 feet upstream of Hollingsworth Drive.	*778
			Just upstream of Donahoo Road	*819
			Approximately 150 feet upstream of 107th Street	*840
			Approximately 2 miles upstream 107th Street	*900
Maps available for inspection at City Hall, Physical Planning Department, Kansas City, Kansas.				
Louisiana	Abbeville (City), Vermilion Parish (FEMA-5817)	Vermilion River	100 feet upstream from intersection of Vermilion River and center of Southern Pacific Railroad.	*10
		Valcourt Coulee	Intersection of Valcourt Coulee and center of South Hollingsworth Drive.	*11
			Intersection of Valcourt Coulee and center of West Summers Drive.	*13
		Dick Hunter Coulee	Intersection of Dick Hunter Coulee and the center of Memorial Drive.	*10
		Hog Coulee	Intersection of Hog Coulee and center of Port Street	*10
		Youngs South Coulee	Intersection of Youngs South Coulee and center of Eaton Drive.	*12
		Youngs North Coulee	Intersection of Youngs North Coulee and center of Hospital Road.	*7
			Intersection of Youngs North Coulee and center of Leonard Avenue.	*12
Maps available for inspection at City Hall, 3040 Charity Street, Abbeville, Louisiana.				
Michigan	(C) Sterling Heights, Macomb County (Docket No. FEMA-5825).	Clinton River	Just upstream of Hayes Road	*602
			About 200 feet upstream of Kleino Road	*606
			About 250 feet upstream of Earl Memorial Highway	*614
		Red Run Drain	Just downstream of Van Dyke Road	*624
			Just downstream of Utica Road	*602
			Just upstream of 16 Mile Road	*605

Final Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Plum Brook	Just downstream of 14 Mile Road	*610
			Just upstream of Schoenherr Road	*603
			Just upstream of Van Dyke Road	*615
			About 700 feet upstream of Mound Road	*624
			Just downstream of Golf Course Weir	*632
			Just upstream of 19 Mile Road	*643
			Just downstream of Hall Road	*677
		Gibson Drain	Mouth at Plum Brook	*632
			Just downstream of Dequindre Road	*642
		Chrisoman Drain	Just downstream of culvert	*622
			Just upstream of culvert	*623
			Just upstream of Mound Road	*633
			Just downstream of State Highway 59	*648
		Chrisoman Drain (Old Channel)	Mouth at Plum Brook	*621
			At divergence from Chrisoman Drain	*623
		Chrisoman Drain (Overland Flow at 19 Mile Road).	At confluence with Chrisoman Drain	*635
			Just upstream of 19 Mile Road	*636
		Big Beaver Creek	Just upstream of Conrail	*611
			Just downstream of Dequindre Road	*630
		Sterling Relief Drain	Mouth at Red Run Drain	*606
			About 3,600 feet upstream of Dodge Park Road	*606
		Shanahan Drain	Mouth at Big Beaver Creek	*626
			About 1,200 feet upstream of 16 Mile Road	*632
		Phial Drain	Mouth at Clinton River	*607
			Just downstream of Dodge Park Road	*607

Maps available for inspection at City Engineer's Office, 40555 Utica Road, Sterling Heights, Michigan.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8883 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Revised, Amendment No. 8]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Interim rule.

SUMMARY: Foreign commerce rail/water tariffs must continue to publish a single factor through rate, but need not continue to break out the division, rate or charge for the port-to-port portion of a through service required by § 536.8(b). This action temporarily waives an existing regulatory requirement and is taken to accommodate ICC tariff filing exemptions for TOFC/COFC traffic and to reduce the tariff filing burdens of ocean carriers.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Commission's recent decision in *Ex Parte 230 (Sub-No. 5)*, 46 FR 14346 (1981), has prompted the Federal Maritime Commission to temporarily waive a portion of its tariff regulations governing through rail/ocean transportation in foreign commerce. This interim action has been taken without prior notice and comment due to the fact that the ICC's decision was not released until February 19, 1981 with an effective date of March 23, 1981. The shortness of the time period involved makes it impractical to publish a final rule before the new ICC regulations take effect. Moreover, the public interest clearly requires that the Commission take prompt action to assuage the uncertainty *Ex Parte 230* has created in the multi-million dollar ocean transportation industry. The procedure to be implemented will insure that meaningful public tariffs continue to be on file and that ocean carriers adhere to the through rates published in those tariffs.

Effective March 23, 1981, transportation provided by railroads under trailer on flatcar (TOFC), container on flatcar (COFC), and certain other services connected with through intermodal traffic services will be exempt from ICC tariff filing requirements. This exemption apparently applies to all ex-ocean traffic in which United States railroads participate.

Since 1972, intermodal rail/ocean rates and routes have been accepted by the Commission and the ICC only in the form of a concurrently filed joint through tariff. This form was carefully devised to meet the requirements of both regulatory agencies and contained provisions describing the inland and ocean transportation, particularly the portion or division of the through rate received by each participating carrier, and is set forth in section 536.8(b) of the Commission's Rules (46 CFR 536.8(b)).

The ICC's amendments to 49 CFR Part 1300 will preclude a calculation of a through intermodal rate by combining its component land and ocean divisions. Because knowledge of the *through rate* is essential to the proper performance of the Commission's anti-rebating and anti-discrimination responsibilities under the Shipping Act, 1916 (46 U.S.C. 801, *et seq.*), it is necessary that ocean carriers *alone* be required to publish this through rate in their intermodal tariffs. Although the Commission does not regulate all

aspects of the through intermodal transportation being performed, the authority conferred by section 18(b) of the Shipping Act (46 U.S.C. 817(b)) fully supports the continued filing of the through rate collected from the shipper for such services. This arrangement does not subject land transportation itself to Shipping Act regulation, and as long as no jurisidiction is exercised over inland carriers, there is no legal or other obstacle to the Commission's continuation of its policy of requiring publication and adherence to through intermodal rates. *See United States v. Federal Maritime Commission (Gulf-U.K. Agreement)*, 636 F. 2d 792 (D.C. Cir. 1980), vacated pending rehearing.

The *Ex Parte 230* decision primarily affects compliance with the section 536.8 requirement that FMC intermodal tariffs include the ocean carrier's port-to-port division as well as a through rate. Heretofore, ocean carriers have met this requirement by stating the through rate on a weight or measure basis for each commodity carried in the through service, and also stating the rail division on a per container basis. The ocean portion of the through rate can only be calculated with reference to the *rail division* and then only with certain additional information, *e.g.*, the quantity of cargo moving in the container in question.

The Commission has been advised by several ocean carriers that the forthcoming ICC exemption of ex-ocean TOFC/COFC traffic is causing railroads to cancel existing concurrences with FMC regulated ocean carriers. If present ICC TOFC/COFC tariffs are cancelled, then present FMC intermodal tariffs will also have to be cancelled unless they are amended to provide significantly greater (and frequently changing) details concerning the ocean carriers' divisions or the Commission permits amendments which delete the ocean division altogether.

The former option is not a viable alternative at this time, both because railroads may not permit their TOFC/COFC charges to be published in FMC tariffs once this information is exempt from ICC requirements and because ocean carriers have claimed that an exact statement of the ocean division is impossible for all practical purposes given railroad ratemaking practices.[1]

Even if exact ocean divisions could be published in conjunction with the through rate, it would indirectly reveal the deregulated TOFC/COFC charges, thereby countermanding *Ex Parte 230* to a significant extent. Under these circumstances, the Commission believes it is neither appropriate nor feasible to continue requiring the publication of the ocean carrier's port-to-port division as provided by § 536.8(b).

Knowledge of the ocean carriers' division is of little practical use to the Commission, intermodal shippers or other interested parties.[2] Conduct actionable under the Shipping Act is triggered by the economic effects of the through rate, not the port-to-port division alone. Focusing solely upon the through rate will permit the Commission to lessen regulatory burdens on intermodal traffic by eliminating the present requirement for separately breaking out the ocean carrier's port-to-port division. Unless a through rate approach is taken, the revisions to 46 CFR Part 1300 will force the Commission to significantly increase the amount of detail with which the port-to-port rates and practices are described in intermodal tariffs—a requirement ocean carriers may be unable to meet. Other solutions to this problem may exist, but at this time the Commission believes the approach most consistent with both agencies' concern for stimulating transportation efficiencies is to rely solely upon the through rates for tariff filing purposes. The Commission has never interpreted Shipping Act section 18(b)(1) as mandating the ritualistic recitation of an exactly stated "port-to-port rate" in addition to the through rate in all instances of through transportation.[3] Rather, the plain purpose and language of the statute are adequately accommodated by the type and quantity of tariff matter which will provide meaningful information regarding the *ocean transportation* "between the United States * * * and a foreign country" subject to FMC jurisdiction under section 1 of the Shipping Act, 1916 (46 U.S.C. 801). The through route alone should meet this need in the case of rail/ocean intermodal transportation.

Temporary waiver of § 536.8's port-to-port division requirement will not impede the Commission's enforcement responsibilities nor alter formal complaint procedures in any way. Its purpose is simply to ensure there is no disruption of foreign commerce while the Commission attempts to develop final rules which will assure effective Shipping Act enforcement without placing undue regulatory burdens on intermodal cargoes.

Accordingly, that portion of section 536.8 which requires the publication of the ocean carrier's port-to-port divisions *for through rail ocean transportation only* will be waived until further notice. All other aspects of section 536.8 remain in effect. This waiver affects both existing tariffs and tariffs to implement new rail/ocean services and will remain in effect pending completion of a forthcoming Commission rulemaking proposal to permanently revise its tariff regulations governing through intermodal transportation.

This amendment to § 536.8 will take effect March 25, 1981. However, the rule has been written to apply only to transportation actually affected by the implementation of the ICC's new regulations.[4] Short notice publication is justified under 5 U.S.C. 553(d) because the interim rule will relax present tariff filing obligations and alleviate the regulatory and commercial conflicts which could arise in the absence of a clear indication of what tariff matter will continue to be accepted for filing at the FMC—and thereby become *prima facie* lawful—once the TOFC/COFC deregulation scheduled for March 23, 1981 takes effect.

The Commission certifies that this interim rule will not, if promulgated and adopted, have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, September 19, 1980 (5 U.S.C. 601 *et seq.)*.

Therefore, it is ordered, That, pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553(d)) and sections 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b) and 841a), Part 536 of 46 CFR of the Commission's Rules is temporarily amended by the addition of a new paragraph (c) to § 536.8 which reads as follows:

§ 536.8 Tariffs containing through rates and through routes.

* * * * *

[1] *See e.g., Report and Order in Docket No. 72-19*, 42 FR 59285 (1977). The ICC's *Ex Parte 230* decision is intended to encourage even greater flexibility and variation in railroad pricing.

[2] Indeed, the principal reason for the port-to-port breakout approach reflected in section 536.8 has been to avoid jurisdictional conflicts with the ICC prohibited under section 33 of the Shipping Act, 1916 (46 U.S.C. 832). The ICC's exemption of TOFC/COFC traffic now appears to have eliminated this problem.

[3] For example, the Commission has not required any breakout of the port-to-port division in an intermodal service where the inland transportation takes place in a foreign country.

[4] Petitions to review *Ex Parte 230 Sub-No. 5* are pending before the United States Court of Appeals for the Fifth Circuit and will be considered on an expedited basis. *American Trucking Associations, Inc., et al. v. Interstate Commerce Commission and United States of America* (Docket Nos. 81-4046 and 81-4080).

(c) Commencing upon publication of this rule in the Federal Register and until further notice of the Commission, tariffs containing rates for through rail/ocean transportation involving railroad movements within the United States must continue to be filed in full compliance with this section, except that such tariffs may omit the division, rate, or charge to be collected by the water carrier subject to the Act for the port-to-port portion of the through service, and existing tariffs may be amended to delete this information; *Provided, however,* that the port-to-port portion may be deleted only if the railroad transportation involved in the through route has actually been exempted from tariff filing responsibilities under the Interstate Commerce Act.

By the Commission March 23, 1981.*

Joseph C. Polking,
Acting Secretary.

Dissenting Opinion

Acting Chairman Kanuk, dissenting in part. While I agree with the majority that the Commission should address the impact of the Interstate Commerce Commission's (ICC's) final rule in Ex Parte No. 230 (Sub. No. 6), *Improvement of TOFC/COFC Regulation,* on ocean carriers' tariff filing requirements, I cannot agree that the Interim Rule should be implemented without providing for public notice and comment.

The Administrative Procedure Act (APA), 5 U.S.C. 553 (b) and (c), requires notice and an opportunity for comment on rules of a substantive nature. The Interim Rule is of a substantive nature. Provision is made for exceptions to this general rule when the agency finds that providing for notice and comment is "* * * impractical, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b)(B). The majority relies on the ICC's date of March 23, 1981, for putting its rule into effect, as the basis for concluding that notice and comment would be impractical. In addition, the majority states that the public interest requires prompt action by the Commission, in order to address the uncertainty created by the ICC's rule.

There are several problems with this approach. In the first place, the exceptions to the APA's notice and comment requirement have been narrowly construed by the courts, and it has been found that the "* * * mere existence of deadlines for agency action, whether set by statute or court order, does not in itself constitute good cause for a § 553(b)(B) exception." *U.S. Steel Corp.* v. *U.S. Environmental Protection,* 595 F. 2d 207, 213 (5th Cir. 1979); *State of N.J.* v. *U.S. Environmental Protection,* 626 F. 2d 1038, 1045 (D.C. Cir. 1980).

In this case, the Commission is faced with neither a statutory nor a court deadline. What it is faced with is the fact that the ICC's rule exempting rail TOFC/COFC movements from ICC regulation will become effective March 23, 1981. This fact, standing alone, certainly does not create a basis for implementation of the Interim Rule, particularly since the effect of the ICC's rule on intermodal movements is not clearly foreseeable. The Commission goes on to state that it has been advised by several ocean carriers that the forthcoming ICC exemption of ex-ocean TOFC/COFC traffic is causing railroads to cancel existing concurrences with FMC regulated ocean carriers. This general statement is the sole factual basis given by the majority for implementing the Interim Rule. The majority provides no details as to which ocean carriers, which rail carriers, or precisely what action the rail carriers might take. This last factor is particularly important. If, for example, the rail carriers intend to cancel their participation with ocean carriers in joint through intermodal tariffs based on a fear of antitrust exposure, the Interim Rule will not prevent this occurrence. If, on the other hand, rail carriers will, as a result of the ICC's final rule, simply request that their division be deleted from the involved intermodal tariffs, the proposal in the Interim Rule could constitute a means of dealing with the situation. By not supplying more factual information, the Commission fails to provide an adequate basis for implementing the Rule. I find this deficiency particularly disturbing, since the Rule makes a substantive change in the Commission's tariff filing rules, and reverses the position previously adhered to by the Commission that "* * * the separate statement of the charge applicable to the port-to-port transportation is necessary to comply with the mandate of section 18(b) [of the Shipping Act, 1916]." Filing of Tariffs By Common Carriers By Water In The Foreign Commerce of the United States and By Conferences of Such Carriers; Filing of Through Rates and Through Routes, Final Rule, 35 FR 6394, 6396 (April 21, 1970).

I would like to point out that I am as concerned as the majority is that intermodal rail/ocean TOFC/COFC movements continue without interruption. However, the Commission has no sound basis upon which it can conclude that, absent the Interim Rule, these movements will be interrupted. Therefore, I believe that the Commission is acting precipitously in implementing the Interim Rule. The better course of action, in my opinion, would have been for the Commission to have issued a circular letter reminding ocean carriers of their tariff filing obligations under the Commission's rules, and at the same time, to have issued a Notice of Proposed Rulemaking to be conducted on an expedited basis. This course would have permitted the Commission to formulate an appropriate response to the ICC's rule, based on comments from all parties involved.

[FR Doc. 81-9138 Filed 3-24-81; 8:45 am]
BILLING CODE 6720-01-M

*Acting Chairman Leslie L. Kanuk submitted a separate dissenting opinion which follows. Commissioner Peter N. Teige did not participate.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 80-468; FCC 81-68]

Amendment of the Aforementioned Part of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order amends the Commission's rules as follows: 1) the effective date of any full Commission action shall be the date of public notice of such action, unless the Commission affirmatively designates a different effective date; 2) all Commission actions become final, for purposes of seeking agency reconsideration or judical review, on the date of public notice of such actions; 3) the date of public notice shall commence at 3 p.m. Eastern Time on a given day. The purposes of these rule amendments, taken in the same order as the amendments outlined above, are as follows: 1) to clear up confusion as to when a full Commission action becomes effective, 2) to clear up confusion as to when any Commission action becomes final, and 3) to pinpoint the time of day when Commission decisions become final in order to make courthouse races a fair competition for all parties.

EFFECTIVE DATE: April 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Terence Mahony, Office of General Counsel, (202) 254-6530.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

Adopted: February 25, 1981.
Released: March 10, 1981.

In the Matter of Addition of new Section 1.103 to the Commission's Rules of Practice and Procedures; Amendments to Section 1.4(b) of those Rules, [General Docket No. 80-468].

1. The primary purpose of this Order is to add new Section 1.103 to the Commission's rules. Subsection (a) of this rule will generally provide that, unless otherwise specified by law, Commission rules, or Commission discretionary action, the effective date of any Commission action will be the date of public notice as defined in Section 1.4(b) of our rules, 47 CFR § 1.4(b). Subsection (b) of the new rule will establish a standard of finality, namely, that Commission actions shall be final, for purposes of seeking

reconsideration of judicial review, on the date of public notice of such actions. The other purpose of this Order is to amend Section 1.4(b) and specify the precise starting time for the date of public notice.

2. At a public meeting dated September 10, 1980, the Commission deferred final adoption of this Order until the public was given an opportunity to comment on the proposed rules. Since these rules relate solely to practice and procedure, it should be noted that the Commission was not required to give prior notice and the opportunity for comment. See Section 553(b) of the Administrative Procedure Act, 5 U.S.C. § 553(b). Nonetheless, the Commission decided that the potential impact of these proposals on longstanding Commission practices warranted prior public comment. By separate order released September 15, 1980, the Commission specified a period of 30 days during which the public was invited to file comments.

3. During this period, the Commission received four sets of written comments. These comments were filed by Dow, Lohnes, and Albertson (DLA), Baraff, Koerner, and Olender (BKO), American Telephone and Telegraph Company (AT&T), and RCA Global Communications, Inc. (RCAG). The comments of DLA and BKO were directed mainly toward our statement that the proposed rule (establishing a relationship between the effective date and date of public notice for Commission actions) would adopt an approach which is substantially the same as the scheme already in effect for staff actions. DLA and BKO both noted that there are often long intervening delays between the time the staff adopts an action and the time that action becomes effective. Both commented that such delays could force interested parties to postpone execution of their private agreements, resulting in possible detriment. Apart from this matter, BKO also noted that copies of Public Notices are not always available on their release date from the Office of Public Affairs.

4. The comments of AT&T and RCAG focused on our proposal to establish the date of public notice as the standard of finality for Commission decisions. AT&T stated that adoption of this rule might deprive interested parties of their statutory right to seek immediate judicial review of an effective Commission decision. The comments of RCAG shared this view. RCAG also recommended that the "race to the courthouse" should begin when the full text of a decision is released by the Commission and not when that decision is later published in the Federal Register (when such publication is required). RCAG also believes that a Commission decision becomes final, for purposes of seeking judicial review, when that decision is adopted at a public meeting, provided that all parties are immediately bound by the decision.

5. The Federal Communications Bar Association (FCBA) also submitted comments in which it urged the Commission not to adopt the proposed rules. FCBA contends that, consistent with fundamental principles of due process, an action of the Commission should be final and reviewable when that action becomes effective for purposes of reliance or obligations.

Discussion: Effective Dates of Commission Decisions

6. The effective date of any Commission action may be defined as that date on which parties may begin to exercise private rights created by such action or, alternatively, the date on which parties must begin to comply with obligations imposed by such action. The date of public notice of any Commission action, which is further discussed *infra*, is that date from which any specified period for filing pleadings or other documents begins to run. Clearly these two dates have separate significance.

7. As stated above, Section 1.4(b) of the Commission's rules defines the date of public notice for different kinds of Commission actions. In general, our rules do not clearly identify the effective dates for these different kinds of actions.[1] Despite the absence of specific guidance in the rules, a practice has developed by which parties often act in reliance upon a final action by the Commission after its adoption but prior to the date of public notice. In such proceedings, the Commission has affirmatively designated an earlier effective date or the parties have reasonably assumed its existence. In other proceedings, the Commission has imposed obligations on parties which have taken effect on the date of adoption of such action, even though the date of public notice might not occur until later. Notwithstanding these informal practices, the absence of specific guidance in the rules has sometimes created uncertainty as to when a Commission action becomes effective.

8. The Commission has broad discretion to designate the effective dates of its actions. *See generally* 47 U.S.C. 154 (i) and (j). In order to remove any uncertainty, we will add § 1.103(a) to our rules. Subsection (a) will first establish that the effective date of any Commission action shall be the date of public notice of such action, unless the Commission affirmatively designates a different effective date. Thus, unlike the current practice, no party hereafter will be allowed to act in reliance upon a Commission action prior to the date of public notice, unless the Commission designates otherwise. Subsection (a) will further provide that the Commission, on its own motion or on motion by any party, may designate an effective date for its actions that is either earlier or later than the date of public notice.[2] Any party preferring to have an immediate effective date is urged to file a timely motion so that the Commission may consider that motion along with the other substantive matters in the same proceeding. Finally, subsection (a) will provide that the designation of a different effective date will have no bearing on specified periods during which pleadings and other documents must be filed for the purpose of seeking further agency or judicial action. Those periods will commence on the date of public notice, as defined in amended § 1.4(b) of the rules.

9. Because new § 1.103(a) creates a relationship between the effective date and the public notice date of Commission actions, we wish to restate the meaning and importance of a public notice. Public notice means legal notice, namely, the notice to the public that is required by the Administrative Procedure Act. The primary purpose of public notice is to formally advise all interested parties and the public of the fact that the Commission or the staff has taken action with respect to some matter. The date on which a public notice is issued has legal importance, since specified periods for filing pleadings and other documents begin to run from this date. As provided for in our amendments to Section 1.4(b), the date of public notice shall commence at 3 P.M. Eastern Time on the day after any of the following dates:

[1] There are Commission rules that provide effective date guidance for certain kinds of actions. Section 1.102 of the rules, 47 CFR 1.102, sets forth effective date guidance for staff actions taken pursuant to delegated authority. See also, § 1.427, 47 CFR 1.427, for guidance regarding the effective date for Commission rules.

[2] When an earlier effective date is designated, the Commission will ordinarily issue an order notifying the parties and the public of its action. However, the timing of the release of this order will not affect the designated effective date. In other words, if the Commission delays in issuing its order designating an earlier effective date, such delay will not cause the effective date to be changed.

(1) For documents in notice and comment rule-making proceedings, the date of publication in the Federal Register.

(2) For other documents released by the Commission (whether or not published in the Federal Register), the release date. A document is "released" by making the full text available to the press and the public in the Commission's Information Office. The release date appears on the face of the document. [Note omitted.]

(3) If the full text of an action document is not to be released by the Commission but a descriptive document entitled "Public Notice" is released, the date on which the descriptive "Public Notice" is released. [Note omitted.]

(4) If a document is neither published in the Federal Register nor released, and if a descriptive document entitled "Public Notice" is not released, the date on which the document is sent (*i.e.*, mailed, telegraphed, etc.) to persons affected by the action.

As explained below, we are specifying a particular time for the commencement of public notice in order to make any "race to the courthouse" a fair competition for all parties.

10. It must be emphasized that a Commission news release will never constitute legal public notice of any Commission action. Some confusion may persist because a news release is often referred to informally as a "Public Notice." In fact, the two items are distinctly different. A descriptive document entitled "Public Notice" constitutes legal public notice of certain Commission actions as provided for in Section 1.4(b) (3) and (4) of the rules. On the other hand, a news release is an unofficial description of certain Commission actions or other activities. A news release and its release date have no legal significance whatsoever. *See, e.g., Microwave Communications Inc.* v. *FCC*, 515 F.2d 385, 391–392 (D.C. Cir. 1974). Furthermore, when "Public Notice" is the method used to give legal public notice of a Commission action, the Commission ordinarily will not issue a news release to describe that same action.

11. New Section 1.103(a) will not disturb the current practice for actions taken by the staff pursuant to delegated authority. Under existing Section 1.102(b)(1) of our rules, 47 C.F.R. § 1.102(b)(1), staff actions "shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing the full text of such action, or in the event such a document is not released, upon release of a public notice announcing the action in question." Read literally, Section 1.102(b)(1) would appear to set forth the same scheme for staff actions that we are adopting for full Commission action—namely—that the effective date of any action is the date of public notice, unless otherwise specified. The comments of DLA and BKO, summarized above, in effect stated that such a reading of Section 1.102(b)(1) could produce long and harmful delays between the adoption of an action by the staff and the effective date of the action. In response to these concerns, we recognize that, under current practice, the staff generally takes the posture that its actions become effective immediately. Although the staff may not always explicitly state that its action is effective immediately, the clear import of its actions is to allow parties to act without awaiting delivery of a written decision. For example, the staff frequently advises interested parties by telephone that final action has been taken so that those parties can act immediately. Nothing in this order is intended to or should change the way in which the staff operates. The staff will have the same discretion it has exercised in the past to make its actions effective immediately. For the sake of clarification, however, a "Public Notice" and any other document reflecting staff action will in the future indicate whether the action was made effective immediately. Apart from effective dates for staff actions, we also wish to make clear that the "3 P.M." rule adopted in this proceeding will apply to staff actions. Thus, the date of public notice for staff actions will begin at 3 P.M. Eastern Time on the day following the release of either the full text of the action or a descriptive "Public Notice" announcing the action. *See* Section 1.4(b) as amended.

Discussion: Finality of Commission Decisions

12. Uncertainty also persists as to when a Commission decision becomes final for purposes of seeking agency reconsideration or judicial review. The occurrence of that date of finality is significant because pleadings and other documents filed prior to that date could be dismissed as being premature. Similarly, pleadings filed after the expiration of a specified period commencing from that date could be dismissed as not being timely-filed. Finally, that date can be significant in proceedings where interested parties race to file their appeals with different appellate courts.

13. Section 402(c) of the Communications Act, 47 U.S.C. 402(c), generally provides that a "notice of appeal" to the court shall be filed "within thirty days from the date upon which public notice is given of the decision or order complained of." This provision applies to Commission actions enumerated in Section 402(b) of the Act. For parties seeking agency reconsideration, Section 405 of the Communications Act, 47 U.S.C. 405, provides that "a petition for rehearing must be filed within thirty days from the date upon which public notice is given" of the Commission action. Section 1.4(b) of the Commission's rules, as amended and discussed *supra*, provides guidance for determining the date of public notice for each kind of Commission action. Thus, with respect to relief sought under Sections 402(c) or 405 of the Act, an interested party need only consult Section 1.4(b) to determine when a Commission action becomes final for purposes of seeking further relief.

14. However, with regard to seeking judicial review for Commission actions other than those enumerated in Section 402(b), and in accordance with Section 402(a) of the Act, federal law elsewhere provides that "any party aggrieved by the final order may, within 60 days after its entry, file a petition to review the order * * *" 28 U.S.C. 2344. Since Section 2344 refers to the "entry" of a final order rather than "the date upon which public notice is given", confusion has persisted over whether § 1.4(b) of the rules should be applicable to the question of finality here.

15. For example, the United States Court of Appeals for the Second Circuit decided a case which involved the issue of when "entry" of a final order of the Commission occurred. *ITT World Communications, Inc.* v. *FCC*, 621 F.2d 1201 (2d Cir. 1980). That issue arose out of a Commission decision adopted at a public meeting on December 12, 1979. On that same day, an interested party filed a petition for review with the Second Circuit. Then on January 3, 1980, the Commission released a full text of its decision. On that same day, two other interested parties filed petitions for review within minutes of each other, one with the Second Circuit and the other with the United States Court of Appeals for the District of Columbia Circuit. All three petitions were filed pursuant to 28 U.S.C. 2344. Before the court could decide which party had won the race to the courthouse, it first had to decide when the race began, that is, when "entry" of the final order took place. The court concluded that the Commission's decision became final for purposes of seeking judicial review on December 12th, the date of the public meeting. Apparently, the court gave little or no weight to Section 1.4(b) of the Commission's rules. More importantly,

the court majority stated that the Commission has the authority to adopt clearcut rules for determining the finality of its decisions. As the court stated:

> If federal administrative agencies would promulgate straightforward regulations explaining how and when their reviewable orders are to issue, protracted procedural disputes born of the desire to win the race to the courthouse would largely be consigned to an early grave. *ITT World Communications, Inc.* v. *FCC, supra*, 621 F.2d at 1210, quoting *International Union of Electrical, Radio and Machine Workers* v. *NLRB*, 610 F.2d 966, 984 (D.C. Cir. 1979).

16. We are responding to this judicial invitation by adopting subsection (b) to new Section 1.103. The primary purpose of this new rule is to make clear that the statutory terms "entry" of a final order and "the date upon which public notice is given" have the same meaning and, therefore, that newly-amended § 1.4(b) of our rules will determine that date of finality. In particular, § 1.103(b) provides that *any* Commission action becomes final, for purposes of seeking agency reconsideration or judicial review, on the date of public notice as defined in § 1.4(b) of our rules.

17. As explained above, the amended § 1.4(b) specifies that public notice officially begins at 3 P.M. on a particular day. We have adopted this amendment in part to help avoid some of the problems encountered in *ITT World Communications, Inc.* v. *FCC supra*. In that case, there was considerable confusion as to when documents became officially available and when parties could file papers seeking relief from the courts. Notice of these facts can be especially important since different parties sometimes seek review of the same Commission action in different courts. By specifying a particular time as the beginning of public notice, we hope to make those races to the courthouse fair for all parties.[3] In sum, combining the amendments to § 1.4(b) with new § 1.103(b), it should be clear that, with respect to any Commission action, the date of finality shall be the date of public notice, the date of public notice shall begin at 3 P.M. Eastern Time, and pleadings and other documents seeking further relief may normally be filed commencing from 3 P.M. on that date.[4]

18. We have given careful consideration to the position of AT&T and RCAG that adoption of this rule of finality would foreclose a statutory right to seek immediate judicial review. As discussed above, Section 402(c) of the Communications Act and Section 2344 of Title 28, U.S. Code, contain such key words as "the date upon which public notice is given" and "entry" of a final order as guidance to determine the finality of a Commission decision. As the courts have stated, the Commission has the authority to interpret this language and specify the date of finality for its decisions. Moreover, we find nothing in the language of these sections, either express or implied, which suggests that a statutory objective would be violated or a statutory right foreclosed by a standard of finality such as the one we are adopting in this proceeding. If a decision adopted at a public meeting is made effective immediately, an aggrieved party always has the alternative of seeking immediate judicial relief in the form of a stay (or, if a party prefers, a stay from the Commission). *See* 28 U.S.C. 1651; 47 CFR 1.106(n). Finally, we wish to comment on RCAG's recommendation that, for certain decisions, the "race to the courthouse" should begin when the full text of the decision is released by the Commission and not when that decision is later published in the **Federal Register** (when such publication is presumably required). We note that under § 1.4(b) of our rules, as amended in this proceeding, **Federal Register** publication governs the date of public notice only with regard to documents in notice and comment rulemaking proceedings. Since an interested party generally cannot seek judicial review of a notice of proposed rulemaking, we assume that RCAG is directing its recommendation primarily toward those orders which adopt, delete, or amend a Commission rule. We do not wish to change § 1.4(b)(1) of our rules, especially since the Administrative Procedure Act requires **Federal Register** publication of "substantive rules of general applicability" and "each amendment, revision, or repeal" of such rules. See 5 U.S.C. 552(a)(1) (D) and (E).[5] Apart from this statutory requirement, we see no reason why interested parties cannot await formal publication before seeking judicial review. Again, if a party feels that delay will result in harm, that party can petition for an immediate stay from a court or the Commission.

19. In its comments, FCBA argues that a) no important public interest goal will be served by making parties wait for release of the Commission's decision before seeking judicial review, b) creating a distinction between "effectiveness" and "reviewability" will disserve the due process rights of parties, c) the proposal to designate earlier effective dates will lead to additional pleadings, probable delay, and bifurcated review, d) the proposal to fix the date of public notice on the day following the occurrence of certain events will cause confusion and delay, and may conflict with certain other rules, and e) the use of the terms "Public Notice" and "date of public notice", which have different meanings, will cause confusion. In the alternative, FCBA proposes that any "race to the courthouse" rules adopted herein exclude Section 402(b) actions, that the finality of Section 402(a) actions be determined on a case-by-case basis, and that newly-adopted rules be deemed final upon their release and not upon publication in the **Federal Register**.

20. We have carefully considered the arguments of the FCBA. Contrary to FCBA's view, we believe important interests will be served by making parties await the release of the Commission's decision before seeking judicial relief. Oftentimes, an Order adopted at a Commission meeting becomes subject to editorial changes after its adoption but prior to its release. In extreme cases, the Commission might adopt an Order at a meeting, send back the Order to the staff for editorial changes prior to release, only to have the Order so substantially changed that Commission consideration becomes necessary again. In one actual case, the Commission adopted an Order (in December, 1978) concluding that the language in a particular tariff was so ambiguous that the tariff could be given no effect. When the text of that Order was returned to the staff for editorial

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[3] When the Commission designates an earlier effective date, parties may begin to act in reliance upon a Commission decision from that earlier effective date. However, the period for seeking agency reconsideration or judicial review will not commence until the subsequent date of public notice.

[4] The first sentence of § 1.4(b) generally provides that, for any action taken by the full Commission or its staff, the first day to be counted for computing pleading periods "is the day after the day on which public notice of that action is given." Since our new rules provide that the date of public notice begins at 3 P.M. Eastern Time on a given day, the first day to be counted for any pleading period shall be the next calendar day after that date of public notice. For example, assume that, on Monday, the Commission releases copies of a recently adopted memorandum opinion and order in accordance with § 1.4(b)(2). The date of public notice for that action will begin on Tuesday at 3 P.M. Eastern Time. The first day to be counted for any pleading period will be Wednesday.

[5] Although **Federal Register** publication is the controlling date for documents in notice and comment rulemaking proceedings, the Commission will try to release copies of these documents to the public on the same day that **Federal Register** publication occurs. However, in the event that copies are not made available on that same day, it is emphasized that the **Federal Register** publication date still controls for purposes of determining the date of public notice.

changes prior to release, it soon became apparent that the matter was wrongly decided. The Order was never released. Instead, the staff redrafted the Order, recommended a different conclusion, and returned it to the Commission for fresh consideration. The Commission adopted the new conclusion (July, 1979) and the Order was released soon thereafter. *See The Associated Press*, 72 FCC2d 760 (1979). Were we to adopt the PCBA proposal, the parties in that case could have filed their appeals after adoption of the first Order, only to discover later that the final Order ultimately released contained a different result than the one originally reached. Such a possibility would not serve the interests of the courts, the Commission, or the affected parties. Rather we believe our finality date rules are consistent with the realities of Commission decisionmaking, may encourage the parties to acquaint themselves with the Commission's written decisions before filing appeals, and may reduce the strain on judicial resources. We also fail to perceive how the due process rights of parties will be harmed in any way by postponing the right to appeal until the date of finality. As we have stated, any aggrieved party may seek a stay from the Commission or the courts after the adoption of a decision but before its full release. And further, if an appeal on the merits is filed and the court reverses the Commission's decision, any private actions taken by any parties pursuant to an effective date designation would have to be undone.

21. The FCBA also contends that our rule permitting designation of earlier effective dates will lead to more pleadings, probable delay, and bifurcated review. First, FCBA's prediction of more pleadings is greatly exaggerated. We believe that the insertion of one or two additional sentences (requesting a special effective date) in the primary pleadings will be sufficient. Such a request would not warrant a separate pleading. Nor do we believe that this rule will cause undue delay in our processes. Normally, determination of an order's effective date should not involve complex issues that would consume much time. We also do not foresee how our proposed rule here could lead to bifurcated judicial review since these new rules make clear that our decisions do not become final until the occurrence of certain events. See § 1.4(b) and new § 1.103(b). Thus, since the courts have recognized an agency's discretion to specify its own finality dates, an appeal (other than a petition for injunctive relief) filed prior to the finality date would be dismissed.

22. We also disagree with FCBA's contention that our proposal to fix the date of public notice on the day following the occurrence of certain events will produce confusion. On the contrary, we expect that the rules, once understood, will eliminate the current problems caused by the uneven release of Commission documents. However, we agree with FCBA that adoption of our proposed rules will require conforming amendments to other rules.* We have also tried to eliminate in this Order any confusion arising from the similar terms "Public Notice", which is a document, and "date of public notice", which is a day of the week.

23. Finally, FCBA urges the Commission to determine the finality of Section 402(a) actions on a case-by-case basis, rather than via the 3. P.M. rule, and further urges that, if this rule is adopted, it should exclude Section 402(b) actions since all such actions are appealable to only one court. As discussed above, we reject the case-by-case approach in favor of clearcut rules of finality because we believe this is the best way to eliminate disputes and also promote fair courthouse races. Although we recognize that courthouse races will not arise under Section 402(b) actions, we would rather, for the sake of clear uniformity, apply the finality rule to all appealable actions and we do not believe that parties to a Section 402(b) action will be inconvenienced or harmed in any way by complying with this rule.

Application of these Rules to Hypothetical Situations

24. The following hypothetical situations are presented to assist in understanding the meaning and impact of new § 1.103 and amended § 1.4(b):

Example 1: At a public meeting, the Commission considers an application to transfer control of a broadcast license. The Commission grants the transfer application, but directs the staff to make editorial changes in the draft Memorandum Opinion and Order. None of the parties to the proceeding moves the Commission to designate a special effective date, and the Commission takes no such action on its own. On the day following the public meeting, a news release announcing the Commission's action is issued. Two weeks later, an Order containing the full text of the Commission's decision is released to the public. As provided for in amended Section 1.4(B)(2) of the rules, the date of public notice shall commence at 3 P.M. Eastern Time on the day following the release date. Furthermore, as provided for in new Section 1.103(a), the public notice date of this action is also its effective date, since the Commission did not affirmatively designate a different effective date. Finally, the news release issued the day after the Commission's public meeting has no bearing on the determination of either the effective date or the date of public notice.

Example 2: At a public meeting, the Commission considers an application to transfer control of a broadcast license. The Commission grants the transfer application, but directs the staff to make editorial changes in the draft Memorandum Opinion and Order. Meanwhile, the transferee has already asked the Commission to designate an immediate effective date (if the Commission approves the transfer) on the ground that its private contract with the transferor might expire before the Order is released. At that meeting, the Commission designates an immediate effective date in accordance with new Section 1.103(a) and issues a separate order containing notice of this action. Thus, the parties are free to execute their private contract immediately. However, pursuant to Section 1.4(b)(2), the date of public notice will not begin until 3 P.M. Eastern Time on the day after the Order containing the full text of the Commission's decision is released.

Example 3: At a public meeting, the Commission considers an application to transfer control of a broadcast license. Even though no petitions to deny or other objections were filed, the application is presented for full Commission consideration because the proposed transaction raises important public interest questions. After resolving these questions in favor of the applicants, the Commission orders a grant of the application. Since the application is uncontested, the Commission does not plan to issue a Memorandum Opinion and Order or any other full text of its decision. Neither the parties to the application nor the Commission move for designation of a special effective date. Five days after the public meeting, a descriptive "Public Notice" announcing the action is released to the public. The date of public notice begins at 3 P.M. Eastern Time on the day after the release date, in accordance with Section 1.4(b) (3). Furthermore, pursuant to new Section 1.103(a), the public notice date of this action is also its effective date, since the Commission did not affirmatively specify a different effective date.

Example 4: At a public meeting, the Commission adopt a decision concluding that certain services offered by a common carrier do not violate the Communications Act. The Commission also grants a motion to designate an immediate effective date and issues a separate order containing notice of this action. Another party who had filed an opposition pleading intends to appeal the Commission's decision. The Memorandum Opinion and Order containing the full text of the Commission's decision is released two weeks after the public meeting. As provided for in Section 1.4(b)(2), the date of public notice begins on the day after that release date. This Commission decision is appealable under Section 402(a) of the Communications Act, and therefore carries the potential for a courthouse race. That race to seek judicial review in different courts may begin at 3 P.M. Eastern Time on the date of public notice, in

*We will make conforming changes to the following rules: § 1.104 (b) and (d); § 1.106(f); § 1.108; § 1.115(d); § 1.429(d).

accordance with new Section 1.103(b) and amended Section 1.4(b) of the rules. The first day to be counted in computing the 60-day filing period (see 28 U.S.C. § 2344) would be the day after the date of public notice. *See* Note 4, *supra*.

Conclusion

25. Authority for adoption of the rule amendments contained herein is set forth in Section 4 (i) and (j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r).

Accordingly, it is ordered that, effective April 27, 1981, § 1.103 of the Commission's rules, 47 CFR 1.103, is added, § 1.4(b), 47 CFR 1.4(b), is amended, and the rules listed in Note 6 of this Order are amended, as set forth in the attached Appendices.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 1—PRACTICE AND PROCEDURE

Appendix I

1. In § 1.4, the last sentence of paragraph (b) is revised, the notes following paragraphs (b)(2) and (b)(3) are removed, and paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) are revised to read as follows.

§ 1.4 Computation of time

* * * * *

(b) * * *

The date of public notice commences at 3 P.M. Eastern Time on the day after any of the following dates:

(1) For documents in notice and comment rule-making proceedings, the date of publication in the **Federal Register**.

(2) For other documents released by the Commission (whether or not published in the **Federal Register**), the release date. A document is "released" by making the full text available to the press and the public in the Commission's Information Office. The release date appears on the face of the document.

(3) If the full text of an action document is not to be released by the Commission but a descriptive document entitled "Public Notice" describing the action is released, the date on which the descriptive "Public Notice" is released.

(4) If a document is neither published in the **Federal Register** nor released and if a descriptive document entitled "Public Notice" is not released, the date on which the document is sent (*i.e.*, mailed, telegraphed, etc.) to persons affected by the action.

* * * * *

2. A new, § 1.103 is added to read as follows:

§ 1.103 Effective dates of Commission actions; finality of Commission actions.

(a) Unless otherwise specified by law or Commission rule (e.g. Sections 1.102 and 1.427), the effective date of any Commission action shall be the date of public notice of such action as that latter date is defined in § 1.4(b) of these rules: *Provided*, That the Commission may, on its own motion or on motion by any party, designate an effective date that is either earlier or later in time than the date of public notice of such action. The designation of an earlier or later effective date shall have no effect on any pleading periods.

(b) Notwithstanding any determinations made under subsection (a) of this section, Commission action shall be deemed final, for purposes of seeking reconsideration at the Commission or judicial review, on the date of public notice as defined in § 1.4(b) of these rules.

Appendix II

Remove headnote which appears immediately above § 1.101 of the Commission's rules and add the following:

Reconsideration and Review of Actions taken by the Commission and Pursuant to Delegated Authority; Effective Dates and Finality Dates of Actions.

Appendix III

Conforming Amendments

§ 1.104 [Amended]

1. In the first sentence of § 1.104(b), remove the words: "the date of release of the document containing the full text of such action, or in case such document is not released, after release of a public notice announcing the action in question."

Add the following: "the date of public notice of such action, as that date is defined in § 1.4(b) of these rules."

2. In the first sentence of § 1.104(d), remove the words: "the date of release of the document containing the full text of the final action on his petition, or in case the document is not released, after release of a public notice announcing the final action on his petition."

Add the following: "the date of public notice of such action, as that date is defined in § 1.4(b) of these rules."

§ 1.106 [Amended]

3. In the first sentence of § 1.106(f), remove the words: "the date of release of the document containing the full text of the action taken or, in case such document is not released, after release of a public notice announcing the action in question."

Add the following: "the date of public notice of the final Commission action, as that date is defined in § 1.4(b) of these rules."

§ 1.108 [Amended]

4. In § 1.108, remove all after the words: "within 30 days."

Add the following: "from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules".

§ 1.115 [Amended]

5. In the first sentence of § 1.115(d), remove the words: "the date of release of the document containing the full text of such action, or in case such a document is not released, after release of a public notice announcing the action in question".

Add the following: "the date of public notice of such action, as that date is defined in § 1.4(b) of these rules."

§ 1.429 [Amended]

6. In the first sentence of § 1.429(d), remove the words: "after publication in the **Federal Register** of the document containing a full text of the action taken or, if the document is not published, within 30 days after the full text of the document is released."

Add the following: "from the date of public notice of such action, as that date is defined in 1.4(b) of these rules."

[FR Doc. 81-8936 Filed 3-24-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-219; RM-3600, RM-3273]

Radio Broadcast Services; Deregulation of Radio; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: Action taken herein corrects several minor errors contained in the Commission's Report and Order in the matter of deregulation of radio, published in 46 FR 13866, February 24, 1981.

DATE: March 17, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Released: March 17, 1981.

By the Commission:

1. On February 24, 1981 (46 FR 13866), the Commission released a *Report and Order* in the above-captioned proceeding. A few errors contained in

that *Report and Order* have come to light which warrant correction.[1]

2. Paragraph 111 of the body of the *Report and Order* should be corrected as follows:

111. The policies enunciated herein, along with the relevant rule changes set forth in Appendix A, will become effective [April 3, 1981], unless a stay of the effectiveness is requested and granted. After the effective date of these policies, applications for new stations, as well as applications for the assignment, transfer, renewal and/or modification of existing stations, will be modified as set forth in Appendix J, and all such applicants will be required to file only the information requested therein.

3. Additionally, a portion of paragraph 11 of Appendix A of the *Report and Order* is incorrect. In that paragraph, the part referring to § 73.3526(a) of the Commission's Rules should be corrected as follows:

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (1) of this paragraph. [Every permittee or licensee of an AM, FM or TV station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (1), (2), (3), (4), (5), (6), and (7) of this paragraph. In addition, every permittee or licensee of a TV station shall maintain for public inspection a file containing the material described in (8), (9), (11), (12), and (13) of this paragraph;] every permittee or licensee of an AM or FM station shall maintain for public inspection a file containing material described in (14) of this paragraph. The material to be contained in the file is as follows:

* * * * *

3. Footnote 93 of the body of the document should be corrected to read:

"This will also apply to the [buyer's] portion of assignment and transfer applications.

4. Finally, in paragraph 9 of Appendix A, the notation "(a)" should be added at the very beginning of the portion of the text of § 73.1840, *Retention of Logs*, set forth therein and five asterisks (*) should be added at the end of that portion to indicate that no changes to § 73.1840(b) of the Commission's Rules are being made.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-9019 Filed 3-24-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] For clarity, entire paragraphs, as corrected, will be set out in this *Errata*. However, the portions of the paragraphs which reflect a correction are enclosed in brackets.

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47 CFR Part 73

[BC Docket No. 80-204; RM-3421]

Radio Broadcast Services; FM Broadcast Station in Auburn, Maine; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Report and Order in this proceeding inadvertently made reference to the assignment of FM Channel 260 to Auburn, Maine as a Class C channel. The Erratum serves to correct the designation of the assignment as Class B.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Released: March 17, 1981.

By the Chief, Policy and Rules Division:

The *Report and Order* in this proceeding, released February 25, 1981, (46 FR 15149) assigned Channel 260 in place of Channel 261A at Auburn, Maine. Inadvertently reference was made to the channel as a Class C assignment. The community of Auburn is located in the zone designated as Class B and petitioner had requested a Class B channel. Thus, the assignment of Channel 260 at Auburn should have been designated as a Class B channel. The ordering clause amending the FM Table of Assignments, paragraph 8, however, was listed correctly.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-9018 Filed 3-24-81; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 46, No. 57
Wednesday, March 25, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, and 1138

[Docket Nos. AO-10-A54, et al.]

Milk in the St. Louis-Ozarks and Certain Other Marketing Areas; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	AO Nos.
1062	St. Louis-Ozarks	AO-10-A54.
1007	Georgia	AO-386-A17.
1011	Tennessee Valley	AO-251-A22-R01.
1030	Chicago Regional	AO-361-A18.
1032	Southern Illinois	AO-313-A31.
1046	Louisville-Lexington-Evansville.	AO-123-A47.
1049	Indiana	AO-319-A31.
1050	Central Illinois	AO-355-A21.
1064	Greater Kansas City	AO-23-A53.
1065	Nebraska-Western Iowa	AO-86-A40.
1068	Upper Midwest	AO-178-A36.
1071	Neosho Valley	AO-227-A35-R01.
1073	Wichita, Kansas	AO-173-A37-R01.
1076	Eastern South Dakota	AO-260-A25.
1079	Iowa	AO-295-A34.
1094	New Orleans-Mississippi	AO-103-A41.
1096	Greater Louisiana	AO-257-A29.
1097	Memphis, Tennessee	AO-219-A37.
1098	Nashville, Tennessee	AO-184-A42.
1099	Paducah, Kentucky	AO-183-A37.
1102	Fort Smith, Arkansas	AO-237-A31.
1104	Red River Valley	AO-298-A30-R01.
1106	Oklahoma Metropolitan	AO-210-A43-R01.
1108	Central Arkansas	AO-243-A35.
1120	Lubbock-Plainview	AO-328-A23.
1126	Texas	AO-231-A48-R01.
1131	Central Arizona	AO-271-A23.
1132	Texas Panhandle	AO-262-A33.
1138	Rio Grande Valley	AO-335-A28.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning proposed amendments to 29 milk orders. Central Milk Producers Cooperative requested the additional time.

DATE: Exceptions now are due on or before April 13, 1981.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of time: Issued March 9, 1981; published March 12, 1981, (46 FR 16270).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision is hereby further extended to April 13, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: March 19, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations

[FR Doc. 81-8888 Filed 3-24-81; 8:45 am]
BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Burden of Proof in Enforcement Proceedings

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is withdrawing a notice of proposed rulemaking that would have provided that the proponent of an order in Commission enforcement proceedings has the burden of proof, including the burden of going forward with the evidence and the ultimate burden of persuasion.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492-7676.

SUPPLEMENTARY INFORMATION: On July 21, 1977, the Nuclear Regulatory Commission (Commission) published in the Federal Register (42 FR 37406) a proposed amendment to its regulations, 10 CFR Part 2—"Rules of Practice for Domestic Licensing Proceedings," regarding the burden of proof in Commission adjudications. Under the proposed amendment to 10 CFR 2.732 the proponent of an order to amend, suspend, or revoke a license or to impose a civil penalty in an enforcement proceeding against a licensee would have both the burden of going forward with evidence (producing enough evidence to make a case) and the ultimate burden of persuasion (the need to establish the validity of a contention, or overcome opposing evidence), unless otherwise ordered by the presiding officer in a given case.[1]

Thirteen letters of comment were received on the proposed rule. Ten commenters favored the proposed rule change without reservation, one commenter generally favored the proposed rule, one commenter objected to shifting the ultimate burden of persuasion from the licensee to the proponent of an order and one commenter addressed a matter beyond the scope of the proposed rule.

[1] The proposed rule would have had the effect of reversing the decision of the Commission's Atomic Safety and Licensing Appeal Board in *Consumers Power Company* (Midland Plant, Unit Nos. 1 and 2), ALAB-283, 2 NRC 11 (1975), ALAB-315, 3 NRC 101 (1976). That decision held that the holder of a construction permit has the ultimate burden of persuasion in a Commission enforcement proceeding seeking revocation, suspension or modification of the permit.

After careful consideration of the proposed rule change and the letters of comment, the Commission has decided that the holding of the Appeal Board in the *Consumers Power Company* case should not be modified by Commission rule. Section 7(c) of the Administrative Procedure Act (APA), 5 U.S.C. 556(d), and relevant judicial interpretations of the APA require that, except as otherwise provided by statute, the proponent of an order has the burden of going forward with evidence. See *Environmental Defense Fund v. EPA*, 548 F.2d 998 (D.C. Cir. 1977). However, the proposed rule would have gone beyond the requirements of the APA and generally required the proponent of an order in enforcement proceedings (usually the NRC staff) to also carry the ultimate burden of persuasion. Having determined that the proposed rule change to 10 CFR § 2.732 is unwarranted, the Commission hereby withdraws the July 21, 1977 notice of proposed rulemaking on the burden of proof in enforcement proceedings and terminates this proceeding.

Dated at Washington, D.C. this 16th day of March 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-8239 Filed 3-24-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6290; File No. S7-675]

Proposed Availability of Rule 242 to Certain Mining Companies; Definition of "Qualified Issuer"

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing for comment amendments to Rule 242, a small issue exemptive rule under Section 3(b) of the Securities Act of 1933, which would allow certain issuers engaged in the mining business to utilize that Rule in the offer and sale of their securities. The amendments would change the definition of "qualified issuer" by deleting the exclusion presently appearing in Rule 242(a)(5)(iii) and the Note thereto.

DATE: Comments must be received no later than May 15, 1981.

ADDRESS: All communications on this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-675 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 272-2644.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment amendments to Rule 242 [17 CFR 230.242] which would expand its availability to issuers which engage or intend to engage in significant mining operations.

Rule 242, promulgated under Section 3(b) of the Securities Act, provides an exemption from registration for sales of securities by domestic or Canadian corporate issuers to an unlimited number of accredited persons as defined in the rule, and to 35 non-accredited persons.[1] The availability of Rule 242 is limited to any "qualified issuer" which is defined as any domestic or Canadian corporation which: (a) is not an investment company; (b) does not engage or intend to engage in significant oil and gas operations; (c) does not engage or intend to engage in significant mining operations; and (d) is not a subsidiary or an issuer which would not be qualified to use the exemption. These restrictions on the availability of the Rule were included for two primary reasons. First, Rule 242 is in the nature of an experiment and represents a significant departure from traditional disclosure concepts. Second, the informational requirements of Rule 242 with respect to non-accredited purchasers, i.e., to provide the same kind of information specified in Part I of Form S-18 to the extent material, do not contemplate offerings of limited partnership interests or offerings by issuers engaged in significant oil and gas or mining operations. Form S-18 would not provide guidance as to the specialized disclosure which would be required to be made in connection with any such offering of securities.

In adopting Rule 242 the Commission further stated that if, as part of its ongoing review of Form S-18, revisions are made to the Form in order to expand its availability similar changes may be made in the Rule 242 definition of "qualified issuer." In a companion release the Commission today announced amendments to Form S-18 which expand its availability to certain mining companies and provide a new Item 7A which establishes disclosure standards for such issuers.[2] In light of this action, the Commission is proposing to amend the Rule 242 definition of "qualified issuer" by deleting subparagraph (a)(5)(iii). The proposal, if adopted, would permit certain mining companies to rely on that rule in the offer and sale of their securities.

Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an initial regulatory flexibility analysis in accordance with 5 U.S.C. 603 regarding the amendments to Rule 242 proposed herein.

The analysis notes that Rule 242 was adopted to provide small business with an alternative exemption from registration which overcomes certain problems encountered in utilizing other available exemptive rules. Since Rule 242 has been in the nature of an experiment, it has been available to a limited class of "qualified issuers," as defined in the Rule. The objective of the proposed amendments to Rule 242 is to expand this class to include certain mining companies. In light of the comparable amendments to Form S-18, to which the disclosure requirements of Rule 242 are tied, as well as the absence of any substantial or unique administrative or enforcement problems with the Rule, the Commission believes it is appropriate to consider this expansion. A copy of the initial regulatory flexibility analysis may be obtained by contacting Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, U.S. Securities Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, (202) 272-2644.

Text of Proposed Amendments

It is proposed to amend Part 230 of 17 CFR Chapter II by removing paragraph (a)(5)(iii) of § 230.242 and by revising paragraph (a)(5)(iv) and redesignating it as new paragraph (a)(5)(iii) and by redesignating paragraph (a)(5)(v) as paragraph (a)(5)(iv) as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.242 Exemption of limited offers and sales by qualified issuers.

* * * * * *

(a) * * *

(5) * * *

[1] Securities Act Release No. 6180 (January 17, 1980) [45 FR 8252].

[2] Release No. 33-6289 (March 18, 1981) [—— FR ——].

(iii) Is not a majority-owned subsidiary of an issuer which does not meet the qualifications for use of this rule as specified in paragraph (a)(5) (i) or (ii) of this rule.

(iv) * * *

* * * * *

Statutory Authority

The amendments to Rule 242 of the Securities Act of 1933 are being proposed pursuant to Sections 3(b), 4(l), and 19(a), of that Act.

(Secs. 3(b), 4(l), 19(a), 48 Stat. 75, 77, 85; sec. 209, 48 Stat. 908; 59 Stat. 167; sec. 6, 68 Stat. 684; sec. 12, 78 Stat. 580; 84 Stat. 1480; sec. 308(a) (1), (2), (3), 90 Stat. 56, 57; sec. 18, 92 Stat. 275; sec. 2, 92 Stat. 962; (15 U.S.C. 77c(b), 77d(l), 88s(a)))

By the Commission.

George A. Fitzsimmons,

Secretary.

March 19, 1981.

[FR Doc. 81-9004 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

POSTAL SERVICE

39 CFR Part 111

Establishment of Optional Endorsement Line in the Address Block or Label

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would add additional sections to chapters 4, 6 and 7 of the Domestic Mail Manual. The purpose of the additions is to allow mailers to prepare mailings of second-class, third-class (bulk rate), and bound printed matter using a specified optional endorsement line above the address block or on the address label instead of using the specified color coded pressure sensitive package labels. Pieces in packages of mail sorted to carrier routes may bear the optional endorsement line in the address block or on the label.

DATE: Comments must be received on or before April 24, 1981.

ADDRESS: Written comments should be sent to: Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday in Room 1610, U.S. Postal Service Headquarters, 475 L'Enfant Plaza West, SW, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Harry M. McCulloch, (202) 245-4097.

SUPPLEMENTARY INFORMATION: This proposal has been developed as a result of requests made by mailers. The expected benefits to be derived will be a reduction of mailers' costs by eliminating the need for pressure sensitive labels.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

Part 467—Presort Requirements (See Exhibit 467)

1. In 467.1 add the following sentence at the end of .14: "For alternative procedure, see 468."; and add new part 468 as follows:

Part 468—Optional Endorsement Line in Address Block or Label

468.1 General

Mailers may prepare mailings without applying pressure sensitive package labels to the top copies of packages by using a specified optional endorsement line above the address block on each piece or on the address label on each piece.

468.2 Format Specifications

.21 First Line

The appropriate makeup information must be the first line to appear at the top of the address block or label.

.22 Clean Address Required

If the address block or address label contains any information other than: the name of the recipient; street, street number, apartment or suite number, building name, post office box, or other established address; and City, State, and ZIP Code, a blank line at least ¼ inch in height must be left between the address block and optional endorsement line.

.23 Size of Letters Used in Optional Endorsement Line

The information in the optional endorsement line must appear in capital letters whose size and line spacing is not less than the size and line spacing of the largest letters or characters used in the address block or in any portion of the address list, and must be the same type-font as those letters.

.24 Alignment of Right Margin (Right Justified)

The optional endorsement line must be placed so that no characters in any portion of the address block or on the address label are to the right of the last character in the optional endorsement line.

.25 Alignment of Left Margin (Left Justified)

The optional endorsement line must be filled with asterisks from the left margin of the label or address block (as defined by the position of the first character printed in the address block or on the address label) to the first character in the optional endorsement line.

Example

```
**********DIRECT  37401
BOB JONES
PO BOX 365
CHATTANOOGA, TN  37401
```

.26 Zip Code

With the exception of Carrier Route packages, State Distribution Center (SDC) packages, State packages and Mixed States packages, each optional endorsement line must include the applicable ZIP Code information.

.27 Prescribed Letters or Characters

Only capital letters of the alphabet, Arabic numerals, or asterisks may be used in the optional endorsement line.

.28 Valid Address

Each piece in the mailing must bear a valid address including a correct ZIP Code. Pieces bearing the optional endorsement line and an invalid address will be handled in accordance with the provisions of 159.

468.3 Examples of Optional Endorsement Lines and Formats

.31 Optional Endorsement Line Examples

a. FIRM PACKAGES
**********FIRM DIRECT 12345

b. CARRIER ROUTE
**********CAR-RT-SORT LS20

c. 5-DIGIT PACKAGES
**********DIRECT 12345

d. OPTIONAL CITY PACKAGES
**********BABYLON, NY 12345

e. 3-DIGIT PACKAGES
**********HOUSTON, TX 771

Note.—A unique 3-digit ZIP Code is defined as any 3-digit ZIP Code prefix which is assigned exclusively to a single large city with the last two digits of the ZIP Code identifying a delivery area within the city.

f. SCF PACKAGES
**********SCF, TX 750

g. OPTIONAL SDC PACKAGES
**********ALL FOR SDC

h. STATE PACKAGES
**********ALL FOR STATE

i. MIXED STATES PACKAGES
**********MIXED STATES

j. BMC PACKAGES (Parcel post only, see Chapter 7)
**********BMC Chicago, IL 608

.32 Optional Endorsement Line Format and Address Examples

a. This format may be used when nothing other than the addressee's name and address are printed on the label or the face of the piece in the address block.

```
                    PIRN DIRECT 20045
JQD COMPANY, INCORPORATED
529 14th STREET, NW, SUITE 1399
WASHINGTON, DC                20045
```

b. This format must be used when information in addition to the name and address of the intended recipient are printed on the address label or the face of the piece in the address block:

```
                    PIRN DIRECT 20045

XLQ987NOV  81AJ1NHTIRNAS37123456
     JQD COMPANY, INCORPORATED
     528 14th STREET, NW, SUITE 1399
     WASHINGTON, DC           20045
```

.33 Prohibited Formats

The following are examples of formats containing information or structures *which are not allowed:*

a.

```
817  00 000 00 0004157  GARCIA
     ***************DIRECT 20013

     J. GARCIA
     POBOX 289
     WASHINGTON, DC        20013
```

Reason: Keyline printed above optional endorsement line. Optional endorsement line not aligned properly on left side (not left justified).

b.

```
MR   01 BIL *********  DIRECT  20013

          J. GARCIA
          POBOX 289
          WASHINGTON, D C       20013
```

Reason: Keyline on same line as optional endorsement line.

c.

```
1     ******K***** DIRECT 20013
9
8     26*  439*
1     J. GARCIA                    *8
      WASHINGTON, D C       8
      20013
```

Reason: Stray characters in endorsement line. Endorsement line not aligned properly in address block (neither right nor left justified).

Part 867—Preparation of Bulk Rate Mailings (See Exhibit 867)

2. In 867.12 add the following sentence at the end of .123: "For alternative procedure, see 868."; and add new part 868 reading as follows:

Part 868—Optional Endorsement Lines in Address Block or Label

Mailers who prefer using a specified optional endorsement line in place of pressure sensitive package labels must follow the procedures in 468.

Part 787—Preparation of Bound Printed Matter

3. In 787.4 add the following sentence at the end of .42b: "For alternative procedure, see 788."; and add new part 788 reading as follows:

Part 788—Optional Endorsement Line in Address Block or Label

Mailers who prefer using a specified optional endorsement line in place of pressure sensitive package labels must follow the procedures in 468.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401, 403)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-9099 Filed 3-24-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-1787-4]

National Emission Standards for Hazardous Air Pollutants; Benzene Fugitive Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended notice of public hearing and extension of public comment period.

SUMMARY: The public hearing has been postponed 70 days and the end of the public comment period extended 70 days for the proposed national emission standard for benzene fugitive emissions in response to a request from the American Petroleum Institute.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than August 14, 1981. Notice of intent to present oral testimony at the public hearing must be postmarked no later than July 7, 1981. The public hearing will be held on July 14, 1981. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than August 14, 1981.

ADDRESSES: Comments on the proposed standard should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-79-27, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The public hearing will be held at the EPA Administration Building Auditorium, Research Triangle Park, North Carolina, beginning at 9:00 a.m.

Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

FOR FURTHER INFORMATION CONTACT:

Susan Wyatt, (919) 541-5580.

SUPPLEMENTARY INFORMATION: On January 5, 1981, EPA proposed in the **Federal Register** (46 FR 1165) a national emission standard for benzene fugitive emissions. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards. This notice amends the date of the public hearing and extends the end of the public comment period.

Dated: March 19, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-9100 Filed 3-24-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 61

[AD-FRL-1787-5]

National Emission Standards for Hazardous Air Pollutants; Benzene Emissions From Benzene Storage Vessels

AGENCY: Environment Protection Agency (EPA).

ACTION: Amended notice of public hearing and extension of public comment period.

SUMMARY: The public hearing has been postponed 62 days and the end of the public comment period extended 62 days for the proposed national emission standard for benzene emissions from benzene storage vessels in response to a request from the American Petroleum Institute.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than July 8, 1981. Notice of intent to present oral testimony at the public hearing must be postmarked no later than June 2, 1981. The public hearing will be held on June 9, 1981. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than July 8, 1981.

ADDRESSES: Comments on the proposed standard should be submitted (in duplicate if possible) to: Central Docket

Section (A-130), Attention: Docket Number A-80-14, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The public hearing will be held at the EPA Administration Building Auditorium, Research Triangle Park, North Carolina, beginning at 9:00 a.m.

Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

FOR FURTHER INFORMATION CONTACT: Susan Wyatt, (919) 541-5580.

SUPPLEMENTARY INFORMATION: On December 12, 1980, EPA proposed in the **Federal Register** (45 FR 83952) a national emission standard for benzene emissions from benzene storage vessels. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards. This notice amends the date of the public hearing and extends the end of the public comment period.

Dated: March 19, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-9105 Filed 3-24-81; 8:45 am]

BILLING CODE 6560-26-M

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44 CFR Part 67

[Docket No. FEMA-5875]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Deerfield, Cumberland County, New Jersey, previously published at 45 FR 52428 on August 7, 1980.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Deerfield, Cumberland County, New Jersey, previously published at 45 FR 52428 on August 7, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Due to a clerical error, the elevations for the locations listed as Upstream Corporate Limits and Downstream Corporate Limits under Maurice River were typed in reverse order. They appear correctly on the Flood Insurance Study (profile) and as follows.

Source of flooding	Location	Elevation in feet (NGVD)
Maurice River	Downstream Corporate Limits	*38
	Upstream Corporate Limits	*39

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9098 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5875]

National Flood Insurance Program; Proposed Floor Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Harmony, Warren County, New Jersey, previously published at 45 FR 52428 on August 7, 1980.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Harmony, Warren County, New Jersey, previously published at 45 FR 52428 on August 7, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

In order that the locations listed within the Township of Harmony be more easily identified with the corresponding Flood Insurance Study and Rate Map, the descriptions should be amended to read as follows. The elevations cited correspond to those on the community's profiles and maps.

Source of flooding	Location	Elevation in feet (NGVD)
Delaware River	Conrail Bridge, approximately 22,800' upstream of Corporate Limits.	*213
Lopatcong Creek	Downstream Corporate Limits	*344
	County Route 519 (Upstream)	*370
	Approximately 1,000' downstream of Harmony Brass Castle Road.	*474
	Approximately 350' downstream of Harmony Brass Castle Road.	*487
	Harmony Brass Castle Road	*497
Buckhorn Creek	Approximately 1,750' downstream of Roseburg Station Road.	*296
Tributary No. 1 to Buckhorn Creek.	Approximately 550' upstream of County Route 519.	*341
	Approximately 625' upstream of Country Route 519.	*351
	Approximately 735' upstream of County Route 519.	*362
	Approximately 840' upstream of County Route 519.	*372
	Approximately 955' upstream of County Route 519.	*381
	Approximately 1,040' upstream of County Route 519.	*391
	Approximately 1,140' upstream of County Route 519.	*404
	Approximately 1,220' upstream of County Route 519.	*416
	Approximately 1,340' upstream of County Route 519.	*433
	Approximately 1,435' upstream of County Route 519.	*444
	Approximately 1,565' upstream of County Route 519.	*454

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8989 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6043]

National Flood Insurance Program; Proposed Flood Elevation Determinations; correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Delaware, Hunterdon County, New Jersey, previously published at 45 FR 42701 on June 25, 1980.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Delaware, Hunterdon County, New Jersey, previously published at 45 FR 42701 on June 25, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a).

In order for the following locations to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Delaware River, Brookville Creek, and Wickecheoke Creek in the Township of Delaware, New Jersey, the descriptions should be amended to read as follows:

Source of flooding	Location	Elevation in feet (NGVD)
Delaware River	Upstream Corporate Limits	*98
Brookville Creek	New Jersey Route 29A 190' upstream from confluence with Delaware River.	*78
Wickecheoke Creek.	3,600 feet downstream of Rosemont Ringoes Road	*172
	Approximately 1,600' downstream of Rosemont Ringoes Road.	*186

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8990 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

Alta Bates Hospital, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81–00052. Applicant: Alta Bates Hospital, 3001 Colby Street at Ashby, Berkeley, California 94705. Article: Cobalt Teletherapy Patient Couch. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for the treatment of cancer. Application received by Commissioner of Customs: November 6, 1980.

Docket Number 81–00053. Applicant: University of California, Berkeley, Physics Department, c/o Purchasing Department, 2405 Bowditch Street, San Francisco, CA 94720. Article: 2 (Two) Each Ion source for Rare Gas Mass Spectrometry. Manufacturer: Swiss Federal Institute of Technology, Switzerland. Intended use of article: The article is part of an apparatus intended to be used to examine the rare gas isotopes in terrestrial and extraterrestrial rocks. Specific research will include dating studies, studies of primitive gases in the earth meteorites, and cosmic ray effects upon meteorites. Application received by Commissioner of Customs: November 12, 1980.

Docket Number 81–00054. Applicant: University of Illinois, Urbana, Illinois 61801. Article: Excimer-Multigas Laser, Model EMG 102. Manufacturer: Lambda-Physik GmbH and Co., West Germany. Intended use of article: The article is intended to be used for the following experiments:

(1) Multi-photon ionization of the rare gas atoms and krypton in particular,

(2) Excitation of several metal-halide molecular lasers by the photodissociation of a polyatomic molecule, and

(3) Study of the spectroscopic and kinetic properties of rare gas excimer molecules.

The article will also be used by graduate students for their thesis research. Application recieved by Commissioner of Customs: November 12, 1980.

Docket Number 81–00055. Applicant: Children's Hospital Medical Center, Department of Pathology, Elland & Bethesda Avenue, Cincinnati, Ohio 45229. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of human tissues obtained by needle or surgical biopsy procedures, rapidly fixed in glutaraldehyde or osmium tetroxide, embedded in epoxy resin, sectioned at .1 micra with an ultramicrotome, mounted on copper grids and treated with various heavy metal stains. The diseases to be investigated include disorders of skeletal muscle, liver, kidney skin and other tissues. Ultrastructural characteristics of tissues obtained from patients with particular diseases will be correlated with disease manifestation signs, symptoms and course and with observatons made on the same tissues examined with light and fluorescence microscopical techniques. Application received by Commissioner of Customs: November 12, 1980.

Docket Number 81–00056. Applicant: Rice University, Department of Chemistry, P.O. Box 1892, Houston, Texas 77001. Article: Eximer Laser, EMG 101. Manufacturer: Lambda-Physik GmbH, West Germany. Intended use of article: The article is intended to be used to investigate the ability of organic peroxides (R-O-O-R) and azoalkanes (R-N-N-R) to serve as energy transfer acceptors and electron donors and acceptors. It is also planned to determine the chemical structure of the products formed under direct and photosensitized irradiation. The objective of this research is to unravel the conflicting reports in literature on photosensitized decompositon of organic peroxides. Application received by Commissioner of Customs: November 12, 1980.

Docket Number 81–00057. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: X-Ray Fluorescence Spectrometer. Manufacturer: Rigaku, Japan. Intended use of article: The article is intended to be used for studies of thin films and bulk crystals and materials of organic and inorganic compounds used in photovoltaic devices. Experiments to be conducted are precursor qualitative and quantitative elemental composition analysis of solar cell materials and devices. The objectives pursued in the course of the investigations will be the determination of elemental composition of solar cell materials and devices. This determination will provide information useful for determining appropriate subsequent analysis and techniques which will ultimately provide insight into improvements in the solar cell devices. Application received by Commissioner of Customs: November 12, 1980.

Docket Number 81–00058. Applicant: Arizona State University, Department of Chemistry, Tempe, Arizona 85281. Article: Mass Spectrometer, MAT 312. Manufacturer: Varian MAT, West Germany. Intended use of article: The article is intended to be used for the study of structure elicidation of potential antitumor agents isolated from natural products. Sensitivity of the article will be employed in EI mode to separate and identify mixture components from low resolution data

(mass chromatograms). In addition, the article will be used for educational purposes in various chemistry courses. Application received by Commissioner of Customs: November 17, 1980.

Docket Number 81–00059. Applicant: University of Colorado, Health Sciences Center, 4200 East Ninth Avenue, Denver, Colorado 80262. Article: MM 165F Mass Spectrometer with DS 2050 Data System. Manufacturer: VG Micromass, Ltd., United Kingdon. Intended use of Article: The article is intended to be used to: (1) Investigate the origin of unusual compounds such as acidic gut bacteria metabolites found is samples from failure-to-thrive patients, (2) Exploit capabilities to obtain metabolic profiles on steroids and sugars by looking at unusual failure-to-thrive cases and patients with known problems who are on steroid therapy or who have known sugar imbalances, (3) Study prostaglandins, arachidonic acid metabolites and catechalamine-related compounds by negative ion chemical ionization studies, and (4) Perform collaborative research in prostaglandin quantitative analysis as well as the L-dopa and alpha-methyl dopa metabolism. The article will also be used to train postdoctoral fellows and graduate students in application of different modes of ionization and mass spectrometry to problems in biomedical research. Application received by Commissioner of Customs: November 18, 1980.

Docket Number 81–00060. Applicant: University of Alabama in Birmingham, University Station, Birmingham, AL 35294. Article: Electron Microscope, Model JEM–100CX. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of soft tissues (bladder intestine, gall bladder, kidney) from amphibian, kidney and heart muscle from rats, and prepared crystals and aggregates of naturally occurring and synthetic polypeptides and protein-lipid complexes. The primary objective of these studies is a more refined correlation of structure and function in transporting epithelia. This involves better understanding of membrane structure and epithelial architecture. Application received by commissioner of Customs: November 18, 1980.

Docket Number 81–00061. Applicant: National Institutes of Health, 9000 Rockville Pike, Bldg. 36, Rm. 4B17, Bethesda, MD 20205. Article: LKB 2128–010 Ultrotome IV Ultramictrotome. Manufacturer: LKB Produkter, Sweden. Intended use of article: The article is intended to be used for studies of myelinated tracts or nerves obtained surgically which may be chemically fixed and embedded or frozen before sectioning. The features characteristic of various types of myelin breakdown will be identified and described in research reports that will be published. Additional objectives include the localization of myelin constituents visualized electron microscopically in thin sections after using specific immunicytochemical staining procedures. Sections of high quality that vary in thickness must be obtained after use of many embedding media to fulfill the objectives. Application received by Commissioner of Customs: November 18 1980.

Docket Number 81–00062. Applicant: Veterans Administration Medical Center, 3350 La Jolla Village Drive, San Diego, California 92161. Article: Artifical Kidney Membrane Package. Manufacturer: Daicel Chemical Industries, Ltd., Japan. Intended use of article: The article is intended to be used for studies of Hemofresh ultrafilters used in conjunction with the artificial kidney fluid cycling equipment and experiments on patients where the performance of these new membranes will be evaluated from the standpoint of hydraulic permeability and solute clearance profile. The object of these investigations is to determine whether this new and uniquely designed membrane package performs in a manner superior to other experimental membranes now being evaluated in the treatment of patients with kidney failure who require artificial kidney treatment. Application received by Commissioner of Customs: November 18, 1980.

Docket Number 81–00063. Applicant: William S Middleton Memorial Veterans Hospital, 2500 Overlook Terrace, Madison, WI 53705. Article: Electron Microscope, Hitachi, Model H–300. Manufacturer: Nissie Sangyo America, Japan. Intended use of article: The article is intended to be used for ultrastructural studies of liver biopsies and culture in the evaluation of carcinogenic potential and mechanism of environmental compounds. The article will also be used for educational purposes in the courses: Pathology 730—Systemic Pathology and Toxicology 675—Environmental Toxicology and Pathology. Application receved by Commissioner of Customs: November 18, 1980.

Docket Number 81–00064. Applicant: University of Arizona, Bioscience West Bldg., Room 308, Tucson, Arizona 85721. Article: Top entry Configuration for JEM–100CX Electron Microscope. Manufacturer: JEOL, Japan. Intended use of article: The article is an accessory to an existing electron microscope which will be used for recording structural data of biological macromolecules. Application received by Commissioner of Customs: November 18, 1980.

Docket Number 81–00065. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, California 92903. Article: Electrophoresis Apparatus, Type VAP5 with Accessories. Manufacturer: Beader & Hobein GmbH, West Germany. Intended use of article: The article is intended to be used to prepare pure samples of lysosomes from cultured human cells. Of particular interest is the study of lysosomes from the human diseases mucolipidosis-type II and cystinosis, in which there are lysosomal abnormalities which can be studied more carefully by having the availability of pure lysosomes. Application received by Commissioner of Customs: November 18, 1980.

Docket Number 81–00066. Applicant: University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Hemodialysis membrane. Manufacturer: Asahi Medical Company Ltd., Japan. Intended use of article: The article is intended to be used for the study of plasma separation which is the method of separating from whole blood specific protein-containing components. Investigations will be conducted to define the kinetics of the membrane system in relation to specific proteins and evaluate the system as a feasible alternative to conventional, centrifugal-type plasmapheresis system. Application received by Commissioner of Customs: November 19, 1980.

Docket Number 81–00067. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structural aspects of cellular nuclei, membranes, formed pigment granules and the extracellular matrix. The phenomena to be studied include: changes in nuclear and chromatin structure, morphogenesis of melanosomal granules, adherence of cells to extracellular matrices, and deposition of extracellular matrix fibers. Application received by Commissioner of Customs: November 19, 1980.

Docket Number 81–00068. Applicant: Fairleigh Dickinson University School of Dentistry, 110 Fuller Place, Hackensack, N.J. 17601. Article: KAG 72–KT Konig/Hofer Program Controlled Automatic Feeder and Accessories. Manufacturer:

Andreas Hofer, Switzerland. Intended use of article: The article is intended to be used in scientific research to evaluate the importance of various foods and nutritional status in dental caries (tooth decay) to determine the relationship between nutrient and dietary intake patterns to oral disease. The article permits the feeding of as many as 17 meals or snacks each day to a series of 72 laboratory rats in a predetermined sequence and frequency. Application received by Commissioner of Customs: November 21, 1980.

Docket Number 81–00069. Applicant: Fairleigh Dickinson University, School of Dentistry, 110 Fuller Place, Hackensack, N.J. 07601. Article: Chromium-steel Feeding Channels. Manufacturer: Andreas Hofer, Switzerland. Intended use of article: The article is intended to be used to modify the Konig/Hofer Program Controlled Automatic Feeder for long-term studies of the tooth decay potential of various foods. Application received by Commissioner of Customs: November 21, 1980.

Docket Number 81–00070. Applicant: Fairleigh Dickinson University, School of Dentistry, 1101 Fuller Place, Hackensack, N.J. 07601. Article: Drinking Vessel. Manufacturer: Andreas Hofer, Switzerland. Intended use of article: The article is intended to be used to expand the capability of the Konig/Hofer feeding system to study the tooth decay potential of liquid foods. These tubes are specially modified for use in the feeding system and allow for the programmed feeding of items, such as fruit juices, milk, and soft drinks to study the ability of these drinks to cause or prevent tooth decay. Application received by Commissioner of Customs: November 21, 1980.

Docket Number 81–00071. Applicant: Clemson University, Clemson, SC 29631. Article: Nuclear Magnetic Resonance Spectrometer, Model F–90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by faculty members, post-doctoral fellows and graduate students in analytical, inorganic, organic and physical chemistry and biochemistry. Studies to be conducted will include: Investigation of Specific Binding Sites of Fatty Acyl-CoA on Enzymes and Study of Molecular Internal Motions. Application received by Commissioner of Customs: November 28, 1980.

Docket Number: 81–00072. Applicant: Northwestern University, 633 Clark Street, Evanston, IL 60201. Article: Laboratory Computer Interface Cards, 4 (502–32C) 1 and (502–19D). Manufacturer: Cambridge Electronic Design, Ltd., United Kingdom. Intended use of article: The article is intended to be used with a CED laboratory interface which is being used to investigate the response properties of single ganglion cells in the cat retina. Retinal ganglion cells encode visual information in the eye and transmit this information to the brain. In the experiments to be conducted the electrical activity of a single ganglion cell is recorded with a microelectrode. This data is transmitted through the laboratory computer where it is analyzed. Much of the experiment work will be done by graduate students as part of their dissertation work and by postdoctoral fellows. Application received by Commissioner of Customs: November 28, 1980.

Docket Number 81–00073. Applicant: California Institue of Technology, 1201 East California Blvd., Pasadena, California 91125. Article: Model 200/98 Superconducting Magnet and Cryostat. Manufacturer: Oxford Instrument, United Kingdom. Intended use of article: The article is intended to be used as part of a nuclear magnetic resonance spectrometer for the study of materials in solid and liquid crystalline phases. The classes of materials to be investigated include synthetic and biological polymers, fossil fuels, crystalline proteins and other crystalline materials, catalysts and surfaces and species absorbed on surfaces. Experiments to be conducted include determination of wideline and high-resolution nuclear magnetic resonance spectra of solid and liquid crystalline materials at a magnetic field strength of 4.7 Tesla, measurement of nuclear spin-spin and spin-lattice relaxation rates and monitoring the progress of chemical reactions by acquiring NMR spectra of reaction mixtures. In addition experimental work will be carried out to extend the scope and range of application of techniques in the field of nuclear magnetic resonance in solids. Application received by Commissioner of Customs: December 9, 1980.

Docket Number 81–00074. Applicant: Research Foundation of S.U.N.Y. at Stony Brook, State University of New York, Stony Brook, New York 11794. Article: Superconducting Analyzer with Channeltron, Model 424. Manufacturer: The Kearns Group, United Kingdom. Intended use of article: The article is intended to be used for studies of semiconductors and insulators. The phenomena to be studied are the reactions of specific surfaces with gases and vapors, chemsorption corrosion, uptake, epitaxy, etc. The article will also be used for graduate training in scientific research. Application received by Commissioner of Customs: December 9, 1980.

Docket Number 81–00075. Applicant: U.S. Geological Survey, 5293 Ward Road, Water Quality Laboratory, Arvada, Colo. 80002. Article: Gas Chromatograph/Mass Spectrometer/Data System Model MM 707GDS. Manufacturer: VG–Organic Limited, United Kingdom. Intended use of Article: The article is intended to be used in a number of different research programs including:

1. Identification of the organic compounds leached by water from oil shale retort wastes,
2. Identification of organic compounds in surface and ground waters,
3. Identification of organic pollutants in natural waters,
4. Elucidation of the chemical structure of natural organic polyelectrolytes, and
5. Identification of halogenated organic compounds in treated water supplies. Application received by Commissioner of Customs: December 9, 1981.

Docket Number 81–00076. Applicant: Wayne State University, 5050 Cass Avenue, Detroit, Michigan, 48202. Article: Gammacell–40 Irradiator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for the irradiation of small animals and tissue culture in studies of the following:

1. Regulation of immunologic tolerance in T lymphocytes.
2. Plasmid mediated metabolic versatility in *pseudomonas* and origin of drug resistance factors in enterobacteriaceae.
3. Mixed lymphocyte cultures in transplant patients.
4. Lymphocyte interactions in schistosomiasis mansoni. Application received by Commissioner of Customs: December 9, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty–Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–8073 Filed 3–24–81; 8:45 am]
BILLING CODE 3510–25–M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational,

Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 80-00397. Applicant: Department of Defense, U.S. Navy, Mare Island Naval Shipyard, Code 134.2, Vallejo, CA 94592. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 2005 in the Federal Register of January 12, 1981. Article ordered: December 21, 1979.

Docket Number 80-00425. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, TX 77030. Article: Electron Microscope, JEM 200CX. Manufacturer: Japan Electron Optical Labs., Ltd., Japan. Intended use of article: See Notice on page 74956 in the Federal Register of November 12, 1980. Article ordered: March 1, 1980.

Docket Number 80-00433. Applicant: University of Washington, Interdis Research Center, Ophthalmology RJ-10, Seattle, WA 98195. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 76721 in the Federal Register of November 20, 1980. Article ordered: August 7, 1979.

Docket Number 80-00440. Applicant: State University of New York, University Hospital, Health Sciences Center, Stony Brook, NY 11794. Article: Electron Microscope, Model EM 10 CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 76722 in the Federal Register of November 20, 1980. Article ordered: April 30, 1980.

Docket Number 80-00441. Applicant: Regents of the University of California, Department of Pathology, 501 HSW, San Francisco, CA 94143. Article: Electron Microscope, Model JEM 100S with Sheet Film Camera. Manufacturer: JEOL Ltd., Tokyo, Japan. Intended use of article: See Notice on page 76722 in the Federal Register of November 20, 1980. Article ordered: December 21, 1979.

Docket Number 80-00444. Applicant: Henry Ford Hospital, 2799 W. Grand Blvd., Detroit, MI 48202. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 2006 in the Federal Register of January 12, 1981. Article ordered: August 22, 1979.

Docket Number 80-00449. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Electron Microscope, Model EM 10CA. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 2006 in the Federal Register of January 12, 1981. Article ordered: July 25, 1980.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-8875 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Foundation for Cancer Detection, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the Regulations provides in pertinent part:

> The applicant shall *on or before the 20th* day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.
>
> * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have, the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11. (Emphasis added).

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates *within the 20-day* period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the Federal Register for publication, to the Commissioner of Customs, and to the applicant.

Docket Number 79-00285. Applicant: Foundation for Cancer Detection, The Texas Woman's Center, 7550 Fannin—Suite 124, Houston, Texas 77054. Article: Automated Ultrasonic Imager. Date of denial without prejudice to resubmission: April 10, 1980.

Docket Number 79-00346. Applicant: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709. Article: Mass Spectrometer System, Model MM 70-70. Date of Denial without prejudice to resubmission: May 16, 1980.

Docket Number 79-00401. Applicant: College of Medicine & Dentistry of New Jersey-New Jersey Medical School, Department of Pathology, 100 Bergen Street, Newark, NJ 07103. Article: LKB 2128-010/Ultrotome IV Ultramicrotome and Accessories. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 79-00414. Applicant: NIAID, NIH, DHEW—Rocky Mountain Laboratory, 903 S. 4th Street, Hamilton, MT 59840. Article: Nuclear Magnetic Resonance Spectrometer, Model FX-90Q(II) and Accessories. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 79-00441. Applicant: University of California—Riverside, Department of Biochemistry, Riverside, CA 92521. Article: Automated X-Ray Diffractometer System and Accessories. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 79-00456. Applicant: Sandia Laboratories, Sandia Corporation, P.O. Box 5800, Albuquerque, New Mexico 87185. Article: Thermoelectric Generator System. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 79-00464. Applicant: Department of the Interior, U.S. Geological Survey, Topographic Division, 12201 Sunrise Valley Drive, National Center #(526), Reston, VA 22092. Article: Stereoplotting Systems with Accessories, Model PG2. Date of denial without prejudice to resubmission: May 16, 1980.

Docket Number 80-00074. Applicant: University of California, Mechanical Engineering Department, 2020 Bainer Hall, Davis, CA 95616. Article: Ion Milling Machine. Date of denial without prejudice to resubmission: June 12, 1980.

Docket Number 80-00075. Applicant: Ricks College, P.O. Box 38, Rexburg, Idaho 83440. Article: Sound Mixing Console. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 80-00080. Applicant: St. Paul Hospital, Daughters of Charity, 5909 Harry Hines Blvd., Dallas, Texas 75235. Article: 20 MeV Electron Linear Accelerator and Accessories. Date of denial without prejudice to resubmission: August 13, 1980.

Docket Number 80-00100. Applicant: Carnegie Mellon University, Carnegie Mellon Institute of Research, 5000 Forbes Avenue, Pittsburgh, PA 15213. Article: Variable Linear Temperature Programmer. Date of denial without prejudice to resubmission: August 8, 1980.

Docket Number 80-00110. Applicant: University of California, Purchasing Department, 1156 High Street, Santa Cruz, CA 95064. Article: Scanning Electron Microscope, Model Nanolab 7, with Lanthanum Hexaboride Emitter System. Date of denial without prejudice to resubmission: August 25, 1980.

Docket Number 80-00117. Applicant: Massachusetts Maritime Academy, Buzzards Bay, Massachusetts 02532. Article: Loadicator. Date of denial without prejudice to resubmission: August 8, 1980.

Docket Number 80-00155. Applicant: University of Illinois at Chicago Circle, Department of Physics, P.O. Box 4348, Chicago, Illinois 60680. Article: Excimer Laser, Model EMG 101. Date of denial without prejudice to resubmission: August 25, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-8878 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Spun Acrylic Yarn From Italy; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Italy. The review covers six exporters of this merchandise to the United States and the period from December 20, 1979 through March 31, 1980. The review has disclosed no imports of spun acrylic yarn from Italy and there are no known unliquidated entries. As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margins on the last known shipments. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3056).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 8, 1980, an antidumping duty order with respect to spun acrylic yarn from Italy was published in the **Federal Register** (45 FR 23384-5). The Department of Commerce ("the Department") published in the **Federal Register** of March 16, 1981 (46 FR 16921) a notice of intent to conduct administrative reviews of all outstanding antidumping findings or orders. As required under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Italy. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of spun acrylic plied yarn primarily for machine-knitting, and are currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of six exporters of Italian spun acrylic yarn to the United States. The review covers the period from December 20, 1979, the date liquidation was suspended, through March 31, 1980.

This is the initial administrative review of this order, and there are no previous appraisement instructions ("master lists").

All the exporters stated that they did not export spun acrylic yarn during the period. The estimated deposit rate for these exporters is equal to the calculated margins on their last known shipments.

Preliminary Results of the Review

Our review shows no imports of spun acrylic yarn from Italy for the period from December 20, 1979 through March 31, 1980, and there are no known unliquidated entries. Interested parties may submit written comments on these

preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the Administrative review including the results of its analysis of any such comments or hearing.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the fair value margin, 48.05 percent of the entered value, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 17, 1981.

[FR Doc. 81-8979 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

University of Washington; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 80-00376. Applicant: University of Washington, Seattle, Washington 98195. Article: Scanning Microdensitometer-Microscope, M85-0010B. Manufacturer: Vickers, United Kindom. Intended use of article: See Notice on page 68983 in the Federal Register of October 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument of apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a scanning mode (where the light beam scans a fixed sample) and a sensitivity of 5×10^{-16} grams per milliliter to corticotrophin. The Department of Health and Human Services advises in its memorandum dated December 11, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-8980 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Washington University, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00077. Applicant: Washington University, Lindell & Skinner, St. Louis, MO 63130. Article: Optically Contacted piezo-capicator etalon. Manufacturer: Queensgate Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used as part of a specially constructed astronomical observing instrument, to be used in studies of the major planets stellar objects, interstellar gas clouds, comets, planetary nebulae, and stars. Application received by Commissioner of Customs: December 9, 1980.

Docket No. 81-00078. Applicant: State of Rhode Island Department of Mental Health, Retardation and Hospitals, P.O. Box 8269, Cranston, R.I. 02920. Article: Electron Microscope, Model EM 10 CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study both autopsies and biopsy material of patients with neurological and psychiatric disorders for clinical and pathological investigations establishing diagnosis, follow up and results of treatments. This will establish the nature of the variety of chronic diseases affecting children and adults (elderly). With the article studies will be conducted to determine the ultrastructure of such pathological changes as neurofibrillary tangles searching for twisted or straight tubules—representing typical or atypical Alzheimer-type dementia. Further, the article will be used to determine the nature and type of viruses causing different kinds of encephalitides. In addition, the article is to be used when investigating many other diseases, e.g. viral and bacterial infections, metabolic disorders and certain renal diseases. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81-00079. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Colliding Beam-charge Exchange Module & Polarized Beam Inflector Module. Manufacturer: ANAC, Inc., Ltd., New Zealand. Intended use of article: The articles are components of polarized negative ion source being developed to produce beams of nuclear polarized hydrogen ions that will be injected into an accelerator, accelerated to high energy and delivered to experiments which will investigate the spin dependence of the nucleon-nucleon interaction at high energy. These investigations are typically carried out by directing the beams of polarized ions onto other materials (usually hydrogen, but not limited to hydrogen) and measuring the energy, directions and composition of the interaction components. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81-00080. Applicant: New England Deaconess Hospital, 194 Pilgrim

Road, Boston, MA 02215. Article: Dialetric & Induction Heating Equipment—LeVeen Thermotherapy. Manufacturer: Industrial Development Group, United Kingdom. Intended use of article: The article is intended to be used for the purposes of heating tumors (malignant) which are inoperable, and cannot be treated by any other methods. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81-00081. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, N.Y. 14853. Article: Two Excimer Lasers, Model EMG 101 with FL 2002 Dye Laser Accessory. Manufacturer: Lambda-Physik GmbH and Co., West Germany. Intended Use of Article: The article is intended to be used as an energy source to pump a high power tunable dye laser system. The high peak and average power of this total system will be used to do unique multiphoton experiments to determine the electronic structure and photophysics of molecules of high chemical interest. The article will also be used by a variety of graduate students and postdoctoral fellows who will learn the fundamental techniques of laser application to chemical research. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81-00082. Applicant: U.S. Department of Interior, Bureau of Mines, 4900 LaSalle, Avondale, MD 20782. Article: Accessories for Model H-600-3 Electron Microscope. Manufacturer: Nissei Sangyo America, Ltd., Japan. Intended use of article: The articles are accessories for an existing electron microscope which will be used to study mineral particulates related to environmental problems, asbestos, corrosion products, floation minerals, and geothermal scales. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81-00083. Applicant: Pennsylvania College of Optometry, 1200 West Godfrey, Philadelphia, PA 19141. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used to study the ocular tissues as they are altered by either of diabetes mellitus, glaucoma, environmental radiation effects, and drug interactions. These ocular tissues are animal ocular tissues or human ocular tissues donated for the purpose of research and investigation on different disease processes. The article will also be used to train students (graduate) in detection of ultrastructural lesions occurring as a result of different diseases. Application received by Commissioner of customs: December 12, 1980.

Docket No. 81-00084. Applicant: University of Maryland School of Medicine, Department of Pathology, 660 W. Redwood Street, Baltimore, MD 21201. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues and macromolecular structures of biological origin in a system allowing TEM, SEM, STEM and analytical capabilities. The article will also be used in the course Path 712, Practical Electron Microscopy in which students will be introduced to modern microscopical principles and techniques in order that they may apply these methods to their research projects. Application received by Commissioner of Customs: December 12, 1980.

Docket NO. 81-00086. Applicant: University of Maine at Orono, Department of Zoology, Murray Hall, Orono, Maine 04469. Article: Flow Meter with four dials, Model #2536-B. Manufacturer: Rigosha and Co., Ltd., Japan. Intended use of article: The article is intended to be used to measure flow of water through a plankton net to permit estimation of juvenile eel abundance. Collections of juvenile eels will be made on consecutive ebb and flood tides using buoyed and anchored net arrays. The objective of the experiment is to determine the behavioral patterns exhibited by juvenile eels migrating upstream in a tidal estuary. Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81-00087. Applicant: NASA/Goddard Space Flight Center, Greenbelt, Rd., Greenbelt, MD 20771. Article: Excimer Rare Gas Halide Laser, Model TE-861M with Accessories. Manufacturer: Lumonics Inc., Canada. Intended use of article: The article is intended to be used for the following:

(1) Studies conducted using small molecules in the gas phase, e.g., water, ammonia, propyne, and acetylene.

(2) Study of small radical molecules such as CN, NH_2, OH, C_2 using the phenomena of dye laser induced fluroscence or spectroscopy.

(3) Studies on small radical molecules, e.g. C_3, C_5, and NH_2.

Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81-00088. Applicant: U.S. Department of Commerce—NOAA, National Marine Fisheries Service, Atlanta Environmental Group, RR 7A, Box 522A, Narragansett, RI 02882. Article: Undulating Oceanographic Recorder—Mark II. Manufacturer: Almondbury Development Co., Ltd., United Kingdom. Intended use of article: The article will be used in collection of plankton data and relevant environmental data to explain the significant decline of these organisms which serve as larval fish food and to ensure other key questions regarding the functional relationships between resources and environments. The foreign article will sample the plankton over an extended range of depth (instead of present single depth) and measure and record, in situ, a number of physical parameters even when timed at high speeds of vital importance in marine ecology as well as physical oceanography and meteorology. Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81-00089. Applicant: University of Georgia, Sea Grant College Program, Ecology Building, Athens, Georgia 30602. Article: Four Radar Units. Manufacturer: Sperry Marine Systems, Japan. Intended use of article: The article is intended to be used for the establishment of training facilities for a commercial fisheries training program. Navigational courses will be conducted to provide commercial fishermen and students interested in commercial fishing careers with the opportunity to obtain training in the operation of radar, fishfinding types of sonar and loran C. Application received by Commissioner of Customs: December 30, 1980.

Docket No. 81-00090. Applicant: St. Agnes Medical Center, Skin Bank, 1900 South Broad Street, Philadelphia, PA 19145. Article: Evaporimeter #EPIC. Manufacturer: Servo-Med AB, Sweden. Intended use of article: The article is intended to be used to take quantitative measurements of water evaporation from skin surfaces which have been altered as the result of thermal injury and evaluate:

1. Patient status,

2. The fluid requirements of the patient,

3. Effectiveness of treatments designed to as closely as possible, imitate the physiologic functions of normal skin.

Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81-00092. Applicant: Johns Hopkins University, Charles and 34th Street, Baltimore, Maryland 21218. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be

used in conducting research of the following:

(1) Control of eukaryotic DNA replication and genetic recombination in *Xenopus laevis*.

(2) Work on the structure and function of contractile proteins involved in cell motility.

(3) Regulation of eukaryotic gene expression.

(4) Cellular and molecular mechanisms controlling DNA replication.

(5) The structure of the plasma membrane and how this structure permits this membrane to conduct its physiological function.

(6) Genetic characterization of imaginal disc development in *Drosophila* studied using lethal and temperature-sensitive mutants.

The article will be used to train graduate students and postdoctoral fellows in the use of an electron microscope in their research. Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81-00093. Applicant: Cornell University, University of Chemistry, Baker Laboratory, Ithaca, New York 14853. Article: Ion Microanalyzer, Model IMS-3F. Manufacturer: Cameca Instruments, France. Intended use of article: The article is intended to be used for research involving the study of three dimensional chemical composition of a wide variety of materials. Efforts on the quantification of elemental concentration obtained in ion microscopy will be a continuation of ongoing research. Typical areas of study are:

(1) Semiconductors—materials including silicon and the III–V semiconductors such as gallium arsenide, indium phosphide, and compounds grown epitaxially on these materials as substrates.

(2) Metals—lateral and in-depth distributions of impurity elements will be studied in metals chosen for their structural and engineering importance.

(3) Biological materials—materials will be thin tissue sections from both animal and plant sources.

The article will also be used for educational purposes by graduate students doing Ph.D. thesis studies. Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81-00094. Applicant: Franklin Research Center, 20th & Race Streets, Philadelphia, PA 19103. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study biological cells and tissues and particulate matter. Included among these will be respiratory tissue in the normal and diseased state. An important aspect of these studies will involve the structure of elastin and collagen in the lung. Also inflammatory such as neutrophils and macrophages and the identification of particulate materials ingested by these cells will be studied. Application received by Commissioner of Customs: January 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Program Staff.

[FR Doc. 81-8877 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00095. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Microscope Goniometer Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope which will allow for better resolution of rare earth oxides, minerals, and single crystals of semiconductors. The objectives of the investigation for which the article will be used will be to obtain structural knowledge of samples observed and to improve techniques for obtaining data from images of crystalline and amorphous samples. The article will also be used in the course Physics 591, Diffraction Physics—Elements of Microscopy to teach students the current theories pertaining to the field of electron microscopy as well as the application of those theories. Application received by Commissioner of Customs: January 6, 1980.

Docket No. 81-00096. Applicant: Uniformed Services, University of the Health Sciences, School of Medicine, 4301 Jones Bridge Road, Bethesda, MD 20014. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to support basic and clinical medical research projects requiring high resolution transmission electron microscopy and goniometry. The specific research applications include the following:

a. Interaction of parasites with host erythrocytes, leukocytes, phagocytes, and epithelial cells.

b. Localization and characterization of the components of malaria parasites and their altered host cells which are important in the immunologic protection against malaria.

c. Analysis of experimental malaria vaccines from blood stage antigen preparations.

d. Structural, cytochemical, and morphogenetic analysis of the knob alterations on the surface of erythrocytes infected with *Plasmodium falciparum*.

e. Parasite-induced cell, tissue, and organ histopathology.

f. Chemotherapy in parasite model systems.

g. Cellular interaction in the immune response *in vitro* and *in vivo*.

The principle objectives of the research programs in which the article will be used are a better understanding of the basic biological mechanisms involved in host-parasite interactions, particularly as they relate to immunological responses. The article will also be used for teaching graduate students, postdoctoral fellows, and staff, advanced techniques in electron microscopy. Application received by Commissioner of Customs: January 6, 1981.

Docket No. 81-00097. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Milcroscope Specimen Holder, BLG No. 1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope which will allow for better resolution of rare earth oxides, minerals,

and single crystals of semiconductors. The objectives of the investigation for which the article will be used will be to obtain structural knowledge of samples observed and to improve techniques for obtaining data from images of crystalline and amorphous samples. The article will also be used in the course Physics 591, Diffraction Physics—Elements of Microscopy to teach students the current theories pertaining to the field of electron microscopy as well as the application of those therories. Application received by Commissioner of Customs: January 6, 1981.

Docket No. 81-00098. Applicant: University of Illinois Medical Center, Research Resources Center (933 Bldg.), P.O. Box 6998, Chicago, Illinois 60680. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a wide range of research projects including but not limited to:

Synaptogenesis in the Trigeminal Mesencephalic Nucleus
Separation of the Neurons and Glia by Density Gradient Centrifiguation
Role of Microfilaments in Synthesis and Secretion
Retinal Degenerations
Characterization of Muscle Specific Clones-Heteroduplex R-Looping
Nucleolus and Nuclear Differentiation in the Oral Epithelium of Zink Deficient Rats
The Ultrastructural of Normal Primate Lung and Lung in Shock
The Ultrastructural of Nuclear Histones in Melanocytes and Melanoma
Neonatal and Other Incremental Lines in Human Enamel
Liposomes on Lymphoblasts
Dermopathology of Hair
Normal and Pathological Skin Cells
Dentogenesis in Frog's Teeth
The Maturation of Rat Incisor Enamel
Fixation of Tissues by Metallizable Chloro-s-triozines
Localization of Salivary Gland Virus Particles in SGV-Sensitive Cell Lines
Search of Virus Particles from Spontaneously Transformed Normal Calvarium Derived Tissue Culture Cells to Transplantable Neoplasms in Mice
Odontoblastic Process in Sclerotic End Formation.

Application received by Commissioner of Customs: January 6, 1981.

Docket No. 81-00099. Applicant: Greater Washington Educational Telecommuncations Assoc., Inc., Box 2626, Washington, D.C. 20013. Article: Teletext System. Manufactures: Norpak, Canada. Intended use of article: The article will be used in a research project to identify public response to a variety of teletext materials provided by, among others, educational institutions, newspapers, the U.S. Food and Drug Administration, the Federal Trade Commission, The District of Columbia government, the U.S. Office of Education, and the General Services Administration. The basic experiment is the measurement of viewer response to the teletext materials, using the data recorder integral to the receiver decoders. Ancillary to the basic experiment is measurement of the technical performance of the system when a variety of data rates, library length, etc., is employed. The experiment will yield data on public acceptance of teletext materials, permitting a determination whether teletext should be integrated into the nation's system of public telecommunications, and if so, what technical parameters and content are optimum. Application received by Commissioner of Customs: January 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-8088 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

DHEW/PHS/CDC/NIOSH; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00287. Applicant: DHEW/PHS/CDC/NIOSH, Division of Physical Sciences & Engineering, Measurements Research Branch, 4676 Columbia Parkway, Cincinnati, OH 45226. Article: Gas Chromatograph/Mass Spectrometer, Model MM70/70. Manufacturer: VG Micromass Ltd., United Kingdom. Intended use of article: See Notice on page 41998 in the Federal Register of June 23, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application denied.

Reasons: An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Discussion: In its response to Question 8.C.(2) the applicant alleges that the foreign article is the only instrument or apparatus which can provide a high resolution capability. The National Bureau of Standards (NBS) advises in its memorandum dated September 18, 1980 that a high resolution instrument enhances the applicant's research goals and is pertinent to the intended purposes. The determination of scientific equivalency is based on a comparison of the guaranteed pertinent specifications of the foreign article and similar specifications of the most closely comparable domestic instrument. The foreign article has a guaranteed resolution of 25,000 (10% valley definition). The most closely comparable domestic instrument is the Model 12-90-G(DF) and accessories manufactured by Nuclide Corporation (Nuclide). This domestic instrument guarantees a resolution of 30,000 (10% valley definition) (PUBS 1452-A-0974). NBS advises that the Nuclide instrument matches or exceeds the guaranteed resolution of the foreign article. The Department concurs.

The applicant in reply to Question 9 states that it did not seek a request for quote (RFQ) from domestic manufacturers. The applicant explained that as a Federal agency it is required to purchase such equipment (mass spectrometers) from those available on the General Services Administration (GSA) schedule. Also the applicant consulted catalogues, technical journals, etc. in which such instruments are advertised and concluded that to its knowledge there are no domestic manufacturers of high resolution mass spectrometers on or off the GSA schedule. Therefore, it saw no need to request bids on equipment that is standard and available as a stock item.

The Department has historically treated mass spectrometers as produced-on-order instruments. Subsection 301.2(j) of the Department's regulations defines produced-on-order instruments as those which a manufacturer lists in a current catalogue and is able and willing to produce and have available without unreasonable delay to the applicant. Nuclide offers standard produced-on-order mass spectrometers. The fact that the applicant's purchase policy limits

purchases to instruments on the GSA schedule is not relevant to the Department's procedures and cannot be considered in our scientific equivalency evaluation. Further, the applicant indicates that other sources of supply were reviewed. The failure to contact Nuclide is difficult to understand since Nuclide has been manufacturing mass spectrometers of the type desired by the applicant over 20 years. Nuclide in the past (at least as early as 1969) has published literature guaranteeing a resolution of 30,000 for its Model 12-60-G(DF) and has quoted that resolution in response to RFQs.

Therefore based on the foregoing, NBS advice, specifications in our files, and our own review of the application, we find that the Model 12-60-G(DF) is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-9089 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Discrete Semiconductor Device Subcommittee was formed to study transistor, diode, photoconductive, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: April 14, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Conference Room B, 14th Street and Constitution Avenue NW., Washington, D.C. The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

Dated: March 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-9079 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: April 14, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

AGENDA: General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of minutes of February 10, 1981 meeting.

(4) Subcommittee preparation for the next list review.

(5) Discussion of microprocessor peripheral circuits for educational purposes of the Subcommittee.

(6) Presentation on CMOS microprocessor capability. Executive Session

(7) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to closed meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: March 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-9072 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered onAugust 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and the formulation of recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

TIME AND PLACE: April 14, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The Subcommittee will meet only in executive session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: March 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-8573 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: April 15, 1981 at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Ave., N.W., Washington, D.C.

AGENDA: General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Committee preparation for the next list review.

(4) Subcommittee reports:

a. Discrete Semiconductor Device,

b. Microcircuits and,

c. Semiconductor Manufacturing Materials and Equipment. Executive Session.

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: March 20, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-8571 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S–687]

Manhattan Tankers Co., Inc., et al., Application

Notice is hereby given that Manhattan Tankers Company, Inc., Keystone Shipping Co., Keystone Tankship Corporation, and Fredericksburg Shipping Company have each filed an application with the Maritime Subsidy Board, pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1981, unless extended, to operate the SS's *Manhattan, Perryville, Golden Gate,* and *Fredericksburg, respectively, in the carriage of bulk raw and processed agricultural commodities in the foreign commerce of the United States from ports in the U.S. to ports in*

the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.-U.S.S.R. export bulk and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessels named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the applications and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before 4/7/81 notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act, and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject applications, the purpose of such hearing will be to receive evidence relevant to (1) whether the applications herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

Dated: March 20, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-8979 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-15-M

National Bureau of Standards

Federal Information Processing Standards 60-1, 61, 62, 63; Technical Verification Guidance

Correction

In FR Doc. 81-7080 appearing at page 15526 in the issue of Friday, March 6, 1981, please make the following changes:

(1) On page 15527, first column, fourteenth line, a comma should be inserted in between "60-1)" and "FIPS".

(2) On page 15527, first column, first full paragraph, last line, the number "69371)." should read "69317)."

(3) On page 15527, first column, last paragraph, ninth line, the word "and" should be removed from the sentence.

(4) On page 15527, second column, fourth full paragraph, seventh line, "ventor's" should read "vendor's".

(5) On page 15527, third column, second paragraph, first line, "61-1" should read "60-1".

(6) On page 15527, third column, following the third paragraph ending with the line "Speed Data Transfer feature", a new paragraph should be inserted that reads: "In order to be verified, all tape subsystems must implement the following commands:"

(7) On page 15527, third column, the word "is" should be inserted following the word "command" on the first line.

BILLING CODE 1505-01-M

Federal Information Processing Standards 60-1, 61, 62, 63; Technical Verification Guidance; Correction

In FR Doc. 81-7080 appearing at page 15526 in the Federal Register of Friday, March 6, 1981, right-hand column, under question 4.3, the list of commands is corrected to read as follows:

Write
Read Forward
Read Backward
Sense
Request Track-In-Error
Rewind
Rewind Unload
Erase Gap
Write Tape Mark
Backspace Block
Backspace File
Forward Space Block
Forward Space File
Data Security Erase
No/Operation

Dated: March 20, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-8981 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Auckland City Council (P285).

b. Address: Auckland Zoological Park, Grey Lynn, Auckland 2, New Zealand.

2. Type of Permit: Public Display.

3. Name and Number of Animals: California sea lions *(Zalophus californianus)*, 4.

4. Type of Take: The Applicant will take 4 sea lions from captive bred stocks.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. a certification from such appropriate government agency verifying the information set forth in the application;

ii. a certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. a statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of New Zealand government have been found appropriate and sufficient to allow consideration of this permit application.

5. Location of Activity: Sea Life Park, Waimanalo, Hawaii.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before April 24, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 18, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-8079 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to import marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222)

1. Applicant:

a. Name: Carnegie Museum of Natural History (P258A).

b. Address: Section of Man, 4400 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:

Bearded seal (*Erignathus barbatus*), 6+; Ringed seal (*Phoca hispida*), 11+; Bowhead whale (*Balaena mysticetus*), 1+; Unspecified whalebone, 3+.

4. Type of Take:

Anthropological specimen materials from seals taken in subsistence hunts and beach cast whalebones including bowhead whales will be imported into a curated collection.

5. Location of Activity: Holman Island, Northwest Territories, Canada.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before April 24, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 18, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-8080 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, April 7, 1981, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., March 17, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81-8028 Filed 3-24-81; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Levels of Restraint Under a New Bilateral Wool and Man-Made Fiber Textile Agreement With the Socialist Republic of Romania, Effective April 1, 1981

March 19, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing levels of restraint for certain wool and man-made fiber textile products, produced or manufactured in Romania and exported during the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982, pursuant to a new bilateral agreement.

SUMMARY: By an exchange of notes dated September 3, 1980, the Governments of the United States and the Socialist Republic of Romania have agreed on a new Bilateral Wool and Man-Made Fiber Textile Agreement beginning on April 1, 1981 and extending through March 31, 1985. The agreement establishes, among other things, specific levels of restraint for textile products in Categories 443 (men's and boys' wool suits) and 643/644pt. (woven suits of man-made fibers). The agreement also

provides consultation levels for certain categories, such as Categories 465 (wool floor coverings) and 635 (women's, girls' and infants' coats of man-made fibers), which are not subject to specific limits and for which the levels of restraint may be adjusted during the agreement year. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the new bilateral agreement, to prohibit, during the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982, entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in Categories 443, 465, 635 and 643/644pt. in excess of the designated levels.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

March 19, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the bilateral Wool and Man-Made Fiber Textile Agreement of September 30, 1980, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 1, 1981 and for the twelve-month period extending through March 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 443, 465, 635, and 643/644 pt., produced or manufactured in Romania, in excess of the following levels of restraint:

Category	12-mo level of restraint [1]
443	7,557 doz.
465	1,560,000 ft².
635	41,182 doz.
643/644 pt.[1]	24,537 doz.

[1] In Category 643/644, only TSUSA numbers 380.0484, 380.5178, 380.8451, 380.8452, 382.0478, 382.4282, and 382.8187.

In carrying out this directive entries of textile products in the foregoing categories, except Category 465, produced or manufactured in Romania, which have been exported to the united States on and after January 1, 1980 and extending through March 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the fifteen-month period beginning on January 1, 1980 and extending through March 31, 1981. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 465 that have been exported to the United States before April 1, 1981 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of September 3, 1980, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (2) administrative arragnements or adjustments may be made to resolve problems arising under these provisions of the agreement. Any appropriate adjustments under the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85143).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementaion of Textile Agreements.

[FR Doc. 81-9129 Filed 3-24-81; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 20, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Non-Nuclear Armament will meet on April 9th and 10th, 1981 from 8:30 a.m. to 5:00 p.m. at Picatinny Arsenal, Dover, NJ.

The Committee will receive classified briefings and participate in classified discussions relating to the Air Force Non-Nuclear Armament Development, Production and use. The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

[FR Doc. 81-9012 Filed 3-24-81; 8:45 am]
BILLING CODE 3910-01-M

Department of the Army

Relocation of United States Military Enlistment Processing Command Headquarters from Fort Sheridan to Great Lakes, Ill.

AGENCY: Department of Defense, Department of the Army

ACTION: Final notice on the relocation of United States Military Enlistment Processing Command Headquarters and its subordinate element from Fort Sheridan, IL, to Building 3400, Naval Training Center, Great Lakes, IL.

SUMMARY: The Department of Defense announced that the United States Military Enlistment Processing Command (US MEPCOM) Headquarters and the Command's Central Sector Headquarters will move from Fort Sheridan, IL, to Building 3400, Naval Training Center, Great Lakes, IL. The previous 21 November 1980 announcement of this minor base realignment was subjected to a 30 day public review period (Federal Register Vol. 46, No. 5, 8 January 1981). After reviewing the public comments received, Department of Defense is proceeding

with relocation as previously announced. The move will be completed in two phases over the next 2 years.

This operationally advantageous move collocates the US MEPCOM Headquarters with elements of the Selective Service System in Building 3400 at Great Lakes. An automated data processing facility to be operated by US MEPCOM is being planned for installation in the building, which will be shared with the Selective Service System. The initial phase of the move will involve the Automated Data Processing Elements of US MEPCOM with 17 military and 11 civilian personnel actions. This initial phase is expected to be completed by May 1981 with the final phase scheduled for completion in April 1982. Building 3400 will also be occupied by elements of other Department of Defense Agencies.

This action will result in the move of a total of 124 military and 89 civilian positions to Great Lakes, which is about seven miles north of Fort Sheridan. The one-time cost of this action will be approximately $1 million, including relocation costs and the cost of renovation of portions of Building 3400 for US MEPCOM. However, projected annual savings are expected to be cost beneficial in that base operating support costs at Great Lakes will be lower.

US MEPCOM is one of the organizations included in the Army's study of the closure of Fort Sheridan announced on 26 April 1978. Also, the use of Building 3400 is one of the alternatives considered in that study. As a result of today's decision, the Fort Sheridan study will require some revision.

FOR FURTHER INFORMATION CONTACT: Perry J. Fliakas, Deputy Assistant Secretary of Defense (Installations and Housing), Washington, D.C. 20310 (202–695–7804).

Dated: March 20, 1981.

Paul W. Johnson,

Deputy for Installation and Housing ASA(IL&FM).

[FR Doc. 81–8865 Filed 3–24–81; 8:45 am]

BILLING CODE 3710–08–M

Medical Research and Development Advisory Panel, Pharmacology Subcommittee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee Meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Pharmacology.

Date of Meeting: April 22, 1981.

Time and Place: 0830 hrs, Room 3082, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public on 22 April from 0830 to 0945 hours to discuss the scientific research program of the Pharmacology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 0945–1200 hrs and from 1300–1600 hrs on 22 April 1981 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander:

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81–8866 Filed 3–24–81; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Community Education Advisory Council; Meeting Cancellation

AGENCY: Department of Education, Community Education Advisory Council.

ACTION: Notice of meeting cancellation.

SUMMARY: This notice is intended to notify the general public of the cancellation of the Community Education Advisory Council meeting scheduled for March 17 and 18, 1981 in Washington, D.C. Notice of the meeting was published in the **Federal Register**, Vol. 46, No. 39 on Friday, February 27, 1981 as required under Section 10(a)(2) of the Federal Advisory Committee Act.

SUPPLEMENTARY INFORMATION: The Community Education Advisory Council is authorized under Pub. L. 95–561. The Council is established to advise on policy matters relating to the interest of community schools.

Regulations governing advisory councils state that meetings cannot be conducted without a quorum. Therefore, it was necessary to cancel the March 17 and 18, 1981 Council meeting. The meeting will be rescheduled possibly in April and a subsequent announcement of the meeting will be published in this document.

Signed at Washington, D.C. on March 19, 1981.

Ron Castaldi,

Director, Community Education Program.

[FR Doc. 81–8873 Filed 3–24–81; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: April 14, 1981, 1:30 p.m. to 5:30 p.m., Executive Committee meeting; April 15, 1981, 2:30 p.m. to 5:30 p.m. and April 16, 1981, 10:00 a.m. to 12:30 p.m., public hearings on the reauthorization of the Adult Education Act.

ADDRESSES: Biltmore Plaza, Kennedy Plaza, Providence, Rhode Island, on April 14–15; Providence Opportunities Industrialization Center, One Hilton Street, Providence, Rhode Island, on April 16.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs

under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee is open to the public. The proposed agenda includes:

Block Grants.
Rescissions.
FY-82 Appropriations.
Council Operational Budget.
Council Meeting Schedule.
Committee Activities.
Presentation to Commission on Adult Basic Education National Conference on Issues, Appropriations, Reauthorization, and Federal Policy for the Adult Education Act.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C., on March 18, 1981.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 81-8827 Filed 3-24-81; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Continued Operation of the Los Alamos National Scientific Laboratory at Los Alamos, New Mexico; Record of Decision

Decision

The Department of Energy (DOE) has evaluated the environmental impact of past and expected future activities at the Los Alamos National Scientific Laboratory (LANSL) site and alternative actions. Based on this analysis and national defense program needs, DOE has decided to continue operating the facility at a moderate growth rate while actively modifying procedures and facilities to eliminate or reduce environmental impacts resulting from the nuclear weapons research and development and other nonweapons programs.

Project Description

LANSL has operated at the Los Alamos, New Mexico, laboratory site for thirty-eight years. The environmental impact statement (EIS) for this site, DOE/EIS-0018, assesses actual and potential impacts on the surrounding environment from past operations with coverage of some further growth and evolution of research programs in new areas. The primary mission of LANSL has continued to be nuclear weapons research and development. However, other programs have been incorporated including development of peaceful uses of nuclear energy in such areas as fission reactors, space technology, controlled thermonuclear reactions, and medical and biological applications. Recently, there has been increasing diversification into nonnuclear research areas; notably, geothermal, solar, and the use of superconductor technology for energy storage and transmission. Adverse impacts from postulated accidents associated with these activities have been considered. Minute quantities of various effluents, including radioactive ones, are released to the environment during normal operations. However, a continuing, comprehensive monitoring program is carried out to assist in the control of all effluents, and improved systems of release control are installed as they are developed. The measurements made in the monitoring program are available to the public at all times and are assembled in the annual monitoring report for the LANSL site. The operation of LANSL is essential for the maintenance of the national defense program. It also contributes significantly to increased national self-sufficiency of energy resources. Systems developed to reduce environmental impact of these operations are available for use throughout the Nation.

Description of Alternatives

The following alternatives were considered by DOE in reaching its decision:

(1) No change from present facilities and operations. (No action alternative.)

(2) Cessation or relocation of programs to other sites to transfer environmental costs to other locations.

(3) Modification of future trends to include a major increase in growth which would induce impacts of new construction, land use, resource consumption, and increase waste disposal requirements.

(4) Limitation of adverse impacts during moderate growth by replacing or modifying facilities and procedures in order to reduce environmental impact as better technologies become available.

(5) Institutional change of limiting some adverse impacts by increasing water conservation, releasing additional lands for housing, and limiting public access to onsite roads.

Basis for Decision

Recent international events have underscored the needs for the maintenance of the Nation's defense program and the need to decrease the Nation's dependency on imported energy by promoting self-sufficiency by utilizing our own energy resources. The continued operation of LANSL by DOE is directed toward achieving these needs.

Requirements for nuclear weapons research, development, and production are mandated by Congress and the President as part of the overall national defense policy. DOE is responsible for carrying out this mandate. The principal activities at LANSL support DOE's effort in carrying out its responsibilities in the nuclear weapons program area, although increased emphasis is being placed on activities at LANSL for developing energy self-sufficiency.

Consideration of each of the above alternatives is as follows:

(1) *No Action.* If the no-action alternative were to be chosen, there would be no change in the present facilities and operations with the consequence of no change in continuing environmental impacts. This also means there would be no further construction or decommissioning of facilities, no change in rate of use of resources, no change in employment, and no change in the general nature of work performed. Because of the nature of work performed, i.e., applied and basic scientific research, this alternative is not tenable for more than a very short period. As phases of research are completed, the type of work would change which would frequently result in changes in the use of facilities and resources. The overall size of the laboratory employment could be held constant, and no new buildings would be constructed. This would permit research work to continue by modifying existing facilities to accommodate program changes. This course of action would lead to a limitation on the types of research and productivity as facilities become totally obsolete.

This no-action alternative would incur a continuation of environmental impacts at the present level. There would be no improvement by mitigation of impacts, and there would be some impacts that could become cumulatively larger, e.g., the amount of land committed to waste disposal. In addition, LANSL would become ineffective in assisting DOE in meeting its responsibilities for implementing new research and development activities mandated by Congress and the President.

(2) *Cessation or Relocation of Programs.* Cessation of planned nuclear weapons research programs or complete or partial relocation would result in reductions in environmental impacts. The discontinuation or relocation of these research programs would make other uses of the site possible, though not necessarily feasible. Complete cessation of all research programs, with no provision for meeting defense program needs elsewhere, would be contrary to Presidential directives and is therefore unacceptable.

Research on various energy technologies also has a high national priority. Thus, complete cessation of all programs at LANSL would result in some loss of research and development in these areas of national need.

Complete relocation of all research programs would eliminate many environmental impacts at the LANSL site without substantial loss of the benefits of research. However, such relocation is costly. Small parts of current operations could be moved to other DOE laboratories without expansion of their facilities. Most research is closely tied to major LANSL facilities that would have to be moved to, or reproduced at, other sites to permit continuation. Many of the special facilities would be both difficult to decontaminate and costly to relocate or rebuild. Certain structures could not be moved, yet have long remaining economic lifetimes. Complete decontamination and decommissioning of the entire LANSL facility could run into the hundreds of millions of dollars. Some radioactive waste disposal areas may be too costly to decontaminate sufficiently to allow unrestricted use.

Removal of the laboratory would delete at least $515 million annually in personal incomes and other laboratory-related expenditures from the New Mexico economy. The benefits derived from termination or relocation of research programs from LANSL would be partly dependent on the new uses of the existing facilities and site.

The termination or relocation of selected programs or facilities could reduce or eliminate some environmental impacts of the current operations without complete loss of benefits.

Radioactive airborne effluents and liquid wastes are treated to meet appropriate guidelines Total quantities released have been substantially reduced in recent years due to improvement of treatment systems. The net result of relocation would be eliminating the release of about 40 μCi of plutonium in airborne effluents and about 8 mCi of plutonium in liquid effluents.

The removal of LANSL activities to other locations would merely transfer many environmental impacts to other areas. Although reconstruction might lead to some reduced impacts at the new site in comparison with present operations, the equivalent expenditure on improvements to the existing site and facilities would be more productive.

(3) *Modification of Future Trends.* A major increase in growth of LANSL would include new construction and additional land use. There is ample developable space for a moderate growth without causing major impacts on total proportion of land used or greatly disturbing wild life habitat. Land areas have been identified that are suitable for development that would permit considerable expansion of facilities. Any expansion would likely increase consumption of water and energy resources in close proportion to the number of employees. Waste disposal requirements would also increase, but effluents might not necessarily increase because of better control and treatment. New construction and increases in employment would add greater economic input to the region. Since housing in the Los Alamos area is in short supply, accelerated growth would place even more pressure on the existing market and could push prices even higher. Water and energy use, as well as solid and liquid waste disposal for the community, would increase in proportion to total population.

(4) *Limitation of Adverse Impacts.* The preferred action is to continue operation of LANSL with moderate growth in employment. This increase is predicated on the likely expansion or addition of certain research programs. This growth would be accompanied by addition of facilities and/or modification of procedures and facilities and would eliminate or reduce the resultant impacts of operations.

A moderate growth rate could result from a change in programmatic emphasis, combination of programs, acceleration of programs, or a combination of all three. Major deviations would most likely result from substantive changes in national policy made at the congressional or executive levels of Federal Government. For example, a major new federally supported program to develop new energy technologies at a faster pace could lead to rapid expansion of at least some LANSL research activities. A consolidation of weapons research programs at LANSL could lead to a significant expansion of many research activities. Conversely, consolidation of weapons work at another laboratory could lead to a reduction at LANSL.

The modification of laboratory procedures or facilities with the objective of further reduction or elimination of environmental impact from present or future research operations can be accomplished productively and economically. New facilities will continue to be designed with due consideration to environmental impact. Basic mechanisms operate at LANSL with the goal of identifying and dealing with problems before they incur significant impacts. Systematic reviews of proposed projects, facilities, or procedures are conducted to identify any potential problems and to suggest alternatives or appropriate mitigating measures to be employed.

The ongoing environmental surveillance program is designed to document actual performance and detect trends that could indicate the development of undesirable conditions so that corrective measures can be initiated before significant impacts occur.

Several basic approaches to reduce environmental impact include replacement of facilities to permit continued operations with improved environmental controls, application of new or different technologies to existing operations, alteration of procedures, conservation, and long-range coordinated site planning.

(5) *Institutional Alternatives.* Some types of environmental impacts could be affected by institutional actions and, in many cases, would provide administratively simple ways of minimizing the impacts.

Potential exposure of members of the general public to radiation near some facilities could be reduced by restricting public access to the roads running across the site. This would require additional manned entrance gates at the laboratory boundaries. There would be a substantial effect on transportation patterns, resulting in inconvenience for many people.

An implementation of mass transit for laboratory employees in the local residential areas, coupled with parking controls or other incentives to encourage carpooling, could reduce gasoline consumption and the associated release of atmospheric pollutants.

Discussion of Environmentally Preferred Alternative

Alternative 4, the continued operation of LANSL with the limitation of adverse impacts by modification of procedures and facilities and by replacing or improving existing facilities to reduce

environmental impact, is the preferred course of action. Effluent improvement technologies continue to be developed, and installation of improved effluent mitigating measures, as they become available, should further reduce pollutant discharges to even lower levels than are detected at the present time.

Operation of the laboratory at a moderate growth rate to accommodate national needs with the continued improvement of environmental impact mitigating measures, coupled with institutional alternatives, is considered the environmentally preferred alternative. Although the institutional alternatives are not being implemented at this time, the Department will continue to pursue these alternatives as viable means for reducing adverse environmental impacts.

Considerations in Implementing the Decision

There must be a continuing review of proposed new projects for environmental aspects before they go forward, and projects will be balanced against programmatic needs of national security and national energy requirements. The present monitoring and sampling programs will be continued and further developed, as needed, to keep pace with new LANSL programs. All practicable means to minimize environmental harm will continue to be adopted. This includes upgrading of environmental release mitigating measures, such as the present active programs to improve waste management practices.

The LANSL site contains many archeological sites, and the present practice of archeological surveys prior to new construction will be continued with careful documentation.

The present active conservation program to reduce natural resource consumption will be continued and action taken to provide for minimizing energy and materials wherever such actions are reasonable.

The public is aware of programs at LANSL, and local effort will continue to be made to keep the public informed of research programs and any possible environmental impacts, as well as steps taken to minimize such impacts.

R. L. Morgan

Acting Assistant Secretary for Defense Programs.

March 9, 1981.

[FR Doc. 81-8959 Filed 3-24-81 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for shipment of enriched uranium/aluminum alloy fuels from the locations below to the DOE Savannah River facility for reprocessing and storage of recovered uranium.

Reactor and location	Kilograms of contained uranium
JMTR, Japan	55
Nereide, France	2

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security. These arrangements for returning U.S. origin highly enriched uranium (HEU) to the U.S. are consistent with U.S. non-proliferation policy in that they serve to reduce the amount of HEU abroad.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 19, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-8960 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Intent To Develop Policy Guidelines and Methodology To Compute Billing Credits; Request for Public Comments

AGENCY: Bonneville Power Administration (Bonneville or BPA), Department of Energy.

ACTION: Notice of Intent to Develop Policy Guidelines and Methodology to Compute Billing Credits; Request for Public Comments.

SUMMARY: Pursuant to Section 6 of Pub. L. 96-501, the Bonneville Power Administration intends to develop policy guidelines and a methodology to compute billing credits. At this time, Bonneville is seeking suggestions, advice, and recommendations from interested persons which can be used to assist in the development of the initial proposal.

Bonneville expects to publish a Notice of Proposed Policy Guidelines and Methodology to Compute Billing Credits in the summer of 1981 following the prospective establishment of the Pacific Northwest Electric Power and Conservation Planning Council. That Notice will also include a schedule for public information and comment forums. Bonneville will explain its billing credit proposal and answer questions at the information forums. The comment forums will give interested persons an opportunity to present both oral and written comments on the proposal.

DATES: Effective Date: March 25, 1981. Suggestions and recommendations concerning the development of Bonneville's initial proposed billing credit policy guidelines will be accepted through June 30, 1981. In addition, BPA will endeavor to meet with all interested persons who may have questions concerning the billing credit requirement under Pub. L. 96-501. To request such a meeting, interested persons should contact the BPA Area or District Manager in their locality or the office of the Public Involvement Coordinator.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, ext. 4261. Toll-free numbers for Oregon callers, 800-452-8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California, 800-547-6048.

Mr. John H. Jones, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503-234-3361, ext. 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406-755-6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509-662-4377, ext. 379.

Mr. Randall W. Hardy, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.
Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, ext. 701.
Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: Section 6(h) of Pub. L. 96–501, the Pacific Northwest Electric Power Planning and Conservation Act (Act), directs Bonneville, upon request, to grant billing credits to customers for (1) independent conservation activities undertaken or continued by a customer or political subdivision served by such customer after the effective date of the Act (i.e., December 5, 1980), or (2) resources constructed, completed, or acquired by a customer, an entity acting on behalf of such customer, or political subdivision served by such customer after the effective date of the Act, that reduce the obligation of the Administrator to acquire resources under the Act. Retail rate structures which are voluntarily implemented by Bonneville customers and induce conservation or installation of consumer-owned renewable resources also qualify for billing credits upon the same showing as that required for other conservation activities or renewable resources.

The energy and capacity on which a credit to a customer is based shall be the amount by which a conservation activity or resource actually changes the customer's net requirement for supply of electric power or reserves from Bonneville. In addition, the credit for a conservation activity shall be set to credit the customer for the actual savings resulting from the activity, and the credit for a resource other than conservation shall be set to credit the customer for the net costs actually incurred by the customer or its representative in acquiring, constructing or operating the resource. In both instances, the rate impact to Bonneville's other customers shall not exceed the rate impact they would otherwise have experienced had Bonneville been obligated to acquire resources in an amount equal to that actually saved by the conservation activity or produced by the resource for which the credit is granted.

Prior to granting any billing credits, Bonneville must (1) publish notice in the **Federal Register**, and include the methodology the Administrator proposes to use in determining the amount of any credit; (2) include the cost of the credit in the annual or supplementary budget submittal to the Congress made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. § 838(j)); (3) require (with some exceptions) that resources in excess of a customer's reasonable load growth must have been offered to others for ownership, participation, or other sponsorship pursuant to subsection 6(m) of the Act; (4) require that the operators of any generating resource for which a billing credit is to be granted agree to operate the resource in a manner compatible with the planning and operation of the region's power system; and, (5) in the case of billing credits for major resources, provide for oversight provisions in the contracts therefor in accordance with subsection 6(i) of the Act, and comply with the procedures of subsection 6(c) of the Act.

Bonneville has formed an internal task force to develop billing credit policy guidelines and devise a methodology for calculating credits. Preliminary work has been performed for some aspects of this undertaking, including (1) initial development of fiscal year 1982 and outyear (through fiscal year 1986) contingency estimates of billing credit program obligations for rate design, budgetary, and financial planning purposes; and (2) tentative identification of technical and policy issues. Bonneville recognizes that compliance with the procedural requirements of section 6 applicable to billing credits and other resource options under the Act will be time consuming, and that, furthermore, it will not be able to determine what its obligations will be under the Act prior to execution of the new power sales contracts now being negotiated with its customers. Nonetheless, Bonneville has concluded that it is desirable to initiate development of the billing credit policy guidelines and methodology as soon as possible in order to satisfy the mandate to insure swift and timely implementation of the Act, and to promote the resolution of outstanding issues affecting resource planning, development, and acquisition in the Pacific Northwest. Therefore, Bonneville has elected to follow its Revised Procedure for Public Participation in Marketing Policy Formulation, and invites early public comment and review on the issues which it has so far identified and expects to consider in formulating proposed billing credit policy guidelines and methodology. In addition, Bonneville seeks from interested persons advice and recommendations on additional issues of which they may be aware. The issues Bonneville has identified include, but are not necessarily limited to, the following:

1. *Standards for applications*, including (a) appropriate information and timing of its submittal for planning, evaluation purposes, and compliance with NEPA and other applicable law and regulations; and (b) degree of notice to Bonneville, its customers, the Council, and other interested persons;

2. *Criteria to be used to establish eligibility for billing credits*, including how to establish consistency with the priorities of 4(e)(1), the considerations of 4(e)(2), and other applicable criteria and standards set forth in the Act;

3. *Frequency and duration of billing credits;* including the schedule and procedures for administering credits once approved;

4. *Determination and verification of amount of actual savings from eligible conservation activities;*

5. *Determination and verification of the amount of conservation or installation of consumer-owned renewable resources induced by retail rate structures;*

6. *Derivation of net costs*, including treatment of support costs, actually incurred by a customer or its representative for an eligible resource;

7. *Derivation of net costs*, of consumer-owned renewable resources induced by eligible retail rate structures;

8. *Program oversight*, including public review of Bonneville program development and implementation;

9. *Nature, content, and timing of prototype contractual provisions* for billing credits;

10. *Criteria to be used to classify credits to capacity and energy and reserves;*

11. *Services to be provided by Bonneville* for eligible activities or resources, including (a) specific types of services, (b) service priorities, in order, and (c) in event of system constraints, policy principles to guide the allocation of services;

12. *Criteria and procedures to govern integration and assure compatibility with regional power system operating and planning requirements;*

13. *Determination of Bonneville's marginal (avoided) cost* under the Act, i.e., whether shortrun or longrun incremental costs should be used for billing credit purposes;

14. *Method of making the rate impact test*, including the number of years to be considered as the test period;

15. *Definition of "multipurpose projects uniquely suitable for development"* by a customer;

16. *Coordination of billing credits* with other Regional Act programs and

activities to provide for the equitable distribution of benefits throughout the region. FOR FURTHER INFORMATION CONTACT: The Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, extension 4261. Toll-free numbers for Oregon callers, 800-452-8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California, 800-547-6048.

Dated: March 13, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81-8997 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Public Utility Regulatory Policies Act; Order

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Order rejecting standards for utility practices.

SUMMARY: By Federal Register notice of May 19, 1980 (45 FR 32752), Bonneville Power Administration (BPA) announced that it would hold hearings on June 18, 1980, and accept comments through July 18, 1980, regarding whether BPA should adopt certain utility standards required to be considered pursuant to Section 113 of the Public Utility Regulatory Policies Act (PURPA). Based on the hearings and written comments, the Bonneville Administrator on December 9, 1980, entered an order that the PURPA Section 113 standards pertaining to utility practices should not be adopted for Bonneville. The standards rejected pertained to master metering, automatic adjustment clauses, information to consumers, procedures for termination of electric service, and advertising, as defined by Section 113 of PURPA. Hearings were held on these standards. The Hearing Officer prepared a report, which was adopted by the Bonneville Administrator in promulgating the order. The full text of the Hearing Officer's Report and of the Administrator's Order follow:

Summary of Record, Report, and Recommendations of Hearing Officer Regarding PURPA Section 113 Standards

Introduction

Pursuant to a notice of hearing published on May 19, 1980, in the Federal Register (X-1),* hearings were held on June 18, 1980, at 9 a.m. and 7 p.m. in the Bonneville Power Administration (BPA) auditorium in Portland with respect to the utility practices standards proposed by Section 113 of the Public Utility Regulatory Policies Act (PURPA requires nonregulated electric utilities, after public notice and hearing, to consider each of five specified utility practice standards (Section 113(b)). BPA, as a Federal agency which sells electric energy and which is not regulated by a state regulatory authority, is a nonregulated electric utility which must make the PURPA considerations (Section 3). In addition to consideration of the specific standards, PBA to adopt each of the standards in order to carry out the purposes of PURPA (Section 113(a)). The determination must be in writing, based upon findings included in the determination, and based upon the evidence presented at the hearing (Section 113(c)). The determination must then be available to the public (Section 113(c)).

Pursuant to your memorandum of June 4, 1980, designating me as Hearing Officer for these PURPA hearings (X1), this report summarizes the record presented and makes recommendations as to your determinations concerning the Section 113 PURPA standards. The full record accompanies this report.

The purposes of PURPA and the purposes to be accomplished or accommodated in the application of the standards are specified by the statute to be:

"(1) Conservation of energy supplied by electric utilities;

"(2) The optimization of the efficiency of use of facilities and resources by electric utilities; and

"(3) Equitable rates to electric consumers."

PURPA institutes a dozen standards which are to be considered at hearings. You have adopted already the six standards dealing with ratemaking standards, with small modifications, by your Determination Order of November 19, 1979. The five other standards deal with utility practices; it is these which were covered by these hearings and will be covered by this report and recommendation. The statute describes these standards in the following language in Section 113(b):

"The following Federal standards are hereby established:

"(1) Master Metering. To the extent determined appropriate under section 115(d), master metering of electric service in the case of new buildings shall be prohibited or restricted to the extent necessary to carry out the purposes of this title.

"(2) Automatic Adjustment Clauses. No electric utility may increase any rate pursuant to an automatic adjustment clause unless such clause meets the requirements of section 115(e).

"(3) Information to Consumer. Each electric utility shall transmit to each of its electric consumers information regarding rate schedules in accordance with the requirements of section 115(f).

"(4) Procedures for Termination of Electric Service. No electric utility may terminate electric service to any electric consumer except pursuant to procedures described in section 115(g).

"(5) Advertising. No electric utility may recover from any person other than the shareholders (or other owners) of such utility any direct or indirect expenditure by such utility for promotional or political advertising as defined in section 115(h)."

Section 115 further explains these standards as follows:

"(d) Master Metering. Separate metering shall be determined appropriate for any new building for purposes of section 113(b)(1) if—

"(1) there is more than one unit in such building,

"(2) the occupant of each such unit has control over a portion of the electric energy used in such unit, and

"(3) with respect to such portion of electric energy used in such unit, the long-run benefits to the electric consumers in such building exceed the cost of purchasing and installing separate meters in such building.

"(e) Automatic Adjustment Clause. (1) An automatic adjustment clause of an electric utility meets the requirements of this subsection if—

"(A) such clause is determined, not less often than every 4 years, by the State regulatory authority (with respect to an electric utility for which it has ratemaking authority) or by the electric utility (in the case of a nonregulated electric utility), after an evidentiary hearing, to provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electric energy) by such electric utility, and

"(B) such clause is reviewed not less often than every 2 years in the manner described in paragraph (2), by the State regulatory authority having ratemaking authority with respect to such utility (or by the electric utility in the case of a nonregulated electric utility), to insure the maximum economies in those operations and purchases which affect the rates to which such clause applies.

"(2) In making a review under subparagraph (B) of paragraph (1) with respect to an electric utility, the reviewing authority shall examine and, if appropriate, cause to be audited the practices of such electric utility relating

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*"X" numbers refer to exhibit numbers.

to costs subject to an automatic adjustment clause, and shall require such reports as may be necessary to carry out such review (including a disclosure of any ownership or corporate relationship between such electric utility and the seller to such utility of fuel, electric energy, or other items).

"(3) As used in this subsection and section 113(b), the term 'automatic adjustment clause' means a provision of a rate schedule which provides for increases or decreases (or both) without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by an electric utility. Such term does not include an interim rate which takes effect subject to a later determination of the appropriate amount of the rate.

"(f) Information to Consumers. (1) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility shall transmit to each of its electric consumers a clear and concise explanation of the existing rate schedule and any rate schedule applied for (or proposed by a nonregulated electric utility) applicable to such consumer. Such statement shall be transmitted to each such consumer—

"(A) not later than 60 days after the date of commencement of service to such consumer or 90 days after the standard established by section 113(b)(3) is adopted with respect to such electric utility, whichever last occurs, and

"(B) not later than 30 days (60 days in the case of an electric utility which uses a bimonthly billing system) after such utility's application for any change in a rate schedule applicable to such consumer (or proposal of such a change in the case of a nonregulated utility).

"(2) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility shall transmit to each of its electric consumers not less frequently than once each year—

"(A) a clear and concise summary of the existing rate schedules applicable to each of the major classes of its electric consumers for which there is a separate rate, and

"(B) an identification of any classes whose rates are not summarized.

"Such summary may be transmitted together with such consumer's billing or in such other manner as the State regulatory authority or nonregulated electric utility deems appropriate.

"(3) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility, on request of an electric consumer of such utility, shall transmit to such consumer a clear and concise statement of the actual consumption (or degree-day adjusted consumption) of electric energy by such consumer for each billing period during the prior year (unless such consumption data is not reasonably ascertainable by the utility).

"(g) Procedures for Termination of Electric Service. The procedures for termination of service referred to in section 113(b)(4) are procedures prescribed by the State regulatory authority (with respect to electric utilities for which it has ratemaking authority) or by the nonregulated electric utility which provide that—

"(1) no electric service to an electric consumer may be terminated unless reasonable prior notice (including notice of rights and remedies) is given to such consumer and such consumer has a reasonable opportunity to dispute the reasons for such termination, and

"(2) during any period when termination of service to an electric consumer would be especially dangerous to health, as determined by the State regulatory authority (with respect to an electric utility for which it has ratemaking authority) or nonregulated electric utility, and such consumer establishes that—

"(A) he is unable to pay for such service in accordance with the requirements of the utility's billing, or

"(B) he is able to pay for such service but only in installments.

"Such service may not be terminated.

"Such procedures shall take into account the need to include reasonable provisions for elderly and handicapped consumers.

"(h) Advertising. (1) For purposes of this section and section 113(b)(5)—

"(A) The term 'advertising' means the commercial use, by an electric utility, of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public or to such utility's electric consumers.

"(B) The 'political advertising' means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

"(C) The term 'promotional advertising' means any advertising for the purpose of encouraging any person to select or use the service or additional service of an electric utility or the selection or installation of any appliance or equipment designed to use such utility's service.

"(2) For purposes of this subsection and section 113(b)(5), the terms 'political advertising' and 'promotional advertising' do not include—

"(A) advertising which informs electric consumers how they can conserve energy or can reduce peak demand for electric energy,

"(B) advertising required by law or regulation, including advertising required under Part 1 of Title II of the National Energy Conservation Policy Act,

"(C) advertising regarding service interruptions, safety measures, or emergency conditions,

"(D) advertising concerning employment opportunities with such utility,

"(E) advertising which promotes the use of energy efficient appliances, equipment or services, or

"(F) any explanation or justification of existing or proposed rate schedules, or notifications of hearings thereon."

Although the statute mandates consideration by certain procedures of each of these standards and mandates some determination as to each standard, the statute also makes it clear that your determination may be either to implement or not to implement each standard. (Section 113(a) and 113(c).) You also are free, as to any standard, to implement it in part and not to implement it for other parts. Further, after you have made a determination as to any standard, you may change your policy with respect to that standard any time thereafter, on any grounds and with or without hearings.

The record of this hearing is very short, consisting of the six-page presentation by the Bonneville staff and six other short documents. The entire record is attached. The only real evidence offered on any standard was that of the staff; hence, this report is essentially a summary of the staff position. And the proposed order, which is also attached, adopts the staff proposals, which are to reject all of the PURPA utility practice standards, because none is applicable to Bonneville. Letters from two customers (X5 and X6) do not disagree with such a position.

Summary of Evidence: The Bonneville staff position appears in Exhibits 3 and 4.

Master metering is the sale and metering to an order of a large building, such as an apartment house or an office skyscraper, for use by the occupants, who pay for their electricity in their rent. The PURPA proposed standard suggests that each occupant be metered separately as a separate customer, for alleged conservation purposes. Since Bonneville has no such large building

customers, this standard does not apply to Bonneville.

Automatic adjustment clauses are rate schedule provisions allowing rates to increase or decrease, without action by a regualtory body, as fuel costs increase or decrease. Since Bonneville has no such clause, the PURPA proposed standard for automatic adjustment clauses is not relevant to Bonneville.

The PURPA proposed standard on information to consumers is directed at retail utilities and the information which they make available to households and businesses. Bonneville's practices relative to its wholesale customers, who are knowledgeable about electric power subjects than the average householder or businessman, are analogus to what PURPA suggests from an informational point of view. Bonneville, indeed, goes beyond what PURPA suggests in dissemination of information to the public and to the ultimate ratepayer. Hence, there is no need nor usefulness in Bonneville adopting the PURPA standards for information to consumers.

The proposed PURPA standard on procedures for termination of electric service is intended to protect the ill, aged, and temporarily poor from abuses of the utility's right to terminate service for nonpayment. Since Bonneville's customers are businesses and utilities, the standard on termination of services is not applicable to Bonneville. Furthermore, the subject of termination of service is included in the negotiated contracts which Bonneville has with its customers.

The proposed PURPA standard on advertising is aimed principally at privately owned utilities and suggests that they should recover the costs of promotional and political advertising from their stockholders rather than their ratepayers. This standard is not applicable to Bonneville because Bonneville engages in neither promotional nor political advertising.

Conclusion. The original objective of this entire procedure was to make the determinations statutorily required by PURPA. This objective has been maintained throughout and can be accomplished properly by your following through with a written determination as to each standard. There has never been any objection as to the sufficiency of any of the procedures legally and properly to attain that primary objective.

PURPA requires that EPA make determinations as to the appliciation of the standards only to its not-for-resale customers, that is, only for direct-service industries and Federal agencies. PURPA does not apply to EPA sales for resale (Section 102(b)).

The evidence supports only the rejection of all of the PURPA utility practice standards. I find that none of these standards, if applied to Bonneville, would contribute materially to conservation of energy, nor to optimization of efficiency of use of facilities or resources by Bonneville, nor to equitable rates for electric consumers. Thus, the adoption of these standards would not tend materially to accomplish the purposes of PURPA.

I, therefore, recommend that none of the utility practices standards of PURPA be adopted.

Attached for your consideration is a draft of a proposed determination order by which Bonneville would decline to adopt all of the PURPA standards on utility practices.

Respectfully submitted this 8th day of December 1980.

Determination Order by Bonneville Power Administration on Public Utility Regulatory Policies Act Utility Practices Standards.

Whereas the Congress of the United States enacted the Public Utility Regulatory Policies Act of 1978 (PURPA), which pertains to Bonneville Power Administration (Bonneville) as an electric utility which sells electric energy;

And whereas Section 113 of PURPA required Bonneville to hold a hearing about certain standards as to utility practices and to make a determination concerning the applicability to Bonneville of those standards;

And whereas, upon due notice, Bonneville on June 18, 1980, held hearings in due form before Robert L. Jones, the duly designated Hearing Officer, and heard testimony and took evidence concerning the utility practices standards;

And whereas the Hearing Officer has filed with the Administrator of Bonneville a Summary of Record, Report, and Recommendations of Hearing Officer Regarding PURPA Section 113 Standards and has filed also the complete record of the hearings and evidence;

And whereas Bonneville has considered the record and evidence of said hearings and has considered the Summary of Record, Report, and Recommendations of the Hearing Officer;

And whereas Bonneville has considered each and all of the standards of Section 113 of PURPA and the appropriate applicability thereof the Bonneville as disclosed by the evidence of the hearings,

And whereas Bonneville hereby adopts the findings and recommendations of the Summary of Record, Report, and Recommendations of Hearing Officer regarding PURPA Section 113 Standards,

Now, therefore, Bonneville hereby orders that, until further consideration and determination, for the reasons set forth in the Hearing Officer's Report and Recommendation, the utility practices standards are hereby not adopted for Bonneville, to wit:

(1) Master metering. Master metering of electric service in the case of new buildings shall not be prohibited or restricted.

(2) Automatic adjustment clauses. Bonneville may effectuate rates pursuant to any automatic adjustment clause which it shall adopt.

(3) Information to consumers. Bonneville shall not be required to transmit to each of its electric consumers information regarding rate schedules in accordance with the requirements of Section 115(f) of PURPA.

(4) Procedures for termination of electric service. Bonneville may terminate electric service to any electric consumer in accordance with its contracts and the law.

(5) Advertising. Bonneville may recover from persons other that its owners any direct or indirect expenditure by it for promotional or polictical advertising as defined in Section 115(h) of PURPA.

It is further ordered that no attorney fees nor witness fees shall be paid to any party or participant under Section 122 of PURPA.

Dated this 9th day of December 1980.

Sterling Munro,

Administrator, Bonneville Power Administration.

Furnishing information: Bonneville will furnish information of PURPA standards in accordance with the Freedom of Information Act.

For further information contact: Further information, including copies of the exhibits mentioned in the Summary of Record, are available from Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4161. Toll-free numbers for Oregon callers 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800–547–6048.

Dated: March 17, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81-9002 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Modification of Duration of an Order Granting a Temporary Public Interest Exemption for Use of Natural Gas by an Existing Powerplant Under the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic regulatory Administration Department of Energy.

ACTION: Notice of Proposed Modification Extending Duration of an Order Granting a Special Temporary Public Interest Exemption.

SUMMARY: The Economic Regulatory Administration (EPA) of the Department of Energy (DOE) proposes to extend the duration of the Order issued to the Petitioner listed below for a period of time sufficient ot allow construction of natural gas pipeline interconnection, necessary payback period, plus an additional 18 months.

Petitioner/generating station	Identification No.	Original expiration date
Mississippi Power & Light Company (Gerald Andrus).	1	Dec. 7, 1981.

A copy of the proposed modification has been sent by certified mail to the petitioner.

The above listed petitioner was issued an Order granting a temporary public interest exemption pursuant to section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 USC § 8301 *et seq.* (FUA or the Act), 10 CFR § 501.68 and 10 CFR Part 508. The powerplant listed above is either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or is prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. The Order granting the temporary exemption allows the powerplant to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of high sulfur residual fuel oil.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing section 311(e) of FUA. This final rule, 10 CFR Part 508 (44 FR 21230, April 9, 1979) sets forth the policy ERA has adopted in implementing section 311(e) of FUA, and the eligibility standards which petitioners for the temporary exemption must meet.

ERA issued an order granting a temporary public interest exemption to Gerald Andrus #1 on March 17, 1981 (46 FR 18336, March 24, 1981). The temporary exemption permits the existing electric powerplant to use natural gas as a primary energy source in excess of the amount which is permitted by section 301(a) (2) and (3) of FUA. The use of natural gas permitted under the temporary exemption was to displace the burning of high sulfur residual fuel oil in the existing powerplant.

ERA has been informed that the above listed petitioner is unable to utilize natural gas pursuant to the granted temporary exemption because there is no natural gas interconnection to this powerplant. Before a petitioner can commit to the construction of the interconnection it must have assurance that it will be able to utilize the natural gas for a period of sufficient length to recover the capital expense of installing the pipeline and accrue some economic benefit for its customers. Therefore, ERA proposes to extend the duration of the Order, for a period of time covering construction of a natural gas pipeline inter-connection, a payback period, plus an additional 18 months. If ERA issues a modified order extending the duration of the temporary exemption, the expiration date of such extension will be listed in the modified Order.

Without this extension, the issued Order will have no practical effect in promoting ERA's policy set forth in 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). In the Special Rule, ERA determined that to the extent that the near term choice for certain existing powerplants is limited to petroleum or natural gas, generally, the use of natural gas is preferred. The increased use of natural gas helps to reduce the Nation's short-term oil consumption and the demand for imported oil. This decreased consumption of imported oil helps the Nation's balance of payments and domestic inflation rate.

There are presently surplus quantities of natural gas available for short term contracts to displace fuel oil. The general natural gas supply and demand picture also looks more encouraging for the near future than it has in the recent past. ERA believes this additional displacement of fuel oil will have minimal impact on refineries serving the regions wherein this powerplant is located.

The duration of the exemption may be extended upon request of the petitioner for an additional period at the discretion of ERA. However, the temporary public interest exemption, including all extensions and the period during which the petitioner is allowed to burn natural gas while the petition is pending may not exceed the lesser of the maximum 5-year period authorized by the Act, or extend beyond June 30, 1985.

In addition, the modification would not relieve the exiting powerplant from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from public utility obligation to pertinent categories of customers.

COMMENTS: ERA is publishing this notice of proposed modification, to invite interested persons to submit written comments. In addition, any interested person may request that a public hearing be convened in regard to this proposed modification.

DATES: Written comments relating to the proposed modification are due on or before May 8, 1981. A request for a public hearing may be made by any interested person within this same 45 day period.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vanderberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055;

James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4266;

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2967.

Issued in Washington, D.C. on March 17, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion Economic Regulatory Administration.

[FR Doc. 81-8991 Filed 3-24-81 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-22-LNG]

Gas Service, Inc., and Manchester Gas Company; Liquefied Natural Gas Import; Joint Application To Amend Authorization

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application to amend liquefied natural gas import authorization to permit purchase price increase.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt on March 13, 1981, of a joint application of Gas Service, Inc. (GSI) and Manchester Gas Company (Manchester) to amend their natural gas import authorizations, in order to permit the purchase of liquefied natural gas (LNG) from Canada at a price of U.S. $6.4057 per MMBtu f.o.b. Montreal. Currently, these companies are authorized to purchase LNG from Canada at a price of U.S. $5.9357 per MMBtu f.o.b. Montreal.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m., on March 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Marie E. Lanciotti (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG–55, Washington, D.C. 20461, (202) 653–3220.

Patricia J. Neel (Office of the General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Ave., S.W., Forestal Bldg., Room 5E–074, Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: GSI and Manchester are local natural gas distribution companies operating within the State of New Hampshire. During each contract year, GSI and Manchester are authorized to import into the United States from Canada up to 30,879 MMBtu and 41,172 MMBtu of LNG per year, respectively, from Gaz Metropolitan, Inc. (Gaz Metro). There are no take-or-pay or other similar purchase obligations associated with these imports.

In DOE/ERA Opinion and Order No. 28, issued on January 5, 1981, in ERA Docket No. 80–18–LNG, ERA authorized the importation of LNG from Canada by GSI and Manchester at a price of U.S. $5.9357 per MMBtu f.o.b. Montreal. This price consisted of the uniform border price for natural gas exported from Canada to the United States of U.S. $4.47 per MMBtu, plus a cost of service charge for LNG processing of U.S. $1.4357 per MMBtu.

On January 15, 1981, the Government of Canada announced a border price of U.S. $4.94 for natural gas exported to the United States, effective April 1, 1981. GSI and Manchester state that solely because of this increase, the delivered price of LNG on or after April 1, 1981, will increase to U.S. $6.4057 per MMBtu f.o.b. Montreal.

GSI and Manchester note that in DOE/ERA Opinion and Order No. 28, ERA found that this LNG supply will provide a peaking supply which is needed to avoid potential shortages on their systems. GSI and Manchester assert that the need for this imported LNG still exists and, therefore, it is not inconsistent with the public interest to approve this application.

Because the application was filed only 21 days prior to the effective date of the Canadian border price increase, April 1, 1981, we are limiting the intervention period to five days in order to provide sufficient time for ERA to consider this application. In the future, we expect GSI and Manchester to file such applications in a more timely fashion so that a longer period for intervention can be permitted.

Other Information

The ERA invites protests or petitions for intervention in the proceeding. Such protests or petitions are to be filed with the Economic Regulatory Administration, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the applicable rules of practice and procedure (18 CFR 1.8 and 1.10). Protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on March 30, 1981.

Any person wishing to become a party to the proceedings or to participate as a party in any hearing therein must file a petition to intervene. Protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

A hearing will not be held unless a motion for a hearing is made by any party and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. A party filing a motion for hearing must demonstrate how a hearing will advance the proceedings. If a hearing is ordered, due notice will be given to the parties.

A copy of the applications noticed herein is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on March 19, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-8993 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Natomas North America, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: March 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On August 8, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Natomas North America, Inc. (Natomas) of Houston, Texas on July 29, 1980, 45 Fed. Reg. 52885 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Natomas pursuant to the Consent Order were requested to submit notice of their claim to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, Natomas refunded the sum of $53,000 by certified check made payable to the United States Department of Energy. This sum has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA:

Tesoro Petroleum Corporation

Action taken: The ERA is unable readily to identify the persons entitled to receive the $53,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on March 16, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 18th day of March 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-9084 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP81-218-000]

Columbia Gulf Transmission Co.; Application

March 19, 1981.

Take notice that on March 2, 1981, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-218-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 2,700 horsepower Cooper Bessemer GMV-12 compressor unit and appurtenant facilities in Block 251, Eugene Island area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate a 2,700 horsepower Cooper Bessemer GMV-12 reciprocating engine compressor unit and appurtenant facilities which would be located on an existing platform owned and operated by Exxon Company, U.S.A. (Exxon) in Block 251, Eugene Island area, offshore Louisiana. It is stated that Exxon is the operator-producer of approximately 35,700,000 Mcf of low-pressure natural gas to be compressed by the proposed facilities or alternatively lost to the interstate market. It is stated that installation of compression facilities would make the gas available for transportation for the account of Columbia Transmission Corporation, Applicant's affiliate.

Applicant states that the proposed facilities would be installed, operated and maintained by Applicant or others.

Applicant estimates the total cost of the proposed facilities to be $4,103,600 which would be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9083 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-41]

Delhi Gas Pipeline Corp.; Extension of Transportation Service

March 19, 1981.

Take notice that on February 23, 1981, Delhi Gas Pipeline Corporation (Applicant), Fidelity Union Tower Building, Dallas, Texas 75201, filed in Docket No. ST79-41 a report pursuant to Section 284.126(c) of the Regulations under the Natural Gas Policy Act of 1978 that it intends to continue the transportation of natural gas for United Gas Pipe Line Company (United) for an additional two-year term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a July 16, 1979, transportation arrangement with United which provides for Applicant to receive natural gas at the points of delivery provided in gas purchase agreements between United and certain producers and to transport and redeliver such natural gas to United at specified redelivery points.

Applicant asserts that it commenced the transportation of gas for United on July 16, 1979, and now proposes to extend such transportation for a two-year period commencing July 16, 1981. It is stated that the total and daily volumes of natural gas to be transported during the two-year period are currently estimated at 16,100,000 Mcf and 22,000 Mcf, respectively, and that the estimate may change as additional gas reserves are developed and acquired by United and as existing reserves are depleted.

Applicant states that it would charge United rates of 31.0 cents, 30.0 cents and 20.0 cents per million Btu for the transportation service depending upon the location of the gas reserves and the point of delivery.

Any person desiring to be heard or to make any protest with reference to said report should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8944 Filed 3-24-81; 8:45 am]
BILLING CODE 6450-85-M

Michigan Wisconsin Pipe Line Co.; Application

[Docket No. CP81-206-000]

March 19, 1981.

Take notice that on February 24, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP 81-206-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline compression and measurement facilities and the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia), Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that High Island Offshore System (HIOS) makes deliveries of natural gas from the northerly terminus of its pipeline facilities to the pipeline systems of U-T Offshore System and Applicant in West Cameron Block area Block 167, offshore Louisiana (Block 167).

Applicant further states that HIOS has proposed to increase the firm capacity of its system from 968,000 Mcf of gas per day to approximately 2,610,500 Mcf of gas per day.

Applicant consequently proposes to increase the capacity of its offshore pipeline system to accommodate over 1,000,000 Mcf of gas per day of HIOS' redeliveries by constructing and operating the new facilities enumerated below:

(1) 39.0 miles of 30-inch O.D. pipeline loop between Block 167 and Applicant's Grand Chenier station in Cameron Parish, Louisiana;

(2) 16,000 horsepower of additional compression at Grand Chenier;

(3) Additional metering facilities at Grand Chenier necessary to measure the aggregate redeliveries from HIOS;

(4) A new interconnection with Tennessee at Grand Chenier enabling redeliveries to Tennessee at such location; and

(5) A new interconnection with Columbia Gas Transmission Company located north of Lowry, Louisiana, enabling redeliveries at least in part to be made for the account of Columbia.

Applicant states that the compression and the majority of the proposed measurement facilities would be installed at an existing measurement station site.

Applicant estimates the total cost of the proposed facilities to be $60,409,760 which would be financed initially with treasury and other internally generated funds together with short-term loans from banks.

Applicant also proposes to assist Columbia, Tennessee and Texas Gas in effectuating receipt of their gas supplies underlying the High Island area of offshore Texas. It is submitted that the firm quantity to be transported and the monthly rates per Mcf would be as follows:

Company	Contract demand (1,000 Mcf)	Monthly demand rate
Columbia	110,000	$3.81
Tennessee	230,000	3.17
Texas Gas	102,260	3.06

Applicant states that it has made transportation arrangements with Columbia, Tennessee and Texas Gas which provide that each of the above shipper's redelivery volumes be reduced by 0.8 percent to compensate Applicant for its compressor fuel usage attributable to the aforementioned Grand Chenier compression.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8945 Filed 3-24-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-204-000]

Mid Louisiana Gas Co.; Application

March 19, 1981.

Take notice that on February 23, 1981, Mid Louisiana Gas Co. (Applicant), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP81-204-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the facilities necessary to provide the direct sale of natural gas to Copolymer Rubber & Chemical Corporation (Copolymer) on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has agreed to sell Copolymer up to 15,000 Mcf of natural gas per day beginning May 1, 1981, on a fully interruptable basis for use in Copolymer's Baton Rouge, Louisiana, plant. Under such agreement, Applicant states it would deliver the natural gas from its mainline transmission system to Copolymer at Copolymer's plant facilities.

Applicant further states that Copolymer would pay a base price of 300.00¢ per Mcf for the subject volumes. Applicant proposes to render the above-described service subject to *pro rata* interruption as provided in a pending settlement agreement in Docket No. TC80-93.

Applicant asserts that in order to provide the proposed service to Copolymer it would be required to

construct and operate a metering station and appurtenant piping facilities. It is estimated that the cost of such construction would be $10,500.00 which would be financed from internally generated funds.

Applicant states that it would not apply to the Commission or join in any application to reclassify the subject volumes as essential agricultural or essential industrial process or feedstocks under Sections 401 or 402 of the Natural Gas Policy Act of 1978. Applicant therefore requests that the certificate issued herein be conditioned with the provision that the subject volumes would not be reclassified as essential agricultural or essential industrial processes or feedstocks under Sections 401 and 402 of the Natural Gas Policy Act of 1978.

Applicant further requests that all rate matters pertinent to the proposed service not be resolved in the subject docket but that they be reserved and disposed of in accordance with the final order in Applicant's general rate case filing pending in Docket No. RP80–113.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8048 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Mississippi River Transmission Corp.; Application

[Docket No. CP81-214-000]

March 19, 1981.

Take notice that on February 27, 1981, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP81–214–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of one new injection/withdrawal well and appurtenant facilities in Lincoln Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate one new injection/withdrawal well and appurtenant facilities in the east central section of Applicant's existing East Unionville storage field in Lincoln Parish, Louisiana. Applicant further proposes to construct and operate minor appurtenant facilities to connect the proposed new well to the field gathering system. It is asserted the new well would enable Applicant to monitor the southeastern movement of the storage gas that has been occurring in that field.

Applicant further contends that the construction of the well in the east central section of that field where no well currently exists would increase the operating efficiency and deliverability of gas from that field. Applicant avers, however, that the proposed facilities would neither increase the capacity of its overall system nor the total storage capacity in the East Unionville storage field.

Applicant estimates that the total cost of the proposed facilities to be $975,000 which would be financed by short-term loans and/or available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-8047 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-210-000]

Texas Gas Transmission Corp.; Application

March 19, 1981.

Take notice that on February 24, 1981, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP81–210–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessary authorizing the construction and operation of natural gas facilities in Cameron and Jefferson Davis Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into contracts with several producers for the purchase of natural gas from fields located in the Tuscaloosa Trend Area of Louisiana which Applicant estimates cover proved and probable gas reserves approximately 590,000,000 Mcf.

Moreover, Applicant states that it is currently negotiating for the acquisition of other interests in these fields and intends to negotiate for the purchase of any additional reserves developed in the area.

It is stated that in order to effectuate the return of the gas purchased in the fields Applicant has entered into separate long-term transportation and exchange agreements with Louisiana Interstate Gas Corporation (LIG) and Louisiana Resources Company (LRC) dated January 29, 1981, and February 18, 1981, respectively.

Applicant asserts that under the agreement between Applicant and LIG, LIG would receive volumes of natural gas into its system for the account of Applicant as Applicant acquires reserves in the Tuscaloosa Trend Area. It is stated that points of delivery would be central points in the fields from which LIG would transport the gas purchased by Applicant through that part of its system known as the Tuscaloosa Pipeline System and redeliver up to 125,000 Mcf per day for the account of LRC at a point near Plaquemine, Iberville Parish, Louisiana. It is further stated that any volume in excess of 125,000 Mcf per day would be redelivered by LIG to Applicant at an existing interconnection on Applicant's system located in Lafayette Parish, Louisiana. Applicant states that at the present time, LIG is tranporting approximately 60,000,000 Mcf of natural gas a day being purchased by Applicant from the fields on a short-term, self-executing basis as an interim measure during the initial production buildup period.

It is stated that LIG has advised Applicant that because of the manner in which LIG operates its system LIG is not able to sustain the delivery of volumes as would ultimately be required by Applicant at the Lafayette Parish point on either a short-term or a long-term basis.

Applicant states that, under the long-term agreement between Applicant and LRC, LRC would receive volumes of natural gas up to 125,000 Mcf per day delivered by LIG for the account of Applicant at Plaquemine and would redeliver by exchange on a firm basis an equivalent volume of up to 125,000 Mcf per day to Applicant at an existing point of interconnection between the facilities of Applicant and LRC in Cameron Parish, Louisiana. It is stated that since LRC's principal markets are in the general area of the Plaquemine delivery points and its principal gas supply in the Cameron Parish area accessible to Applicant's system, there are mutual advantages to both Applicant and LRC by this arrangement and consequently no rate or charge by either party for the service. However, Applicant would pay LIG 20.0 cents per Mcf for its service.

In order to permit Applicant to receive the volumes of natural gas presently being purchased and to be purchased in the fields as well as volumes to be purchased in the fields in the area into its system on a firm long-term basis, Applicant proposes to construct and operate certain natural gas facilities. Applicant specifically proposes to construct 32.23 miles of 20-inch O.D. loop pipeline from Grand Chenier, Cameron Parish, Louisiana, to Roanoke Junction, Jefferson Davis Parish, Louisiana. Additionally, Applicant proposes to install approximately 1,950 feet of 20-inch O.D. tie-over line between LRC's 16- and 20-inch lines and Applicant's Roanoke-Grand Chenier System, Cameron Parish, Louisiana, and to enlarge an existing metering station at such point. Applicant estimates the cost of the proposed facilities to be $14,546,580 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with referance to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in detemining the appropriate action to be taken but will not serve to make the protestants parties to the a proceeding. Any person wishing to become a party to proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8998 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Transcontinental Gas Pipe Line Corp. and United Gas Pipe Line Co.; Notice of Application

[Docket No. CP81-217-000]

March 19, 1981.

Take notice that on February 27, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-217-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the offshore Texas area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they each have the right to purchase 50 percent of the natural gas reserves in the High Island area, South Addition, Block A-545 field (comprised of Blocks A-545, A-546, A-547 and A-548), offshore Texas.

In order to attach this new source of gas supply, Applicants propose to construct jointly as co-owners approximately 3.33 miles of 16-inch pipeline which would connect the existing production platform in Block A-548 with an underwater tap on the existing 30-inch pipeline of High Island Offshore System in Block A-546.

Applicants estimate that the cost of such facilities would be $5,870,000 financed initially by revolving credit arrangements, short-term loans or available funds. It is submitted that permanent financing would be undertaken as part of Applicants' respective overall long-term financing programs at later dates. It is further asserted that the cost would be shared equally by Applicants.

Applicants state that the proposed pipeline would have a maximum capability to transport volumes of up to 90,000 Mcf per day from Block A-545 field. It is further estimated that the reserves and deliverability of the field

would be 99,760,000 Mcf and 75,000 Mcf per day (1982), respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9040 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Transcontinental Gas Pipe Line Corp. and Columbia Gulf Transmission Co.; Application

[Docket No. CP81-209-000]

March 19, 1981.

Take notice that on February 24, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-209-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.5 miles of 12-inch pipeline in offshore Texas, all as more fully set forth in the application which is file with the Commission and open to the public inspection.

Applicants state that they have acquired the right to purchase natural gas reserves located in the High Island area, South Addition, Block A-508, offshore Texas. It is stated that in order to attach this new source of gas supply to their existing systems, Applicants propose herein to construct and own jointly Project HI A-508 consisting of approximately 3.5 miles of 12-inch pipeline and appurtenant facilities. It is stated that Project HI A-508 would connect Block A-508, High Island area, South Addition to an underwater tap on the 16-inch pipeline owned by Applicants and others in Block A-519, Galveston area, South Addition. It is stated that the proposed Project HI A-508 would have the maximum capacity to transport up to 20,000 Mcf of natural gas per day from Block A-508.

Applicants submit that Block A-508 would be operated by Michigan Wisconsin Pipe Line Company and that Transco owns the Block A-159 facilities. Applicants further state that respective gas ownership interests in these Blocks would be Transco—81.43 percent and Columbia Gulf—18.57 percent.

Applicants estimate the cost of the proposed facilities to be $4,450,000 which would be financed initially be revolving credit arrangements, short-term loans or available funds. Permanent financing would be undertaken at later dates as part of Applicants' respective overall long-term financing program, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9050 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Trunkline Gas Co. et al.; Application

[Docket No. CP81-213-000]

March 19, 1981.

Take notice that on February 27, 1981, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural) 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-213-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate approximately 8.5 miles of 10-inch pipeline originating at a side tap on Stingray Pipeline Company's system in East Cameron 338, offshore Louisiana, and extending to the producer platform in East Cameron Block 359; and 1.0 mile of 8-inch pipeline and appurtenant facilities extending from a side tap on the aforementioned facilities in East Cameron block 347 to the producer platform in East Cameron Block 347.

Applicants estimate that the total cost of the facilities would be $6,379,000 which would be financed initially with funds on hand, borrowings under

Applicants' revolving credit arrangements or short-term financing.

Applicants assert that the proposed facilities would permit the attachment of volumes of gas being purchased by Applicants from East Cameron Blocks 359, 340 and 347.

Applicants further estimate that approximately 46,000,000 Mcf of gas reserves (dry) would be available from East Cameron Block 359 for delivery through the proposed facilities and that total deliverability from such area would be approximately 40,000 Mcf of gas per day. It is estimated that approximately 22,000,000 Mcf of gas reserves would be available from East Cameron Blocks 340/347 with deliverability from such area being approximately 20,000 Mcf per day.

Applicants state that the cost, owership and capacity entitlements of the proposed facilities would be based on the relative ownership interests of the Applicant's dedicated gas supplies. Under such allocation, it is submitted, Natural would own 100 percent of the 8-inch lateral and appurtenant facilities to East Cameron Block 347. It is also submitted that the cost, ownership and capacity entitlements of the 10-inch lateral from East Cameron Block 338 to the point of interconnection in East Cameron Block 347 would be allocated as follows: 53.84 percent to Trunkline, 12.83 percent to Tennessee and 33.33 percent to Natural. From East Cameron Block 347 to the producer platform in East Cameron Block 359, the cost, ownership and capacity entitlements of the proposed facilities would be allocated as follows: 80.75 percent to Trunkline and 19.25 percent to Tennessee, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 181, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9081 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-212-000]

March 19, 1981.

United Gas Pipe Line Co.; Application

Take notice that on February 26, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-212-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Shell Oil Company (Shell), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated October 28, 1980, Applicant proposes herein to transport natural gas dedicated to Shell by Shell Onshore Partnership (SOP) which is to be produced from the Robeline Field, Natchitoches Parish, Louisiana. Applicant states that it would transport the lesser quantity of either 50 percent of the gas attributable to SOP's interest in the gas well gas to be produced from the Houston Formation, Reservoir A or up to 10,000 Mcf of natural gas per day, less 2.3 percent for fuel use and losses. Applicant states that pursuant to the agreement it could accept or reject any excess gas that Shell might have periodically. It is asserted that the ten-year transportation agreement would expire on June 1, 1990.

Applicant states that it would receive the subject gas at a mutually agreeable point in Natchitoches Parish, Louisiana, and would deliver equivalent volumes to two of Applicant's regulating and measuring facilities, in St. Charles Parish, and in St. James Parish and Assumption Parish, Louisiana. It is stated that delivery would also be made at a proposed point on Applicant's existing pipeline system near South Pisgah Field and/or the McKay Field, Rankin County, Mississippi.

It is further stated that Shell would pay Applicant a rate of 28.12 cents per Mcf of natural gas delivered. It is asserted that the stated rate is in accordance with Applicant's current jurisdictional rate for its northern zone and that Applicant may file for rate changes which would become effective on the date such new rate filed with the Commission is approved or after suspension by the Commission and upon motion of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for

Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8652 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Southern Natural Gas Co. et al.; Application

[Docket No. CP81-215-000]

March 19, 1981.

Take notice that on February 27, 1981, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-215-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities located offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have acquired the right to purchase the natural gas reserves to be produced from certain reservoirs beneath Mustang Island Block 758, Mustang Island Blocks 741 and 755, Matagorda Island Block 700, Matagorda Island Block 713, and Mustang Island Blocks 757, 762, and 763, offshore Texas. It is stated that total proven reserves in the blocks are estimated to be 78,000,000 Mcf with an estimated 79,000,000 Mcf of potential reserves. Applicants further state that total initial daily deliverability from the proven reserves is estimated to be approximately 130,000 Mcf per day.

Applicants state that in order to transport onshore the acquired natural gas Applicants have agreed to join in the construction and operation of certain natural gas facilities. Specifically, Applicants propose to construct and operate approximately 16.7 miles of 24-inch pipeline and a receiving station consisting of measuring facilities and certain related and appurtenant facilities. It is asserted that the proposed 24-inch pipeline would extend from the producers' platform in Mustang Island Block 758 to a point of interconnection at a subsea tap in Matagorda Island Block 666 with a 24-inch pipeline jointly owned by Southern, Florida Gas Transmission Company and Northern. Applicants assert that the proposed receiving station would be installed on the producers' platform in Mustang Island Block 758. It is stated that Applicants would share the cost and ownership of the proposed facilities in the following percentages:

Applicant	Percentage
(a) Pipeline:	
Southern	18.0180
Transco	45.0450
Natural	12.6127
Northern	24.3243
(b) Receiving station:	
Southern	58.859
Natural	41.160

It is stated that these ownership percentages are based on each Applicant's proportional interest in the gas reserves to be transported by the proposed facilities and that the ownership percentage corresponding to any uncommitted reserves have been allocated proportionately to Applicants. Moreover, it is asserted that upon commitment of any presently uncommitted gas reserves ownership percentages may be redetermined retroactively.

Applicants estimate the cost of the proposed facilities to be $17,732,425 which would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8653 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-20-000]

Cleveland-Cliffs Iron Co.; Application for Adjustment Seeking Interim Relief and Permanent Exemption From Incremental Pricing Surcharges

March 19, 1981.

Take notice that on March 3, 1981, the Cleveland-Cliffs Iron Company (Cleveland-Cliffs) filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment under sections 206(d) and 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and sections 1.41 and 282.206(b) of the Commission's regulations. Cleveland-Cliffs requests interim relief and a permanent exemption from the incremental pricing surcharges imposed by section 201 of the NGPA and Part 282 of the Commission's regulations on Cleveland-Cliffs' non-exempt boiler fuel facilities in Tilden Township and Republic, Michigan.

Cleveland-Cliffs operates two iron ore beneficiation facilities in Northern Michigan; one at Tilden Township and one at Republic. These facilities are alleged to suffer a substantial natural competitive disadvantage compared to other iron ore processors due to the fact that the iron ore which they process, that is found at their sites, is of comparatively low quality, thus requiring substantial energy-intensive processing. The energy-intensive processing undertaken by Cleveland-Cliffs is not required for the higher quality ores processed by Cleveland-Cliffs' competitors.

Cleveland-Cliffs maintains that the imposition of incremental pricing surcharges exacerbates their already high processing costs. Inasmuch as their processing costs exceed those of nearly all other companies in the industry, coupled with the fact that the other companies not subject to significant incremental pricing surcharges,

Cleveland-Cliffs argues that it cannot easily pass its incremental pricing surcharges on to its customers. Cleveland-Cliffs purchases its gas from Northern Natural Gas Company, and the surcharges have averaged over $140,000 per month. The application asserts that continued absorption of these surcharges poses grave difficulty to Cleveland-Cliff's facilities.

Due to the unique nature of the Tilden and Republic facilities and the fact that they are in the position of being the only facilities in the industry to pay significant incremental pricing surcharges, Cleveland-Cliffs alleges that the facilities suffer a special hardship and unfair burden, and that failure to grant relief could cause the facilities to curtail or even terminate their operations, which would cause serious adverse consequences to the localities in which the facilities are located.

The application requests that interim relief be granted as it is in the public interest and is necessary to avoid irreparable injury. Cleveland-Cliffs asserts that interim relief would result in only a *de minimis* increase in rates to Northern Natural Gas Company's other users, while preventing special hardship to Cleveland-Cliffs as well as the localities of Tilden and Republic.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 and § 282.206 of the Commission's regulations.

Any person desiring to partcipate in this proceeding shall file and petition to interverne in accordance with the provisions of 18 CFR §1.41(c). All petitions to intervene must be filed on or before April 9, 1981.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-9099 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-226-000]

Eastern Shore Natural Gas Co.; Application

March 19, 1981.

Take notice that on March 6, 1981, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover Delaware 19901, filed in Docket No. CP81-226-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 13.19 miles of 10-inch pipeline to extend southeasterly from Dover to Harrington, Delaware, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 13.19 miles of 10-inch pipeline to extend southeasterly from Dover to a point approximately three miles north of Harrington, Delaware. Applicant asserts that the proposed pipeline would be an extension of Applicant's existing 10-inch line which currently extends from Heckessin to Dover, Delaware.

Applicant states that absent the proposed loop it would be unable to maintain adequate pressure in order to deliver existing contract loads at the required minimum operational pressures during pressures from Applicant's supplier.

Applicant estimates the total cost to be $1,313,421.20 which would be financed by funds generated from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal-Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9097 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-9-000]

Kentucky Utilities Co.; Filing

March 19, 1981.

The filing company submits the following:

Take notice that on March 9, 1981, Kentucky Utilities Company (KU) submitted for filing an application, pursuant to section 203 of the Federal Power Act, to acquire certain securities from the Old Dominion Power Company (Old Dominion).

KU states that the sale of securities by Old Dominion to KU will allow Old Dominion to finance certain construction plans.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9098 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-220-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Notice of Application

March 19, 1981.

Take notice that on March 2, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-220-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities in Sublette, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and remove the facilities comprising the Sublette gasoline plant located in Sublette, Kansas, because it no longer serves the function for which it was originally installed and represents an inefficient and uneconomical asset. It is stated that the plant was placed in service for the purpose of removing natural gasoline and other liquid hydrocarbons from Applicant's gas stream prior to delivery into its main transmission system. However, it is stated, the gas volumes which flow through the lines which once delivered gas to the Sublette plant for processing no longer require that processing to assure transportability. Applicant states that the plant has been shutdown since March 22, 1978, and that there has been no adverse impact on the related pipeline operations. Applicant also asserts that it would be inefficient and uneconomical to continue the operation of the Sublette plant because it is an ambient temperature oil absorption plant in contrast to the more modern refrigerated oil absorption plants and requires a greater amount of operating fuel.

Finally, Applicant contends that to continue operation of the plant would necessitate continuance of a large operation and maintenance cost and additional capital improvements to maintain and provide a plant meeting operational standards and that since the plant is not needed for operational purposes the expenditures required would not be justifiable.

Applicant estimates the cost of removing the facilities would be $150,000 with no estimated salvage value of the facilities to be reclaimed.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-[illegible] Filed 3-24-81; 8:45 am]

BILLING CODE [illegible]

[Docket No. ER81-320-000]

Northern States Power Co.; Filing

March 19, 1981.

The filing Company submits the following:

Take notice that on March 9, 1981, Northern States Power Company (Northern States) tendered for filing Supplement No. 6 to the Twin Cities-Iowa St. Louis 345 kV Interconnection Coordinating Agreement on August 12, 1980 on behalf of the parties to the Agreement. The parties are: Interstate Power Company, Iowa Electric Light & Power Company, Iowa-Illinois Gas & Electric Company, Iowa Public Service Company, Iowa Southern Utilities Company, Northern States Power Company, and Union Electric Company. This filing was made in response to Order No. 84 issued by the Commission on May 7, 1980 in Docket No. RM79-29. The filing submitted by Northern States Power was docketed as ER80-636 by the Commission on August 19, 1980, and subsequently accepted for filing September 1, 1980.

Due to the complexity of the Commission's Order, the number of parties involved, and the time restraints imposed by the Order, the parties were unable to consummate a formal agreement as prescribed by the Commission's rules and regulations. In an effort to file a fully executed agreement, the parties continued discussions which have resulted in a formal agreement for Supplement No. 6. The parties have tendered a substitute filing dated November 7, 1980 under Docket No. ER80-636 providing for fixed adders for transactions involving transmission on third party resale of electric power. The parties request that the substitute filing be permitted to become effective September 2, 1980, subject to refund, and to be consolidated as part of the proceeding know as Allegheny Power Systems et al., Docket Nos. ER80-592 et al., now pending settlement discussions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-[illegible] Filed 3-24-81; 8:45 am]

BILLING CODE [illegible]

[Docket No. SA81-19-000]

Occidental Chemical Co.; Application Treated as a Request for Adjustment Under the NGPA

March 19, 1981.

Take notice that on February 27, 1981, Occidental Chemical Company, Florida Operations, Post Office Box 300, White Springs, Florida 32096 (Applicant) filed a letter with the Federal Energy Regulatory Commission protesting the requirement that it pay certain incremental pricing surcharges totaling $41,089.36 for the months of December, 1980, and January, 1981.

Applicant states that its surcharges relate to the months that it used natural gas to generate steam used in a manufacturing facility devoted entirely to the production of agricultural products. Applicant takes issue with the fact that it must pay surcharges because it filed an exemption affidavit after October 23, 1980, whereas those who filed by that date are exempt.

Applicant's letter shall be treated as an application for an adjustment under the Natural Gas Policy Act of 1978, 15 U.S.C. § 3301, *et seq.* pursuant to §§ 1.41 and 282.206(b) of the Commission's rules and regulations, effective with the date

that applicant fulfills the initial application requirements set forth in § 1.41(d), except § 1.41(d)(v), of the Commission's rules.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's rules of Practice and Procedure, 18 CFR 1.41. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed on or before April 9, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9041 Filed 3-24-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP79-84-002]

Panhandle Eastern Pipe Line Co.; Petition to Amend

March 19, 1981.

Take notice that on March 3, 1981, Panhandle Eastern Pipe Line Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-84-002 a petition to amend the order issued July 23, 1979, in the instant docket pursuant to Section 7(c) of the Natual Gas Act so as to authorize changes in the gas storage service agreement between Petitioner and ANR Storage Company (ANR) and to amend certain separate transportation agreements with Michigan Wisconsin Pipe Line Company (Mich Wis) and Michigan Consolidated Gas Company, Interstate Storage Division (ISD), and to implement gas storage and transporation service for an existing resale customer, Citizens Gas and Coke Utility (Citizens), all as more fully set forth in the petition to amend.

Petitioner states that pursuant to order issued July 23, 1979, it (1) receives up to 1,140,000 Mcf of long-term 50-day gas storage from ANR pursuant to a July 6, 1978, gas storage agreement between Petitioner and ANR; (2) performs storage and transportation service for certain existing resale customers pursuant to several gas storage and transportation agreements; (3) implements two separate transportation agreements with Mich Wis and ISD enabling volumes of gas to be transported to storage during the summer period of April 1 through October 31 and redelivered from storage to the participating customers of Petitioner during the winter period of November 1 through March 31.

Petitioner proposes to amend the various agreements in order to provide storage service needed by Citizens, an existing resale customer. It is stated that Petitioner has requested ANR to provide firm storage capacity of 1,960,000 Mcf in addition to the 1,140,000 Mcf previously authorized. Petitioner also states that the volumes of gas so designated by Citizens would be transported and delivered by Petitioner to Mich Wis, then to ISD, then back to Mich Wis, then to Great Lakes Gas Transmission Company (Great Lakes) pursuant to a transportation and exchange arrangement between Mich Wis and Great Lakes, and then to ANR for injection into ANR's underground storage fields.

Petitioner proposes to amend its gas storage arrangement with ANR and has entered into a December 5, 1980, amended gas storage agreement which would be effective April 1, 1981, and which provides that during the summer period ANR would provide firm storage capacity for Petitioner in ANR's underground storage facilities of up to 3,100,000 Mcf of gas, exclusive of compressor fuel, at a daily rate of up to 15,702 Mcf. Moreover, it is stated, under the amended agreement during the winter period ANR would redeliver the stored volumes to Petitioner and the redelivery rate would not be in excess of a maximum daily quantity equal to (a) 62,000 Mcf per day until 80 percent of the stored volumes have been withdrawn from storage; (b) thereafter, 49 600 Mcf per day until 90 percent of the stored volumes have been withdrawn from storage; and (c) thereafter, 37,200 Mcf per day.

Petitioner states that it would pay ANR a monthly charge of $153,243.33 (59.32 cents per Mcf) commencing April 1, 1981, for the term of the agreement.

Petitioner also proposes to amend the transportation agreement between itself and Mich Wis and on December 5, 1980, amended their July 6, 1978, transportation agreement for firm service to increase the daily and annual volumes to be transported by Mich Wis for Petitioner. It is asserted that the amended agreement provides for Mich Wis to receive from Petitioner up to 3,154,901 Mcf of gas, exclusive of compressor fuel, at a daily rate of up to 15,775 Mcf of gas during the summer period and for Mich Wis to receive up to 3,195,915 Mcf of gas from ISD at a daily rate of 15,980. Petitioner asserts that during the winter period Mich Wis would transport and redeliver the stored volumes to Petitioner and that such redeliveries would be accomplished by Mich Wis delivering up to 3,099,690 Mcf of gas, exclusive of compressor fuel, at a daily rate of up to 61,994 Mcf of gas to ISD for the account of Petitioner and such volumes of gas as are then redelivered by ISD to Mich Wis for transportation to Petitioner.

Petitioner maintains that it would pay Mich Wis a charge of $56,676 (21.94 cents per Mcf) per month for the transportation service.

Petitioner further proposes to amend its transportation agreement with ISD in accordance with a December 5, 1980, agreement to alter their July 6, 1978, transportation agreement for firm service to increase the daily and annual volumes of gas to be transported by ISD for Petitioner. It is stated that the amended agreement provides for annual summer period transportation of up to 3,100,000 Mcf of natural gas, exclusive of compressor fuel, at a daily rate of up to 15,500 Mcf.

It is asserted that ISD would transport and redeliver the stored volumes to Mich Wis for the account of Petitioner during the winter period of each year of the term of the contract and that the transportation rate would be the volume of gas redelivered by Mich Wis to ISD. Petitioner states that it would pay ISD for the transportation service a charge of $32,799 (12.647 cents per Mcf) per month for each month under the term of the agreement.

Furthermore, Petitioner states that on December 5, 1980, it and Citizens entered into a gas storage and transportation agreement whereby Petitioner would provide firm, long-term storage and transportation service for Citizens for a period of 14 years commencing April 1, 1981. It is stated that Petitioner would provide storage and transportation of up to 1,960,000 Mcf of natural gas per year for Citizens on a firm basis. Moreover, Petitioner asserts that the firm contract provides that during the summer period, April 1 to October 31, Citizens would direct that a portion of its monthly gas entitlement pursuant to an existing gas sales contract be transported by Petitioner for storage and that during the winter period, November 1 to March 31, specified portions of such stored volumes would be redelivered by Petitioner to Citizens for use in its service area.

It is stated that under the firm contract Citizens would be billed a monthly charge for each month of the term equal to 1/12th of the stored volume multiplied by 93.907 cents. Petitioner states that there would also be an additional administrative charge equal to 2.50 cents per Mcf of gas transported by Petitioner on behalf of Citizens for injection into storage and 2.50 cents per Mcf of gas withdrawn from storage and transported and redelivered by Petitioner to Citizens.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9042 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed Week of February 2 Through February 6, 1981

During the week of February 2 through February 6, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before April 14, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearing and Appeals.

March 19, 1981.

Williams & Sons Enterprises, Inc., d.b.a. Campbell, Point Boat Dock, Shell Knob, Missouri, BRO-1383, motor gasoline

On February 6, 1981, Williams & Sons Enterprises, Inc. (Williams), Shell Knob, Missouri 65747 perfected the filing of a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on August 27, 1981. In the PRO, the Central District found that during the period from March 28, 1980 to July 18, 1980, Williams charged more than the maximum lawful selling price for motor gasoline in violation of 10 CFR 212.93.

According to the PRO, the Williams violation resulted in $3,282.54 of overcharges.

Cyr's Marina, Severna Park, MD, BRO-1381, motor gasoline

On February 2, 1981, Cyr's Marina, 366 North Drive, Severna Park, MD 21146 filed a Notice of Objection to a Proposed Remedial Order which the DOE National Office of Enforcement issued to the firm on December 31, 1980. In the Proposed Remedial Order, the National Office found that during the period from August 1, 1979 to August 27, 1980, Cyr's Marina committed pricing violations on its sales of motor gasoline in the State of Maryland.

According to the Proposed Remedial Order, the Cyr's Marina violation resulted in $1,575.05 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

[FR Doc. 81-9043 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of February 27 Through March 6, 1981.

During the week of February 27 through March 6, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 19, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of Feb. 27 through Mar. 6, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 2, 1981	Exxon Company, U.S.A. et al., Washington, D.C.	BED, BEH-0096 thru 0102	Motion for Discovery and Evidentiary Hearing. If granted: An Evidentiary Hearing would be convened and Discovery would be granted to Exxon Company, U.S.A., Cities Service Company, Conoco Inc., Marathon Oil Company, Sun Oil Company of Pennsylvania, Standard Oil Company (Ohio) and Texaco Corporation in connection with an Application for Exception (Case No. DEE-7748) filed by the 341 Tract Unit of the Citronelle Field.
Mar. 2, 1981	Marathon Oil Company, Findlay, OH	BRO-1491	Motion for Discovery. If granted: Discovery would be granted to Marathon Oil Company in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEE-1491) issued to Asamera Oil (U.S.), Inc.
Mar. 2, 1981	Mobil Oil Corporation, Fairfax, Virginia	BED, BEH-0103	Motion for Discovery and Evidentiary Hearing. If granted: An evidentiary hearing would be convened and discovery would be granted to Mobil Oil Corporation in connection with an Application for Exception (Case No. DEE-7746) filed by the 341 Tract Unit of the Citronelle Field.
Mar. 2, 1981	Mobil Oil Corporation, Fairfax, Virginia	BES-0145	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the provisions of the December 31, 1980 Decision and Order (Case No. BEN-0078) pending a determination on 341 Tract Unit of the Citronelle Field's Application for Exception (Case No. DEE-7746).
Mar. 3, 1981	C. R. Mullis Oil & Heating Company, Inc., Charlotte, N.C.	BEE-1641	Exception from reporting requirements. If granted: C. R. Mullis Oil & Heating Company, Inc. would not be required to file Form EIA-9A ("No. 2 Distillate Price Monitoring Report").
Mar. 3, 1981	Hydrotherm, Inc., Northvale, N.J.	BES-0146	Request for Stay from the Energy Conservation Program for Consumer Appliances. If granted: Hydrotherm, Inc. would receive a stay of the provisions under 10 C.F.R., Part 430, the Energy Conservation Program for Consumer Appliances, pending a final determination by the Office of Conservation and Solar Energy on Hydrotherm's November 21, 1980 petition for waiver.
Mar. 3, 1981	Louisiana Land & Exploration; Texaco, Inc., Washington, D.C.	BRZ-0088, 0087	Motion to Dismiss. If granted: The Proposed Remedial Order issued to Texaco on May 1, 1979 (Case No. DRO-0188) would be dismissed or remanded.

List of Cases Received by the Office of Hearings and Appeals—Continued

(Week of Feb. 27 through Mar. 6, 1981)

Date	Name and location of applicant	Case No.	Type of submission
Mar. 3, 1981	Total Petroleum, Inc., Alamo, Michigan	BEX-0171	Supplemental Order. If granted: The October 1, 1980 Decision and Order (Case No. BES-1147) issued to Total Petroleum, Inc. would be rescinded.
Mar. 4, 1981	Atlantic Richfield Co., Washington, D.C.	BEX-0172	Supplemental Order. If granted: The February 27, 1981 Decision and Order issued to Atlantic Richfield Company (Case No. BED-0373) would be modified, and Ashland Oil, Inc. would be required to provide additional discovery in connection with the objections phase of Case No. BEE-0373.
Mar. 4, 1981	Larry Ellis, Idaho Falls, ID	BFA-0618	Appeal of an Information Request Denial. If granted: The Information Request Denial issued by the System Manager for Privacy Acts in the Idaho Operations Office would be rescinded, and Larry Ellis would receive information regarding records from the EG-G Idaho, Inc. files.
Mar. 4, 1981	Marathon Oil Company, Findlay, Ohio	BEA-0619	Appeal of an Entitlements Notice. If granted: The November 1980 Entitlements Notice would be modified with respect to Marathon Oil Company's entitlements purchase obligations.
Mar. 5, 1981	Hudson, Creyke, Koehler, Tacke, and Bixler, Washington, D.C.	BFA-0620	Appeal of an Information Request Denial. If granted: The February 26, 1981 Information Request Denial issued by the Idaho Operations Office would be rescinded, and Hudson, Creyke, Koehler, Tacke and Bixler would receive access to certain DOE information.
Mar. 5, 1981	The 341 Tract Unit of the Citronelle Field, Washington, D.C.	BEX-0173	Supplemental Order. If granted: The Office of Hearings and Appeals would implement the refund of tertiary incentive revenues previously received by the 341 Tract Unit of the Citronelle Field (Case No. BEN-0076).
Mar. 6, 1981	Office of Special Counsel/Gulf Oil Corp., Washington, D.C.	BRJ-0193	Motion for Protective Order. If granted: Office of Special Counsel would enter into a Protective Order with Gulf Oil Corporation regarding the exchange of proprietary information.
Mar. 6, 1981	Stephen M. Shaw, La Jolla, CA	BFA-0621	Appeal of an Information Request Denial. If granted: The December 22, 1980 Information Request Denial issued by the Division of FOI and Privacy Acts Activities would be rescinded, and Stephen M. Shaw would receive access to certain DOE information.
Mar. 6, 1981	Stephen M. Shaw, La Jolla, CA	BFA-0622	Appeal of an Information Request Denial. If granted: The January 26, 1981 Information Request Denial issued by the Division of FOI and Privacy Acts Activities would be rescinded, and Stephen M. Shaw would receive access to certain DOE information.

Notices of Objection Received

(Week of 2/27/81 to 3/6/81)

Date	Name and location of applicant	Case No.
3/2/81	Wilco Chemical Corporation, Arlington, Virginia.	BEE-1308.
3/3/81	Asamera Oil (U.S.) Inc., Cleveland, Ohio.	BXE-1600, BXE-1601.
3/4/81	Texaco Corporation, Washington, D.C.	BEE-1621.
3/4/81	Read Oil Sales, Inc., Washington, D.C.	BEE-1660.

Dismissed Cases Reopened

(Week of 3/2/81 to 3/6/81)

Date and case name	Case No.	Location city/State
3/2/81—Tarpon Spring Fina Gas & Car.	BEO-0276	Orlando, Florida.
3/2/81—Putnam Fuels, Inc.	BEE-0689	North Bergen, N.J.
3/2/81—Payne's Oil Company, Inc.	DEE-5431	Clearwater, Florida.
3/2/81—Loeb Brothers.	BEO-0074	East Stroudsburg, Penn.
3/2/81—By-Rite Oil Company.	BEE-0631	Southfield, Michigan.
3/2/81—Pryor Interprises, Inc.	DEE-5441	Atlanta, Georgia.
3/5/81—Mocar Oil Company.	BEE-0689	Orlando, Florida.
3/5/81—L. S. Riggins Oil Company.	BEE-1131	Washington, D.C.

[FR Doc. 81-9085 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1787-3]

EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and Section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during February 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

This report is also published in the monthly publication entitled, 102 monitor, which is available through subscription with the Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments given for final EIS's and other actions.

Dated: March 19, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-8089 Filed 3-24-81 8:45 am]

BILLING CODE 6560-37-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-4-AL-1]

Alabama Radiological Emergency Response Plan for the J. M. Farley Nuclear Power Facility

ACTION: Certification of FEMA Findings and Determination.

In accordance with FEMA Rule 44 CFR Part 350 (proposed), on November 10, 1980, the State of Alabama submitted its plans relating to the Farley nuclear power facility to the Regional Director of FEMA Region IV for review and FEMA approval. The Regional Director has forwarded his evaluation dated January 24, 1981, to the Acting Associate Director for Plans and Preparedness in accordance with § 350.11 of the proposed Rule. Considered in his evaluation were the State plan, associated local plans, contiguous State and local plans involved in the 10- and 50-mile emergency planning zones (EPZs) for the Farley facility, a critique

of the exercise conducted on November 19–20, 1980, at the Farley facility in accordance with § 350.9 and a report of the public meeting held on November 18, 1980, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the proposed Rule.

Based on a review of the Region's evaluation by FEMA Headquarters, the Acting Associate Director finds and determines that, subject to the condition stated below, State plans and preparedness including the local plans and preparedness for the Farley facility are adequate to protect the health and safety of the public living in the vicinity of the Farley facility by providing reasonable assurance that appropriate protective measures can and will be taken off-site in the event of a radiological emergency and are capable of being implemented. The Acting Associate Director further finds and determines with respect to the joint criteria NUREG–0654/FEMA–REP–1, Revision 1, that by July 1, 1981, the public alerting and notification system must meet FEMA/Nuclear Regulatory Commission (NRC) criteria. These findings and determination have been communicated to the NRC and to the Governor of Alabama.

FEMA will continue to review the status of preparedness of the States and the local jurisdictions associated with the Farley facility in accordance with § 350.13 of the proposed Rule.

For further details with respect to this action, refer to Docket File FEMA–4–AL–1 maintained by the FEMA Regional Director at 1375 Peachtree Street, NE, Atlanta, Georgia 30309.

Dated: March 11, 1981, Washington, DC.

For the Federal Emergency Management Agency:

John W. McConnell,

Acting Associate Director for Plans and Preparedness.

[FR Doc. 81-8857 Filed 3-24-81; 8:45 am]
BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Common Carriers by Water in the United States/Northern Marianas Trade; Exemption From Domestic Trade Tariff, Filing and Financial Reporting Requirements; Filing of Petition

Notice is given that a petition has been filed by the Commonwealth of the Northern Mariana Islands seeking exemption under section 35 of the Shipping Act, 1916 of Federal Maritime Commission domestic trade tariff filing and financial reporting requirements.

Petitioner seeks issuance by the Commission of a rule reading as follows:

"The Provisions of Section 18(a) of the Shipping Act, 1916 and Section 2 of the Intercoastal Shipping Act, 1933, as amended, and Commission Regulations issued pursuant thereto (including but not limited to General Orders No. 5, 11, and 38, as amended) shall not apply to transportation by water between ports in the United States, its territories or possessions on the one hand and ports in the Commonwealth of the Northern Mariana Islands on the other hand of general cargo (including liquid in bulk) for a period commencing upon approval by the Federal Maritime Commission and ending December 31, 1981. This exemption is subject to the following conditions:

1. Each common carrier serving the above described trades shall adhere to the tariff filing and publication requirments of Section 18(b), Shipping Act, 1916 and Commission Regulations issued pursuant thereto (General Order 13, as amended).

2. Each common carrier serving the above described trades shall submit the balance sheet and profit and loss statement in the same form and at the same time as it is submitted to the Government of the Northern Mariana Islands or, if no such financial statements are required to be submitted to that Government, each such carrier shall submit to the Commission a balance sheet and profit and loss statement within 150 days of the close of the carriers fiscal year.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101, or may inspect the petition at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit comments to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before April 27, 1981. An original and fifteen copies of such comments shall be submitted and a copy thereof served on petitioner.

Dated: March 20, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-8852 Filed 3-24-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Lloyds Bank Ltd.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 20, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Lloyds Bank Limited, London, England, Royal Bank of Scotland Group Limited and Royal Bank of Scotland, Edinburgh, Scotland (commercial financing; New York, California): to engage, through their indirect subsidiary, James Talcott Business Credit, Inc., a subsidiary of James Talcott Factors, Inc., New York, New York, in commercial financing activities, including making or acquiring commercial loans secured by a borrower's accounts receivable, inventory or other assets and servicing such loans for others. These activities would be conducted from offices in New York, New York and Los Angeles, California serving the entire United States.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Independence Bank Group, Inc., Waukesha, Wisconsin (mortgage banking activities; the State of Wisconsin): to engage through its *de novo* subsidiary, Independence Mortgage Company, Inc., in making, acquiring, selling and servicing mortgage loans, with primary emphasis on residential mortgages, including mortgages guaranteed by the Federal Housing Administration and the Veterans Administration. These activities would be conducted from offices of the subsidiary located in New Berlin, Wisconsin, serving the State of Wisconsin. Comments on this application must be received not later than April 17, 1981.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8088 Filed 3-24-81; 8:45 am]

BILLING CODE 6210-01-M

South Texas Bancshares, Inc.; Formation of Bank Holding Company

South Texas Bancshares, Inc., Beeville, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Commercial National Bank of Beeville, Beeville, Texas, and First State Bank of Mathis, Mathis, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8087 Filed 3-24-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 2356]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

Part 1

T. 6 S., R. 9 E.,
Secs. 23, 25, 27 and 35
T. 6 S., R. 10 E.,
Sec. 31
Sec. 35, W½
T. 7 S., R. 10 E.,
Sec. 1, S½
Sec. 3, 5, and 11
Sec. 9, N½

Part 2

T. 6 S., R. 9 E.,
Sec. 13, All except M&B in Parcel 1 exception (0.57 acres)
T. 6 S., R. 10 E.,
Secs. 21, 23, 25, 27, 29 and 33
Sec. 35, E½
T. 6 S., R. 12 E.,
Secs. 13, 15, 23, 27 and 35
T. 7 S., R. 9 E.,
Sec. 1
T. 7 S., R. 10 E.,
Sec. 1, N½
Sec. 7, All except Parcel 2 M&B (11.172 acres)
Sec. 9, S½
T. 7 S., R. 11 E.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 21, 23, 25, 27 and 29
T. 7 S., R. 12 E.,
Secs. 1, 3, 11, 13, 15, 23, 25 and 27
T. 7 S., R. 13 E.,
Secs. 7 and 19
T. 8 S., R. 7 E.,
Secs. 1, 3, 11, 13, 15, 21, 23, 25, 27, 33 and 35

Excepting, from the above described PART 2, that portion of said property lying below a depth of 500 feet, measured vertically from the surface of said property, provided, however, that Grantee shall have the right to drill into, and to appropriate such water which is below its boiling point at atmospheric pressure, for beneficial use from said property lying below a depth of 500 feet, provided further, that Grantor, its successors and assigns shall not have the right for any purpose whatsoever to enter upon, into or through the surface of the property granted herein or any part thereof lying between said surface and five hundred (500) feet below said surface.

2. At 10 a.m. on April 21, 1981, the land described in Part 1 shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands described in Part 2 shall at 10 a.m. April 21, 1981, on be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, to a depth of 500 feet, subject to valid existing rights, the provision of existing withdrawals, and the requirment of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-8089 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[R-2565]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made unde the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g(1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

T. 6 S., R. 10 E.,
Sec. 7, All;
Sec. 17, All;
Sec. 19, All.

The area aggregates 1,742.28 acres in Riverside County, California.

2. At 10 a.m. on April 21, 1981, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-8021 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[CA 2550]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

Parcel I

The North 2158.10 feet, measured on the West line of that portion of the Northwest quarter of Sec. 19, T. 6 S., R. 6 E., SB Mer., in the County of Riverside, State of California, according to the Official Plat there of which lies Westerly of the West right of way line of State Highway 74, as described in the Deed to the County of Riverside recorded April 5, 1932, in Book 71, page 252 of Official Records.

Parcel II

T. 8 S., R. 7 E., SB Mer.,
Sec. 19, All.

Parcel III

The following described real property situated in the County of San Bernardino, State of California:

That portion of the Northeast ¼ of section 7, Township 9 North, Range 1 West, San Bernardino Meridian, according to the Offical plat thereof, described as follows:

Beginning at the Northwest corner of the Northeast ¼ of the Northeast ¼ of said Section 7; thence North 89° 33' 09" West along the North line of said Northeast ¼ of said Section 7, a distance of 658.400 feet to the Northwest corner of the Northeast ¼ of the Northwest ¼ of the Northeast ¼ of said Section 7; thence South 0° 35' 40" West along the West line of the Northeast ¼ of the Northwest ¼ of the Northeast ¼ of said Section 7, a distance of 550.553 feet; thence North 89° 55' 00" East, a distance of 722.963 feet to a point; thence North 33° 45' 38" East a distance of 175.212 feet to a point on a curve concave Northeasterly, from which the radius of said curve bears North 33° 45' 38" East a distance of 350 feet; thence along said curve Northerly through an angle of 55° 51' 43", a distance of 341.241 feet; thence North 0° 22' 39" West a distance of 110.000 feet, more or less, to the point of beginning.

2. The lands described in Parcel I and II shall at 10 a.m. on April 21, 1981 be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on April 21, 1981, the lands described in Parcel III shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2). These lands have been and continue to be open to the mineral leasing laws. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-8022 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[LA 0106794]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g(1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

T. 13 N., R 10 E.,
Sec. 36, All.
The area aggregates 640 acres in San Bernardino, County, California.

2. At 10 a.m. on April 21, 1981, the land shall be open to operation of the public land laws generally, including the mining laws, (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-8023 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[LA 0107351]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g(1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

T. 16 N., R 12 E.,
Sec. 34, NW¼NW¼.
The area aggregates 40 acres in San Bernardino County, California.

2. At 10 a.m. on April 21, 1981, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-8024 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[LA 0140686]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g(1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

T. 7 N., R. 2 E.,
Sec. 15, NW¼SE¼.

The area aggregates 40 acres in San Bernardino County, California.

2. At 10 a.m. on April 21, 1981, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Land and Minerals Operations.

[FR Doc. 81-9035 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 44159]

New Mexico; Notice of Application

March 17, 1981.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for one 12-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 25 S., R. 32 E., NMPM,
- Sec. 17, W½SW¼, SE¼SW¼;
- Sec. 18, W½NE¼, SE¼NE¼, NE¼NW¼;
- Sec. 20, W½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
- Sec. 21, W½SW¼, SE¼SW¼;
- Sec. 27, SW¼SW¼;
- Sec. 28, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼;
- Sec. 34, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
- Sec. 35, SE¼SW¼.

T. 26 S., R. 32 E., NMPM,
- Sec. 11, NE¼NE¼;
- Sec. 12, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
- Sec. 13, NE¼NE¼.

T. 26 S., R. 33 E., NMPM,
- Sec. 18, Lots 1, 2, 3, SE¼NW¼, E½SW¼, SW¼SE¼;
- Sec. 19, N½NE¼, SE¼NE¼;
- Sec. 20, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
- Sec. 28, SW¼NW¼, W½SW¼, SE¼SW¼;
- Sec. 29, N½NE¼, SE¼NE¼;
- Sec. 33, Lots 3, 4, NW¼NE¼, NE¼NW¼.

These pipelines will convey natural gas across 11.167 miles of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

James H. O'Connor,

District Manager.

[FR Doc. 81-9036 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DES 81-14]

Outer Continental Shelf; Gulf of Mexico; Availability of Draft Environmental Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sales No. 67 and 69

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement relating to a proposed oil and gas lease sale of 472 tracts of submerged lands on the Outer Continental Shelf of the Gulf of Mexico (OCS Sales No. 67 and 69).

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney Street, Houston, Texas; Rosenbrug Library, 2310 Sealy Street, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazosport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; Calcasieu Parish Library, Downtown Branch, Lake Charles, Louisiana; Harrison County Library, 21st Avenue and Beach Street, Gulfport, Mississippi; Mobile Public Library, 701 Government Street, Mobile, Alabama; Montgomery Public Library, 445 South Lawrence Street, Montgomery, Alabama; St. Petersburg Public Library, 3745 Ninth Avenue North, St. Petersburg, Florida; West Florida Regional Library, 200 West Gregory Street, Pensacola, Florida; Northwest Regional Library System, 25 West Government Street, Panama City, Florida; Leon County Public Library, 127 North Monroe Street, Tallahassee, Florida; Lee County Free Library, 3355 Fowler Street, Fort Myers, Florida; Charlotte-Glades Regional Library System, 801 NW Aaron Street, Port Charlotte, Florida; and Tampa-Hillsborough County Public Library System, 800 North Ashley Street, Tampa, Florida.

In accordance with 43 CFR 3314.1, a public hearing on the draft environmental statement is scheduled for May 5, 1981, in the Bureau of Land Management Conference Room, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana. The hearing will convene at 9:00 a.m. and will conclude at 5:00 p.m. or earlier, if all scheduled witnesses have testified.

The hearing will provide the Secretary of the Interior with information from government agencies, public and private groups, and others to help evaluate the potential effects of the proposed lease offerings. Comments are solicited concerning the effects of projected sale-related activities on marine, cultural, recreational and other resources of the Gulf of Mexico region.

Interested individuals, representatives of organizations, and public officials who wish to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address by 4:15 p.m., April 24, 1981. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address. The Department will accept written testimony and comments on the draft environmental statement until May 11, 1981. This should allow ample time for those unable to testify at the hearings to make their views known and for the submission of supplemental materials by those who presented oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of

presentation of the oral statement. Written statements presented in person at the hearing will be considered as part of the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After testimony and comments have been received and analyzed, a final environmental statement will be prepared.

George D. Lee,

Deputy Director, Bureau of Land Management.

Approved: March 20, 1981.

Cecil S. Hoffman,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-8882 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

Public Lands in San Bernardino County, Calif.; Notice of Realty Action—Sale CA 8601

The following described land has been identified as suitable for disposal by sale under the Federal Land Policy and Management Act of 1976 (90 Stat. 2743; 43 U.S.C. 1713), at no less than the fair market value shown:

Legal description: W½NE¼NE¼NE¼ Sec. 32, T. 2 N., R. 8 E., San Bernardino Meridian.
Acreage: 5.
Value: $4,500.

The above described land is being offered as a direct, noncompetitive sale to Leslie B. Lambert, Sr., owner of the improvements on the sale tract. The land was leased by Mr. Lambert under the Small Tract Act in the early 1950's. After constructing the improvements on the land, Mr. Lambert filed an application to purchase the land in 1956. In 1957 the land was appraised and offered to Mr. Lambert; however, through inadvertence, the purchase price was not paid and the case was closed. Therefore, in order to resolve this occupancy trespass, disposal by direct sale, rather than public auction, will protect the equity investment in the improvements on the land, and eliminate an undue hardship if he were compelled to remove or otherwise dispose of the improvements. The lands are not required for any Federal purpose. The sale is consistent with the Bureau's planning system, and the public interest would be served by offering this land for sale.

The land will not be offered for sale until 60 days after the date of issuance of this notice.

The terms and conditions applicable to the sale are:

1. All minerals in the land will be reserved to the United States in accordance with Section 209(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

Detailed information concerning the sale is available for review at the Bureau's Barstow Resource Area Office, 831 Barstow Road, Barstow, CA 92311.

On or before May 11, 1981, interested parties may submit comments to the Secretary of the Interior (LLM 320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become a final determination of the Department of the Interior.

Dated: March 17, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-8889 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[1784 (020)]

Phoenix District, Kingman Resource Area, Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board will be held on April 22, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Election of Officers
2. Review of the Draft EIS for Hualapai-Aquarius
3. Review of the new grazing regulations
4. Status of range improvements for F.Y. 81.
5. Allotment Management Plan Implementation in the Cerbat/Black Planning Unit.
6. Arrangement for future meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Malcolm J. Schmitker,

Acting District Manager.

March 18, 1981.

[FR Doc. 81-8869 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Texoma Production Company has submitted a Development and Production Plan Describing the activities it proposes to conduct on Leases OCS-G 2566 and 3369, Blocks 340 and 347, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 228.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 17, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-8887 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, April 18, 1981, at 1:00 p.m. at the Allegany County Community College, Willowbrook Road, Cumberland, Maryland.

The Commission was established by Pub. L. 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush, Chairman, Hagerstown, Maryland
Mrs. Bonnie Troxell, Cumberland, Maryland
Miss Nancy Long, Glen Echo, Maryland
Mrs. Constance Morella, Bethesda, Maryland
Mr. Kenneth S. Rollins, Brookmont, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. Edwin F. Weesly, Jr., Brookmont, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Dorothy Grotos, Arlington, Virginia
Mrs. Minny Puhlmann, Dickerson, Maryland
Mrs. Margaret Dietz, Lovettsville, Virginia
Mr. William H. Ansel, Jr., Romney, West Virginia
Dr. James H. Gilford, Frederick, Maryland
Mr. Donald H. Shannon, Washington, D.C.
Mr. Silas F. Starry, Shepherdstown, West Virginia
Mr. Rockwood H. Foster, Washington, D.C.
Mr. R. Lee Downey, Williamsport, Maryland
Mr. John C. Frye, Gapland, Maryland

Matters to be discussed at this meeting include:

1. Status of Cumberland/North Branch Development Concept Plan.
2. Status of Williamsport Development Concept Plan.
3. Philosophy on Treatment and Construction of the Towpath.
4. Status of Towpath Bridge over Catoctin Creek.
5. Planning Procedures Proposal for C&O Canal.
6. Hancock Re-watering Proposal.
7. Policy Statement on Commercial Intrusions.
8. Bicycle Safety Policy.

The meeting will be open to the public. Any member of the public may file with the Commission, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301–739–4200.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: March 17, 1981.

Manus J. Fish, Jr.,
Regional Director, National Capital Region.

[FR Doc. 81-8956 Filed 3-24-81; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–165

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 153051 (Sub-II–4TA), filed March 13, 1981. Applicant: ATS TRANSPORT, INC., 34439 Mills Road, North Ridgeville, OH 44039. Representative: James F. Crosby & Associates, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *General commodities,* between Chicago, IL (and points in its commercial zone), on the one hand, and, on the other, (1) points in IN on and north of Interstate Highway 70, (2) points in the lower peninsula of MI, (3) Buffalo, NY (and points in its commercial zone), (4) points in OH on and north of Interstate Highway 70, (5) Erie, Johnstown, Brockway, and Pittsburgh, PA (and points in their respective commercial zones), and points in PA on and west of Interstate Highway 79. Restriction: Restricted to shipments having prior or subsequent movement via rail, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the ICC Regional Office, Phila., PA.

MC 154713 (Sub-II–1TA), filed March 13, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Clay and clay products,* between Anniston, AL on the one hand, and, on the other, Bucyrus, Cleveland, Columbus and Warren, OH; Pontiac, MI; Chicago, IL; and Aliquippa and Pittsburgh, PA (including points in the commercial zones of the cities specified), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Donoho Clay Co., P.O. Box 843, Anniston, AL 36202.

MC 112184 (Sub-II–5TA), filed March 13, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Contract: irregular; Paints and resins, in bulk, in tank vehicles* from the facilities of PPG Industries, Inc. located in Delaware County, OH to points in AR, FL, GA, IN, KY, MA, MD, MI, NJ, NY, PA, SC, and TX for the account of PPG Industries, Inc. for 270 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 138126 (Sub-II–4TA), filed March 13, 1981. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. *Foodstuffs, pet foods and materials and supplies* used

in the manufacture and distribution of foodstuffs and pet foods, between Passaic County, NJ, on the one hand, and, on the other, points in PA, NY, DE, MD, VA, DC, NH, VT, MA, CT, and RI, for 270 days. Supporting shipper: Swift & Company, Chicago, IL 60604.

MC 145016 (Sub-2-7TA), filed March 12, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *Baking soda,* (1) from Syracuse, NY to Little Ferry, NJ; (2) from Little Ferry, NJ to points in PA, MD, and VA for 270 days. Supporting shipper: Major Products Co., Inc., 66 Industrial Ave., Little Ferry, NJ 07643.

MC 107012 (Sub-II-142TA), filed March 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Furniture and sheds,* from Emmett, ID to points in the U.S. (except CT, MA, NJ, PA, and MD) for 270 days. An underlying ETA is seeking authority for 120 days. Supporting shipper: Creative Forest Products, Inc., 800 E. Locust Road, Emmett, ID.

Note.—Common control may be involved.

MC 113828 (Sub-II-20TA), filed March 12, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Cement, in bulk,* between Chatham County, GA on the one hand, and, on the other, points in SC and FL for 270 days. Supporting shipper: Atlantic Cement Co., Inc., 25 Crescent St., P.O. Box 30, Stamford, CT 06904.

MC 146807 (Sub-II-17TA), filed March 12, 1981. Applicant: S N W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same as above). Entire swimming pools, plastic sleds, wrought iron furniture and foam cushions and materials and supplies used in the manufacture and distribution of the above commodities between Wilkes Barre, PA on the one hand, and, on the other, points in NY, NJ, OH, MI, IL, TX, CA, FL, NC, SC, TN, KY, GA, IA, MN, and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Muskin Corporation, 400 E. Thomas St., P.O. Box 629, Wilkes Barre, PA 18702.

MC 146568 (Sub-II-3TA), filed March 4, 1981. Applicant: PHOENIX BIRD, INC., Suite 118, 1 Neshaminy Plaza, Street Road and Bristol Pike, Cornwells Heights, PA 19020. Representative: Joseph M. Roberts, 1730 M Street, N.W., Suite 501, Washington, DC. *Contract; irregular: General Commodities (except household goods as defined by the Commission and Classes A and B Explosives, as well as commodities in bulk),* between DE, NJ, and PA, on the one hand, and, on the other, AZ, CA, CO, ID, NM, NV, OR, TX, UT, and WA, for 270 days, under continuing contract with ITOFCA, Inc., of Chicago, Illinois. Supporting shipper: ITOFCA, Inc., Two Walker Avenue, P.O. Box 188, Clarendon Hills, IL 60514.

MC 152390 (Sub-II-2TA), filed March 4, 1981. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138, Calcutta Branch, East Liverpool, OH 43920. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. (1) *clay products and refractory products and* (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above between Irondale and Wellsville, Ohio, on the one hand, and, on the other, Chautauqua, Erie, and Niagara Counties, New York, and Lake and Porter Counties, Indiana for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Frederick J. Dando Company, Irondale, OH 43932; Swank Refractories Company, Pittsburgh Airport Office Park, Coraopolis Heights, PA 15108.

MC 113828 (Sub-II-19TA), filed March 5, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Chemicals,* in bulk, between Spartanburg and Laurens Counties, SC on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Thermofil, Inc., P.O. Box 868, Laurens, SC 29360; G. M. Haynes, Inc., Spartanburg, SC 29304.

MC 124212 (Sub-II-3TA), filed March 6, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Cement,* in bulk, from Framingham, MA to points in MA, NH, and RI, restricted to shipments having an immediately prior movement by rail for 270 days. Supporting shipper: Consolidated Rail Corporation, Room 450, 6 Penn Center Plaza, Philadelphia, PA 19104.

MC 2202 (Sub-TA). Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Between points in Lea and Eddy Counties, NM, on the one hand, and, on the other, Roswell, NM, for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Roswell, NM. Applicant proposes to interline at existing gateways throughout its system. Supporting shippers: Kerr-McGee Corp., P.O. Box 16, Hobbs, NM 88240; and Potash Company of America, P.O. Box 31, Carlsbad, NM 88220.

MC 117883 (Sub-II-15TA), filed March 13, 1981. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Robert Von Aschen (same as applicant). *Food and related products,* between Chicago, IL and Napoleon, OH, on the one hand, and on the other, DE, MD, NJ, PA, VA, Chicago, IL, Napoleon, OH and Providence, RI for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): Campbell Soup Co., East Maumee Ave., Napoleon, OH 43545.

MC 9915 (Sub-II-6TA), filed March 11, 1981. Applicant: WARREN TRUCKING CO., INC., P.O. Box 2038, Martinsville, VA 24112. Representative: D. R. Beeler, 1201 Columbia Ave., Franklin, TN 37064. *New furniture* from Henry County, VA to points in PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Herman Lang, Inc., 2740 Smallman St., Pittsburgh, PA 15222 and David Leitman, Inc., 2740 Smallman St., Pittsburgh, PA 15222.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2930, Chicago, IL 60604.

MC 15975 (Sub-4-22TA), filed March 13, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *Alcoholic liquors (STCC 20-851), materials, supplies and equipment used in the manufacture, distribution and sales thereof,* between points in IL and NJ, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper(s): Hiram Walker & Sons, Inc., Foot of Edmund St., Peoria, IL 61601.

MC 36556 (Sub-4-3TA), filed March 13, 1981. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers,

WI 53171. Representative: Howard E. Blackmon (address same as applicant). *Food and related products* from the plantsites and/or facilities utilized by the Friday Canning Corporation, at or near Cambria, Eden, Markesan and Oakfield, WI, to Wright City, MO. Supporting shipper: Friday Canning Corp., 660 N. Second Street, New Richmond, WI 54017.

MC 92319 (Sub-4–1TA), filed March 12, 1981. Applicant: KENNETH GRAHAM, Route #1, Box 41–A, Brimley, MI 49715. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract: Non-alcoholic beverages* from St. Paul, MN to Marquette, MI under continuing contract(s) with the H. W. Elson Bottling Company of Marquette, MI. Supporting shipper: H. W. Elson Bottling Company, 950 W. Washington, Marquette, MI.

MC 103798 (Sub-4–6TA), filed March 16, 1981. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Sugar* from Drayton, ND to points in WI. An underlying ETA seeks 120 days authority. Supporting shipper: American Crystal Sugar Co., Inc., 101 N. 3rd St., Moorhead, MN 56560.

MC 103798 (Sub-4–7TA), filed March 16, 1981. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Foodstuffs*, (1) From Grand Forks, ND to Clearfield, UT and (2) From Grand Forks, ND to Peoria, IL and (3) from Boardman, OR and Firth, ID to Grand Forks, ND. An underlying ETA seeks 120 days authority. Supporting shipper: The Pillsbury Company, 608 2nd Ave South, Minneapolis, MN 55402.

MC 111274 (Sub-4–6TA), filed March 13, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (address same as applicant). *Contract: Material and components used or useful in the manufacture, erection and completion of steel buildings and steel buildings* between Van Wert, OH and Rainsville, AL and points in RI, ME, WI, MN, IL, SC, CT, NY, PA, IN, AL, KY, MO, GA, KS, IA, MA, NJ, LA, TN, MI, MS, TX, MD, NC, VA, AR, OK, and OH, under a continuing contract with Republic Buildings Corporation. Supporting shipper: Republic Buildings Corporation, 1202 Industrial Ave., Van Wert, OH 45891.

MC 133689 (Sub-4–71TA), filed March 17, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Animal feed and pet foods*, from the facilities of Perk Foods Company at Kansas City, KS to points in the U.S. Supporting shipper: Perk Foods Company, 4141 Fairbanks Ave., Kansas City, KS.

MC 133689 (Sub-4–72TA), filed March 17, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper products*, from the facilities of Mid America Webpress, Inc. at Lincoln, NE to points in the U.S. Supporting shipper: Mid America Webpress, Inc., 3700 NW 12th St., Lincoln, NE 68501.

MC 133689 (Sub-4–73TA), filed March 17, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper products*, from the facilities of Henry Wurst, Inc., at North Kansas City, MO, and Apex, NC to points in the United States. Supporting shipper: Henry Wurst, Inc., 1331 Saline Street, N. Kansas City, MO 64116.

MC 133689 (Sub-4–74TA), filed March 17, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *General commodities* (except Classes A and B explosives and household goods as defined by the Commission) between the facilities of The Kendall Company on the one hand, and, on the other, points in the U.S. Supporting shipper: The Kendall Company, 1 Federal Street, Boston, MA 02101.

MC 135154 (Sub-4–2TA), filed March 16, 1981. Applicant: BADGER LINES, INC., 3109 West Lisbon Avenue, Milwaukee, WI 53208. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. (1) *Nonalcoholic beverages*, from Watertown, WI to points in IL, IA, MN, and the Upper Peninsula of MI, and (2) *materials, equipment, and supplies used in the production and distribution of nonalcoholic beverages*, from points in IL, IA, MN, and the Upper Peninsula of MI, to Watertown, WI. Supporting shipper: Wis-Pak, Inc., 880 West Street, Watertown, WI, 53094.

MC 136774 (Sub-4–5TA), filed March 13, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, Il 60603. *Malt syrup, corn syrup and molasses*, between Dayton, OH; Maywood, NJ; and Savannah, GA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Malt Products Corporation, Drawer 739, Maywood, NJ 07607.

MC 142059 (Sub-4–15TA), filed March 12, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley, P.O. Box 911, Joliet, Il 60434. *Lumber* from Bearden, Glenwood, Guron, Leola, Malvern, Mountain Pine, Ola, Plumberville, Prescott, Stamps and Warren, AR to points in IL, IA, IN, MI, MN, MO, SD and WI. Supporting shipper: Schaberg Lumber Co., 1930 N. Grand River, Lansing, MI 48901.

MC 142715 (Sub-4–17TA), filed March 13, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Chemicals and materials, equipment and supplies used in the manufacturing and distribution of chemicals (except commodities in bulk)*, between Minneapolis, MN on the one hand, and, on the other, all points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: Industrial Chemical and Equipment Co., 2205 Hennepin Avenue East, Minneapolis, MN 55414.

MC 145276 (Sub-4–5TA), filed March 16, 1981. Applicant: MINNESOTA EXPRESS, INC., 2400 Trott Avenue S.W., P.O. Box 427, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. *Drywall Materials*, between Lake County, SD on the one hand, and, on the other, Kandiyohi County, MN. Supporting shipper: Central Contractors Supply, Div. of Central Allied, Enterprises, Inc., Willmar, MN 56201.

MC 147039 (Sub-4–6TA), filed March 17, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030. *Walls or partitions constructed of metal and wood frames and nonrelated glass* between points in MI, and points in AL, AR, CA, CO, CT, GA, IL, KY, LA, MA, MD, MO, NE, NM, NC, ND, OH, OR, SC, TN, TX, VA, WA, and WI. Supporting shipper: Modular Security Systems, Inc., 56405 Grand River, New Hudson, MI 48165.

MC 147499 (Sub-4–4TA), filed March 17, 1981. Applicant: D. H. TRANSFER, INC., 671 M–73, Iron River, MI 49935. Representative: Donald Hooper, 671 M–73, Iron River, MI 49935. *(1) Harwood systems, synthetic flooring systems,*

hardwood and synthetic flooring (2) materials and supplies used in the installation of the commodities in (1) above and (3) lumber, wood products and millwork, including juvenile furniture. From the facilities of Connor Forest Industries at or near Laona, WI to all points in the United States. Supporting shipper: Connor Forest Industries, E. R. Cerolewski, Vice President, 330 4th Street, Wausau, WI 54401.

MC 149591 (Sub-4-2TA), filed March 16, 1981. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract:* (1) *Meats, meat products and meat by-products, and articles distributed by meat packing houses,* and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above,* (a) from ND, SD, and MN to points in IL and WI; and (b) from points in ND, SD, MN, NE, and IA, to points in AL, GA, FL, NC and SC, for the contract(s) of Missouri Valley Foods, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Missouri Valley Foods, Inc., 11414 West Center Road, Omaha, NE 68144.

MC 150644 (Sub-4-3TA), filed March 16, 1981. Applicant: GARY L. SODERBERG and LEROY E. SODERBERG, d.b.a. SODERBERG FARMS, Route 1, Townline Road, Beloit, WI 53511. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703, (608) 256-0606. *Fertilizer and fertilizer ingredients in bulk in tank vehicles* between points in IL on and north of Highway 24 and points in MN on the one hand, and points in WI on the other. Supporting shippers: Braaten Oil Co., Inc., 1804 Beloit Ave., Janesville, WI 53545; and Elko Liquid Fertilizer, Inc., P.O. Box 466, Centralia St., Elkhorn, WI 53121.

MC 153196 (Sub-4-2TA), filed March 16, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Contract: Fresh and frozen boxed and carcass meats and packinghouse products and by-products* from Green Bay, WI to points in AZ and CA, under a continuing contract(s) with Packerland Packing Co., Inc. of Green Bay, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Packerland Packing Co., Inc., P.O. Box 1184, Green Bay, WI 54305.

MC 153796 (Sub-4-1TA), filed March 13, 1981. Applicant: URBAN TRANSPORT, INC., P.O. Box 12865, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Anhydrous ammonia and liquid and dry fertilizers, in bulk in tank vehicles,* between points in IA, MN, WI, ND, SD, NE and IL. An underlying ETA seeks 120 days. Supporting shippers: Firstmiss, Inc., Subsidiary of First Mississippi Corporation, P.O. Box 328, Fort Madison, IA 52627; Land O' Lakes, Inc., 2627—8th Avenue South, Fort Dodge, IA 50501.

MC 153756 (Sub-4-2TA), filed March 17, 1981. Applicant: JAMES R. MURPHY, d.b.a. JAMCO, P.O. Box 724, Sheffield, IL 61361. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Hazardous waste,* from points in MN, NE and WI, to points in Nye County, NV. Supporting shipper: Waste Research and Reclamation Co., Inc., Route 7, Eau Claire, WI 54701.

MC 153829 (Sub-4-6TA), filed March 13, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Steel electrical junction boxes and miscellaneous component part housings,* between the facilities of Hoffman Engineering Company at or near Anoka, MN, on the one hand, and, on the other, points in the United States. Supporting shipper: Hoffman Engineering Company, 9th and Tyler, Anoka, MN 55303.

MC 153829 (Sub-4-9TA), filed March 17, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Dehydrated eggs and egg products,* from the facilities of Marshall Foods, Inc., at on near Marshall, MN to points in the United States. Supporting shipper: Marshall Foods, Inc., P.O. Box 1066, Marshall, MN 56258.

MC 153829 (Sub-4-10TA), filed March 17, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Glass containers and caps, closures and cartons for glass containers* between the facilities of Midland Glass Company at or near Shakopee, MN, on the one hand, and, on the other, points in WI, IA, ND, SD, IL, IN, MO, OH, KY and WI. Supporting shipper: Midland Glass Company, Highway 101 and Scott County Road 83, Shakopee, MN 55379.

MC 154175 (Sub-4-1TA), filed March 13, 1981. Applicant: THE JUSTAK CORPORATION, 2336 Schrage Ave., Whiting, IN 46394. Representative: Kenneth P. Justak, 1825 N. Mansard Blvd., Griffith, IN 46319. *Passengers* between Griffith, IN and Chicago, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Town of Griffith, 111 N. Broad Street, Griffith, IN 46319.

MC 2277 (Sub-4-6TA), filed March 12, 1981. Applicant: FRUTH MOTOR TRUCK SERVICE, INC., 720 Scheel St., P.O. Box 992, Belleville, IL 62221. Representative: Lesliesann G. Maxey, 907 S. Fourth St., Springfield, IL 62703. *Contract:* Irregular: *Plastic bottles and caps* from NJ to the St. Louis, MO commercial zone. Supporting shipper: Bristol Myers Products Co., 225 Long Ave., Hillside, NJ 07207.

MC 13777 (Sub-4-6TA), filed March 13, 1981. Applicant: AAA TRANSPORTATION, INC., 2957 S. East St., Indianapolis, IN 46206. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contact:* (1) *Iron and steel articles and* (2) *materials, equipment and supplies used in the manufacture and distribution of (1) above,* between points in and east of the states of ND, SD, NE, KS, OK and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Tomson Steel Co., 955 Ridgefield, Hamilton, OH 45013.

MC 107295 (Sub-4-33TA), filed March 12, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Iron pipe fittings, valves, and flanges,* from Harris County, TX, to points in AL, AR, AZ, CA, CO, FL, GA, KS, LA, MS, MO, NM, NC, OK, SC, UT and WY. Supporting shipper: Apex Valve and Fitting Corp., 13101 Almeda Road, Houston, TX 77045.

MC 123407 (Sub-4-59TA), filed March 13, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). *Reprocessed plastic resins in containers* between Terre Haute, Indiana, and points in NY, PA, NJ, OH, MI, KS, TN, TX, KY, MO, and IL. *Supporting shipper: Jadcore, Inc., 1415 North Fruitridge Ave., Terre Haute, IN 47805. *An underlying ETA seeks 120 days authority.

MC 145199 (Sub-4-1TA), filed March 13, 1981. Applicant: WESTERFIELD TRUCK LEASING, INC., Rural Route 10, Box 251, Greensburg, IN 47240. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract: Such merchandise as is dealt in or used by grocery or food business houses,* from Washington Court House

and Dayton, OH and Bloomington, IL to Kroger facilities located at Conyers, GA; Louisville, KY; Livonia, MI; Indianpolis, IN; Nashville and Memphis, TN; Cincinnati and Columbus, OH; Irwin, PA; Salem, VA; Hazelwood, MO; and Irving, TX, under continuing contract(s) with The Kroger Co., of Cincinnati, OH. An underlying ETA seeks 120 days authority. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201.

MC 146628 (Sub-4–4TA), filed March 13, 1981. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* Irregular: *Portable earth station* between points in the U.S. Restricted to traffic moving under continuing contract with American Telephone & Telegraph Company. An underlying ETA seeks 120 days authority. Supporting Shipper: American Telephone & Telegraph Company, 10 So. Canal St., Chicago, IL 60606.

MC 150187 (Sub-4–5TA), filed March 12, 1981. Applicant: D & L TRUCKING SERVICES, INC., 1419 South Clark Blvd. Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Plastic articles,* from Indianapolis, IN to points in IL, KY, MI, MO, OH, TN, WV, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: W. R. Grace & Co., FORMPAC Div., P.O. Box 295, Reading, PA 19603.

MC 150341 (Sub-4–4TA), filed March 13, 1981. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract: General Commodities, (except Class A and B explosives),* Between points in the U.S. (except AK and HI), under contract with James Refrigeration Company, Edina, MN. An underlying ETA seeks 120 days authority. Supporting shipper: James Refrigeration Company, Box 24137, Edina, MN 55424.

MC 154377 (Sub-4–1TA), filed March 12, 1981. Applicant: H.o.J. TRUCKING, 107 Millbrook Lane, Schaumburg, IL 60193. Representative: John T. O'Connell, 521 S. LaGrange Road, LaGrange, IL 60525. *Contract Oil well drilling equipment which includes derricks, derrick sub-structure and all component parts of oil well drilling* between Howard County, TX, on the one hand, and on the other, points in the U.S. Supporting shipper: oilfield Industrial Lines, Inc., Big Springs, TX 79720.

MC 154645 (Sub-4–1TA), filed March 11, 1981. Applicant: JOHN FINK TRUCKING, INC., Route 1, Darlington, WI 53530. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract:* Irregular; *Dry and liquid fertilizer, and materials, equipment and supplies* used in the manufacture or distribution of such commodities, from Dubuque County, IA, to points within Grant, Green, Iowa, Lafayette and Rock Counties, WI. Restricted to transportation performed under a continuing contract(s) with Ross Soil Service, Inc. and Terra Eastern Corporation. An underlying ETA seeks 120 days authority. Supporting shippers: Ross Soil Service, Inc., Highway 151 South, Mineral Point, WI 53565; and Terra Eastern Corporation, Route 1, Mineral Point, WI 53565.

MC 154665 (Sub-4–1TA), filed March 11, 1981. Applicant: JOSEPH F. GILMARTIN d.b.a. ROOFERS TRANSIT, 847 East Patten, Palatine, IL 60067. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Roofing and roofing materials, and materials and supplies used or useful in the manufacture and distribution of roofing and roofing materials,* between points in IL, IN and WI. Supporting shipper: Capen Wholesale Inc., 1313 Circle Avenue, Forest Park, IL 60130.

MC 154681 (Sub-4–1TA), filed March 12, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., Rural Route No. 4, Box 83–B, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. (1) *Material handling equipment;* and (2) *parts and attachments for material handling equipment,* between the facilities of Nott Company, Hyster Division, Minneapolis, MN, on the one hand, and, on the other, facilities of the Nott Company, Hyster Division, Fargo, ND. An underlying ETA seeks 120 days authority. Supporting shipper: Nott Company, Hyster Division, 4202 14th Avenue NW, Fargo, ND 58102.

The following applications wre filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 2900 (Sub-5–5TA), filed March 12, 1981. Applicant: ENGLAND TRANSPORATION COMPANY OF TEXAS, INC., 2301 McKinney Street, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Petroleum wax (except in bulk)* from Kilgore, TX to Houston and Galveston, TX and their commercial zones. Restricted to traffic having a subsequent movement by water. Supporting shipper: Petrolite Corporation, Bareco Division, 6910 E. Fourteenth Street, Tulsa, OK 74112.

MC 105566 (Sub-5–20TA), filed March 13, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *Foundry Sand* from Midway, TN to Los Angeles, CA. Supporting shipper: Western Refractory Products, P.O. Box 4907, Irvine, CA 92716.

MC 106398 (Sub-5–62TA), filed March 12, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (Same as Applicant). *Paper and Paper Products, Plastic Products and Accessories* Between points in Hamilton County, OH, on the one hand, and on the other, all points in the U.S. (except AK and HI). Supporting shipper: C. W. Zumbiel Company, 2339 Harris Avenue, Cincinnati, OH.

MC 106398 (Sub-5–63TA), filed March 12, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (Same as Applicant). *Metal products and accessories* Between points in OH, WV, AR, PA, IL, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Commercial Shearing, Inc., 1775 Logan Avenue, Youngstown, OH 44501.

MC 111401 (Sub-5–34TA), filed March 12, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (Same as applicant). Sulfuric Acid, in bulk, in tank vehicles, from Playas, NM to Earth, TX. Supporting shipper: McKesson Chemical Co., P.O. Box 9001, Amarillo, TX, 79105.

MC 114274 (Sub-5–9TA), filed March 13, 1981. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Pl., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North La Salle St., Suite 3520, Chicago, IL 60601. *Materials, Equipment and Supplies used in the Manufacturing of Beverages.* From points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, TX and WI. To the facilities of Mid Continent Bottlers, Inc. at Cedar Rapids and Des Moines, IA; Flint, MI; Omaha, NE; and Kansas City and St. Louis, MO. Supporting shipper: Mid Continent Bottlers, Inc., P.O. Box B J, Des Moines, IA 50304.

MC 116063 (Sub-5–4TA), filed March 13, 1981. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O.

Box 270, Forth Worth, TX 76101. Representative: W. H. Cole (same as applicant). *Glue, in bulk,* from Lewisville, TX to Denver, CO. Supporting shipper: United Resin Adhesives Company, Lewisville, TX 75067.

MC 118959 (Sub-5–16TA), filed March 13, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract; irregular; General commodities (except Classes A and B explosives),* between points in the U.S. under a continuing contract(s) with The Procter & Gamble Company and its wholly owned subsidiaries. Supporting shipper: The Procter & Gamble Company and its wholly owned subsidiaries, P.O. Box 599, Cincinnati, OH 45201.

MC 119399 (Sub-5–52TA), filed March 12, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (same as applicant). *Malt Beverages* from Peoria, IL to St. Joseph, MO; and from Milwaukee, WI to Lamar, MO. Supporting shipper: K & B Distributing, Inc., St. Joseph, MO 64501 Stahl Sales Company, Lamar, MO 64759.

MC 121605 (Sub-5–3TA), filed March 12, 1981. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. *General Commodities (with the usual exceptions),* between Crossett, AR and points in TX, OK, KS, NE, MO, KY, TN, LA and MS. Applicant intends to tack and interline. Supporting shipper: Georgia-Pacific Corporation, P.O. Box 520, Crossett, AR 71635.

MC 123876 (Sub-5–1TA), filed March 13, 1981. Applicant: PRATT TRANSPORTATION, INC., P.O. Box 1501, Omaha, NE 68101. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Flour,* from Omaha and Fremont, NE to pts in IA. Supporting shipper: Con Agra, Inc. Omaha, NE.

MC 124174 (Sub-5–41TA), filed March 12, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Iron and steel plate in bundles, building panels and metal roof deck,* from Bristol, CT to Muscatine, IA. Supporting shipper(s): Morin Building Products, Inc., P.O. Box 503, Bristol, CT 06010.

MC 125535 (Sub-5–8TA), filed March 13, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, P.O. Box 1746, Maryland Heights, MO 63043. Representative: Same as above. Contract: Irregular. *Bonding cement and fire clay (except commodities in bulk in tank vehicles),* between all points in the U.S. (except AK and HI). Supporting shipper: Universal Refractories, Inc., 1554 Candish Lane, Chesterfield, MO 63017.

MC 128273 (Sub-5–37TA), filed March 13, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities* between Kalamazoo, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Lear Siegler, Inc., Borroughs Division. Supporting shipper: Lear Siegler, Inc., Borroughs Division, 3002 N. Burdick St., Kalamazoo, MI 49007.

MC 134134 (Sub-5–13TA), filed March 13, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *(1) floor coverings, and (2) equipment, materials, and supplies used in the manufacture, distribution, and installation of floor coverings,* from Lancaster County, PA and Kankakee County, IL to Omaha, NE. Supporting shipper: Truesdell Distributing Corporation, 6009 Center Street, Omaha, NE 68106.

MC 135797 (Sub-5–104TA), filed March 12, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72756. Representative: Paul R. Bergant, Esq. (Address same as applicant). *Such commodities as are dealt in or used by construction and home improvement businesses (except commodities in bulk),* between the facilities of Therma-Tru, Division of LST Corporation at or near Van Buren, AR and Colorado Springs, CO on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Therma-Tru, Division of LST Corporation, 2806 No. Reynolds Road, Toledo, OH 43615.

MC 138328 (Sub-5–19TA), filed March 13, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). *Iron and steel articles,* from Chicago, IL and points in its commercial zone, to Houston, TX and points in its commercial zone. Supporting shipper: Joseph T. Ryerson & Son, Inc., 2621 West 15th Place, Chicago, IL 60608.

MC 138328 (Sub-5–20TA), filed March 13, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). *Such commodities as are dealt in or used by manufacturers of plastic articles,* between Omaha, NE, and points in the U.S. Restriction: Restricted to traffic originating at or destined to the facilities of Plastilite Corporation. Supporting shipper: Plastilite Corporation, 9409 N. 45th, Omaha, NE 68112.

MC 138563 (Sub-5–1TA), filed March 13, 1981. Applicant: J.M.J. PROJECTS, INC., 2109 West 50th, Shawnee Mission, KS 66205. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. *Batteries, new and used and parts thereof, equipment, materials and supplies used in the manufacture and distribution of electric storage batteries and lead ingots,* Between the states of AR, CO, IA, IL, KS, OK, NE, MO, and TX, limited to traffic moving to or from the facilities of Gould, Inc. Supporting shipper: Gould, Inc., 1110 Hwy 110, St. Paul, MN 55118.

MC 140035 (Sub-5–9TA), filed March 13, 1981. Applicant: ADAMS LINES, INC., 2619 N Street, Omaha, NE 68107. Representative: John Hornung (same as above). *Drugs, medicines, toilet preparations and articles dealt in or sold by drug and department stores,* from Union County, NJ, to IL, IN, WI, and points in and west of MN, IA, MO, AR, and LA. Supporting shipper: Schering Corporation, Kenilworth, NJ.

MC 144982 (Sub-5–7TA), filed March 12, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Contract; irregular: *steel shelving, storage racks, and plastic bins,* between points in the U.S. under continuing contract(s) with San Jose Shelving Distribution Center, Inc. Supporting shipper: San Jose Shelving Distribution Center, Inc., 1939 Hartog Drive, San Jose, CA 95131.

MC 145966 (Sub-5–4TA), filed March 12, 1981. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. *Meters, and parts and accessories for meters,* from Nebraska City, NE, to the Houston TX commerical zone, restricted to traffic moving in foreign commerce. Supporting shipper: American Meter Division of The Singer Company, P.O. Box 727, Nebraska City, NE 68410.

MC 146616 (Sub-5–6TA), filed March 13, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract Irregular; *(1) Conventional pumping units, pipe, casing, tubing tank batteries and (2) equipment and supplies used in the manufacture and distribution of the commodities named in* (1) above, between points in the U.S. under continuing contract(s) with Red Man Pipe & Supply Co., Inc., of Tulsa, Ok. Supporting shipper: Red Man Pipe & Supply Co., Inc., 6111 E. Skelly Drive, Suite 716, Tulsa, OK 74135.

MC 146653 (Sub-5–3TA), filed March 13, 1981. Applicant: FRANK F. SLOAN d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Salt,* between Tooele County, UT, on the one hand, and, on the other, pts in IA, IL, MN, MO, and WI. Supporting shipper: American Salt Company, 3142 Broadway, Kansas City, MO 64111.

MC 152245 (Sub-1–10TA), filed March 13, 1981. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 2785, Amarillo, TX 79105. Representative: R. L. Gordon, Greyhound Tower, Station 901, 111 West Clarendon, Phoenix, AZ 85077. Contract, Irregular: *(1) Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses; (2) materials, equipment and supplies used in the manufacture thereof,* between points in the U.S. restricted to traffic originating at or destined to, or for the account of The Carnation Company. Supporting shipper: The Carnation Company, 5045 West Wilshire Boulevard, Los Angeles, CA 90036.

MC 154668 (Sub-5–1TA), filed March 13, 1981. Applicant: DOUBLE L. TRANSPORT, INC., P.O. Box 206, Turpin, OK 73950. Representative: Michael H. Lennox, 6903 North Western Avenue, Oklahoma City, OK 73114. Contract, irregular route: *Finished feed and finished feed ingredients,* between Texas County, OK on the one hand, and, on the other, points in the U.S. Supporting shipper: Thermonetics, Inc., 1200 E. First National Center, Oklahoma City, OK 73102.

MC 154690 (Sub-5–1TA), filed March 13, 1981. Applicant: NEAL FERTILIZER, INC., Dexter, IA 50070. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Roofing materials,* from Kansas City, MO, to points in Madison, Clarke, Union, Story, Polk, Jasper, Dallas, and Warren Counties, IA. Supporting shippers: Circle B Cashway, Inc., Highway 169, North, Winterset, IA 50273.

MC 154696 (Sub-5–1TA), filed March 13, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150, Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Fertilizer, Chemicals, and Related Products and Clay,* between Memphis, TN, Athens, IL, Lee Creek, SC, Caruthersville, MO, Bradenton, FL, Yazoo City, MS, on the one hand, and, on the other, Malden, MO. Supporting shipper: Farmer's Liquid Plant Foods, Inc., East Main Street, Malden, MO 63863.

MC 154696 (Sub-5–1TA), filed March 13, 1981. Applicant: LEO S. DORZWEILER, 1316 Steven, Hays, KS 67601. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract, Irregular *Part 1) Wooden boxes, pallets, lumber, supplies and materials useful in the manufacture of wooden boxes and pallets,* Between Ellis County, KS and points in the U.S. (except AK and HI) *Part 2) clothing, garments, fabrics, articles and materials useful in the manufacture of clothing and garments,* Between points in Ellis County, KS and points in the U.S. (except AK and HI). Supporting shipper: Developmental Services of Northwest Kansas, Inc, P.O. Box 1016, Hays, KS 67601.

MC 200 (Sub-5–99TA), filed March 16, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General Commodities, (except classes A & B explosives),* between points in Sebastian County, AR, on the one hand, and, on the other, points in CA. Supporting shipper: American Can Co., 4411 Midland, Ft. Smith, AR 72901.

MC 2900 (Sub-5–6TA), filed March 16, 1981. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, 2301 McKinney St., Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Plastic film and sheeting;* from Temple and Waco, TX to the Port of Houston, TX, for export. Supporting shipper(s): Mobil Chemical Company, Macedon, New York 14502.

MC 26825 (Sub-5–15TA), filed March 16, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1000, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *General commodities,* between Galveston County, TX on the one hand, and, on the other, points in the U.S. Supporting shipper: Board of Trustees, Port of Galveston, 802 Rosenburg, Galveston, TX 77550.

MC 69834 (Sub-5–5TA), filed March 16, 1981. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. Common, Regular. *General commodities (except those of unusual value, classes, A and B explosives, household goods as defined by Commission, commodities in bulk, and those requiring special equipment),* From Wichita south on Interstate 35 to Highway 160, thence west on Highway 160 to Wellington and return to Interstate 35; thence south on Interstate 35 to Highway 177; thence south on Highway 177 to Highway 60; thence east on Highway 60 to Bartlesville, OK, and return over the same route, serving all intermediate points; also, From Wichita south on Interstate 35 to Highway 166; thence east on Highway 166 to Highway 77; thence south on Highway 77 to Ponca City, OK, and return over the same route, serving all intermediate points; also, From Wichita east on Highway 54 to Augusta, KS, and return over the same route, serving all intermediate points. Applicant intends to interline.

MC 92983 (Sub-5–7TA), filed March 16, 1981. Applicant: AMERICAN BULK TRANSPORT CO., 18 Central Avenue, P.O. Box 2387, Kansas City, KS 66110. Representative: William J. O'Neill, Traffic Manager, P.O. Box 1406, Kansas City, MO 64141. *Chemicals in bulk,* from points in Orange County, CA to all points in TX. Supporting shipper: Delat Chemical and Research Inc., 540 E. Jamie, La Habra, CA 90631.

MC 112713 (Sub-5–33TA), filed March 16, 1981. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as above). Contract; Irregular. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between all points in the continental U.S. Supporting shipper: Control Data Corporation, 8100 34th Avenue South, Minneapolis, MN.

MC 114028 (Sub-5–2TA), filed March 16, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION CO., INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Toys, phonographs and materials, equipment and supplies used in the manufacture, sale or distribution thereof,* from Suffolk County, NY to

Dubuque County, IA. Supporting shipper: Ertl Company, a subsidiary of Kiddee, Inc., Dyersville, IA.

MC 115669 (Sub-5–6TA), filed March 16, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Processed grain products,* from Inman, Buhler and Whitewater, KS, to Minneapolis, MN; Kansas City, MO; Denver, CO; and Toledo, OH. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 123676 (Sub-5–2TA), filed March 16, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Petroleum products, in bulk,* between pts in IA and NE. Supporting shipper(s): Barns Oil Co., Inc., Crete, NE 68333; Martin's Oil & Propane, Milford, NE.

MC 124174 (Sub-5–42TA), filed March 16, 1981. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 L Street, Omaha, NE 68137. *(1) Food and related non-exempt food or kindred products—STCC–20, and (2) Packaging materials, plastic, expanded or foamed articles or sheets—STCC–26 and 30,* (1) between San Mateo County, CA and Delta County, CO, on the one hand, and pts in the USA, on the other, and (2) between Cook County, IL, New Castle County, DE; and San Mateo County, CA, on the one hand, and pts in the USA, on the other. Supporting shipper(s): Free-Flow Packaging Corp, 2500 Middlefield Road, Redwood City, CA 94063; Safe-T Pacific Co., 2500 Middlefield Road, Redwood City, CA 94063; and Skyland Food Corp., P.O. Box 250, Delta, CO 81416.

MC 126118 (Sub-5–57TA), filed March 16, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *General commodities (except those commodities which because of their size and weight require the use of special equipment, liquids in bulk, and items of unusual value),* between pts in the U.S. Restriction: Restricted to traffic originating at or destined to facilities utilized by the Brunswick Corporation. Supporting shipper: Brunswick Corporation, Paul Sterner, Transportation Manager, One Brunswick Plaza, Skokie, IL 60077.

MC 134134 (Sub-5–14TA), filed March 16, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Foodstuffs,* from Allegheny County, PA to pts in IN, KY, TN, MI, OH, WI, IL, MN, IA, MO, and NE. Supporting shipper: Daily's Juice Products, Inc., 1 Daily Way, Verona, PA 15147.

MC 135797 (Sub-5–105TA), filed March 16, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Chemicals,* between points in TX on the one hand, and on the other, points in the U.S. (except AK and HI). Restricted to shipments originating at or destined to the facilities of Klenzco Chemical, Division of Economics Laboratory, Inc. Supporting shipper: Klenzco Chemical, Division of Economics Laboratory, Inc., 2014 East Highway 12, Rogers, AR 72756.

MC 135797 (Sub-5–106TA), filed March 16, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Paper, plastic articles and paper products,* between King County, WA and points in the United States (except AK and HI). Supporting shipper: Ridgway Packaging Corporation, 4111 156th Ave. Northeast, Redmond, WA 98052.

MC 136786 (Sub-5–55TA), filed March 16, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 Northwest Third Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Olsen, Snelling & Christensen, P.A., Suite 307, 5200 Willson Road, Minneapolis, MN 55424. *Foodstuffs* between Lee County, IL, on the one hand, and, on the other, points in MA, MD, FL, TX, TN, GA, SC, NC, KY, WV and VA. Supporting shipper: Purity Mills, Division of Stokely-Van Camp, Inc., P.O. Box 1083, Indianapolis, IN 46206.

MC 138469 (Sub-5–39TA), filed March 16, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Confectionery, snack foods and packaging materials,* between Horseheads, NY and points in AR, CA, FL, GA, KS, KY, LA, MO, MS, OK and TX. Supporting shipper: Star Candy Company, Route 3, Box 92, Tuttle, OK 73089.

MC 141293 (Sub-5–3TA), filed March 16, 1981. Applicant: J.R.R.W. TRANSPORT, INC., P.O. Box 5186, Coralville, IA 52241. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular *Chemically treated paper,* Between Iowa City, IA, on the one hand, and, on the other, Denver, CO under continuing contract(s) with H. P. Smith Paper Co. Supporting shipper: H. P. Smith Paper Co., 2000 Industrial Park Rd., Iowa City, IA.

MC 144603 (Sub-5–37TA), filed March 16, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *(1) Plastic sheets; facing tile and brick; plastic parts and articles; (2) materials and supplies used in the manufacture, sale and distribution of commodities names in (1)* between Xenia, OH, Los Angeles, CA, Washington, IN, Kansas City, MO/KS, and their respective commercial zones, on the one hand, and, on the other, points in CA and in and east of the states of TX, OK, KS, NE, IA and MN. Supporting shipper: K.S.H. Inc., 10091 Manchester Rd., St. Louis, MO 63122.

MC 146055 (Sub-5–13TA), filed March 16, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Building, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Meats, and packinghouse products,* from the facilities of Spencer Foods Division Land O'Lakes, Oakland, IA to points in MI, IN, OH, KY, GA, FL, WI, IL, NE, and KS. Supporting shipper: Land O'Lakes, Spencer Beef Division P.O. Box 544, Schuyler, NE 68661.

MC 147388 (Sub-5–12TA), filed March 16, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., Route 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Malt beverages (except in bulk),* from Milwaukee, WI and Fort Worth, TX and points in their commercial zones, to North Platte, NE, and points in its commercial zone. Supporting shipper: Western Beer Distributing, Inc., 640 N. Willow, Box 787, North Platte, NE 69101.

MC148554 (Sub-5–1TA), filed March 16, 1981. Applicant: WALD TRANSFER & STORAGE CO., P.O. Box 344, Houston, TX 77001. Representative: Joe Check, 1353–A West Hurst Blvd., Hurst, TX 76053. Building, Prefabricated, In Crates, From Arlington, Mansfield, Fort Worth, and Midlothian, TX, to Jefferson County, TX, with a subsequent movement by water. Supporting shipper: M.B.M. International, 1103 Polly Webb, Arlington, TX 76017.

MC 150506 (Sub-5–3TA), filed March 16, 1981. Applicant: WILLIAM J. MUNGER, d.b.a. MUNGER TRUCK

LINE, P.O. Box 115, Beattie, KS 66406. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601.*Corn Products,* From the facilities of Lincoln Grain, Inc. at or near Atchison, KS to points in the U.S. (except AR, CO, MN, MT, NE, NM, ND, OK, SD, TN, TX, UT and WY). Supporting shipper: Lincoln Grain, Inc., P.O. Box 436, Atchison, KS 66002.

MC 150627 (Sub-52TA), filed March 16, 1981. Applicant: JAMES FINCH, d.b.a. FINCH HOT SHOT SERVICE, 7601 S. Central Expressway, Dallas, TX 75216. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Contract; irregular; *Lighting Fixtures and Accessories,* from Dallas and Harris Counties, TX to points in NM, OK, LA, and AR; and from Oklahoma and Canadian Counties, OK to points in TX, under continuing contract(s) with Metalux Corporation. Supporting shipper(s): Metalux Corporation, 9100 Chancellor Row, Dallas, TX 75247.

MC 150949 (Sub-5–10TA), filed March 16, 1981. Applicant: NFI, INC., Box 664, Waxahachie, TX 75165. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360. Contract; irregular; *Evaporative Coolers and Related Parts and Supplies,* from Phoenix, AZ to points in OK and TX. Supporting shipper: McGraw-Edison Company, 6991 E. Camelback Road, Scottsdale, AZ 85251.

MC 151914 (Sub-5–1TA), filed March 16, 1981. Applicant: RUSSELL STOVER CANDIES, INC., 1004 Baltimore Ave., Kansas City, MO 64105. Representative: Thomas P. G. Franklin, Assistant Corporate Counsel, (same as above). *Malt beverages and related advertising material and empty used beverage containers and materials, equipment and supplies used in and dealt with by breweries,* between points in TN, AR and Jefferson County, CO. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 152599 (Sub-5–3TA), filed March 16, 1981. Applicant: SOUTHERN CARRIES, INC., P.O. Box 631, Galena Park, TX 77547. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. *General commodities, in containers, having a prior or subsequent movement by water,* between Houston and Galveston, TX, and points in their commercial zone, on the one hand, and, on the other, points in Texas. Supporting shippers: There are 16 supporting shipper.

MC 152971 (Sub-5–1TA), filed March 16, 1981. Applicant: DEEP SOUTH FREIGHT LINES, LTD., 6308 Boutall Street, Metairie, LA 70005. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Food and kindered products,* between points in LA, on the one hand, and, on the other, points in AR, AL, FL, GA, MS, IN, NC, SC, TN, TX and VA; and *Dogfood,* between points in TN, on the one hand, and, on the other, points in AR, AL, FL, GA, IN, MS, NC, SC, TX, VA and LA. Supporting shippers: There are four supporting shippers.

MC 153910 (Sub-5–2TA), filed March 16, 1981. Applicant: L & B TRUCKING CORPORATION, Johnson Street Road, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *General Commodities (except Class A and B explosives),* between points in IA and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Keokuk Diecasting, Division of Hays Albion, Box 767, Main Street Road, Keokuk, IA 52632, The Miner-01 Company, Inc., South Water Street, Warsaw, IL 62379, Hartricks Independent Lumber Co., 10th E. Johnson Street, Keokuk, IA 52632, J & S Recycle, 1020 Cleveland, Keokuk, IA 52632, B & J Cycle Sales, Hilton Road, Keokuk, IA 52632, Wilkins Pipe & Supply Co., 3201 Plank Road, Keokuk, IA 52632, Sheaffer Eaton Textron, 301 Avenue H, Fort Madison, IA 52627, Graettinger Agri Systems, Box 303, Graettinger, IA 51342.

MC 154718 (Sub-5–1TA), filed March 16, 1981. Applicant: JOHN COLLINS, RUSSELL CARLSON and PRENTICE ORR, d.b.a. PEOPLES TRANSPORTATION COMPANY, 2104 West 6th Street, Davenport, IA 52805. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Passengers and their baggage, in the same vehicle with passengers, in special and charter operations,* beginning and ending at points in Davenport and Waterloo, IA, and Galesburg and Rock Island, IL, and extending to points in the U.S. (including AK but excluding HI). Supporting shippers: Union Baptist Church, 716 Vinton Street, Waterloo, IA, Butler Manufacturing Company, 1020 S. Henderson, Galesburg, IL 61401, Knights of Columbus, 1556 E. Fremont, Galesburg, IL, Peoples Baptist Church, 7th Avenue and 23rd Court, Rock Island, IL.

The following protests were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 144726 (Sub-6–2TA), filed March 13, 1981. Applicant: K.K.W. TRUCKING, INC., 516 W. 140th St., Gardena, CA 90248. Representative: James P. Beck, 717 17th St., Ste 2600, Denver, CO 80202. *Furniture, fixtures and such commodities as are dealt in by home furnishing and department stores,* between points in CA on the one hand, and, on the other, points in MN, OR, TX and WA, for 270 days. Supporting shippers: There are 10 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 33641 (Sub-6–6TA), filed March 13, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant). *Common Carrier,* Regular routes: *General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving points in Carbon and Emery counties, UT as off-route points in connection with carrier's authorized regular route operations, for 270 days. Applicant intends to tack and interline. Supporting shipper: Utah Power & Light Co., P.O. Box 899, Salt Lake City, Utah 84110.

MC 154702 (Sub-6–1TA), filed March 13, 1981. Applicant: BLUE BELL POTATO CHIP CO., 100 NE. Farragut, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Food and related products,* from Spokane, WA to points in Clark County, WA and points in Multnomah, Clackamas, Yamhill, Marion, Washington and Polk Counties, OR, for 270 days. Supporting shipper: Centennial Mills, a division of ADM Milling Co., 1464 NW. Front Ave., Portland, OR 97209.

MC 154662 (Sub-6–1TA), filed March 12, 1981. Applicant: LARRY BURKE and GEORGE BROWN, a partnership d.b.a. BURKE AND BROWN TRANSPORTATION, 129 Brighton Way, Bakersfield, CA 93306. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Commodities used in the establishment, maintenance or dismantling of oil, gas, steam or water wells* from Bakersfield, CA to Grand Junction, CO, Casper and Gillette, WY, Abilene, TX and Dallas County, TX, for 270 days. Supporting shipper: Wellhead, Inc., 3912 Gilmore Ave., Bakersfield, CA 93306.

MC 136228 (Sub-6–2TA), filed March 12, 1981. Applicant: LUISI TRUCK LINES, INC., P.O. Box "H", Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. *Wine and malt beverages* from points in CA to Walla Walla, WA, for 270 days. Supporting shipper: Hewitt Distributing Co., Inc.,

2091 Lark Drive, Walla Walla, WA 99362.

MC 139906 (Sub-6-64TA), filed March 16, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are manufactured, used, or dealt in by producers of recreational, leisure and sports equipment* (except in bulk) from the facilities of Ebonite Billiards Division of Fuga Industries, Inc. at or near Miami Lakes, FL to points in the U.S. for 270 days. Supporting shipper: Ebonite Billiards Div. of Fuga Ind. Inc., 14000 N.W. 57th Court, Miami Lakes, FL 33014.

MC 730 (Sub-6-16TA), filed March 13, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same as applicant). *Chemicals*, in bulk, from Bisbee, AZ to points in Orange County, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Delst Chemical and Research Company, 540 E. Jamie Ave., LaHabra, CA 90631.

MC 154700 (Sub-6-1TA), filed March 13, 1981. Applicant: ALVIN L. COURTNEY, d.b.a. COURTNEY TRUCKING, 4325 S.E. 3rd, Renton, WA 98055. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier*, irregular routes: *Foodstuffs, including refrigerated* between WA, OR and CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Richardson & Holland, div. of Mallinkrodt, P.O. B. C-19101, Seattle, WA 98102 and Presto Food Products, 620 S. Brandon Street, Seattle, WA 98108.

MC 154701 (Sub-6-1TA), filed March 13, 1981. Applicant: CARL SOWELL, d.b.a. SOWELL TRUCKING, 1365 Paramount Ave., Pocatello, ID 83201. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Contract Carrier*, irregular routes: *Chemicals and fertilizers*, in bulk, between points in ID, NV, OR, UT and WY under continuing contract(s) with J. R. Simplot Company, for 270 days an underlying ETA seeks 120 days authority. Supporting shipper: J. R. Simplot Company, P.O. Box 27, Boise, ID 83707.

MC 154703 (Sub-6-1TA), filed March 13, 1981. Applicant: TOP MATERIALS DISTRIBUTING, INC., 7708 N.E. 99th St., Vancouver, WA 98662. Representative: Derold Hefely (same address as applicant). (1) *Wallboard, Roofing and Decorative Stone products, and Materials and Supplies used in their manufacture and distribution* from Contra Costa, Los Angeles, and Orange Counties, CA and King County, WA to points in OR and WA on and West of USH 97, (2) *Lumber and Wood Products and Materials and Supplies used in their manufacture* from points in OR and WA on and West of USH 97 to points in CA, for 270 days. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the Regional office listed.

MC 150906 (Sub-6-1TA), filed March 13, 1981. Applicant: FRANK GONZALEZ, d.b.a., RELIABLE DRIVEAWAY, 125 Given Pl., Montebello, CA 90640. Representative: C. N. Urevich, 727 W. 7th St., #1000, Los Angeles, CA 90017. *New trucks, tractors, chassis* and *semi-trailers, excluding mobile homes*, in driveaway service between Los Angeles County, CA on the one hand, and, on the other hand, Clark County, NV; Yuma County, AZ; Maricopa County, AZ; Crockett County, TX; Salt Lake County, UT; Lehigh County, PA; and Multonomah County, OR; and *used trucks, tractors, chassis and semi-trailers, excluding mobile homes*, in driveaway service between Los Angeles County, CA; on the one hand, and, on the other hand, Maricopa County, AZ; Denver County, CO; Jackson County, OR; Lane County, OR; New York County, NY; Fulton County, GA; and King County, WA; for 270 days. Supporting shipper: Rollins Leasing Corporation, 1465 Greenwood Ave., Montebello, CA 90640.

MC 154467 (Sub-6-1TA), filed March 13, 1981. Applicant: KENNETH KONTRATH & DAVID L. ENNIS, a partnership d.b.a., KONTRATH TRANSPORTATION, 6216 Glider Dr., San Jose, CA 95123. Representative: Kenneth Kontrath (same address as applicant). *Contract carrier:* Irregular Routes. *Canned Apple Products* from Sebastopol, CA to Phoenix and Tucson, AZ for 270 days. An underlying ETA seeks 120 days authority. Supportive shipper: Sebastopol Cooperative Cannery, 6782 Sebastopol Av. Sebastopol, CA 95427.

MC 154544 (Sub-6-1TA), filed March 12, 1981. Applicant: JOHN MOSIER, d.b.a. JOHN MOSIER TRUCKING, 2230 Patrician Way, Colorado Springs, CO 80909. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Contract;* irregular: (1) *Agricultural sprinkler irrigation systems* and *agricultural wind turbine systems, parts*, and *supplies*, and (2) *material, equipment and supplies* used in the manufacture, distribution, and installation of the commodities in (1), between points in the U.S. under continuing contract(s) with Tumac Industries, Inc., for 270 days. An ETA for 120 days has been applied for. Supporting shippers: Tumac Industries, Inc., 650 Ford, Colorado Springs, CO 80915.

MC 154743 (Sub-6-1TA), filed March 16, 1981. Applicant: AAA TRANSPORT, INC., 152 Heyburn West, Twin Falls, ID 83301. Representative: Louis Garbrecht, P.O.B. 1794, Twin Falls, ID 83301. *Contract Carrier*, Irregular routes: *Beer, wine and related advertising matter in mixed loads with beer and wine*, from points in CA to facilities used and utilized by Southern Idaho Distributing in Twin Falls, Fairfield and Sun Valley, ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Southern Idaho Distributing, P.O.B. 423, Twin Falls, ID 83301.

MC 134387 (Sub-6-11TA), filed March 16, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4900 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., No. 1800, Los Angeles, CA 90017. *Vermiculite, wall plaster* and *plant, bed,* and *potting media* between points in CA, OR, WA, ID, and AZ, for 270 days. Supporting shipper: W. R. Grace & Co., 2303 N. Harding, Portland, OR 97227.

MC 152238 (Sub-6-6TA), filed March 16, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Contract carrier;* irregular routes: *K.D. steel buildings and component parts thereof*, from Los Angeles County, CA, to points in AZ, CA, OR, WA, NV, UT, ID, CO, NM, TX, LA, NE, & WY, restricted to shipments moving under continuing contract(s) with Soule Steel Co., Buildings Div., Los Angeles, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Soule Steel Co., Buildings Div., 6200 Wilmington Ave, Los Angeles, CA 90002.

MC 135000 (Sub-6-9TA), filed March 16, 1981. Applicant: COAST EXPRESS, INC., 14200 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Esq., Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Contract carrier*, irregular routes: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Denver, Fort Morgan and Sterling, CO to points in the U.S. under contract with Sterling Colorado Beef Co. and

Circle C Beef Co., for 270 days. Supporting shippers: Sterling Colorado Beef Co., P.O.B. 1728, Sterling, CO 80751; Circle C Beef Co P.O.B. 5905 TA, Denver, CO 80217.

MC 135989 (Sub-6-10TA), filed March, 16 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 S. Steele St., Denver, CO 80209. *Contract carrier,* irregular routes: *Malt beverages* from St. Paul, MN; Peoria, IL; Milwaukee, WI; Memphis, TN; Portland, OR; and Irvine, CA to Denver, CO under contract with Murray Bros. Distributing Co. for 270 days. Supporting shipper: Murray Bros. Distributing Co., 1505 West 3rd Ave, Denver, CO 80223.

MC 145054 (Sub-6-9TA), filed March, 16 1981. Applicant: COORS TRANSPORTATION CO., 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *General commodities,* (except Classes A and B explosives and household goods as defined by the Commission) between points in the states of CA, CO, IL, and TX for 270 days. Supporting shipper: Eastman Kodak Co., 2400 Mt. Read Blvd. Rochester, NY 14650.

MC 144345 (Sub-6-1TA), filed March, 16 1981. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Frozen foodstuffs,* from points in Power County, ID, Umatilla County, OR, Benton, Franklin, Grant and Walla Walla Counties, WA to points in AZ, CA, ID, NV, OR, UT and WA, for 270 days. Supporting shipper: Lamb-Weston, Inc., P.O. Box 23517, Portland, OR 97223.

MC 152330 (Sub-6-2TA), filed March 16, 1981. Applicant: GLACIER CARRIERS, P.O.B. 1436, Kalispell, MT 59901. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, CO 80202. *Contract carrier,* irregular routes: *Such commodities as are dealt in or used by manufacturers and distributors of agricultural equipment and machinery,* between points of entry on the International Boundary between the U.S. and Canada located in MT and ND on the one hand, and, on the other, points in IN, IL, IA, CO, MN, MI, MO, OH, NE, OK, KS, ND, SD, MT, ID, WI, WY and UT under continuing contract(s) with Wheat-Belt Industries, for 270 days. Supporting shipper: Wheat-Belt Industries, 6423-30th St., SE, Calgary, Alberta, Canada T2C 1R4.

MC 125996 (Sub 6-4TA), filed March 16, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26006, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424. *Meat and meat products, meat by-products, and related products distributed by meat packinghouses,* from Albert Lea, MN, Cedar Rapids, Cherokee, and Des Moines, IA, Marshall, MO, Monmouth, IL and Omaha, NE to points in AZ and CA, for 270 days. Supporting shipper: Wilson Foods Corp., 4545 Lincoln Blvd., Oklahoma City, OK, 73105.

MC 154725 (Sub-6-1TA), filed March 16, 1981. Applicant: THOMAS V. HASTINGS d.b.a. H & H ENTERPRISES, 306 Villa Vista, Sterling, CO 80751. Representative: (same as applicant). *Machinery, materials, equipment, supplies and facilities used in or incidental to or in connection with natural gas and petroleum; (a) discovery, development, production and preservation, (b) pipe line construction, operation, repairing, servicing, dismantling and maintenance, (c) storage facility construction, operation, repairing, servicing, dismantling and maintenance, and (d) refining, recycling, processing, repressuring and blending facility construction, operation, repairing, servicing, dismantling, and maintenance,* in all points in the states of: CO, NE, WY, ND, SD, MT, KS, UT, NM, AZ, OK, TX, for 270 days. Supporting shippers: Bethlehem Steel Corp. 215 So. 3rd Ave., Sterling, CO 80751; Allen & Schramm Inc. 1114 Delmar, Sterling, CO 80751

MC 154727 (Sub-6-1TA), filed March 16, 1981. Applicant: HUISH DISTRIBUTING CO., d.b.a. HUCCO TRUCKING, 3540 W. 1967 S., Salt Lake City, UT 84125. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Contract carrier,* irregular routes, *chemicals and related products,* between CA, on the one hand, and, on the other, Salt Lake County, UT, under a continuing contract(s) with Huish Chemical Co. for 270 days. Supporting shipper: Huish Chemical Co., 3540 W. 1967 S., Salt Lake City, UT 84125.

MC 154724 (Sub-6-1TA), filed March 16, 1981. Applicant: LARSEN TRANSPORT, INC., 860 W. 2600 S., Salt Lake City, UT 84119. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Contract carrier,* irregular routes: (1) *Clay, concrete, glass or stone products,* (2) *primary and fabricated metal products,* (3) *chemicals or allied products* (4) *petroleum or coal products* (5) *metallic and nonmetallic minerals* (6) *machinery and supplies and* (7) *waste or scrap materials,* between points in the U.S., for 270 days. Supporting shipper: Larsen Foundry Supply Corporation, 860 W. 2600 S., Salt Lake City, UT, 84119.

MC 147066 (Sub-6-1TA), filed March 16, 1981. Applicant: LUCKY THIRTEEN TRANSPORTATION CO., INC., 15200 Hesperian Blvd., San Leandro, CA 94578. Representative: Willian D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Contract carrier;* irregular routes; *Paper and paper products, materials and supplies,* between points in the U.S. under a continuing contract or contracts with H. S. Crocker Co., Inc. of San Bruno, CA for 270 days. Supporting shipper: H. S. Crocker & Co., 1000 San Mateo Ave., San Bruno, CA 94066.

MC 149036 (Sub-6-3TA), filed March 16, 1981. Applicant: MAHAFFEY'S WAREHOUSE, INC., P.O. Box 317, Yellow Jacket, CO 81335. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *Beer, and equipment, materials, and supplies used in the transportation, sale, and distribution of beer,* between Irvine and Van Nuys, CA, and Los Angeles, CA and points in its commercial zone, on the one hand, and, on the other, Grand Junction, CO and points in its commercial zone for 270 days. Supporting shipper: Hub Distributing Co., Inc., 131 No. Spruce, Grand Junction, CO 81501.

MC 147020 (Sub-6-2TA), filed March 16, 1981. Applicant: NORTHWESTERN TRADING CO., INC., Rt. No. 4, Box 116B, Milton-Freewater, OR 97862. Representative: M. C. Risser, Suite 501, 1410 S.W. Morrison St., Portland, OR 97205. *Wine and malt liquors, in packages,* from Los Angeles, Fresno, Stanislaus, Santa Clara and Napa counties, CA., to Walla Walla, Franklin and Whitman counties, WA and Umatilla county, OR for 270 days. Supporting shipper(s): Desert Sun Distributing, 110 W. Columbia, Pasco, WA 99301; Glafke Distributing Co., Inc., 826 N. 10th Ave., Walla Walla, WA 99362; Graybeal Distributing Co., 514 S. Main St., Pendleton, OR 97801.

MC 150037 (Sub-6-3TA), filed March 16, 1981. Applicant: R & R DISTRIBUTING, INC., 827 N. Main St., Las Vegas, NV 89101. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Plastic articles and materials and equipment* utilized in the production of plastic articles, between the facilities of L.A. Plastics Co., Inc., in Los Angeles, CA, on the one hand, and, on the other, points in AZ, CO, NV, NM, NJ, OR, TX, UT and WA for 270 days. Supporting shipper: L.A. Plastics Co., Inc., 3024 Rosslyn St., Los Angeles, CA 90065.

MC 153013 (Sub-6–2TA), filed March 16, 1981. Applicant: RONNEY L. ROGERS, d.b.a. R. L. ROGERS TRUCKING, Rt. 1, B. 1724, Clatskanie, OR 97016. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Bannanas,* from Port Hueneme and Long Beach, CA to Seattle, WA for 270 days. Supporting shipper: Cody Produce Supply, 4525 S Orchard, Tacoma, WA 98466.

MC 9251 (Sub-6–1TA), filed March 16, 1981. Applicant: S & M TRUCK LINE, INC., 210 S. Garfield St., Mt. Angel, OR 97362. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW. Main St., Portland, OR 97204. *Canned foods,* in steamship cargo containers, from Salem, Stayton, Brooks and Dayton, OR to Seattle and Longview, WA, restricted to shipments having an immediately prior or subsequent movement by water, for 270 days. Supporting shipper: Stayton Canning Co., Coop., 930 W. Washington, St., Stayton, OR 97383. An underlying ETA seeks 120 days authority.

MC 126514 (Sub-6–26TA), filed March 16, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 W Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S La Salle St., Chicago, IL 60603. *General commodities,* between points in the US (except AK and HI). Restriction: Restricted to shipments moving on bills of lading of National Carrier Service, for 270 days. Supporting shipper: National Carrier Service, 200 Santa Cruz, Anaheim, CA 92805.

MC 154715 (Sub-6–1TA), filed March 13, 1981. Applicant: J. S. STRINDEN TRUCKING CO., 1374 W 27th St., San Pedro, CA 90731. Representative: James C. Strinden (same as applicant). *Contract Carrier,* Irregular routes: (1) *Potting soil, Othro Chemical Products, and Trophy's* from Sacramento and Los Angeles Counties, CA to points in the forty-eight states for 270 days. Supporting shipper: The Leisure Group, Inc., 1035 Watsoncenter Road, Carson, CA 90745.

MC 108461 (Sub-6–3TA), filed March 16, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, 3737 W. Buckeye Rd., Phoenix, AZ 85009. Representative: William S. Richards, P.O. B. 2465, Salt Lake City, UT 84110. *Contract Carrier,* Irregular routes: *Food and paper products,* between points in OR, WA, and CA on the one hand and Phoenix, AZ on the other, for the account of S.E. Rykoff Co. for 270 days. Supporting shipper: S. E. Rykoff Co., 3235 E. Jackson, Phoenix, AZ 85034.

MC 154726 (Sub-6–1TA), filed March 16, 1981. Applicant: WALTER M. KOFOD, d.b.a. THOR KOFOD TRUCKING, P.O. B. 757, Rio Vista, CA 94571. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. *Barite,* from points in NV.on and north of U.S. Hwy 6, to points in CA, under continuing contracts with John N. DeWitt and Baroid Corp., a Division of National Lead Corp. for 270 days. Supporting shipper: John N. DeWitt, 399 Airport Rd., Rio Vista, CA 94571; Baroid Corp., a division of National Lead Corp., P.O. Box 206, Bakersfield, CA 93307.

MC 154726 (Sub-6–2TA), filed March 16, 1981. Applicant: WALTER M. KOFOD, d.b.a. THOR KOFOD TRUCKING, P.O. B. 757, Rio Vista, CA 94571. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. *Contract Carrier;* Irregular routes: *Petroleum and petroleum products, in containers,* from points in Contra Costa, Solano, Sacramento and Alameda Counties, CA, to points in Carson City County, NV, under continuing contracts with Carson Valley Oil Co. for 270 days. Supporting shipper: Carson Valley Oil Co., 300 East Eigth St., Carson City, NV.

MC 123329 (Sub-6–11TA), filed March 13, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. B. 3500, Calgary, Alberta, T2P 2P9. Representative: D. S. Vincent (same as applicant). *Bagged Copper Sulphate* from ports of entry on the US/CN boundary line located at East Port ID. to Seattle and Spokane, WA. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Great Western Chemical, 808 S.W. 15th, Portland, OR 97205.

Agatha L. Mergenovich,
Secretary.

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[Volume No. 45]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 20, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 3581 (Sub-30)X, filed February 17, 1981, previously noticed in the **Federal Register** of March 2, 1981, republished as corrected this issue. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, NE., Suite 107, Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 11 and 21 certificates to (1) broaden the commodity descriptions from automobiles, trucks, chassis and tractors (except crawler type), in secondary movements, and tractor attachments, tractor parts, and tractor accessories, in mixed loads with tractors, in both certificates to "transportation equipment and machinery"; (2) remove the "originating at" restriction in Sub-No. 11; (3) remove the named facilities limitation in Sub-No. 21; and (4) expand its one-way authority to radial authority between Nashville, TN, and, points in KY, VA, and WV in Sub-No. 11, and between Norfolk, VA, and, points in AL, DE, FL, GA, KY, MD, MI, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV and DC, in Sub-No. 21. The purpose of this republication is to add "machinery" to the commodity description in part (1).

MC 18459 (Sub-15)X, filed March 16, 1981. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminster St., St. Paul, MN 55101. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 4 and 8 certificates to (1) broaden the commodity description in each to "metal products" from iron and steel articles, and also remove the restriction against

the transportation of commodities in bulk in Sub-No. 4, and (2) broaden the territorial descriptions by removing restrictions limiting service to transportation of traffic originating at or destined to the named origins and destinations, replace the specified plantsites and cities with county-wide authority, and change from one-way authority to radial authority: Sub-No. 4, between Putnam County, IL (plantsite in Putnam County, IL), and points in MN and WI; and Sub-No. 8, between Lake and Porter Counties, IN (East Chicago, Hammond, Gary, and Portage, IN), and Kankakee, Will and Cook Counties, IL (Indian Oaks, Joliet, Skokie, Evanston, Franklin Park, and Des Plaines, IL), and Chicago, IL (plantsites near Chicago, IL), and points in Douglas, Sarpy, and Dakota Counties, NE (Omaha and South Sioux City, NE), and points in IA and MN.

MC 25869 (Sub-181)X, filed March 11, 1981. Applicant: C.O.D.E., INC., 4600 Colorado Boulevard, Denver, CO 80216. Representative: Carol S. Raznick, 5241 S. Quebec Street, Englewood, CO 80111. Applicant seeks to remove restrictions in its sub-nos. 25, 33, 35, 41, 70, 148F certificates to (1) broaden its commodity descriptions to "such commodities as are dealt in or used by manufacturers or distributors of iron and steel articles" from scrap metal in Sub-No. 25; iron and steel articles in Sub-No. 33; pipe conduit and tubing (except Mercer and size and weight commodities) in Sub No. 35; iron and steel articles (except articles which because of size, shape or weight require special equipment or special handling) in Sub No. 41; iron and steel articles and materials, equipment and supplies used in the manufacture and processing of iron and steel articles in Sub No. 70; and iron and steel articles in Sub No. 148(f). (2) Remove the plantsite restrictions in Sub-Nos. 33, 41, 70, 148F; (3) broaden from city to county-wide authority: (a) Porter County, IN from Burns Harbor, IN in Sub-No. 33; (b) Whiteside County, IL from Sterling and Rock Falls, IL in Sub-No. 148F; (c) Madison County, NE from Norfolk, NE in sub-No. 25; (d) Livingston County, IL from Fairbury, IL in Sub-No. 35; (4) remove the in bulk restriction in Sub-No. 70; and (5) broaden the one-way authority to radial authority in all the above sub-nos. between the above counties and named mid-western states.

MC 29821 (Sub-9)X, filed March 11, 1981. Applicant: NEWBERG AUTO FREIGHT, INC., 408 W. First Street, Newberg, OR 97132. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions from its lead and Sub-Nos. 3, 5 and 7 certificates to: In the lead, (1) remove the usual exceptions other than Classes A and B explosives from its general commodities authority, (2) authorize service at all intermediate points between Portland and Newberg, OR and between St. Paul and Portland, OR; in Sub-No. 3, (1) broaden Springbrook to Yamhill County, OR, and Vancouver to Clark County, WA, (2) broaden the commodity description from canned goods to "food and related products", and cans to "metal products", and (3) expand its one-way authority to radial authority between Yamhill County, OR, and Clark County, WA; in Sub-No. 5, (1) broaden the commodity description from paper mill machinery parts to "machinery", (2) replace facilities limitation at Newberg with Yamhill County, OR; in Sub-No. 7, (1) broaden the commodity description from fresh meat to "food and related products", (2) replace facilities limitation at St. Paul with Marion County, OR, and (3) expand its one-way authority to radial authority between Marion County, OR, and, Seattle, WA.

MC 32882 (Sub-158)X, filed March 11, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-No. 150F certificate, to broaden the commodity description in the authority from (1) (a) pumps, and (b) mining equipment and mining machinery, (2) equipment, materials and supplies used in the manufacture of commodities in (1) above to "machinery"; to eliminate the "commodities in bulk" restriction; to eliminate restriction except AK and HI; and to eliminate the facility restriction at Salt Lake County, UT, to authorize operations radially between Salt Lake County and points in the U.S.

MC 66100 (Sub-46)X, filed March 9, 1981. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-Nos. 20F, 21F, 23F, 24F, 29F, 30F, 35F, 36F, 37F, 39F, and 40F certificates, to (A) change the commodity description from (1) containers, roll off frames, waste equipment, and waste handling units, and parts and supplies for those commodities, and equipment and materials used in the manufacture and distribution of those commodities (except commodities in bulk) to "machinery" and "metal products" in Sub-No. 20F; (2) bentonite clay and lignite coal (except commodities in bulk) to "ores and minerals" and "clay, concrete, glass or stone products" in Sub-No. 21F; (3) lignite coal (except commodities in bulk) to "coal and coal products" in Sub-No. 21F; (4) building materials (except commodities in bulk) and materials and supplies used in the manufacture and distribution of building materials (except commodities in bulk), to "building materials" in Sub-No. 23F; (5) lumber, lumber products, wood products, and millwork, to "lumber and wood products" in Sub-No. 24F; (6) iron and steel articles and pipe, and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles and pipe, in Sub-No. 29F, from fire prevention and sprinkler systems, and parts, equipment, materials, and supplies used in the installation of fire prevention and sprinkler systems in Sub-No. 35F, and from prefabricated buildings and building parts, and materials and supplies used in the manufacture of those items, in Sub-No. 40F, to "metal products"; (7) plastic pipe, vinyl plastic siding, and extruded plastic products, fittings and accessories, to "construction materials, equipment and supplies" in Sub-No. 30F; (8) tractors (except truck tractors), attachments, parts, and equipment designed for use with tractors, and materials, equipment and supplies (except commodities in bulk) used in the assembly and distribution of those items to "machinery", "transportation equipment", and "metal products" in Sub-No. 36F; (9) plastic pipe, plastic conduit, extruded plastic products, and fittings and accessories for such commodities to "rubber and plastic products" in Sub-No. 37F; and (10) plywood paneling, composition board, and building and construction materials, to "lumber and wood products" and "construction materials, equipment and supplies" in Sub-No. 39F; (B) remove the facilities limitations and expand specific points to city or county-wide authority as follows: In Sub-No. 20F from a facility in Bartlesville, OK to Washington County, OK; in Sub-No. 21F from a facility in Phillips County, MT, Big Horn and Crook Counties, WY; and Bowman County, ND to all points in those counties; in Sub-No. 23F from a facility at or near Marrero, LA, to Jefferson Parish, LA; in Sub-No. 29F from Conroe, TX, to Montgomery County, TX; in Sub-No. 30F from a facility at or near Pasadena, TX, to Montgomery County, TX; in Sub-No. 36F from a facility in Harrison County, MS, to all points in that county; in Sub-No. 37F from a facility at Garden City, KS, to Finney County, KS; in Sub-No. 39F from a facility at New Orleans, LA, to New Orleans, LA; and in Sub-No. 40F from

facilities at or near Chetopa, KS, and Waukesha, WI, to Labette County, KS, and Waukesha County, WI, respectively; (C) to expand its one-way authority to radial authority between the cities or counties named in (B) above, and, points in the US, in Sub-Nos. 20F, 21F, 23F, 24F, 29F, 30F, 37F, 39F, and 40F; and (D) remove the limitations against service to AK and HI on nation-wide grants of authority in its Sub-Nos. 23F, 29F and 37F.

MC 76036 (Sub-7)X, filed March 11, 1981. Applicant: CANADIAN FREIGHTWAYS EASTERN, LIMITED, 5425 Dixie Road, Mississauga, Ontario, Canada L4W 1E6. Representative: Peter C. Baird (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 6 certificate to: (1) remove all commodity exceptions in its general commodities authority except "Classes A and B explosives," in the regular and irregular route portions of its authority; (2) remove interlining restrictions and delete originating at and/or destined to named points restrictions in its irregular route authority, and; (3) authorize service to all intermediate points along a described regular route between international boundary points at Port Huron, MI and Detroit, MI.

MC 84213 (Sub-44)X, filed March 11, 1981. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue Extension (Colonie), Albany, New York 12205. Representative: Irving Klein, 371 Seventh Avenue, New York, New York 10001. Applicant seeks to remove restrictions in its Sub-No. 38F certificate to authorize service to all intermediate points between Philadelphia, PA, and Syracuse, NY; and between Trenton, NJ, and Binghamton, NY.

MC 99096 (Sub-4)X, filed March 13, 1981. Applicant: FILLMORE FREIGHT LINES, INC., 14502 Liverpool Rd., P.O. Box 2048, East Liverpool, OH 43920. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) remove all exceptions from its general commodities authority except Classes A and B explosives; (2) replace facilities (a) in Hancock County, with Hancock County, WV; (b) at or near Toronto, OH with Jefferson County, OH; and (c) in Beaver County with Beaver County, PA; (3) expand East Liverpool to Columbiana County, OH; (4) remove the "ex-water" restriction; (5) remove the "commodities in bulk, in dump vehicles" restriction; and (6) eliminate the "originating at or destined to" restriction.

MC 107445 (Sub-40)X, filed March 9, 1981. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16F, 17F, 18F, 19F, 21F, 22F, 25F, 26F, 27F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, and 37F to (1) broaden the commodity descriptions from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in the lead; (b) iron and steel articles, and contractor's machinery, equipment, supplies and materials, environmental chambers and materials, equipment, and supplies used in the operation, maintenance and repair of environmental chambers, elevator and escalator parts, conveyors machinery, material handling equipment and pollution control devices to "metal products and machinery" in Sub-Nos. 3, 22, 28F, and 32F; (c) plastic pipe, plastic couplings, plastic fittings, plastic flanges, and adhesive cement to "rubber and plastic products" in Sub-No. 4; iron and steel articles, coated iron, fabricated steel, water tanks, aluminum articles, wire, cable and rods, and empty steel reels to "metal products" in Sub-Nos. 7, 8, 12, 16F, 18F, 21F, and 29F; material handling lifts, insulating machinery, cutting, creasing and material handling equipment, parts for machinery to "machinery" in Sub-Nos. 19F, 25F, 30F, 34F, and 36F; heat exchanges and equalizers for air, gas or liquid, machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquid and parts, materials, equipment, and supplies used in the manufacture, distribution, installation, or operations to "electrical equipment, metal products and machinery" in Sub-No. 9; electrical and mechanical precipitators and parts thereof to "machinery, and those commodities, which because of size or weight require the use of special handling or equipment" in Sub-No. 10; roofing, siding, and material, equipment, and supplies used in the manufacture, distribution, and installation of roofing and siding to "building materials" in Sub-No. 11; machinery, iron and steel articles, prefabricated metal articles, nuclear fuel storage rocks and nuclear reactor handling equipment to "machinery, metal products, and nuclear reactor handling equipment" in Sub-No. 14; iron, steel, zinc, lead, and articles or products thereof, springs, and construction materials, supplies and equipment to "metal products, machinery, and building materials" in Sub-No. 15; electrical capacitors and equipment, circuit breakers and parts to "electrical equipment and machinery" in Sub-No. 26F; machinery, dynamometers, custom test equipment, and parts thereof to "machinery and electrical equipment" in Sub-No. 27F; compressors, mining machinery, and contractor's equipment and parts to "machinery, building materials, and metal products" in Sub-No. 31F; mobile cranes, fork lifts, tow trucks and parts and in driveaway service to "machinery, and transportation equipment" in Sub-No. 33F; photocuring reproduction systems, machinery and parts for machinery "instruments and photographic goods and machinery" in Sub-No. 35F; and conveyors and elevators, materials, equipment, and supplies and accessories used in the manufacture, distribution and installation to "machinery and building materials" in Sub-No. 37F; (2) remove the "except commodities in bulk" restriction in Sub-Nos. 3, 9, 11, 14, 15, 16F, 19F, and 25F; (3) eliminate the facilities limitations in Sub-Nos. 3, 4, 7, 8, 10, 12, 14, 15, 16F, 17F, 18F, 19F, 25F, 26F, 27F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, and 37F; (4) change city-wide to county-wide authority from Indiana Oaks to Kankakee County, IL in Sub-No. 3; Union Township to Licking County, OH in Sub-No. 4; Lackawanna to Erie County, NY in Sub-No. 7; Kingsbury to LaPorte County, IN in Sub-No. 8; Warren to Trumbull County, OH in Sub-Nos. 10 and 12; Elkhart to Elkhart County, IN in Sub-Nos. 11 and 15; Blue Island to Cook County, IL, Joliet to Will County, IL, Cicero to Hamilton County, IN, Ft. Wayne to Allen County, IN, Kokomo to Howard County, IN and Centerville to Appanoose County, IA in Sub-No. 15; Shelbyville to Shelby County, IN in Sub-No. 17F; Rock Falls and Sterling to Whiteside County, IL in Sub-No. 18F; Murfreesboro to Rutherford County, TN in Sub-No. 19F; Greensbury to Decatur County, IN in Sub-No. 25F; Bloomington to Monroe County, IN in Sub-Nos. 26F and 32F; Mooreville to Morgan County, IN in Sub-No. 27F; Marion to Grant County, IN in Sub-No. 29F; Mitchell to Lawrence County, IN in Sub-No. 30F; Orange to Orange County, CA, Atlanta to Fulton County, GA, Mundelein to Lake County, IL, and Wayne to Passaic County, NJ in Sub-No. 31F; Tiffin to Seneca County, Oh in Sub-Nos. 22F and 33F; and Muncie to Delaware County, IN in Sub-Nos. 30F and 37F; Indianapolis to Marion County, IN in Sub-Nos. 14, 16F, 28F, 34F, 35F, and 36F; Grand Rapids to Kent County, MI, Lansing to Ingham County, MI, Columbus to Franklin County, OH, and Toledo to Lucas

County, OH in Sub-No. 15; (5) broaden the territorial descriptions from existing one-way authority to radial authority between numerous combinations of specific origins and US points throughout the US for example (a) Kankakee County, IL and points in IN, MI, OH, WI, KY, MO, and IA in Sub-No. 3; (b) Licking County, OH and points in NY, PA, WV, KY, IN, MI, IL, MO, IA, WI, MN, and NJ (with certain exceptions) in Sub-No. 4; (c) Erie County, NY and points in IL, IN, OH, MI, and WI in Sub-No. 7; (d) LaPorte County, IN and points in IN, IL, MI, OH, KY, MO and IA in Sub-No. 8; (e) Trumbull County, OH and points in the US in Sub-No. 10; (f) Elkhart County, IN and points in the US in Sub-No. 11; (g) Trumbull County, OH and points in IL, IA, KY, MO, TN and WI in Sub-No. 12; (h) Cook and Will Counties, IL, Hamilton, Elkhart, Allen, and Howard Counties, IN, Appanoose County, IA, Kent and Ingham Counties, MI, Jackson, MS, Franklin and Lucas Counties, OH and points in the US in Sub-No. 15; Marion County, IN and points in the US in Sub-No. 16F; Shelby County, IN and points in the US in Sub-No. 17F; Whiteside County, IL and points in IN, OH, MI, MO, KY, TN and WV in Sub-No. 18F; Rutherford County, TN and points in IN, OH, PA, KY, IL and WV in Sub-No. 19F; and various other combinations in Sub-Nos. 22F, 25F, 26F, 32F, 35F, and 37F; and (6) remove the restrictions (a) "originating at and destined to" in Sub-Nos. 3, 9, 10, 11, 12, 14, 15, 17F, 35F and 37F; (b) against service to "AL and HI" in Sub-Nos. 9 and 15; "HI" in Sub-Nos. 10, 16F, 22F, 25F, 26F, 27F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, and 37F; and "HI and IN" in Sub-Nos. 11, 14, and 17F.

MC 106341 (Sub-204)X, filed March 10, 1981. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, P.O. Box 26125, Charlotte, NC 28213. Applicant seeks to remove restrictions in its Sub-Nos. 78, 95F, and 139F certificates to (a) broaden the commodity description to "machinery, and attachments, accessories, and parts for machinery" from motor graders, and attachments, accessories, and parts for motor graders in part (1) of Sub-No. 78; (b) broaden the commodity description to "machinery and materials, equipment, and supplies used in the manufacturer and distribution of machinery" from experimental and show display motor grader and incidental paraphernalia in part (3) of Sub-No. 78; (c) broaden the commodity description to "machinery, transportation equipment, metal products, and commodities which because of size or weight require the use of special handling or equipment" from railway track construction and track maintenance machinery and equipment in part (A)(1) of Sub-No. 95F: (d) broaden the commodity description to "machinery, transportation equipment, metal products, commodities which because of size or weight require the use of special handling or equipment and materials, equipment and supplies used in the manufacture and distribution of the aforesaid commodities" from railway track construction and track maintenance machinery and equipment in part (B) of Sub-No. 95F; (e) broaden the commodity description to "metal products" from iron and steel articles in Sub-No. 139F; (f) remove the restriction "against the transportation of commodities in bulk" in Sub-No. 95F; and (g) expand its one-way authority to radial authority to radial authority between points in the US in and east of ND, SD, NE, CO, and MN, and Lexington County, SC, and ports of entry on the international bounday line between the US and CD located in NY, in part (2) of Sub No. 78; and, between points in Lexington and Richland Counties, SC, and those points in the US in and east of MN, IA, MO, AR, and LA, in Sub-No. 139F.

MC 111231 (Sub-349)X, filed March 9, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 15, 30 and 35 certificates to broaden the commodity description in each by removing all restrictions in its general commodities authority "except classes A and B explosives," and (2) broaden the territories by removing limitations on service to specified or no intermediate points to authorize service at all intermediate points on its regular routes between points in KS, OK and TX, and remove limitations on service at Ponca City, OK, Winfield, KS, and U.S. junction Hwy 75 and OK Hwy 138 for joinder purposes only in Sub-Nos. 30 and 35, and at Wichita with service restricted against the transportation of traffic moving to or from points in the Kansas City, KS/MO commercial zone in Sub-No. 30.

MC 111299 (Sub-13)X, filed March 13, 1981. Applicant: KIRVAN TRUCK LINES, INC., Box 829, International Falls, MN 56649. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Willson Road, Edina, MN 55424. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 8, and 12 certificates to (1) broaden the commodity description: in the lead and Sub-No. 1, to "food and related products" from malt beverages; Sub-No. 8 to "building materials" from wallboard, building board, insulation board, and supplies and accessories; and, Sub-No. 12 to "pulp, paper and related products" from paper and paper products, and materials, equipment and supplies (except commodities in bulk), and (2) broaden the territorial descriptions by replacing specified cities with county-wide authority, and changing from one-way service to radial service: lead certificate, between Milwaukee, WI, and points in Koochiching County, MN (International Falls, MN); Sub-No. 1, between Milwaukee, WI, and points in Saint Louis County, MN (Hibbing and Virginia, MN); Sub-No. 8, between Koochiching County, MN (International Falls, MN), and points in WI; Sub-No. 12, between Koochiching County, MN (International Falls, MN), and points in MN and WI.

MC 112963 (Sub-90)X, filed March 9, 1981. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 82F certificate to broaden its commodity description from commodities, in bulk, in tank vehicles (except nonpetrochemical petroleum products, tar, liquefied natural gas, liquefied petroleum gas, cement, limestone, limestone products, marble, and marble products, to "commodities in bulk".

MC 114284 (Sub-102)X, filed March 9, 1981. Applicant: FOX-SMYTHE TRANSPORTATION, CO., 1700 S. Portland P.O. Box 82307, Oklahoma City, OK 73148. Representative: M. W. Thompson (same as applicant). Applicant seeks to remove restrictions in its lead and Sub.-Nos. 13, 14, 18, 19, 20, 21, 23, 24, 26, 29, 30, 31, 33, 36, 37, 39, 40, 41, 42, 43, 44, 45, 51, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 72, 74, 76, 77F, 79F, 80F, 81F, 83F, 87F, 88F, 89F, 90F, 91F, 92F, 93F, 94F, 95F, and 97F certificates to (1) broaden the commodity description from (a) meats, dairy products, canned goods, pickles, peanuts, rice, canned fruits and vegetables, vinegar, grape juice, condensed milk, buttermilk, cream, sour cream, foodstuffs, chocolate and chocolate candies, to "food and related products" in lead and Sub.-Nos. 13, 14, 19, 20, 21, 23, 24, 26, 29, 30, 31, 33, 36, 37, 39, 40, 41, 42, 43, 44, 45, 51, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 72, 74, 76, 77, 79, 80, 81, 83, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 97, (b) petroleum products to "petroleum, natural gas and their

products" in Sub.-No. 18; (c) glassware, to "clay, concrete, glass, or stone products" in Sub-No. 33, (d) machinery, materials, supplies and equipment, incidental to, or used in the maintenance of facilities for the drilling of water wells to "machinery" in lead; (2) remove restrictions "to traffic originating at named origins and destined to named destinations", in Subs. 20, 21, 24, 26, 29, 30, 31, 36, 37, 39, 40, 41, 42, 44, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 74, 76, 79F, 80F, 81F, 83F, 87F, 88F, 89F, 90F, 92F, 94F and 95F; (3) remove "except in bulk, in tank vehicle restrictions" and commodity restrictions such as "except hides" in Sub.-Nos. 18, 20, 21, 23, 24, 29, 30, 31, 33, 36, 37, 39, 42, 43, 44, 51, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 72, 74, 76, 77, 79, 80, 81, 83, 87, 88, 89, 90, 91, 92, 93, 94, and 97; (4) broaden the territorial authority by substituting a city or county for origin or destination or specified plantsite or facility. MC-114284 El Paso, TX to El Paso County, TX, Las Vegas, NV to Clark County, NV, Crane, MO to Stone County, MO, Sherman, TX to Grayson County, TX, from Fayetteville, AR to Washington County, AR, from Corbin, TX, to Jones County, TX, from Abilene, TX, to Taylor County, TX, from Stevensville, TX, to Earth County, TX, from Coleman, TX, to Coleman County, TX, from Brownsville, TX, to Cameron County, TX, from Bentonville, AR, to Benton County, AR, from Bowie, TX, to Montague County, TX. Sub. 13 from Fremont, NE to Dodge County, NE. Sub. 19 from Fremont, NE to Dodge County, NE. Sub. 20 from Cherokee, IA to Cherokee County, IA. Sub. 21 from Garden City, KS to Finney County, KS. Sub. 23 from Little Rock, AR to Pulaski County, AR. Sub. 24 from Phelps City, MO to Atchison County, MO. Sub. 26 from Schuyler, NE to Colfax County, NE. Sub. 29 from Fremont, NE to Dodge County, NE. Sub. 30 from Guymon, OK to Texas County, OK. Sub. 31 from Wichita, KS to Sedgwick County, KS. Sub. 33 from Wichita, KS to Sedgwick County, KS and from Terral, OK to Jefferson County, OK, from Sand Springs, OK to Tulsa County, OK, from Shreveport, LA to Caddo County, LA, from Little Rock, AR to Pulaski County, AR, from Ottawa, KS to Franklin County, KS, and from Enid, OK to Garfield County, OK. Sub. 36 from Friona, TX to Parmer County, TX. Sub. 37 from Wichita, KS to Sedgwick County, KS. Sub. 39 from Liberal, KS to Seward County, KS. Sub. 40 from Hereford, TX to Deaf Smith County, TX. Sub. 41 from Fremont, NE to Dodge County, NE. Sub. 42 from Fremont, NE to Dodge City, NE. Sub. 43 from Plainview, TX to Hale County, TX. Sub. 54 from Marshall, MO to Saline County, MO. Sub. 55 from Carroll, Kenison and Iowa Falls, IA to Carroll, Crawford and Hardin Counties, IA. Sub. 58 from Amarillo, TX to Potter County, TX. Sub. 59 from Cherokee, IA to Cherokee County, IA. Sub. 62 from Amarillo, TX to Potter County, TX. Sub. 63 from Cactus, TX to Moore County, TX. Sub. 65 from Wichita, KS to Sedgwick County, KS. Sub. 66 from Crete, NE to Saline County, NE. Sub. 67 from Sherman, TX to Grayson County, TX. Sub. 74 from Friona, TX to Parmer County, TX, and from Plainview, TX to Hale County, TX. Sub. 76 from Fremont, NE to Dodge County, NE. Sub. 77F from Sioux Falls, SD to Minnehaha County, SD. Sub. 79F from Dodge City, KS to Ford County, KS. Sub. 87F from East St. Louis, IL to Saint Clair County, IL. Sub. 88F from Cedar Rapids, IA to Linn County, IA. Sub. 89F from Cedar Rapids, Cherokee, and Des Moines, IA to Linn, Cherokee and Polk Counties, IA, and from Albert Lea, MN to Freeborn County, MN. Sub. 90F from Marshall, MO to Saline County, MO. Sub. 91F from Menomonie, Cameron, Vesper, Wisconsin Rapids and Eau Claire, WI to Dunn, Barron, Wood and Eau Claire Counties, WI. Sub. 94F from Tolleson, AZ to Maricopa County, AZ. Sub. 95F from Austin, MN, Fremont, NE, and Ottumwa and Fort Dodge, IA, to Mower County, MN, Dodge County, NE, Wapello and Webster Counties, IA, and (5) broaden the one-way authority to radial authority in certificates MC-114284 and Subs. 13, 18, 19, 20, 21, 23, 24, 26, 29, 30, 31, 33, 36, 37, 39, 40, 41, 42, 43, 44, 45, 51, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 72, 74, 76, 77F, 79F, 80F, 81F, 83F, 87F, 88F, 89F, 90F, 91F, 92F, 93F, 94F, and 97F, between the counties named above and named points throughout the U.S.

MC 115917 (Sub-40)X, filed March 5, 1981. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 24, 25, 26, 28, 29, 30, 32, 34F, and 36F certificates to (1) broaden its commodity descriptions (a) in Sub-Nos. 3, 5, 6, 10, 17, 20, 24, 25, and 32, from mica dry and wet, ground mica, iron ore, in bulk and in bags, clay, clay by-products, and clay waste materials, feldspar, in bags, olivine, in bags, bulk, and in dump vehicles and silica sand, to "chemicals and related products, ores, and minerals, and clay, concrete, glass or stone products," (b) in Sub-No. 4, from fish meal, in bulk, and in bags, soybean millfeed and soybean meal, pulverized oats and barley, cookie meal, wheat and corn flakes, corn and wheat kibbles, and corn granules, alfalfa meal, meat scrap, bone meal, corn gluten iced and corn gluten meal, and linseed meal, to "food and related products, and farm products," (c) in Sub-No. 11, from new furniture, rubber tires and tubes, rims and wheels therefor, and materials used in advertising and sales promotion, to "furniture and fixtures, rubber and plastic products, and transportation equipment," (d) in Sub-Nos. 9, 12, 13, 14, 16, 18, 19, 26, 28, 29, 30, 34F, and 36F, from salt and salt products, ground pepper, in packages, in mixed shipments with salt and salt products, salt mixtures, animal and poultry mineral feed mixtures, mixed in shipments with salt products, and materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt and salt products, to "food and related products, chemicals and related products, and such commodities as are used in the agricultural water treatment, food processing, wholesale grocery and institutional supply industries"; (2) replace its cities and/or plantsite facilities with county-wide authority (a) in the lead certificate Joliet, IL, with Will County, IL, and Lockland, OH, with Hamilton County, IL, (b) in Sub-No. 4, Wildwood and Kearny, NJ, with Cape May and Hudson Counties, NJ, Reedville, White Stone, and Norfolk, VA, with Northcumberland, Lancaster, and Norfolk Counties, VA, Moss Point, MS, with Jackson County, MS, Portland, ME, with Cumberland County, ME, Decatur, Danville, Champaign, and Granite City, IL, with Macon, Vermilion, Champaign, and Madison Counties, IL, Bellevue and Hoytville, OH, with Huron and Wood Counties, OH, Augusta, GA, with Richmond County, GA, Chattanooga, TN, with Hamilton County, TN, Colby, Menomonie, LaCrosse, Phillips, and Avery, WI, with Clark, Dunn, LaCrosse, Price, and Polk Counties, WI, Brunswick, MO, with Chariton County, MO, Topeka, KS, with Shawnee County, KS, Schuyler, NE, with Colfax County, NE, and Cedar Rapids, IA, with Linn County, IA, (c) in Sub-No. 9, Winnfield, Avery Island, Jefferson Island, and Weeks, LA, with Winn, Iberia, and St. Mary Parishes, LA, (d) in Sub-No. 11, Lenoir, Taylorsville, Newton, Conover, Marion, Lincolnton, and Salisbury, NC, with Caldwell, Alexander, Catawba, McDowell, Lincoln, and Rowan Counties, NC, (e) in Sub-No. 13, Weeks, LA, with Iberia Parish, LA, (f) in Sub-Nos. 18 and 19, named facilities at Weeks Island, and

Jefferson Island, LA, with Iberia Parish, (g) in Sub-No. 20, named facilities at or near Kings Mountain and Spruce Pine, NC, with Cleveland and Mitchell Counties, NC, (h) in Sub-No. 24, named facilities at or near Spruce Pine, NC, with Mitchell County, NC, (i) in Sub-No. 26, Akron and Rittman, OH, with Summit and Wayne Counties, OH, and Port Huron and St. Clair, MI, with St. Clair, MI, (j) in Sub-No. 28, Watkins Glen, NY, with Schuyler County, NY, (k) in Sub-No. 29, named facilities at or near Silver Springs, NY, with Wyoming County, NY, (l) in Sub-No. 30, named facilities at or near Baldwin and Anse La Butte, LA, with Baldwin and Anse La Butte, LA, and (m) in Sub-No. 34F, Asheville, NC, with Buncombe County, NC, and Glade Spring, VA, with Washington County, VA, (3) change its one-way authority to radial authority, (a) between the above named counties and specified cities, counties, and States throughout the U.S., and (b) between specified counties and points in the U.S., in Sub-Nos. 11, part (2), 20, part (1), 25, parts (1) and (3), and 32; (4) remove the AK and HI exceptions in Sub-Nos. 11, 20, 25, and 32, and (5) eliminate the restrictions (a) in Sub-No. 16, prohibiting transportation of traffic having an immediately prior movement by rail, and against transportation of salt from points in 3 specified counties in TN, and points in NC.

MC 116048 (Sub-27)X, filed March 12, 1981. Applicant: JAMES ELWOOD QUINN, INC., P.O. Box 238, Beulaville, NC 28518. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 2, 22, 23, and 25F certificates to (1) replace specified commodities such as bananas, frozen french fried potatoes, frozen potatoes, potatoes flakes, frozen fruit juice, canned fruit, canned fruit sections, fruit salads, etc., with "food and related products" in Sub-Nos. 2, 23, and 25; (2) replacing reconditioned steel drums with "metal products," in Sub-No. 2; (3) replacing window glass with "clay, concrete, glass or stone products" in Sub-No. 22; (4) removing plantsite restrictions in Sub-No. 22; (5) replacing specified cities with county authority, Ashville, Hickory and Gastonia, NC, with Buncombe, Catawba and Gaston Counties, NC; Charleston, SC with Charleston County, SC; Johnson City, TN with Washington County, TN; Columbia, SC with Richland County, SC; Morganton and Hickory, NC with Catawba and Burke Counties, NC; Danville, IL with Vermilion County, IL; Greer and Johnston, SC with Greenville and Edgefield Counties, SC; Hampshire, IL with Kane County, IL; Spartanburg, Laurens and St. Matthews, SC with Spartanburg, Laurens and Calhoun Counties, SC; Presque Isle, ME with Aroostook County, ME in Sub-No. 2; and, Clarksburg, WV with Harrison County WV in Sub-No. 22 remove originating at restrictions in Sub-Nos. 2, and 22; (7) replacing one-way with radial authority in Sub-Nos. 2, 22, 23 and 25F between points in Eastern and Southern States, (8) remove commodity restrictions in Sub-Nos. 2, and 25.

MC 116519 (Sub-97)X, filed March 12, 1981. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Representative: Jeremy Kahn, 1511 K Street NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 76F certificate to (1) broaden the commodity description from packaged chemicals, packaged chemical compounds, and packaged plastic materials to "chemicals and related products, and rubber and plastic products"; (2) remove the exceptions of service to AK and HI; and (3) delete the restriction limiting transportation to traffic moving in foreign commerce.

MC 116915 (Sub-144)X, filed March 5, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6, 7, 12, 28, 30, 33, 34, 37, 38, 39, 40, 41, 44, 48F, 51F, 53F, 58F, 59F, 60F, 63F, 65F, 66F, 67F, 68F, 69F, 70F, 71F, 74F, 79F, 81F, 83F, 86F, 87F, 89F, 90F, 95F, 99F, 104R, 106F, 108F, 107F, 108F, 109F, 114F, 118F, 124F, and 125F, certificates to: (1) broaden the commodity descriptions: from aluminum and aluminum products, iron and steel articles, scrap non-ferrous metals, aluminum ingots, zinc, pipe, copper articles, welded steel tubing cables, iron and steel forgings, structural and fabricated steel, and wire products to "metal products" in all of the authorities; (2) remove all restrictions against transportation of bulk commodities and/or commodities in dump vehicles in Sub-Nos. 30, 33, 37, 38, 39, 44, 48, 51, 63, 67, 68, 69, 70, 71, 74, 87, 99, 105, 106, 107, 109, 114, and 118; (3) replace one-way authority with radial in Sub-Nos. 5, 7, 12, 28, 33, 39, 40, 41, 48, 51, 53, 59, 65, 66, 67, 68, 71, 79, 81 and 90 between the counties below and points throughout the U.S.; (4) replace named facilities with city-wide or county-wide authority, as follows: Hancock County, KY in Sub 5; Hancock County (Hawesville), KY, in Sub 6; Hancock County, KY, in Sub 7; Hancock County (Lewisport), KY, in Sub 12; LaPorte County (Kingsbury), IN, in Sub 28; Brazoria County (Alvin), TX, in Sub 33; Loudon County (Lenoir City), TN, in Sub 34; Oswego County (Oswego), NY, Trumbull County (Warren), OH, and Marion County (Fairmont), WV, in Sub 37; Colbert County (Listerhill and Sheffield), AL, in Sub 38; Cook County (Blue Island), IL, and Chicago, IL, Hamilton County (Cicero), Elkhart County (Elkhart), Allen County (Fort Wayne) and Howard County (Kokomo), IN, Appanoose County (Centerville), IA, Kent County (Grand Rapids) and Ingham County (Lansing), MI, Hinds County (Jackson), MS, Columbus and Toledo, OH, in Sub 39; Tuscaloosa County (Holt), AL, in Sub 40; Giles County (Pulaski), TN, in Sub 41; Franklin County (Russellville), AL, in Sub 44; Rutherford County (Laverne), TN, in Sub 48; Montgomery County, TN, in Sub 51; Madison County, KY, in Sub 53; Hamblen County (Morristown), TN, in Sub 58; Georgetown County (Georgetown), SC, in Sub 59; Jefferson County (Bessemer), AL, and Chattanooga, TN, in Sub 60; Jefferson County (Steubenville, Mingo Junction, and Yorkville), Belmont County (Martins Ferry) and Mahoning County (Canfield), OH, Washington County (Allenport) and Westmoreland County (Monessen), PA, Marshall County (Benwood), Ohio County (Wheeling), Brooke County (Beech Bottom) and Ohio County (Follansbee), WV, in Sub 63; Allegheny and Beaver Counties, PA, in Sub 65; Etowah County (Gadsden), AL, in Sub 66; Frederick County (Buckeystown), MD; New Madrid County, MO, Columbia County (Magnolia), AR, and Rockwall County (Rockwall), TX; Jackson County (Scottsboro), AL, Lancaster County (Lancaster), PA, Columbia County (Magnolia), AR, and Rockwall County (Rockwall), TX; Hancock and Webster Counties, KY, Columbia County (Magnolia), AR, Lancaster County, PA and Rockwall County, TX; Columbia County (Magnolia), AR; Chalmette, LA, Humphreys County (New Johnsonville) and Madison County (Jackson), TN; Hancock County (Hawesville), KY, Columbia County (Magnolia), AR, and Rockwell County (Rockwell), TX, in Sub 67; Hancock County (Lewisport), KY, in Sub 68; Jackson County (Scottsboro), AL, in Sub 69; Madison County (Alton), IL, in Sub 70; Georgetown County (Andrews), SC, in Sub 71; Atlanta (East Point), GA, and Houston, TX, in Sub 74; Porter County (Burns Harbor), IN, in Sub 79; Huntington, WV, in Sub 81, Fulton County (Atlanta) and Bartow County (Cartersville), GA, in Sub 83; Blount County (Alcoa), TN, in Sub 86; Cullman

County (Cullman), AL, and Milwaukee, WI, in Sub 87; Franklin County (Union), MO, in Sub 89; Birmingham, AL, in Sub 90; Porter County (Portage), IN, in Sub 95; Hillsborough County (Tampa), FL, in Sub 99; Pope County (Russellville), AR, in Sub 104; Rockwall County (Rockwall), TX, in Sub 105; Calhoun County (Anniston), AL, in Sub 106; Montgomery County (Crawfordsville), IN, in Sub 107; Butler County, OH, in Sub 108; Hancock County (Lewisport), KY, in Sub 109; Bureau County (Depue), IL, and Carbon County (Palmerton), PA, in Sub 114; Berkeley County, SC, in Sub 118; Cleveland, OH, in Sub 124; (5) remove restrictions limiting transportation to traffic originating at or destined to named facilities in Sub-Nos. 28, 34, 38, 39, 40, 48, 51, 60, 63, 65, 66, 68, 69, 70, 74, 83, 89, and 99; and (6) remove the restriction against service to AL and HI in grants of authority to serve points in the U.S.

MC 117344 (Sub-293)X, filed March 9, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-No. 35 Certificate to broaden its various specified commodity descriptions such as petroleum products, liquid core compound, coal tar and coal tar products, enamels, lacquers, paints, resins, varnishes, liquid glue, hydrochloric acid, sulfuric acid, silicate of soda, coal spray oil, rosin sizing, acids and chemicals, aluminum sulfate, liquid plastics, soap and synthetic latices, most of which are limited to movement in bulk, to "commodities in bulk" and in Paragraph (30) to broaden "Catalyst, in drums" to "commodities, in drums". It also seeks to remove the equipment restrictions "in tank trucks" and "in tank vehicles". In addition, it seeks to broaden specific point or plantsite facilities to county-wide authority as follows: in Paragraphs 2, 4, and 7 Maysville, KY to Mason County, KY. Leach, KY to Boyd County, KY and Covington, KY to Kenton County, KY; in Paragraphs 11, 15, 17, 18, 22, 28, and 30 Addyston, OH to Hamilton County, OH; in Paragraphs 3, 12, 19, 21, 24, 25, 27, 35, 37, 38 and 39 Cincinnati, OH to Dearborn County, IN, Boone, Campbell and Kenton Counties, KY and Butler, Clermont, Hamilton and Warren Counties, OH (all counties which include a portion of the commercial zone of the authorized point); in Paragraph 26 Xenia, OH to Greene County, OH; in Paragraph 31 Hamilton and Middletown, OH to Butler County, OH; in Paragraphs 14, 32, and 34 Dayton, OH to Clark, Greene, Miami, Montgomery and Preble Counties, OH (all counties which include a portion of the commercial zone of the authorized point); in Paragraphs 23 and 33 Columbus, OH to Delware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH (all counties which include a portion of the commercial zone of the authorized point) and in Paragraph 36 Milwaukee, WI to Milwaukee County, WI. It also seeks to remove the following restrictions: in Paragraph (26) restriction against service to Shideler, IN; and in Paragraph (33) restriction against service on resins to Kingsport and Elizabethton, TN.

MC 117765 (Sub-313)X, filed March 9, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, Oklahoma City, OK 73147. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73147. Applicant seeks to Remove Restrictions in Sub-Nos. 45, 49, 59, 62, 73, 81, 82, 97, 114, 132, 133, 137, 142, 149, 161, 162, 188, 194, 202, 217, 226, 229, 249, 266, 284, 293, 295, 296 and 297 certificates by: (1) broadening the commodity descriptions from beverages, non-alcoholic; canned foods; beverages, carbonated and non-carbonated; preserved foodstuffs, non-frozen foodstuffs; nonfrozen preserved foodstuffs, to *"food and related products"*, in Sub-Nos. 45, 49, 59, 62, 73, 81, 82, 97, 114, 132, 133, 142, 149, 161, 162, 188, 194, 202, 217, 226, 229, 249, 266, 284, 293, 295, 296, 297 (2) replace specified plantsites and cities with county-wide authority in the following: Sub-45 and 59; Muskogee, OK, with Muskogee County, OK; Sub-49; Ottumwa, IA with Wapello County, IA; Sub-62; Clyman and Watertown, WI, with Dodge and Jefferson Counties, WI; Sub-73; Ottumwa, IA with Wapello County, IA; Sub-81; Denver, CO with Denver County, CO; Sub-82: Owatonna, MN with Steele County, MN; Galesville and New Richmond, WI with Trempealean and St. Croix County, WI; Sub-97; Muskogee, OK with Muskogee County, OK; Sub-114; Owatonna, MN with Steele County, MN; Sub-132 Stigler and Westville, OK with Haskell and Adair Counties, OK, Muskogee, OK, with Muskogee County, OK; Sub-133; Ottumwa, IA with Wapello County, IA sub-137; Durant, Franksville and Lodi, WI with Pepin, Racine and Columbia Counties, WI; Sub-142; Arlington, and the Plainview, MN with Sibley and Wabasha Counties, MN; Ortonville, MN, with Big Stone County, MN; Sub-149; Owatonna, MN with Steele County, MN; Manitowoc, WI with Manitowoc County, WI; Fall River, and Mondovi, WI to Columbia and Buffalo Counties, WI; Sub-161; Cedar Rapids and Wall Lake, IA to Linn and Sac Counties, IA; Sub-162; Lindale, TX to Smith County, TX; Sub-188; Lawrence, KS, with Douglas County, KS, Sub-194; Cedar Rapids and Wall Lake, IA with Linn and Sac Counties, IA; Sub-202; Cambria and Markesan, WI, with Columbia and Green Lake Counties, WI; Antigo, Clintonville and Theresa, WI, with Langlade, Waupaca and Dodge Counties, WI; Sub-217; Grimes, Reinbeck, Storm Lake, IA with Polk, Grundy and Buena Vista Counties, IA; Sub-226; Autin, MN, with Mower County, MN; Sub-229; Cecila and Ville Platte, LA, with St. Martin and Evangeline Parishes, LA; Muskogee, OK, to Muskogee County, OK; Augusta, and Shiocton, WI to Eau Claire and Outagamie Counties, WI; Sub-249; Ackley, IA, with Hardin County, IA; Sub-266; Greenville, MS, with Washington County, MS; Sub-284; Hazelwood, MO, with St. Louis County, MO; Plainview, MN, with Wabasha County, MN; Sub-293; from Cokato and Fairbault, MN to Wright and Rice Counties, MN; from Durand and Mondovi, WI to Pepin and Buffalo Counties, WI; Sub-295; from Olivia, MN to Renville County, MN; Sub-296; from Haskell, OK with Muskogee County, OK; Sub-297; from Van Buren, AR with Crawford County, AR. (3) remove restrictions limiting service to the transportation of traffic originating at and/or destined to named origins in Sub-Nos. 49, 62, 81, 82, 97, 132, 161, 162, 188, 194, 202, 217, 226, 229, 249; (4) authorize radial service in lieu of existing one-way authority between the above counties and named states; (5) remove the commodity exceptions in Sub-Nos. 45, 49, 59, 73, 82, 97, 114, 132, 133, 142, 149, 161, 162, 188, 194, 202, 217, 226, 229, 249, 266, 284, 293, 295, 296, 297.

MC 123375 (Sub-24)X, filed March 9, 1981. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland Co., Murrysville, PA 15668. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 11F, 14F, 16F, 18F, and 21F certificates to (A) broaden the commodity descriptions: from (1) boilers, boiler parts, economizers, water walls, headers, stokers, power house installation materials, steel and steel products, machinery, contractors' tools and equipment, office equipment, and architects' supplies to "commodities which by reason of size or weight require the use of special equipment, machinery, and metal articles"; and from contractors' equipment and

supplies, non-ferrous castings, bronze and bronze products, metal in bulk, machinery, lumber and lumber patterns, mill equipment and building and construction materials, supplies and equipment, to "building and construction materials, supplies and equipment; commodities which by reason of size or weight require the use of special equipment; metal articles, machinery, lumber and lumber products", in its lead; (2) from such commodities, as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles, requiring specialized handling and rigging, to "commodities which by reason of size or weight require the use of special equipment; contractors' equipment; machinery and machine parts"; from roofing and building materials, metals, and asphalt, [except liquids, in bulk, in tank vehicles), to "roofing and building materials and metal articles"; from general commodities, except Classes A and B explosives, and household goods as defined by the Commission, to "general commodities, except Classes A and B explosives"; and from contractors' equipment, machinery, and machine parts and articles requiring specialized handling or rigging because of size or weight, to "contractors' materials, equipment and supplies; machinery and machine parts; and commodities which by reasons of size or weight require the use of special equipment", in Sub-No. 1; (3) from iron and steel articles to: "metal products" in Sub-Nos. 14F, 16F, and 21F; and (4) remove the exceptions of gypsum in part (1)(b) in Sub-No. 11F and commodities in bulk in part (1)(a) and (b) in Sub-Nos. 11F and 16F; (B) broaden the territorial scope by (a) replacing one-way authority with radial as follows: between points in Middlesex County (Perth Amboy), NJ, and points in WV, in Sub-No. 16F; between points in Hancock County (Weirton), WV, and Jefferson County (Steubenville), OH, and points in DE, MD, NY, and PA, in Sub-No. 16F; and between points in Middlesex County (Perth Amboy), NJ, and points in OH, MI, IN, IL, NY, and KY, in Sub-No. 21F; and (b) replacing named facility limitations with county wide authority as follows: Hudson County (North Bergen), NJ, Orange, Rockland and Green Counties (Otisville, Haverstraw and Catskill), NY, in Sub-No. 1; Erie and Westchester Counties (Akron and Buchanon), NY; Caroline County (Milford), VA, Bucks County (Quakertown), PA, and New Castle County (Wilmington), DE, in Sub-No. 11; and Hancock County (Weirton), WV, and Jefferson County (Steubenville), OH, in Sub-Nos. 14F and 21F.

MC 123003 (Sub-94)X, filed March 2, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions from its Sub-Nos. 37, 46, 49, 51, 55, 58, 61, 64, 66, 73, 76, 77, 79, 81, 82, and 83 permits to (1) broaden the commodity description from paper and paper products and materials equipment and supplies in Sub-Nos. 61F, 66F, 56F, 49, 52F, 81F, 46, 73F, 76F, 79F, and part of 77F from commodities used by, manufactured by or distributed by manufacturers or processors of paper and paper products in Sub-No. 84F, from pulpboard, in rolls in Sub-No. 37, from pulpboard in 63F, from groundwood and wrapping paper in part of 64F, from woodpulp in rolls in 51 and from paper and paper articles in part of 58F, and fiberboard cans and metal can ends and materials, supplies and equipment in Sub-No. 55F to "pulp, paper, and related products"; from plastics, plastic products and chemicals in part of 58F and polyethylene film in part of 77F to "rubber and plastic products and chemicals and related products," from newsprint in part of 64F to "printed matter;" and (2) broaden the territorial description in all subs to between points in the U.S. under continuing contract(s) with named shipper(s).

MC 136123 (Sub-21)X, filed March 12, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as above). Applicant seeks to remove restrictions in its Sub-No. 3 permit to broaden its territorial descriptions to between points in the U.S., under continuing contract(s) with a named shipper.

MC 138387 (Sub-4)X, filed March 12, 1981. Applicant: FOOSE TRANSPORT, INC., P.O. Box 566, Mahwah, NJ 07430. Representative: Morton E. Kiel, Suite 1632, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, and 3 permits (1) by eliminating the restriction "except commodities in bulk" from the commodity descriptions and (2) by broadening the territorial descriptions to "between points in the U.S. under continuing contract(s) with named shippers.

MC 138436 (Sub-107)X, filed March 17, 1981. Applicant: D. M. BOWMAN, INC., Route No. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 560 Northern Avenue, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 81F certificate to (A) broaden the commodity description from portable and fabricated iron and steel storage buildings and cabinets, to "metal products" in part (1) of the certificate; (B) expand the origin territory from Hagerstown, MD to points in Washington County, MD; and (3) remove the "except AK and HI" restriction.

MC 138844 (Sub-17)X, filed March 2, 1981. Applicant: TRANSGAS, INC., 95 East Merrimack Street, Lowell, MA 01853. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. Applicant seeks to remove restrictions in ist Sub-Nos. 1, 14F and 16F to, its Sub-No. 1, broaden the commodity description from liquefied natural gas to "petroleum, natural gas, and their products"; and remove the HI exception from the existing non radial authority between points in the U.S. With the expansion of the commodity description Sub-Nos. 14F and 16F, which authorize liquid ethylene, will be subsumed in Sub-No. 1.

MC 139063 (Sub-14)X, filed February 9, 1981 previously noticed in the Federal Register of February 25, 1981, as No. MC–22254 (Sub-No. 84)X, republished as corrected this issue. Applicant: BUILDING SYSTEMS TRANSPORTATION, INC., P.O. Box 142, Washington Courthouse, OH 43160. Representative: Marshall Kragen, 1919 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006. Applicant seeks to remove restrictions in Sub-No. MC–22254 (Sub-No. 4) purchased in MC–F–14514 (1) by broadening the commodity description from uncrated, assembled and unassembled prefabricated buildings and parts thereof to "rubber and plastic products, pulp, paper and paper products, lumber and wood products, metal products, and clay, concrete, glass or stone products"; (2) broaden the territory from points and places within 200 miles of Chicago, IL, to points and places within 200 miles of Cook County, IL. The purpose of this republication is to reflect the redocketing No. MC–22254 (Sub-No. 4) under purchaser's docket number, the granting of the expand commodity description, and the substitution of Cook County for Chicago, IL.

MC 139822 (Sub-7)X, filed March 12, 1981. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F and 5F certificates, to (1) broaden the commodity descriptions to "food and related products" from

foodstuffs, in the lead and Sub-No. 5F and from malt beverages, in Sub-No. 4F, (2) remove the in bulk, in tank vehicle and in vehicles equipped with mechanical refrigeration restrictions, (3) broaden and the territorial authority to substitute counties for specified facilities: Chatham County, GA, in the lead; Dougherty County, GA (for Albany, GA), in Sub-No. 4F and Dade County, FL (for Miami, FL) in Sub-No. 5F, and (4) authorize radial authority in place of one-way authority in Sub-Nos. 4F and 5F.

MC 142059 (Sub-166)X, filed March 10, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 16, 34F, 41F, 47F, 54F, 64F, 79F, 91F, 94F, 95F, 96F, 109F, 112F, 122F, 123F, 124F, 126F, 132F, 136F and 139F certificates to broaden its commodity descriptions to (1) "clay, concrete, glass, or stone products, chemicals and related products, rubber and plastic products and petroleum products" from (A) concrete curing compounds and paving joints and (B) materials, supplies and equipment used in the manufacture of articles in (A) in Sub. 34F; (2) "rubber and plastic products" from expanded plastic products in Sub. 41F, and from plastic pipe and accessories in Sub. 112F; (3) "farm products, ores and minerals and clay, concrete, glass and stone products" from plant media mix, vermiculite, vermiculite products and perlite in Sub. 47F; (4) "transportation equipment" from freight bodies in Sub. 54F; (5) "nonmetallic minerals and clay, concrete, glass or stone products" from sand and sand additives in Sub. 64F; (6) "machinery", from lehrs and parts in Sub. 79F, and from pollution control devices in Sub. 94F; (7) "building materials, chemicals and related products, clay, concrete, glass or stone products, coal and coal products, instruments and photographic goods, lumber and wood products, machinery, metals, ores and minerals, petroleum, natural gas and their products, pulp, paper and related products, rubber and plastic products and transportation equipment" from contractors equipment in Sub. 91F and contractors equipment, materials and supplies in Sub. 109F; (8) "metal products, machinery, rubber and plastic products, clay, concrete, glass or stone products" from pipe, fittings, valves, hydrants and accessories in Sub. 95F; (9) "machinery, metal products, and clay, concrete, glass or stone products" from ovens, furnaces, washers, conveyors and parts in Sub. 95F; (10) "chemicals and related products" from dry fertilizer in Sub. 122F, and from cleaning compounds in Sub. 136F; (11) "lumber or wood products", from pallets and materials, equipment and supplies used in the manufacture and distribution of pallets in Sub. 123F; (12) "metal products, machinery, and clay, concrete, glass or stone products from (A) steel storage tanks, pollution control equipment, duct work and parts thereof and (B) materials, equipment and supplies used in the manufacture and distribution of articles in (A) in Sub. 124F; (13) "metal products, furniture and fixtures, and clay, concrete, glass or stone products" from heating equipment, stoves, fireplaces and incinerators and parts thereof in Sub. 126F, and from fireplace accessories and materials, equipment and supplies used in the manufacture and distribution of fireplace accessories, in Sub. 132F and (14) "waste or scrap materials not identified by industry producing" from nonferrous metal scrap in Sub. 139F. Applicant seeks to replace specified plantsites and/or cities with countywide or citywide authority as follows: in Sub. 34F, Oregon, IL with Ogle County, IL; in Sub. 41F, Magnolia, AR, with Columbia County, AR, Pevely, MO, with Jefferson County, MO and Channahon, IL with Will County, IL; in Sub. 47F, DeKalb, IL with DeKalb County, IL; in Sub. 64F, Oregon, IL, with Ogle County, IL; in Sub. 79F, Uniontown, PA with Fayette County, PA; in Sub. 91F, Atlasburg, PA with Washington County, PA; in Sub. 94F, Joliet, IL, with Will County, IL; in Sub. 94F, Donora, PA with Washington County, PA; in Sub. 96F, Franklin, WI with Waukesha County, WI; in Sub. 109F, Ontario, CA with San Bernardino County, CA, Herculaneum, MO with Jefferson County, MO; in Sub. 126F, Athens, AL with Limestone County, AL, Huntsville, AL with Madison County, AL, and Americus, GA with Sumter County, GA; in Sub. 132F, Decatur, AL with Morgan County, AL; and, in Sub. 136F, New Eagle, PA with Washington County, PA. Applicant seeks to replace one-way authority with radial authority in Sub. Nos. 16, 41F, 47F, 54F, 64F, 79F, 91F, 94F, 95F, 96F, 112F, 122F, 123F, 124F, 126F, 132F, and 136F. Applicant also seeks to eliminate all restrictions against service "in bulk", to AK and HI, and delete all plantsite, exwater and "originating at and destined to" restrictions in Sub-Nos. 16, 34, 41, 47, 54, 64, 79, 91, 94, 95, 96, 109, 123, 124, 126, 132, 136, and 139.

MC 142452 (Sub-7)X, filed March 10, 1981. Applicant: RIMAR TRANSPORT, INC., 850 Curie Road, North Brunswick, NJ 08902. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its lead and Sub 5F permits, to (1) broaden the commodity descriptions from expanded plastic foam insulating materials, to "chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, and metal products," and (2) broaden the territorial descriptions to between points in the U.S. under a continuing contract(s) with a named shipper.

MC 142566 (Sub-1)X, filed March 12, 1981. Applicant: JIMCO, INC., 1221 Faydur Court, P.O. Box 100941, Nashville, TN 37210. Representative: Jack L. Murphree (same as above). Applicant seeks to remove restrictions from its lead certificate to remove all exceptions except classes A and B explosives from its general commodities authority; and to remove a restriction limiting service to the transportation of traffic having a prior or subsequent movement by rail in its authority between named counties in AL, AR, GA, IL, IN, KY, MS, MO, VA, and TN.

MC 145054 (Sub-42)X, filed March 2, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3F, 6F, 10, 21F, 23F, 28F, 34F, 35F, 36F, 37F, 38F, and 40F certificates to (1) broaden the commodity descriptions to (A) "leather and leather products and rubber and plastic products" from (a) trunks and traveling bags, materials and supplies, in the lead certificate; (B) "food and related products" from (a) meat, meat products, meat by-products, and articles distributed by meat packinghouses and foodstuffs in mixed loads with the named commodities, in Sub-No. 23F, (b) canned fruits and juices, in Sub-No. 28F, (c) canned and preserved foodstuffs, in Sub-No. 34F, (d) salad dressings, sour cream and whipped cream, in Sub-No. 35F, and (e) juices, in Sub-No. 38F; and (c) "transportation equipment" from automobile tires, in Sub-No. 40F (2) remove the "in bulk" commodities exception, in the lead certificate and Sub-Nos. 3F, 6F and 23F; (3) eliminate the exceptions of (a) frozen foods, in Sub-No. 3F, (b) in tank vehicles, in Sub-No. 6F, and (c) hides, in Sub-No. 23F; (4) remove the restriction limiting service to the transportation of specified commodities (a) in bags, in Sub-No. 21F, and (b) in packages, in Sub-Nos. 36F and 37F; (5) remove the facilities limitations

at named points in the lead and Sub-Nos. 3F, 6F, 10, 23F and 34F; (7) broaden the territorial descriptions from named points to counties or cities and authorize radial authority in place of one-way service, as follows: between (a) Pima and Santa Cruz Counties, AZ (for Tucson and Nogales, AZ), and Denver, CO, in the lead certificate; (b) Kansas City, MO, and points in CO, in Sub-No. 3F; (c) Los Angeles County, CA (for Wilmington, CA), and points in CO, in Sub-No. 6F; (d) Dallas and Grayson Counties, TX (for Dallas and Denison, TX), and Denver, CO, in Sub-No. 10; (e) Kern County, CA (for Taft and McKittrick, CA), and points in CO and UT, in Sub-No. 21F; (f) Cass County, IL (for Beardstown, IL), and Scott and Dallas Counties, IA (for Davenport and Perry, IA), and points in CA and Denver, CO, in Sub-No. 23F; (g) Hidalgo County, TX (for Weslaco, TX), and points in CO, in Sub-No. 26F; (h) Doniphan County, KS (for Elwood, KS), and Buchanan County, MO (for St. Joseph, MO), and points in CO, in Sub-No. 34F; (i) Los Angeles County, CA (for City of Industry, CA), and points in CO, in Sub-No. 35F; (j) Los Angeles County, CA (for Wilmington, CA), and points in WY, in Sub-No. 36F; (k) St. Louis County, MO (for Maryland Heights, MO), and Los Angeles County, CA (for Vernon, CA), and points in CO, in Sub-No. 37F; (l) Orange County, CA (for Anaheim, CA), and Denver, CO, in Sub-No. 38F; and (m) Los Angeles County, CA and points in Denver, CO (for Denver County, CO) in Sub-No. 40F.

MC 145701 (Sub-17)X, filed March 4, 1981. Applicant: D.C. TRANSPORT, INC., 916 S. Riverside Avenue, St. Clair, MI 48079. Representative: James J. Sheehan, (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 5F, 6F, 8F, 9F, 11F, 12F, 13F, certificates to (1) broaden the commodity descriptions from (a) salt and salt products, to "chemicals and related products, food and related products, and ores and minerals", in lead and Sub-No. 2; (b) fabrics, textiles, and urethane foam, laminations to "textile mill products and rubber and plastic products" in Sub-No. 1; (c) paper and paper products to "pulp, paper and related products" in Sub-No. 5; (d) plastic articles, chemicals, swimming pool compounds, padding (except upholstery), foam fabrics (except commodities in bulk), to "clay, concrete, glass or stone products; leather or leather products; machinery; miscellaneous products of manufacturing; pulp, paper and related products; rubber and plastic products; textile mill products"; in Part (1) of Sub-No. 6; (e) padding, insulation, carpeting, fabrics, sound deadening materials, plastics, to "chemicals and related products; clay, concrete, glass or stone products; lumber and wood products; metal products; petroleum, natural gas and their products; plup, paper and related products; rubber and plastic products; textile mill products; in Part (1) of Sub-No. 9; (f) aggregates, alloys, chemicals, coal, gravel, limestone, minerals, ores, pumice, sand, slag products, sodium sulphate, talc and vermicultite to "chemicals and related products; clay, concrete, glass or stone products; coal and coal products, metal products; and ores and minerals" in Sub-No. 11; (g) fabrics, textiles, and urethane foam, materials, equipment, and supplies used in their manufacture of motor vehicle interiors, and motor vechicle interiors and components of motor vehicle interiors to "textile mill products, rubber and plastic products, waste or scrap materials not identified by industry producing, metal products" in Sub-No. 12; (h) pumice, aggregates, cement or aggregate blocks, slag, stone, sand, gravel, and cement, materials, equipment, and supplies used in the manufacture, storage, and distribution and fabrics, textiles, urethane foam, and laminations of to "clay, concrete, glass, or stone products, textile mill products, rubber and plastic products, ores and minerals" in Sub-No. 13; (2) remove plantside restrictions and/or expand cities to county-wide authority: Saint Clair County for Saint Clair, MI, and Summit County for Akron, OH, in lead; Mecklenburg, Guilford and Duplin Counties for Cornelius, Greensboro and Wallace, NC; Norfolk County for Stoughton, MA, and Saint Clair County for Port Huron, MI, in Sub-No. 1; Clark County for Jeffersonville, IN, in Sub-No. 8; Saint Clair for Port Huron, MI, in Sub-No. 12; Rutherford County for Lyndhurst, NJ; Norfolk County for Stoughton, MA, and Genesee County for Flint, MI, in Sub-No. 13; (3) remove the exceptions of service to AK and HI in Sub-Nos. 2, 5, 6, 9, 12; (4) remove restrictions limiting service (a) to the transportation of traffic originating at and/or destined to named points in Sub-No. 8; (b) to the transportation of traffic originating at named facilities at Marine City, MI and destined to Marion, IN, St. Louis, MO; Belvidere, IL, and points in OH in Sub-No. 9F; and (c) against the transportation of traffic originating at Baltimore, MD, and points in its commercial zone, points in NM, and those points in TX on and west of U.S. Hwy 83; (5) delete restrictions prohibiting the transportation of commodities in bulk, in tank in lead and Sub-Nos. 2, 5, 6, 8; and (6) authorize radial service in lieu of existing one-way authority between the counties named above and points throughout the U.S. in lead and Sub-Nos. 1, 11, and 12.

MC 146443 (Sub-1)X, filed March 13, 1981. Applicant: SCARLET & GRAY CORP., P.O. Box 424, Dayton, OH 45409. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Oh 43215. Applicant seeks to remove restrictions from its lead permit to broaden the commodity description from iron and steel articles to "metal products"; and to expand its territorial description to between points in the U.S. under continuing contracts(s) with named shippers.

MC 147077 (Sub-8)X, filed March 12, 1981. Applicant: Q. T. TUGGLE, d.b.a. CALIFORNIA WESTERN, 3325 Linden Ave., Long Beach, CA 90807. Representative: Milton W. Flack, Suite 900, 8383 Wilshire Blvd., Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, 4F and 6F permits to (1) broaden the commodity description: Sub-Nos. 2F and 4F to "machinery and equipment" from graphic arts machinery, equipment and materials; Sub-No. 3F to "such commodities as are dealt in by manufacturers and distributors of solar energy systems" from solar hot water heaters, collectors, storage systems, and mounting frames for solar heaters and collectors; Sub-No. 6F to "metal products" from steel pipe, and fittings when transported in mixed loads with steel pipe, and (2) broaden the territorial description in all four permits to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 147380 (Sub-3)X, filed March 13, 1981. Applicant: ROCHESTER CHEESE EXPRESS, INC., 4219 N. Frontage Road, Rochester, MN 55901. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions from its Sub-No. 2F permit to (a) broaden the commodity description from cheese to "food and related products"; and (b) expand the territorial scope to "between points in the U.S." under continuing contract(s) with named shippers.

MC 147873 (Sub-3)X, filed March 10, 1981. Applicant: G. BAKER EXPRESS, INC., Suite 402, 1250 Executive Place, Geneva, IL 60134. Representative: Joel H. Steiner, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 2F permits to broaden the territorial description in both permits to authorize service between points in the U.S.,

under continuing contract(s) with named shippers.

MC 147902 (Sub-2)X, filed March 13, 1981. Applicant: N–W INVESTMENTS, INC., P.O. Box 25387, Houston, TX 77005. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks removal of restrictions in its lead certificate to remove a restriction limiting service to traffic having a prior or subsequent movement by water on its general commodities authority between various TX and LA commercial zones.

MC 149024 (Sub-2)X, filed March 11, 1981. Applicant: JOHNSTON INTERMODAL TRANSPORT, INC., 850 Jersey Avenue, Jersey City, NJ 07302. Representative: Ira S. Lipsius, 255 West 34th Street, New York, NY 10122. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description by removing the "commodities in bulk" restriction, and (2) remove the restriction against traffic moving on bills of lading of a freight forwarders on its general commodities authority between points 15 states.

MC 150793 (Sub-2)X, filed March 9, 1981. Applicant: MARINE TRANSPORT SERVICE, INC., P.O. Box 3589, Portland, OR 97208. Representative: Roger Weidner, 6825 S.W. Macadam, Portland, OR 97208. Applicant seeks to remove restrictions in its Sub-No. If permit to broaden the territorial description by removing the restriction limiting service only to traffic having a prior or subsequent movement by water, and to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 152823 (Sub-3)X, filed March 10, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Applicant seeks to remove restrictions in its certificate No. 133590 Sub-No. 27F certificate which authorizes service over irregular routes, transporting alcoholic beverages, malt beverages, wines, and drink mixes (except in bulk), between points in CT, MA, MD, NJ and NY, and points in the U.S., to eliminate the in bulk exception from the commodity description.

[FR Doc. 81–8016 Filed 3–24–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirments which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–087

Decided March 17, 1981.

By the Commission, Review Board No. 1, Members, Parker, Chandler, and Taylor.

MC 153121 (Sub-1), filed February 2, 1981. Applicant: CALIFORNIA WESTERN EXPRESS, INC., 1315 D N.E. 134th, Vancouver, WA 98665. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3607. Transporting *bananas*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in CA, AR, NM, NE, OR, WA, ID, MT, WY, VT, CO, ND, SD, KS, OK, TX, MN, WI, IA, MO, AZ, LA, IL and ID.

Volume No. OP2–048

Decided March 17, 1981.

By the Commission Review Board No. 1, Members Chandler and Taylor.

MC 2392 (Sub-139) (correction), filed January 19, 1981, published in the Federal Register, issue of February 24, 1981, and republished, as corrected, this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Edward J. Kiley, 1730 M St., NW., Washington, DC 20036 (202) 296–2900. Transporting *chemicals and related products* between Memphis, TN, and points in NE and IA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correct the territorial description.

MC 72243 (Sub-72), filed January 16, 1981. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Rd., S.E., P.O.B. 350, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. *(1) Commodities which, because of size or weight, require the use of special equipment, and (2) self-propelled vehicles*, between points in AL, AR, LA, KY, MS, TN, on the one hand, and, on the other, WY, CO, SD, NE, MN, KS, and MO.

Note.—Applicant now participates in heavy hauling service between the states requested. The purpose of the application is to (1) eliminate gateways and interlines and (2) to remove a territorial restriction.

MC 121372 (Sub-11), filed January 21, 1981. Applicant: EXPRESS TRANSPORT CO., 1217 Dalton St., Cincinnati, OH 45203. Representative: Michael Spurlock,

275 E. State St., Columbus, OH 43215. I. Irregular routes: Transporting *general commodities* (except classes A and B explosives), between Cincinnati, OH, on the one hand, and, on the other, points in OH. II. Regular routes: Transporting *metal products* (a) between Cincinnati, OH and Clarksville, OH: from Cincinnati, OH over U.S. Hwy 22 to junction OH Hwy 350, then over OH Hwy 350 to Clarksville, OH, and return over the same route, and (b) between Cincinnati, OH and Middletown, OH: from Cincinnati over Interstate Hwy 75 to junction OH Hwy 122, then over OH Hwy 122 to Middletown, OH, and return over the same route. Applicant indicates intention to tack authority in Parts I and II with otherwise authorized operations. Condition: At applicant's request, the issuance of this certificate is subject to prior or coincidental cancellation of applicant's certificate of Registration, in MC 121372 Sub 1.

MC 134922 (Sub-341), filed February 6, 1981. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price (same as applicant), (505) 758-0777. Transporting (1) *such commodities* as are dealt in or used by breweries, between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA, MS and AR; (2) *machinery*, between the facilities of Black & Decker, at points in the U.S., on the one hand, and, on the other, points in the U.S.; (3) *pulp, paper and related products*, between the facilities of Thilmany Pulp and Paper Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.; (4)(a) *pulp, paper and related products*, (b) *lumber and wood products*, (c) *chemicals and related products*, and (d) *rubber and plastic products*, (i) between the facilities of Crown Zellerbach at points in CA and OR, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK and TX, (ii) between the facilities of Crown Zellerbach at points in CA and OR, on the one hand, and, on the other, points in CA and OR, and (iii) between the facilities of Crown Zellerbach at points in the U.S. in and east of MN, IA, MO, KS, OK and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK and TX, (5) *food and related products* (a) between the facilities of Hills Bros. Coffee, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. and (b) between the facilities of Vogel's, Inc., at or near Little Rock, AR, on the one hand, and, on the other, points in the U.S., (6) *general commodities* (except classes A and B explosives), (a) between the facilities of American Hoechst, at points in the U.S., on the one hand, and, on the other, points in the U.S., (b) between the facilities of Joseph Schlitz Brewing Company, at points in the U.S., on the one hand, and, on the other, points in the U.S., (c) between the facilities of Lehn & Fink Products Group, Division of Sterling Drug, Inc., at points in the U.S., (d) between the facilities of International Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S., (e) between the facilities of E. I. du Pont de Nemours & Company, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S., and (f) between the facilities of Trans-Am Shippers Co-operative Association, Inc., and its members in Chicago, IL, at points in the U.S., and, on the other, points in the U.S.

MC 150103 (Sub-12), filed January 26, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington St., Jefferson, WI 53549. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *lumber and wood products*, and *chemicals and related products*, between points in the U.S., under a continuing contract(s) with American Excelsior Co., of Arlington, TX.

MC 151142 (Sub-2), filed January 5, 1981. Applicant: H & H TRANSPORTATION, INC., 1425 East Main St., Newark, OH 43055. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614) 228-8575. Transporting *containers and container ends* between those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 153843, filed January 16, 1981. Applicant: JIM C. TAYLOR, JR., d.b.a. TAYLOR TRUCK & RIGGING, P.O. Box 235, Coffeyville, KS 67337. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414 722-2848. Transporting (1) *machinery*, (2) *Mercer commodities*, and (3) *such commodities* as are dealt in or used by foundries, between points in Montgomery County, KS, on the one hand, and, on the other, points in OK.

Volume No. OP4-870

Decided March 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 134806 (Sub-71), filed January 21, 1981, previously noticed in the **Federal Register** of February 20, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Transporting *textile products, notions, and holiday decorations*, between points in the U.S., under continuing contract(s) with Wm. E. Wright Co., of West Warren, PA, and Molnlyoke, Inc., of Fresno, CA.

Note.—The prior notice incorrectly showed West Warren, PA as Warren, PA.

[FR Doc. 81-9011 Filed 3-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later beomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly

noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-017

Decided March 13, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler and Taylor.

MC 143052 (Sub-1), filed February 27, 1981. Applicant: RESOURCE RECOVERY CORPORATION, 5501 Airport Way South, Seattle, WA 98108. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104, (206) 624-5370. Transporting *hazardous and chemical wastes*, between points in WA, on the one hand, and, on the other, points in WA, OR, ID, and CA. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary.

MC 147003 (Sub-138), filed March 6, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68802. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Transporting *meat, meat products, and articles distributed by meat packinghouses*, (1) between points in Osborne County, KS, on the one hand, and, on the other, Los Angeles, Lodi, and Fresno, CA, York, NE, and St. Joseph, MO, and (2) between York County, NE, on the one hand, and, on the other, points in CA, WA, and OR.

MC 149563 (Sub-6), filed March 6, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *metal products and rubber and plastic products*, between points in Harris and Wichita County, TX, Tulsa County, OK, Barton County, KS and Chilton County, AL, on the one hand, and, on the other, points in the U.S.

MC 154523, filed March 5, 1981. Applicant: MAC'S TRANSPORT, INC., 20352 U.S. 6, Milford, IN 46542. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293-3597. Transporting *trailers designed to be drawn by passenger automobiles, portable buildings, buildings in sections*, between points in the U.S., under continuing contract(s) with Fairmont Homes, Inc., of Nappanee, IN.

MC 154533, filed February 19, 1981. Applicant: LOWELL TULLIS, d.b.a. TULLIS TRUCKING, 136 S. Main St., Mechanicsburg, OH 43004. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *chemicals and related products*, between points in IN and OH.

Volume No. OPY2-018

Decided: March 17, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 16682 (Sub-100), filed March 10, 1981. Applicant: MURAL TRANSPORT, INC., P.O. Box 1785, North Brunswick, NJ 08902. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017, (212) 532-5100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of all outstanding certificates issued in No. MC-16682, at applicant's written request.

MC 16903 (Sub-88), filed March 10, 1981. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *lumber and wood products*, between points in Dubois County, IN, on the one hand, and, on the other, points in the U.S.

MC 28142 (Sub-7), filed March 9, 1981. Applicant: SHANAHAN'S EXPRESS, INC., 2201 Garry Rd., Cinnaminson, NJ 08077. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW, Washington, DC 20005, 202-783-7900. Transporting *general commodities* (except classes A and B explosives), between points in NJ and DE, on the one hand, and, on the other, points in Lehigh, Northampton, Daulphin, Lancaster, Berks, Lebanon, and York Counties, PA.

MC 52473 (Sub-15), filed March 10, 1981. Applicant: BEHNKE, INC., 77 South Monroe St., Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517-489-5724. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Interbake Foods, Inc., of Richmond, VA.

MC 112822 (Sub-468), filed March 10, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant), (918) 225-0365. Transporting *machinery*, between Chicago, IL and Joplin, MO.

MC 124692 (Sub-363), filed March 9, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4748, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *lumber and wood products*, between points in Pike County, IN, on the one hand, and, on the other, points in the U.S.

MC 125433 (Sub-464), filed March 9, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant), (801) 973-4242. Transporting *clay, concrete, glass or stone products*, between points in the U.S.

MC 140563 (Sub-54), filed March 9, 1981. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321-1765. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and paper products, photocopying equipment and supplies, advertising specialties, key holders, wallets, card cases, desk accessories, clocks and film products, between the facilities of Saxon Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146782 (Sub-45), filed March 9, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201, (615) 244-2926. Transporting *clay, concrete, glass or stone products*, between points in Wilkinson County, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 146152 (Sub-1), filed March 9, 1981. Applicant: K & H TRUCKING,

INC., 3301 So. Lamar St., Dallas, TX 75215. Representative: Ed Payne (same address as applicant), 214–421–7161. Transporting *chemicals and related products*, between points in Fulton County, GA and Polk County, FL, on the one hand, and, on the other, points in AL, GA, LA, MS, NC, SC, TN, and TX.

MC 148422 (Sub-3), filed March 9, 1981. Applicant: TWOWAY SUPPLY, INC., P.O. Box 347, Pond Creek, OK 73766. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, 405–262–1322. Transporting *metal products*, between Longview, TX, on the one hand, and, on the other, points in KS and OK.

MC 153633 (Sub-2), filed March 9, 1981. Applicant: FREIGHT ASSEMBLY DISTRIBUTION, INC., 740 24th St., Detroit, MI 48216. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941–5313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Panasonic Company, of Secaucus, NJ, Division of Matsushita Electric Corporation of America.

MC 154653, filed March 9, 1981. Applicant: TRI-GAS PROPANE, INC., P.O. Box 465, Federalsburg, MD 21632. Representative: Lee D. McMahan (same address as applicant), (301) 754–8184. Transporting *petroleum, natural gas and their products*, between points in NY, PA, DE, and NJ, on the one hand, and, on the other, points in MD, DE, and VA. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of natural gas, it shall be limited to a period expiring 5 years from its date of issuance.

Volume No. OPY–3818

Decided: March 18, 1981.

By the Commission Review Board No. 1, Members Carleton, Fisher, and Williams.

MC 2304 (Sub-46), filed March 3, 1981. Applicant: THE KAPLAN TRUCKING CO., a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614)–228–1541. Transporting *food and related products*, between points in Hancock County, OH, on the one hand, and, on the other, points in CT, DE, IA, KY, ME, MI, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, WI and DC.

MC 29555 (Sub-200), filed March 5, 1981. Applicant: BRIGGS TRANSPORTATION CO., N–400 Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Winston W. Hurd (same address as applicant), (612) 645–2741. Transporting *general commodities* (except classes A and B explosives), serving points in WI and MN, as off-route points in connection with the presently authorized regular-route operations of applicant.

Note.—Applicant intends to interline and tack this authority with its existing regular-route authority.

MC 107295 (Sub-1021), filed March 6, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL.

MC 111625 (Sub-25), filed March 4, 1981. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, NY 13902. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1126. Transporting *general commodities* (except classes A and B explosives), between points in MA, CT, RI, NY, and PA.

MC 123015 (Sub-2), filed Feburary 20, 1981. Applicant: BELLEFONTE CHARTER BUS SERVICE, INC., Benner Pike, Bellefonte, PA 16823. Representative: John R. Miller, Jr., Esquire, North Allegheny St., Bellefonte, PA 16823, (814) 355–5474. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Centre, Union, Snyder, Northumberland, Juniata, Lycoming, Clinton, Clearfield, Huntingdon, and Mifflin County, PA, and extending to points in the U.S.

MC 126674 (Sub-12), filed March 3, 1981. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., 3618 Patterson St., Greensboro, NC 27407. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2318. Transporting *general commodities* (except classes A and B explosives), between points in NC, SC and VA.

MC 129124 (Sub-33), filed March 6, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108, (717) 232–8000. Transporting *coal and coal products*, between points in PA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, RI, and VT.

MC 129355 (Sub-3), filed March 5, 1981. Applicant: GILMORE ENTERPRISES, INC., P.O. Box 2438, Fort Walton Beach, FL 32549. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005, (202) 347–3867. Transporting *household goods*, between points in Okaloosa, Escambia, and Bay Counties, FL, on the one hand, and, on the other, points in the U.S.

MC 139934 (Sub-7), filed March 3, 1981. Applicant: ALL SOUTHERN TRUCKING, INC., Post Office Box 2696, Tampa, FL 33601. Representative: Robert R. Solomon (same address as applicant), (813)–248–6846. Transporting *general commodities* (except classes A nd B explosives), between points in AL, AR, DE, FL, GA, KY, LA, MD, MS, NC, NJ, NY, SC, TX, VA and WV.

MC 144118 (Sub-1), filed March 5, 1981. Applicant: COMPUTER TRANSPORT OF OHIO, INC., 3699 Interchange Rd., Columbus, OH 42301. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Avenue NW., Washington, DC 20036, (202) 659–5157. Transporting (1) *duplicating machines*, (2) *computers*, (3) *typewriters*, and (4) *instruments and photographic goods*, between points in OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, PA, VA, and WV.

MC 145794 (Sub-4), filed February 27, 1981. Applicant: ARD'S TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, P.O. Box 1439, Hartsville, SC 29550, (803) 332–5151. Transporting *metal and metal products*, between points in SC, NC, VA, GA, WV, MD, DE, NJ, PA, NY, FL, AL, TN, KY, OH, IN, MO, MS, LA, TX, AR, OK, KS, IL, CT, RI, MA, WI, MI, MN, ND, SD, NE, IA, NH, VT, ME, and DC.

MC 147205 (Sub-2), filed March 3, 1981. Applicant: RUSSELL E. BASTIAN, d.b.a. POB 1143, Aurora, UT 84620. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111, (801)–531–1300. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Swanson Building Materials, Inc., of Murray, UT.

MC 148155 (Sub-2), filed March 3, 1981. Applicant: TRANS COASTAL CORPORATION, P.O. Box 116W, Winslow, ME. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207)–773–5651. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S.

MC 152115, filed March 9, 1981. Applicant: G. K. DISTRIBUTING CO., 13101 E. Rosecrans Blvd., Santa Fe Springs, CA 90670. Representative: George Kuiphof, (same address as applicant), (213) 921–3030. Transporting *furniture and fixtures*, between points in

Los Angeles and Orange Counties, CA, on the one, hand, and, on the other, points in AZ and NV.

MC 152935 (Sub-1), filed March 6, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: John P. Fonte, 1333 New Hampshire Ave., Suite 400, Washington, DC 20036, (202) 887–4000. Transporting *textile mill products* and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Hydro-Dynamics, Inc., of Lake Havasu City, AZ.

MC 154484, filed March 2, 1981. Applicant: BARAKAT ASSOCIATES, LTD., a corporation, Altamont Boulevard, Frackville, PA 17931. Representative: David Gellert, P.O. Box 500, 300 South Centre St., Pottsville, PA 17901, (717) 622–0767. Transporting *coal and coal products* between points in Schuylkill County, PA, and points in MD, NC, VA, NY, NJ, MA, ME, CT, VT, RI, DE, NH, and DC.

MC 154584, filed March 9, 1981. Applicant: CENTRAL TICKET AND TRAVEL AGENCY, INC., 88 North Main St., Wilkes Barre, PA 18701. Representative: Ross Valenti (same address as applicant), (717) 826–1110. As a *broker* in Luzerne and Lackawanna Counties, PA, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Luzerne and Lackawanna Counties, PA, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–8014 Filed 3–24–81 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirement of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–006

Decided March 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 154470, filed March 3, 1981. Applicant: TRUCK BROKERS, INC., 3709 Riverside, Bethany, OK 73008. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154551, filed March 6, 1981. Applicant: DARRELL J. SEKIN & COMPANY, INC., 154 World Trade Center, P.O. Box 58008, Dallas, TX 75258. Representative: Jeremiah J. Lucey (same address as applicant), (214) 744–5157. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–019

Decided March 17, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 146293 (Sub-80), filed March 9, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: R. M. Tettelbaum (same address as applicant), (404) 963–0291. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153082 (Sub-2), filed March 9, 1981. Applicant: TRANS CONTINENTAL TRANSPORT, INC., P.O. Box 7583, Boise, ID 83707. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111, 801–531–1306. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153592 (Sub-1), filed March 9, 1981. Applicant: CONTAINER CARRIERS, INC., 7123 Capitol, Houston, TX 77011. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024, 713–688–6110. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154412, filed February 23, 1981. Applicant: NATIONAL AUTOMOTIVE & RUBBER MARKETING, INC., 12303 Hart, Huntington Woods, MI 48070. Representative: George Papadelis (same address as applicant), (313) 547–9414. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154503 filed February 27, 1981. Applicant: CARL L. HADERER, 18 Summit Ave., Montvale, NJ 07645. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, 201–575–7700. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154553, filed March 6, 1981. Applicant: PIRATE EXPRESS CORPORATION, Old Hwy. 99N, Box 28A, Glendale, OR 97442. Representative: David C. White, 2400 SW. Fourth Ave., Portland, OR 97201, (503) 226–6491. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154642, filed March 9, 1981. Applicant: TRI-VENTURE CORP., 10310 N. Vancouver Way, Rm. 107, Portland, OR 97217. Representative: Michael D. Gilbert, 9460 S.W. Davies Rd., Beaverton, OR 97005, (503) 641–6160. As a *broker of general commodities* (except household goods) between points in the U.S.

Volume No. OPY4–031

Decided March 16, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher and Williams.

MC 297 (Sub-15), filed February 25, 1981. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. Transporting *general commodities*, between Morton, WA, on the one hand, and, on the other, points in the U.S.

MC 154427, filed February 13, 1981. Applicant: STEPHEN PAUL BRAMEL and PEARL J. BRAMEL, d.b.a. PAUL BRAMEL TRUCKING COMPANY, 3100 Produce Row, Suite 2AA, Houston, TX 77023. Representative: Joe G. Fender, 9801 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827–1407. To operate as a *broker of general commodities* (except household goods), between points in the U.S.

MC 154407, filed February 17, 1981. Applicant: EVERETT MALLORY, d.b.a. MALLORY FEED & SUPPLY, P.O. Box 512, Lexington, OK 73051. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154577, filed March 9, 1981. Applicant: METRO SERVICES, 9 Van Buren Circle, Stamford CT 06906. Representative: Kenneth Small (same address as applicant), (203) 329–1332. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–9013 Filed 3–24–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 40.4]

Director, Office of Commodity Management; Redelegation of Authority Regarding Ocean Transportation Source

Pursuant to the authority delegated to me by Delegation of Authority No. 40 dated February 20, 1961 (46 FR 15237) from the AID Administrator, I hereby redelegate to the Director, Office of Commodity Management the following authorities with respect to ocean transportation flag eligibility requirements:

I. Selected Free World

Authority to waive, in accordance with the criteria prescribed by Supplement B of AID Handbook 1, requirements that ocean transportation services be on U.S. flag vessels in order to permit financing of ocean transportation on vessels under flag registry of the cooperating country or any country included in AID Geographic Code 941 (Selected Free World) with funds made available under the Foreign Assistance Act of 1961, as amended.

II. Free World

Authority to waive, in accordance with the criteria prescribed by Supplement B of AID Handbook 1, ocean transportation flag registry requirements in order to permit the financing of transportation on vessels under flag registry of any country included in AID Geographic Code 899 (Free World) or AID Geographic Code 935 (Special Free World) with funds made available under the Foreign Assistance Act of 1961, as amended; *Provided, however:* That all waivers approved pursuant to this paragraph II shall contain a certification by the approving official that "The interests of the U.S. are best served by permitting financing of transportation services on ocean vessels under flag registry of free world countries other than the cooperating country and countries included in Code 941."

III. General Provisions

(a) The authority herein redelegated to the Director, Office of Commodity Management may be exercised by duly authorized persons who are performing the functions of the Director in an "Acting" capacity and may be redelegated, *Provided, however,* that such authority shall not be redelegated for shipments for which the transportation costs exceed $25,000.

(b) The authorities herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

(c) Redelegation of Authority No. 40.4 dated June 7, 1978 (43 FR 25894, June 15, 1978) is hereby revoked. This revised redelegation shall not be construed to affect the validity of any waiver or redelegation granted by a properly authorized official prior to the effective date of this revised redelegation and any such waiver or redelegation shall continue in effect unless modified or revoked by an official to whom such authority has been redelegated by this order.

(d) I retain for myself concurrent authority to exercise any of the functions herein delegated.

(e) This redelegation of authority shall be effective immediately.

Dated: March 16, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81–9051 Filed 3–24–81; 8:45 am]

BILLING CODE 4710–02–M

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the thirty-eighth meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on April 14 and 15, 1981.

The purpose of the meeting is to: receive and discuss reports from the Planning Entity on Integrated Crop Protection; the JRC Work Group on research needed for food production in Africa; the JRC Livestock Work Group on exploratory studies on research needed on hemotropic diseases, African swine fever and water buffalo; to receive and act on recommendations from the JRC Work Group on composition and role of boards, technical committees and external evaluation panels in Collaborative Research Support Programs (CRSPs); and to discuss JRC responsibilities vis-a-vis international agricultural research centers.

The meeting will convene from 1 p.m. to 4 p.m. on April 14, and 8:30 a.m. to noon on April 15. The meeting will be held in Room 1205, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Mr. William F. Johnson, BIFAD Support Staff is the designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523 or telephone him at (202) 632-7935.

Dated: March 18, 1981.

William F. Johnson,

A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 81-9064 Filed 3-24-81; 8:45 am]

BILLING CODE 671-02-M

INTERNATIONAL TRADE COMMISSION

[332-124]

Investigation; Study of Floating Exchange Rates and U.S. Competitiveness

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332-124 for the purpose of analyzing the effects of changes in the value of the dollar, vis-a-vis other currencies, on the international competitiveness of U.S. industries.

In conducting the investigation, the Commission will consider factors that determine the U.S. exchange rate and the effects of the exchange rate on U.S. trade. The study will consider such things as the business cycle, inflation, monetary and fiscal policies, and the pricing behavior of importers.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Tempalski, Research Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202-523-1515).

WRITTEN SUBMISSIONS: Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than July 31, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: March 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-9074 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this investigation at 9:00 a.m. on March 30, 1981, in Room 201, 1010 Wisconsin Ave., NW., Washington, D.C.

Notice is also given that the hearing in this proceeding will commence immediately following the prehearing conference.

The Secretary shall publish this notice in the **Federal Register**.

Issued: March 13, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-9075 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Termination of Crest Industries Corp. as Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Termination of Crest Industries Corp. as a party respondent in the above-captioned investigation.

SUMMARY: Having determined that this matter is properly before the Commission and having reviewed the record in this investigation, the Commission on March 20, 1981, terminated Crest Industries Corp. as a party respondent in Investigation No. 337-TA-76.

SUPPLEMENTARY INFORMATION: This investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) concerns alleged infringement of U.S. Letters Patent 3,766,817 by respondents E. Mishan & Sons, Albert E. Price, Inc., Crest Industries Corp., and Taiwan Timing Trading Co. The Commission instituted the investigation on December 4, 1979, and published notice thereof in the **Federal Register** of December 21, 1979 (44 FR 75733). On August 1, 1980, complainant Prodyne Enterprises, Inc. entered into a licensing agreement with respondent Crest Industries Corp. The Commission published notice that it was considering terminating Crest as a respondent in the above-captioned investigation in the **Federal Register** of January 14, 1981, (46 FR 3391) along with the text of the licensing agreement, and requested comments from certain Government agencies pursuant to 19 CFR 210.14(a)(2). No comments were received from the public or the parties. No government agency objected to terminating the investigation as to Crest on the basis of the licensing agreement.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission Action and Order. Such petitions must be in accord with § 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

Copies of the Commission Action and Order in this matter and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S.

International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0143.

By order of the Commission.

Issued: March 20, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8676 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-68 (Final)]

Leather Wearing Apparel From Uruguay; Change in Hearing Date

AGENCY: United States International Trade Commission.

ACTION: Change in date of public hearing.

SUMMARY: The date of the public hearing to be held in connection with Commission investigation No. 701–TA–68 (Final), Leather Wearing Apparel from Uruguay, is changed from March 18, 1981, to March 26, 1981. The hearing will begin at 10 a.m., e.s.t., in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C.

EFFECTIVE DATE: March 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Magrath, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0283.

SUPPLEMENTARY INFORMATION: On February 27, 1981, the U.S. Department of Commerce and the Government of Uruguay signed an agreement regarding this investigation in which the Government of Uruguay agreed to eliminate completely the amount of the net subsidy found by Commerce to exist with respect to leather wearing apparel exported directly or indirectly to the United States. Accordingly, the countervailing duty investigations underway at Commerce and at the Commission will be suspended, pursuant to section 704(f)(1) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(1)). On March 11, 1981, however, the Government of Uruguay requested that the investigations be continued pursuant to section 704(g)(1) of the Act (19 U.S.C. 1671c(g)(1)). The Commission has delayed its public hearing until March 26, 1981 to permit **Federal Register** publication of an anticipated continuation of the investigation by appropriate Department of Commerce notice.

By order of the Commission.

Issued: March 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8677 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-30 (Final)]

Unrefined Montan Wax From East Germany; Investigation and Hearing

AGENCY: United States International Trade Commission.

ACTION: Institution of final antidumping investigation.

SUMMARY: As a result of an affirmative preliminary determination by the United States Department of Commerce that there is a reasonable basis to believe or suspect that exports of unrefined montan wax from East Germany are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–30 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unrefined montan wax is classifiable in item 494.20 of the Tariff Schedules of the United States. This investigation will be conducted according to the provisions of Part 207, Subpart C, of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457).

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Case, Office of Investigations, U.S. International Trade Commission, Room 350, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0339.

SUPPLEMENTARY INFORMATION: On October 23, 1980, the Commission unanimously determined, on the basis of the information developed during the course of Investigation No. 731–TA–30 (Preliminary), that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of unrefined montan wax from East Germany, which were allegedly being sold in the United States at LTFV. As a result of the Commission's affirmative preliminary determination, the Department of Commerce continued its investigation into the question of LTFV sales. Unless the investigation is extended, the final LTFV determination will be made by the Department of Commerce on or before May 18, 1981.

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before June 4, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of fact will be available to all interested parties on May 20, 1981.

Public Hearing

The Commission will hold a public hearing in connection with this investigation on June 8, 1981, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10 a.m., e.d.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.) on May 18, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10 a.m., e.d.t., on May 21, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before June 4, 1981.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearing, as would otherwise be provided for by rule 201.12(d). All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing statements in accordance

with rule 207.22. Post-hearing briefs will also be accepted within a time specified at the hearing.

For further information concerning the conduct the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458).

By order of the Commission.

Issued: March 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8078 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants at Northern States Power Company Plant in St. Paul, Minnesota

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed substitute consent decree in *United States* v. *Northern States Power Company*, Civil Action No. 3-80-539, has been lodged with the District Court for the District of Minnesota. Since lodging the original decree on September 25, 1980, Northern States has decided to sell the Third Street facility in question to Saint Paul District Heating Development Company, Inc. (District Heating), which will completely eliminate the emission of air pollutants from the plant by ceasing to burn coal. The plant will be used as a distribution point for a hot water and steam heating system, and not as a generating plant. Northern States will make a non-refundable grant of $500,000 to District Heating for this purpose. If for any reason Northern States or District Heating decide to shutdown the boilers by November 1, 1982 as an alternative means of compliance, Northern States is required to post a $626,170 performance bond to insure shutdown.

The period of time during which the Department of Justice will receive written comments on this modified consent decree is shortened from 30 days to 14 days since the proposed decree represents no major change to the original decree. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *"United States* v. *Northern States Power Company,"* Ref. No. 90-5-2-1-335.

The proposed consent decree may be examined at the Office of the United States Attorney, United States Courthouse, Minneapolis, Minnesota, at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, Tenth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or money order made out for $1.30 to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-8066 Filed 3-24-81; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Racial Tension in Prison; Competitive Research Grant Solicitation

The National Institute of Justice announces a competitive research grant solicitation for proposals to study the methods for alleviating racial tension in prisons. The overall goal is to identify promising administrative strategies to improve prison race relations.

The solicitation requests submission of proposals which will then be considered by a peer review panel. In order to be considered, proposals must be postmarked to the National Institute no later than April 30, 1981. This announcement envisions one grant award with funding up to a total of $125,000.00 and an expected duration of 18 months.

Additional information and copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, Research on Causes and Control of Racial Tension in Prison, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: March 18, 1981.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-8067 Filed 3-24-81; 8:45 am]

BILLING CODE 4410-18-M

Stranger-to-Stranger Crime; Victim Response; Research Solicitation

The National Institute of Justice is planning to fund a study of the effects of various kinds of victim response in stranger to stranger violent crimes. Existing National Crime Survey data are required to be used. The objective is to examine victim reponses in various kinds of violent, stranger to stranger crimes.

The award may be a grant or cooperative agreement not to exceed 24 months or $150,000. Proposals are due at the National Institute of Justice postmarked not later than May 7, 1981.

To receive a copy of the solicitation, send a self-addressed mailing label to: Research on Victim Response and Its Effects in Stranger to Stranger Violence, National Criminal Justice Reference Service, P.O. Box 6000, Rockville, Maryland 20850. Do not telephone requesting the solicitation; telephone requests are not accepted by NCJRS or by the National Institute.

Dated: February 20, 1981.

Approved:

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-8068 Filed 3-24-81; 8:45 am]

BILLING CODE 4410-18-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Color Television Receivers From Republic of Korea; Amendment of Tariff Schedules of United States (19 U.S.C. 1202)

Proclamation No. 4769 of June 30, 1980, extended the temporary quantitative limitations on color television receivers and certain subassemblies thereof, the products of the Republic of Korea and Taiwan. The proclamation was issued pursuant to the President's decision to extend orderly marketing agreements with the Republic of Korea and the Coordinating Council for North American Affairs.

Pursuant to Proclamation No. 4769, in which the President authorized the United States Trade Representative to make any changes to the Tariff Schedules of the United States (TSUS) which might be necessary to carry out the agreements, the following conforming technical change is necessary and shall be effective March 25, 1981.

Accordingly, subpart A, part 2 of the Appendix to the TSUS is amended by deleting "923.72" wherever that item

number still appears and substituting "923.77" in lieu thereof.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-8883 Filed 3-24-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Gulf Energy Corp., Suspension of Trading.

March 18, 1981.

It appears to the Commission that the market for Gulf Energy Corporation's ("GEC") stock is being distorted by a lack of adequate and acurate information available to the public concerning the status of GEC's oil and gas interests in Cheyenne County, Nebraska. These interests have been featured prominently in certain of GEC's public statements and market reports. Drilling information provided to the Commission indicates that the Company has not publicly reported that tests on the three wells drilled subsequent to the initial well have been dry or marginal. Corporate insiders have sold over 840,000 shares of GEC stock during the past year and have filed Form 144's indicating an intention to sell or sales of almost two million shares. Therefore, the Commission is of the opinion that the public interest and the protection of investors requires a summary suspension of trading in the securities of GEC.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in GEC on a national securities exchange or otherwise is suspended, for the period from 1:30 p.m. on March 18, 1981 through midnight on March 27, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8882 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc., Applictions for Unlisted Trading Privileges and of Opportunity for Hearing

March 12, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursutant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Commodore Intl. Limited, Common Stock, $1 Par Value (File No. 7-5879)

Richardson-Vicks, Inc., Common Stock, $1.25 Par Value (File No. 7-5880)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 2, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring the make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8883 Filed 3-24-81; 8:45]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

March 12, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Shearson Loeb Roades, Inc., Common Stock, $.10 Par Value (File No. 7-5878)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 2, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8884 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 04/04-5203]

First Alabama Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of First Alabama Capital Corporation, 3201 Dauphin Street, Suite B, Mobile, Alabama 36606, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and Address, Title and Relationship and Percent of Ownership

David C. DeLaney, 2431 River Forest Road, Mobile, Alabama 36605—President, (General Manager) and Director; 0

Dessa Ava Phillips, 573 Stuart Street, Daphne, Alabama 36526—Secretary; 0

Chris C. DeLaney, Rt. 4, Box 180, Spanish Fort, Alabama 36527—Vice President, Treasurer and Director; 0

Bryan C. DeLaney, 514 General Maury Drive, Spanish Fort, Alabama 36527—Director; 0

Michael C. DeLaney, Rt. 4, Box 180, Spanish Fort, Alabama 36527—Director; 0

Robin C. DeLaney, 1055-A Church Street, Mobile, Alabama 36604—Director; 0

First SBIC of Alabama, 3201 Dauphin Street, Suite B, Mobile, Alabama 36606—Parent Company; 100

It will begin operations with $500,000 of private capital derived from the sale of 10,000 shares to First SBIC of Alabama.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of

performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's considerations of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before April 9, 1981, submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Mobile, Alabama.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8661 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 04/04-5190]

Ideal Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Ideal Capital Corporation, 85 Grand Canal Drive, #104, Miami, Florida 33144, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and Address, Title and Relationship and Percent of Ownership

Rafael Elortegui, 9350 Balada, Coral Gables, FL 33156—Chairman, President; 100

Joaquin Membiela, 8907 S.W. 12th Street, Miami, FL 33174—Secretary Treasurer; 0

Francisco Jose Hernandez, 9800 S.W. 93rd Avenue, Miami, FL 33176—Director; 0

It will begin operations with $500,000 of private capital derived from the sale of 1,000 shares to Rafael Elortegui.

The applicant will conduct its operations in the Miami area.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Notice is hereby given that any person may on or before April 9, 1981 submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Miami, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8662 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 05/05-0155]

Pathfinder Venture Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Pathfinder Venture Capital Corporation, 7300 Metro Blvd., Suite 585, Minneapolis, Minnesota 55435, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and Address, Title and Relationship and percent of Ownership

Andrew J. Greenshields, 7300 Metro Blvd., Suite 585, Minneapolis, Minnesota 55435—President, Director; 0.351 through attribution

Norman Dann, 7300 Metro Blvd., Suite 585, Minneapolis, Minnesota 55435—Vice President, Treasurer and Director; 0.351 through attribution

Gary A. Stoltz, 7300 Metro Blvd., Suite 585, Minneapolis, Minnesota 55435—Vice President, Secretary, and Director; 0.351 through attribution

Pathfinder Venture, Capital Fund, 5001 W. 80th St., Suite 800, Minneapolis, Minnesota 55437—Parent Company; 100

Pathfinder Venture Capital Fund, a Limited Partnership, was formed September 24, 1980, under the Minnesota Uniform Limited Partnership Act for the purpose of providing venture capital to corporations, partnerships, and joint ventures, and assisting in the development of the business of those enterprises.

The limited partner investors are large corporations, pension funds, trust companies, and individual investors all investing in excess of $500,000 each. The investors are not affiliated with the general partners and are involved in the partnership entirely for investment purposes and not for resale.

The Applicant will begin operations with a capitalization of $3.0 million and will be a source of equity capital and long-term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's considerations of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before April 9, 1981 submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Minneapolis, Minnesota.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8983 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 04/04-0305]

Planters Agricorp, Inc.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Planters Agricorp, Inc. 67 Madison Avenue, Memphis, Tennessee 38103, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and Address Title and Relationship and percent of Ownership

Parnell S. Lewis, 199 Cherokee Drive, Memphis, TN—President and Director; 0
James C. Shelley, 249 Allene Drive, Collierville, TN 38017—Exec. Vice President and Director; 0
Aubrey T. Earnheart, Jr., 1913 Danville, Memphis, TN 38117—Vice president, Secretary and Director; 0
Charles W. Wilson, 6411 Dinwood Cove, Memphis, TN 38134—Treasurer; 0
Francis J. Cranciola, Jr., Director; 7239 Cedar Lane Drive, Germantown, TN 38138—Director; 0
Deborah N. Pittman, 36 St. Andrews Fairway, Memphis, TN 3811—Director; 0
James A. Barker, 2510 Friars Place, Cardova, TN 38018—Director; 0
Union Planters National, Bank of Memphis, Union Planters Bank Bldg., 67 Madison Avenue, Memphis, TN 38103—Parent Company; 100

The applicant will begin operations with $1,500,000 of private capital derived from the sale of 1,000 shares to Union Planters National Bank of Memphis.

The applicant will conduct its operations in the States of Tennessee, Mississippi and Arkansas.

Matters involved in SBA's considerations of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before April 9, 1981. Submit writen comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416

A copy of this Notice shall be published in a newspaper of general circulation in Memphis, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8984 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Montpelier, Vermont, will hold a public meeting at 10:00 a.m., on Wednesday, April 29, 1981, at the Tavern Motor Inn, State Street, Montpelier, Vermont, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call David C. Emery, District Director, U.S. Small Business Administration, Federal Building, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602–(802) 229–0538.

Dated: March 20, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-8985 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Change in Time and Place of Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographic ares of Albuquerque, New Mexico, will hold a public meeting at 9:30 a.m., instead of 10:30 a.m. as perviously advertised, to 3:00 p.m., on Thursday, April 9, 1981, at the Holiday Inn, instead of the Rodeway Inn as perviously advertised, Carlsbad, New Mexico, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call E. Maine Shafer, District Director, U.S. Small Business Administration, 5000 Marble NE, Albuquerque, New Mexico (505) 766–3574.

Dated: March 20, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-8986 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Company Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the Federal Register the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective April 1, 1981, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 12.975% per annum.

Dated: March 20, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-8988 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations.

ACTION: Notice to Heads of Government Departments and Agencies.

SUMMARY: This notice, applicable only to Governmental concerns, provides the percentage rate based on the current value of funds to the Treasury for use in Federal billing, collection, and

disbursement operations pursuant to cash management regulations contained in the Treasury Fiscal Requirements Manual (I TFRM 6–8000). The percentage rate applicable to these operations is *17.74%*.

DATES: The rate will be in effect for the period beginning on April 1, 1981 and ending on June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Agency inquiries should be addressed to the Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, Washington, D.C. 20226 (Telephone: 202/566–6251).

SUPPLEMENTARY INFORMATION: Revisions to I TFRM 6–8000, "Cash Management," in June 1980, provided for the fine-tuning of billing, collection, and disbursement guidelines applicable to Government department and agency operations. A major procedural change established the current value of funds rate, which reflects the short-term value of funds to the Treasury, to be utilized for (1) assessing charges for late payments to the Government, and (2) determining cost effective prompt payment discounts. This rate, updated quarterly, is based on rates set for purposes of Pub. L. 95–147, 91 Stat. 1227. In addition, the requirement that interest should be charged on delinquent debts and debts being paid in installments in accordance with I TFRM 6–8000 is contained with the Federal Claims Collection Standards (4 CFR 102.11).

Dated: March 20, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81–9033 Filed 3–24–81; 8:45 am]

BILLING CODE 4810–35–M

Office of the Secretary

[Department Circular Public Debt Series No. 10–81]

Treasury Notes of April 15, 1988, Series D–1988; Invitation for Tenders

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,750,000,000 of United States securities, designated Treasury Notes of April 15, 1988, Series D–1988 (CUSIP No. 912827 LT 7). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated April 6, 1981, and will bear interest from that date, payable on a semiannual basis on October 15, 1981, and each subsequent 6 months on April 15 and October 15 until the principal becomes payable. They will mature April 15, 1988, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issed in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, March 31, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 30, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1 for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent

required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Monday, April 6, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the generel regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, April 3, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference betwen the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been compleded on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations for assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer indentifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are Authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-8888 Filed 3-24-81; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 7-81]

Treasury Notes Series P-1983; Interest Rates

March 19, 1981.

The Secretary announced on March 18, 1981, that the interest rate on the notes designated Series P-1983, described in Department Circular—Public Debt Series—No. 7-81, dated March 12, 1981, will be 12⅝ percent.

Interest on the notes will be payable at the rate of 12⅝ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-8869 Filed 3-24-81; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Veterans Administration Wage Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Veterans Administration Wage Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning March 7, 1981 through March 7, 1983.

Dated: March 18, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-8867 Filed 3-24-81; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, February—qualified health maintenance organization

SUMMARY: This notice sets forth the name, address, service area, and date of qualification of an entity determined by the Secretary to be a qualified health maintenance organization (HMO).

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entity has been determined to be a qualified HMO under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Qualified Health Maintenance Organization

Name, Address, Service Area, and Date of Qualification

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

1. Health First, (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 6445 Poplar Avenue, Memphis, Tennessee 38119. Service area: Shelby County, Tennessee. Date of qualification: February 1, 1981. (Preoperationally qualified—January 28, 1981.)

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: March 17, 1981.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 81-8846 Filed 3-23-81; 8:45 am]

BILLING CODE 4110-86-M

Health Maintenance Organizations; Noncompliance Determination

AGENCY: Public Health Service, HHS.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance and Revocation of Federal Qualification.

SUMMARY: On December 3, 1980, the Office of Health Maintenance Organizations (OHMO) determined that Monumental Health Plan, Inc. (MHP), 2300 Garrison Boulevard, Baltimore, Maryland 21216, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, and (3) comply with the National Data Reporting Requirements. On February 20, 1981, the Director of OHMO notified MHP that he was revoking MHP's Federal qualification. Accordingly, MHP is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of December 3, 1980, gave MHP an opportunity to initiate corrective action to bring it into compliance with the assurances that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, (3) comply with the National Data Reporting Requirements. The basis for the revocation of Federal qualification was OHMO's determination that MHP had not carried out and would not carry out the corrective action necessary to return to compliance. The revocation of qualification was to become effective five working days after MHP received the February 20 letter; however, on February 26, 1981, the U.S. District Court for the District of Maryland issued an order temporarily restraining the effectiveness of the revocation. *Monumental Health Plan, Inc. v. U.S. Department of Health and Human Services,* Civil Action No. J81-387. That order expired by its own terms on March 8, 1981. The District Court is presently conducting evidentiary proceedings relative to the Director's decision and will issue a final decision in this case in the near future. The revocation of MHP's qualification is effective now, and will remain so unless the District Court orders otherwise.

The effect of the revocation of MHP's Federal qualification is as follows: (1) MHP may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including MHP in the health benefits plan offered their employees, MHP is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of MHP in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute

compliance with the requirements of that subpart; and (4) MHP is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the Federal Register.

Dated: March 23, 1981.

Howard R. Veit,

Director, Office of Health Maintenance Organization.

[FR Doc. 81-8884 Filed 3-24-81; 11:48 am]

BILLING CODE 4110-85-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 57
Wednesday, March 25, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Deposit Insurance Corporation	2–5
Federal Maritime Commission	6
Federal Reserve System	7
Metric Board	8
Nuclear Regulatory Commission	9
Securities and Exchange Commission	10, 11
Harry S. Truman Scholarship Foundation	12

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, April 3, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–474–81 Filed 3–23–81; 2:26 pm]

BILLING CODE 6351–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Cancellation of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the closed meeting of the Corporation's Board of Directors scheduled for 11:30 a.m. on Monday, March 23, 1981, has been cancelled. No earlier notice of the cancellation of the meeting was practicable.

Dated: March 20, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–476–81 Filed 3–23–81; 3:24 pm]

BILLING CODE 6714–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Cancellation of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the open meeting of the Corporation's Board of Directors scheduled for 11:00 a.m. on Monday, March 23, 1981, has been cancelled. No earlier notice of the cancellation of the meeting was practicable.

Dated: March 20, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–477–81 Filed 3–23–81; 3:24 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 30, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of The First National Bank of Lapeer, Lapeer, Michigan, and Imlay City State Bank, Imlay City, Michigan.

Memorandum and Resolution re: Proposed Amendments to the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

Memorandum and Resolution re: Uniform Interagency Community Reinvestment Act (CRA) Rating System.

Memorandum and Resolution re: Banco Credito y Ahorro Ponceno (In Liquidation), Ponce, Puerto Rico—Extension of Settlement Period.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans, and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 23, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–478–81 Filed 3–23–81; 3:27 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 30, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Westside Bank, a proposed new bank, to be located at 60 West 10th Street, Tracy, California.

The Bank of the Delta, a proposed new bank, to be located at 410 Highway #82 East, Indianola, Mississippi.

Webster County Bank, a proposed new bank, to be located at 225 North Clay Street, Marshfield, Missouri.

Application for Federal deposit insurance, consent to establish a branch, and consent to exercise limited trust powers:

Security Trust Company, a proposed new bank, to be located at 321 Bush Street, San Francisco, California, for Federal deposit insurance, for consent to establish a branch at 624 South Grand Avenue, Los Angeles, California, and for consent to exercise limited trust powers.

Request for modification of a condition imposed in granting consent to establish a branch:

Progressive Bank and Trust Company, Houma, Louisiana, for modification of a condition imposed in granting consent to establish a branch at 2734 West Main Street, Houma, Louisiana.

Application for consent to merge and establish branches:
Colonial Bank, Waterbury, Connecticut, for consent to merge under its charter and title with The Bank of Trumbull, Trumbull, Connecticut, and for consent to establish the three offices of The Bank of Trumbull as branches of the resultant bank.
Request for relief from reimbursement for violations of Regulation Z:
Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).
Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:
Names of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).
Requests for exemptions pursuant to Part 348 of the Corporation's rules and regulations entitled "Management Official Interlocks":
City and County Bank of Anderson County, Lake City, Tennessee, for an exemption pursuant to section 348.6(a)(2).
Texas Commerce Bank-Tanglewood, Houston, Texas, and The Western Saving Fund Society of Philadelphia, Haverford, Pennsylvania, for exemptions pursuant to section 348.4(b)(5).
Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,698-SR—Bank of Lake Helen, Lake Helen, Fla.
Case No. 44,707-SR—American Bank & Trust Company, New York, N.Y.
Case No. 44,708-L—Franklin National Bank, New York, N.Y.
Case No. 44,713-L—The Mission State Bank & Trust Company, Mission, Kans.
Case No. 44,722-L—The Drovers' National Bank of Chicago, Chicago, Ill.
Case No. 44,725-NR—United States National Bank, San Diego, Calif.
Memorandum and resolution re: United States National Bank, San Diego, Calif.
Memorandum and resolution re: Surety Bank and Trust Company, Wakefield, Mass.
Memorandum and resolution re: Northeast Bank of Houston, Houston, Tex.
Memorandum and resolution re: Centennial Bank, Philadelphia, Pa.
Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:
Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).
Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:
Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).
Reports of committees and officers:
Report of the Director, Office of Corporate Audits:
Audit Report re: First National Bank of Carrington, Carrington, North Dakota.
Reports of the Director, Division of Liquidation:
Memorandum re: Reports Required Under Delegated Authority Releases of Collateral for Fair Market Value.
Memorandum re: Reports Required Under Delegated Authority Expenditures.
Memorandum re: Reports Required Under Delegated Authority Foreclosure Bids.

The meeting will be held in the Board Room on the Sixth Floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 23, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-470-81 Filed 3-23-81; 2:27 pm]

BILLING CODE 6714-01-M

6

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 20, 1981, 46 FR 17949.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:00 a.m., March 26, 1981.

CHANGES IN THE MEETING: The time of the meeting is changed from 9:00 a.m. to 11:00 a.m. on Thursday, March 26, 1981.

Addition of the following items to the closed session:

2. Docket No. 80–45—Agreement No. 10386, as Amended, and 10382, as Amended, Cargo Revenue Pooling/Equal Access Agreements in the United States/Argentine Trades—Foreign Discovery Matters.

3. Discussion of Interstate Commerce Commission Ex Parte 230 (Sub. 5).

[S-469-81 Filed 3-23-81; 2:14 pm]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 10:00 a.m., Monday, March 30, 1981.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-471-81 Filed 3-20-81; 4:30 pm]

BILLING CODE 6210-01-M

8

METRIC BOARD: Executive Committee Meeting.

TIME AND DATE: 10:00 a.m., Tuesday, April 14, 1981.

PLACE: 1800 Wilson Blvd., Suite 400, Arlington, Va.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Formulation of FY 83 and subsequent year budgets.

CONTACT PERSON FOR MORE INFORMATION: Malcolm E. O'Hagan, Executive Director, (703) 235–1730.

Louis F. Polk,

Chairman.

[S-475-81 Filed 3-23-81; 3:00 pm]

BILLING CODE 6820-64-M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 23, 1981.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Wednesday, March 25, 10:00 a.m.

1. Discussion of Policy, Planning and Program Guidance for FY 1983–87 (public meeting).

Thursday, March 26, 10:00 a.m.

1. Briefing on Nuclear Data Link (approximately 1½ hrs., public meeting).
2. Affirmation/Discussion Session (public meeting).

Affirmation and/or discussion and vote: a. Proposed Denial of Motions To Suspend NRC's Enforcement of 40 CFR 190 Uranium Mills.

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

March 18, 1981.

[S-473-81 Filed 3-23-81; 2:00 pm]

BILLING CODE 7590-01-M

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 23, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Wednesday, March 25, 1981, at 10:00 a.m., followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioner Evans, as duty officer, determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Wednesday, March 25, 1981, at 10:00 a.m., will be:

Consideration of whether to adopt, on an interim basis, three forms for use by companies seeking to be regulated as business development companies under the Investment Company Act of 1940 and Consideration of whether to authorize the publication of the views of the Division of Investment Management on the adaptation of existing registration statement forms for use by such companies. For further information, please contact Dianne E. O'Donnell at (202) 272–2116.

The subject matter of the closed meeting scheduled for Wednesday, March 25, 1981, following the 10:00 a.m. open meeting, will be: Settlement of administrative proceeding of an enforcement nature.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272–2178.

March 20, 1981.

[S-472-81 Filed 3-20-81; 4:21 pm]

BILLING CODE 8010-01-M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published].

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 20, 1981.

CHANGES IN THE MEETING: Additional item.

The following additional item will be considered at an open meeting scheduled for Wednesday, March 25, 1981, at 10:00 a.m.:

Consideration of whether to issue orders extending the registrations of thirteen temporarily registered clearing agencies until March 31, 1982. For further information, please contact JoAnn Carpenter at (202) 272–2902.

Commissioner Friedman, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272–2178.

March 23, 1981.

[S-481-81 Filed 3-23-81; 3:48 pm]

BILLING CODE 8010-01-M

12

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION.

TIME AND DATE: 10 a.m., Monday, April 13, 1981.

PLACE: Board Room, 712 Jackson Place N.W., Washington, D.C. 20006.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Call meeting to order. Check quorum.
2. Adoption of proposed agenda.
3. Approval of minutes of September 8, 1980 meeting.
4. Report of Chairman.
5. Report of Executive Secretary.
6. Discussion of Awards Ceremony.
7. New Business.
8. Set date for next meeting in September, 1981.

Portions closed to the public:

1. Selection of Truman Scholars for 1981–82.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary, telephone, 202–395–4831.

Malcolm C. McCormack,

Executive Secretary.

[S-472-81 Filed 3-23-81; 10:43 am]

BILLING CODE 8109-01-M

federal register

Wednesday
March 25, 1981

Part II

Department of the Interior

Fish and Wildlife Service

Migratory Bird Hunting; Proposed 1981–82 Migratory Game Bird Hunting Regulations

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 20
Migratory Bird Hunting; Proposed 1981–82 Migratory Game Bird Hunting Regulations (Preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Service proposes to establish hunting seasons, daily bag and possession limits, and shooting hours for designated groups or species of migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1981–82. The Service annually prescribes migratory bird hunting regulations. The effect of these hunting regulations is to continue providing hunting opportunity, a popular form of outdoor recreation, to the public and to aid Federal and State governments in the management of migratory game birds.

DATES: The comment period for proposed regulations frameworks for Alaska, Puerto Rico, and the Virgin Islands will end on June 19, 1981; for early season proposals on July 13, 1981; and for late season proposals on August 24.

Public Hearings: on Early Season Regulations—June 19, 1981, at 9 a.m.; on Late Season Regulations—August 4, 1981, at 9 a.m.

ADDRESSES: Comments and requests to testify may be mailed to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Both public hearings will be held in the Auditorium, Interior Department Building, 18th and C Streets, NW., Washington, D.C. Comments received may be inspected from 8 a.m. to 4 p.m. at the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (AC 202–254–3207).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service proposes to establish hunting seasons, bag and possession limits, and shooting hours for migratory game birds during 1981–82 under §§ 20.101 through 20.107 of subpart K of 50 CFR Part 20.

"Migratory game birds" are those migratory birds so designated in conventions between the United States and several foreign nations for the protection and management of these birds. During the 1981–82 hunting season, regulations are proposed for certain designated members of the avian families *Anatidae* (ducks, geese, brant and swans); *Columbidae* (doves and pigeons); *Gruidae* (cranes); *Rallidae* (rails, coots, and gallinules); and *Scolopacidae* (woodcock and snipe). These proposals are described under Proposed 1981–82 Migratory Game Bird Hunting Regulations (Preliminary) in this document.

Notice of Intention To Establish Open Seasons

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons, daily bag and possession limits, and shooting hours for certain designated groups or species of migratory game birds for 1981–82 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Factors Affecting Regulations Process

This is the first in a series of proposed and final rulemaking documents for migratory bird hunting regulations. Proposed season frameworks, shooting hours, and daily bag and possession limits are set forth for various groups of migratory game birds for which these regulations ordinarily do not vary significantly from year to year.

The proposals set forth here and the schedule by which more detailed proposals for these and other species will be developed are dependent upon a number of factors. Among these are the times when various annual population, habitat, and harvest surveys are conducted and results are available for analysis; times of migration and other biological considerations; and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for consideration in the development of regulations. For these reasons, the overall regulations process for hunting seasons and limits is divided into the following segments: (1) regulations for migratory game birds in Alaska, Puerto Rico, the Virgin Islands, and Hawaii; (2) seasons in the remainder of the United States opening prior to October 1 (early seasons); and (3) seasons opening in the remainder of the United States on or about October 1 (late seasons). Regulations development for each of the three categories will follow similar but independent schedules. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings to be published in the Federal Register. Also, additional supplemental proposals will be published for public comment in the Federal Register as population, habitat, harvest, and other information becomes available.

Because of the late dates when certain of these data become available, it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow State agencies to adjust their licensing and regulatory mechanisms and, on the other hand, the lack before late July of current data on the status of most waterfowl.

Publication of Regulatory Documents

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the Federal Register in accordance with the Administrative Procedure Act. The publicaton of these documents is divided into three phases, as follows:

1. Proposed rulemakings—proposals to amend Subpart K (and other subparts when necessary) of 50 CFR Part 20, including supplementary proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemakings—frameworks. Final migratory game bird regulations framework which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

3. Final rulemakings—season selections. Amendments to the various specific sections of Subpart K (and other subparts when necessary) of 50 CFR Part 20 based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

Major steps in the 1981–82 regulatory cycle relating to public hearings and Federal Register notifications are illustrated in the accompanying diagram.

BILLING CODE 4310-55-M

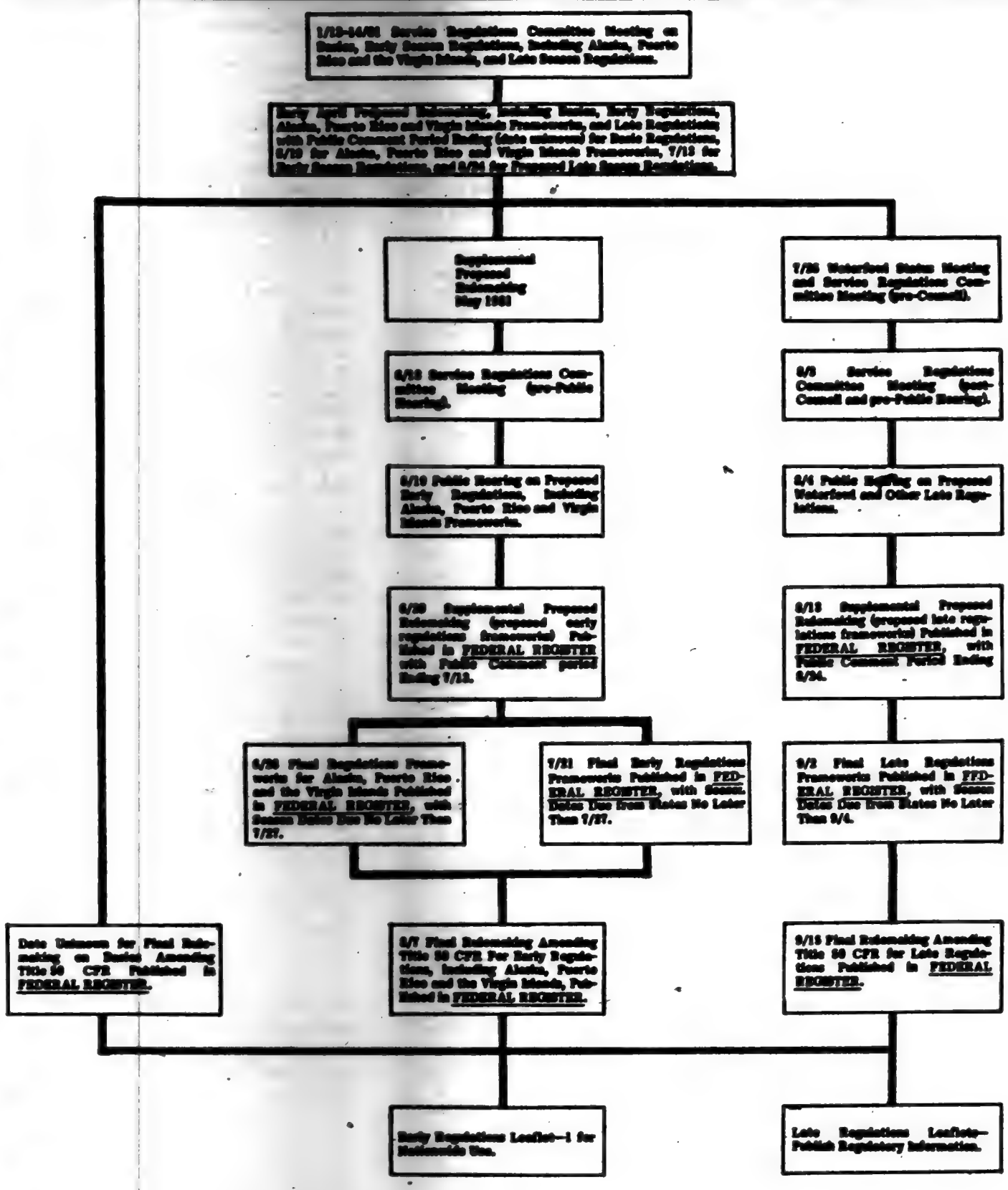

1981 SCHEDULE OF REGULATIONS MEETINGS

AND

PUBLICATIONS IN THE FEDERAL REGISTER

BILLING CODE 4310-55-C

All dates shown for frameworks and seasons in the Service's regulatory documents are inclusive.

Non-toxic shot regulatory proposals and final regulations are published separately under section 20.21 of subpart C and section 20.108 of Subpart K.

Objectives of the Migratory Bird Hunting Regulations

The objectives of these annual regulations are as follows:

(1) To provide an opportunity to harvest a portion of certain migratory game bird populations by establishing legal hunting seasons.

(2) To limit harvest of migratory game birds to levels compatible with their ability to maintain their populations.

(3) To avoid the taking of endangered or threatened species so that their continued existence is not jeopardized, and their conservation is enhanced.

(4) To limit taking of other protected species where there is a reasonable possibility that hunting is likely to adversely affect their populations.

(5) To provide equitable hunting opportunity in various parts of the country within limits imposed by abundance, migration, and distribution patterns of migratory game birds.

(6) To assist, at times and in specific locations, in preventing depredations on agricultural crops by migratory game birds.

The management of mirgratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other Federal agencies, State conservation agencies, national and regional conservation groups, universities, and the public provide much support to the achievement of these objectives.

Data Used in Regulatory Decisions

The establishment of hunting regulations for migratory game birds in the United States during the 1981–82 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will also be given to accumulated data and trends. The main sources of data result from operational surveys conducted by the U.S. Fish and Wildlife Service in cooperation with the Canadian Wildlife Service, Direccion General de la Fauna Silvestre of Mexico, State and Provincial wildlife agencies, and others. The Service will also consider technical information provided by consultants of the four waterfowl flyway councils. The information from these sources will be analyzed by the U.S. Fish and Wildlife Service with an opportunity for the public to review and provide comments on management rationales and proposed regulations, either in public hearings, by correspondence, or other communications.

Various surveys are used to ascertain the status, condition, and trends of migratory game bird populations. These include annual surveys of major waterfowl wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the United States and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including their geographical and temporal distributions, and species, age, and sex composition of the harvest; and band recovery information. Waterfowl breeding pair and production surveys also provide information on the abundance, duration, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State, Provincial and private agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, information on harvests and regulations is useful for predicting approximate harvest levels which may result from various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species, and the greatest numbers of North American geese. Field observations of geese in the fall and winter also provide information on the production success of the past breeding season. Special population surveys are undertaken for many identifiable populations of geese throughout the year.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mourning doves. Information from past years and the current year is used to establish population trends. The woodcock singing-ground survey is conducted throughout the breeding range of the species in the eastern United States and Canada. Insight into production success is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska. The Service also solicits information on these and other species from knowledgeable individuals.

Definitions of Flyways

Flyways are biological-ecological units frequently used for reference in setting hunting regulations on many migratory game birds. These are defined as follows:

Atlantic Flyway: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; Colorado and Wyoming east of the Continental Divide; Montana east of Hill, Chouteau, Cascade, Meagher and Park Counties; and New Mexico east of the Continental Divide but outside the Jicarilla Apache Indian Reservation.

Pacific Flyway: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof. Flights of most migratory game birds breeding or produced in Alaska are more strongly oriented to this flyway than to the other flyways.

Hearings

Two public hearings pertaining to migratory bird hunting regulations being

considered for the 1981–82 hunting seasons are scheduled. Both meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 19 a public hearing for reviewing proposed hunting regulations for species for which early seasons (opening prior to October 1) are set will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, on C Street, between 18th and 19th Streets, NW., Washington, D.C. This hearing is scheduled primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe. Proposed hunting regulations will be discussed for these species plus regulations for sandhill cranes in some States; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons; and special sea duck seasons in the Atlantic Flyway. On August 4 a public hearing for reviewing the status of other waterfowl and consideration of proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, address above. These deliberations will pertain to seasons commencing October 1 or later. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone AC 202–254–3207. Those wishing to make statements should file copies of them with the Director before or during each hearing.

Public Comments Solicited

Based on the results of current migratory game bird studies and having due consideration of all data and views submitted by interested parties, the amendments resulting from these proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common snipe, coots, cranes, and waterfowl; coots, cranes, common snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or recommendations regarding the proposed amendments.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments as follows:

For comments on Proposed 1981–82 Migratory Game Bird Hunting Regulations (preliminary) write to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C. The Service will acknowledge but may not respond in detail to each comment. Specific comment periods will be established for each of the three series of proposed rulemakings. Experience has shown that in some cases public comments were received after the close of an established comment period but before a supplemental rulemaking on the same regulatory topic appeared in the Federal Register, thus opening a new comment period. In order to alleviate this confusion, all relevant comments will be accepted through the closing date of the last comment period opened on the particular proposal under consideration. As in the past, the Service will summarize all comments received during the comment period and respond to them.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the Federal Register on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

Endangered Species Act Consideration

Prior to finalization of the 1981–82 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973, and as amended, (16 U.S.C. 1531–1543; hereinafter the Act) to insure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this Act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

Determinations of Significance, Major Rules, and Regulatory Flexibility Act Consideration

A new law, regulations, and an executive order now supplement and provide additional procedures to be followed by Federal agencies in developing new regulations. These include:

Regulatory Flexibility Act (Public Law 96–354), which became effective on January 1, 1981;

Interim Regulations Implementing the Regulatory Flexibility Act (at 45 FR 95376 in the Federal Register dated December 24, 1980);

Executive Order 12291 of February 17, 1981 (at 46 FR 13193 in the Federal Register dated February 19, 1981), which also revoked Executive Order 12044.

The Service's actions in complying with these requirements in developing its initial migratory bird hunting regulations for the 1981–82 season follow in chronological order.

On January 15, 1981, the Assistant Secretary determined that the Service's rules establishing annual hunting regulations are significant and that no regulatory analysis is required under E.O. 12044. However, the rules were determined to have a substantial impact on small entities, as defined in the Regulatory Flexibility Act, and a regulatory flexibility analysis as described under 5 U.S.C. 601–612 would be prepared. The Assistant Secretary further granted the Service a partial exemption from the Departmental procedures implementing E.O. 12044 and 5 U.S.C. 601–612 for developing significant rules and those with substantial effect on small entities.

Additional requirements regarding the promulgation of new rules are contained in Executive Order 12291, dated February 17, 1981, which revoked E.O. 12044. E.O. 12291 specifies that different

procedures be followed for developing rules determined to be "major." One criterion for determining that a rule is "major" is that it have an annual effect on the economy of $100 million or more. Available data indicate that annual expenditures related to migratory bird hunting exceed this amount, and provide economic benefits in excess of one billion dollars. Thus, the Service considers its annual hunting regulations as "major" rules under E.O. 12291, and subject to the new requirements.

Need for Regulatory Analyses. The Office of Management and Budget (OMB) has indicated to the Service special procedures it should follow in developing its regulatory analyses. Among these is a recommendation that the analyses required by the Regulatory Flexibility Act and Executive Order 12291 be consolidated. The information to be included in the Regulatory Impact Analysis is described in Section 3(d)(1–5) of E.O. 12291, while the contents of the small entity flexibility analysis requirements of the Regulatory Flexibility Act are found in Section 14.9 of the Interim Rules. Section 14.3(f)(ii)(B) of the Interim Regulations provides that an Agency may include a summary statement of its regulatory flexibility analysis with its proposed rule in the **Federal Register.**

Pursuant to Executive Order 12291, a regulatory analysis must describe the potential benefits and costs of the rule, including those not quantifiable in monetary terms, and identify those persons likely to receive the benefits or bear the costs. The description is to identify the net benefits of the rule, alternative approaches that could substantially achieve the same regulatory goal at lower cost, and include a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted. Small entities are also to be considered, with an estimate of affected small entities provided, together with a description of the projected information collection, recordkeeping and other compliance requirements of the rule. An estimate of the classes of small entities subject to the requirements and their compliance burdens, are to be included. Again, a description must be made by significant alternatives to the rule which would accomplish the stated objectives of applicable statutes and minimize any significant economic effect of the rule on small entities.

Discussions with OMB resulted in agreement to provide available data on the above points at the time of this proposed rulemaking. Further economic and small entity data will be developed by the Service and provided in a final regulatory analysis before issuing final rulemakings for the 1981 season later this year. Discussions with OMB indicate that, in a manner consistent with section 3 of the Migratory Bird Treaty Act, this analysis will be focused on determining the economic effects of varying season lengths (number of hunting days) and bag limits. The final regulatory analysis will describe the additional information which must be gathered to improve the economic analysis prior to issuing regulations for next year's (1982) season.

The Service's preliminary regulatory impact analysis provides data on the effects of setting open seasons and bag limits for migratory bird hunting. Data available to the Service indicate that migratory bird hunting is a major form of recreation which is of importance to many segments of the economy. The *1975 National Survey of Hunting, Fishing and Wildlife-Associated Recreation* states that 8.8 million hunters participated in 87.7 million days of migratory bird hunting in the United States in 1975. Their expenditures totaled $949 million, which after adjustment by the Consumer Price Index represents 1.45 billion 1981 dollars. Hunter expenditures were incurred for equipment and supplies; private transportation; food, drink, and refreshments; public transportation; lodging; and fees. These expenditures benefit a large number of individuals and businesses, many of which would be classed as "small businesses."

The initial analysis also outlines steps planned to review and gather additional information needed for the final analysis. In this respect, the Service solicits information and data which might be useful in its analysis. Such material should be sent to the Director (MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Copies of the Service's initial analysis may be obtained upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. The final regulatory analysis relating to the proposed 1981–82 regulations will be available in late June.

Authorship

The primary author of the proposed rules on annual hunting regulations is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief, AC 202–254–3207.

Proposed 1981–82 Migratory Game Bird Hunting Regulations (preliminary)

The following general frameworks and guidelines for hunting certain waterfowl, sandhill cranes, mourning doves, white-winged doves, Zenaida doves, scaly-naped pigeons, band-tailed pigeons, gallinules, rails, coots, common snipe and woodcock are proposed during the 1981–82 season. Changes or possible changes, when noted, are in comparison to 1980–81 final frameworks or regulations, and reflect the Service's position at this time. As noted earlier, public responses, additional data and information, and other considerations may lead to changes in the regulations being proposed at this time. In this respect, date changes of one or two days, because of the 1981–82 calendars causing dates to fall on different days of the week, are regarded as "no change." All mentioned dates are inclusive. The Service also wishes to alert the public to various recommentations it has received since the 1980–81 regulations were finalized, and prior to the initiation of this year's regulatory cycle.

Stablized Regulations for Duck Hunting. During the 1980–81 hunting season, the Service implemented a program of stabilized regulations (numbers of hunting days and limits) for ducks in the United States. On July 1, 1980, the Service advised in the **Federal Register** (at 45 FR 44546) that it planned to take this action in connection with an evaluation program to be conducted in cooperation with the Canadian Wildlife Service. A stabilized regulations program was initiated in Canada in the 1979–80 hunting season. The study was described at that time, and is repeated for informational purposes as follows:

At the Public Hearing held on August 2, 1979, to review the proposed waterfowl and other late hunting season regulations, the Canadian Wildlife Service announced its intention to initiate a new waterfowl management program that had been developed cooperatively with the Provinces of Alberta, Manitoba, and Saskatchewan. A major element of this program is the stabilization of waterfowl hunting regulations for five years. The Service, in responding to the Canadian statement, noted that annual changes in hunting regulations constitute a source of difficulty in understanding the population dynamics of waterfowl, particularly the relationship between regulations and harvest rates. It also noted the advantages of the two nations jointly implementing a study of stabilized regulations.

Duck bag limits and season lengths have not been markedly altered among years in the United States for some time. The objectives of this approach have been to hold hunting opportunity reasonably constant, but within a range that would not result in an

overharvest of any population, and to provide an opportunity to define more precisely the relationships between regulations and harvest.

During the past few months, the Service has been discussing a cooperative study with Canadian Wildlife Service aimed at investigating more thoroughly the impact of environmental variables on waterfowl populations. To this end, the Service proposes to initiate a program in which hunting regulations during the next five years in each of the Flyways would be maintained at the same general levels as during the 1979–80 hunting season. The focus of the program would be primarily on ducks, and on seasons and bag limits. Consideration will be given to special situations regarding particular species or other aspects of the regulations. An environmental assessment is in preparation in which the proposed program will be examined in more detail, and criteria to be used in guiding it will be defined. The assessment will be made available for public review as soon as possible. The Service proposes to conduct the program in cooperation with the State wildlife agencies and the Canadian Wildlife Service. The program will provide a unique opportunity to study the impact of hunting on North American waterfowl, and to initiate or redirect studies relating to other aspects of waterfowl population dynamics.

The assessment noted above was subsequently issued, and copies are available from the Office of Migratory Bird Management. The hunting regulations for the 1980–81 season incorporated the concept of regulations stability and represent the first year of a five-year study. The Service proposes to continue with the program of stabilized regulations during the 1981–82 hunting season.

It is therefore proposed to amend 50 CFR Part 20 as follows:

1. *Shooting hours.* (No change.) Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

Shooting hours were subjected to extensive review and discussion during the regulatory process for the 1977–78 hunting seasons. The Service undertook a study of information and data in its files and prepared an environmental assessment on shooting hours which was made available to the public in August 1977. The Director concluded, after study of this assessment, that the proposed shooting hours did not constitute a major impact upon the environment, and signed a negative declaration to the effect. Copies of the assessment are available and can be supplied upon request to the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

The Service adopts and incorporates by reference for purposes of this rulemaking the rationale for the proposed shooting hours set forth in the four past years' proposed and final regulations for migratory bird hunting. Because of the interest in the shooting hours issue, the Service has continued to gather and analyze additional data. Reports will be made available after analyses have been completed.

2. *Framework dates for ducks and geese in the continental United States.* (No change.) These frameworks are to be generally the same as during the 1980–81 season. From October 1, 1981, to January 20, 1982 for the Atlantic Flyway; from October 3, 1981, to January 20, 1982, for the Mississippi Flyway; and from October 3, 1981, through January 17, 1982, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway-September 15, 1981, through January 20, 1982.

(b) September teal season framework: September 1 through September 30, 1981, in specified areas to be identified in response to public comments.

(c) Special scaup season framework: October 1, 1981, through January 31, 1982, in specified areas to be identified in response to public comments.

(d) Experimental season frameworks: In Iowa, up to 7 days of the regular duck season may begin as early as September 19, 1981. In Mississippi, the waterfowl season framework may extend to January 31, 1982.

(e) Snow (including blue) and white-fronted geese: In Louisiana, between October 3, 1981, and February 14, 1982, in zones established for duck hunting seasons.

(f) Pacific Flyway brant season framework: Deferred pending additional information.

(g) Alaska waterfowl: September 1, 1981, through January 26, 1982.

3. *Black ducks.* (No change.) An environmental assessment of proposed hunting regulations for black ducks was issued by the Service in August 1976. Subsequently, a three-year cooperative research and management program was developed by the Service and States of the Atlantic and Mississippi Flyways. This was reported in the Federal Register dated March 10, 1977; 42 FR 13315, and for informational purposes is repeated as follows:

A research and management program for this species is presently being developed by the Service in cooperation with States in the Atlantic and Mississippi Flyways. The first phase of this program calls for a three-year intensified winter banding program in these Flyways. The winter banding program is under way now. During this period, restrictive black duck bag limits similar to those in effect in 1976 are to be retained. The winter banding program will be supplemented by pre-season banding of black ducks. In line with this effort, the Atlantic Flyway Council's Eastern Canada Cooperative Banding Program was renewed in 1976 for a 5-year period. Information from these banding programs, and from other sources, will be used to establish values for certain black duck population parameters. Future management programs will be evaluated by measuring the effect of such programs on black duck population parameters developed from the 1977–79 banding programs.

In order to assure achievement of banding objectives, the banding program was extended to include the 1980 winter and pre-season banding periods. Pending the analysis of data derived from the banding study, as well as from other sources, and the completion of a black duck management plan currently under development in a joint effort by the U.S. Fish and Wildlife Service, Canadian Wildlife Service, and the Atlantic Flyway Council, no changes in black duck hunting regulations are proposed.

4. *Wood ducks.* (No change.) In 1977 regulations for this species were changed to permit southeastern States the option of an early October hunting season during which no special bag and possession limits applied under conventional regulations; under point system regulations, the species was placed in the mid-point category. The criteria for such seasons were described in the Federal Register dated May 25, 1977 (42 FR 26869), and are summarized and updated for informational purposes:

The southeastern United States is defined as Virginia, Kentucky, Tennessee, Arkansas, and Louisiana and all States east thereof in the Atlantic and Mississippi Flyways. The Service proposes to again consider regulations aimed at additional wood duck harvest in the southeastern States only within the following guidelines:

(a) In 1981 States in the southeastern United States may split their regular duck hunting season in such a way that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15.

(b) During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway in 1981 shall apply to wood ducks, and under the point system, the point value for wood ducks shall be reduced from the high to the mid-point category. For other species of ducks daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations.

(c) In addition, the extra blue-winged teal option available to States in the Atlantic and Mississippi Flyways that select conventional regulations and do not have a September teal season may be applied during the period.

(d) This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

(e) This special provision for wood ducks shall be regarded as experimental, and subject to annual and final evaluations by participating States of population, harvest, banding, and other available information.

(f) The experiment shall be conducted for a specified time period to be agreed upon between the Service and participating States.

The Service proposes to retain this option for the 1981 season.

Although no changes are proposed in the wood duck frameworks at this time, the Service notes that some southeastern States have indicated the early October option does not adequately provide for early season wood duck harvest opportunity. Last year these States requested that other arrangements be considered, and have indicated that they wish to discuss this matter further during the 1981 regulatory process. The Service will consult with interested States, flyway councils, and others on this matter, and any new proposal which may be forthcoming will be published in the **Federal Register** for public comment.

5. *Sea ducks.* (No change.) A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is proposed during the period between September 15, 1981, and January 20, 1982, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open waters from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia. Such areas shall be described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Any State desiring its sea duck season to open in September must make its selection no later than July 27, 1981. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

6. *September teal season.* (No change.) An open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion), Ohio, Oklahoma, Tennessee and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect nontarget species by July 27, 1981.

The Service has received a request from Florida that September teal hunting be permitted there during the 1981 season. No action is proposed at this time pending further evaluation.

7. *Extra blue-winged teal option.* (No change.) States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag of 2 and possession limit of 4 blue-winged teal for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck and possession limits.

8. *Special scaup season.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with a daily bag limit of 5 and possession limit of 10 scaup. This special season is subject to the following conditions:

1. The season must occur between October 1, 1981, and January 31, 1982.

2. The season must occur outside the open season for any other ducks except sea ducks.

3. The season is limited to areas mutually agreed upon between the State and the Service prior to September 1, 1981, and

4. These areas must be described and delineated in State hunting regulations.

5. In lieu of a special scaup only season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate subject to the same provisions that apply to special scaup seasons elsewhere.

9. *Extra scaup option.* (No change.) As an alternative to a special scaup season, States in the Atlantic, Missippi, and Central Flyways, except those selecting the point system, may select an extra daily bag of 2 and possession limit of 4 scaup during the regular duck hunting season, subject to conditions 3 and 4 listed for special scaup seasons. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

10. *Mergansers.* (No change.) States in the Atlantic and Mississippi Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The restriction on hooded mergansers of 1 daily and 2 in possession is continued in the Atlantic, Mississippi, and Central Flyways.

11. *Canvasback and redhead ducks.* (No change.) Except in designated portions of the Atlantic Flyway, no changes in hunting frameworks for canvasbacks are proposed at this time. No changes in the redhead frameworks are proposed at this time. Additional information on the population status and trends of thw two species, plus their production success this summer, will become available prior to the date that the frameworks for the 1981–82 season are finalized. The management rationales for canvasbacks and redheads were described in an environmental assessment issued in August 1976. As an outgrowth of the assessment, a number of area closures were established where full protection from hunting was given to the two species. In other areas, minimal harvests were allowed under the point system and conventional regulations. Area closures for redheads were judged unnecessary and were eliminated in 1980 because of the improved status of that species. The assessment also established short-term and long-term population objectives.

The Service conditionally proposes to implement this year a special, limited canvasback season directed primarily at the harvest of drakes on a trial basis in designated areas of the Atlantic Flyway. Conditions affecting the implementation of the trial season include population levels, habitat conditions, and production of canvasbacks during the 1981 breeding season. The proposal for such a season was first made in 1979 (see FR 9884, dated February 15, 1979). A modified proposal was considered in 1980 by the Service but not implemented because of poor canvasback production during the 1980 breeding season (at 45 FR 53963 dated August 13, 1980). The Atlantic Flyway Council was advised that implementation of the proposal would be deferred, pending a year of good production.

In order to facilitate public understanding of the proposal and response to it, the plan as formulated by the Atlantic Flyway Council and modified by the Service is provided below:

1. Duration of the experimental season: 3 years.

2. Season length: 11 days, to be taken during the last 11 days of each participating State's regular waterfowl season, and limited to the areas described below.

3. Bag limit: conventional—4 canvasbacks, only 1 of which may be a female; point system—male, 25 points; female, 100 points. The possession limits would be twice the daily bag limits.

4. Harvest guidelines: not to exceed 10 percent of the wintering population (3-year average) in each harvest area, and the 3-year average harvest shall not exceed 10 percent of the combined wintering population (3-year average) in the 5-State area. The latter condition makes allowance for annual deviations in excess of the guideline during the study period. Emphasis will be placed on the harvest of male canvasbacks.

5. Harvest areas:

a. New York—Lake Cayuga and the Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls.

b. New Jersey—(1) east of the Garden State Parkway from Route 440, south to Route 36 (Raritan and Sandy Hook Bays, Navesink and Shrewsbury Rivers); (2) east of the Garden State Parkway from Route 88 south to Route 72 (Barnegat, Silver and Manahawkin Bays, Metedeconk and Toms Rivers).

c. Maryland—Anne Arundel, Calvert, St. Marys, Charles, and Prince Georges Counties; the Chesapeake Bay western shore and its tributaries to the first upstream bridge; and the Potomac River downstream from the Possum Point Power Plant (on Virginia side).

d. Virginia—In waters bordering on and tributary to the Potomac River below the Possum Point Power Plant, but in no case above any highway bridge across such tributaries; in the Rappahannock River upstream to Route 360; and in the Chesapeake Bay and its tributaries between the Potomac River and the Rappahannock River in Lancaster County, and in Northumberland County upstream to Routes 644 and 200. An east-west line from Stingray Point, Middlesex County, to the main channel of the bay constitutes the southern boundary of the canvasback harvest zone; the main channel forms the eastern boundary and the Maryland state line forms the northern boundary.

e. North Carolina—that portion of Pamlico Sound in Hyde County from Long Shoal River, west; Beaufort County, and Pamlico County from the Beaufort County line east to and including Jones Bay.

In the above proposal the remaining portions of areas in each of the five participating States presently closed to the taking of canvasbacks shall remain closed.

As an option, Maryland and Virginia may select a 6- (rather than 11-) day season that would apply to a larger portion of Chesapeake Bay and its tributaries than is designated above. The areas open for hunting will be selected and described in consultation with Maryland and Virginia.

Evaluation of the experimental season would be a cooperative State-Federal effort. The Service would require, as one condition of the proposed experimental season, that an adequate sampling frame of participants be developed by each State to permit the conduct of harvest surveys (questionnaries and waterfowl parts collections). Maryland, New Jersey, New York, and North Carolina would use a mandatory permit system; Virginia would use its blind registration system, plus a follow-up mailing to blind registrants to identify all participants in the experimental season. Each State would draw a random sample of hunters who would be provided harvest questionnaires and waterfowl parts collection envelopes by the State. The sampling procedure for each State would be determined later.

State and Federal officials would conduct hunter observations, bag checks and ground observations of waterfowl numbers, distribution, and behavior during the experimental canvasback season. In addition, aerial surveys would be made before, during, and following the experimental canvasback season to determine waterfowl species composition, numbers, and distribution; and to measure hunting pressure in the experimental season zones before, during, and following the experimental canvasback season. Aerial photographic surveys would be made on the Chesapeake Bay before and following the experimental canvasback season to measure, if possible, the effect of the harvest on the sex composition of the wintering canvasback population, and to assess changes in canvasback numbers and distribution more accurately than by visual estimates alone.

The analysis of hunter questionnaire, wing survey, and hunter observation data would be undertaken jointly by State and Federal biologists. The results of each experimental canvasback season would be provided in an annual report developed jointly by State and Federal personel.

The Service further proposes that the trial be limited to the Atlantic Flyway for a period of 3 years, and that results of the experiment be analyzed and made available for public review before considering similar trials elsewhere.

Wisconsin recommended that 3 canvasback closure areas (lakes of Poygan, Winneconne, and Butte des Morts in Winnebago and Waushara Counties) be abolished because of low canvasback use. Fall migrating canvasbacks have shifted their major migration route to the Mississippi River where other closure areas exist. The Service has this request under study.

12. *Zoning.* (Change.) States of the Atlantic and Mississippi Flyways may divide their States into zones for establishing different hunting seasons in accordance with criteria described in the Federal Register dated May 25, 1977; 42 FR 26671. States of the Central Flyway recently have requested that the zoning option be made available in that Flyway. The Service proposes to do so for the 1981–82 season. The criteria for zoning are as follows:

1. The establishment of any of these zones shall be considered experimental until the effects of the zoning are more clearly defined and understood.

2. The primary purpose of the zoning shall be to provide more equitable distribution of harvest opportunity for hunters throughout a State.

3. Proposed zones and season dates shall not substantially change the pattern of harvest distribution among the States within a flyway.

4. Zoning shall not detrimentally change the harvest distribution pattern among species or populations at either the State or Flyway level.

5. Each zoning proposal shall include a detailed evaluation plan describing how

changes in harvest will be measured, and what steps will be taken to compensate for any significant changes that might occur.

6. Each zoning proposal shall include an evaluation of anticipated changes due to zoning. If on the basis of this evaluation the Service and the State agree that no significant increase in harvest is likely, the zoning experiment may be conducted without a reduction in season length for each zone, pending further evaluation. If the evaluation indicates that a significant increase in harvest is likely, an appropriate reduction in season length compared to what would be permitted without zoning shall be made for each zone.

7. Where two or more adjoining States in a flyway may be involved simultaneously in zoning experiments, consideration shall be given to the possibility of consolidating zones.

Memoranda of Agreement have been signed between the Service and each State participating in the experimental zoning.

The Service recently received a zoning proposal from New Hampshire, and statements of interest from Colorado, Nebraska, Oklahoma, South Dakota, and Wyoming. With the approval of the respective Flyway Council of specific plans that meet the above criteria, the Service proposes to implement zoning studies in these States. Pennsylvania requested a modification in its zoning program whereby 4 zones, including a new Northwest Zone, would be used for establishing duck hunting regulations. The Service proposes to allow the modification with the understanding that a new 3-year study commence with the change, and other zoning requirements are fulfilled. Nebraska also has notified the Service that they are considering requests for other options such as a three-way split duck season or zoning. These options are not being proposed at this time by the Service.

13. *Goose and brant seasons.* The Canadian Wildlife Service, State conservation agencies, the four waterfowl flyway councils, and others traditionally provide population and harvest information useful in setting annual regulations for geese and brant. The midwinter survey, the past season's waterfowl harvest surveys, and satellite imagery and ground studies for May and June of 1981 will provide additional information later. The following proposed general regulations are subject to revision as additional information becomes available. No changes from 1980–81 regulations are proposed at this time.

Atlantic Flyway. Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations from the public. The following regulations are tentatively proposed:

Between October 1, 1981, and January 20, 1982, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits will be 3 and 6 geese, respectively. However, in the area comprised of Delaware, the Delmarva Peninsula portions of Maryland and Virginia, that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, and then east on U.S. Highway 22 to the New Jersey border, and that portion of New Jersey south of the Atlantic City Expressway from its juncture with Interstate 76 near Camden southeast to Atlantic City, the Canada goose season length will be 90 days with the closing framework date extended to January 31, 1982. The daily bag limit within this area may not exceed 4 birds with a possession limit of 8 birds. North Carolina and those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the October 1, 1981, to January 20, 1982, framework; the daily bag and possession limits will be 2 and 4 Canada geese, respectively. South Carolina may select a 50-day season on Canada geese within the October 1, 1981, to January 20, 1982, framework. The daily bag and possession limits will be 1 and 2 Canada geese, respectively. The season will be closed on Canada geese in Florida and Georgia.

Between October 1, 1981, and January 20, 1982, States in the Atlantic Flyway may select 70-day seasons on snow geese (including blue geese); the daily bag and possession limits may not exceed 4 and 8 geese, respectively.

No open season is proposed for Atlantic brant pending further information on population status. Because of a reduced population, there has been no Atlantic brant hunting season since the 1975–1976 season. In 1979 the Service advised that a closed season would continue until the population has recovered from losses sustained during the winters of 1976–77 and 1977–78 to starvation and freezing, and poor production during 1978. Data indicate that the population made a moderate response to improved habitat conditions in 1979 and 1980. Reopening the Atlantic brant hunting season will be determined based on at least three data sources: (1) population inventories in February or March along the Atlantic coast, and in the fall on migration and wintering areas; (2) an evaluation of conditions on the breeding grounds as determined by satellite imagery, and air and ground inspections; and (3) an evaluation of breeding ground production and the age structure of the population.

Environmental assessments made available to the public in 1975 articulate the management rationale being followed for Atlantic brant and greater snow geese.

Mississippi Flyway. Seasons and bag limits for Canada geese to be generally the same as last year, that is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and recommendations. Seasons and bag limits for specific populations of Canada geese and for snow geese (including blue geese) and with-fronted geese are to be determined later when more information is available.

Harvests of the Eastern Prairie and Mississippi Valley Canada goose populations in this flyway are controlled by quota allocations. Specific quotas will be established after population management objectives, recent population information, probable production, and expected fall flights have been taken into consideration. It is intended that the entire quota can be safely taken without detriment to the population and that such harvests are justifiable under the appropriate population objectives. Goose seasons in quota areas end when the quota has been achieved and the season terminated by emergency order under provision of § 20.26 of Title 50, or when the permissible number of hunting days has expired.

Central Flyway. Seasons and bag limits for Canada, white-fronted, Ross', and snow geese (including blue geese) are deferred pending additional information and recommendations. No significant changes from those in effect in 1980–81 are anticipated at this time.

South Dakota reported that 303,000 Canada geese belonging to the Western Prairie Population remained along the Missouri River after the hunting season closed. This population has grown rapidly in recent years. South Dakota requested that the Service consider raising the daily bag limit for these geese in certain South Dakota counties from 1 to 2 birds. The Service will consider the request as additional

information becomes available from this year's surveys.

Pacific Flyway. (Possible change.) Seasons and bag limits to be generally the same as last year, that is, not to exceed 93 days with overall goose bag limits not to exceed 6 daily and in possession. Specific season frameworks, season lengths, and daily bag limits for geese are deferred pending additional information and recommendations. Possible regulatory changes in the Pacific Flyway include modifications of areas and times of hunting of Canada geese to provide necessary protection for the endangered Aleutian Canada goose. No action will be taken pending assembly and study of population and other data, and completion of consultations under section 7 of the Endangered Species Act.

14. *Whistling swan.* (No change.) In Utah, Nevada, and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued to hunters by the appropriate State conservation agency on an equitable basis without charge.

15. *Sandhill cranes.* (No change.) Pending evaluation of harvest data from the 1980 season, to be available later, seasons for hunting sandhill cranes may be selected within specified areas in Colorado, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, Montana, and Wyoming with no substantial change in dates from the 1980–81 seasons and with a daily bag limit of 3 and a possession limit of 6 sandhill cranes. The provision for the Federal sandhill crane hunting permit is continued.

16. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi, and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific Flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

17. *Gallinules.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1981, and January 20, 1982, of not more than 70 days. States may split gallinule seasons without penalty. The daily bag and possession limits may not exceed 15 and 30, respectively. States may select gallinule seasons at the time they select their waterfowl seasons. In this case, daily bag and possession limits will remain the same and the season length may not exceed that for waterfowl, or 70 days, whichever is the shorter period.

States in the Pacific Flyway must select their gallinule hunting seasons within the waterfowl seasons. A gallinule season selected by any State or portion thereof in the Pacific Flyway may be the same as but not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

18. *Rails.* (No change.) The States included herein may select seasons between September 1, 1981, and January 20, 1982, on clapper, king, sora, and Virginia rails as follows:

The season lengths for all species of rails may not exceed 70 days.

Clapper and king rails.

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia rails.

In addition to the prescribed limits for king and clapper rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, may be selected in States in the Atlantic, Mississippi, and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway. No hunting season is proposed for rails in the remainder of the Pacific Flyway.

19. *Common snipe.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1981, and February 28, 1982, not to exceed 107 days, except that in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons between September 1, 1981, and February 28, 1982, not exceeding 93 days may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico.

All States in the Pacific Flyway except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three eastern flyways may defer selections of snipe seasons until the time they choose their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

20. *Woodcock.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1981, and February 28, 1982, of not more than 65 days, with daily and possession limits of 5 and 10, respectively. In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Any State may split its woodcock season without penalty. New Jersey may select woodcock hunting seasons by north and south zones divided by State Highway 70. Seasons in each zone may not exceed 55 days.

21. *Band-tailed pigeons.* (No change.)

West Coast States (California, Oregon, and Washington). These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1981, and January 15, 1982. The daily bag and possession limits may not exceed 5 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the Counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corner States: (Arizona, Colorado, New Mexico, and Utah). These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1981. The daily bag and possession limits may not exceed 5 and 10, respectively. Each hunter must have

been issued and carry while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State wildlife agency, and such permit will be valid in that State only. The season shall be open only in the areas delineated by the respective States in their hunting regulations. New Mexico may divide its State into two zones along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highwy 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1981, and November 30, 1981, in the North Zone, and October 1, 1981, and November 30, 1981, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected.

22. *Mourning doves.* (No change.) Concern has been expressed by some organizations and individuals about the hunting of mourning doves in September.

Accordingly, the Service reviewed and analyzed available information and data on the subject and issued an environmental assessment in July 1977. It was concluded that hunting in September was not detrimental to overall mourning dove populations and that by not permitting September hunting, the opportunities for dove hunting would be curtailed in many areas. Field work in a cooperative Federal-State research program to obtain further information on this mater was completed in 1980 but the analysis of resulting data has not been completed. The results of this investigation will be used in future evaluations of September hunting of mourning doves.

The Service proposes the following regulations for this year.

Unless otherwise noted, the shooting hours are one-half hour before sunrise to sunset.

Between September 1, 1981, and January 15, 1982, except as noted, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

1. Shooting hours between 12 o'clock noon and sunset daily, or as an option, between one-half hour before sunrise to sunset daily.

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half or full days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama.—The South Zone is defined as that area lying south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia.—The North Zone is defined as that area lying north of U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean. The South Zone consists of the remainder of Georgia.

Louisiana.—The North Zone is defined as that area lying north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State Line. The South Zone consists of the remainder of Louisiana.

Mississippi.—The North Zone is defined as that area lying north of U.S. Highway 84. The South Zone consists of the remainder of Mississippi.

B. Within each zone, these States may select hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the south zones of these States may commence no earlier than September 20, 1981.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

1. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

2. Hunting seasons in all States of not more than 60 full days which may run consecutively or be split into not more than three periods.

3. Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1981, and January 22, 1982.

C. The South Zone may have a season of not more than 60 days between September 20, 1981, and January 22, 1982. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1981–January 22, 1982, period.

Texas may select hunting seasons for each of three zones (to be designated), subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves.

B. Each zone may have a season of not more than 60 days between September 1, 1981, and January 25, 1982.

4. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

1. Daily bag and possession limits not to exceed 10 and 20, respectively;

2. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods (except in Arizona option and portions of Nevada and California described below). In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

Arizona may select for designated white-winged dove management units seasons of 70 half days beginning or ending at noon with a daily bag limit of 12 doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

Wyoming indicated that it would propose an experimental increase in the mourning dove bag limit in northern States which cannot avail themselves of the full hunting season length because of early dove migration southward in early September. No specific limit was proposed. The Service desires to know the specifics of the proposal, including means by which any relaxation could be evaluated, before taking a position on the proposal and offering it for public consideration.

23. *White-winged doves.* (No change.) Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1 and December 31, 1981, and daily bag limits as stipulated below.

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves, excepting in those areas selected under the option for mourning dove season of 70 half days where limits on white-winged doves shall be no more than 6 a day with 12 in possession after the opening day.

California may select a hunting season for the counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season, the length of which will be determined when information from State surveys is available, for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

24. *Migratory game bird seasons in Alaska.* (No change.) In 1977, by mutual agreement, the Service and the Alaska Department of Fish and Game initiated a study of stablized hunting regulations for the 5-year period, 1977 through 1981. Background information on this experiment was given in the Federal Register dated March 10, 1977; 42 FR 13317. Regulations proposed to be in effect during the 1981–82 season are as follows:

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1981–82

Between September 1, 1981, and January 26, 1982, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

1. *Shooting hours:* One-half hour before sunrise to sunset daily.

2. *Season lengths:*

A. In the Pribilof and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant. In the Kodiak (state game management unit 8) area, an open season of 107 days for ducks, geese, and brant, and the season may be split without penalty.

B. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska, including Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant.

D. An open season for snipe concurrent with the duck season.

E. An open season for sandhill cranes concurrent with the duck season.

3. *Bag and possession limits:*

A. Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

B. Geese—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. Brant—A daily bag limit of 4 and a possession limit of 8.

D. Common Snipe—A daily bag limit of 8 and a possession limit of 16.

E. Sandhill cranes—A daily bag limit of 2 and a possession limit of 4.

25. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.* (Minor change.)

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1981–82

Doves and Pigeons. An open season of 60 days between September 1, 1981, and January 15, 1982, may be selected for hunting Zenaida, mourning and white-winged doves, and scaly-naped pigeons in Puerto Rico. Shooting hours may extend from one-half hour before sunrise until sunset daily. The daily bag and possession limit for doves of the species named herein is 10, singly or in the aggregate. The daily bag and possession limit for scaly-naped pigeons is 5. No open season is prescribed for pigeons on Mona Island in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover. No open season is prescribed for doves and pigeons in the municipality of Culebra and Desecheo Island. (The latter is a new restriction. Desecheo Island is included in a national wildlife refuge and inadvertently in past frameworks has not been shown as closed to hunting. The area has been closed under Commonwealth regulations.)

Special Closure for Protection of the Puerto Rican Parrot

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

Special Closure for Protection of the Plain Pigeon

The hunting of doves and pigeons of any species is prohibited in all of Cidra Municipality and in portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican Plain Pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the above locale in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe. A season of 55 consecutive days between December 1, 1981, and January 31, 1982, may be selected for hunting ducks, coots, common gallinules and common snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on the ruddy duck (*Oxyura jamaicensis*) and the Bahama pintail (*Anas bahamensis*), which are protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purple gallinules (*Porphyrula martinica*).

The limits for common snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed in the municipality of Culebra and Desecheo Island.

Proposed Framework for Selecting Open Season Dates For Hunting Migratory Birds in the Virgin Islands, 1981–82

Doves and pigeons. A season of 60 days between September 1, 1981, and January 15, 1982, may be selected for hunting Zenaida doves throughout the Virgin Islands, and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

Local Names for Certain Birds

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

28. *Migratory game bird seasons for falconers.* (No change.)

Special Falconry Frameworks

Falconry is a permitted means of taking migratory game birds.

It is proposed that any State listed in 50 CFR 21.29(k) as meeting Federal falconry standards may select an extended season for taking migratory game birds in accordance with the following:

1. Seasons must fall within the regular season framework dates and, if offered, other special season framework dates for hunting.

2. Season lengths for all permitted methods of hunting within a given area may not exceed 107 days for any species.

3. Hunting hours shall not exceed 1/2 hour before sunrise to sunset.

4. Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

5. Each State selecting extended seasons shall report to the Service the results of the special falconry season by March 15, 1982.

6. Each State selecting the special season must inform the Service of the season dates and publish said regulations. General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

27. *Hawaii mourning doves.* (No change.) The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of part 20 of Title 50 CFR. Such a season must be within the constraints of applicable migratory bird treaties and annual regulatory frameworks. These constraints provide that the season must be within the period of September 1, 1981, and January 15, 1982, the length may not exceed 60 full days; the daily bag and possession limits may not exceed 10 and 20 doves, respectively. Other applicable Federal regulations relating to migratory game birds shall also apply.

28. *Other.*

Low Plains Proposal. Nebraska, Oklahoma, and South Dakota expressed continued interest in the Low Plains proposal for waterfowl seasons in the eastern part of the Central Flyway. This proposal was considered and discussed at length last year, and a decision was made not to implement it. The rationale was described in the Federal Register dated September 4, 1980 (at 45 FR 58542) as follows:

> The Low Plains proposal was briefly described in the Federal Register dated February 29, 1980 (at 45 FR 13042). The Service noted in the Federal Register dated July 1, 1980 (at 45 FR 44545) that the proposal was aimed primarily at increasing the harvest of mallards in the mid-continent area of the United States, an action felt to be inconsistent with present mallard population goals and harvest guidelines. It was further observed that a balanced program of reasonable mallard hunting opportunity among the four flyways, as developed over the past few years, existed and that further changes in hunting opportunity should be based on changes in the status of the populations involved. In the Federal Register dated August 13, 1980 (at 45 FR 53984), the Service noted that recently completed surveys of major production areas indicated that the numbers of breeding mallards had declined from 1979, and that deteriorating habitat conditions severely curtailed production to the extent that a reduced 1980 fall flight was anticipated. For these reasons, the Service recommended against adoption of the Low Plains proposal.

The Service does not propose to offer the Low Plains option in the Central Flyway at this time because of the reasons given in 1980.

Dated: March 5, 1981.

F. Eugene Hester,

Acting Deputy Director, U.S. Fish and Wildlife Service.

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Reader Aids

Federal Register

Vol. 46, No. 57

Wednesday, March 25, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	523-5230
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	523-5230
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20
18013-18306	23
18307-18520	24
18521-18678	25

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

485 17187

3 CFR

Executive Orders:

11970 (Revoked by EO 12299) 17751
12247 (Revoked by EO 12296) 16879
12258 (Revoked in part by EO 12299) 17751
12296 15129
12297 16877
12298 16879
12299 17751

Proclamations:

4822 14885
4823 15491
4824 17009
4825 17535
4826 18013
4827 18521
4828 18523

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857

Proposed Rules:

28 15884

5 CFR

Ch XIV 17187
550 14887
831 16653

7 CFR

Ch XVIII 17753
331 17753
905 16237
907 ..... 15257, 16237, 17537
910 ..... 15493, 15864, 16655, 17754
959 ..... 16236, 17755
2024 15493

Proposed Rules:

930 15868
982 16040
1002 17207
1004 ..... 15713, 16266
1007 ..... 16266, 18558
1011 ..... 16266, 18558
1030 ..... 16266, 18558
1032 ..... 16266, 18558
1046 ..... 16266, 18558
1049 ..... 16266, 18558
1050 ..... 16266, 18558
1062 ..... 16266, 18558
1064 ..... 16266, 18558
1065 ..... 16266, 18558
1068 ..... 16266, 16689, 18558
1071 ..... 16266, 18558
1073 ..... 16266, 18558
1076 ..... 16266, 18558
1079 ..... 16266, 18558
1094 ..... 16266, 18558
1096 ..... 16266, 18558
1097 ..... 16266, 18558
1098 ..... 16266, 18558
1099 ..... 16266, 18558
1102 ..... 16266, 18558
1104 ..... 16266, 18558
1106 ..... 16266, 18558
1108 ..... 16266, 18558
1120 ..... 16266, 18558
1126 ..... 16266, 18558
1131 ..... 16266, 18558
1132 ..... 16266, 18558
1138 ..... 16266, 18558
1139 16690
2851 14899
2859 15512

8 CFR

238 16656

9 CFR

75 15494

Proposed Rules:

306 15512
381 15512

10 CFR

20 ..... 16230, 18015, 18525
35 15683
212 15257
710 18170

Proposed Rules:

Ch. I 17566
2 ..... 17216, 18558
30 15278
40 15278
50 ..... 15278, 18045
51 15154
70 15278
72 15278
211 15112
212 17566
376 15494

380.....15484
1060.....17767

12 CFR

Ch. VII.....14867
1.....16240
5.....16656–16661
8.....16663
21.....15864
206.....16099
211.....16015
216.....15864
303.....17755, 17756
326.....15864
541.....17187
544.....16661
545.....17187
546.....14727
556.....16246
563.....14727
563a.....15864
611.....17011
701.....17187, 17537
748.....15864
749.....17188
1204.....15131

Proposed Rules:

400.....15668
545.....15175
618.....17022

13 CFR

123.....16526

14 CFR

39.....14728–14729, 15259, 17538–17540, 16247, 16248, 16881–16886, 16016–16019
71.....14730–14734
91.....16666, 16668
95.....14735
97.....15259, 16249, 16020
121.....15480

Proposed Rules:

Ch. I.....14749, 15276, 15746
21.....16279
39.....15479
71.....15478, 16699–16902, 16049, 16050
93.....15456
159.....15458
241.....17022

15 CFR

4a.....16251
386.....16669
388.....17189
503.....15496
804.....16892
805.....16892
935.....14741
936.....14741
937.....14741
938.....14741

Proposed Rules:

377.....17218
970.....16448

16 CFR

1.....14868
13.....15261, 15262, 16892, 14741, 17189
460.....16307
1000.....17541

Proposed Rules:

13.....16274
1208.....17758

17 CFR

15.....15132, 16256, 16526
16.....16526
17.....16526
18.....16526
21.....16526
200.....16256
211.....15496
230.....16531
231.....16670
239.....17756, 16531
240.....14868, 15133, 15134, 15498, 15713, 15666
241.....16670
249.....17756
250.....16532
251.....16535
259.....17756
269.....17756
270.....16673, 17011
274.....17756
279.....17756

Proposed Rules:

1.....16691
210.....15276
230.....16569
240.....14748, 15178, 17219

18 CFR

4.....15873
250.....15874
260.....15876
282.....14742, 15498, 15879, 16256, 16011

Proposed Rules:

Ch. I.....15512
Subchapter B.....16903
1.....14751, 17023
1b.....17023
2.....17023
3.....17023
3a.....17023
3c.....17023
4.....14751, 17023
12.....17023
16.....17023
25.....17023
32.....17023
33.....17023
34.....15513
35.....17023, 17227
41.....17023
131.....15513
152.....17023
153.....17023
154.....14869
156.....17023
157.....14869, 16903
158.....17023
250.....14869
260.....14869
270.....17023
271.....16914, 17023
275.....17023
281.....17023
282.....17023
284.....17023
286.....17023
292.....17023
375.....16903, 17023
385.....17023
388.....17023

19 CFR

Ch. II.....17526
200.....17542
207.....16022
210.....17526
211.....17526
353.....15135, 17190
355.....16069, 17014

Proposed Rules:

101.....17229

21 CFR

5.....16674, 17757
73.....15500, 17758
81.....15500, 17758
175.....16675
177.....16675
178.....17758
193.....16256, 17015
430.....15680, 16676
431.....16676
436.....15680, 16676, 16676, 16681
440.....15680, 16681
442.....15680, 16679
444.....16676, 16680, 16681, 17758
448.....16681
449.....16681
449.....16681
450.....16681
452.....16676, 16681
540.....14869
561.....14869, 17015, 18023
564.....14680

Proposed Rules:

20.....17063
106.....17790
109.....15518
110.....15518
193.....15281
225.....15518
226.....15518
452.....16682
500.....15518
509.....15518
601.....17063
803.....17063
872.....15519
876.....17063, 17064

22 CFR

Ch. XIV.....16058, 16065
41.....15504
51.....16257
191.....17543

24 CFR

201.....17190
203.....14743, 16693
207.....14743, 16693
213.....16693
220.....14743, 16693
221.....16693
232.....16693
234.....16693
235.....16693
236.....16693
241.....16693
242.....16693
244.....16693
300.....15505
803.....17366
888.....17366

25 CFR

45c.....14690
700.....15720

Proposed Rules:

72.....16916
280.....16916

26 CFR

1.....15262, 15666, 16100, 17191
20.....17191
25.....17191
31.....17547
37.....17547
55.....15262
150.....16257

Proposed Rules:

1.....15682, 17229
28.....15683
31.....17566

27 CFR

72.....16536
270.....16309
275.....16309
290.....16309
295.....16309

28 CFR

0.....16100
40.....16100

Proposed Rules:

2.....14804

29 CFR

1910.....14697
2200.....14744
2610.....16695, 16312

Proposed Rules:

92.....16827

30 CFR

700.....16023
716.....16023
785.....16023
936.....16536
944.....16541
950.....17191

Proposed Rules:

906.....16276

32 CFR

201.....15505
242b.....16024
286.....14690
369.....15506
762.....16313
875.....15506

33 CFR

1.....15665
230.....14745

Proposed Rules:

204.....16050

34 CFR

690.....16023

Proposed Rules:

104.....16321

38 CFR

3.....16101
21.....16101

38 16668
Proposed Rules:
17 16050

39 CFR

10 ..... 17016, 16313
111 ..... 14746, 15263, 15266, 17758
Proposed Rules:
10 16054
111 16560

40 CFR

52 ..... 15136–15139, 16666, 16667, 16685–16687, 17019, 17191–17193, 17549–17557, 17777–17779
55 16668
57 16025
81 ..... 14891, 14892, 15140, 16256, 17557
86 ..... 15666, 16258, 16259
122 ..... 16897, 16025
123 17194
162 ..... 15104, 17779
180 ..... 14894, 15122–15125, 17020, 17021, 16313–16316
205 17568
261 17196
264 ..... 16897, 16025
265 ..... 16897, 16025
761 16090
1500 16026
1501 16026
1502 16026
1503 16026
1504 16026
1505 16026
1506 16026
1507 16026
1508 16026
Proposed Rules:
Ch. I 16916
51 16280
52 ..... 15180, 15181, 15284, 15743, 16290, 17790
60 14906
61 16561
62 16321
81 ..... 15744, 15744
86 ..... 15893, 16917
141 17567
162 16322
180 ..... 15181, 15182, 15285, 16917, 17229, 17230
192 16278
264 16054
406 17567
408 16055
409 17567
413 17567
416 17567
418 17567
420 17567
421 17567
422 17567
424 17567
426 17567
428 17567
430 15287
431 15287
432 17567
435 17567
436 17567
440 17567
443 17567
457 17567
460 17567
761 16096
763 14905

41 CFR

Ch. 1 17760
Ch. 101 17564
1–3 17559
1–4 16102
5–6 17202
5A–6 17202
5B–6 17202
11 17559
16 17559
101–25 17564
101–35 16102
101–36 16102
101–40 14894
Proposed Rules:
8–4 17232
101–7 17791

42 CFR

110 15141

43 CFR

20 16897
Public Land Orders:
5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5808 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
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5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15267, 15269, 17781, 17782
65 ..... 15142, 17782, 18546
67 18546
Proposed Rules:
60 16692
67 ..... 14907, 15183, 15287, 16282, 17795–17808, 18562, 18563

45 CFR

1060 15270
1357 14895
1612 16267
Proposed Rules:
1624 18055

46 CFR

3 15746
14 15746
24 15746
188 15746
189 15746
536 18549
Proposed Rules:
502 17064

47 CFR

1 18551
2 ..... 15146, 15690
73 ..... 15147–15151, 15271, 15707, 15709–15711, 16268, 17783–17785, 18316–18318 18556, 18557
81 15690
83 15690
90 ..... 15152, 15273
97 15146
Proposed Rules:
Ch. I 14907, 15184, 15296, 16692
0 15297
22 15749
25 15754
61 15297
63 ..... 14754, 15297
67 17568
73 ..... 15184–15186, 15296, 15754, 15756, 15757, 17065, 17233, 17809–17811
83 17233
90 ..... 16104, 17813

48 CFR

Proposed Rules:
31 16916

49 CFR

172 17738
173 17564
531 18038
1003 ..... 16200, 17785
1005 ..... 16200, 17785
1033 ..... 14895, 14896, 15507
1039 15509
1056 ..... 16200, 17785
1100 17785
1132 15509
1240 15880
1243 15881
1310 ..... 16200, 17785
1322 ..... 16200, 17785
1331 ..... 15277, 16102
Proposed Rules:
23 16282
583 18059
1048 16106
1052 ..... 17813, 17814
1056 16225
1057 15300
1100 17065
1206 15302
1207 15302
1307 17234
1310 17234

50 CFR

611 16103
652 15510
671 16318
Proposed Rules:
20 16666
230 15746
410 15188
611 16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issued of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments On Proposed Rules For the Week of March 29 through April 4, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

12000 2-12-81 / Spearmint oil produced in the Far West; salable quantities and allotment percentages for 1981-82 marketing year; comments by 4-3-81

Commodity Credit Corporation—

9556 1-29-81 / Noncommercial risk assurance program (GSM-101); assuring against defaults caused by noncommercial risk occurrences; comments by 3-30-81

Farmers Home Administration—

8435 1-27-81 / Population limits for community facilities loan eligibility; comments by 3-30-81

9617 1-29-81 / Servicing and liquidation of Chattel Security; comments by 3-30-81

[Corrected at 46 FR 11666, 2-10-81]

Food and Nutrition Service—

8935 1-27-81 / Replacement of lost or stolen food stamp authorizations, and replacement of nondelivered, stolen or destroyed coupons; comments by 3-30-81

Food Safety and Quality Service—

14899 3-3-81 / Solicitation of information on proposed shelled peanuts standards; comments by 4-2-81

Rural Electrifcation Administration—

10498 2-3-81 / Adoption of the 1981 edition of the National Electrical Safety Code—ANSI C2; proposed revision of REA Bulletin 40-7; comments by 4-3-81

Soil Conservation Service—

9810 1-29-81 / Archeological and historical properties encountered in assistance programs; protection procedures; comments by 3-30-81

CIVIL AERONAUTICS BOARD

8561 1-27-81 / Oversales and denied boarding compensation; comments by 3-30-81

10184 2-3-81 / Pro rata and single entity charters; removal of restrictions on administration costs; comments by 3-30-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

12244 2-20-81 / Atlantic Billfishes Fishery Management Plan; comments by 3-30-81

Office of the Secretary—

9910 1-27-81 / Proposed amendment to the National Voluntary Laboratory Accreditation program procedures to include criteria for accrediting testing laboratories and to eliminate the need for criteria committees; comments by 3-30-81

Patent and Trademark Office—

9121 1-28-81 / Continuation-in-part application oath or declaration; additional requirements; comments by 3-31-81

COMMODITY FUTURES TRADING COMMISSION

9958 1-30-81 / Reparation proceedings; delegation of authority to Chief of Operations Section; comments by 3-31-81

13525 2-23-81 / Speculative position limits; comments by 4-1-81

[Originally published at 45 FR 79631, 12-2-80]

COMMUNITY SERVICES ADMINISTRATION

9661 1-29-81 / Grantee fiscal responsibility and auditing; comments by 3-30-81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

15131 3-4-81 / Premiums, finders fees, and the payment of interest; comments by 4-1-81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

9996 1-27-81 / Residential conservation service program; comments by 3-30-81

Economic Regulatory Administration—

15112 3-3-81 / Establishment of mechanism for entitlements adjustments for periods prior to decontrol of crude oil; comments by 4-2-81

V. 46 No. 57 MAR 25 1981 UMI

Federal Energy Regulatory Commission—

15513 3-6-81 / Public utilities and licensees; application for authorization of the issuance of securities or assumption of liabilities; comments by 3-30-81

ENVIRONMENTAL PROTECTION AGENCY

14398 2-27-81 / Air pollution; beverage can surface coating industry, standards of performance; reopening of comment period; comments by 3-30-81 [*See also* 45 FR 78880, 11-25-80]

9124 1-23-81 / Air quality implementations; prevention of significant deterioration and emission offset; new source review requirements; comments by 3-30-81

8581 1-27-81 / Approval and promulgation of implementation Plans; Ohio; comments by 3-30-81

14136 2-25-81 / Approval and Promulgation of Implementation Plans; Ohio; comments by 3-30-81

15181 3-4-81 / Chlorpyrifos, proposed tolerance; comments by 4-3-81

15182 3-4-81 / Ethephon, proposed tolerance; comments by 4-3-81

15083 3-10-81 / Motor vehicle pollution control, waiver of oxides of nitrogen emission standards; comments by 4-3-81

86732 12-31-80 / Noise emission standards for motorcycles and motorcycle exhaust system; additional testing requirement; comments by 3-31-81

10911 2-6-81 / Resource conservation and recovery; guidance on personnel training; selected interim status requirements; closure and post-closure; and financial requirements, availability of draft documents; comments by 3-31-81

8962 1-27-81 / Tampering enforcement regulations; comments by 3-30-81

15122 3-3-81 / Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; ethylene dibromide; comments by 4-3-81

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

9070 1-30-81 / Age discrimination; procedural regulations; comments by 3-31-81

FEDERAL COMMUNICATIONS COMMISSION

9133 1-28-81 / Common carrier services; AT&T; wideband circuits to communications companies and public; reply comments by 4-3-81

85125 12-24-80 / Direct broadcast satellites for the period following the 1983 Regional Administrative Radio Conference, development of regulatory policy (permanent regulatory issue); comments by 3-31-81

16104 3-11-81 / Interservice sharing of frequencies in the Private Land Mobile Service below 470 MHz; facilitation; comments by 4-3-81

15754 3-9-81 / Policies governing the ownership and operation of domestic satellite earth stations in the Bush Communities in Alaska; order extending time for reply comments to 4-3-81

9138 1-28-81 / Telephone company—cable television cross-ownership rules; exemption for rural areas; comments by 3-30-81

FEDERAL HOME LOAN BANK BOARD

15175 3-4-81 / Adjustable-rate mortgage instrument amendments; comments by 4-3-81

FEDERAL MARITIME COMMISSION

8599 1-27-81 / Exclusion of certain routine rate actions from reporting requirements; comments by 3-30-81

10178 2-3-81 / Exemption of certain agreements from the requirements of section 15, Shipping Act, 1916; comments by 4-3-81

GENERAL SERVICES ADMINISTRATION

77436 11-24-80 / Motor vehicles for disposal and release after sale, reporting of odometer information by Federal Agencies; comments by 4-1-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

15519 3-6-81 / Dental devices classification; comments period extended to 4-1-81

[*See also* 45 FR 86982, 12-30-80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

12214 2-13-81 / Bay checker spot butterfly; review of status; comments by 4-1-81

86512 12-31-80 / National Wildlife Refuge System; surface management of lands under U.S. mining laws; hardrock and placer mining; comments by 3-31-81

National Park Service—

85480 12-29-80 / Glacier Bay National Monument; protection of Humpback Whales; comments by 3-30-81

INTERSTATE COMMERCE COMMISSION

14365 2-27-81 / Intermodal transportation trailer on flatcar (TOFC) and container on flatcar (COFC); exemption for railroad affiliated and other motor carriers; comments by 3-30-81

14382 2-27-81 / Recordation of documents; rule revisions; comments by 3-30-81

LABOR DEPARTMENT

8999 1-27-81 / Procedure for determination of applicability of Section 8(f) of the Longshoremen's and Harbor Workers' Compensation Act and Special Fund assessments; comments by 3-30-81

Employment and Training Administration—

9008 1-27-81 / Comprehensive Employment and Training Act; regulations concerning complaints, investigations and sanctions; comments by 3-30-81

Employment Standards Administration—

8570 1-27-81 / Claims for benefits under Part C of Title IV of the Federal Mine Safety and Health Act; comments by 3-30-81

8954 1-27-81 / Procedures for handling of discrimination complaints under the Black Lung Benefits Act; comments by 3-30-81

Occupational Safety and Health Administration—

7402 1-23-81 / Identification, classification and regulation of potential occupational carcinogens; proposed amendments; comments by 3-31-81

Pension and Welfare Benefit Programs Office—

8571 1-27-81 / Definitions and coverage under the Employee Retirement Income Security Act of 1974; proposed regulations relating to supplemental payments; comments by 3-30-81

[*See also* 46 FR 11292, 2-6-81; corrected at 46 FR 12214, 2-13-81]

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

9069 1-29-81 / Federal Aquisition Regulation; disputes and appeals, draft; comments by 3-31-81

PENSION BENEFIT GUARANTY CORPORATION

9492 1-28-81 / Valuation of plan benefits in non-multiemployer plans (interim rule); comments by 3-30-81

PERSONNEL MANAGEMENT OFFICE

8529 1-27-81 / Personnel records; comments by 3-30-81

SECURITIES AND EXCHANGE COMMISSION

14749 3-2-81 / Net capital requirements for brokers and dealers; comments by 4-1-81

SELECTIVE SERVICE SYSTEM

8998 1-22-81 / Alternative service; proposed concept; comments by 3-31-81

TRANSPORTATION DEPARTMENT

Coast Guard—

11556 2-9-81 / Qualifications of persons in charge of oil transfer operations; comments by 4-1-81

Federal Aviation Administration—

80434 12-4-80 / Airworthiness standards: aircraft and products design and procedural standards for type certificates, type certificate amendments, and supplemental type certificates; comments by 3-31-81

Federal Highway Administration—

9642 1-29-81 / Construction and maintenance; general material requirements; comments by 3-30-81

National Highway Traffic Safety Administration—

10429 2-2-81 / Consumer information regulations; uniform tire quality grading; comments by 4-3-81

Office of the Secretary—

9603 1-29-81 / Aircraft air pollution standards, exemptions; delegation of authority to Federal Aviation Administrator of Environmental Protection Agency regulations; final rule; comments by 3-30-81

Research and Special Programs Administration—

8065 1-26-81 / Trailer-on-flatcar transportation of hazardous materials; comments by 4-2-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

9644 1-29-81 / Denatured alcohol and rum formulas; comments by 3-30-81

9969 1-30-81 / New specially denatured alcohol formula; comments by 3-31-81

Comptroller of the Currency—

9618 1-29-81 / Securities Exchange Act Disclosure rules; financial statements of national banks; falsification of accounting records, etc; comments by 3-30-81

Internal Revenue Service—

9965 1-30-81 / Income tax; consolidated return regulations; comments by 3-31-81

12502 2-17-81 / Reporting the generation skipping transfer tax; comments by 4-3-81

Comments On Proposed Rules for the Week of April 5 through April 11, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

17207 3-18-81 / Milk in the New York-New Jersey marketing area; recommended decision and opportunity to file written exceptions on proposed amendments to tentative marketing agreement and to order; comments by 4-7-81

Commodity Credit Corporation—

10746 2-4-81 / 1981 upland and extra long staple cotton loan program provisions; comments by 4-6-81

Farmers Home Administration—

11552 2-9-81 / Operating loan policies, procedures and authorizations; comments by 4-10-81

Food Safety and Quality Service—

1296 1-6-81 / Use of fumaric acid in meat and poultry products; comments by 4-6-81

Rural Electrification Administration—

11287 2-6-81 / Electric borrowers; contract modifications and alternative bidding provisions; "Construction Methods and Purchase of Materials and Equipment" (Bulletin 40-6); comments by 4-7-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

11557 2-9-81 / Nondiscrimination in Federally assisted programs; comments by 4-10-81

CIVIL AERONAUTICS BOARD

11827 2-11-81 / Uniform system of accounts and reports for certificated air carriers; reply comments period extended to 4-6-81

[*See also* 46 FR 58504, 12-24-81]

CONSUMER PRODUCT SAFETY COMMISSION

11188 2-5-81 / Urea-formaldehyde foam insulation; proposed ban; comments by 4-6-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

10914 3-16-81 / Ceiling prices; high-cost natural gas from tight formations; West Virginia; comments by 4-6-81

10803 3-16-81 / Electric utilities; hydropower projects; preliminary permit policies; comment period extended to 4-6-81

[Originally published at 46 FR 15812, 3-6-81]

14899 3-3-81 / Producer filing instructions; discontinuance of certain produce reports and related forms nos. 108 and 314-R; comments by 4-6-81

14751 3-3-81 / Water power projects; revisions to certain regulations governing applications for preliminary permit and license; comments by 4-6-81

Office of the Secretary—

15484 3-6-81 / Variable net profit share bidding system for outer continental shelf oil and gas lease sales, comments by 4-7-81

ENVIRONMENTAL PROTECTION AGENCY

15744, 15745 3-9-81 / Air quality control regions, criteria and control techniques; attainment status designations; Ohio; comments by 4-8-81

17760 3-20-81 / Air quality implementation plan; California; revision for San Diego Air Basin nonattainment area; comment period extended to 4-6-81

[*See also* 46 FR 19758, 3-4-81]

15824 3-5-81 / Availability of revision of Washington State Implementation Plan; comments by 4-6-81

11322 2-6-81 / Energy equivalency between diesel fuel and gasoline; comments by 4-7-81

15281 3-5-81 / Establishment of maximum permissible level for residues of diquat in potable water; comments by 4-6-81

13492 2-20-81 / Hazardous wastes; interim status standards for owners and operators of treatment, storage, and disposal facilities; liquid ignitable wastes in containers; comments by 4-10-81

15743 3-9-81 / Interstate pollution abatement; proceedings under Section 125 of the Clean Air Act; comments by 4-8-81

1435 2-20-81 / Iron and steel manufacturing point source category effluent limitations guidelines; pretreatment standards and new source performance standards; comments by 4-8-81

15285 3-5-81 / Proposed tolerances for diquat; comments by 4-6-81

1102 1-6-81 / Standards of performance for new stationary sources; metal coil surface coating; comments by 4-6-81

[Comment period extended at 46 FR 12023, 2-12-81]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

11285 3-6-81 / Collection of applicant data for affirmative action purposes; interim regulations; comments by 4-7-81

FEDERAL COMMUNICATIONS COMMISSION

9975 1-30-81 / FM broadcast station in Clinton and Bald Knob, Ark.; changes in table of assignments; reply comments by 4-6-81

9048 1-30-81 / Petition to reallocate VHF-TV Channel 9 from New York, N.Y. to a city within the city grade contour of Station WOR-TV; comments by 4-6-81

14358 2-27-81 / Radio services, special; multiple-address radio systems in the public land mobile radio service; private operational-fixed microwave service; and establishment of new frequency tolerance in the 952-960 mHz band; reply comment period extended to 4-6-81

[*See also* 46 FR 10708, 2-4-81]

15749 3-9-81 / Regulatory policies and procedures for the domestic public land mobile radio service; comments by 4-7-81

2575 1-15-81 / TV broadcast station in Santa Barbara, Calif., reply comments extended to 4-6-81

[*See also* 45 FR 25779, 4-30-80]

FEDERAL TRADE COMMISSION

10921 3-5-81 / Albertson's Inc., Boise, Idaho, operator of retail grocery stores; proposed consent agreement and analysis; comments by 4-7-81

GENERAL ACCOUNTING OFFICE

15984 3-10-81 / Personnel Appeals Board; procedures; comments by 4-10-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

81154 12-6-80 / Classification of hypophosphatasia and hyperphosphatasia drug products for over-the-counter human use; reply comments by 4-6-81

2486 1-9-81 / New animal drugs for use in animal feeds; definitions and general considerations; revised procedures; medicated feed applications; comments by 4-6-81

[Corrected at 46 FR 13237, 2-20-81]

INTERSTATE COMMERCE COMMISSION

13741 2-24-81 / Motor carriers; temporary authority and emergency temporary authority; comments by 4-10-81

LABOR DEPARTMENT

Employment Standards Administration—

4320 1-16-81 / Salary levels used to determine exemption of bona fide executive, administrative or professional employee from FLSA; comments by 4-6-81

[Corrected at 46 FR 11284, 2-6-81; effective date stayed at 46 FR 12208, 2-13-81]

Occupational Safety and Health Administration—

12213 2-13-81 / Occupational exposure to pesticides during manufacture and formulation; comments by 4-10-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

11324 2-6-81 / Federal acquisition regulations; contractor versus government performance; comments by 4-7-81

NUCLEAR REGULATORY COMMISSION

17216 3-16-81 / Rules of practice for domestic licensing proceedings; expediting the NRC hearing process; comments by 4-7-81

SMALL BUSINESS ADMINISTRATION

10501 2-3-81 / Challenges to certification of eligibility by interested companies pursuant to Section 8(d) of the Small Business Act; comments by 4-6-81

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

2132 1-6-81 / Federal Motor Vehicle Safety Standards; lamps, reflective devices, and associated equipment; comments by 4-10-81

2136 1-6-81 / Federal Motor Vehicle Safety Standards; rear underride protection; comments by 4-6-81

TREASURY DEPARTMENT

Internal Revenue Service—

10510 2-3-81 / Foreign bribes and international boycott; comments by 4-6-81

15982 3-10-81 / Income from trade shows; comments by 4-6-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

16285 3-12-81 / Gospel-Hump Advisory Committee, Grangeville, Idaho (open), 3-30-81

15304 3-5-81 / Lewis and Clark National Forest Grazing Advisory Board, Great Falls, Mont. (open), 4-1-81

14148 2-26-81 / Payette National Forest Grazing Advisory Board, Council, Idaho (open) 4-1-81

15304 3-5-81 / Prescott National Forest Grazing Advisory Board, Prescott, Ariz. (open), 4-3-81

Rural Electrification Administration—

14368 2-27-81 / Texland Electric Cooperative, Inc., Milano and Franklin, Tex. (open), 4-1 and 4-2-81 respectively

ARTS AND HUMANITIES, NATIONAL FOUNDATION

13954 2-24-81 / Humanities Panel, Washington, D.C. (closed), 3-30 and 3-31-81

17936 3-20-81 / Literature Panel, Washington, D.C. (partially open), 4-3 and 4-4-81

16995 3-16-81 / Media Arts Panel, Production (Individuals Section), Washington, D.C. (closed), 3-30 through 4-1-81

16761 3-13-81 / Visual Arts Panel, (Building Arts Section), Washington, D.C. (closed), 3-30 through 4-2-81

CIVIL RIGHTS COMMISSION

15780 3-9-81 / Maine Advisory Committee, Augusta, Maine (open), 4-2-81

15780 3-9-81 / New Mexico Advisory Committee, Grants, N. Mex. (open), 4-3 and 4-4-81

15780 3-9-81 / Ohio Advisory Committee, Cincinnati, Ohio (open), 4-4-81

16106 3-11-81 / Tennessee Advisory Committee, Nashville, Tenn. (open), 4-3-81

15525 3-6-81 / Vermont Advisory Committee, South Woodstock, Vt. (open), 4-3 and 4-4-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

16700 3-13-81 / Mid-Atlantic Fishery Management Council, Bluefish Subpanel, Philadelphia, Pa. (open), 4-3-81

11857 2-11-81 / Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee, Philadelphia, Pa. (open), 4-1-81

15763 3-9-81 / Western Pacific Fishery Management Council, Honolulu, Hawaii (partially closed), 3-31 and 4-1-81

DEFENSE DEPARTMENT

Air Force Department—

16291 3-12-81 / USAF Scientific Advisory Board Strategic Cross-Matrix Panel, Peterson AFB, Colo. (closed), 4-1 and 4-2-81

Army Department—

16291 3-12-81 / Army Science Board, Washington, D.C. (closed), 4-2 and 4-3-81

Office of the Secretary—

15908 3-10-81 / Defense Science Board Task Force on Mapping, Charting and Geodesy, Washington, D.C. (closed), 3-30 and 3-31-81

15908 3-10-81 / Defense Science Board Task Force on Review of M-X Environmental Impact Statement, Arlington, Va. (open), 3-30 and 3-31-81

13545 2-23-81 / Defense Systems Management College, Fort Belvoir, Va. (open), 4-2-81

7428 1-23-81 / Wage committee, Washington, D.C. (closed), 3-31-81

ENERGY DEPARTMENT

11574 2-9-81 / National Petroleum Council, Arctic Oil and Gas Resources Committee, Coordinating Subcommittee, Los Angeles, Calif. (open), 3-30 and 3-31-81

14759 3-2-81 / National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation, San Antonio, Tex. (open), 4-2-81

Energy Research Office—

16311 3-12-81 / DOE/NSF Nuclear Science Advisory Committee, Washington, D.C. (open), 3-30 and 3-31-81

17249 3-18-81 / Energy Research Advisory Board, Biomass Panel, Washington, D.C. (open), 4-3-81

Western Area Power Administration—

14434 2-27-81 / Central Valley Project Proposed Centralia and Northwest Power rate adjustment, Sacramento, Calif. (open), 3-31-81

ENVIRONMENTAL PROTECTION AGENCY

77332, 77353 11-21-80 / Proposed environmental test standards and proposed good laboratory practice standards, Washington, D.C. (open), 3-31-81

[Rescheduled and relocated at 46 FR 89992 1-27-81]

FEDERAL COMMUNICATIONS COMMISSION

15772 3-9-81 / Radio Technical Commission for Marine Services, Boulder, Colo. (open), 3-31 and 4-1-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

17141 3-17-81 / Community Alcoholism Services Review Committee, Rockville, Md. (partially open), 4-1 through 4-6-81

Centers for Disease Control—

15576 3-6-81 / Worker Safety Hazards in Grain Elevators and Feed Mills, Morgantown, W. Va. (open), 4-1 and 4-2-81

Food and Drug Administration—

16727 3-13-81 / Arthritis Advisory Committee, Rockville, Md. (open), 4-2 and 4-3-81

16727 3-13-81 / Obstetrics Gynecology and Radiological Devices Panel, Radiology Device Section, Washington, D.C. (open), 4-2 and 4-3-81

11712 2-10-81 / Peripheral and Central Nervous System Drugs Advisory Committee, Rockville, Md. (open), 3-30-81

National Institutes of Health—

16944 3-16-81 / Bladder and Prostatic Cancer Review Committee, Prostatic Cancer Review Subcommittee, Buffalo, N.Y. (partially open), 4-2-81

14822 3-2-81 / Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Program Project Subcommittee), Bethesda, Md. (partially open), 3-30 through 4-1-81

11716 2-10-81 / Clinical Trials Review Committee, Boston, Mass. (partially open), 3-29 through 3-31-81

13816 2-24-81 / General Research Support Review Committee, Biomedical Research Support Subcommittee, Bethesda, Md. (open), 3-30 and 3-31-81

INTERIOR DEPARTMENT

Land Management Bureau—

14194 2-26-81 / Butte District Grazing Advisory Board, Butte, Montana (open), 4-3-81

14071 2-25-81 / Dickinson District Advisory Council, Dickinson, N. Dak. (open), 4-2-81

16337 3-12-81 / Iditarod Trail Advisory Council, Anchorage, Alaska (open), 4-3-81

14196 2-26-81 / Montrose District Advisory Council, Montrose, Calif. (open), 3-30 and 3-31-81

15334 3-6-81 / Multiple Use Advisory Council, Moab, Utah, (open), 4-3-81

14974 3-3-81 / Regional Oil Shale Team, Denver, Colorado (open), 4-1-81

16136 3-11-81 / San Gorgonio Wind Leasing Program; Banning, Calif. (open), 4-2-81; Palm Springs, Calif. (open), 4-3-81

15581 3-6-81 / Sun Valley Planning Area, livestock grazing; environmental impact statement, Shoshone, Idaho (open), 4-2-81

National Park Service—

13389 2-20-81 / Golden Gate National Recreation Area Advisory Commission, Point Reyes Station, Calif. (open), 4-4-81

Office of the Secretary—

13689 2-23-81 / Oil Shale Environmental Advisory Panel, Denver, Colo. (open), 4-2 and 4-3-81

JUSTICE DEPARTMENT

Foreign Claims Settlement Commission—

15254 3-4-81 / Consideration of decisions involving claims, Washington, D.C. (open), 4-1-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

17172 3-17-81 / NASA Advisory Council, Washington, D.C. (open), 4-3-81

NATIONAL SCIENCE FOUNDATION

16762 3-13-81 / Ad hoc meeting of representatives of the scientific community and the NSF Director and staff; budget and organizational structure review, Washington, D.C. (open), 4-4-81

15014 3-3-81 / Alan T. Waterman Award Committee, Washington, D.C. (closed), 3-31-81

16763 3-13-81 / Physiology, Cellular and Molecular Biology Advisory Committee, Biological Instrumentation Subcommittee, Washington, D.C. (closed), 4-2 and 4-3-81

16763 3-13-81 / Social and Economic Advisory Committee, History and Philosophy of Science Subcommittee, Washington, D.C. (closed), 4-2 through 4-4-81

NUCLEAR REGULATORY COMMISSION

17318 3-18-81 / Reactor Safeguards Advisory Committee, Advance Reactors Subcommittee, Des Plaines, Ill. (open), 4-2 and 4-3-81

17318 3-18-81 / Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Des Plaines, Ill. (open), 4-2 and 4-3-81

17685 3-19-81 / Reactor Safeguards Advisory Committee, La Salle County Station Subcommittee, Morris, Ill., (partially open), 4-3 and 4-4-81

SMALL BUSINESS ADMINISTRATION

17330 3-18-81 / Region I Advisory Council, Hartford, Conn. (open), 4-3-81

15401 3-5-81 / Region IV Advisory Council, Columbia, S.C. (open), 3-31-81

16017 3-3-81 / Region IV Advisory Council, Fayetteville, Tenn. (open), 4-1-81 and Jackson, Miss. (open), 4-2-81

14245 2-26-81 / Region IX Advisory Council, Honolulu, Hawaii (open), 3-31-81

15016 3-3-81 / Region IX Advisory Council, Las Vegas, Nevada (open), 3-31-81

STATE DEPARTMENT

16396 3-12-81 / Advisory Committee on International Investment, Technology and Development, Washington, D.C. (open), 3-30-81

16397 3-12-81 / Study Group 8 of the U.S. Organization for the International Radio Consultative Committee, Washington, D.C. (open), 4-3-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

14877 3-2-81 / Radio Technical Commission for Aeronautics Executive Committee, Washington, D.C. (open), 3-20-81

National Highway Traffic Safety Administration—

17003 3-16-81 / "Energy Efficient Commercial Vehicle Driving", Washington, D.C. (open), 3-31-81

17004 3-16-81 / "Improved Commercial Vehicle Conspicuity and Signalling Systems", Culver City, Calif. (open), 4-3-81

VETERANS ADMINISTRATION

16774 3-13-81 / Medical Research Service, Merit Review Boards: Immunology, Washington, D.C., 3-30 and 3-31-81; and Gastroenterology, Washington, D.C., 4-3-81 (both meetings partially open)

16174 3-11-81 / Wage Committee, Washington, D.C. (closed), 4-3-81

Next Week's Public Hearings

COMMERCE DEPARTMENT

International Trade Administration—

15525 3-6-81 / Antidumping finding on television receiving sets from Japan, Washington, D.C., 4-3-81

National Oceanic and Atmospheric Administration—

16306 3-5-81 / Florida coastal management program, draft environmental impact statement, Fort Lauderdale, Fla., 3-30-81; Tampa, Fla., 3-31-81; Tallahassee and Pensacola, Fla., 4-1-81; Daytona Beach, Fla., 4-2-81

DEFENSE DEPARTMENT

Air Force Department—

16708 3-13-81 / M-X Missile Program; deployment area selection and land withdrawal/acquisition; draft environmental impact statement: Las Vegas, Nev., 3-30-81; Cedar City, Utah, 3-31-81; Milford, Utah, 4-1-81; Delta, Utah, 4-2-81; Salt Lake City, Utah, 4-3-81; Ely, Nev., 4-4-81

ENVIRONMENTAL PROTECTION AGENCY

13725 2-24-81 / Consolidated permit application forms 1, 2b, and 2c, Washington, D.C., 3-30-81

INTERIOR DEPARTMENT

Office of the Secretary—

13689 2-23-81 / Oil shale lease; detailed development plan modification, Denver, Colo., 4-2-81

INTERNATIONAL TRADE COMMISSION

16158 3-11-81 / Airless paint spray pumps, Washington, D.C., 3-31-81

13660 2-19-81 / Study of the economic impact on the domestic jewelry industry of the subdivision of Item 740.10 of the tariff schedules of the United States for purposes of the generalized system of preferences, Providence, R.I., 3-30-81

TRANSPORTATION DEPARTMENT

Coast Guard—

11566 2-9-81 / Qualification of persons in charge of oil transfer operations, Washington, D.C., 4-1-81

11565 2-9-81 / Tankerman requirements, Washington, D.C., 4-1-81

TREASURY DEPARTMENT

Internal Revenue Service—

9965 1-30-81 / Investment credit for qualified rehabilitated buildings, Washington, D.C., 3-31-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 18, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

17239 3-16-81 / Commerce/MBDA—Consulting service program, Nassau-Suffolk (New York) SMSA; apply by 4-16-81

17240 3-16-81 / Commerce/MBDA—Consulting service program, New York region; apply by 4-9-81

17241 3-16-81 / Commerce/MBDA—Consulting service program, Norfolk/Virginia Beach/Portsmouth and Hampton/Newport News SMSA's, Virginia; apply by 4-17-81

17240 3-16-81 / Commerce/MBDA—Consulting service program, San Francisco region; apply by 4-23-81

17575 3-19-81 / Commerce/MBDA—Management and technical assistance project; apply by 4-21-81

17071 3-17-81 / Commerce/MBDA—Regional Construction Services Project; apply by 4-17-81

MEETINGS

17141 3-17-81 / HHS/ADAMHA—Community Alcoholism Services Review Committee, Rockville, Md. (partially open), 4-1 through 4-6-81

17141 3-17-81 / HHS/ADAMHA—Mental Health Small Grant Review Committee, Rockville, Md. (partially open), 4-6 through 4-9-81

17991 3-20-81 / HHS/NIH—Recombinant DNA Advisory Committee, Bethesda, Md. (partially open), 4-23 and 4-24-81 (if necessary)

17991 3-20-81 / HHS/NIH—Recombinant DNA Advisory Committee, Large Scale Review Working Group, Bethesda, Md. (open), 4-22-81

17936 3-20-81 / NFAH—Design Arts Panel, Washington, D.C. (open), 4-13 and 4-14-81

17936 3-20-81 / NFAH—Literature Panel, Washington, D.C. (partially open), 4-3 and 4-4-81

17173 3-23-81 / NSF—Steering Committee of the NSF Advisory Council, Washington, D.C. (open), 3-30-81

17173 3-23-81 / NSF—Task Group No. 16 of the NSF Advisory Council, Washington, D.C. (open), 3-27-81

OTHER ITEMS OF INTEREST

17574 3-17-81 / Commerce/MBDA—Construction Services Project; pre-application conference; 4-2-81

17876 3-20-81 / EPA—Minority and business enterprise policy, construction grants program; proposed policy revisions; comment period extended to 5-4-81

[*See also* 46 FR 5086, 1-19-81]

17994 3-20-81 / HHS/NIH—Recombinant DNA Research; proposed actions under guidelines

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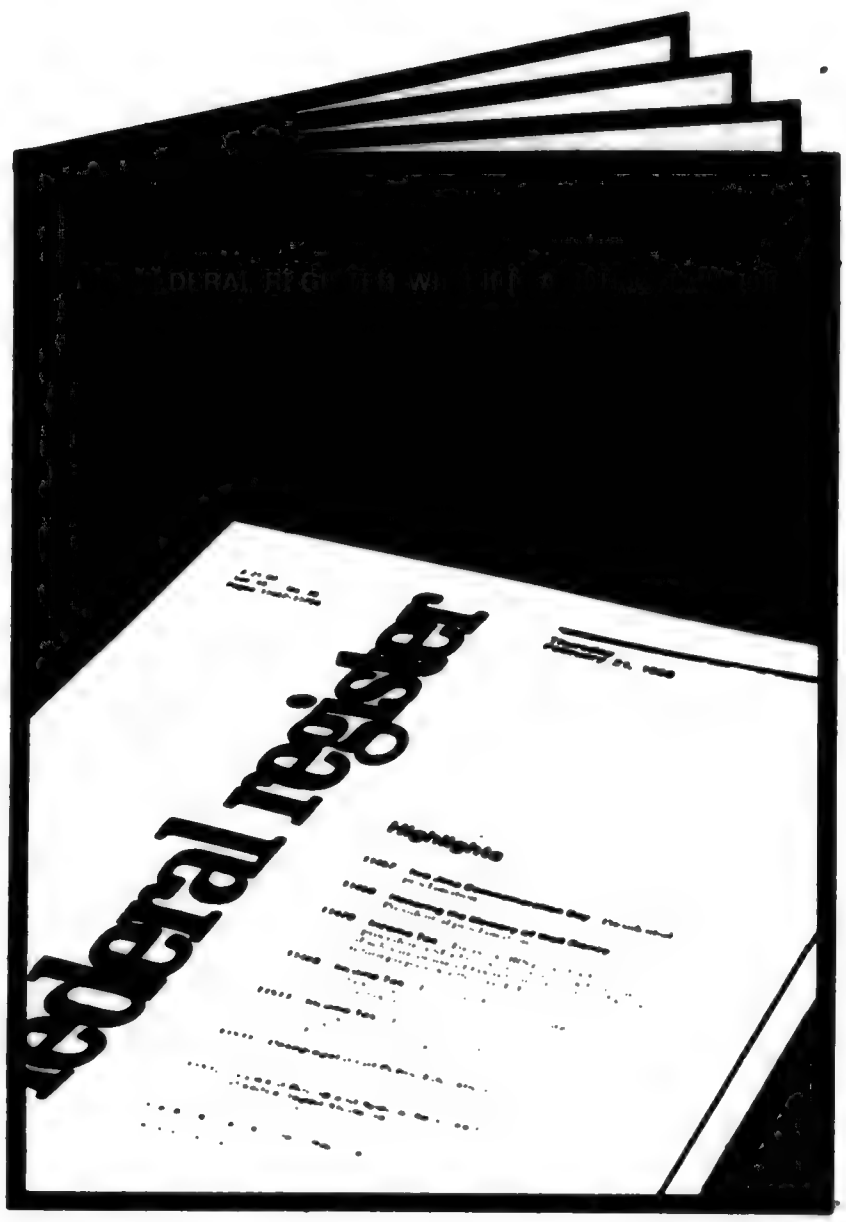

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3-26-81
Vol. 46 No. 58
Pages 18679-18826

federal register

Thursday
March 26, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

18681 **Small Business Week, 1981** Presidential proclamation

18683 **Exceptions from the Competitive Service** Executive order

18792 **Continental Shelf** Interior/GS issues receipt of a proposed development and production plan for oil and gas and sulphur operations

18883 **Juvenile Delinquency** Justice/JJDPO announces the availability of 5 percent of its special emphasis funds for grants and contracts designed to address special needs and problems of juvenile delinquency in certain insular areas (Part II of this issue)

18686 **Banking** FHLBB rules on mutual fund investments; effective 3-26-81

18758 **Grant Programs—Education** ED publishes closing dates for the transmittal of fiscal year 1981 applications for the Discretionary Grant Programs under the Vocational Rehabilitation Act of 1973

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

18791 **Grant Programs—Health** HHS/PHS announces the availability of funds for fiscal year 1981 for cooperative agreements for State-based Diabetes Control Programs

18827 **Nuclear Safety** NRC solicits comments by 5-26-81, regarding a plan to develop safety goals for nuclear power plants

18918 **Hazardous Materials Transportation** DOT/RSPA/MTB discusses certain city regulations on the transportation of hazardous materials (Part IV of this issue)

18751 **Antidumping** Commerce/ITA advises public of an administrative review of the countervailing duty order on sugar from the United Kingdom; effective 3-26-81

18886 **Aviation** DOT/FAA invites public comments on the draft U.S. National Aviation Standard for the Automatic Traffic Advisory and Resolution Service (ATARS) (Part III of this issue)

18846 **Aviation** DOT/FAA publishes proposed standard for the Very High Frequency Omnidirectional Radio Range (VOR), Distance Measuring Equipment (DME) and Tactical Air Navigation (TACAN); comments by 5-29-81

18789 **Privacy Act Document** FCSC

18879 **Sunshine Act Meetings**

Separate Parts of This Issue

18883 **Part II, Justice/JJDPO**
18886 **Part III, DOT/FAA**
18918 **Part IV, DOT/RSPA/MTB**

V 46 / 58 MR 26 81 M

Contents

Federal Register
Vol. 46, No. 58
Thursday, March 26, 1981

The President
EXECUTIVE ORDERS
18683 Exceptions from the Competitive Service (EO 12300)
PROCLAMATIONS
18679 Cancer Control Month (Proc. 4828); correction
18681 Small Business Week, 1981 (Proc. 4829)

Executive Agencies

Administrative Conference of United States
NOTICES
Meetings:
18751 Agency Decisional Processes Committee

Agricultural Marketing Service
RULES
18685 Oranges (navel) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service.

Alcohol, Tobacco and Firearms Bureau
NOTICES
18758 Explosive materials and ammunition, protection; contractor facilities inspection; memorandum of understanding with DIS

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
18685 Brucellosis

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
18819 Amtel, Inc., et al.

Arts and Humanities, National Foundation
NOTICES
Meetings:
18823 Expansion Arts Panel

Centers for Disease Control
NOTICES
Grants; availability, etc.:
18791 State-based diabetes control programs, cooperative agreements

Coast Guard
RULES
Great Lakes pilotage:
18716 Rates and services; inclusion of travel expenses in cancellation charges, etc.

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration; National Technical Information Service.

Defense Department
See also Defense Investigative Service; Engineers Corps; Navy Department.

Defense Investigative Service
NOTICES
18758 Explosive materials and ammunition, protection; contractor facilities inspection; memorandum of understanding with ATF

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
18822 Knoll Pharmaceutical Co.
18822 Stepan Chemical Co.; correction

Economic Regulatory Administration
NOTICES
Consent orders:
Coline Gasoline Corp.
Triton Oil & Gas Corp. (Editorial note: These two documents, appearing on pages 18335 and 18667 in the Federal Register for March 24, 1981, were mistakenly carried under "Natural gas; fuel oil displacement certification applications")
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
18775 BASF Wyandotte Corp.

Education Department
NOTICES
Grant applications and proposals, closing dates:
18758 Vocational Rehabilitation Act of 1973 discretionary grant programs

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
Conduct standards:
18774 Post-employment prohibition waivers
Meetings:
18774 Energy Policy Task Force
18784 National Petroleum Council

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
18756 Atchafalaya Basin Floodway project, La.
18757 Main Branch, Kans., etc.
18756 Tennessee-Tombigbee Waterway, potential mitigation measures for wildlife habitat losses resulting from construction, Alabama and Mississippi

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
18692 New Mexico

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
18694 Phytophthora palmivora
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
18725 Idaho
Water pollution; effluent guidelines for point source categories:
18725 Iron and steel manufacturing; best practicable, available, or conventional technology; pretreatment and new source performance standards; correction

Farm Credit Administration
RULES
Organization and functions:
18688 District board members; level of compensation; correction

Federal Aviation Administration
RULES
Airworthiness directives:
18689 Cessna; correction
18689 Teledyne Continental
NOTICES
18877 Aircraft registration, U.S.; legal opinion as to whether lessee of aircraft conveyed under finance lease is aircraft owner
18845 Airman certificates, temporary; extension of effective period
18844 Exemption petitions; summary and disposition
18886 National aviation standards; automatic traffic advisory and resolution service (ATARS); inquiry
18846 National aviation standard; high frequency omnidirectional radio range (VOR), distance measuring equipment (DME), and tactical air navigation (TACAN); inquiry

Federal Communications Commission
RULES
Commercial radio operators, etc.:
18717 Qualification requirements for six month service endorsement for radio officers in the maritime services, etc.
Common carrier services:
18720 Satellite communications; authorization of issuance of securities, borrowing of money, or assumption of obligations; termination of docket
Radio stations; table of assignments:
West Virginia (Editorial note: This document, appearing at page 18318 in the Federal Register for March 24, 1981, was mistakenly omitted from the table of contents)
PROPOSED RULES
Common carrier services:
18737 MTS and WATS market structure; interstate telecommunications services entry policy, and Alaska submarket inquiry; extension of time
Radio stations; table of assignments:
18743 Maine
18737 South Carolina
Television stations; table of assignments:
18745 California
NOTICES
18784 AM broadcast applications accepted for filing and notification of cut-off date
Hearings, etc.:
18785 Bloch, Alfred E., et al.
18786 Flanagan, Flanagan and Cross, Inc., et al.

Federal Emergency Management Agency
RULES
Flood elevation determinations:
18688 Illinois et al.
Flood insurance; communities eligible for sale:
18712, 18713 Alabama et al. (2 documents)
Flood insurance; special hazard areas:
18707 Pennsylvania et al.
PROPOSED RULES
Flood elevation determinations:
18726 Alabama et al.

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
18776 Arkansas Power & Light Co. et al.
18779 Bangor Hydro-Electric Co.
18778 Columbia Gas Transmission Corp.
18778 Columbia Gulf Transmission Co.
18778 Indiana Municipal Power Agency
18781 Mason County Public Utility District No. 3
18782 Municipal Electric Power Association of Virginia
18777 Oglesby and Ladd, Ill.
18782 Southern California Edison Co.
18783 Transwestern Pipeline Co. et al.
18783 West Texas Utilities Co.
18783 Wisconsin Public Power Incorporated System et al.
18879 Meetings; Sunshine Act

Federal Home Loan Bank Board
RULES
Federal home loan bank system, etc.:
18686 Mutual fund investments
NOTICES
18879 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Rate increases, etc.; investigations and hearings, etc.:
18786 U.S. Flag Far East Discussion Agreement members; exemption of joint through water/rail rates; petition filed

Federal Reserve System
NOTICES
Applications, etc.:
18787 Colonial Bancorporation, Inc.
18788 Delhi Bancshares, Inc.
18789 First Picher Bancshares, Inc.
18788 Freeport Bancshares, Inc.
18788 FSB Holding Co., Inc.
18788 Metropolitan Bancorporation
18789 Van Horne Bancshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
18787 Barclays Bank Ltd. et al.
18789 Pittsburgh National Corp.

Federal Trade Commission
RULES
Prohibited trade practices:
18691 Benton & Bowles, Inc.

18691 Citicorp Financial, Inc.

PROPOSED RULES

Prohibited trade practices:

18723 American Hospital Supply Corp.

Fish and Wildlife Service

NOTICES

Meetings:

18792 Canada goose management program, Wis.

Foreign Claims Settlement Commission

NOTICES

18789 Privacy Act; systems of records; annual publication

Forest Service

NOTICES

Environmental statements; availability, etc.:

18751 Gallatin National Forest, Big Timber Ranger District, Sweet Grass County, Mont.; Stillwater PGM resources platinum mining and milling facilities

General Accounting Office

NOTICES

18790 Regulatory reports review; proposals, approvals, violations, etc. (FCC)

General Services Administration

RULES

Property management:

18695 Motor vehicle energy conservation; acquisition of fuel efficient light trucks

Geological Survey

NOTICES

Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:

18792 Union Oil Co.

Health and Human Services Department

See Centers for Disease Control.

Housing and Urban Development Department

See Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.

Interior Department

See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; Water and Power Resources Service.

NOTICES

18799 Part-time carrier employment for Federal employees; final instruction and requirements

18801 Privacy Act; systems of records; correction

Watches and watch movements; allocation of quotas:

18752 American Samoa, Guam, and Virgin Islands

International Trade Administration

NOTICES

Countervailing duty petitions and preliminary determinations:

18751 Sugar from United Kingdom

Watches and watch movements; allocation of quotas:

18752 American Samoa, Guam, and Virgin Islands

Interstate Commerce Commission

RULES

Railroad car service orders; various companies:

18721 Chicago & North Western Transportation Co.

NOTICES

Motor carriers:

18811 Operating, rights applications

18802-18806, 18813 Permanent authority applications (6 documents)

18811 Permanent authority applications; correction (2 documents)

Petitions filed:

18805 Cortez Pipeline Co.; transportation of carbon dioxide by pipeline

Railroad operation, acquisition, construction, etc.:

18814 Star Lake Railroad Co. et al.

Rerouting of traffic:

18805 All railroads

Justice Department

See also Antitrust Division; Drug Enforcement Administration; Foreign Claims Settlement Commission; Juvenile Justice and Delinquency Prevention Office; Parole Commission.

NOTICES

Committees; establishment, renewals, terminations, etc.:

18822 Attorney General's Task Force on Violent Crime

Juvenile Justice and Delinquency Prevention Office

NOTICES

18883 Juvenile delinquency in insular areas of U.S.; supplemental financial assistance

Land Management Bureau

NOTICES

Alaska native claims selections; applications, etc.:

18797 Stuyahok Ltd.

Classification of lands:

18793 Utah

Coal leases, exploration licenses, etc.:

18794 Montana

Coal management program:

18792 Fort Union coal production region, Mont., and N. Dak; production goals; hearing

Environmental statements; availability, etc.:

18795 Canon City District, Colo.; Northeast Resource Area and Fountain Creek Planning Unit

18794 Energy Synfuels Associates; coal gasification facility, Utah; meetings

18796 Hualapai-Aquarius grazing management draft; hearings

18798 Idaho Falls District, Idaho; Medicine Lodge Resource Area

18797 Uintah Basin, Utah; request for expression of intent from synfuels project developers to file right-of-way applications

Exchange of public lands for private land:

18795 Montana

Meetings:

18794 Casper District Grazing Advisory Board

18798 Safford District Advisory Council

18796 Salem District Advisory Council

18799 Winnemucca District Grazing Advisory Board

Motor vehicles, off-road, etc.; area closures:

18795 Utah

Withdrawal and reservation of lands, proposed, etc.:
18796 Oregon
18799 Washington

Management and Budget Office
NOTICES
18830 Agency forms under review

National Bureau of Standards
NOTICES
Information processing standards, Federal:
18754 User-oriented data communication performance parameters standard; draft technical specifications availability and inquiry

National Highway Traffic Safety Administration
RULES
Fuel economy standards, average; passenger automobile; exemption:
18721 Officine Alfieri Maserati, S.p.A.
PROPOSED RULES
Motor vehicle safety standards:
18747 Steering control rearward displacement; impact protection for driver; extension of time
NOTICES
18878 National Highway Safety Advisory Committee; site visits

National Mediation Board
NOTICES
18879 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
18754 Salmon and Steelhead Conservation and Enhancement Act implementation, etc.

National Technical Information Service
NOTICES
18755 Inventions, Government-owned; availability for licensing

National Transportation Safety Board
NOTICES
18823 Accident reports, safety recommendations and responses, etc.; availability
18879 Meetings; Sunshine Act

Navy Department
NOTICES
Environmental statements; availability, etc.:
18757 German submarine U-352, sunken, N.C.; disposal of ordnance

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
NOTICES
18791 Primary inspection agencies; disqualification of Brooks Engineering Co.; hearing

Nuclear Regulatory Commission
PROPOSED RULES
Byproduct material, human uses:
18750 Therapeutic treatment of cardiac dysfunction by iodine-131; intent to retain regulation
Organization, functions, and authority delegations:
18747 Nuclear Reactor Regulation Director and Nuclear Material Safety and Safeguards Director; "significant changes" determination
NOTICES
Applications, etc.:
18825 Commonwealth Edison Co.
18825 Florida Power & Light Co.
18826 Illinois Power Co. et al.
18826 Pennsylvania Power & Light Co. et al.
18827 Philadelphia Electric Co.
18827 Public Service Co. of Colorado et al.
Wisconsin Public Service Corp. et al. (Editorial note: This document, appearing at page 18421 in the Federal Register for March 24, 1981, was incorrectly identified in the table of contents)
Reports; availability, etc.:
18825 Human engineering guide to control room evaluation
18827 Safety goal, plan for developing; inquiring

Occupational Safety and Health Review Commission
NOTICES
18879 Meetings; Sunshine Act

Oceans and Atmosphere, National Advisory Committee
NOTICES
18822 Meetings

Parole Commission
NOTICES
18879 Meetings; Sunshine Act

Personnel Management Office
NOTICES
Health benefits program Federal employees:
Los Padres Group Health Plan, program terminated (Editorial note: This document, appearing at page 18422 in the Federal Register for March 24, 1981, was only partially listed in that issue's table of contents)

Research and Special Programs Administration, Transportation Department
NOTICES
Hazardous materials inconsistency ruling:
18918 Massachusetts Motor Truck Association, Inc., et al.; transportation of materials by highway within city

Securities and Exchange Commission
NOTICES
18880 Meetings; Sunshine Act

State Department
NOTICES
18835 Gifts; foreign government sources to Federal employees; listing of statements filed

Transportation Department
See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.

Treasury Department
See Alcohol, Tobacco and Firearms Bureau.

Water and Power Resources Service
NOTICES
16801 Colorado-Big Thompson Project, proposed Green Mountain Reservoir operating policy, Colo.; inquiry

MEETINGS ANNOUNCED IN THIS ISSUE

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
16751 Agency Decisional Processes, Washington, D.C., 4-13-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION
16823 Expansion Arts Panel (Interdisciplinary/ Community Cultural Centers) to the National Council on the Arts, Washington, D.C., 4-1 through 4-3-81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
16754 Discussion of Salmon and Steelhead Conservation and Enhancement Act of 1980, Portland, Oreg., 4-13-81

ENERGY DEPARTMENT
16774 Energy Policy Task Force, Washington, D.C., 4-30-81
16784 National Petroleum Council, Air Quality Task Group of the Committee on Environmental Conservation, Washington, D.C., 4-15 and 5-20-81

INTERIOR DEPARTMENT
Fish and Wildlife Service—
16792 Canada geese management program, Madison, Wis., 4-14-81
Land Management Bureau—
16798 Arizona: Safford District Advisory Council, Safford, Ariz., 5-14-81
16795 Canon City District, various cities throughout Colorado, April meetings
16794 Casper District Grazing Advisory Board, Casper, Wyo., 4-24-81
16796 Hualapai-Aquarius draft grazing environmental impact statement, Kingman and Phoenix, Ariz., 4-22 and 4-23-81 respectively
16796 Preparation of a draft environmental impact statement on the environmental consequences of a coal gasification facility proposed by Energy Synfuels Associates, Salt Lake City, Utah, 5-4; Price, Utah, 5-5; Castledale, Utah, 5-6; and Green River, Utah, 5-7-81
16796 Salem District Advisory Council, Salem, Oreg., 4-9-81
16799 Winnemucca District Grazing Board, Winnemucca, Nev., 5-5-81

OCEANS AND ATMOSPHERE NATIONAL ADVISORY COMMITTEE
16822 Fisheries Subgroup of the Independent Areas Task Force (IATF) of the Committee, Washington, D.C., 4-6 and 4-7-81

HEARINGS

INTERIOR DEPARTMENT
Land Management Bureau—
16792 Federal coal production goals for the Fort Union Coal Production Region and on the setting of a preliminary Federal leasing target, 4-30 and 5-6-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12300 18683
Proclamations
4828 (correction) 18679
4829 18681

5 CFR
6 18683

7 CFR
907 18685

9 CFR
78 18685

10 CFR
Proposed Rules:
1 18747
2 18747
35 18750

12 CFR
523 18686
545 18686
611 18688

14 CFR
39 (2 documents) 18689

16 CFR
13 (2 documents) 18691
Proposed Rules:
13 18723

40 CFR
52 18692
180 18694
Proposed Rules:
52 18725
420 18725

41 CFR
101-38 18695

44 CFR
64 (2 documents) 18712, 18713
65 18707
67 18698
Proposed Rules:
67 18726

46 CFR
401 18716

47 CFR
13 18717
25 18720
83 18717
Proposed Rules:
Ch. I 18737
73 (3 documents) 18737-18745

49 CFR
531 18721
1033 18721
Proposed Rules:
571 18747

V 46 / 58 MR 26 81 UMI

Federal Register
Vol. 46, No. 58
Thursday, March 26, 1981

Presidential Documents

Title 3—

The President

Proclamation 4828 of March 20, 1981

Cancer Control Month

Correction

The file line for Proclamation 4828, appearing at page 18523 in the Federal Register issue of March 25, 1981, was omitted. The file line is [FR Doc. 81-9253 Filed 3-24-81; 11:06 am]

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Presidential Documents

Proclamation 4829 of March 23, 1981

Small Business Week, 1981

By the President of the United States of America

A Proclamation

Two centuries ago in this country, small business owners—the merchants, the builders, the traders—rebelled against excessive taxation and government interference and helped found this Nation. Today we are working to bring about another revolution, this time against the intolerable burdens inflation, over-regulation, and over-taxation have placed upon the Nation's 12 million small businesses, which provide the livelihood for more than 100 million of our people.

To revitalize the Nation, we must stimulate small business growth and opportunity. Small business accounts for over 60 percent of our jobs, half of our business output, and at least half of the innovations that keep American industry strong. The imagination, skills, and willingness of small business men and women to take necessary risks symbolize the free enterprise foundation of the American economy and must be encouraged.

I urge all Americans who own or work in a small business to continue their resourcefulness and successes, for these efforts contribute so much to the entrepreneurial spirit which made this Nation great. It is with justifiable pride that the American small business man can point to himself as the backbone of our Nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 10, 1981, as Small Business Week. I call upon every American to join me in this tribute.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of March, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-8358
Filed 3-24-81: 3:53 pm]
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Presidential Documents

Executive Order 12300 of March 23, 1981

Exceptions From the Competitive Service

By the authority vested in me as President of the United States of America by Sections 3301 and 3302 of Title 5 of the United States Code, and having determined that it is necessary and warranted by conditions of good administration that certain positions in the Department of Agriculture ought to be excluded from the coverage of Section 2302 of Title 5 of the United States Code, and excepted from the competitive service because of their confidential, policy-determining, policy-making, or policy-advocating character, in order to ensure their deep involvement in the development and advocacy of Administration proposals and policies and to ensure their effective and vigorous implementation, it is hereby ordered that Section 6.8 of Civil Service Rule VI (5 C.F.R. 6.8) is amended by adding thereto the following new subsection:

"(c) Within the Department of Agriculture, positions in the Agricultural Stabilization and Conservation Service the incumbents of which serve as State Executive Directors and positions in the Farmers Home Administration the incumbents of which serve as State Directors or State Directors-at-Large shall be listed in Schedule C for all grades of the General Schedule.".

Ronald Reagan

THE WHITE HOUSE,
March 23, 1981.

[FR Doc. 81-9357
Filed 3-24-81; 3:54 pm]
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V 46 / 58 MR 26 81 UMI

Rules

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AGENCY: A
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SUMMARY:
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Rules and Regulations

Federal Register
Vol. 46, No. 58
Thursday, March 26, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 515]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 27, 1981–April 2, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 24, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.815 is added as follows:

§ 907.815 Navel Orange Regulation 515.

The quantities of navel oranges grown in Arizona and California which may be handled during the period March 27, 1981, through April 2, 1981, are established as follows:

(1) District 1: 1,592,000 cartons;

(2) District 2: 158,000 cartons;

(3) District 3: unlimited cartons;

(4) District 4: unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated:

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-9126 Filed 3-25-81; 11:30 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Brucellosis Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments add all of Alaska except the Aleutian Islands below 56° latitude to the list of Certified Brucellosis-Free Areas and delete this area from the list of Modified Certified Brucellosis Areas. It has been determined that this area qualifies to be designated as a Certified Brucellosis-Free Area. The effect of this action will allow for less restrictions on cattle moved interstate from this area. These amendments also add the counties of Hickory in Missouri, Corson, Custer, Dewey, Hyde, McPherson, Meade, and Spink in South Dakota, and Kerr in Texas, to the list of Modified Certified Brucellosis Areas and delete them from the list of Certified Brucellosis-Free Areas because it has been determined that these counties now qualify only as Modified Certified Brucellosis Areas. The effect of this action will provide for more restrictions on cattle moved interstate from these areas.

EFFECTIVE DATE: March 26, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8713.

SUPPLEMENTARY INFORMATION: This final action is issued in conformance with Executive Order 12291 and has been determined to be "not major." The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

Dr. Paul Becton, Director, National Brucellosis Eradication Program, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. The amendment designating areas as Certified Brucellosis-Free Areas relieves certain restrictions presently imposed on the interstate movement of cattle. These restrictions are no longer deemed necessary to prevent the spread of brucellosis from such areas. Therefore,

the amendment should be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions.

The amendment designating areas as Modified Certified Brucellosis Areas imposes restrictions presently not imposed on the interstate movement of cattle from these areas. The additional restrictions are necessary in order to prevent the spread of brucellosis from such areas and, therefore, must be made effective immediately.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the change in brucellosis status affects less than 0.25 percent of the farms in the United States and does not have a significant economic impact on a substantial number of other types of small entities.

A complete list of brucellosis areas was published in the **Federal Register** (45 FR 85718–85720) effective December 30, 1980. These amendments add all of Alaska except the Aleutian Islands below 56° latitude to the list of Certified Brucellosis-Free Areas in § 78.20 and delete this area from the list of Modified Certified Brucellosis Areas in § 78.21, because it has been determined that such area now comes within the definition of a Certified Brucellosis-Free Area contained in § 78.1(l) of the regulations. These amendments add the counties of Hickory in Missouri, Corson, Custer, Dewey, Hyde, McPherson, Meade, and Spink in South Dakota, and Kerr in Texas to the list of Modified Certified Brucellosis Areas in § 78.21 and remove these counties from the list of Certified Brucellosis-Free Areas in § 78.20, because it has been determined that they now qualify only as Modified Certified Brucellosis Areas as defined in § 78.1(m) of the regulations. This list is updated monthly and reflects actions taken under criteria for designating areas according to brucellosis status. Accordingly, Part 78, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 78 reads as follows:

Authority: (Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f, 37 FR 28464, 28477; 38 FR 19141.)

§ 78.20 [Amended]

2. In § 78.20, paragraph (b) is amended by adding: *Alaska.* All of Alaska except the Aleutian Islands below 56° latitude; and deleting: *Missouri.* Hickory; *South Dakota.* Corson, Custer, Dewey, Hyde, McPherson, Meade, Spink; and *Texas.* Kerr.

§ 78.21 [Amended]

3. In § 78.21, paragraph (a) is amended by removing *Alaska* and adding the word "None."

4. In § 78.21, paragraph (b) is amended by adding: *Alaska.* The Aleutian Islands below 56° latitude; *Missouri.* Hickory; *South Dakota.* Corson, Custer, Dewey, Hyde, McPherson, Meade, Spink; *Texas.* Kerr.

Done at Washington, D.C., this 20th day of March 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-9147 Filed 3-25-81; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 523 and 545

Mutual Fund Investments

Dated: March 12, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: These amendments implement section 401 of the Depository Institution Deregulation and Monetary Control Act of 1980 by authorizing Federal associations to invest in mutual funds holding assets that Federal associations may invest in without limitation. Further, the amendments clarify and correct certain provisions of the Board's current regulations regarding (1) mutual fund investment by Federal associations pursuant to their corporate debt security and commercial paper investment authority, and (2) investment for liquidity purposes in mutual funds by Federal Home Loan Bank member institutions.

EFFECTIVE DATE: March 26, 1981.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Attorney, Office of General Counsel, 1700 G Street, N.W., Washington, D.C. 20552, telephone (202) 377–6461.

SUPPLEMENTARY INFORMATION:

Federal Association Investment in Mutual Funds

Section 401 of the Depository Institutions Deregulation and Monetary Control Act of 1980 ("Act"), Pub. L. 96–221, 94 Stat. 132, authorizes Federal associations to invest in any open-end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940, the portfolio of which is restricted by such management company's investment policy, changeable only by shareholder vote, to investments in which Federal associations may invest without limitation. The Board therefore has added this new statutory authorization to the list of permitted investments for Federal associations set forth at 12 CFR 545.9 by adding a new paragraph (i) to that section.

Federal associations currently also may invest in mutual fund companies that invest in corporate debt securities and commercial paper pursuant to 12 CFR 545.9–4(a) (Board Resolution No. 80–701; 44 FR 76104; published November 18, 1980). This authority was intended to allow associations to invest either directly or indirectly in corporate debt securities and commercial paper within the statutory 20-percent-of-assets category for such investments (12 U.S.C. 1464(c)(2)(B)). However, in order not to be unnecessarily restrictive with regard to association investments in mutual funds holding a mixed portfolio of corporate debt securities, commercial paper and investments authorized under the Section 401 mutual fund investment authority, § 545.9–4(a) provided for investment in mutual funds with portfolios restricted in investments authorized for Federals under § 545.9–4 "and other regulations or law." In response to questions that have arisen subsequent to adoption of § 545.9–4 regarding the scope of the quoted language, the Board by this Resolution is amending § 545.9–4(a) to clarify that within the 20-percent-of-assets category Federal associations may invest in mutual funds with portfolios restricted to investments authorized under § 545.9–4 and new § 545.9(i).

Federal Association Liquidity Investment in Corporate Debt Obligations and Commercial Paper

Section 325 of the Housing and Community Development Act of 1980 ("HCDA") (Pub. L. 96–399; 94 Stat. 132 (October 8, 1980)) provides that Federal Home Loan Bank member institutions may maintain assets in the form of

corporate debt obligations and commercial paper for liquidity purposes. As discussed more fully below, the Board implemented Section 325 by amending 12 CFR 523.10 of the Board's Bank System regulations to provide that such instruments are eligible liquid assets. Section 545.9(a) of the Board's Federal savings and loan association regulations authorizes Federal associations to invest, without limitation, in assets eligible under § 523.10(g), other than time deposits and bankers' acceptances. Section 545.9(a) could be interpreted to allow Federal associations to invest in corporate debt obligations and commercial paper eligible as liquid assets under § 523.10(g) in excess of the 20 percent limit placed on such investments by § 401 of the Depository Institutions Deregulation and Monetary Control Act of 1980 and § 545.9–4 of the Board's regulations. The Board believes that it is prudent to retain the 20-percent-of-assets limitation of § 545.9–4 and, therefore, is amending § 545.9(a) accordingly.

Mutual Fund Investment Counting Toward Liquidity Requirements

Section 405 of the Act amended Section 5A(b)(1) of the Federal Home Loan Bank Act (12 U.S.C. § 1425a) to provide that, subject to Federal Home Loan Bank Board approval, institutions that are members of Federal Home Loan Banks may count toward their liquidity requirements investments in mutual funds whose portfolios are restricted to investments specifically described in Section 405, i.e. cash and certain time and savings deposits, government obligations, and bankers acceptances (revised § 5A(b)(1)(A), (B), and (C)).

On August 21, 1980, the Board implemented Section 405 by adding a new subparagraph (7) to § 523.10(g) of the Regulations for the Federal Home Loan Bank System, which sets forth investments eligible as liquid assets, and a new subparagraph (6) to § 523.10(h), setting forth investments eligible as short-term liquid assets (Board Resolution No. 80–530; 45 FR 578113, published August 27, 1980). New subparagraph 523.10(g)(7) provided that a mutual fund investment would be an eligible liquid asset if the fund's portfolio were restricted to assets described in § 523.10(g), all of which are included in revised § 5A(b)(1)(A), (B), and (C).

On December 31, 1980, the Board again amended liquidity regulation § 523.10(g) to implement Section 325 of HDCA, which provided that, subject to Board approval, a member institution could include as eligible liquid assets certain corporate debt obligations and commerical paper (Board Resolution No. 80–844; 46 FR 2029, published January 8, 1981). At that time, the mutual fund liquidity investment provision was inadvertently moved from subparagraph (g)(7) to subparagraph (g)(8) and the new corporate-debt obligation and commercial-paper liquidity investment authority inserted at (g)(7). Thus, the mutual fund liquidity investment language, with its inclusion of any investments described in paragraph (g), encompassed investments in mutual funds holding corporate debt obligations and commercial paper despite the exclusion of such fund under the mutual fund liquidity investment authority of Section 405. Accordingly, the Board is amending § 523.10(g) by redesignating the mutual fund liquidity eligibility as subparagraph (g)(7), specifically setting out the portfolio restrictions of such funds by reference to subparagraphs (g)(1) through (6), and by redesignating the corporate debt obligation and commercial paper liquidity eligibility as subparagraph (g)(8).

The definition of the term "corporate" given in Board Resolution No. 80–701 for use with § 545.9–4 includes government corporations. Using such a definition for § 523.10 would effectively extend from two to three years the permissible maturity for eligible liquid assets in the form of obligations issued by a State or local government corporation, and backed by the taxing authority of such State or local government. The definition also would include otherwise ineligible obligations of government corporations not so secured. As noted in Board Resolution No. 80–844, the obligations of such government corporations are less liquid than highly rated obligations of non-governmental business corporations. Accordingly, the Board is amending redesignated subparagraph (g)(8) of § 523.10 to clarify that the instruments of such State and Local government corporations are to be considered State or local government obligations that may qualify as an eligible liquid asset pursuant to subparagraph (g)(6), but that such instruments may not be considered corporate debt or commercial paper pursuant to subparagraph (g)(8).

In addition, subparagraph (h)(6) of § 523.10 currently allows an investment in an eligible mutual fund to qualify as a short-term liquid asset to the extent that the investments of such fund "are eligible under this paragraph (h)", i.e., consist of short-term liquid assets. Under the present rule, therefore, associations must constantly keep track of the contents of the portfolio of a qualifying fund to be certain that the proper percentage of the fund's portfolio is made up of short-term liquid assets.

The Board believes that the difficulties involved in tracking the frequent portfolio changes of a mutual fund may inhibit member institutions from using such a fund as a short-term liquid asset. The Board, therefore, is amending § 523.10(h)(6) to provide that a mutual fund investment may count as a short-term liquid asset if the investment policy of the fund, changeable only by vote of the shareholders, restricts the fund's portfolio to short-term liquid assets specified in subparagraphs (h)(1) through (5). The Board believes that such a change will enable member institutions to better identify those funds which qualify as short-term liquid assets, thereby facilitating investment in such funds to satisfy the liquidity requirements.

In addition, the Board is taking this opportunity to clarify Board Resolution No. 80–844 by amending paragraph (a) of § 523.10 to expressly allow demand deposits at the Savings Banks Trust Company, New York, New York, to be treated as cash for liquidity purposes, and by making a typographical correction in subparagraph (g)(1) of that section.

Because these amendments in part implement statutory directives and in part are clarifying or corrective in nature, the Board finds that observance of the notice and comment procedures of 12 CFR 508.11 and 5 U.S.C. § 553(b) and the 30-day delay of effective date provision of 12 CFR 508.14 and 5 U.S.C. § 553(d) is unnecessary and contrary to the public interest, and the amendments therefore will become effective as provided above.

The reader's attention is also invited to Board Resolution 81–135, adopted today, which proposes further amendments to the Board's liquidity regulations.

Accordingly, the Board hereby amends Part 523 of Subchapter B and Part 545 of Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

1. Amend § 523.10 by (1) revising paragraph (a), and (2) amending paragraph (g) by revising subparagraph (g)(1), redesignating existing subparagraphs (g)(7) and (g)(8) as subparagraphs (g)(8) and (g)(7), respectively, and revising new subparagraphs (g)(7) and (g)(8); to read as follows:

§ 523.10 Definition for the purposes of this section, §§ 523.11 and 523.12.

(a) *Cash.* Cash on hand and unpledged demand deposits in a Bank, an insured bank, the Bank for Savings and Loan Associations, Chicago, Illinois, or the Savings Banks Trust Company, New York, New York, but not gold in any form.

* * * * *

(g) *Liquid assets.*

* * * * *

(1) Time deposits in a Bank, the Bank for Savings and Loan Associations, Chicago, Illinois, or the Savings Banks Trust Company, New York, New York;

* * * * *

(7) Shares or certificates in any open-end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940, while the portfolio of such company is restricted by its investment policy, changeable only by vote of shareholders, to investments described in subparagraphs (1) through (6) of this paragraph (g); and

(8) corporate debt obligations and commercial paper denominated in dollars and issued by a non-governmental entity domiciled in the United States, if:

(i) such corporate debt obligations (*a*) continue to be rated in one of the four highest grades by the most recently published rating of such obligations by a nationally recognized investment rating service, (*b*) will mature in 3 years or less, and (*c*) are not convertible to common stock;

(ii) such commercial paper (*a*) continues to be rated in one of the two highest grades by the most recently published rating of such paper by a nationally recognized investment rating service, and (*b*) will mature within 270 days or less;

Provided, that an amount not in excess of 1 percent of such institution's assets invested in eligible corporate debt obligations or commercial paper of a single issuer shall be counted as a liquid asset.

* * * * *

2. Amend § 523.10 by redesignating existing subparagraphs (h)(6) and (h)(7) as (h)(7) and (h)(6), respectively, and revising new subparagraphs (h)(6) and (h)(7) to read as follows:

* * * * *

(h) *Short-term liquid assets.* * * *

(6) Shares or certificates of any investment company qualifying under subparagraph (g)(7) of this section, while the portfolio of such company is restricted by its investment policy, changeable only by vote of the shareholders, to investments described in subparagraphs (1) through (5) of this paragraph (h); and

(7) Corporate debt obligations and commercial paper specified in subparagraph (g)(8) of this section which will mature in six months or less.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

3. Amend § 545.9 by (1) revising paragraph (a), (2) removing the word "and" at the end of paragraph (g), (3) deleting the period at the end of paragraph (h) and replacing it with a semi-colon and the word "and", and (4) adding a new paragraph (i); to read as follows:

§ 545.9 Securities and other investments.

A Federal associations may invest in:

(a) Assets which qualify as liquid assets, as defined in § 523.10(g) of this Chapter (provided that total investment in corporate debt obligations and commercial paper shall be subject to the limitation of § 545.9–4(a) of this Part), and assets, other than time deposits and bankers' acceptances, which would so qualify except for the maturity limitations in § 523.10(g);

* * * * *

(i) Shares or certificates in any open-end management investment company which is registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and the portfolio of which is restricted by such management company's investment policy, changeable only if authorized by shareholder vote, solely to investments that an association is authorized, without limitation as to percentage of assets, to invest in, sell, redeem, hold, or otherwise deal with. The authority to invest in such companies includes the authority to redeem or hold the shares or certificates of such companies.

4. Revise § 545.9—4(a) to read as follows:

§ 545.9–4 Commercial paper and corporate debt securities.

(a) *General.* A Federal association may invest in, sell, or hold commercial paper and corporate debt securities, including corporate debt securities convertible into stock, subject to the limitations set forth in paragraph (b): *provided,* that at any one time the total investment made under this section and § 545.7–10 ("Consumer loans"), added together, shall not exceed 20 percent of the association's assets. An investment under this section includes the investing in, redeeming, or holding shares of any open-end management investment company which has registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and whose portfolio is restricted by such management company's investment policy, changeable only if authorized by shareholder vote, solely to the investments that an association is authorized to invest in pursuant to this section and paragraph (i) of § 545.9 of this Part.

* * * * *

(94 Stat. 1649, Pub. L. 96–399; 94 Stat. 132, Pub. L. 96–221; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-9126 Filed 3-25-81; 8:45 am]

BILLING CODE 6720-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Compensation of District Board Members; Correction

AGENCY: Farm Credit Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects the effective date relating to a final regulation increasing the maximum level of compensation of Farm Credit district board members which was published on March 17, 1981 (46 FR 17011).

FOR FURTHER INFORMATION CONTACT:

Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L' Enfant Plaza, S.W., Washington, DC 20578 (202–755–2181).

The following correction is made in FR Doc. 818077 appearing on page 17011 in the issue of March 17, 1981:

On page 17011 "Effective Date: March 17, 1918." is corrected to read "Effective Date: April 16, 1981.".

Donald E. Wilkinson,

Governor.

[FR Doc. 81-9175 Filed 3-25-81; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-10; Amdt. No. 39-4071]

Airworthiness Directives; Teledyne Continental Motors A-65, A75, C75, C85, C90, A-100, C125, and 0-200 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires disassembly, inspection and cleaning or replacement as necessary of the engine driven fuel pump on certain Teledyne Continental Motors A-65, A75, C75, C85, C90, A-100, C125, and 0-200 series engines. The AD is prompted by reports of contaminated and obstructed fuel pump screens which has resulted in fuel flow restriction.

DATE: Effective April 1, 1981.

Compliance Schedule—As prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Gil Carter, ASO-214, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: There have been reports of clogged and contaminated fuel pump screens on certain Teledyne Continental Motors (TCM) C75 Model engines. The manufacturer's service instructions will be revised to define periodic inspection and cleaning procedures for the fuel pump and screen. Since this situation is likely to exist or develop on other engines of the same type design, an Airworthiness Directive is being issued which requires an initial and periodic fuel pump inspection on certain TCM A-65, A75, C75, C85, C90, A-100, C125, and 0-200 series engines. It also requires cleaning or replacement of the fuel pump or fuel pump screen on these TCM engines.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Teledyne Continental Motors: Applies to Continental A-65, A75, C75, C85, C90, A-100, C125, and 0-200 series engines with AC fuel pumps, TCM part number 40585, 40695 or 631391 installed. Compliance required within 30 days after the effective date of this AD, or within the next 25 hours time in service after the effective date of this AD, whichever occurs first, unless already accomplished within the last 12 months and at intervals not to exceed 12 months after the last inspection. To prevent fuel starvation due to fuel flow restriction through the pump screen accomplish the following:

a. Remove safety wire and bolt from fuel pump top cover. Discard fiber washer under bolt.

b. Remove the fuel pump top cover. Discard cork cover gasket.

c. Remove fuel pump screen.

d. Inspect the fuel pump and fuel pump screen for contamination.

(1) If contaminated, clean fuel pump and fuel pump screen.

(2) If fuel pump is damaged by corrosion, replace with an applicable serviceable fuel pump.

(3) If fuel pump screen is damaged by corrosion or handling, replace with a serviceable fuel pump screen, TCM p/n 643913.

e. Reinstall fuel pump screen, fuel pump cover with new cork cover gasket, TCM p/n 643915 and new bolt gasket p/n 643914. Torque bolt to 30± 5 inch-pounds.

f. Re-safety wire fuel pump top cover bolt and check for leaks.

g. Make the appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Teledyne Continental Motors Service Bulletin M81-8, dated March 9, 1981, pertains to this subject.

This amendment becomes effective April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's Memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 24, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia, on March 11, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-8909 Filed 3-25-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CE-3-AD; Amdt. 39-4049]

Airworthiness Directive; Cessna Models 152, A152, 172N, 172P, R172K and 172RG

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects a rule issued on February 13, 1981, and appearing in FR Doc. 81-5864 on pages 13497 and 13498 in the issue of Monday, February 23, 1981 (81-CE-3-AD). Figure 1 was inadvertently omitted when the Airworthiness Directive (AD) was published in the Federal Register thereby necessitating this correction.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, Aerospace Engineer, Wichita Engineering and Manufacturing District Office, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: The FAA issued a Final Rule AD with an effective date of March 2, 1981. Inadvertently Figure 1 was omitted from the AD when it was published in the Federal Register on February 23, 1981. Action is taken herein to make this correction. Since the change is editorial in nature, notice and public procedure thereon are not considered necessary.

In FR Doc. 81-5864 appearing on pages 13497 and 13498 in the Federal Register of February 23, 1981, make the following correction:

(1) Immediately following the Acting Director's signature, insert Figure 1.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423; Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Section 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Issued in Kansas City, Missouri, on March 16, 1981.

John E. Shaw,
Acting Director, Central Region.

FIGURE 1

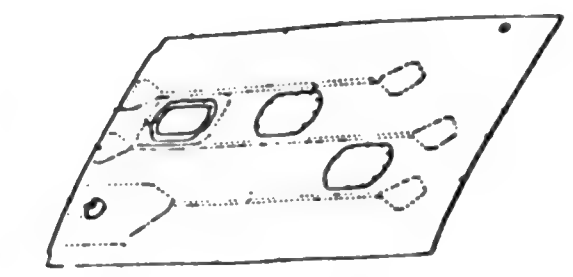

Fuel Tank Access Cover	Model	Fuel Tank Capacity	Usable Fuel
	172RG	33/Side	62 gallons
	R172K	34/Side	66 gallons
	172P	34/Side	62 galloons

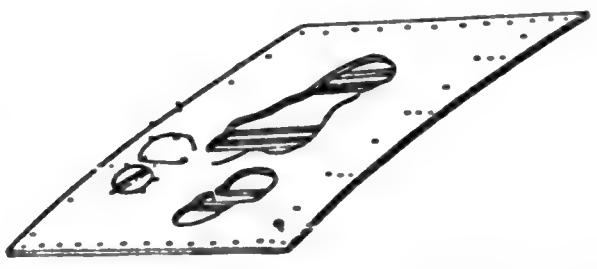

	152 & A152	13/Side	24.5 gallons
	172N & 172P	21.5/Side	40 galloons

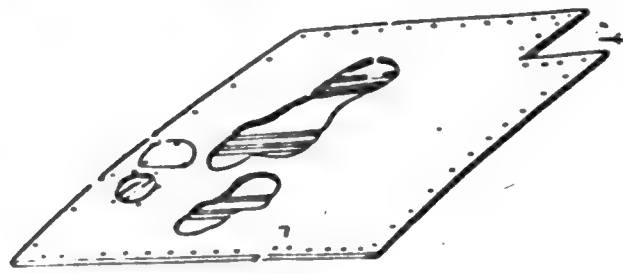

	R172K	26/Side	49 gallons
	152 & A152	19.5/Side	37.5 gallons
	172N & 172P	27/Side	50 gallons

Left Side Shown

Right Side Opposite

[FR Doc. 81-9109 Filed 3-25-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3065]

Benton & Bowles, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New York City advertising agency to cease, in connection with the advertising and sale of Encare or any similar over-the-counter vaginal contraceptive suppository product, misrepresenting or failing to substantiate claims relating to the product's effectiveness, safety and performance characteristics. The firm is further prohibited from disseminating advertisements using performance or quality heightening modifiers such as "highly," or "extremely," in conjunction with words like "effective" or "reliable." Additionally, the order requires the company to disclose in print, radio and TV consumer advertising, certain facts material to contraceptive suppository use; and to maintain business records for a period of three years.

DATE: Complaint and order issued March 4, 1981.[1]

FOR FURTHER INFORMATION CONTACT: Leroy C. Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264–1207.

SUPPLEMENTARY INFORMATION: On Monday, December 22, 1980, there was published in the Federal Register, 45 FR 84076, a proposed consent agreement with analysis In the Matter of Benton & Bowles, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly, 13.10–5 Knowingly by advertising agent; § 13.20 Comparative data or merits; § 13.135 Nature of product or service; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service, 13.170–18 Contraceptive, 13.170–70 Preventive or protective; § 13.190 Results; § 13.195 Safety; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–10 Corrective advertising, 13.533–20 Disclosures, 13.533–45 Maintain records. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Failing To Provide Foreign Language Translations: § 13.1052 Failing to provide foreign language translations. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1665 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Carol M. Thomas,

Secretary.

[FR Doc. 81-9109 Filed 3-25-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

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16 CFR Part 13

[Docket No. C-3057]

Citicorp Financial, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Towson, Md., financial organization to cease issuing any unsolicited credit card, except in renewal of or in substitution for an accepted credit card. Respondent is additionally required to maintain prescribed records for specified periods.

DATES: Complaint issued April 16, 1973. Order issued March 4, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/BCP/C, Frederick D. Clements, Washington, D.C. 20580. (202) 254–6135.

SUPPLEMENTARY INFORMATION: On Tuesday, December 16, 1980, there was published in the Federal Register, 45 FR 82656, a proposed consent agreement with analysis In the Matter of Citicorp Financial, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–20 Disclosures, 13.533–45 Maintain records. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements, 13.1852–75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, *et seq.*)

Carol M. Thomas,

Secretary.

[FR Doc. 81-9110 Filed 3-25-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1788-6]

Approval and Promulgation of State Implementation Plans: Approval of Elements in the New Mexico Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve and conditionally approve elements of the State Implementation Plan (SIP) revisions for New Mexico for which EPA has expressly taken no action in the April 10, 1980 Notice of Final Rulemaking (45 FR 24460). These revisions were submitted by the Governor on March 17, 1980, to fulfill the requirements of Part D of Title I of the Clean Air Act, as amended in 1977 (the Act), with regard to nonattainment areas. The revisions being acted on today are those relating to the Bernalillo County (Albuquerque) nonattainment area for carbon monoxide (CO).

EFFECTIVE DATE: This rulemaking is effective April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Program Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On August 9, 1979 (at 44 FR 46895), EPA published a notice of proposed rulemaking on revisions to the New Mexico SIP. The Part D requirements were discussed in the General Preamble, which was published on April 4, 1979 (at 44 FR 20372) and supplemented on July 2, 1979 (44 FR 385583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 5376), and November 23, 1979 (44 FR 67182).

No action was taken on the portion of the SIP revisions pertaining to the Bernalillo County (Albuquerque) nonattainment area for carbon monoxide (CO) in the final rulemaking on April 10, 1980 (45 FR 24460). This portion of the SIP was revised and submitted by the Governor on March 17, 1980.

This notice will address each of the deficiencies of the Albuquerque CO portion of the SIP previously discussed on August 9, 1979 (at 44 FR 46895) and April 10, 1980 (45 FR 24460).

The August 9th notice of rulemaking stated that an incorrect carbon monoxide (CO) design value was used to determine the emission reduction required to demonstrate attainment. This deficiency was not corrected in the State's submittal. The appropriate CO design value is 22 parts per million (ppm), which is the highest second high 8-hour average of all sites. This value, 22 ppm, should have been used in determining the required emission reduction. Based on this design value, an emission reduction of 60 percent is required to demonstrate attainment as compared to the reduction of 49 percent as stated in the SIP. However, the SIP did demonstrate that a 61 percent reduction would occur from the implementation of the regulations. Therefore, the control strategy is adequate to meet an emission reduction of 60 percent. The State will be required to use the appropriate design value in the future.

As previously stated in the April 10, 1980 notice, the control strategy demonstrates that only a 27 percent reduction will occur by 1982. Based upon that demonstration, EPA approved the requested extension to December 31, 1987 for attainment of the CO standard in the April 10, 1980 Federal Register (45 24466).

Section 172 of the Clean Air Act provides that for areas which will not attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension to 1987 will be granted. In such cases Section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program * * *" "Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Operation of a non-complying vehicle is prohibited. This is more effectively accomplished by requiring proof of compliance to purchase license plates or to register a vehicle. A windshield sticker system, much like that of many safety inspection programs, can be used if it can be demonstrated that equal effectiveness will be achieved.

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking 44 FR 20372, 20373, n 6. Though the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

Legal Authority. States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program (Section 172(b)(10)).

Commitment. The appropriate governmental unit(s) must be committed to implement and enforce the I/M program (Section 172(b)(10)).

Resources. The necessary finances and resources to carry out the I/M program must be identified and committed (Section 172(b)(7)).

Schedule. A specific schedule to establish the I/M program must be included in the State Implementation Plan (Section 172(b)(11)(b)). Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).

Program Effectiveness. As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which states that "the plan provisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *".

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which

establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan." (Section 172(b)(10).) Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required. (Section 172(b)(11)(B).) The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones were the general SIP requirement for compliance modified at 40 CFR 51.15(c). This section requires that increments of progress be incorporated for compliance schedules of over one year in length.

To be acceptable an I/M program must achieve the requisite 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "Implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs of New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.) Depending on program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982 and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

EPA had discussed in the April 10, 1980 Notice of Final Rulemaking that the Bernalillo County I/M ordinance was not approvable due to a referendum requirement. The referendum requirement was stipulated in the ordinance as a prerequisite to its legal existence. The New Mexico Attorney General determined that the Bernalillo County Commission is without authority to impose such a referendum condition, therefore making the I/M ordinance illegal. The referendum requirement was deleted from the ordinance by an amendment enacted on January 8, 1980 by the Commission. The revised ordinance was included in the submittal made by the Governor on March 17, 1980. Therefore, EPA is approving the amended I/M ordinance for Bernalillo County as satisfying the requirement for legal authority.

As stated in the April 10, 1980 Notice of Final Rulemaking, responsible officials had not committed to implement and enforce the I/M program. On April 23, 1980, EPA notified the Mayor of Albuquerque by letter that a commitment to enforce the I/M program was necessary prior to approval of the SIP. In particular, support for the enactment of statutes to connect the I/M program to motor vehicle registration was encouraged. Additionally, a more definitive plan showing the availability of adequate financial and manpower resources for local enforcement was requested. On May 27, 1980, the Mayor of Albuquerque and the Chairman of the Bernalillo County Commission responded to EPA. Their letter described a plan for working with the State to tie I/M requirements into the motor vehicle registration process. In addition, the letter demonstrated that discussions were underway to develop the necessary supplementary information for the effective implementation and enforcement of the program on a local level. While the May 27, 1980 letter is evidence that the City and County are making an effort to establish an I/M program, the lack of a precise enforcement mechanism and precise commitments prevents EPA from fully approving the I/M plan. Therefore, the local officials were then notified that the May 27, 1980, submittal was deficient. On November 5, 1980, these officials submitted a commitment to provide a detailed enforcement plan (based on State legislation or such alternative enforcement program that would be equivalent to registration based enforcement) by June 30, 1981. This submittal was signed by the Mayor and Chairman of the Bernalillo County Commission. EPA approves the I/M portion of the SIP upon the condition that, by June 30, 1981, the State submit to EPA in more detail the procedures which will actually be used to enforce the program, and provide more specific commitments of the manpower and financial resources to enforce the program.

The August 9, 1979, notice of proposed rulemaking stated that the City and County must submit a final implementation schedule including specific dates for the key milestone events described in EPA's July 17, 1978, policy. The final schedule was included in the submittal by the Governor on March 17, 1980. SIP compliance requires that increments of progress be demonstrated for schedules of over one year in length. To date, however, the State has been unable to meet implementation milestones included in this schedule. Given that it is still possible for the I/M program to be implemented within the deadlines established by EPA policy, and that the City and County are moving forward with implementation of the program, EPA feels that it will be better public policy to conditionally approve the plan based on the submittal of a revised schedule rather than to disapprove the plan. Therefore, EPA is approving the plan on the condition that the State submit to EPA a revised implementation schedule including interim milestones and a final implementation date for mandatory inspection and maintenance consistent with EPA policy by June 30, 1981.

The April 10, 1980 notice pointed out that the SIP did not contain a commitment to implement currently planned transportation control measures (TCMs) having beneficial air quality impacts. The revised plan contains a list of TCMs to be implemented this fiscal year. TCM planning and analysis will be carried out by the Middle Rio Grande Council of Governments (MRGCOG). Currently planned TCMs include transit system improvements, development of a bikeway network, new traffic lanes, intersection improvements, and computerized signals. EPA considers these commitments to implement currently planned TCMs to be adequate. Therefore, EPA is approving this portion of the plan.

To assure that the requirements of Section 176(c) and 176(d) are met, EPA policy requires that the plan contain procedures for the determination of conformity with the SIP of any project, program, or plan over which the metropolitan planning organization has approval authority, and that the plan contain procedures to ensure that priority is given to the implementation of those portions of any plan or program with air quality related transportation consequences that contribute to the attainment and maintenance of the primary NAAQS. Specifically, these procedures would address the granting of priority to projects in the Transportation Improvement Program which contribute to the attainment and maintenance of the NAAQS. EPA requires that criteria procedures to determine conformity be submitted in the fiscal year 1982. Such determinations shall be made every year thereafter in annual reports.

As stated in the April 10, 1980 notice the new source review (NSR) program (Section 20 of the Albuquerque-Bernalillo County regulations) did not meet the requirements set forth in Section 172(b)(11)(A) of the Act. This section of the Act requires that an analysis of alternative sites, sizes, production processes and control techniques be completed before a construction permit is issued. The Albuquerque agency has verbally agreed to revise their permit regulations to incorporate alternate site analysis ninety days after the State modifies their permit regulations. EPA is conditionally approving this portion of the SIP on the condition the Albuquerque agency will adopt and submit NSR regulations that require alternate site analysis to EPA by December 1, 1981. This conditional approval is expressly granted to allow the State to meet the requirements of Section 172(b)(11)(A) and Section 173 of the Act.

PUBLIC COMMENTS: The public was given the opportunity to comment on the substance and schedules contained in the New Mexico SIP in the proposed rulemaking of August 9, 1979 (44 FR 46695). Comments concerning the Albuquerque CO portion of the New Mexico SIP were addressed in the April 10, 1980 Notice of Final Rulemaking (45 FR 24460).

Under Section 307(b)(1) of the Clean Air Act, judicial review of the final rulemaking is available *only* by the filing of a petition for review on the United States Court of Appeals for the appropriate circuit within 60 days of (date of publication in **Federal Register**). Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This Notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: January 27, 1981.

Walter C. Barber,

Acting Director.

Note.—Incorporation by reference of the State Implementation Plan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I Title 40 of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

1. In § 52.1620, paragraph (c) is amended by revising paragraphs (11) and (15) and adding new paragraphs (16), (17), and (18) as follows:

§ 52.1620 Identification of Plan.

* * * * *

(c) * * *

(11) Revisions to the plan for attainment of standards for particulate matter in Albuquerque and Grant, Eddy and Lea Counties, sulfur dioxide in San Juan and Grant Counties; ozone in Albuquerque and carbon monoxide in Las Cruces, Farmington and Santa Fe were submitted by the Governor on January 23, 1979.

* * * * *

(15) No action is being taken on the carbon monoxide strategies submitted by the Governor on January 23, 1979 for Farmington and Santa Fe.

(16) Revisions to the plan for attainment of the standard for carbon monoxide in Bernalillo County were submitted by the Governor on March 17, 1980.

(17) A commitment to not issue permits to stationary sources located in nonattainment areas was submitted by the Governor on May 20, 1980.

(18) A commitment to submit an enforcement plan for the Albuquerque-Bernalillo County inspection/maintenance program was submitted by the Governor on October 10, 1980.

2. Section 52.1627 is added as follows:

§ 52.1627 Control strategy and regulations: Carbon monoxide.

(a) *Part D Conditional Approval.* The Bernalillo County carbon monoxide plan is conditionally approved on the condition that the State submit to EPA a revised implementation schedule and a detailed enforcement plan for the inspection/maintenance program, including specific commitments of the manpower and financial resources to enforce the program, by June 30, 1981.

3. Section 52.1628 is amended by adding
a new paragraph (b) to read as follows:

§ 52.1628 Review of new sources and modifications.

* * * * *

(b) *Part D Conditional Approval.* The Bernalillo County carbon monoxide plan is conditionally approved on the condition that a revised Section 20, "Permits," are submitted to EPA by December 1, 1981. In addition the Albuquerque-Bernalillo County Air Quality Control Board must continue their policy of not issuing permits to new or modified stationary sources, as specified in the Governor's letter of May 20, 1980, to fulfill the requirements of Part D.

[FR Doc. 81-9170 Filed 3-25-81; 8:45 am]
BILLING CODE 6560-20-M

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40 CFR Part 180

[PP OF2418/R310; PH-FRL 1786-1]

Tolerances and Exemptions for Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Phytophthora Palmivora

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the fungus mycoherbicide *Phytophthora palmivora*. This regulation was requested by Abbott Laboratories. This regulation eliminates the need to establish a maximum permissible level for residues of *Phytophthora palmivora*.

EFFECTIVE DATE: Effective on March 26, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm.

412, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of November 18, 1980 (45 FR 76242) that Abbott Laboratories, 14th St. and Sheridan Rd., Chicago, IL 60064 had filed pesticide petition OF2418 with the EPA. The petition proposed that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the fungus mycoherbicide *Phytophthora palmivora* on citrus fruit. No comments were received in response to this notice of filing.

The data submitted or referenced in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included an acute dermal infectivity study in rats, an acute oral infectivity study in rats, effect of simulated gastric and intestinal fluids on survival of *Phytophthora palmivora* viable units including chlamydospores; primary ocular irritation study in rabbits; an acute infectivity study—p. *palmivora* administered intratracheally to rats; a mycotoxin screen study; and a dermal sensitization study in male guinea pigs. No adverse effects were noted in any of these studies.

In regard to whether *Phytophthora palmivora* is pathogenic to fish and wildlife species, the agency is requiring the registrant to submit, within 1 year of registration, the following studies.

1. Avian single-dose oral toxicity and pathogenicity studies.
2. Avian injection pathogenicity study.
3. Freshwater fish aquatic invertebrate toxicity and pathogenicity studies.
4. Freshwater aquatic invertebrate toxicity and pathogenicity studies.

After full review of the data, *Phytophthora palmivora* may be determined to be nonpathogenic to fish and wildlife. In the meantime, the granting of an exemption from the requirement of tolerance would be in the public interest because of the beneficial role of this mycoherbicide in citrus grove pest management. The strangler or milkweed vine has become a major weed pest in Florida citrus groves. This member of the milkweed family is a native of subtropical South America. The time of introduction of the plant into Florida is not certain, but it was known to be cultivated as an ornamental in this State. This first report of the spread to citrus groves was in 1957. This infestation plus the original planting became the source for seed that has spread throughout the citrus-producing areas of Florida. Its large seed production and ease of wind dissemination, and its persistence and difficulty of control with chemical herbicides have resulted in the rapid spread of the weed. Thorough coverage of the infested area by chemical herbicides is difficult due to restricted boom movement under tree canopies. Approximately 300,000 acres of citrus in central Florida are infested. The toxicity and infectivity studies submitted adequately demonstrate that humans or domestic animals will not be adversely affected. Additionally, the registration under which use will be permitted is a conditional one, and may be terminated quickly should additional data not be provided or should adverse effects manifest from review of new data and/or other information.

An examination of the available literature indicates that the genus *Phytophthora* is not known to infect or cause any health hazards in humans or domestic animals. Due to its inability to survive a drying process, it is prepared in a wet state and refrigerated until use. It is not expected to enter the human food chain. Thus, acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition. No enforcement actions are anticipated. Therefore, the requirements of an adequate analytical method for enforcement purposes is not applicable to this exemption request.

The *Phytophthora palmivora* fungus milkweed vine pathotype (MWV) controls *Morrenia odorata*, strangler or milkweed vine, in citrus groves in central Florida and occurs naturally in the intended use area. It selectively infects only the pest weed, causing rot symptoms; dying plants are girdled at the soil line and slightly above this line. The root rot induces leaf wilt; the leaves wither and eventually fall from the pest plant. This is the first exemption from the requirement of a tolerance for this fungus mycoherbicide. The fungus mycoherbicide is considered useful for the purpose for which the exemption for the requirement of a tolerance is sought, and it is concluded that the exemption will protect the public health.

Any person adversely affected by this regulation may, on or before April 27, 1981, file written objections with the Hearing Clerk, EPA, Rm. 3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under procedure to implement Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: March 26, 1981.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: March 19, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1057 to read as follows:

§ 180.1057 Phytophthora palmivora; exemption from requirement of tolerance.

Phytophthora palmivora is exempted from the requirement of a tolerance in or on the raw agricultural commodity citrus fruit.

[FR Doc. 81-9171 Filed 3-25-81; 8:45 am]
BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–38

[FPMR Amendment G–51]

Acquisition of Fuel Efficient Light Trucks

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This action incorporates the requirement for Federal Executive agencies to acquire fuel efficient light trucks (up to 8,500 pounds Gross Vehicle Weight Rating) into Subchapter G of the Federal Property Management Regulations.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lowell A. Stockdale, Director, Federal Fleet Management Division (202–275–1021).

SUPPLEMENTARY INFORMATION: FPMR Temporary Regulation G–42 (44 FR 74832, December 18, 1979) is canceled and deleted from the appendix at the end of Subchapter G in 41 CFR Chapter 101.

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

1. The table of contents for Part 101–38 is amended by adding the following entries:

Sec. 101–38.1307 Acquistion of fuel efficient light trucks.
Sec. 101–38.1307–1 Definitions.
Sec. 101–38.1307–2 Agency forecast of planned acquisitions.
Sec. 101–38.1307–3 GSA assistance.

2. Sections 101–38.1307, 101–38.1307–1, 101–38.1307–2 and 101–38.1307–3 and added to read as follows:

§ 101–38.1307 Acquisition of fuel efficient light trucks.

This section sets forth policy and procedures govering the acquisition of fuel efficient light trucks by executive agencies and provides for the administration of a consolidated Federal fleet plan for use in monitoring those acquisitions. The authority for this Subpart 101–38.1307 derives from section 1(b) of Executive Order 12003, dated July 20, 1977.

(a) In compliance with Executive Order 11912 and 12003, GSA administers a consolidated Federal fleet plan for light trucks acquired by executive agencies. The plan is based on forecasts of total light truck acquisition requirements by vehicle class, submitted by executive agencies to GSA on or before December 15 of each fiscal year. This forecast will serve as substantiation that each agency's acquisition plan is in conformance with Executive Order 12003; i.e., the agency plan will result in the achievement of the fleet average fuel economy prescribed for the applicable fiscal year. GSA will administer the plan by maintaining a master record of the miles per gallon rating for light trucks actually acquired by each agency during the fiscal year. Periodically, each agency will be furnished a listing of light trucks acquired with the cumulative fleet average fuel economy achieved to compare with its forecast. This will enable each agency to adjust future vehicle acquisitions when necessary to comply with the Executive order by the end of the fiscal year. The Federal fleet plan will enable GSA to predict the total fleet average fuel economy to be achieved by all executive agencies prior to the end of the fiscal year and to provide management assistance to agencies when necessary to ensure compliance with the Executive Order. Forecasts of planned acquisitions shall be forwarded to the Federal Fleet Management Division (TMM), General Services Administration, Washington, DC 20406, not later than December 15 of each fiscal year in accordance with the requirements set forth in § 101–38.1307–2. Interagency control number 0162 GSA–AN has been assigned to this required forecast.

(b) All light trucks acquired by executive agencies must achieve the fleet average set forth below for the appropriate fiscal year except as provided for in paragraph (c) of this section, or acquired to be used outside the conterminous United States, Alaska, Hawaii, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico.

Fiscal year	Fleet average fuel economy miles per gallon (MPG)	
	4 x 2	4 x 4
1981	16.7	15.0
1982	18.0	16.0
1983	19.5	17.5
1984	20.3	18.5
1985	21.6	19.0

(c) An agency may request exemptions from the provisions of § 101–38.1307 for individual light trucks or for specific categories of light trucks used for special purposes, such as fire support. These requests shall be submitted in writing to the General Services Administration (A), Washington, DC 20405, and shall state the reasons why the acquisition of such a light truck or category of light trucks will preclude the agency from meeting the fleet average fuel economy established by Executive Order 12003 and this regulation. The Administrator of General Services will review the request and, with the concurrence of the Secretary of Energy, determine the merits of the request and inform the requesting agency of the determination. Light trucks exempted under the provisions of this paragraph shall not be included in the calculation of an agency's fleet average fuel economy.

(d) The provisions of this regulation are not applicable to light trucks designed to perform combat related missions for the U.S. Armed Forces or designed to be used in law enforcement work or emergency rescue work.

§ 101–38.1307–1 Definitions.

As used in §§ 101–38.1307, 101–38.1307–1, 101–38.1307–2, and 101–38.1307–3, the following terms shall have the stated meanings:

(a) "Executive agency" means an executive department, a Government corporation, or an independent establishment.

(b) "Light truck" means any truck up to 8,500 pounds Gross Vehicle Weight Rating (GVWR), which is a four-wheeled vehicle propelled by fuel (gasoline or diesel oil), is manufactured primarily for use on public streets, roads, and highways, and is covered by Federal Standard Number 307 (Trucks: light commercial, two wheel drive) or Federal Standard Number 292 (Trucks: light commercial, four wheel drive).

(c) "Fleet average fuel economy" means the total number of light trucks of a certain configuration (4 by 2 or 4 by 4) acquired during a fiscal year by an executive agency, divided by a sum of terms, each of which is a function created by dividing the number of light trucks of a given model type by the fuel economy of that model type (light trucks designed for combat-related missions, law enforcement work, or emergency rescue work are exempt).

The method of calculating the fleet average fuel economy uses harmonic averaging and is specifically required by section 510 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 915; 15 U.S.C. 2010) for passenger automobiles. It is being extended to apply to the calculation of the light truck fleet average fuel economy.

The fleet average fuel economy is calculated as shown in the following example:

4 by 2

Total number of light trucks (600) divided by:

(1) Six-cylinder automatic transmission van-wagons and van-panels for use in 49 States (100) divided by 17 mpg, plus

(2) Eight-cylinder automatic transmission van-wagons and van-panels for use in California (50) divided by 14 mpg, plus

(3) Six-cylinder automatic transmission pickups for use in 49 States (200) divided by 17 mpg, plus

(4) Eight-cylinder automatic transmission pickups for use in California (50) divided by 14 mpg, plus

(5) Four-cylinder automatic transmission compact pickups for use in 49 States (150) divided by 22 mpg, plus

(6) Four-cylinder, 4-speed manual transmission compact pickups for use in California (25) divided by 24 mpg, plus

(7) Six-cylinder automatic transmission sedan deliveries for use in 49 States (25) divided by 19 mpg.

$$= \frac{600}{\frac{100}{17} + \frac{50}{14} + \frac{200}{17} + \frac{50}{14} + \frac{150}{22} + \frac{25}{24} + \frac{25}{19}}$$

$$= \frac{600}{5.88 + 3.57 + 11.76 + 3.57 + 6.82 + 1.04 + 1.32}$$

$$= \frac{600}{33.96} = 17.7 \text{ (Rounded to the nearest 0.1 mpg)}$$

4 by 4

Total number of light trucks (190) divided by:

(1) Six-cylinder automatic transmission utility trucks for use in 49 States (180) divided by 18 mpg, plus

(2) Eight-cylinder, 3-speed manual transmission utility trucks for use in California (10) divided by 15 mpg.

$$= \frac{190}{\frac{180}{18} + \frac{10}{15}}$$

$$= \frac{190}{10.0 + .67}$$

$$= \frac{190}{10.67} = 17.8 \text{ (Rounded to the nearest 0.1 mpg)}$$

(d) "Acquired" means purchased or leased for a period of 60 continuous days or more but does not include light trucks obtained on assignment from the Interagency Motor Pool System (IMPS) or rented for periods less than 60 days through the Federal Supply Schedule or other source.

(e) "Light trucks designed for use in law enforcement work" means a light truck which is specifically approved in an agency's appropriation act and certified by the head of an agency for use in law enforcement work. For light trucks so certified the following equipment is required:

(1) Emergency warning lights must be displayed.

(2) Vehicle must be identified with markings; such as "POLICE."

§ 101-38.1307-2 Agency forecasts of planned acquisitions.

(a) Executive agencies shall furnish to the Federal Fleet Management Division (TMM), General Services Administration, Washington, DC 20406, their light truck acquisition requirements for each fiscal year based on the combined city/highway mileage ratings for light trucks for 49 States and California vehicles developed by the Environmental Protection Agency (EPA). The forecast shall be submitted to GSA by December 15 of each fiscal year. GSA will publish information concerning the EPA mileage ratings, a sample agency forecast, and the miles-per-gallon ratings to be used for the forecast in an FPMR bulletin each year in sufficient time to enable agencies to plan the acquisitions and to prepare the forecast. Agencies not planning any of these acquisitions (purchases or commercial leases) or those that satisfy their total motor vehicle requirements through the GSA IMPS shall furnish a negative forecast.

(b) The forecast of the total agency light truck acquisition requirements shall include light trucks to be procured or leased for use in the conterminous United States, Alaska, Hawaii, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico. The forecast shall not include light trucks (1) to be procured or leased outside the foregoing area, (2) designed to perfrom combat-related missions for the Armed Forces, or (3) designed to be used in law enforcement work or emergency rescue work.

(c) Requisitions for light trucks sent to GSA for procurement action, but for which a contract is not effected during the same fiscal year the requisitions are submitted, shall be included in the agency's acquisition forecast for the following fiscal year.

(d) When a light truck lease contains an option to renew and the option is exercised, that renewal action shall count as a new acquisition and shall be included in the applicable year's forecast.

(e) In order to maintain a master record of all light truck acquisitions, agencies shall forward to the Federal Fleet Management Division (TMM), General Services Administration, Washington, DC 20406, copies of all agreements for the leasing of light trucks for a period of 60 continuous days or more, including agreements to renew existing leases. When the lease agreement does not provide the following information, it shall be submitted as an attachment to the lease:

(1) Year
(2) Make
(3) Model
(4) Transmission type (if manual, number of forward speeds)
(5) Cubic-inch displacement (CID)
(6) Fuel system (fuel injection or carburetor (number of barrels))
(7) Whether it is a 4 by 2 or 4 by 4
(8) If leased in California
(9) Gross vehicle weight rating (GVWR)

(f) Submission of requisitions for procurement, or requests for authority to lease light trucks which, in the opinion of GSA, will result in noncompliance with the fleet average fuel economy by the end of the fiscal year may result in requisitions being held in abeyance pending adjustment to the agency's acquisition plan.

§ 101-38.1307-3 GSA assistance.

(a) GSA periodically will furnish each agency a listing showing the status of light trucks acquired with the fleet average fuel economy achieved to enable the agency to determine the extent to which it is in conformance with the forecast originally submitted to GSA. The listing will enable an agency to make adjustments to its acquisition plan, when necessary, to ensure that its fleet average fuel economy is achieved for the applicable fiscal year.

(b) Agencies may request GSA's assistance when preparing the forecasts

of light truck acquisition requirements by contacting the Federal Fleet Management Division (TMM), General Services Administration, Washington, DC 20406, telephone (202) 275–1021, or Autovon 285–0694.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 2, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-8222 Filed 3-25-81; 8:45 am]

BILLING CODE 6820-AM-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii Call Toll Free (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Browning, Schuyler County (Docket No. FEMA-5944)	Illinois River	At the downstream corporate limits	*452
			At the upstream corporate limits	*452
Maps available for inspection at the Public Works Office, Village Hall, Browning, Illinois.				
Illinois	(C), Geneva, Kane County (Docket No. FEMA-5944)	Fox River	At the downstream corporate limit	*669
			Just downstream of the Geneva Dam	*676
			Just upstream of the Geneva Dam	*679
			At the upstream corporate limit	*682
		Geneva Creek	At the confluence with Fox River	*673
			Just upstream of Pedestrian bridge located 300 feet downstream of State Route 31.	*689
			Just upstream of State Route 31	*694
			About 100 feet upstream of Cheever Avenue	*699
			Just upstream of the Chicago and North Western railroad.	*707
			Just downstream of South Street	*714
			Just upstream of South Street	*722
Maps available for inspection at the Building Commissioner's Office, City Hall, 22 South First Street, Geneva, Illinois.				
Illinois	(V), Lynwood, Cook County (Docket No. FEMA-5886)	Lansing Ditch	Downstream corporate limit	*615
			Just upstream of 204th Street	*617
			Upstream corporate limits (about 2,800 feet upstream of Glenwood-Dyer Road).	*627
		Shallow Flooding (Overflow from Tributary A of North Creek).	About 100 feet east of intersection of Glenwood-Lansing Road and Torrence Avenue.	¹614
			About 100 feet west of intersection of 201st Street and Park Avenue.	¹615
			Intersection of 202nd Street and Burnham Avenue	¹616
¹BFE's for Tributary A of North Creek were previously listed in the Proposed BFE notice with an A–0 Zone and a depth.				
Maps available for inspection at the Office of the Village Clerk, Village Hall, 3107 East Lynwood-Dyer Road, Lynwood, Illinois.				
Indiana	(Unincorporated), Adams County (Docket No. FEMA-5920)	St. Mary's River	About 5,000 feet downstream of confluence of Holthouse Ditch.	*787
			About 2,700 feet upstream of Borum Run confluence	*791
		Wabash River	About 1,700 feet downstream State Route 116	*822
			About 1,500 feet downstream 37 West Road	*826
			About 2,000 feet upstream Conrail	*830
			About 3.3 miles upstream State Route 116	*834
		Borum Run	Just upstream of U.S. Route 33	*791
			About 1.3 miles upstream Norfolk & Western Railroad	*791
		Holthouse Ditch	About 600 feet downstream Nuttman Road	*788
			About 1,000 feet upstream Nuttman Road	*790
		Limberlost Creek	At confluence with Loblolly Creek	*833
			About 5,000 feet upstream confluence with Loblolly Creek.	*833
		Koos Ditch	About 600 feet downstream U.S. Route 224	*789
			About 50 feet downstream East Road	*792

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Loblolly Creek	Just downstream Conrail	*832
			Just upstream 300 feet West Road	*833
		Kohne Drain No. 1	Just downstream Nuttman Road	*788
			About 50 feet downstream County Road 050 West	*793
			Just upstream County Road 050 West	*796
			About 100 feet upstream Conrail	*799
Maps available for inspection at the Office of the Zoning Superintendent, Courthouse Annex, Decatur, Indiana.				
Indiana	(Unincorporated), Cass County (Docket No. FEMA-6820)	Wabash River	About 4.2 miles downstream U.S. Route 25	*579
			About 300 feet downstream Cicott Street	*591
			About 2,700 feet downstream 16th Street	*595
			About 9,300 feet upstream 16th Street	*604
			About 360 feet upstream County Road 625 East	*621
			About 15,800 feet upstream County Road 625 East	*635
		Eel River	About 4,650 feet downstream Davis Street Road	*607
			About 660 feet upstream Davis Street Road	*613
			About 840 feet downstream County Road 150 North	*634
			About 9,800 feet upstream County Road 150 North	*644
		Goose Creek	About 320 feet downstream Humphry Street	*589
			About 100 feet downstream Humphry Street	*589
			About 60 feet upstream Humphry Street	*601
Maps available for inspection at the Auditor's Office, Cass County Government Building, Room 202, Logansport, Indiana.				
Indiana	Clarksville, Town, Clark County (Docket No. FEMA-6868)	Ohio River	Downstream Corporate Limits	*448
			Upstream Corporate Limits	*450
		Silver Creek	Confluence with Ohio River	*448
			1,584 feet upstream of Chessie System at Corporate Limits.	*448
			Approximately 2,800 feet downstream of Interstate Route 265 at Corporate Limits.	*448
			Upstream of Interstate Route 65	*456
			Approximately 600 feet upstream of State Route 60 at upstream Corporate Limits.	*459
Maps available for inspection at the Town Clerk's Office, Clarksville Town Hall, 203 East Montgomery Street, Clarksville, Indiana.				
Indiana	(C), Kokomo, Howard County (Docket No. FEMA-6820)	Kokomo Creek	At confluence with Wildcat Creek	*792
			Just downstream of South Washington Street	*797
			At upstream corporate limits	*807
		Wildcat Creek	At downstream corporate limits	*784
			About 1,400 feet upstream of Norfolk and Western Railway.	*790
			Just downstream of Washington Street	*798
			At upstream corporate limits	*807
Maps available for inspection at the Courthouse, Kokomo, Indiana.				
Iowa	(C), Nevada, Story County (Docket No. FEMA-6911)	West Branch Indian Creek	About 2,000 feet downstream of U.S. Highway 30	*945
			Just downstream of County Road S14 bridge	*957
			Just downstream of Chicago and North Western railroad.	*962
Maps available for inspection at the City Hall, Nevada, Iowa.				
Iowa	(C), Oakland, Pottawattamie County (Docket No. FEMA-6820).	West Nishnabotna River	Downstream corporate limits (about 4,000 feet upstream of U.S. Highway 6).	*1,079
			Upstream corporate limits (north of Kimberly Airport)	*1,085
Maps available for inspection at the City Hall, Oakland, Iowa.				
Iowa	(C), Red Oak, Montgomery County (Docket No. FEMA-6820).	East Nishnabotna River	At southern corporate limits	*1,031
			At northern corporate limits	*1,039
		Red Oak Creek	About 50 feet upstream Broadway	*1,034
			Just upstream East Fifth Street	*1,044
			About 50 feet upstream East Eighth Street	*1,048
			About 900 feet downstream intersection of Coolbaugh Street and Highland Avenue.	*1,051
			Just upstream intersection of Coolbaugh Street and Highland Avenue.	*1,057
			Just upstream Forest Avenue	*1,082
			About 200 feet downstream Summit Street	*1,086
Maps available for inspection at the City Hall, 901 Sixth Street, Red Oak, Iowa.				
Kentucky	City of South Shore, Greenup County (FEMA-6820)	Ohio River	Along entire shoreline within Corporate limits	*536
Maps available for inspection at City Hall, 9041 Second Avenue, South Shore, Kentucky 41175.				
Louisiana	City of Opelousas, St. Landry Parish (FEMA-6847)	Bayou Teeson	Just upstream of U.S. Highway 167	*26
			Approximately 1,100 feet downstream Dunbar Avenue	*49
			Just downstream of Berthaud Avenue	*51
			Just upstream of Church Street	*64
		Bayou Teeson Tributary 2	Just upstream of West Joseph Street extended	*71
		Bayou Yarbor	Just upstream of McCarthy Avenue	*49
			Just downstream of Hulphan Street	*54
		Bayou Davey	Just downstream of Moulon Street	*54
		Bayou Rawles	Just downstream of West Linwood Street	*38
			Just upstream of Heather Drive	*44
		East Bayou Rawles	Just downstream of Prescott Street	*80
		Bayou Del Puent (South Branch)	Just upstream of Bellevue	*85

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Bayou Del Puent (North Branch)	Just downstream of Sandoz Street	*50
		East Fork Bayou Plaquemine Brule	Just upstream of Missouri Pacific Railroad	*71
	Maps available for inspection at City Hall, North Court Street, Opelousas, Louisiana 70570.			
Michigan	(V), Almont, Lapeer County (Docket No. FEMA-5944)	North Branch Clinton River	About 220 feet downstream Kidder Road	*822
			Just upstream Kidder Road	*824
			Just downstream Main Street	*833
			About 2,650 feet upstream Main Street	*840
		Farnum Drain	At confluence with North Branch Clinton River	*834
			Just downstream St. Clair Street	*836
	Maps available for inspection at the Village Hall, 817 North Main Street, Almont, Michigan.			
Michigan	(C), Pinconning, Bay County (Docket No. FEMA-5912)	Pinconning River	About 0.5 mile downstream of Water Street	*591
			At upstream corporate limit	*595
	Maps available for inspection at the City Hall, 208 Manitou Street, Pinconning, Michigan.			
Missouri	(T), Catron, New Madrid County (Docket No. FEMA-5944)	Shallow Flooding (Ditch No. 1)	Within corporate limits	*281
	Maps available for inspection at the Office of the Mayor, P.O. Box 24, Catron, Missouri 63833.			
Missouri	(C), Matthews, New Madrid County (Docket No FEMA-5926)	Shallow Flooding (Little River)	About 500 feet upstream of Main Street bridge over Little River.	*293
			About 1,000 feet southwest of intersection of Moore Street and Belt Avenue.	*293
		Shallow Flooding (From Rainfall)	About 1,400 feet north of Main Street and about 2,100 feet east of St. Louis-San Francisco Railway.	#3
			About 900 feet south of Main Street and about 1,200 feet east of St. Louis-San Francisco Railway.	#3
			North of Summit Drive between Ridgeview Drive and Davis Street.	#3
			North of Critchlow Street, on west side of Railroad Avenue.	#3
			Just north of Main Street on Railroad Avenue	#3
			At Hall Street and Railroad Avenue	#3
			Just west of Morgan Street and Belt Avenue intersection.	#3
			Just east of Morgan Street and Dean Street intersection.	#3
	Maps available for inspection at the City Hall, P.O. Box 54, Matthews, Missouri.			
Missouri	(V), North Lilbourn, New Madrid County (Docket No. FEMA-5944).	Shallow Flooding (from Little River)	Within the corporate limits	*291
	Maps available for inspection at the Village Hall, P.O. Box 136, Lilbourn, Missouri.			
Missouri	(C), Risco, New Madrid County (Docket No. FEMA-5944)	Shallow Flooding (Ditch No. 8)	Between the western corporate limit and the St. Louis-San Francisco Railroad.	*277
		Shallow Flooding (Ditch No. 44)	Between the eastern corporate limit and the St. Louis-San Francisco Railroad.	*276
	Maps available for inspection at the City Hall, Risco, Missouri.			
Missouri	(C), Tallapoosa, New Madrid County (Docket No FEMA-5944).	Shallow Flooding (Ponding from Unnamed Ditch).	Between the eastern corporate limits and 1st Street	*273
		Shallow Flooding (Ponding from Ditch No..	Within the corporate limits	*273
	Maps available for inspection at the Office of the City Clerk, City Hall, Tallapoosa, Missouri.			
Nebraska	(C), Madison, Madison County (Docket No. FEMA-5944)	Union Creek	About 7,000 feet downstream of U.S. Highway 81	*1,566
			Just downstream of Main Street	*1,574
			Just upstream of Jackson Street	*1,579
			About 10,000 feet upstream of 3rd Street	*1,588
		Taylor Creek	Confluence with Union Creek	*1,575
			Just upstream of North 8th Street	1,579
			About 1,300 feet upstream of Union Pacific Railroad	*1,586
	Maps available for inspection at the City Hall, Madison, Nebraska.			
Nebraska	(V), Raymond, Lancaster County (Docket No. FEMA-5944)	Oak Creek	About 1.1 miles downstream West Mill Road (at extra-territorial limits).	*1,203
			Confluence of North Oak Creek	*1,212
			Just downstream State Highway 79	*1,213
		North Oak Creek	About 200 feet upstream West Raymond Road	*1,216
			Just downstream West Branched Oak Road	*1,226
	Maps available for inspection at the Village Hall, Raymond, Nebraska.			
New Jersey	Atlantic Highlands, Borough, Monmouth County (Docket No. FEMA-5875).	Sandy Hook Bay	Entire shoreline	*12
			Tidal flooding on Wagner Creek downstream from upstream corporate limits.	*12
			Tidal flooding of Many Mind Creek downstream of State Route 36.	*12
	Maps available for inspection at the Borough Clerk's Office, Atlantic Highlands, New Jersey.			
New Jersey	Califon, Borough, Hunterdon County (Docket No. FEMA-5895).	South Branch Raritan River	Downstream Corporate Limits	*455
			Upstream Califon Dam	*468
			Upstream Corporate Limits	*475

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Borough Clerk's Office, Municipal Building, Main Street, Califon, New Jersey.				
New Jersey	Franklin, Township, Hunterdon County (Docket No. FEMA-5912).	Capoolog Creek	3,970' downstream of Quakertown Road	*345
			2,570' downstream of Quakertown Road	*357
			1,860' downstream of Quakertown Road	*363
			Downstream of Quakertown Road	*366
			450' upstream of Quakertown Road	*398
			1,130' upstream of Quakertown Road	*405
			1,910' upstream of Quakertown Road	*415
			2,645' upstream of Quakertown Road	*425
		Tributary A	Downstream of Conrail	*172
			1,500' upstream of Conrail	*183
			Sidney Road	*192
			1,895' upstream of Sidney Road	*205
			Pittstown Road	*215
Maps available for inspection at the Municipal Building, Sidney Road, Franklin, New Jersey.				
New York	Camillus (Village), Onondaga County (FEMA-5975)	Ninemile Creek	Intersection of MacLaughlin Street and Meadow Lane	*411
			Intersection of Genesee Street and New North Street	*413
			300 feet east of intersection of Union Street and Elm Street.	*415
		Unnamed Stream East	Approximately 200 feet east along Green Street from its intersection with South Street.	*415
			Upstream side of Bingham Place over the channel	*440
			Intersection of Conrail and the channel	*458
Maps available at Village Hall, Main Street, Camillus, New York.				
New York	Churchville, Village, Monroe County (Docket No. FEMA-5962).	Black Creek	Downstream Corporate Limits	*569
			Upstream of Conrail	*585
			Upstream of East Buffalo Street	*587
			Upstream of Bangs Road	*571
			Upstream Corporate Limits (extended)	*572
Maps available for inspection at the Churchville Village Hall, 9 East Buffalo Street, Churchville, New York.				
New York	Town of Corning, Steuben County (Docket No. FEMA-5734).	Whiskey Creek	Upstream Fram Lane	*918
			10,000 feet upstream of confluence with Chemung River.	*979
			11,900 feet upstream of confluence of Chemung River	*1,010
		Chemung River	1,000 feet upstream from Corporate Limits	*999
			Upstream Confluence of Whiskey Creek	*918
			Upstream State Route 17 adjacent to Gorton Creek	*921
			Upstream State Route 17	*931
Maps available for inspection at the Corning Town Clerk's Office, Town Hall, Corning, New York.				
New York	Depew, Village, Erie County (Docket No. FEMA-5962)	Scajaquada Creek	Downstream Corporate Limits	*858
			Confluence of North Branch Scajaquada Creek	*867
			Grant Avenue (Upstream)	*875
			Upstream Corporate Limits	*886
		Cayuga Creek	Downstream Corporate Limits	*829
			Borden Road (Upstream)	*838
			Transit Road (Upstream)	*845
			Upstream Corporate Limits	*851
		North Branch Scajaquada Creek	Confluence with Scajaquada Creek	*867
			French Road (Upstream)	*877
			Colony Road (Upstream)	*879
Maps available for inspection at the Village Clerk's office, Depew Municipal Building, 85 Manitou Street, Depew, New York.				
New York	East Syracuse, Village, Onondaga County (Docket No. FEMA-5912).	South Branch Ley Creek	State Route 290	*404
			Downstream crossing of Conrail	*406
			Burnet Avenue	*409
			Upstream crossing of Conrail	*410
			Interstate Route 690	*411
			Above: 2nd crossing of Access Road at upstream Corporate Limits.	*413
		Butternut Creek	Area north of Dewitt Yards in northeastern corner of East Syracuse.	*410
			Area between Interstate 690 and State Route 290 in southeast corner of East Syracuse.	*414
			Area between access roads to Interstate 690 in southeast corner of East Syracuse.	*417
Maps available for inspection at the Est Syracuse Municipal Building, 204 North Center Street, East Syracuse, New York 13057.				
New York	Fenton, Town, Broome County (Docket No. FEMA-5912)	Chenango River	Downstream Corporate Limits	*852
			Ivan Lane (Extended)	*856
			Upstream of State Route 12A	*860
			300' southeast of junction of State Route 7 and Interstate 88 (Extended).	*865
			Confluence of Osborne Creek	*869
			Port Street (Extended)	*872
			Stony Brook Road (Extended)	*876
			Bend of Rodgers Road (Extended)	*879
			Upstream of Gaging Station	*888
			Marshman Road (Extended)	*895
			Upstream of State Route 79	*900
			Upstream Corporate Limits	*901

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. ^Elevation in feet (NGVD)
		Osborne Creek	Confluence with Chenango River	*868
			Upstream of State Route 369	*871
			Private Drive off State Route 369 (Extended)	*879
			Confluence of Ballyhack Creek	*885
			Upstream of Ballyhack Road	*889
			Approximately 1,460' upstream from Ballyhack Road	*900
			Approximately 2,170' upstream from Ballyhack Road	*910
			Approximately 2,900' upstream from Ballyhack Road	*920
			Approximately 4,370' upstream from Ballyhack Road	*930
			Approximately 6,780' upstream from Ballyhack Road	*950
			Approximately 8,830' upstream from Ballyhack Road	*970
			Approximately 10,910' upstream from Ballyhack Road	*990
			Approximately 11,990' upstream from Ballyhack Road	^1,000
			Upstream Corporate Limits	^1,011
		Page Brook	Confluence with Chenango River	*877
			400' downstream from Rodgers Road	*880
			100' upstream from Rodgers Road	*884
			1,070' upstream from Rodgers Road	*887
Maps available for inspection at the Fenton Town Hall, Park Street, Port Crane, New York.				
New York	Greene Village, Chenango County (Docket No. FEMA-5912).	Chenango River	Downstream Corporate Limits	*911
			250' downstream from State Route 206	*912
			Upstream Corporate Limits	*913
Maps available for inspection at the Village Hall, 51 Genesee Street, Greene, New York.				
New York	Greene, Town, Chenango County (Docket No. FEMA-5938).	Chenango River	400' upstream from State Route 78	*900
			400' upstream from Conrail	*904
			Confluence of Genegantslet Creek	*905
			Jackson Hill Road (Extended)	*911
			200' upstream from Hogsback Road	*917
			Confluence of Wheeler Brook	*920
			Oshoon Road (Extended)	*924
			400' upstream from Brisben Crossover	*928
			Upstream Corporate Limits	*929
Maps available for inspection at the Greene Town Hall, 51 Genesee Street, Greene, New York.				
New York	Hilton, Village, Monroe County (Docket No. FEMA-5912)	Salmon Creek	Downstream Corporate Limits	*250
			Upstream side of Conrail	*261
			Upstream side of Hovey Avenue	*286
			Upstream Corporate Limits	*288
Maps available for inspection at the Village Hall, 24 Main Street, Hilton, New York.				
New York	LeRoy, Village, Genesee County (Docket No. FEMA-5912)	Tributary to Mud Creek	Downstream Corporate Limits	*870
			Upstream Orchard Place	*875
			Access Road	*876
			Upstream East Avenue	*878
			Upstream South Avenue	*888
			South Street	*892
			Upstream Corporate Limits	*894
Maps available for inspection at the LeRoy Village Hall, 3 West Main Street, LeRoy, New York 14482.				
New York	Piermont, Village, Rockland County (Docket No. FEM A-5912).	Sparkill Creek	Downstream Corporate Limits	*8
			Paradise Avenue	*8
			Upstream Corporate Limits	*23
			State Route 9W	*22
Maps available for inspection at Village Hall, 478 Piermont Avenue, Piermont, New York.				
New York	Seneca Falls, Village, Seneca County (Docket No. FEMA-5912).	Seneca River	Downstream of Lock No. 2	*396
			Upstream side of Lock No. 2	*431
			Upstream Corporate Limits	*432
		Sampson Creek	Upstream side of Bayard Street culvert	*435
			Upstream side of Bridge Street	*437
			Downstream side of Swaby Street	*442
			Downstream side of Toledo Street	*445
			Upstream side of Toledo Street	*448
			60 feet upstream of Private Road	*453
			Shamrock Avenue (extended)	*457
			Upstream Corporate Limits near Conrail crossing	*459
		Black Brook	Downstream Corporate Limits	*475
			Upstream Corporate Limits at Black Brook Road	*477
		Bertions Creek	Confluence with Sampson Creek	*435
			Upstream side of Child Street	*437
			Upstream side of Garden Street	*438
			Upstream of Chaplin Street	*442
			Seneca Manor Drive (extended)	*452
			Downstream of Conrail	*454
Maps available for inspection at the Seneca Falls Village Hall, 136 Falls Street, Seneca Falls, New York.				
New York	Seneca Falls, Town, Seneca County (Docket No. FEMA-5926).	Seneca River	Confluence with Cayuga Lake	*386
			Upstream Corporate Limits of the Town of Seneca Falls.	*432
		Black Brook	Downstream Corporate Limits	*466
			Downstream side of King Road	*470

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Corporate Limits of the Village of Seneca Falls.	*477
			2,200 feet upstream of Mound Road at the downstream side of Private Road.	*481
			Upstream Corporate Limits	*487
		Sucker Brook	Confluence with Seneca River	*432
			Upstream side of Conrail	*435
			7,800 feet upstream of Conrail	*453
		Sucker Brook Tributary	Confluence with Sucker Brook	*436
			Upstream of California Avenue	*464
			3,000 feet upstream of California Avenue	*483
		Cayuga Lake	Entire Shoreline within the town	*366
Maps available for inspection at the Seneca Town Office, 59 Cayuga Street, Seneca Falls, New York.				
New York	Stephentown, Town, Rensselaer County (Docket No. FEMA-8078).	Kinderhook Creek	Upstream side of Gould Road	*795
			Downstream side of Stephentown Road	*832
			Upstream side of Stephentown Road	*835
			Downstream side of Presbyterian Hill Road	*841
			Upstream side of Presbyterian Hill Road	*842
			Confluence of East Brook and West Brook	*864
			Downstream side of State Highway 22	*907
			Upstream side of State Highway 22	*909
			Downstream of Pease Road	*949
			Upstream of Pease Road	**948
			State Boundary	*955
Maps available for inspection at the Town Clerk's Office, 9 Garfield Road, Stephentown, New York.				
New York	Sterling, Town, Cayuga County (Docket No. FEMA-8013)	Lake Ontario	Entire Shoreline	*249
Maps available for inspection at the Sterling Town Clerk's Office, Sterling Center Road, Sterling, New York.				
New York	Waterloo, Village, Seneca County (Docket No. FEMA-8068).	Seneca River	Upstream Gorham Street	*432
			North Branch upstream of Washington Street	*436
			Downstream Locust Street	*444
			Upstream Corporate Limits	*448
Maps available for inspection at the Village Hall, 41 West Main Street, Waterloo, New York.				
New York	Wyoming, Village, Wyoming County (Docket No. FEMA-8012)	Oatka Creek	Downstream Corporate Limits	*948
			Downstream side of Main Street	*953
			Upstream side of Main Street	*955
			Upstream Corporate Limits	*955
		Wyoming Gulf Brook	Confluence with Oatka Creek	*954
			750' upstream of confluence with Oatka Creek	*960
			Downstream of Academy Street	*988
			Upstream side of Academy Street	*992
			Upstream Corporate Limits	*1,002
Maps available for inspection at the Wyoming Village Clerk's Office, 80 Main Street, Wyoming, New York				
North Carolina	Edgecombe County, (Unincorporated Areas) (FEMA-8036)	Tar River	Intersection of river and center of State Highway 42	*38
			100 feet upstream from center of Seaboard Coastline Railroad.	*46
		Town Creek	100 feet upstream from center of U.S. Highway 258	*49
		Bynum Mill Creek	100 feet upstream from center of Secondary Road 1120.	*63
		Bynum Mill Run	100 feet upstream from center of State Highway 124	*74
		Coley Swamp	100 feet upstream from center of State Highway 43	*82
			100 feet upstream from center of Secondary Road 1002.	*109
		Coley Swamp Tributary	100 feet upstream from center of Secondary Road 1144.	*94
		Fishing Creek	100 feet upstream from center of State Highway 97	*56
		Deep Creek	100 feet upstream from center of Secondary Road 1505.	*54
		Swift Creek	150 feet upstream from center of Secondary Road 1253.	*53
			100 feet upstream from center of Secondary Road 1409.	*71
		White Oak Swamp	3,200 feet downstream from Porter Street (within Whitakers).	*118
Maps available for inspection at Edgecombe County Courthouse, Tarboro, North Carolina				
North Carolina	City of Hickory, Catawba County (FEMA-8738)	Lyle Creek	Approximately 100 feet upstream of SR 1599	*1,005
			Just upstream of SR 1612	*1,055
			Just upstream of SR 1447	*1,090
		Herman Creek	29th Street N.E. (Extended)	*1,034
			27th Street N.E. (Extended)	*1,044
		Hickory Creek	Just upstream of 9th Street	*1,060
			Just downstream of 20th Street (SR 1447)	*1,090
		Clarks Creek	Just downstream of U.S. 70, 64, 321	*879
			Approximately 200 feet downstream of SR 1408	*886
		Miller Branch	Approximately 130 feet downstream of SR 1478	*894
			Approximately 1,500 feet downstream of SR 1692	*965
		Henry Fork	Approximately 1,000 feet upstream of U.S. 321 bridge	*883
			Approximately 275 feet upstream of SR 1124 bridge	*918
		Henry Fork Tributary One	Approximately 75 feet upstream of SR 1170 bridge	*834
			Approximately 300 feet downstream of U.S. 70, 64, 321.	*996
		Falling Creek	Approximately 300 feet upstream of SR 1400	*961
			Approximately 720 feet downstream of SR 1404 bridge.	*999
		Falling Creek Tributary Two	Just downstream 12th Avenue N.E	*1,088
		Catawba River Tributary One	Just upstream of SR 133	*987
			Approximately 75 feet upstream of SR 1331 bridge	*1,007
		Snow Creek	Approximately 250 feet upstream of SR 1507	*875
			Just upstream of SR 1400	*1,012
			Just upstream of 14th Avenue	*1,084

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Horsetail Creek	14th Avenue N.W. (extended)	*979
		Cripple Creek	Approximately 95 feet upstream of 6th Street N.W	*1,060
			Just upstream of 4th Street N.W	*1,062
		Frye Creek	Approximately 66 feet upstream of Lenoir Road	*1,015
			Approximately 120 feet upstream of U.S. 321	*1,038
		Geitner Branch	Approximately 100 feet upstream of center line of U.S. 64, 70.	*997
			Approximately 125 feet upstream of 6th Street Culvert entrance.	*1,016
		Geitner Branch Tributary One	Approximately 60 feet upstream of 7th Avenue	*1,000
		Geitner Branch Tributary Two	Just upstream of 7th Avenue S.W	*1,000
			4th Street S.W	*1,000
		Longview Creek Tributary Two	Approximately 50 feet upstream of Interstate 40 culvert entrance.	*993
			Just upstream of 9th Street	*1,012
		Longview Creek Tributary One	SR 1189	*1,036
			U.S. 64–70	*1,057
		Longview Creek	At downstream corporate limits	*1,039
		Berger Branch	Just upstream of SR 1173	*997
			Approximately 75 feet upstream of 10th Avenue S.E	*1,037
		Berger Branch Tributary One	8th Avenue S.E	*1,072
		Berger Branch Tributary Two	Approximately 300 feet upstream of confluence with Berger Branch.	*1,006
		Berger Branch Tributary Three	8th Avenue S.E	*1,053
		Fitz Creek	Just downstream of 9th Avenue N.W	*1,047
			Just upstream of 8th Street N.W	*1,064

Maps available for inspection at Planning Director's Office, 76 North Center Street, Hickory, North Carolina 28601.

Pennsylvania	Bonneauville, Borough, Adams County (Docket No. FEMA-5944).	Chicken Run	Downstream Corporate Limits	*306
			300' downstream of PA Route 116	*314
			Downstream side of PA Route 116	*318
			60' upstream of Oak Lane	*332
			120' downstream of Private Road	*339
			Sunset Drive	*345

Maps available for inspection at the Bonneauville Borough Building, R.D. 5, Gettysburg, Pennsylvania.

Pennsylvania	Hamilton, Township, Adams County (Docket No. FEMA-5944).	West Conewago Creek	Downstream Corporate Limits	*411
			Downstream Legislative Route 01037	*420
			Confluence of Pine Run	*425
			Upstream Green Ridge Road	*433
			Upstream State Route 94	*446
			Upstream Corporate Limits	*466
		South Branch Conewago Creek	Confluence with West Conewago Creek	*456
			Upstream Corporate Limits	*469
		Beaver Creek	Downstream Corporate Limits	*403
			Downstream side of Beaver Creek at first crossing	*413
			Downstream side of Jacobs Mill Road	*422
			Upstream Saint Mary's Road	*436
			Upstream side of Horne Road	*448
			Upstream Corporate Limits	*478
		Seven Hundred School Run	Confluence with South Branch Conewago Creek	*458
			Downstream Third Private Road	*479
			Upstream Gun Club Road	*493
			Upstream Corporate Limits	*507
		Pine Run	Confluence with West Conewago Creek	*425
			Upstream Mill Road	*442
			Approximately 130 feet upstream of Pine Run Road	*464
		Tributary A	Confluence with Pine Run	*460
			Confluence of Tributary B	*505
			Upstream Corporate Limits	*519
		Tributary B	Confluence with Tributary B	*505
			Upstream side 1st private Road	*521
			Upstream Corporate Limits	*534

Maps available for inspection at the residence of Ms. Ethel Roche, Township Secretary, R.D. 1, Forest Drive, New Oxford, Pennsylvania.

South Carolina	City of Gaffney, Cherokee County (FEMA-5824)	Irene Creek	Just downstream of Overbrook Drive	*679
			Just upstream of Young Street	*699
		Irene Creek Tributary I	Just downstream of Buford Street	*691
			Just upstream of Buford Street	*696
		Providence Branch	Approximately 100 feet upstream of State Highway 150.	*676
			Just downstream of Barrel Drive	*686
		Limestone Creek	Approximately 600 feet upstream of Northernmost Corporate limits.	*698
		Peoples Creek	Just upstream of Chatham Street	*690
			Just upstream of Pecan Street	*705

Maps available for inspection at City Administrator's Office, City Hall, 203 North Limestone Street, Gaffney, South Carolina 29340.

Tennessee	Gallatin (City), Sumner County (FEMA-5844)	East Camp Creek	100 feet upstream from center of U.S. Highway 31E	*456
			100 feet upstream from center of Louisville and Nashville Railroad.	*512
		East Camp Creek West Tributary	At confluence with East Camp Creek Northwest Tributary.	*491
		East Camp Creek Northwest Tributary	300 feet downstream from center of Red River Road	*505
		Town Creek	100 feet upstream from center of Lock 4 Road	*455
			100 feet upstream from center of West Main Street	*514
			200 feet upstream from center of U.S. Highway 31E	*552
		Town Creek Left Bank Tributary 1	100 feet upstream from center of Bilton Street	*492
		Town Creek Left Bank Tributary 2	100 feet upstream from center of Woodland Avenue	*536
		Town Creek Left Bank Tributary 3	275 feet upstream from confluence with Town Creek	*550
		Bulls Creek	100 feet upstream from center of State Highway 109	*491
		Sink Hole Creek	150 feet upstream from center of Newton Lane	*475
		Sink Hole Creek Tributary	250 feet upstream from confluence with Sink Hole Creek.	*489

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Albright Creek	100 feet upstream from center of Willmore Road	*454
			100 feet upstream from center of County Road 6130 (Cairo Road).	*554
		Station Camp Creek	100 feet upstream from center of Louisville and Nashville Railroad.	*463
			100 feet upstream from center of Long Hollow Pike	*489
		Old Hickory Lake	Intersection of Lake and State Highway 109	*452
	Maps available for inspection at Engineer's Office, 132 W. Main St., Gallatin, Tennessee.			
Texas	City of Harker Heights, Bell County (FEMA-6947)	Nolan Creek	Just downstream of Buffalo Trail	*720
			Just upstream of North Ann Blvd	*736
		Harker Heights Tributary 1	Just upstream of U.S. Highway 190 (Business)	*723
			Just upstream of Indian Trail	*768
		Harker Heights Tributary 2	Just downstream of U.S. Highway 190 (Business)	*732
			Just upstream Clore Road	*763
			Just downstream of South Amy Lane	*778
		Overland Flow Harker Heights Tributary 2.	Just upstream of Bluebird Drive	*786
		Harker Heights Tributary 3	Just upstream of Bell Road	*739
			Just upstream of North Ann Blvd	*769
		Harker Heights Tributary 4	At Jamie Road extended	*744
	Maps available for inspection at City Hall, 129 Harkey Drive, Harker Heights, Texas 76541.			
Texas	City of Harlingen, Cameron County (FEMA-6947)	Arroyo Colorado	Just downstream of Loop 448	*21
			Just downstream of U.S. Routes 77/83 and Access Roads.	*26
		Tributary No. 1 to Arroyo Colorado	Approximately 600 feet upstream of Treasure Lake Rd	*33
		Tributary No. 2 to Arroyo Colorado	Just upstream of U.S. Routes 77/83	*23
		Tributary No. 3 to Arroyo Colorado	Just downstream of Garret Road	*35
			Just downstream of Lincoln Avenue	*39
	Maps available for inspection at City Hall, 118 East Tyler Street, Harlingen, Texas 78550.			
Texas	City of Cuero, DeWitt County (FEMA-6947)	Guthrie Creek	At Alonzo Street	*167
			At Heston Street	*167
			Approximately 160 feet at upstream of Main Street	*176
			Approximately 120 feet at upstream of Broadway St	*177
		Guthrie Creek Tributary	At McArthur Street extended	*169
			Approximately 120 feet at downstream of Morgan Avenue.	*172
			Just upstream of South Railroad St	*176
		SCS Channel	At downstream corporate limits, approximately 150 feet downstream of Paine Street.	*162
	Maps available for inspection at City Hall, 301 East Main Street, Cuero, Texas 77954.			
Texas	City of Holland, Bell County (FEMA-6947)	Dans Creek	Just downstream of State Highway 95	*502
			Just downstream of Missouri-Kansas-Texas Railroad	*505
			Just downstream of Missouri-Kansas-Texas Railroad	*511
			Just downstream of Hackberry Street	*511
		Cathey Creek	Approximately 180 feet at upstream of the north corporate limits which is located approximately 1,270 feet at upstream of FM 1123.	*544
	Maps available for inspection at City Hall, 104 West Travis, Holland, Texas 76534.			
Texas	City of Killeen, Bell County (FEMA-6947)	Nolan Creek	Approximately 20 feet at upstream of Roy Reynolds Drive.	*745
			At 54th Street extended	*767
			Approximately 120 feet at upstream of 38th Street	*777
			Approximately 130 feet at upstream of W. S. Young Drive.	*791
			Just downstream of Highway 190 (Business)	*802
			Approximately 80 feet at downstream of Sixth Street (Gray Street).	*813
			Approximately 30 feet at downstream of Dimple Street	*827
		Little Nolard Creek	Approximately 60 feet at downstream of Highway 190 (Business).	*773
			Approximately 30 feet at downstream of F. M. 2410	*782
			Approximately 20 feet at downstream of North Frontage Road of U.S. Highway 190.	*801
			Approximately 20 feet at downstream of Little Noland Road.	*819
		Little Nolan Creek Tributary 1	Approximately 40 feet downstream of W. S. Young Drive.	*835
			Approximately 100 feet downstream of West Trimmer Road.	*862
			Approximately 110 feet at upstream of old F. M. 440	*940
		Little Nolan Creek Tributary 2	Approximately 20 feet at upstream of East Trimmer Road.	*822
		Long Branch	Approximately 20 feet at upstream of F. M. 439	*781
			Approximately 40 feet at upstream of Lake Road	*787
			At Laurel Lane extended	*799
			Approximately 20 feet at downstream of Hilliard Avenue.	*824
		Harker Heights Tributary 4	At Spring Brook Drive Extended	*766
		Nolan Creek Tributary 3	Approximately 90 feet at upstream of Atchison Avenue	*784
			Approximately 70 feet at upstream of Liberty Street	*804
			Approximately 40 feet at upstream of Davis Drive	*824
		Nolan Creek Tributary 4	Approximately 100 feet at upstream of Greenwood Avenue.	*808
			Approximately 70 feet at downstream of Harris Avenue	*823
			Approximately 90 feet at downstream of Gray Avenue	*839
		Site Tributary No. 7	Just downstream of Roy Reynolds Drive	*763
	Maps available for inspection at City Hall, 400 North Second St., Killeen, Texas 76541.			
Texas	City of Lancaster, Dallas County (FEMA-6998)	Townile Creek	Just upstream of Missouri-Kansas-Texas Railroad	*477

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. ^Elevation in feet (NGVD)
			Approximately 100 feet downstream of Blue Grove Road.	*463
			Approximately 400 feet upstream of Houston School Road.	*998
		Keller Branch	Just upstream of Lancaster Hutchins Road	*475
			Just upstream of Missouri-Kansas-Texas Railroad	*519
		Hutto Branch	Just upstream of West Pond Bull Street	*506
			Just upstream of West Pond Street	*512
		Deep Branch	Just upstream of Belt Line Road	*488
			Approximately 900 feet upstream of Pleasant Run Road.	*566
		Mill Branch	Approximately 350 feet upstream of Pleasant Run Road.	*572
			Just upstream of Houston School Road	*594
		Stream 3A6	Approximately 1,200 feet upstream of Belt Line Road	*594
		Floyd Branch	Approximately 250 feet upstream of Lancaster Road	*566
		Runyon Springs Branch	Approximately 400 feet upstream of Houston School Road.	*568
			Approximately 200 feet downstream of Houston School Road.	*545
Maps available for inspection at Office of City Secretary, City Hall, 211 North Henry Street, Lancaster, Texas 75146.				
Utah	West Bountiful (City), Davis County (FEMA-5836)	Barton Creek	130 feet upstream from center of 1100 West	*4,216
			200 feet upstream from center of northbound lane of Interstate 15.	*4,279
			200 feet southeast from intersection of 1600 North and Denver and Rio Grande Western Railroad.	*1
		Mill Creek	400 feet upstream from center of 1100 West	*4,240
			Intersection of 600 South and entry ramp to northbound lane of Interstate 15.	*1
		Stone Creek	200 feet downstream from center of Pages Lane	*4,254
			400 feet upstream from center of Pages Lane	*3
		Dust Creek	100 feet east from intersection of 830 West and 2126 North.	*2
Maps available for inspection at City Hall, West Bountiful, Utah.				
Washington	Tukwila (City), King County (FEMA-5873)	Green River	100 feet upstream from intersection of river and Interstate Highway 5.	*14
			100 feet upstream from intersection of river and Strander Boulevard.	*25
		Springbrook Creek	Center of South 188th Street approximately 100 feet north of its intersection with the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*16
		Black River (Backwater From Green River).	50 feet upstream of intersection of Chicago, Milwaukee, St. Paul and Pacific Railroad with Black River.	*19
Maps available for inspection at City Hall, 6200 Southcenter Blvd., Tukwila, Washington.				
Wisconsin	(Unincorporated), Marathon County (Docket No FEMA-5824).	Wisconsin River	At U.S. Highway 51 bridge	*1,157
			About 0.95 mile upstream U.S. Highway 51 bridge	*1,159
			About 5 miles upstream Adolph Street (City of Wausau corporate limits—East Bank).	*1,169
		Johnson Creek	Just upstream County Highway C	*1,128
			Approximately 0.8 mile upstream county Highway C	*1,139
			Just downstream of Johnson Creek Road	*1,136
			Just upstream of Johnson Creek Road	*1,140
			Just downstream of County Highway X	*1,144
			About 1.8 miles upstream of County Highway X	*1,160
			Just downstream of 16th Road	*1,167
			Just upstream of 16th Road	*1,191
			Just downstream of State Highway 153	*1,200
		Bull Junior Creek	Mouth at Wisconsin River	*1,150
			Just upstream of Old U.S. Highway 51	*1,153
			Just upstream Cedar Road	*1,174
			Just downstream County Highway X	*1,185
			Just downstream Town Road	*1,195
		Eau Claire River	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad, at eastern Schofield corporate limit.	*1,170
			Just upstream of Camp Phillips Street	*1,179
			Just upstream of County Highway SS	*1,189
			Approximately 1,900 feet downstream of County Highway J.	*1,207
			Approximately 1,000 feet upstream of County Highway J.	*1,216
			Just upstream of Clubhouse Road	*1,237
			Just downstream of County Highway N	*1,250
		Big Rib River	At mouth at Wisconsin River	*1,166
			Approximately 3,200 feet upstream of U.S. Highway 51.	*1,170
			Just downstream of Chicago and North Western Railroad.	*1,167
			Just downstream of State Highway 29	*1,208
		Little Rib River	At mouth at Big Rib River	*1,171
			Just upstream of Chicago and North Western Railroad	*1,175
			Just downstream of New State Highway 29	*1,176
			Just upstream of Stewart Avenue	*1,181
			Just downstream of Stolbin Road	*1,162
Maps available for inspection at the Office of the Zoning Administrator, Marathon County Courthouse, Forest Street, Wausau, Wisconsin.				
Wisconsin	(V), Pulaski, Brown County (Docket No. FEMA-5824)	South Branch Little Suamico River	About 0.32 mile downstream St. Augustine Street	*800
			About 300 feet downstream of St. Augustine Street	*803
			At upstream corporate limits	*811
		Middle Branch Little Suamico River	Just upstream of Williams Street	*799
			About 30 feet upstream of Lincoln Street	*805

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Johnson Street	*808
			At upstream corporate limits	*11
Maps available for inspection at the Village Clerk's Office, Village Hall, Pulaski, Wisconsin.				
Wisconsin	(C), Sparta, Monroe County (Docket No. FEMA-6004)	La Crosse River	Approximately 1 mile downstream of State Highway 27	*761
			Just upstream of Perch Lake Dam	*776
			About 1.29 miles upstream of Perch Lake Dam	*782
		Beaver Creek	About 0.1 mile downstream of East Oak Street	*773
			About 0.27 mile upstream of West Montgomery Street	*787
		Farmers Valley Creek	Just downstream of East Avenue	*774
			About 0.86 mile upstream of Walnath Street	*788
Maps available for inspection at the City Clerk's Office, City Hall, 231 West Oak Street, Sparta, Wisconsin.				
Wisconsin	(C), Oconto, Oconto County (Docket No. FEMA-6004)	Green Bay	Within community	*585
		Oconto River	Mouth at Green Bay	*585
			Just upstream of Superior Avenue	*586
			Upstream corporate limits	*590
		Tributary No. 1	Mouth at Green Bay	*585
			About 200 feet upstream of Collins Avenue	*586
			About 300 feet upstream of Elm Avenue	*590
		Tributary No. 2	Just downstream of McDonald Street	*590
			Just upstream of McDonald Street	*593
		Tributary No. 3	Just downstream of Mill Street	*590
			About 200 feet downstream Mott Street	*592
			Just downstream of Charles Street	*596
		Tributary No. 4	Just upstream U.S. Highway 41	*585
			Just upstream of Van Hecke Avenue	*595
		Tributary No. 4A	Just upstream of confluence with Tributary No. 4	*585
			Just upstream of Van Hecke Avenue	*588
		Shallow Flooding (Ponding From Rainfall).	Intersection of Superior Avenue and Memorial Drive	*594
Maps available for inspection at the Office of the City Clerk, City Hall, 1210 Main Street, Oconto, Wisconsin 54153.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Developement Act of 1968), effective January 28, 1969 (33 FR 17804, NOvember 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8804 Filed 3-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA 6017]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or April 24, 1981, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

BILLING CODE 6718-03-M

§ 65.3 List of communities with special hazard areas (FHBMs in effect). Effective Date: April 3, 1981

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (Panel Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of FHBM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code (S)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
PA	420818	Borough of Elkland (Tioga Co.)	0001B	I	FL	B	1	3	1	3/ 8/74 4/16/76	N/A	9 10 16	N/A	N/A	Joe Mallzia, Borough Manager Municipal Hall 105 Parkhurst Elkland, PA 16920 Phone: 814-258-7322
WI	560121	Village of Downing (Dunn Co.)	0001A	I	FL	B	1	3	1	11/ 8/78	N/A	9 16	N/A	N/A	Elmer Hurtgen, Mayor Main Street Downing, WI 54734
WI	550560	Village of West Salem (La Crosse Co.)	0001A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Village Hall 103 South Leonard Street West Salem, WI 54669 Phone: 608-786-1851
ND	380294	Mercer Co. Unincorporated Areas.	0001A thru 0015A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Jeff Jackson Land Use Administrator Mercer Co. Courthouse Stanton, ND 58571 (701) 745-3695
OR	410009	City of Corvallis (Benton Co.)	0001D 0002D	I	FL	B	1	3	1	6/14/74 12/26/75 12/27/77 11/7/78	N/A	8 9 10 16	N/A	N/A	Mr. Kenneth Thompson Financial Director/City Recorder P.O. Box 1083 Corvallis, OR 97330 (503) 757-6945
														EFFECTIVE DATE: April 10, 1981	
MN	270651	Pennington Co. (Unincorp. Area)	Index 0002A 0003A 0006A 0007A 0008A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	County Highway Engineer's Office Pennington County Courthouse Thief River Falls, MN 56701 Phone: 218-681-1221

EFFECTIVE DATE April 10, 1981

1	2	3	4	5	6	7	8	9	10	11	12	13	14
STATE	IDENT. NUMBER	COMMUNITY NAME COUNTY NAME	PANELS PRINTED (PANEL SUFFIX)	INLAND/ COASTAL	HAZARD	60.3 CODE	PROGRAM STATUS	STATUS OF	PREVIOUS MAP DATES	REVISION CODE (S)	RESCISSION	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY

EFFECTIVE DATE April 10, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
PA	422125	TWP of Pittsfield	Index 0001A thru 0006A	I	FL	B	1	3	1	11/8/74	N/A	9 10 16	N/A	N/A	Pittsfield TWP Supervisors R. D. 1 Pittsfield, PA 16340 (814) 563-4691
EFFECTOVE DATE April 14, 1981															
ID	160096	City of Shoshone (Lincoln County)	0001B	I	FL	B	1	3	1	6-28-74 1-23-76	N/A	9 10 16	N/A	N/A	The Honorable Elwood R. Harry Mayor, City of Shoshone 207 South Rail P.O. Box 208 Shoshone, ID 83352 (208) 886-2030
MO	290779	Pemiscot County (Unincorporated Areas)	0001A thru 0008A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	The Honorable D. J. Meridath, Jr. Presiding Judge Pemiscot County Courthouse Caruthersville, MO 63830 (314) 333-4203
EFFECTIVE DATE: April 17, 1981															
PA	421975	East Fork District of Eulalia Twp. (Potter Co.)	0001A 0002A 0003A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Chairman Township Supervisors R.D. 1 Box 229 Austin, PA 16720 Phone: 814-647-8882
PA	420912	Borough of Factoryville (Wyoming Co.)	0001B	I	FL	B	1	3	1	N/A	N/A	9 10 16	N/A	N/A	Mayor Borough Hall Factoryville, PA 18419 Phone: 717-945-5692
WI	550605	Vilas County (Uninc. Area)	0002A 0003A 0006A thru 0014A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	County Clerk's Office Vilas County Courthouse Eagle River, WI 54521 Phone: 715-547-3797

EFFECTIVE DATE April 21, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
OK	400503	Sequoyah County (Unincorporated Area)	0001A thru 0011A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Fred D. Gossett, Chairman Board of County Commissioners P.O. Box 279 Sallisaw, OK 74955 (918) 775-4556
													EFFECTIVE DATE: April 24, 1981		
IN	150195	Perry County (Unincorporated Areas)	0001A thru 0007A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Chairman Co. Commissioners Perry Co. Courthouse Cannelton, IN 47520 (812) 547-7121
													EFFECTIVE DATE: April 28, 1981		
ND	380647	City of South Heart Stark County	0001A	1	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Honorable Val Splichal Mayor City Hall South Heart, ND 58655 (701) 677-8351

Other

1. M
2. Fl
3. Ot
4. Fl
5. Ma
6. Ma
7. Co
8. Fl
9. Ma
9. Fl
10. M
11. M

15. L
16. A
BILLI

COMMUNITY MAP ACTIONS

(Codes: Where no entry is necessary use N/A)

Colum Code:

1. Two letter state designator.

2. FIA Community 6-digit identity number.

3. Community name
County(ies) name

4. Four digit number and suffix of each FIRM or FBFM panel printed.

5. INL/COAST 3-INLAND
0-COASTAL

6. ZONES V1-V30 FLOOD PRONE
A-FLOOD NP-NON FLOOD PRONE
AO-SHEETFLOW NS-NORMALLY FLOOD PRONE
EM-EROSION

7. 60.3 CODE A-Special Hazard not defined, no elevation data (No FIRM)
B-Special Hazard Designated, no elevation data (FIRM)
C-FIRM, No Floodway or Coastal High Hazard
*D-FIRM, Regulatory Floodway Designated
*E-FIRM, Coastal High Hazard
*Dual entry is available.

8. PROGRAM STATUS 1-EMERGENCY
2-REGULAR
3-NOT PARTICIPATING, NO MAP
4-NOT PARTICIPATING, WITH MAP
5-SUSPENDED
6-RESCINDED

9. FIRM STATUS 1-NEVER MAPPED
2-ORIGINAL
3-REVISED
4-RESCINDED
5-SUPERCEDED BY FIRM

9. FIRM STATUS 1-NEVER MAPPED
2-ORIGINAL
3-REVISED
4-RESCINDED
5-ALL ZONE C-NO PUBLISHED FIRM
6-ALL ZONE A AND C-NO ELEVATIONS DETERMINED

10. DATES OF ALL PREVIOUS MAPS

11. REVISION CODES
1. 1916 BFE (Base Flood Elevation) Decrease
2. 1916 BFE Increase
3. 1916 SFHA (Special Flood Hazard Area) Change
4. Change of Zone Designation; revised FIRM
5. Curvilinear
6. 1914 Incorporation
7. 1914 Disincorporation
8. 1914 Annexation
9. SFHA Reduction
10. Non-1916 SFHA Increase Without Numbered Zones
11. Non-1916 SFHA Increase with Numbered Zones
12. Drafting Correction; Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone Designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (1916)
18. Letter of Map Amendment (1916 without Federal Register publication)
19. Federal Register Omission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have effected the sequence of suffixes.
21. Miscellaneous

13. List of Numbered Floodway Panels Printed

14. Address of Community Map Repository

BILLING CODE 6718-03-C

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8886 Filed 3-25-81; 8:45 am]

BILLING CODE 6718-03

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44 CFR Part 64

[Docket No. FEMA 6018]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–8620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama	Jefferson County	Brookside, town of	010116	750529, emergency; 810218, regular	740823
Illinois	Madison County	Collinsville, city of	170439	730705, emergency; 810218, regular	740524
Do	Cook County	Crestwood, village of	170080	730801, emergency; 810218, regular	740322
Do	Jersey County	Elsah, village of	170313	740301, emergency; 810218, regular	731123
Do	Pike County	Florence, village of	170552	760527, emergency; 810218, regular	731217
Do	Lake County	Lake Forest, city of	170374	740423, emergency; 810218, regular	740201
Do	Du Page County	Oak Brook, village of	170214	750113, emergency; 810218, regular	740816
Do	do	Oakbrook Terrace, city of	170215	750415, emergency; 810218, regular	740329
Do	Pike County	Valley City, village of	170569	760514, emergency; 810218, regular	731217
Iowa	Jefferson County	Fairfield, city of	190166	750715, emergency; 810218, regular	740628
Do	Lee County	Montrose, city of	190186	750808, emergency; 810218, regular	740123
Kansas	Pottawatomie County	Wamego, city of	200278	750513, emergency; 810218, regular	731207
Kentucky	Bell County	Bell County [1]	210019	750328, emergency; 810218, regular	741206
Maryland	Allegany County	Allegany County [1]	240001	750723, emergency; 810218, regular	750207
Michigan	Barry County	Hastings, city of	260314	760122, emergency; 810218, regular	740412
Do	Muskegon County	Muskegon Heights, city of	260162	750508, emergency; 810218, regular	740628
Do	Wayne County	Plymouth, city of	260238	750606, emergency; 810218, regular	740517
Do	Macomb County	Utica, city of	260608	770112, emergency; 810218, regular	751017
Minnesota	Wabasha County	Lake City, city of	270468	740312, emergency; 810218, regular	740315
Do	Hennepin County	Minneapolis, city of	270172	730323, emergency; 810218, regular	740322
Do	Wabasha County	Wabasha County [1]	270463	740313, emergency; 810218, regular	780428
Do	Marshall County	Warren, city of	270274	740515, emergency; 810218, regular	740503
Mississippi	Oktibbeha County	Starkville, city of	280124	741210, emergency; 810218, regular	740607
Missouri	St. Louis County	Bel-Ridge, village of	290333	750611, emergency; 810218, regular	740329
Do	do	Frontenac, city of	290363	750331, emergency; 810218, regular	740123
Do	Franklin County	New Haven, city of	290133	760116, emergency; 810218, regular	780305
New Hampshire	Hillsborough County	Manchester, city of	330168	750328, emergency; 810218, regular	741101
New York	Monroe County	Penfield, town of	360426	730323, emergency; 810218, regular	740809
Ohio	Summit County	Akron, city of	390523	750218, emergency; 810218, regular	740315
Do	do	Boston Heights, village of	390749	761116, emergency; 810218, regular	750725
Do	do	Cuyahoga Falls, city of	390526	750227, emergency; 810218, regular	740201
Do	Lake County	Eastlake, city of	390313	730204, emergency; 810218, regular	731130
Do	Knox County	Fredericktown, village of	390309	751028, emergency; 810218, regular	740405
Do	Cuyahoga County	Glenwillow, village of	390735	760514, emergency; 810218, regular	750606
Do	do	Independence, city of	390111	730722, emergency; 810218, regular	740201
Do	Washington County	Marietta, city of	390572	750604, emergency; 810218, regular	731207
Do	Butler County	New Miami, village of	390043	751024, emergency; 810218, regular	740208
Do	Cuyahoga County	Valley View, village of	390134	750928, emergency; 810218, regular	740123
Do	do	Walton Hills, village of	390636	751229, emergency; 810218, regular	750110

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Do	Washington County	Washington County [1]	390566	751224, emergency; 810218, regular	750131
Oklahoma	Delaware County	Grove, town of	400365	760412, emergency; 810218, regular	761029
Do	Murray County	Sulphur, city of	400119	750512, emergency; 810218, regular	731128
Pennsylvania	Columbia County	Mount Pleasant, township of	421042	740201, emergency; 810218, regular	740602
Do	Perry County	Penn, township of	420755	730705, emergency; 810218, regular	740206
Texas	Cherokee County	Jacksonville, city of	480123	740903, emergency; 810218, regular	740524
Do	Nacogdoches County	Nacogdoches, city of	480497	750116, emergency; 810218, regular	740628
Do	Anderson County	Palestine, city of	480004	750819, emergency; 810218, regular	740531
Washington	Clark County	Camas, city of	530026	740424, emergency; 810218, regular	740614
West Virginia	Ohio County	Wheeling, city of	540152	750424, emergency; 810218, regular	741213
Pennsylvania	Bradford County	Le Raysville, borough of	422334	791010, emergency; 810220, regular	750124
Kansas	Sherman County	Goodland, city of	200328	741220, emergency; 810224, regular	740215
Ohio	Greene County	Cedarville, village of	390807	810224, emergency; 810224, regular	750110
West Virginia	Greenbrier County	Quinwood, town of	540244	750307, emergency; 810227, regular	741115

[1] Unincorporated areas; total—53.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8887 Filed 3-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 64

[Docket No. FEMA 6014]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final Rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Johnson, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

§ 64.6 List of Eligible Communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Alabama	Jefferson	Homewood, city of	015096C	July 9, 1971, emergency, Mar. 30, 1973, regular, Apr. 1, 1981, suspended.	Mar. 30, 1973, July 1, 1974 and Aug. 6, 1976.	April 1, 1981
Arkansas	Jackson	Amagon, city of	050097B	Nov. 7, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Aug. 9, 1974 and Jan. 2, 1976.	Do.
Do	do.	Grubbs, city of	0501018	Apr. 18, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Aug. 9, 1974 and July 2, 1976.	Do.
Connecticut	New London	Ledyard, town of	090157B	Aug. 22, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	May 27, 1977	Do
Maine	Oxford	Brownfield, town of	2300998	Aug. 5, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Sept. 13, 1974 and Jan. 14, 1977.	Do.
Do	Cumberland	Sebago, town of	2300988	June 22, 1977, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Jan. 17, 1975 and Mar. 11, 1977.	Do.
Michigan	Lenawee	Deerfield, village of	260436A	Sept. 20, 1976, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Sept. 12, 1975	Do.
Do	Monroe	Whiteford, township of	260157B	June 30, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	June 28, 1974 and June 25, 1976.	Do
Minnesota	Dakota	Unincorporated areas	2701018	Mar. 4, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Oct. 18, 1974 and Aug. 12, 1977.	Do.
Do	Ramsey	Shoreview, city of	270364B	May 2, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	June 14, 1974 and Oct. 10, 1975.	Do.
Missouri	St. Louis	Town and Country, city of	2900998	July 7, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Dec. 28, 1973 and June 11, 1976.	Do.
Montana	Lewis and Clark	Unincorporated areas	3000998	Sept. 13, 1977, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Dec. 27, 1974 and Sept. 13, 1977.	Do.
New Hampshire	Hillsborough	Antrim town of	3300928	May 27, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Apr. 12, 1974 and Aug. 27, 1976.	Do.
Do	Coos	Gorham, town of	3300328	July 24, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Mar. 1, 1974 and July 30, 1976.	Do
New Jersey	Hunterdon	Alexandria, township of	3402308	June 26, 1973, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Feb. 1, 1974 and June 10, 1977.	Do.
Do	do.	Lambertville, city of	340237B	Sept. 4, 1973, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Feb. 11, 1977	Do
Do	Somerset	Montgomery, township of	340439B	Aug. 20, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	July 26, 1974 and June 4, 1976.	Do.
Do	Hunterdon	West Amwell, township of	340243C	Nov. 17, 1972, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	May 11, 1973 and June 10, 1977.	Do.
New York	Ontario	Canandaigua, city of	3600678	Sept. 12, 1974, emergency, Apr. 1, 1981, regular, Apr, 1, 1981, suspended.	June 28, 1974 and Jan. 2, 1976.	Do.
Do	Schuyler	Montour Falls, village of	3610188	Oct. 18, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	May 3, 1974 and Jan. 16, 1976.	Do
Do	Orange	Washingtonville, village of	3606388	Aug. 11, 1972, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Dec. 28, 1973 and Dec. 19, 1975.	Do.
North Carolina	Halifax	Weldon, town of	3701198	Apr. 18, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Mar. 1, 1974 and June 25, 1976.	Do.
Oklahoma	Garfield	North Enid, town of	400425B	June 18, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Jan. 24, 1975 and Nov. 14, 1975.	Do.
Oregon	Morrow	Heppner, city of	4101758	June 21, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Nov. 23, 1973 and Dec. 19, 1975.	Do.
Do	do.	Ione, city of	410176A	Nov. 17, 1975, emergency, Apr. 1, 1981, regular, Apr.	Nov. 22, 1974	Do.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Do	Monroe	Unincorporated areas	410173B	June 3, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Jan. 24, 1975 and July 19, 1977.	Do.
Pennsylvania	Berks	Alsace, township of	421376A	May 27, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Jan. 24, 1974	Do.
Do	Lancaster	Brecknock, township of	421782B	July 9, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	May 10, 1974 and July 30, 1976.	Do.
Do	do	Ephrata, borough of	420051C	Apr. 17, 1973, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Mar. 22, 1974 and May 17, 1974 and Dec. 23, 1977.	Do.
Do	Luzerne	Fairmount, township of	421627B	Feb. 8, 1978, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Jan. 17, 1975 and Mar. 21, 1980.	Do.
Do	York	Felton, borough of	420822B	Dec. 17, 1973, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Mar. 4, 1977	Do.
Do	do	Fawn, township of	422219A	Mar. 19, 1976, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Dec. 27, 1974	Do.
Do	Luzerne	Foster, township of	421629A	Aug. 14, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Nov. 15, 1974	Do.
Do	do	Hazle, township of	421630A	Apr. 7, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Nov. 8, 1974	Do.
Do	York	North Hopewell, township of.	422226A	Sept. 25, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Dec. 20, 1974	Do.
Do	Bradford	North Towanda, township of	421087B	Aug. 6, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	July 26, 1974 and July 23, 1976.	Do.
Do	Bradford	Ridgebury, township of	420173C	May 29, 1973, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Jan. 9, 1974 and Aug. 6, 1976.	Do.
Do	York	Springfield, township of	422231A	Nov. 13, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Dec. 27, 1974	Do.
South Carolina	Charleston	Ravenel, town of	450043B	Sept. 25, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	June 14, 1974 and Apr. 2, 1976.	Do.
Tennessee	Cheatham	Ashland, town of	470027B	Mar. 10, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Aug. 16, 1974 and July 2, 1976.	Do.
Texas	Dallas and Ellis	Cedar Hill, city of	480168B	June 21, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Mar. 1, 1974 and June 18, 1976.	Do.
Vermont	Chittenden	Bolton, town of	500306A	Mar. 8, 1976, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	Feb. 21, 1975	Do.
Do	Franklin	Sheldon, town of	500059B	Aug. 12, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	April 22, 1974 and Oct. 29, 1976.	Do.
Virginia	Independent city	Martinsville, city of	510065B	June 23, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	May 31, 1974 and June 4, 1976.	Do.
Washington	King	Kent, city of	530080B	Nov. 2, 1974, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	June 7, 1974 and Apr. 22, 1977.	Do.
Wisconsin	Sheboygan	Random Lake, village of	550428C	Aug. 12, 1977, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	June 28, 1974, Aug. 8, 1976 and Aug. 12, 1977.	Do.
Do	Jefferson and Dodge	Watertown, city of	550107B	May 23, 1975, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended.	May 31, 1974 and June 11, 1976.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 12, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8985 Filed 3-25-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 401

[CGD 80-148]

Great Lakes Pilotage Rates

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations governing the pilotage of vessels on the Great Lakes. These amendments increase the basic pilotage rates by an average of approximately ten percent in the U.S. Great Lakes pilotage system. Reasonable travel expenses are included in the cancellation charge if a pilot has commenced travel to that assignment prior to the cancellation notice received. In addition, if a pilot is available for service but not utilized for more than one hour due to delay or cancellation, then charges are made for the entire period. These changes are made in order to increase the revenue received by the pilot organizations so that they may cover their increased operating costs.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke (G-MVP-4), Room 1400, Department of Transportation, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. (202) 755-8683.

SUPPLEMENTARY INFORMATION: On January 12, 1981, the Coast Guard published a proposed rule (46 FR 2656) concerning this amendment. Interested persons were given until February 26, 1981, to submit comments. No comments were received and the proposed rule is being adopted without change.

Effective Date: The final regulations establishing the rates are to become effective on April 1, 1981. This date was selected after consultation with the Canandian Great Lakes Pilotage Authority, Ltd., the U.S. and Canadian pilots associations, and representatives of shippers, and corresponds to the approximate opening of the Great Lakes shipping season. The Canadian regulatory process has been completed and the rates for the Canadian pilots on the Great Lakes will increase on April 1. A failure of the United States rate to increase by an equal amount will lead to two rate structures on the same bodies of water. The initial consultation process was developed in response to similar situations which lead to difficulties on the Lakes and a source of friction among all the parties involved. Since all interested parties have reached a mutual agreement as to the rate increase and a failure to coordinate the effective dates may lead to unnecessary difficulties, the Coast Guard has determined that the rule must be made effective as scheduled. For these reasons, the Coast Guard, for good cause, finds it necessary to give less than thirty days notification prior to the effective date of the rule.

Executive Order 12291: The rate increase does not constitute a major rule as defined by Executive Order 12291. The estimated annual effect of the rate increase will be a $700,000 increase in the fees that pilots may charge for their services. The Great Lakes Pilotage Act requires that U.S. registered vessels and foreign vessels use pilots. Very few U.S. registered vessels operate on the Lakes. Most U.S. vessels on the Great Lakes are enrolled vessels and are not required to use registered pilots. The rate increase will be borne primarily by foreign vessels. It is estimated that the cost of the rate increase will be approximately $0.000047 per ton/mile, which will not constitute a major increase in costs or prices for the shippers, governmental entities, or geographical regions. The rates were established after consultation with the U.S. and Canadian pilot associations, representatives of the shippers, and the Canadian Great Lakes Pilotage Authority, Ltd. The size of the rate increase is such that it will have no significant adverse effect on competition, employment, investments, or the ability of U.S. enterprises to compete.

Regulatory Flexibility Act: The Coast Guard has reviewed this regulation under the Regulatory Flexibility Act and has determined that it does not have a significant economic impact on small businesses, small governments or other small orgainzations. This determination is based on the small overall and per ton/mile costs created by the regulation which will not create a significant economic impact on anyone. The small economic impact that the rule does create will be spread widely among carriers and shippers so that none will feel any significant effect. Consequently, the Coast Guard has not prepared a Regulatory Flexibility Analysis.

Drafting Information

The principal persons involved in drafting this rule are: John J. Hartke, Project Manager, Office of Merchant Marine Safety, and LT Michael Tagg, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 401 of Title 46 of the Code of Federal Regulations is amended as follows:

1. Section 401.405 is revised to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300.

(a) *District 1:*

(1) For passage through the District or any part thereof, $7.24 for each statute mile, plus $96 for each lock transited, but with a minimum basic rate of $211 and a maximum basic rate for a through trip of $927.

(2) For a moveage in any harbor, $318.

(b) *District 2:*

(1) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal, $494.

(2) Between points on Lake Erie west of Southeast Shoal, $292.

(3) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, $660.

(4) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, $494.

(5) Southeast Shoal to Detroit Pilot Boat, $358.

(6) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, $990.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/

Windsor or any point on the Detroit River, $641.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, $494.

(9) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, $292.

(10) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, $648.

(11) Detroit Pilot Boat to any point on the St. Clair River, $548.

(12) Detroit Pilot Boat to Port Huron Change Point, $503.

(13) Between points on the St. Clair River, $292.

(14) Port Huron Change Point to any point on the St. Clair River, $358.

(c) *District 3:*

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario, $844.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault St. Marie, Ontario other than the Algoma Steel Corporation Wharf, $706.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, $318.

(4) For a movage in any harbor, $318.

2. Section 401.410 (a) is revised to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates for each 6 hour period or part thereof that a U.S. pilot is on board in the undesignated waters shall be:

(1) In Lake Ontario, $171

(2) In Lake Erie, $211

(3) In Lakes Huron, Michigan and Superior, $171

plus $162 for each time a U.S. pilot performs the docking or undocking of the ship.

(b) When in direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, or between Port Colborne and Southeast Shoal, and the vessel's master plans to use an appropriate certificate in lieu of a pilot, the ship shall pick up or discharge the pilot at the Cleveland pilot boat. No charge is to be made for the transit between Southeast Shoal and the Cleveland pilot boat or between the Cleveland pilot boat and Southeast Shoal unless the services of the pilot are utilized.

3. Section 401.420 is revised to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) Except as provided in this paragraph, whenever the passage of a ship is interrupted and the services of a U.S. pilot are retained during the period of the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $26 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of $422 for each continuous 24 hour period during which the interruption continues. There is no charge for an interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. No charge shall be made for an interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $26 for each hour or part of an hour including the first hour of the delay, with a maximum basic rate of $422 for each continuous 24 hour period of the delay.

(c) When a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $160;

(2) A charge for reasonable travel expenses if the cancellation occurs after the pilot has commenced travel; and

(3) If the cancellation is more than one hour after the pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, a charge calculated on a basic rate of $26 for each hour or part of an hour including the first hour, with a maximum basic rate of $422 for each 24 hour period.

4. Section 401.425 is revised to read as follows:

§ 401.425 Provision for additional pilot.

The Director, Great Lakes Pilotage Staff, U.S. Coast Guard, or the General Manager, Great Lakes Pilotage Authority, Ltd., Canada, may require the assignment of two pilots to a ship upon request of the ship or when in his judgment, because of anticipated long transit, uncommon ship size, adverse weather or sea conditions or other abnormal circumstances, the assignment of two pilots is considered necessary for the safe navigation of the ship. The Director or General Manager shall direct which of the pilots is to be in charge, as circumstances require. The charge to the ship shall be twice the appropriate charge provided for in §§ 401.405, 401.410, and 401.420. This section does not apply to a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne unless the ship is required by law to have a registered pilot on board in these waters.

5. Section 401.428 is revised to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his or her normal change point or is unable to board at the normal boarding point the pilot shall be paid at the rate of $162 per day or part thereof, plus reasonable travel expenses to or from the pilot's base. These charges are not appliable if the ship utilizes the services of the pilot beyond the normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 5, 74 Stat. 259 (46 U.S.C. 216c); Sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(a))

Dated: March 23, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-9344 Filed 3-25-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 13 and 83

[FCC 81-95]

Definition of Term "Radio Officer"; Clarification of Requirements for Qualification for Six Months' Service Endorsement for Radio Officers on Ship Board in the Maritime Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Communications Act of 1934, as amended, requires that U.S. cargo vessels which are not equipped with a radiotelegraph auto alarm must carry, for safety purposes, at least two radio officers. However, if the cargo

vessel is equipped with a radiotelegraph auto alarm, it may carry a single radio officer who has had at least six months previous service as a radio officer in a station on board a ship or ships of the United States.

The Commission's Rules provide that an endorsement attesting to the six months service may be placed on First and Second Class Radiotelegraph Operator Licenses; however, they do not clearly define the requirements which must be met to qualify for the endorsement.

This action is intended to define the term "Radio Officer" and clearly delineate the requirements to qualify for the six month service endorsement.

DATE: Effective April 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Vernon P. Wilson, Field Operations Bureau, (202) 632-7240.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 13 and 83 of the Commission's rules to define the term "Radio Officer" and clarify the requirements for qualification for the six months' service endorsement for radio officers on ship board in the maritime services; Order.

Adopted: March 11, 1981.

Released: March 20, 1981.

By the Commission: Chairman Ferris not participating.

Purpose

1. Section 13.94 of the Commission's Rules provides that an endorsement attesting to at least six months satisfactory service may be placed upon the First or Second Class Radiotelegraph Operator License of a "qualified operator". Applicants for the six months' service endorsement have complained that the Commission's Rules, as presently written, do not clearly state the requirements which must be met. The amendments to Parts 13 and 83 of the Rules are intended to define the term "Radio Officer" and clearly delineate the requirements which must be met to qualify for the six months' service endorsement in conformance with the Communications Act and the Safety of Life at Sea Convention (SOLAS), to which the United States is signatory.

Background

2. On August 13, 1965, Congress adopted Public Law 89-121 (79 Stat. 511) which amended the Communications Act to conform to the 1960 Convention for the Safety of Life at Sea (SOLAS).[1] Among the Communications Act changes effected was a newly defined term "radio officer" to replace the term "qualified operator" as required on board United States cargo ships equipped with radiotelegraph stations and subject to part II of title III of the Communications Act.

3. Specifically, Public Law 89-121 replaced the term "qualified operator" as found in prior Section 3(y)(2) of the Communications Act, with the term "radio officer," as found in present Section 3(z)(1) of the Communications Act, and defined "radio officer" as follows:

> "Radio officer" on a ship of the United States means, for the purpose of part II of title III of this Act, a person holding at least a first or second class radiotelegraph operator's license as prescribed and issued by the Commission. When such person is employed to operate a radiotelegraph station aboard a ship of the United States, he is also required to be licensed as a radio officer in accordance with the Act of May 12, 1948 (46 U.S.C. 229 a-h).[2]

The United States Coast Guard is the administering authority responsible for licensing radiotelegraph operators as radio officers employed on ships of the United States.[3] Therefore, a "radio officer" is defined by the Communications Act as a person holding a first or second class radiotelegraph operator license issued by the Commission *and* also holding a license as a radio officer issued by the United States Coast Guard pursuant to 46 U.S.C. 229 a-h.

4. Public Law 89-121 also replaced the term "qualified operator", as used throughout part II of title III of the Communications Act, with the newly defined term of "radio officer". As one of the provisions so amended, Section 353 of the Communications Act requires that cargo ships of the United States which are not equipped with a radiotelegraph auto alarm must carry, for safety purposes, at least two radio officers. However, if the cargo ship is equipped with a radiotelegraph auto alarm, it may carry a single radio officer who has had at least six months' previous service as a radio officer in a station on board a ship or ships of the United States.

5. The amendments of Section 353 and 3(z)(1) of the Communications Act by Public Law 89-121 provide that the six months' service requirement as a radio officer under Section 353 can be met only if the six months' experience was obtained on board a ship or ships of the United States, while holding a first- or second-class radiotelegraph license issued by the Commission and a U.S. Coast Guard radio officer license.

Amendments

6. Present § 83.152 of the Commission's Rules defines "radio officer" on a ship of the United States as a person holding at least a first- or second-class radiotelegraph license, as prescribed and issued by the Commission. This definition does not presently reference the necessity of holding a U.S. Coast Guard radio officer license. Therefore, we are amending § 83.152(b) of the Rules to define a "radio officer" as a person who, in addition to holding a first- or second-class radiotelegraph license, is employed aboard ship to operate a radiotelegraph station in compliance with part II of title III of the Communications Act and who is also licensed as a radio officer by the United States Coast Guard.

7. As discussed *supra*, Section 353(b) of the Communications Act requires that the holder of a first or second class radiotelegraph operator license must have had at least six months' previous service in the aggregate as a radio officer in a station on board a ship of the United States in order to be employed as the sole radio officer aboard a U.S. cargo ship equipped with a radiotelegraph auto alarm. In view of this provision and the definition of radio officer imposed by Section 3(z)(1) of the Act, we are delineating clearly the requirements which must be met to qualify for the six month service endorsement presently provided by § 13.94 of the Commission's Rules. We are deleting §§ 13.91, 13.92, 13.93,[4] and 13.94 and substituting a new § 13.12(b) to specify that applicants seeking

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[1] Effective May 25, 1980, the 1974 International Convention for the Safety of Life at Sea came into force replacing and abrogating the previous SOLAS Convention of 1960. *See* note 2, *supra*.

[2] Regulation 2(c) of Chapter IV of the 1974 International Convention for the Safety of Life at Sea (SOLAS) defines "radio officer" as a person holding at least a first or second class radiotelegraph operator's certificate, or a radiocommunication operator's general certificate. To date, the Commission has not implemented the issuance of a radiocommunication operator's general certificate. Moreover, Article VI(d) of the SOLAS Convention appears to permit the retention of domestic legislative requirements more stringent than that of SOLAS. Therefore, we do not regard the definition of "radio officer" in the Communications Act to be inconsistent with that of the 1974 SOLAS Regulations.

[3] 46 U.S.C. 229 a-h; S. Rep. No. 1045, 80th Cong., 2d Sess., *reprinted in* (1948)-U.S. Code Cong. and Ad. News 1532-37; 46 CFR 10.13-1 through 10.13-33.

[4] Sections 13.91, 13.92, and 13.93 pertain to the renewal service requirements which were eliminated in the *Third Report and Order* in Docket 20817, FCC 80-416, 79 FCC 2d 281, (adopted July 17, 1980).

Commission endorsement must submit proof of having obtained at least six months' satisfactory service as a radio officer under *all* of the following conditions:[4]

(a) On board a ship or ships of the United States equipped with a radiotelegraph station in compliance with part II of title III of the Communications Act of 1934, as amended;

(b) Under the authority of a first or second class radiotelegraph operator license prescribed and issued by the Federal Communications Commission; and

(c) While licensed as a radio officer by the U.S. Coast Guard in accordance with the Act of May 12, 1948 (46 U.S.C. 229 a–h).

8. The Commission's Rules specify the six months service endorsement for sole radio operators aboard cargo ships subject to part II of title III of the Communications Act and for cargo ships subject to SOLAS only.[5] however, the term "qualified radiotelegraph operator" is presently referenced in the Commission's Rules, rather than the more appropriate term of "radio officer." Therefore, we are amending §§ 13.61(a)(3), 13.61(b)(4), 83.155(b), 83.155(c), 83.156(a)(1)(i), 83.156(a)(1)(ii), and 83.156(a)(2)(i) to substitute the term "radio officer" for the term "qualified radiotelegraph operator."

9. Authority for these amendments appears in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Because the amendments adopted herein are editorial in nature, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. are not applicable. Accordingly, IT IS ORDERED that, effective April 27, 1981, Parts 13 and 83 of the Commission's Rules ARE AMENDED as set forth in the attached Appendix.

[5] The Commission recognizes that persons whose radiotelegraph experience has been limited to U.S. Government vessels cannot meet these requirements as these vessels are not subject to the Act or the SOLAS Convention. However, in December, 1979, the Commission recommended deletion of Section 353 of the Communications Act in its *Report to Congress: A Study of Maritime Public Coast Station Operations, Services and Industry*. Deletion of Section 353 would eliminate the statutory requirement of six months prior service as a "radio officer" and would allow the Commission greater flexibility in determining radio operator requirements for ship radio communications. *Report to Congress, supra* at 21–27.

[6] There are currently fewer than 10 United States ships which are subject to SOLAS only; however, each of these ships is, as a practical matter, also in compliance with part II of title III of the Communications Act insofar as their radio officers are concerned.

10. For information on this matter contact Vernon P. Wilson, Regional Services Division, FCC, Washington, D.C. (202) 632-7240.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 13 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 13—COMMERCIAL RADIO OPERATORS

(1) Section 13.12 is revised to read as follows:

§ 13.12 Special provisions.

(a) Radiotelegraph first class operator license.

(1) Applicant must be at least 21 years old.

(2) Applicant must have one year of experience in sending and receiving public correspondence by radiotelegraph. The experience may be obtained at ship stations, coast stations, or both.

(b) Six months service endorsement.

(1) An endorsement may be placed on a first or second class radiotelegraph operator license attesting that the holder has had at least six months satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

(2) To qualify for the six month service endorsement, the applicant must submit proof that the service was obtained under the following conditions:

(i) On board a ship or ships of the United States equipped with a radiotelegraph station in compliance with part II of title III of the Communications Act of 1934, as amended;

(ii) Under the authority of a first or second class radiotelegraph operator license prescribed and issued by the Federal Communications Commission; and

(iii) While licensed as a radio officer by the U.S. Coast Guard in accordance with the Act of May 12, 1948 (46 U.S.C. a–h).

(3) In the event documentary evidence cannot be produced, a statement under oath embodying the following information may be submitted:

(i) Names of ships on which employed.

(ii) Call letters of stations.

(iii) Types of emission employed.

(iv) Whether radiotelegraph operation employed.

(v) Whether service was satisfactory or unsatisfactory.

(vi) Period of employment.

(vii) Name of master, employer, licensee, or his duly authorized agent.

(2) Section 13.61 is amended by revising paragraphs (a)(3) and (b)(4) to read as follows:

§ 13.61 Operating authority.

(a) * * *

(3) On a cargo vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator without having had at least six months' satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

* * * * *

(b) * * *

(4) On a vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator without having had at least six months' satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

* * * * *

§§ 13.91, 13.92, 13.93, and 13.94 [Removed]

(3) Sections 13.91, 13.92, 13.93, and 13.94 are removed.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

(1) In § 83.152, paragraph (b) is revised to read as follows:

§ 13.152 Operator required.

* * * * *

(b) As used in this subpart, "radio officer" on board a ship of the United States means a person holding at least a first or second class radiotelegraph operator license as prescribed and issued by the Commission who is employed to operate the radiotelegraph station in compliance with part II of title III of the Communications Act of 1934, as amended. Such person is also required to be licensed as a "radio officer" by the U.S. Coast Guard in accordance with the Act of May 12, 1948 (46 U.S.C. 229 a–h).

* * * * *

(2) In § 83.155, paragraphs (b) and (c) are revised to read as follows:

§ 83.165 Operator(s) required by title III of Communications Act of 1934.

* * * * *

(b) Each cargo ship of the United States which in accordance with part II of title III of the Communications Act is equipped with a radiotelegraph station, which is not fitted with a radiotelegraph auto alarm in proper operating condition, shall for safety purposes carry at least two radio officers, each of whom shall hold a radiotelegraph first or second class operator license or a temporary limited radiotelegraph operator license; Provided, That the holder of a radiotelegraph first or second class operator license or a temporary limited radiotelegraph operator license may not act as chief radio officer without having had at least six months' satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

(c) Each cargo ship of the United States which in accordance with part II or title III of the Communications Act is equipped with a radiotelegraph station, which is fitted with a radiotelegraph auto alarm in proper operating condition, shall for safety purposes carry at least one radio officer holding a radiotelegraph first or second class operator license or a temporary limited radiotelegraph operator license, who has had at least six months' satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

* * * * *

(3) Section 83.156 is amended by revising paragraphs (a)(1)(i), (a)(1)(ii), and (a)(2)(i) to read as follows:

§ 83.156 Operator(s) required by the Safety Convention.

(a) * * *

(1) * * *

(i) Each cargo ship, and each passenger ship carrying or certificated to carry 250 passengers or less, or more than 250 passengers but engaged on a voyage of less than 16 hours duration between two consecutive ports, shall carry at least one radio officer holding a radiotelegraph first or second class operator license or a temporary limited radiotelegraph operator license; who has had at least six months' satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

(ii) Each passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, shall carry at least two radio officers, each of whom shall hold a radiotelegraph first or second class operator license or a temporary limited radiotelegraph operator license; Provided, That the holder of a radiotelegraph second class operator license or a temporary limited radiotelegraph operator license may not act as chief radio officer without having had at least six months' satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

(2) * * *

(i) Each cargo ship shall carry at least two radio officers, each of whom shall hold a radiotelegraph first or second class operator license or a temporary limited radiotelegraph operator license; Provided, That the holder of a radiotelegraph first or second class operator license or a temporary limited radiotelegraph operator license may not act as chief radio officer until he has had at least six months' satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

* * * * *

[FR Doc. 81-8358 Filed 3-25-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 25

[Docket No. 19770]

Communications Satellite Corp.; Issuance of Securities, Borrowing of Money, Assumption of Obligations

AGENCY: Federal Communications Commission.

ACTION: Termination of Docket No. 19770.

SUMMARY: This Order terminates Docket No. 19770 as mooted by Docket No. 80-634. Docket No. 19770 is a rulemaking proceeding limited to considering whether Part 25 of the Commission's Rules and Regulations should be amended to add a subpart intended to assist the Commission in fulfilling its duties under section 201(c)(8) of Communications Satellite Act of 1962. The issues raised in Docket No. 19770 have become encompassed in the broader proceeding initiated by the Commission as Docket No. 80-634.

FOR FURTHER INFORMATION CONTACT: James L. Ball, International Facilities Planning Division, Common Carrier Bureau, Federal Communications Division, Washington, D.C. 20554, (202) 632-3214.

SUPPLEMENTARY INFORMATION:

Adopted: March 10, 1981.

Released: March 13, 1981.

In the matter of amendment of Part 25 of the Commission's Rules and Regulations with respect to Commission authorization of the issuance of securities, borrowing of money, or assumption of obligations in respect of the securities of another person by the Communications Satellite Corporation; *order.*

1. On June 18, 1973, the Commission released a Notice of Proposed Rulemaking (June 21, 1973; 38 FR 16245) in the above-captioned proceeding to amend Part 25 of the Rules and Regulations by adding a subpart to assist the Commission in fulfilling its duties under section 201(c)(8) of the Communications Satellite Act of 1962, as amended, 47 U.S.C. 701 (1962). Section 201(c)(8) requires the Commission to approve or disapprove the issuance of capital stock, borrowing of money, or assumption of obligations in respect to the securities of another person by the Communications Satellite Corporation. The proposed rules are designed to (1) insure that the Commission obtains the information necessary to determine whether the statutory public interest standards contained in section 201(c)(8) are met, and (2) set forth the procedures that Comsat must follow in meeting these standards.

2. The issues raised by the Commission's Notice in this proceeding have been encompassed in a broader rulemaking proceeding recently initiated by the Commission as Docket No. 80-634 (45 FR 71823). *Communications Satellite Corporation,* 81 FCC 2d 257 (1980). The purpose of Docket No. 80-634 is to consider tentative proposals that the Commission made in its Comsat Study for changes in Comsat's corporate structure and operations. See *Communications Satellite Corporation,* 77 FCC 2d 564 (1980). The Commission is considering a variety of issues arising out of Comsat's diversification into non-INTELSAT activities. One such issue is whether the opportunities created for unfair cross-subsidization and the financial risks that may be associated with new activities require imposition of restrictions on the support Comsat can give to the competitive ventures of its subsidiaries. This issue effectively encompasses the question of how the Commission will fulfill its section 201(c)(8) duties should this provision come into play. In view of this, we regard the Commission's earlier Notice in the above-captioned proceeding as moot.

3. Accordingly, it is ordered, That pursuant to §§ 0.91 and 0.291 of the Commission's Rules and Regulations, 47

CFR 0.91, 0.291. Docket No. 19779 is terminated.

Joseph A. Marlon,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-9230 Filed 3-25-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 77-07; Notice 5]

Passenger Automobile Average Fuel Economy Standards; Exemption from Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final decision to grant exemption from fuel economy standards and to establish alternative standards.

SUMMARY: This notice exempts Officine Alfieri Maserati, S.p.A. (Maserati) from the generally applicable average fuel economy standards of 19.0 miles per gallon (mpg) and 20.0 mpg for 1979 and 1980 model year passenger automobiles, respectively, and establishes alternative standards for Maserati. The alternative standards are 12.5 mpg in the 1979 model year and 9.5 mpg in the 1980 model year.

DATES: The exemptions and alternative standards set forth in this notice apply in the 1979 and 1980 model years.

FOR FURTHER INFORMATION CONTACT: Robert Mercure, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-755-9384).

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is exempting Maserati from the generally applicable average fuel economy standards for the 1979 and 1980 model years and establishing alternative standards applicable to that company in those model years. This exemption is issued under the authority of section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act) (15 U.S.C. 2002(c)). Section 502(c) provides that a manufacturer of fewer than 10,000 vehicles annually may be exempted from the generally applicable average fuel economy standard for a particular model year if that standard is greater than the low volume manufacturer's maxmimum feasible average fuel economy and if the NHTSA establishes an alternative standard applicable to that manufacturer at the level of the low volume manufacturer's maximum feasible average fuel economy. In determining the manufacturer's maximum feasible average fuel economy, section 502(e) of the Act (15 U.S.C. 2002(e)) requires NHTSA to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

This final rule was preceded by a notice announcing the NHTSA's proposed decision to grant exemptions to Maserati for the 1979 and 1980 model years (45 FR 84103, December 22, 1980). No comments were received on the proposed decision.

Based on the conclusions that it was not technologically feasible and economically practicable for Maserati to improve the fuel economy of its 1979 and 1980 model year passenger automobiles above an average of 12.5 mpg and 9.5 mpg, respectively, that other Federal automobile standards did not affect achievable fuel economy beyond the extent considered in this analysis, and that the national effort to conserve energy will be negligibly affected by the granting of the requested exemptions and establishment of alternative standards, this agency concludes that the maximum feasible average fuel economy for Maserati in the 1979 and 1980 model years is 12.5 and 9.5 mpg, respectively. Therefore, NHTSA is exempting Maserati from the generally applicable standards and is establishing alternative standards of 12.5 mpg for the 1979 model year and 9.5 mpg for the 1980 model year.

In consideration of the foregoing, § 531.5(b)(7) is revised to read as follows:

531—PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(7) Officine Alfieri Maserati, S.p.A.

Model year	Average fuel economy standard (MPG)
1978	12.5
1979	12.5
1980	9.5

* * * * *

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 49 CFR 1.50.

Issued on March 18, 1981.

Diane Steed,

Acting Administrator.

[FR Doc. 81-9219 Filed 3-25-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Revised Service Order No. 1492]

Chicago and North Western Transportation Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1492.

SUMMARY: Revised Service Order No. 1492, authorizes Chicago and North Western Transportation Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee). The provisions of this order are to permit the involved carriers and shippers to undertake negotiations for acquisition of the involved lines, and to establish a date certain beyond which this order will not be extended unless applied for jointly by the Milwaukee and North Western.

EFFECTIVE: 11:59 p.m., March 30, 1981, and continuing in effect until 11:59 p.m., April 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

Decided March 20, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, the Commission is authorizing the Chicago and North Western Transportation Company (CNW) to provide interim service over Chicago, Milwaukee, St.

Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW) and to use such tracks and facilities as are necessary for that operation.

In a special conference held in Washington, D.C., on March 13, 1981, the Railroad Service Board (RSB) recognized complaints of the MILW with respect to the length of time interim operations had been conducted by CNW without compensation to the Trustee; the urgeny for MILW to liquidate the lines in question, preferably for continued rail service; and the MILW's need for salvaged rail in other parts of its system. The RSB agreed that sufficient time has passed for negotiation of compensation to the MILW trustee, and for acquisition of the subject lines. Therefore, the RSB intends to establish a date certain beyond which the authority contained in this order will not be extended unless applied for jointly by the CNW and MILW.

The RSB intends that this order should be served as notice to certain interested shippers (list compiled by CNW and MILW) located on the affected lines, in order to provide notice concerning this matter.

Shippers interested in supporting the acquisition of the lines, described in Appendix A to this order, for continued rail operations should communicate that interest directly to the CNW and MILW as time is of the essence.

At this time, it is the opinion of the Commission that an emergency exists requiring that the CNW be authorized to conduct operations, identified in the appendix, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1492 Service Order No. 1492.

(a) Chicago and North Western Transportation Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee). Chicago and North Western Transportation Company (CNW) is authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, to provide interim service over the MILW, subject to the condition that this order may not be extended beyond its stated expiration date unless petitioned for jointly by CNW and MILW.

(b) The Trustee shall permit the CNW to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a), Pub. L. 96-254.

(d) The interim operator, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) The interim operator, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of this operation over the MILW lines, the interim operator shall be responsible for preserving the value of the lines, associated with this interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by an interim operator over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, the interm operator involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the division shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees*—In providing service under this order the interim operator, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., March 30, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304-10306 and Section 122, Pub. L. 96-254)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—Milw Lines Authorized To Be Operated By Interim Operator

1. Chicago and North Western Transportation Company (CNW):
   - A. At DeKalb, Illinois.
   - B. At Appleton, Wisconsin.
   - C. At Lake Preston and Sioux Falls, South Dakota, and from Wolsey to but not including Aberdeen, South Dakota.
   - D. At Montgomery, Minnesota.
   - E. Between Jefferson (milepost 68.5) and Waukee, Iowa; and between Manning and Huxley, Iowa.

[FR Doc. 81-9177 Filed 3-25-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 58
Thursday, March 26, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No 801-0215]

American Hospital Supply Corporation; Proposed Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, American Hospital Supply Corporation, ("AHSC"), An Evanston, Illinois manufacturer and distributor of health care products, to timely divest, in accordance with the terms of the order, either 100 percent of the stock of American Latex Corporation, ("ALC"), or all assets and properties constituting ALC together with all the assets of American Cystoscope Makers, Inc. The order would further require AHSC to maintain ALC as a viable business entity pending divestiture; to offer to purchase for a period of one year all urological catheters from the acquirer of ALC; and to refrain for five years from acquiring more than one percent of stock or any interest in an entity engaged in the manufacture and distribution of urological catheters.

DATE: Comments must be received on or before May 20, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of American Hospital Supply Corporation, a corporation.

The Federal Trade Commission having initiated an investigation of the acquisition of American Cystoscope Makers, Inc. by American Hospital Supply Corporation and it now appearing that American Hospital Supply Corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order with respect to the acquisition being investigated.

It is hereby agreed by and between American Hospital Supply Corporation, by its duly authorized officers and attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent American Hospital Supply Corporation is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois with its office of principal place of business located at One American Plaza, Evanston, Illinois.

2. American Cystoscope Makers, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York with its offices and principal place of business located at 300 Stillwater Avenue, Stamford, Connecticut.

3. American Latex Corporation, a wholly owned subsidiary of American Cystoscope Makers, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business in Sullivan, Indiana.

4. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

5. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

6. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint and explanatory material, pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

7. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the terms of the order or this agreement may be used to vary or contradict the terms of the order.

9. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered, that subject to the prior approval of the Federal Trade Commission, respondent, through its officers, directors, employees, subsidiaries, affiliates, divisions, successors, and assigns, shall within eighteen (18) months from the date on which this order becomes final divest absolutely and in good faith either 100% of the stock of American

Latex Corporation (hereinafter "ALC") or all assets, properties, rights, and privileges, tangible and intangible, of ALC, including but not limited to corporate name, real property, plant, equipment, machinery, raw material inventory, product inventory, lists of customers, product trade names, product trademarks, patents, licenses, manufacturing specifications and procedures, marketing materials, sales training materials, research and development projects, and together therewith shall also divest those assets of American Cystoscope Makers, Inc. (hereinafter "ACMI") intrinsically related to the manufacture, distribution, sale, research or development of the products manufactured by ALC including but not limited to copies of all customer lists, records of sales in the previous two years, market projections and surveys, marketing plans and studies, and promotional or advertising materials. Such divestiture shall be made to a third party which represents that it intends to use the assets in the manufacture, distribution or sale of urological catheters in the United States.

II

It is further ordered that, at the option of the acquirer of the stock or assets of ALC, respondent (including its newly acquired ACMI subsidiary or any successor organization) shall, for a period of one year from the date of compliance with Paragraph I of this order, purchase from ALC all catheters that respondent purchases during such one year period for resale under any trademark or trade name of ACMI of a type which ACMI obtained from ALC at the time of the acquisition of ACMI by respondent.

III

It is further ordered that, pending the divestiture required by this order, respondent shall not cause, and shall use its best efforts to prevent, any diminution of the value of the products or assets of ALC and shall preserve ALC as a viable, ongoing business.

IV

It is further ordered that, pursuant to the requirements of Paragraph I above, none of the assets of ALC shall be divested directly, or indirectly to anyone who is, at the time of divestiture, an officer, director, employee, or agent of, or under the control, direction, or influence of, respondent or any of respondent's subsidiaries or affiliated corporations, whether direct or indirect, or who owns or controls more than one (1) percent of the outstanding shares of the capital stock of respondent.

V

It is further ordered that, for a period of five (5) years from the date this order becomes final, neither respondent, nor its subsidiaries, affiliates, divisions, successors or assigns, shall, without the prior approval of the Federal Trade Commission, directly or indirectly acquire more than one percent (1%) of any stock, share capital, or equity interest in any concern, corporate or noncorporate, engaged in, or any of the assets of such concern relating to, the manufacture, distribution, or sale in the United States of urological catheters.

VI

It is further ordered that respondent shall, within ninety (90) days after the date of service of this order, and every ninety (90) days thereafter until respondent has fully complied with the divestiture provision of this order, and annually thereafter, for the duration of this order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which respondent intends to comply, is complying or has complied with this order. Until divestiture is accomplished, all compliance reports shall include, among other things that are from time to time required, a summary of contacts or negotiations with anyone for the disposition of the assets or stock specified in Paragraph I of this order, the identity of all such persons and copies of all written communications between such persons and respondent.

VII

It is further ordered that respondent notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation, which may affect compliance obligations arising out of this order.

American Hospital Supply Corporation, File No. 801 0215

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from American Hospital Supply Corporation (AHSC). The agreement is the product of the Commission's investigation of AHSC's acquisition of American Cystoscope Makers, Inc (ACMI). The agreement requires AHSC to divest ACMI's subsidiary, American Latex Corporation, and other assets of ACMI related to the manufacture or sale of American Latex Corporation's products within eighteen months from the date on which the order becomes final.

The proposed consent order is being placed on the public record for sixty (60) days for comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

AHSC is a multinational manufacturer and distributor of a wide range of products used and consumed in the health care field including medical supplies, pharmaceuticals, medical and surgical instruments and laboratory supplies. AHSC manufactures urological catheters through its American Pharmaseal, American Hospital Supply, and American V. Mueller Divisions.

ACMI was engaged primarily in the research, development, manufacture and marketing of endoscopes. ACMI, through its subsidiary, American Latex Corporation, manufactured and sold urological catheters.

On October 10, 1980, AHSC acquired substantially all of the assets of ACMI for approximately $38.5 million, including 100% of the stock of American Latex Corporation.

The complaint alleges that AHSC's acquisition of ACMI violates Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The complaint asserts that the effect of the acquisition may be substantially to lessen competition or tend to create a monopoly in the manufacture and sale of urological catheter products in the United States.

The purpose of this proposed order is to restore to the marketplace the substantial competition that formerly existed among the urological catheter products of AHSC, American Latex Corporation, and other firms.

Section I of the proposed order requires AHSC to divest the stock or assets of American Latex Corporation and the assets of ACMI related to the research, development, manufacture or sale of American Latex Corporation's products to a party who intends to use the assets in the manufacture, distribution or sale of urological catheters in the United States. The order allows eighteen months for the divestiture and requires that it be approved by the Commission.

Section II requires AHSC, for one year from the divestiture, to purchase from American Latex Corporation all catheters which AHSC may wish to sell under an ACMI trademark. This provision applies only to those types of catheters which ACMI was purchasing from American Latex Corporation at the time of AHSC's acquisition of ACMI, and only if the acquirer of American Latex Corporation wishes to sell catheters to AHSC. The purpose of this provision is to guarantee American Latex Corporation for one year a market for the catheters it was selling to ACMI.

AHSC has agreed under Section III not to cause any diminution of the value of the products or assets of American Latex Corporation and to preserve it as a viable, ongoing business pending divestiture.

Under Section IV, none of the assets of American Latex Corporation may be divested to an officer, director, or employee of AHSC or to a person who owns more than one percent of AHSC's stock.

Section V prevents AHSC, for a period of five years from the date the order becomes final, from acquiring more than one percent of the stock of a company engaged in or any assets of a company relating to the manufacture, distribution, or sale of urological catheters in the United States without the prior approval of the Commission.

Section VI requires AHSC to file a report setting forth the way in which it has been complying with the order every ninety days until the divestiture provision is satisifed and annually thereafter until the expiration of the order.

In Section VII, AHSC agrees to notify the Commission at least thirty days prior to any organizational change that would affect compliance obligations.

The purpose of this analysis is to facilitate public comment on the

proposed order, and it is not intended to consitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary.

[FR Doc. 81-9221 Filed 3-25-81; 8:45 am]
BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1788-2]

Idaho; State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability.

SUMMARY: EPA announces today receipt of the Lewiston Total Suspended Particulate (TSP) Control Strategy as a revision to the Idaho State Implementation Plan. The public is invited to submit written comments to the record. A Notice of Proposed Rulemaking describing this revision and the action that EPA intends to take regarding this proposed revision will be published in the Federal Register at a later date. A second comment period for submittal of written comments will extend for thirty (30) days after the publication of the Notice of Proposed Rulemaking.

DATE: Preliminary comments on the proposed revision will be accepted by EPA until such time as EPA proposes its decision on the Idaho State Implementation Plan. Subsequent to such proposal, EPA will again invite public comment on this proposed revision to the Idaho SIP.

ADDRESSES: The relevant material in support of this revision may be examined during normal business hours at the following locations:

Central Docket Section (10A-80-2), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

State of Idaho, Department of Health, and Welfare, 450 W. State Street, Boise, Idaho 83720

COMMENTS SHOULD BE ADDRESSED TO: Lurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Michael F. Gearheard, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Telephone: (206) 442-1226, FTS: 399-1226.

SUPPLEMENTARY INFORMATION: Section 172 of the Clean Air Act as amended in August 1977, requires that states submit revisions to their implementation plans by January 1, 1979 to provide for the attainment of the national ambient air quality standards (NAAQS) in areas designated nonattainment.

On March 3, 1978 [43 FR 8964] EPA designated certain areas in Idaho as nonattainment. Subsequently, EPA published specific guidance for an approvable Part D SIP. This guidance is described in a General Preamble on April 4, 1979, Federal Register [44 FR 20373] and supplemented in the Federal Register on July 2, 1979 [44 FR 38583], August 28, 1979 [44 FR 50371], September 17, 1979 [44 FR 53761], and November 23, 1979 [44 FR 67182]. This guidance is incorporated by reference and will not be restated here.

The purpose of this Notice is to call the public's attention to the fact that the Lewiston Total Suspended Particulates Control Strategy has been formally submitted to EPA and is available for public inspection at the locations listed above. The public is encouraged to submit written comments regarding the proposed revision and thus participate in this rulemaking activity.

Those interested may wish to first read the General Preamble for proposed rulemaking published by the EPA on April 4, 1979 [44 FR 20372] and supplemented in the Federal Register on July 2, 1979 [44 FR 38583], August 28, 1979 [44 FR 50371], September 17, 1979 [44 FR 53761], and November 23, 1979 [44 FR 67132] which identifies the major considerations that will guide EPA's evaluation of SIP revisions. A more detailed description of this revision will be published in the Federal Register at a later date as part of a Notice of Proposed Rulemaking.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I hereby certify that the attached rule will not if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

(Secs. 110 and 172 of the Clean Air Act [42 U.S.C. 7410 and 7502])

Dated: March 10, 1981.
Donald P. Dubois,
Regional Administrator.

[FR Doc. 81-9173 Filed 3-25-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 420

[WH-FRL 1788-3]

Iron and Steel Manufacturing Point Source Category Effluent Limitations Guidelines Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of correction.

SUMMARY: EPA is correcting coding and other minor errors in the January 7, 1981, Federal Register (46 FR 1858) notice of effluent limitations for the Iron and Steel Manufacturing Point Source Category.

FOR FURTHER INFORMATION CONTACT: Mr. Ernst P. Hall, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Telephone (202) 426-2726.

Correction

In the Federal Register notice published on January 7, 1981 (46 FR 1858), corrections are required as follows:

1. On page 1858, column 2; after line 42, add: D. Iron and Steel Model Treatment Summary.

2. On page 1859, column 2, line 8, change "effluent limitations guidelines for BPT and BAT", to "effluent limitations and standards for BPT, BAT, NSPS and".

3. On page 1859, column 3, line 31, change "27936-2777" to "27736-27773".

4. On page 1859, column 3, line 37, change "classification" to "Classification".

5. On page 1860, column 2, line 55, change "analytical" to "Analytical".

6. On page 1861, column 1, line 38, change "NDRC" to "NRDC".

7. On page 1862, column 3, line 56, change "require adviced" to "requires advanced".

8. On page 1867, column 3, last line, change "336,400" to "366,400".

9. On page 1869, column 1, line 28, change "0.6 of the total" to "0.6 percent of the total".

10. On page 1871, column 3, line 63, change "oppose the establishment a central" to "propose the establishment of a central".

11. On page 1874, column 3, line 14, change "the appropriation sampling" to "the appropriate sampling".

12. On page 1887, Subcategory L, change: "Hot Casting" to "Hot Coating".

13. On page 1878, column 1, after line 2 insert "ENVIRONMENTAL PROTECTION AGENCY".

14. On page 1880, and in all other tables in the proposed regulation change table heading from "Kg/kkg" to "kg/kkg".

15. On page 1880, column 3, Subpart A—NSPS Table, TSS, change "0.34418" to "0.03418".

16. On page 1882, column 1, change "§ 402.24" to "§ 420.24".

17. On page 1883, column 1, Subpart C, § 420.33(a) BAT Table Phenols(4AAP), change ".000584" to ".0000584".

18. On page 1885, column 2 § 420.45(a)(1), (b)(1), and (c)(1); and § 420.46(a)(1), and (c)(1) change: "No discharge of process wastewater pollutants to navigable waters" to "No introduction of process wastewater pollutants into publicly owned treatment works".

19. On page 1887, Subpart F, § 420.64 change "TTS" to "TSS".

20. On page 1887 and 1888 Subpart F, § 420.66, PSNS Table (and others): Tables split between columns or pages should repeat the complete proper headings with each part.

21. On page 1888, Subpart G, § 420.72(a)(1) and (a)(2), change "TTS" to "TSS".

22. On page 1891, Subpart G, § 420.75(c)(1) change: 0.0000108 to 0.000108 for chromium, lead, and zinc.

23. On page 1897, § 420.95(a) change: "Sulfuric acid recovery" to "Sulfuric acid pickling".

24. On page 1897 Subpart I, § 420.95(c)(2) change: chromium 0.0000432 to 0.000432, 0.0000144 to 0.000144; copper 0.0000432 to 0.000432, 0.0000144 to 0.000144; nickel 0.0000648 to 0.000648, 0.0000288 to 0.000288.

25. On page 1897, Subpart I, § 420.96(3) Continuous acid regeneration PSNS tables; Zinc, change ".0000867" to ".0000876".

26. On page 1899, column 1, line 36, Subpart J; change "§ 420.101" to "§ 420.102".

27. On page 1900, column 2, line 76, Subpart J § 420.106 PSNS Anthracene; change ".00000417" to ".000000417".

28. On page 1901, column 1, line 42, Subpart K, § 420.112 table heading should be "BPT Effluent Limitations".

29. On page 1904, column 2, last line, Subpart L, § 420.124, paragraph (c)(4); change heading "fastners without fume" to "fastners with fume".

30. On page 1906, Subpart L, § 420.126 paragraphs: (c)(1), (c)(2), (c)(3) and (c)(4) table footnotes should be designated with an asterisk rather than a superscript one (1).

Dated: March 20, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-9172 Filed 3-25-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6015]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 208 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (presently appearing at its former Title 24, Chapter 10, Part 1917.4).

These elevations, together with the flood plain management measures required by Section 60.3 (formerly Section 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Gadsden, Etowah County	Coosa River	Just downstream of State Highway 77	*509
			Just upstream of State Highway 77	*510
			Just downstream of the confluence of Big Wills Creek	*515
			Just upstream of the confluence of Big Wills Creek	*516
			Just downstream of Holiss Bluff Ferry	*522
			Just upstream of Holiss Bluff Ferry	*523
		Big Wills Creek	Just downstream of Airport Tributary at Sutton Bridge Road	*521
			Just upstream of Airport Tributary	*522
			Just downstream of Interstate Highway 59	*529
			Just upstream of Interstate Highway 59	*531
		Little Wills Creek	At the corporate limits of the City of Gadsden	*536

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of the corporate limits of the City of Gadsden at point 4,100 feet upstream of the corporate limits.	*544
		Black Creek	Just downstream of Chestnut Street	*525
			Just upstream of Chestnut Street	*525
			Just downstream of Meighan Boulevard (U.S. Routes 278 and 431).	*527
			Just upstream of Meighan Boulevard (U.S. Routes 278 and 431).	*529
			Just downstream of Tuscaloosa Avenue	*530
			Just upstream of Tuscaloosa Avenue	*532
			Just downstream of Noccalula Road	*691
			Just upstream of Noccalula Road	*699
		Town Creek	Just downstream of 3rd Street	*520
			Just upstream of 3rd Street	*520
			Just downstream of 5th Street	*520
			Just upstream of 5th Street	*520
			Just downstream of 6th Street	*520
			Just upstream of 6th Street	*521
		Nowlin Branch	Just downstream of Chestnut Street	*519
			Just upstream of Chestnut Street	*522
			Just downstream of Meighan Boulevard (U.S. Routes 431 and 278).	*529
			Meighan Boulevard (U.S. Routes 431 and 278)	*530
			Just downstream of Boyle Street	*540
			Just upstream of Boyle Street	*540
		Greenway Creek	Just downstream of Goodyear Avenue	*522
			Just upstream of Goodyear Avenue at Hooke Street	*522
			Just downstream of U.S. Highway 278 (Piedmont Cut-off).	*522
			Just upstream of U.S. Highway 278 (Piedmont Cut-off)	*522

Maps available for inspection at City Hall, 90 Broad Street, Gadsden, Alabama 35999.

Send comments to Mayor Steve Means or Mr. David Kelly, Assistant Mayor, City Hall, 90 Broad Street, Gadsden, Alabama 35999.

Alabama	Town of Helena, Shelby County	Cahaba River	Just downstream of County Highway 52	*402
		Buck Creek	Just downstream of the corporate limits	*418
		Prairie Brook	Just downstream of County Highway 52 (4th Avenue East).	*412
		Lee Brook	Just upstream of the Dam	*437

Maps available for inspection at City Hall, Main Street, Helena, Alabama 35080.

Send comments to Honorable Charles Penhale or Ms. Francis Parish, City Clerk, City Hall, Main Street, Helena, Alabama 35080.

Alabama	City of Rainbow City, Etowah County	Horton Creek	Just downstream of Ann Street	*527
		Tributary to Horton Creek	Just downstream of Boyd Place	*535
		Big Wills Creek	At upstream corporate limits	*525
		Dry Creek	Just upstream of Pleasant Valley Road	*514
		Coosa River	Downstream of the State Highway 77	*513

Maps available for inspection at City Hall, 131 West Grand Avenue, Rainbow City, Alabama 35901.

Send comments to Mayor Sue Gildowell or Ms. Dorothy Lee, City Clerk, City Hall, 131 West Grand Avenue, Rainbow City, Alabama 35901.

Arkansas	City of Benton, Saline County	Salt Creek	Just downstream of Misty Drive	*313
			Just upstream of State Highway 5	*330
		McNeil Creek	Just downstream of Interstate Highway 30 (U.S. Highway 70).	*323
			Just upstream of State Highway 5	*383
		Willow Depot Creek	Approximately 110' upstream of Neeley Street	*313
			Just upstream of Gray Drive	*364
		Upper Depot Creek	Just upstream of Gattin Road	*340
		Saline River	Just upstream of Interstate Highway 30 (U.S. Highway 70).	*286
			Just upstream of Old State Highway 67	*289

Maps available for inspection at City Hall, 222 West South Street, Benton, Arkansas 72015.

Send comments to Mayor Charles Cunningham or Mr. Maurice Bennett, City Manager, City Hall, 222 West South Street, Benton, Arkansas 72015.

Colorado	Naturita (Town), Montrose County	San Miguel River	Approximately 50 feet north along West Third Street from its intersection with Park Drive.	*5388
			Downstream side of State Highway 97 over the channel.	*5403
			Approximately 50 feet northeast of the intersection of 1st Street and Porter Street.	*5408

Maps available for inspection at Town Hall, Naturita, Colorado.

Send comments to Honorable Wilbur Sindor, P.O. Box 377, Naturita, Colorado 81422.

Connecticut	Chaplin, Town, Windham County	Natchaug River	2,360' downstream Phoenixville Road	*260
			Immediately downstream Phoenixville Road	*280
			1,400' upstream Phoenixville Road	*310
			Immediately upstream England Road	*336
			450' downstream Marcy Road	*360
			Upstream Corporate Limits	*384

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Chaplin Town Hall, Chaplin, Connecticut.				
Send comments to Honorable Earl Belski, First Selectman of the Town of Chaplin, Chaplin, Connecticut 06236.				
Illinois	(V) Carol Stream, Du Page County	Klein Creek	Just downstream of Kuhn Road	*745
			Just downstream of Spillway No. 3	*749
			Just downstream of Spillway No. 1	*753
			At upstream corporate limits	*756
		Thunderbird Trail Creek	At the confluence with Klein Creek	*747
			Approximately 180 feet downstream of Thunderbird Trail.	*748
			Just upstream of Blackhawk Drive	*753
		Winfield Creek	Within corporate limits	*747
		Klein Creek Tributary No. 3	At mouth	*756
			Just upstream Old Gary Road	*758
Maps available for inspection at the Village Hall, 415 N. Gary Avenue, Carol Stream, Illinois.				
Send comments to Honorable Janice Gerzsevske, Village President, Village of Carol Stream, Village Hall, 415 N. Gary Avenue, Carol Stream, Illinois 60187.				
Maine	Waterford, Town, Oxford County	Crooked River	Downstream Corporate Limits	*446
			State Route 118 (upstream)	*476
			McIntire Road (upstream)	*482
			Hunts Corner Road (upstream)	*483
			Fisk Road (upstream)	*489
			Old Norway Road (upstream)	*509
			Private Road (upstream)	*544
			Approximately 5,200' upstream of State Route 35	*555
		Keoka Brook	Confluence with Keoka Lake State Route 37 (upstream).	*506
		Keoka Lake	Entire Shoreline	*499
Maps available for inspection at the Waterford Town House, Waterford, Maine.				
Send comments to Honorable Billie Sawyer, First Selectman of Waterford, Town House, Waterford, Maine 04281.				
Massachusetts	Acushnet, Town, Bristol County	Acushnet River	Downstream Main Street Bridge	*8
			Upstream side of Factory Dam	*12
			Downstream side of Hamlin Road Bridge	*15
			Upstream side of spillway	*21
			Upstream side of Private Drive	*26
			Upstream side of Leonard Street Bridge	*31
			Approximately 100' downstream side of Access Road Bridge.	*34
			Downstream side of New Bedford Reservoir Dam	*42
		Deep Brook	Confluence with Acushnet River	*22
			Approximately 1,400' upstream from confluence with Acushnet River.	*28
			Downstream of earthen dam	*34
			Upstream of earthen dam	*42
			Downstream side of Morse Lane Bridge	*82
			Approximately 660' upstream from Morse Lane Bridge	*56
Maps available for inspection at the Office of Conservation Commission, Town Hall, Acushnet, Massachusetts.				
Send comments to Honorable Frederick Duguay, Chairman of the Acushnet Board of Selectmen, 122 Main Street, Acushnet, Massachusetts 02743.				
Massachusetts	Athol, Town, Worcester County	Millers River	Downstream Corporate Limits	*509
			Approximately 250' upstream of Exchange Street	*519
			Downstream of Starret Company Dam	*531
			Upstream of Starret Company Dam	*550
			Upstream of UTD Dam	*560
			Upstream of Athol Manufacturing Dam	*577
			Approximately 4,175' downstream of Athol Manufacturing Dam.	*597
			Approximately 6,600' upstream of Athol Manufacturing Dam.	*617
			Approximately 9,030' upstream of Athol Manufacturing Dam.	*637
			Approximately 9,345' downstream of Boston and Maine Railroad (first crossing).	*657
			Approximately 5,125' downstream of Boston and Maine Railroad (first crossing).	*677
			Approximately 1,320' upstream of Boston and Maine Railroad (first crossing).	*697
			Approximately 4,225' upstream of Boston and Maine Railroad (first crossing).	*717
			Approximately 8,285' upstream of Boston and Maine Railroad (first crossing).	*737
			Approximately 635' downstream of Boston and Maine Railroad (second crossing).	*757
			Upstream Corporate Limits	*769
		Mill Brook	Confluence with Millers River	*513
			Downstream of Freedom Street	*518
			Upstream of South Street	*531
			Downstream of Cottage Street	*545
		Tully River	Confluence with Millers River	*514
			Confluence with East Branch Tully River	*516
		East Branch Tully River	Confluence with Tully River	*516
			Approximately 1,850' upstream of Tully Road	*526
			Approximately 1,010' downstream of Fryeville Road	*536
			Approximately 500' downstream of Fryeville Road	*546

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 400' downstream of first Dam	*566
			Approximately 240' downstream of first Dam	*566
			Upstream of First Dam	*583
			Approximately 330' downstream of second Dam	*593
			Upstream of Corporate Limits	*596
Maps available for inspection at the Athol Town Clerk's Office, Town Hall, 864 Main Street, Athol, Massachusetts.				
Send comments to Honorable J. Thomas Cole, Chairman of the Board of Selectmen, Town Hall, 584 Main Street, Athol, Massachusetts 01331.				
Massachusetts	Dalton, Town, Berkshire County	East Branch Housatonic River	Downstream Corporate Limits	*1,024
			Pioneer Mill Dam (Upstream)	*1,051
			Old Berkshire Mill Dam (Upstream)	*1,078
			Byron Weston Dam No. 2 (Downstream)	*1,102
			Byron Weston Dam No. 2 (Upstream)	*1,128
			Orchard Road (Upstream)	*1,146
			Old Windsor Road (Upstream)	*1,156
			East Housatonic Street (Upstream)	*1,160
			State Route 8 (approximately 5,000' upstream of East Housatonic Street, upstream).	*1,291
			Upstream Corporate Limits	*1,319
		Wahconah Falls Brook	Confluence with East Branch Housatonic River	*1,146
			North Street (Upstream)	*1,153
			Holiday Road (Upstream)	*1,177
			Cleveland Road (Upstream)	*1,209
			Approximately 2,800' upstream of Cleveland Road	*1,231
		Anthony Brook	Confluence with Wahconah Falls Brook	*1,146
			North Street (Upstream)	*1,158
			Approximately 2,600' upstream of North Street	*1,162
		Sackett Brook	Washington Mountain Road (Upstream)	*1,059
			Kirchner Road (Downstream)	*1,072
Maps available for inspection at the Dalton Selectmen's-Planning Board Office, Dalton, Massachusetts.				
Send comments to Honorable William Moody, Chairman of the Dalton Board of Selectmen, Town Hall, Dalton, Massachusetts 01226.				
Massachusetts	Oxford, Town, Worcester County	French River	Downstream Corporate Limits	*454
			Approximately 2,500' downstream of Clara Barton Road.	*506
			Upstream of Clara Barton Road	*531
			Upstream of Dam	*547
			Approximately 830' downstream of State Route 56 (downstream crossing).	*570
			Upstream of abandoned railroad	*591
			Upstream of Massachusetts Turnpike (Interstate Route 90).	*621
			Downstream of Allen Textile Company Dam	*637
			Downstream of State Route 56 (upstream crossing)	*653
			Upstream of Corporate Limits	*667
		Lowes Brook	Confluence with French River	*457
			Upstream of Sunset Avenue	*466
			Downstream of Water Street	*481
Maps available for inspection at the Oxford Town Clerk's Office, Main Street, Oxford, Massachusetts.				
Send comments to Honorable John Saad, Chairman of the Board of Selectmen, Main Street, Oxford, Massachusetts 01949.				
Massachusetts	Rockland, Town, Plymouth County	French Stream	Downstream Corporate Limits	*71
			Upstream side of Summer Street	*80
			Upstream side of Studley Court	*91
			Downstream side of Market Street	*95
			Studleys Pond Dam	*102
			Downstream of Conrail Bridge	*112
			Upstream of North Avenue	*119
			Approximately 530' downstream of Spruce Street	*125
		Tributary A	Confluence with French Stream	*71
			Downstream of Levin Road	*79
Maps available for inspection at the Office of the Rockland Town Selectmen, 242 Union Street, Rockland, Massachusetts.				
Send comments to Honorable George R. Belford, Chairman of the Rockland Board of Selectmen, 242 Union Street, Rockland, Massachusetts 02370.				
Minnesota	(C) Hayfield, Dodge County	East Fork Cedar River	Just upstream of State Highway 56	*1,302
			About 50 feet upstream of 3rd Avenue S.W.	*1,306
			About 100 feet upstream of Chicago and North Western railroad.	*1,312
			About 100 feet downstream of 1st Street Southeast	*1,314
			Just downstream of 2nd Street Northeast	*1,322
		South Tributary	About 520 feet upstream of confluence with East Fork Cedar River (just upstream of Field Road).	*1,314
			Just downstream of 6th Avenue Southeast	*1,326
		North Tributary	At confluence with East Fork Cedar River	*1,302
			Just upstream of Chicago and North Western railroad	*1,314
			At upstream corporate limits	*1,323
Maps available for inspection at the City Hall, P.O. Box 53, Hayfield, Minnesota.				
Send comments to Honorable David Hellberg, Mayor, City of Hayfield, City Hall, P.O. Box 53, Hayfield, Minnesota 55940.				
Minnesota	(Uninc.) Houston County	Mississippi River	Downstream state boundary	*635
			About 0.5 mile downstream of confluence of Root River.	*640
			Upstream county boundary	*645

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pine Creek	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*845
			Just upstream of Unnamed Road (located about 0.5 mile upstream of State Rouge 16).	*854
			Just upstream of County Highway 25	*865
		Crooked Creek	About 0.5 mile downstream of State Highway 249	*868
			Just upstream of State Highway 249	*874
			About 1.1 miles upstream of State Highway 249	*881
		Thompson Creek	About 1300 feet downstream of County Highway 16	*871
			About 650 feet downstream of County Highway 16	*875
			Just downstream of County Road	*882
		Root River	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad (downstream of State Highway 26).	*844
			Just upstream of State Highway 16	*852
			About 0.5 mile downstream of State Highway 26	*866
			About 1.4 miles downstream of confluence of South Fork Root River.	*876
			About 500 feet upstream of State Highway 76	*888
			About 2.0 miles upstream of State Highway 76	*892
		South Fork Root River	Confluence with Root River	*879
			Just upstream of State Highway 16	*880
			About 3.05 miles upstream of State Highway 16	*880

Maps available for inspection at the Houston County Courthouse, Caledonia, Minnesota.

Send comments to Honorable M. R. Summers, Chairman of the County Board of Commissioners, Houston County, Houston County Courthouse, Caledonia, Minnesota 55921.

Minnesota	(C) Jordan Scott County	Sand Creek	About 0.8 mile downstream Syndicate Street	*734
			About 2,200 feet downstream Syndicate Street	*740
			About 100 feet upstream Syndicate Street	*744
			About 80 feet upstream U.S. Highway 169	*751
			Just upstream Varner Street	*761
			Just upstream Rice Street	*768
			About 250 feet upstream Chicago and North Western railroad (2nd crossing).	*772
			Just upstream dam	*782
			Just upstream State Highway 21	*788
			Just upstream Chicago and North Western railroad (2nd crossing).	*792
			Just upstream County Road 61	*799
			About 1000 feet upstream County Road 61	*801

Maps available for inspection at the Jordan Government Center, 210 East 1st Street, Jordan, Minnesota.

Send comments to Honorable Gail Anderson, Mayor, City of Jordan, Jordan Government Center, 210 East 1st Street, Jordan, Minnesota 56352.

Minnesota	(C) Kasson, Dodge County	Masten Creek	At downstream corporate limits	*1,228
			Just upstream of 2nd Avenue southwest	*1,236
			At upstream corporate limits	*1,247
		Masten Creek Tributary	At mouth at Masten Creek	*1,232
			About 250 feet downstream of Mantorville Avenue South.	*1,240

Maps available for inspection at the City Hall, 172 West Main Street, Kasson, Minnesota.

Send comments to Honorable Joel Gronert, Mayor, City of Kasson, City Hall, 172 West Main Street, Kasson, Minnesota 55944.

New Jersey	Hammonton, Town, Atlantic County	Cedar Brook	Wharton State Forest Boundary	*90
			Upstream Middle Road	*86
			Route 206	*73
			Liberty Street	*83

Maps available for inspection at the Town Hall, Third Street and Central Avenue, Hammonton, New Jersey.

Send comments to Honorable Russell P. Clark, Mayor of the Town of Hammonton, Third Street and Central Avenue, Hammonton, New Jersey 08037.

New Jersey	Millstone, Township, Monmouth County	Millstone River	Downstream Corporate Limits	*118
			Upstream side of Old State Route 33	*123
			Approximately 8,875' upstream of Old State Route 33	*136
			Upstream side of Baird Road	*142
			Upstream side of Roberts Road	*151
			Approximately 4,730' upstream of Roberts Road	*160
		Rocky Brook (Upstream portion)	Approximately 2,240' downstream of Perrineville Road	*142
			Downstream side of Perrineville Road	*148
			Downstream side of Sweetmans Lane	*157
		Rocky Brook (Downstream portion)	Disbrow Hill Road	*108
			Approximately 4,500' upstream Disbrow Hill Road	*111
		Toms River	Monmouth Road (Downstream Corporate Limits)	*150
			Approximately 1,675' upstream of Squan Road	*158

Maps available for inspection at the Office of the Township Clerk, Millstone Road, Millstone, New Jersey.

Send comments to Honorable Charles Abate, Mayor of Millstone, R.D. 2, Box 143, Englishtown, New Jersey 07726.

New Jersey	Monroe, Township, Gloucester County	Fourmile Branch	Confluence with Great Egg Harbor River	*104
			Approximately 325' upstream from Malaga-New Brooklyn Road.	*108
			Upstream side of Fourmile Road Bridge	*118
			Downstream side of Williamstown New Freden Road Bridge.	*121
			Corporate Limits	*131
		Hospitality Branch	Upstream side of Sharp Road Bridge	*86
			Upstream side of Access Road Bridge	*93

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of Whitehall Road Bridge	*100
			Upstream side of dam upstream of Whitehall Road Bridge.	*105
Maps available for inspection at the Office of the Township Clerk, 295 South Main Street, Monroe, New Jersey.				
Send comments to Honorable John E. Luby, Jr., Mayor of the Township of Monroe, 295 South Main Street, Monroe, New Jersey 08094.				
New Jersey	Ringwood, Borough, Passaic County	West Brook	West Brook Road	*306
			Downstream Spillway (USGS Gage 01389000)	*328
			Confluence with Burnt Meadow Brook	*341
			Upstream side of Magee Road	*349
			Approximately 1,844 feet upstream of Magee Road	*370
			Downstream side of Footbridge approximately 3,000 feet upstream of Magee Road.	*391
			Approximately 1,900 feet upstream of Footbridge	*454
			Upstream corporate limits	*509
		Burnt Meadow Brook	Confluence with West Brook	*341
			Approximately 2,000 feet upstream of confluence with West Brook.	*368
			Upstream side of Magee Road	*374
			Approximately 1,800 feet upstream of Magee Road	*386
			Upstream side of Footbridge approximately 3,586 feet upstream of Magee Road.	*395
			Approximately 1,945 feet upstream of Footbridge	*437
			Approximately 2,315 feet upstream of Footbridge	*453
			Approximately 2,920 feet upstream of Footbridge	*520
			Approximately 4,066 feet upstream of Footbridge	*571
			Confluence with Burnt Meadow Brook Branch 5	*600
			Approximately 1,200 feet upstream of confluence with Burnt Meadow Brook Branch 5.	*628
			Upstream corporate limits	*644
		Burnt Meadow Brook Branch 5	Confluence with Burnt Meadow Brook	*600
			Downstream side of Art Street	*624
			Upstream side of Harrison Mt. Lake Spillway	*637
			Downstream side of Woodside Avenue	*664
			Approximately 610 feet upstream of Woodside Avenue	*689
		Erskine Brook	Confluence with Wanaque Reservoir	*305
			Upstream side of spillway approximately 740 feet upstream of confluence.	*311
			Skyline Drive	*333
			Approximately 1,088 feet upstream of Skyline Drive	*368
			Downstream side of downstream crossing of Lakeview Avenue.	*471
			Upstream side of Erskine Lake Spillway	*485
			Downstream side of upstream crossing of Lakeview Avenue.	*491
			Approximately 1,425 feet upstream of Upper Erskine Spillway.	*509
		Cupsaw Brook	Confluence with Wanaque Reservoir	*305
			50 feet upstream of Spillway (USGS Gage 01385000)	*310
			Downstream side of Carltondale Road	*346
			Upstream side of Cupsaw Lake Spillway	*390
			Upstream side of Cupsaw Drive	*395
			Approximately 370 feet upstream of Cupsaw Drive	*406
		Cupsaw Brook Branch 1	Confluence with Cupsaw Brook	*307
			Upstream side of Drop Spillway approximately 760 feet upstream of confluence.	*316
			Upstream side of Birch Place	*321
			Upstream side of Drop Spillway by Zuk Place	*332
			Upstream side of Carletondale Road	*351
			Approximately 1,100 feet upstream of Carletondale Road.	*404
		Cupsaw Brook Branch 2	Confluence with Cupsaw Brook	*390
			Upstream side of Cupsaw Drive	*407
			Downstream side of Woodland Road	*427
			Upstream side of Skylands Road	*442
			Approximately 55 feet upstream of Skylands Road	*445
		Cupsaw Brook Branch 3	Confluence with Cupsaw Brook	*387
			Upstream side of Cupsaw Drive	*397
			Upstream side of Stetson Road	*470
			Downstream side of Skylands Road	*502
			Approximately 55 feet upstream of Skylands Road	*505
		Cupsaw Brook Branch 4	Confluence with Cupsaw Brook	*393
			Upstream side of Cupsaw Drive	*399
			Downstream side of Kraft Place	*433
			Approximately 677 feet upstream of Kraft Place	*472
		Ringwood Creek	Confluence with Wanaque Reservoir	*305
			Upstream side of Spillway (USGS Gage 01384500)	*307
			Upstream side of Margaret King Avenue	*318
			Downstream side of Green Camp Lake Spillway	*326
			Downstream side of Farm Road	*332
			At Ringwood Manor State Park boundary	*336
		Ringwood Creek Branch 1	Confluence with Ringwood Creek	*320
			Approximately 650 feet upstream of confluence with Ringwood Creek.	*324
			Approximately 35 feet upstream side of Sloatsburg Road.	*339

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of Reservoir Culvert	*306
			Upstream side of Spillway (USGS Gage 01264000)	*312
			Upstream side of Stonetown Road	*321
			Approximately 4,200 feet upstream of Stonetown Road	*332
		Meadow Brook	Downstream corporate limits	*261
			Upstream side of Lower Skyline Lakes Spillway	*271
			Approximately 980 feet upstream of confluence with High Mountain Brook.	*283
		Stephens Lake Brook	Downstream corporate limits	*269
			Upstream side of Bridge at confluence with Stephens Lake Brook Branch 1.	*276
			Upstream corporate limits	*316
		Stephens Lake Brook Branch 1	Approximately 700 feet downstream of Poe Avenue	*496
			Downstream side of Poe Avenue	*506
			Upstream side of Poe Avenue	*513
			Approximately 730 feet upstream of Poe Avenue	*519
		Stephens Lake Brook Branch 2	Confluence with Stephens Lake Brook	*311
			Downstream side of Driveway 449 feet upstream of confluence.	*344
			Upstream side of Footbridge approximately 722 fee upstream of confluence.	*351
			Corporate limits at Conkintown Road	*363
			Corporate limits downstream side of Poplar Drive	*486
			Upstream side of Poplar Drive	*485
			Approximately 1,985 feet upstream of Poplar Drive	*486
		Meadow Brook Branch 2	Confluence with Meadow Brook at Lower Skyline Lake	*272
			Upstream side of Skyline Lakes Drive	*280
			Approximately 955 feet upstream of Hidden Valley Lake Drop Spillway.	*291
		High Mountain Brook	Confluence with Meadow Brook at Upper Skyline Lake	*263
			Downstream side of Skyline Lakes Drive	*267
			Downstream side of Skyline Drive	*369
			James Drive (Unimproved)	*431
			Approximately 1,575 feet upstream of James Drive (Unimproved).	*526
			Approximately 3,261 feet upstream of James Drive (Unimproved).	*581
			Approximately 4,171 feet upstream of James Drive (Unimproved).	*588
			Approximately 6,260 feet upstream of James Drive (Unimproved).	*678

Maps available for inspection at the Ringwood Municipal Building, 60 Margaret King Avenue, Ringwood, New Jersey.

Send comments to Honorable C. William Hoffman, Mayor of the Borough of Ringwood, Municipal Building, 60 Margaret King Avenue, Ringwood, New Jersey 07456.

New Jersey	Winslow, Township, Camden County	Fourmile Branch	Confluence with Great Egg Harbor River	*104
			Upstream Fourmile Branch Road	*118
			Upstream Williamstown New Freedom Road	*122
			660' upstream Access Road	*132
		Great Egg Harbor River	Upstream New Brunswick Cedar Brook Road	*108
			Upstream Williamstown New Freedom Road	*124
			Barker Avenue extended	*134
			Downstream Conrail	*139
		Pump Branch	Upstream Waterford Blue Anchor Road	*99
			Upstream Dam No. 2 upstream from Waterford-Blue Anchor Road.	*104
			Upstream Barrett Avenue	*107
			Upstream State Route 73	*117
			Upstream Old Cedar Brook Road	*120
			Downstream Conrail (second crossing)	*125

Maps available for inspection at the Office of the Township Clerk, Municipal Building, Route 73, Braddock, New Jersey.

Send comments to Honorable Dominic A. Maiese, Mayor of the Township of Winslow, Municipal Building, Route 73, Braddock, New Jersey 08037.

New Jersey	Woodland, Township, Burlington County	Burr's Mill	7,200' upstream of downstream Corporate Limits	*77
			15,025' upstream of downstream Corporate Limits	*85
		Shinns Branch	Confluence with Stephens Mill Creek	*92
			2,870' upstream confluence with Stephens Mill Creek	*94
		West Branch Wading River	Upstream State Route 532	*96
			Upstream State Route 563	*96
			Downstream Access Road	*108
			Downstream Lebanon State Forest Boundary	*117
		Stephens Mill Creek	Downstream Corporate Limits	*88
			Downstream Coopers Road	*92

Maps available for inspection at the office of the Township Clerk, Third and Main Streets, Chatsworth, New Jersey 08019.

Send comments to Honorable John Bunker, Mayor of the Township of Woodland, P.O. Box 367, Chatsworth, New Jersey 08019.

New York	Clarkson, Town, Monroe County	Moorman Creek	700' downstream of Lawrence Road	*331
			Lawton Road (Upstream)	*351
			2,400' upstream of Lake Road	*357

Maps available for inspection at the Town Hall, 3710 Lake Road, Clarkson, New York.

Send comments to Honorable Douglas E. Cunningham, Supervisor of the Town of Clarkson, Town Hall, 3710 Lake Road, Clarkson, New York 14430.

New York	Haverstraw, Town, Rockland County	Hudson River	Entire shoreline within community	*8
		Mahwah River	Downstream Corporate Limits	*424
			Upstream of Mohawk Lane	*437

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream of dam (1st upstream crossing)	*448
			Upstream of dam (1st upstream crossing)	*453
			Dam (3rd upstream crossing)	*462
		Minisceongo Creek	Confluence with Hudson River	*8
			Upstream Corporate Limits	*12
			Approximately 12,500' above confluence with Hudson River.	*178
			Downstream of Dam	*180
			Upstream of Dam	*204
			Approximately 1,800' upstream of dam	*210
			Approximately 4,750' upstream of dam	*260
			Upstream of Rosman Road	*282
			Downstream of Dam	*284
			Upstream of Dam	*294
			Approximately 2,800' upstream of Dam	*334
		South Branch Minisceongo Creek	Approximately 600' downstream of Palisades Interstate Parkway.	*378
			Approximately 2,500' upstream of Palisades Interstate Parkway.	*385
			Quaker Road	*394
			Upstream Corporate Limits	*395

Maps available for inspection at the Town Hall, Building Department, 41 Main Street, Haverstraw, New York 10927.

Send comments to Honorable Philip Rotella, Supervisor of the Town of Haverstraw, Town Hall, 41 Main Street, Haverstraw, New York 10927.

New York	Lysander, Town, Onondaga County	Cross Lake	Entire Shoreline within Town of Lysander	*362
		Seneca River	Confluence with Oneida and Oswego Rivers	*368
			Upstream of State Route 31	*369
			Upstream of State Route 370	*371
			Upstream of State Route 48	*379
			Upstream of Plainville Road	*381
			Confluence with Cross Lake	*382
		Oswego River	Downstream Corporate Limits	*364
			Confluence with Seneca and Oneida Rivers	*368

Maps available for inspection at the Town Hall, 6 Lock Street, Lysander, New York.

Send comments to Honorable James H. Vanlitle, Supervisor of the Town of Lysander, Town Hall, 6 Lock Street, Baldwinsville, New York 13027.

New York	North Tonawanda, City, Niagara County	Niagara River-Tonawanda Channel	Downstream Corporate Limits	*569
			Confluence of Tonawanda Creek	*571
		Tonawanda Creek	Confluence with Niagara Tonawanda Channel	*571
			Approximately 4,300' upstream of Twin Cities Memorial Highway.	*572
			Welch Road (extended)	*573
			Upstream Corporate Limits	*573
		Bull Creek	Confluence with Tonawanda Creek	*573
			Confluence of Sawyer Creek	*573
		Sawyer Creek	Confluence with Bull Creek	*573
			Upstream Corporate Limits	*575

Maps available for inspection at the City Engineer's Office, City Hall, North Tonawanda, New York.

Send comments to Honorable Elizabeth Hoffman, Mayor of the City of North Tonawanda, City Hall, Payne Avenue, North Tonawanda, New York 14120.

New York	Pendleton, Town, Niagara County	Tonawanda Creek	Downstream Corporate Limits	*573
			Upstream Corporate Limits	*582
		Erie Canal	Confluence with Tonawanda Creek	*576
			5,870' upstream of confluence with Tonawanda Creek	*576
		North Tonawanda Creek	Confluence with Erie Canal	*576
			Confluence with Tonawanda Creek	*580
		Mud Creek	Confluence with Tonawanda Creek	*581
			Upstream Corporate Limits	*581
		Bull Creek	Downstream Corporate Limits	*573
			Downstream Aiken Road	*583
			Upstream Abandoned Railroad (first crossing)	*593
			Upstream Corporate Limits at Lockport Road	*603
		Tributary Bull Creek	Confluence with Bull Creek	*589
			Upstream Mapleton Road	*597
			Upstream Corporate Limits	*606

Maps available for inspection at the Town Hall, 6570 Campbell Boulevard, Lockport, New York.

Send comments to Honorable Larry Chapman, Supervisor of the Town of Pendleton, Town Hall, 6570 Campbell Boulevard, Lockport, New York 14094.

New York	Somerset, Town, Niagara County	Golden Hill Creek	Downstream Corporate Limits	*266
			Upstream of Lower Lake Road	*276
			2,350' upstream second crossing Carmen Road	*286
			800' downstream third crossing Carmen Road	*296
			2,000' upstream Third crossing Carmen Road	*305
			Downstream State Route 18	*316
			Upstream Corporate Limits first crossing	*326
			Downstream Hartland Road	*337
			4,600' upstream West Somerset Road	*347
			Downstream Homser Road	*353
			Homser Road	*355
		Fish Creek	Confluence with Lake Ontario downstream Lower Lake Road.	*258
			120' upstream Lower Lake Road	*265

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the Town Clerk, Town Hall, 87 Haight Road, Barker, New York.				
Send comments to Honorable Stanley C. Ralph, Supervisor of the Town of Somerset, 87 Haight Road, Barker, New York 14012.				
Oklahoma	City of Ardmore, Carter County	West Anadarche Creek	Just upstream of Highway 77S	*761
			Just upstream of Springdale Road	*793
		Sand Creek Tributary B	Just downstream of Dam (Lake Carter #1)	*796
			Just upstream of Dam (Lake Carter #1)	*817
			Just upstream of ReFinery Road	*826
		Hickory Creek	Just upstream of Myall Road	*810
			Just upstream of Plainview Road	*831
		Hickory Creek Tributary A	Just upstream of Veron Road	*801
		Hickory Creek Tributary B	Just upstream of U.S. Highway 70	*828
			Just downstream of O Street	*845
		Hickory Creek Tributary C	Just upstream of Atchinson Topeka and Santa Fe Railway.	*842
		Caddo Creek Tributary A	Just downstream of Woods Lane	*772
			Just upstream of Woods Lane	*777
		Caddo Creek Tributary B	Approximately 400 feet upstream of mouth	*772
Maps available for inspection at Engineer and Planning Office, City Hall, 23 South Washington Street, Ardmore, Oklahoma 73401.				
Send comments to Mayor John Miller or Mr. David Pence, City Manager, City Hall, 23 South Washington Street, Ardmore, Oklahoma 73401.				
Oregon	Lyons (City) Linn County	North Santiam River	Upstream side of the intersection of State Highway 28 and the channel.	*619
			Approximately 400 feet north of the intersection of North 14th Street and East Dogwood Street.	*635
Maps available for inspection at City Hall, 449 5th Street, Lyons, Oregon.				
Send comments to Honorable Effie Anderson, P.O. Box 81, Lyons, Oregon 97358.				
Pennsylvania	Chapman, Township Snyder County	Susquehanna River	Downstream Corporate Limits (Extended)	*409
			Approximately 12,000' upstream of the downstream Corporate Limits (Extended).	*416
			Upstream Corporate Limits (Extended)	*420
		West Mahantango Creek	Downstream side of Township Route 347 Bridge	*409
			Approximately 3,000' upstream of Township Route 347 Bridge.	*417
			Upstream side of State Route 104 Bridge	*428
		North Branch Mahantango Creek	Downstream side of Oriental Road Bridge	*426
			Approximately 4,000' upstream of Oriental Road Bridge.	*438
			Upstream side of Township Route 344 Bridge	*450
Maps available for inspection at the Township Building, Old Route 11-15, Chapman, Pennsylvania.				
Send comments to Honorable William Houser, Chairman of the Chapman Board of Supervisors, R.D. 1, Port Treverton, Pennsylvania 17864.				
Pennsylvania	Middlecreek, Township Snyder County	Middle Creek	Downstream of Conrail	*463
			Upstream U.S. Route 522	*469
			Private Road (extended)	*471
		Tributary 1	Confluence with Middle Creek	*469
			Upstream T-458	*476
			Approximately 715' upstream of T-458	*487
			Approximately 430' upstream of Private Road	*498
			Approximately 870' upstream of Private Road	*509
			Approximately 1,200' upstream of Private Road	*522
Maps available for inspection at the residence of the Township Secretary, Mrs. Arla Hearn, R.D. 2, Middleburg, Pennsylvania.				
Send comments to Honorable Russell Roush, Jr., Chairman of the Middlecreek Board of Supervisors, R.D. 2, Middleburg, Pennsylvania 17842.				
Pennsylvania	South Lebanon, Township, Lebanon County	Hazel Dyke Creek	Downstream Corporate Limits	*479
			Upstream Klein Avenue	*482
			Upstream Fonderwhite Road (Downstream crossing)	*494
			Downstream Fonderwhite Road (Upstream crossing)	*503
			Upstream East Evergreen Road	*511
			Downstream Legislative Route 38016	*521
			Downstream Conrail	*536
			Upstream Conrail	*543
			Approximately 400' downstream of Private Drive	*552
			Downstream of Private Drive	*559
			Approximately 100' upstream of Legislative Route 38016.	*564
			Upstream of first access road	*581
			Upstream of second access road	*587
			Upstream Pa Route 419	*597
			Upstream Wagon Path	*615
			Upstream Corporate Limits	*632
		Tributary 1	Confluence with Hazel Dyke Creek	*499
			Approximately 1,340' upstream of East Evergreen Road.	*505
Maps available for inspection at the Township Municipal Building, South Lebanon, Pennsylvania.				
Send comments to Honorable Paul Krause, Chairman of the South Lebanon Board of Supervisors, 1600 South 5th Avenue, Lebanon, Pennsylvania 17042.				
Pennsylvania	Waterford, Township, Erie County	LeBoeuf Creek	Approximately .18 mile downstream of U.S. Route 19	*1,175
			Upstream of U.S. Route 19	*1,178
			Upstream of Wattsburg Road	*1,189
			Upstream of Conrail crossing located approximately .29 mile upstream of Depot Road.	*1,194

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Conrail crossing	*1,205
			Approximately .28 mile upstream of Conrail Bridge	*1,206
	Maps available for inspection at the Waterford Township Building, R.D. 1, Waterford, Pennsylvania.			
	Send comments to Honorable Howard Proctor, Chairman of the Waterford Board of Supervisors, Township Building, R. D. 1, Circuit Road, Waterford, Pennsylvania 16441.			
Rhode Island	Woonsocket, City, Providence County	Blackstone River	Downstream Corporate Limits	*116
			Upstream of Conrail	*126
			Just downstream of Woonsocket Falls Dam	*135
			Just upstream of Woonsocket Falls Dam	*151
			Upstream Corporate Limits	*160
		Mill River	Approximately 1,200' upstream of confluence with Blackstone River.	*130
			Just upstream of Privilledge Street	*141
			Upstream of 1st dam downstream of Diamond Hill Road.	*151
			Upstream of 2nd dam downstream of Diamond Hill Road.	*156
			Upstream of 3rd dam downstream of Diamond Hill Road.	*165
			Upstream Corporate Limits	*171
		Peters River	Approximately 1,180' upstream of confluence with Blackstone River.	*134
			Just downstream of Mill Street	*144
			Upstream of Guerin Spinning Dam	*155
			Approximately 900' upstream of Guerin Spinning Dam	*165
			Approximately 60' downstream of unnamed Dam	*176
			Downstream of Wood Avenue	*181
			Upstream Corporate Limits	*188
	Maps available for inspection at the Office of the City Engineer, City Hall, 169 Main Street, Woonsocket, Rhode Island.			
	Send comments to Honorable Gerard J. Bailey, Mayor of Woonsocket, City Hall, 169 Main Street, Woonsocket, Rhode Island 02895.			
Vermont	Fairfax, Town, Franklin County	Lamoille River	Downstream Corporate Limits	*322
			Approximately 1,850' upstream of confluence with Swift Brook.	*332
			Approximately 150' downstream of confluence with Browns River.	*342
			Upstream of State Route 104	*347
			Approximately 600' downstream of Fairfax Falls Dam	*355
			Upstream of Fairfax Falls Dam	*431
			Upstream Corporate Limits	*442
	Maps available for inspection at the Fairfax Town Clerk's Office, Fairfax, Vermont.			
	Send comments to Honorable Albert W. Rich, Chairman of the Fairfax Board of Selectmen, Town Offices, Fairfax, Vermont 05454.			
Vermont	Milton, Town, Chittenden County	Lamoille River	Confluence with Lake Champlain	*102
			Approximately 300' upstream of U.S. Route 2	*106
			Downstream of Peterson Dam	*113
			Upstream of Peterson Dam	*154
			Approximately 750' downstream of Great Falls Dam	*183
			Approximately 500' downstream of Great Falls Dam	*197
			Approximately 175' downstream of Great Falls Dam	*237
			Approximately 100' upstream of Great Falls Dam	*257
			Downstream of Clark Falls Dam	*270
			Upstream of Clark Falls Dam	*290
			Upstream Corporate Limits	*291
		Lake Champlain	Entire shoreline within community	*102
	Maps available for inspection at the Milton Town Offices, Main Street, Milton, Vermont.			
	Send comments to Honorable Thomas E. Duff, Milton Town Manager, Main Street, Milton, Vermont 05468.			
Virginia	Fauquier County	Tinpost Run (overland flooding)	Intersection of Southern Railway and southwest corporate limits of Town of Remington.	*277
			Intersection of State Route 651 and the northwest corporate limit of the Town of Remington.	*277
	Maps available for inspection at the Office of the County Administrator, 40 Culpepper Street, Warrenton, Virginia.			
	Send comments to Honorable Steve Crosby, County Administrator, 40 Culpepper Street, Warrenton, Virginia 22186.			
Washington	South Prairie (Town), Pierce County	South Prairie Creek	200 feet upstream from center of State Route 162	*497
			Intersection of stream and eastern corporate limits	*447
	Maps available for inspection at City Hall, South Prairie, Washington.			
	Send comments to the Honorable Layne Rose, P.O. Box F, South Prairie, Washington 98385.			
Washington	Yakima (City), Yakima County	Yakima River	Intersection of Interstate Highway 82 and Burlington Northern Railroad.	*1,040
		Wide Hollow Creek	40 feet downstream from center of South 24th Avenue	*1,065
		Bachelor Creek	20 feet downstream from center of Airport Road South Access.	*1,060
		Spring Creek 1	At upstream end of culvert under north/south runway of Yakima Municipal Airport.	*1,050
		Spring Creek 1 Tributary 1	At confluence with Spring Creek	*1,078
		Spring Creek 1 Tributary 2	50 feet upstream from center of West Washington Avenue.	*1,105
	Maps available for inspection at Planning Department, City Hall, 129 N. 2nd Street, Yakima, Washington.			
	Send comments to Honorable Betty Edmondson, 129 N. 2nd Street, Yakima, Washington 98901.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) Franklin, Milwaukee County	Root River	At South 27th Street	*677
			At West South County Line Road located about 1.65 miles downstream of South 60th Street.	*680
			At South 60th Street	*682
			Just upstream of West Ryan Road	*686
			At confluence of East Branch Root River	*694
			Just downstream of West Rawson Avenue	*703
			At the corporate limits located about 0.46 mile downstream of State Highway 36.	*704
			At the most upstream corporate limits located about 0.6 mile upstream of South 76th Street.	*708
		East Branch Root River	At the mouth	*694
			Approximately 0.37 mile downstream of South 51st Street.	*706
			Just upstream of South 51st Street	*716
			Just upstream of West Drexel Avenue	*717
			Approximately 0.56 mile downstream of West Rawson Avenue.	*734
			Just upstream of West Rawson Avenue	*746
			Approximately 0.66 mile downstream of the confluence of Woods Creek.	*752
			At the upstream corporate limits located at West College Avenue.	*762
		Tess Corners Creek	Just upstream of South Lovers Lane	*740
			Just upstream of Private Drive located about 0.28 mile upstream of South Lovers Lane.	*747
			Just downstream of West Forest Home Avenue	*758
			Just upstream of North Cape Road	*767
			At the upstream corporate limits (county boundary)	*772
		Woods Creek	At the mouth	*758
			At the upstream corporate limits located at West College Avenue.	*758
		Oak Creek	At the downstream corporate limits located at South 27th Street.	*688
			Just upstream of South 31st Street	*698
			Just downstream of State Highway 100	*709
			Just upstream of State Highway 100	*712
			Approximately 0.1 mile upstream of State Highway 100	*714
			Just upstream of West Southland Drive	*723

Maps available for inspection at the Office of the City Clerk, City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Send comments to Honorable Theodore J. Fadrow, Mayor, City of Franklin, City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132.

Wisconsin	(V) Howard Brown County	Buck Creek	At mouth	*585
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*588
			Just upstream corporate limits	*588
		Beaver Dam Creek	At mouth	*588
			Just upstream of Taylor Street	*595
			About 200 feet upstream of Green Bay and Western Railroad.	*610
			At upstream corporate limits	*613
		Lancaster Creek	At mouth	*585
			Just downstream of Glendale Avenue	*588
			Just upstream of Hillcrest Drive	*611
			Just downstream of Shawano Avenue	*614
			About 0.54 mile upstream of Shawano Avenue	*618
		Green Bay	Within the corporate limits	*585

Maps available for inspection at the office of the Village Clerk, Howard Village Hall, 2456 Glendale Avenue, Green Bay, Wisconsin.

Send comments to Honorable Cyril Cornell, Village President, Village of Howard, Howard Village Hall, 2456 Glendale Avenue, Green Bay, Wisconsin 54303.

Wisconsin	(V) Kewaskum Washington County	Milwaukee River	About 0.8 mile downstream of the confluence of Kewaskum Creek.	*933
			Just upstream of Kewaskum Dam	*937
			Upstream corporate limits	*939
		North Creek	Just upstream of confluence with Milwaukee River	*930
			Just upstream of Fond Du Lac Avenue	*942
			Upstream corporate limits	*958
		Kewaskum Creek	Just upstream of confluence with Milwaukee River	*936
			Just upstream of County Highway H	*939
			Just upstream of Kewaskum Pond outlet structure	*942
			Upstream corporate limits	*945

Maps available for inspection at the Village Administrator's Office, Village Hall, 204 1st Street, Kewaskum, Wisconsin.

Send comments to Honorable Gerald Stollenwerk, Village President, Village of Kewaskum, Village Hall, 204 1st Street, Kewaskum, Wisconsin 53040.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 11, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9017 Filed 3-25-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 78-72-Phase II]

MTS and WATS Market Structure; Order Extending Time for Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: General Communication, Inc. has requested a seven day extension of time in which to file reply comments in the MTS/WATS Market Structure Inquiry (CC Docket 78-72-Phase II) in order to permit it to complete its analysis of Alascom's revenue and market model.

DATE: Reply comments are now due on or before March 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Douglas L. Slotten, Policy and Program Planning Division, Common Carrier Bureau, (202) 632-9342.

SUPPLEMENTARY INFORMATION:

Adopted: March 17, 1981.

Released: March 17, 1981.

By the Chief, Common Carrier Bureau:

1. On March 13, 1981, General Communication, Inc. ("GCI"), filed a request for a seven day extension of time in which to file reply comments in the above-captioned proceeding. The request would extend the time for filing reply comments in this proceeding from March 18, 1981, to March 25, 1981.

2. In support of its request, GCI states that an additional week will permit it to complete its analysis of Alascom's revenue and market model; that, being located in Alaska, it can make a special contribution to the record in this proceeding; and that the additional week will help offset the days in communication resulting from the distance factors involved.

3. We conclude that the grant of GCI's request will serve the public interest. In a proceeding of this complexity, the grant of an additional week in which to complete the required analysis would appear to be unlikely to harm any party, while potentially improving the record in the proceeding. Furthermore, Alascom has stated that it does not object to this short extension.

4. Accordingly, it is ordered, pursuant to Sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's Rules, that the date for filing reply comments in response to the *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking* is extended to and including March 25, 1981.

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-9239 Filed 3-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[Docket No. 80-201, etc.]

FM Broadcast Station in North Charleston, Eastover, and Ravenel, S.C.; Elloree, S.C.; Mount Pleasant, Parris Island, Manning, Bamberg, and Batesburg, S.C.; Johnston, Leesville, Winnsboro Mills, Saluda, Union, and Batesburg, S.C.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action consolidates BC Docket Nos. 80-201, 80-211, and 80-213 which contemplate FM assignments to North Charleston, Eastover, Ravenel, Elloree, Mt. Pleasant, Parris Island, Manning, Bamberg, and Batesburg, South Carolina, and further consolidates these dockets with petitions for rule making seeking FM channel assignments to Johnston, Leesville, Saluda, Union, and Winnsboro Mills, South Carolina. The petitions were filed by Edgefield Saluda Radio Company, William K. Durst, Ridge Broadcasting Company and Edward L. B. Osborne, respectively. Several alternative FM channel assignment plans are presented for comment in the Further Notice. The licensees of FM Stations WWBD-FM, Bamberg, South Carolina, and WKWQ, Batesburg, South Carolina, are ordered to show cause why their licenses should not be modified.

DATES: Comments must be filed on or before May 12, 1981, and reply comments on or before June 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor or Molly Pauker, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (North Charleston, Eastover,[1] and Ravenel,[1] South Carolina), BC Docket No. 80-201, RM-3249, RM-3710; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Elloree, South Carolina), BC Docket No. 80-211, RM-3579; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Mount Pleasant, Parris Island,[1] Manning,[1] Bamberg,[1] and Batesburg,[1] South Carolina), BC Docket No. 80-213, RM-3406, RM-3718, RM-3719; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Johnston, Leesville, Winnsboro Mills, Saluda, Union, and Batesburg, South Carolina), BC Docket No. 81-171, RM-3518, RM-3556, RM-3613, RM-3666, RM-3771. *Further Notice of Proposed Rule Making and Orders To Show Cause.*

Adopted: March 13, 1981.

Released: March 24, 1981.

By the Chief, Policy and Rules Division:

1. This proceeding consolidates three *Notices of Proposed Rule Making* in the above-captioned dockets, four counterproposals to the three *Notices*, and five additional petitions for rule making not previously docketed. Because all of the various proposals are in some way related as set forth herein, we have decided to consolidate the proceedings and offer several comprehensive assignment plans for comment. We begin by setting out the proposals and counterproposals which have already been available for comment in response to the three *Notices*. This will be followed by an explanation of the additional petitions which have not yet been the subject of a Notice of Proposed Rule Making.

Proposals in BC Docket No. 80-201

2. The *Notice of Proposed Rule Making* in BC Docket 80-201, 45 FR 34938, published May 23, 1980, proposes the assignment of Class C FM Channel 241 to North Charleston, S.C., at the

[1] These communities are added to the caption.

request of T. B. Trammel. A counterproposal to assign Channel 240A to Eastover, S.C., was submitted by William G. Dudley.[2] A second counterproposal to assign channel 240A to Ravenel, S.C., was submitted by M. E. Foley.[3] The assignment of Channel 240A to either Eastover or Ravenel is mutually exclusive with an assignment of Channel 241 to North Charleston. However, the assignment of Channel 240A to both Eastover and Ravenel can be accomplished in compliance with our minimum distance separation requirements. Additionally, a staff study indicates that Channel 257A is also available for assignment to Eastover with a site restriction of 3.8 miles southeast, while Channel 269A could alternatively be assigned to Ravenel.[4]

Proposal in BC Docket No. 80–211

3. The *Notice of Proposed Rule Making* in Docket 80–211, 45 FR 34935, published May 23, 1980, proposes the assignment of FM Channel 257A to Elloree, S.C., in response to a petition filed by Santee-Cooper Broadcasting Company. No counterproposals were filed. The assignment of Channel 257A to Elloree conflicts, however, with the possible assignment of Channel 257A to Eastover. A staff study indicates that no other Class A channels are available at Elloree.

Proposals in BC Docket No. 80–213

4. The *Notice of Proposed Rule Making* in Docket 80–213, 45 FR 24837, published May 23, 1980, proposes the assignment of FM Channel 221A to Mount Pleasant, S.C., in response to a petition filed by John M. Dunnagan. A counterproposal to assign Channel 221A to Parris Island, S.C., was submitted by D. W. McFarland.[5] This assignment requires a site restriction of 4.3 kilometers (2.7 miles) north-northwest. A second counterproposal was filed by Clarendon County Broadcasting Corporation ("CCBC").[6] The intent of CCBC's counterproposal is to substitute Class C Channel 223 for Channel 221A in Manning, S.C. To accomplish this, Channel 221A would have to be substituted for Channel 224A in Bamberg, S.C., and Channel 237A would have to be substituted for Channel 221A in Batesburg, S.C. The latter would preclude the assignment of Channel 221A in Mount Pleasant. However, as a replacement for Mount Pleasant, Channel 285A can be assigned there since it was recently replaced with Channel 259 at Beaufort, S.C.[7] The assignment to Manning requires a site restriction of 25.6 kilometers (16 miles) southeast. Assigning Channel 221A to Bamberg requires a site restriction of 4.5 kilometers (2.8 miles) west-northwest. Several parties to the proceeding also note, and a staff study confirms, that Channel 269A is available for assignment to Mount Pleasant. (See footnote 3.) One of the commenters, Santee-Cooper, supports assigning two channels to Mount Pleasant. The proposal for two Mount Pleasant assignments would foreclose one alternative assignment (Channel 269A) to Ravenel (Docket 80–201). Should Channel 269A be assigned to Ravenel, on the other hand, as stated before, either Eastover or Elloree (Docket 80–211) would be left without an assignment.

6. In addition to these proposals, the Commission has before it five petitions for rule making which relate to the proposals discussed above. These additional proposals are listed below.

Proposal in RM–3518

Edgefield Saluda Radio Company ("Edgefield Saluda"), licensee of daytime-only AM Station WJES, Johnson, S.C., filed a petition seeking the assignment of Channel 221A to Johnston, and the substitution of Channel 237A for Channel 221A in Batesburg.[8] If the CCBC counterproposal in Docket 80–213 were adopted, Channel 221A could not be assigned to Johnston due to short-spacing with that assignment as a substitute for Bamberg. However, Channel 224A would then be available in Johnston due to its deletion at Bamberg. A site restriction of 7 kilometers (4.4 miles) south is needed if Channel 224A is assigned to Johnston.

Proposal in RM–3556

William K. Durst ("Durst") filed a petition requesting the assignment of FM Channel 237A to Leesville, S.C., as that community's first local aural service.[9] If that channel is assigned to Leesville, then it could not be used as a substitute at Batesburg.

Proposal in RM–3613

Ridge Broadcasting Company ("Ridge"), licensee of FM Station WKWO–FM (Channel 221A) in Batesburg, asks us to reassign Channel 221A from Batesburg to Winnsboro Mills, S.C., and substitute Channel 237A for Channel 221A in Batesburg.[10] The Channel 237A substitution conflicts with the Leesville proposal. The Channel 221A assignment conflicts with the assignment of that channel (but not Channel 224A) at Johnston and other requests that follow for Saluda and Union.

Proposal in RM–3668

William K. Durst filed a second petition seeking the assignment of Channel 221A to Saluda, S.C., and the substitution of Channel 237A for Channel 221A at Batesburg.[11] As before, the Channel 237A substitution conflicts with the Leesville proposal. The Channel 221A proposal conflicts with the Johnston and Winnsboro Mills proposals, as well as the following one for Union.

Proposal in RM–3771

Edward L. B. Osborne, president of Broadcasting Company of Union, Inc. ("Union B/C"), licensee of Station WBCU(AM), Union, S.C., requests the assignment of Channel 221A to Union and the substituion of Channel 237A for Channel 221A in Batesburg.[12] As before, the Channel 237A substitution conflicts with the Leesville proposal; the Channel 221A proposal conflicts with requests at Winnsboro Mills and Saluda.

7. These rule making petitions affect the docketed proceedings because if the Batesburg substitution is not made, then Channel 221A is not available as a substitute at Bamberg which in turn would foreclose the Manning assignment (BC Docket No. 80–213). Taken altogether, a total of fourteen communities in South Carolina are involved in this proceeding. The following paragraphs briefly describe these communities in terms of population, location, present aural service, and need for an FM assignment.[13]

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[2] Public Notice of the petition was given on July 21, 1980, Report No. 1240.

[3] The Commission inadvertently neglected to give public notice of the Ravenel counterproposal. However, this *Further Notice* can serve that function and provide those persons who did not already have actual notice of the proposal the opportunity to submit comments.

[4] Channel 269A became available to Ravenel by virtue of our action dismissing the proposal to assign the same channel to Goose Creek, South Carolina, due to a lack of interest expressed in the assignment. *Report and Order*, 46 FR 10968, published February 4, 1981.

[5] Public Notice was given on August 6, 1980, Report No. 1242.

[6] Public Notice of the petition was given on August 6, 1980, Report No. 1242.

[7] BC Docket No. 80–214, 46 FR 14017, published February 25, 1981.

[8] Public Notice of the petition was given on October 31, 1979, Report No. 1198.

[9] Public Notice of the petition was given on February 1, 1980, Report No. 1211.

[10] Public Notice of the petition was given on March 31, 1980, Report No. 1221.

[11] Public Notice of the petition was given on May 20, 1980, Report No. 1229.

[12] Public Notice of the petition was given on November 3, 1980, Report No. 1254.

[13] The city of Bamberg is not discussed because the only change contemplated there is the substitution of one Class A channel for another.

8. North Charleston (pop. 19,864),[14] in Charleston County (pop. 247,650), is located approximately 10 kilometers (6 miles) north of Charleston. North Charleston is presently served locally by daytime-only AM Station WNCG and FM Station WKTM (Channel 273). The petitioner for the North Charleston assignment, T. B. Trammel, asserts that the city plays an important role in the growth and expansion of the entire county. Trammel states that North Charleston contains the largest share of industry in the area, as well as the Charleston Naval Base, which makes North Charleston a large center of employment.

9. Eastover (pop. 817), in Richland County (pop. 233,866), is located 40 kilometers (25 miles) east of Columbia, S.C. The city has no local aural service. Petitioner for the Eastover assignment, William G. Dudley III, states that Eastover is an incorporated town which is governed by an elected mayor and four town council members. Eastover is located in the heart of a large agricultural section of Richland County and serves as a marketplace for area farmers and agricultural workers and the employees of the East Coast steel mill, Westvaco forestry activities, and a new South Carolina electricity and gas complex.

10. Ravenel (pop. 961) is located in Charleston County (pop. 247,650), approximately 27 kilometers (17 miles) west of Charleston. The city has no local aural service. M. E. Foley, the proponent of the assignment to Ravenel, states that Ravenel is an incorporated town governed by a mayor and six town council members. In addition to being a "convenient resting place for travelers," Foley asserts that small locally owned businesses and a nearby chemical plant support the economy of the city. Recent estimates place the population of Ravenel at approximately 1,064.

11. Elloree (pop. 970), in Orangeburg County (pop. 69,789), is located approximately 106 kilometers (67 miles) northwest of Charleston, South Carolina. The city presently has no local aural service. Petitioner, Santee-Cooper, asserts that Elloree and its surrounding area is the retirement and recreational spot in the heart of South Carolina. It asserts that the proposed station would provide a first local aural service to Elloree and would also serve an important section of rural population in Orangeburg County.

12. Mount Pleasant (pop. 6,155), in Charleston County (pop. 247,650), is located approximately 6 kilometers (4 miles) from Charleston. The city does not presently have any local aural broadcast service. John M. Dunnagan, the proponent of the Mount Pleasant assignment, points out that Mount Pleasant has had a 20.3% increase in population between 1960 and 1970. He states that the most important industry in and around the city is fishing, with large seafood packing companies located in Mount Pleasant. Dunnagan notes that because of the community's rapid growth, the construction and service industries have expanded greatly.

13. Parris Island (pop. 8,668), in Beaufort County (pop. 51,136), is located approximately 85 kilometers (53 miles) southwest of Charleston, South Carolina. It has no local aural service. According to the petitioner for the Parris Island assignment, D. W. McFarland, Parris Island is a Marine Corps Recruiting Depot housing 2,300 permanent personnel and from 5,000 to 10,000 temporary personnel at any one time. Petitioner states that for assignment purposes Parris Island has many attributes of a community including a Base Exchange (general store), commissary, library, golf course, service station, post office, commercial bank, and bowling alley.

14. Manning (pop. 4,035), in Clarendon County (pop. 25,604), is located approximately 112 kilometers (70 miles) northwest of Charleston. Manning is presently served locally by FM Station WTWE (Channel 221A), licensed to Clarendon County Broadcasting Corporation ("CCBC"). CCBC is the proponent of the counterproposal in Docket 80-213 which would substitute Channel 223 for Channel 221A at Manning. CCBC states that a Class C station at Manning would provide a first aural nighttime service to 13,485 people in an area of 947 square kilometers (370 square miles) and a second FM service to 61,820 people in an area of 2,439 square kilometers (953 square miles). Manning's economy is supported by tourism, agriculture and agriculturally oriented businesses.

15. Batesburg, South Carolina (pop. 4,036) is located on the Saluda-Lexington County line (combined population 103,540), approximately 48 kilometers (30 miles) west of Columbia, South Carolina. Batesburg is currently served by FM Station WKWO-FM (Channel 221A), licensed to Ridge, and daytime-only AM Station WBLR.

16. Johnston (pop. 2,552) is in Edgefield County (pop. 15,692), approximately 72 kilometers (45 miles) west-southwest of Columbia. Johnston is currently served locally by daytime-only AM Station WJES, of which Edgefield Saluda is licensee. Edgefield Saluda tells us that Johnston is steadily growing in population and that farming, and peach growing, in particular, is its major industry, though manufacturing is increasing in importance in the local economy.

17. Leesville (pop. 1,907) is located in Lexington County (pop. 69,012), approximately 43 kilometers (27 miles) north of Columbia. Leesville has no local service at present. Durst states that both Leesville and Lexington County have been steadily growing in population.

18. Saluda (pop. 2,442), seat of Saluda County (pop. 14,528), is approximately 66 kilometers (41 miles) west of Columbia. Saluda has no local aural service. Durst states that Saluda is the commercial center for Saluda County agricultural and manufacturing industries, and that there are about 100 business establishments in the community.

19. Union (pop. 10,775), seat of Union County (pop. 29,230), is located 95 kilometers (60 miles) northwest of Columbia, S.C. Union is currently served by fulltime AM Station WBCU (1460 kHz). Union B/C submitted community data indicating that Union could support an FM outlet.

20. Winnsboro Mills (pop. 2,312) is in Fairfield County (pop. 19,099), approximately 42 kilometers (26 miles) north of Columbia. Winnsboro Mills currently has no local aural service. Ridge tells us that, although unincorporated, Winnsboro Mills is a separate community from nearby Winnsboro, with its own stores and business establishments, including a plant which employs nearly 900 people in manufacturing tire cord and industrial yarns.

21. Before discussing the various alternative plans being presented in this *Further Notice*, the comments addressing the newly added petitions for rule making will be summarized. The comments submitted in response to the three *Notices* before the Commission, unless indicated otherwise, will not be discussed at this time but will be considered and analyzed in any action taken in response to this *Further Notice* and are thus incorporated herein. The following paragraphs, therefore, set out the arguments made in response to the petitions for rule making which have not yet been the subject of a Notice of Proposed Rule Making. These include the proposals for Johnston, Saluda, Winnsboro Mills, Union (all of which also require a channel substitution at Batesburg), and Leesville.

[14] Population figures are taken from the 1970 U.S. Census.

22. Edgefield Saluda's petition to assign Channel 221A to Johnston and substitute Channel 237A for Channel 221A in Batesburg, was opposed by Durst because it would preclude the assignment of Channel 237A to Leesville. Durst notes that if Channel 237A were to be assigned as a substitute for Station WKWQ–FM, its present site would be short-spaced to FM Stations WNGC (Channel 238), Athens, Georgia, and WROQ (Channel 236), Charlotte, North Carolina. Clarke Broadcasting Corporation, licensee of Station WNGC, also opposes the substitute assignment of Channel 237A to Batesburg on grounds of short spacing to Athens. Edgefield Saluda points out in reply comments that a 5.5 kilometer (3.5 miles) south site relocation for Station WKWO–FM would solve this problem, and adds that, were it the successful applicant at Johnston, it would provide reimbursement to Ridge under *Circleville* [16] guidelines, for Station WKWO–FM's frequency and site changes. Edgefield Saluda has affirmed its intent to apply for Channel 221A, if that frequency is assigned to Johnston. Edgefield Saluda also submitted preclusion data regarding the assignment of Channels 221A and 237A to Johnston and Batesburg, respectively, which reveal no additional significant preclusion.

23. Ridge acknowledges the necessity for Station WKWQ to relocate its transmitter site, if Channel 237A is substituted for Channel 221A at Batesburg. It also affirms its intent to apply for Channel 221A, if that frequency is reassigned to Winnsboro Mills. Ridge's preclusion data indicates that the assignment of Channel 221A to Winnsboro Mills will not cause any additional preclusion, and that the assignment of Channel 237A to Batesburg will preclude only a very small area southeast of the community, which includes no communities of over 1,000 population. Edgefield Saluda opposes the Winnsboro Mills assignment, on the ground that it would preclude its proposed Johnston assignment, which it claims is a more efficient use of the spectrum because it is compatible with an additional assignment of Channel 221A at Union or Great Falls, South Carolina, while Channel 221A at Winnsboro Mills is not. Durst opposes the Ridge proposal on the ground that Winnsboro Mills is not in fact a separate community from Winnsboro and therefore does not warrant an FM assignment. Additionally, he raises the conflict posed with respect to his petition for the assignment of Channel 237A to Leesville. He asks that, if we delete Channel 221A from Batesburg for reassignment elsewhere and substitute Channel 237A at Batesburg, we should open Channel 237A for application and that he would apply for Channel 237A, to be used at Leesville under the Commission's "ten mile" rule. His preclusion study indicates no preclusive effect other than on Channel 237A in the Leesville-Batesburg area, which is said to contain no communities of over 1,000 population other than Leesville and Batesburg. In a later pleading, Durst requested that Channel 221A be reassigned from Batesburg to Saluda, and affirms his intent to apply for Channel 221A, if assigned to Saluda. [18]

24. Staff analysis reveals that Channel 237A is available for assignment as a "drop-in" channel, to either Leesville or Batesburg, only. [17] To comply with the Commission's minimum distance separation requirements, the site for Channel 237A would have to be located at least 5 kilometers (3.1 miles) southeast of Batesburg (5.5 kilometers (3.5 miles) south of Station WKWO–FM's present site) or at least 7 kilometers (4.6 miles) south of Leesville.

25. Our analysis of all the proposals being considered in this proceeding indicates that two sets of communities can be addressed independently. The first set of communities, which will be referred to as "Set A," includes North Charleston, Eastover, Ravenel, Elloree, Parris Island, and Mount Pleasant. The second set of communities, "Set B," includes Manning, Bamberg, Batesburg, Johnston, Winnsboro Mills, Saluda, Union, and Leesville. The two sets are independent because any of the assignment plans discussed below for Set A can be coupled with any assignment plan for Set B. The following section of this *Further Notice* will set out each of the assignment plans for both sets of communities. These plans have been developed based on the technical feasibility of making the assignments. At this stage of the proceeding, the Commission has not yet determined the merits of assigning channels to any particular community. Individual determinations as to each city's need for an assignment will be made following the receipt of all responses to this *Further Notice*. In commenting on the proposed alternatives, the original petitioners should indicate whether they still seek their requested assignments and whether they still commit themselves to applying for authority to operate a station on their requested channels, if assigned.

26.

Set A

City	Plan I	Plan II	Plan III
North Charleston, S.C.	241	241	
Eastover, S.C.	257A		240A
Ravenel, S.C.	288A	288A	240A
Elloree, S.C.		257A	257A
Parris Island, S.C.	221A	221A	221A
Mount Pleasant, S.C.	285A	285A	288A, 285A

27. The differences in the three plans in Set A are readily apparent. In Plan A–I, North Charleston is assigned a Class C channel, and all of the other communities are assigned Class A channels except Elloree. Plan A–II is similar except Elloree receives an assignment and Eastover does not. In comparing the two plans, it should be noted that Eastover (pop. 617) presently receives a 60 dBu service from four FM stations [19] while Elloree (pop. 970) currently receives a 60 dBu service from three FM stations. [19] Also, there is an application pending for a daytime-only AM station in Elloree-Santee. Plan A–III proposes no assignment to North Charleston, but assigns two Class A channels to Mount Pleasant. [20] The assignment of two channels to Mount Pleasant is supported by one of the parties to this proceeding, Santee-Cooper.

28.

Set B

City	Plan I	Plan II	Plan III	Plan IV
Manning, S.C.	223	223	223	
Bamberg, S.C.	221A	221A	221A	
Batesburg, S.C.	237A	237A	237A	
Johnston, S.C.	224A	224A		
Winnsboro Mills, S.C.	221A			
Saluda, S.C.			221A	

[16] *Circleville, Ohio*, 8 FCC 2d 158, 9 R.R. 2d 1579 (1967).

[17] The channel cannot be assigned to both communities, since they are approximately 5 kilometers (3 miles) apart, and the rules require a 104 kilometer (65 mile) separation.

[18] Durst acknowledges that his counterproposal seeking assignment of Channel 221A to Saluda conflicts with his petition seeking assignment of Channel 237A to Leesville (since Channel 237A would be unavailable for substitution at Batesburg). He suggests that Saluda merits a first FM assignment to a greater degree than Leesville, given Leesville's proximity to Batesburg and smaller population, but acknowledges that the comparative evaulation is within the ambit of Commission discretion.

[19] WCOS–FM and WNOK–FM, Columbia, South Carolina; WPJS, Orangeburg, South Carolina; and WWDM, Sumter, South Carolina.

[19] WDWQ, St. George, South Carolina; WWDM, Sumter; and WPJS, Orangeburg.

[20] The assignment of Channel 285A to Mount Pleasant requires the deletion of that channel from Beaufort, South Carolina. Class C FM Channel 259 was substituted for Channel 285A in Beaufort in the *Report and Order* in BC Docket No. 80–214, see footnote 6, *supra*.

Set B—Continued

City	Plan I	Plan II	Plan III	Plan IV
Union, S.C.		221A		
Leesville, S.C.				237A

29. Plans B–I, B–II and B–III all incorporate the counterproposal of Clarendon County Broadcasting Corporation ("CCBC") in Docket 80–213. According to CCBC, the substitution of a Class C channel in Manning would enable its station to provide a first aural nighttime service to 947 square kilometers (370 square miles) for 13,845 persons and a second FM service to 2,439 square kilometers (963 square miles) for 61,820 persons. CCBC asserts that, excluding the Charleston, South Carolina, urbanized area, only two cities with a population over 1,000 lie in or near the area which would be precluded by the assignment of Channel 223 to Manning. These cities are Folly Beach, South Carolina (pop. 1,157), and Pinehurst-Sheppard Park, South Carolina (pop. 1,711). CCBC's counterproposal requires a change of channels in Bamberg and Batesburg. Substituting Channel 221A for Channel 224A in Bamberg would require a site restriction of 2.8 kilometers west-northwest of the city. CCBC states that the transmitter site of WWBD–FM (the station currently using Channel 224A in Bamberg) meets this site restriction. CCBC states that it will reimburse the licensee of WWBD–FM for expenses incurred in the channel change if the substitution is made.

30. The CCBC counterproposal and the petitions seeking a channel assignment to Johnston, Winnsboro Mills, Saluda and Union all require the substitution of Channel 237A for Channel 221A in Batesburg. As noted above, the site for Channel 237A at Batesburg would have to be located at least 5 kilometers (3.1 miles) southeast of Batesburg which is 5.5 kilometers (3.5 miles) south of Station WKWQ–FM's present site. In view of the extraordinary expense involved and the difficulty in finding new sites for transmitters, ordinarily we do not make assignments which require existing stations to change sites. *See Ashville, North Carolina*, 36 R.R. 2d 810 (1976). Before we would make such an assignment, we ordinarily would need an expression of willingness to change sites on the part of the existing licensee, as well as a willingness to provide reimbursement on the part of the eventual permittees who would benefit from the modification.[21] However, since here Ridge has itself proposed changing Station WKWQ's site in connection with the assignment of Channel 221A to Winnsboro Mills, there may be no obstacle to our consideration of alternative assignments for Channel 221A, which would also require the site change for Station WKWQ. We shall look to Ridge's comments for any reason why it would not be willing to make a site change if Channel 221A were assigned to one of the other communities, instead,[22] and if it were not the ultimate permittee on the new Channel 221A assignment.

31. Regarding Johnston, Saluda, Winnsboro Mills, Union, and Leesville, each of the communities are seeking a first FM assignment. At this point in the proceeding, the primary distinguishing factor of the alternative assignment plans concerns the number of cities that can be accommodated. Plan B–I proposes assignments to both Johnston and Winnsboro Mills, favoring Winnsboro Mills over Union or Saluda for Channel 221A. Plan B–II proposes assignments to Johnston and Union favoring Union over Winnsboro Mills and Saluda. However, Saluda would receive a first service under Plan B–III in preference to Union, Winnsboro Mills and Johnston. Plan B–IV proposes only the assignment of Channel 237A to Leesville which would not involve a change in the transmitter site for Station WKWQ–FM.

32. Of the cities in Set B seeking first assignments, only Johnston and Union currently have a local aural service. Leesville receives a city-grade signal from Station WKWQ–FM in Batesburg. We do not generally require such information from petitioners seeking first FM assignments of Class A frequencies, but our deliberations would be aided by *Roanoke Rapids/Anamosa* studies,[23] and preclusion data from those who have not already provided it.

33. In addition to seeking comment on the alternative assignment plans proposed in this *Further Notice*, we are also issuing *Orders to Show Cause* to the licensees of Station WWBD–FM in Bamberg and Station WKWQ–FM in Batesburg. In this regard, William K. Durst, the proponent of the Leesville assignment, urges that Channel 237A, if substituted at Batesburg, be made available for application so that he may apply for use of Channel 237A at Leesville, under the "ten mile" rule (Section 73.203(b) of the Commission's Rules). See para. 23, *supra*. We believe that Batesburg channel, if substituted as proposed in Plans B–I, B–II and B–III, should not be open to the filing of completing applications. In the past, we have held that the principle announced in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), was applicable in situations where channels were being reassigned at the request of or for the personal convenience of the petitioners. We do not believe the *Cheyenne* doctrine applies in the instant case. We are not proposing to modify Ridge's license and require a site change at Batesburg merely for Ridge's convenience, so that Ridge might apply for Channel 221A elsewhere, while maintaining its Batesburg license on Channel 237A. Here, we are proposing to modify Ridge's license because it is the only way to make a Class C channel available in Manning and make an FM channel available for Johnston, Saluda, Winnsboro Mills or Union. The public interest, and not merely Ridge's private interest, would be served by the provision of this additional local service, and we could merely modify Ridge's license without subjecting the Batesburg channel to competing applications to facilitate this public interest goal.

34. We have determined that an *Order to Show Cause* to CCBC is not necessary because consent to the modification of its license at Manning is indicated by CCBC's stated interest in the Class C channel at Manning. However, in the event additional interests are expressed in the Class C channel here proposed, CCBC's license may not be modified to specify operation on Channel 223. According to Commission policy as expressed in *Cheyenne, Wyoming, supra*, other parties must be afforded an opportunity to state their interest in applying for a newly assigned Class C channel.

35. In view of the foregoing, the Commission seeks comment on the following proposed amendments to the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the communities listed below. As stated above, any plan from Set A can be combined with any plan from Set B.

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[21] CCBC states that because the licensee of WKWQ–FM in Batesburg is one of the parties seeking the substitution of Channel 237A for 221A in Batesburg, CCBC should not be required to reimburse WKWQ–FM for the channel change. We invite comment on this matter.

[22] We note that Ridge could apply for Channel 221A in any community to which we might assign it, and, conversely, assignment of Channel 221A to Winnsboro Mills in no way assures that Ridge will be the successful applicant for its use there.

[23] *Roanoke Rapids, North Carolina*, 9 FCC 2d 672 (1967); *Anamosa, Iowa*, 46 FCC 2d 520 (1974).

Set A

Community	Plan A–I		Plan A–II		Plan A–III	
	Present	Proposed	Present	Proposed	Present	Proposed
North Charleston	273	241, 273	273	241, 273	273	273
Eastover		257A				240A
Ravenel		288A		288A		240A
Elloree				257A		257A
Parris Island		221A		221A		221A
Mount Pleasant		285A		285A		288A, 285A

Set B

Community	Plan B–I		Plan B–II		Plan B–III		Plan B–IV	
	Present	Proposed	Present	Proposed	Present	Proposed	Present	Proposed
Manning	221A	223	221A	223	221A	223	221A	221A
Bamberg	224A	221A	224A	221A	224A	221A	224A	224A
Batesburg	221A	237A	221A	237A	221A	237A	221A	221A
Johnston		224A		224A				
Winnsboro Mills		221A						
Saluda						221A		
Union				221A				
Leesville								237A

36. *It Is Ordered,* That pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station WWBD–FM, Bamberg, South Carolina, *Shall Show Case* why its license *Should Not Be Modified* to specify operation on Channel 221A as proposed herein instead of the present Channel 224A.

37. *It Is Further Ordered,* That, pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station WKWQ–FM, Batesburg, South Carolina, *Shall Show Cause* why its license *Should Not Be Modified* to specify operation on Channel 237A as proposed herein instead of the present Channel 221A.

38. Pursuant to Section 1.87 of the Commission's Rules, the licensees of Stations WWBD–FM, Bamberg, South Carolina, and WKWQ–FM, Batesburg, South Carolina, may, not later than May 12, 1981, request that a hearing be held on the proposed modifications. Pursuant to § 1.87(f), if the right to request a hearing is waived, Stations WWBD–FM and WKWQ–FM may, not later than May 12, 1981, file a written statement showing with particularity why their licenses should not be modified as proposed in these *Orders To Show Cause.* In this case, the Commission may call on WWDB–FM and WKWQ–FM to furnish additional information, designate the matters for hearing, or issue, without further proceedings, an *Order* modifying the licenses as provided in the *Orders To Show Cause.* If the right to request a hearing is waived and no written statement is filed by the date referred to above, WWBD–FM and WKWQ–FM will be deemed to have consented to the modifications as proposed in the *Orders To Show Cause* and a final *Order* will be issued by the Commission, if the above mentioned channel modifications are ultimately found to be in the public interest.

39. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

40. Interested parties may file comments on or before May 12, 1981, and reply comments on or before June 1, 1981.

41. *It Is Further Ordered,* That the Secretary of the Commission *Shall Send* a copy of this *Order* by Certified Mail, Return Receipt Requested, to Radio Station WWBD–FM, Inc., P.O. Box 543, Bamberg, South Carolina 29003, and to The Ridge Broadcasting Company, P.O. Box 410, Batesburg, South Carolina 29006, the parties to whom the *Orders To Show Cause* are directed.

42. For further information concerning this proceeding, contact Michael A. McGregor or Molly Pauker, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

43. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 Do Not Apply to Rule makings to Amend §§ 73.202(b), 73.504, and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, *It Is Proposed to Amended* the FM Table of Assigments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this

effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submission by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-9001 Filed 3-25-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-168; RM-3561, and RM-3608]

FM Broadcast Station in Ellsworth, Farmington, Lewiston, and Skowhegan, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and orders to show cause.

SUMMARY: Action taken herein proposes three alternative plans for FM assignments to Lewiston and Skowhegan, Maine. Involved in the plans are related frequency changes at Ellsworth or Farmington, Maine, for which Orders to Show Cause are issued. The action taken herein was requested by WRXV, Inc. and Robert Harris.

DATES: Comments must be filed on or before May 12, 1981, and reply comments on or before June 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Ellsworth, Farmington, Lewiston, and Skowhegan, Maine); Notice of proposed rulemaking and orders to show cause.

Adopted: March 13, 1981.

Released: March 23, 1981.

By the Chief, Policy and Rules Division:

Petitions

1. We have under consideration two petitions for rulemaking. WRXV, Inc., licensee of WRXV(AM), Auburn, Maine, ("WRXV") seeks the assignment of Channel 238 to Lewiston, Maine, as that community's third FM assignment.[1] In order to meet the mileage separation requirements, Channels 232A and 239 would have to be deleted from Ellsworth, Maine. WRXV proposes Channels 296A and 233 as substitutes. A conflicting petition, filed by Robert Harris ("Harris"), seeks the assignment of either Channel 232A or 237A to Skowhegan, Maine, as the community's second FM assignment.[2] Channel 237A would be short-spaced to Channel 238 at Lewiston, and Channel 232A would be short-spaced to Channel 233 at Ellsworth. Consequently, Harris' petition is considered as a counterproposal to WRXV's proposal.[3]

Comments

2. Comments on WRXV's petition were filed by Alpine Broadcasting Corporation, licensee of Station WHOM(FM), Mount Washington, New Hampshire ("Alpine"). Alpine opposes a third FM assignment at Lewiston,[4] averring that Lewiston does not warrant additional aural service, and, further, should future Commission action prohibit ownership of AM–FM combinations in adjacent communities, WRXV may be required to divest Station WRXV(AM), Auburn, and should therefore indicate its willingness to do so. WRXV replies that Lewiston is the second largest community in Maine, and that it is not at present necessary for WRXV to agree to divest Station WRXV(AM). WRXV responded to Harris's petition for a Skowhegan channel by noting in a supplementary pleading that Channel 296A might be assigned to Skowhegan, instead. In a separate letter, WRXV further suggested that Channel 249A might be substituted for Channel 257A at Farmington, Maine, which would make Channel 257A available for Skowhegan.[5]

Community Data

3. Lewiston, Maine (population 41,779)[6] is located in Androscoggin County (population 91,279), approximately 56 kilometers (35 miles) north of Portland, Maine. Lewiston is currently served by FM stations WAYU (Channel 230) and WBLM (Channel 296) and fulltime AM Stations WCOU (1240 kHz) and WLAM (1470 kHz). WRXV states that Lewiston is a growing community, with a number of manufacturing and retail industries.

4. Skowhegan, Maine (population 7,601) is the seat of Somerset County (population 40,597), approximately 136 kilometers (85 miles) northeast of Portland, Maine. Skowhegan is currently served by FM Station WTOS (Channel 286) and daytime-only AM Station WSKW (1150 kHz). Harris states that Skowhegan is growing in population and is the home of a number of commercial services and sporting facilities.

Conflicts

5. The proposed site for Channel 238 at Lewiston would be 123 kilometers (77 miles) from WDEA's site on Channel 239 at Ellsworth. The mileage separation

[1] Public Notice of this petition was given on February 1, 1980, Report No. 1211.

[2] Public Notice of the petition was given on March 20, 1980, Report No. 1220.

[3] A separate petition filed on January 22, 1981 by Bloor Communications, Inc., licensee of Station WCUY–FM, Brewer, Maine, proposes to assign Channel 296 in place of Channel 296A. The latter channel would be substituted at Ellsworth for Channel 232A. (RM–3638) We have not consolidated that request with this proceeding since the Brewer assignment can be made on a non-comparative basis. However, since both proposals involve the Ellsworth substitute channel, comments may be submitted to the extent they address the substitute channel proposed at Ellsworth.

[4] Alpine also noted a short-spacing to a Canadian assignment which has since been deleted and no longer poses a conflict.

[5] This proposal would also require Station WKTJ–FM, Farmington (Channel 257A), to change frequency to 249A.

[6] Population data are based on 1970 U.S. Census figures.

rules requires 166 kilometers (105 miles) between first adjacent Class B channels. If Channel 233 is substituted for Channel 239, this short spacing can be avoided; however, unoccupied Channel 232A would then be only 19 kilometers (12 miles) from WDEA–FM's transmitter on Channel 233. The rules require 104 kilometers (65 miles) between first adjacent Class A and B channels. This short spacing can be corrected by substituting Channel 296A for 232A in Ellsworth. A site restriction of at least 16 kilometers (10 miles) east of Lewiston would be required for Channel 238.

6. However, both of Harris' requested channels for Skowhegan are incompatible with the Lewiston assignment. Channel 237A at Skowhegan would be 74 kilometers (46 miles) from Channel 238 at Lewiston. The rules require a 104 kilometer (65 miles) separation. Channel 232A at Skowhegan would be 88 kilometers (55 miles) from WDEA–FM's transmitter on Channel 233 at Ellsworth. The rules require a 104 kilometer (65 mile) separation. While the latter short spacing could be avoided by moving the WDEA–FM transmitter site approximately 16 kilometers (10 miles) east, we are reluctant to consider options which would result in such great expense, without a willingness expressed on the part of WDEA–FM to change its site. See *Asheville, N.C.*, 52 FCC 2d 1147, recon. den. 57 FCC 2d 1289 (1976). Therefore, we have not proposed any assignments which would involve moving the WDEA–FM transmitter.

Preclusion Considerations

7. The assignment of Channel 232A to Skowhegan would cause only co-channel preclusion in parts of Somerset and Franklin Counties (Maine). The assignment of Channel 237A to Skowhegan would cause co-channel preclusion only, in all or part of eleven Maine counties: Androscoggin, Franklin, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset and Waldo. Channel 238 at Lewiston, with a transmitter site 20 kilometers (12.7 miles) northeast of the city, as requested, would cause preclusion on Channels 237A, 238 and 239 in all or part of the following thirteen Maine counties: Androscoggin, Cumberland, Franklin, Hancock, Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo and York.

Discussion and Options

8. WRXV's request for Class B Channel 238 in Lewiston can be accomplished by the deletion of Channels 232A and 239 in Ellsworth and substitution of Channels 296A and 233 respectively in their place. Harris' request for a Class A channel in Skowhegan can be satisfied by a drop in of Channel 237A, 261A or 296A or by reassigning Channel 257A to Skowhegan from Farmington and substituting Channel 249A at Farmington. As a result, there are four combinations of assignments possible. However, one alternative, a Channel 237A assignment to Skowhegan, would require that a Channel 238 assignment to Lewiston be located beyond the point from which a city grade signal could be provided. Thus, there remain three feasible plans which are listed and discussed below.

Plan I

	Delete	Add
Ellsworth	232A, 239	233, 296A
Lewiston		238
Skowhegan		296A

Proposed site for Channel 238 in Lewiston is 21 kilometers (12.7 miles) northeast. Channel 296A in Skowhegan would preclude the change from Channel 296B to Channel 296C in Lewiston applied for by Stereo Corporation, the licensee on that assignment. WDEA–FM on Channel 239 in Ellsworth would have to change to Channel 233 (to be reimbursed by the ultimate Lewiston permittee, the beneficiary of this change).

Plan II

	Delete	Add
Ellsworth	232A, 239	233, 296A
Lewiston		238
Skowhegan		261A

Proposed site for Channel 238 in Lewiston is 21 kilometers (12.7 miles) northeast. WDEA–FM on Channel 239 in Ellsworth would have to change to Channel 233 (to be reimbursed by the ultimate Lewiston permittee, the beneficiary of this change). The assignment of Channel 261A to Skowhegan is possible due to the recent adoption in BC Docket 80–204, which assigned Channel 260 (with a site restriction) in place of Channel 261A in Auburn, Maine. A site restriction on the Skowhegan assignment of 4.8 kilometers (3 miles) northeast would be required.

Plan III

	Delete	Add
Ellsworth	232A, 239	233, 296A
Farmington	257A	249A
Lewiston		238
Skowhegan		257A

Proposed site for Channel 238 in Lewiston is 21 kilometers (12.7miles) northeast. WDEA–FM on channel 239 in Ellsworth would have to change to Channel 233 (to be reimbursed by the ultimate Lewiston permittee, the beneficiary of this change). WKTJ–FM on Channel 257A in Farmington would have to change to Channel 249A. This would cause a slight shortspacing to the present site of WJBQ on Channel 260 in Portland, Maine, but not to the site specified in its new construction permit. The cost of this channel change would be paid by the ultimate Skowhegan permittee as the beneficiary.

9. We seek comments on the feasibility and desirability of the three alternative plans, and the willingness of Harris and WRXV to provide reimbursement if they become permittees of their respective assignments. Intermixture of channel classes in Skowhegan is not a problem as Harris has expressed interest in a Class A assignment there. A preclusion study should be submitted to support an interest in any channel for which no such study has yet been presented. Canadian concurrence is required for all the possible assignments discussed. The proposed changes to the FM Table of Assignments (Section 73.202(b) of the FCC's Rules) with regard to listed communities are set forth in para. 8, *supra*.

10. It is ordered, That, pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station WDEA–FM, Ellsworth, Maine, shall show cause why its license should not be modified to specify operation on Channel 233 as proposed herein instead of the present Channel 239.

11. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station WDEA–FM Ellsworth, Maine, may not later than May 12, 1981, request that a hearing be held on the proposed modification. Pursuant to Section 1.879(f), if the right to request a hearing is waived, WDEA–FM may, not later than June 1, 1981, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. In this case, the Commission may call on WDEA–FM to furnish additional information, designate the matter for hearing, or issue, without further proceeding, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no

written statement is filed by the date referred to above, WDEA–FM will be deemed to consent to the modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

12. It is further ordered, That, pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station WKTJ–FM, Farmington, Maine, shall show cause why its license should not be modified to specify operation on Channel 249A as proposed in Plan III herein instead of the present Channel 257A.

13. Pursuant to Section 1.87 of the Commission's Rules and Regulations, the licensee of Station WKTJ–FM, Farmington, Maine, may not later than May 12, 1981, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to a hearing is waived, WKTJ–FM may, not later than June 1, 1981, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. In this case, the Commission may call on WKTJ–FM to furnish additional information, designate the matter for hearing, or issue, without further proceeding, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above WKTJ–FM will be deemed to consent to the modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

14. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

15. Interested parties may file comments on or before May 12, 1981, and reply comments on or before June 1, 1981.

16. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by Certified Mail, Return Receipt Requested, to Dudman Communications Corporation, 66 State Street, Ellsworth, Maine 04605 one of the parties to whom this *Order to Show Cause* is directed.

17. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order*, by Certified Mail, Return Receipt Requested, to Franklin Broadcasting Corporation, Voter Hill Road, Farmington, Maine 04938, one of the parties to whom this *Order to Show Cause* is directed.

18. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632–6302. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or Court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

19. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–8210 Filed 3–25–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket 81–169; RM–3776]

TV Broadcast Station in Oroville, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF television Channel 28 to Oroville, California, in response to a petition filed by

Sacramento Valley Family Television, Inc. The proposed assignment would provide a first commercial television service to Oroville.

DATES: Comments must be filed on or before May 12, 1981, and reply comments on or before June 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Oroville, California); Notice of proposed rule making.

Adopted: March 13, 1981.

Released: March 20, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making,[1] filed by Sacramento Valley Family Television, Inc. ("petitioner"), which seeks the amendment of § 73.606(b) of the Commission's Rules (Television Table of Assignments) by assigning UHF-TV Channel 28 to Oroville, California. Petitioner states that it will apply for authority to construct and operate on Channel 28, if assigned. No oppositions to the proposal were received.

2. Oroville (pop. 7,356)[2] in Butte County (pop. 101,969), is located approximately 112 kilometers (70 miles) north of Sacramento. It has no local television service.

3. Petitioner claims that Oroville has experienced a significant growth in population and construction (housing and light industry), which is expected to continue. Further, it has become the trade center for Butte County, the area's recreation center, and has a daily newspaper. Petitioner also states that the community's substantial economic and population growth, and its commercial and cultural vitality, support its obtaining its first local television service.

4. In view of the above, we propose to amend the Television Table of Assignments (Section 73.606(b) of the Commission's Rules) with respect to the following community:

City	Channel No. Present	Proposed
Oroville, California		28

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1981, and reply comments on or before June 1, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-9213 Filed 3-25-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on November 3, 1980, Report No. 1254.

[2] Population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket 81-03, Notice 2]

Evaluation Report on Federal Motor Vehicle Safety Standard No. 203, Impact Protection for the Driver from the Steering Control System, and No. 204, Steering Column Rearward Displacement

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Extension of comment period.

SUMMARY: On January 26, 1981 (46 FR 8066), the agency announced the publication of an Evaluation Report on Federal Motor Vehicle Safety Standard No. 203, *Impact Protection for the Driver from the Steering Control System* (49 CFR 571.203), and Standard No. 204, *Steering Control Rearward Displacement* (49 CFR 571.204). The report evaluates the effectiveness and costs of the the Federal standards that limit the impact force and rearward displacement of the steering assemblies in passenger cars. The agency set April 27, 1981 as the closing date for submitting comments on the evaluation report.

On February 12, 1981, Ford Motor Company (Ford) requested the agency to extend by 60 days the period for submitting comments on the evaluation report. Ford said that essentially the same personnel that are responding to the final and proposed rules issued by the agency in December and January would be needed to analyze and respond to the evaluation report. Ford said that without the use of extensive overtime, it would have difficulty submitting comments on the evaluation report by April 27, 1981.

In order to give Ford and other manufacturers sufficient time to thoroughly analyze the evaluation report, the agency has decided to extend the comment closing date by 60 days to June 26, 1981.

DATE: Deadline for submission of comments is extended to June 26, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Frank G. Ephriam (202) 426-1575.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50 and 501.8)

Issued on March 20, 1981.

Barry Felrice,
Associate Administrator for Plans and Programs.

[FR Doc. 81-8234 Filed 3-24-81; 8:45 am]
BILLING CODE 4910-59-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 1 and 2

Implementation of Commission's Delegation of Authority To Determine Whether There Have Been Significant Changes in Operating License Applicant's Activities or Proposed Activities Since the Construction Permit Antitrust Determination

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission proposes to amend its regulations to implement the Commission's delegation of authority to make the "significant changes" determination to the Director of Nuclear Reactor Regulation and the Director of Nuclear Material Safety and Safeguards. The "significant changes" determination is whether there have or have not been changes of antitrust significance in an operating license applicant's activities or proposed activities under its license that have occurred subsequent to the antitrust review conducted in connection with the construction permit under Section 105(c)(2) of the Atomic Energy Act of 1954, as amended. This proposed rule would implement NRC internal procedural changes and has no substantive effect on licensees of any class.

DATES: Comments must be submitted on or before April 27, 1981.

ADDRESSES: Written comments concerning the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:
Robert S. Wood, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation, Washington, DC 20555, Telephone: (301) 492-8303.

SUPPLEMENTARY INFORMATION: On September 12, 1979, the Nuclear Regulatory Commission delegated its authority to make a "significant changes" determination under Section 105c(2) of the Atomic Energy Act of 1954, as amended, to the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate. In connection with that delegation, the Commission approved procedures to be used until such time as effective regulations implementing those procedures were adopted.

The Commission now proposes to amend its rules of practice in 10 CFR Part 2 which pertain to the Commission's authority to make a "significant changes" determination to implement the delegation of that authority to the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate. The proposed rules are self-explanatory: they require that a determination be made as to whether or not there have been changes of antitrust significance in an operating license applicant's activities or proposed activities under his license that have occurred subsequent to the review conducted in connection with the construction permit and afford the public an opportunity to participate in the making of the determination by submitting comments. Also, the Commission proposes to amend 10 CFR Part 2 and Appendix A to Part 2 to reflect the fact that all applications for operating licenses for facilities for which construction permits were issued under Section 104b of the Atomic Energy Act have already been reviewed. It is therefore proposed that appropriate deletions be made in regulations under that Section in 10 CFR 2.101(d)(1) and in Appendix A to Part 2. Conforming amendments to the regulations in 10 CFR Part 1 are also proposed.

Because these amendments relate to rules of agency procedures and practice, notice of proposed rulemaking and public procedure thereon are not required. Nonetheless, the Commission would welcome public comment on the proposed amendments, since they enlarge public notice and the opportunity for public participation in the Commission's determination of whether there have been significant competitive changes in an operating license applicant's activities or proposed activities under its license which have occurred subsequent to the review conducted in connection with the construction permit.

REGULATORY FLEXIBILITY STATEMENT: In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed rule would implement NRC

internal procedural changes and would have no substantive effect on licensees of any class.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter 1, Code of Federal Regulations Parts 1 and 2 is contemplated:

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

10 CFR Part 1 is amended as follows:

1. The authority citation for Part 1 reads as follows:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); secs. 201, 203, 204, 205, and 209, Pub. L. 93-438, 88 Stat. 1242, 1244, 1245, 1246 and 1248 (42 U.S.C. 5841, 5843, 5844, 5845, and 5849); Pub. L. 94-79, 89 Stat. 413; and 5 U.S.C. 552 and 553.

2. 10 CFR 1.42 is amended by revising paragraph (e) to read as follows:

§ 1.42 Office of the Executive Legal Director.

* * * * *

(e) The Antitrust Division acts as counsel for the NRC staff in public administrative proceedings before the Commission, Atomic Safety and Licensing Appeal Boards, Atomic Safety and Licensing Boards, and administrative law judges, in matters relating to antitrust aspects of applications for nuclear facility licenses; provides legal advice regarding NRC antitrust responsibilities; and, for operating license antitrust reviews, together with the Utility Finance Branch of the Office of Nuclear Reactor Regulation, recommends to the appropriate Office Director (NRR or NMSS) whether or not finding of significant changes should be made.

3. 10 CFR 1.61 is amended by revising paragraph (e) to read as follows:

§ 1.61 Office of Nuclear Reactor Regulation.

* * * * *

(e) The Utility Finance Branch conducts prelicensing reviews of applications for nuclear facilities to assure that issuance of a license will not create or maintain a situation inconsistent with the antitrust laws; for operating license antitrust reviews, together with the Antitrust Division of the Office of the Executive Legal Director, recommends to the appropriate Office Director (NRR or NMSS) whether or not a finding of significant changes should be made; and is responsible for ascertaining compliance with license conditions pertaining to antitrust matters. It administers the Commission's program for indemnification of licensees against public liability claims arising out of nuclear incidents; and executes indemnification agreements with licensees pursuant to sections 170c, 170k, and 170.1 of the Atomic Energy Act of 1954, as amended.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

10 CFR Part 2 is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948 as amended (42 U.S.C. 2201); Pub. L. 90-23, 81 Stat. 54 (5 U.S.C. 552), unless otherwise noted. Section 2.200-2.206 also issued under sec. 186, Pub. L. 83-703, 68 Stat. 955 (42 U.S.C. 2236), and sec. 206, Pub. L. 93-438, 88 Stat. 1246 (42 U.S.C. 5846), and §§ 2.800-2.807 also issued under Pub. L. 89-554, 80 Stat. 883 (42 U.S.C. 553), unless otherwise noted.

2. 10 CFR 2.101 is amended by revising the introductory text of paragraph (c) and revising paragraph (e) to read as follows:

§ 2.101 Filing of application.

* * * * *

(c) The notice published in the Federal Register announcing receipt of the antitrust information part of the application for a facility license under section 103 of the Act, except for those applications described in § 2.101(e) and § 2.102(d)(2), will state that:

* * * * *

(e) (1) Upon receipt of the antitrust portion of an application for a facility operating license under section 103 of the Act, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, will publish in the Federal Register and in appropriate trade journals a "Notice of Receipt of Operating License Application and Request for Antitrust Information." Such notice will invite persons to submit within sixty (60) days after publication of the notice comments or information concerning the antitrust aspects of the application to assist the Director in determining whether significant changes in the licensee's activities or proposed activities have occurred since the completion of the previous antitrust review in connection with the construction permit pursuant to section 105c of the Act. Such notice will also state that persons who wish to have their views on the antitrust aspects of the application presented to the Attorney General for consideration should submit such views within sixty (60) days after publication of the notice to: U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch.

(2) If the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, after reviewing any comments or information received in response to the published Notice and any comments or information regarding the applicant received from the Attorney General, concludes that there have been no significant changes since the completion of the previous antitrust review in connection with the construction permit, a finding of no significant changes will be published in the Federal Register together with a notice stating that a request for reevaluation of such proposed finding should be submitted within sixty (60) days of publication of the notice. If no requests for reevaluation are received within that time, the proposed finding shall become the NRC's final determination. Requests for a determination of significant changes will be accepted after the date when the NRC determination becomes final but before the issuance of the OL only if they contain new information such as information of facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

(3) If, as a result of the reevaluation of the finding described in paragraph (e)(2), it is determined that there have been no significant changes, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, will deny the request and will publish a notice of finding of no significant changes in the Federal Register. Such notice and finding shall become the final NRC decision thirty (30) days after being made and only in the event that the Commission has not exercised sua sponte review.

(4) If the Director of Nuclear Reactor Regulation of the Director of Nuclear Material Safety and Safeguards, as appropriate, concludes that significant changes have occurred since the completion of the antitrust review in connection with the construction permit, the provisions of § 2.102(d) shall apply.

3. 10 CFR Section 2.102 is amended by revising paragraphs (d)(1) and (d)(2) to read as follows:

§ 2.102 Administrative review of application.

* * * * *

(d) (1) The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as

appropriate, will refer and transmit a copy of each docketed application for a construction permit or an operating license for a utilization or production facility under section 103 of the Act to the Attorney General as required by section 105c of the Act.

(2) The requirements of paragraph (d)(1) do not apply to an application for an operating license for a production or utilization facility under section 103 of the Act for which the construction permit was also issued under section 103, unless the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, determines, after consultation with the Attorney General and in accordance with § 2.101(e), that such review is advisable on the ground that significant changes in the licensee's activities have occurred subsequent to the previous review by the Attorney General and the Commission under section 105c of the Act in connection with the construction permit.

* * * * *

Appendix A to 10 CFR Part 2 is amended as follows:

1. The authority citation for Appendix A reads as follows:

Authority: (Sec. 161, 68 Stat. 948 (42 U.S.C. 2241); sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841)).

2. Appendix A to 10 CFR Part 2 is amended by revising paragraph X(a), revising and redesignating paragraph X(b), as X(b)(1), adding subparagraphs X(b)(2)–X(b)(5), and revising paragraph X(c) to read as follows:

X. Proceedings For the Consideration of Antitrust Aspects of Facility License Applications

(a) Under the Atomic Energy Act of 1954, as amended, the Commission is required, with respect to applications for construction permits or operating licenses for production and utilization facilities for industrial or commercial purposes licensed under section 103, which include power reactors subject to the manadatory hearing requirements of section 189a of the Act, to follow procedures for antitrust review in section 105 of the Act. This section outlines the procedures used by the Commission to implement that section.

(b)(1) When an application for a construction permit or an operating license for a facility under section 103 of the Act subject to antitrust review under section 105 is received, the notice of receipt of application published in the Federal Register will state that persons who wish to have their views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after publication of the notice.

(2) Upon receipt of the antitrust portion of an application for a facility operating license under section 103 of the Act, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, will publish in the Federal Register and in appropriate trade journals a "Notice of Receipt of Operating License Application and Request for Antitrust Information." Such notice will invite persons to submit within sixty (60) days after publication of the notice comments or information concerning the antitrust aspects of the application to assist the Director in determining whether significant changes in the licensee's activities or proposed activities have occurred since the completion of the previous antitrust review in connection with the construction permit pursuant to section 105c of the Act. Such notice will also state that persons who wish to have their views on the antitrust aspects of the application presented to the Attorney General for consideration should submit such views within sixty (60) days after publication of the notice to: U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch.

(3) If the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, after reviewing any comments or information received in response to the published notice and any comments or information regarding the applicant received from the Attorney General, concludes that there have been no significant changes since the completion of the previous antitrust review in connection with the construction permit, a finding of no significant changes will be published in the Federal Register, together with a notice stating that a request for reevaluation of such proposed finding should be submitted within sixty (60) days of publication of the notice. If no requests for reevaluation are received within that time, the proposed finding shall become the NRC's final determination. Requests for a determination of significant changes will be accepted after the date when the NRC determination becomes final but before the issuance of the OL only if they contain new information such as information of facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

(4) If, as a result of the reevaluation of the proposed finding described above, it is determined that there have been no significant changes, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, will deny the request and will publish a notice of his finding of no significant changes in the Federal Register. Such notice and finding shall become the final NRC decision thirty (30) days after being made and only in the event that the Commission has not exercised sua sponte review.

(5) If the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, concludes that significant changes have occurred since the completion of the previous antitrust review in connection with the construction permit, the provisions of § 2.102(d) shall apply.

(c) (1) The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, will refer and transmit a copy of each application for a construction permit or an operating license for a utilization or production facility under Section 103 of the Act, to the Attorney General as required by section 105c of the Act. Under that section, the Attorney General will, within a reasonable time, but in no event to exceed 180 days after receipt, render such advice to the Commission as he determines to be appropriate in regard to the finding to be made by the Commission as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws specified in section 105c of the Act.

(2) Such review is not required for applications for operating licenses for production or utilization facilities under section 103 of the Act for which the construction permit was also issued under section 103, unless the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, determines, after consultation with the Attorney General and in accordance with § 2.101(e), that such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and by the Commission under section 105c of the Act in connection with the construction permit.

* * * * * *

For The Nuclear Regulatory Commission.
Samuel Chilk,
Secretary of the Commission.
Dated at Washington, DC, this 20th day of March 1981.
[FR Doc. 81-8824 Filed 3-25-81; 8:45 am]
BILLING CODE 7590-01-M

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10 CFR Part 35

Therapeutic Treatment of Cardiac Dysfunction by Iodine-131

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of intention to retain existing regulation.

SUMMARY: The Nuclear Regulatory Commission is issuing this notice of intent to retain in its regulations the treatment of cardiac dysfunction by iodine-131 as an accepted therapeutic procedure. In 1978, this procedure was reclassified by the Food and Drug Administration (FDA) as lacking substantial evidence of effectiveness. However, NRC's Advisory Committee on the Medical Use of Isotopes, the American College of Cardiology and several physicians have recommended that this treatment should not be removed from NRC regulations since this would be detrimental to the health of some patients.

DATES: Comment period expires May 26, 1981. Comments received after May 26, 1981, will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before May 26, 1981.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on this notice to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Deborah A. Bozik, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Phone 301-443-5860).

SUPPLEMENTARY INFORMATION: Section 35.100(d)(1) of 10 CFR Part 35, "Human Uses of Byproduct Material," permits the use of iodine-131 as therapeutic treatment of cardiac dysfunction. This notice sets out the reasons for the Commission's decision to retain this regulation. Iodine-131 in the form of sodium-iodide is used as a therapeutic agent in the treatment of euthyroid heart diseases such as angina pectoris and congestive heart failure. This treatment of cardiac dysfunction with iodine-131 was introduced approximately thirty years ago. FDA has on record clinical studies which document safety when iodine-131 is used to treat cardiac dysfunction. While the application of iodine-131 to the thyroid during the therapeutic treatment of cardiac dysfunction does damage the thyroid, the net effect on patients has been demonstrated through clinical tests to be beneficial and no major adverse side effects have been identified. In 1971, the Food and Drug Administration classified the therapeutic treatment of cardiac dysfunction with iodine-131 as possibly effective. Since no person submitted any clinical data to support the possibly effective indication, the FDA reclassified the treatment of cardiac dysfunction as lacking substantial evidence of effectiveness in 1978 (41 FR 36000). Other alternatives, principally non-radioactive drug therapy, have largely replaced iodine-131 for the treatment of cardiac dysfunction.

Although FDA's action was based on lack of evidence of effectiveness, this should not be taken as a definite conclusion that the treatment of cardiac dysfunction with iodine-131 is ineffective.

Since 1951, the FDA has recorded three adverse reactions to the use of iodine-131 in the therapeutic treatment of cardiac dysfunction. Two of these reactions were classified as possibly drug related, and the third was classified as remotely drug related.

On February 9, 1979, NRC published a final Medical Policy Statement, 44 FR 8242, which stated in part that "NRC will continue to restrict the uses of therapeutic and certain diagnostic radioactive drugs to the indicated procedures that have been approved by FDA." However, FDA's basic regulatory policy does not infringe on the physician's medical treatment prerogatives. NRC's Medical Policy Statement establishes that, in the best interest of the patient, a proper balance and flexibility should exist between the exercise of governmental regulatory authority in the nuclear medicine area and the practice of medicine by physicians. The Policy Statement conveys this idea as follows:

> The NRC will minimize intrusion into medical judgments affecting patients and into other areas traditionally considered to be part of the practice of medicine.
>
> The Commission recognizes that physicians have the primary responsibility for the protection of their patients. The Commission believes that basic decisions concerning the diagnosis and treatment of disease are a part of the physician-patient relationship and are traditionally considered to be a part of the practice of medicine. NRC regulations are predicated on the assumption that properly trained and adequately informed physicians will make decisions in the best interest of their patients.

Both the American College of Cardiology and several physicians have indicated that the therapeutic treatment of cardiac dysfunction by iodine-131 should not be removed from NRC regulations since this would be detrimental to the health of some patients. In accord with this indication, at its most recent meeting on August 18, 1980, NRC's Advisory Committee on the Medical Uses of Radioisotopes recommended that cardiac dysfunction therapy with iodine-131 should be unconditionally retained in the regulations.

The Commission has concluded that NRC should unconditionally retain in § 35.100(d)(1) of 10 CFR the use of iodine-131 for the therapeutic treatment of cardiac dysfunction. The Commission believes that this decision is in consonance with the expressed intent of the Medical Policy Statement which was formulated to encompass a proper balance and flexibility so that the best interests of patients would not be compromised. The Commission believes that this position exemplifies and accentuates the balance which was built into the Medical Policy Statement.

Comments, suggestions, or recommendations concerning this action by the Commission are invited from all interested persons.

(Secs. 81, 161, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington D.C., this 19th day of March 1981.

For the Nuclear Regulatory Commission.
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 81-8825 Filed 3-25-81; 8:45 am]
BILLING CODE 7590-01-M

Notices

Federal Register
Vol. 46, No. 58
Thursday, March 26, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Agency Decisional Processes, Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-163), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 10:00 a.m., Monday, April 13, 1981 at the office of Ginsburg, Feldman, Weil & Bress, 1700 Pennsylvania Avenue, NW., Suite 300, Washington, D.C.

The Committee will meet to discuss its draft recommendation on separation of functions and staff communications with decisionmakers in agency proceeding.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administration Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Charles R. Pouncy, staff attorney, Administrative Conference of the United States, 2120 L Street NW., Washington, D.C. (202-254-7065). Minutes of the meeting will be available upon request.

Richard K. Berg,
Executive Secretary.

[FR Doc. 81-9101 Filed 3-25-81; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Stillwater PGM Resources Proposed Platinum Mining and Milling Facilities, Gallatin National Forest, Big Timber Ranger District, Sweet Grass County, Mont.; Intent to Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the development of the proposed Stillwater PGM Resources platinum mining and milling facility on the Big Timber Ranger District.

The environmental impact statement will be written as a joint federal-state document with the Montana Department of State Lands.

A range of alternatives will be considered for this project. The alternatives will include alternate sites for the various facilities. Specific alternatives will be developed as the scoping process evolves.

Early in the environmental analysis, Federal, state, and local agencies, and individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process, which includes: (a) indentification of those issues to be addressed; (b) identification of issues to be analyzed in depth; and, (c) elimination of insignificant issues, or those which have been covered by a previous environmental review.

John Drake, Forest Supervisor, Gallatin National Forest, is the responsible official. Questions about the proposed action and environmental impact statement should be directed to Sherm Sollid, the geologist in the Forest Supervisor's Office (phone 406-587-5271).

The analysis is expected to take about 21 months. The draft environmental impact statement should be available for public review by September 1982. The final environmental impact statement is scheduled to be completed in January 1983.

Written comments and suggestions concerning this analysis should be sent to John Drake, Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Montana, 59715, by June 15, 1981.

Dated: March 20, 1981.
John T. Drake,
Forest Supervisor.

[FR Doc. 81-9186 Filed 3-25-81; 8:45 am]
BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Sugar From the United Kingdom; Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination To Revoke

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the countervailing duty order on sugar from the United Kingdom. As a result of this review, the Department has preliminarily determined to revoke such order on the grounds that the subsidy practices cited in the final determination have been terminated and that the merchandise has been covered by a subsequent order. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 26, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black or Josephine A. Russo, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774 or 377-2786).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 22, 1938, the Department of the Treasury imposed a countervailing duty order (T.D. 49344) on refined sugar from the United Kingdom of Great Britain and Northern Ireland ("the UK"). The order stated that exports of this merchandise benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303)("the Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1973, the UK became a member of the European Communities

("the EC"). On July 28, 1978, a notice of "Final Countervailing Duty Determination," T.D. 78-253, was published in the **Federal Register** (45 FR 33237) regarding exports of sugar from the EC. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. The authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department") on January 2, 1980. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455), a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Act, the Department has conducted an administrative review of the order on sugar from the UK.

Scope of the Review

Imports covered by this review are sugar from the UK. Sugar is currently classifiable under items 155.20 and 155.30 of the Tariff Schedules of the United States. The countervailable program cited in the final determination was the excessive drawback of customs duties on imported raw sugar.

Preliminary Results of the Review

As a result of our review, we preliminarily conclude that the imported merchandise no longer benefits from subsidies from the Government of the UK. The Department has received official confirmation that the UK eliminated the program of excessive duty drawbacks, and that sugar from the UK does not benefit from any subsidies other than those available under programs of the EC. In addition, entries of this merchandise are presently covered by the countervailing duty order on sugar from the EC.

Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department has tentatively determined to revoke the countervailing duty order concerning sugar from the UK. If this order is revoked, it shall apply to unliquidated entries of UK sugar entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to April 4, 1980, the date of suspension of liquidation of all entries covered by the countervailing duty order on sugar from the EC. Entries on or after April 4, 1980 of UK sugar will be included in the Department's administrative review of the order on sugar from the EC.

Interested parties may submit written comments on this decision within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 25 days of the date of publication. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative reivew, tentative determination to revoke, and notice are in accordance with sections 751 (a)(1), (c) of the Act (19 U.S.C. 1675 (a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 20, 1981.

[FR Doc. 81-9088 Filed 3-25-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Territorial and International Affairs

Rules for the Allocation of Watch Quotas for Calendar Year 1981 Among Producers Located in the Virgin Islands, Guam, and American Samoa

AGENCY: Import Administration, International Trade Administration, Department of Commerce; Office of Territorial and International Affairs, Department of the Interior.

ACTION: Final annual rules.

SUMMARY: The rules establish the formula for allocation of calendar year 1981 watch quotas among producers in the Virgin Islands and Guam; raise the maximum of wages per person that shall be credited in the wage factor of the formula; reduce the weight assigned to taxes in the allocation formula; increase the weights assigned to wages and shipments; and set aside quota for applications from new firms in the Virgin Islands and American Samoa. The Departments published the rules in proposed form on November 24, 1980 (45 FR 77496 (1980)), and invited comments from interested persons. A summary and discussion of the comments received is contained in Supplementary Information below.

DATE: These rules are effective March 26, 1981.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Frank W. Creel, who can be reached on 202-377-1660.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 dated February 17, 1981, the Departments of Commerce and the Interior have determined that these rules do not constitute a "major rule" as defined by Section 1(b) of the Order. They are not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices in either the public or private sector; or

(3) Significant adverse impact on the domestic economy or on the ability of U.S. enterprises to compete with foreign enterprises.

Additionally, to further the intent of the Regulatory Flexibility Act, the Departments have determined that publication of these rules will have no adverse impact on small business entities. The interests of the small business entities affected by the rules, in fact, require their publication in order that the Departments might timely allocate the duty-free quotas upon which the continued existence of these small business entities depends.

Finally, the Departments have determined that publication of these rules will result in negligible additional paperwork the burden of which is limited solely to those entities receiving the associated federal benefits. Accordingly, publication of these rules is consistent with the Departments' responsibilities under the paperwork Reduction Plan Act of 1980.

In response to their invitation for comments, the Departments received two submissions. One Commentor expressed its general support for the rules as proposed and had no objections to any of the proposed provisions.

The other commentor, the Guam Department of Commerce, commented as follows:

> As of 1980, the firms engaged in the assembly of watches and bands in Guam have discontinued their operations. The major cause for the failure of watch assembly operations in Guam was the year to year changes in watch quota allocations and other non-quota barriers. Quota restrictions and the threat of their impositions seriously detain the establishment of stable industries in the territories. In certain cases, quotas were allocated at a late date allowing inadequate time for the marketing process which includes the production plan and provision of supplies. Without consideration of these basic business practices, the firms were incurring unnecessary expenses leading to discontinued operations.

This commentor observed that industrial development in the U.S. territories could not, because of its inherently small scale, pose any threat to the U.S. domestic industry; that self-sufficiency of the territories would alleviate an undesirable drain on the federal budget; and concluded that, "in order to have the Headnote 3(a) become a genuine impetus for the development of the territories, it is necessary to have legally binding assurances that the exports of the territories to the U.S. under the Headnote 3(a) will not be subject to quotas or any other non-quota barrier."

The Departments note that the comments of the Guam Department of Commerce are essentially concerned with legislative issues which might be presented to the Congress, and not with regulatory provisions of existing law. The quota itself, for example, is a statutory provision which the Departments are charged with allocating, and may not be removed except by act of the Congress. It is also provided by law that the amounts of the territorial quotas be determined by the International Trade Commission and communicated to the Departments by April 1 each year. Accordingly, the Departments are not authorized to make full annual allocations of quota prior to April 1.

We note, however, that implementing regulations provide for initial quota allocations, pending the annual allocations, which permit operational continuity by all firms, whether in Guam or the Virgin Islands. Also, the Departments selected during 1980 a new Guam firm which is expected to commence operations early in 1981. Provided the firm is successful and conducts its operations in accordance with the projections contained in its new-entrant application, the Departments fully expect its contributions to the Guam economy will substantially exceed the respective contributions of firms which formerly operated in Guam.

When the Departments published the proposed rules, certain circumstances pertaining to the allocation of the 1981 Guam quota were not yet clear. In this connection, there were no shipments from Guam during 1980, either by the firm which was an eligible producer on the basis of its 1979 shipments or by the new firm selected by the Departments during 1980. The former producer, in addition, did not submit an application for quota in 1981 and thereby relinquished its status as an eligible producer. The new firm, although unable to commence assembly operations and make shipments during 1980, has applied for quota in 1981. Section 2 of the final rules makes appropriate provisions for allocating the 1981 Guam quota to this single eligible producer in Guam.

Accordingly, the final 1981 watch quota allocation rules are adopted as shown below.

(Pub. L. 89-805, 80 Stat. 1521 (19 U.S.C. 1202) as amended; 15 CFR Part 303)

Issued at Washington, D.C., on March 23, 1981.

Wesley Partridge,

Deputy to the Deputy Assistant Secretary for Import Administration, International Trade Administration, U.S. Department of Commerce.

Ruth G. Van Cleve,

Deputy Assistant Secretary for Policy, Territorial and International Affairs, U.S. Department of the Interior.

Section 1. (a) A portion of the 1981 Virgin Islands quota determined in accordance with subsection (b) below will be allocated on the basis of (1) the dollar amount of wages, up to a maximum of $17,000 per person, paid by each producer during calendar year 1980 to Virgin Islands residents and attributable to each producer's headnote 3(a) watch and watch movement assembly operations, (2) the dollar amount of income taxes paid by each producer during calendar year 1980 attributable to its headnote 3(a) watch and watch movement assembly operations (excluding penalty payments and income tax refunds and subsidies paid by the Virgin Islands government during calendar year 1980), and (3) the number of units of watches and watch movements assembled in the Virgin Islands and entered by each producer duty-free into the customs territory of the United States during calendar year 1980.

(b) In making allocations under this formula, a weight of 70 percent will be assigned to the wage factor, a weight of 5 percent will be assigned to the income tax factor, and a weight of 25 percent will be assigned to the shipment factor. An amount representing that portion of the 1981 Virgin Islands quota equal to the ratio of general headnote 3(a) shipments of watches and watch movements from the territory during 1980 to the total 1980 Virgin Islands quota will be allocated among the producers in the Virgin Islands, in accordance with the allocation factors and weights specified in (a) above.

Section 2. Sixty percent of the 1981 Guam quota may be allocated, pursuant to § 303.5(a)(4) of Title 15 of the Code of Federal Regulations, to the new Guam firm selected in 1980 (see also subsection 3(b) and Section 6, below).

Section 3. (a) The portion of the Virgin Islands quota not allocated pursuant to Section 1, except as specified in Section 4, will be allocated among firms meeting the requirements of paragraphs (1) or (2) of this section. Eligible firms will be allocated quota in accordance with the factors and weights specified in Section 1. Allocation of the portion of the Virgin Islands quota under this Section will be made to firms which: (1) Assembled all watch movements shipped during 1980 from unassembled movements having at least 26 discrete components and all watches (that is, cased movements) during 1980 from at least 29 discrete components, including at least 26 movement components and at least 3 case components; or (2) Made wage payments during 1980 in the territory averaging not less than $.75 per watch movement and $.95 per watch assembled and shipped into the customs territory of the United States. In determining a firm's eligibility under this criterion, the Departments may make appropriate data adjustments to take into account wages paid for the assembly of units not shipped during 1980 and shipments assembled prior to 1980.

(b) Allocation of the portion of the Guam quota not allocated pursuant to Section 2 may be allocated pursuant to § 303.5(b) of Title 15 of the Code of Federal Regulations.

Section 4. Quota set aside for new firms in the Virgin Islands under subsection 5(b) shall be subtracted from the quota amount allocable under Section 3, before allocations are made pursuant to that subsection.

Section 5. (a) Applications from new firms are invited for the calendar year 1981 American Samoa quota. Due to the limited size of the American Samoa quota, the Departments will allocate that quota to the single firm which offers the best prospect of making a meaningful long-term contribution to the economy of the territory.

(b) Applications from new firms are invited for 500,000 units of the calendar year 1981 Virgin Islands quota.

(c) Applicants for new-entrant quotas must complete applicable sections of Form ITA-334P, copies of which may be obtained from the Statutory Import Program Staff, U.S. Department of Commerce, Washington, D.C. 20230. Detailed instructions for completing ITA-334P will be provided by the Statutory Import Programs Staff together with copies of the application form.

(d) The Departments will consider new entrant applications only from

firms which certify to the Departments that they are able and willing to meet the minimum assembly or wage contribution criteria established in Section 3. Following the Secretaries' determination that a qualifying application has been received, an announcement will be published in the **Federal Register** establishing a closing date for further applications. The closing date shall be 30 days from the date of such notice. If the Departments do not receive prior to September 1, 1981, a qualifying application for quota set aside by subsection (b) above, that quota may be reallocated among eligible producers pursuant to § 303.5(b) of Title 15 of the Code of Federal Regulations.

Section 6. Reallocation of calendar year 1981 quota that becomes available will be restricted to those firms satisfying the criteria established in subsection 3(a), to any new entrant firms selected pursuant to Section 5 above, and to the new Guam firm selected in 1980, provided its operations at the time of the reallocation satisfy the criteria established in subsection 3(a).

Section 7. As used in Section 3 of these rules,

(a) "Wages" means all wages up to $17,000 per person paid to residents of the territories employed in a firm's headnote 3(a) watch and watch movement assembly operations. Excluded, however, are wages paid to (i) accountants, lawyers, or other professional personnel who may render special services to the firm, (ii) persons assembling non-headnote 3(a) watches and watch movements, (iii) persons engaged in the repair of non-headnote 3(a) watches and watch movements, and (iv) persons engaged in the strapping and packaging of watches. Wages paid to persons engaged in both headnote 3(a) and non-headnote 3(a) assembly and repair activities shall be credited proportionately for their headnote 3(a) activities, provided the firm maintains production and payroll records adequate for the Departments' verification of the headnote 3(a) portion.

(b) "Discrete movement components" means screws, parts, components and subassemblies not assembled together with another part, component or subassembly at the time of importation into the territory. (A mainplate containing set jewels or shock devices, together with other parts, would be considered a single discrete component, as would a barrel bridge subassembly.) Excluded are dials, dial washers, dial screws, hour wheels, hands, automatic mechanisms and related parts, day-date mechanisms and calendar features, and jewels.

Section 8. (a) All firms must, as a condition for receipt of allocations or reallocations based on subsection 3(a) criteria, certify to the Departments that they will not alter assembly operations during calendar year 1981 in a manner which would result in their failure to satisfy the respective criteria.

(b) If the Departments have reason to believe that a producer has not complied with or is not complying with the certification required by subsection (a) of this Section, they may issue an order requiring the producer to show cause within 30 days of receipt of the order why the duty-free quota to which it would otherwise be entitled should not be cancelled or reduced by the Departments.

[FR Doc. 81-9169 Filed 3-25-81; 8:45 am]
BILLING CODE 4310-10/3510-25-M

National Bureau of Standards

Solicitation of Comments on Impact and Applicability of Planned "User-Oriented Data Communication Performance Parameters" Standard

Under the provisions of Public Law 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform automatic data processing standards. The National Bureau of Standards (NBS) plans to propose a group of user-oriented data communication performance parameters as a joint Federal Information Processing Standard/Federal Standard in 1982. The draft technical specifications of this planned standard were developed under the auspices of the American National Standards Institute. They are available for review from the National Bureau of Standards, Institute for Computer Sciences and Technology, Building 225, Room B64, Washington, D.C. 20234, ATTN: Data Communication Performance Standard.

NBS is requesting comments on this planned standard and is particularly interested in the following items:

1. The impact of implementing this planned performance standard. Data is solicited on the effort required to implement this planned standard within existing systems through retrofitting and also within planned systems.

2. The applicability of this planned standard. The objectives of this standard are to improve Federal Government procurement and operation of digital telecommunications and teleprocessing systems by defining user-oriented, system independent parameters for describing performance. These are intended to permit the accurate definition of minimum user requirements and to maximize opportunities for competitive acquisition of equipment and services to meet these requirements. Comments are requested on specific applicability statements, consistent with these objectives, which may be included in the standard.

3. Time period required to conform to this planned standard. Comments are solicited on the amount of time which should be allowed for conformance to the planned standard. This planned standard defines performance parameters only.

Work is in process on a planned companion standard that will specify the procedures for determining values for the performance parameters that are defined in this planned standard.

Comments should be provided in writing by May 26, 1981, to the following address: National Bureau of Standards, Director, Institute for Computer Sciences and Technology, Administration Building, Room A200, Washington, D.C. 20234, ATTN: Data Communication Performance Standard.

For additional information contact: Dr. John P. Riganati, Chief, System Components Division, Building 225, Room A219, Washington, D.C. 20234, (301) 921-2706.

Dated: March 23, 1981.

Ernest Ambler,
Director.

[FR Doc. 81-9202 Filed 3-25-81; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of meeting.

SUMMARY: The National Marine Fisheries Service will convene a meeting to discuss the Salmon and Steelhead Conservation and Enhancement Act of 1980 (the "Act"), Public Law 96-561. One part of the Act requires the establishment of an advisory commission. This meeting is necessary to develop the structural organization of this advisory commission and to discuss guidelines and objectives necessary to prepare a comprehensive report as set forth in the Act.

DATE: April 13, 1981, 9:30 a.m. PST to 5:00 p.m.

ADDRESS: Commission Room, Oregon Department of Fish and Wildlife, 506

SW. Mill Street, Portland, Oregon 97208. Seating is limited.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Northwest Regional Director, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109. Telephone: (206) 442–7575.

Dated: March 23, 1981.

William H. Stevenson,

Deputy Director, National Marine Fisheries Service.

[FR Doc. 81-9219 Filed 3-25-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addressees cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent Application 6,158,009: Electroexplosive and Percussion Safe and Arm Device. Filed June 9, 1980.
Patent Application 6,158,042: Gun Breech Mechanism. Filed June 9, 1980.
Patent Application 6,161,548: Vehicle Cargo Box Cover. Filed June 20, 1980.
Patent Application 6,163,372: Dual Rate Firing Mechanism. Filed June 26, 1980.
Patent Application 6,164,213: Laser Scanner Detector of Incoming Projectiles. Filed June 30, 1980.
Patent Application 6,166,429: HNS from 2,4,6-Trinitrobenzyl Chloride and Nitrogenous Bases. Filed July 2, 1980.
Patent Application 6,166,652: Position Transducer. Filed July 7, 1980.
Patent Application 6,166,722: Remote Control of Industrial Fluoroscopes. Filed July 7, 1980.
Patent Application 6,166,733: Fine Tuning Mechanism for Laser Induced Chemical Reactions. Filed July 7, 1980.
Patent Application 6,167,572: Preparation of 1,3,5,7 Tetracetamido—and 1,3,5,7—Tetraaminodamantanes. Filed July 10, 1980.
Patent Application 6,171,515: Improved High Energy. Electrochemical Power Cell. Filed July 23, 1980.
Patent Application 6,180,554: Switched Delay Line for Steerable Null Antenna System. Filed Aug. 25, 1980.
Patent Application 6,180,757: Novel Barrel Devices for Aircraft Armament. Filed Aug. 25, 1980.
Patent Application 6,182,540: Hermetically Sealed Container and Method for Forming Such a Container. Filed Aug. 29, 1980.

U. S. Department of Agriculture, Program Agreements and Pat. Branch, Admin. Ser. Div. Federal Building, Science and Education Admin., Hyattsville, MD 20782

Patent Application 6,100,081: Pesticide Spray Monitoring System for Spray Vehicles. Filed December 4, 1980.
Patent Application 6,180,544: Bis(Dihydroxymethyloxoimidazolidinyl)Alkenes. Filed Aug. 25, 1980.
Patent Application 6,182,209: Method for Promoting Plant Growth. Filed Aug. 28, 1980.
Patent Application 6,182,210: : Plant Growth Promoting Brassinosteroids. Filed Aug. 28, 1980.
Patent Application 6,193,677: Field Control for Wind-Driven Generators. Filed Oct. 3, 1980.
Patent Application 4,228,100: Quaternary Ureidomethyl Phosphonium Salts. Filed April 6, 1979, patented Oct. 14, 1980; not available NTIS.

U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, DC 20545

Patent Application 6,061,988: Neutron Source, Linear-Accelerator Fuel Enricher and Regenerator and Associated Methods. Filed Oct. 4, 1979.
Patent Application 6,085,370: Detection of Free Liquid in Drums of Radioactive Waste. Filed Oct. 16, 1979.
Patent Application 4,201,912: Subthreshold Neutron Interrogator for Detection of Radioactive Materials. Filed Oct. 3, 1978, patented May 6, 1980; not available NTIS.
Patent Application 4,202,730: Radionuclide Deposition Control. Filed Jan. 18, 1977, patented May 13, 1980; not available NTIS.

U.S. Department of Transportation, Patent Counsel, 400 7th Street, S.W., Washington, DC 20590

Patent 4,235,112: Rail Flaw Detector Position Control. Filed Aug. 6, 1979, patented Nov. 1980; not available NTIS.

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent Application 6,058,286: Separation of Active Alpha (1)-Acid Glycoprotein and Utilization in the Lipoprotein Lipase Enzyme System. Filed July 17, 1979.
Patent Application 6,105,079: Toluidine Blue Rinse for the Detection of Squamous Carcinoma of the Oral Cavity and Other Structures Composition and Method. Filed Dec. 19, 1979.
Patent Application 6,174,238: Washer for Resin-Coated Photographic Prints. Filed July 13, 1980.
Patent Application 4,233,215: Aziridinyl Quinone Antitumor Agents. Filed Oct. 24, 1978, patented Nov. 11, 1980; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent Application 6,130,072: Antenna Coupling Assembly. Filed Apr. 10, 1980.
Patent Application 6,161,526: Compositions and Methods for Generation of Gases Containing Hydrogen or Hydrogen Isotopes. Filed Aug. 26, 1980.
Patent Application 6,163,913: Spherical Segment Inner Surface Force Applicator. Filed Sept. 4, 1980.
Patent Application 6,165,076: Explosive Auto-Enhancement Device. Filed Sep. 8, 1980.
Patent Application 6,169,410: Metal-Cutting Pyrotechnic Composition. Filed Sept. 22, 1980.
Patent Application 6,193,868: Evaporator Tool With Remote Substrate Reorientation Mechanism. Filed Oct. 3, 1980.
Patent Application 4,217,826: Time Delay Firing Device. Filed Aug. 18, 1978, patented Aug. 19, 1980; not available NTIS.
Patent Application 4,218,975: Underwater Electric Current and Alternating Magnetic Field Detector. Filed June 23, 1952, patented Aug. 26, 1980; not available NTIS.
Patent Application 4,218,987: Torpedo Detection Streamer. Filed Sept. 30, 1954, patented Aug. 26, 1980; not available NTIS.
Patent Application 4,219,374: Monopropellant Composition. Filed Oct. 23, 1967, patented Aug. 25, 1980; not available NTIS.
Patent Application 4,219,490: Ferrocenyl Thioesters. Filed May 14, 1979, patented Aug. 26, 1980; not available NTIS.
Patent Application 4,226,186: Sealed-Volume Cartridge. Filed Oct.13, 1978, patented Oct. 7, 1980; not available NTIS.
Patent Application 4,227,476: Detection Streamer. Filed Oct. 14, 1954, patented Oct. 14, 1980; not available NTIS.

[FR Doc. 81-9085 Filed 3-25-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Atchafalaya Basin Floodway, Louisiana, Project (Including Atchafalaya Basin Water and Land Resources Study)

AGENCY: US Army Corps of Engineers, DOD, New Orleans District.

ACTION: Notice of intent to prepare a DEIS.

SUMMARY: 1. *Proposed Action.* The proposed action to be analyzed in this DEIS is a multipurpose plan for completion of the Atchafalaya Basin Floodway in Louisiana. This plan would consist of features to enable the Floodway to pass the project flood, to preserve enviornmental values, and to alleviate backwater problems northeast of Morgan City, Louisiana. The action is being taken in response to resolutions of the Committees on Public Works of US Senate and House of Representatives dated 23 March 1972 and 14 June 1972, respectively.

2. *Reasonable Alternatives.* The following actions are being considered in an attempt to meet the above needs: varying distributions of flow between the Mississippi and Atchafalaya Rivers below Old River; levee raising, channel dredging, and channel training in order to bring the Floodway to capacity to pass the project flood; realinement of major distributaries in the Lower Atchafalaya Basin Floodway to reduce the amount of sediment that is being carried into the backswamps; water level management in order to preserve aquatic environmental values; purchase of easements that prevent clearing for agriculture or other development and/or allow public access and/or allow flooding of lands and developments; altering the percentage of flows between the two outlets of the basin; enlargement of the Wax Lake Outlet overbank area; extension of the Avoca Island Levee or construction of ring levees to enclose developed areas to alleviate backwater; flooding bank stabilization in the Atchafalaya River; and means justifiability for mitigation of any adverse impacts.

3. *Scoping Process.*

a. This project has a long history of public involvement. In early 1974 an Agency Management Group (AMG) chaired by the Corps and consisting of the Environmental Protection Agency, the US Fish and Wildlife Service, and the State of Louisiana was formed in response to the 1972 Congressional Resolutions. A preliminary draft EIS prepared by the Corps was made public in November 1974 and a public meeting was held in January 1975. Two major concerns surfaced over the plan presented at the meeting. Fear was expressed that the plan was inadequate to protect Morgan City and other communities at the lower end of the floodway system from flooding, and many people felt that the plan was lacking in methods to preserve environmental values in the floodway. In 1976, at the direction of the Secretary of the Army, studies on the authorized plan were combined with pre-authorization studies to develop a comprehensive plan for the Atchafalaya Basin. The AMG has had numerous meetings since its formation, and it developed a group of 10 multipurpose alternatives that were presented at a series of five public meetings in January 1979. These meetings were attended by over 5,000 people and approximately 25,000 people commented on the primary focus of the meetings which was a discussion of a plan developed by the US Fish and Wildlife Service to purchase the Atchafalaya Basin. In 1980, representatives of environmental organizations, hunting clubs, the oil and gas industry, civic groups, landowner organizations, sport fishing clubs, commercial fishing groups, agricultural interests, timber interests, and minority groups were appraised of the study status. These interests are expected to continue an active role in this study.

b. Significant issues to be analyzed in the EIS include: passage of floodwaters through the floodway and into the Gulf of Mexico, flood protection in the backwater area northeast of Morgan City, public access, preservation of natural resources in the study area, easements versus fee purchase to achieve project purposes, impacts of the proposed plan on biological, cultural, historical, social, economic, and water quality resouces, and project costs.

c. The Environmental Protection Agency will provide water quality input for the EIS. The US Fish and Wildlife Service will provide Planning Aid data for the DEIS and a Coordination Act Report for the FEIS. The agencies comprising the AMG will review the DEIS prior to public release, and coordination with this group will be maintained during the remainder of the study.

d. The DEIS will be coordinated with all required Federal, state, and local agencies, environmental groups, landowner groups, and interested individuals.

4. No further scoping meetings will be held.

5. The DEIS is scheduled to be made available to the public in June 1981.

ADDRESS: Questions concerning the proposed action and DEIS can be answered by Dr. Tom M. Pullen, Jr., US Army Corps of Engineers, Environmental Quality Section (LMNPD–RE), P.O. Box 60267, New Orleans, LA 70160, telephone (504) 838–2525.

Dated: March 18, 1981.

Thomas A. Sands,

Colonel, CE, District Engineer.

[FR Doc. 81-9102 Filed 3-25-81; 8:45 am]

BILLING CODE 3710-84-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Potential Alternatives Formulated to Mitigate the Wildlife Habitat Losses Resulting From Construction of the Tennessee-Tombigbee Waterway, Alabama and Mississippi

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a DEIS.

SUMMARY:

1. *Proposed Action:* The proposed action is to provide mitigation for wildlife habitat losses resulting from construction of the Tennessee-Tombigbee Waterway, Alabama and Mississippi. At this point in the mitigation study a number of independent mitigation alternatives have been identified; however, no one plan has been selected for recommendation to higher authority. The DEIS will include an evaluation of the environmental, social, economic, and engineering impacts associated with the potential mitigation measures.

2. *Alternatives:* The following basic alternatives will be evaluated:

a. No Action—This alternative will be the "without" mitigation conditions against which mitigation impacts will be measured.

b. The results of the Habitat Evaluation Procedures (HEP) analysis prepared by the U.S. Fish and Wildlife Service. The HEP has four mitigation alternatives containing a total of 16 options.

c. The results of the Monetary Evaluation Procedure (MEP) analysis prepared by the U.S. Fish and Wildlife Service. The MEP evaluates man-day and monetary losses and has identified four mitigation alternatives containing a total of 16 options.

d. The results of the "traditional analysis" prepared by the corps of Engineers.

e. Mitigation measures on existing project lands.

3. *Scoping Process:*

a. The scoping process as outlined by the Council on Environmental Quality in the November 29, 1978 Federal Register, National Environmental Policy Act—Regulations, will be utilized to involve Federal, State, and local agencies and other interested persons into the preparation of the DEIS. Identification of significant issues to be addressed in the DEIS will be determined through the scoping process. The agencies and individual views and concerns will be obtained through personal, telephone, and mail contacts in lieu of a formal scoping meeting.

b. Coordination with the U.S. Fish and Wildlife Service as required by the Fish and Wildlife Coordination Act and the Endangered Species Act is being undertaken. Coordination required by other laws will also be conducted.

c. Three workshops will be held in the upper Tombigbee River basin to obtain the views of the concerned public over which alternatives should be considered and identify potentially significant impacts for further analysis. The workshops have been scheduled for 8, 7, and 9 April 1981 at Fulton, Mississippi, Livingston, Alabama, and Columbus, Mississippi, respectively. All workshops will begin at 7:00 p.m. All public information fact sheet has been mailed announcing the workshops and summarizing the status of the study to date.

4. *DEIS Preparation:* It is estimated that the DEIS will be available to the public in August 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Ken Sims, PD–ES, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Alabama 36628.

Dated: March 19, 1981.

Lt. Col. Ronald A. Krizman, EN,
Deputy District Engineer.

[FR Doc. 81-9186 Filed 3-25-81; 8:45 am]
BILLING CODE 3710-01-M

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Proposed Flood Control Project on Main Branch, Chisholm Creek, Park City, Sedgwick County, Kans.

AGENCY: US Army Corps of Engineers, DOD, Tulsa District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The primary purpose of this project is to provide local flood protection in Main Branch, Chisholm Creek, Park City, Sedgwick County, Kansas.

2. Reasonable Alternative: The alternatives evaluated included no action and two levee alignments.

3. Scoping Process: Public Involvement. A comprehensive public involvement program was developed as a means of disseminating information and soliciting public views. A variety of techniques including formal public meetings, meetings with local interest, and local news media were employed to involve Federal, State, and local agencies, citizen committees, organizations, and the interested public in the planning studies.

a. Significant Issue Requiring In-Depth Analysis: None.

b. Assignments: US Fish and Wildlife Service is preparing a Fish and Wildlife Coordination Act Report.

c. Environmental Review and Consultation Requirements: The draft environmental impact statement will be circulated for review and all comments will be incorporated into the final environmental impact statement.

4. A separate scoping meeting will not be held.

5. Estimated date when the DEIS will be available: June 1981.

ADDRESS: Mr. Buell O. Atkins, Chief, Environmental Resources Branch, US Army Corps of Engineers, Tulsa District, P.O. Box 61, Tulsa, OK 74121 (918) 581–7857, FTS 736–7857.

Dated: March 18, 1981.

James J. Harmon,
Colonel, CE District Engineer.

[FR Doc. 81-9184 Filed 3-24-81; 8:45 am]
BILLING CODE 3710-79-M

Department of the Navy

Disposal of Ordnance Aboard the Sunken German Submarine, U–352; Finding of No Significant Environmental Impact

Pursuant to the provisions of the regulations implementing the procedural provisions of the National Environmental Policy Act (Part 1508.13 of Title 40 CFR), the Department of the Navy gives notice that an environmental impact statement is not being prepared for disposal of ordnance aboard the sunken German submarine, U–352.

Responding to a congressional request, the Navy in early 1980 investigated the sunken German submarine, U–352, located some 20 miles off the North Carolina coast, to ascertain the danger presented by unexploded ordnance to fishermen and sportdivers. The Navy completed the requested survey which identified numerous rounds from the ship's gun and an unexploded torpedo outside the submarine as well as eight torpedoes inside the hull (seven in the forward room and one in a stern torpedo tube). The ordnance outside the vessel was removed and disposed of in a safe manner. The torpedoes in the forward room do not pose a hazard so long as they are left undisturbed, *i.e.*, they will not explode spontaneously, but the torpedo in the aft tube does constitute a hazard as is can be approached from outside the hull. Accordingly, the preferred alternative is to perform an underwater burn to render the ordnance safe. A similar burn was accomplished on the torpedo located outside the hull, although in slightly shallower water and, therefore, the technique could detonate rather than burn and render safe the explosives. In addition, gratings would be welded on the entrances to the submarine to prevent access and accidental detonation of any of the torpodoes inside the hull or their associated exploders, six of which could not be located and could be anywhere in the vessel.

Alternatives considered included no action, which would be irresponsible in light of the obvious safety hazards associated with the entrapped ordnance. Also considered were removal of all interior ordnance, which could be costly and would require partial dismantling of the vessel; and the blowing-in-place of all ordnance and relocation of the wreck in deeper water. Both of these latter alternatives would, in effect, eliminate the vessel's aesthetic and commercial value. This result appears unwarranted as the associated hazards should be eliminated by implementation of the preferred alternative.

One risk associated with the preferred alternative concerns the effectiveness and success of the underwater burn which could, but is not expected to, cause severe damage to the aft section of the submarine were the explosives to detonate.

As a result of the assessment, it has been determined that preparation and review of an environmental statement is not required.

The environmental assessment prepared by the Navy addressing this action is on file and may be reviewed by interested parties at Atlantic Division, Naval Facilities Engineering Command, Norfolk, Virginia 23511 (804/444–7611.

Attn: CDR Eugene P. Fucile, CEC, USN) or at the Environmental Protection and Occupational Safety and Health Division, Office of the Deputy Chief of Naval Operations (Logistics), Room BD 766, Pentagon, Washington, D.C. 20350 (202/697-3689). Additionally, a limited number of copies of the environmental assessment are available to fill single copy requests. For further information, contact either of the aforementioned Navy activities.

Dated: March 17, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-9179 Filed 3-25-81; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF DEFENSE

Defense Investigative Service

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 367]

Memorandum of Understanding

Following is the text of the Memorandum of Understanding between the Defense Investigative Service (DIS) and the Bureau of Alcohol, Tobacco and Firearms (ATF) in which both agencies agree to establish a uniform standard for contractors for the protection of explosive materials and certain ammunition. This Memorandum of Understanding is needed to avoid unnecessary duplication of inspections of contractor facilities by the Department of Defense (DoD) and ATF.

For further information contact the following offices:

Bureau of Alcohol, Tobacco and Firearms, Special Operations Branch, Dan Crowley, 202-566-7591

Department of Defense, Office of the Deputy Under Secretary of Defense/Policy, Directorate of Security Plans and Programs, Lt. Col. Al Mason, 703-697-7641.

Memorandum of Understanding between the Department of Defense and the Bureau of Alcohol, Tobacco and Firearms, Department of Treasury.

1. *Purpose.* A. The purpose of this memorandum is to establish a uniform standard for contractors for the protection of explosive materials and certain ammunition (hereafter referred to as "specified materials") and to avoid unnecessary duplication of inspections of contractors facilities by the Department of Defense (DoD) and the Bureau of Alcohol, Tobacco and Firearms (ATF).

B. DoD activities will include in contracts for the manufacture of storage of the specified materials by contractor-owned contractor-operated facilities a requirement that the specified materials be protected in accordance with the criteria established by the ATF in 27 CFR Part 181, Subpart J and that contractors accept ATF security surveys as appropriate.

C. Defense Investigative Service (DIS) will notify the appropriate ATF Regional Office of the intent to award such a contract. In turn, ATF will advise DIS whether the facility has a license or permit issued by ATF and whether the storage facilities meet the requirements of 27 CFR Part 181, Subpart J. When contracts involving the specified materials are awarded, DIS will notify ATF. Thereafter, ATF will inspect the storage facilities in accordance with its normal schedule and will advise DIS of the results of each inspection. In the event the contractor facility is not one normally inspected by ATF, the appropriate DIS activity will be so notified. In such cases, DIS will perform necessary inspections and surveys of the contractor facility.

2. *Cooperation.* DoD and ATF will cooperate to the greatest extent possible in the development of uniform standards for the safe and secure storage of explosive materials and procedures relating to inspections or surveys of contractor facilities.

3. *Training.* ATF will provide, at DIS's request, orientation on ATF storage requirements. DIS will provide, at ATF's request, orientation on DoD inspection and survey procedures for storage facilities.

4. *Interagency Coordination.* A. The Special Operations Branch of Regulatory Enforcement (ATF) and the Industrial Security Facilities Protection Program Division (DIS) shall serve as liaison points to facilitate communication and cooperation between the two agencies.

B. Within 120 days of the date of this Memorandum of Understanding, DIS will make appropriate notification to those contractor facilities currently involved in the manufacture or storage of the specified material for the DoD and will provide ATF with a listing of those facilities.

Dated: December 31, 1980.

Thomas J. O'Brien,

Director, Security Plans and Programs, ODUSD/Policy Review, Department of Defense.

Dated: December 31, 1980.

G. R. Dickerson,

Director, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury.

[FR Doc. 81-9111 Filed 3-25-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Discretionary Grant Programs Under the Vocational Rehabilitation Act of 1973, as Amended; Closing Dates for Transmittal of Fiscal Year 1981 Applications

AGENCY: Department of Education.

ACTION: Notice of closing dates for transmittal of fiscal year 1981 applications.

SUMMARY: The purpose of these application notices is to inform potential applicants of closing dates for transmittal of applications for grants awarded by the Department of Education under Title I, III, VI, and VII of the Rehabilitation Act of 1973, as amended. New Catalog of Federal Domestic Assistance (CFDA) numbers have been assigned for these programs and the new numbers are used in these notices. Other information concerning applications and grants is also provided to assist applicants. These notices cover all grant programs administered by the Rehabilitation Services Administration within the Department of Education.

PART I—PROGRAMS LISTED IN CHRONOLOGICAL ORDER

CFDA No. and program	Closing date
84.128A—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals—Noncompeting Continuation Awards.	May 1, 1981.
84.128B—Projects with Industry—Noncompeting Continuation Awards.	May 1, 1981.
84.128C—Comprehensive Rehabilitation Continuation Awards.	May 1, 1981.
84.128E—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals (Spinal Cord Injury System Projects)—Noncompeting Continuation Awards.	May 1, 1981
84.128F—Client Assistance Projects—Noncompeting Continuation Awards.	May 1, 1981.
84.128G—Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects—Noncompeting Continuation Awards.	May 1, 1981.
84.132—Centers for Independent Living—Noncompeting Continuation Awards.	May 8, 1981.
84.129—Rehabilitation Long-Term Training—Noncompeting Continuation Awards.	May 18, 1981.
84.129D—Rehabilitation Continuing Education Programs—New and Noncompeting Continuation Awards.	May 18, 1981.

CFDA No. and program	Closing date
84.129Y—Experimental and Innovative Training Noncompeting Continuation Awards.	May 18, 1981.
84.129—Rehabilitation Long-Term Training—New Awards.	May 18, 1981.
84.129Z—State Vocational Rehabilitation Unit In-Service Training Program—New Awards.	May 18, 1981.
84.129F—Client Assistance Projects—New Awards.	June 10, 1981.
84.129G—Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects New Awards.	June 10, 1981.
84.129H—Handicapped American Indian Vocational Rehabilitation Service Projects—New Awards.	June 10, 1981.
84.129J—Projects for Initiating Special Recreation Programs for Handicapped Individuals—New Awards.	June 10, 1981.
84.129K—Special Projects and Demonstrations for Making Recreational Activities Accessible to Handicapped Individuals—New Awards.	June 10, 1981.
84.128A—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals—New Awards.	June 10, 1981.
84.128E—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (Spinal Cord Injury System Projects)—New Awards.	June 10, 1981.
84.132—Centers for Independent Living—New Awards.	July 31, 1981.

PART II—APPLICATION NOTICES FOR EACH PROGRAM

84.128A—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals

CLOSING DATE: May 1, 1981.

Applications are invited for noncompeting continuation projects under the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals. (This announcement does not cover Spinal Cord Injury System projects supported under this program.)

Authority for this program is contained in Section 311(a)(1) of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777(a)(1))

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects designed to expand or otherwise improve vocational rehabilitation services and other services for severely handicapped individuals.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand-delivered by May 1, 1981.

If the application is late, the U.S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128A, Washington, D.C. 20202.

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education—

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

AVAILABLE FUNDS: Approximately $3.9 million is available for the support of noncompeting continuation projects in Fiscal Year 1981. This amount is sufficient to fund all eligible projects at the level of support projected for this fiscal year in the approved application.

However, these estimates do not bind the Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to all eligible applicants.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: The following regulations are applicable to this program:

(a) Regulations governing Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (34 CFR Parts 369 and 373, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Wesley Geigel, Acting Director, Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, S.W., Room 3516, Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245-3186.

(29 U.S.C. 711(a)(1))

84.128B—Projects With Industry

CLOSING DATE: May 1, 1981.

Applications are invited for noncompeting continuation projects under the Projects with Industry Program.

Authority for this program is contained in Section 621 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 759g)

Agreements are made under this program to employers and nonprofit organizations including any industrial, business or commercial enterprise; labor organization; employer, industrial or community trade organization; rehabilitation facility; or any other agency or organization with the capacity to arrange, coordinate or conduct training and other employment programs and provide supportive services and assistance for handicapped individuals in a realistic work setting.

The purpose of this program is to provide handicapped individuals with training, employment, and supportive services and assistance within business, industry, or other realistic work settings in order to prepare them for competitive employment and permit them to maintain their employment.

CLOSING DATE FOR TRANSMITTAL OF APPLICATION: To be assured of consideration for funding, an application for a noncompeting continuation award, should be mailed or hand delivered by May 1, 1981.

If the application is late, the U.S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128B, Washington, D.C. 20202.

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stampted by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

AVAILABLE FUNDS: Approximately $5,500,000 is available for support of noncompeting cotinuation projects in Fiscal Year 1981. This is the same amount as was available in Fiscal Year 1980. The range of funded projects is expected to be from approximately $20,000 to $300,000.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to all applicants who are eligible to apply for noncompeting continuation support under this Notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Projects with Industry Program (34 CFR Parts 369 and 379, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Thomas J. Fleming, Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, 400 Maryland Avenue, S.W., Room 3518, Mary E. Switzer Building, Washington, D.C. 20202. Telephone (202) 245-3186.

(29 U.S.C. 759g)

84.128C—Comprehensive Rehabilitation Centers

CLOSING DATE: May 1, 1981.

Applications are invited for noncompeting continuation projects under the Comprehensive Rehabilitation Centers Program.

Authority for this program is contained in Section 305 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 775)

Awards are made under this program to State vocational rehabilitation units.

The purpose of the Comprehensive Rehabilitation Centers Program is to establish or operate comprehensive rehabilitation centers which serve primarily as centers for the development, delivery, and coordination of vocational rehabilitation services and other services needed by handicapped persons in the community.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, an application for a noncompeting continuation award, must be mailed or hand delivered by May 1, 1981.

If the application is late, the U. S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail should be addressed to the U. S. Department of Education, Application Control Center, Attention 84.128C, Washington, D. C. 20202.

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U. S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U. S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proff of mailing acceptable to the U. S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand-delivered must be taken to the U. S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S. W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:30 a.m. and 4:30 p.m. (Washington, D. C. time) daily, except Saturdays, Sundays, or Federal holidays.

AVAILABLE FUNDS: $2,000,000 is available for support of non-competing continuation projects in fiscal year 1981, the same amount as was available in fiscal year 1980. Funded projects are expected to be about $200,000 each.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to grantees who were awarded Comprehensive Rehabilitation Center projects during Fiscal Year 1980.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Comprehensive Rehabilitation Centers Program (34 CFR Parts 369 and 372, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Wesley Geigel, Director, Divisions of Rehabilitation Facilities, Rehabilitation Services Administration, Department of Education, Room 3616, Mary E. Switzer Building, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-0075.

(29 U.S.C. 775)

84.128E—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals (Spinal Cord Injury System Projects)

CLOSING DATE: May 1, 1981.

Applications are invited for noncompeting continuation projects under the Special Projects and Demonstrations for Providing Vocational Rehabilitation Service Program (Spinal Cord Injury System Projects).

Authority for this program is contained in Section 311(a)(1) of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777(a)(1))

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects designed to expand or otherwise improve vocational rehabilitation services and other rehabilitation services for individuals with spinal cord injuries.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by May 1, 1981.

If the application is late, the U.S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128E, 400 Maryland Avenue, SW., Washington, D.C. 20202.

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between the hours of 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

AVAILABLE FUNDS: Approximately $4.75 million is available for the support of noncompeting continuation projects in fiscal year 1981. This amount is sufficient to fund all eligible projects at approximately the same level of support as was provided in fiscal year 1980.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to all eligible applicants.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: The following regulations are applicable to this program.

(a) Regulations governing the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (34 CFR Parts 369 and 373, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: J. Paul Thomas, Project Manager, Model Spinal Cord Injury Systems Program, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, S.W., Room 3430, Mary E. Switzer Building, Washington, D.C. 20202. Telephone (202) 245-0515.

(29 U.S.C. 777(a)(1))

84.128F—Client Assistance Projects

CLOSING DATE: May 1, 1981.

Applications are invited for noncompeting continuation projects under the Client Assistance Projects Program.

Authority for this program is contained in Section 112 of the Rehabilitation Act of 1963, as amended. (29 U.S.C. 732)

Awards are made under this program to State vocational rehabilitation agencies.

The purpose of the Client Assistance Projects Program is to support projects designed to inform and advise all clients and client applicants in the project area of all available benefits and their rights in seeking these benefits under the Rehabilitation Act.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand-delivered by May 1, 1981.

If the application is late, the U.S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATION DELIVERED BY MAIL: An application sent by mail for a continuation project must be addressed to the appropriate Regional Office of the U.S. Department of Education as follows:

Region I

RSA Regional Commissioner, Department of Education, John F. Kennedy Federal Building, Room E-400, Government Center, Boston, Massachusetts 02203

Region II

RSA Regional Commissioner, Department of Education, 26 Federal Plaza, Room 4106, New York, New York 10007

Region III

RSA Regional Commissioner, Department of Education, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101

Region IV

RSA Regional Commissioner, Department of Education, 101 Marietta Street, N.W., Suite 903, Atlanta, Georgia 30323

Region V

RSA Regional Commissioner, Department of Education, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606

Region VI

RSA Regional Commissioner, Department of Education, 1200 Main Tower Building, Room 2040, Dallas, Texas 75202

Region VII

RSA Regional Commissioner, Department of Education, 324 East 11th Street, Kansas City, Missouri 64106

Region VIII

RSA Regional Commissioner, Department of Education, Federal Office Building, Room 978, 19th and Stout Streets, Denver, Colorado 80294

Region IX

RSA Regional Commissioner, Department of Education, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102

Region X

RSA Regional Commissioner, Department of Education, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Washington 98101

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the appropriate U.S. Department of Education Regional Office.

The Regional Office will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (local time) daily, except Saturdays, Sundays, and Federal holidays.

AVAILABLE FUNDS: Approximately $2,940,000 is available for support of noncompeting continuation projects in Fiscal Year 1981. This amount is sufficient to fund all eligible projects at the level of support projected for the appropriate budget period in the approved application.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this Notice.

Applications must be prepared and submitted in accordance with the regulations, instruction, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Client Assistance Projects Program (34 CFR Parts 369 and 370, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Leslie B. Cole, Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, U.S. Department of Education, Room 3516, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-3187.

(29 U.S.C. 732)

84.128G—Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects

CLOSING DATE: May 1, 1981.

Applications are invited for noncompeting continuation projects under the Handicapped Migratory Agricultural and Seasonal Farmworkers Vocational Rehabilitation Service Projects Program.

Authority for this program is contained in Section 312 of the Rehabilitation Act of 1973, as amended.

(29 U.S.C. 777(b))

Awards are made under this program to State vocational rehabilitation agencies or local agencies administering a vocational rehabilitation program under written agreements with State agencies.

The purpose of this program is to support projects for providing vocational services to handicapped migratory agricultural workers or handicapped seasonal farmworkers.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, an application for a noncompeting continuation award, should be mailed or hand delivered by May 1, 1981.

If the application is late, the U.S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail for a continuation project must be addressed to the appropriate Regional Office of the U.S. Department of Education as follows:

Region I

RSA Regional Commissioner,
Department of Education,
John F. Kennedy Federal Building, Room E-400,
Government Center,
Boston, Massachusetts 02203

Region II

RSA Regional Commissioner, Department of Education, 26 Federal Plaza, Room 4106, New York, New York 10007

Region III

RSA Regional Commissioner, Department of Education, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101

Region IV

RSA Regional Commissioner, Department of Education, 101 Marietta Street, N.W., Suite 908, Atlanta, Georgia 30323

Region V

RSA Regional Commissioner, Department of Education, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606

Region VI

RSA Regional Commissioner, Department of Education, 1200 Main Tower Building, Room 2040, Dallas, Texas 75202

Region VII

RSA Regional Commissioner, Department of Education, 324 East 11th Street, Kansas City, Missouri 64106

Region VIII

RSA Regional Commissioner, Department of Education, Federal Office Building, Room 978, 19th and Stout Streets, Denver, Colorado 80294

Region IX

RSA Regional Commissioner, Department of Education, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102

Region X

RSA Regional Commissioner, Department of Education, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Washington 98101

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the appropriate U.S. Department of Education Regional Office.

The Regional Office will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (local time) daily, except Saturdays, Sundays, and Federal holidays.

AVAILABLE FUNDS: Approximately $1,200,000 is available for support of noncompeting continuation projects in Fiscal Year 1981. This amount is sufficient to fund all eligible projects at the level of support projected for the appropriate budget period in the approved application.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this Notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Migratory Agricultural Farmworkers Vocational Rehabilitation Service Projects Program (34 CFR Parts 369 and 375, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Roberta Church, Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, U.S. Department of Education, Room 3516, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245-3157.

(29 U.S.C. 777(b))

84.132—CENTERS FOR INDEPENDENT LIVING

CLOSING DATE: MAY 8, 1981.

Applications are invited for noncompeting continuation projects under the Centers for Independent Living Program.

Authority for this program is contained in Section 711 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 796e)

Awards are made under this program to State vocational rehabilitation units and nonprofit organizations which currently have approved projects under this authority.

The purpose of the Centers for Independent Living Program is to plan, establish, and operate centers for independent living which offer a combination of independent living services for severely handicapped individuals or groups of severely handicapped individuals so that they may live more independently in family and community, or secure and maintain employment, with the maximum degree of self-direction.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, an application for a noncompeting continuation award, must be mailed or hand delivered by May 8, 1981 for projects with September start date.

If the application is late, the U.S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention 84.132, Washington, D.C. 20202.

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

AVAILABLE FUNDS: Approximately $15,000,000 is available for support of noncompeting continuation projects in fiscal year 1981. This amount is sufficient to fund all eligible projects at approximately the same level as was provided in fiscal year 1980.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to grantees who were awarded Center for Independent Living projects during Fiscal Year 1980. Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Centers for Independent Living (34 CFR Part 366, 46 FR 5410, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: William J. Bean, Ph.D., Special Assistant for Independent

Living Projects, Rehabilitation Services Administration, Department of Education, Room 3216, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-0755.

(29 U.S.C. 796e)

84.129—Rehabilitation Long-Term Training

CLOSING DATE: May 18, 1981.

Applications are invited for noncompeting continuation projects under the Rehabilitation Long-Term Training Program.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

The purpose of the Rehabilitation Long-Term Training Program is to support projects designed for training personnel available for employment in public and private agencies involved in the rehabilitation of physically and mentally handicapped individuals, especially those who are the most severely disabled.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, an application for a noncompeting continuation award, must be mailed or hand delivered by May 18, 1981.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail for a continuation project (except for continuation applications in the field of Prosthetics-Orthotics and continuation applications for projects of national scope) must be addressed to the appropriate Regional Office of the Department of Education as follows:

Region I

RSA Regional Commissioner, Department of Education, John F. Kennedy Federal Building, Room E-400, Government Center, Boston, Massachusetts 02203

Region II

RSA Regional Commissioner, Department of Education, 26 Federal Plaza, Room 4106, New York 10007

Region III

RSA Regional Commissioner, Department of Education, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101

Region IV

RSA Regional Commissioner, Department of Education, 101 Marietta Street, N.W., Suite 903, Atlanta, Georgia 30323

Region V

RSA Regional Commissioner, Department of Education, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606

Region VI

RSA Regional Commissioner, Department of Education, 1200 Main Tower Building, Room 2040, Dallas, Texas 75202

Region VII

RSA Regional Commissioner, Department of Education, 324 East 11th Street, Kansas City, Missouri 64106

Region VIII

RSA Regional Commissioner, Department of Education, Federal Office Building, Room 978, 19th and Stout Streets, Denver, Colorado 80294

Region IX

RSA Regional Commissioner, Department of Education, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102

Region X

RSA Regional Commissioner, Department of Education, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Washington 98101

A noncompeting application sent by mail for a project in the field of Prosthetics-Orthotics or for a project of national scope must be addressed to the U. S. Department of Education, Application Control Center, Attention 84.129, Washington, D.C. 20202.

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the appropriate Department of Education Regional Office or, for projects in the field of Prosthetics-Orthotics or projects of national scope, to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

Each Regional Office and the Application Control Center will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (local time) daily, except Saturdays, Sundays, and Federal holidays.

AVAILABLE FUNDS: Approximately $13,000,000 is available for support of noncompeting continuation projects in Fiscal Year 1981. This reflects a reduction from the Fiscal Year 1980 level for the Rehabilitation Training Grant Program. The range of funded projects is expected to be from $25,000 to $175,000.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to grantees who have been conducting rehabilitation long-term training projects during the 1980-1981 academic year and who are eligible to apply for noncompeting continuation grant support under this Notice.

Application must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Parts 385 and 386, 45 FR 86378, December 30, 1980); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Harold F. Shay, Director, Division of Manpower Development, Rehabilitation Services Administration, Department of Education, Room 3321, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202, telephone (202) 245-0079.

(29 U.S.C. 774)

84.129D—Rehabilitation Continuing Education Programs

CLOSING DATE: New Awards—May 18, 1981.

Noncompeting Continuations—May 18, 1981.

Applications are invited for new and noncompeting continuation projects under the Rehabilitation Continuing Education Program.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies, and other public or nonprofit agencies and organizations, including institutions of higher education.

The purpose of this program is to support training centers that serve either a Federal region or another multi-State geographical area and provide for a broad integrated sequence of training activities that focus on meeting recurrent training needs of rehabilitation personnel employed in public and nonpublic programs providing rehabilitation services to severely physically and mentally disabled individuals.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a new grant must be mailed or hand delivered by May 18, 1981. To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by May 18, 1981. If an application for a noncompeting continuation award is received after that date, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS SENT BY MAIL: An application sent by mail for a Rehabilitation Continuing Education Program must be addressed to the appropriate Regional Office of the Department of Education as follows:

Region I

RSA Regional Commissioner, Department of Education, John F. Kennedy Federal Building, Room E–400, Government Center, Boston, Massachusetts 02203

Region II

RSA Regional Commissioner, Department of Education, 26 Federal Plaza, Room 4108, New York, New York 10007

Region III

RSA Regional Commissioner, Department of Education, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101

Region IV

RSA Regional Commissioner, Department of Education, 101 Marietta Street, NW., Suite 903, Atlanta, Georgia 30323

Region V

RSA Regional Commissioner, Department of Education, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606

Region VI

RSA Regional Commissioner, Department of Education, 1200 Main Tower Building, Room 2040, Dallas, Texas 75202

Region VII

RSA Regional Commissioner, Department of Education, 324 East 11th Street, Kansas City, Missouri 64106

Region VIII

RSA Regional Commissioner, Department of Education, Federal Office Building, Room 270, 19th and Stout Streets, Denver, Colorado 80294

Region IX

RSA Regional Commissioner, Department of Education, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102

Region X

RSA Regional Commissioner, Department of Education, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Washington 98101

An application for new awards must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

Applicants for new and noncompeting continuation projects are encouraged to use registered or at least first class mail. Each late applicant for a new project will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the appropriate Department of Education Regional Office. The Regional Office will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (local time) daily, except Saturdays, Sundays and Federal holidays.

An application for a new project that it hand delivered will not be accepted after 4:30 p.m. on the closing date.

AVAILABLE FUNDS: $2,925,000 is available for Rehabilitation Continuing Education Programs in fiscal year 1981. Funds are available within each Federal Region as follows:

Region I	[1] $237,467
Region II	293,557
Region III	362,280
Region IV	[2] 440,357
Region V	329,416
Region VI	345,910
Region VII	[1] 230,085
Region VIII	208,363
Region IX	[3] 279,638
Region X	209,925

[1] Noncompeting continuation only.
[2] $127,000 committed for noncompeting continuation only.
[3] $203,000 committed for noncompeting continuation only.

Those Regions in which all Fiscal Year 1981 funds are committed to noncompeting continuation grants are identified. No applications for new projects will be accepted in these Regions.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to grantees who have been conducting Rehabilitation Continuation Education Programs in fiscal year 1980. Additional forms and instructions may be obtained by writing to the appropriate Rehabilitation Services Administration Regional Commissioner in the Department of Education Regional Office.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not required.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Rehabilitation Continuing Education Programs (34 CFR Parts 385 and 389, 45 FR 86378, December 30, 1980); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Harold F. Shay, Director, Division of Manpower Development, Rehabilitation Services Administration, Department of Education, Room 3321, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–0079.

(29 U.S.C. 774)

84.129Y—Experimental and Innovative Training

CLOSING DATE: May 18, 1981.

Applications are invited for noncompeting continuation projects under the Experimental and Innovative Training Program.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies, and other public or nonprofit agencies and organizations, including institutions of higher education.

The purpose of this program is to train new types of rehabilitation personnel and to demonstrate new and improved methods of training rehabilitation personnel.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, an application for a noncompeting continuation award must be mailed or hand delivered by May 18, 1981.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.129Y, Washington, D.C. 20202.

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Applicant Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays.

AVAILABLE FUNDS: $1,000,000 is available for support of noncompeting continuation projects in Fiscal Year 1981. This amount reflects the over-all budgetary reduction from the Fiscal Year 1980 level for the Rehabilitation Training Program. The range of funded projects is expected to be from approximately $50,000 to $135,000 per project.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to September cycle grantees who have been conducting experimental and innovative training projects during the 1980–1981 academic year and who are eligible to apply for noncompeting continuation grant support under this Notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary also urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Experimental and Innovative Training Program (34 CFR Parts 385 and 387, 45 FR 86378, December 30, 1980); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Harold F. Shay, Director, Division of Manpower Development, Rehabilitation Services Administration, Department of Education, Room 3321, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–0079.

(29 U.S.C. 774)

84.129—Rehabilitation Long-Term Training

CLOSING DATE: May 18, 1981.

Applications are invited for new projects under the Rehabilitation Long-Term Training Program.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended.

(29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies and organizations, including institutions of higher education.

The purpose of the Rehabilitation Long-Term Training Program is to support projects designed for training personnel available for employment in public and private agencies involved in the rehabilitation of physically and mentally handicapped individuals, especially those who are the most severely disabled.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a grant must be mailed or hand delivered by May 18, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail for a new rehabilitation long-term training project, must be addressed to the U.S. Department of Education, Application Control Center, Attention 84–129, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building No.

3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 A.M. and 4:30 P.M. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 P.M. on the closing date.

AVAILABLE FUNDS: Approximately $4,500,000 is available for support of new rehabilitation long-term training projects in fiscal year 1981. This reflects a reduction from the fiscal year 1980 budget level for the Rehabilitation Training Program. It is expected that about 95 new grants will be awarded. The range of funded projects is expected to be from approximately $25,000 to $175,000.

There will be separate competitions for each of the rehabilitation fields in which rehabilitation long-term training grants are awarded, if warranted by the number of new applications received in each field.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to grantees who have been conducting rehabilitation long-term training projects during the 1980–1981 academic year. Additional copies may be obtained by writing to the Division of Manpower Development, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3321, Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instuctions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations to this program include the following:

(a) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Parts 385 and 386, 45 FR 86378, December 30, 1980); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Harold F. Shay, Director, Division of Manpower Development, Rehabilitation Services Administration, Department of Education, Room 3321, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–0079.

(29 U.S.C. 774)

84.129Z—State Vocational Rehabilitation Unit In-Service Training Program

CLOSING DATE: May 18, 1981.

Applications are invited for new projects under the State Vocational Rehabilitation Unit In-Service Training Program.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended.

(29 U.S.C. 774)

Awards may be made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

The purpose of this program is to support special projects for training personnel employed by State vocational rehabilitation units in program areas essential to the effective management of the State unit program of vocational rehabilitation services or in skill areas which will enable State unit personnel to improve their ability to provide vocational rehabilitation services to severely handicapped individuals.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a grant must be mailed or hand delivered by May 18, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail for a State vocational rehabilitation unit in-service training project must be addressed to the appropriate Regional Office of the Department of Education as follows:

Region I

RSA Regional Commissioner, Department of Education, John F. Kennedy Federal Building, Room E–400, Government Center, Boston, Massachusetts 02203

Region II

RSA Regional Commissioner, Department of Education, 26 Federal Plaza, Room 4106, New York, New York 10007

Region III

RSA Regional Commissioner, Department of Education, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101

Region IV

RSA Regional Commissioner, Department of Education, 101 Marietta Street, NW., Suite 903, Atlanta, Georgia 30323

Region V

RSA Regional Commissioner, Department of Education, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606

Region VI

RSA Regional Commissioner, Department of Education, 1200 Main Tower Building, Room 2040, Dallas, Texas 75202

Region VII

RSA Regional Commissioner, Department of Education, 324 East 11th Street, Kansas City, Missouri 64106

Region VIII

RSA Regional Commissioner, Department of Education, Federal Office Building, Room 978, 19th and Stout Streets, Denver, Colorado 80294

Region IX

RSA Regional Commissioner, Department of Education, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102

Region X

RSA Regional Commissioner, Department of Education, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Washington 98101

An application must show proof of mailing consisting of one of the following:

1. A legibly dated U.S. Postal Service postmark.

2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

3. A dated shipping label, invoice, or receipt from a commercial carrier.

4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the appropriate Department of Education Regional Office.

The appropriate Regional Office will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (local time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

AVAILABLE FUNDS: $3,000,000 is available for State Vocational Rehabilitation Unit In-Service Training

in Fiscal Year 1981. The allowance for each Federal Region is as follows:

Region I	$240,502
Region II	253,086
Region III	307,411
Region IV	388,567
Region V	364,259
Region VI	359,927
Region VII	201,376
Region VIII	165,173
Region IX	261,248
Region X	157,482

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages will be mailed to grantees who have been conducting State vocational rehabilitation unit training projects during Fiscal Year 1980. Additional forms and instructions may be obtained by writing to the appropriate Rehabilitation Services Administration Regional Commissioner in the Department of Education Regional Office.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the State Vocational Rehabilitation Unit In-Service Training Program (34 CFR Parts 385 and 388, 45 FR 86378, December 30, 1980); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FOR FURTHER INFORMATION: Harold F. Shay, Director, Division of Manpower Development, Rehabilitation Services Administration, Department of Education, Room 3321, Mary E. Switzer Building, 400 Maryland Avenue SW., Washington, D.C. 20202, telephone (202) 245-0079.

(29 U.S.C. 774)

84.128F—Client Assistance Projects

CLOSING DATE: June 10, 1981.

Applications are invited for new projects under the Client Assistance Projects Programs.

Authority for this program is contained in Section 112 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 732)

Awards are made under this program to State vocational rehabilitation agencies.

The purpose of the Client Assistance Projects Program is to support projects designed to inform and advise all clients and client applicants in the project area of all available benefits and their rights in seeking these benefits under the Rehabilitation Act.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a new award must be mailed or hand delivered by June 10, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128F, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATION DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5073, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

AVAILABLE FUNDS: Approximately $500,000 is available for support of new projects in Fiscal Year 1981. Based on an average grant amount of approximately $100,000, it is expected that about five or six new grants will be awarded. Projects may be funded up to five years, with annual renewal.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages are available and may be obtained by writing to the Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, U.S. Department of Education, Room 3516, Mary E. Switzer Building, 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A-95 but did not receive any clearinghouse comments.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Client Assistance Projects Program (34 CFR Parts 369 and 370, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Leslie B. Cole, Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, U.S. Department of Education, Room 3516, Mary E. Switzer Building, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245-3187.

(29 U.S.C. 732)

84.128G—Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects

CLOSING DATE: June 10, 1981.

Applications are invited for new projects under the Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects Program.

Authority for this program is contained in Section 312 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777(b))

Awards are made under this program to State vocational rehabilitation agencies or local agencies administering a vocational rehabilitation program under written agreements with State agencies.

The purpose of this program is to support projects for providing vocational rehabilitation services to handicapped migratory agricultural workers or handicapped seasonal farmworkers.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a grant award must be mailed or hand delivered by June 10, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128G, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Pstal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Each later applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sunday, and Federal holidays.

AVAILABLE FUNDS: Approximately $330,000 is available for support of new projects in Fiscal Year 1981. Based on an average grant amount of approximately $110,000, it is expected that about three new grants will be awarded.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages may be obtained by writing to the Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal Regional Office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Migratory Agricultural and Seasonal Farmworkers Vocational Rehabilitation Service Projects Program (34 CFR Parts 369 and 375, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Roberta Church, Division of Innovative Programs and Demonstrations, Rehabilitation Services Adminstration, U.S. Department of Education, Room 3516, Mary E. Switzer Building, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245–3187.

(29 U.S.C. 777(b))

84.128H—Handicapped American Indian Vocational Rehabilitation Service Projects

CLOSING DATE: June 10, 1981.

Applications are invited for new projects under the Handicapped American Indian Vocational Rehabilitation Service Projects Program.

Authority for this program is contained in Section 130 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 750)

Awards are made under this program to the governing bodies of Indian tribes located on Federal and State reservations.

The purpose of the Handicapped American Indian Vocational Rehabilitation Service Program is to support projects designed to provide vocational rehabilitation services to handicapped American Indians who reside on Federal or State reservations in order to prepare them for suitable employment.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a grant must be mailed or hand-delivered by June 10, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128H, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying

on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

AVAILABLE FUNDS: $650,000 is available for support of new projects in Fiscal Year 1981. It is expected that three new projects will be awarded. The range of funded projects is expected to be from approximately $125,000 to $400,000.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages may be obtained by writing to the Division of State Program Assistance, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW., Room 3211, Mary E. Switzer Building, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A-95 but did not receive any clearinghouse comments.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped American Indian Vocational Rehabilitation Service Projects Program (34 CFR Parts 369 and 371, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Martin Spickler, Ph.D., Acting Associate Commissioner, Office of Program Operations, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW., Room 3030, Mary E. Switzer Building, Washington, D.C. 20202. Telephone (202) 245-0212.

(29 U.S.C. 750)

84.128J—Projects for Initiating Special Recreation Programs for Handicapped Individuals

CLOSING DATE: June 10, 1981.

Applications are invited for new projects under the Program of Projects for Initiating Special Recreation Programs for Handicapped Individuals.

Authority for this program is contained in Section 316 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777f)

Awards are made to State and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects which initiate programs of recreational services for handicapped individuals.

CLOSING DATE FOR TRANSMITTAL OF APPLICATION: An application for a grant award must be mailed or hand delivered by June 10, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128J, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (Washington D.C. time) daily, except Saturdays, Sundays and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

AVAILABLE FUNDS: $2,000,000 is available for support of new projects in Fiscal Year 1981. It is expected that about 35 new grants will be awarded. The range of funded projects is expected to be from approximately $50,000 to $100,000.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages may be obtained by writing to the Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal Regional Office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(a) Regulations governing the Projects for Initiating Special Recreation Programs for Handicapped Individuals (34 CFR Parts 369 and 378, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Wesley Geigel, Acting Director, Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, 400 Maryland Avenue SW., Room 3516, Mary E. Switzer Building, Washington, D.C. 20202. Telephone (202) 245–3186.

(29 U.S.C. 777f)

84.128K—Special Projects and Demonstrations for Making Recreational Activities Accessible to Handicapped Individuals

CLOSING DATE: June 10, 1981.

Applications are invited for new projects under the Program of Special Projects and Demonstrations for Making Recreational Activities Accessible to Handicapped Individuals.

Authority for this program is contained in Section 311(a)(3) of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777a(a)(3))

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to operate programs and, where appropriate, to renovate and construct facilities to demonstrate methods of making recreational activities fully accessible to handicapped individuals.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a grant must be mailed or hand delivered by June 10, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128K, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

AVAILABLE FUNDS: $1 million is available for the support of new projects in Fiscal Year 1981. It is expected that about five new grants will be awarded. The range of funded projects is expected to be from approximately $50,000 to $250,000.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages may be obtained by writing to the Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

APPLICABLE REGULATIONS: The following regulations are applicable to this program:

(a) Regulations governing the Program of Special Projects and Demonstrations for making Recreational Activities Accessible to Handicapped Individuals (34 CFR Parts 369 and 374, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Wesley Geigel, Acting Director, Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue SW., Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245–3186.

(29 U.S.C. 777a(a)(3))

84.128A—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals

CLOSING DATE: June 10, 1981.

Applications are invited for new projects under the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals. (This announcement does not cover Spinal Cord Injury System projects supported under this program.)

Authority for this program is contained in Section 311(a)(1) of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777(a)(1))

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects designed to expand or otherwise improve vocational rehabilitation services and other rehabilitation services for severely handicapped individuals.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a grant must be mailed or hand delivered by June 10, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128A, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between the hours of 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: In fiscal year 1981 applicants are encouraged to submit applications with a single disability focus which are designed to provide services in any of the following disability areas:

(a) Arthritis
(b) Blindness
(c) Cerebral Palsy
(d) Deafness
(e) Epilepsy
(f) Heart Disease
(g) Mental Illness
(h) Mental Retardation
(i) Multiple Sclerosis
(j) Specific Learning Disability

AVAILABLE FUNDS: Approximately $1,250,000 is available for the support of new projects under this program. Based on an average grant amount of approximately $125,000 it is expected that 10 new grants will be awarded.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant.

APPLICATION FORMS: Application forms and program information packages may be obtained by writing to the Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A-95 but did not receive any clearinghouse comments.

APPLICABLE REGULATIONS: The following regulations are applicable to this program:

(a) Regulations governing Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (34 CFR Parts 369 and 374, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: Wesley Geigel, Acting Director, Division of Innovative Programs and Demonstrations, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue SW., Room 3516, Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245-3186.

(29 U.S.C. 711(a)(1))

84.128E—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (Spinal Cord Injury System Projects)

CLOSING DATE: June 10, 1981.

Applications are invited for new Spinal Cord Injury System projects under the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals.

Authority for this program is contained in Section 311(a)(1) of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777(a)(1))

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects designed to expand or otherwise improve vocational rehabilitation services and other rehabilitation services for individuals with spinal cord injuries.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for a grant must be mailed or hand delivered by June 10, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128E, 400 Maryland Avenue SW., Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Each late application will be notified that its application will not be considered.

APPLICATION DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Department of

Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

AVAILABLE FUNDS: Approximately $750,000 is available for the support of new projects in this grant program. Based on an average grant amount of approximately $250,000 it is expected that three new grants will be awarded.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages may be obtained by writing to: J. Paul Thomas, Project Manager, Model Spinal Cord Injury Systems Program, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 50 pages in length. The Secretary further urges that applicants not submit information that is not requested.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

APPLICABLE REGULATIONS: The following regulations are applicable to this program:

(a) Regulations governing Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (34 CFR Parts 369 and 373, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: J. Paul Thomas, Project Manager, Model Spinal Cord Injury Systems Program, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue SW., Room 3430, Mary E. Switzer Building, Washington, D.C. 20202. Telephone: (202) 245–0515.

(29 U.S.C. 777(a)(1))

84.132—Centers for Independent Living

CLOSING DATE: July 31, 1981.

Applications are invited for new projects under the Centers for Independent Living Program.

Authority for this program is contained in Section 711 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 796e)

Awards are made under this program to the designated State vocational rehabilitation unit. Awards may also be made to local public agencies or private nonprofit orgranizations within a State, if the designated State Unit has not submitted an application within six months after the Commissioner begins accepting applications in any fiscal year. January 2, 1981, has been established as the date in fiscal year 1981 on which the Commissioner began to accept applications.

The purpose of the Centers for Independent Living Program is to plan, establish, and operate centers for independent living which offer a combination of independent living services for severely handicapped individuals or groups of severely handicapped individuals so that they may live more independently in family and community, or secure and maintain employment, with the maximum degree of self-direction.

CLOSING DATES FOR TRANSMITTAL OF APPLICATIONS: Applications for new awards must be mailed or hand delivered by July 31, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.132, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building No. 3, Seventh and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

AVAILABLE FUNDS: Approximately $3,000,000 is available for support of new projects in Fiscal Year 1981. It is estimated that each new award will average $200,000.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages may be obtained by writing to the Special Assistant for Independent Living Projects, Rehabilitation Services Administration, U.S. Department of Education, Room 3216, Mary E. Switzer Building, 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

PROGRAM INFORMATION: Section 711(a) of the Rehabilitation Act of 1973, as amended, authorizes the award of

grants to "any designated States unit which administers the State plan under Section 705 * * *," which by definition is the same unit which administers the State plan under Section 110 of the Title I Vocational Rehabilitation Program. However, the Act states in Section 711(d) that "If, within six months after the date in each fiscal year in which the Commissioner begins to accept applications from designated State units under this section, a designated State unit in a State has not submitted an application, the Commissioner may accept application for grants under this section from local public agencies or private nonprofit organizations within the State."

The effect of section 711(d) is to provide designated State Units of the respective States both priority access and preemptive access if that priority is exercised in any fiscal year to grants authorized by section 711 of the Rehabilitation Act.

In those States with two designated State Units, one serving the visually impaired or blind, and another State Unit serving all other disabilities, if either or both fail to apply within six months after the Commissioner begins to accept applications, the Commissioner may accept applications which are submitted by the closing date for local public agencies, or private nonprofit organizations within that State. In order to be advised of the possibility of participation in a timely manner, interested local public agencies or private, nonprofit organizations should get in touch with the State rehabilitation unit(s) in their respective State to determine if the State Unit(s) intends to apply during fiscal year 1981.

If any designated State Unit submits an application after the six month period described above but before the closing date, the application will be judged in competition with all other applications and will not preempt applications from local public agencies or private nonprofit organizations within the respective State.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

APPLICABLE REGULATIONS: Regulations govering this program include the following:

(a) Regulations governing the Centers for Independent Living Program (34 CFR Part 366, 46 FR 5410, January 19, 1981); and

(b) Education Department General Administration Regulations (EDGAR) (34 CFR Parts 75 and 77).

FOR FURTHER INFORMATION CONTACT: William J. Bean, Ph.D., Special Assistant for Independent Living Projects, Room 3216, Mary E. Switzer Building, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245–0755.

(29 U.S.C. 796e)

Dated: March 13, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-8294 Filed 3-25-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

Conduct of Employees; Notice of Waiver Pursuant to Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91)

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91) authorizes the Secretary of Energy to waive the post-employment restrictions of section 605(a)(1) of the Department of Energy Organization Act to permit a former employee with outstanding scientific or technological qualifications to make appearances before or communications to the Department in connection with a particular matter in a scientific or technological field, where it has been determined that such a waiver would serve the national interest.

It has been established to my satisfaction that Philip R. Clark, formerly Associate Director for Reactors in the Division of Naval Reactors, has outstanding technological qualifications in the fields of nuclear power technology, reactor development and operation, and reactor core disposal. I am further satisfied that it serves the national interest to grant a waiver for Mr. Clark with respect to his activities as Vice President, Nuclear Activities, of the General Public Utilities Service Corporation relating to—

(1) evaluation, decontamination, and recovery of the Unit II nuclear power plant at the Three Mile Island nuclear power station,

(2) evaluation and resumption of operation of the Unit I nuclear power plant at the Three Mile Island nuclear power station, and

(3) disposal of radioactive waste from nuclear power plants situated at the Three Mile Island Nuclear Power Station and the Oyster Creek Nuclear Power Station.

I have, therefore waived the post-employment appearance and communication prohibitions of section 605(a)(1) of the Department of Energy Organization Act, with respect to contact with Department of Energy officials by Mr. Philip R. Clark in regard to the stated activities in his capacity as Vice President, Nuclear Activities, of the General Public Utilities Service Corporation.

Dated: March 12, 1981.

James B. Edwards,

Secretary of Energy.

[FR Doc. 81-8225 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Policy Task Force; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Policy Task Force.

Date and time: Thursday, April 30, 1981—1:00 p.m.

Place: Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building, Room 4A110, Washington, D.C. 20585.

Contact: Georgia Hildreth Deputy Advisory Committee Management Officer, Department of Energy, Forrestal Building, Room 6G087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202–252–5187.

Purpose of the task force: To advise the Department of Energy on the broad range of policy and programmatic issues in energy.

Tentative agenda:

- The purpose of the meeting is to draft a consensus document which will be considered by DOE, along with public comments, in the development of the National Energy Plan (NEP III).
- Public Comment (10 minute rule).

Public participation: The meeting is open to the public. Written statements may be filed with the Task Force either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The

Chairperson of the Task Force is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C., on March 20, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 8227 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-80-029; CFC Case No. 61008-8049-01-12]

BASF Wyandotte Corp.; Order Granting Exemptions

AGENCY: Economic Regulatory Adminstration, Department of Energy.

ACTION: Order granting exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On July 14, 1980, BASF Wyandotte Corporation (PWC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a new major fuel burning installation (MFBI) from the provisons of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBI's. Rules setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA are contained at 10 CFR Parts 501 and 503 (45 FR 38270, June 6, 1980).

PWC requested a permanent fuels mixture exemption to burn petroleum or natural gas in a mixture with industrial waste gas in a 307 million BTU's per hour boiler to be installed at BWC's Geismar, Louisiana, facility.

Pursuant to section 212(d) of the Act, and subject to specified terms and conditions stated herein, ERA hereby issues this order granting a permanent fuels mixture exemption to BWC to permit the use of petroleum (No. 6 oil) or natural gas in a mixture with industrial waste gas. As specified in the terms and conditions, the amount of petroleum or natural gas used in the exempted unit shall not exceed 25 percent of the total annual BTU heat input of the primary energy sources used in the unit.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653-4477

Douglas F. Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Forrestal Building, Room 6B-178, Washington, DC 20585, (202) 252-2967

The public file containing a copy of all documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW. Washington, DC, Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: In its petition for a permanent fuels mixture exemption for the 307 million BTU per hour field-erected boiler, BWC certified that the unit would not burn more than 25 percent petroleum or natural gas in a mixture with industrial waste gas (classified alternate fuels by ERA).

In accordance with the procedural requirements of FUA and FRA's regulations, ERA accepted BWC's petition and published notice of its acceptance in the **Federal Register** on September 12, 1980 (45 FR 60486). The Notice of Acceptance provided a 45-day public comment period during which interested persons could submit written comments on the petition for exemption and could request that a public hearing be convened. This period expired on October 27, 1980. No comments were received, nor was a public hearing requested.

ERA's staff reviewed the information contained in the record of this proceeding and prepared a Tentative Staff Analysis dated February 23, 1981, which recommended that ERA grant a permanent fuels mixture exemption to BWC permitting the use of a mixture of petroleum or natural gas and industrial waste gases in the boiler, provided that the amount of petroleum or natural gas used in the unit not exceed 25 percent of the total annual BTU heat input of the primary energy source used in the unit. A Notice of the Availablilty of the Tentative Staff Analysis on BWC's petition was published in the **Federal Register** on February 27, 1981 at 46 FR 14378. In that notice a 14-day period was provided for interested persons to submit written comments on the Tentative Staff Analysis or to request a public hearing. No comments were received, nor was a public hearing requested.

As required by section 701(f) and (g) of the Act, ERA provided copies of BWC's petition to the Environmental Protection Agency and the Federal Trade Commission for their comments. No comments have been received from either agency.

ERA has determined that BWC has satisfied the requirements of 10 CFR § 503.38(c). Accordingly, pursuant to section 212(d) of FUA, and subject to the terms and conditions stated below, ERA hereby grants BWC a permanent fuels mixture exemption to use a mixture of industrial waste gas and natural gas or petroleum in the new boiler in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the boiler.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Accordingly, this order is granted subject to the following terms and conditions:

1. The quality of any petroleum to be burned in the unit will be of the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

2. The amount of natural gas or petroleum used in BWC's new boiler shall not exceed 25 percent of the total annual Btu heat input of the primary energy source of the unit.

3. In accordance with the reporting requirement in 10 CFR 503.38(g) BWC shall submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461, each year on the anniversary of the boiler being placed in service containing the following: A certified statement of the percentage of natural gas and petroleum used in the boiler, including an identification of the actual quantities of natural gas, petroleum and waste gases used, as well as the higher heating value of those fuels. The following format shall be used:

Fuel type	Amount used (MCF/bbls)	BTU equivalent	Percent of annual fuel consumption
Industrial waste gases			
Petroleum			
Natural gas			

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1979 (NEPA). The grant or denial of a permanent fuels mixture exemption under the provisions of 10 CFR 503.38(c) has been identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment (categorical exclusion). This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly effect the quality of the human environment. BWC provided, as a part of its petition, a duly executed certification stating that prior to operating the boiler under the requested exemption it will secure all applicable environmental permits and approvals. The completed Environmental Checklist submitted by BWC pursuant to 10 CFR § 503.5(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel. BWC responses to the questions contained therein indicate that the operations of the boiler will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion in this case. Therefore, no additional environmental review is deemed to be required.

Effective Date of Order

The exemption granted by this order shall become effective on May 26, 1981.

Judicial Review

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before (60 days after publication) may petition for judicial review in accordance with the procedures outlined in 10 CFR § 501.69.

Issued in Washington, D.C., on March 19, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-9217 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 4015-000; 4019-000]

Arkansas Power & Light Co., and Arkansas Electric Cooperative Corp.; Application for Preliminary Permit

March 19, 1981.

Take notice that the Arkansas Power and Light Company (AP&L) filed on January 11, 1981, and the Arkansas Electric Cooperative Corporation (AEC) filed on January, 16, 1981, competing applications [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for preliminary permits for a proposed hydroelectric power project that would be known as the Lock and Dam No. 2 Project, FERC Project Nos. 4015 and 4019, respectively. The proposed project is located on the White River in Independence County, Arkansas. The applications are on file with the Commission and are available for public inspection. Correspondence with the Arkansas Power and Light Company, should be directed to: Mr. W. Henry Jones; Manager, Civil Engineering; Arkansas Power and Light Company; Post Office Box 551; Little Rock, Arkansas 72203. Correspondence with the Arkansas Electric Cooperative Corporation, should be directed to: Mr. Louis Fish, Assistant General Manager; Arkansas Electric Cooperative Corporation; 8000 Scott Hamilton Drive; Little Rock, Arkansas 72209. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project No. 4015 would consist of: (1) the existing Lock and Dam No. 2 (the dam is 31 feet high and has a crest length of 658 feet and the lock is 147 feet long and 38 feet wide); (2) a reservoir of negligible storage capacity; (3) a new powerhouse, adjacent to Lock No. 2, having a generating capacity of 8,400 kW; (4) a new switchyard; (5) a new transmission line; and (6) appurtenant facilities. AP&L estimates that the average annual energy output would be 48,000,000 kWh. The proposed Project No. 4019 would utilize the same lock and Dam No. 2 and its reservoir, and would also include a new powerhouse adjacent to Lock No. 2 having a generating capacity of 15,000 kW. AEC estimates that the average annual energy output would be 80,000,000 kWh. The owner of Lock and Dam No. 2 is the White River Investment Corporation.

Purpose of Project—AP&L proposes to utilize a portion of the energy generated and sell the remainder to the AEC and local municipalities. AEC proposes to utilize all the energy generated for the benefit of it's members.

Proposed Scope and Cost of Studies Under Permit—AP&L seeks issuance of a preliminary permit for a period of two years and AEC seeks issuance for a period of three years. Both Applicants would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, project power potential, and all information necessary for inclusion in an application for a license. AP&L estimates the cost of the studies under the preliminary permit to be between $20,000 and $50,000 and AEC estimated the cost to be between $38,000 and $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of each application may be obtained directly from the respective Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July

27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4015 and/or 4019. Any comments, notices of intent, competing applications protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9110 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4038-000]

Cities of Oglesby and Ladd, Ill.; Application for Preliminary Permit

March 19, 1981.

Take notice that the Cities of Oglesby and Ladd, Illinois (Applicants) filed on January 21, 1981, a joint application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4038 to be known as the Starved Rock Lock and Dam located on the Illinois River in La Salle County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable Harry A. Volant, Mayor of Ladd, Main Stret, Ladd, Illinois 61329; Honorable Alan Pittman, Mayor of Oglesby, P.O. Box 10, Oglesby, Illinois 61348. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Starved Rock Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse containing five generating units with a total installed capacity of 9 MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 39.42 GWh.

Purpose of Project—The Applicants propose to utilize the power output generated within their respective cities. Any excess power would likely be sold to the Illinois Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates cost of studies under its permit would be approximately $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company Project No. 3568 filed on October 14, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4038. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower

Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9117 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-146-001]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 19, 1981.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 13, 1981 tendered for filing the following revised tariff sheets to its FERC Gas Tariff:

Original Volume No. 1

Seventieth Revised Sheet No. 16
Eighteenth Revised Sheet No. 16A
Third Revised Sheet No. 16B

Original Volume No. 2

Substitute First Revised Sheet No. 693

Columbia states that the foregoing tariff sheets to Original Volume No. 1 are necessary in order to place into effect on April 1, 1981, which is the end of the suspension period, rates which comply with the conditions set forth in ordering Paragraph (E) of the Commission's suspension order herein of October 30, 1980. Columbia's filing is on file and subject to inspection in the Commission's Office of Public Information.

Columbia further states that substitute First Revised Sheet No. 693 to its Original Volume No. 2 is being reissued to reflect an effective date of April 1, 1981.

Copies of this filing were served upon the Company's jurisdictional customers, interested state commissions and to each of the parties set forth on the official service list in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9118 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-145-001]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

March 19, 1981.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on March 13, 1981 tendered for filing the following revised tariff sheets to its FERC Gas Tariff to become effective April 1, 1981:

Original Volume No. 1

First Substitute Twenty-Sixth Revised Sheet No. 7

Original Volume No. 2

Substitute Seventh Revised Sheet No. 72
Substitute Seventh Revised Sheet No. 73
Substitute Fourth Revised Sheet No. 92
Substitute Fourth Revised Sheet No. 93
Substitute Fourth Revised Sheet No. 126
Substitute Fifth Revised Sheet No. 145
Substitute Fifth Revised Sheet No. 146
Substitute Fourth Revised Sheet No. 263
Substitute Third Revised Sheet No. 320
Substitute Third Revised Sheet No. 337
Substitute Third Revised Sheet No. 386
Substitute Third Revised Sheet No. 387
Substitute Second Revised Sheet No. 416
Substitute Second Revised Sheet No. 417
Substitute Third Revised Sheet No. 440
Substitute Third Revised Sheet No. 484
Substitute Third Revised Sheet No. 493
Substitute Third Revised Sheet No. 567
Substitute Third Revised Sheet No. 596
Substitute Second Revised Sheet No. 628
Substitute First Revised Sheet No. 663
Substitute First Revised Sheet No. 677
Substitute First Revised Sheet No. 702
Substitute Second Revised Sheet No. 750
Substitute Second Revised Sheet No. 820
Substitute Second Revised Sheet No. 821
Substitute Second Revised Sheet No. 848
Substitute Second Revised Sheet No. 849
Substitute First Revised Sheet No. 937
Substitute First Revised Sheet No. 1052
Substitute First Revised Sheet No. 1097

Columbia Gulf states that such tariff sheets are necessary to place its rates suspended by Commission Order issued October 30, 1980 in this proceeding into effect at the end of the prescribed suspension period and to consolidate proceedings herein with proceedings in Docket No. RP80-146. The rates contained in the subject tariff sheets to give effect to (1) the elimination of all costs associated with facilities which will not be in service by February 28, 1981; and (2) to give effect to change in its Account 282—Accumulated Deferred Income Taxes resulting from Internal Revenue Service Refund pursuant to Article VI B of the Approved Stipulation and Agreement at Docket No. RP76-94 et. al.

Copies of this filing were served upon all of columbia Gulf's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9119 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4194-000]

Indiana Municipal Power Agency; Application for Preliminary Permit

March 19, 1981.

Take notice that Indiana Municipal Power Agency (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4194 to be known as Brookville Waterpower Project located on the East Fork Whitewater River in Franklin County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank R. Rudolph, Chairman, Indiana Municipal Power Agency, 5920 Castleway West Drive, Indianapolis, Indiana 46250. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir and the Applicant's facilities would be located mostly on U.S. lands. The proposed project would consist of: (1) an existing outlet conduit to be reinforced with a new steel liner; (2) a proposed penstock; (3) a proposed powerhouse containing generating units with a total installed capacity of 9.5 MW; (4) a proposed tailrace channel which would connect with the existing outlet channel; (5) proposed Transmission lines; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 25,800 MWh.

Purpose of Project—The power generated by the proposed project would be sold by the Applicant to his customers.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $290,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to Continental Hydro Corporation Project No. 3393 filed on August 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4194. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9129 Filed 3-25-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-181-000]

Bangor Hydro-Electric Co.; Electric Rates; Suspension; Denial of Rejection and Waiver; Summary Disposition; Intervention

Issued March 19, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

Order Accepting for Filing, and Suspending Proposing Rates, Denying Motion To Reject, Denying Waiver of Notice, Granting Summary Disposition, Granting Intervention, and Establishing Procedures

Background

On December 22, 1980, as completed on January 22, 1981,[1] Bangor Hydro-Electric Company (Bangor) filed a proposed increase in firm power rates to five wholesale customers.[2] The proposed rates would increase Bangor's revenues by approximately $194,136, or 16%, based on a twelve-month test period ending December 31, 1979.[3] Bangor requests an effective date of February 28, 1981, for the revised rates.

Notice of Bangor's submittal was issued on December 31, 1980, with protests or petitions to intervene due on or before January 15, 1981. On January 15, 1981, Eastern Maine Electric Cooperative Inc. (Eastern Maine) filed a protest, petition to intervene, and motion to reject or, in the alternative, for a five-month suspension. In support of its motion to reject, Eastern Maine asserted that Bangor's filing was deficient in a number of respects relating to demand and energy allocation.[4]

Eastern Maine also raised a number of issues regarding calculation of cash working capital, the inclusion of PURPA expenses and other items in rate base, Bangor's capital structure and requested return on common equity, and other cost of service issues which, according to Eastern Maine, warrant a five-month suspension of the proposed rates. On January 23, 1981, Lubec Water and Electric District (Lubec) filed a late protest and petition to intervene which adopted in its entirety the petition submitted by Eastern Maine.

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[1] Bangor's submittal was not completed until January 22, 1981, when Bangor filed additional information in response to a deficiency letter of January 14, 1981.

[2] The customers are Stonington and Deer Isle Power and Light Company, Lubec Water and Electric District, Union River Electric Cooperative, Inc., Eastern Maine Electric Cooperative, and Swan's Island Electric Cooperative. *See* Attachment for A for rate schedule designations.

[3] The proposed rates, *inter alia*, would increase the demand charge from $4.15 to $7.00 per kW, change the energy charge from $.009 to $.0846 per kWh, and increase the minimum monthly charge from $311.25 to $525.00.

[4] Eastern Maine states that it did not have sufficient time to determine whether additional information submitted by Bangor immediately prior to Eastern Maine's pleading would cure the deficiencies in Bangor's filing.

On January 30, 1981, Bangor filed a response to Eastern Maine's petition, in which Bangor asserts that its original filing complied with the Commission's abbreviated filing requirements, and thus that its rates should be permitted to become effective sixty days after the date of its original tender.[5] In the alternative, Bangor requests a minimum suspension period for the proposed rates and any waiver of notice necessary to maintain its originally requested effective date of February 26, 1981.

Discussion

In its late petition to intervene, Lubec alleges that as a wholesale customer of Bangor it will be directly and adversely affected by the proposed rate increase, and that its interest will not be adequately represented by any other party to this proceeding. Although Lubec's petition was untimely filed, it will not delay this proceeding or prejudice the rights of any other party to permit Lubec's intervention. The Commission finds that participation in this proceeding by Lubec, as well as Eastern Maine, is in the public interest, and that good cause exists to grant Lubec's late petition to intervene. Accordingly, Lubec and Eastern Maine, will be permitted to intervene in this proceeding.

Bangor's filing as completed in accordance with the regulations on January 22, 1981, substantially complies with the Commission's filing requirements.[6] Therefore, we shall deny Eastern Maine's motion to reject the filing. Since the Commission does not find that good cause exists to waive the notice requirements, we shall also deny Bangor's request for waiver.

The inclusion of costs related to PURPA reporting requirements in Bangor's wholesale cost of service is prohibited by the Commission's regulations, and therefore will be summarily rejected.[7] In addition, as pointed out by Eastern Maine, Bangor has included in its rate base the unamortized portion of its investment in two cancelled nuclear generating plants which were to have been built by New England Power Company (NEP). In *New England Power Co.*, Opinion Nos. 49 and 49–A, issued July 19, 1979, and March 26, 1980, the Commission declined to permit NEP to reflect such a rate base inclusion for cancelled facilities. In subsequent suspension orders involving NEP, we have summarily rejected the company's requested rate base treatment.[8] Consistent with our resolution of this issue with respect to NEP's treatment of the same facilities, we shall summarily reject Bangor's rate base inclusion of the unamortized balance of its write-off. However, in light of the minimal impact on total revenue requirements of the two summary dispositions required by this order, Bangor will not be required immediately to refile its cost of service and rates to reflect the rejection of these items. Nonetheless, these adjustments must be reflected in the final compliance cost of service upon which the rates in this proceeding will ultimately be based. The Commission finds that the remaining issues raised by Eastern Maine and Lubec are appropriate issues for further consideration in the evidentiary hearing ordered below.

Our analysis indicates that Bangor's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and suspend them as ordered below.

In a number of suspension orders,[9] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The Commission notes that while a number of substantive issues have been raised by the intervenors, our analysis indicates that the proposed rates may not produce excessive revenues. Thus, we do not believe that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to the affected customers pending the outcome of a hearing. Accordingly, we shall exercise our discretion to suspend the rates for only one day from 60 days after completion of the filing, permitting the rates to take effect subject to refund thereafter on March 25, 1981.

The Commission orders

(A) Eastern Maine's motion to reject Bangor's filing is hereby denied.

(B) Bangor's request for waiver of the Commission's notice requirements is hereby denied.

(C) Bangor's revised rates are hereby accepted for filing and suspended for one day, to become effective on March 25, 1981, subject to refund.

(D) Bangor's inclusion of costs related to PURPA reporting requirements in its jurisdictional cost of service and Bangor's rate base inclusion of the unamortized balance of its investment in cancelled nuclear facilities are hereby rejected. Such summary dispositions shall be reflected in any compliance cost of service upon which rates in this proceeding are ultimately based.

(E) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I (1979)], a public hearing shall be held concerning the justness and reasonableness of Bangor's rates.

(F) Lubec's and Eastern Maine's petitions to intervene are hereby granted subject to rules and regulations of the Commission; *Provided however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes of expediting discovery, establishing a procedural schedule, including submittal of a case-in-chief by Bangor, and pursuing other appropriate

[5] On February 5, 1981, Eastern Maine and Lubec filed a reply to Bangor's response. That pleading would not suggest determinations other than expressed herein.

[6] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FRC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[7] See 18 CFR 290.104.

[8] *See New England Power Co.*, Docket Nos. ER81–70–000, ER81–71–000 (December 30, 1980); *New England Power Co.*, Docket Nos. ER80–66, *et al.* (December 31, 1979).

[9] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, day suspension); *Cleveland Electric Illumination Co.*, Docket No. ER80–486 (August 22, 1980) (one day suspension).

matters. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A

Bangor Hydro Electric Co., Docket No. ER81-181-000, Rate Schedule Designations

Designations	Other parties
Supplement No. 7 to Rate Schedule FPC No. 1 (Supersedes Supplement No. 5).	Stonington and Deer Isle Power & Light Co.
Supplement No. 7 to Rate Schedule FPC No. 4 (Supersedes Supplement No. 5).	Lubec Water & Electric District
Supplement No. 7 to Rate Schedule FPC No. 5 (Supersedes Supplement No. 5).	Union River Co-op, Inc.
Supplement No. 7 to Rate Schedule FPC No. 7 (Supersedes Supplement No. 5).	Eastern Maine Electric Co-op, Inc.
Supplement No. 5 to Rate Schedule FERC No. 27 (Supersedes Supplement No. 3).	Swans Island Electric Co-op, Inc.

[FR Doc. 81-9114 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4217-000]

Mason County Public Utility District No. 3; Application for Preliminary Permit

March 19, 1981

Take notice that Mason County Public Utility District No. 3 (Applicant) filed on February 17, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4217 to be known as Rock Creek Hydroelectric Project located on Rock Creek in Mason County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis E. Rohr, General Manager, Mason County PUD No. 3, P.O. Box 400, Shelton, Washington 98584. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 70-foot long, 30-foot high concrete thin arch diversion structure; (2) a 40-inch diameter, 3000-foot long penstock; (3) and above-ground concrete powerhouse containing a single generating unit with a rated capacity of 1,800 kW; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6.1 million kWh.

Purpose of Project—Project energy would be used by the Applicant.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) no test pits, borings, or other foundation exploration would be required during the preliminary permit stage, as the facilities would be built on rocky formations. The cost of the above activities, along with preparation of an environmental inpact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of itent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedures, 18 CFR § 1.8 or §1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4217. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9121 Filed 3-25-81; 8:45am]
BILLING CODE 6450-85-M

[Project No. 4245-000]

Municipal Electric Power Association of Virginia; Application for Preliminary Permit

March 19, 1981.

Take notice that Municipal Electric Power Association of Virginia (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4245 to be known as Cave Run Lake Dam located on Licking River in Bath and Rowan Counties near Salt Lick and Farmers, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. R. M. Amyx, Executive Secretary, MEPAV, 311 Ironfronts, P.O. Box 753, Richmond, VA 23206. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army corps of Engineers' dam and reservoir. Project No. 4245 would consist of: (1) a proposed intake section; (2) a proposed powerhouse located adjacent to and on the north side of the existing stilling basin; (3) proposed transmission lines; and (4) appurtenant facilities. The Applicant estimates the capacity of their proposed project to be 15.2 MW, and the annual energy output to be 36.6 GWh.

Purpose of Project—The Applicant would utilize its energy within its own power system.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $230,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to Eastern States Energy and Resources, Inc., Project No. 3421 filed on September 2, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4245. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9122 Filed 3-25-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. EL80-36]

Southern California Edison Co.; Order Granting Motion to Withdraw Petition and Terminating Docket

Issued March 19, 1981

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

On January 7, 1981, the United States Department of the Air Force (USAF) filed a motion to withdraw its prior pleading in this docket and to terminate the docket. The proceeding had been initiated by the USAF when it filed a motion on April 1, 1980, to compel Southern California Edison Company (Edison) to file with the Commission a contract between the USAF and Edison. The USAF also sought a declaratory order invalidating certain provisions of the contract. Notice of the motion to withdraw the prior pleading was issued on January 28, 1981, with protests due by February 13, 1981. No responses have been filed.

In its original filing, the USAF stated that the contract provided for Edison to wheel electrical energy allocated to the USAF from the Parker Davis project of the Western Area Power Authority to two delivery points at Edwards Air Force Base. According to the USAF, a dispute arose as to the treatment of this service in connection with the sale of electrical energy at retail by Edison to the USAF at a third delivery point. Notice of the USAF's original filing was issued on April 15, 1980, and Edison filed a timely petition to intervene and answer.

The USAF's filing of January 7, 1981, states that the parties have reached agreement and that there is no need to pursue this matter further. Edison has concurred in the motion to withdraw and to terminate.

Discussion

Under § 1.11(d)(2) of our Rules of Practice and Procedure, a pleading such as that of the USAF, which is in the nature of a complaint, may be withdrawn only upon express Commission approval. From the facts presented it appears that the parties no longer require Commission resolution of their controversy and that no interested party opposes termination of this docket. We therefore find that good cause exists to permit the USAF to withdraw its motion and petition, and we shall authorize such withdrawal. The Commission by this order expresses no opinion as to the merits of any contention raised in the pleadings.

The Commission orders:

(A) The USAF's motion to withdraw its April 1, 1980 motion and petition is hereby granted.

(B) Docket No. EL80-28 is hereby terminated.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9119 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP77-19-002 et al.]

Transwestern Pipeline Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

March 19, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 3, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing Date, Company, Docket No., and Type Filing

Jan. 15, 1981—Transwestern Pipeline Company, RP77-19-002; 3 Reports
Mar. 2, 1981—Algonquin Gas Transmission Company, RP80-72-005; Report
Mar. 3, 1981—Mississippi River Transmission Corporation, RP80-36-005; Report
Mar. 10, 1981—Texas Eastern Transmission Corporation, RP81-42-000; Petition and Plan

[FR Doc. 81-9123 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-38 and ER80-121]

West Texas Utilities Co., Filing

March 19, 1981.

The filing company submits the following:

Take notice that on February 24, 1981, West Texas Utilities Company ("WTU") submitted for filing an unexecuted service agreement between WTU and Western Farmers Electric Cooperative, Inc., providing for service by WTU to the cooperative under WTU's FERC Rate Schedule TR-1.

WTU states that copies of the filing have been sent to the cooperative and to the Public Utility Commission of Texas. WTU proposes to make the unexecuted service agreement effective as of June 5, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions of protest should be filed on or before April 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9124 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4098-000]

The Wisconsin Public Power Incorporated System and the City of Black River Falls; Application for Preliminary Permit

March 19, 1981.

Take notice that Wisconsin Public Power Incorporated System and the City of Black River Falls (Applicant) filed jointy on February 2, 1981, an application for perliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4098 to be known as Hatfield Dam located on the Black River in Jackson and Clark Counties, Wisconsin. The application is on file with the Commission and is availalbe for public inspection. Correspondence with the Applicant should be directed to: The Wisconsin Public Power Incorporated System c/o Richard Olson, P.O. Box 927, Madison, Wisconsin 53701. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the exising Hatfield Dam and Lake Arbutus. Project No. 4098 would consist of: (1) a existing dam with a concrete overflow section having a maximum height of 52 feet and total length of 747 feet, and three embankment sections with a maximum height of 30 feet and a total length of 2400 feet; (2) an existing reservoir with a surface area of 945 acres at normal surface elevation of 885 feet. (m.s.l.), and a storage capacity of 10,800 acre-ft.; (3) an existing power canal; (4) three existing steel penstocks; (5) an existing powerhouse; (6) existing transmission lines; and (7) appurtenant facilities. Applicant estimates the installed capacity of the proposed project to be 6.0 MW.

The Applicant estimates that the average annual energy output would be 20 GHh.

Purpose of Project—Energy produced at Project No. 4098 would be delivered to Northern States Power Company for credit to municipal members of Wisconsin Public Power Incorporated or the City of Black River Falls.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a 36 month perliminary permit to prepare definitive project reports including preliminary structural evaluation, preliminary generation potential and final project feasibility assessment that will include environmental and social studies, and project impact on water resources. In addition, Federal, State, and local government agencies will be consulted concerning the environmental effects of the project. The cost of the studies is estimated to be $54,000.

Purpose of Preliminary Permit—A perliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the

proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application.—Anyone desiring to file a competing application must submit to the Commission, on or before May 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4096. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9125 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-85-M

National Petroleum Council, Air Quality Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Air Quality Task Group of the Committee on Environmental Conservation will meet in April and May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Air Quality Task Group meetings follows:

The Air Quality Task Group will hold its third meeting on Wednesday, April 15, 1981, starting at 9:30 a.m., in the Mount Vernon Room, Sheraton-Carlton Hotel, 923 Sixteenth Street, N.W., Washington, D.C.; and the fourth meeting on Wednesday, May 20, 1981, at 9:30 a.m., in the Ohio Room, Capital Hilton Hotel, Sixteenth and K Streets, N.W., Washington, D.C.

The tentative agenda for the meeting follows:

1. Discuss Task Group assignments.
2. Review preliminary draft sections of the Task Group report.
3. Discuss any other matters pertinent to the overall assignment of the Air Quality Task Group.

The meeting is open to the public. The Chairman of the Air Quality Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Air Quality Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Fossil Energy, 202/633-8363, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on March 6, 1981.

Roger N. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 81-9226 Filed 3-25-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-10]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 20, 1981.

Cut-Off Date: April 30, 1981.

The Commission has learned that one of the applications listed as accepted for filing on AM cut-off list B-8 (Mimeo No. 07040, released February 20, 1981) was omitted from the notice published in the **Federal Register** on February 23, 1981 (46 FR 13575).

Therefore, for the following applications, the March 30, 1981 cut-off date previously announced is hereby rescinded and a new cut-off date announced. Because these applications are in conflict with others previously accepted for filing and listed as subject to a cut-off date for conflicting applications, no application which would be in conflict with these applications will be accepted for filing. Petitions to deny these applications must be on file with the Commission not later than the close of business on April 30, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of

right not later than the close of business on April 30, 1981.

BPI–801211AH—New (Interim), Beaufort, South Carolina. Ronald J. Prohaska and Patricia P. Prohaska d.b.a. Radio Station WSIB; Req: 1490 kHz, 250 W, 500 W–LS, U

BP–810206AD—New, Beaufort, South Carolina. Bobby S. Merritt, Mildred L. Merritt, Emil H. Klatt, Jr., and Alice Klatt; Req: 1490 kHz, 250 W, 500 W–LS, U

BP—810209AO—New, Beaufort, South Carolina. William A. Galloway and Vivian M. Galloway; Req: 1490 kHz, 250 W, 500 W–LS, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-9140 Filed 3-25-81; 8:45 am]

BILLING CODE 6712-01-M

Alfred E. Bloch; Order To Show Cause, Suspension and Designation Order

In the Matters of Revocation of License of Alfred E. Bloch, 5032 Oak Leaf Avenue, Carmichael, California 95608, (PR Docket No. 81–124); Licensee of Station KA6IVA in the Amateur Radio Service and Alfred E. Bloch, 5032 Oak Leaf Avenue, Carmichael, California 95608 (PR Docket No. 81–125); Licensee of Station KAOB–7346 in the Citizens Band Radio Service and Suspension of License of Alfred E. Bloch, 5032 Oak Leaf Avenue, Carmichael, California 95608, (PR Docket No. 81–126); and Novice Class Amateur Radio Operator License and Application of Alfred E. Bloch, 5032 Oak Leaf Avenue, Carmichael, California 95608, For Technician Class Amateur Radio Operator License (PR Docket No. 81–127). Order To Show Cause, Suspension and Designation Order designating applications for consolidated hearing on stated issues.

Adopted: March 9, 1981.

Released: March 16, 1981.

The Chief, Private Radio Bureau, has under consideration the Amateur radio station license, KA6IVA, the Novice Class Amateur radio operator license, and the Citizens Band radio station license, KAOB–7346, of Alfred E. Bloch. The Amateur licenses were issued for a five year term on January 4, 1980. The CB license was issued for a five year term on April 22, 1977. Also under consideration is Bloch's application to upgrade his Novice Class license to Technician Class dated January 23, 1980.

1. Information before the Commission indicates that on January 23, 1980, Robert G. Harkins appeared at the Commission's District Office in San Francisco, California, and submitted an Application for Individual Amateur Radio Station and/or Operator License (FCC Form 610) for a change of class of operators license from Novice to Technician Class in the name of Alfred E. Bloch. Harkins then proceeded to take the written portion of the Commission's examination (Element 3) associated with that application. Harkins signed all associated Commission examination papers with Bloch's name and otherwise represented to the Commission that he was Bloch, in an attempt to fraudulently obtain a Technician Class Amateur radio operator license for Bloch, in willful violation of Section 97.129 of the Commission's Rules.[1] The information further indicates that this was all done with the agreement, knowledge and consent of Bloch who paid Harkins one hundred dollars ($100.00) to take the examination for him.

2. On January 23, 1980, Bloch was issued an Interim Amateur Permit (FCC Form 660–B) authorizing him Technician Class privileges, based upon the successful completion of the above examination. Bloch voluntarily returned this permit to Commission authorities on April 28, 1980.

3. On June 8, 1978, Bloch was mailed a Notice of Violation/Notice of Apparent Liability to Monetary Forfeiture (FCC Form 793–L) for operating his CB station KAOB–7346, on an unauthorized frequency (Section 95.471 of the Commission's Rules) and failing to identify by his FCC-assigned call sign (Section 95.455(a) of the Commission's Rules) on May 18, 1978. At the inspection of his station on May 21, 1978, it was discovered that his CB station employed a non-type accepted transmitter (Section 95.641(c)(2) of the Commission's Rules).[2] Bloch was assessed a forfeiture of $150.00 which he paid on June 26, 1978.

4. Section 312(a)(2) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked "because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license . . . on an original application. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked for willful violation of the Commission's Rules. Section 303(M)(1)(F) of the Communications Act of 1934, as amended, provides that an operator license may be suspended upon proof sufficient to satisfy the Commission that the licensee has obtained or attempted to obtain an operator's license by fraudulent means. Accordingly, IT IS ORDERED that Bloch SHOW CAUSE why the licenses for Amateur radio station KA6IVA and for Citizens Band radio station KAOB–7346 SHOULD NOT BE REVOKED, and that Bloch's Novice Class Amateur radio operator's license IS SUSPENDED for the remainder of the license term. The suspension will be held in abeyance if Bloch requests a hearing or submits a written statement for consideration.[3]

3. It Is Further Ordered, that Bloch's application for a Technician Class Operator's license is designated for hearing on the issues specified below.

6. It Is Further Ordered, that if Bloch desires a hearing on the revocation, suspension and/or application matters, he must file a written request for a hearing within 30 days of his receipt of this Order.[4] [5] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent order.

7. It Is Further Ordered, that if Bloch waives his right to a hearing on the revocation and/or the suspension matters, those matters will be certified to the Commission for administrative disposition pursuant to Section 1.92(c) of the Rules.[6] If Bloch does not file a written appearance in triplicate on the application matter, as required by Section 1.221(c), within 30 days of his receipt of this Order, the application will be dismissed with prejudice pursuant to Section 1.221(c).[7]

8. It Is Further Ordered, that the revocation, suspension, and application proceedings are consolidated for hearing pursuant to Section 1.227 of the Commission's Rules and shall be resolved upon the following issues:

(a) To determine whether Bloch fraudulently obtained or attempted to obtain a Technician Class Amateur radio operators license in wilful violation of Section 97.129 of the Commission's Rules.

(b) To determine whether on May 18, 1978, Bloch operated his CB station in wilful violation of Sections 95.455(a) and 95.471 of the Commission's Rules (Now CB Rules 30(a) and 17(a)).

(c) To determine whether on May 21, 1978, Bloch's CB station violated

[1] Section 97.129 of the Commission's Rules states that "[n]o licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means."

[2] Part 95 of the Commission's Rules has been revised and renumbered. The rules cited herein are those which were in effect on the date of operation.

[3] Any contrary provisions of Section 1.85 of the Rules are waived.

[4] Any contrary provisions of Sections 1.85 and 1.221(c) of the Rules are waived.

[5] The enclosed form should be used to request or waive hearing. It should be returned to the Federal Communications Commission, Washington, D.C. 20554.

[6] Any contrary provisions of Section 1.85 of the Rules are waived.

95.641(c)(2) of the Commission's Rules (Now CB Rule 19(a)).

(d) To determine, in light of the evidence adduced pursuant to issues (a), (b), and (c), whether Alfred E. Bloch has the requisite qualifications to remain a Commission licensee.

(e) To determine whether the licenses for Amateur radio station KA6IVA and/or Citizens Band radio station KAOB-7346 should be revoked.

(f) To determine whether the suspension order for Bloch's Novice Class Amateur radio operator's license should be affirmed, modified, or dismissed.

(g) To determine whether the grant of Bloch's application for Technician Class Amateur radio operator's license would serve the public interest, convenience and necessity.

9. It Is Further Ordered, that the proceedings in this case shall be consolidated with the proceedings in the case of Robert G. Harkins (PR Docket Nos. 81-121, and 81-123), pursuant to Section 1.227 of the Rules.

10. It Is Further Ordered, that a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record (as shown in the caption).

Chief, Private Radio Bureau.

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-9144 Filed 3-25-81; 8:45 am]

BILLING CODE 6712-01-M

Flanagan, Flanagan and Cross, Inc. and Columbia Women's Radio Inc.; Hearing Designation Order

In re Applications of Flanagan, Flanagan and Cross, Inc., Columbia, North Carolina; Req: 105.7 MHz, Channel 289, 100 kW (H&V), 456 feet (BC Docket No. 81-162, File No. BPH-790926AC) and Columbia Women's Radio, Inc., Columbia, North Carolina; Req: 105.7 MHz, Channel 289, 100 kW (H&V), 256 feet (BC Docket No. 81-163, File No. BPH-800519AC) for Construction Permit for a New FM Station. Hearing Designation Order designating applications for consolidated hearing on stated issues.

Adopted: March 4, 1981.

Released: March 17, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Flanagan, Flanagan and Cross, Inc. (Flanagan) and Columbia Women's Radio, Inc. (Columbia).

2. *Flanagan.* Section 73.210 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. Flanagan proposes to locate its main studio 10.2 miles east of Columbia on Highway 64. Justification has not been provided for the proposed studio location. Accordingly, an issue will be specified.

3. *Columbia.* Analysis of the financial data submitted by Columbia reveals that $72,888.13 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$23,750.00
Equipment payments with interest	6,819.63
Land	3,000.00
Building	6,000.00
Miscellaneous	13,500.00
Loan repayments	3,868.50
Operating costs (3 months)	14,250.00
Total	72,888.13

Columbia has shown only $69,000 is available from a bank loan and stock subscriptions to meet this requirement. Accordingly, a limited financial issue will be specified.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

5. Except as indicated by the issue specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, It Is Ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications Are Designated for Hearing in a Consolidated Proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposal of Flanagan to locate its main studio outside its community of license is in compliance with Section 73.210 of the Commission's Rules with respect to location of the main studio, and if not, whether circumstances exist which warrant a waiver of that Section.

2. To determine with respect to Columbia:

(a) the source and availability of funds above the $69,000 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, Columbia is financially qualified to construct and operate the proposed station.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications, if either, should be granted.

7. It is Further Ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is Further Ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

By:

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-9145 Filed 3-25-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Interstate Commerce Commission Ex Parte No. 230 (Sub No. 5)]

Exemption of Joint Through Water/Rail Rates; Filing of Petition

Notice is given that a petition has been filed by the U.S. Flag Far East Discussion Agreement members asking this Commission to take action pursuant

to section 19 of the Merchant Marine Act, 1920, (the Act) (4 U.S.C. 876) with respect to the impending exemption of joint through water/rail rates announced by the Interstate Commerce Commission in its Ex Parte No. 230 (Sub No. 5)

Specifically this Commission is requested to take the following actions: (1) Pursuant to Section 19(1)(c) of the Act, ask the ICC to suspend or annul its announced rule in Ex Parte No. 230 (Sub No. 5) to exempt rail and truck service provided by rail carriers in connection with trailer on flatcar (TOFC) and container on flatcar (COFC) service for ex-water shipments from the provisions of Title 49, Subchapter IV of the U.S. Code, at least until the Commission is able to implement an appropriate regulatory regime covering joint through water/rail rates; and (2) If the ICC declines to accede to the above request, pursuant to Section 19(3) of the Act, the Commission should submit the facts of the matter to the President with a request to suspend or annul the ICC exemption order, at least for the time needed by the Commission to implement an appropriate regulatory regime.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Martime Commission, 1100 L Street, N.W., Room 11101, or may inspect the petition at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit comments to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before April 16, 1981. An original and fifteen copies of such comments shall be submitted and a copy thereof served on petitioner.

By the Commission: March 18, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9088 Filed 3-25-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 19, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Barclays Bank Limited and Barclays Bank Internation Limited, London, England (commercial finance; Southern California): to relocate the operations of their subsidiary, BarclaysAmerican/Business Credit, Inc., from an office at 1901 Avenue of the Stars, Los Angeles, California, to offices at the following three locations: 3550 Wilshire Boulevard, Los Angeles, California; 18321 Ventura Boulevard, Tarzana, California; 18662 MacArthur Boulevard, Irvine, California. The subsidiary engages in making secured commercial loans to small and medium-sized businesses, and serves Los Angeles, Orange, and surrounding counties.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. St. Joseph Bank and Trust Company, South Bend, Indiana (mortgage banking acitivites; Michigan): to engage,through its indirect subsidiary, St. Joseph Mortgage Co., Inc., South Bend, Indiana, in originating, acquiring, selling, and servicing residential, commercial, and industrial mortgage loans. These activities would be conducted from an office in the vicinity of 3777 Sparks Drive S.E., Grand Rapids, Michigan, serving an area within a 50-mile radius of Grand Rapids, Michigan.

2. St. Joseph Bank and Trust Company, South Bend, Indiana (mortgage banking activities; Michigan): to engage, through its indirect subsidiary, St. Joseph Mortgage Co., Inc., South Bend, Indiana, in originating, acquiring, selling, and servicing residential, commercial, and industrial mortgage loans. These activities would be conducted from an office in the vicinity of 3715 West Main Street, Kalamazoo, Michigan, serving an area within a 50-mile radius of Kalamazoo, Michigan.

C. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas, City, Misouri 64198:

Farmers Enterprises, Inc., Albert, Kansas (finance activities; Kansas): to engage in the activity of making loans and other extensions of credit for the account of its subsidiary bank. This activity would be conducted from an office in Great Bend, Kansas, serving Barton County, Kansas. Comments on this application must be received not later than April 24, 1981.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 20, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9132 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

Colonial Bancorporation, Inc.; Formation of Bank Holding Company

Colonial Bancorporation, Inc., Thiensville, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Colonial Bank, Thiensville, Wisconsin and Richfield State Bank, Richfield, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing.

identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9133 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

Delhi Bancshares, Inc.; Formation of Bank Holding Company

Delhi Bancshares, Inc., Delhi, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98.2 percent of the voting shares of Delhi Savings Bank, Delhi, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Delhi Bancshares, Inc., Delhi, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire Delhi Insurance Agency, Delhi, Iowa, and thereby to engage in the activities of acting as general insurance agent in a town with a population of less than 5,000. These activities would be performed from offices of Applicant's subsidiary savings bank in Delhi, Iowa, and the geographic area to be served is Delhi, Iowa, and its immediate surrounding area. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 16, 1981.

Board of Governors of the Federal Reserve System, March 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9134 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

First Picher Bancshares, Inc., Formation of Bank Holding Company

First Picher Bancshares, Picher, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of First State Bank, Picher, Oklahoma. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9136 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

FSB Holding Company, Inc.; Formation of Bank Holding Company

FSB Holding Company, Inc., Trimont, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 83 per cent or more of the voting shares of Farmers State Bank, Trimont, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 20, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9137 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

Freeport Bancshares, Inc.; Formation of Bank Holding Company

Freeport Bancshares, Inc., Freeport, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of Midwest Bank of Freeport, Freeport, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 20, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9138 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

Metropolitan Bancorporation; Acquisition of Bank

Metropolitan Bancorporation, Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C.

1842(a)(3)) to acquire 100 per cent of the voting shares of Avon Securities, Inc., Avon Park, Florida, thereby acquiring indirect control of 57 per cent of the voting shares of Avon Citrus Bank, Avon Park, Florida; and between 28 per cent to 43 per cent of the voting shares of Avon Citrus Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 20, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9139 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

Van Horne Bancshares, Inc.; Formation of Bank Holding Company

Van Horne Bancshares, Inc., Van Horne, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Van Horne Savings Bank, Van Horne, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Van Horne Bancshares, Inc., Van Horne, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activities of the sale, as agent, of general insurance in a community with a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Van Horne, Iowa, and the geographic areas to be served are an eight-mile radius of Van Horne, Iowa. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1981.

Board of Governors of the Federal Reserve System, March 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board

[FR Doc. 81-9140 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Notice of Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 25.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any suggestions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be agrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reseve Bank indicated for the application. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 18, 1981.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (insurance activities; California): to engage *de novo* in the following activities through a wholly-owned subsidiary, The Kissell Company, Springfield, Ohio: acting as agent for non-affiliated insurance companies in the sale or solicitation of orders for accident and health insurance and mortgage redemption life insurance on debtors, in connection with mortgages made or serviced by others of The Kissell Company, located throughout California and serving the State of California.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9142 Filed 3-25-81; 8:45 am]

BILLING CODE 6210-01-M

FOREIGN CLAIMS SETTLEMENT COMMISSION

Privacy Act of 1974; Vietnam Claims Program Records System Notice and Systems of Records Annual Publication

AGENCY: Foreign Claims Settlement Commission of the United States.

ACTION: Notice.

SUMMARY: The Foreign Claims Settlement Commission (FCSC) hereby publishes for comment an additional records system to be established on April 28, 1981 and designated "FCSC–34," "Vietnam, Claims for Losses Against." Any person interested in commenting on this system may do so by submitting comments in writing to

the Office of the Executive Director, (Privacy Officer), Foreign Claims Settlement Commission, 1111–20th Street, N.W., Washington, D.C. 20579. Comments must be submitted on or before April 27, 1981. This additional record system will be added to the present Privacy Act System of Records.

EFFECTIVE DATE: The system of records designated "Vietnam Claims for Losses Against" shall be established and become effective on April 28, 1981 as published hereinafter unless amended by notice published prior to that date. The existing systems of records continue in effect.

FOR FURTHER INFORMATION CONTACT: Karl D. Klauck, Deputy General Counsel, Foreign Claims Settlement Commission, 1111–20th Street, N.W., Washington, D.C. 20579; Telephone No. (202) 653–6166.

SYSTEM NAME:

Vietnam, Claims for Losses Against

SYSTEM LOCATION:

Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Natural and Juridical persons who allege losses against Vietnam.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of the property; and evidence to support claim for the purpose of receiving compensation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VII, International Claims Settlement Act of 1949, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment. Names and other information furnished by claimants may be used for verifying citizenship status with INS. The information contained in this system of records is considered by the Commission to be public information which may be disclosed as a routine use to interested persons who make inquiries about the claims program or individual claims therein including but limited to members of Congress or Congressional staff, staff of the Office of Management and Budget, other persons interested in the work of the Commission, and members of the news media.

Law Enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil or criminal or regulatory in nature, and whether arising by general statute or particular program statute or order issued pursuant thereto, the relevant records in the system or records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

Filed numerically by claim number.

Alphabetical index used for identification of claim.

Indexing by other information in the claim.

SAFEGUARDS:

At FCSC: Building employs security guards.

Records are maintained in locked room accessible to authorized FCSC personnel and other persons when accompanied by such personnel.

RETENTION AND DISPOSAL:

Records maintained under 5 U.S.C. 301. Disposal of records will be in accordance with 44 U.S.C. 3301–3314 when such records are determined no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, N.W. Washington, D.C. 20579. (Phone 202/653–6156)

NOTIFICATION PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Claimant on whom the record is maintained.

Annual Publication: The purpose of this document is to give notice that the Privacy Act Systems of Records identified in a notice published at 42 FR 48152, September 22, 1977, with amending notices published at 42 FR 57346, November 2, 1977, and at 44 FR 58542, October 10, 1979, continues in effect without change.

Dated at Washington, D.C. on March 23, 1981.

Richard W. Yarborough,

Chairman.

[FR Doc. 81-9239 Filed 3-25-81; 8:45 am]
BILLING CODE 4410-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Violation of Federal Reports Act

Notice is hereby given that the Federal Communications Commission has promulgated the following revised information collection requirement without first obtaining clearance from the General Accounting Office as required by the Federal Reports Act, 44 U.S.C. 3512 (1976):

The FCC is using Form 753, Restricted Radiotelephone Operator Permit Application. The form is not the one that was approved by the Comptroller General on August 24, 1978, B–180227 (R0222). The FCC materially revised the form by adding a new question to the form after approval was granted. The form also incorporates a temporary permit under the same title which was approved as Form 753–T, B–180227 (R0638). These changes constitute a revision of the form which requires another clearance under 44 U.S.C. 3512.

Section 3512(c) of title 44, United States Code, provides in part:

> * * * an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—
>
> (1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified, and
>
> (2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provisions of this section. * * *

The clearance granted by GAO on August 24, 1978, is hereby revoked. Accordingly, the Commission has no effective clearance for Form 753,

Restricted Radiotelephone Operator Permit Application, currently in use as required by the Federal Reports Act.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-9065 Filed 3-25-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service
Centers for Disease Control

Cooperative Agreements for State-Based Diabetes Control Programs; Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control (CDC) announces the availability of funds for fiscal year 1981 for cooperative agreements for State-based diabetes Control Programs, Catalog of Federal Domestic Assistance Number 13.283. This cooperative agreement program, authorized by Section 301(a) (42 U.S.C. 241a) of the Public Health Service Act, as amended, was announced in the Federal Register (45 FR 30140) dated May 7, 1980.

The objective of the cooperative agreement program is to improve the quality of life and the effectiveness of health services for diabetics. Eligible applicants are official State health agencies. Applicants must complete a baseline assessment of diabetes morbidity and mortality data and care resources information; establish a framework for coordination of interested parties; and develop a plan of action for reducing diabetes morbidity, mortality, and economic costs among intervention populations.

It is expected that approximately $3 million will be available in fiscal year 1981 for cooperative agreements for State-based Diabetes Control Programs. Of this amount, $2,715,000 has already been awarded to the 12 States changing to cooperative agreements from contract programs begun in fiscal year 1977. It is anticipated that the remaining $285,000 will be available for award to supplement the 12 diabetes programs funded in fiscal year 1981 and the 8 begun in fiscal year 1980. Individual supplemental awards are not expected to exceed $50,000. No new cooperative agreements are planned during fiscal year 1981. Cooperative agreements are usually funded for 12 months in a 3 to 5 year project period. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Applicants are encouraged to collaborate with schools of medicine and/or public health and other selected diabetes education and care providers on the development of their proposals. Priorities for awarding these supplemental funds in fiscal year 1981 will include but will not be limited to the following:

1. Epidemiologic investigations to identify and describe diabetic populations with higher rates of perinatal morbidity and mortality, nephropathy, retinopathy and/or lower extremity amputations, and the causal factors associated with these higher rates.

2. Epidemiologic investigations that describe and compare hospitalization rates, lower extremity amputation rates, mortality rates, and/or other acute complication rates in Type I, insulin-dependent diabetes mellitus (IDDM) and Type II, noninsulin-dependent diabetes mellitus (NIDDM), diabetics.

3. Studies concerning the effect of different diabetic education and self-care methodologies on the incidence of acute complications (e.g., diabetic ketoacidosis) in specific diabetic populations.

4. Assessment of the validity/reliability of process and outcome indicators proposed in the working draft of the CDC-State recommendations for measuring the effectiveness of patient and professional education.

5. Special pilot study concerning implementation and evaluation of State-based program performance indicators/measures recommended in *The Final Report of the Evaluability Assessment of the CDC Diabetes Control Program.*

6. Development of a model training program for State-based diabetes control program managers and/or technical staff in chronic diseases epidemiology.

7. Development of strategies for the translation and dissemination of new and efficacious knowledge in diabetes health care delivery into the primary care setting. These strategies, in particular, should include involvement of schools of medicine and/or public health and other selected diabetes education and care providers in the actual implementation and evaluation of proposal activities.

Supplemental applications should be submitted on or before May 15, 1981. Due to the time limitations for awarding these funds before September 30, 1981, it may not be possible to consider applications received after may 15, 1981.

Supplemental applications are subject to review as governed by OMB Circular A-95 and the National Health Planning and Resources Development Act, Pub. L. 93-641, as amended. Guidelines, application forms, and information may be obtained from and applications must be submitted to Grants Management Officer, Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333.

Dated: March 19, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-9187 Filed 3-25-81; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N-81-1054]

Brooks Engineering Co.; Hearing

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Notice of hearing in the matter of Brooks Engineering Company, 43-80-MH.

SUMMARY: A hearing pursuant to 24 C.F.R. 3282.152 will commence at 10:00 a.m. on May 13, 1981 at University North Building, Suite 1170, 1875 Connecticut Ave., N.W., Washington, D.C. 20009, on the Department of Housing and Urban Development's preliminary determination to disqualify Brooks Engineering Company, 801 Old Spanish Trail—Suite 101, Slidell, Louisiana 70458, as a design Approval Primary Inspection Agency and Production Inspection Primary Inspection Agency.

FOR FURTHER INFORMATION CONTACT: Honorable Martin J. Linsky, Administrative Law Judge, Universal North Building, Room 1170, 1875 Connecticut Avenue, N.W., Washington, D.C.

SUPPLEMENTARY INFORMATION: Brooks Engineering Company, (BEC), was granted provisional acceptance to perform Design Approval Primary Inspection Agency (DAPIA) functions on September 28, 1976. This provisional acceptance was ultimately extended to April 1, 1978. On January 11, 1979, BEC was granted full acceptance to perform DAPIA functions, contingent upon continued adequacy of performance as assessed under 24 C.F.R. 3282.451-.454. Only July 9, 1980, the Department's contractor, the National Conference of

States on Building Codes and Standards, Inc., (NCSBCS), submitted a DAPIA Performance Review rating BEC "Not Adequate".

Brooks Engineering Company was granted full acceptance to perform Production Inspection Primary Inspection Agency (IPIA) functions on July 6, 1978. BEC's IPIA performance was subsequently rated inadequate in a NCSBCS IPIA Performance Review dated August 8, 1980.

On January 6, 1981, the Department issued two letters notifying BEC that the Secretary has preliminarily determined that BEC should be disqualified as a DAPIA and as an IPIA pursuant to 24 CFR 3282.356. BEC requested a hearing on the matter in a letter dated January 12, 1981.

A hearing will commence at 10:00 a.m. on May 13, 1981 before the Honorable Martin J. Linsky at the address set forth above. The hearing will be held in accordance with 24 CFR 3282.152 (g) and 5 U.S.C. 556.

Interested persons may participate in writing and in the oral portion of the hearing pursuant to 24 C.F.R. 32382.153. The presiding officer may determine that such participation should be limited or barred so as not to unduly prejudice the rights of the parties involved or unnecessarily delay the proceedings.

Issued at Washington, D.C., March 23, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer protection.

[FR Doc. 81-9178 Filed 3-25-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Canada Goose Management Program, Wisconsin; Meeting

As authorized by the Fish and Wildlife Act of 1956 (16 USC 742a *et seq.*), announcement is made of the following public meeting:

The U.S. Fish and Wildlife Service, in cooperation with the Wisconsin Department of Natural Resources, will conduct a public meeting to obtain comments on (1) the results of the Canada goose management program conducted in east-central Wisconsin during the past five years, and (2) recommendations for future management of Canada geese in this area.

The meeting, which is open to the public, will begin at 9 a.m. on April 14, 1981, in Room 021 of the Wisconsin DNR Office Building, GEF2, 101 South Webster Street, Madison, Wisconsin.

Members of the public may file written statements during the meeting. To the extent that time permits, public presentation of oral statements at the meeting will be allowed.

Requests for information about the meeting should be addressed to: Regional Director, Region 3, U.S. Fish and Wildlife Service, Federal Building, Ft. Snelling, Twin Cities, MN 55111 or John Ellis, Senior Staff Wildlife Biologist, telephone (612) 725-3313.

F. Eugene Hester,

Acting Deputy Director

March 20, 1981.

[FR Doc. 81-9113 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2358, Block A-442, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 18, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-9089 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Montana and North Dakota; Intent To Hold a Public Hearing and the Opening of a Comment Period on the Federal Coal Production Goals for the Fort Union Coal Production Region and on the Setting of a Preliminary Federal Leasing Target

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Public hearing and opening of comment period.

SUMMARY: This notice advises the public that the Fort Union Regional Coal Team intends to hold public hearings to receive oral and written comments in order to assist the Secretary of the Interior in his review of the federal coal production goals for the Fort Union coal production region. The hearings will also be for the purpose of soliciting comments and advice on the setting of a preliminary federal leasing target. This latter information will be used by the Regional Coal Team in developing a recommendation to the Secretary on a preliminary leasing target to guide planning until October 1981, when a final leasing target will be adopted.

The hearings will be held in Miles City, Montana and Dickinson, North Dakota Individuals wishing to comment orally at the public hearings are asked to provide written copies of their remarks if possible. Oral and written comments will be accepted at the public hearings. Written comments should be addressed to the BLM Montana State Director at the address given below.

The above hearings are to be held concurrently with informational meetings being held at various locations in eastern Montana and western North Dakota during the last week of April and the first week of May, 1981.

DATE: Written comments will be accepted until close of business, May 13, 1981. A public hearing will be held in Dickinson, North Dakota on Thursday, April 30, 1981. The hearing will start at approximately 8:45 p.m., following a general informational meeting which begins at 7:30 p.m. The hearing will be at the Gate City Savings and Loans Association Building, Community Room, 204 Simms Street, Dickinson, North Dakota. A public hearing will also be held in Miles City, Montana on

Wednesday, May 6, 1981. The hearing will start at approximately 8:45 p.m., following an informational meeting which begins at 7:30 p.m. The hearing will be held at the Miles Community College, Room 107, 2000 Dickinson, Miles City, Montana.

ADDRESS: Written comments on the production goals and setting of a preliminary leasing target should be addressed to the Bureau of Land Management, Montana State Director, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: David Darby, Fort Union Project Manager or, Bill Frey, Assistant Fort Union Project Manager, Bureau of Land Management (906), P.O. Box 30157, Billings, Montana 59107. Telephone FTS: 585–6632, Commercial: 406–657–6632.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) issued updated national and regional coal production goals on January 26, 1981. These coal production goals are intended to guide the Department of the Interior (DOI) and the Regional Coal Team (RCT) in setting a federal leasing target for the Fort Union Federal Coal Production Region.

DOE Final Production Goals Fort Union Region

(Million tons annually)

	1990	1995
Low	34.6	53.9
Medium	51.1	85.9
High	80.0	105.8

The coal production goals developed by DOE are provided at three levels of energy consumption growth rates: low, medium, and high. Due to the uncertainties regarding coal consumption over the next ten to fifteen years, especially for electric utilities and synthetic fuels, the range in the goals is substantial. The DOE final production goals have been provided to the Fort Union RCT.

The Federal coal management regulations (43 CFR 3420.3–2(d)) require that the RCT consider the regional situation and recommend adjustments to the regional production goals based on such factors as (1) public comment received in writing or in hearing(s) held by the team in the region, (2) state government, Bureau of Land Management State Office, Indian tribe and regional development policies, (3) administrative capacity to satisfy the indicated level of leasing based on the Department of Energy's final production goals, and (4) other information available to the regional coal team which they believe should receive consideration by the Secretary in his review of the final regional production goals.

The Regional Coal Team is also charged under the regulations with providing advice to the Secretary to be used in the setting of a preliminary leasing target. This target will also be based on the final regional production goals and other relevant information. The preliminary leasing target itself, once established, will be the subject of further hearings and public comments, in addition to consultation with the Governors of Montana and North Dakota, prior to the adoption of a final leasing target.

The purpose of this notice is to call for public comment on the production goals in order to assist the regional coal team in formulating its recommendation to the Secretary, and to solicit comments to be used by the RCT in developing a recommendation to the Secretary on a preliminary leasing target.

Dated: March 19, 1981.

Michael J. Penfold,

State Director.

[FR Doc. 81-9162 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

[U-2923, U-4462, U-8150, U-8151, U-8742]

Partial Termination of Segregation by Classification for Multiple Use Management

Pursuant to the authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10528), it is ordered as follows:

1. The segregative effect is hereby terminated as to the described lands in the following Multiple Use Classification orders:

U–2923 published in the **Federal Register**, Volume 32, No. 173, September 7, 1967.

Salt Lake Meridian, Utah

T. 5 S., R. 3 W.,
Sec. 19, SW¼SW¼NW¼, W½NW¼SW¼, NW¼SW¼SW¼.
T. 5 S., R. 4 W.,
Sec. 13, Lot 5, NE¼NE¼.
T. 7 S., R. 4 W.,
Sec. 15, SW¼NE¼.

U–4462 published in the **Federal Register**, Volume 33, No. 61, March 28, 1968.

Salt Lake Meridian, Utah

T. 31 S., R. 7 W.,
Sec. 34, SE¼SW¼, S½SE¼.
T. 34 S., R. 8 W.,
Sec. 3, NE¼SE¼, SE¼.
T. 35 S., R. 9 W.,
Sec. 3, E½NW¼;
Sec. 6, E½SW¼.
T. 37 S., R. 13 W.,
Sec. 26, S½NE¼.

U–8150 published in the **Federal Register**, Volume 35, No. 146, July 29, 1970.

Salt Lake Meridian, Utah

T. 1 S., R. 24 E.,
Sec. 7, SE¼SW¼, SW¼SE¼.
T. 2 S., R. 25 E.,
Sec. 13, SW¼NE¼.

U–8151 published in **Federal Register**, Volume 35, No. 123, June 25, 1970.

Salt Lake Meridian, Utah

T. 29 S., R. 16 W.,
Sec. 13, NE¼NE¼.
T. 30 S., R. 16 W.,
Sec. 3, NE¼SE¼.

U–8742 published in **Federal Register**, Volume 35, No. 246, December 23, 1970.

T. 34 S., R. 5 E.,
Sec. 16, all.
T. 36 S., R. 6 E.,
Sec. 9, N½,SE¼;
Sec. 10, SW¼NE¼, S½NW¼, S½;
Sec. 11, W½NE¼, W½, NW¼SE¼;
Sec. 13, NE¼NE¼, S½NE¼, SE¼NW¼, S½;
Sec. 14, NW¼, NW¼SW¼, S½S½;
Sec. 15, E½, E½NW¼, NE¼SW¼;
Sec. 22, NE¼, S½;
Secs. 23, 24, and 25, all;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, S½N½, S½;
Sec. 29, S½N½, S½;
Sec. 30, S½SW¼, SE¼;
Sec. 31, N½.
T. 37 S., R. 6 E.,
Sec. 1, all;
Sec. 12, E½.
T. 35 S., R. 7 E.,
Sec. 34, SE¼SE¼;
Sec. 35, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 36 S., R. 7 E.,
Secs. 1, 3 to 15 inclusive, 17 to 31 inclusive, 33, 34, & 35, all.
T. 37 S., R. 7 E.,
Secs. 1, 3 to 15 inclusive, 17, and 20 to 29 inclusive.
T. 39 S., R. 7 E.,
Sec. 11, S½NE¼, S½;
Sec. 12, S½S½.
T. 40 S., R. 7 E.,
Sec. 12, S½.
T. 36 S., R. 8 E.,
Sec. 18, SW¼SW¼;
Sec. 19, W½W½;
Sec. 30, W½NW¼;
Sec. 31, S½.
T. 37 S., R. 8 E.,
Secs. 1, 5 to 15 inclusive, 17 to 31 inclusive, 33, 34, and 35, all.
T. 38 S., R. 8 E.,
Secs. 1, 3 to 15 inclusive;
Sec. 21, N½, SE¼;
Sec. 22 to 26 inclusive, and 35, all.
T. 39 S., R. 8 E.,
Sec. 7, S½S½;
Sec. 8, S½S½;
Sec. 15, S½;
Sec. 17, N½, N½S½;

Sec. 18, N½.
T. 36 S., R. 9 E.,
Sec. 18, all;
Sec. 19, E½, E½W½, NW¼NW¼;
Sec. 20, all;
Sec. 27, W½NW¼, SW¼;
Secs. 28, and 29, all;
Sec. 30, NE¼, E½NW¼, S½;
Secs. 31, and 33, all;
Sec. 34, NW¼NE¼, S½NE¼, NW¼, S½.
T. 37 S., R. 9 E.,
Secs. 4 to 9 inclusive, 17 to 21 inclusive, 28 to 31 inclusive, and 33, all.
T. 38 S., R. 9 E.,
Secs. 4 to 9 inclusive, 17 to 31 inclusive, 33, 34, and 35, all.
T. 39 S., R. 9 E.,
Secs. 1, 3, 4, 5, 8 to 15 inclusive, 17, and 22 to 27 inclusive.
T. 38 S., R. 9½ E.,
Secs. 19, 30, and 31, all.
T. 39 S., R. 9½ E.,
Secs. 6, 7, 18, 19, and 30, all.
T. 38½ S., R. 10 E.,
Secs. 29, 30, and 31, all.
T. 39 S., R. 10 E.,
Secs. 5, 6, 7, 8, 17, and 18, all.

2. The orders, as listed in paragraph 1, segregated the lands from appropriation under the mining laws (30 U.S.C., Ch. 2). This segregative effect will terminate on the above lands April 6, 1981 as provided by the regulations in 43 CFR 2461.5(c)(2).

3. The lands remain segregated from appropriation under the agricultural land laws (43 U.S.C., Chapter 9; 25 U.S.C., Sec. 334). They shall remain open to all other applicable forms of appropriation.

Dated: March 17, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-9183 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Environmental Impact Statement and Scoping Meetings, Energy Synfuels Associates, Coal Gasification Facility

March 20, 1981.

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice of intent to prepare environmental impact statement and public scoping meetings.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM), Department of the Interior, will act as lead agency for preparation of a draft environmental impact statement (EIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969. The draft EIS will address the environmental consequences of a coal gasification facility proposed by Emery Synfuels Associates, which includes Mountain Fuel Resources, Mono Power Company, and Conoco Coal Development Company. Mountain Fuel Resources, located at 36 South State, Suite 1540, Salt Lake City, Utah 84111 is acting as the contact for all of the applicants.

The statement will address the proposed Emery Synfuels Project, a coal gasification plant with the capacity to produce 68 million standard cubic feet per day of synthetic natural gas and 3,880 tons per day of liquid methanol. The project would utilize public lands and could require funding from the Department of Energy and loan guarantees from the United States Synfuels Corporation.

The plant would be located in either Emery or Carbon County, Utah, and could involve construction of a reservoir on U.S. Forest Service, Manti Lasal National Forest lands. Interested persons are invited to submit comments which may be helpful in preparation of the draft EIS. Comments should be sent to State Director, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

DATES: Representatives of the Bureau of Land Management will conduct issue scoping meetings on May 4, 1981, in Salt Lake City in Room 128 of the Salt Palace; on May 5 in Price, Utah, at the College of Eastern Utah, Gomer Peacock Room; May 6, 1981, at Castledale, Utah, at the Emery County High School; and May 7, 1981, in Green River at Green River High School. All meetings will be at 7:00 p.m. The meetings will be held to receive public input and comments concerning the need for the project, potential alternatives and the significant issues that should be addressed in the EIS. A record will be made of the meetings and comments will be used in determining the issues and alternatives discussed in the EIS.

The BLM encourages the public and affected Federal, State, and local agencies to attend these meetings and provide their input. Any person or group which desires to submit comments, questions, or recommendations may do so at the meetings or by submitting them to BLM at the address given above.

FOR FURTHER INFORMATION: Additional information concerning the proposed project and environmental impact statement can be obtained from either Gregory Thayn, Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, or Lynn G. Leishman, Richfield District Office, 150 East 900 North, Richfield, Utah 84701.

Donald L. Prendleton,

District Manager.

[FR Doc. 81-9181 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Casper District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Casper District Advisory Board will be held on April 24, 1981.

The meeting will begin at 10:00 a.m. in the conference room of the Bureau of Land Management Office at 951 Rancho Road, Casper, Wyoming.

The agenda for the meeting will include: (1) review of board function; (2) review of fiscal year 1981 range betterment projects; (3) outlook for range betterment projects in 1982; (4) election of chairman and vice-chairman; (5) review of allotment management plans; (6) modification of existing fences to meet design standards on antelope ranges.

The meeting is open to the public. Interested persons may make oral statements or file written statements for the board's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming by April 22, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection within 30 days following the meeting.

Robert E. Wilber,

District Manager.

[FR Doc. 81-9180 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

[M50209]

Montana; Invitation; Coal Exploration License Application

Members of the public are hereby invited to participate with Spring Creek Company in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Big Horn County, Montana:

T. 8 S., R. 39 E., P.M.M.,
Sec. 14, S½;
Sec. 15, SE¼;
Sec. 22, NE¼, N½SW¼, SW¼SW¼, NW¼SE¼; and

Sec. 23, N½NE¼, NW¼.
T. 8 S., R. 40 E., P.M.M.,
Sec. 29, SW¼; and
Sec. 30, E½, NE¼SW¼.

Any party electing to participate in this exploration program shall notify, *in writing*, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and Spring Creek Coal Company, c/o NERCO, Inc., 111 SW Columbia, Portland, Oregon 97201. Such written notice must refer to serial number M 50209 and be received no later than 30 calendar days after publication of this Notice in the Federal Register or 10 calendar days after the last publication of this Notice in this newspaper, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-9140 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action—Exchange; Public Lands in Fergus County, Mont.

March 19, 1981.

The following described land has been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 (M 43877):

Principal Meridian, Montana

T. 20 N., R. 18 E.,
Sec. 1, E½SE¼.
T. 20 N., R. 19 E.,
Sec. 5, SW¼NE¼, E½SW¼, and SE¼;
Sec. 6, Lots 6 and 7, and E½SW¼; and
Sec. 8, NE¼NW¼.

Aggregating 554.31 acres.

In exchange for these isolated tracts of public land, the United States Government will acquire the following land:

Principal Meridian, Montana

T. 23 N., R. 22 E.,
Sec. 19, Lot 6;
Sec. 20, Lot 6;
Sec. 21, Lots 5, 6, 7, and 8;
Sec. 28, Lot 1, NW¼NE¼, and NE¼NW¼; and
Sec. 29, Lots 2, 3, 4, and 6.
T. 22 N., R. 23 E.,
Sec. 6, Lot 2.
T. 23 N., R. 23 E.,
Sec. 31, Lots 4 and 5.

Aggregating 384.91 acres.

The purpose of the exchange is to acquire private land within the Upper Missouri Wild and Scenic River Corridor and to dispose of isolated tracts of public land that are uneconomical to manage. The exchange is consistent with the Bureau's planning for the lands involved. The public will be well served by making the exchange.

The lands to be exchanged are equal in value based on a current fair market value appraisal.

The terms and conditions applicable to the exchange are:

1. Only the surface estate will be exchanged. Mineral rights will be reserved.

2. The public land will be exchanged subject to all valid existing rights, e.g. (rights-of-way, easements and leases of record).

Detailed information concerning the exchange including the Environmental Assessment and Land Report are available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Drawer 1160, Lewistown, Montana 59457. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of this Department.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-9139 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management, Utah; Restriction of Use of Motorized Vehicles on Public Lands

March 18, 1981.

Notice is hereby given that use of motorized vehicles on certain public lands in the Goblin Valley area is temporarily restricted, in accordance with the provisions of 43 CFR, Subpart 8364. These restrictions do not apply to emergency, law enforcement, and Federal or other government vehicles while being used for official or emergency purposes, or vehicles authorized by permit, contract or statute.

The area affected by this restriction is located approximately 13 miles north of Hanksville, Utah. The area is accessible from the entrance road to Goblin Valley State Reserve and lies adjacent to the State Reserve at its entrance. The area comprises 20 acres of the eastern slope of Wild Horse Butte and the flats to the east connecting with the entrance road to Goblin Valley State Reserve.

The purpose of this emergency closure is to prevent excessive erosion, unnecessary destruction of plant life, public health and safety and the natural environment. The area has been excessively used by ORV's, resulting in conditions which necessitate this closure. This action has resulted from consultation with the Utah Division of Parks and Recreation and complaints received from visitors to Goblin Valley State Reserve.

The entire area will be signed at common points of ORV access.

Maps showing the area are available at the Moab District Office in Moab, Utah, and the Price Area Office in Price, Utah.

This notice is effective March 26, 1981 and will be in effect until June 1, 1981.

Gene Nodine,

District Manager.

[FR Doc. 81-9138 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Canon City District, Colo.; Northeast Resource Area and Fountain Creek Planning Unit, Resource Management Plan and Environmental Impact Statement; Meetings

Public meetings for BLM Resource Management Plan and Environmental Impact Statement for the Northeast Resource Area and Fountain Creek Planning Unit; Canon City District, Colorado.

Pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA) and in accordance with 43 CFR Part 1600, notice is hereby given that the Bureau of Land Management (BLM), Canon City District will hold public meetings to identify issues and planning criteria to be used in the preparation of a Resource Management Plan (RMP) and associated Environmental Impact Statements (EIS) covering the federal surface lands and reserved minerals administered by the BLM in northeastern Colorado. The times, dates, and locations scheduled for the public hearings are as follows:

Date, Time, and Place

April 8, 1981, 7:00 PM, Larimer County Courthouse, 200 W. Oak St., Ft. Collins, Colorado

April 9, 1981, 7:00 PM, Idaho Springs Senior High School, Idaho Springs, Colorado

April 10, 1981, 2:00 PM, Room 158, New Customs Bldg., 721 19th Street, Denver, Colorado

April 10, 1981, 7:00 PM, Nat'l Bureau of Standards, 325 Broadway, Room 1107, Boulder, Colorado 80303
April 13, 1981, 7:00 PM, Limon Town Hall, 200 F Avenue, Limon, Colorado
April 14, 1981, 7:00 PM, Rural Electric Association Building, Highway 34, Fort Morgan, Colorado
April 15, 1981, 7:00 PM, Yuma County Courthouse—Basement, Third and Ash, Wray, Colorado
April 16, 1981, 7:00 PM, El Paso County—Centennial Hall, 200 Cascade Street, Colorado Springs, Colorado

Persons wishing further information concerning the meetings may contact either:

Melvin Clausen, District Manager, 3080 East Main, P.O. Box 311, Canon City, Colorado 81212, (303) 275–0631

or

Francis Young, Area Manager, 10200 W. 44th Avenue, Wheatridge, Colorado 80033, (303) 234–4988

Stuart L. Freer,

Assistant District Manager.

[FR Doc. 81-9093 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Public Hearings; Hualapai-Aquarius Draft Grazing Environmental Impact Statement

The Phoenix District, Bureau of Land Management, will conduct two public hearings to receive written and oral testimony on the Hualapai-Aquarius Draft Grazing Environmental Impact Statement. The hearings will be held in Kingman, Arizona at 7:30 p.m. on April 22, 1981 at the Mohave County Fairgrounds and in Phoenix, Arizona at 7:30 p.m. on April 23, 1981 at the Rodeway Inn, 3400 Grand Avenue.

Persons giving oral testimony will be limited to 5 minutes, with written submissions invited at the hearings. Depending upon the number of persons desiring to testify, the presiding officer may expand the speaking list at his discretion to a maximum of 10 minutes.

Speakers will be heard, if present, in their established order on the witness list. After the last witness has been heard, the presiding officer will consider the request of any person present who wishes to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give testimony germane to the draft statement if offered as the views of a private citizen.

Written requests to testify orally should be received at the Phoenix District, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017, prior to the close of business on April 17, 1981. Requests should identify which hearings will be attended and what organizations, if any, are represented, and should be signed by the prospective witness. Timely notification will allow BLM to prepare in advance a list of speakers in the order they will be called.

Comments on the draft statement, whether written or oral, will receive equal consideration in preparation of the final document. Written statements will be accepted on or before May 12, 1981.

Dated: March 17, 1981.

Clair M. Whitlock,

State Director.

[FR Doc. 81-9094 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Salem District Advisory Council; Meeting

Notice is hereby given, in accordance with Public Law 94–597 and 43 CFR Part 1780, that a meeting of the Bureau of Land Management's Salem District Advisory Council will be held on April 9, 1981 at 7:00 p.m. at BLM Salem District Office, 1717 Fabry Road, SE, Salem, Oregon.

The District Manager urgently needs Advisory Council advice on the following agenda items:

—A review of Land Use Alternatives being considered for the District's Eastside Planning Area and development of specific advice to the District Manager regarding a preferred alternative.

—A review and discussion of draft BLM Program Priority Guides for Oregon.

The meeting is open to the public. Interested persons may make oral statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at P.O. Box 3227, Salem, Oregon 97302 prior to April 2, 1981. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: March 18, 1981.

Edward G. Steuber,

District Manager.

[FR Doc. 81-9095 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Or 23558; 2310 (943.4)]

Oregon; Proposed Continuation of and Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Secretarial Order of December 31, 1930 be continued in its entirety as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

East Shore Loon Lake

T. 23 S., R. 10 W.,
Sec. 1, Lots 17 and 18.
Containing 51.51 acres in Douglas County, Oregon.

The purpose of the original withdrawal is to protect the recreational values for potential development by the State of Oregon. The State has abandoned its plans for recreational development and the purpose of the withdrawal is proposed to be modified to include the land as an addition to the existing Bureau of Land Management Loon Lake Recreation Site. The land is currently segregated from operation of the public land law generally, including the mining laws. No change is proposed in the segregative affect.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before May 1, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before May 1, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is

provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 18, 1981.

Champ C. Vaughan, Jr.,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-9086 Filed 3-25-81; 8:45]

BILLING CODE 4310-84-M

[UT-080]

Utah Vernal District; Request for Formal Expression of Intent From Synfuels Project Developers

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The Bureau of Land Management is planning to respond to anticipated right-of-way applications from synfuels developers for use of public lands in the Uintah Basin of Utah.

In order to comply with the National Environmental Policy Act in an effective manner, BLM proposed to cover all firm synfuels project proposals in a single environmental impact statement (EIS). The work is being planned in cooperation with the State of Utah and local officials. This combined program will expedite the processing of applications for all projects included and avoid the need for numerous individual EIS's prepared one after another.

Lloyd Ferguson, BLM Vernal District Manager, is requesting that all oil shale, tar sands, and related synfuels industries contact his office if they anticipate a need for a right-of-way across public lands within the next two to three years. In order for projects to be considered in the expedited EIS program, BLM needs from each developer a formal (written and signed) expression of intent to file right-of-way applications.

Those developers who furnish a letter of intent subsequently will be asked to provide preliminary (partial) applications, including project description and funds, to BLM by May 15, 1981.

The determination of project proposals is needed to ensure that the EIS process can proceed effectively and without delay.

Completion of the EIS process would require about 12 months after receipt of adequate project descriptions. BLM's goal is to complete the EIS process by the end of May, 1982, in order that public land right-of-way decisions can be made for projects planning construction starts in the summer of 1982.

Three separate levels will be considered in the proposed EIS. (1) A site specific analysis sufficient to met NEPA and permitting requirements will address those projects which file completed right-of-way applications. (2) A cumulative analysis will address synthetic fuels development on a regional basis and consider impacts of a full scale commercial synthetic fuel industry. (3) A conceptual analysis will address those projects which plan to proceed with development but are not yet prepared to submit detailed right-of-way applications. For this latter group supplemental Environmental Assessment may be required when detailed permit needs are finalized.

Further information can be obtained by contacting the BLM Vernal District, 170 South Fifth East, Vernal, Utah 84078 (phone (801) 789-1362) or the BLM Utah State Office Project Management Staff, 136 East South Temple, Salt Lake City, Utah 84111 (phone (801) 524-5645).

Lloyd H. Ferguson,

District Manager.

March 19, 1981.

[FR Doc. 81-9087 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-6683-A2]

Alaska Native Claims Selection; Notice of Publication

On December 12, 1975, Stuyahok Limited, for the Native village of New Stuyahok, filed selection application AA-6683-A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the New Stuyahok area.

On November 14, 1978, the State of Alaska filed general purposes grant selection application AA-21700, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the New Stuyahok area.

The following described lands have been properly selected by Stuyahok Limited. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may elect *vacant, unappropriated,* and *unreserved* public lands in Alaska. Therefore, the following State selection application is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21700

T. 7 S., R. 46 W.,
Sec. 25, all.
Containing approximately 640 acres.

On November 25, 1974, Stuyahok Limited, for the Native village of New Stuyahok, filed selection application AA-6683-L pursuant to Sec. 12(a) of ANCSA for the surface estate of certain lands in the vicinity of New Stuyahok. The following described lands have been properly selected by Stuyahok Limited both under Secs. 12(a) and 12(b) of ANCSA. By letter of April 3, 1978, Stuyahok Limited elected to receive conveyance of these lands pursuant to Sec. 12(b) of ANCSA. Therefore, village selection application AA-6683-L is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 7 S., R. 46 W.,
Sec. 25, all.
Containing approximately 640 acres.

Further action on village selection application AA-6683-L as to those lands not rejected herein will be taken at a later date.

The State selected lands rejected above was not a valid selection and will not be charged against the village corporation as State selected lands. Further action on the subject State selection application as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the application submitted by Stuyahok Limited, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, containing approximately 640 acres, is considered proper for acquisition by Stuyahok Limited and is hereby approved for conveyance

pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 7 S., R. 46 W.,
Sec. 25, all.

Containing approximately 640 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of New Stuyahok has been reallocated 650 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 640 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 10 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Stuyahok Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There were no inland water bodies considered to be navigable within the above-described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 24, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements of filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Stuyahok, Limited, New Stuyahok, Alaska 99636

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-9143 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Safford District Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Safford District Advisory Council will be held May 14, 1981 at Safford, Arizona at 10:00 a.m. at the Safford District Office, 425 East 4th Street, Safford, Arizona.

Agenda for the meeting will include:

1. Safford District Modified Fire Suppression Plan.
2. Snowbird Use (Accommodating Facilities).
3. State Director's Resource Management Plan (RMP) Guidelines.
4. Gila Resource Area RMP Preplanning Analysis.
5. Gila-Peloncillo Habitat Management Plan.
6. Winkelman Management Framework Plan Decisions.
7. Wilderness Program.
8. Business from the floor.

The meeting is open to the public. Interested persons may make oral statements to the council between 1:00 p.m. and 2:00 p.m. A written copy of the oral statement must be provided at the conclusion of the presentation. Written statements may also be filed for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by May 13, 1981. Depending upon the number of persons wishing to make an oral statement, a pre-person time limit may be considered.

Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction (within regular business hours) within 30 days following the meeting.

Fritz U. Rennebaum,

Acting District Manager.

March 18, 1981.

[FR Doc. 81-9089 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Medicine Lodge Resource Management Plan and Environmental Impact Statement; Notice of Intent

In accordance with 43 CFR 1601.3(g), the Bureau of Land Management, Idaho Falls District, intends to begin the preparation of a Resource Management

Plan (RMP) and Environmental Impact Statement for the Medicine Lodge Resource Area located in eastern Idaho. The area encompasses portions or all of Bonneville, Clark, Fremont, Jefferson, Madison, and Teton counties. Approximately 800,000 acres of public land are in the area.

The general types of issues anticipated are grazing/wildlife competition, recreation use, wilderness, mineral activity, timber management, and land tenure.

The disciplines to be represented on the interdisciplinary team include, range management, recreation, wildlife and fisheries biology, geology, forestry, archaeology, soils and watershed, lands, social science and economics.

Public participation during the issue identification phase of the planning process will be accomplished through 3 public meetings in Dubois, St. Anthony and Idaho Falls in early June. In addition information and response mail-out forms will be used as well as personal contact with individuals, organizations and agencies.

Further information and documents pertaining to the planning process may be obtained from O'dell A. Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401. Telephone (208–529–1020).

Dated: March 17, 1981.

O'dell A. Frandsen,

District Manager.

[FR Doc. 81-9080 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20290 (WASH)]

Washington; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of September 29, 1919, be continued in its entirety as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 67

T. 25 N., R. 25 E.,
Sec. 35, N½SW¼, SW¼SW¼.

Containing 120.00 acres in Douglas County, Washington.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 27, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 27, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the mininum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the president, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final detremination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 16, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-9081 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Winnemucca District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Winnemucca District Grazing Board will be held on May 5, 1981. The meeting will begin at 10:00 A.M. in the conference room of the Bureau of Land Management Office at 705 East Fourth Street, Winnemucca, Nevada.

The agenda for the meeting will include:

1. Range Improvements
2. Discussion of comments received on Paradise/Denio Draft EIS
3. Coordinated Resource Management Planning
4. Wild Horse and Burros
5. Sonoma/Gerlach EIS

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:00 and 2:00 P.M. on May 5, 1981 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445, by April 21, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: March 17, 1981.

Frank C. Shields,

District Manager for State Director, Nevada.

[FR Doc. 81-9082 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Part-Time Career Employment Program

AGENCY: Department of the Interior.

ACTION: Final instructions and requirements implementing the Federal Employees Part-Time Career Employment Act of 1978.

SUMMARY: These instructions and requirements will govern the operation of the Department of the Interior's (DOI) part-time career employment program and will be incorporated as a permanent part of the DOI Departmental Manual (Part 370, Chapter 340) as prescribed by Pub. L. 95–437, the Federal Employees Part-Time Career Employment Act of 1978 (5 U.S.C. 3401 et seq.).

The Act narrows the definition of part-time career employment in the

Federal government from scheduled work of less than 40 hours per week to scheduled work of beween 16 and 32 hours per week. The Act requires most Federal agencies to expand part-time employment opportunities, and changes the personnel ceiling and fringe benefit provisions governing part-time career Federal employees.

EFFECTIVE DATE: March 18, 1981.

FOR FURTHER INFORMATION CONTACT: Donna Waters, Division of Employment, Office of the Secretary, Office of Personnel, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–7764.

SUPPLEMENTARY INFORMATION:

Background

On May 28, 1980, the Department of the Interior (DOI) published proposed instructions to govern the implementation of a part-time career employment program within DOI, as required by Pub. L. 95–437, the Federal Employees Part-Time Career Employment act of 1978 (5 U.S.C. 3401 et seq.), and invited comments from the public on its proposed instructions. Comments were received from several union organizations and individual employees within DOI. As a result of comments and suggestions received during the prescribed 60 day comment period, DOI will modify its initial proposal to reflect the following issues discussed below.

370 DM 340, 1.6B Part-Time Career Employment Practices

The majority of the comments on this paragraph were received from bureau personnel offices. Sentence number two (2) gave the reader the strict impression that management *will* advertise all positions that b come vacant and review them for feasibility of utilizing part-time career appointments. It is the Department of the Interior's decision that the language used in this sentence should not reference mandatory advertisements of all vacancies. However, the sentence should reflect that management shall use the principles set forth in the merit promotion plan to fill vacant positions. Consequently, the consideration of reassignments transfers, etc. will be permitted and remain a prerogative of management.

Other comments on this paragraph alluded to the Part-Time Coordinator making decisions to approve or deny requests from employees to convert from full-time to part-time schedules without prior management input. Managers and supervisors would only be able to provide input to the Coordinator for his or her approval on the conversion. A suggestion was made that managers and supervisors have responsibility for approving or denying employee requests for conversion to part-time and informing the Coordinator of their decision. This comment was accepted and 370 DM 340, 1.6B was amended to reflect the change.

The Department of the Interior has examined and considered all the comments brought to its attention during the 60 day public comment period.

Accordingly, the Department of the Interior is issuing final instructions governing the operation of its part-time career employment program and incorporating these requirements as prescribed by Pub. L. 95–437 as set forth below.

Dated: March 18, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Department of the Interior Departmental Manual

Personnel—370 DM Addition to FPM

Chapter 340—Part-Time Employment Program—370 DM 340.1.1

Subchapter 1. *General Provisions.*

1.1 *Purpose.* These instructions implement Pub. L. 95–437, the Federal Employees Part-Time Career Employment Act of 1978, by establishing a continuing program in the Department of the Interior (DOI) to provide career part-time employment opportunities.

1.2 *Definitions.* Part-time career employment means regularly scheduled work of from 16 to 32 hours per week performed by employees in competitive or excepted positions in tenure groups I or II, except positions for which basic pay is fixed at a rate equal to or greater than the minimum rate fixed for grade GS–16.

A. Tenure group I includes employees serving under career appointments in the competitive service who either have completed a probationary period or are not required to serve a probationary period. It also includes permanent employees in the excepted service whose appointments carry no restrictions or conditions such as a trial period.

B. Tenure group II includes employees in the competitive service who are serving on a probationary period under both career-conditional and career appointments. It also includes employees in the excepted service who are serving trial periods (or whose tenure is like career-conditional tenure in the competitive service).

1.3 *Policy.* Many individuals in our society possess great productive potential which goes unused because they cannot meet the requirements of a standard workweek. To provide increased part-time career employment opportunities for such people, it is the policy of the DOI to provide part-time career employment opportunities in positions through grade GS–15 of the General Schedule (or equivalent) and in hourly paid blue-collar positions, subject to agency resource and mission requirements.

1.4 *Scope.* The provisions of these instructions are applicable to all DOI offices at headquarters and in the field; and to all persons newly appointed as part-time permanent employees after April 7, 1979. Part-time employees hired prior to April 8, 1979, are excluded from coverage, unless there is a break in their part-time employment after April 7, 1979.

1.5 *Program Coordination.* The Director of Personnel, Office of Personnel, is responsible for overall administration of the DOI part-time career employment program.

Chapter 340 Part-Time Employment Program 370 DM 340.1.5A

A. The Chief, Division of Employment, Office of Personnel, by delegation from the Director of Personnel, serves as the Departmental coordinator and is responsible for:

(1) Providing Departmentwide coordination of program operations.

(2) Overseeing implementation and operation of program goals and timetables throughout the Department.

(3) Preparing required consolidated agency reports on part-time employment.

(4) Responding to bureau requests for advice and assistance on part-time employment.

B. The head of each bureau (and bureau level office) is responsible for:

(1) Establishing a part-time employment program consistent with the intent of Pub. L. 95–437, and DOI requirements.

(2) Ensuring that managers, supervisors, and employees are appropriately informed of the basic requirements of part-time career employment; and informed of position management and work assignment techniques that can lead to the most productive use of part-time workers.

(3) Designating a bureau coordinator for the program who will, as appropriate:

(a) consult on the bureau's part-time employment program with interested parties in special emphasis areas (Federal Women's Program and Hispanic Employment Program Managers, Selective Placement Program Coordinators, etc.) and with employee organizations; maintain liaison with groups interested in promoting part-time employment opportunities.

(b) respond to requests for advice and assistance on part-time employment within the agency.

(c) monitor progress in expanding part-time employment opportunities.

(d) report on part-time employment as required by DOI and the Office of Personnel Management (OPM).

Chapter 340 Part-Time Employment Program 370 DM 340.1.5C

C. The DOI will report twice a year to the Office of Personnel Management on the part-time employment program (0218–OPM–SA). The program will be reviewed through internal personnel management evaluations.

1.6 *Part-Time Career Employment Practices.* Goals and timetables must be established for all bureau programs.

A. On on annual basis, as apart of the human resource and budget process, management will set organizational goals for

establishing part-time career positions or converting full-time positions to part-time, and develop a time-table setting forth interim and final deadlines for achieving the goals. Decisions on part-time employment will be based on such factors as mission, occupational mix, workload fluctuations, affirmative action, geographic dispersion, effect on providing services to the public, and employee interest in part-time employment.

B. Positions which become vacant shall be reviewed for feasibility of utilizing part-time career appointments. Part-time positions will be advertised in accordance with the principles set forth in the merit promotion plan to fill vacancies. Employees may request and receive consideration to switch from full-time to part-time schedules. Requests to convert from full-time to part-time should be addressed in writing to the employee's immediate supervisor and include all reasons for the request. The immediate supervisor or manager with input from the bureau coordinator will decide whether or not to grant the request. Employees requesting a change from full-time to part-time employment will be advised by their servicing personnel office of effects on pay and fringe benefits.

C. Career part-time employees are entitled to coverage under the Federal Employees Group Life Insurance and Federal Employees Health Benefits Programs. The Government contribution for health insurance of eligible part-time employees will be prorated on the basis of the fraction of a full-time schedule worked, as provided by Office of Personnel Management regulations.

D. Effective Fiscal Year 1981, DOI will be required to count permanent part-time employees on a fractional basis against end-of-year personnel ceilings. For example, a permanent employee with a work schedule of 20 hours per week will count only ½ an employee against the employment ceiling for September 30, 1981.

E. Effective Fiscal Year 1982, all agencies (excluding the U.S. Postal Service) will shift to a full-time equivalent/work year (FTE) system of ceiling allocation and control for *all* employment subject to ceiling.

[FR Doc. 81-9087 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-10-M

Privacy Act of 1974—Revision and Update of Notices of Systems of Records

Correction

In FR Doc. 80-25223, appearing at page 55831 in the issue for Thursday, August 21, 1980, make the following change:

On page 55839, the center column, the material under the heading "System Manager(s) and Address:" should read as set forth below:

For the Office of the Secretary: Staff Assistant, Office of the Assistant Secretary—Policy, Budget, and Administration, U.S. Department of the Interior, Washington, D.C. 20240. (2) For the Office of the Solicitor: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. (3) For the Office of Hearings and Appeals: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (4) For the Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

BILLING CODE 1505-01-M

Water and Power Resources Service

Colorado-Big Thompson Project; Proposed Green Mountain Reservoir Operating Policy

The Water and Power Resources Service (formerly the Bureau of Reclamation) has the responsibility to operate and maintain the Colorado-Big Thompson Project in accordane with the provisions of Senate Document 80 (Act of August 9, 1937, 50 Stat. 564). The Regional Director, Lower Missouri Region, proposes a policy whereby water would be made available from the storage capacity of Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado. This notice only announces the proposed operating policy and does not declare intent to begin formal contract negotiations for water service from Green Mountain Reservoir. After a period of 45 days for public review and comment of the proposed operating policy, the final Green Mountain Reservoir operating policy will be published in the **Federal Register**. Notices will be published in the **Federal Register** prior to formal negotiations for any potential contracts.

The proposed operating policy specifically defines the water supply and water service operations available from Green Mountain Dam and Reservoir, defines the processes and costs by which water users may subordinate power generation for their water supply needs, and provides a solution for repayment of reimbursable costs for the dam and reservoir.

The Water and Power Resources Service constructed Green Mountain Dam and Powerplant as features of the Colorado-Big Thompson Project. The Colorado-Big Thompson Project was recommended by the Secretary of the Interior, and approved by the President on December 21, 1937, pursuant to section 4 of the Act of June 25, 1910 (36 Stat. 835), and Subsection B of Section 4 of the Fact Finders' Act (Act of December 5, 1924, 43 Stat. 672).

Funds for construction of the project were appropriated by the Interior Department Appropriation Act of 1938 (Act of August 9, 1937, 50 Stat. 564). Senate Document 80, under the heading entitled "Manner of Operation of Project Facilities and Auxiliary Features," paragraph number 5, provides for construction and operation of Green Mountain Reservoir.

Green Mountain Reservoir, located on the Blue River, a tributary of the Colorado River in north-central Colorado, was initially operated in 1947. The action *United States* v. *Northern Colorado Water Conservancy District* et al., Civil Nos. 2782, 5016, and 5017 in the United States District Court, Colorado District, has interpreted portions of Senate Document 80. Those interpretations have recognized the rights of users in the Colorado River Basin for multiple-purpose use of the water stored in Green Mountain Reservoir.

The public is invited to submit written comments on this proposed operating policy for Green Mountain Reservoir. The Regional Director, Lower Missouri Region, will review comements submitted and, based on the number, source, and nature of the comments, will decide whether to hold a public hearing. The final operating policy will be approved by the Secretary of the interior and published in the **Federal Register**. All comments concerning this proposed operating policy should be directed within 45 days of this notice to Mr. Robert Berling, Project Manager, Water and Power Resources Service, South Platte River Projects, P.O. Box 995, Loveland, Colorado 80537.

Proposed Operating Policy

1. Green Mountain Reservoir has a total storage capacity of 153,639 acre-feet of water. Of that total capacity, 52,000 acre-feet is reserved for replacement of water diverted to the Eastern Slope through Colorado-Big Thompson Project operations. The remaining water is used primarily for hydropower generation purposes and is available for irrigation, domestic, municipal, and industrial uses.

2. Water uses are defined in four cateogries. Irrigation is water used for commercially grown agricultural crops. Domestic water is used for household purposes, watering farm livestock, poultry, domestic animals, and home gardens and lawns. Municipal water is used for municipal corporations and their inhabitants to promote life, safety, health, comfort, and business pursuits. Municipal purposes do not include irrigation of crops within the corporate boundaries. Industrial water is used for business concerns either directly or

indirectly in manufacturing or mining processes.

3. Water will be released from Green Mountain Reservoir to replace out-of-priority Colorado-Big Thompson Project diversions and to make up natural flow shortages in the Colorado River. Releases are made to provide a flow of 1,250 cubic feet per second at the site of the Shoshone Diversion Dam. That flow is measured at the stream gage at Dotsero, Colorado. The releases shall be administered as natural flows by the Colorado Division of Water Resources Division Engineer.

a. Releases may be called by the Division Engineer from the 52,000 acre-foot replacement pool only in quantities corresponding to the amount stored or diverted out of priority for Colorado-Big Thompson Project use, up to 1,250 cubic feet per second measured at the Dotsero gage.

Releases from the 100,000 acre-foot power pool will make up natural flow shortages up to the specified flow of 1,250 cubic feet per second at the Dotsero gage from April 15 through October 15. The Division Engineer shall administer these releases as natural flow. The releases are available for downstream users without charge.

4. The purpose and nature of releases from the 100,000 acre-foot power pool, in excess of what is required to maintain 1,250 cubic feet per second at the Dotsero gage, will be determined by the Regional Director, Lower Missouri Region. The Regional Director will consult with the Regional Director, Upper Colorado Region, for that determination. Absent a determination otherwise, such releases shall be made at times and in quantities dictated by power requirements of the Colorado-Big Thompson Project. When water in addition to the amount required to provide 1,250 cubic feet per second at Dotsero is released solely for power generation from the 100,000 acre-foot power pool, such water shall be considered as natural flow and available without charge for downstream users.

5. When water in addition to the amount required to provide 1,250 cubic feet per second at Dotsero is released primarily to meet certain users' needs and not to generate power, although power may be generated, then an agreement will be required between the users and the Regional Director, Lower Missouri Region, subordinating power generation to the users' need. If the uses are for irrigation and domestic purposes, then subordination charges would only include a portion of the operation and maintenance costs of Green Mountain Dam and Reservoir plus the cost of providing replacement power or paying the difference between the cost of replacement power and the revenues received from the power generated by the water releases to the user. Power interference charges would be less if the additional storage releases are used for power generation. The interference charge would be required due to the lower power head and lower releases during the winter months. If the uses are for industrial or municipal purposes, the Regional Director, Lower Missouri Region, after consultation with the Regional Director, Upper Colorado Region, may establish additional water service charges for repayment of construction costs. Power interference and operation and maintenance charges would be determined annually by the Regional Director, Lower Missouri Region.

6. Agreements, under the same terms and conditions mentioned in paragraph 5, may be made with water users upstream of the Dotsero gage but downstream from Green Mountain Reservoir.

7. Agreements may be made with water users above Green Mountain Reservoir where service can be effected. Such agreements would provide for power interference charges similar in principle to the stipulations and decrees in the action *United States* v. *Northern Colorado Water Conservancy District* et al., Civil Nos. 2782, 5016, and 5017. A charge would be imposed for operation and maintenance and, except for irrigation and domestic uses, a water service charge for repayment of project construction costs would also be imposed. Due to the physical location of Dillion Reservoir and the rights of the Denver Board of Water Commissioners, a firm water supply from Green Mountain Reservoir may not be possible for potential upstream contractors without alternate storage or an exchange arrangement with the Denver Board of Water Commissioners.

8. The Regional Director, Lower Missouri Region, in consultation with the Regional Director, Upper Colorado Region, will determine the amount and uses of water released in excess of the quantity needed to maintain 1,250 cubic feet per second at the Dotsero gage on a long-term and a short-term basis. Such uses shall be presented to the Colorado Water Conservation Board for concurrence; however, lack of concurrence shall not preclude implementation. Agreements will be made on a first-come, first-served basis.

9. Revenues resulting from such arrangements will be credited to the operation and maintenance costs of Green Mountain Dam and Reservoir, power replacement, and to the repayment of appropriate project costs.

Dated: March 20, 1981.

Clifford I. Barrett,

Assistant Commissioner, Water and Power Resources.

[FR Doc. 81-8214 Filed 3-25-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified

statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statment in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-[illegible]

Decided March 17, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

MC 154603, filed January 12, 1981. Applicant: SPRINGMEIER SHIPPING COMPANY, INC., 1123 Hadley St., St. Louis, MO 63101. Representative: R. F. Koreger (same address as applicant), 314-241-0660. As a *broker of general commodities* (except household goods,), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-[illegible] Filed 3-25-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY4-632

Decided: March 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 104967 (Sub-14), filed February 25, 1981. Applicant: TIGHE TRUCKING, INC., 45 Holton St., Winchester, MA 01890. Representative: David M. Marshall, 101 State St.—Suite 304, Springfield, MA 01103, (413) 732-1132. Transporting *general commodities* (except classes A and B explosives), between points in Middlesex County, MA, on the one hand, and, on the other, points in CT, RI, VT, NH, and ME.

MC 127247 (Sub-4), filed February 13, 1981. Applicant: LELAND R. HAWTHORNE & SON, INC., 711 Silver St., Agawam, MA 01002. Representative: Patrick A. Doyle, 60 Robbins Rd., Springfield, MA 01104, (413) 737-1476. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Conrad Fafard, Inc., of Agawam, MA.

MC 144867 (Sub-7), filed February 23, 1981. Applicant: R & J TRANSPORT, INC., 929 N. 24th St., Manitowoc, WI 54220. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *machinery*, between points in Outagamie County, WI, on the one hand, and, on the other, points in the U.S.

MC 145067 (Sub-9), filed March 6, 1981. Applicant: LAWRENCE E. SPAIDE, INC., P.O. Box 111, Avoca, PA 18641. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507, (717) 343-2126. Transporting *metal products*, between Detroit, MI, Chicago, IL, St. Louis, MO, Atlanta, GA, New Orleans, LA, Tulsa, OK, Denver, CO, points in Luzerne and Allegheny Counties, PA, Los Angeles County, CA, and Houston and Ector County, TX, on the one hand, and, on the other, points in the U.S.

MC 145997 (Sub-35), filed March 2, 1981. Applicant: J.E.M. EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *food and related products*, between points in AR, LA and TX, on the one hand, and, on the other, points in CA, ID, NV, OR, UT, WA and WY.

MC 148367 (Sub-4), filed March 2, 1981. Applicant: S.M.P., INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *silicon carbide bricks*, and (2) *abrasive grain*, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 152197, filed March, 1981. Applicant: SCENIC

TRANSPORTATION, INC., 6353 Kingston Ct., New Orleans, LA 70114. Representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, LA 70130, (504) 522–7284. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in LA, and extending to points in TX, LA, MS, AL, AR, GA, FL, and TN.

MC 151087 (Sub-4), filed March 6, 1981. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Hwy., Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Western Intermodal Services, Ltd., of Harvey, IL.

MC 154497, filed March 2, 1981. Applicant: DAVID J. CAVOSSA, d.b.a. C & N TRANSPORT, 92 Third St., Lowell, MA 10850. Representative: David J. Cavossa (same address as applicant), (617) 453–7437. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, and (3) *food and related products*, between points in the U.S., under continuing contract(s) with Crusader Paperboard Coverting Co., Inc., of Wilmington, MA, Lawrence Packaging Corp., and Lawrence Paperboard Corp., both of Lawrence, MA, and The Prince Co., of Lowell, MA.

MC 154517 (Sub-1), filed March 4, 1981. Applicant: AMERICAN TRAINCO, INC., 5021 Chase St., Downers Grove, IL 60515. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), (1) between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. west of ND, SD, NE, KS, OK, and TX.

MC 154537, filed March 2, 1981. Applicant: HAROLD COLODNEY, d.b.a. BERGEN TRANSPORT CO., 16 Industrial Ave., Ridgefield Park, NJ 07660. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *clay, concrete, glass or stone products*, between points in Lehigh and Northampton Counties, PA, on the one hand, and, on the other, New York, NY.

MC 154547, filed February 10, 1981. Applicant: A & A TRUCKING, INC., P.O. Box 1833, Memphis, TN 38106. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434–3381. Transporting (1) *food and related products*, and (2) *chemicals and related products*, between points in AR, TN, MS, AL, LA, MO, and KY.

MC 154567, filed March 6, 1981. Applicant: ELDON SPENCER, INC., P.O. Box 469, 1510 N. High St., Port Byron, IL 61275. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *petroleum, natural gas and their products*, between points in Dubuque, Johnson and Scott Counties, IA, on the one hand, and, on the other, points in IL.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9093 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in it dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Volume No. OP3-068

Decided: September 25, 1980.

By the Commission, Review Board No. 3, members Parker, Fortier and Hill. (Member Hill not participating.)

MC 130942 (Sub-1F), filed June 30, 1980, published in the Federal Register issue of October 8, 1980, and republished, as corrected, this issue. Applicant: CONSOLIDATED TOURS, INC., 2111 University Ave., St. Paul, MN 55114. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To engage in operations, in interstate or foreign commerce, *as a broker*, at St. Paul, MN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, between points in the U.S. The purpose of this republication is to reflect the correct territory sought.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9151 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

[No. 37427 [1]]

Cortex Pipeline Co.—Petition for Declaratory Order—Commission Jurisdiction Over Transportation of Carbon Dioxide by Pipeline

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Decision.

SUMMARY: In this decision, the Commission concludes that interstate pipeline transportation of carbon dioxide gas is not subject to its jurisdiction. This affirms the tentative conclusion noticed in the Federal Register at 45 FR 85177 on December 24, 1980.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: Our original tentative conclusion set forth in the December notice was based on an analysis of the plain meaning of the pertinent statute, formerly section 1(1)(b) of the Interstate Commerce Act (originally part of the Hepburn Act of 1906) and now 49 U.S.C. 10501(a)(1)(C), as supported by the legislative history, that all gas types classified by origin or source are excluded from our jurisdiction. Consequently, carbon dioxide gas, the subject of the petitions, is also excluded, when transported by pipeline.

The only comments were filed by Arco Oil and Gas Company, one of the petitioners, and it agrees with our tentative conclusion. Under these circumstances, we affirm our original tentative conclusion that we do not have jurisdiction. No further action is required.

This decision does not significantly affect the quality of the human environment or conservation of energy resources and will not have an adverse impact on small business.

It is ordered:

This proceeding is discontinued.

Decided: March 18, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9152 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

[1] Embraced in this decision is No. 37428, Arco Oil and Gas Company—Petition for Declaratory Order—Jurisdiction Over Interstate Pipeline Transportation of Carbon Dioxide.

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(E). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4-74,

Decided March 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 117786 (Sub-125), filed February 5, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in Sumter County, GA and Barbour County, AL, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9154 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

Rerouting Traffic Under Service Order No. 1344

[ICC ORDER NO. 4-A]

Service Date: March 24, 1981.

To all railroads: Upon further consideration of I.C.C. Order No. 4, and good cause appearing therefor:

It is ordered: I.C.C. Order No. 4 is vacated.

This order shall become effective at 11:59 p.m., March 20, 1981, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 19, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-9212 Filed 3-25-81; 8:45 am]

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[Permanent Authority Decisions Volume No. 46]

Restriction Removals; Decision-Notice

Decided: March 20, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Spoon, Alepough, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 16831 (Sub-41)X, filed March 9, 1981. Applicant: MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, IA 50317. Representative William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in the lead and Sub-Nos. 16, 24F, 27F, 30F, 32F, 33F, and 39F certificates to (1) broaden the commodity descriptions from (a) iron and steel articles, steel forgings, steel sheets, strips, and plates, steel lating and grounds, wrought pipe, iron and steel bolts and nuts, steel washers, steel forms used and unused for concrete construction, steel tubings, steel rings, rough, reinforced bars, steel stampings, steel bars, round and flat, steel wire, steel rivets, steel welding rods, and steel screws, aluminum sheets, bars, tubing, structurals, extrusions and plates to "metal products", petroleum products and iron and steel articles to "petroleum, natural gas and their products and metal products", and structural steel, brick, and heating equipment to "metal products, clay, concrete, glass or stone products, and building materials in the lead; (b) agricultural implements, agricultural equipment, industrial equipment, drainage systems, stump cutters, log splitters, and tree spades, parts, attachments, and accessories, contractors and construction equipment and supplies, lawn mowers, snowblowers, garden tractors, shredders, and tillers, parts and accessories to "machinery" in Sub-Nos. 24F part (1), 30F, and 33F part 1(a) and (b); (c) wheels, wheel tire assemblies, braking systems and parts, couplers, hubs, axles, spindles, tires, and jacks to "rubber and plastic products and transportation equipment", and iron and steel articles and materials and supplies used in the manufacture of iron and steel articles to "metal products and material equipment and supplies used in the manufacture of metal products" in Sub-No. 30F; (d) irrigation systems and agricultural equipment, to "metal products and machinery" in part (1) of Sub-No. 32F; and (e) water purification equipment and water purification materials to "machinery and chemicals and related products" in Sub-No. 39F; (2) authorize service to all intermediate points between Chicago, IL, and Des Moines, IA, in the lead; (3) change city-wide to county-wide authority from: (a) Des Moines to Polk, Warren, Dallas, and Madison Counties, IA, and Kewanee to Henry County, IL, in the lead; (b) Palla to Marion County, IA in Sub-No. 24F; (c) Atlantic to Cass County, IA in Sub-No. 30F; (d) Atkinson to Holt County, NE in Sub-No. 32F; and (e) Ames and Muscatine to Story and Muscatine Counties, IA, Eau Claire to Eau Claire and Chippewa Counties, WI, in Sub-No. 39F; (4) expand one-way authority to two-way or radial authority between (a) Henry County, IL, and points in Iowa within 60 miles of Des Moines, IA; Kankakee County, IL, and points in IA; Putnam County, IL, and points in IA; Chicago, IL, and Des Moines, IA, in the lead; and (b) Marion County, IA, and points in IL, IN, KY, MI, MN, NE, OH, SD, and WI in Sub-No. 24F; (5) remove the restrictions (a) " in containers" in the lead; (b) "commodities in bulk" in the lead and Sub-No. 27F; (c) "commodities in bulk, in tank vehicles" in Sub-No. 30F; (d) "originating at and destined to" in the lead and Sub-Nos. 16, 27F and 32F; and (e) "ex-water" and "ex-rail" in Sub-No. 27F; and (6) remove the facilities limitations in the lead and Sub-Nos. 16, 24F, 27F, 30F, and 32F.

MC 19193 (Sub-19)X, filed March 10, 1981. APPLICANT: LAFFERTY TRUCKING COMPANY, 3709 Beale Avenue, Altoona, PA 16601. Representative: S. Berne Smith, P.O. Box 1166, Harrisburgh, PA 17108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 10, 11, 14F, 16F, and 18F permits to (1) broaden the commodity description to "such commodities as are dealt in by grocery and food business houses and material, equipment and supplies" from such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and equipment, materials, and supplies in the part of the lead, 10, 11, and 14F; from store fixtures and store equipment, uncrated, used in the conduct of wholesale, retail, and chain grocery and food business houses in part of the lead and Sub-No. 10; and from bananas and frozen fruits in part of the leads; (2) remove the except liquid chemicals and coal tar products, in bulk, in tank vehicles restriction in Sub-No.11; and (3) broaden the territorial description to "between points in the U.S." under continuing contract(s) with named shippers in all subs.

MC 21259 (Sub-6)X, filed March 13, 1981. APPLICANT: GERTSEN CARTAGE CO., INC., 3000 Hirsch Street, Melrose Park, IL. 60160. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions from its Sub-No. 2F

certificate to (1) remove all exceptions to its general commodity authority, except classes A and B explosives; and (2) delete the exrail and water restriction on its authority between Chicago, IL and points in 11 states.

MC 50563 (Sub-165)X, filed March 9, 1981. APPLICANT: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, 7101 Wisconsin Ave. NW, Suite 1010, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-Nos. 96, 136, 138, 142, 146, 149, 153, 155, 159, 160, 164, 174 and 175 certificates to (1) broaden the commodity description from general commodities (with exceptions) to general commodities (except class A and B explosives) in Sub-Nos. 96, 142, 159, and 164; from pipe, fittings, couplings, connections, and accessories (except pipe used in, incidental to, or in connection with the discovery, development, production, and preservation of natural gas and petroleum, and in the construction, operation, maintenance, repair, servicing, and dismantling of plants and facilities for the refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) to "metal products, building materials, and clay, concrete, glass or stone products" in Sub-No. 136; from steel articles and commodities used in the production of steel articles (except lime, limestone, and limestone products, and commodities in bulk) in Sub-No. 138, iron castings (except those which because of size or weight requires the use of special equipment in Sub-No 146, and cast iron pressure pipe, valves, hydrants, and hydrant sections and parts, attachments, accessories, and supplies in Sub-Nos. 146 and 149 to "metal products"; from alloys and silicon metals (except in bulk) in Sub-No. 153 to "ores and minerals and metal products"; from paper and paper products, and materials, equipment and supplies in Sub-No. 155 to "pulp, paper and related products"; from wooden boxes, pallets, platforms, and skids in Sub-No. 160 to "lumber and wood products"; and from foodstuffs (except in bulk) in Sub-No. 174F to "food and related products" (2) authorize service at all intermediate points in connection with its regular routes between points in S.C. in Sub-No. 164, (3) remove restriction limiting service to the transportation of traffic originate at or destined to named points in Sub-Nos. 136, 146, 149 and 164 (4) remove facilities limitations in (a) Sub-Nos. 136 and 146 and replace Holt, AL with Tuscaloosa County, AL, (b) Sub-No. 138 and replace Kokomo, IN with Howard County, IN, (c) Sub-No. 149 and replace Albertville, AL with Marshall County, AL, (d) Sub-No 153 and replace Mt. Meigs, AL with Montgomery County, AL, (e) Sub-No. 155(f) Sub-No. 160 and replace Moundville, AL with Hale County, AL, and (g) Sub-No. 175F and Shelbyville, KY with Shelby County, KY, (5) remove restriction limiting service to the transportation of shipments moving from, to, or through points in York County, SC in Sub-No. 164, and (6) change one-way to radial authority between (a) points in Tuscaloosa County, AL with points in 14 states and D.C. in Sub-No. 136, and 146(b) points in Howard County, IN, and points 8 states, a described portion of PA, and D.C. in Sub-No. 138, (c) points in Marshall County, AL, and, points in a described portion of the US in Sub-No. 149, (d) points in Montgomery County, AL, and, points in a described portion of the US in Sub-No. 153, (e) points in Jackson county, AL, and, points in 17 states and DC in Sub-No. 155, (f) points in Hale County, AL, and, points in 19 states and DC in Sub-No. 160, (g) points in 4 named GA counties, and points in IL and IN, in Sub-No. 174F, and (h) points in 14 states, and, Shelby County, KY in Sub-No. 175F.

MC 103993 (Sub-1075)X, filed March 9, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 524 certificate to (1) broaden the commodity description to "transportation equipment" from motor homes, in truckaway service, and campers and camp coaches, and (2) broaden the territorial description by removing the restriction excluding service in HI, in its "between points in the U.S." territorial authority.

MC 110410 (Sub-31)X, filed March 9, 1981. Applicant: BENTON BROS. FILM EXPRESS, INC., 168 Baker St., N.W., Atlanta, GA 30313. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 7F, 24F, and 29F certificates to (1) broaden the commodity descriptions: Sub-No. 7F, to "general commodities (except classes A and B explosives)" from general commodities, with the usual exceptions; Sub-No. 24F, to "machinery," from parts and supplies for copying machines; and Sub-No. 29F, to "food and related products" from instant tea, and (2) broaden the territorial descriptions by substituting county-wide authority in place of specified cities, airports or facilities, to authorize radial transportation: Sub-No. 7F, between points in Fulton and DeKalb Counties, GA (airport at Atlanta, GA), and Duval, Orange, Hillsborough, and Dade Counties, FL (airports at Jacksonville, Orlando, Tampa, and Miami, FL), and points in FL, and described portions of GA; Sub-No. 24F, between Atlanta, GA (facilities near Atlanta, GA), and points in FL; and Sub-No. 29F, between Hillsborough County, FL (Plant City, FL), and points in Cobb County, GA (Marietta, GA), and Atlanta, GA.

MC 113658 (Sub-47)X, filed March 3, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport Street, Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Avenue NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 8, 11, 13, 15, 18, 21, 23, 24, 25, 32, 34, 35, 36, 37, 38, and 39 certificates to (1) change general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 8, and 16; (2) broaden specific commodities authorities in Sub-Nos. 2, 5, 11, 13, 15, 21, 23, 24, 25, 32, 34, 35, 37, 38, and 39, from food products, frozen foods, meat, meat products, meat by-products, articles distributed by meat packinghouses, animal feed supplements, beet and cane sugar, alcoholic liquors, margarine, shortening and peanut butter to "food and related products; (3) broaden specific commodities authority in its Sub-Nos. 32 and 36, from chemicals, drugs, toilet preparations, phosphates, potassium, soda ash, sodium sesquicarbonate and phosphoric acid to "chemicals or allied products"; (4) to authorize service at all intermediate points along described regular routes, in its Sub-Nos. 2 and 8, Denver, CO, and Chicago, IL, Denver, CO, and Imperial, NE, and Chicago, IL, and Winterset, IA; (5) remove originating at or destined to restrictions in Sub-Nos. 2, 5, 11, 13, 15, 21, and 38; (6) remove facilities limitations in Sub-Nos. 2, 5, 21, 24, 34, 35, 37, 38, and 39; (7) remove the exception of (a) Creston, IA, from a radially described portion of IA in Sub-No. 8, and (b) AK and HI from nationwide authority in Sub-Nos. 21 and 35 and AK, HI, and KS, in Sub-No. 21; (8) substitute Will County, IL, for Plainfield, IL, in Sub-No. 37; Cook County, IL, for Franklin Park, IL, in Sub-No. 34; Chickasaw County, IA, for New Hampton, IA, in Sub-No. 5; Weld, Morgan, and Logan Counties, CO, for Greely, Ft. Morgan and Sterling, CO, in Sub-No. 13; Ford County, KS, for Dodge City, KS, in Sub-Nos. 21 and 35; Jewell County, KS, for Mankato, KS, in Sub-No. 38; Finney

County, KS, for Holcomb, KS, in Sub-No. 39; Jefferson County, AL, for Birmingham, AL, in Sub-No. 24; El Paso County, CO, for Colorado Springs, CO, in Sub-Nos. 34 and 36; and Warren County, NJ, for Belvidere, NJ, New Castle County for Wilmington, DE, Essex County, NJ, for Nutley, NJ, and Somerset County, NJ, for Branchburg, NJ, in Sub-No. 32; (9) replace one-way with two-way authority on its regular route between Denver, CO, and Chicago, IL, Denver, CO, and Imperial, NE, and Chicago, IL and Winterset, IA, in Sub-NOS. 2 and 8; (10) replace one-way with radial authority between (a) Chickasaw County, IA, and CT, MD, MA, NJ, NY, PA, VA, WV, and DC in Sub-No. 5; (b) Denver, CO, and 16 eastern and midwestern States in Sub-No. 11; (c) Weld, Morgan, and Logan Counties, CO, and 16 eastern and midwestern States in Sub-No. 13; (d) Denver, CO, and 14 midwestern and southern States in Sub-No. 15; (e) Chicago, IL, and Denver, CO, in Sub-No. 16, (f) Ford County, KS, and points in the U.S. in Sub-Nos. 21F and 35F; (g) New Haven, CT, Port Newark and Port Elizabeth, NJ, Philadelphia, PA, Wilmington, DE, New York, NY, and Norfolk, VA, and Chicago, IL, and Kenosha, WI, in Sub-No. 23F; (h) Jefferson County, AL, and 14 eastern and midwestern States in Sub-No. 24F; (i) Kenosha, WI, and Des Moines, IA, Omaha, NE, and Denver, CO, in Sub-No. 25F; (j) Essex, Somerset and Warren Counties, NJ, and Chicao, IL, Dallas, TX, Atlanta, GA, and San Leandro, Bell, and Fresno, CA, in Sub-No. 32F; (k) Cook County, IL, and El Paso County, CO, in Sub-No. 34; (l) Carteret, NJ, and Chicago, IL, and Denver and Boulder, CO, in Sub-No. 36F; (m) Jewell County, KS, and 12 midwestern and eastern States in Sub-No. 38F; and (n) Finney County, KS, and points in the U.S.; and (o) remove tacking restrictions.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 117344 (Sub-292)X, filed March 12, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Dr., Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-Nos. 145 (part 10), 260, 261, 269F, 276F and 283F certificates (1) to broaden its various specified commodity descriptions such as vegetable oils and cotton seed oil in Sub-No. 145 (part 10), synthetic latices in Sub-No. 260, Bisphenol in Sub-No. 261, corn syrup, sugar and blends of corn syrup and sugar in Sub-No. 269F, sugar and corn products in Sub-No. 276F and petroleum, petroleum products and chemicals in Sub-No. 283F, which are limited to movement in bulk, to "commodities, in bulk"; (2) to remove the equipment restriction "in tank vehicles" from Sub-Nos. 145 (part 10), 260, and 276F and "in tank or hopper type vehicles" from Sub-No. 261; (3) to broaden specific facilities to county-wide authority as follows: in Sub-No. 145 (part 10) facilities near Jacksonville, IL to Mercer County, IL; in Sub-No. 261 facilities at Haverhill, OH to Scioto County, OH; and in Sub-No. 283F, facilities in Boyd County, KY, Lawrence County, OH and Wayne County, WV to Boyd County, KY, Lawrence County, OH and Wayne County, WV; (4) broaden specific facilities to the city authority as follows: in Sub-No. 260 facilities at or near Owensboro, KY to Owensboro, KY, and in Sub-No. 276F facilities at Cincinnati, OH to Cincinnati, OH; (5) to expand its one-way authority to radial authority as follows: Sub-No. 145 (part 10) between Mercer County, IL, and, points in AR, IA, KS, KY, MI, MN, MO, NE, OH, TN and WI; in Sub-No. 260 between Owensboro, KY, and, Omaha, NE; in Sub-No. 261 between Scioto County, OH, and, points in the U.S.; in Sub-No. 269F between Cincinnati, OH, and St. Louis, MO and points in IL, MI, MS, NC, TN, VA, and WV; in Sub-No. 276F between Cincinnati, OH, and, points in AR, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NY, PA, TN, VA, WV and WI; and in Sub-No. 283F between Boyd County, KY, Lawrence County, OH and Wayne County, WV, and, points in the U.S. in and east of MN, IA, MO, AR and LA; (6) to remove restrictions against service to AK, HI and OH in its nationwide authority in Sub-No. 261; and (7) to remove the "originating at" restriction in Sub-No. 276F.

MC 119789 (Sub-731)X, filed March 10, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75226. Representative: James K. Newbold, Jr. (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 372, 402, 421F, 440F, 443F, 458F, 463F, 482F, 490F, 505F, 566F, 570F, 633F, 639F, 657F and 691F certificates to (1) remove the "in bulk" and "not frozen" restrictions in Sub-Nos. 639F, 657F and 691F, (2) remove restrictions requiring prior transportation by water in Sub-Nos. 372, 440F and 463F and (3) replace authority to serve specified facilities at named points to city-wide or county-wide authority, Dallas, TX, in Sub-Nos. 402, 490F and 633F; McKinley County, NM, in Sub-No. 421F; Union County, LA for Bernice, LA, in Sub-No. 443F; Hemphill County, TX for Canadian, TX, in Sub-No. 458F; Galveston County, TX for Galveston, TX, in Sub-No. 482F; Quachito County, AR for East Camden, AR, in Sub-No. 505F; Weatherford, TX, in Sub-No. 566F; Hendricks County, IL for Danville, IL, Jefferson County, IN for Mount Vernon, IN, and Phelps County, MO for Rolla, MO, in Sub-No. 570F; Chicago and Decatur, IL, in Sub-No. 639F; Fresno County, CA for Fresno, CA, in Sub-No. 657F; and Hidalgo County, TX for Alamo and Donna, TX, in Sub-No. 691F.

MC 126716 (Sub-4)X, filed March 13, 1981. Applicant: WESTON TRUCKING COMPANY d.b.a. WESTON TRUCKING, III C Street, Encinitas, CA 92024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (1) delete all exceptions to its general commodity authority except classes A and B explosives; (2) eliminate the ex-air restrictions in each certificate; and (3) replace airports or specific point authority with city- or county-wide authority: lead, San Clements with Orange County, CA, Camp Pendleton, Fallbrook, Vista, San Marcos, Escondido, Miramar, Santee, San Ysidro, Chula Vista, Coronado, San Diego, La Jolla, Del Mar, Soloan Beach, Encinitas, Carlsbad, and Oceanside with San Diego County, CA; lead and Sub-No. 2, Los Angeles International Airport with Los Angeles, CA; and Sub-No. 2, San Diego International Airport with San Diego County, CA; McCarran International Airport at Las Vegas, NV with Clark County, NV.

MC 127042 (Sub-306)X, filed March 3, 1981. Applicant: HAGEN, INC., P.O. Box 3208, Sioux City, IA 51102. Representative: Joseph B. Davis (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 37, 180, 233F, 44, 229F, 88, 204F, 226F, 382F, 113, 120, 130, 195, 221F, 296F, 137 certificates and E-17 and E-18 letter notices to (1) broaden the commodity descriptions (a) to "food and related products" from vegetable oil compounds, dessert toppings, and coffee whitener, (except commodities in bulk), in Sub-No. 37: from frozen foodstuffs (except in bulk) in Sub-No. 180; from foodstuffs (except commodities in bulk) in Sub-No. 233F; from bakery products, other than frozen in Sub-No. 44; from frozen fruits and vegetables, in containers in Sub-No. 229F; from foodstuffs (except frozen foodstuffs, commodities in bulk, dairy products, and potato products) in Sub-No. 113; from (1) canned goods (not frozen) and (2) agricultural commodities in mixed loads with the commodities in (1) in Sub-No. 120; from cheese and

cheese products, fresh meats and food products, meats, meat products, and meat by-products and articles distributed by meat packinghouses, and dairy products (except commodities in bulk, in tank vehicles), dairy products, in Sub-No. 137; from dairy products (except commodities in bulk, in tank vehicles) in E-letter notice 17; from meat, products and meat by-products, articles distributed by meat packinghouses, and dairy products in E-letter notice 18; from salad dressings, sauces, vanilla, vinegar, cooking oil, pancake syrup, pickles, olives, cherry peppers, honey and mustard (except commodities in bulk) in Sub-No. 196; (b) to "chemicals and related products" from cleaning, washing, scouring, and polishing compounds, (except commodities in bulk) in Sub-Nos. 165 and 255F; from cleaning, polishing, and scouring compounds, waxes, janitor supplies, weed killers, and sodium hypochlorite solutions (except commodities in bulk) in Sub-Nos. 221F and 226F, (c) to "such commodities as are dealt in by drug, discount and variety stores, hospitals, and grocery stores," from frozen foods in Sub-No. 66, from meat, meat products, and meat by-products, and articles distributed by meat packinghouses (except commodities in bulk, and hides) in Sub-No. 204F and from cleaning compounds, polishing compounds, sodium hypochlorite solution, soap based compounds, rust preventive lube oils, rust preventive lube oils and greases, deodorants, disinfectants, fabric softeners, textile softeners, plastic bags, and coffee filters (except commodities in bulk) in Sub-No. 226F, and (d) to "such commodities as are dealt in by drug and grocery stores" from hair dryers, tissue paper, paper tape, curlers, toilet preparations, shampoo and store display racks (except commodities in bulk) in Sub-No. 130; (2) eliminate the restriction limiting transportation to vehicles with mechanical refrigeration in Sub-Nos. 282F, 165, 255F, and 221F; (3) eliminate the "in tandk vehicle" restriction in Sub-Nos. 204F, 137, and E-letter notice E17; (4) remove the facilities limitation in (a) Sub-Nos. 37, 180, and 233F and replace with Kansas City, MO–KS commercial zone, (b) Sub-Nos. 66, 204F, 226F, 282F, and replace with Lake, and Will Counties, IL and Cook County, IL (c) Sub-No. 165 and replace with Jefferson County, WI (d) Sub-No. 255F, (e) Sub-No. 195, (f) Sub-Nos. 221F and 226F, (g) Sub-No. 130, (h) Sub-No. 137 and replace Green Bay, WI with Brown County, WI; Cudahy, WI with Milwaukee County, WI; Clinton, IA with Clinton County, IA; LaCross, WI with LaCrosse County, WI and Monroe, WI with Greene County, WI; (5) delete the "originating at and destined to" named points restriction in Sub-Nos. 37, 180, 44, 66, 204F, 226F, 282F, 137, 165, and 195, (6) change one-way to radial authority in (a) Sub-No. 37 between Kansas City, MO, and points in 12 States, (b) Sub-No. 180 between Kansas City, KS, and, IL and MO, (c) Sub-No. 233F between Kansas City, MO, and points in 8 States, (d) Sub-No. 44 between Sioux City, IA, and points in NE (except Omaha) and points in 11 States, (e) Sub-No. 229F between Sioux City, IA, and, points in 8 States, (f) Sub-No. 66 between Lake County, IL and Chicago, IL to points in 3 States, (g) Sub-No. 204F between Chicago, IL, and, points in 15 States, (h) Sub-No. 226F between Will County, IL, and points in 11 States, (i) Sub-No. 282F between Cook County, IL, and, points in 8 States, (j) Sub-No. 113 between points in named States, (k) Sub-No. 120 between points in named northwestern and midwestern States, (l) Sub-No. 130 between Minneapolis, MN, and, points in 14 States (m) Sub-No. 137 between Brown County, WI, and, points in SD, between Milwaukee, WI, and, points in 4 States, between Minneapolis, MN, and points in WI, and, points in 6 States and a point in IL; between Green County, WI, and, points in 6 States and a point in IL; between Clinton County, IA, and, points in 6 States; between Brown and LaCrosse, Counties, WI, and, points in 2 States; between points in named States; between points in WI, and, points in 3 States, and named Oregon Counties, (n) Sub-No. 165 between Jefferson County, WI, and points in 19 States, (o) Sub-No. 255F between Milwaukee, WI, and, points in 19 States, (p) Sub-No. 195 between Denver, CO, and, points in 15 States, (q) Sub-No. 221F between Omaha, NE, and, points in 5 States, and, (r) Sub-No. 226F between Omaha, NE, and, points in 12 States.

MC 127303 (Sub-87)X, filed March 6, 1981. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 55F certificate to (1) broaden the commodity description from chemicals, plastic, and plastic products, (except commodities in bulk), to "chemicals and related products; and rubber and plastic products"; in part (1) of the certificate; and remove an in bulk restriction from the materials portion of the authority; (2) replace authority to serve named plantsites with authority to serve a county or city: Blue Earth County, MN, for a facility at Mankato, MN; Licking County, OH, for a facility at Newark, OH; Worcester County, MA, for a facility at Clinton, MA; and Grundy and Peoria Counties, IL, for facilities at Morris and Mapleton, IL and Chicago, IL, for a facility at Chicago, IL; and (3) remove the exception AK and HI from nationwide authority.

MC 127524 (Sub-30)X, filed March 18, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart Street, Rahway, NJ 07065. Representative: David L. Middleton, 1603 Hart Street, Rahway, NJ 07065. Applicant seeks to remove restrictions in its Sub-No. 17F certificate (1) to broaden its commodity description from chemicals in bulk to "commodities in bulk", (2) to replace city-wide authority with county-wide authority: Essex County, NJ for Newark, NJ, (3) to provide radial service in place of existing one-way authority between Essex County, NJ, and Baltimore, MD, and (4) remove the restriction limiting service to the transportation of traffic having a prior or subsequent movement by water.

MC 134477 (Sub-438)X, filed March 12, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Applicant seeks to remove restrictions in its Sub-Nos. 162, 189, 194, 200, and 332 certificates to (1) broaden its commodity descriptions from foodstuffs (except in bulk), and foodstuffs, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, to "food and related products", in all of the above sub-numbers; (2) replace its cities and/or facilities with city or county-wide authority (a) in Sub-Nos. 194 and 332, Independence, MO, with Jackson County, MO, (b) in Sub-No. 189, facilities at or near Kansas City, KS, with Kansas City, KS, (c) in Sub-No. 200, facilities at or near Independence, MO, with Jackson County, MO; and (3) eliminate the originating at and destined to restrictions in each certificate and (4) replace one-way with radial authority between: Kansas City, MO and points in eastern states in Sub-No. 162; Kansas City, KS and points in eastern states in Sub-No. 189; Jackson County, MO and points in southern mid western states, in Sub-No. 194, 200 and 332.

MC 135430 (Sub-5)X, filed March 6, 1981. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Marcola Rd., Springfield, OR 97447. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F

certificates to (1) broaden the commodity descriptions to "lumber or wood products" and "building materials" from: (a) laminated wood products, prefabricated wooden timbers, trusses, beams, lumber, treated poles, pilings and posts in Sub-No. 2F, and (b) treated wood products in Sub-No. 4F, (2) substitute Siskiyou County, CA, for Weed, CA; and (3) replace one-way with radial authority between (a) OR and WA, CA, ID, NV, MT, WY, CO, UT, AZ, and NM, (b) WA, and ID, CA, and NV, and (c) Siskiyou County, CA and NV in Sub-No. 2F; and (d) in Sub-No. 4F (1) OR and WA and AZ, CO, MT, NM, UT, and WY, and (2) ID and MT and AZ, CA, CO, MT, NV, OR, UT, and WA.

MC 142801 (Sub-8)X, filed March 9, 1981. Applicant: CECO TRANSPORT, INC., 1400 Kensington Road, Oak Brook, IL 60521. Representative: Thomas M. O'Brien, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub Nos. 2F, 3F and 6F permits to (1) broaden the commodity descriptions from bakery goods to "food and related products" in Sub 2F, from bottle caps and jar caps to "such commodities as are dealt in or used by manufacturers of glass containers" in Sub 3F, and from glass containers and closures for glass containers to "such commodities as are dealt in or used by manufacturers of glass containers" in Sub 6F; and (2) broaden the territorial authority to serve between points in the U.S. under continuing contract(s) with named shippers in those authorities.

MC 144122 (Sub-80)X, filed March 12, 1981. Applicant: CARRETTA TRUCKING, INC., South 100, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. Applicant seeks to remove restrictions in its Sub-No. 51 certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives);" (2) remove the plantsite facilities and authorize radial authority (a) in part (1), between New York, NY, and points in CA, GA, IL, IN, MO, OR, TX, WA, and WI, and (b) in part (2), between Philadelphia, PA, and points in IL, MO, and WI.

MC 144682 (Sub-55)X, filed March 4, 1981. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Applicant seeks to remove restrictions in its Sub-Nos. 9F, 18F, 23F, 27F, 30F, 31F, 33F, 35F, 41F, 42F, and 45F to (1) broaden the commodity descriptions from foodstuffs in Sub-Nos. 9F, 23F, 30F, 31F, and 42F, animal feed, feed ingredients and additives in Sub-No. 18F, hams in Sub-No. 27F, malt beverages in Sub-Nos. 35F, 41F, and 45F, and meat and meat products in Sub-No. 33F, to "food and related products"; and from cleaning compounds, scouring compounds, and washing compounds, and soap, in Sub-No. 42F, to "chemicals and related products;" (2) remove except in bulk restrictions in Sub-Nos. 9F, 18F, 23F, 27F, 30F, 31F, and 42F; (3) remove "in containers" in Sub-No. 27F; (4) remove originating at or destined to restrictions in Sub-Nos. 27F and 31F; remove facilities limitations at Denison, TX in Sub-No. 9F; Vernon, Irvine, and Cerritos, CA, and Columbus, OH, in Sub-No. 18F; Vacaville, CA, in Sub-No. 23F; Dallas, TX, in Sub-Nos. 27F and 42F; Sherman, TX, in Sub-No. 30F; Watsonville, CA, in Sub-No. 31F; and Mansfield, TX, in Sub-No. 33F; (5) substitute Grayson County, TX, for Denison, TX, in Sub-No. 9F; Los Angeles County, CA, for Vernon and Cerritos, CA and Orange County, CA, for Irvine, CA, in Sub-No. 18F; Solano County, CA, for Vacaville, CA, in Sub-No. 23F; Grayson County, TX, for Sherman, TX, in Sub-No. 30F; Santa Cruz County for Watsonville, CA, in Sub-No. 31F; Tarrant County, TX, for Mansfield, TX, in Sub-No. 33F; Pima County, AZ, for Tucson, AZ, Coconino County, AZ, for Flagstaff, AZ, and Cache County, UT, for Logan, UT, in Sub-No. 45F; (6) replace one-way with radial authority between (a) Grayson County, TX, and 12 western States in Sub-No. 9F; (b) Los Angeles County and Orange Counties, CA, and AZ, NM, OH, WA, UT, and TX, and between Columbus, OH, and TX, in Sub-No. 18F; (c) Solano County and CO, OK, and TX in Sub-No. 23F; (d) Dallas, TX, and CA and FL in Sub-No. 27F; (e) Grayson County, TX and numerous States in Sub-No. 30F; (f) Santa Cruz County, CA, and TX in Sub-No. 31F; (g) Tarrant County and 8 western States in Sub-No. 33F; (h) Jefferson County, CO, and ID, OK, and TX in Sub-No. 35F; and (i) Dallas, TX, and CA, AZ, NM, CO, and LA in Sub-No. 42F.

MC 145695 (Sub-7)X, filed March 6, 1981. Applicant: MAZCO SYSTEMS, INC., 140 Grand Street, Carlstadt, NJ 07072. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions in its lead and Sub No. 3 permits to (1) broaden the commodity description from "artificial kidneys, dialysate solution, dialysis treatment equipment, and dialysis materials and supplies" to "such commodities as are dealt in by manufacturers of artificial kidneys and dialysis machines" and (2) broaden the territorial description to "points in the United States" under continuing contract(s) with a named shipper.

MC 146071 (Sub-33)X, filed February 13, 1981, previously noticed in the Federal Register of March 4, 1981, republished as corrected in this issue. Applicant: DEETZ TRUCKING, INC., 316 Oak Street, Strum, WI 54770. Representative: Jack B. Wolfe, Suite 350, 1600 Sherman St., Denver, CO 80203. Applicant seeks to remove restrictions from its Sub-Nos. 1F, 6F, 7F, 9F, 10F, 11F, 12F, 13F, 17F, 20F, 24F, 27F, 28F, 29F, and 30F certificates by (1) broadening the commodity descriptions (a) from specific named food stuff items such as meats, frozen foods, cheese, etc., to "food and related products" in Sub-Nos. 1F, 7F, 9F, 10F, 20F, 27F, 28F, and 29F, (b) from various agricultural goods such as tractor exhaust pipes, augers, etc., to "machinery, farm products, lumber and wood products, rubber and plastic products, metal products, and building materials" in Sub-No. 6F, (c) from tractor exhaust pipes, mufflers, etc., to "machinery, metal products, and rubber and plastic products" in Sub-No. 11F, (d) from sewer pipe, pipe fittings, manhole covers, etc., to "rubber and plastic products", "clay, concrete, glass or stone products", and "metal products" in Sub-No. 12F, (e) from clay products and refractory products to "clay, concrete, glass or stone products" in Sub-No. 24, and (f) by removing all exceptions on commodity descriptions, such as hides; commodities in bulk; machinery; size and weight commodities; those described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, etc., wherever they appear in each of the above-numbered certificates; (2) replacing authority to serve specified facilities at named points and authority to serve specified points with county-wide authority: in Sub-No. 1F, facilities at Huron, SD with Beadle County, SD; in Sub-No. 6F, facilities at Hall, IA, Lennox and Sioux Falls, SD with Sioux County, IA, Lincoln and Minnehaha Counties, SD, respectively; in Sub-No. 7F, Fairmount, MN and Eau Claire, WI with Martin County, MN and Eau Claire County, WI; in Sub-No. 9F, facilities at Sioux Falls, SD, Estherville and Sioux City, IA with Minnehaha County, SD, Emmett and Woodbury Counties, IA, respectively; in Sub-No. 10F, Green Bay, WI with Brown County, WI; in Sub-No. 11F, facilities at Arcadia, Black River Falls, Mineral Point, Neilsville, Viroque, and Wautoma, WI with Trempealeau, Jackson, Iowa, Clark, Vernon, Waushara

Counties, WI, respectively; in Sub-No. 12F, facilities at West Bend, WI with Washington County, WI; in Sub-No. 13F, facilities at Eau Claire and Ladysmith, WI with Eau Claire and Rusk Counties, WI; in Sub-No. 17F, facilities at Monroe, WI with Green County, WI; in Sub-No. 20F, facilities at Deerfield, IL with Lake County, IL; in Sub-No. 27F, facilities at LeMars and Sioux City, IA with Plymouth and Woodbury Counties, IA; in Sub-No. 28F, facilities at Eau Claire, WI and Fairmont, MN with Eau Claire County, WI and Martin County, MN; in Sub-No. 29F, facilities at Green Bay and West Bend, WI with Brown and Washington Counties, WI; and in Sub-No. 30F, facilities at Madison, WI with Dane County, WI; (3) removing the restriction "except AK and HI" in Sub-Nos. 6F, 11F, 12F, 13F, and 17F; (4) removing the "originating at or destined to" restrictions in Sub-Nos. 7F, 13F, and 20F; and (5) in all sub-numbers except Sub-No. 13F, expanding one way authorities to authorize radial service between specified cities or counties in IA, IL, MN, SD, and WI, and points in the U.S. or numerous specified States located throughout the U.S. The purpose of this republication is to correct the commodity descriptions in part (1) (b) and (c).

MC 146573 (Sub-16)X, filed March 10, 1981. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, 804 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate to (A) broaden the commodity description from chemicals, plastic and plastic products to "chemicals and related products, and rubber and plastic products" in part (1) of the lead, and also remove the in bulk exception, and (B) replace plantsite and city-wide authority with county-wide authority, and remove the exception to service being performed in AK and HI, to authorize between points in Blue Earth, Freeborn, and Nicollet Counties, MN (Mankato, MN), Licking County, OH (Newark, OH), Worcester County, MA (Clinton, MA), Grundy and Peoria Counties, IL (Morris and Mapleton, IL), and Chicago, IL (facilities near Chicago, IL), and points in the U.S.

MC 146909 (Sub-1)X, filed March 13, 1981. Applicant: PIONEER VAN LINES, INC., 1810 Park Place Bldg., Seattle, WA 98101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22102. Applicant seeks to remove restrictions from its lead certificate to replace city-wide authority with county-wide authority: Hennepin and Ramsey Counties, MN for Minneapolis, MN; St. Louis County, MN for Duluth, MN; Ward County, ND for Minot, ND; and King, Kitsap, Pierce, and Snohomish Counties, WA for Seattle, WA.

MC 147273 (Sub-4)X, filed March 13, 1981. Applicant: KENNETH SHAFER, d.b.a. K & T HOT SHOT SERVICE, P.O. Box 1558, Proctorville, OH 45669. Representative: John M. Friedman, 2930 Putnam Ave., Hurrican, WV 25526. Applicant seeks to remove restrictions in Sub-No. 3F certificate to (1) broaden the commodity description from machinery, machine parts, nickel and nickel alloys, and iron and steel articles to "machinery and metal products;" (2) remove the "except AK and HI" restriction; and (3) eliminate "except commodities in bulk and those requiring special equipment" restrictions.

MC 148860 (Sub-2)X, filed March 13, 1981. Applicant: D.M.T. TRUCKING, INC., 2700 Broening Highway, Baltimore, MD 21222. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden its commodity description from automobiles, trucks, cabs, and chassis, in secondary movements in truckaway service, and parts for such commodities to "transportation equipment."

[FR Doc. 81-9211 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 31]

Restriction Removals; Decision-Notice

Correction

In FR Doc. 81-7034 appearing at page 15335, in the issue of Thursday, March 5, 1981, make the following correction:

On page 15349, second column, the last paragraph, in the application for Hohenwald Truck Lines, Inc., first line, "MC 1700 (Sub-26)X", should read "MC 17000 (Sub-26)X."

BILLING CODE 1505-01-M

[Permanent Authority Decisions Volume No. 29]

Restriction Removals; Decision-Notice

Correction

In FR Doc. 81-6809 appearing at page 14978 in the issue of Tuesday, March 3, 1981, make the following correction:

On page 14981, in the first column, the paragraph "MC 118833 (Sub-74) X", application of "GABOR TRUCKING, INC." in the first line, "MC 118833" should have read "MC 118838".

Billing Code 1505-01-M

Operating Rights Applications; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or if the application later becomes unopposed),appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Dated: December 16, 1981.

MC 98868 (Sub-4), filed February 3, 1981. Applicant: CURLEY'S TRUCKING, INC.—CONVERSION, P.O. Box 352, Odessa, TX 79760. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Transporting Oilfield equipment and pipe, when moving as oilfield equipment. Pipe when it is to be used in the construction of pipe lines of any and every other character or use other than oilfield equipment, between the points within the area covered by the existing certificate of the applicant; except that the applicant is prohibited from transporting pipe when not moving as oilfield equipment, where both origin and destination are places on the certificated routes of regular route common carrier motor carriers, when such pipe is less than four inches (4") in diameter and is also less than twenty-eight feet (28') in length. This restriction does not apply to pipe moving to from bond and lone star, Texas. Trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, coreosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition or corrugated), punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twistings or laving, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment, as follows:

The holder of this authority may transport the above named commodities together with its attachments and its detached parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading or unloading thereof. Absorbers (scrubbers); air or gas lift equipment; amplifiers, seismic; anodes, magnesium; armatures (heavy) and parts; assemblies, backside, casinghead, Christmas tree, stuffing, knock-off, screen setting, seating and set shoe; asphalt plant; asphalt or pipe line coating, in barrels or drums; bailers; barges, benders, pipe; blowout preventers, booms, crane, truck, dragline, derrick and tractor; brakes and parts; bridges, portable buckets, clam shell, dragline and shovel; bug blowers; cable tool drilling machines; cable tools; cat heads; chains, loading, in barrels; casing spiders; chlorine and other chemicals in steel cylinders or tanks (not tank trucks); gas compressors; connection racks; conveyors; core barrels; coring units; clutches (heavy); crown blocks; crank shafts (heavy); cross-arms and their hardware; cross-ties; cylinder, engine and compressor; dehydration units; derrick ramps; derrick starting leg; derrick skids; derrick steps; derrick substructure; drill bits; drill collars; drilling line; drilling hose; draw works; drilling rig machinery; elevators; elevator bails; engine substructures; empty cylinders; extensions, derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools; fouble boards; fuel oil and gasoline (not including movement in tank trucks or tank trailers); garages, portable; guards, chain and belt; grief stems or kelly joints; guns, mud; gravity meters; heat exchangers; hooks; jack shafts; kelly and pipe straightner; ladders, derrick; light plants; machinery, pipe screening, pipe screwing, pipe slotting, pipe threading or cutting, pipe wrapping; water well machinery, water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers; masts; monorail systems; mud boats; mud houses; mud mixers; mud tanks; mufflers, (heavy); mouse holes; nipples, iron, cement perforators; planers, power; plow; poles, gin; power transmission equipment (towers); pressure devices; rails, steel; railroad engines, cars and equipment; rat holes; radiators (heavy); reamers; reinforcing steel retorts, iron or steel; river clamps; rods, reinforcing and sucker (single and bundles); recording equipment, road lumber; rig timbers; seismic shooting equipment; slips; shale shakers; screens; substitutes; speed reducers; smoke stacks; starting units; stand pipes; swivels; suctions; spears and fishing tools; takeoffs, power; tool joints; towers; treating plants; tongs; traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope or cable, on reels; lift equipment; anchors; angles (heavy); mud, including drilling mud and conditioners (not including movements in tank trucks or tank trailers); propellers or shafts; blades, including bit, scraper and grader; boring machines or mills, including parts and equipment; dam and power plant machinery and equipment (control gates); collars, including drill or pipe; counterbalances, including counter shafts and weights; hoppers; printing machines; telephone equipment (cables, reels, switchboards); tools in boxes and houses; trailer, mounted units, including mounted workover units; treaters; blocks; jacks (heavy); joints, including expansion or kelly; core drilling machines; core drilling equipment; protectors (attached to pipe); and heaters, when not moving as oilfield equipment as follows: The holder of this authority may transport the above-named commodities (beginning with the commodity "Absorbers") together with its attachments and its detached parts thereof, between points in the pick-up and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physcial charcteristics other than weight, require the use of "special devices, facilities or equipment" for the safe and proper loading or unloading and transportation thereof. The term "special devices, facilities or equipment," is construed to

mean only those operated by motive or mechanical power; and all commodities to be transported, beginning with "trenching machines", together with attached and detached parts thereof, must require specialized equipment for the safe and proper loading or unloading and transportation thereof between points in Texas.

Notes.—The purpose of this application is to convert Certificate of Registration No. MC-98868 (Sub-No. 2) into a Certificate of Public Convenience and Necessity. Conversion is necessary because in MC-F-14427, applicant acquired the interstate operating rights of J. E. Cox and Sons, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9133 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-4-34

Decided March 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 108407 (Sub-9), filed March 4, 1981. Applicant: RUTHIG TRANSP. CORP., P.O. Box 174, Vine Rd., Vineland, NJ 08360. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435-7140. Transporting *such commodities* as are dealt in or used by department stores and discount houses, between points in NJ, NY, PA, DE, MD, and DC.

MC 117956 (Sub-14), filed March 12, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Rd., SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996-6266. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fraenkel Wholesale Furniture Co., Inc., of Baton Rouge, LA.

MC 119056 (Sub-82), filed February 9, 1981. Applicant: NORTH EXPRESS, INC., P.O. Box 247, Winamac, IN 46996. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 636-1301. Transporting (1) *ores and minerals*, (2) *chemicals and related products*, (3) *rubber and plastic products*, (4) *clay, concrete, glass or stone products*, (5) *metal products*, (6) *machinery*, (7) *waste or scrap materials not identified by industry producing*, (8) *building materials*, and (9) *such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages, (a) between points in IL, IN, KY, MI, MO, OH and WI and (b) between points in IL, IN, KY, MI, MO, OH and WI, on the one hand, and, on the other, points in AL, AR, GA, IA, KS, NY, PA, TN and WV.

MC 139906 (Sub-152), filed February 27, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (401) 476-1144. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of lawn, garden, and snow removal equipment, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 139906 (Sub-153), filed February 27, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (401) 476-1144. Transporting *tobacco products*, between points in Cullman County, AL, and Jacksonville, FL, on the one hand, and, on the other, points in CA, IL, MO, MD, NY, PA, and DC.

MC 154556, filed March 3, 1981. Applicant: FUEL, INC., R.R. 25, Box 243, Terre Haute, IN 47802. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *coal and coal products*, between points in the U.S., under continuing contract(s) with Coal, Inc. and J.H. & L. Coal, Inc., both of Terre Haute, IN.

Volume No. OPY-4-35

Decided: March 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 22196 (Sub-2), filed March 10, 1981. Applicant: ACE WORLD-WIDE MOVING & STORAGE, INC., 2725 Whynaucht Court, S.E., Rochester, MN 55901. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 463-6044. Transporting *household goods*, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH,

OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY, and DC.

MC 45656 (Sub-27), filed March 3, 1981. Applicant: ANDERSON TRUCK LINE, INC., P.O. Box 1196, Lenoir, NC 28645. Representative: Dan E. Anderson (same address as applicant), (704) 728–9236. Transporting *furniture and fixtures*, between points in MD, VA, NC, SC, GA, AL, TN, and DC.

MC 117786 (Sub-132), filed March 10, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *such commodities* as are dealt in by drug, grocery, and department stores, between points in CA, TN, PA, NV, and CA, on the one hand, and, on the other, points in the U.S.

MC 130786 (Sub-1), filed March 13, 1981. Applicant: CARGO PROCUREMENT SYSTEMS, INC., Route 208, Wallkill, NY 12589. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of optical goods, between points in the U.S., under continuing contract(s) with Bausch & Lomb Corporation, Softlens Division, of Rochester, NY.

MC 143776 (Sub-18), filed March 10, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), 800 253–9527.Transporting *furniture and fixtures*, between the facilities of Country Roads, Incorporated, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154666, filed February 27, 1981. Applicant: FARRIS TRUCKING, 1705 Alabama Ave., Haleyville, AL 35565. Representative: Gene Farris (same address as applicant), (205) 486–5478. Transporting *furniture and fixtures*, between points in Winston County, AL, on the one hand, and, on the other, points in IL, MI, and FL.

MC 147538 (Sub-28), filed February 17, 1981, previously notice in the **Federal Register** issue of March 9, 1981, and republished this issue. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant), (417) 782–2600. Transporting *insulation*, between points in McPherson County, KS, on the one hand, and, on the other, points in AR, IL, IA, MN, MO, OK, and WI.

Note.—The purpose of this republication is to correct the commodity description.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9135 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 28272, etc.]

Star Lake Railroad Co., et al.; Exemptions and Authorization of Construction and Operation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemptions and Authorization of Construction and Operation.

SUMMARY: The Interstate Commerce Commission authorizes the construction of an 82-mile rail line in McKinley and San Juan Counties NM, by the Star Lake Railroad Company (Star Lake). It also exempts several related transactions from its regulatory requirements. Prior approval will not be required for (1) control of Star Lake by The Atchison, Topeka and Santa Fe Railway Company (Santa Fe), (2) an operating agreement between Star Lake and Santa Fe, and (3) the issuance of construction notes by Star Lake.

DATES: These exemptions are effective on the date of this publication in the **Federal Register**.

ADDRESSES: Petitioner's Representative: R. K. Knowlton, Milton E. Nelson, Jr., Michael W. Blaszak, 80 East Jackson Boulevard, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Finance Docket No. 28272, Star Lake Railroad Company-Rail Construction and Operation in McKinley County, New Mexico; Finance Docket No. 29030, the Atchison, Topeka and Santa Fe Railway Company-Operating Agreement-Star Lake Railroad Company, Exemption Under 49 U.S.C. 11343–11347; Finance Docket No. 29228, Star Lake Railroad Company-Construction Notes, Exemption Under 49 U.S.C. 10505 from 49 U.S.C. 11301; Finance Docket No. 29602, The Atchison, Topeka and Santa Fe Railway Company—Control—Star Lake Railroad Company, Exemption from 49 U.S.C. 11343.

On September 3, 1976, Star Lake filed an application in Finance Docket No. 28272 seeking authority under 49 U.S.C. 10901 to construct approximately 82 miles of railroad line. The proposed line would extend from the existing main transcontinental railroad line of the Santa Fe at a point near Baca (Prewitt) to Star Lake Junction, NM, with branch lines extending from the latter point to Gallo Wash and Star Lake, NM. Star Lake is a wholly owned subsidiary of Santa Fe.

On December 31, 1979, Santa Fe and Star Lake jointly filed a petition seeking exemption under 49 U.S.C. 10505 from the requirement of our prior approval of (1) the issuance of construction notes by Star Lake to Santa Fe, under 49 U.S.C. 11301, (in Finance Docket No. 29228) and (2) an operating agreement between Star Lake and Santa Fe under 49 U.S.C. 11343 (in Finance Docket No. 29030). Each of these transactions is related to Star Lake's construction proposal. Notice of the petition was published in the **Federal Register** on April 29, 1980 (45 FR 28540). No comments have been submitted.

On our own motion, we have initiated the proceeding in Finance Docket No. 29602 to consider the control relationship between Star Lake and Santa Fe.

On March 3, 1980, the construction proceeding was designated for handling throught written verified statements. Continental Divide Trail Society (Society) filed a verified statement opposing the application. In addition, the Pueblo Pintado Chapter of the New Mexico Navajo Ranchers Association (Chapter) and an individual named Martin Martinez jointly filed a petition to intervene (along with verified statements in opposition). On August 15, 1980, their intervention was authorized and their statements accepted for consideration.

On February 20, 1981, we extended the time for issuing a decision in this proceeding to March 23, 1981. We also indicated that we would decide this case and the related exemption proceeding on a consolidated record.

Preliminary Matter

On June 30, 1980, the Society filed a motion to reply to applicant's reply statement, under 49 CFR 1100.49. It has failed to demonstrate just cause for departure from our general rule prohibiting such pleadings. Accordingly, the motion will be denied.

Pertinent Facts

A. The Rail Construction Proceeding:

Star Lake proposes to construct and operate a rail line in the "San Juan Basin," a region in northwestern New Mexico rich in low-sulfur coal. See the map in Appendix A.[1] Appendix B

[1] Appendix A is filed as part of the original document with the Office of the Federal Register.

Continued

describes the proposed route in more detail.

The region through which the proposed rail corridor would run is sparsely populated. It borders, but does not encroach upon, the Navajo Indian reservation. Livestock grazing is the primary agricultural activity in the region.

Stations will be established in South Hospah, Star Lake Junction, Star Lake, and Gallo Wash. Of the total mileage from each of the points to the nearest existing railroad station at Grants, NM, almost 60 percent has only light duty or dirt roads, about 23 percent has medium duty roads, and less than 18 percent has heavy duty capability.

There is some coal mining activity currently in the region. However, rail service to Star Lake, Hospah and Gallo Wash, NM, should result in vastly increased productivity. The final environmental impact statement ("EIS") prepared in conjunction with this proceeding concludes that if the rail line is not built, various coal mines would not be developed, "and coal production from the region would amount to 14.5 million tons in 1990, approximately 18.5 million less than if the railroad were built." [2] Star lake estimates that construction will take about 21 months and will cost approximately $61.1 million.

Star Lake states that two utility companies, Tucson Electric Power Company and Texas Utilities, Inc., have already secured contractual rights to coal fields adjacent to Star Lakes's proposed right-of-way. The coal reserves of these two companies are estimated to be approximately 368 million tons. In addition, there are other adjacent reserves without firm development plans. Applicant argues that rail service will constitute an integral part of the development of these resources, which will supply needed additional power to the western States. It estimates that annually 4.5 million tons of coal will be transported to market by 1986, and 9 million tons annually by 1990.

In addition, applicant contends that increased coal production will spur the region's economic growth, benefiting the entire State of New Mexico. Finally, Star Lake argues that the proposed rail corridor is environmentally superior to all alternate corridors considered, and cites the EIS in support of this contention.

Applicant is a noncarrier, wholly owned subsidiary of Santa Fe. It was incorporated on August 6, 1976, to construct and operate a railroad. Its investment will consist only of the right-of-way and normal track structure and related facilities. Santa Fe intends to operate over and maintain the line pursuant to an operating agreement with applicant. In doing so, it will provide motive power, rolling stock and related equipment.

Star Lake has actively (although to date unsuccessfully) sought shipper participation in financing the line's construction. It is prepared, however, to meet the estimated $61 million construction cost through the issuance of construction notes to Santa Fe, using payments under their operating agreement to retire the notes. [Santa Fe, which has submitted balance sheets and income statements covering recent periods, states its ability to meet these costs out of its general corporate funds and supplemental borrowing from lending institutions to the extent required.]

Protestant Martinez is a Navajo Indian who resides near the proposed rail corridor. The Chapter is an organization representing Navajo Indians in this region. Generally, they contend that the proposed line threatens the livelihood (primarily ranching), as well as religious, cultural, social and historical values, of persons living in the San Juan Basin. Additionally, they challenge applicant's fitness (financially and otherwise), arguing, in part, that coal development plans in this area are highly speculative; that applicant lacks adequate working capital; and that applicant has engaged in improper practices in order to acquire rights-of-way along the proposed rail corridor. They also claim that applicant has not adequately explained its relationship to corporations which own coal deposits in the region, and which would (as opposed to the public) reap any gains stemming from this proposal. They argue further that Santa Fe, not Star Lake, is the proper applicant here.

In arguing that applicant has not shown a public need for the proposed rail construction, these protestants state further that coal demand is decreasing. On the other hand, they argue that, if the demand for coal increases, implementing this plan would seriously and adversely affect the local population, insofar as employment opportunities would not benefit the local population, but rather non-Indians migrating to the area.

Finally, they claim that this proposal is contrary to a number of Federal laws designed to protect the local (Indian) population's religious, social, and environmental concerns.

The Society's position is that alternative rail lines should be considered to that proposed by applicant. It contends that the proposed line will have an adverse environmental impact upon the proposed Continental Divide Trail, which has been designated a national scenic trail under the National Parks and Recreation Act of 1978 (Public Law 95-675). It argues that the proposed rail corridor will impair the trail's recreation potential. It suggests that the EIS is inadequate and should be reevaluated and modified Finally, the society suggests that while an alternate route would not eliminate the crossing of the trail by the railroad, it could mitigate adverse impacts.

In reply to the Society, applicant argues that the EIS adequately addresses the issues raised and properly concludes that the proposed route is superior from an environmental, sociological and engineering standpoint. Applicant states that it will take steps to substantially mitigate any adverse impacts of its proposal (including fencing the right-of-way, restricting contractors from excessive disturbances of the terrain, and requiring contractors to return disturbed areas to their pre-construction condition).

Inasmuch as Star Lake has proceeded with construction plans in reliance upon the EIS, it argues that it would be unjust to now reopen issues previously considered in the EIS. It states that the attendant delays would result in largely increased construction costs and preclude it from meeting its completion date. This, it alleges, would result in hardship to prospective shippers, as well as power consumers in the West and Southwest.

In reply to the remaining protestants, applicant maintains that it is fit, financially and otherwise, to proceed with the rail construction and has the necessary financing. The fact that it is a new, untried company or affiliated with Santa Fe, cannot serve as a basis for denying this proposal, it states. Regarding protestants' allegations of "bad faith" practices in acquiring rights-of-way, Star Lake notes that this issue is currently being litigated before the Commissioner of Indian Affairs in a Department of Interior proceeding. Applicant argues that this rail construction proceeding is not the

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Copies may be obtained by writing to Office of the Secretary, Interstate Commerce Commission, 12th and Constitution Ave. NW., Washington, D.C. 20423.

[2] Volume 2 of EIS, Chapter VIII at page SLR VIII-1. The EIS was prepared by the U.S. Department of Interior, Bureau of Land Management (the lead agency). It was made available for public inspection as of February 20, 1979. Notice of the final EIS appeared in the Federal Register on March 12, 1979, at 44 F.R. 13579, and it became final 30 days later.

proper forum for determining that particular issue.

With respect to public need, applicant contends that the many benefits accruing to the public as a consequence of its proposal far outweigh possible disadvantages which may befall protestants. Moreover, applicant argues that protestants have not demonstrated whether or to what extent its proposal will adversely affect the religious and sociological concerns of the local population.

B. The Exemption Proceeding

As previously stated, Star Lake proposes to execute an operating agreement with Santa Fe, whereby the latter company would perform all operations over the railroad line. Also, Star Lake proposes to issue construction notes to its parent company to finance the rail construction. The notes would be retired through payments received by Star Lake pursuant to the operating agreement.

Acquisition by a rail carrier of trackage rights over, or joint ownership in, or joint use of, a railroad line owned or operated by another rail carrier is a transaction that requires our approval under 49 U.S.C. 11343. To seek Commission approval, an application must be filed in compliance with 49 CFR Part 1111. Also, a carrier may not issue securities to another person without our approval under 49 U.S.C. 11301. This approval must be sought through an application filed pursuant to 49 CFR 1115. Petitioners contend, however, that their proposals should be exempted from our review, under 49 U.S.C. 10505, because they are in-house type transactions of limited scope. They claim that the transactions will not affect the general public, shippers or other carriers, nor alter any existing operations or competitive balance.

Discussion and conclusions

A. THE RAIL CONSTRUCTION PROCEEDING:

Under the provisions of 49 U.S.C. 10901, a rail carrier may not construct and operate an additional rail line without first obtaining a certificate of public convenience and necessity authorizing such action. This proceeding involves a proposal to construct and operate a new railroad line by a newly established corporation (Star Lake). Additionally, actual operations over the line would be performed by applicant's parent corporation (Santa Fe).

The provisions of 49 U.S.C. 10901 apply to new railroad lines proposed for construction and operation by a corporation not previously considered a carrier subject to our jurisdiction. See *Texas & C. R.R.* v. *Northside Ry.*, 276 U.S. 475 (1928). Moreover, they apply to new lines constructed by an entity which will not itself perform operations over the line if these operations are controlled by or with the nonoperating owner. See *Texas & N.O. R. Co. Abandonment*, 317 I.C.C. 245 (1960); *Harris County Houston Ship Channel Nav. Dist. Operation*, 290 I.C.C. 83 (1953).

Initially, we conclude that Star Lake is a carrier subject to our jurisdiction, and its proposal is subject to the provisions of section 10901. We reach this determination in light of Star Lake's relationship to Santa Fe (the railroad which would actually perform operations over the proposed line) and the degree of control it will exercise over the line and operations. Additionally, Star Lake will hold itself out to provide transportation service. The presence of that "holding out" to transport the property of anyone who might choose to use the service is a salient factor in fixing common carrier status. *Pennsylvania R. Co. Merger New York Central R. Co.*, 347 I.C.C. 536, 549 (1974); *Status of Bush Universal, Inc.*, 342 I.C.C. 550, 564 (1973); *State of Vt. and Vermont Ry., Inc., Acquisition and OP.*, 320 I.C.C. 609, 611–12 (1964). See also *Union Stock Yard & Transit Co.* v. *United States*, 308 U.S. 213 (1939); *United States* v. *California*, 297 U.S. 175 (1936); *United States* v. *Brooklyn Eastern District Terminal*, 249 U.S. 296 (1919).

Having determined that the proposal is subject to 49 U.S.C. 10901, we may now weigh its merits under that section. We find that the public convenience and necessity requires or permits the proposed rail construction.

Construction of the proposed line is essential to coal development in the affected region. Barring the introduction of rail service, it is doubtful that coal mining plans would go forward. The need to foster the development of additional energy resources is great, particularly at a time when our nation is actively seeking to reduce its reliance upon foreign oil. The consequence of the proposed rail construction will be to spur coal development in the San Juan Basin, and ultimately to provide power to consumers at numerous points in the western United States.

Notwithstanding our general concern to foster energy growth, we must still weigh the benifits of this specific proposal in light of protestants' contentions. These arguments fall into two general categories. Initially, we must question whether the benefits of this proposal outweigh real and/or potential adverse impacts upon the particular region and its population. Secondly, is this particular applicant fit, financially and otherwise, to proceed with the propose construction?

The EIS addresses environmental concerns articulated by protestants. Regarding air quality, water resources, soils and vegetation, the EIS indicates that the proposed rail corridor would have a relatively minor impact upon the region. It reaches similar conclusions regarding land use, recreation, and agricultural grazing in the area.[3] In each instance, these findings reflect the fact that disturbances to the region stemming from the rail construction will be limited to a small fraction of the total acreage.[4]

There will, of course, be unavoidable adverse impacts upon fossil materials and archeological sites in the region. However, a relatively small number of sites will be disturbed within the region. Furthermore, applicant will, as noted, take steps to salvage information from the affected sites prior to and during construction, and to mitigate adverse impacts. To insure that applicant does so we will condition our authorization of this proposal accordingly.

The EIS also points out some positive impacts upon the region beyond the actual development of coal resources. The proposed rail construction would result immediately in increased employment opportunities and enhanced income, as well as the future development of additional coal mines in the region which would otherwise not exist. Economic benefits to the local Indian population would help to offset potential negative impacts experienced by the local population as a result of social change.

Finally, the proposed rail corridor appears to be clearly superior to the

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[3] See Volume 2 of the EIS, Chapter III, "Impacts of the Proposed Action."

[4] Ibid.

Concerning recreation, the report indicates that "activities would not be appreciably affected . . . because those occuring within the corridor are primarily a dispersed type. The recreationist participating in these activities is not dependent on the 289.6 acres of public lands within the 2,954 acres of committed land in the right-of-way." See page SLR III-11.

Regarding grazing, the EIS indicates that nearly 3000 acres of right-of-way would be removed from livestock grazing during the economic life of the railroad (after which the land would be returned to grazing). It states that "a low adverse impact would be realized by most livestock operators affected . . . due to the relatively low number of AUMs (animal unit months) lost." It is estimated that 5 to 10 Indian operators would be affected by the proposal, which would result in the unavoidable loss of 402 AUMs for the life of the railroad. See page SLR III-12, and also Chapter V of Volume 2, "Unavoidable Adverse Impacts" at page SLR V-1.

alternatives considered.[6] As previously noted, the absence of rail service from the region would serve to substantially curtail potential coal development. Other modes of transport are impractical and inefficient, as well as environmentally unsound.

Star Lake considered several alternate rail corridors to the one proposed, assessed as inferior in the EIS. Essentially, alternate rail corridors have either similar or worsened environmental impacts.

We conclude that the environmental impacts of the proposal do not warrant denial of this application. While there will be a measure of disturbance to the region and some of its inhabitants, benefits stemming from the proposed action outweigh negative consequences.

The Chapter and Mr. Martinez contend that Star Lake is not the proper applicant in this case since Santa Fe will actually operate the line. Star Lake clearly intends to undertake the proposed construction; it is an appropriate applicant for this purpose. It is equally clear, however, that Santa Fe will be wholly responsible for operations conducted on the line, as well as its maintenance. Accordingly, we will require Santa Fe to join in this application, as the "operating" applicant, as a prior condition to our issuance of a certificate. [We will issue a certificate authorizing construction by Star Lake and operation by Santa Fe, with each applicant bearing the pertinent service obligations imposed by the Act.] This will help insure that the public will clearly understand the corporate relationship of Star Lake and Santa Fe and each one's participation and legal responsibilities with respect to the line.

Joint protestants have also raised a number of issues concerning Star Lake's fitness. As noted, these issues relate to (1) applicant's financial viability, particularly since Star Lake is a new company without any "track record"; (2) the corporate relationship of applicant to other Santa Fe subsidiaries which have mineral holdings in the area; (3) the manner in which applicant acquired rights-of-way in the area; and (4) whether applicant's proposal is violative of various federal statutes.

The mere fact that an applicant is a new company about to assume a measure of financial risk cannot alone provide a basis for denying its proposal, particularly where the proposal is otherwise found to be required or permitted by the public convenience and necessity. Also, applicant has stated that regardless of whether it receives financial support from prospective shippers on the line, it will be able to derive financial support from its parent corporation, Santa Fe. Moreover, it appears that over time, coal production will increase in the area and the line's profits will increase correspondingly. These factors, coupled with the readiness of applicant and its parent to assume the financial risk involved favor our authorizing the venture. See *Construction By Lowell & Southern R.R.*, 117 I.C.C. 1 (1926).

The corporate relationship between applicant, Santa Fe, and other Santa Fe subsidiaries, is not a basis for denial where there is no evidence demonstrating that applicant would engage in discriminatory practices. Moreover, applicant's amended "return to questionnaire" indicates that while applicant is affiliated with several companies which own coal deposits in the area, these deposits have been leased to other (unrelated) firms. Consequently, applicant's affiliates will not act as shippers once the proposed operations are under way.

Protestants' allegations of "misconduct" in obtaining rights-of-way from landowners are serious ones. However, this issue is being fully addressed in another forum (Department of Interior, Bureau of Indian Affairs). The Resolution of this issue will affect applicant's ability to go forward with its proposal regardless of whether we find a public need for the proposed construction in this proceeding. Consequently, we will not seek to resolve this issue.

Protestants also claim that applicant's failure to plan for rail passenger service is violative of 25 U.S.C. 312 and 313. Section 312 concerns, and as here pertinent, the granting of rights-of-way to railroads through Indian lands by the Secretary of the Department of Interior provided that certain conditions are met. Section 313 sets forth maximum "width" specifications of rights-of-way. Applicant claims that the former statute, adopted 80 years ago, is inconsistent with the comprehensive scheme adopted by Congress in the *Railroad Passenger Service Act of 1970* [45 U.S.C. 501 *et seq.*], and should no longer be interpreted as having any force and effect. Regarding section 313, applicant states that is has filed a request with the Department of Interior (in accordance with that agency's regulations) for a right-of-way in excess of the maximum width.

These are also matters within the specific jurisdiction of the Department of Interior and that agency is the proper forum for litigating claims under Title 25 (*Indians.*). We emphasize that our decision in this proceeding is *permissive*. Consequently, notwithstanding a finding of public need for a proposed rail construction, applicant is not required to consummate the transaction, and may not be able to proceed further with its proposal if precluded from so doing by the dictates of another governmental entity having statutory authority which impacts upon the rail construction.

Joint protestants also have challenged this proposal in view of its allegedly negative impact upon the religious practices of Indians in the region; the environment generally, and historic structures in the vicinity.[6] These matters were addressed appropriately in the EIS and protestants have failed to adduce concrete evidence supporting their arguments.

Under 49 U.S.C. 10901(e), we have discretionary power to impose labor protection provisions in authorizing a railroad to construct and operate a new line. In this proceeding, however, the evidence demonstrates that while the proposed line construction and operation will result in additional employment opportunities, it will not adversely impact existing employees. Accordingly, we will not impose the labor protection requirements here.

Lastly, joint protestants' contention that applicant's verified statements in support of its proposal were not timely filed is incorrect.

B. THE EXEMPTION PROCEEDING

Statutory Criteria. After our publication of this proposal in the **Federal Register**, the Staggers Rail Act of 1980 (Pub. L. No. 96–448, section 213, 94 Stat. 1895, October 14, 1980) amended 49 U.S.C. § 10505. As a general rule, administrative agencies are required to apply the law in effect at the time of decision. See *Ziffrin, Inc.* v. *United States*, 318 F. 2d 1058, 1066–1067 (D.C. Cir. 1978). Therefore, we will apply the law as amended by the 1980 Act to this case.

Section 10505, as amended, authorizes us to exempt a transaction when we find that (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a and (2) either the transaction is of limited scope or regulation is not necessary to protect shippers from the abuse of market power.

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[5] See Volume 20 of the EIS, Chapter VIII, "Alternatives to the Proposed Action." See also, Volume 1 of the EIS, Chapter VIII.

[6] Specifically, protestants argue that the proposal violates 42 U.S.C. 1996 (American Indian Freedom Act), 16 U.S.C. 470F (National Historic Preservation Act), and 42 U.S.C. 4331 (National Environmental Policy Act).

The transactions for which Star Lake and Santa Fe seek exemption are in-house transactions. Clearly, each reflects the best business judgment of the two companies with respect to the financing and ultimate operation of the line. We are reluctant to substitute or our judgment for theirs where no useful public purpose would be served through our prior review and approval of the transaction.

Our prior approval of the proposed securities issuance is unnecessary to carry out the transportation policy of 49 U.S.C. 10101a, and would be inconsistent with our policy to minimize the need for Federal regulatory control. Regulation of the financing agreement is not necessary to protect shippers from the abuse of market power. Moreover, Santa Fe has demonstrated its willingness and ability to finance the rail construction (as evidenced through its submission of financial data in the rail construction proceeding).

Similarly, the proposed trackage rights agreement is merely an adjunct to the rail construction proposal, limited in scope, and will not adversely impact either shippers or other carriers. Regulation of the transaction is unnecessary to carry out the rail transportation policy of 49 U.S.C. 10101.

Our decision to exempt a trackage rights agreement does not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. Subtitle IV. We have determined that the employee protective provisions developed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605, 614 (1978), as modified by *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653, 664–5, (1980), apply to employees involved in trackage rights transactions. Accordingly, these protective provisions will be imposed here.

Final matters

Inasmuch as Star Lake is a carrier subject to our jurisdiction, we must consider the control of Star Lake by Santa Fe in light of 49 U.S.C. 11343. Under this section our approval of the control relationship is required. Accordingly, we have instituted the proceeding in Finance Docket No. 29602 to consider the corporate relationship of Sante Fe and Star Lake.

We have already exempted as a class "transactions within a corporate family that do not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family." 49 CFR 1111.5(c)(3). See *Railroad Consolidation Procedures*, 45 FR 62991, September 23, 1980.

In this proceeding, the involved transaction is tantamount to a "continuance in control" by Santa Fe of Star Lake. The consequences of the transaction, within a corporate family, weighed against the criteria of 49 CFR 1111.5(c)(3), clearly qualify it for exemption from regulation.

The exemption does not, however, relieve the carriers of their obligation to protect the interests of employees as otherwise required by 49 U.S.C. subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective provisions developed in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements for protection of employees involved in control transactions under 49 U.S.C. 11343. Accordingly, these protective provisions will be imposed here.

We Find

In Finance Docket No. 28272: (1) The present and future public convenience and necessity require or permit the construction and operation of the railroad line described in Appendix B subject to the conditions that (1) Santa Fe join in this proposal as an applicant with respect to the operations over the line and (2) applicants take all necessary steps to mitigate adverse impacts upon the environment stemming from this construction.

(2) The expenses of the proposal will not impair the ability of applicant to perform its obligation to the public.

(3) Employees will not be adversely affected.

(4) This action does not significantly affect energy consumption.

(5) To the extent that certain adverse environmental impacts will result from this action even after all necessary mitigating steps are taken by applicants, such impacts are outweighed by other factors as discussed in this decision, and do not warrant denial of the application.

In Finance Docket Nos. 29036, 29228, and 29602:

(1) Commission regulation of these matters is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) Regulation of the transaction in Finance Docket No. 29228 is not necessary to protect shippers from an abuse of market power. The transaction in Finance Docket No. 29036 is limited in scope.

The transaction in Finance Docket No. 29602 is within the class of transactions which are exempt from regulation under 49 CFR 1111.5(c)(3).

(3) This decision will not operate to relieve any rail carrier from an obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV.

(4) This decision is not a major federal action significantly affecting either energy consumption or the quality of the human environment.

It is ordered:

In Finance Docket No. 28272: (1) This decision shall be effective on the date of service. A certificate will be issued upon compliance by Santa Fe with the condition that it join in the proposal as an applicant for the purpose of performing the operations over the line. The certificate will authorize construction by Star Lake and operation by Santa Fe.

(2) Star Lake and Santa Fe, respectively, shall report to the Commission in writing within 15 days after the date upon which construction was completed and operations were commenced over the line.

(3) When Santa Fe files schedules establishing rates and charges, the schedules shall refer to this certificate and decision by date and docket number.

(4) If the authority granted by this certificate and decision is exercised Star Lake shall, within 60 days, submit two copies of journal entries required to record the transaction.

In Finance Docket Nos. 29228, 29036, and 29602: (1) Pursuant to 49 U.S.C. 10505 we exempt the transaction in 1) Finance Docket No. 29228 from 49 U.S.C. 11301, and 2) Finance Docket Nos. 29036 and 29602 from 49 U.S.C. 11343, subject to the conditions for the protection of railroad employees imposed by 49 U.S.C. subtitle IV.

(2) Star Lake and Santa Fe shall have 60 days after completing these transactions to submit three copies of sworn statements showing all journal entries, if any, required to record the transactions.

(3) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(4) These exemptions will continue in effect for two years from the effective date of this decision. Star Lake and Santa Fe must consummate the transactions during that time in order to take advantage of the exemption.

(5) These decisions shall be effective on the date published in the Federal Register.

Dated: March 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Crenshaw, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix B[1]

Description of the proposed railroad line:

The route will begin at a connection on the existing line of the Atchison, Topeka and Santa Fe Railway Company's Albuquerque Division near Baca, NM (Railroad name for Prewitt); thence in a southeasterly direction around Haystack Mountain; thence northward for about 20 miles to the Continental Divide; thence northeasterly about 10 miles to Tucker Gap, thence north 5 miles through the Pueblo Pintado Canyon to a junction point of the line (Star Lake Junction), the right fork branching to the southeast for about 10 miles terminating in the Star Lake area of McKinley County, and the left fork from the junction branching to the northwest for about 10 miles terminating in the Gallow Wash area of San Juan County. The line will not past through any incorporated city or village.

[FR Doc. 81-9151 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Amtel, Inc., et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the District of Massachusetts in *United States v. Amtel, Inc., et al.*, Civil Action No. 80-1563-C. The Complaint in this case alleged that five corporations engaged in a combination and conspiracy to fix prices of standard screws sold to distributors in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. The proposed Final Judgment would enjoin the defendants from entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy with any other person who sells or manufactures standard screws to raise, fix, stabilize, maintain or adhere to prices, discounts or other terms or conditions for the sale of standard screws. The proposed Final Judgment further would enjoin the defendants from communicating with, exchanging with or requesting from any other person who sells to distributors or manufactures standard screws information about any past, present, future or proposed price, discount or other term or condition for the sale of standard screws or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the sale of standard screws. Communications concerning manufacturing or production costs, unless necessary for the licensing of a proprietary product, similarly would be enjoined. Each defendant would be required to notify all employees with management responsibility for the sale of standard screws or any responsibility for or authority over the establishment of prices for standard screws of the requirements and prohibitions of the proposed Final Judgment.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony V. Nanni, Chief, Trial Section, Room 3266, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone: 202/633-2541).

Joseph H. Widmar,
Director of Operations.

United States District Court for the District of Massachusetts

Civil Action No.: 80-1563-C
Filed: March 18, 1981

United States of America, Plaintiff, v. *Amtel, Inc.; Elco Industires, Inc.; NL Industries, Inc.; Reed & Prince Manufacturing Company; and Textron Inc.*, defendants.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that the court may file and enter a Final Judgment, in the form attached to this stipulation, on the court's own motion or on motion of any party at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)-(h)], and without further notice to any party or other proceedings, if plaintiff has not withdrawn its consent, which it may do at any time before entry of the judgment by serving notice of its withdrawal on defendants and filing that notice with the court.

2. If plaintiff withdraws its consent or if the proposed judgment is not entered pursuant to this stipulation, the stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

Dated: March 13, 1981.

For the plaintiff: Richard J. Favretto, *Acting Assistant Attorney General;* Mark Leddy, Anthony V. Nanni, Steven M. Woghin, Charles F. B. McAleer, *Attorneys, U.S. Department of Justice.*

For the defendants: Robert Flanders, Esquire, *Edwards & Angell, Attorney for Amtel, Inc.;* William Joseph Linklater, Esquire, *Baker & McKenzie, Attorney for Elco Industries, Inc.;* Kenneth Hart, Esquire, *Donovan, Leisure, Newton & Irvine, Attorney for NL Industries, Inc.;* Robert Buchanan, Esquire, *Sullivan & Worcester, Attorney for Reed & Prince Mfg. Co.;* Henry Sailer, Esquire, *Covington & Burling, Attorney for Textron Inc.*

United States District Court for the District of Massachusetts

Civil Action No.: 80-1563-C
Filed: March 18, 1981

United States of America, Plaintiff, v. *Amtel, Inc.; Elco Industires, Inc.; NL Industries, Inc.; Reed & Prince Manufacturing Company; and Textron Inc.*, defendants.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on July 15, 1980, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is hereby,

Ordered, adjudged and decreed as follows:

I

This court has jurisdiction of the subject matter of this action and of the parties. The complaint states a claim upon wich relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

A. "Person" means any individual, partnership, firm, corporation, association or other business or legal entity;

B. "Standard screws" means externally threaded fasteners produced to a standardized published specification and sold wholesale through any of the various types of distributors including independent wholesalers, groups of wholesale distributors, and buying organizations.

III

This Final Judgment applies to each defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. This Final Judgment does not apply to: (a) any activities between a defendant and any of its parent, subsidiary or commonly-owned corporations; or (b) activities otherwise permitted by the Webb-

[1] Appendix A filed as part of the original document.

Pomerene Act (15 U.S.C. 61–66) and relating solely to sales for export outside the United States.

IV

Each defendant is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy with any other person who sells or manufactures standard screws to raise, fix, stabilize, maintain or ahere to prices, discounts or other tumors or conditions for the sale of standard screws.

Each defendant is enjoined and restrained from communicating with, exchanging with, or requesting from any other person who sells to distributors or manufactures standards screws information about (1) any past, present, future or proposed price, discount or other term or condition for the sale of standard screws or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the sale of standard screws, or (2) manfacturing or production costs relating to standard screws other than necessary communications between an actual or prospective licensee and licensor relating to the licensing of a proprietary product. This Section V does not apply to (1) any communication that is made to the public or the trade generally but is not made directly to any other person who sells to distributors or manufactures standard screws; or (2) any necessary communication in connection with a bona fide contemplated or actual purchase or sales transaction.

VI

Each defendant is enjoined and restrained from belonging to or participating in any capacity in a trade association comprised primarily of companies in the threaded fastener industry organized by George P. Byrne, Jr., Robert M. Byrne, or Richard C. Byrne or in which any of those individuals holds office, is employed, or has any managerial authority.

VII

A. Each defendant shall, within 60 days after entry of this Final Judgment, furnish a copy of it to each of its employees who has management responsibility for the sale of standard screws or any responsibility for or authority over the establishment of prices for standard screws.

B. Each defendant shall furnish a copy of this Final Judgment to each person who becomes an employee described in subsection A of this section, within 60 days after such position is assumed.

C. Each defendant shall distribute, at least every two years to each of its employees described in subsections A and B of this section: (1) a copy of this Final Judgment or a summary thereof; and (2) a written directive about the defendant's policy requiring compliance with the Sherman Act and with the Final Judgment. The directive shall include an admonition that noncompliance will result in appropriate disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to coner about any compliance questions. The defendant shall require that each employee submit to it a signed statement, which it shall retain in its files, acknowledging receipt of the Final Judgment or summary thereof and the directive; that he or she has read them; that he or she has been advised and understands that noncompliance will result in appropriate disciplinary action, which may include dismissal; that he or she has been advised and understands that noncompliance with the judgment may also result in conviction for contempt of court and a fine or imprisonment or both.

D. Each defendant shall file with the court and serve on the plaintiff, within 90 days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsection A of this section.

VIII

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its standard screw business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the court and serve on the plaintiff its consent to be bound by this Final Judgment.

IX

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division or his agent made to any defendant at its principal office, subject to any legally recognized privilege:

A. On reasonable notice to the defendant, which may have counsel present, duly authorized representatives of the Department of Justice shall be permitted:

1. Access, during office hours of the defendant, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, employees or agents of the defendant, any of whom may have counsel present, regarding any matter contained in this Final Judgment.

B. The defendant shall submit such reports in writing, under oath if requested, with respect to any matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

D. If, at the time information or documents are furnished by a defendant to plaintiff, the defendant represents and identifies in writing the material in the information or documents to be of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure and the defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then plaintiff shall give the days' notice to the defendant before divulging the material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

X

Jurisdiction is retained by this court for the purpose of enabling any of the parties to apply to this court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it or for the punishment of any violation of it.

XI

This Final Judgement shall be in effect for the period of ten years following the date of its entry.

XII

Entry of this Final Judgment is in the public interest.

Dated: ———————.

Andrew A. Caffrey,

Chief Judge.

United States District Court for the District of Massachusetts

Civil Action No.: 80–1563–C

United States of America, Plaintiff, v. *Amtel, Inc.; Elco Industries, Inc.; NL Industries, Inc.; Reed & Prince Manufacturing Company; and Textron Inc.*, Defendants.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (the "Act"), 15 U.S.C. § 16(b)—(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On July 15, 1980, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. § 4) to enjoin the above-named corporate defendants from continuing or renewing violations of Section 1 of the Sherman Act (15 U.S.C. § 1).

The complaint alleges that beginning as early as 1957 and continuing at least until sometime in 1977, the defendants engaged in a conspiracy to restrain interstate commerce by fixing the prices of standard screws sold wholesale through various types of distributors. The complaint seeks a judgment by the court that the defendants engaged in a combination and conspiracy in restraint of trade in violation of Section 1 of the Sherman Act and an order enjoing them from continuing or resuming such activities in the future.

Proceedings in this case were stayed pending disposition of a companion criminal prosecution, *United States v. Amtel, Inc., et al.*, Criminal No. 80–244–C (D. Mass.). The indictment, filed on July 15, 1980, charged the above-named defendant corporations and

three individuals with a criminal violation of the Sherman Act arising out of the same conspiracy alleged in the complaint. The criminal case has been concluded. Four of the corporations (Amtel, Inc.; NL Industries, Inc.; Reed & Prince Manufacturing Company; and Textron Inc.) pleaded *nolo contendere* and were fined a total of $700,000. Two of the individuals also pleaded *nolo contendere*. Each received a one year suspended sentence and one year probation. They were fined a total of $60,000. The remaining corporation and individual defendant were found not guilty after trial.

II

The Terms of the Alleged Conspiracy

The conspiracy revolved around the activities of a trade association known as the United States Wood Screw Service Bureau. Each defendant was a member of this trade association and each sold standard screws wholesale through various types of distributors. The complaint alleges that the defendants conspired to fix the prices wholesalers were charged for such screws.

As stated in the complaint, the defendants, for the purpose of forming and effectuating the conspiracy, made telephone calls and held meetings through which they: (1) agreed to increase the published prices of standard screws sold to distributors; (2) agreed to the "base" or published discount level and discussed additional discounts for such screws; and (3) policed adherence to their agreements. The complaint further alleges that in order to effectuate their conspiracy, the defendants published prices and discounts in accordance with agreements reached and exchanged with one another proposed and published prices and discounts. According to the complaint, the conspiracy caused prices to be raised, maintained and stabilized at non-competitive levels, restrained competition between the defendants in the sale of standard screws, and deprived purchasers of such screws of free and open competition. During the period of time covered by the complaint, the total amount of such sales by the defendants exceeded $1 billion.

III

Explanation of the Proposed Final Judgment

The United States and all the defendants have stipulated that the court may enter the proposed Final Judgment at any time after compliance with the Act. The Final Judgment provides that there is no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Act, entry of the proposed Final Judgment is conditioned upon a determination by the court that the proposed Final Judgment is in the public interest.

Standard screws are defined in the proposed Final Judgment as externally threaded fasteners produced to a standardized published specification and sold wholesale through various types of distributors including independent wholesalers, groups of wholesale distributors, and buying organizations. This definition is consistent with the focus of the investigation leading to the criminal indictment and the filing of the complaint.

The proposed Final Judgment enjoins the defendants from entering into, adhering to, maintaining or furthering an agreement with any other person who sells or manufactures standard screws to raise, fix, stabilize, maintain or adhere to prices, discounts or other terms or conditions for the sale of standard screws.

The proposed Final Judgment also enjoins the defendants from communicating with, exchanging with, or requesting from any other person who sells to distributors or manufactures standard screws any information about (a) past, resent, future or proposed price, discount or other term or condition for sale of standard screws or (b) the consideration of whether to change an actual or proposed price, discount or other term or condition for the sale of standard screws. Communications concerning manufacturing or production costs, unless necessary for the licensing of a proprietary product, are similarly enjoined. This restriction on communications does not apply in two situations. It does not apply to public communications which have not been made directly to anyone engaged in the manufacture or sale of standard screws. Nor does it apply to any necessary communication made in connection with a bona fide contemplated or actual purchase or sales transaction.

The proposed Final Judgment requires each defendant to advise those employees with either sales management or pricing responsibility for standard screws of the obligations imposed upon them by the judgment and the Sherman Act. Each defendant must furnish each such employee with a copy of the the Final Judgment within 60 days after the judgment is entered. In addition, every employee who assumes a position with sales management or pricing responsibility must receive a copy of the judgment within 60 days after assuming that position. Each defendant is also required to distribute at least every two years to each employee described above, a copy of the judgment or a summary of it, along with a directive describing the defendant's policy requiring compliance with the judgment and the Sherman Act. The directive must warn employes that noncompliance with the Final Judgment or the Sherman Act will result in disciplinary action, including possible dismissal. The directive shall also notify employees that legal advisors are available to confer with them on any compliance question. Each affected employee must submit a statement to his employer acknowledging that he has received and read the judgment (or summary) and the directive, that he has been advised and understands that noncompliance will result in disciplinary action, which may include dismissal, and that he understands that noncompliance with the judgment could lead to a conviction for contempt of court and result in a fine or imprisonment or both.

Finally, the proposed Final Judgment provides that each defendant require, as a condition of the sale or other disposition of all or substantially all, of the total assets of its standard screw business that the acquiring party agree to be bound by the provisions of the Final Judgment. The acquiring party must file with the court and serve on the United States its consent to be bound by the judgment.

In order to determine compliance with the Final Judgment, the Department of Justice is given access to the files and records of the defendants, subject to reasonable notice requirements, and may for the same purpose interview defendants' officers, directors, agents or employees. Upon the written request of the Department of Justice, defendants shall submit written reports with respect to any of the matters contained in the Final Judgment.

The Final Judgment is to be in effect for ten years from its date of entry.

IV

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed Final Judgment will neither impair nor assist any person in prosecuting any private antitrust claim arising out of the conspiracy charged in the complaint. Under Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), this Final Judgment may not be used as prima facie evidence in legal proceedings against the defendants.

Shortly after the commencement of this case and the criminal case by the United States, a number of private actions were filed in various federal district courts throughout the United States seeking treble damages. The cases were consolidated in the District of Massachusetts and are now before Chief Judge Andrew A. Caffrey.

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Anthony V. Nanni, Department of Justice, Antitrust Division 10th & Constitution Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Act. The comments and the department's responses to them will be filed with the court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is appropriate and necessary to the public interest. The proposed Final Judgment provides that the court will retain jurisdiction over this action, and that the parties may apply to the court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment will dispose of the United States' claim for injunctive relief against the defendants. The only

alternative available to the Department of Justice is a trial of this case on the merits. Such a trial would require a substantial expenditure of public funds and judicial time. Since the relief obtained in the proposed Final Judgment is substantially similar to the relief the Department of Justice would expect to obtain after winning a trial on the merits, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)) were considered in formulating the Final Judgment.

Respectfully submitted,

Steven M. Woghin,

Attorney, U.S. Department of Justice, Antitrust Division, Room 3256, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, 202/633-2417.

[FR Doc. 81-9081 Filed 3-25-81; 8:45 am]

BILLING CODE 4410-01-M

Office of the Attorney General

Establishment of Attorney General's Task Force on Violent Crime

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776, 5 U.S.C. App. I, Supp. II), and with the concurrence of the Office of Management and Budget, the Attorney General has determined that establishment of the Attorney General's Task Force on Violent Crime is in the public interest in connection with the performance of duties imposed on the Department of Justice by law.

The Task Force will make specific recommendations to the Attorney General on ways in which the federal government can do more to assist in controlling violent crime without limiting the Department of Justice's efforts against organized crime and white collar crime. In the first phase of its activities the Task Force will review the present allocation of resources for federal law enforcement efforts, federal support of state and local law enforcement efforts, and federal exchanges of information and expertise with state and local entities. The Task Force will consider measures the Department could undertake with its existing substantive and jurisdictional framework to assure the appropriate federal role and the most effective allocation of resources in combatting the problem of violent crime. In its second phase the Task Force will focus on changes in federal statutes, funding levels and allocation of resources which might increase the federal government's impact in this area, consistent with appropriate federal-state relations and the competing needs for federal resources.

The Task Force will consist of eight members covering a wide range of experience in the field of law enforcement. Members will be appointed by the Attorney General.

The Committee will function solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act 15 days from the date of the publication of this notice.

Interested persons are invited to submit comments regarding the establishment of the Task Force and its areas of concern to the Committee Management Liaison Officer, Attorney General's Task Force on Violent Crime, U.S. Department of Justice, Room 4416, Washington, D.C. 20530, phone: 202-633-1617.

William French Smith,

Attorney General.

[FR Doc. 81-9178 Filed 3-25-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances, Registration Application, Knoll Pharmaceutical Co.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 12, 1980, Knoll Pharmaceutical Company, Production Department, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Dihydromorphine (9145)	I
Hydromorphone (9150)	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than April 27, 1981.

Dated: March 18, 1981.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-9220 Filed 3-25-81; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Application

Correction

In FR Doc. 81-8013, on page 16094, in the issue of Monday, March 16, 1981, in the third column, the second paragraph, the fourth line, "Stephan" is corrected to read "Stepan".

BILLING CODE 1505-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Fisheries Subgroup of the Independent Areas Task Force (IATF); Meeting

Pursuant to Sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Fisheries Subgroup of the Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Monday and Tuesday on April 6-7, 1981. The Subgroup will meet in the B-100 conference room of Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The sessions, which will be open to the public, will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Monday, April 6, and will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Tuesday, April 7.

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the preparation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste management and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of

the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-9128 Filed 3-25-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Expansion Arts Panel (Interdisciplinary/Community Cultural Centers); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Interdisciplinary/Community Cultural Centers) to the National Council on the Arts will be held on April 1-3, 1981, from 9:00 a.m.-5:30 p.m. in room 1340 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-9148 Filed 3-25-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[M-AR 81-13]

Safety Recommendations, Responses; Availability

On March 12 the National Transportation Safety Board forwarded letters to the Federal Aviation Administration containing the following safety recommendations:

A-81-21 and -22.—Shortly after takeoff from Dallas/Fort Worth (Texas) Airport on March 3, 1980, a Beech King Air (65A90), N30AA, operating as an air taxi passenger flight, experienced an explosive decompression at 11,500 feet m.s.l. when the forward left-hand cabin window failed. The pilot reduced power, slowed the aircraft, and started immediate descent to Love Field at Dallas. The aircraft was landed without further incident.

The Board's investigation and review of pertinent Service Difficulty Reports indicate that corrective action is necessary to reduce the potential for similar occurrences. Accordingly, the Board recommends that FAA:

Amend Airworthiness Directive 77-23-07 to require more frequent inspections of cast acrylic windows and consider reducing the length of the crack or craze at which the windows must be replaced. (A-80-21)

Advise owners/operators of affected Beech aircraft of the hazards of operating their aircraft with crazed or cracked cast acrylic windows, and recommend that cast windows be replaced with stretched acrylic windows at the earliest opportunity. (A-80-22)

A-81-24 and -25.—On July 21, 1980, a Scenic Airlines Cessna 404, N28835, crashed during takeoff from Grand Canyon National Park Airport, Tusayan, Ariz., when the left engine turbocharger failed, causing a substantial power loss. The aircraft was not able to climb or maintain altitude because the pilot failed to establish immediately a minimum drag configuration, which further degraded the aircraft's performance significantly. (See report No. NTS B-AAR-81-2, 46 FR 17662, March 19, 1981).

A second similar accident occurred on March 21, 1980, at Houston, Texas, when an Eagle Commuter Airlines Piper PA-31-350 crased after takeoff when a power loss occurred in the right engine during a night departure. Investigation revealed that the aircraft was about 90 ft above the runway and at, or just below, V_{yse} when power was lost.

The Board cites its special study, "Light Twin-Engine Aircraft Accidents Following Engine Failures, 1972-1976" (NTS B-AAS-79-2) and reiterates a recommendation issued to the FAA on December 31, 1979 (45 FR 3411, January 17, 1980):

Periodically disseminate to pilots, certificated flight instructors, and FAA inspectors and their designees, additional information on how to manage light twin-engine aircraft following an engine failure, using advisory circulars, safety seminars, or other means at its disposal. (A-79-96)

Addressing the issue of emergency response to engine loss on takeoff, as an interim measure the Board now recommends that FAA:

Require that pilot training programs for 14 CFR Part 135 certificate holders which operate light twin-engine aircraft include specific ground and flight training in: (1) the factors related to achieving and maintaining V_{yse}; (2) the capability of company aircraft to maintain level flight at airspeeds below V_{yse} while in a single-engine configuration; (3) the capability of company aircraft to accelerate to V_{yse} while in a single-engine configuration; and (4) rapid appraisal of those situations in which a controlled, straight-ahead emergency landing is the safest or only option available. (A-81-24)

Require that aircraft flight manuals for light twin-engine aircraft used in 14 CFR Part 135 operations contain data related to those conditions in which the aircraft, in a single-engine configuration and at airspeeds between V_{mc} and V_{yse}, has the capability to maintain level flight. (A-81-25)

Each of the above aviation safety recommendations is designated "Class II, Priority Action."

Responses to Marine Safety Recommendations Recently Received from the U.S. Coast Guard

M-74-30, M-74-22 through -27, M-74-29, M-74-31, M-74-38 through -42, M-75-19 through -21, M-75-23, and M-75-25 through -27.—Letter of February 11 reports on status of these recommendations, addressed by USCG's Task Group on Tanker Safety at the joint USCG/NTSB quarterly meeting held April 29, 1980:

M-74-20: USCG will require safety meetings on tankships to address hazards of tank cleaning, gas freeing, tank entry, and tank venting; safety information will be disseminated to unlicensed crewmembers.

M-74-22: USCG views as impractical the ducting of cargo vapors over the downwind side of a ship during gas freeing; alternative action is not warranted.

M-74-23: Inert gas systems will be required on existing product tankers larger than 40,000 dwt and existing crude oil tankers larger than 20,000 dwt. Installation of inert gas systems on smaller domestic tankers is being studied. A Maritime Administration study relates to gas freeing techniques, including dilution and displacement methods.

M-74-24: A project initiated in May 1974 has shown flame screens to be inadequate for quenching flames propagating through

pipelines, but USCG will continue to evaluate.

M–74–25: USCG proposes to inform crews in the safe use of emergency equipment by holding periodic meetings on each tankship. Pamphlets CG–174, CG–474, and CG–482 exemplify USCG's crew indoctrination efforts in the safe use of emergency equipment aboard tank vessels.

M–74–26: It is appropriate to enhance emergency equipment requirements for chemical tankers. USCG sees need to have similar equipment on board petroleum tank vessels, and will evaluate.

M–74–27: USCG finds impractical equipment functional or location requirements to assure that piping components on tank vessels cannot cause cargo to spill when men enter cargo tanks, regardless of the operation to be performed. An increased emphasis on crew training would be a suitable complement to recently promulgated regulations.

M–74–29: USCG does not concur in requiring that a written cargo-loading plan be made and posted each time cargo is to be transferred aboard chemical tankers and a check procedure be developed to assure achieving the desired gating.

M–74–31: USCG does not concur in having all operators of chemical tank vessels maintain updated operating manuals aboard each ship showing the proper operation of piping systems for anticipated transfer operations. A color coded cargo piping plan covered by 46 CFR 153.910, Safety Rules for Self-Propelled Vessels Carrying Hazardous Liquids, is a more effective method for indicating the position of each valve during cargo loadings than is a written manual.

M–74–38: USCG concurs in including in periodic Coast Guard examinations the inspection and testing of machinery and other equipment to be used in tank cleaning operations.

M–74–39: USCG reports that the Task Group considers unfeasible the provision in future tank vessel design for the relief of explosive pressures in cargo tanks where explosive vapors might be expected to accumulate. A better method of preventing explosion is through improved safety measures and more stringent operating requirements.

M–74–40: USCG does not concur in utilizing systems safety techniques to evaluate proposed methods of tank cleaning operations before approving cargo-tank internal design features of tankships. Due to the minimal safety benefits gained by optimizing tank designs and due to the fitting of inert gas systems on many tank vessels, USCG believes that no further work on this recommendation is warranted.

M–74–41: USCG does not concur in utilizing systems safety techniques to establish basic tank cleaning guidelines in the form of procedural regulations. The Task Group does not believe that quantifiable gains in overall tanker safety would be realized by regulating tank cleaning but, rather, conjects that industry innovation and research might be hindered.

M–74–42: USCG concurs in holding safety meetings regarding tank cleaning of tank vessels. Written procedures are already available in industry manuals, and additional instructions are not warranted.

M–75–19: USCG does not concur in prohibiting the deliberate drainage of cargoes into the pumproom bilges of tankships as this is not feasible. The Task Group believes that tank vessels should be operated in such a way as to minimize the length of time residues are retained in the bilges.

M–75–20: USCG does not concur that piping systems entering pumprooms are to be designed to preclude even accidential discharge of cargoes into pumproom bilges. The discussion re M–75–19 is responsive to M–75–20.

M–75–21: USCG has promulgated regulations (46 CFR 32.35–15) prohibiting installation of air compressors in pumprooms of new tankships. However, installation of air compressors in pumprooms was not found to be a common feature abord the U.S. tankship fleet.

M–75–22: USCG believes 46 CFR 32.60–20 is adequate in requiring pumproom ventilation.

M–75–23: A proposed rule (docket CGD 79–065), expected to be published in April 1981, will address prohibition of workshops and storage of tools in pumprooms of tankships in which the bilges are not prohibited by regulation from containing cargoes or cargo residue.

M–75–25 and M–75–26: USCG, while now reevaluating needs for formal hazard analysis to identify pumproom explosion risks, does not feel that system safety hazard analysis is needed for vessel inspection or plan review.

M–75–27: USCG does not concur in issuing regulations to require adequate management and shipboard supervision during transportation and handling of hazardous cargoes on tankships. Adequate regulations in both CFR Titles 33 and 46 have already been promulgated with respect to this issue.

M–80–30 through –35 and M–76–2 and M–76–9 (reiterated).—Letter of February 11 is in response to recommendations issued last June 4 following investigation of the collision of *M/V Inca Tupac Yupanqui* and Barge *Panama City* at Good Hope, La., August 30, 1979. (45 FR 41550, June 19, 1980.) USCG's comments:

M–80–30: At three meetings of the Intergovernmental Maritime Consultative Organization (IMCO), USCG has made a priority item the requirement for two separate and independent steering gear control systems on cargo vessels. Amendments to Regulation 29 of Chapter II–I of the 1974 SOLAS Convention will become effective in late 1981.

M–80–31: USCG views as adequate 33 CFR 164.15(c)—"Persons are available to rapidly anchor the vessel in an emergency." However, the entire Subpart 15 of 33 CFR Part 164 is inoperative since confined or congested waters have never been described, an issue to be addressed in a proposed rulemaking.

M–80–32: USCG concurs in seeking international agreement to require all ships of more than 500 gross tons to use noncombustible materials in the construction of accommodation spaces, and first sought this during the 1948 Safety of Life at Sea Convention. Sufficient member countries failed to ratify amendments to the 1960 SOLAS Convention. The 1967 fire safety amendments, incorporated into the 1974 SOLAS Convention, came into force on May 25, 1980. A recent IMCO Resolution A.327(IX) would require that all new cargo ships over 500 gross tons have noncombustible bulkheads within stairway and corridor enclosures, and that all ceilings, linings, draft stops and grounds must be constructed on noncumbustible materials. The 1974 SOLAS requires all new tank vessels of over 500 gross tons to be constructed of noncombustible materials. None of these regulations require retrofitting except when a ship undergoes major reconstruction. Retrofitting would oppose a severe economic burden on the world fleet.

M–80–33 and M–80–34: USCG does not concur in these recommendations dealing with location and operational design of loading facilities. Federal regulations are not the answer to proper port planning. USCG suggests careful review by the Corps of Engineers, Coast Guard, Environmental Protection Agency, and other agencies before granting permits and licenses.

M–80–35: USCG concurs in increased monitoring of vessels carrying or transferring liquefied gases in or near the Port of New Orleans. New regulations under 33 CFR 161.11(b) and 161.3(c) have been published.

M–76–2: USCG continues its nonconcurrence in requiring oceangoing vessels in designated restricted waters to have emergency steering stations manned. Following rejection of the manned emergency steering station proposal by IMCO, USCG promulgated 33 CFR 164.25 to require that vessels conduct regular and timely tests of the steering gear and other related vessel control and navigation systems. Ongoing regulatory project CGD 79–038b will identify tests and drills on a regular basis to ensure steering gear system reliability and vessel crew familiarity.

M–76–2: USCG will address in a separate letter this reiterated recommendation regarding emergency contingency plans for responding to catastrophic accidents occurring in waterways which carry large quantities of hazardous materials.

NOTE: Copies of the Board's recommendation letters, as well as responses and related correspondence, are provided free of charge. All requests for copies must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

March 20, 1981.

[FR Doc. 81–9131 Filed 3–25–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Availability of Staff Supplement to the Draft Report on Human Engineering Guide to Control Room Evaluation

Notice is given that the Commission's Office of Nuclear Reactor Regulation has published a supplement to NUREG/CR-1580, the Human Engineering Guide to Control Room Evaluation draft report. The supplement is identified as NUREG-0659, and is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in all other Commission Local Public Document Rooms.

NUREG/CR-1580 was published in July, 1980, as a draft version of the control room design review guidelines described in Task I.D of the NRC Action Plan developed as a result of the TMI-2 accident. The guidelines are intended to provide guidance for a detailed control room design review to identify and correct design deficiencies. This review will be performed by all operating reactor licensees and applicants for operating licenses.

This staff supplement to the draft guidelines has been issued to provide staff responses to comments on the draft guidelines and supplemental material not contained in the draft guidelines. The supplemental material consists of (1) draft systems review guidelines, (2) sample checklists, and (3) an outline of the staff's procedure for evaluating completed licensee and applicant control room design reviews.

Interested persons may submit comments on the supplemental material provided in NUREG-0659. Operating reactor licensees, applicants for operating licenses, public interest groups, and designated Federal agencies and organizations with experience in human factors analysis are being provided with copies of NUREG-0659. Comments received by the commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C.

The **Federal Register**, notice of availability of the draft guidelines (FR 45, No. 163 at page 5551) advised that the Commission staff planned to meet with operating reactor licensees and applicants for operating licenses, human factors engineering experts, and other interested parties at some time after comments on the draft guidelines had been received, but prior to publication of the final guidelines. These meetings have now been scheduled, and will be held on April 22 and 24, 1981, in Room P-118 of the Commission's Bethesda offices at 7920 Norfolk Avenue, Bethesda, Maryland. The meetings will begin at 9:00 AM. Topics to be addressed at the public meetings include a review of the planned format and content of the revised guidelines (NUREG-0700, to be published shortly after the scheduled public meetings) and a discussion of the licensee and applicant control room design review process. Also, the staff plans to discuss the draft systems review guidelines given in NUREG-0659, and will consider comments on this draft material as well as comments on other material contained in NUREG-0659.

To balance meeting attendance, it is requested that licensee and applicant representatives from NRC Regions III, IV and V plan to attend the April 22 meeting, and that representatives from NRC Regions I and II plan to attend the April 24 meeting. Other individuals and organization representatives may attend either meeting. Persons intending to attend these meetings should advise the Commission by contacting the NRC officer identified below and indicating which meeting they plan to attend.

To the extent possible, written comments received by April 15, 1981, will be discussed by the staff during the meetings. Comments should be addressed to the NRC officer listed below. Written or verbal comments will also be accepted at the meetings, but the staff may not be in a position to discuss these comments. Comments received after April 30, 1981, will be considered by the staff if it is practical to do so, but assurance of consideration of these comments cannot be given. Persons desiring to present their comments during the meetings should advise the NRC officer listed below of their intent.

For further information, contact Voss A. Moore, Division of Human Factors Safety, Officer of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. Telephone (301) 492-8448.

Dated at Bethesda, Md., this 20th day of March 1981.

Voss A. Moore,

Chief, Human Factors Engineering Branch, Division of Human Factors Safety.

[FR Doc. 81-9185 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237-SP; 50-249-SP (Spent Fuel Pool Modification)]

Commonwealth Edison Co. (Dresden Station, Units 2 and 3); Further Hearings on Proposed Amendment of Facility Operating License

March 17, 1981.

On August 3, 1978, the United States Nuclear Regulatory Commission (the Commission) issued a notice of "Proposed Amendments to Operating Licenses" relating to the above identified facilites (43 FR 35763, August 11, 1978). The proposed amendments would permit an increase in the storage capacity of the spent fuel pool at Dresden Station.

Hearings on the proposed amendments were held on November 19, 20, and 21, 1980, in Morris, Illinois. At those hearings applicant's counsel informed the Board of a possible fuel channel assembly bowing problem.

On March 17, 1981, it is ordered, That testimony on the question of fuel channel assembly bowing will be received and arguments by the parties, limited to thirty minutes each, will be heard in support of their respective answers to Board question #2[1] on April 20, 21st if necessary.

In: The O'Hare Hilton Motel at O'Hare International Airport Chicago, Illinois the session on April 20th, 1981, will begin at 1:00 P.M. in the Montgolfier Room, East Mezzanine.

The members of the Atomic Safety and Licensing Board designated by the Atomic Safety and Board Panel to conduct the above notice hearing are Dr. Linda W. Little, Dr. Forrest J. Remick, as technically qualified members, and John F. Wolf, Esquire, as chairman.

Members of the Public are invited to attend this evidentiary hearing.

For the Atomic Safety and Licensing Board.

John F. Wolf,

Administrative Judge.

[FR Doc. 81-9189 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has

[1] Board Question #2. Based on a review and analysis of the various unresolved generic safety issues under continuing study, what relevance is there, if any, to the proposed spent fuel modification?

Further, what is the potential health and safety implication of any relevant issues remaining unresolved?

issued Amendment No. 39 to Facility Operating License No. DPR–67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant, Unit, No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment deletes certain non-radiological water quality requirements of the Appendix B Technical Specifications, deletes license conditions associated with the Appendix B Technical Specifications changes and adds reporting requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated June 1973.

For further details with respect to this action, see (1) the application for amendment dated April 12, 1979, as supplemented September 10, 1979, and February 26, 1980, (2) Amendment No. 39 to License No. DPR–67, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 10th day of March 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-9190 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–461 OL, 50–462 OL]

Illinois Power Co., et al. (Clinton Power Station, Units 1 and 2, Application for Operating License); Memorandum and Order (Summarizing Special Prehearing Conference, Summarizing Telephone Conference, and Ordering Second Special Prehearing Conference)

March 18, 1981.

A Special Prehearing Conference was held on January 29, 1981 in Urbana, Illinois. During a general discussion of the contentions of the petitioner for intervention, Prairie Alliance (PA), and a detailed discussion of a number of such contentions, it became apparent that many of the contentions failed to meet the specificity and basis requirements of 10 CFR 2.714(b).

The NRC Staff offered to meet with representatives of PA in order to explain what the Staff considered to be the deficiencies in PA's contentions. The petitioner agreed to participate in such a meeting. Counsel for Applicant was invited to participate in the meeting, also, but declined to do so. Applicant's Counsel indicated that he would view favorably such an effort by Staff and petitioner but expressed concern about any delay that might result. Staff indicated that it believed a period of four to six weeks would be required for petitioner to prepare and submit amended contentions and that it did not think that such a delay would significantly affect the proceeding. In response to Board questions, Staff said that it projected issuance dates of October 1982 for the Safety Evaluation Report and March 1982 for the Final Environmental Report. Considering these projections and the fact that Prairie Alliance does not have benefit of counsel, the Board granted the petitioner an additional period not to exceed six weeks in which to consult with the Staff and submit revised contentions.

In a telephone conference on March 11, 1981, in which representatives of all parties participated, Prairie Alliance advised that it would mail its amended contentions no later than March 30, 1981. Further, all parties agreed that a Second Special Prehearing Conference would be held in Illinois beginning at 9:00 a.m. on April 14, 1981.

Order

In view of the foregoing it is, this 18th day of March 1981, *it is ordered:*

That the Second Special Prehearing Conference will be held in the Plaza Room of the University Inn, East John and Third Streets, Champaign, Illinois, beginning at 9:00 a.m. on April 14, 1981.

For the Atomic Safety and Licensing Board.

Oscar H. Paris,

Administrative Judge.

[FR Doc. 81-9191 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–387–OL and 50–388–OL]

Pennsylvania Power & Light Co., et al. (Susquehanna Steam Electric Station, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR § 2.721 (1980), the Atomic Safety and Licensing Board for *Pennsylvania Power & Light Company, Et. Al.* (Susquehanna Steam Electric Station, Units 1 and 2, Docket Nos. 50–387–OL and 50–388–OL, is hereby reconstituted by appointing the following Administrative Judges to the Board: Mr. James P Gleason and Dr. Paul W. Purdom. Mr. Charles Bechhoefer and Dr. Oscar H. Paris were members of this Board, but, because of schedule conflicts are unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

James P. Gleason, Chairman
Mr. Glenn O. Bright
Dr. Paul W. Purdom

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The addresses of the new Board are:

Administrative Judge James P. Gleason,
513 Gilmoure Drive,
Silver Spring, Maryland 20901
Dr. Paul W. Purdom,
245 Gulph Hills Road,
Radnor, Pennsylvania 19087

Issued at Bethesda, Md., this 19th day of March 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-9192 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-463 CP and 50-464 CP]

Philadelphia Electric Co. (Fulton Generating Station, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Richard S. Salzman, Chairman
Dr. W. Reed Johnson
Christine N. Kohl

Dated: March 20, 1981.

C. Jean Bishop,
Secretary to the Appeal Board.

[FR Doc. 81-9193 Filed 3-25-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-267]

Public Service Co. of Colorado and Fort St. Vrain Generating Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-34 issued to the Public Service Company of Colorado, which revised Technical Specifications for operation of the Fort St. Vrain Generating Station (the facility) located in Platteville, Colorado. The amendment is effective as of the date of its issuance.

The amendment specifies certain license conditions for the conduct of a test program and revises the Technical Specifications to: (1) extend the minimum sample flow limits to cover the reactor power range of 70 to 100 percent, (2) define the times to start depressurization, (3) extend the core residence time of the fuel test elements and (4) specify operator action time limits for power-to-flow ratios as per S.L. 3.1. This amendment is based on revised data and analysis which correct certain inconsistencies with the FSAR for this facility, identified in 1977. These inconsistencies had resulted in a hold in the test program at the 70 percent level while they were resolved. Now that they are resolved, the hold in the test program is no longer needed, and the Fort St. Vrain Nuclear Generating Station may continue previously authorized testing, rise-to-power ascension up to the designed 842 MWt for the duration of the testing program. Subsequent power operation above the 70 percent level will be subject to a review and evaluation of the test results by Public Service Company of Colorado and the NRC.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated November 16, 1977, January 3, 1979, January 21, 1981 and January 30, 1981, (2) Amendment No. 23 to License No. DPR-34 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, (PDR), 1717 H Street, N. W., Washington, D. C. and at the Local PDR in Greeley, Colorado. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 16th day of March 1981.

For the Nuclear Regulatory Commission.

James R. Miller,
Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 81-9194 Filed 3-25-81; 8:45 am]
BILLING CODE 7590-01-M

Development of a Safety Goal; Preliminary Policy Considerations

In accordance with its previously announced Plan for Developing a Safety Goal (45 FR 71023, October 27, 1980), the Nuclear Regulatory Commission hereby publishes for public comment a preliminary statement of policy considerations concerning that subject. A detailed discussion supporting this statement is being published separately as NUREG-0764, "Toward a Safety Goal: Discussion of Preliminary Policy Considerations." A copy of NUREG-0764 and of NUREG-0739, "An Approach to Quantitative Safety Goals for Nuclear Power Plants," submitted to the Commission by the Advisory Committee on Reactor Safeguards in October 1980 are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies of NUREG-0764 and NUREG-0739 are available upon written request and at no cost to persons who wish to comment; requests should be made to the NRC-GPO Sales Program, Attention: Sales Manager, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301-492-9530). Copies may also be purchased from the NRC-GPO Program and the National Technical Information Service, Springfield, Virginia 22161. Comments on the statement and on NUREG-0764 and on NUREG-0739 will be considered in work leading to the preparation of a policy paper for submittal for Commission consideration. That work includes further studies, public meetings, and workshops. Salient activities will be publicly announced in order to secure broad participation. (For a description of that further work, see NUREG-0735, included in 45 FR 71023, October 27, 1980.)

Comments and suggestions are solicited concerning the entire subject matter of this statement and NUREG-0764 or any of their aspects. In addition, the Commission solicits comments on certain additional, specific questions appearing at the end of this notice.

Written comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, and should be received by May 26, 1981. Late comments will be considered, but only to the extent practicable to do so.

For further information contact Mr. George Sege, Office of Policy Evaluation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 634-3295.

Dated at Washington, District of Columbia, this 23d day of March 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,
Secretary of the Commission.

PRELIMINARY POLICY CONSIDERATIONS

I. Introduction

A. Background

In accordance with the Plan for Developing a Safety Goal (NUREG-0735; also published in 45 FR 71023, October

27, 1980), the Commission is issuing for public comment this preliminary statement of considerations involved in developing a safety goal. This preliminary statement has been prepared in furtherance of the Commission's intent to seek to define more clearly the level of protection of the public health and and safety that it believes is adequate.

In accordance with further provisions of the Plan, the comments received will constitute a part of the considerations leading to preparation of the eventual safety goal. In addition to consideration of the written comments, workshops and public meetings will be held. A subsequent paper will be prepared by the Office of Policy Evaluation and is scheduled to be submitted to the Commission for its consideration in August 1981. After consideration of that paper, the Commission intends to seek additional public comment on the proposed policy statement. Those comments will also be considered in the preparation of the final safety goal itself.

B. Purpose and Scope of the Preliminary Statement

The purpose of this preliminary statement is to elicit comments by indicating the kinds of considerations which may enter into an articulation of the Agency's safety goal.

The Advisory Committee on Reactor Safeguards has prepared "An Approach to Quantitative Safety Goals for Nuclear Power Plants" (NUREG–0739, available on request). Commenters are urged to obtain and use that document as one example of a concrete application of the concepts discussed here. The Commission has at this time not formed any views as to the merits of the approach described by the ACRS or any other single policy. The ACRS has characterized its proposal as intended to "serve as one focus for discussion." It is the only specific proposal that has so far been formally submitted to the Commission, and is detailed and accompanied by background information.

The scope of early policy development efforts has focused primarily on radiological accidents associated with power reactors. It is, however, intended to include considerations of sabotage and other external events and to seek adaptation of the safety goal to other facilities and operations where the need is evident.

C. Organization of the Statement

The articulation of a safety goal must not only stipulate a required degree of protection that is sound, but must also be formulated in a way that is useful in a practical, regulatory sense.

This statement begins by discussing alternative approaches to safety-goal formulation. The discussion includes types of safety goals, types of quantitative approach, approaches for dealing with uncertainty, and coments about some aspects of balancing of risks and of safety and other values.

Presented next are references to five specific safety-goal proposals in addition to the aforementioned volume by the Advisory Committee on Reactor Safeguards.

Finally, there is a short discussion of degree of safety, since all or most of the potential approaches can be adapted to establishing a degree of protection at any level over a wide range of possible levels. Selecting that level on a sound basis is, or course, the paramount objective of the effort to develop a safety goal.

II. Approaches to Safety Goal Formulation

In this section, discussions progress from a characterization of possible safety-goal forms, to an identification of types of quantitative approaches, to a brief account of means of dealing with uncertainty, and, finally, to comments about balancing disparate values.

A. Safety Goal Forms

Saftey-goal forms have been classified according to seven pairs of contrasting characteristics which are given below. (Based on Mattson et al., 1980. See NUREG–0764 for further discussion). The next steps in the goal development program should address these characteristics. The seven pairs of characteristics, with brief comments, are as follows:

1. *Single vs. Multiple Goals*—Advantageous combinations may be possible, consisting of an interrelated hierarchy of overall and lower-order goals.

2. *Quantitative vs. qualitative Goals*—Overall quantitative goals introduce severe verifiability problems with respect to low-probability high-consequence events. On the other hand, qualitative goals may defy assignment of clear, ascertainable meaning. Different specific aspects of safety-goal formulation may be better suited to one or the other of these alternatives, or may be expressible in forms combining qualitative and quantitative elements.

3. *Ends-Oriented vs. Process-Oriented Goals*—Ordinarily, goals are thought of principally as ends to which strategies and resources are directed. A process-oriented alternative focuses on processes that command confidence. For example, one of the basic reactor safety principles of the Naval Nuclear Propulsion program and our own is that if the means of providing for nuclear safety are pursued with the goal of excellence of performance, then acceptable safety will be attained.

4. *Absolute vs. Relative Goals*—Some comparative analysis must underlie relative goals, though comparisons may be fraught with considerable difficulties.

5. *Individual vs. Society-Oriented Goals*—In the NRC regulations (10 CFR Parts 20, 50/Appendix I, and 100), both individual and societal goal forms are used in complementary fashion for limiting radiation exposure.

6. *Site (or Region) Dependent vs. Site (or Region) Independent Goals*—Location may affect the probability of a serious accident, the probability of a failure of a reactor containment, and the radiation exposure of people in event of an accident.

7. *Time-Related vs. Atemporal Goals*—A time-related goal may call for achievement of some specified safety standard by a specified year and a more stringent safety standard by some later year. Also, a goal may be interim or settled (though even a "settled" goal may need to be changed, because of technological progress, new information, or new perceptions). An interim goal may offer a trial period.

B. Types of Quantitative Approach

Recent efforts towards development of proposed safety goals have had a predominantly quantitative emphasis, notwithstanding evident problems of verification of compliance with any quantitative goals. The Advisory Committee on Reactor Safeguards (ACRS), as background for its own development of a quantitative approach, accepted a survey of some proposals previously presented in the United States and abroad, according to which such approaches can be roughly categorized into three groups: those that set limits on individual risk of death only; those that consider frequency of accidents and magnitude of the consequences; and those that imbed the criteria in risk management frameworks that, at least in part, consider risks from alternatives or other societal endeavors (NUREG–0739, Part 1).

C. Approaches to Dealing with Uncertainty

Verifiability of whether a nuclear plant meets an overall quantitative safety goal is subject to considerable uncertainties surrounding probabilities and consequences of severe but low-probability accidents. Various

approaches can be considered for mitigating the impact of these uncertainties. We describe five approaches: arbitration, modeling, restrained use of quantitative criteria, conservatism, and non-quantitative approaches. Combinations of approaches are, of course, possible and may well have merit.

1. *Arbitration*—The decisions about whether a goal is met can be entrusted to a group of specially empowered experts.

2. *Modeling*—Verification could be tied to a prescribed mode of calculation.

3. *Restrained Use of Quantitative Criteria*—Use of the top-level probability target can be limited to decisions concerning the clearly prohibitive and the clearly trivial outliers. Another mode of restraint is to use an overall plant target only loosely and to provide some general guidance for setting quantitative targets at the level of systems and equipment for which failures can be tolerated with a frequency sufficient for possible verification.

4. *Conservatism*—Conservatism can be embedded in the calculations or explicitly applied to risk estimate results. In the "embedded" approach, estimates of actual risk are based on conservative assumptions, in order to increase assurance that decisions concerning the issue at hand will be on the safe side.

As an alternative, one can require calculations to be realistic—the best one can do. Margins of due prudence would be introduced into administrative decisions. Sensitivity analyses may help discern the consequences of alternative judgments and thus help to set an appropriate margin.

5. *Nonquantitative Approaches*—Nonquantitative approaches available to reduce vulnerability due to uncertainties include independent lines of defense; use of requirements known to be beneficial, though not quantitatively; extra circumspection when abandoning known, established practices for promising innovations; and professional judgment, with emphasis on the qualifications and experience of decision makers and advisors.

D. Approaches to Balancing of Values

As the work of safety-goal development progresses, we plan to seek a sound balancing of the values relevant to goal setting. At this time we limit our discussion to noting in a preliminary way two specific topics: (1) individual and social risks and (2) safety and economic values.

1. *Individual and Social Risks*—A safety goal may focus on the risk of death or illness to which any one individual may be exposed, including permissible differences among individuals in different circumstances, such as workers, nearby residents who may receive some benefit as compensation for incremental risk, and the general population. The goal may also include consideration of the numbers of people exposed to a risk.

Social risk considerations also include such issues as equities of distribution of risks and benefits, possible transfer of risk to future generations (through long-lived radioactive materials), distinctions between prompt and delayed fatalities, and whether and how property damage risks (which may indirectly entail other health-and-safety risks) should be taken into account.

A special aspect of the social risk issue is involved in the concept of risk management, that is, whether and how to consider the risks of alternatives in setting a nuclear-plant safety goal.

2. *Safety and Economic Values*—Safety and economic values are not necessarily or invariably in conflict. Safety may protect plant investment and property of others as well as save medical and other costs of illness. In this positive respect, the issue is the extent to which economic incentives for safety should be reflected in safety-goal formulation. However, in many questions about safety, safety and economic values conflict or appear to conflict; the issue then involves, first, whether under the circumstances at hand economic impacts can be taken into account in a safety decision and, second, what amount of resources may be devoted (or what benefits foregone) to achieve a particular safety goal.

Decisions concerning possible retroactive applications of new requirements, including the safety goal itself, may involve special safety-cost trade-offs since the costs of specific safety improvements for plants already being built or operating may be substantially higher than for plants yet to be built.

III. Some Safety-Goal Proposals

NUREG–0764 describes six safety-goal proposals, all urging a quantitative formulation of safety goals and suggesting specific numerical values for the parameters that they propose. The diverse frameworks can, however, be employed in conjunction with numerical values that differ from those suggested in the specific proposals. The intellectual task of devising a sound framework and the policy task of setting appropriate levels are distinct, though they must in due course merge. Both tasks are essential, as is their proper merging.

All six of the proposals are based on the use of probabilistic risk assessment. They depend for their effectiveness on the potentialities of that technique and are subject to its limitations—gaps and uncertainties in data bases and difficulties of constructing adequate sets of underlying assumptions and of accounting for human factors in safety. Some of the approaches proposed include provision for accomodating or mitigating the effects of uncertainties.

With all the approaches, consideration would have to be given to (a) the appropriate role for other methods where probabilistic risk assessment cannot dependably resolve an issue and (b) problems of transition from current practices, including decisions with respect to possible retroactive application of new requirements, as well as (c) the development of sufficiently wide availability of an adequate level of expertise in the new probabilistic methods.

The proposals described in NUREG–0764 include one submitted to the Commission on October 31, 1980, by the Advisory Committee on Reactor Safeguards and described by the ACRS as "a preliminary proposal for a possible approach to quantitative safety goals * * * intended to serve as one focus for discussion on the subject * * * and * * * expected to be * * * a first step in an iterative process." (NUREG–0739, "An Approach to Quantitative Safety Goals for Nuclear Power Plants," ACRS, 1980.)

The ACRS proposal is the only safety-goal proposal that has been formally presented to the Commission for consideration or discussion. However, we are aware of other proposals relating to development of a safety goal for use in the United States that have been elaborated in varying degree and have been published or widely communicated. Five such proposals are discussed briefly in NUREG–0764. Their sources are the Atomic Industrial Forum; Dr. Chauncey Starr, of the Electric Power Research Institute; Dr. Vojin Joksimovic, of General Atomic; Dr. Edwin Zebroski, of the Nuclear Safety Analysis Center; and Mr. Robert Bernero, of the NRC Office of Nuclear Regulatory Research.

IV. Degree of Safety

The essence of a safety goal is the degree of safety that it establishes. The generic discussion of approaches to safety-goal formulation and of the criteria by which approaches may be

judged has as its purpose the creation of a vehicle for specifying the degree of safety sought in a way that would make it meaningful and useful.

The assignment of specific proposed degrees of safety in the specific proposals summarized above illustrates the use of the proponents' frameworks and the degrees of safety suggested by the proponents as appropriate.

The Commission reserves judgment about any specific degree of safety, pending further progress in its safety-goal development efforts.

Additional Questions

The Commission solicits comments and suggestions concerning the entire subject matter of the preliminary statement of policy considerations and the supporting discussion paper or any parts of that subject matter. In addition, comments are solicited concerning the following specific questions:

1. (a) Among the criteria for selection of an approach to safety-goal formulation that are presented, which are particularly important? Unimportant? Illustrative criteria are that the goal be comprehensive, logical, verifiable, practical, and publicly acceptable.

(b) Should additional or different criteria be considered? What criteria and with how much emphasis?

2. Which of the following are particularly important to include in a safety goal:

(a) Some general approach to risk acceptability?
(b) Quantitative safety goals?
(c) Qualitative—even subjective—standards?
(d) Approach to safety-cost trade-offs?
(e) Goals for future safety improvements?
(f) Standards for determining when new requirements should be applied retroactively?

3. (a) Among the approaches to safety goal formulation that are discussed, what approach or combination of approaches is particularly appropriate? Inappropriate? Why?

(b) Should any other approach be considered? What approach?

4. (a) Among the approaches to dealing with uncertainty that are discussed, what approach or combination of approaches is particularly appropriate? Inappropriate?

(b) Should any other approach be considered? What approach?

5. What should be some of the characteristics of safety requirements:

(a) What should be the role of safety-cost trade-offs?

(b) To what extent should benefits of nuclear power, absolute and relative to alternatives, enter safety-requirements decisions?

(c) To what extent is it appropriate for requirements for new and previously approved plants to differ?

(d) Should a safety goal be applied directly to cases in order to attain a similar degree of safety from case to case (even though that may result in specific design and operation requirements differing according to circumstances)? Or should the goal be applied generically and have requirements, rather than estimated degree-of-safety results, be uniform?

(e) To what extent should the goal reflect protection of individuals regardless of numbers of persons affected, and to what extent should it reflect total, integrated population or societal effects?

(f) To what extent should equities of distribution of benefits and adverse impacts influence requirements?

(g) Should the safety goal reflect increased aversion to risk of high consequences even at low probability?

(h) What is the proper balance between stability of requirements and flexibility for modification as knowledge develops and insights change.

6. (a) How should the stringency of nuclear-power-plant safety requirements compare with current practice?

(b) How should stringency of the safety goal compare with risks accepted from other (non-nuclear) electrical energy sources and with risks arising in various other contexts?

7. The Commission invites comments on the ACRS proposal and on the other specific proposals described in the paper, and would welcome any alternative proposals or suggestions.

[FR Doc. 81-9187 Filed 3-25-81; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 23, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requiremnts, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for

clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201.

New

• Forest Service
Survey of Trends in Use Patterns and Visitor Characteristics
In the Bob Marshall Wilderness
Nonrecurring
Individuals or households
Party leaders of recreation visitor groups entering the, etc.
Conservation and land management 384 responses, 127 hours; $35,500 Federal cost, 1 form
Charles A. Ellett, 202–395–7340.

Information will be directly used in writing the national forest plans concerned with the Bob Marshall Wilderness, as required by the National Forest Management Act. The NFMA requires that information on recreation use and characteristics be used in developing the forest plans and to evaluate their effectiveness.

Revisions

• Economics and Statistics Service
Field Crops Objective Yield Survey
On Occasion, other—see SF83
Farms
Cash grain, cotton and potato growers
SIC: 011 013
Small businesses or organizations
Agricultural research and services, 19,090 responses, 5,918 hours; $2,500,000 Federal cost, 9 forms
Office of Federal Statistical Policy and Standard, 202–673–7974

Provides yield per acre indications of wheat, corn, cotton and soybeans at national level and for major producing States. Indications based on counts, measurements and weights correlated with final yield. Sample fields selected from June Enumerative Survey (40–R2766). Estimates used throughout Government and agriculture for marketing decisions.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627.

Reinstatements

• Economic and Statistical Analysis
Transactions of U.S. Affiliate, Except an Unincorporated Bank, with foreign parent
BE–605
Quarterly
Businesses or other institutions
U.S. corporations and unincorporated business enterprises
Small businesses or organizations
Other advancement and regulation of commerce, 8,800 responses, 6,600 hours; $80,000 Federal cost, 1 form
Office of Federal Statistical Policy and Standard, 202–673–7974

Secures data on current and capital account transactions between foreign persons and incorporated U.S. business enterprises in which they have an equity interest of 10 percent or more. Consists of data on earnings; dividends interest, and fees and royalties paid; and outstanding debt and equity position. Authorized by the International Investment Survey Act of 1976 (Pub. L. 94–472). Required for the preparation of the balance of payment account.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030.

New

• Office of Educational Research and Improvement [1]
Survey of Adult Education
ED 2412 (CPS–1), ED 2412–1 (CPS–880)
ED 2412–2 (CPS–881)
Other—see SF83
Individuals or households
16 yr. olds and over in a house. Sample throughout the U.S.
Research and general education aids, 82,500 responses, 4,500 hours; $322,000 Federal cost, 3 forms
Laverne V. Collins, 202–395–6880

The adult education course data are in great demand by adult basic education and continuing education program planners and administrators. The demographic characteristics, which are cross-tabulated for participants and nonparticipants in adult education and for all full-time students, are heavily used by programs concerned with women, the elderly, manpower training, and equal opportunity, as well as by educators and adults.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488.

New

• Social Security Administration
Quarterly Report of Child Support Collections
OSCE–34
Quarterly
State or local governments
State title IV–D agencies
SIC: 944
Other income security, 216 responses, 216 hours; $15,800 Federal cost, 1 form
Barbara F. Young, 202–395–6880

This form provides quarterly data concerning the amounts collected as child support payments through the child support enforcement program. This information is required to determine the cost effectiveness of the program and to compute the AFDC grant award.

• Social Security Administration
Quarterly Application for Grant Award
OSCE–85
Quarterly
State or local governments
State title IV–D agencies
SIC: 944
Other income security, 216 responses, 108 hours; $9,450 Federal cost, 1 form
Barbara F. Young, 202–395–6880

This form is the States' requests for an advance of Federal funds for the Administration of the child support enforcement program and provides a certification that State and local funds are available as required.

• Human Development Services
Assessment of State current practices in title XX day care
Nonrecurring
State or local governments
State title XX agencies
SIC: 835
Social services, 50 responses, 1,400 hours; $93,783 Federal cost, 3 forms

[1] This request for clearance has already been approved for use by OMB so that it can be conducted as a supplement to the May 1981, Current Population Survey (CPS).

Public comments will still be considered, and any changes indicated will be made in the next revision of the study, as warranted.

Gwendolyn Pla, 202–395–6880

The Omnibus Reconciliation Act of 1980 (P.L. 96–499) mandates that the Department of Health and Human Services "Assist each State in conducting a systematic assessment of current title XX funded day care practices and provide a summary report of the assessments to congress by June 1, 1981."

• Human Development Services
State title XX day care assessment: day care center
Director telephone survey
Nonrecurring
Businesses or other institutions
Title XX funded day care centers
SIC: 835
Small businesses or organizations
Social Services, 4,096 responses, 3,455 hours; $93,783 Federal cost, 1 form
Gwendolyn Pla, 202–395–6880

The Ominibus Reconciliation Act of 1980 (P.L. 96–499) mandates that the Department of Health and Human Services "Assist each State in conducting a systematic assessment of current title XX funded day care practices and provide a summary report of the assessments to congress by June 1, 1981.

• Human Development Services
State title XX day care assesement: family day care home
Telephone survey
Nonrecurring
Businesses or other inatitutions
Title XX funded day care homes
SIC: 835
Small businesses or organizations
Social Services, 3,415 responses, 1,343 hours; $93,783 Federal cost, 1 form
Gwendolyn Pla, 202–395–6880

The Ominibus Reconciliation Act of 1980 (P.L. 96–499) mandates that the Department of Health and Human Services "Assist each State in conducting a systematic assessment of current title XX funded day care practices and provide a summary report of the assessments to congress by June 1, 1981.

• National Institutes of Health
Epidemiologic study of nasal cancer in North Carolina and Virginia
Nonrecurring
Individuals or households
Next-of-kin of nasal cancer patients and control patients
Health, 300 responses, 150 hours; $90,000 Federal cost, 1 form
Gwendolyn Pla, 202–395–6880

Clearance is requested to conduct telephone interviews with 150 next-of-kin of former nasal cancer patients at four hospitals in North Carolina and Virginia and 150 next-of-kin of patients dying of other causes in order to identify environmental factors associated with the risk of nasal cancer.

• National Institutes of Health
Pretest of a proposed survey of the role of the practicing Dentist and pediatrician in the use of caries prevention
Methods
Nonrecurring
Businesses or other institutions
Practicing dentists and physicians
SIC: 801 802
Health, 160 responses, 80 hours; $32,723 Federal cost, 6 forms
Gwendolyn Pla, 202–395–6880

There is a need to collect information periodically on the attitudes and knowledge of practicing dentists and physicians about current and projected caries prevention methods. Such current assessment of knowledge of practices, as well as measures of change over time, will alow the dental profession and NIDR to improve on techniques of communication of technology so that the profession is using the most effect. MEIVE methods available for prefenting dental caries.

• Social Security Administration
Request to obtain data form States which administer their own supplementary payment program(s)
Quarterly
State or local governments
State agency which administer the supplementary payment program for the State, etc.
SIC: 944
Public assistance and other income supplements, 71 responses, 71 hours; $1,775 Federal cost, 1 form
Barbara F. Young, 202–395–6880

Under the provisions of section 2, Public Law 94–585, enacted October 21, 1976, States that supplement the Federal supplemental security income (SSI) payments are required to "pass along" the Federal Cost-of-living increases to individuals who are eligible for State supplementary payments. This information is required by SSA to verify that these States are in compliance with the law.

• Office of Assistant Secretary for Health
Requirement to disclose HMO financial information to members on occasion
Businesses or other institutions
120 Federally qualified HMO's
SIC: 808
Small businesses or organizations
Health care services, 120 responses, 60 hours; $160 Federal cost, 1 form
Gwendolyn Pla, 202–395–6880

Recordkeeping requirement—HMO's generally provide to members and potential members the information listed at 42 CFR 110.108(c)(1) in their promotion literature as a normal business practice except for the detailed financial information item which is provided to each employer mandated under section 1310 of the PHS Act, as amended. In addition, all of this information must be furnished OHMO in the HMO's application for Federal qualification.

• Health Care Financing Administration
Evaluation of reimbursing for home dialysis services
HCFA–191T thru HCFA–195T
Nonrecurring
Individuals or households
Pat., dialysis aids, physicians, and home training coordinators, etc.
Small businesses or organizations
Health, 3,950 responses, 2,536 hours; $159,345 Federal cost, 6 forms
Richard Eisinger, 202–395–6880

Need: Data collected will reflect attitudes of patients, physicians, ESRD home training coordinators and home dialysis aids regarding home dialysis.

Uses: To determine if home dialysis can be definitely demonstrated to be cheaper and at the same time not adversely affect the quality of care.

Extensions (No Change)

• Social Security Administration
Statement for redetermining continuing eligibility
For SSI payments
SSA–8200–F4
Annually
Individuals or households
Aged and handicapped recipients of supplementary security pay.
Public assistance and other income supplements, 1,533,000 responses, 689,850 hours; $41,391,000 Federal cost, 1 form
Barbara F. Young, 202–395–6880

Section 1611(c)(1) of the Social Security Act provides for information regarding the redetermination process for supplemental security income (SSI) benefits. This form is used to elicit minimal information from carefully selected SSI recipients to permit district office personnel to make a decision on continuing eligibility of recipients or that further development is necessary.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

Policy Development and Research
Multifamily development costs
Nonrecurring

State or local governments
PHas. State Housing Fin. Agen. & Pr. Dev. of Housing Proj.
Sic: 151
Small businesses or organizations
Community development, 1,250 responses, 625 hours; $76,875 Federal cost, 3 forms
Richard Sheppard, 202-395-6880

Contains three instruments concerning the characteristics of multifamily housing sponsors and the projects they develop. The surveys are needed to complete a study of multifamily development costs and will be used with other data to analyze development costs across a range of HUD programs.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

• Employment and Training Administration
Test record card for nonreading aptitude test battery and basic occupational literacy test, test record card for general aptitude test bat., interest inventory, and proficiency tests ETA 723 ETA 749 on occasion State or local governments State employment service offices SIC: 944 Training and employment, 800,000 responses, 66,400 hours; $398,400 Federal cost, 2 forms
Arnold Strasser, 202-395-6880
These cards are maintained in employment service testing units as official records of applicant test results. They are consulted and used for decisions on referral to job openings and transmittal to other organizations for use in counseling and job placement.

• Employment and Training Administration
Occupational code request
ETA 741
On occasion
State or local governments
Occupational analysis field centers affiliated with the U.S. employment service
SIC: 944
Training and employment, 320 responses, 800 hours; $128,000 Federal cost, 1 form
Arnold Strasser, 202-395-6880

Used to develop information on new occupations or occupations not previously described.

• Employment and Training Administration
Immigration Case Record and Transmittal
ETA 7148
On occasion
State or local governments
Local and State emp. ser. Offices in all States and terr.
Sic: 944
Training and employment, 45,000 responses, 22,500 hours; $135,500 Federal cost, 1 form
Arnold Strasser, 202-395-6880

Form ETA 7148 is used in the Alien Labor certification program as a case control and permanent record by showing the location of the case and current status of the case.

• Employment and Training Administration
Employer Furnished Housing and Facilities
ETA-338
Annually
Farms
Ic. emp. recru. wkrs thru empmt serv interst cle. sys.
Sic: 012 017
Training and employment, 4,000 responses, 16,000 hours; $128,000 Federal cost, 1 form
Arnold Strasser, 202-395-6880

Federal Regulations and court orders require agricultural employers who recruit workers through the ES clearance system to provide free housing sufficient to accommodate the number of workers being recruited. Housing must meet certain health and safety standards established by DOL or State laws. Housing must be physically inspected before workers can be recruited from other areas. This form is used to show what type of housing is available, type of accomm. and if meets S&H stand.

• Employment and Training Administration
Survey of Employment Services to Disabled Veterans
MT-312
Nonrecurring
Individuals or households
Young disabled veterans
Training and employment, 3,750 responses, 750 hours; $193,818 Federal cost, 1 form
Arnold Strasser, 202-395-6880

The results of the proposed national survey of employment services to disabled veterans are necessary to guide policy and program planning to aid in the solution of disabled veteran employment problems. The study results will be utilized to contribute to planning at the Federal, State, and local levels of innovative employment and training programs for disabled veterans.

• Employment and Training Administration
Notice of Existence of Labor Dispute
ETA 803
Other—See SF83
State or local governments
Some or all of the 2,600 local State Employmt serv. officers
Sic: 944
Training and employment, 30,300 responses, 1,515 hours; $14,360 Federal cost, 1 form
Arnold Strasser, 202-395-6880

This form serves as evidence of compliance with Sec. 11(B) of Wagner-Peyser Act of 1933, as amended, which states: "In carrying out the provisions of this act, the Secretary of (Labor) is authorized and directed to provide for the giving of notice of strikes or lockouts to applicants before they are referred to employment."

DEPARTMENT OF STATE

Agency Clearance Officer—Gail J. Cook—202-632-3536

New

• Administration of Foreign Affairs
Registration of Claims of United States Nationals Against [1] Iran
DSP-93
Nonrecurring
Individuals or households/businesses or other Institutions
Individuals and bus. w/claims against the govern. or Iran
Small businesses or organizations
Conduct of foreign affairs, 2,000 responses, 2,000 hours; $15,000 Federal cost, 1 form
Phillip T. Balazs, 202-395-4814

Information furnished is to be used by the Department of State in negotiating an agreement with Iran for the settlement of claims and for other purposes relating to the administration of claims.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor—202-426-1887

New

• Federal Highway Administration
Reference Report on Candidate
FHWA-1468
Annually
Individuals or households
Transportation professionals
Ground transportation, 660 responses, 660 hours, $1,500 Federal cost, 1 form
Terry Grindstaff, 202-395-7340

Information obtained is used to aid in the selection of recipients of fellowships/scholarships awarded

[1] This request for clearance may be acted upon before the end of the normal 10-day public comment period. Prompt review is needed in order that deadlines established by the agreement between the United States and Iran can be met in a timely fashion.

under 23 U.S.C. 307(A), 321(A), and 403(A).
• Federal Highway Administration
Investigations and Inquiries of Driving Record and Past Employers
On occasion
Individuals or households
Motor carriers operating in interstate commerce
Small businesses or organizations
Ground transportation, 174,460 responses, 63,969 hours; 1 form
Terry Grindstaff, 202–395–7340

Motor carriers need background information to determine if an applicant can safely operate a commercial motor vehicle and is not disqualified under the Federal motor carrier safety regulations by reviewing past employment records and P driving records.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (Burden Change)

• United States Customs Service
General Declaration
CF–1301
On occasion
Businesses or other institutions
Vessel carriers
Sic: 441
Small businesses or organizations
Federal law enforcement activities, 107,970 responses, 8,994 hours; $149,780 Federal cost, 1 form
Warren Topelius, 202–395–7340

The form, developed by the intergovernmental maritime consultive organization, replaces numerous forms previously used by the countries that are signatories to the IMCO Treaty Convention to allow the master of a vessel to set forth his arrival/departure declaration on a single form.

ACTION

Agency Clearance Officer—Dana Rodgers, Acting—202–254–8501

New

• Assessment of the Community Energy Project
On occasion
Individuals or households
Tech. assist. data form—project staff and households
Social services, 5,215 responses, 3,390 hours; $26,600 Federal cost, 3 forms
Diane Wimberly, 202–395–6880

The purpose of this longitudinal evaluation is to track the development, organization, and implementation of community energy projects. The hypotheses being tested are: (1) that American communities through self-help, can have a major impact on solving the Nation's energy crisis, and (2) that LC/NC measures can reduce energy consumption on American homes.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6063

Revisions

• Apprenticeship Information Report EEO–2
EEOC 272 and 445
Annually
Businesses or other institutions
Joint labor-management apprenticeship
SIC: Multiple
Small businesses or organizations
Federal law enforcement activities, 5,000 responses, 7,500 hours; $75,300 Federal cost, 2 forms
Laverne V. Collins, 202–395–6880

This data collection is needed to meet the requirements of section 709(C) of the Civil Rights Act of 1964, as amended. The data will be used by EEOC for compliance and litigation activities and shared with other Federal agencies.

• Apprenticeship Information Report EEO–2E
EEOC 273 and 445
Annually
Businesses or other institutions
Private employers with 100+ employees and 5+ apprentices
SIC: Multiple
Federal law enforcement activities, 4,000 responses, 6,000 hours; $74,800 Federal cost, 2 forms
Laverne V. Collins, 202–395–6880

This data collection is needed to meet the requirements of section 709(C) of the Civil Rights Act of 1964, as amended. The data will be used by EEOC for compliance and litigation activities and shared with other Federal agencies.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–8515

Extensions (No Change)

• Disaster Assistance Registration Form (English and Spanish)
FEMA 90–46A FEMA 90–46B
On occasion
Individuals or households/farms/businesses or other institutions
Disaster victims
Disaster relief and insurance, 200,000 responses, 100,000 hours; $71,000 Federal cost, 2 forms
Robert Veeder, 202–395–4814

The application for temporary housing assistance is the basic document which initiates the temporary housing program for disaster victims requiring temporary assistance. Each application is completed by an interviewer based upon a personal interview with the applicant.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Katie Cudmore—202–653–8538

New

• Application for Eligibility Determination as a Lender
SBA 1080
On occasion
Businesses or other institutions
Any corp. that seeks certif. by SBA to become no, etc
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses, 9,600 hours; $1,344,000 Federal cost, 1 form
Edward C. Springer, 202–395–4814

SBA must be assured of the financial stability and reliability of the applicant, generally concerns with complicated financial and operational structures in diverse fields or activities, the general business reputation and character of proposed owners/management of the applicant.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Revisions

• Request for Determination of Eligibility and Available Loan Guaranty Entitlement
26–1880
On occasion
Individuals or households
Vet. who are req. determ. of their elig. and avail. loan, etc.
Veterans housing, 500,000 responses, 125,000 hours; $3,655,006 Federal cost, 1 form
Robert Neal, 202–395–6880

Serves as veteran's application for certificate of eligibility for home loan benefits authorized by 38 U.S.C., chapter 37. Provides military service periods and previous guaranteed loan information if any, to facilitate determinations on entitlement required by 38 U.S.C. 1802(A), (B) and (C) and 1818.

Extensions (No Change)

• Statement of Dependency of Parent(s)
21–509
On occasion
Individuals or households
Parents, veterans
Income security for veterans, 55,000 responses, 27,500 hours; $123,890 Federal cost, 1 form
Robert Neal, 202–395–6880

This form is used to determine whether or not a parent can be considered as dependent upon the support of the veteran. This form is used both in claims by a veteran who claims his parents as dependent or in death compensation claims to establish dependency. The income, net worth and expense data are required to determine if expenses exceed income. Authority is 38 U.S.C. 102.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81-8218 Filed 3-25-81; 8:45 am]

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DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 748]

List of Gifts to Federal Employees From Foreign Governments Reported to Employing Agencies in Calendar Year 1980

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 1980 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the Federal Register is required by Section 7342(f) of Title 5, United States Code, as added by Section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95-105, August 17, 1977, 91 Stat. 865).

Dated: March 19, 1981.

Richard T. Kennedy,

Under Secretary for Management.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
AGENCY: WHITE HOUSE—PRESIDENT AND MRS. CARTER AND OTHER FIRST FAMILY MEMBERS			
President Carter	Crystal vase, urn style with faceted design and square base, cobalt blue with etched crest, by "Val St. Lambert Cristal", Belgium, 10" tall. Rec'd April 25, 1980. Est. Value—$1,500. Transferred and stored at Archives.	King Baudouin I and Queen Fabiola, Belgium.	Non-acceptance would have caused embarrassment to donors.
Mrs. Roselynn Carter	Belgian linen "(organdy) tablecloth, white, with embroidered floral design, 116" x 63"; and 12 matching napkins. Rec'd April 25, 1980. Est. Value—$300. Transferred and stored at Archives.	King Baudouin I and Queen Fabiola, Belgium.	Non-acceptance would have caused embarrassment to donors.
President Carter	14 books, comprising collection of works of prominent Colombian political thinkers of last two centuries; all volumes compiled and edited by donor; Spanish text, soft cover. Rec'd December 17, 1980. Est. Value—Over $100. Transferred and stored at Archives.	H. E. Jorge Mario Eastman, Ambassador of Colombia to U.S.	Non-acceptance would have caused embarrassment to donor.
President Carter	Sterling silver cigarette box, 14K gold outline of island of Curacao on lid, engraved silver presentation plaque on inside lid; inscribed; 4¾" x 4" x 1". Rec'd September 25, 1980. Est. Value—$250. Transferred and stored at Archives.	Richenel Tweedoorn, District Administrator of Curacao.	Non-acceptance would have caused embarrassment to donor.
President Carter	Vase, repousse copper w/globular body, tapered neck; flared and fluted mouth on flared base, 21" tall. Rec'd January 30, 1980. Est. Value—$250. Transferred and stored at Archives.	H. E. Mohamed Hosni Mobarak, Vice President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor.
President Carter	Drawing—reproduction of scene on rear panel in throne of Tutharkhamun, representing seated pharoh and his wife. Rec'd January 30, 1980. Est. Value—$175. Transferred and stored at Archives.	H. E. Mohamed Hosni Mobarak, Vice President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Islamic box of birchwood w/hinged lid; handmade in Middle Eastern style known as "Motsarn Work"; inlaid w/mother-of-pearl, wood and ivory in geometric design w/brass pique decoration; 16" x 9" x 4". Rec'd January 30, 1980. Est. Value—$200. Transferred and stored at Archives.	H. E. Mohamed Hosni Mobarak, Vice President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor
President Carter	Porcelain vase, hexagonal w/removable lid, in cobalt blue w/agate, decorated predominately w/onion shaped dome motifs. Rec'd June 3, 1980. Est. Value—$950. Transferred and stored at Archives.	H. E. Mohamed Hosni Mobarak, Vice President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donors.
President Carter	12 bottles of wine, "Gianaclis Village" bottled by Egyptian Vineyards. Rec'd December 3, 1980. Est. Value—$300. Retained for official use at White House.	H. E. Mohamed Hosni Mobarak, Vice President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor.
President Carter	Round tray, dark polished wood, inlaid w/overall mother-of-pearl octagonal star motif in center and around edge; 20" diameter. Rec'd December 8, 1980. Est. Value—$125. Transferred and stored at Archives.	H. E. Mohamed Hosni Mobarak, Vice President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor
President Carter	Porcelain vase, white w/deep blue floral design and gold rims at top and bottom, handpainted by H. Jalel, 17" tall x 5" across. Rec'd October 21, 1980. Est. Value—Over $100. Transferred and stored at Archives.	H. E. Mohamed Hosni Mobarak, Vice President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	4 coins: 3 gold and 1 silver, commemorating 1st Anniversary of Signing of Peace Treaty between Egypt and Israel, 3/25/79. Rec'd April 3, 1980. Est. Value—$1,300. Transferred and stored at Archives.	H. E. Anwar El-Sadat, President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor.
President Carter	Porcelain vase, 16" tall, bulbous shape, cobalt blue w/matt gold contrast, polished w/agate, decorated in center w/6 large engraved & painted medallions of arabesque style. Rec'd May 6, 1980. Est. Value—$1,750. Transferred and stored at Archives.	H. E. Anwar El-Sadat, President, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Evening bag of hand embroidered cotton w/embroidered design in "Saya" style, originating in Turkey; clasp & handle crafted in silver w/gold wash, encrusted w/coral, lapis and emethyst stones, 6¾" x 7¾". Rec'd May 8, 1980. Est. Value—$750. Transferred and stored at Archives.	Mrs. Jihan Sadat, Wife of President of Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor.
President Carter	White porcelain vase (new), w/removable lid of American eagle design; fluted at top & middle sections, w/leaf pattern at bottom; initials "JC" in circle of leaves on front. Rec'd March 28, 1980. Est. Value—$300. Transferred and stored at Archives.	H. E. Helmut Schmidt, Chancellor of the Federal Republic of Germany.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	7 porcelain plates, "Classic Rose Collection" by Rosenthal; each depicts different flower from intl. endangered species list; one plate is inscribed; 8" diameter. Rec'd March 28, 1980. Est. Value—$525. Transferred and stored at Archives.	H. E. Helmut Schmidt, Chancellor of the Federal Republic of Germany.	Non-acceptance would have caused embarrassment to donor.
President Carter	Map of North America made from copper engraving by Jeremias Wolff) of Augsburg, about 1723; hand-colored; matted and framed under glass with presentation card in	H. E. Franz Josef Strauss, Minister—President of Bavaria.	Non-acceptance would have caused embarrassment to donor.

Report of Tangible Gifts—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	German; typed inscription on reverse; 27" x 32" Rec'd March 18, 1980 Est. Value—$750–$1,000 Transferred and stored at Archives.		
President Carter	Primitive, village scene of people and animals in a hilly region; oil on canvas, by Jose Antonio Velasquez (1952); in gold-leaf frame, 33" x 27" Rec'd March 4, 1980. Est. Value—$4,500 Transferred and stored at Archives.	Gen. Policarpo Paz Garcia, President of Military Junta of Govt. of Honduras.	Non-acceptance would have caused embarrassment to donor.
President and Mrs. Carter	Waterford crystal vase, tulip shaped w/scalloped mouth and rounded base; handmade in Ireland; 14" tall. Rec'd March 24, 1980 Est. Value—$430 Transferred and stored at Archives.	H. E. Brian Lenihan, Minister for foreign Affairs for Ireland.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Sculpture "Star of Peace" a 10-pointed star on a rod, displayed on square base; gold plated cast iron; #4 of ltd. edition 300, by Yaacov Agam, signed; 9½" tall. Rec'd May 2, 1980 Est. Value—$3,000. Transferred and stored at Archives.	Mrs. Aliza Begin, Wife of Prime Minister of Israel.	Non-acceptance would have caused embarrassment to donor.
President Carter	Book "Great is Peace" English and Hebrew texts; edited, translated and annotated by Daniel Sperber' copy #0004 in bibliophilic edition of 1,800 numbered copies; inscribed by donor Rec'd April 16, 1980 Est. Value—$800 Transferred and stored at Archives.	Menachem Begin, Prime Minister of Israel	Non-acceptance would have caused embarrassment to donor
President Carter	Black and white photo of donor. inscribed; displayed in silver frame w/gold crest 12" x 15" Rec'd January 28, 1980 Est. Value—Over $100 Transferred and stored at Archives.	H. E. Francesco Cossiga, President of Council of Ministers of Italian Republic.	Non-acceptance would have caused embarrassment to donor.
President Carter	14-volume set "Encyclopedia Italiana" (Italian Encyclopaedia), Italian text, each gold stamped, leather bound volume enclosed in slipcase Rec'd January 28, 1980. Est. value—over $100 Transferred and stored at Archives.	H. E. Francesco Cossiga, President of Council of Ministers of Italian Republic.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Purse (shoulder bag), brown reverse calf w/brown calf, brass closure w/"Gucci" emblem in silver-toned metal. Rec'd January 28, 1980 Est. Value—$375 Transferred and stored at Archives.	H. E. Francesco Cossiga, President of Council of Ministers of Italian Republic.	Non-acceptance would have caused embarrassment to donor.
President Carter	4 plates, Venetian glass chargers, pale blue, green, amber and red w/wheel-cut surfaces surrounding stylized floral centers; each signed and dated on base; 14½" diameter Rec'd July 14, 1980. Est. Value—$450 Transferred and stored at Archives.	H. E. Francesco Cossiga, President of Council of Ministers of Italian Republic.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Tablecloth (luncheon cover), white Venetian lace w/floral and butterfly motifs and 12 matching napkins; made by Maria Mezzaroni, Venice. Rec'd July 14, 1980. Est. Value—$400. Transferred and stored at Archives.	H. E. Francesco Cossiga, President of Council of Ministers of Italian Republic.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Cigarette lighter, sterling silver, cylindrical by "Bulgari" 7⅛" long x ¾" diameter Rec'd November 26, 1980. Est. Value—$550. Transferred and stored at Archives.	Mrs. Maria Pia Fanfani, wife of President of Senate of Italy.	Non-acceptance would have caused embarrassment to donor.
President Carter	Bible "La Bibbia Di Borso d'Este" (The Bible of Borso D'Este", Vols. I and II; (facsimile). Rec'd July 14, 1980. Est. Value—$1,500. Transferred and stored at Archives.	His Holiness John Paul II, Vatican City, Italy	Non-acceptance would have caused embarrassment to donor.
President Carter	3 medallions; 22 KT gold, silver (999) and bronze (35½ GM); each bearing a mezzo relief likeness of Pope John II w/his name embossed in Latin on one side and image of crucified Christ depicted on reverse; 1⅝" diameter Rec'd July 14, 1980. Est. Value—$1,100. Transferred and stored at Archives.	His Holiness John Paul II, Vatican City, Italy	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Amber rosary beads w/gold/plated silver chain and crucifix. Rec'd July 14, 1980. Est. Value—$500. Transferred and stored at Archives.	His Holiness John Paul II, Vatican City, Italy	Non-acceptance would have caused embarrassment to donor.
Amy Carter	Head of Christ, sculpted of salmon-colored coral, 1⅜" diameter & mounted inside a white box, 5" x 4¾" x 1¼ Rec'd July 14, 1980. Est. Value—$125–$250. Transferred and stored at Archives.	His Holiness John Paul II, Vatican City, Italy	Non-acceptance would have caused embarrassment to donor.
President Carter	Sterling silver urn, round body w/2 sculpted lion masks and loose ring handles on sides; removable domed cover w/an acorn finial and beaded edging, fluted base; crafted by Ghelfo Shawkat, Rome. Rec'd July 14, 1980. Est. Value—$1,000. Transferred and stored at Archives.	H. E. Alessandro Pertini, President of Italy	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	18K gold pin w/coral rose motif, crafted by Ghelfo Shawkat, Rome, 3⅛" long. Rec'd July 14, 1980 Est. Value—$700. Transferred and stored at Archives.	H.E. Alessandro Pertino, President of Italy	Non-acceptance would have caused embarrassment to donor
Amy Carter	18 KT gold link bracelet, engraved "Sandro Alla Piccola Amy" on front, "20—VI—1980" on reverse. Rec'd July 14, 1980. Est. Value—$280. Transferred and stored at Archives.	H.E. Alessandro Pertino, President of Italy	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	"Fancy Watch", quartz, by Seiko; pendant style resembling a pocket watch, w/enamelized floral design around edge & on reverse; attached to gold plated chain. Rec'd May 5, 1980. Est. Value—$250 Transferred and stored at Archives.	Mrs. Shigeko Ohira, Wife of Prime Minister of Japan.	Non-acceptance would have caused embarrassment to donor.
President Carter	Sterling silver coffee service inlaid with 24Kt gold mid-Eastern motifs and depicting a gold crown; 6 demitasse cups, white porcelain, provided w/6 silver cup holders, 2½" diameter. Rec'd July 23, 1980. Est. Value—$12,000–$15,000. Transferred and stored at Archives.	HM King Hussein I, Jordan	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Antique silver bracelet containing beads inside; handcrafted; 4½" diameter Rec'd June 23, 1980. Est. Value—$950. Transferred and stored at Archives.	HM King Hussein I, Jordan	Non-acceptance would have caused embarrassment to donor.
President Carter	50 Peso gold coin, engraved w/President Carter's portrait on one side and lettered "Independencia Y Libertad" on edge. Rec'd June 30, 1980. Est. Value—$675—$1,200. Transferred and stored at Archives.	Arturo Moreno Durazzo, Director General of Police and Transit of Federal District of Mexico.	Non-acceptance would have caused embarrassment to donor.
President Carter	Lion skin, female, tan in color and mounted on an opening, hinged wooden platform; nose to neck approx. 17". Rec'd October 7, 1980. Est. Value—Over $100. Transferred and stored at Archives.	H.E. Alhaji Shehu Shagari, President of Nigeria.	Non-acceptance would have caused embarrassment to donor.
President Carter	Six large leather "Poufs" w/suede pillow type covers, depicting dones, Nigerian seal and flags. Rec'd October 10, 1980. Est. Value—$1,800. Transferred and stored at Archives.	H.E. Alhaji Shehu Shagari, President of Nigeria.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Four handbags, suede drawstring top w/hatbox-shaped bottom and zipper around the side; 3 are green and gray, 1	H.E. Alhaji Shehu Shagari, President of Nigeria.	Non-acceptance would have caused embarrassment to donor.

Report of Tangible Gifts—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	is Mac trimmed w/snakeskin. Rec'd October 10, 1980. Est. Value—$300. Transferred and stored at Archives.		
President Carter	Rectangular Bokhara rug, 20th century, predominant center colors of rust and beige, framed by large geometric design border; handmade in Pakistan, 48" x 76" Rec'd October 8, 1980. Est. Value—$1,100. Transferred and stored at Archives.	H.E. Gen. Mohammad Zia-Ul-Haq and Begum, President of Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Scarf, reversible silk material/fabric embroidered on one side in elaborate design of gold thread over deep forest green and on reverse side in white, purple and blue; 36" wide x 6¼ yds long. Rec'd October 8, 1980. Est. Value—$685. Transferred and stored at Archives.	H.E. Gen. Mohammad Zia-Ul-Haq and Begum, President of Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor.
President Carter	Set of 6 silver and platinum commemorative coins, marking ratification and entry into force of Panama Canal Treaty; minted in 1978 and 1979. Rec'd December 24, 1980. Est. Value—$225. Transferred and stored at Archives.	H.E. Ernesto Balladares Perez, Minister of Finance of Panama.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	Necklace—gold bells and bells w/natural Peruvian stone beads; 19" long. Rec'd August 7, 1980. Est. Value—$126. Transferred and stored at Archives.	H.E. Fernando Belaunde Terry, President of Peru.	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Sterling silver rose, crafted in Peru, 8½" long. Rec'd August 7, 1980. Est. Value—$126. Transferred and stored at Archives.	H. E. Gen. Morales Bermudez Cerruti, and Mrs., President of Peru.	Non-acceptance would have caused embarrassment to donors.
President & Mrs. Carter	Wood chest with simulated inlaid ivory floral design overall and engraved presentation plaque on hinged lid; contains large assortment of items. Rec'd July 11, 1980. Est. Value—$745. Transferred and stored at Archives.	H. E. Ferdinand Marcos, and Mrs. Marcos, President of the Philippines.	Non-acceptance would have caused embarrassment to donors.
President & Mrs. Carter	Flowers—artificial arrangement of white blossoms w/green leaves, crafted of miniature seashells, contained in silver-plated mesh basket w/handle; 30" x 13" x 11" Rec'd December 8, 1980. Est. Value—$125. Transferred and stored at Archives.	Mrs. Imelda Marcos, Wife of President of the Philippines.	Non-acceptance would have caused embarrassment to donor.
President Carter	Silvered bronze relief plaque, commemorating 400th anniv. of death of Luis de Camoes and the National Day of Portugal and depicting Camoes seated, holding a copy of "Os Lusiadas". Rec'd July 28, 1980. Est. Value—$225. Transferred and stored at Archives.	H.E. Gen. Antonio Dos Santos Ramalho, President of Portugal.	Non-acceptance would have caused embarrassment to donor.
President Carter	Sundial, composed of 9 tiled ceramic tiles and handpainted w/Roman numerals, floral motifs and a radiating sun; 19" sq. Rec'd July 28, 1980. Est. Value—$150. Transferred and stored at Archives.	H.E. Gen. Antonio Dos Santos Ramalho, President of Portugal.	Non-acceptance would have caused embarrassment to donor
President Carter	Thirty color photographs of President, Mrs. Carter and Amy w/President and Mrs. Eanes, et al, on occasion of state visit to Portugal 6/28/80; in leather bound album w/gold-stamped cover, inscribed. Rec'd November 5, 1980. Est. Value—$100. Transferred and stored at Archives.	H.E. Gen. Antonio Dos Santos Ramalho, President of Portugal.	Non-acceptance would have caused embarrassment to donor.
Mrs. Rosalynn Carter	14 Kt. gold pin w/emerald chips, designed as bear climbing a tree and attached to a bow. Rec'd July 24, 1980. Est. Value—$600. Transferred and stored at Archives.	Mrs. Tierno, Wife of Mayor of Madrid, Spain	Non-acceptance would have caused embarrassment to donor
President Carter	Bronze deer (stag), sculpted by A. Costilo of Portugal; displayed on molded oval base, signed and numbered 14 or Lim. Ed. 20. Rec'd July 17, 1980. Est. Value—$4,500. Transferred and stored at Archives.	H. M. Juan Carlos I, King of Spain	Non-acceptance would have caused embarrassment to donor
President Carter	Gun, textured gray metal, doubled barreled, 7.65 caliber palm-held pistol (Pistola Pressin) with elaborate gold Damascene design of scrolling floral and Greek key figures; contained in fitted, locking, brown leather case; (included were 2 packets of ammunition; 25 blank cartridges and 25 7.65 caliber w/ 90 MMG. of powder—given to U.S. Secret Service). Rec'd July 16, 1980. Est. Value—$700. Gun transferred and stored at Archives.	H. M. Juan Carlos I, King of Spain	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Purse (shoulderbag), navy blue, envelope style w/brass fittings; crafted from Spanish leather, by "Loewe" Rec'd July 17, 1980. Est. Value—$250. Transferred and stored at Archives.	H. M. Queen Sofia, Spain	Non-acceptance would have caused embarrassment to donor
Amy Carter	18 Kt. gold link necklace, w/ a .03 full cut diamond enclosed in glass w/gold rim pendant suspended. Rec'd July 17, 1980. Est. Value—$135. Transferred and stored at Archives.	H. M. Queen Sofia, Spain	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	45 color photographs of President and Mrs. Carter w/Their Majesties King Juan Carlos I and Queen Sofia, et al, on occasion of trip to Madrid, Spain 6/25–26/80; in simulated leather album. Rec'd July 17, 1980. Est. Value—$150. Transferred and stored at Archives.	H. M. Queen Sofia, Spain	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Jacket, plum color background w/multicolored embroidered design on front and reverse; lined, handwoven of "Star of Siam" raw silk; 4 yds of plum colored raw silk fabric included. Rec'd February 11, 1980. Est. Value—$130. Transferred and stored at Archives.	H. M. Queen Sirikit, Thailand	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	22 Kt. gold pin, leaf design w/semi precious stone; 2½" diameter Rec'd February 11, 1980. Est. Value—$700. Transferred and stored at Archives.	H. M. Queen Sirikit, Thailand	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Dates (on vine) and pastries; contained in camelback styled chest w/hinged top and front. Rec'd December 29, 1980 Est. Value—Over $100. Food used at Residence; chest transferred and stored at Archives.	H. E. Habib Bourguiba and Mrs. President of Tunisia.	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	92 prints (42 color and 46 B&W) entitled "The National Dresses of Macedonia; printed in 1963; 20" x 14" Rec'd November 17, 1980 Est. Value—Over $100. Transferred and stored at Archives.	H. E. Dimce Belovski, Ambassador of Yugoslavia.	Non-acceptance would have caused embarrassment to donor
President Carter	Ten reproduction prints, depicting various scenes of Belgrade, contained in brown pigskin portfolio. Rec'd July 17 1980. Est. Value—$175. Transferred and stored at Archives.	H. E. Zivorad Kovacevic and Mrs., President of City Assembly, Belgrade, Yugoslavia.	Non-acceptance would have caused embarrassment to donors.
President Carter	Painting "Peasant Women Driving on a Two-horse Hay Cart". naive style, done on reverse glass, by Franjo Mraz, signed; inscribed on reverse. Rec'd July 21, 1980. Est. Value—$600. Transferred and stored at Archives.	H. E. Cvijetin Mijatovic, President of Yugoslavia.	Non-acceptance would have caused embarrassment to donor

Report of Tangible Gifts—Continued

Name and title of recipient	GIR, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mrs. Rosalynn Carter	Tablecloth, handloomed of predominately heavy cotton fabric w/multicolored geometric design bordered on white background 81" x 65"; and 12 matching napkins. Rec'd July 21, 1980. Est. Value—$180. Transferred & stored at Archives.	Mrs. Mira Mijatovic, Wife of President of Yugoslavia.	Non-acceptance would have caused embarrassment to donor.
President and Mrs. Carter	Walnut chest (w/lock and key), depicting carved floral and vine motifs w/hinged lid and wrought iron bail handles; containing 2 bell-shaped crystal wine glasses, 2 presentation folders and 5 bottles of Yugoslavian wine (also used at residence). Rec'd July 16, 1980. Est. Value—$175. Chest transferred and stored at Archives.	H. E. Ilija Vakic, President, Chamber of the Economy, Belgrade, Yugoslavia.	Non-acceptance would have caused embarrassment to donor.
	AGENCY: WHITE HOUSE STAFF		
Amb. Esteban E. Torres, Special Asst. to the President for Hispanic Affairs.	Gold coin (16 GMS. of .999), commemorating 1st Anniv. of Nicaraguan Revolution, 7/19/79. Rec'd September 25, 1980. Est. Value—$307. Transferred to Smithsonian.	The Honorable Ricardo Coronel (Kautz), Vice Minister of Agricultural Policy, Managua, Nicaragua.	Non-acceptance would have caused embarrassment to donor.
Dr. Zbigniew Brzezinski, Asst. to the President for National Security Affairs.	Oriental carpet, Tabriz; depicting a "Tree of Life" pattern, composed of elaborated floral and bird design in rust, pink and beige on navy background, framed by intricate border of repeated geometric and floral design, crafted in Pakistan; 7' x 4½'. Rec'd December 2, 1980. Est. Value—$2,500. Transferred to Smithsonian.	H. E. Mohammad Zia-Ul-Haq and Begum, President of Pakistan.	Non-acceptance would have caused embarrassment to donor.
Dr. Zbigniew Brzezinski, Asst. to the President for National Security Affairs.	Magnifying glass in sterling silver frame; (designed to be clipped to reading matter when not in use); engraved "Sandro Pertini"; 3" diameter. Rec'd July 29, 1980. Est. Value—$100. Transferred to GSA GIR Vault.	H. E. Alessandro Pertini, President of Italy	Non-acceptance would have caused embarrassment to donor.
Jody Powell, Press Secretary to the President.	Candy dish, sterling silver w/gold-washed interior, shaped edging; engraved "Sandro Pertini"; 5" diameter. Rec'd July 29, 1980. Est. Value—$200. Transferred to GSA GIR Vault.	H. E. Alessandro Pertini, President of Italy	Non-acceptance would have caused embarrassment to donor.
Lloyd N. Cutler, Counsel to the President.	Sterling silver cup w/gold-washed interior; engraved "Sandro Pertini" on front; 3" diameter x 3" tall. Rec'd July 30, 1980. Est. Value—$172. Transferred to GSA GIR Vault.	H. E. Alessandro Pertini, President of Italy	Non-acceptance would have caused embarrassment to donor.
Mrs. Joan Mondale	Gucci handbag. Rec'd January 20, 1980. Est. Value—$150. National Archives pending disposition by GSA.	Francesco Cossiga, Prime Minister of Italy	Non-acceptance would have caused embarrassment to donor.
Mrs. Joan Mondale	Tapestry by Bakary Diara of Thies, Senegal. Rec'd July 18, 1980. Est. Value—$1000. Retained for display in V.P. Residence.	President Senghor, Senegal	Non-acceptance would have caused embarrassment to donor.
Walter F. Mondale	Silk embroidery scroll. Rec'd May 30, 1980. Est. Value—$200. National Archives pending disposition by GSA.	Geng Biao, Vice Premier, State Council of PRC.	Non-acceptance would have caused embarrassment to donor.
Walter F. Mondale	Three large leather floor cushions, aqua and gray suede and snakeskin; three handbags in same material. Rec'd October 7, 1980. Est. Value—$100 combined. National Archives pending disposition by GSA.	Alhaji Shagari, President of Nigeria	Non-acceptance would have caused embarrassment to donor.
Walter & Joan Mondale	Shell flower arrangement in silver basket. Rec'd December 6, 1980. Est. Value—$125. National Archives pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Non-acceptance would have caused embarrassment to donor.
William Mondale	Framed collection of silver jewelry. Rec'd July 19, 1980. Est. Value—$400. National Archives pending disposition by GSA.	Mr. Kountche, Son of President of Niger	Non-acceptance would have caused embarrassment to donor.
Joseph R. Biden, Jr., U.S. Senator	Eleven pieces of Herend china. Recd July 1979. Est. Value—in excess of $100. Deposited with Secretary of Senate for transmittal to Commission on Arts and Antiquities, U.S. Senate.	H. E. Istvan Huszar, Deputy Chairman, Council of Ministers, Hungarian People's Republic.	Refusal would likely cause offense or embarrassment.
Frank Church, U.S. Senator	Sterling silver cigarette box engraved with Jordanian seal and donor's signature, approx 6" x 7", lined with mahogany, in blue presentation box. Recd June 26, 1980. Est. Value—$400 to $600. Requested and received approval by Select Cte. on Ethics on 7/29/80 for official use during tenure in Senate.	King Hussein I, Jordan	Refusal would likely cause offense or embarrassment.
Edward M. Kennedy, U.S. Senator	Bronze statuette sculpted by M. Pereas. Recd April 28, 1980. Est. Value—in excess of $100. Requested and received approval by Select Cte. on Ethics on 8/8/80 for official use of item during tenure in Senate.	President Jose Lopez Portillo, Mexico	Refusal would likely cause offense or embarrassment.
Edward M. Kennedy, U.S. Senator	Glass etching—a reproduction of an original drawing by Donor, with silver base. Recd April 28, 1980. Est. Value—in excess of $100. Requested and received approval by Select Cte. on Ethics on 8/8/80 for official use during tenure in Senate.	Same as above	Same as above.
Edward M. Kennedy, U.S. Senator	Silver-cased box with inlaid mosaic top. Recd April 28, 1980. Est. Value—in excess of $100. Requested and received approval by Select Cte. on Ethics on 8/8/80 for official use during tenure in Senate.	President Jose Lopez Portillo, Mexico	Refusal would likely cause offense or embarrassment.
Edward Zorinsky, U.S. Senator	Gold commemorative coin. Recd July 19, 1980. Est. Value—in excess of $100. Requested and received approval by Select Cte. on Ethics on 8/8/80 for official use during tenure in Senate.	Government of Nicaragua	Refusal would likely cause offense or embarrassment.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Henry M. Jackson, U.S. Senator, and Mrs. Jackson, and children, Peter and Anna Marie.	July 12–14, 1980—Transportation furnished by Norwegian Govt. to observe aspects of terrain context to military defense of Northern Norway.	Ministry of Defense, Government of Norway	Refusal would likely cause offense or embarrassment.
Charles McC. Mathias, Jr., U.S. Senator.	November 16–24, 1980—Lodging, food and transportation within geographic limits of France, while visiting nuclear facilities located in that country.	Government of France	Refusal would likely cause offense or embarrassment.
John O'Neill, Jr., Legislative Asst. to Senator Mathias.	Same as above	Same as above	Same as above.
James G. Roche, Designee of Sen. Jackson to Intelligence Cte.	Same as Senator Jackson	Ministry of Defense, Government of Norway	Same as above.
Casimir A. Yost, Legislative Asst. to Sen. Mathias.	Same as Senator Mathias	Government of France	Same as above.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, est. value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
David F. Emery, Member of Congress.	(a) Pakistani rug, Recd February 6, 1980. Est. Value—Approx. $300. Retained for official use in Congressional office.	President Zia, Pakistan	Non-acceptance would have caused embarrassment to donor.
Jack Hightower, Member of Congress.	See Ref. (a)		
George T. "Mickey" Leland, Member of Congress.	Gold Commemorative coin celebrating "Nicaragua Libre 19 Julio 1979" Recd July 19, 1980. Est. Value—Over $100. Retained for official use (displayed in Mertl Foundation).	Republic of Nicaragua	Accepted under subsection (c) of Section 7342, Title 5, U.S.C.
Paul N. McCloskey, Jr., Member of Congress.	See Ref. (a)		
Matthew F. McHugh, Member of Congress.	See Ref. (a)		
David R. Obey, Member of Congress.	See Ref. (a)		
Thomas P O'Neill, Jr., Speaker of the House.	Statute of Oba of Benin. Recd February 11, 1980. Est. Value—Approx. $800. Transferred to Museum of African Art, Smithsonian.	Speaker Ezeoke of the Nigerian Assembly	Accepted under subsection (c) of Section 7342, Title 5, U.S.C.
Joel Pritchard, Member of Congress.	See Ref. (a)		

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
David F. Emery, Member of Congress.	(a) Helicopter travel from Peshawar to Afghan refugee camp to Khyber Pass and return.	Government of Pakistan	Congressional Delegation to inspect refugee camps.
David F. Emery	(b) One night's lodging in Riyadh, February 5, 1980	Government of Saudi Arabia	Non-acceptance would have caused embarrassment to donor.
Jack Hightower, Member of Congress.	See Ref. (a) and (b)		
Paul N. McCloskey, Jr., Member of Congress.	See Ref. (a) and (b)		
Matthew F. McHugh, Member of Congress.	See Ref. (a) and (b)		
David R. Obey, Member of Congress.	See Ref. (a) and (b)		
F. James Sensenbrenner, Jr., Member of Congress.	Lodging, surface transportation, and meals while in Israel	Israel—Ministry of Foreign Affairs	Fact-finding trip.
John R. Brousard, Office of Rep. John Breaux.	(c) Travel expenses while in Canada, April 7–12, 1980	Canada—Louise Beaudie	Invitation of Canadian Dept. of External Affairs to Congressional Aides.
George Burke, Office of Rep. D'Amours.	See Ref. (c)		
Joanne Campbell, Office of Chief Deputy, Majority Whip.	See Ref. (c)		
Gary J. Caruso, Office of Rep. Austin J. Murphy.	See Ref. (c)		
Janet Lynn, Office of Rep. Adam Benjamin.	See Ref. (c)		
Edwin F. Powers, House Appropriations Committee.	See Ref. (a) and (b)		

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, est. value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
General Lew Allen, Jr., Chief of Staff, USAF, and Mrs. Allen.	1. Watch, Men's Rolex. Rec'd April 6, 1980. Est. Value—$6,000.	Items 1 and 2 presented by Maj. Gen. Babri, Commander, Royal Saudi AF	All items in this report tendered as official courtesies. Non-acceptance would have caused embarrassment to donor and U.S. Govt.
	2. Watch, Women's Rolex. Rec'd by Mrs. Allen April 6, 1980. Est. Value—$3,500.		
	3. Malachite Chess Set. Rec'd April 11, 1980. Est. Value—$250.	3. Brig. Gen. Kikunda, AF Chief of Staff, Zaire.	
	4. Jewelry (necklace, earrings, bracelet and brooch). Rec'd by Mrs. Allen April 2, 1980. Est. Value—$175.	4. Lt. Gen. Badawi, Armed Forces Chief of Staff, Egypt.	
	5. Onyx Chess Set. Rec'd March 13, 1980. Est. Value—$125	5. General Collares, Air Force Chief of Staff, Brazil.	
	6. Ceremonial Knife, encased in brocaded sheath. Rec'd March 31, 1980 Est. Value—$150.	6. Colonel Kubbaj, Commander, Royal Moroccan AF.	
	7. Ceremonial Knife. Rec'd April 6, 1980. Est. Value—$300	7. Commander, King Khalid, Air Base, Saudi Arabia.	
	8. Large Brass Gong suspended between 2 huge ivory tusks. Rec'd April 10, 1980. Est. Value—$2,500.	8. Air Vice Marshal Yisa-Doko, Air Force Chief of Staff, Nigeria.	
	Items 1-8 on official display in Office of Chief of Staff or Quarters 7, Fort Myer, Virginia.		
Lt. Col. Harry W Glaze, Chief, Foreign Military Sales Construction, AFLC, Engineering and Services.	9. Seiko Quartz Slim-line watch. Rec'd June 25, 1980. Est. Value—$155. On official display at home of donee while attending Air War College, Maxwell Air War College, Maxwell AFB, AL.	9. Brig. Gen. Tosiray, Director of Logistics and Maj. Manecur, Royal Saudi AF.	All items in this report tendered as official courtesies. Non-acceptance would have caused embarrassment to donor and U.S. Govt.
Lt. Gen. James D. Hughes, Commander in Chief, Pacific Air Forces.	10. Teakwood desk and chair. Rec'd July 18, 1980. Est. Value—$520. On official display in quarters of donee.	10. Commander in Chief, Royal Thai Air Force.	
Gen. Robert C. Mathis, Vice Chief of Staff, USAF, and Mrs. Mathis.	11. Brass and marble candelabrum. Rec'd September 7, 1980. Est. Value—$200.	Items 11 and 12 presented by Gen. Helmi, Chief of Staff, Egyptian Air Force.	
	12. Silver scarab pendant and necklace. Rec'd by Mrs. Mathis Sept. 7, 1980. Est. Value—$500.		
	13. Brass floor lamp stand. Rec'd October 17, 1980. Est. Value—$300.	13. Air Marshall Lal Singh Grewal, Vice Chief of Air Staff, Indian Air Force.	
	Items 11-13 on official display at Qtrs 63, Bolling AFB, DC		
Lt. Gen. Jerome F. O'Malley, Deputy Chief of Staff/Operations, Plans and Readiness, USAF	14. Brass and marble vase. Rec'd September 7, 1980 Est. Value—$300. On official display at Qtrs 65, Bolling AFB, DC.	14. General Helmi, Chief of Staff, Egyptian Air Force.	
Col. R Marshall Engelbeck, Vice Commander, AF Contract, Management Division, Kirtland AFB, NM.	15. Rolex Oyster Perpetual Date stainless steel watch. Rec'd July 1980 Est. Value—$600 Transferred to Air Force Military Personnel Center for official display.	15. Colonel Fahad bin Abdullah, Royal Saudi Air Force.	

Report of Tangible Gifts—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	AGENCY: DEPARTMENT OF THE ARMY		
Clifford Alexander, Secretary of the Army.	Two elephant tusks: one 65" tusk—58 lbs., one 69" tusk—62 lbs. Recd November 1979. Est. Value—$448 and $512, respectively. Retained for official display.	First Division of the Army of Sudan	Refusal to accept gift would have embarrassed donor and adversely affected foreign relations of U.S.
Clifford Alexander, Secretary of the Army.	1 carpet—11' x 66". Recd May 1979. Est. Value—In excess of $100 (pending appraisal). Retained for official display.	Identity of donor presently unknown; Tehran, Iran.	Refusal to accept gift would have embarrassed donor and adversely affected foreign relations of U.S.
SFC Roy F. Hill, Member, Air Defense Requirements Survey Team.	Man's Rolex Watch, Model #5596, SN. Recd July 1980. Est. Value—$900. Rm 3B63, U.S. Army Military Personnel Center, 200 Stovall St., Alexandria, Virginia.	Brigadier (Prince) Shaykh Sultan Bin Zayed Al-Nahiyan; Cdr in Chief of United Arab Emirates Armed Forces, UAE.	To preclude potential embarrassment to U.S. Government and government of donor
Col. James J. Kernan, Team Chief, Air Defense Requirements Survey Team.	Man's Rolex Watch, Model #1505, SN 5667697 Recd July 1980. Est. Value—$750. Room 3B63, U.S. Army Military Personnel Center, 200 Stovall St., Alexandria, Virginia.	Col. Abdulla Ali, United Arab Emirates Armed Forces.	To preclude potential embarrassment to U.S. Government and government of donor
MAJ Larry Lippincott, Member, Air Defense Requirements Survey Team.	Man's Rolex watch, Model #1505, SN 5781456. Rec'd June 1980. Est. Value—$800. Room 3B63, U.S. Army Military Personnel Center, 200 Stovall St., Alexandria, Virginia.	Brigadier (Prince) Shaykh Sultan Bin Zayed Al-Nahiyan; Cdr in Chief of United Arab Emirates Armes Forces, UAE.	To preclude potential embarrassment to U.S. Government and government of donor
James R. Pierce, Member, Air Defense Requirements Survey Team.	Man's Rolex watch, Model #5594, SN 5472752. Rec'd July 1980. Est. Value—$800. Location as above.	Same as above	Same as above.
LTC Howard Ray, Member, Air Defense Requirements Survey Team.	Man's Rolex watch, Model #1500, SN 5781584. Rec'd July 1980. Est. Value—$800. Location as above.	do	Do.
Jack F. Ray, Member, Air Defense Requirements Survey Team.	Man's Rolex watch, Model #5594, SN 5468643. Rec'd July 1980. Est. Value—$800. Location as above.	do	Do.
Dewey Sparkman, Member, Air Defense Requirements Survey Team.	Man's Rolex watch, Model #5594, SN 5473167. Rec'd July 1980. Est. Value—$800. Location as above.	do	Do.
CPT Charles F. Swanson, Member, Air Defense Requirements Survey Team.	Man's Rolex watch, Model #1500, SN 5781464. Rec'd June 1980. Est. Value—$800. Location as above.	do	Do.
MAJ David R. Taylor, Member, Air Defense, Requirements Survey Team.	Man's Rolex watch, Model #1500, SN 5781580. Rec'd June 1980. Est. Value—$800. Location as above.	do	Do.
Students of U.S. Army, Air Defense School, Ft. Bliss, TX.	Arabian coffeepot. Rec'd March 1979. Est. Value—$360. Retained for official display.	Second Kuwait Air Defense Battery	Do.
General John Vessey, Vice Chief of Staff, U.S. Army.	Oriental painting, pink flowers and green leaves on white background, 13" x 42", in dark stained wood frame, 21" x 51". Rec'd August 1980. Est. Value—Over $100. Retained for official display in Ward 7, Walter Reed Army Medical Center, Washington, DC.	MG Chon Do Hwan, on behalf of President of Republic of Korea.	Do.
General John A. Wickham, Jr., HQ, United Nations Command.	Korean ceremonial sword. Rec'd July 1979. Est. Value—Unknown. Retained for official display in Don F. Pratt Museum, Ft. Campbell, KY.	Director General Cha Ji Chul, Republic of Korea, on behalf of Y. E. Park Chung Hee.	Do.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
BF Gerald T. Bartlett, Project Manager, Saudi Arabian Nat'l Guard Modernization.	Payment of hotel bill for one night's lodging	Saudi Arabian National Guard	To preclude potential embarrassment to U.S. Govt. and government of donor.
MG John R. D. Cleland, Director, Security Assistance.	Payment of hotel bill for one night's lodging	Same as above	Same as above.
William L. Clemons, Associate Director for Procurement.	Same as above	do	Do.
LTC Robert L. Dapwe, Ch, Saudi Arabia Div., Mid-East, Africa and Americas Directorate.	do	do	Do.
COL Kenneth G. Jensen, Director, Mid-East, Africa and Americas.	do	do	Do.
F. X. McKenna, Command Counsel, U.S. Army Materiel Development and Readiness Command.	do	do	Do.
MG R. L. Schweitzer, Director of Strategy, Plans and Policy, Deputy Chief of Staff for Operations and Plans.	Payment of hotel bills for January 29–February 3, 1980. Payment of hotel bills for February 4–8, 1980.	Government of Dominican Republic, Government of Honduras.	Do.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	AGENCY: CENTRAL INTELLIGENCE AGENCY		
Dr. Robert R. Bowie Director, NFAC.	Hand tooled silver cigarette box. Recd November 1979 (report received too late for inclusion in last listing). Est. Value—$115. Held at CIA and reported to GSA to disposition.	Public Law 95-105 A(F)(4)	Non-acceptance would have caused embarrassment to donor
Stansfield Turner, Director	Amethyst and white gold four-piece ensemble: cuff links, tie tac each set with cabochon amethyst and lavaliere and chain; one 1981 desk diary. Recd December 16, 1980. Est. Value—$231. To be reported to GSA for disposition.	do	Do.
Do	Filigree silver 8-hinged panel bracelet; silver 2-piece ensemble: necklace and bracelet; bust portrait, watercolor on flax paper with silver frame, 15⅛" x 11⅛" Recd April 1980. Est. Value—$550. To be reported to GSA for disposition.	do	Do.
Do	Bronze relief plaque, portrait bust of 2 figures within aquatic scene, framed, 42⅛" x 24⅛"; bronze plaque, village scene, 15" x 38⅛". Recd June 1980. Est. Value—$225. To be reported to GSA for disposition.	do	Do.
Stansfield Turner, Director	Pair of rugs, 4.10 x 2.8; each with ivory ground, geometric shaded brown designs. Recd February 1980. Est. Value—$126. Retained for official display.	Public Law 95-105 § 7342 (B)(4)	Non-acceptance would have caused embarrassment to donor

Report of Tangible Gifts—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Pair or rugs, 4.8 x 2.8; ivory ground with medallion field. Recd July 1980. Est. Value—$175. Retained for official display.	...do	Do.
Do	Pair of carved ivory tusks, 36" tall, male and female figures, mounted on ebonized wood plinths. Recd June 1980. Est. Value—$900. To be reported to GSA for disposition.	...do	Do.
Do	Green onyx gilded brass mounted hinged jewel box, contemporary, with red velvet interior, 12" long. Recd February 1980. Est. Value—$800. To be reported to GSA for disposition.	...do	Do.
Agency employee	2'x4' silk rug. Recd March 1980. Est. Value—$150 Retained for official display.	...do	Do.
Agency employee	Lacquer plate; silver calf Ink set. Recd March 1980. Est. Value—$175. To be reported to GSA for disposition.	...do	Do.
AGENCY: Department of Commerce			
Philip M. Klutznick, Secretary of Commerce.	Herend china tea set, 18 pieces in Chinese Bouquet pattern. Recd May 1980. Est. Value—$385. Reported to GSA and held at Commerce.	Peter Veress, Minister of Foreign Trade Hungary.	Non-acceptance would have caused embarrassment to donor.
Mrs. Philip M. Klutznick, Wife of Secretary of Commerce.	Amber necklace, 26", graduated stones. Recd May 1980. Est. Value—$300. Reported to GSA and held at Commerce.	Vice Premier Jagielski, Poland	To avoid any perceived ingratitude/discourtesy resulting through non-acceptance.
Philip M. Klutznick, Secretary of Commerce.	White porcelain vase with yellow flowers and gold trim, 16" tall. Recd April 1980. Est. Value—$300. Reported to GSA and held at Commerce.	Cornel Burtica, Deputy Prime Minister Romania.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
	Hand embroidered white-on-white blouse. Recd April 1980. Est. Value—$75. Reported to GSA and held at Commerce.	Same as above	Same as above.
	Hand embroidered off-white tablecloth, 90" x 72" with 12 napkins. Recd July 1980. Est. Value—$150. Reported to GSA and held at Commerce.	Ugarte Centurion, Minister of Industry and Commerce.	Gift presented at time of Donor's visit to at
AGENCY: Department of Defense			
Harold Brown, Secretary of Defense.	Canaanite bronze dagger, 1900–1800 B.C. (in glass case). Rec'd February 14, 1979. Est. Value—Over $100. Stored in Space Management and Services, and placed on permanent inventory for official display.	Minister of Defense of Israel, Weizman	Non-acceptance would have caused embarrassment to donor.
	Ceremonial saber encased in red velvet w/presentation plaque. Rec'd June 28, 1979. Est. Value—Over $100. Stored in Space Management and Services, and placed on permanent inventory for official display.	Minister of Defense of France, Hon. Yvon Bourges.	Same as above.
Mrs. Harold Brown, Wife of Secretary of Defense.	Sterling silver necklace, earrings, bracelet and pin in red velvet jewelry box. Rec'd June 7, 1979. Est. Value—$300.	Gen. Mohammed El-Gamasy, Deputy Prime Minister, Minister of War and Military Production, Arab Republic of Egypt.	Same as above.
	Sterling silver necklace earrings and pin in jewelry box. Rec'd October 19, 1979. Est. Value—Over $100. On official display in Pentagon.	Minister of Defense, Kamal Ali of Egypt	Same as above.
	Silver and turquoise scarab necklace. Rec'd February 17, 1979. Est. Value—Over $100. On official display in Pentagon.	Same as above	Same as above.
Robert W. Komer, Under Secretary of Defense for Policy.	Silver bowl, hand chased edge, 11" diameter. Rec'd September 28, 1980. Reported to GSA following termination of official display in donee's office—stored in Space Management and Services pending disposition by GSA.	Piet Haryono, President, Director of Pertamina, Indonesia.	Non-acceptance would have caused embarrassment to donor.
Gen. David C. Jones, USAF, Chairman, Joint Chiefs of Staff.	Saudi Arabian Assault Rifle. Rec'd October 1980. Est. Value—Over $100. Pending approval for retention for official display in office of donee.	Gen. Muhammad al-Hammad, Chief of Joint Staff, Royal Saudi Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Govt.
William J. Perry, Under Secretary of Defense for Research and Engineering.	Replica of Korean gold crown in glass case (5½" x 15"), excavated from Chunma Tomb; crown is 24K goldplated and decorated with numerous jade stones. Rec'd February 9, 1979 in South Korea. Est. Value—$400. On official display in office of Under Secretary of Defense for Research and Engineering.	Moon Tak Shin, President, Agency for Defense Development.	Non-acceptance would have caused embarrassment to donor.
	Ceremonial dagger with belt, approx. 4" wide with decoration. Rec'd October 1979. Est. Value—Over $100. Stored in Space Management and Services and placed on permanent inventory for official display	King of South Yemen	Same as above.
Nicholas Platt, Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs); office of Asst. Secy of Defense (Intl. Security Affairs) and Mrs. Platt.	White jade cuff links and tie tac; white jade necklace on black cord, oriental design, approx. 2" in diameter Rec'd June 17, 1980. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Gen. and Mrs. Yoon Ja Joong, Chief of Staff ROK Air Force, Korea.	Same as above.
AGENCY: Department of Energy			
George Fumich, Jr., Assistant Secretary for Fossil Energy.	Brass serving/decorative tray Rec'd December 15, 1980. Est. Value—$200. Being reported to GSA; temporarily held in Office of Administrative Services.	Morocco	Non-acceptance would have caused embarrassment or otherwise adversely affect the foreign relations of the U.S.
AGENCY: Board of Governors of the Federal Reserve System			
Henry Wallich, Board Member	One gold coin—legal tender value of 100 dinars. Rec'd May 1980. Est. Value—$580–$600 Currently part of permanent art display program at the Board.	Central Monetary Authorities of the Gulf States.	Presented to donee in Manama, Bahrain on occasion of his delivery of speech to Monetary Authorities. Refusal would have caused embarrassment to U.S.
AGENCY: United States General Accounting Office			
Mrs. John D. Heller, Wife of Assistant Comptroller General.	18-Karat gold necklace with pendant encircled with 6 small diamonds and 13 small rubies. Rec'd October 30, 1980. Est. Value—$128.00. Stored in Office of Security pending disposition decision by GAO Ethics Committee.	Abdul Aziz A. Abo-Halmed, General Comptroller, Saudi Arabia.	Non-acceptance would have caused embarrassment and insult to donor
Elaine L. Orr, Special Assistant to Assistant Comptroller General.	18-Karat gold necklace with pendant encircled with 6 small diamonds and 13 small rubies. Rec'd October 30, 1980. Est. Value—$128.00 Stored in Office of Security pending disposition decision of GAO Ethics Committee.	Abdul Aziz A. Abo-Halmed, General Comptroller, Saudi Arabia.	Non-acceptance would have caused embarrassment and insult to donor

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Wilbert H. Amman, Operations Research Analyst.	Airline Ticket Washington/Patras, Greece and return	Ravi Kapil, Principal Administrator, Organization for Economic Co-operation and Development.	Mr. Amman was invited to present a paper on a health information system which he developed for GAO, and chair the fifth session of the OECD meeting. The GAO Ethics Committee determined that Mr. Amman's participation would facilitate the work of GAO and, therefore, acceptance of the gift was appropriate.
Mr and Mrs. Wilbert H. Amman	Subsistence and incidental expenses, refreshments and bus tour.	Ravi Kapil, Principal Administrator, Organization for Economic Co-operation and Development.	

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, est. value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ann Z. Caracristi, Deputy Director	(a) Pottery. Rec'd April 21, 1980. Est. Value—Over $100. Held in secure area pending DOD decision on disposition.	Senior Official of Foreign Government	Non-acceptance would have caused embarrassment to donor.
Senior NSA Official	See Ref. (a)	do	do.
Senior NSA Official	See Ref. (a)	do	do.
Adm. B. R. Inman, USN, Director, NSA.	See Ref. (a) (Two pieces of pottery)	do	do.
Senior NSA Officials (5)	See Ref. (a)	do	do.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
AGENCY: National Transportation Safety Board			
James B. King, Chairman	$3,931.20 round-trip airfare to Sydney and Canberra, Australia via Quantas Airlines.	Government of Australia	Recipient was invited by Govt. of Australia to be their guest and keynote speaker at Seminar on Transport of Dangerous Good, January 1980.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, est. value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
AGENCY: Department of the Navy			
LCDR Eric R. Goeppert, CEC, USN, Director of Public Works, Operations and Maintenance/ Program Management Technical, Assistance Field Team, Saudi Naval Expansion Program, Jubail, Saudi Arabia.	Rolex Oyster Perpetual Date Just wristwatch with Saudi crest on watch face, gold numerals, and sweeps. Rec'd February 27, 1980. Est. Value—Approx. $900. Located in OP–09B33 awaiting instructions from GSA.	Lt. A. Namish, Royal Saudi Naval Forces	Refusal would have caused embarrassment to donor.
RADM Edward F. Welch, Jr., USN, President, Naval War College, Newport, Rhode Island.	Series of books entitled "The Maritime History of Peru." Rec'd October 1980. Est. Value—Approx. $300. On official display in Naval War College Library.	RADM Federico Salmon de la Jara, Peruvian Navy, President of Peruvian Institute for Historic/Maritime Studies.	Refusal would have caused embarrassment to donor.
Dennis M. Delehanty, Intl. Postal Affairs Associate, Intl. Postal Affairs Dept.	18K gold key chain and charm. Rec'd October 1979. Est. Value—$160. Held at Postal Service Hdqtrs. pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs.	Non-acceptance would have been discourteous.
Sanders Fowler, III, Intl. Postal Affairs Specialist, Senior, Intl. Postal Affairs Department.	18K gold key chain and charm; 18K gold neck chain and pendant. Rec'd October 1979. Est. Value—Chain $160, Pendant $175. Held at Postal Service Hdqtrs. pending disposition.	Same as above	Same as above.
Anthony L. Gallo, Manager, Intl. Mail Processing Branch, Office of Transportation Services, Mail Processing Dept.	18K gold key chain and charm; 18K gold neck chain and pendant. Rec'd October 1979. Est. Value—Chain $160, Pendant $175. Held at Postal Service Hdqtrs. pending disposition.	Same as above	Same as above.
Irma Harrison, International Postal Affairs, Affairs Specialist Senior, Intl. Postal Affairs Dept.	18K gold neck chain and pendant. Rec'd October 1979. Est. Value—$175. Held at Postal Service Hdqtrs. pending disposition.	Same as above	Same as above.
Gregory W. McDonnell, Senior Traffic Mgr.—Intl. Office of Transportation Services, Mail Processing Dept.	18K gold key chain and charm; 18K gold neck chain and pendant. Rec'd October 1979. Est. Value—Chain $160, Pendant $175. Held at Postal Service Hdqtrs. pending disposition.	Same as above	Same as above.
James E. Orlando, Director, Office of Transportation Services, Mail Processing Dept.	18K gold key chain and charm; 18K gold neck chain and pendant. Rec'd October 1979. Est. Value—Chain $160, Pendant $175. Held at Postal Service Hdqtrs. pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs.	Non-acceptance would have been discourteous.
Judith H. Smith, Intl. Postal Affairs Specialist, Intl. Postal Affairs Dept.	18K gold neck chain and pendant. Rec'd October 1979. Est. Value—$175. Held at Postal Service Hdqtrs. pending disposition.	Same as above	Same as above.
Peter Van Demoot, Program Manager, Intl. Postal Affairs Dept.	18K gold key chain and charm; 18K gold neck chain and pendant. Rec'd October 1979. Est. Value—Chain $160, Pendant $175. Held at Postal Service Hdqtrs. pending disposition.	Same as above	Same as above.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
AGENCY: Department of State			
Karl S. Beck, Director, Office of African and Latin American Programs, Bureau of Refugee Programs.	Hotel bill, meals and misc. expenses provided by host Govt. for official participation in Govt. of Sudan refugee conference in Khartoum.	Govt. of Sudan	Non-acceptance would have caused embarrassment to host Govt. which provided all delegates same hospitality.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Donald C. Bergus, U.S. Ambassador to Sudan.	Carved ivory vase mounted on black wood. Recd April 1, 1980. Est. Value—$900. Approved for official display in office of Assistant Secretary of State for African Affairs.	President Gafaar Nimeiri of Sudan	Presented as farewell gift to donee upon departure from post.
William G. Bowdler, Assistant Secretary for Inter-American Affairs.	Commemorative gold coin. Recd July 19, 1980. Est. Value—$400. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Government of Nicaragua	Non-acceptance would have caused embarrassment to Nicaraguan Government.
Robert Brand, Office of Security, Boston Field Office.	Moroccan rug, approx. 10' x 6', red and blue. Recd August 28, 1980. Est. Value—$250. Retained for official use in Office of Protocol.	Abdeslam Jaidi, Consul General of Morocco at New York.	Delivered to residence of donee 2 months after completion of security detail.
Thomas W Chace, Special Agent, Office of Security.	Wool rug, geometric design, salmon and blue predominant colors—approx. 10' x 6'. Recd August 28, 1980. Est. Value—$300. Stored in Office of Protocol pending disposition by GSA.	Same as above	Delivered to donee following termination of security detail.
William M. Chomyak, Special Agent, Office of Security, Philadelphia Field Office.	Rug, geometric red and blue design, approx. 10' x 6'. Recd September 16, 1980. Est. Value—$300. Retained for official use in Dept. of State (Room 7249).	Same as above	Delivered to donee following termination of security detail.
Warren Christopher, Deputy Secretary.	Rug, approx. 6' x 9', multicolor blues, light greens, border with dark brown on beige background. Recd February 1980. Est. Value—$1,000-$1,500. Approved for official use in office of Donee.	General Zia-ul-Haq, President of Pakistan	Rejection would have caused embarrassment to donor.
Arthur W. Hummel, Jr., U.S. Ambassador to Pakistan.	Chased silver tray, 16" diameter, with foliate design in center and pierced foliate border, inscribed. Recd February 2, 1980. Est. Value—$800. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President Zia-ul-Haq, Pakistan	Non-acceptance would have caused embarrassement to donor and to U.S. Govt.
Thomas P. Jach, Office of Security, New York Field Office.	Favre-Leuba (Geneva) watch with crest of Jordan—No. 1001 42 008, black alligator strap, stainless case—Roman numerals. Recd June 2, 1980. Est. Value—$150. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	General Bin Shakir, Defense Minister of Jordan.	Donee tried to decline acceptance—without success.
Samuel W. Lewis, U.S. Ambassador to Israel.	Antique clay pot, tan, approx. 16" high, inscribed in ink. Recd Xmas 1979; reported 1980. Est. Value—$400. Approved for public display at Embassy Residence.	Mr. and Mrs. Moshe Dyan, Member of Israeli Knesset.	Received as Xmas gift—donors close personal friends.
Ambassador Donald F. McHenry, U.S. Representative to the United Nations.	Gold commemorative medal for 1st Anniv. of Nicaraguan Revolution—16 grams fine gold. Recd July 19, 1980. Est. Value—$400. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Nicaraguan Government	Non-acceptance would have been detrimental to U.S.-Nicaraguan relations.
Richard M. Moose, Assistant Secretary for African Affairs.	2 ivory elephant tusks, unworked, mounted on wooden pedestals, approx. 40" long, about 30 lbs. each. Recd October 1, 1980. Est. Value—$1,800. Approved for official display in office of Donee.	President Eyadema, Republic of Togo	Refusal would have caused embarrassement to donor and to U.S. Government.
Edmund S. Muskie, Secretary of State.	Wool rug, Baluuch design, predominantly red and maroon, approx. 4' x 5'.5". Recd October 7, 1980. Est. Value—$750. Retained for official use in office of Donee.	General Zia-ul-haq, President of Pakistan	Refusal would have caused embarrassement to donor and to U.S. Government.
Edmund S. Muskie, Secretary of State.	Carved elephant tusk—approx. 30" long. Recd November 7, 1980. Est. Value—$300. Stored in Office of Protocol pending disposition by GSA.	President Shagari, Nigeria	Same as above.
Edmund S. Muskie, Secretary of State.	Sterling silver cigarette box approx. 7½" x 5½" with crest and signature of donor. Recd June 16, 1980. Est. Value—$150. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	King Hussein I, Jordan	Same as above.
William H. O'Rourke, Jr., American Embassy, Bangkok.	Leather desk set—gold tooled, 6 pieces. Recd August 28, 1980. Est. Value—$150. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	HRH Prince Moulay Abdallah, Brother of King of Morocco.	Gift left for recipient following his departure to overseas post.
William H. O'Rourke, Jr., American Embassy Bangkok.	Clothing; gold embroidered black caps; Kaftan, eggshell color with pink embroidery and pink silk; black evening purse, gold embroidery. Recd August 28, 1980. Est. Value—$175. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	HRH Prince Moulay Abdallah. Brother of King of Morocco.	Gift was left for recipient following his departure to overseas post.
Henry E. Pichocki, Office of Security, Philadelphia Field Office.	Red and blue rug, approx. 10'x6'. Recd August 28, 1980. Est. Value—$150. Retained for official use in Office of Protocol.	Mr. Abdeslam Jaidi, Consul General of Morocco at New York.	Gift delivered to Donee's residence two months after security detail.
Rozanne L. Ridgway, U.S. Ambassador to Finland.	Painting—scene of old Turku. Recd February 14, 1980. Est. Value—Over $100. Approved for official use at American Embassy, Helsinki.	Mr. Väinö Leino, Mayor, City of Turku, Finland.	Presented to donee at farewell reception.
Mabel M. Smythe, U.S. Ambassador to Cameroon.	Carved elephant tusk, approximately 30" long. Recd February 17, 1980. Est. Value—$600. Approved for official display at Embassy.	Ahmadou Ahidjo, President of Cameroon	Presented as farewell gift upon departure of donee from post.
Mabel M. Smythe, U.S. Ambassador to Cameroon.	Pendant, bracelet and ring in gold filigree setting. Recd February 21, 1980. Est. Value—$500. Reported to GSA and stored in office of Protocol pending disposition by GSA.	Same as above	Non-acceptance would have caused offense to donor and to U.S. Government.
James Thorn, Special Agent, Office of Security.	Rug, approx. 10'x6', geometric red and blue design. Recd September 10, 1980. Est. Value—$300. Transferred for official use in office of Under Secretary of State for Management.	Abdeslam Jaidi, Consul General of Morocco at New York.	Delivered to residence of donee over 2 months following security detail.
Abelardo L. Valdez, Chief of Protocol.	Two large bean bags, multicolor green, red and gray suede with Presidential seal of donor. Recd October 9, 1980. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President Sahgari, Nigeria	Non-acceptance would have caused embarrassement to donor and to U.S. Government.

Report of Tangible Gifts—Continued

AGENCY: Office of Science and Technology Policy

Dr. Frank Press, Director	Sculpture—crackle glazed porcelain. Recd January 22, 1980 Est. Value—$250. Designated as U.S. Government property and offered for use by office.	Fang Yi, Vice Premier Minister in Charge of State Science and Technology Commission, People's Republic of China.	Non-acceptance would have caused embarrassment to donor.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
AGENCY: Department of Transportation			
Jeffrey N. Shane, Assistant General Counsel for International Law	Air travel from Shanghai to Hangzhou; Hangzhou to Guangzhou; Guangzhou to Hong Kong. Accommodations in Shanghai, Hangzhou and Guangzhou (April 24–27, 1980).	Civil Aviation Administration of China, People's Republic of China.	Travel offered by government following round of aviation negotiations; refusal would likely cause offense and embarrassment.
Jeffrey N. Shane, Assistant General Counsel for International Law	Round trip rail transportation between Shanghai and Suzhou; accommodations in Shanghai and Suzhou (September 13–14, 1980).	Civil Aviation Administration of China, People's Republic of China.	Travel offered by government following round of aviation negotiations; refusal would likely cause offense and embarrassment.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, est. value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
AGENCY: Department of the Treasury			
G. William Miller, Secretary of the Treasury.	Silver box, engraved & chased, w/oval green stone centermounted on lid, approx. 6" x 10" x 2" high. Recd October 1, 1980. Est. Value—$1,500. In storage pending disposition by GSA.	Finance Minister, Abalkhail, Kingdom of Saudi Arabia.	Delivered to Secretary's office at conclusion of official visit to U.S. Refusal or return would have appeared discourteous or caused embarrassment to donor.
G. William Miller, Secretary of the Treasury.	Leather briefcase by Marsachi, with combination lock clasp. Recd December 1980. Est. Value—$115. In storage pending disposition by GSA.	President Cassa di Risparmio di Torino	Delivered to Secretary's office by messenger. Refusal or return would have appeared discourteous or caused embarrassment to donor.

[FR Doc. 81-0215 Filed 3-25-81; 8:45 am]

BILLING CODE 4710-26-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-6]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: April 15, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The Petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 18, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21352	Bohman Airways No. 2, Inc	14 CFR § 135.243(b)(3)	To permit petitioner's pilots in command to operate an airplane under Part 135 without holding an instrument rating or an airline transport pilot certificate with an airplane category rating.
21293	Clay Lacy Aviation, Inc	14 CFR § 135.243(a)	To permit petitioner to obtain an airline transport pilot certificate prior to his 23rd birthday. The certificate is required in order to comply with the pilot-in-command requirements.
15194	Compania Mexicana de Aviacion, S.A. (CMA)	14 CFR Various §§ of Parts 21, 61, and 63	To amend Exemption No. 2195K which permits the operation of four U.S.-registered B-727-2J7 aircraft with petitioner's airman, and the maintenance of those aircraft in accordance with a B-727 master minimum equipment list. The amendment would extend the termination date for two of the aircraft, N552NA and N553NA, to coincide with the expiration date of the current lease.

Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
21308	Balloon Federation of America	14 CFR §§61.3 and 91.27	To permit foreign airmen and foreign-registered balloons to compete in the Fifth World Hot Air Balloon Championship without complying with the pilot certification and airworthiness requirements of those sections.
21289	National Soaring Foundation & Hobbs Soaring Society.	14 CFR §§61.69 and 91.27	To allow foreign glider pilots and foreign-built gliders to participate in the 12th National Standard Class Soaring Championships without complying with the airmen and airworthiness certification requirements.
19926	Lonestar Helicopters, Inc	14 CFR § 135.261(b)	To permit petitioner and its pilots to provide emergency helicopter operative service without complying with the 10-hour pilot crew-rest requirements but subject to certain conditions.
21409	V.A. Dowden Airways	14 CFR § 135.89(b)(1)	To allow relief from the supplemental oxygen mask use requirements.
21361	Tennessee Airways	14 CFR § 135.297	To allow 10 pilots in command to conduct Part 135 operations without satisfactorily demonstrating a non-directional beacon (NDB) approach during the sixth-calendar month instrument proficiency check.
20781	World Airways, Inc	14 CFR § 121.291	To permit petitioner to introduce its B-747-200C airplane into passenger-carrying operations with a 595-passenger seat configuration without first conducting a full-seating capacity emergency evacuation demonstration.
21378	AeroVironment, Inc	14 CFR §91.32	To allow operation of a Solar Challenger aircraft without supplemental oxygen for: (1) that part of the flight above 12,500 feet and up to and including 14,000 feet cabin pressure altitude for that part of the flight at those altitudes that is of more than 30 minutes duration; and (2) the entire part of the flight above 14,000 feet cabin pressure altitude.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20774	JETFLIGHT	14 CFR § 135.89(b)(2)	To permit operation of petitioner's Learjet Model 250 aircraft up to and including FL 410 without requiring one pilot to wear and use an oxygen mask at all times above FL 350. *Granted 3/10/81.*
13416	Sierra Academy of Aeronautics	14 CFR § 63.39(b)(2)	To permit flight engineer applicants to take the practical test required in an appropriate simulator. *Granted 3/9/81.*
20252	Air Hauli, S.A.	14 CFR portion of Parts 21 and 91	To amend Exemption No. 2663 to add B-707 aircraft N6786TW and to extend the exemption for a 12-month period. The present exemption allows the petitioner to operate leased U.S.-registered B-707-331C freighter aircraft N16711 using the FAA-approved master minimum equipment list and to maintain the aircraft under Trans World Airlines' continuous airworthiness maintenance program. *Granted 3/11/81.*
21088	Golden Gate Airlines	14 CFR § 21.197	To allow issuance of a continuing ferry authorization for maintenance purposes. *Granted 3/11/81.*
21256	Mr. Gordon D. Lingle	14 CFR §65.81(d)(1) and (2)	To allow the petitioner to become eligible for an Inspection Authorization without fully complying with the specified requirements. *Denied 3/11/81.*
20495	Midwest Piper Flight	14 CFR § 135.261(b)	To allow Midwest Piper pilots, conducting helicopter emergency flights in conjunction with Wesley Medical Center, to have two rest periods of 4 hours duration instead of 10 hours in 24 consecutive hours. *An exemption was granted 3/12/81 which requires that 8 consecutive hours of rest be provided.*
21083	Denver Jet, Inc	14 CFR § 135.243(a)	To allow Mr. Leesing to serve as pilot in command for Denver Jet without holding an airline transport pilot certificate. Mr. Leesing has not reached his 23rd birthday. *Denied 3/12/81.*
21374	Wien Air Alaska, Inc	14 CFR § 121.291(a)(1)	To allow introduction of Boeing 737-200 aircraft into passenger/cargo service using one-two-pallet/74-passenger, three-pallet/56-passenger, four-pallet/34-passenger, five-pallet/28-passenger, and six-pallet/8-passenger, configuration without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 3/12/81.*
21070	Mr. Charles Brian Meller	14 CFR §61.129(c)(3)(ii)	To allow petitioner to obtain a commercial pilot's certificate without complying with the cross-country flight requirements. *Withdrawn 3/16/81.*

[FR Doc. 81-9010 Filed 3-25-81; 8:45 am]
BILLING CODE 4910-13-M

Effective Period of Temporary Airmen Certificates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of extension of the effective period of temporary airman certificates.

SUMMARY: This notice announces the extension of the effective period from 120 to 180 days for temporary airman certificates. These certificates are issued to applicants for certificates and ratings pending FAA review of their applications and supplementary documents, and the issue of the certificate and rating applied for. This extension is necessary because administrative workload has temporarily prevented the timely issuance of some permanent certificates. It is intended to relieve applicants of the burden of possibly having to obtain a second temporary certificate.

DATE: This extension is effective immediately.

FOR FURTHER INFORMATION CONTACT: Joseph Brennan, Aeronautical Center Counsel (AAC-7), Federal Aviation Administration, Aeronautical Center, Oklahoma City, Oklahoma 73125, Telephone: (405) 686-2296.

SUPPLEMENTARY INFORMATION: Sections 61.17, 63.13, and 65.13 of the Federal Aviation Regulations state that a temporary airman certificate or rating, effective for a period of not more than 120 days, is issued to a qualified applicant pending a review of his or her application and the issuance of a permanent certificate or rating.

Due to a workload situation in the Airmen Certification Branch, Airmen and Aircraft Registry, the permanent certificates cannot be issued within 120 days of the issuance of the temporary airman certificates in all cases. Consequently, a substantial number of the holders of temporary certificates come in to the appropriate Flight Standards Office and obtain a new temporary certificate. This is an undue burden on the concerned airmen.

It is anticipated that with the acquisition in April 1981 of direct access from terminals in the Airmen

Certification Branch to the computers printing the permanent certificates, the present backlog can be reduced and the 120-day deadline met later in the calendar year 1981. In the meantime, to relieve the burden on those receiving temporary airman certificates the FAA is extending the effective period of these temporary certificates to 180 days. Instructions are being issued to all persons authorized to issue temporary airman certificates, directing them to amend all temporary certificates issued between the date of this notice and June 30, 1981, by a pen and ink change, so that the effective period of the certificate is 180 days.

Issued in Washington, D.C., on March 18, 1981.

Bernard A. Geier,

Chief, General Aviation and Commercial Division, Office of Flight Operations.

[FR Doc. 81-9127 Filed 3-25-81; 8:45 am]

BILLING CODE 4910-13-M

National Aviation Standard; Proposed Standard for the Very High Frequency Omnidirectional Radio Range (VOR), Distance Measuring Equipment (DME) and Tactical Air Navigation (TACAN)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed National Standard.

SUMMARY: This proposed National Standard is an update/modification of the existing National Standard Advisory Circular (AC)-00-31, dated 6/10/70, entitled: "U.S. National Aviation Standard for the VORTAC System." This proposed National Standard describes the technical aspects of the Very High Frequency Omnidirectional Radio Range (VOR), Distance Measuring Equipment (DME), and Tactical Air Navigation (TACAN) systems used for navigation within the U.S. borders in regard to their operational capabilities. These systems are the primary en route navigational aids of the National Airspace System. This proposed National Standard does not describe the maintenance of these facilities but only describes what signals and coverage can be expected from the VOR/DME/TACAN system, the expected signals and coverage figures have been changed from the existing Advisory Circular but only in the context of upgrading this proposed National Standard to describe the VOR/DME/TACAN systems as operating presently. No change in performance should be expected by current users of these systems.

DATE: Comments must be received on or before May 29, 1981.

ADDRESSES: Send comments on the proposed National Standard in duplicate to:

Director, Systems Research and Development Service, ARD-1, Federal Aviation Administration, Department of Transportation, 400 7th Street, SW, Washington, D.C. 20591

OR deliver comments in duplicate to:

Director, Systems Research and Development Service, Room 7208, 400 7th Street, SW, Washington, D.C. 20591

All comments submitted will be made available for examination thru: ard-10, Room 7210, 400 7th Street, SW, Washington, D.C. weekdays, except Federal holidays, between 7:30 am and 4 pm.

FOR FURTHER INFORMATION CONTACT: Frank Bassett, ARD-310, Navigation and Landing Division, Navigation Systems Branch, Room 7305, Federal Aviation Administration, 400 7th Street, SW, Washington, D.C. 20591; telephone (202) 426-8596.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data and comments of the proposed U.S. National Aviation Standard as they may desire. Communications should identify the notice.

History

The "Proposed United States (U.S.) National Aviation Standard for the Very High Frequency Omnidirectional Radio Range (VOR)/Distance Measuring Equipment (DME)/Tactical Air Navigation (TACAN)" is a revision of the previously issued Advisory Circular, AC-00-31, dated 6/10/70, and the Federal Aviation Administration (FAA) Order, 1010.55, dated 6/1/70. This proposed standard contains changes which fall into three major areas:

1. Formats. This standard has been changed to conform with current Department of Transportation (DOT)/Federal Aviation Administration standards of Advisory Circulars and Orders.

2. Conformance with existing/future equipment. This standard has been revised to reflect present operational characteristics of the VOR/DME/TACAN systems and the expected performance of the Second Generation VORTAC and solid state equipment procurements.

3. Editorial. Several Appendices have been added to help clarify areas which were confusing in the previous publications.

Definition of U.S. National Standard

U.S. National Aviation Standards are system standards embodying descriptions of system characteristics. They are issued by the Administrator of the Federal Aviation Administration in accordance with Section 312(c) of the Federal Aviation Act (49 U.S.C. 1353(c)). They describe the performance characteristics (the technical parameters, tolerances and techniques) of major elements of the system to the extent necessary to assure proper operation and interface compatibility among elements of the National Airspace System (NAS). U.S. National Aviation Standards generally are limited to cooperative air-to-ground subsystems involving government owned ground equipment and private airborne equipment. They are not equipment specifications or standards pertaining to planning, programming, siting, installation, availability, reliability, or maintainability.

Relationship of U.S. National Aviation Standards to Federal Aviation Regulations

U.S. National Aviation Standards issued by the Administrator in agency orders are binding only on FAA organizational elements. They establish the technical basis and description of the NAS and component subsystems. A National Aviation Standard is not a standard of general or particular applicability designed to implement or prescribe law or policy. It does not fall within the definition of "rule" contained in the Administrative Procedures Act (5 U.S.C. 551). There is no requirement that a National Aviation Standard be published as a notice of proposed rule making in the **Federal Register.** However, U.S. National Aviation Standards may serve as the basis for subsequent rule making actions. Accordingly, because of the relationship between the Standards and possible subsequent regulatory actions, FAA publishes such Standards in the **Federal Register** and solicits public comment prior to their approval by the Administrator.

The Proposed Standard

Accordingly, the Federal Aviation Administration proposes to adopt the following VOR/DME/TACAN Standard.

Issued in Washington, D.C. on March 18, 1981.

Robert W. Wedan,

Director, Systems Research and Development Service, Office of Engineering and Development, Federal Aviation Administration, Department of Transportation.

United States (U.S.) National Aviation Standard for the Very High Frequency Omnidirectional Radio Range (VOR)/ Distance Measuring Equipment (DME)/ Tactical Air Navigation (TACAN) Systems

Foreward

Very High Frequency Omnidirectional Radio Range (VOR)/Distance Measuring Equipment (DME)/Tactical Air Navigation (TACAN) is the primary short distance navigational aid used in the National Airspace System (NAS) of air navigation and traffic control. Achievement of navigation system performance requires the definition of system functional and performance characteristics. The purpose of publishing a National Standard is to describe how the system is operated and how the different elements fit together. It should be noted that although the terms of measurement reference have been changed from Order 1010.55 dated 6/1/70 to allow standardization, the effect on component and system performance is minimal.

It should be recognized that the frequency band used by the systems described in this standard have been exclusively allocated for aviation navigation. Due to the limited availability of frequencies, these bands will be increasingly utilized by common equipment and other systems. For this reason, designers, manufacturers and operators of VOR/DME/TACAN equipment should be especially conscious of those paragraphs in the standard which impact on spectrum utilization. This is necessary to avoid present and future electromagnetic interference not only between common equipment but with other systems as well.

Table of Contents

Chapter 1 General

Section 1. Introduction.
1. Purpose.
2. Distribution.
3. Cancellation.
4. Implementation Criteria.
5. Directed Action.

Section 2. Overview.
6. General.
7. The VOR/DME/TACAN System Characteristics.
8. Revisions.
9. Reliability Required of the VOR/DME/TACAN System.
10–19. Reserved.

Chapter 2. VOR/DME/Tacan System

20. VOR/DME/TACAN System Description.
21. Ground Components.
22. Station Type Designations.
23. Service Volumes.
24. Associated Components.
25. Co-location Limits for Associated Components.
26. Radio Frequency Allocations.
27. Radio Frequency Assignments.
28. Radio Frequency Channel Pairing.
29. Frequency Interference Protection.
30. Component Identification Signals.
31. Independent Components.
32. Identification of Associated Components.
33. Precedence of VOR Voice Communications.
34. VOR Voice Communications Signals.
35. Airborne Components.
36. System Traffic Handling Capacity.
37. VOR/DME/TACAN System Azimuth Accuracy.
38. System Distance Accuracy.
39. High Accuracy Certification.
40–49. Reserved.

Chapter 3. VOR System

Section 1. Operational Characteristics for VOR Ground Components.
50. Introduction.
51. Polarization.
52. Radio Frequency Accuracy.
53. Signal Strength In Space.
54. Azimuth Signal Characteristics.
55. 30 Hz Amplitude Modulation.
56. Amplitude Modulation Frequency and Accuracy.
57. Depth of Reference and Variable Phase Modulations.
58. Phase Relationship of Reference and Variable Phase Signals.
59. Code Identification Signal Characteristics.
60. Voice Identification and Communications Signal Characteristics.
61. Monitoring.
62–79. Reserved.

Section 2. Operational Characteristics for VOR Airborne Components.
80. Introduction.
81. Receiver Stability.
82. Receiver Sensitivity.
83. Rejection of Undesired Signals.
84. Mistuning Protection.
85. Facility Identification and Voice Signals.
86. Bearing and Course Deviation Information.
87. Course Deviation Display.
88. Warning Function.
89. Accuracy of Bearing and Course Deviation Information.
90. Radiation.
91–109. Reserved.

Chapter 4. DME and TACAN Systems

Section 1. Operational Characteristics for DME and TACAN Ground Components.
110. Introduction.
111. Polarization.
112. Transponder Response to Interrogation Signals.
113. Interrogation Radio Frequency.
114. Sensitivity to Interrogation Signals.
115. On-channel Sensitivity.
116. Sensitivity at other Pulse Spacings.
117. Variation of Sensitivity with Interrogation Loading.
118. Sensitivity to Adjacent Channel Interrogations.
119. Transponder Dead Time.
120. Echo Suppression Dead Time.
121. Transponder Characteristics.
122. Frequency Stability.
123. Signal Strength in Space.
124. Radio Spectrum.
125. Spurious Radiation.
126. Pulse Shape.
127. Pulse Coding.
128. Pulse Power Variation.
129. Distance Reply Signals.
130. Reply Efficiency.
131. Reply Delay Time.
132. Random Pulse Pair Signals.
133. DME Components.
134. TACAN Components.
135. Pulse Pair Rate.
136. Ground Component Range Accuracy.
137. Code Identification Signal Characteristics.
138. TACAN Azimuth Signal Characteristics.
139. Bearing Reference Signals.
140. Variable Bearing Signals.
141. Relationships of Reference and Variable Bearing Signals.
142. Precedence of Pule Transmissions.
143. Rejection of Undersired Signals.
144. Receiver Decoder.
145. Echo Suppression.
146. Decoder Discrimination.
147. Receiver Recovery Time.
148. Desensitization By CW.
149. Monitoring.
150–169. Reserved.

Section 2. Operational Characteristics for DME and TACAN Airborne Components.
170. Introduction.
171. Interrogator Signal Characteristics.
172. Interrogation Radio Frequencies and Accuracy.
173. Pulse Characteristics.
174. Pulse Power Variation.
175. Pulse Coding.
176. Interrogation Signal Repetition Rate.
177. Variation of Repetition Rate.
178. Signal Strength in Space.
179. Radio Spectrum.
180. Radiation.
181. Component Functional Capabilities and Performance.
182. Receiver Stability.
183. Receiver Sensitivity.
184. Rejection of Undesired Signals.
185. Distance Information.
186. Warning Function, Distance.
187. Accuracy of Distance Information.
188. Memory Functions.
189 TACAN Bearing and Course Deviation Information.
190. Course Deviation Displays.
191. Warning Function, Bearing.
192. Accuracy of Bearing and Course Deviation Information.
193–209. Reserved.

Figure 2-1 Standard H (High) Altitude Service Volume.
Figure 2-2 Standard L (Low) Altitude Service Volume.
Figure 2-3 Standard T (Terminal) Service Volume.
Figure 2-4 Definition of the lower Edge of the Standard T (Terminal) Service Volume.
Figure 2-5 Definition of the Lower Edge of the Standard H (High) and L (Low) Service Volume.
Figure 4-1 Random Pulse Distribution Limits.

Appendix 1. Coverage

Figure 1 Signal Time Availability.
Figure 2 VOR Signal Strength in Space-Long Range.
Figure 3 TACAN (RTB-2) Signal Strength in Space-Short Range.
Figure 4 Cardion DME Signal Strength in Space-Short Range.
Figure 5 Cardion DME Signal Strength in Space-Short Range.
Figure 6 Montek DME Signal Stength in Space-Short Range.
Figure 7 Montek DME Signal Stength in Space-Short Range.
Figure 8 VOR Signal Strength in Space-Short Range.
Figure 9 TACAN (RTB-2) Signal Stength in Space-Short Range.
Figure 10 Cardion DME Signal Stength in Space-Short Range.
Figure 11 Cardion DME Signal Stength in Space-Short Range.
Figure 12 Montek DME Signal Stength in Space-Short Range.
Figure 13 Montek DME Signal Stength in Space-Short Range.

Appendix 2. Syustem Accuracy

Appendix 3. VOR/DME/TACAN Channel Frequencies and Pairing

Appendix 4. Definitions

Chapter 1. General

Section 1. Introduction

1. *Purpose.* This order establishes the Very High Frequency Omnidirectional Radio Range (VOR)/Distance Measuring Equipment (DME)/Tactical Air Navigation (TACAN) standard defining the performance required of the system and its components.

2. *Distribution.* This order is distributed to branch level in the organizations of Flight Standards, Airway Facilities, Air Traffic and Systems Research and Development in Washington headquarters, regions and centers.

3. *Cancellation.* Order 1010.55, Selection Order: U.S. National Aviation Standard for the VORTAC System, dated 6/1/70 is cancelled.

4. *Implementation Criteria.* The National Standard applies to all VOR, DME and TACAN ground and airborne equipments used in the National Airspace System (NAS).

5. *Directed Action.* Subject to applicable rulemaking, programming and budgetary procedures, actions shall be taken by the FAA elements concerned to implement this standard.

Section 2. Overview

6. *General.* Under Public Law 85-726, the Federal Aviation Administration (FAA) is charged with providing for the regulation and promotion of civil aviation in order to best foster its development and safety, and to provide for the safe and efficient use of the airspace by both civil and military aircraft. Explicitly, the Administrator shall develop, modify, test, and evaluate systems, procedures, facilities, and devices, defining their performance characteristics as needed. This effort is directed toward meeting the need for safe and efficient navigation and traffic control of all civil and military aviation operating in a common Civil/Military System.

7. *The VOR/DME/TACAN System Characteristics.*

a. This Standard defines the application and performance characteristics of VOR, DME, and TACAN systems in the United States (U.S.). For ground and airborne components, the material identifies signal, functional, and performance characteristics required to meet operational requirements and to provide compatibility between components of the system.

b. The respective airborne component characteristics for VOR, DME, and TACAN apply in entirety to those components used in aircraft operations performed under Instrument Flight Rules (IFR). However, for other aircraft operations the applicability is limited to requirements identified in chapter 3, section 2 and chapter 4, section 2 as essential to prevent impairment of services to other NAS users.

c. In all cases, where a parameter and associated tolerance is identified herein, ground stations shall be maintained within these limits of quality assurance methods including either monitoring, periodic ground or flight inspections or a combination of these methods.

d. Operators of airborne systems designed, installed, and operated in accordance with the standard can expect to achieve the system performance which the standard is intended to provide.

e. It is recognized that certain existing components do not comply with all requirements of this standard. Specific characteristics that are known to deviate from the requirements of this standard will be corrected or replaced as practical.

8. *Revisions.* This standard will be revised as the needs of the National Airspace System warrant.

9. *Reliability Required of the VOR/DME/TACAN System.* Due to the critical nature of the Radionavigation Service, it is essential that the VOR/DME/TACAN system provide high reliability. Both signal strength and frequency protection are provided on a basis of 99 percent time availability at the worst case points of the service volume. At other than worst case points, time availability substantially exceeds 99 percent. (See Appendix 1, paragraph 6.)

10-19. *Reserved.*

Chapter 2. VOR/DME/TACAN System

20. *VOR/DME/TACAN System Description.* The VOR/DME/TACAN system is a short distance air navigation system. The ground components provide properly equipped aircraft with bearing, identification, and distance information referenced to the selected ground component. When the airborne equipment includes a suitable area navigation (RNAV) device operating from data derived from the system, both radial and non-radial routes are afforded. The system provides navigation signals to all civil and military aviation for the safe and efficient conduct of aircraft operations, exercise of air traffic control, and use of airspace.

21. *Ground Components.* The principal ground components are VOR, DME, and TACAN. VOR and DME are the International Civil Aviation Organization (ICAO) standard navigational aids. VOR provides azimuth information and ground-to-air communications for the common NAS. DME provides distance information to all users of the NAS. TACAN provides azimuth information primarily to military users and distance information to all users of the NAS.

22. *Station Type Designations.* Ground components are identified in the Airman's Information Manual (AIM) by type designations which indicate the service provided. VOR type designations are prefixed by the letter "B" when the component provides scheduled voice broadcasts. The letter "W" is used when the component does not provide voice transmissions.

Designation	Type of facility
VOR	VHF navigation facility, omni-directional azimuth only.
DME	UHF navigation facility, distance only.
TACAN	UHF navigational facility, omni-directional, azimuth and distance.

Designation	Type of facility
VOR/DME	Associated VOR and DME navigational facilities.
VORTAC	Associated VOR and TACAN navigational facilities.

23. *Service Volumes.* Maximum usable range is influenced by a large number of variables. These include factors such as antenna patterns, propagation variation, ground terrain, ground and avionics equipment performance, ground and avionics equipment installation and maintenance, traffic loading and traffic distribution. It should be noted that the aviation community has many years of operational experience with the VOR/DME/TACAN system. Service volumes are predicated on both experience and empirical measurements. Sufficient safety margin has been incorporated to assure highly reliable system operation. Under worst case conditions, it is recognized that some combinations of avionics and older ground equipments may not provide service with a time availability of 95 percent. Based on operational experience and user feedback, no substantial evidence indicating an adverse operational impact, has been shown. In addition, all service volumes are flights inspected prior to commissioning for operational use. Nonetheless, ground and airborne equipment should be brought into full compliance with this National Standard as soon as it is practical.

a. *Standard Service Volumes (SSV).*

(1) Ground stations are classified according to their intended use. These stations are available for use within their service volume. Outside the service volume, reliable service may not be available. For standard use, the airspace boundaries are called standard service volumes. They are defined, in the table below, for the three station classes.

SSV Class

Designator	Altitude and range boundaries
T (Terminal)	From 1,000 feet (305 m) AGL up to and including 12,000 feet (3,658 m) AGL at radial distances out to 25 nmi (46 km). See Figures 2–3 and 2–4.
L (Low Altitude)	From 1,000 feet (305 m) AGL up to and including 18,000 feet (5,486 m) AGL at radial distances out to 40 nmi (74 km). See Figures 2–2 and 2–5.
H (High Altitude)	From 1,000 feet (305 m) AGL up to and including 14,500 feet (4,420 m) AGL at radial distances out to 40 nmi (74 km). See Figures 2–1 and 2–5. From 14,500 feet (4,420 m) AGL up to and including 60,000 feet (18,288 m) at radial distances out to 100 nmi (185 km). See Figures 2–1 and 2–5. From 18,000 feet (5,486 m) AGL up to and including 46,000 feet (13,716 m) at radial distances out to 130 nmi (241 km). See Figures 2–1 and 2–5.

(2) These SSV's are graphically shown in Figures 2–1 through 2–5. The SSV of a station is indicated by using the class designator as a prefix to the station type designation. (Examples: TVOR, LDME, and HVORTAC.)

(3) Within 25 mi nmi (46 km), the bottom of the T Service is defined by the curve in Figure 2–4. Within 40 nmi (74 km), the bottoms of the L and H service volumes are defined by the curve in Figure 2–5. In some cases, local conditions (terrain, buildings, trees, etc.) may require that the standard service volume be restricted. The public shall be informed of any such restriction by a Notice of Airman (NOTAM).

Note.—Metric measurements are given for convenience and are approximations.

b. *Expanded Service Volumes.* When operational needs require facilities to be used beyond their standard service volumes, the same signal standards/tolerances and ground/flight check certification procedures will be met. Expanded service volumes (ESVs) will only be authorized when conditions permit (reference Figures 2 through 13 of Appendix 1.).

c. *Operational Service Volume.* The airspace available for operational use includes:

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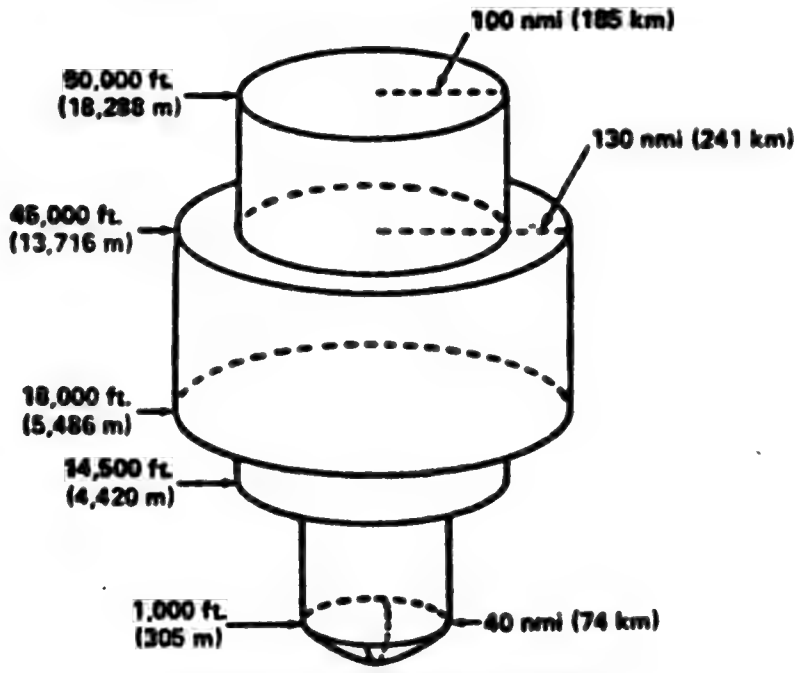

FIGURE 2-1. STANDARD HIGH ALTITUDE SERVICE VOLUME
(refer to FIGURE 5 for altitudes below 1000 feet (305 m)

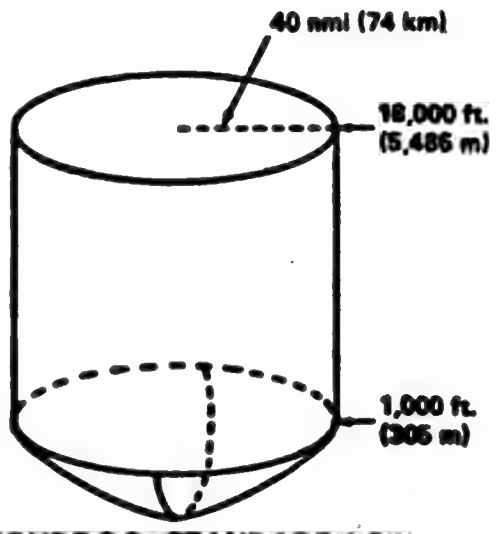

FIGURE 2-2. STANDARD LOW ALTITUDE SERVICE VOLUME
(refer to FIGURE 5 for altitudes below 1000 feet (305 m)

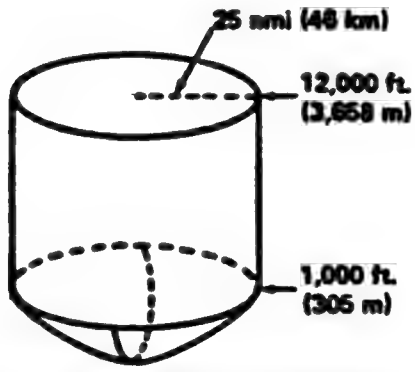

FIGURE 2-3. STANDARD TERMINAL SERVICE VOLUME
(refer to FIGURE 4 for altitudes below 1000 feet (305 m)

NOTE: All elevations shown are with respect to the station's site elevation (AGL). Metric Measurements are given for convenience and are approximations.

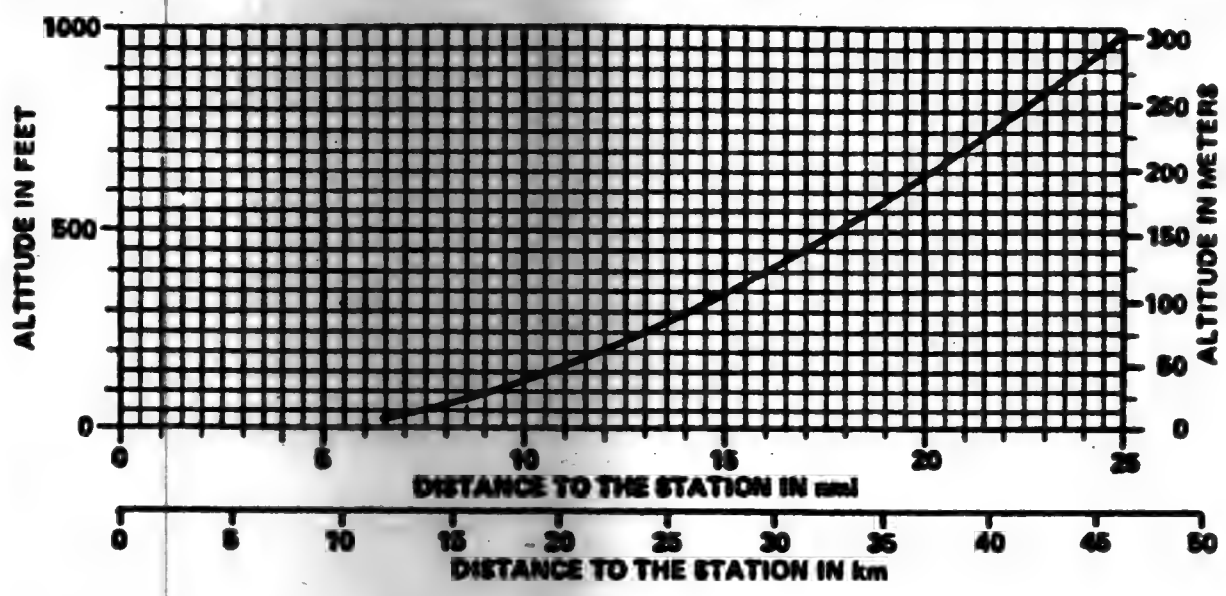

FIGURE 2-4. Definition of the Lower Edge of the Standard T (Terminal) Service Volume

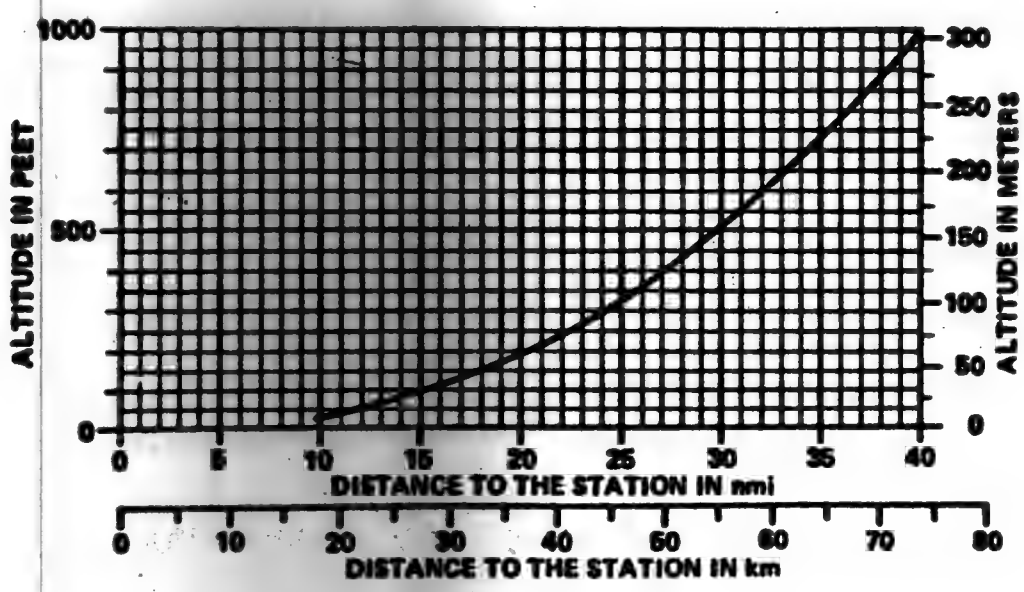

FIGURE 2-5. Definition of the Lower Edge of the Standard H (High) and L (Low) Service Volumes

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(1) The SSV excluding any portion of the SSV which has been restricted, and

(2) expanded service volumes (ESVs).

d. *Vertical Angle Coverage Limitations.* Within the operational service volume of each station, azimuth signal information permitting satisfactory performance of airborne components is normally provided from the radio horizon up to an elevation angle of approximately 60 degrees for VOR components and approximately 40 degrees for TACAN components. At higher elevation angles the azimuth signal information may not be usable. Distance information provided by DME and TACAN will permit satisfactory performance of airborne components from the radio horizon to an elevation angle of not less than 60 degrees.

24. *Associated Components.* A VOR and either a DME or TACAN shall be considered as associated components only when:

a. operated on a standard frequency pairing as associated with paragraph 28,

b. co-located as defined in paragraph 25; and

c. complying with the identification provisions of paragraph 32.

25. *Co-Location Limits for Associated Components.* DME or TACAN components are frequency-paired with VOR. For the common system, these components shall be co-located in accordance with one of the following:

a. *Coaxial co-location.* The VOR and DME or TACAN antenna are located on the same vertical axis. This is the usual co-location configuration.

b. *Offset co-location.*

(1) For those facilities used in terminal areas for approach purposes or other procedures where the highest position fixing accuracy of system capability is required, the separation of the VOR and DME or TACAN antennas will not exceed 100 feet (30 m). However, at Doppler VOR sites the antennas may be separated by not more than 280 feet (80 m).

(2) For purposes other than those indicated in (1), the separation of the VOR and either the DME or TACAN antennas will not exceed 2000 feet (610 m).

26. *Radio Frequency Allocations.* Radio frequencies allocated for VOR, DME, and TACAN are those listed in Appendix 3.

27. *Radio Frequency Assignments.* Radio frequency assignments for the paired system components shall be selected from the frequency pairings listed in Appendix 3. Channels 1 through 16 and 60 through 69 for both X and Y modes of operation shall not be assigned to components of the common system.

28. *Radio Frequency Channel Pairing.* Appendix 3 shows the pairing of the VHF and UHF components of the VOR/DME/TACAN System. Components associated according to paragraph 24 shall be assigned on paired frequencies in accordance with this table. Non-associated VOR, DME and TACAN components shall not be assigned on paired frequencies unless the separation between the respective components is sufficient to satisfy paragraph 29. This latter separation shall be determined as if each station was in effect an associated frequency pair.

29. *Frequency Interference Protection.* Frequency assignments must not result in interference between stations. Within a station's operational service volume, the ratio of the desired signal to any undesired signal must not fall below the selection/rejection capability of the airborne equipment. Paragraphs 29.a through 29.c discuss interference protection needed. The usable distance and altitude of aeronautical navigation aids are often limited by the frequency protection provided from other ground stations. The operational service volume shall not extend beyond the frequency protected service volume.

a. *Interference Protection of VHF NAVAIDS (ILS and VOR).* The following interference signal protection ratios shall be provided within the operational service volume of all ILS and VOR stations with a 95 percent time availability. This is done by controlling the station separation in certain situations.

(1) The desired to undesired (D/U) signal ratio between co-channel stations shall not be less than +20 dB.

(2) The D/U ratio between VHF NAVAIDS with a nominal 50 kHz frequency separation shall be −34 dB or greater. (−34 dB or −30 dB are permissible; −40 dB is not.) Frequency assignments made under this criteria (called the "Final" criteria) insure protection to narrow bandwidth (i.e., 50 kHz) receivers considering both ground and airborne frequency tolerances. A minimum D/U ratio of −7 dB is required to insure protection to wideband (i.e., 100 kHz) receivers using 100 kHz (i.e., even multiples of 50 kHz) ground stations. This value is called the "Interim" criteria. In highly congested parts of the country, the "Interim" criteria may not allow frequency assignments to any new systems. New assignments in these areas would have to be made under the final criteria (−34 dB). As a safeguard when this is done, flight publications will indicate any nearby 100 kHz ground stations which cannot be used without the narrow bandpass characteristics associated with a 50 kHz receiver. This is required due to the insufficient rejection, in the 100 kHz receivers, to signals 50 kHz removed.

(3) The D/U ratio between VHF NAVAIDS with 100 kHz frequency separation shall not be less than −46 dB. In those parts of the country where 50 kHz assignments are made, the D/U ratio between stations with 100 kHz frequency separation shall be not less than −50 dB.

(4) The D/U ratio between VHF NAVAIDS with more than 100 kHz frequency separation, shall not be less than −50 dB.

(5) Some peak power deterioration is allowed before the system is shutdown. In order to account for this decrease in power, the actual D/U values used for station separation calculations are 3 dB more protective, e.g. +23 dB vice +20 dB, −31 dB, vice −34 dB, etc.

b. *Interference Protection of DME/TACAN.* The following interference signal protection ratios shall be provided within the operational service volume of all DME/TACAN stations with a 95 percent time availability. This is done by controlling the station separation in certain cases.

(1) The D/U signal ratio between co-channel DME/TACAN stations shall not be less than +8 dB.

(2) The D/U signal ratio between adjacent channel DME/TACAN stations shall be as follows. The various D/U ratios have been established recognizing the spectrum control characteristics reflected in paragraph 124 and the spectrum differences between DME and TACAN.

(a) When the undesired station is a TACAN, the D/U ratio shall not be less than −42 dB.

(b) When the undesired station is an LDME (1000 W transmitter), the D/U ratio shall not be less than −39 dB.

(c) When the undesired station is a TDME (100 W transmitter), the D/U ratio shall not be less than −29dB.

(3) The D/U ratio between DME/TACAN stations with more than 1 MHz frequency separation shall not be less than − dB.

(4) Some peak power deterioration is allowed before the system is shutdown. In order to account for this decrease in power, the actual D/U values used for station separation calculations are 3 dB more protective, e.g., +11 dB vice +8 dB, −39 dB vice −42 dB, etc.

c. *Protection of Service Volumes Which Extend Beyond National Borders.* Stations near the border are normally not frequency-protected for

that airspace which lies beyond the national border. Standard service volume and expanded service volume protection may be provided upon proper coordination with Canada or Mexico. This must be done whenever specific airways, routes, or procedures beyond the border are based on ground stations in the U.S.A.

30. *Component Identification Signals.* Each ground component shall transmit an identification signal consisting of three letters in International Morse Code. It shall be transmitted at a rate of approximately 7 words per minute. In addition, voice identification in accordance with paragraphs 31 through 33 may be provided by a VOR.

a. *Identification Code Characteristics.* The identification code characteristics shall conform to the following.

(1) The dots shall be a time duration of 0.1 second to 0.125 second and the dashes three times the dot duration.

(2) The duration between dots and dashes of a code letter shall be equal to that of one dot plus or minus 10 percent.

(3) The time duration between consecutive letters of the identification code group shall not be less than three dots; and

(4) The total period of transmission of an identification code group shall not exceed 5 seconds.

b. *Identification Cycle and Synchronization.* The repetition and synchronization of component identification signals shall conform to paragraphs 31 through 33.

31. *Independent Components.* Whenever a facility is operated as a VOR, a DME, or a TACAN only, its identification signal shall be transmitted as follows.

a. For VOR providing only code identification signals, each 30 second interval is divided into either four or five equal periods. The code identification shall be transmitted during each period.

b. For VOR providing code and voice identification signals, each 30 second interval is divided into four equal periods. The code identification signal shall be transmitted during alternate periods or during three of four periods. Subject to paragraph 33, voice identification signals will occur during the remaining period(s).

c. When voice communication signals are being transmitted by a VOR, the VOR code identification signals shall not be suppressed.

d. For DME and TACAN the International Morse Code identification signal shall be repeated at intervals of 30 seconds.

32. *Identification of Associated Components.* When a VOR and either a DME or TACAN are operated as co-located components (see paragraphs 24 and 25), the identification signals shall conform to the respective requirements of paragraph 31 except that:

a. The identification code shall be the same for each component;

b. For VOR of paragraphs 31.a and 31.b, the DME or TACAN identification signal shall be transmitted during one of the periods allocated for VOR code identification. The VOR code shall not be transmitted during that period;

c. The International Morse Code identification signals of VOR, DME, and TACAN shall be synchronized and interlocked such that simultaneous identification transmissions of VOR/DME or VOR/TACAN or ILS/DME do not occur; and

d. When voice communications are being transmitted on the VOR, the code identification signals of DME and TACAN shall not be suppressed.

e. Whenever one component is temporarily out of service, the component still operating shall transmit facility identification signals in accordance with paragraph 32 without regard to the facility type designation.

33. *Precedence of VOR Voice Communications.* VOR voice identification signals shall not be suppressed for the duration of voice communications or broadcasts.

34. *VOR Voice Communications Signals.* If required, a VOR may provide ground-to-air voice communications.

35. *Airborne Components.* Airborne components of the system consist of VOR components conforming to chapter 3, section 2 and DME and TACAN components conforming to the applicable requirements of chapter 4, section 2 of this Standard.

36. *System Traffic Handling Capacity.* Each VOR and TACAN ground component of the system provides azimuth and facility identification information to an unlimited number of airborne components. DME and TACAN ground components can provide slant range adequate for a peak traffic load of 3375 interrogations per second.

Note.—As the traffic density increases beyond full load, the system replies at a rate reduced proportionately to the number of additional interrogators. The ground component could be capable of servicing higher density traffic only if the airborne component could maintain satisfactory operations with reduced reply efficiency (see paragraph 130). The apparent change in numbers from Order 1010.55 dated 6/1/70 does not represent a change in beacon radiated power (for example, see Appendix 1). Therefore, increases in receiver sensitivities of existing airborne equipments are not required to achieve the same ranges that users have experienced in the past. Future designs should not be restricted by this fact.

37. *VOR/TACAN/VORTAC System Azimuth Accuracy.* System azimuth accuracy, expressed in terms of error, is a function of the error factors associated with the ground and airborne components. The total system azimuth accuracy is ±4.5 degrees. (See Appendix 2).

38. *System Distance Accuracy.* System distance accuracy is a function of the ground and airborne component accuracies. The component values in this standard provide a system distance accuracy of ±0.5 nmi (926 m) of 3 percent of the slant range distance, whichever is greater (95 percent probability), when the error values are combined by the root-sum-square method.

39. *High Accuracy Certification.* Some system accuracy requirements exceed those specified in paragraphs 37 and 38. Some area navigation routes are an example. In order to support prescribed operations, flight inspections will validate the signal and certify its adequacy.

40.–49. *Reserved.*

Chapter 3. VOR Systems

Section 1. Operational Characteristics for VOR Ground Components

50. *Introduction.* This section identifies standard signal characteristics and tolerances for the VOR portion of the system. These characteristics represent performance which shall be provided throughout the operational service volume as defined in paragraph 23.c.

51. *Polarization.* The ground component antenna shall radiate horizontally polarized signals. Any vertically polarized signal components shall be at least 26 dB weaker than the horizontally polarized component.

52. *Radio Frequency Accuracy.* The radio frequency carrier shall be within ± 0.002 percent of the assigned frequency.

53. *Signal Strength in Space.* The ground station shall provide a minimum signal power density of −120 dBW/m² (95 percent time availability) throughout the operational service volume as defined in paragraph 23.c. At the nearest aircraft position expected during operations, the maximum signal power density expected at an aircraft will be on the order of −34 dBW/m².

Note.—At 118 MHz, the value −120 dBW/m² corresponds to −123 dBW at the output of a lossless isotropic receiving antenna. The apparent change in numbers from Order 1010.55, dated 6/1/70, does not represent a

change in radiated power (for example, see Appendix 1). Therefore, increases in receiver sensitivities of existing airborne equipments are not required to achieve the same service ranges that users have experienced in the past. Future designs should not be restricted by this fact.

54. *Azimuth Signal Characteristics.* The VOR shall radiate a radio frequency carrier with two associated 30 Hz modulations. The phase of one of these modulations shall be independent of the azimuth of the point of observation (reference phase). The other modulation (variable phase) shall differ from that of the reference phase by an angle equal to the magnetic bearing of the point of observation with respect to the VOR.

a. The radio frequency carrier shall be amplitude modulated by two signals in accordance with the following.

(1) *Subcarrier Frequency Modulation.* One signal component shall be a subcarrier of 9,960 Hz of constant amplitude. It shall be frequency modulated at 30 Hz having a deviation ratio of 16±1 (i.e., 15 to 17) as follows.

(a) for the conventional VOR, the phase of the 30 Hz component of the FM subcarrier is fixed without respect to azimuth. It is termed the "reference phase."

(b) for the Doppler VOR, the phase of the 30 Hz component of the FM subcarrier varies with azimuth. It is termed the "variable phase."

(2) *Subcarrier Frequency and Accuracy.* The subcarrier modulation mid-frequency shall be 9,960 Hz within ±1.0 percent.

(3) *Subcarrier Modulation Frequency and Accuracy.* The modulation frequency shall be 30 Hz within ±1.0 percent.

(4) *Subcarrier Amplitude Modulation.* Amplitude modulation of the subcarrier shall conform to the following.

(a) for the conventional VOR, the percentage of amplitude modulation of the 9,960 Hz subcarrier shall not exceed 5 percent.

(b) For the Single Sideband Doppler VOR, the percentage of amplitude modulation of the 9,960 Hz subcarrier shall not exceed 40 percent when measured at a point at least 1000 feet from the VOR. When Double Sideband Doppler VOR is installed, this modulation, for each sideband, shall not exceed 50 percent.

(5) *Sideband Level Subcarrier Harmonics.* When 50 kHz channel assignments are made, the sideband level of the harmonics of the 9,960 Hz component in the radiated signal shall not exceed the following levels referenced to the level of the 9,960 Hz sideband.

Subcarrier	Level
9,960 Hz	0 dB reference.
2d harmonic	−30 dB.
3d harmonic	−50 dB.
4th harmonic and subsequent harmonics.	−60 db.

55. *30 Hz Amplitude Modulation.* The other signal component shall be 30 Hz amplitude modulation as follows.

a. For the conventional VOR, this component results from a rotating field pattern, the phase of which varies with azimuth. It is termed the "variable phase" and is of constant amplitude.

b. For the Doppler VOR, this component, of constant phase with relation to azimuth is radiated omnidirectionally. It is termed the "reference phase" and is of constant amplitude.

56. *Amplitude Modulation Frequency and Accuracy.* The modulation frequency shall be 30 Hz within ±1.0 percent.

57. *Depth of Reference and Variable Phase Modulations.* the depth of modulation of the radio frequency carrier due to the 30 Hz or 9,960 Hz signals shall be within the following limits for each signal.

a. 28 to 32 percent at all elevation angles from 0 to 5 degrees above the horizon; and

b. 25 to 35 percent at all elevation angles between 5 and 60 degrees above the horizon.

58. *Phase Relationships of Reference and Variable Phase Signals.* The reference and variable phase modulations shall be in phase along the radial corresponding to magnetic north.

Note.—The reference and variable phase modulations are in phase when the maximum value of the same of the radio frequency carrier and the sideband energy due to the amplitude modulation signal occurs at the same time as the highest frequency of the frequency modulation signal.

59. *Code Identification Signal Characteristics.* The characteristics of the code identification signal shall conform to the following:

a. *Tone Modulation Frequency and Accuracy.* The modulation frequency shall be 1,020±50 Hz.

b. *Depth of Modulation.* The depth to which the radio frequency carrier is modulated by the code identification signal shall be:

(1) 5.0±1 percent where voice services are provided.

(2) 4 to 10 percent at components where voice services are not provided.

60. *Voice Identification and Communications Signal Characteristics.* The characteristics of voice identification and voice communications signals, when provided, shall conform to the following:

a. *Voice Channel Frequency Response.* Throughout the frequency range from 300 to 2,200 Hz, the frequency response characteristics for the voice channel shall be within 3 dB of the response at 1,000 Hz.

b. *Depth of Modulation.* The depth to which the radio frequency carrier is modulated by voice signals shall not be greater than 30±2 percent.

61. *Monitoring.* The radiated signal shall be monitored and removed from service upon recognition of unsafe operation.

62.–79. *Reserved.*

Section 2. Operational Characteristics for VOR Airborne Components

80. *Introduction.* This section specifies functional capability and performance characteristics required of VOR airborne components. The term "component" describes the complete aircraft installation. This includes the antenna and its transmission line, the receiver, electrical power source(s), identification and voice communications signal reproduction devices, and selector and display instrumentation devices for bearing and course indication. Airborne components used in the performance of aircraft operations under IFR must meet all requirements. For other aircraft operations the requirements are limited to those of paragraphs 80 and 90. Components should be capable of performing as specified throughout the operational service volume of ground stations. The applicable performance requirements should be met when the ground stations are operating in accordance with this standard.

81. *Receiver Stability.* For each channel in use, the receiver's center frequency shall be in accordance with Appendix 3. The receiver stability shall be ±0.005 percent or better.

82. *Receiver Sensitivity.* Based on the signal power density of paragraph 53, the airborne component shall provide the sensitivity necessary to display navigation information to the accuracy specified. Clear and distinct reproduction of communications and identification signals shall be provided. (See also Appendix 1.)

83. *Rejection of Undesired Signals.* The airborne component shall provide undesired signal rejection characteristics adequate to assure the specified performance. For co-channel and adjacent-channel ILS and VOR signals, the D/U ratios of paragraph 29.a shall apply.

84. *Mistuning Protection.* Mistuning by 50 kHz may result in erroneous information not readily apparent to the user. Provision shall be made to protect against mistuning an airborne receiver by operational, mechanical or electronic means.

85. *Facility Identification and Voice Signals.* The airborne component shall provide the pilot with positive identification of the ground component.

86. *Bearing and Course Deviation Information.* The airborne component shall provide devices for unambiguous determination of the aircraft magnetic bearing with respect to the selected ground component. This display shall show the aircraft deviation from the selected course.

87. *Course Deviation Displays.* The response, readability and resolution of course deviation displays shall enable the pilot to determine the direction and extent of the aircraft deviation from the selected course.

88. *Warning Function.* The airborne component shall provide a warning indication whenever the azimuth signals necessary for the prescribed performance are not present. This warning shall be clearly evident to the pilot.

89. *Accuracy of Bearing and Course Deviation Information.* The total airborne component error, in bearing and course deviation information as displayed to the pilot, shall not exceed ±3.0 degrees (95 percent probability) at any bearing.

90. *Radiation.* Radiation from airborne components shall not result in derogation of operational use to other system users or in the derogation of other aeronautical services.

91.–109. *Reserved.*

Chapter 4. DME and TACAN Systems

Section 1. Operational Characteristics for DME and TACAN Ground Components

110. *Introduction.* This section identifies standard signal and performance characteristics for DME and TACAN ground components. These characteristics represent the performance which shall be provided throughout the operational service volumes defined in paragraph 23.c. Requirements apply to both DME and TACAN components, unless noted otherwise.

111. *Polarization.* The ground component antenna shall radiate and receive a vertically polarized signal. Any horizontally polarized signal components shall be at least 26 dB weaker than the vertically polarized component.

112. *Transponder Response to Interrogation Signals.* The response of the transponder to interrogation signals shall conform to paragraphs 113 through 120.

Note.—At the ground component antenna, the presence of CW signals within ±3.0 MHz of the nominal value of the interrogation frequency at a signal power density of −113 dBW/m² or more, will normally derogate the performance of the system. Steps should be taken to avoid this situation.

113. *Interrogation Radio Frequency.* For each channel in use, the center frequency of the transponder's interrogation and reply frequencies shall be in accordance with Appendix 3.

114. *Sensitivity to Interrogation Signals.* Transponder sensitivity is specified as that minimum value of peak pulse power density (prior to intercept by the ground component antenna) which will result in a transponder reply efficiency of 70 percent. (See Appendix 1)

Note.—Ground components may not respond to interrogations as specified if the difference in level of the constituent pulses of interrogation pulse pairs is greater than 1 dB.

115. *On-Channel Sensitivity.* For interrogation signals within ±100 kHz of the assigned frequency, having a repetition rate no greater than 200 pulse pairs per second and pulse pair spacing of exactly 12.0 microseconds (36.0 microseconds for Y channel), DME sensitivity shall be not less than −101.5 dBW/m². Under the same conditions, the TACAN sensitivity shall be not less than −104.5 dBW/m².

Note.—At 1150 MHz, the value −101.5 dBW/m² corresponds to −124.0 dBW at the output of a lossless isotropic receiving antenna. Similarly, the value −104.5 dBW/m² corresponds to −127.0 dBW. (See Appendix 1)

116. *Sensitivity at Other Pulse Spacings.* When the spacing of the constituent pulses of interrogation pulse pairs differs from the design center value (12.0 microseconds for X channel; 36.0 microseconds for Y channel) by ±0.5 microseconds or less, the sensitivity of paragraph 115 shall not be reduced by more than 1 db. When the spacing differs by ±3 microseconds and more from nominal, the reduction in sensitivity shall be at least 70 dB with respect to the level of paragraph 115.

117. *Variation of Sensitivity With Interrogation Loading.* When the beacon is loaded with 3175 additional pulse pairs per second at a level of −65 dBm, (referenced at the input to the transponder receiver with the transponder's echo suppression circuits disabled), the sensitivity of the receiver shall not be reduced by more than 1 dB from the value measured in paragraph 115.

118. *Sensitivity to Adjacent Channel Interrogations.* Interrogation signals removed 900 kHz or more from the assigned channel interrogation frequency and having an amplitude up to 80 dB above the on-channel sensitivity of the component shall not elicit a reply from that component.

119. *Transponder Dead Time.* Dead time is the time immediately following an accepted interrogation decode for reply processing, during which succeeding interrogations receive no reply. The transponder dead time shall normally be 60 microseconds for X channels (72 microseconds for Y channel).

120. *Echo Suppression Dead Time.* The retriggerable blanking gate (RTBG) (see paragraph 145.b.) is typically set such that the effective deadtime is a nominal 150 microseconds. When required for a particular site, the effective deadtime may be increased up to a nominal 250 microseconds.

121. *Transponder Characteristics.* The transponder shall conform to paragraphs 122 through 150.

122. *Frequency Stability.* For each channel in use, the center frequencies of the ground station's transmitter and receiver shall be in accordance with Appendix 3. Frequency stability shall be ±0.001 percent or better for equipments purchased after July 1980. The stability of older ground stations shall be ±0.002 percent or better.

Note.—Stabilities of older equipment need not be increased to ±0.001 percent.

123. *Signal Strength in Space.* Within that part of the operational service volume that is above 18,000 feet (5,486 m) AGL, a minimum signal power density of −91.5 dBW/m² (95 percent time availability) shall be provided. Within that part of the operational service volume that is below 18,000 feet (5,486 m) AGL, a minimum signal power density of −86.0 dBW/m² shall be provided. Signal power shall be determined by the average over one second of the equivalent peak pulse voltage waveform. At the nearest aircraft position expected during operations, the maximum signal power density expected during flight will be on the order of −17.0 dBW/m².

Note.—At 1213 MHZ, the value −91.5 dBW/m² corresponds to −114.5 dBW at the output of a lossless isotropic receiving antenna. Similarly, −86.0 dBW/m² corresponds to −109.0 dBW. The apparent change in numbers from the old standard does not represent a change in beacon radiated power (for example, see Appendix 1). Therefore, increases in receiver

sensitivities of existing airborne equipments are not required to achieve the same service ranges that users have experienced in the past. Future designs should not be restricted by this fact.

124. *Radio Spectrum.* The spectrum of the pulse modulated signal shall be as follows.

a. The equivalent isotropic radiated power (EIRP) contained in a 0.5 MHz band centered on a frequency either 0.8 MHz above or 0.8 MHz below the nominal channel frequency shall (in both instances) not exceed 200 milliwatts. (Except that the power ratio relative to center frequency shall not exceed −50 dB.)

b. The EIRP contained in a 0.5 MHz band centered on a frequency either 2.0 MHz below the nominal channel frequency shall (in both instances) not exceed 2 milliwatts. (Except that the power ratio relative to center frequency shall not exceed −70 dB.)

c. Each lobe of the spectrum will be generally of lesser amplitude than the adjacent lobe nearer the nominal channel frequency.

125 *Spurious Radiation.* The RF output level, during the interval between occurrence of the desired pulse pairs, shall not exceed a level which is 80 db below the maximum power level during a pulse. In addition, between the pulses of each pair there shall be an interval for 1.0 microsecond or greater in length during which the RF output level does not exceed a level which is 50 db below the maximum power level of the weaker pulse of the pair.

126. *Pulse Shape.* The following, as limited by the requirements of paragraphs 124 and 125, shall apply to all radiated pulses.

a. *Pulse Rise Time.* The time required for the pulse to rise from 10 to 90 percent of its maximum voltage amplitude shall not be less than 0.1 microsecond nor more than 3.0 microseconds.

b. *Pulse Top.* Between the points on the leading and trailing edges which are 95 percent of the maximum voltage amplitude, the instantaneous amplitude of the pulse shall not fall below a value which is 95 percent of the maximum voltage amplitude of the pulse.

c. *Pulse Duration.* The pluse duration, as measured at the 50 percent maximum voltage amplitude points, shall be 3.5 ± 0.5 microseconds.

d. *Pulse Decay Time.* The pulse decay time, from the 90 percent point to the 10 percent point of the maximum voltage amplitude, shall be such that the remaining requirements of this standard shall be satisfied.

127. *Pulse Coding.* Transponder output signals shall consist of paired pulses. The spacing of the pulses is measured between the 50 percent maximum voltage amplitude points on the leading edge of each RF pulse. The pulse spacing shall be:

a. 12.0 ± 0.25 microseconds for X channels; or

b. 30.0 ± 0.25 microseconds for Y channels.

128. *Pulse Power Variation.* The peak power of the constituent pulses of any pair shall not differ by more than 1 dB.

129. *Distance Reply Signals.* Distance reply signals, consisting of pulse pairs, are transmitted in response to interrogations.

130. *Reply Efficiency.* Reply efficiency is defined as the percentage of interrogations from a specific interrogator to which the transponder replies within a given time interval when the transponder is under specified load conditions. The reply efficiency for interrogation signals at and above the minimum sensitivity levels of paragraph 114 shall be at least 70 percent for all interrogation loading up to the maximum for which transponder is designed (3375 interrogations per second).

Note.—To provide service under adverse echo conditions or to handle increased traffic, it may be necessary to reduce the reply efficiency during traffic overload conditions. To be able to receive the same service during traffic overload conditions, airborne receivers should be capable of operating properly with reply efficiencies at least as low as 50 percent.

131. *Reply Delay Time.* Reply delay time is defined as the time of all delay introduced by the ground component in replying to interrogations. When airborne components are to indicate distance with respect to the transponder site, the zero-distance reply delay time shall be 50.0 microseconds ± 0.25 microseconds for X channels (56.0 microseconds ± 0.25 microseconds for Y channels). This represents the time between the 50 percent voltage point on the leading edge of the first pulse of the interrogation pulse pair and the corresponding point on the first pulse of the reply pulse pair.

Note.—In older facilities, the reply delay time is referenced to the second pulse of interrogation and reply pulse pairs. The nominal value of reply delay time in these instances is 50 microseconds for both X and Y channels.

132. *Random Pulse Pair Signals.* In addition to distance reply pairs, the ground component shall radiate random pulse pairs, defined as squitter, in order to maintain a total pulse pair rate in accordance with paragraphs 133 and 134.

133. *DME Components.* For DME ground components, the total pulse rate, exclusive of identification pulses, shall be within the range of 700 up to 2850 pulse pairs per second, in the absence of high traffic density.

134. *TACAN Components.* For TACAN ground components, the total pulse pair rate, exclusive of Code identification signal and reference burst pulses, shall be 2700±90 pulse pairs per second, in the absence of high traffic density. For a transponder dead time of 60 microseconds, the distribution of random pulse pairs shall conform to Figure 4–6.

135. *Pulse Pair Rate.* To provide greater traffic handling capacity (than the total output pulse pair rates of paragraph 133 and 134), the equipment shall have the capability to increase to as high as 5000±150 pulse pairs per second as a function of actual traffic loading. Under this condition it will be impossible to maintain the output pulse pair spacing distribution of Figure 6. Accordingly, new TACAN airborne equipment design should avoid the use of circuits in which azimuth indication is sensitive to transponder output pulse count and spacing distribution. (See paragraph 130.)

136. *Ground Component Range Accuracy.* The ground component shall not contribute more than 0.1 nmi (185 m) to overall system error.

137. *Code Identification Signal Characteristics.* Subject to the provisions of paragraph 137.a, code identification signals shall consist of group. The groups of two pulse pairs transmitted for the duration of dots and dashes in accordance with paragraph 30.a. The spacing between the first and second pulse pairs constituting each pulse group, as measured between the 50 percent voltage amplitude points on the leading edge of the first pulse of each pair, shall be 100±10 microseconds. The repetition rate shall conform to the following.

a. *DME Components.* For ground components providing DME service only, the identification signal may consist of either one or two pulse pairs in a group repetition rate shall be 1350±10 groups per second.

b. *TACAN Components.* For TACAN ground components, the repetition rate shall be 1350 groups per second (±0.23 percent) which are phase-locked within ±50.0 microseconds of the tenth harmonic of the 135 Hz bearing reference signal. The first pulse of each identification signal pulse group shall occur 740±50 microseconds after the first pulse of any 40 degree sector reference signals.

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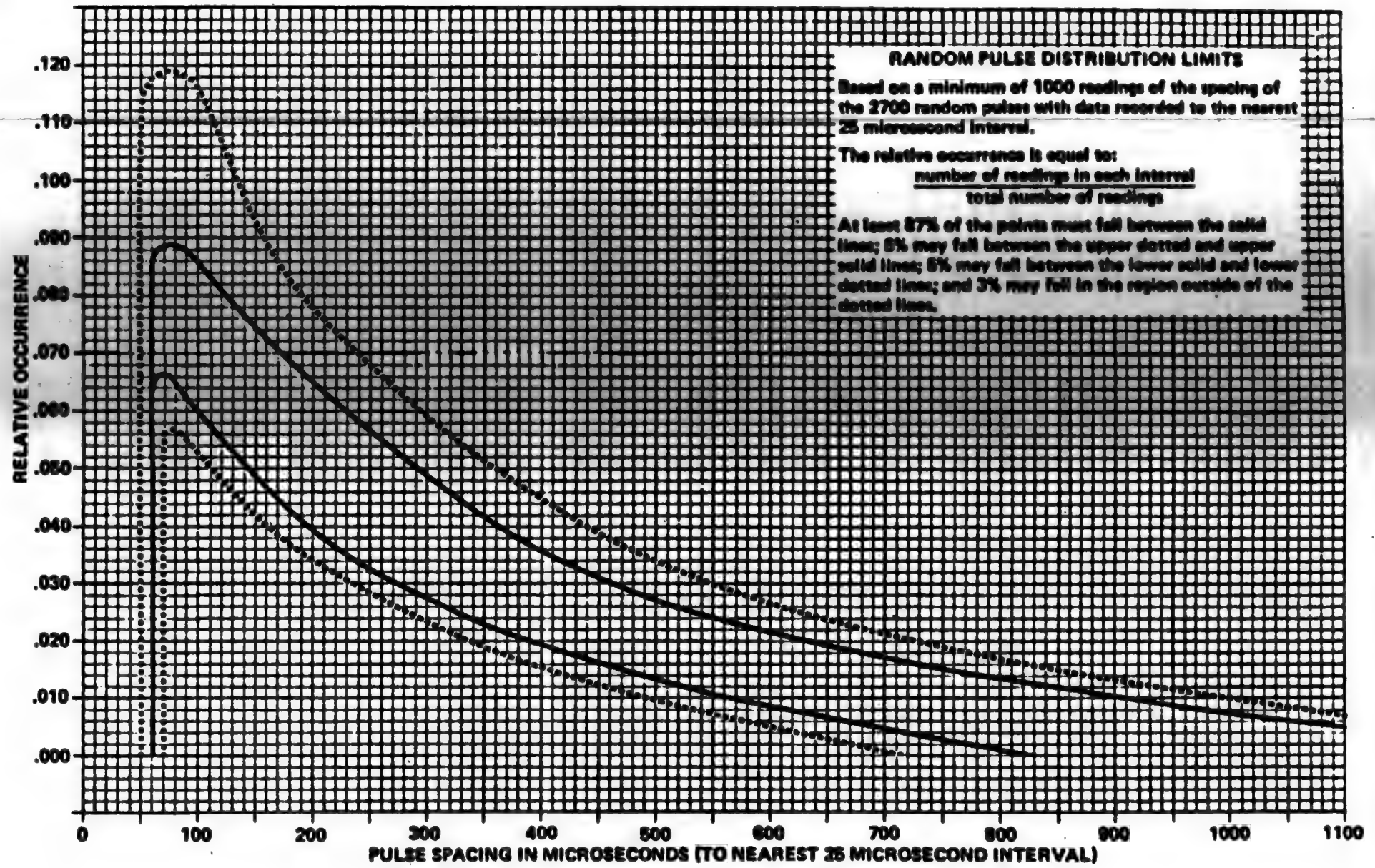

FIGURE 4-1. Random Pulse Distribution Limits

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138. *TACAN Azimuth Signal Characteristics.* TACAN azimuth signals consists of North (main or coarse) and 40 degree sector (auxiliary or fine) bearing reference signals and 15 Hz (coarse) and 135 Hz (fine) amplitude modulation variable bearing signals. The azimuth signals radiated by the antenna shall conform to the following.

139. *Bearing Reference Signals.* Transmission of the North and 40 degree sector bearing reference signals shall occur synchronously with antenna pattern rotation. For each rotation of the antenna pattern, one North reference signal shall be transmitted. Following the North reference signal at each of eight consecutive angular increments of 40 degrees, the 40 degree sector reference signal shall be transmitted. A ninth 40 degree sector reference signal, which otherwise would coincide in time with the North reference signal, shall not be transmitted. The characteristics of reference signals shall be as follows:

a. *North Reference Signal.*

(1) For X channels, the North reference signal shall consist of a group of 12 pulse pairs. Spacing between the two pulses of a pair shall be 12±0.25 microseconds. Spacing between the first pulses of each pulse pair shall be 30.0±0.3 microseconds. Spacings are measured at the 50 percent voltage amplitude points on the leading edges of the pulses.

(2) For Y channels, the North reference signal shall consist of a group of a 13 single pulses. Spacing between the pulses shall be 30.0±0.3 microseconds. Spacings are measured at the 50 percent voltage amplitude points on the leading edges of the pulses,

b. *40 Degree Sector Reference Signals.*

(1) For X channels, the 40 degree sector reference signal shall consist of a group of 6 pulse pairs. Spacing between the two pulses of a pair shall be 12±0.25 microseconds. Spacing between the first pulse of each pulse pair shall be 24.0±0.25 microseconds. Spacings are measured at the 50 percent voltage amplitude points on the leading edges of the pulses.

(2) For Y channels the 40 degree sector reference signal shall consist of a group of 13 single pulses having a spacing of 15.0±0.25 microseconds. Spacing are measured at the 50 percent of the voltage amplitude points on the leading edges of the pulses.

140. *Variable Bearing Signals.* The variable bearing signals shall be produced by a rotating directional antenna pattern which results in a composite amplitude modulation of the transponder radio frequency pulse signals at 15 and 135 Hz. The characteristics of the variable bearing signals shall be as follows.

a. *Amplitude Modulation Frequencies and Accuracy.* The amplitude modulation frequencies shall nominally be 15.0 and 135.0 Hz. Each frequency shall vary from the nominal values in exact synchronism with an antenna pattern rotation rate of 900 (±0.23 percent) rotations per minute.

b. *Depth of Modulation.* At all elevation angles from −2 to +40 degrees relative to the horizon, the individual modulation components shall be 21 ±9 percent. At all elevation angles from −2 to 50 degrees, the sum of the 15 and 135 Hz modulation components including the harmonics shall not exceed 55 percent. Further, within the angles from −2 to +2 degrees relative to the horizon, the maximum variation in depth of modulation for the 15 and 135 Hz components shall not, for each frequency, vary more than ±4 percent from the respective median values within the angles specified.

141. *Relationships of Reference and Variable Bearing Signals.* On the magnetic North radial from the antenna, the relationships of the reference and variable signals shall conform to the following.

a. *Coarse Bearing Signal.* The inflection point on the negative slope of the 15 Hz amplitude modulation component shall coincide within ±2.0 azimuth degrees of the 50 percent amplitude points on the leading edge of:

(1) The tenth pulse of the North reference signals for X channels; or

(2) The sixth pulse of the North reference signal for Y channels.

(b) *Fine Bearing Signals.* The inflection point on the negative slope of the 135 Hz amplitude modulation component shall coincide within ±0.33 degrees azimuth of the average position of the 50 percent amplitude point on the leading edge of:

(1) The twelfth pulse of the 40 degree sector reference signal for X channels; or

(2) The eleventh pulse of the 40 degree sector reference signal for Y channels.

142. *Precedence of Pulse Transmissions.* The order of precedence for transmission of transponder pulse signals shall be in accordance with the following.

a. *DME Components.* For ground components providing DME service only, the precedence shall be:

(1) International Morse Code Identification Signals.

(2) Distance Reply Signals.

(3) Random Pulse Pair Signals.

Neither distance reply nor random pulse pair signals shall be transmitted during the "key-down" interval of International Morse Code Identification Signal transmission.

b. *TACAN Components.* For TACAN components, the precedence shall be;

(1) Bearing Reference Signals.

(2) International Morse Code Identification Signals.

(3) Distance Reply Signals.

(4) Random Pulse Signals.

Neither code indentification, distance reply, nor random pulse pair signals shall be transmitted during the interval required for transmission of all pulses in each bearing reference signal. Distance reply and random pulse pair signals shall not be transmitted during the "key-down" interval of Code Identification Signal transmissions.

143. *Rejection of Undesired Signals.* The ground component shall provide undesired signal rejection characteristics adequate to assure the specified performance. This includes co-channel and adjacent-channel DME/TACAN signals.

144. *Receiver Decorder.* The decorder shall decode and produce an output pulse from interrogation signal pulse pairs occurring at spacings within the range of:

a. 12±0.5 microseconds for X-channels, or

b. 36±0.5 microseconds for Y-channels.

145. *Echo Suppression.* Echo suppressions shall be provided in accordance with the following subparagraphs.

a. *Short Distance Echoes.* Synchronous pulse signals occurring between the constituent pulses of a direct path interrogation pulse pair and which are also superimposed on the leading or trailing edge of the second pulse of the direct path pulse pair, shall not affect the time of decoding of the direct pulse pair by an amount in excess of 0.15 microseconds. Neither shall the reply efficiency be reduced by more than 10 percentage points from that measured in the absence of the echo pulse. These requirements shall be met when the RF input signal level of the direct path pulse pair has any level from 10 db above threshold triggering level to an absolute level of −10 dBm and the echo pulse has any level up to the level of the direct pulse pair and for all direct pulse pair spacings of paragraph 175.

b. *Long Distance Echoes.* A separate echo suppression (Retriggerable Blanking Gate (RTBG)) circuit shall be provided in order to prevent the generation of multiple replies to aircraft interrogations having echoes which are delayed with respect to the direct path signal in excess of receiver dead time setting. The echo suppression circuit

shall be triggered by the decoding of the direct signal pulse pair only when the level of the pulses exceeds a pre-established level. Such triggering shall result in the generation of a receiver desensitizing pulse starting at the time of pulse decoding, nominally adjusted to 150±10.0 microseconds with an upper limit of 300 microseconds. The degree of receiver desensitization shall be to a level of 3.0 dB above the level of the direct path signal and shall hold over the entire duration of the echo suppression pulse, unless retriggered by a signal stronger by 0 to 6 dB than the direct path signal, and over a range of input signals from 10 dB above threshold triggering level to −15 dBm. The echo suppression circuit preestablished level will nominally be −70 dBm.

146. *Decoder Discrimination.* The decoder shall provided a minumum of 70 dB rejection to:

a. paired pulses whose spacing differs by 3.0 microseconds or more from the nominal value given in paragraph 144,

b. paired pulses with spacings within the range of paragraph 144 where either pulse has a width of 0.8 microsecond or less, and

c. single pulses of any width including widths within the range of pulse spacings of paragraph 144.

147. *Receiver Recovery Time.* The recovery time of the receiver and its associated video circuitry shall be such that the sensitivity to desired interrogations is not reduced by more than 1 dB when desired interrogations occur 6.0 microseconds and more after the reception of undesired pulses of any width having levels up to 60 dB above the sensitivity of the receiver in the absence of such undesired pulses. The desired interrogations shall be RF pulse pairs conforming to the characteristics specified in paragraphs 173 through 179. Undesired pulses shall conform to the same requirements except that the pulse spacing shall be outside the limits of paragraph 175.

148. *Desensitization By CW.* The presence of CW interference signals on the assigned channel frequency or elsewhere within the receiver pass-band shall not reduce the on-channel sensitivity by more than 2 dB from the value measured in the absence of CW interference provided that the level of the interference is no higher than 10 dB below the level of the desired on-channel signal. Additionally, the reply efficiency to a single aircraft interrogation shall not be reduced by more than 10% when the level of the interrogation signal is 6 dB and more above the level of the interfering CW signal. The CW sensing circuit shall not reduce the receiver gain by more than 1 dB when pulses 8.0 Microseconds wide or wider are received at a rate of 37,000 per second at a level 10 dB below receiver sensitivity. (This is to preclude premature receiver desensitization if the receiver is exposed to a high PRF pulse multiplexed signal.)

149. *Monitoring.* The radiated signals shall be monitored and removed from service upon recognition of unsafe operation.

150.–169. *Reserved.*

Section 2. Operational Characteristics for DME and TACAN Airborne Components

170. *Introduction.* This section specifies functional capability and performance characteristics required of DME and TACAN airborne components. The term "component" as used in this order, includes the complete aircraft installation. This includes such items as the antenna and its transmission line, the interrogator, the electrical power source(s), identification signal reproduction or display devices, and the distance indicator; when applicable, it also includes select and display instrumentation devices for bearing and course indication. Airborne components used in the performance of aircraft operations under IFR must meet all requirements. For other aircraft operations the requirements are limited to paragraphs 170, 175, 176, 178 and 179. Requirements apply to both DME and TACAN components unless otherwise noted. Components should be capable of performing as specified throughout the operational service volume of ground stations. The applicable performance requirements should be met when the ground stations are operating in accordance with this standard.

171. *Interrogator Signal Characteristics.* Paragraphs 172 through 180 identify interrogation signal characteristics and tolerances applicable to the radiated signal.

172. *Interrogation Radio Frequencies and Accuracy.* The interrogator shall transmit on the appropriate frequency in accordance with Appendix 3. The center frequency of the interrogation shall be within ±100 kHz of the channel frequency.

173. *Pulse Characteristics.* The radio frequency pulse envelope shall have characteristics as follows.

a. *Pulse Rise Time.* The time required for the pulse to rise from 10 to 90 percent of its maximum voltage amplitude shall nominally be 2.5 microseconds. It shall not exceed 3.0 microseconds. The minimum rise time is governed by the spectrum requirements of paragraph 179.

b. *Pulse Top.* Between the points on the leading and trailing edges which are 95 percent of the maximum voltage amplitude, the instantaneous amplitude of the pulse shall not fall below a value which is 95 percent of the maximum voltage amplitude of the pulse.

c. *Pulse Duration.* The pulse duration, as measured at the 50 percent maximum voltage amplitude points, shall be 3.5 ±0.5 microseconds.

d. *Pulse Decay Time.* The time required for the pulse to fall from 90 to 10 percent of the maximum voltage amplitude shall nominally be 2.5 microseconds. It shall not exceed 3.5 microseconds. The minimum decay time is governed by the spectrum requirements of paragraph 179.

174. *Pulse Power Variation.* The peak power of the constituent pulses of any pair shall not differ by more than 1 dB.

Note.—If the difference in level of the constituent pulses of interrogation pulse pairs is greater than 1.0 dB, ground components may not respond to interrogations.

175. *Pulse Coding.* Interrogation signals shall consist of paired pulses. Spacings are measured at the 50 percent voltage amplitude points on the pulse rise time of each pulse. The pulse spacing shall be:

a. 12.0±0.5 microseconds for X channels; or

b. 36.0±0.5 microseconds for Y channels.

176. *Interrogation Signal Repetition Rate.* The average interrogator pulse pair repetition rate shall not exceed 30 pairs of pulses per second. This assumes that interrogators are tracking at least 95 percent of the time. The repetition rate may be increased during search, but it shall not exceed 150 pulse pairs per second.

177. *Variation of Repetition Rate.* The variation in time between successive interrogations shall be sufficient to preclude mistaking distance reply pulses intended for another airborne component tuned to the same ground facility. It shall also preclude capture of the interrogations of one interrogator within the ground component dead time caused by the interrogations of other avionics.

178. *Signal Strength in Space.* a. When referenced to a point in space prior to the ground station antenna intercept, the airborne component of aircraft operating above 18,000 feet (5,486 m) AGL shall provide a minimum signal power density of −102.5 dBW/m² (95 percent time availability). For aircraft operating below 18,000 (5,486 m) AGL, the minimum signal power density shall be −99.0 dBW/m².

b. These specified power densities will assure a minimum reply efficiency of 70 percent when:

(1) the pulse frequency is within ±100 kHz of the assigned center frequency;

(2) the pulse spacing is within ±0.5 microseconds of nominal design center; and

(3) the beacon loading is 3375 pulse pairs per second with the echo suppression circuits disabled.

c. For the various operational service volumes currently employed in the ATC environment, the interrogator's EIRP shall be a minimum of +29.0 dBW for those aircraft operating above 18,000 feet (5,486 m) AGL and +19.0 dBW for those operating below 18,000 feet (5,486 m) AGL. These EIRP's will provide to the ground beacon the power densities necessary for satisfactory performance. Since EIRP levels greater than +33.0 dBW may impair system performance, the interrogator's EIRP shall not exceed this value. (See Appendix 1)

179. *Radio Spectrum.* The spectrum of the RF interrogation signal shall be such that at least 90 percent of the energy, including FM components in each pulse shall be within a 0.5 MHz band centered on the nominal channel frequency.

180. *Radiation.* Radiation from airborne components shall not result in derogation of the operational use of this system by other users or in the derogation of other aeronautical services. Neither shall other users derogate the operational use of this system by valid DME or TACAN users. At all frequencies between 960 and 1215 MHz, the level of radiated CW signals, as referenced to an isotropic radiator, shall not exceed −60 dBW.

181. *Component Functional Capabilities and Performance.* These subparagraphs identify functional and operational performance requirements applicable to the airborne component.

182. *Receiver Stability.* For each channel in use, the receiver's center frequency shall be in accordance with Appendix 3. The frequency stability shall be ±0.005 percent or better.

183. *Receiver Sensitivity.* Based on the signal power density of paragraph 123, the airborne components shall provide the sensitivity necessary to acquire and display navigation information to the accuracy specified. Clear and distinct reproduction of identification signals shall be provided. (See Appendix 1).

184. *Rejection of Undesired Signals.* The airborne component shall provide undesired signal rejection characteristics adequate to assure the specified performance. For co-channel and adjacent channel DME and TACAN signals, this requirement shall be met when the respective signals provide desired to undesired (D/U) signal ratios up to the maximum values stated in paragraph 29.b. At these D/U ratios, a positive identification signal shall be provided to identify the ground component.

185. *Distance Information.* The airborne component shall measure and display the slant range distance (in nautical miles) between the aircraft and the selected ground component.

Note.—The airborne component should not be capable of displaying excessive distances. Distances should be considered excessive for a given receiver if that receiver cannot reasonably be expected to operate at that distance.

186. *Warning Function, Distance.* The airborne component shall provide a warning indication whenever the airborne component is neither tracking a distance reply signal nor operating from memory (See paragraph 188). This warning shall be clearly evident to the pilot.

187. *Accuracy of Distance Information.* When the airborne component error is combined by root-sum-square with a ground component error of 0.1 nmi (185 m), the total error in slant range distance information, as displayed to the pilot, shall not (except during memory per paragraph 188) exceed 0.5 nmi (926 m) or 3 percent of the actual distance, whichever is greater (95 percent probability).

188. *Memory Functions.* The airborne component shall provide a memory function which, upon loss of a suitable reply signal while tracking, will cause the display of distance information to continue for a period not to exceed 15 seconds. The minimum distance memory shall be sufficient to cover the loss of distance reply signals during transmission of the ground component identification signal. The distance displayed during memory shall be within ±1.0 nmi (1852 m) of the indication upon resumption of the tracking function.

189. *TACAN Bearing and Course Deviation Information.* The airborne component shall provide devices for unambiguous determination of the aircraft magnetic bearing with respect to each selected ground component and for display of the aircraft deviation from the selected course.

190. *Course Deviation Displays.* The response, readability, and resolution of course deviation displays shall permit the pilot to determine the direction and extent of the aircraft deviation from the selected course.

191. *Warning Function, Bearing.* The airborne component shall provide a warning indication whenever the azimuth signals are not present and when the component is not operating in memory. This warning shall be clearly evident to the pilot.

192. *Accuracy of Bearing and Course Deviation Information.* At any bearing, the total airborne component error in bearing and course deviation information shall not exceed ±3.0 degrees (95 percent probability) as displayed to the pilot.

193.–209. *Reserved.*

Appendix 1. Coverage

1. *Radio Propagation.* Propagation losses vary as a function of time. For a given EIRP, the power density at a point in space will fluctuate. In addition, propagation loss will vary from site to site. This variation is a function of several factors including atmospheric refractivity, surface reflectivity, wave polarization, etc. Since the VOR/DME/TACAN system is a safety service, signals must be highly reliable. With this in mind, conservative assumptions have been made for the inputs to the propagation model. Figures 2 through 13 show standard VOR, DME, and TACAN signal strengths (95 percent time availability) at various points in space. A time availability of 95 percent means that, at a given point in space, the instantaneous signal strength will be greater than or equal to the value shown 95 percent of the time. Although propagation losses will differ from site to site, the signal strength curves of this appendix are recommended for purposes of standardization. It is important to remember that for the distance function of DME and TACAN both the ground-to-air and air-to-ground transmissions must be considered.

2. *Ground Station.* The EIRP's and resultant signal strength in space curves given in figures 2 through 13 are nominal. Allowances should be made for different EIRP's and for other variations in station characteristics. Some ground stations may have higher cable losses (e.g., mountain top installations sometimes require longer cable runs). In addition, intervening terrain may increase the transmission path loss. Should this occur, it may be necessary to reduce the service volume accordingly.

3. *VOR Coverage.* a. The power density specified in paragraph 53 (−120 dBW/m^2) is equivalent to −123 dBW power available at the output of a lossless isotropic antenna (at 118 MHz). Allowance must be made for the airborne antenna and for cable and insertion losses. Users will balance their

airborne power budgets in different ways. Two examples are shown below.

	Example 1	Example 2
Power Available (dBW)	123	−123
Airborne Antenna Gain [1] (dBi)	+2.2	−1
Airborne Losses (dB)	−2.2	−4
Receiver Sensitivity (dBW)	−120	−128

[1] Does not consider variations due to antenna locations or other factors which influence antenna gain due to shielding.

b. Many other examples could be given. It is the user's responsibility to insure that the airborne installation will allow proper operation at the minimum signal strength of paragraph 53. In considering airborne antenna gain, antenna pattern variation should not be neglected.

4. *DME/TACAN (uplink) Coverage.* a. The power densities specified in paragraph 123 are referenced to the powers available at a point in space. Allowance must be made for the airborne antenna and for cable and insertion losses. Users will balance their airborne power budgets indifferent ways. Two examples of how users might balance their airborne power budgets for the DME and TACAN are shown as follows:

	Example 1		Example 2	
	DME (100W)	TACAN	DME (100W)	TACAN
Power available	−109.0	[2] −114.5	−109.0	[2] −114.5
Airborne antenna gain [1]	+2.0	[3] +2.0	+0.5	[3] +0.5
Airborne losses	3.0	[4] −3.0	−1.5	−1.5
Rx sensitivity	−110.0	[2] −115.5	−110.0	[2] −115.5

[1] Does not consider variations due to antenna location or other factors which influence antenna gain due to shielding.
[2] dBW.
[3] dBi.
[4] dB.

b. Many other examples could be given. It is the user's responsibility to insure that the airborne installation will allow proper operation at the minimum signal strengths of paragraph 123. An airborne DME installation with 1 db of loss (antenna pattern, cable and insertion losses, signal splitters, etc.) would require a sensitivy of −110.0 dBw. An airborne TACAN installation with 1 dB of loss would require a sensitivity of −115.5 dBW. When the total loss is different than 1 dB, a corresponding adjustment must be made to determine the required sensitivity. In considering airborne antenna gain, antenna pattern variation should not be neglected.

5. *DME/TACAN (downlink) coverage.* a. the minimum power density specified in paragraph 178 for the input to the ground station antenna is −99.0 dBW/m² for DME and −102.5 dBW/m² for TACAN. These power density values are necessary to generate a reply efficiency of 70 percent from the transponder during periods when the transponder is under heavy load and when the interrogation signal is within ±100 kHz of the nominal channel frequency and its pulse pair spacing is with ±0.5 microseconds of the nominal system value. the association of interrogator signal strength and transponder sensitivity is as follows.

	DME	TACAN
Transponder sensitivity per paragraph 115	−94.0	−97.0 dBm
Net coupling to receiver per:	+6.7	+3.0 dB
(1) +6.2 dB DME antenna gain on horizon		
−1.5 dB Net losses (cable and insertion)		
(2) +4.5 dBi TACAN antenna gain on horizon		
−1.5 dB Net losses (cable and insertion)		
Receiver input for 70 percent efficiency per paragraph 115	−87.3	−94.0 dBm
Sensitivity reduction per paragraphs 116 and 117	+2.0	+2.0 dB
Receiver input for 70 percent efficiency	−85.3	−92.0 dBm

b. It is the user's responsibility to provide that signal strength to insure proper operation for those conditions stated in paragraph 178. For the requirement of 70 percent reply efficiency:

	DME	TACAN
Reciever input per conditions of paragraph 178	−85.0	−92.0 dBm
Net coupling per antenna	−6.7	−3.0 dB
Signal strength at the antenna input	−91.7	−95.0 dBm
Power density at the antenna input	−99.2	−102.5 dBW/m²
Value used in paragraph 178	−99.2	−102.5 dBW/m²

6. *Time Availability.* At a point in space, signal strength will vary with time even when the ground transmitter's EIRP remains constant. A similar statement could be made for D/U signal ratios. This variation is largely due to propagation effects under different environmental conditions. Examples include atmospheric refractivity, seasonal changes in ground cover, and surface reflectivity. Numerous other factors are also involved. Although it is difficult to accurately describe all the variables involved, the situation can be adequately covered by statistical treatment. A helpful concept, in a statistical discussion of reliability, is time availability. It is that percentage of time that a given signal strength or D/U Ratio is met or exceeded. Figure 1 shows an example of signal strength as a function of time availability. For a time availability of 95 percent, the signal strength is −120dBW/m². This means that a signal strength of −120 DBW/m² or greater is present 95 percent of the time. For a time availability of 50 percent, the signal strength is −117dBW/² at the same point in space assuming the same constant ground station characteristics. In a similar manner, the signal strength present for any given percentage of the time can be read from the graph. This graph does not, however, take transmitter down time into account.

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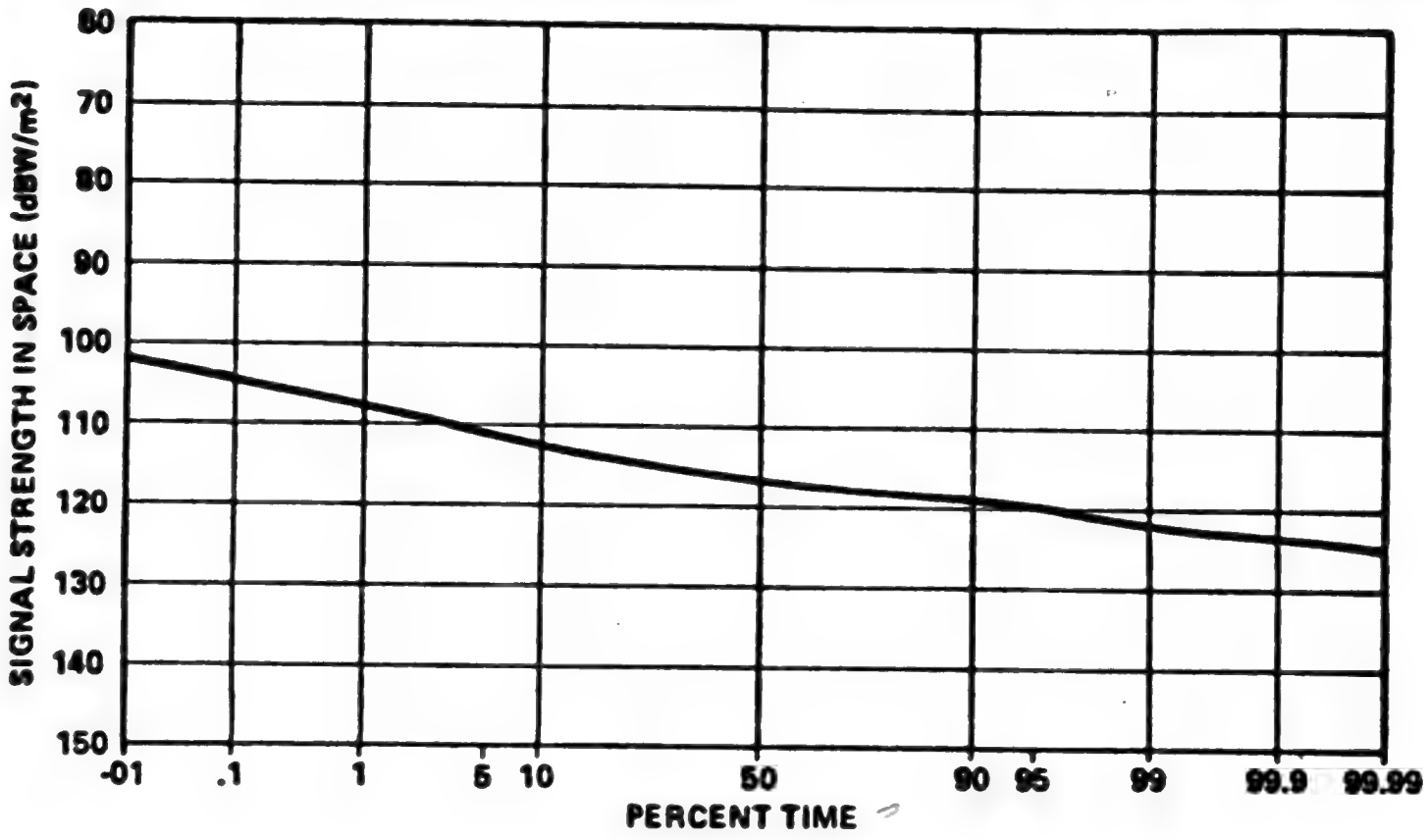

FIGURE 1. Signal Time Availability

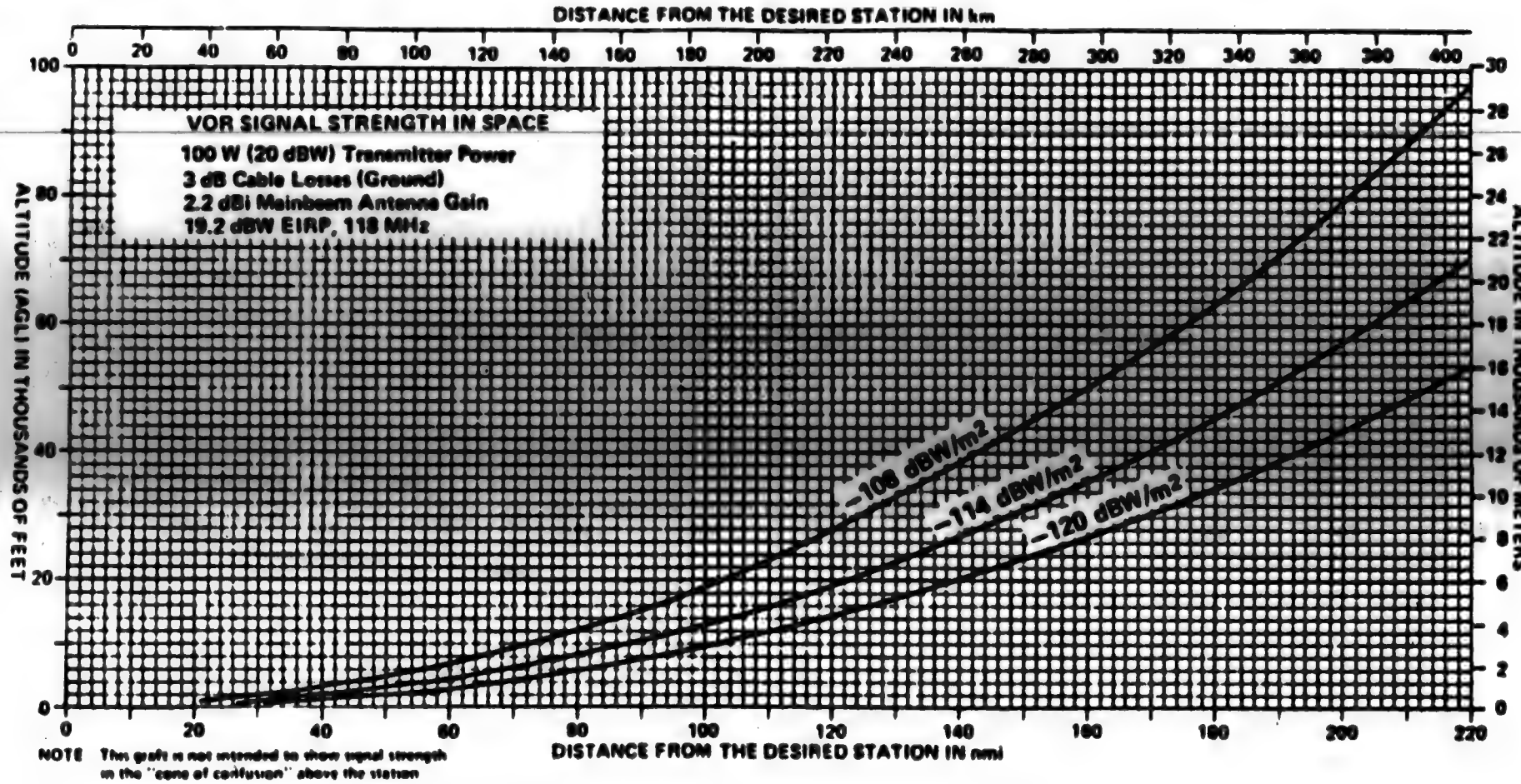

FIGURE 2. VOR Signal Strength in Space – Long Range

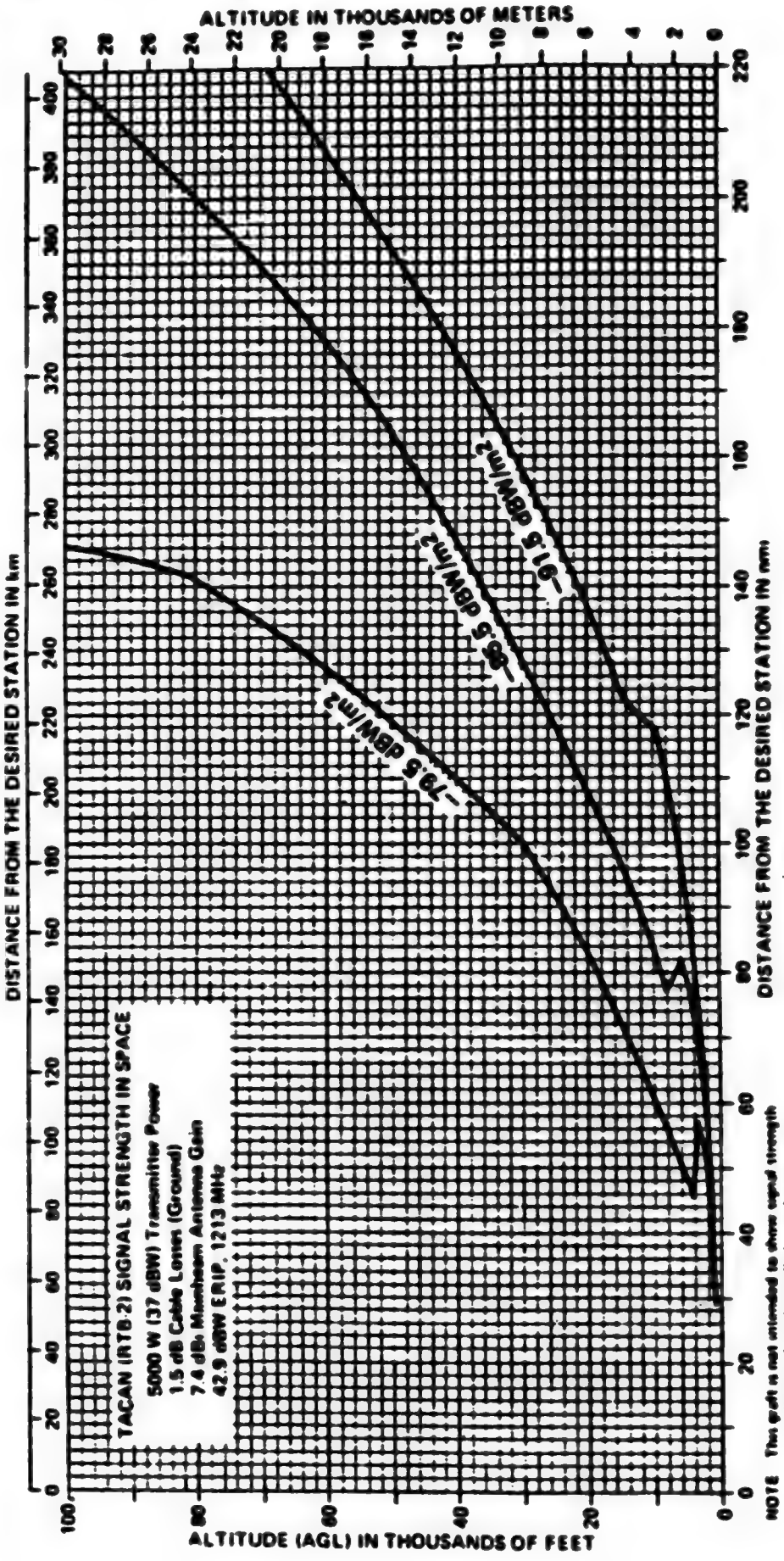

FIGURE 3. TACAN (RTB-2) Signal Strength In Space — Long Range

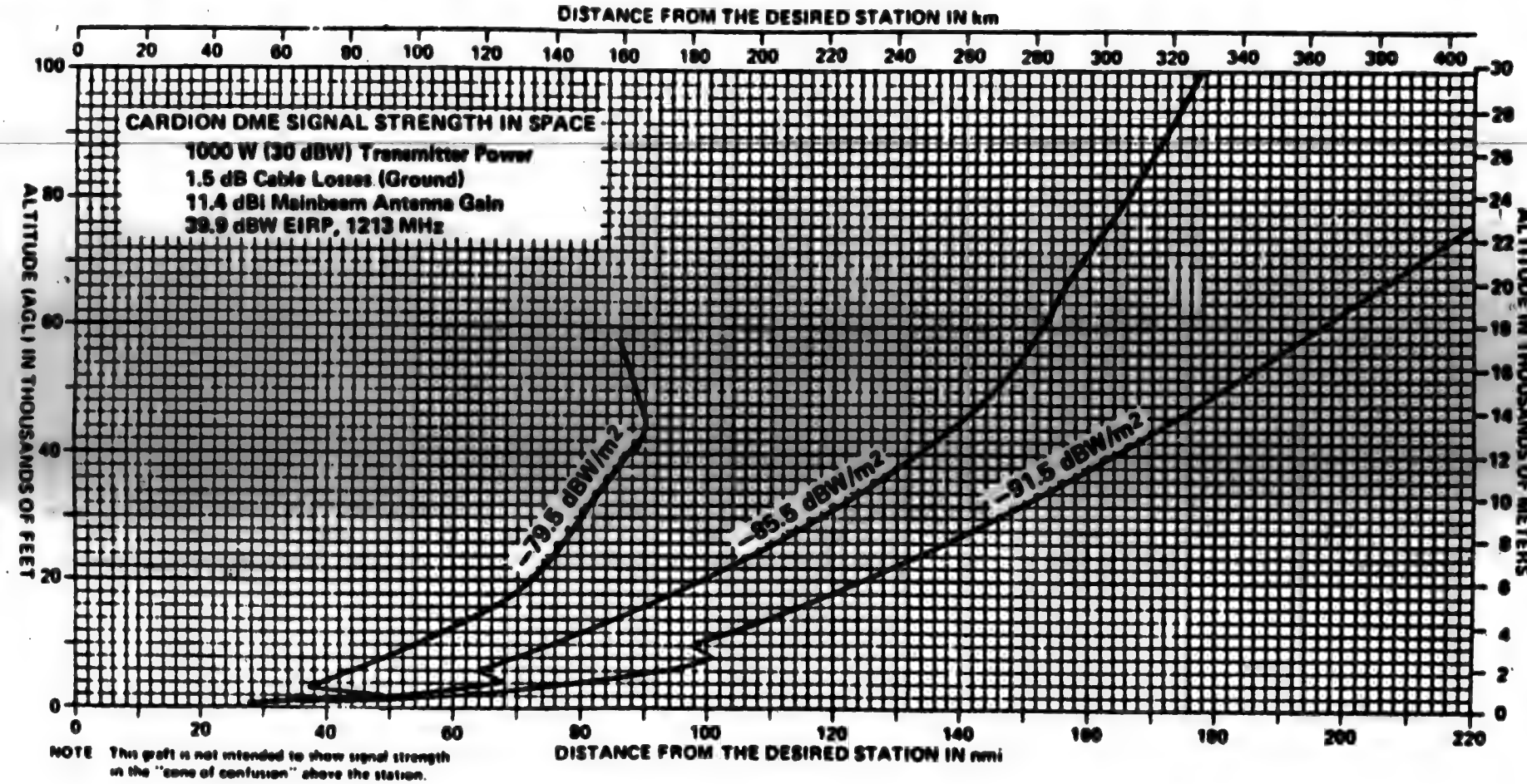

FIGURE 4. Cardion DME Signal Strength In Space — Long Range

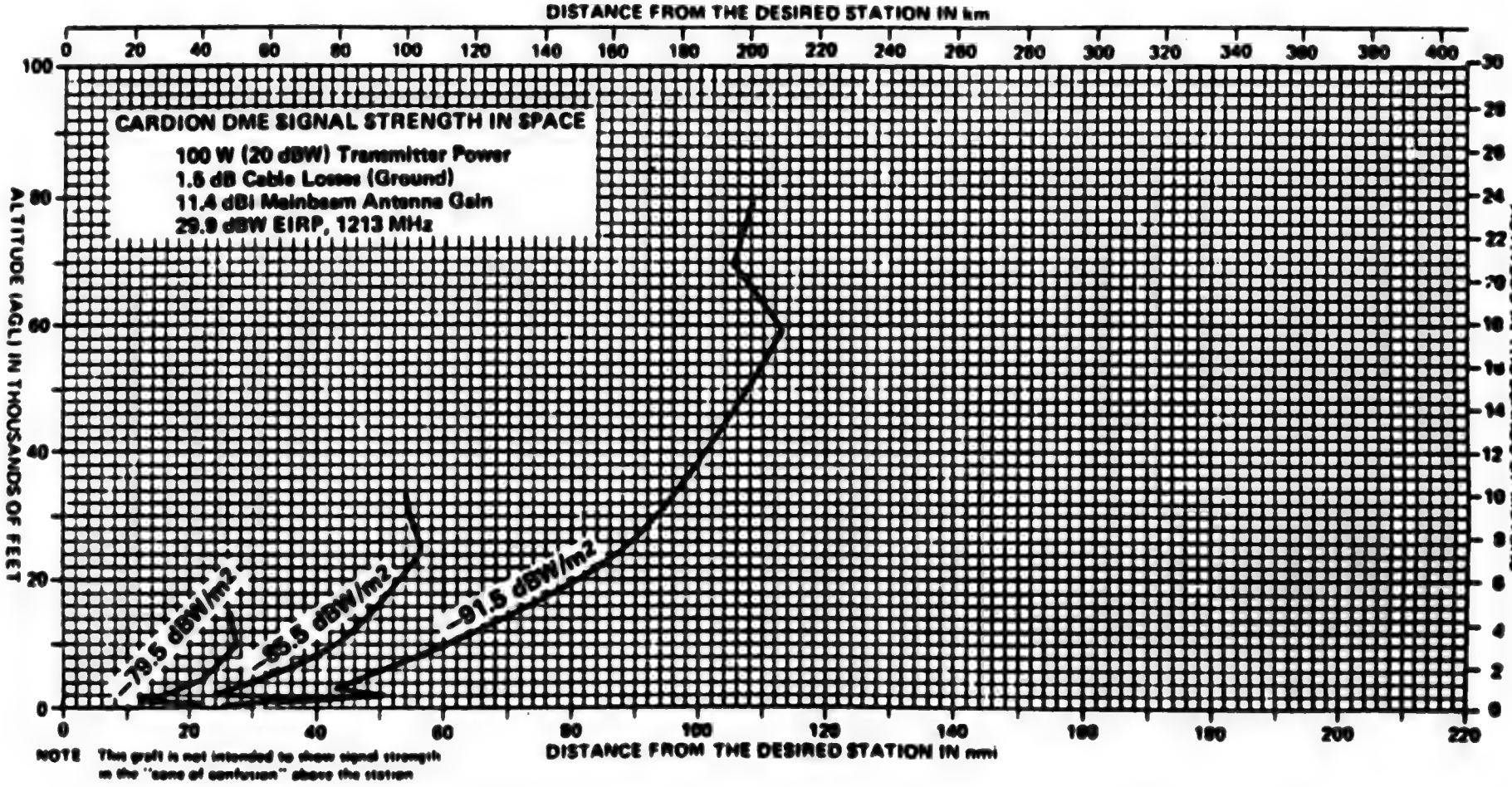

FIGURE 5. Cardion DME Signal Strength In Space — Long Range

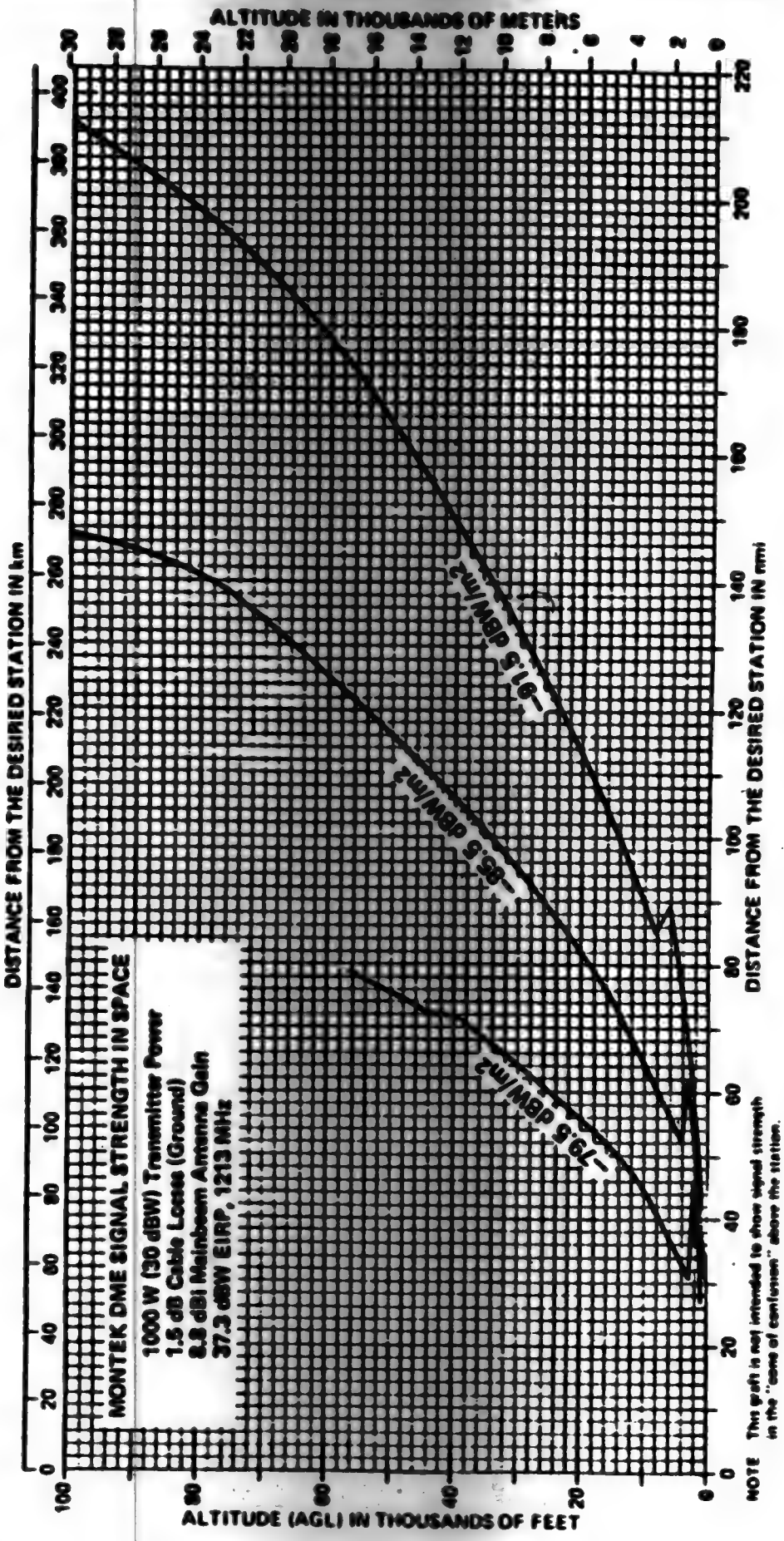

FIGURE 6. Montek DME Signal Strength In Space — Long Range

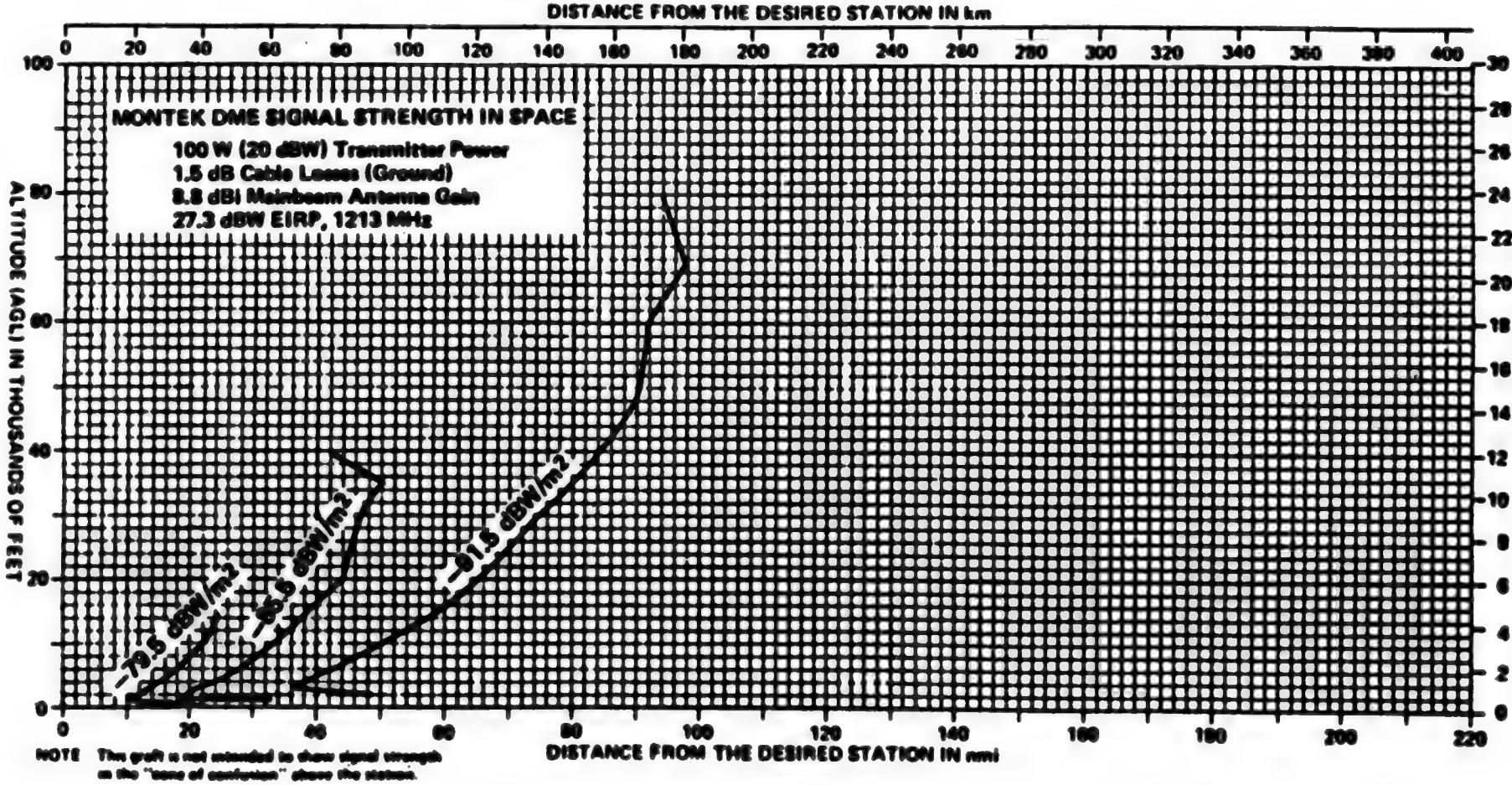

FIGURE 7. Montek DME Signal Strength In Space — Long Range

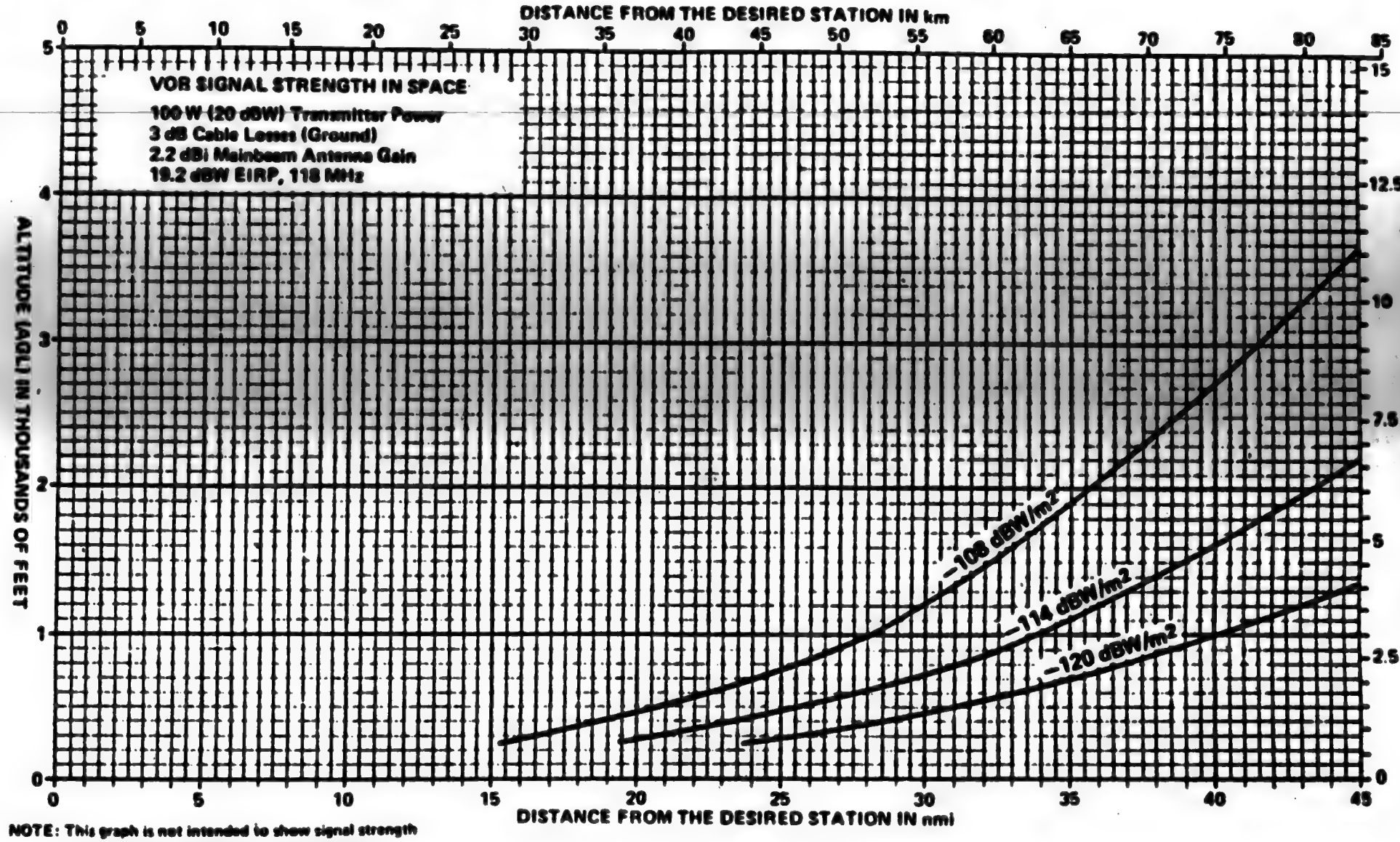

NOTE: This graph is not intended to show signal strength in the "cone of confusion" above the station.

FIGURE 8. VOR Signal Strength In Space – Long Range

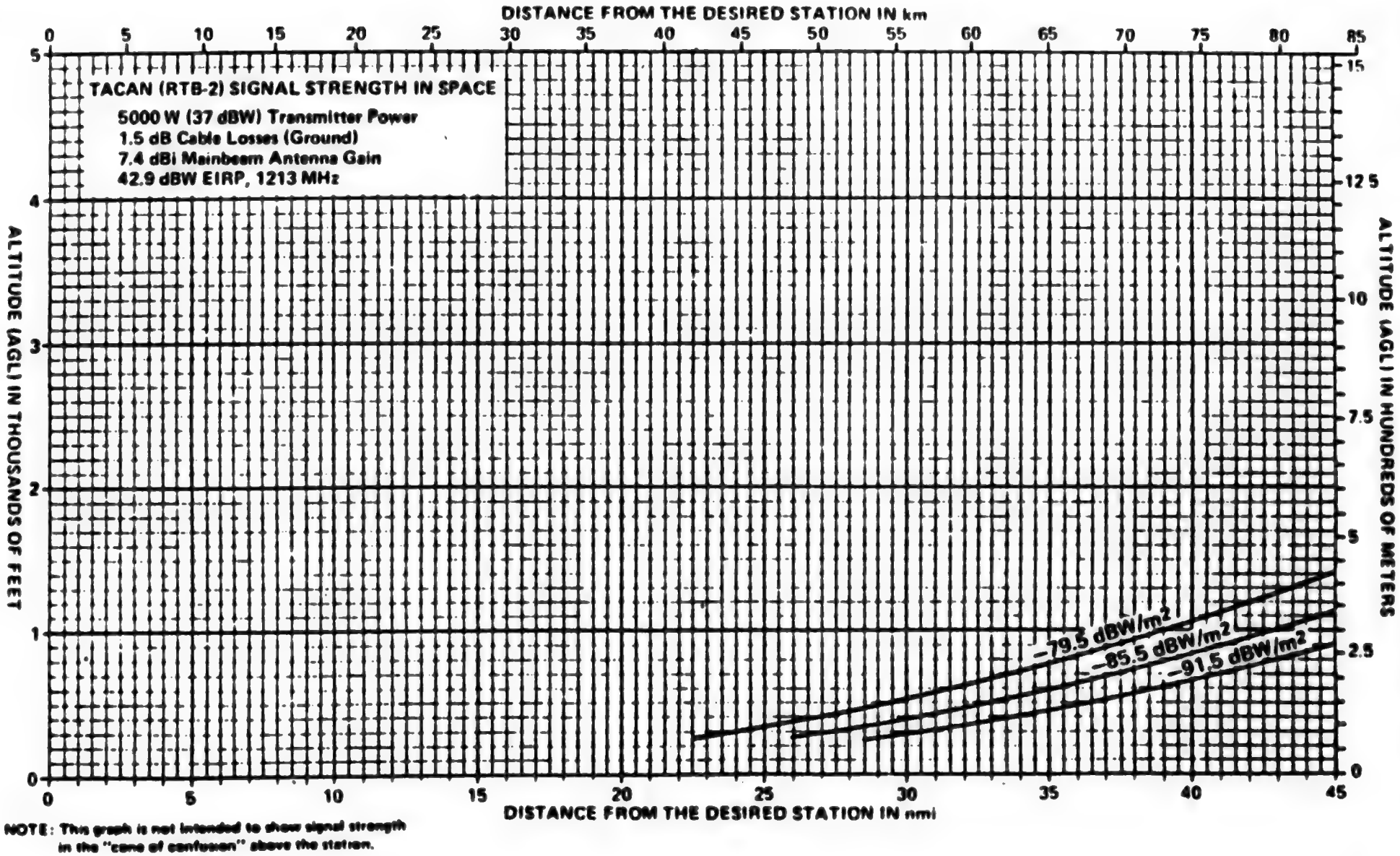

NOTE: This graph is not intended to show signal strength in the "cone of confusion" above the station.

FIGURE 9. TACAN (RTB-2) Signal Strength In Space – Short Range

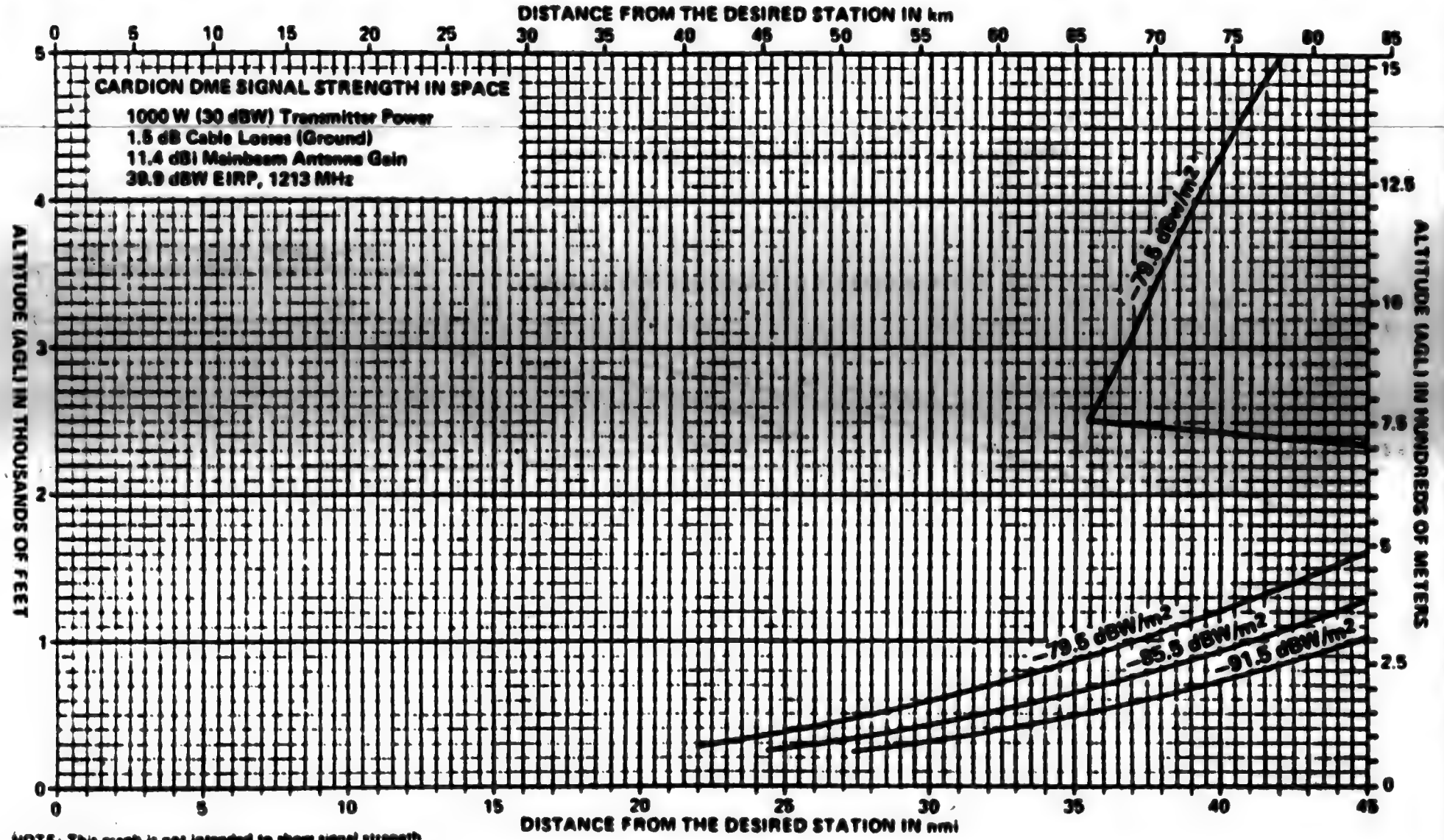

NOTE: This graph is not intended to show signal strength in the "cone of confusion" above the station.

FIGURE 10. Cardion DME Signal Strength In Space – Short Range

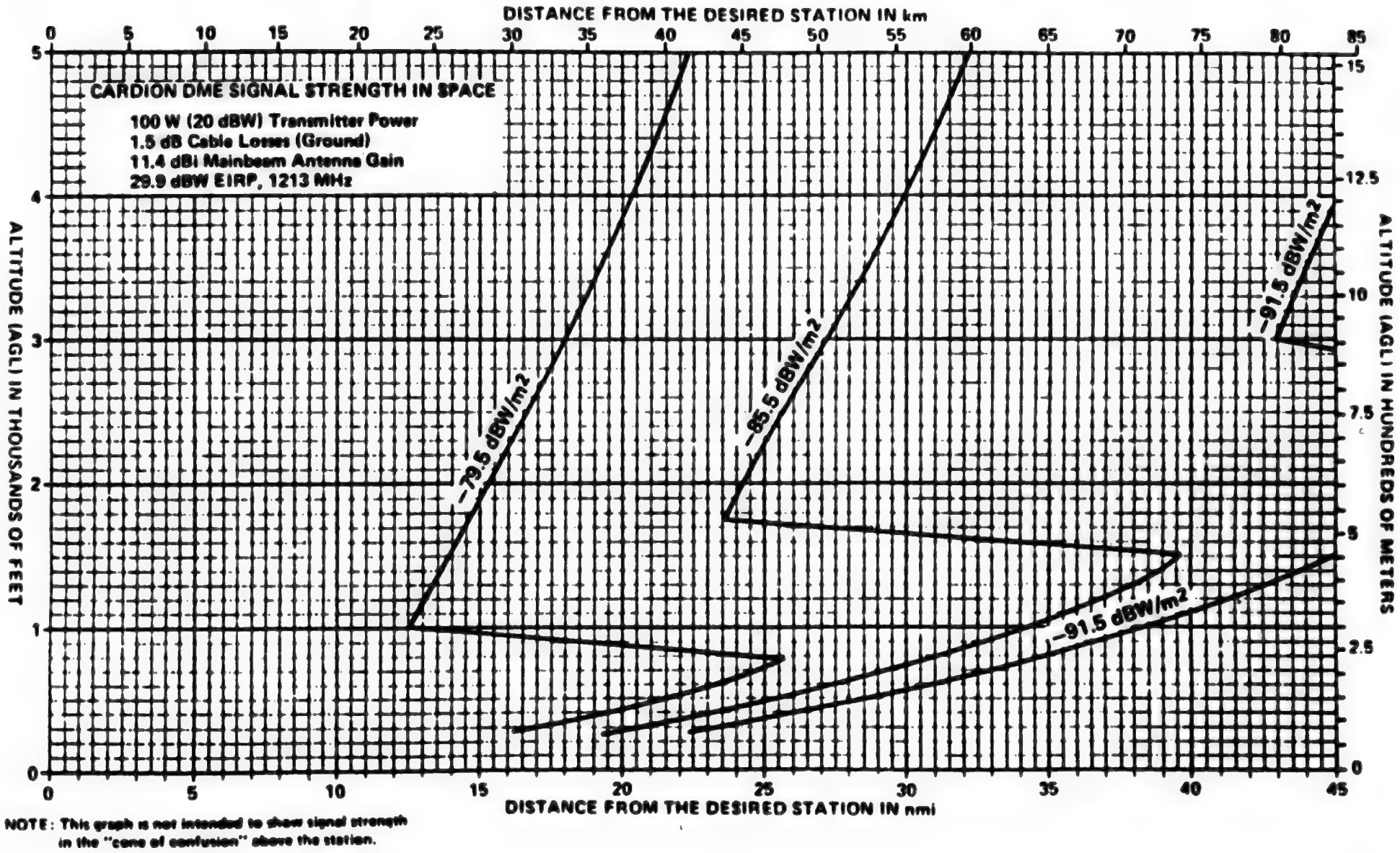

NOTE: This graph is not intended to show signal strength in the "cone of confusion" above the station.

FIGURE 11. Cardion DME Signal Strength In Space – Short Range

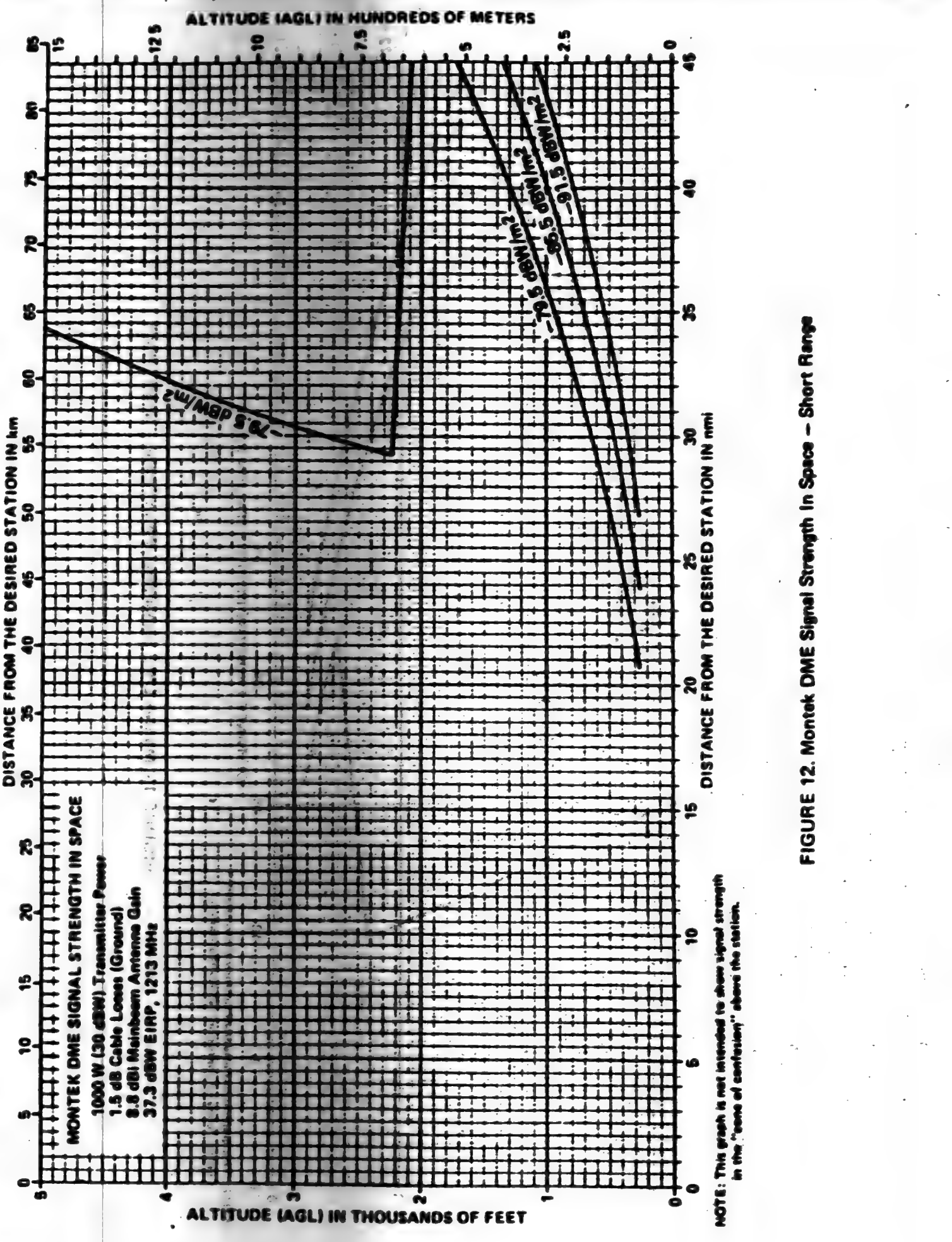

FIGURE 12. Montek DME Signal Strength In Space – Short Range

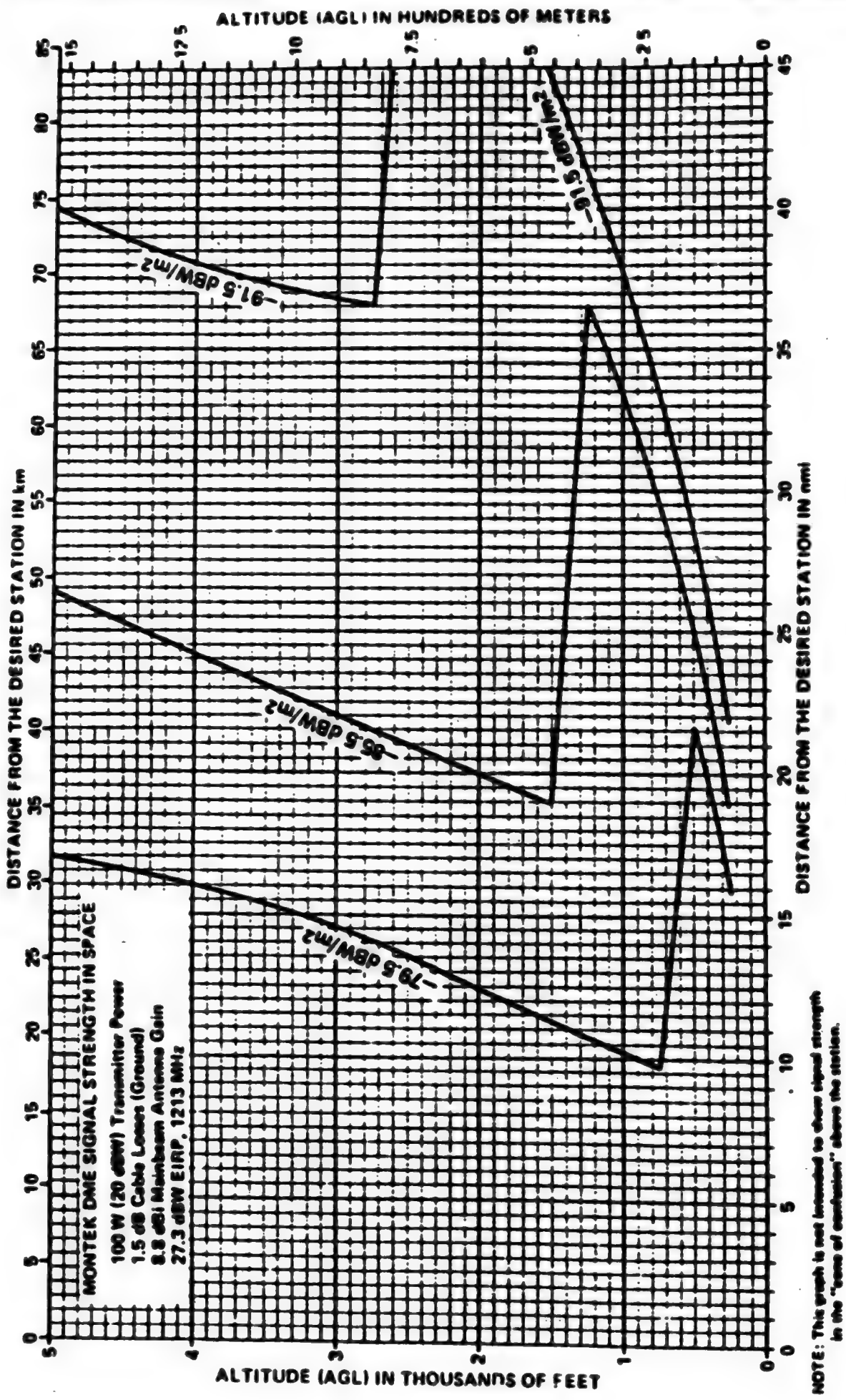

FIGURE 13. Montek DME Signal Strength In Space — Short Range

Appendix 2. System Accuracy

1. *System Accuracy.* The accuracies described and quantified below represent the normal error budget for a VOR/DME/TACAN system that includes basic avionics with analog indicators, a typical ground station and an environment that does not include errors caused by excessive multipath. Margin for pilot induced flight technical error is also included. The error terms [1] are defined as follows.

2. *Bearing Error Component Definition.*

a. *Radial Signal Error (Eg).* Radial signal error is the difference between the nominal magnetic bearing to a point of measurement from the ground component and the bearing indicated by the ground component signal at the same point. The radial signal error is associated with the ground component and nominal signal path errors but excludes other error factors. It is made up of the following.

(1) certain constant elements such as course displacement errors and most site and terrain effect errors which may be considered as fixed for long periods of time.

(2) certain random variable errors which can be expected to vary about the essentially constant value.

b. *Airborne Component Error (Ea).* Airborne component error is that error attributable to the inability of the airborne equipment to translate correctly the bearing information contained in the radial signal. This element embraces all factors in the airborne component which introduce errors in the information presented to the pilot. (Errors resulting from the use of compass information in some VOR and TACAN displays are not included.)

c. *Instrumentation Error (Ei).* This component consists of the limitation of the omni-bearing selector (OBS) units due to the resolution of the device and the inherent error of translating the pilot input to the avionic comparator. This comparator derives the difference between the actual radial computed and the selected radial which the pilot requires. This difference is normally displayed on a course deviation indicator (CDI) whose errors are considered a part of (Ea).

d. *Flight Technical Error (Ef).* Flight technical error refers to the accuracy with which the pilot controls the aircraft as measured by his success in causing the indicated aircraft position to match the indicated command for desired position. It does not include procedural blunders.

[1] Quantitative values assume 95 percentile distribution.

e. *Aggregate Error (Es).* Aggregate error is the difference between the magnetic bearing to a point of measurement from the ground component and the bearing indicated by airborne components. This is the error in the information presented to the pilot (exclusive of any errors resulting from use of compass information). It takes into account not only the ground component and propagation path errors but also the error contributed by the airborne component and its instrumentation. The entire radial signal error, both fixed and variable is used.

3. *Error Combination.* Since the errors above, when considered on a total system basis (not any individual radials or components) are independent variables, they may be combined by the root-sum-square (RSS) method to calculate aggregate system error (Es) when the same probability is given to each element. For purposes of this standard, each element is considered to have 95 percent probability.

a. *Radial Signal Error (Eg).* In practice, based on a significant number of accumulated data points, the radial signal error value (Eg) has been found to be ±1.4 degrees (95 percent probability).

b. *Airborne Component Error (Ea).* This component is strictly limited to those errors attributable to the avionics. In other words, this value excludes that which is due to the auto-couple of navigation deviation signals to aircraft controls and other output devices such as the omni-bearing selector (OBS), either in the manual or auto-couple mode. This value (Ea) has been estimated to be approximately ±3.0 degrees and may vary as to the quality of the avionics. This distribution is considered normal both from a capability standpoint between manufacturers and a quality standpoint by any one manufacturer. Recent avionics have shown the capability to reduce this error.

c. *Instrumentation Error (Ei).* This represents the remainder of the avionics error that is excluded from paragraph 3.b of this Appendix. This error is approximately ±2.0 degrees when a manual analog OBS is utilized. Digital OBS devices and auto-couple would decrease this error significantly. This latter configuration is not addressed in this analysis, but could represent a considerable improvement to the total error budget, if implemented.

d. *Flight Technical Error (Ef).* As defined in paragraph 2.d of this Appendix, the value which is attributable to this error component is ±2.3 degrees. Although this error may not be completely independent of other errors, independence is assumed in this analysis. Empirical data indicates that this value may be pessimistic.

e. *Aggregate Error (Es).* Airways, routes, and terminal area procedures in the United States are designed on the basis of a system use accuracy of ±4.5 degrees (95 percent probability). The aggregate system error value is derived as follows:

Radial Signal Error (Eg): ±1.4 degrees (95% probability)
Airborne Component Error (Ea): ±3.0 degrees (95% probability)
Instrumentation Setting Error (Ei): +2.0 degrees (95% probability)
Flight Technical Error (Ef): 2.3 degrees (95% probability)
Aggregate System Error (Es)
$= Eg^2+Ea^2+Ei^2+Ef^2$
$= 1.4^2+3.0^2+2.0^2+2.3^2$
$= 1.96+9.00+4.00+5.29$
$= 20.25$
Rounded = ±4.5 degrees (95% probability)

Distance Error. Refer to paragraph 187 of this standard.

APPENDIX 3.—*VOR-DME-TACAN Channel Frequencies and Pairing*

Channel No.	VHF channel frequency MHz	DME-TACAN Interr. frequency MHz	DME-TACAN Reply frequency MHz
1X		1025	962
1Y		1025	1088
2X		1026	963
2Y		1026	1089
3X		1027	964
3Y		1027	1090
4X		1028	965
4Y		1028	1091
5X		1029	966
5Y		1029	1092
6X		1030	967
6Y		1030	1093
7X		1031	968
7Y		1031	1094
8X		1032	969
8Y		1032	1095
9X		1033	970
9Y		1033	1096
10X		1034	971
10Y		1034	1097
11X		1035	972
11Y		1035	1098
12X		1036	973
12Y		1036	1099
13X		1037	974
13Y		1037	1100
14X		1038	975
14Y		1038	1101
15X		1039	976
15Y		1039	1102
16X		1040	977
16Y		1040	1103
17X	108.00 VOR	1041	978
17Y	108.05 VOR	1041	1104
18X	108.10 ILS	1042	979
18Y	108.15 ILS	1042	1105
19X	108.20 VOR	1043	980
19Y	108.25 VOR	1043	1106
20X	108.30 ILS	1044	981
20Y	108.35 ILS	1044	1107
21X	108.40 VOR	1045	982
21Y	108.45 VOR	1045	1108
22X	108.50 ILS	1046	983
22Y	108.55 ILS	1046	1109
23X	108.60 VOR	1047	984
23Y	108.65 VOR	1047	1110
24X	108.70 ILS	1048	985
24Y	108.75 ILS	1048	1111
25X	108.80 VOR	1049	986
25Y	108.85 VOR	1049	1112
26X	108.90 ILS	1050	987

APPENDIX 3.—*VOR-DME-TACAN Channel Frequencies and Pairing*—Continued

Channel No.	VHF channel frequency MHz	DME-TACAN Interr. frequency MHz	DME-TACAN Reply frequency MHz
26Y	108.95 ILS	1060	1113
27X	109.00 VOR	1051	968
27Y	109.05 VOR	1051	1114
28X	109.10 ILS	1052	969
28Y	109.15 ILS	1052	1115
29X	109.20 VOR	1053	970
29Y	109.25 VOR	1053	1116
30X	109.30 ILS	1054	971
30Y	109.35 ILS	1054	1117
31X	109.40 VOR	1055	972
31Y	109.45 VOR	1055	1118
32X	109.50 ILS	1056	973
32Y	109.55 ILS	1056	1119
33X	109.60 VOR	1057	974
33Y	109.65 VOR	1057	1120
34X	109.70 ILS	1058	975
34Y	109.75 ILS	1058	1121
35X	109.80 VOR	1059	976
35Y	109.85 VOR	1059	1122
36X	109.90 ILS	1060	977
36Y	109.95 ILS	1060	1123
37X	110.00 VOR	1061	978
37Y	110.05 VOR	1061	1124
38X	110.10 ILS	1062	979
38Y	110.15 ILS	1062	1125
39X	110.20 VOR	1063	1003
39Y	110.20 VOR	1063	1126
40X	110.30 ILS	1064	1001
40Y	110.35 ILS	1064	1127
41X	110.40 VOR	1065	1002
41Y	110.45 VOR	1065	1128
42X	110.50 ILS	1066	1003
42Y	110.55 ILS	1066	1129
43X	110.60 VOR	1067	1004
43Y	110.65 VOR	1067	1130
44X	110.70 ILS	1068	1005
44Y	110.75 ILS	1068	1131
45X	110.80 VOR	1069	1006
45Y	110.85 VOR	1069	1132
46X	110.90 ILS	1070	1007
46Y	110.95 ILS	1070	1133
47X	111.00 VOR	1071	1008
47Y	111.05 VOR	1071	1134
48X	111.10 ILS	1072	1009
48Y	111.15 ILS	1072	1135
49X	111.20 VOR	1073	1010
49Y	111.25 VOR	1073	1136
50X	111.30 ILS	1074	1011
50Y	111.35 ILS	1074	1137
51X	111.40 VOR	1075	1012
51Y	111.45 VOR	1075	1138
52X	111.50 ILS	1076	1013
52Y	111.55 ILS	1076	1139
53X	111.60 VOR	1077	1014
53Y	111.65 VOR	1077	1140
54X	111.70 ILS	1078	1015
54Y	111.75 ILS	1078	1141
55X	111.80 VOR	1079	1016
55Y	111.85 VOR	1079	1142
56X	111.90 ILS	1080	1017
56Y	111.95 ILS	1080	1143
57X	112.00 VOR	1081	1018
57Y	112.05 VOR	1081	1144
58X	112.10 VOR	1082	1019
58Y	112.15 VOR	1082	1145
59X	112.20 VOR	1083	1020
59Y	112.25 VOR	1083	1146
60X	1084	1021	
60Y	1084	1147	
61X	1085	1022	
61Y	1085	1148	
62X	1086	1023	
62Y	1086	1149	
63X	1087	1024	
63Y	1087	1150	
64X	1088	1151	
64Y	1088	1025	
65X	1089	1152	
65Y	1089	1026	
66X	1090	1153	
66Y	1090	1027	
67X	1091	1154	
67Y	1091	1028	
68X	1092	1155	
68Y	1092	1029	
69X	1093	1156	
69Y	1093	1030	

APPENDIX 3.—*VOR-DME-TACAN Channel Frequencies and Pairing*—Continued

Channel No.	VHF channel frequency MHz	DME-TACAN Interr. frequency MHz	DME-TACAN Reply frequency MHz
70X	112.20 VOR	1094	1157
70Y	112.25 VOR	1094	1031
71X	112.40 VOR	1095	1159
71Y	112.45 VOR	1095	1032
72X	112.50 VOR	1096	1159
72Y	112.55 VOR	1096	1033
73X	112.60 VOR	1097	1160
73Y	112.65 VOR	1097	1034
74X	112.70 VOR	1098	1161
74Y	112.75 VOR	1098	1035
75X	112.80 VOR	1099	1162
75Y	112.85 VOR	1099	1036
76X	112.90 VOR	1100	1163
76Y	112.95 VOR	1100	1037
77X	113.00 VOR	1101	1164
77Y	113.05 VOR	1101	1038
78X	113.10 VOR	1102	1165
78Y	113.15 VOR	1102	1039
79X	113.20 VOR	1103	1166
79Y	113.25 VOR	1103	1040
80X	113.30 VOR	1104	1167
80Y	113.35 VOR	1104	1041
81X	113.40 VOR	1105	1168
81Y	113.45 VOR	1105	1042
82X	113.50 VOR	1106	1169
82Y	113.55 VOR	1106	1043
83X	113.60 VOR	1107	1170
83Y	113.65 VOR	1107	1044
84X	113.70 VOR	1108	1171
84Y	113.75 VOR	1108	1045
85X	113.80 VOR	1109	1172
85Y	113.85 VOR	1109	1046
86X	113.90 VOR	1110	1173
86Y	113.95 VOR	1110	1047
87X	114.00 VOR	1111	1174
87Y	114.05 VOR	1111	1048
88X	114.10 VOR	1112	1175
88Y	114.15 VOR	1112	1049
89X	114.20 VOR	1113	1176
89Y	114.25 VOR	1113	1050
90X	114.30 VOR	1114	1177
90Y	114.35 VOR	1114	1051
91X	114.40 VOR	1115	1178
91Y	114.45 VOR	1115	1052
92X	114.50 VOR	1116	1179
92Y	114.55 VOR	1116	1053
93X	114.60 VOR	1117	1180
93Y	114.65 VOR	1117	1054
94X	114.70 VOR	1118	1181
94Y	114.75 VOR	1118	1055
95X	114.80 VOR	1119	1182
95Y	114.85 VOR	1119	1056
96X	114.90 VOR	1120	1183
96Y	114.95 VOR	1120	1057
97X	115.00 VOR	1121	1184
97Y	115.05 VOR	1121	1058
98X	115.10 VOR	1122	1185
98Y	115.15 VOR	1122	1059
99X	115.20 VOR	1123	1186
99Y	115.25 VOR	1123	1060
100X	115.30 VOR	1124	1187
100Y	115.35 VOR	1124	1061
101X	115.40 VOR	1125	1188
101Y	115.45 VOR	1125	1062
102X	115.50 VOR	1126	1189
102Y	115.55 VOR	1126	1063
103X	115.60 VOR	1127	1190
103Y	115.65 VOR	1127	1064
104X	115.70 VOR	1128	1191
104Y	115.75 VOR	1128	1065
105X	115.80 VOR	1129	1192
105Y	115.85 VOR	1129	1066
106X	115.90 VOR	1130	1193
106Y	115.95 VOR	1130	1067
107X	116.00 VOR	1131	1194
107Y	116.05 VOR	1131	1068
108X	116.10 VOR	1132	1195
108Y	116.15 VOR	1132	1069
109X	116.20 VOR	1133	1196
109Y	116.25 VOR	1133	1070
110X	116.30 VOR	1134	1197
110Y	116.35 VOR	1134	1071
111X	116.40 VOR	1135	1198
111Y	116.45 VOR	1135	1072
112X	116.50 VOR	1136	1199
112Y	116.55 VOR	1136	1073
113X	116.60 VOR	1137	1200

APPENDIX 3.—*VOR-DME-TACAN Channel Frequencies and Pairing*—Continued

Channel No.	VHF channel frequency MHz	DME-TACAN Interr. frequency MHz	DME-TACAN Reply frequency MHz
113Y	116.65 VOR	1137	1074
114X	116.70 VOR	1138	1201
114Y	116.75 VOR	1138	1075
115X	116.80 VOR	1139	1202
115Y	116.85 VOR	1139	1076
116X	116.90 VOR	1140	1203
116Y	116.95 VOR	1140	1077
117X	117.00 VOR	1141	1204
117Y	117.05 VOR	1141	1078
118X	117.10 VOR	1142	1205
118Y	117.15 VOR	1142	1079
119X	117.20 VOR	1143	1206
119Y	117.25 VOR	1143	1080
120X	117.30 VOR	1144	1207
120Y	117.35 VOR	1144	1081
121X	117.40 VOR	1145	1208
121Y	117.45 VOR	1145	1082
122X	117.50 VOR	1146	1209
122Y	117.55 VOR	1146	1083
123X	117.60 VOR	1147	1210
123Y	117.65 VOR	1147	1084
124X	117.70 VOR	1148	1211
124Y	117.75 VOR	1148	1085
125X	117.80 VOR	1149	1212
125Y	117.85 VOR	1149	1086
126X	117.90 VOR	1150	1213
126Y	117.95 VOR	1150	1087

[1] The frequencies associated with Channels 17X, 17Y and 18X are test frequencies. Assignments may be made to VOTs, ramp testers, radiating test generators, and other test facilities. ILS, VOR, and DME-TACAN assignments should not be made on these channels. This has been coordinated with the FCC. See 47 CFR 87.521(d); FCC Rules and Regulations, Part 87, paragraph 87.521(d).

Appendix 4. Definitions

AGL—Above Ground Level
AIM—Airman's Information Manual
ATC—Air Traffic Control
CDI—Course Deviation Indicator
CW—Continuous Wave
DME—Distance Measuring Equipment
DSBDVOR—Double Sideband Doppler Very High Frequency Omnidirectional Radio Range
D/U Ratio—Desired to Undesired Ratio
EIRP—Equivalent Isotropic Radiated Power
ESV—Expanded Service Volume
FAA—Federal Aviation Administration
FTE—Flight Technical Error
H—High Altitude Service Volume
HVORTAC—High Altitude Very High Frequency Omnidirectional Radio Range and Tactical Air Navigation
Hz—Hertz
ICAO—International Civil Aviation Organization
IFR—Instrument Flight Rules
ILS—Instrument Landing System
L—Low Altitude Service Volume
LDME—Low Altitude Distance Measuring Equipment
NAS—National Airspace System
NAVAIDS—Navigational Aids
nmi—Nautical Mile
NOTAM—Notice to Airman
OBS—Omni Bearing Selector
RF—Radio Frequency

RNAV—Area Navigation
RSS—Root-Sum-Square
SSV—Standard Service Volume
T—Terminal Service Volume
TACAN—Tactical Air Navigation
TVOR—Terminal Very High Frequency Omnidirectional Radio Range
UHF—Ultra High Frequency
VHF—Very High Frequency
VOR—Very High Frequency Omnidirectional Radio Range
VOR/DME—Very High Frequency Omnidirectional Radio Range/ Distance Measuring Equipment
VORTAC—Very High Frequency Omnidirectional Radio Range and Tactical Air Navigation
X Channel and Y Channel—Frequency Pairing for Distance Measuring Equipment and Tactical Air Navigation

[FR Doc. 81-9126 Filed 3-25-81; 8:45 am]
BILLING CODE 4910-13-M

Legal Opinion as to Whether the Lessee of an Aircraft Conveyed Under a Finance Lease is the Owner of the Aircraft for Purposes of United States Aircraft Registration

American Airlines has requested the legal opinion of the Federal Aviation Administration (FAA) as to whether the lessee of an aircraft conveyed under a finance lease is the "owner" of the aircraft under Section 501 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1401) for purposes of obtaining U.S. registration of the leased aircraft. Because of the extensive interest among finance institutions and other United States airlines in the specific legal issue raised by American Airlines, the FAA has concluded that the information contained in the legal opinion provided to American Airlines should receive broad dissemination.

Accordingly, the FAA publishes its response to American Airlines concerning the status of a lessee of an aircraft conveyed under a finance lease.

FOR FURTHER INFORMATION CONTACT:
Mr. John T. Stewart, Jr., Assistant Chief Counsel, International Affairs and Legal Policy Staff, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Telephone (202) 426-3515.

Issued in Washington, D.C. on March 23, 1981.

Albert S. Randall,
Acting Chief Counsel.

March 19, 1981.
Richard A. Lempert, Esquire
Vice President and General Counsel, American Airlines, Box 61616, Dallas/Forth Worth, Texas

Dear Mr. Lempert: This is in response to your recent inquires to the Federal Aviation Administration (FAA) as to whether the lessee of an aircraft which is the subject of a lease, wherein all the risks and rewards of ownership, except legal title, pass to the lessee (hereinafter referred to as a finance lease) is the owner of the aircraft under Section 501 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1401) (Act). It is my considered opinion that an aircraft conveyed under a finance lease which conforms to the characteristics described herein may be registered by the lessee as owner.

"Owner", not defined in the Act, has been defined in Part 47 of the Federal Aviation Regulations (FAR) as follows:

". . . 'owner' includes the buyer in possession, a bailee, or a lessee of an aircraft under a contract of conditional sale, and the assignee of that person." 14 CFR § 47.5(d).

This definition is designed to make explicit that the buyer, lessee or bailee under a contract of conditional sale, as defined in Section 101(19) of the Act, is considered to be the owner of the aircraft for purposes of Part 47 of the FAR. The definition is not exclusive. For example, the buyer of an aircraft pursuant to a contract which transfers all rights, including title, in the aircraft is not specifically included in Section 47.5(d). Section 47.5(d) implicity recognizes that other forms of ownership may exist under the law and that, in the absence of any countervailing Federal interest, the FAA may recognize those forms of ownership. Therefore, the FAA's determination of the owner of an aircraft, for purposes of aircraft registration, must necessarily be based upon the reasons for aircraft registration.

The fundamental purpose of aircraft registration is identification of the aircraft with the country that is responsible for it. By virtue of the Convention on International Civil Aviation (Chicago Convention), the United States has certain international aviation safety responsibilities for aircraft of U.S. nationality. Under the Chicago Convention, the means of affixing nationality is aircraft registration. Aircraft registration in the majority of contracting States is contingent upon the owner or operator of an aircraft having some chosen connection to the State of registry. Under the Act, an aircraft is eligible for registration in the United States, only if it is owned by U.S. Citizens, resident aliens, or noncitizen U.S. corporations which base and primarily use the aircraft in the United States.

The Act limits U.S. aircraft registration to a class of persons over which the United States has some degree of jurisdiction. "Ownership" is necessary to provide a reliable and easily ascertainable legal link between a member of that class and the aircraft. These requirements jointly are a means of insuring that international and domestic laws and policies with regard to an aircraft of United States registry will be carried out.

Accordingly, the interest of the FAA in ascertaining the owner of an aircraft is limited and particularized. Section 501(f) of the Act provides that:

" 'a certificate of registration' shall be conclusive evidence of nationality for international purposes, but not in any proceeding under the laws of the United States. Registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue."

This section implies that the FAA's determination of the "owner" may not necessarily coincide with a determination of ownership in another forum, for other purposes. As explained in 1938 by Fred D. Fagg, Director of Air Commerce, Department of Commerce, ". . . we are interested only from the standpoint of nationality of the owner rather than whether he actually possesses legal title."

Until 1938, the proper owner of an aircraft for purposes of U.S. registration was deemed to be the person with all rights, including legal title, in the aircraft. In *In the Matter of Charles P. O'Connor for Registration of Aircraft*, 1 CAA 5 (1938), the Civil Aeronautics Authority, the predecessor agency to the FAA, recognized the buyer of an aircraft under a contract of conditional sale as the "owner" of the aircraft under Section 501 of the Civil Aeronautics Act of 1938 (52 Stat. 1005 (1938)). After an acknowledgement that more than one kind of ownership exists under common law, the CAA adopted the theory that as between the seller, who "holds legal title, in effect, as security for its debt," and the purchaser, who had "complete control over the aircraft to do with as he will even as against the seller so long as payments are duly made," the latter was the proper person to be considered "owner".

Under the Uniform Commercial Code (UCC), the rights, obligations and remedies of a conditional vendee are identical to those of a buyer or lessee in any transaction which is intended to create a security interest in personal property. The *O'Connor* case focused on the realities of commercial law in deciding to acknowledge ownership in the conditional vendee. An analysis of modern commercial law reveals that no distinction remains, in the forty-nine states that have enacted the UCC, between a conditional sale and leases intended as security. Consequently, if the finance leases in question are leases intended as security, the rationale of the *O'Connor* case may be applicable.

While there is not an abundance of court decisions analyzing the proper nature of a lease intended as security wherein title does not pass, examination of the existing court decisions and UCC authorities persuades me that finance leases are leases intended as security. For a lease without an option to purchase to be a lease intended as security, the lessee must have acquired almost all of the incidents of ownership. In order to determine whether the lessee has, in effect, become the owner, a lease must contain certain objective criteria. A lease with all the following characteristics will be considered a lease intended for security:

(1) All the risks and burdens of ownership (e.g. insurance, maintenance, taxes, fees) are transferred to the lessee;

(2) The lessee has an unrestricted right to sublease the aircraft;

(3) A full payout of the lease is required, which is equivalent to the purchase price of the aircraft plus interest;

(4) The term of the lease, with or without options to renew the lease for a nominal sum, is of a duration equal to the useful life of the equipment;

(5) The options to renew are nominal when compared to the lease payments during the base lease term;

(6) The aircraft may be sold at the end of the base lease term, at the option of the lessee and the lessee is entitled to substantially all (i.e. 90%–100%) of the proceeds of the sale.

In accordance with the rationale of the *O'Connor* case, it may be said of a finance lease with these characteristics that, as between the lessor who has retained legal title as security for a debt and the lessee who has absolute dominion over the aircraft "to do with as he will even as against the [lessor] so long as payments are made," that the latter is the owner for aircraft registration purposes. In other words, the tangible differences between the conditional vendee and the finance lessee are insignificant. Accordingly, it is my opinion that the lessee of an aircraft conveyed under a finance lease which meets the requirements discussed herein is the owner of the aircraft under Section 501 of the Act.

An opinion on the eligibility for U.S. aircraft registration of aircraft conveyed under a particular finance lease must await FAA review of the documentation relevant to the transaction finally agreed upon. This documentation must include or be accompanied by representations by the applicant for aircraft registration of (1) the purchase price of the aircraft plus interest and (2) the estimated useful life of the aircraft. The FAA, if requested, will keep this information confidential.

I also understand that as an airline subject to the reporting requirements of the Securities and Exchange Commission (SEC) you will file any appropriate reports with the SEC concerning the acquisition of aircraft under a finance lease.

Sincerely,

Albert B. Randall,

Acting Chief Counsel.

[FR Doc. 81-9230 Filed 3-25-81; 8:45 am]

BILLING CODE 4910-09-M

National Highway Traffic Safety Administration

National Highway Safety Advisory Committee Site Visits

The National Highway Safety Advisory Committee's Task Force on Procession of Traffic Violations is planning site visits to Salem, Oregon, on April 13 and 14; and Olympia, Washington, on April 15 and 16. The Task Force plans to explore methods for improving the existing system of processing traffic cases without causing a significant increase in funding. Specifically, the members are interested in several areas: (1) administrative adjudication techniques; (2) uniform traffic tickets; (3) traffic court management information systems; and (4) nonresident violators compact. The information received from these site visits will be compiled into a interim report with recommendations and presented at the full Committee meeting June 15–17, 1981.

Arrangements for the site visits are being made by the appropriate NHTSA Regional Office and the States Governors' Highway Safety Representatives. These site visits are subject to the approval of the appropriate DOT officials. Attendance is open to the public, but limited to the space available. Members of the public may present a written statement to the Committee at any time.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C. on March 23, 1981.

Robert E. Doherty,

Assistant Executive Secretary.

[FR Doc. 81-9180 Filed 3-25-81; 8:45 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 58
Thursday, March 26, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Energy Regulatory Commission	1
Federal Home Loan Bank Board	2
National Mediation Board	3
National Transportation Safety Board	4
Occupational Safety and Health Review Commission	5
Parole Commission	6
Securities and Exchange Commission	7

1

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 16141, March 23, 1981).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: March 25, 1981, 10:00 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No. and Company

ER-5—EL80-25, Village of Winnetka, *Illinois* v. *Commonwealth Edison Company.*

Lois D. Cashell,
Acting Secretary.

[S-483-81 Filed 3-24-81; 8:50 am]
BILLING CODE 6450-85-M

2

FEDERAL HOME LOAN BANK BOARD (Billing No. 6720-01).

TIME AND DATE: Wednesday, April 1, 1981, 10:00 a.m.

PLACE: 1700 G St. N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Application for Bank Membership—Emigrant Savings Bank, New York, New York.
Service Corporation Activity—Libertyville Federal Savings and Loan Association, Libertyville, Illinois.
Branch Office Application—First Piedmont Federal Savings and Loan Association, Gaffney, South Carolina.
Bank Membership and Insurance of Accounts—Secure Savings and Loan Association, Fontana, California.
Modification of Board Condition—Alberic Girod, *et al.*, Catano, Puerto Rico.
Application filed by Beneficial Corporation, Wilmington, Delaware on Behalf of First Texas Financial Corporation of Delaware, Wilmington, Delaware To Acquire Control of First Texas Savings Association, Dallas, Texas By Merging First Texas Financial Corporation INTO First Texas Financial Corporation of Delaware.

484, March 24, 1981.

Announcement is being made at the earliest practicable time.

[S-482-81 Filed 3-24-81; 1:57 pm]
BILLING CODE 6720-01-M

3

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2:00 p.m., Wednesday, April 1, 1981.

PLACE: Board Hearing Room, 8th Floor, 1425 K. Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of March, 1981.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523-5920.

DATE OF NOTICE: March 23, 1981.

[S-484-81 Filed 3-24-81; 11:08 am]
BILLING CODE 7550-01-M

4

[NM-81-6]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Friday, March 27, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Closed pursuant to Exemption 2 of the Government in the Sunshine Act (5 U.S.C. 552B(c)(2)).

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible:

Safety Board budget reductions.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

March 24, 1981.

[S-485-81 Filed 3-24-81; 2:25 pm]
BILLING CODE 4910-58-M

5

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 15255, March 4, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on March 25, 1981.

CHANGES IN THE MEETING: This meeting has been *rescheduled for 1 p.m. on March 25, 1981.*

Date: March 24, 1981.

[S-487-81 Filed 3-24-81; 3:14 pm]
BILLING CODE 7600-01-M

6

[1P0401]

PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland Headquarters).

TIME AND DATE: Tuesday, March 24, 1981, 9:30 a.m.

PLACE: Park Place, One North Park Building, 5550 Friendship Blvd., Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 9 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:
Linda Wines Marble, Chief Case Analyst, National Appeals Board.

United States Parole Commission, (301) 492-5926.

[S-482-81 Filed 3-23-81; 4:09 pm]

BILLING CODE 4410-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of March 30, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, April 1, 1981 at 10:00 a.m., and on Thursday, April 2, 1981, following the 2:30 p.m. open meeting. An open meeting will be held on Thursday, April 2, 1981, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioner Evans, as duty officer, determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, April 1, 1981, at 10:00 a.m., will be:

Opinions.

Access to investigative files by Federal, state or self-regulatory authories.

Litigation matters.

Formal orders of investigation.

Freedom of Information Act appeals.

Settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Institution of administrative proceeding of an enforcement nature.

Institution of injunctive actions.

Regulatory matter regarding financial institution.

The subject matter of the closed meeting scheduled for Thursday, April 2, 1981, following the 2:30 P.M. open meeting, will be:

Regulatory matter bearing enforcement implications.

The subject matter of the open meeting scheduled for Thursday, April 2, 1981, at 2:30 p.m., will be:

1. Consideration of whether to grant an application by Daniel G. Gunter to become associated with Foundation Plan, Inc., a proposed broker-dealer, in a proprietary capacity with certain limitations. For further information, please contact Adele Geffen at (202) 272-2947.

2. Consideration of whether to grant an application by Robert R. Chandler to become associated with Securities Corporation of Iowa, a registered broker-dealer, in a supervisory capacity. For further information, please contact Adele Geffen at (202) 272-2947.

3. Consideration of whether to approve an application by Vickie L. and Charles W. Davis for an exemption from the broker-dealer registration requirement of Section 15(a) of the Securities Exchange Act of 1934. For further information, please contact H. Steven Holtzman at (202) 272-2842.

4. Consideration of whether to grant a request of Joel Seligman, Associate Professor of Law at Northeastern University School of Law in Boston, for access to certain staff materials for the period 1969-1973. For further information, please contact Theodore S. Bloch at (202) 252-2454.

5. Consideration of a Freedom of Information Act appeal of L. Walton Bader (No. 81-102) from a decision of the Commission's FOIA Officer denying access to the investigatory file concerning OKC Corporation and its chief executive officer, Cloyce K. Box. For further information, please contact Andrew W. Sidman at (202) 272-2454.

6. Consideration of a Freedom of Information Act appeal of Carl D. Liggio from a decision of the Commission's FOIA Officer denying access to certain documents concerning an interview of Commission staff members by private counsel. For further information, please contact Richard A. Kirby at (202) 272-3088.

7. Consideration of whether to issue an interpretative release dealing with whether questions of accountants' independence should be raised solely because a foreign office of or a foreign firm associated with the domestic accounting firm performs limited, routine bookkeeping service for a foreign division, subsidiary or investee of a domestic registrant which is a client of that firm. Additionally, Staff Accounting Bulletin No. 30 which also deals with this subject would be rescinded if the Commission decides to issue an interpretative release. For further information, please contact Rita Gunter at (202) 272-2133.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lownstein at (202) 272-2092.

March 24, 1981.

[S-485-81 Filed 3-24-81; 12:56 pm]

BILLING CODE 8010-01-M

federal register

Thursday
March 26, 1981

Part II

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Supplemental Funds for Insular Areas of the U.S.

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DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Supplemental Funds for Insular Areas of the U.S.

AGENCY: Office of Juvenile Justice and Delinquency Prevention.

SUBJECT: Announcement of availability of supplemental financial assistance for problems of juvenile delinquency in selected insular areas of the U.S.

This announcement does not constitute a "major" rule, as defined by Executive Order 12291, because it does not result in: (a) an effect on the economy of $100 million or more, (b) a major increase in any costs or prices, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

Pursuant to the 1980 Amendments to the Juvenile Justice and Delinquency Prevention Act, the Office of Juvenile Justice and Delinquency Prevention is making 5 percent of its special emphasis funds available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

Actual awards will be determined in accordance with the following criteria:

(1) The relative cost and effectiveness of the proposed program in effectuating the purpose of the Act;

(2) The extent to which the proposed program will incorporate new or innovative techniques;

(3) The extent of which the proposed program meets the objectives and priorities of the State plan when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) The increase in capacity of the public and private agency, institution, or individual to provide services to delinquents and other youth to help prevent delinquency;

(5) The extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency;

(6) The extent to which the proposed program facilitates the implementation of the recommendations for the Advisory Committee as set forth pursuant to section 247; and

(7) Assurance that in accord with section 224(c) at least 30 percent of the award will be awarded to non-profit organizations.

The appropriate agencies authorized to receive and distribute Office of Juvenile Justice and Delinquency Prevention (OJJDP) formula grant funds in the affected Islands and Territories will be notified immediately by letter of the application procedures and deadlines.

Inquiries regarding this notice should be directed to the OJJDP Formula Grants and Technical Assistance Division, 633 Indiana Avenue, NW, Washington, D.C. 20531, (202) 724-5914.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-9100 Filed 3-25-81; 8:45 am]

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federal register

Thursday
March 26, 1981

Part III

Department of Transportation

Federal Aviation Administration

U.S. National Aviation Standard; Automatic Traffic Advisory and Resolution Service (ATARS)

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

U.S. National Aviation Standard; Automatic Traffic Advisory and Resolution Service (ATARS)

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Invitation for public comment on the Draft U.S. National Aviation Standard for the Automatic Traffic Advisory and Resolution Service (ATARS).

SUMMARY: This action presents a Draft U.S. National Aviation Standard for the Automatic Traffic Advisory and Resolution Service (ATARS). The Standard would define the system and the data link formats. It is intended to satisfy overall operational needs and assure compatibility with elements of the National Airspace System (NAS). While not regulatory the Standard may provide the basis for later rule making affecting airborne equipment.

STATUS: The FAA is continuing the development and evaluation of ATARS. To date, the performance of ATARS has not been fully validated. The purpose in publishing this draft national aviation standard is to promulgate ATARS design information, solicit public and industry comment, and to provide the widest possible exchange of information on the design of ATARS. It is anticipated that this exchange of information will materially enhance continuing development activities.

FOR FURTHER INFORMATION CONTACT: John Scardina, Aircraft Separation Assurance Branch, ARD-241, Communications and Surveillance Division, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation, 400 7th Street SW, Washington, DC 20590, telephone 202-755-4995. Additional copies of this notice may be obtained from the same address.

Invitation of Public Comment

Interested persons are invited to submit written data and comments on this U.S. National Aviation Standard as they may desire. Communications should identify the notice number and be submitted in duplicate to: Director, Systems Research and Development Service, Attn: ARD-10, Federal Aviation Administration, Department of Transportation, 400 7th Street S.W., Washington, D.C. 20590, on or before May 18, 1981. Copies of comments received will be made available through ARD-10 for examination before and after the closing date for comments.

Description

The Automatic Traffic Advisory and Resolution Service is a ground-based collision avoidance system which has evolved form the earlier concept of Intermittent Positive Control (IPC) which was described by and recommended for development by the Air Traffic Control Advisory Committee in 1969. It utilizes surveillance data from the Discrete Address Beacon System (DABS) (See "U.S. National Aviation Standard for the Discrete Address Beacon System (DABS)," Appendix 1 to DOT/FAA Order 6365.1, December 8, 1980), computes traffic advisories and collision warnings using a ground computer independent of the Air Traffic Control (ATC) computer system and delivers these messages to aircraft via the DABS data link. ATARS is expected to provide both a traffic advisory and a resolution (collision avoidance) service to aircraft equipped with a DABS transponder, an altitude encoder (Mode C) and an output device for communicating ATARS advisories to the pilot.

History

This is the first time the Automatic Traffic Advisory and Resolution Service documentation in the format of a U.S. National Aviation Standard has been published for public comment.

Definition of U.S. National Standard

U.S. National Aviation Standards are system standards embodying descriptions of system characteristics. They are issued by the Administrator of the Federal Aviation Administration in accordance with Section 312(c) of the Federal Aviation Act (49 USC 1353(c)). They describe the performance characteristics (the technical parameters, tolerances and techniques) of major elements of the system to the extent necessary to assure proper operation and interface compatibility among elements of the National Airspace System (NAS). U.S. National Aviation Standards generally are limited to cooperative air-to-ground subsystems involving government owned ground equipment and private airborne equipment. They are not equipment specifications or standards pertaining to planning, programming, siting, installation, availability, reliability or maintainability.

Relationship of U.S. National Aviation Standards to Federal Aviation Regulations

U.S. National Aviation Standards issued by the Administrator in agency orders are binding only on FAA organizational elements. They establish the technical basis and description of the NAS and component subsystems. A National Aviation Standard is not a standard of general or particular applicability designed to implement or prescribe law or policy. It does not fall within the definition of "rule" contained in the Administrative Procedures Act (5 USC 551). There is no requirement that a National Aviation Standard be published as a notice of proposed rule making in the Federal Register. However, U.S. National Aviation Standards may serve as the basis for subsequent rule making actions. Accordingly, because of the relationship between the Standards and possible subsequent regulator actions, FAA publishes such Standards in the Federal Register and solicits public comment prior to their approval by the Administrator.

Issued in Washington, D.C., on March 19, 1981.

Robert W. Wedan,

Director, Systems Research and Development Service, Engineering and Development, Federal Aviation Administration, Department of Transportation.

Contents

1. General

1.1 Sytem Features
1.1.1 The Function of ATARS
1.1.2 Rationale for the ATARS National Aviation Standard
1.1.2.1 Legal Rationale
1.1.2.2 Technical Rationale
1.2 Coordination of ATARS With Other Elements of the National Airspace System
1.2.1 Coordination with Ground Air Traffic Control
1.2.2 Coordination of ATARS with Active BCAS
1.2.3 Coordination of ATARS with DABS
1.2.3.1 ATARS Avionics Interface with DABS Transponder
1.2.3.2 Ground ATARS Equipment Interface with DABS Senior
1.2.4 Coordination with Adjacent ATAR Sites
1.2.5 Compatibility with Full Capability BCAS
1.3 Scope of This Standard
1.3.1. Relationship to Other U.S. National Aviation Standards
1.3.1.1 Relationship Between ATARS and DABS National Aviation Standards
1.3.1.2 Relationship Between ATARS and Active BCAS National Aviation Standards
1.3.2 Items Not Covered

1.4 Overall System Capability
1.4.1 Functions of Ground ATARS Equipment
1.4.2 Functions of Airborne ATARS Equipment
1.5 Acronyms and Abbreviations
1.5.1 Acronyms
1.5.2 Abbreviations
1.6 References

Signals in Space

2.1 RF Characteristics

3. Signal Content

3.1 Data Blocks
3.2 Format Structure
3.2.1 Bit Numbering and Sequence
3.2.2 Fields
3.2.2.1 Essential Fields
3.2.2.2 Mission Fields
3.2.2.3 Subfields
3.3 Field Descriptions
3.3.1 Fields and Subfields Defined by DABS National Aviation Standard
3.3.1.1 DI Designator, Identification
3.3.1.2 DR Downlink Request
3.3.1.3 MA Message, Comm-A
3.3.1.3.1 Subfield in MA: ADS, A-Definition Subfield
3.3.1.4 MB Message, Comm-B
3.3.1.4.1 Subfield in MB: EDS, B-Definition Subfield
3.3.1.4.2 Subfield in MB for Extend Capability Report
3.3.1.5 MU Message, Special Interrogation
3.3.1.6 MV Message, Special Reply
3.3.1.7 RR Reply Request
3.3.1.8 SD Special Designator
3.3.1.8.1 Subfield in DS for Extended Data Readout
3.3.1.9 UM Utility Message
3.3.2 ATARS Fields and Subfields
3.3.2.1 AR ASA Resolution Capability Report
3.3.2.2 MA Message, Comm-A
3.3.2.2.1 AEC: Altitude Echo Advisory Subfield
3.3.2.2.2 AEE: 18 Bit Altitude Echo Advisory Subfield
3.3.2.2.3 COL: ATARS Resolution Advisory Column Subfield
3.3.2.2.4 OAE: 18 Bit Obstruction Advisory Subfield
3.3.2.2.5 OEA: 12 Bit Obstruction Advisory Subfield
3.3.2.2.6 OBT: 13 Bit Obstruction Advisory Subfield
3.3.2.2.7 ODS: Own Data Subfield
3.3.2.2.8 PDT: Position Data Subfield
3.3.2.2.9 RAA: 12 Bit Restricted Airspace Advisory Subfield
3.3.2.2.10 RAE: 18 Bit Restricted Airspace Advisory Subfield
3.3.2.2.11 RST: 1 Bit Restricted Airspace Status Subfield
3.3.2.2.12 RTD: 28 Bit Restricted Airspace Advisory Subfield
3.3.2.2.13 SED: Start/End Data Subfield
3.3.2.2.14 SIT: ATARS Site ID Subfield
3.3.2.2.15 SIX: 6 Bit Advisory Subfield
3.3.2.2.16 STD: Start Threat Data Subfield
3.3.2.2.17 TAR: 18 Bit Terrian Advisory Subfield
3.3.2.2.18 TEA: 12 Bit Terrain Advisory Subfield
3.3.2.2.19 TER: 8 Bit Terrain Advisory Subfield
3.3.2.2.20 THD: Threat Data Subfield
3.3.2.2.21 TPA: 12 Bit Threat/Proximity Advisory Subfield
3.3.2.2.22 TPE: 18 Bit Threat/Proximity Advisory Subfield
3.3.2.2.23 TRA: Threat/Proximity with Resolution Advisory Subfield
3.3.2.3 MB Message, Comm-B
3.3.2.3.1 Subfields in MB for an RAR Reply Message to ATARS
3.3.2.3.2 Subfields in MB for an RAR Busy Message to ATARS
3.3.2.3.3 Subfields in MB for an ATARS Extended Data Message
3.3.2.3.4 Subfields in MB for an Extended Capability Report
3.3.2.4 MU Message, Special Interrogation
3.3.2.4.1 Subfields in MU for an RAR Request Message and BCAS Resolution Message
3.3.2.5 MV Message, Special Reply
3.3.2.5.1 Subfields in MV for an RAR Reply Message to BCAS
3.3.2.5.2 Subfields in MV for an RAR Busy Message to BCAS
3.3.2.6 SL BCAS Sensitivity Level Report
3.3.2.7 UM Utility Message
3.3.2.7.1 Subfield in UM for ATARS

4. Protocol

4.1 Protocol for ATARS Class 0 Service
4.1.1 Packet Structure for Class 0 Service
4.1.1.1 Priority Ordering
4.1.1.2 Limitation on Number of Advisories in each Packet
4.1.2 Protocol for Uplinking ATARS Advisories
4.1.2.1 ATARS Sites at which Advisories May Originate
4.1.2.2 Resolution Advisory Protocols
4.1.2.2.1 Protocol for Clearing Commands
4.1.2.3 Traffic Advisory Protocols
4.1.2.4 Altitude Echo Advisory Protocols
4.1.2.5 Terrain Advisory Protocols
4.1.2.6 Obstruction Advisory Protocols
4.1.2.7 Restricted Airspace Advisory Protocols
4.1.3 Protocol for Downlinking ATARS Extended Data
4.2 Protocol for ATARS Class 1 and 2 Services
4.2.1 Packet Structure for Classes 1 and 2 Service
4.2.1.1 Priority Ordering
4.2.1.2 Limitation on Number of Traffic Advisories in each Packet
4.2.1.2.1 Track Number Assignment
4.2.1.2.2 Track Handoff
4.2.2 Protocol for Uplinking ATARS Advisories
4.2.2.1 Protocol for ODS, Own Data Subfield
4.2.2.2 Protocol for PDT, Position Data Subfield
4.2.2.3 Protocol for SED, Start/End Data Subfield
4.2.2.4 Protocol for STD, Start Threat Data Subfield
4.2.2.5 Protocol for THD, Threat Data Subfield
4.2.2.6 Protocol for AEC, Altitude Echo Advisory Subfield
4.2.2.7 Protocol for TER, Terrain Advisory Subfield
4.2.2.8 Protocol for OBT, Obstruction Advisory Subfield
4.2.2.9 Protocol for RTD, Restricted Airspace Advisory Subfield
4.2.3 Protocol for Downlinking ATARS Extended Data
4.3 RAR Protocol
4.3.1 Coordination with BCAS
4.3.2 Coordination with Ground ATARS Equipment
4.3.2.1 Ground-Initiated Coordination
4.3.2.2 Air-Initiated Coordination
4.4 Extended Capability Report
4.5 Reply Protocol to BCAS Surveillance Interrogations

5. Characteristics of Airborne ATARS Equipment

5.1 Elements of the Airborne ATARS Installation
5.2 DABS Transponder in the Airborne ATARS Installation
5.3 Coordination of Resolution Advisories
5.3.1 Resolution Advisory Register (RAR)
5.3.1.1 RAR Access
5.3.1.2 Update RAR with Other BCAS Advisories
5.3.1.3 Update RAR with ATARS Advisories
5.3.2 Composite Resolution Advisory

Appendix A Comprehensive Index of Fields
Appendix B Summary Of Principal DABS Control Fields Used by ASA Systems

1. General

1.1 System Features

1.1.1 The function of ATARS

ATARS is an automatic traffic advisory and resolution service which uses the surveillance and the data link capability of the Discrete Address Beacon System (DABS) to provide aircraft with advisories generated by an automated ground computer system. The primary objective of ATARS is to provide separation assurance back-up to the conventional air traffic control system in order to reduce the potential for midair collisions and near-miss encounters. This objective is achieved by providing pilots with traffic advisory information on the relative location of proximate and potentially threatening aircraft and by issuing resolution advisories when a near-miss or collision is predicted. In addition, ATARS provides certain auxiliary services to enhance flight safety. These are altitude echo advisories, terrain advisories, obstruction advisories and restricted airspace advisories. All services are provided on a full time basis to equipped users within the ATARS service volume.

ATARS can provide separation assurance and auxiliary services to a potential of eight user classes. This standard defines three

ATARS user classes: Classes 0, 1 and 2. Each user class is provided all services; however, the quantity of information provided for each service differs among the classes. This permits ATARS to support a wide selection of display implementations without

transmitting a large amount of unneeded information to aircraft with limited display capabilities.

1.1.2 Rationale for the ATARS National Aviation Standard

1.1.2.1 Legal Rationale.

Under Section 312(c) of the Federal Aviation Act as amended (49 U.S.C. 1353(c)), the Department of Transportation has the responsibility for the development and operation of a common system of air traffic control and navigation of both military and civil aircraft. Explicitly, the act requires the Secretary to develop, modify, test and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation except for those needs of military agencies which are peculiar to air warfare and primarily of military concern. The promulgation of a national aviation standard for ATARS is in keeping with this directive, as it will permit uniformity among aircraft collision avoidance systems and promote greater efficiency and safety in aviation.

1.1.2.2 Technical Rational.

Systems selected for implementation as a result of these developments, modifications, test and evaluation efforts are described in U.S. National Aviation Standards. These are system standards embodying descriptions of system standards embodying descriptions of system characteristics. They describe technical parameters and tolerances that ensure proper operation and compatibility between elements of the National Airspace System.

1.2 Coordination of ATARS With Other Elements of the National Airspace System

ATARS is compatible with all other existing and proposed elements of the National Airspace System. The operation of ATARS will be automatically coordinated with the appropriate elements of the air traffic control system.

1.2.1 Coordination With Ground Air Traffic Control

Provisions are included in the ATARS ground equipment for automatically coordinating ATARS advisories with the air traffic control facilities responsible for the airspace in which ATARS service is being provided.

1.2.2 Coordination of ATARS With Active BCAS

Provisions are included in the ATARS airborne and ground equipment for coordination with Active BCAS. In particular, the ATARS airborne equipment must receive and reply to certain interrogations generated by Active BCAS units in other aircraft. This document provides a description of the required ATARS formats and protocols as implemented in an ATARS-only aircraft (i.e., an aircraft which is equipped for ATARS but not for BCAS service). For those airborne installations that include both ATARS and Aotive BCAS (i.e., all Active BCAS aircraft), the coordination of ATARS and Active BCAS is described in the Active BCAS National Aviation Standard (ref. B).

1.2.3 Coordination of ATARS With DABS

ATARS is a user of the BABS data link and is designed for full operational compatibility with DABS.

1.2.3.1 ATARS Avionics Interface with DABS Transponder.

An aircraft receiving ATARS service must carry a DABS transponder and an encoding altimeter. The DABS transponder, in addition to its surveillance function, receives data from ground ATARS equipment and other airborne BCAS units, and delivers it to the ATARS avionics. Also, airborne ATARS equipments deliver to the DABS transponder certain information resident in the ATARS avionics for transmission to ground ATARS equipment and airborne BCAS units according to protocols specified in Section 4.

1.2.3.2 Ground ATARS Equipmnt Interface with DABS Sensor.

The ground protion of ATARS consists of a DABS sensor and a computer subsystem located at the DABS sensor site. Ground DABS equipment provides ground ATARS equipment with surveillance information, with a communication link to the aircraft in the form of the DABS data link, with communication links via land lines to other DABS sensors and to the air traffic control facilities serving the airspace covered by the DABS sensor.

1.2.4 Coordination With Adjacent ATARS Sites

Provisions are included in the ATARS airborne and ground equipments for coordination of ATARS resolution advisories among adjacent ground ATARS equipment sites.

1.2.5 Compatibility With Full Capability BCAS

Full-capability BCAS (Full BCAS) is an enhanced Beacon Collision Avoidance System. It provides pilot resolution advisories both in the horizontal and vertical planes as well as proximity data through the use of modes of operation not available in Active BCAS avionic units. ATARS is designed for operational compatibility with Full BCAS.

1.3 Scope of This Standard

This document describes and standardizes those characteristics of ATARS which must be controlled to provide compatibility among components of the system and to prevent impairment of services to other users of the airspace. Specifically, it defines the data link messages, formats, and protocols to be used in transmissions among ground ATARS equipment, airborne ATARS equipment and airborne BCAS equipments. All applications of ATARS messages are standardized and no experimental or ad hoc applications should be implemented without prior approval of the Federal Aviation Administration.

1.3.1 Relationship to Other U.S. National Aviation Standards

Since ATARS interacts with other systems and subsystems which are also part of the National Airspace System, the standards governing pertinent other systems are referenced herein (1.6).

1.3.1.1 Relationship Between ATARS and DABS National Aviation Standards

ATARS adheres to all of the provisions of the DABS National Aviation Standard (ref. A). In the event of conflict between the DABS Standard and the ATARS Standard, the ATARS Standard takes lower precedence.

1.3.1.2 Relationship Between ATARS and Active BCAS National Aviation Standards

In the event of conflict between the Active BCAS National Aviation Standard (ref. B) and the ATARS Standard, the ATARS Standard takes lower precedence.

1.3.2 Items Not Covered

This Standard does not prescribe the detailed technical features and capabilities of either ground or airborne ATARS equipment nor does it prescribe the minimum performance standards which must be met for operation in the National Airspace System. Other documentation will prescribe such minimum performance standards for airborne equipment. This Standard does not prescribe the details of the ground computer logic used in the generation of ATARS advisories nor does it in any way define or constrain the media, devices or formats for cockpit display of ATARS advisories.

1.4 Overall System Capability

The ATARS system consists of both ground equipment and airborne equipment. The functions of these equipments are described below.

1.4.1 Functions of Ground ATARS Equipment

The functions of the ground ATARS equipment are:

(a) Process surveillance reports on all aircraft tracked by the collocated ground DABS equipment.

(b) Maintain tracks on all targets within the ATARS service volume.

(c) Examine these tracks to detect all pairs involving at least one ATARS-equipped aircraft which require traffic or resolution advisories and detect all pairs of aircraft which require controller alerts. For aircraft pairs involving a controlled aircraft the criteria used for generation of controller alerts and threat advisories emulates the conflict alert logic resident in the terminal ATC computer system.

(d) Examine all tracks to detect ATARS-equipped aircraft which, according to the criteria of the ATARS algorithm, require terrain advisories, obstruction advisories, restricted airspace advisories or altitude echo advisories.

(e) Determine the information content of each required advisory. For resolution advisories this involves selection of the most appropriate positive, negative, or vertical speed limit resolution advisory which is consistent with previously issued resolution advisories and with resolution advisories

issued by adjacent ground ATARS equipment sites or by BCAS.

(f) Exchange data with adjacent ground ATARS sites in order to coordinate resolution advisories.

(g) Forward an appropriate set of ATARS messages to the collocated ground DABS equipment for delivery to the aircraft.

(h) Provide ATARS controller alerts to the appropriate air traffic control facilities.

1.4.2 Functions of Airborne ATARS Equipment

The functions of the airborne ATARS equipment are:

(a) Process and store ATARS information contained in the ATARS messages received via the DABS transponder.

(b) Test the compatibility of received resolution advisories with resolution advisories previously accepted from other ATARS sites or from BCAS and stored in the resolution advisory register (RAR). Accept new advisories if compatibility exists.

(c) Provide the DABS transponder with certain data inputs based upon data resident in the ATARS avionics.

(d) Generate a composite resolution advisory based upon all accepted resolution advisories.

(e) Communicate to the pilot the composite resolution advisory and selected information contained in the ATARS advisory messages.

1.5 Acronyms and Abbreviations

1.5.1 Acronyms

ASA: Aircraft Separation Assurance
ATARS: Automatic Traffic Advisory and Resolution Service
ATC: Air Traffic Control
ATCRBS: Air Traffic Control Radar Beacon System
BCAS: Beacon Collision Avoidance System
DABS: Discrete Address Beacon System
FAA: Federal Aviation Administration
RAR: Resolution Advisory Register

1.5.2 Abbreviations

FPM: feet per minute
.GE.: is greater than or equal to
.GT.: is greater than
.LE.: is less than or equal to
LSB: least significant bit
.LT.: is less than
MSB: most significant bit
NM: nautical mile

1.6 References

Reference A: "U.S. National Aviation Standard for the Discrete Address Beacon System (DABS)", Appendix 1 to DOT/ FAA Order 6365.1, December 8, 1980.

Reference B: "U.S. National Aviation Standard: Active BCAS Collision Avoidance System", Department of Transportation, Federal Aviation Administration. Federal Register, October 27, 1980.

Note.—In referring to references, paragraph numbers are usually specified. For example, a reference to paragraph 4.1 of reference B would be shown herein as ref. B:4.1.

2. Signals in Space

2.1 RF Characteristics

The radio frequency characteristics of all signals employed by ATARS conform to the U.S. National Aviation Standard for DABS (ref. A).

3. Signal Content

Note.—The DABS National Aviation Standard (ref. A) describes the message format structures and coding which must be used in all DABS transmissions. This section further defines the DABS formats and information coding used for the transmission of ATARS/BCAS messages.

3.1 Data Blocks

The interrogation and reply data blocks can cotain either 56 or 112 bits.

3.2 Format Structure

DABS transmission formats consists of 56 or 112 bits of which 24 bits are used as the address while the rest are used for information transfer. The interrogation and reply formats which can contain ATARS/ BCAS information are presented in Figures 3.2–1 and 3.2–2 respectively.

3.2.1 Bit Numbering and Sequence

In the description of the advisory subfields, bits are numbered consecutively with bit 1 being the first bit in the advisory subfield. In the description of other subfields of the description of mission fields (3.2.2.2), bits are numbered consecutively with bit 1 being the first bit transmitted in the DABS interrogation or reply. Numerical values encoded by groups of bits are encoded with the MSB transmitted first. Bits designated as "not assigned" are transmitted as all zero, and are reserved for assignment in future National Aviation Standards.

3.2.2 Fields

Information is coded in fields which consist of one or more bits. In this document the decemal equivalent of the binary code formed by the bit sequence within a field is used as the designator of the field function.

Note.—An an example, the 5-bit UF field is used to designate the uplink format type. A surveillance interrogation with identity has in its UF field position the bit sequence 00101. Since $00101_2 = 5_{10}$, this format is designated as UF=5.

Codes designated as "not assigned" are reserved for assignment in future National Aviation Standards. Fields containing numeric data are encoded as positive integer quantities unless otherwise noted. The LSB value and the allowed range of values are included for all numeric quantities. Unless otherwise noted, when the value of a numeric quantity is outside the indicated range of values, it will be encoded as equal to the nearest end point of the range. Unless otherwise noted, the coded value of a numeric quantity is the quantized value nearest the actual value of the quantity (i.e., the value is rounded off rather than truncated).

BILLING CODE 4910-13-M

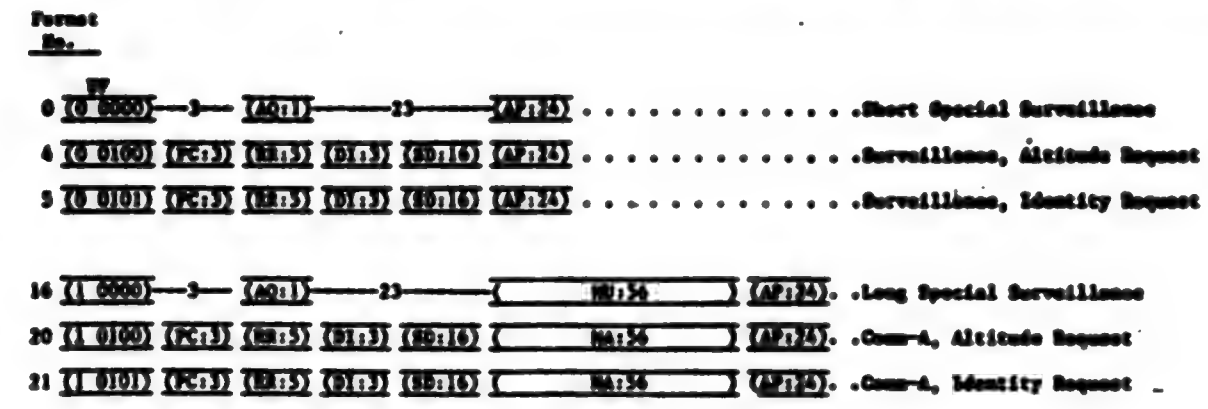

Note: (1) (XX:N) denotes a field designated "XX" which is assigned N bits.
(2) ---N--- denotes unassigned coding space, N bits; must be set to all zeroes.
(3) The format number in the above uplink formats (UF) corresponds to the binary code in the first 5 bits of the interrogation.
(4) UF=0 and 16 are air-air interrogation formats used by BCAS. The other UF formats herein are used by ground ATARS equipment.

Fig. 3.2-1. BABS Interrogation or Uplink Formats Used for ATARS/BCAS Messages.

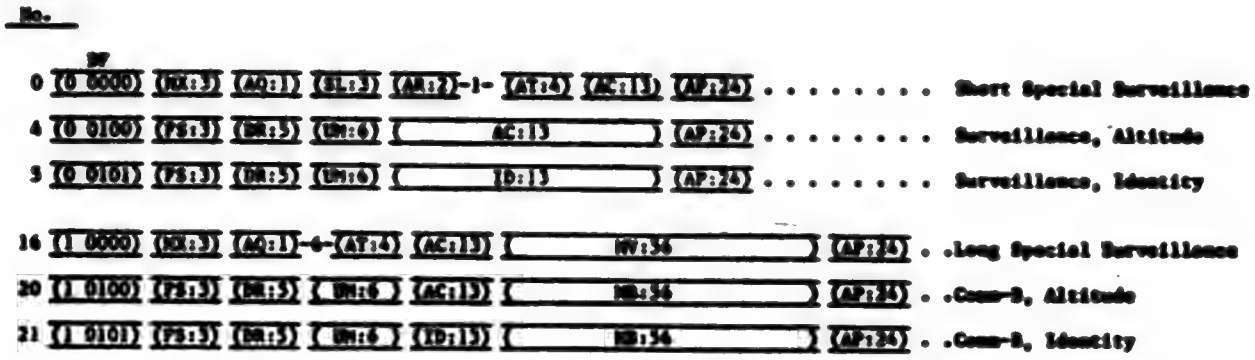

Note: (1) (XX:N) denotes a field designated "XX" which is assigned N bits.
(2) ---N--- denotes unassigned coding space, N bits; must be set to all zeroes.
(3) The format number in the above downlink formats (DF) corresponds to the binary code in the first 5 bits of the reply.
(4) DF=0 and 16 are reply formats to BCAS interrogations. The other DF formats herein are replies to ground ATARS interrogations.

Fig. 3.2-2. BABS Reply or Downlink Formats Used for ATARS/BCAS Messages.

BILLING CODE 4910-13-C

3.2.2.1 Essential Fields.

Each DABS transmission contains two essential fields. The first essential field is a 5 bit format descriptor which occurs at the beginning of the transmission. This field is designated UF Uplink Format) for interrogations and DF (Downlink Format) for replies. The UF and DF codes pertinent to this Standard are given in Figs. 3.2–1 and 3.2–2 respectively. The second essential field is a 24 bit field which contains a DABS address and carries parity information according to ref. a: 4.1. This field is designated AP (Address/Parity) and is located at the end of the transmission.

3.2.2.2 Mission Fields.

Coding space outside the essential fields is used to transmit the mission fields. For specific missions, a specific set of fields is prescribed.

Note.—Mission fields have two-letter designators within this Standard.

3.2.2.3 Subfields.

Subfields may appear within mission fields. Subfields used in ATARS advisories may be used as constituent elements of more than one larger subfield. The name, length (number of bits) and coding of a defined subfield are the same wherever it appears; however, the location and protocol for use may vary.

Note.—Subfields of mission fields are labeled with three-character alphanumerica designators within this Standard. Subfields of three-character designator subfields are labeled with four-character alphanumeric designators within this Standard.

3.3 Field Descriptions

For all mission fields and subfields which are processed by the ATARS avionics, the relevant characteristics (location and coding) are described in this section. In some cases this description duplicates the description found in other National Aviation Standards; in other cases it introduces new information that is not found elsewhere. Mission fields and subfields defined by the DABS National Aviation Standard (ref. A) are described in 3.3.1. All othermission fields and subfields are described in 3.3.2. Table 3.3–1 provides an index of all described mission fields and the three-character designator subfield groups (if any) within them. Appendix A provides an alphabetically ordered index of all essential fields, mission fields, three-character designator subfields and four-character designator subfields described in this Standard.

Note.—Duplicate mission field and subfield descriptions aid in identifying those areas in which the various National Aviation Standards must be cordinated with respect to future modifications or additions.

3.3.1 Fields and Subfields Defined by DABS National Aviation Standard

Location and coding of mission fields and subfields required for transmission of ATARS information which are specified by the DABS National Aviation Standard (ref. A), are described in alphabetical order in the following paragraphs.

Note.—Certain coding reserved for ASA services in the DABS National Aviation Standard is further described in this section.

BILLING CODE 4910-13-M

TABLE 3.3-1

FIELD INDEX

Field	Sub Field	Bits: No. of Bits	Bits: Position	Formats: Up	Formats: Down	Reference Paragraph(s): Content	Reference Paragraph(s): Protocol
AR		2	13-14		X	3.3.2.1	4.5
DI		3	14-16	X		3.3.1.1	4.1.3;4.2.3
DR		5	9-13		X	3.3.1.2	4.3.2.2
MA		56	33-88	X		3.3.1.3; 3.3.2.2	
	Note: The three-character designator MA subfields identified below may be further divided into information subfields. A summary of the subfield structure (if any) of each three-character designator MA subfield is contained in the paragraph defining its content.						
	ATARS Resolution Message subfields of MA:						4.1.1; 4.1.2.1-3; 4.2.1.1
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	COL	14	41-54			3.3.2.2.3	
	TRA	19	55-73			3.3.2.2.23	
	***	12	74-85			See Note 1	
	SIT	3	86-88			3.3.2.2.14	
	Note: This description of the ATARS Resolution Message supercedes the the description in ref. B and will be incorporated into subsequent publications of that document.						
	Six Advisories Message subfields of MA:						4.1.1; 4.1.2.5-7
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	***	12	41-52			See Note 1	
	***	12	53-64			See Note 1	
	SIX	6	65-70			3.3.2.2.15	
	SIX	6	71-76			3.3.2.2.15	
	SIX	6	77-82			3.3.2.2.15	
	SIX	6	83-88			3.3.2.2.15	

TABLE 3.3-1 (cont'd)

FIELD INDEX

Field	Sub Field	Bits No. of Bits	Bits Position	Formats Up	Formats Down	Reference Paragraph(s) Content	Reference Paragraph(s) Protocol
MA (Cont'd)	Three Advisories Message subfields of MA:						4.1.1; 4.1.2.4-7
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	***	18	41-58			See Note 2	
	***	18	59-76			See Note 2	
	***	12	77-88			See Note 1	
	Auxiliary Advisories Message subfields of MA:						4.2.2.7-9
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	If RST=0, plus:						
	TER	8	41-48			3.3.2.2.19	
	OBT	13	49-61			3.3.2.2.6	
	RST	1	62			3.3.2.2.11	
	OBT	13	63-75			3.3.2.2.6	
	OBT	13	76-88			3.3.2.2.6	
	Or, if RST=1, plus:						
	TER	8	41-48			3.3.2.2.19	
	OBT	13	49-61			3.3.2.2.6	
	RST	1	62			3.3.2.2.11	
	RTD	26	63-88			3.3.2.2.12	
	Own Plus Altitude Echo Message subfields of MA:						4.2.2.1; 4.2.2.6
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	ODS	24	41-64			3.3.2.2.7	
	AEC	24	65-88			3.3.2.2.1	
	Own Plus Proximity Message subfields of MA:						4.2.2.1-2
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	ODS	24	41-64			3.3.2.2.7	
	PDT	24	65-88			3.3.2.2.8	

TABLE 3.3-1 (cont'd)

FIELD INDEX

Field	Sub Field	Bits No. of Bits	Bits Position	Formats Up	Formats Down	Reference Paragraph(s) Content	Reference Paragraph(s) Protocol
MA (Cont'd)	Start/End Encounter Message subfields of MA:						4.2.2.2-3
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	PDT	24	41-64			3.3.2.2.8	
	SED	24	65-88			3.3.2.2.13	
	Dual Proximity Message subfields of MA:						4.2.2.2
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	PDT	24	41-64			3.3.2.2.8	
	PDT	24	65-88			3.3.2.2.8	
	Proximity Plus Altitude Echo Message subfields of MA:						4.2.2.2; 4.2.2.6
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	PDT	24	41-64			3.3.2.2.8	
	AEC	24	65-88			3.3.2.2.1	
	Start Threat Message subfields of MA:						4.2.2.1; 4.2.2.4
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	ODS	24	41-64			3.3.2.2.7	
	STD	24	65-88			3.3.2.2.16	
	Threat Message subfields of MA:						4.2.2.2; 4.2.2.5
	ADS	8	33-40			3.3.1.3.1; 3.3.2.2	
	PDT	24	41-64			3.3.2.2.8	
	THD	24	65-88			3.3.2.2.20	

TABLE 3.3-1 (cont'd)

FIELD INDEX

Field	Sub Field	Bits No. of Bits	Bits Position	Formats Up	Formats Down	Reference Paragraph(s) Content	Reference Paragraph(s) Protocol
MB		56	33-88		X	3.3.1.4; 3.3.2.3	
	Note: The notation (-n-) is used to denote bits that are not assigned.						
	Extended Capability Report subfields of MB:						4.4
	(-n-)	2	42-43				
	ACS	16	45-60			3.3.1.4.2	
	(-n-)	5	61-65				
	ATA	3	66-68			3.3.2.3.4	
	ARC	2	69-70			3.3.2.3.4	
	ECS	16	71-86			3.3.1.4.2	
	RAR Reply Message to ATARS subfields of MB:						4.3.2.1
	EDS	8	33-40			3.3.2.3.1	
	HO1	3	41-43			3.3.2.3.1	
	VE1	5	44-48			3.3.2.3.1	
	HO2	3	49-51			3.3.2.3.1	
	VE2	5	52-56			3.3.2.3.1	
	HO3	3	57-59			3.3.2.3.1	
	VE3	5	60-64			3.3.2.3.1	
	HO4	3	65-67			3.3.2.3.1	
	VE4	5	68-72			3.3.2.3.1	
	HO5	3	73-75			3.3.2.3.1	
	VE5	5	76-80			3.3.2.3.1	
	HO6	3	81-83			3.3.2.3.1	
	VE6	5	84-88			3.3.2.3.1	
	RAR Busy Message to ATARS subfields of MB:						4.3.2.1
	EDS	8	33-40			3.3.2.3.2	
	(-n-)	48	41-88				
	ATARS Extended Data Message subfields of MB:						4.1.3; 4.2.3
	EDS	8	33-40			3.3.2.3.3	
	CLM	4	41-44			3.3.2.3.3	
	(-n-)	44	45-88				

TABLE 3.3-1 (cont'd)

FIELD INDEX

Field	Sub Field	Bits No. of Bits	Bits Position	Formats Up	Formats Down	Reference Paragraph(s) Content	Reference Paragraph(s) Protocol
MU		56	33-88	X		3.3.1.5; 3.3.2.4	
	RAR Request Message and BCAS Resolution Message subfields of MU:						4.3.1
	UDS	8	33-40			3.3.2.4.1	
	DR1	4	43-46			3.3.2.4.1	
	AR1	4	47-50			3.3.2.4.1	
	DR2	4	51-54			3.3.2.4.1	
	AR2	4	55-58			3.3.2.4.1	
MV		56	33-88		X	3.3.1.6; 3.3.2.5.	
	RAR Reply Message to BCAS subfields of MV:						4.3.1
	VDS	8	33-40			3.3.2.5.1	
	HO1	3	41-43			3.3.2.5.1	
	VE1	5	44-48			3.3.2.5.1	
	HO2	3	49-51			3.3.2.5.1	
	VE2	5	52-56			3.3.2.5.1	
	HO3	3	57-59			3.3.2.5.1	
	VE3	5	60-64			3.3.2.5.1	
	HO4	3	65-67			3.3.2.5.1	
	VE4	5	68-72			3.3.2.5.1	
	HO5	3	73-75			3.3.2.5.1	
	VE5	5	76-80			3.3.2.5.1	
	HO6	3	81-83			3.3.2.5.1	
	VE6	5	84-88			3.3.2.5.1	
	RAR Busy Message to BCAS subfields of MV:						4.3.1
	VDS	8	33-40			3.3.2.5.2	
	(-n-)	48	41-88				
RR		5	9-13	X		3.3.1.7	4.1.3;4.2.3;4.3.2.1

TABLE 3.3-1 (concluded)

FIELD INDEX

Field	Sub Field	Bits No. of Bits	Bits Position	Formats Up	Formats Down	Reference Paragraph(s) Content	Reference Paragraph(s) Protocol
SD		16	17-32	X		3.3.1.8	
	Extended Data Readout subfields of SD:						4.1.3; 4.2.3
	RRS	4	17-20			3.3.1.8.1	
	(-n-)	12	21-32				
SL		3	10-12		X	3.3.2.6	4.5
UM		6	14-19		X	3.3.1.9	
	UM for ATARS subfields of UM						4.1.2.4;4.2.2.6
	AER	1	14			3.3.2.7.1	
	(-n-)	1	15				

*Note 1: Subfields 12 bits in length which are denoted by *** contain one of the following subfields: TPA (3.3.2.2.21), TEA (3.3.2.2.18), OBA (3.3.2.2.6), or RAA (3.3.2.2.9), or a null advisory (3.3.2.2.6).*

*Note 2: Subfields 18 bits in length which are denoted by *** contain one of the following subfields: TPE (3.3.2.2.22), AEE (3.3.2.2.2), TAE (3.3.2.2.17), OAE (3.3.2.2.4), RAE (3.3.2.2.10), or a null advisory (3.3.2.2.4).*

BILLING CODE 4910-13-C

3.3.1.1 DI Designator, Identification.

Uplink, 3 bits, 14 through 16. Appears in uplink surveillance and Comm-A formats, UF=4,5,20,21. Contains identification of coding in the SD field. Coding:

0=SD not used
1=SD contains multisite information (ref. A: 4.13.1.1)
2=SD contains ATARS information (ref. B: 3.3.2.10.1)
3–6=Not assigned
7=SD contains extended reply request (ref. A: 4.11:1.1.1)

Airborne ATARS equipments examine the content of the SD field whenever DI=7 appears with RR=19 in uplink surveillance and Comm-A formats, UF=4,5,20, and 21.

3.3.1.2 DR Downlink Request.

Downlink, 5 bits, 9 through 13. Appears in surveillance and Comm-B replies, DF=4,5,20,21.

Coding

0=No downlink request
1=B bit set
2=RAR bit set
3=RAR bit set and B bit set
4–15=Not assigned
16–310=see Comm-D protocol, ref. A:4.12.2.1

When the RAR bit is set, i.e., RAR is non-empty, airborne ATARS equipment cause DR=2 or 3 to be set, as appropriate.

Note 1.—Requests associated with codes 1–15 take priority over requests associated with codes 16–31.

Note 2.—The B bit is explained in ref. A:4.11.2.

3.3.1.3 MA Message, Comm-A.

Uplink, 56 bits, 33 through 88. Appears in Comm-A interrogations, UF=20 and 21. The MA field is used to transmit ATARS resolution advisory, traffic advisory and auxiliary advisory information to airborne ATARS equipments. Contains 8-bit ADS (Comm-A Definition) subfield.

Note.—MA message content and codes not related to ATARS are not included in this Standard.

3.3.1.3.1 Subfield in MA: ADS, A-Definition Subfield.

Uplink, 8 bits, 33 through 40, subfield in MA. Defines the data contained in the remainder of MA. For convenience in coding, ADS is expressed in two groups of 4 bits each, ADS1, 33 through 36, and ADS2, 37 through 40. ADS1 defines a specific A-sink (Comm-A destination) and ADS2 defines the specific message type for that A-sink. Ground ATARS messages use ADS1=1 and 3.

3.3.1.4 MB Message, Comm-B.

Downlink, 56 bits, 33 through 88. Appears in Comm-B replies, DF=20 and 21. The MB field is used by airborne ATARS equipments to transmit RAR information, Extended Capability Report and ATARS Extended Data (3.3.2.3.3) to the ground. Contains 8-bit BDS (Comm-B Definition) subfield.

3.3.1.4.1 Subfield in MB: BDS, B-Definition Subfield.

Downlink, 8 bits, 33 through 40, subfield in MB. Defines the data contained in MB. For convenience in coding, BDS is expressed in two groups of 4 bits each, BDS1, 33 through 36, and BDS2, 37 through 40. BDS1 defines a specific B-source (Comm-B source) and BDS2 defines the specific message type from that source. Comm-B messages originating from airborne ATARS equipments use BDS1=3.

3.3.1.4.2 Subfields in MB for Extended Capability Report.

The following subfields defined by the DABS National Aviation Standard appear in MB for an Extended Capability Report and are ATARS-related.

ACS: A-Capability, 16 bits, 45 through 60. Contains the identity (ADS1 values) of all on board operative A-sinks (Comm-A destinations).

Coding

To report the presence of the A-sink with ADS1=x, bit 45 + x is set to '1'.

Note.—The ATARS avionics is the destination for Comm-A messages containing the ADS1=1 and 3 codes in MA. Hence, operative ATARS avionics sets bits 46 and 48 in ACS to '1'.

BCS: Extended Capability, 16 bits, 71 through 86. Contains the identity (BDS1 values) of all on board operative B-sources (Comm-B sources).

Coding

To report the presence of the B-source with BDS1=x, bit 71 + x is set to '1'.

Note.—The ATARS avionics is a source for Comm-B messages containing the BDS1=3 code in MB. Hence, operative ATARS avionics sets bit 74 in BCS to '1'.

Note.—The following table provides a complete summary of the currently defined structure of MB for an Extended Capability Report.

Structure of MB for an Extended Capability Report

Position	Number of bits	Subfield	Remarks
33–36	4	BDS1	=1.
37–40	4	BDS2	=0.
41	1	CBS	
42–43	2		Not assigned.
44	1	FDS	
45–60	16	ACS	
61–65	5		Not assigned.
66–68	3	ATA	
69–70	2	ARC	
71–86	16	ECS	
87–88	2	EDS	

The BDS1, BDS2, CBS, FDS AND EDS subfields are defined in ref. A: 4.6.3.1 and are not ATARS-related. The ATA and ARC subfields are defined by this Standard in 3.3.2.3.4.

3.3.1.5 MU Message, Special Interrogation.

Uplink, 56 bits, 33 through 88. Appears in long special surveillance interrogation, UF=16. BCAS uses the MU field of a long special surveillance interrogation, UF=16, to transmit both an RAR Request Message and a BCAS Resolution Message to ATARS-equipped aircraft.

3.3.1.6 MV Message, Special Reply.

Downlink, 56 bits, 33 through 88. Appears in long special surveillance reply, DF=16. ATARS-equipped aircraft use the MV field of a long special surveillance reply, DF=16, to transmit an RAR Reply Message to BCAS and an RAR Busy Message to BCAS.

3.3.1.7 RR Reply Request.

Uplink, 5 bits, 9 through 13. Appears in surveillance and Comm-A interrogations, UF=4,5,20,21. Contains length and content of requested reply. The RR codes to which ATARS airborne equipments respond are 17 and 19, both of which elicit Comm-B replies. For these RR codes the contents of UM may be specified by coding in the SD field of the interrogation. If no UM content is specified, a voluntary message may be provided (ref. A: 4.7)

Coding

RR code	Requested MB content
17	Extended Capability Report (3.3.1.4.2, 3.3.2.3.4).
19	RAR Reply Message to ATARS (3.3.2.3.1) or RAR Busy Message to ATARS (3.3.2.3.2) or ATARS Extended Data (3.3.2.3.3).

Note.—If bit 1 of the RR code is a one, the last four bits of the 5-bit RR code, if transformed into their decimal equivalent, designate the assigned address, BDS1 value, of the requested source.

3.3.1.8 SD Special Designator.

Uplink, 16 bits, 17 through 32. Appears in surveillance and Comm-A interrogations, UF=4,5,20,21. Coding depends on the content of the DI fields.

Airborne ATARS equipments examine the contents of SD when DI=7 and RR=19 in the associated surveillance or Comm-A interrogation for Extended Data Readout information.

3.3.1.8.1 Subfield in SD for Extended Data Readout

The following subfield appears in SD if DI=7:

RRS: Reply Request, 4 bits, 17 through 20.

Coding

Corresponds to the BDS2 code (3.3.1.4.1) of the particular message type requested from the B-source identified by the accompanying RR code (3.3.1.7).

Note.—*Structure of SD for Extended Data Readout*

Position	Number of bits	Subfield	Remarks
17–20	4	RRS	
21–32	12		Not assigned.

3.3.1.9 UM Utility Message

Downlink, 6 bits, 14 through 19. Appears in surveillance and Comm-B replies, DF=4, 5, 20, 21. Contains requested or volunteered data (see ref. A: 4.7).

The presence of a pilot request for an altitude echo advisory is communicated by the airborne ATARS equipments to ground ATARS equipments using the UM field for ATARS.

Note.—The following table provides a complete summary of the currently defined structure of UM for ATARS.

Structure of UM for ATARS

Position	Number of bits	Subfield	Remarks
14	1	AER	
15	1		Not assigned.
16-19	4	ATS	

The AER subfield is defined by this Standard in 3.3.2.7.1. ATS is a subfield defined in ref. A: 4.18.2.2.

3.3.2 ATARS Fields and Subfields.

The following paragraphs describe the location and coding of those mission fields and subfields which are required for the transmission of ATARS information and which are not defined in the DABS National Aviation Standard. Certain mission fields and subfields are also defined by the Active BCAS National Aviation Standard and have been coordinated with that Standard to provide for compatibility.

3.3.2.1 AR ASA Resolution Capability Report.

Downlink. 2 bits. 13 through 14. Appears in special surveillance reply format. DF = 0. Contains ASA resolution capability of aircraft.

Coding

0 = No ASA resolution capability
1 = ATARS only
2 = Active BCAS
3 = Not assigned

Airborne ATARS equipments cause AR = 1 to be set.

Note.—AR is also defined in ref. B: 3.3.2.1.

3.3.2.2 MA Message. Comm-A.

Ground ATARS equipment uses the MA field of Comm-A interrogations (3.3.1.3) to transmit all ATARS advisory (resolution, auxiliary and traffic) messages. Table 3.3–2 summarizes these ATARS advisory messages, their associated MA subfield structure, and the class of ATARS users which can utilize them. The ATARS advisory subfields appearing in Table 3.3–2 are described in alphabetical order in the following sections.

Note.—A summary of the structure of each ATARS advisory subfield is contained at the end of the paragraph which describes its contents.

3.3.2.2.1 AEC: Altitude Echo Advisory Subfield.

The Altitude Echo Advisory Subfield (AEC) provides the ATARS aircraft with own altitude as determined from the encoded altitude reports of own aircraft. When an aircraft is below the lowest usable flight level (see note), the echoed altitude is the reported altitude adjusted for barometric pressure from the DABS/ATARS site. The following subfields appear in AEC.

Note.—When the pressure altitude of an aircraft as corrected for reported ground altimeter setting is below 18,000 feet, air traffic control assigns altitudes according to corrected altitudes. Otherwise altitudes are assigned according to pressure altitudes (altitudes referenced to 29.92 inches of mercury) known as *flight levels*. The altitude echo will adhere to the same procedures in order to provide agreement between echoed altitude and cockpit altimeter readings.

BILLING CODE 4910-13-M

TABLE 3.3-2 - MA SUBFIELD STRUCTURE OF ATARS MESSAGES

ATARS Message Name	Class of ATARS Service	Subfield Structure of MA		
		Bit 33 ← → Bit 40		Bit 41 ← → Bit 88
		(ADS:4)	(ADS:4)	
ATARS Resolution	0,1,2	=1	=0	(ODS:24) (TRA:19) (***:12) (SIT:1)
Not Assigned	-	=1	=1-15	-
Six Advisories	0	=2	=0	(***:12) (***:12) (SIA:6) (SIA:6) (SIA:6) (SIA:6)
Three Advisories	0	=2	=1	(***:18) (***:18) (***:12)
Not Assigned	-	=2	=2	-
ATCRBS Track Block	0,1,2	=2	=3	Note: Defined in ref. B: 3.3.2.3.2 and is sent only to BCAS equipped aircraft.
Not Assigned	-	=2	=4-6	-
Auxiliary Advisories	1,2	=2	=7	When RST=0: (TER:8) (OBT:13) (RST:1) (OBT:13) (OBT:13) When RST=1: (TER:8) (OBT:13) (RST:1) (RTD:26)
Own Plus Altitude Echo	2	=2	=8	(ODS:24) (AEC:24)
Own Plus Proximity	2	=2	=9	(ODS:24) (PDT:24)
Start/End Encounter	2	=2	=10	(PDT:24) (SED:24)
Dual Proximity	1,2	=2	=11	(PDT:24) (PDT:24)
Proximity Plus Altitude Echo	1,2	=2	=12	(PDT:24) (AEC:24)
Start Threat	2	=2	=13	(ODS:24) (STD:24)
Threat	1,2	=2	=14	(PDT:24) (TMD:24)
Not Assigned	-	=2	=15	-

(***:12) can be either (TPA:12), (TEA:12), (OBA:12), OR (RAA:12), or a Null Advisory (3.3.2.2.5).

(***:18) can be either (TPE:18), (AEE:18), (TAE:18), (OAE:18), OR (RAE:18), or a Null Advisory (3.3.2.2.4).

Note: (XXX:Y) denotes a subfield designated "XXX" which is assigned Y bits.

BILLING CODE 4910-13-C

AEAL: Altitude Echo, 10 bits, 3 through 12. This is own aircraft's reported altitude as echoed by the ground ATARS equipment.

Coding

LSB = 100 feet. The minimum and maximum values are −1000 feet and +101,200 feet respectively. When no altitude is available, AECC = 1 and AEAL = 1023. The value of the altitude echo in feet is 100 * AEAL − 1000.

AECA: Adjusted Altitude Bit, 1 bit, 1.

Coding

0 = AEAL altitude has not been corrected for ground altimeter setting
1 = AEAL altitude has been corrected for ground altimeter setting

AECC: Reported Altitude Confidence Level, 1 bit, 2.

Coding

0 = Reported altitude is available
1 = Reported altitude is unavailable (either not reported or of low confidence)

Note.—*Structure of AEC Subfield*

Position	Number of bits	Subfield	Remarks
1	1	AECA	
2	1	AECC	
3-12	10	AEAL	
13-24	12		Not assigned.

3.3.2.2.2 AEE: 18 Bit Altitude Echo Advisory Subfield.

The 18 Bit Altitude Echo Advisory Subfield (AEE) is a subfield which can provide an altitude echo advisory as defined in 3.3.2.2.1. The following subfields appear in AEE.

AEAL: Altitude Echo, 10 bits, 7 through 16. This subfield is as defined in 3.3.2.2.1.
AECA: Adjusted Altitude Bit, 1 bit, 6. This subfield is as defined in 3.3.2.2.1.
AECC: Confidence Level for Reported Altitude, 1 bit, 6. This subfield is as defined in 3.3.2.2.1.
SUBN: Subfield Indicator, 4 bits, 1 through 4. Defines the advisory subfield type contained in an 18 bit advisory subfield of an ATARS Three Advisories Message.

Coding

0 = AEE, 18 Bit Altitude Echo Advisory (3.3.2.2.2)
1-12 = TPE, 18 Bit Threat/Proximity Advisory (3.3.2.2.22). In this case SUBN provides clock bearing to the encounter aircraft. LSB = 1 clock sector of 30 degrees. The minimum and maximum values are 1 o'clock and 12 o'clock respectively.
13 = TAE, 18 Bit Terrain Advisory Subfield (3.3.2.2.17)
14 = OAE, 18 Bit Obstruction Advisory Subfield (3.3.2.2.4)
15 = RAE, 18 Bit Restricted Airspace Advisory Subfield (3.3.2.2.10)

If no advisory has been generated which requires use of an 18 bit advisory subfield, then an OAE Subfield, SUBN = 14, with CLBR = 0 (Null Advisory for an 18 bit advisory subfield) is inserted in that subfield.

Note.—*Structure of AES Subfield*

Position	Number of bits	Subfield	Remarks
1-4	4	SUBN	= 0
5	1	AECA	
6	1	AECC	
7-16	10	AEAL	
17-18	2		Not assigned.

3.3.2.2.3 COL: ATARS Resolution Advisory Column Subfield.

The ATARS Resolution Advisory Column Subfield (COL) contains an image of the RAR column associated with the ground ATARS site from which the advisory orginates and indicates the resolution advisories to be active and inactive for that column.

Coding

Each bit in the COL subfield is a dedicated bit representing a specific ATARS resolution advisory.

The bits in COL have the following meaning:

Bit	ATARS resolution advisory
1	Climb.
2	Don't descend.
3	Don't descend faster than 500 FPM.
4	Don't descend faster than 1000 FPM
5	Don't descend faster than 2000 FPM
6	Descend.
7	Don't climb.
8	Don't climb faster than 500 FPM.
9	Don't climb faster than 1000 FPM.
10	Don't climb faster than 2000 FPM.
11	Turn left.
12	Turn right.
13	Don't turn left.
14	Don't turn right.

A bit set to '1' indicates that ATARS intends the associated resolution advisory to be active (associated RAR bit set to '1'). A bit set to '0' indicates that ATARS intends the associated resolution advisory to be inactive (associated RAR bit set to '0').

3.3.2.2.4 OAE: 18 Bit Obstruction Advisory Subfield.

The 18 Bit Obstruction Advisory Subfield (OAE) contains information describing the proximity of own aircraft to an obstruction. The following subfields appear in OAE.

ARTO: Altitude Relative to Obstruction, 3 bits, 5 through 7. Represents the current altitude clearance between own aircraft and the obstruction.

Coding

The Altitude Relative to Obstruction is coded in two's complement notation with LSB = 200 feet. The minimum and maximum values are −800 feet and 600 feet respectively.

CLBR: Clock Bearing, 4 bits, 8 through 11. Values from 1 to 12 indicate the bearing from own aircraft to the object (obstruction or aircraft) causing the advisory. Bearing is expressed as a clock position with 12 o'clock in the same direction as own ground track course.

Coding

LSB = 1 clock sector of 30 degrees. The minimum and maximum values are 1 o'clock and 12 o'clock respectively. A value of 0 indicates that no advisory information is present in this advisory subfield. Values of 13, 14, and 15 are not assigned in this subfield.

FTAT: First Time Advisory Transmitted, 1 bit, 12.

Coding

0 = An advisory for this object (obstruction or aircraft) was uplinked to own aircraft on the previous DABS cycle.
1 = An advisory for this object (obstruction or aircraft) was not uplinked to own aircraft on the previous DABS cycle

Note.—If desired, the ATARS avionics can use FTAT to provide an audible alarm for annunication of an advisory when it is first uplinked.

SUBN: Subfield Indicator, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.2.
Note 1.—Structure of OAE Suffield.

Structure of OAE Subfield

Position	Number of bits	Subfield	Remarks
1-4	4	SUBN	= 14.
5-7	3	ARTO	
8-11	4	CLBR	
12	1	FTAT	
13-18	6		Not assigned.

Note 2.—The OAE Subfield with CLBR = 0 serves as the 18 bit advisory subfield Null Advisory.

3.3.2.2.5 OBA: 12 Bit Obstruction Advisory Subfield.

Except for CZSI, as defined below, the 12 Bit Obstruction Advisory Subfield contains the same information as the first 12 bits in OAE (3.3.2.2.4). The following subfields appear in OBA.

ARTO: Altitude Relative to Obstruction, 3 bits, 5 through 7. This subfield is as defined in 3.3.2.2.4.
CLBR: Clock Bearing, 4 bits, 8 through 11. This subfield is as defined in 3.3.2.2.4.
CZSI: Class Zero Subfield Indicator, 4 bits, 1 through 4. Defines the advisory subfield type contained in a 12 bit advisory subfield of an ATARS Resolution Message and Three Advisories Message.

Coding

0 = Not assigned
1-12 = TPA, 12 Bit Threat/Proximity Advisory
13 = TEA, 12 Bit Terrain Advisory
14 = OBA, 12 Bit Obstruction Advisory
15 = RAA, 12 Bit Restricted Airspace Advisory

Note.—When CZSI = 1 through 12, CZSI is interpreted identically to CLBR as defined in 3.3.2.2.4.

If no advisory has been generated which requires use of a 12 bit advisory subfield, then an OBA Subfield with CZSI = 14 and CLBR = 0 (Null Advisory for a 12 bit advisory subfield) is inserted in that subfield.

FTAT: First Time Transmitted, 1 bit, 12. This subfield is as defined in 3.3.2.2.4.

Note.—*Structure of OBA Subfield*

Position	Number of bits	Subfield	Remarks
1–4	4	CZSI	=14
5–7	3	ARTO	
8–11	4	CLBR	
12	1	FTAT	

3.3.2.2.6 OBT: 13 Bit Obstruction Advisory Subfield.

The 13 Bit Obstruction Advisory Subfield (OBT) provides an obstruction advisory for Class 1 and Class 2 users. It differs from the obstruction advisory used for Class 0 Service (OBA and OAE) in that it includes the range to the obstruction. The following subfields appear in OBT.

ARTO: Altitude Relative to Obstruction, 3 bits, 5 through 7. This subfield is as defined in 3.3.2.2.4.

CLBR: Clock Bearing, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.4.

FTAT: First Time Advisory Transmitted, 1 bit, 13. This subfield is as defined in 3.3.2.2.4.

RNGO: Range to obstruction, 5 bits, 8 through 12. Contains the range to the obstacle.

Coding

LSB=0.2 NM. The minimum and maximum values are 0 NM and 6.2 NM respectively.

Note.—*Structure of OBT Subfield*

Position	Number of bits	Subfield	Remarks
1–4	4	CLBR	
5–7	3	ARTO	
8–12	5	RNGO	
13	1	FTAT	

3.3.2.2.7 ODS: Own Data Subfield.

The Own Data Subfield (ODS) contains parameters of the aircraft to which the message is addressed. The aircraft parameters are those used by the ground ATARS computer. The following subfields appear in ODS.

OACL: Own ATARS Class, 3 bits 19 through 21. Defines the class of service which the ground is providing to the aircraft.

Coding

0=ATARS Class 0
1=ATARS Class 1
2=ATARS Class 2
3–7=Not assigned

Note.—The class of ATARS service to be assigned to the aircraft is downlinked by the aircraft in the Extended Capability field (3.3.1.4.2). The value of OACL is based upon this downlinked information.

OGTC: Own Ground Track Course, 7 bits, 1 through 7. Contains the ground track course of own aircraft referenced to magnetic north at the DABS sensor.

Coding

Own Ground Track Course is transmitted in two's complement notation with an LSB=2.8125 degrees. The minimum and maximum values are −180 degrees and +177.1875 degrees respectively.

OSPD: Own Groundspeed, 7 Bits, 8 through 14. Contains the groundspeed of own aircraft used by the ATARS ground equipment.

Coding

For OSPD.LE.60, LSB=10 knots and own groundspeed is OSPD*10 knots. For OSPD.GE.61, LSB=30 knots and own groundspeed is 600 knots + (OSPD−60)* 30 knots. The minimum and maximum values of own groundspeed are 0 knots and 2810 knots respectively.

OTNR: Own Ground Track Turn Rate, 4 Bits, 15 through 18. Contains the ground track turn rate of own aircraft.

Coding

The turn rate is transmitted in two's complement notation with a LSB=1 degree per second. Positive values indicate turns to the right and negative values indicate turns to the left. The minimum and maximum values are −8 degrees per second and +7 degrees per second respectively.

SNIN: Sensor Intitation Bit, 1 bit, 22.

Coding

0=Sensor uplinking this data is not initiating primary ATARS service
1=Sensor uplinking this data is initiating primary ATARS service

Note.—This notifies any on board logic to expect track assignment discontinuities.

Note.—*Structure of ODS Subfield*

Position	Number of bits	Subfield	Remarks
1–7	7	OGTC	
8–14	7	OSPD	
15–18	4	OTNR	
19–21	3	OACL	
22	1	SNIN	
23–24	2		Not assigned.

3.3.2.2.8 PDT: Position Data Subfield.

The Position Data Subfield (PDT) contains basic position information on a proximate or threat aircraft. The following subfields appear in PDT.

AEQP: ATARS Equipped, 1 bit, 23.

Coding

0=Encounter aircraft is not equipped for or is not currently receiving ATARS service.
1=Encounter aircraft is equipped for and is currently receiving ATARS service.

ALRL: Fine Relative Altitude, 3 bits, 10 through 12. Provides more precise information on the relative altitude of the encounter aircraft. Interpretation depends on coding of Altitude Zone, ALZN (see ALZN below).

Coding

Relative altitude zone ALZN	Fine relative altitude ALRL	LSB	Magnitude of relative altitude
0 or 2	0 to 6	200 feet	(200*ALRL) +600 feet.
0 or 2	7		If not part of Threat Message, 7=2600 feet. Otherwise use Relative Altitude Extension (3.3.2.2.10).
1 or 3	0 to 5	100 feet	100*ALRL feet.
1	6 or 7		Not assigned.
3	6		Altitude unknown.
3	7		Not assigned.

ALZN: Relative Altitude Zone, 2 bits, 8 and 9. Indicates the relative altitude zone of the encounter aircraft. The relative altitude is defined as the traffic altitude less own altitude.

Coding

0=Relative altitude .LT.−500 feet
1=Relative altitude .GE.−500 feet and relative altitude .LT. 0
2=Relative altitude .GT.−500 feet
3=(Relative altitude .GE. 0 and relative altitude .LE. 500 feet) *or* (altitude unknown)

ATCC: ATC Control, 1 bit, 22.

Coding

1=ATARS has not been notified that this aircraft is in communication with an air traffic controller
0=ATARS has been notified that this aircraft is in communication with an air traffic controller

CLBR: Clock Bearing, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.4.

CRSE: Compass Course, 3 bits, 19 through 21. Contains the compass course of the encounter aircraft as referenced to magnetic north at the DABS sensor.

Coding

0=North
1=Northeast
2=East
3=Southeast
4=South
5=Southwest
6=West
7=Northwest

FNBR: Fine Bearing, 3 bits, 5 through 7. Contains more resolution on the bearing of the encounter aircraft. The more precise bearing is obtained by adding the fine bearing to the corresponding clock bearing (CLBR).

Coding

The fine bearing is transmitted in two's complement notation with an LSB=3.75 degrees. The minimum and maximum values are −15 degrees and 11.25 degrees respectively.

FTAT: First Time Advisory Transmitted, 1 bit, 24. This subfield is as defined in 3.3.2.2.4.

RNG1: Range, 6 bits, 13 through 18. Contains the range to the encounter aircraft.

Coding

LSB = 0.3 NM. The minimum and maximum values are 0 NM and 18.9 NM respectively.

Note.—Structure of PDT Subfield

Position	Number of bits	Subfield	Remarks
1–4	4	CLBR	
5–7	3	FNBR	
8–9	2	ALZN	
10–12	3	ALRL	
13–18	6	RNG1	
19–21	3	CRSE	
22	1	ATCC	
23	1	AECP	
24	1	FTAT	

3.3.2.2.9 RAA: 12 Bit Restricted Airspace Advisory Subfield.

The 12 Bit Restricted Airspace Advisory Subfield (RAA) contains information indicating that own aircraft has entered restricted airspace or a terminal control area. The RAA is not uplinked for entry into a terminal control area if ATARS has been notified that the aircraft is controlled. The following subfields appear in RAA.

ASPT: Airspace Type, 4 bits, 5 through 8. Indicates the type of airspace penetration which has prompted the alert.

Coding

0 = Unspecified Airspace Type
1 = Restricted Area
2 = Terminal Control Area
3 = Prohibited Area
4–15 = Not assigned

CZSI: Class Zero Subfield Indicator, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.5.

FTAT: First Time Advisory Transmitted, 1 bit, 9. This subfield is defined in 3.3.2.2.4.

Note.—Structure of RAA Subfield

Position	Number of bits	Subfield	Remarks
1–4	4	CZSI	= 15.
5–8	4	ASPT	
9	1	FTAT	
10–12	3		Not assigned.

3.3.2.2.10 RAE: 18 Bit restricted Airspace Advisory Subfield.

Except for SUBN as defined below, the first 12 bits of an 18 Bit Restricted Airspace Advisory Subfield (RAE) are the same as the 12 Bits in RAA (3.3.2.2.9). The following subfields appear in RAE.

ASPT: Airspace Type, 4 bits, 5 through 8. This subfield is as defined in 3.3.2.2.9.

FTAT: First time Advisory Transmitted, 1 bit, 9. This subfield is as defined in 3.3.2.2.4.

SUBN: Subfield Indication, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.2.

Note.—Structure of RAE Subfield

Position	Number of bits	Subfield	Remarks
1–4	4	SUBN	= 15.
5–8	4	ASPT	
9	1	FTAT	
10–18	9		Not assigned.

3.3.2.2.11 RST: 1 Bit Restricted Airspace Status Subfield.

The 1 Bit Restricted Airspace Status Subfield (RST) indicates the information content in the last 26 bits of the MA field of an ATARS Auxiliary Advisories Message.

Coding

0 = Last 26 bits of MA field contain two 13 bit Obstruction Advisory Subfields (OBT)
1 = Last 26 bits of MA field contains a 26 bit restricted Airspace Advisory Subfield (RTD)

3.3.2.2.12 RTD: 26 Bit Restricted Airspace Advisory Subfield.

The 26 bit Restricted Airspace Advisory Subfield (RTD) provides a restricted airspace advisory for Class 1 and Class 2 users. The following subfields appear in RTD.

ASID: Restricted Airspace Identifier, 19 bits, 5 through 23. This subfield is meaningful only when the airspace type is a restricted area (ASPT = 1).

Coding

Bits 5 through 18 contain a binary coded integer. Bits 19 through 23 contain a letter suffix identified by alphabetic position, i.e., 1 = A, 2 = B, . . . 26 = Z.

ASPT: Airspace Type, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.9.

FTAT: First Time Advisory Transmitted, 1 bit, 24. This subfield is as defined in 3.3.2.2.4.

Note.—Structure of RTD Subfield

Position	Number of bits	Subfield	Remarks
1–4	4	ASPT	
5–23	19	ASID	
24	1	FTAT	
25–26	2		Not assigned.

3.3.2.2.13 SED: Start/End Data Subfield.

The Start/End Data Subfield (SED) contains information useful for initiating a proximate on-board track or ending a proximate or threat track on an encounter aircraft. The following subfields appear in SED.

ACAB: Aircraft Abbreviated Data, 9 bits, 16 through 24. This data subfield is reserved for descriptive information on the encounter aircraft.

ACLM: Aircraft Climb Performance Capability, 4 bits, 12 through 15.

Note.—This subfield indicates the climb capabilities of an aircraft in order to assist the ground ATARS equipment in selecting vertical resolution advisories.

The value of ACLM is fixed for a particular aircraft type. Assignments are not specified in this Standard.

GSPD: Groundspeed, 7 bits 2 through 8. Contains the groundspeed of the encounter aircraft.

Coding

For GSPD.LE.60, LSB = 10 knots and groundspeed is GSPD * 10 knots. For GSPD.GE.61, LSB = 30 knots and groundspeed is 600 knots + (GSPD–60) * 30 knots. The minimum and maximum values of groundspeed are 0 knots and 2610 knots respectively.

SEIN: Start/End Indicator, 1 bit, 1.

Coding

0 = First uplink of information about the encounter
1 = Encounter has ended

TRKN: Track Number, 3 bits, 9 through 11. This subfield contains the ATARS assigned track number for this aircraft. Range of values is from 0 to 7.

Note.—Structure of SED Subfield

Position	Number of bits	Subfield	Remarks
1	1	SEIN	
2–8	7	GSPD	
9–11	3	TRKN	
12–15	4	ACLM	
16–24	9	ACAB	

3.3.2.2.14 SIT: ATARS Site ID Subfield.

The ATARS Site ID Subfield (SIT) is uplinked as a subfield in an ATARS Resolution Message. It contains the ID of the ground ATARS site from which the ATARS Resolution Message originated.

Coding

0 = Not assigned
1 = ATARS Site A
2 = ATARS Site B
3 = ATARS Site C
4 = ATARS Site D
5–7 = Not assigned

3.3.2.2.15 SIX: 6 Bit Advisory Subfield.

The 6 Bit Advisory Subfield (SIX) contains one ATARS traffic advisory describing an encounter aircraft. This advisory can be either a proximity or a threat advisory. The following subfields appear in SIX.

ALZZ: Relative Altitude Zone for Class Zero, 2 bits, 5 and 6.

Coding

0 = altitude unknown
1 = relative altitude .LT. −500 feet
2 = relative altitude .GE. −500 feet *and* relative altitude .LE. +500 feet
3 = relative altitude .GT. +500 feet

CLBR: Block Bearing, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.4.

Note.—*Structure of SIX Subfield*

Position	Number of bits	Subfield	Remarks
1–4	4	CLBR	
5–6	2	ALZZ	

3.3.2.2.16 STD: Start Threat Data Subfield.

The Start Threat Data Subfield (STD) contains information useful to the ATARS avionics in initiating a track on a threat aircraft. The following subfields appear in STD.

ACAB: Aircraft Abbreviated Data, 9 bits, 16 through 24. This subfield is as defined in 3.3.2.2.13.

ACLM: Aircraft Climb Performance Capability, 4 bits, 12 through 15. This subfield is as defined in 3.3.2.2.13.

CONT: Continuation, 1 bit, 1.

Coding

0 = This is the first uplink of information about the encounter aircraft

1 = This threat encounter is a continuation of a proximate encounter that has transitioned to a threat encounter

GSPD: Groundspeed, 7 bits, 2 through 8. This subfield is as defined in 3.3.2.2.13.

TRKN: Track Number, 3 bits, 9 through 11. This subfield is defined in 3.3.2.2.13.

Note.—*Structure of STD Subfield*

Position	Number of bits	Subfield	Remarks
1	1	CONT	
2–8	7	GSPD	
9–11	3	TRKN	
12–15	4	ALCM	
16–24	9	ACAB	

3.3.2.2.17 TAE: 18 Bit Terrain Advisory Subfield.

The 18 Bit Terrain Advisory Subfield (TAE) contains information describing the proximity of own aircraft to terrain. The following subfields appear in TAE.

ARHT: Altitude Relative to Highest Terrain, bits, 5 through 10. Represents own aircraft altitude minus the altitude of the highest terrain found in the ATARS terrain map for the projected path of own aircraft. Hence, positive values indicate the estimated clearance of own aircraft's projected path from the highest terrain feature along the path.

Coding

The altitude relative to highest terrain is transmitted in two's complement notation with an LSB = 100 feet. The minimum and maximum values are −3200 feet and +3100 feet respectively.

FTAT: First Time Advisory Transmitted, 1 bit, 11. This subfield is defined in 3.3.2.2.4.

SUBN: Subfield Indicator, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.2.

Note.—*Structure of TAE Subfield*

Position	Number of bits	Subfield	Remarks
1–4	4	SUBN	= 13
5–10	6	ARHT	
11	1	FTAT	

3.3.2.2.18 TEA: 12 Bit Terrain Advisory Subfield.

Except for CZSI as defined below the 12 Bit Terrain Advisory Subfield (TEA) is the same as the first 12 bits in TAE (3.3.2.2.17). The following subfields appear in TEA.

ARHT: Altitude Relative to Highest Terrain, 6 bits, 5 through 10. This subfield is as defined in 3.3.2.2.17.

CZSI: Class Zero Subfield Indicator, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.5.

FTAT: First Time Advisory Transmitted, 1 bit, 11. This subfield is defined in 3.3.2.2.4.

Note.—*Structure of TEA Subfield*

Position	Number of bits	Subfield	Remarks
1–4	4	CZSI	= 13.
5–10	6	ARHT	
11	1	FTAT	
12	1		Not assigned.

3.3.2.2.19 TER: 8 Bit Terrain Advisory Subfield

The 8 bit Terrain Advisoiry Subfield (TER) provides a terrain advisory for Class 1 and Class 2 users. The following subfields appear in TER.

TERS: Terrain Advisory Status, 2 bits, 1 and 2. Indicates the status of the terrain advisory information in this subfield.

Coding

0 = No terrain advisory exists

1 = Terrain advisory exists and is being transmitted for first time

2 = Terrain advisory exists and is being refreshed

3 = Not assigned

ARHT: Altitude Relative to Highest Terrain, 6 bits, 3 through 8. This subfield is as defined in 3.3.2.2.17. The data contained in ARHT is meaningful only when a terrain advisory exists (i.e., TERS = 1 or 2).

Note.—*Structure of TER Subfield*

Position	Number of bits	Subfield	Remarks
1–2	2	TERS	
3–8	6	ARHT	

3.3.2.2.20 THD: Threat Data Subfield

The Threat Data Subfield (THD) contains information which, together with the Position Data Subfield (PDT), is used to describe a threat aircraft. The following subfields appear in THD.

AEXT: Relative Altitude Extension, 3 bits, 11 through 13. Indicates the magnitude of the relative altitude of the threat aircraft when the magnitude of the threat aircraft's relative altitude is greater than or equal to 2000 feet. Relative Altitude Extension is used only when the magnitude of the relative altitude of the associated Position Data Subfield equals 2000 feet (ALZN = 0 or 2 and ALRL = 7).

Coding

LSB = 500 feet. The magnitude of the relative altitude is 2000 feet + (500 * AEXT) feet. The minimum and maximum values of AEXT are 2000 feet and 5500 feet respectively.

FNHD: Fine Heading, 4 bits, 14 through 17. Provides more resolution on the course of encounter aircraft then is contained in the Position Data Subfield. The more precise course of the aircraft is obtained by adding the fine heading to the corresponding compass course (CRSE) in the Position Data Subfield.

Coding

The fine heading is transmitted in two's complement notation (with clockwise being positive) with an LSB = 2.8125 degrees. The minimum and maximum values are −22.5 degrees and 19.6875 degrees respectively.

PHMD: Predicted Horizontal Miss Distance, 4 bits, 1 through 4. Contains the predicted horizontal miss distance between own aircraft and the threat aircraft, as determined by a non-turning projection of the instantaneous relative aircraft motion. If the sign of PHMD is positive, then the line between the aircraft positions is projected to rotate clockwise as seen from above the aircraft. If the sign is negative then the line is projected to rotate counter-clockwise. Its magnitude is the projected horizontal miss distance at closest approach.

Coding

The predicted horizontal miss distance is transmitted in two's complement notation with an LSB = 0.2 NM. The minimum and maximum values are −1.6 NM and 1.4 NM respectively.

RESL: Resolution Advisory Bit, 1 bit, 23.

Coding

0 = Threat aircraft described in this message is not causing own aircraft to receive an ATARS Resolution Message

1 = Threat aircraft described in this message is causing own aircraft to receive an ATARS Resolution Message

TNTY: Turn Type of Encounter Aircraft, 2 bits, 18 and 19. Indicates the turn status of the encounter aircraft.

Coding

0 = Not assigned

1 = Straight

2 = Turning left

3 = Turning right

TRKN: Track Number, 3 bits, 20 through 22. This subfield is as defined in 3.3.2.2.13.

VSPD: Vertical Speed of Encounter Aircraft, 6 bits, 5 through 10. Contains the vertical speed of the encounter aircraft.

Coding

The vertical speed of encounter aircraft is transmitted in two's complement notation with an LSB=200 FPM. The minimum and maximum values are −6400 FPM and +6200 FPM respectively.

Note.—Structure of THD Subfield

Position	Number of bits	Subfield	Remarks
1–4	4	THMD	
5–10	6	VSPD	
11–13	3	AEXT	
14–17	4	RNHD	
18–19	2	TNTY	
20–22	3	TRGN	
23	1	RESL	
24	1		Not assigned.

3.3.2.2.21 TPA: 12 Bit Threat/proximity Advisory Subfield.

The 12 Bit Threat/Proximity Advisory Subfield (TPA) contains 12 bits of information describing an encounter aircraft. The following subfields appear in TPA.

ALUN: Altitude Unknown Indicator, 1 bit, 7. This bit indicates when the altitude of the traffic is unknown to ATARS.

Coding

0=Altitude unknown
1=Altitude known

ALZN: Relative Altitude Zone, 2 bits, 5 and 6. This subfield is as defined in 3.3.2.2.6.

CRSE: Compass Course, 3 bits, 8 through 10. This subfield is as defined in 3.3.2.2.6.

CZSI: Class Zero Subfield Indication, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.5.

Note.—A 12 Bit Threat/Proximity Advisory Subfield is identified by CZSI=1 through 12. In this case, CZSI also indicates clock bearing and the coding for CZSI is the same as that for CLBR in 3.3.2.2.4.

FTAT: First Time Advisory Transmitted, 1 bit, 11. This subfield is as defined in 3.3.2.2.4.

TPIN: Threat/Proximity Indicator, 1 bit, 12.

Coding

0=This advisory is a proximity advisory
1=This advisory is a threat advisory

Note.—Structure of TPA Subfield

Position	Number of bits	Subfield	Remarks
1–4	4	CZSI	
5–6	2	ALZN	
7	1	ALUN	
8–10	3	CRSE	
11	1	FTAT	
12	1	TPIN	

3.3.2.2.22 TPE Bit Threat/Proximity Advisory Subfield.

The 18 Bit Threat/Proximity Subfield (TPE) contains information describing the encounter aircraft that has been designated as either a threat or proximate aircraft relative to own aircraft. The following subfields appear in TPE.

ALRZ: Fine Relative Altitude for Class 0, 3 bits, 7 through 9. Provides more precise information on the relative altitude of the encounter aircraft. Interpretation depends upon coding of Altitude Zone, ALZN (3.3.2.2.6).

Coding

Relative altitude zone ALZN	Fine relative altitude for class 0, ALRZ	LSB	Magnitude of relative altitude
0 or 1	0 to 7	400 feet	(400*ALRZ) + 800 feet.
1 or 2	0 to 6	100 feet	100*ALRZ feet.
1	6 or 7		Not assigned.
2	6		
3	7		Not assigned.

ALZN: Altitude Zone, 2 bits, 5 and 6. This subfield is as defined in 3.3.2.2.6.

CRSE: Compass Course, 3 bits, 14 through 16. This subfield is as defined in 3.3.2.2.6.

FTAT: First Time Advisory Transmitted, 1 bit, 17. This subfield is as defined in 3.3.2.2.4.

RNGE: Range, 4 bits 10 through 13. Contains the range to the encounter aircraft.

Coding

LSB=0.3 NM. The minimum and maximum values are 0 NM and 4.5 NM respectively.

SUBN: Subfield Indicator, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.2.

Note.—An 18 Bit Threat/Proximity Advisory Subfield is identified by SUBN=1 through 12. In this case, SUBN also indicates clock bearing.

TPIN: Threat/Proximity Indicator, 1 bit, 18. This subfield is as defined in 3.3.2.2.21.

Note.—Structure of TPE Subfield

Position	Number of bits	Subfield	Remarks
1–4	4	SUBN	
5–6	2	ALZN	
7–9	3	ALRZ	
10–13	4	RNGE	
14–16	3	CRSE	
17	1	FTAT	
18	1	TPIN	

3.3.2.2.23 TRA: Threat/Proximity with Resolution Advisory Subfield.

The Threat/Proximity with Resolution Advisory Subfield (TRA) contains information describing the most critical encounter. The TRA Subfield is contained only within an ATARS Resolution Message. If there is an active resolution advisory contained in the ATARS Resolution Message, i.e. if COL ±0, then any advisory information contained in TRA refers to the most critical encounter which is causing a bit or bits to be set in COL. If there is no active resolution advisory contained in the ATARS Resolution Message, i.e. COL=0, the TRA refers to the most critical encounter.

The following subfields appear in TRA.

ABQP: ATARS Equipped, 1 bit, 18. This subfield is as defined in 3.3.2.2.6.

ALRZ: Fine Relative Altitude for Class 0, 3 bits, 7 through 9. This subfield is as defined in 3.3.2.2.22.

ALZN: Altitude Zone, 2 bits, 5 and 6. This subfield is as defined in 3.3.2.2.6.

ATCC: ATC Control, 1 bit, 17. This subfield is as defined in 3.3.2.2.6.

CLBR: Clock Bearing, 4 bits, 1 through 4. This subfield is as defined in 3.3.2.2.4.

CRSE: Compass Course, 3 bits, 14 through 16. This subfield is as defined in 3.3.2.2.6.

RNGE: Range, 4 bits, 10 through 13. This subfield is as defined in 3.3.2.2.22.

TPIN: Threat/Proximity Indicator, 1 bit, 19. This subfield is as defined in 3.3.2.2.21.

Note.—Structure of TRA Subfield

Position	Number of bits	Subfield	Remarks
1–4	4	CLBR	
5–6	2	ALZN	
7–9	3	ALRZ	
10–13	4	RNGE	
14–16	3	CRSE	
17	1	ATCC	
18	1	ABQP	
19	1	TPIN	

3.3.2.3. MB Message, Comm–B.

Airborne ATARS equipments use the MB field of Comm–B replies (3.3.1.4) to transmit to ground ATARS equipment the RAR Reply Message to ATARS, the RAR Busy Message to ATARS, ATARS Extended Data, and Extended Capability Report information.

3.3.2.3.1 Subfields in MB for an RAR Reply Message to ATARS.

The technique for encoding the RAR Reply Message to ATARS is described in 4.3.2.1.

BDS: B-Definition Subfield, 8 bits, 33 through 40 (3.3.1.4.1). An RAR reply message is identified by BDS1=3 and BDS2=0, the combination of which is equivalent to BDS=48.

H01: RAR Column 1 Horizontal Advisories, 3 bits, 41 through 43. Contains the horizontal resolution advisories entry in column 1 (ATARS site A column) of the RAR.

Coding

0=No horizontal resolution advisories
1=Not assigned
2=Turn left
3=Turn right
4=Don't turn left
5=Don't turn right
6=Not assigned
7=Don't turn left and don't turn right

H02: RAR Column 2 Horizontal Advisories, 3 bits, 49 through 51. Contains the horizontal resolution advisories entry in column 2 (ATARS site B column) of the RAR.

Coding

As specified for H01.

H03: RAR Column 3 Horizontal Advisories, 3 bits, 57 through 59. Contains the horizontal resolution advisories entry in column 3 (ATARS site C column) of the RAR.

Coding

As specified for H01.

H04: RAR Column 4 Horizontal Advisories, 3 bits, 65 through 67. Contains the horizontal resolution advisories entry in column 4 (ATARS site D column) of the RAR.

Coding

As specified for H01.

H05: RAR Column 5 Horizontal Advisories, 3 bits, 73 through 75. Contains the horizontal resolution advisories entry in column 5 (Own BCAS column). This subfield is always zero for an ATARS-only aircraft.

H06: RAR Column 6 Horizontal Advisories, 3 bits, 81 through 83. Contains the horizontal resolution advisories entry in column 6 (All Other BCAS column) of the RAR.

Coding

As specified for H01.

VE1: RAR Column 1 Vertical Advisories, 5 bits, 44 through 48. Contains the vertical resolution advisories entry in column 1 (ATARS site A column) of the RAR.

Coding

0 = No vertical resolution advisories
1–3 = Not assigned
4 = Don't descend
5 = Don't descend faster than 500 FPM
6 = Don't descend faster than 1000 FPM
7 = Don't descend faster than 2000 FPM
8 = Don't climb
9 = Don't climb faster than 500 FPM
10 = Don't climb faster than 1000 FPM
11 = Don't climb faster than 2000 FPM
12 = Not assigned
13 = Climb
14 = Not assigned
15 = Descend
16 = Don't descend and don't climb
17 = Don't descend and don't climb faster than 500 FPM
18 = Don't descend and don't climb faster than 1000 FPM
19 = Don't descend and don't climb faster than 2000 FPM
20 = Don't descend faster than 500 FPM and don't climb
21 = Don't descend faster than 500 FPM and don't climb faster than 500 FPM
22 = Don't descend faster than 500 FPM and don't climb faster than 1000 FPM
23 = Don't descend faster than 500 FPM and don't climb faster than 2000 FPM
24 = Don't descend faster than 1000 FPM and don't climb
25 = Don't descend faster than 1000 FPM and don't climb faster than 500 FPM
26 = Don't descend faster than 1000 FPM and don't climb faster than 1000 FPM
27 = Don't descend faster than 1000 FPM and don't climb faster than 2000 FPM
28 = Don't descend faster than 2000 FPM and don't climb
29 = Don't descend faster than 2000 FPM and don't climb faster than 500 FPM
30 = Don't descend faster than 2000 FPM and don't climb faster than 1000 FPM
31 = Don't descend faster than 2000 FPM and don't climb faster than 2000 FPM

VE2: RAR Column 2 Vertical Advisories, 5 bits, 52 through 56. Contains the vertical resolution advisories entry in column 2 (ATARS site B column) of the RAR.

Coding

As specified for VE1.

VE3: RAR Column 3 Vertical Advisories, 5 bits, 60 through 64. Contains the vertical resolution advisories entry in column 3 (ATARS site C column) of the RAR.

Coding

As specified for VE1.

VE4: RAR Column 4 Vertical Advisories, 5 bits, 68 through 72. Contains the vertical resolution advisories entry in column 4 (ATARS site D column) of the RAR.

Coding

As specified for VE1.

VE5: RAR Column 5 Vertical Advisories, 5 bits, 76 through 80. Contains the vertical resolution advisories entry in column 5 (Own BCAS column). This subfield is always zero for an ATARS-only aircraft.

VE6: RAR Column 6 Vertical Advisories, 5 bits, 84 through 88. Contains the vertical resolution advisories entry in column 6 (All Other BCAS column) of the RAR.

Coding

As specified for VE1.

Note 1.—Structure of MB for an RAR reply message to ATARS.

Structure of MB for an RAR Reply Message to ATARS

Position	Number of bits	Subfield	Remarks
33–36	4	BDS1	=3
37–40	4	BDS2	=0
41–43	3	H01	
44–48	5	VE1	
49–51	3	H02	
52–56	5	VE2	
57–59	3	H03	
60–64	5	VE3	
65–67	3	H04	
68–72	5	VE4	
73–75	3	H05	
76–80	5	VE5	
81–83	3	H06	
84–88	5	VE6	

Note 2.—An RAR reply message with all H0x and VEx subfields containing zeroes indicates an empty RAR.

3.3.2.3.2 Subfields in MB for an RAR Busy Message to ATARS

BDS: B-Definition Subfield, 8 bits, 33 through 40 (3.3.1.4.1). An RAR Busy Message to ATARS is identified by BDS1 = 3 and BDS2 = 1, the combination of which is equivalent to BDS = 49.

Note.—*Structure of MB for RAR Busy Message to ATARS*

Position	Number of bits	Subfield	Remarks
33–36	4	BDS1	=3
37–40	4	BDS2	=1
41–88	48		Not assigned.

3.3.2.3.3. Subfields in MB for an ATARS Extended Data Message.

ATARS Extended Data is downlinked in the MB field in order to provide specified information which is used by the ground ATARS equipment in providing ATARS service. This field is downlinked upon ground-initiated request as specified in ref. A: 4.11.1.1.

BDS: B-Definition Subfield, 8 bits, 33 through 40 (3.3.1.4.1). An ATARS Extended Data Message is identified by BDS1 = 3 and BDS2 = 2, the combination of which is equivalent to BDS = 50.

CLM: Aircraft Climb Performance Capability, 4 bits, 41 through 44.

Note.—This subfield indicates the climb capabilities of own aircraft in order to assist the ground in selecting vertical resolution advisories.

The value of CLM is fixed for a particular aircraft type. Assignments are not specified in this Standard.

Note.—*Structure of MB for ATARS Extended Data Message*

Position	Number of bits	Subfield	Remarks
33–36	4	BDS1	=3.
37–40	4	BDS2	=2.
41–44	4	CLM	
45–88	44		Not assigned.

3.3.2.2.4. Subfields in MB for an Extended Capability Report

The following subfields appear in MB for an Extended Capability Report.

Note.—A summary of the complete MB subfield structure for an Extended Capability Report is given in 3.3.1.4.2.

ARC: ASA Resolution Capability, 2 bits, 69 through 70. Contains ASA resolution capability of aircraft.

Coding

0 = No ASA resolution capability
1 = ATARS only
2 = Active BCAS
3 = Not assigned

ATA: ATARS Service Class, 3 bits, 66 through 68. Contains class of ATARS service which aircraft is requesting.

Coding

0 = ATARS Class 0
1 = ATARS Class 1
2 = ATARS Class 2
3–7 = Not assigned

Note.—The class of service assigned to each ATARS airborne installation will be the lowest class that allows full functioning of all capabilities of the installed avionics.

3.3.2.4 MU Message, Special Interrogation.

BCAS uses the MU field (3.3.1.5) of a long special surveillance interrogation to transmit both an RAR Request Message and a BCAS Resolution Message to ATARS/BCAS and ATARS-only aircraft for air-air coordination.

3.3.2.4.1 Subfields in MU for an RAR Request Message and BCAS Resolution Message

An RAR Request Message and a BCAS Resolution Message share a common MU message format and are distinguished by the setting of the LCK subfield (see ref. B: 3.3.2.7.1). The following subfields appear in MU for an RAR Request Message and a BCAS Resolution Message and are ATARS-related.

AR1: Add Vertical Resolution Advisory, 4 bits, 47 through 50. This field is used by BCAS airborne equipment to post vertical maneuver restrictions in the RAR of ATARS-equipped aircraft. These restrictions are entered in the "All Other BCAS" column of the RAR. These restrictions are used subsequently by the ground ATARS equipment in selecting ATARS resolution advisories.

Coding

0=No complement to be added
1=Not assigned
2=Don't descend
3-6=Not assigned
7=Don't climb
8-15=Not assigned

AR2: Add Horizontal Resolution Message, 4 bits, 55 through 58. This field is used by BCAS airborne equipment to post horizontal maneuver restrictions in the RAR of ATARS-equipped aircraft. These restrictions are entered in the "All Other BCAS" column of the RAR. These restrictions are used subsequently by the ground ATARS equipment in selecting ATARS resolution advisories.

Coding

0=No complement to be added
1-12=Not assigned
13=Don't turn left
14=Don't turn right
15=Not assigned

Note.—In RAR Request Messages and BCAS Resolution Messages transmitted by Active BCAS, horizontal resolution is not used and AR2 is set to all zeroes. This field is defined to provide for future versions of BCAS which may use horizontal resolution (e.g., Full BCAS).

DR1: Delete Vertical Resolution Advisory, 4 bits, 43 through 46. This field is used by BCAS airborne equipment to post horizontal maneuver restrictions in the RAR of ATARS-equipped aircraft. These restrictions are deleted from the "All Other BCAS" column of the RAR.

Coding

0=No complement to be deleted
1=Not assigned
2=Don't descend
3-6=Not assigned
7=Don't climb
8-15=Not assigned

DR2: Delete Horizontal Resolution Advisory, 4 bits, 51 through 54. This field is used by a BCAS airborne equipment to delete horizontal maneuver restrictions in the RAR of ATARS-equipped aircraft. These restrictions are deleted from the "All Other BCAS" column of the RAR.

Coding

0=No complement to be deleted
1-12=Not assigned
13=Don't turn left
14=Don't turn right
15=Not assigned

Note.—In RAR Request Messages and BCAS Resolution Messages transmitted by Active BCAS, horizontal resolution is not used and DR2 is set to all zeroes. This field is defined to provide for future versions of BCAS which may use horizontal resolution (e.g., Full BCAS).

UDS: U-Definition Subfield, 8 bits, 33 through 40. Defines the data content and coding in the remainder of MU. For convenience in coding, UDS is expressed in two groups of 4 bits each, UDS1, 33 through 36, and UDS2, 37 through 40. UDS1 defines the destination of the MU message and UDS2 defines the specific message type. The ATARS avionics is the destination for long special surveillance interrogation MU Messages containing the UDS1=3 code in MU.

RAR Request Messages and BCAS Resolution Message are identified by UDS=3 and UDS1=1, the combination of which is equivalent to UDS=49.

Note.—*Structure of MU for an RAR Request Message and BCAS Resolution Message*

Position	Number of bits	Subfield	Remarks
33-36	4	UDS1	=3.
37-40	4	UDS2	=1.
41	1	LCK	
42	1	MTB	
43-46	4	DR1	
47-50	4	AR1	
51-54	4	DR2	
55-58	4	AR2	
59-84	6		Not assigned.
85-88	24	DID	

The LCK, MTB, and DID subfields are defined in ref. B: 3.3.2.7.1 and are not ATARS-related.

3.3.2.5 MV Message, Special Reply.

ATARS-equipped aircraft use the MV field (3.3.1.6) of a long special surveillance reply to transmit an RAR Reply Message to BCAS and an RAR Busy Message to BCAS.

3.3.2.5.1 Subfields in MV for an RAR Reply Message to BCAS.

The technique for encoding the RAR Reply Message to BCAS is described in 4.3.1. The following subfields appear in MV for an RAR Reply Message to BCAS and are ATARS-related.

Note.—The structure and content of the RAR Reply Message to BCAS parallels that of the RAR Reply Message to ATARS (3.3.2.3.1).

HO1: RAR Column 1 Horizontal Advisories, 3 bits, 41 through 43. This subfield is as defined in 3.3.2.3.1.
HO2: RAR Column 2 Horizontal Advisories, 3 bits, 49 through 51. This subfield is as defined in 3.3.2.3.1.
HO3: RAR Column 3 Horizontal Advisories, 3 bits, 57 through 59. This subfield is as defined in 3.3.2.3.1.
HO4: RAR Column 4 Horizontal Advisories, 3 bits, 65 through 67. This subfield is as defined in 3.3.2.3.1.
HO5: RAR Column 5 (Own BCAS Column) Horizontal Advisories, 3 bits, 73 through 75. This subfield is as defined in 3.3.2.3.1.
HO6: RAR Column 6 Horizontal Advisories, 3 bits, 81 through 83. This subfield is as defined in 3.3.2.3.1.
VDS: V-Definition Subfield, 8 bits, 33 through 40. Defines the data content and coding in the remainder of MV. For convenience in coding, VDS is expressed in two groups of 4 bits each, VDS1, 33 through 36, and VDS2, 37 through 40. VDS1 defines the source of the MV message and VDS2 defines the specific message type from that source. The ATARS avionics is a source of long special surveillance reply MV messages containing the VDS1=3 code in MV.

An RAR Reply Message to BCAS is identified by VDS1=3 and VDS2=0, the combination of which is equivalent to VDS=48.

VE1: RAR Column 1 Vertical Advisories, 5 bits, 44 through 48. This subfield is as defined in 3.3.2.3.1.
VE2: RAR Column 2 Vertical Advisories, 5 bits, 52 through 56. This subfield is as defined in 3.3.2.3.1.
VE3: RAR Column 3 Vertical Advisories, 5 bits, 60 through 64. This subfield is as defined in 3.3.2.3.1.
VE4: RAR Column 4 Vertical Advisories, 5 bits, 68 through 72. This subfield is as defined in 3.3.2.3.1.
VE5: RAR Column 5 (Own BCAS Column) Vertical Advisories, 5 bits, 76 through 80. This subfield is as defined in 3.3.2.3.1.
VE6: RAR Column 6 Vertical Advisories, 5 bits, 84 through 88. This subfield is as defined in 3.3.2.3.1.

Note 1.—Structure of MV for an RAR reply message to BCAS.

Structure of MV for an RAR Reply Message to BCAS

Position	Number of bits	Subfield	Remarks
33-36	4	VDS1	=3.
37-40	4	VDS2	=0.
41-43	3	HO1	
44-48	5	VE1	
49-51	3	HO2	
52-56	5	VE2	
57-59	3	HO3	
60-64	5	VE3	
65-67	3	HO4	
68-72	5	VE4	
73-75	3	HO5	
76-80	5	VE5	
81-83	3	HO6	
84-88	5	VE6	

Note 2.—An RAR Reply Message to BCAS with all HOx and VEx subfields containing all zeroes indicates an empty RAR.

3.3.2.5.2 Subfields in MV for an RAR Busy Message to BCAS

VDS: V-Definition Subfield, 8 bits, 33 through 40 (3.3.2.4.1). An RAR Busy Message to BCAS is identified by VDS1=3 and VDS2=1, the combination of which is equivalent to VDS=49.

Note.—*Structure of MV for RAR Busy Message to BCAS*

Position	Number of bits	Subfields	Remarks
33-36	4	VDS1	=3.
37-40	4	VDS2	=1.
41-88	48		=Not assigned.

The structure of the MV field for an RAR Busy Message to BCAS is identical to the

structure of the MB field for an RAR Busy Message to ATARS (3.3.2.3.2).

3.3.2.6 SL BCAS Sensitivity Level Report.

Downlink, 3 bits, 10 through 12. Appears in short special surveillance reply, DF=0. This field is always set to all zeroes by ATARS-only aircraft.

3.3.2.7 UM Utility Message

Airborne ATARS equipment use the UM field (3.3.1.9) to transmit to ground ATARS equipment a pilot request for an altitude echo advisory.

3.3.2.7.1 Subfield in UM for ATARS.

The following subfield appears in UM for ATARS.

AER: Altitude Echo Request Bit, 1 bit, 14.

Coding

0=No pilot request for an altitude echo advisory
1=Pilot request for an altitude echo advisory

Note.—A summary of the complete subfield structure for UM for ATARS is given in 3.3.1.9.

4. Protocol

4.1 Protocol for ATARS Class O Service

This section describes the protocols under which ATARS advisories for Class O users are uplinked and the relevant rules for structuring the ATARS messages for this class using the subfields described in Section 3. In addition, the protocol governing the downlinking at ATARS Extended Data from Class O users is described.

4.1.1 Packet Structure for Class O Service

The set of all ATARS messages generated by a single ATARS site for an aircraft on a given complete update is call a *packet*. For Class O service a packet consists of 1 or 2 Comm-A uplink messages using the Class O formats as listed in Table 3.3–2.

Note.—BCAS-equipped aircraft may receive ATCRBS Track Block Messages (ref. B: 4.4.1) in addition to the above messages.

If a resolution advisory is contained in the packet, then the first message is the ATARS Resolution Message. Otherwise, the first message is the Three Advisories Message. In either case, if the number of ATARS advisories to be transmitted in the packet exceeds the capacity of the first message, then the remaining advisories will be formatted into the Six Advisories Message.

For Class O service, a packet is complete after either 1) a Six Advisories Message is received, 2) 0.1 seconds has elapsed since receipt of the first message of the packet, or 3) an ATARS message containing a null advisory is received. The ATARS output device is to be updated with the packet within 1.0 second of the time the packet is complete.

4.1.1.1 Priority Ordering.

All advisories within an ATARS message are priority ordered by the ground ATARS equipment with the advisory inserted into the first data subfield to be transmitted having the highest priority and each subsequent advisory lesser priority.

ATARS messages within a single packet are ordered in terms of priority by ATARS and are forwarded to the DABS sensor for delivery in order of ATARS priority.

Note.—This results in messages being transmitted in order of ATARS priority. Failure to receive a technical acknowledgement from the intended recipient aircraft will result in re-transmission of the unacknowledged message prior to transmission of next (lower priority) message. Thus, if for any reason the DABS sensor is able to deliver only a portion of the complete packet, the messages with higher priorities will have been delivered.

4.1.1.2 Limitation on Number of Advisories in each Packet.

If the ground ATARS logic generates more ATARS advisories than can be inserted into one packet, the lower priority advisories will not be uplinked.

Note.—This means that for Class O, a maximum of 9 ATARS advisories can be uplinked. When there is a resolution advisory, a maximum of 8 ATARS traffic and auxiliary advisories can be uplinked (in addition to the resolution advisory). Future classes of ATARS are not necessarily constrained by these limits.

4.1.2 Protocol for Uplinking ATARS Advisories

4.1.2.1 ATARS Sites at which Advisories May Originate.

Resolution advisories originate at any ground ATARS site that has assumed responsibility for the particular conflict. ATARS traffic advisories and ATARS auxiliary advisories originate only at the ground ATARS site that has been designated as primary for the aircraft.

4.1.2.2 Resolution Advisory Protocols.

Each message packet contains at most one ATARS Resolution Message which specifies the ATARS resoultion resulting from all the conflicts for which the sensor is responsible. Resolution advisories are uplinked to ATARS equipped aircraft by the responsible DABS/ATARS site(s) on each update cycle in which ground ATARS logic determines that criteria for resolution have been satisfied.

4.1.2.2.1 Protocol for Clearing Commands.

After each period of time in which commands form a site are active (i.e., COL=O), that site will generate an ATARS Resolution Message with COL=O to delete all command from the site. When COL=O, any traffic advisory contained in the TRA subfield is no longer associated with resolution advisorties, and can be determined to be proximity or threat advisory using the TPIN subfield.

4.1.2.3 Traffic Advisory Protocols.

The primary DABS/ATARS site uplinks a traffic advisory to an ATARS equipped aircraft on each update cycle in which ground ATARS equipment determines the incounter aircraft to have satisfied criteria for advisory issuance. The traffic advisory is formatted as either a proximity advisory or threat advisory in accordance with criteria established by ground ATARS equipment. When an ATARS Resolution Message is generated by the primary sensor, the associated TRA subfield contains a traffic advisory for the most critical threat which is causing the resolution advisory. If the ATARS Resolution Message is generated by a DABS/ATARS site which is not primary, then the associated TRA and TPA subfields will not contain any advisories.

4.1.2.4 Altitude Echo Advisory Protocols.

An altitude echo advisory is uplinked by the primary DABS/ATARS site:
(1) upon initiation of ATARS service,
(2) when requested by the pilot, and
(3) periodically while the aircraft is within the ATARS service volume.

A pilot request for an altitude echo advisory is indicated by setting AER=1 in the UM field for ATARS. The protocol for downlinking this field is described in ref. A: 4.18.2.2. The altitude echo advisory is formatted into an 18 bit AEZ Subfield.

4.1.2.5 Terrain Advisory Protocols.

A terrain advisory is uplinked by the primary DABS/ATARS site on each update cycle in which ATARS determines the aircraft to be in potential conflict with the terrain. A terrain advisory is formatted into an 18 bit TAE Subfield or a 12 bit TEA Subfield.

4.1.2.6 Obstruction Advisory Protocols.

An obstruction advisory is uplinked by the primary DABS/ATARS site on each update cycle in which ATARS determines the aircraft to be in potential conflict with an obstruction. An obstruction advisory is formatted into the 18 bit OAE Subfield or a 12 bit OBA Subfield.

4.1.2.7 Restricted Airspace Advisory Protocols.

A restricted airspace advisory is uplinked by the primary DABS/ATARS site on each update cycle in which ATARS determines that the aircraft is within a region of airspace not known by ATARS to be authorized for that aircraft. A restricted airspace advisory is formatted into an 18 bit RAE Subfield or a 12 bit RAA Subfield.

4.1.3 Protocol for Downlinking ATARS Extended Data

The ATARS Extended Data Subfield is requested by the ground ATARS equipment when ATARS service is first initiated. This request is communicated to the airborne ATARS equipments using the extended data readout protocol specified in ref. A: 4.11.1; 4.11.1.1. Specifically, upon receipt of a surveillance or Comm-A interrogation, UF=4, 5, 20, or 21, with RR=18, DI=7, and RRS=2 in the associated SD field, the airborne ATARS equipment responds with an ATARS Extended Data Message in the corresponding Comm-B reply.

4.2 Protocol for ATARS Class 1 and 2 Services

This section describes the protocols under which ATARS advisories for Class 1 and 2 users are to be uplinked and the relevant rules for structuring the ATARS messages for these classes using the subfields described in Section 3. In addition, the protocol governing the downlinking of ATARS Extended Data from Class 1 and 2 users is described.

4.2.1 Packet Structure for Classes 1 and 2 Service

The set of all ATARS messages generated by a single ATARS site for a given aircraft on a complete update is called a *packet*. For Class 1 and 2 service, a packet consists of one or more Comm-A uplink messages using the Class 1 and 2 formats as listed in Table 3.3–2.

Note.—BCAS-equipped aircraft may receive ATCRBS Track Block Messages (ref. B: 4.4.1) in addition to the above messages.

For Class 1 and 2 service, a packet is complete when 0.1 seconds has elasped since receipt of the first message in a packet. The ATARS output device is to be updated with the packet within 1.0 seconds of the time the packet is complete.

4.2.1.1 Priority Ordering.

For Class 1 and 2 service, all advisory subfields within a single packet are ordered in terms of ATARS priority by the ground ATARS equipment with the advisory inserted into the first transmitted subfield having the highest priority and each subsequent advisory lesser priority. For Class 1 and 2 the TRA and TPA subfields in the ATARS Resolution Message are formatted according to protocols for ATARS Class 0. The information in these subfields is largely redundant with more complete information in the PDT subfields which will be transmitted later in the same packet. This use of the TRA and TPA subfields does not affect the number or ordering of the 24 bit subfields.

All messages within a single packet are ordered in terms of ATARS priority as determined by the ground ATARS equipment and are then forwarded to the DABS ground equipment for delivery in order of ATARS priority.

Note.—This results in messages being transmitted in order of ATARS priority. Failure to receive a technical acknowledgement from the intended recipient aircraft will result in re-transmission of the message prior to transmission of the next (lower priority) message. Thus, if for any reason the DABS ground equipment is able to deliver only a portion of the complete packet, the messages with higher priority will have been delivered. The first advisory received by the aircraft is the most critical.

4.2.1.2 Limitation on Number of Traffic Advisories in Each Packet.

In a given packet, traffic advisory information is limited to only those encounter aircraft associated with the active track numbers.

Note.—This limits the maximum number of encounter aircraft associated with the packet to eight for Classes 1 and 2. Track assignments for future classes of ATARS are not constrained by these assignments.

4.2.1.2.1 Track Number Assignment.

Once a track is activated, the track number utilized by a sensor will remain associated with the same encounter aircraft until that aircraft is dropped from the packet.

4.2.1.2.2 Track Handoff.

The handoff procedures for transferring ATARS responsibility from one sensor to another will provide for continuity in track assignments only for threat encounters that have a conflict table stored in the ground ATARS computer (i.e., encounters identified as requiring resolution advisories). Continuity in track assignments during handoff is not provided for other encounters.

4.2.2 Protocol for Uplinking ATARS Advisories

The criteria for the issuance of traffic advisories, resolution advisories and auxiliary advisories to Class 1 and 2 users by ground ATARS equipment are the same as for Class 0 users. This section describes the protocol associated with uplinking each of the data subfields which are used in providing Class 1 and 2 services by the primary ATARS site. The locations of the data subfields within the ATARS uplink messages are presented in Table 3.3–2.

4.2.2.1 Protocol for ODS, Own Data Subfield.

The Own Data Subfield (ODS) is not uplinked for Class 1 service. For Class 2 service, the Own Data Subfield is scheduled 1) upon initiation of ATARS service and 2) whenever an active track exists and the previous own data is obsolete according to error tolerances established in the ground ATARS equipment.

4.2.2.2 Protocol for PDT, Position Data Subfield.

For Class 1 and 2 service, each packet contains one Position Data Subfield (PDT) for each active track.

4.2.2.3 Protocol for SED, Start/End Data Subfield.

The Start/End Data Subfield (SED) is not uplinked for Class 1 service. For Class 2 service a Start/End Data Subfield is scheduled whenever a track is initiated for a proximate aircraft. This subfield is also uplinked whenever a track, either proximate or threat, is terminated. However, if all eight track numbers are in use and another encounter aircraft is detected, the ground sensor will reassign the track number of the lowest ranking encounter to the new higher ranking encounter aircraft without sending s Start/End Data Subfield to terminate the lower ranking encounter track. The Start/End Subfield uplinked to initiate the new track will then serve to terminate the old track with the same track number.

4.2.2.4 Protocol for STD, Start Threat Data Subfield.

The Start Threat Data Subfield (STD) is not uplinked for Class 1 service. For Class 2 service one Start Threat Data Subfield is scheduled whenever a threat track is initiated, and either no Start/End Data Subfield was previously transmitted to start the track or the information contained in the Start/End Data Subfield previously transmitted is obsolete.

4.2.2.5 Protocol for THD, Threat Data Subfield.

For Class 1 and 2 service, one Threat Data Subfield (THD) is scheduled in each packet for each active track with a threat status. The Position Data Subfield (PDT) of the Threat Message is associated with the aircraft described by the THD subfield in the same message.

4.2.2.6 Protocol for AEC, Altitude Echo Advisory Subfield

The Altitude Echo Advisory Subfield (AEC) is scheduled for uplink

(a) upon initiation of ATARS service

(2) when requested by the pilot

(3) periodically while the aircraft is within the ATARS service volume.

A pilot request for an altitude echo advisory is indicated by setting AER=1 in the UM field for ATARS. The protocol for downlinking this field is described in ref. A: 4.18.2.2.

4.2.2.7 Protocol for TER, Terrain Advisory Subfield

For Class 1 and 2 service, the Terrain Advisory Subfield (TER) is uplinked by the primary DABS/ATARS site on each update cycle in which ground ATARS equipment determines the aircraft to be in potential conflict with the terrain.

4.2.2.8 Protocol for OBT, Obstruction Advisory Subfield

For Class 1 and 2 service, Obstruction Advisories Subfields (OBT) are scheduled only by the primary DABS/ATARS site. One OBT is scheduled for each obstruction on each update cycle in which ground ATARS equipment determines that a potential conflict with that obstruction exists. A maximum of three obstruction advisories can be uplinked in the Auxiliary Advisories Message with RST=0. One obstruction advisory can be uplinked in the Auxiliary Advisories Message with RST=1.

4.2.2.9 Protocol for RTD, Restricted Airspace Advisory Subfield

For Class 1 and 2 service, the Restricted Airspace Advisory Subfield (RTD) is uplinked by the primary DABS/ATARS site on each update cycle in which ATARS determines the aircraft to be within a region of restricted airspace not known by ATARS to be authorized for own aircraft. RTD is contained in the Auxiliary Advisories Message with RST=1.

4.2.3 Protocol for Downlinking ATARS Extended DATA

For Class 1 and 2 service, this protocol is the same as that defined in 4.1.3 for Class 0 service.

4.3 RAR Protocol

4.3.1 Coordination With BCAS

If an ATARS-equipped aircraft receives an RAR Request Message or a BCAS Resolution Message and its RAR is not locked, the aircraft locks its RAR, replies with an RAR Reply Message to BCAS, updates its RAR (5.3.1.2) and then unlocks its RAR. Otherwise, an RAR Busy Message to BCAS is transmitted.

The RAR Reply Message to BCAS contains an encoded image of each column of own RAR. The horizontal advisories of a column are encoded by scanning the "Left Component" list of Table 4.3–1 and selecting the first active (bit=1) advisory contained in the column, and then scanning the "Right Component" list of Table 4.3–1 and selecting

the first active advisory contained in the column. The two horizontal components thus selected are then encoded in accordance with 3.3.2.5.1. The vertical advisories of a column are encoded using the same technique employed for encoding horizontal advisories except that the "Up Component" and "Down Component" lists of Table 4.3–1 are scanned.

4.3.2 Coordination With Ground ATARS Equipment

4.3.2.1 Ground-Initiated Coordination

If the ATARS aircraft receives an interrogation, UF = 4,5, 20 or 21, containing RR = 19 and if the interrogation is not an ATARS Resolution Message, and if the RAR is not locked, then the aircraft transmits an RAR Reply Message to ATARS. If the RAR is locked, the RAR Busy Message to ATARS is transmitted.

If an ATARS-equipped aircraft receives an ATARS Resolution Message with its associated RAR downlink request (i.e., RR = 19), and the RAR is not locked, the aircraft locks its RAR to deny access to all other users, transmits an RAR Reply Message to ATARS, updates the RAR (5.3.1.3), and unlocks the RAR. Otherwise, an RAR Busy Message to ATARS is transmitted.

The RAR Reply Message to ATARS contains an encoded image of each column of own RAR. The horizontal and vertical advisories of each column are encoded using the technique employed for the RAR Reply Message to BCAS (4.3.1).

4.3.2.2 Air-Initiated Coordination

The ATARS avionics provides an indication whenever its RAR is not empty, i.e., whenever one or more bits in the RAR are set to '1'. When a non-empty RAR exists, the DR field is set to 2 or 3 in a surveillance or Comm B reply, DF = 4, 5, 20, or 21. DR = 2 is used when the B bit (3.3.1.2) is not set. DR = 3 is used when the B bit is also set.

4.4 Extended Capability Report

The presence of operating ATARS equipments on board an aircraft causes the CA = 2 code (extended capability) to be set in all DABS All-Call replies, DF = 11, to the ground sensor (ref. A: 3.3.6). The ground sensor learns of the specific extended capabilities on board the aircraft by using the Extended Capability Report protocol specified in ref. A: 4.6.3. Airborne ATARS equipments cause the following codes to be set in the MB subfields of an Extended Capability Report Message.

Table 4.3–1.—*Hierarchy of Resolution Advisories*

Left component	Right component
Turn left	Turn right.
Don't turn right	Don't turn left.

Up component	Down component
Climb	Descend.
Don't Descend	Don't climb.
Don't descend faster than 500 fpm.	Don't climb faster than 500 fpm.
Don't descend faster than 1000 fpm.	Don't climb faster than 1000 fpm.
Don't descend faster than 2000 fpm.	Don't climb faster than 2000 fpm.

(1) ACS: bit 40 = 1 (ASA avionics); bit 48 = 1 (ASA avionics)

(2) ARC = 1 (ATARS only)

(3) ATA is set to the appropriate code (0 through 7) to indicate class of ATARS service which aircraft is requesting.

(4) ECS: bit 74 = 1 (ASA avionics)

4.5 Reply Protocol to BCAS Surveillance Interrogations

When an ATARS-equipped aircraft receives a short special surveillance interrogation, UF = 0, from an airborne BCAS unit, the airborne ATARS equipment sets the following AR (ASA resolution Capability Report field) and SL (BCAS Sensitivity Level Report field) codes in the corresponding short special surveillance reply, DF = 0.

(1) AR = 1 (ATARS only)

(2) SL = 0 (No BCAS sensitivity level reported).

Note.—Airborne BCAS units periodically transmit BCAS surveillance interrogations, UF = 0, to all DABS-equipped aircraft in which BCAS determines that criteria for active surveillance have been satisfied.

5. Characteristics of Airborne ATARS Equipment

Note.—The functions of the airborne ATARS equipment were outlined in 1.4.2. This section defines specific characteristics which the airborne equipment must posses in order to perform those functions.

5.1 Elements of the Airborne ATARS Installation

The principal elements of the airborne ATARS installation are a DABS transponder, an altitude encoder, an ATARS avionics unit, and an output device for communicating ATARS advisories to the pilot.

Note.—This section describes these elements as separate functional entities, but in an actual ATARS installation, one or more of these elements may be integrated into a common avionics package.

5.2 DABS Transponder in the Airborne ATARS Installation

An ATARS airborne installation must include a DABS transponder with altitude encoding capability, the capability to handle DABS 112-bit uplink and downlink messages, and a real-time interface with the ATARS avionics unit.

5.3 Coordination of Resolution Advisories

A procedure is specified for coordination between adjacent ATARS sites to ensure that an ATARS-equipped aircraft does not receive conflicting resolution advisories from two ATARS sites, or that an ATARS site does not issue a resolution advisory contrary to a posted BCAS escape maneuver. This coordination procedure utilizes the RAR information downlinked (via an RAR Reply Message to ATARS) to each ground ATARS site.

5.3.1 Resolution Advisory Register (RAR)

The RAR is the interface for coordinating resolution advisories among ATARS-equipped aircraft, BCAS-equipped threats and ground ATARS equipments. The RAR contents are illustrated in Figure 5.3–1. The RAR stores all current resolution advisories by source using a single bit to indicate which advisory components have been established by which source.

5.3.1.1 RAR Access.

Access to the RAR is limited to one user at a time. This user may be a threat BCAS or ground ATARS equipment. To ensure that the RAR is not accessed while it is in the process of being updated, the RAR locks out all other users for the duration of the update.

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RAR BIT MATRIX
14 Rows and 6 Columns
1 = Advisory Active
0 = Advisory Not Active

	ATARS SITE A	ATARS SITE B	ATARS SITE C	ATARS SITE D	OWN BCAS*	ALL OTHER BCAS
CLIMB						
DON'T DESCEND						
DON'T DESCEND FASTER THAN 500 FPM						
DON'T DESCEND FASTER THAN 1000 FPM						
DON'T DESCEND FASTER THAN 2000 FPM						
DESCEND						
DON'T CLIMB						
DON'T CLIMB FASTER THAN 500 FPM						
DON'T CLIMB FASTER THAN 1000 FPM						
DON'T CLIMB FASTER THAN 2000 FPM						
TURN LEFT						
TURN RIGHT						
DON'T TURN LEFT						
DON'T TURN RIGHT						

*The bits in the "Own BCAS" column are always zero for an ATARS-only aircraft.

Fig. 5.3-1. Resolution Advisory Register (RAR) Bit Matrix Structure.

BILLING CODE 4910-13-C

5.3.1.2 Update RAR with Other BCAS Advisories.

The advisory complements received from BCAS aircraft in BCAS Resolution Messages are posted in the "All Other BCAS" column of the RAR (Fig. 5.3–1). If there is a complement to delete, a '0' is entered in the appropriate row of the RAR. If there is a complement to be added, a '1' is entered in the appropriate row of the RAR (if the bit is already set to '1' then the add operation refreshes it). If no bit in the "All Other BCAS" column has been refreshed and no bit has been added for an interval of 6 seconds, then all bits in the column are set to '0'.

5.3.1.3 Update RAR with ATARS Advisories.

The first step in updating the RAR with an ATARS Resolution Message received from ground ATARS equipment is to write all zeroes received in the COL Subfield directly into the appropriate rows of the RAR column associated with that ground ATARS equipment. Then, all advisory components set to '1' are tested against the contents of the RAR (all columns) for compatibility (Fig. 5.3–2). Any advisory component that is incompatible is not accepted. Any advisory component accepted is entered into the RAR as a '1' in the appropriate row. If the contents of any RAR ATARS column are not updated within 10 seconds, all bits in the column are set to '0'.

Note.—The ground ATARS equipment verifies acceptance of resolution advisories by performing a compatibility test upon the downlinked RAR contents.

5.3.2 Composite Resolution Advisory

To develop the composite resolution advisory for communication to the pilot, the ATARS avionics uses the resolution advisories stored in the first four columns of the RAR. A composite resolution advisory with up to four components is synthesized by selecting one or fewer advisories from each of the four lists in Table 4.3–1. An advisory, if any, is selected from each list by starting at the top of the list and selecting only the highest ranking advisory that appears in any one of the ATARS columns.

Note 1.—An example of a four-component resolution advisory is "Don't Climb, Don't Descend, Don't Turn Right, Don't Turn Left."

Note 2.—As described in ref. B, BCAS-equipped aircraft use resolution advisories stored in the first *five* columns of the RAR in developing the composite resolution advisory.

Note 3.—The "All Other BCAS" column (sixth column) is not used in synthesizing the composite resolution advisory.

BILLING CODE 4910-13-M

COMPATI
RESOLUT
ADVISOR

1 = COM
0 = NOT

COMPONE

CLIMB
DON'T D
DON'T D
DON'T D
DON'T D
DESCEND
DON'T CL
DON'T CL
DON'T CL
TURN LEF
TURN RIG
DON'T TU
DON'T TU

BILLING CODE

COMPATIBLE RESOLUTION ADVISORIES

1 = COMPATIBLE
0 = NOT COMPATIBLE

COMPONENTS OF ADVISORY

CURRENT RAR CONTENTS

	CLIMB	DON'T DESCEND	DON'T DESCEND FASTER THAN 500 FPM	DON'T DESCEND FASTER THAN 1000 FPM	DON'T DESCEND FASTER THAN 2000 FPM	DESCEND	DON'T CLIMB	DON'T CLIMB FASTER THAN 500 FPM	DON'T CLIMB FASTER THAN 1000 FPM	DON'T CLIMB FASTER THAN 2000 FPM	TURN LEFT	TURN RIGHT	DON'T TURN LEFT	DON'T TURN RIGHT
CLIMB	1	1	1	1	1	0	0	0	0	0	1	1	1	1
DON'T DESCEND	1	1	1	1	1	0	1	1	1	1	1	1	1	1
DON'T DESCEND FASTER THAN 500 FPM	1	1	1	1	1	0	1	1	1	1	1	1	1	1
DON'T DESCEND FASTER THAN 1000 FPM	1	1	1	1	1	0	1	1	1	1	1	1	1	1
DON'T DESCEND FASTER THAN 2000 FPM	1	1	1	1	1	0	1	1	1	1	1	1	1	1
DESCEND	0	0	0	0	0	1	1	1	1	1	1	1	1	1
DON'T CLIMB	0	1	1	1	1	1	1	1	1	1	1	1	1	1
DON'T CLIMB FASTER THAN 500 FPM	0	1	1	1	1	1	1	1	1	1	1	1	1	1
DON'T CLIMB FASTER THAN 1000 FPM	0	1	1	1	1	1	1	1	1	1	1	1	1	1
DON'T CLIMB FASTER THAN 2000 FPM	0	1	1	1	1	1	1	1	1	1	1	1	1	1
TURN LEFT	1	1	1	1	1	1	1	1	1	1	1	0	0	1
TURN RIGHT	1	1	1	1	1	1	1	1	1	1	0	1	1	0
DON'T TURN LEFT	1	1	1	1	1	1	1	1	1	1	0	1	1	1
DON'T TURN RIGHT	1	1	1	1	1	1	1	1	1	1	0	1	1	1

Fig. 5.3-2. ATARS Advisory Compatibility.

BILLING CODE 4910-13-C

Appendix A.—*Comprehensive Index of Fields*

This index lists in alphabetical order all essential fields, mission fields, three-character designator subfields and four-character designator subfields for which coding is given in this Standard. The "Location" column indicates the mission field or three-character designator subfield in which the three-character or four-character designator subfield listed under the "Designator" column appears. Content of all four-character designator subfields can be found by referring to the three-character designator subfield in which they appear. If a four-character designator subfield appears in more than one three-character designator subfield then its content can be found by referring to the italized three-character designator subfield.

Designator	Downlink uplink	Name	Location	References	
				Content	Protocol
ACAB	U	Aircraft Abbreviated Data.	*SED*, STD		
ACS	D	A-Capability	MB	3.3.1.4.2	4.4
ADS	U	A-Definition Subfield	MA	3.3.1.3.1	
ADS1	U	A-Definition Subfield 1	ADS		
ADS2	U	A-Definition Subfield 2	ADS		
AEAL	U	Altitude Echo	*AEC*, AEE		
AEC	U	Altitude Echo Advisory Subfield.	MA	3.3.2.2.1	4.2.2.6
AECA	U	Adjusted Altitude Bit	*AEC*, AEE		
AECC	U	Reported Altitude Confidence Level.	*AEC*, AEE		
AEE	U	19 Bit Altitude Echo Advisory Subfield.	MA	3.3.2.2.2	
AER	D	Altitude Echo Request	UM	3.2.2.7.1	4.2.2.6
AEXT	U	Relative Altitude Extension.	THD		
ALRL	U	Fine Relative Altitude	*PDT*		
ALRZ	U	Fine Relative Altitude for Class 0.	*TPE*, TRA		
ALUN	U	Altitude Unknown Indicator.	TPA	3.3.2.2.2.1	
ALZN	U	Relative Altitude Zone	*PDT*, TPE, TRA		
ALZZ	U	Relative Altitude Zone for Class 0.	SIX		
AP	U/D	Address/Parity		3.2.2.1	
AR	D	ASA Resolution Capability Report.			4.5
AR1	U	Add Vertical Resolution Advisory.	MU	3.3.2.4.1	
AR2	U	Add Horizontal Resolution Message.	MU	3.3.2.4.1	
ARC	D	ASA Resolution Capability.	MB	3.3.2.3.4	
ARHT	U	Altitude Relative to Highest Terrain.	*TAE*, TAS		
ARTO	U	Altitude Relative to Obstruction.	*OAE*, OAS, OBT		
ASID	U	Restricted Airspace Identifier.	*RTD*		
ASPT	U	Airspace Type	*RAA*, RAE		
ATA	D	ATARS Service Class	MB	3.3.2.3.4	
ATCC	U	ATC Control	*PDT*, TRA		
BDS	D	B-Definition Subfield	MB	3.3.1.4.1	
BDS1	D	B-Definition Subfield 1	BDS		
BDS2	D	B-Definition Subfield 2	BDS		
CA	D				4.4
COL	U	ATARS Resolution Advisory Column.	MA	3.3.2.2.3	4.1.2.2.1
CLBR	U	Clock Bearing	*OAE*, OAS, OBT, PDT, SIX, TRA.		
CLM	D	Aircraft Climb Performance Capability.	MB	3.3.2.3.3	
CONT	U	Continuation	STD		
CRSE	U	Compass Course	*PDT*, TPA, TPE, TRA		
CZSI	U	Class Zero Subfield Indicator.	*OAS*, RAA, TAS, TPA TPE.		
DF	D	Downlink Format		3.2.2.1	
DI	U	Designator, Identification.		3.3.1.1	4.1.3
DR	D	Downlink Request	MB	3.3.1.2	4.3.2.2
DR1	U	Delete Vertical Resolution Advisory.	MU		
DR2	U	Delete Horizontal Resolution Advisory.	MU	3.3.2.4.1	
DUMI	U	Dummy Indicator	AES		
ECS	D	Extended Capability	MB	3.3.1.4.2	4.4.
FNBR	U	Fine Bearing	PDT		
FNHD	U	Fine Heading	THD		
FTAT	U	First Time Advisory Transmitted.	*OAE*, OAS, OBT, PDT, RAA, RAE, TAE, TAS, TPA, TPE.		
GSPD	U	Groundspeed	*SED*, STB		
HI01	D	RAR Column 1 Horizontal Adv.	MB, MV	3.3.2.3.1	
HI02	D	RAR Column 2 Horizontal Adv.	MB, MV	3.3.2.3.1	

Designator	Downlink option	Name	Location	References	
				Content	Protocol
HI3	D	RAR Column 3 Horizontal Adv.	MB, MV	3.3.2.3.1	
HI4	D	RAR Column 4 Horizontal Adv.	MB, MV	3.3.2.3.1	
HI5	D	RAR Column 5 Horizontal Adv.	MB, MV	3.3.2.3.1	
HI6	D	RAR Column 6 Horizontal Adv.	MB, MV	3.3.2.3.1	
MA	U	Message, Comm-A			
MB	D	Message, Comm-B			
MU	U	Message, Special Interrogation.			
MV	D	Message, Special Reply			
OACL	U	Own ATARS Class	ODS		
OAE	U	16 Bit Obstruction Advisory Subfield.	MA	3.3.2.2.4	4.1.2.6
OBA	U	12 Bit Obstruction Advisory Subfield.	MA	3.3.2.2.5	4.1.2.6
OBT	U	13 Bit Obstruction Advisory Subfield.	MA	3.3.2.2.6	4.2.2.6
ODS	U	Own Data Subfield	MA	3.3.2.2.7	4.2.2.1
OGTC	U	Own Ground Track Course.	ODS		
OGPD	U	Own Groundspeed	ODS		
OTNR	U	Own Ground Track Turn Rate.	ODS		
PDT	U	Position Data Subfield	MA	3.3.2.2.8	4.2.2.3
PHMD	U	Predicated Horizontal Miss Distance.	THD		
RAA	U	12 Bit Restricted Airspace Advisory Subfield.	MA	3.3.2.2.9	4.1.2.7
RAE	U	16 Bit Restricted Airspace Advisory Subfield.	MA	3.3.2.1.10	4.1.2.7
RESL	U	Resolution Advisory Sit	THD		
RNGE	U	Range	*RDT*, TPE, TRA		
RNGO	U	Range to Obstruction	OBT		
RR	U	Reply Request			4.1.3
RRS	U	Reply Request	BD	3.3.1.8.1	4.1.3
RST	U	1 Bit Restricted Airspace Status.	MA	3.3.2.2.11	
RTD	U	26 Bit Restricted Airspace Advisory Subfield.	MA	3.3.2.2.12	4.2.2.9
SED	U	START/End Data Subfield.	MA	3.3.2.2.13	4.2.2.4
SEIN	U	Start/End Indicator	SED		
SIT	U	ATARS Site ID Code	MA	3.3.2.2.14	
SIX	U	6 Bit Advisory Subfield	MA	3.3.2.2.15	
SL	D	SCAS Sensitivity Level Report.			4.5
SWIN	U	Sensor Initiation Bit	ODS		
STD	U	Start Threat Data Subfield.	MA	3.3.2.2.16	
SUBN	U	Subfield Indicator	*AEE*, OAE, RAE, TAE		
TAE	U	16 Bit Terrain Advisory Subfield.	MA	3.3.2.2.17	
TEA	U	12 Bit Terrain Advisory Subfield.	MA	3.3.2.2.18	4.1.2.5
TER	U	8 Bit Terrain Advisory Subfield.	MA	3.3.2.2.19	4.2.2.7
THD	U	Threat Data Subfield	MA	3.3.2.2.20	4.2.2.5
TNTY	U	Turn Type of Threat	THD		
TPA	U	12 Bit Threat/Proximity Advisory Subfield.	MA	3.3.2.2.21	4.1.2.3, 4.2.1.1
TPE	U	16 Bit Threat/Proximity Advisory Subfield.	MA	3.3.2.2.22	
TPIN	U	Threat/Proximity Indicator.	*TPA*, TPE, TRA		
TRA	U	Threat/Proximity with Resolution Advisory Subfield.	MA	3.3.2.2.23	4.1.2.3, 4.2.1.1
TRKN	U	Track Number	*SED*, STD, THD		4.2.1.2.1
UDS	U	U-Definition Subfield	MA	3.3.2.4.1	
UDS1	U	U-Definition Subfield 1	UDS		
UDS2	U	U-Definition Subfield 2	UDS		
UF	U	Uplink Format		3.2.2.1	
UM	D	Utility Message		3.3.1.9	4.1.2.4
VDS	D	V-Definition Subfield	MV	3.3.2.5.2	
VDS1	D	V-Definition Subfield 1	VDS		
VDS2	D	V-Definition Subfield 2	VDS		
VE1	D	RARColumn 1 Vertical Advisories.	MB, MV	3.3.2.3.1	
VE2	D	RARColumn 2 Vertical Advisories.	MB, MV	3.3.2.3.1	
VE3	D	RARColumn 3 Vertical Advisories.	MB, MV	3.3.2.3.1	
VE4	D	RARColumn 4 Vertical Advisories.	MB, MV	3.3.2.3.1	

Designator	Downlink uplink	Name	Location	References	
				Content	Protocol
VE5	D	RARColumn 5 Vertical Advisories	MB, MV	3.3.2.5.1	
VE6	D	RARColumn 6 Vertical Advisories	MB, MV	3.3.2.5.1	
VSPD	U	Vertical Speed of Threat	THD		

Appendix B.—*Summary of Principal DABS Control Fields Used by ASA Systems*

[National Aviation Standard References: A=DABS, B=Active BCAS, C=ATARS]

ADS Subfield in Comm A Message

ADS1 (A-link)	ADS2 (message type)	ADS	Type	Principal references
1	0-1	16-17	ATARS Class 0 Advisories	C:3.3.2.2.
1	3	18	ATCRBS Track Block	B:3.3.2.3.2.
1	7	23	ATARS Class 1 and 2 Auxiliary Advisories	C:3.3.2.2.
1	8-15	24-31	ATARS Class 1 and 2 Traffic Advisories	C:3.3.2.2.
3	0	48	ATARS Resolution Message	C:3.3.2.2.

BDS Subfield in Comm B Message

BDS1 (B-source)	BDS2 (message type)	BDS	Type	Principal references
1	0	16	Extended Capability Report	C:3.3.1.4.2.
3	0	48	RAR Reply Message to ATARS	C:3.3.2.3.1.
3	1	49	RAR Busy Message to ATARS	C:3.3.2.3.2.
3	2	50	ATARS Extended Data	C:3.3.2.3.3.

Uplink Data Requests

Type	Field/subfield values	Principal references
RAR	RR=18, DI±7	C:4.3.2.1.
ATARS Extended Data	RR=18, DI=7, RRS=2	C:4.1.3; C:4.2.3.

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Part IV

Department of Transportation

Research and Special Programs Administration

City of Boston Rules Governing Transportation of Certain Hazardous Materials by Highway Within the City

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Inconsistency Ruling, IR-3]

City of Boston Rules Governing Transportation of Certain Hazardous Materials by Highway Within the City

APPLICANT: Hazardous Materials Advisory Council and Massachusetts Motor Truck Association, Inc., American Trucking Associations, Inc.

CITY LAW AFFECTED: City of Boston "Ordinance Regulating the Transportation of Hazardous Materials", and "Regulations Controlling the Transportation of Hazardous Materials", dated December 15, 1980, issued by the Fire Commissioner and the Commissioner of Health and Hospitals, which regulate the transportation of certain hazardous materials on City streets. The Regulations are reprinted as an appendix to this ruling.

APPLICABLE FEDERAL REQUIREMENTS: Hazardous Materials Transportation Act (49 U.S.C. 1801 and following) (HMTA), §§ 102–107, and 109; and Parts 171–173, 177–178 of the Hazardous Materials Regulations (49 CFR Parts 177–179).

MODE AFFECTED: Highway.

ISSUE DATE: Ordinance: January 3, 1980; implementing regulations: December 15, 1980.

RULING: Ordinance: no conclusion is expressed regarding the Ordinance.

Regulations: Found inconsistent are the implementing regulations generally, and in particular §§ 5.0–5.02 and 5.04–5.05, to the extent they prevent otherwise lawful transportation within the City, or effectively direct vehicles into other jurisdictions; § 7.1.6 to the extent it requires identification numbers to be displayed in circumstances wherein such display is not required under the HMTA; § 7.1.7 to the extent that it requires a display that modifies the basic hazard warnings required under the HMTA; and §§ 9.0–9.1 to the extent that they require written incident reports to be submitted to the City.

Found not inconsistent are §§ 1.0, 2.0, 3.0, 7.0–7.1.5, and 12.0. No conclusion is expressed regarding §§ 4.0–4.02, 5.03, 6.0, 6.1, 8.0–8.1.8, 10.0, 11.0, 13.0, and 14.0.

SUMMARY: This inconsistency ruling is the opinion of the Materials Transportation Bureau (MTB) concerning whether the City of Boston's regulations implementing the "Ordinance Regulating the Transportation of Hazardous Materials" are inconsistent with the HMTA or regulations issued thereunder and thus preempted as set forth in § 112(a) of the HMTA. This ruling was applied for and is issued pursuant to procedures at 49 CFR 107.201–.209.

FOR FURTHER INFORMATION CONTACT: D. A. Crockett, Office of the Chief Counsel, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590 (telephone (202) 755–4972).

I. Background.

A. Chronology

On February 5, 1980, the Hazardous Materials Advisory Council (HMAC) and the Massachusetts Motor Truck Association, Inc. (MMTA) jointly filed an application for a ruling on whether the city of Boston's "Ordinance Regulating the Transportation of Hazardous materials" ("Ordinance") is inconsistent with the Hazardous Materials Transportation Act (HMTA) and regulations issued thereunder. On February 20, 1980, the American Trucking Associations, Inc. filed a similar application, and HMAC and MMTA filed a supplement. On March 24, 1980, the Materials Transportation Bureau (MTB) published a notice and invitation to comment (45 FR 19110). The Ordinance and applications are summarized therein. The City of Boston Responded in a letter dated May 8, 1980.

On September 16, 1980, the City of Boston held a public hearing on implementing regulations developed and issued by the Fire Commissioner and the Commissioner of Health. ATA, on September 16, 1980, filed a supplement.

On March 2, 1980, ATA and MMTA instituted suit in the District Court for the District of Massachusetts, seeking and obtaining a temporary restraining order against enforcement of the implementing regulations, and seeking injunctive and declaratory relief (Docket No. 81–628–M–A). ATA and MMTA argue, among other things, that the Ordinance and implementing regulations are preempted by § 112(a) of the HMTA. Their request for a preliminary injunction has not yet been considered.

B. Comments on the MTB's Notice

In its May 8, 1980, comment, Boston provided a draft of the implementing regulations developed under the Ordinance. It stated that the regulations use terms common to regulations issued under the HMTA where possible and practical. It further stated that population in the downtown area of the City fluctuates between 53,903 and 265,787 persons depending on time of day. It stated the intent of the regulation to be to protect the health and safety of residents of Boston by diverting nonlocal traffic carrying hazardous materials around the City which it said would necessitate no additional stops and often only minor increases in distances traveled.

Generally summarized, the applicants HMAC, MMTA and ATA assert that the definitions used in the Ordinance must be essentially identical in scope with DOT definitions to avoid confusion; that the extensive permit requirements coupled with the ban and time-of-day curfew on hazardous materials vehicles would result in delays and increased operating costs, and that requirements for placards, vehicle markings and written reports would be confusing, duplicative and disruptive of similar DOT requirements. The applicants also asserted that the Ordinance was not consistent with a policy of national uniformity expressed by Congress in the HMTA and should be considered in context with the possible imposition of such ordinances in other local jurisdictions.

Other similar comments were received from members and representatives of the transportation and chemical industries supportive of the applicants' views.

C. General Authority and Preemption Under the HMTA

The HMTA itself imposes obligations to act only on the Secretary of Transportation. Obligations are imposed on members of the public only by the substantive regulations issued under the HMTA. Known as the Hazardous Materials Regulations (HMR), they are codified at 49 CFR Parts 170–179 and mostly predate the HMTA. The HMR previously were authorized by the Explosives and Other Dangerous Articles Act (18 U.S.C. §§ 831–835), which was repealed in 1979 (Pub. L. 96–129, Nov. 30, 1979). The HMTA was enacted on January 3, 1975, and the HMR were reissued under its authority, effective January 3, 1977 (41 FR 39175, Sept. 9, 1976). Subsequent amendments to the HMR have been issued under the authority of the HMTA and with the preemptive effect granted by that Act (under special limits in the case of the Federal Motor Carrier Safety Regulations, discussed below).

With regard to highway transportation of hazardous materials, the HMR apply to persons who offer these materials for transportation (shippers), those who transport the materials (carriers) and those who manufacture and retest the packagings and other containers intended for use with the materials. The scope of transportation activity affected includes

the packaging of shipments of hazardous materials, package marking (to show contents) and labeling (to show hazard), vehicle placarding (to show hazard), handling procedures such as loading and unloading requirements, care of vehicle and lading during transportation, and the preparation and use of shipping papers to show the identity, hazard and amount of each hazardous material being shipped. The HMR also require carriers to report in writing to DOT any unintentional release of a hazardous material during transportation. In some cases, an immediate report must be made in addition to the subsequent written report.

A discussion of the preemptive effects of the HMTA appears in a previous inconsistency ruling, IR–2, "State of Rhode Island Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas" (44 FR 75566), which is extracted and summarized here.

The HMTA at § 112(a) (49 U.S.C. 1811(a)) preempts "any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement set forth in [the HMTA] or regulations issued under [the HMTA]." This express preemption provision makes it evident that Congress did not intend the HMTA and its regulations to completely occupy the field of hazardous materials transportation so as to preclude any State or local action. The HMTA preempts only those State and local requirements that are "inconsistent". The legislative history of this provision indicates that Congress intended it "to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation." (S. Rep. No. 1192, 93d Cong., 2d Sess. 37 (1974).)

In 49 CFR Part 107, Subpart C, the MTB has published procedures that implement the preemption language of the HMTA by providing for the issuance of inconsistency rulings. At the time these procedures were published, the MTB observed that "[t]he determination as to whether a State or local requirement is consistent or inconsistent with the Federal statute or Federal regulations is traditionally judicial in nature." (41 FR 38167, Sept. 9, 1976.) There are two principal reasons for providing an administrative forum for such a determination. An inconsistency ruling provides an alternative to litigation for a determination of the relationship of Federal and State or local requirements. If a State or political subdivision requirement is found to be inconsistent, such a finding provides the basis for an application for a determination by the Secretary of Transportation as to whether preemption will be waived (49 U.S.C. 1811(b); 49 CFR 107.215–.225.)

Since the proceeding here is conducted pursuant to the HMTA, the MTB will consider only the question of statutory preemption. A Federal court may find a state requirement not statutorily preempted, but nonetheless preempted by the Commerce Clause of the U.S. Constitution because of an undue burden on interstate commerce. However, the Department does not make such determinations. Also, under earlier legislative authority, the applicability of the Hazardous Materials Regulations was statutorily limited to carriers in interstate and foreign commerce and their shippers and did not apply to carriers in wholly intrastate commerce and their shippers. Although the HMTA at § 103(1) (49 U.S.C. 1802(1)) authorizes application of its regulations to intrastate commerce that affects interstate commerce, the MTB has not yet exercised this expanded jurisdiction except on a limited case-by-case basis. Any preemptive effect attributed to the HMTA in an inconsistency ruling is limited to preemption of State or local requirements as they apply to persons currently subject to the Hazardous Materials Regulations.

Given the judicial character of the inconsistency ruling proceeding, the MTB has incorporated case law criteria for determining the existence of conflicts into the preemptions procedures at 49 CFR 107.209(c):

(1) Whether compliance with both the [State or local] requirement and the Act or the regulations issued under the Act is possible; and

(2) The extent to which the [State or local] requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

The first criterion is the dual compliance or direct conflict test and concerns those State or local requirements that are incongruous with Federal requirements; that is, compliance with the State requirement causes the Federal requirement to be violated or vice versa. The second criterion in a sense subsumes the first and concerns those State or local laws that, regardless of conflict with a Federal requirement, stand as "an obstacle to the accomplishment and execution of the [HMTA] and the regulations issued under the [HMTA]." In determining whether a State or local requirement presents such an obstacle, it is necessary to look at the full purposes and objectives of Congress in enacting the HMTA and the manner and extent to which those purposes and objectives have been carried out through the MTB's regulatory program.

In enacting the HMTA, Congress recognized that the Department of Transportation's effort in hazardous materials transportation regulation lacked coordination by being divided among the various transportation modes, and lacked completeness because of gaps in DOT's authority, most notably in the area of manufacturing and preparation of packagings used to transport these materials. In order to "protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce" (49 U.S.C. 1802), Congress consolidated and expanded the Department's regulatory and enforcement authority.

The preemptive effect of the HMTA is more limited as regards the Federal Motor Carrier Safety Regulations (FMCSR) contained in 49 CFR Parts 390–397. These regulations establish vehicle, equipment and driver requirements for motor carriers subject to the Interstate Commerce Act. On February 6, 1978, the MTB incorporated the FMCSR (except 49 CFR §§ 397.3 and 397.9) into the HMR at 49 CFR 177.804, noting that it did not intend to preempt State or local law not preempted by the FMCSR before incorporation (HM–157, 43 FR 4858, Feb. 6, 1978).

Concerning the preemptive effects of the FMCSR, 49 CFR 309.30 sets this standard:

> Except as otherwise specifically indicated, Parts 390–397 of this subchapter are not intended to preclude States or subdivisions thereof from establishing or enforcing State or local laws relating to safety, the compliance with which would not prevent full compliance with these regulations by the persons subject thereto.

This standard is essentially indentical to the first test used to determine preemption under the HMTA, i.e., the direct conflict test. Unless a different criteria is specifically set forth in the FMCSR, a State or local requirement will be found preempted by the FMCSR during proceedings on an inconsistency ruling only if it directly conflicts with a provision of the FMCSR.

II. Ruling

In many cases, Boston's "Ordinance Regulating the Transportation of Hazardous Materials" provides wide authority that could be implemented in a variety of ways. This opinion will consider only the implementing regulations. Although the MTB's Federal

Register notice and solicitation of comment (45 FR 19110, March 24, 1980) concerned the Ordinance, comments received are generally applicable to the implementing regulations. The implementing regulations will be considered in the order in which they were issued.

Section 1.0 Authority

A general reliance on State law to regulate activities affecting public health and safety is not inconsistent with the HMTA. Both the HMTA and HMR presume some State and local regulation, particularly in the areas of traffic control and emergency response, since both functions are necessarily local in nature.

Section 2.0 Adoption of State regulations.

The laws of the Commonwealth of Massachusetts governing hazardous materials transportation were not considered in this proceeding. However, it appears that CMR Title 720 Section 8 is an adoption by the Commonwealth of those parts of the HMR that concern highway transportation. Based on these common standards with the HMR, the Commonwealth also has entered into a cooperative enforcement agreement with the Federal Highway Administration under 49 CFR Part 388, as have a large number of other States. We understand the effect of Boston's incorporation of State regulations to be that the same standards applied to highway transportation by the HMR are applied by §2.0. While the MTB has not examined and does not offer an opinion on consistency of CMR Title 720 Section 8 with the HMTA, reliance by local jurisdictions on common State and Federal requirements is not inconsistent with the HMTA.

Section 3.0 Adoption of certain Federal Motor Carrier Safety Regulations.

The implementing regulations adopt four rules of the FMCSR "as referred to and as modified" therein. Section 2.0 may already impose these requirements by way of their incorporation under the HMTA in 49 CFR 177.804. These four provisions concern the following subjects (49 CFR Part 397 applies only to vehicles required by the HMR to be placarded):

49 CFR 397.5 Attendance and surveillance of motor vehicles, particularly those containing Class A or Class B explosives

49 CFR 397.7 Rules for parking motor vehicles, particularly those containing Class A or Class B explosives

49 CFR 397.9 Avoidance of heavily populated areas by motor vehicles containing hazardous materials unless no other practicable route is available; written route plan for motor vehicles containing Class A or Class B explosives

49 CFR 397.21 Marking of motor vehicles operated by a private carrier

Later in the implementing regulations, 49 CFR 397.9 is mentioned at § 5.0, and made expressly mandatory in local pickup and delivery operations at § 7.1.4; 49 CFR 397.5 and 397.7 are made expressly mandatory at § 7.1.3. There is no further reference in the implementing regulations to 49 CFR 397.21. We construe § 3.0 as intending to make mandatory in Boston the four referenced FMCSR sections, with modifications as necessitated by subsequent sections. In addition, not mentioned in § 3.0, 49 CFR 177.823, concerning DOT-required placarding, is made locally mandatory at § 7.1.6. Section 3.0, in adopting provisions from the FMCSR, is consistent with the HMTA.

Section 4.0 Hazardous materials subject to additional regulations.

This introductory section states the application of the regulations to hazardous materials falling within specified hazard classes, and to certain named hazardous materials. In view of § 2.0, we construe the implementing regulations as adopting DOT definitions which §§ 4.0–4.02 modify for the limited purposes of applying the additional restrictions in §§ 5.0–14.0.

The definitions following § 4.0 comprise a subset of the materials regulated under the HMTA. Commenters have argued that references in the implementing regulations to DOT definitions are incomplete and that any variance from DOT definitions is inconsistent with the HMTA. However, the definitions are intended for use by carriers rather than shippers and consequently should not result in the introduction into transportation of materials improperly packaged or described under the HMR. The consistency of the implementing regulations with the HMTA, in this case, depends not on the materials definitions but on the substantive provisions that attach to the definitions. We reached no conclusion regarding consistency of §§ 4.0 through 4.02 with the HMTA. The discussion below, however, is presented for context.

Section 4.01 Definitions of hazardous materials subject to additional restrictions.

This section defines groups of materials by reference to DOT hazard classes, and certain specific materials by reference to DOT shipping names. Section 4.01 adopts the HMR definitions of the following classes of materials:

(1) *Explosives, Classes A (49 CFR 173.53) and B (49 CFR 173.88)* are classes of materials defined in the HMR by specific tests. Generally, Class A explosives are capable of detonation while Class B explosives function instead by rapid combustion. Certain small quantities of explosives otherwise classes as A or B may be shipped as Class C explosives when the quantity and manner of packaging sufficiently reduce the risk to permit compliance with a reduced level of regulation. A package shipped as a Class C explosive, or as a Blasting agent (49 CFR 173.114(a)), appears to be excluded from the § 4.01 definition. The HMR require a motor vehcile carrying any quantity of Class A or B explosives to be placarded.

(2) *Poison A* is a class of materials (49 CFR 173.326) comprised of liquids or gases that are life threatening when mixed in small amounts with air. When transported by highway, they are required by the HMR to be placarded POISON GAS (hence the reference in § 4.01 the implementing regulations). Poison A materials may not be transported in a cargo tank (49 CFR 177.841(b)). There are no regulatory exceptions in the HMR for small amounts of Poison A materials.

(3) *Flammable solid* is a class of materials (49 CFR 173.150) that, excluding explosives and blasting agents, may cause fires under normal conditions of transportation as a result of friction or retained heat, or which can be readily ignited and burn vigorously and persistently. For certain small amounts of some materials in this class, regulatory exceptions in the HMR apply. The reference to the Dangerous When Wet label in the § 4.01 definition limits its application to flammable solids that are water reactive. A motor vehicle carrying any quantity of a water reactive flammable solid is required by the HMR to be placarded Flammable Solid W.

(3) *Radioactive material* is a class of materials that emit a defined level of ionizing radiation. Required package labels indicate certain characteristics of the packaged material that must be known for appropriate package handling and stowage. Those various labels are commonly referred to as White I, Yellow II and Yellow III (in increasing order of hazard). Package radiation emission levels, fissionability, and total package radioactivity determine label use (49 CFR 172.403(d)). Any motor vehicle carrying a package bearing a Yellow III label is required by the HMR to be placarded.

The excepting reference in the § 4.01 definition to "DOT–7A Type A Radioactive material" includes Type A materials in a DOT–7A packaging (49 CFR 178.350). Type A is one of four subcategories of radioactive material that more accurately reflect the level of hazard of the various radioactive materials than do package labels: Limited quantity, Type A, Type B, and Large quantity (in order of increasing hazard). Limited quantity radioactive materials may include consumer goods and electron tubes. The HMR permit exceptions for these materials because of the very low hazard levels involved. Type A may include radiopharmaceuticals as well as partially refined ores. Type B may include radiopharmaceuticals as well as medical diagnostic, therapeutic, and industrial radiation sources used in radiography. Large quantity materials may include higher level materials, such as spent reactor fuel. Most common packages shipped contain Limited quantity and Type A materials. The category of a given material generally determines the degree of reliability required by the HMR for the package in which the material must be transported.

Section 4.01 also defines specific materials: (1) *Liquefied petroleum gas* is the proper shipping name of a specific material regulated by the HMR in the class Flammable gas. It is commonly shipped under pressure in a liquid state in commerce by rail tank cars and highway tank trucks that considerably exceed the 2,500 pound threshhold capacity established in the implementing regulations. This material is also shipped in cylinders, the total capacity of which on a given vehicle may exceed 2,500 pounds. In amounts over 1,000 pounds, a motor vehicle transporting this material is required by the HMR to be placarded.

(2) *Methane (Liquefied)* generally means liquefied natural gas (LNG), and its proper shipping name under the HMR is Methane, a Flammable gas. It is a cryogenic liquid shipped in commerce under minimal pressure. LNG is shipped only by highway in specially designed tank trucks. The HMR do not, at present, permit LNG to be transported except under the authority of an exemption. The MTB issues such exemptions through a public process only after a sufficient level of safety is demonstrated based on the containment system and operational safeguards. All cargo tanks containing LNG are required to be marked and placarded.

(3) *Liquefied Hydrogen* is a cryogenic liquid classed and shipped by highway under the HMR shipping name Hydrogen under requirements similar to those for LNG.

Section 4.02 Flammable liquids.

Flammable liquid is a hazard class into which many common industrial solvents and fuels, like gasoline, fall. The reference in the implementing regulations to a 73° F. flashpoint echoes regulatory exceptions in the HMR for some flammable liquids that are less easily ignited than others in the same hazard class. Most tank trucks transporting bulk flammable liquids in commerce have a capactly many times greater than the 1,000 gallon threshold established in this section. Lesser amounts of some flammable liquids (110 down to one gallon or less) may be shipped under additional HMR exceptions. Alcoholic beverages, including distilled spirits, are not regulated by the HMR when shipped in one gallon or smaller containers, regardless of the total number of such containers on a motor vehicle. A motor vehicle carrying 1,000 pounds or more of a flammable liquid, and a cargo tank carrying any quantity, is required by the HMR to be placarded.

Section 5.0 Restrictions on use of city streets for hazardous materials transportation.

This section suggests that its purpose is to implement 49 CFR 397.9(a), a provision of the FMCSR not adopted under the HMTA:

§ 397.9 Routes.

(a) Unless there is no practicable alternative, a motor vehicle which contains hazardous materials must be operated over routes which do not go through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys. Operating convenience is not a basis for determining whether it is practicable to operate a motor vehicle in accordance with this paragraph. [Due to recent rulemaking discussed later in this opinion, the applicability of Section 397.9(a) to radioactive materials will cease on February 1, 1982.]

As a practical matter, States and localities that adopt specific provisions of the FMCSR or the HMR are not likely to encounter inconsistency with either, since both bodies of regulations are mutually reliant and coevolved in the Interstate Commerce Commission prior to the establishment of DOT. However, in this case there are significant differences between the effects of the implementing regulations and 49 CFR 397.9(a). The DOT General Counsel previously considered the relationship of § 397.9(a) to local restrictions that ban the movement of hazardous materials, concluding that such restrictions "cannot be said to effectuate the policy of that section" (General Counsel letter of May 12, 1976, to General Counsel, Nuclear Regulatory Commission). Although the MTB, in its first inconsistency ruling under the HMTA (which did not extensively discuss § 397.9(a)), concluded that a New York City ordinance banning the movement of most radioactive materials in that jurisdiction was not inconsistent with the HMTA (IR–1, 43 FR 16954, April 20, 1978), that conclusion should not extend to the circumstances of the Boston implementing regulations. The conclusion in IR–1 was based on considerations peculiar to the facts of that case, including the geography of New York City and special concerns, such as security, associated with radioactive materials transportation.

Last year, MTB issued its second inconsistency ruling, IR–2, which concerned a Rhode Island regulation that limited times of highway transit into and through the State for gases such as liquefied petroleum gas and liquefied natural gas. A principal concern in that ruling (44 FR 75566, December 20, 1979) was the individual and cumulative effect of State requirements which have a potential for causing delays at and after commencement of transportation, and for causing significant or unusual rerouting of hazardous materials traffic away from customary commercial routes. Both effects may contribute to unsafe conditions. Much of the discussion contained in IR–2 will be applied here.

Highway carriers are obliged by the HMR to see that "[a]ll shipments of hazardous materials [are] transported without unnecessary delay, from and including the time of commencement of the loading of the cargo until its final discharge at destination." (49 CFR 177.853) It follows that a truck containing hazardous materials should not be stopped or delayed unnecessarily, and that local rules which may have that effect are not consistent with the HMTA. The mere threat of delay may redirect commercial hazardous materials traffic into other jurisdictions that may not be aware of or prepared for a sudden, possibly permanent, change in traffic patterns. Road conditions also may be inadequate, particularly where the rerouted hazardous materials traffic is diverted to routes that other similar commercial traffic normally does not use.

Section 397.9(a), while not incorporated under the HMTA, gives some definition to what is a "necessary delay" as a result of its common genesis

with the HMR. A circuitous route which a carrier follows to comply with that section usually will entail delay in the form of additional mileage judged necessary by the carrier under § 397.9(a). We view § 397.9(a) as not intended to direct highway carriers over circuitous routes if use of those routes will result in a significant reduction, overall, in public safety. That is, a route is not a "practicable alternative" if the likelihood of injury or damage associated with its use is demonstrably greater than on the route to which it is compared.

The Boston implementing regulations and 49 CFR 397.9(a) require this comparison to be made in different ways. Under § 397.9(a), the carrier must exercise judgment based on his knowledge and anticipated use of alternate routes that may pass through a number of different jurisdictions and over a variety of roads. We have no record in our proceedings from which to conclude that either the Boston City Council or the Fire Commissioner has examined in any detail the safety impacts which will result from enforcing the implementing regulations.

In varying degrees of sophistication, techniques are availabe for such safety comparisons between routes. One example of a relatively sophisticated comparative safety analysis dealing with routing in the Boston area was prepared for MTB last year on the subject of liquefied natural gas. The analysis ("Assessment of Risks and Risk Control Options Associated With Liquefied Natural Gas Trucking Operations From Distrigas Terminal, Everett, Massachusetts," June 1979) suggests that there may be at least some routing options which avoid Boston and which produce net safety benefits.

A more easily applied technique for comparing the relative levels of safety offered by alternative highway routes for hazardous materials generally (excluding radioactive materials) was recently developed by the Federal Highway Administration ("Guidelines for Applying Criteria to Designate Routes for Transporting Hazardous Materials," FHWA–IP–80–20, September 1980, to be published soon). This technique permits ready consideration of the comparative effects of such things as accident rates and population densities associated with the routes being examined.

Moreover, the implementing regulations direct traffic into jurisdictions outside Boston, as opposed to choosing among routes available within the City, even though the Fire Commissioner has authority and has stated his intention of granting permits to allow transit when no other practicable route outside the City is available.

A local jurisdiction can command cooperation from its own institutions and citizens affected by highway transportation to ensure that essentially all the safety considerations that affect selection of local routes are examined. We believe this process sufficient for choices of that scope to produce an acceptable local routing solution. Political accountability significantly contributes to the process. A local jurisdiction that directs transiting traffic through its neighbors will be considerably less responsive to conditions beyond its jurisdiction.

Routing effects in adjacent jurisdictions could be addressed in rules jointly issued by all affected local jurisdictions, as through a regional council of governments for example. A preferable and more practical process is regulatory action at the State level, short of a State-wide ban, which we believe could be consistent with the HMTA. We think it possible that use of routes which avoid Boston may be appropriate. For consistency with the HMTA, however, Boston must act through a process that adequately weighs the full consequences of its routing choices and ensures the safety of citizens in other jurisdictions that will be affected by its rules. We do not believe that Boston possesses institutions or has used analytical methods that can adequately and reliably accomplish this. Consequently, we have concluded that to the extent they prevent motor vehicles from tranporting hazardous materials into or through that jurisdiction, the Boston implementing regulations may cause delay or a diversion of traffic through other jurisdictions and in this respect are inconsistent with the HMTA.

MTB has forcefully expressed confidence in this latter view in HM–164, Highway Routing of Radioactive Materials (46 FR 5298, January 19, 1981), which becomes effective February 1, 1982. In HM–164 (which concerned only radioactive materials), MTB has specified that State-wide regulations are the only appropriate tools consistent with the HMTA for imposition of routing controls on highway carriers of radioactive materials.

In view of this conclusion, my comments on the balance of the implementing regulations (with an exception noted for § 5.02) will be made from an assumption that Boston may not through its regulations exclude motor vehicles transporting hazardous materials from use of its streets, to the extent that use is in compliance with the HMTA.

Section 5.01 Restrictions on use of City streets.

This section bars use of City streets for tranportation of hazardous materials previously identified in § 4.01 unless an origin or destination point lies therein. The reference to § 4.01 effectively excepts materials classed as Flammable liquid. We understand that the term "City street" excludes Interstate routes, but that the use of Interstate 93 through Boston requires a detour on City streets to avoid a tunnel (State and local restrictions on urban vehicular tunnels used for mass transportation are recognized in the HMR, (49 CFR 177.810)). Although a permit system established by the implementing regulations will examine carrier applications for transit based on the lack of practicable alternatives, compelling need, and public interest, the process available to Boston is inadequate to ensure that routes will be adequately compared. Moreover, the necessity of a permit may result in a redirection of hazardous materials into other jurisdictions. A City-wide prohibition on hazardous materials traffic in Boston is not consistent with the HMTA.

Section 5.02 6 a.m. to 6 a.m. restriction.

This section restricts vehicles carrying hazardous materials from the downtown area from 6 a.m. to 6 p.m. Time-of-day restrictions are a subset of routing restrictions generally. Although limited to certain hours in the downtown area, § 5.02 may effectively route motor vehicles into other jurisdictions. The use of Interstate routes in downtown Boston necessitates a detour by hazardous materials carriers for several blocks on City streets which would be controlled by § 5.02. If the Interstates are blocked by this section, hazardous materials vehicles may be routed through other jurisdictions during the time the prohibition applies. As previously discussed, local jurisdictions lack a process for adequate evaluation and comparison of routes beyond their boundaries. The application of § 5.02 to pickup and delivery operations, however, is less likely to have such results, and also appears to us to be justifiable as ancillary to regulatory authority that the City Council may exercise over land use and local activities in Boston. For example, delivery of explosives to a construction site in the city might be prohibited during certain times of day. Except as it concerns transportation service to points of origin or destination within

Boston, § 5.02 is inconsistent with the HMTA.

Section 5.03 "Downtown" defined.

This section defines the boundaries of the downtown area to which § 5.02 applies.

Sections 5.04 and 5.05 Exceptions.

These sections authorize the Fire Commissioner to grant exceptions to the prohibition against use of City streets (§ 5.01) and time-of-day restrictions (§ 5.02) by issuing a permit under § 8. "Compelling need" and "public interest" are the joint criteria that must be met before a permit will issue. (It is not clear how these criteria relate to the lack of an available practicable route suggested as an exception under § 5.01.) So far as it affects routing, we believe the permit process can operate only on time-of-day restrictions on pickup and delivery. It is inconsistent with the HMTA except to that extent.

Sections 6.0 and 6.1 Permits for transportation outside the downtown area.

These provisions allow the Fire Commissioner to define and impose permit requirements on transportation outside the defined downtown area, which is otherwise authorized by the implementing regulations, when he determines that special precautions are necessary. A permit systemmust beevaluated for consistency with the HMTA based on the restrictions actually imposed. We have previously stated that a bare requirement for a permit is not necessarily inconsistent with the HMTA (IR–2, 44 FR at 75570). This provision may legitimately assist the Fire Commissioner in dealing with unusual local conditions and emergencies. Because permit conditions and scope are not defined in § 6.1, the consistency of the sections with the HMTA is indeterminate.

Sections 7.0 through 7.1.1 Operation of vehicles of City streets.

These provisions concern the actual operation of motor vehicles transporting hazardous materials on City streets. Section 7.1.1 makes traffic infractions subject to penalty action under the implementing regulations, thereby increasing the penalties available. Local regulation of traffic is recognized in the FMCSR at 49 CFR 397.3. Although that provision was not incorporated under the HMTA, the HMR contain nothing that would suggest inconsistency. While it is possible that a particular provision aimed at the regulation of traffic might be inconsistent, "rules of the road" are assumed by MTB to be a proper form of State and local regulatory control applied to motor vehicles carrying hazardous materials which is consistent with the HMTA.

Section 7.1.2 Separation distances.

Neither the HMR nor the FMCSR specify separation distances between moving or parked motor vehicles carrying hazardous materials. Section 7.1.2 specifies a 300 ft. separation distance in both cases, when traffic conditions allow. Although the kinds and amounts of hazardous materials defined in §§ 4.01 and 4.02 are required to be placarded under the HMR, the placards on a motor vehicle may not be recognizable from 300 feet or more during hours of darkness since § 392.32 of the FMCSR require lower headlight beams to be used within 500 feet of other traffic. Moreover, we question the advisability of encouraging a driver to constantly direct his attention away from the proximity of his vehicle which is implied by § 7.1.2. However, while we question the safety benefit to be gained through imposition of § 7.1.2, and recognize that the qualifying words "Except when overtaking . . . 'and' . . . except where conditions of traffic make it impractible to do so . . ." cause the section to have very limited enforceability, we find no basis for concluding that § 7.1.2 is inconsistent with the HMTA.

Section 7.1.3 Attendence and parking of explosives and other vehicles.

This section requires compliance by carriers with 49 CFR §§ 397.5 and 397.7, rules in the FMCSR concerning attendance and parking of motor vehicles containing Class A or B explosives, as well as other materials. Both FMCSR sections are incorporated under the HMTA. Local adoption and enforcement of Federal requirements is consistent with the HMTA, as it encourages national uniformity in transportation safety regulations.

Section 7.1.4 Use of major thoroughfares.

Except as necessary for pickup and delivery, this section requires hazardous materials carriers to use major City thoroughfares, and applies 49 CFR 397.9(a) where the carrier must depart from a major thoroughfare. We have no information indicating this requirement affects route selection outside the City. We therefore conclude that § 7.1.4 is not inconsistent with the HMTA.

Section 7.1.5 Use of headlights.

This section requires vehicles carrying hazardous materials to use headlights at all times when operating on City streets. After a review in IR–2 of both the HMTA and the FMCSR, a similar Rhode Island requirement that headlights be used at all times was found not inconsistent. That conclusion applies here.

Section 7.1.6 Marking of motor vehicles to identify product.

This section requires that motor vehicles bear, in addition to placards required by 49 CFR 177.823, identification of the products carried. For the method of product identification, § 7.1.6 references DOT P5800.2, the "Emergency Response Guidebook".

In the past, MTB has strenuously objected to any local variations in the extensive Federal systems that provide emergency information. In IR–2, a State requirement that certain motor vehicles display a rear bumper sign warning following vehicles to keep a 500-foot separation distance was found inconsistent:

> There are . . . certain areas where the need for national uniformity is so crucial and the scope of Federal regulation is so pervasive that it is difficult to envision any situation where State or local regulation would not present an obstacle to the accomplishment and execution of the HMTA and the Hazardous Materials Regulations. . . . Hazard warning systems are [an] area where MTB perceives the Federal role to be exclusive. The MTB has thoroughly considered this subject and has issued regulations on marking and labeling of packages and placarding of vehicles in order to communicate the hazards of the materials contained therein. The effectiveness of these systems depends to a large degree on educating the public, especially emergency response personnel. . . . Additional, different requirements imposed by States or localities detract from the DOT systems and may confuse those to whom the DOT systems are meant to impart information [44 FR 75568]

The DOT system of identification numbers around which the "Guidebook" is built is essentially the same system adopted for worldwide use by the United Nations Committee of Experts on the Transport of Dangerous Goods. MTB adopted the system in 1980 (HM–126A, 45 FR 34560, May 22, 1980; 45 FR 74840, November 10, 1980). As adopted, it generally requires a hazardous material identification number to be displayed on packages and tank vehicles which can be converted, by use of the "Guidebook", to a product name and information on immediate response in the event the material is released during transportation. As applied to highway transportation, identification numbers must be marked on packages of less than 110 gallons capacity beginning July

1, 1983 (49 CFR 172.301(c)(2)). Cargo tanks must be similarly marked beginning November 1, 1981 (49 CFR §§ 172.328, 172.336(c)(8)) (45 FR 34698–9, 74666–8). Generally, other motor vehicles carrying hazardous materials are not required, but are permitted, to be so marked (49 CFR 172.336(a), 45 FR 74667).

Identification numbers usually may be displayed on a motor vehicle by inscribing it on the required placard, or by affixing an orange-colored panel directly to the vehicle. Display of identification numbers has been permitted on a voluntary basis since July 1, 1980, except for placard display, which is not permitted before April 1, 1981 (45 FR 34560, 74640). These voluntary compliance dates, as well as the mandatory dates, were chosen to permit the preparation and training necessary for widespread compliance and recognition. Detailed exceptions and varations are specified by the HMR for special situations, such as multi-unit cargo tanks (49 CFR 172.336(c)(1), 45 FR 74668).

Section 7.1.6 requires identification numbers to be displayed on vehicles where they are not required by the HMR, and contradicts the exceptions and variations provided therein. Section 7.1.6 also requires display of identification numbers before the HMR require it. In both aspects the section is inconsistent with the HMTA.

Section 7.1.7 Sign to show residual material.

This section requires display of a sign approved by the Fire Commissioner on all vehicles that are "carrying residual quantities of hazardous materials (5% or less of rated capacity) but by marking or other identification could be mistaken for carrying hazardous materials." It is not clear whether the sign will be approved for individual shipments, or on a more general basis, or precisely what the sign will say. While the HMR recognize exceptions for some empty containers that still may contain residual materials or fumes, generally any such container that has been neither cleaned and purged nor reloaded with a material that is not hazardous must be shipped in the same manner as when it was full. The hazard presented by residues and fumes in "empty" containers are sufficient generally to justify their handling with as much caution as full ones. Also, the preceding discussion under § 7.1.6 concerning vehicle marking is applicable here. The area of hazard warnings is essentially an area of exclusive HMTA domain. Section 7.1.7 specifies a form of vehicle marking or placarding that modifies the basic hazard warnings required by DOT and is therefore inconsistent with the HMTA.

Section 8 generally. Permit process and requirements.

From the previous discussion, we construe § 8 to have a valid application only to the extent that it provides relief from those provisions of the implementing regulations that are not inconsistent with the HMTA. Obviously, a permit issued by a State or local jurisdiction cannot waive compliance with a Federal regulation, but can waive a State or local requirement that is identical to a Federal requirement.

Section 8.1.4 specifies that permit conditions may include routes and other restrictions. Any such route restrictions imposed may have significant impacts on other jurisdictions and should be imposed at the State level, or through joint action among all affected jurisdictions. Consistency with the HMTA of any "special precautions" which the Fire Commissioner issues under these provisions will depend on the facts of the individual case.

To the extent a valid permit is issued, a requirement to carry the permit in the cab of the motor vehicle, and display of a decal, are reasonable aids to local enforcement to which we do not take exception. Because permit conditions are not defined in § 8, consistency with the HMTA is indeterminate.

Section 9 generally. Reporting requirements.

Section 9 parallels two reporting requirements of the HMR. Immediate notice of a hazardous materials incident required from carriers in certain cases by DOT (49 CFR 171.15) is required by the City of Boston, and written reports required by DOT within fifteen days of every unintentional hazardous materials release (49 CFR 171.16) also is required by the City.

In IR–2, a similar State requirement for immediate and subsequent written accident reports was reviewed:

> [A] requirement for immediate notification in certain situations furthers the State's activity in protecting persons and property through emergency response measures. . . .
>
> Such an emergency response function is not served by the written notice required to be given within 24 hours to the two State agencies. The written notice required to be supplied to MTB . . . . precludes the States from requiring additional written notice *directed to hazardous materials carriers*. It is common for States to require any motor vehicles involved in accidents within their borders to file certain accident reports and such a requirement can clearly be applied to a motor vehicle transporting hazardous materials. In light of the Federal written notice requirement, however, it is inappropriate for a State to impose an additional written notice requirement to apply solely to carriers already subject to the Hazardous Materials Regulations. [44 FR 75872.]

The basis for the conclusion reached in IR–2 was expressed earlier in that ruling:

> The legislative history of [Section 112(a)] indicates that Congress intended it "to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation" [citing S. Rep. No. 1192, 93d. Cong., 2d Sess. 37 (1974)]. [44FR 75867.]
>
> . . . Congress indicated a desire for uniform national standards in the field of hazardous materials transportation and with the HMTA gave the Department of Transportation the authority to promulgate those standards [footnote omitted]. Although the HMTA has not totally precluded State or local action in this area, it is the MTB's opinion that to the extent possible Congress intended to make such State or local action unnecessary. [44 FR 75868.]
>
> . . . Redundancy does not further transportation safety and represents the type of multiplicity that the HMTA intended to make unnecessary. [44 FR 75871.]

Any immediate reporting requirement, applied differentially to carriers of hazardous materials, that is necessary to support an emergency response effort is not inconsistent with the HMTA. Thus, § 9.1, in requiring immediate reports for incidents that must immediately be reported to DOT under 49 CFR 171.15 is not inconsistent with the HMTA. Subsequent written reports required within 15 days by DOT are not necessary to local emergency response. The reports themselves are publicly available, and MTB is prepared to routinely send copies of written reports to a designated State agency on request. Copies of written reports required by DOT under 49 CFR 171.15 may not be required by § 9.1. Section 9.1, therefore, is inconsistent with the HMTA to that extent.

Section 10.0 Suspension of motor vehicle operations.

The consistency of this section with the HMTA is indeterminate, since it is dependent on the circumstances supporting the suspension. Emergency weather or roadway conditions, civil disorders or extraordinary traffic conditions may justify temporary local restrictions of the movements of vehicles carrying hazardous materials.

Section 11.0 Authority to suspend the implementing regulations.

We have no comment on this section, other than to note that the Fire

Commissioner cannot suspend Federal requirements.

Section 12.0 Penalties.

Penalties associated with valid local regulations are not likely to be inconsistent with the HMTA, unless they are so extreme, or applied so arbitrarily, that they effectively reroute or otherwise unnecessarily delay vehicles carrying hazardous materials. We have no indication that this section, as applied to those parts of the implementing regulations that are not inconsistent with the HMTA, will itself be inconsistent. Beyond this, we know of no reason why a mere difference in penalty provisions between a State or local requirement and the HMTA would be a basis for finding inconsistency.

Sections 13.0 and 14.0 Severability and effective date.

We have no comments on these sections.

Any appeal to this ruling must be filed within 30 days of service in accordance with 49 CFR 107.211.

(49 U.S.C. 1811(a), 49 CFR 107.209)

Issued in Washington, D.C. on March 19, 1981.

Leon D. Santman,

Director, Materials Transportation Bureau.

Appendix—Regulations Controlling the Transportation of Hazardous Materials Issued by the Fire Commissioner and Commissioner of Health and Hospitals, City of Boston, on 15 December, 1980 (Excluding map)

Regulations for Controlling the Transportation of Hazardous Materials

Section 1.0 Authority.

These regulations are issued by the Fire Commissioner and the Commissioner of Health and Hospitals in compliance with Chapter 39 of the Ordinances of 1979 and under the authority granted by Massachusetts General Laws Chapters 111 and 148 and other applicable laws.

Section 2.0 Adoption and Incorporation of State Regulations.

The requirements of the Massachusetts Department of Public Works governing the transportation of hazardous materials in commerce on state highways as contained in CMR Title 720 Section 8, Hazardous Materials Regulations are hereby adopted by the City of Boston to ensure the application of those requirements to the City's streets.

Section 3.0 Adoption and Incorporation of the Federal Motor Carrier Safety Regulations.

The requirements of the Federal Motor Carrier Safety Regulations 49 CFR Sections 397.5, 397.7, 397.9, and 397.21 are adopted as referred to and as modified herein.

Section 4.0 Hazardous Materials Subject to Additional Regulations.

Transportation in commerce on City streets of the materials identified in sections 4.01 and 4.02 below in quantities greater than those indicated shall be subject to the regulations set forth in Sections 5.0 through 15.0 herein in addition to those regulations adopted in Sections 2.0 and 3.0 above.

4.01 Material and Quantity in Bulk

Class A Explosives (173.53)[1]; any quantity
Class B Explosives (173.88); any quantity
Poisonous Gases: Poison A (173.326); any quantity
Flammable Solids (173.150) which require the Dangerous When Wet Label (172.423) as specified in (172.101); 2,500 pounds or more
Radioactive Materials with Radioactive Yellow III Label (172.403); any quantity
Excluding radioactive materials that are packaged in USA DOT-7A Type A containers and are intended for use in, or incident to, research or medical diagnosis, or treatment.
Liquefied Petroleum Gas (172.101); 2,500 pounds or more
Methand (Liquefied) (172.101); 2,500 pounds or more
Liquefied Hydrogen (173.316); 400 pounds or more

4.02 *Flammable Liquids* transported in bulk quantities of 1,000 gallons or more with flash points of 73°F or less as determined by tests listed in 49 CFR 173.115(d) with the exception of distilled spirits of 140 proof or less (173.115 (a)(2)).

Section 5.0 Restrictions on the Use of City Streets for the Transportation of Hazardous Materials.

For the purpose of applying Section 397.9(a) of the regulations adopted in Section 3.0 herein to the City of Boston, the following restrictions are adopted.

5.01 Use of City streets for the transportation of the materials specified in Section 4.01 is prohibited where there is neither a point of origin nor destination (delivery point) within the City. Where no alternative route outside the City is considered practicable, as defined in 49 CFR 397.9(a), a permit to use City streets, will be requested pursuant to Section 8 herein.

5.02 Use of City streets in the Downtown Area as defined in Section 5.03 herein for the transportation of the materials specified in Sections 4.01 and 4.02 above is prohibited during the hours between 6 a.m. and 8 p.m. daily except Saturdays, Sundays and holidays.

5.03 The Downtown Area is defined as the area bounded by and including Massachusetts Avenue at the Mass. Ave. Entrance Ramp to the Southeast Expressway, the Southeast Expressway to the Kneeland Street Ramp, along Kneeland Street to Atlantic Avenue then along a line following the waterfront to the Charles river, along the Charles River to Massachusetts Avenue and along Massachusetts Avenue to the Mass. Ave. entrance Ramp to the Southeast Expressway all as shown on the map attached and incorporated as Exhibit A herein.

5.04 Exceptions to the above restrictions may be granted by the Fire Commissioner where compelling need is shown and where transporting hazardous materials is in the public interest.

5.05 Exceptions to the restrictions in this Section 5 will be made by permit issued on application to the Fire Commissioner in accordance with the procedures of Section 8 herein.

Section 6.0 Authority to Require Permits for Transportation of Hazardous Materials Outside the Downtown Area

6.1 The Fire Commissoner may require permits for the transportation of hazardous materials in areas of the City outside of the Downtown Area (as defined in Section 5.03) where, due to the nature of the particular hazardous material, the routes of travel and parts of the City involved, special precautions may be required.

Section 7.0 Regulations Concerning the Operation of Motor Vehicles Carrying Hazardous Material on City Streets

The following regulations shall apply to the transportation on City streets of the materials specified in Sections 4.01 and 4.02 herein:

7.1.1 Traffic violations by transporters of hazardous materials shall be treated as violations of these regulations and shall be subject to the penalties of Section 12.0 herein.

7.1.2 Except when overtaking or passing in opposite directions of travel, all vehicles transporting hazardous materials shall maintain a minimum distance of at least 300 feet from other vehicles carrying hazardous materials except where the conditions of traffic make is impractical to do so. This requirement shall apply whether such vehicles are moving or parked except when at a destination or point of origin.

7.1.3 Transporters of hazardous materials shall comply with applicable rules of 49 CFR 397.5 and 397.7 while operating within the City.

7.1.4 Transporters of hazardous materials shall use only Major Thoroughfares as designated on the City of Boston Major Throughfare System map to reach their destinations. Where a destination is not on a major thoroughfare, said transporters will use major thoroughfares to a point as close as possible to the destination before using non-major thoroughfare routes. In selecting non-major thoroughfare routes said transporters shall comply with the provisions of 40 CFR 397.9.

7.1.5 All vehicles transporting hazardous materials shall have head lights on at all times while operating on City streets.

7.1.6 In addition to the placard required by 49 CFR 177.823, all vehicles transporting hazardous materials shall identify the product carried using the Identification Number (I.D. No.) provided in DOT p5800.2. Said identification to be displayed on placards or on orange panels on tanks as specified in DOT p5800.2.

7.1.7 All vehicles shall display a sign approved by the Fire Commissioner when carrying residual quantities of hazardous materials (5% or less of rated capacity) but by

[1] Numbers in parenthesis refer to Title 49 of the Code of Federal Regulations.

marking or other identification could be mistaken for carrying hazardous materials.

Section 8.0 Permits

8.1 The following procedures shall apply to the granting of permits to operate in exception to the regulations set forth herein:

8.1.1 Application for a permit shall be made to the Fire Commissioner on the form provided and accompanied by the fee required herein. All applications shall be acted on within 30 days of submission to the Fire Commissioner and timely notice of approval or denial shall be given to the applicant. A single permit shall be granted to a transporter (carrier, trucking company, etc) for each class of hazardous material identified in Section 4.01 and 4.02. Each vehicle operating under said permit shall be identified on the permit application.

8.1.2 Permits denied by the Fire Commissioner shall be subject to review by a hearing before the Traffic and Parking Commission on appeal by the applicant made to the Fire Commissioner within 30 days of the receipt of notice of denial.

8.1.3 Permits will be granted only where the following criteria are met as determined by the Fire Commissioner:

a. compelling need is shown;
b. transportation the hazardous materialsis in the public interest;

8.1.4 Permits issued shall set forth conditions such as routes and other special precautions as determined by the Fire Commissioner;

8.1.5 Permits shall be granted for a period of one year and be automatically renewed upon application unless revoked for cause after a hearing before the Traffic and Parking Commission.

8.1.6 Permits shall be revokable and non-transferable.

8.1.7 Permits shall be carried in the vehicle cab at all times and a decal provided with the permit shall be displayed as required to be readily visible from outside the vehicle.

8.1.8 The fee for a permit issued under this regulation shall be $100.00 for the first year and $25.00 for annual renewals. An additional charge to be determined will be required for each vehicle decal.

Section 9.0 Reporting Requirements

9.1 Incidents occurring in the City and required to be reported by 49 CFR 171.15 shall be reported to the Fire Department by telephone using the Fire Alarm Office number (536–1500) or emergency number 911, and by copy of the written report required by 49 CFR 171.16 mailed to the Fire Commissioner at 115 Southamption St., Boston, Mass. 02118 within the time allowed for filing the 49 CFR 171.16 report.

Section 10.0 Suspension of Operations.

The Fire Commissioner may temporarily suspend the operation of some or all vehicles carrying hazardous materials within the City, without notice whenever road, weather, traffic or other special circumstances warrant that action.

Section 11.0 Authority to Suspend Regulations.

The Commissioner shall have the authority to suspend the Regulation in whole or in part, when extenuating circumstances severely limit transit.

Section 12.0 Violations.

Any person who violates any provision of these regulations shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both pursuant to MGL c 148 § 15 or other applicable law. Each violation shall be treated separately. When a violation is a continuing one, each day of the violation constitutes a separate offense.

Section 13.0 Severability.

If any provision or clause of these regulations or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application and to this end the provisions of these regulations are declared to be severable.

Section 14.0 Effective Date.

These regulations shall be effective on December 15, 1980 for permit application purposes. Full compliance will be required by March 2, 1981.

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Reader Aids

Federal Register

Vol. 46, No. 58

Thursday, March 26, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16096	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20
18013-18306	23
18307-18520	24
18521-18678	25
18679-18928	26

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

485 17187

3 CFR

Executive Orders:

11970 (Revoked by EO 12299) 17751
12247 (Revoked by EO 12296) 16879
12258 (Revoked in part by EO 12299) 17751
12296 15129
12297 16877
12298 16879
12299 17751
12300 18683

Proclamations:

4822 14885
4823 15491
4824 17009
4825 17535
4826 18013
4827 18521
4828 18523
4828 (correction) 18679
4829 18681

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857

Proposed Rules:

28 15884

5 CFR

Ch XIV 17187
6 18683
550 14887
831 16653

7 CFR

Ch XVIII 17753
331 17753
905 16237
907 ..... 15257, 16237, 17537, 18685
910 ..... 15493, 15864, 16655, 17754
959 ..... 16238, 17755
2024 15493

Proposed Rules:

930 15886
982 16040
1002 17207
1004 ..... 15713, 16266
1007 ..... 16266, 16558
1011 ..... 16266, 16558
1030 ..... 16266, 16558
1032 ..... 16266, 16558
1046 ..... 16266, 16558
1049 ..... 16266, 16558
1050 ..... 16266, 16558
1062 ..... 16266, 16558
1064 ..... 16266, 16558
1065 ..... 16266, 16558
1068 ..... 16266, 16689, 16558
1071 ..... 16266, 16558
1073 ..... 16266, 16558
1076 ..... 16266, 16558
1079 ..... 16266, 16558
1094 ..... 16266, 16558
1096 ..... 16266, 16558
1097 ..... 16266, 16558
1098 ..... 16266, 16558
1099 ..... 16266, 16558
1102 ..... 16266, 16558
1104 ..... 16266, 16558
1106 ..... 16266, 16558
1108 ..... 16266, 16558
1120 ..... 16266, 16558
1126 ..... 16266, 16558
1131 ..... 16266, 16558
1132 ..... 16266, 16558
1138 ..... 16266, 16558
1139 16690
2851 14899
2859 15512

8 CFR

238 16656

9 CFR

75 15494
78 16685

Proposed Rules:

308 15512
381 15512

10 CFR

20 ..... 16230, 18015, 18525
35 15683
212 15257
710 16170

Proposed Rules:

Ch. I 17566
1 18747
2 ..... 17216, 18558, 18747
30 15278
35 18750

40 15278
50 ..... 15278, 18045
51 15154
70 15278
72 15278
211 15112
212 17566
376 15484
390 15484
1060 17787

12 CFR

Ch. VII 14887
1 16240
5 16656–16661
8 16663
21 15864
206 16099
211 18015
216 15864
303 ..... 17755, 17756
326 15864
523 18686
541 17187
544 16881
545 ..... 17187, 18686
546 14727
556 16246
563 14727
563a 15864
611 ..... 17011, 18688
701 ..... 17187, 17537
748 15864
749 17188
1204 15131

Proposed Rules:

400 15688
545 15175
618 17022

13 CFR

123 18526

14 CFR

39 ..... 14728–14729, 15259, 17538–17540, 16247, 16248, 16881–16886, 18016–18019, 18689
71 14730–14734
91 ..... 16666, 16888
95 14735
97 ..... 15259, 16249, 18020
121 15480

Proposed Rules:

Ch. I 14749, 15278, 15746
21 16279
39 15479
71 ..... 15478, 16899–16902, 18049, 18050
93 15458
159 15458
241 17022

15 CFR

4a 16251
386 16669
388 17189
503 15496
804 16892
805 16892
935 14741
936 14741
937 14741
938 14741

Proposed Rules:

377 17218
970 18448

16 CFR

1 14886
13 ..... 15261, 15262, 16892, 14741, 17189, 18691
460 18307
1000 17541

Proposed Rules:

13 ..... 16274, 18723
1208 17788

17 CFR

15 ..... 15132, 16255, 18528
16 18528
17 18528
18 18528
21 18528
200 16255
211 15496
230 18531
231 16670
239 ..... 17756, 18531
240 ..... 14888, 15133, 15134, 15496, 15713, 15866
241 16670
249 17756
250 18532
251 18535
259 17756
269 17756
270 ..... 16673, 17011
274 17756
279 17756

Proposed Rules:

1 16691
210 15278
230 18559
240 ..... 14749, 15178, 17219

18 CFR

4 15873
250 15874
260 15878
282 ..... 14742, 15498, 15879, 16256, 18011

Proposed Rules:

Ch. I 15512
Subchapter B 16903
1 ..... 14751, 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 ..... 14751, 17023
12 17023
16 17023
25 17023
32 17023
33 17023
34 15513
35 ..... 17023, 17227
41 17023
131 15513
152 17023
153 17023
154 14899
156 17023
157 ..... 14899, 16903
158 17023
250 14899
260 14899
270 17023
271 ..... 16914, 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 ..... 16903, 17023
385 17023
388 17023

19 CFR

Ch. II 17526
200 17542
207 18022
210 17526
211 17526
353 ..... 15135, 17190
355 ..... 16099, 17014

Proposed Rules:

101 17226

21 CFR

5 ..... 16674, 17757
73 ..... 15500, 17758
81 ..... 15500, 17758
175 16675
177 16675
178 17758
193 ..... 16256, 17015
430 ..... 15880, 16676
431 16676
436 ..... 15880, 16676, 16678, 16681
440 ..... 15880, 16681
442 ..... 15880, 16679
444 ..... 16676, 16680, 16681, 17758
446 16681
448 16681
449 16681
450 16681
452 ..... 16676, 16681
540 14889
561 ..... 14889, 17015, 18023
864 14890

Proposed Rules:

20 17063
106 17790
109 15518
110 15518
193 15281
225 15518
226 15518
452 16682
500 15518
509 15518
601 17063
803 17063
872 15519
876 ..... 17063, 17064

22 CFR

Ch. XIV 16058, 16065
41 15504
51 16257
191 17543

24 CFR

201 17190
203 ..... 14743, 16893
207 ..... 14743, 16893
213 16893
220 ..... 14743, 16893
221 16893
232 16893
234 16893
235 16893
236 16893
241 16893
242 16893
244 16893
300 15505
803 17366
888 17366

25 CFR

43c 14890
700 15720

Proposed Rules:

72 16916
260 16916

26 CFR

1 ..... 15262, 15665, 16100, 17191
20 17191
25 17191
31 17547
37 17547
55 15262
150 16257

Proposed Rules:

1 ..... 15892, 17229
26 15893
31 17566

27 CFR

72 16536
270 18309
275 18309
290 18309
295 18309

28 CFR

0 16100
40 16100

Proposed Rules:

2 14904

29 CFR

1910 14897
2200 14744
2610 ..... 16685, 18312

Proposed Rules:

92 16827

30 CFR

700 18023
716 18023
785 18023
936 16536
944 18541
950 17191

Proposed Rules:

906 16276

32 CFR

201 15505
242b 18024
286 14890
369 15506
762 18313
875 15506

33 CFR

1 15685
230 14745

Proposed Rules:

204 18050

34 CFR

690 ..... [illegible]

Proposed Rules:

104 ..... [illegible]

36 CFR

3 ..... [illegible]
21 ..... [illegible]
36 ..... [illegible]

Proposed Rules:

17 ..... [illegible]

39 CFR

10 ..... [illegible]
111 ..... [illegible]

Proposed Rules:

10 ..... [illegible]
111 ..... [illegible]

40 CFR

52 ..... [illegible] 16687, 17191–[illegible]
55 ..... [illegible]
57 ..... [illegible]
81 ..... [illegible]
86 ..... [illegible]
122 ..... [illegible]
123 ..... [illegible]
162 ..... [illegible]
180 ..... [illegible] 17020, [illegible]
205 ..... [illegible]
261 ..... [illegible]
264 ..... [illegible]
265 ..... [illegible]
761 ..... [illegible]
1500 ..... [illegible]
1501 ..... [illegible]
1502 ..... [illegible]
1503 ..... [illegible]
1504 ..... [illegible]
1505 ..... [illegible]
1506 ..... [illegible]
1507 ..... [illegible]
1508 ..... [illegible]

Proposed Rules:

Ch. I ..... [illegible]
51 ..... [illegible]
52 ..... [illegible] 15743, [illegible]
60 ..... [illegible]
61 ..... [illegible]
62 ..... [illegible]
81 ..... [illegible]
86 ..... [illegible]
141 ..... [illegible]
162 ..... [illegible]
180 ..... [illegible]
192 ..... [illegible]
264 ..... [illegible]
406 ..... [illegible]
408 ..... [illegible]
409 ..... [illegible]
413 ..... [illegible]
416 ..... [illegible]
418 ..... [illegible]
420 ..... [illegible]
421 ..... [illegible]
422 ..... [illegible]

34 CFR

690.....16823

Proposed Rules:

104.....18321

38 CFR

3.....16101
21.....16101
36.....16866

Proposed Rules:

17.....18051

39 CFR

10.....17016, 18313
111.....14746, 15263, 15268, 17758

Proposed Rules:

10.....18054
111.....18560

40 CFR

52.....15136–15139, 15666, 16687, 16695–16697, 17019, 17191–17193, 17549–17557, 17777–17779, 18692
55.....15666
57.....18025
81.....14891, 14892, 15140, 16258, 17557
86.....15666, 16258, 16259
122.....16697, 18025
123.....17194
162.....15104, 17779
180.....14894, 15122–15125, 17020, 17021, 18313–18316, 18694
205.....17558
261.....17196
264.....16697, 18025
265.....16697, 18025
761.....16090
1500.....18026
1501.....18026
1502.....18026
1503.....18026
1504.....18026
1505.....18026
1506.....18026
1507.....18026
1508.....18026

Proposed Rules:

Ch. I.....16916
51.....16260
52.....15180, 15181, 15284, 15743, 16260, 17790, 18725
60.....14905
61.....18561
62.....18321
81.....15744, 15744
86.....15893, 16917
141.....17567
162.....18322
180.....15181, 15182, 15285, 16917, 17229, 17230
192.....16276
264.....18054
406.....17567
408.....18055
409.....17567
413.....17567
416.....17567
418.....17567
420.....17567, 18725
421.....17567
422.....17567
424.....17567
426.....17567
428.....17567
430.....15267
431.....15267
432.....17567
435.....17567
436.....17567
440.....17567
443.....17567
457.....17567
460.....17567
761.....16096
763.....14905

41 CFR

Ch. 1.....17780
Ch. 101.....17564
1–3.....17559
1–4.....16102
5–8.....17202
5A–8.....17202
5B–8.....17202
11.....17559
16.....17559
101–26.....17564
101–35.....16102
101–36.....16102
101–38.....18695
101–40.....14894

Proposed Rules:

8–4.....17232
101–7.....17791

42 CFR

110.....15141

43 CFR

20.....16897

Public Land Orders:

5797.....15506
5798.....15506
5799.....15506
5802.....15506
5804.....15506
5805.....15506
5806.....15506
5809.....15506
5810.....15506
5812.....15506
5814.....15506
5817.....15506
5818.....15506
5819.....15506
5821.....15506
5824.....15506
5825.....15506
5826.....15506
5827.....15506
5828.....15506
5830.....15506
5831.....15506
5832.....15506
5833.....15506
5834.....15506
5836.....15506
5837.....15506
5838.....15506
5839.....15506
5840.....15506
5841.....15506
5842.....15506
5844.....15506
5845.....15506
5846.....15506
5848.....15506
5849.....15506
5850.....15506
5851.....15506
5852.....15506
5853.....15506
5854.....15506
5855.....15506

44 CFR

64.....15267, 15269, 17781, 17782, 18712, 18713
65.....15142, 17782, 18546, 18707
67.....18546, 18696

Proposed Rules:

60.....16692
67.....14907, 15183, 15287, 16282, 17795–17806, 18562, 18563, 18726

45 CFR

1060.....15270
1357.....14895
1612.....16267

Proposed Rules:

1624.....18055

46 CFR

3.....15746
14.....15746
24.....15746
188.....15746
189.....15746
401.....18716
536.....18549

Proposed Rules:

502.....17064

47 CFR

1.....18551
2.....15146, 15690
13.....18717
25.....18720
73.....15147–15151, 15271, 15707, 15709–15711, 16266, 17783–17785, 18316–18318, 18556, 18557
81.....15690
83.....15690, 18717
90.....15152, 15273
97.....15146

Proposed Rules:

Ch. I.....14907, 15184, 15296, 16692, 18737
0.....15297
22.....15749
25.....15754
61.....15297
63.....14754, 15297
67.....17568
73.....15184–15186, 15298, 15754, 15756, 15757, 17065, 17233, 17809–17811, 18737–18745
83.....17233
90.....16104, 17813

48 CFR

Proposed Rules:

31.....16916

49 CFR

172.....17738
173.....17564
531.....18038, 18721
1003.....16200, 17785
1005.....16200, 17785
1033.....14895, 14896, 15507, 18721
1039.....15509
1056.....16200, 17785
1100.....17785
1132.....15509
1240.....15880
1243.....15881
1310.....16200, 17785
1322.....16200, 17785
1331.....15277, 16102

Proposed Rules:

23.....16262
571.....18747
583.....18059
1048.....16106
1052.....17813, 17814
1056.....16225
1057.....15300
1100.....17065
1206.....15302
1207.....15302
1307.....17234
1310.....17234

50 CFR

611.....16103
652.....15510
671.....18316

Proposed Rules:

20.....18666
230.....15746
410.....15188
611.....16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 18, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.

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V 46 / 58 MR 26 81 JMI

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V 46 / 58 MR 26 81 UMI

3-27-81
Vol. 46 No. 59
Pages 18927-18210

federal register

Friday
March 27, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Norfolk, Va., see announcement in the **Reader Aids** section at the end of this issue.

19118 Grant Programs LSC announces consideration of applications from various bar and legal assistance associations

18932 Housing Treasury/Comptroller issues rules for national banks making or purchasing adjustable-rate loans secured by liens on one-to-four family dwellings; effective 3–27–81

18976 Education-Financial Assistance for Children With Special Needs ED amends rules concerning financial assistance to local and state agencies to meet special educational needs of children

18975 Education-Financial Assistance for Handicapped Children ED proposes suspension of interpretation on assistance to states for education of handicapped children, and nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance, comments by 4–27–81

CONTINUED INSIDE

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

18974 **Occupational Exposure To Lead** Labor/OSHA further defers effective date of new trigger levels for medical removal protection until 5–1–81, comments by 4–15–81

19110 **Labor-Aliens in Agriculture** Labor/ETA proposes withdrawal of rule establishing a new methodology for computing adverse effect wage rates for the temporary alien agricultural labor certification program, comments by 4–27–81

19004 **Government Procurement** Labor/FCCPO proposes to withdraw rule affecting contractor payments for employee memberships in private clubs and organizations which discriminate in membership policies, comments by 4–27–81

19000 **Potential Occupational Carcinogens** Labor/OSHA withdraws proposed amendments concerning identification, classification, and regulation; effective 3–27–81

18998 **Fair Labor Standards Act—Exemptions** Labor/ESA proposes to suspend indefinitely final rules concerning salary levels used to determine exemption of bona fide executive, administrative or professional employees from the Fair Labor Standards Act, comments by 4–27–81

19000 **Education Programs** ED issues notice of intent to review and amend certain regulations and interpretations that take effect 3–30–81; comments by 5–31–81

18999 **Labor-Walkaround Compensation** Labor/OSHA delays effective date until 5–30–81 for final rule requiring compensation for employee representatives participating in the walkaround and related portions of an OSHA enforcement inspection from March 30, 1981 to May 30, 1981, and proposes to revoke the regulation in its entirety

19002 **Veterans** VA proposes to amend its rules governing reduction of aid and attendance allowance to a veteran hospitalized by the Veterans Administration, comments by 4–27–81

19119 **Privacy Act Document** National Capital Planning Commission

19136 **Sunshine Act Meetings**

Separate Parts of This Issue

19154 **Part II, Labor/ESA**
19195 **Part III, HHS/NIH**
19198 **Part IV, USDA/APHIS**
19204 **Part V, USDA/APHIS**

Contents

Federal Register
Vol. 46, No. 59
Friday, March 27, 1981

Actuaries, Joint Board for Enrollment
NOTICES
19110 Privacy Act; systems of records; annual publication

Agricultural Marketing Service
RULES
18931 Lemons grown in Ariz. and Calif.
NOTICES
Meetings:
19011 Plant Variety Protection Board

Agricultural Stabilization and Conservation Service
NOTICES
Feed grain donations:
19011 Blackfeet Indian Tribe, Mont.

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Food Safety and Quality Service; Soil Conservation Service.

Animal and Plant Health Inspection Service
NOTICES
Animal welfare:
19204 Registered carriers and intermediate handlers; list
19198 Registered exhibitors; list

Blind and Other Severely Handicapped, Committee for Purchase From
NOTICES
19017 Procurement list, 1981; additions and deletions

Civil Aeronautics Board
NOTICES
19012 All-cargo air service certificate applications
Hearings, etc.:
19012 Texas International-Continental acquisition case
19136 Meetings; Sunshine Act

Commerce Department
See Maritime Administration.

Commodity Futures Trading Commission
NOTICES
19136 Meetings; Sunshine Act (2 documents)

Comptroller of Currency
RULES
18932 Adjustable rate mortgages; residential loans by national banks
Organization, procedures, and public information:
18931 Hearing Clerk; filings and maintaining records in proceedings

Economic Regulatory Administration
NOTICES
Consent orders:
19017 Montana Power Co.

Education Department
RULES
Elementary and secondary education:
18976 Special educational needs; financial assistance to local and State agencies; "excess costs" and "supplement not supplant" provisions designated as guidelines
Special education and rehabilitative services, and civil rights:
18975 Handicapped children education, assistance to States and nondiscrimination on basis of handicap in programs and activities receiving or benefiting from Federal financial assistance; interpretation; effective date deferred
PROPOSED RULES
19000 Regulations and interpretations effective March 30, 1981; intent to review
Special education and rehabilitative services, and civil rights:
19002 Handicapped children education, assistance to States and nondiscrimination on basis of handicap in programs and activities receiving or benefiting from Federal financial assistance; proposed suspension of interpretation

Employment and Training Administration
RULES
Final rules; deferral of effective dates. See entry under Labor Department.
PROPOSED RULES
Alien temporary agricultural and logging employment in U.S.; labor certification:
18991 Adverse effect wage rate methodology for agricultural employment; proposed withdrawal
NOTICES
19110 Aliens certification program, temporary; agricultural workers, 1981 adverse effect rates
Unemployment compensation; extended benefit periods:
19111 California
19111 Montana

Employment Standards Administration
RULES
Final rules; deferral of effective dates. See entry under Labor Department.
NOTICES
19154 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ariz., Ark., Calif., Hawaii, Ill., La., Md., Mo., N.Y., N. Dak., Okla., Oreg., Pa., Tenn., Tex., Va., and Wis.)

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Hazardous waste programs; interim authorizations:

18978 Phase II requirements; interim rule and request for comments; extension of comment period
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
18978 Fluchloralin
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
19003 Virginia; withdrawn
NOTICES
Environmental statements; availability, etc.:
19074 Agency statements; weekly receipts
Pesticides; tolerances in animal feeds and human food:
19075 ICI Americas, Inc.; correction
Toxic and hazardous substances control:
19075, 19076 Premanufacture notices receipts (2 documents)
19077 Premanufacture notices review period suspensions

Equal Employment Opportunity Commission
NOTICES
19136 Meetings; Sunshine Act

Federal Communications Commission
RULES
Radio services, special:
18979 Amateur service; type acceptance of external radio frequency power amplifiers and amplifier kits; extension of time
18984 Maritime services; compulsory carriage of radar on board vessels of 1600 tons gross tonnage and over
18982 Maritime services; stations on land and on shipboard and Alaska-public fixed stations; deletion of obsolete dates
PROPOSED RULES
Common carrier services:
19005 Digital communications protocols; extension of time
Radio services, special:
19007 Maritime services; compulsory telegraph installations; minimum field strength; terminated
Television stations; table of assignments:
19005 Wyoming
NOTICES
19138, 19139 Meetings; Sunshine Act (3 documents)

Federal Contract Compliance Programs Office
RULES
Final rules; deferral of effective dates. See entry under Labor Department.
PROPOSED RULES
19004 Private organizations; payment by contractor of membership fees and other expenses; prohibition; proposed withdrawal

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
19018 Appalachian Power Co.
19018, 19019 Arizona Public Service Co. (3 documents)
19019 Arkansas Power & Light Co.
19019 Beaver Valley Co. et al.
19020 Blackstone Valley Electric Co.
19021 Brazos River Authority
19021 City Utilities of Springfield, Mo.
19022, 19023 Cogeneration, Inc. (2 documents)
19024 Commonwealth Edison Co.
19024 Consolidated Edison Co. of New York, Inc.
19024 Continental Hydro Corp.
19025 Dayton Power & Light Co.
19025 Denton, Tex.
19026 Detroit Edison Co. (2 documents)
19026 Duke Power Co.
19027 East Tennessee Natural Gas Co.
19027 Enagenics
19028 Enagenics et al.
19029 Endicott, N.Y.
19029 Farmington, N. Mex.
19030 Florida Power & Light Co.
19031 Franklin County, Ind., et al.
19031 Idaho Power Co.
19032 Kansas-Nebraska Natural Gas Co., Inc.
19032 Kentucky Utilities Co.
19032 Kittanning Borough & Pennsylvania Renewable Resources, Inc. et al.
19033 LeClaire, Iowa
19034 Metropolitan Water District of Southern California
19034 Michigan Wisconsin Pipe Line Co.
19035 Minnesota Power & Light Co.
19035 Montaup Electric Co. (3 documents)
19036 Noah Corp. et al.
19036, 19037 Northern Natural Gas Co. (2 documents)
19038 Oklahoma Gas & Electric Co.
19038 Southern California Edison Co.
19038 Southwestern Electric Power Co.
19040 United Gas Pipe Line Co.
19039 Utah Municipal Power Agency
19040 Washington Water Power Co.
Natural gas companies:
19038 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend
Natural Gas Policy Act of 1978:
19042-19066 Jurisdictional agency determinations (4 documents)

Federal Home Loan Bank Board
NOTICES
19139 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Financial reports; applications for permission to submit alternative data:
19079 Matson Navigation Co.
19139 Meetings; Sunshine Act
Rate increases, etc.; investigations and hearings, etc.:
19077 Gulf-United Kingdom Freight Conference

Federal Reserve System
NOTICES
19139 Meetings; Sunshine Act

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
18961 Dichlorophene and toluene capsules

18965 Enflurane
18967 Melengestrol acetate
18964 Methocarbamol injection
18963 Monensin blocks
18967 Monensin and roxarsone premix
18964 Nitrofurazone ointment
18959 Phenylbutazone granules
18961 Promazine hydrochloride injection
18964 Spectinomycin injection
18962 Thiabendazole, piperazine phosphate
18967 Tylosin
18968 Tylosin and sulfamethazine
18966 Virginiamycin

Color additives:
18954 D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and caramel; use in externally applied drugs and cosmetics, etc.; provisional listings; extention of time
18951 D&C Orange No. 10 and D&C Orange No. 11; use in externally applied drugs and cosmetics; permanent listing
18958 Provisional list; closing date extensions

Human subjects, protection:
18951 Prisoners involved in clinical investigation research activities; effective date delayed

PROPOSED RULES

Color additives:
18994 Caramel; use in cosmetics; permanent listing and exemption from certification

Food for human consumption:
18992 Irradiated foods; policy and procedures; advance notice

GRAS or prior-sanctioned ingredients:
18996 Caffeine; deletion of status and interim use; extension of time
18995 Soda water; identity standard; caffeine requirements; extension of time

NOTICES

Animal drugs, feeds, and related products:
19079 Monensin and roxarson premix; approval withdrawn

Food and Nutrition Service

NOTICES

Meetings:
19011 Maternal, Infant and Fetal Nutrition Advisory Council

Food Safety and Quality Service

PROPOSED RULES

Meat and poultry inspection, mandatory:
18990 Prior labeling approval pilot program, advance notice; extension of program

Foreign Assets Control Office

NOTICES

Cuban assets control:
19134 Nickel-bearing materials for importation from Creusot-Loire, France; availability of certificates of origin

Health and Human Services Department

See also Food and Drug Administration.

RULES

Human subjects, protection:
19155 Biomedical and behavioral research; institutional review boards; basic policy; correction

Housing and Urban Development Department

See also Interstate Land Sales Registration Office.

PROPOSED RULES

18997 Laws; State and local fair housing; recognition of substantially equivalent laws; transmittal to Congress

Immigration and Naturalization Service

RULES

18968 Nonimmigrant temporary workers, intra-company transferees, and students in occupations at place of strike or other labor disputes involving work stoppage; admission and continued employment restrictions; withdrawal of provisions on intra-company transferees

Interior Department

See Land Management Bureau.

Internal Revenue Service

PROPOSED RULES

Income taxes:
18998 Investment credit for single purpose agricultural or horticultural structures; hearing

NOTICES

Meetings:
19135 Art Advisory Panel

International Communication Agency

RULES

18970 Authority delegations, organizations, and Privacy Act policies and procedures

Interstate Commerce Commission

NOTICES

Motor carriers:
19083 Finance applications
19081 Fuel costs recovery, expedited procedures
19082 Intercorporate hauling operations, intent to engage in
19085–19097 Permanent authority applications (6 documents)
19085 Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate

Rail carriers:
19109 OKC Corp. v. Missouri-Kansas-Texas Railroad Co. et al.; undercharges on iron ore movement, exemption

Railroad services abandonment:
19109 Chicago & North Western Transportation Co.

Interstate Land Sales Registration Office

NOTICES

Land sales program, State certification applications:
19079 California

Justice Department

See Immigration and Naturalization Service

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Federal Contract Compliance Programs Office; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.
RULES
18951, 18973 Final rules; deferral of effective dates (2 documents)
NOTICES
Adjustment assistance:
19114 American Biltrite Inc. et al.
19115 Arvin Industries, Inc., et al.
19116 General Motors Corp.
19117 H.F. Manufacturing et al.
19118 Leggett & Platt
19114 Advisory committees; annual comprehensive review; inquiry

Land Management Bureau
NOTICES
Meetings:
19081 Ely District Advisory Council

Legal Services Corporation
NOTICES
19118 Grants and contracts; applications

Maritime Administration
NOTICES
Applications, etc.:
19015 United States Lines, Inc.

National Aeronautics and Space Administration
NOTICES
Meetings:
19119 Aeronautics Advisory Committee

National Capital Planning Commission
NOTICES
19119 Privacy Act; systems of records; annual publication

National Science Foundation
NOTICES
19119 Advisory committee reports; availability
Meetings:
19120 Environmental Biology Advisory Committee
19120 Ocean Sciences Advisory Committee

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
19120 Carolina Power & Light Co.
19121 Commonwealth Edison Co. et al.
19121 Iowa Electric Light & Power Co., et al.
19122 Pacific Gas & Electric Co.
19122 South Carolina Electric & Gas Co. et al.; correction
19122 Southern California Edison Co. et al.
19122 Tennessee Valley Authority
19123 Virginia Electric & Power Co.
19123 Yankee Atomic Electric Co.
Environmental statements; availability, etc.:
19120 Houston Lighting & Power Co.; Allens Creek Nuclear Generating Station, Unit 1, Tex.
Meetings:
19123, 19125 Reactor Safeguards Advisory Committee (2 documents)
19139 Meetings; Sunshine Act

Occupational Safety and Health Administration
RULES
Final rules; deferral of effective dates. See entry under Labor Department.
Health and safety standards:
18973 Lead; occupational exposure standards; deferral of effective date
18974 Lead; occupational exposure standards; trigger levels for medical removal protection; effective date delayed
PROPOSED RULES
19000 Carcinogens, potential occupational; identification, classification, and regulation; significance of risk; withdrawn
Discrimination against employees:
18999 Walkaround pay; proposed revocation
State plans; development, enforcement, etc.:
19000 Indiana; withdrawal of complaint

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; proposed alternative methods of compliance:
19112 W. T. Grant Co.

Pension Benefit Guaranty Corporation
RULES
18968 Employer liability for single employer plan terminations and plan sufficiency determinations and terminations; recordkeeping and reporting requirements; effective date established

Personnel Management Office
RULES
Excepted service:
18927 Agriculture Department (2 documents)
18927 Air Force Department
18929 Arts and Humanities, National Foundation
18926 Commerce Department
18928 Entire executive civil service; personal assistants for handicapped employees, etc.
18931 Federal Power Commission; removal
18928, 18930 Health and Human Services Department (4 documents)
18929 Treasury Department

Securities and Exchange Commission
RULES
18947 Mining companies; simplified registration Form S-18; Form S-3 rescinded
PROPOSED RULES
18990 Self-regulatory organizations, etc.; customer complaint registries; extension of time
NOTICES
Hearings, etc.:
19128 American Fund of Government Securities, Inc.
19128 InterCapital Dividend Growth Securities Inc. et al.
19130 Northeast Utilities et al.
19131 Southern Co.
Self-regulatory organizations; proposed rule changes:
19125 Chicago Board Options Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
19133 Atalanta Investment Co., Inc.
19133 Target Capital Corp.
19133 Westward Small Business Investment Corp.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
19012 Great Plains conservation program

State Department
RULES
18968 Foreign service retirement and disability system participants; benefits for spouses and former spouses; publication of comments and responses and correction
NOTICES
Meetings:
19134 International Telegraph and Telephone Consultative Committee
19134 Private International Law Advisory Committee

Tennessee Valley Authority
NOTICES
19140 Meetings; Sunshine Act

Treasury Department
See Comptroller of Currency; Foreign Assets Control Office; Internal Revenue Service.

Veterans Administration
RULES
Authority delegations:
18977 Chairmen, VA Board of Contract Appeals and Contract Appeals Board; certification of documents and affixation of VA Seal
PROPOSED RULES
Adjudication; pensions, compensation, dependency, etc.:
19002 Aid and attendance allowance, reduction
NOTICES
Meetings:
19135 Educational Allowances Station Committee

Wage and Hour Division
RULES
Final rules; deferral of effective dates. See entry under Labor Department
PROPOSED RULES
18998 Employees employed in bona fide executive, administrative, professional or outside salesman capacity; defining and delimiting terms

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
19011 Plant Variety Protection Board, Washington, D.C., 4–15–81
Food and Nutrition Service—
19011 Maternal, Infant, and Fetal Nutrition advisory Council, Washington, D.C., 4–13 through 4–15–81

ENERGY DEPARTMENT
Federal Energy Regulatory Commission—
19032 Kansas-Nebraska Natural Gas Co., Inc., Washington, D.C., 3–26–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
19119 NASA Advisory Council, Aeronautics Advisory Committee, Washington, D.C., 4–21 and 4–22–81

NATIONAL SCIENCE FOUNDATION
19120 Environmental Biology Advisory Committee, Subcommittee on Systematic Biology, Washington, D.C., 4–16 and 4–17–81
19120 Ocean Sciences Advisory Committee, Subcommittee for Ocean Sciences Research, Washington, D.C., 4–21 and 4–22–81

NUCLEAR REGULATORY COMMISSION
19123 Reactor Safeguards Advisory Committee, Subcommittees and working groups, April, May, June, and July dates
19125 Reactor Safeguards Advisory Committee, Subcommittee on Safety Philosophy, Technology and Criteria, Washington, D.C., 4–8–81

STATE DEPARTMENT
19134 International Telegraph and Telephone Consultative Committee, Washington, D.C., 4–10–81
19134 Secretary of State's Advisory Committee on Private International Law, Washington, D.C., 4–10–81

TREASURY DEPARTMENT
Internal Revenue Service—
19135 Art Advisory Panel, Washington, D.C., 4–28 and 4–29–81

VETERANS ADMINISTRATION
19135 Station Committee on Educational Allowances, Nashville, Tenn., 4–21–81

HEARING

TREASURY DEPARTMENT
Internal Revenue Service—
18998 Investment credit for single purpose agricultural or horticultural structures, 6–25–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
213 (12 documents)...18927–18931

7 CFR
910.....18931

8 CFR
214.....18968

9 CFR
Proposed Rules:
317.....18990
381.....18990

12 CFR
19.....18931
29.....18932

17 CFR
230.....18947
239.....18947
Proposed Rules:
240.....18990

20 CFR
655.....18951
Proposed Rules:
655.....18991

21 CFR
50.....18951
74.....18951
81 (3 documents).....18951–18958
82.....18951
510 (3 documents).....18959, 18961
520 (4 documents).....18959, 18961–18963
522 (3 documents).....18961, 18964
524.....18964
529.....18965
556.....18966
558 (5 documents).....18966–18968
Proposed Rules:
Ch. I.....18992
73.....18994
81.....18994
165.....18995
180.....18996
182.....18996

22 CFR
19.....18968
502.....18970
504.....18970
505.....18970
525.....18970

24 CFR
Proposed Rules:
115.....18997

26 CFR
Proposed Rules:
1.....18998

29 CFR
1.....18973
4.....18973
5.....18973
6.....18973
1903.....18951
1910 (2 documents)...18973, 18974
2613.....18988
2615.....18988
Proposed Rules:
541.....18998
1903.....18999
1952.....19000
1955.....19000
1990.....19000

34 CFR
104.....18975
200.....18976
201.....18976
300.....18975
Proposed Rules:
75.....19000
76.....19000
78.....19000
104 (2 documents).....19000–19002
200.....19000
201.....19000
211.....19000
215.....19000
223.....19000
230.....19000
231.....19000
300 (2 documents).....19000, 19002
305.....19000
307.....19000
309.....19000
315.....19000
318.....19000
322.....19000
324.....19000
332.....19000
338.....19000
361.....19000
362.....19000
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676.....19000
682.....19000
690.....19000
726.....19000
735.....19000
740.....19000
753.....19000
757.....19000
776.....19000
778.....19000

38 CFR
2.....18977
Proposed Rules:
3.....19002

40 CFR
123.....18978
180.....18978
Proposed Rules:
52.....19003

41 CFR
60–1.....18951
Proposed Rules:
60–1.....19004

45 CFR
46.....19155

47 CFR
2.....18979
81.....18982
83 (2 documents)...18982, 18984
97.....18979
Proposed Rules:
Ch. I.....19005
73.....19005
83.....19007

VOL 46 NO 59 MAR 27 1981

Rules and Regulations

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Friday, March 27, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Department of Agriculture

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment clarifies appointment conditions and makes editorial changes to the Schedule A exception applicable to Members of State Committees with the Agricultural Stabilization and Conservation Service.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.
On position content: Phyllis Mowery, Department of Agriculture, 202–447–7131.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3113(d)(2) is revised to read as follows:

§ 213.3113 Department of Agriculture.

* * * * *

(d) *Agricultural Stabilization and Conservation Services.* * * *

(2) Members of State Committees: *Provided,* That employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81-9189 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Agriculture

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule A temporary field positions in the Animal and Plant Health Inspection Service concerned with emergency plant diseases and emergency outbreaks of plant pests, because it is impracticable to examine for these positions. Prior to this amendment, only those temporary field positions treating emergency livestock diseases had Schedule A coverage.

EFFECTIVE DATE: February 10, 1981.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.
On position content: Pat Killen, Department of Agriculture 202–447–5625.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly 5 CFR 213.3113(k)(2) is revised to read as follows:

§ 213.3113 Department of Agriculture.

* * * * *

(k) Animal and Plant Health Inspection Service.* * *

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock and plant diseases and emergency outbreaks of animal and plant pests. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of OPM. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock and plant industries of the country.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81-9190 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of the Air Force

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Professional positions in Detachment 6, 2762 Logistics Squadron (Special), Norton Air Force Base, California, which will provide logistic support management to specialized research and development projects, are excepted under Schedule A because it is impracticable to hold an examination for them.

EFFECTIVE DATE: December 19, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.
On position content: Joseph M. Young, Department of the Air Force, 202–694–2739.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3109 (c) is added as set out below:

§ 213.3109 Department of the Air Force.

* * * * *

(c) Not to exceed 14 professional positions, GS–11 through GS–15, in Detachment 6, 2762 Logistics Squadron (Special), Norton Air Force Base, California, which will provide logistic support management to specialized research and development projects. Employment under this authority may not exceed January 31, 1985.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81-9188 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Schedule B authority for positions of Community Services Specialist in the Bureau of the Census is amended to reduce the number of positions from 50, to remove the limitation on service, and to remove the prohibition against new appointments. These changes reflect the level of community liaison needed for continuing census activities. Exception of the positions remains appropriate because it is still impracticable to hold competitive examinations for them.

EFFECTIVE DATE: February 17, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Bettie Bryant, Bureau of the Census 301–763–7450.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3214(a)(2) is revised as follows:

§ 213.3214 Department of Commerce.

(a) *Bureau of the Census.* * * *

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS–5 through GS–12.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81–9168 Filed 3–26–81; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 213

Excepted Service; Entire Executive Civil Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Schedule A authority for appointment of readers for blind employees and interpreters for deaf employees is amended to include appointment of personal assistants for handicapped employees and to remove the restriction against performing work not directly related to reading or interpreting duties. These changes correspond to and implement changes to 5 U.S.C. 3102 made by Pub. L. 96–523. Exception of these positions remains appropriate because examination for them is still impracticable.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Anice V. Nelson, Office of Personnel Management, 202–632–5687.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3102 (ll) is revised as follows:

§ 213.3102 Entire Executive Civil Service.

* * * * *

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full-time, part-time, or intermittent basis.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81–9167 Filed 3–26–81; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 213

Excepted Service; Department of Health and Human Services

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Fifteen positions to be filled by Interns and Residents in Applied and Evaluative Research (Mental Health) at Saint Elizabeths Hospital, are excepted under Schedule A because it is impracticable to hold an examination for them.

EFFECTIVE DATE: February 26, 1981.

On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Donna D. Beecher, Department of Health and Human Services, 202–245–1943.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3116(a)(13) is added as follows:

§ 213.3116 Department of Health and Human Services.

(a) *Saint Elizabeths Hospital.* * * *

(13) Fifteen positions of Interns and Residents in Applied and Evaluative Research (Mental Health) Program. Employment under this authority may not exceed two years for any individual.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81–9161 Filed 3–26–81; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 213

Excepted Service; Department of Health and Human Services

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Ten professional positions to be filled under the Health Care Financing Administration Professional Exchange Program, are excepted under Schedule A because it is impracticable to hold an examination for them.

EFFECTIVE DATE: January 5, 1981.

On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: Donna D. Beecher, Department of Health and Human Services, 202–245–1943.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3116(j)(2) is added as set out below:

§ 213.3116 Department of Health and Human Services.

* * * * *

(j) *Health Care Financing Administration.* * * *

(2) Not to exceed 10 professional positions, GS–9 through GS–15, to be filled under the Health Care Financing Administration Professional Exchange Program. Appointments under this authority will not exceed 1 year.

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 9168 Filed 3–26–81; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 213

Excepted Service; Department of Health and Human Services

AGENCY: Office of Personnel Management

ACTION: Final rule.

SUMMARY: This amendment removes the numerical limitation on positions, GS–15 and below, for an emergency staff to assist in the resettlement of the current wave of Cuban and Haitian entrants. This Schedule A exception is still appropriate because it continues to be

impracticable to examine for these positions.

EFFECTIVE DATE: January 13, 1981.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.
On position content: David Mischel, Department of Health and Human Services, 202–245–1943.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3116 (k)(1) is revised, as follows:

§ 213.3116 Department of Health and Human Services.

* * * * *

(k) *Office of the Secretary.*

(1) Staff positions, GS–15 and below, for an emergency staff to assist in the resettlement of the current wave of Cuban and Haitian entrants. Employment under this authority may not exceed September 30, 1982.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81-9164 Filed 3-26-81; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service: Department of the Treasury

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Schedule A excepted service appointing authorities covering 10 positions at grades equivalent to GS–13 through 17 for employment up to 4 years on studies of international trade and energy policies and 10 positions at the same grades for employment up to 4 years on studies of international financial and economic policies in the Department of the Treasury are consolidated and moved from the Offices of the Assistant Secretary for International Affairs and Trade, Energy and Financial Resources Policy Coordination into the Office of the Secretary to reflect the Department's internal reorganization.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.
On position content: Patricia G. Sandberg, Department of the Treasury, 202–566–2707.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3105(c)(1) and 213.3105(f)(1) are removed and 5 CFR 213.3105(a)(1) is added as follows:

§ 213.3105 Department of the Treasury.

(a) *Office of the Secretary.*

(1) Not to exceed 20 positions at the equivalent of GS–13 through GS–17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

* * * * *

(c)(1) [Reserved]

* * * * *

(f)(1) [Reserved]

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81-9167 Filed 3-26-81; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; National Foundation on the Arts and the Humanities

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Sections 213.3182 and 213.3282 are revised to show that all current Schedule A and B authorities of the National Foundation on the Arts and the Humanities are extended until September 30, 1985.

EFFECTIVE DATE: December 4, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000
On position content: Alan L. Taylor, NEH, 202–724–0356, P.G. McLeod, NEA, 202–632–4853

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3182 and 213.3282 are revised to read as follows:

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) Until September 30, 1985, one position of Assistant Director, Artists-in-Schools Program, Office for Partnership, GS–301–13.

(2) Until September 30, 1985, one position of Director of Federal-State Partnership.

(3) Until September 30, 1985, one position of Director of Literature Programs.

(4) Until September 30, 1985, one position of Assistant Director of Theatre Programs.

(5) Until September 30, 1985, one position of Director of Folk Arts Programs.

(6) Until September 30, 1985, one position of Director, Opera/Musical Theatre Programs.

(7) Until September 30, 1985, one position of Assistant Director of Opera/Musical Theatre Programs.

(8) Until September 30, 1985, one position of Assistant Director of Literature Programs.

(9) Until September 30, 1985, one position of Special Constituencies Coordinator, Office of the Deputy Chairman for Policy and Planning.

(10) [Reserved]

(11) Until September 30, 1985, four Project Evaluators.

(12) Until September 30, 1985, one position of Director of Museum Programs.

(13) Until September 30, 1985, two positions of Assistant Director of Federal-State Partnerships.

(14) Until September 30, 1985, two positions of Assistant Director of Music Programs.

(15) Until September 30, 1985, one position of Director of Expansion Arts Programs.

(16) Until September 30, 1985, one position of Director of Media Arts Programs.

(17)–(19) [Reserved]

(20) Until September 30, 1985, one position of Director of Special Projects.

(21) Until September 30, 1985, one position of Assistant Director of Expansion of Arts Programs.

(22) Until September 30, 1985, one position Assistant Director of Media Arts Programs.

(23) Until September 30, 1985, one position of Assistant Director of Architecture Planning and Design Programs.

(24) Until September 30, 1985, one position of Assistant Director of Dance Programs.

(25) Until September 30, 1985, one position of Assistant Director of Visual Arts Programs.

(26) Until September 30, 1985, one position of Assistant Director of Museum Programs.

(27) Until September 30, 1985, one position of Assistant Director of Special Projects.

(28) Until September 30, 1985, one position of Crafts Coordinator.
(29) [Reserved]
(30) Until September 30, 1985, one position of Director of Education Programs.
(31) Until September 30, 1985, one position of Director of Music Programs.
(32) Until September 30, 1985, one position of Director of Theatre Programs.
(33) Until September 30, 1985, one position of Director of Dance Programs.
(34) Until September 30, 1985, one position of Director of Visual Arts Programs.
(35) Until September 30, 1985, one position of Director of Architecture, Planning, and Design Programs.
(36) Until September 30, 1985, one Director for Partnership Programming.
(37) Until September 30, 1985, one Director for State Programs.
(38) Until September 30, 1985, one Director for Artists-in-Schools Programs.
(b) *National Endowment for the Humanities.*
(1)–(2) [Reserved]
(3) Until September 30, 1985, one position of Director, Office of Planning and Policy Assessment, when filled at grade GS–15 and below.
(4) Until September 30, 1985, one position of Director, Division of Fellowships.
(5)–(7) [Reserved]
(8) Until September 30, 1985, two positions of Program Officers, Division of Fellowships.
(9)–(11) [Reserved]
(12) Until September 30, 1985, one position of Program Officer, Media Program, Division of Public Programs.
(13)–(18) [Reserved]
(19) Until September 30, 1985, two positions of Special Assistants to the Deputy Chairman.
(20)–(21) [Reserved]
(22) Until September 30, 1985, one position of Bicentennial Coordinator, Office of the Chairman.
(23)–(24) [Reserved]
(25) Until September 30, 1985, one position of Planning Officer, Office of Planning and Policy Assessment.
(26) [Reserved]
(27) Until September 30, 1985, one position of Assistant Director, Program Development, Division of Special Programs, GS–14.

§ 213.3282 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*
(1) Until September 30, 1985, Assistant Director, Office of Program Development and Coordination.
(b) *National Endowment for the Humanities.*
(1) Until September 30, 1985, Assistant Director, Research Materials Program, Division of Research Grants.
(2) Until September 30, 1985, Assistant Director, Higher Education Projects Program, Division of Education Programs.
(3) Until September 30, 1985, Deputy Director, Division of Education Programs.
(4) Until September 30, 1985, Director, Division of Research Grants.
(5) Until September 30, 1985, one position of Director, GS–1701–15, one position of Deputy Director, GS–1701–14, and six positions of Humanist Administrator, GS–1701–13, Division of State Programs.
(6) Until September 30, 1985, one Humanist Administrator, Pilot Grants, Institutional Grants, Division of Education Programs.
(7) Until September 30, 1985, one Humanist Administrator, Residential Fellowships, Division of Fellowships.
(8) Until September 30, 1985, three positions of Program Officers, Media Program, Division of Public Programs.
(9) Until September 30, 1985, one position of Assistant Director for the Institutional Grants Program, Division of Education Programs.
(10) Until September 30, 1985, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.
(11) Until September 30, 1985, one position of Assistant Director for the Museums and Historical Organizations Program, Division of Public Programs.
(12) Until September 30, 1985, one position of Humanist Administrator, Museums and Historical Organizations Program, Division of Public Programs.
(13) Until September 30, 1985, one position of Humanist Administrator, Elementary and Secondary Education Program, Division of Education Programs.
(14) Until September 30, 1985, Director of Public Programs.
(15) Until September 30, 1985, one Deputy Director of Public Programs.
(16) Until September 30, 1985, one Humanist Administrator, Youth Programs, Division of Special Programs.
(17) Until September 30, 1985, one Humanist Administrator, Program Development, Division of Public Programs.
(18) Until September 30, 1985, one position of Director, Division of Education Programs.
(19) Until September 30, 1985, one Special Assistant for Comparative Cultures, Office of the Chairman. Appointments under this authority may not exceed [illegible] years.
(20) Until September 30, 1985, one Director and one Deputy Director, Division of Special Programs.
(21) Until September 30, 1985, one Challenge Grants Officer, Division of Special Programs.
(22) Until September 30, 1985, one Special Projects Officer, Division of Special Programs.
(23) Until September 30, 1985, one position of Humanist Administrator, Publications Program, Division of Research Grants.
(24) Until September 30, 1985, one Deputy Director, Division of Research Grants.
(25) Until September 30, 1985, one Humanist Administrator, Summer Seminars/Summer Stipends Program, Division of Fellowships.
(26) Until September 30, 1985, one position of Assistant Director, Humanities Libraries Projects, Division of Public Programs.
(27) Until September 30, 1985, one position of Humanist Administrator, GS–14, Humanities Planning and Assessment Studies Program, Office of Planning and Policy Assessment.
(28) Until September 30, 1985, one position of Assistant Director, Program Development, Division of Special Programs, GS–14.
(29) Until September 30, 1985, two positions of Humanist Administrator, GS–1701–14, in the Center of Research Programs and in the General Research Program, Division of Research Grants.
(30) Until September 30, 1985, one position of Humanist Administrator for the Implementation Grants Program, GS–1701–12, Division of Education Programs.
(31) Until September 30, 1985, one Assistant Director for Fellowships, Division of Fellowships and Seminars.
(32) Until September 30, 1985, one Humanist Administrator, Independent Study and Research Program, Division of Fellowships and Seminars.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81-9186 Filed 3-26-81; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Part 213

Excepted Service; Department of Health and Human Services

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revokes Schedule A authorities 213.3116(d)(6) covering four positions in the Social

Security Administration's future process project; 213.3116 (e)(1) and (e)(3) covering employment of Cuban refugees in medical and related occupations, and 30 positions involved in a study of universal social security coverage; and 213.3116(j)(1) covering positions on special teams reviewing the Medicaid program in selected states, because they are no longer needed.

EFFECTIVE DATE: January 29, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

On position content: David Mischel, Department of Health and Human Services, 202–245–1943.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3116(d)(6); 213.3316 (e)(1) and (e)(3); and 213.3116(j)(1) are removed as follows:

§ 213.3116 Department of Health and Human Services.

* * * * *

(d) *Social Security Administration.*

* * *

(6) [Reserved]

* * * * *

(e) *General.*

(1) [Reserved]

* * * * *

(3) [Reserved]

* * * * *

(j) *Health Care Financing Administration.*

(1) [Reserved]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81-9182 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Federal Power Commission

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment removes §§ 213.3129 and 213.3229, which applies to the Federal Power Commission, (now part of Federal Energy Regulatory Commission, Department of Energy). These authorities are no longer needed because the positions no longer exist.

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202–632–6000.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3129 and 213.3229 are removed as follows:

§ 213.3129 [Removed]

§ 213.3229 [Removed]

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 81-9185 Filed 3-26-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 298]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 29–April 4, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 29, 1981.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 24, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 910.598 is added as follows:

§ 910.598 Lemon Regulation 298.

The quantity of lemons grown in California and Arizona which may be handled during the period March 29, 1981, through April 4, 1981, is established at 250,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 25, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 81-9002 Filed 3-26-81; 11:46 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 19

[Docket No. 81-11]

Rules of Practice and Procedure

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: It is stated in 12 CFR 19.4(a) that all written materials filed in connection with an administrative proceeding conducted under 12 CFR Part 19 "shall be filed with the Deputy

Comptroller for Administration or other person designated to receive papers for the agency in a proceeding." The Office of the Comptroller of the Currency has recently designated a Hearing Clerk to receive all filings and maintain the record in such proceedings. Accordingly, 12 CFR 19.4(a) is amended to state that all written materials "shall be filed with the Hearing Clerk or other person designated to receive papers for the agency in a proceeding."

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: William B. Glidden, Special Assistant to the Chief Counsel, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, D.C. 20219, (202) 447-1077.

SUPPLEMENTARY INFORMATION: The amendment of 12 CFR 19.4(a) to designate the Hearing Clerk in lieu of the Deputy Comptroller for Administration as the appropriate official to receive all filings in a 12 CFR Part 19 proceeding constitutes a rule of agency organization, management or personnel. The amendment therefore is not subject to Executive Order 12291, February 17, 1981 (*see* section 1(a)(3) exempting such regulations), or to the Regulatory Flexibility Act (since the regulation is not covered by the mandated rulemaking procedures of 5 USC 553). Since the designation of the Hearing Clerk to receive filings under 12 CFR 19.4(a) relates to agency organization, management or personnel, the proposed rulemaking and public procedures and delayed effective date contemplated by 5 USC 553 do not apply.

Accordingly, for the reasons set forth in this preamble, the first sentence in 12 CFR 19.4(a) is amended as follows:

1. The authority citation for Part 19 is as follows:

Authority: Secs. 8 and 10 of the Federal Deposit Insurance Act (12 USC 1818, 1820); secs. 12 (h) and (i), 15B(c), 21 and 23 of the Securities Exchange Act of 1934 (15 USC 78*l* (h) and (i), 78o-4(c), 78u, 78w); Administrative Procedure Act (5 USC 554-57); secs. 101, 103, 107, and 801 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630); secs. 4 and 13(a) of the International Banking Act of 1978 (Pub. L. 95-369).

2. Section 19.4(a) is revised to read as follows:

§ 19.4 Filing and service.

(a) *Filing.* Any notice which commences proceedings, any response or answer thereto, any amended notice and answer thereto, any notice of hearing, every order or ruling except one which is entered during the course of a hearing and is part of the hearing transcript, every paper relating to discovery, every written motion, memorandum, notice, appearance, proof of service or similar paper, every stipulation of the parties, the hearing transcript together with all exhibits accepted into evidence, proposed findings and conclusions by the parties, the findings and conclusions and recommended decision of the presiding officer, parties' exceptions thereto, and the decision and final order of the Comptroller shall be filed with the Hearing Clerk or other person designated to receive papers for the agency in a proceeding.

Dated: March 24, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-9510 Filed 3-26-81; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 29

[Docket No. 81-10]

Adjustable-Rate Mortgages

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This regulation establishes a framework within which all national banks may make and purchase residential mortgage loans which carry an interest rate subject to periodic adjustment. The authorization is intended to help ensure the availability of mortgage funds by facilitating the development of new instruments responsive to changing interest rates and bank deposit structures. The regulation provides for the protection of borrowers by requiring disclosures designed to facilitate their understanding and by moderating the frequency and magnitude of potential rate increases.

EFFECTIVE DATE: March 27, 1981. A 120-day transition period is provided for national banks with existing programs that do not comply with this regulation.

FOR FURTHER INFORMATION CONTACT: Jonathan L. Fiechter, Deputy Director, Banking Research and Economic Analysis Division, (202) 447-1914, or Andrew J. Levinson, Senior Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

CONTENTS

I. RULEMAKING PROCEEDING:

A. Background Information
B. General Summary of Comments
C. Comments on Payment-Capped Mortgages
D. Actions of the Comptroller of the Currency

II. OUTLINE OF THE FINAL RULE

III. POLICY CONSIDERATIONS:

A. The Need for and Expected Benefits of Regulation
B. Affordability Concerns and Monitoring Program

IV. SPECIFIC PROVISIONS OF THE FINAL RULE:

A. Definition
B. Indexes
C. Source of Index Values
D. Averaging
E. Lender's Own Mortgage Rate as Cap
F. Frequency of Rate Changes
G. Periodic Limits on Interest Rate Adjustments
H. Carryover of Changes in the Index
I. Aggregate Limits on Interest Rate Adjustments
J. Negative Amortization
K. Assumption
L. Prepayment Penalties
M. Short-term and Demand Loans
N. Disclosure
O. Payment-Capped Mortgages
P. Effective Date of Implementation and Transition Rule
Q. Relation of General Rule to Other Laws

V. FINAL REGULATION:

Purpose
Definition
General Rule
Index
Rate Changes
Prepayment Fees
Assumption
Disclosure
Certain Payment-Capped Mortgages
Transition Rule
Appendix to Part 29—A. Model Disclosure Forms
B. Periodic Notice Form
C. Interest Rate Tables

I. Rulemaking Proceeding

A. Background Information

On September 29, 1980, the Office of the Comptroller of the Currency (Office) published for comment a proposed regulation governing adjustable-rate mortgage lending by national banks (45 FR 64196). Rather than specifying a single mortgage instrument, the Office proposed that all national banks be authorized to design adjustable-rate mortgage loans that meet their needs and those of their customers. The proposal also solicited comment on the wide variety of issues associated with adjustable-rate mortgage lending. The public comment period was to expire on November 28, 1980.

On December 1, 1980, the Office published notice in the **Federal Register** extending the comment period through December 30, 1980, and announcing joint hearings on adjustable-rate mortgage instruments with the Federal Home

Loan Bank Board (45 FR 79620). The two agencies determined that joint hearing would encourage broad public participation in the rulemaking process and would assist efforts by the agencies to promote greater uniformity in the regulation of adjustable-rate mortgage lending by federally-chartered financial institutions. Hearings took place on December 2 in Washington, D.C.; December 3 in Chicago, Illinois; and December 9, in Los Angeles, California.

B. General Summary of Comments

In response to its proposed regulation, the Office received written comments from approximately 330 persons and oral testimony of over 80 witnesses commenting on behalf of national and state-chartered banks, thrift institutions, other mortgage lenders, members of Congress, federal and state officials, trade associations, law firms, community and consumer groups, and individuals.

Support for flexible adjustable-rate mortgage (ARM) lending authority was virtually unanimous among those commenting on the ARM proposal on behalf of national banks. However, some of them felt that the proposed limits on interest rate adjustments were too restrictive and thus might discourage ARM lending. Representatives of consumer groups and community groups expressed concern over the rising cost of homeownership and the impact that ARM lending might have on the availability of mortgage credit for low- to moderate-income borrowers and low- to moderate-income neighborhoods. Many consumer representatives were sympathetic to the difficulties mortgage lenders face in making fixed-rate loans in an inflationary environment. Nonetheless, they urged that the extension of ARM lending authority be limited and that such authority be granted only in combination with other federal government actions to assure the availability of affordable mortgage funds for low- and moderate-income borrowers.

A more detailed discussion of the comment letters and testimony is contained in the Section "Specific Provisions of the Final Rule".

C. Comments on Payment-Capped Mortgages

In the proposed regulation the Office also solicited comments on the merits of placing limits on payment changes in addition to or instead of limiting periodic interest rate adjustments. However, few respondents addressed those issues. Limiting, or capping, payment changes affects the rate of repayment of the loan and, moreover, introduces the potential for increases to the outstanding loan balance. Attention to the features of payment-capped mortgages is especially relevant now because some banks and thrift institutions have begun offering mortgage loans on which payment changes, but not interest rate changes, are limited.

D. Actions of the Comptroller of the Currency

The Office has decided to adopt a final rule governing the authority of national banks to make or purchase ARM loans with interest rate change limitations. This rule is effective immediately upon the date of publication in the Federal Register. National banks currently making ARMs with interest rate change limitations have 120 days to ensure that those mortgage programs comply with this rule.

Because experience with payment-capped mortgage loans is limited, and the advantages and disadvantages to lenders and borrowers are not yet well understood, the Office has decided to consider the issues raised by these loans further before attempting to design a regulatory framework for these instruments. The final rule contains provisions, intended as an interim rule, allowing lenders with existing payment-capped mortgage plans to continue to offer such loans subject to review and possible modification or termination of the plans by direction of this Office. Lenders wishing to initiate a payment-capped mortgage plan, but which have not made a payment-capped loan or a binding commitment to lend under such a program as of the publication date of this regulation must first provide this Office with a copy of all program loan documents before offering such loans. If the Office has not required the bank to modify or abandon the program within 60 days of submission of the loan documents, the bank may proceed with the program.

II. Outline of Final Rule

The final rule, which governs ARM lending by national banks to the exclusion of rules on the subject found in state law or regulation, requires that purchase-money adjustable-rate mortgage loans made or purchased by national banks on one- to four-family dwellings meet the following conditions:

- Adjustments to the interest rate on the loan must correspond with the changes in one of several specified national interest rate indexes (§ 29.4).
- Adjustments to the interest rate on the loan must occur at regular intervals not shorter than 6 months. However, the interval before the first rate adjustment may be longer than subsequent intervals (§ 29.5(a)).
- The maximum interest rate change may not exceed 1 percentage point for every 6-month period between rate adjustments. For instance, the interest rate on a mortgage loan subject to rate adjustment every 2 years could not be increased by more than 4 percentage points at any adjustment date, even if warranted by a larger increase in the index. In no event may a single interest rate adjustment exceed 5 percentage points. The bank may, however, decrease interest rates at any time without regard to changes in the index or any other limitations (§ 29.5(b)).
- Interest rate increases warranted by increases in the index may be imposed at the bank's option, but decreases called for by net decreases in the index are mandatory. A bank may, at its option, offer mortgage instruments with further limits. For example, it may limit changes (both increases and decreases) in the interest rate over the life of the mortgage loan to not more than a fixed number of percentage points. To avoid minor changes in the interest rate caused by small fluctuations in the index, a bank may set a minimum rate adjustment (which must be applicable to both increases and decreases) of, for example, one-eighth of one percentage point (§ 29.5(c)).
- Changes in the interest rate index that have not been translated into changes in the mortgage interest rate may be carried over to the next rate change date to the extent that the amount carried over has not been offset by a subsequent movement in the index of the opposite direction (§ 29.5(c)).
- Adjustments to the interest rate may be implemented through changes in the payment amount and/or the rate of amortization, but limitations are imposed on the maximum amount of negative amortization (§ 29.5(d)).
- Prepayment penalties may not be charged after the first scheduled rate-adjustment notification date. Banks are also prohibited from charging fees for rate adjustments (§29.6 and 29.5(c)).
- ARM loans may contain due-on-sale clauses or may be assumable at the discretion of the bank. Banks may include provisions in ARM loans permitting adjustment of the interest rate and other terms on such assumed loans (§ 29.7).
- No later than the time at which the ARM loan application is provided to the prospective borrower, a bank must disclose information on the index and on how a payment schedule for a similar loan would be affected by certain

changes in the index, as well as certain other information (§29.8).

• Banks may offer a program of ARM loans with limitations on payment changes instead of limitations on interest rate changes and without regard to the limitations on negative amortization, but such programs are subject to review and possible modification or termination by direction of the Office of the Comptroller of the Currency (§ 29.9).

• Banks currently making ARM loans that do not comply with all of the provisions of this regulation will have a 120-day grace period from the effective date of this regulation to bring their ARM program into conformity with these provisions (§ 29.10).

III. Policy Considerations

A. The Need for and Expected Benefits of Regulation

The objective of the Office in issuing an adjustable-rate mortgage regulation is to encourage national bank participation in the residential mortgage market by facilitating the development of new mortgage instruments that are responsive to changing interest rates, deposit and liability structures, and borrower needs. By providing national banks with the flexibility to design mortgage instruments that both accommodate the needs of their customers and yield a rate of return roughly commensurate with their payment of market interest rates on their deposits, mortgage lending will be encouraged.

It may be especially important over the next few years to encourage depository institutions to participate actively in the mortgage market. Many housing and mortgage market analysts predict that the 1980s will be a period of unprecedented demand for housing and, therefore, mortgage funds. It is, thus, crucial that the mortgage finance system permit mortgage instruments which accommodate the changing needs of mortgage lenders in our current economic environment.

The nation's depository system is gradually being transformed from a protected system of specialized lending institutions such as banks, thrift institutions, and credit unions into a highly competitive system of depository institutions that are increasingly competing side by side with nondepository financial intermediaries for deposits and lending opportunities. Moreover, individual savers have become increasingly sensitive to obtaining market rates of interest on their funds. Recognizing these developments, federally-imposed deposit rate ceilings, in place for decades, will be phased-out by March 31, 1986, as part of the implementation of the Depository Institutions Deregulation and Monetary Control Act of 1980. As a result, banks' average cost of funds will increasingly reflect changes in market rates of interest, making it extremely difficult for them to project their future cost of funds and to set appropriate interest rates on long-term fixed-rate assets. In such an environment, in which interest rates and the cost of funds are volatile, the Office does not believe it is realistic to expect depository institutions to lend substantial amounts of funds for long terms at fixed rates of interest.

Interest rates on the popular 6-month money market certificate of deposit have ranged from 6.66 percent in June of 1980 to 15.42 percent in December of 1980. At the end of 1980, 43 percent of commercial bank deposits were in rate-sensitive liabilities, including large negotiable certificates of deposit (with no interest-rate ceilings), money market certificates of deposit (with interest-rate ceilings tied to the rate on 6-month Treasury bills), and 2½ year small-saver certificates (with interest rate ceilings tied to the yield on Treasury securities maturing in 2½ years).

The market values of fixed-rate long-term mortgages made last September have already suffered a 10 percent decline due to higher interest rates. Financial institutions with large portfolios of low-coupon fixed-rate mortgages made in previous years have suffered an even more dramatic decline in the market value of their assets. As a consequence of these declines, it is becoming increasingly difficult for borrowers to obtain fixed-rate mortgage loans except from lenders with access to federally-sponsored agencies or private investors willing to purchase those loans. Clearly, depository institutions need mortgage instruments with rates of return that more closely follow changes in market interest rates.

It is equally clear, however, that not all individuals have incomes that are sufficiently flexible and responsive to changes in the rate of inflation to keep pace with the varying payment obligations of an ARM loan. While inflation and high interest rates have been widespread, individual consumers and communities have been affected differently. A review of nominal income trends on a regional basis and by occupation has shown wide variance in the ability of households to increase or even maintain their annual real incomes. Trends in housing prices have also varied substantially among regions and within regions in the United States.

Due to the varying needs of lenders and borrowers, the Office has determined that it would be unwise to issue a final rule that defined the specific contractual terms and loan documents of an ARM instrument. While such an approach would assure uniformity, simplify the supervisory problems of this Office, make consumer comparison shopping easier, and facilitate the early development of a secondary market for these instruments, it is not apparent that a single instrument can meet the varying needs of all borrowers, lenders, and investors.

The final rule, therefore, extends broad authority to all national banks to design ARM instruments. Within the limitations set forth in the regulation, national banks may tailor loans to the needs of their local markets.

B. Affordability Concerns and Monitoring Program

Representatives of local community organizations expressed the concern that widespread use of ARMs would tend to exacerbate the difficulties of low- and moderate-income households and of minorities and women in purchasing homes. These groups argued that the future incomes of such borrowers might not keep pace with required monthly payments, or that lenders might believe that these borrowers' incomes would not keep pace, thus making it more difficult for them to qualify for adjustable-rate loans than for fixed-rate loans. Conversely, these groups also fear the possibility that, once having qualified for an ARM, such borrowers would face greater risks of subsequent default.

A number of comments from consumer groups suggested that national banks be required to offer a fixed-rate mortgage option to each buyer. Another suggestion from these groups was that the Office suspend further consideration of the regulation until Congress can review the proposed instruments in the context of developing a national housing policy to address the affordability problems of moderate- and low-income families.

The Office shares the concerns of these groups about housing affordability but believes that neither of these recommendations would address them effectively. The source of the affordability problem is the underlying inflation in the economy. ARMs are not a cause of this inflation but rather a response to it. As stated previously, the regulation is intended expressly to encourage and facilitate the involvement

of national banks in mortgage lending. To the extent that banks are attracted into this market by the availability of a mortgage instrument suitable to an inflationary and volatile interest rate environment, the supply of mortgage credit will expand and interest rates will tend to be lower than they otherwise would be. In contrast, if banks do not have a viable mortgage instrument available to them, many will not make mortgage loans, or will build a substantial "inflation insurance premium" into the rate on fixed-rate instruments. Either way, the net effect of discouraging ARMs in such a market would be to drive up interest rates.

The housing affordability problem is more fundamental than the issue of fixed-rate versus adjustable-rate mortgages. The risks of making long-term fixed-rate mortgages in an inflationary environment have already led lenders to set interest rates on those instruments at levels that many moderate-income families cannot afford. That point was supported by the testimony and comments which repeatedly suggested that the borrowers who are the subject of special concern have already been priced out of the traditional fixed-rate mortgage market. Mandating the continued offering of fixed-rate mortgages is not, therefore, a solution to the housing affordability problem.

However, the Office believes that those concerned about housing affordability are correct in their perception that the nation has entered a period of significantly increased costs for housing and housing credit, and that those costs may threaten the expansion of homeownership which the nation has enjoyed in recent decades. While the Office believes it is appropriate for homebuyers to pay a competitive market interest rate, the Office is concerned that continued inflation may cause housing financing costs to rise more rapidly than family income. We concur with those comments which suggested that the affordability problem should be addressed directly through consideration of national policy alternatives. The hearings produced a number of such policy proposals, all of which were beyond the jurisdiction of this Office. Nevertheless, the Office will take every opportunity to contribute to efforts to fashion a national program that expands opportunities for homeownership.

The Office is concerned that individual banks offering ARMs might fail to satisfy their obligations, as expressed in the Community Reinvestment Act (CRA), to help meet the credit needs of their entire communities. Such national banks, based on unsubstantiated perceptions that prices of properties or incomes of residents in low- and moderate-income areas will not increase in line with increases in the general inflation rate, may be unwilling to make ARM loans in these areas. Similarly, the offering of ARMs could have ramifications for the implementation of the Equal Credit Opportunity Act and the Fair Housing Act. Lenders could use loan evaluation criteria, including unsubstantiated projections of future income growth, that have the illegal effect of discriminating against minorities, women, or other groups protected by these laws. The Office reiterates its intention, as expressed in the preamble to the proposed regulation, to monitor systematically the impact of ARMs on low- and moderate-income areas, and on women and minorities. This monitoring will be conducted in three ways.

First, the Office is in the process of making minor amendments to its existing Fair Housing Home Loan Data System to permit separate analysis of ARMs. This will permit analyses of credit decisions and loan terms offered by individual banks, to determine whether the type of mortgage offered varies according to the characteristics of the borrower or the property and, similarly, to determine whether credit standards and loan terms differ by type of mortgage. If differences exist, the Office will attempt to determine whether they are reasonable or discriminatory.

Second, the Office intends to use existing information collection systems to monitor the volume of ARM lending by national banks. This information will be collected in connection with periodic reports of condition that all federally-regulated banks are currently required to submit. Lending patterns in particular locations, such as individual states or Standard Metropolitan Statistical Areas, and comparisons of lending patterns by size of bank, urban versus rural location, and other factors will be analyzed.

Third, the Office will use the routine bank examination process to evaluate the record of each bank in complying with the fair credit laws and in responding to its CRA obligations.

It should be emphasized that all three of these monitoring efforts will be implemented through the use of existing systems with only minor amendments. The Office will not impose any significant new reporting requirements on banks for the purpose of monitoring adjustable-rate mortgage activity.

The Office will evaluate the information obtained through these monitoring efforts together with other relevant information, on a continuing basis, and will make a comprehensive review of the results two years following the effective date of this regulation. If the results of this evaluation indicate an adverse impact on the objectives of equal credit opportunity or community reinvestment the Office will consider using all available means, including amendments to the regulation, that would help to alleviate this impact. If the results of the evaluation suggest no adverse impact, or a positive impact, on those areas under consideration, the Office will consider elimination of the monitoring program and will also consider permitting additional flexibility in the adjustable-rate mortgages that national banks may offer.

IV. Specific Provisions of the Final Rule

A. Definition

The final rule defines an ARM as any loan made to finance or refinance the purchase of a one- to four-family dwelling, which permits the lender to adjust the interest rate periodically. The definition of an ARM loan in the proposed regulation included all loans that have an adjustable-rate feature and are secured by a one- to four-family dwelling.

In general, comments favored limiting the scope of the definition rather than expanding it. Comments on what types of loans should be included under this regulation covered a number of options. Some comments stated that all real estate loans should be covered, while others stated that construction loans, which in many areas are tied to the prime interest rate, should be exempted, and still others felt that business, commercial, or non-purchase-money loans secured by one- to four-family dwellings should not be included.

The intent of the regulation is to improve the availability of mortgage funds for purchasing residential property and to provide protections to home purchasers. The intent is not to regulate adjustable-rate loans made for other purposes. Therefore, the definition has been rewritten to make clear that the regulation applies only to purchase-money mortgages on one- to four-family homes.

B. Indexes

The proposed regulation provided national banks with the choice of one of four specified national interest rate indexes. These indexes were the Federal

Home Loan Bank Board's (FHLBB) average mortgage rate on previously occupied homes, the Federal National Mortgage Association's (FNMA) auction rate on mortgage purchase commitments, the 3-year rate on U.S. Treasury securities, and the 5-year rate on U.S. Treasury securities. Comment was specifically requested on whether lenders should be provided with a choice of indexes, the appropriateness of the proposed indexes, the appropriateness of any other indexes including the use of a lender's own lending rate as an index, regional indexes, and the use of averaging to smooth out interest rate peaks and valleys.

A significant number of respondents and witnesses at the hearings commented on these issues. A slight majority favored providing lenders with an array of indexes rather than a single index because of the difficulty of choosing one index that meets the diverse needs of all lenders and borrowers. Those indicating a preference for a single index argued that it would facilitate the sale of ARMs in the secondary market. The greater ease of comparison shopping by borrowers was also noted as a reason to choose a single index. However, there was little agreement among those preferring a single index as to which index should be chosen.

The Office believes that the flexibility provided by giving lenders a choice among several indexes is especially important at this stage in the development of ARMs. While secondary market considerations may eventually dictate the use of a single index for loans sold, the Office believes the choice of index for that purpose should be determined in the market. On the basis of comments, the Office has decided to authorize three indexes. They are short- and medium-term Treasury rates (6-month and 3-year) and the Federal Home Loan Bank Board series of contract mortgage rates. Each of the three authorized indexes reflects a nationwide average of interest rates on mortgage loans or securities traded in national markets, is easily verifiable, and is beyond the control of a single lender.

The Office has determined that the FNMA auction rate on FHA/VA mortgage purchase commitments, which was proposed as a possible index, is not an appropriate index for ARMs. Comments were received favoring authorization of a FNMA index with some indicating a preference for an index of the FNMA auction commitment rates on conventional rather than FHA/VA loans. Several comments, however, appeared to be based on the mistaken assumption that FNMA would purchase only ARMs using the FNMA index. This is not correct, and, in fact, FNMA recommended against the adoption of this index, pointing out that its rate is for optional commitments to deliver mortgage loans to FNMA within 120 days (recently reduced to 60 days). As a result, the rate reflects investors' rate expectations rather than current interest rates, and loans committed are delivered only if market conditions so warrant. Furthermore, FNMA pointed out that the rate is under the control of FNMA, and movements in the rate may, on occasion, reflect FNMA corporate objectives rather than market conditions. Similar considerations make the Federal Home Loan Mortgage Corporation's weekly auction yield, which was suggested as an additional index by some lenders, an inappropriate ARM index.

The Office has also dropped the 5-year Treasury rate from the list of authorized indexes. Very few comments indicated a preference for that rate. Because movements in the 3-year and 5-year Treasury rates are similar, elimination of the 5-year Treasury rate will not significantly limit the flexibility afforded borrowers and lenders.

A sizeable number of comments requested authorization of an index that would enable lenders to make mortgage loans with interest rates that reflect changes in their cost of funds. The bank's own marginal cost of funds, an in-house prime rate, and short-term Treasury bill rates were suggested as appropriate short-term indexes. In response to such requests, the Office has added the 6-month Treasury bill rate to the list of authorized indexes. This index should serve as a proxy for the cost to banks of short-term funds and has the advantage of being a national rate and therefore outside of the control of any single lender. The availability of a short-term index may encourage lenders who rely on short-term deposits for funding their mortgage portfolios to become more active in the mortgage market.

A number of comments expressed concern that the use of national indexes did not recognize regional differences in mortgage market conditions and, in particular, regional differences in mortgage rate levels. Some were concerned that national interest rate indexes might differ from local mortgage market rates. The Office emphasizes that the index value does not necessarily determine the level of the initial mortgage contract rate. The choice of the index affects only the magnitude of adjustments to the interest rate. The Office further believes that the flexibility inherent in the regulation, *e.g.*, considerable discretion with respect to interest rate adjustments and rate adjustment periods, should enable lenders to tailor instruments to their particular markets. Regional variances in interest rates can be reflected in the initial pricing of the mortgage loan. Therefore, the Office has not authorized the use of regional indexes.

C. Source of Index Values

National banks are required to use the most recent index value when setting the index base or notifying a borrower of an interest rate adjustment. The Federal Home Loan Bank Board calculates the monthly average mortgage rate on loans closed on previously occupied homes and makes this rate available on or about the 12th of the succeeding month. Treasury security rates for each month are published by the Federal Reserve Board (Federal Reserve's statistical release G.13 (415)) and are released during the first week of the succeeding month.

D. Averaging

Few comments were received on the question of basing interest rate changes on a moving average of the chosen index. However, most who did comment favored averaging, provided it was optional. The regulation provides national banks with the option of using a moving average of an authorized index to adjust ARM interest rates. However, if the 6-month Treasury bill rate is used as an index and the ARM interest rate is adjusted less frequently than once every six months, the bank must base interest rate changes on a moving average of the index values over a period as long as the interval between interest rate adjustments. The purpose of this averaging requirement is to avoid locking a loan into a rate for a period significantly longer than the maturity of the instrument on which that interest rate index is based.

E. Lender's Own Mortgage Rate as Cap

The proposed ARM regulation would have prohibited lenders from raising the rate on an ARM above their current offering rate on similar loans. Respondents who opposed this restriction noted that at any given time, a particular lender's offering rate may reflect policy decisions, such as the volume of mortgages it wants to originate, rather than more general market conditions. As a result, investors might find ARMs an unattractive investment if the loan's interest rate

flexibility were constrained by the originating bank's mortgage policy. In addition, secondary market investors using the group accounting system in pooling their mortgages require that all the loans in a pool change at the same time and by the same amount. The imposition of a lender's own mortgage rate cap which might fluctuate over the life of the ARM would limit the opportunities to pool these loans since loans offered by different banks might have different caps at any given time. For these reasons, the restriction has been deleted from the regulation.

F. Frequency of Rate Changes

The proposed regulation limited adjustments in the interest rate to no more fequently than semiannually. The final rule adopts this provision. The majority of comments favored the 6-month minumum adjustment period and those favoring a different minimum adjustment period were fairly evenly divided between a longer and a shorter period. Several lenders argued that, because their cost of funds may change daily, more frequent interest rate adjustments are more attractive. They noted that more frequent rate changes would benefit both lenders (when interest rates increase) and borrowers (when rates decrease). Lenders in favor of a longer adjustment period argued that it would increase the attractiveness of ARMs to borrowers by enabling them to make spending and saving plans. In addition, it was argued that long adjustment periods would tend to even out cyclical movements in interest rates. In establishing a minimum adjustment period of 6 months the Office is not suggesting that national banks design only ARMs with a 6-month adjustment period. The Office anticipates that national banks will design an array of ARMs with varying adjustment periods to serve different segments of the mortgage market.

The proposed regulation contained a provision intended to facilitate the sale of ARM loans to certain secondary mortgage market investors such as the Federal Home Loan Mortgage Corporation. These investors have indicated their intention to purchase only those ARM loans that have certain common characteristics. Two of these common characteristics—the same starting index value and same rate adjustment date—are necessary so that group accounting may be applied to all the loans in a pool; *i.e.*, they are necessary so that all of the loans will change by the same amount at the same time. To accommodate this need the proposed rule would have allowed loans originated within a six-month (or shorter) interval to be treated as if they had all been originated at the beginning of the interval for the purpose of setting the starting index value, and as if they had been originated at the end of the interval for the purpose of determining the rate adjustment dates.

This pooling provision has been dropped from the final rule because of the potential for inequities. For example, borrowers with loans closing late in a pooling interval will presumably borrow at an interest rate reflecting market conditions at that time. But if interest rates have been rising rapidly during the pooling interval, the starting index value applied to these loans will be quite a bit lower than the actual index value when the loans are closed, giving these borrowers built-in rate increases at the common adjustment date.

The Office recognizes the advantages to secondary market investors of creating pools of ARM loans that have common index values and common interest rate adjustment dates. Accordingly, the final rule contains a provision permitting extension of the first rate adjustment interval by any period in order to achieve common rate adjustment dates. Moreover, the final rule contains no overall interest rate cap and permits lenders to set broad periodic interest rate limitations. This flexibility should permit the ARM interest rate to adjust fully, under most economic scenarios, to any changes in the index as of the first rate adjustment date; in the absence of any carryover of index changes, the interest rates on the pooled ARM loans should thereafter change by the same amount in response to subsequent changes in the index.

G. Periodic Limits on Interest Rate Adjustments

The proposed periodic limit on interest rate adjustments of ½ of 1 percentage point per 6-month period generated a substantial number of comments. A slight majority indicated that the proposed cap would be acceptable, while a number of comments argued that the regulation should place no limit on rate adjustments contending that the limits would discourage national bank participation in the mortgage market.

A maximum limit on periodic interest rate changes of 1 percentage point per 6-month period is imposed in the final rule. The Office has increased the periodic cap over that in the proposed regulation to increase the flexibility of the ARM regulation. Authorization of a 1 percentage point periodic limit is not an endorsement by this Office of ARM instruments incorporating this limit. It is the maximum permitted periodic rate change. While the rule authorizes banks to design instruments which include the maximum permitted rate flexibility, such instruments are clearly not suited to all potential homebuyers. For example, at mortgage interest rate levels of 12 percent to 15 percent, a 2 percentage point annual interest rate cap permits an annual increase in monthly payments of as much as 15 percent. Therefore, if the interest rate on an ARM rose by 2 percentage points, a borrower would need a 15 percent increase in annual income to maintain a constant income-to-payment ratio. Such an increase in income exceeds the growth rate of median family incomes in the last several years. A variety of periodic interest rate caps were proposed in the comment letters and, therefore this Office anticipates that an array of ARM instruments with varying interest rate caps will appear on the market.

There were no significant objections in the comment letters to the provisions in the proposed regulation limiting single rate adjustments to no more than 5 percentage points at any one rate adjustment period and requiring national banks to reduce rates whenever warranted by decreases in the index. The provisions permitting national banks to establish minimums and maximums for mortgage rate increases and decreases and/or minimum increments for change also received favorable comment. All of these provisions are adopted in the final rule.

H. Carryover of Changes in the Index

Any change in the interest rate that is permitted, but which is not taken may, or must in the case of a decrease, be accumulated by the bank and taken at a later date. For example, if the index on an ARM subject to annual rate adjustments increases from 10 percent to 12½ percent during the first year, the bank may only raise the mortgage rate by a maximum of 2 percentage points on the 1-year anniversary of the loan. If the index is at 12½ percent on the second anniversary of the loan, the bank may raise the interest rate by an additional ½ of 1 percentage point. However, if the index declines to 12 percent on the second anniversary of the loan, the rate on the loan may not be increased.

I. Aggregate Limits on Interest Rate Adjustments

The Office requested comment on the imposition of aggregate limits on interest rate adjustments over the life of the mortgage loan and, in particular, on an overall cap of 5 percentage points, a cap of 50 percent of the initial contract rate, or no overall cap. The question of the

overall cap generated more comments than any other provision in the proposed regulation. Almost three quarters of the comments were opposed to having the regulation set an overall cap. While many banks supported the establishment of periodic interest rate limits so as to limit the rate of increase in monthly payments, they argued that overall rate limits were inconsistent with the concept behind the ARM which is to allow banks to avoid assuming the risk of a steady rise in interest rates. With the gradual removal of deposit rate ceilings over the next few years and the significant and unexpected rise in interest rates in recent years, many bankers argued that they needed the assurance that over time interest rates on ARMs would keep up with any changes in their cost of funds. The remaining comments generally favored some form of cap, although many felt that the proposed 5 percentage point and 50 percent of the initial contract rate limitations were too restrictive.

The Office has decided not to set an overall interest rate cap, but rather to permit overall caps, if any, to be established by the market through competition and projections of future rates of inflation. Limiting the ability of national banks to shift the risk of upward movements in interest rates to borrowers would force those banks to charge higher initial mortgage interest rates and might even discourage such banks from providing long-term mortgage financing. Periodic interest rate caps will protect borrowers from extraordinary increases in their monthly payments.

J. Negative Amortization

The proposed regulation provided that interest rate changes could be made through adjustments to the monthly payment level or to the rate of amortization of the loan (or a combination of these methods). This Office recognizes that keeping payments constant while the interest rate increases may alleviate some borrower budgeting difficulty that might arise if rate increases were immediately reflected in increased monthly cash outlays. At the same time, however, at today's interest rates, a rate increase as small as ¼ of 1 percentage point on a typical loan, without a corresponding payment increase, could reduce the rate of amortization to the level where the monthly payment amount covers only the interest cost of the loan but does not reduce the principal. Any larger rate increase would mean that the monthly payment would be insufficient to cover all of the accrued interest. The amount of interest not covered would be added to the outstanding loan balance. This condition is known as negative amortization; principal, instead of being paid down, is actually increasing.

The proposed regulation stated that certain limited amounts of negative amortization would be permitted to permit lenders that might prefer ARM loans with frequent interest rate changes that quickly reflect market fluctuations to accommodate borrowers who might prefer the budgeting certainty of less frequent payment changes. Specifically, loans would be viewed as conforming with the requirements of 12 U.S.C. 371(a)(1) if two conditions were met. First, payments had to be adjusted at least every 5 years to an amount sufficient to amortize the outstanding principal over the remaining term. Second, the additions to principal during any fixed-payment period due to negative amortization could not exceed ⅛ percent of the principal outstanding at the beginning of the fixed-payment period times the number of six-month intervals within the fixed-payment period. These limitations were viewed as consistent with recent legal interpretations by the Office's Law Department in connection with certain graduated-payment mortgage programs. For such programs temporary intervals of limited negative amortization are permissible if the lender is not subject to materially greater risk than it would be with a fixed-rate, level-payment real estate loan.

Only a fourth of all those commenting on the proposed regulation mentioned negative amortization at all, and just over half of those opposed any form or amount of negative amortization. Most of these respondents suggested that prudent banking practice demands that long-term real estate loans be amortizing at all times. Permitting negative amortization might lead to the situation where rising loan balances could outstrip house values, and banks might end up taking these losses. In addition, because ARM loans enable mortgage lenders to share with mortgage borrowers the costs of inflation and rising interest rates, some of those commenting asserted that their rapid introduction could have a dampening effect on inflation in housing prices. Thus the risk of losses would increase.

Just under half of those comments addressing the advisability of negative amortization favored permitting it to some degree. Most of them stated, based on considerations of safety and soundness, that only limited amounts of negative amortization, such as those suggested in the proposed regulation, should be allowed. Some said that negative amortization should be allowed at the bank's option, to be exercised only in hardship cases where borrowers could not afford increased payments. Several agreed that negative amortization should be used only in hardship or workout situations but felt that the option should be the borrower's, in accordance with the proposed regulation.

Persons commenting on behalf of a small number of financial institutions argued for removing all limits on negative amortization. Those lenders felt that the borrower's need for payment certainty could be reconciled with the lender's need to cover fluctuating cost of funds by keeping payments fixed for an extended interval while letting interest rates change frequently in response to movements in short-term market interest rates. Such loans could conceivably entail large amounts of negative amortization. But those lenders argued that even large amounts of negative amortization would generally be eliminated over the business cycle as a result of declines in interest rates. They also contended that safety and soundness arguments fail to recognize that the conditions that would give rise to sustained periods of substantial negative amortization would probably also lead to rapid increases in housing values.

In response to this diversity of opinion, this Office has decided to include a provision in the final rule which permits a somewhat greater amount of negative amortization than originally proposed. For periods during which the monthly payment is fixed, negative amortization is limited to 1 percent of the principal outstanding at the beginning of the fixed-payment period times the number of six-month intervals within the fixed-payment period. This increase is intended to enhance the ability of national banks to provide borrowers with payment certainty in conjunction with the greater rate flexibility authorized for ARM loans. Those banks that favor fully amortizing loans are not required to permit any negative amortization. However, those that see some utility in limited amounts of negative amortization, either in hardship cases or on a regular basis, may avail themselves of the provisions of the regulation. Those that want still greater flexibility may avail themselves of the special interim provisions of the final rule for payment-capped mortgages. (See discussion below on "Payment-Capped Mortgages.")

The negative amortization provision in the proposed regulation has been

further altered to require that any non-scheduled deviations from the contemplated amortization schedule be at the agreement of the borrower and the lender instead of solely at the borrower's option. This change is intended to provide balance between the occasional hardship needs of some borrowers and the administrative burdens and prudential concerns of the banks. The Office believes that in those situations where borrowers are truly unable, at least in the short run, to increase monthly payments to meet interest rate increases, the parties will agree to a mutually acceptable arrangement for deferring increases in the monthly payments stemming from rate increases. This system of requiring agreement of both parties to any modification of loan terms has long prevailed with respect to fixed-rate mortgages, and there is every reason to expect that banks will be as accommodating to ARM borrowers.

The proposed regulation expressly authorized negative amortization resulting from increasing interest rates during periods of constant payments, regardless of state-law prohibitions on charging compound interest. Some comments questioned the legality of charging interest on any additions to principal resulting from negative amortization in the many states that prohibit charging interest on interest. Moreover, several respondents, including two title insurance companies, suggested that the authority of the Office to issue regulations was ambiguous. Such title insurers suggested that they might not insure the validity, priority, or enforceability of liens to the extent that they cover increases to loan principal resulting from negative amortization.

With respect to those who questioned the Office's authority to preempt state law provisions prohibiting the charging of compound interest, it is the view of the Office that this authority is sufficiently clear. (See "Relation of General Rule to Other Laws" below.)

State laws prohibiting the charging of compound interest are often intended to prohibit compounding only if the effective simple rate of interest derived in this manner would exceed the state usury limit. Interpretive letters written by the Office's legal staff have long recognized that to the extent 12 U.S.C. 85 incorporates a state's usury ceiling, it also incorporates, generally, the state's method of calculating the effective rate of interest charged on the loan. Thus state law, as incorporated in 12 U.S.C. 85, can prohibit a national bank from charging a compound rate below the usury limit if the simple rate of interest thus charged would exceed the state limit. The preemption provisions of the final regulation are not intended to alter this situation. However, the alternative federal usury limit of 12 U.S.C. 85 and the federal usury preemption of Section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 provide national banks with a method, in many cases, of avoiding state usury limits and restrictions on compounding as they relate to these state limits.

Many states prohibiting the charging of compound interest do so as an entirely separate protection for borrowers. While these prohibitions are often codified with or as part of the statutes establishing the usury limits, they are completely unrelated to the process of determining the maximum permissible rate of interest a lender may charge. It is only this type of state statutory provision, unrelated to the usury limit, that the final rule preempts.

K. Assumption

Lenders overwhelmingly expressed their support for the proposed assumption provision which authorizes national banks to include and exercise due-on-sale clauses, regardless of limitations found in state law. They also favored permitting national banks that allow assumption to reset the interest rate on the assumed loan. A few respondents stated that banks should be required to permit assumption since the interest rate risk of an ARM to the lender is significantly less than under a fixed-rate mortgage. While this is true, the lender's interest rate risk would be eliminated completely only if the ARM interest rate is kept current with market interest rates and is not subject to any limits on interest rate changes. Other respondents suggested that banks should be allowed to reset any periodic or aggregate interest rate limitations, as well as the interest rate, when they permit assumptions.

The Office believes that a due-on-sale provision is desirable to provide the lender with the ability to protect itself from additional market risks. In addition, because the Office has decided to limit interest rate changes and does not wish to discourage lenders from establishing more restrictive interest rate limitations, the Office has decided to adopt an expanded provision for banks choosing to permit assumption. The final regulation allows national banks to reset at assumption any loan terms, including the interest rate. The intent of the final provision is to permit banks to choose the extent to which they want to expose themselves to additional market risk when assumption is granted.

L. Prepayment Penalties

The Office proposed limiting the right of national banks to charge prepayment penalties to the period preceding the notification of the first permitted interest rate adjustment. Reaction to the proposed prepayment penalty provision was mixed. Most comments favored the proposal as written, though some favored greater flexibility for banks. Of those respondents advocating the prohibition of prepayment penalties, some argued that since many banks are not currently charging such fees they would not need to do so under an ARM. Others felt that prepayment penalties were not a major consideration given that over time the interest rate on an ARM should approximate market rates. Comments favoring prepayment penalties over a longer period than that proposed argued that the lender is entitled to some compensation when a borrower breaks a long-term contract and prepays. Consumer groups favored no prepayment fees whatsoever.

Because of the unfamiliarity of borrowers with the nature of ARMs, there is sound reason for allowing borrowers to repay the loans at any time without penalty. This Office recognizes, however, that prepayment penalties may act as important deterrents to prepayment for the purpose of refinancing when mortgage rates decline. As such, they may encourage banks to make long-term fixed-rate commitments. This Office has, therefore, decided to adopt the proposal to permit national banks to levy prepayment penalties up to 30 days prior to the first scheduled rate adjustment date. Thus, banks will be able to minimize the risk of prepayment during the period prior to the first rate change notification date and therefore will be encouraged to make ARMs with long initial grace periods or subject to less frequent rate adjustments. After the first rate change notification date borrowers may prepay without penalty.

M. Short-Term and Demand Loans

Many banks currently offer short-term and demand purchase-money mortgage loans. The Office proposed to continue to permit short-term and demand mortgage lending by national banks and to exempt such loans from the provisions of this regulation if a specified disclosure notice were provided describing the nature of, and the risks associated with such instruments. The Office felt that a required disclosure notice of this sort,

while not overly burdensome to the lender, would help ensure that the borrower is properly informed of a loan in which the maturity date is shorter than the amortization schedule and in which refinancing is not guaranteed.

While very few comments were received on short-term and demand mortgage lending by national banks, the majority of them favored the proposal. Since there is currently no evidence that further restrictions on such loans are necessary, the Office has decided to adopt the proposed provision. The Office emphasizes, however, that disclosure of the nature of these loans does not relieve the lender of the obligation to use them cautiously. Borrowers and lenders alike must be aware of the risk that borrowers may be forced to refinance their mortgages during periods of tight credit. If problems develop with such loans in the future the Office may impose restrictions beyond the required disclosure notice.

N. Disclosure

The proposed rule required banks to provide an initial disclosure as shopping information and a notification of upcoming interest rate changes. It also included model disclosure and notification forms.

Comments on the proposed disclosures were mostly positive. Most banks indicated that the requirements would not be seriously burdensome, particularly with the availability of the model forms. A number of banks urged that disclosure requirements for ARMs not duplicate disclosures required by other laws for real estate loans, and in particular those required by the Real Estate Settlement Procedures Act (RESPA) and the Truth-In-Lending Act and its implementing Regulation Z. In addition, some banks suggested that borrowers might be more confused than helped by a comprehensive and lengthy disclosure.

The issues of avoiding disclosure duplication and of providing borrowers with the optimal amount and type of information were extensively evaluated by the Office. In drafting this provision of the final rule the Office was guided by the belief that the fundamental interests of both borrowers and lenders are best served by permitting lenders to compete freely in designing and pricing ARMs that will efficiently meet borrower demands. However, the marketplace only operates efficiently if both buyers and sellers are well informed about the transaction and fully understand the contractual agreement. A wide variety of mortgage instruments, including ARMs, will present borrowers with complex and unfamiliar borrowing options which will be difficult to evaluate. Lacking adequate disclosure, many borrowers contemplating an ARM will find it difficult to make an informed decision, thus interfering with the efficient functioning of the market to the detriment of individual borrowers.

To address this concern the regulation has been designed to complement the flexibility of the permitted ARM instrument with the requirement for relatively comprehensive consumer disclosures. Disclosures serve the two-fold purpose of educating borrowers about the nature of ARMs and equipping them to shop for the appropriate ARM.

To meet these objectives, the Office is requiring that the initial shopping disclosure be provided when any written information regarding ARMs is provided by a national bank and no later than the time of loan application. This precedes the time at which RESPA and Regulation Z disclosures are to be provided. Although some credit shopping information is provided in disclosures required by RESPA and Regulation Z, the Office believes that these other disclosures are not made sufficiently early to serve the general educational purpose envisioned by the regulation.

Furthermore, most of the information required in the regulation does not duplicate the Regulation Z or RESPA disclosures. Those rules have different purposes. Regulation Z is focused on providing all consumer credit borrowers with the finance charge and annual percentage rate and making these items comparable from lender to lender. This information is helpful in comparing the terms of many types of loans, but does not satisfy the full educational and comparison shopping purpose this Office sees as necessary to help consumers evaluate the complexities and uncertainties presented by adjustable-rate mortgages. Accordingly, the final regulation does not defer to Regulation Z. It should be noted, however, that the Office has expressed the view to the Federal Reserve Board that Regulation Z could be amended to provide an exception for any substantially similar information previously disclosed pursuant to other federal regulatory requirements.

Similarly, this Office believes that the ARM disclosures in the final regulation serve a purpose distinct from those contained in RESPA. RESPA requires disclosure of a good faith estimate of most closing costs within 3 days after a loan application so that borrowers will be prepared for settlement charges and may shop for settlement services. In contrast, the proposed regulation required only a list of the categories of fees that will be assessed. The purpose of this proposed disclosure was to alert borrowers early in the process of shopping for a mortgage loan to the possibility that payments other than principal and interest may have to be made in connection with taking out and servicing a mortgage loan. The Office recognizes that the requirement in its proposed regulation, while not fully duplicative of the RESPA disclosures, does overlap with those disclosures to some extent. To avoid even this minimal duplication, while satisfying the Office's concern that borrowers be alerted early to the imposition of certain closing and other costs, the final regulation requires only a simple statement that the bank and/or other persons may charge certain fees in connection with an ARM loan.

The final rule requires both a comprehensive initial disclosure statement and notifications of periodic interest rate changes. To avoid confusing borrowers or overburdening lenders, an effort was made to avoid excessively long disclosure. Nevertheless, the Office disagrees with those who commented that a historical series of index values and a limited (5 percentage points in the proposal and 10 percentage points in the final regulation) worst-case disclosure are more likely to mislead borrowers than to help them. First, the model disclosure form contains cautionary language concerning the reliability of this information as a forecasting tool. Second, the information provides borrowers with necessary examples of interest rate and payment changes over several years. The regulation does not impose limitations on the number of different examples or additional information that may be provided. National banks are certainly encouraged to go beyond what is minimally acceptable in educating their borrowers, as long as this is not done in a misleading fashion. For those national banks that regard the comprehensive shopping disclosure as costly to provide the Office has appended model disclosure and notification forms to the rule that can be easily adapted and preprinted by individual institutions.

Because the regulation relies primarily on disclosure rather than restriction of ARM terms to provide for borrower protection, the Office will view failure to provide timely and substantively complete and correct disclosures as a serious violation of the regulation. The full range of the Office's available supervisory authority will be used to assure compliance with the disclosure provisions of the final rule.

O. Payment-Capped Mortgages

Starting in the fall of 1980, several commercial banks and thrift institutions began offering 30-year ARM instruments with limitations on payment changes but not on rate changes. The interest rate on these loans is adjusted frequently to stay at a fixed margin over some short-term security rate used as an index; the amount of the monthly payment is fixed for considerably longer periods. As a consequence, interest rate changes over the fixed-payment period are reflected in changes in the rate of amortization of principal rather than in changes in the monthly payment amount. At the end of each fixed-payment period the amount of the monthly payment is adjusted so as to amortize the loan fully over the remaining term to maturity, at the interest rate in effect at the time of the payment change (or at some average of rates over some prior period). To avoid sharp increases in monthly payment amounts, changes in monthly payments on these instruments have been tightly limited by lenders at each readjustment date for the first 20 or 25 years of the loan. However, during the remaining 5 or 10 years of the loan the limit is removed and the payment amount may be increased by whatever amount is necessary to assure full amortization of the loan by the end of 30 years. In some cases, the lender might agree to refinance any loan principal that remains unpaid at the end of 30 years.

While the interest rate of payment-capped mortgages is pegged at a fixed spread over the index rate, the initial monthly payment may be set on the basis of either the index rate, the lender's projection of future interest rate levels, or local mortgage rates. As a result, the initial monthly payment may be set at a level below that required to amortize the loan, and negative amortization may begin immediately. Another feature of such loans is that, to offset some of the potential for negative amortization, monthly payments are never decreased below the initial payment amount regardless of how much the interest rate may decrease.

Such payment-capped instruments may appeal to borrowers when compared to interest-rate capped mortgages with their potential for frequent changes in monthly payment amounts. The monthly payment amount is held constant for extended periods of time, and the potential increases in payment amounts are limited regardless of movements in the mortgage rate until the final months of the mortgage loan. The instruments may also be appealing from the lender's perspective; the frequent adjustment to the contract interest rate and the absence of any interest rate limitations enable the lender's interest rate margin to remain constant, assuming that the index is a good proxy for the bank's cost of funds.

However, payment-capped mortgage instruments without interest rate limitations do raise concerns with respect to negative amortization and, due to their complexity, borrower understanding. Significant amounts of negative amortization may accumulate when the monthly payments are at levels below that required to amortize the loan within 30 years. Consequently, the outstanding loan balance (principal and unpaid compound interest) increases, perhaps substantially. Under most interest rate scenarios with cyclical rate volatility, but without a steep upward trend in interest rates, payment-capped mortgage loans can be repaid in full within a 30-year period without the lender having to raise payments more than the agreed percentage even in the final years. However, under certain hypothetical interest rate and payment scenarios, the outstanding loan balance can rise substantially and continuously over much of the life of the loan through compounded unpaid interest. Full payment of the loan will then require either a sharp increase in monthly payments during the final years of the loan contract or a balloon payment at maturity. If an individual with a payment-capped mortgage sells a residential property prior to maturity, the possibility exists under certain economic conditions that the proceeds to the seller could be equal to, or even less than, the outstanding balance on the mortgage loan. For this reason, payment-capped mortgage loans may hold more risk for borrowers than interest-rate capped loans which provide for more frequent monthly payment adjustments and little or no negative amortization.

Because of the general complexity of and uncertainty associated with ARM loans that permit substantial negative amortization, it is especially important that potential borrowers understand the nature and risks of a payment-capped mortgage. In particular, borrowers must be made aware of how the interest rate is set on a payment-capped mortgage, the relationship between the level of monthly payments and the interest rate, and the negative amortization features. Borrowers should also be kept abreast of changes in the mortgage interest rate and changes in the outstanding loan balance. In the event of negative amortization, the monthly payment amount which would be required to amortize the loan fully should be disclosed to the borrower along with the amount of unpaid interest added to the outstanding loan balance each month. A reminder that the borrower may prepay all or part of the loan without penalty in order to avoid some or all of the increasing debt should also be given.

Payment-capped mortgages which permit significant amounts of negative amortization may also be risky for lenders. Associated with such instruments is an implicit assumption that housing prices will rise in tandem with rising interest rates, so that the loan amount as a percentage of the market value of the residential property will remain constant or decline. While the experience of recent years supports that assumption, housing prices in some regions of the country recently have shown some signs of softness and even modest decline. Also, some housing units lose market value over time due to physical deterioration. As a result, any general shift in housing financing from traditional amortizing loans to loans that may increase over time requires careful scrutiny. In particular, lenders must make reasonable provision to maintain loan-to-market-value ratios at prudent levels. Certain risks might also be present for lenders because of uncertainties in the legal and financial environment. Adding to loan balances through negative amortization raises questions pertaining to tax and accounting principles, questions of lien priority, and questions of the availability or sufficiency of title, private mortgage, credit life, and casualty insurance. In particular, banks could be generating substantial amounts of taxable income not reflected in positive cash flows. Negative amortization could similarly be viewed as the equivalent of new advances. Therefore it may not share the same federal usury preemption or lien priority as the original loan in the event of defaults where other liens have been applied to the property. Also, lenders relying on insurance must be careful that those insurance policies will provide appropriate coverage of additions to principal from negative amortization as well as the bank's original advance.

The final rule permits banks to continue to offer payment-capped ARMs, but these lending programs must be submitted to the Office for review. Plans that fail to protect borrowers against excessive payment volatility and excessive negative amortization will be required to be modified or terminated. To avoid unduly impeding those national banks which wish to begin

making payment-capped ARM loans, the regulation will allow national banks to begin lending under such programs 60 days after submitting the documents for review and possible modification by this Office.

The review process provided for in the regulation is viewed as an interim procedure until a comprehensive set of regulations can be formulated to govern payment-capped ARMs. The Office intends in the near future to publish for comment amendments to the ARM rule that will deal explicitly with payment-capped mortgages. These rules will address the Office's concerns over appropriate limitations on payment changes and negative amortization and acceptable disclosure of information concerning these complex mortgage loan instruments.

P. Effective Date of Implementation and Transition Rule

In the proposed regulation this Office requested comment on an appropriate implementation date for the final regulation. A majority of the respondents favored immediate implementation of the regulation; some respondents, however, favored deferring the implementation for 60 to 180 days after publication in the **Federal Register.** To enable national banks in states with restrictive regulations governing ARM lending to begin utilizing the flexible authority of this regulation immediately, this Office has decided not to defer its effective date. It is in the interest of both the banks and their borrowers that this authority be immediately available to facilitate participation by national banks in the mortgage market. Because the final regulation is in most respects the same or less restrictive than the proposed rule, the Office expects that some banks will be ready to begin using its authority virtually immediately. In accordance with the provisions of 5 U.S.C. 553(d), the Office finds that immediate effectiveness is appropriate because the regulation relieves restrictions and for other good cause as discussed above. Further, to avoid a temporary disruption to the mortgage lending activity of banks currently offering ARM instruments not conforming with this regulation, these banks are provided with a 120 day transition period from the date of publication to bring their ARM lending programs into conformity.

Q. Relation of General Rule to Other Laws

The proposed ARM regulation contained provisions to preempt state law in several areas. First, rules expressly prohibiting or constraining adjustable-rate mortgage lending were to be preempted. Beyond that, certain state laws of general applicability were to be preempted with respect to adjustable-rate mortgage loans by national banks. Those state laws prohibit the charging of interest on interest and prepayment fees and impair the enforceability of due-on-sale clauses.

A growing number of states have statutes or regulations intended to protect borrowers by restricting the rate-sensitivity of adjustable-rate mortgage loans. Some of these states also require that certain information be disclosed to prospective ARM borrowers. Many other states impose no limitations on ARM lending, either with respect to permissible rate and payment changes or the minimum level of disclosure to borrowers. The Office believes that a great deal of flexibility in designing mortgage instruments is necessary with respect to rate adjustments and protecting against market risk to induce banks to become active participants in the mortgage market. However, borrower protection, primarily in the form of required disclosures, is also needed at this early stage of development.

The authority to engage in ARM lending is consistent with the express powers of national banks and is currently viewed by many national banks as essential to their safe and sound participation in the residential mortgage market. At this stage of ARM development, some state-imposed restrictions appear likely to limit unduly the rate-sensitivity of ARM mortgage loans by national banks, forcing the banks to withdraw from or substantially curtail their participation in that market. Such state actions which, in effect, deprive national banks of one of their express powers—to engage in safe and sound residential real estate lending—are incompatible with the comprehensive federal supervision of those institutions and their intended role under federal law. Because of the diversity of state regulations and the potentially prohibitive effects of many of these regulations, the Office believes it is necessary to occupy the field of regulating ARM lending by national banks.

Few comments focused on the issue of preemption. Support for preemptive regulations came primarily from lenders operating in states with restrictive regimes governing ARM lending. Support for deferring to state law came from consumer advocates who believed the Office's proposed regulation did not provide the same protection for low- to moderate-income borrowers as do some existing state laws. Further opposition to preemption came from lenders who are located in states not currently imposing any restrictions and who currently offer or contemplate offering ARMs that would not comply with the proposed regulation. These lenders preferred to have the Office not issue any ARM regulation or to preempt only in states where the laws are more restrictive than the ARM regulation. Only a handful of those commenting doubted the Office's preemptive power.

The final regulation adopts the provisions of the proposed regulation. The Office is satisfied that sufficiently broad general and specific rulemaking authority is contained in 12 U.S.C. 93a and 12 U.S.C. 371(g), as well as in the basic structure of the National Bank Act and other federal banking laws, to permit it to promulgate an ARM regulation for national banks and to preempt the authority of states to interfere with the power of national banks to make ARM loans. The Office believes that preemption is important to give all national banks the flexibility to develop ARM instruments that will meet their own needs as well as those of their customers, their local markets, and national secondary market investors.

Section 711 of the Housing and Community Development Act of 1974 greatly liberalized the powers of national banks to make real estate loans to encourage them to participate significantly in the residential real estate finance market, consistent with concerns for safety and soundness of banking practices. Congress thus recognized the importance of having a federal scheme to regulate real estate lending by federally chartered banks.[1] State laws restricting national banks' ARM lending powers thwart these Congressional purposes and are thus properly preempted by the Office's regulation promulgated pursuant to that statute and to the general rulemaking powers of the Comptroller of the Currency.

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[1] Recent federal court decisions involving regulations of the Federal Home Loan Bank Board have demonstrated the willingness of courts to recognize the propriety of establishing uniform standards for real estate lending by federally chartered financial institutions through preemptive regulations. These court decisions have upheld the preemptive effect of the Federal Home Loan Bank Board's regulations concerning discriminatory lending practices, *Conference of Federal Savings and Loan Associations* v. *Stein*, 604 F.2d 1256 (9th Cir. 1979), *aff'd*, 445 U.S. 921 (1980), and the use of due-on-sale clauses, *Glendale Federal Savings and Loan Association* v. *Fox*, 459 F.Supp. 909(C.D.Cal. 1978), *appeal pending*.

V. Final Regulation

Accordingly, 12 CFR Chapter I is amended by adding a new Part 29 to read as follows:

PART 29—ADJUSTABLE-RATE MORTGAGES

Sec.
29.1 Purpose.
29.2 Definition.
29.3 General rule.
29.4 Index.
29.5 Rate changes.
29.6 Prepayment fees.
29.7 Assumption.
29.8 Disclosure.
29.9 Certain payment-capped mortgages.
29.10 Transition rule.
Appendix to Part 29.

Authority: 12 U.S.C. 1 *et seq.*; Sec. 708, Pub. L. 96-221, 94 Stat. 168 (12 U.S.C. 93a); and sec. 711, Pub. L. 93-383, 88 Stat. 718 (12 U.S.C. 371(g)).

§ 29.1 Purpose.

This regulation is issued by the Office of the Comptroller of the Currency to establish rules for national banks making or purchasing adjustable-rate loans secured by liens on one- to four-family dwellings.

§ 29.2 Definition.

An adjustable-rate mortgage loan is any loan made to finance or refinance the purchase of and secured by a lien on a one- to four-family dwelling, including a condominium unit, cooperative housing unit, or a mobile home, where such loan is made pursuant to an agreement intended to enable the lender to adjust the rate of interest from time to time. Adjustable-rate mortgage loans include loan agreements where the note and/or other loan documents expressly provide for adjusting the rate at periodic intervals. They also include fixed-rate loan agreements that implicitly permit rate adjustment by having the note mature on demand or at the end of an interval shorter than the term of the amortization schedule unless the national bank has clearly made no promise to refinance the loan (when demand is made or at maturity) and has made the disclosure specified in § 29.8(c).

§ 29.3 General rule.

National banks may make or purchase adjustable-rate mortgage loans only if they conform to the conditions and limitations contained in this Part. National banks may make or purchase adjustable-rate mortgage loans pursuant to this Part without regard to any limitations that otherwise would be imposed on adjustable-rate mortgage lending by the laws of any State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, or Guam, which limitations are hereby expressly preempted.

§ 29.4 Index.

Changes in the interest rate charged on an adjustable-rate mortgage loan must be linked to changes in an index specified in the loan documents, *i.e.*, a 1 basis point (1 basis point = .01 percentage point) change in the index must be translated into a 1 basis point change of the same direction in the contract interest rate, except as otherwise provided in § 29.5. The index values used for the purpose of determining changes shall be either (1) the most recently available values on the date of loan origination and on subsequent dates for notifying borrowers of impending rate changes or (2) the moving averages on such dates of all values of an index over the interval from the prior rate-change notification date to the current rate-change notification date, using as the starting index value the moving average of index values over an equivalent interval ending with the date of loan origination. The index must be one of the following:

(a) The monthly average contract interest rate charged by all lenders on mortgage loans for previously occupied homes, as published by the Federal Home Loan Bank Board in its *Journal* and made available by the Federal Home Loan Bank Board in news releases on about the twelfth day of each month.

(b) The monthly average yield on United States Treasury securities adjusted to a constant maturity of 3 years, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month.

(c) The monthly average of weekly average auction rates on United States Treasury bills with a maturity of 6 months, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month.

If the national bank uses the 6-month Treasury bill rate index and adjusts interest rates less frequently than once every 6 months, then the bank must use the moving average, as described above, of the index values to measure interest rate changes.

§ 29.5 Rate changes.

(a) *Frequency of Changes.* Interest rate changes on adjustable-rate mortgage loans may occur only at regular intervals of not less than 6 months, as specified in the loan documents. Notwithstanding the foregoing, a national bank may extend the length of the interval before the first potential interest rate change by any predetermined period.

(b) *Magnitude of Changes.* Interest rate adjustments to adjustable-rate mortgage loans may not exceed 100 basis points each 6 months. If the interval between interest rate changes exceeds 6 months, then the limitation on interest rate changes shall be 100 basis points multiplied by the number of whole consecutive 6-month periods in the interval between interest rate changes. In no event may any one interest rate change exceed 500 basis points. Notwithstanding the rules contained in this subsection, a national bank may decrease the contract rate of interest on an adjustable-rate mortgage loan at any time and by any amount beyond decreases required by the rules contained in this Part.

(c) *Required and Permitted Rate Changes.* Interest rate changes on adjustable-rate mortgage loans made or purchased by national banks shall be subject to the following additional restrictions:

(1) Interest rate increases permitted in accordance with the provisions of this Part shall be at the option of the bank.

(2) Interest rate decreases warranted by decreases in the index shall be mandatory except to the extent that rate increases fully reflecting increases in the index have not been implemented by the bank, either at its option or because of the limitation on increases specified in paragraph (b) of this section. If the bank agrees to impose a periodic or aggregate limitation on interest rate changes that is more restrictive than the limitation specified in paragraph (b) of this section, the same limitation shall apply to both increases and decreases.

(3) Banks offering adjustable-rate mortgage loans may establish in the loan documents any minimum interest rate change limitations and minimum increments of interest rate changes.

(4) Changes in the index not translated into changes in the interest rate because of the limitations contained in this Part or, consistent with this Part, at the discretion of the bank shall, to the extent not offset by subsequent movements of the index, be carried over and be available at succeeding rate-change dates.

(5) There shall be no charge by the national bank to the borrower, in the form of new closing cost, new processing fees, new finance charges, or similar fees, for any change in the interest rate on an adjustable-rate mortgage loan.

(d) *Method of Rate Changes.* (1) Interest rate changes to an adjustable-rate mortgage loan may be implemented through changes in the amount of the installment payment or the rate of amortization (*i.e.*, the amount, if any, of each installment payment allocated to repayment of principal) or any combination of these two methods, according to any schedule agreed upon by the borrower and the bank in the loan documents or as agreed upon by the parties at the time of any interest rate change. These methods are permissible regardless of any state-law prohibitions on the charging of interest on interest. Such prohibitions are expressly preempted, provided the interest rate charged by the national bank does not exceed the applicable usury limit, if any.

(2) Changing the rate of amortization, including utilization of a period or periods of negative amortization, is permissible only if (1) the payment is adjuted at least every 5 years to a level sufficient to amortize the outstanding principal at the interest rate then in effect over the remainder of the original loan term, which may not exceed 30 years; and (2) the amount of negative amortization, if any, permitted during any such period does not exceed 1.0 percent of the principal outstanding at the beginning of that period multiplied by the number of whole consecutive 6-month periods included in the interval between payment changes. In no event may the amount of negative amortization allowed under the preceding sentence exceed 10.0 percent of the principal outstanding at the beginning of the period.

§ 29.6 Prepayment fees.

National banks offering or purchasing adjustable-rate mortgage loans must allow the borrowers to prepay in whole or in part without penalty at any time beginning 30 days before the first scheduled interest rate adjustment date. National banks offering or purchasing adjustable-rate mortgage loans may impose penalties for prepayments made prior to the date specified in the preceding sentence of this paragraph regardless of any state-law prohibitions of such fees, which prohibitions are expressly preempted.

§ 29.7 Assumption.

National banks offering or purchasing adjustable-rate mortgage loans are not required to allow those loans to be assumed by new purchasers of the mortgaged property, or to allow new purchasers to take title to such property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, regardless of any limitations on the validity or enforceability of due-on-sale clauses found in state law, which limitations are expressly preempted. If a national bank does allow such a loan to be assumed or a purchaser to take title to property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, the interest rate and any other loan terms may be reset as of the date of assumption. In order for an adjustable-rate mortgage loan to qualify for the benefits of this section, the loan note must contain a clause stating that the loan is due on sale or must contain some other provision indicating that the loan may be assumed or the property purchased subject to the bank's mortgage lien only at the bank's discretion.

§ 29.8 Disclosure.

(a) National banks offering adjustable-rate mortgage loans shall disclose in writing to a prospective borrower on the earlier of the date on which the bank first provides written information concerning residential mortgage loans available from the bank or provides a loan application form to the prospective borrower, the following items:

(1) The fact that the interest rate may change and a brief description of the general nature of an adjustable-rate mortgage loan;

(2) The index used, including the name of at least one readily available source in which it is published;

(3) A 10-year series updated at least annually showing the values of the index on at least a semiannual basis, presented in tabular form;

(4) The frequency with which the interest rate and payment levels will be adjusted, including provision for any extended interval before the first interest rate adjustment;

(5) Any rules relating to changes in the interest rate and/or installment payment amount;

(6) A description of the method by which interest rate changes will be implemented, including an explanation of negative amortization if it may occur in connection with the loan;

(7) The rules or conditions relating to refinancing of short-term and demand mortgage loans, prepayment, and assumption;

(8) A statement, if appropriate, that other fees will be charged by the bank and/or any other persons in connection with the adjustable-rate mortgage loan, including fees due at loan closing; and

(9) A schedule of the dollar amounts of the installment payments (principal and interest) on a $10,000 loan at a commitment rate offered by the bank within the preceding 12-month period if the mortgage interest rate were to increase as rapidly as possible, consistent with the interest rate limitations of the loan, by 10 percentage points (or by such lower aggregate interest rate limit as the bank may impose on its adjustable-rate mortgage loans).

Use of the optional model disclosure form provided in the Appendix to this Part, amended where necessary to describe accurately permissible variations found in the bank's adjustable-rate mortgage loans, will constitute compliance with this subsection.

(b) At least 30 days and no more than 45 days before any interest rate change may take effect, the bank must notify the borrower in writing of the following items:

(1) The current and proposed new interest rate;

(2) The base and current index values;

(3) The extent to which the bank has forgone any increase in the mortgage interest rate;

(4) The new monthly payment and/or other contractual effects of the rate change;

(5) The amount of the monthly payment, if different from that given in response to item 4, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term; and

(6) The fact that the loan may be prepaid at any time without penalty.

Use of the optional notification form provided in the Appendix to this Part will constitute compliance with this subsection.

(c) A national bank making any loan to finance or refinance the purchase of, and secured by a lien on, a one- to four-family dwelling which is payable either on demand or at the end of a term which, including any terms for which the bank has promised to refinance the loan, is shorter than the term of the amortization schedule must include the following notice, displayed prominently and in capital letters, in or affixed to the loan application form and in or affixed to the loan note:

THIS LOAN IS PAYABLE IN FULL [AT THE END OF — YEARS OR ON DEMAND]. [AT MATURITY OR IF THE BANK DEMANDS PAYMENT] YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE BANK IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL THEREFORE BE REQUIRED TO MAKE

PAYMENT OUT OF OTHER ASSETS YOU MAY OWN, OR YOU WILL HAVE TO FIND A LENDER WILLING TO LEND YOU THE MONEY AT PREVAILING MARKET RATES, WHICH MAY BE CONSIDERABLY HIGHER THAN THE INTEREST RATE ON THIS LOAN.

Fixed-rate short-term or demand loans for which this notice has been properly given will not be characterized as adjustable-rate mortgage loans.

(d) No later than the date on which an adjustable-rate mortgage loan is made by a national bank, the bank must inform the borrower of the base index value against which interest rate changes will be measured. This base value must be included in the note which the borrower signs, and the borrower must be given a copy of this note no later than at loan closing.

§ 29.9 Certain payment-capped mortgages.

(a) *Authority to Lend, Subject to Review by Comptroller.* The limitations imposed by this Part shall not apply to adjustable-rate mortgage loans which contain meaningful limitations on the magnitude of permissible changes in the amount of installment payments that offer borrowers sufficient protection against payment volatility. The Office of the Comptroller of the Currency may at any time require a national bank to modify or terminate a loan program qualifying under this subsection if it is determined that the program does not adequately provide for repayment of the loans in a timely manner or that the program does not sufficiently protect borrowers against payment volatility.

(b) *Prior Notice of New Programs.* Before a national bank initiates an adjustable-rate mortgage loan program pursuant to this subsection, it must send a copy of all program loan documents and disclosure forms to Chief National Bank Examiner, Office of the Comptroller of the Currency, Washington, D.C. 20219. If the Office of the Comptroller of the Currency has not required the bank in writing to modify or abandon the program within 60 days from the date on which the documents were postmarked or similarly marked as having been sent to the address given above, the bank may proceed with the program.

(c) *Notice on Existing Programs.* Notwithstanding the transition rule contained in § 29.10, if on the effective date of this rule a national bank has already made a loan or a binding commitment to lend under a program qualifying under this subsection, the bank may continue to make loans under such program but must immediately send a copy of the documents described above in subsection (b) to the address above. The Office of the Comptroller of the Currency may subsequently require modification or termination of the program in accordance with the provisions of this section.

(d) *Program Modifications.* Substantively modified programs shall be regarded as new programs for the purpose of this section.

§ 29.10 Transition rule.

If on the effective date of this rule a national bank has already made a loan or a binding commitment to lend under an adjustable-rate mortgage loan program which would violate any of the provisions of this Part, the national bank may continue to make loans or binding commitments to lend under the program for 120 days from the effective date of this rule before the program must be brought into conformity with all of the provisions of this Part.

Appendix to Part 29*

A. Model Form for Initial Adjustable-Rate Mortgage Disclosure

Important Mortgage Loan Information—Please Read Carefully

If you wish to apply for an Adjustable-Rate Mortgage (ARM) loan with ——— National Bank, you should read the information below concerning the difference between this mortgage and other mortgages with which you may be familiar.

General Description of Adjustable-Rate Mortgage Loan

THE LOAN OFFERED BY ——— NATIONAL BANK IS AN ADJUSTABLE-RATE MORTGAGE. ITS INTEREST RATE WILL CHANGE [fill in frequency] BASED ON MOVEMENTS OF AN INTEREST RATE INDEX. YOUR MONTHLY PAYMENTS WILL INCREASE IF THE INTEREST RATE RISES OR DECREASE IF THE INTEREST RATE FALLS. BECAUSE FUTURE MOVEMENTS OF THE INDEX ARE RELATED TO MARKET CONDITIONS THAT CANNOT BE PREDICTED, IT IS IMPOSSIBLE TO KNOW IN ADVANCE HOW MUCH YOU WILL HAVE TO PAY, EITHER EACH MONTH OR OVER THE LIFE OF THE LOAN. INTEREST RATE AND PAYMENT CHANGES WILL BE MADE ACCORDING TO CERTAIN RULES THAT ARE EXPLAINED BELOW.

Key Terms of ——— National Bank's Adjustable Rate Mortgage

The following outline of the terms on ARM's offered by ——— National Bank is intended for easy reference only. You will find other essential information in this disclosure statement and in the loan note itself.

Loan term	
Frequency of rate changes	
*[Grace period before first rate change	]
Interest rate index	
Maximum rate change at one time	
Maximum rate change over life of loan	
*[Minimum rate change at one time	]
*[Minimum increments of rate change	]
*[Prepayment fee	]
Assumability [assumable, not assumable *or* at lender's discretion]	
Possibility of increasing loan balance [yes *or* no]	

*Bracketed items and footnotes are instructions to national banks or contain optional language to be selected as appropriate.

How Your Adjustable-Rate Mortgage Would Work

Starting Interest Rate

The starting interest rate offered by ——— National Bank on an ARM will be specified [at loan closing, when we make a loan commitment to you, other] based on market conditions at that time.

Frequency of Interest Rate Changes

Your interest rate will be reviewed every ——— beginning ——— after the date on which you take out your loan, and may increase or decrease at those times based on changes in the index.

Index for Measuring Interest Rate Changes

The index to which your interest rate will be tied is ———.

Information on this index is published monthly in ———. The table below shows a ten-year history of movements of this index. This does not necessarily indicate how the index may perform in the future.

10-Year History of ——— Index

Date	Index	Change from preceding rate
1/1/x0		
7/1/x0		
1/1/x1		
.	.	.
7/1/x9		

Size of Interest Rate Changes

The interest rate on your ARM will increase or decrease based on movements in the index. A change in the index of 1 percentage point will be translated into a 1 percentage point change of the same direction in your ARM interest rate. However, no single change in the interest rate will be more than —— percentage points no matter how much the index may have moved. [Also, there will be no change in your interest rate if the index moves less than —— percentage points.] All changes will be in increments of —— percentage points.]

Mandatory and Optional Rate Changes

Decreases in your interest rate warranted by decreases in the index will always be automatic within the rules for maximum [and minimum] changes. However, increases warranted by increases in the index may be forgone at the bank's option. If the bank forgoes an interest rate increase, we may take it at a later interest rate change date, unless doing so would conflict with the carryover rule described below.

Carryover of Unused Index Changes

Changes in the index not passed on to you as changes in your ARM interest rate will be carried over to the next interest rate change date. This can happen when the index has moved more than the maximum permitted change (percentage points) [or less than a minimum permitted change (percentage points)] or when the bank has forgone an interest rate increase to which it is entitled. The carryover is the amount by which the net index change exceeds the net interest rate change since the loan was made. The net change is the difference between the interest rate (or index) on a given date and the interest rate (or index) on the date the loan was made. In addition to new index changes, index changes carried over may be passed on to you at the next rate adjustment date as a change in your ARM interest rate. However, we may not pass these carryovers on to you to the extent they have been offset by an opposite movement in the index as of that date. Also, if the total of the new index change and the carryover still exceeds the maximum permitted change (percentage points) [or is less than a minimum permitted change (percentage points)] the excess must be carried over again.

[The following example may be included at the bank's option:

An example shows how this carryover rule works. Suppose the index increases by 1.60 percentage points during the first period, but your rate change is limited by the rules to 1.00 percentage point. The remaining .60 percentage point would be carried over, so that at your next rate change date:

- If the index in the new period had *stayed the same*, your mortgage rate would *still rise* by .60 percentage point.
- If the index *had decreased* by .20 percentage point your mortgage rate would *still rise* by .40 percentage point (the difference between the increase that was carried over and the decline).
- If the index had *decreased* by 1.0 percentage point your mortgage rate would *decrease by only* .40 percentage point (again, the difference between the new decrease and the carried over increase).
- If the index had *increased* by .70 percentage point, your mortgage rate would increase by only 1.0 percentage point because of the 1.0 percentage point limit, *but* there would be a *new carryover* of .30 percentage point into the next rate change period (the difference between the 1.0 percentage point limit and the 1.30 percentage points justified by the old carryover plus the index change).]

Payment Changes

Changes in the interest rate on your mortgage will mean that your monthly payment will change to an amount sufficient to repay your loan over its life at the new interest rate. [1]

Notice of Rate Changes

———— National Bank will send you notice of any rate change at least 30 days before it becomes effective. The notice will tell you how the index has changed and how your interest rate and payment schedule will be affected. This notice will also be sent whenever the bank forgoes an interest rate increase it is permitted to take [and/but not] when the index has not changed at a rate adjustment date. All interest rate changes will be based on index information available at the time the notice is sent, rather than when the rate change goes into effect.

Prepayment Penalty

You may prepay an ARM in whole or in part without penalty at any time after the first notice of index movement has been sent to you [or, if the index has not changed, any time after the last date on which such a notice would have been sent]. This prepayment may be a lump sum payment of all or part of the remaining debt or may be in the form of larger monthly payments than required under the terms of the loan.

———— National Bank imposes a penalty charge of —— for prepayments prior to the first rate change notice date.[3]

Assumption of Mortgage Loan

Your ARM may be assumed by a purchaser of your home who meets our credit standards. [We have the right to change the loan terms, including the interest rate, upon assumption, and we may also charge the purchaser assumption fees.][3]

Fees

You will be charged fees by ———— National Bank and by other persons in connection with the origination of an ARM. We will give you an estimate of these fees within 3 days after receiving your loan application. However, ———— National Bank will not charge you any finance or processing fees at the time of any rate adjustment.

How Rapidly Rising Interest Rates Could Affect Your Adjustable-Rate Mortgage Loan

The following table shows the effect a 10 percentage point increase in the index rate, taken as rapidly as possible, would have on monthly payments on a $10,000 ARM made at a starting interest rate of —%. To figure the equivalent potential payment increases for your mortgage, simply multiply the payments in the table times 2 for a $20,000 loan, times 3 for a $30,000 loan, etc.

[The table that follows would apply to an ARM with interest rate adjustments occurring every six months, a one percentage point periodic interest rate limit, an aggregate interest rate cap in excess of 10 percentage points, and an initial contract interest rate of 10%. Lender should insert relevant example.

Payments No.	Year No.	Interest rate (percent)	Amount of payment
1 to 6	1	10.0	$87.75
7 to 12		11.0	95.15
13 to 18	2	12.0	102.71
19 to 24		13.0	110.34
25 to 30	3	14.0	118.04
31 to 36		15.0	125.81
37 to 42	4	16.0	133.63
43 to 48		17.0	141.49
49 to 54	5	18.0	149.39
55 to 60		19.0	157.32
61 to 360	6+	20.0	165.27

B. Periodic Notice Form

Important Notice of Intent To Change the Interest Rate on Your Adjustable-Rate Mortgage Loan

Dear ————————:

This is to inform you that on [date] ———— National Bank intends to [increase, decrease] the interest rate on your ARM loan from —% to —%. As a result of this change, we are adjusting your installment payments from $—— to $——. Beginning with your [date] payment, please remit your payments at this new amount.[1]

The index upon which interest rate changes on your loan are based was —% when your loan was made and is currently —%, an [increase, decrease] of — percentage points. The interest rate on your loan was —% when your loan was made and will be changed to —% at the upcoming rate adjustment date, an [increase, decrease] of — percentage points. [Because the net index change exceeds the net interest rate change on your ARM, an

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[1] In lieu of this sentence, you may insert the following paragraph, if appropriate:

The monthly payment on your loan will remain fixed [for —— months/years at a time, the first —— months/years of your loan]. Any changes in your interest rate during that time will be accomplished through a change in the rate of amortization. This means that during the fixed-payment period the amount of each monthly payment allocated to repayment of principal will increase when the interest rate decreases, and will decrease when the interest rate increases. If the interest rate increases substantially, the rate of amortization will actually turn negative, which means that the monthly payments will be too small to cover all of the accrued interest. These shortfalls will be added to your principal balance, which may grow during the ——year period by up to ——%. If the principal grows by the full % limit *before* the end of the —— year period, your monthly payments will be increased *at that time* for the remainder of the period to an amount that will cover the accrued interest. At the end of the —— year fixed-payment period, the monthly payment will be changed to the level that will repay all principal and interest over the remaining life of the loan at the interest rate then in effect.

[3] If appropriate, the following paragraph may be used in lieu of this paragraph:

You may prepay your ARM in whole or in part without penalty at any time. This prepayment may be a lump sum payment of all or part of the remaining debt or may be in the form of larger monthly payments than required under the terms of the loan.

[3] In lieu of this paragraph, the following sentence may be used, if appropriate:

An ARM made by ———— National Bank may not be assumed by a purchaser of your home.

[1] The following paragraph may be used in lieu of this paragraph:

This is to inform you that on [date] ———— National Bank intends to [increase, decrease] the interest rate on your ARM loan from —% to —%. As a result of the change in your interest rate, your monthly payments will remain the same but the rate of amortization on your loan will be [decreased, increased]. Because of this change in the rate of amortization, the rate at which you accumulate equity in your home will [decrease, increase] [and your outstanding loan balance will increase]. [In order to fully repay your adjustable-rate mortgage loan over its life at the new interest rate, your installment payment would have to be increased from $—— to $——.]

index change of —% will be carried over to the next period.]

You may repay the entire loan or any part of it without penalty at any time.

Thank you for your attention to this matter.

C. Adjustable-Rate Mortgage Indexes

Monthly Rate for June and December 1969–80

[In percent]

	Mortgage rates on previously occupied homes[1]	3-yr Treasury rates[2]	6-mo Treasury rates[3]
1969:			
June	7.84	6.63	6.725
December	8.08	6.10	7.786
1970:			
June	8.19	7.84	6.907
December	8.12	6.78	4.848
1971:			
June	7.36	6.32	4.696
December	7.51	5.27	4.198
1972:			
June	7.38	5.64	4.370
December	7.45	6.01	5.287
1973:			
June	7.84	6.63	7.234
December	8.48	6.81	7.444
1974:			
June	8.66	6.15	8.232
December	9.30	7.24	7.091
1975:			
June	8.85	7.17	5.463
December	9.09	7.43	5.933
1976:			
June	8.82	7.22	5.764
December	8.90	5.66	4.513
1977:			
June	8.78	6.29	6.199
December	8.93	7.20	6.377
1978:			
June	9.27	8.30	7.209
December	9.85	9.33	9.207
1979:			
June	10.48	8.95	9.092
December	11.59	10.71	11.647
1980:			
June	12.66	8.91	7.218
December	13.15	12.66	14.770

[1] The average contract interest rate charged by all lenders on mortgage loans for previously occupied homes as published by the Federal Home Home Loan Bank Board in monthly news releases and in its *Journal*.

[2] The average monthly yield on the United States Treasury securities adjusted to a constant maturity of 3 years based on daily closing bid prices as published monthly in Federal Reserve Board Statistical Release G.13(415) and in the *Federal Reserve Bulletin*.

[3] The monthly average of weekly average auction rates on United States Treasury bills with a maturity of 6 months as published monthly in Federal Reserve Board Statistical Release G.13(415) and in the *Federal Reserve Bulletin*.

Dated: March 24, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-9327 Filed 3-26-81; 8:45 am]

BILLING CODE 4810-33-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 239

[Release No. 33-6299]

Availability of Simplified Registration Form to Certain Mining Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendments.

SUMMARY: The Commission announces the adoption of amendments to Form S–18, a simplified registration form, which allow certain issuers engaged in the mining business to register their securities on that Form. The amendments to Form S–18 also provide a new disclosure item which sets forth requirements applicable to mining companies registering securities on that Form. The Commission also announces the recision of Form S–3, a registration form utilized by certain start-up or unprofitable companies engaged in the mining business.

EFFECTIVE DATE: April 27, 1981. While the amendments will not be effective until such date, in view of the cost and other savings the amendments may provide the registrants, the Commission will accept filings complying with the amendments beginning immediately for those wishing to utilize them.

FOR FURTHER INFORMATION CONTACT: Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, (202) 272–2644. With respect to Item 7A of Form S–18 contact Hubert W. Norman, Office of Engineering, Division of Corporate Finance, (202) 272–3257.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of certain amendments to Form S–18 [17 CFR 239.28] and the recision of Form S–3 [17 CFR 239.13].

Form S–18 is a simplified registration statement available to certain domestic and Canadian corporate issuers for the registration under the Securities Act of 1933 [15 U.S.C. 77a, et seq., as amended (1976)] of up to $5 million worth of securities to be sold for cash. Form S–3 is a registration statement designed exclusively for start-up or unprofitable mining companies. The amendments adopted today permit mining companies, heretofore precluded from utilizing Form S–18, to register their securities for sale on that Form. A new disclosure item specifically applicable to mining issuers has been added. This item incorporates the substantive disclosure concepts set forth in Form S–3 and has been updated to reflect current Commission disclosure policies and practices. The Commission, in light of the expanded availability of Form S–18, is rescinding Form S–3.

Discussion

The Commission has for some time been examining steps which might be taken to facilitate capital formation by small businesses. The adoption of Form S–18 in April 1979 represented a significant initiative in this regard.[1] In view of the experimental nature of the Form and the initiation of regional processing of registration statements, the Commission determined to proceed cautiously in connection with the adoption of Form S–18. Thus, issuers who engaged or intended to engage in significant mining operations, as well as issuers engaged in oil and gas operations and non-corporate issuers, were precluded from using the Form.[2] The Commission did express its intent to monitor the use of the Form for an appropriate period and to consider whether the conditions as to its availability should be expanded. In view of the relatively widespread acceptance of the Form and the absence of any significant disclosure or enforcement problems, the Commission proposed that Form S–18 be made available to certain companies engaged in the mining business.[3] Since the proposed amendments would permit virtually all Form S–3 type issuers to utilize Form S–18, and since Form S–18 provides significant benefits over Form S–3, it was contemplated that the proposed amendments would be effected in tandem with a recision of Form S–3.

Since the initial Form S–18 disclosure requirements were not specifically tailored to elicit relevant information regarding mining companies, a new disclosure item for the Form was proposed. The Commission also proposed a comprehensive set of disclosure requirements to be included in Item 2 of Regulation S–K in order that similar and consistent disclosures would appear in all filings by mining companies under the Securities Act of 1933 and the Securities Exchange Act of 1934. As proposed, Item 2(c) would require disclosure as to an issuer's operations on a mine by mine basis. The comments received regarding this proposal, as it affected larger operating companies, were numerous and controversial.

In general the commentators believed that the informational requirements of

[1] Securities Act Release No. 33–6049, April 3, 1979 [44 FR 21562].

[2] In this regard Rule 242 was similarly restricted as to its use. The Commission indicated, in Release No. 33–6180 (January 17, 1980), that should revisions to Form S–18 be effected in order to permit limited partnerships or companies engaged in oil and gas or mining operations to use the form, a review of the definition of "qualified issuer" in Rule 242 would be made. Thus, the Commission today authorized the publication of a release announcing proposed amendments to Rule 242 which, if effected, would permit certain mining companies to rely on that rule in the offer and sale of their securities. Release No. 33–6300, March 19, 1981.

[3] Release Nos. 33–6245, 34–17197, October 7, 1980 [45 FR 66905].

proposed Item 2(c), if not amended to permit a presentation on an aggregate basis, would result in unnecessarily detailed disclosure by large operating companies. Many commentators stated that such detailed information would result in high cost to these companies without substantial benefits to investors and could have adverse effects on a company's competitive position. Because of the nature of the comments received on Item 2, the staff wishes to take additional time to consider what, if any, revisions should be made to that Item as it applies to large operating companies. However, because of the positive response to the proposal to make Form S–18 available to mining companies and the lack of significant objections to the requirements to be included in that Form, the Commission has determined to adopt amendments to Form S–18 at this time.

The Commission notes the standards adopted in Item 7A impose no new material disclosure requirements from those set forth in Form S–3 and represent a codification of past practice with respect to the processing of registration statements for mining issuers.

Synopsis of Amendments

As indicated above, the Commission has determined to make Form S–18 available to companies engaged in the mining business. This change is accomplished by deleting the existing prohibition against usage of the form by mining companies in General Instruction A to the Form.[4] The other restrictions present in the Instructions to Form S–18 remain. Therefore a mining issuer is required to be a domestic or Canadian corporation which proposes to sell not more than $5 million worth of securities to the public for cash. A mining issuer also may not be a company reporting under the Securities Exchange Act of 1934, a limited partnership or a subsidiary of a parent that would be unable to use the form.[5]

Form S–18 is amended to provide a new disclosure item, Item 7A, specifically applicable to mining issuers. As proposed, Item 7A incorporated the substantive disclosure concepts of Form S–3 and also included certain additional requirements applicable to companies with operations. These additional requirements are not included in the amendments adopted today but may be reconsidered in the future after the proposed amendments to Item 2 of Regulation S–K are adopted.

[4] *See* General Instruction A(a)(6) and instruction thereto.

[5] *See* General Instruction A(a).

The following summarizes the amendments to Form S–18 and discusses the disclosure requirements for mining companies using that form. The principal comments received on the proposal and any changes made in response to such comments are also discussed. The full text of the amendment is included at the end of this release.

Item 7A. Description of Property—Issuers Engaged or to be Engaged in Significant Mining Operations.

(a) Definitions—Numerous commentators noted that the proposed definitions regarding proved and probable reserves differ from the definitions set forth by the Financial Accounting Standards Board (FASB) in their Statement of Financial Accounting Standards No. 39.[6] Given the desire to establish uniform definitional and disclosure requirements and to avoid duplicative analysis and confusion, the commentators urged the Commission to adopt the standards of FASB Statement No. 39.

The proposed definitions incorporate the views from the U.S. Geological Survey Circular 831 [7] and from standard mining dictionaries. These definitions represent the culmination of a long term project between staff members of the U.S. Bureau of Mines and the U.S. Geological Survey to establish uniform definitions and classifications of mineral and energy resources. An examination of FASB Statement No. 39 reveals the FASB did not intend to provide a uniform definition of "reserves." Further, although the FASB definitions of "proved" and "probable" reserves appear to be somewhat inconsistent with those proposed by the Commission, the intended scope of the two standards appears to be the same. In this regard, the Commission's proposed definitions are merely more detailed and thus provide guidance in complying with FASB Statement No. 39. Additionally, the Item 7A definitions set forth standards which represent a codification of past practice. The Commission therefore has determined to adopt the definitions as proposed.

(b) Mining Operations Disclosure—Proposed Items 7A(b)(1)–(6) incorporate the substantive disclosure requirements of Form S–3 Items 4(a)(1)–(6), updated to reflect current disclosure practices. In general these subsections require disclosure of significant facts regarding each of the properties owned or operated, or currently intended to be owned or operated, by the registrant.

These disclosures include the location of and means of access to the property, form of title or lease and any known mineralization on the property. In addition, a description of the history of operations and work done by the registrant will be required. An instruction indicating that the summation of proven (measured) and probable (indicated) reserves will be allowed under certain circumstances also has been inserted. This instruction will be applied where the difference between the issuers's proven (measured) and probable (indicated) reserves cannot reliably be defined. In addition, the Form S–3 prohibition against disclosure of reserves of lesser assurance than proven (measured) or probable (indicated) has been retained. Finally, disclosure regarding the present state of the property, plant and equipment is included.

The commentators raised no objection to the application of these provisions to smaller issuers expected to utilize Form S–18. The Commission, noting that these provisions were adopted in substance from Form S–3 as well as the absence of any objections to these provisions by the commentators, has adopted Items 7A(b)(1), (2), (3) and (5) as proposed. Proposed Items 7A(b)(4) and (6) have been consolidated in the interest of clarity into new Item 7A(b)(4) with no substantive revisions.

Proposed Items 7A(b) (7) and (8) set forth new disclosure requirements which would most directly affect operating mining companies. Proposed Item 7(A)(b)(7) requires on a mine by mine basis a description of the total tonnage produced, the grade of such ore and relevant production cost statistics. Proposed Item 7A(b)(8) would elicit, on a mine by mine basis, disclosure of the changes in the deposits mined and the changes in the mining conditions experienced by the issuer.

Many commentators objected to these disclosure items as calling for information which is confidential or proprietary in nature. Further, several commentators questioned the benefits to investors of such detailed disclosure in the context of large operating mining companies. Moreover, numerous commentators opined that the cost of providing such disclosures would be substantial and would significantly

[6] Statement of Financial Accounting Standards No. 39, Financial Reporting and Changing Prices: Specialized Assets—Mining and Oil and Gas, a supplement to FASB Statement No. 33, October 1980.

[7] Principles of a Resources/Reserve Classification for Minerals, U.S. Bureau of Mines and the U.S. Geological Survey (1980). This survey was intended as a revision of the widely utilized U.S. Geological Survey Bulletin No. 1450–A.

outweigh any potential benefit to investors.

As indicated above, the Commission has determined to postpone the adoption of the amendments to Form S-K in order to further consider the appropriate disclosure requirements that should apply to large operating mining issuers. In addition, the Commission is sensitive to the fact that the requirements of proposed Items 7(b) (7) and (8) might result in the disclosure of information which is proprietary or confidential by large or small mining issuers. Accordingly, Items 7A(b) (7) and (8) are not being adopted at this time. When the amendments to Item 2 of Regulation S-K are adopted the Commission will consider whether the disclosure requirements for mining companies being adopted today in the Form S-18 should be amended.

Proposed Item 7A(b)(9) set forth a new requirement with respect to the inclusion of a glossary of terms. Proposed Item 7A(b)(10) prohibits from the presentation in a registration statement detailed maps and reports and other highly technical data. Such information may, under certain circumstances, be furnished to the Commission as supplemental information. These standards represent a codification of prior practice with respect to processing registration statements on Form S-1 and Form S-2. These proposals, to which no objection was raised, have been adopted without revision as Items 7A(b) (7) and (8).

(c) Supplemental Information—Item 7A(c) addresses three separate subject matter areas of supplemental information. The first concerns maps, drill data, and calculations upon which the reserve estimates are based. The second section requires that each engineering or metallurgical report concerning the registrant's property be filed supplementally. The third section requires filing of certain documents necessary to support representations made in the registration statement. These requirements are similar to those set forth in Form S-2.

The Commission received no comments raising material concerns regarding the requirements of Item 7A(c) and therefore has determined to adopt the item substantially as proposed.

Item 15. Financial Statements and Instructions

As set forth in the proposing release, FASB Statement No. 7 [8] groups together under the title "Development Stage Enterprises" issuers that are in both the exploratory and development stages. The distinction from the perspective of the geologist or engineer is significant. In mining terminology an exploratory stage company is basically engaged in the search for minerals. A development stage company, on the other hand, has found a commercially feasible body of minerals and is engaging in the preparation of that body for production. Financial statements for exploratory stage mining issuers will typically identify the issuer as a "development stage company." Such a classification may be confusing to investors. Therefore, new subsection (f) has been added to this item in order that the definitional terms set forth in Item 7A(a) will be utilized in a consistent manner throughout the textual and financial portions of the registration statement.

The Commission received no adverse comments regarding this proposal and has therefore decided to adopt the item as proposed.

Technical Amendments

Both General Instruction A(a)(5) and Rule 242(a)(5)(ii) currently preclude a company which engages or intends to engage in oil and gas related operations which exceed the criteria for exemption specified in § 201.3-18(k) of Regulation S-X from using Form S-18 or relying on Rule 242. In light of the recent amendments to Regulation S-X [9] the reference to § 201.3-18(k) is no longer appropriate. The Commission is therefore amending this reference to read § 210.4-10(k).

Text of Amendments

17 CFR Chaper II is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.13 [Removed]

1. By removing § 239.13 in its entirety.

2. By amending the General Instructions to Form S-18, § 239.28 to read as follows:

§ 239.28 Form S-18, optional form for the registration of securities to be sold to the public by the issuer for an aggregate cash price not to exceed $5,000,000.

* * * * *

General Instruction

A. Rule as to Use of Form S-18

* * * * *

(5) does not engage or intend to engage in oil and gas related operations which exceed the criteria for exemption specified in Section 210.4-10(k) of Regulation S-X;

(6) (delete the text of subsection (6) and insert the text of subsection(7))

(7) (insert the text of subsection (8))

(8) (delete this subsection)

* * * * *

Item 7. Description of Property

[no change]

Item 7A. Description of Property—Issuers Engaged or To Be Engaged in Significant Mining Operations

(a) *Definitions:* The following definitions apply to registrants engaged or to be engaged in significant mining operations:

(1) *Reserve:* That part of a mineral deposit which could be economically and legally extracted or produced at the time of the reserve determination.

Note.—Reserves are customarily stated in terms of "ore" when dealing with metalliferous minerals; when other materials such as coal, oil shale, tar sands, limestone, etc. are involved, an appropriate term such as "recoverable coal" may be substituted.

(2) *Proven (Measured) Reserves:* Reserves for which (a) quantity is computed from dimensions revealed in outcrops, trenches, workings, or drill holes; grade and/or quality are computed from the results of detailed sampling and (b) the sites for inspection, sampling and measurement are spaced so closely and the geologic character is so well defined that size, shape, depth, and mineral content of reserves are well-established.

(3) *Probable (Indicated) Reserves:* Reserves for which quantity and grade and/or quality are computed from information similar to that used for proven (measured) reserves, but the sites for inspection, sampling, and measurement are farther apart or are otherwise less adequately spaced. The degree of assurance, although lower than that for proven (measured) reserves, is high enough to assume continuity between points of observation.

(4) (i) *Exploration Stage*—includes all issuers engaged in the search for mineral deposits (reserves) which are not in either the development or production stage.

(ii) *Development Stage*—includes all issuers engaged in the preparation of an established commercially mineable deposit (reserves) for its extraction which are not in the production stage.

(iii) *Production Stage*—includes all issuers engaged in the exploitation of a mineral deposit (reserve).

Instruction—Mining companies in the exploration stage should not refer to themselves as development stage companies in the financial statements, even though such companies should comply with FASB Statement No. 7, if applicable.

(b) *Mining Operations Disclosure*—Furnish the following information as to each of the mines, plants and other significant properties owned or operated, or presently intended to be owned or operated, by the registrant:

(1) The location of and means of access to the property.

(2) A brief description of the title, claim, lease or option under which the registrant and its subsidiaries have or will have the right to hold or operate the property.

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[8] Statement of Financial Accounting Standards No. 7, Accounting and Reporting by Development Stage Enterprises, June 1975.

[9] Release No. AS-280, September 2, 1980 [45 FR 63660].

indicating any conditions which the registrant must meet in order to obtain or retain the property. If held by leases or options, the expiration dates of such leases or options should be stated. Appropriate maps may be used to portray the locations of significant properties.

(3) A brief history of previous operations, including the names of previous operators, insofar as known.

(4)(a) A brief description of the present condition of property, the work completed by the registrant on the property, the registrant's proposed program of exploration and development, and the current state of exploration and/or development of the property. Mines should be identified as either open-pit or underground. If the property is without known reserves and the proposed program is exploratory in nature, a statement to that effect shall be made.

(b) The age, details as to modernization and physical condition of the plant and equipment, including subsurface improvements and equipment. Further, the total cost for each property and its associated plant and equipment should be stated. The source of power utilized with respect to each property should also be disclosed.

(5) A brief description of the rock formations and mineralization of existing or potential economic significance on the property, including the identity of the principal metallic or other constituents insofar as known. If proven (measured) or probable (indicated) reserves have been established, state (i) the estimated tonnages and grades (or quality, where appropriate) of such classes of reserves, and (ii) the name of the person making the estimates and the nature of his relationship to the registrant.

Instructions

1. It should be stated whether the reserve estimate is of in-place material or of recoverable material. Any in-place estimate should be qualified to show the anticipated losses resulting from mining methods and beneficiation or preparation.

2. The summation of proven (measured) and probable (indicated) ore reserves is acceptable if the difference in degree of assurance between the two classes of reserves cannot be reliably defined.

3. No estimates or reserves of lesser assurance than proven (measured) and probable (indicated) such as "possible" or "inferred" should be set forth.

(6) If technical terms relating to geology, mining or related matters whose definitions cannot be readily found in conventional dictionaries (as opposed to technical dictionaries or glossaries) are used, an appropriate glossary should be included in the registration statement.

(7) Detailed geological maps and reports, feasibility studies and other highly technical data should not be included in the registration statement but should be, to the degree appropriate and necessary for the Commission's understanding of the registrant's presentation of business and property matters, furnished as supplemental information.

(c) *Supplemental Information:*

(1) If an estimate of proven (measured) or probable (indicated) reserves is set forth in the registration statement, furnish:

(i) maps drawn to scale showing any mine workings and the outlines of the reserve blocks involved together with the pertinent sample-assay thereon,

(ii) all pertinent drill data and related maps,

(iii) the calculations whereby the basic sample-assay or drill data were translated into the estimates made of the grade and tonnage of reserves in each block and in the complete reserve estimate.

Instructions—Maps and other drawings submitted to the staff should include:

1. A legend or explanation showing, by means of pattern or symbol, every pattern or symbol used on the map or drawing; the use of the symbols used by the U.S. Geological Survey is encouraged;

2. A graphical bar scale should be included; additional representations of scale such as "one inch equals one mile" may be utilized provided the original scale of the map has not been altered;

3. A north arrow on maps;

4. An index map showing where the property is situated in relationship to the state or province, etc., in which it was located;

5. A title of the map or drawing and the date on which it was drawn;

6. In the event interpretive data is submitted in conjunction with any map, the identity of the geologist or engineer that prepared such data;

7. Any drawing should be simple enough or of sufficiently large scale to clearly show all features on the drawing.

(2) Furnish a complete copy of every material engineering, geological or metallurgical report concerning the registrant's property, including governmental reports, which are known and available to the registrant. Every such report should include the name of its author and the date of its preparation, if known to the registrant.

Any of the above-required reports as to which the staff has access need not be submitted. In this regard, issuers should consult with the staff prior to filing the registration statement. Any reports not submitted should be identified in a list furnished to the staff. This list should also identify any known governmental reports concerning the registrant's property.

(3) Furnish copies of all documents such as title documents, operating permits and easements needed to support representations made in the registration statement.

* * * * *

Item 15. Financial Statements and Instructions

(f) With respect to companies engaged or to be engaged in the mining business, attention is directed to the instruction to Item 7A(a)(4) concerning the appropriate classification of issuers engaged in the exploratory, development and production stage of mining.

* * * * *

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising paragraph (a)(5)(ii) of § 230.242 to read as follows:

§ 230.242 Exemption of limited offers and sales by qualified issuers.

* * * * *

(a) * * *

(5) * * *

(ii) Does not engage or intend to engage in oil and gas related operations which exceed the criteria for exemption specified in § 210.4–10(k) of Regulation S–X.

* * * * *

Statutory Authority

The Commission hereby adopts the amendments to Form S–18 pursuant to Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933.

(Secs. 6, 7, 8, 10, 19(A), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a))

With respect to the technical amendments to Form S–18 and Rule 242 under the Securities Act the Commission believes that it is appropriate to adopt these technical amendments in order to clarify potentially confusing language therein. Accordingly, the Commission pursuant to Section 553(b) of the Administrative Procedure Act ("APA") (5 U.S.C. 553(b)) for good cause finds that notice and opportunity for public comment at this time is impracticable, unnecessary and contrary to the public interest.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 18, 1981.

[FR Doc. 81-8991 Filed 3-26-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Occupational Safety and Health Administration

Office of Federal Contract Compliance Programs

20 CFR Part 655

29 CFR Part 1903

41 CFR Part 60-1

Notice of Further Deferral of Effective Dates of Regulations

AGENCY: Department of Labor.

ACTION: Notice of further deferral of effective dates of regulations.

SUMMARY: The Department of Labor further defers the effective dates of three final rules from March 30, 1981 (see 46 FR 11253, Feb. 6, 1981), until the dates set forth below.

This action is taken in order to permit reconsideration of these rules in accordance with Executive Order 12291 and in order to permit proposed rulemaking.

For complete information on these actions see the following Federal Register documents in the Proposed Rules section of this issue of the Federal Register:

1. 81-9411 (ETA)
2. 81-9412 (OSHA)
3. 81-9410 (OFCCP)

DATE: The effective date of this deferral is March 27, 1981.

ADDRESS: Gail Lively, Director, Executive Secretariat, Room S-2519, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: (1) For the Employment and Training Administration (ETA)—Mr. Kenneth Bell—Telephone: 202-376-6297. (2) For the Occupational Safety and Health Administration (OSHA)—Mr. H. Berrien Zettler—Telephone 202-523-7725. (3) For the Office of Federal Contract Compliance Programs—Mr. James W. Cisco—Telephone 202-523-9426.

Rule and agency	Subject	Old effective date	New effective date
1. 20 CFR Part 655 ETA (Originally published on Jan. 16, 1981 at 46 FR 4368).	Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodology.	Mar. 30, 1981	Deferred until action taken on today's proposed rules.
2. 29 CFR Part 1903 OSHA (Originally published on Jan. 16, 1981 at 46 FR 3652).	Walkaround Compensation	do	May 30, 1981.
3. 41 CFR Part 60-1 OFCCP (Originally published on Jan. 16, 1981 at 46 FR 3682).	Payment of Membership Fees and Other Expenses to Private Organizations.	do	Deferred until action taken on today's proposed rules.

Signed at Washington, D.C. this 25th day of March, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-9523 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 50

[Docket No. 78N-0049]

Protection of Human Subjects; Prisoners Used as Subjects in Research; Delay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; delay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is delaying the effective date of its regulations on the use of prisoners as subjects in research to a date to be announced in a later issue of the Federal Register.

DATE: The delay is effective March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Halyna P. Breslawec, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 5, 1978 (43 FR 19417), the Food and Drug Administration (FDA) proposed to adopt regulations to provide protection for prisoners involved in research activities that fall within the agency's jurisdiction. After considering the comments it received on this proposal, in the Federal Register of May 30, 1980 (45 FR 36386), FDA adopted the final rule on the use of prisoners in research. At that time, the agency announced that the regulations would become effective on June 1, 1981.

On July 29, 1980, suit was brought in the United States District Court for the Eastern District of Michigan to have these regulations declared invalid. See *Fante and the Upjohn Company* v. *Department of Health and Human Services, et al.*, Civil Action No. 80-72778. Because of the nature and circumstances of this litigation, the agency has determined that it is appropriate to delay the effective date of these regulations. Therefore, FDA announces that unless the District Court declares these regulations to be invalid, the final rule will become effective 5 months from the date of the District Court's final judgment on the merits of the suit. The agency will publish an appropriate notice in the Federal Register, as soon as the District Court rules.

The regulation is affected by Executive Order 12291, dated February 17, 1981 (46 FR 13193, February 19, 1981). If the District Court holds that the final rule is valid, and a decision is made to put the regulation into effect, the agency will comply with Section 7 of the Executive Order and report this regulation to the Director of the Office of Management and Budget before it becomes effective. The report will be filed under Section 7 (a) or (b) of the Executive Order, depending on the final determination as to whether the regulation is a major rule. Based on the amended regulatory analysis assessment of the regulation, which was prepared before its promulgation, and on the criteria for a major rule in Section 1(b) of the Executive Order, it appears that this regulation may not be a major rule. (It should be noted that FDA-regulated research is being conducted at only three prisons.)

Dated: March 17, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-9005 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 74, 81, and 82

[Docket No. 76C-0044]

D&C Orange No. 10 and D&C Orange No. 11

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permanently listing D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics. This document responds to a petition filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA) for use of the colors in drugs and cosmetics. This rule

will remove these color additives from the provisionally approved listing for all uses in drugs and cosmetics after April 28, 1981, and D&C Orange No. 10 and D&C Orange No. 11 may not be added to ingested drugs and cosmetics after the date.

DATES: Effective April 28, 1981; objections by April 27, 1981.

ADDRESS: Written objections may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 6, 1973 (38 FR 21199), FDA announced that a petition (CAP 6C0042) for the permanent listing of D&C Orange No. 10 and D&C Orange No. 11 as color additives for use in drugs and cosmetics had been filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (1133 15th St. NW., Washington, DC 20005), c/o Hazleton Laboratories, Inc., 9200 Leesburg Turnpike, Vienna, VA 22180. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). A subsequent notice published in the **Federal Register** of March 5, 1976 (41 FR 9584) amended the filing of this petition to include the additional use of D&C Orange No. 10 in cosmetics intended for use in the area of the eye. FDA did not receive any comments in response to these notices.

FDA has evaluated data in the petition and concludes that D&C Orange No. 10 and D&C Orange No. 11 are safe under the conditions set forth below for use in externally applied drugs and cosmetics, and that certification is necessary for the protection of the public health. This order permanently lists D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics under §§ 74.1260, 74.1261, 74.2260, and 74.2261 (21 CFR 74.1260, 74.1261, 74.2260, and 74.2261), respectively.

The provisional regulations published in the **Federal Register** of February 4, 1977 (42 FR 6992) required new chronic toxicity studies for D&C Orange No. 10 and D&C Orange No. 11, as a condition of their continued provisional listing for ingested uses. The closing date for the provisional listing of the color additives was postponed until January 31, 1981, for completion of those studies. The petitioner was also notified by letter of the need for data to support the use of D&C Orange No. 10 in cosmetics intended for use in the area of the eye. The petitioner subsequently notified FDA that it did not intend to test the colors as would be required for continued provisional listing for ingested uses and amended the petition for these colors to request the listing of D&C Orange No. 10 and D&C Orange No. 11 for use only in externally applied drugs and cosmetics. Because there is no petition for the listing of D&C Orange No. 10 and D&C Orange No. 11 for use in drugs and cosmetics that may be ingested, FDA finds that there no longer exists a basis for the continuation of the provisional listing for this use.

The agency therefore concludes that the current provisional listing of these two colors should be terminated when the permanent listing of these color additives for external uses takes effect. In addition, the provisional listing of D&C Orange No. 10 and D&C Orange No. 11 for use in drugs and cosmetics under § 81.1(b), which was extended to January 31, 1981 by regulation published in the **Federal Register** of February 4, 1977, and which has been further extended to June 25, 1981 by a regulation, will be deleted when this order becomes effective on April 28, 1981 unless it is stayed by the timely filing of objections.

The petitioner was notified in a letter of August 17, 1978, that consideration of the petitioned use of D&C Orange No. 10 in cosmetics intended for use in the area of the eye would require the submission and evaluation of data adequate to support such use. The required data for eye area use have not been submitted to the agency. Therefore, that portion of the petition that was amended by filing on March 5, 1976 (Docket No. 76C–0044), to include the permanent listing of D&C Orange No. 10 for eye area use, is now considered by the agency to be withdrawn without prejudice in accordance with the provisions of § 71.4 (21 CFR 71.4). This section of the regulations requires that such requested information be submitted within 180 days after filing of the petition or will be considered withdrawn without prejudice. Use of D&C Orange No. 10 in the area of the eye has never been covered by provisional listing. Future consideration of the permanent listing of D&C Orange No. 10 for eye area use will require the submission of a new color additive petition for that use. Listing of a color additive for use in externally applied drugs and cosmetics does not encompass eye area use.

All certificates heretofore issued for batches of D&C Orange No. 10 and D&C Orange No. 11 and their lakes for ingested use are revoked, and the addition of the colors and their lakes to ingested drugs or to ingested cosmetics after April 28, 1981 will cause such products to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act (22 U.S.C. 301 et seq.), and the products and the persons causing the violation may be subject to regulatory action. This prohibition applies to the use of the straight colors, their lakes, and color additive mixtures containing D&C Orange Nos. 10 or 11. The agency concludes that the protection of the public health does not require the removal from the market of drugs and cosmetics containing the color additives for ingested use or the destruction of drugs or cosmetics that are being manufactured to which these color additives have been added on or before April 28, 1981.

Manufacturers of new drugs and new animal drugs (including certifiable antibiotics for animal use) that may be ingested and that contain D&C Orange Nos. 10 or 11 may either cease adding the color additives or substitute a different color in accordance with the provisions of § 314.8(d)(3) and (e) or § 514.8(d)(3) and (e) (21 CFR 314.8(d)(3) and (e) or 21 CFR 514.8(d)(3) and (e)), as appropriate. If a substitute color is used, the manufacturer shall file with FDA a Supplemental New Drug Application or Supplemental New Animal Drug Application, which contains data describing the new composition and showing that the change in composition does not interfere with any assay and control procedures used in manufacturing the drug, or that the assay and control procedures used in manufacturing the drug have been revised to make them adequate. The applicant shall also submit data that establish the stability of the revised formulation or, if the data are too limited to support a conclusion that the drug will retain its declared potency for the reasonable marketing period, a commitment to test the stability of marketed batches at reasonable intervals, to submit the data as they become available, and to recall from the market any batch found to fall outside the approved specification for the drug.

Each sponsor of a notice of claimed investigational exemption for a new drug (IND) or a notice of claimed investigational exemption for a new animal drug (INAD) containing the subject color should promptly amend the IND or INAD to indicate that the color additives have been deleted or a different color additive substituted.

The agency is aware that supplies of alternative color additives may be difficult to obtain immediately. Consequently, drug and cosmetic labeling that states that the product contains "artificial color," or that specifically identifies D&C Orange Nos. 10 or 11 may continue to be used with uncolored products, or products containing substitute colors, during the time necessary to obtain supplies of revised labeling or until April 28, 1982, whichever occurs first.

The agency has determined under 21 CFR 25.24(b)(12) and 21 CFR 25.24(d)(5) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant effect on the environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

A Regulatory Flexibility Analysis is not required for this final rule. Color additive regulations, such as this one, which are initiated by an industry petition, are promulgated without a proposed rule as specified under section 706(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(d)(1)). The requirement to perform a Regulatory Flexibility Analysis under sections 601(2) and 604(a) of the Regulatory Flexibility Act does not apply to final rules that are published without the need for a notice of proposed rulemaking. In addition, the filing notice on which this rule is based was published prior to the January 1, 1981 effective date of the provisions of the Regulatory Flexibility Act that require preparation of initial and final regulatory flexibility analyses (5 U.S.C. 603 and 604).

This final rule is also exempt from the requirement to perform a Regulatory Impact Analysis under section 3(a) of Executive Order 12291 because this rulemaking is subject to the formal rulemaking provisions of 5 U.S.C. 556 and 557 by virtue of sections 706(d) and 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(d) and 371(e)). See section 1(a)(1) of Executive Order 12291.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d))), the formal rulemaking provisions of sec. 701(e), 70 Stat. 919 as amended 21 U.S.C. 371(e)); the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)); and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 74, 81, and 82 are amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

a. By adding new § 74.1260 to Subpart B, to read as follows:

§ 74.1260 D&C Orange No. 10.

(a) *Identity.* (1) The color additive D&C Orange No. 10 is a mixture consisting principally of 4',5'-diiodofluorescein, 2',4',5'-triiodofluorescein, and 2',4',5',7'-tetraiodofluorescein.

(2) Color additive mixtures for drug use made with D&C Orange No. 10 may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* D&C Orange No. 10 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135° C) and halides and sulfates (calculated as sodium salts), not more than 6 percent.

Insoluble matter (alkaline solution), not more than 0.5 percent.

Phthalic acid, not more than 0.5 percent.

2-[3',5'-Diiodo-2',4'-dihydroxybenzoyl] benzoic acid, not more than 0.5 percent.

Fluorescein, not more than 1 percent.

4'-Iodofluorescein, not more than 3 percent.

2',4'-Diiodofluorescein and 2',5'-diiodofluorescein, not more than 2 percent.

2',4',5'-Triiodofluorescein, not more than 35 percent.

2',4',5',7'-Tetraiodofluorescein, not more than 10 percent.

4',5'-Diiodofluorescein, not less than 60 percent and not more than 95 percent.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 92 percent.

(c) *Uses and restrictions.* D&C Orange No. 10 may be safely used for coloring externally applied drugs in amounts consistent with good manufacturing practice.

(d) *Labeling requirements.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Orange No. 10 shall be certified in accordance with regulations in Part 80 of this chapter.

b. By adding new § 74.1261 to Subpart B, to read as follows:

§ 74.1261 D&C Orange No. 11.

(a) *Identity.* (1) The color additive D&C Orange No. 11 is a mixture consisting principally of the disodium salts of 4',5'-diiodofluorescein, 2',4',5'-triiodofluorescein and 2',4',5',7'-tetraiodofluorescein.

(2) Color additive mixtures for drug use made with D&C Orange No. 11 may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* The color additive D&C Orange No. 11 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135° C) and halides and sulfates (calculated as sodium salts), not more than 6 percent.

Water-insoluble matter, not more than 0.5 percent.

Phthalic acid, not more than 0.5 percent.

2-[3',5'-Diiodo-2',4'-dihydroxybenzoyl] benzoic acid, sodium salt, not more than 0.5 percent.

Fluorescein, disodium salt, not more than 1 percent.

4'-Iodofluorescein, disodium salt, not more than 3 percent.

2',4'-Diiodofluorescein and 2',5'-diiodofluorescein, not more than 2 percent.

2',4',5'-Triiodofluorescein, not more than 35 percent.

2',4',5',7'-Tetraiodofluorescein, disodium salt, not more than 10 percent.

4',5'-Diiodofluorescein, disodium salt, not less than 60 percent and not more than 95 percent.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 92 percent.

(c) *Uses and restrictions.* D&C Orange No. 11 may be safely used for coloring externally applied drugs in amounts consistent with good manufacturing practice.

(d) *Labeling requirements.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Orange No. 11 shall be certified in accordance with regulations in Part 80 of this chapter.

c. By adding new § 74.2260 to Subpart C, to read as follow:

§ 74.2260 D&C Orange No. 10.

(a) *Identity and specifications.* The color additive D&C Orange No. 10 shall conform in identity and specifications to the requirements of § 74.1260(a)(1) and (b).

(b) *Uses and restrictions.* D&C Orange No. 10 may be safely used for coloring externally applied cosmetics in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Orange No. 11 shall be certified in accordance with regulations in Part 80 of this chapter.

d. By adding new § 74.2261 to Subpart C, to read as follows:

§ 74.2261 D&C Orange No. 11.

(a) *Identity and specifications.* The color additive D&C Orange No. 11 shall conform in identity and specifications to the requirements of § 74.1261(a)(1) and (b).

(b) *Uses and restrictions.* D&C Orange No. 11 may be safely used for coloring externally applied cosmetics in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Orange No. 11 shall be certified in accordance with regulations in Part 80 of this chapter.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended:

§ 81.1 [Amended]

a. In paragraph (b) of § 81.1 *Provisional lists of color additives* by removing the entries for "D&C Orange No. 10" and D&C Orange No. 11."

b. In § 81.10 by adding new paragraph (m), to read as follows:

§ 81.10 Termination of provisional listing of color additives.

* * * * *

(m) *D&C Orange Nos. 10 and 11.* In the absense of a petition to list D&C Orange No. 10 and D&C Orange No. 11 for use in ingested drugs and cosmetics, there no longer exists a basis for provisional listing for such uses. Therefore, FDA is terminating the provisional listing of D&C Orange No. 10 and D&C Orange No. 11 for use in ingested drugs and cosmetics, effective April 28, 1981.

c. In § 81.30 by adding new paragraph (n), to read as follows:

§ 81.30 Cancellation of certificates.

* * * * *

(n)(1) Certificates issued for D&C Orange No. 10, D&C Orange No. 11, their lakes, and all mixtures containing these color additives are cancelled and have no effect as pertains to their use in ingested drugs and cosmetics after April 28, 1981 and use of these color additives in the manufacture of ingested drugs or cosmetics after this date will result in adulteration.

(2) The agency finds, on the basis of the scientific evidence before it, that no action has to be taken to remove from the market drugs and cosmetics to which the color additives were added on or before April 28, 1981.

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

3. Part 82 is amended:

a. By revising § 82.1260, to read as follows:

§ 82.1260 D&C Orange No. 10.

The color additive D&C Orange No. 10 shall conform in identity and specifications to the requirements to . § 74.1260(a)(1) and (b) of this chapter. D&C Orange No. 10 is restricted to use in externally applied drugs and cosmetics.

b. By revising § 82.1261, to read as follows:

§ 82.1261 D&C Orange No. 11.

The color additive D&C Orange No. 11 shall conform in identity and specifications to the requirements of § 74.1261(a)(1) and (b) of this chapter. D&C Orange No. 11 is restricted to use in externally applied drugs and cosmetics.

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 27, 1981 file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this regulation. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 28, 1981, except as to any provisions that may be stayed by the filing of proper objections. All affected products initially introduced or initially delivered for introduction into interstate commerce on or after April 28, 1982 shall fully comply with this regulation. Notice of the filing of objections or lack thereof will be announced by publication in the **Federal Register.**

(Sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d)); sec. 203, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: March 24, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-9051 Filed 3-24-81; 3:55 pm]

BILLING CODE 4110-03-M

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional List of Certain Color Additives; Extension of Closing Dates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: In response to three citizen petitions, the Food and Drug Administration (FDA) in this document is extending the closing dates for the use of 23 provisionally listed color additives beyond January 31, 1981. The extension is conditioned upon the timely completion of ongoing scientific investigations and the submission of data to FDA on a prescribed schedule.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under Title II of the Color Additive Amendments of 1960, Pub. L. 86-618, sec. 203(a)(2), 74 Stat. 405 (21 U.S.C. 376, note) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), FDA is authorized to extend a closing date for the provisional listing of a color additive on its own initiative or upon the application of an interested person. Section 203(d)(1) of Title II of the Color Additive Amendments requires the issuance of regulations or amended regulations establishing, insofar as practicable, a current listing of color additives and the particular uses considered to be provisionally listed.

In the Federal Register of February 4, 1977 (42 FR 6392), FDA extended the closing dates for 52 provisionally listed color additives based upon the agency's conclusion that the postponement was consistent with the objective of carrying to completion, in good faith, and as soon as reasonably practicable, the scientific investigations necessary for making a determinations as to listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376) (the act). This action was part of the agency's publicly stated commitment, published in the Federal Register of January 5, 1976 (41 FR 754), to make final determination about the permanent listing of the provisionally listed colors and to take steps to resolve the status of each of the provisionally listed color additives. Since February 4, 1977, final action has been taken on 24 provisionally listed color additives.

In April 1980, FDA received three citizen petitions from the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), 1133 15th St. NW., Washington, DC 20005, the Pharmaceutical Manufacturers Association, Inc. (PMA), 1155 15th St. NW., Washington, DC 20004, and the Certified Color Manufacturers Association, Inc. (CCMA), 900 17th St. NW., Washington, DC 20006, requesting the Commissioner to amend §§ 81.1 and 81.27 (21 CFR 81.1 and 81.27) to postpone the closing dates for the provisional listing of 23 color additives for which they have submitted color additive petitions requesting permanent listing. These petitions requested postponements in order that ongoing chronic feeding studies can be completed on each additive.

The February 4, 1977 Federal Register announcement required the initiation of these chronic feeding studies for the 23 color additives because earlier chronic studies in the 1950's and 1960's on those colors were not considered adequate to conclusively determine their safety when judged by contemporary scientific standards (see 42 FR 6392; February 4, 1977). However, due to unavoidable and unforeseen delays occurring in the conduct of these chronic feeding studies, the petitioners sought the instant postponements.

In response to the CTFA, PMA, and CCMA citizen petitions, the agency in the Federal Register of November 14, 1980 (45 FR 75228) proposed to postpone the closing dates for the 23 provisionally listed color additives under test beyond January 31, 1981, the closing date established in the regulation published on February 4, 1977. In the preamble of the November 14, 1980 proposal, the agency set forth its views on why, under the peculiar circumstances surrounding the ongoing chronic feeding studies, such postponements were reasonable, necessary, and consistent with its statutory mandate of carrying to completion as soon as reasonably practicable the safety determinations for the additives at issue. The specific bases for the postponements set forth in that notice will not be repeated herein, except to the extent necessary to respond to the three comments submitted in response to it.

Although the agency had decided to postpone the closing date for these colors before it expired, FDA did not publish and make effective the final rule before President Reagan signed his Executive Memorandum of January 29, 1981, which directed agencies to postpone for 60 days all pending regulations, with certain exemptions inapplicable to postponements of closing dates for provisionally listed colors. Therefore, the provisional listing of these colors lapsed. However, because the agency fully intended to extend the provisional list at the first opportunity, on February 2, 1981, the agency notified the three trade associations that had petitioned the agency for an extension of the provisional listing of the 23 color additives that it intended to extend the list, and that it would not take any regulatory action against the provisionally listed color additives during the period the list was technically not in effect. The Office of Management and Budget has now granted FDA an exemption to publish these regulations, even though the 60-day period has not expired.

FDA believes that it is appropriate and consistent with Congress's intent in enacting the Color Additive Amendments of 1960 to extend the provisional listing of these color additives at this time. Section 203(a)(1) of Title II of Pub. L. 86-618 states:

> The purpose of this section is to make possible, on an interim basis for a reasonable period through provisional listings, the use of commercially established color additives to the extent consistent with the public health, pending the completion of the scientific investigations needed as a basis for making determinations as to listing of such additives under the basic Act [the Federal Food, Drug, and Cosmetic Act] as amended by this Act.

As explained below, FDA has given individual consideration to each color additive and has found no public health reason that requires the immediate cessation of use of any of the colors. The scientific investigations that will provide the basis for a final determination on the safety of these color additives have not been unreasonably prolonged. Therefore, the fact that the agency was prevented from extending the closing date for the provisional list in a timely manner because that closing date, established over 3 years ago, happened to coincide with a Presidential directive not to issue new regulations, provides no basis for not continuing to make these color additives available. FDA has determined that these colors should remain provisionally listed until the agency has had an opportunity to make an appropriate determination about their listing under section 706 of the act (21 U.S.C. 376).

The November 14, 1980 proposal generated the submission of two supportive comments from trade associations and one comment from a citizens group which challenges FDA's legal authority to postpone the closing date of the provisional list for the 23 color additives. These comments and FDA's responses are summarized below.

1. One comment from a trade association agreed with FDA's account in the November 14, 1980, preamble to the proposed postponements concerning the petitioners' good faith efforts to comply with the original timetable for completing the ongoing chronic toxicological studies on the 23 color additives. The association also agreed with each conclusion in the preamble concerning the justification for the postponements and that the postponement of deadlines is consistent with the protection of the public health. This comment further endorsed the proposed staggered extension schedule because it would allow both the agency and the testing laboratories flexibility in allocating their available resources more efficiently to prepare and review the final study reports. In conclusion, the association agreed that the requested postponements are consistent with FDA's "statutory 'objective of carrying to completion in good faith, as soon as

reasonably practicable, the scientific investigations necessary for making a determination as to listing' the 23 color additives. 21 U.S.C. 376, note." The other trade association reiterated the conclusion made by the first association that the proposed postponements were consistent with FDA's statutory responsibilities under the transitional provisions of the Color Additive Amendments of 1960.

2. The comment from the citizen's group, while alleging that the agency does not possess the authority to make the proposed postponements, did not make a per se challenge to FDA's statutory authority to extend the color additive provisional list. Rather, this comment implied that there exists no rational nexus between the facts found to be underlying the proposed postponements and the choices made by FDA. The comment asserted that FDA had failed to show that any "extraordinary circumstances" exist for granting the proposed extensions. Thus, the comment suggested that FDA would be acting in an arbitrary and capricious manner if it promulgated the proposed postponements. In addition, the comment attempted to bolster its primary legal argument by citing a "Stipulation" between FDA and the Health Research Group (HRG), which was entered into after a district court found that FDA had the authority to postpone the provisional list to allow for the performance of "new" animal feeding studies. See *Health Research Group* v. *Califano*, Civ. No. 77-293 (D.D.C. 1977). In that stipulation the agency agreed that any further postponement of the closing dates would be made on consideration of each color additive individually. The comment concluded that the proposed postponements are "generic" and based upon "general considerations". Thus, the comment contended that the proposed postponements violate the stipulation. For the reasons set forth below the agency rejects this entire comment.

FDA possesses broad discretion in granting postponements of the provisional listing for color additives. An examination of the legislative history, the statute, and the case law supports this conclusion.

In vesting FDA with the authority to administer the transitional provisions of the Color Additive Amendments, Congress did not impose a rigid formula on the manner in which the agency must apply its expertise to the development and evaluation of safety data on provisionally listed color additives. The House of Representatives' report on the transitional provisions does not express any intent to constrict the agency's discretionary authority to postpone the provisional list for color additives. It clearly indicated that provisional listings are to be used "pending the development of the scientific data required for a definitive determination as to the listing of those colors under the permanent provisions of the bill." H.R. Rep. No. 1761, 86th Cong., 2d Sess. 10 (1960). Here, the completion of the ongoing chronic-feeding studies are necessary, so that definitive safety determinations can be made based upon the most current and accurate scientific data.

The statute itself also provides for the exercise of judgmental and discretionary functions:

> The [Commissioner] may by regulation * * * from time to time postpone the original closing date with respect to a provisional listing * * * for such period or periods as he finds necessary to carry out the purpose of this section, if in the [Commissioner's] judgment such action is consistent with the objective of carrying to completion in good faith, as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing such additive * * *.

Section 203(a)(2) of Color Additive Amendments of 1960.

The case law confirms the broad discretionary powers vested in FDA in making judgments on whether to postpone a color additive provisional listing. In *Health Research Group* v. *Califano, supra*, the court found that the agency possessed the authority to extend the provisional list not only in cases where the studies are ongoing, as here, but also possesses the authority to extend such listing when new studies are required:

> It is clear, then, that the Color Additive Amendments of 1960 do not limit the Commissioner's authority to extend provisional listings only in cases where it is necessary to complete ongoing tests. Rather, the Commissioner has discretion to postpone the closing dates of provisional listings so long as the postponements are consistent with his statutory mandate to protect the public health.

Id. at 4. See also *Certified Color Manufacturers Ass'n* v. *Mathews*, 543 F. 2d 284, 294 (D.C. Cir. 1976).

Thus, it is clear from the legislative history, the statute, and the case law that if reasonable grounds exist, the extension of the provisional list for the purpose of completing the ongoing chronic feeding studies for the 23 color additives is, as a matter of law, proper.

However, the comment further contended that the proposed postponements violate FDA's own announced standards for evaluating all further requests for provisional list extensions; namely, the existence of "unavoidable, unforeseen, and extraordinary circumstances." (See 42 FR 6908; Feb. 4, 1977). Therefore, the comment implied that no reasonable grounds exist for the proposed postponements.[1] The agency disagrees.

The November 14, 1980 proposal identified several unanticipated and unavoidable delays surrounding the conduct of the current chronic feeding studies, which lead the agency to conclude, in its considered judgment, that "extraordinary circumstances" exist and warrant extension of the closing date for the 23 color additives. Those unforeseen and unavoidable circumstances are as follows:

1. FDA needed additional time to approve the protocols and dosage levels.

2. FDA changed the high-dose levels after the studies were initiated, necessitating the addition of another dose level to some studies.

3. There were laboratory delays in preparing the test protocols and final reports.

4. There were shortages of some color additives midway through the testing program.

Because of the novel protocols involved in these studies, one source of unexpected delay was the lack of historical data to assist the petitioners and FDA toxicologists in accurately predetermining the dose levels that should be fed to the test animals, including *in utero* exposure. The stringent timetable forced the petitioners to begin the chronic feeding studies before FDA had approved the dose levels to be fed. FDA later disagreed with the choice of dose levels involving 13 of the color additives. The petitioners and FDA agreed at that time that an additional higher dose level with a concurrent control group would be initiated for each of the color additives involved as soon as possible. In each case, however, the data on the first three dose levels were to be submitted to FDA by August 4, 1980. FDA would then evaluate the data on the three dose levels submitted to determine whether provisional listing should continue until the final report containing the data on the fourth and highest dose was submitted.

---

[1] The comment does not contravene by the submission of data or other evidence any of the factual circumstances set forth in the November 14, 1980, proposal. Rather, it only makes broad conclusory suggestions that such circumstances may not exist. Thus, the factual findings which, in the agency's opinion, constitute "unavoidable, unforeseen, and extraordinary circumstances," stand uncontroverted.

Unavoidable delays were also caused by the shortage of adequate animal testing laboratories and, especially, trained pathologists in this country and abroad at a time when Congress and many Federal agencies are requiring more and more animal safety testing. This shortage has caused large work backlogs in these laboratories. In addition, the implementation of FDA's Good Laboratory Practice regulations in Part 58 (21 CFR Part 58) has increased this backlog by decreasing the number of acceptable testing facilities. These unavoidable occurrences lead the agency to conclude that "extraordinary circumstances" exist, and that the postponement of the provisional list is reasonable.

It must be pointed out that it was not known by FDA at the beginning of these safety studies that these circumstances would occur and necessitate postponing the closing dates. Once these delays occurred they first had to be overcome, so that FDA would be able to make the safety determinations based upon the best available data. Thus, this action is consistent with the overriding objective of Congress in enacting the transitional provisions of Color Additive Amendments.

The final aspect of this comment concerned the FDA/HRG stipulation, which states that FDA must grant further extensions of the provisional list only on an individual basis. Consideration of each individual color additive by FDA has occurred here. The closing dates, as listed in the November 14, 1980 proposal were individually evaluated before proposing these varying dates, including consideration of the original starting date for the study, the need to add additional dosage groups to the study, the difficulties that have occurred in the conduct of specific studies, and the unavailability of pathologists. FDA has also concluded that varying the closing dates is necessary because of the current status of each chronic feeding study, and because a staggered system is better suited to the needs of the testing laboratories.

The agency has established a closing date for each color additive that is 1 year after the date of the final report is due from the petitioner. The agency has established this 1-year period to ensure that there is sufficient time for it to complete its evaluation of the data and for it to take final action on the petition. The agency will endeavor to act on petitions as quickly as possible, however, and if the agency is able to take final action on a petition before its closing date, FDA will exercise its authority under section 223(a)(2) of Title II of Pub. L. 86-618 and terminate the extension of the closing date at that time.

The staggered final report dates would also allow the four animal testing laboratories sufficient time, considering their available resources, to evaluate and prepare final reports. The agency will be required to review the histopathological slides from these studies, in addition to the related study reports, in order to make its safety determinations. After review of these data, FDA must issue final decisions as to whether these color additives will be listed under section 706 of the act.

In addition to the foregoing, and as also agreed to in the FDA/HRG stipulation, FDA continues to advise HRG when copies of petitioners' progress reports on individual color additive studies are submitted to the agency, when FDA evaluates and makes reports on each of the progress reports, and when applications for extension of the January 31, 1981, closing date for any of the provisionally listed color additives are received.

Progress reports on color additives, FDA's evaluation of those reports, and applications for extensions of the closing date are also placed on file with FDA's Dockets Management Branch for public review. The agency has received no objections or comments stating that the evaluations on the progress reports indicate that a public health problem exists. Indeed, the agency concludes that its review of progress reports on each color under test demonstrates that there continues to be no public health or safety concerns with any of the 23 color additives. Thus, extension of the provisional list is consistent with FDA's statutory mandate to protect the public health.

Having evaluated the comments, the agency concludes that the extension of the closing dates for provisionally listed color additives in §§ 81.1 and 81.27 (21 CFR 81.1 and 81.27) is reasonable and in the public interest.

The agency notes that this document does not extend the provisional listing for D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and caramel. Elsewhere in this issue of the Federal Register, the provisional listings for these color additives are being extended. With respect to the color additive caramel, this document deletes the requirement for a lifetime mouse skin-painting study to make that listing consistent with the decision on caramel contained elsewhere in this edition of the Federal Register. In addition, this document adds the restriction of "External use only" for D&C Green No. 6 in accordance with the agency's decision found elsewhere in this issue of the Federal Register.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 81 of Subchapter A of Title 21 of the Code of Federal Regulations is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. In § 81.1 the tables in paragraphs (a), (b), and (c) are revised to read as follows:

§ 81.1 Provisional lists of color additives.

* * * * *

(a) * * *

	Closing date		Restrictions
	Food use	Drug and cosmetic use	
FD&C Blue No. 1 (sec. 74.101 of this chapter).	Oct. 30, 1982[1]	Oct. 30, 1982	
FD&C Blue No. 2 (sec. 74.1102 of this chapter).	Oct. 30, 1982	do	Food and ingested drugs.
FD&C Green No. 3 (sec. 82.203 of this chapter).	Nov. 16, 1982	Nov. 16, 1982	
FD&C Red No. 3 (sec. 74.303 of this chapter).	Oct. 2, 1983[1]	Oct. 2, 1983	
FD&C Yellow No. 5 (sec. 74.705 of this chapter).	Oct. 7, 1983[1]	Oct. 7, 1983	
FD&C Yellow No. 6 (sec. 82.706 of this chapter).	Feb. 28, 1984	Feb. 28, 1984	
Lakes (FD&C) (sec. 82.51 of this chapter).			

[1] Lakes only

	Closing date	Restrictions
(b) * * *		
D&C Green No. 5 (sec. 74.1205 of this chapter).	May 30,1982	
D&C Green No. 6 (sec. 74.1206 (a) and (b) of this chapter).	Jan. 31, 1981	External use only.
D&C Orange No. 5 (sec. 82.1255 of this chapter).	Oct. 30, 1982	Sec. 81.25.
D&C Orange No. 10 (sec. 82.1280 of this chapter).	Jan. 31, 1981	
D&C Orange No. 11 (sec. 82.1281 of this chapter).	....do	
D&C Orange No. 17 (sec. 82.1287 of this chapter).	Mar 31, 1983	Do
D&C Red No. 6 (sec. 82.1306 of this chapter).	Dec. 31, 1982	
D&C Red No. 7 (sec. 82.1307 of this chapter).	....do	
D&C Red No. 8 (sec. 82.1308 of this chapter).	Sept. 30, 1983	Sec. 81.25.
D&C Red No. 9 (sec. 82.1309 of this chapter).	....do	Do.
D&C Red No. 19 (sec. 82.1319 of this chapter).	Feb. 28, 1983	Sec. 81.25.
D&C Red No. 21 (sec. 82.1321 of this chapter).	Nov. 30, 1982	
D&C Red No. 22 (sec. 82.1322 of this chapter).	....do	
D&C Red No. 27 (sec. 82.1327 of this chapter).	Oct. 30, 1982	
D&C Red No. 28 (sec. 82.1328 of this chapter).	....do	
D&C Red No. 30 (sec. 82.1330 of this chapter).	May 30, 1982	
D&C Red No. 33 (sec. 82.1333 of this chapter).	Mar. 31, 1983	Sec. 81.25
D&C Red No. 36 (sec. 82.1336 of this chapter).	Sept. 30, 1984	Do
D&C Red No. 37 (sec. 82.1337 of this chapter).	Feb. 28, 1983	Do.
D&C Yellow No. 10 (sec. 82.1710 of this chapter).	Apr. 30, 1983	Do
Lakes (D&C) (Sec. 82.2051 of this chapter).		

	Closing date	Restrictions
(c) * * *		
Lake (ext. D&C) (sec. 82.105(1) of this chapter)		

2. In § 81.27 by revising the introductory text of paragraph (d), paragraph (d)(3), the introductory text of paragraph (e), and paragraph (e)(2), to read as follows:

§ 81.27 Conditions of provisional listing.

* * * * *

(d) The closing dates and dates for final reports for the following 23 color additives are postponed in accordance with the following list while chronic toxicity feeding studies are conducted and evaluated and subject to compliance with the requirements of this paragraph:

	Final report due	Closing date
FD&C Blue No. 1	Oct. 30, 1981	Oct. 30, 1982.
FD&C Blue No. 2	Oct. 30, 1981	Oct. 30, 1982.
FD&C Green No. 3	Nov. 16, 1981	Nov. 16, 1982.
D&C Green No. 5	May 30, 1981	May 30, 1982.
D&C Orange No. 5	Oct. 30, 1981	Oct. 30, 1982.
D&C Orange No. 17.	Mar. 31, 1982	Mar. 31, 1983.
FD&C Red No. 3	Oct. 2, 1982	Oct. 2, 1983.
D&C Red No. 6	Dec. 31, 1981	Dec. 31, 1982.
D&C Red No. 7	Dec. 31, 1981	Dec. 31, 1982[1]
D&C Red No. 8	Sept. 30, 1982	Sept. 30, 1983.
D&C Red No. 9	Sept. 30, 1982	Sept. 30, 1983.
D&C Red No. 19	Feb. 28, 1982	Feb. 28, 1983.
D&C Red No. 21	Nov. 30, 1981	Nov. 30, 1982.
D&C Red No. 22	Nov. 30, 1981	Nov. 30, 1982.
D&C Red No. 27	Oct. 30, 1981	Oct. 30, 1982.
D&C Red No. 28	Oct. 30, 1981	Oct. 30, 1982.
D&C Red No. 30	May 30, 1981	May 30, 1982.
D&C Red No. 33	Mar. 31, 1982	Mar. 31, 1983.
D&C Red No. 36	Sept. 30, 1983	Sept. 30, 1984.
D&C Red No. 37	Feb. 28, 1982	Feb. 28, 1983.
FD&C Yellow No. 5	Oct. 7, 1982	Oct. 7, 1983.
FD&C Yellow No. 6	Feb. 28, 1983	Feb. 29, 1984.
D&C Yellow No. 10	Apr. 30, 1982	Apr. 30, 1983.

* * * * *

(3) An initial progress report of the studies on the color additives shall be submitted to the Division of Food and Color Additives by December 31, 1977. Further progress reports shall be submitted at 6-month intervals thereafter.

* * * * *

(e) The closing date for FD&C Red No. 3 and D&C Red No. 33 are postponed until October 2, 1983 and March 31, 1983, respectively, while multigeneration reproduction studies are conducted and evaluated, and subject to compliance with the requirements of this paragraph.

* * * * *

(2) An initial progress report of the studies on the color additives shall be submitted by July 1, 1978 and at 6-month intervals thereafter. A full report of the studies conducted on the color additives shall be submitted to the Division of Food and Color Additives in accordance with the scheduled dates in paragraph (d) of this section.

* * * * *

Effective date. This regulation becomes effective March 27, 1981.

(Title II of Pub. L. 86-618, sec. 203(c), (d), 74 Stat. 405 (21 U.S.C. 376 note))

Dated: March 24, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-9047 Filed 3-26-81; 2:59 pm]

BILLING CODE 4110-03-M

21 CFR Part 81

[Docket No. 78N-0386]

Extension of Closing Dates for Provisional Listings; D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and Caramel

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is extending for 90 days from the date of publication of this document the closing dates for the provisional listings of D&C Orange No. 10 and D&C Orange No. 11 for use as color additives in externally applied drugs and cosmetics. This order will permit the continued use of these color additives until the new closing dates. The new closing date for D&C Orange No. 10 and D&C Orange No. 11 is being established to provide time for completing final action on the petitions for the listing of these color additives for use in externally applied drugs and cosmetics. The agency is also extending for 120 days from the date of publication of this document the closing dates for the provisional listings of D&C Green No. 6 and caramel. The brief extension for D&C Green No. 6 will provide time for FDA to issue a final decision either to approve or to deny the petition for permanent listing of this color additive. The 120-day extension of the closing date for caramel will provide the agency with a brief period that is necessary to complete final action on the petition for caramel as a color additive for general use in cosmetics.

DATES: Effective March 27, 1981, the new closing date for D&C Orange No. 10 and D&C Orange No. 11 will be June 25, 1981, the new closing date for D&C Green No. 6 and caramel will be July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: These regulations extend the provisional listings of D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and caramel. The closing date for the provisional listing of these color

additives was January 31, 1981. That date was established by regulations published in the Federal Register of February 4, 1977 (42 FR 8992).

Although the agency had decided to postpone the closing date for these colors before it expired, FDA did not publish and make effective this final rule before President Reagan signed his Executive Memorandum of January 29, 1981, which directed agencies to postpone for 60 days all pending regulations, with certain exemptions inapplicable to postponements of closing dates for provisionally listed colors. Therefore, the provisional listing of these colors lapsed. However, because the agency fully intended to extend the provisional list at the first opportunity, on February 2, 1981, the agency notified the three trade associations that had petitioned the agency for an extension of the provisional listing of 23 color additives that it intended to extend the list, and that it would not take any regulatory action against the provisionally listed color additives during the period the list was technically not in effect. The Office of Management and Budget has now granted FDA an exemption to publish these regulations, even though the 60-day period has not expired.

FDA believes that it is appropriate and consistent with Congress' intent in enacting the Color Additive Amendments of 1960 to extend the provisional listing of D&C Orange No. 10, D&C Orange No. 11, D&C Green No. 6, and caramel at this time. Section 203(a)(1) of Title II of Pub. L. 86-618 states:

> The purpose of this section is to make possible, on an interim basis for a reasonable period through provisional listings, the use of commercially established color additives to the extent consistent with the public health, pending the completion of the scientific investigations needed as a basis for making determinations as to listing of such additives under the basic Act [the Federal Food, Drug, and Cosmetic Act] as amended by this Act.

FDA has given individual consideration to each of these color additives and has found no public health reason that requires the immediate cessation of use of any of the colors. The agency is prepared to take final action on each of these color additives within a short period of time. Therefore, the fact that the agency was prevented from extending the closing date for the provisional list in a timely manner because that closing date, established over three years ago, happened to coincide with a Presidential directive not to issue new regulations, provides no basis for not continuing to make these color additives available. FDA has determined that these colors should remain provisionally listed until the agency has made an appropriate determination about their listing under section 706 of the Act (21 U.S.C. 376).

The regulations set forth below will establish a new closing date for the provisional listings of D&C Orange No. 10 and D&C Orange No. 11 of June 25, 1981, and will extend the closing date for the provisional listings of D&C Green No. 6 and caramel to July 27, 1981.

The extension of the closing dates for D&C Orange No. 10 and D&C Orange No. 11 to June 25, 1981 will provide a brief period within which the agency can complete the procedural requirements in taking final action concerning the petition for the permanent listings of these color additives for use in externally applied drugs and cosmetics. This extension is also necessary to accommodate the 30-day objection period and the evaluation of any objections that may be received in response to a final regulation.

The January 31, 1981 closing date for D&C Green No. 6 was conditioned upon the petitioner, the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), 1133 15th St., NW., Washington, DC 20005, undertaking and successfully completing chronic feeding studies. These studies were required to support all uses of D&C Green No. 6 involving ingestion of the color.

In a letter dated August 21, 1978, the petitioner advised FDA that, for business reasons only, CTFA would not initiate the chronic feeding studies required under 21 CFR 81.27(d) for permanent listing of D&C Green No. 6 for uses subject to ingestion and requested the agency to discontinue consideration of such uses. In the absence of appropriate data from chronic feeding studies, the agency intended to permit the provisional listing of D&C Green No. 6 for all uses involving ingestion of the color to expire on January 31, 1981. By this notice, FDA hereby removes all ingested uses of D&C Green No. 6 from the provisional list.

However, the petition for permanent listing of this color additive also includes external uses, and FDA has been unable to complete its review and evaluation of the data relevant to these uses. Therefore, FDA has concluded that a short extension is necessary to complete procedural requirements and to publish the required Federal Register documents outlining the final decision by FDA regarding the petition for D&C Green No. 6 for use as a color additive. Therefore, the regulation set forth below will extend the closing date for the provisional listing of D&C Green No. 6 to July 27, 1981.

The agency is also postponing the closing date for the provisional listing of caramel as a color additive for use in cosmetics until July 27, 1981. The brief postponement will provide the agency with an additional period within which to receive comments on the petition and to publish a final order in the Federal Register regarding its decision on whether to approve the color additive petition for it.

The agency concludes that these brief extensions of the closing date for the four color additives are necessary and that no harm to the public health will result.

Because of the need for these regulations to take effect immediately, under 5 U.S.C. 553(b)(B), FDA has concluded that notice and public procedure on these regulations are impracticable, and that good cause exists for issuing this extension as a final rule. This regulation, to be effective on March 27, 1981, will permit the uninterrupted use of the color additives until further action is taken.

In accordance with 5 U.S.C. 553(d)(1) and (3), this regulation is being made effective on March 27, 1981.

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 81 is amended in § 81.1 *Provisional lists of color additives,* by revising the closing date for "D&C Orange No. 10" and "D&C Orange No. 11" in paragraph (b) to read June 25, 1981, and by revising the closing date and adding a restriction for "D&C Green No. 6" in paragraph (b) to read "July 27, 1981, External use only" and by revising the closing date for "Caramel" in paragraph (g) to read "July 27, 1981."

Effective date. This regulation is effective March 27, 1981.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note))

Dated: March 24, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-9269 Filed 3-24-81; 3:55 pm]

BILLING CODE 4110-03-M

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21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Phenylbutazone Granules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Sterivet Laboratories, Inc., providing for use of phenylbutazone granules for relief of inflammatory conditions associated with the musculoskeletel system of horses, to add Sterivet Laboratories to the list of sponsors of approved NADA's, and to present conclusions of an NAS/NRC evaluation of the product.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Sterivet Laboratories, Inc., 20102 Progress Dr., Strongsville, OH 44136, filed an NADA (113–510) providing for use of a packet containing 1 gram of phenylbutazone in granules for treatment of horses for inflammatory conditions associated with the musculoskeletal system.

This application concerns a product which is similar to those which were the subject of a National Academy of Sciences/National Research Council (NAS/NRC) evaluation published in the **Federal Register** of August 12, 1970 (35 FR 12790). The product was approved based on bio-equivalence to the NAS/NRC reviewed product. The NAS/NRC review concerned several phenylbutazone products marketed by Jensen-Salsbery Laboratories. The report concluded and FDA concurred that these products are probably effective as a nonhormonal anti-inflammatory agent for use in horses and dogs but noted that the labeling implied certain effects which were not supported by documentation, that controlled experiments did not appear to have been performed in dogs or horses, that disintegration information is needed, and that directions for use need revision. In addition, FDA required the labeling to include the veterinary prescription legend.

In response to the NAS/NRC evaluation, Jensen-Salsbery Laboratories submitted supplemental NADA's which brought their products into compliance with the conclusions of the evaluation. The approvals were codified by publication in the **Federal Register** of May 26, 1972 (37 FR 10662). That publication failed to designate those conditions of use which reflect the conclusions of the NAS/NRC evaluation. This document amends the current regulation for use of phenylbutazone granules for horses to indicate those portions which comply with the NAS/NRC review, and that submission of applications for similar products reflecting the same conditions of use need not include certain data and information required by § 514.111 (21 CFR 514.111), but may require bioequivalency and safety information.

In addition, the sponsor has not previously been included in the regulations under the list of approved sponsors (21 CFR 510.600(c)). The regulations are amended to reflect this approval and to add this sponsor to the list of sponsors of approved NADA's.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessement nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Sterivet Laboratories, Inc., 20102 Progress Dr., Strongsville, OH 44136	047406
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
047406	Sterivet Laboratories, Inc., 20102 Progress Dr., Strongsville, OH 44136.
* * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 520, § 520.1720b is revised to read as follows:

§ 520.1720b Phenylbutazone granules.

(a) *Specifications.* The drug is in granular form. It is packaged to contain either 8 grams of phenylbutazone per package or 1 gram of phenylbutazone per package.

(b) *Sponsor.* See 017220 in § 510.600(c) for 8-gram package, see 047406 for 1-gram package.

(c) *NAS/NRC status.* The conditions of use have been NAS/NRC reviewed and found effective. NADA's for approval of drugs for these conditions of use need not include effectiveness data specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) *Conditions of use.* (1) *Horses.* (i) *Amount.* 1 or 2 grams per 500 pounds of body weight, not to exceed 4 grams, daily, as required.

(ii) *Indications.* For the treatment of inflammatory conditions associated with the musculoskeletal system.

(iii) *Limitations.* Administer orally by adding to a portion of the usual grain ration. Use a relatively high dose for the first 48 hours, then gradually reduce to a maintenance level of the lowest level capable of producing the desired clinical response. Treated animals should not be slaughtered for food use. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) [Reserved]

Effective date. This regulation is effective March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 6, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-9239 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Dichlorophene and Toluene Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by K. C. Pharmacal, Inc., providing for safe and effective use of dichlorophene-toluene capsules for treating dogs and cats for certain helminth infections, and to add K. C. Pharmacal to the list of approved NADA sponsors.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: K. C. Pharmacal, Inc., 1310 Atlantic, P.O. Box 7496, North Kansas City, MO 64116, filed an NADA (120-671) providing for use of dichlorophene and toluene capsules for treating dogs and cats for infections of certain ascarids, hookworms, and tapeworms. This product is the generic equivalent of a product that was the subject of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation published in the Federal Register of February 1, 1969 (34 FR 1613) and reflected in § 520.580 (21 CFR 520.580). Approval of K. C. Pharmacal's product does not require submission of data to demonstrate bioequivalency because it is manufactured by the firm currently manufacturing the NAS/NRC-reviewed product. In addition, K. C. Pharmacal, Inc., was not included in the list of sponsors of approved applications found in § 510.600(c) (21 CFR 510.600(c)). The regulations are amended to include this sponsor and their approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Director, Bureau of Veterinary Medicine, has carefully considered the potential environmental impact of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Director's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(*a*) and (g)(2)) may be seen in the Dockets Management Branch (HFA-305), address above.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm Name and Address and Drug Labeler Code

* * * * *

K. C. Pharmacal, Inc., 1310 Atlantic, P.O. Box 7496, North Kansas City, MO 64116; 038782

* * * * *

(2) * * *

Drug Labeler Code and Firm Name and Address

* * * * *

038782 K. C. Pharmacal, Inc., 1310 Atlantic, P.O. Box 7496, North Kansas City, MO 64116

* * * * *

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 520, § 520.580 is amended by revising paragraph (b)(2), to read as follows:

§ 520.580 Dichlorophene and toluene capsules.

* * * * *

(b) * * *

(2) For single and multiple dose, see 000124, 000859, 011716, and 038782 in § 510.600(c) of this chapter.

* * * * *

Effective date. This regulation is effective March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 11, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9247 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 510 and 522

Animal Drugs, Feeds, and Related Products; Promazine Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Anthony Products Co. providing for safe and effective use of promazine hydrochloride injection for horses as a tranquilizer and preanesthetic, and to amend the list of approved sponsors to reflect the new firm address.

EFFECTIVE DATE: March 27, 2981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Anthony Products Co., 5600 Peck Rd., Arcadia, CA 91006, filed an NADA (119-141) providing for safe and effective intravenous use of a 50 milligram per milliliter promazine hydrochloride injection as a tranquilizer and preanesthetic for the treatment of horses. The drug is one of several phenothiazine tranquilizers that were subject to a National Academy of Sciences/National Research Council (NAS/NRC) report published in the Federal Register of November 18, 1969 (DESI 10782V, 34 FR 18304). The review concluded that certain phenothiazines are probably effective for veterinary use as tranquilizers, but dosage levels should be documented and adjusted to ranges shown to be conclusively effective for veterinary use and certain precautionary statements be added to the labeling. FDA concurred with the NAS/NRC conclusion, and recommended an additional warning statement concerning use with

organophosphates and a veterinary prescription statement. In response to the NAS/NRC review, two firms submitted supplemental NADA's which brought their applications into compliance with the conclusions of the review. The regulations in 21 CFR 522.1962 were amended to reflect the conditions of approval of these supplemental NADA's. The regulations were subsequently amended to indicate those conditions of use which were NAS/NRC reviewed and found effective and that applications for those uses need not include certain types of effectiveness data as specified in § 514.111(a)(5)(ii) (21 CFR 514.111(a)(5)(ii)), but may require bioequivalency and safety information.

The product is a solution for intravenous use in horses. Being a true solution for intravenous use, bioequivalency data are not required.

Based on the information provided in the NADA, the application is approved and the regulations are amended to reflect this approval. In addition, the regulation in § 510.600(c) (21 CFR 510.600(c)) is amended to reflect the sponsor's change of address.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24 (d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by revising the sponsor name and address for "Anthony Veterinary Products" in paragraph (c)(1) and for 000864 in paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c)* * *

(1)* * *

Firm name and address	Drug labeler code
* * * * *	
Anthony Products Co., 5800 Peck Rd., Arcadia, CA 91006	000864
* * * * *	

(2)* * *

Drug labeler code	Firm name and address
* * * * *	
000864	Anthony Products Co., 5800 Peck Rd., Arcadia, CA 91006.
* * * * *	

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 522, § 522.1962 is revised to read as follows:

§ 522.1962 Promazine hydrochloride injection.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 50 milligrams of promazine hydrochloride.

(b) *Sponsor.* In § 510.600(c) of this chapter, see No. 000006 for conditions of use as in paragraph (c)(1)(i) of this section; see No. 000856 for conditions of use as in paragraph (c)(1)(ii) of this section; see No. 000864 for conditions of use as in paragraph (c)(1)(iii) of this section.

(c) *Conditions of use.* (1)(i) To horses either intramuscularly or intravenously at a dosage of 0.2 to 0.5 milligram per pound of body weight, and to dogs and cats 1 to 3 milligrams per pound of body weight, every 4 to 6 hours as a tranquilizer or preanesthetic.[1]

(ii) To horses either intramuscularly or intravenously at a dosage of 0.2 to 0.5 milligram per pound of body weight, and to dogs and cats at 1 to 2 milligrams per pound of body weight, every 4 to 6 hours as a tranquilizer, preanesthetic, for minor operative procedures in conjunction with local anesthesia, as adjunctive therapy for tetanus, and as an antiemetic in dogs and cats prior to worming, or to prevent motion sickness in dogs.[1]

(iii) To horses intravenously at a dosage of 0.2 to 0.5 milligram per pound of body weight, as a tranquilizer and preanesthetic, as required.[1]

(2) Not for use in conjunction with organophosphates because their toxicity may be potentiated, nor with procaine hydrochloride as its activity may be increased.[1]

(3) Not for use in horses intended for food.[1]

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.[1]

Effective date. This amendment shall be effective March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9248 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

[1] These conditions are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified in § 514.111 but may require bioequivalency and safety information.

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21 CFR Part 520

Animal Drugs, Feeds, and Related Products; Thiabendazole, Piperazine Phosphate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to codify two previously approved new animal drug applications (NADA's) providing for safe and effective use of equine anthelmintics. The NADA's are held by Merck Sharp & Dohme Research Labs.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Labs., Division of Merck & Co., Inc., Rahway, NJ 07065 is sponsor of NADA 37-410 providing for use of thiabendazole/piperazine phosphate powder for treating horses for infections of large and small strongyles, pinworms, threadworms, and ascarids.

The firm's application was originally approved by letter of January 10, 1968.

Merck is also sponsor of NADA 39-436 providing for use of thiabendazole/piperazine phosphate granules for treating weanling foals over 4 months of age for the same infections as NADA 37-410. The application was originally approved by letter of February 6, 1969.

Approval at those times were not routinely codified by publication in the Federal Register. This action codifies the two previously approved NADA's but does not change the approved uses of the drugs. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this action, codification of previously approved NADA's, does not require reevaluation of the drugs' safety and effectiveness. Because the applications were approved before July 1, 1975, the sponsor has not been required to submit summaries of safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations (§ 514.11(e)(2) (21 CFR 514.11(e)(2))).

The Bureau of Veterinary Medicine has determined pursuant to proposed 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.2360f to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.2360f Thiabendazole, piperazine phosphate.

(a) *Specifications.* As a water dispersible powder containing 6.67 grams of thiabendazole and 8.33 grams of piperazine (as piperazine phosphate) per ounce for horses; as granules containing 3.0 grams of thiabendazole and 3.75 grams of piperazine (as piperazine phosphate) per ounce for weanling foals over 4 months of age.

(b) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(c) *Conditions of Use—Horses and weanling foals (over 4 months of age)*—(1) *Amount.* 2 grams of thiabendazole and 2.5 grams of piperazine per 100 pounds of body weight (horses—0.3 ounce of powder; foals—0.67 ounce of granules).

(2) *Indications for Use.* Treatment of infections of large strongyles (genus *Strongylus),* small strongyles (genera *Cyathostomum, Cylicobrachytus,* and related genera *Craterostomum, Oesophagodontus, Poteriostomum),* pin worms (*Oxyuris),* threadworms (*Strongyloides),* and ascarids *(Parascaris).*

(3) *Limitations.* (i) *Horses.* As a water dispersible powder. Use a single oral dose. Administer as a drench or by stomach tube suspended in 1 pint of warm water; by dose syringe suspended in ½ ounce of water for each 100 pounds of body weight; or sprinkled over a small amount of daily feed. Not for animals intended for food use. If the label bears directions for administration by stomach tube or drench, it shall also bear the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; if not labeled for use by stomach tube or drench, the label shall bear the statement, "Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism".

(ii) *Weanling foals (over 4 months of age).* As granules. Use a single oral dose. Sprinkle over the usual grain ration, or mix in a few ounces of warm water and administer by dose syringe. Not for animals intended for food use. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 12, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-9221 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-83-M

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21 CFR Part 520

Animal Drugs, Feeds, and Related Products; Monensin Blocks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the new animal drug regulations for monensin blocks. In a document reflecting approval of a monensin block, the product was inadvertently designated as a monensin feed block. This amendment corrects the product designation.

EFFECTIVE DATE: December 12, 1980.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 12, 1980 (45 FR 81736), FDA published a document reflecting approval of a new animal drug application (NADA 109-471) for use of monensin in a molasses-mineral medicated block. The product was designated as a monensin feed block. In § 510.455(a) (21 CFR 510.455(a)), "medicated blocks" are defined as agglomerated feed containing one or more drugs. To be consistent with this definition, the name of the monensin product is revised to read "monensin block".

The agency has determined pursuant to 21 CFR 25.24(d)(1) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1448 by revising the section heading, and paragraph (a), and amending the first sentence in paragraph (d)(3) to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1448 Monensin blocks.

(a) *Specifications.* Each pound of molasses-mineral block contains 400 milligrams of monensin (0.088 percent) as monensin sodium.

* * * * *

(d) * * *

(3) *Limitations.* Block to be fed free choice to pasture cattle (slaughter, stocker, and feeder) weighing more than 400 pounds. * * *

Effective date. December 12, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-8810 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Methocarbamol Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amended the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) for methocarbamol injection providing for deleting sodium bisulfite as an ingredient and revising the pH specification. The amendment failed to provide for the pH revision. This document revises the pH statement.

EFFECTIVE DATE: December 2, 1980.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFB-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., Inc., 1211 Sherwood Ave., Richmond, VA 23220, filed a supplemental NADA (38-838) providing that methocarbamol injection will no longer contain sodium bisulfite and will have a pH specification of pH 3.5 to 6.0. A document reflecting the approval was published in the **Federal Register** of December 2, 1980 (45 FR 79757). The document amended the regulations to reflect the deletion of sodium bisulfite and to reflect current format, but did not amend the specifications to reflect the revised pH of 3.5 to 6.0. This document amends the regulations to reflect the amended pH.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

§ 522.1380 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.1380 *Methocarbamol injection* is amended in paragraph (a) *Specifications* by removing "5.2 to 5.6" and inserting in its place "3.5 to 6.0".

Effective date: December 2, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 23, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-9307 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Spectinomycin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new drug animal application (NADA) filed for CEVA Laboratories, Inc., providing for subcutaneous use of a 100-milligram-per-milliliter (mg/ml) spectinomycin injectable solution in baby chicks as an aid in the control of mortality and to lessen severity for certain infections.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: CEVA Laboratories, Inc., 10560 Barkley, Overland Park, KS 66212, is sponsor of an approved NADA (40-040) providing for use of spectinomycin injection for the treatment of 1- to 3-day-old turkey poults, baby chicks, and dogs. As the result of a change of sponsor, CEVA Laboratories acquired the NADA from Abbott Laboratories. The supplemental NADA provides for subcutaneous use of a 100 mg/ml spectinomycin injectable in place of a 25 mg injectable in baby chicks to control mortality and to lessen the severity of certain infections. The injectable is diluted to 2.5 to 5.0 mg per 0.2 ml dose before injection for use as currently approved in 21 CFR 522.2120(d)(2)(ii).

Approval of this supplement does not change the currently approved use of the drug nor does it affect the drug's safety and effectiveness. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II change, approval of which does not require reevaluation of the safety and effectiveness data in the parent application.

The agency has determined pursuant to 21 CFR 25.24(d)(1) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.2120 by removing paragraph (a)(2) and reserving it for future use, and by revising paragraph (a)(3) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.2120 Spectinomycin injection.

(a) * * *

(2) [Reserved]

(3) 100 milligrams for use as in paragraph (d)(2), (3), and (4) of this section.

* * * * *

Effective date. This amendment is effective March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 16, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-9304 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 524

Animal Drugs, Feeds, and Related Products; Nitrofurazone Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Farnam Companies, Inc., providing for the use of nitrofurazone ointment as a topical antibacterial on dogs and horses. The application provides labeling that reflects the conclusions of the National Academy of Sciences—National Research Council (NAS/NRC) review of such products.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Farnam Companies, Inc., 2230 E. Magnolia St., Phoenix, AZ 85036, is sponsor of an NADA (100–854) providing for use of an ointment containing 0.2 percent nitrofurazone as a topical antibacterial on dogs and horses. This product is essentially the same as one codified for animal use in 21 CFR 524.1580b. The section provides that since the conditions of use are NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. The product is an ointment; therefore, the requirement for bioequivalency data may be waived under 21 CFR 320.22(b)(2). In addition to the NAS/NRC review, the firm submitted studies conducted with the drug to show safety and effectiveness.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended by revising § 524.1580b(b) to read as follows:

§ 524.1580b Nitrofurazone ointment.

* * * * *

(b) *Sponsor.* For use in dogs, cats, and horses see No. 000149 in § 510.600(c) of this chapter. For use in dogs and horses see No. 017135 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment is effective March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 5, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9429 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 529

Animal Drugs, Feeds, and Related Products; Enflurane

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for safe and effective use of a halogenated, inhalation anesthetic in horses for induction and maintenance of general anesthesia.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc. Washington Crossing, NJ 08560, filed an NADA (121–291) providing for administration to horses of a halogenated, inhalation anesthetic for induction and maintenance of general anesthesia.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Director, Bureau of Veterinary Medicine, has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment. Therefore, an environmental impact statement will not be prepared. The Director's finding of no significant impact and the evidence supporting that finding are contained in a statement of exemption (21 CFR 25.1(f)(1)(ii)(*a*) and (f)(1)(ii)(*c*)), which may be seen in the Dockets Management Branch (HFA–305), address above.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 529 is amended by adding new § 529.810 to read as follows:

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 529.810 Enflurane.

(a) *Specifications.* The drug is a clear, colorless, nonflammable, nonexplosive liquid.

(b) *Sponsor.* See 011716 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* For induction of surgical anesthesia: 4 to 5 percent enflurane (with oxygen) for 10 to 15 minutes. For maintenance of surgical anesthesia: 2.2 to 3.5 percent enflurane (with oxygen).

(2) *Indications for use.* For induction and maintenance of general anesthesia in horses.

(3) *Limitations.* Administer by inhalation; not for use in horses sensitive to halogenated anesthetics; increasing depth of anesthesia may produce muscle twitching, particularly about face, neck, and forelimb; not for use in pregnant mares, foals or weanlings; use less than usual amounts of nondepolarizing muscle relaxants with enflurane; not for use in horses intended for food; observe all customary precautions for use of vasoconstrictor substances; Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective Date: March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 19, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9427 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 556 and 558

Animal Drugs, Feeds, and Related Products; Virginiamycin

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's) filed by SmithKline Animal Health Products, Division of SmithKline Corp., providing for the use of virginiamycin in broiler chicken feeds for increased rate of weight gain and improved feed efficiency, and to establish a tolerance for residues of the drug in foods. Virginiamycin is currently approved for use in swine feeds for treatment and control of swine dysentery and for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, filed two supplemental NADA's (91-467 and 91-513) providing for use of virginiamycin premixes for manufacture of broiler chicken feeds containing 5 to 15 grams per ton for increased rate of weight gain and 5 grams per ton for improved feed efficiency, and for a tolerance for residues of the drug in foods. The drug is currently approved for the manufacture of swine feeds for the control and treatment of swine dysentery and for increased rate of weight gain and improved feed efficiency. Effectiveness of virginiamycin as a growth enhancer for broiler chickens is established by data from three controlled clinical studies which also indicate the optimal dose level. The safety of the approved uses of virginiamycin was demonstrated by controlled acute and subacute toxicity studies on three species of laboratory test animals. This document amends the regulations to provide for use of virginiamycin in broiler chicken feeds.

Under the Bureau of Veterinary Medicine's proposed supplemental new animal drug policy (December 23, 1977, 42 FR 64367), the approval of these supplemental NADA's required a complete reevaluation of the safety data supporting the NADA's. The studies submitted were judged to be acceptable, for demonstrating the safety and effectiveness of virginiamycin under the recommended conditions of use in chickens. Standards prescribed in the agency's proposal of March 20, 1979, (44 FR 17070) on chemical compounds in food-producing animals were not applied to the approval of these NADA's. The approval is based on alternative criteria which assure that the products are safe and on factors which justify the equitable treatment of this sponsor who completed drug development testing adequately according to scientific standards extant prior to March 20, 1979.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information supporting this approval may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefuly considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch, Food and Drug Administration.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 556 and 558 are amended as follows:

PART 556—TOLERANCES FOR RESIDUES FOR NEW ANIMAL DRUGS IN FOOD

1. In Part 556, § 556.750 is revised as follows:

§ 556.750 Virginiamycin.

Tolerances are established for negligible residues of virginiamycin in edible tissues as follows:

(a) Swine—
(1) 0.4 ppm in kidney, skin, and fat.
(2) 0.3 ppm in liver.
(3) 0.1 ppm in muscle.
(b) Broiler chickens—
(1) 0.5 ppm in kidney.
(2) 0.3 ppm in liver.
(3) 0.2 ppm in skin and fat.
(4) 0.1 ppm in muscle.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, § 558.635 is amended by redesignating paragraph (f) as (f)(1) and adding new paragraph (f)(2). As revised, paragraph (f) reads as follows:

§ 558.635 Virginiamycin.

* * * * *

(f) *Conditions of use.* (1) *Swine*—It is used in complete feeds as follows:

(i) 100 grams per ton for 2 weeks, for treatment of swine dysentery in nonbreeding swine over 120 pounds.

(ii) 100 grams per ton for 2 weeks, 50 grams per ton thereafter, for treatment and control of dysentery in swine up to 120 pounds.

(iii) 25 grams per ton, as an aid in control of dysentery in swine up to 120 pounds. For use in animals or on premises with a history of swine dysentery but where symptoms have not yet occurred.

(iv) 10 grams per ton from weaning up to 120 pounds followed by 5 grams per ton to market weight, for increased rate of weight gain and improved feed efficiency. For continuous use from weaning to market weight.

(v) 10 grams per ton from weaning up to 120 pounds followed by 5 to 10 grams per ton to market weight, for increased rate of weight gain and improved feed efficiency for swine up to 120 pounds, for increased rate of weight gain for swine from 120 pounds to market weight. For continuous use from weaning to market weight.

(2) *Poultry*—It is used in complete feeds as follows:

(i) 5 to 15 grams per ton for increased rate of weight gain, for use in broiler chickens, not for use in layers.

(ii) 5 grams per ton for improved feed efficiency in broiler chickens, not for use in layers.

Effective date. March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 9, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9089 Filed 3-25-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 558

Animal Drugs, Feeds, and Related Products; Melengestrol Acetate

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) providing for use of a 200-milligram-per-pound melengestrol acetate premix for making finished feeds for heifers. The application was filed by The Upjohn Company.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (34-254) providing for use of a dry premix containing 200 milligrams of melengestrol acetate (MGA) per pound in addition to the currently approved 100- and 500-milligram-per-pound (mg/lb) premixes. In accordance with the current animal drug regulations, these premixes are used to make finished feeds for feedlot heifers. The animals are administered 0.25 to 0.50 milligram of MGA per head per day from either a supplement or complete ration.

The new 200 mg/lb MGA premix will be used as currently regulated in complete feeds for heifers (see 21 CFR 558.342). Under the Bureau of Veterinary Medicine's supplemental approval policy (see the Federal Register of December 23, 1977; 42 FR 64367), this is a Category II supplement that does not increase the risk of exposure. Accordingly, this approval did not require reevaluation of safety and effectiveness data in the parent application.

The agency has determined pursuant to 21 CFR 25.24(d)(1) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.342 by revising paragraph (a), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.342 Melengestrol acetate.

(a) *Approvals.* Dry premixes containing 100 or 200 milligrams of melengestrol acetate per pound or liquid premix containing 500 milligrams of melengestrol acetate per pound granted to 000009 in § 510.600(c) of this chapter.

* * * * *

Effective date. March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 13, 1981.

Myrna C. Rosenberg,
Acting Associate Director for Scientific Evaluation.

[FR Doc. 81-9009 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 558

Animal Drugs, Feeds, and Related Products; Monensin and Roxarsone Premix

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing that portion of the regulations which reflects approval of a new animal drug application (NADA) providing for use of monensin and roxarsone premix in chicken feed. The sponsor, Central Soya Co., Inc., requested the withdrawal of approval.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the Federal Register, approval of NADA 91-612 is withdrawn. The document amends the regulations to remove that portion which reflects approval of this NADA.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1 (a)(1) of the Order.

§ 558.355 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), § 558.355 *Monensin* is amended by removing paragraph (b)(4).

Effective date. This regulation is effective April 6, 1981.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))).

Dated: March 23, 1981.

Gerald B. Guest
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9008 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

Animal Drugs, Feeds, and Related Products; Tylosin

21 CFR Part 558

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Cadco, Inc., providing for safe and effective use of an 8-gram-per-pound tylosin premix for making complete swine feeds.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Cadco, Inc., P.O. Box 3599, Des Moines, IA 50322, is the sponsor of supplemental NADA (91-783) providing for use of a premix containing 8 grams of tylosin (as tylosin phosphate) per pound, in addition to existing approvals for use of 4- and 10-gram-per-pound premixes, for making complete swine feeds used to increase rate of weight gain and improve feed efficiency.

Approval of this application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA 12-491. Use of the data in NADA 12-491 to support this supplement has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December

23, 1977), approval of this supplemental NADA did not require reevaluation of safety and effectiveness data in NADA 12-491.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24 (d)(1)(i) and (iii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(4) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(4) To 011490: 4, 8, and 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This regulation is effective March 27 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 10, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-8249 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

Animal Drugs, Feeds, and Related Products; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Seeco, Inc., for use of a tylosin and sulfamethazine premix in the manufacture of swine feeds.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Seeco, Inc., Box 1014, North Highway 71, Willmar, MN 56201, is sponsor of an NADA (107-002) filed on its behalf by Elanco Products Co. The NADA provides for safe and effective use of a premix containing 10 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine for subsequent manufacture of complete swine feed for (1) maintaining weight gain and feed efficiency in the presence of atrophic rhinitis, (2) lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis, (3) prevention of swine dysentery (vibrionic), and (4) control of swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*).

Approval of this application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA 41-275. Use of this data in NADA 41-275 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA 41-275.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.630 is amended by revising paragraph (b)(3) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

* * * * *

(b) * * *

(3) To 011490, 011749, 016968, 017255, 017274, 024174, 026186, 034500, 035955, 043743, and 046987: 10 grams per pound each, paragraph (f)(2)(ii) of this section.

* * * * *

Effective date. This regulation is effective March 27, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 5, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9430 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF STATE

22 CFR Part 19

[Dept. Reg. 108.805]

Benefits for Spouses and Former Spouses of Participants in the Foreign Service Retirement and Disability System

AGENCY: Department of State.

ACTION: Amendment of rule.

SUMMARY: On February 19, 1981, the Department of State published a final rule on benefits for spouses and former spouses of participants and certain former participants in the Foreign Service Retirement and Disability System (46 FR 12957). This was necessary because those benefits came

into effect on February 15, 1981, but the Department of State undertook to consider subsequent comments for possible amendments. Such comments have been received and considered. The results of the consideration and further review are reflected below.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Gertrude Wieckoski, Chief, Retirement Division, Bureau of Personnel, Department of State, Washington, D.C. 20520, Phone (202) 632-0315.

SUPPLEMENTARY INFORMATION: The comments received by the Department are set forth below together with the Department's response.

1. *Comment:* Several letters were received recommending that the Department honor court orders directing or implying that the employee make payments from annuity to a former spouse or which make no reference to the paying agent.

Response: The Department is amending paragraph (3) of section 19.6–2(a) to permit a finding that a court order is qualified when it makes no reference to the paying agent, i.e. merely directs that payments from a principal's annuity be paid to a former spouse. However, the Department is bound to follow the provisions of each court order, and if an order directs that payment be made by the principal, the Department is not authorized to take over that payment responsibility if the principal objects.

2. *Comment:* Establish procedures for dealing with situations in which the retiree was named payor, but has fallen behind in payments. Such procedures should include a timely review, with minimum delay for appeals by the retiree, and provisions for the Secretary of State to take over the payor role within as short a time as possible.

Response: The Department does not have authority to implement this suggestion, however, annuities of the retiree are subject to garnishment for alimony or child support under 42 U.S.C. 659.

3. *Comment:* Section 19.6–7(b) provides a principal 30 days to initiate legal action to contest a court order in cases where the record contains support for the objection. The phrase "legal action" is vague. It should be made clear that some formal legal action, beyond merely consulting an attorney, is required.

Response: The Department is amending the paragraph to use the phrase "formal legal action."

4. *Comment:* Sections 19.6–6 and 19.6–7 both seem to assume that only the principal would have an interest in contesting a court order. The regulation should provide for automatic notification to both spouses whenever the Department receives notice of a divorce, with or without a court order, from either spouse. It should also allow a period for response before the Department makes any determination. If neither party objects, the divorce decree will automatically be considered valid.

Response: Section 19.6–6 provides for prompt notice to both the principal and the spouse of pertinent information submitted by either party. There is clearly an opportunity for both to contest any action. Section 19.6–7 does not provide for deferral of payment to a spouse following submission of a divorce decree or court order by a principal because of the adverse impact of such a delay on the spouse. With respect to the last point in the comment, section 19.6–5(b)(1) states that any decree recognized as valid by both parties will be considered valid.

5. *Comment:* The Department cannot determine that a pro rata share is or will be payable, without first giving the principal an opportunity to submit a court order which provides that no such share be paid.

Response: Under the Act, a pro rata share of a principal's annuity becomes payable to a former spouse effective the first of the month in which the final decree of the divorce is obtained. The Act also gives a court up to one year following the divorce to order that some other share be paid to a former spouse. Section 19.6–7 of the regulations provides that payment to a former spouse of a pro rata share will commence promptly after the Department is notified of the divorce—to reduce the need for large retroactive payments—unless the principal has a valid objection. Section 19.6–4(b) provides for adjustment in pro rata share payments when such adjustment is subsequently ordered by a court.

6. *Comment:* There is no indication of how the amount of any proposed payment to a former spouse will be determined. This is a serious omission, because that amount is likely to be the subject of dispute between the parties. There is no justification for withholding all payments to a former spouse when a court order is ambiguous.

Response: A court order directing payment to a former spouse must state the amount to be paid in specific dollar terms or as a percentage of the principal's annuity. If the order is ambiguous on this point, it is not a qualified order. Unless the department is in receipt of a qualified order or a spousal agreement, a division under the pro rata share formula is made. A sentence has been added at the end of § 19.6–5(b) to make this clear; and the definition in § 19.2(j) has been corrected.

7. *Comment:* Provision should be made for multiple court orders applying to the *same* former spouse, which could occur when a husband and wife obtain divorces in two different jurisdictions.

Response: In this situation, under a general principle of common law, the most recent qualified court order filed with the Department would supersede any previous order.

8. *Comment:* When two or more former spouses are involved, distribution on a first-come, first-served basis as provided in the regulations, seems inappropriate.

Response: This situation where there are several former spouses must be distinguished from that described in comment 7. The rights of the first former spouse may not be diminished by administrative action of the Department in order to provide for a second former spouse. The latter should be on notice at the time of marriage of the principal's financial obligations.

9. *Comment:* The Department does not have the power to control the provisions of court orders or spousal agreements. It should provide instead that it will not honor orders or agreements to the extent that they exceed the net annuity.

Response: This is the effect of § 19.6–2(a)(1).

10. *Comment:* Substitute the term "spouse" for "wife or husband" in § 19.11–7 which relates to benefits for surviving children.

Response: The phrase "wife or husband" was used to avoid confusion with "surviving spouse" which is a defined term which requires a minimum period of marriage in certain cases.

11. *Comment:* Regarding § 19.6–7, an addition should be made to paragraph (b) to provide that the withheld payments will accrue interest at the rate for Treasury bills during the pendency of any action.

Response: The Department does not have authority to implement this suggestion.

12. *Comment:* Payments should be made to the former spouse upon the issuance of an appropriate interlocutory decree.

Response: The Act authorizes payments to "former spouses." A spouse does not become a former spouse until a final decree of divorce is obtained.

13. *Comment:* The regulations omit a savings clause in section 820(b)(5) of Act which reads as follows: "(5) The 10-year requirement of section 804(b)(6), or any other provision of this chapter, shall not be construed to affect the rights any

spouse or individual formerly married to a participant or annuitant may have, under any law or rule of law of any State or the District of Columbia, with respect to an annuity of a participant or annuitant under this chapter." The burden must be with the parties to bring to the Department's attention more favorable domiciliary State law, but a vested right to retirement benefits must not be regarded as forfeitable solely on the ground of a delay in a notice requirement contained in the Federal statute.

Response: The Department may not make any payment to a beneficiary from the Foreign Service Retirement and Disability Fund not authorized by Federal law. Any right to a Foreign Service retirement benefit granted a beneficiary by a State law not authorized by Federal statute to be paid to the beneficiary must be enforced against the person authorized by Federal law to receive the payment from the Fund. These regulations in Part 19 implement Federal law to which the savings clause in section 820(b)(5) of the Act does not apply.

Amendments

Through inadvertence, the regulations entitled "Benefits for Spouses and Former Spouses of Participants in the Foreign Service Retirement and Disability System" were published on February 19, 1981 as Part 18 of title 22 of the Code. Part 18 has been used for other regulations; accordingly Part 18 as published on February 19, 1981 is renumbered as Part 19 and all the section numbers and cross references are changed accordingly.

In addition, the following amendments are made as a result of comments received by the Department or to correct errors in the previous regulations:

§ 19.2 [Amended]

1. Paragraph (j) of § 19.2 as renumbered is amended to strike "a previous spouse" appearing at the end thereof and to substitute "an eligible beneficiary" in lieu thereof.

2. Subparagraph (3) of § 19.6–2(a) as renumbered is revised to read as follows:

§ 19.6–2 Qualifying court orders.

(a) * * *

(3) Direct that payments be made to an eligible beneficiary from a principal's Foreign Service retirement benefit or survivor benefit. If a court directs or implies that a principal, rather than the Secretary of State or the Government, make the payments, the order will not be considered qualified unless the principal does not object during the 30-day notice period provided under § 19.6–6;

* * * * *

3. Section 19.6–5(b)(3) as renumbered is amended by inserting the following as the next to the last sentence thereof:

§ 19.6–5 [Amended]

* * * * *

(b)(3) * * * If a divorce decree is deemed valid under this paragraph, a pro rata share payment is due a former spouse unless PER/ER/RET is in receipt of a court order which it has deemed qualified under paragraph (a), or a valid spousal agreement providing otherwise. * * *

§ 19.6–7 [Amended]

4. Section 19.6–7(b) as renumbered is amended to insert the word "formal" immediately preceding the phrase "legal action" each time it appears.

§ 19.9–1 [Amended]

5. Paragraph (a) of § 19.9–1 as renumbered is amended by striking the words "on or" immediately preceding the phrase "after February 15, 1981."

§ 19.11–3 [Amended]

6. Section 19.11–3(c) as renumbered is amended by removing all text after the first sentence.

§ 19.11–5 [Amended]

7. The second sentence of § 19.11–5(d) as renumbered is amended by removing "or former spouse" immediately preceding the phrase "of a participant."

Dated: March 18, 1981.

Richard T. Kennedy,

Under Secretary for Management.

[FR Doc. 81-8999 Filed 3-26-81; 8:45 am]

BILLING CODE 4710-15-M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Parts 502, 504, 505, 525

Authority Delegations, Organization, and Privacy Act Policies and Procedures; Miscellaneous Amendments

AGENCY: International Communication Agency.

ACTION: Final rule.

SUMMARY: The International Communication Agency amends it general regulations relating to delegations of authority, organization, and privacy. These amendments will update the regulations to reflect organizational changes, office moves, and minor editorial corrections.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Jane S. Grymes, Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency, Washington, D.C. 20547, AC 202–523–4306.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of the Director of the International Communication Agency set forth in Reorganization Plan No. 2 of 1977 and Executive Order 12048 of March 27, 1978, 22 CFR, Chapter V is amended as follows:

PART 502—WORLDWIDE FREE FLOW (EXPORT-IMPORT) OF AUDIO-VISUAL MATERIALS

1. In § 502.1(a), the fifth sentence is amended to add the office symbol and will read as follows:

§ 502.1 Summary; general.

(a) * * * Export certification, import certificate authentication, rulings, and information, respecting the Agreement may be obtained from the Chief Attestation Officer of the United States—International Communication Agency, (PGM/TR), Washington, D.C. 20547.

* * * * *

2. In § 502.2(a)(1), italics are added to the first sentence to emphasize the title of the Agreement. In § 502.2(a)(1), the first sentence is amended as follows:

§ 502.2 Implementing statute and Executive Order.

(a) * * *

(1) After the heading to Part 6, insert: "Part 6 Headnote:

"1. No article shall be exempted from duty under item 870.30 unless a Federal agency or agencies designated by the President determines that such article is visual or auditory material of an educational, scientific, or cultural character within the meaning of the *Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character.* * * *

* * * * *

3. In § 502.2(d), the introductory statement is revised to read as follows:

* * * * *

(d) Pub. L. 89–634 further provides:

* * * * *

4. Section 502.3(b) is revised to add italics and will read as follows:

§ 502.3 Procedures.

* * * * *

(b) Imports: Educational/informational audio-visual materials, as identified in the *Substantive Criteria* of the regulations in this part, are permitted duty-free entry into the United

States upon authentication by the International Communication Agency of the Certificate of the Government of the country wherein basic ownership is held, or the certificate of the United Nations Educational, Scientific and Cultural Organization (UNESCO), attesting the educational/informational character of such materials within the meaning of the "Agreement", and compliance with applicable Customs entry procedures (see 19 CFR 10.121).

* * * * *

5. § 502.3(c) is revised to add the office symbol and will read as follows:

* * * * *

(c) In order to establish qualification for entry into the United States under the provisions of Tariff Item 870.30, the Applicant shall forward the foreign certificate directly to:

Chief Attestation Officer of the United States International Communication Agency, (PGM/TR), Washington, D.C. 20547.

* * * * *

6. Section 502.3(f) is revised to add italics and will read as follows:

* * * * *

(f) Exports: U.S. educational/informational audio-visual materials, as identified in the *Substantive Criteria* of these Regulations, may, if eligible as provided herein, be certified by the International Communication Agency as being "of international educational character," and thus entitled to special import privileges such as duty-free entry abroad in "Beirut countries" (see § 502.7 on history and background, for a list of the countries where there is formal and informal participation under the Beirut Agreement).

* * * * *

7. Section 502.3(g) is amended in the address section to add the office symbol and will read as follows:

* * * * *

(g) For general information and application forms, Applicants should write to:

Chief Attestation Officer of the United States International Communication Agency, (PGM/TR), Washington, D.C. 20547.

* * * * *

8. In § 502.4(a), the first sentence is amended to correct the title of the Chief Attestation Officer and will read as follows:

§ 502.4 Consultation of experts.

(a) The Chief Attestation Officer of the United States and the Attestation Officers under his/her supervision will routinely and continuously receive Agency policy and legal guidance, and protests of Applicants will be reviewed by the Review Board and by the Agency's Director as provided below.

* * * * *

9. In § 502.4(b), remove "Department of Health, Education, and Welfare (including U.S. Office of Education and the National Institutes of Health)", and insert in lieu thereof "Department of Health and Human Services (including the National Institutes of Health), Department of Education,".

10. Section 502.5(b) has been amended in the address section to correct the office symbol and will read as follows:

§ 502.5 Review and appeal.

* * * * *

(b) Any Applicant may ask for formal review of any ruling of a USICA Attestation Officer. The request for review must be made in writing and addressed to the—

Review Board for the International Audio-Visual Program (PGM/T), International Communication Agency, Washington, D.C. 20547.

* * * * *

11. Section 502.6(c)(3) is amended to define maps as being unbound. Section 502.6(c)(3) is revised to read as follows:

§ 502.6 Substantive criteria.

(c) * * *

(3) Photographs, transparencies and slides; models, static and moving; charts, globes, maps (not bound) and posters.

* * * * *

12. In § 502.7(d), the third sentence is amended to include 1980 figures and will read as follows:

§ 502.7 History and background.

* * * * *

(d) * * * As of December 31, 1980, the U.S. Government had issued over 59,000 certificates covering an estimated 000,000 items of visual and auditory materials (a number of the certificates cover a series of items), and over 4,000 different Applicants had submitted materials for export certification. * * *

* * * * *

13. Section 502.7(d) is amended to remove the fourth (last) sentence.

14. In § 502.7(e)(2), remove "United Kingdom" and "France" from the second list of countries (list of 4 countries), and insert "United Kingdom" and "France" alphabetically in the first list of countries.

PART 504—ORGANIZATION

15. In § 504.2(c), the last full sentence is amended to correct the number of foreign countries in which USICA maintains posts. Section 504.2(c) is amended to read as follows:

§ 504.2 Description of central and field organization, established places of which, officers from whom, and methods whereby the public may obtain information.

* * * * *

(c) * * * The International Communication Agency operates field posts in 125 foreign countries.

* * * * *

16. In § 504.2(d), in the flush paragraph which follows subparagraph (1)(i)(3), remove the number "38" and insert in lieu thereof the number "39".

17. In § 504.2(d)(1)(ii), the second, third, and fourth sentences are amended to read as follows:

* * * * *

(d) * * *

(1) * * *

(ii) * * * The Program Evaluation Staff performs followup for the Agency's inspection activities and evaluates the extent to which media products reflect the Agency's subject priorities. The Planning and Guidance Staff provides both fast daily and in depth background guidance for operating elements of the Agency and those U S. foreign policy issues which are susceptible to public diplomacy and on those domestic concerns which are relevant to the conduct of it. This staff also reviews program proposals of the Agency's overseas posts and Washington elements to assure that they are consistent with agreed-upon policy and that resources are allocated in accordance with priorities, and represents USICA in interagency meetings on public affairs issues. * * *

* * * * *

18. In § 504.2(d)(1)(iii), the fourth sentence is amended to read as follows:

* * * * *

(d) * * *

(1) * * *

(iii) * * * The Office of Private Sector Programs works with organizations in the private sector and in some cases provides limited financial assistance for their non-profit activities in support of the Agency's public diplomacy and international exchange of persons objectives. * * *

* * * * *

19. In § 504.2(d)(1)(vi), the first sentence is amended to read as follows:

* * * * *

(d) * * *

(1) * * *

(vi) The Agency maintains 201 posts abroad in 125 countries. * * *

* * * * *

20. In § 504.2(d)(1)(vii) beginning with the third sentence, the balance of the paragraph is amended to read as follows:

* * * * *

(d) * * *
(1) * * *

(vii) * * * The Office assists in the drafting of proposed legislation, Executive Orders, regulations, contracts, leases, and other legal documents, and participates in the negotiation of international agreements. The Office represents the Agency in hearings arising from disputes on contracts, equal employment opportunity, grievances, labor disputes, and licensing. The Office provides support to trial counsel in cases tried before domestic and foreign courts. The Office secures the necessary rights clearances for the Agency's activities, recommends waivers of certain J visa restrictions, and advises on matters relating to ethical conduct and conflict of interest of Agency employees.

* * * * *

21. Section 504.2(d)(1)(viii) is revised to read as follows:

* * * * *

(d) * * *
(1) * * *

(viii) The Office of Congressional and Public Liaison, (CPL), directs and carries out activities designed to discharge the Agency's obligation to provide information about USICA policies, mission and programs to the American people, the Congress and the communications media. It publishes news releases, fact sheets and pamphlets; provides Agency speakers in response to invitations from organizations and institutions in the U.S.; and holds seminars and workshops with academic, business, professional and public interest institutions and groups. It is responsible for the preparation of the Agency's Annual Report to Congress, dissemination of appropriate Agency-produced material to Congress and publication of the Agency's internal newsletter. The office is responsible for conducting tours of the Agency exhibit at the VOA headquarters and for all USICA actions under the Freedom of Information Act and the Privacy Act. On congressional matters it maintains contact with Members and their staffs and serves as Agency coordinator of hearings on substantive legislation and of Agency programming of Members and staff. The 1982 estimate provides for a staff of 22 positions.

Appendix I [Amended]

* * * * *

22. In § 504.2 Appendix I, in item No. 1, the sixth office listing is revised to read as follows:

* * * * *

(1)* * *

Associate Directorate for Management
Office of Equal Employment Opportunity
Office of Systems Technology;

* * * * *

23. In § 504.2 APPENDIX I item No. (2) (c) is revised to read as follows:

* * * * *

(2)* * *

(c) International Communication Agency, Health and Human Services Building, 330 Independence Avenue, S.W., Washington, D.C. 20547; Associate Directorate for Broadcasting (VOA).

* * * * *

Appendix II

24. In § 504.2 APPENDIX II the third office listing is removed.

PART 505—PRIVACY ACT POLICIES AND PROCEDURES

§ 505.3 Procedures for requests pertaining to individual records in a system of records.

25. In § 505.3(b), the first sentence is amended to correct the mailing address and should read as follows:

* * * * *

(b) All requests under the Privacy Act should be directed to the Office of Congressional and Public Liaison, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547, which will coordinate the search of all systems of records specified in the request. * * *

* * * * *

26. In § 505.3(c), the second sentence is amended to read as follows:

(c) * * * All other requests shall be submitted by the post to the Office of Congressional and Public Liaison, as noted in paragraph (b) of this section, and the individual so notified of this action in writing.

* * * * *

27. In § 505.5(b)(1), the second sentence is amended to read as follows:

§ 505.5 Disclosure of requested information to individuals.

* * * * *

(b) *Access to Records*—(1) * * * All requests for information on whether or not the Agency's system or systems of records contain information about the individual will be acknowledged within ten working days after receipt of the request by the Office of Congressional and Public Liaison.

* * * * *

PART 525—ADMINISTRATIVE ENFORCEMENT PROCEDURES OF POST-EMPLOYMENT RESTRICTIONS

28. § 525.8 is revised to read as follows:

§ 525.8 Appointment and qualifications of examiner.

When a former Government employee after receiving adequate notice requests a hearing, a presiding official (hereinafter referred to as "examiner") shall be appointed by the Director to make an initial decision. The examiner shall be a member of the bar of a State or of the District of Columbia, who is impartial and who has not participated in any manner in the decision to initiate the proceedings.

29. In § 525.8, the introductory paragraph is amended to add a colon at the end of the paragraph. The paragraph is revised to read as follows:

§ 525.8 Rights of parties at hearing.

A hearing shall include, at a minimum, the following rights for both parties:

* * * * *

30. § 525.14 is revised to read as follows:

§ 525.14 Judicial review.

Any person found to have participated in a violation of statutory or regulatory post-employment restrictions (18 U.S.C. 207(a), (b), or (c) or the regulations compiled in Part 737 of Title 5 of the Code of Federal Regulations) may seek judicial review of the administrative determination.

It is the general policy of the International Communication Agency to allow time for interested parties to take part in the rulemaking process. These amendments are administrative in nature, therefore, the rulemaking process involving comment and public procedure is waived and these amendments become effective March 27, 1981.

Issued at Washington, D.C. on March 19, 1981.

John W. Shirley,

Acting Director, International Communication Agency.

[FR Doc. 81-9027 Filed 3-26-81; 8:45 am]
BILLING CODE 8230-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

Office of the Secretary

29 CFR Parts 1, 4, 5, and 6

Further Deferral of Effective Dates of Regulations

AGENCY: Wage and Hour Division, and Office of the Secretary, Labor.

ACTION: Notice of further deferral of effective dates of final rules.

SUMMARY: This notice further defers the effective dates of certain Labor Department regulations from March 30, 1981 and April 17, 1981 until May 1, 1981. This action is taken in order to permit reconsideration of these rules in accordance with Executive Order 12291.

DATES: The effective dates are deferred until May 1, 1981. See the table below for more information.

ADDRESS: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Administration, Frances Perkins, Department of Labor Building, Room S-3502, 200 Constitution Avenue, NW, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone: (202) 523-8305.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 6, 1981 (46 FR 11253-11254) the Department of Labor published a notice deferring the effective dates of Parts 1, 5, and 6 of Title 29 of the Code of Federal Regulations (29 CFR Parts 1, 5, and 6) until March 30, 1981. This action was taken in response to a January 29, 1981 Memorandum from President Reagan in order to allow for a full and appropriate review of these rules. In the Federal Register of February 12, 1981 (46 FR 11971) this Department published a notice deferring (staying) the effective date of Part 4 (including § 4.133) of title 29 of the Code of Federal Regulations (29 CFR Part 4) until April 17, 1981 to permit further review of the rule.

This document will further defer the effective dates of all of these regulations until May 1, 1981. This action is necessary in order to permit reconsideration of these regulations in accordance with Executive Order 12291. Because these rules raise a great many issues, reconsideration will take additional time. The need for such reconsideration constitutes good cause for this deferral. For this reason and because these rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making these postponements effective immediately.

The following chart contains a description of each of the rules being deferred by this notice:

Rule	Subject	Original publication of rule in final form	Previously scheduled effective date
1. 29 CFR Part 1	Procedure for Predetermination of Wage Rates.	Jan. 16, 1981 (46 FR 4306)	Mar. 30, 1981.
2. 29 CFR Part 4	Service Contract Act; Labor Standards for Federal Service Contract.	Jan. 16, 1981 (46 FR 4320) and Jan. 29, 1981 (46 FR 4998).	Apr. 17, 1981.
3. 29 CFR Part 5	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).	Jan. 16, 1981 (46 FR 4380)	Mar. 30, 1981.
4. 29 CFR Part 6	Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts.	Jan. 16, 1981 (46 FR 4396)	Do.

Authority

The statutory authority for this action is as follows:

1. As to 29 CFR Part 1:

(5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 29 U.S.C. 259; 40 U.S.C. 276a—276a-7; 40 U.S.C. 276c; and the laws listed in Appendix A of this Part)

2. As to 29 CFR Part 4:

(41 U.S.C. 351, *et seq.*, 79 Stat. 1034, as amended in 86 Stat. 789, 90 Stat. 2358; 41 U.S.C. 38 and 39; and 5 U.S.C. 301)

3. As to 29 CFR Part 5:

(40 U.S.C. 276a—276a-7; 40 U.S.C. 276; 40 U.S.C. 327-332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of this Part)

4. As to 29 CFR Part 6:

(Secs. 4 and 5, 79 Stat. 1034, 1035 as amended by 86 Stat. 789, 790, 41 U.S.C. 353 and 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. Appendix; 48 Stat. 1494, as amended by 49 Stat. 1011, 78 Stat. 238, 40 U.S.C. 276a—276a-7; 76 Stat. 357-359, 40 U.S.C. 327-332; 48 Stat. 948, as amended by 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c)

Signed at Washington, D.C. this 24th day of March 1981.

Raymond J. Donovan,

Secretary of Labor.

Craig A. Berrington,

Deputy Assistant Secretary for Employment Standards.

[FR Doc. 81-9355 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead; Supplemental Statement of Reasons and Amendment of Standard; Notice of Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice defers the effective date of the Supplemental Statement of Reasons and Amendment of the Lead Standard until April 30, 1981. The action is necessary to allow additional time to consider the appropriateness of the lengthy and complex document in light of the numerous petitions for administrative review which have been received.

On January 21, 1981, OSHA published in the Federal Register (46 FR 6134) a supplemental statement of reasons assessing the technological and economic feasibility of meeting the permissible exposure level for lead contained in the lead standard (29 CFR 1910.1025), in 46 industries. The document was prepared in response to a remand order from the U.S. Court of Appeals for the D.C. Circuit, in the "United Steelworkers of America v. Marshall," No. 79-1048 (August 15, 1980). The supplemental statement of reasons covered nearly 100 pages in the Federal Register, and was originally scheduled to be effective on February

20, 1981. On February 6, 1981, the effective dates of several final regulations were deferred until March 30, 1981 pursuant to a Presidential Memorandum to the Secretary of Labor and other cabinet officials (46 FR 11253). Due to the length and complexity of the document and the numerous petitions for administrative review which have been received, additional time is needed to allow for a full and appropriate review of the supplemental statement of reasons. Therefore, the effective date of this document is hereby deferred until April 30, 1981. Due to the short deferral period, notice and opportunity for public comment on the deferral is impractical and unnecessary under 5 U.C.S. 533 and 29 U.S.C. 655(b).

DATES: The effective date is deferred until April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Beliles, Occupational Safety and Health Administration, Room N3617, U.S. Department of Labor, Washington, D.C. 20210, (202) 523–7081.

Signed at Wash.ngton, D.C. this 24th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–8332 Filed 3–25–81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1910

[Docket No. H–004M]

Occupational Exposure to Lead; New Trigger Levels for Medical Removal Protection; Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of further deferral of effective date of new trigger levels for medical removal protection; request for comments on one-year delay of effective date.

SUMMARY: OSHA is delaying the effective date of the new trigger levels for medical removal protection under the lead standard (Sec. 1910.1025(k)) from the April 1, 1981 date previously announced in the **Federal Register** (46 FR 14897) to May 1, 1981. This action is taken upon the request of several industry parties and members of the public to allow more time for the submission and evaluation of additional information from all interested persons concerning any further relief that may be appropriate. All interested persons are again invited to submit information and views on any issues involved in the requests for a one-year delay in the effective date of the new MRP trigger levels.

DATES: The effective date of the new trigger levels is May 1, 1981. All data and comments must be received by April 15, 1981.

ADDRESS: All comments should be submitted to the Docket Officer, Docket No. H–004M, Occupational Safety and Health Administration, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone (202) 523–7894.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523–7081.

SUPPLEMENTARY INFORMATION: On March 3, 1981, OSHA published a notice in the **Federal Register** (46 FR 14897) delaying the effective date from March 1, 1981 to April 1, 1981 of the new removal and return trigger levels for medical removal protection (MRP) under the standard on occupational exposure to lead. That notice summarized the provisions of MRP and explained the need in the standard for progressively phased-in air-lead and blood-lead levels triggering employee removal from and subsequent return to lead-exposed jobs.

The one month delay was granted as an interim measure in response to an application from certain employers and industry groups representing major segments of the lead industry for a one-year delay in the effective date of the new trigger levels provided in the lead standard (29 CFR 1910.1025(k)). In their application industry alleged that the implementation of the new trigger levels is infeasible because: (1) it would require the removal of many skilled employees, including supervisors, foremen, and maintenance workers, whose blood-lead levels currently exceed the new 60μg/100g removal level; and (2) in order to achieve the new return level of 40μg/100g an unexpectedly long removal time would be needed, which would deprive industry of employees' skills and experiences that could not easily be replaced. The result, they assert, would be serious and adverse to the continued operation and productivity of their plants, including the proper functioning of health and safety controls.

The adequacy and accuracy of these allegations and supporting data as a basis for the requested delay have been challenged in responses by several unions. The unions further state that any delay industry may eventually prove to be justified should be granted only on a plant-by-plant basis.

Since industry's allegations raised serious questions concerning the feasibility of the new trigger levels and what relief would be appropriate to protect employees, the effective date of the new trigger levels was delayed until April 1, 1981 to enable the agency to obtain and consider the necessary evidence.

To facilitate this process, OSHA in a letter dated March 5, 1981, specifically requested from industry the following information:

Issue: On March 1, 1981 when the provision to remove workers with blood-lead levels in excess of 60 μg/100 grams of blood becomes effective a portion of the industrial force may be required to be removed. The agency requests that the industry or other interested parties provide information on:

1. Describe the *total* workforce in each plant for which relief from the 60 MRP trigger is requested or is to be considered with specific information on the following:

(a) The number of supervisory or skilled workers exposed to lead in each plant. Of this group, how many will be removed because their blood-lead levels are at or above 60 μg/100 grams of whole blood?

(b) The number of employees who were transferred because their blood-lead levels were at or above 60 or 70 μg/100 grams of whole blood.

(c) Were any of these employees removed when their blood lead levels were lower than the triggers? If so why?

All of the above information (a–c) requested for supervisory or skilled workers should also be provided for other employees, i.e., those not classified as skilled or supervisory.

2. For all employees who were removed at triggers of 60 or 70 μg/100 grams of whole blood *and* those who would be removed at 60 μg/100 grams of whole blood, please submit the following data:

(a) Blood-lead measures from 1976 to the present, to include dates of testing;

(b) Pre-employment blood-lead levels;

(c) Dates of removal and length (weeks, months, years) of removal period;

(d) Environmental lead levels;

(e) Respiratory protective devices (types of respirators and duration of use, i.e., hours per day);

(f) Efforts and accomplishments in improving hygiene facilities and practices.

Issues: In the medical protection removal provision, OSHA designated the reduced blood-lead level which employees must achieve before they can return to the job from which they were removed. The industry contends that the removal periods are long and burdensome.

To address this issue commentors should provide the following information:

1. Individualized blood lead data, plus the first re-entry blood lead data (including all dates of sampling) for lead exposed employees.

2. Data for employees exposed to lead for each plant for which relief is requested. These data sets must include:

(a) Medical removal protection blood lead level for those undergoing MRP, serial blood-lead levels during the "removal-return-to-job" period, including dates on which blood-lead level determinations were made for employees at all plants;

(b) For all skilled/supervisory employees, the Agency will need information on:

—Individual blood lead levels, records of serial measurements and dates of such measurements;
—Airborne lead levels to which individual workers were exposed;
—Respiratory protective devices used by each employee (specify the type and duration of use in hours);
—Blood-lead levels for community residents who were never employed by the lead industry or otherwise experienced occupational exposure to lead. If available, these data should be related to the proximity of the residents to the plant.

Further, the applicant should address this relevant question: How much time (weeks, months) must elapse before workers removed at the "60 μg trigger" can achieve a blood-lead level of 40 μg/100 grams of whole blood and return to the job from which they were removed; a rationale for the estimates will be helpful.

Issue: The application for relief cites the Lyman and Nelson paper "Predicting Return to Work after Removal Required by Health Standards." This report analyzed the reduction in blood lead levels experienced by 87 workers in a primary lead smelter which was closed because of an employee strike. The petitioners have been asked the following specific questions with regard to this paper:

1. Identify the location of the plants where these workers are employed.

2. Show that percentage of the workforce which was represented by striking employees.

3. Submit blood-lead measurements for all individuals cited in the report. These data should cover the period 1976 to the present.

4. Provide a work history for each employee, including length of time at various job sites.

5. Describe non-occupational lead sources to which the employees were exposed and the contribution of those sources to the workers' lead burdens.

6. Submit data on type of respiratory protective devices and the duration (hours/day) such devices are worn by the employees.

7. Show the historical MRP pattern for each worker.

8. Submit Figures 5 and 6, referred to in the text, but not included in the application submitted to OSHA.

Finally, commentors should speak to the issue of (a) whether the relief the applicants are seeking can be accomplished by the temporary variance procedure on a plant-by-plant basis, and (b) whether the removal of workers at the trigger will affect the industry's technological ability to comply with the standard to prevent lead induced disease and disability.

To summarize, the five basic issues on which information was requested are as follows:

1. What per cent of workers are affected by the 60 ug/100g trigger?

2. Does this differ by industry or plant? If so, why?

3. How long does it take the blood-lead concentration of workers removed from lead exposure to reach a point at which they can be returned to work? In other words, what is the biological half life of blood-lead of workers removed from lead exposure?

4. Is there a subpopulation of workers, such as supervisors, who do not respond in the above manner?

5. Are there confounding factors with regard to the effect of blood-lead of reduction after removal, such as previous history of exposure, age, type of exposure, etc?

It has now become apparent that more time will be needed to allow adequate submissions of additional data and argument. In response, therefore, to several requests from industry and interested members of the public for additional time, OSHA has decided to further delay the effective date of the new trigger levels, provided in Sections 1910.1025(k)(1)(i)(C) and 1910.1025(k)(1)(iii)(A)(*3*), until May 1, 1981. This brief additional delay will enable all interested persons to submit their comments and information and will allow the agency to better evaluate the requests and responses to determine what long-term action, if any, is appropriate.

All interested persons are again invited to submit information and views on any issues involved in the requests for delay in the effective date of the new MRP trigger levels. Because of time limitations, all comments must be received by April 15, 1981 to be assured of consideration by the agency. Written comments should be submitted in quadruplicate, to the OSHA Docket Office, Docket No. H-004M, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 523-7894. The requests and comments received so far, as well as the entire March 5 letter and all comments received in response to this notice, will be available for inspection and copying at the Docket Office.

In view of the brief time available and the limited nature of the delay in the effective date provided herein, OSHA has determined that public notice and comment on this extension of the delay of the effective date are impracticable, unnecessary and contrary to the public interest, within the meaning of 5 U.S.C. 553(b) and section 6(b) of the Occupational Safety and Health Act.

Signed at Washington, D.C., this 24th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-9380 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF EDUCATION

Office of Special Education

34 CFR Parts 104 and 300

Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Notice of Interpretation

AGENCY: Department of Education.

ACTION: Notice of postponement of interpretation.

SUMMARY: The Secretary of Education postpones the effective date of the notice of interpretation published in the Federal Register on January 19, 1981 (46 FR 4912). The new effective date is May 10, 1981. The Secretary takes this action in order to provide an opportunity for analyzing this interpretation.

DATE: The effective date of this interpretation is postponed until May 10, 1981.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: On January 19, 1981 (46 FR 4912), the Secretary of Education published a notice of interpretation of Part B of the Education of the Handicapped Act and Section 504 of the Rehabilitation Act of

1973 to require a public educational agency to provide clean intermittent catheterization as a "related service" when it is required to provide a free appropriate public education, including services in the least restrictive environment, to handicapped children who are entitled to receive services under these statutes.

Pursuant to a Presidential memorandum dated January 29, 1981, the effective date of this interpretation was postponed until March 30, 1981 (46 FR 12495; February 17, 1981).

The Secretary further postpones the effective date of this interpretation. During the period of postponement the Department will review the interpretation.

(20 U.S.C. 1221e-3, 1401, 1411-1420; 29 U.S.C. 794)

Dated: March 24, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-9413 Filed 3-26-81; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

34 CFR Parts 200 and 201

Financial Assistance to Local and State Agencies To Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children With Special Educational Needs

AGENCY: Department of Education.

ACTION: Amendments to final regulations.

SUMMARY: The Secretary of Education amends the final regulations for Title I of the Elementary and Secondary Education Act of 1965. The regulations provide for financial assistance to local and state agencies to meet special educational needs and financial assistance to local educational agencies for children with special educational needs. These amendments designate the provisions regarding "excess costs" and "supplement not supplant" as guidelines and make minor changes in these provisions. The Secretary makes these amendments as a result of public comments on these provisions and to relieve burdens on grantees.

DATES: Except for §§ 200.93–200.95 and §§ 201.130–144, the final Title I regulations that were published in the **Federal Register** on January 19, 1981, as amended by this document will take effect as final regulations on an interim basis on March 30, 1981. As amended by this document, §§ 200.93–200.95 and §§ 201.130–201.144 will take effect as guidelines 45 days after they are transmitted to Congress. These guidelines will be transmitted to Congress at about the same time this notice is published in the **Federal Register**. If you want to know the effective date of the guidelines, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. John F. Staehle, Office of Compensatory Education, Department of Education, 400 Maryland Avenue, SW., (Room 3642, ROB-3) Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION:

A. Excess Costs and Supplement, not Supplant Provisions Designated as Guidelines

Final regulations for Title I of the Elementary and Secondary Education Act of 1965 were published in the **Federal Register** on January 19, 1981 (46 FR 5136–5235). Pursuant to a Presidential memorandum, the effective date of these regulations was postponed until March 30, 1981 (46 FR 12495 (Feb. 17, 1981)).

On the same date that the final Title I regulations were published, the Department published a Notice of Proposed Rulemaking: Cross-reference (46 FR 5236 (Jan. 19, 1981)) which invited public comment on the provisions in §§ 200.93–200.95 (Excess costs) and §§ 201.130–201.143 (Supplement, not supplant). The Department has received a number of comments objecting to the burdens imposed by those provisions. In particular, a number of school administrators expressed the opinion that the final regulations regarding "excess costs" did not provide as much flexibility as the June 11, 1980 proposed regulations.

After further reviewing the final Title I regulations concerning the "excess costs" and "supplement, not supplant" requirements, the Secretary has decided to amend §§ 200.93–200.95 and §§ 201.130–201.144 to designate them as guidelines, rather than regulations. As guidelines, these provisions do not impose any requirements on grantees beyond those specified in the Title I statute. Rather, the guidelines are intended to assist agencies in meeting the statutory requirements. While the guidelines describe permissible ways of meeting the statutory "excess costs" and "supplement, not supplant" requirements, grantees may develop and pursue alternative approaches that comply. Grantees must, of course, continue to comply fully with the "excess costs" requirement in section 126(b) of the Title I statute and the "supplement, not supplant" requirements in sections 126 (c) and (d) of the Title I statute.

This notice implements the Secretary's decision by amending the final Title I regulations to make §§ 200.93–200.95 and §§ 201.130–201.144 guidelines. These guidelines will take effect 45 days after they are transmitted to Congress.

B. Changes in the Excess Costs and Supplement, not Supplant Guidelines

Section 116.94(d)(2)(ii) of the proposed Title I regulations that were published on June 11, 1980 (45 FR 39728) indicated that, in computing the number of non-Title I staff needed to meet the excess costs requirement, an agency could "disregard a fraction of a full-time equivalent staff member." In contrast, § 200.94(d)(2)(i)(B) of the final regulations reduced agency discretion by only authorizing rounding of the required full-time equivalent staff to the nearest whole number. Based on a number of public comments objecting to the burden imposed by this change, this notice amends § 200.94(d) to permit an agency to disregard a fraction of a full-time equivalent staff member in complying with the excess costs requirement.

Section 200.90 of the June 11, 1980 proposed Title I regulations paraphrased the Title I statutory prohibition against considering Title I funds in determining the amount of State aid to be paid to an LEA. This provision was renumbered as § 201.144 in the final Title I regulations published on January 19, 1981, but was inadvertently omitted in publication. This notice amends the guidelines to include § 201.144.

(Catalog of Federal Domestic Assistance, No. 13,428, Educationally Deprived Children—Local Educational Agencies and No. 13,430, Educationally Deprived Children—State Administration)

Dated: March 24, 1981.

T. H. Bell,

Secretary of Education.

The Secretary amends Parts 200 and 201 of Title 34 of the Code of Federal Regulations, as published in the **Federal Register** on January 19, 1981 (46 FR 5136–5235), as follows:

PART 200—FINANCIAL ASSISTANCE TO LOCAL AND STATE AGENCIES TO MEET SPECIAL EDUCATION NEEDS

(1) On page 5146, revise § 200.92(b) as follows:

§ 200.92 Supplement, not supplant.

* * * * *

(b) *Guidelines for LEAs.* In addition to meeting the basic requirement in

paragraph (a) of this section, and LEA that receives Title I assistance should refer to the guidelines in 34 CFR 201.130–201.143 to assist it in meeting other supplement, not supplant requirements that apply to certain State and local programs.

(2) On page 5146, revise § 200.93(a) as follows:

§ 200.93 Excess costs: introduction.

(a) *Basic standard.* (1) Except for the exemptions in 34 CFR 201.118, an agency that receives Title I assistance shall use Title I funds in compliance with the excess costs requirement in section 126(b) of Title I. Sections 200.93–200.95 are guidelines to assist agencies in meeting that requirement. While these guidelines describe permissible ways of meeting the statutory requirement, grantees may develop alternative approaches that comply.

(2) An agency complies with the requirement in section 126(b) of Title I if both of the following conditions are met:

(i) The agency provides Title I instruction as described in the guidelines in § 200.94 (Excess costs: instructional services).

(ii) The agency uses Title I funds to provide noninstructional services as described in the guidelines in § 200.95 (Excess costs: noninstructional services).

* * * * *

(3) On page 5147, revise §§ 200.94 (d)(2) and (d)(3) and remove the accompanying example, as follows:

§ 200.94 Excess costs: instructional services.

(d) * * *

(2) An agency uses Title I funds for the excess costs of an extended pull out project if either of the following conditions are met:

(i) The agency allocates to the Title I project the full-time equivalent number of non-Title I staff that—in the absence of the Title I service—would have been used to provide the non-Title I funded instructional service that is replaced with the Title I funded service.

(ii) The agency allocates to the Title I project an amount of non-Title I funds required to provide the number of non-Title I funded staff referred to in paragraph (d)(2)(i) of this section.

(3) For purposes of this section, the agency may disregard a fraction of a full-time equivalent staff member. For example, if the full-time equivalent number of staff members is 3.6, the agency is only required to provide the equivalent of 3 non-federally funded staff members.

(4) On page 5147, third column, revise the last paragraph in the example of § 200.94(f) as follows:

* * * * *

The LEA provides the appropriate number of non-Title I funded staff (disregarding a fraction of a full-time equivalent staff member). Alternatively, the LEA allocates to its Title I project the amount of funds that would be required to provide the appropriate number of non-Title I funded staff.

PART 201—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

(5) On page 5175, revise § 201.118(a) as follows:

§ 201.118 Exclusions from the excess costs and comparability requirements.

(a) *General standard.* Subject to the requirements in this paragraph and advance determinations under paragraph (e) or (f) of this section, an LEA may exclude, for the purpose of determining compliance with the comparability requirements in §§ 201.112–201.117 and the excess cost requirement in section 126(b) of Title I—

* * * * *

(6) On page 5177, revise § 201.130 as follows:

§ 201.130 Introduction.

(a) An LEA that receives Title I funds shall use those funds only to supplement, not supplant the level of funds that would, in the absence of Title I funds, be made available from—

(1) Regular non-federal sources and from non-federal sources from State phase-in programs described in section 131(b) of Title I for the education of pupils participating in Title I projects;

(2) Non-federal sources for each of the special programs described in section 131(b) of Title I for the education of educationally deprived children, in the aggregate, in eligible school attendance areas or attending eligible schools.

(b) Sections 201.130–201.144 are guidelines to assist agencies in meeting the supplement, not supplant requirements in sections 126 (c) and (d) of Title I. While these guidelines describe permissible ways of meeting those requirements, grantees may develop alternative strategies that comply.

(7) On page 5185, § 201.144 is correctly added to read as follows:

§ 201.144 Prohibition against considering Title I funds in determining State aid.

(a) Except as provided in paragraph (b) of this section, a State may not consider Title I funds in determining—

(1) The eligibility of an LEA for State aid; or

(2) The amount of State aid to be paid to the LEA for the free public education of children.

(b) The State may provide additional State funds to an LEA on the basis of the LEA's eligibility for, or receipt of, Title I funds.

(Sec. 174, 20 U.S.C. 2814)

[FR Doc. 81-9506 Filed 3-26-81; 8:45]
BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 2

Delegation of Authority

AGENCY: Veterans Administration.

ACTION: Notice of final regulation.

SUMMARY: This regulation is being amended to show the delegation of authority to the Chairman of the VA Board of Contract Appeals and Contract Appeals Board to certify copies of documents routinely issued by the Boards and to affix the VA Seal thereto.

EFFECTIVE DATES: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Morris Pullara, Jr., VA Contract Appeals Board (001B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 275–1750.

SUPPLEMENTARY INFORMATION: Under § 2.5 of Title 38, Code of Federal Regulations, the Administrator has delegated the authority to certify copies of public documents, records, or papers belonging to or in the VA files to persons occupying four specified positions in the Office of the General Counsel. The Veterans Administration Board of Contract Appeals and Contract Appeals Board are required to transmit authenticated copies of decisions directly to the parties involved and to issue orders and other documents which, under the provisions of 38 U.S.C. 202, require the VA Seal in order to be judicially noticed. Responsibility for certification of such copies, including affixing the seal, cannot practicably depend upon action by other elements in the agency due to geographical and organizational separation. It is therefore necessary that the Chairman be delegated authority to certify those documents which are routinely issued by the Boards.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the regulatory process (38 CFR 1.12). The amendment herein, however, is

primarily a matter of agency practice and procedures and the public regulatory process is deemed unnecessary in this instance.

This regulation is excluded from the provisions of Executive Order 12291, Federal Regulation, since it is strictly related to Veterans Administration internal organization and management.

Approved: March 17, 1981.

Rufus H. Wilson,

Acting Administrator.

Title 38, Code of Federal Regulations, § 2.5, is revised to read as follows:

§ 2.5 Delegation of authority to certify copies of documents, records, or papers in Veterans Administration files.

(a) Persons occupying or acting in the following positions in the Office of the General Counsel are authorized to certify copies of public documents, records, or papers belonging to or in the files of the Veterans Administration for the purposes of 38 U.S.C. 202: General Counsel, Associate General Counsel, Assistant General Counsel, and Deputy Assistant General Counsel.

(b) The person occupying or acting in the position of Chairman of the Veterans Administration Board of Contract Appeals and Contract Appeals Board is authorized to certify copies of decisions, orders, subpoenas, and other documents, records, or papers issued by, belonging to, or in the files of the Boards for the purposes of 38 U.S.C. 202. (38 U.S.C. 210(c)).

[FR Doc. 81-8332 Filed 3-26-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW FRL 1789-5]

Requirements for Authorization of State Hazardous Waste Programs; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: In response to a request from the Assocation of State and Territorial Solid Waste Management Officials, EPA is extending the comment period on its interim final rule amending the requirements for authorization of State hazardous waste programs.

DATES: Comments on the amendments published on January 26, 1981 (46 FR 8298) will be accepted until May 11, 1981.

ADDRESS: Comments should be sent to Docket Clerk (Docket No. 3006), Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John H. Skinner, Director, State Programs and Resource Recovery Division, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 755-9107.

SUPPLEMENTARY INFORMATION: On January 26, 1981 (46 FR 8296), EPA published an interim final rule amending the requirements for authorization of State hazardous waste programs under Section 3006(c) of the Resource Conservation and Recovery Act (RCRA). The amendments made changes in the schedule and related requirements of Phase II of interim authorization. The amendments were effective upon publication. EPA announced that it would accept comments on them until March 27, 1981.

EPA has since received a request from the Association of State and Territorial Solid Waste Management Officials to extend the deadline for comments for forty-five days. The Association noted that the regulations "will have far-reaching impacts on the States and the extension will allow time for a more detailed examination and a coordinated consensus response from the Association members."

The Agency agrees that such an extension is warranted, because the January 26 amendments made significant changes in the interim authorization schedule. EPA wants to receive thoughtful and thorough comments from State officials and others and is extending the comment period so that interested persons can provide the Agency with such comments. The requirements in 40 CFR Part 123, as amended on January 26, continue in effect during this extended comment period.

Dated: March 23, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-8328 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 180

[PP 9F2198/R303; PH-FRL 1790-3]

Tolerances and Exemptions From Tolerances; Pesticide Chemicals in or on Raw Agricultural Commodities;

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide fluchloralin [*N*-(2-chloroethyl)-α,α,α-trifluoro-2,6-dinitro-*N*-propyl-p-toluidine] in or on the raw agricultural commodities peanuts, peanut forage, and peanut hay at 0.05 part per million (ppm) and peanut hulls at 0.1 ppm. This regulation was requested by BASF Wyandotte Corp. This regulation establishes the maximum permissible levels for residues of fluchloralin in or on peanuts, peanut forage, peanut hay, and peanut hulls.

EFFECTIVE DATE: Effective on March 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM#2,1921 Jefferson Davis Highway, Arlington, Va 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of December 24, 1980 (45 FR 85102) that BASF Wyandotte Corp., 100 Cherry Hill Rd., PO Box 181, Parsippany, NJ 07054, had filed a pesticide petition (9F2198) with the EPA. The petition proposed the establishment of tolerances for residues of the herbicide fluchloralin [*N*-(2-chloroethyl)-α,α,α-trifluoro-2,6-dinitro-[*N*-propyl-p-toluidine] in or on the raw agricultural commodities peanuts, peanut forage, and peanut hay at 0.05 part per million (ppm) and peanut hulls at 0.1 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data evaluated included an acute oral LD_{50} study (rat) with an LD_{50} of 1,550 milligrams (mg)/kilogram (kg); a 90-day feeding study (rat) with a no-observable-Effect-level (NOEL) greater than 500 mg/kg/day; a 90-day oral dosing study (dog) with a NOEL of 5.25 mg/kg/day; a 2-year feeding study (rat) with a NOEL of 4,400 ppm (no oncogenicity); a three-generation reproduction study (rat) with a NOEL of 10,144 ppm; a teratology study (rabbit)—negative at 3,000 mg/kg; a dominant lethal mutagenicity study (rat)—

negative at 500 mg/kg; a cytogenicity study (rat)— negative at 10,144 ppm; and an 18-month feeding study (mice) with a NOEL of 4,400 ppm (no oncogenicity).

Desirable data that are lacking are a subchronic oral toxicity study in a nonrodent species longer than 90 days in duration, a teratology study on a second species, and additional mutagenicity testing. Although a subchronic oral toxicity study in dogs has not been submitted, establishment of these tolerances is acceptable, since exposure from peanuts will increase the allowable daily intake (ADI) by only 0.17 percent. The petitioner has been informed of these data deficiencies and has agreed (in his letter of June 13, 1980) to perform the studies and to remove the use from the label should the results of these studies exceed the risk criteria for chronic toxicity as stated in § 162.11 of the regulations.

Tolerances of 0.05 ppm have previously been established for fluchloralin on cottonseed and soybeans for a theoretical maximal residue contribution (TMRC) of 0.0008 mg/day in a 1.5 kg diet compared with a maximal permissible intake (MPI) of 0.1575 for a 60-kg human or 0.51 percent of the ADI. The current action will add 0.0003 mg/day to the diet for a total TMRC of 0.0011 mg/day/1.5 kg or 0.68 percent of the ADI. The ADI is based on the NOEL in the 90-day oral dosing study in dogs and a safety factor of 2,000.

There are no regulatory actions pending against continued registration of fluchloralin. The product contains a nitrosamine at levels of under 1 ppm. Based on the recent agency policy that was published in the Federal Register of June 15, 1980 (45 FR 42854) this falls below the currently acceptable risk criteria. The metabolism of fluchloralin in plants and animals has been adequately delineated for the proposed use. An adequate analytical method (gas chromatography using an electron capture detector) is available for enforcement purposes. There is no reasonable expectation of residues occurring in eggs, milk, meat, and meat byproducts of poultry and livestock, therefore § 180.6(a)(3) applies. There are no other considerations in establishment of these tolerances and it is concluded that the tolerances will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before April 27, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Effective date: March 27, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: March 19, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically adding the following raw agricultural commodities in the table under § 180.363 to read as follows:

§ 180.363 Fluchloralin; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Peanuts	0.05
Peanut forage	.05
Peanut hay	.05
Peanut hulls	.1
* * * * *	

[FR Doc. 81-8825 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 97

[Docket 21117; FCC 81-118]

Type Acceptance of Equipment Marketed for Use in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule (second report and order).

SUMMARY: This document extends the effective date of the existing regulations that require type acceptance of all external radio frequency power amplifiers and amplifier kits capable of operation below 144 MHz, affecting primarily those amplifiers used in the Amateur Radio Service. This extension is necessary as the present regulations are due to expire on April 28, 1981. The expiration of these regulations would allow the marketing of external amplifiers designed for illegal operation in and around the Citizens Band Radio Service.

DATES: The effective date of the order is April 28, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Science and Technology, Washington, D.C. 20554 (202) 653-6288.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Parts 2 and 97 of the Commission's Rules to require type acceptance of equipment marketed for use in the Amateur Radio Service.

Second Report and Order

Adopted: March 23, 1981.

Released: March 26, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Jones absent.

1. On March 20, 1978, the Commission released a Report and Order in the above entitled matter (FCC 78-107, 43 FR 12682). That document implemented type acceptance procedures and certain technical requirements for external radio frequency power amplifiers and amplifier kits that are designed for operation below 144 MHz. The effect of that order was to require type acceptance for the majority of amplifiers used in the Amateur Radio Service (ARS). Type acceptance is a procedure whereby the Commission approves radio transmitting equipment as being capable of complying with the necessary technical specifications. Such approval, where required, is necessary before the equipment may be marketed. See 47 CFR 2.901 *et seq.* In this specific case, the type acceptance procedure allows the Commission to determine whether the external amplifiers are capable of meeting those FCC technical standards that are designed to minimize the possibility of interference and, also, to determine whether the amplifiers are intended for use only in the ARS and not in or around the Citizens Band (CB) Radio Service.

2. As noted above, compliance with the revised technical standards to allow for the commercial manufacture and marketing of these external amplifiers is enforced, in part, through our type acceptance procedures. The standards were implemented due to the large number of amplifiers being marketed and promoted for illegal operation in and around the CB Radio Service. Such illegal use of external amplifiers created a severe interference problem to television reception and to the reception of other radio services. It was estimated that in fiscal year 1978 that about four

million persons and perhaps as many as ten million persons experienced interference to televisions reception from CB radio stations. About half of this interference was caused by or intensified by the illegal use of these amplifiers. It was also predicted that this interference would significantly increase unless countered by Commission action.

3. These interference problems are detailed in earlier reports, as cited in the reference Report and Order in paragraph one and in the Notice of Proposed Rule Making (released February 28, 1977) for this docket, and will not be further repeated here. It was clear that when the Commission issued its Order on the subject in 1978, it was faced with resolving a serious national problem. In fact, the interference caused by the illegal use of external amplifiers was so severe as to require immediate implementation of the technical standards and type acceptance requirement by this Commission. Because of this rapid implementation, the technical regulations and the type acceptance requirement were made effective for only three years so that the effects of this action would be subject to a mandatory review prior to the expiration date of April 28, 1981. It was expected that this three year period would allow the Commission additional time to investigate other methods of controlling the promotion and use of external amplifiers in radio services other than the ARS and to monitor the effectiveness of the new regulations.

4. During this three year investigation period, other methods of controlling the manufacture and marketing of external amplifiers were studied. One such method was to require the showing of an appropriate amateur license prior to the purchase of amateur transmitting equipment (FCC 79–586). However, as we concluded in our first Report and Order in this Docket, no other method was considered to offer the effectiveness provided under the current type acceptance program. The problem with attempting to require retailers to ask potential buyers of amateur equipment to display their amateur licenses before they may make a purchase is that it is uncertain whether this Commission has the legal authority to impose this requirement.[1] Even if the Commission had such authority, there are two other problems. First, this type of regulation would be burdensome for retailers. Second, it is more effective for the Commission to enforce its regulations through contact with a limited number of manufacturers (i.e., through type acceptance) than with a vast number of sellers.

5. The effectiveness of the current type acceptance program in halting the promotion of external amplifiers for illegal applications has led this Commission to believe that the program should be continued. Numerous manufacturers and distributors of amplifiers designed for illegal operation in and around the CB service have ceased manufacture and marketing, although legal action was required in some instances. The majority of this litigation has already been detailed in previous Commission releases and will not be repeated in this item. Other cases are still under investigation with court actions pending and, therefore, will not be discussed. However, certain manufacturers are still promoting their non-type accepted amplifiers for illegal operations. Some U.S. Attorneys have questioned the advisability of prosecuting these manufacturers for violation of the existing type acceptance requirement due to the impending cut-off date of the regulations. These U.S. Attorneys feel that it would be inappropriate to prosecute a manufacturer for violation of a temporary regulation. Instead, most prosecutions have been for violations of the regulation that prohibits the manufacture and marketing of any external amplifier with amplification capability between 24.00 MHz and 35.00 MHz § 2.815(b) of the Commission's regulations). This form of prosecution would be sufficient provided all of the amplifiers promoted for CB operation operated within that banned frequency range. Unfortunately, many do not operate within that frequency range as manufactured. For example, without the type acceptance requirement, manufacturers would have no restrictions on producing amplifiers that can be easily altered by purchasers to operate with CB radio equipment even though those amplifiers are designed to operate above or below the prohibited frequency range. Thus, it is necessary to invoke a violation of the type acceptance regulation to cover all of the available amplifier models. That action requires a removal of the cut-off date for type acceptance in order for these regulations to be more generally effective. In light of this and the information contained in the preceding paragraphs, a continuation of the present type acceptance requirement would be in the public interest.

6. The Administrative Procedure Act permits federal agencies to forgo the usual notice and comment procedures in rule makings if "* * * public procedures thereon are * * * unnecessary." (5 U.S.C. 553(b)(3)(B)). Prior notice and comment procedures concerning a continuation of the current type acceptance requirement are unnecessary for a variety of reasons. First, the possibility of a permanent type acceptance requirement was previously subject to public comments in this Docket in the original Notice of Proposed Rule Making, 42 FR 12204, released February 28, 1977. It is not anticipated that requesting additional comments on the subject would provide the Commission with further useful information. Second, in our Report and Order in Docket No. 21117, adopted February 16, 1978, released March 20, 1978, 43 FR 12082, we indicated that the Commission might make the temporary type acceptance requirement permanent. In paragraph 12 of that Order, we stated "If at the end of this three year period it is determined that the type acceptance requirement is still necessary and that it has indeed reduced the problems caused by these amplifiers, this program can be continued by further Commission action." During this three year period, we have not received any adverse comments regarding the type acceptance requirement. Third, in our Report and Order in Docket No. 21117, we found that the type acceptance requirement itself imposed only a slight burden on manufacturers.

In paragraph 13 of that Order (while discussing § 2.1005(b) of our regulations), we stated:

> * * * No piece of radio equipment from any service should be marketed before a number of samples are tested to determine that the equipment is in compliance with our regulations. As these tests should be performed regardless of the requirement for type acceptance, the only additional expense that type acceptance would cost the manufacturer or supplier is the few hours of paperwork to compile the application and the time delay in marketing during which the Commission processes this application.

Fourth, all the Commission is now doing is making a rule permanent that was found to be in the public interest in our Report and Order in Docket No. 21117. Since we are merely continuing an existing rule, there will be no additional impact on manufacturers. Finally, as discussed above, after

[1] The provision in the Communications Act of 1934, as amended, that provides the chief support for this requirement is Section 302(a) (47 U.S.C. 302(a)). This Section authorizes the Commission to "* * * make reasonable regulations governing the interference potential of devices * * *" and further states that these regulations apply to the sale of devices. This Section has been relied on by the Commission to establish standards for radio "devices" and to prohibit retailers from selling noncomplying devices.

extensive and protractive consideration, we do not believe that there are any viable alternatives to a continuation of the type acceptance requirement.

7. The enforcement actions by the U.S. Attorneys and the Commission's Field Operations Bureau against the manufacturers of those amplifiers intended for operation around the CB service and the reduction in the availability of these amplifiers to the public have demonstrated that this method of controlling the illegal operation of these amplifiers is effective. However, the continued, though smaller, illegal market necessitates retaining these regulations. Therefore, the expiration date of the type acceptance requirement for external radio frequency power amplifiers and amplifier kits is deleted, as shown in the attached appendix.

8. Other changes to these regulations, as also shown in the appendix, will be made in accordance with the provisions of Subsections 553(b)(3)(A) and 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553). These subsections allow the Commission to finalize regulations without the necessity of providing prior notice or seeking comments when the changes involve interpretative rules or "* * * when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are * * * unnecessary, or contrary to the public interest." When the regulations establishing type acceptance requirements for external amplifiers were implemented, there was a considerable rush in their preparation in order to place them into effect at the earliest possible time. This rush was due to the large number of manufacturers promoting their amplifiers for illegal operation and because of the severity of the interference problems resulting from the use of those amplifiers. As a result, some editorial errors in the regulations occurred and some regulations that were either awkward or unclear were adopted. The language of these regulations has therefore been reworded to correct the editorial errors, to clarify the requirements and to refine the statement of the requirements. Since the meaning of the regulations remains unchanged, it is considered unnecessary to issue a further Notice of Proposed Rule Making on this matter. Additionally, the prompt clarification of the existing regulations is in the public interest since the changes will make the regulations more understandable and encourage compliance. Any new problems which may arise in the specific wording of the Part 97 regulations can be considered under Docket No. 80-729 which looks toward a rewrite of the amateur regulations into a "plain language" format.

9. It should also be noted that the Commission's policy concerning waivers of the amplifier technical requirements or the type acceptance requirement is unchanged. The type acceptance requirement may still be waived for those amplifiers designed for industrial, scientific or medical (ISM) applications. Additionally, waivers of the technical requirements will be considered for those amplifiers designed to operate within the frequency range of 50.00 MHz to 54.00 MHz as long as the amplifiers can not be easily converted to operate at lower frequency ranges.

10. In view of the foregoing, this Commission is of the opinion that the amended regulations, as described above and in the attached appendix, are in the public interest, convenience and necessity. The authority for these amendments is contained in Sections 4(i), 302, 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended. Accordingly, it is ordered, effective April 28, 1981, that Parts 2 and 97 of the Commission's Rules and Regulations are amended as set out in the attached appendix. It is further ordered that this proceeding is continued.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. 47 CFR Part 2 is amended as follows:

1. Section 2.815 is amended by revising paragraph (c) to read as follows:

§ 2.815 External radio frequency power amplifiers.

* * * * *

(c) No person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier or amplifier kit capable of operation on any frequency or frequencies below 144 MHz unless the amplifier has received a grant of type acceptance in accordance with Subpart J of this Part and Subpart C of Part 97 or other relevant Parts of this Chapter. No more than 10 external radio frequency power amplifiers or amplifier kits may be constructed for evaluation purposes in preparation for the submission of an application for a grant of type acceptance.

Note.—For the purposes of this part, an amplifier will be deemed incapable of operation below 144 MHz if the amplifier is not capable of being easily modified to increase its amplification characteristics below 120 MHz, and either:

(1) The mean output power of the amplifier decreases, as frequency decreases from 144 MHz, to a point where 0 decibels or less gain is exhibited at 120 MHz and below 120 MHz; or

(2) The amplifier is not capable of even short periods of operation below 120 MHz without sustaining permanent damage to its amplification circuitry.

* * * * *

2. Section 2.1001 is amended by revising paragraph (f)(2) to read as follows:

§ 2.1001 Changes in type accepted equipment.

* * * * *

(f) * * *

(2) Modifications made pursuant to this Paragraph are limited to equipment used at licensed amateur radio stations.

* * * * *

3. Section 2.1005 is amended by revising the introductory text of paragraph (c) and paragraph (d) to read as follows:

§ 2.1005 Equipment for use in the Amateur Radio Service.

* * * * * *

(c) Any supplier of an external radio frequency power amplifier kit as defined by § 97.3(z) of this Chapter shall comply with the following requirements:

(1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *

(d) Type acceptance of external radio frequency power amplifiers and amplifier kits may be denied when denial serves the public interest, convenience and necessity by preventing the use of these amplifiers in services other than the Amateur Radio Service. Other uses of these amplifiers, such as in the Citizens Band Radio Service, are prohibited (CB Rule 21 of this Chapter). Examples of features which may result in the denial of type

acceptance are contained in § 97.77 of this Chapter.

PART 97—AMATEUR RADIO SERVICE

B. 47 CFR Part 97 is amended as follows:

1. Section 97.75 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 97.75 Use of external radio frequency (RF) power amplifiers.

(a) Any external radio frequency (RF) power amplifier used or attached at any amateur radio station shall be type accepted in accordance with Subpart J of Part 2 of the FCC's Rules for operation in the Amateur Radio Service, unless one or more of the following conditions are met:

* * * * *

2. Section 97.76 is amended by revising the introductory text of paragraph (a) and subparagraphs (a)(1) and (a)(5) to read as follows:

§ 97.76 Requirements for type acceptance of external radio frequency (RF) power amplifiers and external radio frequency power amplifier kits.

(a) Any external radio frequency (RF) power amplifier or external RF power amplifier kit marketed (as defined in § 2.815 of this Chapter), manufactured, imported or modified for use in the Amateur Radio Service shall be type accepted for use in the Amateur Radio Service in accordance with Subpart J of Part 2 of the FCC's Rules. This requirement does not apply if one or more of the following conditions are met:

(1) The amplifier is not capable of operation on any frequency or frequencies below 144 MHz. For the purposes of this part, an amplifier will be deemed to be incapable of operation below 144 MHz if the amplifier is not capable of being easily modified to increase its amplification characteristics below 120 MHz, and either:

(i) The mean output power of the amplifier decreases, as frequency decreases from 144 MHz, to a point where 0 decibels or less gain is exhibited at 120 MHz and below 120 MHz; or

(ii) The amplifier is not capable of even short periods of operation below 120 MHz without sustaining permanent damage to its amplification circuitry.

(2) * * *

(3) * * *

(4) * * *

(5) The amplifier is purchased in used condition by an equipment dealer from a licensed amateur radio operator who constructed or modified the equipment in accordance with § 2.1001 of the regulations and the amplifier is further sold to another amateur radio operator for use at their licensed amateur radio station.

* * * * *

[FR Doc. 81-[illegible] Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 81 and 83

Stations on Land in the Maritime Services and Alaska—Public Fixed Stations and Stations on Shipboard in the Maritime Services; Editorial Amendments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends sections of the Commission's rules in Stations on land and on shipboard in the maritime services to delete obsolete dates and associated language. These dates have since passed and have no present or future utility. This action is being taken to bring the rules up to date.

EFFECTIVE DATE: April 27, 1981.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of Editorial amendment of Parts 81 and 83 of the FCC Rules and Regulations.

Order

Adopted: March 12, 1981.

Released: March 17, 1981.

1. We are editorially amending a number of sections of Part 83 of the Commission's rules to delete obsolete dates and associated language. These dates have since passed and have no present or future utility or effect. The affected sections are: 81.133, 81.361, 83.103, 83.106, 83.132, 83.133, 83.134, 83.136, 83.137, 83.155, 83.156, 83.233, 83.318, 83.320, 83.321, 83.329, 83.339, 83.359, 83.360, 83.364, 83.367, 83.472, 83.484.

2. Authority for this action is contained in sections 4(i), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Since the amendment is editorial in nature, the public notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply.

3. Regarding questions on matter covered in this document contact Charles D. Fisher, telephone (202) 632-7175.

4. In view of the above, it is ordered, That the rule amendments set forth in the attached Appendix are adopted effective April 27, 1981.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. In § 81.133 the table in paragraph (a) is revised and footnote 3 is removed and reserved as follows:

§ 81.133 Authorized bandwidth.

(a) * * *

Class of emission	Emission designator	Authorized bandwidth (kHz)
A1	0.16 A1	0.3
A2	2.66 A2	2.8
A3	6 A3	8.0
F1	[3] 0.3 F1	[3] 0.5
F3	[3] 16 F3	[3] 20
P0	Variable	Variable
A3A	2.8A3A	[3] 3.0
A3H	2.8A3H	[3] 3.0
A3J	2.8A3J	[3] 3.0

* * * * *

[3] [Reserved].

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.103 [Amended]

1. Section 83.103, is amended by changing the reference in line 13 from "§ 83.75" to "§ 83.54".

2. In § 83.106, footnote 1 is removed and paragraph (a) is revised to read as follows:

§ 83.106 Required frequencies for radiotelephony.

(a) Except for vessels fitted with radiotelephone installations pursuant to § 83.442, each ship radiotelephone station licensed to operate in the band 1605–3500 kHz shall be able to receive and transmit A3J on the carrier frequency 2182 kHz. Ship stations are, additionally, authorized to receive and transmit using A3H emission for communications with foreign coast stations and with vessels of foreign registry. If the station is used for other than safety communications, it shall be capable also of receiving and

transmitting the emission A3A on at least two other frequencies in that band. Ship stations operating (1) exclusively on the Mississippi River and its connecting waterways, and (2) also on high frequency bands above 3300 kHz, shall be equipped with only one, instead of two other frequencies within the band 1605–3500 kHz in addition to the frequency 2182. Additionally, use of A3 emissions is permitted for distress and safety purposes on 2182 kHz for portable survival craft equipment having the capability to operate on 500 kHz and for transmitters authorized for use prior to January 1, 1972, in accordance with applicable rules of this part.

* * * * *

3. In § 83.132, paragraph (a)(2)(i) is revised; the existing footnote 3 is removed; and footnote 2 is revised to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(2) * * *

(i) For frequencies below 23 MHz designated in § 83.251(a):

* * * * *

Frequency band	Classes of emission
2182 kHz	[2]A3J
Other	[1]A3J

* * * * *

[2] Ship stations are, additionally, authorized to receive and transmit using emission A3A when communicating with coastal harbor stations employing A3A emission.

* * * * *

4. In § 83.133, the table in paragraph (a) is revised and footnote 3 is removed and reserved as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kilohertz)
A1	0.16A1	0.4.
A2	2.66A2	2.8.
A3	6A3	8.0.
A9	3.2A9	25.0. [3]
F1	0.3F1 [3]	0.5. [3]
F3	16F3 [3]	20.0. [3]
F9	14.4F9 [3]	20.0. [3]
F9	20,000F9 [3]	20,001. [3]
P0	Variable	Variable. [3]
A3A	2.8A3A	3.0. [4]
A3H	2.8A3H	3.0. [4]
A3J	2.8A3J	3.0. [4]

* * * * *

[3] [Reserved].

* * * * *

5. In § 83.134, paragraph (a)(1) is revised and the table in paragraph (d) is revised as follows:

§ 83.134 Transmitter power.

(a) * * *

(1) For emissions A3A, A3H, and A3J: Peak envelope power (see § 83.7);

* * * * * *

(d) * * *

Area	Frequency band (s) (MHz)	Class of emission	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2–27.5	Any	150
Other than the above	2–4	Ship to shore:	
		A3—2182 kHz only.	[1] [2] 400
		A3H, A3A, A3J	[1] [2] [3] 150
		Ship to ship:	
		A3—2182 kHz only.	150
		A3H, A3A, A3J	150
	4–27.5	Any	[4] 1500

6. In § 83.136, the introductory clauses of paragraphs (a) (1) and (2) are revised as follows:

§ 83.136 Emission limitations.

(a) * * *

(1) When using emissions other than A3A, A3H, and A3J:

* * * * *

(2) When using emissions A3A, A3H, and A3J:

* * * * *

7. In § 83.137, the introductory clause of paragraph (c) is revised; paragraph (d) is removed and reserved; and paragraph (f) is revised as follows:

§ 83.137 Modulation requirements.

* * * * *

(c) Single sideband transmitters shall be capable of operation in the following modes:

* * * * *

(d) [Reserved]

* * * * *

(f) Single sideband transmitters shall automatically limit the peak envelope power to the authorized transmitter power.

* * * * *

8. In § 83.155, paragraph (d) is revised to read as follows:

§ 83.155 Operator(s) required by Title III of Communications Act of 1934.

* * * * *

(d) Each cargo ship of the United States which in accordance with Part II of Title III of the Communications Act, is equipped with a radiotelephone station shall for distress and safety purposes carry at least one qualified operator. Where the power of the station does not exceed 1500 watts peak envelope power for A3A, A3H and A3J emissions, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 1500 watts peak envelope power for A3A, A3H and A3J emissions, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

* * * * *

9. In § 83.156, paragraph (b)(3) is revised to read as follows:

§ 83.156 Operator(s) required by the Safety Convention.

* * * * *

(b) * * *

(3) Where the power of the station does not exceed 1500 watts peak envelope power for A3A, A3H and A3J emissions such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 1500 watts peak envelope power for A3A, A3H and A3J emissions such operator shall, as a minimum, hold a radiotelephone second-class operator license.

§ 83.233 [Amended]

10. In § 83.233, footnote 1 is removed and reserved.

11. In § 83.318, paragraph (a) preceding the table is revised to read as follows:

§ 83.318 Digital selective calling frequencies.

(a) The frequencies set forth in the table below are available for use by ship stations for calls to coast radiotelegraph stations by means of digital selective calling. The associated reply frequencies are also shown.

* * * * *

§ 83.320 [Amended]

12. In § 83.320, paragraph (b) is removed and reserved.

§ 83.321 [Amended]

13. In § 83.321, paragraph (c) is removed.

14. In § 83.329, paragraph (a) is revised to read as follows:

§ 83.329 Calling by narrow-band direct-printing.

(a) Until such time as a digital selective calling system and associated procedures have been agreed upon and adopted into the ITU Radio Regulations, ship stations employing narrow-band direct-printing (NB-DP) may use the frequencies designated in § 83.318 to call

United States coast radiotelegraph stations.

* * * * *

15. In § 83.339, the introductory clause of paragraph (a) is revised to read as follows:

§ 83.339 Station documents.

(a) The compulsorily fitted ship radiotelegraph station shall be provided with the following current documents:

* * * * *

16. In § 83.359, the table is revised for the listing under Intership Safety to read as follows:

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

* * * * *

Channel designation	Frequency (MHz)		Points of Communication
	Ship	Coast	
Intership Safety			
DI	156.300		a. Intership. b. For SAR: Ships and aircraft of the U.S. Coast Guard.

* * * * *

17. In § 83.360, the left hand column of the table and footnotes in paragraph (a) are removed, and paragraph (a) is revised to read as follows:

§ 83.360 Frequencies for business and operational purposes.

(a) The following carrier frequencies are available for business and operational communications with limited coast stations and other ship stations using the same carrier frequency. The conditions of use are set forth in paragraph (b) of this section.

Carrier frequency (kHz)		
2096.5	8291.1	16593.3
4125.0	8294.2	22124.0
4143.8	12429.2	22127.1
4419.4	12432.3	22130.2
6218.6	12435.4	22133.3
6221.6	16587.1	22136.4
6521.9	16590.2	

* * * * *

§ 83.364 [Amended]

18. In § 83.364(d), the reference to § 83.40 is corrected to read § 83.50

19. In § 83.367, the introductory clause of paragraph (a) is revised to read as follows:

§ 83.367 Station documents.

(a) Ship radiotelephone stations subject to the radio provisions of the Safety Convention shall be provided with the following current documents:

* * * * *

§ 83.472 [Amended]

20. In § 83.472, footnote 1 is removed, and reference to it in paragraph (c) is removed.

21. In § 83.484, paragraphs (a) and (d)(2) are revised and footnote 1 is removed to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3H and A3J emission on 2182 kHz, and A3J emission on 2638 kHz and at least two other frequencies within the band 1605 to 3500 kHz available for ship-to-shore or ship-to-ship communication.

* * * * *

(d) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable with normal operating voltages applied of delivering not less than 60 watts peak envelope power for A3H and A3J emission on the frequency 2182 kHz and for A3J emission on the frequency 2638 kHz into either an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 picofarads capacitance, or an artificial antenna of 50 ohms nominal impedance. An individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

* * * * *

[FR Doc. 81-8324 Filed 3-26-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 83

[Docket No. 18948; Gen. Docket No. 80-106; FCC 81-97]

Stations on Shipboard in the Maritime Services; Implementation of a Provision of the 1974 Safety Convention Regarding Compulsory Carriage of Radar Onboard Vessels of 1600 Tons Gross Tonnage and Over

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action will amend the rules to implement a provision of the 1974 Safety Convention. The provision requires this country to establish specifications for radar that is carried aboard ships of U.S. registry by reason of Safety Convention requirements. Additionally, a predecessor proceeding is terminated.

EFFECTIVE DATE: April 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: March 11, 1981.
Released: March 23, 1981.

In the matter of amendment of Part 83 of the Commission's Rules to implement a provision of the 1974 Safety Convention regarding compulsory carriage of radar onboard vessels of 1600 tons gross tonnage and over.

By the Commission: Chairman Ferris not participating.

1. On March 12, 1980, the Commission adopted a Notice of Proposed Rule Making, 45 FR 19583, with the object of promulgating regulations to implement a new treaty provision about to come into force on May 25, 1980.[1] This treaty provision—Regulation 12(a) of Chapter V of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), to which the United States is signatory—requires the compulsory carriage of radar by all U.S. vessels of 1600 tons gross tonnage and over on all voyages except certain voyages on the Great Lakes and their connecting and tributary waters.

2. Implementation of the SOLAS radar provision entails the establishment by the Commission of two complementary series of regulations: (1) those that are concerned with the operating characteristics of the required radar equipment, and (2) those specifying the conditions, external to the radar unit, under which the equipment will operate. These external conditions include: (1) routing of power supply wiring to the "radar equipment"; (2) a ceiling on transmitter power and a floor under antenna efficiency; (3) how to make application for inspection of the station; (4) licensing requirements for maintenance and repair personnel; (5) procedures to be followed in the event of equipment breakdown; (6) logging requirements; (7) provision of materiel for maintenance and repair (spare parts, tools, test instruments, equipment manuals); and (8) facilities for plotting.

[1] A predecessor proceeding (Docket No. 18948) also dealing with compulsory radar specifications was in effect superseded by the proceedings in the present Docket No. 80-106. Proceedings in both dockets will be terminated simultaneously.

3. With respect to the first of these sets of regulations—those addressed to the radar unit itself and referred to in the NPRM in paragraphs (a), (b) and (d) of proposed new § 83.465—support by the commenters was near-unanimous. The three specifications incorporated by reference in the three paragraphs of § 83.465 referred to, had been developed by RTCM's Special Committee 65. With a solitary exception,[2] every participant supported the positions that had been negotiated at the SC-65 meetings.

4. With regard to the second set of regulations, those dealing with administrative questions and with technical matters external to the radar, the comments received were in general of two kinds, either addressing overall questions such as FCC jurisdiction and national specifications, or dealing with specific proposed rule changes. Of the former, most of the commenters supported the proceeding, while calling for minor modifications which will be considered separately below.

5. Two of the commenters questioned the authority of the Commission to proposed rules in this matter, claiming that the Department of State had designated the Coast Guard to assume that responsibility. As noted in paragraphs 1 and 2 of the Notice of Proposed Rule Making in this Docket, the source of the FCC's authority in this matter is section 303(r) of the Communications Act of 1934, as amended. In this matter of radar specifications there was coordination with the Coast Guard. That agency was a party to the inter-agency agreement that eventuated in the U.S. Senate's understanding of the term "radar" as "radio."[3] This point was in fact specifically recommended to the attention of the Senate by the Department of State with the knowledge and concurrence of the Coast Guard.[4] The Coast Guard took an active part in the deliberations of SC-65 that formulated the radar specifications presently under consideration.

6. A similar situation holds with respect to the comment "that SC-65 is duplicating requirements of the Occupational Safety and Health Administration (OSHA)". This item was introduced after extensive informal coordination with OSHA by the Chief, FCC Laboratory Division, and it meets with their approval.

7. Thus, the Commission clearly has responsibility and authority in the matter of promulgating regulations to implement a treaty requirement for the compulsory carriage of radar.

8. Some of the commenters have remarked on the differences between the proposed FCC regulations and the minimum performance specifications that the Intergovernmental Maritime Consultative Organization (IMCO) is trying to adopt. (IMCO has not yet adopted specifications and the final recommendations will depend on negotiations still in progress.) These differences reflect a difference in aims of the two organizations and this is made explicit in the text of SOLAS. Regulation 12, Chapter V of SOLAS specifies that the radar shall be "of a type approved by the Administration". ("Administration" means, by Regulation 2(b) of Chapter I of SOLAS, "the Government of the country in which the ship is registered.") Thus each country signatory to SOLAS is called upon to develop radar specifications suitable to its own national requirements.

9. There remain the comments on specific rule proposals. These will be taken up in numerical order.

10. Section 83.107(a)—Antenna requirements. It is suggested "that the words 'good efficiency' should be more clearly spelled out in a quantitative technical manner that can be measured, such as in terms of gain, length or other physical parameters". Specifications of this sort for radar antennas (radiation pattern requirements for S- and X-band antennas) may be found in paragraph 7 of the radar specifications referred to in § 83.465(a) of the proposed rules. The text will be found on page 9 of volume II of the RTCM final report there referred to.

11. Section 83.110(b)—Maintenance of transmitter power. The commenter questions the relevance of this paragraph to the proceeding because, unlike § 83.110(a), it does not apply to ship radar stations but only to ship stations. This is true. The sole reason for its appearance in the appendix to this NPRM is that the old rule had to be modified by the addition of the phrase "in a ship station" in order to make clear that radar transmitters were *not* being referred to. ("Ship station" defined in § 83.3(e) of the Commission's rules, is in the maritime mobile service and does not include the radar equipment. "Ship radar station", defined in § 83.4(j) is in the maritime radio determination service and does not include the telegraph transmitters.) The commenter's request for deletion of the item is therefore inappropriate.

12. Section 83.115 (a) and (e).—Retention of radio station logs. A commenter requests clarification as to whether the ship radar station log is a "technical log" or a "radar operations log". The answer to this is that the "ship radar station log" is the "permanent installation and maintenance record" presently required by § 83.405(d)(1) of the regulations. The entries that are required are those given in § 83.405(d)(3) (which is presently being modified to include the contingencies of radar failure, repair and maintenance referred to in paragraphs (b) and (c) of § 83.464, discussed below). It is unnecessary to label this log as "technical" or "operations".

13. The same commenter asks that the requirement of § 83.115(e)—that logs be kept at the principal operating position—be modified to include the possibility of their being kept in the radio room. The Commission agrees and will modify its regulations in accordance with the suggested wording.

14. Section 83.464 (b) and (c).—Requirements of radar installation. Several of the commenters take exception to the proposals in paragraphs (b) and (c) of § 83.464 that radar malfunctions "be reported to the master and to the radio officer and entered into the ship radar station log by the radio officer", and that clearance of faults

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[2] In 1974, after protracted negotiations on the subject of the size of the radar scopes to be required in "existing installations," the following compromise was made: Instead of recommending an immediate requirement for 10-inch scopes on all vessels, the RTCM would recommend, for "existing installations" only, a postponement of this requirement for at least three years (but not to extend beyond January, 1, 1980). Although ADMS was a party to the compromise agreement, ADMS and one of its member companies commented in the present proceeding that RTCM had no authority to set a compliance date in the specification. But the Commission, not RTCM, sets the effective date of the regulations.

[3] It was with this understanding that the Coast Guard issued a notice "Proposed Rules" (CGD 75-074) dated 18 September 1975 Serial 14-P-75, proposing to amend its Vessel Inspection Regulations by requiring, *inter alia*, the compulsory carriage of radar aboard certain U.S. vessels (40 FR #180, 24585 (Sept. 16, 1975)). Thus, for example, section 185.17 reads in pertinent part:

All vessels of 1600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements as well as the details of the installations, must comply with the regulations under the jurisdiction of the Federal Communications Commission. . . .

Unfortunately, the FCC regulations were not issued in time to permit their reference in the final Coast Guard Rules, 26 January 1977 (42 FR #20, 3962, January 31, 1977). As a result the Coast Guard was placed in the position of issuing its final rule requiring compulsory carriage of radar without a sufficient indication of what was expected of the radar's capabilities and installation. The outcome of the present proceeding is intended to alleviate that situation.

[4] See Department of State "Letter of Submittal" respecting "eleven amendments to the Convention for the Safety of Life at Sea, 1960," transmitted to the Senate (92nd Congress, 2nd Session) by the President in his Message of July 24, 1972, seeking advice and consent. It is specifically stated therein "that 'radar' as used in the amendments is 'radio' within the meaning of Section 303(r) of the Act [the Communications Act of 1934] as amended."

"shall be entered into the ship radar station log by the radio officer". They point out that in his normal course of duties the mate on watch always reports to the master the failure of equipment and that clearance of faults may be made by a shoreside technician in which case the clearance should be logged by the technician and not by the radio officer (according to § 83.405 of the present rules). In order to avoid possible conflict with that section, the wording of paragraphs (b) and (c) of proposed § 83.464 has been modified, and § 83.405 has in its turn been modified to include the contingencies referred to in proposed § 83.464.

15. Section 83.465(c).—Requirements for tools, etc. The proposed regulation concerning carriage of tools, spares, test instruments and manuals was unique in one respect: it was based on the only recommendation of RTCM that failed of a consensus. AIMS, the sole dissenter, filed a minority report embodying less extensive lists. Speaking for the radio officers who would be called on in large measure to use these spares and associated materiel, another commenter asserted the equipment was necessary, and already being met on better than 92% of U.S. flag vessels. Accordingly, we think this was a reasonable requirement.

16. In the NPRM, the Commission requested comments "concerning the approval of these radars". However, no comments were received which directly addressed this matter. Three equipment authorization procedures were considered for marine radars: type approval, type acceptance, and verification. Type approval requires 100% testing by the Commission. Type acceptance requires that the manufacturer perform testing and submit the information to the Commission. Verification would require the manufacturer to make measurements or take necessary steps to insure that the equipment complies with the appropriate technical standards. Submittal to the Commission of a sample unit or representative data demonstrating compliance would not be required unless specifically requested by the Commission. In addition, a sample of the equipment could be requested for testing under the type acceptance program or the verification program.

17. After a study of the various equipment authorizations available, the Commission has decided to require type acceptance for marine radars based on the requirements in Part 2 of this chapter. For radars which will be used in compulsorily installed ship-radar stations, test data and measurement procedures must be submitted to the Commission along with an affidavit stating that the radar has been manufactured and tested to meet the requirements in § 83.465 of the Commission's rules. Since the Commission does not have the facilities to test for the performance requirements specified in § 83.465 and there are no established measurement procedures for these requirements, the Commission feels that this is the most equitable method of assuring compliance with the requirements. The Commission will explore the possibility of using existing test facilities, including those of other Administrations, or establishing a test facility of its own to evaluate the performance requirements. The Commission will also be evaluating the test methods used in demonstrating compliance.

18. The Commission has determined that sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

19. Regarding questions on matters covered in this document contact Charles D. Fisher (202) 632-7175.

20. Accordingly, it is ordered, That, under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), the Commission's rules are amended as set forth in the attached Appendix (B), effective April 27, 1981.

21. It is further ordered, That the proceedings in Docket Numbers 18948 and 80-106 are terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

List of Commenters

(Chronologically, by filing date)

Radio Technical Commission for Marine Services (RTCM)
American Radio Association (ARA)
United States Coast Guard (U.S.C.G.)
American Institute of Merchant Shipping (AIMS)
Exxon Company, USA (Exxon)
Atlantic Richfield Company (ARCO)
Sperry Marine Systems (Sperry)
Sun Transport, Inc. (Sun)
National Oceanic and Atmospheric Administration (NOAA)*
Peter M. Talbot (Talbot)*

*Late filings

Reply Commenters

Decca Radar Limited (Decca)
American Radio Association (ARA)
Electro-Nav, Inc. (El-Nav)
Swedish Shipowners Association (SSA)*

Appendix B

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.70, paragraph (b) is amended by adding the following sentence to the end of the text to read as follows:

§ 83.70 Application for inspection and certification.

* * * * *

(b) * * *

In the case of ship radar stations, the license of the service representative shall, in addition, bear the radar endorsement.

* * * * *

2. In § 83.107, paragraph (a) is revised to read as follows:

§ 83.107 Antenna requirements.

(a) The antenna(s) of each ship station and ship radar station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

* * * * *

3. Section 83.110 is revised to read as follows:

§ 83.110 Maintenance of transmitter power.

(a) The actual power of each radio transmitter in a ship station or ship radar station shall, insofar as is practicable, be no more than that necessary to carry on the service for which the station is licensed and in no event more than 20 percent above the power specified in the license.

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter in a ship station, rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 100 watts, shall be fitted with the instruments necessary to determine the transmitter power during its operation.

4. In § 83.115, paragraphs (a)(1), (a)(2) and (e) are revised to read as follows:

§ 83.115 Retention of radio station logs.

(a) * * *

(1) Station logs involving communications or other entries incident of a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications other matter incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

* * * * *

(e) The logs of the bridge-to-bridge and ship radar stations shall be retained at their respective principal operating locations on board the vessel for a period of not less than 30 days from the date of entry. The ship radar station log may alternatively be retained during this period in the radio room. After the 30-day period these logs may be removed from the principal operating locations of their respective stations and filed at a place where they will be readily available to an authorized representative of the Commission upon request, and shall be retained as stipulated by paragraph (a) of this section.

5. Section 83.138 is revised to read as follows:

§ 83.138 Special requirements for ship radar transmitters.

(a) Each radar transmitter authorized in a ship-radar station must be type accepted or type approved by the Commission. After April 27, 1981, radar transmitters will only be type accepted pursuant to the type acceptance procedure set forth in Part 2 of this chapter. Radar transmitters type approved prior to the effective date for type acceptance may continue to be licensed.

(b) In order to license a type accepted or type approved radar for use in a compulsorily installed ship-radar station, it must comply with the requirements in § 83.465. The grantee of such a type accepted or type approved radar transmitter shall demonstrate compliance with the performance requirements by submitting the test data and the measurement procedures employed. The grantee shall also submit a signed affidavit which states:

This radar has been manufactured and tested to meet the requirements specified in Section 83.465 of the Commission's Rules. To the best of my knowledge the test data is correct and the tests have been performed in accordance with the procedures described. Each unit manufactured will conform to the unit tested within the variations that can be expected due to quantity production and testing on a statistical basis.

(c) In addition to meeting all other applicable requirements, all transmitters shall comply with the following limitations and conditions:

(1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radio determination service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for ship-radar stations stipulated in this part.

6. In § 83.405, subparagraph (d)(1) is revised by adding a phrase to the end of the text and subparagraph (d)(3) is amended by redesignating present entry (vi) as entry (vii), and inserting a new entry (vi) as follows:

§ 83.405 Special provisions applicable to ship radio stations.

* * * * *

(d) * * *

(1) The station licensee of each ship-radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph and by paragraph (b) of § 83.464.

* * * * *

(3) * * *

(vi) On vessels with radar installations compulsorily installed, such entries as are required by paragraph (b) of § 83.464.

(vii) The name, license number, and date of the ship-radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

* * * * *

7. The title of Subpart R is revised to read as follows:

Subpart R—Radiotelegraph and Ship Radar Stations Provided for Compliance With Part II of Title III of the Communications Act or the Radio Provisions of the Safety Convention

8. Section 83.442 is revised to read as follows:

§ 83.442 Radio station.

The radio station required to be provided on a ship by reason of the provisions of part II of title III of the Communications Act, or on a U.S. ship by reason of the Safety Convention, shall comply in an efficient manner with the provisions of this subpart in addition to all other applicable requirements of this part. The radio station consists of a radiotelegraph station and a ship radar station. The radiotelegraph station comprises a main and a reserve radiotelegraph installation, electrically separate and electrically independent of each other (except as otherwise provided in paragraph (b) of § 83.443, a radiotelephone installation [1] and such other equipment as may be necessary for the proper use and operation of these installations. The ship radar station comprises a radar installation and such other equipment and facilities as may be necessary for its proper use and operation.

9. Section 83.447 is revised to read as follows:

§ 83.447 Routing of power supply wiring.

The conductors connecting the main power supply to the main installation, and those connecting the reserve power supply to the reserve installation, and those connecting the radar power supply to the ship radar station, shall be so routed as to ensure adequate protection from mechanical injury, shall be protected from overload, and shall be kept clear of electrical grounds.

§ 83.460 [Redesignated from § 83.464.]

10. Redesignate present § 83.464 as § 83.460 and add a new § 83.464 as follows:

§ 83.464 Requirements of radar installation.

All radar installations provided to meet the requirements of the Safety Convention shall comply with the following conditions in addition to all other applicable requirements of Part 83 of this chapter.

(a) The main display position of the radar station shall be located in the wheelhouse and the radar shall be capable of being switched on and off

[1] Effective January 1, 1980, radiotelephone installations are required.

and operated from that position. The installation shall be such that the radar functions normally within the guidelines set by § 83.465.

(b) In accordance with the provisions of paragraphs (c) and (d) of § 83.405, an entry shall be made without undue delay in the ship radar station log whenever: (1) the radar becomes inoperative or its output becomes in any way suspect; (2) a radar fault is cleared (the entry to include the means whereby the clearance was accomplished); and (3) routine or extraordinary maintenance is carried out.

(c) A reflection plotter shall be available and facilities for plotting provided as necessary.

11. Add new § 83.465 as follows:

§ 83.465 Ship radar station.

All compulsorily installed ship radar stations shall, in addition to meeting all other relevant provisions of this chapter, comply with the applicable radar specifications issued by the Radio Technical Commission for Marine Services under date of July 18, 1978, as given in the Final Report of Special Committee 65—Ship Radar. These requirements shall take effect on April 27, 1981 and shall not be retroactive. These specifications may be obtained from the Radio Technical Commission for Marine Services, c/o Federal Communications Commission, Washington, D.C. 20554 or from the Commission's Private Radio Bureau. The applicable specifications hereby incorporated by reference in this subpart are the following:

(a) For radar equipment installed after May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards, *For New Radar Installations.*" This specification including its Appendix A—Design and Testing Specifications—may be found in Part I of Volume II of the SC-65 Final Report.

(b) For equipment installed before May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set For Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards *For Ships Already Fitted.* This specification including its Appendix A—Design and Testing Specifications—may be found in Part I of Volume II of the SC-65 Final Report.

(c) Requirements for Tools, Test Instruments, Spares and Technical Manuals may be found in Appendixes I, II, III and IV of Part IV of Volume III of the SC-65 Final Report.

(d) Specifications for reliability testing may be found in Part V of Volume III of the SC-65 Final Report under the title "Equipment Reliability Specification for Design and Production of Radar, Collision Avoidance, and Marine Radar Interrogator—Transponder Equipment".

[FR Doc. 81-9044 Filed 3-26-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Effect of Strike; Withdrawal of Provisions Relating to Intra-company Transferees

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Withdrawal of paragraph of Final Rule.

SUMMARY: In the **Federal Register** of January 19, 1981 [46 FR 4856], the Service published a final rule which sets forth restrictions on the admission and continued employment of nonimmigrant temporary workers, intra-company transferees, and students in the occupations and at the places of strikes or other labor disputes involving work stoppages. This notice serves as a withdrawal of that provision in the final rule which relates to intra-company transferees. The remaining provisions of the final rule shall be effective on March 30, 1981.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633-3048.

For specific information: Michael Heilman, General Attorney, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633-2620.

SUPPLEMENTARY INFORMATION: On January 19, 1981 [46 FR 4856] the Immigration and Naturalization Service published a final rule which sets forth restrictions on the admission and continued employment of nonimmigrant temporary workers, nonimmigrant intra-company transferees, and nonimmigrant students in the occupations and at the strike sites or other labor disputes involving work stoppages. The rule was to be effective on February 18, 1981, but the effective date was postponed until March 30, 1981 to comply with the President's Memorandum of January 29, 1981, which required agencies to postpone pending final regulations for a period of 60 days. The Service published notice of postponement of the effective date of the final rule at 46 FR 10901 on February 5, 1981.

After appropriate review of the postponed rule by the Office of Management and Budget and the Service, it has been determined that the provisions relating to the work authorization of nonimmigrant intra-company transferees should be withdrawn from the final rule pending further review. Therefore, paragraph (l)(3a) *Effect of Strike*, § 214.2, relating to intra-company transferees (defined in Section 101(a)(15)(L) of the Act) is removed from the final order before it becomes effective on March 30, 1981.

For the reasons set out in the preamble, 8 CFR 214.2(l)(3a) *Effect of Strike*, in FR Doc. 81-1769 (46 FR 4858, dated January 19, 1981), is withdrawn.

(Secs. 103, 214; 8 U.S.C. 1103, 1184)

Dated: March 25, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-9048 Filed 3-26-81; 10:40 am]
BILLING CODE 4410-10-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2613 and 2615

Office of Management and Budget Approval of Regulations Under the Federal Reports Act

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of approval of recordkeeping and reporting requirements.

SUMMARY: This notice announces the effective date of the recordkeeping and reporting requirements of 29 CFR Part 2613, Employer Liability for Single Employer Plan Terminations, and 29 CFR Part 2615, Determination of Plan Sufficiency and Termination of Sufficient Plans. When originally published on January 28, 1981, these regulations noted that the recordkeeping and reporting requirements would be effective on the later of the effective date of the regulation or the date the PBGC published an announcement of OMB approval. On March 7, 1981, OMB approved both of these regulations. Accordingly, the recordkeeping and reporting requirements of 29 CFR Parts 2613 and 2615 are effective on April 1, 1981.

EFFECTIVE DATE: April 1, 1981.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published a regulation on Employer Liability for Single Employer Plans, 46 FR 9520 and a regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans, 46 FR 9532. Both of these regulations were made effective March 1, 1981, with the proviso that all recordkeeping and reporting requirements of the regulations would be stayed beyond the March 1 date unless, prior to that date, PBGC received the approval of the Office of Management and Budget, as required under 44 U.S.C. Chapter 35, the Federal Reports Act. The regulations further stated that upon receipt of OMB approval, PBGC would publish an announcement of that approval or any modifications to meet OMB requirements. Accordingly, the effective date of the recordkeeping and reporting requirements of both regulations was to be the later of March 1, 1981 or the publication of the announcement of OMB approval.

On February 19, 1981, PBGC published a notice in the **Federal Register** (46 FR 12970) delaying the effective date of these two regulations until April 1, 1981, pursuant to the President's Memorandum on Postponement of Pending Regulations, dated January 29, 1981, and published in the **Federal Register** on February 6, 1981 (46 FR 11227).

OMB has now approved the recordkeeping and reporting requirements of both the employer liability and plan sufficiency regulations. The approval was given on March 7, 1981, for use through December 31, 1982. The OMB approval number for 29 CFR Part 2613, Employer Liability for Single Employer Plan Terminations is No. 1212-0017. The OMB approval number for 29 CFR Part 2615, Plan Sufficiency and Termination of Sufficient Plans is No. 1212-0018. Accordingly, the regulations, including all recordkeeping and reporting requirements, will be effective April 1, 1981.

Issued at Washington, D.C. on this 24th day of March, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-9367 Filed 3-26-81; 8:45 am]

BILLING CODE 7708-01-M

Proposed Rules

Federal Register
Vol. 46, No. 59
Friday, March 27, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

9 CFR Parts 317 and 381

[Docket No. 80-068N]

Prior Labeling Approval Pilot Program

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Advance notice of proposed rulemaking; extension of pilot program.

SUMMARY: On October 31, 1980, the Food Safety and Quality Service (FSQS) published in the **Federal Register** a document announcing that, in an effort to streamline its regulatory procedures, it is considering amending the meat and poultry inspection regulations to include the delegation of certain labeling authority to Inspectors-in-Charge in the field. A pilot program began December 1, 1980, in three selected meat and poultry inspection areas. In an effort to obtain additional information and experience in order for the Agency to make an informed decision concerning any amendment to the regulations under consideration, the pilot program is being extended 120 days beyond the March 31, 1981, termination date.

DATE: Pilot program to be extended until July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Moyer Schwing, Deputy Director, Meat and Poultry Standards and Labeling Division, Compliance Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4293.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the authority contained in the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), FSQS conducts a program for approving labels and other labeling prior to their use on federally inspected meat and poultry products.

In an effort to streamline the prior approval process, which had been operated exclusively at Agency headquarters in Washington, D.C., a joint Compliance/Meat and Poultry Inspection (MPI) Task Force recommended that FSQS delegate certain labeling approval authority to Agency field offices. FSQS published an advance notice of proposed rulemaking on October 31, 1980 (45 FR 72197), in which it announced that it would test the feasibility of this recommendation.

The regulatory changes under consideration would:

1. Allow the Inspector-in-Charge to approve final labeling which is identical to a sketch previously approved by the Washington Office;

2. Separate labeling into two distinct classes—"simple" and "nonsimple" labeling, as described in the advance notice of proposed rulemaking, and;

3. Delegate the labeling approval authority for simple labeling to the Inspector-in-Charge at the field level.

Three areas were selected for the pilot program. They were: Missouri (Southwestern Region), Kentucky (Southeastern Region), and the Hyattsville area, including Maryland, Delaware, and the District of Columbia (Northeastern Region). The comment period closed December 31, 1980, but was reopened January 23, 1981, (46 FR 7387) to February 23, 1981. The pilot program commenced December 1, 1980, and was originally scheduled to terminate March 31, 1981.

Extension

The Agency has decided to extend the pilot program for 120 days beyond March 31, 1981, until July 29, 1981. This extension will permit the continued operation of the pilot program while the Task Force analyzes the data already gathered from the program. The purpose of the extension is to obtain additional information and experience needed by the Agency to make an informed decision concerning any proposed amendment to the meat and poultry inspection regulations. The extension will also permit industry and the Agency to gain additional experience in the field with the pilot program procedures at no additional government expense. Businesses which have found participation in the program to be beneficial can continue to voluntarily submit their labels for approval to the field inspectors until the pilot program concludes.

After considering the comments received in response to the notice of October 31, 1980, and after evaluating the results of the pilot program, FSQS will determine whether field delegation of certain labeling approval authority should be proposed as an amendment to the meat and poultry inspection regulations. Notice of the Agency's findings, including any proposed rulemaking, will be published in a future issue of the **Federal Register**.

Dated: March 25, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-9237 Filed 3-26-81; 8:45 am]
BILLING CODE 3410-DM-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17644; File No. S7-873]

Customer Complaint Registries

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Commission has published notice of a proposed rule concerning the establishment of customer complaint registries. In view of several requests to extend the period for public comment received by the Commission from parties with a substantial interest in the proposed rule, the Commission has determined to extend the period for public comment to May 1, 1981.

DATES: Comments must be received on or before May 1, 1981.

ADDRESSES: All comments should refer to File No. S7–873 and should be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Stuart Strauss, Esq., Division of Market Regulation, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2413.

SUPPLEMENTARY INFORMATION: On February 19, 1981, the Commission published for public comment proposed Rule 17a-24 concerning the establishment of customer complaint registries.[1] The period for public comment with respect to proposed Rule 17a-24 is due to expire on March 20, 1981. The purpose of this release is to extend the comment period on the proposed rule to May 1, 1981. The Commission has recently received requests from the Municipal Securities Rulemaking Board, the Public Securities Association, the Securities Industry Association, the Chicago Board Options Exchange and Waddell & Reed, Inc. to extend the time period for the submission of public comments. In view of requests from these parties, who have a substantial interest in the proposed rule, the Commission has determined that the comment period should be extended in order to ensure an adequate opportunity for all interested persons to comment on the proposed rule.

Accordingly, all interested persons are invited to submit in writing, no later than May 1, 1981, 10 copies of their views concerning proposed Rule 17a-24 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-873 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C. 20549.

By the Commission.

George A. Fitzsimmons,
Secretary.

March 20, 1981.

[FR Doc. 81-9233 Filed 3-26-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodology; Proposal to Withdraw Revised Rule

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed rulemaking; withdrawal of rule.

SUMMARY: The Department of Labor proposes to withdraw the final rule published on January 16, 1981, which would have established a new methodology for computing adverse effect wage rates for the temporary alien agricultural labor certification program. Adverse effect wage rates are wage rates which must be offered and paid to U.S. and alien workers by employers seeking to employ temporarily nonimmigrant alien agricultural workers.

DATES: The public is invited to file written comments on this proposal to withdraw the final rule. Comments must be filed on or before April 27, 1981. In view of the issuance of this proposed withdrawal of the rule, the effectiveness of this rule is further suspended until the Department takes final action on the proposed withdrawal. Since this regulation has never gone into effect and since the agency is herewith proposing to revoke this regulation for the reasons stated, we believe it would be inappropriate to require compliance with this regulation during the brief period until a final determination is made. Under the circumstances, the agency also finds that separate notice and public comment on this further brief deferral of the effective date is impractical and unnecessary within the meaning of section 553(b)(3)(B) of the Administrative Procedure Act.

ADDRESS: Written comments on the proposal to withdraw the final rule may be mailed to Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Room 8000—Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT:
Mr. Kenneth Bell (telephone: 202-376-6297).

SUPPLEMENTARY INFORMATION: On January 16, 1981, a document was published in the Federal Register announcing a final rule revising the adverse effect wage rate methodology for the temporary alien agricultural labor certification program. 20 CFR § 655.207; 46 FR 4568. The effective date of that final rule was deferred through March 30, 1981, in response to the President's January 29, 1981, Memorandum to the Secretary of Labor and other cabinet officials. 46 FR 11253 (February 6, 1981). The revised rule is being withdrawn at this time, however, so that the subject of adverse effect wage rates may be included in the Department of Labor's broader review of its policies regarding immigration, refugees, and other issues dealing with the admission of aliens to the United States. The rulemaking record preceding the issuance of the final rule will be included in the Department's review process.

The approach of the 1981 harvest season necessitates the issuance of adverse effect wage rates as soon as possible. Since the methodology at 20 CFR 655.207 (1980) remains in effect, and requires that adverse effect wage rates be issued pursuant to it annually, a separate notice document is being published in the Federal Register, announcing agricultural adverse effect wage rates for 1981.

Accordingly, it is proposed that the final rule revising 20 CFR 655.207, published on January 16, 1981, at 46 FR 4568 (FR Doc. No. 81-1623), be withdrawn and the rulemaking closed.

Development of Proposed Rule

The proposed rule was prepared under the direction and control of Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Washington, D.C.

Regulatory Impact

If this proposed rule is adopted, the effect would be to retain the present adverse effect wage rate methodology contained in 20 CFR 655.207 (1980). That regulation impacts upon agricultural employers, in general, less than the rule being withdrawn. At the same time, 20 CFR 655.207 (1980) maintains a system of adverse effect wage rates to protect U.S. workers from the adverse effect of the importation of temporary alien agricultural workers.

The regulatory and economic impact of the rule proposed to be withdrawn and the current adverse effect wage rate methodology were discussed at great length in the document published at 46 FR 4568 (January 16, 1981).

For the above reasons, it has been determined that this proposal to withdraw the January 16, 1981, final rule is not so major as to require the preparation of a regulatory impact analysis. See E.O. 12291 (February 17, 1981). This shall also reflect that the Secretary of Labor has certified, in accordance with 5 U.S.C. 605(b), that the proposed regulation in this document will not have a significant impact on a substantial number of small business entities.

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[1] Securities Exchange Act Release No. 17537 (February 19, 1981) 46 FR 14132 (February 26, 1981).

Catalog of Federal Domestic Assistance Number

This program is listed in the *Catalog of Federal Domestic Assistance* at Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment."

(Immigration and Nationality Act (8 U.S.C. 1101, 1184(c)); 8 CFR 214.2(h)(3)(i); (5 U.S.C. 301))

Signed at Washington, D.C., this 24th day of March 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-9411 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

[Docket No. 81N-0004]

Policy for Irradiated Foods; Advance Notice of Proposed Procedures for the Regulation of Irradiated Foods for Human Consumption

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is considering proposing procedures for regulating irradiated foods. As a first step, FDA is making available to the public for comment the report of an internal agency task force, the Bureau of Foods' Irradiated Food Committee. The agency is publishing this notice to encourage interested persons to submit pertinent data and to express their views to aid in FDA's decisions on this subject. The preamble to any proposed procedures for the regulation of irradiated foods will include consideration of comments received in response to this notice.

DATE: Comments, information, and data by June 25, 1981.

ADDRESS: Written comments and material to the Dockets Management Branch (formerly the Hearing Clerk's office), (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Food (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION:

Introduction

In 1958, the Congress amended the Federal Food, Drug, and Cosmetic Act (the act) prohibiting the use of a new food additive until the sponsor establishes its safety and FDA issues a regulation specifying conditions of safe use. This amendment was the result of an extensive examination of the safety of the American food supply and the recognition that substances added to food may have a potential harmful effect.

Congress also showed concern over a new method of food preservation with ionizing radiation and specifically included sources of radiation in the definitions of food additive (section 201(s)) and adulterated food (section 402(a)(7)) of the act. Section 201(s) states: "The term 'food additive' means *any substance* the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or *otherwise affecting the characteristics of any food (including any substance intended for use in* producing, manufacturing, packing, *processing*, preparing, *treating*, packaging, transporting, or holding *food; and including any source of radiation intended for any such use),* * * *" [emphasis added]. The adulteration clause, section 402(a)(7) states: "A food shall be deemed to be adulterated— * * * (a) * * * (7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409." The specific inclusion of irradiated food in the amendment shows clearly that the FDA is responsible for regulating the use of irradiated foods by requiring a rigorous review of the potential hazards associated with this food treatment.

Background

Food irradiation may involve the following sources of ionizing radiation: gamma radiation from radionuclides, high energy electrons derived from electron beam accelerators, and X-rays. A variety of technical effects such as sprout inhibition, insect control, pasteurization, and food sterilization have been demonstrated.

These technical effects are a function of the absolute amount of energy absorbed by food (expressed as radiation dose in rads). In considering the safety of irradiated foods, the agency has considered both the induction of new radioactive species and production of toxic radiolytic products. The question of induction of new radioactive species was resolved in the early 1960's: the accumulated evidence shows that the use of ionizing radiation of appropriate source energy levels does not induce any detectable radioactivity in foods when measured by methods that can easily detect the presence of radioisotopes that occur naturally in foods. The question of the safety of radiolytic products is addressed in the Bureau of Foods' Irradiated Food Committee report. (A National Bureau of Standards paper, "Radioactivity Criteria for Radiation Processing of Foods" by H. W. Koch and E. H. Eisenhower, is on file with the FDA Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857 and may be seen from 9 a.m. to 4 p.m. Monday through Friday. The Bureau of Foods' Irradiated Food Committee report is also on file and copies are available on request from the Dockets Management Branch, (address above)).

Applications for food irradiation extend from low doses for limited shelf-life extension to high doses for complete sterilization of foods. Existing alternative methods for achieving these effects in foods require the use of a variety of chemical and physical means. For example, irradiation might be used as a substitute for food additives (nitrite), fumigants (ethylene dibromide, ethylene oxide), and plant regulators (maleic hydrazide), and as a food processing technique for food preservation (canning, pasteurization).

In the 1960's FDA received several petitions for regulation of irradiation processing for various types of foods. At present only irradiation for sprout inhibition of potatoes and insect disinfestation of wheat and wheat flour are approved, and there has been no commercial application of these approved uses.

There have been many difficulties encountered in the process of determining whether irradiated foods are safe. In the past, toxicological indices and protocols were applied to irradiated foods as if the whole irradiated food were a discrete chemical entity similar to a "conventional" food additive. This approach was based on section 409(c)(5)(A) of the act, which states: "In determining * * * whether a proposed use of a food additive is safe, the Secretary shall consider among other relevant factors—(a) the probable consumption of the additive and of any substance formed in or on food because of the use of the additive; * * *."A major problem with the safety evaluation of irradiated foods was the lack of knowledge of the identity, amount, and toxicity of the radiolytic products formed in food by irradiation. Thus, irradiated food, a food containing unknown amounts of radiolytic products formed by the irradiation process, was

tested for safety using chronic animal feeding studies.

Evaluating the safety of irradiated foods by such testing methods was impractical, for several reasons. The most significant problem was the limited ability to obtain a "safety factor" from a classical dose response curve obtained from animal feeding studies. Because irradiated food itself was considered the "chemical" to be tested in these studies, it was very difficult to feed the exaggerated amounts of food that are necessary for the purpose of traditional toxicity testing. For example, it is not possible to obtain a 100-fold safety factor if the food fed to animals is greater than 1 percent of the total human diet. It was further recognized in early studies that increasing the radiation dose (10x, 100x, etc.) as a means of exaggerating the amount of radiolytic products is not a viable alternative for practical as well as theoretical reasons.

The renewed interest in irradiation as a possible safe alternative to chemicals in food led the agency to review the complex issue of irradiated foods. An internal FDA task force, the Bureau of Foods's Irradiated Food Committee, was formed to evaluate the agency's policy on irradiated foods according to the current state-of-the-art knowledge in toxicology and radiation chemistry and to recommend criteria for safety evaluation. The Committee submitted its final report to the Director, Bureau of Foods, FDA, in August 1980.

The Committee has submitted the following recommendations:

a. Food irradiated at doses of 100 kilorads (krad) or less will be considered wholesome and safe for human consumption.

b. Food irradiated at doses exceeding 100 krad will be subject to toxicological testing consisting of a battery of four short-term mutagenicity tests and two 90-day feeding studies (one rodent, one nonrodent mammalian species).

c. A food class comprising no more than 0.01 percent of the daily diet and irradiated at doses of 5 megarads (Mrad) or less will be considered safe for human consumption without toxicological testing.

The work of the Committee did not include a complete evaluation of existing toxicologic data. The Committee focused on how the safety of irradiated foods can be scientifically evaluated, applying scientific principles, and not on whether any irradiated food has been demonstrated to be safe. Hence, these recommendations were based on: (1) projected levels of human exposure, (2) qualitative and quantitative estimates of radiolytic products and how these compare with common food constituents in the human diet, and (3) state-of-the-art sensitivity of toxicological tests.

The agency has accepted the Committee's report on the safety evaluation of irradiated foods and will supplement this report with recent experimental data relevant to the safety of irradiated foods.

The agency is considering the following actions:

1. Proposal of a regulation on the Commissioner's initiative under section 409 and other provisions of the act permitting irradiation of any food at a dose not exceeding 100 krad. FDA is initially considering monitoring food irradiation at such a dose by a registration process. Alternatively, FDA is also considering requiring a limited petition that demonstrates the intended technical effect of the process but without the additional safety data that would ordinarily be required to support a food additive petition.

2. Publication of guidelines for the preparation of petitions seeking FDA approval for food irradiation at a dose exceeding 100 krad.

3. Adoption of a policy that a food class comprising only a minor portion of the daily diet and irradiated at a dose of 5 Mrad or less may be considered safe for human consumption based upon minimal biological testing.

FDA also will consider the report of the Joint FAO/IAEA/WHO Expert Committee on Wholesomeness of Irradiated Food in its evaluation. This international committee, sponsored by the Food and Agriculture Organization, International Atomic Energy Agency, and the World Health Organization, first met in 1976 to review and assess all data on the wholesomeness of irradiated foods and to identify specific uses of food irradiation where data were sufficient to conclude that the process could be used safely. The most recent meeting of this Committee in Geneva from October 27 to November 3, 1980, was held to review data accumulated worldwide since 1976 to establish the wholesomeness of irradiated foods. The Committee's proceedings will have a direct bearing on any Codex Alimentarius standards that are developed for irradiated foods and sent to member States for approval.

Request for Comments

FDA invites public comment on all aspects of the agency's proposed food irradiation policy. The agency is particularly interested in receiving substantive comments on the Bureau of Foods' Irradiated Food Committee report, pertinent data on the safety of irradiated foods, and suggestions for any necessary safeguards for the irradiation processing of food. These comments will aid FDA in considering its irradiated foods policy. The agency is also aware of the following issues which may have a bearing on its deliberation:

1. Whether there is need for specific good manufacturing practice regulations, including any necessary safeguards, for the irradiation processing of food.

2. Whether there is need for labeling of irradiated foods. The present regulations require the following labeling declarations: "Treated with ionizing radiation" or "Treated with electron radiation" on retail packages, and "Treated with ionizing radiation—do not irradiate again" or "Treated with electron radiation—do not irradiate again" on wholesale packages and on invoices or bills of lading of bulk shipments.

3. The environmental impact of foods processed by irradiation or of the process itself.

4. The economic impact of the proposed agency actions, including any specific good manufacturing practice regulations and any labeling requirements that may be adopted. The proposed changes in criteria for evaluating the safety of processing of food may impose a less costly burden on food processors while still assuring safety.

Any proposed regulation based on this advance notice would have beneficial economic impact on manufacturers, due to reduced testing requirements. FDA requests information and views on whether any such proposed regulation will be a "major rule" under the criteria in section 1(b) of Executive Order 12291, as well as information to enable the agency to determine whether to prepare an initial regulatory flexibility analysis as required by the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 603 and 604). FDA specifically requests information on the total number of businesses affected by the proposal, the number of small businesses affected by the proposal, and the effect (in quantitative terms, where feasible) on each firm, including any small business.

Interested persons may, on or before June 25, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this advance notice of proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this

document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 23, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-9349 Filed 3-26-81; 3:39 pm]

BILLING CODE 4110-03-M

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21 CFR Parts 73 and 81

[Docket No. 81C-0022]

Caramel; Proposed Color Additive for Use in Cosmetics

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to permanently list caramel as a color additive for general use in cosmetics and to exempt it from certification. The Cosmetic, Toiletry, and Fragrance Association, Inc., filed a petition for this use.

DATES: Comments by April 27, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The Color Additive Amendments of 1960 established a system of premarket approval for all color additives used in foods, drugs, and cosmetics. Under the amendments, the sponsor of a color additive has the burden of demonstrating prior to marketing that the additive is safe for its intended use.

Recognizing that many colors were already in use at the time the amendments were enacted, Congress established transitional provisions to allow for the provisional listing and continued use of those colors where completion of studies was necessary to determine whether they should be permanently listed under the standards established in the new amendments.

Section 81.1 (21 CFR 81.1) of the color additive regulations designates those color additives that are provisionally listed under section 203(b) of the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)), along with their respective "closing dates." A "closing date" is the last day upon which a provisionally listed color may legally be used, absent an approval of the color additive petition and its permanent listing.

A color additive may be permanently listed only if data establish that it is safe under its intended conditions of use. The transitional provisions permit the provisional listing of color additives for a period of time necessary to complete scientific investigations needed to establish their safety.

Caramel was provisionally listed as a color additive for use in cosmetics in 1961 (26 FR 7578; August 16, 1961). In 1976 the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA) submitted a color additive petition (CAP 6C0120) requesting that caramel be permanently listed for use in cosmetics, including ingested cosmetics such as lipsticks and mouthwashes, externally applied cosmetics such as body lotions, hair preparations, baby products, and suntan lotions, and cosmetics for use in the area of the eye.

The petition was not accepted for filing because the data did not include information to support the safety of long-term external applications of this color. For the reasons set forth elsewhere in this document, the agency is now withdrawing its requirement for additional testing on the effects of long-term external use, and, therefore, the petition has now been filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). Normally a notice of filing is published in the **Federal Register**. However, because the agency is now prepared, as a result of the changed toxicological requirements, to act on this petition, and because the agency wishes to ensure that the comments it receives on this petition are as informed as possible, FDA decided to issue a proposal indicating its tentative decision to permanently list caramel as a color additive for cosmetics before taking final action. This proposal is also intended to satisfy the agency's obligation under § 71.2(b) (21 CFR 71.2(b)) to publish a notice of filing of a petition and a brief description of that petition.

FDA published a proposal in the **Federal Register** of September 23, 1976 (41 FR 41860) to extend to December 31, 1980 the closing date for the provisional listing of caramel, because of the need for additional toxicity data to assess the safety of caramel for the petitioned uses. The proposal outlined the need for data from the following studies:

1. A short-term eye area study, to provide a measure of assurance of safety for use in eye area cosmetics.

2. A short-term animal skin painting study, to support the use of caramel in externally applied cosmetics.

3. A two-year mouse skin-painting study, to determine whether caramel causes chronic adverse effects, including carcinogenicity, upon external application.

A final rule based on the September 23, 1976, proposal was published in the **Federal Register** of February 4, 1977 (42 FR 6992). The rule postponed the closing date for caramel until January 31, 1981. (This closing date has been extended to July 20, 1981 by a notice published elsewhere in this issue of the **Federal Register**.)

CTFA submitted to FDA data from the required eye area study in 1977 and the 90-day dermal test results in 1978. CTFA delayed initiating the 2-year skin-painting study because of questions that had arisen in the international scientific community concerning the chemical identity and purity of various types of caramel. CTFA was uncertain about which type of caramel to use in the skin-painting study. These chemical questions still have not been resolved.

However, research is being conducted at the Ontario Research Foundation on the chemical characterization of caramel colors, and biennial reports on this work are submitted to the agency by the International Technical Caramel Association. Copies of these biennial reports are on file with the Dockets Management Branch.

Reviews of the eye area study and the 90-day dermal study indicate that those data support the safety of caramel. Furthermore, the agency has recently determined that data from a chronic skin-painting study would not contribute significantly to further evaluation of the safety of caramel. The model for carcinogenesis induced by topical application has several disadvantages, one of which is the inherent limitation on dosage. The small area available for skin painting, which avoids oral ingestion in a small animal such as the mouse, imposes restrictions on experimental exposure that make it unlikely that positive results could be elicited by caramel. Because this natural color is composed predominantly of polysaccharides,[1] and because of its molecular size and solubility, the agency concludes that topical application of caramel would result in minimal, if any, skin penetration. This minimal skin penetration is reflected in the absence of

[1] Although caramel is made up predominantly of large molecular weight polymers, it contains a maximum of 15 percent of small molecular substances many of which are as yet unidentified.

local or systemic toxic effects from topical administration. The lack of any local effects in rabbits following repeated (90-day) dermal applications and the lack of positive effects in the Salmonella/Ames test clearly reinforce the view that the proposed skin-painting study of caramel would provide no additional assurance of safety. Accordingly, under § 70.42(b) (21 CFR 70.42(b)), FDA hereby withdraws its requirement for a two-year mouse skin-painting study.

FDA's regulations provide that a color additive is "safe" if there is "convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive." (21 CFR 70.3(i).) Caramel is generally recognized as safe (GRAS) (21 CFR 182.1235) for use in foods as a flavor. On the basis of its GRAS status, caramel was permanently listed as a color additive for use in foods (21 CFR 73.85) in the Federal Register of June 28, 1963 (28 FR 6489) and as a color additive for use in coloring ingested and topically applied drugs (21 CFR 73.1085) in the Federal Register of July 14, 1963 (28 FR 6309).

Therefore, in view of the long in-use safety record of caramel and the additional safety data submitted by CTFA, the Commissioner of Food and Drugs hereby withdraws the agency's requirement for a 2-year mouse skin-painting study and proposes to list caramel as a color additive for general use in cosmetics. FDA will consider any comments it receives in response to this proposal and then publish a final rule on this petition in accordance with 21 U.S.C. 706(d) and 701(e).

The agency has determined under 21 CFR 25.24(d)(5) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this regulation would have on small entities, including small businesses. The agency has determined that because the effect of the proposed regulation is to continue current uses that have been permitted by the provisional listing of caramel, no adverse small business economic impact will result from this action.

This proposal is exempt from the requirement to perform a Regulatory Impact Analysis under section 3(a) of Executive Order 12291 because this rulemaking is subject to the formal rulemaking provisions of 5 U.S.C. 556 and 557 by virtue of sections 706(d) and 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(d) and 371(e)). See section 1(a)(1) of the Executive Order 12291.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706(b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399-403 (21 U.S.C. 371(e), 376(b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Parts 73 and 81 be amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

1. Part 73 is amended in Subpart C by adding new § 73.2085 to read as follows:

§ 73.2085 Caramel.

(a) *Identity and specifications.* The color additive caramel shall conform in identity and specifications to the requirements of § 73.85(a)(1), (2), and (3) and (b).

(b) *Uses and restrictions.* Caramel is safe for use in coloring cosmetics generally, including cosmetics applied to the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additives and any mixtures intended soley or in part for coloring purposes prepared therefrom shall conform to the requirements of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirement of section 706(c) of the act.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended:

§ 81.1 [Amended]

a. In § 81.1 *Provisional listing of color additives*, by removing "caramel" from the list in paragraph (g).

§ 81.27 [Amended]

b. In § 81.27 *Conditions of provisional listing*, by removing paragraphs (b)(1), (2), and (3) and (d).

Interested persons may, on or before April 27, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 24, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-9349 Filed 3-26-81; 3:55 pm]

BILLING CODE 4110-03-M

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21 CFR Part 165

[Docket No. 80N-0439]

Soda Water; Amendment of Standard; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; further extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is further extending the period for submitting comments on a proposal to amend the standard of identity for soda water to accomplish the following: (1) Designate kola nut extract, rather than caffeine from this extract or from other extracts that naturally contain caffeine, as the mandatory ingredient in "cola" and "pepper" type soda water beverages; (2) provide for decaffeinated "cola" or "pepper" soda water beverages under the standard of identity; (3) continue to permit the use of added caffeine in these beverages as an optional ingredient. This action is based on requests received by FDA.

DATE: Comments must be received on or before July 29, 1981.

ADDRESS: Written comments, data, or information to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 21, 1980 (45 FR 69616), FDA proposed to amend the standard of identity for soda water to delete the requirement that "cola" and "pepper" beverages contain "caffeine

from kola nut extract and/or other natural caffeine-containing extracts." As amended, the standard would designate kola nut extract per se as the mandatory characterizing ingredient in "cola" and "pepper" beverages and allow explicitly for these beverages to be decaffeinated. The amended standard would continue to allow the use of added caffeine as optional ingredients up to maximum total level of 0.02 percent by weight. Written comments were to be submitted on or before December 22, 1980.

FDA received several requests for extension of the comment period. After carefully evaluating the merits of the requests for extension of the comment period, FDA concluded that an extension was necessary to provide adequate time for the compilation and submission of data and information that the agency requested be included in comments to assist FDA in developing an appropriate final rule on the proposal. Therefore, FDA published in the **Federal Register** of December 23, 1980 (45 FR 84837) a notice extending the comment period to March 23, 1981.

FDA has now received requests for an additional extension of the comment period from the National Soft Drink Association, Pepsico, Inc., the Coca-Cola Co., the Dr. Pepper Co., the National Coffee Association of U.S.A., Inc., and the Grocery Manufacturers Association. These requests, and the earlier ones, are on file with the Dockets Management Branch, FDA.

It is apparent from the requests for extension of time that significant review and analysis of this matter is being diligently pursued by interested parties, and that this review and analysis is in part based on records only recently provided by FDA under the Freedom of Information Act. FDA has carefully reviewed these requests for extension of time in this matter and has concluded that an extension of 120 days in which to comment is appropriate.

Interested persons may, on or before July 29, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 20, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-9103 Filed 3-23-81; 11:01 am]

BILLING CODE 4110-03-M

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21 CFR Parts 180 and 182

[Docket No. 80N-0418]

Caffeine; Deletion of GRAS Status, Proposed Declaration That No Prior Sanction Exists, and Use on an Interim Basis Pending Additional Study; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; further extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is further extending the period for submitting comments on a proposal to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS), to declare that no prior sanction exists for the use of caffeine as an added food ingredient, to restrict the use of caffeine as an added food ingredient to current uses and levels, and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient declaration. Under this proposal, the current uses of added caffeine would be permitted under an interim food additive regulation pending the completion of studies that are considered necessary to resolve questions about the safety of caffeine added to food. These questions include the potential fetotoxic and teratogenic properties of caffeine, the comparative metabolism and pharmacokinetic handling of caffeine in humans and experimental animals, the potential behavioral effects of caffeine, particularly in children, the potential reproductive effects of caffeine, and the potential carcinogenicity of caffeine. The studies FDA proposes to require include both animal studies and human epidemiological studies. In addition, there are questions that need to be addressed about the purpose for which caffeine is added to foods, especially soft drinks. This proposal does not directly affect the caffeine that occurs naturally in such foods as coffee and tea.

DATE: Comments must be received on or before July 29, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 21, 1980 (45 FR 69817), FDA proposed to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS), to declare that no prior sanction exists for the use of caffeine as an added food ingredient, to restrict the use of caffeine as an added food ingredient to current uses and levels, and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient declaration. Under this proposal, the current uses of added caffeine would be permitted under an interim food additive regulation pending the completion of studies that are considered necessary to resolve questions about the safety of caffeine added to food. The document presents the data on caffeine that raise safety questions, explains the basis for FDA's proposal to remove added caffeine from the GRAS list, and describes the studies FDA considers necessary to resolve the existing questions about caffeine's safety and function as an added food ingredient. Written comments were to be submitted on or before December 22, 1980.

FDA received several requests for extension of the comment period. After carefully evaluating the merits of requests, FDA concluded that an extension was necessary to provide adequate time for the compilation and submission of data and information that the agency requested be included in comments to assist FDA in developing an appropriate final rule on the proposal. A notice was published in the **Federal Register** of December 23, 1980 (45 FR 84837) announcing extension of the comment period to March 23, 1981.

FDA has now received requests for an additional extension of the comment period from the National Soft Drink Association, Pepsico, Inc., the Coca-Cola Co., the Dr. Pepper Co., the National Coffee Association of U.S.A., Inc., the Grocery Manufacturers Association, and the Flavor and Extract Manufacturers Association of U.S.A. These requests, and the earlier ones, are on file with the Dockets Management Branch, FDA. the requests contain justifications for an extension of the comment period and data demonstrating

diligence in seeking to meet the current comment period closing date of March 23, 1981.

In the earlier notice (45 FR 64637) granting extension of the comment period to March 23, 1981, FDA noted that the scientific issues involved are complex, and the agency expressed a desire to ensure that all interested parties are given a fair amount of time to comment. At the same time, FDA expressed a desire to ensure that the rulemaking proceeds in a reasonable and timely manner. In this light, FDA has carefully evaluated the requests for a further extension of the comment period. In the agency's view the justifications represent good faith attempts to diligently participate in this scientifically and legally complex rulemaking. Based on the reasons discussed in those requests as well as the several reasons discussed below, the agency believes an extension of time for comments of 120 days is appropriate.

Several extensive Freedom of Information Act (FOIA) requests have been received from potential commenters. These requests seek large numbers of records and have required extensive search and review efforts on the part of agency personnel. Amongst the records sought are those generated by Dr. Collins in his recent study on the teratogenic potential of caffeine in rats (see Ref. 29; 45 FR 69835, October 21, 1980) as well as agency records that bear on whether a prior sanction exists for soft drinks containing caffeine. Many of these records have been made available; however, some were made available only within the last several weeks. In addition, some of the requested records are in a central Federal records storage facility and have not as yet been received by the agency. Upon receipt of any remaining responsive records which are publicly disclosable, the agency will promptly make them available. The agency believes that the limited extension of time being granted will allow the requestors sufficient time to review relevant records made available to them and will also allow them sufficient time to comment fully on the issues presented in this proceeding.

There is also some new evidence, not available before this time, which bears on the issue of the safety of added caffeine. This new evidence will be placed on the administrative record shortly and, at that time, FDA will describe its significance in this rulemaking through a notice in the Federal Register. This notice will serve to amend and update the original proposal published on October 21, 1980.

When the proposal was published, approximately 12 of the scientific articles relied upon by the agency were in a foreign language only. Since that time, FDA has received the English translations for these acticles and recently placed the translations in the record in this matter. These translations are now on file in the Dockets Management Branch under the docket number in the heading of this notice. The translations may be found by using the reference numbers of the original citations in the proposed rule. Those reference numbers are 13, 17, 18, 19, 20, 23, 24, 50, 55, 80, and 89 (see 45 FR 69835; October 21, 1980).

During this extended time for comments, FDA will also place into the record for public comment all relevant publicly available records relating to a recent FDA inspection of the Bureau of Foods laboratories at Federal Office Building 8. The agency routinely inspects its own laboratories to ensure compliance with its Good Laboratory Practice regulations (21 CFR 58.1 et seq.). As part of that inspection, the Dr. Collins study dealing with the teratogenic potential of caffeine on rats (Ref 29.) was audited. At this time, the agency is placing in the record both the List of Observations (From FD–483) and the Bureau of Foods' initial response of January 29, 1981. When the agency review of this inspection is completed, the remaining publicly available documents will be placed into the record as well. In addition, the agency intends to the have the Collins study (Ref. 29) reviewed by a team of qualified scientists who will evaluate the scientific data derived from that study in light of the recent findings of the FDA inspection team. The report prepared by this group will also be made part of the record. All of these records will be available at the Dockets Management Branch in the record for this rulemaking.

The agency fully recognizes its obligations to proceed with this rulemaking in a timely manner. However, for the reasons discussed above, the agency concludes that an additional period of 120 days in which to comment on this proposal is fully justified. To deny additional time for comments would unjustly deprive interested parties as a full and fair opportunity to participate in this important rulemaking in a meaningful way.

Interested persons may, on or before July 29, 1981, submit to the Docket Management Branch (HFA–305), Food and Drug Administration, Rm 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m. Monday through Friday.

Dated: March 20, 1981.

Joseph P. Hile,

Associate Commissiner for Regulatory Affairs.

[FR Doc. 81–9104 Filed 3–23–81; 11:01 am]

BILLING CODE 4110–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 115

[Docket No. R–81–815]

Recognition of Substantially Equivalent Laws; Two States and Nine Localities

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review. This proposed rule would amend 24 CFR 115.11 to add two States and nine localities to the list of jurisdictions which HUD recognizes as having fair housing laws substantially equivalent to Title VIII of the Civil Rights Act of 1968.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW, Washington, D.C. 20410 (202) 755–6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 115—Recognition of Substantially Equivalent Laws—Two States and Nine Localities

(Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 20, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-9329 Filed 3-26-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-88-79]

Investment Credit for Single Purpose Agricultural or Horticultural Structures; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the investment credit for single purpose agricultural or horticultural structures.

DATES: The public hearing will be held on June 25, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 11, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-88-79), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 48 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 23, 1981 (46 FR 7397).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking, March 24, 1981, and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by June 11, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-9330 Filed 3-26-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 541

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesman"

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: Final regulations scheduled to become effective February 13, 1981, increasing the salary levels used in determining eligibility for exemption under Section 13(a)(1) of the Fair Labor Standards Act for employees employed in a bona fide executive, administrative or professional capacity were published in the **Federal Register** of January 13, 1981 (46 FR 3010). On February 12, 1981, a notice was published in the **Federal Register** announcing that the effective date of these regulations was stayed indefinitely (46 FR 11972). According to this notice, the purpose of that action was to allow the Department to review the rule fully before it takes effect. The comment period was reopened, and pending final determination in this rulemaking, the interim salary tests which became effective April 1, 1975 were continued.

That notice is now republished herein as a notice of proposed rulemaking, inasmuch as it is proposed that the regulation scheduled to become effective February 13, 1981 be suspended indefinitely. Comments are invited on the question of whether there should be an indefinite suspension of the regulation, pending further review of the regulation. As indicated in the February 12, 1981 notice, comments are also invited regarding the substance of the regulation itself, and specifically regarding the economic effects of the regulation.

DATES: Comments should be received on or before April 27, 1981.

ADDRESS: Send written comments to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523-8305.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone (202) 523-8305.

SUPPLEMENTARY INFORMATION: The notice which was published in the **Federal Register** on February 12, 1981 made clear the Department of Labor's intention to suspend indefinitely final regulations which were to become effective on February 13, 1981. These regulations increase the salary levels used in determining eligibility for exemption under Section 13(a)(1) of the Fair Labor Standards Act for employees employed in a bona fide executive, administrative, or professional capacity. Such suspension will provide further time for the Department to consider the economic effects of the regulation, and to determine whether it should go into effect in its present form. That notice did not, however, specifically invite public comment with respect to whether such an indefinite supension should take place. The Department believes that such comment should be invited and considered before any final decision is made regarding indefinite suspension.

Secondly, although the February 12, 1981 notice reopened the comment period to aid the Department in further review of the regulation, it was not made clear what types of comments were desired on the substance of the

regulation. Comments thus far received have tended to be of a general or rhetorical nature, and have failed to focus on the precise economic impact of the regulation. The Department invites specific comment as follows:

1. Economic data (statistical, not anecdotal) on the probable economic impact of raising the salary tests to the revised levels, with respect to employees who specifically meet the duties and responsibilities tests of the regulation;

2. Extent to which employers have already increased salary levels in anticipation of the regulation;

3. Specific effects of the revised salary tests on various industries, or segments of industries.

Accordingly, the following action is proposed:

29 CFR Part 541, as amended at 45 FR 3010, January 13, 1981, is suspended indefinitely, pending further review by the Department; the applicable sections of Part 541 relating to interim salary tests which became effective April 1, 1975, will remain in effect.

(Sec. 13, 52 Stat. 1067, as amended; 29 U.S.C. 213; Reorganization Plan No. 6 of 1950 (3 CFR 1945–53 comp. p. 1004); Secretary's Order No. 16–75, 40 FR 55913, December 2, 1975; and Employment Standards Order No. 78–1, 43 FR 51469, November 3, 1978)

Signed at Washington, D.C., this 23rd day of March 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-9097 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1903

[Docket No. W-005 A]

Walkaround Compensation; Effective Date Delay and Proposed Revocation

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Delay of effective date of final rule and proposed revocation of the regulation.

SUMMARY: OSHA is delaying the effective date of the regulation requiring compensation for employee representatives participating in the walkaround and related portions of an OSHA enforcement inspection from March 30, 1981, to May 30, 1981. The agency is also proposing to revoke the regulation in its entirety. This action is taken as a result of a reevaluation of the record and the conclusion that it does not sufficiently establish the need for the regulation.

DATES: The effective date of the regulation is delayed until May 30, 1981. All data and comments regarding the proposed revocation must be postmarked on or before April 30, 1981.

ADDRESS: All comments should be submitted to the Docket Officer, Docket No. W-005 A, Occupational Safety and Health Administration, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523–7894.

FOR FURTHER INFORMATION CONTACT: Mr. H. Berrian Zettler, Office of Field Coordination, Occupational Safety and Health Administration, Room N–3603, U.S. Department of Labor, Washington, D.C. 20210; Telephone (202) 523–7725.

SUPPLEMENTARY INFORMATION:

I. History of Walkaround Compensation

On September 20, 1977, a legal interpretation was published in the Federal Register (42 FR 47344) which amended section 29 CFR 1977.21 so as clearly to require the payment of walkaround compensation. Subsequently, on October 31, 1980, that regulation was deleted in response to a District Court Order vacating it. (45 FR 72118). On November 14, 1980, OSHA proposed new regulations requiring walkaround compensation and established a 45 day comment period ending December 29, 1980 (45 FR 75232). On January 16, 1981, OSHA published in the Federal Register a final rule on walkaround compensation. The essential requirement of that rule is that employers must pay their employee representatives for time spent during OSHA compliance inspections (46 FR 3852). The original effective date of February 17, 1981, was delayed to March 30, 1981 (46 FR 11253), pursuant to the President's memorandum.

II. Basis and Purpose of the Proposal

By memorandum dated January 29, 1981, President Ronald Reagan requested that all executive agencies postpone for sixty days the effective dates of final regulations promulgated but not yet effective. As a result, the Acting Secretary of Labor issued a notice of deferral in effective dates of regulations in the Federal Register (46 FR 11253). As a result the effective date of the walkaround compensation regulation was delayed from February 17, 1981, to March 30, 1981.

The purpose of this delay was to allow the agencies to reexamine these regulations in the light of the priorities of the new Administration. A thorough review of the record relating to the walkaround pay issue has been accomplished. The record developed during the comment period for the regulation tended to show overwhelmingly the usefulness of employee representation during an OSHA inspection. The record does not support adequately the need for a walkaround pay regulation. On the contrary, it rather suggests that the vast majority of employers already do pay their employees who serve as walkaround representatives during OSHA inspections. Consequently, the record fails to show that more than a few employees (mostly limited to one industry) have suffered any economic loss by exercising their statutory right. The record is unclear, even in the cases where the employer refused to pay, that the employee actually lost pay. In most cases the union appears to have paid the representative when the employer did not. There are a few instances where employee representation was cut short or eliminated when the employer refused to pay and the union was unable to do so. These few instances, however, do not establish a clear need for a regulation to remedy the problem. Indeed the issue appears to be one which can best be left to the traditional collective bargaining process in those few cases where the employer refuses to pay.

The proposed revocation of the walkaround pay rule is not a major rule under the criteria established by Executive Order No. 12291 on federal regulations. Since the proposed rulemaking is a withdrawal of a regulation and not the promulgation of one, there will be no economic effect.

III. Public Participation

Interested persons or groups are invited to submit written data, views and arguments with respect to this proposal and all issues involved therein These comments must be postmarked on or before April 30, 1981, and submitted in quadruplicate to: Docket Officer, Docket No. W–005 A, Room S–6212, 200 Constitution Avenue, NW., Washington D.C. 20210. Comments previously submitted on this regulation need not be resubmitted. The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made a part of the record of this proceeding and will be considered in formulating the final rule.

IV. Further Delay of the Effective Date of the Rule

In view of the issuance of this proposed revocation of the rule, the effective date of the rule is further suspended until the Department takes final action on the proposed withdrawal. Since this regulation has never gone into effect, and since the Agency is herewith proposing to revoke this regulation for the reasons stated, we believe it would be inappropriate to require compliance with this regulation during the brief period until a final determination is made. Under the circumstances, OSHA finds that separate notice and public comment on this further brief deferral of the effective date is impractical and unnecessary within the meaning of section 553 (b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, pursuant to sections 8(e) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 (e) and (g)(2)), 5 U.S.C. 553, and Secretary of Labor's Order 8–76, (41 FR 25059) OSHA is proposing to amend 29 CFR 1903.8 by removing paragraph (e).

Signed at Washington, D.C., on this 24th day of March, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

§ 1903.8 Representatives of employers and employees.

* * * * *

(e) *Walkaround compensation.*— Removed.

[FR Doc. 81-9412 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Parts 1952 and 1955

Withdrawal of Complaint To Withdraw Indiana State Plan

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of Withdrawal of Complaint.

SUMMARY: This notice publishes the Assistant Secretary's decision to withdraw the complaint initiating the withdrawal of approval of the Indiana State plan, which was published in the **Federal Register** on January 16, 1981 (46 FR 3919–3920).

EFFECTIVE DATE: March 26, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Bryant, Chief, Eastern Divison, Office of State Programs, Occupational Safety and Health Administration, Room N–3613, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523–8045.

SUPPLEMENTARY INFORMATION:

Pursuant to Section 18(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(f)) and Part 1955 of this Chapter, on April 2, 1980, the Assistant Secretary initiated an administrative action for withdrawal of approval of the Indiana plan for occupational safety and health. This action was based upon OSHA monitoring activity through June 30, 1979. The formal Notice of Initiation of Withdrawal Action was published in the **Federal Register** on January 16, 1981 (46 FR 3919–3920). The period for response by the State was extended on February 6, 1981 by **Federal Register** notice delaying the effective dates of certain administrative actions (46 FR 11253).

Based upon a reevaluation of the evidence, and upon consideration of the substantial passage of time since that evidence was obtained together with a review of the information collected subsequently, the Assistant Secretary has determined that continuation of the withdrawal action is not warranted. Accordingly, notice is hereby given that a Notice of Withdrawal of Complaint is being filed with the Chief Administrative Law Judge and served on the Commissioner of the Indiana Division of Labor.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 24th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-9389 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1990

Identification, Classification and Regulation of Potential Occupational Carcinogens; Withdrawal of Proposed Amendments

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Withdrawal of proposed amendments.

SUMMARY: On January 19, 1981 (46 FR 4889) OSHA issued a notice listing deletions from its standard, for Identification, Classification and Regulation of Potential Occupational Carcinogens (29 CFR Part 1990) to conform the standard to the Supreme Court's decision regarding OSHA's benzene standard, *Industrial Union Department, AFL–CIO* v. *American Petroleum Institute, et al.* 65 L. Ed. 2d 1010, 100 S. Ct. 2844 (July 2, 1980). The notice deleted the requirement that worker exposure to Category I potential carcinogens automatically be reduced to the lowest feasible level. With this deletion, exposure levels to Category I carcinogens would be set on a case-by-case basis in conformance with law. The deletions will become effective on March 30, 1981, pursuant to 46 FR 11253 (February 6, 1981). As a result, 29 CFR Part 1990 will, at that time, be consistent with the Supreme Court's decision.

On January 19, 1981, the Assistant Secretary for OSHA signed a notice proposing various amendments to 29 CFR Part 1990. This notice was published on January 23, 1981 (46 FR 7402). The proposed amendments included requirements for making an assessment of the risk based on a consideration of all relevant data and for reducing exposure levels sufficiently to eliminate significant risk.

The proposed amendments and the request for public comment published at 46 FR 7402 are hereby withdrawn.

This withdrawal action will permit the Department to address alternatives that had not been fully considered and then later, if appropriate, to repropose the amendments.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: (202) 523–8151.

Signed at Washington, D.C., this 24th Day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81-9388 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Parts 75, 76, 78, 104, 200, 201, 211, 215, 223, 230, 231, 300, 305, 307, 309, 315, 318, 322, 324, 332, 336, 361, 362, 365, 366, 369, 370, 371, 372, 373, 374, 375, 378, 379, 385, 386, 387, 388, 389, 390, 395, 408, 525, 526, 527, 624, 643, 644, 645, 646, 649, 655, 656, 658, 660, 667, 668, 674, 675, 676, 682, 690, 726, 735, 740, 753, 757, 776, and 778

Review of Certain Regulations and Interpretations

AGENCY: Department of Education.

ACTION: Notice of intent to review and amend certain regulations and interpretations.

SUMMARY: The Secretary of Education provides notice of his intent to review and, as appropriate, amend certain regulations and interpretations that take effect March 30, 1981. The Secretary takes this action to analyze regulatory burdens and to identify opportunities for de-regulation and possible alternative approaches to achieving program objectives, in accordance with Executive Order 12291. Based on this review for each regulation or interpretation, the Secretary intends, by particular target dates, to publish a notice indicating that the regulation or interpretation will remain in effect, issue a revised regulation or interpretation, or provide other guidance needed by organizations and persons affected by the regulation or interpretation.

DATE: All comments received on or before May 31, 1981 will be considered.

FOR FURTHER INFORMATION CONTACT: A. Neal Sheild, Director, Division of Regulations Management, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Pursuant to a January 29, 1981 memorandum from the President, the Secretary published two notices in the Federal Register postponing until 60 days from the date of the memorandum the effective date of all Education Department final regulations scheduled to become effective during the 60-day period (February 4, 1981 at 46 FR 10721; February 17, 1981 at 46 FR 12496). During this period the Secretary initiated a review of the regulations to analyze regulatory burdens and identify opportunities for de-regulation. Additional time is now required to complete this review.

This notice indicates the Secretary's intent to implement this review thoroughly under Executive Order 12291 and with an opportunity for public comment.

The purpose of this notice is not to repeal the regulations and leave the affected programs without any regulations. On the contrary, the purpose is to provide for an orderly review of regulations in a manner that avoids disruption of programs and confusion for participants under the programs.

To permit the orderly implementation of the subject programs in Fiscal Year (FY) 1981 (which ends September 30, 1981), the regulations and interpretations will take effect March 30, 1981, even though a review of them has not been completed.

The Secretary intends to communicate to program participants decisions with respect to future regulations governing these programs well in advance of the target dates indicated below. For example, if, upon review (and in the light of any public comments), the Secretary decides that no changes are appropriate in a particular regulation, a notice will be published to this effect. On the other hand, if the Secretary decides to change the regulation in order to eliminate regulatory burdens on program participants or to take an alternative approach to achieving program objectives, modified regulations will be issued. The Secretary also will provide other guidance needed by program participants.

Regulations and interpretations subject to this notice will govern pertinent program activities for the duration of FY 1981, and they will remain in effect until further notice.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding each of these regulations. Respondents are particularly encouraged to address their comments to burdens imposed by the regulations, opportunities for de-regulation and alternative approaches to addressing these concerns. These comments will assist the Secretary in reviewing the regulations in accordance with Executive Order 12291. Oral and written comments should be directed to the contact person listed in the preamble of the regulation on which the comment is made. A Federal Register citation is provided for each regulation included in this notice. Any general comments should be directed to the contact person listed in this notice. All comments received on or before May 31, 1981 will be considered in deciding whether to revise these regulations and, if so, how to revise them.

Regulations To Be Reviewed by Target Date of September 30, 1981

The Secretary establishes a target date of September 30, 1981 to review the following regulations:

Title of Regulations or Interpretation; Published in the "Federal Register"

Rehabilitation Training; 34 CFR Parts 385, 386, 387, 388, 389, 390; Dec. 30, 1980, at 45 FR 86378

Nondiscrimination on the Basis of Handicap in Progams and Activities Receiving or Benefitting from Federal Financial Assistance; and Assistance to States for Education of Handicapped Children; 34 CFR Parts 104, 300; Dec. 30, 1980, at 45 FR [illegible]

International Education Programs; 34 CFR Parts 655, 656, 658, 660, 667; Dec. 31, 1980, at 45 FR 86672

Education Appeal Board; 34 CFR Part 78; Jan. 5, 1981, at 46 FR 881

Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities; 34 CFR Part 75; Jan. 14, 1981, at 46 FR 3205

Instructional Media for the Handicapped; 34 CFR Part 332; Jan. 14, 1981, at 46 FR 3206

Graduate and Professional Study Fellowships; 34 CFR Part 649; Jan. 14, 1981, at 46 FR 3400

Assistance to States for Education of Handicapped Children; 34 CFR Part 300; Jan. 16, 1981, at 46 FR 3835

Minority Institutions Science Improvement Program (MISIP); 34 CFR Part 735; Jan. 16, 1981, at 46 FR 3673

Law-Related Education Program; 34 CFR Part 757; Jan. 16, 1981, at 46 FR 3677

Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan: State Educational Agencies; 34 CFR Parts 230, 231; Jan. 16, 1981, at 46 FR 4536

Arts in Education Program; 34 CFR Parts 753; Jan. 16, 1981, at 46 FR 4608

Training Programs for Teachers of Handicapped Children in Areas with a Shortage; 34 CFR Part 322; Jan. 19, 1981, at 46 FR 4913

Selection Criteria for Fiscal Year 1981; 34 CFR Parts 211, 215, 305, 307, 309, 315, 318, 334, 339, 409, 525, 526, 527, 634, 643, 644, 645, 646, 728, 740; Jan. 19, 1981, at 46 FR 5372

Centers for Independent Living; 34 CFR Part 366; Jan. 19, 1981, at 46 FR 5410

Vocational Rehabilitation Service Projects; 34 CFR Parts 362, 369, 370, 371, 372, 373, 374, 375, 378, 379, 395; Jan. 19, 1981, at 46 FR 5416

Assistance to States for Education of Handicapped Children; Interpretation; 34 CFR Part 300; Jan. 19, 1981, at 46 FR 5460

State Vocational Rehabilitation and Independent Living Rehabilitation Programs; 34 CFR Parts 361, 365; Jan. 19, 1981, at 46 FR 5822

Special Impact Aid Provisions for Local Educational Agencies that Claim Entitlements Based on the Number of Children Residing on Indian Lands; 34 CFR Part 223; Jan. 22, 1981, at 46 FR 7196

Education Department General Administrative Regulations (EDGAR)—Grant Programs Without Specific Regulations; 34 CFR Parts 75, 76; Dec. 22, 1980, at 45 FR 84058

Library Career Training Program; 34 CFR Part 778; Dec. 24, 1980, at 45 FR 85422

Strengthening Research Library Resources Program; 34 CFR Part 778; Dec. 24, 1980, at 45 FR 85430

Regulations To Be Reviewed By Target Date of January 31, 1982

The Secretary establishes a target date of January 31, 1982 to review the following regulation:

Title of Regulations or Interpretation; Published in the "Federal Register"

Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with

Special Educational Needs; 34 CFR Parts 200, 201; Jan. 19, 1981, at 46 FR 5136

Regulations To Be Reviewed By Target Date of June 30, 1982

The Secretary establishes a target date of June 30, 1982 to review the following regulations:

Title of Regulations or Interpretation; Published in the "Federal Register"

Pell Grants Program; 34 CFR Part 690; Dec. 30, 1980, at 45 FR 86394
Student Assistance General Provisions; 34 CFR Part 668; Dec. 31, 1980, at 45 FR 86854
Guaranteed Student Loan Program; 34 CFR Part 682; Jan. 16, 1981, at 46 FR 3666
Guaranteed Student Loan Program; Refund of Tuition Charges and Other Fees; 34 CFR Part 682; Jan. 16, 1981, at 46 FR 3671
National Direct Student Loan Program, College Work-Study Program, and Supplementary Educational Opportunity Grant Program; 34 CFR Parts 674, 675, 676; Jan. 19, 1981, at 46 FR 5238

(20 U.S.C. 1221e–3)

(Catalog of Federal Domestic Assistance Numbers 84.002; 84.007; 84.008; 84.012; 84.014; 84.015; 84.016; 84.017; 84.113; 84.116; 84.023; 84.024; 84.025; 84.026; 84.027; 84.028; 84.029; 84.032; 84.033; 84.038; 84.041; 84.051; 84.063; 84.069; 84.077; 84.078; 84.080; 84.081; 84.084; 84.092; 84.093; 84.094; 84.095; 84.097; 84.099; 84.100; 84.101; 84.114; 84.120; 84.123; 84.126; 84.128; 84.129)

Dated: March 24, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-9401 Filed 3-26-81; 8:45 am]

BILLING CODE 4000-01-M

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34 CFR Parts 104 and 300

Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; Notice of Interpretation

AGENCY: Department of Education.

ACTION: Notice of proposed suspension of interpretation.

SUMMARY: The Secretary proposes to suspend indefinitely the effective date of the notice of interpretation published in the **Federal Register** on January 19, 1981. The effective date of this interpretation is postponed until May 10, 1981 in a separate notice published in this issue. the Secretary takes this action in order to provide an opportunity for public comment on this interpretation and the proposed suspension. Based on the comments received the Secretary will decide whether or not to suspend this interpretation indefinitely.

DATES: Comments must be received on or before April 27, 1981.

ADDRESSES: Comments should be addressed to A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, (Room 2129 FOB–6) 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Telephone: (202) 245–7091.

SUPPLEMENTARY INFORMATION: On January 19, 1981 at 46 FR 4912 the Secretary of Education published a notice of interpretation of Part B of the Education of the Handicapped Act and Section 504 of the Rehabilitation Act of 1973 to require a public educational agency to provide clean intermittent catheterization as a "related service" when it is required to provide a free appropriate public education, including services in the least restrictive environment, to handicapped children who are entitled to receive services under these statutes.

Pursuant to a memorandum from the President dated January 29, 1981, the effective date of this interpretation was postponed until March 30, 1981 (46 FR 12495; February 17, 1981). In a separate notice in this issue the Secretary further postpones the effective date of this interpretation until May 10, 1981. This notice proposes an indefinite suspension of the interpretation.

No public comment has previously been requested on this interpretation. the Secretary believes that the potential economic and administrative burdens which may be imposed upon public educational agencies by this interpretation justify the postponement of the effective date of the interpretation for a period of further review. The Secretary also requests public comments on whether the effective date of this interpretation should be suspended indefinitely.

After review of this interpretation and in light of the public comments received, the Secretary will decide whether to let this interpretation take effect on May 10, 1981 or to suspend it indefinitely.

(20 U.S.C. 1221e–3, 1401, 1411–1420; 29 U.S.C. 794)

Dated: March 25, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-9404 Filed 3-26-81; 8:45 am]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans' Benefits; Reduction of Aid and Attendance Allowance

AGENCY: Veterans Administration.

ACTION: Proposed Regulation Change.

SUMMARY: The Veterans Administration is proposing to amend its regulation governing reduction of the aid and attendance allowance to a veteran hospitalized by the Veterans Administration. The need for this action results from the lack of specificity in the current regulation concerning the effective date of reduction of the aid and attendance allowance when this benefit is first granted during hospitalization. The current regulation only provides aid and attendance reduction rules for a veteran already in receipt of the aid and attendance allowance at the time of hospital admission.

DATES: Comments must be received on or before April 27, 1981. The Veterans Administration proposes to make this change effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until May 6, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle (202–389–3005).

SUPPLEMENTARY INFORMATION: Under 38 CFR 3.552(b) the aid and attendance allowance is discontinued when a veteran in receipt of this benefit is hospitalized at Veterans Administration expense, effective the last day of the month following the month of hospital admission. This regulation is applicable to a veteran in receipt of the aid and attendance allowance at the time of admission to hospitalization at Veterans Administration expense. Section 3.552, Title 38, Code of Federal Regulations, does not cover the situation that arises when a veteran establishes entitlement to the aid and attendance allowance during a period of hospitalization at Veterans Administration expense.

The Veterans Administration has determined that when initial entitlement to the aid and attendance allowance is established on or after the date of admission to hospitalization at Veterans Administration expense, the additional pension or compensation payable by reason of need for aid and attendance should not be paid until discharge or release from hospitalization. Consequently, we are proposing to amend 38 CFR 3.552 to implement this determination.

There are two reasons why the aid and attendance allowance payable to a hospitalized veteran at time of

admission is not reduced until the end of the month following the month of admission. First, the veteran is in reliance upon this benefit and it would be inequitable to discontinue it for short periods of hospitalization. Second, immediate reduction of the aid and attendance allowance might deter a veteran from seeking needed hospital treatment.

Neither of these reasons is applicable to a veteran whose eligibility for the aid and attendance allowance is established during hospitalization. The veteran would not be in reliance upon the additional amount payable by reason of need for aid and attendance and consequently could not be deterred from seeking hospitalization by fear of loss of aid and attendance benefits. Since a hospitalized veteran is already receiving aid and attendance from the hospital staff, there is no justification for payment of aid and attendance benefits during hospitalization to a veteran who establishes entitlement to the aid and attendance allowance during hospitalization.

The Agency has determined that this proposed regulation is non-major in accordance with the requirements of E.O. 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 6, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 13, 1981.

Rufus H. Wilson,

Acting Administrator.

The Veterans Administration proposes to amend Part 3 as follows:

In § 3.552, paragraphs (a)(1) and (b)(3) are revised and paragraph (k) is added so that the added and revised material reads as follows:

§ 3.552 Adjustment of allowance for aid and attendance.

(a)(1) When a veteran who is already entitled to the aid and attendance allowance is hospitalized, the additional compensation or increased pension for aid and attendance shall be discontinued as provided in paragraph (b) of this section except as to disabilities specified in paragraph (a)(2) of this section. (See paragraph (k) of this section for rules applicable to a veteran who establishes entitlement to the aid and attendance allowance on or after date of admission to hospitalization).

* * * * *

(b) * * *

(3) Where a veteran affected by the provisions of paragraph (b)(1) and (2) or paragraph (k) of this section is discharged or released from the hospital against medical advice or as the result of disciplinary action, and is readmitted to such hospitalization within 6 months after that date, the allowance, additional compensation, or increased pension will be discontinued effective the day preceding the date of readmission. A readmission 6 months or more after such discharge or release will be considered as a new admission. (38 U.S.C. 3203(e)).

* * * * *

(k)(1) This paragraph is applicable to hospitalized veterans who were not entitled to the aid and attendance allowance prior to hospital admission but who establish entitlement to it on or after the date of hospital admission.

(2) If the effective date of entitlement to the aid and attendance allowance is on or after the date of admission to hospitalization, the aid and attendance allowance shall not be paid until the date of discharge or release from hospitalization, unless the aid and attendance allowance is based on a disability specified in paragraph (a)(2) of this section. If the aid an attendance allowance is based on a disability specified in paragraph (a)(2) of this section, the aid and attendance allowance shall be paid during hospitalization.

(3) If the aid and attendance allowance is not payable to a veteran under paragraph (k)(2) of this section, the veteran shall receive the appropriate reduced rate under paragraphs (d) through (j) of this section while hospitalized.

[FR Doc. 81-9330 Filed 3-26-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1784-6]

Air Quality; Commonwealth of Virginia State Implementation Plan; Withdrawal

AGENCY: Environmental Protection Agency.

ACTION: Notice of withdrawal of previously proposed revision.

SUMMARY: On August 18, 1977, the Commonwealth of Virginia submitted a proposed revision to the State Implementation Plan (SIP) consisting of a variance request (in the form of a Consent Agreement) for boilers Nos. 4 and 5 at Avtex Fibers, Inc. in Front Royal, Virginia. The variance would permit boilers Nos. 4 and 5 to continue burning coal in excess of the emissions permitted under Rules 2 and 3 of the Regulations for the Control and abatement of Pollution in the Commonwealth of Virginia which limit visible emissions and particulate matter. The Consent Agreement required that Avtex Fibers, Inc. achieve compliance with the above requlations on or before July 1, 1980. This document withdraws the proposed changes to the Virginia State Implementation Plan from further consideration by the EPA.

DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen, Project Officer (3AH11), U.S. Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, (215) 597–8187, REF: AH014VA.

SUPPLEMENTARY INFORMATION: On August 18, 1977, the Secretary of Commerce and Resources, on behalf of the Commonwealth of Virginia, submitted a variance request, in the form of a Consent Agreement, to the Administrator of the Environmental Protection Agency and requested that it be reviewed and processed as a revision of the Virginia State Implementation Plan (SIP). The variance would permit Boilers Nos. 4 and 5 at the Front Royal Plant of Avtex Fibers, Inc. to continue burning coal in excess of federally-approved Regulations for the Control and Abatement of Air Pollution in the Commonwealth of Virginia as specified in Section IV, Rule 2 (Emission Standards for Visible Emissions) and Rule 3 (Emission Standards for Particulate Emissions from Fuel Burning Equipment).

On August 22, 1977, the Executive Director of the State Air Pollution Control Board transmitted to the EPA

six (6) copies of the revision and supporting documentation. Following a review of the information, the EPA advised the Commonwealth in April, 1978, that the variance could not be approved as a revision of the Virginia SIP due to deficiencies in the control strategy demonstration. In a letter dated April 21, 1978, the Commonwealth requested EPA to withhold any formal action until a revised demonstration could be completed to remedy the modeling deficiencies. This revised demonstration was submitted as additional support documentation by the Commonwealth on July 12, 1978. Further technical difficulties associated with the modeling demonstration were raised, and EPA and Avtex Fibers subsequently entered into a Consent Agreement which is now being reviewed by the Department of Justice.

The original variance was proposed for approval as a SIP revision on May 11, 1979 (44 FR 27699) and no public comments were received. The baghouses have been installed, the boilers are now in compliance with the SIP, and the variance expired on July 1, 1980.

For the above stated reasons, the EPA does not plan to continue to process the variance and is withdrawing it from consideration as a SIP revision.

Note.—This is not a rule under Executive Order 12291 and therefore has not been submitted to OMB for review.

(42 U.S.C. 7401–7642)

Dated: February 25, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-8875 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60–1

Payment of Membership Fees and Other Expenses to Private Organizations; Proposed Rule Withdrawal

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Proposed withdrawal of rule.

SUMMARY: On January 16, 1981, the Department of Labor published a new rule (46 FR 3892), to be codified at 41 CFR 60–1.11, affecting contractor payments for employee memberships in private clubs and organizations which discriminate in membership policies. The rule originally was to go into effect on February 17, 1981, but pursuant to notice published in the Federal Register on February 6, 1981 (46 FR 11253), the effective date was deferred until March 30, 1981. The proposal published today seeks public comments on withdrawing the rule published on January 16, 1981.

DATES: Comments will be received until April 27, 1981.

ADDRESS: Comments should be sent to James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210, telephone (202) 523–0426.

SUPPLEMENTARY INFORMATION: On January 16, 1981, the Department of Labor published a final rule codifying a new section 41 CFR 60–1.11 affecting payments by Federal contractors of membership fees to private organizations which discriminate in membership on the basis of race, color, religion, sex, or national origin. That regulation was to take effect on February 17, 1981.

On January 29, 1981, President Reagan requested that the executive agencies postpone for 60 days the effective date of new regulations to allow full review of the new regulations by the incoming administration. On February 6, 1981, at 46 FR 11253, the Department of Labor published a notice in the Federal Register deferring the effective date of section 60–1.11 until March 30, 1981.

The proposed rule published today seeks public comments on withdrawing the rule published on January 16, 1981.

I. Reasons for the Proposed Withdrawal

Executive Order 11246, as amended, prohibits employment discrimination by Government contractors on the basis of race, color, religion, sex, or national origin. The Executive Order also requires that Government contractors take affirmative action to ensure that employees and applicants for employment are treated without regard to their race, color, religion, sex or national origin. The Department of Labor's position, after a full review of the deferred regulation, is that the payment of dues for individual employees to an outside membership organization by an employer is not itself a violation of the Executive Order. Indeed, the regulation of such payments may raise serious legal problems. The prohibition against discrimination and the affirmative action requirement under the Executive Order are, however, adequate to prevent an employer from using such memberships to structure the conduct of its business in a manner which creates employment discrimination.

Accordingly, withdrawal of the rule will not affect the interests of minorities, women and other employees of Government contractors.

In order to publish the proposal in the Federal Register prior to March 30, 1981, and to avoid an additional postponement prior to publishing the proposed withdrawal notice, the Department of Labor requested EEOC to grant a waiver of the consultation process under Executive Order 12067. EEOC responded to the request, in part, as follows:

> The Equal Employment Opportunity Commission has granted a waiver from the normal coordination requirements of Executive Order 12067 and its regulations because the Department of Labor has demonstrated an urgent need to publish a notice on this subject which will have the effect of delaying implementation beyond the scheduled March 30, 1981 effective date of the regulation.
>
> The Department of Labor and EEOC will continue to consult on the subject matter of the proposed withdrawal during the public comment period. Both agencies also will review the public comments received.
>
> EEOC has previously expressed its concurrence with the regulation published on January 16, 1981. The granting of this waiver does not constitute a change in EEOC's views or original concurrence on the underlying regulation. The EEOC also has not reviewed the reformulation of Department of Labor policy as stated in this proposed withdrawal.

II. Further Suspension of the Effective Date of the Rule

In view of the issuance of this proposed withdrawal of the rule, the effectiveness of this rule is further suspended until the Department takes final action on the proposed withdrawal. Since this regulation has never gone into effect and since the agency is herewith proposing to revoke this regulation for the reasons stated, we believe it would be inappropriate to require compliance with this regulation during the brief period until a final determination is made. Under the circumstances, the agency also finds that separate notice and public comment on this further brief deferral of the effective date is impractical and unnecessary within the meaning of 53(b)(3)(B) of the Administrative Procedure Act.

III. Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, certify, pursuant to 5 U.S.C. 605(b), that the

proposed rule published herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule would eliminate for all Government contractors subject to Executive Order 11246, including small entities, an existing rule which imposes recordkeeping and reporting requirements. Removal of these requirements is expected to reduce burdens on all covered Government contractors, including small entities.

IV. Preparation of This Document

This document was prepared under the direction and control of Craig Berrington, Acting Assistant Secretary for Employment Standards.

V. Proposed Rule

Accordingly, it is proposed that 41 CFR Part 60–1 be amended by removing § 60–1.11.

§ 60–1.11 [Removed]

Signed at Washington, D.C., this 24th day of March 1981.

Raymond J. Donovan,
Secretary of Labor.

Craig A. Berrington,
Deputy Assistant Secretary, Employment Standards Administration.

[FR Doc. 81-9418 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-27-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 80-756]

Digital Communications Protocols; Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing comments to Notice of Inquiry.

SUMMARY: The Commission extends the date for the filing of comments to the Notice of Inquiry in General Docket No. 80–756, Digital Communications Protocols, released on December 8, 1980. The deadline for filing reply comments remains unchanged. This action is taken in response to a Motion for extension of time.

DATES: The filing date for comments is extended two additional weeks. Comments must now be filed on or before March 30, 1981. Reply comments must still be filed on or before May 15, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael D. Kennedy, Technical Planning Staff, Office of Science and Technology, 2025 M Street, NW., Washington, D.C. 20554 (202) 632-7073—Room 7334.

SUPPLEMENTARY INFORMATION: In the Matter of Digital Communications Protocols, Order Extending Time for Filing Comments (See 45 FR 84140).

Adopted: March 13, 1981.
Released: March 18, 1981.

1. On march 11, 1981 GTE Telenet Communication Corporation (Telenet), by its attorneys, pursuant to Section 1.46 of the Commission's Rules and Regulations, 47 CFR 1.46, filed a request to extend the time for filing comments to March 30, 1981 in the above-captioned matter. Comments on the Notice of Inquiry in this matter, released by the Commission on December 8, 1980 are currently due on or before march 16, 1981.

2. Because the Inquiry raises substantial and complex questions relating to the implementation of the Commission's decision in the Second Computer Inquiry, Telenet feels that they will not be in a position to file comments which will do justice to the issues by March 16. Telenet's personnel are presently developing a technical discussion of the protocol issues which Telenet believes will make a significant contribution to the Commission's consideration of the matters raised in the Notice of Inquiry.

3. On March 12, 1981 Tymnet, Inc. (Tymnet), by its attorneys, filed comments supporting Telenet's motion for an extension of time.

4. The Commission is aware that the questions presented in this proceeding involve highly complex technical and policy issues. By developing the fullest record practicable, the Commission can insure that the issues will be examined and evaluated thoroughly. Therefore, for the above reasons and because we do not anticipate harm to any party, the request for extension of the comment period to March 30, 1981 is Granted.

5. Therefore, it is ordered, pursuant to § 0.241(d) of the Commission's Rules and Regulations, that the date for filing comments in this proceeding is extended. Comments must now be filed on or before March 30, 1981. The deadline for filing reply comments remains May 15, 1981.

Federal Communications Commission.
S. J. Lukasik,
Chief Scientist.

[FR Doc. 81-9431 Filed 3-26-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-170; RM-3712]

TV Broadcast Station in Lander, Wyo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of VHF television Channel *5 to Lander, Wyoming, as its first noncommercial educational station, in response to a petition filed by Central Wyoming College.

DATES: Comments must be filed on or before May 12, 1981, and reply comments on or before June 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Lander, Wyoming), BC Docket No. 81-170 RM-3712.

Notice of Proposed Rule Making

Adopted: March 13, 1981.
Released: March 19, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rulemaking [1] filed by Central Wyoming College ("petitioner"), which seeks the amendment of Section 73.606(b) by reserving VHF television Channel 4 at Lander, Wyoming, for noncommercial educational use. Petitioner stated it would apply for Channel 4, if it were reserved. Supporting comments were filed by Harriscope Broadcasting Corporation (licensee of AM Station KTWO and VHF Station KTWO–TV, Casper, Wyoming). Opposing comments were filed by the Chrysostom Corporation (permittee of UHF Station KCWY–TV), Casper, Wyoming.

2. Lander (pop. 7,125),[2] in Fremont County (pop. 28,352), is located in the western portion of Wyoming, approximately 32 kilometers (20 miles) southwest of Riverton, Wyoming. It is presently assigned VHF Channel 4 (unoccupied and unapplied for).

3. Petitioner claims that the public interest would be served by reserving

[1] Public Notice of the petition was given on August 8, 1980, Report No. 1242.
[2] Population figures are taken from the 1970 U.S. Census.

Channel 4 for noncommercial educational use. It would allow an expansion of the hands-on experience program for students enrolled in Radio/Television Broadcasting at the College, in addition to providing educational and cultural programming to Lander and the Wind River Basin area. It contends that no interest has been shown in operating a commercial station on Channel 4 since it was assigned.

4. Chrysostom, in opposition, argues that of all the reserved channels assigned in Wyoming, none has ever been applied for. It further claims that Lander would lose its only commercial channel, if this proposal is adopted. Chrysostom states that it intends to apply for authority to operate Channel 4 as a satellite of KCWY-TV, within the next sixty days, noting that its concrete expression for use of the channel, warrants denial of the proposal.[3]

5. It appears that Chrysostom's opposition stems from a desire to have a commercial channel available should it desire to apply for its use. However, there appears to be a need for a first noncommercial television service in western Wyoming. A staff study shows that Channel 5 is available for assignment to that community, thus leaving Channel 4 for commercial use. Since another channel can be assigned to Lander, we believe the public interest would be served by assigning and reserving Channel 5 for noncommercial educational use.

6. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the city of Lander, Wyoming, as follows:

City	Channel No.	
	Present	Proposed
Lander, Wyoming	4	4, *5

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before May 12, 1981, and reply comments on or before June 1, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the Television Table Assignments, Section 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-9059 Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

[3] No application for such use has been received.

47 CFR Part 83

[Gen. Docket No. 79-168; FCC 81-66]

Compulsory Telegraph Vessels; Requirement To Be Capable of Generating a Field Strength of 30 mV/m at a Distance of One Nautical Mile

AGENCY: Federal Communications Commission.

ACTION: Order Terminating the Proceeding.

SUMMARY: The Report and Order vacates without prejudice the proposal in this docket to establish a minimum field strength for compulsory telegraph installations, and looks toward gathering information on the efficiency of modern vertical antennas as compared with that of long-wire antennas used on vessels equipped with these compulsory installations. The question of whether to establish a minimum emitted field strength for these vessels will be reexamined after sufficient data has been amassed with respect to present day antenna efficiencies.

EFFECTIVE DATE: April 27, 1981.

ADDRESS: Federal Comunications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Irvin Hurwitz, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER

(Proceeding Terminated)

Adopted: March 11, 1981.

Released: March 24, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of amendment of Part 83 of the Rules to require all compulsory telegraph vessels to be capable of generating a field strength of 30 mV/m at a distance of one nautical mile.

1. On June 27, 1978, the Commission released a Notice of Proposed Rule Making in Docket 78-185 (43 FR 28840) on the above-captioned subject. This rulemaking was initiated in an attempt to update regulations that had been adopted by the Commission soon after the Ship Power Hearing (Docket) 5212 was completed late in 1936.

Background

2. The Ship Power Hearing was held in order to determine the minimum power that the FCC should require of radio transmitters compulsorily installed on vessels subject to the Communications Act of 1934, as amended (Act). The Act did not directly specify transmitter power on these vessels; instead it called for (Section 355, paragraph (e)):

> The main and reserve installations shall when connected to the main antenna, have a minimum normal range of two hundred nautical miles and one hundred nautical miles, respectively; that is, they must be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges.

3. The purpose of the Ship Power Hearing was to translate these range requirements into transmitter power requirements. The conclusion that was agreed upon (200 watts output for the main transmitter; 25 watts for the reserve transmitter) was arrived at by construing the phrases from the Act quoted above in the following manner:

a. "Normal conditions and circumstances" was interpreted to mean calm seas, clear weather and average values of noise—atmospheric, galactic and man-made—for the frequencies involved.

b. "By day" restricted consideration to groundwave propagation—sky-wave did not have to be allowed for.

c. "Clearly perceptible signal" was taken to be 82.5 microvolts per meter (uV/m). This figure was reached in two stage: first, by agreeing on a signal-noise ratio of 5 to 1 and, second, by taking the value of noise at the antenna to be 16.5 uV/m. A determination of these values was essential for the following reasons:

(i) The signal-noise ratio tells us how strong an incoming radio signal must be—if it is to achieve a specified level of intelligibility—compared to the radio noise in the vicinity. Obviously, if the noise level is high, it will tend to interfere with the desired incoming signal unless the signal level is high enough to overcome the effect of the noise.

The factor by which the desired incoming signal must exceed the surrounding radio noise level, if it is to achieve a specified measure of intelligibility, is the signal-noise ratio referred to in the last paragraph. Experimental tests have shown that for some purposes and under some conditions it might be advisable to take it as high as 10 to 1; for other purposes and under other conditions, a ratio as low as 2 to 1 is adequate. These figures were in general derived by subjecting groups of radio operators to tests made up of incoming signals mixed with varying levels of artificially introduced noise; the scores they made on the tests were used to specify the intelligibility of the transmission. For a specified intelligibility, the different signal-noise ratios required by the individual operators were then averaged to arrive at a single figure. Of the various signal-noise ratios suggested at the Ship Power Hearing, a compromise figure of 5 to 1 was finally adopted by the Commission in order to take into account a possible lowering of operator competence as a result of the stresses engendered by a distress situation.

(ii) It was also essential to arrive at a reasonable figure for the external noise level. Noise varies with geographical location, time of day, season of the year, solar phenomena, and the amount and nature of the electrical equipment on board the vessel. To arrive at a reasonable average value of noise, FCC engineers recorded continuously the noise levels encountered on commercial vessels during eight separate voyages plying routes over different parts of the earth's surface. When these noise values were averaged and the seasonal variations of atmospheric noise taken into account, the figure arrived at was 16.5 uV/m.

These two average values, the noise and the signal-noise ratio were then multiplied together to yield a value for "clearly perceptible signal" of 82.5 uV/m. This meant that if a vessel were in an average noisy location (noise=16.5 uV/m) and that if a signal came in that was five times as great (82.5 uV/m), this would be considered for purposes of the Act (and, in practice, actually was) a "clearly perceptible signal."

d. Knowing that a signal of 82.5 uV/m was required at 200 nautical miles for the main transmitter (and at 100 miles for the reserve transmitter) it became a simple matter to calculate, within the statistical limits of accuracy of published propagation curves, that for the main installation the field strength at one nautical mile should be 30 mV/m (approximately 10 mV/m for the reserve installation).

e. The efficiencies of the antennas on board some 80 vessels were then measured.

f. Taking the median of these values, the investigator found that a main transmitter with a power output of 200 watts could be expected to generate a field strength of 30 mV/m at a mile and, similarly, a reserve installation with an output of 25 watts could be expected to generate a field strength of about 10 mV/m.

4. It was in this way that the statutory requirements of 200 miles (main installation) and 100 miles (reserve installation) were translated into transmitter powers of 200 watts and 25 watts respectively.

5. There was no attempt made at the time or subsequently to ensure that all vessels would under all conditions be able to communicate with other vessels at a distance of 200 miles. This, as the report of the hearing pointed out, could not be guaranteed by the state of the art at that time given the constraints of the problem (frequency, power, etc.). It still cannot be. All that was attempted was to achieve a likelihood that transmissions from a vessel with an average antenna in a location with average noise could be heard 200 miles away by an operator with average skill and equipment when conditions were "normal." The nature of radio and of radio propagation, taken in conjunction with the power levels involved, dictated a statistical approach and a resorting to averages.

6. Over the past forty years, most of the considerations leading to the established transmitter power values

remained constant. Geographical noise levels, signal-noise ratios, propagation characteristics showed little change. The one exception was antenna efficiencies. Because many of the newer vessels were built without kingposts or other structures to which long wire antennas might be attached, a shift was made by about a third of the U.S. fleet to vertical antennas. Vertical antennas are, in general, self-supporting metal masts approximately 50 feet in height (roughly 10% of a quarter wave-length); they are inherently less efficient than the long-wire antennas of thirty and forty years ago. And so the question arose whether the efficiency of the "average antenna" had been substantially reduced. Tests on about 10 vertical antennas installations carried out during the period 1970–73, showed none of them to be emitting a field strength as large as 30 mV/m at a mile. These tests were held under the auspices of the International Radio Consultative Committee (CCIR), a technical arm of the International Telecommunication Union.

7. As a result of these concerns, we proposed to make the criterion of 30 mV/m at a mile obligatory on all vessels instead of only on a mythical "average" vessel. A recently developed and tested vertical antenna which was expected to meet the 30 mV/m field strength served as an impetus for the proposal.

Comments

8. Comments in this Docket were received from the following organizations:

American Institute of Merchant Shipping (AIMS)
American Petroleum Institute (API)
Council of American-Flag Ship Operators (CASO)
ITT Mackay Marine (Mackay)
Rockwell International Corporation (Rockwell)

There were no reply comments. With the exception of Rockwell, all commenters were opposed to the proposal.

9. Rockwell, who strongly supports the Commission's proposed rule change, produces the "Collins 938G–1" MF/HF maritime vertical antenna which is was instrumental in developing. This is a new vertical mast antenna which, for some azimuth angles, can meet the FCC criterion of 30 mV/m at a nautical mile when fed with a telegraph signal of 200 watts. Tests have shown, however, that under some conditions radiation from the new antennas fall short of this goal by better than 15%.[1] In fact, all that is claimed in the Rockwell Symposium Paper (page 5) is ". . . that the antenna, *at some azimuth angles*, can meet the 30 mV/m field strength requirement with 200 watts of input power," (emphasis added).

10. The opposing comments may be summarized as follows (proponents of the several arguments are given in parentheses):

A. The proposed regulation is in conflict with SOLAS—the Safety of Life at Sea Convention (AIMS, API, CASO). It is argued that the proposal ignores the continuously updated advances in SOLAS over the past 40 years (AIMS). Hence, it is discriminatory, since its provisions are more stringent than those of SOLAS (AIMS, CASO) and might contribute to driving U.S. vessels off the market (CASO). There is no rationale why the U.S. should be burdened with excessive requirements (API). Let us adopt the SOLAS provisions,[2] unless the Commission can document its proposed position with substantial evidence (CASO).

B. The present rulemaking does not take into account technical advances in the last 40 years especially with regard to receiver sensitivity (AIMS, API, CASO). We would be better off replacing our present receivers with those of higher sensitivity (API). We should take advantage of the increased selectivity of present day receivers which make the proposed field strength figures needlessly high (Mackay).

C. Only one company manufactures the new antenna; there may be a possibility of the Commission encouraging monopolistic practices through regulatory mandate (AIMS).

D. This would be the first time a definitive figure for field strength was being incorporated into the rules. No evidence has been adduced that the old rule is unsatisfactory (AIMS).

E. Since the new antenna is the only one that purportedly meets the criterion (200 watts input/30 mV/m output at 1 nautical mile), and is just barely meets it with little margin for deterioration due to aging, environmental and other considerations (API), AIMS raises the question of what the FCC would do if the antenna's performance was reduced to the point where its output dipped below 30 mV/m at 1 nm. They want to know if the companies would have to go to the expense of replacing them is spite of their operating satisfactorily (even if marginally) now.

F. Replacing present day vertical antennas with a new vertical antenna capable of meeting the proposed requirements will be expensive. Estimated cost per installation will be $18,000 to $27,000 (API, Mackay, AIMS, CASO). For vessels using two such antennas the cost would be doubled (API). The total cost to the industry may well be over $6,000,000 (Mackay). Anticipated improvements in the distress system make the cost of implementing the instant proposal an unjustified expenditure (API).

G. The FCC has given no indication of how or under what conditions it intends to measure the field strengths which is a necessary adjunct to the legal enforcement of the regulation (AIMS).

Discussion

11. An evaluation of these arguments follows. It is presented in the order in which they are summarized above.

A. *Conflict with SOLAS.* The provisions of the Communications Act of 1934, as amended, where more stringent, are not in conflict with SOLAS, but supplementary to it.[3] The United States did in fact, agree to the minimum provisions on which agreement could be reached by all the SOLAS countries. But agreement to require no more of foreign-flag vessels than that they meet these minimum requirements, did not mean that the U.S. lowered safety standards for its own U.S.-flag vessels to those minimum requirements. As we have noted, this proceeding was instituted to implement the requirements contained in Section 355 of the Act.[4]

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[1] See RTCM Symposium Papers, 1978, Vol III, Page 11 of "MF/HF Vertical Antenna Meets the Tests" by A. I. Osborne, Jr., Rockwell International.

[2] SOLAS provides for a range of 150 nautical miles in lieu of the 200 miles required by the Act. It defines a "clearly perceptible signal" as 50 uV/m instead of the 82.5 uV/m that is the U.S. standard.

[3] That this was the intent of Congress is demonstrated by the Act's legislative history. When in 1937 Congress added Title III Part II to the Act (Public Law 97), the committee reported:

Your committee assert generally that we have written into the bill the standards of the world, that in some respects we have raised such standards * * *. Page 3 Senate Report 196 on S. 605 (Pub. L. 97), March 17, 1937, 75th Congress, 1st Session.

Further, when Title III Part II was amended in 1954 after the 1948 Safety Convention came into effect, the Senate and House Reports on S. 2453 (Pub. L. 594), in identical language, contain the following:

This amendment also went beyond the radio provisions of the Convention of applying higher technical radio standards to United States vessels * * *. Page 2 of Senate Report No. 1883 (June 11, 1954) and page 2 of House Report No. 2286 (July 19, 1954) on S. 2453 (Pub. L. 594) 83rd Congress 2nd Session.

[4] With respect to the argument by AIMS that the proposal ignores the continually updated advances of SOLAS over the past forty years, the only changes made in this connection were as follows. SOLAS of 1929 reads (Article 31, 6):

"The main transmitter shall have a normal range of 100 nautical miles, that is to say, it must be capable of transmitting clearly perceptible signals from ship to ship over a range of at least 100 nautical miles by day under normal conditions and circumstances, the receiver being assumed to be one

Continued

B. No account is taken of recent technical advances. (i) *Sensitivity.* Sensitivity is a measure of the noise generated by a receiver's own low-level circuitry. If it were possible to reduce this low-level noise by 50%, a signal could be amplified twice as much as previously before the noise would be amplified to the same level which previously interfered with intelligibility. Thus the required strength of a usable signal would be halved. The commenters are correct in saying that receiver sensitivity has been improved over the years.

But in the case we are considering, amplification has never been limited by receiver low-level noise. Amplification of weak telegraph signals at these frequencies is normally limited by external, usually atomospheric noise. That noise comes into the receiver antenna along with the signal, and the receiver does not distinguish between the two and amplifies them both. Thus, increasing the receiver sensitivity will not reduce the noise, and the usability of a signal (which depends on the ratio of its amplitude to this noise amplitude—the signal-noise ratio) will not be improved.[6]

Unfortunately, although it has been possible over the years to reduce low-level receiver noise and so improve sensitivity, external noise has increased. Thus more sensitive receivers do not alleviate the problem.

(ii) *Selectivity.* The commenter correctly pointed out that the effect of external atmospheric noise can be reduced by narrowing the bandwidth of the receiver. However, there are constraints on the necessary bandwidth of the receiver.

First, it must be broad enough to accept a properly sent signal. This means ". . . effectively receiving A1 and A2 emissions on all frequencies within the bands 100–200 kHz and 405–535 kHz. . . ."[8] The modulating frequency of an A2 signal must be between 450 and 1350 Hz,[9] and a common speed of sending is 25 words a minute which equals 20 bauds. The necessary bandwidth to accommodate a properly sent A2 signal modulated with a tone of 1350 Hz and sent at a speed of 25 words per minute is 2700 Hz.[8]

This figure, however, does not take into account transmitter tolerances which in the present case would be 2500 Hz.[8] The bandwidth of the Assigned Frequency Band would therefore be 7700 Hz[10] and the band would extend under these conditions from 496.120 kHz to 503.880 kHz. Consequently, a minimum bandwidth of close to 8 kHz is required.

Thus, although it is true that a receiver with a 0.4 kHz bandwidth can tolerate many times as much noise as the old receivers, to employ them means paying an unacceptable price: the possibility of remaining unaware of the existence of an SOS issuing from a lifeboat in distress whose transmitter has strayed off 500 kHz by an amount only 1/5 of what this government has committed itself to regard as permissible. Since the U.S. agreed in an international convention to abide by these tolerances, it cannot change its position unilaterally and permit a vessel's call for help to go unheeded. Until international tolerances are reduced on emergency and survival craft transmitters, it is difficult to see how the United States can unilaterally take advantage of receivers with higher selectivities. The ITU World Administrative Radio Conference just held (1979) has provided for a new reduced tolerance but it will not be effective until January 1, 1990.

C. *Monopolistic practices.* We do not agree that adoption of the proposal would lead to monopoly in the manufacture and supply of ship vertical antennas. Although only one supplier makes the antenna which comes close to meeting the proposed requirement, the manufactuer of vertical antennas, like other items of radio equipment, takes place in an open market. There is nothing to preclude anyone from manufacturing vertical antennas. The fact that one company at present is the only manufacturer does not *per se* establish a monopoly. We would neither confer a privilege nor give any vested advantage to this sole manufacturer. If the demand exists, others can enter the market to compete.

D. *Field Strength criterion placed in rules.* AIMS is correct in declaring that the precise figure for field strength has never before appeared in the rules, but only partially correct in stating that there is no evidence that the present rule is unsatisfactory. Pressure for amending the rule has grown as the result of growing awareness that today's vertical antennas seem to be less efficient than the long-wire antennas. Values of the efficiencies of some vertical antenna installations may be found in Report 502–2 of Volume VII of the CCIR XIV Plenary Assembly, Kyoto, 1978.

E. *Margin for deterioration in the new antennas.* We share API's concern with respect to the small margin for deterioration of the new antennas when used in conjunction with 200-watt output transmitters. Although the proposed rule change was written to enable an increase of the margin by the use of higher power transmitters, this approach is not entirely satisfactory for the following reasons:

First, its effect on the ship's reserve installation may be undesirable. Normally, the emergency transmitter has a power supply of comparatively limited capacity; a decrease in efficiency of the antenna link in the transmission chain cannot be automatically compensated for simply by increasing the power of the transmitter—not when there are severe constraints on the capacity of the power supply energizing it. Where the trade offs in a system are delicately balanced, as is customary in the reserve installations of oceangoing vessels, it could be hazardous to depend on the strengthening of one link, in the hope of

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employing a rectifier of the crystal type without amplification."

The SOLAS increase from 100 to the present requirement of 150 nautical miles was made in 1948 at which time the restriction to crystal rectifiers was dropped and "clearly perceptible signal" was spelled out in terms of the R.M.S. value of the field strength at the receiver being at least 50 microvolts per meter. The United States, which had adopted in 1938 a value for "clearly perceptible signal" of 62.5 microvolts per meter as a result of much testing and experimentation, was unable to get international agreement on this value. (For details of this testing and experimentation by the United States and of the rationale supporting them, see FCC *Ship Power Hearing*, November 14–18, 1938, *Report of Commissioner T.A.M. Craven in Docket 5212*, dated May 9, 1939, and *Order* dated July 27, 1939, in Docket 5212. A portion of this material has been summarized in paragraph 3 above.) Accordingly, the United States agreed to the use of the lower value by foreign-flag vessels. It has retained the higher value for application to U.S.-flag vessels since no comparable subsequent study has come up with a more trustworthy value.

[6] These considerations are well known and often lead to the selection, in some circumstances, of less sensitive (and less expensive) receivers than the maximum than the state of the art affords. For example, CCIR recommends:

"When, however, either the external noise level or the input signal level is high, the internal receiver noise is less important. For this reason, some receivers (e.g., many broadcast receivers) are not designed to have the best possible relative values of reference sensitivity. . . ." Paragraph 5, Annex II of Recommendation 331.4 of Volume I of CCIR XIV Plenary Assembly, Kyoto, 1978.

[8] Section 83.444(c) of the Rules and Regulations of the Commission. This requirement is based on paragraphs 7931 (old 973) and 7932 (old 974 MAR) of the Radio Regulations of the International Telecommunication Union (ITU), and paragraph (h) of Regulation 10, Chapter 4, of SOLAS.

[9] Paragraph (f) of Regulation 10, Chapter 4, of SOLAS.

[8] By Appendix 3 of the ITU Radio Regulations, the Necessary Bandwidth, Bn, equals BK + 2M where B is beads, K is a constant (in this case 3) and M is the modulating frequency.

[8] By Appendix 3 of the ITU Radio Regulations, the tolerance specified for ship emergency transmitters and survival craft stations is 5000 parts per million or 2500 Hz at 500 kHz.

[10] Paragraph 3138 (old 80) of the Radio Regulations of the ITU reads: "3.11 Assigned Frequency Band: The frequency band within which the emission of a station is authorized: the width of the band equals the necessary bandwidth plus twice the absolute value of the frequency tolerance. . . ."

compensating for the weakness of another.

Second, even in the main installation, a greater increase in the power input to an inefficient antenna can lead to excessive voltage buildup, corona, arcing and insulation breakdown.[11]

F. *Cost of Equipment.* Replacement costs of new antennas are high enough to warrant a comparision of benefits derived and costs incurred. The distress system will be replaced in the not-too-distant future. However, if there are reasonable assurances of substantial short-term benefits during the period before the international negotiations are concluded, the proposal would be justified. Mackay's conservative estimate of a $6,000,000 price tag to the industry does not even include the cost of new equipment—main and emergency transmitters, batteries, auxiliary devices—that may follow in its wake. Nor does it include the cost to the government of enforcing the proposed regulation.

G. *FCC Implementation.* AIMS asks the Commission's intentions with respect to measurements of field strengths in enforcing the proposed regulation. When a ship fails to develop the required field strength by a substantial amount, the FCC has called for immediate corrective measures. Where a marginal deficiency exists the FCC has given time in which to reach compliance. For example, in the case cited by AIMS where antenna performance deteriorates to the point where the field strength is only 29 mV/m, the case could be handled similarly to that of the long-wire antenna. Under the proposed regulation a Notice of Unsatisfactory Condition could be issued which would in essence give the licensee a reasonable period to repair or replace the antenna or otherwise meet the requirements. If performance by the antenna-transmitter combination—as shown, for example, by the antenna current—appears to be adequate, there may be little point to making field strength measurements once the characteristics of the installation and its normal capacity have been determined. On the other hand, an installation that is known to be marginal might require testing of its field strength at every annual and special inspection. This is a necessary consequence of the draft regulation being based on the performance of the individual ship's antenna instead of, as in the past, basing itself on the average performance of a large population of antennas.

12. There are considerable difficulties either with continuing with the status quo of a gradually eroding level of antenna efficiencies, or with adopting the proposal as it stands, which could be a costly procedure whose benefits are not assured. We are deferring decision between them pending a reevaluation of "average antenna efficiency" (and, perhaps simultaneously, of "normal conditions and circumstances" and "clearly perceptible signal") in as objective a manner as possible. Our Field Operations Bureau is planning to test, over the course of the next few years, the field strengths of the signals radiated by many United States vessels. This will provide a measure of the antenna efficiencies of the vertical antenna installations and a comprision with long wire antennas.

13. If vertical antenna efficiencies are substantially up to those of long wire antennas, we need not amend our rules. If, on the other hand, they are shown to be considerably less, we may have to again propose new rules.

14. The Commission directs the publication of the appended Public Notice.

15. Regarding questions on matters covered in this document contact Charles D. Fisher at the telephone number (202) 632-7175.

16. Accordingly, *It Is Ordered,* That pursuant to the authority contained in Section 4(i), 303(f) and 303(r) of the Communications Act of 1934, as amended, the instant proposal is vacated, the attached appendix is adopted, effective April 27, 1981 and this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

[No. 28950]

The Commission this date approved a Report and Order terminating without prejudice the proceedings in Docket No. 78-185 which would have required all compulsory telegraph vessels to be capable of generating a field strength of 30 mV/m at a distance of one nautical mile for all long-wire and vertical antennas. It has decided to institute a series of tests to determine the antenna efficiencies of U.S. flag vessels. When these tests are completed and the results analyzed, the Commission will return to a consideration of how to implement the two hundred and one hundred nautical mile range requirements of Title III, Part II of the Communications Act of 1934, as amended.

By Direction of the Commission.

[FR Doc. 81-9315 Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

[11] It was for this reason that the Commission did not pursue a tentative of this nature that had been proposed in 1969 in Docket 18570.

Notices

Federal Register
Vol. 46, No. 59
Friday, March 27, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Plant Variety Protection Board; Closed Meeting

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Notice of closed meeting.

SUMMARY: The Plant Variety Protection Board was established by Congress under the provisions of section 7 of the Plant Variety Protection Act (PVPA) (7 U.S.C. 2327).

The Board advises the Secretary concerning the adoption of rules and regulations to facilitate the proper administration of the Act and makes advisory decisions on all appeals from the Examiner or Commissioner. When making advisory decisions on appeals, the Board may act through a panel of its members rather than as the full Board.

DATE: April 15, 1981, closed meeting will begin at 9:30 a.m.

ADDRESS: U.S. Department of Agriculture, Room 2092, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Bernard M. Leese, Commissioner, Plant Variety Protection Office, National Agricultural Library Building, Room 500, Beltsville, Maryland 20705 (301/344–2518).

SUPPLEMENTARY INFORMATION: The Plant Variety Protection Board is a 14-member advisory committee established by the PVPA. The Board's membership consists of individuals appointed by the Secretary, who are experts in various areas of varietal development within the scope of the PVPA. In addition to serving as advisor to the Secretary with respect to the adoption of rules and regulations, the Board also functions as advisor on all appeals from the Commissioner's decisions denying applications for variety protection. When making advisory decisions on appeals, section 7(B)(2) of the Act permits the Board to act through a panel it selects rather than as a full Board.

The closed meeting being announced in this Notice, is being held for the sole purpose of having the Board, acting through a three member panel it selected, review and advise the Secretary with regard to a specific appeal from the Commissioner's decision denying an application for plant variety protection. Review of this application in closed session is required to maintain the confidentiality of the application and its contents as required in section 56 of the Act (7 U.S.C. 2425), and is permitted pursuant to the authority in section 10(d) of the Federal Advisory Committee and section 552b(c)(3) of the Administrative Procedure Act (5 U.S.C. 552b(c)(3)).

A copy of the Determination to Hold a Closed Meeting is available for public inspection and copying in the Office of the Director, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Room 2092, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250 (202/447–5705).

Signed at Washington, D.C. on March 24, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-9130 Filed 3-26-81; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Blackfeet Indian Tribe in Montana

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Blackfeet Indian Tribe in Montana has been materially increased and become acute because of severe and prolonged drought substantially reducing range forage and hay production, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Blackfeet Indian Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of the tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through May 31, 1981, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on March 19, 1981.

Edward Hews,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-9130 Filed 3-26-81; 8:45 am]

BILLING CODE 3410-05-M

Food and Nutrition Service

Maternal, Infant and Fetal Nutrition Advisory Council; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.

Date and time: 9:00 a.m., April 13–15, 1981.

Place: Conference Room No. 645, GHI Building, 500 12th Street, SW., Washington, D.C. 20250.

Purpose of meeting: The Council will continue its study of the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP), and will discuss a wide range of matters concerning the operations of these two programs.

Proposed agenda: The agenda items will include the following issues: funding and caseload management; regulatory review; demonstration projects and program evaluations; and general program operations.

This meeting will be open to the public. As time permits, members of the public may participate in the meeting.

Persons wishing additional information about this meeting should contact Mary Hemler Sloane, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-8421.

Dated March 24, 1981.

G. William Hoagland

Administrator, Food and Nutrition Service.

[FR Doc. 81-9310 Filed 3-26-81; 8:45 am]
BILLING CODE 3410-30-M

Soil Conservation Service

Great Plains Conservation Program, Intent To Prepare a Program-type Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Intent To Prepare a Program-type Environmental Impact Statement, Great Plains Conservation Program.

FOR FURTHER INFORMATION CONTACT: Guy D. McClaskey, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, telephone (202) 447-2324.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR 1500), and the Soil Conservation Service Guidelines (7 CFR 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that a program-type environmental impact statement (EIS) is being prepared for the Great Plains Conservation Program (GPCP). GPCP was enacted in 1956 by the 84th Congress (Pub. L. 84-1021, 16 U.S.C. 590p, as amended) and is to terminate on September 30, 1981.

The environmental evaluation of GPCP, which was started in November 1980 (see FR 81210, Vol. 45, No. 230, Wednesday, December 10, 1980) indicates that implementation of GPCP has significant cumulative impacts on the human environment. As a result of this evaluation, Norman A. Berg, Chief, Soil Conservation Service, has determined that the preparation and review of a program-type EIS is needed for this program.

GPCP gives assistance under long-term contracts to land users in 516 designated counties of 10 Great Plains States. Its purpose is to provide economic stability to the farm unit by providing needed protection and improvement of soil, water, land, plant, and wildlife resources of the Great Plains Area, which is plagued with recurring drought and wind erosion problems. Installing complete conservation treatment and management systems on farms and ranches helps stabilize individual enterprises and, consequently, the local economy.

A draft of the program-type EIS will be prepared and distributed for review and comment by Federal, State, and local agencies and the public in general. The Soil Conservation Service invites the public to participate in the decisionmaking process by reviewing and providing substantive comments and suggestions on the draft EIS when it is issued.

(Catalog of Federal Domestic Assistance Program No. 10.900, Great Plains Conservation Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is not applicable)

Cletus J. Gillman,

Deputy Chief, for State and Local Operations.

[FR Doc. 81-9123 Filed 3-26-81; 8:45 am]
BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Air Service Certificate; Application All-Cargo

March 19, 1981.

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39438, from Two Americas Trading Co., Inc. d/b/a ICB International Airlines, Suite 104, 1020 Manhattan Beach Boulevard, Manhattan Beach, California 90266 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before April 17, 1981. An executed original and six copies of such an answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-9265 Filed 3-26-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39285; Order 81-3-100]

Texas International-Continental Acquisition Case; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of March, 1981.

By its application of February 20, 1981, Texas International Airlines, Inc. asked us to approve its acquisition of control of Continental Air Lines, Inc., pursuant to section 408 of the Federal Aviation Act, as amended.[1] In contemporaneously filed pleadings, TI requested expedited consideration via the use of show-cause procedures, a limited exemption from Part 315 of our Procedural Regulations [2], and withholding from public disclosure of certain materials submitted in accordance with Part 315. Continental and BCCP raised the issue of the application's completeness. Continental, Western, and several labor groups opposed the use of show-cause procedures. In the following paragraphs, we will treat the various pleadings and discuss the labor and international matters that are at issue in addition to the competitive questions customarily explored in section 408 proceedings.

Continental asked in its March 2, 1981 motion that we dismiss TI's application on the grounds that it fails to comply substantially with the requirements of Part 315 of our Procedural Regulations. Continental contended that the application does not include relevant documents required by §§ 315.10(g) and 315.13 that were prepared by or for TI's parent companies and controlling persons [3] or for TI itself. It alleged that TI omitted to supply all of the materials required under § 315.10(g) that were prepared for the three years prior to the filing of the application. Other missing items, according to Continental, include documents on the financing of the acquisition, minutes of board of directors or executive committee meetings or discussions relating to Continental or the acquisition, and the dates of preparation, names and

[1] 49 U.S.C. 1378.

[2] 14 CFR Part 315.

[3] These include Texas Air Corporation, Jet Capital Corporation, Francisco Lorenzo, and Robert Carney.

positions of preparers, and recipients of numerous documents. Continental argued that, in sum, these omissions establish that TI's application is materially deficient and should therefore be dismissed.

In its March 6 answer, TI characterized Continental's allegations and objections as "super-technical" and an inadequate basis for dismissal of the application. It amended the application so that Texas Air, Jet Capital, Mr. Lorenzo, and Mr. Carney join it in seeking authority to acquire control of Continental, but it denied that the original omission of these persons prejudices Continental or establishes that its original application does not substantially comply with Part 315. It claimed that Jet Capital has § 315.10(g) or § 315.13 documents, and it filed the information on Jet that Part 315 requires contemporaneously with its answer. It also filed several documents it claimed were overlooked during its original search.[4] TI argued that omission of these documents has not prejudiced Continental, since the latter had already obtained them in the course of the court discovery process conducted in its suit against TI in the United States District Court for the Central district of California. TI noted that it has already submitted a copy of its loan commitment agreement with Manufacturers Hanover Trust Company and claimed that no other documents of the type exist. Although it did not read § 315.10(g) as requiring minutes, it nonetheless submitted portions of these minutes of board of directors meetings that contain discussion of the acquisition and that have been adopted by the board.[5] It claimed that as in the case of the previously overlooked documents, Continental had already obtained these minutes through discovery in connection with its suit in federal court in California. Finally, TI argued that the omission of names of preparers, dates, and recipients of some studies is trivial at best, and it proceeded to supply this information in the answer.

We agree with TI that its original application complies substantially with the requirements of Part 315, and we thus deny Continental's motion to dismiss it. We have said that we will not dismiss section 408 applications that are deficient only in minor respects.[6] Not only is the quantity of the material TI submitted on March 6 inconsiderable relative to the volume of the original application, but it adds little of substance that will aid us in determining whether the proposed acquisition is consistent with the public interest or likely to lessen competition substantially. Furthermore, the omissions cannot have prejudiced Continental, since it had already gained possession of most of the materials omitted.

In its motion for expedited consideration by show-cause order, TI asserted that there is no need for an oral evidentiary hearing, since virtually every relevant, significant fact concerning Continental's system is set forth in the record of the second *Continental-Western Merger Proceeding*, Docket 38733, along with extensive evidence on the current state of competition in the airline industry. It contended that its application presents few, if any, material issues of fact and that, consequently, there is no need for another round of expensive, time-consuming, plenary proceedings. The Bureau of Compliance and Consumer Protection (BCCP) filed an answer in support of TI's request for a show-cause order, contending that TI's application can be handled using show-cause procedures because there are no outstanding anticompetitive implications to the proposed acquisition.

Continental Air Lines, Western Air Lines, the City and County of Denver, and six union groups [7] all filed answers generally in opposition to the use of show-cause procedures. Continental asserted that a hearing is necessary because there are several unresolved material issues of fact as to both the competitive effect of the proposed acquisition and TI's plans. In addition, Continental disputed TI's contention that the record developed in the second Continental-Western merger proceeding is sufficient for resolution of the issues that TI's application raises. Western also expressed concern about the competitive consequences of the proposed transaction at Houston as well as in various Texas-Mexico markets. The Denver parties voiced concern about the lack of specificity in TI's plan and argued that a hearing is necessary to ascertain what TI intends to do with Continental.

The union groups contended that we must hold a hearing unless we indicate at the outset that we intend to impose labor protective provisions in the event that we approve the acquisition. Otherwise, they insist that we must hold a hearing because of TI's present unwillingness to accept the provisions and the uncertainty as to its plans. In addition, the Continental Pilots Master Executive Council asserted that a hearing is necessary because TI's application presents substantial antitrust issues.

We have decided to deny TI's motion and to hold a hearing: we believe that oral evidentiary hearing procedures will be the most expeditious and efficient means to process the application. The section 408 cases for which we have recently utilized show-cause procedures (*i.e.*, Republic's acquisition of Hughes Airwest and Air Florida's proposed acquisition of Air California) have involved uncontested applications. We are not persuaded by TI's argument that show-cause procedures in this case would enable us to handle its application more quickly. Our decision to afford parties a full evidentiary hearing will not delay our action to any significant extent, since we are required under section 1010 of the Federal Aviation Act to act by August 31, 1981.

Having determined that TI's application complies with Part 315 and denied its request for show-cause procedures, we now address its petition for a limited exemption from that part and its motions to withhold from public disclosure. TI submitted two copies of its SEC reports, collective bargaining agreements, pension plans, and ERISA reports as required by §§ 315.11, 315.17(f), and 315.17(g), but requested an exemption from sec. 315.(a)'s requirement that 20 copies of these documents be filed. We will grant this exemption, so long as TI agrees to provide them upon request. The public has access to these materials in the docket, and requiring TI to produce 20 copies would therefore burden it unnecessarily.[8] As for confidential treatment of documents filed under part 315, the administrative law judge has full authority to rule on TI's motions to withhold from public disclosure.[9] We will provide interim confidential treatment pending the judge's ruling. The documents are already available to attorneys of record and their experts who file the requisite affidavit under §315.4. The administrative law judge will also rule on the attorney-client privilege issue.

Although applicants in recent section 408 cases have requested that we attach the standard labor protective provisions

[4] TI requested confidential treatment for three of these and, in a separate pleading, claimed the attorney-client privilege for four other documents.

[5] Minutes of more recent meetings have not been adopted, and TI has not submitted them.

[6] Regulation PR-221, at 2 (April 2, 1980).

[7] The Texas International Master Executive Council, the Continental Air Lines Pilots Master Executive Council, the Union of Flight Attendants, Local #1, the Association of Flight Attendants, the Air Line Pilots Association International, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

[8] *C.f.* orders 80-5-108, at 3-4, and 80-9-138, at 6.

[9] Sec. 315.5; *see* Order 80-9-138 at 2.

to our approval, TI has not done so. Instead, it has indicated its intention to treat the labor ramifications of the acquisition through negotiation. Various employee groups have argued in response that the standard provisions are the only practicable means of solving the problems this acquisition will create for employees of both carriers and that the public interest thus requires that we impose them.[10]

We have expressed on more than one occasion our reluctance to impose labor protective provisions now that Congress has provided for the deregulation of the air transportation industry.[11] We did so first in our order in the Texas International-National and Pan Am-National cases. In subsequent cases, when both labor and management requested the provisions and management has stated that it would adopt them even if we did not impose them, we have agreed to impose them even while reiterating our disinclination to do so. This case differs from its predecessors in that it is the first post-deregulation §408 case in which managment has in fact asked that we not impose labor protective provisions and has indicated its willingness to investigate alternate solutions to acquisition related labor problems. Under these circumstances, imposition of labor protection in the other post *National* cases does not necessarily constitute precedent for their imposition here.

The issue of the imposition of labor protective provisions contains questions of law and policy which we expect the parties to address in their briefs to the administrative law judge and to us. As for its factual aspects, we expect more than the evidence that has been submitted in other recent cases: predictions of the consolidation's effects on employees and expert testimony that successful intergration of two separate work forces would be difficult or impossible without the provisions. We are particularly concerned that the record contain, to the extent possible, evidence on the relative costs and benefits produced by the labor protective provisions. Specifically, we need to know how long intergration has taken under the provisions; how smoothly it has proceeded; whether or not integration has been completed in post-deregulation mergers and acquisitions, and if not, why not; the magnitude of the direct costs labor protection has imposed on these consolidations; and the nature and magnitude of the indirect costs, such as an inability to integrate and rationalize operations, that they may have caused. Such practical evidence, along with explication of the legal and policy arguments on both sides of the issue, will help us to make an informed decision on whether to condition approval of this acquisition on TI's acceptance of the standard labor protective provisions.[12]

Also at issue in this proceeding is whether our approval of this acquisition should be conditioned upon the nontransfer of certain international routes. We have the same concern over a possible loss in intergateway competition between the United States and Mexico as that which prompted us to condition our approval of the Pan American-National acquisition upon nontransfer to Pan American of National's Miami-London route.[13] Bilateral agreements between the United States and Mexico limit U.S. designations,[14] so we further our procompetitive policy by promoting intergateway competition in U.S.-Mexico service.[15] TI and Continental each hold significant U.S.-Mexico route authority, some awarded with the specific design of fostering intergateway competition.[16] This design would be frustrated were we to approve the acquisition and permit complete amalgamation of the two carriers' route authority without first assessing the effects on competition such amalgamation would likely produce.

We are concerned about this acquisition's likely effects on competition in service between Texas and the Yucatan. We have awarded DFW-Yucatan authority to TI [17] and Houston-Yucatan authority to Continental [18], and we have said that "the same carrier should not serve both Dallas and Houston because that could have a serious anticompetitive effect on Western U.S.-Yucatan service." [19] Consistent with this analysis, we tentatively conclude that if we approve TI's acquisition of Continental, we should condition our approval on nontransfer of TI's DFW-Yucatan route. We have already taken note of Continental's system strength at Houston [20]; this strength would pass to TI and give it heightened traffic-generating capability for the Houston-Yucatan route. TI's Houston headquarters also gives it incentive to develop the route. In addition, we anticipate that more carriers would vie for the DFW-Yucatan route than for the route from Houston, since DFW has greater and more diversified feed to support service to the Yucatan than does Houston.

We are also concerned about this acquisition's likely effect on competition in service between the U.S. and Western Mexico. Continental has authority from Albuquerque and El Paso to Loreto, La Paz, San Jose del Cabo, Puerto Vallarta, Manzanillo, and Acapulco.[21] TI has authority from Houston to these points and two others.[22] We tentatively conclude that if we approve the acquisition, we should condition our approval on nontransfer to TI of Continental's Albuquerque/El Paso-Western Mexico route, so as best to fulfill our policy of promoting intergateway competition in limited-entry international markets. The strengths TI would have in Houston upon acquiring Continental provide a firm basis for leaving the former's Houston-Western Mexico authority intact. The administrative law judge who recommended TI for that award emphasized TI's ability to provide competition against the other carriers selected for other U.S.-Western Mexico routes.[23] He warned against the anticompetitive effects of control by the same carrier of every gateway to Mexican resort destinations along the U.S. border between Albuquerque and the Gulf of Mexico,[24] but something close to this would result were we to allow TI to retain Continental's authority in addition to its own.

In the event that we approve this acquisition and finalize the above tentative conclusion, we shall then institute a proceeding to determine what carriers should be awarded the route authority not transferred to TI.

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[10] This position has been taken by the Texas International Master Executive Council, the Association of Flight Attendants, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, the Airline Pilots Association, the Continental Air Lines Pilots Master Executive Council, and the Union of Flight Attendants.

[11] *See* Orders 79-12-103/104/105, at 66-68, 80-5-108, at 9, 80-8-163, at 5, and 80-9-65, at 5.

[12] Parties should feel free to argue that some but not all of the provisions must be imposed—we are not bound to impose all of them or none.

[13] *See* Order 79-12-103/104/105 at 47-52.

[14] Order 79-6-66 at 2.

[15] Order 80-12-18 at 4.

[16] *Id.* at 4-5 (Continental's Houston-Yucatan authority).

[17] Order 81-1-63.

[18] Order 80-12-18.

[19] *Id.* at 3.

[20] Order 80-12-18.

[21] *California/Southwest-Western Mexico Route Proceeding*, Order 79-6-66.

[22] *Texas/Southeast-Western Mexico Route Proceeding*, Docket 34139 (tentative decision submitted to the President on February 23, 1981 and served on March 9, 1981).

[23] Docket 34139, Recommended Decision at 23.

[24] *Id.* at 22.

We decide at this time to take discretionary review of the administrative law judge's decision. We grant the judge the discretion to limit the form of his decision to findings of fact or findings of fact and conclusions of law. The option of writing less than a full opinion should give the judge added scheduling flexibility.

Accordingly: 1. We institute the *Texas International-Continental Acquisition Case* in Docket 39285 to consider the application of Texas International Airlines, Inc., *et al.*, for approval of the acquisition of Continental Air Lines, Inc., and we set this case for hearing before an administrative law judge of the Board;

2. We deny TI's motion for show-cause;

3. We deny Continental's motion to dismiss;

4. We grant TI's February 20, 1981 and March 6, 1981 motions to withhold specified documents from public disclosure pending a decision by the administrative law judge. Access to the documents may be had according to the requirements in § 315.4 of our Rules;

5. We will permit the parties to appeal within two working days the judge's denial of an application to take a deposition or for issuance of a subpoena or the grant of a motion to quash or modify a subpoena. Reply comments may be filed within one working day;

6. The administrative law judge in this proceeding may issue his decision in the form of findings of fact or findings of fact and conclusions of law;

7. Petitions for reconsideration of this order shall be filed within 10 days of the date of service of this order, and replies shall be filed 5 days thereafter;

8. We shall serve this order on the United States Departments of Justice and Transportation, the Federal Trade Commission, and all certified air carriers.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-9364 Filed 3-26-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-668]

United States Lines, Inc.; Application for Operating-Differential Subsidy

Notice is hereby given that United States Lines, Inc. (USL), a Delaware corporation, has filed an application, dated February 17, 1981, as amended, (the Application) with the Maritime Subsidy Board (the Board) pursuant to Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended (the Act), for a 20 year, long-term operating-differential subsidy agreement (ODSA) to aid in the operation of 15 container vessels which are to be used on essential services in the foreign commerce of the United States, i.e., (1) on combined Trade Route Nos. (TRs) 5–7–8–9 and 11 (U.S. North and South Atlantic/United Kingdom and Continent) with four vessels, and (2) on combined TRs 12 and 29 (U.S. Atlantic/Pacific/Far East) with 11 vessels. If awarded, the contract will run for 20 years from the date of such award. USL has requested expedited treatment in the form of a show cause notice based upon it existing services.

USL currently provides weekly service on a subsidized basis on TRs 5–7–8–9 with four C8–S–1wc container vessels under Operating-Differential Subsidy Agreement (ODSA), Contract No. MA/MSB–483 (MA/MSB–483).

USL also currently provides approximately weekly, and has existing, services on an unsubsidized basis (1) on combined TRs 5–7–8–9 and 11 with four C8–S–1wc container vessels, and (2) on combined TRs 12 and 29 with two C7–S–68c, three C7–S–68d, three C7–S–68e and one C8–S–81e container vessels. In April 1981, USL proposes to put into service and operate two C8–S–85a container vessels on combined TRs 12 and 29. Although 11 vessels rather then nine vessels will be operated on TRs 12/29, USL plans to reduce the sea speed of all vessels and continue approximately weekly service.

USL proposes to continue its existing service on combined TRs 5–7–8–9 and 11 with the four container vessels with subsidy up to a maximum of 53 sailings annually. U.S. ports served by USL on combined TRs 5–7–8–9 and 11 include Boston, New York, Savannah, Jacksonville and Charleston. The regular foreign ports of call for USL include Rotterdam, Felixstowe, LeHavre, with connection service to Grangemouth which encompasses ports on combined TRs 5–7–8–9 and 11.

USL proposes to continue its existing service on combined TRs 12 and 29 between the United States East Coast/United States Pacific Coast (California) and the Far East, including calls at ports in Panama, the State of Hawaii and Guam, with 11 container vessels with subsidy up to a maximum of 53 sailings annually. U.S. ports served by USL on combined TRs 12 and 29 include New York, Norfolk, Baltimore, Savannah, Long Beach, Oakland, Honolulu and Guam. The regular foreign ports of call for USL incude Panama, Kaohsiung, Hong Kong, Kobe, Yokohama, with connecting service to Whampo and Busan, which encompasses ports on combined TRs 12 and 29.

In connection with MA/MSB–483, USL was granted written permission under section 805(a) of the Act to continue the following operations: (1) intercoastal service between the U.S. east coast and the U.S. west coast on a weekly service via the Panama Canal as part of its unsubsidized service on a round voyage from the Atlantic Coast of the United States to the Orient, and (2) between the U.S. east coast and/or U.S. west coast and the State of Hawaii as a part of its unsubsidized service on a foreign trade voyage on a weekly service westbound only (and in any event westbound calls at Hawaii will not exceed 52 per year). USL proposes to increase westbound calls at Hawaii to 53 per year (due to the fact that in certain years weekly service could result in 53 sailings) as a part of the subsidized service if the Application be granted.

In connection with MA/MSB–483, USL was granted waivers under section 804(b) of the Act to continue (a) chartering and operating the German-flag vessel NAUTILUS, of approximately 150 TEUs capacity, between ports in the United Kingdom, France, the Netherlands and West Germany, as a feeder vessel transshipping cargo to and from its vessels operating on TRs 5–7–8–9 and 11, (b) chartering out the Liberian-flag vessel AMERICAN MOHAWK which operates between the Far East and Africa, and (c) chartering out the Liberian-flag vessels FORMOSA CONTAINER and STRAIT CONTAINER which operate between Hong Kong and Taiwan, the Board having determined that the vessels under (b) and (c) do not presently compete with any essential U.S.-flag service within the meaning of section 804(a) of the Act and, regardless, there are special circumstances and good cause for the grant of such waivers. USL proposes to continue these activities with such waivers if the Application be granted.

USL requests that the following be included in any Contract that may be awarded pursuant to this Application: (i) the full interchange (substitution) or transfer of any of its vessels to be operated as subsidized vessels on subsidized voyages on and among its subsidized routes; (ii) to allow its subsidized and unsubsidized vessels on voyages on combined TRS 12 and 29 service to make calls at ports in

Panama, U.S. Pacific (California), Guam and weekly westbound only calls at the State of Hawaii during said voyages; (iii) to permit an unrestricted number of voyages without subsidy, by new or existing vessels of USL or an affiliated company, on trade routes and services for which it receives subsidy or on trade routes and services for which it does not receive subsidy, so long as USL fulfills its obligations under its subsidy agreement. USL recognizes that the essential trade routes are severable and may stand on their own for the purpose of awarding an ODSA.

The U.S.-flag operators which compete with USL on its TRs 12/29 service are American President Lines, Ltd. (APL), Lykes Bros. Steamship Co., Inc. (Lykes), Waterman Steamship Corporation (Waterman) and Sea-Land Services, Inc. (Sea-Land).

APL has contractual rights to call its ships at U.S. Atlantic ports, but does not normally serve the U.S. Atlantic with its ships providing direct service, rather utilizing unit trains for intercoastal cargo movements; thus APL operates on TR 29, with its 22-vessel fleet of 17 containerships and five breakbulk ships. APL provides four basic services from the U.S. Pacific on TR 29, three of which are containership services; one containership service serves TR 29 in conjunction with TR 17. APL's four services on TR 29 and TR 29/17 in 1980 performed 150 sailings; in 1979, 150 sailings; in 1978, 144 sailings.

Lykes serves TR 29 with two RO/RO vessels and TR 29/17 with four breakbulk vessels. In 1980 Lykes performed 35 sailings on these two services; in 1979, 38 sailings; in 1978 the service was provided by States Steamship Company at a level of 49 sailings before it filed for bankruptcy in December 1978.

Waterman currently serves TR 12 in conjunction with its TR 12/22 subsidized service, utilizing two LASH vessels. In 1980, Waterman performed nine sailings with LASH and C4 breakbulk ships, which were being phased out of service; in 1979, 11 sailings were performed, utilizing LASH and C4's. In 1978, 10 sailings were performed with LASH and C4's.

Sea-Land currently operates on TR 29 with 10 containerships. Sailings are advertised on a twice weekly frequency, which equates to 104 annual sailings.

The only direct U.S.-flag competitor of USL on USL's service on TRs 11 and 5–7–8–9 is Sea-Land, which provides weekly containership sailings, that is, a level of 52 sailings annually, which call at both TR 11 an TR 5–7–8–9. Sea-Land operates four containerships exclusively on this service.

Sea-Land also provides service on TR 11 in connection with its TR 21 (U.S. Gulf/Western Europe) service. Sea-Land performs weekly sailings from the U.S. Gulf with five containerships, calling outbound at Jacksonville en route to Europe, a level of 52 sailings annually.

In addition to services described above, Sea-Land provides a service on TR 5–7–8–9 of weekly containership sailings, a level of 52 sailings annually. Sea-Land operates three containerships exclusively on this service.

Waterman has provided a nonsubsidized service on TRs 5–7–8–9 and 6 and 11, in conjunction with its subsidized service on TR 21. Waterman performed one sailing in 1978 on TR 21 which included unsubsidized calls at both TRs 5–7–8–9 and 11 and one sailing which included unsubsidized calls at TR 5–7–8–9 only. In 1979 Waterman made seven sailings on TR 21 which included unsubsidized calls at TRs 5–7–8–9 and 11 ports. In addition, Waterman made three sailings on TR 21 which included unsubsidized calls exclusively at TR 5–7–8–9 ports and two unsubsidized calls exclusively at TR 11 ports. Because of the unavailability of cargo and the Soviet boycott, Waterman severely curtailed service on TR 21 in 1980, and no service was provied to the TR 5–7–8–9/11 area. Waterman utilizes C4 breakbulk ships on this service.

During the years 1978, 1979 and the first nine months of 1980, U.S.-flag vessels carried 28.4%, 29.5% and 32.2%, respectively, of the inbound cargo carried on combined TRs 5–7–8–9 and 11 and 25.3%, 27.5% and 26.2%, respectively, of the outbound cargo on combined TRs 5–7–8–9 and 11. On combined TRs 12 and 29, U.S.-flag vessels carried, during the years 1978, 1979 and the first nine months of 1980, 28.8%, 24.7% and 24.6%, respectively of the inbound cargo and 25.5%, 22.3% and 21.3% of the outbound cargo.

USL plans, advertises and schedules a weekly service on TRs 5–7–8–9/11 and 12/29. USL's U.S.-flag vessels provided the following number of sailings during calendar years (CY) 1978, 1979 and 1980.

	TR's 5–7–8–9 and 11	TR's 12 and 29
CY 1978	35	50
CY 1979	47	50
CY 1980	51	50

In 1978, USL was short a vessel from its normal complement of vessels assigned to the U.S. Atlantic-Europe service. The shortage resulted from transfer of a vessel to the Far East service while awaiting introduction into service of the AMERICAN TRADER. To eliminate the shortage, USL chartered a foreign-flag vessel which operated on TRs 5–7–8–9/11. USL also chartered other foreign-flag vessels on occasion when it became necessary to sustain integrity of its scheduling. The combination of U.S.-flag and foreign-flag vessels enabled USL to maintain weekly service. In addition, USL occasionally made sailings which served only TR 29 rather than the combined TRs 12 and 29. USL now has an adequate fleet to meet its weekly schedules on both its TRs 5–7–8–9/11 and TRs 12/29 services.

Interested parties are hereby given an opportunity to show cause why the Board should not find, under section 605(c) of the Act, that the effect of a subsidy contract to USL for an existing service on combined TRs 5–7–8–9 and 11 to the extent of a maximum of 53 subsidized sailings annually and on combined TRs 12 and 29 to the extent of a maximum of 53 subsidized sailings annually, would not be unduly prejudicial or give undue advantage as between citizens of the United States operating U.S.-flag vessels on such essential services. Any person, firm or corporation having an interest in the Application who desires to submit such showing of cause is invited to file a written statement, in triplicate, with the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce building, 14th and E Streets, N.W., Washington, D.C. 20230 by the close of business on or before April 27, 1981.

All allegations of factual issues, including specifically those relating to undue prejudice or unfair advantage, which a party wishes the Board to consider shall include: (1) a clear and concise statement of the issues raised; and (2) the grounds upon which such allegations rest in such detail as to permit the Board to determine the exact nature of the allegations.

The Board will consider the submissions of all interested parties and will determine the disposition to be made of the matters hereby noticed, including, in the discretion of the Board, the ordering of an evidentiary hearing or other administrative process.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS)).

By Order of the Maritime Subsidy Board.

Dated: March 18, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-9302 Filed 3-26-81; 8:45 am]

BILLING CODE 3510-15-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 29, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 3990

Pallet, Hardwood, 3990-00-NSH-0010 (35" × 45½" × 5½") (Requirements for Tooele Army Depot, Tooele, Utah only)

SIC 7369

Commissary Shelf Stocking and Custodial Service, Little Rock Air Force Base, Jacksonville, Arkansas

SIC 7699

Pallet Repair, Naval Supply Center, Norfolk, Virginia

Sponge Rubber Mattress Rehabilitation (Requirements for GSA Region 3 only)

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-9301 Filed 3-26-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Montana Power Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: December 1, 1980. Comments by: April 27, 1981.

ADDRESS: Send comments to Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. (303) 234-3195.

SUPPLEMENTARY INFORMATION: On December 1, 1980 the Office of Enforcement executed a Consent Order with Montana Power Company (MPC) of Butte, Montana. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

MPC, with its home office located in Butte, Montana, is the owner of the Dry Creek natural gas processing plant located in Carbon County, Montana. Beginning March 1, 1979, MPC sold natural gas liquids from the Dry Creek Plant which were subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR 212.163 and 212.164. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of MPC, the Office of Enforcement of ERA and MPC entered into a Consent Order, the significant terms of which are as follows:

1. ERA alleged that certain sales of natural gas liquids from the Dry Creek Plant were made in violation of 10 CFR 212.163 and 212.164 during the period March 1, 1979 through July 31, 1980 (audit period).

2. MPC, without admission of any facts or of any violation of DOE rules or regulations, has agreed to pay $77,187 into a special escrow fund administered by ERA in settlement of the alleged violation in sales of natural gas liquids from subject plant for the period March 1, 1979 through July 31, 1980.

3. MPC has agreed to pay a civil penalty of $1,813.00.

4. The provisions of 10 CFR 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, MPC agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of MPC's sales of natural gas liquids from the Dry Creek Plant during the audit period, the sum of $77,187 within ten (10) days after the effective date of this Order.

Refund of those overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submissions of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the settlement amount specified in I.2., above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written

notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notifications of a claim to Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. You may obtain a free copy of this Consent Order, with proprietary information deleted, by writing to the same address or by calling (303) 234–3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Montana Power Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on April 27, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Lakewood, Colo., on the 1st day of December 1980.

Bob J. Jones,

Acting District Manager, Rocky Mountain District, Economic Regulatory Administration.

Concurrence by: James A. Forrester,

Acting Regional Counsel.

[FR Doc. 81-9240 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-340-000]

Appalachian Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that American Electric Service Corporation (AEP) on March 16, 1981, tendered for filing on behalf of its affiliate Appalachian Power Company (Appalachian), Modification No. 12 dated February 22, 1981 to the Interconnection Agreement dated February 1, 1948 between Virginia Electric and Power Company and Appalachian, Appalachian's Rate Schedule FERC No. 16.

Sections 1 and 2 of Modification No. 12 provides for an increase in the demand charge for Short Term and Limited Term Power from $0.85 to $1.05 per kilowatt per week and $4.50 to $5.50 per kilowatt per month respectively. Both schedules proposed to become effective February 23, 1981.

Applicant states that since the use of Short Term Power and Limited Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from its modification for such period. Applicant's Appendix V which was included with the filing of this modification, demonstrate that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1980 would have been $2,490,476.22 (i.e., from $58,581,646.52 to $61,062,124.74) for Short Term Power and $5,800,000.00 (i.e., from $109,723,906.50 to $115,523,906.50) for Limited Term Power.

Copies of the filing were served upon Virginia Electric and Power Company, The Virginia State Corporation Commission and The Public Service Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9251 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-345-000]

Arizona Public Service Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 16, 1981, Arizona Public Service Company (APS) tendered for filing the cancellation of an Agreement with the Navajo Tribal Utility Authority (NTUA) whereby the City of Farmington, NM (City) was served through the 69kV line operated by the NTUA, FPC Rate Schedule No. 6, to the City's Fruitland Substation. The City completed its 115kV Substation and disconnected from the 69kV line January 14, 1981. APS states cancellation provides for no change of rate and is not a rate increase.

Copy of the filing was served upon the NTUA and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9255 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-343-000]

Arizona Public Service Co.; Proposed Change of Rate

March 23, 1981.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Company) on March 16, 1981, tendered for filing Amendment No. 1 dated December 30, 1980 to the Interruptible Transmission Service Agreement between the Department of Water and Power of the City of Los Angeles (Los Angeles) and Company.

Waiver is requested under the provisions of Section 35.11 so that this Amendment becomes effective as of January 1, 1981 in accordance with its terms.

A copy of this filing was served upon Los Angeles and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8

and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9269 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-344-000]

Arizona Public Service Co.; Proposed Change of Rate

March 23, 1981.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Company) on March 16, 1981, tendered for filing Amendment No. 1 dated December 30, 1980 to the Firm Transmission Service Agreement between the Department of Water and Power of the City of Los Angeles (Los Angeles) and Company.

Waiver is requested under the provisions of § 35.11 so that this Amendment becomes effective as of January 1, 1981 in accordance with its terms.

A copy of this filing was served upon Los Angeles and the Arizona Corporation Commission.

Any person wishing to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9270 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-337-000]

Arkansas Power & Light Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, Arkansas Power & Light Company (AP&L) tendered for filing a Notice of Cancellation of Arkansas-Missouri Power Company's Rate Schedule FERC No. 40, providing for service to Gideon-Anderson Lumber Company. AP&L and Arkansas-Missouri Power Company (Ark-Mo) were consolidated as of January 1, 1981, and the latter company was dissolved. AP&L states that this cancellation became effective on that date.

Gideon-Anderson Lumber Company, a small distribution system, was acquired by Ark-Mo in 1978. Thereafter, Ark-Mo provided service at retail to the customers formerly served by Gideon-Anderson. Since January 1, 1981, AP&L has been providing that same service. Therefore, Ark-Mo Rate Schedule FERC No. 40 is obsolete.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9271 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4119-000 and 4142-000]

Beaver Valley Co. and Shenango Valley Power Co., Borough of Grove City, Pa.; Application for Preliminary Permit

March 20, 1981.

Take notice that Beaver Valley Power Company and Shenango Valley Power Company filed on February 5, 1981, and the Borough of Grove City, Pennsylvania, filed on February 6, 1981, applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 4119 and 4142 to be known as the Shenango Dam Project located on the Shenango River in Mercer County, Pennsylvania. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. The application is on file with the Commission and is available for public inspection. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Correspondence With Applicants—Correspondence with the Beaver Valley Power Company should be directed to: Mr. L. Gerald Tarantino, President, Shenango Valley Power Company, P.O. Box 561, Sixth Street and Second Avenue, Beaver Falls, PA 15010. Correspondence with the Borough of Grove City should be directed to Mr. Philip J. Movish, Project Engineer, Daverman and Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—Each Applicant proposes to utilize the U.S. Army Corps of Engineers' existing Shenango River Dam and Reservoir. Each project would consist of: (1) a penstock; (2) a powerhouse; and (3) appurtenant facilities, Project No. 4119 would have an installed generating capacity of 2800 KW and an average annual energy output of 10,400,000 KWH. Project No. 4142 would have an installed generating capacity of 1500 KW and an average annual energy output of 5,252,600 KWH.

Purpose of Project—Energy from Project No. 4119 would be provided to the U.S. Army Corps of Engineers or sold to a local public utility or municipity. Energy from Project No. 4142 would be used by the Borough of Grove City for public utility purposes.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks a preliminary permit for a period of 36 months, during which time it would perform surveys, environmental assessment studies, and economic and recreational studies, as well as develop preliminary plans. Beaver Valley Power Company and Shenango Valley Power Company estimates that such studies would cost at least $45,000. The Borough of Grove City estimates that such studies would cost $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary

studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Hydro Corporation of Pennsylvania, Shenango Dam Project No. 3290, filed on August 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protect with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4119 and 4142. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commisison, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9269 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project 3689-000]

Blackstone Valley Electric Co., Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

March 23, 1981.

Take notice that on December 4, 1980, the Blackstone Valley Electric Co. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under part I of the Federal Power Act. The proposed Pawtucket No. 2 small hydroelectric project (FERC Project No. 3689) would be located at the existing Blackstone Valley Electric Co. Dam in the city of Pawtucket, in Providence County on the Blackstone River and the Seekonk (tidal) River, Rhode Island. Correspondence with the applicant should be directed to: Stanley S. Ribb, President, Blackstone Valley Electric Company, Box 111, Lincoln, Rhode Island 02865 and Maurice A. Zilber, Esquire, Peabody, Brown, Rowley & Storey, One Boston Place, Boston, Massachusetts 02108.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a brick and timber dam, about 200 feet long and 4 feet high, constructed at the top of waterfalls about 13 feet high; (2) a reservoir of negligible storage at spillway crest elevation 59.41 feet m.s.l.; (3) an intake structure and brick-lined underground tunnel (penstock) 17.5 feet in diameter and 130 feet long; (4) a brick and granite hydroelectric station building, 175 feet long and 90 feet wide, consisting of a subsurface forebay, a gatehouse, a powerhouse containing 5 water wheels and 5 generators with a total installed capacity of 1,000 kW, and a tailrace, 90 feet long and 45 feet wide; and (5) other appurtenances. The Applicant proposes to remove the existing waterwheels and generators and to install two tube-type turbine-generators with a total maximum operating capacity of 1,675 kW (one 600 kW unit, and one 1,075 kW unit). Applicant estimates that the average annual energy output would be 6,220,000 kWH.

Purpose of the Project—Project energy would be sold by the Applicant, a public utility, to customers in its service area.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 7, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 4, 1981. Applications for a preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be received on or before May 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3669. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9256 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4092-000]

Brazos River Authority; Application for Preliminary Permit

March 23, 1981.

Take notice that Brazos River Authority (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4092 to be known as Stillhouse Hollow Project located on the Lampasas River in Bell County, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Carson H. Hoge, General Manager, Brazos River Authority, 4400 Cobbs Drive, Post Office Box 7555, Waco, Texas 76710. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Stillhouse Hollow Dam and would consist of: (1) a penstock located along the left (North) bank; (2) a powerhouse containing generating unit (s) having a total rated capacity of 2,760–kW; (3) a tailrace; and (4) appurtenant facilities. Project energy would be transmitted to existing power lines serving the dam or to Texas Power and Light Company's 138–kV transmission lines about two miles from the project.

The Applicant estimates that the average annual energy output would be 6,016 MWh.

Purpose of Project—Project energy would be sold either to Texas Power and Light Company or Brazos Electric Power Cooperative, Inc.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of th studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be in excess of $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to that of Continental Hydro Corporation Project No. 3336, filed on August 19, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4092. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9255 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4103-000]

City Utilities of Springfield, Missouri; Application for Preliminary Permit

March 24, 1981.

Take notice that the City Utilities of Springfield, Missouri (Applicant) filed on February 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4103 to be known as Pomme de Terre Lake

Waterpower Project located on the Pomme de Terre River in Hermitage, Hickory County, Missouri. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. L. McMahan, General Manager, City Utilities of Springfield, Missouri 301 East Central Street, P.O. Box 559, Jewell Station, Springfield, Missouri 65801. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project 4103 would consist of: (1) a proposed penstock extending from an existing conduit to the proposed powerhouse; (2) an proposed powerhouse located on the right (north) bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the project would be 8,700 kW, and the annual energy output would be 17,930,000 kWh.

Purpose of Project—Energy produced at the proposed project would be sold to the residential, commercial and industrial consumers of the Applicant.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project, secure financing commitments, consult with Federal, State and local government agencies for information, comments and recommendations, relevant to the project, and prepare an application for FERC license, including an environmental report. The Applicant estimates the cost of the studies to be $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Continental Hydro Corporation Project No. 3354, filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before *April 24, 1981.*

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4103. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kennth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy, Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9236 Filed 3-25-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4165-000]

Cogeneration, Inc., Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 23, 1981.

Take notice that on February 10, 1981, Cogeneration, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The Rock Creek Hydro Project (FERC Project No. 4165) would be located on Rock Creek in Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Barber Engineering, 250 South Beechwood, Suite III, Boise, Idaho 83709.

Project Description—The proposed project would consist of: (1) a 5-foot by 5-foot square cross section inlet structure; (2) a 48-inch diameter, 1,500-foot long penstock; (3) a powerhouse containing three generating units with total rated capacity of 1,182 kW; and (6) appurtenant facilities.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilites. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before *May 11, 1981,* either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely

notice of intent allows an interested person to file the competing license application no later than *September 8, 1981.* Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before *May 11, 1981.*

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4165. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9239 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4182-000]

Cogeneration, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 23, 1981.

Take notice that on February 11, 1981, Cogeneration, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The Shoshone Hydro Project (FERC Project No. 4182) would be located on Little Wood River in Lincoln County, Idaho. Correspondence with the Applicant should be directed to: Barber Engineering, 250 South Beechwood, Suite III, Boise, Idaho 83709.

Project Description—The proposed project would consist of: (1) an existing 3-foot high, 50-foot long concrete and rock diversion structure; (2) a 42-inch diameter, 4,500-foot long penstock; (3) a powerhouse containing two generating units with total rated capacity of 150 kW; and (4) appurtenant facilities.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 11, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file a such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 8, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 11, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4182. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9260 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-332-000]

Commonwealth Edison Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Commonwealth Edison Company, on March 12, 1981, tendered for filing proposed changes in its FERC Electric Tariff. The proposed changes revise Electric Service Contract between Commonwealth Edison Company and the City of Batavia, Illinois, to provide for a fourth point of electric supply to the City by the Company.

A copy of the filing has been served upon the City of Batavia, Illinois.

Any person desiring to be heard or to protest the application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9275 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-342-000]

Consolidated Edison Co. of New York, Inc.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Consolidated Edison Company of New York, Inc. (Con Edison) on March 16, 1981, tendered for filing as a supplement to its Rate Schedule FERC No. 59 an executed agreement between Con Edison and the companies of the Northeast Utilities system (The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, hereinafter collectively called NU). The Rate Schedule provides for the sale of power and energy by Con Edison.

The supplement makes only nominal changes in the Rate Schedule.

Con Edison requests waiver of the notice requirements of Section 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective January 3, 1981 in accordance with the actual utilization by the parties.

Con Edison states that a copy of its filing was served on NU.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9280 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3848-000]

Continental Hydro Corp.; Application for Preliminary Permit

March 24, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3848 to be known as the Sugar Loaf Project located on the Lake Fork River near the town of Malta in Lake County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Sugar Loaf Dam and would consist of: (1) a modified headworks; (2) a penstock 100 feet long through the existing outlet conduit; (3) a powerhouse located on the western bank of the existing stilling basin containing a generating unit having a rated capacity of 2,000 kW; and (4) appurtenant facilities. Transmission lines near the project site are owned by the Public Service Company of Colorado. The Applicant estimates that the average annual energy output would be 10,000,000 to 12,500,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of Colorado, public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the technical, hydraulic, construction, economic, environmental, recreational, and historic aspects of the project, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $52,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 1, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 31, 1981. A

notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest or petition to intervene must be received on or before June 1, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable.

Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3848. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9281 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-336-000]

The Dayton Power and Light Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, The Dayton Power and Light Company (DP&L) requested authority to recognize a temporary increase in the excise tax on gross receipts imposed by Section 5727.38 of the Ohio Revised Code pursuant to the Tax Adjustment provision contained in DP&L's Rate Schedule FERC No. 34 for service to the City of Piqua, Ohio under an Interconnection Agreement dated as of May 10, 1972. The temporary increase in the excise tax is for one year and the proposed revision which shall become effective May 1, 1981 is limited to the recovery of this temporary increase.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9282 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3939-000]

City of Denton; Application for Preliminary Permit

March 20, 1981.

Take notice that City of Denton (Applicant) filed on January 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3939 to be known as Ray Roberts Dam Project located on the Elm Fork of the Trinity River in Denton County, Texas. The application is on file with the commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert E. Nelson; Director of Utilities, City of Denton, Texas, Municipal Building, Denton, Texas 76201. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Army Corps of Engineers' proposed Ray Roberts Dam and Reservoir and would consist of: (1) a new penstock leading to; (2) a new powerhouse having an installed generating capacity between 1,200 kW and 5,000 kW; (3) a new tailrace structure; (4) approximately 2000 feet of new transmission lines; and (5) appurtenant works. The Applicant estimates that the average annual energy output would be between 9,000 kWh and 12,000,000 kWh.

Purpose of Project—Project energy will be utilized by the Applicant.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives; financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be between $41,000 and $69,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or

before May 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3939. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9370 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-312-000]

Detroit Edison Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Detroit Edison Company (Detroit Edison) on March 10, 1981, tendered for filing a Certificate of Concurrence with the filing by American Electric Power Service Corporation on behalf of Indiana & Michigan Electric Company (I&M) of Amendment No. 20 to an Operating Agreement dated March 1, 1966 among Consumers Power Company, Detroit Edison and I&M. This Operating Agreement is designated Detroit Edison Company Rate Schedule FERC No. 12.

Detroit Edison states that Amendment No. 20 provides for an increase of approximately 22% in rates charged for Short-Term Power and Limited-Term Power, effective February 23, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9381 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-330-000]

The Detroit Edison Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that The Detroit Edison Company on March 12, 1981, tendered for filing an Amendment to the Interconnection Agreement between the City of Wyandotte and The Detroit Edison Company. This amendment will increase the rates for Emergency Power, Short Term Power, and Displacement Power, and Transmission Service to normal current industry levels and also will bring the agreement into compliance with the Commission's Rule 64 B.

The proposed changes are desirable by the parties to assure adequate and fair compensation for services rendered and to encourage the availability of the full range of services.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9378 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-331-000]

Duke Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on March 12, 1981 a supplement to the Company's Electric Power Contract with Little River Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 145.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in designated demand: Delivery Point No. 5 from 3,000 KW to 3,600 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of May 19, 1981.

According to Duke Power copies of this filing were mailed to Little River Electric Cooperative, Inc., and the South Carolina Public Service Commission. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9277 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-219-000]

East Tennessee Natural Gas Co.; Application

March 20, 1981.

Take notice that on March 2, 1981, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP81-219-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale on an interruptible basis of natural gas to both the Orange and Rockland Utilities Inc. (Orange and Rockland) of Pearl River, New York, and the Public Service Electric and Gas Company (Public Service), of Newark, New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to sell on an interruptible basis up to 50,000 Mcf of natural gas per day each to Orange and Rockland and Public Service. It is asserted that these sales are proposed to occur during the periods June 1, 1981, through October 31, 1981, and April 1, 1982, through October 31, 1982. Applicant states that it was previously authorized to sell gas to Orange and Rockland and Public Service pursuant to the Commission's Order No. 30 which authorization would expire on May 31, 1981.

Applicant further seeks authorization to sell customers other than Orange and Rockland and Public Service any portion of the daily volume that each of these two customers is unable to purchase or which transporting pipelines are unable to deliver. It is stated that Applicant purchases its entire long-term supply of natural gas from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. which imposes a minimum bill obligation in the amount of 66⅔ percent of contract demand. It is further asserted that Applicant has experienced a substantial loss of load during the summer period due to conservation and loss of industrial loads and has no system storage. Applicant states, however, that its customers subscribe to a storage service provided by Consolidated Gas Supply Corporation. The sale proposed herein, it is stated, would enable Applicant to avoid its minimum bill obligation.

Applicant states that it would attempt to market that volume each month in order to avoid the minimum bill charges. Applicant states that the proposed rate would be pursuant to Applicant's Zone 1 Commodity Rate, 34th Revised Sheet No. 4 of 8th Revised Volumes No. 1 of Applicant's FERC Gas Tariff, or any revision thereof.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9272 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4134-000]

Enagenics; Application for Preliminary Permit

March 24, 1981.

Take notice that Enagenics (Applicant) filed on February 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4134 to be known as the Unity Dam Project located on the Burnt River in Baker County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse containing a single 700-kw generating unit located adjacent to the existing outlet works of the Water and Power Resources Service's Unit Dam and approximately 2 miles of transmission line.

The Applicant estimates that the average annual energy output would be 1,960 MWh.

Purpose of Project—Project power would be sold to an appropriate power purchaser.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed feasibility study including engineering, environmental, and marketing analysis. Applicant estimates the cost of its proposed study to be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and

environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3382 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4134. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-8882 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3980-000; Project No. 4017-000]

Enagencies and the City of Pittsburgh; Application for Preliminary Permit

March 23, 1981.

Take notice that Enagenics (EN) and the City of Pittsburgh (CP) (Applicant) filed on January 12, 1981 and January 14, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 3980 and 4017, respectively, to be known as Allegheny Lock and Dam No. 2 Hydro Project located on the Allegheny River in Allegheny County, Pennsylvania. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009 (EN) and Mr. Louis Gaetano, Director, Department of Public Works, City of Pittsburgh, 301 City-County Building, Pittsburgh, Pennsylvania 15219 (CP). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Each proposed project would utilize the exising U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 2 and would consist of (1) new penstocks near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 12,480 kW (EN) or 15,400 kW (CP); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 89,600,000 kWh (EN) or 114,000,000 kWh (CP).

Purpose of Project—Project energy would be sold to a local utility and to industries in the area.

Proposed Scope and Cost of Studies Under Permit—Applicants each seek issuance of a preliminary permit for a period of three years, during which time either would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be $50,000 (EN) or between $50,000 and $75,000 (CP).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation's application for Project No. 3494 filed on September 23, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a

party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project Nos. 3980 and 4017. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9270 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4054-000]

Village of Endicott, New York; Application for Preliminary Permit

March 20, 1981.

Take notice that Village of Endicott, New York (Applicant) filed on January 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4054 to be known as the Whitney Point Project located on the Otselic River in Broome County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Project Engineer, Daverman and Associates, P.C., 500 South Salina Street, Syracuse, New York 13202. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Whitney Point Dam and would consist of: (1) a new powerhouse containing a generating unit(s) having a total rated capacity of 750-kW; (2) approximately one-mile of 34.5-kV transmission line; and (3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 2,600,000 kWh.

Purpose of Project—Project energy will be sold to New York State Electric and Gas Corporation or used by Applicant in its facilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $65,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Continental Hydro Corporation for Project No. 3293, filed on August 4, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4054. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9277 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4118-000]

City of Farmington; Application for Preliminary Permit

March 20, 1981.

Take notice that the City of Farmington (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4118 to be known as the Conchas Project located on the Canadian River in San

Miguel County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert S. Culpepper, Mayor, P.O. Box 900, Farmington, New Mexico 87401. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Conchas Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 1.2 MW at the main dam and a powerhouse at the irrigation headworks in the south dike containing turbine-generator units with a total rated capacity of 1 MW, and a transmission line. The project would be capable of generating up to 6,300,000 kWh annually.

Purpose of Project—Energy generated at the project would likely be used by the Applicant for distribution to its customers through interchange agreements with the local utility at the project.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $250,000. Applicant has requested a preliminary permit term of 27 months.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Conchas Project No. 3392, filed on August 27, 1980 by Sequoia Energy Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applicaions or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 1981.

Filing and Services of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4118. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9271 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-335-000]

Florida Power & Light Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on March 13, 1981 tendered for filing a document entitled "Amendment Number One to Contract for Interchange Service Between Florida Power Corporation and Florida Power & Light Company." Also enclosed in the filing was a certificate of concurrence to the proposed Amendment by Florida Power Corporation (Corp).

FPL states that pursuant to the Amendment FPL and Corp will modify their existing 230 kV interconnection facilities between Corp's North Longwood Substation and FPL's Sanford Plant, so as to increase the inter-system power transfer capability of the interconnection facilities, reduce losses and improve the reliability of the bulk power supply system for the customers of both Corp and FPL in the area. FPL states that while the cost of such modifications has not been fully determined, it is anticipated that expenditures by Corp and FPL will be comparable. FPL states that the proposed amendment will have no effect on sales, services or revenues.

FPL requests waiver of the Commission's Regulations to the extent necessary to permit the proposed Amendment to become effective as of the date of filing. FPL states that such waiver is necessary in order to allow the parties to improve reliability of service in the area as soon as possible. In the event such waiver is denied, FPL requests that the Amendment be placed into effect no later than sixty days after the date of filing. FPL states that copies of the filing were served on the Vice President of Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9382 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4070 and 4193]

Franklin County, Indiana and Hoosier Energy Rural Electric Cooperative, Inc.; Application for Preliminary Permit

March 20, 1981.

Take notice that Franklin County, Indiana (Franklin), and Hoosier Energy Rural Electric Cooperative, Inc. (Hoosier), respectively, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 4070 and 4193, respectively, to be known as Brookville Dam located on the existing U.S. Army Corps of Engineers' Brookville Dam on the East Fork Whitewater River near Brookville, Franklin County, Indiana. The applications are on file with the Commission and are available for public inspection. Correspondence with Franklin should be directed to: Mr. Francis Schuck, Auditor, Franklin County Courthouse, Brookville, Indiana 47012. Correspondence with Hoosier should be sent to: Mr. Virgil E. Peterson, Executive Vice President and General Manager, Hoosier Energy Rural Energy Cooperative, Inc., P.O. Box 908, Bloomington, Indiana 47402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Franklin's proposed project would consist of: (1) a proposed penstock 300 feet long to connect the existing outlet structure to the proposed powerhouse; (2) a proposed powerhouse containing generating units with a total installed capacity of 4.1 MW; (3) proposed transmission lines; and (4) appurtenant facilities. Franklin estimates that the average energy output would be 25,200 MWh.

Hoosier's proposed project would consist of: (1) a proposed penstock 700 feet long to connect the existing outlet structure to the proposed powerhouse; (2) a proposed powerhouse containing 3 generating units with a total installed capacity of 6.4 MW; (3) proposed transmission lines approximately 3,500 feet long; and (4) appurtenant facilities. Hoosier estimates that the average annual energy output would be 24,000 MWh.

Purpose of Project—Franklin would sell its project power to the utilities serving the area. Hoosier plans to market the power from its project to its wholesale members.

Proposed Scope and Cost of Studies Under Permit—Both Applicants have requested 36-month permits to prepare definitive project reports, including preliminary design and economic feasibility studies, and soil and foundation data. The costs of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies are estimated by Franklin to be $45,000, while Hoosier's costs are estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to Continental Hydro Corporation Project No. 3393 filed on August 27, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Projects Nos. 4070 and 4193. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9373 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No ER81-338-000]

Idaho Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commissision's Order to October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No 1 (Supersedes Original Volume No 1) during January, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street,

N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9382 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP74-11, RP76-8, RP77-5, RP78-10, RP79-8, and RP80-8]

Kansas-Nebraska Natural Gas Company, Inc.; Informal Settlement Conference

March 20, 1981.

Take notice that on March 26, 1981, at 2:00 p.m., an informal conference of all interested persons will be convened to (1) discuss the Refund Report filed on February 2, 1981, by Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) which provides the amount of refunds Kansas-Nebraska believes is due regarding liquid product revenues for Docket Nos. RP74-11, RP76-8, RP77-5, RP78-10 and RP79-8; and (2) resolve or establish further procedures regarding Kansas-Nebraska's inclusion of the Unallowable Hugoton Gas Trust Payments in the computation of federal income taxes for Docket Nos. RP79-8, RP80-8.

The conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. in Room 5001. Customers and other interested persons will be permitted to attend the above-mentioned informal conference, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9374 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-341-000]

Kentucky Utilities Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 17, 1981, Kentucky Utilities Company (KU) filed changes in its contracts for wholesale service with various all requirements customers and with the City of Paris, Kentucky designed to increase its present revenues. KU requests an effective date of June 1, 1980 and states that, on the basis of Period I data, the changes will result in increased annual revenues of $12,519,109.

Any person desiring to be heard or to protest said filing should file a petiton to intervene or protest with the Federal Eenrgy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9371 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3900-000; Project No. 3970-000]

Borough of Kittanning and Pennsylvania Renewable Resources, Inc. and Enagencis; Application for Preliminary Permit

March 23, 1981.

Take notice that Borough of Kittanning and Pennsylvania Renewable Resources, Inc. (BKPR) and Enagencis (EN), (Applicants) filed on December 30, 1980 and January 12, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3900 and Project No. 3970, respectively, to be known as Allegheny Lock and Dam No. 7 Hydro Project located on the Allegheny River in Armstrong County, Pennsylvania. The applications are on file with the Commission and are available for Public inspection. Correspondence with the Applicants should be directed to: Mr. Jeffrey M. Kossak or Mr. Edward Curland, Pennsylvania Renewable Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005 (BKPR), and Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009 (EN). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects each would utilize the existing U.S. Army Corps of Engineers' Lock and Dam No. 7 and would consist of: (1) new penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 20,900 kW (BKPR) or 13,200 kW (EN); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 98,900,000 kWh (BKPR) and 69,000,000 kWh (EN).

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Both applicants seek issuance of a preliminary permit for a period of three years, during which time they would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be $150,000 (BKPR) and $50,000 (EN).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—These applications were filed as competing applications to Noah Corporation's application for Project No. 3404 filed on September 23, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project Nos. 3800 and 3870. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-[illegible] Filed 3-26-81; 8:45 am]

BILLING CODE [illegible]

[Project No. 3862-000]

City of LeClaire; Application for Preliminary Permit

March 24, 1981.

Take notice that the City of LeClaire (Applicant) filed on December 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3862 to be known as the Mississippi Lock and Dam No. 14 located on the Mississippi River in Scott County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Edwin N. Choate, City Administrator, City Hall, LeClaire, Iowa 52753. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing dam owned by the U.S. Army Corps of Engineers. Applicant's facilities will be located mostly on U.S. lands. Project No. 3862 would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, containing generating units having a total installed capacity of 25 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant estimates the average annual energy output for the project would be 107,310,000 KWh.

Purpose of Project—The power generated at the project would be sold to Iowa Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time it proposes to conduct economic, environmental, and engineering studies, consult with Federal, State and local government agencies concerning the environmental effects of the project, apply for DOE funds, and prepare an application for FERC license. The Applicant estimates the cost of the studies for the project to be approximately $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc., Project No. 3597 filed October 10, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letter the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3862. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications

Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8237 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4058]

The Metropolitan Water District of Southern California; Application for Exemption of Small Conduit Hydroelectric Facility

March 23, 1981.

Take notice that on January 22, 1981, The Metropolitan Water District of Southern California (District) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Sepulveda Canyon Power Plant (FERC Project No. 4058) would be located on the Sepulveda Feeder Pipeline (part of the District's water distribution system which receives water from the California Aqueduct) approximately 1.8 miles north of the intersection of the Sunset Boulevard and the San Diego Freeway in Los Angeles County, California. Correspondence with the Applicant should be directed to: Mr. Evan L. Griffith, General Manager, The Metropolitan Water District of Southern California, P.O. Box 54153, Terminal Annex, Los Angeles, California 90054.

Purpose of Project—Project energy would be either sold to a public or private utility in Southern California or used by the applicant.

Project Description—The proposed project would consist of: (a) a powerhouse containing a single generating unit with a rated capacity of 8.6 MW; and (b) a substation adjacent to the powerhouse. The power plant would produce approximately 53.2 million kilowatt-hours of energy per year.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 11, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8283 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP 81-221-000]

Michigan Wisconsin Pipe Line Co.; Application

March 23, 1981.

Take notice that on March 3, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-221-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible sale of natural gas to Faustina Pipe Line Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas service agreement dated January 9, 1981, Applicant proposes to sell to Faustina on an interruptible basis surplus supplies of natural gas in excess of its firm requirements which Applicant would deliver to Transcontinental Gas Pipe Line Corporation (Transco) at an existing point of interconnection between Applicant and Transco in Acadia Parish, Louisiana. Transco, it is asserted, would transport the gas for the account of Faustina pursuant to Subpart B of Part 284 of the Commission's Regulations under the Natural Gas Policy Act of 1978.

Applicant states that Faustina would pay a rate of $3.25 per million Btu of natural gas which is equivalent to the weighted average of Applicant's rates to its resale customers under its rate Schedules CD-1, SGS-1 and LVS-1. Applicant further states that no new facilities would be required to execute the agreement.

Applicant asserts that the subject sale would provide it with a market for short-term surpluses of available natural gas supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9329 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-7-000]

Minnesota Power & Light Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Minnesota Power & Light Company on February 6, 1981, tendered for filing an application for Commission approval of the sale of certain substation facilities. The purchaser of a portion of the 500 kV Forbes Substation is to be Northern States Power Company, a Minnesota Corporation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C., 20426, in accordance with §§ 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 17, 1981. Protests will be determined by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9330 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-327-000]

Montaup Electric Co.; Filing

March 23, 1981.

The Filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on March 12, 1981, tendered for filing a letter agreement amendment to a purchase power contract between Montaup and the town of Middleborough, Massachusetts ("Middleborough").

The letter agreement amends the September 1, 1977 contract between Montaup and Middleborough to reduce Montaup's assignment to Middleborough of purchase power under the New Brunswick unit purchase power agreements from 2,500 kW to 900 kW for the period from January 1, 1981 until October 31, 1981 when the assignment ceases. The amendment is necessary to recognize the reduction in the total share of the New Brunswick purchase power to Montaup and to the other New England Power Pool participants from 400 MW to 133 MW.

Montaup requests waiver of the Commission's sixty (60) day notice requirement in order to allow an effective date of January 1, 1981.

Copies of this filing have been served on Middleborough and the Massachusetts Department of Public Utilities.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9326 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-328-000]

Montaup Electric Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Montaup Electric Company (Montaup) on March 12, 1981, tendered for filing a supplement to a transmission service agreement between Montaup and the Taunton Municipal Lighting Plant (Taunton). The supplement specifies that at certain times during the day 31 MW and 5 MW of power from Boston Edison Company's New Boston Unit Nos. 1 and 2 will be transmitted by Montaup for Taunton. Taunton's purchase began on February 20, 1981, on an emergency basis due to a breakdown of its generating equipment. The emergency purchase will remain in effect until cancelled by 30 days notice by either Boston Edison Company or Taunton.

Montaup requests waiver of the Commission's 60-day notice requirement in order to allow an effective date of February 20, 1981.

Copies of this filing have been served on Taunton and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9278 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-329-000]

Montaup Electric Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on March 12, 1981, tendered for filing a letter agreement amendment to a purchase power contract between Montaup and the Town of Middleborough, Massachusetts ("Middleborough").

The letter agreement amends the January 1, 1976 contract between Montaup and Middleborough for the purchase and transmission of power from Montaup's Somerset Unit No. 6. The amendment provides that Middleborough's share of purchase power from Somerset Unit No. 6 will increase from 4 MW to 5.6 MW on January 1, 1981 when the rating of Somerset Unit No. 6 will increase from 126, 200 kW to 128,540 kW. The amendment will remain in effect from January 1, 1981 until October 31, 1981.

Montaup requests waiver of the Commission's 60-day notice requirement in order to allow an effective date of January 1, 1981.

Copies of this filing have been served on Middleborough and the Massachusetts Department of Public Utilities.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8, 1.10). All such petitions or protest should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9288 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3593-000; Project No. 3623-000]

Noah Corp. and Borough of Seven Springs, Pa.; Application for Preliminary Permit

March 23, 1981.

Take notice that competing applications have been filed for a preliminary permit for a proposed water power project to be known as the Youghiogheny River Dam Project, located on the Youghiogheny River in Fayette County, Pennsylvania. The Applicants are the Noah Corporation, application filed October 20, 1980, and designated Project No. 3593-000, and the Borough of Seven Springs, Pennsylvania, application filed October 29, 1980, and designated Project No. 3623-000. The applications were filed under the Federal Power Act, 16 U.S.C. 791(a)-825(r). The project would utilize Federal lands and a Federal dam under the jurisdiction of the United States Army Corps of Engineers.

Correspondence with Applicants—Correspondence with the Noah Corporation should be directed to Mr. James B. Price, Noah Corporation, P.O. Drawer 640, Aiken, South Carolina 29801. Correspondence with the Borough of Seven Springs, Pennsylvania should be directed to Mr. Herman Dupre, Manager, Borough of Seven Springs, Champion, Pennsylvania 15622.

Proposed Scope and Cost of Studies Under Permit—Each of the Applicants seeks a perliminary permit for a period of 24 or 36 months. During that time they would perform surveys, environmental assessment studies, sub-surface explorations, and market studies, as well as develop preliminary plans. Noah Corporation estimates that such studies would cost $100,000, and the Borough of Seven Springs estimates the studies would cost $80,000.

Description of Youghiogheny River Dam—Each Applicant proposes to utilize the U.S. Army Corps of Engineers' existing Youghiogheny River Dam and Reservior. The dam is an earthfill structure with a maximum height of 185 feet from the downstream invert of the outlet tunnel. At the normal summer reservoir water surface of 1,439 feet msl, the reservoir stores 155,000 acre-feet.

Project Description—The proposed by each Applicant, the project would consist of: (1) a proposed penstock extending from an existing water control structure to (2) a powerhouse to be located on the western bank of the Youghiogheny River; and (3) appurtenant facilities.

The Noah Corporation (Project No. 3593-000) estimates that the project would have an installed capacity of 7,500 kW and an average annual energy production of 23,000 MWh. The Borough of Seven Springs, Pennsylvania estimates that the project would have an installed capacity of between 7,000 and 15,000 kW and an average annual energy production 20,000 and 40,000 MWh.

Purpose of Project—Each Applicant proposes to sell project power to local public utilities. In addition, the Borough of Seven Springs, Pennsylvania proposes to sell project power to a local resort development.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—The application for Projects Nos. 3547 and 3623 are competing applications to the Youghiogheny Project No. 3288 filed on August 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9272 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-75-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend

March 23, 1981.

Take notice that on March 11, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-75-000 a petition to amend the order issued December 19, 1980,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize natural gas service under its Rate Schedule ERS-1 on any day to the extent that such quantities of natural gas are available regardless of whether it is providing service under its Rate Schedule AOS-1, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued December 19, 1980, it was authorized to render Economy Replacement Service (ERS) to its utility customers on a daily basis. Petitioner states that such service was provided pursuant to Petitioner's

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Rate Schedule ERS–1. The stated purpose of such service was to reduce or eliminate to the extent that such quantities of natural gas are available the production of more expensive peak shaving gas by the utilities or to meet their firm gas requirements in excess of their daily firm entitlements. It is asserted that under Petitioner's Rate Schedule ERS–1 utilities can purchase natural gas during the period October 27 through April 26 but ERS–1 gas cannot be released on days gas is available under Petitioner's Rate Schedule AOS–1.

Petitioner proposes herein to make ERS–1 gas available on the same days that AOS–1 gas is available. Petitioner contends that such activity would enhance the needs of its utility customers which periodically find the AOS–1 gas supplies inadequate, thereby forcing them to seek alternative and more expensive sources of gas to meet their firm requirements.

Petitioner avers that it is in a position to provide such service because it generally has additional volumes available due to excess supplies not needed by its AOS–1 customers and irregular weather patterns and operating flexibility even though Petitioner may not have sufficient volumes available to increase the overall level of overrun volumes released. Petitioner contends that while the demand for such ERS–1 volumes is expected to be *de minimis*, such service would nevertheless be important to some utilities in meeting their firm customers' requirements at a cost which would be commensurate with the cost of gas available to other utility customers which have the diversity to satisfy similar requirements.

Petitioner further avers that it would submit to the Commission in the future a revised rate schedule for the service proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-9079 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-235-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

March 23, 1981.

Take notice that on March 16, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81–235–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a limited-term and best-efforts basis to Faustina Pipeline Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated February 23, 1981, Applicant proposes to sell up to 100,000 Mcf of natural gas per day to Faustina on a best-efforts basis. Applicant asserts that the proposed sale would extend through October 26, 1983. It is further asserted that the gas to be sold to Faustina would be surplus to the needs of Applicant's existing customers during the term of the sale and that such volumes would be marketed from Applicant's general system supply without jeopardizing service to Applicant's customers.

Applicant proposes to deliver the subject gas to Transcontinental Gas Pipe Line Corporation (Transco) at a primary delivery point at the Starks Station, Calcasieu Parish, Louisiana, and at a secondary delivery point in the Ship Shoal Block 70 and 72, offshore Louisiana. It is stated that Transco would make further delivery to Faustina pursuant to Subpart B of Section 284 of the Regulations under the National Gas Policy Act of 1978 (NGPA). It is asserted that no new facilities would be required.

Applicant proposes to charge Faustina a price which would be the higher of the then currently effective Section 102 price of the NGPA or Applicant's then-effective Zone 1 Commodity Rate under Rate Schedule CD–1 of Applicant's FERC Gas Tariff, 3rd Revised Volume No. 1. It is further stated that Faustina would reimburse Applicant for transportation costs at a current rate of 36.3 cents per Mcf and for any Louisiana First Use Tax payments at the current rate of 7.0 cents per Mcf.

Applicant asserts that in instances when it cannot provide total requested deliveries to its off-system sales customers due to the volume demand of its general system requirements, it would apply any excess volumes in a *pro rata* manner to off-system customers.

It is stated that Faustina would resell the subject gas to various large volume agricultural and industrial customers all located in the state of Louisiana.

Applicant further seeks authorization for its proposed treatment of revenues to be received from the proposed off-system sale. It is asserted that Applicant would refund all off-system sales revenues received that are in excess of the sum of: (a) any incremental cost incurred in making the sales, (b) the variable cost reflected in Applicant's rates, and (c) certain offsets for Applicant's actual cost of service not recovered through the sales refunds obligation provisions in Docket No. RP80–68 Stipulation and Agreement approved by the Commission on February 20, 1981.

It is stated that the proposed sale would reduce Applicant's take-or-pay deficiency payments and would provide a market for Applicant's short-term surplus of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9280 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No ER81-334-000]

Oklahoma Gas and Electric Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, Oklahoma Gas and Electric Company (OG&E) tendered for filing a new Agreement intended to supersede OG&E's Rate Schedule FERC No. 107. This Agreement is the contract between OG&E and the Southwestern Power Administration (SWPA). The new rate is identical to the old rate, and provides for the sale of Replacement Energy and Emergency Service by OG&E to SWPA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E, Wahington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedrue (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9284 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER76-205]

Southern California Edison Co.; Filing

March 20, 1981.

The filing company submits the following.

Take notice that on December 4, 1980, Southern California Edison Company (Edison) submitted for filing a revised supplemental compliance filing. Said filing is being submitted so as to avoid confusion which may have occurred as a result of Edison's previous compliance filing in this docket.

Edison further submits that the present filing consists of revised tariff sheets for its R resale rate schedules, in terms consistent with the Commission's order in this proceeding.

A copy of this filing has been sent to the Public Utilities Commission of California and the Arizona Corporation Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9273 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-339-000]

Southwestern Electric Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 16, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing a letter agreement between SWEPCO and Gulf States Utilities Company (Gulf States) dated December 9, 1980, which provides for SWEPCO to offer to sell and Gulf States to purchase 100 MW of unit capacity without reserves from Know Lee Unit No. 5 for the period June 1, 1981 through May 31, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9269 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-13563-000, et al.]

Texaco Inc. (Operator), et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificate [1]

March 20, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-12553-000, D, Feb. 6, 1981	Texaco Inc. (Operator), P.O. Box 430, Houston, Texas 77401.	Texas Eastern Transmission Corporation, Hidalgo Field, Hidalgo County, Texas.	(1)	
G-14747-000, D, Mar. 2, 1981	Cabot Corporation, One Houston Center, Suite 1000, Houston, Texas 77010.	Northern Natural Gas Company, Section 80 Block 4-T, T&NO RR Survey, Ochiltree County, Texas, Section 12 TIN R 20 ECM, Beaver County, Oklahoma.	(1)	
G-2579-000, D, Feb. 25, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Texas Gas Transmission Corporation, Southeast Carthage Field, Panola County, Texas.	(1)	
C61-35-000, D, Mar. 12, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Panhandle Eastern Pipe Line Company, Mocane-Laverne Gas Area, Beaver County, Oklahoma.	(1)	
C61-406-001, D, Feb. 27, 1981	Perry R. Bass, 3100 Fort Worth Nat'l Bank Bldg., Fort Worth, Texas 76102.	Southern Natural Gas Company, Little Lake and South Bayou Fields, Jefferson Parish, Louisiana.	(1)	
C62-57-000, D, Feb. 27, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Panhandle Eastern Pipe Line Company, Mocane Gas Area, Beaver County, Oklahoma.	(1)	
C62-398-000, D, Mar. 5, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Texas Gas Transmission Corporation, Jeanerette Field, St. Mary Parish, Louisiana.	(1)	
C67-1844-000, D, Mar. 4, 1981	Phillips Petroleum Company, 336 H&A Bldg., Bartlesville, Oklahoma 74004.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Area, Block 15, Zone 2, Offshore Louisiana.	(1)	
C79-340-001, C, Feb. 27, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Vermilion Block 281, Offshore Louisiana.	(1)	15.025
C81-224-000, A, Feb. 27, 1981	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	Trunkline Gas Company, Eugene Island South Addition, Block 380, Offshore Louisiana, Lease Nos. OCS-G-2915 and OCS-G-2327.	(14)	15.025
C81-225-000, A, Feb. 26, 1981	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, West Cameron Area, Block 65, Offshore Louisiana.	(13)	14.65
C81-226-000, A, Feb. 27, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Tennessee Gas Pipeline Company, East Cameron Block 47 Area, Offshore Louisiana.	(13)	15.025
C81-227-000, A, Mar. 9, 1981	Sovat Exploration Company, P.O. Box 1513, Houston, Texas 77001.	Southern Natural Gas Company, East Cameron Blocks 232 and 239, Offshore Louisiana.	(13)	15.025
C81-228-000, A, Mar. 4, 1981	Union Texas Petroleum Corporation, P.O. Box 2120, Houston, Texas 77001.	Southern Natural Gas Company, Block 756, Mustang Island Area, Offshore Texas.	(13)	14.65
C81-223-000, A, Feb. 27, 1981	Sun Texas Company, a Division of Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Trunkline Gas Company, Eugene Island South Addition, Block 380, Offshore Louisiana, Lease Nos. OCS-G-2915 and OCS-G-2327.	(13)	15.025
C81-230-000, B, Mar. 5, 1981	Texaco, Inc., P.O. Box 2420, Tulsa, Oklahoma 74102.	Getty Oil Company—Lone Star Gas Company, West Marlow Field, Stephens County, Oklahoma.	(16)	
C81-229-000, A, Mar. 10, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	Tennessee Gas Pipeline Company, East Cameron Block 47, Offshore Louisiana.	(13)	15.025
C81-229-000, A, Mar. 10, 1981	Conoco, Inc., P.O. Box 2197, Houston, Texas 77001	Southern Natural Gas Company, Main Pass Block 311, Offshore Louisiana.	(13)	15.025
C76-53-000, Feb. 2, 1981	Mobil Oil Exploration & Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Natural Gas Pipeline Company of America, West Cameron Block 534, South Addition, Offshore Louisiana.	(18)	15.025
C80-506-001, C, Feb. 12, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., Vermilion Block 119 Area, Offshore Louisiana.	(13)	15.025

[1] Leases released. Well(s) plugged and abandoned.
[2] All gas reserves are depleted to the extent that the continuance of gas service is unwarranted. All wells located within the contract area pertaining to this application have been plugged and abandoned.
[3] All wells on the lands covered by this application have been plugged.
[4] Applicant's leases on the lands covered by this application have been released of record.
[5] The subject acreage is not covered by Applicant's rollover contract with Southern dated October 1, 1980.
[6] All wells on the lands covered by this application have been plugged and the leases involved have been released of record.
[7] Applicant has released of record its interest in the acreage covered by this application and no longer has the right to explore or develop said acreage.
[8] To delete non-productive acreage that was deleted from the December 9, 1980, replacement contract.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated February 27, 1979—Amendment December 12, 1980.
[10] Applicant is filing under Gas Purchase Contract dated February 18, 1981.
[11] Applicant is willing to accept a certificate conditioned upon the maximum applicable rate as allowed by the Natural Gas Policy Act of 1978.
[12] Applicant is filing under Gas Purchase Contract dated December 22, 1980.
[13] Applicant is filing under Gas Purchase and Sales Agreement dated February 6, 1981.
[14] Applicant is filing under Gas Purchase Agreement dated May 5, 1980.
[15] Applicant is filing under Gas Purchase Contract dated February 18, 1981.
[16] Getty abandoned plant operations.
[17] Applicant is filing under Gas Purchase Contract dated December 17, 1980.
[18] Applicant is filing under Gas Purchase Contract dated August 1, 1980.
[19] Reflects addition of delivery points.
[20] Applicant is filing to amend its Contract under Amendment dated 9-25-78 and FERC G.R.S. No. 64.
[21] Applicant is filing to amend its Contract under Amendment dated 12-23-80 and FERC G.R.S. No. 755.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-9274 Filed 3-25-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4029-000]

Utah Municipal Power Agency; Application for a New Major License

March 20, 1981.

Take notice that the Utah Municipal Power Agency (Applicant) filed on January 19, 1981, an application for a new major license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the constructed Olmsted Hydroelectric Project, FERC No. 4029, located on the Provo River, in Utah County, Utah, near the Cities of Orem and Provo, Utah. The project affects lands of the United States, within the Uinta National Forest. The original license held by Utah Power and Light Company expired on October 20, 1975.

Correspondence concerning the application should be directed to: Mr. Grant Whitehead, Chairman, Utah Municipal Power Agency, P.O. Box 418,

Payson, Utah 84651, with copies to Emerson Duncan, Esquire, Duncan, Allen & Mitchell, 1575 Eye Street, NW., Washington, D.C. 20005 and to Richard G. Foltz, P.E., Burns & McDonnell Engineering Company, P.O. Box 173, Kansas City, Missouri 64141.

Project Description—The run-of-the-river Olmsted Hydroelectric Project consists of: (1) a concrete diversion dam having a 15-foot maximum height and an 80-foot length, including a 62-foot long spillway having a crest elevation of 5,176.16 USGS datum topped by variable height stop-log flashboards; (2) a screened water intake structure 104 feet in length along the northwest (right) bank of the river leading to; (3) a 4.91-mile long, 8.5-foot diameter steel or concrete gravity pipeline including (a) a Taintor gate control and screening structure, (b) a sand trap, (c) two siphons, (d) a siphon spillway, and (e) five 8-inch metal or PVC pipes feeding spring and creek waters into the main pipeline; (4) a wood and/or concrete lined tunnel 950 feet long, 13 feet wide, and 10 feet high opening into; (5) a concrete and steel "pressure box" structure 50 feet long, 50 feet wide, and 60 feet high with trash screens and four Taintor gates connecting to; (6) three 730-feet long steel penstocks varying in diameter from 60 to 48 to 54-inches and a 730-foot long, 6-foot diameter steel penstock; (7) a concrete, brick and steel powerhouse containing three 2,400-kW generating units and a 5,500-kW generating unit; (8) a tailrace 800 feet long; (9) electrical facilities connecting to a 44-kV switchyard; and (10) appurtenant facilities.

The application proposes to continue the historic operation of the project while performing routine maintenance and structural repairs. Applicant will also investigate the feasibility of reactivating Unit No. 3 and other methods of increasing power plant output and efficiency.

Purpose of Project—All power generated by the project will be used to satisfy the power needs of the Applicant.

Competing Applications—This application was filed as a competing application to that of Utah Power and Light Company Project No. 596 filed on April 7, 1975 and most recently revised on April 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is one file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9375 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-222-000]

United Gas Pipe Line Co.; Application

March 20, 1981.

Take notice that on March 4, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-222-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas to Trans Louisiana Gas Company (Trans Louisiana) as successor-in-interest to Central Louisiana Electric Company, Inc. (CLECO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a letter by CLECO dated January 28, 1981, Applicant proposes to sell a maximum daily quantity of 4,075 Mcf of natural gas per day to Trans Louisiana as successor-in-interest to CLECO's distribution system. It is asserted that Trans Louisiana would continue to provide natural gas service to the municipalities of Many, Pleasant Hill, and Zwolle in Sabine Parish, and Pelican and Oxford in Desoto Parish, Louisiana.

Applicant states that it would continue service to Trans Louisiana under its Rate Schedule G-N and that such service would not affect Applicant's service to other customers in that area.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9376 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-333-000]

The Washington Water Power Co.; Filing

March 23, 1981.

The filing Company submits the following:

Take notice that on March 13, 1981, Washington Water Power Company (WWP) tendered for filing a letter agreement between WWP and Southern California Edison Company (SCE) dated January 7, 1981, which provides for the sale of Energy produced by WWP's share of the Centralia coal-fired steam plant which is surplus to WWP's needs. WWP states that at its option, the

energy will either be sold outright or on a recallable basis. If WWP recalls the energy prior to April 1, 1981, WWP shall refund to Edison the price originally paid by Edison plus a storage charge of four mills/kwh. The four-mill storage charge is in accordance with Edison's rate schedule FERC #121.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9088 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION								
-ABRAXAS PETROLEUM CORP					RECEIVED: 02/27/81 JA: TX			
8119464	26256	4248131937	102		BARTA NO 1		82.0	DELHI GAS PIPELINE
8119464	26256	4248131937	103		BARTA NO 1		82.0	DELHI GAS PIPELINE
8119465	26257	4223931492	102		SHOOP NO 1		24.0	TRUNKLINE GAS CO
8119465	26257	4223931492	103		SHOOP NO 1		24.0	TRUNKLINE GAS CO
-AMERICAN PETROFINA COMPANY OF TEXAS					RECEIVED: 02/27/81 JA: TX			
8119586	29991	4242330395	103		ARNOLD GAS UNIT #2 WELL #1	OVERTON (COTTON VALLEY S	41.0	UNITED GAS PIPE LINE
8119586	29991	4242330395	107		ARNOLD GAS UNIT #2 WELL #1	OVERTON (COTTON VALLEY S	41.0	UNITED GAS PIPE LINE
-AMERICAN QUASAR PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119459	25878	4210931391	103		TRES ALAS #1	SEC 4 BLK 112 PSL	30.0	TENNECO INC
-AMINOIL USA INC					RECEIVED: 02/27/81 JA: TX			
8119458	25841	4229732040	102		AMINOIL/EL PASO NAT GAS #3	EAST CHAPA (MASSIVE C) -	1095.0	EL PASO NATURAL GAS
8119458	25841	4229732040	103		AMINOIL/EL PASO NAT GAS #3	EAST CHAPA (MASSIVE C) -	1095.0	EL PASO NATURAL GAS
-AMMEX PETROLEUM CORP					RECEIVED: 02/27/81 JA: TX			
8119415	19331	4214900000	102		ALDAR UNIT - RRC #85266	GIDDINGS (AUSTIN CHALK 6	67.0	CLAJON GAS CO
8119415	19331	4214900000	103		ALDAR UNIT - RRC #85266	GIDDINGS (AUSTIN CHALK 6	67.0	CLAJON GAS CO
-AMOCO PRODUCTION CO					RECEIVED: 02/27/81 JA: TX			
8119668	30528	4230330591	103		ANTON IRISH CLRFK UT #451	ANTON IRISH	0.7	PIONEER NATURAL GAS
8119442	23535	4220330717	102		BRITTON GAS UNIT NO 3	WOODLAWN (TRAVIS PEAK)	600.0	EAST TEXAS INDUSTRIA
8119442	23535	4220330717	103		BRITTON GAS UNIT NO 3	WOODLAWN (TRAVIS PEAK)	600.0	EAST TEXAS INDUSTRIA
8119650	30444	4213533395	103		DAVID FASKEN BJ #1	FASKEN S (ATOKA)	44.5	AMOCO PRODUCTION CO
*8119600	30279	4216730777	103		E KER CADE A R/A A #282	HIGH ISLAND	9.0	WINNIE PIPELINE CO
*8119599	30278	4216730786	103		E KER CADE A R/A A #283	HIGH ISLAND	3.0	WINNIE PIPELINE CO
8119598	30276	4239131221	103		EL ESO CATTLE CO NO 26	MARY ELLEN OCONNOR (STRA	48.0	LA ROSA CORP
8119584	29988	4220330645	102		JAMES HARRIS GAS UNIT NO 1	BLOCKER/COTTON VALLEY/	288.0	UNITED GAS PIPE LINE
8119584	29988	4220330645	107		JAMES HARRIS GAS UNIT NO 1	BLOCKER/COTTON VALLEY/	288.0	UNITED GAS PIPE LINE
*8119616	30337	4239300000	108		LIPS RANCH B #16 (2ND FIL)	LIPS (CLEVELAND)	10.0	NORTHERN NATURAL GAS
8119585	29989	4220330629	102		MARY L RODEN GAS UNIT NO 1	BLOCKER/COTTON VALLEY/	288.0	UNITED GAS PIPE LINE
8119585	29989	4220330629	107		MARY L RODEN GAS UNIT NO 1	BLOCKER/COTTON VALLEY/	288.0	UNITED GAS PIPE LINE
*8119392	17182	4203931307	103		MASSEY - CONDON #3	WEST HASTINGS	2.1	AMOCO GAS CO
8119651	30447	4213533342	103		MIDLAND FARMS AJ #5	FASKEN (PENN)	8.3	AMOCO PRODUCTION CO
8119558	28990	4222731958	103		MRS CORA LEE ECHOLS B #20	IATAN EAST (HOWARD)	8.4	GETTY OIL CO
*8119398	15184	4203931486	103		W H AVITTS B NO 5	HASTINGS WEST	22.0	TEXAS EASTERN TRANS
8119597	30275	4207931246	103		W R BLAKE #16	SLAUGHTER	1.1	AMOCO PRODUCTION CO
8119669	30529	4221932992	103		WEST RKM UNIT #241	SLAUGHTER	7.3	AMOCO PRODUCTION CO
-ARCO OIL AND GAS COMPANY					RECEIVED: 02/27/81 JA: TX			
8119638	30375	4210332313	103		DENNIS 15 NO 1	ROBERDEAU S (CLEARFORK L	48.0	PHILLIPS PETROLEUM C
-ATAPCO					RECEIVED: 02/27/81 JA: TX			
8119462	26192	4233531623	102		ELLWOOD ESTATE #1-41 (25982)	LUCKY STRIKE (ELLENBURGE	3.6	
8119462	26192	4233531623	103		ELLWOOD ESTATE #1-41 (25982)	LUCKY STRIKE (ELLENBURGE	3.6	
8119463	26238	4237132946	102		MAX D SHAFFRATH #4 (25981)	COYANOSA W (CASTILE)	1.5	
8119463	26238	4237132946	103		MAX D SHAFFRATH #4 (25981)	COYANOSA W (CASTILE)	1.5	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119434	21533	4237132819	102		UNIVERSITY 1-16 #25567	ATAK (PENN DETRITAL)	18.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119434	21533	4237132819	102		UNIVERSITY 1-16 #25567	ATAK (PENN DETRITAL)	18.0	
8119434	21533	4237132819	103		UNIVERSITY 1-16 #25567	ATAK (PENN DETRITAL)	18.0	
-B D K PRODUCTION CO INC					RECEIVED: 02/27/81 JA: TX			
8119468	26352	4228500000	102		MCAFEE NO 1	KEMPER EAST	290.0	LONE STAR GAS CO
8119449	24120	4228500000	102		OTTO BORCHER UNIT NO 1	KEMPER EAST	182.5	LONE STAR GAS CO
-BAKER & TAYLOR DRILLING CO					RECEIVED: 02/27/81 JA: TX			
*8119506	27515	4223330901	103		ARCHER A #1	HANSFORD (MORROW LOWER)	270.0	NORTHERN NATURAL GAS
-BASS ENTERPRISES PRODUCTION CO					RECEIVED: 02/27/81 JA: TX			
8119615	30334	4218332298	102		L D MOSS ET AL NO 25	TROPORO N (DEVONIAN)	25.0	PSP GAS PRODUCTS INC
-BOB WALLACE OIL INC					RECEIVED: 02/27/81 JA: TX			
8119617	30341	4206500000	103		BURNETT 24 NO 4-24	PANHANDLE CARSON	115.0	PANHANDLE EASTERN PI
-BUTTES RESOURCES CO					RECEIVED: 02/27/81 JA: TX			
8119477	26838	4204130327	102		HENRY K ODOM #1	KURTEN (WOODBINE)	18.0	
8119478	26839	4204130379	102		HENRY K ODOM #2	KURTEN (WOODBINE)	33.0	
8119479	26840	4204130408	102		HENRY K ODOM #4	KURTEN (WOODBINE)	27.0	
8119480	26841	4204130483	102		JAMES D WILSON #1	KURTEN (WOODBINE)	4.1	
8119481	26842	4204130322	102		JAMES D WILSON #2	KURTEN (WOODBINE)	18.0	
8119482	26843	4204130417	102		JAMES D WILSON #4	KURTEN (WOODBINE)	24.0	
8119483	26844	4204130484	102		JAMES D WILSON #5	KURTEN (WOODBINE)	7.0	
8119476	26837	4204130395	102		RAYMOND BUCHANAN #2	KURTEN (WOODBINE)	33.0	
-C F LAURENCE & ASSOC INC					RECEIVED: 02/27/81 JA: TX			
8119467	26279	4237100000	102		MCCOMB #1			
-CARTER ENERGY CORP					RECEIVED: 02/27/81 JA: TX			
8119618	30342	4249731916	103		C W FIRESTONE ET UX #1	MCLAU (GRAYBURG)	374.0	EL PASO NATURAL GAS
8119557	29205	4249731747	103		V V ROSTINE LEASE #1	BOONSVILLE (BEND CONGLOM	0.0	LONE STAR GAS CO
						BOONSVILLE (BCG) FIELD	115.0	TEXAS UTILITIES FUEL
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 02/27/81 JA: TX			
8119490	27089	4238331673	102		ESTELLE COUNCIL 78 NO 1	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8119491	27091	4217331070	102		I W TERRY A NO 5	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
-CHAPARROSA OIL CO					RECEIVED: 02/27/81 JA: TX			
8119511	27883	4250730914	102		B K JOHNSON #5	EL BANO (OLMOS)	0.0	VALERO TRANSMISSION
8119511	27883	4250730914	103		B K JOHNSON #5	EL BANO (OLMOS)	0.0	VALERO TRANSMISSION
-CITIES SERVICE COMPANY					RECEIVED: 02/27/81 JA: TX			
8119645	30408	4217900000	108		CASTLEBERRY A #3	PANHANDLE GRAY	0.4	CITIES SERVICE CO
8119644	30407	4217900000	108		CASTLEBERRY A #5	PANHANDLE GRAY	0.8	CITIES SERVICE CO
8119643	30406	4217900000	108		CASTLEBERRY A #6	PANHANDLE GRAY	1.9	CITIES SERVICE CO
8119642	30405	4217900000	108		GEORGE A #5	PANHANDLE GRAY	2.7	CITIES SERVICE CO
8119641	30404	4217900000	108		HEITHOLT A #13	PANHANDLE GRAY	0.5	CITIES SERVICE CO
8119640	30403	4217900000	108		HEITHOLT A #14	PANHANDLE GRAY	0.5	CITIES SERVICE CO
8119638	30401	4217900000	108		NOEL A #10	PANHANDLE GRAY	5.5	CITIES SERVICE CO
8119637	30400	4217900000	108		NOEL A #11	PANHANDLE GRAY	3.4	CITIES SERVICE CO
8119639	30402	4217900000	108		NOEL A #4	PANHANDLE GRAY	3.1	CITIES SERVICE CO
8119636	30399	4217900000	108		SAILOR #1	PANHANDLE GRAY	3.8	CITIES SERVICE CO
8119634	30382	4217900000	108		SMITH #10	PANHANDLE GRAY	6.1	CITIES SERVICE CO
8119633	30381	4217900000	108		SMITH #15	PANHANDLE GRAY	2.2	CITIES SERVICE CO
8119632	30380	4217900000	108		SMITH #16	PANHANDLE GRAY	1.4	CITIES SERVICE CO
8119635	30383	4217900000	108		SMITH #8	PANHANDLE GRAY	4.4	CITIES SERVICE CO
8119674	30641	4238331593	103		UNIVERSITY CC #1	GUNNX	88.0	
-CLAUD B HAMILL					RECEIVED: 02/27/81 JA: TX			
8119474	26765	4228930317	102		F D RECKNOR NO 1 (#88867)	KEECHI-HAMILL (TRAVIS PE	220.0	LONE STAR GAS CO
-CLAYTON W WILLIAMS JR					RECEIVED: 02/27/81 JA: TX			
8119588	27757	4205130715	102		W MEIER #1	GIDDINGS	0.0	VALERO TRANSMISSION
-COASTAL OIL & GAS CORP					RECEIVED: 02/27/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119667	30514	4237530722	103		BIVINS 3401 S	PANHANDLE (RED CAVE)	1.0	COLORADO INTERSTATE
8119655	30464	4237530734	103		BIVINS 5505 S	PANHANDLE (RED CAVE)	104.0	COLORADO INTERSTATE
-COLA PETROLEUM INC					RECEIVED: 02/27/81 JA: TX			
*8119603	30314	4246131367	103		ELKIN 19 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
*8119602	30313	4238331504	103		WOOTEN A #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-CONOCO INC					RECEIVED: 02/27/81 JA: TX			
8119418	19777	4207900000	108		CONOCO DEAN UNIT #121 (#60186)	SLAUGHTER	1.5	AMOCO PRODUCTION CO
8119653	30451	4237100000	108		E A HALL-B- #2L & #2U	ABELL	10.2	P&P GAS PRODUCTS INC
8119631	30377	4238900000	108		FORD GERALDINE UNIT #107 (#21021)	GERALDINE FORD	0.7	EL PASO NATURAL GAS
8119484	26871	4222732189	103		G O CHALK-E-#20 (#18991)	HOWARD GLASSCOCK	0.4	PHILLIPS PET CO
8119404	17735	4215100000	108		J B TERRELL A #12 (#13657)	ROUND TOP	3.4	LONE STAR GAS CO
8119405	17736	4215100000	108		J B TERRELL A #14 (#13657)	ROUND TOP	5.8	LONE STAR GAS CO
8119406	17737	4215100000	108		J B TERRELL A #15 (#13657)	ROUND TOP	6.2	LONE STAR GAS CO
8119407	17738	4215100000	108		J B TERRELL A #16 (#13657)	ROUND TOP	2.7	LONE STAR GAS CO
8119408	17739	4215100000	108		J B TERRELL A #17 (#13657)	ROUND TOP	1.8	LONE STAR GAS CO
8119536	28487	4250100000	108		R M KENDRICK-868-88 (#61876)	WASSON	0.4	SHELL OIL CO
8119416	19407	4213533159	108		WIGHT UNIT #137 (#20661)	COWDEN NORTH	5.0	AMOCO PRODUCTION CO
-COQUINA OIL CORPORATION					RECEIVED: 02/27/81 JA: TX			
8119552	29838	4238331431	103		ZULETTE #9	SPRAYBERRY (TREND AREA)	69.0	PHILLIPS PETROLEUM C
-CRAWFORD ENERGY					RECEIVED: 02/27/81 JA: TX			
8119591	30058	4249731715	103		E BUCKNER #1 (28546)	WISE COUNTY REG	59.0	TEXAS UTILITIES FUEL
-D D HOUTCHENS					RECEIVED: 02/27/81 JA: TX			
8119486	26982	4208700000	103		LUTES A #1A	PANHANDLE EAST	0.0	EL PASO NATURAL GAS
-DANIEL OIL COMPANY					RECEIVED: 02/27/81 JA: TX			
8119553	29093	4207130924	103		S/L 27122 NO 1-W	SMITH POINT EAST (FRIO-1	4.0	
8119554	29094	4207130925	103		S/L 27122 NO 2-E	SMITH POINT EAST (F-1)	17.0	
-DELRAY OIL INC					RECEIVED: 02/27/81 JA: TX			
8119547	28846	4208332214	103		BERTIE E STONE NO 10	COLEMAN COUNTY REGULAR	10.0	LONE STAR GAS CO
8119548	28847	4208332212	103		BERTIE E STONE NO 13	COLEMAN COUNTY REGULAR	7.0	LONE STAR GAS CO
8119544	28843	4208332158	103		BERTIE E STONE NO 7	COLEMAN COUNTY REGULAR	9.0	LONE STAR GAS CO
8119545	28844	4208332193	103		BERTIE E STONE NO 8	COLEMAN COUNTY REGULAR	7.0	LONE STAR GAS CO
8119546	28845	4208332193	103		BERTIE E STONE NO 9	COLEMAN COUNTY REGULAR	7.0	LONE STAR GAS CO
-DELTA DRILLING CO					RECEIVED: 02/27/81 JA: TX			
8119534	28576	4243500000	108		SAWYER A #4 ID# 68703	SAWYER CYN	18.2	NORTHERN NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 02/27/81 JA: TX			
8119475	26792	4208726158	108		MAGNOLIA #1	PANHANDLE EAST-BROWN DOL	24.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC					RECEIVED: 02/27/81 JA: TX			
8119672	30546	4208130926	103		J E CHAPPELL A #7	JAMESON (STRAWN)	7.9	UNION TEXAS PETROLEU
8119670	30543	4208130927	103		J E CHAPPELL A #8	JAMESON (STRAWN)	20.5	UNION TEXAS PETROLEU
8119673	30547	4238331677	103		ROCKER B W #16	SPRABERRY (TREND AREA)	17.6	EL PASO NATURAL GAS
8119671	30545	4238331692	103		RUPERT P RICKER KO #7	CALVIN (DEAN)	16.6	UNION TEXAS PETROLEU
-ENSERCH EXPLORATION INC					RECEIVED: 02/27/81 JA: TX			
8119420	19992	4249731633	103		B A SMITH NO 1	BOONSVILLE	360.0	LONE STAR GAS CO
8119648	30427	4221300000	108		JESSIE BALL NO 1	OPELIKA	30.0	LONE STAR GAS CO
-ESENJAY PETROLEUM CORP					RECEIVED: 02/27/81 JA: TX			
8119566	29558	4235531645	103		C L LE MOND NO 1 (09658)	AGUA DULCE N (FRIO 6618)	189.0	ESPERANZA TRANSMISSI
-EUROPEAN SOUTHWEST CO					RECEIVED: 02/27/81 JA: TX			
8119507	27740	4213332192	103		CLARK NO 1	DESDEMONA (BRESSLER SAND	20.0	NORTH GORMAN GATHERI
-EXXON CORPORATION					RECEIVED: 02/27/81 JA: TX			
8119662	30496	4233930480	103		CONROE FIELD UNIT #436	CONROE	36.0	MORAN UTILITIES
8119661	30494	4233930479	103		CONROE FIELD UNIT #517	CONROE	30.0	MORAN UTILITIES
8119618	30328	4208130994	103		G W EATON ESTATE #28	NECHES (WOODBINE)	69.5	UNITED GAS PIPE LINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119612	19544	4219530451	103		HAMSFORD GAS UNIT 30-69	HAMSFORD (MORROW, MIDDL	0.0	EL PASO NATURAL GAS
8119613	19545	4219530452	103		HAMSFORD GAS UNIT 30-70	HAMSFORD (MORROW, MIDDL	0.0	EL PASO NATURAL GAS
8119614	19546	4219530453	103		HAMSFORD GAS UNIT 30-71	HAMSFORD (MORROW, MIDDL	0.0	EL PASO NATURAL GAS
8119615	19547	4219530454	103		HAMSFORD GAS UNIT 30-72	HAMSFORD (MORROW, MIDDL	0.0	EL PASO NATURAL GAS
8119616	19548	4219530455	103		HAMSFORD GAS UNIT 30-73	HAMSFORD (MORROW, MIDDL	0.0	EL PASO NATURAL GAS
8119617	19549	4219530456	103		HAMSFORD GAS UNIT 30-74	HAMSFORD (MORROW, MIDDL	0.0	EL PASO NATURAL GAS
-FAIRWAY PRODUCTION CO					RECEIVED: 02/27/81 JA: TX			
8119599	30310	4246131366	103		ELKIN 18 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119600	30311	4246131365	103		ELKIN 20 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-FINA OIL & CHEMICAL CO					RECEIVED: 02/27/81 JA: TX			
8119650	30429	4221300000	108		JESSIE BALL NO 2	OPELIKA	30.0	LONE STAR GAS CO
-FLAG-REDFERN OIL CO					RECEIVED: 02/27/81 JA: TX			
8119555	29095	4207130926	103		S/L 27122 NO 3-W	SMITH POINT EAST (FRIO-1	4.0	
8119556	29096	4207130927	103		S/L 27122 NO 4-E	SMITH POINT EAST (F-1)	17.0	
-FLOYD OIL CO					RECEIVED: 02/27/81 JA: TX			
8119557	29097	4207130928	103		S/L 27122 NO 5-W	SMITH POINT EAST (FRIO-1	4.0	
8119558	29098	4207130929	103		S/L 27122 NO 6-E	SMITH POINT EAST (F-1)	17.0	
-FOREST OIL CORP					RECEIVED: 02/27/81 JA: TX			
8119597	30308	4246131364	103		ELKIN 17 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119598	30309	4246131363	103		ELKIN 21 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-GENERAL AMERICAN OIL CO OF TEXAS					RECEIVED: 02/27/81 JA: TX			
8119559	29099	4207130930	103		S/L 27122 NO 7-W	SMITH POINT EAST (FRIO-1	4.0	
8119560	29100	4207130931	103		S/L 27122 NO 8-E	SMITH POINT EAST (F-1)	17.0	
-GETTY OIL COMPANY					RECEIVED: 02/27/81 JA: TX			
8119561	29101	4207130932	103		S/L 27122 NO 9-W	SMITH POINT EAST (FRIO-1	4.0	
8119562	29102	4207130933	103		S/L 27122 NO 10-E	SMITH POINT EAST (F-1)	17.0	
-GULF OIL CORP					RECEIVED: 02/27/81 JA: TX			
8119563	29103	4207130934	103		S/L 27122 NO 11-W	SMITH POINT EAST (FRIO-1	4.0	
8119564	29104	4207130935	103		S/L 27122 NO 12-E	SMITH POINT EAST (F-1)	17.0	
-HARKEN OIL & GAS INC					RECEIVED: 02/27/81 JA: TX			
8119595	30306	4246131362	103		ELKIN 16 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119596	30307	4246131361	103		ELKIN 22 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-HARVEY E YATES CO					RECEIVED: 02/27/81 JA: TX			
8119593	30304	4246131360	103		ELKIN 15 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119594	30305	4246131359	103		ELKIN 23 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-HOUSTON OIL & MINERALS CORP					RECEIVED: 02/27/81 JA: TX			
8119591	30302	4246131358	103		ELKIN 14 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119592	30303	4246131357	103		ELKIN 24 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-HUNT OIL CO					RECEIVED: 02/27/81 JA: TX			
8119589	30300	4246131356	103		ELKIN 13 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119590	30301	4246131355	103		ELKIN 25 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-HUNTINGTON ENERGY CORP					RECEIVED: 02/27/81 JA: TX			
8119587	30298	4246131354	103		ELKIN 12 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119588	30299	4246131353	103		ELKIN 26 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-INEXCO OIL CO					RECEIVED: 02/27/81 JA: TX			
8119585	30296	4246131352	103		ELKIN 11 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119586	30297	4246131351	103		ELKIN 27 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-INTERNATIONAL OIL & GAS CORP					RECEIVED: 02/27/81 JA: TX			
8119583	30294	4246131350	103		ELKIN 10 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119584	30295	4246131349	103		ELKIN 28 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-JOHN H HENDRIX CORP					RECEIVED: 02/27/81 JA: TX			
8119581	30292	4246131348	103		ELKIN 9 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119582	30293	4246131347	103		ELKIN 29 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-JOHN M HENDRIX CORP					RECEIVED: 02/27/81 JA: TX			
8119579	30290	4246131346	103		ELKIN 8 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119580	30291	4246131345	103		ELKIN 30 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-JOHN YATES					RECEIVED: 02/27/81 JA: TX			
8119577	30288	4246131344	103		ELKIN 7 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119578	30289	4246131343	103		ELKIN 31 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-KERR-MCGEE CORP					RECEIVED: 02/27/81 JA: TX			
8119575	30286	4246131342	103		ELKIN 6 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119576	30287	4246131341	103		ELKIN 32 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-KEY PRODUCTION CO INC					RECEIVED: 02/27/81 JA: TX			
8119573	30284	4246131340	103		ELKIN 5 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119574	30285	4246131339	103		ELKIN 33 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-KOCH INDUSTRIES INC					RECEIVED: 02/27/81 JA: TX			
8119571	30282	4246131338	103		ELKIN 4 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119572	30283	4246131337	103		ELKIN 34 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-LEWIS B BURLESON INC					RECEIVED: 02/27/81 JA: TX			
8119569	30280	4246131336	103		ELKIN 3 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119570	30281	4246131335	103		ELKIN 35 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-LONE STAR PRODUCTION CO					RECEIVED: 02/27/81 JA: TX			
8119567	30278	4246131334	103		ELKIN 2 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119568	30279	4246131333	103		ELKIN 36 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MARATHON OIL CO					RECEIVED: 02/27/81 JA: TX			
8119565	30276	4246131332	103		ELKIN 1 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119566	30277	4246131331	103		ELKIN 37 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 02/27/81 JA: TX			
8119563	30274	4246131330	103		ELKIN 38 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119564	30275	4246131329	103		ELKIN 39 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MCCOMBS CORP					RECEIVED: 02/27/81 JA: TX			
8119561	30272	4246131328	103		ELKIN 40 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119562	30273	4246131327	103		ELKIN 41 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MCCULLOCH OIL CORP OF NEW MEXICO					RECEIVED: 02/27/81 JA: TX			
8119559	30270	4246131326	103		ELKIN 42 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119560	30271	4246131325	103		ELKIN 43 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MCCULLOCH OIL CORPORATION					RECEIVED: 02/27/81 JA: TX			
8119557	30268	4246131324	103		ELKIN 44 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119558	30269	4246131323	103		ELKIN 45 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MCMORAN EXPLORATION CO					RECEIVED: 02/27/81 JA: TX			
8119555	30266	4246131322	103		ELKIN 46 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119556	30267	4246131321	103		ELKIN 47 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MEDALLION PETROLEUM INC					RECEIVED: 02/27/81 JA: TX			
8119553	30264	4246131320	103		ELKIN 48 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119554	30265	4246131319	103		ELKIN 49 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119551	30262	4246131318	103		ELKIN 50 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119552	30263	4246131317	103		ELKIN 51 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119549	30260	4246131316	103		ELKIN 52 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119550	30261	4246131315	103		ELKIN 53 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119547	30258	4246131314	103		ELKIN 54 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119548	30259	4246131313	103		ELKIN 55 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119545	30256	4246131312	103		ELKIN 56 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119546	30257	4246131311	103		ELKIN 57 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119543	30254	4246131310	103		ELKIN 58 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119544	30255	4246131309	103		ELKIN 59 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119541	30252	4246131308	103		ELKIN 60 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119542	30253	4246131307	103		ELKIN 61 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119539	30250	4246131306	103		ELKIN 62 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119540	30251	4246131305	103		ELKIN 63 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119537	30248	4246131304	103		ELKIN 64 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119538	30249	4246131303	103		ELKIN 65 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119535	30246	4246131302	103		ELKIN 66 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119536	30247	4246131301	103		ELKIN 67 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119533	30244	4246131300	103		ELKIN 68 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119534	30245	4246131299	103		ELKIN 69 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119531	30242	4246131298	103		ELKIN 70 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119532	30243	4246131297	103		ELKIN 71 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119529	30240	4246131296	103		ELKIN 72 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119530	30241	4246131295	103		ELKIN 73 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119527	30238	4246131294	103		ELKIN 74 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119528	30239	4246131293	103		ELKIN 75 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119525	30236	4246131292	103		ELKIN 76 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119526	30237	4246131291	103		ELKIN 77 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119523	30234	4246131290	103		ELKIN 78 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119524	30235	4246131289	103		ELKIN 79 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119521	30232	4246131288	103		ELKIN 80 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119522	30233	4246131287	103		ELKIN 81 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119519	30230	4246131286	103		ELKIN 82 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119520	30231	4246131285	103		ELKIN 83 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119517	30228	4246131284	103		ELKIN 84 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119518	30229	4246131283	103		ELKIN 85 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119515	30226	4246131282	103		ELKIN 86 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119516	30227	4246131281	103		ELKIN 87 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119513	30224	4246131280	103		ELKIN 88 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119514	30225	4246131279	103		ELKIN 89 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119511	30222	4246131278	103		ELKIN 90 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119512	30223	4246131277	103		ELKIN 91 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119509	30220	4246131276	103		ELKIN 92 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119510	30221	4246131275	103		ELKIN 93 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119507	30218	4246131274	103		ELKIN 94 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119508	30219	4246131273	103		ELKIN 95 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119505	30216	4246131272	103		ELKIN 96 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119506	30217	4246131271	103		ELKIN 97 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119503	30214	4246131270	103		ELKIN 98 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119504	30215	4246131269	103		ELKIN 99 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119501	30212	4246131268	103		ELKIN 100 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119502	30213	4246131267	103		ELKIN 101 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119499	30210	4246131266	103		ELKIN 102 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119500	30211	4246131265	103		ELKIN 103 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119497	30208	4246131264	103		ELKIN 104 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119498	30209	4246131263	103		ELKIN 105 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119495	30206	4246131262	103		ELKIN 106 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119496	30207	4246131261	103		ELKIN 107 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119493	30204	4246131260	103		ELKIN 108 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119494	30205	4246131259	103		ELKIN 109 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119491	30202	4246131258	103		ELKIN 110 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119492	30203	4246131257	103		ELKIN 111 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119489	30200	4246131256	103		ELKIN 112 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119490	30201	4246131255	103		ELKIN 113 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119487	30198	4246131254	103		ELKIN 114 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119488	30199	4246131253	103		ELKIN 115 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119485	30196	4246131252	103		ELKIN 116 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119486	30197	4246131251	103		ELKIN 117 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119483	30194	4246131250	103		ELKIN 118 #1	CALVIN (DEAN)	32.4	UNION TEXAS PETROLEU
8119484	30195	4246131249	103		ELKIN 119 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETROLEU
-MESA PETROLEUM CO					RECEIVED: 02/27/81 JA: TX			
8119481	30192	4246131248	103		ELKIN 120 #1	CALVIN (DEAN

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119412	18544	4219530651	103		HANSFORD GAS UNIT 38 #2	HANSFORD (MORROW UPPER)	53.0	NORTHERN NATURAL GAS
*8119429	021377	4249930666	103		HAWKINS FIELD UNIT #8718	HAWKINS	138.0	ARMCO STEEL CORP
*8119423	21212	4249930654	103		HAWKINS FIELD UNIT #1258	HAWKINS	150.0	ARMCO STEEL CORP
*8119422	21211	4249930580	103		HAWKINS FIELD UNIT #1265	HAWKINS	42.3	ARMCO STEEL CORP
*8119427	021216	4249930608	103		HAWKINS FIELD UNIT #1266	HAWKINS	74.1	ARMCO STEEL CORP
*8119605	30320	4249930788	103		HAWKINS FIELD UNIT #1311	HAWKINS	50.0	ARMCO STEEL CORP
*8119604	30319	4249930885	103		HAWKINS FIELD UNIT #1517	HAWKINS	91.0	ARMCO STEEL CORP
*8119426	021215	4249930649	103		HAWKINS FIELD UNIT #2364	HAWKINS	28.0	ARMCO STEEL CORP
*8119424	021213	4249930635	103		HAWKINS FIELD UNIT #2365	HAWKINS	150.0	ARMCO STEEL CORP
*8119430	021378	4249930582	103		HAWKINS FIELD UNIT #3023	HAWKINS	30.0	ARMCO STEEL CORP
*8119614	30332	4249930791	103		HAWKINS FIELD UNIT #3310	HAWKINS	15.0	ARMCO STEEL CORP
*8119428	021376	4249930379	103		HAWKINS FIELD UNIT #3412	HAWKINS	79.0	ARMCO STEEL CORP
*8119613	30331	4249930754	103		HAWKINS FIELD UNIT #4113	HAWKINS	22.0	ARMCO STEEL CORP
*8119431	021379	4249930588	103		HAWKINS FIELD UNIT #4286	HAWKINS	81.9	ARMCO STEEL CORP
*8119425	021214	4249930619	103		HAWKINS FIELD UNIT #4214	HAWKINS	188.0	ARMCO STEEL CORP
*8119609	30326	4249930730	103		HAWKINS FIELD UNIT #4286	HAWKINS	56.0	ARMCO STEEL CORP
*8119608	30325	4249930771	103		HAWKINS FIELD UNIT #4297	HAWKINS	55.0	ARMCO STEEL CORP
*8119432	21388	4249930678	103		HAWKINS FIELD UNIT #9917	HAWKINS	48.0	ARMCO STEEL CORP
*8119607	30324	4249930826	103		HAWKINS FIELD UNIT NO 9321	HAWKINS	54.0	ARMCO STEEL CORP
8119548	28696	4210331994	103		J B TUBB A/C 1 #178	SAND HILLS (JUDKINS)	194.0	ODESSA NATURAL CORP
*8119593	30208	4247330305	103		KATY GAS FLD CONSOL UT 4484F	KATY (I-A)	28.5	UNITED TEXAS TRANSMI
8119612	30330	4201530456	103		LUTHER R SHERROD #32	RACCOON BEND (COCKFIELD	80.0	TEXAS SOUTHEASTERN G
*8119659	30491	4207131041	103		MARIE ZAPPE NO 26	ANAHUAC	54.0	HOUSTON PIPELINE
8119419	19984	4204730757	103		MCGILL BROS 455 (84889)	KELSEY DEEP (21-I S)	150.0	TRUNKLINE GAS CO
8119528	28133	4200332351	103		MEANS/SAN ANDRES/ UNIT #6412	MEANS	2.0	PHILLIPS PETROLEUM C
8119527	28132	4200332322	103		MEANS/SAN ANDRES/ UNIT #7466	MEANS	18.0	PHILLIPS PETROLEUM C
8119529	28134	4200332361	103		MEANS/SAN ANDRES/ UNIT #762	MEANS	1.0	PHILLIPS PETROLEUM C
8119473	26645	4200332324	103		MEANS/SAN ANDRES/UNIT #7362	MEANS	10.0	PHILLIPS PETROLEUM C
*8119664	30499	4242320286	103		OVERTON GAS UNIT 21 #1	OVERTON (HAYNESVILLE)	657.0	ARMCO STEEL CORP
8119564	29452	4247531763	103		RHODA WALKER OIL UNIT 2 #1	RHODA WALKER (CANYON 590	63.0	CLAJON GAS CO
8119578	29840	4248930625	102		S H BELL B 6-D	WILLAMAR (GRABEN 6140)	511.0	NATURAL GAS PIPELINE
8119658	30488	4204730741	103		SANTA FE RANCH 45-F (83808)	SANTA FE EAST (MASSIVE 2	182.0	NATURAL GAS PIPELINE
*8119686	30323	4234730462	103		TRAWICK GAS UNIT 4 #4	TRAWICK (JAMES)	730.0	ARMCO STEEL CORP
8119611	30329	4207330402	103		VERNELER GREEN #5	NECHES (WOODBINE)	65.2	UNITED GAS PIPE LINE
*8119660	30492	4203931565	103		W A MOLLER B-11R ACCT 3	DANBURY DOME (5655 SAND)	35.0	ARMCO STEEL CORP
*8119663	30498	4220131103	103		WEBSTER FIELD UNIT #2770	WEBSTER	40.2	HOUSTON PIPELINE CO
-FEAGAN ENERGY INC					RECEIVED: 02/27/81 JA: TX			
8119601	30301	4235330925	102		GESIN #1	WITHERS (ELLENBURGER)	29.2	PALO DURO PIPELINE C
8119601	30301	4235330925	103		GESIN #1	WITHERS (ELLENBURGER)	29.2	PALO DURO PIPELINE C
-GALAXY OIL COMPANY					RECEIVED: 02/27/81 JA: TX			
8119556	29154	4236130335	103		ROBERT AKERS #1	PORT NECHES N (FRIO HACK	330.0	TEXAS EASTERN TRANSM
-GEODYNAMICS OIL & GAS INC					RECEIVED: 02/27/81 JA: TX			
8119472	26639	4205130703	102		BUNDICK A #1	GIDDINGS (AUSTIN CHALK)	220.0	CLAJON GAS CO
8119535	28481	4205130743	102		RUBACH NO 1	CALDWELL (AUSTIN CHALK)	173.0	CHAMPLIN PETROLEUM C
-GEORGE H MITCHELL					RECEIVED: 02/27/81 JA: TX			
8119565	29494	4237100800	108		SIDLO #2	DAMERON (CLEARFORK)	12.0	P&P GAS PRODUCTS INC
-GETTY OIL COMPANY					RECEIVED: 02/27/81 JA: TX			
8119435	22568	4205130562	102		J W LENZE NO 1 RRC ID# 12822	CALDWELL (AUSTIN CHALK)	250.0	CLAJON GAS CO
8119435	22568	4205130562	103		J W LENZE NO 1 RRC ID# 12822	CALDWELL (AUSTIN CHALK)	250.0	CLAJON GAS CO
8119443	23675	4241300000	108		MORRIS WHITTEN NO 1	N ELDORADO (CANYON A)	12.0	ARCO OIL & GAS CO
8119452	24706	4236500000	102		POWELL A #3	CARTHAGE (TRAVIS PEAK -	326.0	TEXAS GAS TRANSMISSI
8119452	24706	4236500000	103		POWELL A #3	CARTHAGE (TRAVIS PEAK -	326.0	TEXAS GAS TRANSMISSI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-BROTHE BROTHERS					RECEIVED: 02/27/81 JA: TX			
8119656	30466	4241733162	103		O E SCHKADE #1 (16581)	SHACKELFORD COUNTY REGUL	3.0	WARREN PETROLEUM
-GULF OIL CORPORATION					RECEIVED: 02/27/81 JA: TX			
8119626	30369	4247532015	103		HUTCHINGS STOCK ASSN NO 1057	WARD-ESTES NORTH	16.0	CABOT CORP
8119625	30368	4247532017	103		HUTCHINGS STOCK ASSN NO 1059	WARD-ESTES NORTH	6.0	CABOT CORP
8119627	30370	4247532021	103		HUTCHINGS STOCK ASSN NO 1061	WARD-ESTES NORTH	11.0	CABOT CORP
8119628	30371	4247532022	103		HUTCHINGS STOCK ASSN NO 1062	WARD-ESTES NORTH	9.0	CABOT CORP
8119624	30367	4247532018	103		HUTCHINGS STOCK ASSN NO 1064	WARD-ESTES NORTH	7.0	CABOT CORP
8119629	30372	4247532143	103		HUTCHINGS STOCK ASSN NO 1104	WARD-ESTES NORTH	12.0	CABOT CORP
8119647	30426	4247532150	103		HUTCHINGS STOCK ASSN NO 1108	WAGON WHEEL (PENN)	87.0	CABOT CORP
8119446	23793	4236530985	103		P J BLEAKLEY UNIT NO 2	CARTHAGE	350.0	UNITED GAS PIPE LINE
8119446	23793	4236530985	107		P J BLEAKLEY UNIT NO 2	CARTHAGE	350.0	UNITED GAS PIPE LINE
8119445	23791	4236530931	103		1ST NATL BANK-BALDWIN #2	CARTHAGE	350.0	UNITED GAS PIPE LINE
8119445	23791	4236530931	107		1ST NATL BANK-BALDWIN #2	CARTHAGE	350.0	UNITED GAS PIPE LINE
-HANCO EXPLORATION & DEVELOPMENT CO					RECEIVED: 02/27/81 JA: TX			
8119524	27998	4244131547	103		B J TITTLE #1	SAN W (STRAWN SAND)	99.0	PALO DURO PIPELINE C
8119523	27997	4244131537	103		C R TITTLE #1	SAN W (STRAWN SAND)	90.0	PALO DURO PIPELINE C
-HANOVER MANAGEMENT CO					RECEIVED: 02/27/81 JA: TX			
8119492	27895	4236731617	103		GEER #1	RENO (CONGL)	75.0	SOUTHWESTERN GAS PIP
-HILL PRODUCTION CO					RECEIVED: 02/27/81 JA: TX			
8119447	23923	4215131026	102		TOUCHSTONE-MABERRY #2 (15596)	BIG JOHN (CANYON REEF) F	18.0	PALO DURO PIPELINE C
-HONDO PRODUCTION CO					RECEIVED: 02/27/81 JA: TX			
8119584	27312	4206500000	108		BARNARD #1	WEST PANHANDLE FIELD	18.0	NORTHERN NATURAL GAS
8119583	27311	4206500000	108		BARNARD #2	WEST PANHANDLE FIELD	18.0	NORTHERN NATURAL GAS
-HUFO OILS					RECEIVED: 02/27/81 JA: TX			
8119583	29938	4234130573	103		JOHNSON NO 3 #83888	PANHANDLE (RED CAVE)	0.0	PANHANDLE EASTERN PI
-JAH INC					RECEIVED: 02/27/81 JA: TX			
8119589	30035	4231131496	102		M S RENSHAW #1	SLING (SLICK SD)	180.0	TEXAS EASTERN TRANSM
-JAMES K ANDERSON INC					RECEIVED: 02/27/81 JA: TX			
8119567	29561	4239931587	102		DAVENPORT D NO 1	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-JENNINGS EXPLORATION CO					RECEIVED: 02/27/81 JA: TX			
8119448	23931	4250731218	102		ELAINE SAND OIL UNIT III #1 (85988)	CEBOLLA (3660)	0.0	VALERO TRANSMISSION
-JS OIL CO INC					RECEIVED: 02/27/81 JA: TX			
8119451	24606	4239131344	102		HYNES MINERAL TRUST A #3-C	REFUGIO-FOX (1600)	180.0	UNITED GAS PIPELINE
8119451	24606	4239131344	103		HYNES MINERAL TRUST A #3-C	REFUGIO-FOX (1600)	180.0	UNITED GAS PIPELINE
8119471	26578	4236731922	102		PORTER #4	PORTER (HARWELL)	0.0	SOUTHWESTERN GAS PIP
8119471	26578	4236731922	103		PORTER #4	PORTER (HARWELL)	0.0	SOUTHWESTERN GAS PIP
-KOMANCHE OIL & GAS					RECEIVED: 02/27/81 JA: TX			
8119489	18181	4217930675	103		BOWERS #3 82342	WEST PANHANDLE	84.0	PHILLIPS PET CO
-LEEDE OIL & GAS INC					RECEIVED: 02/27/81 JA: TX			
*8119466	26271	4210532676	103		UNIVERSITY 508 #4	FARMER (SAN ANDRES)	18.0	J L DAVIS
8119576	29789	4210532772	103		UNIVERSITY 508 #5	FARMER (SAN ANDRES)	18.0	J L DAVIS
8119577	29790	4210532793	103		UNIVERSITY 508 #7	FARMER (SAN ANDRES)	18.0	J L DAVIS
-LIBERTY OIL & GAS CORP					RECEIVED: 02/27/81 JA: TX			
8119560	29308	4249731610	103		DON NIVENS #1 19743	ALVORD (ATOKA CONGLOMERA	91.0	TEXAS UTILITIES FUEL
-MAPCO PRODUCTION COMPANY					RECEIVED: 02/27/81 JA: TX			
8119537	28613	4205730918	103		STATE TRACT 109	SAN ANTONIO BAY - MOSQUI	308.0	UNITED TEXAS TRANSMI
-MARINE CONTRACTORS & SUPPLY INC					RECEIVED: 02/27/81 JA: TX			
*8119538	28614	4232100000	103		BARKLEY NO 1	MELLON FIELD	548.0	DOW CHEMICAL USA
-MAY PETROLEUM INC					RECEIVED: 02/27/81 JA: TX			
8119493	27123	4229530773	103		ELMORE #1C	FOLLETT (MORROW UPPER)	365.0	NORTHERN NATURAL GAS
-MCCORMICK OPERATING CO					RECEIVED: 02/27/81 JA: TX			
8119469	26487	4234931305	102		CHANDLER UNIT #1	CHENEYBORO (COTTON VALLE	180.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-MCGOWEN OIL CO					RECEIVED: 02/27/81 JA: TX			
8119533	28609	4205730914	103		STATE TRACT 105	SAN ANTONIO BAY - MOSQUI	308.0	UNITED TEXAS TRANSMI
-MCMORAN EXPLORATION CO					RECEIVED: 02/27/81 JA: TX			
8119522	27996	4244131536	103		C R TITTLE #2	SAN W (STRAWN SAND)	90.0	PALO DURO PIPELINE C
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119572	29660	4239931588	102		DAVENPORT D NO 2	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119573	29661	4239931589	102		DAVENPORT D NO 3	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119574	29662	4239931590	102		DAVENPORT D NO 4	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119575	29663	4239931591	102		DAVENPORT D NO 5	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119571	29659	4239931586	102		DAVENPORT D NO 6	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119570	29658	4239931585	102		DAVENPORT D NO 7	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119569	29657	4239931584	102		DAVENPORT D NO 8	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119568	29656	4239931583	102		DAVENPORT D NO 9	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119566	29655	4239931582	102		DAVENPORT D NO 10	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119565	29654	4239931581	102		DAVENPORT D NO 11	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119564	29653	4239931580	102		DAVENPORT D NO 12	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119563	29652	4239931579	102		DAVENPORT D NO 13	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119562	29651	4239931578	102		DAVENPORT D NO 14	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119561	29650	4239931577	102		DAVENPORT D NO 15	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119559	29649	4239931576	102		DAVENPORT D NO 16	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119558	29648	4239931575	102		DAVENPORT D NO 17	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119557	29647	4239931574	102		DAVENPORT D NO 18	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119556	29646	4239931573	102		DAVENPORT D NO 19	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119555	29645	4239931572	102		DAVENPORT D NO 20	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119554	29644	4239931571	102		DAVENPORT D NO 21	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119553	29643	4239931570	102		DAVENPORT D NO 22	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119552	29642	4239931569	102		DAVENPORT D NO 23	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119551	29641	4239931568	102		DAVENPORT D NO 24	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119550	29640	4239931567	102		DAVENPORT D NO 25	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119549	29639	4239931566	102		DAVENPORT D NO 26	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119548	29638	4239931565	102		DAVENPORT D NO 27	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU
-MEDALLION OIL CO					RECEIVED: 02/27/81 JA: TX			
8119547	29637	4239931564	102		DAVENPORT D NO 28	MYRNA LYNN (MORRIS)	18.0	UNION TEXAS PETROLEU

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119526	28881	4234931309	102		CUNNINGHAM UNIT NO 1	CHENEYBORO (COTTON VALLE	120.0	LONE STAR GAS CO
8119470	26502	4234931126	102		MCGEHEE UNIT NO 1	CHENEYBORO (COTTON VALLE	150.0	LONE STAR GAS CO
-MCMORAN EXPLORATION CO					RECEIVED: 02/27/81 JA: TX			
8119582	29918	4221531058	102		JONES #1	MCALLEN SO (HANSEN C - F	400.0	TRANSCONTINENTAL GAS
-MCZ INC					RECEIVED: 02/27/81 JA: TX			
8119543	28828	4224600000	103		WEED NO 1	CHEEK S	730.0	WINNIE PIPELINE CO
-MESA PETROLEUM					RECEIVED: 02/27/81 JA: TX			
8119525	28833	4210531971	188		MOODY 1-39	OZONA (CANYON SAND)	5.0	DELHI GAS PIPELINE C
8119410	18256	4243130759	102		WILLIAMS 1-4	STERLING CITY (FUSSELMAN	368.0	ESPERANZA PIPELINE C
8119411	18257	4243130769	102		WILLIAMS 2-4	STERLING CITY (FUSSELMAN	365.0	ESPERANZA PIPELINE C
-MEWBOURNE OIL COMPANY					RECEIVED: 02/27/81 JA: TX			
8119588	30016	4229530836	103		BRADFORD #2	BRADFORD (MORROW)	198.0	TRANSWESTERN PIPELIN
-MGF OIL CORP					RECEIVED: 02/27/81 JA: TX			
8119563	29387	4211531415	103		BULSTERBAUM #1 63056	TEX-HAMON (DEAN)	27.9	ADOBE OIL & GAS CORP
8119649	30434	4202500000	108		SHELL-RUHMANN #1 (71052)	MONTEOLA (EDWARDS)	1.5	VALERO TRANSMISSION
-MITCHELL ENERGY CORP					RECEIVED: 02/27/81 JA: TX			
8119448	23271	4236731473	103		C M STENGER #1	DICEY N (BIG SALINE CONG	138.6	SOUTHWESTERN GAS PIP
8119438	23144	4236730530	103		J BROUMLEY #1	BUCK RANCH (STRAWN)	108.6	SOUTHWESTERN GAS PIP
-MITCHELL ENERGY CORPORATION					RECEIVED: 02/27/81 JA: TX			
8119439	23173	4249731629	103		C J HARRISON #2	BOONESVILLE (BEND CONGL)	159.3	NATURAL GAS PIPELINE
8119539	28667	4223733056	103		F C BLOODWORTH #2	PEEK (CADDO LIME)	72.6	
8119413	18842	4223700000	108		R L MORRIS B #1 03806	MORRIS (CONGL)	13.0	NATURAL GAS PIPELINE
8119551	29034	4249731817	103		RAYMOND STEVENS #2L	GREENWOOD (6650 ATOKA)	8.0	NATURAL GAS PIPELINE
-MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 02/27/81 JA: TX			
8119575	29788	4221131212	103		D D FELDMAN UNIT NO 2	FELDMAN (MORROW LOWER)	477.0	TRANSWESTERN PIPELIN
8119433	21462	4237100000	107		FRED SCHLOSSER EST B NO 1	ROJOS CABALLOS SOUTH (PE	7300.0	EL PASO NATURAL GAS
-MORAN EXPLORATION INC					RECEIVED: 02/27/81 JA: TX			
8119396	17199	4223530572	108		C H SUGG #14	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119397	17200	4223530442	108		C H SUGG #18	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119398	17201	4223500008	108		C H SUGG #20	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119399	17202	4223500008	108		C H SUGG #21	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119400	17203	4223500008	108		C H SUGG #26	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119401	17204	4223530419	108		C H SUGG #27	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119402	17205	4223530420	108		C H SUGG #29	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119393	17196	4243530445	108		C H SUGG #4	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119394	17197	4223530379	108		C H SUGG #5	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119395	17198	4243530445	108		C H SUGG #7	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
8119391	15579	4238330212	108		ROCKER B-18 NO 70	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8119559	29246	4238300000	108		WILDE #2	SPRABERRY (TREND AREA)	4.5	PHILLIPS PETROLEUM C
-MOTE RESOURCES INC					RECEIVED: 02/27/81 JA: TX			
8119580	29907	4249731818	103		BILLY BOYD 20388	ALVORD SOUTH (ATOKA 5700	70.0	TEXAS UTILITIES FUEL
8119579	29906	4249731800	103		ROBINSON 20871	CHICO WEST 5700 CONGLOME	21.0	TEXAS UTILITIES FUEL
8119581	29908	4249731861	103		SAM JOHNSON #2 88973	WORKS CONGLOMERATE	105.0	LONE STAR GAS CO
-OUIDA OIL 80-1 LTD					RECEIVED: 02/27/81 JA: TX			
8119657	30467	4208332276	103		MCCARROLL #1 (16589)	COLEMAN COUNTY REGULAR	20.0	ODESSA NATURAL CORP
-OVERLY OPERATING CO					RECEIVED: 02/27/81 JA: TX			
8119572	29714	4247932763	103		MARTIN GONZALES ET AL NO 1	LA CRUZ (OLMOS)	72.0	DELHI GAS PIPELINE C
-PAN-TEX PRODUCTION CO					RECEIVED: 02/27/81 JA: TX			
8119437	22830	4249700000	108		STEPH-SHAUNTY #21179	ALVORD (ATOKA CONGL)	15.0	CITIES SERVICE CO
-PARAFFINE OIL CORP					RECEIVED: 02/27/81 JA: TX			
8119455	25620	4205730990	102		P H WELDER B NO 7-U	KATIE WELDER (N-6)	70.0	FLORIDA GAS TRANSMIS
8119455	25620	4205730990	103		P H WELDER B NO 7-U	KATIE WELDER (N-6)	70.0	FLORIDA GAS TRANSMIS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119456	25621	4205730982	102		P H WELDER D 2-L	KATIE WELDER (L-1)	110.0	SEAGULL PIPELINE COR
8119456	25621	4205730982	103		P H WELDER D 2-L	KATIE WELDER (L-1)	110.0	SEAGULL PIPELINE COR
8119460	26010	4205730982	102		P H WELDER D 2-U	KATIE WELDER (K-3)	365.0	SEAGULL PIPELINE COR
8119460	26010	4205730982	103		P H WELDER D 2-U	KATIE WELDER (K-3)	365.0	SEAGULL PIPELINE COR
-PARAGON RESOURCES INC					RECEIVED: 02/27/81 JA: TX			
8119454	25129	4202531185	102		HUNTER #1	CANDLISH WEST (MIOCENE 2	165.0	HOUSTON PIPELINE CO
8119454	25129	4202531185	103		HUNTER #1	CANDLISH WEST (MIOCENE 2	165.0	HOUSTON PIPELINE CO
-PAUL DE CLEVA					RECEIVED: 02/27/81 JA: TX			
8119549	28858	4249731657	103		RAY CASEY #1	BOONSVILLE BEND (CONGL)	196.0	NATURAL GAS PIPELINE
-PETRO-LEWIS CORPORATION					RECEIVED: 02/27/81 JA: TX			
8119568	29689	4215700000	103		J M P DAVIS #1	LONG POINT DOME	547.0	DOW CHEMICAL CO
-PETRUS OPERATING CO INC					RECEIVED: 02/27/81 JA: TX			
8119558	29227	4231131377	103		ALONZO MARTIN NO 2	DILWORTH (EDWARDS LIME)	0.0	TRANSCONTINENTAL GAS
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/27/81 JA: TX			
8119530	28208	4208304630	108		(01270) UNIVERSITY ANDREWS #76	EMBAR (PERMIAN)	18.0	EL PASO NATURAL GAS
8119414	19005	4229500000	103		BALLENTINE B NO 1	MAMMOTH CREEK NORTH (CLE	190.0	PANHANDLE EASTERN PI
*8119417	19516	4229700000	108		G R KATZ #1	PANHANDLE WEST	21.0	EL PASO NATURAL GAS
8119561	29317	4219500000	108		LEE B #1	HANSFORD MORROW LOWER	21.0	NORTHERN NATURAL GAS
8119652	30448	4217900000	108		PHIL-PAMPA UNIT 21-1	PANHANDLE GRAY	2.6	GETTY OIL CO
8119505	27445	4219500000	108		SAL #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSIN P
8119666	30505	4223300000	108		TURNER HARRIS #1	PANHANDLE HUTCHINSON	0.5	EL PASO NATURAL GAS
8119421	28522	4229500000	108		WHITTENBURG #73	PANHANDLE	1.0	GETTY OIL CO
-R H ENGELKE					RECEIVED: 02/27/81 JA: TX			
8119665	30502	4223931478	103		JOHN M BENNETT JR B NO 5-A (005965)	LA SALLE	3.6	TENNESSEE GAS PIPELI
-REPUBLIC ENGINEERS INC					RECEIVED: 02/27/81 JA: TX			
8119590	30093	4242731374	102		J M DE BARZA NO 1 (08353)	KELSEY SOUTH (6288)	7300.0	SUN GAS CO
-ROCKWOOD RESOURCES INC					RECEIVED: 02/27/81 JA: TX			
8119485	26966	4248131904	102		KOUNTZE & COUCH NO 1	LOUISE SOUTH (5400 FRIO)	0.0	LONE STAR GAS CO
-ROMEL INC					RECEIVED: 02/27/81 JA: TX			
8119594	30285	4213331809	103		ROANE #1 (15320)	FOSTER (MARBLE FALLS)	3.0	ODESSA NATURAL CORP
-SAMEDAN OIL CORPORATION					RECEIVED: 02/27/81 JA: TX			
8119573	29715	4222530316	102		DELL LAND CO B #1	FT TRINIDAD N E (GEORGET	100.0	LONE STAR GAS CO
-SAN ORA PRODUCTION CO					RECEIVED: 02/27/81 JA: TX			
8119494	27302	4206500000	108		BARNARD #1	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119495	27303	4206500000	108		BARNARD #2	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119502	27310	4206500000	108		BARNARD #3	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119501	27309	4206500000	108		BARNARD #4	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119500	27308	4206500000	108		BARNARD #5	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119499	27307	4206500000	108		BARNARD #6	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119498	27306	4206500000	108		BARNARD #7	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119497	27305	4206500000	108		BARNARD #8	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
8119496	27304	4206500000	108		BARNARD #9	WEST PANHANDLE FIELD	0.0	NORTHERN NATURAL GAS
-SAND SPRINGS OIL & GAS CO					RECEIVED: 02/27/81 JA: TX			
8119654	30462	4223300000	103		HAMILTON (01134) NO 49	PANHANDLE HUTCHINSON COU	20.0	GETTY OIL CO
-SHELL OIL CO					RECEIVED: 02/27/81 JA: TX			
8119569	29691	4216500000	108		FLANAGAN UNIT 861	FLANAGAN	1.7	PHILLIPS PETROLEUM C
8119571	29693	4250100000	108		OWNBY SAN ANDRES UNIT 82	OWNBY	4.9	AMOCO PRODUCTION CO
8119570	29692	4210500000	108		SOUTH CROSS UNIT 8103	CROSSETT S (DETRITAL)	6.5	SHELL ET AL
-STOWERS OIL & GAS					RECEIVED: 02/27/81 JA: TX			
8119441	23468	4217930754	103		VANDERBURG #1 04558	PANHANDLE GRAY COUNTY FI	292.0	NORTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/27/81 JA: TX			
8119542	28756	4219500000	108		COY HOLT NO 1	HANSFORD (MORROW UPPER)	20.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/27/81 JA: TX			
8119543	28757	4219500000	108		COY HOLT NO 2	HANSFORD (MORROW UPPER)	20.0	PANHANDLE EASTERN PI
-SUPERIOR OIL CO					RECEIVED: 02/27/81 JA: TX			
8119574	29716	4222530316	102		DELL LAND CO B #1	FT TRINIDAD N E (GEORGET	100.0	LONE STAR GAS CO
-TEXACO INC					RECEIVED: 02/27/81 JA: TX			
8119553	29222	4231131377	103		ALONZO MARTIN NO 2	DILWORTH (EDWARDS LIME)	0.0	TRANSCONTINENTAL GAS
-TEXAS OIL & GAS CORP					RECEIVED: 02/27/81 JA: TX			
8119575	29717	4222530316	102		DELL LAND CO B #1	FT TRINIDAD N E (GEORGET	100.0	LONE STAR GAS CO
-TEXAS PACIFIC OIL CO INC					RECEIVED: 02/27/81 JA: TX			
8119572	29694	4250100000	108		OWNBY SAN ANDRES UNIT 82	OWNBY	4.9	AMOCO PRODUCTION CO
-TRANSCONTINENTAL OIL CO					RECEIVED: 02/27/81 JA: TX			
8119563	29319	4219500000	108		LEE B #1	HANSFORD MORROW LOWER	21.0	NORTHERN NATURAL GAS
-TRIPLE B OIL CO					RECEIVED: 02/27/81 JA: TX			
8119566	29688	4215700000	103		J M P DAVIS #1	LONG POINT DOME	547.0	DOW CHEMICAL CO
-WESTERN OIL FIELDS INC					RECEIVED: 02/27/81 JA: TX			
8119564	29320	4219500000	108		LEE B #1	HANSFORD MORROW LOWER	21.0	NORTHERN NATURAL GAS
-WILLIAMSON OIL CO					RECEIVED: 02/27/81 JA: TX			
8119567	29690	4215700000	103		J M P DAVIS #1	LONG POINT DOME	547.0	DOW CHEMICAL CO
-WOOLSEY OPERATING CO					RECEIVED: 02/27/81 JA: TX			
8119576	29718	4222530316	102		DELL LAND CO B #1	FT TRINIDAD N E (GEORGET	100.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119541	28755	4249700000	108		J L WOMACK NO 5L	GADBERRY (STRAWN UPPER)	1.0	NATURAL GAS PIPELINE
8119592	30129	4235330898	102		J P TURNER #1	WITHERS (CADDO)	11.0	
*8119533	28269	4207931171	103		LEAGUE 91 PROJ NO 3-7	SLAUGHTER	3.0	EL PASO NATURAL GAS
8119436	22685	4200300000	108		NELLIE C MARTIN NO 5	GOLDSMITH NORTH	2.0	PHILLIPS PETROLEUM C
8119487	25703	4238300000	108		R P RICKER -E- NO 2	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
-TENNECO OIL COMPANY					RECEIVED: 02/27/81 JA: TX			
8119483	24868	4259330786	103		LEDRICK 2-55	LEDRICK RANCH SOUTH	360.0	TRANSWESTERN PIPELIN
8119532	28221	4217930790	103		WORLEY 96	PANHANDLE	3.0	PHILLIPS PETROLEUM C
8119531	28219	4217930804	103		WORLEY 97	PANHANDLE	5.0	PHILLIPS PETROLEUM C
-TEXACO INC					RECEIVED: 02/27/81 JA: TX			
8119521	27952	4250503027	108		J D JENNINGS #278	JENNINGS W	1.2	TENNESSEE GAS PIPELI
8119520	27951	4250503030	108		J D JENNINGS #282	JENNINGS W	0.8	TENNESSEE GAS PIPELI
8119519	27950	4250503124	108		J D JENNINGS #284	JENNINGS W	0.4	TENNESSEE GAS PIPELI
8119518	27948	4250503018	108		J D JENNINGS #301	JENNINGS W	0.4	TENNESSEE GAS PIPELI
8119517	27947	4250530066	108		J D JENNINGS #329	JENNINGS W	3.0	TENNESSEE GAS PIPELI
8119516	27946	4250530093	108		J D JENNINGS #340	JENNINGS W	3.3	TENNESSEE GAS PIPELI
8119515	27945	4250530142	108		J D JENNINGS #356	JENNINGS W	3.0	TENNESSEE GAS PIPELI
8119514	27944	4250530164	108		J D JENNINGS #359	JENNINGS W	2.6	TENNESSEE GAS PIPELI
8119513	27943	4250530156	108		J D JENNINGS #364	JENNINGS W	3.0	TENNESSEE GAS PIPELI
8119512	27942	4250530218	108		J D JENNINGS #372	JENNINGS W	1.2	TENNESSEE GAS PIPELI
8119587	30004	4224531374	102		MITCHELL GAS UNIT WELL #1	CONSTITUTION (WESTBURY)	456.3	TRANSCONTINENTAL GAS
8119419	30361	4216531852	103		SAM C JENKINS #8	JENKINS (SAN ANDRES)	17.9	PHILLIPS PETROLEUM C
-TEXAS OIL & GAS CORP					RECEIVED: 02/27/81 JA: TX			
8119483	17484	4226130507	102		MCGILL A #1	SORILLO FIELD	50.0	DELHI GAS PIPELINE
-TRANSCONTINENTAL OIL CORPORATION					RECEIVED: 02/27/81 JA: TX			
*8119595	30207	4241330937	102		UNIVERSITY 15-A #1	UNIVERSITY 54 (CANYON)	110.0	CRA INC
*8119595	30207	4241330937	103		UNIVERSITY 15-A #1	UNIVERSITY 54 (CANYON)	110.0	CRA INC
-TRIGG DRILLING COMPANY INC					RECEIVED: 02/27/81 JA: TX			
8119461	26138	4248330709	107		REED #1	LOTT RANCH (MORROW)	0.0	COLORADO INTERSTATE
-U S OPERATING INC					RECEIVED: 02/27/81 JA: TX			
8119488	27011	4228730420	102		HARRIET NO 1 (12257)	GIDDINGS (AUSTIN CHALK)	38.0	P&P GAS PRODUCTS INC
8119522	27594	4228730658	102		JENNIFER NO 1 (N/A)	GIDDINGS (AUSTIN CHALK G	60.0	P&P GAS PRODUCTS INC
8119489	27012	4228730522	102		JOAN NO 1 (12589)	GIDDINGS (AUSTIN CHALK)	38.0	P&P GAS PRODUCTS INC
8119646	30420	4228730534	103		MAY NO 1 (#12548)	GIDDINGS (AUSTIN CHALK)	113.0	P&P GAS PRODUCTS INC
-VALERA OIL CO					RECEIVED: 02/27/81 JA: TX			
8119622	30364	4241700000	108		G R DAVIS 65 # 1 (45466)	WINDHAM/NORTH (MORRIS)	9.0	LONE STAR GAS CO
8119623	30365	4241700000	108		PITZER DAVIS # 1 (18549)	WINDHAM/NORTH (MORRIS)	7.0	LONE STAR GAS CO
8119620	30362	4241700000	108		WALKER-BUCKLER TRUST # 1 (18548)	WINDHAM/NORTH (MORRIS)	18.0	LONE STAR GAS CO
8119621	30363	4241700000	108		WALKER-BUCKLER TRUST ET AL # 1	WINDHAM/NORTH (MORRIS)	12.0	LONE STAR GAS CO
-W L PULS					RECEIVED: 02/27/81 JA: TX			
8119444	23781	4224500000	102		WILLIAM CARROLL EST #1	BAUER RANCH (4640) FIELD	0.0	WINNIE PIPELINE CO
-WARRIOR MANAGEMENT CO					RECEIVED: 02/27/81 JA: TX			
8119596	30217	4240931396	102		SCHMIDT NO 1	MIDWAY W (FRIO DEEP)	365.0	VALERO TRANSMISSION
8119596	30217	4240931396	103		SCHMIDT NO 1	MIDWAY W (FRIO DEEP)	365.0	VALERO TRANSMISSION
-WHEELER OIL COMPANY					RECEIVED: 02/27/81 JA: TX			
8119555	29099	4221932825	103		D L SCHWAB #1	D-L-S (SAN ANDRES)	4.4	CABOT PIPELINE CORP
-WINDSOR GAS CORP					RECEIVED: 02/27/81 JA: TX			
8119509	27760	4217900000	108		DUKE WILSON 183-1	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8119510	27762	4217900000	108		DUKE WILSON 189-4	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
-WOOD MCSHANE & THAMS					RECEIVED: 02/27/81 JA: TX			
8119562	29325	4208332273	103		HUNT #1	BLOCK A-34 (YATES)	147.9	EL PASO NATURAL GAS
8119487	27003	4216531271	108		MAYO A #1 RRC #75865	BLOCK A-34 (YATES)	2.0	EL PASO NATURAL GAS

VOLUME 388 PAGE 009

JD NO	JA DKT	API NO	SEC	D	WELL NAME		FIELD NAME	PROD	PURCHASER
-WORLD PRODUCERS INC					RECEIVED: 02/27/81	JA: TX			
8119574	29730	4236731648	102		C M MCCULLOH #1		MOBY DICK (STRAWN)	180.0	NATURAL GAS PIPELINE
-ZONERGY INC					RECEIVED: 02/27/81	JA: TX			
8119458	24307	4205130698	102		PETERS UNIT #1		GIDDINGS	146.0	CLAJON GAS CO

OTHER PURCHASERS VOLUME NO :388

8119398	AMOCO GAS CO
8119392	TEXAS EASTERN TRANS CC
8119417	PANHANDLE EASTERN PL CO
8119422	E I DUPONT DE NEMOURS & CC INC
8119423	E I DUPONT DE NEMOURS & CO INC
8119424	E I DUPONT DE NEMOURS & CO INC
8119425	E I DUPONT DE NEMOURS & CO INC
8119426	E I DUPONT DE NEMOURS & CO INC
8119427	E I DUPONT DE NEMOURS & CO INC
8119428	E I DUPONT DE NEMOURS & CO INC
8119429	E I DUPONT DE NEMOURS & CO INC
8119430	E I DUPONT DE NEMOURS & CO INC
8119431	E I DUPONT DE NEMOURS & CO INC
8119432	E I DUPONT DE NEMOURS & CO INC
8119466	BIG LAKE GASOLINE PLANT
8119586	TRANSWESTERN P L CO
8119533	AMOCO PRODUCTION CO
8119538	MURPHY OIL CORP
8119593	E I DUPONT DE NEMOURS & CO INC
8119595	LONE STAR GAS CO
8119599	JOHN W MECOM
8119600	JOHN W MECOM
8119602	EL PASO NAT GAS CO
8119603	EL PASO NAT GAS CO
8119604	E I DUPONT DE NEMOURS & CO INC
8119605	E I DUPONT DE NEMOURS & CO INC
8119606	E I DUPONT DE NEMOURS & CO INC
8119607	E I DUPONT DE NEMOURS & CO INC
8119608	E I DUPONT DE NEMOURS & CO INC
8119609	E I DUPONT DE NEMOURS & CO INC
8119613	E I DUPONT DE NEMOURS & CO INC
8119614	E I DUPONT DE NEMOURS & CO INC
8119616	TRANSWESTERN PL CO
8119659	E I DUPONT DE NEMOURS & CO INC
8119660	E I DUPONT DE NEMOURS & CO INC
8119663	E I DUPONT DE NEMOURS & CO INC
8119664	E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6450-01-C

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notice.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 13, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9286 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-01-M

BILLING CODE 6450-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION								
-TENNECO OIL COMPANY			RECEIVED: 02/27/81 JA: CA					
8119676	81-4-0015	0402955357	103		PLEITO RANCH 3-25	PLEITO	29.0	ATLANTIC RICHFIELD C
8119677	81-4-0016	0402957592	103		PLEITO RANCH 4-25	PLEITO	23.0	ATLANTIC RICHFIELD C
8119678	81-4-0017	0402959061	103		PLEITO RANCH 5-25	PLEITO	16.0	ATLANTIC RICHFIELD C
8119679	81-4-0018	0402961776	103		PLEITO RANCH 6-25	PLEITO	21.0	ATLANTIC RICHFIELD C
MONTANA BOARD OF OIL & GAS CONSERVATION								
-TRICENTROL UNITED STATES INC			RECEIVED: 03/02/81 JA: MT					
8119824	12-80-249	2500522161	103		BLACKWOOD 6-9-T30N-R18E	TIGER RIDGE GAS UNIT	50.0	NORTHERN NATURAL GAS
8119823	12-80-246	2500522162	103		DEHLBOM 4-1-T30N-R18E	TIGER RIDGE GAS UNIT	50.0	NORTHERN NATURAL GAS
8119822	12-80-245	2504122160	103		HEGLE 24-10X-T31N-R15E	TIGER RIDGE-BULLHOOK UNI	7.0	NORTHERN NATURAL GAS
8119825	12-80-244	2504122161	103		HEGLE 30-3-T31N-R16E	TIGER RIDGE - BULLHOOK U	7.0	NORTHERN NATURAL GAS
8119820	12-80-248	2500522156	103		MILLER 33-18-T32N-R18E	TIGER RIDGE GAS UNIT	15.0	NORTHERN NATURAL GAS
8119821	12-80-247	2504122162	103		NYSTROM 14-14-T30N-R15E	TIGER RIDGE-BULLHOOK UNI	80.0	NORTHERN NATURAL GAS
OHIO DEPARTMENT OF NATURAL RESOURCES								
-WYNN OIL CO			RECEIVED: 02/25/81 JA: OH					
8119819		3416725589	103		A L LAMP #2	WARREN	5.0	GAS TRANSPORT INC
OKLAHOMA CORPORATION COMMISSION								
-AN-SON CORPORATION			RECEIVED: 02/27/81 JA: OK					
8119814	10384	3512920470	107		FEDERAL #1-24	W REYDON	347.0	
-ANDOVER OIL COMPANY			RECEIVED: 02/27/81 JA: OK					
8119786	07411	3501700000	103		KERR MCGEE #22-1		180.0	PHILLIPS PETROLEUM C
-ARGONAUT ENERGY CORPORATION			RECEIVED: 02/27/81 JA: OK					
8119882	07354	3513921068	103		MASON UNIT #1	N E RICE	14.0	PHILLIPS PETROLEUM C
-BLAIK OIL COMPANY			RECEIVED: 02/27/81 JA: OK					
8119794	07154	3504722209	103		ZALOUDEK-TOEWS #1	SOONER TREND	119.0	CHAMPLIN PETROLEUM C
-C&A OIL COMPANY			RECEIVED: 03/02/81 JA: OK					
8119826	07591	3510523420	103		GAGAN #1	NOWATA - CLAGETT	18.0	A-G SYSTEMS INC
-CHASE EXPLORATION CORP			RECEIVED: 03/02/81 JA: OK					
*8119834	07553	3507121735	103		CLINE #2-12		2.2	CITIES SERVICE GAS C
*8119829	07558	3507121119	103		JANTZ/WA #4 #1-20		2.8	CITIES SERVICE GAS C
*8119835	07552	3507121847	103		KUCERA #1-14		4.6	CITIES SERVICE GAS C
*8119831	07556	3507121667	103		KUCERA #2-14		69.0	CITIES SERVICE GAS C
*8119833	07554	3507121714	103		PIXLEY #1-25		11.0	CITIES SERVICE GAS C
*8119828	07559	3507121642	103		ROWE #2-34		4.2	CITIES SERVICE GAS C
8119830	07557	3507121613	103		SHEIK #1-32		2.9	CITIES SERVICE GAS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8119832	07555	3507121806	103		VOEGELE #2-20		3.0	CITIES SERVICE GAS C
-CLARK RESOURCES INC					RECEIVED: 02/27/81 JA: OK			
8119785	07397	3500300000	103		PENNINGTON 31-1	SOONER TREND	0.0	PANHANDLE EASTERN PI
8119784	07394	3509321745	103		WESTFAHL 19-1	SOONER TREND	170.0	CITIES SERVICE GAS C
-CLARK RESOURCES INC					RECEIVED: 03/02/81 JA: OK			
8119844	06947	3507322499	103		CHRISTIANS #9-1	SOONER TREND	91.2	CONOCO INC
-ECC OIL CO					RECEIVED: 02/27/81 JA: OK			
*8119783	07419	3514721570	103		MERCHANT #2 SW NE 28-25N-14E	OBLESBY GAS FIELD	83.2	OKAN GAS CO
-EL PASO NATURAL GAS COMPANY					RECEIVED: 02/27/81 JA: OK			
8119805	07583	3500920126	108		LEWIS #2	ERICK SOUTH - BROWN DOLO	0.0	EL PASO NATURAL GAS
-F C D OIL CORP					RECEIVED: 02/27/81 JA: OK			
8119782	07414	3504722155	103		ENGLER 1-3	EAST ENID	36.5	CHAMPLIN PETROLEUM C
-FARMERS ENERGY CORP					RECEIVED: 02/27/81 JA: OK			
8119779	07413	3509321759	103		TAYLOR 2-17 (93-3620141141141)	ORIENTA	388.0	UNION TEXAS PETROLEU
-FLYNN ENERGY CORPORATION					RECEIVED: 03/02/81 JA: OK			
8119849	07418	3507322178	103		BURTON 5-1	SOONER TREND	118.0	ARKANSAS LOUISIANA G
8119852	07440	3507300000	103		HENLEY 17-1	SOONER TREND	7.5	CITIES SERVICE GAS C
8119853	07439	3507300000	103		HIXON 18-1	E LACEY	3.6	CITIES SERVICE GAS C
-GADSCO INC,					RECEIVED: 03/02/81 JA: OK			
8119843	06743	3503920341	103		GADSCO WILSON NO 2	NORTH CUSTER CITY	0.0	DELHI PIPE LINE CO
-GREAT FRONTIER OIL & GAS INC					RECEIVED: 03/02/81 JA: OK			
8119827	07589	3506320977	103		GEORGE TURNER NO 1-063-20977	WEST LAHAR	12.0	WELLHEAD ENTERPRISES
-GULF OIL CORPORATION					RECEIVED: 02/27/81 JA: OK			
8119792	07430	3501121454	103		EFFIE CASADY #1-25	WEST ONEGA	216.0	OKLAHOMA NATURAL GAS
8119793	07429	3501121031	103		GEORGE PETERS #1-1	SOUTH ONEGA	5.0	OKLAHOMA NATURAL GAS
8119883	07431	3501121207	103		SCOTT MYRTLE NO 1-4	ONEGA WEST	129.0	OKLAHOMA NATURAL GAS
-HADSON PETROLEUM CORP					RECEIVED: 03/02/81 JA: OK			
8119845	06973	3515321027	103		BEISEL #1-18	S E FARGO	182.0	NORTHERN NATURAL GAS
-HANOVER MANAGEMENT CO					RECEIVED: 03/02/81 JA: OK			
8119847	07433	3506320624	103		MINNIE BENNETT #1		16.4	PUBLIC SERVICE CO OF
-HESTON OIL CO					RECEIVED: 03/02/81 JA: OK			
8119846	07383	3511120977	108		GIBSON #13-1	BEELINE	5.5	PHILLIPS PETROLEUM
*8119848	07432	3504721308	103		KOKOJAN 2-1	SOONER TREND	10.0	UNION TEXAS PETROLEU
-JAMES C MEADE					RECEIVED: 03/02/81 JA: OK			
8119839	07533	3501520791	103		EBERLY AND MEADE DOLCH #3-11	N VERDON	42.0	MOBIL OIL CORP
-JAMES E EDELMAN JR					RECEIVED: 03/02/81 JA: OK			
8119842	06741	3511121579	108		WOLFE #11	POLLYANNA	3.0	PHILLIPS PETROLEUM C
-JOHN C OXLEY					RECEIVED: 02/27/81 JA: OK			
8119815	10369	3505120682	107		ROY HARRIS #1	CHITWOOD	1487.0	MOBIL OIL CORP
-KENNEDY & MITCHELL INC					RECEIVED: 02/27/81 JA: OK			
*8119881	07338	3513900000	103		NORA #26-387	DOMBEY (SW SW 26-5N-19EC	180.0	NORTHERN NATURAL GAS
8119795	07328	3515300000	103		PARKHURST #24-377	S WOODWARD (C NE 9-21N-2	360.0	NORTHERN NATURAL GAS
8119797	07329	3515300000	103		SHARON #22-353	N E KEENAN (NW SE 30-21N	270.0	NORTHERN NATURAL GAS
-L & T OIL & GAS INC					RECEIVED: 02/27/81 JA: OK			
8119813	06749	3507322507	103		MARTIN 3 NO 2	SOONER TREND	36.5	CONOCO INC
8119812	06750	3507322435	103		VILHAUER 33 NO 3	SOONER TREND	146.0	CITIES SERVICE GAS C
-LOBAR OIL CO INC					RECEIVED: 02/27/81 JA: OK			
8119781	07452	3508321273	103		SEEFELDT NO 2	SOUTH MARSHALL	18.0	EASON OIL CO
-MASSEY & MASSEY					RECEIVED: 02/27/81 JA: OK			
8119800	07454	3504722143	103		SCOVELL #1	SOUTH DRUMMOND	180.0	PHILLIPS PETROLEUM C
-MAY PETROLEUM INC					RECEIVED: 02/27/81 JA: OK			
8119798	07254	3505120917	103		KIMBERLING #1	SOUTH COGAR	14.6	TRANSOK PIPELINE CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME			FIELD NAME	PROD	PURCHASER
-MCNEAL & SHAHAN OIL CO INC					RECEIVED: 03/02/81	JA: OK				
8119856	07470	3510320957	103		DAYTON #1			WEST PERRY	500.0	ATLANTIC RICHFIELD C
-MESA PETROLEUM					RECEIVED: 02/27/81	JA: OK				
8119806	10310	3500920312	107		CROOK #1-32			NE MAYFIELD	1095.0	EL PASO NATURAL GAS
-MEWBOURNE OIL COMPANY					RECEIVED: 03/02/81	JA: OK				
8119855	07471	3513921262	103		CRISMON #1 OTC #			HUGETON (COUNCIL GROVE)	36.0	PHILLIPS PETROLEUM C
-MONSANTO COMPANY					RECEIVED: 03/02/81	JA: OK				
8119848	07475	3501121452	103		JAMES NO 1-15			S E WATONGA	408.0	MICHIGAN WISCONSIN P
-NORTHWEST OIL CO					RECEIVED: 02/27/81	JA: OK				
8119798	06921	3502700000	103		D D PRICE NO 5			WEST NORMAN	4.7	SUN GAS CO
-OKLA COAL OIL & GAS CORP					RECEIVED: 02/27/81	JA: OK				
8119816	07456	3511100000	103		HENDERSON #2			WILDCAT JUNCTION	15.0	PHILLIPS PETROLEUM C
8119799	07455	3511100000	103		SITLER #3			BEGGS	25.0	PHILLIPS PETROLEUM C
-PACIFIC OIL & GAS CO					RECEIVED: 02/27/81	JA: OK				
8119778	07390	3504520795	103		MCDANIEL NO 1			N E GAGE	1800.0	PANHANDLE EASTERN PI
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/27/81	JA: OK				
8119817	07457	3501720885	103		BOLLINGER #22-1			N W UNION CITY	8.0	TRANSOK PIPE LINE CO
8119796	07293	3501721526	103		CRITCHFIELD A #1			N CONCHO	8.0	PANHANDLE EASTERN PI
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 03/02/81	JA: OK				
8119851	07458	3501721527	103		ZUM MALLEN 6 #1			N CONCHO	8.0	PANHANDLE EASTERN PI
-PORTS OF CALL CO					RECEIVED: 03/02/81	JA: OK				
8119850	07459	3501721607	103		WOODS BROS #4-4			NW YUKON	200.0	MOBIL OIL CORP
-RALPH E PLOTNER OIL & GAS INVEST IN					RECEIVED: 02/27/81	JA: OK				
8119787	07389	3501721408	103		LUDWIG NO 1-19			SOUTH OKARCHE	324.0	PHILLIPS PETROLEUM C
-RICKS EXPLORATION CO					RECEIVED: 02/27/81	JA: OK				
8119807	07463	3515321078	103		BARKER 28A			W SHARON	22.0	PHILLIPS PETROLEUM C
8119788	07388	3515321045	103		CHAIN RANCH 32A			WILDCAT	300.0	DELMI GAS PIPELINE C
8119818	07462	3515321093	103		SARA JAYNE 22A			S FREEDOM	60.0	PANHANDLE EASTERN PI
8119809	07465	3515321074	103		TOMMY 31C			W SHARON	7.0	PHILLIPS PETROLEUM C
-RODMAN PETROLEUM CORP					RECEIVED: 02/27/81	JA: OK				
8119811	07461	3504722165	103		CAMPBELL 31-1				36.5	GRACE PETROLEUM CORP
-SAMSON RESOURCES COMPANY					RECEIVED: 02/27/81	JA: OK				
8119789	06987	3507920378	102		HAMMOND NO 1			SOUTH MCCURTAIN	511.0	ARKANSAS LOUISIANA G
-SOUTHLAND ROYALTY CO					RECEIVED: 03/02/81	JA: OK				
8119841	06297	3513921157	102		BECKER #1-9			CAPLE	150.0	NORTHERN NATURAL GAS
8119837	06300	3513921041	102		DORSEY #1-5			NORTH HOOKER	175.0	NORTHERN NATURAL GAS
8119836	06299	3513921155	102		MCCOY #1-8			CAPLE	200.0	NORTHERN NATURAL GAS
8119854	06239	3513921156	102		WALL #1-32			CAPLE	300.0	NORTHERN NATURAL GAS
-SPELLER OIL CORP					RECEIVED: 02/27/81	JA: OK				
8119791	06984	3507322315	103		FRANK 12-2			SOONER TREND	200.0	EASON OIL CO
-TENNECO OIL COMPANY					RECEIVED: 02/27/81	JA: OK				
8119804	09229	3500721971	103		RATZLAFF 2-8			DOMBEY	44.0	KANSAS-NEBRASKA NATU
-TEXAS OIL & GAS CORP					RECEIVED: 03/02/81	JA: OK				
8119838	07497	3504520830	103		GILSON #1			SOUTH BISHOP	67.0	CITIES SERVICE
-THUNDERBIRD OIL CO					RECEIVED: 02/27/81	JA: OK				
8119808	07498	3511100000	103		JAN HENDERSON #1-A			HOFFMAN	36.0	PHILLIPS PETROLEUM C
-TOWER OIL AND GAS COMPANY INC					RECEIVED: 02/27/81	JA: OK				
8119810	07499	3504722220	103		ORVAL #1			SOONER TREND	100.3	PANHANDLE EASTERN PI
-W M & A P FULLER					RECEIVED: 02/27/81	JA: OK				
8119780	07417	3504721906	103		ADOLPH KREJCI NO 2			EAST WAUKOMIS	55.0	PANHANDLE EASTERN PI

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WEST VIRGINIA DEPARTMENT OF MINES

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-ALFRED E KNOBLER RECEIVED: 02/27/81 JA: WV

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119797	07460	3504722166	103		CAMPBELL 31-2		36.5	GRACE PETROLEUM CORP
8119801	07467	3504722167	103		CAMPBELL 31-3		36.5	GRACE PETROLEUM CORP
8119802	07468	3504722168	103		CAMPBELL 31-4		36.5	GRACE PETROLEUM CORP
-WILLIAMS EXPLORATION CO					RECEIVED: 02/27/81 JA: OK			
8119805	07469	3515321076	103		BARKER 29A	W SHARON	22.0	PHILLIPS PETROLEUM C
-WOODS PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119800	07466	3504722169	103		CAMPBELL 31-5		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119792	07452	3504722170	103		CAMPBELL 31-6		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119793	07453	3504722171	103		CAMPBELL 31-7		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119794	07454	3504722172	103		CAMPBELL 31-8		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119795	07451	3504722173	103		CAMPBELL 31-9		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119797	07460	3504722174	103		CAMPBELL 31-10		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119801	07467	3504722175	103		CAMPBELL 31-11		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119802	07468	3504722176	103		CAMPBELL 31-12		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119803	07464	3504722177	103		CAMPBELL 31-13		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119804	07469	3504722178	103		CAMPBELL 31-14		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119805	07470	3504722179	103		CAMPBELL 31-15		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119806	07471	3504722180	103		CAMPBELL 31-16		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119807	07472	3504722181	103		CAMPBELL 31-17		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119808	07473	3504722182	103		CAMPBELL 31-18		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119809	07474	3504722183	103		CAMPBELL 31-19		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119810	07475	3504722184	103		CAMPBELL 31-20		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119811	07476	3504722185	103		CAMPBELL 31-21		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119812	07477	3504722186	103		CAMPBELL 31-22		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119813	07478	3504722187	103		CAMPBELL 31-23		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119814	07479	3504722188	103		CAMPBELL 31-24		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119815	07480	3504722189	103		CAMPBELL 31-25		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119816	07481	3504722190	103		CAMPBELL 31-26		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119817	07482	3504722191	103		CAMPBELL 31-27		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119818	07483	3504722192	103		CAMPBELL 31-28		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119819	07484	3504722193	103		CAMPBELL 31-29		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119820	07485	3504722194	103		CAMPBELL 31-30		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119821	07486	3504722195	103		CAMPBELL 31-31		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119822	07487	3504722196	103		CAMPBELL 31-32		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119823	07488	3504722197	103		CAMPBELL 31-33		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119824	07489	3504722198	103		CAMPBELL 31-34		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119825	07490	3504722199	103		CAMPBELL 31-35		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119826	07491	3504722200	103		CAMPBELL 31-36		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119827	07492	3504722201	103		CAMPBELL 31-37		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119828	07493	3504722202	103		CAMPBELL 31-38		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119829	07494	3504722203	103		CAMPBELL 31-39		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119830	07495	3504722204	103		CAMPBELL 31-40		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119831	07496	3504722205	103		CAMPBELL 31-41		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119832	07497	3504722206	103		CAMPBELL 31-42		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119833	07498	3504722207	103		CAMPBELL 31-43		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119834	07499	3504722208	103		CAMPBELL 31-44		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119835	07500	3504722209	103		CAMPBELL 31-45		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119836	07501	3504722210	103		CAMPBELL 31-46		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119837	07502	3504722211	103		CAMPBELL 31-47		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119838	07503	3504722212	103		CAMPBELL 31-48		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119839	07504	3504722213	103		CAMPBELL 31-49		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119840	07505	3504722214	103		CAMPBELL 31-50		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119841	07506	3504722215	103		CAMPBELL 31-51		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119842	07507	3504722216	103		CAMPBELL 31-52		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119843	07508	3504722217	103		CAMPBELL 31-53		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119844	07509	3504722218	103		CAMPBELL 31-54		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119845	07510	3504722219	103		CAMPBELL 31-55		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119846	07511	3504722220	103		CAMPBELL 31-56		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119847	07512	3504722221	103		CAMPBELL 31-57		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119848	07513	3504722222	103		CAMPBELL 31-58		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119849	07514	3504722223	103		CAMPBELL 31-59		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119850	07515	3504722224	103		CAMPBELL 31-60		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119851	07516	3504722225	103		CAMPBELL 31-61		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119852	07517	3504722226	103		CAMPBELL 31-62		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119853	07518	3504722227	103		CAMPBELL 31-63		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119854	07519	3504722228	103		CAMPBELL 31-64		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119855	07520	3504722229	103		CAMPBELL 31-65		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119856	07521	3504722230	103		CAMPBELL 31-66		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119857	07522	3504722231	103		CAMPBELL 31-67		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119858	07523	3504722232	103		CAMPBELL 31-68		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119859	07524	3504722233	103		CAMPBELL 31-69		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119860	07525	3504722234	103		CAMPBELL 31-70		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119861	07526	3504722235	103		CAMPBELL 31-71		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119862	07527	3504722236	103		CAMPBELL 31-72		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119863	07528	3504722237	103		CAMPBELL 31-73		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119864	07529	3504722238	103		CAMPBELL 31-74		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119865	07530	3504722239	103		CAMPBELL 31-75		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119866	07531	3504722240	103		CAMPBELL 31-76		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119867	07532	3504722241	103		CAMPBELL 31-77		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119868	07533	3504722242	103		CAMPBELL 31-78		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119869	07534	3504722243	103		CAMPBELL 31-79		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119870	07535	3504722244	103		CAMPBELL 31-80		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119871	07536	3504722245	103		CAMPBELL 31-81		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119872	07537	3504722246	103		CAMPBELL 31-82		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119873	07538	3504722247	103		CAMPBELL 31-83		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119874	07539	3504722248	103		CAMPBELL 31-84		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119875	07540	3504722249	103		CAMPBELL 31-85		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119876	07541	3504722250	103		CAMPBELL 31-86		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119877	07542	3504722251	103		CAMPBELL 31-87		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119878	07543	3504722252	103		CAMPBELL 31-88		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119879	07544	3504722253	103		CAMPBELL 31-89		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119880	07545	3504722254	103		CAMPBELL 31-90		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119881	07546	3504722255	103		CAMPBELL 31-91		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119882	07547	3504722256	103		CAMPBELL 31-92		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119883	07548	3504722257	103		CAMPBELL 31-93		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119884	07549	3504722258	103		CAMPBELL 31-94		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119885	07550	3504722259	103		CAMPBELL 31-95		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119886	07551	3504722260	103		CAMPBELL 31-96		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119887	07552	3504722261	103		CAMPBELL 31-97		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119888	07553	3504722262	103		CAMPBELL 31-98		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119889	07554	3504722263	103		CAMPBELL 31-99		36.5	GRACE PETROLEUM CORP
-WORTHINGTON PETROLEUM CORP					RECEIVED: 02/27/81 JA: OK			
8119890	07555	3504722264	103		CAMPBELL 31-100		36.5	GRACE PETROLEUM CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119695		4704302299	103		JEANNIE BERRY K-53	DUVAL	8.0	
-ALLEGHENY & WESTERN ENERGY CORP					RECEIVED: 02/27/81 JA: WV			
8119704		4703903343	108		EASTERN ASSOCIATED COAL #12	CABIN CREEK	4.0	COLUMBIA GAS TRANSMI
8119701		4703903466	108		OHLEY TRUST #13	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8119705		4703903412	108		OHLEY TRUST #14	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8119702		4703903465	108		OHLEY TRUST #18 REV	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8119699		4703903470	108		OHLEY TRUST #19	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8119700		4703903469	108		OHLEY TRUST #20	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8119698		4703903472	108		OHLEY TRUST #21	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8119705		4703903473	108		OHLEY TRUST #22	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8119706		4703903487	108		OHLEY TRUST #23	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
-BEREA OIL AND GAS CORPORATION					RECEIVED: 02/27/81 JAI WV			
*8119725		4708101282	102		D SOUTHERLY #1	VALLEY	7.0	CONSOLIDATED GAS SUP
*8119726		4708101229	102		H L STEERMAN #1	VALLEY	2.4	CONSOLIDATED GAS SUP
*8119727		4708101248	102		R VOULS #3	VALLEY	5.6	CONSOLIDATED GAS SUP
-CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 02/27/81 JA: WV			
8119696		4708100723	108		J L MORREL 11996	WEST VIRGINIA OTHER A857	20.0	GENERAL SYSTEM PURCH
-D & D GAS CO					RECEIVED: 02/27/81 JA: WV			
8119693		4709900411	108		GLEN HAYES CO #6	LINCOLN DISTRICT	18.0	COLUMBIA GAS TRANSMI
8119724		4709901439	108		OLIN W KEARNS NO 1	LINCOLN DISTRICT	18.0	COLUMBIA GAS TRANSMI
-DORAN & ASSOCIATES INC					RECEIVED: 02/27/81 JA: WV			
8119718		4703322005	103		J ALLEN #1 K-L-228	EAGLE	30.0	CONSOLIDATED GAS SUP
-FOX DRILLING CO INC					RECEIVED: 02/27/81 JA: WV			
8119697		4708101268	103		G POSTEN #1	BELINGTON FIELD	45.0	COLUMBIA GAS TRANSMI
-KEITH CRIMFIELD					RECEIVED: 02/27/81 JA: WV			
8119707		4708701073	108		WM T HEFNER #1	SALT LICK	11.0	EQUITABLE GAS CO
-ROGERS & SON					RECEIVED: 02/27/81 JA: WV			
8119694		4701302862	108		VIOLA SMITH WELL NO 3	SHERMAN DISTRICT	5.0	CONSOLIDATED GAS SUP
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 02/27/81 JA: WV			
8119708		4706700258	108		FEDERAL COAL #1	JEFFERSON DISTRICT	5.0	CABOT CORP
8119709		4706700259	108		FEDERAL COAL #2	JEFFERSON	7.6	CABOT CORP
8119710		4706700527	103		FEDERAL COAL COMPANY #23	JEFFERSON	23.0	CABOT CORP
8119712		4701900438	102		MARY B SPARKS #1	MOUNTAIN COVE	91.0	EQUITABLE GAS CO
-UNION DRILLING INC					RECEIVED: 02/27/81 JA: WV			
8119729		4709702084	103		A BOYLES CARTER #2 1556	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8119730		4709702085	103		A BOYLES CARTER #3 1557	BANKS DISTRICT	0.0	COLUMBIA GAS TRANSMI
8119720		4709702075	103		BAYARD GUM AGENT #3 1578	WARREN DISTRICT	0.0	CONSOLIDATED GAS SUP
8119723		4709701959	103		JOHN E BURR #1 1530	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8119721		4709702087	103		LOUISE T JEFFRIES #1 1584	BANKS DISTRICT	0.0	COLUMBIA GAS TRANS C
8119728		4709702073	103		RONALD L MCCANN #1 1484	MEADE DISTRICT	0.0	COLUMBIA GAS TRANS C
8119722		4709702112	103		RUPERT R STRADER #1 1536	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
-WARREN R MAUGHT AGENT					RECEIVED: 02/27/81 JA: WV			
8119719		4708524157	108		C P WILSON M-679	MURPHY DISTRICT	14.0	CONSOLIDATED GAS SUP
8119714		4708523842	108		COKELEY # M-607	UNION DISTRICT	36.2	CONSOLIDATED GAS SUP
8119715		4708524051	108		MARIE OSBOURN M-629	MURPHY DIST	8.0	CONSOLIDATED GAS
8119713		4708523715	108		MCCOY #M-518	MURPHY DISTRICT	7.6	CONSOLIDATED GAS SUP
8119716		4708523864	108		SCOTT # M-608	MURPHY DISTRICT	18.6	CONSOLIDATED GAS SUP
8119717		4708523849	108		SCOTT M-612	MURPHY DISTRICT	28.5	CONSOLIDATED GAS SUP
8119711		4708523792	108		WESLEY BYRD HEIRS M-573	MURPHY DIST	15.0	CONSOLIDATED GAS
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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA								
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-AMERICAN NAT GAS PROD CO					RECEIVED: 02/27/81 JA: LA 3			

VOLUME 389 PAGE 005

JD NO	JA DKT	API NO	SEC	D	WELL NAME				FIELD NAME	PROD	PURCHASER
8119755	60-1692	1770240558	102		WEST CAMERON 584 A-2				WEST CAMERON	217.0	MICHIGAN WISCONSIN P
8119759	60-1694	1770240580	102		WEST CAMERON 584 A-3D				WEST CAMERON 584	117.0	MICHIGAN WISCONSIN P
8119758	60-1696	1770240585	102		WEST CAMERON 584 A-5D				WEST CAMERON	271.0	MICHIGAN WISCONSIN P
8119739	60-1697	1770240581	102		WEST CAMERON 584 A-6				WEST CAMERON	48.0	MICHIGAN WISCONSIN P
-AMINOIL USA INC					RECEIVED: 02/27/81	JA: LA	3				
8119757	60-1713	1771140388	102		OCS-G-8434 WELL NO D-1				SHIP SHOAL 154	146.0	TENNESSEE GAS PIPELI
-AMOCO PRODUCTION CO					RECEIVED: 02/27/81	JA: LA	3				
*8119752	60-1688	1770240420	102		OCS-G-2850 WELL #B-4A				WEST CAMERON 617 FIELD	365.0	COLUMBIA GAS TRANSMI
-ANR PRODUCTION CO					RECEIVED: 02/27/81	JA: LA	3				
8119772	60-1695	1770240585	102		WEST CAMERON 584 A-5				WEST CAMERON	560.0	MICHIGAN WISCONSIN P
-ARCO OIL AND GAS COMPANY					RECEIVED: 02/27/81	JA: LA	3				
8119751	60-1485	1772140055	102		OCS-G 1608 C-38				SOUTH PASS BLOCK 61 FIEL	180.0	SOUTHERN NATURAL GAS
-CONOCO INC					RECEIVED: 02/27/81	JA: LA	3				
8119777	60-1743	1770340219	102		EAST CAMERON 71 C-1				EAST CAMERON	1470.0	TENNESSEE GAS PIPELI
-EXXON CORPORATION					RECEIVED: 02/27/81	JA: LA	3				
8119747	60-1765	1770940365	102		OCS-G 3331 NO A-2				EUGENE ISLAND	4000.0	COLUMBIA GAS TRANS C
-GULF OIL CORPORATION					RECEIVED: 02/27/81	JA: LA	3				
*8119750	60-1720	1770940390	102		EUGENE ISLAND 230 WELL #-4				EUGENE ISLAND	15.0	SEA ROBIN PIPELINE C
-KERR-MCGEE CORPORATION					RECEIVED: 02/27/81	JA: LA	3				
8119761	60-1594	1771240237	102		OCS G-1025 WELL NO A-11				SHIP SHOAL	639.0	TRANSCONTINENTAL GAS
8119748	60-1809	1771240243	102		OCS G-1025 WELL NO A-13				SHIP SHOAL	0.0	TRANSCONTINENTAL GAS
-MCMORAN OFFSHORE EXPLORATION CO					RECEIVED: 02/27/81	JA: LA	3				
*8119765	60-1763	1770540480	102		OCS-G 3390 #16				VERMILION	9000.0	TRANSCONTINENTAL GAS
8119775	60-1764	1770540480	107		OCS-G 3390 #16				VERMILION	9000.0	TRANSCONTINENTAL GAS
-MOBIL OIL EXPLORATION & PROD S E					RECEIVED: 02/27/81	JA: LA	3				
8119760	60-1786	1771040897	102		EUGENE ISLAND 354 A-4B				EUGENE ISLAND	182.0	SEA ROBIN PIPELINE C
8119773	60-1803	1771340078	102		SOUTH PELTO 9 67A				SOUTH PELTO	912.5	TRANSCONTINENTAL GAS
-OCEAN PRODUCTION CO					RECEIVED: 02/27/81	JA: LA	3				
8119744	60-1742	1771140525	102		OCS - 864 NO 44A				SHIP SHOAL	675.0	TRANSCONTINENTAL GAS
8119753	60-1455	1771128836	102		OCS-G 863 NO 9A				SHIP SHOAL 113 FIELD	183.0	TRANSCONTINENTAL GAS
-PLACID OIL COMPANY					RECEIVED: 02/27/81	JA: LA	3				
8119774	60-1733	1770740191	102		B-158				SOUTH MARSH ISLAND	547.5	TRUNKLINE GAS CO
-SHELL OIL CO					RECEIVED: 02/27/81	JA: LA	3				
8119768	60-1769	1770840359	102		OCS-G 2280 D-1				SOUTH MARSH ISLAND	150.0	TRANSCONTINENTAL GAS
8119737	60-1776	1770840461	102		OCS-G 2280 D-7				SOUTH MARSH ISLAND	275.0	TRANSCONTINENTAL GAS
-TENNECO OIL COMPANY					RECEIVED: 02/27/81	JA: LA	3				
8119745	60-1798	1771140486	102		SHIP SHOAL 178 A-1				SHIP SHOAL	1895.0	TENNESSEE GAS PIPELI
8119742	60-1799	1771140495	102		SHIP SHOAL 178 A-4				SHIP SHOAL	9475.0	TENNESSEE GAS PIPELI
8119771	60-1800	1771140504	102		SHIP SHOAL 178 A-5				SHIP SHOAL	1825.0	TENNESSEE GAS PIPELI
8119770	60-1801	1771140518	102		SHIP SHOAL 178 A-7				SHIP SHOAL	5475.0	TENNESSEE GAS PIPELI
8119746	60-1588	1770840318	102		WEST CAMERON 180 G-5				WEST CAMERON	0.0	TENNESSEE GAS PIPELI
-UNION OIL COMPANY OF CALIF					RECEIVED: 02/27/81	JA: LA	3				
8119764	60-1804	1770340228	102		OCS-G-3530 NO A-4				EAST CAMERON	1500.0	TENNESSEE GAS PIPELI
-AMINOIL DEVELOPMENT INC					RECEIVED: 02/27/81	JA: TX	3				
8119762	60-1260	4271140266	102		OCS-G-2557 WELL NO A-17				WEST CAMERON	1460.0	NATURAL GAS PIPELINE
-AMINOIL USA INC					RECEIVED: 02/27/81	JA: TX	3				
*8119766	60-1668	4271140560	102		HIGH ISLAND A-389 #A-3				HIGH ISLAND	685.0	NATURAL GAS PIPE LIN
*8119738	60-1662	4271140192	102		HIGH ISLAND A-389 #A-4				HIGH ISLAND	12.0	NATURAL GAS PIPE LIN
8119769	60-1663	4271140251	102		HIGH ISLAND A-389 #A-6D				HIGH ISLAND	267.0	NATURAL GAS PIPE LIN
*8119748	60-1664	4271140265	102		HIGH ISLAND A-389 #A-7				HIGH ISLAND	681.0	NATURAL GAS PIPE LIN
*8119756	60-1665	4271140265	102		HIGH ISLAND A-389 #A-7D				HIGH ISLAND	76.0	NATURAL GAS PIPE LIN
*8119741	60-1666	4271140283	102		HIGH ISLAND A-389 #A-9D				HIGH ISLAND	278.0	NATURAL GAS PIPE LIN

VOLUME 389 PAGE 006

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8119754	60-1667	4271140295	102		HIGH ISLAND BLOCK A-389 #A-18	HIGH ISLAND	263.0	NATURAL GAS PIPE LIN
-EXXON CORPORATION					RECEIVED: 02/27/81 JA: TX 3			
8119776	60-1778	4271140463	102		OCS-G 3433 NO A-5	HIGH ISLAND	4000.0	COLUMBIA GAS TRANS C
8119763	60-1651	4271140488	102		OCS-G 3486 NO B-2	HIGH ISLAND	2000.0	COLUMBIA GAS TRANS C
-MCMORAN OFFSHORE EXPLORATION CO					RECEIVED: 02/27/81 JA: TX 3			
8119767	60-1762	4270740057	102		OCS-G 4070 #A-6	GALVESTON	8517.0	
-MOBIL PRDS TEXAS & NEW MEXICO INC					RECEIVED: 02/27/81 JA: TX 3			
*8119749	60-1751	4270940205	102		A-108	HIGH ISLAND	147.5	NATURAL GAS PIPELINE
-SUPERIOR OIL CO					RECEIVED: 02/27/81 JA: TX 3			
8119743	60-1677	4271500020	102		BLOCK 89 WELL 82	SABINE PASS	0.0	NATURAL GAS PIPELINE
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
-MIDLANDS GAS CORPORATION					RECEIVED: 03/04/81 JA: MT 5			
*8119733	M-38-1-E	2507121525	108	D	1433 FEDERAL #1	BOWDOIN	19.0	KANSAS-NEBRASKA NATU
*8119736	M-760-0-E	2507121482	108	D	1451 FEDERAL 143531	BOWDOIN	18.0	KANSAS-NEBRASKA NATU
8119732	M-761-0-E	2507121331	108	D	1561 15-36-31	BOWDOIN	12.0	KANSAS-NEBRASKA NATU
*8119734	M-719-0-E	2507121351	108	D	2561 253631	BOWDOIN	20.0	KANSAS-NEBRASKA NATU
8119731	M-718-0-E	2507121503	108	D	2761 1-27 SOC ET AL FEDERAL	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
8119735	M-763-0-E	2507121578	108	D	2861 FEDERAL 1-28	BOWDOIN	20.0	KANSAS-NEBRASKA NATU
-AMOCO PRODUCTION CO					RECEIVED: 02/27/81 JA: ND 5			
8119692	ND756-0	3300700440	102		STEVENS FEDERAL B NO 2-29	BIG STICK	300.0	WESTERN GAS PROCESSO
-KOCH INDUSTRIES INC					RECEIVED: 02/27/81 JA: ND 5			
8119687	ND750-0	3300700463	102		FEDERAL #10-31	THEODORE ROOSEVELT	120.0	MONTANA-DAKOTA UTILI
8119688	ND751-0	3300700490	102		FEDERAL #13-27	TREETOP	42.0	MONTANA-DAKOTA UTILI
8119689	ND752-0	3300700483	102		FEDERAL #15-33	TREETOP	8.0	MONTANA-DAKOTA UTILI
8119682	ND 745-0	3300700495	102		FEDERAL #4-27	TREETOP	32.0	MONTANA-DAKOTA UTILI
8119683	ND746-0	3300700532	102		FEDERAL #4-33	TREETOP	16.0	MONTANA-DAKOTA UTILI
8119684	ND747-0	3300700534	102		FEDERAL #5-18	BIG STICK	240.0	MONTANA-DAKOTA UTILI
8119685	ND748-0	3300700531	102		FEDERAL #5-24	BIG STICK	88.0	MONTANA-DAKOTA UTILI
8119686	ND749-0	3300700530	102		FEDERAL #9-32	BIG STICK	82.0	MONTANA-DAKOTA UTILI
-BELCO PETROLEUM CORPORATION					RECEIVED: 02/27/81 JA: WY 5			
8119681	W 208-0	4903520573	103		GRBU 74-31	GREEN RIVER BEND	0.0	NORTHWEST PIPELINE C
-CHEVRON U S A INC					RECEIVED: 02/27/81 JA: WY 5			
8119690	W754-0	4904120282	102		PAINTER RESERVOIR UNIT 24-6A	PAINTER RESERVOIR	480.0	NORTHERN NATURAL GAS
8119691	W755-0	4904120296	102		PAINTER RESERVOIR UNIT 32-12D	PAINTER RESERVOIR	500.0	NORTHERN NATURAL GAS
-RAYMOND T DUNCAN					RECEIVED: 02/27/81 JA: WY 5			
8119680	W 689-0	4900921577	102		FEDERAL 2-33	SCOTT	30.0	CHINOOK CONSTRUCTION
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK								
-FJF OIL CO					RECEIVED: 02/27/81 JA: OK 8			
8119675		3511300800	103		HERD #6	OKESA POOL-(SE-31-26-11)	30.0	NATIONAL LINE CO

UMI 1 8 7 2 R M 9 5 1 6 4 V

OTHER PURCHASERS VOLUME NO :30

8119725	BROOKLY UNION GAS CO
8119726	BROOKLY UNION GAS CO
8119727	BROOKLYN UNION GAS CO
8119733	MONTANA-DAKOTA UTILITIES CO
8119734	MONTANA DAKOTA UTILITIES CO
8119736	MONTANA DAKOTA CO
8119738	MICHIGAN WISC P L CO
8119740	MICHIGAN WISCONSIN P L CO
8119741	MICHIGAN WISCONSIN P L CO
8119749	TRANSCONTINENTAL GAS PL CORP
8119750	TEXAS EASTERN TRANS CORP
8119752	TENNESSEE GAS PL CORP
8119754	MICHIGAN WISC PL CO
8119756	MICHIGAN WISC PL CO
8119765	PUBLIC SERVICE ELECTRIC & GAS CO
8119766	MICH-WISC P L CO
8119783	CITIES SERVICE GAS CO
8119801	UNION TEXAS PETROLEUM CORP
8119828	CHASE GATHERING SYSTEMS INC
8119829	CHASE GATHERING SYSTEMS INC
8119831	CHASE GATHERING SYSTEMS INC
8119832	CHASE GATHERING SYSTEMS INC
8119833	CHASE GATHERING SYSTEMS INC
8119834	CHASE GATHERING SYSTEMS INC
8119835	CHASE GATHERING SYSTEMS INC
8119848	OKLAHOMA GAS AND ELECTRIC

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential uder 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 13, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9297 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-01-M

Determinations Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
					NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION			
-APPALACHIAN ENERGY INC					RECEIVED: 03/04/81 JA: NY			
8119922	879	3101314865	102		EDGAR STRATTON #1 A-E-157	STEBBINS CORNERS	30.0	COLUMBIA GAS TRANSMI
8119867	880	3101314651	102		HAROLD BROWN #1 A-E-155	BUSTI	30.0	COLUMBIA GAS TRANSMI
8119858	838	3101313750	102		HAROLD ERICKSON #1 A-E-76	BUSTI	30.0	COLUMBIA GAS TRANSMI
8119868	881	3101314864	102		HAROLD ERICKSON #2 A-E-107	BUSTI	30.0	COLUMBIA GAS TRANSMI
8119886	839	3101313786	102		HAROLD LEE BROWN #1 A-E-88	BUSTI	30.0	COLUMBIA GAS TRANSMI
-BENNETT PETROLEUM CORP					RECEIVED: 03/04/81 JA: NY			
8119860	884	3105113950	102		CLARENCE H SLIKER # 1	LEICESTER	56.0	COLUMBIA GAS TRANSMI
8119863	933	3112114483	102		FRANK IRELAND JR #1	PERRY	30.0	COLUMBIA GAS TRANSMI
8119980	928	3112114378	102		FREDERICK HERMAN #1	PERRY	30.0	COLUMBIA GAS TRANSMI
8119981	927	3112114379	102		FSC FARMS INC #1	PERRY	40.0	COLUMBIA GAS TRANSMI
8119865	932	3112114616	102		HEYWARD HUMPHREY NO 1	PERRY	43.0	COLUMBIA GAS TRANSMI
8119885	886	3105113979	102		KENNETH MCBRIDE #2 31-051-13979	LEICESTER	105.0	COLUMBIA GAS TRANSMI
8119862	931	3112114583	102		NORMAN HOPPER NO 1	PERRY	10.0	COLUMBIA GAS TRANSMI
8119923	885	3105113841	102		RICHARD F PAGE #1		25.0	COLUMBIA GAS TRANSMI
8119921	882	3112113949	102		ROBERT E SMITHGALL #1	PERRY	56.0	COLUMBIA GAS TRANSMI
8119864	934	3112114483	102		ROBERT PATRICK NO 1	CASTLE	28.0	COLUMBIA GAS TRANSMI
8119920	883	3105113840	102		SHELBY G SLIKER #1	LEICESTER	80.0	COLUMBIA GAS TRANSMI
8119890	926	3112114427	102		THOMAS FARLEY NO 1	PERRY	30.0	COLUMBIA GAS TRANSMI
8119878	888	3112114178	102		WALTER CHAFFEE #1	PERRY	36.0	COLUMBIA GAS TRANSMI
-ENVIROGAS INC					RECEIVED: 03/04/81 JA: NY			
8119894	#902	3101314353	102		#1 A GRIPPE	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119874	#966	3101314821	102		#1 C CARLSON	STEBBINS CORNERS	18.0	COLUMBIA GAS TRANSMI
8119872	#965	3101314589	102		#1 CHAUTAUQUA INSTITUTION	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119871	#963	3101314618	102		#1 G CORNELL	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119870	#958	3101314653	102		#1 G HEWES	STEBBINS CORNERS	18.0	COLUMBIA GAS TRANSMI
8119879	#891	3101314632	102		#1 HENDRICKSON	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119881	#945	3101314355	102		#1 I COCHRANE	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119918	892	3101314587	102		#1 J LARSON	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119917	897	3101314591	102		#1 MOONBROOK COUNTRY CLUB	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119895	#896	3101314433	102		#1 R MILLER	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119884	985	3101313202	102		#1 T SMITH	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119866	956	3101314617	102		#1 WM MCCREARY	STEBBINS CORNERS	18.0	COLUMBIA GAS TRANSMI
8119896	#898	3101314365	102		#1-A E NELSON	PANAMA	18.0	NATIONAL FUEL GAS DI
8119876	#949	3101314451	102		#2 CHAUTAUQUA INSTITUTION	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119859	954	3101314809	102		#2 G SCHULTZ	WILDCAT	18.0	COLUMBIA GAS TRANSMI
8119857	951	3101314778	102		#2 J J BAKER	WILDCAT	18.0	COLUMBIA GAS TRANSMI
8119875	#947	3101314452	102		#3 CHAUTAUQUA INSTITUTION	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119880	#895	3101314359	102		#3 E MCCUTCHEAN	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119869	957	3101314655	102		#3 G HEWES	STEBBINS CORNERS	18.0	COLUMBIA GAS TRANSMI
8119919	950	3101315002	102		#3 L NICKERSON	STEBBINS CORNERS	18.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119873	#964	3101314453	102		#4 CHAUTAUQUA INSTITUTION	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119873	#964	3101314453	102		#4 CHAUTAUQUA INSTITUTION	STEBBINS CORNERS	18.0	NATIONAL FUEL GAS DI
8119877	#900	3101314454	102		#5 CHAUTAUQUA INSTITUTION	WILDCAT	18.0	NATIONAL FUEL GAS DI
8119882	983	3101315320	102		J SCHUSTER #1	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8119883	984	3101315321	102		J SCHUSTER #2	LAKESHORE	18.0	NATIONAL FUEL GAS DI
-NORD/MONTARA PETROLEUM CO			RECEIVED: 03/04/81 JA: NY					
8119903	#910	3112114534	102		ALBERT S MURCIN ET UX NO 2	JAVA	25.0	COLUMBIA GAS TRANS C
8119904	#908	3112114444	102		LUCILLE SICLARI NO 2	JAVA	50.0	COLUMBIA GAS TRANS C
8119888	#909	3112114443	102		THOMPSON UNIT NO 1	JAVA	25.0	COLUMBIA GAS TRANS C
-P & S DRILLING INC			RECEIVED: 03/04/81 JA: NY					
8119902	#915	3102914258	102		ELLS #2	BUFFALO CREEK	168.0	NATIONAL FUEL GAS DI
-PARAGON RESOURCES INC			RECEIVED: 03/04/81 JA: NY					
8119907	114	3101310832	108		UNIT NO 17 - L DEAN	LAKESHORE	1.0	NATIONAL FUEL GAS DI
8119898	188	3101310899	108		UNIT NO 206 - MERLE W MCKILLIP	LAKESHORE	4.2	NATIONAL FUEL GAS DI
8119897	182	3101310885	108		UNIT NO 209 - ROBERT J WASHBURN	LAKESHORE	5.9	NATIONAL FUEL GAS DI
8119916	183	3101310897	108		UNIT NO 210 - SHIRLEY LEAMER	LAKESHORE	2.0	NATIONAL FUEL GAS DI
8119915	184	3101310886	108		UNIT NO 212 - DONALD CAMP	LAKESHORE	5.1	NATIONAL FUEL GAS DI
8119910	185	3101310655	108		UNIT NO 213 - KATHERINE MACHADO	LAKESHORE	1.1	NATIONAL FUEL GAS DI
8119909	186	3101310887	108		UNIT NO 215 - EVERETT G BENTLEY	LAKESHORE	8.3	NATIONAL FUEL GAS DI
8119899	115	3101310287	108		UNIT NO 22 - CHARLES LOEB	LAKESHORE	1.0	NATIONAL FUEL GAS DI
8119908	189	3101310031	108		UNIT NO 42 - H RATER	LAKESHORE	7.5	NATIONAL FUEL GAS DI
8119911	190	3101310110	108		UNIT NO 43 - HAROLD RATER	LAKESHORE	5.2	NATIONAL FUEL GAS DI
8119914	191	3101310089	108		UNIT NO 45 - K DUINK	LAKESHORE	2.6	NATIONAL FUEL GAS DI
8119913	192	3101310090	108		UNIT NO 46 - C KOPTA	LAKESHORE	5.1	NATIONAL FUEL GAS DI
8119912	193	3101309964	108		UNIT NO 47 - CHARLES KOPTA	LAKESHORE	3.8	NATIONAL FUEL GAS DI
8119891	194	3101310973	108		UNIT NO 58 - EUNICY SINDEN	LAKESHORE	2.0	NATIONAL FUEL GAS DI
-SC6 GAS QUEST INC			RECEIVED: 03/04/81 JA: NY					
8119861	920	3102913956	102		KEVIN OSORMAN JR #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
8119906	917	3102914261	102		LORRAINE R MOULTHROP #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
8119905	923	3102914306	102		TEMPLE #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
8119887	#921	3102914260	102		WILLIAM A BLAKELY #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
-TRAHAN PETROLEUM INC			RECEIVED: 03/04/81 JA: NY					
8119893	#869	3101314796	102		D M & L L WIDRIG - N Y 67	PANAMA	36.0	COLUMBIA GAS TRANSMI
8119889	#971	3101314499	102		KLINE #1 - N Y 61	PANAMA	36.0	COLUMBIA GAS TRANSMI
8119892	#872	3101314820	102		KLINE #2 - N Y 71	PANAMA	36.0	COLUMBIA GAS TRANSMI
TENNESSEE OIL & GAS BOARD								
-B & W OIL CO			RECEIVED: 03/02/81 JA: TN					
8119931	A-425	4112920506	102		CARL ROBBINS #1	DOUGLAS BRANCH	36.0	EAST TENNESSEE NATUR
8119930	A-424	4112920507	102		ENOS ROBBINS #1	DOUGLAS BRANCH	27.0	EAST TENNESSEE NATUR
8119974	A-532	4112920713	102		JAMES A MCGILL-MCCAMPBELL	GLADES EAST	28.0	EAST TENNESSEE NATUR
-D-J INC			RECEIVED: 03/02/81 JA: TN					
8119973	A-531	4115120541	102		W M BOLES #1	REUBEN HOLLOW	49.3	INTRASTATE ENERGY CO
-BRADY ENERGY CORP			RECEIVED: 03/02/81 JA: TN					
8119995	A-601	4112920661	102		B M BROOKS & INA L #1	BOONE CAMP NE	92.7	INTRASTATE ENERGY CO
8119993	A-587	4115120534	102		DAN LUTHIE #1	REUBEN HOLLOW	21.9	INTRASTATE ENERGY CO
8119994	A 588	4112920454	102		RALPH PEMBERTON-D LAVENDER #1	DOUGLAS BRANCH	21.9	INTRASTATE ENERGY CO
-COLLINS & WESTERN RESERVES OIL CO			RECEIVED: 03/02/81 JA: TN					
8119925	A-416	4112920317	102		FRANK SELINSKE #1 PERMIT #1539	DOUGLAS BRANCH	21.9	INTERSTATE ENERGY CO
-CUMBERLAND OIL PRODUCING CO INC			RECEIVED: 03/02/81 JA: TN					
8120029	A-575	4112920312	108		C ZIEGLER #1	DOUGLAS BRANCH	8.0	EAST TN NATURAL GAS
8120027	A-573	4112920496	108		C ZIEGLER #2	DOUGLAS BRANCH	8.0	EAST TN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120022	A-568	4112920623	102		CLYDE SMITH UNIT #1	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120018	A-200	4112920394	108		D BRANSTETTER ET AL UNIT #1		4.0	EAST TN NATURAL GAS
8120023	A-569	4112920635	102		EARL SCOTT #1	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120024	A-570	4112920634	102		EARL SCOTT #2	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120025	A-571	4112920610	102		H KACINSKI #1	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120031	A-577	4112920493	108		HOPPER #1	DOUGLAS BRANCH	0.0	EAST TN NATURAL GAS
8120028	A-574	4112920517	108		J ADKINS #3	DOUGLAS BRANCH	4.0	EAST TN NATURAL GAS
8120033	A-585	4112920490	108		J ADKINS #4	DOUGLAS BRANCH	10.0	EAST TENNESSEE NATUR
8120026	A-572	4112920495	108		J ORR #1		1.0	EAST TN NATURAL GAS
8120021	A-567	4112920622	102		O COLE UNIT #3	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120019	A-213	4112920271	108		P L BRANSTETTER #1	DOUGLAS BRANCH	1.0	EAST TN NATURAL GAS
8120030	A-576	4112920111	108		PLATEAU AYTES #1	FRANKFORT NE	12.0	EAST TN NATURAL GAS
8120020	A-566	4112920680	102		PLATEAU PROPERTIES #5	DOUGLAS BRANCH	75.0	EAST TENNESSEE NATUR
8120032	A-583	4112920374	108		R AYTES #1	FRANKFORT NE	18.0	EAST TN NATURAL GAS
-DIXIE OIL COMPANY					RECEIVED: 03/02/81 JA: TN			
8119936	A-526	4112920191	108		C G PEMBERTON #7	UNION HILL	14.0	INTRASTATE ENERGY CO
-DIXIE-SHAMROCK OIL & GAS INC					RECEIVED: 03/02/81 JA: TN			
8119976	A-534	4115120619	102		ALTON PAYNE ET AL #1	WILDCAT	19.7	
8120046	A-546	4115120611	102		BRIMSTONE COMPANY #1	WILDCAT	296.5	
8120042	A-542	4115120626	102		BRIMSTONE COMPANY #3	WILDCAT	9.1	
8119975	A-533	4104920506	102		BRUNO GERNT #9	WILDCAT	8.9	
8119980	A-538	4104920530	102		BRUNO GERNT ESTATES #10	JONES KNOB	8.9	
8120044	A-544	4104920508	102		BRUNO GERNT ESTATES INC #10	JONES KNOB	8.9	
8119981	A-539	4104920519	102		BRUNO GERNT ESTATES INC #11	JONES KNOB	28.7	
8120043	A-543	4104920523	102		BRUNO GERNT ESTATES INC #13	JONES KNOB	18.2	
8119982	A 540	4104920524	102		BRUNO GERNT ESTATES INC #14	JONES KNOB	23.7	
8120045	A-545	4104920503	102		FREELS ET AL #1	WILDCAT	3.6	
8120041	A-541	4115120646	102		GEORGE ET AL #1	WILDCAT	1.8	
8119979	A-537	4112920685	102		JOE S CLARK ET AL #1	WILDCAT	8.9	
8119978	A-536	4104920528	102		PLATEAU PROPERTIES - BRUNO EST #1	STOCKTON SW	37.5	
8119977	A-535	4104920522	102		PLATEAU PROPERTIES - FREELS #1	STOCKTON SW	1.8	
-GUY WILLIAMS & ASSOCIATES					RECEIVED: 03/02/81 JA: TN			
8119935	A-433	4112920457	102		E R GALLOWAY #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
8119934	A-432	4112920653	102		E R GALLOWAY #2	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
8119932	A-430	4112920691	102		JEROME EVANS-JOHN GALLOWAY UNIT #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
8119933	A-431	4112920652	102		JOHN GALLOWAY #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-HICKORY CREEK DEVELOPMENT CORP					RECEIVED: 03/02/81 JA: TN			
8119960	A-422	4103120029	102		CARL BOULDIN UNIT #1	HICKORY CREEK	75.0	
8119972	A-530	4103120043	102		CLAYTON POWELL #1	HICKORY CREEK	75.0	
8119967	A-515	4103120037	102		CLIFTON SCOTT UNIT #1	HICKORY CREEK	75.0	
8119964	A-429	4103120036	102		DOYLE HINDS UNIT #1	HICKORY CREEK	75.0	
8119971	A-529	4103120042	102		E MONEY UNIT #1	HICKORY CREEK	75.0	
8119962	A 427	4103120038	102		E PIENIAZKIEWICZ UNIT #1	HICKORY CREEK	75.0	
8119963	A-428	4103120039	102		E W SMARTT UNIT #2	HICKORY CREEK	75.0	
8119937	A-527	4103120035	102		FRANK LOVE #1	HICKORY CREEK	75.0	
8119970	A-528	4103120045	102		G TOWNSEND #1	HICKORY CREEK	75.0	
8119961	A-426	4103120040	102		HARMON COMMERS UNIT #1	HICKORY CREEK	75.0	
8119969	A-517	4103120034	102		J B LUSK #1	HICKORY CREEK	75.0	
8119959	A-417	4103120030	102		JOHN FREEMAN UNIT #1	HICKORY CREEK	75.0	
8119968	A-516	4103120041	102		T L BLACK UNIT #1	HICKORY CREEK	75.0	
8119924	A-415	4103120031	102		TERRY TURNER UNIT #1	HICKORY CREEK	75.0	
-IDEAL DRILLING CO					RECEIVED: 03/02/81 JA: TN			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120040	A-540	4115120637	102		BUSH WILSON #1	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120039	A-539	4115120638	102		BUSH WILSON #2	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120038	A-538	4115120639	102		BUSH WILSON #3	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120037	A-537	4115120640	102		BUSH WILSON #4	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120036	A-536	4115120641	102		BUSH WILSON #5	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120035	A-535	4115120642	102		BUSH WILSON #6	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120034	A-534	4115120643	102		BUSH WILSON #7	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120033	A-533	4115120644	102		BUSH WILSON #8	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120032	A-532	4115120645	102		BUSH WILSON #9	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120031	A-531	4115120647	102		BUSH WILSON #10	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120030	A-530	4115120648	102		BUSH WILSON #11	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120029	A-529	4115120649	102		BUSH WILSON #12	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120028	A-528	4115120650	102		BUSH WILSON #13	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120027	A-527	4115120651	102		BUSH WILSON #14	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120026	A-526	4115120652	102		BUSH WILSON #15	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120025	A-525	4115120653	102		BUSH WILSON #16	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120024	A-524	4115120654	102		BUSH WILSON #17	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120023	A-523	4115120655	102		BUSH WILSON #18	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120022	A-522	4115120656	102		BUSH WILSON #19	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120021	A-521	4115120657	102		BUSH WILSON #20	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120020	A-520	4115120658	102		BUSH WILSON #21	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120019	A-519	4115120659	102		BUSH WILSON #22	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120018	A-518	4115120660	102		BUSH WILSON #23	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120017	A-517	4115120661	102		BUSH WILSON #24	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120016	A-516	4115120662	102		BUSH WILSON #25	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120015	A-515	4115120663	102		BUSH WILSON #26	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120014	A-514	4115120664	102		BUSH WILSON #27	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120013	A-513	4115120665	102		BUSH WILSON #28	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120012	A-512	4115120666	102		BUSH WILSON #29	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120011	A-511	4115120667	102		BUSH WILSON #30	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120010	A-510	4115120668	102		BUSH WILSON #31	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120009	A-509	4115120669	102		BUSH WILSON #32	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120008	A-508	4115120670	102		BUSH WILSON #33	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120007	A-507	4115120671	102		BUSH WILSON #34	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120006	A-506	4115120672	102		BUSH WILSON #35	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120005	A-505	4115120673	102		BUSH WILSON #36	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120004	A-504	4115120674	102		BUSH WILSON #37	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120003	A-503	4115120675	102		BUSH WILSON #38	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120002	A-502	4115120676	102		BUSH WILSON #39	HELENWOOD	18.0	INTRASTATE ENERGY CO
8120001	A-501	4115120677	102		BUSH WILSON #40	HELENWOOD	18.0	INTRASTATE ENERGY CO
-JAMES E. HOLLAND					RECEIVED: 03/02/81 JA: TN			
8119931	A-429	4112920690	102		JAMES E HOLLAND #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-JOHN E. MOORE					RECEIVED: 03/02/81 JA: TN			
8119930	A-428	4112920689	102		JOHN E MOORE #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-KENNETH L. MAH					RECEIVED: 03/02/81 JA: TN			
8119929	A-427	4112920688	102		KENNETH L MAH #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-LEWIS OIL CO					RECEIVED: 03/02/81 JA: TN			
8119928	A-426	4112920687	102		LEWIS OIL CO #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MAH OPERATING CO					RECEIVED: 03/02/81 JA: TN			
8119927	A-425	4112920686	102		MAH OPERATING CO #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119926	A-424	4112920684	102		MARTIN EXPLORATION MANAGEMENT CO #1	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119925	A-423	4112920683	102		MARTIN EXPLORATION MANAGEMENT CO #2	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119924	A-422	4112920682	102		MARTIN EXPLORATION MANAGEMENT CO #3	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119923	A-421	4112920681	102		MARTIN EXPLORATION MANAGEMENT CO #4	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119922	A-420	4112920679	102		MARTIN EXPLORATION MANAGEMENT CO #5	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119921	A-419	4112920678	102		MARTIN EXPLORATION MANAGEMENT CO #6	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119920	A-418	4112920677	102		MARTIN EXPLORATION MANAGEMENT CO #7	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119919	A-417	4112920676	102		MARTIN EXPLORATION MANAGEMENT CO #8	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119918	A-416	4112920675	102		MARTIN EXPLORATION MANAGEMENT CO #9	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119917	A-415	4112920674	102		MARTIN EXPLORATION MANAGEMENT CO #10	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119916	A-414	4112920673	102		MARTIN EXPLORATION MANAGEMENT CO #11	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119915	A-413	4112920672	102		MARTIN EXPLORATION MANAGEMENT CO #12	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119914	A-412	4112920671	102		MARTIN EXPLORATION MANAGEMENT CO #13	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119913	A-411	4112920670	102		MARTIN EXPLORATION MANAGEMENT CO #14	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119912	A-410	4112920669	102		MARTIN EXPLORATION MANAGEMENT CO #15	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119911	A-409	4112920668	102		MARTIN EXPLORATION MANAGEMENT CO #16	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119910	A-408	4112920667	102		MARTIN EXPLORATION MANAGEMENT CO #17	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119909	A-407	4112920666	102		MARTIN EXPLORATION MANAGEMENT CO #18	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119908	A-406	4112920665	102		MARTIN EXPLORATION MANAGEMENT CO #19	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119907	A-405	4112920664	102		MARTIN EXPLORATION MANAGEMENT CO #20	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119906	A-404	4112920663	102		MARTIN EXPLORATION MANAGEMENT CO #21	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119905	A-403	4112920662	102		MARTIN EXPLORATION MANAGEMENT CO #22	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119904	A-402	4112920661	102		MARTIN EXPLORATION MANAGEMENT CO #23	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119903	A-401	4112920660	102		MARTIN EXPLORATION MANAGEMENT CO #24	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119902	A-400	4112920659	102		MARTIN EXPLORATION MANAGEMENT CO #25	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119901	A-399	4112920658	102		MARTIN EXPLORATION MANAGEMENT CO #26	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119900	A-398	4112920657	102		MARTIN EXPLORATION MANAGEMENT CO #27	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119899	A-397	4112920656	102		MARTIN EXPLORATION MANAGEMENT CO #28	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119898	A-396	4112920655	102		MARTIN EXPLORATION MANAGEMENT CO #29	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119897	A-395	4112920654	102		MARTIN EXPLORATION MANAGEMENT CO #30	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119896	A-394	4112920653	102		MARTIN EXPLORATION MANAGEMENT CO #31	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119895	A-393	4112920652	102		MARTIN EXPLORATION MANAGEMENT CO #32	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119894	A-392	4112920651	102		MARTIN EXPLORATION MANAGEMENT CO #33	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119893	A-391	4112920650	102		MARTIN EXPLORATION MANAGEMENT CO #34	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119892	A-390	4112920649	102		MARTIN EXPLORATION MANAGEMENT CO #35	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119891	A-389	4112920648	102		MARTIN EXPLORATION MANAGEMENT CO #36	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119890	A-388	4112920647	102		MARTIN EXPLORATION MANAGEMENT CO #37	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119889	A-387	4112920646	102		MARTIN EXPLORATION MANAGEMENT CO #38	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119888	A-386	4112920645	102		MARTIN EXPLORATION MANAGEMENT CO #39	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119887	A-385	4112920644	102		MARTIN EXPLORATION MANAGEMENT CO #40	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119886	A-384	4112920643	102		MARTIN EXPLORATION MANAGEMENT CO #41	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119885	A-383	4112920642	102		MARTIN EXPLORATION MANAGEMENT CO #42	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119884	A-382	4112920641	102		MARTIN EXPLORATION MANAGEMENT CO #43	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119883	A-381	4112920640	102		MARTIN EXPLORATION MANAGEMENT CO #44	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119882	A-380	4112920639	102		MARTIN EXPLORATION MANAGEMENT CO #45	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119881	A-379	4112920638	102		MARTIN EXPLORATION MANAGEMENT CO #46	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119880	A-378	4112920637	102		MARTIN EXPLORATION MANAGEMENT CO #47	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119879	A-377	4112920636	102		MARTIN EXPLORATION MANAGEMENT CO #48	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119878	A-376	4112920633	102		MARTIN EXPLORATION MANAGEMENT CO #49	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119877	A-375	4112920632	102		MARTIN EXPLORATION MANAGEMENT CO #50	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119876	A-374	4112920631	102		MARTIN EXPLORATION MANAGEMENT CO #51	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119875	A-373	4112920630	102		MARTIN EXPLORATION MANAGEMENT CO #52	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119874	A-372	4112920629	102		MARTIN EXPLORATION MANAGEMENT CO #53	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119873	A-371	4112920628	102		MARTIN EXPLORATION MANAGEMENT CO #54	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119872	A-370	4112920627	102		MARTIN EXPLORATION MANAGEMENT CO #55	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119871	A-369	4112920626	102		MARTIN EXPLORATION MANAGEMENT CO #56	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119870	A-368	4112920625	102		MARTIN EXPLORATION MANAGEMENT CO #57	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119869	A-367	4112920624	102		MARTIN EXPLORATION MANAGEMENT CO #58	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119868	A-366	4112920621	102		MARTIN EXPLORATION MANAGEMENT CO #59	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119867	A-365	4112920620	102		MARTIN EXPLORATION MANAGEMENT CO #60	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119866	A-364	4112920619	102		MARTIN EXPLORATION MANAGEMENT CO #61	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119865	A-363	4112920618	102		MARTIN EXPLORATION MANAGEMENT CO #62	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119864	A-362	4112920617	102		MARTIN EXPLORATION MANAGEMENT CO #63	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119863	A-361	4112920616	102		MARTIN EXPLORATION MANAGEMENT CO #64	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119862	A-360	4112920615	102		MARTIN EXPLORATION MANAGEMENT CO #65	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119861	A-359	4112920614	102		MARTIN EXPLORATION MANAGEMENT CO #66	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119860	A-358	4112920613	102		MARTIN EXPLORATION MANAGEMENT CO #67	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119859	A-357	4112920612	102		MARTIN EXPLORATION MANAGEMENT CO #68	BURRVILLE EAST	36.5	INTRASTATE ENERGY CO
-MARTIN EXPLORATION MANAGEMENT CO					RECEIVED: 03/02/81 JA: TN			
8119858	A-356	4112920611	102		MARTIN EXPLORATION MANAGEM

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120834	A-423	4115120383	108		RUSTY WILSON #1	HELENWOOD	12.0	INTRASTATE ENERGY CO
-KOPPERS CO INC					RECEIVED: 03/02/81 JA: TN			
8119966	A-435	4112920263	102		KOPPERS CO INC #1	SHIRLEY	185.0	INTRASTATE ENERGY CO
8119965	A-434	4112920274	102		KOPPERS CO INC #2	SHIRLEY	208.1	INTRASTATE ENERGY CO
-PETROLEUM CORPORATION OF TEXAS					RECEIVED: 03/02/81 JA: TN			
8120015	A-457	4112920163	102		#1 JOHN N DIDEN ESTATE		11.0	INTRASTATE ENERGY CO
8120014	A-456	4115100000	102		#1 LAWSON-DRAPER (PERMIT NO 865	ROBBINS	18.0	INTRASTATE ENERGY CO
-PETROLEUM DEVELOPMENT CORP					RECEIVED: 03/02/81 JA: TN			
8119929	A-421	4115120524	102		ESTEL TERRY ET AL #1 PERMIT #2831	ROBBINS	21.9	INTERSTATE ENERGY CO
8119928	A-420	4115120523	102		ROGER TODD ET AL #1 PERMIT #2830	ROBBINS	21.9	INTERSTATE ENERGY CO
8119926	A-418	4115120499	102		SIMS ET AL #1 PERMIT #2641	ROBBINS	511.0	INTERSTATE ENERGY CO
8119927	A-419	4115120517	102		W D TODD ET AL #1 PERMIT 2791	ROBBINS	21.9	INTERSTATE ENERGY CO
-PRAIRE CORP					RECEIVED: 03/02/81 JA: TN			
8120047	A-589	4115120637	103		DAVIS/HERR NO 1		8.0	INTRASTATE ENERGY CO
8120049	A-591	4115120586	103		LEWIS MYERS NO 1		54.0	INTRASTATE ENERGY CO
8120052	A-594	4115120586	102		LEWIS MYERS NO 1		54.0	INTRASTATE ENERGY CO
8120050	A-592	4115120578	103		OVID TOMPKINS NO 3		79.5	INTRASTATE ENERGY CO
8120053	A-595	4115120578	102		OVID TOMPKINS NO 3		79.5	INTRASTATE ENERGY CO
8120048	A-590	4115120663	103		RUSSY/DAVIS NO 1		61.0	INTRASTATE ENERGY CO
8120051	A-593	4115120354	103		TOMMY THOMPSON NO 1	HUNTSVILLE	11.3	INTRASTATE ENERGY CO
8120054	A-596	4115120354	102		TOMMY THOMPSON NO 1	HUNTSVILLE	11.3	INTRASTATE ENERGY CO
-SAINT JOSEPH PETROLEUM INC					RECEIVED: 03/02/81 JA: TN			
8120885	A-447	4104920370	102		B GERNT EST-CONRAD & S GERNT #1	STOCKTON SW	9.1	
8120887	A 449	4104920298	102		BOW-ASBERRY UNIT#1	STOCKTON SW	26.3	
8120812	A-454	4104920272	102		BRUNO GERNT ESTATE #1	STOCKTON SW	1.0	
8120802	A 444	4104920450	102		BRUNO GERNT ESTATE #2	STOCKTON SW	1.0	
8120804	A 446	4104920449	102		BRUNO GERNT ESTATE #3	STOCKTON SW	474.5	
8120806	A-448	4104920496	102		CONRAD & STEPHEN GERNT #1	STOCKTON SW	18.8	
8120811	A-453	4104920502	102		FREELS-PLATEAU PROPERTIES #1	STOCKTON SW	1.0	
8120813	A-455	4104920310	102		GERNT-WHEATON #1	STOCKTON SW	1.0	
8120810	A-452	4104920367	102		GERNT-WHEATON #2	STOCKTON	1.0	
8120809	A 451	4104920463	102		GERNT-WHEATON #3	STOCKTON SW	27.3	
8120808	A 450	4104920452	102		MERCHANT-FREELS #1	STOCKTON SW	73.0	
8120803	A 445	4104920260	102		RODGER WALLACE #1	STOCKTON SW	12.8	
8120848	A-442	4104920138	102		ROYAL D TOMPKINS #1	HURRICANE RIDGE	1.0	
8120801	A-443	4104920146	102		ROYAL TOMPKINS #2	HURRICANE RIDGE	182.5	
8120839	A-441	4104920294	102		STEARNS COAL & LUMBER #5	HURRICANE RIDGE	219.0	
8120835	A-437	4104920183	102		STEARNS COAL & LUMBER CO #1	HURRICANE RIDGE	438.0	
8120836	A-438	4104920249	102		STEARNS COAL & LUMBER CO #2	HURRICANE RIDGE	94.9	
8120837	A-439	4104920257	102		STEARNS COAL & LUMBER CO #3	HURRICANE RIDGE	7.3	
8120838	A-440	4104920284	102		STEARNS COAL & LUMBER CO #4	HURRICANE RIDGE	43.8	
-TARTAN OIL COMPANY					RECEIVED: 03/02/81 JA: TN			
8119999	A-414	4112973022	102		ALVERNE E BEBBY UNIT #1	SUNBRIGHT	6.0	INTRASTATE ENERGY CO
8120817	A-525	4112920591	102		CONWAY JOHNSON #1-B (PERMIT #2866)	GLADES EAST	14.8	
8120816	A458	4112920637	102		CONWAY JOHNSON #3-C (PERMIT #3082)	LITTLE CLEAR CREEK NORTH	14.6	
8120880	A-436	4112920656	102		GALLOWAY-HENRY #1 (PERMIT #3247)	BURRVILLE SOUTHEAST	14.6	
8119998	A 413	4112920437	102		H SEXTON UNIT # 1 (PERMIT #2141)	BURRVILLE SOUTH	12.8	
8119996	A-411	4112920373	102		T L HENRY #1 (PERMIT #1808)	BURRVILLE SOUTH	14.8	
8119997	A-412	4112920399	102		T L HENRY #2 (PERMIT #1928)	BURRVILLE SOUTH	6.8	
-TENNESSEE LAND & EXPLORATION CO					RECEIVED: 03/02/81 JA: TN			
8119989	A-562	4115120579	102		LAWHORN - LAWHORN PERMIT #3141	GUM BRANCH	5.5	
8119992	A-565	4115110198	102		HALL LAWHORN #1 PERMIT #195	GUM BRANCH	27.4	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8119991	A-564	4115120021	102		HALL LAWHORN #2 PERMIT #607	GUM BRANCH	3.7	
8119990	A-563	4115120625	102		HALL LAWHORN #3 PERMIT #3295	GUM BRANCH	3.7	
8119983	A-556	4115120447	102		RAILROAD - COHEN PERMIT #2240	WINONA	547.5	
8119984	A-557	4115120468	102		TENNESSEE RAILROAD #1 PERMIT #2407	WINONA	5.5	
8119988	A 561	4115120458	102		VERNON LAWHORN #1 PERMIT #2318	GUM BRANCH	1.8	
8119987	A-560	4115120519	102		VERNON LAWHORN #2 PERMIT #2794	GUM BRANCH	11.0	
8119986	A-559	4115120609	102		VERNON LAWHORN #4 PERMIT #3216	GUM BRANCH	5.5	
8119985	A-558	4115120492	102		VERNON LAWHORN #1 PERMIT #2612	GUM BRANCH	11.0	
-TOWNER PETROLEUM CO			RECEIVED: 03/02/81 JA: TN					
8120099	A-503	4115120439	103		BLAIR-HORDE #10	BENDIX SPUR	204.0	
8120101	A-505	4115120445	103		BLAIR-HORDE #12	BENDIX SPUR	20.0	
8120061	A-465	4115120415	103		BLAIR-HORDE #8	BENDIX SPUR	38.0	
8120060	A-464	4115120426	103		BLAIR-HORDE #9	BENDIX SPUR	20.0	
8120094	A-498	4115120485	103		CRAWFORD PHILLIPS #1	SHUG MT	10.0	
8119947	A-521	4113320228	103		GEALY #1	CLARK RANGE	9.0	
8120066	A-470	4113320252	103		GEALY #2		85.0	
8120062	A-466	4113320253	103		GEALY #3	BEAUREGARD	82.0	
8119954	A-550	4113320271	103		GEALY #4	CLARK RANGE	5.0	
8119953	A-549	4113320270	103		GEALY #5	CLARK RANGE	1.0	
8119952	A-548	4113320268	103		GEALY #6	CLARK RANGE	7.0	
8119956	A-552	4113320269	103		GEALY #8	CLARK RANGE	3.0	
8119955	A-557	4113320278	103		GEALY-PAYNE-HARGIS #1	CLARK RANGE	3.0	
8120070	A-474	4113320255	103		GEALY-PICKETT-HARGIS #1	CLARK RANGE	10.0	
8119957	A 553	4113320273	103		GIANATASSIO-PAYNE #1	CLARK RANGE	4.0	
8119940	A-511	4113320122	103		HABBEGGER #1	CLARK RANGE	9.0	
8119942	A-513	4113320120	103		HABEGGER-MAZELIN-HABEGGER #1	BEAUREGARD	27.0	
8119948	A-522	4113320226	103		HABEGGER-WILSON (JENNINGS)	CLARK RANGE	10.0	
8120077	A-481	4112920533	103		HOLLIS REED #1	ROSE CHAPEL	184.0	
8119939	A-510	4115120464	103		KANE #1	SILCOX MT	180.0	
8120090	A-494	4115120495	103		KANE #10	HUNTSVILLE	40.0	
8120091	A-495	4115120494	103		KANE #22	ROBBINS	30.0	
8120084	A-488	4115120527	103		KANE #23	PIONEER	12.0	
8119946	A-520	4115120614	103		KANE #25	PIONEER	30.0	
8119949	A-523	4115120471	103		KANE #3	HUNTSVILLE	27.0	
8120098	A-502	4115120480	103		KANE #9	SILCOX MT	30.0	
8120085	A-489	4112920580	103		MARGARET SCOTT #1	BURRVILLE	56.0	
8120093	A-497	4112920534	103		MARTIN #1	RUGBY	10.0	
8120056	A-460	4112920536	103		MARTIN #3	RUGBY	10.0	
8120096	A-500	4103520039	103		MCCOY #1	FOX CREEK	10.0	
8120069	A-473	4112920626	103		MILHOU-BROOKS-MONDAY #1	RUGBY	10.0	
8120083	A-487	4113320203	103		PAYNE ETAL #1	CLARK RANGE	74.0	
8120065	A-469	4113320259	103		PAYNE-GIANATASSIO #1		10.0	
8119958	A-554	4113320277	103		PAYNE-HARGIS-PICKETT #1	CLARK RANGE	3.0	
8120068	A-472	4113320263	103		PAYNE-LAINE-WILSON #1	CLARK RANGE	9.0	
8120074	A 478	4113320251	103		PAYNE-WARD-PICKETT #1	CLARK RANGE	10.0	
8120058	A-462	4115120374	103		PEMBERTON #1	SKULL CREEK	27.0	
8120097	A-501	4115120479	103		PEMBERTON #12	GUM BRANCH	40.0	
8120103	A-507	4115120453	103		PEMBERTON #13	SKULL CREEK	10.0	
8120078	A-482	4115120421	103		PEMBERTON #15	SKULL CREEK	25.0	
8120088	A-492	4115120497	103		PEMBERTON #17	GUM BRANCH	20.0	
8119945	A-519	4115120633	103		PEMBERTON #23	GUM BRANCH	10.0	
8120095	A-499	4112920525	103		PEMBERTON B-1	BURRVILLE	54.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120067	A-471	4113320262	103		PEMBERTON #2	CLARK RANGE	85.0	
8120064	A-468	4113320254	103		PEMBERTON #3	CLARK RANGE	82.0	
8119959	A-555	4113320279	103		PEMBERTON #4	CLARK RANGE	5.0	
8120071	A-475	4113320256	103		PEMBERTON #5	CLARK RANGE	1.0	
8120072	A-476	4113320257	103		PEMBERTON #6	CLARK RANGE	7.0	
8120073	A-477	4113320258	103		PEMBERTON #8	CLARK RANGE	3.0	
8120100	A-504	4115120438	103		PEMBERTON #9	SKULL CREEK	20.0	
8120092	A-496	4115120484	103		PEMBERTON-HARGIS #1	CLARK RANGE	10.0	
8120087	A-491	4115120498	103		PEMBERTON-HARGIS #2	CLARK RANGE	4.0	
8120086	A-490	4115120499	103		PEMBERTON-HARGIS #3	CLARK RANGE	9.0	
8120102	A-506	4115120452	103		PEMBERTON-HARGIS #4	CLARK RANGE	27.0	
8120089	A-493	4115120496	103		PEMBERTON-HARGIS #5	CLARK RANGE	10.0	
8120081	A-485	4115120528	103		PEMBERTON-HARGIS #6	CLARK RANGE	184.0	
8120082	A-486	4115120529	103		PEMBERTON-HARGIS #7	CLARK RANGE	180.0	
8120075	A-479	4115120530	103		PEMBERTON-HARGIS #8	CLARK RANGE	40.0	
8120076	A-480	4115120531	103		PEMBERTON-HARGIS #9	CLARK RANGE	30.0	
8120079	A-483	4115120532	103		PEMBERTON-HARGIS #10	CLARK RANGE	12.0	
8120080	A-484	4115120534	103		PEMBERTON-HARGIS #11	CLARK RANGE	30.0	
8119945	A-519	4115120633	103		PEMBERTON #23	GUM BRANCH	10.0	
8120095	A-499	4112920525	103		PEMBERTON B-1	BURRVILLE	54.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120089	A-493	4112920546	103		PEMBERTON B-2	BURRVILLE	51.0	
8120082	A-486	4112920606	103		PEMBERTON B-3	BURRVILLE	89.0	
8120081	A-485	4112920640	103		PEMBERTON B-4	BURRVILLE	98.0	
8120064	A-468	4112920669	103		PEMBERTON B-5 PERMIT #3290	BURRVILLE	73.0	
8120080	A-484	4112920651	103		PEMBERTON B-6	BURRVILLE	27.0	
8120073	A-477	4112920683	103		PEMBERTON B-7	BURRVILLE	27.0	
8119943	A-514	4112920447	103		PEMBERTON C-3	RUGBY	18.0	
8120072	A-476	4112920687	103		PEMBERTON F-10	BOONE CAMP	18.0	
8120067	A-471	4112920706	103		PEMBERTON F-12	BOONE CAMP	18.0	
8120086	A-490	4112920541	103		PEMBERTON F-2	BOONE CAMP	18.0	
8120104	A-508	4112920471	103		PEMBERTON F-3	RUGBY	173.0	
8119938	A-509	4112920482	103		PEMBERTON F-4	BOONE CAMP	12.0	
8120075	A-479	4112920650	103		PEMBERTON F-7	BOONE CAMP	30.0	
8120059	A-463	4115120409	103		PEMBERTON K-1	GUM BRANCH	18.0	
8120092	A-496	4115120477	103		PEMBERTON K-8	ROBBINS	8.0	
8120057	A-461	4115120397	103		PEMBERTON 3-(5)	GUM BRANCH	129.0	
8120058	A-459	4115120366	103		PEMBERTON-HICKS #4	SKULL CREEK	18.0	
8120087	A-491	4115120483	103		RAY #1	GUM BRANCH	17.0	
8120076	A-480	4115120442	103		RAY #3	GUM BRANCH	63.0	
8120102	A-506	4115120455	103		RAY #4	SKULL CREEK	28.0	
8120071	A-475	4112920545	103		REED-STARR #1	ROSE CHAPEL	10.0	
8119944	A-518	4115120624	103		RUGBY LAND CO #2	GUM BRANCH	51.0	
8119950	A-524	4115120632	103		RUGBY LAND CO #3	GUM BRANCH	51.0	
8120063	A-467	4115120639	103		RUGBY LAND CO #4	RUGBY EAST	204.0	
8120079	A-483	4115120612	103		RUGBY LAND COMPANY #1	RUGBY EAST	64.0	
8120100	A-504	4104920312	103		TOMPKINS-HULL #1	MT HELEN	30.0	
8119941	A-512	4115120478	103		VIOLET TUDOR #1	SKULL CREEK	10.0	
8119951	A-547	4113320262	103		WILSON-PAYNE-BILBREY #1	CLARK RANGE	5.0	

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 13, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9286 Filed 3-26-81; 8:45 am]
BILLING CODE 6450-01-M

[Volume 391]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981.

V 46 / 59 / MR 27 '81

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued March 20, 1981.

JD NO	JA DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION								
-ADOLPH COORS COMPANY			RECEIVED: 03/04/81 JA: CO					
8120153	80-409	0507708116	103		ACCO-WOOD ET AL 1-32	PLATEAU FIELD SEC 32 T10	173.0	NORTHERN NATURAL GAS
8120154	80-412	0507708269	103		BIG CREEK CATTLE CO 88-7	PLATEAU FIELD SEC 7 T10S	132.9	NORTHERN NATURAL GAS
8120156	80-411	0507708237	103		BOREN 1-7	PLATEAU FIELD SEC 7 T10S	58.8	NORTHERN NATURAL GAS
8120149	80-408	0507708253	103		FETTERS 1-18	PLATEAU FIELD SEC 18 T10	173.7	NORTHERN NATURAL GAS
8120143	80-403	0507708133	103		FETTERS 1-19	PLATEAU FIELD SEC 19 T 1	519.8	NORTHERN NATURAL GAS
8120144	80-402	0507708137	103		FETTERS 2-19	PLATEAU FIELD SEC 19 T10	93.4	NORTHERN NATURAL GAS
8120148	80-410	0507708257	103		FETTERS 3-19	PLATEAU FIELD SEC 19 T10	398.2	NORTHERN NATURAL GAS
8120146	80-405	0507708109	103		LONG 1-3	PLATEAU FIELD SEC 3 T10S	99.3	NORTHERN NATURAL GAS
8120145	80-404	0507708127	103		MEADOR 1-24	PLATEAU FIELD SEC 24 T10	138.4	NORTHERN NATURAL GAS
8120155	80-406	0507708099	103		NICHOLS 1-31	PLATEAU FIELD SEC 31 T10	88.4	NORTHERN NATURAL GAS
8120142	80-401	0507708261	103		NYSTROM 2-18	PLATEAU FIELD SEC 18 T10	81.1	NORTHERN NATURAL GAS
8120152	80-414	0507708188	103		TRAHERN 1-20	PLATEAU FIELD SECTION 20	48.2	NORTHERN NATURAL GAS
8120134	80-413	0507708242	103		UTE 84-17	PLATEAU FIELD SECTION 17	148.6	NORTHERN NATURAL GAS
8120147	80-407	0507708119	103		UTE 1-20	PLATEAU FIELD SEC 20 T10	109.5	NORTHERN NATURAL GAS
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 03/04/81 JA: CO					
8120135	80-420	0500107517	103		#1 CPC 80 TOWER INVESTMENT	THIRD CREEK	41.0	PANHANDLE EASTERN PI
8120137	80-445	0500107626	103		#1-X WAILES 41-33	JAMBOREE	38.0	PANHANDLE EASTERN PI
-CHANDLER & ASSOCIATES INC			RECEIVED: 03/04/81 JA: CO					
8120127	80-434	0507708217	103		BRUTON 5-17	PLATEAU	58.0	NORTHWEST PIPELINE C
8120130	80-433	0507708172	102		STITES 15-33	COZETTE	179.0	NORTHWEST PIPELINE C
-ENERGY MINERALS CORPORATION			RECEIVED: 03/04/81 JA: CO					
8120129	80-431	0512309495	108		#1 CLEM	ROGGEN	20.4	CRYSTAL GAS CO
8120131	80-256	0512309747	108		ANDREWS #1	ROGGEN	19.9	CRYSTAL OIL CO
-KANSAS-NEBRASKA NATURAL GAS CO INC			RECEIVED: 03/04/81 JA: CO					
8120136	80-184	0512506256	108		STULP 1 - 2 (FORMERLY VONDERWAHL)	SCHRAMM	22.0	
-MARTIN EXPLORATION MGMT CORP			RECEIVED: 03/04/81 JA: CO					
8120162	80-443	0512309813	103		BECKY #1	SPINDLE	16.6	PANHANDLE EASTERN PI
8120139	80-387	0507708156	102		BLAIR #1	SHIRE GULCH	84.0	NORTHWEST PIPELINE C
8120157	80-428	0501306023	102		CULVER #1	WILDCAT	547.5	PANHANDLE EASTERN PI
8120158	80-429	0501306026	102		ERTL #1	WILDCAT	0.0	PANHANDLE EASTERN PI
8120140	80-384	0507708192	102		FEDERAL #1-3	SHIRE GULCH	360.0	NORTHWEST PIPELINE C
8120141	80-386	0507708207	102		FEDERAL #2-1	SHIRE GULCH	36.5	NORTHWEST PIPELINE C
8120138	80-385	0507708178	102		FEDERAL #35-1	SHIRE GULCH	360.0	NORTHWEST PIPELINE C
8120160	80-426	0512309861	103		GLENS #11	SPINDLE	5.0	PANHANDLE EASTERN PI
8120161	80-424	0512309859	103		GLENS #4	SPINDLE	6.5	PANHANDLE EASTERN PI
8120159	80-425	0512309860	103		GLENS #5	SPINDLE	9.5	PANHANDLE EASTERN PI
8120163	80-442	0512309861	103		GLENS #9	SPINDLE	4.0	PANHANDLE EASTERN PI
-MONSANTO COMPANY			RECEIVED: 03/04/81 JA: CO					
8120133	80-423	0506705577	108		ADA NO 1	WILDCAT (MESA VERDE)	2.0	PEOPLES NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-MRT EXPLORATION COMPANY					RECEIVED: 03/04/81 JA: CO			
8120132	80-421	0501106099	103		KICKING BIRD NO 21-16	MCCLAVE	511.0	NUECES CO
-QUEST OIL CO					RECEIVED: 03/04/81 JA: CO			
8120164	80-389	0500506402	103		AMOCO-UPRR NO 1-31	DOUBLETREE	225.0	AMOCO PRODUCTION CO
-TENNECO OIL COMPANY					RECEIVED: 03/04/81 JA: CO			
8120128	80-422	0506700000	108		H C MCDONALD ETAL #1	IGNACIO-BLANCO	17.6	EL PASO NATURAL GAS
-VESSELS OIL & GAS COMPANY					RECEIVED: 03/04/81 JA: CO			
8120150	80-418	0501306034	103		BAILEY #12-1	WATTENBERG	73.0	PANHANDLE EASTERN PI
8120151	80-353	0500107487	102		THORNBURG #1-X	ZENITH	50.0	VESSELS GAS PROCESSI
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LOUISIANA OFFICE OF CONSERVATION								
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-ACE DRILLING SERVICES INC					RECEIVED: 02/20/81 JA: LA			
8120329	81-131	1711122199	108		JARMON ESTATE #6	MONROE	6.0	WEST MONROE GAS GATH
-CRYSTAL OIL COMPANY .					RECEIVED: 02/20/81 JA: LA			
8120335	81-151	1706100094	108		LEDBETTER #1 MOSS SUA	SIMSBORO	23.4	UNITED GAS PIPELINE
-INC EXPLORATION COMPANY					RECEIVED: 02/20/81 JA: LA			
8120339	81-156	1711122915	103		CHAPMAN #3	MONROE	21.0	PETRO-LEWIS CORP
8120337	81-154	1711122916	103		RABUN #28	MONROE	21.0	PETRO-LEWIS CORP
8120338	81-155	1711122905	103		RABUN #31	MONROE	21.0	PETRO-LEWIS CORP
-K D LANKFORD JR & L&N DRLG CO					RECEIVED: 02/20/81 JA: LA			
8120333	81-148	1711121501	108		PACE NO 1	MONROE	16.0	UNITED GAS PIPELINE
8120334	81-149	1711121890	108		PACE NO 2	MONROE	16.0	UNITED GAS PIPELINE
-LAHORA GAS COMPANY					RECEIVED: 02/20/81 JA: LA			
8120332	81-139	1707321568	103		ABE ARENT #4 - 170939	MONROE GAS ROCK	21.2	INC PIPELINE CO INC
-MARSHALL EXPLORATION INC					RECEIVED: 02/20/81 JA: LA			
8120336	81-152	1703120994	108		A E ATWOOD #3 FBG RA SU 147	LOGANSPORT	8.0	TENNESSEE GAS PIPELI
8120325	81-116	1703120895	108		CATER #1 FBG RA SU 130	LOGANSPORT	6.0	TENNESSEE GAS PIPELI
-MID LOUISIANA GAS COMPANY					RECEIVED: 02/20/81 JA: LA			
8120354	81-245	1711122778	103		MLGC FEE GAS NO 1002	MONROE FIELD	84.6	
8120342	81-170	1711122688	103		MLGC FEE GAS NO 965	MONROE FIELD	64.4	
8120341	81-169	1711122689	103		MLGC FEE GAS NO 966	MONROE FIELD	82.6	
8120340	81-167	1711122748	103		MLGC FEE GAS NO 999	MONROE FIELD	19.8	
-MIDWAY PRODUCTION CO VII					RECEIVED: 02/20/81 JA: LA			
8120352	81-232	1707321379	108		LAKE PARK #1	MONROE	11.0	PETRO-LEWIS CORP
8120351	81-231	1707321380	108		LAKE PARK #2	MONROE	11.0	PETRO LEWIS CORP
-MONROE GAS CO					RECEIVED: 02/20/81 JA: LA			
8120349	81-192	1711120981	108		GRAYLING N-25 152462	MONROE	1.1	INC PIPELINE CO INC
8120346	81-181	1711121004	108		GRAYLING N-26 152686	MONROE	6.7	INC PIPELINE CO INC
8120345	81-180	1711121064	108		GRAYLING N-31 153541	MONROE	18.3	INC PIPELINE CO INC
8120347	81-183	1711121081	108		GRAYLING N-36 153679	MONROE	5.4	INC PIPELINE CO INC
8120348	81-184	1711121097	108		GRAYLING N-38 153771	MONROE	3.1	INC PIPELINE CO INC
8120343	81-174	1711120958	108		MINERAL LANDS N-2 152376	MONROE	9.3	INC PIPELINE CO INC
8120344	81-175	1711121044	108		MINERAL LANDS N-3 153245	MONROE	18.0	INC PIPELINE CO INC
-PRIMOS-DEAN PRODUCING CO					RECEIVED: 02/20/81 JA: LA			
8120330	81-135	1707321187	108		CEMETERY #2	MONROE	7.4	MID LOUISIANA GAS CO
-PS&G INC					RECEIVED: 02/20/81 JA: LA			
8120331	81-137	1711122408	108		E F SMITH #3	MONROE	18.2	TEXAS GAS TRANSMISSI
-RELIANCE TR-JV					RECEIVED: 02/20/81 JA: LA			
8120328	81-126	1711122871	103		J H CASKEY #2	MONROE	15.0	TEXAS GAS TRANSMISSI
8120327	81-125	1711122735	103		R E SAVAGE #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8120326	81-124	1711122610	103		STEELE ET AL #1	MONROE	11.0	TEXAS GAS TRANSMISSI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120353	81-241	1711122933	103		W WAYNE ESTATE #4	MONROE	13.0	TEXAS GAS TRANSMISSI

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120353	81-241	1711122933	103		W WAYNE ESTATE #4	MONROE	13.0	TEXAS GAS TRANSMISSI
-ROY M TEEL			RECEIVED: 02/20/81 JA: LA					
8120358	81-199	1706721276	108		KENO #7	MONROE GAS ROCK FIELD	28.1	INC PIPELINE CO INC
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OHIO DEPARTMENT OF NATURAL RESOURCES								
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-BANDS COMPANY INC			RECEIVED: 03/04/81 JA: OH					
8120225		3407522810	103		BANDS #1 (PAMPERED BEEF)	PRAIRIE	18.0	COLUMBIA GAS TRANS C
-BARTLO OIL AND GAS COMPANY			RECEIVED: 03/04/81 JA: OH					
8120242		3410322496	103		GILBERT DILLEY #3	SHARON	0.0	
8120238		3410322318	103		VALLEY VIEW LAKE PARK #1	SHARON	0.0	
-BELDEN & BLAKE OIL PRODUCTION			RECEIVED: 03/04/81 JA: OH					
8120180		3415121857	108	D	J & F KING COMM #2-355		0.1	EAST OHIO GAS CO
-BERRESFORD ENTERPRISES INC			RECEIVED: 03/04/81 JA: OH					
8120274		3416725982	103		EARNEST BROOKER #1	WATERFORD	0.0	
8120251		3411522153	103		JEANNETTE PECK & MARY WECKMAN #1	CENTER	0.0	
8120252		3411522212	103		PAUL DIETZ #1	CENTER	0.0	
8120275		3416725984	103		RICHARD MCNABB #1	WATERFORD	0.0	
-BJVC ENERGY MANAGEMENT CORP			RECEIVED: 03/04/81 JA: OH					
8120245		3410521870	103		CLAIR & THELMA GILES #1	RUTLAND	3.0	COLUMBIA GAS TRANSMI
8120244		3410521869	103		CLAIR & THELMA GILES #2	RUTLAND	3.0	COLUMBIA GAS TRANSMI
8120248		3410522011	103		CLAIR & THELMA GILES #3	RUTLAND	3.0	COLUMBIA GAS TRANSMI
-BOP OIL CO			RECEIVED: 03/04/81 JA: OH					
8120276		3416726232	103		KEITH MILLER #1	WATERFORD	0.0	
-C J WARREN OIL COMPANY			RECEIVED: 03/04/81 JA: OH					
8120227		3408322794	103		BANBURY #1	UNION	28.0	
-C W RIGGS INC			RECEIVED: 03/04/81 JA: OH					
8120270		3416725159	107		CHARLES HALL #3	RENO	8.0	COLUMBIA GAS TRANS C
8120273		3416725819	107		HOWARD WEST #1	RENO	7.0	COLUMBIA GAS TRANS C
8120272		3416725598	107		JAMES ROBINSON #1	RENO	7.0	COLUMBIA GAS TRANS C
8120271		3416725256	107		JAMES ROBINSON #2	RENO	8.0	COLUMBIA GAS TRANS C
8120269		3416724799	107		MCDOUGAL UNIT #1-A	RENO	8.0	COLUMBIA GAS TRANS C
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED: 03/04/81 JA: OH					
8120211		3403122309	108		TCO-E TAYLOR NO 1 720191	SOUTHERN DIST STE OF OHI	2.0	COLUMBIA GAS TRANS C
8120266		3415520189	108		TCO-MOORE-LOZIER #1 720138	NORTHERN DIST STE OF OHI	0.2	COLUMBIA GAS TRANS C
-CRYSTAL ENERGY			RECEIVED: 03/04/81 JA: OH					
8120240		3410322402	103		RICHARD & LYDIA ROOK #2	SPENCER	25.0	
-ELIAS M POSTON			RECEIVED: 03/04/81 JA: OH					
8120178		3400921267	108	D	CRAWFORD #1		0.4	COLUMBIA GAS TRANSMI
8120177		3400920971	108	D	JOYCE #1		0.4	COLUMBIA GAS TRANSMI
8120183		3411500674	108	D	OLNEY #1		1.4	COLUMBIA GAS TRANSMI
8120182		3411500672	108	D	PATTERSON #1		0.5	COLUMBIA GAS TRANSMI
8120181		3411500673	108	D	PATTERSON #2		0.5	COLUMBIA GAS TRANSMI
8120179		3400920429	108	D	PHILLIPS #1		0.1	COLUMBIA GAS TRANSMI
8120175		3400920303	108	D	SEAMAN #1		0.4	COLUMBIA GAS TRANSMI
8120176		3400920949	108	D	SHIRLEY #1		0.4	COLUMBIA GAS TRANSMI
-ELKHEAD GAS & OIL COMPANY			RECEIVED: 03/04/81 JA: OH					
8120222		3403124039	103		AKINS #1	TIVERTON	50.0	COLUMBIA GAS TRANSMI
-ENERGY DEVELOPMENT CORP			RECEIVED: 03/04/81 JA: OH					
8120241		3410322467	103		BIL-JAC FOODS INC WELL #1	GRANGER	20.0	COLUMBIA GAS TRANSMI
8120239		3410322387	103		WOODLING WELL #1	GRANGER	20.0	COLUMBIA GAS TRANSMI
-ENERGY RECOVERY CO			RECEIVED: 03/04/81 JA: OH					

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120223		3487322286	103		CHRISTMAN #1	FALLS	15.0	
-EVERFLOW EASTERN INC					RECEIVED: 03/04/81 JA: OH			
8120234		3409920798	108	D	BECK #1	GOSHEN	6.0	AMERICAN ENERGY SERV
8120233		3409920761	108	D	PAXSON #1	ELLSWORTH	3.0	AMERICAN ENERGY SERV
-FORTUNE GAS AND OIL INC					RECEIVED: 03/04/81 JA: OH			
8120253		3411522244	103		PARMITER #1	BLOOM	6.0	EAST OHIO GAS CO
-HAROLD SPARKS					RECEIVED: 03/04/81 JA: OH			
8120228		3408322820	103		SIGMAN WELL #1	HARRISON	3.0	
8120226		3408322736	103		WALLACE BYLER WELL #3	HARRISON	3.0	
-HILLTOP DEVELOPMENT CORP					RECEIVED: 03/04/81 JA: OH			
8120259		3411925496	103		WAYNE LEVERING #3	JACKSON	4.0	NATIONAL GAS & OIL C
-IRVIN PRODUCING COMPANY					RECEIVED: 03/04/81 JA: OH			
8120258		3411925455	103		ANTHONY LANDERS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8120257		3411925453	103		ANTHONY LANDERS #2	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
-JERRY MOORE INC					RECEIVED: 03/04/81 JA: OH			
8120165		3415122392	108	D	JACOB M WISE #5294A	MT EATON	16.0	EAST OHIO GAS CO
-JOHN C MASON					RECEIVED: 03/04/81 JA: OH			
8120210		3403122308	108	D	RALPH & MARIE BORDEN #1		15.0	COLUMBIA GAS TRANS C
-L & M PETROLEUM INC					RECEIVED: 03/04/81 JA: OH			
8120262		3412724829	103		ROBERT JENKINS #1	READING	12.5	FORAKER GAS CO INC
-MAMMOTH PRODUCING CORP					RECEIVED: 03/04/81 JA: OH			
8120254		3411922839	108	D	VICKERS #1		6.0	COLUMBIA GAS TRANSMI
-MB OPERATING CO INC					RECEIVED: 03/04/81 JA: OH			
8120204		3401920271	108	D	B YOUNGEN #1		0.2	EAST OHIO GAS
8120264		3415121739	108	D	DECKERD #1		0.8	EAST OHIO GAS
8120231		3409920198	108	D	OSBORN UNIT #1		0.1	EAST OHIO GAS
8120265		3415122072	108	D	SPIKER UNIT #2		22.7	EAST OHIO GAS
-MURPHY OIL CO					RECEIVED: 03/04/81 JA: OH			
8120247		3410522002	107		GENE ROMINE #1	HEMLOCK GROVE	10.0	
-OXFORD OIL CO					RECEIVED: 03/04/81 JA: OH			
8120255		3411924289	108		CARL ROBERTS #1		20.0	NATIONAL GAS & OIL
8120218		3403123235	108		DONALD RICHARDS #1		3.0	NATIONAL GAS & OIL
8120229		3408923487	108		J J MEYHERS #9		2.0	NATIONAL GAS & OIL
8120250		3411521749	108		KENNETH PORTER #1		13.0	NATIONAL GAS & OIL
8120220		3403123355	108		PAUL BLAIR #1		4.0	NATIONAL GAS & OIL C
8120215		3403123081	108		PEABODY COAL #12		7.0	NATIONAL OIL & GAS
8120214		3403123080	108		PEABODY COAL #13		7.0	NATIONAL GAS & OIL
8120216		3403123086	108		PEABODY COAL #14		7.0	NATIONAL GAS & OIL
8120213		3403122998	108		PEABODY COAL #15		7.0	NATIONAL GAS & OIL
8120217		3403123010	108		PEABODY COAL #17		7.0	NATIONAL GAS & OIL
8120212		3403122850	108		PEABODY COAL CO #7		3.0	NATIONAL OIL & GAS
8120261		3412724203	108		PERRY CO CHEESE CO #1		3.0	NATIONAL GAS & OIL
8120256		3411924337	108		ROBERT DENNIS #1		7.0	NATIONAL GAS & OIL C
8120219		3403123297	108		WILDA RICE #1		5.0	NATIONAL GAS & OIL
-POI ENERGY INC					RECEIVED: 03/04/81 JA: OH			
8120203		3400721235	103		SWENTON #1	COLEBROOK	45.0	
-POMINEX INC					RECEIVED: 03/04/81 JA: OH			
8120193		3409920898	108	D	#1 D & E EVANS		21.0	EAST OHIO GAS CO
8120184		3413320633	108	D	#1 DZURILLA UNIT	FREEDOM TOWNSHIP	4.0	STARK OILFIELD SERVI
8120190		3409920915	108	D	#1 FRANCIS LESS		20.0	EAST OHIO GAS CO
8120187		3409920730	108	D	#1 JOSEPH MCLAUGHLIN		10.0	EAST OHIO GAS CO
8120189		3409920951	108	D	#1 SAUERWEIN BUSH UNIT		20.0	EAST OHIO GAS CO
8120194		3409920639	108	D	#1 SOUTH RANGE SCHOOL DISTRICT		20.0	EAST OHIO GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120185		3409922159	108	D	#1 WILLARD JOHNSON	LONDONDERRY TWP	8.0	EAST OHIO GAS CO
8120188		3409920731	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120191		3409920916	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120192		3409920917	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120186		3409920732	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120183		3409920632	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120182		3409920631	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120181		3409920630	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120180		3409920629	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120179		3409920628	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120178		3409920627	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120177		3409920626	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120176		3409920625	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120175		3409920624	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120174		3409920623	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120173		3409920622	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120172		3409920621	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120171		3409920620	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120170		3409920619	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120169		3409920618	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120168		3409920617	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120167		3409920616	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120166		3409920615	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120200		3409920939	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120201		3409920940	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120202		3409920941	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120205		3409920942	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120206		3409920943	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120207		3409920944	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120208		3409920945	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120209		3409920946	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120211		3409920947	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120222		3409921000	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120221		3409920999	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120227		3409921001	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120232		3409921002	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120235		3409921003	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120236		3409921004	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120237		3409921005	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120238		3409921006	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120239		3409921007	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120240		3409921008	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120241		3409921009	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120242		3409921010	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120243		3409921011	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120244		3409921012	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120245		3409921013	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120246		3409921014	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120248		3409921015	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120249		3409921016	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120251		3409921017	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120252		3409921018	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120260		3409921019	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120263		3409921020	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120266		3409921021	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120267		3409921022	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120268		3409921023	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120269		3409921024	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120270		3409921025	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120271		3409921026	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120272		3409921027	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120273		3409921028	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120274		3409921029	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120275		3409921030	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120276		3409921031	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120277		3409921032	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120278		3409921033	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120279		3409921034	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120280		3409921035	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120281		3409921036	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO
8120282		3409921037	108	D	#1 WILLIAM MCLAUGHLIN		20.0	EAST OHIO GAS CO

JD NO	JA CKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120185		3405922155	108	D	#1 WILLARD JOHNSON	LONDONDERRY TWP	8.0	EAST OHIO GAS CO
8120192		3409920836	108	D	#1 YENCIK UNIT		20.0	EAST OHIO GAS CO
8120186		3406720386	108	D	#2 MMCO	NOTTINGHAM TWP	7.0	EAST OHIO GAS CO
8120191		3409920626	108	D	#2 WILTCREST FARMS		21.0	EAST OHIO GAS CO
8120188		3409920892	108	D	#3 WILTCREST UNIT		21.0	EAST OHIO GAS CO
-POSTON OPERATING CO INC					RECEIVED: 03/04/81 JA: OH			
8120174		3405320139	108	D	ABLE-BRIGGS & WHITE #1		0.3	COLUMBIA GAS TRANSMI
8120171		3412723495	108	D	EMBREY #1		0.7	COLUMBIA GAS TRANSMI
8120170		3407321771	108	D	EVANS-WILSON-LEHMAN #3		1.1	COLUMBIA GAS TRANSMI
8120169		3405320138	108	D	OHIO RIVER COLLIERIES #1		0.3	COLUMBIA GAS TRANS C
8120172		3405320133	108	D	ROUSH #2		0.3	COLUMBIA GAS TRANSMI
8120173		3405320134	108	D	ROUSH #3		0.3	COLUMBIA GAS TRANSMI
8120168		3405320136	108	D	SWISHER #8-1		0.3	COLUMBIA GAS TRANSMI
8120167		3405320135	108	D	SWISHER #1		0.3	COLUMBIA GAS TRANSMI
-RELIANCE ENERGY					RECEIVED: 03/04/81 JA: OH			
8120224		3407522690	103		WILLIS & HELEN WOLFE #1	RICHLAND	8.0	COLUMBIA GAS TRANSMI
-SCIENTIFIC EXPLORATION CORP					RECEIVED: 03/04/81 JA: OH			
8120200		3400523312	103		ROMANE #10 - PERMIT #3312	JACKSON	9.0	
8120201		3400523324	103		ROMANE #14 PERMIT #3324	JACKSON	12.0	
8120202		3400523328	103		ROMANE #15 PERMIT #3328	JACKSON	15.0	
8120195		3400523281	103		ROMANE #2 - PERMIT #3281	JACKSON	10.0	
8120196		3400523308	103		ROMANE #4 - PERMIT #3308	JACKSON	15.0	
8120197		3400523309	103		ROMANE #7 - PERMIT #3309	JACKSON	10.0	
8120198		3400523310	103		ROMANE #8 PERMIT #3310	JACKSON	10.0	
8120199		3400523311	103		ROMANE #9 PERMIT #3311	JACKSON	13.0	
-SHELDON L TURRILL					RECEIVED: 03/04/81 JA: OH			
8120238		3408923870	103		#2 D WEAVER	HOPEWELL	20.0	NEWZANE GAS CO
-SKY PETROLEUM CORP					RECEIVED: 03/04/81 JA: OH			
8120221		3403123823	103		MURRAY #1	CLARK	0.0	COLUMBIA GAS TRANSMI
-SOUTHERN OHIO PETROLEUM CO INC					RECEIVED: 03/04/81 JA: OH			
8120249		3411121965	107		CHARLES D ZWICK #3	BETHEL	12.0	COLUMBIA GAS TRANSMI
-ST CLAIR OIL CO					RECEIVED: 03/04/81 JA: OH			
8120260		3412120960	108		• KIMNACH NO 1		5.0	PERMIAN OIL & GAS CO
-STOCKER&SITLER INC					RECEIVED: 03/04/81 JA: OH			
8120206		3401921356	103		NO 4 DIERICK UNIT	ROSE	2.0	MB OPERATING CO INC
8120207		3401921357	103		NO 6 BUHECKER	ROSE	1.0	MB OPERATING CO INC
-SUPERIOR PETROLEUM INC					RECEIVED: 03/04/81 JA: OH			
8120208		3401921359	103		BECKWITH #1	MONROE	20.0	MB OPERATING CO INC
8120209		3401921363	103		BECKWITH #2	MONROE	20.0	M B OPERATING CO INC
8120205		3401921343	103		M W C D 9-E	MONROE	20.0	M B OPERATING CO INC
-TALBOTT OIL & GAS CO					RECEIVED: 03/04/81 JA: OH			
8120243		3410921706	108		NORA MAY CARROLL #1		3.4	COLUMBIA GAS TRANSMI
8120246		3410921875	108		VIRGINIA VITATOE #3		3.6	COLUMBIA GAS TRANSMI
-UNITED PETROLEUM CORP					RECEIVED: 03/04/81 JA: OH			
8120237		3409920869	108		BARNES #1	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8120232		3409920751	108	D	BOWMAN #1	ELLSWORTH	1.0	AMERICAN ENERGY SERV
8120236		3409920860	108		HIRT #1	ELLSWORTH	1.0	AMERICAN ENERGY SERV
8120235		3409920853	108	D	NEFF DELMONT #1	ELLSWORTH	2.0	AMERICAN ENERGY SERV
-WESTERN HYDROCARBONS CORP					RECEIVED: 03/04/81 JA: OH			
8120263		3415121107	108		F & D GALLINA ET AL #1		21.2	EAST OHIO GAS CO
-WINSTON OIL COMPANY					RECEIVED: 03/04/81 JA: OH			
8120268		3416724582	108		CHARLES LAWTON #2		4.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120267		3416724463	108		RUTH LEE #1		6.0	COLUMBIA GAS TRANSMI
-ZENITH EXPLORATION COMPANY		RECEIVED: 03/04/81 JA: OH						
8120166		3415722895	108	D	CARL ARMSTRONG #1	ARMSTRONG	1.2	EAST OHIO GAS CO
**********								
WEST VIRGINIA DEPARTMENT OF MINES								
**********								
-ALLEGHENY & WESTERN ENERGY CORP		RECEIVED: 03/05/81 JA: WV						
8120322		4703903453	108		IMPERIAL COAL #11-B	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8120293		4703903459	108		OHLEY TRUST #10	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8120321		4703903454	108		OHLEY TRUST #11	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8120320		4703903461	108		OHLEY TRUST #15	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8120315		4703903451	108		OHLEY TRUST #4-B	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8120306		4703903393	108		OHLEY TRUST #6	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8120316		4703903458	108		OHLEY TRUST #7	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8120323		4703903452	108		OHLEY TRUST #8	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
8120292		4703903460	108		OHLEY TRUST #9	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
-ALLEGHENY LAND & MINERAL COMPANY		RECEIVED: 03/05/81 JA: WV						
8120314		4703301071	103		A-652	SARDIS DISTRICT	0.0	CONSOLIDATED GAS SUP
8120324		4709702107	103		A-898	UNION DISTRICT	0.0	CONSOLIDATED GAS SUP
-BEREA OIL AND GAS CORPORATION		RECEIVED: 03/05/81 JA: WV						
8120319		4710721030	107		C HOWARD #3	UNION	54.7	CONSOLIDATED GAS SUP
8120318		4710720987	107		C S HOWARD #1	UNION	18.2	CONSOLIDATED GAS SUP
*8120308		4708101281	102		HENRY WATSON #1	VALLEY	4.2	CONSOLIDATED GAS SUP
*8120307		4708101288	102		L O SHINGLETON #1	VALLEY	12.2	CONSOLIDATED GAS SUP
*8120287		4708101283	102		T HARRIS #1	VALLEY	10.4	CONSOLIDATED GAS SUP
-BISCAYNE OIL & GAS INC		RECEIVED: 03/05/81 JA: WV						
8120299		4710700795	108		GEORGE HEWITT #4	BURELETTE	5.0	CONSOLIDATED GAS SUP
-BRAXTON OIL AND GAS CORP		RECEIVED: 03/05/81 JA: WV						
8120305		4704102867	103	D	NO 1 MOODY	VANDALIA	10.0	CONSOLIDATED GAS SUP
8120286		4708701516	103		NO 2 CARTER	BURNSVILLE	20.0	CONSOLIDATED GAS SUP
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 03/05/81 JA: WV						
8120312		4710900801	108		CHARLESTON NATIONAL BANK 12444	PINEVILLE A59442	10.0	GENERAL SYSTEM PURCH
8120290		4702103402	108		ELTON BUSH 12520	WEST VIRGINIA OTHER A857	12.0	GENERAL SYSTEM PURCH
8120311		4701900269	108		GAULEY MOUNTAIN COAL CO 11944	WEST VIRGINIA OTHER A857	10.0	GENERAL SYSTEM PURCH
8120317		4702103024	108		JAMES C BUSH 12494	W VA OTHER A83772	0.5	GENERAL SYSTEM PURCH
8120313		4703301228	108		JORDON CARTER 12279	WEST VIRGINIA OTHER A857	20.0	GENERAL SYSTEM PURCH
8120291		4701701887	108		MARGARET J MCMILLAN 12381	WEST VIRGINIA OTHER A857	20.0	GENERAL SYSTEM PURCH
8120300		4704102678	103		MINOR J HALL 12581	WEST VIRGINIA OTHER A857	25.0	GENERAL SYSTEM PURCH
-D & D GAS CO		RECEIVED: 03/05/81 JA: WV						
8120309		4709901463	108		ARLAN VINSON #1	LINCOLN DISTRICT	10.0	COLUMBIA GAS TRANSMI
8120288		4709901529	108		GLEN HAYES CO #13-A	LINCOLN DISTRICT	10.0	COLUMBIA GAS TRANSMI
8120310		4709901585	108		J & A VINSON #1	LINCOLN DISTRICT	10.0	COLUMBIA GAS TRANSMI
8120289		4709901510	108		MCGLOTHLIN ET AL #2-A	LINCOLN DISTRICT	10.0	COLUMBIA GAS TRANSMI
-DENNIS D BLAUSER		RECEIVED: 03/05/81 JA: WV						
8120283		4708523563	108		RAY COTTRILL #1	CLAY	0.2	EQUITABLE GAS CO
8120282		4708523564	108		RAY COTTRILL #2	CLAY	1.1	EQUITABLE GAS CO
8120285		4702122391	108		SELVIA JOHNSON #1	DEKALB	7.9	CONSOLIDATED GAS COR
8120284		4702122393	108		SELVIA JOHNSON #2	DEKALB	7.9	CONSOLIDATED GAS COR
-DORAN & ASSOCIATES INC		RECEIVED: 03/05/81 JA: WV						
8120303		4703321983	103	D	V.M ROGERS #1 K-T 3	EAGLE	0.0	CONSOLIDATED GAS SUP
-FOX DRILLING CO INC		RECEIVED: 03/05/81 JA: WV						
8120297		4708101264	103		C POE #D-2	DELINGTON FIELD	40.0	COLUMBIA GAS TRANSMI
-GEORGE JACKSON		RECEIVED: 03/05/81 JA: WV						
8120294		4703302156	103		B F COFFMAN (B-4)	EAGLE DISTRICT A85772	25.0	CONSOLIDATED GAS SUP
-JAMES F SCOTT		RECEIVED: 03/05/81 JA: WV						
8120302		4701702456	108		COLEMAN-WRIGHT #4 S-282	WEST UNION DISTRICT	12.0	CONSOLIDATED GAS SUP
8120301		4703302222	103		LORNA ROBINSON S-287	EAGLE DISTRICT	12.0	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-L & M PETROLEUM INC		RECEIVED: 03/05/81 JA: WV						
8120298		4710700796	108		GEORGE HEWITT #5	BURELETTE	5.0	CONSOLIDATED GAS SUP
-MARTIN OIL & GAS INC		RECEIVED: 03/05/81 JA: WV						
8120296		4710700797	108		GEORGE HEWITT #3	BURELETTE	5.0	CONSOLIDATED GAS SUP
-MOUNTAIN STATE GAS CO		RECEIVED: 03/05/81 JA: WV						
8120304		4708101284	102		ROBERT HARRIS #1	VALLEY	10.0	CONSOLIDATED GAS SUP
-PETRO-LEWIS CORP		RECEIVED: 03/05/81 JA: WV						
8120295		4710700798	108		GEORGE HEWITT #2	BURELETTE	5.0	CONSOLIDATED GAS SUP
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120327		4708523565	108		ROBERT MCCOY #1	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120326		4708523566	108		ROBERT MCCOY #2	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120325		4708523567	108		ROBERT MCCOY #3	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120328		4708523568	108		ROBERT MCCOY #4	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120329		4708523569	108		ROBERT MCCOY #5	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120330		4708523570	108		ROBERT MCCOY #6	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120331		4708523571	108		ROBERT MCCOY #7	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120332		4708523572	108		ROBERT MCCOY #8	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120333		4708523573	108		ROBERT MCCOY #9	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120334		4708523574	108		ROBERT MCCOY #10	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120335		4708523575	108		ROBERT MCCOY #11	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120336		4708523576	108		ROBERT MCCOY #12	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120337		4708523577	108		ROBERT MCCOY #13	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120338		4708523578	108		ROBERT MCCOY #14	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120339		4708523579	108		ROBERT MCCOY #15	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120340		4708523580	108		ROBERT MCCOY #16	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120341		4708523581	108		ROBERT MCCOY #17	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120342		4708523582	108		ROBERT MCCOY #18	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120343		4708523583	108		ROBERT MCCOY #19	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120344		4708523584	108		ROBERT MCCOY #20	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120345		4708523585	108		ROBERT MCCOY #21	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120346		4708523586	108		ROBERT MCCOY #22	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120347		4708523587	108		ROBERT MCCOY #23	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120348		4708523588	108		ROBERT MCCOY #24	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120349		4708523589	108		ROBERT MCCOY #25	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120350		4708523590	108		ROBERT MCCOY #26	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120351		4708523591	108		ROBERT MCCOY #27	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120352		4708523592	108		ROBERT MCCOY #28	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120353		4708523593	108		ROBERT MCCOY #29	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120354		4708523594	108		ROBERT MCCOY #30	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120355		4708523595	108		ROBERT MCCOY #31	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120356		4708523596	108		ROBERT MCCOY #32	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120357		4708523597	108		ROBERT MCCOY #33	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120358		4708523598	108		ROBERT MCCOY #34	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120359		4708523599	108		ROBERT MCCOY #35	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120360		4708523600	108		ROBERT MCCOY #36	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120361		4708523601	108		ROBERT MCCOY #37	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120362		4708523602	108		ROBERT MCCOY #38	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120363		4708523603	108		ROBERT MCCOY #39	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120364		4708523604	108		ROBERT MCCOY #40	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120365		4708523605	108		ROBERT MCCOY #41	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120366		4708523606	108		ROBERT MCCOY #42	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120367		4708523607	108		ROBERT MCCOY #43	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120368		4708523608	108		ROBERT MCCOY #44	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120369		4708523609	108		ROBERT MCCOY #45	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120370		4708523610	108		ROBERT MCCOY #46	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120371		4708523611	108		ROBERT MCCOY #47	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120372		4708523612	108		ROBERT MCCOY #48	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120373		4708523613	108		ROBERT MCCOY #49	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120374		4708523614	108		ROBERT MCCOY #50	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120375		4708523615	108		ROBERT MCCOY #51	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120376		4708523616	108		ROBERT MCCOY #52	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120377		4708523617	108		ROBERT MCCOY #53	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120378		4708523618	108		ROBERT MCCOY #54	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120379		4708523619	108		ROBERT MCCOY #55	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120380		4708523620	108		ROBERT MCCOY #56	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120381		4708523621	108		ROBERT MCCOY #57	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120382		4708523622	108		ROBERT MCCOY #58	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120383		4708523623	108		ROBERT MCCOY #59	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120384		4708523624	108		ROBERT MCCOY #60	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120385		4708523625	108		ROBERT MCCOY #61	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120386		4708523626	108		ROBERT MCCOY #62	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120387		4708523627	108		ROBERT MCCOY #63	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120388		4708523628	108		ROBERT MCCOY #64	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120389		4708523629	108		ROBERT MCCOY #65	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120390		4708523630	108		ROBERT MCCOY #66	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120391		4708523631	108		ROBERT MCCOY #67	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120392		4708523632	108		ROBERT MCCOY #68	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120393		4708523633	108		ROBERT MCCOY #69	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120394		4708523634	108		ROBERT MCCOY #70	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120395		4708523635	108		ROBERT MCCOY #71	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120396		4708523636	108		ROBERT MCCOY #72	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120397		4708523637	108		ROBERT MCCOY #73	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120398		4708523638	108		ROBERT MCCOY #74	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120399		4708523639	108		ROBERT MCCOY #75	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120400		4708523640	108		ROBERT MCCOY #76	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120401		4708523641	108		ROBERT MCCOY #77	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120402		4708523642	108		ROBERT MCCOY #78	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120403		4708523643	108		ROBERT MCCOY #79	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120404		4708523644	108		ROBERT MCCOY #80	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120405		4708523645	108		ROBERT MCCOY #81	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120406		4708523646	108		ROBERT MCCOY #82	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120407		4708523647	108		ROBERT MCCOY #83	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120408		4708523648	108		ROBERT MCCOY #84	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120409		4708523649	108		ROBERT MCCOY #85	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120410		4708523650	108		ROBERT MCCOY #86	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120411		4708523651	108		ROBERT MCCOY #87	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120412		4708523652	108		ROBERT MCCOY #88	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120413		4708523653	108		ROBERT MCCOY #89	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120414		4708523654	108		ROBERT MCCOY #90	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120415		4708523655	108		ROBERT MCCOY #91	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120416		4708523656	108		ROBERT MCCOY #92	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120417		4708523657	108		ROBERT MCCOY #93	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120418		4708523658	108		ROBERT MCCOY #94	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120419		4708523659	108		ROBERT MCCOY #95	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120420		4708523660	108		ROBERT MCCOY #96	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120421		4708523661	108		ROBERT MCCOY #97	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120422		4708523662	108		ROBERT MCCOY #98	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120423		4708523663	108		ROBERT MCCOY #99	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120424		4708523664	108		ROBERT MCCOY #100	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120425		4708523665	108		ROBERT MCCOY #101	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120426		4708523666	108		ROBERT MCCOY #102	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120427		4708523667	108		ROBERT MCCOY #103	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120428		4708523668	108		ROBERT MCCOY #104	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120429		4708523669	108		ROBERT MCCOY #105	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120430		4708523670	108		ROBERT MCCOY #106	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120431		4708523671	108		ROBERT MCCOY #107	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120432		4708523672	108		ROBERT MCCOY #108	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120433		4708523673	108		ROBERT MCCOY #109	CLAY	0.2	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 03/05/81 JA: WV						
8120434		4708523674	108		ROB

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-L & M PETROLEUM INC					RECEIVED: 03/05/81 JA: WV			
8120295		4702103556	103		STALNAKER #1		10.0	CARNEGIE NATURAL GAS
-NORMAN METZ					RECEIVED: 03/05/81 JA: WV			
8120304		4710700915	103	D	STAATS #1	WILLIAMS	36.5	
-ROCKWELL PETROLEUM COMPANY					RECEIVED: 03/05/81 JA: WV			
8120281		4701722752	103		COX-GAIN #1A	ST CLAIR	20.0	COLUMBIA GAS TRANSMI
-SENECA-UPSHUR PETROLEUM CO					RECEIVED: 03/05/81 JA: WV			
8120276		4704720840	103		P-214	ADKIN	30.0	CONSOLIDATED GAS SUP
8120277		4704720825	103		P-236	ADKIN	30.0	CONSOLIDATED GAS SUP
8120278		4704700825	103		P-264	ADKIN	30.0	CONSOLIDATED GAS SUP
8120279		4704700839	103		P-265	ADKIN	30.0	CONSOLIDATED GAS TRA
-UNION DRILLING INC					RECEIVED: 03/05/81 JA: WV			
8120296		4709702892	103		LENI ASH TRACT #1 1578	BANKS DISTRICT	0.0	COLUMBIA GAS TRANS C
8120298		4709702861	103		MAE CARTER #2 1537	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
**********								
** U.S. GEOLOGICAL SURVEY - DENVER,CO								
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-CHANDLER & ASSOCIATES INC					RECEIVED: 03/02/81 JA: CO 1			
8120107	CD0018-80	0510300018	108		FORK UNIT 12-11	DRAGON TRAIL	22.0	NORTHWEST PIPELINE C
-FUEL RESOURCES DEVELOPMENT CO					RECEIVED: 03/02/81 JA: CO 1			
8120121	CC 406-800	0510300348	103		SA-28-3-101-8	CATHEDRAL	12.0	MOUNTAIN FUEL SUPPLY
8120124	CC403-80	0510300344	102		SD-26-3-101-8	CATHEDRAL	17.0	NORTHWEST PIPELINE C
8120123	CC404-80	0510300343	103		SE-28-3-101-8	CATHEDRAL	102.0	MOUNTAIN FUEL SUPPLY
8120125	CC 402-80	0510300345	102		SK-26-3-101-8	CATHEDRAL	39.0	NORTHWEST PIPELINE C
8120122	CC405-80	0510300350	103		SN-16-3-101-8	CATHEDRAL	17.0	MOUNTAIN FUEL SUPPLY
8120120	CC 407-80	0510300347	102		SP-23-3-101-8	CATHEDRAL	17.0	NORTHWEST PIPELINE C
8120119	CC 408-80	0510300070	102		823-1 FEDERAL	CATHEDRAL	44.0	NORTHWEST PIPELINE C
-MOBIL OIL CORP					RECEIVED: 03/02/81 JA: CO 1			
8120111	CC 16-80	0510700060	102		PAGODA UNIT #T55-346	COLORADO	369.0	
-KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 03/02/81 JA: KS 1			
8120109	KD 0100-80	1509320690	103		CAMPBELL 14-2	PANOMA-COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
-MOBIL OIL CORP					RECEIVED: 03/02/81 JA: KS 1			
8120105	KD 0078-80	1505320399	103		HUBOTOM-USA C NO 2	PANOMA	78.0	CITIES SERVICE GAS C
-ARCO OIL AND GAS COMPANY					RECEIVED: 03/02/81 JA: UT 1			
8120110	UC 15-80	4301930527	103		SAN ARROYO UNIT #31	SAN ARROYO	55.0	MESA PIPELINE CO
-BELCO PETROLEUM CORPORATION					RECEIVED: 03/02/81 JA: UT 1			
8120113	UD0106-80	4304730712	103		CWU 52-33	CHAPITA WELLS	0.0	MOUNTAIN FUEL SUPPLY
8120112	UD 117-80	4304730652	103		DUCK CREEK 14-16	DUCK CREEK	0.0	NORTHWEST PIPELINE C
8120115	UD0119-80	4304730653	103		DUCK CREEK 16-16	DUCK CREEK	0.0	NORTHWEST PIPELINE C
8120106	UD0100-80	4304730655	103		DUCK CREEK 18-16	DUCK CREEK	0.0	NORTHWEST PIPELINE C
8120116	UD0118-80	4304730680	103		NATURAL DUCK 9-15	NATURAL DUCK	0.0	COLORADO INTERSTATE
-GAS PRODUCING ENTERPRISES INC					RECEIVED: 03/02/81 JA: UT 1			
8120108	UC 38-80	4304730469	102		NBU 42-35B 30469	NATURAL BUTTES UNIT	78.0	COLORADO INTERSTATE
-NORTHWEST EXPLORATION COMPANY					RECEIVED: 03/02/81 JA: CO 1			
8120126	CD0010-81	0504562550	103		RULISON FEDERAL #118 (FORMERLY #4)	RULISON (WASATCH)	152.0	NORTHWEST PIPELINE C
8120114	CD0009-81	0504562430	103		RULISON 121 (FORMERLY #3)	RULISON (WASATCH)	94.0	NORTHWEST PIPELINE C
-MP ENERGY CORPORATION					RECEIVED: 03/02/81 JA: UT 1			
8120118	UC 99-80	4301930436	103		FEDERAL 14-1A	CISCO DOME AREA	68.0	NORTHWEST PIPELINE C
-SANTA FE ENERGY COMPANY					RECEIVED: 03/02/81 JA: UT 1			
8120117	UD0053-80	4301330475	103		TRIBAL FEDERAL #1-30	CEDAR RIM (WASATCH RESER	273.0	KOCH HYDROCARBON CO

OTHER PURCHASERS	VOLUME NO
8120287	BROOKLYN UNION GAS CO
8120307	BROOKLYN UNION GAS
8120308	BROOKLYN UNION GAS

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 13, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9289 Filed 3-26-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1790-6]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), US Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of March 16, 1981 to March 20, 1981.

Review Periods: The 45-day review period for Draft EIS's listed in this notice is calculated from March 27, 1981 and will end on May 11, 1981. The 30-day review period for Final EIS's as calulated from March 27, 1981 will end on April 27, 1981.

EIS Availability: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209 (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: March 24, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

US Department of Agriculture

APHIS: Draft—Cooperative Imported Fire Ant Program (EIS Order No. 810209); this EIS should have appeared in the March 20, 1981 Federal Register—therefore the comment period will end on May 4, 1981.

US Army Corps of Engineers

Draft—Grand Bayou Reservoir/Water Supply, Red River Parish, Louisiana (EIS Order No. 810220).

Final—Monroe Harbor Modification, Lake Erie, Monroe County, Michigan (EIS Order No. 810223).

Final Supplement—Cooper Lake and Channels Multipurpose Project, Texas (EIS Order No. 810218).

Department of the Navy

Draft Supplement—Naval Regional Medical Center, San Diego County, California (EIS Order No. 810221).

Department of Commerce

NOAA: Draft—Deep Seabed Mining Program, Pacific Ocean (EIS Order No. 810225); the review period for this EIS has been extended until May 29, 1981.

Extension: Shrimp Fishery FMP, Gulf of Mexico, published Federal Register March 13, 1981—review period extended until April 17, 1981. (No. 810182).

Environmental Protection Agency

Region 10: Draft—Wastewater Management for Boise, Eagle and Ada County, Idaho (EIS Order No. 810206).

Extension: Spokane County WWT Management Plan, WA, published in Federal Register February 20, 1981—review extended until May 29, 1981 (No. 810109).

Federal Energy Regulatory Commission

Draft—Terror Lake Hydroelectric Project, Kodiak National Wildlife Refuge, Alaska (EIS Order No. 810222); NOTATION—anyone desiring to protest or file a petition to intervene with the FERC on the basis of this EIS should do so in accordance with the requirements of FERC's Rules of Practice and Procedure, 18 CFR 1.8, 1.10 (1979), within the time period set forth in this notice, unless otherwise stated.

Department of Housing and Urban Development

Draft—Cottonwood Housing Development Mortgage Insurance, Douglas County, Colorado (EIS Order No. 810219).

Final—Rancho Isabella Subdivision, Mortgage Insurance, Brazoria County, Texas (EIS Order No. 810211).

Final—Oquirrh Shawdows Subdivision, Mortgage Insurance, Salt Lake County, Utah (EIS Order No. 810215).

Final—Echo Farms Subdivision, Mortgage Insurance, New Hanover County, North Carolina (EIS Order No. 810217).

Department of the Interior

BLM: Draft—OCS Oil and Gas Lease Sales No. 67 and No. 69, Gulf of Mexico. (EIS Order No. 810227).

BLM: Draft—Prairie Potholes Vegetation Allocation, Several Counties, Montana (EIS Order No. 810213); the review period for this EIS has been extended until May 22, 1981.

BIA: Draft—Crow/Shell Coal Lease Agreement, Crow Reservation, Big Horn County, Montana and Sheridan County, Wyoming (EIS Order No. 810212); the review period for this EIS has been extended until May 24, 1981.

Nuclear Regulatory Commission

Final Supplement—Allens Creek Nuclear Generating Station, Permit, Austin County, Texas (EIS Order No. 810224).

US Department of Transportation

FHWA: Final—Farias Road to Butler Road Connector, Multnomah County, Oregon. (EIS Order No. 810210).

FHWA: Final—US 54 Improvement and I-235 Interchange Addition, Sedgwick County, Kansas. (EIS Order No. 810216).

Withdrawal: Newburgh Riverfront Arterial, Orange County, NY, published Federal Register December 7, 1979 has been officially withdrawn by DOT (No. 791195).

[FR Doc. 81-9288 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-37-M

[PH-FRL 1788-6; PW-24]

ICI Americas, Inc.; Withdrawal of Food Additive and Pesticide Petitions

Correction

In FR Doc. 5607, on page 13036, in the issue of Thursday, February 19, 1981, in the last column, under the section designated as the "SUPPLEMENTARY INFORMATION," the first paragraph, the eighth line from the bottom of the paragraph, correct "FAP 9H5235" to read "FAP 9H5232".

BILLING CODE 1505-01-M

[OPTS-51237; TSH-FRC 1783-6]

Toxic Substances Control; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81-69—April 12, 1981.
PMN 81-71—April 14, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, D.C. 20460, (202-426-3960).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51237]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-69

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 12, 1981.

Manufacture's Identity. International Harvester Corporation, c/o Solar Turbine International, 2200 Pacific Highway, San Diego, CA 92138.

Specific Chemical Identity. Claimed confidential business information. Generic name: Benzophenone tetracarboxylic dianhydride copolyimide.

Use . The manfacturer states that the PMN substance will be used in a commercial and consumer use as seat cushions and mattresses and used in an industrial and commercial use as

thermal insulation, protective cushioning, and rigid paneling.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. The manufacturer states that acute screening tests for the new substance were run for oral and dermal toxicity with no indication of toxicity observed; eye and skin irritation tests showed no unusual irritation. The manufacturer also states that an Ames mutagenicity test indicates the new chemical is non-mutagenic.

Expose. The manufacturer states that at sites controlled by the submitter, eight manufacturing and processing workers will have inhalation and skin exposure 8–24 hr/da, 300 da/yr, and that an unknown number of workers using and disposing of the new chemical will have skin exposure for an unknown duration.

The manufacturer also states that an unknown number of commercial users could have indirect skin exposure to the new substance.

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter, 100–1,000 kg/yr of the new substance will be released into the air 24 hr/da, 300 da/yr, and from 1,000–10,000 kg/yr will be released into the land.

PMN 81–71

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Ethyl Corporation, 451 Florida Blvd., Baton Rouge, LA 70801.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkenylpyrolidinedione.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/ Chemical Properties.

Appearance—Light tan to dark brown waxy solid.

Color (ASTM D–1500 Dil)—3

Flash point, COC—390°F.

Crystallization point—32°C.

Specific gravity 60/60°F—0.922

Viscosity:

At 100°C—15.25 cSt

At 40°C—176.7cSt

Neutralization number, acid, meg/gm—1.95 typical.

Solubility:

Water—Insoluble.

70% ethanol—Insoluble.

Toxicity Data.

Ames Salmonella/Microsomal—Non-mutagenic.

Acute oral LD_{50} (Wistar rats)—> 14 g/kg.

Acute dermal LD_{50} (albino rabbits)—> 20 g/kg.

DOT skin corrosion (albino rabbits)—Non-corrosive, mild irritant.

Eye irritation (rabbits)—Moderate irritation.

Exposure. The manufacturer states that the PMN substance will be manufactured in an enclosed system with minimal worker exposure and that the new chemical will be present only in trace amounts in the final product.

Environmental Release/Disposal. The manufacturer states that the new chemical will be released into an approved, licensed landfill and the water of a privately owned (Ethyl) waste H_2O BOD treatment system.

[FR Doc. 81-9212 Filed 3-26-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51243; TSH-FRL 1790-2]

Toxic Substances Control; Methylenebis-(Diisopropylaniline); Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of a PMN and provides a summary.

DATE: Written comments by April 13, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, DC 20460, (202–426–3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 22, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and

for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before April 13, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxics Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51243]" and the PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

The following summary is taken from the data submitted by the manufacturer in the PMN.

Close of review period. April 28, 1981.

Manufacturer's Identity. Ethyl Corp., 451 Florida Blvd., Baton Rouge, LA 70821.

Specific Chemical Identity. Methylenebis-(diisopropylaniline).

Use. Chain extender for polyurethene elastomers.

Production Estimates. Claimed confidential business information.

Physical Chemical Properties.

Molecular weight—366.6.

Appearance—Dark amber, viscous liquid.

Odor—Negligible.

Density at 29°C—0.96 g/ml.

Flash point (PMCC)—219°F.

Boiling point at: 2.0 mm—246°C.

3.2 mm—253°C.

4.1 mm—273°C.

5.1 mm—281°C.

6.6 mm—286°C.

Viscosity (at 25°C-80°C Range)—470,000-81 cps.

Solubility at 25°C—Miscible in ethanol, toluene, and *n*-heptane. Insoluble in water and 10% NaOH. Percent soluble in 10% HCl—0.15 weight.

Toxicity Data.

Dermal LD_{50} (rabbits)—>20g/kg.

Oral LD_{50} (rats)—350-620 mg/kg.

Ames *Salmonella*/microsomal—No mutagenic activity.

In-vitro carcinogenicity—No transformation activity with or without metabolic activation.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

[FR Doc. 81-9013 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51208A; TSH-FRL 1769-7]

Toxic Substances Control; 2-Propanol, 1-Methoxy-Acetate; Premanufacture Notice; Voluntary Suspension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substance Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before beginning to manufacture or import. During that 90-day review period, EPA evaluates the potential health and environmental effects of the PMN chemical. This notice announces that the submitting company had voluntarily suspended the review period for PMN P-80-360, pending the development and evaluation of additional information.

FOR FURTHER INFORMATION CONTACT: Richard Green, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-308, 401 M St., SW., Washington, DC 20460 (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, EPA is allowed 90 days to evaluate the potential health and environmental effects of a PMN chemical. The review period may be extended up to an additional 90 days under section 5(c) if the Agency can show "good cause".

Section 5(c) of TSCA allows the Agency to regulate a PMN chemical if it determines that available information is insufficient to permit a reasoned evaluation of health and environmental effects, and the chemical (1) may present an unreasonable risk or (2) will be produced in substantial quantities with substantial or significant environmental or human exposure. Section 5(f) authorizes Agency action to control substances which it determines will present an unreasonable risk. Proposed orders regulating a PMN chemical under section 5(e) or section 5(f) of TSCA must be issued no less than 45 days before the end of the review period. Proposed rules or injunctions obtained pursuant to section 5(f) must become effective before the expiration of the review period.

On December 12, 1980, the Dow Chemical Company submitted PMN P-80-360 for the substance 2-propanol, 1-methoxy-acetate. In conjunction with the PMN, the company submitted an interim report on tests which it was conducting to determine certain health and environmental effects of the PMN chemical. On February 18, 1981, the company voluntarily suspended the 90-day review period in order to allow it to submit, and for EPA to evaluate, a final testing report and other information which was requested by the Agency. The review period had been suspended indefinitely, pending further notice from the company.

Dated: March 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-9011 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-23]

Gulf-United Kingdom Freight Conference (Agreement No. 161-31); Rates and Practices; Order of Investigation and Hearing

On January 11, 1980, the Commission conditionally disapproved Agreement No. 161-31 which would have authorized the members of the Gulf-United Kingdom Freight Conference to establish rates and practices for certain activities

associated with the movement of intermodal cargoes from U.S. Gulf ports including service to inland points in the United Kingdom, and to agree with other conferences regarding certain inland services in Europe. The Commission concluded that the modification had been inadequately justified under the *Svenska* test,[1] and disapproved the Agreement subject to Proponents' right to seek a further hearing under certain conditions. On March 24, 1980, such further hearing request was filed.

The January 11, 1980 Order provided that, if Proponents sought a further hearing, they were to: (1) furnish a detailed recital of the facts which they intended to prove at the hearing; (2) describe the evidence which they intended to use to prove the recited facts; (3) explain why the furnished facts supported approval of the Agreement; and (4) state whether and why trial-type proceedings were considered necessary. Proponents' March 24 Request answers Point 4 by stating that trial-type proceedings are not believed to be necessary. However, the specific evidence by which Proponents intend to prove their case has not been described. Instead, they express a willingness to eliminate specific portions of the Agreement's text found objectionable by the Commission or to add provisions which the Commission has suggested as necessary or desirable. Moreover, Proponents confine any explanation of how they will prove their position to an assumption that such an explanation is inherent in any response to the requirements of proof set forth in the Commission's Order.

Proponents have therefore technically not met at least one and perhaps two of the four requirements for grant of a further hearing set forth in the January 11, 1980 Order. Nevertheless, a further hearing will be granted. This hearing shall be structured in such a fashion, however, as to produce sufficient information to allow the Commission to assess the Agreement's practical impact upon other ocean carriers and the shipping public.

Of major importance is the fact that the document now before the Commission is the fourth version of Agreement No. 161–31 submitted by Proponents, and the actual changes Proponents seek to make in their currently approved organic agreement are unclear and vague. The latest version of Amendment No. 31 uses terms which are not specifically defined and whose meaning may not be generally understood. For example, "inland delivery charges" may mean local drayage at the destination terminal, but might be construed to include line-haul surface movements in the United Kingdom, and "transportation via U.S. Gulf ports" could be construed to authorize U.S. intermodal operations which allegedly are not covered by Amendment No. 31. Accordingly, Proponents shall be ordered to furnish a complete republication of Agreement No. 161–31 which shows the deletions and additions from Proponents' existing Agreement in the manner specified by 46 CFR 522.4(a), and which identifies with clarity and specificity the express ratemaking activities in which Proponents wish to engage.

In addition to requiring that the agreement itself be refiled, we are also requiring the filing of affidavits and legal memoranda in order that several unanswered issues may be addressed.

Because some vessels serving the Gulf/U.K. trade serve adjacent trades on the same voyage, it is unclear how much of the total traffic carried aboard Proponents' vessels is attributable to the Gulf/U.K. trade. Accordingly, the record in this proceeding is expected to reveal whether Proponents allocate vessel space between trades and, if so, the amount of container space allocated to each trade. Even if there is no formal allocation of container space, the Commission needs to have a breakdown by trade of cargo historically carried on voyages in the Gulf/U.K. trade. The type of cargo carried in these trades and the utilization of Proponents' vessels are also relevant factors and it will be necessary to establish what percentage of conference cargo is now containerized and what percentage of this cargo moves to inland destinations in Europe and the United Kingdom.

The nature of competition in the Gulf/U.K. trade is another critical element which has not been demonstrated by Proponents. They will be expected to furnish the names and service offerings of competing lines in both the Gulf/U.K. trade and adjacent trades and the conference's market share of both total traffic and containerized traffic. An estimate of the intermodal cargo carryings of nonconference lines is also necessary.

Any instances of rate instability or overtonnaging relied upon by Proponents must be identified and the manner in which Amendment No. 31 would operate to reduce or eliminate such instability must be demonstrated.

Finally, the benefits Amendment No. 31 will produce for the shipping public have not been established. Among the unanswered questions are whether Proponents' present conference service has been satisfactory to shippers; whether shippers have requested that the conference offer intermodal service; and whether Amendment No. 31 will provide shippers with benefits that are not available from nonconference intermodal services. In addressing these questions, it is expected that Proponents will describe the details of their proposed United Kingdom intermodal service, including the points to be served, the commodities to be carried, the frequency of service, and the general rate levels contemplated.

A further hearing will give Proponents a final opportunity to come forward with the necessary evidence to resolve the questions discussed above and otherwise support Amendment No. 31.

Therefore, It is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), an investigation and hearing is ordered to determine whether Agreement No. 161–31 should be approved, disapproved or modified; and

It is further ordered, That the member lines of the Gulf-United Kingdom Freight Conference listed in the Appendix are designated as the Proponents of Agreement No. 161–31; and

It is further ordered, That in accordance with 46 CFR 502.42, the Commission's Bureau of Investigation and Enforcement shall be a party to this proceeding; and

It is further ordered, That the parties address, *inter alia*, the following issues:

1. how does the Gulf/U.K. trade interrelate with liner operations in adjacent trades in defining the relevant market within which Agreement No. 161–31 would operate?

2. What effect would approval of Agreement 161–31 have on competition among carriers operating in the relevant market?

3. What benefits would approval of Agreement 161–31 have on the shipping public?; and

It is further ordered, That this proceeding be limited to the submission of affidavits of facts and memoranda of law and replies thereto. Oral argument may also be scheduled if deemed necessary by the Commission. Should any party believe an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavit; and

It is further ordered, That the republished agreement together with affidavits of fact and a memorandum of

[1] *Federal Maritime Commission* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968).

law shall be filed by Proponents and served upon all parties of record no later than the close of business on May 15, 1981; and

It is further ordered, That the Bureau of Investigation and Enforcement shall file a reply memorandum and supporting affidavits of fact by the close of business on June 15, 1981; and

It is further ordered, That an answering memorandum and supporting affidavits shall be filed by Proponents no later than close of business on June 30, 1981. Requests for hearing or for oral argument shall be filed on or before July 7, 1981; and

It is further ordered, That this Order be published in the Federal Register and a copy be served upon all parties of record; and

It is further ordered, That any person other than parties of record having an interest in this proceeding may file a petition for leave to intervene in accordance with 46 CFR 502.72, and, if said petition is granted, shall adhere to the filing schedule established for the party or position supported by the intervenor; and

It is further ordered, That all future notices, orders, or decisions issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with 46 CFR 502.118, as well as mailed directly to all parties of record.

By the Commission.*

Joseph C. Polking,
Acting Secretary.

Appendix

C. J. Smith, Chairman, Gulf/United Kingdom Freight Conference, Suite 927, Whitney Bldg., New Orleans, LA 70130
Gulf-Europe Express, c/o Edward M. Schmeltzer, Esq., Schmeltzer, Aptaker & Sheppard, 1801 Massachusetts Ave., N.W., Washington, D.C. 20036
Gulf-Great Britain-Scandinavian Line, Ltd., 6 Lloyds Avenue, London, England EC 3N 3AX
Hapag-Lloyd A/G, c/o United States Navigation, Inc., 17 Battery Place, New York, New York 10004
Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, LA 70130
Sea-Land Service, Inc., P.O. Box, Edison, N.J. 08817

[FR Doc. 81-9238 Filed 3-26-81; 8:45 am]
BILLING CODE 6730-01-M

*Commissioner Peter N. Teige not participating.

Matson Navigation Co.; Application for Permission To Submit Alternative Data

The Federal Maritime Commission hereby gives notice that Matson Navigation Company (Matson) has filed an application with the Commission for permission to submit alternative data pursuant to 46 CFR 512.2(d).

In support of general rate changes, carriers are required by the Commission's General Order 11, Revised, to submit actual and projected financial data. Matson proposes to submit certain fuel costs, consumption data and a certification as alternative data in support of general rate changes related to increased fuel costs.

Interested parties may inspect the data submitted in support of the application at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. Interested parties may submit comments on the application to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 16, 1981. A copy of any comments should also be forwarded to Matson Navigation Company, P.O. Box 3933, San Francisco, California 94119, and the comments should indicate that this has been done.

Dated: March 24, 1981.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-9304 Filed 3-26-81; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Animal Drugs; Central Soya Co., Inc.; Monensin and Roxarsone Premix; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) withdraws approval of a new animal drug application (NADA) providing for use of a premix containing monensin and roxarsone for use in chicken feed. The sponsor, Central Soya Co., Inc., requested withdrawal of approval.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV-218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Central Soya Co., Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, IN 46802, is the sponsor of NADA 91-912 which provides for use of a premix containing monensin and roxarsone for use in the feed of chickens. The application was originally approved April 27, 1973. In a letter dated November 1, 1980, the firm requested that approval of NADA 91-912 be withdrawn because the product is no longer being manufactured or marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), notice is given that approval of NADA 91-912 and all supplements for monensin and roxarsone premix is hereby withdrawn, effective April 6, 1981.

In a separate document published elsewhere in this issue of the Federal Register, § 556.355(b)(4) is amended to remove that portion of the regulation which reflects approval of this NADA.

Dated: March 13, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9305 Filed 3-26-81; 8:45 am]
BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-81-1065]

Certification of a State Land Sales Program

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of Certification of the Land Sales Program of the State of California Department of Real Estate.

SUMMARY: The Secretary gives public notice that the State of California Department of Real Estate has applied for certification of its land sales program under 24 CFR 1710.502, published June 13, 1980. A determination has been made to accept the application and certify the land sales program, and a formal agreement was entered into on January 6, 1981, commencing the effect of the certification. The purpose of this public notice is to advise the public, and particularly California land developers and other state agencies with land sales regulatory responsibilities, of the terms

of the agreement and the agreement's effect upon land sales businesses.

EFFECTIVE DATE: January 6, 1981.

ADDRESSES: HUD Office of Interstate Land Sales Registration, Room 4130, 451 7th Street, SW., Washington, D.C. 20410. California Department of Real Estate, 1719—29th Street, P.O. Box 160009, Sacramento, California 95816.

FOR FURTHER INFORMATION CONTACT: Ann Lawhead, U.S. Department of Housing and Urban Development (202) 755–6314.

SUPPLEMENTARY INFORMATION: The agreement between the California Department of Real Estate (DRE) and the HUD Office of Interstate Land Sales Registration (OILSR) affects those land subdivisions located in California for which both a California Subdivision Final Public Report and a Federal Statement of Record and Property Report (a federal registration) are required.

The federal requirements will be satisfied, and a registration for the particular subdivision automatically becomes effective upon receipt of a certified copy of the California Subdivision Final Public Report in proper form, a copy of the DRE's fee card and a federal registration fee in the amount set out in existing regulations governing administration and enforcement of the Interstate Land Sales Full Disclosure Act. The certified Public Report and fee card copy may be submitted by either the subdivision developer or by the DRE. No other documentation will be required. Federal rescission language will be incorporated into the body of the Public Report, as appropriate, and in sales contracts. No separate federal disclaimer page, no agent certification or separate information relative to costs or special risks, no financial statements, activity reports or conversions to 1979 federal regulatory requirements will be required of California developers using the certification progress. The federal effective date will not appear on the Public Report.

Developers of California subdivisions with currently effective pass-through registrations must either continue to attach to their Public Reports the separate federal disclaimer and rescission page or may apply to the DRE to incorporate the federal rescission language directly into the Public Report. They are not required to continue attaching financial statements, agent and cost certification pages or Risks of Buying Land.

BACKGROUND: Prior to June 1980, HUD was authorized to accept as meeting the registration requirements of the Interstate Land Sales Full Disclosure Act those materials filed with state authorities who were responsible for regulating land sales, provided the Secretary determined that such action was appropriate in the public interest. These materials would be in lieu of the Statement of Record and Property Report a developer otherwise would have to submit in making a federal registration. Since the authority was linked to registration requirements, HUD took the position that state disclosure documents must meet federal standards in order to be accepted. With the exception of a brief period in 1975, subdivision materials filed with California have been accepted by HUD for registration purposes; however, *all* of the materials filed with the State were required to be duplicated and until recently, a complete examination of those materials was made at the federal level, in addition to the processing by the State.

In December 1979, the Interstate Land Sales Full Disclosure Act was amended. HUD was given the authority to certify states if either disclosure requirements or substantive regulation or a combination of the two gives land purchasers protection substantially equivalent to that provided by administration of the federal law. Once a state is certified, HUD may accept a state's disclosure materials, and any documentation required, and declare these effective as a federal registration.

Rules were adopted in June 1980 setting out procedures and criteria for certifying state land sales programs and allowing a long lead time for applications. The only applications received thus far are from the States of California and Oregon. An affirmative decision has been made regarding the California application, and a formal agreement was signed on January 6, 1981, immediately following the close of a 60 day public comment period announced in the **Federal Register** on November 4, 1980. No comments were received. The formal agreement is as follows:

Be It Known That: The State of California, Department of Real Estate (DRE) and the U.S. Department of Housing and Urban Development Office of Interstate Land Sales Registration (OILSR)

Agree as Follows:

1. That the State of California has adopted and is effectively administering a land sales program that gives lot purchasers and lessees protection at least equivalent to that given them by the Federal Interstate Land Sales Program.

2. That the State of California's land sales program is certified. A developer or subdivider who is issued a California Subdivision Public Report for a subdivision located in the State may satisfy the registration requirements of the Interstate Land Sales Full Disclosure Act by filing or having filed with the Secretary of HUD a final public report, DRE fee card and fee in lieu of the federal Statement of Record and Property Report. A California subdivision will be considered registered with OILSR upon OILSR's receipt of a certified current Public Report and a fee in the amount specified in OILSR Regulations.

3. That each agency agrees to notify the other within 30 days of any modification or amendment to its laws, regulations or administrative procedures, or of any substantial changes in its administrative capabilities, and to send copies of the pertinent documents, if any, effecting the modifications or amendments, including legal opinions.

4. That each agency agrees to notify the other of any action taken to suspend sales in a subdivision covered by this agreement subsequent to the issuance of a Public Report and to send to the other copies of Desist and Refrain Orders, Suspension Orders and injunctions obtained.

5. That the DRE will certify as true and currently in effect and send to OILSR copies of all Public Reports including amended and renewed reports as needed by subdividers to comply with the Interstate Land Sales Full Disclosure Act, and will also send a copy of the DRE's fee card with the address of the subdivider listed thereon.

6. That while additional documents will not be required to be certified and sent as a matter of course, the DRE will cooperate with OILSR by sending copies of any additional documents that are specifically requested.

7. That the DRE will cooperate with any other states obtaining HUD certification of land sales programs in the same fashion as set forth in 5 and 6 above.

8. That the DRE will accept a property report covering land located in another state but offered for sale in California if the property report has been approved by the other state, provided the other state's land sales program has been certified, and the other state property report will be the only property report (public report) required by the DRE with respect to the sale or lease of the subdivided lots.

9. That the balance of both Federal and California requirements apply, the substance of this agreement being limited to disclosure documents required by both agencies and not intended as a substitute for the substantive requirements of the State of California or of the enforcement authority of either agency. Thus the DRE is not required to accept as an issued public report a property report from another certified state when the subdivision in question and its operation do not meet the substantive requirements of California law. In addition, the OILSR is not precluded from beginning an investigation or from entering administrative, civil or criminal proceedings.

10. That OILSR will not certify the land

sales program of any other state unless that state's program offers to purchasers and lessees protection which is substantially equivalent (either in terms of required disclosure or substantive protection or some combination of the two) to that offered through administration of the Interstate Land Sales Full Disclosure Act.

11. That the DRE will exert its best efforts to maintain the level of administration upon which certification is based.

12. That the DRE will take care to assure that purchasers are advised in both public reports and contracts of sale or lease of rescission rights accruing to them under Federal law, and that no representations will be made by subdividers that they will install or complete roads, sewers, water, gas, or electric service, or recreational amenities unless the subdividers stipulate in their contracts of sale or lease that they will provide or complete such services or amenities—the purpose of which is to assure that purchasers have a private right of action as vested in them by federal law.

13. That complaints received by OILSR from Californians concerning California subdivisions will be sent to the DRE, and that the DRE will advise OILSR of any action taken or resolution of each complaint and OILSR a copy of the DRE's reply to the complainant. Where such complaints clearly address only federal requirements, however, OILSR will handle the complaint directly. The DRE and and OILSR will cooperate where both have a direct interest in the complaint.

14. That each agency agrees to cooperate to the maximum extent possible and legally feasible in enforcement matters. OILSR will send to DRE copies of California subdivision site inspections performed by its field representatives. DRE will do on-site inspections of new subdivisions prior to issuing public reports when the subdivisions also will be registered with OILSR.

15. That OILSR will apprise the DRE of any investigations it engages in affecting California subdivisions or subdividers.

16. That this agreement does not affect the authority of either agency to assess or collect fees, particularly for filing and registration purposes.

17. That the Secretary of HUD is required periodically to review the laws and regulations and administration thereof of any state whose land sales program is certified, that the Secretary may withdraw certification upon a determination that the state's program no longer offers purchasers equivalent protection to that offered by the Interstate Land Sales Full Disclosure Act, that prior to withdrawal of certification the Secretary must issue to the state a notice of intent to withdraw certification, which notice shall afford the state an opportunity for hearing prior to withdrawal.

18. That the DRE may withdraw its own certification by notice to the Secretary.

This agreement is entered into on the 6th day of January, 1981.

Richard D. Cochran,

Assistant Commissioner for the State of California, Department of Real Estate.

and Thomas C. Collier, Jr.,

for the U.S. Dept. of HUD Office of Interstate Land Sales Registration.

Issued at Washington, D.C. on March 23, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-9061 Filed 3-26-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Ely District Advisory Council; Meeting

AGENCY: District Advisory Council.

ACTION: Notice of meeting.

SUMMARY: The Ely District Advisory Council will conduct its fourth meeting on Wednesday, April 29, 1981. The meeting will convene at 10:00 a.m. in the Conference Room of the Ely District BLM office, Pioche Highway, Ely, Nevada. The following events and topics will be included on the agenda for April 29, 1981:

(1) Minutes of previous meeting.
(2) Status report on Egan Resource Area Problems and Issues.
(3) Reports from working committees.
(4) Report on Schell Grazing EIS and Scoping meetings.
(5) Determination of next meeting date and agenda.

The meeting is open to the public. Written comments may be filed with the District Manager for the Council's consideration, and oral statements will be heard between 3:00 p.m. and 3:30 p.m., April 29, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Summary minutes of the meetings will be available for public inspection at the District Office within 30 days following the meeting.

DATE: April 29, 1981, 10:00 a.m.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Ms. Cleone Jonas, 702-289-4865.

Date Signed: March 19, 1981.

Neil B. McCleery,

District Manager.

[FR Doc. 81-9246 Filed 3-26-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Fuel Costs Recovery; Expedited Procedures

Decided: March 24, 1981.

In our decisions of February 25, March 3, 9, and 16, 1981, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.9-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 19.0-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor the 7.1-percent surcharge for the bus carriers, nor the 2.2-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. March 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

Jan. 1, 1979 ..... 93.5¢

Date of current price measurement and price per gallon (including tax)

Mar. 23, 1979 ..... 194.7¢

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier [2]	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	16.9	3.3	7.1	[3] 3.0
Percent surcharge allowed	19.0	3.3	7.1	[4] 2.2

[1] Apply to all truckload.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent)
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-9367 Filed 3-26-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Arcata Corporation, 2750 Sand Hill Road, Menlo Park, California 94025.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Arcata Publications Group, Inc., TC Industrial Park, Depew, New York 14043
(b) Computer Printing Corporation, 36 Depot Street, Buffalo, New York 14206
(c) Halliday Lithograph Corporation, Circuit Street, West Hanover, Massachusetts 02339
(d) Kingsport Press, Inc., Post Office Box 711 (Press Street), Kingsport Tennessee 37662
(e) Arcata Publications Group, 5201 South Soto Street, Los Angeles, California 90058
(f) Fairfield Graphics, Inc., P.O. Drawer AN (North Miller Road), Fairfield, Pennsylvania 17320
(g) Keyes Fibre Company, Two Stamford Square, 3003 Summer Street, Stamford, Connecticut 06905
(h) Baird-Ward Printing Company, Inc., Post Office Box 530, (Thompson Lane & Powell Avenue), Nashville, Tennessee 37202
(i) CPS Industries, Incorporated, Columbia Highway, Franklin, Tennessee 37064

1. Parent corporation is Evergreen Industries, Inc. whose principal office is 1701 Bellamah, N.W., Albuquerque, New Mexico 87104.

2. Wholly-owned subsidiaries which will participate in the operations, and address of the respective principal offices are as follows:

(a) Ponderosa Products, Inc. whose principal office is at 1701 Bellamah, N.W., Albuquerque, New Mexico 87104.
(b) Evergreen Lumber Company, Inc. whose principal office is Post Office Box 40, Snowflake, Arizona 85937.

1. Parent corporation and address of principal office: Kaman Corporation, Blue Hills Avenue, Bloomfield, CT 06002.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(a) Kaman Music Corporation—Connecticut.
(b) Kaman Musical String Corporation—New Jersey.
(c) Currier Piano Company, Inc.—North Carolina.
(d) Coast Wholesale Music Co. of Los Angeles—California.
(e) Coast Wholesale Music Co. of San Francisco—California.
(f) C. Bruno & Son, Inc.
(g) Ovation Instruments, Inc.—Connecticut.
(h) Kaman Aviation Services Corporation—Connecticut.
(i) AirKaman, Incorporated—Connecticut.
(j) AirKaman of Jacksonville, Inc.—Connecticut.
(k) AirKaman of Omaha, Inc.—Connecticut.
(l) AirKaman of Westover, Inc.—Connecticut.
(m) Kaman Aircraft Products Corporation—Connecticut.
(n) Kaman Aerospace Corporation—Delaware.
(o) Kamatics Corporation—Connecticut.
(p) Kaman Bearing and Supply Corporation—Connecticut.
(q) Kaman Bearing and Supply Corp. California—California.
(r) Kaman Bearing and Supply Corp. East—Connecticut.
(s) Kaman Bearing and Supply Corp. Intermountain—Nevada.
(t) Kaman Bearing and Supply Corp. Midwest—Connecticut.
(u) Kaman Bearing and Supply Corp. Northwest—Idaho.
(v) Kaman Sciences Corporation—Delaware.
(w) Kaman Export Corporation—Connecticut.

1. Parent corporation and address of principal office: North American Philips Corporation (NAPC), a Deleware corporation, 100 East 42nd St., New York, NY 10017.

2. Wholly-owned subsidiaries that will participate in the operations and address of their respective principal offices:

(1) Advance Transformer Company, an Illinois corporation, 2950 North Western Avenue, Chicago, Illinois 60618
(2) Airpax International Sales Corporation, a Maryland corporation, 100 East 42nd Street, New York, New York 10017
(3) Alliance Manufacturing Company, Inc., an Ohio corporation, 1630 Lake Park Boulevard, Alliance, Ohio 44601
(4) Amperex Electronic Corporation, a Delaware corporation, Providence Pike, Slatersville, Rhode Island 02876
(5) Amperex Electronics Industries, Inc., a Delaware corporation, George Washington Highway, Smithfield, Rhode Island
(6) Dialight Corporation, a Delaware corporation, 203 Harrison Place, Brookland, New York 11237
(7) Anchor Brush Company, Inc., a Delaware corporation, 625 South Railroad Street, Montgomery, Illinois 60538
(8) Chicago Magnet Wire Corp., An Illinois corporation, 901 Chase Avenue, Elk Grove Village, Illinois 60007
(9) C.P.D., Inc., a Texas corporation, 8811 West Carpentar Freeway, Dallas, Texas 75247
(10) Kulka Electric Corp., A New York corporation, 520 South Fulton Avenue, Mount Vernon, New York 10550
(11) Mepco/Electra, Inc., a Delaware corporation, Columbia Road, Morristown, New Jersey 07960
(12) Norelco Service, Inc., a Delaware corporation, 100 East 42nd Street, New York, New York 10017
(13) North American Philips Controls Corporation, a Delaware corporation, Cheshire Industrial Park, P.O. Box 768, Cheshire, Connecticut 06410
(14) The Magnavox Company, a Delaware corporation, 1700 Magnavox Way, Fort Wayne, Indiana 76804
(15) Baker, Knapp & Tubbs, Inc., a North Carolina corporation, 416 Merchandise Mart, Chicago, Illinois 60654
(16) LaSalle-Deitch Company, Inc., a Delaware corporation, 640 Industrial Parkway, Elkhart, Indiana 46514
(17) Magnavox CATV System, Inc., a Delaware corporation, 133 West Seneca Street, Manlius, New York 13104
(18) Magnavox Consumer Electronics Company, a Delaware corporation, 1700 Magnavox Way, Fort Wayne, Indiana 46804
(19) Magnavox International, Inc., a Delaware corporation, 1700 Magnavox Way, Fort Wayne, Indiana 46804
(20) Philips High Fidelity Laboratories, Ltd., a Delaware corporation, 1700 Magnavox Way, Fort Wayne, Indiana 46804
(21) Magnavox Government and Industrial Electronics Company, a Delaware corporation, 1313 Production Road, Fort Wayne, Indiana 46804
(22) The Selmer Company, a Delaware corporation, 640 Industrial Parkway, Elkhart, Indiana 46514
(23) North American Philips Lighting Corporation, a Delaware corporation, Bank Street, Highstown, New Jersey 08520
(24) Lustra Lighting Corporation, a Delaware corporation, 180 Manor Road, East Rutherford, New Jersey 07073
(25) Norelco Lighting Supply Company, a Delaware corporation, Bank Street, Hightstown, New Jersey 08520
(26) Verd-A-Ray Corporation, a Delaware corporation, 615 Front Street, Toledo, Ohio 43605
(27) Philips Broadcast Equipment Corp., a Delaware corporation, 99 Jericho Turnpike, Jericho, New York 11753
(28) Philips Business Systems, Inc., a Delaware corporation, 175 Froehlich Farm Boulevard, Woodbury, New York 11797
(29) Philips Electronics, Inc., a Delaware corporation, 100 East 42nd Street, New York, New York 10017

(30) Philips Electronic Instruments, Inc., a Delaware corporation, 750 South Fulton Avenue, Mt. Vernon, New York 10550
(31) Philips Test and Measuring Instruments, Inc., a Delaware corporation, 400 Crossways Park Drive, Woodbury, New York 11797
(32) Philips Elmet Corporation, a Delaware corporation, Lisbon Road, Lewiston, Maine 04240
(33) Philips Medical Systems, Inc., 710 Bridgeport Avenue, Shelton, Connecticut 06484
(34) Philips Roxane, Inc., a Delaware corporation, 2621 North Belt Highway, St. Joseph, Missouri 64506
(35) Herman H. Smith, Inc., a New York corporation, 812 Snediker Avenue, Brooklyn, New York 11207
(36) Thompson-Hayward Chemical Company, a Delaware corporation, 5200 Speaker Road, Kansas City, Kansas 66106
(37) Consumer Products Division, Philips Park, Bokum Road, Box 800, Essex, Connecticut 06426
(38) North American Philips Controls Division, Cheshire Industrial Park, P.O. Box 768, Cheshire, Connecticut 06410
(39) Ohmite Manufacturing Company Division, 3601 Howard Street, Skokie, Illinois 60076
(40) Philips Laboratories Division, 345 Scarborough Road, Briarcliff Manor, New York 10510
(41) N.A.P. Commerical Electronics Corp., a Delaware corporation, 100 First Avenue, Waltham, Massachusetts 02254
(42) N.A.P. Consumer Electronics Corp., a Delaware corporation, I-40 and Straw Plains Pike, P.O. Box 6950
(43) Philips E.C.G. Inc., a Delaware corporation, Johnston Street, Seneca Falls, New York 13148
(44) North American Philips Consumer Electronics Corp., a Delaware corporation, 100 East 42nd Street, New York, New York 10017

1. Parent corporation and address of principal office: Peterson Contractors, Inc. (an Iowa corporation), 104 Blackhawk St., Reinbeck, Iowa 50669.

2. The wholly-owned subsidiaries that will participate in the operations, and their States of Incorporation:

(a) Cyclone Transport, Inc., 104 Blackhawk St., Reinbeck, Iowa 50669
(b) Landfill Service Corp., 104 Blackhawk St., Reinbeck, Iowa 50669

1. Parent Corporation: Pratt & Lambert, Inc., 75 Tonawanda Street, Buffalo, NY 14207.

2. Wholly-owned subsidiary which will participate in the operations, and address of its respective principal office: Southern Coatings & Chemical Co., Inc., 730 Fulton Street, Sumter, SC 29150.

1. Parent corporation and address of principal office: Quality Stores, Inc., 1400 Whitehall Road, North Muskegon, Michigan 49445.

2. Wholly-owned subsidiary which will participate in the operations: Sterling Big R., Inc., 216 Oak Street, P.O. Box 1351, Sterling, Colorado 80751, incorporated in the State of Colorado.

1. Name or names and address of principal office of parent corporation, individual, or group of individuals organized as a partnership, or in some other manner: Robert P. Schofield and George B. Schofield, sole owners. P.O. Box 110, Bound Brook, NJ 08805.

2. Wholly-owned subsidiaries which will participate in the operations and the State of incorporation of each: Geo. Schofield Co., Inc., a New Jersey corporation, Mineral Carriers, Inc., a New Jersey corporation.

Parent corporation and address of principal office: Scientific-Atlanta, Inc., One Technology Parkway, Box 105600, Atlanta, Georgia 30348.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(a) Systems Communications Cable Incorporated d.b.a. Scientific Atlanta—Rhode Island.

(b) Spectral Dynamics Corporation—California.

(c) Ader Associates, Inc.—Massachusetts.

1. Parent corporation and address of principal office: J. R. Simplot Company, 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83707.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

a. J.R. Simplot Company (Nevada) d.b.a. Simplot Soilbuilders
b. Simplot Industries, Inc. (Utah)
c. Simplot Industries, Inc. (Utah) d.b.a. C & Y Farms
d. Simplot Industries, Inc. (Utah) d.b.a. Western Stockmen's Supply
e. Simplot Industries, Inc. (Utah) d.b.a. Simplot Silica Products
f. Cal Ida Chemical Company (California)
g. SimCal Chemical Company (California)
h. North Fork Ranch Company (Nevada)
i. North Fork Ranch Company (Nevada) d.b.a. Skyline Farms, Inc.

Parent corporation and address of principal office: Stanley Home Products, Inc., 333 Western Ave., Westfield, MA 01085.

Wholly-owned subsidiary which will participate in the operations, and address of its principal office: Better Products, Inc., P.O. Box 357, Northampton, MA 01060.

1. Parent corporation and address of principal office: Univar Corporation, 1600 Norton Building, 801 Second Avenue, Seattle, WA 98104.

2. Wholly-owned divisions and subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Pacific Resins & Chemicals, Inc., 1754 Thorne Road, P.O. Box 2277, Tacoma, WA 98401
(b) Penick & Ford, Limited, 10th Avenue and First Street S.W., Cedar Rapids, IA 52406
(c) Great Western Malting Co. (Division of Penick & Ford, Limited), Foot of West 11th Street, P.O. Box 1507, Vancouver, WA 98663
(d) Kcinep & Drof, Ltd., 1600 Norton Building, 801 Second Avenue, Seattle, WA 98104
(e) Centennial Mills (Division of Kcinep & Drof, Ltd.), 1484 N.W. Front Avenue, P.O. Box 3773, Portland, OR 97208
(f) Idaho Malting Company, 1600 Norton Building, 801 Second Avenue, Seattle, WA 98104
(g) Van Waters & Rogers (Division of Univar Corporation), 2600 Campus Drive, Box 5932, San Mateo, CA 94403
(h) Van Waters & Rogers, Ltd, 9600 Van Horne Way, Richmond, B.C., Canada V6X 1W5, P.O. Box 2009, Vancouver, B.C., Canada V6B 3R2
(i) Vancouver Fumigating Company Limited (A subsidiary of Van Waters & Rogers, Ltd.), 9600 Van Horne Way, Richmond, B.C., Canada V6X 1W5
(j) VWR Scientific Inc., 3745 Bayshore Blvd., Brisbane, CA 94005, Box 3200, Rincon Annex, San Francisco, CA 94119

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9338 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10928, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur

on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

Republication

No. MC-FC-78777. By decision of February 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Glover Truck Lines, Inc., all of the operating authority in No. MC-115056 and subs thereunder of Lane Truck Lines, Inc. Applicant's representative is: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, D.C. 20006.

Note.—This authority was originally published on November 27, 1979, under docket number MC-F-14206. The authority to be transferred is as follows: *Lumber*, from Sunbury, NC, and points in North Carolina within 100 miles thereof, and points in Nansemond County, VA to points in Virginia, Maryland, Pennsylvania, Delaware, West Virginia, New Jersey, the District of Columbia, and points in the New York, NY commercial zone; *Damaged shipments of lumber*, from points in West Virginia to Sunbury, NC, and points within 100 miles thereof, and points in Nansemond County, VA; *Lumber* (except veneer, plywood and other laminated wood), from points in Nansemond County, VA and Sunbury, NC, and points in North Carolina within 100 miles thereof, to points in Connecticut and Ohio; *Wooden boxes, box shooks*, and *wooden pallets*, from points in Chowan and Hertford Counties, NC to points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Ohio, West Virginia and the District of Columbia, and *damaged, refused and returned shipments* in the reverse direction; *Fiberglass swimming pools*, from Edenton, NC to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, West Virginia, Mississippi, Ohio, Illinois, Texas, Minnesota, Michigan, Kentucky, Tennessee, Louisiana and the District of Columbia; and *damaged shipments* in the reverse direction; *Lumber*, from New York, NY, Jersey City, NJ, and Baltimore, MD to Edenton, NC and Norfolk, VA; *Lumber* (except plywood and veneer), from Snell, Laurel, Richmond, Cologne, Dewitt, Pendleton, and Bukner, VA to Edenton, NC, and *damaged shipments* in the reverse direction: *Pickle products*, from Ahoskie, NC to points in New York, New Jersey, Connecticut, Virginia (except Richmond, Fredericksburg and that portion of the commercial zone of Washington, DC lying in Virginia), Maryland (except Baltimore, MD and its commercial zone and that portion of the commerical zone of Washington, DC lying in Maryland), and Pennsylvania (except Philadelphia, PA and its commerical zone); *Glass jars and jar caps*, from points in New York, New Jersey, Pennsylvania and Maryland to Ahoskie, NC; *Cans*, from points in Maryland to Ahoskie, NC; *Barrels and Spices*, from points in New York to Ahoskie, NC; *Sugar*, in containers, from points in New York, Pennsylvania, and Maryland to Ahoskie, NC; *Pickles*, from Ahoskie, NC to points in Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine; *Wooden boxes, box shooks and pallets*, from points in Chowan and Hertford Counties, NC to points in Georgia, South Carolina, and Tennessee.

No. MC-FC-78898. By decision of January 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Expedite Truck Lines, Transferee of Montebello, CA, of Certificate of Registration No. MC-120764 (Sub-Nos. land) issued February 11, 1964 and June 13, 1966, respectively to Royal Trasportation Co., Inc., of Los Angeles, CA, authorizing the transportation of general commodities between all points in and places in the Los Angeles Basin Territory as described in Part II attached hereto. Applicant shall not transport any shipments of: 1. Used household goods and personal effects not packed in accordance with the crated propety requirements set forth in paragraph (d) of Item No. 10-C of Minimum Ratio Tariff No. 4-A. 2. Automobiles, trucks and buses, viz.: new and used, funished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. 4. Commodities requiring protection from heat by the use of ice (either waste or solidified carbon dioxide) or by mechanical refrigeration. 5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 6. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 7. Commodities when transported in motor vehicles equipped for mechnical mixing in transit. 8. Logs. Subject to the following conditions: That private consummation of the transaction herein authorized Transferee shall furnish a copy of the order of the Public Utilities Commission of the State of California transferring to it the California intrastate authority corresponding to the above mentioned Certificates of Registration. Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary line intersects the Pacific Ocean; then northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepalveda Boulevard; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county raod 3.8 miles north of Yucaipa; southerly along said county road to and including the unicorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highway Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and

including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific ocean; northwesterly along the shoreline of the Pacific ocean to point of beginning.

(a) General Commodities between Los Angeles Territory, as described in part II set forth below, on the one hand, and San Diego Territory, as described in part II set forth below, on the other hand. (b) Sand between Oceanside, on the one hand, and all points and places in Los Angeles and Orange Counties and all points and places in San Diego County, other than Oceanside, all on the other hand. The operating right described in paragraph (a) above does not include the right to service intermediate points. Applicant shall not transport any shipments of: 1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truckchassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. 4. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide or by mechanical refrigeration). 5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 6. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and Highway No. 101, Alternate; then northeasterly on Sunset Boulevard to State Highway No. 7 northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U.S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101, Alternate; then northerly along an imaginary line to point of beginning. San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (four miles north of La Jolla); then easterly to Miramar on State Highway No. 395; then southeasterly to Lakeside of the El Cajon-Ramona Highway; then southerly to Bostonia on U.S. Highway No. 80; then southeasterly to Jamul on State Highway No. 94; then due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9230 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 9]

Motor Carriers; Intrastate Applications

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-3572, filed February 3, 1981. Applicant: FERRY STREET TERMINAL & TRANSFER INC., 1272 Broadway, Albany, NY 12204. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities—between all points in Albany, Saratoga, Washington and Warren Counties and points in Rensselaer County included in the commercial zone of the City of Albany. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should be directed to the Interstate Commerce Commission.

New York Docket No. T-9228, filed March 17, 1981. Applicant: DONALD E. CLARK, d.b.a. CLARK'S EXPRESS, 1781 Miller Road, Castleton, NY 12033. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities—between all points in Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rensselaer, Schenectady and Ulster Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9229 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules

of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-088

Decided: March 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 33641 (Sub-161), filed February 9, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Breese (same address as applicant), (801) 972-7263. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 60430 (Sub-35), filed February 26, 1981. Applicant: FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes-Barre, PA 18703. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005 (202) 783-7900. Transporting *general commodities* (except classes A and B explosives), between points in PA, on and east of U.S. Hwy 15, on the one hand, and, on the other, points in NJ.

MC 128070 (Sub-5), filed March 9, 1981. Applicant: BERNARD J. HEMMINGER, d.b.a. QUICK VAN LINES, 1801 Griswold Ave., Sterling, IL 61081. Representative: Bernard J. Hemminger (same address as applicant) (815) 625-3030. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of hardware and home and office appliances, between points in IA, IL, and WI.

MC 130650 (Sub-1), filed March 2, 1981. Applicant: LOW COUNTRY ADVENTURES, LTD., 246 Turnberry Village, P.O. Box 4942, Hilton Head Island, SC 29938. Representative: Charlene Barrett (same address as applicant) (803) 785-8212. Transportating *passengers and their baggage* in charter and special operations, beginning and ending at Hilton Head Island, SC and extending to points in Chatham, Effingham and Fulton Counties, GA.

MC 144790 (Sub-3), filed March 3, 1981. Applicant: HOWARD HERLEE LISK, d.b.a. HOWARD LIST, Route 1, Box 166, Wadesboro, NC 28170. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *ores and minerals*, between points in Spartanburg County, SC, on the one hand, and, on the other, points in the U.S.

MC 146820 (Sub-6), filed March 5, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., NE., Atlanta, GA 30043. Transporting *transportation equipment*, between points in the U.S. under continuing contract(s) with Southeast Performance Wheel Distributors, Inc. of Fort Lauderdale, FL.

MC 150820 (Sub-1), filed March 2, 1981. Applicant: LEXINGTON TRANSFER, INC., 1036 McKay Drive NE, Anoka, MN 55303. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927-8855. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of asphalt and asphalt products, (a) between points in IL, on the one hand, and, on the other, points in MN, ND, SD, and WI, and (b) between St. Paul, MN, on the one hand, and, on the other, points in ND, SD, IA, MO, and WI, (2) *machinery*, between the facilities of Air Purification, Inc., in the U.S., on the one hand, and, on the other, points in the U.S., (3) *metal products*, between Minneapolis, MN, on the one hand, and, on the other, points in ND, SD, IA, MN, NE, WI, IL, IN, and MO, and (4) *such commodities* as are dealt in or used by manufacturers and distributors of polyethelene containers, between points in Maricopa County, AZ, Winnebago County, IA, and Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 153301 (Sub-1), filed March 2, 1981. Applicant: COMPLETE REFUSE REMOVAL, INC., 782 Smyrna Hill Drive, Smyrna, GA 30081. Representative: Raymond E. Fowler (same address as applicant) (404) 433-2421. Transporting *waste materials*, between points in Fulton and De Kalb Counties, GA, on the one hand, and, on the other, points in Sumter County, AL.

MC 154240, filed February 9, 1981. Applicant: HEIL WINDERMERE STORAGE & MOVING CO., 8049 Freeway Dr., Macedonia, OH 44056. Representative: Richard J. Heil (216) 467-1111. Transporting *metal products*, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in IL, IN, MD, MI, and PA.

Volume No. OP1-091

Decided: March 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 2900 (Sub-319), filed March 9, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Richard M. Pernicky (same address as applicant). Transporting *containers*, between the facilities of The Continental Group, Inc., at points in IA, IL, IN, KS, KY, MN, MO, MS, OH, and WI, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MN, MO, MS, OH, and WI.

MC 13471 (Sub-13), filed March 2, 1981. Applicant: WILEY'S AUTO EXPRESS, INC., Oak Lane and MacDade Blvd., Glenolden, PA 19036. Representative: Fred E. Wiley, jr. (same address as applicant) (215) 583-4567. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Haff and Howard, Inc., of Burlington, NJ.

MC 35320 (Sub-644), filed March 11, 1981. Applicant: T.I.M.E.-DC, INC., 2602 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant) (806) 745-7202. Transporting *general commodities* (except classes A and B explosives), serving Jacksonville, FL, as an off-route point in connection with applicant's otherwise authorized regular-route operations.

MC 35320 (Sub-645), filed March 2, 1981. Applicant: T.I.M.E.-DC, INC., 2602 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant) (806) 745-7202. Transporting *general commodities* (except classes A and B explosives) serving points in Santa Cruz County, AZ, as off-route points in connection with applicant's otherwise-authorized regular-route operations.

MC 47171 (Sub-205), filed March 11, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2810, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in KY, on the one hand, and, on the other, points in CT, DE, GA, MA, MD, NC, NJ, NY, SC, PA, RI, VA, and DC.

MC 52460 (Sub-318), filed March 6, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446-4434. Transporting *food and related products*, between points in Bexar County, TX, on the one hand, and, on the other, points in OK.

MC 52460 (Sub-319), filed March 9, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446-4434. Transporting *pulp, paper, and related products*, from points in Coconino County, AZ, Orange County, CA, and Mayes County, OK, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IA, KS, KY, LA, MS, MO, NE, NM, NC, SC, TN, and TX.

MC 106631 (Sub-21), filed March 2, 1981. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville R. at Industrial Dr., Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *machinery and metal products*, between points in Northampton County, PA, on the one hand, and, on the other, points in the U.S.

MC 115651 (Sub-98), filed March 10, 1981. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001 (202) 628-6243. Transporting *such commodities* as are dealt in or used by the printing industry, between points in the U.S.

MC 117730 (Sub-86), filed March 9, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 North La Salle St., Chicago, IL 60602, (312) 726-0722. Transporting *food and related products*, between points in IA, IL, IN, KY, MI, MO, OH, TN, and WI.

MC 118341 (Sub-4), filed March 5, 1981. Applicant: VALLEY TRUCKING CO., INC., P.O. Box 2298, Brownsville, TX 78520. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting *transportation equipment*, between points in Cameron County, TX, on the one hand, and, on the other, points in MI, OH, and IN.

MC 118420 (Sub-9), filed March 3, 1981. Applicant: BULLDOG TRUCKING OF GEORGIA, INC., P.O. Box 357, Carnesville, GA 30521. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301 (404) 522-2322. Transporting *building materials*, between the facilities of CertainTeed Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119741 (Sub-296), filed March 6, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant) (515) 576-6831. Transporting *chemicals and related products*, between points in Polk County, IA, Northampton County, PA, and Richland County, OH, on the one hand, and, on the other, points in the U.S.

MC 133221 (Sub-42), filed March 2, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same address as applicant) (404) 963-6212. Transporting *chemicals and related products*, between points in Union County, NJ, on the one hand, and, on the other, those points in the U.S. on and east of U.S. Hwy 85.

MC 133221 (Sub-44), filed March 2, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same address as applicant) (404) 963-6212. Transporting *metal products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 133391 (Sub-6), filed March 9, 1981. Applicant: SCHWERMAN TRUCKING CO., OF VA., INC. 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201 (414) 671-1600. Transporting *clay, concrete and stone products*, between Richmond and Chesapeake, VA, on the one hand, and, on the other, points in NC.

MC 134291 (Sub-4), filed March 10, 1981. Applicant: JOSEPH R. ST. HILAIRE, d.b.a. ST. HILAIRE'S DELIVERY SERVICE, 285 Emmett St., Bristol, CT 06010. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103 (413) 732-1136. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with W. A. Krueger Co., of Brookfield, WI.

MC 135231 (Sub-56), filed March 9, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN, 55118 (612) 457-6869. Transportation *such merchandise* as is dealt in by mail order houses, between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S.

MC 135601 (Sub-55), filed March 9, 1981. Applicant: DALLAS CARRIERS CORP., 12801 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, 4211 South 33rd St., P.O. Box 6445, Lincoln, NE 68506, (402) 489-3558. Transporting *such commodities* as are dealt in or used by discount and variety stores, between points in Dallas County,

TX, on the one hand, and, on the other, points in the U.S.

MC 138661 (Sub-23), filed March 10, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Nu-Way Shippers, Inc., of Chicago, IL.

MC 138661 (Sub-24), filed March 6, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, DC 20036 (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bic Pen Corp., of Milford, CT.

MC 141950 (Sub-1), filed March 4, 1981 Applicant: IOWA-MINNESOTA EXPRESS LTD., 2216 5th Ave. South, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1900 Financial Center, Des Moines, IA 50309 (515) 245-4300. Transporting *food and related products*, between points in Hamilton and Story Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 142161 (Sub-23), filed March 4, 1981. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermitage Ave., Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219 (615) 244-8052. Transporting *such commodities* as are dealt in by catalogue showroom, department, and discount stores, between points in the U.S.

MC 143280 (Sub-17), filed March 9, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a corporatin, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457-6889. Transportating *food and related products*, between points in Henry County, IN, and Madison County, IL, on the one hand, and, on the other, points in the U.S.

MC 143280 (Sub-18), filed March 4, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a corporation, 6834 Washington Ave., South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457-6889.Transporting *lumber and wood products*, between points in Jackson County, OH, Smyth County, VA, Lenawee County, MI, and Dakota County, MN, on the one hand, and, on the other, points in the U.S.

MC 143280 (Sub-19), filed March 2, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *food and related products*, between points in Grant County, SD, on the one hand, and, on the other, points in the U.S.

MC 143411 (Sub-3), filed March 11, 1981. Applicant: VALLEY CONTRACT CARRIERS, INC., P.O. Box 3479, McAllen, TX 78501. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Texas Citrus Exchange of Mission, TX.

MC 14871 (Sub-3), filed March 9, 1981. Applicant: MS & SONS CORP., P.O. Box 334, Humboldt, IA 50548. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, (402) 348-0832. Transporting *feed ingredients*, between points in IA, on the one hand, and, on the other, points in MN and ND.

MC 144121 (Sub-8), filed March 9, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison WI 53719, (608) 273-1003.. Transporting *food and related products* and *machinery*, between points in the U.S., under continuing contract(s) with Kuether Distributing Company, of Minneapolis, MN.

MC 144740 (Sub-33), filed March 9, 1981. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daughterty (same address as applicant) (909) 652-2611. Transporting *chemical and related products* between points in the U.S., under continuing contract(s) with Time Chemical, Inc., of Atlanta, GA.

MC 145301 (Sub-11), filed March 5, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Bldg. No. 431-Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield VA 22151, (703) 941-8200. Transporting (1) *chemical and related products, (2) petroleum, natural gas and their products,* and (3) *rubber and plastic products*, between points in Hudson and Union Counties, NJ, Harris County, TX, Cook and DuPage Counties, IL, and East Baton Rouge and Orleans Counties, LA, on the one hand, and, on the other, points in the U.S.

MC 145301 (Sub-12), filed March 5, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Bldg. No. 431-Raritan, Edison, NJ 08817. Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield VA 22151, (703) 941-8200. Transporting *chemicals and related products, and petroleum, natural gas and their products*, between points in Madison, Will, and Cook Counties, IL, Lake County, IN, and Galveston and Brazoria Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 146041 (Sub-8), filed March 5, 1981. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005 (202) 347-9332. Transporting *textile mill products*, between points in VA, NC, SC, TN, GA, and CA, on the one hand, and, on the other, points on the international boundary line between the U.S. and Canada in WA, ID, and MT.

MC 146180 (Sub-6), filed March 10, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459-A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005 (202) 438-6474. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Singer Furniture Division, of Lenoir, NC.

MC 147461 (Sub-6), filed March 9, 1981. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Drive, Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St., NW, Washington, DC 20036, (202) 452-7422. Transporting *currency, coin, securities, and other valuables*, between points in MD, NC, SC, VA, WV, and DC.

MC 150030 (Sub-2), filed March 9, 1981. Applicant: NICHOLAS POLSELLI, d.b.a., TEMPERATURE CONTROL TRANSPORT, 74 South St., Troy, NH 03465. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *food and related products*, between points in MA, on the one hand, and, on the other, points in FL.

MC 152180 (Sub-2), filed March 13, 1981. Applicant: CONTAINER EXPRESS, INC., 1809 Krug St., Building 1019, P.O. Box 2032, Albany, GA 31702. Representative: Norman L. Underwood, 3400 Peachtree Road, Suite 1525, Atlanta, GA 30326, (404) 266.1650. Transporting *general commodities*

(except classes A and B explosives), between points in FL, GA, AL, SC, NC, TN, KY, and VA.

MC 152800 (Sub-1), filed March 9, 1981. Applicant: BUNCH TRUCKING COMPANY, INC., Route 3, Box 618, Washington, NC 27889. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *chemicals and related products*, between points in DE, MD, NC, SC, and VA.

MC 153201 (Sub-1), filed February 10, 1981. Applicant: GTL TRANSPORT COMPANY, a Corporation, 110 Dill Rd., Suffolk, VA 23434. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Building, Norfolk, VA 23510, (804) 627–0070. Transporting (1) *general commodities* (except classes A and B explosives), between points in the Norfolk, VA, commercial zone as defined by the Commission, and (2) *lumber and wood products*, and *chemicals and related products*, between Suffolk, VA, on the one hand, and, on the other, points in DE, MD, NC, SC, and WV.

MC 153320 (Sub-1), filed March 5, 1981. Applicant: KLEEN-BRITE CHEMICAL COMPANY, INC., P.O. Box 485, 10 Moore St., Rochester, NY 14602. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *such commodities* as are dealt in or used by chain grocery stores and food business houses, between points in CT, DE, MA, MD, ME, MI, NJ, NH, NY, OH, PA, RI, VA, VT, WV, and DC, on the one hand, and, on the other those points in NY, north of Sullivan, Dutchess and Ulster Counties.

MC 154640, filed March 9, 1981. Applicant: THE SMITHFIELD PACKING COMPANY, INCORPORATED, P.O. Box 447, Smithfield, VA 23430. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Building, Norfolk, VA 23510, (804) 627–0070. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ocean Spray Cranberries, Inc., of Plymouth, MA.

MC 154650, filed March 9, 1981. Applicant: G. M. LANGDON TRUCKING, INC., Route 1, Angier, NC 27501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *chemicals and related products*, between points in NC, SC, and VA.

MC 154660, filed March 9, 1981. Applicant: MAC'S ENTERPRISES AND LEASING, INC., 9164 N. 43rd Ave., Suite 2, Phoenix, AZ 85302. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4691. Transporting *machinery*, between points in the U.S., under continuing contract(s) with ITT Courier Terminal Systems, Inc., of Tempe, AZ.

MC 154681, filed March 11, 1981. Applicant: D. L. CABLE, d.b.a. RED LINE EXPRESS, P.O. Box 6837, Greensboro, NC 27405. Representative: D. L. Cable (same address as applicant), (919) 275–0323. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with F.M.S., Inc., of Washington, DC.

Volume No. OPY–3023

Decided: March 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 14215 (Sub-93), filed March 10, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *metal products*, and (2) *ores and minerals*, between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 120364 (Sub-32), filed February 23, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lawn and garden machines, between points in the U.S., under continuing contract(s) with Falls Products, Inc., of Genoa, IL.

MC 127115 (Sub-23), filed March 9, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531–1300. Transporting *metal products*, between points in the U.S., under a continuing contract(s) with David J. Joseph Co., of Cincinnati, OH.

MC 136545 (Sub-35), filed March 11, 1981. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *general commodities* (except classes A and B explosives), between points in Price County, WI, on the one hand, and, on the other, points in the U.S.

MC 140484 (Sub-87), filed March 9, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517. Transporting *rubber*, between points in Spalding County, GA, on the one hand, and, on the other, those points in FL on and south of FL Hwy. 50.

MC 141344 (Sub-3), filed March 10, 1981. Applicant: ALLEN TRANSPORT CORP., P.O. Box 9702, Richmond, VA 23228. Representative: Richard J. Lee, Suite 1222, 700 East Main St., Richmond, VA 23219, (804) 648–7247. Transporting *commodities which because of their size or weight requires the use of special handling or equipment*, between points in VA, NC, SC, GA, TN, KY, WV, MD, DE, PA, and DC.

MC 141424 (Sub-8), filed March 9, 1981. Applicant: P–Y TRANSPORT, INC., 50 S. William St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–7900. Transporting *transportation equipment*, between the facilities of Redco Corporation, on the one hand, and, on the other, points in the U.S.

MC 144315 (Sub-8), filed March 9, 1981. Applicant: PORT CITY LEASING, INC., 602–20th St., N., Lewiston, ID 83501. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453–0312. Transporting *building materials* (1) between points in WA, OR, ID, and MT, and points in UT, CO, WY, ND, SD, MN, WI, and NE, and (2) between points in WA, OR, and ID, and points in MT. CONDITION: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC–144315 and related subs, at applicant's written request.

MC 144715 (Sub-18), filed March 10, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives), between points in Putnam County, WV, on the one hand, and, on the other, points in the U.S.

MC 145494 (Sub-8), filed March 9, 1981. Applicant: EDINA CARTAGE COMPANY, P.O. Box 42, Mauricetown, NJ 08039. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *empty containers*, between the facilities of All-Pak, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151765, filed March 9, 1981. Applicant: JOHN FRANCIS BAKER, SR., AND ROBERT LEE BAKER, d.b.a., BAKER'S GARAGE, 8414 Washington

Blvd., Jessup, MD 20794. Representative: Alex S. Katzenberg III, 110 E. Madison St., Baltimore, MD 21202, (301) 837–6200. Transporting *transportation equipment*, between points in DE, MD, NJ, PA, VA, WV, and DC.

MC 152194 (Sub-1), filed March 3, 1981. Applicant: NECOMA TRANSPORT, INC., 11 South 360 Madison Street, Hinsdale, IL 60521. Representative: Stephen H. Loeb, Suite 2027, 33 North La Salle Street, Chicago, IL 60602, (312) 726–9722. Transporting *petroleum and petroleum products*, between Chicago, IL, on the one hand, and, on the other, points in IA, IN, MI, MO, OH, and WI.

MC 152494 (Sub-2), filed February 17, 1981. Applicant: CHESSIE MOTOR EXPRESS, INC., 3200 Terminal Tower, P.O. Box 6419, Cleveland, OH 44101. Representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), (1) between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, (2) between points named in (1) above, on the one hand, and, on the other, points in AK, AZ, CA, CO, HI, ID, KS, MA, MT, NE, NV, NM, ND, OK, OR, SC, UT, WA, and WY, restricted to the transportation (1) which is auxiliary to or supplemental of a railroad; or (2) which has a prior or subsequent movement by rail; or (3) where the origin or destination is a point served by The Chessie System and its affiliated lines and The Family Lines Rail System and its affiliated lines.

Note.—This is related to MC-F. 14571.

MC 153494 (Sub-1), filed March 9, 1981. Applicant: PORTS INTERNATIONAL, INC., 3730 NW 54th St., Miami, FL 33142. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives), between points in Broward, Dade and Palm Beach Counties, FL, restricted to traffic having an immediately prior or subsequent movement by water or rail.

MC 154626, filed March 9, 1981. Applicant: ACE LIQUID WASTE HAULERS, INC., 3175 Beechmont Court, Cincinnati, OH 45226. Representative: Stephen D. Strauss, 2613–22 Carew Tower, Cincinnati, OH 45202, (513) 621–4607. Transporting (1) *toxic and hazardous wastes*, for reuse or recycling, between points in Paulding and Franklin Counties, OH, Muskegon County, MI, and Davidson County, TN, on the one hand, and, on the other, points in the U.S.; and (2) *used liquid solvents*, between points in Montgomery County, OH, on the one hand, and, on the other, points in MI, IN, KY, NC, and PA. CONDITION: To the extent the certificate granted in this proceeding authorizes the transportation of hazardous materials it will expire 5 years from its date of issuance.

FF–544, filed March 9, 1981. Applicant: PENSER TRANSPORTATION, INC., 1610 Industrial Blvd., Jacksonville, FL 32205. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353–0707. As a *freight forwarder*, transporting *general commodities*, (except household goods and classes A and B explosives), between points in FL, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, VA, and TN.

Volume No. OPY–3–025

Decided: March 18, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 109724 (Sub-9), filed March 11, 1981. Applicant: PAUL J. SCHMIT d.b.a. PAUL J. SCHMIT TRUCKING, 1480 North Springdale Rd., Waukesha, WI 53186. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53202 (414)–273–7410. Transporting *sand*, between points in the U.S., under continuing contract(s) with Badger Mining Corporation, of Fairwater, WI, and Faskure Division of Aurora Industries, Inc., of Aurora, IL.

MC 116544 (Sub-246), filed March 11, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415)–856–0117. Transporting *food and related products*, between points in Deaf Smith County, TX, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 134545 (Sub–4), filed March 13, 1981. Applicant: STEWART S. COOK., JR., d.b.a. Frank Salerno, 2751 Queen St., Easton, PA 18042. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *chemicals and related products*, between points in the U.S. under continuing contract(s) with Hi-Pure Chemicals, Inc., of Nazareth, PA.

MC 138884 (Sub-8), filed March 10, 1981. Applicant: CONDOR CORPORATION, Wilson Rd., Springfield, ME 04224. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207)–773–5651. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilner Wood Products Co., of Norway, ME and Springhouse Products Co., of Rumford, ME.

MC 140665 (Sub-136), filed March 13, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266, (216) 296–2877. Transporting *general commodities* (except classes A and B explosives), between the facilities of Armour Dial Company, on the one hand, and, on the other, points in the U.S.

MC 144364 (Sub-5), filed March 13, 1981. Applicant: ART BETZ, 816 "B" St., P.O. Box 955, South Sioux City, NE 68776. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *food and related products*, between points in NE and IA, on the one hand, and, on the other, points in CA, OR, and WA.

MC 147344 (Sub-23), filed March 5, 1981. Applicant: RED'S EXPRESS, INC., 309 Beech St., Modesto, CA 95354. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104, (414)–273–7410. Transporting *general commodities* (except classes A and B explosives), (A) over regular routes, (1) Between Modesto, CA and Dodge Ridge, CA over CA Hwy 108, (2) Between Modesto, CA and Sacramento, CA: From Modesto over CA Hwy 99 to junction CA Hwy 120, then over CA 120 to junction Interstate Hwy 5, then over Interstate Hwy 5 to Sacramento and return over the same route, (3) Between Modesto, CA and Los Banos, CA: From Modesto over CA Hwy 99 to junction CA Hwy 59, then over CA Hwy 59 to junction CA Hwy 152, then over CA Hwy 152 to junction CA Hwy 33, then over CA Hwy 33 to junction CA Hwy 132, then over CA Hwy 132 to Modesto, CA, and return over the same route, (4) Between Modesto, CA and Chico, CA over CA Hwy 99, (5) Between Modesto, CA and Angels Camp, CA: From Modesto over CA Hwy 99 to junction CA Hwy 16, then over CA Hwy 16 to junction CA Hwy 49, then over CA Hwy 49 to junction CA Hwy 99, then over CA Hwy 99 to Modesto and return over the route, (6) Between Modesto, CA and San Francisco, CA: From Modesto, CA over CA Hwy 99 to junction CA Hwy 120, then over CA Hwy 120 to junction Interstate Hwy 205, then over Interstate Hwy 205 to junction Interstate 580, then over Interstate Hwy 580 to junction CA Hwy 17, then over CA Hwy 17 to junction U.S. Hwy 101, then over U.S.

Hwy 101 to San Francisco, and return over the same route, (7) Between San Francisco and Modesto, CA: From San Francisco, CA over Interstate Hwy 80 to junction CA Hwy 17, then over CA Hwy 17 to junction Interstate Hwy 880, then over Interstate Hwy 880 to junction Interstate Hwy 205, then over Interstate Hwy 205 to junction CA Hwy 120, then over CA Hwy 120 to junction CA Hwy 99, then over CA Hwy 99 to Modesto, and return over the same route, (8) Between San Francisco, CA and Sacramento, CA, over Interstate Hwy 80, (9) Between Sacramento, CA and Redding, CA, over Interstate Hwy 5, (10) Between Modesto, CA and Los Angeles, CA: From Modesto over CA Hwy 99 to junction Interstate Hwy 5, then over Interstate Hwy 5 to Los Angeles, and return over the same route, (11) Between Sacramento, CA and Nevada City, CA: From Sacramento over Interstate Hwy 80 to junction CA Hwy 49, then over CA Hwy 49 to Nevada City, and return over the same route, (12) Between Sacramento, CA and Truckee, CA, over Interstate Hwy 80, and (13) Between Truckee, CA and Sacramento, CA: From Truckee over CA Hwy 89 to junction CA Hwy 50, then over CA Hwy 50 to Sacramento and return over the same route, serving the off-route points in the counties named in (B) below; and (B) over irregular routes, between points in Shasta, Tehama, Glenn, Butte, Colusa, Sutter, Yuba, Sierra, Nevada, Placer, El Dorado, Calaveras, Tuolumne, Mariposa, Merced, Madera, Fresno, Amador, Stanislaus, San Joaquin, Sacramento, Yolo, Solano, Los Angeles, Contra Costa, Alameda, San Francisco, San Mateo and Santa Clara Counties, CA.

Volume No. OPY-4-36

Decided: March 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 134156 (Sub-2), filed March 11, 1981. Applicant: AL SALEM, d.b.a. AL SALEM PRODUCE, 5136 Cherokee Hill Dr., Salem, VA 24153. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting (1) *chemicals and related products,* between Roanoke, VA, on the one hand, and, on the other, points in the U.S., and (2) *food and related products,* between Richmond, VA, Tacoma, WA, and points in Kalamazoo and Calhoun Counties, MI and Union County, SD, on the one hand, and, on the other, points in the U.S.

MC 149256 (Sub-2), filed February 5, 1981. Applicant: KEN-WAY TRUCKING, INC., 110 Brannan St., San Francisco, CA 94107. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 800, Beverly Hills, CA 90211, (213) 655-3573. Transporting *general commodities* (except classes A and B explosives), between points in CA, on the one hand, and, on the other, points in AZ, NV, OR, and WA.

MC 152456 (Sub-1), filed March 12, 1981. Applicant: CULLICUTT ENTERPRISES, INC., Rt. #3, Box 229-AA, Mooresville, NC 28115. Representative: Aaron W. Perkins, Jr., 31 Corban Ave., SW, Concord, NC 28025, (704) 786-3600. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with American Display Corporation, of Concord, NC.

MC 153166 (Sub-1), filed March 16, 1981. Applicant: J. H. MAXYMILLIAN, INC., 86 South Main St., Lanesboro, MA 01237. Representative: James H. Maxymillian (same address as applicant) (413) 499-3050. Transporting (1) *hazardous materials,* and (2) *waste or scrap materials not identified by industry producing,* between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Kooching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 154676, filed February 26, 1981. Applicant: PACIFIC MOUNTAIN ADVENTUREE, INC., P.O. Box 6866, San Jose, CA 95150. Representative: Tom Trotter (same address as applicant) (408) 245-9661. Transporting *passengers,* between points in Santa Clara County, CA, on the one hand, and, on the other, points in OR, NV, WA, UT, AZ, CO, ID, MT, and WY.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9226 Filed 3-25-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY5–17

Decided March 13, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 134038 (Sub-10), filed March 9, 1981. Applicant: MAJORS TRANSIT, INC., P.O. Box 7, Caneyville, KY 42721. Representative: Mark R. Feather, 1600 Citizens Plaza, Louisville, KY 40202, 502–589–5400. Transporting for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 143966 (Sub-15), filed March 10, 1981. Applicant: J. W. TATE, d.b.a. JAMAR TRUCKING COMPANY, P.O. Box 16970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147348 (Sub-11), filed March 6, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson Drive, North Little Rock, AR 72114. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201, (501) 375–3022. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 150099 (Sub-2), filed March 9, 1981. Applicant: ALL STATE TRUCKING COMPANY, INC., 3400 Mesa Dr., P.O. Box 24274, Houston, TX 77013. Representative: John W. Carlisle, P.O. Box 987, Missouri City, TX 77459, (713) 437–1788. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 150139 (Sub-2), filed March 9, 1981. Applicant: HAMBEL FREIGHT LINES, INC., 4905 S. Howell Ave., Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608–256–7444. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150939 (Sub-13), filed February 23, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. Transporting, for and on behalf of the United States Government, *general commodities* (except used household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the applications for common control to Team 5, Room 6370.

MC 152229 (Sub-2), filed March 4, 1981. Applicant: SALINAS TRUCK BROKERS, INC., P.O. Box 128, Salinas, CA 93202. Representative: Ben Ryburn (same address as applicant), (408) 757–2991. Transporting *general commodities*, between Bridgetown, Cheviot, Coverdale, Dent, Miami and Willeys, OH, and Alum Rock, Blairs, Dudley, Jefferson, Ritts, St. Petersburg, Turkey and Worthington, PA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 154098, filed February 9, 1981. Applicant: STEF'S EXPRESS, LTD., 5530 Wisconsin Ave., Suite 1100, Chevy Chase, MD 20015. Representative: Harold Krauthamer (same address as applicant), 301–951–0240. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154469, filed March 2, 1981. Applicant: WARREN L. ADAMS, d.b.a. WARREN TRANSPORTATION, 2667 English St., Maplewood, MN 55109. Representative: Warren L. Adams (same address as applicant), 612–484–1469. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 154536, filed February 27, 1981. Applicant: GARY A. BAIN and CHARLES G. JOHNSON, d.b.a. AID TO SHIPPERS, P.O. Box 12306, Kansas City, MO 64116. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. As a *broker, of general commodities* (except household goods) between points in the U.S.

MC 154539, filed March 2, 1981. Applicant: DOROTHY HORNE, d.b.a. CAPITAL TRANSFER & STORAGE COMPANY, 1700 National Ave., Helena, MT 59601. Representative: Dorothy Horne (same address as applicant) (406) 442–3870. Transporting *general commodities* between Helena, Clancy, Jefferson City, and Boulder, MT, on the one hand, and, on the other, points in the U.S.

Volume No. OP1–982

decided: March 20, 1981.

By the Commission, Review Board No. 1, Members Oaker, Chandler, and Taylor.

MC 39411 (Sub-9), filed March 11, 1981. Applicant: GEORGE E. TREYZ, INC., 186 State St., Binghampton, NY 13902. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036 (202) 463–6044. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 143291 (Sub-7), filed March 3, 1981. Applicant: RAYLS BROTHERS TRANSFER, INC., Route 1 North, Box, 342, Hoopeston, IL 60942. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521 (312) 629–2000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bodine's, Incorporated, of Chicago, IL.

MC 150420 (Sub-2), filed March 12, 1981. Applicant: WES–FLO CO., INC., P.O. Box 17401, Tampa, FL 33682. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801 (305) 628–2171. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152081 (Sub-1), filed March 6, 1981. Applicant: GREAT AMERICAN

VAN & STORAGE, INC., 4807 Eisenhower Ave., Alexandria, VA 22304. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006 (202) 833-8884. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 154580, filed March 4, 1981. Applicant: MURRAY TRUCK LINES, INC., 519 E. Chester St., Jackson, TN 38301. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219 (615) 244-6100. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154641, filed March 10, 1981. Applicant: RAINEY LAKE LEASING, INC., Box 829, International Falls, MN 56649. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Willson Rd., Edina, MN 55424 (612) 927-8855. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154651, filed March 9, 1981. Applicant: WILLIE MACK, INC., 549 Jackson Ave., Elizabeth, NJ 07201. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572-5551. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP1-209

Decided: March 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 124060 (Sub-6), filed March 9, 1981. Applicant: MERCER BROS. TRUCKING CO., P.O. Box 952, Highway 301 North, Wilson, NC 27893. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-3020

Decided: March 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 154554, filed March 5, 1981. Applicant: VIRGIL H. & LARRY E. McNABB, d.b.a. McNABB COMPANY, 1009 9th Ave., Council Bluffs, IA 51501. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114 (402) 397-9900. (1) Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9234 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45529.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-203

Decided: March 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59264 (Sub-74F), filed December 11, 1980, previously published in the Federal Register of January 6, 1981. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a Corporation, How Lane, P.O. Box 2015, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in by wholesale, retail and chain grocers and food business houses (except commodites in bulk), between points in NY, MD, DE, VA, NJ, PA, and DC, on the one hand, and, on the other, the facilities of Wakefern Food Corporation Distribution Center at or near Wallkill (Orange County) NY.

Note.—This republication corrects the territorial description.

MC 148414 (Sub-5), filed February 2, 1981. Applicant: UNIDYNE CORPORATION, 3835 East Princess Anne Rd., Norfolk, VA 23502. Representative: David P. L. Berry, 820 First & Merchants National, 300 East Main St., Norfolk, VA 23510. Transporting *furniture and fixtures*, between points in the U.S. under continuing contract(s) with Atlantic Furniture Manufacturing Company, Incorporated, of Norfolk, VA.

FF-545, filed February 3, 1981. Applicant: GEM SHIPPING SERVICE, 305 Velasco St., Houston, TX 77003. Representative: Charles L. Clow, 815 15th St. NW., Washington, DC 20005. As a *freight forwarder*, transporting *general commodities*, between points in the U.S.

Volume No. OPY-3287

Decided March 18, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 153904 (Sub-1), filed March 10, 1981. Applicant: OCEAN DRIVE TOURS, INC., 49 N. Arkansas Ave., Atlantic City, NJ 08401. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017, (212) 532-5161. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Ocean, Atlantic, Cape May, Cumberland, Salem, Gloucester and Camden Counties, NJ, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9527 Filed 3-26-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-000

Decided March 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 134501 (Sub-91), filed February 5, 1981 and previously noticed in the **Federal Register** issue of March 2, 1981. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *such commodities* as are dealt in by retail, department, discount, and variety stores between points in the U.S.

Note.—This republication clarifies the commodity description.

MC 150181 (Sub-1), filed February 5, 1981, and previously noticed in the **Federal Register** issue of March 5, 1981. Applicant: RUDY'S LIMOUSINE SERVICE, INC., 15 Neil Lane, Riverside, CT 06878. Representative: Dennis Dean Kirk, 915 Pennsylvania Bldg., 425—13th St., NW., Washington, DC 20004 (202) 737-1030. Transporting *passengers and their baggage*, in special and charter operations, limited to the transportation of not more than six passengers in any one vehicle, not including driver, between points in NY, PA, MA, CT, MD, DE, NJ, VA, RI, VT, NH, ME, and DC.

Note.—This republication clarifies the type of service to be performed.

Volume No. OP2-047

Decided: January 2, 1981.

By the Commission, Review Board No. 2. Chandler, Eaton, and Liberman.

MC 4242 (Sub-6), filed November 17, 1980. Applicant: PITTSBURGH-FAYETTE EXPRESS, INC., Fourth and Main Streets, Bells Vernon, PA 15012. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. I. Regular routes: Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) beginning at Pittsburgh, PA [1]; from Pittsburgh over PA Hwy 88 to Monongahela, then over PA Hwy 88 to West Brownsville, then over PA Hwy 40 to Brownsville; then returning via Hwy Route 40 to West Brownsville, then over Hwy route 88 to Millsboro and returning via the same route to the place of beginning, (2) beginning at the Intersection of Hwy Route 88 and Brightwood Road, then over Brightwood Road to Bethel, then over Hwy Route 02063 to Coverdale, then returning over Hwy 02063 to Brightwood Road, then continuing along Brightwood Road to its intersection with Hwy 88, (3) beginning at Finleyville: then over Hwy Route 62034 (Washington Road) to Thomas and Courtney; then over Hwy Route 62034 to Hwy Route 62052, then to the intersection of Hwy Route 519 through Wylandville to intersection of Hwy Route 31 at Eightfour, then over Hwy Route 31 to intersection with Hwy Route 88 at Monongahela, and returning over the same route to place of beginning, (4) beginning at Finleyville: then over Hwy Route 62174 (Elrama Road) through Gastonville to Elrama, then returning over the same route to place of beginning, (5) beginning at Monongahela, then over Hwy Route 62175, 62016 and 62014 to Ginger Hill; then over Hwy Route 62040 to Bentleyville, then over Hwy 62016 to intersection with Hwy Route 62175, then returning over the same route to the place of beginning, (6) beginning at Monongahela: then over Hwy Route 481 to intersection with Hwy Route 71, then over Hwy Route 71 to Bentleyville, then over Hwy Route 71 to Scenery Hill, then over Hwy Route 40 to Beallsville, then over Hwy APP508 to Bentleyville, then returning over the same route to place of

[1] All points named are in Pennsylvania.

beginning. (7) beginning at California: then over Hwy Route 82178 through Daisytown to intersection with Hwy Route 40, then over Hwy Route 40 through Richeyville to intersection with Hwy Route 82018 at Beallsville, then south over Hwy Route 82018 to intersection Hwy Route 82194, then over Hwy Route 82194 to intersection Hwy Route 82140 at Marianna, then over Hwy Route 82148 to intersection with Hwy Route 82078, then over Hwy Route 82078 to intersection with Hwy Route 30081, then over same route to Clarksville, then over Hwy Route 82012 to intersection with Hwy Route 88, then returning over the same route to place of beginning. (8) beginning at West Brownsville: then over Hwy Route 40 to intersection with Hwy Route 82018, then over Hwy Route 82018 to intersection with Hwy Route 82178, then over Hwy Route 82178 to Fredericktown, then over Hwy Route 88 to Vestaburg, then continuing over Hwy Route 88 to intersection Hwy Route 82196, then over Hwy Route 82198 to Denbo, then returning over Hwy Route 82196 to intersection with Hwy Route 88, then over Hwy Route 88 to West Brownsville. (9) beginning at the intersection of Hwy Route 88 and Library Road at Hillcrest; then over Library Road to intersection with Dicks Run Road at Broughton, then over Dicks Run Road to Bruceton, then returning over Dicks Run Road to Broughton, then via Lebanon Church Road past the County Airport to intersection Hwy Route 02084, then over Hwy Route 02084 to intersection with Hwy Route 837 at Dravosburg, then via Hwy Route 837 to Coal Valley, then over an unnumbered hwy to intersection with Hwy Route 51 near Pleasant Hills and returning over unnumbered Hwy to its intersection with Hwy Route 02182 at Coal Valley, then over Hwy Route 02182 to Large, then returning over Hwy Route 02182 to Coal Valley, then over Hwy Route 837 to intersection with Hwy Route 88 at Courtney, then returning over the same route to the place of beginning. (10) beginning at Pittsburgh: then over Hwy Route 51 to Brentwood, then over Hwy Route 51 to Perryopolis, then over Hwy Route 703 to Layton, then returning via Hwy Route 703 to Perryopolis, then over Hwy Route 51 to intersection with Hwy Route 711 at Star Junction, then over Hwy Route 711 to intersection with Hwy Route 119 in city of Connellsville, then over Hwy Route 119 to South Connellsville, then returning over Hwy Route 119 to intersection with Hwy Route 31, then over Hwy Route 31 to Borough of West Newton, then over Hwy Route 64258 to Sutersville, then over Hwy Route 64228 to Scott Haven, Industry, Buena Vista, North Buena Vista and South Versailles Township, then westwardly over an unnumbered Hwy through Lincoln Township to Hwy Route 02239, then over Hwy Route 02239 to Hwy Route 837, then over Hwy Route 837 to Coal Valley, then over unnumbered Hwy to Pleasant Hills, then returning over the same route to place of beginning. (11) beginning at Elizabeth: then over Hwy Route 02239 to intersection with Hwy Route 31 at Brownsdale, then over Hwy Route 31 through East Monogahela and Gallatin, then continuing over Hwy Route 31 to intersection with Hwy Route 906 at Milesville, then over Hwy Route 906 at Webster, then returning over the same route to Milesville to Hwy Route 31, then over Hwy Route 31 to intersection with Hwy Route 64067, then over Hwy Route 64067 to Smithdale, then over an unnumbered Hwy to Mustard, then returning over the unnumbered Hwy to intersection with an unnumbered Hwy, then north over the latter unnumbered Hwy to Douglass, Blythedale and Industry, then returning over the numbered Hwy and Hwy Route 64067 to intersection Hwy Route 31, then over Hwy Route 31 to West Newton, then over an numbered Hwy to Collinsburg, the returning over the unnumbered Hwy to intersection with Hwy Route 31 near West Newton, then over an unnumbered Hwy to Bells Mills and Yukon, then returning over the same route to West Newton, then over Hwy Route 71 to intersection Hwy Route 981 near Pricedale, then over Hwy Route 981 to intersection Hwy Route 64187, then over Hwy Route 64187 to Van Meter, then over an unnumbered Hwy to Wickhaven, then over Hwy Route 26014 to Whitsett, then over an unnumbered Hwy to Jacobs Creek, then over Hwy Route 64122 to Smithton, then over Hwy Route 971 to intersection with Hwy Route 64189, then over Hwy Route 64189 to intersection Hwy Route 31, then over Hwy Route 31 to Hwy Route 64184, then over Hwy Route 64184 to Wyano, then returning over the same route to place of beginning. (12) beginning at Pricedale: then over Hwy Route 71 to intersection with Hwy Route 711 at Belle Vernon, then over Hwy Route 711 to Fayette City, then over Hwy Route 28174 to Arnold City, then returning to Fayette City via the same route, then over Hwy Route 711 to Gillespie, then over Hwy Route 28018 to intersection with an unnumbered Hwy, then over the said unnumbered Hwy to Newell, then returning over the said unnumbered Hwy to Hwy Route 28018, then via Hwy Route 28018 to Brownsville, then over Hwy Route 28098 and an unnumbered Hwy to Alicia, then over Hwy Route 28001 and an unnumbered Hwy to East Millsboro, then over an unnumbered Hwy and Hwy Route 28095 to intersection with Hwy Route 28004, then over Hwy Route 28004 to Hwy Route 112, then over Hwy Route 112 to intersection with Hwy Route 166, then over Hwy Route 166 through Republic, Merrittstown and Allison to intersection with Hwy Route 40, then over Hwy Route 40 to intersection Hwy Route 26165, then over Hwy Route 26165 to Grindstone, then returning over the same route to Hwy Route 40, then over Hwy Route 40 to Brownsville, then returning over the same route to place of beginning. (13) to use, as an operating route only, in either direction, a route beginning at Pittsburgh, then over Hwy Route 30 to intersection with the Pennsylvania Turnpike, then over the Pennsylvania Turnpike to New Stanton, Westmoreland County, then over Hwy Route 119 to intersection with Hwy Route 31, excluding the right to pick up and deliver on Hwy Route 30, the Pennsylvania Turnpike and Hwy Route 119, except as hereinabove authorized. (14) to transport, as a common carrier, general commmodities over an Alternate Route: beginning at Connellsville, Fayette County, then over Hwy Route 711 to intersection with Hwy Route 31 near Jones Mills, Fayette County, then over Hwy Route 31 to a point on applicant's certificated routes; (15) beginning at the intersection of Hwy Routes 711 and 381 near Normalville, Fayette County, then over Hwy Route 381 to the borough of Ohiopyle, Fayette County. (16) between Pittsburgh and the PA-WV state line, near Mt. Morris, PA, then over U.S. Hwy 19, serving all intermediate points and points in Allegheny County, PA, as off-route points. II Irregular Routes: (1) between Pittsburgh, PA, on the one hand, and, on the other, points in Brownsville, Fayette County, PA and California, Charleroi and Donora, Washington County, PA, RESTRICTED against the transportation of packages exceeding 25 pounds in weight: (2) between points in Allegheny County, PA and points in Greene County, PA: (3) between points in Borough of Belle Vernon, Fayette County, PA, and points within 20 miles of Belle Vernon: (4) between points in the Borough of Masontown, Fayette County, PA, and points within 3 miles of Masontown. (5) between points in Allegheny County, PA, on the one hand, and, on the other, points in borough of masontown, Fayette County, PA, and points within 3 miles of Masontown. (6) between points in Allegheny County, PA, on the one hand, and, on the other,

points at the PA-WV state line at Mt. Morris, Greene County, PA; by way of Washington and Waynesburg, PA, restricted against service between Pittsburgh and Washington, PA, and points in Allegheny County, PA.

Volume No. OP4-073

Decided March 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 151207 (Sub-3F), filed October 27, 1980, previously noticed in the **Federal Register** of December 2, 1980. Applicant: P.S.T. Transport, Inc., 11236 West Ave., San Antonio, TX 78213. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting (1) *malt beverages*, from the facilities of Pearl Brewing Company, Inc., at San Antonio, TX, to points in AL, AR, FL, GA, LA, MS, NC, SC, and TN, and (2) *materials and supplies* used in the manufacture of malt beverages, in the reverse direction.

Note.—The purpose of this republication is to show GA as a destination state instead of CA.

MC 153287 (Sub-1), filed February 6, 1981, previously noticed in the **Federal Register** issue of March 5, 1981, and republished this issue. Applicant: DRESSER TRANSPORTATION SERVICES, INC., 400 West Wilson Bridge Rd., Worthington, OH 43085. Representative: William H. Borghesani, 1150 17th Street NW., Suite 1000, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in Calhoun, Jefferson, and Shelby Counties, AL, Alameda, Los Angeles, Orange, Santa Barbara, and Ventura Counties, CA, Fairfield, Hartford, and New Haven Counties, CT, New Castle County, DE, Cobb, De Kalb, Douglas, Fulton, Gordon, and Glynn Counties, GA, Cook, De Kalb, Du Page, Kane, Kendall, Lake, McHenry, Madison, St. Clair, and Will Counties, IL, Fayette, Lake, and Porter Counties, IN, Clinton, IA, Madison County, KY, E. Baton Rouge, Lafayette, Orleans, Rapides, St. Landry, W. Baton Rouge, and Calcasieu Parishes, LA, Baltimore, Baltimore City, Wicomico, and Garrett Counties, MD, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, MA, Mason, Muskegon, and Wayne Counties, MI, Audrain, Callaway, and St. Louis Counties, MO, Lander County, NV, Bergen, Burlington, Camden, Cape May, Essex, Hudson, Middlesex, Passaic, and Union Counties, NJ, Cattaraugus, Chautauqua, Erie, and Niagara Counties, NY, Buncombe, and Mecklenberg Counties, NC, Clark, Crawford, Cuyahoga, Definance, Delaware, Franklin, Guernsey, Hamilton, Lucas, Marion, Montgomery, Scioto, Shelby, Summit, and Wayne Counties, OH, Allegheny, Armstrong, Clearfield, Delaware, McKean, Mifflin, Montgomery, Philadelphia, Tioga, and Westmoreland Counties, PA, Providence County, RI, Abbeville, Anderson, Charleston, Greenville, Greenwood, and Spartanburg Counties, SC, Cocke, Hamblen, Knox, and Washington Counties, TN, Dallas, Galveston, Harris, Jefferson, Limestone, and Tarrant Counties, TX, Milwaukee and Waukesha Counties, WI, and Big Horn County, WY, on the one hand, and, on the other, points in the U.S. The purpose of this republication is to correctly state the points of tacking.

Note.—Applicant states it intends to interline at West Haven, CT, Philadelphia and Pittsburgh, PA, Baltimore, MD, Buffalo and Olean, NY, Columbus, OH, Morristown and Knoxville, TN, Atlanta, GA, Asheville, NC, Greenville, SC, Lafayette, LA, Houston and Dallas, TX, St. Louis, MO, Chicago, IL, and Los Angeles, CA.

Volume No. OP5-77

Decided: March 19, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 18088 (Sub-69), filed February 6, 1981. (republication) Previously published March 13, 1981. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Clorox Company, of Oakland, CA, (2) Union Underwear Company, Inc., of Bowling Green, KY, and (3) Kerr-McGee Corporation, of Oklahoma City, OK and their subsidiaries and affiliates.

Note.—This republication adds subsidiaries and affiliates.

MC 110288 (Sub-23), filed February 5, 1981. Applicant: HARRY HENERY, INC., 3517 West Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *metal products*, (2) *machinery*, and (3) *transportation equipment*, between the facilities of Miner Enterprises, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 113658 (Sub-40F), filed November 5, 1980. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon the coincidental cancellation, at applicant's request, of its presently held certificates in No. MC-113658, and sub-numbers thereunder.

MC 115669 (Sub-203), filed January 5, 1981, previously noticed in the **Federal Register** issue of February 5, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). Transporting *salt and salt products*, and *products* used in the agricultural, water treatment, food processing, wholesale grocery and industrial supply industries, between Chicago, IL, Detroit, MI, St. Paul, MN, St. Louis, MO, Omaha, NE, Milwaukee, WI, and points in Alameda County, CA, Reno County, KS, Iberia County, LA, Manistee and St. Clair Counties, MI, Lake and Wayne Counties, OH, Van Zandt County, TX, and Salt Lake County, UT, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

MC 130578 (Sub-1), filed February 5, 1981. Applicant: KARL STORCH, d.b.a. SUN TOURS, 2420 Broadway NE, Albuquerque, NM 87102. Representative: Karl Storch (same address as applicant). To operate as a *broker*, at Albuquerque, NM, of *passengers and their baggage*, between points in the U.S.

MC 134798 (Sub-6), filed February 3, 1981. Applicant: BLAIR CARTAGE, INC., 11330 Kinsman Rd., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Lowe Chemical Company of Cleveland, OH.

MC 141069 (Sub-2F), filed November 7, 1980. Applicant: PHILIP R. BERNSTEIN, d.b.a. PHIL BERNSTEIN TRUCKING COMPANY, 2101 Epps Street, Fort Worth, TX 76104. Representative: Marshall Kragen, 1919 Pennsylvania Avenue, NW., Suite 300, Washington, DC 20006. Transporting *general commodities* (except household goods and Classes A and B explosives), between points in TX.

MC 146078 (Sub-39F), filed November 17, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR

72104. representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *outdoor recreational equipment and accessories, and heating and air conditioning equipment,* between the facilities of the Coleman Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149299 (Sub-1), filed February 3, 1981, previously noticed in Federal Register issue of March 10, 1981. Applicant: PALMER INDUSTRIES, INC., P.O. Box 839, Macon, GA 31202. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *rubber and plastic products,* between points in Franklin County, OH, and Tuscaloosa County, AL, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the commodity description.

MC 150499 (Sub-3), filed February 5, 1981. Applicant: ENGLES TRUCK SERVICE, INC., RR 3, Box 58, Worthington, MN 56187. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *food and related products,* between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counties, MN on the one hand, and, on the other, points in AL, AZ, CA, FL, GA, IL, IN, MI, NV, NM, NC, OH, SC, and WI.

MC 151478 (Sub-1), filed february 2, 1981. Applicant: DOC'S CARTAGE COMPANY, INC., 8827 West 81st Street, Burbank, IL 60459. Representative: Naomi M. Dockstader, (same address as applicant). Transporting *general commodities,* (except classes A and B explosives) between Chicago, IL, on the one hand, and, on the other, points in IL.

MC 151839 (Sub-2F), filed December 23, 1980, previously noticed in the Federal Register issue of February 3, 1981. Applicant: C & S TRUCKING, INC., 4717 West Military Hwy, Chesapeake, VA 23320. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Suffolk, Richmond, and Petersburg, VA, and (2) between Suffolk, VA, on the one hand, and, on the other, points in NC and MD, restricted to traffic having a prior or subsequent movement by rail or water.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9226 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publications to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-048.

Decided March 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 111812 (Sub-757), filed January 21, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant) (605) 339-0424. Transporting *chemicals and related products, and maintenance supplies,* and *such commodities* as are dealt in by grocery and discount stores, between the facilities used by Procter and Gamble at (1)(a) Kansas City, KS, (b) St. Louis, MO, (c) Iowa City, IA, (d) Omaha, NE, (e) Cincinnati, OH, and (f) Chicago, IL, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, NM, OR, UT, WA and WY, and (2) between Lexington, KY, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9225 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 47]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 24, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2304 (Sub-49)X, filed March 16, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from the lead and Sub-Nos. 16, 19, 20, 21, 24, 26, 27, 29, 31G, 34, 36F, 37F, and 40F by (1) broadening the commodity description (a) from general commodities (with the usual exceptions) in the lead and Sub-Nos. 16, 19, 20; additional exceptions for the transportation of livestock, perishable commodities, rayon and rayon factory supplies in Sub-No. 24; and the usual exceptions in permit No. MC–2304 (Sub-No. 37F) to "general commodities, except classes A and B explosives;" (b) from iron and steel products and steel mill products in the lead, and iron and steel, iron and steel products and articles in Sub-Nos. 21, 24, 29, 31G, and springs and spring parts in Sub-No. 36F to "metal products"; (c) from iron and steel and iron and steel products, pallets and empty containers used in their transportation in the lead to "metal products and parts and empty containers used in transporting metal products"; (d) coal mine machinery and supplies and farm machinery in Sub-No. 24 to "machinery"; (e) from heavy machinery, machine tools, electrical and steam equipment, vaults and parts thereof, and other heavy or bulky commodities requiring specialized handling and equipment in Sub-No. 27 to "those commodities which because of their size or weight require the use of special handling or equipment"; (f) from springs and parts used in the attachment and installation of springs in Sub-No. 34 and 36F to "metal products and materials and supplies used in the attachment and installation of metal products"; (g) from foodstuffs, and materials and supplies used in the manufacture, sales and distribution of foodstuffs to "food and related products" in Sub-No. 40F; (2) by changing less than county-wide territorial authorizations to city-wide or county-wide territorial authorizations: in the lead from Norwood, OH, to Hamilton County, OH; Peoria, IL, to Peoria County, IL; Evansville, IN, to Vanderburgh County, IN; Connorsville, IN, to Fayette County, IN; Grand Rapids, MI, to Kent County, MI; Alliance, OH, to Stark County, OH, Salem, OH, to Columbiana County, OH; Sebring, OH, to Mahoning County, OH; in Sub-No. 19, from Gibralter, MI, to Wayne County, MI; in Sub-No. 21, from Warren and Niles, OH, to Trumbull County, OH; in Sub-No. 26 from a facility at Burns Harbor, IN, to Porter County, IN; in Sub-No. 27 from Wilmington, DE, to New Castle County, DE; in Sub-No. 31G from Peoria, IL to Peoria County, IL; Connorsville, IN, to Vanderburgh County, IN; Evansville, IN, to Fayette County, IN, Wilmington, DE, to New Castle County, DE; facility in Putnam County, IL, to Putnam County, IL; in Sub-No. 34, from Columbia, TN, to Maury County, TN; Dubois, PA, to Clearfield County, PA; McDonald, OH, to Trumbull County, OH; Gary, IN, to Lake County, IN; in Sub-No. 40F, from Hoopeston, IL, to Vermilion County, IL; Princeville, IL, to Peoria County, IL, Mayville, WI, to Dodge County, WI; and Turkey, NC, to Sampson County, NC; (3) broaden the territorial descriptions from existing one-way authority to radial authority between the counties named above and named points throughout the U.S.; in the lead and Sub-Nos. 16, 20, 21, 24, 26, 27, 29, 31G, 34, 36F, and 40F; (4) broadening the territorial description by removing restrictions limiting service to transportation originating at or destined to named points; (5) authorize service at all intermediate points (a) between Detroit, MI, and Cleveland, OH; Washtenaw County, MI and the MI–OH state line; Washtenaw County, MI and Toledo, OH; Detroit, MI and Macomb County, MI, in the lead; (b) between St. Louis, MO and points in St. Clair County, IL; East St. Louis, IL and Belleville, IL; East St. Louis, IL and Millstadt, IL in Sub-No. 24F.

MC 26377 (Sub-32)X, filed March 17, 1981. Applicant: LEONARDO TRUCK LINES, INC., 511 South First St., Selah, WA 98942. Representative: Lawrence V. Smart, jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its lead and Sub-Nos. 9, 19, 20, 21 and 23F certificates (1) to broaden its commodity description from fruits and vegetables, agricultural and horticultural products, dressed meats, green hides, vinegar, foodstuffs, beer and wine, and cottonseed meal to "food and related products" in paragraphs 1, 2, 3, 5, and 6 of the regular route portion of the lead certificate; paragraphs 2, 5, and 6 of the irregular route portion of the lead; and Sub-Nos. 9, 19, 20 and 21; from petroleum products to "petroleum, natural gas, and their products" in paragraph 4 of the regular route portion of the lead; from livestock, live poultry and wool to "farm products" in paragraph 6 of the regular route portion paragraph 1 of the irregular route portion of the lead certificate; from salt, sacks, twine, sheet metal and builder's hardware to "chemicals and related products, rubber and plastic products, textile mill products, pulp, paper and related products, metal products, and building materials" in paragraph 3 of the irregular-route portion of the lead; from cement to "commodities in bulk" in paragraph 4 of the irregular-route portion of the lead; and from plastic articles to "rubber and plastic products" in Sub-No. 23F; (2) to substitute counties for cities as follows: in the irregular route portion of the lead certificate, Yakima County, WA for Yakima, Grander, and Zillah, WA in paragraphs 2, 3, and 4; Deschutes County, OR fot Bend, OR, in paragraph 5; Washington, Clackmus, and Multnomah Counties, OR, for Portland, OR, in paragraphs 5 and 6; Umatilla County, OR, for Milton, OR, in paragraphs 5 and 6; Marion and Polk Counties, OR, for Salem, OR, in paragraphs 5 and 6; and King County, WA for Seattle, WA, Pierce County, WA for Tacoma, WA; and Whatcom County, WA for Blaine, WA, in paragraph 5; in Sub-No. 9, Umatilla County, OR for Milton-Freewater, OR; Snohomish County, WA for Arlington, WA; Skagit County, WA for Buklington, WA; and San Diego County, CA for San Diego, CA; and in Sub-No. 19, Clark County, WA for Vancouver, WA; (3) to authorize service at all intermediate points on its authorized regular routes in the lead certificate, between: Zillah, WA and Portland, OR; Tacoma, WA and Zillah, WA; Grandview, WA and Portland, OR; Portland, OR and Grandview, WA; and Grandview, WA and Tacoma, WA; (4) to authorize round trip service on all its authorized regular routes in the lead

certificate between specified points in OR and WA, and to authorize radial service over its irregular routes between: named points, in OR and WA, in the lead; Umatilla County, OR and Snohomish County, WA, and Skagit County, WA and San Diego County, Ca in Sub-No. 9; four counties in WA and named points in WA and OR, in Sub-No. 19; CA and three WA counties and two WA counties and CA, in Sub-No. 20; and two CA counties and WA, in Sub-No. 21; (5) to remove restrictions limiting service to pick up or delivery only on its authorized regular routes in the lead certificates; (6) to remove facilities restrictions: Welch Foods, Inc. in Sub-No. 19 and A & B Plastic, Co., in Sub-No. 23F, and (7) to remove various commodity restrictions: in the regular route portion of the lead, paragraph 4 (in containers); Sub-No. 19 (in cargo containers); Sub-No. 19 (limiting transportation to traffic having a subsequent movement by water); and Sub-No. 23F (in bulk, in tank vehicles only).

MC 31237 (Sub-13)X, filed March 13, 1981. Applicant: DIGNAN TRUCKING, INC., P.O Box 7463, Baltimore, MD 21227. Representative: Frank B. Hand, Jr., 521 South Cameron Street, Winchester, VA 22601. Applicant seeks to remove restrictions in its Sub-No. 11F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives and commodities in bulk)" and (2) to remove restriction to the transportation of traffic having a prior or subsequent movement by water.

MC 32882 (Sub-159)X, filed March 16, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 104F and 121F certificates to (A) broaden the commodity description in each certificate to "metal products and building materials" from buildings, building sections and panels, and metal prefabricated structural components and panels, and parts and accessories, and (B) broaden the territorial descriptions by removing the "except AK and HI" restriction, and removing the restriction limiting service to the transportation of traffic originating at the named origin in Sub-No. 104F, substitute county-wide authority in place of the specified facilities and city origins, and substitute radial authority in place of one-way authority, as follows: Sub-No. 104F, between Utah County, UT (facilities near Spanish Fork, UT), and points in the United States; and Sub-No. 121F, between Kings County, CA (facilities at Hanford, CA), and points in 16 States.

MC 35320 (Sub-846)X, filed March 12, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 78 certificate to (1) broaden its commodity descriptions (a) in the regular and irregular route portion, sheets 1, 2, 7, 8, 11, and 12, from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", and (b) in the regular route portion, sheets 4 and 7, and in the regular route portion, sheet 12, from classes A and B explosives and general commodities (with exceptions), to "general commodities"; (2) remove a facilities limitation in the regular route portion, sheet 1 and 2; (3) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service, in the regular route portion, sheet 3, between Nashville, TN, and Evansville, IN, and St. Louis, MO; between McLeansboro, IL, and Evansville, IN; and between Morganfield, KY, and Henderson, KY; sheet 4, between Philadelphia, PA, and New York, NY; between Old Hickory, TN, and Philadelphia, PA; sheet 5, between Winchester, VA, and Philadelphia, PA; between Stephens City, VA, and Philadelphia, PA; sheet 6, between Murfreesboro, TN, and Chattanooga, TN; sheet 7, between Chattanooga, TN, and Rockwood, TN, between Murfreesboro, TN, and Monteagle, TN, between Chicago, IL, and Evansville, IN; and sheet 8, between Trenton, NJ, and Darby, PA; (4) eliminate the restrictions against transportation of shipments between specified combinations of points in AL, TN, NJ, and PA, regular route portion, sheets 1, 2, 3, 7, and 8; (5) in their regular route portion, sheet 13 eliminate the restrictions limiting traffic to that originating at or destined to points south of Philadelphia, PA, and precluding transportation of strictly local traffic between any 2 points north of the TN-VA state line; and on sheet 12, precluding transportation to strictly local traffic, but not interline traffic (6) in the regular route portion change one-way to radial authority between: points in NJ counties and CT; and PA counties and MA (with exceptions), (7) remove a restriction against tacking Sub-No. 78 with the applicant's lead certificate at Nashville, TN with regard to traffic moving to or from points in TN (except 7 cities) and (8) remove the restrictions designating the particular regular route in connection with which the off-route points of Decator, IL, Cockeysville, MD, Portagen, IN, and Mt. Vernon, and Pride, IN, may be served to change the description to the off-route points "in connection with carrier's regular-route operation."

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 35958 (Sub-6)X, filed March 11, 1981. Applicant: M-B TRANSPORT, INC., 1941 Land Road, Jamison, PA 18929. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Applicant seeks to remove restrictions in its lead certificate and subs 4F and 5F as follows: (1) in its lead certificate to broaden the commodity description from sand, gravel, crushed stone, slag and soil and earth strippings to "commodities in bulk"; (2) in Sub 4F to broaden the commodity description from agricultural lime, in bulk, in dump vehicles and limestone, in bulk, in dump vehicles, to "commodities in bulk," and to broaden the territory from DeVault and Norristown, PA to Chester and Montgomery Counties, PA and authorize radial service between those counties and points in Hunterdon, Somerset, Middlesex, Mercer, Monmouth, Burlington, Ocean, Atlantic, Gloucester, Salem, Morris, Warren, Camden and Cumberland Counties, NJ; (3) in Sub 5F, to broaden the commodity description from slag, sand and gravel to "commodities in bulk," and to broaden the territory from Morrisville to Bucks County, PA, and authorize radial service between points in Bucks County, PA, on the one hand, and, on the other points in DE, MD, NJ and NY; to broaden the territory under its stone and stone products authority to authorize radial service between points in Berks County, PA, facility at Birdsboro, on the one hand, and, on the other, points in DE, MD and NJ; and to broaden the commodity description from sand and gravel to "commodities in bulk" and to broaden the territory to authorize radial service between Cumberland County, NJ (facilities at or near Millville), and points in MD, DE and PA.

MC 41406 (Sub-169)X, filed March 9, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Ralph D. Artim (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 13, 51, and 74F certificates (1) to broaden its commodity descriptions from general commodities with numerous exceptions to "general commodities (except classes A and B

explosives)"; (2) to remove plantsite restrictions in all certificates; (3) to authorize county-wide service in place of city-wide authority, in the lead sheet 2, Porter County, IN for Burn Harbor, IN; and sheet 3, Porter County, IN for Portage, IN; Sub-No. 13, Porter County, IN for Burns Harbor, IN; Sub-No. 51, Posey County, IN for Mt. Vernon, IN, and; Sub-No. 74F, Jefferson County, IN for Madison, IN; and (4) in Sub-No. 51, remove the restriction limiting service to the transportation of traffic having a prior or subsequent movement by water or rail.

MC 42261 (Sub-154)X, filed March 17, 1981. Applicant: LANGER TRANSPORT CORP., P.O. Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its lead certificate (1) to broaden the commodity description in both the regular and irregular portions of the lead certificate from general commodities with various exceptions to "general commodities (except classes A and B explosives)"; (2) to broaden its commodity description from petroleum and petroleum products except medicinal petroleum products, paraffine wax, and asphalt, to "petroleum and petroleum products"; (3) remove restrictions limiting service to the transportation of commodities "in bulk, in tank trucks" or "loose and in packages", in sheets 3, 4 and 5, and; (4) to authorize radial authority in place of one-way movements, in sheets 3, 4 and 5, between specified points, generally, in NY, NJ, PA, DE, CT, and MA.

MC 52660 (Sub-9)X, filed March 9, 1981. Applicant: D. A. EXPRESS, INC., 11937 S. Page Avenue, Calumet Park, IL 60643. Representative: Stephen H. Loeb, 33 North LaSalle-Suite 2027, Chicago, IL 60602. Applicant seeks to remove restrictions in its lead permit (1) to broaden the territorial description to between points in the U.S., under continuing contract(s), and (2) to broaden the commodity description in part 2 of the lead permit from packinghouse products and supplies to "food and related products."

MC 73165 (Sub-548)X, filed March 11, 1981. Applicant: EAGLE MOTOR LINES, INC., 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 424, 425, 427, 445F, 482F, 487F, and 516F certificates to (1) broaden its commodity descriptions (a) in Sub-No. 424, from pipe, boiler tubing, and fabricated steel pipe, boilers and boiler parts, including valves, coal crusher-feeders, and burners, fabricated steel weldments, steel castings, and steel plates, to "metal products, and machinery", (b) in Sub-No. 425, from air pollution control equipment, heating equipment and cooling equipment, and parts and accessories therefor, to "pollution control equipment, and equipment for heating, cooling, moving, humidifying and dehumidifying of air, gas, or liquid," (c) in Sub-No. 427, from metal working press, metal drawing press, metal rolling machinery, machine parts, wrought castings, weldings, and gear and materials and supplies used in the manufacture of such items (except commodities in bulk), to "machinery, and metal products and materials and supplies used in the manufacture of machinery and metal products", (d) in Sub-No. 445F, from material handling equipment, and parts, accessories and attachments for material handling equipment, to "machinery" (e) in Sub-No. 482F, from switch ties, bridge timbers, crossing panels, poles, posts, and wood products, and parts and accessories for the commodities thereof, to "lumber and wood products, and railroad equipment", and (f) in Sub-No. 487F, part (1), from urethene products and plywood, to "urethene products, and lumber and wood products", in part (2), from plywood, to "lumber and wood products"; (2) replace its facilities and/or cities with county-wide authority (a) in Sub-No. 424, facilities at Erie, PA, and Sapulpa, OK, with Erie County, PA, and Creek County, OK, (b) in Sub-No. 425, facilities at Houston, TX, with Houston, TX, (c) in Sub-No. 427, facilities at or near Salem, OH, with Columbiana County, OH, (d) in Sub-No. 445F, Crystal Lake, IL, and Houston, TX, with McHenry County, IL, and Harris County, TX, (e) in Sub-No. 482F, facilities at or near Lufkin, TX, with Angelina County, TX, (f) in Sub-No. 487F, facilities at Diboll, TX, and Angelina County, TX, and (g) in Sub-No. 516F, facilities at or near Pocatello, ID, with Bannock County, ID; (3) change its one-way authority to radial authority (a) in Sub-Nos. 424, 445F, 482F, 487F, and 516F, between the above-named counties, and points in the U.S., and (b) in Sub-No. 425, between Houston, TX, and points in the U.S. in and east of MN, IA, MO, OK, and TX; and (4) eliminate (a) in Sub-Nos. 427 and 516F, the commodities in bulk exceptions, and (b) in Sub-Nos. 424, 427, 445F, 482F, and 487F, the AK and HI exceptions.

MC 80853 (Sub-31)X, filed March 13, 1981. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 6F, 13F, 15F, 16F, 20F, 22F, 24F, and 28F certificates to (1) broaden the commodity descriptions from (a) turbines, heat exchangers, and parts to "machinery" in Sub-No. 6F; (b) iron and steel articles, corrugated steel sheets, materials, equipment, and supplies used in the manufacture or distribution of corrugated steel sheets to "metal products" in Sub-Nos. 13F, 15F, 16F, and 22F; (c) automotive and truck parts and empty containers to "machinery and transportation equipment" in Sub-No. 24F; and (d) crude silicon caribide and crude silicon caribide briquettes to "ores and minerals and clay, concrete, glass or stone products" in Sub-No. 28F; and (e) truck cabs, machinery, and machine parts to "machinery and transportation equipment" in Sub-No. 20F; (2) remove the "except commodities in bulk" restriction in Sub-Nos. 6F, 16F and 22F; (3) change city-wide to county-wide authority from Dover and Mansfield to Tuscarawas and Richland Counties, OH, respectively, in Sub-No. 15F; Montgomeryville to Montgomery County, PA in Sub-No. 16F; Allentown and Macungie to Lehigh County, PA, and Stockertown to Northampton County, PA in Sub-No. 24F; and Niagara Falls to Niagara County, NY in Sub-No. 28F; (4) expand one-way authority to radial authority between (a) Philadelphia, PA and points in the U.S. (except PA, MA, RI, CT, NY, NJ, DE, MD, VA, WV, NC and DC), in Sub-No. 6F; (b) Baltimore, MD and points in DE, VA, WV, TN, KY, IN, NC, and DC, and those points in PA on and west of a line beginning at the PA–MD State line and extending north on U.S. Hwy 220 to its junction with U.S. Hwy 15, then along U.S. Hwy 15 to the PA-MD State line; and Columbus, OH and points in PA, NY, NJ, CT, DE and VA in Sub-No. 13F; (c) Richland and Tuscarawas Counties, OH and points in MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC, and DC in Sub-No. 15F; (d) Montogomery County, PA and those points in the US in and east of MN, IA, MO, AZ and LA in Sub-No. 16F; (e) Philadelphia, PA and those points in the US in and east of WI, IL, MO, AR and TX in Sub-No. 20F; and (f) Niagara County, NY and points in NJ, PA, DE, MD, VA, WV, OH, and DC in Sub-No. 28F; (5) remove the restriction against service to "AK and HI" in Sub-No. 6F; and (6) eliminate the facilities limitations in Sub-Nos. 6F, 13F, 15F, 20F, 22F, 24F and 28F.

MC 85070 (Sub-52)X, filed March 6, 1981. Applicant: SARTRAIN TRUCK LINE, INC., 1625 Hornbrook Street, P.O. Box 1298, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008

Clark Tower, 5100 Popular Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Authority acquired in MC-F-13938, to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" and (2) broaden the territorial description to serve all intermediate points on its regular routes between Tiptonville and Union City, TN.

MC 107544 (Sub-158)X, filed March 17, 1981. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 153F certificate to (1) broaden the commodity description from chemicals, in bulk to "commodities in bulk"; (2) remove the "in tank vehicles" restriction; (3) expand city-wide to county-wide authority from Jonesboro to Clayton County, GA, Garyville to St. John the Baptist Parish, LA, and Muscle Shoals to Colbert County, AL.

MC 109397 (Sub-537)X, filed February 26, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs, (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 174, 508, 454, 177, 487, 228, 282, and 513 to (1) broaden the commodity descriptions (a) from irradiated source, special nuclear, radioactive and by-product materials, when moving in shielded shipping containers, in Sub-No. 174, and source, special nuclear, and by-products materials, radioactive materials, which because of size or weight require special equipment and handling, and related reactor equipment, component parts, and associated materials, in Sub-No. 454F (paragraph 64), to nuclear materials, radioactive materials, hazardous and industrial waste materials, (b) from classes A and B explosives in Sub-No. 508F and (1) commodities bearing a security classification by the United States Government, (2) weapons, and ammunition which are designated sensitive by the United States Government, and (3) drugs which are designated sensitive by the United States Government, in Sub-No. 177, to (1) ordinance and accessories, hazardous materials, and other dangerous articles; (2) blasting materials, supplies and agents; (3) chemicals, drugs, and related products; and (c) from oilfield equipment and supplies, pipe, pipe-line material, machinery and equipment incidental to and used in connection with the construction, repairing, or dismantling of pipelines, in Sub-Nos. 487, and 454, aircraft ground support equipment (except automobiles, trucks and buses as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), in Sub-No. 228, aircraft and aircraft parts, and equipment and machinery and parts and materials and supplies used in the maintenance, servicing, repairing, and operation of aircraft (except commodities in bulk and except automobiles, trucks, and buses as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), in Sub-No. 282, aircraft ground support equipment (except automobiles, trucks, and buses as defined in *Descriptions in Motor Carrier Certificates*, weighing less than 15,000 pounds, 61 M.C.C. 209 and 766), which because of size or weight requires the use of special equipment, in Sub-No. 454F, and (i) aerospace craft; (ii) aerospace ground support equipment, and aerospace ground support systems; (iii) attachments, materials, accessories and supplies used in the manufacture, maintenance, servicing, or operation of the commodities in (i) and (ii) above, (except commodities in bulk), in Sub-No. 513F, to (a) metal products; (b) machinery; (c) transportation equipment; and (d) commodities, which because of size or weight require the use of special equipment or special handling; (3) remove a restriction requiring a prior or subsequent movement by rail or water in Sub-No. 174, (4) remove exception of AK or HI from nationwide authority in Sub-Nos. 454F paragraphs 3, 23, and 64, 228, 282, and 513, (5) remove a restriction requiring commodities to move to or from pipe-line rights-of-way, and (6) remove a weight restriction in Sub-No. 177.

MC 109681 (Sub-11)X, filed March 5, 1981. Applicant: STERNS TRANSPORT, INC, P.O. Box 397, Bradley Beach, NJ 07720. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 7, and 10 certificates and E-1 letter notice to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions) in the lead (sheets 1 and 2) and the above named sub numbers; (b) "food and related products" from sea-foods in the lead (sheet 2) and (c) "coal and related products" from coal in the lead (sheet 2); (2) replace some cities with county-wide authority: Metuchen and Nixon with Middlesex County, NJ, Point Pleasant, Bay Head, Lakewood, Long Beach Island, Barnegat City and Beach Haven with Ocean County, NJ in the lead; Morrisville with Bucks County, PA in the lead and Sub-No. E-1; and Wall Township with Monmouth County, NJ, in Sub-Nos. 6 and 7; (3) eliminate the facility limitation at Schuylkill County, PA, in the lead; and (4) remove the restriction limiting service to interline traffic in the lead and Sub-Nos. 6, 7, and 10.

MC 111274 (Sub-70)X, filed March 10, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550 Representative: Frederick C. Schmidgall (same as applicant). Applicant seeks to remove restrictions in its Sub 25 and 26 certificate to broaden the territorial description to between points in the United States, under a continuing contract(s) with a named shipper.

MC 111496 (Sub-39)X, filed March 16, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 33F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "*general commodities* (except classes A and B explosives)"; (2) remove restrictions against service to intermediate points to authorize service at all intermediate points on its described regular routes between Fargo, ND and Portland, OR; between Kalispell, MT and Portland, OR, and between Wolf Point, MT and Beach, ND.

MC 115215 (Sub-41)X, filed March 9, 1981. Applicant: NEW TRUCK LINES, INC., P.O. Box 618, Seaford, DE 19973. Representative: W. P. Kurtz, Jr. (same as applicant). Applicant seeks to remove restrictions in its lead, and Sub-Nos. 13, 23, 24, 29, and 33, 35, 37 certificates to (1) broaden the commodity description from (a) lumber, wood chips, lumber products, poles, posts, timbers, wooden fence sections, wooden boxes, wooden posts, wooden poles, wooden timbers, plywood, pilings, crossties, and crossarms to "lumber and wood products" and forest products in lead and Sub-Nos. 23, 24, 33(b) in its lead certificate from bottle-carrying crates and plastic pipe to "rubber and plastic products and metal products"; (c) in its lead, sub 29 and 35 certificates from heavy machinery which requires special equipment, and lumber handling machinery and dry kiln outfits, to "machinery"; (d) in its lead certificate from clay products to "clay, concrete, glass, or stone products"; (e) in Sub-No.

13 certificate from explosives, explosive components, and explosive products to "ordnance and accessories and hazardous products"; (f) in Sub-No. 37 certificate from sheet rock to "pulp, paper, and related products"; (2) by replacing city-wide authority with county-wide authority: Percy, FL, with Taylor County, FL; Duval County for Jacksonville, FL; Calhoun County for Blountstown, FL; Alachua County for Newberry, FL; Baldwin County for Milledgeville, GA, in lead; Perry, FL, with Taylor County, FL, in Sub-No. 13; Jacksonville, FL, with Duval County in Sub-No. 29; Alachua County for Gainesville, FL, in Sub-No. 33; (3) remove plantsite restrictions in the lead, Sub-Nos. 13 and 33 certificates; (4) remove a restriction against commodities in bulk in the lead certificate; (5) remove interlining restriction in the lead certificate; (6) remove a subsequent movement by water restriction in the Sub-No. 29 certificate; and (7) expand the territorial authority from one-way to radial authority primarily between the southeastern states in the lead, and Sub-Nos. 13, 23, 24, 29, 33, 35, 37.

MC 116645 (Sub-35)X, filed March 9, 1981. Applicant: BULK TRANSPORTERS, INC., P.O. Box 127, Gilcrest, CO 80623. Representative: Leslie R. Kehl, Suite 1600, 1660 Lincoln St., Denver, CO 80264. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 10, 11, 13, 16, 22, 26F, 27F, and 28F certificates to (1) broaden the commodity description in each to read "commodities in bulk" from various specific food products in bulk, in tank vehicles, as follows: liquid and dry sugar, syrup and molasses, blends of sugar and syrup, vinegars, milk and milk products, animal and vegetable oils, liquid animal feed, and distillery solubles, and also remove the in tank vehicle restrictions; (2) broaden the territorial descriptions to authorize county-wide authority in place of specified cities and plantsites, and change from one-way service to radial service: lead certificate, between points in Adams, Boulder, Larimer, Logan, Morgan, Sedgwick, and Weld Counties, CO (Johnstown, Brighton, Eaton, Fort Morgan, Greeley, Longmont, Loveland, Ovid, and Sterling, CO), and Denver, CO, and points in KS, MN, MO, NE, NM, OK, TX, UT and WY; Sub-No. 6, between Delta County, CO (Delta, CO), and Kansas City, MO; Sub-No. 8, between points in Adams, Arapahoe, Jefferson, and Denver Counties, CO, and points in TX, WY, and UT; Sub-No. 10, between points in Scotts Bluff County, NE (Morrill, NE) and Weld County, CO (Lucerne, CO), and points in CO, WY, NE, SD, UT, KS, MT, and ID; Sub-No. 11, between Jefferson County, CO (Wheat Ridge, CO), and points in CO, KS, NE, and OK; Sub-No. 13, between Denver, CO (plantsite near Denver, CO), and points in AZ, CO, KS, NE, NM, OK, TX, UT, and WY; Sub-No. 16, between Denver, CO, and points in 20 States, and between Arkansas County, AR (Stuttgart, AR), and points in OR, TX, and Denver, CO; Sub-No. 22, between Logan County, CO (facilities at Sterling, CO), and points in CO, MT and WY, and described portions of SD, NE, and KS; Sub-No. 26F, between Logan County, CO (facilities at Sterling, CO), and points in six States; Sub-No. 27F, between Weld County, CO, and points in AZ, MT, ND, and SD; Sub-No. 28F, between points in Scotts Bluff County, NE (Minatare, NE), and points in KS, and points on and north of Interstate 40 in NM, OK and TX. Applicant also seeks to remove a restriction against the transportation of molasses destined to points in CO, SD, KS and NE in Sub-No. 10.

MC 118959 (Sub-12)X, filed March 16, 1981. Applicant: BULLOCK TRUCKING COMPANY, INC., P.O. Box 1634, Thomasville, GA 31792. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 11F cerificate to (1) broaden the commodity description from lumber (except plywood) to "construction materials", and (2) broaden its one-way authority to radial authority between points in AL, and, points in GA, and between points in GA, and, points in FL and SC.

MC 120000 (Sub-40)X, filed March 17, 1981. Applicant: UINTAH FREIGHTWAYS, 1030 South Redwood Road, Salt Lake City, UT 84104. Representative: Patrick J. Farley (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 4 certificate to (1) broaden the commodity descriptions from well-servicing equipment and supplies, and drilling parts and supplies, except drilling rigs and tubular goods, and except carbon dioxide in bulk, in tank vehicles to "mercer commodities" and (2) to remove restriction of traffic originating at or destined to Vernal, UT.

MC 120772 (Sub-2)X, filed March 10, 1981. Applicant: MIDWAY CARTAGE, INC., 4900 S. Merrimac Avenue, Chicago, IL 60638. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. Applicant seeks to remove restrictions in its MC 149332F permit to: (1) expand the commodity description from aluminum articles to "metal products"; (2) remove the restriction against the transportation of commodities in bulk; and (3) broaden the territorial description to authorize service between points in the U.S. under continuing contract(s) with a named shipper.

MC 123023 (Sub-16)X, filed March 12, 1981. Applicant: DIPIETRO TRUCKING CO., 8612 South 218th Street, Kent, WA 98031. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Applicant seeks to remove restrictions in its MC 141140 (Sub-No. 1) permit to (1) broaden the commodity description form flour, flour preparations, cereals, frosting preparations, sugar and salt to "food and related products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 124045 (Sub-4)X, filed March 16, 1981. Applicant: RAYMOND G. WISHARD d.b.a. WISHARD TRUCKING, RD 5, Chambersburg, PA 17201. Representative: Charles E. Creager, 1329 Pennsylvania Ave. P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to broaden the commodity description in its Sub-No. 3 from cullets to "commodities in bulk".

MC 124083 (Sub-63)X, filed March 4, 1981. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, IN 46203. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 9, 11, 22, 24, 25, 27, 30, 33, 36, 37, 41, 44, 46, 48, 51, 52, 53, 55, 56, 57, 58, 59, and 61 certificates to (1) broaden the commodity descriptions in all certificates to "commodities in bulk" from: pig iron in Sub-No. 2, coke in Sub-No. 3, ferro alloys, pig iron, coke and slag, scrap metal, and coal in Sub-No. 9, in bulk road building materials and construction materials (except liquid bulk in tank vehicles) and dry bulk commodities (not including cement) in Sub-No. 11, salt, not for human consumption in Sub-No. 15; coke and pig iron in Sub-No. 24, coke in Sub-Nos. 22, 25, and 27, salt in Sub-No. 30, salt (except in packages) in Sub-No. 33, lead litharge in Sub-No. 36, diammonium phosphate in Sub-No. 37, dolomite in Sub-No. 41, scrap metal in Sub-No. 44 and 51, ferrous sulphate crystals in Sub-No. 46, soda ash in Sub-No. 48, scrap rubber in Sub-No. 52, scrap metal and dry commodities in Sub-No. 53, salt and salt products in Sub-No. 55, dolomite limestone in Sub-No. 56 and 58, dry bulk commodities in Sub-No. 57, scrap metal, and metal for remelting in Sub-No. 59, and fertilizer in Sub-No. 61F, (2) eliminate the facilities limitations in

Sub-Nos. 37, 53, 55, 57 and 61F, (3) remove restriction against liquid bulk materials in tank vehicles in Sub-No. 11; and coke in unit bulk pack containers in Sub-No. 22, (4) remove a restriction requiring dump vehicles and/or similar self-unloading equipment in Sub-Nos. 2, 3, 11, 25, 27, 30, 41, 44, 46, 48, 52, 55, 57, 58, 59, and 61, (5) remove restriction requiring prior and/or subsequent movement by rail and/or water in Sub-Nos. 11, 24 and 53, (6) remove river terminals limitations at Madison and Aurora, IN in Sub-No. 11; (7) remove originating at and/or destined to restrictions in Sub-Nos. 37 and 53; (8) replace city-wide with county-wide authority in Sub-No. 56 Portland, IN with Jay County, IN, in Sub-No. 57 Owensboro, KY with Daviess County, KY; in Sub-No. 37 Depue, Colfax and Riverdale, IL, and Des Moines, IA with Bureau, McLean, and Cook Counties, IL and Polk County, IA; (9) authorize radial service in lieu of one-way between (a) Bureau, McLean, and Cook Counties, IL and Polk County, IA, and, points in KS, NE, SD, ND, and MN, (b) Jay County, IN, and , points in NY and WV, and (c) Daviess County, KY, and, points in AR, VA and WV.

Note.—The authority contained in certificates listed above will be subsumed by Sub-Nos. 53, 56, 57, and 37 (above) and by Sub-No. 58 which reads "Between points in IL, IN, MI, OH, PA, IA, MO, KY and TN."

MC 124230 (Sub-43)X, filed: March 17, 1981. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, CO 81321. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in it Sub 42F certificate by broadening the commodity description from ore and ore concentrates, in bulk to "commodities in bulk".

MC 125335 (Sub-117)X, filed March 9, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 9F, 16F, 24F, 57F, 49F, 52F, 32F, 67F, 68F, and 106F certificates to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)," from general commodities (with the usual exceptions), in Sub-No. 9F; (b) "pulp, paper and related products," from paper and paper products in Sub-No. 16F; (c) "petroleum, natural gas and their products, chemicals and related products, rubber and plastic products" from petroleum, petroleum products, vehicle body sealer, sound deadener compounds and filters, and materials, equipment, and supplies used in the manufacture and distribution of those commodities, in Sub-No. 49F and 52F; (d) "rubber and plastic products, and pulp, paper and related products," from plastic and plastic products and paper and paper products, and materials, equipment and supplies, in Sub-No. 68F; (e) "rubber and plastic products," from plastic containers, in Sub-No. 106F; and (f) "machinery, metal products, and transportation equipment" from motorcycles and recreational vehicles, components and accessories, in Sub-No. 67F; (2) delete the commodities in bulk restriction, in Sub-Nos. 24F, 32F, 49F, 52F, and 57F, and the restriction prohibiting the transportation of frozen commodities, in Sub-No. 32F; (3) remove the restriction limiting the transportation of traffic to named plantsites, in Sub-Nos. 16F, 24F, 32F, 49F, 57F and 67F; (4) broaden the territory description to county-wide authority in lieu of existing one-way service: (a) New Haven County, CT, for New Haven, CT; Onondaga County, NY, for Syracuse, NY; and Providence County, RI, for Pawtucket, RI, in Sub-No. 9F; (b) Hancock and Pleasants Counties, VA, for Congo and St. Marys, VA, in Sub-No. 52F; (c) Cook County, IL, for Chicago Heights, IL, in Sub-No. 57F; (d) Dauphin and York Counties, PA for York and Middletown, PA, in Sub-No. 67F; (e) Gwinnett County, GA and Cumberland County, NJ, for Norcross, GA, and Millville, NJ, in Sub-No. 68F; and (f) New Hanover County, NC, for Wilmington, NC, in Sub-No. 106F; (5) authorize radial authority in place of existing one-way service between (a) New Haven County, CT, Baltimore, MD, Boston, MA, Detroit and Grand Rapids, MI, Onondaga County, NJ, Troy and New York, NY, Cleveland and Cincinnati, OH, Harrisburg, Philadelphia and Pittsburgh, PA, and Providence County, RI, and Jacksonville, Orlando, Tampa and Miami, FL, in Sub-No. 9F; (b) Mobile, AL and points in FL, in Sub-No. 16F; (c) Chicago, IL, and Kansas City and Leavenworth, KS, points in FL and MO, in Sub-No. 24F; (d) Forest Park, GA, and points in FL, in Sub-No. 32F; (e) Warren County, MS, and points in FL, GA, IL, IA, KS, MO, NE, NJ, NY, OK, PA, TN, TX, and WI, in Sub-No. 49F; (f) Hancock and Pleasants Counties, VA, and points in AL, AR, GA, FL, MS, NC, OK, SC, TN, and TX, in Sub-No. 52F; and, (g) Cook County, IL, and points in IA, MN, NE, ND, SD, WI, and KS, (except Kansas City and Leavenworth, KS), in Sub-No. 57F; (h) York and Dauphin Counties, PA, and points in WI, IA, KS, NE, MN, AL, GA, MS, FL, and MO, in Sub-No. 67F; (i) between Gwinnett County, GA, and Cumberland County, NJ; and between the 2 specified counties in GA and NJ and points in NC, SC, AL and FL, in Sub-No. 68F; and (j) New Hanover County, NC, and points in the U.S. in and east of CO, ND, NE, SD, OK, and TX, in Sub-No. 106F; and (6) eliminate the restriction limiting traffic to that which is moving on freight forwarders bills of lading, in Sub-No. 9F.

MC 125824 (Sub-6)X, filed March 9, 1981. Applicant: MARIS TRANSPORT LTD., P.O. Box 158, Oakville, Ontario Canada, L6J 4Z5. Representative: Eugene C. Ewald, 100 West Long Lake Road, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its Sub-Nos. 4, 5, and 7F certificates to (1) broaden the commodity description from automobiles, trucks, buses, farm tractors, motor vehicles to "transportation equipment, and machinery" in all of the above Sub-Nos.; (2) remove "mixed loads" restrition in Sub-Nos. 4 and 5; (3) authorize county-wide service for city-wide authority: Wayne County for Dearborn & Wayne, MI, in Sub-No. 4; (4) remove a Canadian plantsite restriction in Sub-No. 5; (5) authorize radial service in lieu of exiting one-way authority between US-CN line located in MI, NY and points in MI, IN, OH, PA, NY, VT, NH, in Sub-No. 5; between Detroit, MI, and ports of entry on the boundary line of US-CN in MI (from Detroit, MI) in Sub-No. 7; (6) remove restriction limiting transportation to traffic originating at or destined to points in CN in Sub-No. 4, and (7) remove the commodity exception "except trailers" in Sub-No. 7.

MC 127524 (Sub-31)X, filed March 16, 1981. Applicant: QUADREL BROS. TRUCKING CO. INC., 1603 Hart St., Rahway, NJ 07065. Representative: David L. Middleton (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 21F certificate to (1) broaden commodity description from mineral oil (in marinized tankwagon in bulk) to "commodities in bulk", (2) replace city with county-wide authority: Bayonne and Bayway, NJ with Hudson and Union Counties, NJ, (3) delete the retriction requiring that shipments have a prior or subsequent movement by water, and (4) authorize radial service in place of one-way, between Hudson and Union Counties, NJ, and, Baltimore, MD.

MC 129086 (Sub-34)X, filed March 16, 1981. Applicant: SPENCER TRUCKING CORPORATION, Route 2, Box 254A, Keyser, WV 26726. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions from its Sub-No. 25

certificate to broaden the commodity description from cullet, in bulk to "commodities in bulk".

MC 133119 (Sub-190)X, filed March 16, 1981. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Applicant seeks to remove restrictions in its Sub-Nos. 14, 30F, 42, 57, 58, 61, 72, 79, 96, 144F, 145F, 159F, 165F, 171F, 177F, and 185F certificates to broaden the commodity descriptions, as follows: Sub-Nos. 42 and 58, to "food and related products" from meat, meat products and by-products, and articles distributed by meat packinghouses as described in Sections A and C of the *Descriptions case*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk); Sub-Nos. 14, 30F, 57, 61, 72, 145F and 165F to "farm products and food and related products" from bananas, and agricultural commodities and products exempt from regulation under Section 203(b)(6) of the Act and 49 U.S.C. 10526(a)(6) when transported in mixed loads with bananas; and Sub-Nos. 79, 96, 144F, 159F, 171F, 177F, and 185F to "food and related products" from dehydrated potato products, frozen foods and materials and supplies, and foodstuffs (except commodities in bulk).

Applicant also seeks to broaden the territorial descriptions by removing restrictions limiting service to the transportation of shipments originating at named facilities and destined to named destinations (Sub-Nos. 42, 58, 72, 79, 96, 144F and 171F), limiting service to shipments having an immediately prior movement by water (Sub-Nos. 14, 57, 61 and 72) or having a subsequent movement in foreign commerce (Sub-No. 58), and limiting service to transportation of traffic in shipper-owned containers equipped with mechanical refrigerations (Sub-No. 72). It also seeks to remove the restriction excluding service in AK, HI, and TN in Sub-No. 144F, substitute county-wide authority in place of the named facilities and cities, and authorize radial service in place of existing one-way authority, as follows: Sub-No. 42, between Amarillo, TX, and points in 18 States; Sub-No. 58, between Amarillo, TX (Facilities near Amarillo, TX), and points in 16 States; Sub-No. 79, between Laramie County, WY, and points in the U.S. (except WY, MT, ID, WA, OR, ME, VT, NH, CT, RI and MA); Sub-No. 96, between Macon County, GA (Montezuma, GA), and points in 18 States and a described portion of FL; Sub-No. 144F, between points in Davidson and Rutherford Counties, TN (facilities near Nashville and Murfreesboro, TN), and points in the U.S.; Sub-No. 159F, between Omaha, NE and points in Albany County, WY (Laramie, WY), and points in 27 States; Sub-No. 171F, between points in Hancock County, OH (facilities near Findlay, OH), and points in 12 States; Sub-No. 177F, (a) between points in Lapeer, Saginaw, and St. Clair Counties, MI (facilities near Imlay City, Bridgeport, and Memphis, MI), and points in eight States, (b) between points in Washington County, MS (facilities near Greenville, MS), and points in 15 States, and (c) between points in Lapeer, Saginaw, and St. Clair Counties, MI (facilities near Imlay City, Bridgeport, and Memphis, MI), and Washington County, MS (facilities near Greenville, MS); Sub-No. 185F, between points in Shelby County, TN, and points in the U.S.; Sub-No. 14, between points in Carteret County, NC (Morehead City, NC), and points in ND, IA, and MN; Sub-No. 30F, between points in Charleston County, SC (Charleston, SC), and points in MN, ND, and WI; Sub-No. 57, between points in Mobile County, AL (Mobile, AL), and points in eight States and the ports of entry on the U.S.-Canadian boundary line in MT; Sub-No. 61, between Galveston County, TX (facilities at Galveston, TX), and points in MN, MT, ND, SD, and WI; Sub-No. 72, between points in Harrison County, MS (facilities at Gulfport, MS), and points in eight States; Sub-No. 145F, between points in Hillsborough County, FL (Tampa, FL), and points in 16 States; and Sub-No. 165F, between points in Galveston County, TX (Galveston, TX), and points in CO, KS, NE, IA, IL, and MO.

MC 133591 (Sub-141)X, filed March 13, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in MC-133951 (Sub-No. 09F to (1)) broaden the commodity description from processed milk products, containers and container parts to "food and related products and such commodities as are dealt in or used by manufacturers of containers"; (2) replace city-wide with county-wide authority: St. Joseph, MO, with Buchanan and Andrew Cos., MO; Mount Vernon, MO, with Lawrence Co., MO; Mansfied, TX, with Tarrant and Johnson Cos., TX; and (3) authorize radial operations in place of existing one-way authority between the above counties and points in MN, WI, MI, IA, MO, TN, KY, IL, AR, LA, MS, TX, OK, NE, ND, SD, MT, WY, CO, NM, AZ, IN, UT, ID, WA, OR, CA and NV.

MC 135524 (Sub-164)X, filed March 9, 1981. Applicant: G. F. TRUCKING COMPANY, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Road, Youngstown, OH 44509. Applicant seeks to remove restrictions from its Sub-Nos. 22F, 33F, 37F, 44F, 46F, 52F, 56F, 60F, 65F, 68F, 73F, 75F, 77F, 78F, 80F, 96F, 97F, 103F, 104F, 105F, 106F, 109F, 124F, and 150F certificates to (1) broaden the commodity description in the following Subs: (22F) from clay and clay products to "clay, concrete, glass, or stone products"; (33F) from aluminum and zinc alloy ingots to "metal products"; (37F) from zinc, zinc dust, metallic caduim, lead sheets, and materials, equipment and supplies to "metal products, machinery, ore and minerals, and clay, concrete, glass or stone products"; (46F, 73F, and 75F from foodstuffs and non-alcoholic carbonated beverages, fountain syrups and fruit juices to "food and related products"; (52F, 124F and 150F) from iron and steel articles, equipment, and materials, and supplies to "metal products"; (56F, 106F, and 109F) from lumber, lumber mill products, forest products, and wood products to "lumber and wood products, building materials and forest products"; (60F) from pallets to "lumber and wood products, rubber and plastic products and building materials"; (65F) from pre-cut logs and wooden buildings and materials and supplies used in the construction, installation and erection thereof, to "lumber and wood products, machinery, forest products, metal products and building materials"; (66F and 97F) from railway car wheels, locomotive wheels, railway axles, railway bearings, and materials, equipment and supplies used in the manufacture and distribution thereof, to "metal products, transportation equipment, rubber and plastic products and machinery"; (77F) from magnesium to "metal products and ores and minerals"; (75F) from lumber to "lumber and wood products, building materials and forest products"; (80F) from steel sheets and steel coils to "metal products"; (96F) from steel tubing to "metal products"; (103F) from refractories, refractory products, brick, and materials, equipment and supplies to "clay, concrete, glass and stone products, building materials and machinery"; (104F) from iron and steel articles to "metal products"; and (105F) from metal rolling mill machinery, parts and supplies to "machinery, metal products, rubber and plastic products"; (2) remove the restriction except AK and HI from the following Subs: 37F, 46F,

52F, 60F, 66F, 96F, 97F, 105F, 134F and 150F; (3) remove the restriction against bulk commodities in Subs: 66F, 73F, 97F and 150F; (4) remove the facilities limitations in 22F, 33F, 46F, 52F, 56F, 60F, 65F, 66F, 73F, 77F, 80F, 96F, 104F, and 150F; and (5) expand facilities or specific point authority to county-wide authority and also expand its one-way to radial authority in the following Subs: (22F) between Thomas County, GA (plantsite near Meigs, GA), and, 38 States; (33F) between Cuyahoga County, OH (plantsite at Maple Heights, OH), and those points in the U.S. and east of MN, IA, MO, AR, and LA; (37F) between Beaver County, PA (Josephtown, PA), and, U.S.; (46F) between Broome County, NY (plantsite Johnson City, NY), and, U.S.; (52F) between Monroe County, MI (plantsite Monroe, MI), and, U.S.; (56F) between Kootenai, Benewah, Latch, Nez Perce, Lewis, Clearwater Counties, ID (plantsites near Coeur d'Alene, St. Maries, Potlatch, Lewiston, Kamiah, Spalding, Jaype, Santa, Post Falls, ID), and IN, KY, MI, MO, OH, PA, TN, and WV; (60F) between Westmoreland County, VA (Kinsale, VA), and, U.S.; (65F) between Missoula County, MT (plantsite Missoula, MT, and, those points in the U.S. in and east of MN, IA, MO, AR and LA; (66F) between Lee County, IA (facilities at Keokuk, IA), and, U.S.; (73F) between Northumerland County, PA (plantsite near Milton, PA), and, FL, GA, NC, and SC; (75F) between Columbus, OH, and MI, IN, KY, WV, PA, and NY; (77F) between Scurry County, TX (plantsite near Snyder, TX), and, IL, IN, IA, KY, NE, NJ, OH, PA, and WV; (78F) between Flathead, Ravalli and Beaverhead Counties, MT (Columbia Falls, Darby and Dilon, MT), and those points in the U.S. in and east of ND, SD, NE, KS, OK and TX; (80) between Birmingham, AL, and, those points in the U.S. in and east of MN, IA, MO, OK, and TX; (96F) between Chicago, IL and Dallas County, TX (plantsite Chicago, IL and Carrollton, TX), and, points in the U.S.; (97F) between Cambria County, PA (Quemahoning Township, PA), and, points in the U.S.; (103F) between Audrain County, MO (Farber, MO) and 22 named States; (104F) between Toledo, OH, and, IL, IN, KY, MI, PA, TN, WI, and WV; (105F) between Columbiana County, OH (Salem, OH), and points in the U.S.; (106F) between facilities in MN, and, points in the U.S. in and east of MN, IA, MO, AR, and LA; (109F) between points in OR, WA, ID and MT, and, points in 11 named States, restricted to traffic originating at the facilities of a named shipper; (124F) between Jefferson County, IN (Madison, IN), and, points in the U.S., and, (150F) between Muscatine County, IA (Wilton, IA), and, points in the U.S.

MC 135606 (Sub-56)X, filed March 6, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 6, 7, 8, 9, 11F, 12F, 13F, 15F, 17F, 19F, 21F, 22F, 24F, 25F, 30F, 31F, 32F, 34F, 35F, 36F, 37F, 39F, 40F, 41F, 42F, 43F, 45F, 46F, 47F, and 48F to (1) broaden the commodity descriptions as follows: from dump vehicle bodies, trailer and dump vehicle attachments to "transportation equipment" in Sub-No. 3; from charcoal to "coal and coal products and lumber and wood products" in Sub-Nos. 4, 34, 40, and 43; from dry animal and poultry feed mineral mixtures in Sub-No. 6 and also malt beverages, ingredients used in animal and poultry feeds, to "food and related products" in Sub-Nos. 6, 8 (parts 1 and 2), 12, 13, 15, 17, 24, 32, 35, 42, 47; from tonics, medicines, dry earth paint and insecticides to "chemicals and related products"; from livestock and poultry feeders to "machinery" in Sub-Nos. 8 (part 2) and 32; from racks, pallet, storage or warehouse and materials, in Sub-Nos. 7 and 46, from wood store fixtures, in Sub-No. 19 and from store furniture, fixtures, furnishings, shelving, in Sub-No. 45 (part 1) to "furniture and fixtures"; from (1) limestone, limestone products, mineral mixtures and trace mineral ingredients, and (2) ingredients used in the manufacture of the commodities in (1) above to "clay, concrete, glass, and stone products, food and related products, and chemicals and related products" in Sub-No. 11; from (1) paper and paper articles and (2) materials and supplies used in the manufacture or distribution of the commodities named in (1) above to "pulp, paper and related products" in Sub-No. 21 and from (1) wrapping paper, cellulose film products, foil pans and foil wrappers, and material, equipment and supplies used in the manufacture and distribution of the commodities in (1) above to "pulp, paper and related products, rubber and plastic products and metal products" in Sub-No. 36F; from (1) air compressors, air compressor parts, power pumps, power pump parts, machine parts, internal combustion engines and rough castings and (2) materials used in the manufacture of air compressors, air compressor parts, power pumps and power pump parts to "machinery and rough casting" in Sub-No. 25; from iron and steel articles in Sub-No. 30, and aluminum and zinc ingots in Sub-No. 37 to "metal products"; from chemicals, cleaning and scouring compounds, buffing and polishing compounds, in containers, in Sub-Nos. 31 and 41, and paint and paint products, in Sub-No. 39, to "chemicals and related products"; from urethane foam panels, and materials, equipment and supplies used in the manufacture of urethane foam panels to "rubber and plastic products" in Sub-No. 48; (2) to broaden the territorial scope by: removing and/or replacing named facility limitations with country-wide authority and replacing one-way authority with radial as follows: in the lead, Adams County for Quincy, IL; in Sub-No. 22, Lee County, IA, for Keokuk, IA, and to authorize radial authority in lieu of one-way authority in the basic Certificate between Adams County, IL, on the one hand, and, on the other, points in IL, MO, IA, and WI; in Sub-No. 22, between Lee County, IA, on the one hand, and, on the other, and points in the U.S.; and in Sub-No. 30, between those points in IN located in the Chicago Commercial Zone, on the one hand, and, on the other, a described area in IL and IA; in Sub-Nos. 6 and 8, Adams County, IL, for Quincy, IL, in Sub-No. 8, Henry County for Alpha, IL, and Des Moines County for Burlington, IA; in Sub-No. 12, Adams and Peoria Counties for Quincy and Peoria, IL, Marion County for Hannibal, MO, Audrain County for Mexico, MO; and in Sub-No. 13, Des Moines County for Burlington, IA; in Sub-No. 15, Adams County, IL, for Quincy, IL; in Sub-No. 17, Houston County for Pabst, GA, in Sub-No. 24; Lee County for Fort Madison, IA, and Adams County for Quincy, IL; in Sub-No. 32, Adams County for Quincy, IL; in Sub-No. 35, Franklin County for Columbus, OH, McDonough and Adams Counties for Macomb and Quincy, IL, Des Moines County for Burlington, IA, and Marion County, for Hannibal, MO; in Sub-No. 42, Franklin County for Frankfort, KY, and Adams County for Quincy, IL; and, in each instance (except Sub-No. 47 which already contains round-trip authority) to authorize radial authority in lieu of one-way authority between each of the respective counties, on the one hand, and, on the other, points in the states of IA, MO, WI, IL, KY, TN, and AL; in Sub-No. 7, Adams County for Quincy, IL, and to authorize radial authority between Adams County and Rock Island, IL, on the one hand, and, on the other, all points in the U.S.; in Sub-No. 9, Henry County, for Paris, TN, Pulaski County for Olmstead, IL, and Stoddard and Scott Counties for Bloomfield and Oran, MO; in Sub-No. 21, Lake Marion and Knox Counties for Griffith, Indianapolis, and Vincennes, IN, Marshall County for Marshalltown,

IA, St. Louis County for Bridgeton, MO, Madison and Davidson Counties for Jackson and Nashville, TN, and Racine County for Burlington, WI; in Sub-No. 25, Adams County for Quincy, IL; in Sub-No. 31, Rankin County for Pearl, MS; in Sub-Nos. 4 and 34, Osage County for Meta, MO; in Sub-No. 40, Crawford and Texas Counties for Wesco and Plato, MO; and in each instance (except Sub-No. 43), to authorize radial authority in lieu of one-way authority between each of the respective counties, and the states of AL, AR, CO, DE, KS, KY, IL, IN, IA, LA, MD, MI, MN, MS, MO, NE, ND, NJ, NY, OH, OK, PA, SD, TN, TX, VA, WV, WI, and GA, or all points in the U.S.; in Sub-No. 11, Adams County for Quincy, IL, and Marion County for Hannibal, MO, and to authorize radial authority in lieu of one-way authority in said counties on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MI, MO, OH, TN, and WI; in Sub-No. 3, Rock County for Edgarton, WI, Cole County for Jefferson City, MO, and Champaign County for Urbana, IL, and to authorize radial authority in lieu of one-way authority between the involved counties; in Sub-No. 19, Adams County for Quincy, IL, in Sub-No. 45, Kaufman County for Terrell, TX, and in Sub-No. 46, Denton County for Louisville, TX, and in Sub-Nos. 19 and 46 to authorize radial authority in lieu of one-way authority between the involved counties, on the one hand, and, on the other, all points in the U.S.; in Sub-No. 36, Lee County for Fort Madison, IA, and Clay County, MS, for West Point, MS; in Sub-No. 37, Cuyahoga County for Maple Heights, OH, and to authorize radial authority in lieu of one-way authority between the involved county, on the hand, and, on the other, points in IL, IN, IA, MO, and WI; in Sub-No. 39, Lee County for Fort Madison, IA, and to authorize radial authority in lieu of one-way authority between Lee County, IA, on the one hand, and, on the other, points in CT, MA, NJ, and PA; in Sub-No. 41, Kendall County for Plano, IL, Fulton County for Atlanta, GA, Lee County for Fort Madison, IA, Lake and Seneca Counties for Paynesville and Fostoria, OH, Montgomery County for Fort Washington, PA, Passaic County for Clifton, NJ, Oklahoma County for Oklahoma City, OK, Hampden County for Springfield, MA, and Jefferson County for Birmingham, AL, and to authorize radial authority in lieu of one-way authority between Kendal County, IL, and the other named counties; and (3) remove the in bulk, except in bulk, and/or in tank vehicles restrictions in Sub-Nos. 6, 8, 11, 25, 36, 39, and 43; and (4) remove the restrictions limiting transportation to traffic originating at or destined to named facilities in Sub-Nos. 3, 4, 7, 8, 17, 21, 25, 31, and 43.

MC 136848 (Sub-6)X, filed March 6, 1981. Applicant: LE MARS TRANSPORT, INC., P.O. Box 353, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-Nos. 1, 2 and 5 certificates to (1) broaden the commodity description to (a) "petroleum, natural gas and their products" from anhydrous ammonia in Sub-Nos. 1 and 5; (b) "chemicals and related products" from liquid fertilizer in Sub-No. 2; (2) delete thje "in bulk, in tank vehicles" restriction in Sub-No. 1; (3) delete the plantsite restriction in Sub-No. 5; (4) broaden city-wide service to county-wide authority: Sac, Webster, and Clay Counties for Early, Fort Dodge, and Spencer, IA, in Sub-No. 1; Dubuque County with Dubuque, IA, in Sub-No. 2; Woodbury and Webster Counties for Sergeant Bluff and Fort Dodge, IA, in Sub-No. 5, (5) authorize radial service in place of existing one-way authority between the counties named above and points in MN, IL, WI, MN, ND, SD, NE in all referenced authority.

MC 138520 (Sub-3)X, filed March 9, 1981. Applicant: R. JOHNS TRANSFER, INC., 2206 Patterson Ave., S.W., Roanoke, VRepresentative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 1 certificate against transporting (1) commodities in bulk, (2) commodities the transportation of which require the use of special equipment, and (3) commodities in trailers or containers, having a prior or subsequent movement by water and foreign commerce; and; (4) broaden the commodity descriptions from paper and paper products to "pulp, paper and related products"; beer and wine to "food and related products"; tires, tubes, to "rubber and plastic products"; appliances and lawn mowers to "machinery"; motor oil and its by-products to "petroleum, natural gas and their products".

MC 142059 (Sub-164)X, filed March 6, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same as applicant's). Applicant seeks to remove restrictions in its Sub-Nos. 7, 13, 14, 18F, 25F, 45F, 49F, 60F, 65F, 69F, 71F, 72F, 93F, 99F, 110F, 111F, 120F, 127F, 128F, 129F, and 131F certificates to broaden its commodity descriptions to (1) "food and related products" from foodstuffs in Sub-Nos. 7, 45F, 65F, 69F, 72F, 99F, and 127F; from hides in Sub-No. 18F; and from frozen potatoes and potato products in Sub-No. 49F, (2) "rubber and plastic products and building materials" from plastic foam products and building materials in Sub-No. 13, (3) "rubber and plastic products" from plastic foam articles in Sub-No. 14, (4) "pulp, paper and related products" from paper and paper articles in Sub-Nos. 25F and 129F, (5) "lumber and wood products" from lumber and lumber mill products in Sub-No. 60F, (6) "pulp, paper and related articles and building materials" from wallboard and fibreboard in Sub-No. 71F, (7) "clay, concrete, glass or stone products, chemicals and related products, lumber and wood products, metal products, petroleum or coal products and rubber and plastic products" from tile and accessories in Sub-No. 110F, (8) "clay, concrete, glass or stone products" from calcined magnesite in Sub-No. 111F, and from precast concrete products, modular mausoleum crypt systems, concrete forming sytems and precast modular crupt units in Sub-No. 128F, and from flat glass and glass glazing units in Sub-No. 131F, and (9) "pulp, paper and related products and rubber and plastic products" from paper and paper articles and plastic bags in Sub-No. 120F. Applicant seeks to replace specified plantsites and/or cities with countywide or citywide authority as follows: in Sub-No. 7, Champaign, IL, to Champaign County, IL; in Sub-No. 14, Belvidere, IL to Boone County, IL; in Sub-No. 18F, Dakota City, NE, to Dakota County, NE; in Sub-No. 25F, Normal, IL, to McLean County, IL; Sub-No. 45F and 99F, Jacksonville, IL, to Morgan County, IL; Sub-No. 49F, Plover and Beaver Dam, WI, to Dodge and Portage Counties, WI; Sub-No. 65F, Bethlehem, Mechanicsburg and Shiremanstown, PA, to Cumberland, Leigh and Northamption Counties, PA; Sub-No. 69F, DeKalb, Mendota and Rochelle, IL and Arlington, Markeson and Plover, WI, to DeKalb, LaSalle and Ogle Counties, IL, and Columbia, Green Lake and Portage Counties, WI; Sub-No. 71F, Lockport, NY, to Niagara County, NY; Sub-No. 72F, Hoopeston and Princeville, IL, and Mayville, WI, to Peoria and Vermilion Counties, IL, and Dodge County, WI; Sub-No. 93F, Plainfield, IL, to Will County, IL; Sub-No. 111F, Tuscumbia, AL, to Colbert County, AL; Sub-No. 127F, Findlay, OH, to Hancock County, OH; Sub-No. 128F, Oshkosh, WI, to Winnebago County, WI, Dade City, FL, to Pasco County, FL, and from Laurel, MD, to Prince Georges County, MD; Sub-No. 129F, Downingtown, PA, to Chester County, PA; and Sub-No. 131F, Carson and

Fullerton, CA, to Los Angeles and Orange Counties, CA, Cinnaminson, NJ, Burlington County, NJ, Lancaster, OH, to Fairfield County, OH, and Truesdail, MO, to Warren County, MO. Applicant also seeks to replace one way authority to radial authority in Sub-Nos. 7, 14, 18F, 25F, 45F, 49F, 65F, 69F, 71F, 72F, 99F, 110F, 111F, 127F, 128F, 129F, and 131F, between the above counties and points throughout the U.S. Applicant seeks to eliminate all restrictions against service to AK and HI and delete all plantsite and "originating at and destined to" restrictions in Sub-Nos. 7, 13, 18, 25, 45, 49, 60, 65, part (1) of Sub-No. 69, 71, 72, 99, 110, 111, 128, and 131, remove commodity restrictions such as in bulk, in tank vehicles, and except frozen in Sub-Nos. 7, 13, 14, 45, 60, 65, 69, 72, 93, 99, 110, 111, 120, 127, and 129.

MC 142872 (Sub-166)X, filed March 10, 1981. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Bernard J. Kompare, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 24F, 40F, 121F and 139F certificates and MC-142065 Sub-Nos. 1 and 10 permits to (1) broaden the commodity descriptions from (a) food stuffs and food ingredients, confectionery and chewing gum to "such commodities as are manufactured, distributed or used by manufacturers and distributors of foodstuffs" in Sub-Nos. 3, 4, and 139F and Sub-Nos. 1 and 10 permits; (b) petroleum, petroleum products, emulsified petroleum sizing, and gasoline additives to "such commodities as are manufactured, distributed or used by manufacturers, distributors and suppliers of petroleum and coal products and chemicals and related products" in Sub-No. 40F; (2) remove the restrictions (a) "except in bulk, in tank and hopper containers" in Sub-No. 40F; (b) "except frozen and commodities in bulk" in Sub-No. 121F; and "except in bulk, in vehicles equipped with mechanical refrigeration" in permits Sub-Nos. 1 and 10; (3) eliminate the facilities limitations in Sub-Nos. 3, 4, 24F, 40F, 121F, and 139F; (4) expand city-wide to county-wide authority from Little Rock to Pulaski County, AR, and Los Angeles to Los Angeles County, CA in Sub-No. 24F; and Houston to Harris County, TX in Sub-Nos. 24F and 121F; (5) broaden the territorial descriptions to (a) between points in the US under continuing contract(s) with a named shipper in Sub-Nos. 1 and 10 permits; (b) radially between Philadelphia, PA, and points in AZ, CA, NV and NM in Sub-No. 3; (c) Philadelphia, PA, and points in AR, LA, MS, OK, TN and TX in Sub-No. 4; (d) Cincinnati and Columbus, OH, Pulaski County, AR, Los Angeles County, CA, and Memphis, TN, and Dallas and Harris County, TX in Sub-No. 24F; (e) Jefferson County, TX and points in IL, IN, MO, OH and TN in Sub-No. 40F; (f) Harris County, TX and points in AR, LA, NM, and OK; Forest Park, GA and points in KY in Sub-No. 121F; and (g) Philadelphia, PA and points in GA, IL, IN, NC, OH and SC in Sub-No. 139F; and (6) remove the restrictions (a) "originating at and destined to" in Sub-Nos. 3 and 4; and (b) "in mixed loads" in Sub-No. 40F.

MC 143110 (Sub-15)X, filed March 9, 1981. Applicant: K & B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 3F, 7F, 8F, 10F, 11F, permits to (1) broaden the commodity descriptions from (a) roofing, building, insulating, maintenance materials, equipment and supplies to "building materials" in lead, (b) vacumn cleaners, vacumn cleaner bags, floor polishers, rug shampooers, janitorial hardware, mop heads and cloth bags, parts, materials, and supplies (except in bulk), plastic household cleaning and maintenance products and supplies (except in bulk), compound, waxes, etc., to "machinery, pulp, paper and related products, chemical and related products, textile mill products, lumber and wood products, rubber and plastic products" in Sub-No. 3; (c) agricultural fertilizer, agricultural chemicals (except in bulk) to "chemicals and related products" in Sub-No. 7; (2) remove an "in bulk" restriction in lead, and Sub-Nos. 2, 3, 7, 10, and 11; (3) remove the exceptions of iron and steel articles in lead; (4) authorize service to between all points in the U.S., under continuing contract(s) with named shippers in all referenced authority; (5) remove the exceptions of service to AK and HI in Sub-No. 8.

MC 143121 (Sub-10)X, filed March 9, 1981. Applicant: TILLAMOOK CARRIERS, INC., 11600 So. Paramount Blvd., Downey, CA 90241. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove the restriction in its Sub-No. 2, 4, and 9 permits to (1) broaden its commodity description from porcelain ware, stoneware, plastic bowls, cups, dishes, and plates, to "clay, concrete, glass, or stone products and rubber and plastic products" in Sub-No. 2; (2) broaden its territorial description to between points in the United States under continuing contract(s) with a named shipper; (3) remove the exceptions of AK and HI in Sub-No. 2; (4) remove an "in bulk" restriction in Sub-No. 4.

MC 143500 (Sub-14)X, filed March 12, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead permit and Sub-Nos. 2F, 4, 5F, 7F, 8F, 9F, 10F, 11F, to (1) broaden the commodity description (a) in the lead permit from plumbing fixtures and fittings, and plumbing equipment to "metal products, rubber and plastic products and clay, glass, concrete and stone products" (b) in Sub-No. 2F from aluminum sheet and aluminum foil to "metal products" (c) in Sub-No. 4 from water heaters to "metal products" (d) in Sub-No. 5F from household appliances, parts for household appliances, and cabinets, to "such commodities as are dealt in or used by manufacturers and distributors of household appliances and cabinets" (e) in Sub-No. 7F from steel doors and steel door hardware, equipment and supplies used in the installation of the above commodities, and plumbing fixtures and fittings, and equipment and supplies used in the installation of plumbing fixtures and fittings, to "metal products, rubber and plastic products and clay, glass, concrete and stone products" (f) in Sub-No. 8F from cosmetics to "chemicals and related products" (g) in Sub-No. 9F, from stove pipes, chimneys, ducts, and flashings, metal products except those described above, and equipment, materials, and supplies used in the manufacture and distribution of commodities named above (except commodities in bulk, in tank vehicles) to "metal products" (h) in Sub-No. 10F, from furniture parts and materials and supplies used in the manufacture of furniture parts to "such commodities as are dealt in or used by manufacturers and distributors of furniture and furniture fixtures" and (i) in Sub-No. 11F, from office furniture and office furnishings and parts for the above commodities to "such commodities as are dealt in or used by manufacturers and distributors of furniture and furniture fixtures" and (2) broaden the territorial description in each permit to between points in the U.S. under continuing contract(s) with named shippers.

MC 143669 (Sub-2)X, filed March 12, 1981. Applicant: TOWPICH EXPRESS LINED, LTD., 2840 58th Ave., S.E., Calgary, AB, Canada T2C OB3.

Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Applicant seeks to remove restrictions in the Sub I certificate to (1) broaden the commodity description from agricultural fertilizers, pesticides and ingredients to "chemicals and related products," (2) by replacing one way authority from a single port of entry (Sweetgrass, MT) on the U.S.-Canada international Boundary line with radial service between ports of entry on the US–CN Boundary line in Montana and points in MT, ID, WA, UT (3) deleting restrictions limiting service to ex-motor, ex-rail or ex-water at certain Canadian interchange points, and (4) deleting in trailer and in container restrictions.

MC 144368 (Sub-7)X, filed March 11, 1981. Applicant: GENPAT, INC., 15224 Dixie Highway, Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 4F, 5F permits (1) to broaden the commodity descriptions in all Sub-Nos. from iron and steel articles and aluminum articles (except in bulk) to "metal products" and (2) to permit service between points in the U.S. under contract(s) with named shippers.

MC 145130 (Sub-5)X, filed March 12, 1981. Applicant: ATICO TRANSPORT, INC., 6700 S. LeClaire Avenue, Chicago, IL 60638. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions from its lead and Sub-No. 1 certificates (1) to broaden the commodity description from containers, container closures, container parts and attachments, to "lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass and stone products, and metal products" in its lead; (2) remove the restriction "except commodities in bulk, and those which because of size or weight require the use of special equipment" in the lead and "except commodities in bulk" in Sub-No. 1F; (3) remove the facilities limitations at or near Bound Brook and Pennsauken, NJ, Florence, KY, and Chicago, IL, (in the lead) and facilities at Midland, MI (in Sub-No. 1F) and replace specific point authority with city or county-wide authority as follows: Bound Brook and Pennsauken, NJ with Somerset and Camden Counties, NJ, Florence, KY with Boone County, KY and facilities at Chicago, IL with Chicago, IL, (in the lead) and Midland, MI with Bay and Midland Counties, MI, Elk Grove Village and Melrose Park, IL with Cook and DuPage Counties, IL; (4) eliminate the "originating at and destined to" restrictions in both certificates; and (5) expand its one-way authority to radial authority between Bay and Midland Counties, MI, and, Cook and DuPage Counties, IL.

MC 145219 (Sub-23)X, filed March 9, 1981. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 500, Camden, SC 29020. Representative: William P. Sullivan, 618 Connecticut Ave., N.W., Washington, D.C. 20006. Applicant seeks to remove restriction (1) in its Sub-Nos. 1, 5, 9, 12, 13, 15, and 16 certificates by (a) broadening the commodity description in Sub-No. 9, from sprinkler systems to "metal products"; in Sub-No. 1, from citrus products, citrus by-products, beverages and beverage preparations to "food and related products"; in Sub-Nos. 5 and 13, from tires, tread stock and tubes materials and supplies to "rubber and plastic products"; in Sub-No. 12, from insulating, building and roofing panel to "building and insulating materials"; in Sub-No. 15, from lumber and wood products (except furniture) to "lumber and wood products"; and in Sub-No. 16, from compounds and roof coating to "rubber and petroleum products"; (b) by expanding the territorial scope of its irregular route authority in the Sub-Nos. 1, 5, and 13 certificates to radial service in place of one-way authority between points in FL, OH, AR, AL, GA, NC, SC, and points in AL, GA, LA, MD, MS, NC, SC, TN, VA, DC, FL, OH, AR, and (c) by removing shipper restrictions in Sub-Nos. 1, 9, and 12; (d) by deleting in Sub-Nos. 1, 9, and 15 the commodity restrictions (in containers, in bulk, and furniture exceptions), (e) substitute city for county-wide authority: Hancock and Lucas Counties for Findlay and Rossford, OH; Miller County for Texarkana, AR, in Sub-Nos. 5 and 13; (2) in its MC 124639 and Sub-Nos. 16, 26, 30, 33, 37, 39, 43, 48, 49, 52, 53, and 54 permits by (a) broadening the commodity description in Sub-Nos. 16, 33, 37, 49, 53, and 54 from general commodities with various exceptions to "general commodities (except classes A and B explosives)"; in Sub-No. 28 from glass fiber rovings, yarn, strand and glass fiber material to "clay, concrete, glass, or stone products"; in Sub-No. 30, from textiles, and textile products to "textile mill products" and in the lead from wallboard, gypsum products, building materials (except cement) to "building materials"; (b) removing in bulk restrictions from the lead, Sub-Nos. 28, 30, 39, 43, 48, and 53 permits and size and weight restrictions from the Sub-No. 30 and mixed load restrictions from the lead permit; and (c) expanding the territorial authorization to between points in the United States under continuing contract(s) with named shippers in all referenced permits.

MC 146910 (Sub-4)X, filed March 16, 1981. Applicant: MOTOR CARGO TRANSPORT CORP., 21 D'Shibe Terrace, Vineland, NJ 08360. Representative: Charles Ephraim, 406 World Center Building, 918-16th Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead certificate to: (1) remove restrictions against commodities in bulk and those requiring special equipment; and (2) change the commodity description from "(1) containers, container closures, glassware, packaging products, container components, and (2) scrap materials, (3) materials equipment and supplies used in the manufacture, sale, and distribution of the commodities in (1) above to (1) clay, concrete, glass or stone products, (2) rubber and plastic products, (3) lumber or wood products, (4) chemicals and related products, (5) pulp, paper and related products, (6) metal products, and (7) waste or scrap materials not identified by industry producing".

MC 146866 (Sub-3)X, filed March 9, 1981. Applicant GILBERT F & RAYMOND L. GUSTAFSON, D.B.A. G & R GUSTAFSON TRANSPORT CO., 102 North Griffin St., Grant Park, IL 60940. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the territorial description from named facilities at Chicago and Grant Park, IL to Cook, Will, Du Page, and Kankakee Counties, IL, and (2) authorize radial service in place of existing one-way authority between the above counties and points in IN, IA, KY, MI, MO, OH, and WI.

MC 149412 (Sub-3)X, filed March 13, 1981. Applicant: MILK TANK LINES, INC., P.O. Box 788, Frazer, PA 19355. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its certificates acquired in No. MC-FC-78519 [MC-141778 (Sub-No. 30)], and No. MC-FC-78604 (MC-59064), to (1) in No. MC-FC-78519, (a) broaden its commodity descriptions from oleomargarine, vegetable oils, vegetable oil shortening, and vegetable salad oil, to "food and related products", (b) replace Columbus, OH, with Franklin County, OH, (c) change its one-way authority to radial authority between the above named county, and points in 10 northeastern States and DC, and points in PA, on and east of Interstate Hwy. 81, and (d) eliminate the originating at and destined

to restriction: (2) in No. MC-FC-78604, (a) Broaden its commodity descriptions from fertilizer, to "chemicals and related products", and canned goods, groceries, fresh vegetables, sugar, feed, lettuce, and celery, to "food and related products", (b) replace its cities with county-wide authority: Williamsport, Wellsboro, and Galeton, PA, with Lycoming, Tioga, and Potter Counties, PA, and Buffalo, NY, with Erie County, NY, and (c) change its one-way authority to radial authority between Baltimore, MD, and 3 named counties in PA, and between Erie County, NY, and 2 named counties in PA.

Note.—Applicant's ability to tack authority acquired in MC-FC-78619 and MC-FC-78604 with its other authority will be governed by the rules contained at 49 CFR Part 1042.

MC 150285 (Sub-2)X, filed March 13, 1981. Applicant: GUY J. JOHNSON TRANSPORTATION CO. INC, P.O. Box 7799, Newark, DE 19711. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate to (1) replace authority to serve named plantsites in Cumberland, Ocean, Atlantic, Gloucester, Mercer, Salem, Camden, and Cape May Counties, NJ with authority to serve the counties named above; (2) eliminate the restriction against serving AK and HI; and (3) remove the restriction against the transportation of "commodities in bulk."

MC 150054 (Sub-20)X, filed March 11, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, PA 19003. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Applicant seeks to remove restrictions in its MC-150567 Sub-No. 1 permit to (a) Broaden the commodity description from "automotive parts" to "transportation equipment, and materials, equipment and supplies used in the manufacture of transportation equipment," and (b) Broaden territorial scope to between points in the U.S. under continuing contract(s) with a named shipper.

[FR Doc. 81-9366 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 107F)]

Chicago & North Western Transportation Co.; Abandonment in Oconto and Shawano Counties, WI; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a certificate and decision decided March 18, 1981, a finding, was made by the Commission Review Board Number 3, stating that the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a segment of its line between Pulaski and Gillett, WI, a distance of approximately 17.8 miles on Oconto and Shawano Counties, WI, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment within 15 days after the decision becomes final, unless postponed by the Commission. However, issuance will be delayed if: (1) an appeal is filed and considered; or (2) within 15 days from the date of publication the Commission further finds that:

(a) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(b) it is likely that such proffered assistance would:

(1) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(2) cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9333 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

[No. 37084]

OKC Corp.; and Missouri-Kansas-Texas Railroad Co., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: The Commission is proposing to use its exemption powers under 49 U.S.C. 10505 to permit waiver of undercharges on iron ore movements by complainant between February 6, 1976 and June 11, 1978, Defendant railroads have requested that they be permitted to waive collection of charges they agree are unreasonably high. Absent use of section 10505, this relief would be unavailable because market dominance (49 U.S.C. 10709) was not proven.

As this is the first time the Commission is planning to use its exemption power in this manner, comments are invited. The exemption will not become effective until after the Commission has had the opportunity to consider them.

DATES: An original and 15 copies of comments are due 30 days from Federal Register publication. The exemption will be effective 60 days from Federal Register publication.

ADDRESS: Send comments to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: On December 29, 1980 we received a request to reopen this proceeding from Southern Pacific Transportation Company (SP), joined by Missouri-Kansas-Texas Railroad Company (MKT) and OKC Corporation, parties to this proceeding. The parties urge us to approve a settlement and issue an order allowing SP and MKT to waive collection of undercharges on OKC shipments moving from Cushing, Texas to Pryor, Oklahoma after February 5, 1976 on the basis of class rates. MKT

and SP established a lower commodity rate on this traffic June 11, 1978.

On September 20, 1979, an Administrative Law Judge (ALJ) found that on shipments moving prior to February 5, 1976 the applicable class rate for iron ore from Cushing to Pryor was unreasonable to the extent that it exceeded the subsequently established iron ore commodity rate. The ALJ also found that as to the shipments moving after February 5, 1976, a finding that the assailed class rates exceeded a maximum reasonable level cannot be made because of a failure to establish market dominance on this traffic.

The parties are now concerned with the traffic subsequent to February 5, 1976 and prior to June 11, 1978. This is the interim period after the effective date of the 4R Act [1] and before the commodity rates became effective. On this record, we have no jurisdiction over the reasonableness of the rates on this traffic. Under 49 U.S.C. 10709 we must find market dominance before we can examine the reasonableness of the rate.

The parties cite several Special Docket proceedings in which undercharges were waived. These cases have no precedential value. In a similar case No. 37274, *Ash Grove Cement Company v. William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Company*, (decided March 31, 1980) the finding that the rate was unreasonable and undercharges should be waived, was predicated on a finding of market dominance. We have not found market dominance in this proceeding and therefore we have no jurisdiction to find the rates unreasonable.

While we believe we cannot waive undercharges without jurisdiction to find the applicable rate unreasonable, we believe that requiring collection of the tariff charges in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

The applicable rate was found unreasonable by an ALJ for the prior movement, and the railroads themselves published a commodity rate upon discovering their mistake. The railroads thus recognize the rate they published is too high. 49 U.S.C. 10709 was not intended to preclude carriers from lowering rates or from granting relief to shippers. The intent of that section is to prevent the government from interferring unnecessarily with carrier pricing. The section was not designed to require collection of charges which all parties agree are unreasonable.

[1] The Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210.

Similarly, because of the special circumstances here, we do not believe section 10706, which was designed to prevent discrimination and rebates, would bar waiver. OKC would not be given any preference. In fact, OKC would be in no better position than its competitors which were granted waiver of undercharges in similar circumstances. Authorized waiver of undercharges is not an illegal rebate.

We believe that this is a situation in which use of 49 U.S.C. 10505 is appropriate.[2] That section permits us to exempt a person from the application of all or part of the Act if we find that regulation:

(1) is not necessary to carry out the transportation policy of section 10101a of the title; and

(2) either (A) the transportation or service is of limited scope, or (B) the application of a provision is not needed to protect shippers from the abuse of market power.

We have already stated our reasons for finding that requiring payment here is not necessary to carry out the transportation policy of section 10101a.

The carriers would not be taking advantage of OKC or any other shipper by not assessing the published rate. In fact, the shipper would be granted relief from what the parties consider to be an unreasonably high rate. Application of contrary provisions in the Act would be an unreasonable burden on the parties. More importantly, the issue is of extremely limited scope, and it is obvious that in this situation regulation is not necessary to protect OKC from an abuse of market power.

This is the first time we have used our authority under section 10505 in this manner. While we believe it clear that the requirements of section 10505 have been met, we will make the exemption provisional. We invite comments on the use of section 10505 in this and similar circumstances. Comments will be due in 30 days. The exemption will be effective in 60 days unless we issue an order before that date disapproving the exemption in light of the filed comments.

We find: 1. Application of Subtitle IV of Title 49 of the United States Code is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect this shipper from the abuse of market power. The transaction is of limited scope.

2. An exemption from the application of Subtitle IV on OKC shipments moving from Cushing, TX to Pryor, OK between Feruary 5, 1976 and June 11, 1978 will be granted, unless the comments convince us otherwise.

3. This decision will not significantly affect the quality of the human environment or conservation of energy resources. However, comments on this issue are invited. Authority: 49 U.S.C. 10505.

Decided: March 18, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-8926 Filed 3-26-81; 8:45 am]
BILLING CODE 7035-01-M

[2] See Ex Parte No 346 (Sub-No. 4), *Petition Exemption from Regulation—Union Pacific Railroad Company and Washington Public Power Supply System—Transportation of Nuclear Reactor Parts over Grays Harbor Branch Line*, (decided May 23, 1980) (45 FR 37554, June 3, 1980).

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Privacy Act of 1974; Systems of Records; Annual Publication

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 42 FR 48178 (September 22, 1977) continue in effect without change. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4).

Rowland E. Cross,
Chairman, Joint Board for the Enrollment of Actuaries.

March 23, 1981.

[FR Doc. 81-8928 Filed 3-26-81; 8:45 am]
BILLING CODE 4810-25-M

DEPARTMENT OF LABOR

Employment and Training Administration

United States Employment Service; Labor Certification Process for the Temporary Employment of Aliens in Agriculture: 1981 Adverse Effect Wage Rates

AGENCY: U.S. Employment Service, Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Administrator, U.S. Employment Service, announces adverse effect wage rates, that is, the minimum wage rates which the Department of Labor has determined must be offered and paid to U.S. and alien workers by employers of temporary alien agricultural workers. Adverse effect wage rates are established and set to prevent the employment of these aliens from

adversely affecting the wages of similarly employed U.S. workers.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Ball (Telephone: 202-376-6297).

SUPPLEMENTARY INFORMATION:

Requirement of Notice

The Department of Labor (DOL) has published regulations at 20 CFR Part 655, Subpart C, for the certification of nonimmigrant aliens for temporary employment in the United States in agriculture and logging. In pertinent part, these regulations require the Administrator, United States Employment Service (USES), to cause a notice to be published in the Federal Register annually, announcing the adverse effect wage rates (AEWRs) for agricultural workers (except sheepherders) in thirteen States and for sugar cane workers in Florida. 20 CFR 655.207 (1980 ed.). On January 16, 1981, a final regulation was published in the Federal Register announcing a new methodology by which the AEWRs would be computed, and one nationwide AEWR set annually. 46 FR 4566. That regulation has been suspended, in a document published separately in the Federal Register. Therefore, the methodology set forth in 20 CFR 655.207 (1980 ed.) remains in effect. The approach of the 1981 harvest season necessitates the publication of this document at this time.

Current Methodology

Based upon 1979-80 wage data supplied to DOL by the United States Department of Agriculture (USDA), and upon the methodology set forth at 20 CFR 655.207 (1980 ed.), DOL has calculated AEWRs for 1981. See 41 FR 25018 (June 22, 1976); 42 FR 40192 (August 9, 1977); and 43 FR 10310 (March 10, 1978).

The AEWRs set forth in the table below have been computed using the same methodology that has been used by DOL for many years. See 43 FR 10310 (March 10, 1978). The AEWR for each State has been changed from last year's AEWR by the same percentage change as the change in the annual average wage rates for agricultural workers in the State between 1979 and 1980. See 20 CFR 655.207(b) (1980 ed.).

Agricultural Adverse Effect Wage Rates: 1981

The 1981 AEWRs, along with the 1980 AEWRs and the percentage changes in the various rates over the year are published in the table below. The 1981 rates are effective on March 27, 1981.

Agricultural Adverse Effect Wage Rates: 1981

States	1980 rates[1]	1981 rates[2]	Percentage changes
Arizona	$3.70	$3.87	+3.8
Colorado	3.78	3.93	+3.7
Connecticut	3.82	[3]3.86	[3]+0.9
Florida (sugar cane only)	4.06	4.89	+14.7
Maine	3.43	3.44	+0.4
Maryland	3.89	3.80	+17.8
Massachusetts	3.30	[3]3.35	[3]+1.5
New Hampshire	3.58	3.59	+0.4
New York	3.18	3.48	+9.4
Rhode Island	3.30	[3]3.35	[3]+1.5
Texas	3.54	3.97	+12.2
Vermont	3.53	3.54	+0.4
Virginia	3.51	3.81	+8.6
West Virginia	3.28	3.62	+10.5

[1] 45 FR 30733 (May 9, 1980).
[2] Based upon 1979-80 USDA wage data, and the formula published at 20 CFR 655.207(b)(1) (1980 ed.).
[3] Pursuant to 20 CFR 655.207(e) (1980 ed.), an AEWR may not be lower than the Fair Labor Standards Act agricultural minimum wage set forth at 29 U.S.C. 206(a)(1). Therefore, the Connecticut, Massachusetts, and Rhode Island AEWRs, which would have been computed under the existing methodology as $3.33 (Connecticut only) or $3.31 (Massachusetts and Rhode Island only) (a +0.4% change over the 1980 AEWRs in those States), have been set instead at $3.35.

Signed at Washington, D.C. this 24th day of March 1981.

David O. Williams,

Administrator, U.S. Employment Service.

[FR Doc. 81-9301 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of California

This notice announces the ending of the Extended Benefit Period in the State of California, effective on March 21, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State laws. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of California on July 20, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of California has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on February 28, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminates with the week ending on March 21, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits at the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of California should contact the nearest Employment Security or Unemployment Insurance Office of the California Employment Development Department in their locality.

Signed at Washington, D.C., on March 17, 1981.

Lawrence E. Weatherford,

Acting Deputy Assistant Secretary for Employment and Training.

[FR Doc. 81-9355 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program: Extended Benefits; Ending of Extended Benefit Period in the State of Montana

This notice announces the ending of the Extended Benefit Period in the State of Montana, effective on March 7, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the Nation, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State laws (20 CFR 615.12). During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Montana on June 15, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Montana has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on February 14, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on March 7, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights; to Extended Benefits in the State of Montana should contact the nearest Employment Service Office of the Montana Employment Security Division in their locality.

Signed at Washington, D.C., on March 17, 1981.

Lawrence E. Weatherford,

Acting Deputy Assistant Secretary for Employment and Training.

[FR Doc. 81-8884 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[ORPS Application No. P-1101V]

Employee Benefit Plans; Proposed Alternative Method of Compliance for the Employees' Retirement Plan of W. T. Grant Co.

AGENCY: Department of Labor.

ACTION: Notice of proposed alternative method of compliance.

SUMMARY: This document contins a notice of pendency before the Department of Labor (the Department) of a proposed alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 (the Act) for the Employees' Retirement Plan of W. T. Grant Company (the Plan). The proposed alternative method of compliance, if granted, would affect participants and beneficiaries of the Plan and the Plan's Retirement Board.

DATE: Written comments must be received by the Department on or before May 26, 1981.

ADDRESSES: All written comments (preferably three copies) should be submitted to: Office of Reporting and Plan Standards Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: W. T. Grant Alternative. The petition for an alternative method of compliance and all comments received will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. John A. Malagrin, of the Department, (202) 523-8684 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed alternative method of compliance with certain reporting and disclosure requirements of the Act for the Plan. The proposed alternative method of compliance was requested in a petition filed on behalf of the Plan's Retirement Board, which has general administrative responsibility for the Plan, pursuant to section 110(a) of the Act.

Summary of Facts and Representations

The petition contains facts and representations with regard to the proposed alternative method of compliance, which are summarized below. Interested persons are referred to the petition on file with the Department for the complete representations of the petitioners.

The Plan is a defined benefit pension plan which was established in 1942 to provide retirement and other benefits to eligible employees of W. T. Grant Company (Grant) and their beneficiaries. On October 2, 1975 Grant filed a petition in the United States District Court for the Southern District of New York for an arrangement under Chapter XI of the Bankruptcy Act. No plan of arrangement was formulated and, on February 12, 1976, the Bankruptcy Court ordered the Company to liquidate its business within 60 days. Thereafter Grant closed substantially all of its facilities and terminated the employment of all of its employees, although some employees were subsequently re-employed by the Trustee in Bankruptcy. By an order of the Bankruptcy Court dated April 13, 1976, Grant was adjudicated a bankrupt and the Trustee took possession of its assets.

On March 15, 1976 the board of directors of Grant authorized the Retirement Board to adopt appropriate amendments to the Plan to facilitate its termination. On April 5, 1976 the Retirement Board amended the Plan, subject to the necessary approvals of the Pension Benefit Guaranty Corporation and the Internal Revenue Service, to provide for its termination and the distribution of Plan assets. Such approvals were thereafter obtained.

On August 18, 1976 the Bankruptcy Court authorized the Retirement Board to deposit Plan assets, which were then held in trust and invested by two bank trustees, with the Prudential Life Insurance Company of America (Prudential) pending the issuance of a group annuity contract. Pursuant to this authorization Plan assets were subsequently transferred to Prudential from the banks, except for funds paid or

reserved for expenses and their fees as trustees.

On March 25, 1977 the Retirement Board and the Pension Benefit Guaranty Corporation commenced an action in the United States District Court for the Southern District of New York against a class of former employees of Grant and their beneficiaries for a declaratory judgment that the amendments to the Plan and the distribution of plan assets as proposed by the Retirement Board and the Pension Benefit Guaranty Corporation did not unlawfully impair any rights of former participants of the Plan or their beneficiaries. The court directed that the action proceed as a class action, divided the class into four subclasses, and designated counsel to represent each such subclass.

On March 22, 1979, the plaintiffs filed a Notice of Motion for Summary Judgment which requests that the court declare: (1) That the allocation of plan assets should be in accordance with the requirements of Title IV of the act rather than with the Plan document; (2) That the application of Plan assets under the Prudential agreement towards the purchase of annuities under a group annuity is in accordance with the requirements of Title IV of the Act; (3) That the termination date of the Plan is to be February 28, 1976; (4) That no member of the class shall have any claim against, or be entitled to any recovery from any of the plaintiffs in connection with any other action brought for benefits under the Plan; and (5) That the plaintiffs be granted such other and further relief including costs as to the court may appear just and proper. As of January 31, 1980, the court had not ruled on the request for summary judgment.

The Retirement Board asserts that compliance with certain reporting and disclosure requirements of the Act in addition to its compliance with the strict procedural requirements for maintaining a class action would place an unreasonable administrative burden on the Plan and increase the costs to the Plan. In addition, by diverting limited administrative personnel, such compliance could delay the distribution of benefits to participants and their beneficiaries, many of whom have been unable to find jobs since the bankruptcy of Grant.

The Retirement Board further asserts that the procedural safeguards required to be observed in order to maintain a class action and the representation of each of the subclasses by counsel insure that adequate reporting and disclosure will be made to all participants or their beneficiaries directly or through their Court appointed counsel.

The Retirement Board requests an alternative method of compliance with certain reporting and disclosure requirements of the Act under the authority of Section 110 of the Act. The Retirement Board requests that it be exempted from the following reporting and disclosure requirements: [1]

(a) Completion of Item 24(a), Item 24(b) and Item 22(b) of, and attaching certified financial statements and schedules to, Form 5500 for the Plan years ended June 30, 1976, June 30, 1977, and June 30, 1978, respectively, at the time such Forms were filed.

The listed item, in each case, would indicate that an independent qualified public accountant's opinion, with respect to the financial statements of the Plan, is required and is attached to the form. Revised Forms 5500 for those years, with such financial statements attached and such Items completed, have been filed with the Department. The Retirement Board indicates that audits of the Plan were not completed at the time the Forms 5500 were required to be filed because, among other things, (1) The amount of Plan assets could not be determined during the pendency of legal action required by the bankruptcy of the Plan's employer-sponsor in order to collect unpaid contributions, and (2) the staff of the Retirment Board was limited.

(b) Preparation and distribution of summary annual reports to Plan participants; and

(c) Preparation and distribution of summary plan descriptions to Plan participants and the Secretary of Labor.

In lieu of complying with the foregoing requirements of the Act, the Retirment Board proposes an alternative method of compliance under Section 110 of the Act pursuant to which the following steps have been or will be taken:

(a) Preparation and filing of revised Forms 5500 with Certified financial statements and schedules attached and a completed Item 24(a), Item 24(b) and Item 22(b) for the Plan years ended June 30, 1976, June 30, 1977 and June 30, 1978, respectively;

(b) Distribution of copies of Forms 5500, with certified financial statements and schedules attached, for the Plan years ended June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978 and all Plan years beginning after June 30, 1978, to class counsel;

(c) Giving written notice to each participant (including each retiree) under the Plan as of its termination date, or his beneficiary, informing him as to whether he would receive a benefit and, if so, the amount of his benefit which would be paid, if the requested declaratory judgment were granted by the Court, and giving him the opportunity to object to such notice and to correct any error in calculation or otherwise which may have been reflected therein; and

(d) Informing class counsel and the Court of all developments in the termination of the Plan and the distribution of its assets, as directed by the Court in accordance with the procedural requirements of the class action litigation.

[1] The Retirement Board has also requested that it be relieved of the requirements (1) to engage an enrolled actuary to review the operation of the plan and render an opinion thereon; (2) preparation and filing of Form 5500, Schedule B for the Plan year ended June 30, 1977, and all subsequent Plan years; and (3) preparation and filing of certified financial statements for the Plan year in which all of its assets are distributed. The Retirement Board asserts, however, that the Plan was not and will not be subject to the minimum funding standards contained in the Act for those years. Employee benefit plans not subject to those standards are not subject to the requirements described in (1) and (2), above. As to item (3), the Retirement Board has not demonstrated that such relief would satisfy the criteria set forth in section 110 of the Act, discussed below in the main text.

Notice to Interested Persons

Not later than April 27, 1981, the Retirement Board will furnish to each participant a notice that a petition has been filed for an alternative method of compliance with the reporting and disclosure requirements of the Act. Such notice shall contain a copy of the proposed alternative method of compliance as published in the Federal Register and shall include the following statement:

Any interested person, including any participant in the Employees' Retirement Plan of W. T. Grant Company (the Plan) may present his or her view on the proposed alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 for the Plan on or before May 26, 1981 by writing to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N–4508, Department of Labor, Washington, D.C. 20210. Attention: W. T. Grant Alternative.

General Information

Before an alternative method of compliance with the reporting and disclosure requirements may be prescribed under section 110 of the Act, the Department must determine that the use of such alternative method is consistent with the purposes of Title I of the Act and that it provides adequate disclosure to the participants in the plan and adequate reporting to the Department, that the application of the reporting and disclosure requirements of the Act would increase the costs of the plan or impose unreasonable administrative burdens with respect to the operation of the plan, having regard to the particular characteristics of the plan or the type of plan involved, and that the application of the reporting and

disclosure requirements of the Act would be adverse to the interests of plan participants in the aggregate.

Alternative Method of Compliance

Based upon the facts and representations set forth in the petition, the Department is considering granting the following alternative method of compliance under the authority of section 110 of the Act. If the alternative method of compliance is granted, the administrator of the Plan is not required to comply with the reporting and disclosure requirements set forth in Section 1 below, provided that the conditions set forth in section 2 are or have been met:

Section 1—Alternative Method of Compliance

(a) Completion of Item 24(a), Item 24(b) and Item 22(b) of an attaching certified financial statements and schedules to, Form 5500 for the Plan years ended June 30, 1976, June 30, 1977 and June 30, 1978, respectively, at the time such forms were filed.

(b) Preparation and distribution of summary annual reports to Plan participants; and

(c) Preparation and distribution of summary plan descriptions to Plan participants and the Secretary of labor.

Section 2—Conditions to the Granting of Alternative Method of Compliance

The Retirement Board shall:

(a) prepare and file revised Forms 5500 with certified financial statements and schedules attached and a completed Item 24(a), Item 24(b) and Item 22(b) for the Plan years ended June 30, 1976, June 30, 1977 and June 30, 1978, respectively;

(b) distribute copies of Forms 5500, with certified financial statements and schedules attached, for the Plan years ended June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978 and all Plan years beginning after June 30, 1978 to class counsel;

(c) give written notice to each participant (including each retiree) under the Plan as of its termination date, or his beneficiary, informing him of whether he would receive a benefit and, if so, the amount of his benefit which would be paid, if the requested declaratory judgment were granted by the Court, and giving him the opportunity to object to such notice and to correct any error in calculation or otherwise which may have been reflected therein; and

(d) inform class counsel and the Court of all developments in the termination of the Plan and the distribution of its assets, as directed by the Court in accordance with the procedural requirements of the class action litigation.

Signed at Washington, D.C., this 19th day of March, 1981.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-8888 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Advisory Committees, Annual Comprehensive Review

We are currently in the process of conducting the Department's annual comprehensive review of Federal Advisory Committees. I invite you to submit whatever remarks are germane to answering the following questions about each of our advisory committees: (1) Does the Department have a compelling need for it; (2) Is the committee's membership truly balanced; and (3) Has the committee conducted its business as openly as possible, consistent with the law and its mandate? The DOL advisory committees are listed below:

Advisory Committee on Construction Safety and Health
Advisory Council on Employee Welfare and Pension Benefit Plans
Business Research Advisory Council
Federal Advisory Council on Occupational Safety and Health
Federal Advisory Council on Unemployment Insurance
Federal Committee on Apprenticeship
Labor Advisory Committee for Trade Negotiations and Trade Policy
Labor-Management Research Advisory Committee
Labor Research Advisory Committee
Minimum Wage Study Commission
National Advisory Committee on Occupational Safety and Health
National Commission for Employment Policy
President's Advisory Committee for Women
President's Committee on the International Labor Organization
Steel Tripartite Advisory Committee
White House Coal Advisory Council.

If you wish to comment, please submit your responses on or before April 6, 1981: Mrs. Ruth E. Morgenstern, Departmental Committee Management Officer, Department of Labor, Room S-2517, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed this 18th day of March 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-8889 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-23-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; American Biltrite, Inc., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility rquirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 9th day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Biltrite, Inc., Boston Industrial Products (workers).	Cambridge, MA	3/2/81	2/9/81	TA-W-12,377	Matting, hosing, and belting.
All Star Products (IBEW)	Edgerton, OH	3/2/81	2/20/81	TA-W-12,378	Electronic equipment.
Bendix Corp., Electric Power Division (IUE)	Eatontown, NJ	3/2/81	2/25/81	TA-W-12,379	Generators.
Coccia Manufacturing Co., Inc. (ILGWU)	Alpha, NJ	2/24/81	2/20/81	TA-W-12,380	Ladies' sportswear.
Dayton Walker Corp., Camden Castings Center (workers).	Camden, TN	3/2/81	2/27/81	TA-W-12,381	Ductile iron casting.
Hastings Manufacturing Co. (UAW)	Hastings, MI	3/2/81	2/11/81	TA-W-12,382	Piston rings.
International Harvester Co., Foundry Component Group (workers).	Memphis, TN	3/2/81	2/4/81	TA-W-12,383	Ductile iron casting.
Torsion Balance Co. (AFL-CIO)	Clifton, NJ	3/2/81	2/20/81	TA-W-12,384	Precision weighing equipment.
Baker Material Handling Corp. (UAW)	Cleveland, OH	3/2/81	2/27/81	TA-W-12,385	Lift trucks.
Gulf & Western Manufacturing Co., Lerapo Fargo Division (USWA).	West Chester, PA	3/2/81	2/15/81	TA-W-12,386	Component parts for pressure vessels.
Howard S. Wolf, Inc. (workers)	Bexia, TX	3/2/81	2/23/81	TA-W-12,387	Women's clothing.
International Harvester Co., Foundry (UAW)	Louisville, KY	2/27/81	2/23/81	TA-W-12,388	Gray iron castings.
Krown Manufacturing Co., Inc. (company)	Charlotte, MI	2/27/81	2/23/81	TA-W-12,389	Travel trailers and popup tent campers.
McEwen Manufacturing (workers)	McEwen, TN	3/2/81	2/25/81	TA-W-12,390	Bib overalls.
Peter Cooper Corp. (workers)	Camden NJ	3/2/81	1/16/81	TA-W-12,391	Edible, pharmaceutical, technical, and photographic gelatin.
Quality Boschwear, Inc. (ILGWU)	Brooklyn, NY	3/2/81	2/25/81	TA-W-12,392	Swimsuits.
Allied Chemical Corp., Semet Solvay Division (OCAW).	Ashland, KY	3/3/81	2/17/81	TA-W-12,393	Metallurgical coke.
Art Industries, Inc. (workers)	Detroit, MI	3/5/81	3/2/81	TA-W-12,394	Dielectric dies for auto interior trim.
Bendix Corp. (UAW)	Cleveland, TN	3/5/81	3/1/81	TA-W-12,395	Asbestos brake lining for new cars and trucks.
Cascadian Sportswear, Inc. (company)	Everett, WA	3/5/81	2/27/81	TA-W-12,396	Men's jackets and men's and boys' vests.
Hooker Chemical & Plastic Corp., Durez Division (IAM).	North Tonawanda, NY	3/5/81	2/19/81	TA-W-12,397	Phenolic molded compounds.
International Silver Co., Factory C (USWA)	Meriden, CT	3/3/81	3/2/81	TA-W-12,398	Flatware.
J. X. Palms Co. (workers)	Mount Clemens, MI	3/3/81	2/24/81	TA-W-12,399	Brake caliper brackets.
Robert Shoe, Inc. (workers)	Somersworth, NH	3/3/81	2/25/81	TA-W-12,400	Casual shoes and boots.
Walnut Grove Manufacturing Co., Inc. (workers)	Walnut Grove, MS	3/5/81	3/2/81	TA-W-12,401	Cotton lisle inspectors gloves.
William H. Haskell Manufacturing Co. (USWA)	Pawtucket, RI	3/3/81	3/2/81	TA-W-12,402	Heavy nuts and bolts, standard and specialty fasteners.
Autodynamics Corp. of America (workers)	Madison Heights, MI	3/5/81	2/1/81	TA-W-12,403	Automotive parts.
Cashiers Manufacturing Corp. (company)	Cashiers, NC	3/6/81	3/4/81	TA-W-12,404	Contractor of men's shirts.
Clayburne Highlands (company)	Highland, NC	3/6/81	3/4/81	TA-W-12,405	Contractor of men's shirts.
Clayburne Manufacturing Corp. (company)	Clayton, GA	3/6/81	3/4/81	TA-W-12,406	Contractor of men's shirts and headquarters.
Fairview Tubular Products, Inc. (workers)	Fairview, MI	3/5/81	2/27/81	TA-W-12,407	Fabrication of tubing.
General Tire & Rubber Co. (workers)	Logansport, IN	3/5/81	2/24/81	TA-W-12,408	Silentbloc bushings.
Proto Tube, Inc. (workers)	Luzerne, MI	3/5/81	2/27/81	TA-W-12,409	Fabrication of tubing.
Stupp Bros. Bridge & Iron Co. (USWA)	St. Louis, MO	3/3/81	3/2/81	TA-W-12,410	Fabricators of structural steel.
Venus Creations (workers)	New York, NY	3/5/81	3/3/81	TA-W-12,411	Administrative office and sales office.
Venus Textile Manufacturing Co. (company)	Social Circle, GA	3/5/81	3/3/81	TA-W-12,412	Ladies' cotton garments (casual wear)
Yearle Bunny Knit Sportswear, Inc. (workers)	Bohemia, NY	3/3/81	2/25/81	TA-W-12,413	Men's, ladies' and children's outerwear (sweaters).

[FR Doc. 81-9398 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Arvin Industries, Inc., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regardings eligibility to apply for worker adjustment assistance issued during the period March 16–20, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–10,448; Arvin Industries, Inc., Arvin Automotive Div., North Vernon, IN

Investigation revealed that criterion (3) has not been met. With respect to mufflers and exhaust pipes, a survey of cutomers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to fuel tubes, U.S. imports are negligible.

TA–W–9107; Shaw-Ano Mfg. Co., Shawano, WI

Investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA–W–9577; Gagnier Fiber Products Co., Oak Park, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9382; Gulf and Western Mfg. Co., General Products Div., Union Springs, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9782; GAF Corporation, Joliet, IL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9432; St. Clair Metal Products Co., Port Huron, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9388; Dirksen Screw Products Co., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA-W-9254, 9255, 9256, 9257, & 9258; The Leslie Metal Arts Co., Inc., (Plant #1) Kentwood, MI, (Plant #2) Grand Rapids, MI, (Plant #3) Middleville, MI, (Plant #4) Kentwood, MI, and (Plant #5) Kentwood, MI

With respect to workers who produce automotive ashtrays, ash lids, and covers aggregate demand of U.S. imports for these products are negligible.

With respect to workers who produce ash receivers, glove box door assemblies, lamp assemblies, windshield wipers linkages, and instrument panel trim plate a survey of customers indicated that increased imports did not contribute importantly to worker separations at the subject firm.

TA-W-9165; Standard Automotive Parts and Co., Muskegon, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9057; Tungsten Contact Manufacturing Co., Inc., North Bergen, NJ

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8667; Detroit Gasket, Fremont, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9553; John Fisher Motor Rebuilders, Grand Rapids, MI

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-9517; Applied Industries, Inc., Centerline, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of prototype parts, jigs and fixtures are negligible.

TA-W-9212; Hercules Welding Products Co., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8701 & 9018; Manchester Plastic, Inc., Homer, MI and Manchester, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automotive plastic interior trim are negligible. Furthermore, with respect to lock pillar flanges a customer survey indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8991; Wagner Electric Corp., Sparta, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9052; Fitzsimmons Steel Co., Youngstown, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8347; Progressive Tool and Industries Co., Southfield, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8975; Ramco Steel Co., Buffalo, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9554 & 9555; M & H Industries, Inc., Livonia, MI

Investigation revealed that criterion (3) has not been met. With respect to workers producing automotive stamping dies, U.S. imports of that product are negligible. With respect to workers producing heater door assemblies, a customer survey indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9197; Hayes-Albion, Exhaust Systems Division, West Unity, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9199; May and Scofield, Inc., Howell, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9713; Mirrex, Inc., Mt. Clemens, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-8997; Jackson China Inc., Falls Creek, PA

A certification was issued covering all workers of the firm separated on or after June 3, 1979.

TA-W-9413; Kokomo Wire and Cable, Inc., Kokomo, IN

A certification was issued covering all workers of the firm separated on or after July 2, 1979.

TA-W-11,088 & 11,088A; Grocery Store Products Co., West Chester Growing Div., and West Chester Cannery, West Chester, PA

A certification was issued applicable to all workers at the subject firm separated on or after August 20, 1979 and before March 1, 1981.

TA-W-8894; Mastercraft Leather Mfg. Co., Inc., Troy, MI

A certification was issued applicable to all workers of the firm separated on or after May 21, 1979.

TA-W-8754; Car-Del-Mar Coat Co., Inc., Brooklyn, NY

A certification was issued covering all workers of the firm separated on or after June 1, 1980.

TA-W-9079; Marble King, Inc., Paden City, WV

A certification was issued covering all workers of the firm separated on or after June 10, 1979 and before December 1, 1979.

TA-W-7813; Progressive Pulley Division of Rogers Manufacturing Co., Inc., Akron, OH

A certification was issued covering all workers of the firm separated on or after April 15, 1979.

I hereby certify that the aforementioned determinations were issued during the period March 16–20, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, D.C. 20210, during normal working hours or will be mailed to persons who write to the above address.

Dated: March 23, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-9252 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8841-8842, 8844, 8846-8849, 8851-8858, 8862, 8866, 8868, 8872]

General Motors Corp.; Affirmative Determination Regarding Application for Reconsideration

On March 2, 1981, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers at certain support facilities of the GMC Truck and Coach Division of General Motors Corporation, Detroit, Michigan. The determinations were published in the Federal Register on January 30, 1981 (46 FR 10026).

The application for reconsideration claimed that the significant employment decline criterion of the Trade Act of 1974 was met for the 19 instant zone sales offices or truck centers of the GMC Truck and Coach Division of the General Motors Corporation, which was the basis for their denial.

Conclusion

After review of the application, I conclude that the company official's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 17th day of March 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-9345 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; H. F. Manufacturing, et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of March, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
H. F. Manufacturing (workers)	Perkasie, PA	3/9/81	3/4/81	TA-W-12,414	Skirts, jackets, vests and slacks.
Lucy Rose Anne (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,415	Ladies coats.
Pearl (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,416	Ladies coats.
Suzette Fashions (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,417	Ladies coats.
Tel-Aviv (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,418	Ladies coats.
Tiara Coat (ILGWU)	W. New York, NJ	3/9/81	2/27/81	TA-W-12,419	Ladies coats.
Tonis (ILGWU)	Weehawken, NJ	3/9/81	2/27/81	TA-W-12,420	Ladies coats.
Topline (formerly Verdi)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,421	Ladies coats.
U.S. Fastener Corp. (workers)	Saginaw MI	3/6/81	2/6/81	TA-W-12,422	Sell nuts, bolts, screws and misc. fasteners.
Venus (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,423	Ladies coats.
West New York Sportswear (ILGWU).	W. New York, NJ	3/9/81	2/27/81	TA-W-12,424	Ladies coats.
C & M Coat Co., Inc. (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,425	Contractor of ladies coats.
Diamond Coat (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,426	Ladies coats.
Elizabeth Fashion, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,427	Ladies coats.
Helen Coat Co., Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,428	Ladies coats.
Italcraft (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,429	Ladies coats.
Jersey Made Fashion, Inc. (ILGWU).	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,430	Ladies coats.
M C M Coat Co., Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,431	Ladies coats.
Park Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,432	Ladies coats.
Randy Coat (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,433	Ladies coats.
Rosemary Fashion Coat Co. (ILGWU).	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,434	Ladies coats.
Al Kamon Coat Co., Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,435	Ladies coats.
Alona Coat Corp. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,436	Ladies coats.
Avanta Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,437	Ladies coats.
Bernardi Fashions, Inc. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,438	Ladies coats.
Classic World (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,439	Ladies coats.
H. & P. Garment Co., (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,440	Ladies coats.
Pamela Fashions (ILGWU)	North Bergen, NJ	3/9/81	2/27/81	TA-W-12,441	Ladies' jackets.
Rico Fashions, Inc. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,442	Ladies coats.
Russell Taylor, Inc. (ILGWU)	Secaucus, NJ	3/9/81	2/27/81	TA-W-12,443	Ladies coats.
Springfield Lino-Merc. Co., Inc. (workers).	Springfield, MA	3/6/81	3/4/81	TA-W-12,444	Auto dealership
Toby Fashions (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,445	Ladies coats.
Boel Coat Co. (workers)	Roxbury, MA	3/9/81	3/5/81	TA-W-12,446	Men's all weather coats.
Cousin's Fashions (ILGWU)	West York, NJ	3/9/81	2/27/81	TA-W-12,447	Ladies coats.
Fortune Fashions, Inc. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,448	Ladies coats.
Gay Coat Co., Inc. (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,449	Ladies coats.
J & M Fashions, Inc. (ILGWU)	Union City, NJ	3/9/81	2/27/81	TA-W-12,450	Ladies coats.
Juliet Footwear Co. (ACTWU)	Elmwood Park NJ	3/9/81	2/27/81	TA-W-12,451	Men's shoes
Liberty Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,452	Ladies coats.
Sondra Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,453	Ladies coats.
Lunar Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,454	Ladies coats.
Five Sons (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,455	Ladies coats.
Wagner Electric (workers)	Hazleton, PA	3/3/81	2/24/81	TA-W-12,456	Automotive accessories.
Cosmic Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,457	Ladies coats.
Dante Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,458	Ladies coats.
Delba Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,459	Ladies coats.
Emil Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,460	Ladies coats.
Fiesta Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,461	Ladies coats.
J.B. Coat, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,462	Ladies coats.
MCR Fashions, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,463	Ladies coats.
Mona Lisa Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,464	Ladies coats.
Natalie Ann Fashions (ILGWU)	Union City NJ	3/9/81	2/27/81	TA-W-12,465	Ladies coats.
Stephanie Coat, Inc. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,466	Ladies coats.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Willow Coat Co. (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,467	Ladies coats.
Belino Fashions (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,468	Ladies coats.
Bender Brothers Sportswear, Inc. (ACTWU).	Bayonne, NJ	3/9/81	3/5/81	TA-W-12,469	Ladies' slacks and dungarees.
Mel Coat Fashions, Inc. (ILGWU)	Weehawken, NJ	3/9/81	2/27/81	TA-W-12,470	Ladies coats.
Charming Miss (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,471	Ladies coats.
Elk Creek Cedar, Inc. (workers)	Forks, WA	3/9/81	2/26/81	TA-W-12,472	Cedar shakes.
Grace Coat (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,473	Ladies coats.
Imperial Camera Corp. (ILGWU)	Chicago, IL	3/9/81	2/27/81	TA-W-12,474	Cameras.
Michel Coat Corp. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,475	Ladies coats.
P.D.A. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,476	Ladies coats.
Parker Brothers (workers)	Taunton, MA	3/9/81	3/4/81	TA-W-12,477	Assemble electronic games.
Rosalbe Coat Co., Inc (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,478	Ladies coats.
Algy Shoe Company (workers)	Chelsea, MA	3/11/81	3/9/81	TA-W-12,479	Ladies' shoes.
Cam (ILGWU)	Hoboken, NJ	3/9/81	2/27/81	TA-W-12,480	Ladies coats.
Ella Coat Co. (ILGWU)	Jersey City, NJ	3/9/81	2/27/81	TA-W-12,481	Ladies coats.
London Knitting Mills (Knitgoods workers)	Brooklyn, NY	3/11/81	3/6/81	TA-W-12,482	Knit sweaters.
Manny's Outerwear, Inc (ACTWU).	Elizabeth, NJ	3/11/81	3/3/81	TA-W-12,483	Men's and boy's outerwear
Marshall Ray Corp. (workers)	Troy, NY	3/11/81	3/9/81	TA-W-12,484	Men's and boy's sportswear
Peterson Shake Co. (workers)	Amanda Park, WA	3/9/81	3/5/81	TA-W-12,485	Cedar shakes & shingles.
Quality Arts Corp. (teamsters)	Lodi, NJ	3/9/81	3/3/81	TA-W-12,486	Decorative wall pieces.
United Technologies Corp., Automotive Group, Components Div. (company).	Morganton, NC	3/9/81	3/6/81	TA-W-12,487	Extruded plastic profile sections of decorative trim.
Westclox, U.S. (workers)	Yadkinville, NC	3/9/81	2/20/81	TA-W-12,488	Key wound clocks.
Westinghouse Elevator Co. (IUE)	Jersey City, NJ	3/9/81	3/3/81	TA-W-12,489	Elevator apparatus.
Allen Bradley Co. (UE)	Milwaukee, WI	3/9/81	3/3/81	TA-W-12,490	Fixed composition resistors and variable resistors.
Crawford Coat Co., Inc. (ILGWU)	North Bergen, NJ	3/9/81	2/27/81	TA-W-12,491	Ladies coats.
Saywood Sportswear, Inc. (ILGWU).	New York, NY	3/5/81	3/2/81	TA-W-12,492	Ladies' sportswear.

[FR Doc. 81-9082 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-9283]

Leggett and Platt, Wire Division; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 14, 1980 in response to a petition which was filed on behalf of workers at Leggett and Platt, Wire Division, Carthage, Missouri. Workers at the Carthage plant produce steel wire.

The investigation revealed that criterion (3) has not been met.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at Leggett and Platt, Wire Division, Carthage, Missouri. Although imported automobiles incorporate wire and wire products, imports of the whole product are not like or directly competitive with their component parts. Imports of wire and wire products must be considered in determining import injury to workers producing these items at Leggett and Platt.

Automotive wire and wire products account for a relatively small percentage of the plant's production, and workers at the plant are not separately identifiable by product line. Any import influence in this product line could not have contributed importantly to overall employment declines at the firm.

The predominant portion of the Carthage plant's production is shipped to other Leggett and Platt plants for use in the manufacture of furniture and mattress springs.

Industry sources indicated that imports of furniture springs and mattress springs are negligible.

Conclusion

After careful review, I determine that all workers of Leggett and Platt Company, Wire Division, Carthage, Missouri are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-9083 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-28-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub.L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub.L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications to establish *pro bono* projects submitted by the following:

- Central Oregon Bar Association in Bend, Oregon, to serve Deschutes, Crook and Jefferson Counties
- Colegio de Abogados de Puerto Rico in San Juan, Puerto Rico, to serve the Commonwealth of Puerto Rico
- Community Legal Services in Phoenix, Arizona, to serve Maricopa County
- Dade County Bar Association in Miami, Florida, to serve Dade County
- The Florida Bar in Tallahassee, Florida, to serve Leon, Gadsden, Liberty, Calhoun, Jackson, Holmes, Washington, Gulf, Franklin, Bay, Jefferson and Wakkulla Counties
- Houston Bar Association in Houston, Texas, to serve Houston and Harris Counties
- Legal Action of Wisconsin, Inc., in Milwaukee, Wisconsin, to serve Milwaukee County
- Legal Aid Society of Orange County, in Santa Ana, California, to serve Orange County
- Legal Aid Society of Palm Beach County, Inc., in West Palm Beach, Florida, to serve Palm Beach County
- Legal Services of Eastern Missouri, in St. Louis, Missouri, to serve the City of St. Louis

- Louisiana State Bar Association, in New Orleans, Louisiana, to serve ten (10) Parishes to be designated by the Louisiana State Bar Association
- Maryland State Bar Association, in Baltimore, Maryland, to serve the State of Maryland
- Monroe County Bar Association, in Rochester, New York, to serve Monroe County
- Native American Rights Fund, in Boulder, Colorado, to serve Native Americans nationally
- Northern Kentucky Legal Aid Society, Inc., in Covington, Kentucky to serve Boone, Campbell, Carroll, Grant, Gallatin, Owen, and Pendleton Counties
- Pine Tree Legal Assistance, Inc., in Portland, Maine, to serve the State of Maine
- Puget Sound Legal Assistance Foundation, in Tacoma, Washington, to serve Pierce, Thurston and Mason Counties
- San Francisco Lawyers' Committee for Urban Affairs/La Raza Centro Legal, Inc., in San Francisco, California, to serve Alameda, Contra Costa, Marin, San Francisco and San Mateo Counties
- Toledo Bar Association, in Toledo, Ohio, to serve Toledo and Lucas Counties
- Travis County Bar Association, in Austin, Texas, to serve Travis County
- Utah Legal Services, Inc., in Salt Lake City, Utah, to serve Salt Lake County
- Worcester County Bar Association, in Worcester, Massachusetts, to serve Worcester County

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to: Mr. Steve Granberg, Legal Services Corporation, 733 15th Street, N.W., Washington, D.C. 20005.

Clint Lyons,

Director, Office of Field Services.

[FR Doc. 81-9341 Filed 3-26-81; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-27]

NASA Advisory Council; Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology.

DATE AND TIME: April 21, 1981, 9 a.m. to 5 p.m.; April 22, 1981, 8:30 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, 600 Independence Ave., SW, Room 625, Washington, DC. 20003.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Ward, National Aeronautics and Space Administration, Code RJL-2, Washington, DC 20546 (202/755-2375).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Rotorcraft Technology was established to assist NASA in assessing the current adequacy of rotorcraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in rotorcraft aerodynamics, acoustics, structures, dynamics, propulsion system components, flight control, and avionics. The Subcommittee, chaired by Mr. Troy M. Gaffey, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 45 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

AGENDA:

April 21, 1981

9 a.m.—Summary of NASA FY 1981-1982 Rotorcraft Research and Technology Program and Program Planning for FY 1983. Review of Facility Productivity and Improvements.

5 p.m.—Adjourn

April 22, 1981

8:30 a.m.—NASA Future Plans in Aeronautics and Rotorcraft, and Potential Programs in Technology Validation and Demonstration.

1 p.m.—Discussion of NASA Rotorcraft Research and Technology Recommendations by the Subcommittee.

4 p.m.—Adjourn

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

March 23, 1981.

[FR Doc. 81-9254 Filed 3-26-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Privacy Act of 1974; Annual Publication of Systems of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The National Capital Planning Commission last published the full text of its systems of records at 42 FR 48768, September 23, 1977. An additional system of records was published at 45 FR 57604, August 28, 1980. No further changes have occurred, therefore, the systems of records remain in effect as published.

The full text of the NCPC systems of records also appears in Privacy Act Issuances, 1979 Compilation, Volume IV, page 2989. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of this volume is $10.00.

Edward H. Rickels,

Secretary to the Commission.

[FR Doc. 81-9314 Filed 3-26-81; 8:45 am]

BILLING CODE 7520-01-M

NATIONAL SCIENCE FOUNDATION

Availability of Advisory Committee Reports

The National Science Foundation has filed with the Library of Congress reports of those advisory committees which held any closed or partially closed meetings in 1980. The reports were filed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, and are available for public inspection and use at the Library of Congress, Rare Book Division, Room 256, Washington, D.C. and at the National Science Foundation Committee Management Office, Room 248, Washington, D.C. The names of the committees submitting reports are:

1. Advisory Committee for Atmospheric Sciences
2. Advisory Committee for Behavioral and Neural Sciences
3. Advisory Committee for Chemistry
4. Advisory Committee for Earth Sciences
5. Advisory Committee for Engineering and Applied Science
6. Advisory Committee for Environmental Biology
7. Advisory Committee for Information Science and Technology
8. Advisory Committee for International Programs—Oversight Report
9. Advisory Committee for Materials Research
10. Advisory Committee for Mathematical and Computer Science—Subcommittee for Computer Science
11. Advisory Committee for Ocean Sciences
12. Advisory Committee for Physics
13. Advisory Committee for Physiology, Cellular and Molecular Biology
14. Advisory Committee for Science and Society—Oversight Report
15. Advisory Committee for Social and Economic Science
16. Advisory Committee on Special research Equipment (2-Year and 4-Year Colleges)
17. Alan T. Waterman Award Committee
18. DOE/NSF Nuclear Science Advisory Committee

Dated: March 23, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-9319 Filed 3-26-81; 8:45 am]

BILLING CODE 7555-01-M

Ocean Sciences Advisory Committee, Ocean Sciences Research Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research.

Date and time: April 21 & 22, 1981, 9:00 a.m. to 6:00 p.m. each day.

Place: Rooms 338, 536, 628, and 643, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Robert E. Wall, Head, Oceanography Section, Room 611, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550. Telephone (202) 357-7924.

Purpose of meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

March 24, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-9342 Filed 3-26-81; 8:45 am]

BILLING CODE 7555-01-M

Environmental Biology Committee, Systematic Biology Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

Date and time: April 16 & 17, 1981; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. John H. Beaman, Program Director, Systematic Biology Program, Room 338, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9580.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information on a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

March 24, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-9343 Filed 3-26-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-466]

Allens Creek Nuclear Generating Station, Unit No. 1; Availability of a Supplement to the Final Environmental Statement

Notice is hereby given that a Supplement to the Final Environmental Statement (NUREG-0470 Supplement No. 2) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of the Allens Creek Nuclear Generating Station (ACNGS), Unit No. 1, by the Houston Lighting & Power Company. The proposed station is to be located in Austin County, Texas.

This supplement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Sealy Public Library, 201 Atchinson Street, Sealy, Texas. It is also being made available at the Houston-Galveston Area Council, 3701 West Alabama Avenue, Houston, Texas 77027.

The notice of availability of the Draft Supplement No. 2 to the Final Environmental Statement (FES) for the Allens Creek Nuclear Generating Station Unit No. 1, and requests for comments from interested persons was published in the Federal Register on December 29, 1980 (45 FR 85536). The comments received from Federal, State, and local agencies, and an interested member of the public have been included as appendices to this Supplement to the Final Environmental Statement.

The staff's Final Environmental Statement and the first Supplement to the FES were made available to Federal, State and local agencies in November 1974, and August 1978, respectively. Since the first FES Supplement was issued in August 1978, two decisions of the Atomic Safety and Licensing Appeal Board have resulted in a need to modify the conclusions and proposed conditions contained in the first FES Supplement.

Copies of the Supplement to the FES, dated March 1981 (NUREG-0470 Supp. No. 2) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 19th day of March 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-9196 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 34 and 55 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Licenses and Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

These changes to the Licenses and Technical Specifications involve incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Valve Position Indication, (2) Shift Technical Advisor Augmentation, (3) Integrity of Systems Outside Containment and (4) Iodine Monitoring.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated September 16, 1980, (2) Amendment Nos. 34 and 55 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-9293 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-29, and Amendment No. 57 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Appendix A technical Specifications to (1) properly list the number and placement of installed heat detectors and smoke detectors in Table 3.12-1, (2) record in Table 3.12-2 the presence of a sprinkler system in the cable spreading room, and (3) correct an erroneous statement of minimum level for a fuel storage tank.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated June 6, 1978 and January 8, 1979, (2) Amendment No. 63 to License No. DPR-29 and Amendment No. 57 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504-17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-9294 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect the replacement of power operated inboard containment isolation valve CV-4371-B with a manual stop check valve.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 20, 1981, (2) Amendment No. 66 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 428 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 23rd day of March, 1981.

For the Nuclear Regulatory Commission.

John N. Hannon,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-9236 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. P-564-A]

Pacific Gas & Light Co. (Stanislaus Nuclear Project, Unit 1), Conference With Counsel

March 20, 1981.

Several motions and responses which have been previously filed are now pending. The Licensing Board has determined that it wishes to have counsel for the parties argue these matters on the merits, as well as provide current and updated information as to the status of discovery in this proceeding. Accordingly, the following motions as well as any other matters pending on the date of this conference with counsel, will be taken up at the conference:

1. Joint Motion by PG&E and NRC Staff to Suspend Discovery and Motion Activity, dated February 13, 1981, and Responses.

2. Motion of the Northern California Power Agency (NCPA) to Compel Production of Documents Withheld by Pacific Gas and Electric Company (PG&E), dated February 19, 1981, and Responses thereto.

3. Motion of NCPA for a Protective Order, dated February 18, 1981, and Responses.

4. Motion of NCPA to Compel Production of Documents Withheld by PG&E, dated February 19, 1981, and Responses.

5. Letter dated March 6, 1981, from State of California Department of Water Resources (DWR) to PG&E.

Any other documents to be considered at the conference shall be physically lodged with the Board at least 10 days prior to the date of hearing.

The above-described Conference With Counsel will be held at 10:00 a.m., local time, in the Nuclear Regulatory Commission's Hearing Room, located at 4350 East West Highway, 5th Floor, Bethesda, Maryland 20014, on May 5 and 6, 1981.

Dated at Bethesda, Md., this 20th day of March 1981.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Administrative Judge.

[FR Doc. 81-9292 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395 OL]

South Carolina Electric & Gas Co. and South Carolina Public Service Authority (Virgil C. Summer Nuclear Station, Unit 1); Correction

March 18, 1981.

Please take notice that the correct address of the final prehearing conference as scheduled in our Order dated March 10, 1981 (46 FR 17174) is:

Richland County Judicial Center, Courtroom 2-A, 1701 Main Street, Columbia, South Carolina 29202.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 81-9296 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361-OL and 50-362-OL]

Southern California Edison Co., et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Southern California Edison Company, Et Al.* (San Onofre Nuclear Generating Station, Units 2 and 3), Docket Nos. 50-361-OL and 50-362-OL, is hereby reconstituted by appointing the following Administrative Judges to the Board: Mr. James L. Kelley, and Mrs. Elizabeth B. Johnson. Mr. Ivan W. Smith and Dr. Emmeth A. Luebke were members of this Board but, because of schedule conflict, are unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

James L. Kelley, Chairman
Mrs. Elizabeth B. Johnson
Dr. Cadet H. Hand, Jr.

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new members are:

Administrative Judge James L. Kelley, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Mrs. Elizabeth B. Johnson, Oak Ridge National Laboratory, PO. Box X, Building 3500, Oak Ridge, Tennessee 37830.

Issued at Bethesda, Maryland, this 23rd day of March, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-9297 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-33, Amendment No. 66 to Facility Operating License No. DPR-52, and Amendment No. 42 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3, (the facility) located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to revise a note regarding the acceptance criteria in the startup test instructions for the High Pressure Coolant Injection and Reactor Core Isolation Cooling Systems.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 22, 1978, as supplemented by letter dated October 10, 1978, (2) Amendment No. 70 to License No. DPR-33, Amendment No. 66 to License No. DPR-52, and Amendment No. 42 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 11th day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-8288 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-281]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operations for the Surry Power Station, Unit No. 2, (the facility) located in Surry County, Virginia. The amendment is effective as of the date of issuance.

The amendment provides a one time 30 day extension for the visual inspection surveillance requirement for inaccessible snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 19, 1981, (2) Amendment No. 66 to License No. DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-8289 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Yankee-Rowe Nuclear Power Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee-Rowe Nuclear Power Station (Yankee-Rowe) (the facility) located in Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect modifications to the Fire Detection and Suppression Systems recently completed at the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 20, 1980, as amended by letter dated February 24, 1981, (2) Amendment No. 64 to License No. DPR-3 and (3) the Commission's letter dated March 18, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of March, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 81-8300 Filed 3-25-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meeting of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published Feb. 20, 1981 (46 FR 13436). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the April 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**ECCS*, March 27, 1981, Pasadena, CA. The Subcommittee will discuss the

LOFT Program Test Plan for fiscal year 81–82. Notice of this meeting was published March 12.

**Advanced Reactors,* April 2, 1981, Des Plains, IL. The Subcommittee will discuss matters related to LMFBR safety design criteria. Notice of this meeting was published March 18.

**LaSalle,* April 3–4, 1981, Morris, IL. The Subcommittee will review the Operating License application. Notice of this meeting was published March 19.

**Procedures and Administration,* April 7, 1981, Washington, D.C. The Subcommittee will discuss employment arrangments for ACRS members, the use of telecommunications equipment in support of ACRS activities and the format and content of Committee Reports. Notice of this meeting was published March 23.

**Regulatory Activities,* April 7, 1981, Washington, D.C. The Subcommittee will discuss proposed Regulatory Guides 1.142, Rev. 1 and 1.68.3. Notice of this meeting was published March 23.

NRC Safety Research Program, April 8, 1981, Washington, D.C. The Subcommittee will discuss NRC's Long-Range Research Plan (NUREG–0740). Notice of this meeting was published March 24.

**Reactor Operations,* April 8, 1981, Washington, D.C. The Subcommittee will review Congressman Udall's inquiries on ATWS. Notice of this meeting was published March 24.

**Safety Philosophy, Technology and Criteria,* April 8, 1981, Washington, D.C. The Subcommittee will discuss matters related to the development of safety criteria for new (later than Near-Term Construction Permit) LWRs. Notice of this meeting was published March 24.

**Advanced Reactors,* April 21–22, 1981, Des Plaines, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Susquehanna,* April 23, 1981, Washington, DC. The Subcommittee will discuss the applicant's request for an Operating License.

**Three Mile Island Unit 1,* April 23–24, 1981, Washington, DC. The Subcommittee will review the modifications made to Three Mile Island Unit 1 in preparation for restart following the Three Mile Island Unit 2 accident.

**Fluid Dynamics,* April 28–29, 1981 (Tentative), San Jose, CA. The Subcommittee will review the status of the Mark II Containment Long-Term Program, discuss the status of NRC Staff action on Technical Activities A–2 (Asymmetric Blowdown Loads on the Reactor Vessel), and discuss potential problems associated with the reliability of pumps and valves used in nuclear power plants. Notice of this meeting was published Feb. 20.

**Shoreham,* April 30, 1981, Washington, DC. The Subcommittee will discuss the applicant's request for an Operating License.

**Site Evaluation,* April 30, 1981, Washington, DC. The Subcommittee will discuss siting rulemaking.

**Babcock and Wilcox Reactors,* April, 1981, Washington, DC. The Subcommittee will review the Crystal River Stretch Power Proposal.

**DNBR Reduction for CE Plants,* May 5, 1981, Washington, DC. The Subcommittee will review a proposed reduction in DNBR for CE reactors.

**Regulatory Activities,* May 5 or 6, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**NRC Safety Research Program,* May 6, 1981 (Tentative), Washington, DC. The Subcommittee will review the FY–83 research program budget.

**Advanced Reactors,* May 14–15, 1981, Chicago, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Class 9 Accidents,* May 21, 1981, Washington, DC. The Subcommittee will discuss the use of the MARCH and KESS codes.

Reactor Radiological Effects, May 26–27, 1981, Toronto, Ontario, Canada. The Subcommittee will discuss siting, waste management and disposal, emergency procedures and other nuclear safety matters of common interest with representatives of the Advisory Committee on Radiological Protection of the Atomic Energy Control Board of Canada.

**Regulatory Activities, June 2, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.*

**NRC Safety Research Program,* June 3, 1981, Washington, DC. The Subcommittee will discuss a draft report on the NRC FY–83 Research Program Budget.

**Waterford Unit 3,* June 18–19, 1981, New Orleans, LA. The Subcommittee will review the Operating License application.

**Comanche Peak,* June, 1981, Glen Rose, TX. The Subcommittee will review the Operating License application.

**Regulatory Activities,* July 7, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

NRC Safety Research Program, July 8, 1981, Washington, DC. The Subcommittee will review the FY–83 research program budget.

**Reliability and Probabilistic Assessment,* July, 1981, Washington, DC. The Subcommittee will review some of the techniques being used and will discuss the future of risk assessment in the nuclear power licensing process.

**Indian Point 2/Metal Components,* date to be determined, Washington, DC. The Subcommittee will review the possible reactor pressure vessel degradation caused by the flooding incident which flooded the outside of the lower portion of the pressure vessel assembly.

**Transportation of Radioactive Materials,* date to be determined, Washington, DC. The Subcommittee will review NRC cask certification procedures.

ACRS Full Committee Meetings

**April 9–11, 1981*—Items are *tentatively* scheduled.

*A. *La Salle Nuclear Power Station Units 1 and 2*—Operating License.

*B. *NRC Long-Range Safety Research Program Plan*—ACRS review and comments.

*C. *Revised NRC Cladding Swelling and Rupture Models for LOCA Analysis*—(NUREG–0630)—clarification of ACRS report to NRC, dated Sept. 9, 1980.

*D. *North Anna Nuclear Power Station Unit 2*—Review of improved systems for decay heat removal.

*E. *Passive Containment System*—Prelicensing review.

*F. *Proposed NRC Interim Rule (10 CFR Part 50) Related to Hydrogen Control and Certain Degraded Core Conditions*—Status report re planned implementation of the rule.

*G. *NRC Regulatory Guides*—Discuss proposed changes in NRC Regulatory Guides including R.G. 1.142, Rev. 1, Safety Related Concrete Structures for Nuclear Plants and R.G. 1.68.3, Preoperational Testing of Instrument and Control Air Systems.

*H. *Independent Design Review of Nuclear Power Plants*—NRC Staff report to ACRS.

*I. *ACRS Subcommittee Reports on Safety Related Matters* including General Design Criteria for LMFBRs, design requirements for new LWRs, control system failures that could cause or exacerbate nuclear power plant accidents, and resolution of ATWS.

*J. *Application of TMI–2 Lessons Learned to DOE nuclear facilities*—Report by DOE representatives.

*K. *Meeting with NRC Chairman and Commissioners*—Discuss ACRS activities regarding safety related matters.

L. Meeting with NRC Executive Director for Operations—Discuss NRC Staff support of ACRS activities.

M. Reactor Operating Experience—Report by NRC Staff re recent incidents at nuclear facilities.

May 7–9, 1981: Agenda to be announced.

June 4–6, 1981: Agenda to be announced.

Dated: March 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-9299 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology and Criteria; Addition to Agenda

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria will hold a meeting on April 8, 1981, in Room 1046, 1717 H Street, N.W., Washington, DC to discuss matters related to the development of safety criteria for new (later than Near-Term Construction Permit) LWRs. Among the matters to be discussed will be ways by which such plants could be made more resistant to sabotage and methods which could be used to develop and evaluate requirements for new plants. Notice of this meeting was published March 24.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss matters specifically exempted from disclosure by statute (Section 147 of the Atomic Energy Act) and portions which would involve discussions of trade secrets and commercial or financial information obtained from a person and privileged or confidential. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemptions (3) and (4)). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, April 8, 1981—10:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting. The authority for such closure is Exemptions (3) and (4) to the Sunshine Act, 5 U.S.C. 552b(c)(3)(4).

Dated: March 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-9291 Filed 3-26-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17646; File No. SR-CBOE-81-2]

Self-Regulatory Organization, Proposed Rule Changes; Chicago Board Options Exchange, Inc.; GNMA Options

Comments requested on or before May 1, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 18, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE"), filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. CBOE's Statement of the Terms of Substance of the Proposed Rule Change

Chapter XX

GNMA Options

Definitions

Rule 20.1 (a)–(e) [no change]

Nominal Principal Amount

(h) The term "nominal principal amount" means the remaining unpaid principal balance of GNMAs required to be delivered to the holder of a call or by the holder of a put upon exercise of an option without regard to any variance in the remaining unpaid principal balance permitted to be delivered upon such exercise by Rule 20.8(c) or the Rules of the Clearing Corporation *and shall be $100,000 in the case of a single call or put.*

(i)–(k) [no change]

(l) The term "current cash market price" with respect to GNMAs means the prevailing price in the cash market for GNMAs *bearing a particular stated rate of interest* to be delivered on the next *applicable* monthly settlement date determined in the manner specified [by the Board] *in the Rules of the Clearing Corporation. . . .* Interpretations and Policies [no change]

Wire Connections

Rule 20.2. The Exchange will permit members to establish and maintain wire connections with other members and nonmembers for the purpose of obtaining timely information on price movements in GNMAs. Written notice of each such wire connection shall be filed promptly with the Exchange. *The Exchange may condition or terminate the use of any such wire connection if the Board (or a committee designated by the Board) deems such action to be necessary or appropriate in the interest of maintaining a fair and orderly market or for the protection of investors. [20.2 replaces Rule 4.3.]*

* * * * *

Approval of underlying Securities

Rule 20.7 [no change]

[Rule 20.7 and Interpretations 20.7.01 and 20.7.02 [replace] *supplement* Rules 5.3 and 5.4]

Terms of GNMA Option Contracts

Rule 20.8(a) [no change]

(b) The exercise price of each series of GNMA options shall be fixed by the Board (or the Committee designated by the Board) at a percentage of nominal principal amount, assuming a stated rate of interest equal to the designated rate,

which is an integral multiple of 2% and which results in a yield (assuming a 30-year term and prepayment at the end of the twelfth year for the mortgage obligations underlying GNMAs) which is reasonably close to the current yield of GNMAs bearing a stated rate of interest equal to the then current highest qualifying rate (unless another qualifying rate shall have been specified, for purposes of this Rule, by the Board or the Committee designated by the Board) as determined by the current cash market price of such GNMAs at the time such series of options is first designated for trading. Additional series of GNMA options may be opened to reflect sustantial changes in prices. The exercise price of all GNMA options *or* of any series of GNMA options may be fixed by the Board (or the Committee designated by the Board), upon two business days' notice, at a percentage of nominal principal amount, assuming a stated rate of interest equal to the designated rate, which is an integral multiple of 1% so long as the foregoing provisions with respect to the resulting yield are satisfied. Notice of any such changed exercise price shall be posted on the bulletin board on the Exchange floor.

(c) [no change]

* * * Interpretations and Policies [no change]

* * * * *

Responsibilities of Floor Brokers

Rule 20.18. A Floor Broker handling a contingency order for *GNMA options* that is dependent upon quotations or prices other than those originating on the floor shall be responsible for satisfying the dependency requirements on the basis of the most reliable information reasonably available to him concerning such quotations and prices, underlying but in no event, shall be held to an execution of such order. Unless mutually agreed by the members involved, an execution or nonexecution that results shall not be altered by the fact that such information is subsequently found to have been erroneous.

* * * * *

Opening of Accounts

Rule 20.19. In addition to the general approval and prospectus delivery required under Rule 9.7, a customer's account must be specially approved for transactions in GNMA options *in accordance with Rule 20.29* before a member organization may accept an order from a customer to purchase or write such options, and at or prior to the time of such approval the member organization shall furnish the customer with a current Clearing Corporation prospectus of GNMA options as provided in Rules 9.15 and 20.20.

* * * * *

Delivery and Payment

Rule 20.23. In the case of GNMA options, payment of the aggregate exercise price (i) shall be accompanied by payment of accrued interest on the remaining unpaid principal balance of the underlying GNMAs actually delivered upon exercise from and including the first day of the month in which (such options are exercised] *the exercise settlement date occurs* [to and including] *through* the exercise settlement date, *as specified in the Rules of the Clearing Corporation;* and (ii) shall not be required until the Member Organization informs the customer of the precise amount of the aggregate exercise price.

* * * * *

Exchange Approval

Rule 20.26. A member organization that has been approved to transact business with the public pursuant to Rule 9.1 may carry on a public business in GNMA options only after it has been approved to do so by the Exchange. Such approval shall be based upon the member organization's meeting the requirements of Rules 20.26–20.29 of this Chapter in addition to the Rules of Chapter IX.

[Rule 20.26 supplements Rule 9.1]

Supervision of Accounts and Communications

Rule 20.27. Every member organization handling public orders for GNMA options shall designate and specifically identify to the Exchange one or more principal of the organization who shall be responsible for supervision of the member organization's nonmember customer accounts and communications to customers insofar as such accounts and communications relate to GNMA options. Notwithstanding Rule 9.10, designated GNMA options principals shall:

(i) be responsible for acceptance in writing of customers' authorizations permitting the member organization to exercise any discretionary power with respect to trading in GNMA options contracts in their accounts;

(ii) maintain a record of the basis for each determination that such a customer is able to understand and bear the risks of the strategies or transactions proposed; and

(iii) approve and initial each discretionary order on the day entered unless such order has already been approved and initialed by a ROP, provided that in the case of approvals by ROPs who are not designated GNMA options principals, such approvals shall be confirmed within a reasonable time by a designated GNMA options principal.

Each designated GNMA options principal shall be an officer (in the case of a corporation) or a partner (in the case of a partnership) of the member organization and shall have successfully completed both a ROP examination, allied member's examination, other principal examination or its equivalent, and an examination prescribed by the Exchange for the purpose of demonstrating an adequate knowledge of GNMA options and the underlying GNMA securities.

** * * Interpretations and Policies*

.01. A designated GNMA options principal, in meeting his responsibility for supervision of non-member customers' accounts and orders, may delegate to qualified employees responsibility and authority as provided in Interpretation 9.8.01 in the case of a Senior Registered Options Principal.

.02. As a general matter, supervisory qualifications of a designated GNMA options principal may be demonstrated only by successful completion of a ROP examination, allied member's examination or other principal examination. In exceptional circumstances, however, the President of the Exchange or his designee may, upon written request by a member organization, accept as a demonstration of equivalent knowledge other evidence of a designated GNMA options principal's supervisory qualifications. Advanced age, physical infirmity or experience in fields ancillary to the investment banking or securities business will not individually of themselves constitute sufficient grounds to excuse a designated GNMA options principal from the general requirement that supervisory qualifications be shown by successful completion of an appropriate examination.

[Rule 20.27 and Interpretations 20.27.01 and .02 supplement Rules 9.2, 9.8, 9.10 and 9.21 and the Interpretations and Policies thereunder]

GNMA–Qualified Customer Personnel

Rule 20.28. Persons who handle customers' orders and transactions in GNMA options, or who otherwise preform duties related to GNMA options that are customarily performed by sales representatives, solicitors or customers'

men shall have successfully completed an examination prescribed by the Exchange for the purpose of demonstrating an adequate knowledge of GNMA options and the underlying GNMA securities. [Rule 20.28 supplements Rule 9.3.]

Approval of Accounts

Rule 20.29. Before a member organization may accept an order from a customer to purchase or write a GNMA option, the customer's account must be specially approved, in writing, for transactions in GNMA options by a designated GNMA qualified principal of the member organization, and the customer shall have been furnished with a current Clearing corporation Prospectus on GNMA options, such approval shall be based upon the facts known to the member organization concerning the customer and his investment objectives and financial situation.

. . . Interpretations and Policies

.01 Approval of the accounts of customers for purposes of Rule 20.29 shall be conducted in accordance with Rule 9.7, and, in the case of customers that are natural persons, shall include consideration of the background and financial information that a member organization must seek to obtain under Interpretation 9.7.01. With respect to institutional options customers (i.e., customers that are not natural persons), a member organization shall seek to obtain the following information:

(i) evidence of authority for the institution to engage in GNMA options transactions (corporate resolutions, trust documents, etc.);

(ii) written designation of individuals within the institution authorized to act for it in connection with GNMA options transactions; and

(iii) basic financial information concerning the institution.

[Rule 20.29 and Interpretation 20.29.01 supplement Rule 9.7 and the Interpretations and Policies thereunder.]

Furnishing of Books, Records and Other Information Rule 20.30. No market-Maker in GNMA options shall fail to make available to the Exchange such books, records or other information maintained by or in the possession of such member or any corporate affiliate of such member pretaining to transactions by such member or any such affiliate for its own account in GNMAs, GNMA futures or in GNMA options as may be called for under the Rules or as may be requested in the course of any investigation, any inspection or other official inquiry by the Exchange. In addition, the provisions of Rule 8.9 governing identification of accounts and reports of orders shall, in the case of market-Makers in GNMA options, apply to (i) accounts for GNMA, GNMA futures and GNMA options trading; and (ii) orders entered by the Market-Maker for the purchase or sale of GNMAs and GNMA futures and opening and closing positions therein. [Rule 20.30 supplements Rules 8.9 and 15.1.]

II. CBOE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), of the most significant aspects of such statements.

(A) Purpose of Proposed Rule Changes

CBOE's proposed Rule changes (i) correct certain typographical errors and technical inaccuracies in SR–CBOE–1980–7, as amended; (ii) provide a supplemental framework for the supervision of GNMA options accounts, opening of accounts and special qualification of member personnel entitled to handle customers' accounts and orders relating to GNMA options; and (iii) ensure access by CBOE to information pertaining to transactions in GNMA options and underlying GNMAs by members holding appointments at GNMA options Market-Makers and by their corporate affiliates, all in order to conform CBOE's GNMA options rules to the requirements of Section 6(b) of the Securities Exchange Act of 1934. The amendments pertaining to member sales practices (*i.e.*, opening and supervision of accounts and qualification of personnel) are intended to ensure that relations with customers in GNMA options are conducted only and supervised only by personnel specially trained and qualified with respect to GNMA options. The amendment concerning access to GNMA-related transaction information is intended to enable CBOE to pursue surveillance inquiries relating to transactions in GNMA options, GNMA futures and underlying GNMAs which involve those members who are central to GNMA options trading on CBOE (*i.e.*, GNMA options market-makers), whether directly or through a corporate affiliate.

(B) CBOE's Statement on Burden on Competition

The proposed Rule changes set forth herein will impose certain burdens on competition by imposing new account approval requirements on members with respect to GNMA options, imposing new qualification requirements on member personnel with respect to GNMA options and by requiring GNMA options market maker members and their corporate affiliates to make transaction information with respect to GNMAs, GNMA futures and GNMA options available to CBOE upon request. Such burdens, however, appear necessary and appropriate in furtherance of the purposes of the Act because they will ensure that GNMA options accounts are not inappropriately approved, that GNMA options accounts are appropriately supervised by a knowledgable principal, that customers in GNMA options deal only with specially trained and qualified employees and that CBOE will be able to obtain from its GNMA options market makers information concerning trading patterns that may show actual or attempted manipulations or other conduct violative of CBOE rules.

(C) CBOE's Statement on Comments on the Proposed Rule Change Recieved From Members, Participants, or Others.

Comments on the proposed Rule changes were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before May 1, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change

that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 1, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 20, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9229 Filed 3-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11696 (811-2422)]

American Fund of Government Securities, Inc.; Filing of Application for Order Declaring That Applicant Has Ceased To Be an Investment Company

March 20, 1981.

Notice is hereby given that American Fund of Government Securities, Inc. ("Applicant"), Two Embarcadero Center, P.O. Box 7650, San Francisco, CA 94120, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on August 29, 1980, and an amendment thereto on January 12, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on October 11, 1973, it registered under the Act and filed a registration statement pursuant to the Securities Act of 1933. Applicant further states that an initial public offering commenced immediately after the registration statement was declared effective on December 3, 1973.

According to the application, on April 15, 1980, the Board of Directors of Applicant, and on April 16, 1980, the Board of Directors of the Bond Fund of America, Inc. ("BFA"), including a majority of the directors who were not interested persons of these companies, approved a proposal to merge Applicant with BFA ("Merger"). BFA is registered under the Act as an open-end, diversified, management investment company. Both Applicant and BFA employed Capital Research and Management Company, American Fund Distributors, Inc., and American Funds Service Company as investment adviser, principal underwriter and transfer agent, respectively. Applicant states that the directors, in making their decisions, determined that the Merger was in the best interest of the shareholders of both companies and also determined that as a result of this transaction the interests of existing shareholders would not be diluted. Applicant represents that these findings, and the basis upon which they were made, are recorded fully in the minute books of the Applicant and BFA.

Applicant states that the definitive proxy materials describing the Merger were mailed to its shareholders on May 23, 1980, and that a majority of the shareholders approved the Merger at the June 25, 1980, annual meeting of Applicant's shareholders. Accordingly, effective as of the close of business on June 25, 1980, Applicant was merged into BFA.

As stated in the application, on June 20, 1980, Applicant distributed its final income dividend to its shareholders so that immediately prior to the Merger, Applicant had outstanding 380,300 shares of capital stock, $1 par value, with an aggregate value of $8,417,563.47 and a net asset value per share of $22.1340. Applicant represents that pursuant to the terms of the Merger, its shareholders received 632,464.807 shares of BFA in exchange for the 380,300 shares of Applicant (or 1.6631 shares of BFA for each share of Applicant), such exchange being based on the then-current net asset values of Applicant and BFA. Applicant further represents that it and BFA were each responsible for their own expenses in connection with the Merger (Applicant's expenses totaling approximately $40,000) and that no brokerage commissions were paid in connection with the transfer of the securities pursuant to the Merger.

Applicant represents that on June 25, 1980, Articles of Merger between it and BFA were filed in accordance with the laws of the State of Maryland and that Applicant has ceased to be a separate corporation. Applicant further represents that at this time it has no assets, no debts or liabilities, and no shareholders, and that it is not a party to any litigation or administrative proceeding, nor is it engaging or proposing to engage in any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than April 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, Pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 81-9228 Filed 3-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11691; 812-4824]

InterCapital Dividend Growth Securities, Inc., et al.; Filing of Application

March 19, 1981.

Notice is Hereby Given that InterCapital Dividend Growth Securities Inc. ("Dividend Growth"), InterCapital High Yield Securities Inc. ("High Yield"),

InterCapital Industry-Valued Securities Inc. ("Industry-Valued"), InterCapital Tax-Exempt Securities Inc. ("Tax-Exempt"), InterCapital Natural Resource Development Securities Inc. ("Natural Resource"), InterCapital Tax-Free Daily Income Fund Inc. ("Daily Income"), and InterCapital Liquid Asset Fund Inc. ("Liquid Asset") (collectively, the "Funds"), Five World Trade Center, New York, NY 10048, registered, open-end, diversified, management investment companies, and Dean Witter Reynolds Inc., 130 Liberty Street, New York, NY 10006, ("Dean Witter") (collectively, with the Funds, "Applicants") filed an application on February 18, 1981, for an order pursuant to Section 11(a) of the Investment Company Act of 1940 ("Act") approving certain proposed offers of exchange of shares among the Funds on a basis other than their relative net asset values and pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Section 22(d) of the Act in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Dean Witter, as principal underwriter for High Yield, Industry-Valued and Tax Exempt, maintains a continuous offering of the shares thereof at their respective net asset values plus a sales load. Applicants further state that on December 30, 1980, Dividend Growth and Natural Resource filed registration statements under the Securities Act of 1933 ("1933 Act") with the Commission and that upon the effectiveness of such 1933 Act registration statements Dean Witter will act as principal underwriter and maintain a continuous offering of the shares at their respective net asset values plus a sales load. A continous offering of the shares of Liquid Asset is made directly by Liquid Asset on a no-load basis. Upon the effectiveness of a post-effective amendment to the 1933 Act registration statement of Daily Income, a continuous offering of the shares of Daily Income will be made directly by it on a no-load basis. Each of the Funds permits reinvestment of dividends and distributions without a sales load. At present, the applicable sales load for High Yield, Dividend Growth, Natural Resource and Industry-Valued varies with the quantity purchased as follows:

Size of transaction at offering price	Sales load as percentage of offering price
Less than $25,000	5.50
$25,000 but less than $50,000	5.00
$50,000 but less than $100,000	4.25
$100,000 but less than $250,000	3.25
$250,000 but less than $500,000	2.50
$500,000 and over	1.75

The sale load for Tax-Exempt varies as follows:

Size of transaction at offering price	Sales load as percentage of offering price
Less than $25,000	4.00
$25,000 but less than $50,000	3.50
$50,000 but less than $100,000	3.25
$100,000 but less than $250,000	2.75
$250,000 but less than $500,000	2.50
$500,000 and over	1.75

According to the application, at present investors may have the benefit of reduced sales loads in accordance with the above schedules by combining purchases of shares of High Yield, Dividend Growth, Natural Resource, Industry-Valued or Tax-Exempt in single transactions with the purchase of shares of any of the other Funds which are sold with a sales load. The sales load payable on the combined purchase of shares of two or more such Funds would be at their respective rates applicable to the total amount of the combined concurrent purchases. Also according to the application, investors currently may benefit from a reduction of sales loads in accordance with the above schedules through the operation of "rights of accumulation," whereby an investor, when computing the sales load applicable to a present purchase of shares of one of the Funds, may add the total cost of shares of the Funds which he had previously purchased at a load, or the current net asset value of such shares, whichever is higher, to the public offering price of the shares purchased. In calculating the applicable sales load on a purchase affected by the right of accumulation, shares of Liquid Asset or Daily Income acquired through an exchange at relative net asset values of shares of one of the other Funds are treated as if they have been purchased at a load. In this regard, Applicants state that at present shares of Industry-Valued, Dividend Growth, Natural Resource, or High Yield may be exchanged for shares of any of the Funds, and shares of Tax-Exempt may be exchanged for shares of Liquid Asset or Daily Income on the basis of relative net asset values and subject to applicable minimum investment restrictions. Shares of Liquid Asset or Daily Income acquired through such an exchange (and shares received as dividends thereon) may be exchanged in the same manner as shares of the Fund for which the Liquid Asset or Daily Income shares were formerly exchanged.

Applicants propose to make the following offers of exchange: Industry-Valued and High Yield now offer their shares and Dividend Growth and Natural Resource propose to offer to shareholders of Tax-Exempt in exchange for shares of Tax-Exempt at their relative net asset values per shares, plus a sales load differential representing the difference in sales loads that would have to be paid upon purchases of Industry-Valued, Dividend Growth, Natural Resource or High Yield, and Tax-Exempt shares, giving recognition to the rights of accumulation and the combined purchase privileges described above. That difference in sales loads will be determined as follows: (a) the total cost of shares of all Funds with a sales load previously purchased at their public offering price, or current net asset value of shares of all such Funds owned by the same shareholder at the time of the exchange, whichever is higher, will be calculated (excluding shares of Liquid Asset or Daily Income shares acquired directly, but including Liquid Asset or Daily Income shares acquired in exchange for shares of any other Fund and liquid Asset or Daily Income shares received as dividends thereon); (b) the sales load that would be applicable to the purchase of shares in the amount calculated in (a), expressed as a percentage of public offering price, will be ascertained for Industry-Valued, Dividend Growth, Natural Resource or High Yield, and Tax-Exempt shares; (c) the sales load will then be subtracted from the sales load percentage that would be applicable to such a purchase of shares of Industry-Valued, dividend Growth, Natural Resource or High Yield; and (d) the resulting difference in percentages between Industry-Valued, Dividend Growth, Natural Resource, or High Yield, and Tax-Exempt shares will be applied to the value of the shares of Tax-Exempt to be exchanged. The resulting amount will be the sales load differential payable on the exchange.

Industry-Valued and High Yield now offer and Dividend Growth and Natural Resource propose to offer their shares to

shareholders of Liquid Asset and Daily Income in exchange for shares of Liquid Asset or Daily Income which were acquired in exchange for Tax-Exempt shares, together with Liquid Asset or Daily Income share received as dividends thereon, at their relative net asset values per share, plus a sales load differential determined in the same manner as set forth in the preceding paragraph, with the Liquid Asset shares to be exchanged considered as though they were Tax-Exempt shares in those calculations.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered, open-end investment company or any principal underwriter thereof to make or cause to be made an offer to a security holder of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the company's prospectus.

Applicants represent that the purpose of the proposed offers of exchange is to permit a shareholder of Tax-Exempt (or a shareholder of Liquid Asset or Daily Income who acquired his shares in exchange for Tax-Exempt shares) whose investment objective has changed to change his investment to Industry-Valued, Dividend Growth, Natural Resource or High Yield upon payment of the difference in sales loads, but without paying the full sales load otherwise applicable. Applicants assert that an exchange offer to shareholders of Tax-Exempt (or shareholders of Liquid Asset or Daily Income who acquired their shares in exchange for Tax-Exempt shares) at the relative net asset value of the Fund to be acquired would unfairly benefit such shareholders, who would pay a substantially lower sales load to acquire shares of Industry-Valued, Dividend Growth, Natural Resource or High Yield compared with investors who purchased those Funds directly.

Applicants state that the proposed exchange offers would violate Section 11(a) of the Act unless an order approving the offers of exchange is issued. Also, if shares of Industry-Valued, Dividend Growth, Natural Resource or High Yield were acquired by a shareholder of Tax-Exempt (or by a shareholder of Liquid Asset or Daily Income whose shares were acquired in exchange for Tax-Exempt shares), then such acquisition might be deemed to be in violation of Section 22(d) of the Act since an investor thereby would be able to acquire shares of Industry-Valued, Dividend Growth, Natural Resource or High Yield at a public offering price other than that described in its prospectus by purchasing shares of Tax-Exempt and subsequently exchanging those shares for shares of Industry-Valued, Dividend Growth, Natural Resource or High Yield, with or without an intervening exchange into shares of Liquid Asset or Daily Income.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of fairly intended by the policy and provisions of the Act.

Applicants assert that the proposed offers of exchange are fair and equitable to shareholders of each of the Funds while at the same time giving all of them desirable flexibility in their financial planning and that the orders requested are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9230 Filed 3-26-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 21969; (70-8465)]

Northeast Utilities, et al.; Supplemental Notice of Proposal by Holding Company To Make Capital Contributions or Open Account Advances to Public Utility Subsidiary

March 18, 1981.

In the matter of Northeast Utilities, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; The Connecticut Light & Power Company, The Hartford Electric Light Company, Northeast Nuclear Energy Company, Selden Street, Berlin, Connecticut 06037; and Holyoke Water Power Company, One Canal Street, Holyoke, Massachusetts 01040.

Notice is hereby given that Northeast Utilities ("NU"), a registered holding company, and five of its wholly-owned subsidiary companies, The Connecticut Light & Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), Western Massachusetts Electric Company ("WMECO"), Holyoke Water Power Company ("HWP") and Northeast Nuclear Energy Company ("NNECO"), have filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7 and 12(b) of the Act and Rules 45 and 50 promulgated thereunder regarding the proposed transaction.

By orders dated July 1, 1980 (HCAR No. 21647), August 21, 1980 (HCAR No. 21684) and February 3, 1981 (HCAR No. 21905) in this matter the applicants-declarants were authorized to issue notes to banks and, with the exception of HWP and NNECO, commercial paper to a dealer in commerical paper from time to time through June 30, 1981. In addition, CL&P, HELCO and WMECO

were authorized to enter into a multibank revolving credit and term loan agreement under the terms of which the three companies can borrow up to an aggregate of $140,000,000. The aggregate amount of all such notes at any time outstanding, whether issued to banks ("Bank Notes") or to a dealer in commerical paper ("Commerical Paper") or to banks under the revolving credit/term loan agreement ("Revolving Credit/Term Notes") may not exceed $55,000,000 in the case of NU, $210,000,000 in the case of CL&P, $100,000,000 in the case of HELCO, $55,000,000 in the case of WMECO, $6,000,000 in the case of HWP and $40,000,000 in the case of NNECO.

By the order of July 1, 1980, NU was authorized to use the proceeds of its sales of Bank Notes and Commercial Paper to make capital contributions to CL&P, WMECO and NNECO and to make open account advances to NNECO and The Quinnehtuk Company, a non-utility subsidiary of NU. Authorization is now sought to make capital contributions or open account advances to HWP in an amount not to exceed in the aggregate $6,000,000.

The capital contributions or open account advances will be used to defray in part the operating costs of HWP and the cost of converting HWP's oil-burning Mount Tom Unit to coal. It is stated that operating expenses of HWP have increased significantly in the past few months due primarily to the increased cost of fuel oil and lengthy extension of a Millstone Unit No. 1 refueling outage so that plant repairs could be effected. Due to the Millstone Unit No. 1 refueling outage, HWP has had to operate its Mount Tom Unit at or near capacity to produce additional power for the System. Thus, HWP's oil consumption has increased, aggravating the adverse effect of rising fuel prices. The time lag between payment for fuel oil, which payment is made within 10 days after delivery, and collection of accounts receivable has intensified the adverse effect on HWP's financial situation.

The cost of conversion of HWP's oil-burning Mount Tom Unit to coal is estimated to be approximately $35,000,000, which cost is to be incurred during the period 1981 through 1984. Approximately $7,750,000 of this expense will be incurred in 1981.

HWP experienced a loss of $154,000 for the year ended December 31, 1980 and in light of the factors described above, it now appears likely that, contrary to earlier financial projections, HWP will not generate enough income in 1981 to meet these increased fuel costs and coal conversion expenses. To enable HWP to meet those fuel costs and coal conversion expenses to be incurred over the next four months, NU anticipates making up to $6,000,000 of capital contributions or open account advances, without interest, available to HWP.

It is stated that no special or separable fees, commissions or expenses will be incurred in connection with the proposed transaction. It is further stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 13, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-9221 Filed 3-25-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 21971; (70-6562)]

The Southern Co.; Proposed Issuance of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan and Employees Savings Plan

March 20, 1981.

Notice is hereby given that The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell from time to time through April 30, 1982, up to 11,000,000 shares of its authorized but unissued common stock, par value $5 per share ("Additional Common Stock"), pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan"). These shares would be in addition to the balance of 4,069,045 shares at December 31, 1980, remaining under the authorization granted by order of this Commission dated May 14, 1980 (HCAR No. 21577). The proceeds from the sale estimated to total approximately $126,500,000 would be applied toward equity investments in the operating subsidiaries and for other corporate purposes.

The Additional Common Stock will be offered to all holders of Southern's commmon stock pursuant to the Dividend Plan, a voluntary plan, whereby shareholders may elect to (1) have cash dividends on all of their shares of Southern common stock automatically reinvested in additional shares of such stock at a price equal to 95% of the average of the high and low sale prices of Southern's common stock, as published in The Wall Street Journal in its NYSE Composite Transactions, on the dividend payment date ("Market Price Average") or (2) reinvest less than all their cash dividends in shares of Southern's common stock at a price equal to 95% of the Market Price Average, or (3) reinvest all or less than all of their cash dividends as decribed above and, in addition, make optional cash payments (not less than $25 per payment nor more than a total of $3,000 per quarter) to invest in shares of Southern's common stock at a price equal to 100% of the Market Price Average, or (4) continue to receive cash dividends on all shares held and invest only optional cash payments. Cash dividends on shares credited to a participant's account will be reinvested in shares of Southern's common stock at a price equal to 95% of the Market Price Average. No shares will be sold under the Dividend Plan at less than par value. Southern reserves the right to suspend,

modify (subject to Commission approval) or terminate the Dividend Plan at any time. The First National Bank of Atlanta currently administers the Dividend Plan and purchases the shares of Southern's common stock under the Dividend Plan as agent for the participants. No service charge or commission is paid by participants in connection with purchases under the Dividend Plan.

Participants retain all voting rights relating to shares purchased under the Dividend Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited. A participant may withdraw from the Dividend Plan at any time upon written notice.

Southern also proposes to issue and sell from time to time through April 30, 1983 a maximum of 1,000,000 shares of its authorized but unissued common stock, par value $5 per share ("New Stock") pursuant to the Employee Savings Plan for the Southern Company System ("Savings Plan"). The proceeds from the sale of the New Stock, estimated to be approximately $11,500,000, would be applied to equity investments in its operating subsidiaries and for other corporate purposes.

The New Stock will be offered to employees of Southern's subsidiaries pursuant to the Savings Plan, a voluntary plan under which employees may contribute, through payroll deductions, not less than 2% nor more than 12% of their compensation. Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount equal to one of the following percentages of the member's contributions as are not in excess of 6% of the member's compensation:

Member's completed years of accredited service	Percentage
1 to 10 years	50
11 to 15 years	60
16 to 20 years	70
In excess of 20 years	75

An employee is eligible to participate in the Savings Plan if he has completed at least one year of service (in which he has completed at least 1,000 hours of service) with one or more Southern subsidiaries. Any employee represented by a collective bargining agent may not participate unless the representatives of his bargaining unit and the employing company mutually agree to participation by members of the bargaining unit.

Each Savings Plan member must direct that his contributions be invested in one or more of three funds: (1) Company Stock Fund—consisting of Southern's common stock; (2) Equity Fund—consisting of common or capital stocks and securities convertible into common or capital stocks (other than securities issued by or convertible into securities issued by Southern or any of its subsidiaries), short-term investments and investments in certain commingled trust funds; and (3) Fixed Income Fund—consisting of direct obligations of the U.S. Government and its agencies, corporate bonds, debentures, notes, certificates of indebtedness, evidences of indebtedness of Southern or its subsidiaries of affiliates, savings account deposits and investments in certain commingled trust funds. The member may change such investment direction once each year. All employing company contributions are invested in the Company Stock Fund. The First National Bank of Atlanta acts as Trustee for the trust which is part of the Savings Plan, and the Savings Plan is administered by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Company Services, Inc. The common shares of Southern held by the Trustee are voted in accordance with written directions received from the individual members on whose behalf such shares are held and any such shares for which voting instructions are not received are not voted. The Trustee has the authority to vote all other securities in its discretion.

Investment purchases by the Trustee for the funds may be made either on the open market or by private purchase, provided that no private purchase may be made of common stock of Southern at a price greater than the last sale price or current independent bid price, whichever is higher, for such stock on the New York Stock Exchange, plus an amount equal to the commission payable in a stock exchange transaction if such private purchase is not made from Southern. The Trustee may purchase common stock of Southern directly from Southern under the Dividend Plan or under any other similar plan made available to all holders of record of shares of common stock of Southern, at the purchase price provided for in such plan.

The amount credited to a member's account attributable to his own contributions is fully vested in the member at all times. Amounts attributable to employing company contributions will be fully vested in a member upon his total and permanent disability as defined by the Social Security Administration, his death, or his retirement pursuant to the pension plan of his employing company. Prior to any such event, the amount to the credit of a member's account attributable to employing company contributions will be vested in the member in accordance with a schedule which begins with a 50% vesting after five years of service and increases by 10% with each subsequent year of service thus becoming fully vested after ten year of service.

Brokerage fees, commissions, transfer taxes and other expenses incident to the purchase or sale of securities by the Trustee are deemed to be a part of the cost of such securities or deducted in computing the proceeds therefrom, as the case may be, and are paid from the trust fund. Any transfer taxes in connection with the distribution of Southern common stock to members or their beneficiaries are borne by the accounts of the members as the Savings Plan Committee shall determine. Taxes, if any, payable with respect to the assets or income of the trust fund are charged against the accounts of members. Other expenses of administering the Savings Plan are paid by Southern Company Services, Inc., subject to reimbursement by the other employing companies of their proportionate shares of such expenses.

The Board of Directors of Southern Company Services, Inc. has the right to amend or terminate the Savings Plan in whole or in part. In the event of termination or partial termination or upon complete discontinuance of contributions under the Savings Plan by all employing companies or by any one employing company, the amount to the credit of the accounts of each member whose employing company shall be affected by such termination or discontinuance shall become non-forfeitable and generally will be distributed to the member as soon as practicable after such termination or discontinuance.

Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 13, 1981 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request

should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-9232 Filed 3-26-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0357]

Atalanta Investment Company, Inc.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Atalanta Investment Company, Inc. (Atalanta), 450 Park Avenue, New York, New York 10022, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has filed as application with the Small Business Administration pursuant to Section 312 of the Act and covered by §§ 107.3(g) and 107.1004(b)(1) of the Regulations governing small business investment companies (SBIC) (13 FR 107.1004 (1980)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

Atalanta proposes to purchase a partnership interest in the Traubner & Flynn Partnership, Suite 2500, 2049 Century Park East, Los Angeles, California 90067, whose general partners are Edward Traubner and David Flynn. The proposed financing is brought within the purview of § 107.1004(b)(1), in that Edward Traubner is a director of Atalanta and also a general partner of Traubner & Flynn and therefore is deemed to be an Associate of Atalanta as defined by § 107.3(g) of the Regulations.

Notice is hereby given that any interested person may, not later than April 6, 1981 submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 23, 1981.

Peter F. McNeish,
Acting Associate Administrator for Investment.

[FR Doc. 81-9241 Filed 3-26-81; 8:45 am]
BILLING CODE 8025-01-M

[Application No. 10/10-0175]

Target Capital Corp.; Application for License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (CFR 107.102 (1981)), under the name of Target Capital Corporation, 14 South Idaho Street, Seattle, Washington 98134, for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 611 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name and Title

Roger K. Masuda, 8644 S.E., 75th Pl., Mercer Island, Wa. 98040, President
Larry W. Hitchcock, 8519 25th Avenue, N.E., Seattle, Wa. 98134, General Manager
William L. True, 1125 32nd Avenue, S., Seattle, Wa. 98144, Vice President, Treasurer, Director
Douglas L. True, 4704 Thackeray Place, N.E., Seattle, Wa. 98105, Vice President, Director
John C. T. Conte, Jr., 850 33rd Avenue E., Seattle, Wa. 98112, Secretary
Cecil L. True, Jr., 5002 92nd S.E., Mercer Island, Wa. 98040, Director
Patricia J. True, 5002 92nd S.E., Mercer Island, Wa. 98040, Director
Donald A. Cable, 6227 83rd Avenue S.E., Mercer Island, Wa. 98040, Director
Gull Industries, Inc., 3404 Fourth Avenue, Seattle, Wa. 98124, 100 percent

The voting securities of Gull Industries, Inc., are owned 50 percent by Douglas L. True and 50 percent by William L. True. The other subsidiaries of Gull Industries, Inc., are Associated Stationers/Raggles, Inc., Northwestern Petroleum, Inc., Pacific Propeller, Inc., and Cemco, Inc.

The Applicant which is a Washington Corporation, proposes to commence operations with private capital of $999,500 and intends to make equity investments in the Pacific Northwest. The Applicant's major area of interest will be in any energy related concerns, such as solar hydroelectric and gasohol. However, the Applicant does not plan to exclude ventures in other industries.

Matters involved in SBA's consideration of the application include the general business reputation of the owner and management, and the new company in accordance with the Act and Regulations.

Notice is hereby further given that any person may, not later than April 13, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to Associate Administrator for Investment, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: March 20, 1981.

Peter F. McNeish,
Acting Associate Administrator for Investment.

[FR Doc. 81-9242 Filed 3-26-81; 8:45 am]
BILLING CODE 8025-01-M

[Application No. 09/09-5283]

Westward Small Business Investment Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended, (the Act) (15 U.S.C. *661 et seq.*), has been filed by Westward Small Business Investment Corporation (Applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

W. Steuart McBirnie, 213 South Kenwood Street, Glendale, California 91205, President, Director
Herbert M. Moore, 5119 Gamton Court, Charlotte, North Carolina 28211, Vice President, Treasurer, Director
Dick R. Linch, 346 North Kenwood Street, No. 4, Glendale, California 91206, Secretary, Director

The Community Churches of America, 213 South Kenwood Street, Glendale, California 91205, 100 percent stockholder

The Applicant, a California corporation, with its principal place of business at 213 South Kenwood Street, Glendale, California 91205, will begin operations with $1,500,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily within the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the act the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the Rules and Regulations.

Notice is hereby given that any person may not later than April 13, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Glendale, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-9243 Filed 3-26-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/384]

Secretary of State's Advisory Committee on Private International Law; Meeting

There will be a meeting of the subject Advisory Committee at 10:00 a.m. on Friday, April 10, 1981 in Room 1105 (ground floor) of the Department of State. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The purposes of the meeting will include the review for possible signature by the United States of the U.N. Convention on Contracts in the International Sale of Goods concluded at Vienna in April 1980 and the Convention on the Civil Aspects of International Child Abduction concluded by the Hague Conference on Private International Law at its 14th Session in October 1980, and review of other ongoing private international law activities.

Entry to the Department of State building is controlled and members of the general public should use the "C" Street ("diplomatic") entrance. As entry will be facilitated by advance arrangements, members of the general public planning to attend should, prior to April 10, notify Ms. Rochelle Renna, Office of the Assistant Legal Adviser for Private International Law, Department of State, Washington, D.C. 20520 (telephone: (202) 632-8134) of their name, affiliation and address.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice-Chairman, Advisory Committee on Private International Law.

March 9, 1981.

[FR Doc. 81-8021 Filed 3-26-81; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/383]

U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Study Group D; Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 10, 1981 at 9:30 a.m. in Room 3524 of the Department of State, 2201 C Street, N.W., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of international digital data transmission. This meeting concerns Study Group VII only.

The agenda for the April 10 meeting will include consideration of the following:

1. Consideration of late documents for Study Group VII meetings, Kyoto, April 23-May 1, 1981.
2. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to April 8, members of the general public who plan to attend the meeting so advise Mr. T. de Haas, Chairman of U.S. Study Group D. Mr. de Haas can be contacted at the Institute for Telecommunications Sciences, National Telecommunications and Information Administration, Boulder, Colorado 80303, telephone number (303) 499-1000, Ext. 3728. Persons in the Washington, D.C. metropolitan area may contact Mr. Richard H. Howarth, Department of State, telephone 632-1007. All non-government attendees must use the C Street entrance to the building.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

March 4, 1981.

[FR Doc. 81-8320 Filed 3-26-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Issuance by Government of France of Special Certificates Verifying Non-Cuban Origin of Nickel-Bearing Materials and Articles; Importation from France of Nickel-Bearing Materials from French Company, Creusot-Loire

Special certificates of origin are now available for importation from France of nickel-bearing materials and articles produced by the French steel producing firm, Creusot-Loire, its affiliates and subsidiaries. These certificates are issued pursuant to a formal certification agreement between the Government of France and the Government of the United States. They will serve to establish that the materials with respect to which the certificates are issued do not contain any nickel of Cuban origin. Each certificate will bear the following statements in the body of the document:

"The Government of France hereby certifies that the products described herein, which contain more than 2.5 percent nickel, do not contain nickel of Cuban origin. This certificate has been granted in accordance with the procedures agreed upon by the Government of France and the Government of the United States." Each certificate shall bear as a footnote: "This certificate has been issued in connection with the United States Cuban Assets Control Regulations."

Nickel-bearing materials produced by Creusot-Loire, its affiliates and subsidiaries, may now be imported from France under the general license in § 515.536 of the Regulations in accordance with the special certification provisions in that section and § 515.506 of the Regulations. United States Customs entry will be permitted with respect to any such merchandise if either (1) a certificate of origin issued by the Government of France (Ministere de l'Industrie) or (2) a certification regarding stocks on hand issued by the Government of France, under the foregoing certification provisions covering the particular merchandise to be imported, is presented to U.S. Customs authorities at the point of entry.

Certificates of origin will be available on and after April 1, 1981. Prior to that time, stocks on hand may be imported pursuant to the certification by the Government of France that such stocks do not contain nickel of Cuban origin.

Dated: March 24, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-9230 Filed 3-26-81; 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of art advisory panel.

SUMMARY: A closed meeting of the Art Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held April 28 and 29, 1981.

FOR FURTHER INFORMATION CONTACT: Tom Hartnett, T:C:E:V, 1111 Constitution Avenue, N.W., Room 5547, Washington, D.C. 20224, Telephone No. 202-566-4427, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Advisory Panel will be held on April 28 and 29, 1981, beginning at 10:00 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, Estate, or Gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978. (43 FR 52122)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-9283 Filed 3-26-81; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 21, 1981, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building, U.S. Courthouse, Room A-220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Master Craft Tool Company, 310 McCown Drive, Lebanon, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 19, 1981.

R. S. Bielak,

Director, VA Regional Office, Nashville, Tennessee.

[FR Doc. 81-9322 Filed 3-26-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 59
Friday, March 27, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Commodity Futures Trading Commission	2, 3
Equal Employment Opportunity Commission	4
Federal Communications Commission	5, 6, 7
Federal Home Loan Bank Board	8
Federal Maritime Commission	9
Federal Reserve System (Board of Governors)	10
Nuclear Regulatory Commission	11
Tennessee Valley Authority	12

1

[M–310 (1 Amdt.)]

CIVIL AERONAUTICS BOARD.

March 19, 1981.

Addition of Item to the March 24, 1981 Board Meeting.

TIME AND DATE: 10 a.m., March 24, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 19a. Docket 35634, IATA North Atlantic Cargo Rates Agreement. (BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–491–81 Filed 3–23–81; 9:00 am]

BILLING CODE 6320–01–M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., March 31, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proficiency examination requirement for associated persons.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–490–81 Filed 3–24–81; 4:07 pm]

BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:45 a.m., March 31, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Budget Categories, Plans, Programs and Priorities.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–489–81 Filed 3–24–81; 4:07 pm]

BILLING CODE 6351–01–M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, March 31, 1981.

PLACE: Commission Conference Room No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 81–1–FOIA–002–NY, concerning a request for an SF–171 and supporting documents.
2. Freedom of Information Act Appeal No. 81–1–FOIA–1–1–SL, concerning a request for information in a Title VII investigative case file.
3. Freedom of Information Act Appeal No. 81–1–FOIA–09–IN, concerning a request for information in a closed Title VII charge file.
4. Freedom of Information Act Appeal No. 81–1–FOIA–30–CH, concerning a information from an individual's closed age discrimination charge file.
5. Freedom of Information Act Appeal No. 81–1–FOIA–7, concerning a request for document pertaining to the Commission's ELI Program.
6. EEOC's Semiannual Regulatory Agenda.
7. Proposed Contract for Computer Programming Services.
8. Public Affairs Informational Brochure.
9. A report on Commission Operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Office, Executive Secretariat, at (202) 634–6748.

This Notice Issued March 24, 1981.

[S–487–81 Filed 3–25–81; 11:01 am]

BILLING CODE 6570–06–M

5

FEDERAL COMMUNICATIONS COMMISSION.

Open Commission Meeting, Thursday, March 26, 1981

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 26, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washinton, D.C.

Agenda, Item No., and Subject

General—1—*Title:* In re amendment of Part 2 of the FCC's Rules and Regulations. *Summary:* The Department of the Army has ceased using its doppler velocity projectile (DOVAP) system and has recommended that the FCC amend its Rules to reflect this cessation. The frequency bands in question are located in the 900 MHz region and are allocated for non-Government use, but have been made available to Government users by footnote. The item before the Commission addresses the amendment of Part 2 to reflect the current situation.

Private Radio—1—*Title:* Amendment of the Commission's Rules to permit talk-around in the private land mobile radio services on shared conventional channels above 806 MHz. *Summary:* The FCC has been asked to amend its rules to allow users of shared conventional channels above 806 MHz in the Private Land Mobile Radio Services to operate in the "talk-around" mode. Under current rules, only licensees having exclusive use of a channel may use talk-around in this band. The Commission will consider wether to adopt a Notice of Proposed Rulemaking proposing to allow licensees on shared conventional channels to use talk-around also.

Privacy Radio—2—*Title:* Notice of proposed Rule Making in Docket 80–422 proposes to permit the limited use of Bio-Medical Telemetry Operations on 155 MHz band VHF frequencies for Medical Services in the Special Emergency Radio Service. *Summary:* The FCC will consider whether to approve and finally adopt proposals for allowing bio-medical telemetry operations on 155 MHz band VHF frequencies in areas outside of major urbanized communities. Issues include whether this operation is necessary and desired and, if so, under what limitations and conditions such operations should be allowed. If approved, rules changes will be adopted in Part 90 of the Commission's Rules for the Special Emergency Radio Service.

Private Radio—3—*Title:* Amendment of Part 95, General Mobile Radio Service, and Part 97, Amateur Radio Service, to establish procedures to protect National Radio Astronomy Observatory and Naval Research Laboratory activities from

potential interference. *Summary:* The Commission will consider whether or not to adopt final rules to apply the protection procedures of the national radio quiet zone to Amateur radio stations in repeater operation, and to base, fixed, and mobile relay stations in the General Mobile Radio Service.

Private Radio—4—*Title:* Amendment of Part 97, governing the Amateur Radio Service, eliminating, among other licensees, new club station licensees. *Summary:* The Commission will consider the *Petition for Reconsideration* of the Capital Hill Amateur Radio Society, seeking to overturn that portion of Docket No. 21120 eliminating new club station licensees.

Private Radio—5—*Title:* Rulemaking petition (Rm-3724) to prohibit private land mobile paging systems from operating in any areas except those having a population in excess of 100,000 and no more than one operating radio common carrier. *Summary:* The FCC will consider whether to adopt or deny a rulemaking petition (RM-3724). The rulemaking petition proposes that the FCC amend Part 90 of its rules to prohibit the operation of private paging systems except where: (a) the ERP is not greater than 20 watts and the tip of the antenna for the fixed station does not extend more than 20 feet above any building; (b) the base station antenna is located outside the reliable service area of any radio common carrier paging facility; or (c) the base station antenna is located within the reliable service area of any single radio common carrier paging facility having a population in excess of 100,000. The petition also proposes that private paging facilities licensed within six months of the effective date of the proposed rules would be grandfathered for seven years provided that no paging receivers are added to the system, and that private paging systems authorized more that six months after the effective date of the proposed rules in an area where there is no common carrier paging may operate no longer than two years (and without expansion) once common carrier paging service becomes available.

Private Radio—6—*Title:* Amendment of the rules to provide for the use of scanning type VHF receivers to meet multiple watch requirements. *Summary:* The FCC will consider whether to adopt an order which would dispose of the proceeding in the above titled matter.

Private Radio—7—*Title:* Substitution of FCC Form 405–A for FCC Form 400 in renewal of General Mobile Radio Service licenses. *Summary:* The Commission will consider whether or not to adopt final rules to substitute FCC Form 405–A for FCC Form 400 in renewal of General Mobile Radio Service licenses.

Common Carrier—1—*Title:* Petition for consideration and request for stay of recently enacted Commission Rule 22.18(b), governing the demonstration of interference-free operation in the DPLMRS. *Summary:* The FCC is considering a petition for reconsideration and a request for stay, filed by Mr. Ernest R. Freeman of Sachs/Freeman Associates, Inc., challenging the Commission Order enacting Rule 22.18(b), which requires all future applicants for base station facilities in the DPLMRS to demonstrate, at the time the application is filed, interference-free operation in accordance with the Carey method.

Common Carrier—2—*Title:* Interim procedures for 43 MHz applications in Public Mobile Radio Services. *Summary:* The FCC is considering lifting the freeze on 43 MHz Public Mobile Radio Services applications announced previously as part of the interim policy. That policy was adopted in response to television interference associated with paging operations on 43.22 and 43.58 MHz. After further review, the FCC is proposing to lift the freeze and to monitor the potential for television interference in advance through developmental authorizations.

Common Carrier—3—*Title:* Request for nondisclosure and application for review filed by ITT World Communications, Inc. in Docket No. 80–330. *Summary:* The Commission considers a request for nondisclosure of historical and projected cost data submitted as part of ITT's direct case in Docket No. 80–338. The Commission also considers ITT's application for review of a Bureau decision denying an earlier nondisclosure request in the same proceeding.

Common Carrier—4—*Title:* Citibank, N.A. v. Graphnet, Inc. and Graphic Scanning Corp., File No. E–80–25. *Summary:* Citibank, N.A. filed a formal complaint alleging various violations of the Act. Defendants filed a motion asking that Citibank's complaint be made more definite and certain. The Chief, Common Carrier Bureau granted this motion. Citibank has now filed an application for review of this action. The issue raised is whether the Bureau's order was consistent with Commission precedent or alternatively, distinguishable from that precedent.

Common Carrier—5—*Title:* Notice of Proposed Rulemaking to amend Part 68 of the Rules and Notice of Inquiry into inclusion of one and two-line business and residential premises wiring and party line service under Part 68.

Common Carrier—6—*Title:* MCI Telecommunications Corporation v. American Telephone and Telegraph Company and the Pacific Telephone and Telegraph Company and In the Matter of MCI Telecommunications Corporation. *Summary:* The Commission will reconsider its decision in MCI Telecommunications Corporation v. AT&T, 74 FCC 2d 164 (1979), which denied a complaint by MCI against AT&T. The complaint concerns two related 1975 MCI orders for private line service from AT&T. MCI claims that one order was unlawfully refused and that AT&T quoted an unreasonably long period of time to complete the other. The case is on Commission-requested remand from the D.C. Cir. Court of Appeals.

Cable Television—1—"Petition for Special Relief" (CSR–1820(x)) filed October 3, 1980, by Metropolitan Theatres Corporation. Metropolitan Theatres Corporation has an ownership interest in Spanish International Communications Corporation, licensee of Station KMEX–TV (Ind., Channel 34), Los Angeles, California. Metropolitan's president has acquired an interest in the franchisee of a cable television system which will serve an area within Los Angeles, California. Additionally, Metropolitan has acquired interests in cable franchises in two other communities located within the Grade B contour of KMEX–TV. Therefore Metropolitan seeks a temporary waiver of Section 76.501(a)(2) of the Commission's Rules, pending its divestiture of its interests in KMEX–TV.

Cable Television—2—"Petition for Reconsideration" (CSR–1338) filed December 1, 1980, by Thomas Television, Inc. Thomas Television, Inc., licensee of Station WATR–TV (NBC, Channel 20), Waterbury, Connecticut, requests reconsideration of the Commission's decision in *Waterbury Community Antenna, Inc.* (Waterbury, Connecticut), FCC 80–628, —— FCC 2d —— (1980). The petition is opposed by Teleprompter Connecticut CATV Corp. and by New Milford Cablevision Company, operators of cable television systems serving Danbury and New Milford, Connecticut, respectively.

Renewal—1—*Title:* License renewal application of WACB, Inc. for Station WACB, Kittanning, Pennsylvania. *Summary:* Larry L. Schreocongost filed a petition to deny the license renewal application for Station WACB. The petition to deny charges that licensee's technical operation has been deficient in various respects, that licensee had made a misrepresentation in a prior renewal application, and that licensee had favored local Democratic candidates in political advertising. The Commission considers petitioner's allegations.

Renewal—2—*Title:* Petition to Deny the Renewal Application of Northwest Community Broadcasting, Inc. for Station WWBM(FM), Arlington Heights, Illinois by the Latino Committee on the Media. *Summary:* The Commission considers allegations by the Latino Committee on the Media that Station WWBM(FM), Arlington Heights, Illinois has engaged in discriminatory hiring practices.

Renewal—3—*Title:* Rocket Radio, Inc., application for renewal of license for Station WFPM, Fort Valley, Georgia. *Summary:* Rocket was one of the parties to a hearing proceeding on mutually exclusive applications for construction permits for a new FM broadcasting facility in Fort Valley, Georgia. As a result of testimony and evidence adduced at hearing, Rocket was found to be disqualified to be a Commission licensee on character grounds. The issue before the Commission is the effect of that finding of lack of character qualifications on the instant license renewal application.

Television—1—*Title:* Petition for reconsideration of Commission action waiving cut-off rule for channel 12, Denton, Texas. *Summary:* The Commission considers a petition for reconsideration of its action waiving the TV cut-off rule to

allow acceptance for filing of the application of The Denton Channel Two Foundation for a CP for a new educational television station in Denton, Texas. Application was late-filed against the pending mutually exclusive application for a new ETV station on channel *2, Flower Mound, Texas, by licensee of ETV Station KERA–TV, Dallas, Texas.

Television—2—*Title:* Application of Central Virginia Educational Television Corporation for a new non-commercial educational television station to operate on Channel 56, Fairfax, Virginia. *Summary:* The Commission will consider whether to grant the subject application, which proposes a transmitter site that would be 5.9 miles short-spaced to the reference point for Channel 42 in Front Royal, Virginia.

Television—3—*Title:* Petition for reconsideration of staff action dismissing Family Television, Inc.'s application (BPCT–5170) for a construction permit for a new commercial television station to operate on Channel 29, San Antonio, Texas. *Summary:* The Commission will consider the above-mentioned petition for reconsideration, which states that the combination of petitioner's inexperience and several alleged misleading staff actions resulted in the dismissal of Family Television Inc.'s application.

Television—4—*Title:* Request of Tierra del Sol Broadcasting Corp. (KTDS(TV), Brownsville, Texas, for waiver of interim policy and grant of exception to "one-to-a-market" rule (Section 76.636(a)(1), Note 8). *Summary:* The Commission considers the request for waiver of the interim policy of not acting on "one-to-a-market" cases while a rulemaking proceeding is pending, and for an exception under Note 8. Applicant is a minority-owned UHF licensee in a predominantly Hispanic area.

Broadcast—1—*Title:* Petition for Reconsideration of Memorandum Opinion and Order in RM–3502, *Rules and Policies to Further the Advancement of Black Americans in Mass Communications.* *Summary:* The Commission will consider a petition for partial reconsideration of its Memorandum Opinion and Order in RM–3502, filed by the National Black Media coalition ("NBMC"). NBMC seeks reconsideration of the Commission's action as to proposals regarding reporting of minority programming by broadcast licensees, equal employment opportunity ("EEO"), and minority ownership and multiple ownership of broadcast stations.

Broadcast—2—*Subject:* Amendment of Part 73 of the Commission's Rules with respect to the availability of television programs produced by non-network suppliers to commercial television stations. *Summary:* An inquiry into time exclusivity provisions in the sale of non-network programming to commercial television stations and a petition for rule making concerning the sale of dubbed television programs in the United States are considered.

Broadcast—3—*Title:* Memorandum Opinion and Order in RM–3402, In the Matter of requiring commercial TV stations to have an earth station facility for the capability of receiving programs offered via domestic satellites. *Summary:* FCC considers request for reconsideration of a Memorandum Opinion and Order denying the petition for institution of a rule making proceeding to require commercial TV stations to construct and operate satellite earth stations.

Broadcast—4—*Title:* Inquiry into possible change in TV signal specifications contained in Sections 73.682 and 73.699 of the Rules to facilitate international program exchange. *Summary:* The FCC will consider whether or not to continue Docket 16506. The proceeding was primarily concerned with soliciting information on the selection of specific lines in the vertical blanking interval for international test signals.

Broadcast—5—*Title:* Memorandum Opinion and Order in RM–2326, In the Matter of Adoption of Standards for the Elimination of TV Overcommercilization in the Public Interest and in RM–3462, In the matter of Non-Program Limits on TV Broadcast Stations. *Summary:* Commission considers Memorandum Opinion and Order on petitions to modify rules and policies relating television commercial practices.

Broadcast—6—*Report and order* in the matter of Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM, and Television Licensees. *Summary:* On June 4, 1980, the Commission adopted a Notice of Proposed Rule Making (FCC 80–327) proposing a new simplified application containing five questions and a new enforcement approach by which a portion of all licensees would receive audits and field inspections. Also proposed were simplification of licensee public notice requirments, and limitation of certain filing requirements associated with the renewal process. The Report and Order considers and resolves these matters.

Broadcast—7—Request by CBS Inc. for a declatory ruling § 73.658(j)(1)(ii) of the Commission's Rules. *Summary:* A request that § 73.658(j)(1)(ii), the financial interest rule, be interpreted to permit network purchases of nonbroadcast rights to television programs in transactions separate from the purchase of network exhibition rights is considered.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 20, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–462–81 Filed 3–25–81; 9:00 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Item

The following item has been deleted at the request of Carlos Roberts, Private Radio Bureau, from the list of agenda items scheduled for consideration at the March 26, 1981, Open Meeting, and previously listed in the Commission's Public Notice of March 19, 1981.

Agenda, Item No., and Subject

Private Radio—5—*Title:* Rulemaking petition (RM–3724) to prohibit private land mobile paging systems from operating in any areas except those having a population in excess of 100,000 and no more than one operating radio common carrier. *Summary:* The FCC will consider whether to adopt or deny a rulemaking petition (RM–3724). The rulemaking petition proposes that the FCC amend Part 89 of its rules to prohibit the operation of private paging systems except where: (a) the ERP is not greater than 20 watts and the tip of the antenna for the fixed station does not extend more than 20 feet above any building; (b) the base station antenna is located outside the reliable service area of any radio common carrier paging facility; or (c) the base station antenna is located within the reliable service area of any single radio common carrier paging facility having a population in excess of 100,000. The petition also proposes that private paging facilities licensed within six months of the effective date of the proposed rules would be grandfathered for seven years provide that no paging receivers are added to the system, and that private paging systems authorized more than six months after the effective date of the proposed rules in an area where there is no common carrier paging may operate no longer than two years (and without expansion) once common carrier paging service becomes available.

Deletion of Agenda Item From March 26th Open Meeting

The following item has been deleted at the request of Dick Shiben, Chief Broadcast Bureau, from the list of agenda items scheduled for consideration at the March 26, 1981, Open Meeting, and previously listed in the Commission's Public Notice of March 19, 1981.

Agenda, Item No., and Subject

Broadcast—7—Request by CBS Inc. for a declaratory ruling on § 73.658(j)(1)(ii) of the Commission's Rules. *Summary:* A request that § 73.658(j)(1)(ii), the financial interest rule, be interpreted to permit network pruchases of nonbroadcast rights to television programs in transactions separate from the purchase of network exhibition rights is considered.

Deletion of Agenda Item From March 26th Open Meeting

The following item has been deleted at the request of General Counsel and Broadcast Bureau from the list of agenda items scheduled for consideration at the March 26, 1981, Open Meeting, and

previously listed in the Commission's Public Notice of March 19, 1981.

Agenda, Item No., and Subject

Renewal—3—*Title:* Rocket Radio, Inc., application for renewal of license for Station WFPM, Fort Valley, Georgia. *Summary:* Rocket was one of the parties to a hearing proceeding on mutually exclusive applications for construction permits for a new FM broadcasting facility in Fort Valley, Georgia. As a result of testimony and evidence adduced at hearing, Rocket was found to be disqualified to be a Commission licensee on character grounds. The issue before the Commission is the effect of that finding of lack of character qualifications on the instant license renewal application.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 23, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-499-81 Filed 3-25-81; 9:00 am]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.

Closed Commission Meeting, Thursday, March 26, 1981.

The Commission will hold a Closed Meeting on the subjects listed below on Thursday, March 26, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., Subject

Hearing—1—Motion for Relief by Distress Sale in the Ft. Lauderdale, Florida Radio WAVS, Inc. renewal proceeding (Docket Nos. 80–17 and 80–18).

Hearing—2—Petition for Special Relief by Distress Sale in the Brownwood, Texas revocation proceeding (BC Docket No. 80–92).

Hearing—3—A Petition for Reconsideration of the Designation Order in the Santa Fe, New Mexico TV proceeding (BC Docket Nos. 80–436 and 80–437).

Hearing—4—Request for Severance and Grant in the Gulf Coast Communications, Inc., maritime mobile radio proceeding (PR Docket 78–259–63).

Hearing—5—Appeal of an interlocutory order in the Microband Corporation of America comparative MDS proceeding. (CC Docket Nos. 80–302–3).

Hearing—6—Exceptions to an Initial Decision in the Service Electric Company point-to-point microwave radio station renewals proceeding (Docket Nos. CC 80–644–654).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino FCC Public Affairs Office telephone number (202) 254–7674.

Issued: March 20, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-498-81 Filed 3-25-81; 9:00 am]

BILLING CODE 6712-01-M

8

FEDERAL HOME LOAN BANK BOARD.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, April 1, 1981.

PLACE: 1700 G Street N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6079).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Wednesday, April 1, 1981.

Increase in Accounts of an Insurable Tupe (Merger); Cancellation of Membership and Insurance and Transfer of Stock—Lawrence Brook Savings & Loan Association, Milltown, New Jersey into Carteret Savings and Loan Association, Newark, New Jersey.

March 25, 1981.

[S-499-81 Filed 3-25-81; 1:16 pm]

BILLING CODE 6720-01-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., April 1, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 8080–17 and Agreement No. 8240–15: Modifications of the Atlantic and Gulf-Indonesia Conference and the Atlantic and Gulf–Singapore, Malaya and Thailand Conference to Provide for Substituted Service.

2. Proposed Rulemaking—General Order No. 11—Deferred Tax Deduction from Rate Base.

3. Proposed Rule to Limit Certain Combinations of Carriers to One Vote in Conference Matters.

4. Docket No. 80–70, Proposed Interpretative Rule, Status of Bulk Commodities—Consideration of Comments.

Portion closed to the public:

1. Docket No. 79–72—Cargill Inc. v. Waterman Steamship Corp.—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523–3725.

[S-495-81 Filed 3-25-81; 10:10 am]

BILLING CODE 6730-01-M

10

BOARD OF GOVERNORS.

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, April 1, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 25, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-496-81 Filed 3-25-81; 10:43 am]

BILLING CODE 6210-01-M

11

NUCLEAR REGULATORY COMMISSION.

DATES: Monday, March 30, and Tuesday, March 31, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, March 30:

3 p.m.: Briefing by Executive Branch on Export Matter (tentative, closed meeting).

Tuesday, March 31:

2 p.m.: Discussion of Revised Licensing Procedures (public meeting).

ADDITIONAL INFORMATION: By a vote of 3–0 (Commissioner Bradford not present) on March 23, 1981, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that affirmation of Order Regarding Issues of TMI–1 Restart and Motion for Directed Certification of an Appeal Board Order (In the Matter of Public Service Company of New Hampshire et al.), held that day, be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

March 23, 1981.

[S-400-81 Filed 3-25-81; 1:24 pm]

BILLING CODE 7560-01-M

12

[Meeting No. 1264]

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 10:15 a.m. (e.s.t.), Thursday, April 1, 1981.

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

Old Business Items

1. Letter agreement with the Department of Energy covering arrangements for a nuclear spent fuel rod consolidation demonstration program.

2. Supplement to contract with the Department of Energy for coal cleaning studies.

3. Sale at public auction of underlying fee title of approximately 26.6 acres of Kentucky Reservoir Land in Calloway County, Kentucky, subject to two existing permanent industrial easements owned by Hutson Company, Inc.—Tract No., XGIR–903.

New Business Items

A—Project Authorizations

1. Project Authorization No. 3558—Replacement of horizontal reheater assemblies in Paradise Steam Plant Unit 3.

B—Purchase Awards

1. Req. No. 827370—Radioactive waste volume reduction systems and solidification systems for Sequoyah and Watts Bar Nuclear Plants.

2. Amendment to Contract No. 80P34–824973 with Babcock & Wilcox Company, Barberton, Ohio, for availability improvement and balanced-draft conversion for Colbert Steam Plant Unit 5.

C—Power Items

1. Adoption of supplemental resolution authorizing 1981 Series B Power Bonds.

2. Resolution authorizing the Chairman and other Executive Officers to take further action relating to issuance and sale of 1981 Series B Power Bonds.

3. Sale of surplus simulator time from TVA's Power Operations Training Center.

4. Amendment to lease and amendatory agreement with Huntsville, Alabama, covering additional facilities and property at the Huntsville 161–kV Substation.

5. Determinations on ratemaking standards.

D—Personnel Items

*Change of status for James P. Darling from Manager of Power Engineering to Deputy Manager of Power (Energy Supply) and for Robert F. Hemphill, Jr., from Director of Energy Conservation and Rates to Deputy Manager of Power (Use), Office of Power, Chattanooga, Tennessee.

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*Items approved by individual Board members. This will give formal ratification to the Board's action.

*2. Change of status for Bevan W. Brown, Mohamed T. El-Ashry, M. Paul Schmierbach, Maurice Mearse, and Lawrence L. Calvert, Office of Natural Resources.

*3. Change of status for Frank R. Holland from Manager of Land Between the Lakes, Office of Natural Resources, Golden Pond, Kentucky, to Assistant General Manager, Office of the General Manager, Knoxville, Tennessee.

*4. Change of status for Elizabeth E. Howard from District Administrator, Office of the General Manager, Nashville, Tennessee, to Manager of Land Between the Lakes, Division of Land and Forest Resources, Office of Natural Resources, Golden Pond, Kentucky.

E—Real Property Transactions

1. Filing of condemnation suits.

F—Unclassified

1. Interagency agreement with U.S. Department of the Interior, Office of Surface Mining, covering arrangements for TVA to provide aerial photographic services, consulting, and mapping support.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: March 25, 1981.

[S-399-81 Filed 3-25-81; 3:45 pm]

BILLING CODE 8120-01-M

federal register

Friday
March 27, 1981

Part II

Department of Labor

Wage and Hour Division, Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Maryland: MD81–3021

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ81–5101	Jan. 30, 1981.
Arkansas: AR80–4081	Nov. 7, 1980.
California:	
CA80–5135	Oct. 3, 1980.
CA80–5147	Nov. 28, 1980.
Hawaii: HI81–5106	Mar. 6, 1981.
Louisiana:	
LA80–4084	Nov. 7, 1980.
LA80–4089	Nov. 7, 1980.
North Dakota: ND80–5132	Oct. 10, 1980.
Oklahoma:	
OK80–4060	July 18, 1980.
OK80–4061	July 18, 1980.
OK80–4062	July 18, 1980.
OK80–4063	July 18, 1980.
OK80–4064	July 18, 1980.
OK80–4065	July 25, 1980.
OK80–4066	July 25, 1980.
OK80–4067	July 25, 1980.
OK80–4068	Aug. 1, 1980.
Oregon: OR80–5145	Nov. 21, 1980.
Pennsylvania: PA80–3055	Oct. 3, 1980.
Texas:	
TX80–4076	Oct. 10, 1980.
TX80–4078	Oct. 10, 1980.
TX80–4095	Nov. 7, 1980.
TX80–4096	Nov. 7, 1980.
TX80–4097	Dec. 5, 1980.
TX80–4098	Dec. 5, 1980.
TX81–4005	Jan. 6, 1981.
Virginia: VA81–3015	Mar. 6, 1981.
Wisconsin: WI80–2027	Apr. 6, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois: IL79–2053 (IL81–2005)	Aug. 24, 1979.
Missouri: MO79–4065 (MO81–4020)	Nov. 30, 1979.
New York: NY80–3060 (NY81–3018)	Aug. 29, 1980.

Cancellation of General Wage Determinations

General Wage Determination Decision No. PA80–3062, pertaining to

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania only is cancelled. Agencies with building, heavy and highway construction projects pending in these locations should utilize the General Wage Determination Decision No. PA80-3055. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 (CFR 1.7(b)(2)), the incorporation of Decision No. PA80-3062 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

The following general wage determinations are hereby cancelled. Agencies with building construction projects contemplated in the counties should utilize the project determination procedure by submitting Form SF-308 (See 29 CFR Part 1, Section 1.5). Contracts for which bids have been opened shall not be affected by this notice. Consistent with 29 CFR Part 1, Section 1.7(b)(2), inclusion of the following decisions in contracts for which bid openings are within ten (10) days of this notice need not be affected.

TN77-1120—Coffee County, Tennessee dated September 30, 1977 in 42 FR 52880
TN77-1100—Carroll, Dyer, Gibson, Henry, Lake, Obion and Weakley Counties, Tennessee dated August 12, 1977 in 42 FR 41094
TN79-1008—Bradley County, Tennessee dated January 5, 1979 in 44 FR 1668
TN79-1009—Madison County, Tennessee dated January 5, 1979 in 44 FR 1669
TN79-1010—Rutherford County, Tennessee dated January 5, 1979 in 44 FR 1669

Signed at Washington, D.C., this 20th day of March 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: Maryland
DECISION NO.: MD81-3021
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

COUNTY: Washington
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANIC	6.76				
BRICKLAYERS	7.80				
CARPENTERS	6.13				
CEMENT MASONS	5.87				
DRYWALL MECHANIC	5.00				
ELECTRICIANS	6.29				
GLAZIERS	7.25				
IRONWORKERS	6.25				
LABORERS	4.40				
MASON TENDERS	4.64				
PAINTERS	5.79				
PLASTERERS	7.55				
PLUMBERS & PIPEFITTERS:					
Jobs where aggregate man-hours are under 10,000	10.00	.60	.80		
Jobs where aggregate man-hours are over 10,000	12.86	.60	.80		
ROOFERS	6.00				
SHEET METAL WORKERS	6.34				
TILE SETTERS	5.85				
TRUCK DRIVERS	4.75				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.38				
Crane	6.18				
Loader	4.50				
Paver	5.50				
Roller	6.00				

Modification Page 1

DECISION NO. AZ81-5101 Modification #3
(46 FR 10078 - January 30, 1981)

STATEWIDE, ARIZONA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS:					
Northern Area:					
Carpenter; Drywall Applicator; Saw Filer; Shingler	$14.36	$1.195	$1.115		.05
Floorlayers (finish); Piledrivermen	14.685	1.195	1.115		.05
Millwrights	14.835	1.195	1.115		.05
Central and Southern Areas:					
Carpenters; Saw Filers; Shingler; Drywall Applicator/Framer	12.235	1.195	1.115		.05
Floor Layer (finish)	12.56	1.195	1.115		.05
Piledrivermen	12.71	1.195	1.115		.05
Millwrights					

DECISION #AR80-4081 - Mod.#6
45FR7432-November 7, 1980
Sebastian, Crawford and Washington Counties, Arkansas

CHANGE:
SEBASTIAN & CRAWFORD COS.:

ELECTRICIANS:					
Electricians	$13.67	.60	3%+5.5%		1/4%
Cable splicers	13.92	.60	3%+5.5%		1/4%
LINE CONSTRUCTION:					
Linemen; operator	11.92	.60	3%+5.5%		1/4%
Cable splicers	12.07	.60	3%+5.5%		1/4%
Powderman	90%JR	.60	3%+5.5%		1/4%
Truck driver	75%JR	.60	3%+5.5%		1/4%
Groundman	65%JR	.60	3%+5.5%		1/4%

Modification Page 2

Modification Page 3

DECISION NO. CA80-5135 - Mod. #5
(45 FR 65867 - October 3, 1980)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electrians:					
Area 2:					
Electricians; Technicians	$18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15
Line Construction					
Area 2:					
Groundman	13.73	1.10	3%+2.15		.15
Lineman	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15
Plasterers:					
Area 1:	16.495	1.08	1.85		.12
Area 2:	19.70				
Area 3:	18.28				
Area 4:	16.15	1.25	2.00		
Area 5:	16.73	1.30	3.00		.02
Plasterers Tenders					
Area 1:	13.77	1.25	2.90	1.40	
Area 2:	11.25	1.25	2.90	1.20	
Area 3:	13.625	1.25	2.90	1.20	
Area 4:	12.48	1.25	2.90	1.20	
Area 5:	13.83	1.25	2.60	1.20	
Area 6:	15.73	1.25	2.60	1.20	
Area 7:	14.25	1.25	2.90	1.20	
Add:					
Plasterers:					
Area 7: Kern Inyo and Mono Cos.	12.77	1.15	1.65	1.00	.06
Area 2: Imperial Co.					
Omit					
Plasterers					
Area 6					

DECISION NO. CA80-5147 - Mod. #5
(45 FR 79275 - November 28, 1980)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Area 3					
Electricians, Technicians	$18.30	1.10	3%+1.95		.15
Cable Splicers	20.13	1.10	3%+1.95		.15
Ironworkers:					
Fence Erectors	13.46	1.39	3.26	2.15	.07
Reinforcing	14.35	1.39	3.26	2.15	.07
Plasterers:					
Area 1	16.495	1.08	1.85		.12
Area 2	19.70				
Area 3	16.73	1.30	3.00		.02
Plasterers Tenders:					
Area 1	13.77	1.25	2.90	1.40	
Area 2	14.25	1.25	2.90	1.20	
Area 3	11.25	1.25	2.90	1.20	
Area 4	13.625	1.25	2.90	1.20	
Area 5	12.48	1.25	2.90	1.20	
Area 6	13.83	1.25	2.60	1.20	
Area 7	15.73	1.25	2.60	1.20	
Add:					
Plasterers:					
Area 4	16.15	1.25	2.00		
Area 5	18.28				
Plasterers:					
Area 1: Los Angeles and Orange Cos.					
Area 2: Imperial, Riverside and San Bernardino Cos.					
Area 3: Ventura County					
Area 4: Santa Barbara Co.					
Area 5: San Luis Obispo Co.					

DECISION NO. HI81-5106 Modification # 1
46 FR 15650 - March 6, 1981

STATEWIDE, HAWAII	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Divers (Aqua Lung)	$16.06	1.35	2.80	.95	.05
Power Equipment Operators					
Group 1: Pilot of helicopter	14.92	1.35	2.80	.95	.05
Group 2: Co-Pilot of helicopter	14.75	1.35	2.80	.95	.05
Group 3: Airborne Hoist Operator for helicopter	14.61	1.35	2.80	.95	.05
Truck Drivers					
Group 6 Trucks (hooked up to trailer hauling equipment)	12.69	1.35	2.80	.95	.05
CHANGE:					
Painters					
Brush	12.05	.84	3.00	1.00	.10
Spray, Sandblaster	12.55	.84	3.00	1.00	.10
Taper	12.30	.84	3.00	1.00	.10

DECISION NO. LA80-4084 - MOD. #7 (45 FR 74347 - November 7, 1980) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers - Zone 3	$12.50	.65	1.30		.07
Electricians:					
Zone 8 - Electricians	13.56	.70	3%		1/2%
Cable splicers	13.81	.70	3%		1/2%
Ironworkers - Zone 2	13.09	.60	.75		.04
Zone 6	13.16	.60	.65		.05
DECISION NO. LA80-4089 - MOD. #4 (45 FR 74361 - November 7, 1980) Bossier, Caddo & Calcasieu Pars., Louisiana					
CHANGE:					
Ironworkers:					
Calcasieu Parish	13.16	.60	.65		.05
DECISION NO. ND80-5132 - Mod #3 (45 FR 67525 - Oct. 10, 1980) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh, and Ward Counties, North Dakota					
CHANGE:					
CEMENT MASONS:					
Area 3	$11.05				
PLASTERERS:					
Area 4	12.00				
PLUMBERS:					
Area 1	13.86	1.04	1.04		.03
SHEET METAL WORKERS:					
Area 1	13.13		.36	.72	.07

DECISION #OK80-4061 Mod. #3

DECISION #OK80-4062 Mod. #4
45 FR 48446 - July 18, 1980

DECISION #OK80-4061 Mod. #3
45 FR 48449 - July 18, 1980
Muskogee, Adair, Cherokee and
Okmulgee Counties, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

DECISION #OK80-4060 Mod. #4
45 FR 48439 - July 18, 1980
Pittsburg County, Oklahoma

CHANGE:

POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

DECISION #OK80-4062 Mod. #4
45 FR 48446 - July 18, 1980
Tulsa, Creek, Craig, Ottawa,
Delaware, Mayes and Rogers
Counties, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

DECISION #OK80-4063 Mod. #3
45 FR 48441 - July 18, 1980
Garfield County, Oklahoma

CHANGE:

POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

DECISION #OK80-4064 Mod. #3
45 FR 48444 - July 18, 1980
Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady, Seminole, and Pottawatomie Counties, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

DECISION #OK80-4065 Mod. #3
45 FR 49832 - July 25,1980
Wagoner County, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

DECISION #OK80-4066 - Mod. #3
45 FR 49837 - July 25, 1980
McIntosh County, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

DECISION #OK80-4067 Mod. #3
45 FR 49834 - July 25, 1980
Latimer, Leflore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

DECISION #OK80-4068 Mod. #3
45 FR 51422 - August 1, 1980
Comanche County, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12
DECISION NO. OR80-5145 - Mod #4 (45 FR 77321 - Nov. 21, 1980) Statewide Oregon					
CHANGE:					
ELECTRICIANS:					
Area 2:					
Electricians	$17.45	.95	3% + 1.30		.05
Lead Cable Splicers	18.20	.95	3% + 1.30		.05
PLUMBERS:					
Area 1	13.62	1.09	2.10		.10
Area 5	18.24	1.00	1.85		.10
Area 7	19.25	.90	1.35		.10
ROOFERS:					
Area 3:					
Roofers	14.25	.96	.50		
Spray and/or application of irritating materials in a confined area	15.25	.96	.50		
Area 4	13.00	.85	.30		

DECISION NO. PA80-3055 - MOD. #4 (45 FR 65902 - October 3, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania CHANGE:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation		Education and/or Appr. Tr.
Description of work to read: Building, Heavy and Highway Construction, including single family homes and garden type apartments up to and including 4 stories (Chester County: Building, Heavy and Highway Construction only)						
TRUCK DRIVERS: Site preparation paving and utilities, to read:						
TRUCK DRIVERS: Site preparation paving and utilities on Building Construction and Heavy and Highway Construction						
POWER EQUIPMENT OPERATORS: to read: Building Construction, Heavy and Highway Construction						
ADD:						
CARPENTERS: (Heavy & Highway Construction)	11.72	2.63	1.40	a		.13
CEMENT MASONS (Heavy & Highway Construction)	10.59	2.09	2.36			
LABORERS: (Heavy & Highway Construction)						
Group 1	10.05	.95	.85			
Group 2	9.85	.95	.85			
Group 3	9.75	.95	.85			
Group 4	9.90	.95	.85			
Group 5	9.65	.95	.85			
Group 6	10.30	.95	.85			
Group 7	10.15	.95	.85			
Group 8	10.00	.95	.85			

DECISION NO. PA80-3055 - CONT'D

LABORERS CLASSIFICATIONS

Group 1 - Powderman, multiple wagon drill op. under pinning excavation, bottom men

Group 2 - Finished surface asphalt rakers ops., pipelayers, caulkers conduit and duct layers

Group 3 - Other pneumatic tools ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, Mortar mixers, concrete pitman & spaders, grademen, asphalt shovelers, men working in shring, men working in lagging, laborers assistaing in the setting of cut stone, granite or artifical stone, hod carriers, scaffold builders, all other laborers on construction work, with the exception of workers in compressed air

Group 4 - Wagon drill operators

Group 5 - Yard workers: Laborers, scale mixermen, burnermen dustmen, feeder /

Group 6 - Free Air Tunnel: Miners miners bore driver, blasters, drillers, pneumatic shield ops., welders & burners

Group 7 - Miners' helpers, form setters, circular caisson excavation bottom men underpinning excavation bottom men

Group 8 - Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels

DECISION NO. PA80-3055 - CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tunnel Compressed Air:		/			
Laborers:					
Blasters, shield drivers	19.375	.95	.85		
Miners, miner's bore driver	20.00	.95	.85		
Brakemen, Trackmen, miners, helpers, groutmen, iron men, maintenance man, pump men, electrician, cement finisher, carpenters, hydraulic men, monorail man, conveyor men, powder carriers, pan men, riggers, lock tenders' helpers, muck lock tenders' helpers, nippers, derailed man, cablemen, hosemen, gravel men	17.955	.95	.85		
Mucking machine operators	20.665	.95	.85		
Laborers (Surface)	9.75	.95	.85		
Between Locks					
Lock tenders, motor men	18.80	.95	.85		
All other men	17.955	.95	.85		
Outside of Locks					
Outside lock tenders, gauge tenders	17.955	.95	.85		
Outside lock tenders' helpers	17.11	.95	.85		

Air Pressure	AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)
18 lb. up to but less than 26 lb.	1.50
26 lb. up to but less than 31 lb.	2.00
31 lb. up to but less than 36 lb.	2.50
36 lb up to but less than 41 lb.	3.00
41 lb. or more	3.50

19162 Federal Register / Vol. 46, No. 58 / Friday, March 27, 1981 / Notices

DECISION NO. PA80-1055 - CONT'D

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (RAILROAD ONLY)					
Linemen	10.94	.45	3%	b	.75%
"A" Equipment Operator	10.94	.45	3%	b	.75%
"B" Equipment Operator	9.57	.45	3%	b	.75%
POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION:					
Wage Group 1	13.46	7.9%	10.3%	c	1.8%
Wage Group 2	13.23	7.9%	10.3%	c	1.8%
Wage Group 3	12.63	7.9%	10.3%	c	1.8%
Wage Group 4	12.10	7.9%	10.3%	c	1.8%
Wage Group 5	11.73	7.9%	10.3%	c	1.8%
Wage Group 6	11.38	7.9%	10.3%	c	1.8%
Wage Group 7	10.64	7.9%	10.3%	c	1.8%

HIGHWAY CONSTRUCTION CLASSIFICATIONS

Wage Group 1 - Handling steel and stone in connection with erection, cranes doing hook work, and machine handing machinery, helicopters, machines similar to the above

Wage Group 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, pavers 21E and over, trenching machines, gradalls, front-end loaders 3¼ c.y. and over, boat captain, pippin type backhoes, tandem scrapers, tower type crane operation erecting, dismantling, jumping or jacking, drills selfcontained, (drillmaster type), forklift (20 ft. and over), motor patrols (fine grade), batch plant with mixer, machine similar to the above

Wage Group 3 - Carryalls, scrapers, tournapulls, asphalt plant engineers, roller (high grade finishing) front-end loaders under 3¼ c.y., spreaders (asphalt), concrete pumps, well drillers, bulldozers and tractors, ditch witch (small trencher), motor patrols, mechanic welder, machines similar to the above

Wage Group 4 - Conveyor loader, seaman pulverizer, ten-ton roller (grader fill stone base) concrete breaking machines, machines similar to the above

Wage Group 5 - Form line grader, fine grade machines, farm tractors, road finishing, concrete spreaders, compressors, power broom self contained, seed spreader, pumps, welding machines, fireman, power equipment, maintenance engineers (power boats), machines similar to the above

DECISION NO. PA80-1055 - CONT'D

HIGHWAY CONSTRUCTION CLASSIFICATIONS CONT'D

Wage Group 6 - Fireman, grease truck

Wage Group 7 - Oilers and deckhands (Personnel Boats), grease truck helper

FOOTNOTES:

a. Paid Holiday: Labor Day
b. Paid Holidays: New Year's Day; Decoration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.
c. Paid Holidays: New Year's Day; Memorial Day, Independence Day; Labor Day; Thanksgiving Day and Christmas Day; providing the employee works the day before and after the holiday.

Modification Page 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4076 - MOD. #6 (45 FR 67535 - October 10, 1980) Wichita County, Texas					
OMIT:					
Glaziers	$ 4.97				
Roofers	5.42				
Soft floor layers	5.50				
DECISION NO. TX80-4078 - MOD. #5 (45 FR 67537 - October 10, 1980) Travis County, Texas					
CHANGE:					
Roofers:					
Roofers; deckmen	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
DECISION NO. TX80-4085 - MOD. #6 (45 FR 74365 - November 7, 1980) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
OMIT:					
Roofers	4.50				

Modification Page 17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4086 - MOD. #6 (45 FR 74368 - November 7, 1980) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Line construction:					
Linemen	$13.20	.60	7%		1/2%
Cable splicers	14.52	.60	7%		1/2%
Groundmen	9.24	.60	7%		1/2%
Operators	13.86	.60	7%		1/2%
Painters:					
Zone 1 - Group 1	11.58	.55	.75		.07
Group 2	11.83	.55	.75		.07
Group 3	11.705	.55	.75		.07
Group 4	11.955	.55	.75		.07
Zone 2 - Group 1	12.10		.30		.12
Group 2	12.35		.30		.12
Group 3	13.35		.30		.12
DECISION NO. TX80-4097 - MOD. #3 (45 FR 80644 - December 5, 1980) Lubbock County, Texas					
OMIT:					
Lathers	6.75	.20			.01
Plasterers	7.00				
Roofers	3.50				

Modification Page 18

Modification Page 19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4099 - MOD. #4 (45 FR 80640 - December 5, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building construction:					
Line construction:					
Zone 1:					
Linemen	$11.06	.60	7%		1/2%
Cable splicers	12.17	.60	7%		1/2%
Groundmen	7.74	.60	7%		1/2%
Operators	11.61	.60	7%		1/2%
Zone 2:					
Linemen	12.91	.60	7%		1/2%
Cable splicers	14.20	.60	7%		1/2%
Groundmen	9.04	.60	7%		1/2%
Operators	13.56	.60	7%		1/2%
DECISION NO. TX81-4005 - MOD. #2 (46 FR 1545 - January 6, 1981) Bexar County, Texas					
CHANGE:					
Roofers:					
Roofers; deckmen	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
DECISION NO. VA81-3015-Mod. #2 (46 FR 15666-March 6,1981) Radford Army Ammunition Plant, Virginia					
CHANGE:					
Millwrights	$12.05	.50	.45		.02

DECISION NO. WI80-2027, MOD. #4
(45FR26656 April 8, 1980)
Ashland, Bayfield and Douglas Counties, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS					
GROUP I	$12.92	1.15	.90		.05
GROUP II	12.67	1.15	.90		.05
GROUP III	12.37	1.15	.90		.05
GROUP IV	12.27	1.15	.90		.05
GROUP V	11.61	1.15	.90		.05
GROUP VI	11.42	1.15	.90		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes; Clamshells; Derricks; Caisson Rigs; Pile Driver; Skid Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoist; Stack Hoists; Tractor or Truck Mounted Hydraulic Backoe; Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 Tons); Percussion Drill; Concrete Pumps; Rotary Drill and Blaster; Trencher (Wheel Type or Chain Type Having Over 8-inch Bucket); Elevator.

GROUP III - Backfiller; Concrete Auto Breaker (Larger); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or over); Screw Type, Gypsum and Grout Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-inch and Under); Industrial Locomotives; Roller (Under 5 Tons) and Firemen (Pile Driver and Derricks).

GROUP IV - Hoist (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (400 CFM or Over); Augers (Vertical and Horizontal); Generator (150 KW and Over); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP IV - Generators (Under 150 KW); Combination Small Equipment Operator; Compressors (Under 400 CFM); Welding Machines; Heaters (Mechanical); Pumps; Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper; Conveyor.

SUPERSEDEAS DECISION

PAGE 2

STATE: Illinois COUNTIES: Madison & St. Clair
DECISION NUMBER: IL81-2005 DATE: Date of Publication
Supersedes Decision No. IL79-2053, dated August 24, 1979 in 44 FR 48833
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.89	1.00	1.11		
BOILERMAKERS	15.20	1.275	1.50		.03
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons:					
Madison County	13.90	.80	.75		.10
St. Clair County	13.90	.80	.75		.10
CARPENTERS:					
Madison County:					
Carpenters; Lathers; Millwrights; Piledrivermen; & Soft Floor Layers:					
Commercial Building	13.835	.80	1.00		
Residential:					
Southern Part of Madison Co. Bounded by Rte #4 on East, #143 on North, #111 on West & to the Place Where #111 & Madison Co. Line Intersect excluding					
Bethalto & Godfrey	12.535	.80	1.00		
Remainder of Madison Co.	12.985	.80	1.00		
St. Clair County:					
Carpenters; Millwrights; Piledrivermen; & Soft Floor Layers:					
Commercial Building	13.435	.75	1.00		
Residential:					
Freeburg	12.935	.75	1.00		
Chester	13.235	.75	1.00		
CEMENT MASONS	13.255	1.00	.77		
ELECTRICIANS:					
Madison Co. (Alton & Vic.)	15.66	.55	3%+1.00		.3%
Madison (Rem. of Co.) & St. Clair Co.	14.80	.99	3%+1.04	.89	4%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	11.80	.895	.69	e&h	.025
Helpers	70%JR	.895	.69	e&h	.025
Helpers (Prob.)	50%JR				
GLAZIERS	13.68	1.34	2.10	13.2%	.05

DECISION NO. IL81-2005

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS	$13.85	.55	1.05		.05
LABORERS:					
Madison Co.					
Alton					
Common	12.20	.80	.60		.035
Laying Sewer & All Sewer Work	12.30	.80	.60		.035
Well Digging; Gunnite Machine; Gunnite Nozzle Operator; Rip-Rapping	12.45	.80	.60		.035
Wood River					
Common	12.60		1.00		.035
Laying Sewer & All Sewer Work	12.70		1.00		.035
Well Digging; Gunnite Machine & Nozzle Operator	12.85		1.00		.035
Granite City, Madison, Venice, Wanaoki & Mitchell					
Common	11.93	.55	1.10		.035
Cutting, Burning & Welding Plasterers' & Brick Masons' Tenders	12.235	.55	1.10		.035
Dynamite & Powderman	13.45	.55	1.10		.035
Dynamite & Powderman Tenders	13.475	.55	1.10		.035
Collinsville	12.475	.55	1.10		.035
Common	12.20	.65	.75		.035
Mason & Plasterers' Tenders	12.70	.65	.75		.035
Dynamite Man	13.80	.65	.75		.035

PAGE 3

PAGE 4

DECISION NO. IL81-2005

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Edwardsville					
Common	13.35		.25		.035
Men Working on Sewer Work from Building to Main Sewer	13.45		.25		.035
Men Working in Main Sewer Ditch & Cutting w/a Torch	13.60		.25		.035
Plaster & Mason Tenders	13.00		.25		.035
Glen Carbon					
Common	12.60		1.00		.035
Mason & Plaster Tenders	13.10		1.00		.035
Dynamite Men	14.20		1.00		.035
Highland					
Common	12.90		.60		.035
Mason & Plasterers Tenders	13.40		.60		.035
Workmen cutting & burning w/a Torch	13.15		.60		.035
Dynamite Men	14.50		.60		.035
Livingston					
Common	13.00		.50		.035
Working on the Bottom of Sewer	13.25		.50		.035
Mason & Plasterer Tenders	13.50		.50		.035
Dynamite Men	14.60		.50		.035
Marine					
Common	13.30		.20		.035
Mason & Plasterer Tenders	13.80		.20		.035
Working on the Bottom of Sewer	13.55		.20		.035
Dynamite Men	14.90		.20		.035
Troy & Vicinity					
Common	12.50		1.00		.035
Mason & Plasterer Tenders	13.00		1.00		.035
Working on the Bottom of Sewer	12.75		1.00		.035
Dynamite Men	14.10		1.00		.035

DECISION NO. IL 81-2005

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
St. Jacob					
Common	12.90		.60		.035
Mason & Plasterer Tenders	13.40		.60		.035
Working in Sewer Trenches	13.15		.60		.035
Dynamite Men	14.50		.60		.035
St. Clair County:					
E. St. Louis & Vicinity					
Laborers	11.95	.55	1.10		.035
Dynamite Men	13.476	.55	1.10		.035
Belleville & Vicinity					
Laborers	12.25	.55	.80		.035
Dynamite Men & Powder Men	13.85	.55	.80		.035
Mason & Plasterer Tenders	12.25	.55	.80		.035
Working w/a Torch at Bottom of Sewer	12.50	.55	.80		.035
O'Fallon, Mascoutah, Scott AFB, Shiloh & Lebannon & Vicinity					
Laborers	12.35	.65	.60		.035
Bottom Men on Sewer Work	12.60	.65	.60		.035
Dynamite Men	13.95	.65	.60		.035
Brick & Plaster Tenders	12.85	.65	.60		.035
Freeburg & Vicinity					
Laborers	12.40	.50	.60		.035
All Sewer Work	12.65	.50	.60		.035
Mason & Plaster Tenders	12.90	.50	.60		.035
Dynamite Men	14.00	.50	.60		.035
New Athens & Vicinity					
Laborers	12.35	.55	.60		.035
Bottom Men on Sewer Work	12.60	.55	.60		.035
Mason & Plaster Tenders	12.85	.55	.60		.035
Dynamite Men	13.93	.55	.60		.035
LATHERS: St. Clair County	14.735			.65	.01
PAINTERS:					
Residential - Commercial	13.64	.60	.35		
Industrial & Taping	13.89	.60	.35		
Bridges; Grain Elevators, Water; Radio & TV Towers; Stacks	14.14	.60	.35		
Residential & Commercial Spray & Blast	14.64	.60	.35		
Industrial Spray & Blast	14.89	.60	.35		

DECISION NO. IL 81-2005

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$ 14.775				
PLUMBERS & STEAMFITTERS:					
Alton & Northern part of Madison Co., North of Mitchell	16.40	.48	.96		.05
Granite City; Southern ½ of Madison Co., & E. St. Louis & Vic. in St. Clair Co.	13.25	.93	1.20	.93	.03
Belleville & Vicinity	14.40	.80	1.00		
ROOFERS:					
Composition-Slate-Tile	11.80	.82	.75		.03
SHEET METAL WORKERS	13.43	.70	1.00	6%	.06
SPRINKLER FITTERS	13.33	.75	1.05		.08
WELDERS - recieve rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTE:
a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 6% of regular hourly rate for employee who has worked in business more than 5 years.

b. 7 Paid Holidays; A through G

DECISION NO. IL81-2005

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.42	.87	1.51		.05
GROUP II	11.14	.87	1.51		.05
GROUP III	10.49	.87	1.51		.05
GROUP IV	10.39	.87	1.51		.05
GROUP V	10.14	.87	1.51		.05
GROUP VI:					
a	13.62	.87	1.51		.05
b	13.92	.87	1.51		.05
c	12.29	.87	1.51		.05
d	12.79	.87	1.51		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, Draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Opers. Plant Opers., Ditching Machines or Backfillers (requiring oilers), Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't. Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists 2 drum or more (where oiler or fireman is required), Hoists-2 drum or more (where oiler or firemen is not required) Hydraulic Backhoes, Ditching Machines or Backfiller (not required oilers) Cherry Pickers, Overhead Cranes, Roller (Steam or Gas) Concrete Pavers, Excavators, Concrete Breakers, Concrete Pumps, Bulk Cement Plants, Cement Pumps, Derrick-Type Drills, Mixers (over 3 bags) and Boat Oprs., (25' & over), Motor Graders or Pushcats, Scoops or Tournapulls, Bulldozers, Endloaders or Fork-Lifts, Power Blade or Elevating Graders, Winch Cats, Boom Tractors, and Pipe Wrapping or Painting Machines, Drills (other than derrick type) 1-drum-hoists, Mud Jacks, Mixers (2 or 3 bags), Conveyors (2), Air Compressors (2), Water Pumps regardless of size (2), Welding Machines (2) Siphons or Jets (2), Winch Heads or Apparatus (2) and Light Plants (2), Mixers (under 2 bags), all Tractors regardless of size (Straight Tractor Only), Firemen on Stationary Boilers, Automatic Elevators, Form Grading Machines, Finishing Machines, Power-Sub-Grader or Ribbon Machine, Longitudinal Floats, Boat Oprs., (under 25 ft., conveyors (1), Distribution Oprs., On Trucks, Siphons or Jets (1) Winch Heads or Apparatuses (1), Light Plant (1) Mixers (under 2 bags)
GROUP II Air Compressor (1), Water Pumps regardless of size (1) Welding Machines (1)
GROUP III Firemen and Asphalt Spreader Oilers
GROUP IV Heavy Equipment Oilers (truck cranes, dredges, monigans, large cranes, etc.)
GROUP V Oilers
GROUP VI
a. Engineers Operating under air pressure
b. Engineers Operating in air over 10 lbs. pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs. pressure

19168 Federal Register / Vol. 46, No. 59 / Friday, March 27, 1981 / Notices

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Boone, Cooper, and Howard

DECISION NO. IL81-2005

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$12.275	.85	$41.00a		
GROUP II	12.675	.85	41.00a		
GROUP III	12.875	.85	41.00a		
GROUP IV	13.125	.85	41.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders.

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foremen; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Boone, Cooper, and Howard

DECISION NO. MO81-4020

DATE: Date of Publication

Supersedes Decision NO. MO79-4095 dated November 30, 1979, in 44-FR 69097

DESCRIPTION OF WORK: Building projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.27	.60	1.55		.05
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; STONEMASONS & TILE LAYERS	11.70		.35		
CARPENTERS:					
Carpenters	11.40	.43	.25		.08
Millwrights	12.05	.43	.25		.08
Piledrivers	11.80	.43	.25		.08
CEMENT MASONS	12.30				
ELECTRICIANS:					
Boone & Howard Counties:					
Electricians	13.00	.47	3%+.50	7%+.30	.01
Cable Splicers	13.25	.47	3%+.50	7%+.30	.01
Cooper County:					
Electricians (contracts exceeding 2000 man hours	14.68	.69	3%+.90	7%	.12
Electricians (contracts not exceeding 2000 man hours)	13.08	.69	3%+.90	7%	.12
ELEVATOR CONSTRUCTORS:					
Cooper & Howard Counties					
Elevator Constructors	14.135	1.195	.95	3%+a	
Elevator Constructors helpers	70%	1.195	.95	3%+a	
Boone County					
Elevator Constructors	11.80	.895	.69	3%+a	.025
Elevator Constructors helpers	70%JR	.895	.69	3%+a	.025
GLAZIERS:					
Cooper & Howard Counties	11.18	.61	1.04	19.7%	.04
IRONWORKERS:					
Cooper & Howard Counties	12.35	.80	1.50	1.00	.05
Boone County	13.475	.65	1.05		.06
LABORERS:					
General Laborer; Watchman; Flagmen; Heaters; Material Plant Man; Carpenter Tender; Landscaper; Signalman; Wrecker (old/new structures); Form Handler; Post hole Diggers; Cleaning & clearing of all debris for all crafts;					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONTD.)					
Loading & unloading, conveying, distributing, collecting & hoisting of construction material & debris; Backfilling, grading & landscaping; covering of tanks, structures & material piles with tarpaulins or other materials; Handling & cleaning of concrete chutes; Cleaning of concrete spills & chipping where hand tools are required; cleaning of masonry & other type walls & windows; signal & hoisting concrete buckets; rodman; all tools run by gas, electricity, or air except vibrator, jackhammer & paving breaker; air compressors; motor buggies; pumps, except set-up men & nozzle men; unloading & handling steel; chipping tool operator; concrete mixer operator	$ 9.50	.60	.50		
First Semi-skill Brickmason, plasterer & cement finishers tenders; mortarmen; scaffold builders for brick; plasterer & cement masons; forklifts (walk-behind, or other similar types)	9.75	.60	.50		
Second Semi-Skill Concrete pumps set-up men & nozzle men; tile layers, bottom men, sewers & drains; cutting torch; burning bar trench or pier holes 12' or over; wagon drill; air					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONTD.)					
track or any mechanical drill; powder man; tamper, 100 lbs. or over; paving breaker; jackhammer & vibrator; laser beam man for sewer; grade checker for roads & railroads	9.85	.60	.50		
LATHERS	$11.00				
LINE CONSTRUCTION:					
Line Man & Cable Splicers	13.78	.50	7%	12½%	4%
Groundman, Winch Drivers	10.11	.50	7%	12½%	4%
Groundman Driver	9.75	.50	7%	12½%	4%
Equipment Operators	12.32	.50	7%	12½%	4%
Groundman	9.75	.50	7%	12½%	4%
PAINTERS:					
Boone & Howard County:					
Brush	11.20		.20		
Spray, Structural Steel, Sandblasting	11.70		.20		
Cooper County:					
Brush	10.75				
Spray	11.75				
PLASTERERS	11.80				
PLUMBERS & PIPEFITTERS	14.13	.62	.75		.05
POWER EQUIPMENT OPERATORS:					
Cooper & Howard Counties:					
(Zone 1)					
GROUP I	$13.10	.85	1.00	1.05	.15
GROUP II	12.75	.85	1.00		.15
GROUP III:					
(a)	9.75	.85	1.00	1.05	.15
(b)	10.85	.85	1.00	1.05	.15
(c)	10.35	.85	1.00	1.05	.15
(d)	11.10	.85	1.00	1.05	.15
GROUP IV	13.35	.85	1.00	1.05	.15
GROUP V	13.00	.85	1.00	1.05	.15
GROUP VI	13.60	.85	1.00	1.05	.15
GROUP VII:					
(a)	12.85	.85	1.00	1.05	.15
(b)	12.60	.85	1.00	1.05	.15
(c)	10.60	.85	1.00	1.05	.15
GROUP VIII	14.10	.85	1.00	1.05	.15
GROUP IX	13.60	.85	1.00	1.05	.15

19170 Federal Register / Vol. 46, No. 59 / Friday, March 27, 1981 / Notices

POWER EQUIPMENT OPERATORS (CONTD.)

POWER EQUIPMENT OPERATORS
(CONTD.)

Group I - Asphalt paver and spreader; asphalt plant mixer op.; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

Group II - Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled); crab power operated; curb finishing machine; fireman on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h. p.; compressors (2) 125' or over not more than 20' apart, compressors-tandem; compressors single, truck mounted; elevator; finishing machine

GROUP III:
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

Group IV
Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)

Group V
Hoists-each additional drum over 1 drum

Group VI
Crane or rigs over 200 ft. of boom

Group VII
Ready Mixed Concrete Plants;
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor operator

Group VIII
Master Mechanic

Group IX
Crane-tower or climbing

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Boone County:					
Group I Backhoe, cableway; crane, crawler or truck; crane, hydraulic truck or cruiser mounted 16 tons & over; crane, locomotive, derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other power; piledriver, land or floating; scoop skimmer; shovel, power (steam, gas, electric or other powers); swith boat whirley	$13.32	.90	1.00		.20
Group II Air tugger w/air compressor; anchor placing barge; asphalt spreader; Athey force feeder loader (self-propelled); backfilling machine; boat op.; push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine; footing foundation; bull-float; cherry picker; combination concrete hoist & mixer such as mixermobile; compressor (when operator runs throttle); compressors, two not more than 50' apart; compressor generator combination; compressor pump combination; compressor welder combination; concrete breaker (truck or					

POWER EQUIPMENT OPERATORS (GROUP II CONTD.):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick & concrete into, or into & on floor level, one or both; crane, hydraulic rough terrain, self-propelled; crane, hydraulic truck or cruiser mounted under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagdon drills & any hand-drills obtaining power from other sources including concrete breakers, jackhammers & Barco Equipment no engineer required); elevating grader, engine man, dredge; excavator or poverbelt machine; finishing machine, selfpropelled oscillating screed; fork lift; grader road with power blade; highlift; hoist, concrete & brick (brick cages or concrete skips operating in or on tower, towermobile, or similar equipment; hoist, stack; hydrohammer; lad-a-vator, hoisting brick or concrete; loading machine (such as Barber-Greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix job site;					

POWER EQUIPMENT OPERATORS (GROUP II CONTD.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
plant, heating job site; plant, mixing job site; plant, power generating job site; pumps, two self-power over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-Track; roller, asphalt, top or subgrader; scoop, tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take offs, & attachments regardless of size; trenching machine, tunnel boring machine, vibrating machine, automatic, propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine	$ 13.32	.90	1.00		.20
Group III					
Air tugger w/plant air; boiler for power or heating shell of buildings or temporary enclosures in connection with construction work; boiler, temporary; compressor, air one; compressor, air (mounted on truck); concrete saw, (self-propelled);					
conveyor, large (not self-propelled); conveyor, large (not self-propelled moving brick & concrete distributing) on floor level; curb finishing machine, ditch paving machine; elevator (build-					

POWER EQUIPMENT OPERATORS (GROUP III CONTD.)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ing construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30kw or any number developing over 30kw; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one Employer on job, an operater is required; mixer, without side loader 2 bag capacity or more; mixers, with side loader, 2 bag capacity or more mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self powered, automatic controlled over 2" during use in connection with construction work; scissor lift (used for hoisting); sweeper, street tractor small wheel type 50 h.p. & under with grade blade & similar equipment; welding machine, one over 400 amp.; winch operating from truck; mechanic in shop	$12.07	.90	1.00		.20
Group IV					
Boat operator outboard motor (job site); conveyors, (such as conway-it) regardless of how used; oiler; sweeper, floor	11.62	.90	1.00		.20

POWER EQUIPMENT OPERATORS (GROUP V CONTD.)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group V					
(a) Air-pressure; oiler engineer operating under ten pounds	$14.02	.90	1.00		.20
(b) Air-pressure, oiler engineer operating over ten pounds	14.87	.90	1.00		.20
(c) Air-pressure engineer operating under ten pounds	15.12	.90	1.00		.20
(d) Air-pressure oiler engineer operating over ten pounds	16.07	.90	1.00		.20
(e) Crane, climbing (such as linden); crane, pile driving & extracting; crane, using rock socket tool; derrick, diesel, gas or electric, hoisting material erecting steel (150' or more above ground); dragline, 7 cu. yds. & over; hoist, three or more drums in use; scoop, tandem; shovel, power 7 cu. yds. & over; tractor, tandem crawler tunnel man assigned to work in tunnel or tunnel shaft; wrecking, when machine is working on second or higher; crane-booms (including jib) 100 ft. to 150 ft.	13.82	.90	1.00		.20
Crane, boom (including jib) 150 ft. to 200 ft.	14.32	.90	1.00		.20
Crane, boom (including jib) 200 ft. to 250 ft.	14.82	.90	1.00		.20
Crane, boom (including jib) 250 ft. to 300 ft.	15.32	.90	1.00		.20
ROOFERS:					
Roofers	11.20		.35	.30	
Roofers in Coal Tar Pitch	11.70		.35	.30	
SHEET METAL WORKERS:					
Boone & Cooper Counties	12.86	.50	.36		.05
Howard County	12.73	.75	1.20		.10
SPRINKLER FITTERS	14.71	.75	1.05		.12

FOOTNOTES:
a - Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit, also 7 Paid Holidays.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only approvided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES:* ALBANY, RENSSELAER, SARATOGA & SCHENECTADY

DECISION NO. NY81-3018

EFFECTIVE: DATE OF PUBLICATION

supersedes Decision No. NY80-3050 dated August 29, 1980 in 45 FR 57939

DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

*Albany County	Schedule No. 1
Rensselaer County	Schedule No. 2
Saratoga County	Schedule No. 3
Schenectady County	Schedule No. 4

SCHEDULE #1 ALBANY COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.45	1.07	.66		.02
BOILERMAKERS	14.63	1.275	108		.03
BRICKLAYERS (162)					
CLASS A	12.32	.80	1.00		.05
CLASS B	8.76	.80	1.00		.05
CARPENTERS (3)					
CLASS A	11.98	.70	1.00		.02
CLASS B	12.48	.70	1.00		.02
CLASS C	13.25	1.85	1.78	1.01	.05
CLASS D	11.13	.70	.85	a	.025
CLASS E	8.56	.70	1.00		.02
CLASS F	15.69	1.875	1.78	1.03	.05
CLASS G	12.30	1.875	1.78	1.03	.05
CEMENT MASONS (HEAVY & HIGHWAY)	10.70	.80	1.00	1.03	.05
ELECTRICIANS (4)					
ZONE I	13.80	.80	3%+.80	b	.05
ZONE II	13.75	.90	3%+.60		.05
ELEVATOR CONSTRUCTORS	12.36	1.195	.95	d+c	.035
ELEVATOR CONSTRUCTORS HELPERS	8.65	1.195	.95	d+c	.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	6.18				
IRONWORKERS (5)					
CLASS A	12.00	.75	1.46		.08
CLASS B	12.25	.75	1.46		.08
CLASS C	12.125	.75	1.46		.08
LABORERS (6) (BUILDING)					
ZONE I					
CLASS A					
GROUP 1	10.21	1.00	1.20		.12
GROUP 2	10.36	1.00	1.20		.12
GROUP 3	10.385	1.00	1.20		.12
GROUP 4	10.435	1.00	1.20		.12
GROUP 5	10.485	1.00	1.20		.12
GROUP 6	10.465	1.00	1.20		.12
GROUP 7	10.685	1.00	1.20		.12
CLASS B	7.08	1.00	1.20		.12

SCHEDULE #1
ALBANY COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (6) CONT'D					
ZONE II					
CLASS A					
GROUP 1	10.32	.90	1.20		.12
GROUP 2	10.47	.90	1.20		.12
GROUP 3	10.495	.90	1.20		.12
GROUP 4	10.545	.90	1.20		.12
GROUP 5	10.595	.90	1.20		.12
GROUP 6	10.57	.90	1.20		.12
GROUP 7	10.795	.90	1.20		.12
CLASS B	7.19	.90	1.20		.12
LABORERS (7) (HEAVY & HIGHWAY)					
ZONE I					
CLASS A	9.49	1.10	1.30	e	.15
CLASS B	9.49	1.10	1.30	e	.15
CLASS C	9.89	1.10	1.30	e	.15
CLASS D	10.09	1.10	1.30	e	.15
ZONE II					
CLASS A	9.04	.90	1.20	e	.10
CLASS B	9.24	.90	1.20	e	.10
CLASS C	9.44	.90	1.20	e	.10
CLASS D	9.64	.90	1.20	e	.10
LINE CONSTRUCTION (8)					
CLASS A					
GROUP 1	11.60	1.40	3%+1.00	f	
GROUP 2	15.35	1.40	3%+1.00	f	
GROUP 3	10.44	1.40	3%+1.00	f	
GROUP 4	9.28	1.40	3%+1.00	f	
GROUP 5	9.86	1.40	3%+1.00	f	
GROUP 6	8.70	1.40	3%+1.00	f	
CLASS B					
GROUP 1	13.25	1.40	3%+1.00	f	
GROUP 3	11.925	1.40	3%+1.00	f	
GROUP 4	10.60	1.40	3%+1.00	f	
GROUP 5	11.26	1.40	3%+1.00	f	
GROUP 6	9.94	1.40	3%+1.00	f	
CLASS C					
GROUP 1	13.95	1.40	3%+1.00	f	
GROUP 2	15.345	1.40	3%+1.00	f	
GROUP 3	12.555	1.40	3%+1.00	f	
GROUP 4	11.16	1.40	3%+1.00	f	
GROUP 5	11.86	1.40	3%+1.00	f	
GROUP 6	10.46	1.40	3%+1.00	f	

SCHEDULE #1
ALBANY COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS D					
GROUP 7	13.95	1.40	3%+1.00	f	
GROUP 8	14.65	1.40	3%+1.00	f	
GROUP 2	15.345	1.40	3%+1.00	f	
GROUP 9	13.95	1.40	3%+1.00	f	
GROUP 5	11.86	1.40	3%+1.00	f	
GROUP 10	11.16	1.40	3%+1.00	f	
GROUP 11	10.46	1.40	3%+1.00	f	
MARBLE (9)	11.60	.70	1.00		
PAINTERS (10)					
CLASS A	11.23		.60		
CLASS B	11.98		.60		
CLASS C	11.73		.60		
CLASS D	13.08		.60		
PLUMBERS & STEAMFITTERS (11)					
CLASS A	13.35	1.00	1.02		.05
CLASS B	8.87	1.00	1.02		.05
POWER EQUIPMENT OPERATORS (12) (BUILDING)					
CLASS A					
GROUP 1	11.93	1.15	1.25	g	.15
GROUP 2	12.01	1.15	1.25	g	.15
GROUP 3	12.16	1.15	1.25	g	.15
GROUP 4	12.41	1.15	1.25	g	.15
GROUP 5	12.82	1.15	1.25	g	.15
GROUP 6	13.02	1.15	1.25	g	.15
GROUP 7	13.78	1.15	1.25	g	.15
CLASS B					
GROUP 1	8.31	1.15	1.25	g	.15
GROUP 2	8.37	1.15	1.25	g	.15
GROUP 3	8.48	1.15	1.25	g	.15
GROUP 4	8.67	1.15	1.25	g	.15
GROUP 5	8.98	1.15	1.25	g	.15
GROUP 6	9.13	1.15	1.25	g	.15
GROUP 7	9.32	1.15	1.25	g	.15
POWER EQUIPMENT OPERATORS (13) (HEAVY & HIGHWAY)					
GROUP 1	12.35	1.15	1.25	e	.15
GROUP 2	11.94	1.15	1.25	e	.15
GROUP 3	10.78	1.15	1.25	e	.15
GROUP 4	9.75	1.15	1.25	e	.15

SCHEDULE #1
ALBANY COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS (14)					
CLASS A	12.00	1.37	.40		.04
CLASS B	12.50	1.37	.40		.04
SHEET METAL WORKERS	12.57	1.00	1.34	b	.07
SPRINKLER FITTERS	14.52	.85	1.20		.08
TRUCK DRIVERS (15) (BUILDING)					
GROUP 1	10.62	1.10	1.00		.12
GROUP 2	10.86	1.10	1.00		.12
GROUP 3	11.01	1.10	1.00		.12
TRUCK DRIVERS (16) (HEAVY & HIGHWAY)					
GROUP 1	9.69	1.05	1.00	z	
GROUP 2	9.74	1.05	1.00	z	
GROUP 3	9.79	1.05	1.00	z	
GROUP 4	9.94	1.05	1.00	z	
GROUP 5	10.09	1.05	1.00	z	

CLASSIFICATION FOOTNOTES

(1) Bricklayers, cement masons, marble masons, plasterers, pointers, caulkers and cleaners

(2) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

(3) CLASS A: Carpenters, drywall installers, soft floor layers and lathers
CLASS B: Millwrights
CLASS C: Piledrivermen & dockbuilders
CLASS D: Heavy & highway
CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
CLASS F: Divers
CLASS G: Diver tenders

(4) ZONE I: Cohoes and watervliet
ZONE II: Remainder of County

(5) CLASS A: Structural, ornamental, reinforcing, machinery mover, fence erector, rigger, rodman 7 stone derrickman
CLASS B: Sheeters
CLASS C: Sheeters, bucker-up

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

(6) ZONE I: The west side of the Hudson River, extending Westerly along the North side of 1st Street in Watervliet, to one-half mile of Route 9, to Shaker Rd. to Route 9 Northerly to the North line of Albany County
ZONE II: Remainder of County
CLASS A: Building Construction
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
GROUP I: Laborers
GROUP II: Pipelayers (2 man team), mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, power driven buggies
GROUP III: Form setter (curb)
GROUP IV: Wagon drill operator
GROUP V: Acetylene burners
GROUP VI: Demolition
GROUP VII: Blasters
(7) ZONE I: Cities of Cohoes and Watervliet
ZONE II: Remainder of County
CLASS A: Laborers, drill tenders, flagmen, outboard and hand boats
CLASS B: Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator , jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer
CLASS C: All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman
CLASS D: Blasters, form setter,stone or granite curb setters

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

(8) CLASS A: Electrical overhead & underground distribution work
CLASS B: All overhead transmission line work and lighting for athletic fields
CLASS C: Sub-station, switching structures (when not part of the line), electrical, telephone or CATV commercial work, street lighting & signal systems
CLASS D: All pipe type cable installations maintenance jobs or projects
GROUP 1: Journeyman lineman & technician
GROUP 2: Cable splicer
GROUP 3: Groundman digging machine operator, groundman dynamite man
GROUP 4: Groundman mobile equipment operator, mechanic first class, ground truck driver
GROUP 5: Groundman truck driver (tractor trailor)
GROUP 6: Driver mechanic, groundman - experienced
GROUP 7: Journeyman Lineman
GROUP 8: Certified lineman welder
GROUP 9: Groundman equipment operator
GROUP 10: Groundman truck drivers
GROUP 11: Groundman
(9) Marble, tile and terrazzo workers
(10) CLASS A: Brush
CLASS B: Structural steel and bridge
CLASS C: Swing scaffold, bosun chair, water towers, window jacks, flagpoles
CLASS D: Spray gun application & sandblasting
(11) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
(12) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

GROUP 1: Oilers
GROUP 2: Fireman and heavy duty greasers, all boilers and steam generators
GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belterete power pac (belterete system), electric submersible pump 4" and over
GROUP 4: Dinky locomotives, Barber Greene loaders, loaders and conveyors, tractor, scoopmobiles, bulldozers, road roller, form fine graders, power brooms and sweeper
GROUP 5: Black top spreaders, black top roller, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchexcavators, core and well driller (one drum), econcmobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)
GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart
GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMI Vibrotamp or similar, Murphy type diesel generator belterete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

(13) GROUP 1: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. & over), front end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), Mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shover, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel
GROUP 2: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist (one drum) Holman plant loader and similar type loaders, locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat
GROUP 3: Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compector, vibro tamp, well point

SCHEDULE #1
ALBANY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

GROUP 4: Aggretate plant, boiler, C.M.I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1,200 c.f.m. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power boom beaterman, revinius widener, steam cleaner, tractor

(14) CLASS A: Roofers
CLASS B: Pitch and asbestos

(15) GROUP 1: Straight, winch, transit mix on job site, road oilers, dump panel, pick-up, water and fuel trucks on site (including nozzle
GROUP 2: Euclid or similar equipment
GROUP 3: Lowboy or lowboy trailers

(16) GROUP 1: Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters and receivers, greasers, truck tiremen
GROUP 2: Tandems, batch trucks mechanics
GROUP 3: Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic
GROUP 4: Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (rose) carrier
GROUP 5: Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self loaded

SCHEDULE #1
ALBANY COUNTY, NEW YORK

FRINGES BENEFIT FOOTNOTES

a. Paid Holiday: Thanksgiving, provided employee reports for work the day after the holiday
b. Paid Holidays: Labor Day and Independence Day
c. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and the day after Thanksgiving
d. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit
e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee has worked the day before and after the holiday
f. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday
g. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day
h. Two hours off with pay on the first Tuesday after the first Monday of November provided they are working on a job beyond 50 miles form the shop

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.45	1.07	.66		.02
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS (1)					
CLASS A	12.32	.80	1.00		.05
CLASS B	8.76	.80	1.00		.05
CARPENTERS (2)					
CLASS A	11.98	.70	1.00		.02
CLASS B	12.48	.70	1.00		.02
CLASS C	13.25	1.85	1.78	1.01	.05
CLASS D	11.13	.70	.85	a	.025
CLASS E	8.56	.70	1.00		.025
CLASS F	15.69	1.875	1.78	1.03	.05
CLASS G	12.30	1.875	1.78	1.03	.05
CEMENT MASONS (HEAVY & HIGHWAY)	10.70	.80	1.00	1.03	.05
ELECTRICIANS (3)					
ZONE I	13.75	.90	3%+.60		.05
ZONE II	13.80	.80	3%+.80	b	.05
ELEVATOR CONSTRUCTORS	12.36	1.195	.95	d+c	.035
ELEVATOR CONSTRUCTORS HELPERS	8.65	1.195	.95	d+c	.035
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	6.18				
IRONWORKERS (4)					
CLASS A	12.00	.75	1.46		.08
CLASS B	12.25	.75	1.46		.08
CLASS C	12.125	.75	1.46		.08
LABORERS (5) (BUILDING)					
ZONE I					
CLASS A					
GROUP 1	10.32	.90	1.20		.12
GROUP 2	10.47	.90	1.20		.12
GROUP 3	10.495	.90	1.20		.12
GROUP 4	10.545	.90	1.20		.12
GROUP 5	10.595	.90	1.20		.12
GROUP 6	10.57	.90	1.20		.12
GROUP 7	10.795	.90	1.20		.13

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING) CONT'D					
CLASS B					
GROUP 1	7.19	.90	1.20		.12
GROUP 2	7.315	.90	1.20		.12
GROUP 3	7.33	.90	1.20		.12
GROUP 4	7.37	.90	1.20		.12
GROUP 5	7.405	.90	1.20		.12
GROUP 6	7.39	.90	1.20		.12
GROUP 7	7.57	.90	1.20		.12
ZONE II					
CLASS A					
GROUP 1	10.21	1.00	1.20		.12
GROUP 2	10.36	1.00	1.20		.12
GROUP 3	10.385	1.00	1.20		.12
GROUP 4	10.434	1.00	1.20		.12
GROUP 5	10.485	1.00	1.20		.12
GROUP 6	10.465	1.00	1.20		.12
GROUP 7	10.685	1.00	1.20		.12
CLASS B	7.08	1.00	1.20		.12
LABORERS (6) (HEAVY & HIGHWAY)					
ZONE I					
CLASS A	9.84	.90	1.20	•	.10
CLASS B	9.24	.90	1.20	•	.10
CLASS C	9.44	.90	1.20	•	.10
CLASS D	9.64	.90	1.20	•	.10
ZONE II					
CLASS A	9.49	1.10	1.30	•	.15
CLASS B	9.69	1.10	1.30	•	.15
CLASS C	9.89	1.10	1.30	•	.15
CLASS D	10.09	1.10	1.30	•	.15

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (7)					
CLASS A					
GROUP 1	11.60	1.40	3%+1.00	f	
GROUP 2	15.35	1.40	3%+1.00	f	
GROUP 3	10.44	1.40	3%+1.00	f	
GROUP 4	9.28	1.40	3%+1.00	f	
GROUP 5	9.86	1.40	3%+1.00	f	
GROUP 6	8.70	1.40	3%+1.00	f	
CLASS B					
GROUP 1	13.25	1.40	3%+1.00	f	
GROUP 3	11.925	1.40	3%+1.00	f	
GROUP 4	10.60	1.40	3%+1.00	f	
GROUP 5	11.26	1.40	3%+1.00	f	
GROUP 6	9.94	1.40	3%+1.00	f	
CLASS C					
GROUP 1	13.95	1.40	3%+1.00	f	
GROUP 2	15.345	1.40	3%+1.00	f	
GROUP 3	12.555	1.40	3%+1.00	f	
GROUP 4	11.16	1.40	3%+1.00	f	
GROUP 5	11.86	1.40	3%+1.00	f	
GROUP 6	10.46	1.40	3%+1.00	f	
CLASS D					
GROUP 7	13.95	1.40	3%+1.00	f	
GROUP 8	14.65	1.40	3%+1.00	f	
GROUP 2	15.345	1.40	3%+1.00	f	
GROUP 9	13.95	1.40	3%+1.00	f	
GROUP 5	11.86	1.40	3%+1.00	f	
GROUP 10	11.16	1.40	3%+1.00	f	
GROUP 11	10.46	1.40	3%+1.00	f	
MARBLE (8)	11.60	.70	1.00		
PAINTERS (9)					
CLASS A	11.23		.60		
CLASS B	11.98		.60		
CLASS C	11.73		.60		
CLASS D	13.08		.60		

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS (10)					
CLASS A	13.35	1.00	1.02		.05
CLASS B	8.87	1.00	1.02		.05
POWER EQUIPMENT OPERATORS (11) (BUILDING)					
CLASS A					
GROUP 1	11.93	1.15	1.25	e	.15
GROUP 2	12.01	1.15	1.25	e	.15
GROUP 3	12.16	1.15	1.25	e	.15
GROUP 4	12.41	1.15	1.25	e	.15
GROUP 5	12.82	1.15	1.25	e	.15
GROUP 6	13.02	1.15	1.25	e	.15
GROUP 7	13.28	1.15	1.25	e	.15
CLASS B					
GROUP 1	8.31	1.15	1.25	e	.15
GROUP 2	8.37	1.15	1.25	e	.15
GROUP 3	8.48	1.15	1.25	e	.15
GROUP 4	8.67	1.15	1.25	e	.15
GROUP 5	8.98	1.15	1.25	e	.15
GROUP 6	9.13	1.15	1.25	e	.15
GROUP 7	9.32	1.15	1.25	e	.15
POWER EQUIPMENT OPERATORS (12) (HEAVY & HIGHWAY)					
GROUP 1	12.35	1.15	1.25	e	.15
GROUP 2	11.94	1.15	1.25	e	.15
GROUP 3	10.78	1.15	1.25	e	.15
GROUP 4	9.75	1.15	1.25	e	.15
ROOFERS (13)					
CLASS A	12.00	1.37	.40		.04
CLASS B	12.50	1.37	.40		.04
SHEET METAL WORKERS	12.37	1.00	1.34	s	.07
SPRINKLER FITTERS	14.52	.85	1.20		.08

19180 Federal Register / Vol. 46, No. 59 / Friday, March 27, 1981 / Notices

DECISION NO. NY81-3018 Page 2-5

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

DECISION NO. NY81-3018 Page 2-6

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (14) (BUILDING)					
GROUP 1	10.62	1.10	1.00		.12
GROUP 2	10.86	1.10	1.00		.12
GROUP 3	11.01	1.10	1.00		.12
TRUCK DRIVERS (15) (HEAVY & HIGHWAY)					
GROUP 1	9.69	1.05	1.00	*	
GROUP 2	9.74	1.05	1.00	*	
GROUP 3	9.79	1.05	1.00	*	
GROUP 4	9.94	1.05	1.00	*	
GROUP 5	10.09	1.05	1.00	*	

CLASSIFICATION FOOTNOTES

(1) Bricklayers, cement masons, marble masons, plasterers, pointers, caulkers, and cleaners
CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
(2) CLASS A: Carpenters, drywall installers, soft floor layers and lathers
CLASS B: Millwrights
CLASS C: Piledrivermen & dockbuilders
CLASS D: Heavy & Highway
CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use.
CLASS F: Divers
CLASS G: Diver Tenders
(3) ZONE I: Schodack, Rensselaer, East Greenbush, Nassau and Stephentown
ZONE II: Remainder of County

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

(4) CLASS A: Structural, ornamental, reinforcing, machinery mover, fence erector, rigger, redman & stone derrickman
CLASS B: Sheeters
CLASS C: Sheeters, bucker-up
(5) ZONE I: Twps. of North Greenbush, East Greenbush, Schodack, Nassau, Stephentown and Rensselaer City
ZONE II: Remainder of County
CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
GROUP 1: Laborers
GROUP 2: Pipelayers (2 man team), mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, power driven buggies
GROUP 3: Form setter (curb)
GROUP 4: Wagon drill operator
GROUP 5: Acetylene burners
GROUP 6: Demolition
GROUP 7: Blasters
(6) ZONE I: Twps. of North Greenbush, East Greenbush, Schodack, Nassau and Stephentown
ZONE II: Remainder of County
CLASS A: Laborers, drill tenders, flagmen, outboard and hand boats
CLASS B: Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

CLASS C: All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman
CLASS D: Blasters, form setter, stone or granite curb setters
(7) CLASS A: Electrical overhead & underground distribution work
CLASS B: All overhead transmission line work and lighting for athletic fields
CLASS C: Sub-station, switching structures (when not part of the line), electrical, telephone or CATV commercial work, street lightling & signal systems
CLASS D: All pipe type cable installations maintenance jobs or projects
GROUP 1: Journeyman lineman & technician
GROUP 2: Cable splicer
GROUP 3: Groundman digging machine operator, groundman dynamite man
GROUP 4: Groundman mobile equipment operator, mechanic first class, ground truck driver
GROUP 5: Groundman truck driver (tractor trailor)
GROUP 6: Driver mechanic, groundman - experienced
GROUP 7: Journeyman lineman
GROUP 8: Certified Lineman welder
GROUP 9: Groundman equipment operator
GROUP 10: Groundman truck drivers
GROUP 11: Groundman
(8) Marble, tile and terrazzo workers
(9) CLASS A: Brush
CLASS B: Structural steel and bridge
CLASS C: Swingscaffold, Bosun chair, water towers, window jacks, flagpoles
CLASS D: Spray gun application & sandblasting
(10) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

(11) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
GROUP 1: Oilers
GROUP 2: Fireman and heavy duty greasers, all boilers and steam generators
GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over
GROUP 4: Dinky locomotives, Baber Greene loaders, loaders and conveyors, tractor, scoopmobiles, bulldozers, road roller, form fine graders, power brooms and sweeper
GROUP 5: Black top spreaders, black top roller, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchers, core and well driller (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)
GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart
GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMI Vibrotamp or similar, Murphy type diesel generator beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

(12) GROUP 1: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. & over), front end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledrives, power grader, quarry master (or equivalent), scraper, shover, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel

GROUP 2: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist (One drum) Kolman plant loader and similar type loaders, locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready-mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP 3: Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, dust collectors, generators, pumps, welding machines (4 of

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES CONT'D

GROUP 3 CONT'D: any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP 4: Aggregate plant, boiler, C.M.I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1,200 c.f.m. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power boom, power heaterman, re-vinius widener, steam cleaner, tractor

(13) CLASS A: Roofers
CLASS B: Pitch and asbestos

(14) GROUP 1: Straight, winch, transit mix on job site, road oilers, dump panel, pick-up, water and fuel trucks on site (including nozzle)
GROUP 2: Euclid or similar equipment
GROUP 3: Lowboy or lowboy trailers

(15) GROUP 1: Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpeters and receivers, greasers, truck firemen
GROUP 2: Tandems, batch trucks mechanics
GROUP 3: Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic
GROUP 4: Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier
GROUP 5: Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self loaded

SCHEDULE #2
RENSSELAER COUNTY, NEW YORK

FRINGE BENEFITS FOOTNOTES

a. Paid Holidays: Labor Day and Independence Day

b. Paid Holiday: Thanksgiving Day, provided employee reports for work the day after the holiday

c. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and the day after Thanksgiving

d. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

e. Paid Holidays: New Year's Day, Memorial Day, Independence Day Labor Day, Thanksgiving Day, and Christmas Day provided the employer has worked the day before and after the holiday.

f. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

g. Two hours off with pay on the first Tuesday after the first Monday of November provided they are working on a job beyond 50 miles from the shop

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.45	1.07	.66		.02
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS (1)					
CLASS A	12.32	.80	1.00		.05
CLASS B	8.76	.80	1.00		.05
CARPENTERS (2)					
ZONE I					
CLASS A	12.25	.55	.90	a	.005
CLASS B	12.50	.55	.90	a	.005
CLASS C	12.60	.55	.90	a	.005
CLASS D	11.23	.55	.90		.025
ZONE II					
CLASS A	11.98	.70	1.00		.02
CLASS B	12.48	.70	1.00		.02
CLASS C	13.25	1.85	1.78	1.01	.05
CLASS D	11.13	.70	.85	b	.025
CLASS E	9.34	.70	1.00		.02
CLASS F	13.69	1.875	1.78	1.03	.05
CLASS G	12.30	1.875	1.78	1.03	.05
CEMENT MASONS (Heavy & Highway)	10.70	.80	1.00		
ELECTRICIANS (3)					
ZONE I	13.80	.80	3%+ .80		.05
ZONE II					
CLASS A	13.20	.70	3%+1.45		.03
CLASS B	13.70	.70	3%+1.45		.03
ELEVATOR CONSTRUCTORS	12.36	1.195	.95	c+d	.035
ELEVATOR CONSTRUCTORS HELPERS	8.65	1.195	.95	c+d	.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	6.18				
IRONWORKERS (4)					
CLASS A	12.00	.75	1.46		.08
CLASS B	12.23	.75	1.46		.08
CLASS C	12.125	.75	1.46		.08
LABORERS (Building) (5)					
ZONE I					
CLASS A					
GROUP 1	10.34	.85	1.10		.07
GROUP 2	10.69	.85	1.10		.07
GROUP 3	10.715	.85	1.10		.07
GROUP 4	10.765	.85	1.10		.07
GROUP 5	10.815	.85	1.10		.07
GROUP 6	10.79	.85	1.10		.07
GROUP 7	11.015	.85	1.10		.07

SCHEDULE #3 SARATOGA COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS B					
GROUP 1	7.40	.85	1.10		.07
GROUP 2	7.525	.85	1.10		.07
GROUP 3	7.54	.85	1.10		.07
GROUP 4	7.58	.85	1.10		.07
GROUP 5	7.615	.85	1.10		.07
GROUP 6	7.70	.85	1.10		.07
GROUP 7	7.78	.85	1.10		.07
ZONE II					
CLASS A					
GROUP 1	10.21	1.00	1.20		.12
GROUP 2	10.36	1.00	1.20		.12
GROUP 3	10.385	1.00	1.20		.12
GROUP 4	10.435	1.00	1.20		.12
GROUP 5	10.485	1.00	1.20		.12
GROUP 6	10.465	1.00	1.20		.12
GROUP 7	10.685	1.00	1.20		.12
CLASS B	7.08	1.00	1.20		.12
LABORERS (Heavy & Highway) (6)					
ZONE I					
GROUP 1	9.49	1.10	1.30	e	.15
GROUP 2	9.69	1.10	1.30	e	.15
GROUP 3	9.89	1.10	1.30	e	.15
GROUP 4	10.09	1.10	1.30	e	.15
ZONE II					
GROUP 1	9.39	.80	1.00	e	.05
GROUP 2	9.59	.80	1.00	e	.05
GROUP 3	9.79	.80	1.00	e	.05
GROUP 4	9.99	.80	1.00	e	.05
LINE CONSTRUCTION (7)					
CLASS A					
GROUP 1	11.60	1.40	3%+1.00	f	
GROUP 2	15.35	1.40	3%+1.00	f	
GROUP 3	10.44	1.40	3%+1.00	f	
GROUP 4	9.28	1.40	3%+1.00	f	
GROUP 5	9.86	1.40	3%+1.00	f	
GROUP 6	8.70	1.40	3%+1.00	f	
CLASS B					
GROUP 1	13.25	1.40	3%+1.00	f	
GROUP 3	11.925	1.40	3%+1.00	f	
GROUP 4	10.60	1.40	3%+1.00	f	
GROUP 5	11.26	1.40	3%+1.00	f	
GROUP 6	9.94	1.40	3%+1.00	f	

SCHEDULE #3 SARATOGA COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS C					
GROUP 1	13.95	1.40	3%+1.00	f	
GROUP 2	13.345	1.40	3%+1.00	f	
GROUP 3	12.595	1.40	3%+1.00	f	
GROUP 4	11.16	1.40	3%+1.00	f	
GROUP 5	11.86	1.40	3%+1.00	f	
GROUP 6	10.46	1.40	3%+1.00	f	
CLASS D					
GROUP 7	13.95	1.40	3%+1.00	f	
GROUP 8	14.65	1.40	3%+1.00	f	
GROUP 2	13.345	1.40	3%+1.00	f	
GROUP 9	13.95	1.40	3%+1.00	f	
GROUP 5	11.86	1.40	3%+1.00	f	
GROUP 10	11.16	1.40	3%+1.00	f	
GROUP 11	10.46	1.40	3%+1.00	f	
MARBLE (8)	11.60	.70	1.00		
PAINTERS (9)					
ZONE I					
CLASS A	9.55	.50	.40		
CLASS B	9.95	.50	.40		
CLASS C	10.10	.50	.40		
ZONE II					
CLASS A	11.23		.60		
CLASS B	11.98		.60		
CLASS C	11.73		.60		
CLASS D	13.08		.60		
PLUMBERS & STEAMFITTERS (10)					
ZONE I					
CLASS A	13.35	1.00	1.02		.05
CLASS B	8.87	1.00	1.02		.05
ZONE II	12.25	.75	1.10		.10
POWER EQUIPMENT OPERATORS (11) (Building)					
CLASS A					
GROUP 1	11.93	1.15	1.25	e	.15
GROUP 2	12.01	1.15	1.25	e	.15
GROUP 3	12.14	1.15	1.25	e	.15
GROUP 4	12.41	1.15	1.25	e	.15
GROUP 5	12.82	1.15	1.25	e	.15
GROUP 6	13.02	1.15	1.25	e	.15
GROUP 7	13.28	1.15	1.25	e	.15

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS B					
GROUP 1	8.31	1.15	1.25	e	.15
GROUP 2	8.37	1.15	1.25	e	.15
GROUP 3	8.48	1.15	1.25	e	.15
GROUP 4	8.67	1.15	1.25	e	.15
GROUP 5	8.98	1.15	1.25	e	.15
GROUP 6	9.13	1.15	1.25	e	.15
GROUP 7	9.32	1.15	1.25	e	.15
POWER EQUIPMENT OPERATORS (12) (Heavy & Highway)					
GROUP 1	12.35	1.15	1.25	e	.15
GROUP 2	11.94	1.15	1.25	e	.15
GROUP 3	10.78	1.15	1.25	e	.15
GROUP 4	9.75	1.15	1.25	e	.15
ROOFERS (13)					
CLASS A	12.00	1.37	.40		.04
CLASS B	12.50	1.37	.40		.04
SHEET METAL WORKERS	12.57	1.00	1.34	E	.07
TRUCK DRIVERS (14) (Building)					
GROUP 1	10.62	1.10	1.00		.12
GROUP 2	10.86	1.10	1.00		.12
GROUP 3	11.01	1.10	1.00		.12
TRUCK DRIVERS (15) (Heavy & Highway)					
GROUP 1	9.69	1.05	1.00	e	
GROUP 2	9.74	1.05	1.00	e	
GROUP 3	9.79	1.05	1.00	e	
GROUP 4	9.94	1.05	1.00	e	
GROUP 5	10.09	1.05	1.00	e	

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES:

(1) Bricklayers, Cement Masons, Marble Masons, Plasterers, Pointers, Caulkers & Cleaners
- CLASS A: Building
- CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

(2) ZONE I: Town. of Day, Hadley, Edinburg, Corinth and Moreau
- CLASS A: Carpenters & Soft Floor Layers
- CLASS B: Millwrights
- CLASS C: Piledrivers
- CLASS D: Heavy & Highway

ZONE II: Remainder of County
- CLASS A: Carpenters, Drywall Installers, Soft Floor Layers & Lathers
- CLASS B: Millwrights
- CLASS C: Piledrivermen & Dockbuilders
- CLASS D: Heavy & Highway
- CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
- CLASS F: Divers
- CLASS G: Diver Tenders

(3) ZONE I: Geneveon, Mt. Mcgregor, Schuylerville, Victory Mills, Wayville, Stillwater, Mechanicville, and Waterford

ZONE II: Remainder of County
- CLASS A: Electricians
- CLASS B: Cable Splicers

(4) CLASS A: Structural, Ornamental, Reinforcing, Machinery Mover, Fence Erector, Rigger, Rodman, & Stone Derrickman
- CLASS B: Shooters
- CLASS C: Shooters, Bucker-up

(5) ZONE I: Twps. of Day, Hadley, Edinburg, Corinth, Moreau, South Glen Falls, Providence, Greenfield, Wilton, Northumberland, Galway, Milton, Saratoga Springs, Charlton, Ballston, Malta and Clifton Park

ZONE II: Remainder of County
- CLASS A: Building
- CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
- GROUP 1: Laborers
- GROUP 2: Pipelayers (2 man team), mortar mixers (hand or machine), jackhammer operator, well point, concrete vibrators, power driven buggies
- GROUP 3: Form setter (curb)
- GROUP 4: Wagon drill operator
- GROUP 5: Acetylene burners
- GROUP 6: Demolition
- GROUP 7: Blasters

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

(6) ZONE I: Twps. of Halfmoon and Stillwater
ZONE II: Remainder of County
GROUP 1: Laborers, Drill tenders, flagmen, outboard and hand boats
GROUP 2: Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer
GROUP 3: All rock or drill machine ops. (except quarry master and similar type) Acetylene torch op., asphalt raker, powderman
GROUP 4: Blasters, form setter, stone or granite curb setters
(7) CLASS A: Electrical overhead & Underground Distribution Work
CLASS B: All Overhead Transmission Line Work and Lighting for Athletic Fields
CLASS C: Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATB Commercial Work, Street Lighting & Signal Systems
CLASS D: All Pipe type Cable Installations Maintenance Jobs or Projects
GROUP 1: Journeyman Lineman & Technician
GROUP 2: Cable Splicer
GROUP 3: Groundman Digging Machine Operator, Groundman Dynamite Man
GROUP 4: Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver
GROUP 5: Groundman Truck Driver (Tractor Trailer)
GROUP 6: Driver Mechanic, Groundman - Experienced
GROUP 7: Journeyman Lineman
GROUP 8: Certified Lineman Welder
GROUP 9: Groundman Equipment Operater
GROUP 10: Groundman Truck Drivers
GROUP 11: Groundman
(8) Marble, Tile & Terrazzo Workers
(9) ZONE I: Twps. of Day, Hadley, Corinth, Moreau, Gansevoort, & Mt. McGregor
CLASS A: Brush
CLASS B: Window Jack, Structural Steel, Swing Scaffold, Bosun Chair and Bridge
CLASS C: Spray, Sandblasting and Waterblasting
ZONE II: Remainder of County
CLASS A: Brush
CLASS B: Structural Steel and Bridge
CLASS C: Swing Scaffold, Bosun Chair, Water Towers, Window Jacks, Flagpoles
CLASS D: Spray Gun Application & Sandblasting
(10) ZONE I: Twps. of Clifton Park, Galway, Milton, Malta, West Milton
CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
ZONE II: Remainder of County

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

(11) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
GROUP 1: Oilers
GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators
GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belterate power pac (belterate system, electric submersible pump 4" and over
GROUP 4: Dinky locomotives, Rober Greene loaders, loaders and conveyors, tractor, scoopmobiles, bulldozers, road roller, form fine graders, power brooms and sweeper
GROUP 5: Black top spreaders, Black top roller, high lifts, fork lifts, one drum hoist or bed hoists, post hole diggers, trenchers, core and well driller (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)
GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart
GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocranes, model CMI Vibratamp or similar, Murphy type diesel generator belterate system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine
(12) GROUP 1: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. & over), front end loader (4 c.y. and over), head tower (Sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shover, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel
GROUP 2: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cageboist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders, locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

SCHEDULE #3
SARATOGA COUNTY, NEW YORK

GROUP 3: Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2000 C.F.M. combined capacity, 3 or less with more than 1,200 C.F.M. but not to exceed 2,000 C.F.M., compressor, dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point
GROUP 4: Aggregate plant, boiler, C.M I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1,200 C.F.M. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power boom, power heatermen, revinius widener, steam cleaner, tractor

(13) CLASS A: Roofers
CLASS B: Pitch and Asbestos

(14) GROUP 1: Straight, Winch, Transit Mix or job site, Road Oilers, Dump panel, Pick-up, Water and Fuel Trucks on site (including nozzle)
GROUP 2: Euclid or similar equipment
GROUP 3: Lowboy or lowboy trailers

(15) GROUP 1: Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters and receivers, greasers, truck tiremen
GROUP 2: Tandems, batch trucks mechanics
GROUP 3: Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumperete type vehicles, truck mechanic
GROUP 4: Specialized earth moving equipment, euclid type or similar off-highway equipment where not self loaded, and straddle (ross) carrier
GROUP 5: Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self loaded

FRINGE BENIFIT FOOTNOTES:
a. Paid Holiday: Thanksgiving, provided employee reports for work the day after the holiday
b. Paid Holidays: Labor Day and Independence Day
c. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and the day after Thanksgiving
d. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit
e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee has worked the day before and after the holiday
f. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday
g. Two hours off with pay on the first Tuesday after the first Monday of November provided they are working on a job beyond 50 miles from the shop

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.45	1.07	.66		.02
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS (1)					
CLASS A	12.32	.80	1.00		.05
CLASS B	8.76	.80	1.00		.05
CARPENTERS (2)					
CLASS A	11.98	.70	1.00		.02
CLASS B	12.48	.70	1.00		.02
CLASS C	13.25	1.85	1.78	1.01	.05
CLASS D	11.13	.70	.85	a	.025
CLASS E	8.36	.70	1.00		.02
CLASS F	15.69	1.875	1.78	1.03	.05
CLASS G	12.30	1.875	1.78	1.03	.05
CEMENT MASONS (Heavy & Highway)	10.70	.80	1.00	1.03	.05
ELECTRICIANS (3)					
CLASS A	13.20	.70	3%+1.45		.03
CLASS B	13.70	.70	3%+1.45		.03
ELEVATOR CONSTRUCTORS	12.36	1.195	.95	b+c	.035
ELEVATOR CONSTRUCTORS HELPERS	8.65	1.195	.95	b+c	.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	6.18				
IRONWORKERS (4)					
CLASS A	12.00	.75	1.46		.08
CLASS B	12.25	.75	1.46		.08
CLASS C	12.125	.75	1.46		.08
LABORERS (Building) (5)					
CLASS A					
GROUP 1	10.54	.85	1.10		.07
GROUP 2	10.69	.85	1.10		.07
GROUP 3	10.715	.85	1.10		.07
GROUP 4	10.765	.85	1.10		.07
GROUP 5	10.815	.85	1.10		.07
GROUP 6	10.79	.85	1.10		.07
GROUP 7	11.015	.85	1.10		.07
CLASS B					
GROUP 1	7.40	.85	1.10		.07
GROUP 2	7.525	.85	1.10		.07
GROUP 3	7.54	.85	1.10		.07
GROUP 4	7.58	.85	1.10		.07
GROUP 5	7.615	.85	1.10		.07
GROUP 6	7.70	.85	1.10		.07
GROUP 7	7.78	.85	1.10		.07

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Heavy & Highway) (6)					
CLASS A	9.39	.80	1.00	d	.05
CLASS B	9.59	.80	1.00	d	.05
CLASS C	9.79	.80	1.00	d	.05
CLASS D	9.99	.80	1.00	d	.05
LINE CONSTRUCTION (7)					
CLASS A					
GROUP 1	11.60	.1.40	3%+1.00	e	
GROUP 2	15.35	1.40	3%+1.00	e	
GROUP 3	10.44	1.40	3%+1.00	e	
GROUP 4	9.28	1.40	3%+1.00	e	
GROUP 5	9.86	1.40	3%+1.00	e	
GROUP 6	8.70	1.40	3%+1.00	e	
CLASS B					
GROUP 1	13.23	1.40	3%+1.00	e	
GROUP 3	11.925	1.40	3%+1.00	e	
GROUP 4	10.60	1.40	3%+1.00	e	
GROUP 5	11.26	1.40	3%+1.00	e	
GROUP 6	9.94	1.40	3%+1.00	e	
CLASS C					
GROUP 1	13.95	1.40	3%+1.00	e	
GROUP 2	15.345	1.40	3%+1.00	e	
GROUP 3	12.555	1.40	3%+1.00	e	
GROUP 4	11.16	1.40	3%+1.00	e	
GROUP 5	11.86	1.40	3%+1.00	e	
GROUP 6	10.46	1.40	3%+1.00	e	
CLASS D					
GROUP 7	13.95	1.40	3%+1.00	e	
GROUP 8	14.65	1.40	3%+1.00	e	
GROUP 2	15.345	1.40	3%+1.00	e	
GROUP 9	13.95	1.40	3%+1.00	e	
GROUP 5	11.86	1.40	3%+1.00	e	
GROUP 10	11.16	1.40	3%+1.00	e	
GROUP 11	10.46	1.40	3%+1.00	e	
MARBLE (8)	11.60	.70	1.00		
PAINTERS (9)					
CLASS A	11.23		.60		
CLASS B	11.98		.60		
CLASS C	11.73		.60		
CLASS D	13.08		.60		
PLUMBERS & STEAMFITTERS (10)					
CLASS A	13.35	1.00	1.02		.05
CLASS B	8.87	1.00	1.02		.05

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Building) (11)					
CLASS A					
GROUP 1	11.93	1.15	1.25	d	.15
GROUP 2	12.01	1.15	1.25	d	.15
GROUP 3	12.16	1.15	1.25	d	.15
GROUP 4	12.41	1.15	1.25	d	.15
GROUP 5	12.82	1.15	1.25	d	.15
GROUP 6	13.03	1.15	1.25	d	.15
GROUP 7	13.38	1.15	1.25	d	.15
CLASS B					
GROUP 1	8.31	1.15	1.25	d	.15
GROUP 2	8.37	1.15	1.25	d	.15
GROUP 3	8.48	1.15	1.25	d	.15
GROUP 4	8.67	1.15	1.25	d	.15
GROUP 5	8.98	1.15	1.25	d	.15
GROUP 6	9.13	1.15	1.25	d	.15
GROUP 7	9.32	1.15	1.25	d	.15
POWER EQUIPMENT OPERATORS (Heavy & Highway (12)					
GROUP 1	12.35	1.15	1.25	d	.15
GROUP 2	11.94	1.15	1.25	d	.15
GROUP 3	10.78	1.15	1.25	d	.15
GROUP 4	9.75	1.15	1.25	d	.15
ROOFERS (13)					
CLASS A	12.00	1.37	.40		.04
CLASS B	12.50	1.37	.40		.04
SHEET METAL WORKERS	12.37	1.00	1.34	f	.07
SPRINKLER FITTERS	14.32	.85	1.20		.08
TRUCK DRIVERS (14) (Building)					
GROUP 1	10.62	1.10	1.00		.12
GROUP 2	10.86	1.10	1.00		.12
GROUP 3	11.01	1.10	1.00		.12
TRUCK DRIVERS (15) (Heavy & Highway)					
GROUP 1	9.69	1.05	1.00		
GROUP 2	9.74	1.05	1.00		
GROUP 3	9.79	1.05	1.00		
GROUP 4	9.94	1.05	1.00		
GROUP 5	10.09	1.05	1.00		

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

CLASSIFICATION FOOTNOTES:

(1) Bricklayers, Cement Masons, Marble Masons, Plasterers, Pointers, Caulkers & Cleaners
CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

(2) CLASS A: Carpenters, Drywall Installers, Soft Floor Layers & Lathers
CLASS B: Millwrights
CLASS C: Piledrivermen & Dockbuilders
CLASS D: Heavy & Highway
CLASS E: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
CLASS F: Divers
CLASS G: Diver Tenders

(3) CLASS A: Electricians
CLASS B: Cable Splicers

(4) CLASS A: Structural, Ornamental, Reinforcing, Machinery Mover, Fence Erector, Rigger, Rodman, & Stone Derrickman
CLASS B: Sheeters
CLASS C: Sheeters, Bucker-up

(5) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
GROUP 1: Laborers
GROUP 2: Pipelayers (2 man team), mortar mixers (hand or machine), jackhammer operator, well point, concrete vibrators, power driven buggies
GROUP 3: Form setter (curb)
GROUP 4: Wagon drill operator
GROUP 5: Acetylene burners
GROUP 6: Demolition
GROUP 7: Blasters

(6) CLASS A: Laborers, Drill tenders, flagmen, outboard and hand boats
CLASS B: Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibratory, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer
CLASS C: All rock or drill machine ops. (except quarry master and similar type) Acetylene torch op., asphalt raker, powderman
CLASS D: Blasters, form setter, stone or granite curb setters

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

(7) CLASS A: Electrical overhead & Underground Distribution Work
CLASS B: All Overhead Transmission Line Work and Lighting for Athletic Fields
CLASS C: Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATB Commerical Work, Street Lighting & Signal Systems
CLASS D: All Pipe type Cable Installations Maintenance Jobs or Projects
GROUP 1: Journeyman Lineman & Technician
GROUP 2: Cable Splicer
GROUP 3: Groundman Digging Machine Operator, Groundman Dynamite Man
GROUP 4: Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver
GROUP 5: Groundman Truck Driver (Tractor Trailer)
GROUP 6: Driver Mechanic, Groundman - Experienced
GROUP 7: Journeyman Lineman
GROUP 8: Certified Lineman Welder
GROUP 9: Groundman Equipment Operator
GROUP 10: Groundman Truck Drivers
GROUP 11: Groundman

(8) Marble, Tile & Terrazzo Workers

(9) CLASS A: Brush
CLASS B: Structural Steel and Bridge
CLASS C: Swing Scaffold, Bosun Chair, Water Towers, Window Jacks, Flagpoles
CLASS D: Spray Gun Application & Sandblasting

(10) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use

(11) CLASS A: Building
CLASS B: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use
GROUP 1: Oilers
GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators
GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belterete power pac (belterete system, electric submersible pump 4" and over
GROUP 4: Dinky locomotives, Barber Greene loaders, loaders and conveyors, tractor, scoopmobiles, bulldozers, road roller, form line graders, power brooms and sweeper
GROUP 5: Black top spreaders, Black top roller, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchovators, core and well driller (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)
GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart
GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists tow or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMB Vibrotamp or similar, Murphy type diesel generator belterete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

(12) GROUP 1: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (6" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. & over), front end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shover, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel

GROUP 2: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cageboist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders, locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP 3: Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2000 C.F.M. combined capacity, 3 or less with more than 1,200 C.F.M. but not to exceed 2,000 C.F.M., compressor, dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibre tamp, well point

GROUP 4: Aggregate plant, boiler, C.M I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1,200 C.F.M. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power boom, power heaterman, ravinius widener, steam cleaner, tractor

(13) CLASS A: Roofers

CLASS B: Pitch and Asbestos

(14) GROUP 1: Straight, Winch, Transit Mix or job site, Road Oilers, Dump panel, Pick-up, Water and Fuel Trucks on site (including nozzle)

GROUP 2: Euclid or similar equipment

GROUP 3: Lowboy or lowboy trailers

(15) GROUP 1: Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters and receivers, greasers, truck firemen

GROUP 2: Tandems, batch trucks mechanics

GROUP 3: Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumperete type vehicles, truck mechanic

GROUP 4: Specialized earth moving equipment, euclid type or similar off-highway equipment where not self loaded, and straddle (ross) carrier

GROUP 5: Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self loaded

SCHEDULE #4
SCHENECTADY COUNTY, NEW YORK

FRINGE BENEFIT FOOTNOTES:

a. Paid Holidays: Labor Day and Independence Day

b. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and the day after Thanksgiving

c. Employer Contributes 4% of basic hourly rate for 5 years or more of service and 4% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

d. Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee has worked the day before and after the holiday

e. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before and the day after a holiday

f. Two hours off with pay on the first Tuesday after the first Monday of November provided they are working on a job beyond 30 miles form the shop

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federal register

Friday
March 27, 1981

Part III

Department of Health and Human Services

National Institutes of Health

Protection of Human Research Subjects; Correction

V 46 / 59 MR 27 81 UMI

DEPART
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45 CFR P

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

45 CFR Part 46

Protection of Human Research Subjects; Correction

AGENCY: Department of Health and Human Services.

ACTION: Final Rule; correction.

SUMMARY: On January 26, 1981, the Federal Register published (46 FR 8366) final amendments to Subpart A of the Health and Human Services regulations for the protection of human research subjects. This notice corrects several printer's errors which appeared in that document.

FOR FURTHER INFORMATION CONTACT: F. William Dommel, Jr., Assistant Director, OPRR, Westwood Building, Room 3A18, National Institutes of Health, Bethesda, Maryland 20205, Telephone: (301) 496-7163.

Accordingly, the following corrections are made in FR Doc. 81-2579, appearing on pages 8366 through 8391 in the Federal Register dated January 26, 1981:

1. On page 8366:

(a) Third column, second paragraph, line 3, change "other" to "others." As corrected, the line reads "safeguards for others who may have."

(b) Third column, third paragraph, line 15, change "1979" to "1978." As corrected, the line reads "FDA stated in the August 8, 1978."

(c) Third column, third paragraph, line 20, change "1978" to "1979." As corrected, the line reads "on August 14, 1979 in conjunction with a."

2. On page 8367:

(a) Third column, under Conforming Amendments, line 1, change "E" to "B." As corrected, the line reads "Subparts B and C of 45 CFR 46 are."

(b) Third column, under Major Provisions, third paragraph, line 2, change "or" to "on." As corrected, the line reads "the existing HHS policy on protection of."

3. On page 8368, third column, the paragraph beginning "The Commentators" should not be a new paragraph, nor should those words be in italics. As corrected, lines 30 and 31 should read "research funds. The commentators expressing."

4. On page 8369:

(a) Second column, line 3, change "IRE" to "IRB." As corrected, the line reads "regardless of source of funding.' IRB."

(b) Third column, second paragraph, lines 16 and 17, there should be a comma, not a period, between "subjects" and "limitation." As corrected, these two lines read "welfare of human research subjects, limitation to those specific kinds of."

5. On page 8373, second column, second paragraph, line 11, there should be a comma, not a period, between "individuals" and "HHS." As corrected, the line reads "living individuals, HHS clarifies its."

6. On page 8374, first column, under Recommendation of the National Commission, line 14, change "expeced" to "expected." As corrected, the line reads "that are expected to be reviewed by it;."

7. On page 8375, first column, under (6), line 2, insert "to" between "follow" and "conduct." As corrected, the line reads "the IRB will follow to conduct initial and."

8. On page 8377, third column, line 42, change "the" to "The." As corrected, the line reads "requirement was vague and obscure. The."

9. On page 8378, first column, under HHS Response, line 5, change "procedures" to "procedure." As corrected, the line reads "continuing review procedure is not."

10. On page 8381, third column, under Public Comment, line 8, insert a comma after the word "costly." As corrected, the line reads "inefficient, costly, unnecessary."

11. On page 8383, second column, third paragraph, line 8, insert the words "and desirable" between "appropriate" and "even." As corrected, the line reads "or service programs is appropriate and desirable even."

12. On page 8386:

(a) Second column, after the table of contents, under Authority, line 2, the line should read "352 [42 U.S.C. 289/–3(a)]." (i.e., an italicized l, not 2891).

(b) Third column, § 46.101(b)(3), line 4, change "Responses" to "responses." As corrected, the line reads "responses are recorded in such a."

(c) Third column § 46.101(b)(4), line 5, change "Observations" to "observations." As corrected, the line reads "observations are recorded in such a."

13. On page 8387, second column, § 46.102(f), line 1, change " 'human subject' " to " 'Human subject.' " As corrected, the line reads "(f) 'Human subject' means a living."

14. On page 8388, third column, § 46.108(c), line 3, there should be a footnote after the word "Secretary." As corrected the line reads "the Secretary [1] any serious or continuing."

15. On page 8389:

(a) Second column, § 46.113, line 12, there should be a footnote after the word "Secretary." As corrected, the line reads "the Secretary [1]." The accompanying footnote should read "[1] Reports should be filed with the Office for Protection from Research Risks, National Institutes of Health, Department of Health and Human Services, Bethesda, Maryland 20205."

(b) Third column, § 46.115(a)(7), line 2, change "rquired" to "required." As corrected, the line reads "findings provided to subjects, as required."

Dated: March 20, 1981.

D. S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 81-9174 Filed 3-26-81; 8:45 am]

BILLING CODE 4110-08-M

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federal register

Friday
March 27, 1981

Part IV

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Exhibitors

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Exhibitors

The following list is being published to give notice to the public of exhibitors currently registered under the Animal Welfare Act (7 U.S.C. 2131 et seq.). Such notice is exempt from the regulatory freeze of February 17, 1981, and does not come under E.O. 12291, since it is not a rule. Therefore, pursuant to the provisions of the Animal Welfare Act and the regulations thereunder (9 CFR Part 2), notice is hereby given that the exhibitors listed below are registered under said Act:

(Section 6, 80 Stat 351, as amended (7 U.S.C. 2136))

Done at Washington, D.C., this 10th day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

ALASKA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
961E	ALASKA CHILDREN'S ZOO		BOX 17305 STAR ROUTE	ANCHORAGE	99507
962E	BROWN, JR., LT		3001 MOUNTAINVIEW DR	ANCHORAGE	99503
963E	CITY OF FAIRBANKS		POB 790	FAIRBANKS	99707

ARKANSAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
711002	HALLIE'S		PO BOX 303	CLINTON	72031

CALIFORNIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
93C1014	COUNTY OF LOS ANGELES		DEPT. OF PARKS & RECREATIONS 1.	LOS ANGELES	90015

COLORADO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
841016	DRAKE, D	ANIMAL WORLD	333 6TH ST	PENROSE	81240
841017	KROHN, JC	THE FORT	SR BOX 20AA	MORRISON	80465
841018	LA CHAUMIERE FRENCH RESTAURANT		PINEWOOD SPRINGS	LYONS	80540
841019	LA FRANCE RESTAURANT, INC		BOX 2217	DILLON	80435
841012	NATIONAL PARK VILLAGE		4800 FALL RIVER RD	ESTES PARK	80517

FLORIDA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
58ER90	CAMP KULAQUA		RT 2 BOX 244K	HIGH SPRINGS	32643
58ER70	MILLER, PROFESSO R		465 NE 102ND ST	MIAMI SHORES	33138
58ER82	SEMINOLE IND VIL & CRFTS ENT		6073 STERLING RD	HOLLYWOOD	33024
58ER33	SWAMPARIUM		RT 5 BOX 38	CANTONMENT	32533

GEORGIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
57EX0013	CHATTAHOOCHEE NATURE CENTER		9135 WILLEO RD	ROSWELL	30075
57EX0005	CITY OF ATHENS	MEMORIAL PARK	RECREATION & PARKS DEPT	ATHENS	30601
57EX0003	KETCHAM, LE		BOX 60A RT 3	WOODSTOCK	30188
57EX0002	OKEFENOKEE ASSOCIATION, INC	OKEFENOKEE SWAMP PACK		OKEFENOKEE	31501

IOWA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
4258	BOARD OF PARK COMMISSIONERS	FEJERVORY PARK CHLDNS ZOO	236 W CENTRAL PARK AVE	DAVENPORT	52803
4251	BUFFALO RANCH MUSEUM		310 LOVERS LANE	FAYETTE	52142
4259	CITY OF CEDAR RAPIDS	BEVER PARK MUNICIPAL ZOO	PARK DEPARTMENT CITY HALL	CEDAR RAPIDS	52401
4253	CITY OF FORT DODGE		PARK DEPT, 1450 OLESON PK AVE	FORT DODGE	50501
4252	CITY OF MASON CITY		PARK DEPT, 19 S. DELAWARE AVE	MASON CITY	50401
4250	IOWA STATE CONSERVATION COMM		WILDLIFE EXHIBIT STATON	BOONE	50036
4261	OSBORNE CONSERVATION CENTER-			ELKADER	52043
4255	POLK COUNTY CONSERVATION BOARD	JESTER PARK		GRANGER	50109

ILLINOIS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
331037	CHAMPAIGN PARK DISTRICT	CHILDREN'S PRAIRIE FARM	706 KENWOOD RD	CHAMPAIGN	61820
331036	FLORIST, DIETZ		NORTH MAIN	MASON CITY	62664
331035	FOREST PRES DIST/DUPAGE CTY	WILLOWBROOK WILDLIFE HAVEN	661 W ST CHARLES RD	LOMBARD	60148

ILLINOIS—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
331012	ILLINOIS DEPARTMENT OF CONSERVATION		602 STATE OFFICE BUILDING	SPRINGFIELD	62706
331009	PILCHER PARK NATURE CENTER		3000 W JEFFERSON	JOLIET	60435
331004	SOCIAL DYNAMICS, INC.		2 S. 661 RT 53	GLEN ELLYN	60137
331006	SOUTHERN ILLINOIS UNIVERSITY		C/O CAMPUS MASCOT BOX 168	EDWARDSVILLE	62026
331010	STONE, LR		BOX 349 ROUTE 1	EAST MOLINE	61244

KANSAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
491006	BEAR HOUSE TRUCK STOP, INC.			BUNKER HILL	67626
491007	BOARD OF PARK COMMISSIONERS	CENTRAL RIVERSIDE PARK	503 CITY BLDG ANNEX,104 S MAIN	WICHITA	67202
491008	CITY OF ST. MARYS			ST. MARYS	66536
491001	DODGE CITY WRIGHT PARK ZOO			DODGE CITY	67801
491005	MARKLEY, JE			SENECA	66538
491010	OLD ABILENE TOWN, INC.		BOX 438	ABILENE	67410
491011	STRAX, M & W		PO BOX 442	ARKANSAS CITY	67005

KENTUCKY

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
61Z4	ISSAC W. BERNHEIM FOUNDATION		BERNHEIM FORREST	CLERMONT	40110
61Z5	MAMMOTH ONYX CAVE		BOX 527	HORSE CAVE	42749
61Z3	OTTER CREEK PARK			VINEGROVE	40175

LOUISIANA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
721004	ALFRED BONNABEL HIGH SCHOOL		BRUIN DR.	METAIRIE	70003
721003	SNAKE FARM		PO BOX 66	LA PLACE	70068

MASSACHUSETTS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
14E1	EASTOVER FARM		EAST STREET	LENOX	01240

MARYLAND

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
51RE2	DYKES BROS. ATTRACTION		MERRITT MILL RD	SALISBURY	21801
51RE13	JACKSON, HL	TRADE LEE'S VILLAGE	RT.50	W OCEAN CITY	21842

MAINE

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
11E1	MAINE DEPT INLAND FISH/WILDLIFE		284 STATE ST	ST AUGUSTA	04330
11E2	MAINE DEPT. OF MARINE RESOURCES	MARINE RESOURCES LABORATORY.	STATE HOUSE	AUGUSTA	04333

MICHIGAN

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
34RE47	BELLE ISLE NATURE CTR.		BELLE ISLE PARK	DETROIT	48207
34RE72	BINDER PARK ZOOLOGICAL SOCIETY, INC.		7500 DIVISION DR	BATTLE CREEK	49017
34RE80	BITELY, G	BIRCH SHORES RESORT	R 1	MCMILLAN	49853
34RE28	CARL G. FENNER ARBORETUM		3020 E. MT. HOPE	LANSING	48910
34RE4	CEDERBERG, EH	DEER ACRES, INC.	2093 COGGINS RD	PINCONNING	48650
34RE19	CITY OF MIDLAND	CURRIE-WILSON ENTERPRISES, INC.	PO BOX 227	MIDLAND	48640
34RE7	CITY OF MT. PLEASANT	NELSON PARK ZOO	120 S. UNIVERSITY	MT PLEASANT	48858
34RE32	CLAERHOUT, E. & SCHUSTER, M.	EMIL THE BUFFALO	8887 GRATIOT RD	RICHMOND	48062
34RE16	CLINCH PARK ZOO		GRAND VIEW PKWY.	TRAVERSE CITY	49684
34RE8	CLOUGH, L&J	EVERGREEN RESORT	R 2,M-65	HALE	48736
34RE85	COLE, R & B		11128 NORTH ELMS ROAD	CLIO	48420
34RE13	DICKEY, DL	PINE RIDGE AMUSEMENT	7784 MAIN ST.	BIRCH RUN	48415
34RE66	DRAYTON PLAINS NATURE CENTER, INC.		2125 DENBY DR	DRAYTON	48020
34RE36	ELM REST SERVICE		1507 S LAKE MITCHELL DR	ADILLAC	49601
34RE42	FINLEY, M	LONGHORN RANCH	7684-25 MILE ROAD	WASHINGTON	48094
34RE52	FLATH, J	DELLS SUPPER CLUB	C/O THE DELLS SUPPER CLUB	ESCANABA	49837
34RE82	FOX, F & RESTIQUE, R		5810 NO M-30	GLADWIN	48624
34RE86	GIBBS, LONNIE	GIBBS COUNTRY STORE	6469 S MOREY ROAD	MCBAIN	49657
34RE54	HAFEMAN, R		R 2 BOX 75	WALLACE	49893
34RE77	HARRINGTON, TN	DEER RANCH	236 N. STATE	ST IGNACE	49781
34RE76	HERSON, K		RT 1 BOX 139	WALLACE	49893
34RE81	HILLIER,DW		11986 E. ARNOLD LAKE RD	GLADWIN	48624
34RE88	HINES, I		RT 2,1781 COLDWATER RD	MT PLEASANT	48858
34RE45	HUMAN SOIETY OF MACOMB CO.		11350-22 MILE RD	UTICA	48087
34RE33	INDUSTRIAL MUTUAL ASSN	I.M.A. CHILDRENS FARM	901 E. SECOND ST	FLINT	48503
34RE51	IRON MOUNTAIN CITY PARK		A&B STS	IRON MOUNTAIN	49801

MICHIGAN—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
34RE46	JOHN HENES PARK		202 HENES PARK DR	MENOMINEE	49858
34RE9	JOHNSON, RM	JOHNNY'S FISH & GAME PARK	9511 E. 46 1/2 RD	CADILLAC	49601
34RE3	KALAMAZOO NATURE CENTER		7000 N. WESTNEDGE	KALAMAZOO	49007
34RE30	KING ANIMALAND PARK, INC.		68000 GRATIOT AVE	RICHMOND	48062
34RE31	MAY, H		394 CAMBRIA RD	HILLSDALE	49242
34RE18	MAYER, WG		7606 HIX RD	WESTLAND	48185
34RE84	MERCIER, FR	SANTA'S GIFT SHOP	BOX 75	MUNISING	49862
34RE24	MOTT FARM PROGRAM		6140 BRAY RD	FLINT	48505
34RE20	N.E. ISAACSON OF MICHIGAN, INC.		6477 SUGAR RIVER RD	GLADWIN	48624
34RE48	NANKIN MILLS NATURE CENTER		33175 ANN ARBOR TRAIL	WESTLAND	48185
34RE80	NEWLIN, G		PO BOX 1	WALLACE	49885
34RE8	OGEMAW GAME REFUGE	TEN LAKES SPORTSMEN CLUB	5686 W. ROSE CITY RD	WEST BRANCH	48661
34RE12	PEEBLES, G		18810 CARDONI	DETROIT	48203
34RE57	PICUNET, N	NORM'S BALD MOUNTAIN RIDING STABLE.	3065 S. LAPEER RD	PONTIAC	48057
34RE82	PRESQUE ISLE PARK ZOO	PRESQUE ISLE PARK ZOO	320 BARAGA AVE	MARQUETTE	49855
34RE56	QUAS, G	BAMBI PARK	PO BOX 215	IRON MOUNTIAN	49801
34RE15	SAGINAW CHILDREN'S ZOO		1664 S WASHINGTON	SAGINAW	48601
34RE87	SPICKERMAN, H		R 1	ROSE BUSH	49678
34RE34	STEPHENS, YR	YVONNE AND HER FRIENDS	BOX 57	WILLIAMSBURG	49690
34RE44	TESCH, H	LENAWEE INSTITUTE	3046 SUTTON RD	ADRION	49221
34RE85	WAFFLE, EJ		2416 ALDRICH RD	TEKONSHA	49092
34RE10	WALTZ, DB		1217 ST ANDREWS DR	MIDLAND	48640
34RE83	WEINKE, A & J	PAUL BUNYON LOOKOUT	6796 NO HURON RD	SPRUCE	48762
34RE26	WILDER, D	WHOOPEE BOWL	9980 DIXIE HWY.	CLARKTON	48016

MINNESOTA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
411001	ALEXANDRIA DEER PARK		RT 4	ALEXANDRIA	56308
411005	CITY OF MANKATO		202 E JACKSON	MANKATO	56001
411036	CITY PARK BOARD	RAMSEY PARK ZOO	207 E FOURTH	REDWOOD FALLS	56283
411009	DULUTH ZOO		7210 FREMONT ST.	DULUTH	55807
411002	HANSEN WT	ANIMAL ACRES ZOO	RR 3 BOX 203	WADENA	56482
411032	OLMSTED COUNTY PARK & REC. DIVN.	OXBOW PARK WILDLIFE EXHIBIT	1421-3RD AVE. S.E.	ROCHESTER	55901
411022	ST. PAUL'S COMO ZOO			ST. PAUL	55103
411044	THE FARM SUPPER CLUB, INC.		RR 4	PRINCETON	55371

MISSOURI

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
4372	GOLD NUGGET JUNCTION			OSAGE BEACH	65065
4354	JONES, JW	BUENA VISTA'S EXOTIC ANIMAL PARADISE.	R 1	STRAFFORD	65757
4352	MAX ALLEN'S ZOOLOGICAL GARDENS		US 54 S	ELDQN	65026
4353	OZARK DEER FARM		ROUTE 3	ELDON	65026
4378	SILVER DOLLAR CITY			SILVER DOLLAR CITY	65616
4374	ST. LOUIS CO. PARKS DEPT.	LONE ELK PARK	7900 FORSYTH	ST. LOUIS	63105
4366	SZASZ, AB		RT 1	GERALD	63037

MONTANA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
811004	SVELSTAD, NELS			WISE RIVER	59762

NORTH CAROLINA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
551012	CHARLOTTE NATURE MUSEUM, INC.		1658 STERLING RD.	CHARLOTTE	28209
551016	ENVIRONMENTAL ED., REC., & RES. CTR.		RT. 1, BOX 401	HIGH POINT	27260
551004	GRANDFATHER MOUNTAIN, INC.			LINVILLE	28646
551018	NATIONAL RECREATION SERVICE, DIV OF NATL. SERV. IND., I.	FRONTIERLAND	PO BOX 307	SILVER SPRINGS	32688
551003	NORTH CAROLINA MUSEUM OF LIFE & SCIENCE.		PO BOX 6177	DURHAM	27704

NEBRASKA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
471001	MUNICIPAL ZOO		DEPT. OF PARKS & RECREATION, 13.	LINCOLN	68502
471003	RYAN, KP			BLAIR	68008

NEW MEXICO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
6617	CITY OF CLOVIS	HILLCREST & ZOO	PO BOX 760	CLOVIS	88101

NEVADA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
88E30	PRATT, STEVEN RAY		115 E. WIGWAM	LAS VEGAS	89119
88E39	VERGIL, SHERRY		509 CARPENTER	LAS VEGAS	89107

NEW YORK

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
21E2	DEPARTMENT OF PUBLIC WORKS	CITY OF ITHACA	108 E GREEN STREET	ITHACA	14850

OHIO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
31E32	CLELAND, L	CLELAND'S DEER ACRES	ROUTE 11	BAINBRIDGE	45612
31E107	CLEVELAND MUSEUM OF NATURAL HISTORY.		WADE OVAL, UNIVERSITY CIRCLE	CLEVELAND	44106
31E47	DAYTON MUSEUM OF NATURAL HIST		2629 RIDGE AVE	DAYTON	45414
31E110	ELYRIA PARKS & RECREATION DEPT		1101 PROSPECT ST.	ELYRIA	44035
31E146	FANTASY FARM		RT. 1	MIDDLETOWN	45052
31E293	HINEY, RM		1034 HOME AVE	AKRON	44310
31E117	KHOL, R	KHOL'S GAME FARM	30770 CANNON RD	SOLON	44139
31E33	LAKE ERIE JUNIOR NATURE & SCIENCE CENTER.		28728 WOLF RD.	CLEVELAND	44140
31E348	NAFZIGER, DL		ROUTE 1, BOX 18	ARCHBOLD	43502
31E107	SIEDEL'S FUN FARM, INC		21997 WESTWOOD DR	STRONGSVILLE	44136
31E58	THE CLEVELAND AQUARIUM		601 E. 72ND ST.	CLEVELAND	44103
31E158	UNIVERSAL PRINTING, INC		1192 E. 40 ST.	CLEVELAND	44114
31E172	WOHL SHOE CO.		8350 MARYLAND AVE.	LOUIS	63105
31E122	WORK, RM & IS	NELSON LEDGE PARK 44231	R 2, BOX 282	GARRETTSVILLE	44231

OKLAHOMA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
73E3	SHEARER, WV		ROUTE 1	MOORLAND	73852
73E7	THE FRANK PHILLIPS FOUNDATION, INC.	WOOLAROC WILDLIFE REFUGE	402 PROFESSIONAL BLDG.	BARTLESVILLE	74003

SOUTH CAROLINA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
381011	GREENVILLE ZOO		CLEVELAND PARK DR.	GREENVILLE	29601
381001	SMITH, WC	WILSON'S TRUCK STOP	ROUTE 1 HWY. 21	GREAT FALLS	29055
381015	WALL, JA		116 CHESTER ST.	SPARTANBURG	29301

TEXAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
74RE2	CITY OF ANDREWS		MUNICIPAL ADM. BLDG	ANDREWS	79714
74RE5	CITY OF CHILDRESS		CITY HALL	CHILDRESS	79201
74RE7	CITY OF SINTON		PO BOX 1395	SINTON	78387
74RE20	DODD, CE		5116 BOB DR.	FT. WORTH	76118
74RE9	FT. WORTH MUSEUM OF SCIENCE & HISTORY.		1501 MONTGOMERY ST	FORT WORTH	76107
74CA15	GIBBS, B		RT. 4, BOX 550	MISSION	78572
74CA1	HALL, CA		RT. 1, BOX 762	MESQUITE	75149
74RE18	INNER SPACE		HWY IH35-SOUTH	GEORGETOWN	78626
74CA13	LUCIA, T		RT. 3 BOX 154	WEATHERFORD	76086
74RE14	RICE, B		PO BOX 254 COMBINE RD.	SEAGOVILLE	75159
74RE16	SAPP, MI		27150 O'KENT	SAN ANTONIO	78216
74RE17	UNIVERSITY OF HOUSTON		BOX 240 UNIV. CTR.	HOUSTON	77004
74RE3	WONDER WORLD		PO BOX 1369	SAN MARCOS	78666

WASHINGTON

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
919E	ST. OF WA DEPT OF GAME	GAME FARM SYSTEM	600 N CAPITOL WAY	OLYMPIA	98504

WISCONSIN

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
351089	CONNOR FOREST INDUSTRIES		CAMP 5 FARM	LAONA	54541
351010	GANNON'S BIRCHWOOD RESORT		R.R. 1	LODI	53555
351096	GE-CA-WA LODGE DEER FARM		BOX 117A	IRON RIVER	54847
351089	JOHNSON, AR		C/O TONY SMOHA	BARABOO	53913
351106	MILLER, LW	THE OUTPOST	RT. 3	TOMAHAWK	54487
351085	MITCHELL, V			CHETEK	54728
351093	VAN DYKE, RH		RT. 3	NEW LONDON	54961

WISCONSIN—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
351102	WALTERS, I			WHITELAKE	54491
351098	WEST, E		RT 3	WAUPACA	54981
351088	WISCONSIN DEPT OF NATURAL RESOURCES.		BOX 450	MADISON	53701

WEST VIRGINIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
541001	MEADOWS, ER		RT. 4, BOX 107	GRAFTON	26354

WYOMING

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
831001	CITY OF CHEYENNE	LIONS PARK	CITY-COUNTY BLDG.	CHEYENNE	82001
831004	WIND RIVER RANCH			DUBOIS	82513

[FR Doc. 81-9316 Filed 3-26-81; 8:45 am]
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federal register

Friday
March 27, 1981

Part V

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Carriers and Intermediate Handlers

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Carriers and Intermediate Handlers

The following list is being published to give notice to the public of carriers and intermediate handlers currently registered under the Animal Welfare Act (7 U.S.C. 2131 et seq.). Such notice is exempt from the regulatory freeze of February 17, 1981, and does not come under E.O. 12291, since it is not a rule. Therefore, pursuant to the provisions of the Animal Welfare Act and the regulations thereunder (9 CFR Part 2), notice is hereby given that the carriers and intermediate handlers listed below are registered under said Act:

(Section 6, 80 Stat 351, as amended (7 U.S.C. 2136))

Done at Washington, D.C., this 10th day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

ALASKA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
AKH1	TAILWAGGERS' LODGE		2906 TANGLEWOOD PLACE	ANCHORAGE	99503
AKT1	WIEN AIR ALASKA, INC.		4100 INTL. AIRPORT RD.	ANCHORAGE	99502

ARIZONA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
AZH2	GARRETT, JACK	COLONIAL PET SALON	8005 E ROOSEVELT	SCOTTSDALE	85257
AZH6	HEILAND, GEORGE	CANINE COUNTRY CLUB	2332 E WASHINGTON	PHOENIX	85034
AZH3	HIGGINS, R	A-A DOGGIE DUDE RANCH	1381 W HATCHER ROAD	PHOENIX	85021
AZH1	KING, J & PERRY, J	AIRPORT INN PET LODGE	8391 S MARK RD	TUCSON	85706
AZH4	KISS, J & G	SUN CITY BOARDING KENNELS	8744 W ASTOR RD	PEORIA	85345

CALIFORNIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
CAT7	AIR CALIFORNIA		3636 BIRCH ST	NEWPORT BEACH	92660
CAH15	BOWERS, JAMES	BEEFEATER KENNELS	10917 CHERRY AVE	FONTANA	92335
CAT9	BURLINGON NORTHERN AIR FREIGHT INC.		PO BOX 7430	NEWPORT BEACH	92660
CAT3	CONTINENTAL AIR LINES, INC.		7300 WORLD WAY WEST	LOS ANGELES	90009
CAH4	EL SUPERBA KENNELS		5441 HACKBERRY LN	SACRAMENTO	95841
CAH7	FLYING FUR PET TRAVEL		13615 VICTORY BLVD	VAN NUYS	91401
CAH18	GRUPE, ZONA	GLENHROE KENNELS	334 GLENDURA CIRCLE	DANVILLE	94526
CAT5	HUGHES AIR CORP		SAN FRANCISCO INTL. AIRPORT	SAN FRANCISCO	94128
CAH2	JET PETS, INC.		9014 PERSHING DR.	PLAYA DEL REY	90291
CAH20	JONES, JM	ANIMAL TRANSPORT	4124 VICTORIA AVE	LOS ANGELES	90006
CAH12	JONES, K	LIVING SPECIALTIES	450 APRIL WAY	CAMPBELL	95008
CAT1	KOREAN AIR LINES		1813 WILSHIRE BLVD.	LOS ANGELES	90057
CAH6	MCCALLUM, WM		1063 DELL AVE	CAMPBELL	95008
CAH14	MIRAMONTES, KATHY	BRAVURA KENNELS	RT 2 BOX 455	WOODLAND	95695
CAH8	MISHLER, GE	ALL PET TRANSPT SERVICE	3362 UNIVERSITY AVE	SAN DIEGO	92104
CAH13	MITCHELL, JIMMY R.	RED STAR KENNEL	2000 PUTMAN ROAD	VACAVILLE	95688
CAT6	PETAXI, INC.		PO BOX 12397	SAN FRANCISCO	94112
CAH16	SCOTT, JANICE	GREENBACK PET RESORT	8311 GREENBACK LANE	FAIR OAKS	95628
CAH17	SEACREST KENNELS		P.O. BOX 1214	CARLSBAD	92008
CAH3	STEIN, C & A	FLYING FUR	8357 SUNVIEW DR.	EL CAJON	92022
CAT8	SWIFT AIRE LINES, INC.		P.O. BOX W	SAN LUIS OBISPO	93406
CAT4	THE FLYING TIGER LINE, INC.		7401 WORLD WAY WEST	LOS ANGELES	90009
CAH5	WECHSLER, N	PET EXPRESS INC.	P.O. BOX 40180	SAN FRANCISCO	94140
CAT2	WESTERN AIR LINES, INC.		6060 AVION DR.	LOS ANGELES	90045
CAH1	WHEELER'S AIRPORT AN. SHELTER		PO BOX 6246	SAN FRANCISCO	94126
CAH10	WOOD, JR	WOODBRAE KENNELS	16270 BURTON RD	LOS GATOS	95030
CAT10	WORLD AIRWAYS, INC.		OAKLAND INTERNATIONAL AIRPORT.	OAKLAND	94614
CAH9	WORLD WIDE PET SHIPPING		2027 CENTRAL AVE	SO. EL MONTE	91733
CAH11	YOUNG, R.	ROLAND'S DOG GROOMING	6129 MISSION STREET	DALY CITY	94014

COLORADO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
COT7	AIR U.S.		PO BOX 28547 AMF STAPLETON INT.	DENVER	80238
COT2	ASPEN AIRWAYS, INC.		HANGAR 5 STAPLETON INTL. ARPT.	DENVER	80207
COH2	BOWMAN, B & C	ELMFIELD KENNELS	2656 W FLORIDA AVE	DENVER	80219
COH6	BRAVO'S PET PICKUP LTD.		985 YALE ROAD	BOULDER	80303
COT4	COMBS FREIGHTAIR, INC.		3333 QUEBEC ST SUITE 8200	DENVER	80207
COT1	FRONTIER AIRLINES, INC.		8250 SMITH RD.	DENVER	80207
COT8	FT. COLLINS FLYING SERVICE		2200 AIRWAY AVE.	FT. COLLINS	80524
COH3	GARCIA, GH	NORTH METRO BOARDING KENNELS.	908 LOWELL BLVD	DENVER	80204
COH7	KENNEL ESTATES, LTD.		12595 JORDAN RD.	FOUNTAIN	80817
COH5	PEGASUS PET SHIPPING SERVICES		3914 WINONA CT	DENVER	80212
COT5	PIONEER AIRWAYS INC.		3333 QUEBEC ST #4060	DENVER	80207

COLORADO—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
CDT6	ROCKY MOUNTAIN AIRWAYS		HANGER 6 STAPLETON APRT	DENVER	80207
CDT9	SHAVANO AIR, INC.		PO BOX 128	PONCHA SPRINGS	81242
CDT3	STAR AIRWAYS, INC.		3360 SYRACUSE ST.	DENVER	80207
CDH1	TENAKER KENNEL, INC.		695 LAREDO	AURORA	80011
CDH4	WOODMEN BOARDING KENNELS		6440 N OLD HIWAY 85-87	COLORADO SPRINGS	80919

CONNECTICUT

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
CTH2	BALL, R	DAY HILL KENNELS	20 DAY HILL RD.	WINDSOR	06095
CTT2	COSMOPOLITAN CANINE CARRIERS INC.		5 BROOK STREET	DARIEN	06820
CTH3	CURTIS, D	MEADOWROCK KENNEL	SOUTH ST	SUFFIELD	06078
CTT1	EMERY AIR FREIGHT CORP			WILTON	06897
CTH4	HOPMEADOW BOARDING KENNELS, INC.		237 HOPMEADOW ST	SIMSBURY	06069
CTH5	LEVINE, MARK	KEYSTONE KENNELS	RT 42	BETHANY	06525
CTT4	OCEAN AIRWAYS, INC.		121 WHITNEY AVENUE	NEW HAVEN	06510
CTT3	PILGRIM AIRLINES		PO BOX 1749	NEW LONDON	06340
CTH1	THE DOG CORPORATION	CANDLEWICK KENNNELS	2811 HEBREN AVE	GLASTONBURY	06033
CTH6	VALLEY BOARDING KENNELS		47 PATRIA ROAD	SOUTH WINDSOR	06074

DISTRICT OF COLUMBIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
DCT*	U.S. AIR		WASHINGTON NAT. AIRPORT	WASHINGTON	20001

FLORIDA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
FLT1	AIR ANIMAL, INC.		4805 WEST GRAY ST.	TAMPA	33609
FLT5	AIR FLORIDA, INC.		3500 NW 79TH AVE., SUITE 590	MIAMI	33166
FLT6	AIRLIFT INTER. INC.		PO BOX 522495	MIAMI	33152
FLH25	AMERICAN PET SERVICES CORP.		8807 SW 107TH AVE	MIAMI	33176
FLH12	ANIMAL LOVERS' PET CTR.		509 W. 49TH ST.	HIALEAH	33012
FLH5	B & B KENNELS INC.		19901 SW 192 AVE	MIAMI	33187
FLH21	BARON'S K-9 HOTEL, INC		2420 E TAMARIND AVE	W PALM BEACH	33408
FLH11	BISCAYNE PET HOUSE		10789 BISCAYNE BLVD	MIAMI	33166
FLH20	BOBBY'S WORLD, INC.		1040 NW 53RD ST	FORT LAUDY	33309
FLH10	CARMEL CORP.	TROPICAL PET SHOP	2220 CORAL WAY	MIAMI	33145
FLH4	COMFORT KENNELS		295 W 25 ST	HIALEAH	33010
FLT2	EASTERN AIR LINES, INC.		MIAMI INTL. AIRPORT	MIAMI	33148
FLH19	FIGG, F & R	DRIFTWOOD KENNELS	PO BOX 668	LAUREL	33545
FLH23	GROOM, HE	GEORGE'S KENNELS	5085 EDGEWOOD COURT	JACKSONVILLE	32205
FLH24	HOPPERSTART, D	CHAROSES KENNELS	RT 2 BOX 572	ARCHER	32618
FLH7	LANDMARK KENNELS		8717 SW 134 ST	MIAMI	33176
FLH2	LOUIS WASSERMAN		4600 SW 70 TERR	DAVIE	33314
FLH17	MAKI INTERNATIONAL INC		PO BOX 13049	FORT LAUDERDALE	33316
FLH14	MATUS, C	FLYING FUR PET TRAVEL SERVICE	6742 COLLINS AVE	MIAMI BEACH	33141
FLH13	MENNYFIELD ACADEMY OF ANIMAL TECH.		5040 NE 13 AVE	FT LAUDERDALE	33334
FLH9	MIDWAY PET CTR		7771 W FLAGLER ST	MIAMI	33144
FLT3	NATIONAL AIRLINES, INC.		PO BOX 592055, AMF	MIAMI	33159
FLH8	PET FAIR INC.		14405 NW 7TH AVE	MIAMI	33168
FLH1	PET TAXI SERVICE, INC.		1224 N.E. 144TH ST.	N MIAMI	33161
FLT7	RICH INTERNATIONAL AIRWAYS, INC.		PO BOX 522067	MIAMI	33152
FLH16	ROBBINS INC.		PO BOX 523025	MIAMI	33152
FLH22	SWASEY, DIANE	HUSH PUPPY KENNEL	RT 8 BOX 41	DAYTONA BEACH	32014
FLH15	TAMARAC TOWERS HOTEL FOR PETS.		3910 NW 48ST	TAMARAC	33309
FLH3	TOTH, LD	TOMAR KENNELS	4102 GERTRUDE ST.	ORLANDO	32809
FLH6	UTIL. SERV. CORP OF AM. INC		7855 SW 94 ST	MIAMI	33156
FLH18	WALKER, J & J	SUNSHINE KENNELS	RT 2 BOX 330K	SARASOTA	33582

GEORGIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
GAH7	AMBERY, P & DANIEL, M	AMBERY ANIMAL HOSPITAL	1400 HOWELL MILL ROAD	ATLANTA	30318
GAH2	ATLANTA BAGGAGE AND EXPRESS CO		1561 E VIRGINIA AVE SUITE 112A	ATLANTA	30337
GAH6	C & H COURIERS INC.		4419 COWAN BLVD.	TUCKER	30084
GAT1	DELTA AIR LINES, INC.		HARTSFIELD ATLANTA INTL. ARPT.	ATLANTA	30320
GAH4	GLASS, JOHN C	SILICA KENNELS	RT 6 BOX 129 US 19 SOUTH	ALBANY	31706
GAH5	MILLER, K & K	CLOUD 9 KENNELS	RT 1 WARD DR	ELLENWOOD	30049
GAH1	SONIC DELIVERY SYSTEMS INC		P.O. BOX 4422	ATLANTA	30302
GAH3	TRI-CITY ANIMAL HOSPITAL		2967 CENTRAL AVE BOX 90666	EAST POINT	30344

HAWAII

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
HIH2	A & P SHIPPING CORP.	FLYING FUR PET TRAVEL SERV.	1050 KIKOWAENA PL	HONOLULU	96819
HIT4	AIR CARGO ENTER. INC.		PO BOX 30248	HONOLULU	96820
HIT3	AIR HAWAII CORP		3040 UALENA ST.	HONOLULU	96819
HIT2	ALOHA AIRLINES, INC.		PO BOX 30028	HONOLULU	96820
HIH5	ALOHA PET LODGE		767 ALAMOANA BLVD	HONOLULU	96813
HIT6	DHL AIR CARGO		P.O. BOX 30626	HONOLULU	96820

HAWAII—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
HIT1	HAWAIIAN AIRLINES, INC.		1164 BISHOP ST, SUITE 800	HONOLULU	96813
HIH3	HAWAIIAN HUMANE SOCIETY		2700 WAIALAE AVE.	HONOLULU	96826
HIT5	HORIZON CARGO TRANS. INC.		PO BOX 30095	HONOLULU	96820
HIH4	ST DEPT/AG - ANIMAL QUAR. STATION		99-770 MOANALUA RD	AIEA	96701

IOWA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
IAT1	S.M.B. STAGE LINE, INC.		6606 FLEUR DRIVE	DES MOINES	50321

IDAHO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
IDH3	ADA BOARDING KENNELS		6250 W VICTORY	BOISE	83709
IDH2	ALLISON, M	GEM CREST KENNELS	4140 GOLDENROD	MERIDIAN	83642
IDT4	BOISE AVIATION INC.	BOISE AIRPORT SERVICE	3200 AIRPORT WAY	BOISE	83705
IDH5	MCCUE, P & J	TETON KENNELS	RT 2, BOX 438	IDAHO FALLS	83401

ILLINOIS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
ILT2	ALLIED AIRFREIGHT CORP		999 E TOUHY AVE	DES PLAINES	60018
ILH5	AMERICAN INT'L PET SHIPPING	INNE TOWNE PET MOTEL	7233 MADISON STREET	FOREST PARK	60130
ILH4	CALANCA, O		RR 1 BOX 175	GRAYSLAKE	60030
ILH2	FLYING FUR PET TRAVEL SERVICE		310 SOUTH MICHIGAN AVE.	CHICAGO	60604
ILH3	OWENS, MR & MRS R		RT 1 BOX 10A BROWN RD	BRIGHTON	62012
ILH6	ROSINSKI, THEODORE L	HOLLYWOOD KENNELS	23W755 WEST IRVING PARK ROAD	ROSELLE	60172
ILT1	UNITED AIR LINES, INC.		PO BOX 66100	CHICAGO	60666
ILH7	VALLEE, JG		210 VILLA ROAD	STREAMWOOD	60103

INDIANA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
INH1	HARLAN, G & S	WAYPORT KENNELS	7857 N. HWY 37	BLOOMINGTON	47401

KANSAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
KST1	AIR MIDWEST, INC.		MID-CONTINENT AIRPT	WICHITA	67209

KENTUCKY

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
KYH1	BROOKS, CAREN	BLUE GRASS KENNELS	5291 PARKERS MILLS ROAD	LEXINGTON	40511
KYH3	HAMLIN, C & K	KESHLYN KENNELS	3566 WALNUT HILL ROAD	LEXINGTON	40502
KYH2	SHEABEL KENNEL		2568 RICHMOND ROAD	LEXINGTON	40502

LOUISIANA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
LAH1	CLICK DELIVERY SERV. INC		3710 ROBERTSON ST BOX 683	METAIRIE	70004

MASSACHUSETTS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MAT1	AIR NEW ENGLAND, INC.		LOGAN INTL. AIRPORT	BOSTON	02128
MAH2	FRAHMANN, M & G		750 WAKEBY RD	MARSTON	02648
MAT2	PATRIOT TRUCKING INC		PO BOX 131	REVERE	02151
MAT3	PROVINCETOWN-BOSTON AIRLINE, INC.		P.O. BOX 539	PROVINCETOWN	02657
MAH1	WRIGHT, M P	CEDARSHAKE KENNEL	21 HARRINGTON RD	WESTMINSTER	01473

MARYLAND

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MDT2	CUMBERLAND AIRLINES		PO BOX 1611	CUMBERLAND	21502
MDT3	GIBSON AVIATION, INC.		7940 AIRPARK DR.	GAITHERSBURG	20760
MDT4	PAUL HENRY AIR FREIGHT INC.	AIRPORT INDUSTRIAL PARK	BOX 256	HAGERSTOWN	21740

MAINE

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MET1	BAR HARBOR AIRWAYS, INC	BAR HARBOR AIRLINES	RFD 1	ELLSWORTH	04605
MET3	COLES EXPRESS		444 PERRY RD	BANGOR	04401
MET4	DOWNEAST AIRLINES INC		PO BOX 966	ROCKLAND	04841
MET2	PORTLAND AIR FREIGHT	PORTLAND INTL JETPORT	1016 WESTBROOK ST	PORTLAND	04102

MICHIGAN

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MIT1	EAGLE AVIATION, INC.		BISHOP AIRPORT	FLINT	48507
MIH1	WELLS, D.		32283 ECORSE RD	ROMULUS	48174

MINNESOTA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MNT4	AIR FREIGHT EXPRESS		7600 24TH AVENUE SOUTH	MINNEAPOLIS	55450
MNH1	AMERICAN BOARDING KENNEL		1102 E HWY 13	BURNSVILLE	55337
MNT1	NORTHWEST AIRLINES, INC.		ST. PAUL INTL. AIRPORT	ST. PAUL	55111
MNT3	REPUBLIC AIRLINES INC.		RT. 6 P.O. BOX 180F	MINNEAPOLIS	55450

MISSOURI

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MOH3	ANDERSON, LARRY	B & L TRANSPORT	RT 1 BOX 223	TROY	63379
MOH2	BUTLER, D.	PET EXPRESS	9540 NW PRAIRIE VIEW RD	KANSAS CITY	64153
MOH7	EBEST, J K	COUNTRY LANE KENNEL	4112 TOWERS RD.	ST. CHARLES	63301
MOH4	GIBSON, J & W	IMPERIAL CROWN KENNELS AND PET CEMETERY INC.	115 N HIGHWAY 67	FLORISSANT	63031
MOH1	KENNELWOOD VILLAGE INC		755 NEW BALLAS RD SO	ST LOUIS	63141
MOH6	KUNZ, F & P	BLUFFVIEW KENNELS	RT 4 BOX 56A	ST. CHARLES	63301
MOT1	OZARK AIR LINES, INC.		PO BOX 10007	ST LOUIS	63145
MOH5	RYBOLT, PAT		RR 1 BOX 233	HALLSVILLE	65255

MISSISSIPPI

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
MST1	MILLER AIR TRANSPORTERS, INC.		PO BOX 22551	JACKSON	39205

NORTH CAROLINA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NCT3	AIR EXPRESS, INC.		REGIONAL AIRPORT BOX 8706	GREENSBORO	27410
NCH1	HORKY, A & E		2333 EATONTON ST	CHARLOTTE	28208
NCH2	KEYES, T. HALL	RAINHALL TRAINING CENTER	2206 ASHEBORO STREET	GREENSBORO	27406
NCT2	LITTLE MOUNTAIN AIRPORT, INC.		RT 1 BOX 310	MAIDEN	28650
NCT1	PIEDMONT AVIATION, INC.		WINSTON-SALEM	WINSTON	27102
NCT4	PINEHURST AIRLINES, INC.		PO BOX 849	PINEHURST	28374

NORTH DAKOTA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NDT1	AIR FREIGHT EXPRESS		PO BOX 5021 SUS	FARGO	58102

NEW JERSEY

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NJH8	AIRLINE ANIMAL TRANSPORTATION		58 KINDERKAMACK RD	EMERSON	07630
NJH1	GRADLYN KENNELS INC.	INT'L PET TRAVEL SERVICE	SYKESVILLE ROAD	WRIGHTSTOWN	08562
NJH7	HAY HILL KENNELS, INC.		905 N WASHINGTON AVE	GREEN BROOK	08812
NJH5	HOLLY CREEK KENNEL		R.D. 3 TAUNTON RD.	MARLTON	08053
NJH4	MANHARD, GM & RC	HILLSBOROUGH BOARDING KENNELS	ROYCEFIELD RD PO BOX 682	SOMERVILLE	08876
NJH6	MULSBURY, F & H	CHERRY LANE KENNELS	RD 2 BOX 168	FREEHOLD	07728
NJH3	PURR N POOCH INC.		STATE HIGHWAY 35	MANASQUAN	08736
NJH2	ROXDANE KENNELS INC.		75 STIRLING RD	WARREN	07060
NJT1	WORLDWIDE PET TRAVEL SERVICE		7 LEE LANE	VINCENTOWN	08088

NEW MEXICO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NMT3	AIR NEW MEXICO		RT. 6 P.O. BOX 180F	SANTE FE	87501
NMT2	CROWN AVIATION INC.		PO BOX 9211	ALBUQUERQUE	87119
NMT4	ED'S FLYING SERVICE, INC.		P.O. BOX 966	ALAMOGORDO	83310
NMH3	LUJAN, P & M	COUNTRY BOARDING KENNELS	RT 6 BOX 458	SANTA FE	87501
NMH1	PARCEL DELIVERY OF ALBUQUERQUE		AMF PO BOX 9121	ALBUQUERQUE	87119
NMH2	RAWHIDE EXPRESS		P.O. BOX 9112	ALBUQUERQUE	87119
NMT1	ROSS AVIATION INC.		PO BOX 9124	ALBUQUERQUE	87119
NMH4	SUMMERS, T & V	FUR FIN & FEATHER PET CENTER	5100 E MAIN	FARMINGTON	87401

NEVADA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NVH1	AMERICAN ANIMAL SERVICES, INC.	THE ANIMAL INN	3460 WEST OQUENDO ROAD	LAS VEGAS	89118

NEW YORK

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
NYT3	AIR CANADA		MONTREAL H3B3P7	MONTREAL H3B3P	
NYT2	AMERICAN AIRLINES, INC.		633 THIRD AVE	NEW YORK	10017
NYH6	ASPCA		441 EAST 92ND STREET	NEW YORK	10028
NYH1	DAL CORTIVO, R & S	CROSS CTRY PET TRANSPORTERS.	CROSS RD	LAGRANGEVILLE	12540
NYH9	EAGLE HILL DOG CENTER INC		PO BOX 307 GRAVES RD	WESTMORELAND	13490
NYT6	FISHERS ISLAND FERRY DISTRICT			FISHERS ISLAND	06390
NYH8	FLYING FUR PET TRAVEL SERVICE		133 SO. 41 AVE.	FLUSHING	11355
NYH11	HICKEY, R	WHITE SHADOW RANCH	680 ATLANTIC AVE	BALDWIN	11510
NYH7	INTRONE, S	EMERALD ACRES PET MOTEL	RD 5 BOX 281A MARIAVILLE RD	SCHENECTADY	12306
NYH10	NEZELEK, R & MALICK, D	MT ETTRICK PET RESORT	AIRPORT RD RT 6	BINGHAMTON	13905
NYT1	PAN AMERICAN WORLD AIRWAYS, INC.		200 PARK AVE	NEW YORK	10017
NYT7	PEDONE, DAVID L	PEDONE TRUCKING INC	4225 GENESEE STREET	CHEEKTOWAGA	14225
NYH5	PET ENTERPRISES TOTAL SERVICES	WILLOW KENNELS/ANIMAL TRAVEL AGEN.	1698 DEER PARK AVE	DEER PARK	11729
NYH4	POWERS, P		179-15 148TH AVE	JAMAICA	11434
NYT5	SEABOARD WORLD AIRLINES		BLDG 260 JFK INT'L ARPT	JAMAICA	11430
NYT8	TAUGHANNOCK AVIATION CORP		465 MIDLINE RD.	FREEVILLE	13068
NYH12	TEDESCHI, C	TEDESCHI & SONS TRUCKING, INC.	58-90 56TH ROAD	MASPETH	11378
NYT4	TRANS WORLD AIRLINES, INC.		605 THIRD AVE	NEW YORK	10016
NYH2	WORLD WIDE PET TRANSPORT		96-01 METROPOLITAN AVE	FOREST HILLS	11375

OHIO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
OHH1	KARNIK KENNEL		5411 BLACK RD.	WATERVILLE	43566

OKLAHOMA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
OKT1	GT WESTERN AIRLINES, INC.	RICHARD LOYD JONES ARPT		TULSA	74107
OKH1	STROTHMANN, G & R	SUNDOWN KENNELS	RT 2 BOX 740	CLAREMORE	74017

OREGON

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
ORH7	ANDERSON, L & HALL, R	PENDLETON VETERINARY CLINIC	1901 SW COURT	PENDLETON	97801
ORH9	BENTON HUMANE SOCIETY		PO BOX 1336	CORVALLIS	97330
ORH1	BERLANT, D	TWIN WILLOWS KENNELS	320 NE GERTZ RD	PORTLAND	97211
ORH2	BOND, MRS M		29083 AIRPORT RD	EUGENE	97402
ORH4	BOWER, A	APPLEGATE COUNTRY BOARD. KENNELS.	150 DETRICK DR	GRANTS PRESS	97526
ORT3	EVERGREEN INTL AIRLINES INC		3185 CRESTVIEW DR	NEWBERG	97132
ORH8	GROUPE, J.R.	RIVERSIDE VETERINARY CLINIC	330 NE HWY 11	PENDLETON	97801
ORH5	HICKMAN, J	ARCHERS BOARDING KENNELS & BOTIQUE.	16750 SW PACIFIC HWY	SHERWOOD	97140
ORH6	LUDLOW, C & M L	LUCKY FOUR KENNEL	32234 COUNTRY RD	TANGENT	97389

PENNSYLVANIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
PAT1	ALTAIR AIRLINES, INC.		SCOTT PLAZA 2	PHILADELPHIA	19113
PAH3	BUZY, J		BOGGS SCHOOL RD.	CORAOPLIS	15108
PAH2	CRESTWOOD DOG MOTEL		2717 WEST 26TH ST	ERIE	16506
PAT2	FLIGHT EXPRESS CARGO, INC.		PO BOX 67	ESSINGTON	19029
PAH4	HURST, D		3031 B OLD PHILA. PIKE	RONKS	17572
PAH1	MCKENDRY, S		RD 2	CORAOPOLIS	15108
PAH6	PARKWAY WEST PET CARE CNTR.		RD 2 GRINGO CLINTON RD.	CORAOPOLIS	15108
PAH7	SHAMBAUGH, VIRGINIA	VON HELRICH KENNEL	1137 PINE ROAD	CARLISLE	17013
PAT3	SKYLINE MOTORS AIR CARGO, INC.		71 BRIDGE STREET	WEST BRIDGEWATER	15009
PAH9	STEWARD, M & WLM	STEWARD KENNELS	PYLE RD RR 2 BOX 309	CHADDS FORD	19317
PAH5	VIR-DEL KENNEL		36 RANDOLPH RD. RD 1	GREAT BEND	18821

PUERTO RICO

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
PRT3	CARIBBEAN AIR SERVICES		SAN JUAN INT'L AIRPORT	ISLA VERDE	00913
PRT2	FLAMENCO AIRWAYS, INC.		PO BOX 214	CULEBRA	00645
PRT1	PRINAIR		INTERNATIONAL AIRPORT	ISLA VERDE	00913

[FR Doc. 81-831
BILLING CODE

SOUTH CAROLINA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
SCH4	AIR FREIGHT DELIVERY		PO BOX 558	WEST COLUMBIA	29169
SCT1	ATLANTIS AIRLINES, INC		PO BOX 3022	MYRTLE BEACH	29577
SCH2	CHARLESTON CARTAGE CO INC		PO BOX 42	CAYCE	29033
SCH1	GIBSON KENNELS, INC		6548 WARD AVE	CHARLESTON HEIGHTS	29405
SCH6	PET HAVEN INC		RT 4 BOX 129	HOPKINS	29061
SCH7	POWELL, L A	SUN-GLO KENNELS	1019 LST AVE. SO.	NORTH MYRTLE BEACH	29582
SCH3	ROCKYS KENNEL		PO BOX 191 PLATE SPRINGS RD	LEXINGTON	29072
SCH5	SHADY ACREAS PET RESORT		HARMON RD RT2 BOX 207J	HOPKINS	29061

TENNESSEE

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
TNT1	MID-TENN AVIATION CO		RT 3 BOX 640	DICKSON	37055

TEXAS

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
TXH9	AAA KENNEL, INC		3316 GLANDE RD	COLLEYVILLE	76034
TXH4	AIR CARGO EXPRESS		2227 E. UNION BOWER	IRVING	75062
TXH8	AIR/FRATE TRANSPORTATION		BOX 60523 AMF	HOUSTON	77205
TXH1	BOOKER, JR. SM	BOOKER'S KENNEL	101 E NOLAN TRAIL	HARKER HEIGHTS	76541
TXT1	BRANIFF AIRWAYS, INC		PO BOX 35001	DALLAS	75235
TXH6	COUNTRY KENNEL		RT 2, BOX 178	FRISCO	75034
TXH2	FLYING FUR PET TRANSFER		4500 TRAVIS	HOUSTON	77002
TXH11	HRANITZKY, DENNIS		623 EAST DALLAS ROAD	GRAPEVINE	76051
TXH3	KENTREE BOARDING KENNELS		14834 VERA DR	HUMBLE	77338
TXH5	MANNING MAX, INC		400 CASCADE	IRVING	75061
TXT5	MORGAN EXPRESS, INC		10130 MONROE DRIVE	DALLAS	75229
TXH10	PRAEGER, DS JR		7817 SOUTH COOPER STREET	ARLINGTON	76017
TXT3	RIO AIRWAYS INC		PO BOX 636	KILLEEN	76541
TXT2	TEXAS INTL. AIRLINES, INC		PO BOX 12788	HOUSTON	77017

UTAH

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
UTH2	ALPINE KENNELS		235 W 3750 SO	SALT LAKE CITY	84115
UTH3	FLYING FUR PET TRAVEL SERVICE		5348 KENWOOD DR	MURRAY	84107
UTH1	GREENWOOD KENNELS		180 SO. HWY. 89	SALT LAKE CITY	84054
UTT1	JOHNS-MANVILLE SALES CORP	KEY AIRLINES	PO BOX AMF 22065	SALT LAKE CITY	84122
UTH4	RICKFORD, RL	RICK & PAT'S PET CENTER & GROOMERY.	3986 SOUTH 2ND EAST	SALT LAKE CITY	84107
UTT2	TRANS WESTERN AIRLINES OF UTAH		PO BOX 3253	LOGAN	84321

VIRGINIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
VAT1	ANIMAL AIRLINE		PO BOX 99	LINDEN	22642
VAH2	COHEL, E	JAMES RIVER KENNELS	RT 1 BOX 280	CARROLLTON	23314
VAT2	DIRECT COURIER INC		2780 S. JEFFERSON DAVIS HWY	ARLINGTON	22202
VAH5	DULLES GATEWAY KENNELS, LTD		4500 UPPER CUB RUN DRIVE	CHANTILLY	22021
VAH1	K - KENNELS INT		PO BOX 213	CHANTILLY	22021
VAH3	RAMSEY, MARY WELLS	WAYWARD BOARDING KENNELS	RT 1 BOX 383	RUSTBURG	24588
VAH4	STONEHEAD DOG RANCH		R.D.I. BOX 163A	ALDIE	22001

VERMONT

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
VTT1	PRECISION VALLEY AVIATION		SPRINGFIELD AIRPORT	NORTH SPRINGFIELD	05150

WASHINGTON

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
WAH2	AIRBORNE FREIGHT CORP		PO BOX 662	SEATTLE	98111
WAT1	ALASKA AIRLINES		19300 PACIFIC HWY. SO	SEATTLE	98188
WAH8	ARNOLD, D	WARNITCH KENNELS	13426 SE 208TH	KENT	98031
WAH4	ATWOOD, L	KELLY'S KENNELS	2040 S 142ND	SEATTLE	98168
WAH6	DEMARRC, V	HOLIDAY KENNELS	22211 RUSSELL RD	KENT	98031
WAH9	KRUGER ANIMAL HOSPITAL		12516 PACIFIC HWY SO	SEATTLE	98168
WAH3	MOCK, R	HAPSBURG KENNEL	14043 24TH AVE SO	SEATTLE	98168
WAH10	RUSSELL, P	TANNEHAUS KENNEL	2412 224TH EAST	SPANAWAY	98387
WAH7	ZAPPALA, C & C	SCHAFERHAUS & VIELEDANKE KENNELS.	1043 SO 140TH	SEATTLE	98168

WISCONSIN

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
WIT1	AIR WISCONSIN		OUTAGAMIE CTY AIRPORT	APPLETON	54911
WIH1	ANIMAL MOTEL		6068 NORTH 115TH ST.	MILWAUKEE	53225
WIH2	GROSSKOFF, MRS KEN	GOURUSK PET CARE CENTER	1991 ALLOUEZ AVE	GREEN BAY	54301

[FR Doc. 81-9317 Filed 3-26-81; 8:45 am]
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14727-14884
14885-15128
15129-15256
15257-15490
15491-15684
15685-15854
15855-16098
16099-16234
16235-16652
16653-16876
16877-17008
17009-17186
17187-17534
17535-17750
17751-18012
18013-18306
18307-18520
18521-18678

Reader Aids

Federal Register

Vol. 46, No. 59

Friday, March 27, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	523-5230
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	523-5230
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17006	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20
18013-18306	23
18307-18520	24
18521-18678	25
18679-18926	26
18927-19210	27

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

485 17187

3 CFR

Executive Orders:

11970 (Revoked by EO 12299) 17751
12247 (Revoked by EO 12298) 16879
12258 (Revoked in part by EO 12299) 17751
12296 15129
12297 16877
12298 16879
12299 17751
12300 18883

Proclamations:

4822 14885
4823 15491
4824 17009
4825 17535
4826 18013
4827 18521
4828 18523
4828 (correction) 18679
4829 18681

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857

Proposed Rules:

28 15884

5 CFR

Ch XIV 17187
6 18683
213 18927-18931
550 14887
831 16653

7 CFR

Ch XVIII 17753
331 17753
906 16237
907 ..... 15257, 16237, 17537, 18685
910 ..... 15493, 15864, 16655, 17754, 18931
959 ..... 16238, 17755
2024 15493

Proposed Rules:

930 15888
982 16040
1002 17207
1004 ..... 15713, 16266
1007 ..... 16266, 18558
1011 ..... 16266, 18558
1030 ..... 16266, 18558
1032 ..... 16266, 18558
1046 ..... 16266, 18558
1049 ..... 16266, 18558
1050 ..... 16266, 18558
1062 ..... 16266, 18558
1064 ..... 16266, 18558
1065 ..... 16266, 18558
1068 ..... 16266, 16689, 18558
1071 ..... 16266, 18558
1073 ..... 16266, 18558
1076 ..... 16266, 18558
1079 ..... 16266, 18558
1094 ..... 16266, 18558
1096 ..... 16266, 18558
1097 ..... 16266, 18558
1098 ..... 16266, 18558
1099 ..... 16266, 18558
1102 ..... 16266, 18558
1104 ..... 16266, 18558
1106 ..... 16266, 18558
1108 ..... 16266, 18558
1120 ..... 16266, 18558
1126 ..... 16266, 18558
1131 ..... 16266, 18558
1132 ..... 16266, 18558
1138 ..... 16266, 18558
1139 16690
2851 14899
2859 15512

8 CFR

214 18988
238 16656

9 CFR

75 15494
78 18685

Proposed Rules:

308 15512
317 18990
381 ..... 15512, 18990

10 CFR

20 ..... 16230, 18015, 18525
35 15683
212 15257
710 18170

Proposed Rules:

Ch. I 17586
1 18747

2 ..... 17216, 18558, 18747
30 15278
35 18750
40 15278
50 ..... 15278, 18045
51 15154
70 15278
72 15278
211 15112
212 17566
376 15484
390 15484
1060 17787

12 CFR

Ch. VII 14887
1 16240
5 16656–16661
8 16663
19 18931
21 15864
29 18932
206 16099
211 18015
216 15864
303 ..... 17755, 17756
326 15864
523 18686
541 17187
544 16881
545 ..... 17187, 18686
546 14727
556 16246
563 14727
563a 15864
611 ..... 17011, 18688
701 ..... 17187, 17537
748 15864
749 17186
1204 15131

Proposed Rules:

400 15888
545 15175
618 17022

13 CFR

123 18526

14 CFR

39 ..... 14728–14729, 15259, 17538–17540, 16247, 16248, 16881–16888, 18016–18019, 18689
71 14730–14734
91 ..... 16666, 16888
95 14735
97 ..... 15259, 16249, 18020
121 15480

Proposed Rules:

Ch. I 14749, 15278, 15746
21 16279
39 15479
71 ..... 15478, 16899–16902, 18049, 18050
93 15458
159 15458
241 17022

15 CFR

4a 16251
386 16669
388 17189
503 15496
804 16892
805 16892
935 14741
936 14741
937 14741
938 14741

Proposed Rules:

377 17218
970 18448

16 CFR

1 14868
13 ..... 15261, 15262, 16892, 14741, 17189, 18691
460 18307
1000 17541

Proposed Rules:

13 ..... 16274, 18723
1208 17788

17 CFR

15 ..... 15132, 16255, 18528
16 18528
17 18528
18 18528
21 18528
200 16255
211 15496
230 ..... 18531, 18947
231 16670
239 ..... 17756, 18531, 18947
240 ..... 14888, 15133, 15134, 15496, 15713, 15866
241 16670
249 17756
250 18532
251 18535
259 17756
269 17756
270 ..... 16673, 17011
274 17756
279 17756

Proposed Rules:

1 16691
210 15278
230 18559
240 ..... 14749, 15178, 17219, 18990

18 CFR

4 15873
250 15874
260 15878
282 ..... 14742, 15498, 15879, 16256, 18011

Proposed Rules:

Ch. I 15512
Subchapter B 16903
1 ..... 14751, 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 ..... 14751, 17023
12 17023
16 17023
25 17023
32 17023
33 17023
34 15513
35 ..... 17023, 17227
41 17023
131 15513
152 17023
153 17023
154 14899
156 17023
157 ..... 14899, 16903
158 17023
250 14899
260 14899
270 17023
271 ..... 16914, 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 ..... 16903, 17023
385 17023
388 17023

19 CFR

Ch. II 17526
200 17542
207 18022
210 17526
211 17526
353 ..... 15135, 17190
355 ..... 16099, 17014

Proposed Rules:

101 17226

20 CFR

655 18951

Proposed Rules:

655 18991

21 CFR

5 ..... 16674, 17757
50 18951
73 ..... 15500, 17758
74 18951
81 ..... 15500, 17758, 18951–18958
82 18951
175 16675
177 16675
178 17758
193 ..... 16256, 17015
430 ..... 15880, 16676
431 16676
436 ..... 15880, 16676, 16678, 16681
440 ..... 15880, 16681
442 ..... 15880, 16679
444 ..... 16676, 16680, 16681, 17758
446 16681
448 16681
449 16681
450 16681
452 ..... 16678, 16681
510 ..... 18959, 18961
520 ..... 18959, 18961–18963
522 ..... 18961, 18964
524 18964
529 18965
540 14889
556 18966
558 18966–18968
561 ..... 14889, 17015, 18023
864 14890

Proposed Rules:

Ch. I 18992
20 17063
73 18994
81 18994
106 17790
109 15518
110 15518
165 18995
180 18996
182 18996
193 15261
225 15518
226 15518
452 16892
500 15518
509 15518
601 17063
803 17063
872 15519
876 ..... 17063, 17064

22 CFR

Ch. XIV 16059, 16065
19 16968
41 15504
51 16257
191 17543
502 18970
504 18970
505 18970
525 18970

24 CFR

201 17190
203 ..... 14743, 16893
207 ..... 14743, 16893
213 16893
220 ..... 14743, 16893
221 16893
232 16893
234 16893
235 16893
236 16893
241 16893
242 16893
244 16893
300 15505
803 17366
888 17366

Proposed Rules:

115 18997

25 CFR

43c 14890

Proposed Rules:

72 16916
280 16916
700 15720

26 CFR

1 ..... 15262, 15685, 16100, 17191
20 17191
25 17191
31 17547
37 17547
55 15262
150 16257

Proposed Rules:

1 ..... 15892, 17229, 18998
26 15893
31 17566

27 CFR

72 18536
270 18309
275 18309
290 18309
295 18309

28 CFR

0 16100
40 16100

Proposed Rules:

2 14904

29 CFR

1 16973
4 16973
5 16973
6 16973
1903 16951
1910 ..... 14897, 16973, 16974
2200 14744
2610 ..... 16965, 16312
2613 16966
2615 16966

Proposed Rules:

92 16827
541 16998
1903 16999
1952 19000
1955 19000
1990 19000

30 CFR

700 16023
716 16023
785 16023
936 16536
944 16541
950 17191

Proposed Rules:

806 16276

32 CFR

201 15505
242b 16024
286 14890
369 15506
762 16313
875 15506

33 CFR

1 15685
230 14745

Proposed Rules:

204 16050

34 CFR

104 16975
200 16976
201 16976
300 16975
690 16823

Proposed Rules:

75 19000
76 19000
78 19000
104 ..... 18321, 19000–19002
200 19000
201 19000
211 19000
215 19000
223 19000
230 19000
231 19000
300 19000–19002
305 19000
307 19000
309 19000
315 19000
318 19000
322 19000
324 19000
332 19000
336 19000
361 19000
362 19000
365 19000
366 19000
369 19000
370 19000
371 19000
372 19000
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667 19000
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674 19000
675 19000
676 19000
682 19000
690 19000
729 19000
735 19000
740 19000
753 19000
757 19000
770 19000
778 19000

36 CFR

2 18977
3 16101
21 16101
36 16686

Proposed Rules:

3 19002
17 18051

39 CFR

10 ..... 17016, 18313
111 ..... 14746, 15263, 15266, 17758

Proposed Rules:

10 18054
111 18560

40 CFR

52 ..... 15136–15139, 15686, 16687, 16895–16897, 17019, 17191–17193, 17549–17557, 17777–17779, 18692
55 15686
57 18025
81 ..... 14891, 14892, 15140, 16258, 17557
86 ..... 15586, 16258, 16259
122 ..... 16897, 18025
123 ..... 17194, 18978
162 ..... 15104, 17779
180 ..... 14894, 15122–15125, 17020, 17021, 18313–18316, 18694, 18978
205 17558
261 17196
264 ..... 16897, 18025
265 ..... 16897, 18025
761 16090
1500 18026
1501 18026
1502 18026
1503 18026
1504 18026
1505 18026
1506 18026
1507 18026
1508 18026

Proposed Rules:

Ch. I 16916
52 19003
51 16280
52 ..... 15180, 15181, 15284, 15743, 16280, 17790, 18725
60 14905
61 18561
62 16321
81 ..... 15744, 15744
86 ..... 15893, 16917
141 17567
162 16322
180 ..... 15181, 15182, 15285, 16917, 17229, 17230
192 16278
264 18054
406 17567
408 18055
409 17567
413 17567
416 17567
418 17567
420 ..... 17567, 18725
421 17567
422 17567
424 17567
426 17567
428 17567
430 15287
431 15287
432 17567
435 17567
436 17567
440 17567
443 17567
457 17567
460 17567
761 16096
763 14905

41 CFR

Ch. 1 17780
Ch. 101 17564
1-3 17559
1-4 16102
5-8 17202
5A-8 17202
5B-8 17202
11 17559
16 17559
60-1 18951
101-26 17564
101-35 16102
101-36 16102
101-38 16695
101-40 14894

Proposed Rules:

8-4 17232
60-1 19004
101-7 17791

42 CFR

110 15141

43 CFR

20 16897

Public Land Orders:

5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15267, 15269, 17781, 17782, 18712, 18713
65 ..... 15142, 17782, 18546, 18707
67 ..... 18546, 18696

Proposed Rules:

60 16892
67 ..... 14907, 15183, 15287, 16282, 17795–17808, 18562, 18563, 18726

45 CFR

46 19155
1060 15270

1357.....14895
1612.....16267
Proposed Rules:
1624.....18055

46 CFR

3.....15746
14.....15746
24.....15746
188.....15746
189.....15746
401.....18716
536.....18549
Proposed Rules:
502.....17064

47 CFR

1.....18551
2.....15146, 15690, 18979
13.....18717
25.....18720
83.....00
73.....15147–15151, 15271, 15707, 15709–15711, 16268, 17783–17785, 18316–18318, 18556, 18557
81.....15690, 18982
83...15690,18717,18982, 18984
90.....15152, 15273
97.....15146, 18979
Proposed Rules:
Ch. I.....14907, 15184, 15296, 16692, 18737, 19005
0.....15297
22.....15749
25.....15754
61.....15297
63.....14754, 15297
67.....17568
73.....15184–15186, 15298, 15754, 15756, 15757, 17065, 17233, 17809–17811, 18737–18745, 19005
83.....17233, 19007
90.....16104, 17813

48 CFR

Proposed Rules:
31.....16918

49 CFR

172.....17738
173.....17564
531.....18038, 18721
1003.....16200, 17785
1005.....16200, 17785
1033.....14895, 14896, 15507, 18721
1039.....15509
1056.....16200, 17785
1100.....17785
1132.....15509
1240.....15880
1243.....15881
1310.....16200, 17785
1322.....16200, 17785
1331.....15277, 16102
Proposed Rules:
23.....16282
571.....18747
583.....18059
1048.....16106
1052.....17813, 17814
1056.....16225

1057.....15300
1100.....17065
1206.....15302
1207.....15302
1307.....17234
1310.....17234

50 CFR

611.....16103
652.....15510
671.....18318
Proposed Rules:
20.....18666
230.....15746
410.....15188
611.....16107

V. 46 / 59 MAR 27 81 UMI

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 18, 1981; last cumulative listing for the 96th Congress (1980) January 7, 1981.

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4
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V. 46/59 M
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3-30-81
Vol. 46 No. 60
Pages 19211-19454

federal register

Monday
March 30, 1981

Highlights

Cumulative List of Public Laws—The fourth and final cumulative list of public laws for the second session of the 96th Congress can be found in the **Reader Aids** section of the issue of January 7, 1981.

19211 **Integrity and Efficiency in Federal Programs** Executive Order

19450 **Petroleum Substitutes Program** DOE/ERA solicits comments by 4–29–81 and announces hearing for 4–15–81 on entitlements provisions

19228 **Natural Gas** DOE/FERC publishes order prescribing incremental pricing thresholds; effective 4–1–81

19418 **Ocean Thermal Energy Conversion** Commerce/NOAA proposes to establish a stable legal system and a streamlined licensing process to facilitate commercial development of ocean thermal energy conversion (OTEC) facilities and plantships; comments by 5–18–81 (Part II of this issue)

19247 **Consumer Protection** CPSC proposes to partially revoke rule banning certain unstable refuse bins; comments by 5–26–81

19237 **Grant Programs—Urban Initiatives** DOT/UMTA withdraws regulations; effective 3–31–81

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

19235 **Grant Programs—Transportation** DOT/UMTA issues notice of postponement of pending regulations describing the stockpiling of buses and bus rehabilitation grant programs; defers effective date until 5–15–81

19271 **Motor Carriers** ICC proposes to revise existing regulations authorizing individual carriers to establish their own nondiscriminatory C.O.D. collection and remittance rules; comments by 5–14–81

19217 **Banks, Banking** FHLBB promulgates new regulations to govern post-employment conflicts of interest; effective 4–22–81

19229 **Geothermal Energy** DOE/FERC adopts final rule regarding eligibility, rates, and exemptions for qualifying and utility-owned geothermal small power production facilities; effective 5–1–81

19221 **Banks, Banking** FHLBB amends its rules to clarify its policy statement regarding supervisory mergers and acquisitions; effective 3–23–81; comments by 5–29–81

19233 **Urban Transportation Planning** DOT/FHA and UMTA defers effective date of amendment until 6–30–81

19270 **Grant Programs—Transportation** DOT/UMTA gives notice of proposed withdrawal of regulations describing the stockpiling of buses and bus rehabilitation grant programs. Comments on proposed withdrawals and issuance of non-regulatory guidances by 4–15–81

19225 **Metropolitan Washington Airports** DOT/FAA defers effective date of final rule until 10–25–81

19216 **Banking** FRS publishes final official staff interpretation of regulations E, Electronic Fund Transfers, regarding the preemption of certain provisions of the Michigan Statute; effective 3–3–81

19273 **Railroad Employees** ICC proposes to revise the monthly and annual report forms pertaining to the compensation, service hours, and number of Class I railroad employees; comments by 5–14–81

Privacy Act Documents

19234 VA
19324 HHS/PHS

19383 **Sunshine Act Meetings**

Separate Parts of This Issue

19418 **Part II, Commerce/NOAA**
19450 **Part III, DOE/ERA**

Contents

Federal Register
Vol. 46, No. 60
Monday, March 30, 1981

The President
EXECUTIVE ORDERS
19211 Federal programs, integrity and efficiency (EO 12301)

Executive Agencies

Agriculture Department
See also Farmers Home Administration; Forest Service; Science and Education Administration.
RULES
Authority delegations by Secretary and General Officers:
19215 Small Community and Rural Development Under Secretary; changes in regulations to reflect position establishment

Air Force Department
RULES
19234 Credit unions; CFR Part removed
NOTICES
Environmental statements; availability, etc.:
19294 M-X missile program; deployment area selection and land withdrawal/acquisition; hearings

Arts and Humanities, National Foundation
NOTICES
Meetings:
19371 Arts and Artifacts Indemnity Panel

Bonneville Power Administration
NOTICES
Federal Columbia River Transmission System:
19296 Transmission policy revision; notice of intent and inquiry; extension of time

Civil Aeronautics Board
NOTICES
19284 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
19285 Challenge Air Transport, Inc.; show cause order
19285 Empresa Guatemalteca de Aviacion enforcement proceeding
19285 Former large irregular air service investigation and Worldwide Airlines, Inc.
19286 Intra-Hawaii service mail rates
19286 New York Air additional points proceeding
19383 Meetings; Sunshine Act (2 documents)

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
19286 Idaho
19286 Iowa
19287 North Carolina
19287 Oregon
19287 South Dakota
19287 Tennessee
19287 Tennessee; cancellation

Coast Guard
RULES
19235 Casualty reporting requirements; interim; correction
Vessel traffic management:
19234 New York vessel traffic service; deferral and clarification of effective date
NOTICES
Committees; establishment, renewals, terminations, etc.:
19379 Marine Safety Council Staff; location change

Commerce Department
See also International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration.
RULES
19227 National security information program; implementation; correction
19227 Voluntary standards, Federal participation in development and use; procedures for listing and delisting voluntary standards bodies and for voluntary dispute resolution service; deferral of effective date
PROPOSED RULES
19256 Voluntary standards, Federal participation in development and use; procedures for listing and delisting voluntary standards bodies and for voluntary dispute resolution service; proposed status during reexamination

Consumer Product Safety Commission
PROPOSED RULES
19247 Refuse bins, unstable, front-loading, small-capacity, and straight-sided; ban

Customs Service
NOTICES
Instruments of international traffic:
19381 Steel cores and fabric separators for holding rayon or nylon fabric or ply

Defense Department
See Air Force Department.

Economic Regulatory Administration
PROPOSED RULES
Petroleum allocation and price regulations:
19418 Petroleum substitute entitlements provisions
NOTICES
Electric energy transmission; exports to Canada or Mexico; authorizations, permits, etc.:
19296 Niagara Mohawk Power Corp.
Remedial orders:
19296 Marinas of the Future, Inc., et al.

Education Department
See National Council on the Handicapped.

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission.

NOTICES
Conduct standards:
19300 Post-employment prohibition waivers

Environmental Protection Agency
NOTICES
Toxic and hazardous substances control:
19300 Premanufacture notices; monthly status reports
19303–19314 Premanufacture notices receipts (5 documents)

Farmers Home Administration
NOTICES
Loan and grant disbursement:
19283 Business and industrial loan program

Federal Aviation Administration
RULES
Airports, Metropolitan Washington:
19225 Operation, development, and environmental quality improvement; deferral of effective date
Airworthiness directives:
19222 Cessna
19225 Restricted areas; final rule and request for comments
PROPOSED RULES
Airworthiness directives:
19246 Fokker
19245 Rulemaking petitions; summary and disposition
NOTICES
Aircraft certification status, etc.:
19379 Gates Learjet Corp.
Committees; establishment, renewals, terminations, etc.:
19379 Aeronautics Radio Technical Commission
Meetings:
19380 Aeronautics Radio Technical Commission (2 documents)

Federal Communications Commission
PROPOSED RULES
Television stations; table of assignments:
19267 California
19268 Montana
19269 Nebraska
NOTICES
Hearings, etc.:
19317 Bridgeport Broadcasting Co. et al.
19318 Buster, Danny L.
19316 Christian Broadcasting of the Midlands, Inc., et al.
19319 Heritage Village Church & Missionary Fellowship, Inc.
19321 Mobile Phone of Texas, Inc.
19321 Tower Power Corp. et al.
19317 Television broadcast applications accepted for filing and notification of cut-off date

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
19322 Kentucky

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
19228 Incremental pricing; acquisition cost thresholds
Public Utility Regulatory Policy Act of 1978:
19229 Geothermal small power production facilities; eligibility, rates, and exemptions
NOTICES
19383 Meetings; Sunshine Act
Natural gas companies:
19296 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend

Federal Highway Administration
RULES
Engineering and traffic operations:
19232 Carpool and vanpool projects; traffic control devices on Federal-aid and other streets and highways; uniformity; withdrawn
Motor carrier safety regulations:
19236 Drivers logs, test program of alternative methods; hours of service; extension of expiration date
Planning:
19233 Urban transportation investment policy and procedure with UMTA, etc.; deferral of effective date
NOTICES
Environmental statements; availability, etc.:
19380 Boise County, Idaho; intent to prepare

Federal Home Loan Bank Board
RULES
Ethics in Government:
19217 Post-employment conflict of interest
Federal savings and loan system:
19221 Supervisory mergers and acquisitions; policy statement and request for comments
NOTICES
19383 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
19385 Meetings; Sunshine Act

Federal Mine Safety and Health Review Commission
NOTICES
19385 Meetings; Sunshine Act

Federal Reserve System
RULES
Electronic fund transfers (Regulation E):
19216 Preemption of State law; Michigan; final official staff interpretation
NOTICES
Applications, etc.:
19323 Northwoods Bankshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
19323 Central Service Corp.

Fish and Wildlife Service
RULES
Final rules; deferral of effective dates. See entry under Interior Department

Forest Service
NOTICES
Environmental statements; availability, etc.:
19283 Cooperative Spruce Budworm Suppression Project (1980–1985), Maine

General Accounting Office
NOTICES
19323 Regulatory reports review; expired forms without valid GAO clearances (FTC, ICC, NRC).

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
19326 Marathon Oil Co.

Health and Human Services Department
See National Institutes of Health; Public Health Service.

Indian Affairs Bureau
RULES
Final rules; deferral of effective dates. See entry under Interior Department

Interior Department
See also Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service.
RULES
19233 Final rules; deferral of effective dates

International Convention Advisory Commission
NOTICES
19328 Meetings

International Trade Administration
NOTICES
Antidumping:
19287 Spun acrylic yarn from Japan
Countervailing duty petitions and preliminary determinations:
19288 Leather wearing apparel from Uruguay
Export privileges, actions affecting:
19290 Bruchhausen, Werner J., et al.

Interstate Commerce Commission
RULES
Rail carriers:
19238 Joint rates; surcharge or cancellation; rail variable cost and revenue determination procedures; interim rule and request for comments
PROPOSED RULES
Motor carriers:
19271 COD shipments, handling of funds; elimination of requirements
19273 Railroad employees; reporting requirements; revision
NOTICES
19326 Long and short haul applications for relief
Motor carriers:
19328, 19329 Finance applications (2 documents)
19331–19340 Permanent authority applications (6 documents)
19342 Permanent authority applications; restriction removals
19354 Temporary authority applications

Land Management Bureau
RULES
Final rules; deferral of effective dates. See entry under Interior Department
NOTICES
Meetings:
19327 Craig District Advisory Council
19327 North Atlantic Technical Working Group

Minority Business Development Agency
NOTICES
19291, 19292 Financial assistance application announcements (2 documents)

National Council on the Handicapped
NOTICES
19294 Disabled persons, economic status; public forum and inquiry

National Highway Traffic Safety Administration
NOTICES
Meetings:
19381 National Highway Safety Advisory Committee; site visits, cancellation
Motor vehicle defect proceedings; petitions, etc.:
19381 Payne, Robert A.; (1980) Porsche 924 passenger cars equipped with automatic transmissions; engine vibration and stalling problems; et al.; denial of petitions

National Institutes of Health
NOTICES
Meetings:
19324 Biometry and Epidemiology Contract Review Committee; cancellation
19324 Breast Cancer Task Force Committee
19324 President's Cancer Panel

National Labor Relations Board
NOTICES
19385 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
RULES
Marine sanctuaries:
19227 Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuary, Calif.; deferral of effective date and request for comments
PROPOSED RULES
Marine mammals:
19282 Commercial fishing operations; incidental taking affecting Dall's porpoise and other marine mammals in North Pacific Ocean and Bering Sea; correction
19416 Ocean thermal energy conversion facilities and plantships; licensing
NOTICES
Marine mammal permit applications, etc.:
19292 454802 Ontario Ltd.

19292 Hinckley, Sarah
19293 LGL Ltd. Environmental Research Associates
Meetings:
19294 South Atlantic Fishery Management Council

National Park Service
RULES
Final rules deferral of effective dates. See entry under Interior Department

Public Health Service
NOTICES
Organization, functions, and authority delegations:
19324 Health Resources Administration; national health planning and development
19324 Privacy Act; systems of records

Research and Special Programs Administration, Transportation Department
RULES
Hazardous materials:
19236 Shippers; tank car specifications; tankhead and thermal protection for newly built 105 tank cars, etc.; correction
19235 Hazardous materials table, listing; implementation of "Superfund" Act; correction

Science and Education Administration
NOTICES
Meetings:
19284 Agricultural Research and Extension Users National Advisory Board
19284 Food and Agricultural Sciences Joint Council (2 documents)

Securities and Exchange Commission
PROPOSED RULES
19251 Reporting and regulatory requirements; "small business" and "small organization;" definitions
NOTICES
Hearings, etc.:
19374 Allegheny Power System, Inc., et al.
19374 Connecticut Yankee Atomic Power Co.
19375 Putnam Daily Dividend Trust et al.
19377 Southwestern Investors, Inc., et al.
19377 Vinson & Elkins Lawyers Retirement Plan
Self-regulatory organizations; proposed rule changes:
19371 American Stock Exchange, Inc.
19372 Pacific Stock Exchange, Inc.
Self-regulatory organizations; unlisted trading privileges:
19373 Midwest Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
19379 NIA Corp.

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department; Urban Mass Transportation Administration.

Treasury Department
See Customs Service.

Urban Mass Transportation Administration
RULES
19235 Final rules; deferral of effective dates
Planning:
19233 Urban transportation investment policy and procedure with FHWA, etc.; deferral of effective date
19237 Urban initiatives program; funding for mass transportation projects; withdrawn
PROPOSED RULES
19270 Bus stockpiling and rehabilitation grant programs; proposed withdrawal

Veterans Administration
RULES
19234 Privacy Act; implementation
NOTICES
Environmental statements; availability, etc.:
19381 Fargo, N. Dak.; regional office building

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Science and Education Administration—
19284 Food and Agricultural Sciences Joint Council, Washington, D.C., 4–15, 4–16 and 4–17–81
19284 Food and Agricultural Sciences Joint Council, Executive Committee, Washington, D.C., 4–15–81
19284 National Agricultural Research and Extension Users Advisory Board, College Station, Texas, 4–6, 4–7 and 4–8–81

CIVIL RIGHTS COMMISSION
19286 Idaho Advisory Committee, Boise, Idaho, 4–17–81
19286 Iowa Advisory Committee, Des Moines, Iowa, 4–23–81
19287 North Carolina Advisory Committee, Raleigh, N.C., 5–13–81
19287 Oregon Advisory Committee, Portland, Oregon, 4–24–81
19287 South Dakota Advisory Committee, Sioux Falls, S.D., 4–25–81
19287 Tennessee Advisory Committee, Nashville, Tenn., 5–1–81

EDUCATION DEPARTMENT
National Council on the Handicapped—
19294 The President's Committee on Employment of the Handicapped, Washington, D.C., 5–6–81

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
19324 Breast Cancer Task Force Committee, Bethesda, Md., 4–6–81
19324 President's Cancer Panel, Bethesda, Md., 4–13–81

INTERIOR DEPARTMENT
Bureau of Land Management—
19327 Craig District Advisory Council, Craig, Colo., 4–23–81

19327 North Atlantic Technical Working Group, Somerville, Mass., 4-14 and 4-15-81

INTERNATIONAL CONVENTION ADVISORY COMMISSION
19328 Meeting, Washington, D.C., 4-30-81

NATIONAL ENDOWMENT ON THE ARTS AND HUMANITIES
19371 Federal Council on the Arts and the Humanities Arts and Artifacts Indemnity Panel Advisory Committee, Washington, D.C., 5-6-81

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
19380 Radio Technical Commission for Aeronautics (RTCA), Special Committee 143—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment, Washington, D.C., 4-21 and 4-22-81
19380 Radio Technical Commission for Aeronautics (RTCA) Special Committee 147-Active Beacon Collision Avoidance System (BCAS), Washington, D.C., 4-23 and 4-24-81

CANCELLED MEETINGS

CIVIL RIGHTS COMMISSION
19287 Tennessee Advisory Committee, Nashville, Tenn., 4-3-81

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
19324 Biometry and Epidemiology Contract Review Committee, Bethesda, Md., 4-16-81

CHANGED MEETING

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
19294 South Atlantic Fishery Management Council's Scientific and Statistical Committee, Charleston, S.C., 4-7 and 4-8-81

CHANGED HEARING

DEFENSE DEPARTMENT
Air Force Department—
19294 M-X Missile Program, 4-24-81

HEARINGS

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
19418 Licensing of Ocean Thermal Energy Conversion Facilities and Plantships, Notice of Proposed Rulemaking, 4-27, 5-1 and 5-11-81

ENERGY DEPARTMENT
Economic Regulatory Administration—
19418 Petroleum substitute entitlement provisions, 4-15-81

CONSUMER SUBJECT LISTING

The following items have been identified by the issuing agency as documents of particular consumer interest. This listing highlights the broad subject area of consumer interest followed by the specific subject matter of the document, issuing agency, and document category.

BANKING
19216 Electronic fund transfers, preemption of State law; final official staff interpretation; Federal Reserve System; Rules

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12301 19211

7 CFR
2 19215

10 CFR
Proposed Rules:
211 19450

12 CFR
205 19216
510 19217
511 19217
522 19217
556 19221

14 CFR
39 19222
73 19225
93 19225
159 19225
Proposed Rules:
Ch. I 19245
39 19246

15 CFR
4a 19227
19 19227
935 19227
936 19227
Proposed Rules:
19 19266
1001 19418

16 CFR
Proposed Rules:
1301 19247

17 CFR
Proposed Rules:
230 19251
240 19251
250 19251
260 19251
270 19251
275 19251

18 CFR
282 19228
292 19229

23 CFR
450 19233
630 19233
655 19232
656 19232

25 CFR
52 19233
53 19233

32 CFR
817 19234

33 CFR
161 19234

36 CFR
7 19233

38 CFR
1 19234

43 CFR
9 19233
2090 19233
2200 19233
2210 19233
2220 19233
2230 19233
2240 19233
2250 19233
2260 19233
2270 19233
2300 19233
2310 19233
2320 19233
2340 19233
2350 19233
2920 19233

46 CFR
4 19235

47 CFR
Proposed Rules:
73 (3 documents) ... 19267-19269

49 CFR
172 19235
173 19236
395 19236
613 19233
639 19235
640 19235
642 19237
1031A 19238
Proposed Rules:
639 19270
640 19270
1052 19271
1245 19273
1249 19273

50 CFR
17 19233
Proposed Rules:
216 19282

Federal Register
Vol. 46, No. 60
Monday, March 30, 1981

Presidential Documents

Title 3—

The President

Executive Order 12301 of March 26, 1981

Integrity and Efficiency in Federal Programs

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to coordinate and implement Government policies with respect to integrity and efficiency in Federal programs, it is hereby ordered as follows:

Section 1. *Establishment of the President's Council on Integrity and Efficiency.* (a) There is established as an interagency committee the President's Council on Integrity and Efficiency.

(b) The Council shall be composed of the following members:

(1) The Deputy Director of the Office of Management and Budget who shall be Chairman of the Council;

(2) The Deputy Attorney General;

(3) The Director of the Office of Personnel Management;

(4) The Executive Assistant Director of Investigations of the Federal Bureau of Investigation;

(5) Inspector General, Department of Energy;

(6) Inspector General, Department of Agriculture;

(7) Inspector General, Department of Housing and Urban Development;

(8) Inspector General, Department of Labor;

(9) Inspector General, Department of Transportation;

(10) Inspector General, Veterans Administration;

(11) Inspector General, Department of Health and Human Services;

(12) Inspector General, Department of Education;

(13) Inspector General of the Department of State and the Foreign Service;

(14) Inspector General, Department of Commerce;

(15) Inspector General, Department of the Interior;

(16) Inspector General, Community Services Administration;

(17) Inspector General, Environmental Protection Agency;

(18) Inspector General, General Services Administration;

(19) Inspector General, National Aeronautics and Space Administration;

(20) Inspector General, Small Business Administration;

(21) A designee of the Secretary of the Treasury;

(22) A designee of the Secretary of Defense, and

(23) A designee of the Director of the United States International Development Cooperation Agency.

(c) The Chairman shall, from time to time, invite the following to participate in meetings of the Council:

(1) The Comptroller General of the United States, and

(2) The Postmaster General of the United States.

Sec. 2. *Functions of the Council.* (a) The Council shall develop plans for coordinated government-wide activities which attack fraud and waste in government programs and operations.

(b) In order to ensure coordinated relationships between Federal, State and local government agencies, and nongovernment entities with respect to all matters relating to the promotion of economy and efficiency, the Council shall develop standards for the management, operation, and conduct of inspector general-type activities.

(c) Policies shall be developed by the Council which will ensure the establishment of a corps of well-trained and highly skilled auditors and investigators.

(d) The Council shall develop interagency audit and investigation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste which exceed the capability or jurisdiction of an individual agency. The Council will recognize the pre-eminent role of the Department of Justice in matters involving law enforcement and litigation.

(e) The Council membership shall, to the extent of their own authority to do so, implement those coordinated plans, standards, policies, programs, and projects (1) in order to conduct and supervise audits and investigations relating to programs and operations of the Government, and (2) in order to promote economy, efficiency, and effectiveness in the administration of programs and operations of the Government, as well as to detect fraud and abuse in such programs and operations.

(f) The creation and operation of the Council shall not interfere with existing lines of authority and responsibility in the departments and agencies.

Sec. 3. *Responsibilities of the Chairman.* (a) The Chairman shall, in consultation with the members of the Council, establish procedures for the Council; and, he shall establish the agenda for Council activities.

(b) The Chairman shall, on behalf of the Council, report to the President on the activities of the Council. The Chairman shall advise the Council with respect to the reaction of the President on the Council's activities.

(c) The Chairman shall provide agency heads with summary reports of the activities of the Council.

(d) The Chairman shall establish such committees of the Council, including an executive committee, as he deems necessary or appropriate for the efficient conduct of Council functions. Committees of the Council may act for the Council in those areas that affect the membership of the committee.

(e) The Chairman shall be supported by the Associate Director for Management of the Office of Management and Budget who shall advise and assist the Chairman in the execution of the entire range of responsibilities set forth above.

Sec. 4. *Coordinating Conference.* (a) There is established as an interagency committee the Coordinating Conference of the President's Council on Integrity and Efficiency.

(b) The Conference shall be composed of the Chairman of the Council and one representative of each Executive agency not represented on the Council. The head of each such agency shall designate as the agency's representative the official who is responsible for coordinating the agency's efforts to eliminate fraud and waste in the agency's programs and operations.

(c) The Chairman shall convene meetings of the Conference at least quarterly. The Chairman shall provide for the dissemination to the Conference of appropriate information on the activities of the Council, in order to enable the Conference membership, to the extent of their own authority to do so, to implement the coordinated plans, standards, policies, programs, and projects developed by the Council.

Sec. 5. *Administrative Provisions.* (a) The Director of the Office of Management and Budget shall provide the Council and the Conference with such administrative support as may be necessary for the performance of the functions of the Council and the Conference.

(b) The head of each agency represented on the Council or the Conference shall provide its representative with such administrative support as may be necessary, in accordance with law, to enable the agency representative to carry out his responsibilities.

Ronald Reagan

THE WHITE HOUSE,
March 26, 1981.

[FR Doc. 81-9655
Filed 3-26-81; 2:24 pm]
Billing code 3195-01-M

Editorial Note: The President's statement of March 26, 1981, on signing Executive Order 12301, and memorandums to the heads of executive agencies, dated March 26, 1981, on Governmentwide antifraud and waste efforts, is printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 13)

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Revision

AGENCY:

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Rules and Regulations

Federal Register
Vol. 46, No. 60
Monday, March 30, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department to reflect the position of Under Secretary for Small Community and Rural Development established by Pub. L. 96–355.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, U.S. Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C., 202–447–6035.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart A—General

1. Section 2.4 is revised to read as follows:

§ 2.4 General officers.

The work of the Department is under the supervision and control of the Secretary, who is assisted by the following general officers: the Deputy Secretary; the Under Secretary for International Affairs and Commodity Programs; the Under Secretary for Small Community and Rural Development; the Assistant Secretary for Natural Resources and Environment; the Assistant Secretary for Food and Consumer Services; the Assistant Secretary for Marketing and Transportation Services; the Assistant Secretary for Governmental and Public Affairs; the General Counsel; the Director of Economics, Policy Analysis and Budget; the Assistant Secretary for Administration; the Inspector General; the Judicial Officer; and the Director, Science and Education.

2. Section 2.5 is revised to read as follows:

§ 2.5 Order in which officers of the Department shall act as Secretary.

(a) Pursuant to Executive Order 11957, dated January 13, 1977 (42 FR 3295), in the case of the absence, sickness, resignation, or death of both the Secretary and the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs and the Under Secretary for Small Community and Rural Development shall act as Secretary in the order in which they have taken office as an Under Secretary. In the event that both Under Secretaries shall have taken office simultaneously, they shall act as Secretary in the order in which they are listed herein.

(b) In the case of the absence, sickness, resignation, or death of the Secretary, the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, and the Under Secretary for Small Community and Rural Development, the Assistant Secretary for Natural Resources and Environment, the Assistant Secretary for Food and Consumer Services, the Assistant Secretary for Marketing and Transportation Services, and the Assistant Secretary for Governmental and Public Affairs shall act as Secretary in the order in which they have taken office as an Assistant Secretary. In the event that any two or more Assistant Secretaries shall have taken office simultaneously, they shall act as Secretary in the order in which they are listed herein.

(c) In the case of the absence, sickness, resignation, or death of the Secretary, the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and the Assistant Secretaries referred to in paragraph (b) of this section, the General Counsel shall act as Secretary.

3. The heading of Subpart C is revised to read as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, Assistant Secretaries, and the Director of Economics, Policy Analysis and Budget

§ 2.19 [Amended]

4. Section 2.19 is amended by removing the term "Assistant Secretary for Rural Development" in paragraphs (f)(4)(v) and (f)(6) and substituting in lieu thereof the term "Under Secretary for Small Community and Rural Development".

§ 2.23 [Amended]

5. Section 2.23 is amended by removing the term "Assistant Secretary for Rural Development" in the heading, the introductory paragraph, and in paragraph (a)(1) and substituting in lieu thereof the term "Under Secretary for Small Community and Rural Development".

§ 2.39 [Amended]

6. Section 2.39 is amended by removing the term "Assistant Secretary for Rural Development" in paragraph (d) and substituting in lieu thereof the term "Under Secretary for Small Community and Rural Development".

7. The heading of Subpart I is revised to read as follows:

Subpart I—Delegations of Authority by the Under Secretary for Small Community and Rural Development

8. Section 2.69 is revised to read as follows:

§ 2.69 Deputy Under Secretary for Small Community and Rural Development.

(a) Pursuant to § 2.23, subject to reservations in § 2.24, and subject to

policy guidance and direction by the Under Secretary, the following delegation of authority is made by the Under Secretary for Small Community and Rural Development to the Deputy Under Secretary for Small Community and Rural Development, to be exercised only during the absence or unavailability of the Under Secretary:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Under Secretary for Small Community and Rural Development.

9. Section 2.70 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) *Delegations.* Pursuant to § 2.23 (a) and (g), and subject to policy guidance and direction by the Under Secretary for Small Community and Rural Development, the following delegations are made by the Under Secretary for Small Community and Rural Development to the Administrator, Farmers Home Administration:

* * * * *

10. Section 2.70 is further amended by removing the term "Assistant Secretary for Rural Development" in paragraphs (a)(16) and (b) and substituting in lieu thereof the term "Under Secretary for Small Community and Rural Development".

11. Section 2.72 is amended by revising the introductory text in paragraphs (a) and (b) to read as follows:

§ 2.72 Administrator, Rural Electrification Administration.

(a) *Delegations.* Pursuant to § 2.23(c) and subject to policy guidance and direction by the Under Secretary for Small Community and Rural Development, the following delegations of authority are made by the Under Secretary for Small Community and Rural Development to the Administrator, Rural Electrification Administration:

* * * * *

(b) *Reservations.* The following authorities are reserved to the Under Secretary for Small Community and Rural Development:

* * * * *

§ 2.84 [Amended]

12. Section 2.84 is amended by removing the term "Assistant Secretary for Rural Development" in paragraph (a)(21) and substituting in lieu thereof the term "Under Secretary for Small Community and Rural Development".

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subparts A, C and I.

Dated: March 23, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-9297 Filed 3-27-81; 8:45 am]

BILLING CODE 3410-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; EFT-1]

Electronic Fund Transfers; Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final official staff interpretation.

SUMMARY: The Board staff is publishing, in final form, official staff interpretation EFT-1 of Regulation E, Electronic Fund Transfers, regarding the preemption of certain provisions of the Michigan statute governing electronic fund transfers. The interpretation is issued in accordance with 12 CFR 205.13(b)(2) of the regulation, under authority delegated by the Board to the Director of the Division of Consumer and Community Affairs (45 FR 54011, August 8, 1980). It is based on a section-by-section comparison of the federal and state laws. Inconsistent state law provisions are preempted by the federal act unless they are more protective of the consumer, as provided by § 205.12 of Regulation E. A proposed interpretation was published on August 8, 1980 (45 FR 54070), and the agency is taking final action after reviewing the comments received.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Werthan, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3667).

SUPPLEMENTARY INFORMATION: (1) The text of official staff interpretation EFT-1 is published with identifying details deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index that provides identifying information for the public, subject to certain limitations stated in 12 CFR 261.6.

(2) The Board staff's proposed version of EFT-1, which was limited to a consideration of those sections of state law on which a determination was specifically requested, concluded that the following provisions of the Michigan statute should be preempted: Section 14 regarding consumer liability for unauthorized use of an account; Section 15 governing error resolution; and Sections 17 and 18 covering receipts and periodic statements. Under the proposal, the following provisions were not preempted: Section 13 governing issuance of unsolicited access devices; Section 5(4) defining unauthorized use of an access device; and Section 19 regarding initial disclosures.

Six comments were received. They addressed both the section-by-section analysis and the specific preemption determinations. The commenters' primary concern was the proposed preemption of the Michigan provisions governing a consumer's liability for unauthorized use of an account. Although several commenters disagreed with the staff's conclusion, it was recognized that depending on the circumstances, either the state provisions or Regulation E could be more protective of certain consumers. Some commenters also disagreed with the proposal not to preempt the Michigan sections covering the issuance of unsolicited access devices, the definition of unauthorized use, and the furnishing of initial disclosures.

(3) In light of the comments received and upon reconsideration, it has been decided that the state law definition of unauthorized use should be preempted. The decisions regarding preemption of the other provisions addressed in the proposal are otherwise unchanged. Certain revisions, along with nonsubstantive, editorial changes, have been made to the text of the interpretation. These include the following:

The text has been amended to clarify that preemption determinations have been made only for those sections of the state statute on which a determination was specifically requested.

Paragraph 1 of the numbered preemption conclusions, regarding the non-preemption of state law on the issuance of unsolicited access devices, includes a reference to the fact that state law contains more restrictive language regarding persons to whom unsolicited access devices may be issued.

Paragraph 2, regarding the state law's definition of unauthorized use, reverses the position taken in the proposal, to provide internal consistency with the preemption of the substantive provisions dealing with liability for unauthorized use.

Paragraph 3 explains more fully the reasons underlying the preemption of the state provision governing consumers' liability for unauthorized use of an account; a more detailed comparison of the state statute with Regulation E is given.

Finally, a statement regarding the scope of the Michigan statute, to the effect that the Michigan statute covers only terminal-based transfers, has been deleted. The staff believes, upon reconsideration, that it is better not to attempt to interpret the state law in this regard.

(4) Authority: 15 U.S.C. 1693m(d).

§ 205.12 (a) and (b)—Preemption of certain provisions of the Michigan statute governing electronic fund transfers.

March 23, 1981.

This is in response to your letter of . . ., in which you request that the Board determine the extent to which the Michigan statute governing electronic fund transfers is preempted by the Federal Electronic Fund Transfer (EFT) Act and Regulation E. The following is an official staff interpretation making such a determination, under authority delegated by the Board on August 8, 1980 (45 FR 54011). Preemption determinations have been made only with regard to those sections of the Michigan statute for which a decision was specifically requested. As section 912 of the act provides, financial institutions will incur no liability for a good faith failure to comply with a state requirement that has been determined to be inconsistent and that is preempted.

The following general analysis was used in making the determinations about preemption. If the state law is the same as federal law, no preemption occurs. If the state law is different from federal law, but financial institutions can comply with both, state law is not preempted and institutions must comply with both laws. If state law is different from federal law, and institutions may violate state law by complying with federal law, the laws are inconsistent within the meaning of § 205.12 (a) and (b). In this case, if state law is more protective of the consumer, state law is not preempted. Otherwise, federal law preempts state law and institutions need comply only with federal law.

The preemption determinations were based on a section-by-section analysis of the Michigan statute and Regulation E. After consideration of the inconsistencies between each requirement of a given section and the corresponding requirement in the federal law, the section was viewed as a whole. A comparison of groups of related sections was also made. The statutory language, which refers to inconsistencies in "provisions" of federal and state statutes, supports this type of analysis. This approach also avoids the formation of the very complex hybrid rules that would result from preemption of individual requirements within each section.

You asked that several specific sections of the Michigan statute be preempted. The final preemption determinations are as follows:

1. Section 13 of the Michigan statute regarding issuance of unsolicited access devices is inconsistent with § 205.5 of Regulation E, but is more protective of the consumer and therefore is not preempted by the federal law. State law provisions contributing to this conclusion include the requirements that an unsolicited access device be accepted in writing by the consumer; that additional information be given to the consumer after acceptance; and that the issuance of unsolicited access devices be limited to a financial institution's own customers (whereas Regulation E permits issuance to any consumer).

2. Section 5(4) of the state statute, which defines unauthorized use of an access device, is inconsistent with § 205.2(1) of Regulation E. Since the state provisions covering liability for unauthorized use of an access device have been preempted, the definition of unauthorized use is also preempted. This treatment of related sections is necessary for a meaningful result.

3. Section 14 of the state statute, which governs the consumer's liability for unauthorized use of an account, is inconsistent with § 205.6 of Regulation E. The state provision is not more protective of the consumer and is preempted. The negligence standard contained in the state statute could result in the consumer's increased exposure to liability. Under the state statute, negligent consumers appear to be liable for all unauthorized transfers, and non-negligent consumers may be liable for such transfers if they fail to notify a financial institution within 30 days of an unauthorized transfer. Regulation E limits liability based on the promptness of a consumer's notice to the financial institution, and imposes unlimited liability for subsequent transfers after 60 days have elapsed, rather than after 30 days as the state statute provides. Preemption of a negligence standard is also supported by the EFT Act's legislative history, which shows that the Congress rejected a negligence standard in the federal law in favor of liability based on promptness of notification.

4. Section 15 of the state statute governing error resolution procedures is inconsistent with § 205.11 of Regulation E. Section 205.12(b)(3) of Regulation E specifies that longer time periods for error resolution provide a basis for a finding of inconsistency. The state statute permits a possible 70 days for errors to be resolved, while Regulation E permits a maximum of 45 days. Because the Michigan law is not more protective of the consumer, it is preempted.

5. Sections 17 and 18 of the state statute, which cover receipt and periodic statement requirements, are inconsistent with § 205.9 of Regulation E. Under § 205.12(b)(4), inconsistency may exist if state law provisions for receipts or periodic statements are different in content from those required under federal law. Such differences exist between the requirements of the Michigan statute and the federal provisions. The state statute is not more protective of the consumer since it provides for the consumer's paying the cost of getting a terminal receipt if a machine cannot furnish one at the time of a transfer. The state provisions governing receipts and periodic statements are therefore preempted.

6. Section 19 of the state statute regarding initial disclosures is inconsistent with § 205.7 of Regulation E, but is not preempted. Since the state provision requires initial disclosures to be given when an access card is issued, rather than at any time before the first electronic fund transfer is made, as Regulation E provides, the state law is more protective of the consumer. Therefore, the Michigan provision stands. Two items in the disclosure statement, however, must conform to the federal requirements. Because the corresponding substantive sections of federal law have preempted state law, the liability disclosure and the error resolution disclosure must conform to the federal requirements.

The scope of the Michigan statute appears to be narrower than that of the federal EFT Act and seems to cover only terminal-based transfers. To the extent that this is the case, the federal provisions will continue to govern all electronic fund transfers that are outside the scope of the state statute.

This is an official staff interpretation of Regulation E, issued pursuant to § 205.13(b)(2) of Regulation E. It is limited to the facts and issues discussed above.

Sincerely,

Janet Hart,
Director.

Board of Governors of the Federal Reserve System, March 23, 1981.

James McAfee,
Assistant Secretary of the Board.

[FR Doc. 81-9021 Filed 3-27-81; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 510, 511 and 522

[No. 81-123]

Post-Employment Conflict of Interest

Dated: March 12, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is promulgating new regulations to govern post-employment conflicts of interest. These new regulations are required by the Ethics in Government Act of 1978.

EFFECTIVE DATE: April 22, 1981.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley [(202) 377-6444], Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 510.2 of the Board's General Regulations (12 CFR 510.2) contains restrictions on the activities of former employees of the Board and the Federal Home Loan Banks. Paragraph (b) of that section prohibits certain post-employment

appearances before the Board by an individual who participated in or was responsible for the matter in issue while an employee of the Board or a Bank, and paragraph (c) contains restrictions on the subsequent employment of former Board employees who engaged in activities involving discretion with respect to the granting of applications or financial assistance to institutions.

The Ethics in Government Act of 1978 (Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1864) significantly revised the restrictions on activities of former Federal employees found at 18 U.S.C. 207. Public Law 96–28 (93 Stat. 76, June 22, 1979) made further amendments to Section 207. Section 207 now contains four basic prohibitions, which may be summarized as follows: (1) a lifetime ban against any former employee representing anyone other than the United States before any Federal agency or court on a matter in which he or she participated personally and substantially while a Federal employee; (2) a two-year ban against any former employee representing anyone other than the United States before any Federal agency or court on any matter pending under his or her official responsibility during the last year of Federal employment; (3) a two-year ban against former "senior employees" representing or aiding in the representation of anyone other than the United States by personal presence before any Federal agency or court on any matter in which he or she participated personally and substantially while a Federal employee; and (4) a one-year ban against any former "senior employee" making any contact with his or her former agency on behalf of anyone other than the United States on any matter pending before the agency.

Paragraph (j) of 18 U.S.C. 207 requires each agency to establish procedures, in consultation with the Office of Government Ethics, for disciplinary action against a former employee who has violated the substantive provisions of that section. The Office of Personnel Management has issued regulations at 5 CFR Part 737 (45 FR 7402, Feb. 1, 1980) that consist of (1) substantive provisions implementing the prohibitions found at 18 U.S.C. 207, and (2) guidelines for the adoption of regulations by Federal departments and agencies regarding administrative enforcement procedures. The Board has accordingly promulgated new regulations at 12 CFR 511.737–1 and 511.737–2 based on the Office of Personnel Management guidelines. At the same time, the Board has revoked its existing regulations on post-employment conflicts of interest that apply to Board employees, and moved the existing regulations that apply to former Bank employees to 12 CFR 522.73 of the Federal Home Loan Bank System Regulations.

Revocation of 12 CFR 510.2

By this resolution, the Board has revoked in its entirety 12 CFR 510.2, which contains restrictions on the activities of former employees. The provisions of 18 U.S.C. 207 (as amended by the 1978 Act and Pub. L. 96–28) are the product of thorough consideration by Congress of post-employment conflict-of-interest problems, and provide a comprehensive scheme of restrictions that is, to some extent, inconsistent with the restrictions of § 510.2. It is appropriate that § 510.2 be revoked, since former Board employees are now subject to the more detailed and restrictive limitations on post-employment activities contained in 18 U.S.C. 207 and 5 CFR Part 737.

New 12 CFR 522.73

Former 12 CFR 510.2, which has been revoked by this action, contained provisions in paragraph (b) that limited the post-employment activities of former employees of the Federal Home Loan Banks. These restrictions were adopted because certain employees of the district Banks act as agents of the Board with regard to the approval of applications from the industry. For example, Federal associations' applications for branch offices are submitted first to the district Supervisory Agents, who have the power to grant or deny supervisory clearance. Section 510.2(b) prohibited former Bank employees from making certain appearances before the Board regarding matters in which they participated or for which they had official responsibility. These provisions were adopted pursuant to the Board's authority to supervise the Banks (12 U.S.C. 1437).

As explained above, the provisions of 12 CFR 510.2 have been revoked because of their inconsistency with the new scheme of post-employment restrictions found at 18 U.S.C. 207. New Section 207, however, is applicable only to one who has been "an officer or employee" of the U.S. Government; and the terms "officer" and "employee," as defined in 5 U.S.C. 2104 and 2105, do not include employees of the Banks. Revocation of 12 CFR 510.2 would therefore cause Bank employees to no longer be subject to any restrictions on their post-employment activities, unless new provisions applicable to Bank employees are adopted.

The Board has determined that Bank employees should continue to be subject to restrictions on their post-employment activities, in light of the potential for conflicts of interest that arises from their involvment in certain Board functions. The restrictions found in existing 12 CFR 510.2(b), which are substantially identical to those in 18 U.S.C. 207 applicable to all U.S. government employees, adequately serve this purpose. The Board has therefore created a new 12 CFR 522.73 in the Federal Home Loan Bank System regulations which incorporates the restrictions on post-employment activities of Bank employees that were previously found at 12 CFR 510.2(b).

In creating a new § 522.73 applicable to former Bank employees, the Board has adopted, almost verbatim, the language of former § 510.2(b). The only change is that the undefined term "any proceeding or other matter" has been replaced with the phrase "any particular matter involving that specific party (as defined in 5 CFR Part 737)." The Office of Personnel Management has set forth a comprehensive definition of the term "particular matter involving a specific party or parties" at 5 CFR 737.5(c) for purposes of administering the Ethics in Government Act of 1978. This definition arises out of considerations identical to those underlying the restrictions in new § 522.73. The Board has decided to incorporate this definition (to the extent it is applicable) in new § 522.73 to aid in future interpretation and enforcement of the regulation.

New Subpart F

By this resolution, the Board has adopted new Subpart F to 12 CFR Part 511. The regulations in this subpart implement the substantive provisions of Title V of the Ethics in Government Act of 1978 (18 U.S.C. 207), and the substantive and procedural provisions of the Office of Personnel Management regulations promulgated pursuant thereto (5 CFR Part 737). These new provisions are incorporated in Part 511, rather than former 12 CFR 510.2, so that they will be conveniently located with the other provisions on employee conduct and responsibility found in that Part. The designation "737" is used in the numbering of these sections to indicate that they correspond to Part 737 of the Office of Personnel Management's regulations (5 CFR Part 737). A comprehensive explanation of the regulations at 5 CFR Part 737 may be found at 44 FR 19974, April 3, 1979, and 45 FR 7402, Feb. 1, 1980, where those regulations are published. The following discussion highlights the few differences

between the Office of Personnel Management's guidelines at 5 CFR Part 737 and the regulations adopted by the Board.

A. *Applicable provisions of law.* New 12 CFR 511.737–1 is designed to inform employees of the Board that they must abide by the restrictions on post-employment activities found at 18 U.S.C. 207 and 5 CFR Part 737, and that violation of these provisions may give rise to administrative sanctions under new § 511.737–2 and criminal sanctions under 18 U.S.C. 207.

B. *Enforcement proceedings.* The Board's enforcement proceedings for violations of 18 U.S.C. 207 and 5 CFR Part 737 are set forth in new 12 CFR 511.737–2. These provisions follow the guidelines published by the Office of Personnel Management (45 FR 7402, Feb. 1, 1980), although several appropriate changes have been made:

1. *Information regarding possible violations.* Subsection 511.737–2(b)(1) identifies the Office of the Chairman as the contact point for both employees and outside individuals who receive information regarding possible violations of 18 U.S.C. 207 or 5 CFR Part 737. The Chairman shall promptly initiate an investigation upon receipt of such information. The Internal Evaluation and Compliance Office is charged with investigating violations of the Board's employee conflict-of-interest regulations (Chairman's Order No. 494, Oct. 16, 1980).

2. *Privacy of a former employee.* The Office of Personnel Management has suggested that agencies adopt "procedures to protect the privacy of former employees as to allegations made prior to a determination of sufficient cause to initiate an administrative disciplinary hearing" (5 CFR 737.27(a)(2)(ii)). Accordingly, the Board has adopted safeguards to protect an individual subject to an investigation, which are found at 12 CFR 511.737–2(b)(3). The new provisions ensure that information collected pursuant to the Board's investigation of an alleged violation will not be accessible to anyone except those participating in the investigation or hearing. In addition, the Chairman (or a delegate) is authorized to take any steps warranted by the particular circumstances that are necessary to protect the former employee's privacy.

3. *Qualifications of an adjudicator.* An "adjudicator" is defined at 12 CFR 511.737–2(d)(1) as "an individual to whom the Chairman has delegated authority to make an initial decision" in the case. The Office of Personnel Management guidelines recommend that "appropriate qualifications" be established for such officials (5 CFR 737.27(a)(4)(ii)). The Board requires that an adjudicator be: (1) an employee of the agency; (2) familiar with the relevant provisions of law; and (3) otherwise qualified to carry out an adjudicator's duties.

An adjudicator must be familiar with the functions of the agency in order to determine whether activities giving rise to a violation have occurred. The threshold requirement of employment with the agency has been adopted because it is not likely that non-employees would be sufficiently familiar with the agency's functions.

An adjudicator will have the responsibility of passing on questions of both law and fact. It is essential, therefore, that an adjudicator be familiar with the provisions of 18 U.S.C. 207 and 5 CFR Part 737 as a prerequisite to serving in that capacity.

The Chairman is authorized to appoint as adjudicator an individual who meets the above qualifications and is also "otherwise qualified to carry out the duties of that position." This last criterion gives the Chairman discretion to select an individual who has the character traits necessary to carry out the responsibilities of an adjudicator.

The term "adjudicator" has been chosen to describe this official, rather than the term "examiner" used in the Office of Personnel Management guidelines (5 CFR 737.27), in order to avoid confusion because the term "examiner" is already used to refer to Board employees who conduct examinations of FSLIC-insured institutions.

4. *Final decisions.* The Board has modified slightly the format of the Office of Personnel Management guidelines (5 CFR 737.27) with regard to the provisions for initial and final decisions, for purposes of clarifying when a determination is final. The Board's new § 511.737–2 provides that a final decision may be entered in four different circumstances: (1) when the Chairman (or a delegate) conducts a hearing and issues a final written determination, subsequent to the initial decision of an adjudicator; (2) when the Chairman (or a delegate) conducts a hearing and issues a final written determination in a case where the initial hearing procedure has not been used; (3) when a former employee has received the required notice of alleged violation and fails to request a hearing; and (4) when an appeal from an adverse initial decision is not taken within the prescribed thirty-day period.

5. *Time period for appeal.* The Office of Personnel Management guidelines, at 5 CFR 737.27(a)(8)(ii), authorize each agency to set a reasonable period for appeal of an initial decision by the adjudicator. The Board has adopted a thirty-day rule, which is the same as the general rule of 28 U.S.C. 2107 regarding appeal of a final adjudication of a district court and the rule of 18 U.S.C. 3731 regarding appeal of a decision in a criminal case by the United States.

(6) *Judicial review.* The provision at 12 CFR 511.737–2(j) relating to judicial review of a determination of violation varies slightly from the provision in the guidelines (5 CFR 737.27(a)(10)) only for the purpose of clarifying that judicial review lies in a United States District Court, as provided at 18 U.S.C. 207(j).

The Board has determined that observance of the notice and comment procedures prescribed at 5 U.S.C. 553(b) and 12 CFR 508.12 is unnecessary because this resolution concerns a matter relating to agency personnel and management.

Accordingly, the Board hereby amends Parts 510 and 511, Subchapter A, and Part 522, Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER A—GENERAL

PART 510—MISCELLANEOUS RULES

§ 510.2 [Removed]

1. Remove § 510.2.

PART 511—EMPLOYEE RESPONSIBILITIES AND CONDUCT

2. Add new Subpart F, to read as follows:

Subpart F—Conduct and Responsibilities of Former Employees—Enforcement

Sec.
511.737–1 Applicable provisions of law.
511.737–2 Enforcement proceedings.

Authority: 18 U.S.C. 207(j); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

Subpart F—Conduct and Responsibilities of Former Employees—Enforcement

§ 511.737–1 Applicable provisions of law.

Former employees of the Agency must abide by the provisions of 18 U.S.C. 207 and 5 CFR Part 737, which bar certain acts by former Government employees that may reasonably give the appearance of making unfair use of prior Government employment and affiliations. Violation of those provisions will give rise to Agency enforcement proceedings, as provided in § 511.737–2, and may also result in criminal sanctions, as provided in 18 U.S.C. 207.

§ 511.737-2 Enforcement proceedings.

(a) *Delegation.* The Chairman of the Board may delegate his or her authority under this Subpart.

(b) *Initiation of disciplinary hearing.* (1) Information regarding a possible violation of 18 U.S.C. 207 or 5 CFR Part 737 should be communicated to the Office of the Chairman. The Chairman shall promptly initiate an investigation to determine whether there is reasonable cause to believe that a violation has occurred.

(2) On receipt of information regarding a possible violation of 18 U.S.C. 207, and after determining that such information appears substantiated, the Chairman of the Agency shall expeditiously provide such information, along with any comments or Agency regulations, to the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice. The Agency shall coordinate any investigation with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates to the Agency that it does not intend to initiate criminal prosecution.

(3) Whenever the Agency has determined after appropriate review that there is reasonable cause to believe that a former employee has violated 18 U.S.C. 207 or 5 CFR Part 737, it shall initiate a disciplinary proceeding by providing the former employee with notice as defined in paragraph (c) of this section.

(4) At each stage of any investigation or proceeding under this section, the Chairman shall take whatever steps are necessary to protect the privacy of the former employee. Only those individuals participating in an investigation or hearing shall have access to information collected by the Agency pursuant to its investigation of the alleged violation.

(c) *Adequate notice.* (1) The Agency shall provide a former employee with adequate notice of an intention to institute a proceeding and an opportunity for a hearing.

(2) Notice to the former employee must include:

(i) A statement of allegations (and the basis thereof) sufficiently detailed to enable the former employee to prepare an adequate defense;

(ii) Notification of the right to a hearing;

(iii) An explanation of the method by which a hearing may be requested; and

(iv) Notification that if a hearing is not requested within 30 days of receipt of notice, the Agency will issue a final decision finding the alleged violations have occurred.

(3) Failure to request a hearing within 30 days of receipt of notice will be deemed an admission of the allegations contained in the notice and will entitle the Agency to issue a final decision finding the alleged violations have occurred.

(d) *Presiding official.* (1) The presiding official at proceedings under this Subpart shall be the Chairman, or an individual to whom the Chairman has delegated authority to make an initial decision (hereinafter referred to as "adjudicator").

(2) An adjudicator shall be an employee of the Agency who is familiar with the relevant provisions of law and is otherwise qualified to carry out the duties of that position. He or she shall be impartial. No individual who has participated in any manner in the decision to initiate the proceedings may serve as an adjudicator.

(e) *Time, date and place.* (1) The hearing shall be conducted at a reasonable time, date, and place.

(2) In setting a hearing date, the presiding official shall give due regard to the former employee's need for:

(i) Adequate time to prepare a defense properly; and

(ii) An expeditious resolution of allegations that may be damaging to his or her reputation.

(f) *Hearing rights.* A hearing shall include the following rights:

(1) To represent oneself or to be represented by counsel,

(2) To introduce and examine witnesses and to submit physical evidence,

(3) To confront and cross-examine adverse witnesses,

(4) To present oral argument, and

(5) To receive a transcript or recording of the proceedings, on request.

(g) *Burden of proof.* In any hearing under this subpart, the Agency has the burden of proof and must establish substantial evidence of a violation.

(h) *Hearing decision.* (1) The presiding official shall make a determination exclusively on matters of record in the proceeding, and shall set forth in the decision all findings of fact and conclusions of law relevant to the matters at issue. If the hearing is conducted by the Chairman, the resulting written determination shall be a final decision; if the hearing is conducted by an adjudicator, the written determination shall be an initial decision.

(2) Within thirty days of the date of an initial decision, either party may appeal the decision to the Chairman. The Chairman shall base his or her decision on such appeal solely on the record of the proceedings or those portions thereof cited by the parties to limit the issues.

(3) If the Chairman modifies or reverses the initial decision, he or she shall specify such findings of fact and conclusions of law as are different from those of the adjudicator.

(4) If no appeal is taken from an initial decision within the prescribed time period of thirty days, the initial decision shall become a final decision.

(i) *Sanctions.* The Chairman shall take appropriate action in the case of any individual who is found in violation of 18 U.S.C. 207 or 5 CFR Part 737 after a final decision, by

(1) Prohibiting the individual from making, on behalf of any other person except the United States, any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, the Agency on any matter of business for a period not to exceed five years, which may be accomplished by directing employees of the Agency to refuse to participate in any such appearance or to accept any such communication; or

(2) Taking other appropriate disciplinary action.

(j) *Judicial review.* Any person found by the Agency to have participated in a violation of 18 U.S.C. 207 or 5 CFR Part 737 may seek judicial review of the determination in an appropriate United States District Court.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 522—ORGANIZATION OF BANKS

3. Revise the heading that immediately precedes § 522.70, to read as follows:

Selection, Compensation, and Conduct of Officers and Employees

4. Add new § 522.73, to read as follows:

§ 522.73 Restrictions as to former employees.

(a) As used in this section, the term "employee" includes an officer, an agent, or an attorney.

(b) No former employee of a Bank shall appear before the Board as attorney or other representative of any party (other than the Board, the Federal Savings and Loan Insurance Corporation, or a Bank) in any particular matter involving that specific party (as defined in 5 CFR Part 737):

(1) In which the former employee participated personally and substantially during the period of such employment; or

(2) For which the former employee was officially responsible during the

period of such employment, unless one year has elapsed since the termination of such employment.

(12 U.S.C. 1437(a); 18 U.S.C. 207(j); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-9089 Filed 3-27-81; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 556

[No. 81-157]

Statement of Policy Amendment Regarding Supervisory Mergers and Acquisitions

Dated: March 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; request for comments.

SUMMARY: The Federal Home Loan Bank Board has amended its regulations to clarify its policy regarding supervisory mergers, consolidations, and purchases of assets in certain circumstances that will result in interstate branch office operations of Federally-chartered savings and loan associations.

EFFECTIVE DATE: March 23, 1981.

COMMENTS: The Board is soliciting public comment on this final rule. Comments must be received by May 29, 1981.

ADDRESS: Send comments to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Attorney, Federal Home Loan Bank Board, at the above address. Telephone: (202) 377–6444.

SUPPLEMENTARY INFORMATION: The Board's policy statement on branching at 12 CFR 556.5(a)(3) currently states that generally the Board will permit a Federally-chartered association to operate branch offices only in the state in which the association's home office is located. The statement is broadly worded so as to apply to establishment of branch offices accomplished through merger, consolidation, or purchase of asset, as well as through opening new branch facilities.

The scope of the interstate branching prohibition in § 556.5(a)(3) is qualified by the word "generally," which reserves to the Board discretion to approve interstate branch operations in special circumstances. The exceptional nature of acquisition transactions supervised by the Federal Savings and Loan Insurance Corporation (FSLIC) to prevent the failure of an insured institution gives rise to such special circumstances. Though the Board has authority to approve interstate acquisitions in supervisory cases, the Board's regulations do not presently set forth any policy guidelines regarding factors it will consider when deciding whether to exercise this authority.

This resolution amends the Board's policy statement to clarify that the Board may approve a merger, consolidation, or purchase of assets involving a Federal association that would not otherwise be permissible under the general rule if (1) the proposed acquisition will be effected pursuant to a plan to prevent the failure of an institution insured by the FSLIC, (2) the Board determines that the insurance liability or risk of the FSLIC will be reduced as a result of the proposed acquisition, and (3) the Board determines that the insurance liability or risk of the FSLIC resulting from the proposed acquisition transaction will be substantially less than the liability or risk that would result from otherwise equally desirable acquisition alternatives, if any, that would not result in interstate branch operations. In cases where more than one out-of-state institution is applying for Board approval of an acquisition transaction, the Board will give preference to a particular application on the basis that the applicant is already operating in the same Standard Metropolitan Statistical Area or locality as the other institution or each of the other institutions that would be parties to the proposed transaction.

It should be noted that the amendment accomplished by this resolution applies only to the specific types of supervisory cases described therein. This final rule does not alter the Board's policy regarding interstate branching in non-supervisory contexts. With respect to supervisory cases to which the rule applies, the amendment does not alter the Board's long-standing preference for intrastate supervisory mergers and acquisitions.

The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. 553(b) and the 30-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. 553(d) would be contrary to the public interest. An immediate effective date is necessary to clarify Board policy regarding interstate acquisitions in supervisory cases and will facilitate the operations of the FSLIC in this area.

The Board requests public comment on the amendment implemented by this resolution, particularly with respect to the limitations on interstate acquisitions and the provision for preference for transactions involving institutions within the same Standard Metropolitan Statistical Area or locality. After reviewing the comments received pursuant to this request, the Board will determine whether any changes in the policies implemented by this resolution are appropriate.

Accordingly, the Board hereby amends Part 556, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 556—STATEMENTS OF POLICY

Revise paragraph (a)(3) of § 556.5, to read as follows:

§ 556.5 Establishment of branch offices.

(a) * * *

(3)(i) The Board generally will approve the establishment of a branch only in the state in which the home office is located.

(ii) (*a*) Notwithstanding the preceding paragraph, the Board may approve the establishment of a branch office in a state other than the state in which the home office is located, provided that:

(*1*) The establishment of the branch office will be achieved by acquiring assets of another institution, by merger or otherwise pursuant to an action by the Federal Savings and Loan Insurance Corporation to prevent the failure of the other institution,

(*2*) The Board determines that the insurance liability or risk of the Federal Savings and Loan Insurance Corporation will be reduced as a result of maintaining the branch office, and

(*3*) If any otherwise equally desirable acquisition alternative that could be approved in accordance with subparagraph (3)(i) of this section has been submitted, the Board determines that the insurance liability or risk of the FSLIC resulting from the proposed interstate acquisition transaction will be substantially less than the liability or risk that would result from such other acquisition alternative.

(*b*) In reviewing acquisition alternatives submitted for consideration in accordance with this subparagraph (3)(ii), the Board will give preference to a particular alternative on the basis that a home office or an operating branch office of an association that will be a

party to the proposed acquisition is located in the same Standard Metropolitan Statistical Area or locality as a home office or an operating branch office of the other association or each of the other associations that will be parties to the acquisition.

* * * * *

(12 U.S.C. 1464, 1729; Reorg. Plan No. 3 of 1947, 172 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-9478 Filed 3-27-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-1-AD; Amendment 39-4075]

Airworthiness Directives; Cessna Model 172RG Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Model 172RG airplanes. This AD requires, prior to further flight, a one-time inspection of the cabin heater and engine exhaust installation. It also requires, within 10 flight hours, modification of the cabin heater and engine exhaust installation. These actions are necessary to prevent carbon monoxide from entering the airplane cabin and causing adverse effects on the occupants which could result from these defective cabin heaters.

EFFECTIVE DATE: April 6, 1981, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated February 27, 1981.

COMPLIANCE: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, Aerospace Engineer, Aircraft Certification Program, FAA, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942–7927.

SUPPLEMENTARY INFORMATION: Reports have been received of loose cabin heater shrouds that chafe on the engine exhaust on Cessna Model 172RG airplanes. One of these reports stated that the shroud chafed through the exhaust muffler causing possible carbon monoxide poisoning. As a result, the FAA concluded that other airplanes of the same type design may have similar cabin heater damage which, if undetected and not corrected, could result in carbon monoxide entering the cabin area with adverse effects on the occupants. The FAA determined that this was a serious safety hazard, that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, an emergency AD airmail letter dated February 27, 1981, was sent to all known registered owners of the affected airplanes. The AD, which is identified as 81–05–05 sets forth a means for detecting and correcting defective cabin heaters. AD 81–05–05 became effective to registered owners upon receipt of the airmail letter. Since the unsafe condition described herein may still exist on other Cessna Model 172RG airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Since the FAA has determined that there is an immediate need for this regulation to correct an unsafe condition and assure safe operation of the affected airplanes, the regulation is within the exemption provisions of Section 8(a)(1) of Executive Order 12291. In addition, notice and public procedure under 5 U.S.C. 553(b) were considered impractical and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the publication in the **Federal Register**.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following AD:

Cessna: Applies to Model #172RG (Serial Numbers 172RG0001 thru 172RG0769) airplanes certificated in all categories.

COMPLIANCE: Required as indicated unless already accomplished.

To reduce the possibility of carbon monoxide contamination entering the cabin area, accomplish the following:

1. Prior to further flight visually inspect the cabin heater shroud on the engine exhaust muffler to ensure it has not slipped off of the flanges.

a. If the shroud is tightly secured in its proper position, accomplish paragraph 2 of this AD.

b. If the shroud is not in its proper position, visually inspect the muffler for signs of chafe marks below the shroud flange and immediately replace the muffler if chafe marks are present.

c. If the shroud is loose but in its proper position, visually inspect the muffler for signs of chafe marks below the shroud flange. If there are no chafe marks, accomplish paragraph 2 of this AD prior to further flight.

2. Within 10 hours time-in-service after the effective date of this AD:

a. Remove the shroud, visually inspect the muffler can and, unless already accomplished, trim the shroud flange as shown in Figure 1.

b. Reinstall the shroud and drill a No. 36 (.107) hole in each end of the shroud and muffler flange and insert a #8, 7/16 inch long steel sheet-metal screw in each hole as shown in Figure 1. CAUTION: Place a metal strip below the muffler flange prior to drilling through the flange to prevent damage to the muffler can.

3. The inspection portion of paragraph 1.a. of this AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person provided the airplane is not used in air carrier service.

4. The airplane may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

5. Within forty-eight (48) hours after compliance with this AD, notify, in writing, the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209 of any defects found during AD compliance. One acceptable means of making these reports is Malfunction or Defect Reports (FAA Form 8010). (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

6. Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Room 238, Mid-Continent Airport, Terminal Building No. 2299, Wichita, Kansas 67209; Telephone (316) 942–4235.

This amendment becomes effective on April 6, 1981, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated February 27, 1981, and is identified as AD 81–05–05.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981. Further, this regulation does not meet the criteria for a major rule as defined in Section 1(b) of Executive Order 12291. This regulation imposes a one-time inspection of a serious unsafe condition.

Note.—The FAA has determined that this document involves a regulation which is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 20, 1981.

John E. Shaw,

Acting Director, Central Region.

BILLING CODE 4910-13-M

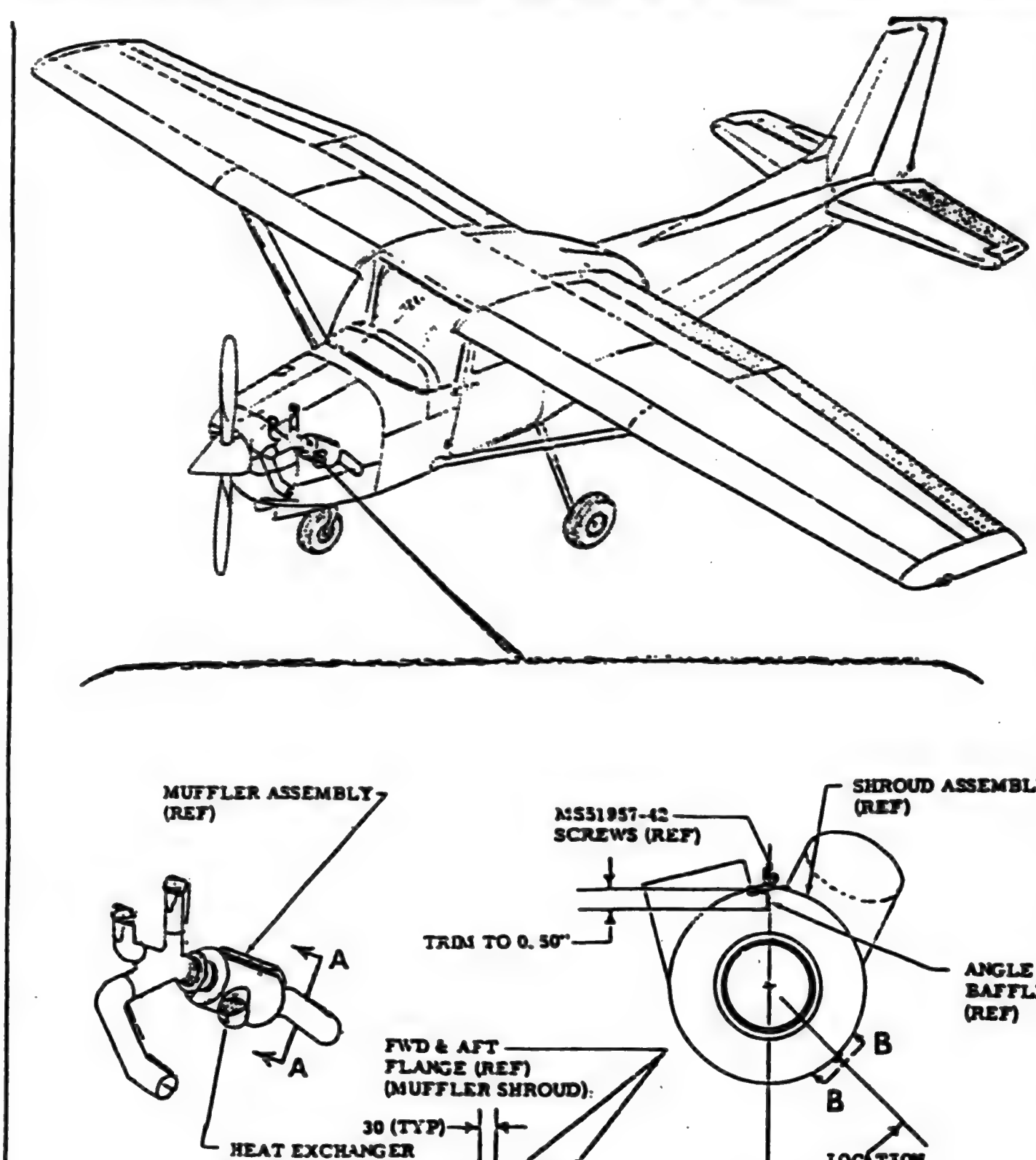

Figure 1. 172RG Muffler Shroud Modification.

[FR Doc. 81-9421 Filed 3-27-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 73

[Airspace Docket No. 80-AGL-49]

Special Use Airspace; Amendment to Restricted Area R-6904A and R-6904B, Volk Field, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This action changes the designated time of use to more accurately reflect actual usage requirements of the using agency and will result in more flexible and efficient military-civil joint use of the affected airspace. The need for night training activities dictates providing the flexibility for these operations by authorizing activation of the restricted area when the need actually arises rather than on a continuous basis. This will permit civilian and nonparticipating aircraft to use the area when the area is not being used for its special use airspace purposes.

DATES: Effective date—June 11, 1981. Comments must be received on or before April 29, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 80-AGL-49, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves flight requirements affecting the safe and efficient utilization of the navigable airspace that need effectivity for the next charting of the affected area (on June 11th) and thus was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 73.69 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the designated time of use for Restricted Areas R-6904A and B from "Continuous, sunrise to sunset" to "Sunrise to 1900 local time. Other times by NOTAM." Section 73.69 of Part 73 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1981 (46 FR 829). This change more accurately reflects the occurrence of occasional lulls in military activity during which time the airspace is made available to the controlling agency for use by nonparticipating aircraft and provides a NOTAM provision to accommodate the military's night training requirement.

Under the circumstances presented, the FAA concludes that there is an immediate need for an amendment to a regulation to improve the safe and efficient utilization of the navigable airspace and provide timely changes in the affected aeronautical charts. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.69 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 829), is amended, effective 0901 GMT, June 11, 1981, as follows:

1. Under R-6904A Volk Field, Wis., Time of designation., delete the words "Continuous, sunrise to sunset." and substitute for them the words "Sunrise to 1900 local time. Other times by NOTAM."

2. Under R-6904B Volk Field, Wis., Time of designation., delete the words "Continuous, sunrise to sunset." and substitute for them the words "Sunrise to 1900 local time. Other times by NOTAM."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.69.)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291, nor a significant rule under DOT Regulatory Policies and Procedures, 44 FR 11034, since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to insure safety.

Issued in Washington, D.C., on March 20, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-9119 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 93 and 159

[Docket No. 19048, Amdt. Nos. 93-42 and 159-24]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA)/Department of Transportation (DOT).

ACTION: Notice of deferral of effective dates of final rules.

SUMMARY: Notice No. 81-4 requested comments on a proposal to delay the effective date of the Metropolitan Washington Airports Policy and implementing regulations (45 FR 62397; September 18, 1980) in order to enable the Secretary to review its provisions, in light of Executive Order 12291 (46 FR 13193; February 19, 1981), and in view of the Department's inability to complete the permanent rulemaking on slot allocation at Washington National Airport (45 FR 71236; October 27, 1980). Comments received on Notice No. 81-4 have substantiated the reasons stated for the proposal, and the effective date of the Policy and rules will accordingly be delayed until October 25, 1981. Any changes to the existing Policy will be developed by July, 1981.

DATE: The effective date of the amendments to 14 CFR 93 and 159 is delayed until October 25, 1981.

FOR FURTHER INFORMATION CONTACT: Edward S. Faggen, Counsel (703) 557-6123, Metropolitan Washington Airports, Federal Aviation Administration.

Washington National Airport, Hangar 9, Washington, D.C. 20001.

Background

On March 5, DOT/FAA published Notice No. 81-4 (46 FR 15458), requesting comments by March 19 on a proposal to delay the effective date of the Metropolitan Washington Airports Policy and implementing regulations. The Policy and regulations (Amendments 93-37 and 159-20) were to guide the future operation and development of Washington National and Dulles International Airports (45 FR 62398; September 18, 1980) and were scheduled to become effective on January 5, 1981. The Department of Transportation and Related Agencies Appropriations Act, 1981, Pub. L. 96-400, provides that none of the funds appropriated in the Act may be used to mandate any reduction of the number of certificated air carrier slots per hour at Washington National Airport below the number authorized on September 12, 1980, before April 26, 1981. As a result of that law and a decision of the Secretary of Transportation, the FAA postponed the effective date of Amendments 93-37 and 159-20 (Amendments 93-38 and 159-22: 45 FR 71251; October 27, 1980). A new effective date of April 26, 1981, was established for all provisions of the Policy.

Notice 81-4 gave five reasons for delaying the effective date of the Policy once again:

1. Executive Order 12291 (46 FR 13193; February 19, 1981) established new government-wide standards for the issuance rules and required that "major" rules issued but not yet in effect as of February 17 be suspended or postponed while undergoing reconsideration under the Order

2. At my confirmation hearing, at the request of members of the Senate Commerce Committee, I agreed to undertake a review of the Policy. That review is now under way.

3. An additional rulemaking to determine whether to permit quieter aircraft to operate after curfew hours has not been issued. If the Policy were imposed on April 26, commuter air carrier flights operating in the early morning and late evening hours would be barred.

4. Provisions of the Policy shifting four operating slots per hour from scheduled air carriers to commuter air carriers and redefining the commuter air carrier category have made agreement in the air carrier and commuter air carrier scheduling committees almost impossible, thus necessitating DOT action to allocate slots if the Policy were not delayed.

5. The Department's rulemaking on a permanent method of slot allocation at National Airport (45 FR 71236; October 27, 1980) has not yet been completed. This means that the Department does not have an adequate means of allocating slots in the event the scheduling committees fail to agree on slot distribution for the summer (April 26-October 24) season.

The Airline Scheduling Committee, upon receipt of the Notice proposing a delay, undertook a hypothetical allocation of 40 slots per hour for the hours 7 a.m. to 10 p.m., as permitted by the existing rule, and successfully resolved a schedule. Thus we know that slot allocation at National will not require Departmental action if the Policy is delayed.

Public Comment

Over forty comments were received in response to the Notice. For the most part, commenters restated their positions on the Policy itself: community groups, local governmental bodies, and local Congressional representatives, expressing varying degrees of satisfaction with it, urged that it be permitted to take effect as scheduled; air carriers and cities that desire more service to National urged that the Policy be delayed.

Some commenters urged an interim Policy incorporating their favored provisions. Eastern Air Lines, consistent with a petition for rulemaking it had previously filed with the FAA, asked that widebody aircraft be permitted to operate at National immediately. New York Air, also consistent with a petition it had filed, sought an exemption from the High Density Rule for flights in the Northeast Corridor. These petitions will be dealt with on an individual basis; they will not be addressed here.

The City of New Orleans and the Chamber-New Orleans & the River Region asked that the perimeter rule, which would permit non-stop flights of 1,000 miles from National, take effect as scheduled. The City of Houston repeated its allegations that such a perimeter rule is unlawful. Imposition of the perimeter rule separate from the rest of the Policy provisions would be inappropriate. In the meantime, perimeter restrictions are maintained by informal agreement, not by Departmental regulation.

Commenters also expressed conflicting views on the applicability of Executive Order 12291, consistent with their views on whether the Policy should be delayed. The Department has not yet determined whether the implementing rules should be classified as "major" under the Order, but it is clear in any event that, even if the Department decides that they are not, the Office of Management and Budget must be given an opportunity to review the question. A delay in the effective date is needed to provide sufficient time to answer this question.

In sum, the comments received have not led us to change our position on any of the five reasons originally stated for amending the effective date of the Metropolitan Washington Airports Policy and implementing regulations. Accordingly, the effective dates are amended to October 25, 1981. The Policy will be reviewed over the next several months, and any changes to it that may be developed will be published in July.

Immediate Effectiveness

This amendment will obviate major schedule adjustments by the scheduled air carriers and commuter air carriers, avoiding serious disruption and uncertainty of service at National Airport and resultant inconvenience to the traveling public. Therefore, it would be contrary to the public interest to delay its issuance. It will therefore take effect March 30, 1981.

Adoption of the Amendment

In order to provide adequate time to review the Policy, for an additional rulemaking on the curfew to be conducted, and for the scheduling committees to implement their present tentatively agreed-upon schedules for the summer season, effective March 30, 1981, the effective dates of the Metropolitan Washington Airports Policy (45 FR 62397; September 18, 1980) and Amendments 93-37 and 159-20 (45 FR 62406; September 18, 1980), as amended by Amendments 93-38 and 159-22 (45 FR 71251; October 27, 1980) are further amended to October 25, 1981.

(Secs. 103, 307 (a), (b), and (c), and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348 (a), (b), and (c) and 1354(a)); Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 686, as amended by 61 Stat. 94; Sec. 4 of the Second Washington Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—This change of effective dates is not a significant regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C. on March 24, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-9523 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4a

Classification, Declassification and Public Availability of National Security Information; Correction

AGENCY: Office of the Secretary, Commerce.

ACTION: Final rule; Correction.

SUMMARY: This document corrects the effective date of a final rule relating to the classification, declassification and public availability of national security information published at 46 FR 16251, March 12, 1981.

FOR FURTHER INFORMATION CONTACT: Alan F. Brown, 202-377-1722.

SUPPLEMENTARY INFORMATION: The effective date of 15 CFR Part 4a as revised in FR Doc. 81-7640 published at 46 FR 16251, March 12, 1981, third column, was incorrectly listed as September 1980. The correct effective date should be September 4, 1980.

William H. Randolph,

Director, Office of Investigations and Security, U.S. Department of Commerce.

[FR Doc. 81-9524 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-EX-M

15 CFR Part 19

Federal Interaction With Voluntary Standards Bodies; Procedures

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation, Department of Commerce.

ACTION: Deferral of effective date of final rule.

SUMMARY: The Procedures on Federal Interaction with Voluntary Standards Bodies were published at 46 FR 1574, January 6, 1981 to become effective February 5, 1981. In response to President Reagan's Memorandum of January 29, 1981, the effective date of these procedures was postponed until March 30, 1981 by notice of rulemaking published at 46 FR 11657, February 10, 1981. The effective date is being further postponed until April 29, 1981 to allow time to complete a rulemaking proceeding on the issues of (1) whether the procedures should be suspended indefinitely pending reexamination, and (2) whether the procedures should be allowed to have interim effect while they are under review. See FR Doc. 81-9525 in Proposed Rules section of this issue.

EFFECTIVE DATES: The effective date of 15 CFR Part 19 is deferred until April 29, 1981. This amendment is effective March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Ellert, Acting Assistant Secretary for Productivity, Technology and Innovation, Room 3859, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394; or Mr. Donald M. Malone, Deputy Assistant General Counsel for Productivity, Technology and Innovation, Room 3859, Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued, on December 31, 1980 Part 19 of Title 15, entitled "Federal Interaction With Voluntary Standards Bodies; Procedures." This part appeared in the **Federal Register** for January 6, 1981. These procedures were issued in response to Section 7a(1)(a) of OMB Circular A-119, entitled "Federal Participation in the Development and Use of Voluntary Standards". In response to President Reagan's Memorandum of January 29, 1981 entitled, "Postponement of Pending Regulations", the effective date of the procedures was postponed to March 30, 1981 (see 46 FR 11657, February 10, 1981).

During the period of postponement ordered in the President's Memorandum of January 29, 1981, comments were received questioning the appropriateness of the procedures. A decision has therefore been made to reexamine these procedures, insofar as there is lawful discretion to do so. A notice of proposed rulemaking appears in this issue in the proposed rules section (FR Doc 81-9525). That notice proposes to suspend the procedures for an indefinite period of time while they are being reexamined, and further proposes that they be permitted to go into effect on an interim basis during the period of reexamination. To allow time for completion of the rulemaking proceeding initiated by that notice, the effective date of the procedures is being extended for an additional 30 days until April 29, 1981.

Effective date of this amendment: March 27, 1981.

Issued: March 25, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

1. The preamble to FR Doc 81-254, published at 46 FR 1574, January 6, 1981 is amended by revising the effective date caption in the first column to read "Effective Date: April 29, 1981."

§ 19.5 [Amended]

2. The first sentence of § 19.5 of Title 15 of the Code of Federal Regulations (46 FR 1574, 1579) is amended to read as follows:

This subpart shall become effective on April 29, 1981.

[FR Doc. 81-9534 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Partial Suspension of Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of deferral of effective date of final rules; request for comments.

SUMMARY: The majority of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands national marine sanctuaries will become final as originally scheduled (15 CFR Parts 935 and 936). However, those provisions which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary will be suspended for an additional period of 30 days during which NOAA will consider whether to further suspend the regulations or make them effective on an interim basis while they are being reconsidered in accordance with Executive Order 12291. This reconsideration will involve an analysis of the costs and benefits to the nation which would result from imposing prohibitions on hydrocarbon activities in addition to the controls imposed under the Outer Continental Shelf Lands Act and other Federal statutes and may take up to six months.

DATES: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting hydrocarbon development are suspended until April 30, 1981.

Comments on whether they should continue to be suspended or thereafter be made effective on an interim basis are requested for a period of 15 days from publication in the **Federal Register** (April 14, 1981). Comments on the substantive issues involved in the analysis of the regulations will be accepted until June 30, 1981.

ADDRESS: Send comments to: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, telephone (202) 634–4236.

SUPPLEMENTARY INFORMATION: Regulations pursuant to the designation of the Channel Islands National Marine Sanctuary were published on October 2, 1980 (45 FR 65198). Regulations for the designation of the Point Reyes-Farallon Islands National Marine Sanctuary were published on January 28, 1981 (46 FR 7936).

In accordance with Section 302(h)(2) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1432(h)(2), (the Act) each set of regulations provided that they would not become effective until the expiration of a period of 60 calendar days of continuous session of Congress from the date of their transmittal to Congress, concurrent with publication. Under Section 302(h) of the Act, this period is broken by an adjournment *sine die* and tolled by an adjournment of either House of more than three days to a day certain.

The Congressional review period was still running for both sets of regulations on January 29, 1981, when President Reagan ordered a 60-day suspension of pending regulations. In response to this order, NOAA amended the regulations to provide that they would become effective on March 30, 1981, or upon the expiration of the 60-day Congressional period, whichever date was later (46 FR 14741, March 2, 1981). Assuming no further adjournments, the Channel Islands regulations will become effective on March 30, 1981, and the Point Reyes-Farallon Islands regulations on April 5, 1981.

On February 17, 1981, the President issued Executive Order 12291 directing Federal agencies to further suspend or postpone the effective dates of any pending "major" regulation to the extent permitted by law in order to reconsider the regulation in accordance with the objectives of the Executive Order and prepare a Regulatory Impact Analysis. A major regulation is defined as one "likely to result in:

"1. An annual effect on the economy of $100 million or more;

"2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

"3. Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

A Federal agency's initial determination is whether a regulation meets these criteria. The only regulations in either Sanctuary which might meet these criteria are § 935.6 limiting or prohibiting hydrocarbon exploration, development, and production activities in the Channel Islands Sanctuary, § 935.7 to the degree that it has the effect of limiting or prohibiting hydrocarbon activities in the Channel Islands Sanctuary, and § 936.6 limiting or prohibiting hydrocarbon exploration, development and production activities within the Point Reyes-Farallon Islands Sanctuary.

In response to the President's Executive Order, NOAA will be reviewing in depth these proposed hydrocarbon development prohibitions in the two sanctuaries. NOAA has examined the issues in considerable detail already to satisfy Executive Order 12044, the predecessor to Executive Order 12291. However, NOAA will be reexamining them in light of Executive Order 12291 (46 FR 13193, February 19, 1981) and determining whether the prohibitions meet the criteria for "major" regulations and, in any event, whether they are consistent with the general requirements of section 2 of this Executive Order including the requirement that the potential benefits to the Nation outweigh the potential costs. Comments on these issues are invited until June 30, 1981.

Reconsideration will take up to six months. Therefore, NOAA will determine whether to allow the hydrocarbon regulations to become effective on an interim basis during the balance of the period of reexamination. The other option is to suspend the regulations pending completion of our review. Comments on the issue of interim effectiveness versus suspension are requested for a period of fifteen days. Comments on the substantive issues connected with reconsideration will be requested again in a subsequent notice prior to April 30, 1981, announcing whether the relevant regulations will continue to be suspended or will be made effective on an interim basis.

Dated: March 25, 1981.

Donald W. Fowler,

Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-9003 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

Issued: March 24, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357–8500.

SUPPLEMENTARY INFORMATION:

In the matter of publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978; order of the Director, OPPR.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the

beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of April 1981, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I—Incremental Pricing Acquisition Cost Threshold Prices

Calendar Year 1980

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.426	2.453	2.478	2.504	2.532	2.560	2.586	2.814	2.840
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.280	7.410	7.110	7.280	8.040	7.840	7.380	7.400	7.400	7.450	7.580

Calendar Year 1981

Incremental Pricing Threshold	$1.891	$1.908	$1.925	$1.942
NGPA Section 102 Threshold	2.657	2.698	2.729	2.761
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011
130% of No. 2 Fuel Oil in New York City Threshold	7.610	[1] 7.980	8.280	8.010

[1] The $7.980 figure reflects the correct pricing threshold for high cost natural gas, effective February 1, 1981.

[FR Doc. 81-9477 Filed 3-27-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 292

[Docket No. RM81-2; Order No. 135]

Eligibility, Rates, and Exemptions for Qualifying and Utility-Owned Geothermal Small Power Production Facilities

Issued: March 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts a final rulemaking regarding eligibility, rates, and exemptions for qualifying and utility-owned geothermal small power production facilities. The Order implements the Energy Security Act amendments to the Federal Power Act and the Public Utility Regulatory Policies Act of 1978 concerning geothermal small power production facilities by amending Part 292 of the Commission's rules. Except with respect to the Public Utility Holding Company Act, this rulemaking implements the Energy Security Act amendments, only as they relate to geothermal small power production facilities of which a utility own less than 50 percent.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Glenn Berger, Office of the General Counsel, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8033,
or
Michael Kessler, Office of the General Counsel, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

In the matter of small power production and cogeneration facilities—eligibility, rates, and exemptions for qualifying and utility-owned geothermal small power production facilities.

On November 6, 1980, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) [1] which proposed rules to implement section 643 of the Energy Security Act of 1980 (ESA).[2] The ESA amended the Federal Power Act (FPA) and the Public Utility Regulatory Policies Act of 1978 (PURPA) by adding provisions relating to geothermal small power production. Except with respect to the Public Utility Holding Company Act (PUHCA) (15 U.S.C. 79), this rulemaking implements the ESA amendments only as they relate to geothermal small power production facilities of which a utility owns less than 50 percent. The ESA amendments relating to utility-owned geothermal small power production facilities will be the subject of a subsequent rulemaking.

I. Background

Section 201 of PURPA authorizes the Commission to prescribe rules under which small power production facilities and cogeneration facilities can obtain "qualifying" status and thus become eligible for the rates and exemptions set forth in the Commission's rules implementing sections 201 and 210 of PURPA.[3] Section 643(a) of the ESA is intended to clarify the authority of the Commission to classify geothermal resources as a "primary energy source" for the purpose of eligibility as a qualifying small power production facility under section 3(17)(A) of the FPA, as amended by section 201 of PURPA.[4]

Section 643(b) of ESA contains three amendments to section 210 of PURPA. Subsection 643(b)(1) amends section 210(a) of PURPA. Section 210(a) requires the Commission to prescribe rules necessary to encourage cogeneration and small power production. The ESA amendment to this section requires the Commission to prescribe rules to encourage "geothermal small power production facilities of not more than 80 megawatts capacity."

Section 643(b)(2) of ESA amends section 210(e)(1) of PURPA to authorize the Commission to exempt "geothermal small power production facilities of not more than 80 megawatts capacity" from the FPA, the PUHCA, and State laws and regulations respecting the rates or the financial or organizational regulation of electric utilities, if the Commission determines such exemption is necessary to encourage cogeneration and small power production. Under this amendment, the Commission's exemptive authority is no longer limited to "qualifying" geothermal small power production facilities. Therefore, the Commission may exempt utility-owned

[1] 45 FR 74934 (1980).

[2] Pub. L. No. 96-294, 94 Stat. 611 (1980).

[3] Order No. 69, 45 FR 12214 (Feb. 25, 1980). Order No. 70, 45 FR 17959 (Mar. 20, 1980).

[4] It is the Commission's position that, even before the ESA amendments, geothermal facilities were eligible for qualification as small power production facilities. This view is based on the legislative history of PURPA. 125 Cong. Rec. S. 17806 (daily ed. October 9, 1979) (remarks of Senators Durkin and Jackson). The conference report of the ESA indicates that the legislation does not intend "to cast the FERC's present regulations under section 3(17) into doubt by reason of this amendment." S. Rep. No. 96-824, 96th Cong., 2nd Sess. 312 (1980).

geothermal small power production facilities (UGSPPF) from these laws and regulations.

Prior to amendment, section 210(e)(2) of PURPA limited the Commission's authority to exempt qualifying small power production facilities to those with a capacity of 30 megawatts or less.[5] Section 643(b)(3) of ESA increases the limit to "80 megawatts for a qualifying small power production facility using geothermal energy as the primary energy source * * *." Thus, the Commission may exempt any qualifying small power production facility using geothermal energy as the primary energy source from the laws and regulations specified in section 210(e)(1) of PURPA.

The NOPR also discussed exempting UGSPPFs from the laws, and regulations specified in section 210(e)(1) of PURPA, as well as extending the "avoided cost" rate to such facilities pursuant to section 210(a). Public comments addressing this proposal generally supported the exemption of UGSPPFs from the PUHCA. Comments were divided, however, regarding exemption of UGSPPFs from the remaining laws and regulations. In order to have more time to consider the latter comments, the Commission has decided to implement the ESA amendments to the FPA and PURPA concerning geothermal small power production in two rulemakings.

This rule implements the ESA amendments to the FPA and PURPA concerning qualifying geothermal small power production facilities. It also exempts UGSPPFs from the PUHCA. In a subsequent rulemaking the Commission will consider further the implications of exempting UGSPPFs from the FPA, and certain State laws. The Commission does not yet reach the issue of extending the "avoided cost" rate principals to such facilities.

The Commission received thirteen comments in response to the NOPR in this docket and has considered all the comments in the formulation of the final rule.

II. Section-by-Section Analysis

§ 292.204 *Primary energy source.*

Section 3(17)(A) of the Federal Power Act, as amended by section 201 of PURPA, defines a "small power production facility" as a facility which produces energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof, and which has a power production capacity which, together with any other facilities located at the same site (as determined by the Commission), is not greater than 80 megawatts. The amendment contained in section 643(a)(1) of ESA states that geothermal resources are an eligible primary energy source for small power production facilities.

Section 292.204 of the Commission's rules sets forth criteria for qualifying small power production facilities. To reflect the changes required by section 643(a)(1) of ESA, the Commission is amending this section of its rules to make it clear that small power production facilities using geothermal resources as a primary energy source can be qualifying facilities. This change appears in § 292.204(b)(1)(i), where "geothermal resources" is added to the list setting forth the eligible primary energy sources of a qualifying small power production facility.

§ 292.202 *Definitions.*

The Commission is amending § 292.202 of its rules by adding a new paragraph (o) which defines "utility geothermal small power production facility" (UGSPPF) as a small power production facility which uses geothermal energy as the primary energy source, and of which more than 50 percent is owned either (1) by an electric utility, electric utility holding company or any combination thereof, or (2) by any company 50 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by an electric utility, electric utility holding company, or any combination thereof.

The proposed rule defined a "utility geothermal small power production facility as a * * * facility * * * of which an electric utility * * * owns more than 50 percent of the outstanding voting securities." Several commenters noted that it is not the facility which issues securities. The commenters correctly pointed out that a UGSPPF is an asset of a corporation, and it is the corporation which issues securities. The Commission agrees with the commenters and has redefined a UGSPPF to reflect the ownership arrangements between a utility and a geothermal small power production facility.

§ 292.601 *Exemption of qualifying facilities from the Federal Power Act.*

This section implements section 210(e)(2) of PURPA as amended by section 643(b)(3) of ESA. The ESA permits the Commission to exempt qualifying small power production facilities of up to 80 megawatts capacity using geothermal resources from regulation under the FPA, the PUHCA, and from State laws and regulations respecting rates or the financial or organizational regulation of electric utilities.

Section 292.601 of the Commission's rules is amended by increasing the size limitation for exemptions from the FPA from 30 to 80 megawatts for qualifying small power production facilities using geothermal energy as a primary energy source.

Under the proposed rule a UGSPPF was added to the definition of "qualifying facility" and thus was eligible for exemption from the FPA, the PUHCA, and from State laws and regulations respecting rates or the financial or organizational regulation of electric utilities. The proposed rule also discussed extending the "avoided cost" rate benefits of section 210(a) to a UGSPPF.

The comments filed by the State regulatory authorities and non-utility owners regarding this provision opposed extending the rate and exemption benefits to UGSPPFs. Some of these commenters argued that the Commission lacks the statutory authority to extend the PURPA section 210 benefits to utility-owned geothermal facilities. Utility companies and affiliated associations, on the other hand, generally favored the proposed rule.

The Commission believes it has the statutory authority under ESA to grant a UGSPPF all the exemptions under section 210(e) that a qualifying facility may obtain. Due to the overwhelming response of the State regulatory authorities, however, the Commission is withholding the exemptions from the FPA and State law at this time so it may further consider the implications of granting such exemptions. The Commission does not yet reach the issue of rate benefits pursuant to section 210(a).

Avoided Cost

Commenters noted that in some areas of the country the full "avoided cost" rate benefits are not needed to encourage geothermal small power production. The commenters suggest that, if the appropriate State regulatory authority determines that a rate less than avoided cost is sufficient to encourage rapid commercial development of geothermal small power production, the State regulatory authority should have the ability to set a lower rate for purchase.

[5] Small power production facilities between 30 and 80 megawatts which use biomass as a primary energy source are exempt from the Public Utility Holding Company Act, and from State laws respecting the (wholesale) rates or financial or organizational regulation. See § 292.602 of the Commission's rules.

The Commission has considered this suggestion during its original rulemaking proceeding on cogeneration and small power production.[8] Some comments received during the original rulemaking recommended that, as a matter of policy, a State regulatory authority or non-regulated utility be given the discretion to establish the relationship between avoided cost and rate for purchases.

The Commission in § 292.304 of its rules decided to set the rate for purchases at full avoided cost. The Commission continues to believe that such a rate for purchase is necessary to encourage cogeneration and small power production as required by section 210 of PURPA. A State regulatory authority is not precluded, however, from petitioning the Commission for a waiver of § 292.304 pursuant to § 292.403 of the Commission's rules.

§ 292.602 Exemption of qualifying facilities from the Public Utility Holding Company Act and certain State law and regulation.

This section is amended in paragraph (b) by adding a "utility geothermal small power production facility" to the types of facilities which shall not be considered to be an electric utility company as defined in section 2(a)(3) of the PUCHC, 15 U.S.C. 79(b)(a)(3). Furthermore, the Commission is extending the exemption from the PUHCA for qualifying small power production facilities using geothermal energy from 30 to 80 megawatts.

The applicability of § 292.602 includes those facilities described in § 292.601(a) of the Commission's rules. Therefore, the exemption of qualifying small power production facilities of 80 megawatts or less using geothermal energy as a primary energy source is accomplished by the change to § 292.601(a) described above.

The Commission notes that the Securities and Exchange Commission (SEC) has issued a final rule, entitled "Rules Exempting Certain Acquisition by Electric Utility Companies and Exempting Such Companies as 'Holding Companies'."[9] The SEC adopted Rule 14, which exempts from the requirements of sections 9(a)(2) and 10 of PUHCA the acquisition by one or more electric utility companies of the securities of a power supply company. The SEC also adopted Rule 15 which provides an exemption from regulation as a "holding company" under section 3(a)(2) of the PUHCA for an electric utility company that makes any such acquisitions.

The grant of exemption in Rule 14 by the SEC would, however, require: (1) authorization to acquire voting securities by "the regulatory authorities having jurisdiction over the rates and service" of the parent utility; (2) the subsidiary generating company to supply all of the electricity it generates to its parent company or companies (with certain noted exceptions); and (3) that the issuance of securities by the generating company be "expressly authorized by a regulatory authority having jurisdiction over its rates and service."[10]

As indicated, the exemption under section 210(e) of PURPA eliminates the basis for the SEC's jurisdiction over acquisition and ownership of "qualifying" facilities or a UGSPPF. By excluding a UGSPPF from the definition of "electric utility company" under section 2(a)(3) of PUHCA, the Commission's rules eliminate the SEC's jurisdiction under section 9(a)(2) of PUHCA, thus rendering moot the exemption available under the SEC's Rules 14 and 15, as it pertains to geothermal facilities of 80 megawatts capacity or less.[11]

Environmental Conclusions

The Commission issued in June 1980, a draft environmental impact statement (DEIS) on rulemakings implementing sections 201 and 210 of PURPA. In the DEIS, the Commission determined that PURPA-induced development of geothermal small power production facilities would not create significant environment effects. In compliance with the National Environmental Policy Act of 1969 (NEPA), the Commission examined the environmental effects associated with these rules and has issued a Final Supplemental Environmental Impact Statement (EIS).[12]

The EIS accompanying this Order describes the environmental effects associated with the PURPA-induced development of small power production facilities using geothermal energy as a primary energy source. PURPA-induced development is anticipated in the near term for California, Nevada, and Idaho and may occur in other states in the West.

The revised rules under PURPA are expected to stimulate the development of up to 1,200 megawatts of electrical capacity from geothermal facilities by 1995. This is 1,100 megawatts more than predicted in the DEIS which the Commission prepared for the original rulemakings implementing sections 201 and 210 of PURPA.

The EIS found that geothermal resource development represents a relatively clean energy source and that increased geothermal development will reduce the adverse environmental impacts associated with nuclear and fossil fuel cycles.

III. Effective Date

These rules are effective May 1, 1981.

(Energy Security Act, Pub. L. No. 96-294, 94 Stat. 611 (1980) Public Utility Regulatoy Policies Act of 1978, 16 U.S.C. 2601, *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. 791 *et seq.*, Federal Power Act, as amended, 16 U.S.C. 792 *et seq.*, Department of Energy Organization Act, 42 U.S.C 7101 *et seq.*, 12009, 42 FR 46267)

In consideration of the foregoing, the Commission amends Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 292.204 is amended by revising paragraph (b)(1)(i) to read as follows:

§ 292.204 Criteria for qualifying small power production facilities.

* * * * *

(b) *Fuel Use.* (1)(i) The primary energy source of the facility must be biomass, waste, renewable resources, geothermal resources, or any combination thereof, and 75 percent or more of the total energy input must be from these sources.

* * * * *

2. Section 292.202 is amended by adding a new paragraph (o), to read as follows:

§ 292.202 Definitions.

* * * * *

(o) "Utility geothermal small power production facility" means a small power production facility which uses geothermal energy as the primary energy resource and of which more than 50 percent is owned either:

(1) By an electric utility, electric utility holding company or any combination thereof; or

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[8] 45 FR 12214, 12221 (Feb. 25, 1980).

[9] 46 FR 2007 (1981).

[10] *Id.* The exemptions are intended to facilitate joint ownership of conventional base-load generation plants, but also have application to non-conventional base-load generation plants.

[11] This approach is similar to the exemption from PUHCA contained in section 9 of the Pacific Northwest Electric Power Planning and Conservation Act (S. 885), which would exempt a "generating company" from the definition of an electric utility company in PUHCA. The SEC has indicated its support, in principle, for that exemption.

[12] Western Regional, Final Supplemental Environmental Impact Statement, Small Power Production and Cogeneration Facilities—Eligibility, Rates and Exemptions for Qualifying and Utility-Owned Geothermal Small Power Production Facilities, Docket No. RM81-2, February 1981.

(2) By any company 50 percent or more of the outstanding voting securities of which of which are directly or indirectly owned, controlled, or held with power to vote by an electric utility, electric utility holding company, or any combination thereof.

3. Section 292.601 is revised to read as follows:

§ 292.601 Exemption to qualifying facilities from the Federal Power Act.

(a) *Applicability.* This section applies to qualifying facilities, other than those described in paragraph (b).

(b) *Exclusion.* This section does not apply to a qualifying small power production facility with a power production capacity which exceeds 30 megawatts, if such facility uses any primary energy source other than geothermal resources.

(c) *General rule.* Any qualifying facility described in paragraph (a) shall be exempt from all sections of the Federal Power Act, except:

(1) Section 1–18, and 21–30;

(2) Sections 202(c), 210, 211, and 212;

(3) Sections 305(c); and

(4) Any necessary enforcement provision of Part III with regard to the sections listed in paragraphs (c)(1), (2) and (3) of this section.

4. Section 292.602 is amended by revising paragraph (b) to read as follows:

§ 292.602 Exemption to qualifying facilities from the Public Utility Holding Company Act and certain State law and regulation.

* * * * *

(b) *Exemption from the Public Utility Holding Company Act of 1935.* A qualifying facility described in paragraph (a) or a utility geothermal small power production facility shall not be considered to be an "electric utility company" as defined in section 2(a)(3) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79b(a)(3).

* * * * *

[FR Doc. 81-9694 Filed 3-27-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 655 and 656

Withdrawal of Regulations

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of withdrawal of regulations.

SUMMARY: On February 4, 1981, pursuant to a memorandum from the President, the Department of Transportation postponed the effective dates of all Department of Transportation regulations covered by the President's directive. The Federal Highway Administration, having reviewed its regulatory actions so postponed, is by this notice, withdrawing two of those rules. The specific regulations covered by this notice are set forth below.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley H. Abramson, Deputy Assistant Chief Counsel for Legislation and Regulations, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday; telephone number (202) 426–0762.

SUPPLEMENTARY INFORMATION: On January 29, 1981, a memorandum was issued by the President which, among other things, directs executive agencies to postpone for 60 days the effective dates of regulations which had been issued but were scheduled to become effective during that 60-day period. The Department of Transportation on February 4, 1981, pursuant to the President's memorandum, postponed the effective dates of all Department of Transportation regulations covered by the President's directive until March 31, 1981.

The purpose of this postponement was to afford the government an opportunity to review each of these regulations. The FHWA has conducted such a review and has decided, among other things, to withdraw the following two regulations:

1. 23 CFR 655, Traffic Control Devices on Federal-Aid and Other Streets and Highways, published at 46 FR 2038, January 8, 1981; and

2. 23 CFR 656, Carpool and Vanpool Projects, published at 46 FR 2298, January 8, 1981.

The withdrawal of these particular regulations at this time will provide the FHWA with the opportunity to reassess these rules and their impacts, as well as the agency's overall implementation of these programs, in the light of Executive Order 12291, Federal Regulation, issued by the President on February 17, 1981.

By withdrawing these regulations, the FHWA continues in effect all current requirements and provisions of the Code of Federal Regulations which these rules would have amended had they become effective. The Carpool and Vanpool Projects program will continue to be administered consistent with the legislative changes made to the predecessor demonstration program by section 136 of the Surface Transportation Assistance Act of 1978. The withdrawal of these regulations is without prejudice to such other action as the Administrator may take at a future time in this or any other rulemaking proceeding.

Inasmuch as both the rules subject to this withdrawal have already been the subject of public comment, additional notice and public procedure at this time is unnecessary. The FHWA's further review of these regulatory actions will include full consideration of the public comments received on each of these items. Also, as indicated in the Department's February 4 notice, the 60-day delay being a minimum period necessary to review the postponed rules, the FHWA believes that good cause exists for the immediate withdrawal of these two rules in order to afford the agency the opportunity to perform the comprehensive reassessment its review to date has indicated is necessary in these instances. Without an immediate withdrawal of these regulations they will go into effect upon expiration of the postponement on March 31.

Neither the rules as issued nor their withdrawal are major actions within the meaning of Executive Order 12291, nor are they significant within the meaning of the current DOT Order on Regulatory Policies and Procedures.

Accordingly, the following rules are hereby withdrawn:

1. 23 CFR 655, Traffic Control Devices on Federal-Aid and Other Streets and Highways, published at 46 FR 2038, January 8, 1981; and

2. 23 CFR 656, Carpool and Vanpool Projects, published at 46 FR 2298, January 8, 1981.

(Executive Order 12291; 23 U.S.C. 101(e), 109(d), 114(a), 140, 217, 315, 402(a); section 136 of the Surface Transportation Assistance Act of 1978 (Public Law 95–599, 92 Stat. 2689); 23 CFR 1204.4; and 49 CFR 1.48(b))

(The Catalog of Federal Domestic Assistance Program Number of both these programs is number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on: March 24, 1981.

R. A. Barnhart,
Federal Highway Administrator.

[FR Doc. 81-9695 Filed 3-27-81; 8:45 am]
BILLING CODE 4910-22-M

Urban Mass Transportation Administration

23 CFR Parts 450 and 630

49 CFR Part 613

[FHWA Docket No. 80-64, Notice 3]

Urban Transportation Planning; Deferral of Effective Date

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice of deferral of effective date of final rules.

SUMMARY: On February 4, 1981, pursuant to a January 29 memorandum from the President, the Department of Transportation postponed the effective dates of all Department of Transportation regulations which had been published as final rules but had not yet taken effect. The Federal Highway Administration and Urban Mass Transportation Administration, having reviewed their regulatory actions so postponed, are, by this notice, further postponing the Urban Transportation Planning; Transportation Improvement Program regulation published at 46 FR 5702, January 19, 1981.

DATES: The effective date of the amendments to 23 CFR Parts 450 and 630, and to 49 CFR Part 613 is deferred until June 30, 1981. This document is effective March 30, 1981.

FOR FURTHER INFORMATION CONTACT: FHWA: Stanley H. Abramson, Office of the Chief Counsel, (202) 426–0782; or UMTA: John Collins, Office of the Chief Counsel, (202) 426–1906, both located at 400 Seventh Street, SW., Washington, D.C. 20590. FHWA office hours are from 7:45 a.m. to 4:15 p.m. ET and UMTA office hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 29, 1981, a memorandum was issued by the President which, among other things, directed executive agencies to postpone for 60 days the effective dates of regulations which had been issued but were scheduled to become effective during that 60-day period. The Department of Transportation on February 4, 1981, pursuant to the President's memorandum, postponed the effective dates of all Department of Transportation regulations covered by the President's directive until March 31, 1981.

The purpose of this initial postponement was to afford the government the opportunity to review these recently issued, but not yet effective, regulations. As a result of their reviews, the FHWA and UMTA have decided to postpone for another 90 days the effective date of the Urban Transportation Planning; Transportation Improvement Program regulation published at 46 FR 5702, January 19, 1981. By so postponing this regulation, the FHWA and UMTA continue in effect all current requirements and provisions of the Code of Federal Regulations this rule would have amended had it become effective.

Before the end of the additional 90-day review period, the FHWA and UMTA intend to issue a final rule with a request for comment which would allow those provisions of the postponed rule which would reduce red tape and provide for streamlining to go into effect. In addition, the rule would update the existing joint FHWA/UMTA regulations to include recent legislative changes.

The FHWA and UMTA have determined that the initial 60-day postponement has provided an inadequate amount of time to make a decision concerning appropriate revisions to the postponed rule. The agencies believe that good cause exists for further postponing the effective date of this regulation and that such postponement is in the public interest. The postponed rule has been the subject of extensive public comment. Further review of the postponed rule by FHWA and UMTA will include full consideration of the public comments received. For these reasons and because this regulation would otherwise go into effect without this action, additional notice and public participation on this change of effective date is impracticable, unnecessary, and contrary to the public interest and good cause exists for making this postponement effective immediately.

Neither the rule as issued nor its postponement are major actions within the meaning of Executive Order 12291.

Accordingly, the effective date of the following rule is postponed until June 30, 1981:

Urban Transportation Planning; Transportation Improvement Program (23 CFR 450, 630; 49 CFR 613) published at 46 FR 5702, January 19, 1981.

(Executive Order 12291; 23 U.S.C. 101(e), 104(f)(3), 134, and 315; Secs. 3, 5, and 8 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1604, and 1607); Secs. 110, 172, 174, and 176 of the Clean Air Act; and 49 CFR 1.48(b) and 1.51)

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning, and Construction; 20.500, Urban Mass Transportation Capital Grants; 20.501, Urban Mass Transportation Capital Improvement Loans; and 20.507, Urban Mass Transportation Capital and Operating Assistance Formula Grants. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on: March 25, 1981.

R. A. Barnhart,
Federal Highway Administrator.

Robert H. McManus,
Acting Urban Mass Transportation Administrator.

[FR Doc. 81-9011 Filed 3-27-81; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Parts 52, 53

36 CFR Part 7

43 CFR Parts 9, 2090, 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270, 2300, 2310, 2320, 2340, 2350, 2920

50 CFR Part 17

Extension of Effective Dates for Final Rules; Request for Comments

AGENCY: Department of the Interior.

ACTION: Extension of effective dates for final rules with request for comments.

SUMMARY: The Department of the Interior is extending the effective date of rules issued in final form but not yet in effect to permit reconsideration of the rules under Executive Order 12291. The Department is also requesting comments on whether the rules listed are major under Executive Order 12291.

DATES: For the new effective dates, see Supplementary Information. This extension is effective March 30, 1981. Comments must be received on or before April 9, 1981.

ADDRESSES: Written comments should be sent to Deputy Associate Solicitor, Division of General Law, Department of the Interior, 18th and C Streets NW., Room 6514, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Moody R. Tidwell III, Deputy Solicitor, 202–343–4513; Timothy S. Elliott, Deputy Associate Solicitor—Division of General Law, 202–343–4722.

SUPPLEMENTARY INFORMATION: The President's Memorandum of January 29, 1981 directed Federal agencies to extend the effective dates of regulations issued in final form but not yet in effect for a

60-day period. In notices published February 4, 1981 (46 FR 10707) and February 17, 1981 (46 FR 12496), the Department of the Interior extended the effective dates of the regulations listed below to March 30, 1981. Executive Order 12291, issued by the President on February 17, 1981 (published 46 FR 13193, February 19, 1981), directed agencies to suspend or postpone the effective dates of all major rules that had been promulgated in final form but had not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Order. The Department of the Interior is further extending the effective dates of the rules listed below to the dates indicated to allow the Department sufficient time to determine whether the rules are major and to comply with the terms of the Order.

Rule	Date published and FR page	Effective date
Bureau of Indian Affairs 25 CFR Parts 52, 53. Tribal government elections.	Jan. 7, 1981, 46 FR 1666, 1674.	Apr. 30, 1981.
National Park Service 36 CFR Part 7. Glacier Bay National Monument.	Dec. 30, 1980, 45 FR 85741.	Apr. 30, 1981.
Bureau of Land Management 43 CFR Subpart 2091 of Part 2090, Parts 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270. Exchanges of Land; procedures.	Jan. 6, 1981, 46 FR 1634.	Apr. 15, 1981.
Bureau of Land Management 43 CFR Parts 2090, 2300, 2310, 2320, 2340, 2350. Federal land withdrawals; procedures.	Jan. 19, 1981, 46 FR 5794.	Apr. 15, 1981.
Bureau of Land Management 43 CFR Parts 9, 2920. Land use: leases, permits, and easements.	Jan. 19, 1981, 46 FR 5772.	Apr. 15, 1981.
Fish and Wildlife Service 50 CFR Part 17. Endangered and threatened species.	Jan. 13, 1981, 46 FR 3178, 3184 (2 documents).	Apr. 30, 1981.
Fish and Wildlife Service 50 CFR Part 17. Endangered and threatened species.	Jan. 19, 1981, 46 FR 5730.	Apr. 30, 1981.

The Department is requesting public comment on whether the rules listed are major under Executive Order 12291. Written comments must be sent to the address given above within ten days.

Dated: March 25, 1981.

William L. Kendig,

Deputy Assistant Secretary.

[FR Doc. 81-9621 Filed 3-27-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 817

Credit Unions; Removal of Regulations

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 817, Credit Unions. This rule is removed because of limited applicability to the general public. The intended effect is to insure that only regulations which substantially affect the public be maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Carol M. Rose, phone (202) 697-1861.

SUPPLEMENTARY INFORMATION: Accordingly, 32 CFR, Chapter VII, is amended by removing Part 817.

Authority: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-9479 Filed 3-27-81; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD 77-067]

New York Vessel Traffic Service; Clarification of Effective Date

AGENCY: Coast Guard, DOT.

ACTION: Clarification of effective date.

SUMMARY: On September 24, 1979, the effective date of the Coast Guard rule establishing operating procedures for the New York Vessel Traffic Service (VTS) was deferred indefinitely (44 FR 55005). The Department of Transportation issued a notice on February 4, 1981 (46 FR 10708) postponing the effective date of several Coast Guard rules, including the New York VTS rule, until March 31, 1981. The New York VTS rule will not become effective March 31, 1981 and remains suspended indefinitely.

FOR FURTHER INFORMATION CONTACT: Lieutenant Kenneth E. Johnson, Project Attorney, Office of the Chief Counsel (G-LRA/33), Room 3314, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-1534.

SUPPLEMENTARY INFORMATION: On August 2, 1979, the Coast Guard published a rule establishing the operating procedures for the New York Vessel Traffic Service (VTS) (44 FR 45381). The rule was to become effective on September 18, 1979. Delays in installation and construction of certain equipment related to VTS operation necessitated postponement of the rule. Accordingly, the Coast Guard deferred the effective date of the rule indefinitely (44 FR 55005, September 24, 1979). A new effective date was to have been published in the Federal Register when a firm completion date became known.

The Department of Transportation issued a notice on February 4, 1981 (46 FR 10708) postponing the effective date of all pending department regulations until March 31, 1981. The postponement notice applied to all pending department regulations that would have become effective between January 30, 1981 and March 31, 1981. The New York VTS rule was included in the list of Coast Guard regulations affected because it was a pending rule, even though it was not to become effective prior to March 31, 1981. This inclusion on the list of postponed regulations has created the potential for confusion as to the effective date for the New York VTS rule.

The New York VTS operating procedures rule remains suspended indefinitely. The rule will not become effective on March 31, 1981. The delays in construction and installation of certain equipment related to VTS operations still exist. Estimates of completion dates for this equipment are very tentative. An effective date for this rule will be published in the Federal Register when a firm completion date is known.

Accordingly, the effective date of §§ 161.501-161.582 of Title 33, Code of Federal Regulations remains deferred until further notice.

(33 U.S.C. 1221 et seq.; 49 CFR 1.46(n)(4))

Dated: March 30, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-9529 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 1

Privacy Act Exemption

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is amending its regulation to permit the implementation of general and specific exemptions of the Privacy Act of 1974. Currently, for example, investigations conducted by the Office of Inspector General are seriously hampered when the subject of an investigation requests, under the Privacy Act, access to any and all information that the Inspector General has regarding him or her. Amendment of the regulation would allow the Veterans Administration to implement the exemptions for specified Privacy Act systems of records, thereby preventing subjects of an investigation from interfering with or frustrating the investigatory process, preventing disclosure of investigative techniques, and maintaining the Veterans Administration's ability to obtain necessary information from third-party sources by protecting the confidentiality of a source's identity.

EFFECTIVE DATE: This regulation is effective March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Shea, (202) 389-3431 or 389-3928.

SUPPLEMENTARY INFORMATION: On page 77060 of the Federal Register of November 21, 1980, there was published a notice of proposed regulatory development to amend regulations concerning 5 U.S.C. 552a(j) and (k). Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed amendment. No written comments were received and the proposed regulation is hereby adopted without change and is set forth below.

Approved: March 13, 1981.

Rufus H. Wilson,

Acting Administrator.

In 38 CFR Part 1, § 1.582 is revised to read as follows:

§ 1.582 Exemptions.

Certain systems of records maintained by the Veterans Administration are exempted from the provisions of the Privacy Act in accordance with exemptions (j) and (k). (5 U.S.C. 552a(j) and (k)). The systems of records which are within the (j) and (k) exemptions are identified in the VA Privacy Act system of records notice.

(38 U.S.C. 210(c))

[FR Doc. 81-9231 Filed 3-27-81; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 4

[CGD 78-170]

Casualty Reporting Requirements; Correction

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule; correction.

SUMMARY: This document corrects an erroneous reference contained in an interim final rule published on November 24, 1980, at 45 FR 77439 relating to casualty reporting requirements.

FOR FURTHER INFORMATION CONTACT: CDR H. T. Blomquist, Office of Merchant Marine Safety (G-MMI/24) Room 2407, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, D.C. 20593 (202) 426-1455.

Accordingly, the Coast Guard is correcting the reference in the last line of paragraph 4.01-3(b), which was printed at the top of the second column at 45 FR 77441 on November 24, 1980, to read "under §§ 4.05-1(d) or 4.05-1(e)," vice "under §§ 4.05-5(d) or 4.05-5(e)."

Dated: March 24, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-9240 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-14-M

Urban Mass Transportation Administration

49 CFR Parts 639 and 640

[Docket Nos. 80-A and 80-B]

Stockpiling of Buses and Bus Rehabilitation Grant Program; Postponement of Pending Regulations

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of Postponement of Pending Regulations.

SUMMARY: The Urban Mass Transportation Administration (UMTA) issued regulations describing the Stockpiling of Buses and the Bus Rehabilitation grant programs on January 13, 1981, and January 19, 1981, respectively. President Reagan directed that the effective dates of these regulations be postponed until March 31, 1981, so that they could be reviewed to determine if they were necessary. UMTA has completed this review and proposes to withdraw these rules and instead to issue non-regulatory policy statements on each topic. To afford the public an opportunity to comment on the proposed withdrawal, the rules are being further postponed for 45 days. That action is more fully discussed in the Proposed Rules section in this Federal Register.

DATE: The postponement of these rules for an additional 45 days until May 15, 1981, is effective on March 31, 1981.

FOR FURTHER INFORMATION CONTACT: John Collins, Assistant Chief Counsel for Legislation and Regulation, UCC-10, (202) 426-1906.

Accordingly, the effective dates of the following regulations are postponed until May 15, 1981:

Title	Citation	Previously scheduled effective date
Stockpiling of Buses (UMTA Docket 80-B) 49 CFR pt. 639.	46 FR 5480; Jan. 19, 1981.	Mar. 31, 1981.
Bus Rehabilitation Program (UMTA Docket 80-A) 49 CFR pt. 640.	46 FR 6962; Jan. 29, 1981.	Mar. 31, 1981.

Authority: 49 U.S.C. 1602 and 1604; 23 U.S.C. 103 and 142; 49 CFR 1.51.

Issued in Washington, D.C. on March 26, 1981.

Carole Foryst,

Acting Administrator, UOA-1, Urban Mass Transportation Administration.

[FR Doc. 81-9715 Filed 3-27-81; 9:27 am]

BILLING CODE 4910-57-M

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-145C Amdt. No. 172-56]

Listing of Hazardous Materials

Correction

In FR Doc. 81-8340 appearing on page 17738 in the issue of Thursday, March 19, 1981, on page 17749, a list was inadvertently omitted and should have appeared as set forth below:

Chemicals listed by EPA under Section 112 of the Clean Air Act

*Benzene

Mercury

Radionuclides

Vinyl chloride

BILLING CODE 1505-01-M

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM–174; Amdt. Nos. 173–145, 179–27]

Shippers; General Requirements for Shipments and Packagings; Correction

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation.

ACTION: Correction to final rule.

SUMMARY: This document corrects an error in the final rule issued under Docket HM–174 (46 FR 8005; January 26, 1981) by allowing the use of Specification 112A tank cars for transportation of dimethylamine, monomethylamine and trimethylamine until July 1, 1982.

EFFECTIVE DATE: This rule will become effective on March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Leavitt A. Peterson, Office of Safety, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426–0897.

SUPPLEMENTARY INFORMATION: This correction is necessary because the above named flammable gases were not specifically identified as being affected by the final rule issued under Docket HM–144 (43 FR 30057; July 13, 1978). When the final rule under HM–174 was published, all 112A tank car entries were modified to reflect changes for all tank cars used to transport flammable gases. This change affected approximately 66 tank cars used to transport methylamine gases which do not meet the tank head puncture resistance or thermal protection requirements of regulations issued under HM–144. In order to rectify this situation by allowing sufficient time to retrofit these tank cars, MTB is authorizing the use of 112A tank cars for the transportation of methylamine gases until July 1, 1982.

Regulatory Impact

This correction has been determined not to be a major rule under the provisions of Executive Order 12291 since it relieves a burden on industry by allowing sufficient time to retrofit certain tank cars, as required by the corrected final rule, without interrupting the transportation of certain hazardous materials.

Under the terms of the Department's Notice of Postponement of Pending Regulations, dated February 4, 1981 (46 FR 10706), the effective date for the applicable provisions of the rules issued under HM–174 was established as March 31, 1981. Without this rule, the tank cars affected by this rule would be in violation of those provisions as of that date, and the rail movement of the affected materials would be interrupted, causing a severe burden on shippers and consumers of methylamine gases. Therefore, the MTB has determined that this rule responds to an emergency situation under Section 8(a)(1) of Executive Order 12291 since it is impracticable to follow the provisions of the Order with respect to the rule. There is insufficient time prior to the March 31 effective date to allow for the full 10-day review period required by Section 3(c)(3) of the Order for rules other than major rules.

In consideration of the foregoing, Part 173 of Title 49 Code of Federal Regulations is amended as follows:

1. In § 173.314(c), the table is amended and Note 27 is added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

Kind of gas	Mixture[1]	Required tank car[2]
* * *	* *	* *
Dimethylamine, anhydrous.	59	DOT105A500X.
	62	DOT105A300W, Notes 4, 23 and 26.
	61	DOT112T340W, 112J340W, Notes 26 and 27.
* * *	* *	* *
Monomethylamine, anhydrous.	60	DOT105A500X.
	62	DOT105A300W, Notes 4, 23 and 26.
	61	DOT112T340W, 112J340W, Notes 4, 26 and 27.
* * *	* *	* *
Trimethylamine, anhydrous.	57	DOT105A500X.
	58	DOT105A300W, Notes 4, 23 and 26.
	59	DOT112T340W, 112J340W, Notes 26 and 27.

[1] Permitted filling density, Note 1.
[2] See § 173.31(d)(2) and (3).

* * * * *

Note 27.—Specification 112A tank cars may be used until July 1, 1982.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). I certify that this document will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C. on March 23, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-9069 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR Part 395

[BMCS Docket No. 91; Amdt. No. 60–2]

Hours of Service of Drivers; Test Program of Alternative Methods to Driver's Logs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of expiration date of test program.

SUMMARY: This action extends from April 1, 1981 to April 1, 1983, the period during which participating carriers may use modified carrier documents in lieu of the driver's log. A description of the test program of alternative methods to driver's logs is contained in BMCS Docket No. MC–91; Notice No. 80–2, published in the **Federal Register** April 28, 1980 (45 FR 28243) revised by Notice No. 80–5, published in the **Federal Register** July 17, 1980 (45 FR 48015).

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Bureau of Motor Carrier Safety, (202) 426–0767; or Mr. Gerald M. Tierney, Office of the Chief

Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, 400 7th St. SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: In a continuing effort to reduce the paperwork burden on motor carriers operating in interstate or foreign commerce the Federal Highway Administration (FHWA) is permitting selected motor carriers and their drivers to use either modified tachograph charts or a modified carrier document to record driver's hours of service as an alternative to the present logs on an experimental basis. This document grants participants in the test program continued permission to use alternative methods to record driver's hours of service in lieu of the driver's log. Participating carriers are named in the above referenced Notice No. 80-5.

The test program is being conducted under contract by Chilton Company, Radnor, Pennsylvania, which provides a limited exemption for the participating carriers from the provisions of §§ 395.8 and 395.9 of the Federal Motor Carrier Safety Regulations, requiring drivers to prepare a specified daily log.

The test program is being conducted to reduce driver and motor carrier burden and to determine the evidentiary value and economic feasibility of monitoring driver compliance with the hours of service rules by means other than the log.

This document is being issued to permit continued use of the alternative methods pending receipt of the final report of the test program and any rulemaking action that will be conducted to permit public comment on any proposed method developed as a result of the test program.

This amendment is being issued in final form without notice and opportunity to comment because it is not anticipated that such action would result in the receipt of useful information. The anticipated economic impact of this extension and the test program provided for is so minimal as to not require preparation of a full regulatory evaluation at this time. Should the test program indicate that revisions of a permanent nature should be considered to the current log requirements, those revisions will be the subject of further evaluation.

The Federal Highway Administration has determined that this document contained neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

Accordingly, §§ 395.8(i)(4) and 395.9(x) of Title 49, Code of Federal Regulations, are amended by removing the words "before April 1, 1981" each time they appear and by adding in lieu thereof the words "before April 1, 1983".

(49 U.S.C. 304, 49 CFR 1.48, and 49 CFR 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: March 25, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 81-9020 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-22-M

Urban Mass Transportation Administration

49 CFR Part 642

[Docket No. 80-W]

Urban Initiatives Grant Program Requirements; Withdrawal of Regulation

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of withdrawal of regulation.

SUMMARY: The Urban Mass Transportation Administration (UMTA) issued a regulation describing the requirements for the Urban Initiatives grant program on January 19, 1981. President Reagan directed that the regulation be postponed until March 31, 1981, so that it could be reviewed to determine if it were necessary. UMTA had completed that review and has decided to withdraw the regulation.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: John J. Collins, Assistant Chief Counsel for Legislation and Regulation, Urban Mass Transportation Administration, UCC-10, 400 7th Street, S.W., Washington, D.C. 20590; Telephone: (202) 426-1906.

SUPPLEMENTARY INFORMATION: UMTA issued a regulation describing the requirements for the Urban Initiatives grant program on January 19, 1981 (46 FR 5820). Pursuant to President Reagan's January 29, 1981, memorandum, the Secretary of DOT postponed the effective date of this regulation until March 31, 1981 (46 FR 10708; February 4, 1981). The President ordered the postponement of this and all other final rules that were not yet effective to give his Administration the opportunity to review and assess the need and burden of each.

UMTA has reviewed the final rule on the Urban Initiatives Program and has decided to withdraw it. There are expected to be no further Urban Initiatives grant competitions because of budgetary constraints. Therefore, this regulation is unnecessary. Completion of those projects already initiated under the program can be completed under existing Section 3 authority and would not require a regulation.

UMTA is issuing this withdrawal without giving the public the opportunity for notice and comment. Public comment on the withdrawal of this regulation is unnecessary in light of the fact that there are expected to be no further Urban Initiative grant competitions.

In addition, the withdrawal of this regulation is effective immediately. If this were not so, the pending final rule would become effective on March 31, 1981. UMTA believes, therefore, that good cause exists for making this withdrawal effective immediately.

The withdrawal of this regulation is without prejudice to such other action as the UMTA Administrator may take at a future time in this or any other rulemaking proceeding. UMTA has determined that this regulation is not a "major rule" as that term is defined in Executive Order 12291.

Accordingly, the following regulation is withdrawn:

Title	Citation	Previously scheduled effective date
Urban Initiatives (UMTA Docket 80-W), 49 CFR 642.	46 FR 5820; Jan. 19, 1981.	Mar. 31, 1981

(49 U.S.C. Secs. 1602(a)(1)(D) and 1603(c)(1)(B); and 49 CFR 1.51)

Issued in Washington, D.C. on: March 26, 1981.

Carole Feryst,

Acting Administrator, UOA-1, Urban Mass Transportation Administration.

[FR Doc. 81-9026 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-57-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1031A

[Ex Parte No. 389]

Procedures for Requesting Rail Variable Cost and Revenue Determinations for Joint Rates Subject to Surcharge or Cancellation

AGENCY: Interstate Commerce Commission.

ACTION: Withdrawal of interim rule and interim with request for comment.

SUMMARY: The Commission has determined that its original interim rule published on November 3, 1980 (45 FR 72665) which set forth interim procedures for requesting rail variable cost and revenue determinations for joint rates subject to surcharge or cancellation is not consistent with the intent of Section 217 of the Staggers Rail Act of 1980. This notice replaces that interim rule and the notice of availability of cost and revenue information dated October 27, 1980. The Commission believes that this substitute rule better reflects the intent of Congress to provide a relatively simple procedure that can be used easily by shippers and carriers to adduce relevant revenue and variable cost data. This new interim rule shall be effective immediately, pending final rules.

DATES: These interim rules are effective March 30, 1981. Comments should be filed on or before April 29, 1981.

ADDRESS: An original and 15 copies of comments shall be sent to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION:

Background

Section 217 of the Staggers Rail Act of 1980, Rail Act added a new Section 10705a to Subchapter IV of Title 49 of the United States Code. This substantially modifies the Interstate Commerce Act with respect to joint rates, revenue divisions, and surcharges. In general, it allows carriers to apply a surcharge increasing or reducing a joint rate or to cancel the application of a joint rate, without the concurrence of the other participating carriers.[1] The purpose of Section 10705a is to provide an immediate, albeit only partial, remedy to the revenue shortfall that results when a carrier's revenue division of a joint rate fails to cover the carrier's costs of providing the service associated with the joint rate.

Section 10705a(a) permits surcharges under certain circumstances. For example, surcharges may be applied only to routes that were subject to all general increases published during the previous year. Similarly, a given route may be surcharged only once a year. Most importantly, a surcharging carrier must apply the surcharge in equal dollar amounts to all routings (including single-line movements) in which it participates between the points covered by the joint rate.

Section 10705a also provides affected parties with mechanisms to limit the level of earnings generated by a surcharge. In particular, it permits other carriers participating in the joint rate to file tariffs cancelling application of the surcharge to the route(s) in which protestant participates if it can show that the surcharging carrier, before the surcharge, was earning at least 110 percent of its variable costs for its share of the movement involved. It also permits cancellation of the surcharge if the protesting carrier can show, among other things, that a higher division of revenue or a higher joint rate is available to the surcharging carrier.

Section 10705a also allows affected shippers and ports to request the Commission to cancel or reduce a surcharge when they can show that the surcharging carrier, with the surcharge, will earn more than 110 percent of its variable costs. Before such parties can obtain relief, however, they must also show that they have no competitive alternatives to the surcharged or canceled route.

The Original Rules

To assist opponents of surcharges in making the required showing with respect to the costs and revenues of surcharging carriers, Section 10705a(h) directs the Commission to furnish, upon request, the variable costs and revenues of the movements involved. To permit us to make the required computations, we issued interim regulations in this proceeding detailing the information that we would need from the parties. Those regulations, which have been effective for several months, require surcharging carriers to provide upon request, seven categories of detailed, shipment-specific data (*e.g.*, freight bills, actual distances involved, etc.).[2] Upon receipt of the information, the opponent of a surcharge is required to supply it to the Commission with its request for cost and revenue data.

The original notice reflected our belief that detailed, shipment-specific data were necessary to implement Section 10705a. Since we issued that notice, a number of surcharges have been filed. We have also received comments in response to that notice. It has become apparent that, the procedures we originally published seemingly shifted the burden of proof to the proponent and imposed burdensome and needless data production requirements on both shippers and carriers. For these reasons, we have concluded that our original rules are inconsistent with the Congressional intent and create unnecessary problems of data confidentiality and should be withdrawn.

It has also become clear as a result of our experience with surcharge proposals that our original approach is totally unworkable both for us and for the parties. We do not have the capability, given the five-day time limit, to cost an infinite number of specific movements or to determine a representative sample.[3] Furthermore, proponents should not be required to produce information that should already be available to potential protestants. Our original approach has resulted in unreasonable data requests of proponents by connecting carriers that have the same basic information in their possession. We also note that, to the extent a proponent is a bridge carrier, it will not have certain of the data that our earlier rules required them to provide (shipping documents, for instance). Protestants also should not be burdened with gathering information on scores of waybills or freight bills unrelated to their particular shipping requirements or be required to accurately sample their movements.

The comments of Barlett Agri Enterprises, Inc., and SRI, Inc., point out another problem associated with shipper receipt of actual movement data

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[1] Throughout this notice, the terms "surcharge" and "joint rate cancellation" are used interchangeably. The same analysis applies to both. The interim rules apply to surcharges and joint rate cancellations proposed for a particular commodity(ies). They do not apply to proposals to surcharge all movements over particular routes under 10705a(b). A separate proceeding to define "reasonably expected costs," Ex Parte No. 402, has been instituted to address these situations.

[2] Questions have arisen in several recent surcharge proceedings as to what a surcharging carrier must do to comply with the present requirement that it provide information. The revised rules we are establishing will clearly set out the responsibilities of all parties involved.

[3] Rail Form A costing within five days, even under the substitute interim rule we are adopting, may be difficult or impossible if a great number of surcharges are filed at the same time. While we do not now propose to restrict filings, we will review the matter if and when problems arise.

from a surcharging carrier. These parties fear violation of Section 11910(d), which provides a penalty for knowing disclosure of confidential information tendered under Section 11168. This seems a legitimate concern.

The New Regulations

In view of the several difficulties associated with the original rules, we have decided to modify our approach. We are withdrawing our current interim rules and establishing a relatively simple new procedure under which an opponent of a surcharge will be required, along with its request for cost and revenue information, to supply the Commission with certain readily accessible information. The new rules are below. This information we will require will permit the Commission to make a relatively quick determination of costs and revenues, as required by the Rail Act.

The new approach contemplates the following process to arrive at the revenue/cost ratio we are to develop. For each challenged routing, a protestant would provide the Commission in writing with the following information:

(1) The amount of the surcharge.

(2) The tariff minimum weight.[4]

(3) The tariff rate applicable at the minimum weight, tariff reference, and applicable unit (e.g., per hundred weight).

(4) The relevant territorial division and the relevant intraterritorial subdivision (where applicable) as percentages. (Surcharging carriers must supply this information to protestants within 3 working days of a request.)[5]

(5) The car type or types in which the traffic normally moves (see Appendix C).

(6) The commodity description=STCC code. (Five-digit level)

(7) The class of traffic, i.e., interline or bridge.

(8) The number of intertrain and intratrain switches (if known).

(9) The origin, destination, interchanges, carriers used, and the short line distance on the surcharging or cancelling carrier's line (from the published distance tables[6] from or to the interchange point(s) at which the traffic is tendered.[7]

The protesting party must furnish the information in the format prescribed in Appendix A. As an alternative, the protesting party may elect to use our computer input sheets directly. The format of our "Ex Parte No. 389" computer input sheets and directions are contained in Appendix B. In addition, protesting shippers and ports must certify that there is no competitive alternative to the surcharged or canceled route(s). A one-sentence statement is all that is necessary. This requirement will ensure that shippers and ports do not request cost computations on movements until they have analyzed this issue. The certification will limit our cost computation role for shippers and ports to those cases where potential protestants believe no competitive alternatives exist. The certification will not take the place of detailed proof on this subject at the suspension level. A protesting carrier need not make this showing.

A proponent carrier only must provide a potential protesting shipper or port with revenue division data. This information need not be given to connecting carriers, as they already have it. When a shipper or port interest requests divisions information from a surcharging or cancelling carrier, it must provide the carrier with sufficient data to identify its movements, that is, the commodity, origin and destination, and the tariff reference. Using the information submitted by the protestants, the Commission will calculate the revenues and variable-costs, and using a standard formula, will provide the information to the parties within 5 working days. It is crucial that parties understand that a surcharging carrier must apply the surcharge to all routes between the surcharged points. A protestant, however, can only challenge routings that actually affect its movements. Even if the protestant is successful in challenging the application of the surcharge to one or more specific routings, the remaining routes will still be subject to the surcharge.

Discussion

The focus of proceedings under Section 10705a is the development of a threshold revenue level for specific commodities. No surcharge can be successfully challenged unless it can be demonstrated that revenues to the surcharging carrier were at least 110% of variable costs at the time the surcharge was applied.[8] The intent of Section 10705a that surcharge proceedings be administratively prompt, simple to understand, and not needlessly costly to any party will be frustrated unless the revenue to variable cost determination is based on a standard formula. Realistically, this is the only way we can meet our 5-day statutory time limit, and resolve these matters in a way that is consistent with the Act.

The use of formula approach receives support from a number of sources. The legislative history of Section 217 states:

> The key to the success of these provisions will be the ease with which they may be implemented * * *.
>
> Administrative feasibility is also the reason the conferees have selected formula costs for use * * * and the conferees encourage the Commission not to permit cost debates to delay the policy of this Act * * *. H. Rep. No. 96-1430, 96th Cong., 2nd Sess. 112 (1980).

Congressmen Staggers, Florio, and Madigan state in a letter response to our earlier notice that calculations must be able to be made quickly if these new provisions are to work. They indicate that Section 10705a will not be workable "if controversies develop over the weights of the lading, the actual route of movement and the like."

In their comments on our original notice, Conrail and Southern Railway, who played major roles in drafting Section 10705a, provide detailed explanations of how they expected the costing to proceed. Both point out that

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[4] The Bessemer and Lake Erie Railroad Company, Duluth, Missabe and Iron Range Railway Company, and Elgin, Joliet and Eastern Railway Company argue that tariff minimums are not always definite. They cite instances where they are stated as full capacity or 90% of marked capacity. The latter is easily determined. The former will require development by the potential protestant of an average figure.

[5] This information is confidential and the Commission will not release it. Shipper furnishing of this information to the Commission does not violate Section 11910(d). Further dissemination will subject shippers to possible prosecution.

[6] Southern points out that these tables are contained in tariffs (CR 9516, for Conrail; SFA 6201 for Southern Territory; SWL 6004, for Southwest territory; individual tariffs in Western territory) generally maintained by shippers.

[7] As the methodology uses short line mileages adjusted for circuity, we should point out that individual routes are distinguishable only to the extent they use different gateways. Actual mileage differences which may occur for routings using the same gateway(s) are not taken into account by this method. However, it is the choice of interchange points, rather than the choice of individual routings between the gateways, that results in the major inefficiencies. The methodology we are adopting allows us to account for those differences. If actual mileage could be made readily available costing could be more accurate without sacrificing expedience. We seek comment on this issue and will consider use of actual mileage when issuing final rules. If the railroads believe actual miles should be used, they should be willing to provide these figures to a potential protestant. Each set of routings between gateways and origins or destinations must be tested individually against this 110 percent criterion. Accordingly, we are requiring that protestants must submit the information required by these rules for each challenged routing. We will then use Rail Form A unit costs to compute the variable costs for each route and car type specified by a potential protestant.

[8] As noted, infra, a shipper need only show that the base rate with the surcharge will exceed 110%, whereas a connecting carrier must make its showing based on the rate prior to the surcharge.

the process is intended to be straightforward and is to be based on a formula approach using data available to all concerned. Basically, they anticipated that unadjusted Rail Form A cost data would be used to determine the revenue/variable cost ratio. These data are to be developed by: (1) multiplying the tariff minimum weight by the rate, adjusted by the surcharging carrier's division to produce its total revenue; and (2) developing standard Rail Form A costs on the basis of such factors as the car type, the commodity, the minimum weight, and the short line distance (adjusted for circuity) over each particular route to produce total cost. A number of other class I railroads support this approach.

Overall, we believe this approach, in contrast to our original one, is more consistent with the intent of the Congress. The focus would properly be on the general profitability of a specific commodity moving over a particular route, rather than the profitability of individual shipments that may or may not be representative. Our original notice could have produced different ratios for different shipments on the same route. It would also have placed an enormous data development and justification burden on all parties. The filings by protestants in surcharge proceedings to date support this conclusion.

We recognize that the data produced under this approach will be imprecise. For example, to the extent economies exist for different shipments in excess of the minimum weight, the ratio of revenue to variable cost calculated at the minimum weight may understate actual profitability of the movement to the surcharging carrier. On the other hand, the use of short line distance, even when adjusted for circuity, may understate the actual distance over a challenged routing. This would understate actual costs (and thus overstate the ratio).

Finally, subsections 10705a (k)(3) and (m)(3) support the use of tariff minimum weights and short line distances. Subsection 10705a(k)(3) gives proponents the option of using actual variable cost data rather than unadjusted Rail Form A data. Subsection 10705a(m)(3) authorizes use of actual revenue settlements, also at proponent's option. These alternatives can only mean that an approach other than one based on movement-specific data was contemplated for general use.[9]

We conclude that the formula approach to developing generalized cost data, as explained by Conrail, Southern Railway, and Congressmen Florio, Staggers, and Madigan, is the proper one. This approach meets the objectives of ease of implementation and administrative feasibility as set forth in the legislative history. Furthermore, the conferees on joint rate problems state explicitly that the 110% of variable cost figure is a minimum and is not intended as a maximum:

> The Conference substitute maintains the requirement that joint rates must be reasonable. The conferees intend that the rate standard for the reasonableness of joint rates shall be the same as for all rates. The establishment of the minimum compensatory joint rate relief in Section 217 of this Act is not intended to mean that such minimum levels relate to the maximum reasonable level for joint rates. A joint rate must be reasonable, as must the divisions of such a joint rate between carriers and the Commission should not interfere to require joint rates or any carrier's division of a joint rate to be maintained below the rate levels permitted by this Act. H. Rep. No. 96-1430, 96th Cong., 2nd Sess. 90 (1980).

Given the wide range between our jurisdictional threshold (the 180% floor) and the minimum standard contained in section 10705a, we believe that any minor distortion that may be produced by using the proposed formula approach is not sufficient for rejection of the methodology.

A number of comments were directed to the timing and method of the various requests for data. Mobile Transportation Rate Bureau, Inc., suggests that a proponent of a surcharge, when responding to a request from a potential protestant, simultaneously submit its response to the protestant and to the Commission. Arguably, this will help us meet our five-day time limit. We see no need for such a rule. The interim regulations published here have been formulated to impose minimal data requirements on all parties. Advance submission by a proponent will not assist the Commission's costing and revenue development process. Under the new rules a proponent only will be required to submit information on revenue divisions. This information, standing alone, will not expedite the costing process. Union Camp Corp. proposes that, given the short three and five day deadlines, we should require proponents, at the time of filing a surcharge, to notify all potential protestants. The Office of Special Counsel recommends that a proponent be required to submit all relevant data when filing the surcharge. Farmland Industries, Inc., suggest that a proponent be required to tender to a requestor all data relevant to the proposal and that it be gathered before filing. These proposals are also directed toward our original rules, which ostensibly place the responsibility of producing data on the surcharging carrier, and are no longer relevant in the context of the changes proposed herein. We do, however, seek comment on the suggestion that tariffs containing surcharges or cancellations include, on their title pages, the name and telephone number of the individual to contact for information to be provided under our rules.

We also sympathize with the American Paper Institute, Inc.'s concern that delays in transmitting information to potential protestants may leave them with no remedy. Interim rule 1031A.2(b) subjects surcharge tariffs to suspension and investigation and ultimate disapproval if the proponent carrier refuses to furnish the information required. We request comment on this and any other feasible remedy.[10]

We recognize that the statute does not integrate the five day limit with our protest procedure before the Suspension Board. The timetable contained in 49 CFR 1100.40 remains applicable. Protests are due 12 days before a proposed effective date; replies are due four days before the effective date. These proposals must be filed on 45 days' notice. While the 45 and five-day time periods may not be changed by us, we will permit requests for divisions data and responses thereto to be made in any written form (e.g., telegraph, messenger, etc.). This will eliminate unnecessary mail delays. Requests for our analysis of the data also must be in written form. However, after the five-day period requesting parties may pick up our analysis in Room 6331 if the requestor desires a quicker response. In response to the request of the Office of Special Counsel, we will, as indicated earlier, define the three and five day periods as workdays.

Upon receipt of a shipper or port protest that shows, for the challenged routing, that the proposed surcharge or joint rate cancellation results in a ratio

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[9] We request comments as to how the scheme contemplated by Sections 10705a (k)(3) and (m)(3) can be appropriately integrated into the process established in these rules for general use. The former subsection applies only to challenges by Class III carriers. While we believe that other parts of section 10705a dealing with Class III carriers' special rights are self-explanatory, we will entertain comments if any interested party seeks further guidance.

[10] We have considered rejecting surcharge tariffs for failure to furnish information. We question whether failure to furnish information would render a tariff "an obvious nullity as a matter of law." See North Central Truck Lines, Inc. v. I.C.C., 569 F.2d 80.804 (D.C. Cir. 1977). However, we seek comment on rejection as an appropriate remedy.

of revenue to variable cost higher than 110 percent for the challenged route at the time the surcharge was imposed, we may order the rollback or cancellation of the item for only that routing as required by section 10705a(a)(3)(B). In their protests, shippers and ports must illustrate in detail any other rail routes and/or alternative modes available to them, and they must provide convincing evidence that available alternatives not subject to surcharge are not competitively feasible. This fact may not be assumed. As stated earlier, replies under 49 CFR 1100.40 are permitted and will be considered if timely filed.

Section 10705a of the Rail Act only authorizes the filing of surcharges for three years. As indicated earlier, several have aleady been published and more are expected. In light of the need to have rules immediately and the many problems that have arisen under the current interim rules, we are withdrawing them, and substituting the rules below. These rules will be effective pending final decision. Under the circumstances, we find there is good cause to make the rules effective on an interim basis on less than 30 days' notice.

This decision does not significantly affect either the quality of the human environment or conservation of energy resources.

Regulatory Flexibility: Certification of No Significant Adverse Effect

5 U.S.C. 603 requires that the Commission examine the impact of proposed rules on small business and other small entities. If proposed rules will have significant economic impact on a substantial number of small entities, the agency must prepare an initial and final regulatory flexibility analysis. If there will be no such impact, the agency need not prepare these analyses.

We do not believe the impact of these rules will be significant. The information to be developed by protestants is the minimum possible under the statute, and should be available in-house at little or no cost to small entities. In today's market, rail shippers usually have substantial knowledge of applicable rates and routings. These rules require only that this information be gathered and analyzed if the entity wishes to assess its chances for relief from a rate surcharge or joint rate cancellation.

We also believe that these rules will not affect a substantial number of small entities. The Interstate Commerce Act provides relief from surcharges or joint rate cancellations only to those protesting shippers or ports with no alternatives to that particular rail service. It seems highly unlikely that there is a substantial number of small entities entirely dependent upon a particular railroad's service. Furthermore, these surcharges and joint rate cancellations are selective in nature and will not apply to the vast majority of commodities moving by rail.

While we anticipate no significant adverse economic impact, we invite comment on this issue and our analysis of it. A copy of this interim rule will be given to the Chief Counsel for Advocacy of the Small Business Administration.

(49 U.S.C. 10321, 10705a, 5 U.S.C. 553.)

Decided: March 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

The current interim regulations in Part 1031A of Chapter X of Title 49 of the Code of Federal Regulations are withdrawn and a new Part 1031A is added to read as follows:

PART 1031A—PROCEDURES FOR REQUESTING SURCHARGE COSTS AND REVENUES FROM RAIL CARRIERS APPLYING A COMMODITY ORIENTED SURCHARGE OR CANCELLING THE APPLICATION OF A JOINT RATE PURSUANT TO 49 U.S.C. SECTION 10705a

Sec.
1031A.1 Scope.
1031A.2 Procedures.

Authority: 49 U.S.C. 10321, 10705a, 5 U.S.C. 553.

§ 1031A.1 Scope.

The provisions of this part apply only to rail carriers subject to the jurisdiction of the Commission under subchapter 1 of Chapter 105 of Title 49.

§ 1031A.2 Procedures.

(a) The surcharging or cancelling rail carrier is required to provide a shipper or port with its division of revenue within three working days of receipt of a request.

(b) If the request is not timely honored, the tariff will be suspended and investigated by the Commission, and ultimately disapproved.

(c) The Commission will furnish within five working days of a request, determinations of the variable cost of service and revenue of a rail carrier applying a surcharge or cancelling the application of a joint rate. A request must be route-specific and must include, for each surcharged rate or route to be cancelled:

(1) The amount of the surcharge.

(2) The tariff minimum weight.

(3) The tariff rate applicable at the minimum weight, tariff reference, and applicable unit (e.g., per hundred weight).

(4) The relevant territorial division and the relevant intraterritorial subdivision (where applicable) as percentages. Surcharging carriers must supply this information within three working days of request.

(5) The car type or types in which the traffic normally moves (see Appendix C).

(6) The commodity description—STCC code.

(7) The class of traffic.

(8) The number of intertrain and intratrain switches (if known).

(9) The origin, destination, interchanges, carriers used, and the short line distance of the surcharging or cancelling carrier's line (from the published distance tables) from or to the interchange point(s) at which the traffic is tendered.

(d) Along with any request for variable cost and revenue information, shippers and ports must certify to the Commission that they have no feasible transportation alternatives to the surcharged or cancelled routes.

Appendix A—Ex Parte No. 389 Data Format Sheet

1. Requesting party _____
2. Commodity description—STCC Code _____
3. Surcharging or cancelling railroad _____
4. Car type in which traffic normally moves _____
5. Car owner _____
   If private car, rental per mile ($) _____
6. Tariff minimum in tons _____
7. Tariff rate at minimum ($) _____
   Applicable unit _____
8. Territorial division (%) _____
   Intraterritorial subdivision (%) _____
9. Amount of surcharge ($) _____
10. Short line distance on surcharging or cancelling carrier's line _____
11. Number of intertrain and intratrain switches _____
12. Origin _____
13. Destination _____
14. Class of traffic (Originated, terminated or bridged) _____
15. Number of interchanges _____
16. Carriers involved in movement _____

BILLING CODE 7035-01-M

Appendix B

COMPUTER INPUT SHEET FOR RAILROAD COST PROGRAM (Y389)

DATA APPLICABLE TO ALL MOVEMENTS LISTED BELOW

1. REQUESTED BY	2. MONTH/DAY/YEAR
	/ /

3. COMMODITY	RAILROAD PROPOSING SURCHARGE: 4. NAME OR INITIALS	5. COST CODE	-----COST UPDATE INDEX-----: 6. MONTH/YEAR	7. PERCENT
			/	.

8. CAR TYPE	9. CAR OWNER	10. FL CAR RENTAL (¢/loaded mile)	11. TARE TONS	12. CIRCUITY	13. EMPTY RATIO	CLAIM PAYMENTS 14. (¢/net ton)
		.	.		.	.

DATA FOR EACH ITEM IN REQUEST WITH ALL OF THE ABOVE FACTORS THE SAME

15. ITEM NO.	16. NET TONS	REVENUE PER CARLOAD: EXCL. SURCHARGE TOTAL	EXCL. SURCHARGE DIVISION	19. SURCHARGE	MOVEMENT ON RAILROAD PROPOSING SURCHARGE: LOADED CAR-MILES	NO. I/I HANDLINGS	22. ORIGIN OR ON ROAD-JUNCTION	23. DESTINATION OR OFF ROAD-JUNCTION	TRAFFIC CLASS a/
NN	NNN.N	NNNN.NN	NNNN.NN	NNNN.NN	NNNN.N	N.N	MAXIMUM 22 ALPHA	MAXIMUM 22 ALPHA	N
		17.	18.		20.	21.			24.

NO COMMAS SHOULD BE ENTERED EXCEPT THOSE SHOWN IN BOLD INK ON THIS FORM. a/ 1= Local; 2= Interline; 3= Bridge

*Requesting parties should fill in items 1, 3, 4, 8, 9, 10, and 15 through 24.

COMPUTER INPUT SHEET FOR RAILROAD COST PROGRAM (Y389)

DATA APPLICABLE TO ALL MOVEMENTS LISTED BELOW

NO COMMAS SHOULD BE ENTERED EXCEPT THOSE SHOWN IN BOLD INK ON THIS FORM. a/ 1= Local; 2= Interline; 3= Bridge

*Requesting parties should fill in items 1, 3, 4, 8, 9, 10, and 15 through 24.

COMPUTER INPUT SHEET FOR RAILROAD COST PROGRAM (X389)

DATA APPLICABLE TO ALL MOVEMENTS LISTED BELOW

REQUESTED BY	MONTH/ DAY / YEAR
TP INC	/ /

COMMODITY	RAILROAD PROPOSING SURCHARGE: NAME OR INITIALS	RAILROAD PROPOSING SURCHARGE: COST CODE	COST UPDATE INDEX: MONTH/YEAR	COST UPDATE INDEX: PERCENT
WRAPPING PAPER	CR		/	

CAR TYPE	CAR OWNER	FL CAR RENTAL (¢/loaded mile)	TARE TONS	CIR-CUITY	EMPTY RATIO	CLAIM PAYMENTS (¢/net ton)
BXGU	RR					

DATA FOR EACH ITEM IN REQUEST WITH ALL OF THE ABOVE FACTORS THE SAME

ITEM NO.	NET TONS	REVENUE PER CARLOAD: EXCL. SURCHARGE TOTAL	REVENUE PER CARLOAD: EXCL. SURCHARGE DIVISION	REVENUE PER CARLOAD: SURCHARGE	MOVEMENT ON RAILROAD PROPOSING SURCHARGE: LOADED CAR-MILES	NO. I/I HANDLINGS	ORIGIN OR ON ROAD-JUNCTION	DESTINATION OR OFF ROAD-JUNCTION	TRAFFIC-CLASS a/
NN	NNN.N	NNNN.NN	NNNN.NN	NNNN.NN	NNNN.N	N.N	MAXIMUM 22 ALPHA	MAXIMUM 22 ALPHA	N
1	10.0	1570.00	1180.50	250.00	988.0	0	MEMPHIS. TN	W HAVEN CT	2
2	✓	1702.00	1200.15	✓	870.0	✓	✓	E BRUNS NT	✓
3	✓	1675.00	1120.10	✓	924.0	✓	✓	ELIZA NT	✓

NO COMMAS SHOULD BE ENTERED EXCEPT THOSE SHOWN IN BOLD INK ON THIS FORM. a/ 1= Local; 2= Interline; 3= Bridge

BILLING CODE 7035-01-C

Railroad Initials

ATSF—Atchison, Topeka and Santa Fe Railway Co., the
BO—Baltimore and Ohio Railroad Co.
BLE—Bessemer & Lake Erie Railroad Co.
BM—Boston and Maine Corp.
BN—Burlington Northern, Inc.
CO—Chesapeake and Ohio Railway Co.
CNW—Chicago and North Western Railway System
MILW—Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
CRR—Clinchfield Railroad Co.
CS—Colorado and Southern Railway Co., the
CR—Consolidated Rail Corp.
DH—Delaware and Hudson Railway Co.
DRGW—Denver and Rio Grande Western Railroad Co., the
DTI—Detroit, Toledo and Ironton Railroad Co.
DMIR—Duluth, Missabe and Iron Range Railway Co.
EJE—Elgin, Joliet and Eastern Railway Co.
FEC—Florida East Coast Railway Co.
FWD—Fort Worth and Denver Railway Co.
GTW—Grand Trunk Western Railroad Co.
ICG—Illinois Central Gulf Railroad Co., the
KCS—Kansas City Southern Railway Co.
LN—Louisville and Nashville Railroad Co.
LI—Long Island Railroad Co., the
MKT—Missouri-Kansas-Texas Railroad Co.
MP—Missouri Pacific Railroad Co.
NW—Norfolk and Western Railway Co.
PLE—Pittsburgh and Lake Erie Railroad Co., the
SLSF—St. Louis-San Francisco Railway Co.
SSW—St. Louis Southwestern Railway Co.
SCL—Seaboard Coast Line Railroad Co.
SOO—Soo Line Railroad Co.
SP—Southern Pacific Transportation Co.
SOU—Southern Railway System
UP—Union Pacific Railroad Co.
WM—Western Maryland Railway Co.
WP—Western Pacific Railroad Co., the

Instructions for Computer Input Sheet for Ex Parte No. 389 Requesting Parties

Item No. and Description

1—Name of requesting party
3—Commodity description
4—Surcharging or cancelling carrier identification (as shown in Appendix B, Page 3)
8—Car type (as shown in Appendix C)
9—Railroad or privately owned (as shown in Appendix C)
10—Use only for privately owned cars
15—Number items sequentially
16—Minimum weight
17—Total revenue = Minimum weight × tariff rate
18—Division = total revenue × division percentage
19—Surcharge amount
20—Shortline miles on surcharging or cancelling carrier
21—Intertrain and intratrain switches
22—Origin of shipment (whether or not on surcharging or cancelling carrier)
23—Destination of shipment (whether or not on surcharging or cancelling carrier)
24—2 = Interline—use if traffic is originated *or* terminated by surcharging or cancelling carrier. 3 = bridge—use if traffic is neither originated *nor* terminated by surcharging or cancelling carrier

Appendix C.—Car Type Abbreviations

Box—general service unequipped	BXGU.
Box—general service equipped	BXGE.
Box special service	BXSS.
Gondola—general service	GNGS.
Gondola—special service	GNSS.
Hopper open—general service	OHGS.
Hopper open—special service	OHSS.
Hopper covered	COVH.
Stock	STCK.
Flat—general service	FLGS.
Flat—TOFC	TOFC.
Refrigerator—meat mechanical	RFMM.
Refrigerator—other mechanical	RFOM.
Refrigerator—meat non-mechanical	RNMM.
Refrigerator—other non-mechanical	RONM.
Tank 9,999 gallons and under	TK-1.
Tank 10,000–18,999 gallons	TK-2.
Tank 19,000–21,999 gallons	TK-3.
Tank 22,000–27,999 gallons	TK-4.
Tank 28,000–31,999 gallons	TK-5.
Tank 32,000 gallons and over	TK-6.

Car Ownership Abbreviations

RR = Railroad Owned
PL = Privately Owned

Note.—PL must be shown for any car for which the owner is paying a rental rate per car-mile only, or for any privately owned car for which no rental is paid.

[FR Doc. 81-9694 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 60
Monday, March 30, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-6]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion of commission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before: May 29, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regularly docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on March 24, 1981.

Edward P. Faberman,
Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
21283	JT's Aero Maintenance.	To amend FAR 43, Section 43.13 (b) and (c), Section 43.13(b) and FAR 65, Section 65.91(a) (3) to refine and clarify those regulations. The intent of the petition is an upgrading of the qualification of mechanics and authorized inspectors, an increase in safety, and a decrease in confusion in the aviation industry.
21282	Air Line Pilots Association (ALPA).	To amend Parts 1, 25, 121, and 135 of the Federal Aviation Regulations. ALPA reviewed available information on the subject of the water survival provisions for transport aircraft occupants. Based on this review, ALPA states that existing FAA requirements and terminology relating to water survival do not accurately reflect the needs of current transport aviation experience and should be refined to meet these needs. Further, ALPA states that several areas which are critical to promoting survival of intentional or unintentional water contact are not addressed by the FAA. The petitioner proposes the following specific changes:
	ALPA	§ 1.1 Redefine "Extended overwater operation" to read: "Extended overwater operation means—(1) With respect to aircraft other than helicopters, operation overwater outside coverage of ATC radar or overwater in areas where Search and Rescue efforts could not assure removal of accident survivors from the water in less than one hour."
		Define "Restricted overwater operation" as: "Operation overwater within ATC radar coverage or operation from airports bounded by significant bodies of water."
		§ 25.801 Change title from "Ditching" to "Controlled Water Contact." In paragraph (a) change ". . . an emergency landing on water. . . ." to ". . . a planned landing on water or unplanned controlled water contact. . . ."
		Change paragraph (c) to read: "The probable behavior of the airplane in a planned or unplanned landing must be investigated by model tests or by comparison with airplanes of similar configuration for which the water landing characteristics are known. . . ."
		§ 25.1411 Change paragraph (d)(1) to read: "The stowage provision for the water survival equipment described in § 25.1415 must accommodate enough rafts for the maximum number of occupants for which certification for planned and unplanned water landing is requested."
		In paragraph (d)(2), change ". . . during an unplanned ditching" to ". . . during a planned or unplanned water landing."
		In paragraph (f) delete the words ". . . for which certification is requested." Also change "Each life preserver must be within easy reach of each seated occupant" to "Each life preserver must be stowed in a location above the seat bottom cushion which would permit donning of the life preserver in 15 seconds by a seated passenger."
		§ 25.1415 Change the title from "Ditching Equipment" to "Water Survival Equipment" and substitute this terminology in place of "ditching equipment" throughout the rule.
		Change paragraph (a) to read: "For airplanes certificated for restricted overwater operation and not certificated in accordance with § 25.801, there must be approved life preservers and secondary flotation equipment to permit each occupant to keep the trunk of the body out of the water. These means must be readily removable from the airplanes."
		§ 121.339 Delete the word "intended" in the title and align the text with overwater operation definitions proposed above. Equipment for extended overwater operation would remain the same and all references to "ditching" would be changed to "planned or unplanned water landing."
		Amend paragraph (a)(3) to describe what equipment features constitute a pyrotechnic signaling device suitable for use in rafts in the water. Also specify that air carriers operating in restricted overwater operations should be equipped with water survival equipment adequate to keep occupants out of the water when operating in areas and at times when the water temperature is known to be below 50° F.
		§ 121.340 Amend text to require both a life preserver and an approved flotation means for each occupant, to specify that life preservers be located above the level of the seat bottom, and to be supplemented with rafts or flotation, platforms when water temperature is known to be below 50°F.
		§ 135.49 Add a new paragraph to (j) to read: "Airports located adjacent to significant bodies of water must maintain or have available adequate water rescue equipment to retrieve the occupants of the largest aircraft operating from that airport and to permit response of 100% of this equipment to a water area within 2,000 of the active runway threshold within 10 minutes of dispatch."
		§ 135.55 Amend paragraph (a) to require prompt response both on the airport and in water areas adjacent to the airport. Amend paragraph (a)(2)(ii) to include water vehicles.

Petitions for Rulemaking: Denied

Docket No.	Petitioner	Description of the rule requested
19348	Department of the Navy	To amend Part 93 of the Federal Aviation Regulations (FARs) to prescribe a Special Air Traffic Rule, including radio communications requirements for certain air traffic operating within the Navy Willow Grove, Pennsylvania, Airport Traffic Area (ATA). Denied 11/14/80.
20808	Captain William Becker.	Amendment to § 121.587 of the Federal Aviation Regulations (FAR) to require the flightcrew compartment door to be closed, and locked only at the discretion of the pilot in command. Denied 3/16/81.
20351	Xenex Corp.	To amend §§ 25.831 and 121.219 of the Federal Aviation Regulations (FAR) to improve airplane passenger and crew compartment air quality standards. Denied 3/3/81.

[FR Doc. 81-9423 Filed 3-27-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-12-AD]

Airworthiness Directives; Fokker—VFW b.v. Model F-27 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes adoption of a new Airworthiness Directive (AD) which requires inspections, replacements, and modifications, as necessary, of certain components on Fokker—VFW b.v. Model F-27 airplanes. The AD is needed to detect and prevent certain unsafe conditions which were found earlier but for which no AD action was taken at the time found because the new Fokker Model F-27 airplanes on the FAA Aircraft Registry were operating in foreign countries, and correction of the unsafe conditions were established on an individual basis with the aid of foreign airworthiness authorities. However, the entry onto the FAA Registry of additional Fokker Model F-27 airplanes, which are intended for operations in the United States, necessitates AD action at this time to ensure that such aircraft maintain an acceptable level of safety.

DATES: Comments must be received on or before May 11, 1981.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. The applicable service bulletins may be obtained from: Service Manager, Fokker—VFW International, b.v., P. O. Box 7600, Schiphol Oost, The Netherlands.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Division, ANW-100, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any persons may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 80-NW-55-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

In the past, the Netherlands Civil Aviation Department (RLD), in accordance with existing provisions of a bilateral agreement, has notified the FAA of a number of inspections, replacements, and modification requirements which they have imposed upon Netherlands-manufactured and operated Fokker Model F-27 airplanes to correct unsafe conditions. Previously, only two Fokker F-27 airplanes were on the FAA Registry, and those are being operated outside of the United States. For those few aircraft, corrections of the unsafe conditions found by the RLD have been confirmed by the FAA with the assistance of the RLD and other foreign airworthiness authorities. However, the additional Fokker Model F-27 airplanes entered on the FAA Registry in the near future may be operated within the United States. The FAA agrees that the requirements presented in this proposed AD, which are based on the special requirements of the RLD, are related to the following unsafe conditions:

A. Inadvertent unlocking of the Ipeco seat can lead to spurious pilot input or loss of flight control input during maneuvers which require precise flight control for safe flight. (Reference Fokker Service Bulletin (SB) 25-47 dated January 1, 1979.)

B. Hook latch failure of the cargo door latch mechanism could lead to explosive decompression and associated structural damage hazard. (Reference SB 52-60 dated May 1, 1979.)

C. Broken elevator center hinge fitting may necessitate drastic trim changes to maintain flight control which is unsafe and may lead to stall if the changes are required in critical flight regimes such as takeoff and landing. (Reference SB 55-52 dated May 1, 1979.)

D. Insufficient clearance may prevent the main entrance door from being opened when the emergency release is being used during an emergency evacuation thus trapping occupants in the aircraft when quick egress may be required. (Reference SB 52-61 dated January 2, 1980.)

E. Failure of the retaining ring on the main landing gear retraction ram may lead to unlocked partial extension and subsequent collapse of the main gear on landing. (Reference SB 32-136 dated February 18, 1980.)

F. Water collecting in the pilot static tubes can lead to erroneous airspeed, altitude and vertical speed information being presented to the flight crew. (Reference SB 34-41 dated March 13, 1979.)

G. Chafing of the cable loom between two deicing relay panels may lead to the loss of RH engine deicing, windshield antiicing and cockpit heating. These incidents in turn may lead to engine and flight visibility loss. (Reference SB 30-34 dated April 17, 1978.)

H. A wiring error may lead to isolation of both batteries from the main DC tie bus when one reserve current circuit breaker trips. This may lead to total instrumentation and lighting loss when DC emergency power is required. (Reference Special Instructions 76 dated November 20, 1978.)

Since these conditions are likely to exist or develop in other airplanes of the same type design, the proposed AD would require inspections, replacements, and modifications, as

necessary, on certain Fokker Model F–27 airplanes. Each numbered paragraph of this proposed AD identifies the serial numbers of the airplanes affected, the specific unsafe condition to which it is directed, and the related corrective action that would be required for resolution of this unsafe condition.

It is estimated that 16 airplanes will be affected by this AD, that it will take approximately 41 man-hours per airplane to accomplish the required actions, and that the average labor cost will be $30 per man-hour. Repair parts are estimated at $1,075 per airplane. Based on these figures, the total cost impact of this AD is estimated to be $47,920. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive: Fokker—VFW b.v. Applies to Model F–27 airplanes, all series, certificated in all categories as indicated below.

Unless already accomplished, accomplish the following within the time specified in each paragraph below after the effective date of this AD.

A. Applies to airplanes S/N 10479, 10492, 10499, 10500, 10502, 10529, 10534, 10536 through 10557, 10559, 10561 through 10585. To prevent inadvertent unlocking of the Ipeco seats (used for the pilot, copilot, and at other locations) in the tracks, within the next 100 hours time in service, inspect the seat locking mechanism of the Ipeco seats and every 50 hours thereafter until modified. Within the next 500 hours time in service modify the seat track in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulleting No. 25–47, dated 1 January 1979.

B. Applies to airplanes S/N 10572 and below equipped with a large cargo door. To ensure the functional and structural integrity of the cargo door latch mechanism, within the next 100 hours time in service, inspect the latch mechanism and rework as necessary, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 52–60 dated May 1, 1979.

C. Applies to airplane S/N 10547 and below, 10558, and 10560. To prevent failure of the right elevator center hinge fitting, within the next 100 hours time in service, inspect the hinge fitting for cracks and every 100 hours thereafter until replaced. Within the next 500 hours time in service replace hinge fitting accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 55–52 dated May 1, 1979.

D. Applies to airplane S/N 10102 through 10462 incorporating Fokker F–27 Service Bulletin No. 52–47, 10464 through 10466, 10470 through 10477, 10484, 10486, 10498, 10501, 10503 through 10506, 10508, 10511 through 10515, 10519, 10521 through 10525, 10527, 10528, 10530 through 10535, 10539, 10545, 10550, 10551, 10552, 10554, 10557 through 10560, 10562, 10563, 10566, 10567, 10569, 10572, 10573, 10574, 10576, 10579, 10581, 10585 through 10589, and 10591. To ensure the operation of the main passenger door during an emergency evacuation, within the next 100 hours time in service after the effective date of this AD, inspect and modify as necessary, the emergency release mechanism of the main passenger door in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 52–61, dated 2 January 1980.

E. Applies to all Fokker F–27 airplanes having accumulated more than 7,000 landings. Compliance required within the next 500 landings after the effective date of this AD. To ensure main landing gear system operation replace main gear actuating ram retaining ring P/N ACM18254 with a serviceable retaining ring, with a ring having less than 7500 hours total time in service, in accordance with the Accomplishment Instructions of Fokker F–27 Service Bulletin No. 32–136, dated 18 February 1980. (Note: The retirement life time of the ring has been reduced from 12000 landings to 7500 landings.)

F. Applies to airplane S/N 10505 to 10547 inclusive and 10550. To ensure the reliability of the pilot static system, within the next 100 hours time in service after the effective date of this AD, modify the pilot static system in accordance with the Fokker F–27 Service Bulletin No. 34–41, dated March 15, 1978.

G. Applies to airplane S/N 10299 to 10547 inclusive. To prevent damage to the cable loom, within the next 200 hours time in service after the effective date of this AD, inspect and modify as necessary the cable loom in accordance with Fokker F–27 Service Bulletin No. 30–34 dated April 17, 1978.

H. Applies to airplane S/N 10526, 10527, 10529, 10543, 10547, 10533, 10555, 10556, 10563, 10564, 10565, 10570, 10582 and 10583. To ensure airplane battery power to the main DC tie bus, within 100 hours time in service after the effective date of this AD, inspect and modify as necessary the battery wiring to the battery reverse current circuit breakers in accordance with the Fokker F–27 Special Instructions No., 76 dated November 20, 1978.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact". In addition, it has been determined under the criteria of the regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington on February 27, 1981.

Charles R. Foster,

Director, Northwest Region.

The incorporation of reference provisions in the document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-9422 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1301

Ban of Unstable Refuse Bins; Proposal to Partially Revoke the Rule as It Applies to Front-Loading, Small-Capacity, Straight-Sided Refuse Bins

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed partial revocation of rule.

SUMMARY: The Commission proposes to partially revoke its rule banning unstable refuse bins as the rule may apply to certain front-loading, 1, 1½, and 2 cubic yard straight-sided refuse bins.[1] Information developed as the

[1] On March 12, 1981, the Commission voted 3–1 to propose partial revocation of the ban of unstable refuse bins as requested by the petitioner. Acting Chairman Statler concurred in proposing this exemption. However, he also would have approved a proposal to exempt other similarly constructed, straight-sided, front-loading refuse bins without

Continued

result of a petition from the Greater Los Angeles Solid Wastes Management Association for exemption from the rule, as well as a review of the history of the banning rule, shows that inclusion in the rule of these straight-sided refuse bins may not be reasonably necessary to reduce an unreasonable risk of injury from crushing due to tipover that is associated with rear-loading slant-sided unstable refuse bins.

DATES: (1) Effective date: The Commission proposes that the partial revocation become effective 30 days after publication in final form of a partial revocation. (2) Written comments concerning the proposed partial revocation, preferably in 5 copies, should be submitted by May 26, 1981. (3) Interested persons will have an opportunity to make oral presentations of data, views or arguments regarding this proposal at 10:00 a.m. on May 11, 1981.

ADDRESSES: Written comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All Commission materials relevant to this proceeding may be seen in or copies obtained from the Office of the Secretary, 3rd floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Harry Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492–6453.

SUPPLEMENTARY INFORMATION:

Origin of the Banning Rule

The rule banning unstable refuse bins (16 CFR 1301, 42 FR 30296, June 13, 1977) resulted from the Commission granting a petition (CP 75–14) from Dr. Stephen R. Redmond, the Commissioner of Health of Dutchess County, New York. The petitioner submitted information concerning injuries to children playing on or swinging from the front of slant-sided refuse bins to show his concern that slant-sided bins are unstable due to their design. Since the center of gravity is offset due to the slant configuration, the petitioner believed that even small children can tip over these refuse bins and that tipover can crush children in the vicinity of the refuse bin. Therefore, the petitioner asked the Commission to commence an appropriate proceeding to establish safe design criteria for the manufacture of refuse bins.

In evaluating the petitioner's information, the Commission found that slant-sided refuse bins with a three cubic yard capacity could be tipped over by a force of as little as 44 pounds acting horizontally or 55 pounds acting in a vertical downward direction from the lip of the refuse bin. Although unstable refuse binds might be found in various forms and shapes, Commission investigation into accidents revealed incidents associated only with slant-sided metal refuse bins which utilize trunnion bars for lifting filled refuse bins up to the openings of rear loading or side loading refuse collection trucks. The Commission also found that certain refuse bins such as front-loaded, roll-off, box, and other types of large or broad based refuse bins, because of their configuration, bulk and weight are likely to be inherently stable.

Commission rulemaking proceedings which culminated in the rule at 16 CFR 1301 specifically excluded refuse bins of less than one cubic yard capacity and also plastic refuse bins on the grounds that the lack of injury information associated with such refuse bins tended to show they presented little hazard of tipover and consequent crushing. Thus, the consumer product safety rule declaring that certain unstable refuse bins are banned hazardous products applies to metal refuse bins having an internal volume of one cubic yard or more that would tip over if tested according to procedures specified in the rule. These test procedures, based on a standard developed by the American National Standards Institute (ANSI), Z245.3–1976 subcommittee, require the application of forces equivalent to a horizontal force of 70 pounds and a vertical force of 191 pounds, applied separately in the direction most likely to cause tipping. These test procedures represent the forces that two eight-year old children may be capable of exerting that could lead to tipover.

Ban vs. Standard

A Ban under section 8 of the CPSA applies to a product that "is being or will be distributed in commerce." A Consumer Product Safety Standard issued pursuant to section 7 of the CPSA is a prospective rule, intended to cover products manufactured after the effective date of the rule. The Commission has observed that most refuse bins have a long, usable lifespan of up to 20 years. These refuse bins are available for trash storage and collection at multiple residences, shopping centers, schools and other consumer environments.

The ban, therefore applies to those bins presently in use as well as bins manufactured and distributed in the future. A standard would have allowed unstable, non-complying bins produced prior to the effective date to remain in areas populated by children for up to 20 years.

The Commission found, therefore, that no feasible safety standard under the Consumer Product Safety Act (CPSA) could adequately protect the public from the unreasonable risk of injury associated with unstable refuse bins, since such unstable refuse bins are being continuously distributed in commerce for the purpose of storage and collection of refuse. The Commission further concluded that a rule banning the manufacture, sale and distribution in commerce of unstable refuse bins was reasonably necessary to reduce or eliminate the risk of injury or death.

In issuing the rule, the Commission observed that unstable refuse bins could be retrofitted in any permanent manner that would enable them to pass the test procedures. To permit sufficient time for the retrofitting process, the effective date of the rule was deferred for one year, to June 13, 1978.

Petition for Exemption From the Banning Rule

On October 2, 1979, Mr. Carl Agajanian, President of the Greater Los Angeles Solid Wastes Management Association, petitioned the Commission (CP 80–1) to exempt straight-sided refuse bins from the Commission ban of unstable bins. In the months following submission of the petition, the petitioner progressively narrowed the scope of his petition until the petition requested exemption only for front-loading, straight-sided metal refuse bins with an internal volume capacity of 1, 1½ and 2 cubic yards; the dimensions for which exemption from the rule was requested are described in the table below:

Table 1—Front-Loading Container Dimensions

Internal volume	Length	Width	Height[1]		Weight (lbs)
			High side	Low side	
1 cubic yard	70–72"	31–33"	39–51"	29–31"	313–347
1½ cubic yards	70–72"	39–51"	35–39"	29–32"	346–382
2 cubic yards	70–72"	32–35"	39–43"	31–36"	408–453

[1] Does not include height of wheels.

trunnion bars. The dissent of Commissioner Sloan, filed previously when the Commission voted to grant the petition on June 19, 1980, is available from the Office of the Secretary.

Among the reasons for exemption, the petitioner contended as follows: there is no evidence of injuries associated with straight-sided refuse bins; straight-sided bins, particularly front-loading bins do not have trunnion bars for children to use as handholds to swing from; straight-sided bins are likely to be inherently stable.

The petitioner acknowledged that the refuse bins of concern to him were subject to the banning rule since several of these models failed part of the test procedures; (the only refuse bins which are banned are those that would fail if tested). Thus, in order to grant the petition, there would have to be a showing that, notwithstanding these test failures, continued application of the banning rule to the refuse bins specified by the petitioner was not reasonably necessary to reduce the unreasonable risk of injury associated with unstable refuse bins.

Basis for Granting Petition

A review of injury information available to the Commision reveals 58 incidents associated with refuse bin tipover. In 39 of the incidents, the refuse bins were reported to be slant-sided. There is no evidence to indicate that any of the remaining 19 cases involved small capacity, straight-sided refuse bins. The 58 incidents involved 60 victims; 27 of the victims died as a result of their injuries. Another 25 were admitted as hospital patients. Of the 60 persons incurring injuries associated with refuse bin tipover, 31 victims were less than 6 years old; nearly half of these died from their injuries. Twenty-five victims were between 6 and 10 years of age; more than half of these also died as a result of their injuries.

The Commission's Division of Human Factors identified the single most frequent hazard pattern as swinging on or hanging from the front of a slant-sided bin, often using the trunnion bar as a handle. Other play patterns of victims around these refuse bins are pushing or leaning against the bin, climbing onto or into the bin, putting something into the bin, or trying to prevent the bin from falling. In the 24 incidents involving slant-sided bins were the height of the refuse bin was identified; 15 refuse bins were less than 42 inches tall; seven were from 42 to 48 inches tall; the other two were 58 and 49 inches tall. For the petitioner's containers specifed in table 1, most of which are shorter than those involved in the accidents described and all of which are straight-sided, the vertical forces that could be exerted by children are less likely to cause tipover; for as the height of the bin is lowered, only shorter children would be able to hang from the side with their full weight, the most common fatality scenario.

Engineering information submitted by the petitioner describes tests showing that some straight-sided refuse bins have a lower center of gravity than slant-sided refuse bins. In addition, the petitioner contends that the smaller capacity straight-sided bins are lower in height and thus tend to be more stable. On the basis of these contentions, the petitioner concluded that although his refuse bins can fail the rule's test procedures, it would be unlikely that the conditions under which test failures occur would also occur in play patterns applicable to straight-sided bins. In reviewing the petitioner's contentions, Commission engineers state that to cause tipover a child would need to maintain a pulling force for a longer duration on a straight-side bin with a low center of gravity than on a slant-sided bin with a higher center of gravity. This factor indicates greater stability. Commission engineers note that the petitioner's refuse bins appear to be fairly low in height and lack trunnion bars for children to swing from. Therefore, although the straight-sided bins sometimes fail the horizontal component of the test procedure, the Commission concludes that tipover and the resulting injury is less likely to occur with a straight-sided bin than with a slant-sided bin.

In evaluating the petitioner's views, the technical information submitted to support the narrowed scope of the petition, and the review of all the relevant information by the Commission's technical staff, the Commission observes that large areas of agreement exist. It appears that some of the hazard patterns resulting from typical play of children around slant-sided refuse bins, as recorded in injury information, would be less likely to occur or perhaps could not occur around front-loading, small-capacity, straight-sided refuse bins. The Commission is not aware of any injuries associated with these refuse bins.

In evaluating whether a regulation should be partially revoked section 9(e) of the CPSA requires that the Commission must determine whether the portion of the rule under consideration is not reasonably necessary to eliminate or reduce an unreasonable risk of injury. In making this determination, the Commission considers the seriousness of the hazard that could occur and the likelihood of the hazard occurring under actual use conditions. In addition to the frequency and severity of the injury, the Commission also considers the impact of the revocation on cost, utility and availability of the product, as well as other economic considerations. The gravity of the injury associated with unstable refuse bins, crushing due to tipover, is clear; 27 of the 60 victims on which the Commission has information, died, and most of the others required hospitalization. Slant-sided refuse bins are known to provide attractive play opportunities for children primarily because of trunnion bars which allow for handholds and slanted sides which allow for swinging space. The cumulative incident data indicate the likelihood that children would continue such hazardous play patterns on slant-sided refuse bins in the future.

However, the data show that none of the crushing injuries are associated with low, straight-sided front-loading refuse bins of 1, 1½, and 2 cubic yard capacity, even though large numbers of these bins have been in use for many years. Further, the low heights, configurations, and lack of trunnion bars for these refuse bins indicate that children generally would not be able to swing from them. Thus, although these refuse bins may have some potential for contributing to injury, all the available information indicates that the likelihood of actual injury is small.

The Commission estimates that between 122,000 and 185,000 front loading bins between one and two cubic yards in Southern California would be exempted from complying with the test requirements of the ban under the proposed partial revocation. We estimate that between 53,200 and 80,500 of these bins would require retrofit under the present standard. With an estimate of approximately $40–$50 (with industry estimates up to $100) per bin for retrofit, the Commission believes that the total cost to small businesses in Southern California (the only area for which the Commission has estimates for straight-sided bins) would be between 2.1 million and 4 million dollars. For a refuse collection company with 5 trucks, the Commission estimates a cost of $6,000 to $7,500. The costs associated with retrofit may present severe economic hardship for some firms. The proposed partial revocation should generally make the bins more readily available, and should assist small refuse haulers in controlling future costs to clients.

Upon careful consideration of these factors, the Commission preliminarily concludes that coverage under the banning rule of the refuse bins described in Table 1 is not reasonably necessary to reduce an unreasonable risk of injury

due to crushing from tipover of unstable refuse bins. Accordingly, the Commission granted petition CP 80-1 to exempt Table 1 refuse bins from the banning rule at 16 CFR 1301.

In granting the petition and proposing a partial revocation, the Commission continues to emphasize its previous determination that other metal refuse bins of 1-cubic yard or greater capacity which would tip over if subjected to the test procedures specified in the rule, are banned hazardous products. The Commission's findings included in the banning rule at 16 CFR 1301.3 indicate that the refuse bins covered by the rule may be known in the refuse collection trade as containers, buckets, boxes, hoppers or otherwise. Refuse bins covered by the rule may be fabricated in numerous sizes and configurations for use with rear, side, front, hoist and roll-off loaded trash collection trucks, and are used by private firms and public agencies. Additional findings in the rule indicated also the Commission's awareness that the universe of refuse bins includes products that may be more of less stable than others. Except for the refuse bins described in Table 1, however, the Commission reiterates that the provisions of the banning rule would continue to apply to unstable refuse bins.

Effect of Granting Exemption

Although the petitioner's request for exemption of Table 1 refuse bins from the banning rule was made only with respect to such refuse bins in Southern California, other refuse bins that meet the same description may be located in other areas of the country. To help ensure that the effects of granting the exemption from the banning rule are uniform, the Commission proposes to partially revoke the banning rule at 16 CFR 1301 as the rule may apply to Table 1 refuse bins located anywhere within the Commission's jurisdiction.

Section 9(e) of the CPSA (15 U.S.C. 2058(e)) provides that the Commission may, by rule, revoke any consumer product safety rule. A revocation or partial revocation under section 9(e) may be issued by publishing a proposal in the **Federal Register** and providing an opportunity for interested persons to submit written comments and to make oral presentations of data, views or arguments according to section 9(a)(2) of the CPSA. A revocation or partial revocation is not subject to the requirements for economic findings under subsections (a) through (d) of section 9.

Under the rule-making provisions of the Administrative Procedures Act (5 U.S.C. 553(d)(1)) an agency may give effect to substantive rules that grant or recognize an exemption or relieve a restriction prior to an opportunity for notice and comment. To allow sufficient time for consideration of this proposed revocation and to avoid requiring compliance with the rule by persons subject to the proposed exemption, the Commission advises that enforcement of the banning rule as to Table 1 refuse bins is stayed as a consequence of this proposed partial revocation. The stay of enforcement will remain in effect pending final action on the partial revocation.

Small Business Impact

As discussed in the staff's economic report, staff estimates that between 122,000 and 185,000 front loading bins between one and two cubic yards in Southern California would be exempted from complying with the test requirements of the ban under the proposed partial revocation. Staff estimates that between 53,200 and 80,500 of these bins would require retrofit under the present standard at an estimated cost of approximately $40-50 (with industry estimates up to $100) per bin. Thus, the cost to small businesses in Southern California, the only area for which the Commission has estimates for straight-sided bins, would be between 2.1 million and 4 million dollars. The proposed partial revocation should generally save refuse haulers, many of which are small businesses, the cost of retrofit and make the bins more readily available.

Based on this information and in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Commission concludes that the proposed partial revocation will not, if promulgated, have an adverse economic impact on a substantial number of small entities. A certificate to that effect has been prepared and signed by the Secretary of the Commission.

Environmental Considerations

The Commission's environmental review procedures, 16 CFR 1021.5(c) provide that certain categories of CPSC actions normally have little or no potential for affecting the human environment and therefore would not require the preparation of environmental documents. (These categories are termed "categorical exclusions" in the NEPA regulations; see §§ 1507.3(b)(2) and 1508.4.) An environmental review, therefore is not generally required for amendments or revocations of existing safety rules that do not alter the principal purpose or effect of the rule (see § 1205.5(c)(1)). The proposed partial revocation described below would not alter the principal purpose or effect of the banning rule at 16 CFR 1301 which is to reduce an unreasonable risk of injury from crushing from tipover that is associated with unstable refuse bins. The proposed partial revocation would remove from coverage of the banning rule only one category of product: front-loading, straight-sided refuse bins of 1, 1½ and 2 cubic yard capacity of certain specified configurations. The Commission does not foresee any environmental effects from issuance of the proposed partial revocation which would necessitate an environmental review. Consequently, preparation of environmental documents is not necessary.

Effective Date

The Commission proposes that the partial revocation proposed below become effective thirty days after publication of a final partial revocation.

Proposal and Stay

In accordance with section 9(e) of the CPSA, Pub. L. 92-573, 86 Stat. 1215, 15 U.S.C. 2058(e), the Commission proposes to partially revoke the consumer product safety rule declaring that certain unstable refuse bins are banned hazardous products, as the rule applies to certain front-loading, straight-sided refuse bins of 1, 1½ and 2 cubic yard capacity by making the following changes in Part 1301 of Title 16, Chapter II, Subchapter B, Code of Federal Regulations, and for the reasons described above, temporarily stays the enforcement of the ban as it applies to such bins.

1. By adding a new paragraph (e) to § 1301.1 as follows:

§ 1301.1 Scope and applications.

* * * * *

(e) This rule, effective ————, is partially revoked and therefore does not apply to front-loading, straight-sided refuse bins having an internal volume capacity of 1, 1½, or 2 cubic yards, of the following external dimensions:

Internal volume	Length	Width	Height [1]		Weight (lbs)
			High side	Low side	
1 cubic yard	70-72"	21-23"	29-31"	29-31"	313-347
1½ cubic yards	70-72"	29-31"	33-35"	29-32"	346-382

Internal volume	Length	Width	Height [1] High side	Height [1] Low side	Weight (lbs)
2 cubic yards	70-72"	28-35"	39-43"	31-35"	408-453

[1] Does not include height of wheels.

(Authority: Sec. 9(e), Pub. L. 92-573, 86 Stat. 1215, 15 U.S.C. 2058(e))

Dated: March 23, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240, 250, 260, 270, and 275

[Release No. 33-6302, 34-17645, 35-21978, 39-618, IC-11694, and IA-754; File No. S7-879]

Proposed Definitions of "Small Business" and "Small Organization" for Purposes of the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Securities and Exchange Commission is inviting comments on proposed definitions of certain terms that will be used in connection with future Commission rulemaking proceedings under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940 and the Investment Advisers Act of 1940 regarding disclosure, reporting and regulatory requirements applicable to business concerns and other organizations which are subject to these statutes. The definitions are being proposed specifically for purposes of the Regulatory Flexibility Act, which requires the Commission to consider the impact of its regulations on small entities. The Commission is also inviting comments on the possible content of definitions of certain other terms used in the Regulatory Flexibility Act which would be pertinent to any determination that a Commission rule may have a "significant economic impact" on a "substantial number" of small business entities.

DATES: Comments are due by May 19, 1981.

ADDRESSES: Persons wishing to submit written views should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-879 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

General

Jeffry L. Davis, Esquire, Acting Director, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202-272-2850).

Offices With Particular Responsibilities

Paula Chester, Esquire, Division of Corporation Finance (Definitions applicable to the Securities Act of 1933, the reporting and disclosure provisions of the Securities Exchange Act of 1934, and the Trust Indenture Act of 1939), (202-272-2644).

Jonathan Kallman, Esquire, Division of Market Regulation (Definitions applicable to brokers, dealers, clearing agencies, exchanges, bank municipal securities dealers, securities information processors, and transfer agents), (202-272-2943).

James E. Lurie, Special Counsel, Division of Corporate Regulation (Definitions applicable to public utility holding company systems), (202-523-5683).

Elizabeth T. Tsai, Esquire, Division of Investment Management (Definitions applicable to investment companies and investment advisers), (202-272-2028).

SUPPLEMENTARY INFORMATION: The Commission is proposing to define the terms "small business" and "small organization," for the purposes of Chapter Six of the Administrative Procedure Act, 5 U.S.C. 601 *et seq.*, (the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980)), as those terms may apply to organizations and entities that are issuers of securities or otherwise engaged in securities or other business activities subject to disclosure and reporting requirements or regulation by the Commission pursuant to the Securities Act of 1933, 15 U.S.C. 77a *et seq.*, (the "Securities Act"), the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.*, (the "Securities Exchange Act"), the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a *et seq.*, (the "Holding Company Act"), the Trust Indenture Act of 1939, 15 U.S.C. 77aaa *et seq.*, (the "Trust Indenture Act"), the Investment Company Act of 1940, 15 U.S.C. 80a *et seq.*, (the "Investment Company Act"), or the Investment Advisers Act of 1940, 15 U.S.C. 80b-1 *et seq.*, (the "Advisers Act"). The Regulatory Flexibility Act (the "RFA") requires that the Commission, among other things, consider the economic impact of Commission rulemaking action on entities that qualify as "small" under applicable standards as set forth in the RFA, the Small Business Act[1] or the regulations promulgated by the Small Business Administration ("SBA").[2] In view of the apparent absence of appropriate standards in those statutes and regulations for defining small entities subject to its regulation, the Commission is proposing for public comment pursuant to the RFA definitions that it believes are appropriate to the regulation of issuers and other entities in the securities industry or otherwise subject to regulation under statutes administered by the Commission and is requesting comments on the possible content of procedural rules to implement the RFA.

Table of Contents

I. Introduction
II. Description of the Proposed Definitions
A. The Securities Act—Issuers Engaged in Small Business Financing
B. The Trust Indenture Act—Issuers Engaged in Small Business Financing
C. The Securities Exchange Act—Reporting Requirements, Tender Offers, Issuer Repurchases, Proxy Rules and Short-Swing Profits
D. The Securities Exchange Act—Brokers, Dealers and Other Regulated Entities
1. Broker or Dealers
2. Clearing Agencies
3. Exchanges
4. Bank Municipal Securities Dealers
5. Securities Information Processors
6. Transfer Agents
E. Public Utility Holding Companies
F. Investment Companies and Investment Advisers
III. Consideration of Procedural Rules

I. Introduction

The RFA amended the Administrative Procedure Act to require, among other things, that agencies examine the impact

[1] 15 U.S.C. 631 *et seq.*

[2] 13 CFR Part 121.

of proposed rules on "small entities," as defined in the RFA, and consider alternative requirements that could accomplish the stated objectives of the applicable statutes.

The term "small entity" is defined in the RFA to have the same meaning as the terms "small business," "small organization," and "small government jurisdiction."[3] Each of those terms is also defined in the RFA.[4] Generally, "small business" is defined as having the same meaning as the term "small business concern" in Section 3 of the Small Business Act;[5] "small organization" is defined as "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field";[6] and "small government jurisdiction" is defined as governments of, among other things, cities, towns, townships, and villages "with a population of less than fifty thousand."[7] These definitions apply, where appropriate, unless an agency, after consultation with the Office of Advocacy of the SBA and opportunity for public comment, establishes one or more definitions of such terms that are applicable to the activities of the agency.[8]

The Commission believes that it would be desirable to develop special definitions for the terms "small business" and "small organization" to be applied to securities issuers and registrants that are subject to the registration and reporting requirements of the Securities Act, the Trust Indenture Act, and the Securities Exchange Act; to brokers, dealers, clearing agencies, exchanges, bank municipal securities dealers,[9] securities information processors, and transfer agents that are subject to the Securities Exchange Act; to public utility holding companies and their subsidiaries in holding company systems that are subject to the Holding Company Act; and to investment companies and investment advisers that are subject to the Investment Company Act and the Advisers Act. The Small Business Act and the regulations promulgated by the SBA provide industry size standards that are, in the context of regulations affecting issuers and reporting companies, generally inappropriate. Also, those size standards are not sufficiently tailored to rulemaking affecting regulated entities such as brokers, banks, clearing agencies, investment companies or public utility holding companies.[10]

Accordingly, on the basis of its experience in the administration of the federal securities laws and its knowledge of the securities industry, the Commission is proposing size standards applicable to entities whose business activities are subject to regulation under the federal securities laws or which are subject to disclosure or other requirements under those laws. Although the proposed size standards would be generally applicable in Commission rulemaking, the proposed rules also provide that the Commission may, in particular instances, if the circumstances so warrant, define a particular entity in a manner different from that set forth in the proposed rules. In any such case, appropriate notice will be provided that the Commission intends to use or is using a different definition.

II. Description of the Proposed Definitions

A. *The Securities Act—Issuers Engaged in Small Business Financing.*

A major purpose of the Securities Act is to ensure that public investors to whom issuers and others offer securities for sale are given adequate disclosure of financial and other material information upon which to make investment decisions. To accomplish this purpose, the Securities Act prohibits the use of the mail and the facilities of interstate commerce for the sale of securities or the delivery of securities after sale unless and until a registration statement, which includes a prospectus, has become effective with respect to such securities, or unless there is an available exemption therefrom. The framework of the Securities Act is transaction oriented; *i.e.*, registration of securities under the Securities Act is required only when certain transactions are proposed or occur.

The Commission is authorized under Section 3(b) of the Securities Act to exempt transactions from registration if it finds that registration for these securities is not necessary in the public interest because of the small amount involved or the limited character of the public offering. Pursuant to this authority, the Commission has adopted various exemptive rules and regulations. The most significant of them from a small business standpoint are Regulation A [17 CFR 230.251–264], Rule 240 [17 CFR 230.240], and Rule 242 [17 CFR 230.242].

When Section 3(b) was originally adopted in 1933, the maximum dollar value of securities that could be exempt from registration pursuant to that section was $100,000. Prior to the enactment of the Small Business Investment Incentive Act of 1980 (the "1980 Act") [Pub. L. No. 96–477 (October 21, 1980)], the ceiling had been raised on several occasions, including May 1978, when it was increased from $500,000 to $1,500,000 [11] and October 1978, when it was increased from $1,500,000 to $2,000,000.[12] Most recently, Section 301 of the 1980 Act increased the Section 3(b) ceiling from $2,000,000 to $5,000,000. This Congressional action was intended to provide the Commission with increased flexibility in developing exemptions targeted to smaller issuers.[13] Thus, Congress has consistently recognized that an exemption based on the size of the transaction rather than solely on the size of the issuer is an appropriate vehicle for relieving the compliance burdens under the Securities Act for small companies in a manner that is consistent with the Commission's statutory mandate to protect the investing public.

In addition, the Commission also notes that Congress recently took the same approach in the enactment of new Section 4(6) of the Securities Act. Section 4(6), added by the 1980 Act, provides an exemption from the registration provisions of the Securities Act for transactions involving offers and sales of securities by an issuer solely to one or more accredited investors, if the aggregate offering price does not exceed the amount allowed under Section 3(b) of that Act.[14] The new exemption was designed to facilitate the formation of capital by small issuers without incurring the cost normally associated with registration.

In this connection, the Commission notes that there is substantial factual data which indicates that exemptions under Section 3(b) and other offerings

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[3] 5 U.S.C. 601(6).

[4] *See* 5 U.S.C. 601(3), (4), (5).

[5] 5 U.S.C. 601(3).

[6] 5 U.S.C. 601(4).

[7] 5 U.S.C. 601(5).

[8] 5 U.S.C. 601(3), (4), (5).

[9] Municipal securities dealers that are not banks should refer to the definition of small business as it relates to broker-dealers.

[10] *See* 5 U.S.C. 601 (3), (4), (5); 15 U.S.C. 632; 13 CFR Part 121 (1980); Small Business Size Standards, Revisions of Methods of Establishing Size Standards and Definitions of Small Business, 45 FR 15442, 15450 note 8 (March 10, 1980).

[11] Pub. L. No. 95–283, May 21, 1978.

[12] Pub. L. No. 95–425, October 6, 1978.

[13] H.R. Rep. 1341, 96th Cong., 2d Sess. at 21 (1980).

[14] Section 4 of the Securities Act provides in pertinent part:

The provisions of Section 5 shall not apply to—

(6) transactions involving offers and sales by an issuer solely to one or more accredited investors, if the aggregate offering price of an issue of securities offered in reliance on this paragraph does not exceed the amount allowed under Section 3(b) of this title, if there is no advertising or public solicitation in connection with the transaction by the issuer or anyone acting on the issuer's behalf, and if the issuer filed such notice with the Commission as the Commission shall prescribe.

under $5 million are used primarily by small issuers. As an example, a recent study of Rule 242 prepared by the Directorate of Economic and Policy Analysis and released by the Commission [16] indicates that during the first six months the exemption was available 84 issuers filed Form 242 notices of intended sales aggregating $38,085,704, with an average intended sales amount of $612,880. This study also indicated that issuers using Rule 242 are small when measured by their financial characteristics. Over half had no more than $1,000,000 in annual revenues and total assets for their latest fiscal year and reported either zero or negative net income. A similar study of Form S–18, the simplified registration and reporting form for first-time issuers, [16] indicates that the typical Form S–18 issuer had revenues of $54,000 and assets of $273,000 for the last year prior to the offering. [17] Therefore, it appears that there is a significant direct relationship between the size of the offering and the size of the issuer. Thus, the Commission is proposing to define the terms "small business" and "small organization" based on the size of the transaction.

In order to further assure that any evaluation of the impact of compliance regarding proposed or adopted rules under the Securities Act includes only an analysis of those issuers for which fixed costs become disproportionately expensive, the Commission is also proposing to include a total assets test in its definition of "small business."

Accordingly, the Commission is proposing to amend its rules under the Securities Act by adding new Rule 157, 17 CFR 230.157. Proposed Rule 157 would define the terms "small business" and "small organization" as any issuer, other than an investment company, whose total assets on the last day of its most recent fiscal year were $2.5 million or less and that is engaged in small business financing; *i.e.*, any issuer that is engaged or proposes to engage in the offer and sale of its securities that does not exceed the dollar limitation prescribed by Section 3(b) of the Securities Act. The asset test incorporated in the Securities Act definition of "small business" corresponds to the Commission's proposed definition under the Securities Exchange Act (see Section II.C., *infra*). It is designed to ensure that large issuers, that for varied reasons may issue securities in limited size offerings, are not included in any impact analyses on "small business" as required by the RFA.

B. *The Trust Indenture Act—Issuers Engaged in Small Business Financing.*

The Commission is proposing separate definitions of "small business" and "small organization" for purposes of the RFA to be applicable to rulemaking under the Trust Indenture Act. A trust indenture is, in effect, a contract which outlines the respective rights and duties of the issuer of debt securities, the holders of the debt securities and the trustee. The Trust Indenture Act generally requires that bonds, notes, debentures, and other debt securities publicly offered for sale be issued under an indenture which includes certain provisions designed to protect the interests of the investors.

The Trust Indenture Act creates three separate categories of indentures for which the level of regulation varies substantially. The first category is debt offerings that, by reason of their size, are exempt completely from the Trust Indenture Act. Pursuant to Section 304(a)(8) of the Trust Indenture Act, a trust indenture need not be used in public offerings of debt securities which do not exceed the amount that can be exempted from registration under Section 3(b) of the Securities Act. [18] The second category relates to offerings subject to Section 304(a)(9) of the Trust Indenture Act for which an indenture is required. If the required indenture limits the aggregate principal amount outstanding under it to $10,000,000 and the issuer does not claim the exemption for more than $10,000,000 aggregate principal amount during any consecutive 36-month period, the indenture does not have to include the provisions which would "qualify" it under the Trust Indenture Act. [19] The Commission is given rulemaking authority to establish from time to time appropriate amounts beneath the respective ceiling amounts that can be totally or partially exempt from the Trust Indenture Act pursuant to Sections 304(a)(8) and 304(a)(9). Pursuant to that authority, the Commission has adopted rules, on an interim basis, establishing the ceiling limitations at $2,000,000 and $5,000,000, respectively. [20]

The third category concerns all offerings that do not fall within the "small offering" provisions of Sections 304(a)(8) and 304(a)(9). Indentures in this category are subject to the extensive "qualification" provisions of the Trust Indenture Act. These provisions require, among other things, the use of an independent trustee and disqualification of the trustee if certain conflicts of interest exist. The indenture is required to include certain provisions designed to protect security holders and to impose on the trustee an affirmative duty to represent the security holders. The Trust Indenture Act allows smaller debt offerings to be issued without an indenture or a qualified indenture, recognizing, among other things, the relatively high cost that would be incurred in meeting these requirements.

In its recent legislative proposal to Congress recommending amendments to increase the ceiling limitations, [21] the Commission indicated that compliance with the Trust Indenture Act has become a significant burden to small issuers. The Commission also noted that the definitions, exemptions, requirements, and procedures for qualification of indentures and trustees under the Trust Indenture Act are closely integrated with the provisions of the Securities Act. Thus, the ceiling limitations prescribed in interim Rules 4a–1 and 4a–2 [17 CFR 260.4a–1 and 4–2] were established by the Commission at $2,000,000 and $5,000,000, respectively, to relate to the exemptive rules promulgated under Section 3(b) of the Securities Act and Form S–18.

In the Commission's view, an approach similar to that taken in defining "small business" and "small organization" under the Securities Act should be taken in defining "small business" and "small organization" under the Trust Indenture Act for purposes of evaluating the impact of such rules as required by the RFA. Considerations affecting small entities under the Trust Indenture Act should be determined in tandem with those under the Securities Act. Accordingly, the Commission is proposing to adopt a rule under the Trust Indenture Act defining "small business" and "small organization" as an issuer whose total assets on the last day of its most recent fiscal year were $2.5 million or less and that is engaged in small business financing; *i.e.*, any issuer that is engaged or proposes to engage in the offer and sale of debt securities which does not exceed the dollar amount prescribed in Rule 4a–2.

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[16] *Rule 242: A Monitoring Report on the First Six Months of Its Use* (December 1980).

[17] 17 CFR 230.28.

[17] *Form S–18: A Monitoring Report on Its Use in 1979* (March 1980).

[18] Prior to the enactment of the 1980 Act, the Section 304(a)(8) ceiling was limited to $250,000.

[19] Prior to the enactment of the 1980 Act, the Section 304(a)(9) ceiling was limited to $1,000,000.

[20] See Securities Act Release No. 6249 (October 23, 1980) [45 FR 71776].

[21] Hearings on S. 1933, S. 1993, and S. 2099 before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs; 96th Cong., 2nd Sess., 521 (1980).

C. *The Securities Exchange Act—Reporting Requirements, Tender Offers, Issuer Repurchases, Proxy Rules and Short-Swing Profits.*

The Commission is proposing definitions of "small business" and "small organization" for purposes of the RFA applicable to entities that are subject to the reporting and disclosure provisions of the Securities Exchange Act (Sections 12, 13, 14, 15(d) and 16) and to certain other defined activities and persons engaged in the securities industry that are regulated under the Securities Exchange Act.

The major thrust of the disclosure provisions of the Securities Exchange Act is to ensure the continuous public availability of adequate information about companies with publicly-traded securities. Prior to 1964, the disclosure provisions of the Securities Exchange Act applied only to issuers having securities listed and traded on a national exchange. Companies whose securities had not been registered under the Securities Act but which were traded in the over-the-counter market were not subject to the registration and reporting requirements of Sections 12 and 13.[32] In 1964, the scope of the disclosure provisions of the Securities Exchange Act was expanded [33] to include all issuers presumed to be the subject of active investor interest.[34]

Specifically, the 1964 amendments extended the registration provisions of Section 12 of the Securities Exchange Act to issuers of securities with both total assets in excess of $1 million and a class of equity securities held of record by 500 or more persons. Once its securities are registered, Section 13 of the Securities Exchange Act requires the issuer to file the annual, quarterly, and current reports prescribed by the Commission to keep current the information contained in the issuer's registration statement. In addition, all officers, directors and 10 percent shareholders of registered issuers must file certain ownership reports in accordance with Section 16(a) and are subject to the short-swing trading provisions of Section 16(b). Moreover, there are several other obligations that are imposed, in certain circumstances, upon persons owning, acquiring, or exercising investment discretion with respect to securities that are registered under Section 12.

Section 15(d) of the Securities Exchange Act was also amended in 1964 to provide that each issuer that files a registration statement that is declared effective pursuant to the Securities Act must also file with the Commission such supplementary, periodic and current reports as may be required with respect to a security registered pursuant to Section 12 of the Securities Exchange Act for the fiscal year in which the registration statement becomes effective. The duty to file reports continues for any subsequent fiscal year unless the securities of each class to which the registration statement relates are held by less than 300 persons at the beginning of the issuer's fiscal year.

As a consequence of these statutory provisions, the Securities Exchange Act imposes reporting obligations upon approximately 8,800 companies.

The legislative history of the 1964 amendments indicates that several criteria were studied from the standpoint of the disclosure needs of public investors. The Report stated:

> The characteristics that seemed prima facie most relevant—in addition to (i) number of shareholders and (ii) amount of assets, which had received primary attention in previous studies and exclusive attention in prior legislative proposals were (iii) transfers of stock, (iv) concentration of holdings, and (v) trading interest in interdealer markets. Number of shareholders has always been recognized, and obviously is, the most direct and simple criterion of public-investor interest. The amount of assets would seem to be no more than a secondary criterion at best, since for many reasons there is an absence of clear or necessary relationship between total assets and the equity interest of investors to be protected; *yet it may ultimately have relevance in defining a limit where burdens may be disproportionate to needs.*[35] *(Emphasis supplied).*

Theoretically, every security in which there is public investor interest could have been included. However, the Report indicated that it would be impracticable to key the Securities Exchange Act coverage to the Securities Act concept of "public," as defined in the *Ralston Purina* case,[36] since the Securities Exchange Act imposes continuing obligations. It was, therefore, necessary on purely practical grounds to limit the number of issuers required to comply in some manner that the flow of reports and proxy statements would be manageable from the regulatory standpoint while, at the same time, not disproportionately burdensome on the issuers in relation to the national public interest to be served.[37] Although the shareholder test was considered key in view of the statutory mandate to provide information to investors, the $1 million asset test was also included as relevant in defining the extent to which the compliance burdens could be met by the issuers involved.

On June 2, 1980, the Commission, in its reexamination of the question of compliance burdens under the Securities Exchange Act, announced that it was considering the advisability of classifying companies under the Securities Exchange Act so that defined classes of smaller issuers might have modified reporting and other requirements.[38] In addition to raising several questions about the desirability or feasibility of such a system, the release also requested commentators to recommend the specific criteria to be used to define a class of the smallest reporting companies as well as whether reporting obligations should be modified for them. Several criteria were suggested for establishing categories of issuers for which disclosure requirements may be modified that generally reflect trading interest or activity.[39] The most frequently suggested criteria, usually in combination with each other and/or others, were total assets and number of shareholders. Supporters of the number of shareholders as a criterion felt that it demonstrated investor interest in a company and thus was determinative of the need for continuing disclosure. With respect to assessing compliance burdens, however, several commentators stated that assets represents a simple and functional criterion for measuring an issuer's size in relation to the cost of complying with

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[32] Prior to 1964, Section 15(d) of the Securities Exchange Act provided that all registration statements filed under the Securities Act contain an undertaking by the registrant to comply with the reporting requirements of Section 13. However, the undertaking became operative and the reports were required only when the value of the securities offered plus the value of all other outstanding securities of the same class equalled at least $2 million. The duty to file such reports was suspended if, and for as long as, the value of the securities outstanding was reduced to less than $1 million or the issuer had become subject to an equivalent reporting requirement. Consequently, investor protection in the over-the-counter market was, at best, fragmentary.

[33] 78 Stat. 565 [U.S. Code Cong. & Ad. News 2796 (1964)].

[34] Report of the Special Study of Securities Markets of the Securities and Exchange Commission, House Document No. 95, Pt. 3, House Committee on Interstate and Foreign Commerce, 88th Cong., 1st Sess. (1963) [hereinafter cited as "the Report"].

[35] *Id* at 18.

[36] *SEC* v. *Ralston Purina Co.*, 346 U.S. 119 (1953). In that case the Supreme Court held that the Securities Act "would seem to apply to a 'public offering' whether to few or many," and that the "focus of inquiry should be on the need of the offerees for the protections offered by registration" and their "access to the kind of information which registration would disclose." 346 U.S. at 125–127.

[37] The Report, *supra*, note 34 at 17.

[38] *See* Securities Exchange Act Release No. 16966 (June 2, 1980) [45 FR 40145].

[39] Summary of Comments relating to Classification of Exchange Act Reporting Companies, File No. S7–837.

securities regulation. Thus, it would appear that an asset test would be the most appropriate indicator of a "small business" or "small organization" for purposes of identifying those companies for which a proposed or adopted rule under the reporting and disclosure provisions of the Securities Exchange Act may have a disproportionate compliance burden. Accordingly, the Commission is proposing to amend its rules under the Securities Exchange Act by adding new Rule 0-10, 17 CFR 240.0-10. Rule 0-10 would define "small business" and "small organization," when used with reference to persons that are subject to Sections 12, 13, 14, 15(d) and 16 of the Securities Exchange Act, to mean any "issuer" or any "person" whose total assets on the last day of its most recent fiscal year were $2.5 million or less. This approach simply applies an inflationary adjustment to the $1,000,000 asset requirement established by Congress in 1964.[20] The Commission may consider the advisability of similar adjustments in the future, if appropriate.

The Commission notes that it has for some time been taking steps to facilitate the integration of the disclosure systems of both the Securities Act and the Securities Exchange Act, so that investors and the marketplace are provided meaningful, nonduplicative information, while the costs of compliance are decreased. The integration effort is based on the idea that, generally, there is no distinction between information that is material for the distribution of securities in transactions covered by the Securities Act on the one hand and for periodic reporting under the Securities Exchange Act on the other hand by companies whose securities are traded in the markets.[21]

As a result of this effort, there will be instances in which amendments to rules, forms and schedules under the Securities Exchange Act that are a part of the integrated disclosure system will also affect disclosures under the Securities Act. The Commission does not intend to imply, however, that an issuer that is subject to the reporting requirements of the Securities Exchange Act may furnish less disclosure in a limited size offering than would normally be furnished to the marketplace under the Securities Exchange Act. Therefore, any impact analysis of rules under the Securities Exchange Act that are a part of the integrated disclosure system will normally be expected to satisfy the similar analysis under the Securities Act.

To facilitate public comment in connection with the Commission's proposed size standards for issuers under the Securities Act, the Trust Indenture Act, and the Securities Exchange Act, the Commission is publishing as a part of this release data compiled by the Directorate of Economic and Policy Analysis. The following table presents the distribution of issuers that are subject to the reporting requirements of Sections 13 and 15(d) by total asset size and was originally presented as part of the Commission's release on the classification of small issuers for purposes of the Securities Exchange Act. (See Securities Exchange Act Release No. 34-16666 (June 2, 1980) [45 FR 40145]).

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[20] From 1964 to 1978, the general price level has increased by 128 percent, as measured by the implicit price deflators for Gross National Product. The deflator for Gross Private Fixed Investment, which includes such business assets as plant and equipment, indicates a 147 percent price increase over the same period. If the latter index is a reasonable proxy for price inflation affecting business capital, a simple inflationary adjustment to the $1 million total asset threshold established for reporting purposes by the 1964 Amendments would result in a $2,470,000 asset threshold in 1978.

[21] This principle has led to the development and expansion of Regulation S-K (17 CFR 229.10), a technical device designed to state in one place uniform requirements which both Securities Act and Securities Exchange Act items incorporate by reference. It also has led to the adoption of Form S-16 (17 CFR 239.27), the short form to be used for the registration of securities by certain seasoned issuers, and the recently adopted Form S-15 (17 CFR 239.29), the short form to be used for the registration of securities issued in certain business combinations. Securities Act Release No. 6232 (September 2, 1980) [45 FR 63967]. Most recently, the Commission has proposed three new registration statement forms under the Securities Act. Securities Act Release No. 6235 (September 2, 1980) [45 FR 63693]. These initiatives provide for the incorporation by reference or furnishing of periodic reports filed under the Securities Exchange Act.

Classification by Total Asset Size of Selected 12(b), 12(g) and 15(d) Issuers
(Estimates Based on Representative Sample)

Total Assets (Millions of Dollars)	Number of Issuers 1/ 12(b) Issuers Number	Percent	12(g) Issuers Number	Percent	15(d) Issuers Number	Percent	Total Number	Percent
Less than 1	*	*	81	2	128	14	209	2
1 - 2	*	*	365	8	90	9	455	5
2 - 3	*	*	325	7	51	5	376	4
3 - 5	33	1	365	8	90	9	488	5
5 - 10	100	3	812	17	102	11	1014	11
10 - 50	654	21	1705	35	230	24	2589	29
50 - 100	318	10	528	11	64	7	910	10
100 - 1000	1222	39	487	10	166	18	1875	21
1000 and over	770	25	162	3	26	3	958	11
Totals	3097	100	4830	100	947	100	8874	100
Average Total Assets in Millions of Dollars:								
Mean	957		114		96		407	
Median	230		14		12		47	

*The number of issuers in this cell is less than 0.5% of the total of 379 active issuers in the sample.

1/ The number of issuers in each asset range was derived from a randomly chosen sample of all issuers filing under the Exchange Act as reported in the SEC Corporation Index, March 30, 1979. Excluded are issuers which are employee thrift or stock purchase programs, investment companies, foreign issuers appearing in the "Foreign Government and Foreign Private Issuers" section of the SEC Corporation Index, or those for which there is no record of a Form 10-K report having been filed for a fiscal year ending between July 1, 1978 and June 30, 1979.

SOURCES: SEC Corporation Index, March 30, 1979 and Form 10-K reports filed with the Securities and Exchange Commission covering the fiscal year ending July 1, 1978 through June 30, 1979. Directorate of Economic and Policy Research, Securities and Exchange Commission.

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D. *The Securities Exchange Act—Brokers, Dealers and Other Regulated Entities.*

As noted above, the Commission is also proposing definitions of the terms "small business" and "small organization" for purposes of the RFA with respect to certain entities in the securities industry whose activities are regulated by the Commission pursuant to the Securities Exchange Act. Those entities are brokers, dealers, clearing agencies, exchanges, issuers, bank municipal securities dealers, securities information processors, and transfer agents.

In establishing size standards for these entities, the Commission has considered, among other things, the number of firms, industry competition, barriers to entry, distribution of revenues, number of employees, financial resources in the industry, and the provisions and purposes of the Securities Exchange Act that form the predicate for regulation by the Commission. Also, two attributes were considered desirable in a size standard. They were: (1) the capacity to differentiate the small members of an industry subject to a rule from other members of the industry; and (2) the use of standards derived from available information.

The definitions in proposed Rule 0–10 generally incorporate the concept of affiliation and provide that a broker-dealer, clearing agency, bank municipal securities dealer, securities information processor or transfer agent is not a small business or small organization if that entity is affiliated with any person (other than a natural person) that is not a small business or small organization as defined in Rule 0–10. A person is affiliated with another if that person controls, is controlled by, or is under common control with such other person. Control constitutes the right to vote 25% or more of the voting securities of an entity, the right to receive 25% or more of the net profits of such entity or the ability otherwise to direct or cause the direction of the management or policies of such entity.

The Commission believes that the Congress did not intend to confer the benefit of any determination that an entity is small upon the affiliates of large businesses, because only those businesses and organizations that are "independently owned" may qualify as small entities pursuant to the definitions contained in the RFA.[32] Accordingly, the Commission believes that it is appropriate to take into account the structure of business concerns and organizations in the securities industry when defining the terms "small business" and "small organization" and to preclude entities with significant economic or financial resources from obtaining potential regulatory benefits under the RFA.

1. *Brokers or Dealers.* With respect to a broker[33] or dealer,[34] proposed Rule 0–10 defines the terms "small business" or "small organization" as a broker or dealer (1) that may maintain net capital of not less than $2,500 or $5,000 as provided for in Rule 15c3–1 (a)(2) or (a)(3); (2) that had less than six partners, officers and employees on the last business day of the preceding calendar year; and (3) that is not affiliated with any entity that is not a small entity as defined in Rule 0–10.

The Commission believes that it is appropriate to measure the size of a broker-dealer by reference to applicable net capital requirements. Those requirements take into account the nature of a broker-dealer's business and tend to provide for lower capital requirements for smaller, specialized firms that have not developed full service brokerage operations.[35] Furthermore, all broker-dealers are aware of their own net capital requirements. Accordingly, by using a standard that is familiar to the industry, and for which data are currently available, the Commission believes that it will be possible to minimize any doubt concerning a firm's status and more easily determine the number of broker-dealers that are small entities.

The proposed definition also includes as size standard a limitation on the number of partners, officers, and employees associated with a firm. On the basis of available employment data for the securities industry, the Commission is inclined to believe that any broker-dealer having more than five partners, officers and employees should not be considered "small."[36]

To facilitate public comment in connection with the Commission's efforts to develop size standards for broker-dealers, the Commission is publishing as a part of this release data compiled by the Commission's Directorate of Economic and Policy Analysis from the FOCUS Reports filed by broker-dealers for 1979. That data shows the distribution of broker-dealers on the basis of equity capital, total assets, gross revenues, number of full-time employees and number of full-time registered representatives.

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[32] *See* 5 U.S.C. 601(4) and 15 U.S.C. 632.

[33] The term "broker" is defined in Section 3(a)(4) of the Securities Exchange Act.

[34] The term "dealer" is defined in Section 3(a)(5) of the Securities Exchange Act.

[35] The broker-dealers who may take advantage of these provisions include, generally, those who introduce and forward as a broker all transactions and accounts to another broker or dealer who carries such accounts on a fully-disclosed basis; those broker-dealers who do not carry customer accounts or hold customer funds or securities; and those broker-dealers who engage solely in the sale of redeemable shares of registered investment companies and certain other share accounts. Data compiled by the Commission's staff from the Financial and Operational Combined Uniform Single Report (the "FOCUS Report") indicate that approximately 1,300 broker-dealers maintain net capital of $2,500 or $5,000.

[36] Data compiled by the Commission's Directorate of Economic and Policy Analysis from 1979 FOCUS Reports indicate that approximately 3500 broker-dealers have less than 6 employees.

Directorate of Economic and Policy Research, Securities and Exchange Commission.

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DISTRIBUTION OF BROKER-DEALERS BY EQUITY CAPITAL, TOTAL ASSETS AND GROSS REVENUES
(1979)

Equity Capital

Equity Capital ($ Millions)	Number of Firms		Percent of Total Firms		Aggregate Equity Capital ($ Millions)		Percent of Industry Aggregate Equity Capital		Average Capital ($ 000)
	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	
More than $40	27	27	.6%	.6%	$3,118.9	$3,118.9	50.6%	50.6%	$ 115,515
$15 - $40	35	62	.7	1.3	779.5	3,898.4	12.6	63.2	22,271
$8 - $15	46	108	.9	2.2	500.6	4,399.0	8.1	71.3	10,883
$3 - $8	61	169	1.3	3.5	383.8	4,782.8	6.3	77.6	6,292
$2.3 - $3	137	306	2.8	6.3	463.8	5,246.7	7.5	85.1	3,385
$1.3 - $2.3	148	454	3.0	9.3	253.9	5,500.6	4.1	89.2	1,716
$.45 - $1.3	434	888	8.9	18.2	327.5	5,828.1	5.3	94.5	755
$.22 - $.45	497	1,385	10.2	28.4	155.2	5,983.3	2.5	97.0	312
$.12 - $.22	539	1,924	11.1	39.5	89.4	6,072.7	1.5	98.5	166
$0 - $.12	2,444	4,368	50.3	89.8	105.5	6,178.2	1.7	100.2	43
$0	426	4,794	8.7	98.5	—	6,178.2	—	—	—
Negative 1/	73	4,867	1.5	100.0%	(9.7)	6,168.5	(0.2)	100.0%	$ (133)
Total	4,867		100.0%		$6,168.5		100.0%		$1,267

Total Assets

Total Assets ($ Millions)	Number of Firms		Percent of Total Firms		Aggregate Total Assets ($ Millions)		Percent of Industry Aggregate Total Assets		Average Asset ($ 000)
	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	
More than $500	26	26	.5%	.5%	$67,850.9	$67,850.9	78.4%	78.4%	$2,609,650
$100 - $500	40	66	.8	1.3	7,873.9	75,724.8	9.1	87.5	196,847
$50 - $100	42	108	.9	2.2	3,061.9	78,786.7	3.5	91.0	72,902
$30 - $50	54	162	1.1	3.3	2,138.5	80,925.2	2.5	93.5	39,602
$11 - $30	132	294	2.7	6.0	2,403.6	83,328.8	2.8	96.3	18,209
$5 - $11	154	448	3.2	9.2	1,116.1	84,444.9	1.3	97.6	7,247
$1.5 - $5	421	869	8.7	17.9	1,156.0	85,600.9	1.3	98.9	2,746
$.6 - $1.5	511	1,380	10.5	28.4	489.5	86,090.4	.6	99.5	958
$.3 - $.6	510	1,890	10.5	38.8	220.3	86,310.7	.2	99.7	432
$0 - $.3	2,573	4,463	52.9	91.7	222.0	86,532.7	.3	100.0%	86
$0	404	4,867	8.3	100.0%	—	86,532.7	—		$ —
	4,867		100.0%		$86,532.7		100.0%		$17,779

Gross Revenues

Gross Revenues ($ Millions)	Number of Firms		Percent of Total Firms		Aggregate Gross Revenues ($ Millions)		Percent of Industry Aggregate Gross Revenues		Average Revenues ($ 000)
	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative	
More than $100	26	26	.5%	.5%	$8,243.2	$8,243.2	60.3%	60.3%	$317,046
$25 - $100	37	63	.8	1.3	1,655.2	9,898.4	12.1	72.4	44,735
$15 - $25	43	106	.9	2.2	838.1	10,736.5	6.1	78.6	19,491
$9 - $15	59	165	1.2	3.4	676.0	11,412.5	4.9	83.5	11,456
$4 - $9	137	302	2.8	6.2	795.3	12,207.8	5.8	89.4	5,805
$2.3 - $4	145	447	3.0	9.2	450.3	12,658.1	3.3	92.7	3,105
$.75 - $2.3	424	871	8.7	17.9	576.1	13,234.2	4.2	96.9	1,359
$.3 - $.75	504	1,375	10.4	28.3	245.1	13,479.3	1.8	98.7	486
$.14 - $.3	526	1,901	10.8	39.1	111.5	13,590.8	.8	99.5	212
$0 - $.14	1,643	3,544	33.7	72.8	74.8	13,665.6	.6	100.0	46
$0	1,202	4,746	24.7	97.5	—	13,665.6	—	—	—
Negative 2/	121	4,867	2.5	100.0%	(3.5)	13,662.1	*	100.0%	(29)
Total	4,867		100.0%		$13,662.1		100.0%		$ 2,807

1/ Negative Equity Capital reflects the decline of Total Assets below Total Liabilities due to realized and unrealized losses on trading and investment accounts.

2/ Negative Gross Revenues reflect losses on trading and investment accounts.

* Less than .05%

DISTRIBUTION OF BROKER-DEALERS BY NUMBER OF FULL-TIME EMPLOYEES
(As of December 31, 1979)

Full-Time Employees	Number of Firms		Percent of Total Firms	
	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative
Over 1,000	22	22	.5%	.5%
300 - 999	60	82	1.3	1.8
100 - 299	95	177	2.0	3.8
50 - 99	131	308	2.8	6.6
20 - 49	276	584	5.8	12.4
10 - 19	296	880	6.3	18.7
6 - 9	307	1,187	6.6	25.3
3 - 5	502	1,689	10.7	36.0
1 - 2	855	2,544	18.2	54.2
0	2,153	4,697	45.8	100.0%
Total	4,697		100.0%	

DISTRIBUTION OF BROKER-DEALERS BY NUMBER OF FULL-TIME REGISTERED REPRESENTATIVES
(As of December 31, 1979)

Registered Representatives	Number of Firms		Percent of Total Firms	
	Non-Cumulative	Cumulative	Non-Cumulative	Cumulative
Over 500	18	18	.4%	.4%
150 - 499	54	72	1.2	1.5
50 - 149	93	165	2.0	3.5
25 - 49	106	271	2.3	5.8
10 - 24	269	540	5.7	11.5
5 - 9	298	838	6.3	17.8
3 - 4	310	1,148	6.6	24.4
2	254	1,402	5.4	29.8
1	442	1,844	9.4	39.3
0	2,853	4,697	60.7	100.0%
Total	4,697		100.0%	

Note: A full-time employee is defined as an individual who works 40 hours or more per week for a firm. A full-time registered representative is an individual who works 30 hours or more per week for a firm and spends at least 50% of such time effecting transactions with public customers on the firm's behalf.

Source: FOCUS Report
Directorate of Economic and Policy Analysis
Securities and Exchange Commission

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2. *Clearing Agencies.* With respect to clearing agencies, the proposed rule defines "small business" and "small organization" as a clearing agency[37] that meets three tests. First, the clearing agency must have processed less than $500 million in securities transactions during the preceding fiscal year (or in the time that it has been in business, if shorter). Second, the clearing agency must have had less than $200 million of funds and securities in its custody or control at all times during the preceding fiscal year (or in the time that it has been in business, if shorter). Finally, the clearing agency must not be affiliated with any intity that is not a small business or small organization as defined in Rule 0–10.

The Commission believes it should measure the size of a clearing agency on the basis of the value of funds and securities that it has processed or that it holds in its custody. The Securities Exchange Act directs the Commission, among other things, to use its authority over clearing agencies to establish a national clearance and settlement system for securities, and to encourage broad scale participation by securities professionals in that system, thereby reducing the physical movement of securities certificates. The Congress recognized that achievement of these goals could result in the accumulation of very substantial amounts of securities and funds in a limited number of entities. Also, the Congress has determined that the safeguarding of funds and securities related to the clearance or settlement of securities transactions is necessary for the protection of investors and persons acting on behalf of investors.[38] Accordingly, the Commission believes that, in carrying out its regulatory responsibilities with regard to clearing agencies, it should pay particular regard to the amount of funds and securities which a clearing agency is holding on behalf of others or with respect to which it is performing processing functions related to the clearance and settlement of securities transactions.

The Commission believes that the benchmark figures for processing and custody, are appropriate measures for determining whether or not a clearing agency is small for the purpose of the RFA. While those benchmarks will exclude all currently registered clearing agencies from the definitions of "small business" and "small organization," they could permit newly-established clearing agencies to qualify as small entities. In that connection, it is also important to note that most, if not all, currently registered clearing agencies appear to be affiliated with national securities exchanges or other entities that would not be "small businesses" or "small organizations" under proposed Rule 0–10.

3. *Exchanges.* There are ten securities exchanges currently registered with the Commission. Each is a membership organization and, except for the Midwest Stock Exchange, each is organized as a not-for-profit corporation. As membership organizations, many of the exchanges include as members the largest broker-dealers in the United States. The exchanges play an important function in the American economy and in the regulatory scheme established by Congress in the Securities Exchange Act. In addition to providing a marketplace for the trading of billions of dollars in securities, the exchanges are designated "self-regulatory organizations" under the Securities Exchange Act and have substantial responsibility for enforcing member compliance with the federal securities laws.[39]

While the Commission believes that it is doubtful that the Congress intended for the RFA to apply to exchanges, the Commission is proposing a definition of "small business" and "small organization" applicable to exchanges.[40] The proposed rule would define as "small" those exchanges that are exempt from the requirements of the rule regarding dissemination of transaction reports and last sale data with respect to transactions in securities (17 CFR 240.11Aa3–1). That rule sets forth certain requirements applicable to exchanges and other entities concerning the dissemination of transaction reports and last sale data with respect to transactions in reported securities. The requirements of that rule are intended to encourage the prompt and widespread availability of transaction information, and the rule is a part of the Commission's effort to facilitate the establishment of a national market system. The Commission believes that those exchanges that are exempt from the requirements of Rule 11Aa3–1 may appropriately be considered "small." The Spokane Stock Exchange and the Intermountain Stock Exchange have been granted exemptions under Rule 11Aa3–1, in part because those two exchanges also have the lowest trading volume in securities. They also have the lowest annual revenues of the ten national securities exchanges.

4. *Bank Municipal Securities Dealers.* The Commission is proposing to define the terms "small business" and "small organization," when used with respect to a bank municipal securities dealer, to mean a municipal securities dealer [41] that (1) had total assets of less than $10 million at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); (2) had an average monthly dollar volume of municipal securities transactions in the preceding fiscal year of less than $100,000; and (3) that is not affiliated with any entity that is not a small business as defined in Rule 0–10.

The proposed definition uses total asset size and municipal securities transaction volume in order to identify banks that may be sufficiently small to face special problems in complying with regulations, particularly those relating to operations and recordkeeping. The two standards were selected because, if a bank with low asset size engages in a substantial volume of transactions, that volume should generate sufficient revenues to support the costs of compliance.

The "total assets" used in the definition would be the assets of the municipal securities dealer, if the entire bank is registered, or those of the bank of which the department or division is a part, if the dealer is registered as a separately identifiable department or division. This standard appears appropriate because a separate asset figure for the department would be difficult to derive and, more importantly, because the concept of a separately identifiable department or division was developed for registration purposes and does not prescribe the actual organizational structure of the bank. Accordingly, a number of municipal securities dealer functions of a bank, including processing and recordkeeping, are frequently performed by the bank in conjunction with other similar bank activities. The use of the "total assets" figure also is consistent with the use, in the Small Business Act, of a definition of "small business" which includes as a component the requirement that the

[37] The term "clearing agency" is defined in Section 3(a)(23) of the Securities Exchange Act.

[38] *See* Section 17A of the Securities Exchange Act.

[39] The National Association of Securities Dealers, Inc. (the "NASD") and the Municipal Securities Rulemaking Board (the "MSRB") are also self-regulatory organizations (*see* Section 3(a)(26) of the Securities Exchange Act). The NASD is the sole registered securities association and the MSRB, created by Congress in 1975, has certain statutory responsibilities for the municipal securities industry (*see* Sections 15A and 15B of the Securities Exchange Act). Neither the MSRB nor the NASD is a "small business" or "small organization."

[40] The term "exchange" is defined in Section 3(a)(1) of the Securities Exchange Act.

[41] The term "municipal securities dealer" is defined in Section 3(a)(30) of the Securities Exchange Act.

entity be "independently owned and operated." [42]

5. *Securities Information Processors.* Proposed Rule 0-10 would define the terms "small business" and "small organization" with respect to securities information processors as any securities information processor [43] that (1) had gross revenues of less than $10 million during the preceding year (or in the time it has been in business, if shorter); (2) serviced less than 100 interrogation devices or moving tickers, as those terms are defined in 17 CFR 240.11Aa3-1, at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and (3) is not affiliated with any entity that is not a small business or small organization as defined in the rule.

The Commission believes that a combination of gross revenues and the number of interrogation devices serviced provides an appropriate measure of size for those businesses that provide securities information services to the securities industry and the public. There are approximately fifteen securities information processors now subject to Commission rules, and under the proposed rule it appears that three of those firms would be considered "small businesses."

6. *Transfer Agents.* Proposed Rule 0-10 defines the terms "small business" and "small organization" when used with reference to transfer agents to mean a transfer agent [44] that (1) received fewer than 500 items for transfer and fewer than 500 items for processing during the preceding six months (or in the time that it has been in business, if shorter); (2) maintained master shareholder files that, in the aggregate, contained less than 1000 shareholder accounts or was the named transfer agent for less than 1000 shareholder accounts at all times during the preceding six months (or in the time that it has been in business if shorter); and (3) is not affiliated with any entity that is not a small business or small organization as defined in proposed Rule 0.10.

The Commission believes that volume of transfer business is one reasonable basis for distinguishing small from large transfer agents. The requirement in the proposed definition with respect to volume of transfer business is derived from Rule 17Ad-4(b), 17 CFR 240.17Ad-4(b), which exempts from most of the transfer agent turnaround rules (Rules 17Ad-1 through 17Ad-7, 17 CFR 240.17 Ad-1 through 7) registered transfer agents handling issues with a minimal amount of trading activity or changes in registered ownership. The proposed definition also requires that, in order to be deemed small, a transfer agent must have maintained master shareholder files that in the aggregate contained less than 1000 shareholder accounts or been the named transfer agent for less than 1000 shareholder accounts at all times during the preceding six months (or in the time that it has been in business, if shorter). The proposed definition potentially will permit many issuers acting as the transfer agent for their own securities to be included in the definition of small business. [45]

B. *Public Utility Holding Companies.* The Commission has also concluded that it is desirable to adopt a special definition of the terms "small business" and "small organization" for purposes of the RFA to apply to rulemaking under the Holding Company Act. In this connection, the Commission does not believe that the Small Business Act and regulations promulgated by the SBA provide size standards that are appropriate for public utility holding companies. [46] Moreover, the Commission believes that the size standards currently in use in connection with federal programs to assist small manufacturing or service enterprises are not appropriate for measuring the impact of rules on small entities that are in "holding company" systems under the Holding Company Act.

Under the Holding Company Act, the Commission exercises comprehensive authority over the issuance of securities or the acquisition of securities or utility assets by registered holding companies and their subsidiaries, intrasystem transactions, and accounting requirements, among other things. A "holding company" is defined under the Holding Company Act as any company which owns 10% or more of the voting securities of a public utility company, which is defined as an electric or gas utility company. [47] While the Holding Company Act also provides definitions of "electric utility company" and "gas utility company," the basic regulated unit for purposes of the Holding Company Act is the "holding company system," which is defined to include the holding company and each subsidiary company which is a member of that system, [48] whether it is a utility subsidiary or a non-utility subsidiary.

The Commission further believes that it is appropriate to assess the burdens of regulation under the Holding Company Act for purposes of the RFA by reference to the size of the holding company system as a whole, rather than by reference to its member companies, for three reasons. First, the holding company system is a single control group. As a general matter, most subsidiaries of the registered holding companies are wholly-owned and, thus, would not, within the meaning of Section 3 of the Small Business Act, be considered "independently owned." Second, while most holding companies own more than one public utility subsidiary, the Holding Company Act requires that all such subsidiaries constitute but a single integrated public utility system. [49] And third, the regulatory provisions of the Holding Company Act generally apply to the holding company and to each of its subsidiaries; that is, to the entire holding company system. Accordingly, the proposed rule would establish a definition of the terms "small business" and "small organization" for purposes of the RFA with respect to "holding company systems."

Proposed Rule 110, 17 CFR 250.110, defines the terms "small business" or "small organization" as a holding company system whose consolidated revenues from electric or gas utility operations did not exceed $1,000,000 in its last fiscal year. The Commission believes that it is appropriate to measure the size of a holding company system by reference to its consolidated gross utility revenues, a standard familiar to the industry and for which

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[42] The Commission is not aware that any of the currently registered bank municipal securities dealers would qualify as "small."

[43] The term "securities information processor" is defined in Section 3(a)(22)(A) of the Securities Exchange Act.

[44] The term "transfer agent" is defined in Section 3(a)(25) of the Securities Exchange Act.

[45] The Commission does not have readily available data upon which to compute the precise number of transfer agents that would be considered small but believes as many as 10 to 20% could qualify.

[46] The SBA's small business size standards, contained in 13 CFR Part 121 (1980), do not include a size standard which is appropriate or practicable to apply in the context of rulemaking under the Holding Company Act. Only one subsection thereof, 13 CFR 121.23-10(d)(11), deals expressly with electric or gas utility companies. That subsection classifies as "small," for purpose of SBA loans, a concern primarily engaged in the generation, transmission and/or distribution of electric energy for sale whose total output (including that of its affiliates) for the preceding fiscal year did not exceed 4 million megawatt hours. The SBA has proposed for comment amendments to its size standard regulations. Small Business Size Standards; Revision to Method of Establishing Size Standards and Definitions of Small Business, 45 FR 15442 (March 10, 1980). The proposed standards are all stated in terms of number of employees. *Id.* at 15443. Although electric and gas services are listed in the heading of Major Group 49 therein, there are no proposed size standards for electric or gas utilities. *Id.* at 15448.

[47] Sections 2(a)(7)(A) and 2(a)(5).

[48] Section 2(a)(9).

[49] Section 11(b)(1).

data are currently available. In establishing this size standard, the Commission has considered, among other things, the number of firms in the industry and the purposes of the Holding Company Act that form the predicate for regulation by the Commission. Holding companies, as such, do not constitute a relevant industry group. The relevant industry is the electric and gas utility industry. Upon the basis of available data, the Commission estimates that there are approximately 216 investor-owned electric utility companies, and 520 investor-owned gas utility companies, of which it is believed approximately 14 and 200, respectively, have utility revenues below $1,000,000.[50]

There are currently nine registered electric utility holding company systems and three registered gas utility holding company systems that include 53 wholly or partly owned electric utility subsidiaries and 19 gas distribution and transmission subsidiaries. Under the proposed size standard, none of the currently registered holding company systems would be considered a small entity.

F. *Investment Companies and Investment Advisers.*

The Commission is also proposing definitions of the terms "small business" and "small organization" for purposes of the RFA in the context of rulemaking applicable to investment companies under the Securities Act, the Securities Exchange Act and the Investment Company Act, and to investment advisers under the Advisers Act. The Commission is proposing these rules because the definition of "small business" in the Small Business Act may be inappropriate in the context of the investment company and the investment advisory industries. If adopted, the proposed definitions would assist the Commission in fitting the requirements of its regulations to the size of the investment companies and investment advisers subject to them.

Existing SBA size standards would appear to be inappropriate for identifying small investment companies and investment advisers. These size standards are intended to enable the SBA to determine which entities within an industry qualify for various forms of SBA assistance. The closest category of industry under which an investment company or investment adviser could conceivably come is "service" industry, and, assuming that such a company or adviser is primarily engaged in a service industry, it would be deemed small, for the purpose of receiving a loan, if its annual receipts do not exceed $2 million.[51]

This receipt standard does not seem appropriate for identifying small investment companies since, unlike typical service companies, investment companies generally serve only their shareholders as such and, thus, have no receipts from the sale of services. Moreover, if the income (*i.e.*, interest and dividends) of these companies were deemed to be their receipts, the amount thereof would not necessarily identify the companies that are small because different investment companies have different investment objectives and receipts can vary depending upon the investment objective of a company. For example, between an investment company whose objective is growth and one whose objective is income, assuming equal assets, the former would usually have smaller receipts than the latter.

Neither does the receipt standard seem appropriate for identifying small investment advisers, since the Commission has no information about the receipts of investment advisers and, thus, would have difficulty in applying this standard.

Although the SBA has published proposed new size standards,[52] none of them seems to be applicable to investment companies or investment advisers, except to the extent that investment advisers who publish market letters might be deemed to be engaged in "miscellaneous publishing."[53] This proposed size standard would classify as small any business concern engaged in "miscellaneous publishing" if it has 500 or fewer employees.[54] Since it is unlikely that any investment adviser that publishes a market letter has anywhere near 500 employees, this standard would embrace all such advisers and, thus, would not serve to identify those that are small among this type of advisers. For this reason, such a standard would not serve the purposes of the RFA.

Aware that the SBA has expressed its proposed size standards in terms of the number of employees, rather than in dollars, to avoid distortions caused by inflation and the need for frequent revision of standards to reflect the effects in inflation, the Commission considered using the number of employees as a measure of smallness for investment companies and investment advisers, but rejected it since (1) neither the investment company nor the advisory industry is labor intensive; and (2) investment companies are generally externally managed and operated by their investment advisers so that most investment companies have few employees.

In view of the absence of an appropriate definition in, or size standard under, Section 3 of the Small Business Act, the Commission is proposing for public comment definitions of "Small business" and "small organization" for purposes of the RFA that it believes would be appropriate to the regulation of investment companies and investment advisers. The Commission would use these definitions in determining whether a rule has, or a proposed rule is likely to have or will have, a significant economic impact on a substantial number of small entities for purposes of complying with the requirements of the RFA.

For these purposes, the Commission has separately considered (1) investment companies; (2) investment advisers who manage assets and do not furnish other advisory services; and (3) other investment advisers, because the feasibility of any size standard with respect to each of these types of businesses will depend on the particular characteristics of the business, the available data about the business, and the regulations to which the business is subject.[55]

With respect to investment companies, the proposed rules would classify as small any investment company with net assets of $50 million or less as of the end of its most recent fiscal year. This size standard was derived from an examination of adjusted expense ratios of approximately 500 registered investment companies.[56] This examination identified a group (14%) of the sample investment companies which had expense ratios exceeding a

[50] Source: "Electric Utility Statistics." *Public Power*, Jan.–Feb. 1981, p. D–3; Federal Energy Regulatory Commission Form 1's for Class C and D electric utility companies (1979); Statistics supplied by the American Gas Association.

[51] 13 CFR 121.3–10(d)1.

[52] 45 FR 15420 (1980).

[53] Code 2741, Standard Industrial Classification Manual (1972).

[54] 45 FR 154547 (1980).

[55] Investment companies are, of course, subject to a set of regulations different from that governing investment advisers, and investment advisers that render certain advisory services are sometimes regulated differently from other advisers. *See, e.g.*, 17 CFR 275.204–3 and 275.206(3)–1.

[56] An expense ratio is the quotient of expenses divided by average net assets. The adjusted expense ratio is computed by subtracting any taxes, interest, securities loan fees, or dividends from securities sold short from the fund's total expenses and dividing the remaining total by average net assets. The goal of this approach is to extract from the ratios those expenses which are an accident of place (taxes) or a function of an investment program (interest, securities loan fees, etc.) and do not properly belong in a comparison of operating expenses.

statistically defined boundary, namely, the mean (average) adjusted expense ratio plus one standard deviation. This boundary establishes a basis for distinguishing relatively large ratios from those closer to or below the average and is based on statistical characteristics of the overall distribution of the ratios. The net assets of the companies with adjusted expense ratios exceeding this boundary range from $6 million to $47.2 million. Moreover, all of the companies with net assets of more than $47.2 million had expense ratios falling below this boundary. Since companies with high expense ratios would generally be more adversely affected by the imposition of regulatory costs than those with lower expense ratios, the Commission believes that it is reasonable and appropriate, for purposes of the RFA, to classify as a "small business" or "small organization" an investment company with a net asset value of $50 million or less. The Commission proposes to use net assets instead of expense ratios in this definition because this measure would be easy to use and is based upon readily available information.

With respect to investment advisers who manage assets but do not render other advisory services,[57] the proposed definition of "small business" or "small organization" would classify as small an investment adviser that manages assets with a total value of $50 million or less, in discretionary or non-discretionary accounts, as of the end of its most recent fiscal year. The Commission is proposing this size standard because of the similarities, with respect to the management of assets, between the investment company and the investment advisory businesses.

With respect to investment advisers that solely, or in addition to managing assets of $50 million or less, render other advisory services, the proposed definition of "small business" would classify as small an investment adviser with assets related to its advisory business, as shown in the balance sheet most recently filed by it with the Commission, not exceeding in value 50% of the average business-related assets for this type of investment adviser.[58] The Commission expects to determine such average assets from the balance sheets in its files and to express this size standard in dollars in the final rule. Other criteria such as receipts or numbers of subscribers could be relevant, but as indicated elsewhere in this release, the Commission does not require that data to be filed by investment advisers.

There are about 2,100 registered investment advisers that manage assets in discretionary or non-discretionary accounts. They manage a total of about $435 billion of assets, an average of approximately $200 million of assets per adviser. The Commission believes that the distribution based on assets managed is heavily skewed at both extremes, with a great many of the advisers managing relatively small amounts of assets and few of the advisers managing relatively large amounts of assets. Indeed, a random sample of 182 of these advisers showed that 134 (or approximately 74%) had assets under management of $50 million or less. Some of these advisers probably furnish advisory services other than managing assets and have assets related to their investment advisory business exceeding 50% of the average business-related assets for this type of investment adviser and, thus, may not be small under the proposed definition. Although using $50 million as the cut-off point might classify as small a large proportion of investment advisers, the Commission believes that this is reasonable and appropriate under the circumstances for purposes of the RFA.

Since, in essence, the purpose of the RFA is to lighten the burden of federal regulation on small businesses, the Commission urges all interested persons, especially small investment companies and advisers or their representatives to comment on all aspects of these rule proposals and to recommend alternative criteria for identifying the "small" entities in the investment company and the investment advisory industries. To facilitate such commentary, the following tables provide certain basic data relating to investment companies. Similar data, however, is not currently available for investment advisers.

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[57] As used in the proposed definition, the term "other advisory services" means services referred to in Form ADV, 17 CFR 279.0–1, Part II, Item 1(c) through (h).

[58] The Commission considered using a size standard expressed in terms of the number of subscribers but rejected it since the Commission has no information concerning the number of these subscribers.

TABLE 1

DISTRIBUTION OF THE NUMBER OF SELECTED INVESTMENT COMPANIES BY TYPE AND ASSET SIZE CATEGORY *

Asset Size Category ($Millions)	Open-end Except Money Market funds	Money Market Funds	Closed End Funds	Unit Invest. Trusts	Face Amount Cert. Cos.	Total Number	Percentage of Total
0 to 25	273	7	52	170	4	506	48.4
25 to 50	95	5	22	23	1	146	14.0
50 to 100	92	10	20	14	0	136	13.0
100 to 250	89	12	14	14	0	129	12.3
250 to 1,000	50	28	5	6	0	97	9.3
1,000 plus	7	21	0	3	0	31	3.0
Total Number	614	83	113	230	5	1,045	100.0

TABLE 2

DISTRIBUTION OF TOTAL NET ASSETS OF SELECTED INVESTMENT COMPANIES BY TYPE AND ASSET SIZE CATEGORY *

Asset Size Category ($Millions)	Open-end Except Money Market funds	Money Market Funds	Closed End Funds	Unit Invest. Trusts	Face Amount Cert. Cos.	Total Net Assets	Percentage of Total
	($Millions)						
0 to 25	$ 2,500	$ 72	$ 531	$ 922	$23	$ 4,048	2.4
25 to 50	3,532	188	834	169	29	4,752	2.9
50 to 100	6,185	713	1,476	918	0	9,292	5.6
100 to 250	13,570	1,846	2,213	2,106	0	19,735	11.9
250 to 1,000	28,282	13,629	2,867	2,758	0	47,536	28.7
1,000 plus	10,119	60,061	0	9,979	0	80,159	48.4
Total net assets	$64,188	$76,509	$7,921	$16,852	$52	$165,522	100.0

* As of September 30, 1980

Source: Classification, Assets and Location of Registered Investment Companies under the Investment Company Act of 1940, Securities and Exchange Commission, February 17, 1981.

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III. Procedural Rules

The Commission is also considering proposing procedural rules to implement the RFA. In this connection, the Commission requests comments on the possible content of such procedural rules, and particularly on the need for definitions of other generic terms used in the RFA, such as "significant economic impact" and "substantial number." Any procedural rules, including definitions of other terms used in the RFA, will be the subject of a separate release.

Text of Proposals

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding § 230.157 to read as follows:

§ 230.157 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act [5 U.S.C. 601 *et seq.*], and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization" shall—

(a) When used with reference to an issuer, other than an investment company, for purposes of the Securities Act of 1933, mean an issuer whose total assets on the last day of its most recent fiscal year were $2.5 million or less that is engaged or proposing to engage in small business financing. An issuer is considered to be engaged or proposing to engage in small business financing under this section if it is conducting or proposes to conduct an offering of securities which does not exceed the dollar limitation prescribed by section 3(b) of the Securities Act.

(b) When used with reference to an investment company that is an issuer for purposes of the Securities Act of 1933, mean an investment company with net assets of $50 million or less as of the end of its most recent fiscal year.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Part 240 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding § 240.0-10 to read as follows:

§ 240.0-10 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act [5 U.S.C. 601 *et seq.*], and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization" shall—

(a) When used with reference to an "issuer" or a "person," other than an investment company, under sections 12, 13, 14, 15(d) or 16 of the Securities Exchange Act of 1934, mean an "issuer" or "person" that, on the last day of its most recent fiscal year, had total assets of $2,500,000 or less;

(b) When used with reference to an "issuer" or "person" that is an investment company, mean an investment company with net assets of $50 million or less as of the end of its most recent fiscal year;

(c) When used with reference to a broker or a dealer, mean a broker or dealer that:

(1) Is permitted to maintain the amount of net capital specified in § 240.15c3-1 (a)(2) or (a)(3);

(2) Had less than six partners, officers and employees on the last business day of the preceding calendar year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section;

(d) When used with reference to a clearing agency, mean a clearing agency that:

(1) Compared, cleared and settled less than $500 million in securities transactions during the preceding fiscal year (or in the time that it has been in business, if shorter);

(2) Had less than $200 million of funds and securities in its custody or control at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section;

(e) When used with reference to an exchange, mean any exchange that has been exempted from the reporting requirements of § 240.11Aa3-1;

(f) When used with reference to a municipal securities dealer that is a bank (including any separately identifiable department or division of a bank), mean any such municipal securities dealer that:

(1) Had, or is a department of a bank that had, total assets of less than $10 million dollars at all times during the preceding fiscal year (or in the time that it has been in business, if shorter);

(2) Had an average monthly volume of municipal securities transactions in the preceding fiscal year (or in the time it has been registered, if shorter) of less than $100,000; and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section;

(g) When used with reference to a securities information processor, mean a securities information processor that:

(1) Had gross revenues of less than $10 million dollars during the preceding fiscal year (or in the time it has been in business, if shorter);

(2) Serviced less than 100 interrogation devices or moving tickers as those terms are defined in § 240.11Aa3-1 at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section; and

(h) When used with reference to a transfer agent, mean a transfer agent that:

(1) Received less than 500 items for transfer and less than 500 items for processing during the preceding six months (or in the time that it has been in business, if shorter);

(2) Maintained master shareholder files that in the aggregate contained less than 1,000 shareholder accounts or was the named transfer agent for less than 1,000 shareholder accounts at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization under this section.

(i) For purposes of paragraphs (c) through (h) of this section, a person is affiliated with another person if that person controls, is controlled by, or is under common control with such other person; a person shall be deemed to control another person if that person has the right to vote 25% or more of the voting securities of such other person or is entitled to receive 25% or more of the net profits of such other person or is otherwise able to direct or cause the direction of the management or policies of such other person.

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Part 250 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding § 250.110 to read as follows:

§ 250.110 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act [5 U.S.C. 601 *et seq.*], and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization," for purposes of the Public Utility Holding Company Act of 1935, shall mean a holding company system whose gross consolidated revenues from sales of electric energy or of natural or manufactured gas distributed at retail for its previous fiscal year did not exceed $1,000,000. There may be excluded from such gross revenues:

(a) Sales of electric energy or natural of manufactured gas to tenants or employees of any operating subsidiary company of such holding company for their own use and not for resale; and

(b) Sales of gas to industrial consumers or in enclosed portable containers.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

Part 260 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding § 260.0–7 to read as follows:

§ 260.0–7 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act [5 U.S.C. 601 *et seq.*], and unless otherwise defined for purposes of a particular rulemaking proceeding, the terms "small business" and "small organization" for purposes of the Trust Indenture Act of 1939 shall mean an issuer whose total assets on the last day of its most recent fiscal year were $2.5 million or less that is engaged or proposing to engage in small business financing. An issuer is considered to be engaged or proposing to be engaged in a small business financing under this section if it is conducting or proposing to conduct an offering of securities which does not exceed the dollar limitation prescribed by § 260.4a–2.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding § 270.0–10 to read as follows:

§ 270.0–10 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act [5 U.S.C. § 601 *et seq.*], and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization" for purposes of the Investment Company Act of 1940 shall mean an investment company with net assets of $50 million or less as of the end of its most recent fiscal year.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Part 275 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding § 275.0–7 to read as follows:

§ 275.0–7 Small entities for purposes of the Regulatory Flexibility Act.

(a) For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act [5 U.S.C. 601 *et seq.*], and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization" for purposes of the Investment Advisers Act of 1940 shall mean an investment adviser that:

(1) Manages assets with a total value of $50 million or less, in discretionary or non-discretionary accounts, as of the end of its most recent fiscal year and does not render other advisory services; or

(2) Solely, or in addition to managing assets of $50 million or less, renders other advisory services and the assets related to its advisory business, as shown in the balance sheet most recently filed by it with the Commission, do not exceed in value 50 percent of the average business-related assets for this type of investment adviser.[1]

(b) As used in this rule, the term "other advisory services" means the services referred to in Form ADV, Part II, item 1 (c) through (h).

[17 CFR 270.0–1].

Authority: The Commission hereby publishes for comment proposed Rules 157, 0–10, 110, 9–7, 0–9 and 0–7, 17 CFR 230.157, 240.0–10, 250–110, 260.9–7, 270.0–10 and 275.0–7 respectively, pursuant to chapter 6 of title 5 of the United States Code [and particularly section 601 thereof [5 U.S.C. 601]] and pursuant to the Securities Act of 1933 [15 U.S.C. 77a *et seq.* and particularly section 19 thereof [15 U.S.C. 77s]], the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.* and particularly section 23 thereof [15 U.S.C. 78w]], the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a *et seq.* and particularly section 20 thereof [15 U.S.C. 79t]], the Trust Indenture Act of 1939 [U.S.C. 77aaa *et seq.* and particularly section 319 thereof [15 U.S.C. 77sss]], the Investment Company Act of 1940 [15 U.S.C. 80a *et seq.* and particularly section 38 thereof [15 U.S.C. 80a–37]], and the Investment Advisers Act of 1940 [15 U.S.C. 80b–1 *et seq.* and particularly section 211 thereof [15 U.S.C. 80b–11]].

By the Commission.

George A. Fitzsimmons,

Secretary.

March 20, 1981.

(FR Doc. 81-9525 Filed 3-27-81; 8:45 am)

BILLING CODE 8010-01-M

[1] Size standard to be expressed in dollars in final rule.

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 19

Federal Interaction With Voluntary Standards Bodies; Procedures

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation, Department of Commerce.

ACTION: Proposed amendment to final rules.

SUMMARY: The Procedures on Federal Interaction with Voluntary Standards Bodies were published at 46 FR 1574, January 6, 1981 to become effective February 5, 1981. In response to President Reagan's Memorandum of January 29, 1981, the effective date of those procedures was postponed until March 30, 1981 by notice of rulemaking published at 46 FR 11657, February 10, 1981, and is being further postponed by similar notice appearing in this issue in the Rules section (see FR Doc 81–9524). This notice proposes (1) that the procedures be indefinitely supended pending reexamination, or (2) that the procedures be allowed to go into effect on an interim basis during the period of their reexamination.

DATES: Written comments are due on or before April 14, 1981.

ADDRESS: Comments should be mailed to Mr. Robert B. Ellert, Acting Assistant Secretary for Productivity, Technology and Innovation, Room 3864, U.S. Department of Commerce, Washington, D.C. 20230; or delivered to Room 3864, Main Commerce Building, 14th Street between Constitution and Pennsylvania Avenues, N.W., Washington, D.C., between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Ellert, Acting Assistant Secretary for Productivity, Technology and Innovation, Room 3869, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–5394; or Mr. Donald M. Malone, Deputy Assistant General Counsel for Productivity, Technology and Innovation, Room 3869, Department of Commerce, Washington, D.C. 20230, telephone (202) 377–5394.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued, on December 31, 1980, Part 19 of Title 15, entitled "Federal Interaction With Voluntary Standards Bodies; Procedures". This part appeared in the Federal Register for January 6, 1981 (46 FR 1574) with an effective date of February 5, 1981. These procedures were issued in response to Section 7a(1)(a) of OMB Circular A–119, entitled "Federal Participation in the Development and Use of Voluntary Standards". In response to President Reagan's Memorandum of January 29, 1981 entitled, "Postponement of Pending Regulations", the effective date of the procedures was postponed to March 30, 1981 (see 46 FR 11657, February 10, 1981). To allow time in which to complete the instant rulemaking proceeding, the procedures are being further postponed until April 29, 1981, by notice appearing elsewhere in this volume.

During the period of postponement ordered in the President's Memorandum of January 29, 1981, comments were received questioning the appropriateness of the procedures. A decision has therefore been made to reexamine these procedures, insofar as there is lawful discretion to do so. This notice proposes amending these procedures to do the following:

(1) Suspend the procedures indefinitely pending completion of reexamination of them; or

(2) Permit the procedures to go into effect on an interim basis during the period of their reexamination. This proposed amendment is understood to comply with the recommendations of the Office of Legal Counsel, U.S. Department of Justice, for conducting reexamination of a final rule which has not yet gone into effect.

Dated: March 25, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

The substance of our proposal is to amend FR Doc 81–254, published at 46 FR 1574, January 6, 1981, and Part 19 of Title 15 of the Code of Federal Regulations contained therein, as necessary to do the following:

(1) Suspend Part 19 indefinitely pending completion of reexamination of that part in the light of comments received during the period of postponement ordered in the President's Memorandum of January 29, 1981; or

(2) Allow Part 19 to go into effect on an interim basis during the period of its reexamination.

[FR Doc. 81-9524 Filed 3-30-81; 8:45 am]
BILLING CODE 3510-13-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–175; RM 3780]

TV Broadcast Stations in Arcata and Eureka, California; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF Television Channel 23 to either Arcata, California or Eureka, California, in response to a petition filed by Pentreed, Inc. The proposed channel could provide for a first commercial television service to Arcata, or a third television service to Eureka.

DATES: Comments must be filed on or before May 15, 1981, and reply comments on or before June 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 18, 1981.

Released: March 25, 1981.

In the matter of amendment of § 73.606(b), Table of Assignments, television broadcast stations (Arcata and Eureka, California); proposed rulemaking.

1. The Commission has under consideration a petition for rule making,[1] filed by Pentreed, Ltd. ("petitioner"), which seeks the assignment of UHF Television Channel 23 to Arcata, California, as that community's first commercial television assignment. Petitioner filed supporting comments, restating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Arcata (population 8,965),[2] in Humboldt County (population 99,692) is located along the northern California coast, 12 kilometers (7.3 miles) north of Eureka, California. It has no local television service.

3. Petitioner asserts that Arcata is the second largest city in the county. The population is said to have increased from 9,985 in 1970 to 12,479 in 1980, representing a 10-year growth rate of approximately 50%. According to Pentreed, the population is expected to increase with the completion of land annexations now underway. It states that the economy is supported by lumbering, paper and pulp manufacturing, commercial fishing, retail trade, services and local government. Petitioner further claims that Arcata, as a rapidly growing community with a prosperous and diversified economy deserves a first television channel assignment.

4. Given the proximity of Arcata to Eureka, we question which city the proposed channel would actually serve. Considering this aspect of the proposal, which the petitioner should address in its comments, the larger and more important city of Eureka (population 24,337) may be the more appropriate location for the assignment. See, *Oklahoma City, Oklahoma,* 44 FR 67664, published November 27, 1979. Typically the smaller community depends on the nearby larger community for the support necessary to operate a local television station. However, petitioner should note that the 15-mile rule (§ 73.607(b) of the Commission's Rules) could be utilized to permit the filing of an application to serve Arcata, if desired.

5. Accordingly, we propose the following alternative revisions in the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the communities listed below:

City	Channel No.	
	Present	Proposed
ALTERNATIVE I		
Arcata, Calif.		23
ALTERNATIVE II		
Eureka, Calif.	3-, 6-, *13-	3-, 6-, *13-, 23

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are

[1] *Public Notice* of the petition was given on October 2, 1980, Report No. 1251.

[2] Population figures are taken from the 1970 U.S. Census.

incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 15, 1981, and reply comments on or before June 4, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published Feb. 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-9330 Filed 3-27-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR PART 73

[BC Docket No. 81-174; RM-3789]

TV Broadcast Station, Joplin, Montana; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF television Channel 38 to Joplin, Montana, as its third television assignment in response to a petition filed by Garryowen Corporation.

DATES: Comments must be filed on or before May 15, 1981, and reply comments on or before June 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 16, 1981.

Released: March 25, 1981.

In the matter of amendment of § 73.606(b), Table of Assignments, television broadcast stations (Joplin, Montana); proposed rule making.

1. The Commission herein considers a petition for rule making [1] filed by Garryowen Corporation ("petitioner"),[2] which seeks the assignment of UHF television Channel 38 to Joplin, Montana. Petitioner expressed an interest in applying for the channel, if assigned. No oppositions to the proposal were received.

2. Joplin (pop. 506),[3] in Liberty County (pop. 2,359), is located approximately 112 kilometers (70 miles) northwest of Great Falls, Montana. It presently has two assignments: Channel 48 (construction permit for translator Station K48AI to be operated by petitioner) and Channel 54 (translator application pending).

3. Petitioner states that the proposed station operating as a 100 watt translator could provide a first full CBS network coverage to approximately 50,000 persons in Blaine, Hill, Toole,

[1] Public Notice of the petition was given on October 2, 1980, Report No. 1251.

[2] Licensee of television Stations KTVQ, Billings, Montana; KRTV, Great Falls, Montana; KXLF-TV, Butte, Montana; KPAX-TV, Missoula, Montana; and translator stations serving Lewiston, Montana (K13IX); Miles City, Montana (K10GF); Sheridan, Wyoming (K07HC); Helena, Montana (K08GK); Hardin, Montana (K08KF); Castle Rock and Lame Deer, Montana (K70ER); and Heath, Montana (K55AJ).

[3] Population figures are taken from the 1970 U.S. Census.

Liberty, Glacier, and Pondera Counties (representing 7.2 percent of Montana's population). It further claims that service is at a minimum in these sparsely populated counties. Petitioner submitted sufficient information to demonstrate the need for a third television assignment for translator use at Joplin. The channel could also be used to provide a first local commercial television service should the interest arise.

4. Since Joplin is located within 402 kilometers (250 miles) of the U.S. Canadian border, the proposed assignment of UHF television Channel 38 to Joplin, Montana, requires coordination with the Canadian Government.

5. In view of the foregoing, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the city of Joplin, Montana, as follows:

City	Channel No.	
	Present	Proposed
Joplin, Mont.	40,54-	38, 40, 54-

6. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 15, 1981, and reply comments on or before June 4, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections (4)(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel it is is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comment; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties of this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceedings will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-9831 Filed 3-27-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-176; RM-3745]

TV Broadcast Station, Orchard, Nebraska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF television Channel 16 to Orchard, Nebraska, as its first television assignment, in response to a petition filed by Virgil Pinkerman.

DATES: Comments must be filed on or before May 15, 1981, and reply comments on or before June 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 18, 1981.

Released: March 24, 1981.

In the matter of amendment of § 73.606(b), Table of Assignments, television broadcast station (Orchard, Nebraska); Proposed Rule Making.

1. The Commission herein considers a petition for rule making [1] filed by Virgil Pinkerman ("petitioner"), which seeks the assignment of UHF television Channel 16 to Orchard, Nebraska. Petitioner states that he will apply for the channel, if assigned. No opposition to the proposal were received.

2. Orchard (pop. 467),[2] in Antelope County (pop. 9,047) is located approximately 225 kilometers (140 miles) northwest of Omaha, Nebraska. It has no local television broadcast service.

3. Petitioner states that the economy is based on farming and small industry. He claims that the community, although small, is very progressive. The new development and projects will provide for an increase in population and create opportunities for additional employment. It further claims that the proposed assignment will bring a first television service to both the community and the county. Sufficient information was submitted to demonstrate the need for a first television assignment.

4. In view of the foregoing, the Commission proposes to amend the Television Table of Assignments (§ 73.606(b) of the Rules), with regard to the following community:

City	Channel No.	
	Present	Proposed
Orchard, Nebraska		16

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 15, 1981, and reply comments on or before June 4, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-9832 Filed 3-27-81; 8:45 am]
BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on September 19, 1980, Report No. 1248.

[2] Population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Parts 639 and 640

[Dockets Nos. 80-A and 80-B]

Proposed Withdrawal of Regulations; Buses

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of proposed withdrawal of regulations.

SUMMARY: The Urban Mass Transportation Administration (UMTA) issued regulations describing the Stockpiling of Buses and the Bus Rehabilitation grant programs on January 13, 1981, and January 19, 1981, respectively. President Reagan directed that the effective dates of these regulations be postponed until March 31, 1981, so that they could be reviewed to determine if they were necessary. UMTA has completed this review and proposes to withdraw these rules and instead to issue non-regulatory policy guidances on each topic. To afford the public an opportunity to comment on this action, the rules are being further postponed for 45 days.

DATE: The postponement of these rules for an additional 45 days is effective on March 31, 1981. Any written comments on the proposed withdrawals and issuance of non-regulatory guidances must be received on or before April 15, 1981.

ADDRESS: Comments must be submitted to UMTA Dockets Nos. 80–A (Bus Rehabilitation) or 80–B (Bus Stockpiling), 400 7th Street, S.W., Washington, D.C. 20590. All comments and suggestions received will be available for examination in room 9320 at the above address between 9:30 a.m. and 5:00 p.m., local time, Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with the comment.

FOR FURTHER INFORMATION CONTACT: John Collins, Assistant Chief Counsel for Legislation and Regulation, UCC–10, (202) 426–1906.

SUPPLEMENTARY INFORMATION: UMTA issued regulations describing the requirements for the Stockpiling of Buses and the Bus Rehabilitation grant programs on January 13, 1981, and January 19, 1981, respectively (46 FR 5480; 46 FR 9862). Pursuant to President Reagan's January 29, 1981, memorandum, on postponement of pending regulations, the Department of Transportation postponed the effective dates for these regulations until March 31, 1981 (46 FR 10706; February 4, 1981). The President directed the postponement of these and all other final rules that were not yet effective to give his Administration the opportunity to review and assess the need and burden of each.

UMTA has completed its review of these two regulations and proposes to withdraw them and substitute non-regulatory policy guidances for each. These guidances would be published in the form of an UMTA Circular in the "Notices" section of the Federal Register and would be based on the policies contained in the pending regulations.

The purposes of both the Bus Stockpiling and the Bus Rehabilitation regulations have transit industry support and increase grantee flexibility. UMTA has determined, however, that a regulation would not be required to accomplish either purpose. A policy guidance on each subject would let grantees know that UMTA will allow the emergency stockpiling of buses and the rehabilitation of buses without imposing burdensome requirements. Furthermore, policy guidances would allow for greater flexibility in dealing with special circumstances on a case-by-base basis. UMTA believes that this proposal is in keeping with President Reagan's policy of reducing regulatory burdens on the public.

Although UMTA has come to some tentative conclusions on withdrawing these regulations, we seek the advice of the public on these actions. Therefore, UMTA will permit a 15-day comment period on the proposed withdrawal of these regulations. Within an additional 30 days, UMTA will withdraw the pending regulations and issue non-regulatory policy guidances for each unless convincing new information is submitted justifying a different course of action. In order to allow for the submission of comments and development of policy guidances, the Bus Stockpiling and Bus Rehabilitation regulations are being postponed for an additional 45 days.

During this additional postponement period, UMTA will continue to fund projects under both grant programs on a case-by-case basis. Until the non-regulatory policy guidances are issued, applicants for funds should use the policy contained in the pending final rules for each program as guidance in the development of grant applications.

Since the covered regulations are scheduled to become effective shortly, additional notice and public participation on the change of effective dates is impractical, unnecessary, and contrary to the public interest and good cause exists for making these postponements effective immediately.

Neither of these pending regulations nor their postponement are "major actions" within the meaning of Executive Order 12291. Regulatory evaluations for both regulations continue to be available for inspection in the public docket (80–A, Bus Rehabilitation; and 80–B, Bus Stockpiling), Room 9320, 400 7th Street, Washington, D.C. 20590. Copies of each evaluation may be obtained by writing to the above address.

The effective dates of the following regulations are postponed until May 15, 1981 in a final rule document appearing in today's issue.

Title	Citation	Previously scheduled effective date
Stockpiling of buses (UMTA Docket 80–B) 49 CFR pt. 639.	46 FR 5480; Jan. 19, 1981.	Mar. 31, 1981.
Bus rehabilitation program (UMTA Docket 80–A) 49 CFR pt. 642.	46 FR 9862; Jan. 29, 1981.	Mar. 31, 1981.

(49 U.S.C. 1602 and 1604; 23 U.S.C. 103 and 142; 49 CFR 1.51)

Issued in Washington, D.C. on: March 25, 1981.

Carole Feryst,

Acting Administrator, UOA–1 Urban Mass Transportation Administration.

[FR Doc. 81-9697 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-57-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1052

[Ex Parte No. MC–42] [1]

Handling of C.O.D. Shipments [2]

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory c.o.d. collection and remittance rules and to eliminate the requirements in existing recordkeeping. By this action, the Commission intends to promote efficient operation through individually tailored rules and to promote competition which should produce better c.o.d. service.

DATE: Comments of interested persons will be due May 14, 1981.

ADDRESS: An original and 15 copies of comments should be sent to: Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

[1] The petition filed January 17, 1980, by Mistletoe Express Service for an exemption is consolidated for disposition here.

[2] This corrects the Notice served March 19, 1981, and published in the Federal Register on March 20, 1981, at 46 FR 17814.

SUPPLEMENTARY INFORMATION:

Remittance Period

The present regulations for the handling of cash-on-delivery (c.o.d.) funds (49 CFR 1052) were promulgated in 1949. *Handling of C.O.D. Shipments*, 51 M.C.C. 5 (1949). Among other things, these rules require that c.o.d. monies collected by carriers will be remitted directly to the consignor or other payee designated by the consignor within 10 days following delivery and, at the same time, the delivering carrier will notify the originating carrier, if an interline movement, of the remittance (49 CFR 1052.3).

We propose to remove this rule and to substitute a rule authorizing each carrier offering c.o.d. service to publish its own non-discriminatory c.o.d. provisions in its tariff.

The rule requiring remittance of c.o.d. funds within 10 days after delivery has been in effect since 1949. In recent years, fewer carriers have been eager to undertake c.o.d. service and it is not as available as it once was. It may be that the 10 day remittance requirement, among other things, discourages carriers from providing the service. Recently, the Commission was informed by Mistletoe Express Service that it was unable to streamline its operation to meet the 10 day deadline.[3]

Under our proposal, a carrier in this situation will be able to publish a remittance period which is practical for its operation. On the other hand, other carriers could remit c.o.d. funds faster and specify a shorter remittance period. We believe that this freedom to publish individual c.o.d. rules will create an opportunity for additional carriers to offer c.o.d. service to the public. In an era of inflation and high interest rates, a carrier which remits c.o.d. funds promptly offers very desirable service.

We also believe that our proposal is consistent with the trend in motor carrier regulation evidenced by the Motor Carrier Act of 1980, Pub. L. 96-296. That Act amended the national transportation policy, 49 U.S.C. 10101(a), to include:

> With respect to transportation of property by motor carrier, to promote competitive and efficient transportation services in order to (A) meet the needs of shippers, receivers, and consumers; (B) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping public; * * *

Individual c.o.d. handling rules should enable each carrier to operate more efficiently. Each carrier may tailor its c.o.d. rules to coordinate best with its own operations.

We recognize that the length of time carriers retain c.o.d. funds is of extreme importance to shippers and that freedom to extend the remittance time could be used to discourage c.o.d. transportation. In accordance with our findings in *C.O.D. and Freight Collect Shipments*, 356 I.C.C. 37 (1976), and our conviction that c.o.d. service is a necessary part of motor transportation services, we are willing to investigate claims by shippers that reasonable c.o.d. service or alternative service (perhaps order-notify) is not available. We are, nonetheless, confident that increased entry and service competition will ensure adequate levels of c.o.d. service. Whatever provisions determined by a carrier (we hope in consultation with its c.o.d. shippers) to be necessary must be applied on a non-discriminatory basis. The size of a shipper or the amount of c.o.d. funds involved are not proper grounds for establishing different remittance periods or different procedures (e.g., amounts of cash accepted, acceptance of checks payable to the consignor).

The majority of shippers and carriers[4] who commented on the Sub-No. 1 proceeding expressed concern regarding the problems of late transmittals, costs involved in the tracing of C.O.D. remittances, co-mingling of funds and lost remittance in the event of a motor carriers bankruptcy. Each expressed support for the proposed revision in 49 CFR 1052.3(b) which read:

> All checks and money orders must be made payable to the consignee or to the party indicated on the bill of lading on shippers orders as payee.

Under this proposal the consignee would cut two checks (money order, bank check, or certified check) one made payable to the consignor, a second equalling freight charges and the C.O.D. fee made payable to the carrier.[5] This proposal, the commentors believe, would ameliorate or eliminate the major C.O.D. problems. Therefore, we ask again for comments on whether to adopt this rule (renumbered) in the event our proposal to eliminate most of our current C.O.D. regulations is approved.

We also believe that the second part of § 1052.3, requiring notification of remittance to the originating carrier in a joint movement at the time the remittance is made, should be removed. Matters such as these involving day-to-day carrier relations are more appropriately resolved by the carriers themselves. To the extent connecting carriers need this, or other similar information, we are confident that they will develop procedures that meet their needs.

Carriers offering c.o.d. service will be required to publish their c.o.d. handling rules in their tariffs. As discussed above, the rules must apply to all of the carrier's c.o.d. shipments and would be subject to protest upon filing. The rules may include as many optional services as may be desirable or needed by particular shippers (e.g. clear shipper notation requirement, acceptance of cash versus checks, maximum cash accepted), and, if appropriate, contain reasonable charges for the various services. The restrictions imposed on rate bureau activities in Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus-Implementation of Pub. L. 96-296, 364* I.C.C. *464*, served December 30, 1980, will be applicable, as pertinent, to collective establishment of c.o.d. rules.

We are also proposing to repeal 49 CFR 1052.4, which requires that a separate record of all c.o.d. shipments be kept and that it contain certain information. Considering the need for business to maintain complete records in the case of customer inquiry or problem, we question the necessity of a rule to accomplish the same thing. Unless the carriers believe it useful, we see no need for a separate listing for c.o.d. shipments.

It is proposed that § 1052.3 of Part 1052, Subchapter A, Chapter X of Title 49 of the Code of Federal Regulations be revised to read as follows:

§ 1052.3 Collection and remittance.

Every common carrier of property subject to the Interstate Commerce Act, except as otherwise provided in § 1052.1, which provides any c.o.d. service must publish and maintain a tariff or tariffs which set forth non-discriminatory rules governing the collection and remittance of c.o.d. funds.

§ 1052.4 [Removed]

It is also proposed that § 1052.4 be removed.

The proposed rules not appear to affect significantly the quality of the human environment, the conservation of resources or small business. However, comments on this issue are welcome.

This notice of proposed rulemaking is issued under authority contained in 49

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[3] As a result of this proposal, we will not consider Mistletoe's request further. In any case, the rules provide for no exceptions and a rule change would have been necessary to grant the request.

[4] Admiral Merchants Freight, Inc.; A-T-O Inc.; Freightways Express Inc. M-T Express, Inc.; Roadway Express, Inc.; Shippers National Freight Claim Council, Inc.; National Industrial Traffic League; Outboard Marine Corporation; Bayview Trucking, Inc.

[5] This rule closely parallels Item 430 of the National Motor Freight Classification Tariff, 100-E, except for the provision requiring a carrier to collect and remit to a designated party other than the original shipper. This may impose a slightly additional, although by no means overly burdensome obligation on the carrier.

U.S.C. 10101, 10321, 10762, 11101, and 5 U.S.C. 553.

Decided: March 9, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham concurring.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-0000 Filed 3-27-81; 8:45 am]
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49 CFR Parts 1245 and 1246

[No. 37025]

Revisions to the Preliminary Report of Number of Employees, of Class I Railroads and the Report of Employees, Service, and Compensation, Filed by Class I Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to revise the monthly and annual report forms pertaining to the compensation, service hours, and number of Class I railroad employees. The monthly Report of Employees, Service, and Compensation (RESC) and the Preliminary Report of Number of Employees of Class I Railroads (PNOE) would be combined, streamlined, and entitled "Monthly Report of Railway Employees, Service, and Compensation." The annual Report of Employees, Service, and Compensation would be similarly streamlined and entitled "Annual Report of Railway Employees, Service, and Compensation." These revisions would update the report forms to better reflect modern reporting divisions. It would also reduce the reporting burden by requiring carriers to report only information pertinent to Commission's needs and by requiring only one monthly report.

DATES: Comments should be filed on or before May 14, 1981.

ADDRESS: Send comments with 10 copies to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

For complete copies of the notice call: 800-424-5403.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Chief, Section of Accounting and Reporting (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission presently requires Class I line-haul railroads to file the RESC monthly and annually. The Commission uses data from these reports to publish Statement No. 300, Wage Statistics of Class I Railroads in the United States, annually. These railroads are also required to file the PNOE, monthly, which the Commission uses to publish Statement No. 350, Report of Railroad Employment—Class I line-haul Railroads, on a monthly basis. Requiring these periodic reports are within the scope of 49 U.S.C. 10708.

On 3/1/79, the Commission published a Final Rule in this proceeding (44 FR 11551) which revised the annual RESC and the monthly PNOE, and eliminated the monthly RESC. The revisions were to have been effective 7/1/79. The Railway Labor Executives' Association (RLEA) raised objections concerning several job titles and the elimination of the monthly RESC. This caused the Commission to suspend the proposed effective date of the rule, reopen the proceeding, and schedule an informal conference for 5/15/79. Notice of this action was published on 5/1/79 (44 FR 25457).

The informal conference was held on its scheduled date at the Commission, Washington, D.C., and continued on 7/24/79 and 8/15/79. Industry and labor representatives were requested to meet and reach an agreement on the classification of job titles.

Industry and labor represented by the Association of American Railroads (AAR) and the RLEA, respectively, met on 5/24/79 and 6/12/79. The two parties reached some agreement. However, they did not agree on several job titles. Both the AAR and the RLEA submitted comments to the Commission.

The Commission reviewed those comments and prepared a staff proposal, which was forwarded to the AAR, the RLEA, the Bureau of Labor Statistics (BLS), the Railroad Retirement Board (RRB), Office of Labor Management Relations-Department of Labor (LMR), the National Mediation Board (NMB), and the National Railway Labor Conference (NRLC). The Commission received comments from all of these organizatons except the NMB. The American Railway Supervisors Association also filed comments stating disagreement with the RLEA on the classification of several job titles.

We have reviewed all the comments and propose the following:

I. Classification of Job Titles

We revised the classification of job titles to include the changes agreed upon by the AAR and the RLEA. Disputed items were classified following the guideline that job titles should not be reclassified unless the need for change was specifically explained by one of the parties. New titles have been added and obsolete titles have been deleted, as appropriate.

The Commission's classification of railroad employees was never intended to set up jurisdictional lines for the several occupations or defined duties. As stated by the United States Railway Labor Board in its Wage Series No. 2, published in May, 1921:

"The Occupational Classification is in no way and under no circumstances to be interpreted by the Board, by the Interstate Commerce Commission, by the railroads or by other interested parties, as setting up jurisdictional lines for occupations, or as limiting the kinds of work which employees may perform or the duties which they may assume. In preparing the Occupational Classification, the Board has not aimed to standardize for the railroads the occupational duties assigned to, or the kinds or work performed by their employees, and nothing in the classification nor in the report forms is to be construed in this light."

The new classifications are set forth in Appendix B with description, typical titles, and relation to the present classification.

II. The Monthly Report of Employees, Service, and Compensation, and the Preliminary Report of Number of Employees of Class I Railroads

We propose to combine the monthly PNOE and the monthly RESC, substantially reduce the report's data elements, and entitle the new report "Monthly Report of Railway Employees, Service, and Compensation." This will result in a reduction in the number of reporting requirements. The proposed report is shown in Appendix D.

In our suspended Final Rule published on 3/1/79, the monthly PNOE required that the middle-of-the-month count be broken down between male and female at the request of the BLS. During the informal conference, it was disclosed that the RRB collects this data. With the understanding that BLS can obtain this information from the RRB, we eliminated this requirement. Accordingly, this data is not reflected in the newly designed monthly RESC.

The suspended Final Rule would have also changed the RESC's filing requirement from monthly and annually to annually only. However RRB objected to this because Section 2(h)(3) of the Railroad Unemployment Insurance Act requires them to use the Commission's employment data, some of which is needed monthly. We also need this data monthly. Therefore, the revised report form is required to be filed monthly, and

although it has been streamlined, it should satisfy data needs.

III. Annual Report of Employees Service and Compensation

We propose to streamline this report and change the title to "Annual Report of Railway Employees, Service, and Compensation." This report, as set forth in Appendix C, is very similar to the above mentioned monthly report.

Therefore, we propose to adopt the classification of job titles and the revised annual and monthly RESC reports as shown in Appendices B, C & D.

Accordingly, effective January 1, 1982, we propose to revise 49 CFR 1245 and 49 CFR 1246 as set forth in Appendix A.

This action does not significantly affect the quality of the human environment or the conservation of energy resources, nor has any significant effect on small business.

This action is proposed under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: March 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix A

PART 1245—CLASSIFICATION OF RAILROAD EMPLOYEES; REPORTS OF SERVICE AND COMPENSATION

Revise title and text of 49 CFR 1245.2—Report of service and compensation of railroad employees by class—to read:

§ 1245.2 Reports of railway employees, service and compensation.

Beginning with January 1, 1982, and monthly thereafter until further ordered, each Class I line-haul railroad is required to file a Monthly Report of Railway Employees, Service, and Compensation, (Form RSCM). In addition, such carriers shall also file an Annual Report of Railway Employees, Service, and Compensation, (Form RSCA) for each calendar year. Both reports shall be filed with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within thirty days for the monthly report, and forty five days for the annual report, of the close of the reporting period.

Revise title and text of 49 CFR 1245.4(a) and (b) to read:

§ 1245.4 Forms required to be used.

(a) The report of information to the Interstate Commerce Commission on railroad employees, their service and compensation includes two forms. Form A relates to employees other than train and engine service employees. Form B relates to train and engine service employees.

(b) With general reference to the statement of the compensation of employees in Forms A and B, it should be understood that the total compensation received by the employees in each Reporting Division, as well as the amount of work they perform, should be shown properly distributed under the prescribed column heads as indicated by the forms. It should be noted that if the work of an employee varies during a report period, his time and compensation should be apportioned accordingly. Amounts reported should be gross compensation paid.

* * * * *

§ 1245.5 [Removed].

Remove 49 CFR 1245.5 *Explanatory instructions pertaining to form A-Column 1.*

§ 1245.6 [Removed].

Remove 49 CFR 1245.6 *Explanatory instructions pertaining to form B-Column 1.*

§ 1245.7 [Removed].

Remove 49 CFR 1245.7 *Appendix—Forms A and B.*

PART 1246—[REMOVED]

Remove 49 CFR 1245—Number of Railroad Employees.

Appendix B

No.	Classification	Description	Typical titles	Relation to present classification
100	*Executives, Officials, and Staff Assistants:*			
101	Executives and General Officers	Chief executives, corporate department heads and major subdepartment heads.	President, Vice President, Assistant Vice President, Controller, General Counsel, Treasurer, Director (head of subdepartment), General Superintendent (subdepartment head), Chief Engineer, General Manager (department or Subdepartment head), Chief Medical Officer.	More precisely defined than present No. 1, limited to executive management positions; adds new titles.
102	Corporate Staff Managers	Corporate executives and managers assisting department and subdepartment heads.	Director (other than subdepartment head), Assistant Director, Assistant General Manager (not regional), Manager, Assistant Manager, Assistant Chief Engineer, Purchasing Agent, assistant General Counsel, Superintendent (not division), Assistant to (corporate executive or general officer), Executive Assistant (to corporate executive) Budget Officer.	New classification, providing a specific assignment for staff managers; adds new title.
103	Regional and Division Officers, Assistants and Staff Assistants.	Regional managers and assistants below the executive management level, and chief division officers.	Assistant General Manager, Assistant Regional Manager, General Superintendent, Assistant to General Manager, Division Superintendent, Master Mechanic, Division Sales Manager, District Sales Manager, Assistant Master Mechanic, District Engineer, Assistant Superintendent, Captain of Police, Division Engineer.	Similar to present No. 2 but limited to regional and divisional management; adds new title.
104	Transportation Officers/Managers	Managers directly supervising train and yard operations.	Train Master, Assistant Training Master, General Yardmaster, General Road Foreman, Road Foreman, assistant Road Foreman, Chief Power Supervisor (motive).	New classification providing specific assignment for Operations Managers.
200	*Professional and Administrative:*			
201	Professionals (other than those reported in 101 and 102).	Technical occupations requiring a high degree of training and/or supervising subprofessionals and technicians.	General Attorney, Assistant General attorney, Attorney, Commerce Counsel, Medical Officer, Surgeon, Company Surgeon, Engineer, Architect, Chief Chemist, Nurse,	Corresponds to present ICC No. 3, but limited to professionals; adds new titles.

No.	Classification	Description	Typical titles	Relation to present classification
			Tax Accountant Internal auditor to General Accountant, Corporate Accountant, Supervisor Programing, Senior Computer System Specialist Senior System Analyst, Chief Draftsman.	
202	Subprofessionals	Technical occupations requiring a high degree of knowledge and/or skill.	Draftsman, Chemist, Assistant Chemist, X-ray Technician, Supervisor Estimating, Junior Engineer, Engineering Trainee, Photographer, Computer Programmer, Computer Analyst, Market Analyst, Pricing Analyst, Employment Supervisor, Research Analyst.	Corresponds to present ICC No. 3 but limited to subprofessionals; adds new titles.
203	Auditors, Traveling Auditors or Accountants	Title is descriptive	Traveling Auditor, Accounting Specialist Auditors, Operations Traveling Auditors, Station Auditors.	Corresponds to present ICC No. 13.
204	General and administrative Supervisors	Supervisors responsible for administrative activity of a department, subdepartment, office or region.	General Supervisor, Supervisor, Chief Clerk, Office Supervisors, Supervisor Administration, Office Manager, Supervising Clerk, Head Clerk, Assistant Chief Clerk, Supervising Cashier, Division Supervisor, Regional Supervisor, Budget Supervisor, Administrative Supervisor, Manager of Materials, Administrative Assistant.	Consolidation of present ICC Nos. 4 and 5; adds new titles.
205	SAles and Traffic Representatives and Agents.	Non-supervisory occupations with predominant responsibilities for sales and customer relations.	Freight Traffic Agent, Coal Traffic Agent, Sales Representative, Freight Sales Representative, Freight Traffic Representative, Passenger Sales Representative.	New classification, containing a portion of present ICC No. 19; adds new titles.
206	Freight and Other Claim Agents and Investigators.	Occupations which have predominant duties investigating and handling freight and personal injury claims.	Claim Agent, Claim Investigator, Freight Claim agent, Freight Claim Investigator.	Consolidates present ICC Nos. 20 and 21; adds new titles.
207	Supervising and Chief Claim	Title is descriptive	Chief Claim agent, Chief Freight Claim Agent, Assistant Chief Claim Agent, Chief District Claim Agent, District Freight Claim Agent, Chief Claim Investigator.	Corresponds with present ICC No. 22.
208	Lieutenants and Sergeants of Police	Title is descriptive	Police Lieutenant, Police SErgeant	Corresponds to present ICC No. 17.
209	Police Officers, Watchmen and Guards (Except Crossing and Bridge).	Title is descriptive	Police Officer, Patrolman, Watchman, Guard	Corresponds with present ICC No. 18.
210	Inspectors (Except Maintenance of Way and Equipment), Other Investigators, Examiners, Instructors, and Other agents (Except Station Agents).	Miscellaneous occupations which have predominant duties of investigating, inspecting, reviewing, and instructing and which require a high degree of technical knowledge.	Rules Examiner, Supervisor Rules, Safety Supervisor, Safety Inspector, Fire Marshall, Fire Chief, Instructor, Supervisor Procedures, Supervisor Yard Procedures, Real Estate Agent, Real Estate Supervisor, Tax Agent.	Classification for a portion of similar occupations included in present ICC No. 19; adds new titles.
211	Buyers, and Sales Agents	Occupations whose duties are predominantly the purchase, sale, of company materials, supplies, and equipment.	Buyer, assistant Buyer, Sales Agent, Assistant Sales Agent.	Corresponds to present ICC No. 11 with materials and stones occupations omitted.
212	Clerical Technicians and Clerical Specialists	Clerical occupations with duties to perform independently responsible work requiring special financial cost, accounting, or other technical knowledge.	Lead Clerk, Staff Assistant (clerical), Statistician, Cashier, Teller, Assistant Statistician, Rate Clerk, Pricing Clerk, Computer Technician.	Corresponds to present ICC No. 6, adds new title.
213	Office Machine and Data Equipment Operators.	Occupations with predominant duties of operating office machines and computer equipment.	Machine Operator, Clerk, Computer Operator, Keypunch Operator, Office Machine Technician.	Corresponds to present ICC No. 8; adds new titles.
214	Secretaries, sTenographers, and Typists	Secretaries, Stenographers, and Typists	Secretary, Stengrapher, Typists, Clerk Typist, Steno-clerk.	Corresponds to present ICC Nos. and 10.
215	General and Other Clerks (excluding yard clerk and crew dispatcher).	Clerical occupations not otherwise classified	File Clerk, General Clerk, Bookkeeper, Ticket Clerk, Records Clerk, Trace Clerk, Assignment Clerk, Personnel Clerk, M of W Clerks, M of E Clerks.	Corresponds to present ICC No. 7; adds new titles.
216	Telephone and Switchboard Operators	Title is descriptive	Switchboard Operator, Chief Operator	Present ICC No. 14.
217	Building and Office attendants	Miscellaneous occupations associated with office building functions.	Elevator Operator, Elevator Starter, Janitor, Cleaner, Porter.	Consolidates present ICC Nos. 16 and 26.
218	Messengers and Office Persons	Title is descriptive	Messenger, Office Person	Present ICC No. 15.
219	Motor Vehicle Operators	Occupations associated with automobile and truck driving.	Truck driver, Bus Driver, Driver, Chauffeur	Consolidates present ICC Nos. 24 and 25.
300	*Maintenance of Way and Structure:*			
301	Supervisors, Maintenance of Way, Structures, Communication and Signals.	Occupations with supervisor responsibility for maintenance of way and structures (other than regional and divisional officers).	Roadmaster, Division Roadmaster, Supervisor Track, Supervisor Bridges and Buildings, Supervisor Communications and Signals, Assistant Supervisor, General Foreman (MW&s), Assistant General Foreman (MW&S), Master Carpenter.	Corresponds with present ICC Nos. 27 and 44.
302	Maintenance of Way, Structures, Communication and Signals, and Scale Inspectors.	Title is descriptive	Chief Bridge and Building Inspector, Chie Scale Inspector, Bridge and Building Inspector, Scale Inspector, Roadway Equipment Inspector, Track and Roadway Inspector, Instrument Man, Rodman, Chainman, Inspector Communications and Signals, Signal Inspector.	Corresponds with present ICC No. 28 plus part of old No. 44.
303	Bridge and Building Gang Foreman	Title is descriptive	Gang Foreman, Lead Workman	Consolidates present ICC No. 29 with bridge and building portion of present ICC No. 39.
303	Bridge and Building Carpenters	Title is descriptive	Carpenter	Corresponds with present ICC No. 30.
305	Bridge and Building Ironworkers	Title is descriptive	Ironworker	Corresponds with present ICC No. 30.
306	Bridge and Building Painters	Title is descriptive	Painter, Sign Painter	Corresponds with present ICC No. 32.
307	Masons, Bricklayers, Plasterers, and Plumbers.	Title is descriptive	Mason, Bricklayer, Plasterer, Plumber, Operator, Grinder, Welder (M of W).	Corresponds with present ICC Nos. 23 and 33.

No.	Classification	Description	Typical titles	Relation to present classification
308	Bridge and Building Helpers and Apprentices	Title is descriptive	Carpenter Helper, Ironworker Helper, Mason Helper, Plumber Helper, Painter Helper, Apprentice Carpenter, Apprentice Ironworker, Apprentice Mason, Plumber Apprentice, Apprentice Painter, Welder Helper.	Corresponds with present ICC No. 34; adds new titles.
309	Bridge and Building Gang and Bridge and Building Department Laborers.	Title is descriptive	Bridge and Building Laborer	Corresponds with present ICC No. 43.
310	Track Gang Foremen (Extra Gang work train laborers).	Title is descriptive	Gang Foreman, Assistant Foreman	Corresponds with present ICC No. 38.
311	Gang or Section Foremen	Title is descriptive	Gang Foreman, Assistant Foreman, Section Foreman.	Corresponds with present ICC No. 40.
312	Extra Gang Laborer	Title is descriptive	Tackman, Fence Laborer	Corresponds with present ICC No. 41.
313	Section Laborer	Title is descriptive	Trackmen, Track and Roadway Section Laborer.	Corresponds with present ICC No. 42.
314	Machine Operators	Title is descriptive	Craneman, Portable Equipment Engineer, Portable Equipment Operator, Machine Operator, Helper.	Consolidates present ICC Nos. 36, 39 and 37.
315	Gang Foremen, Communications and Signals.	Title is descriptive	Gang foreman, Assistant Gang Foreman, Lead Signal Maintainer.	Consolidates present ICC No. 46 with communications and signals occupations included in present ICC No. 38.
316	Signalmen and Signal Maintainers	Title is descriptive	Signalman, Signal Maintainer	Corresponds with present ICC No. 48.
317	Linemen and Groundmen and Communications Craftsmen.	Communications equipment installers, maintainers, and repairmen.	Electrical Worker (Lineman), Electrical Worker (Groundman), Communications maintainer.	Title is descriptive47.
318	Assistant Signalmen and Assistant Signal Maintainers.	Title is descriptive	Assistant Signalman, Assistant Signal Maintainer.	Corresponds with present ICC No. 48.
319	Signal Helpers and Signal Maintainer Helpers.	Title is descriptive	Signalman Helper, Signal Maintainer Helper	Corresponds with present ICC No. 48.
320	Camp Car Cooks	Occupations engaged in food service in camp cars.	Camp Car Cook, Camp Car Helper	Corresponds with present ICC No. 97.
400	*Maintenance of Equipment and Stores:*			
401	Supervisors and General Foremen, Maintenance of Equipment.	Occupations with supervisory responsibility for maintenance of equipment (other than regional and division officers).	General Foreman Shop, General Foreman Enginehouse, General Foreman Diesel Terminal, Assistant General Foreman (M of E).	Corresponds with present ICC No. 50; adds new titles.
402	Supervisors and General Foremen, Materials and Stores.	Occupations with supervisory responsibility for stores and materials.	Supervisor Materials, Assistant Supervisor Materials, General Foreman Stores, General Foreman Reclamation Plant, Assistant General Foreman.	Corresponds with present ICC No. 51; adds new titles.
403	Equipment, Shop, Electrical Inspectors	Title is descriptive	Chief Electrical Inspector, Chief Shop and Equipment Inspector, Electrical Inspector, Electrical Inspector, Equipment Inspector, Inspector Diesel Locomotive, Fuel Inspector.	Corresponds with part of present ICC No. 52.
404	Materials and Supplies Inspectors	Title is descriptive	Materials and Supplies Inspector, Chief Materials and Supplies Inspector, Timber Inspector, Tie Inspector.	Corresponds with part of present ICC No. 52.
405	Storekeeper	Title is descriptive	Storekeeper, Assistant Storekeeper, Materials Clerk, Store Clerk.	Corresponds to materials and stores occupation in present ICC No. 11.
406	Gang Foreman, Maintenance of Equipment	Title is descriptive	Gang Foreman	Consolidates present ICC Nos. 59 and 66.
407	Blacksmiths	Title is descriptive	Blacksmith	Corresponds with present ICC No. 54.
408	Boilermakers	Title is descriptive	Boilermaker	Corresponds with present ICC No. 55.
409	Carmen (Freight)	Repair and inspect freight cars	Car Repairmen, Car Inspector, Carmen, Painter.	Corresponds with present ICC No. 57.
410	Carmen (Other)	Title is descriptive	Carmen	Corresponds with present ICC No. 58.
411	Electrical Workers (A)	Electricians	Electrician, Electrical Worker	Corresponds with present ICC No. 58.
412	Electrical Workers (B)	Electrical workers—occupations specialized in operating heavy equipment.	Crane Operator, Load Dispatcher, Power Station Operator, Assistant Power Director.	Corresponds with present ICC No. 59.
413	Electrical Workers (C)	Electrical workers—occupations specialized in heavy equipment operating at coal, grain, and ore docks.	Coal and Ore Elevator Operator (electrical), Grain Elevator Operator (electrical).	Corresponds with present ICC No. 60.
414	Machinists	Title is descriptive	Machinist	Corresponds with present ICC No. 61.
415	Sheet Metal Workers	Title is descriptive	Sheet Metal Worker	Corresponds with present ICC No. 63.
416	Skilled Trades, Helpers, Maintenance of Equipment.	Title is descriptive	Helper	Corresponds with present ICC No. 64.
417	Apprentices, Maintenance of Equipment and Stores.	Title is descriptive	Apprentice, Helper Apprentice	Consolidates present ICC Nos. 65 and 66.
418	Coach Cleaners	Title is descriptive	Coach Cleaner	Corresponds with present ICC No. 67.
420	Laborers: Shops, Enginehouses, and Power Plants.	Title is descriptive	Laborer	Consolidates present ICC Nos. 70 and 71.
420	Gang Foreman, Materials and Stores	Title is descriptive	Gang Foreman	Corresponds with present ICC No. 68.
421	Equipment Operators and General Laborers, Materials and Stores.	Title is descriptive	Laborer, Materials Handler, Equipment Operators, Machine Operators.	Corresponds with present ICC No. 72, plus part of ICC No. 24.
422	Stationary Engineers	Title is descriptive	Chief Engineer (Steam Plant), Engineer, Stationary Engineer.	Corresponds with present ICC No. 73.
423	Stationary Fireman	Title is descriptive	Stationary Fireman, Power Equipment Operator Helper, Oiler.	Corresponds with present ICC No. 74.
500	*Transportation, Other Than Train and Engine:*			
501	Transportation Supervisor and Chief Train Dispatcher.	Occupation directly supervising train operation.	Chief Train Dispatcher, Supervisor Train Operations, Transportation Supervisor, Supervisor Train Operations, Supervisor Locomotive and Car Distribution, Assistant Chief Train Dispatcher.	Corresponds with present ICC No. 75; adds new titles.
502	Train Dispatchers	Title is descriptive	Train Dispatcher	Corresponds with present ICC No. 76.

No.	Classification	Description	Typical titles	Relation to present classification
503	Station, Freight and Passenger Agents	Occupations with responsibility for station operations.	Supervising Station Agent, Assistant Supervising Station Agent, Station Agent, Freight Agent, Passenger Agent, Ticket Agent, Traveling Agent, Agent Operators.	Consolidates present ICC Nos. 12, 78, 79, and 80.
504	Chief Operators and Wire Chiefs	Title is descriptive	Supervising Operator, Chief Operator, Assistant Supervising Operator, Wire Chief.	Corresponds with present ICC No. 81.
505	Clerk Operators, Towerman, Train Directors	Title is descriptive	Clerk Operator, Block Operator, Operator, Towerman, Train Directors.	Consolidates present ICC Nos. 77, 82 and 83.
506	Station Masters and Assistants, Supervising Baggage Agents, Baggage Agents and Assistants.	Title is descriptive	Stationmaster, Assistant Stationmaster, Supervising Baggage Agent, Baggage Agent, Assistant Baggage Agent, Parcel Room Agent.	Consolidates present ICC Nos. 84, 85 and 86.
507	Baggage, Parcel Room and Station Attendants.	Title is descriptive	Baggage Attendant, Parcel Room Attendant, Station Attendant, Gateman, Announcer, Station Usher, Red Cap, Information Bureau Attendant.	Corresponds with present ICC No. 87.
508	General and Assistant General Foremen, Stations, Warehouses, Grain Elevators, and Docks.	Title is descriptive	General Foreman, Assistant General Foreman.	Consolidates present ICC Nos. 88 and 89.
509	Gang Foremen, Stations, Warehouses, Grain Elevators and Docks.	Title is descriptive	Gang Foreman	Corresponds with present ICC No. 90.
510	Grain Elevator, and Dock Laborers	Title is descriptive	Laborer	Consolidates present ICC Nos. 93 and 94.
511	Station, and Warehouse Laborers	Title is descriptive	Loader, Sealer	Corresponds with present ICC No. 91.
512	Truckers (Station, Warehouse and Platforms)	Title is descriptive	Trucker	Corresponds with present ICC No. 92.
513	Food and Lodging Manager, Supervisors	Occupations with responsibility for supervision of food service or lodging.	Manager Lodging House, Restaurant Manager, Dining Car Supervisor, Dining Car Steward.	Corresponds with present ICC No. 95.
514	Transportation and Dining-Service Inspectors	Title is descriptive	Instructor Chef, Restaurant Inspector, Freight Service Inspector, Baggage Inspector.	Corresponds with present ICC No. 96.
515	Waiters and Kitchen Helpers (Restaurant and Dining Car).	Title is descriptive	Waiter-in-charge, Waiter	Corresponds with present ICC No. 97.
516	Chefs and Cooks (Restaurant and Dining Car).	Title is descriptive	Chef, Cook	Corresponds with present ICC No. 98.
517	Marine Officers and Workers and Shore Workers.	All occupations with predominant duties which are the operation of marine service.	Captain, Engineer, Mate, Deckhand, Oiler Purser, Boat Mater, Fireman, Wharf Master, Able Seamen, Baggagemen, Boat Dispatcher.	Corresponds with present ICC No. 99.
518	Train Attendants	Passenger train occupations other than train service and dining car operation.	Porter, Buffet Lounge Attendant, Stewardess	Consolidates present ICC Nos. 100 and 101.
519	Bridge Operators and Helpers	Title is descriptive	Bridge Operator	Corresponds with present ICC No. 102.
520	Bridge and Crossing Flagmen and Gatemen	Title is descriptive	Bridge Flagman, Crossing Gateman	Corresponds with present ICC No. 103.
521	Yard Clerks	Clerical occupations situated in yards and yard offices.	Yard Clerk, Yard Clerk Caller, Yard Demurrage Clerk, Yard Dispatcher Clerk, Piggyback Clerk.	New classification.
522	Crew Dispatchers	Title is descriptive	Crew Dispatcher, Crew Caller	New classification.
523	Yardmasters and Assistant Yardmasters	Title is descriptive	Yardmaster, Assistant Yardmaster	Consolidates present ICC No. 105 and 106.
600	*Transportation, Train and Engine:*			
601	Switchtenders	Title is descriptive	Switchtender	Corresponds to present ICC No. 107.
602	Car Retarder Operators and Ground Service Employees.	Ground occupations not part of yard crew	Car Retarder Operator, Skateman, Herder, Yard Pilot.	New classification—part of present ICC No. 119; adds new titles.
603	Outside Hostlers	Title is descriptive	Outside Hostler	Corresponds to present ICC No. 108.
604	Outside Hostler Helpers	Title is descriptive	Outside Hostler Helper	Corresponds to present ICC No. 110.
605	Inside Hostler	Title is descriptive	Inside Hostler	Corresponds to present ICC No. 109.
606	Road Passenger Conductors	Title is descriptive	Passenger Conductor	Corresponds to present ICC No. 111.
607	Assistant Road Passenger Conductors and Ticket Collectors.	Title is descriptive	Assistant Passenger Conductor, Ticket Collector.	Corresponds to present ICC No. 112.
608	Road Freight Conductors (Through Freight)	Title is descriptive	Freight Conductor, Work Train Conductor, (paid through rate).	Corresponds to present ICC No. 113.
609	Road Freight Conductors (Local and Way Freight).	Title is descriptive	Freight Conductor, Work Train Conductor, (paid local rate).	Corresponds to present ICC No. 114.
610	Road Passenger Baggageperson	Title is descriptive	Baggageperson	Corresponds to present ICC No. 115.
611	Road Passenger Brakeman and Flagmen	Title is descriptive	Passenger Brakeman, Passenger Flagman	Corresponds to present ICC No. 116.
612	Road Freight Brakemen and Flagmen (Through Freight).	Title is descriptive	Freight Brakeman, Freight Flagman, Work Train Brakeman, (paid through rate).	Corresponds to present ICC No. 117.
613	Road Freight Brakemen and Flagmen (Local and Way Freight).	Title is descriptive	Freight Brakeman, Freight Flagman, Work Train Brakeman, (paid local rate).	Corresponds to present ICC No. 118.
614	Yard Conductors and Yard Foremen	Title is descriptive	Yard Conductor, Yard Foreman	Corresponds to present ICC No. 119. Less Car Retarder Operator and other ground occupations not part of Yard Crew.
615	Yard Brakemen and Yard Helpers	Title is descriptive	Yard Brakeman, Yard Helper	Corresponds to present ICC No. 120; adds new titles.
616	Road Passenger Engineers and Motormen	Title is descriptive	Passenger Engineer, Motorman, Operator	Corresponds to present ICC No. 121.
617	Road Freight Engineers (Through Freight)	Title is descriptive	Freight Engineer, Work Train Engineer, (paid through rate).	Corresponds to present ICC No. 122.
618	Road Freight Engineers (Local and Way Freight).	Title is descriptive	Freight Engineer, Work Train Engineer, (paid local rate).	Corresponds to present ICC No. 123.
619	Yard Engineers	Title is descriptive	Yard Engineer	Corresponds to present ICC No. 124.
620	Road Passenger Firemen and Helpers	Title is descriptive	Passenger Fireman	Corresponds to present ICC No. 125.
621	Road Freight Firemen and Helpers (Through Freight).	Title is descriptive	Freight Fireman	Corresponds to present ICC No. 126.
622	Road Freight Firemen and Helpers (Local and Way Freight).	Title is descriptive	Freight Fireman	Corresponds to present ICC No. 127.
623	Yard Firemen and Helpers	Title is descriptive	Yard Fireman	Corresponds to present ICC No. 128.

Appendix C—Interstate Commerce Commission; Bureau of Accounts; Annual Report of Railway Employees, Service and Compensation

1. Under an order of this Commission dated October 19, 1950 Class I railroads are required to file with the Commission an annual report of railway employees, service and compensation, and for that purpose this report form is provided.

2. The annual report shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 45 days following the close of the period for which it is compiled.

Form A

3. List particulars of the number of employees in various Reporting Groups in the service of the respondent, except train and engine, of the service rendered, and of the compensation paid for such service. Employees are to be counted and classified and their service reported as required by the Rules governing the Classification of Railroad Employees and Reports of their Service and Compensation, contained in the order mentioned previously.

4. Column 2. Add the total number of employees in service as of the 15th day of the month for each month of the calendar year being reported on. Divide the total by 12, and enter in this column.

Employees whose duties are such as to make them includible in two or more Reporting Divisions should be reported in that division indicated by the occupation in which they are engaged on the day of the middle of month count. The count should not be restricted to employees actually on duty as of the day of the count, but should include all other regular assigned employees, employees under pay on vacation or sick leave and relief employees. Employees who are not subject to call for duty, such as employees absent on definite leave or under suspension; employees on furlough; and pensioners not bound to render service, should be excluded.

5. Column 3. Enter number of employees who worked and were paid during the year, no matter for how short a period, classified by reporting divisions. Employees who worked in more than one occupation during the year should be assigned according to the preponderance of their duties.

6. Column 6. Enter the totals of time paid for and not worked, such as payment for part holidays, holidays, absence on definite leave, vacations, miscellaneous time paid for but not worked, such as pay for attending court, suspensions, sickness, time allowed for meals, and other time that can properly be considered constructive, such as allowance to complete a minimum day when less than a minimum day is worked.

Where vacation allowances are based on compensation earned in the previous year, the hours should be computed as in note to Column 7, Form B.

Form B

7. On Form B should be listed information with respect to employees in the train and engine service group.

8. Column 2, and Column 3, see instructions Nos. 4 and 5.

9. Column 7. Enter the number of constructive hours allowed which does not represent actual train service and for which mileage is not allowed, such as vacation time, pay for "Held away from home terminal" rule, called not used runaround, deadheading, attending court, suspensions, investigations, and claim and safety meetings.

Note.—The total dollar amount of vacation allowance in a particular month, for each reporting division, should be divided by the average straight time hourly rate of such reporting division, to determine the constructive vacation hours paid for. The straight time hourly rate for each such reporting division should be determined by dividing the "Compensation—Straight Time Paid For" by "Service Hours—Straight Time Paid For" for the latest available month.

Certification

I, The undersigned (Title of officer in charge of accounts) .....of the (Full name of reporting company).....Company, state that this report was prepared by me or under my supervision; that I have carefully examined it; and on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the operating statistics named and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Signature _____
Telephone No. (Include Area Code) _____
Address _____
Date _____

BILLING CODE 7035-01-M

ANNUAL REPORT OF RAILWAY EMPLOYEES SERVICE, AND COMPENSATION

Full name of reporting company .....
Month _____ 19----

FORM A

GP NO.	REPORTING GROUP (1)	Column Headings
		(2) Average number of employees during year
100	Total Executive, Officials and Staff Assistants	(3) Number of employees who received pay during year
		SERVICE HOURS
200	Total Professional and Administrative	
300	Total Maintenance of Way and Structures	(4) Time actually worked and paid for at straight time rates
400	Total Maintenance of Equipment and Stores	(5) Overtime paid for at punitive rates
500	Total Transportation (Other than train and engine)	(6) Time paid for but not worked
		(7) Total time paid for
		COMPENSATION
		(8) Time actually worked and paid for at straight time rates
		(9) Overtime paid for at punitive rates
		(10) Time paid for but not worked
		(11) Total

FORM B

600	Total Transportation (Train and engine)	(2) Average number of employees during year
		(3) Number of employees who received pay during year
		SERVICE HOURS
		(4) Straight time actually worked
		(5) Straight time paid for
		(6) Overtime paid for
		(7) Constructive allowances
		(8) Total
		COMPENSATION
		(9) Straight time paid for
		(10) Overtime paid for
		(11) Constructive allowances
		(12) Total
		MILES
		(13) Actually run
		(14) Paid for but not run
		(15) Total number of trips for which not less than a minimum day was paid

BILLING CODE 7035-01-C

Appendix D.—Interstate Commerce Commission Bureau of Accounts

Monthly Report of Railway Employees, Service and Compensation

1. Under an order of this Commission dated October 19, 1950 Class I railroads are required to file with the Commission a monthly report of railway employees, service and compensation, and for that purpose this report form is provided.

2. The monthly report shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the end of the month to which it relates.

Form A

3. List particulars of the number of employees in various Reporting Groups in the service of the respondent, in all reporting groups except train and engine, of the service rendered, and of the compensation paid for such service. Employees are to be counted and classified and their service reported as required by the Rules governing the Classification of Railroad Employees and Reports of their Service and Compensation, contained in the order mentioned previously.

4. Column 2. Enter the total number of employees in service as of the 15th day of the month, except when it falls on a Saturday, Sunday or a holiday, in which case the count should be made as of the last preceding business day.

Employees whose duties are such as to make them includible in two or more Reporting Groups should be reported in that group indicated by the occupation in which they are engaged on the day of the middle of month count.

The count should not be restricted to employees actually on duty as of the day of the count, but should include all other regular assigned employees, employees under pay on vacation or sick leave and relief employees. Employees who are not subject to call for duty, such as employees absent on definite leave or under suspension; employees on furlough; and pensioners not bound to render service, should be excluded.

5. Column 3. Enter number of employees who worked and were paid during the year, no matter for how short a period, classified by reporting groups. Employees who worked in more than one occupation during the month should be assigned according to the preponderance of their duties.

6. Column 6. Enter the totals of time paid for and not worked, such as payment for part holidays, holidays, absence on definite leave, vacations, miscellaneous time paid for but not worked, such as pay for attending court, suspensions, sickness, time allowed for meals, and other time that can properly be considered constructive, such as allowance to complete a minimum day when less than a minimum day is worked.

Where vacation allowances are based on compensation earned in the previous year, the hours should be computed as in note to Column 7, Form B.

Form B

7. On Form B should be returned information with respect to employees in the train and engine service group.

8. Column 2, and Column 3, see Instruction Nos. 4 and 5.

9. Column 7. Enter the number of constructive hours allowed which does not represent actual train service and for which mileage is not allowed, such as vacation time, pay for "Held away from home terminal" rule, called not used runaround, deadheading, attending court, suspensions, investigations, and claim and safety meetings.

Note.—The total dollar amount of vacation allowance in a particular month, for each reporting division, should be divided by the average straight time hourly rate of such reporting division, to determine the constructive vacation hours paid for. The straight time hourly rate for each such reporting division should be determined by dividing the "Compensation—Straight Time Paid For" by "Service Hours—Straight Time Paid For" for the latest available month.

Certification

I, the Undersigned (Title of Officer in charge of accounts) of the (Full name of reporting company) Company, state that this report was prepared by me or under my supervision; that I have carefully examined it; and on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the operating statistics named and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Signature _____
Telephone No. (Include Area Code) _____
Address _____
Date _____

BILLING CODE 7035-01-M

ANNUAL REPORT OF RAILWAY EMPLOYEES SERVICE, AND COMPENSATION

Full name of reporting company .....
Month _____ 19-----

FORM A

GP NO.	REPORTING GROUP (1)	Column Headings
100	Total Executive, Officials and Staff Assistants	(2) Average number of employees during year (3) Number of employees who received pay during year
200	Total Professional and Administrative	SERVICE HOURS
300	Total Maintenance of Way and Structures	(4) Time actually worked and paid for at straight time rates (5) Overtime paid for at punitive rates (6) Time paid for but not worked (7) Total time paid for
400	Total Maintenance of Equipment and Stores	COMPENSATION
500	Total Transportation (Other than train and engine)	(8) Time actually worked and paid for at straight time rates (9) Overtime paid for at punitive rates (10) Time paid for but not worked (11) Total

FORM B

600	Total Transportation (Train and engine)	(2) Average number of employees during year (3) Number of employees who received pay during year
		SERVICE HOURS
		(4) Straight time actually worked (5) Straight time paid for (6) Overtime paid for (7) Constructive allowances (8) Total
		COMPENSATION
		(9) Straight time paid for (10) Overtime paid for (11) Constructive allowances (12) Total
		MILES
		(13) Actually run (14) Paid for but not run (15) Total number of trips for which not less than a minimum day was paid

[FR Doc. 81-9680 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Amendment to Ex Parte Communications List.

SUMMARY: This notice corrects the ex parte communications list published on February 4, 1981 (46 FR 10787).

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, Office of Marine Mammals and Endangered Species, NMFS, NOAA, DOC, Washington, D.C. 20235. Telephone: 202/634-1792. Office location: Room 414B, Page Building 2, 3300 Whitehaven Street, N.W., Washington, D.C.

SUPPLEMENTARY INFORMATION: On February 4, 1981 (46 FR 10787), the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, announced the receipt of an incidental take permit application from The Federation of Japan Salmon Fisheries Cooperative Associations under the Marine Mammal Protection Act of 1972, as amended. The application requested a permit to incidentally take 5500 Dall's porpoise per year for three years in the applicant's salmon fishery which is conducted pursuant to the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC). In the same notice, the Agency announced a formal hearing to consider the population status of Dall's porpoise and published a list of personnel who may reasonably be expected to participate in the decision process regarding the permit application. This publication was designed to assist persons outside the Agency in complying with Section 4 of the Government in the Sunshine Act (Pub. L. No. 94-409) and its prohibition on *ex parte* communications during Agency rulemaking. Today the Agency announces the removal of the following personnel from the February 4, 1981 *ex parte* list because they will not be involved in recommending a final decision to the Administrator of NOAA, who is charged with the ultimate decision regarding the issuance of the requested permit:

F/CM—William G. Gordon, Director, Office of Resource Conservation and Management, NMFS
F/IA—Carmen Blondin, Director, Office of International Affairs, NMFS

The final recommendations to the Administrator will be made by the NMFS Office of Marine Mammals and Endangered Species which must evaluate the scientific evidence presented in the formal hearing regarding the population status of Dall's porpoise.

Dated: March 25, 1981.

Robert Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-9639 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 60
Monday, March 30, 1981.

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Business and Industrial Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of policy regarding documentation of inquiries.

SUMMARY: The Farmers Home Administration's Business and Industrial (B&I) Loan Program is committed to making its resources available without undue influence to rural businesses and industries for the purpose of improving, developing, or financing such businesses, creating employment opportunities and improving the rural economic and environmental climate. The B&I program is structured to finance quality loans which will provide lasting community benefits.

The Farmers Home Administration, B&I program has received recommendations which it supports from the Department of Agriculture's Office of Inspector General, the General Accounting Office and the public that in order to assure that the loan review process, particularly at the Washington Headquarters, is completely objective, all personal contacts should be documented in writing. Therefore, the Farmers Home Administration's B&I personnel will institute an internal management policy of documenting in writing all outside personal contacts including telephone inquiries and conferences from both the private and public sectors which involve a specific B&I application or project.

Such documentation will become a part of the official loan docket and be retained as a permanent record. The person requesting information will be advised at the beginning of the conversation of the FmHA policy. The documentation will include date, contact person, his/her affiliation and relationship to the case, nature of inquiry and FmHA's response.

The FmHA programs and projects which are affected by this instruction are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H.

(FCDA No. 10.422, Business and Industrial Loans.)

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Dated: March 21, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-9026 Filed 3-27-81; 8:45 am]
BILLING CODE 3410-07-M

Forest Service

Final Programmatic Environmental Impact Statement; 1981–1985 Cooperative Spruce Budworm Management Program for Maine

Based on the evaluation in the environmental impact statement and on public comments it is my decision to adopt Alternative 3 as the program direction. Alternative 3 provides for an Integrated Pest Management (IPM) program involving an increase in silviculture and utilization-marketing, while the use of chemical insecticides is reduced and the use of biological insecticides is increased. This alternative was selected because it best provides for flexibility to meet changes in resource management objectives and techniques while minimizing spruce budworm-caused balsam fir and spruce mortality; responds to public concern about use of chemical insecticides while reducing the impacts on nontarget organisms and water quality; and encourages long-term development of a forest less susceptible to spruce budworm damage while lessening the potential for long term disruption of Maine's forest economy. The selected alternative is also enviromentally preferable to the other alternatives when physical, biological, economic, and social factors are weighed on balance. The other alternatives considered include: (1) IPM involving an increase in silviculture and utilization-marketing, while the use of chemcials and biological insecticides remains constant; (2) IPM involving an increase in silviculture and utilization-marketing, while the use of chemical insecticides is reduced and the use of biological insecticides remains constant; (4) IPM involving an increase in silviculture and utilization-marketing while the use of chemical insecticides is eliminated and the use of biological insecticides is greatly increased; and (5) No provision for any spruce budworm management except salvage and other harvesting.

The decision to adopt Alternative 3 is in agreement with the Forest Service mission as defined in the Cooperative Forestry Assistance Act of 1978 (Pub. L. 95–313). Section 5 of this legislation makes provision for the protection of trees and forests from insects through cooperative efforts with State Foresters or equivalent State Officials.

I have concluded that Federal financial assistance should sustain and advance the IPM initiatives already being pursued by the State and many private landowners. Federal financial participation will involve Forest Service participation in timber supply and demand analyses, and assistance to owners of small woodlands, utilization and marketing assistance, and the application of biological and chemical insecticides.

The selected alternative will provide for the use of all spruce budworm management methods. During the 5-year program, chemical insecticides will be applied to approximately 950,000 acres and the biological insecticide *B.t.* will be applied to approximately 150,000 acres each year to allow orderly increases in silviculture and utilization-marketing methods. Salvage and harvesting of dead and dying timber will be increased and will be concentrated on areas unprotected by pesticides.

The alternative selected provides adequate mitigation and monitoring measures to minimize possible adverse environmental impacts. These measures are described in the Final Programmatic Environmental Impact Statement.

This elected alternative will be implemented by the USDA Forest Service through technical assistance and through annual funding requests from the State of Maine which will be evaluated on the ability to accomplish the program's objectives. Under the selected alternative in the Final Programmatic Environmental Impact Statement, the Maine Bureau of Forestry will administer assistance to small woodland owners, timber supply and demand analyses, utilization-marketing assistance and the application of biological and chemical insecticides. Silvicultural and utilization-marketing activities by the landowners and industry will vary with tree species, market requirements, and management goals.

The alternative selected is in compliance with Standard Federal laws. Federal financial participation in annual projects will be based on biological, economic, and environmental analyses made in compliance with National Environmental Policy Act (NEPA) regulations.

Dated: March 30, 1981.

Allen J. Schacht,

Area Director, Northeastern Area, State & Private Forestry.

[FR Doc. 81-9685 Filed 3-27-81; 8:45 am]

BILLING CODE 3410-11-M

Science and Education Administration

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) the Science and Education Administration announces the following meeting:

NAME: National Agricultural Research and Extension Users Advisory Board.

DATE: April 6-8, 1981.

TIME:
8:00 a.m.—5:00 p.m., April 6-7.
8:00 a.m.—Noon, April 8.

PLACE: Texas A&M, College Station, Texas.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: Time will be made for non-member statements on April 6, or the public may file written comments before or after the meeting with the contact person below.

PURPOSE: The Board will be reviewing and discussing agricultural research and extension programs.

CONTACT PERSON FOR AGENDA AND MORE INFORMATION: Dr. John G. Stovall, Executive Director of the Users Advisory Board; Science and Education Administration; U.S. Department of Agriculture; Washington, D.C. 20250; telephone 202-447-6662.

Done at Washington D.C., this 16 day of March 1981.

John G. Stovall,

Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 81-9632 Filed 3-27-81; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences.

Date: April 15-17, 1981.

Time and Place: Captain's Room, Channel Inn, 650 Water St., S.W., Wash., D.C., April 15, 1:00 p.m.-5:00 p.m.; April 16, 8:30 a.m.-4:30 p.m.; April 17, 8:30 a.m.-noon.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: Discuss Council's 1981 agenda; hear updates from ad hoc committees on energy and program structure; hear report from the Joint Council Subcommittee on the Participation of Women in the Food and Agricultural Sciences.

Contact Person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C. this 16th day of March, 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-9630 Filed 3-27-81; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences; Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

NAME: Executive Committee of the Joint Council on Food and Agricultural Sciences.

DATE: April 15, 1981.

TIME AND PLACE: 8:30 a.m.-11:30 a.m., Suite 250, Channel Inn, 650 Water St., S.W., Washington, D.C.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before or after the meeting with the contact person below.

PURPOSE: Detailed consideration of Joint Council 1981 agenda items; review of Joint Council committee structure; hear reports of Joint Council Committees on Energy and on the Participation of Women in the Food and Agricultural Sciences.

CONTACT PERSON: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C. this 16th day of March, 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-9631 Filed 3-27-81; 8:45 am]

BILLING CODE 3410-03-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; (See, 14 CFR 302.1701 et seq.); Week ended March 20, 1981.

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures, such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Mar. 16, 1981	39432	Lone Star Airways, Inc., P.O. Box 2975, Dallas, Texas 75221. Application of Lone Star Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authority to engage in scheduled air transportation of passengers, property between and mail to the following additional foreign markets: Houston, Texas; Lisbon, Portugal, and Zurich, Switzerland. Conforming Applications, motions to modify scope, and Answers may be filed by April 13, 1981.
Mar. 17, 1981	39434	Lone Star Airways, Inc., P.O. Box 2975, Dallas, Texas 75221. Application of Lone Star Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authority to engage in scheduled air transportation of passengers, property and mail to the following additional overseas markets: Los Angeles, California and Honolulu, Hawaii. Conforming Applications, motions to modify scope, and Answers may be filed by April 14, 1981.
Mar. 16, 1981	39440	Delta Air Lines, Inc., Hartsfield Atlanta Int'l Airport, Atlanta, Georgia 30320. Application of Delta Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a new or amended certificate of public convenience and necessity to permit Delta to provide air transportation services between Atlanta, Georgia and Montreal and Toronto, Canada. Conforming Applications, motions to modify scope, and Answers may be filed by April 15, 1981.
Mar. 18, 1981	39444	Transamerica Airlines, Inc., P.O. Box 2504, Airport Station, Oakland, California 94614. Conforming Application of Transamerica Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its Certificate of Public Convenience and Necessity for Route 194 authorizing it to engage in foreign air transportation of passengers, property and mail by adding Thailand, Malaysia, and Singapore to its transpacific combination passenger/cargo segment. As amended that segment will read as follows: "Between a point or points in the United States (excluding, if necessary, Sarasota/Bradenton, Orange County, and/or West Palm Beach), on the one hand, and a coterminal point or points in Taiwan, Korea, Hong Kong, Thailand, Malaysia, and Singapore, on the other hand." Answers may be filed by April 2, 1981.
Mar. 20, 1981	39451	Northwest Airlines, Inc., Minneapolis/St. Paul Int'l Airport, St. Paul, Minnesota 55111. Application of Northwest Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity to operate scheduled foreign air transportation of persons, property and mail: Between a point or points in the United States, on the one hand, and the co-terminal points Paris, Nice and Marseilles, France, and on the other hand. Northwest further requests that the Board add a condition permitting it to integrate its French operations with other transatlantic service presently authorized in its certificates to the extent permitted by applicable treaties and agreements. Conforming Applications, motions to modify scope, and Answers may be filed by April 17, 1981.
Mar. 20, 1981	39452	American Airlines, Inc., P.O. Box 61616, DFW Airport, Texas 75261. Application of American Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests that the following segment be added to its certificate for Route 137: "Between a point or points in the United States (except Sarasota/Bradenton, Fla., Orange County, Cal., and West Palm Beach, Fla.) and Paris, Marseilles, and Nice, France." Conforming Applications, motions to modify scope, and Answers may be filed by April 17, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-9607 Filed 3-27-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-3-141]

Application of Challenge Air Transport, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81-3-141.

SUMMARY: The Board proposes to issue a certificate of public convenience and necessity under section 401 of the Act to Challenge Air Transport, Inc. (CAT), a carrier currently operating domestic all-cargo flights under section 418 of the Act. The Board proposes to issue this certificate by show-cause procedures, without oral evidentiary hearing as to either the public convenience and necessity issues or as to the fitness issues. The proposed certificate would give CAT authority to engage in foreign charter air transportation of cargo throughout the Western Hemisphere north of and including Colombia, Venezuela, Guyana, Surinam, and French Guiana.

Objections

All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall NO LATER THAN April 20, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 38642, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to the applicant, the Departments of State and Transportation and the Attorney General.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order

Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:
Ira Leibowitz, (202) 673-5035, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, March 24, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-9611 Filed 3-27-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39246]

Empresa Guatemalteca de Aviacion (Aviatca) Enforcement Proceeding; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on May 6, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 24, 1981.

John M. Vittone,
Administrative Law Judge.
[FR Doc. 81-9615 Filed 3-27-81; 8:45 am]
BILLING CODE 6320-01-M

[Dockets 33363, 32606, 32607]

Former Large Irregular Air Service Investigation; Applications of Worldwide Airlines, Inc.; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 12, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Ave. N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 23, 1981.

John M. Vittone,
Administrative Law Judge.
FR Doc. 81-9614 Filed 3-27-81; 8:45 am]
BILLING CODE 6320-01-M

[81-3-133]

Hawaiian Airlines, Inc.; Aloha Airlines, Inc.; Proposed Increased Final Intra-Hawaii Service Mail Rates

AGENCY: Civil Aeronautics Board.

ACTION: Summary Notice of Order to Show Cause, 81-3-133, Proposing Increased Final Intra-Hawaii Service Mail Rates.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that the fair and reasonable final rates of compensation to be paid in their entirety by the Postmaster General to Hawaiian Airlines, Inc. on and after March 7, 1980, and to Aloha Airlines, Inc. on and after April 3, 1980, for the transportation of mail by aircraft over their intra-Hawaii routes, the facilities used and useful therefor, and the services connected therewith, are $1.9169 per ton-mile for priority mail and $0.7771 per ton-mile for non-priority mail. These rates will be adjusted semi-annually beginning July 1, 1981, based on an updating methodology similar to that now in use for other service mail rates.

DATES: All interested persons having objection to the Board issuing an order making final the tentative findings and conclusions shall file by April 9, 1981, with the Board and serve upon the Postmaster General, Aloha Airlines, Inc. and Hawaiian Airlines, Inc. a notice of objection. If notice of objection is filed, a written answer and any supporting documents must be filed by April 29, 1981.

ADDRESS: Objections should be filed in Dockets 37818 and 37976, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: James E. Gardner, (202) 673-5391, or Julien R. Schrenk, (202) 673-5298, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: In the event no objections are filed, the Secretary of the Board will enter an order making final our tentative findings and conclusions.

The complete text of Order 81-3-133 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428. Persons outside the Washington Metropolitan area may send a postcard request to the Distribution Section.

By the Civil Aeronautics Board, March 24, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-9012 Filed 3-27-81; 8:45 am]

BILLING CODE 6320-01-M

[81-3-142]

New York Air Additional Points Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-3-142).

SUMMARY: The Board is instituting the *New York Air Additional Points Proceeding* and is proposing to grant unrestricted authority to New York Air at Atlanta, Atlantic City, Baltimore, Charlotte, Chicago, Columbia, Greensboro/High Point, Greenville/Spartanburg, Hartford/Springfield, Islip, Jacksonville, Louisville, Memphis, Milwaukee, Nashville, Norfolk, Philadelphia, Providence, Raleigh/Durham, Richmond, St. Louis, White Plains and Winston-Salem under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, and serve on all persons listed below, no later than May 1, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections to the issuance of a final order should be filed in Docket 39140, which we have entitled the *New York Air Additional Points Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon all parties in the service list to Order 81-3-142.

FOR FURTHER INFORMATION CONTACT: Donna Stright, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5215.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-3-142 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-3-142 to that address.

By the Bureau of Domestic Aviation, March 24, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-9013 Filed 3-27-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Idaho Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Idaho Advisory Committee to the Commission will convene at 1:00p and will end at 3:00p, on April 17, 1981, at the Federal Building, Room 523 and 550, 550 West Fort Street, Boise, Idaho 83724. The purpose of this meeting is to discuss civil rights issues in immigration and housing for migrant farmworkers.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Bernadine E. Ricker, P.O. Box 327, Fort Hall, Idaho 83203, (208) 237-2531; of the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (5) 399-1240.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 25, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-9058 Filed 3-27-81; 8:45 am]

BILLING CODE 6335-01-M

Iowa Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Iowa Advisory Committee to the Commission will convene at 9:00a and will end at 2:00p, on April 23, 1981, at the Holiday Inn, Blackhawk Room 1050 Sixth Avenue, Des Moines, Iowa 50314. The purpose of this meeting is to continue program planning and to recieve update data for follow-up to school suspension project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Lee B. Furgerson, 1225 Stephenson Way, Des Moines, Iowa 50307, (515) 245-4848; or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (8) 758-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 25, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-9087 Filed 3-27-81; 8:45 am]
BILLING CODE 6335-01-M

North Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will convene at 4:00p and will end at 9:00p, on May 12, 1981, at the Hilton Hotel, Hillsborough Street at Cox Avenue, Raleigh, North Carolina. The purpose of this meeting is to plan programs for 1981; report on meeting with Greensboro's Mayor and Personnel Manager and Human Relations Commission Director.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Rev. William W. Finlator, 1802 Arlington Street, Raleigh, North Carolina 27608, (919) 828-0697; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (8) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 25, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-9089 Filed 3-27-81; 8:45 am]
BILLING CODE 6335-01-M

Oregon Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oregon Advisory Committee to the Commission will convene at 10:00a and will end at 12 Noon, on April 24, 1981, at the Imperial Hotel, Queen Victoria Room, 400 Southwest Broadway, Portland, Oregon 97205. The purpose of this meeting is to plan future programs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Thomas J. Sloan, 215 NW Orchard Drive, Portland, Oregon 97229, (503) 644-0101; or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (8) 399-1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 25, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-9090 Filed 3-27-81; 8:45 am]
BILLING CODE 6335-01-M

South Dakota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory Committee to the Commission will convene at 9:30a and will end at 4:00p, on April 15, 1981, at the Airport Holiday Inn, 1301 West Russel Street, Sioux Falls, South Dakota. The purpose of this meeting is to plan for future activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Mary E. McEldowney, 327 Kansas City Street, Rapid City, South Dakota 57701 (605) 342-7171; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, (8) 327-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 25, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-9088 Filed 3-27-81; 8:45 am]
BILLING CODE 6335-01-M

Tennessee Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 10:00a and will end at 5:00p, on May 1, 1981, at the Hilton Inn—Airport, Room 101, 1 International Plaza, Nashville, Tennessee 37217. The purpose of this meeting is to review draft and discuss Knoxville Affirmative Action Study; and program planning for FY 81 and 82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Rev. Samuel B. Kyles, 704 South Parkway East, Memphis, Tennessee 38106, (901) 946-2529; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (8) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 25, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-9091 Filed 3-27-81; 8:45 am]
BILLING CODE 6335-01-M

Tennessee Advisory Committee; Cancelled

Noticed is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Tennessee Advisory Committee, originally scheduled for April 3, 1981, at the Sheraton-Nashville Hotel, Room 208, 920 Broadway, Nashville, Tennessee (FR Doc. 81-7532, on page 16106) has been cancelled.

Dated at Washington, D.C., March 25, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-9092 Filed 3-27-81; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Spun Acrylic Yarn From Japan; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping duty order.

SUMMARY: This notice is to advise the public that the Department of Commerce ahs conducted an administrative review of the antidumping duty order on spun acrylic yarn from Japan. The review covers four manufacturers and nine exporters of this merchandise to the United States and the period from July 13, 1979 through March 31, 1980. The review has disclosed one exportation of spun acrylic yarn from Japan. The Department found no margin in its examination of this transaction. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-3058).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 9, 1980, the Department of Commerce ("the Department") published in the **Federal Register** an antidumping duty order with respect to spun acrylic yarn from Japan (45 FR 24127).

The Department published in the **Federal Register** of March 16, 1981 (46 FR 16921) a notice of intent to conduct administrative reviews of all outstanding antidumping findings or orders. As required under section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Japan.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act. The substantive provisions of the 1921 Act continue to apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of spun acrylic plied yarn primarily for machine-knitting, and are currently classifiable under tiems 310.5015 and 310.5049 of the Tariff Schedules of the United States Anotated (TSUSA). The Department knows of four manufacturers and nine exporters of Japanese spun acrylic yarn to the United States. The review covers the period from July 13, 1979, the date on which liquidation was suspended, through March 31, 1980. This is the initial review of this order and there are no previous appraisement instructions ("master lists").

Three manufacturers and eight exporters stated that they did not export spun acrylic yarn to the United States during the period. The estimated deposit rates for these companies are their fair value rates.

One manufacturer and one exporter provided information on one transaction between the two which constituted the only exportation of Japanese spun acrylic yarn to the United States during the period of review.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act, since the one sale was made to an unrelated purchaser. Purchase price was calculated on the basis of the ex-godown packed price to an unrelated Japanese trading company for exportation to the United States. No adjustments to the price were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773(a) of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. During the period reviewed, the manufacturer that exported to the United States sold 2.5% of its merchandise for exportation to countries other than the United States and 97.3% for consumption in Japan. Home market price was based on delivered price with adjustments for commission to the trading company, inland freight, handling, insurance, and differences in credit costs and packing. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that for the period from July 13, 1979 through March 31, 1980, the following margins exist:

Japanese Exporter and Margin (percent)
Mitsui & Co., Ltd.
(MFR: Kanegafuchi Chem. Ind. Co., Ltd.)—0.
Diafibers Co., Ltd.
(MFR: Japan Exlan Corp.)—* 18.33
(MFR: Mitsubishi Rayon Co., Ltd.)—* 20.20.
C. Itoh & Co., Ltd.
(MFR: Asahi Chem Ind. Co., Ltd.)—* 29.05.
(MFR: Mitsubishi Rayon Co., Ltd.)—* 20.20.
Gunze Sangyo, Inc.
(MFR: Asahi Chem. Ind. Co., Ltd.)—* 29.05.
Teijin Shoji Kaisha, Ltd.
(MFR: Asahi Chem. Ind. Co., Ltd.)—* 29.05.
Itoman & Co., Ltd.
(MFR: Japan Exlan Corp.)—* 18.33.
Nissho Iwai Corp.
(MFR: Japan Exlan Corp.)—* 18.33.
Mitsubishi Corp.
(MFR: Mitsubishi Rayon Co., Ltd.)—* 20.20.
Nichimen Co., Ltd.—* 23.19.

* No shipments during review period.

Interested parties may submit written comments on these preliminary results on or before April 29, 1981, and may request disclosure and/or a hearing on or before April 14, 1981. Request for administrative protective order must be made on or before April 6, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates during the period involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 25, 1981.

[FR Doc. 81-9094 Filed 3-27-81; 8:45 am]
BILLING CODE 3510-25-M

Leather Wearing Apparel From Uruguay; Final Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Final Affirmative Countervailing Duty Determination.

SUMMARY: The U.S. Department of Commerce ("the Department") has determined that the Government of Uruguay makes available to the manufacturers, producers, and exporters of leather wearing apparel incentive programs that constitute subsidies within the meaning of the countervailing duty law.

The Department has referred this case to the International Trade Commission for a final determination regarding material injury.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Miguel Pardo de Zela, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-5050.

SUPPLEMENTARY INFORMATION:

Procedural Background

On October 15, 1980, the Department received a petition in proper form from Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri, on behalf of U.S. producers of leather wearing apparel. The petitioner alleged that the Government of Uruguay provides to

manufacturers, producers, and exporters of such apparel certain benefits that are subsidies within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) ("the Act").

On November 12, 1980, we published a notice (45 FR 74743) of "Initiation of a Countervailing Duty Investigation" for this merchandise. Since Uruguay is a "country under the Agreement," as defined in section 701(b) of the Act, we referred this case to the International Trade Commission (ITC) for a preliminary injury determination. The notice stated that if the ITC determined that there was a reasonable indication that U.S. imports of such apparel were materially injuring or threatening to materially injure an industry in the United States, the investigation would proceed to its conclusion.

On December 11, 1980, the ITC preliminarily determined that there is a reasonable indication that these imports are threatening to materially injure an industry in the United States (45 FR 81669).

On December 17, 1980, we published a notice of "Preliminary Affirmative Countervailing Duty Determination" (45 FR 82979). The notice stated that the Government of Uruguay gave the leather wearing apparel industry a subsidy of 17.367 percent of the f.o.b. value of exported merchandise through a combination of tax certificates, a "tanner's subsidy" and income tax exemptions. We found additional benefits of 8.63 percent ad valorem resulting from benefits accruing to the industry from the alleged back payment of a "tanner's subsidy" and the rebate of an export tax. Thus the preliminary determination found that the total benefit of subsidies amounted to 26.017 percent ad valorem. This amount was later reduced to 18.923 percent upon confirmation that no back payments of the "tanner's subsidy" had been made.

On February 27, 1981, we entered into a Suspension Agreement with the government of Uruguay and "Notice of Suspension of Countervailing Duty Investigation" was published in the Federal Register. On March 11, 1981, we received a request by the Government of Uruguay under section 704(g) of the Act to continue the investigation.

Imports Investigated

The merchandise covered by this investigation is leather wearing apparel currently provided for in item 791.76 of the Tariff Schedules of the United States.

Programs Found to Be Subsidies

Reintegro Program

Under this program the Government of Uruguay grants tax certificates to exporters at a fixed percentage of the f.o.b. value of the exported item. These certificates are transferable and may be applied against obligations for both direct and indirect taxes.

The Uruguayan Government claims that its reintegro, or rebate, program is designed to rebate the indirect and direct taxes paid by manufacturers of leather wearing apparel.

The non-excessive rebate of indirect taxes is, subject to certain conditions, *not* considered a subsidy under U.S. countervailing duty law. The primary considerations in determining whether programs like the reintegro program can be considered bona fide indirect tax rebates are (1) whether the program operates for the purpose of rebating indirect taxes; (2) whether there is a clear link between eligibility for payments on export and indirect taxes paid; and (3) whether the government has reasonably calculated and documented the actual indirect tax incidence borne by the product concerned and has demonstrated a clear link between such tax incidence and the amount paid on export.

The reintegro is, by its terms, designed to compensate exporters for both direct and indirect taxes paid (the rebate of direct taxes *is* a subsidy). Thus, it does not meet our first test for determining whether the program can be considered an indirect tax rebate. While undoubtedly compensating in some measure for indirect taxes not otherwise, rebated, the reintegro program goes well beyond this purpose. Further, Uruguay did not demonstrate any link between eligibility for payments on export and indirect taxes paid and did not demonstrate any effort to calculate the incidence of indirect taxes borne by manufacturers of leather wearing apparel products.

We have therefore concluded that, in this case, the reintegro payments must be considered a subsidy program. The Government of Uruguay applies three reintegro rates to leather wearing apparel.

In accordance with decree 206/980 of April 16, 1980, these rates are based on the origin of the leather content of the exported apparel. Garments made from domestic leather receive a 17 percent reintegro; from semi-finished imported leather, a 13.6 percent reintegro; and from finished imported leather, a 9 percent reintegro.

The Government of Uruguay requested that three export fees and payments be used to offset the amount of the subsidy we have found under the reintegro program. They are: (1) a payment to the government equal to one percent of the f.o.b. value of all exports to compensate it for administrative and processing services, (2) a payment of 0.3 percent of the f.o.b. value of all exports which is collected by the government to pay for quality control services, and (3) a direct deduction by the government of one percent of the reintegro payment.

Under section 771(6) of the Act an offset may be granted only where (1) application payments and fees are aid to qualify for or receive a subsidy, (2) there is a loss in the value of a subsidy resulting from a government-mandated delay in receipt of payment or, (3) export taxes or duties on export merchandise are specifically intended to offset the subsidy received.

Of the fees and payments cited, we determined that only one—the one percent deduction from reintegro payment—is eligible as an offset to our gross subsidy calculation. We have determined that this deduction is specifically intended to reduce the amount of subsidy received and accordingly, have reduced that amount of the reintegro subsidy by 1 percent of the reintegro payments.

The Government of Uruguay also requested that a value-added tax on agricultural inputs be used as an offset to the subsidy element of the reintegro (and other subsidies we have found). We disallowed this as an offset because there is no demonstration of a link between this indirect tax and the rebate program.

Tax Exemption Program

This program exempts from taxation a fraction of the value-added portion of the company's export income, after expenses and before taxes. Since 1979 the exemption rate has declined from 100 percent to a current rate of 30 percent of export income. As an exemption from income tax for export earnings, this is clearly a subsidy under our law.

Reviewing the tax exemption program for companies that accounted for more than 85 percent of all exports to the United States, we concluded that the program conferred a benefit of 0.016 percent ad valorem.

Non-Payment of Social Security Taxes

Uruguay has a social security tax for most workers. The tax is due from employers at specified intervals. Since mid-1979 the Government of Uruguay has not collected this tax specifically from manufacturers of leather wearing

apparel (it is collected from other producers in other manufacturing sectors). The Government is currently taking action to recover the unpaid amounts.

Because the industry has received a special benefit, we consider the industry's *de facto* exemption of social security taxes is a subsidy. The benefit is 0.41 percent ad valorem. If and when their taxes are collected, our estimated subsidy will be revised.

Programs Not in Effect

Preferential Financing

Exports of leather wearing apparel are eligible for preferential financing, but the Central Bank of Uruguay has the discretion to implement or rescind this program. At present it is suspended. (Directive (Circular) No. 970 of 28 March 1979 and Directive (Circular) No. 996 of 13 November 1979).

"Tanner's Subsidy"

The tanners subsidy existed through April 16, 1980 at which time it was rescinded. The reintegro program subsequent to April 16, 1980 incorporates the concept, and any benefit, of the tanners subsidy.

Export Tax Rebate

In 1980, leather wearing apparel producers were subject to an export tax. On April 16, 1980, the Government of Uruguay ordered the suspension of this tax and a rebate of the amount of the tax paid from January 1, 1980 to April 16, 1980. We consider the rebate of this tax to be a subsidy of 0.76 percent ad valorem, the benefit of which we allocate over a 12 month period. We estimate the receipt and usuage of these rebated taxes to have begun May 31, 1980.

Under the conditions of the Suspension Agreement signed by the Government of Uruguay, Uruguay has until June 1, 1981 to eliminate programs found to be subsidies. The benefit of the export tax rebate, using our 12 month allocation projection, ends May 31, 1981. Consequently, no exports of leather wearing apparel subject to the Suspension Agreement will benefit from the tax rebate.

Verification

We verified the information used in reaching this determination by examining Government decrees, corporate records, and tax returns.

Final Determination

As a result of our investigation, and in accordance with section 705 of the Act, we have determined that the Government of Uruguay provides manufacturers, producers, and exporters of leather wearing apparel subsidies within the meaning of section 701 of the Act. The aggregate net amount of these subsidies equals the following subsidy rates:

	Leather origin		
	Domestic origin	Semi finished imported	Finished imported
Reintegro program	17.00	13.80	9.00
Tax exemption program	.02	.02	.02
Noncollection of social security tax	.41	.41	.41
Gross subsidy	17.43	14.09	9.43
Less: Offset equal to 1 pct of the Reintegro payments	.17	.14	.09
Total: Net subsidy	17.26	13.95	9.34

In the event the February 27 Suspension Agreement is violated, or no longer meets the requirements of subsections (b) or (d) of section 704 of the Act, then the Department will suspend liquidation and issue a final countervailing duty order as required under section 704(i)(1)(C) of the Act.

Critical Circumstance Determination

As we noted in our preliminary determination, imports or Uruguayan leather wearing apparel have fallen since 1979 in both relative and absolute terms. Therefore, we have not found "massive imports of leather wearing apparel from Uruguay over a relatively short period". Accordingly, I determine that critical circumstances do not exist in this case.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations (19 CFR 355.35), we offered the petitioner, Ralph Edwards Sportswear Inc., and the respondent, the Government of Uruguay, an opportunity to present oral views. However, neither party requested a hearing.

John D. Greenwald,

Acting Assistant Secretary for Trade Administration.

March 24, 1981.

[FR Doc. 81-9625 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 614]

Werner J. Bruchhausen, et al.; Export Privileges; Temporary Denial

In the matter of Werner J. Bruchhausen, D8019 Niederseeon, Federal Republic of Germany; Anatoli T. M. Maluta, a.k.a. Tony Metz, 231 Calle Mayor, Redondo Beach, CA; Sabina Dorn Tittel, a.k.a. Sabina Dora, 30606 Cartier Drive, Rancho Palos Verdes, CA; Techma GmbH, Koenigstrasse 10, Duesseldorf, Federal Republic of Germany; Ing. Dietmar Ulrichshofer Vertrieba, Baderstrasse 5 and Floriangasse 19, 8230 Bad Reichenhall, Federal Republic of Germany; and Electronic Elektronische Bauelemente GmbH, 49-51 Ameisgasse, 1140 Vienna, Austria; respondents; order temporarily denying export privileges.

The Department of Commerce, pursuant to the provisions of § 388.19 of the Export Administration Regulations, has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to the above-named respondents.

The Department states that the above-named respondents are being investigated by the Compliance Division of the Office of Export Administration. The investigation gives the Department reason to believe that the above-named respondents engaged in a scheme involving the export and reexport of United States-origin high technology electronic and other controlled commodities to proscribed destinations without obtaining the requisite validated export licenses. The investigation, which is continuing, gives the Department substantial reason to believe that the national security and public interest are best protected by the issuance of an order immediately denying all export privileges to these respondents in order to prevent further export and reexport of U.S.-origin commodities by respondents.

On the evidence before me and pending completion of the investigation and final disposition of any administrative and/or judicial proceedings which may be instituted against the respondents, I find that a temporary order denying all export privileges to the respondents is reasonably necessary for the protection of the national security and public interest. Accordingly, it is hereby

Ordered

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United

States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as parties or as representatives of a party to a validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving , ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Export Administration Regulations, the parties may file at any time a motion asking the Hearing Commission, International Trade Administration, U.S. Department of Commerce, Room 3610, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, to vacate, extend or modify this temporary denial order. The motion must be supported by substantial evidence. The parties may request an oral hearing on the motion, to be held before the Hearing Commission at the earliest convenient date. The Hearing Commissioner shall receive evidence and shall issue such order disposing of the motion as he deems reasonable and just.

VI. This order is effective immediately. It shall remain in effect until the final disposition of any administrative and/or judicial proceeding or proceedings initiated against the named respondents have been completed. A copy of this order shall be served upon all respondents.

Dated: March 24, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-9124 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one San Francisco Region project for a twelve month period. The total cost of the project is $141,000.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grants and Cooperative Agreements Act of 1977, will be a grant.

Program Description: The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority businesspersons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either profit or non-profit). These firms must be capable of providing such services as:

Preparation of business plans
Financial packaging
Industrial management assistance
Personnel management services
Marketing planning

and a broad range of other business services excluding legal services.

Applications are invited for the following project under this program: One grant for a management and technical assistance project to operate in the Seattle-Everett, Washington SMSA consisting of the counties of King and Snohomish. The project will operate at a cost not to exceed $141,000 for an initial budget period of 12 months beginning July 1, 1981. The Project I.D. Number is 10-10-80001-01. A pre-application conference for this project will be held on April 9, 1981 at the Federal Building, 915 2nd Avenue, Seattle, Washington in Room 1844 from 1:30 PM to 5:30 PM.

Eligibility Requirements: There are no restrictions. Any profit or nonprofit institution is eligible to submit an application.

Application Materials: An application kit for these projects may be requested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 450 Golden Gate Avenue, Box 36014, San Francisco, California 94102.

In requesting an application kit, the applicant must specify its profit status, i.e., State or local government, Federally recognized Indian tribe, educational institution, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit. Questions regarding this announcement should be referred to the San Francisco Grants Administration Unit at (415) 556-3090.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated are included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 30, 1981.

This program is not subject to the requirements of OMB Circular A-95.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Date: March 24, 1981.

R. V. Rumera,

Regional Director.

[FR Doc. 81-9627 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

The Minority Business Development Agency announces replacement of Project No. 01-10-80014-01 (Hartford, Connecticut SMSA) with that described below.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreements Act of 1977, will be a grant.

Program Description: The General Business Services Program of the Minority Business Development Agency (MBDA) provides technical assistance without charge to eligible minority business persons and minority-owned firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either not-for-profit or commercial entities). These firms must be capable of providing such services as preparation of business plans, financial analysis, industrial management assistance, personnel management, marketing planning, and a broad range of other business services excluding legal services. Applications are invited for the following project:

One grant for a management and technical assistance project to operate in the State of Connecticut. The Project will operate at a cost not to exceed $165,000. The Project Number is 01-10-80019-01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address:

U. S. Department of Commerce, Minority Business Development Agency, 26 Federal Plaza, Room 36-116, New York, New York 10278.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal units, educational institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Those firms which submitted applications for Project 01-10-80014-01 will receive the specification for the replacement. All others must request them.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 16, 1981. Applications received after that date will not be considered. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance) (This program is not subject to the requirements of OMB Circular A-95)

Dated: March 23, 1981.

Carlton L. Eccles,

Regional Director.

[FR Doc. 81-9672 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: Sarah Hinckley (P275).

b. Address: 2704 NE 53rd Street, Seattle, Washington 98105.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: Humpback Whales (*Megaptera novaeangliae*)—up to 25.

4. Type of Take: Potential harassment while photographing and observing.

5. Location of Activity: Yakutat Bay, Alaska.

6. Permit of Activity: June through August 1981 and 1982.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: March 23, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-9617 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a marine mammal permit as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: 454802 Ontario Limited (P276)

b. Address: Panasonic Tower-Center, 6732 Oakes Drive, Niagara Falls, Ontario, Canada

2. Type of Permit: Public Display.

3. Name and Number of Animals:

Atlantic bottlenose dolphins (Tursiops trucatus), 2

California sea lions (Zalophus californianus), 3

4. Type of Activity: To display marine mammals for approximately five months of the year. Animals are presently in

captivity and owned by Louis Scarpuzzi Enterprises, Fort Meyers, Florida.

5. Period of Activity: 3 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 F.R. 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. a certification from such appropriate government agency verifying the information set forth in the application;

ii. a certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. a statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Ministry of Agriculture and Food of Canada have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 23, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-9818 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the taking and importing of Marine Mammals (50 CFR Part 216), the Endangered species Act of 1973 (16 U.S.C. 1531–1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: LGL Ltd. Environmental Research Associates (P273)

b. Address: 2453 Beacon Avenue, Sidney, British Columbia, Canada U8L1X7

2. Type of Permit: Scientific Research & Scientific Purposes.

3. Name and Number of Animals: Bowhead Whale (Balaena mysticetus), 250

4. Type of Take: Potential harassment.

5. Location of Activity: High Seas, Canadian Beaufort Sea.

6. Permit of Activity: July through September 1981.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fishieries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 F.R. 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) it is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) it includes:

i. a certification for such appropriate government agency verifying the information set forth in the application;

ii. a certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. a statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the government of the Northwest territories, Canada have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: March 23, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-9817 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council's Scientific and Statistical Committee; Amended Notice of Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The meeting notice for the South Atlantic Fishery Management Council, previously published in the **Federal Register** (46 FR 17073), announced that the South Atlantic Fishery Management Council would meet on April 7–8, 1981. The notice should have indicated, instead, that the South Atlantic Fishery Management Council's Scientific and Statistical Committee would meet. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: March 24, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-9619 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

M–X Missile Program; Public Hearings on Draft Environmental Impact Statement; Correction

This notice is to amend the notice of public hearings on the Draft Environmental Impact Statement (EIS) for the M–X missile program which appeared in the **Federal Register** on Friday, March 13, 1981 on page 16708.

The hearings scheduled for Santa Fe, New Mexico on April 13 (1:30 pm and 7:00 pm) have been changed to April 24 (1:30 pm and 7:00 pm).

Other locations and dates remain unchanged.

Carrol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-9614 Filed 3-27-81; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

National Council on the Handicapped; Public Forum

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of public forum: Request for public participation.

Background Information

The National Council on the Handicapped was established under P.L. 95–602, the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978, with the following duties: (1) establish general policies for and review the general operation of, the National Institute of Handicapped Research; (2) provide advice to the Commissioner with respect to policies of and conduct of the Rehabilitation Services Administration; (3) advise the Commissioner, the appropriate Assistant Secretary, and the Director of NIHR on development of programs to be carried out under the Rehabilitation Act as amended; (4) review and evaluate on a continuing basis all policies, programs and activities concerning handicapped individuals and persons with developmental disabilities conducted or assisted by Federal departments and agencies in order to assess their effectiveness in meeting needs; (5) make recommendations to the Secretary, the Commissioner and the Director of NIHR respecting ways to improve research concerning handicapped individuals, and the methods of collecting and disseminating findings of such research and to make recommendations for facilitating the implementation of programs based upon such findings; and submit annually a report to the Secretary, the Congress and the President of the United States containing a statement of the current status of research concerning the handicapped in the United States, a review of the activities of RSA and NIHR, and recommendations concerning such research and activities as the Council considers appropriate.

Briefly summarized, the Council's mission is to:

- Establish general policies and review the operation of NIHR
- Review and evaluate the policies and programs of all Federal agencies
- Advise RSA on policy development and conduct of activities
- Make recommendations on improving research on the handicapped

In its first three meetings, held November 13–14, 1980, December 15–16, 1980 and February 18–20, 1981; the Council focused its attention on the activities and policies of the National Institute of Handicapped Research and of the Rehabilitation Services Administration. At its next meeting, the Council will begin its review of other Federal agency programs with reports by the Office of Special Education and the Administration on Developmental Disabilities. The Council is also interested in hearing from individuals and organizations outside of the Federal Government. *The Council therefore will hold a public forum, in order to invite public comment on the following topic: "The place of disabled individuals in our economy".* Given the Council's mission to make recommendations toward assuring that programs assisted by the Federal government are effective in meeting the needs of individuals with disabilities, and given the Council's focus on research related programs and rehabilitation services, the Council has developed a series of questions within this broad topic as guidelines. In consideration of the Council's stated mission, responses should be addressed from the perspective of:

- Forward looking, positive suggestions, new ideas
- Constructive partnership solutions—i.e., ways for the Federal government to participate with state and local governments and with the private sector
- Researchable ideas that impinge on the place of the disabled in the economy.

The Council is particularly interested in hearing from those whose successful experiences or suggestions may lead to improved or advanced economic status for disabled persons.

Date, Time, and Place of Forum

The Council's open forum will be held at the Washington Hilton Hotel, 1919 Connecticut Avenue, N.W., Washington, D.C. on Wednesday, May 6, 1981 from 1 to 4 p.m.

The President's Committee on Employment of the Handicapped (PCEH) will hold its annual meeting at this site. The Council's forum will be held in cooperation with PCEH. The location of the Council's meeting room will be announced at the registration desk for the PCEH meeting.

Written statements *must* be submitted in order to participate in the forum. Comments postmarked no later than April 17, 1981 will be considered for oral presentation at the forum.

Use of Information Received by the Council

All written statements received by the Council will be reviewed. Once the information has been synthesized and analyzed, some summaries will be selected for *oral presentation* at the Council's open forum on Wednesday, May 6, 1981. Selection will be based upon the extent to which ideas are relevant to the topic of this forum. The Council wishes to hear from a broad range of public participants. Where there are overlapping topics, decisions as to oral presentations may be based

on the date of receipt, on availability of presenter, and on the relationship to other topics being presented to aid in the cohesiveness of the forum. Whether or not a summary of a paper is selected for presentation at the forum, the information will be available to the council for its consideration.

Information will be used by the Council for the following purposes: The Council may use suggestions as a basis for advising officials of Federal agencies, for guidelines in setting priorities for NIHR, for assisting the Council to determine what studies need to be commissioned, and for making recommendations to be included in the Council's Annual Report to the Secretary, the Congress and the President.

Discussion Areas and Concerns

Written comments directed to the Council should address one or more of the following categorical topics. The statement of *no longer than fifteen typewritten, double spaced pages* should begin with a key to the topics addressed, e.g., Topic (B). Statements addressing more than one topic should be subdivided so that the topic can be identified, e.g. (Part I, Topic B—Part II, Topic D). A *summary of no longer than three double spaced pages which can be presented within five minutes* (accommodations will be made for communication disabilities) should be attached and similarly coded to topic areas. Topic areas represent concerns or issues that have repeatedly surfaced. Instead of continuing to debate the existence of these problems, the Council asks commenters to focus on new and innovative solutions to these recurrent concerns.

Suggested topics are as follows:

A. Placement

State employment services and private employment agencies appear to vary in their adequacy for assisting handicapped applicants find work. How can State and private agencies more adequately maintain information about employer needs and more effectively match jobs to the abilities and interests of job seekers? The Council is particularly interested in hearing from those whose successful experiences in matching individuals with jobs might have wide application and would like suggestions on how government might facilitate private agency involvement.

To the extent that individuals with disability may compete with other target populations in the labor market, what recommendations can be made in order that disabled workers are given equal opportunity?

How can the flow of skilled rehabilitation professionals be maintained to foster placement of handicapped workers?

B. Training

What effective efforts are currently underway for providing handicapped individuals with marketable skills in occupational clusters that offer lateral and upward mobility potential?

What new technologies are emerging that offer a substantial promise of employment opportunities for disabled workers?

What should be the contribution of vocational education programs in secondary schools toward enhancing the career potential of disabled adolescents and young adults in the labor market?

C. Accessibility

What innovative approaches have been used to eliminate barriers to employment? The Council is particularly interested in adaptions that may have widespread application, and in aspects of accessibility that do *not* fall under the purview of the Architectural, Transportation, and Communication Barriers Compliance Board (Section 502 of the Rehabilitation Act, as amended).

D. Disabled Racial Minorities

Are minority handicapped individuals the victims of double discrimination? The Council is interested in findings that support or contradict reports of biases that may influence employment opportunities for minorities.

To the degree that such bias may be a reality, what suggestions for positive change can be proposed?

E. Employer Incentives

What incentives can be offered employers to improve their record in hiring and training of the disabled? For example, what use might be made of the Federal and State tax system?

F. Unions

To the extent that union apprenticeship program requirements might inhibit employment of handicapped people in trade occupations, what successful experiences can be reported that might serve as a model for other employers and their unions?

G. Job Market Prospects

Public and private agencies usually base training programs on continuing up-to-date analyses of employer needs and job market conditions. The Council is interested in hearing about successful, systematic surveys that have analyzed job market conditions, utilized the information, and disseminated the findings. The Council is particularly interested in replicable techniques for job market analyses and utilization.

H. Insurance

Employers have reported the fear that safety risks and related insurance increases may outweigh the benefits of hiring disabled workers. What objective data is available to analyze this question?

What studies have been done and what is left to do pertaining to the costs and the distribution of costs of medical care for disabled people who may be in the labor market? For example, should costs of medical care related to the disability be separated from costs unrelated to the disability? The Council is interested in data that would support development of private and government coverages (both group and individual).

I. Goals and Career Choices of Children

How can the education system best enhance potential productivity of handicapped children? Should aspirations toward highest career goals be fostered? If so, how?

J. Self-Employment (Including Work in the Home)

What suggestions can be made to make self-employment more feasible? Are there obstacles to entering self-employment activities?

The computer and electronics communications fields are expected to increase the number of jobs performed by employees in their own homes. What implications does this have for employment of handicapped individuals? What steps can be taken to maximize benefits of this trend? For example, how can we assure that accommodations are building into the system in order to avoid the need for retrofitting later?

Do other fields offer opportunities for those who prefer or need to work in their homes?

K. Residential Placement

It is desirable and feasible to encourage productive remunerative work activities on the part of persons who by necessity are confined to residential health care facilities?

L. Employment of Deinstitutionalized

Deinstitutionalization has enabled large numbers of disabled people who formally would have remained hospitalized to enter community living. This increase poses challenges for traditional rehabilitation agencies, including those assisting chronically mentally ill and mentally retarded individuals. What experiences or suggestions can be offered for assisting with smooth transition to competitive employment?

M. Economic Factors Affecting Disabled Persons Not in the Labor Force

Enhancing the productivity of disabled persons contributes positively to the American economy; it is less recognized that reducing the social and personal dependency of persons who may be unable to become self-supporting also makes a positive contribution. The Council is interested in recommendations for change in systems for support (correlating income maintenance, social and health services, education, housing, etc.) which could be more cost beneficial, at least for some persons, than those through which most public dollars now flow. Emphasis should be placed on documentation or on researchable gaps in knowledge. Comments on the impact of costs on private sector components (including individuals and families), as well as on the public treasury are sought. Recommendations specific to children, adolescents, young adults, older adults (with or without families) or the elderly are especialy welcome.

Individuals or organizations who wish to submit papers or suggest future topics should write to: Carol Berman, Executive Director, National Council on the Handicapped, U.S. Department of Education, Office of Special Education and Rehabilitative Services, MES-3106, Washington, D.C. 20202.

Dated: March 24, 1981.

Carol Berman,

Executive Director.

[FR Doc. 81-9535 Filed 3-27-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent to Revise Transmission Policy; Extension of Public Comment Period

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Extension of comment period on notice of intent to revise transmission policy.

SUMMARY: By **Federal Register** Notice of February 17, 1981 (46 FR 12656), Bonneville Power Administration (Bonneville) announced its intent to revise its transmission policy. This Notice extends the period that Bonneville will accept recommendations for its proposed transmission policy from the public from March 31, 1981, to April 30, 1981, or the last day of Bonneville's hearings on its proposed transmission rate adjustment, whichever date is later.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, extension 4261. Oregon callers outside of Portland may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048.

John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, 503-234-3361, ext. 4551;

Ladd Sutton, Eugene district Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, 503-345-0311;

Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Court House, East 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518;

Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, 406-775-6202;

Ronald K. Rodewald, Wenatchee, Wenatchee, Washington 98801, 509-662-4379;

Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130;

Roy Mishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, ext. 701;

Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTAL INFORMATION: Bonneville has announced its intent to revise its transmission policy (46 FR 12656, February 17, 1981). Bonneville expects to publish a proposed policy for public comment in the fall of 1981 and to announce a final transmission policy in the spring of 1982. In its Notice, Bonneville invited interested persons to submit suggestions, advice, and recommendations through March 31, 1981. Because the initial stages of policy revision coincide with the development of Bonneville's transmission rates which will become effective on or about July 1, 1981, Bonneville also encouraged the public to make recommendations and suggestions for the transmission policy during Bonneville's hearings on its proposed transmission rate adjustments. Because the hearings will extend beyond the original date of March 31, 1981, Bonneville is extending the period for submitting suggestions, advice, and recommendations through April 30, 1981, or the last day of Bonneville's hearings on its proposed transmission rate adjustments, whichever is later. The final date of hearings will be announced in the **Federal Register**.

When the proposed transmission policy is published, Bonneville will announce opportunities for the public to participate in further development of its transmission policy.

Date: March 23, 1981.

Stanley E. Efferding,

Acting Administrator.

[FR Doc. 81-9615 Filed 3-26-81; 1:44 pm]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. PP-24-B]

Niagara Mohawk Power Corp.; Electric Energy Transmission to Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Issuance of Supplemental Order in Docket No. PP-24-B, Authorizing the Transmission of Electric Energy to Canada and Superseding Prior Authorization.

SUMMARY: This supplemental order in Docket No. PP-24-B authorizes the Niagara Mohawk Power Corporation (Niagara Mohawk) to export electricity to Canada. The total energy to be exported to St. Lawrence Power Company will include a maximum of 300,000 megawatt-hours at a maximum rated of 100 megawatts, of which 225,000 megawatts-hours at a maximum rate of 45 megawatts shall be imported by Niagara Mohawk from Canadian Niagara Power Company, Limited (Canadian Niagara), an Ontario Corporation.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Division of Power Supply & Reliability, Department of Energy, Room 4110, 200 M Street, NW., Washington, D.C. 20461, (202) 653-3825;

Lise Courtney M. Howe, Office of the General Counsel Department of Energy, Forrestal Building, Room 5E-064, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: Niagara Mohawk filed an application on October 1, 1980, with the Division of Power Supply and Reliability for an amendment to their DOE authorization to export electric energy to Canada, which was issued on June 19, 1978, pursuant to Section 202(e) of the Federal Power Act. Niagara Mohawk originally had filed an application for export authorization with the Federal Power Commission (FPC) on July 7, 1977. Upon the creation of the Department of Energy (DOE), that application was transferred from the FPC to DOE pursuant to Sections 301 and 402(f) of the DOE Organization Act. The June 19, 1978, authorization permitted Niagara Mohawk to export electric energy to the St. Lawrence Power Company (St. Lawrence) at a maximum delivery rate not to exceed 100 megawatts with an estimated annual delivery not to exceed 300,000 megawatt-hours. The authorization included the import of a maximum of 200,000 megawatt-hours at a maximum rate of 40 megawatts from Canadian Niagara for further delivery to St. Lawrence. The prior authorization provided that receipt of the 40 megawatts of electric power from Canadian Niagara would occur at the International Boundary between Niagara Falls and Fort Erie, Ontario, and Niagara Falls, Lewiston, and Buffalo, New York. The electricity then is transmitted by Niagara Mohawk to the facilities of Long Sault, Inc., at the International Border between Massena, New York and Cornwall, Ontario, for the account of St. Lawrence. The remaining electric energy to be exported by Niagara Mohawk to St. Lawrence is

supplied from Niagara Mohawk's own bulk power system. Prior to issuing the June 19, 1978, authorization, the DOE staff found that Niagara Mohawk had sufficient capacity to meet its commitments to St. Lawrence during the period of the authorization without restricting any of its commitments to its retail customers or to its other bulk customers. The actual amounts of energy exported depend upon: (1) the availability to Niagara Mohawk of surplus energy; (2) the capacity of Niagara Mohawk's transmission system; and (3) the requests for energy made by St. Lawrence.

St. Lawrence utilizes the electric energy purchased and received from Niagara Mohawk for emergency purposes and as a supplement to its normal requirements. St. Lawrence's present sources of supply are unable to meet its normal requirements during the period of October to March of each year.

In its application of October 1, 1980, Niagara Mohawk requested that its export authorization be amended in order to permit export to St. Lawrence Power Company of a maximum 45 megawatts and a maximum 225,000 megawatt-hours annually generated by Canadian Niagara. The request for amendment does not include an increase in the total export limit of 300,000 megawatt-hours authorized by DOE on June 19, 1978. Niagara Mohawk notes that the energy for which St. Lawrence is billed by Canadian Niagara is metered at Niagara Falls, Ontario. Thus, the energy imported by Niagara Mohawk is owned by St. Lawrence through a contractual agreement with Canadian Niagara. St. Lawrence is authorized by Canada's National Energy Board to export that firm power and energy from Canada under license EL-114.

Niagara Mohawk has requested this amendment because Canadian Niagara has additional firm power (5 megawatts) available for sale to St. Lawrence. An analysis performed by St. Lawrence indicates that the additional 5 megawatts of firm power purchased from Canadian Niagara and transferred through the Niagara Mohawk system is more economical than purchasing it directly from Niagara Mohawk. In its application, Niagara Mohawk states that it has the transfer capacity available to provide this service.

Prior opportunity for public comment in this proceeding has not been provided since the change requested will not result in an increase in the total amount of electricity exported; instead, the amount of electric energy from Niagara Mohawk's system which is exported may decrease. However, if any person wishes to protest with reference to this Order, he should, on or before April 13, 1981, file with the Director, Division of Power Supply and Reliability, Room 4103, 2000 M St., N.W., Washington, D.C. 20461, petitions to intervene or protests in accordance with 18 CFR §§ 1.8 or 1.10 of the Rules of Practice and Procedure. The DOE staff will consider all such petitions and will reopen this Docket if any substantial issues are raised.

Findings

(1) The proposed transmission of electric energy from the United States to Canada, as limited herein and as hereinafter authorized, will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the DOE.

(2) The method of public notice given in this matter is reasonable.

Authorization

(A) Niagara Mohawk is hereby authorized to transmit electric energy from the United States to Canada in accordance with the terms and conditions set forth in the application of July 7, 1977, and subject to the provisions of this Order.

(B) The electric energy which Niagara Mohawk hereby is authorized to transmit from the United States to St. Lawrence Power Company shall be transmitted at a rate not to exceed 100 megawatts and an annual delivery not to exceed 300,000 megawatt-hours. This electricity shall include a maximum of 225,000 megawatt-hours at a maximum rate of 45 megawatts received by Niagara Mohawk from Canadian Niagara but owned by St. Lawrence. Niagara Mohawk is authorized to receive the 45 megawatts of electric power at the International Boundary between Niagara Falls and Fort Erie, Ontario, and Niagara Falls, Lewiston, and Buffalo, New York, and to transmit it to the facilities of Long Sault, Inc., at the International Border between Massena, New York, and Cornwall, Ontario, for the account of St. Lawrence. The remaining electric energy to be exported by Niagara Mohawk to St. Lawrence shall be supplied from Niagara Mohawk's own bulk power system, pursuant to the terms of a Contract for Service, a copy of which was filed as an exhibit to the July 7, 1977, application in this Docket. The actual amounts of energy to be exported will depend upon: (1) the availability of surplus energy; (2) the capability of Niagara Mohawk's transmission system; and (3) the requests for energy submitted by St. Lawrence.

(C) The authorization herein granted may be modified from time to time or terminated by further order of the DOE, but in no event shall such authorization extend beyond the date of termination or expiration of Presidential Permits authorizing the electric interconnections at the International Border between Niagra Falls, Ontario, and Niagara Falls, New York, and the interconnection at the International Border between Massena, New York, and Cornwall, Ontario, referred to in Paragraph (B) above.

(D) Niagara Mohawk shall conduct all operations pursuant to the authorization herein granted in accordance with the provisions of the Federal Power Act and pertinent rules, regulations, or orders issued or adopted by the DOE.

(E) Niagara Mohawk shall provide for the installation and maintenance of adequate metering equipment to measure the flow of all electric energy transmitted from the United States to Canada pursuant to the authority herein granted; shall make, keep, and preserve full and complete records with respect to the movement of such electricity; and shall furnish, in triplicate to the Division of Power Supply and Reliability, with respect to such transmission of electricity, reports annually on or before February 15, showing the kilowatts per hour delivered, the maximum kw rate of transmission, and the consideration received therefore during each month of the preceding calendar year.

(F) This authorization to transmit electric energy from the United States to Canada shall not be transferable or assignable, but in the event of the involuntary transfer of the facilities used for such transmission by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosre or judicial sale), said authorization shall continue in effect temporarily pending the making of an application for permanent authorization and decision thereon, provided notice is given in writing to the DOE within 30 days following such event, accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer.

(G) The authorization herein granted shall supersede that heretofore granted by the aforementioned Order issued June 19, 1978, in Docket Nos. IE-78-7, et al.

Dated: March 20, 1981.

Howard F. Perry,

Acting Assistant Administrator for Utility Systems, Department of Energy.

[FR Doc. 81-9663 Filed 3-27-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW., Washington, D.C. 20461, phone 202/653-3517. On or before April 14, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 24th day of March 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Proposed Remedial Orders

Station	Address	Date	Violation amount	Highest cents per gallon violation
Northeast District				
Marines of the Future, Inc	Northern Blvd. and 125th Street, Flushing, NY 11368	2/25/81	$34,084.39	38.4
Southeast District				
Parkway Union 76	288 N. Parkway, Gatlinghurg, TN 37738	9/11/79	$364.50	8.4
Central District				
Gage's Marina Corp	Williams Bay, WI 53191	8/30/80	$3,456.98	24.8
Southwest District				
Christian's 66 Service	2101 South Classen Norman, OK 73071	3/2/81	$6,368.17	7.8
Western District				
Gorman Mobil	49715 Gorman School Rd., Gorman, CA	1/16/81	$66,073.35	38.7

[FR Doc. 81-9448 Filed 3-27-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CI81-3-001, et al.]

Applications for Certificates, Abandonment of Service and Petitions To amend Certificates [1]

March 18, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Anyone person desiring to be heard or to make any protests with reference to said applications should on or before April 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless other advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket number and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
C81-3-001, C, 2/23/81	Texaco Producing Company, P.O. Box 60868, Houston, Texas 77060.	Natural Gas Pipeline Company of America, Sabine Pass Block 9 Field, Offshore Louisiana.	(1)	15.025
C81-171-000, B, 1/21/81	George W. Graham, 400 First Wichita National Bank Building, Wichita Falls, Texas 76301.	Lone Star Gas Company, The Neville H. Huff, No. 2, N. H. Huff, A No. 3, G.M. Riddle No. 1, and the Monte-T & P Railroad Company No. 1 Wells, Grayson County, Texas.	(2)	
C81-229-000, E, 2/5/81 [4]	Southland Royalty Company (Succ. in Interest to Shenandoah Oil Corporation), 1000 Fort Worth Club Tower, Fifth Worth, Texas 76102.	El Paso Natural Gas Company, Eumont and Jalmat Fields, Lea County, New Mexico.	(3)	14.65
C81-230-000, E, 2/5/81 [5]	do	Kansas Nebraska Natural Gas Company, North Bowdoin Area, Phillips County, Montana.	(3)	15.025
C81-231-000, E, 2/5/81 [6]	do	El Paso Natural Gas Company, Benora Field, Sutton County, Texas.	(3)	14.65
C81-232-000, E, 2/5/81 [7]	do	El Paso Natural Gas Company, Shurley Ranch Field, Sutton County, Texas.	(3)	14.65
C81-233-000, E, 2/5/81 [8]	do	El Paso Natural Gas Company, Spraberry Trend Field, Upton County, Texas.	(3)	14.65
C81-234-000, E, 2/5/81 [9]	do	El Paso Natural Gas Company, Calvin Field, Reagan County, Texas.	(3)	14.65
C81-235-000, E, 2/5/81 [10]	do	El Paso Natural Gas Company, Basin Dakota Field, San Juan County, New Mexico.	(10)	15.025
C81-240-000, E, 2/5/81 [9]	do	El Paso Natural Gas Company, Langlie-Mattix Field, Lea County, New Mexico.	(50)	14.65
C81-241-000, E, 2/5/81 [9]	do	El Paso Natural Gas Company, Langlie-Mattix Field, Lea County, New Mexico.	(50)	14.65
C81-242-000, E, 2/12/81 [11]	Getty Oil Company (Succ. in Interest to Getty Reserve Oil Inc.), P.O. Box 1404, Houston, Texas 77001.	El Paso Natural Gas Company, Jalmat-Oil Field, Lea County, New Mexico.	(13)	14.65
C81-243-000, E, 2/12/81 [11]	do	Transcontinental Gas Pipe Line Corporation, Greta Field, Refugio County, Texas.	(15)	14.65
C81-244-000, E, 2/12/81 [11]	do	Texas Gas Pipeline Corporation, Mars McLean Field, Jefferson County, Texas.	(14)	14.65
C81-245-000, E, 2/12/81 [11]	do	Columbia Gas Transmission Corporation, Ravenswood Field, Jackson County, West Virginia.	(15)	14.65
C81-246-000, E, 2/12/81 [11]	do	Cities Service Gas Company, Liberal South Field, Beaver and Texas Counties, Texas.	(16)	14.65
C81-247-000, E, 2/12/81 [11]	do	El Paso Natural Gas Company, Jalmat and Langlie-Mattix Fields, Lea County, New Mexico.	(17)	14.65
C81-248-000, E, 2/12/81 [11]	do	Transcontinental Gas Pipe Line Corporation, Bayou Piquant Field, Terrebonne Parish, Louisiana.	(18)	15.025
C81-249-000, E, 2/12/81 [11]	do	United Gas Pipe Line Company, Burnell and North Petlus Fields, Bee, Goliad, and Karnes Counties, Texas.	(19)	14.65
C81-250-000, E, 2/19/81 [11]	do	Transcontinental Gas Pipe Line Corporation, Galveston Area, Blocks A-131 and A-157, Offshore Texas.	(20)	14.65
C81-251-000, E, 2/12/81 [11]	do	Texas Eastern Transmission Corporation, Northwest Chalkley Field, Calcasieu Parish, Louisiana.	(21)	15.025
C81-252-000, E, 2/12/81 [11]	do	Transcontinental Gas Pipe Line Corporation, LaGloria Field, Jim Wells, and Brooks Counties, Texas.	(22)	14.65
C81-253-000, E, 2/12/81 [11]	do	Transcontinental Gas Pipe Line Corporation, High Island Blocks A-446, A-447, and A-448 Field, Offshore Texas.	(23)	14.65
C81-254-000, E, 2/12/81 [11]	do	Texas Eastern Transmission Corporation, East Melrose Field, Dewitt, Goliad and Live Oak Counties, Texas.	(24)	14.65
C81-255-000, E, 2/12/81 [11]	do	El Paso Natural Gas Company, Jalmat and Langlie-Mattix Fields, Lea County, New Mexico.	(25)	14.65
C81-256-000, E, 2/12/81 [11]	do	Natural Gas Pipeline Company of America, LaGloria Field, Jim Wells and Brooks Counties, Texas.	(26)	14.65
C81-257-000, E, 2/12/81 [11]	do	United Gas Pipe Line Company Yougeen Field, Bee County, Texas.	(27)	14.65

[1] Applicant is filing under Gas Purchase Contract dated May 1, 1980, Amended by Amendatory Agreement dated February 17,1981.
[2] No gas delivered since February 1977 because production sufficient only to operate two heater-treaters for oil production.
[3] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties.
[4] Applicant is filing under Gas Purchase Agreement dated October 22, 1954.
[5] Applicant is filing under Gas Purchase Contract dated October 17, 1977.
[6] Applicant is filing under Gas Purchase Contract dated January 29, 1996.
[7] Applicant is filing under Gas Purchase Contract dated June 30, 1972.
[8] Applicant is filing under Gas Purchase Contract dated September 11, 1962.
[9] Applicant is filing under Gas Purchase Contract dated May 1, 1958.
[10] Applicant is filing under Gas Purchase Contract dated May 24, 1963.
[11] Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company.
[12] Applicant is filing under Replacement Gas Purchase Contract dated December 31, 1975.
[13] Applicant is filing under Gas Purchase Contract dated November 1, 1949.
[14] Applicant is filing under Gas Purchase Contract dated February 15, 1978.
[15] Applicant is filing under Gas Purchase Contract dated June 16, 1971.
[16] Applicant is filing under Gas Purchase Contract dated February 13, 1975.
[17] Applicant is filing under Replacement Gas Purchase Contract dated December 10, 1979.
[18] Applicant is filing under Gas Purchase Contract dated March 22, 1978, Amended Contract dated February 2, 1977.
[19] Applicant is filing under Gas Purchase Contract dated May 28, 1947.
[20] Applicant is filing under Gas Purchase Contract dated May 17, 1978.
[21] Applicant is filing under Gas Purchase Contract dated November 18, 1975.
[22] Applicant is filing under Gas Purchase Contract dated November 7, 1974.
[23] Applicant is filing under Gas Purchase Contract dated January 17, 1980.
[24] Applicant is filing under Replacement Gas Purchase Contract dated October 5, 1973.
[25] Applicant is filing under Replacement Gas Purchase Contract dated December 31, 1975.
[26] Applicant is filing under Gas Purchase Contract dated January 23, 1969.
[27] Applicant is filing under Gas Purchase Contract dated May 26, 1971.
[28] Applicant is filing under Gas Purchase Contract dated August 22, 1956.
[29] Applicant is filing under Gas Purchase Contract dated July 28, 1998.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

Office of the Secretary

Waiver of Post-Employment Restrictions

In the matter of waiver pursuant to section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95-91).

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95-91) authorizes the Secretary of Energy to waive the post-employment restrictions of section 605(a)(1) of the Department of Energy Organization Act to permit a former employee with outstanding scientific or technological qualifications to make appearances before or communications to the Department in connection with a particular matter in a scientific or technological field, where it has been determined that such a waiver would serve the national interest.

It has been established to my satisfaction that David T. Leighton, formerly Assistant to the Director for Special Projects in the Division of Naval Reactors, has outstanding technological qualifications in the fields of nuclear power technology and reactor development and operation. I am further satisfied that it serves the national interest to grant a waiver for Mr. Leighton with respect to his activities as Technical Management Consultant to the Metropolitan Edison Company (a subsidiary of the General Public Utilities Service Corporation) relating to—

(1) evaluation, decontamination, and recovery of the Unit II nuclear power plant at the Three Mile Island nuclear power station,

(2) evaluation and resumption of operation of the Unit I nuclear power plant at the Three Mile Island nuclear power station, and

(3) disposal of radioactive waste from nuclear power plants situated at the Three Mile Island nuclear power station.

I have, therefore, waived the post-employment appearance and communication prohibitions of section 605(a)(1) of the Department of Energy Organization Act, with respect to contact with Department of Energy officials by Mr. David T. Leighton in regard to the stated activities in his capacity as Technical Management Consultant to the Metropolitan Edison Company.

Dated: March 12, 1981.

James B. Edwards,

Secretary of Energy.

[FR Doc. 81-9462 Filed 3-27-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53023; TSH-FRL 1791-8]

Premanufacture Notices; Monthly Status Report for February 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the Federal Register at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for February 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460, (202-426-8816).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

The monthly status report published in the Federal Register as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances for which EPA has received a notice of commencement to manufacture. Therefore, EPA is publishing the February 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53023]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: March 24, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report, February 1981

PMN No.	Identity/generic name	FR citation	Expiration date
	I. Premanufacture Notices Received During the Month		
81-44	3,4,5,6-Tetrahydro-2(1*H*)pyrimidinone	46 FR 16123 (3/11/81)	May 3, 1981.
81-45	Generic name: Polyester(1,4-butanediol/isophthalic acid, dimethyl ester/poly(oxyethylene/oxypropylene/terephthalic acid, dimethylester).	46 FR 16125 (3/11/81)	Do.

Premanufacture Notices Monthly Status Report, February 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-46	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	Do.
81-47	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	Do.
81-48	Generic name: Substituted polyester	46 FR 15944 (3/10/81)	Do.
81-49	Generic name: Sodium Poly-4-vinyl-phenolformaldehyde condensate	46 FR 16319 (3/12/80)	May 5, 1981.
81-51	Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid	46 FR 16319 (3/12/81)	May 4, 1981.
81-53	Generic name: Ester of salicylic acid	46 FR 16319 (3/12/81)	May 10, 1981.
81-54	Generic name: Diazo dye	46 FR 16319 (3/12/81)	Do.
81-55	Generic name: Acrylate urethane oligomer	In preparation	Do.
81-56	Generic name: Polymer of substituted alkanediol, cycloaliphatic anhydride, and substituted alkanoic ester.	do	Do.
81-57	Acetamide, *N*-[4-[[3-hydroxyethylbutoxy]-3-methoxy 5-methylphenyl]	do	Do.
81-58	Generic name: Phenolic novolak resin	do	Do.
81-59	Generic name: Phenolic novolak resin	do	Do.
81-60	Resin from alkali refined safflower oil, neopentyl glycol, trimethylolpropane, isophthalic acid, dimethylolpropionic acid, and isophorone diisocyanate.	do	Do.
81-62	Generic name: Polyester-polyether copolymer reaction product with toluene diisocyanate and hydroxyethyl methacrylate.	do	May 11, 1981.
81-63	Isocyanic acid, tetramethylene bis-(cyclohexyl)ester	do	Do.
81-64	Generic name: Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic ester.	do	Do.
81-65	Generic name: Dialkyltindichloroarene	do	Do.
81-66	Generic name: Bis-([substituted]-nitrophenyl)-substituent	do	Do.
81-67	Generic name: Bis-([substituted]-nitrophenyl)-substituent	do	Do.
81-68	Generic name: Sodium salt of disulfonated alkylaromatic	do	May 12, 1981.
81-69	Generic name: Benzophenone tetracarboxylic dianhydride copolyimide	do	Do.
81-70	Generic name: 3-Methyl-3-propenoic acid, polycyclohexyl ester	do	May 14, 1981.
81-71	Generic name: Alkenylpyrrolidinedione	do	Do.
81-72	3-3-[Chloro-6-cyano-4-nitrophenyl]azo]-4-[(di-n-pentyl)amino] acetanilide	do	Do.
81-73	Generic name: *N*-(Tetrasubstituted-phenyl)-acetamide	do	Do.
81-74	Generic name: Tetrasubstituted-phenol	do	Do.
81-75	2,2,4-Trimethyl-1,3-pentanediol, 1,6-hexanediol, isophthalic acid, terephthalic acid, and dibutyltin oxide	do	May 19, 1981.
81-76	Soya bean oil and polymer of bisphenol A, *p*-tert-butylphenyl, formaldehyde	do	Do.
81-77	Generic name: Tetrasubstituted-phenol	do	May 14, 1981.
81-78	Generic name: Tetrasubstituted-phenol	do	Do.
81-79	Generic name: Polyurethane from substituted alkanols and an aromatic diisocyanate	do	May 19 1981.
81-80	Generic name: Trisubstituted-benzenamine	do	May 14, 1981.
81-81	Generic name: Tetrasubstituted-phenol	do	Do.
81-82	Generic name: Neutralized polymer of styrene, acrylic acid, alkyl acrylate, and alkyl methacrylate	do	May 19, 1981.
81-83	Generic name: Copolymer of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols.	do	Do.
81-84	Generic name: Tetrasubstituted-phenol	do	May 14, 1981.
81-85	Generic name: Tetrasubstituted-phenol	do	Do.
81-86	Generic name: Disubstituted-benzenamine hydrochloride	do	Do.
81-87	Generic name: Polyether urethane-acrylate blocked	do	May 19, 1981.
81-88	Generic name: Substituted transition metal oxide	do	May 20, 1981.
81-89	Generic name: Epoxy resin/substituted amine adduct	do	May 21, 1981.
81-90	Generic name: Oxamine blocked polyurethane prepolymer, waterborne	do	Do.
81-91	Generic name: Hydroxy aryl ether ester of alkanoic acid	do	Do.
81-92	Lithium-beta-hydrogenated castor oil-tallow-naphthenic acid	do	May 19, 1981.
81-93	Acrylic alkenyl ester polymer	do	May 27, 1981.
81-94	Polymer of: *D*-glucose; acetic acid; propanoic acid, 3-oxo, oxalinose; *D*-mannose, 6-deoxy; *D*-glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	do	Do.
81-95	Polymer of: *D*-glucose; succinic acids; propanoic acid, 3-oxo; and galactose, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	do	Do.
81-96	Oxidized soy isolate	do	Do.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month

80-341	*N-N'*-Nonanedioyl-bis[3,4,5,6-tetrahydro-2[1*H*]pyrimidinone]	46 FR 2717 (1/12/81)	Mar. 1, 1981.
80-342	Dioctadecyl dimerate	46 FR 2713 (1/12/81)	Do.
80-343	1,6-Hexanediamine, distillation residues-amines, C_{12}, alkyl di- and C_6 cyclic di- dichloroethane-epichlorohydrin polymer.	46 FR 6065 (1/21/81)	Do.
80-344	Generic name: Metal resinate	46 FR 6710 (1/27/81)	Do.
80-345	Generic name: Diallyl trithio-carbonate	46 FR 5058	Mar. 2, 1981.
80-346	Ferrous complexed sulfonated tannin	46 FR 6716 (1/27/81)	Do.
80-347	Generic name: Metal amine propenol complex	46 FR 11026 (2/5/81)	Mar. 3, 1981.
80-348	Sunflower oil, polymer with pentaerythritol phthalic anhydride, soybean oil, and trimethylol ethane	46 FR 5056 (1/19/81)	Mar. 6, 1981.
80-349	Sunflower oil, polymer with benzoic acid, and pentaerythritol	46 FR 5058 (1/19/81)	Do.
80-350	Resin polymers with glycerol, phthalic anhydride and sunflower oil	46 FR 5058 (1/19/81)	Do.
80-351	Generic name: Substituted alkanoic acid, alkyl ester	46 FR 6716 (1/27/81)	Do.
80-352	Generic name: Polymer of: Acrylic acid, styrene, substituted alkyl acrylates, and alkyl mercaptan	46 FR 6711 (1/27/81)	Do.
80-353	Generic name: Polymer of: An isocyanate and mixture of aliphatic polyols	46 FR 6710 (1/27/81)	Mar. 10, 1981.
80-354	Generic name: Polyester polymer of aliphatic polyols, aromatic diacid, and aliphatic diacid	46 FR 6105 (1/26/81)	Do.
80-355	Generic name: (*p*-Dialkylamino phenyl)-diaryl heterocycle	46 FR 11026 (2/5/81)	Do.
80-358	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 6714 (1/27/81)	Mar. 11, 1981.
80-359	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 6714 (1/27/81)	Do.
80-360	2-Propanol, 1-methoxy-acetate	46 FR 12306 (2/13/81)	March 12, 1981.
80-361	Formaldehyde, polymer with *N*-(2-aminopropyl)-1,3-propane diamine, (chloromethyl)oxirane, and phenol	46 FR 6716 (1/27/81)	March 15, 1981.
80-362	A resin from bisphenol *A*-epichlorohydrin copolymer, bisphenol A, linseed oil fatty acids, tall oil fatty acids, styrene, and acrylic acid.	46 FR 6104 (1/26/81)	Do.
80-364	Generic name: Monoethanol amide of long chain fatty acid	46 FR 6717 (1/27/81)	Do.
80-365	Calcium sodium ethylenediamine tetrakis (methylenephosphonate)	46 FR 5058 (1/19/81)	Do.
80-366	1-Propanaminium, *N,N*-dimethyl, *N*-ethyl-3-[(1-oxoco-cosityl)amino]-, ethylsulfate	46 FR 11354 (2/6/81)	Mar. 16, 1981.
80-367	Generic name: Vegetable fatty acid modified polyester	46 FR 11354 (2/6/81)	Mar. 16, 1981.
80-368	Generic name: alkenylsuccinic acid, monoester	46 FR 12307 (2/13/81)	Mar. 19, 1981
80-369	Generic name: Polyester di-urethane methacrylate resin based on the reaction of a diallyl diol/adipic acid polyester diol with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 12836 (2/18/81)	Mar. 23, 1981
80-370	Generic name: Aliphatic thiol	46 FR 12304 (2/12/81)	Mar. 22, 1981
80-371	(Alkylphenoxy)phosphate	46 FR 12310 (2/13/81)	Mar. 24, 1981.
80-372	Halogenated diphenyl sulfide	46 FR 12310 (2/13/81)	Do.

Premanufacture Notices Monthly Status Report, February 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
80-373	Generic name: Reaction product of 4-nitrosophenol hydroxybenzene and an oxo alkane with sodium sulfide (NA_x (S_y)).	46 FR 12104 (2/12/81)	Mar. 23, 1981.
80-374	Generic name: 4-(Trifluoromethyl)-2-chloro-1-(3-substituted phenoxy) benzene derivative	46 FR 12309 (2/13/81)	Do.
80-375	Generic name: Polymer of methacrylic acid, alkyl acrylate, alkyl methacrylate, and an acrylic acid derivative.	46 FR 12312 (1/13/81)	Do.
80-376	Generic name: Urethane prepolymer	46 FR 11350 (2/6/81)	Do.
80-377	Polymer of: 1,2-ethanediol; 2,5-furandione; 1,3-isobenzofurandione; 1,2-propanediol; and 3a,4,7,7a-tetrahydro-4,7-methano-1*H*-indene.	46 FR 11349 (2/6/81)	Do.
80-378	Generic name: *N*-(Substituted)-*N*-(substituted)acetamide	46 FR 12312 (2/13/81)	March 24, 1981.
80-379	Generic name: Organosilicon polymer	46 FR 12310 (2/13/81)	Do.
80-380	Generic name: 4-Substituted(substituted benzene)	46 FR 11350 (2/6/81)	March 29, 1981.
80-381	1-Substituted-4-[substituted heteromonocyclic]benzene	46 FR 11350 (2/6/81)	Do.
80-382	Generic name: Adipic acid, 1,2-propanediol, monocarbonylic acid polyester	46 FR 12306 (2/13/81)	Do.
80-383	Ammonium dilinoleate	46 FR 11349 (2/6/81)	Do.
81-1	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride, and benzoic acid.	46 FR 12315 (2/13/81)	Apr. 2, 1981
81-2	Water reducible siliconized alkyd resin	46 FR 11350 (2/6/81)	Do.
81-3	Methyl, bis (hydroxypropyl) tallow alkyl ammonium methyl sulfate	46 FR 11348 (2/6/81)	Do.
81-4	Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene, diethylene glycol, and adipic acid.	46 FR 12312 (2/13/81)	Do
81-5	Generic name: Nylon	46 FR 12836 (2/18/81)	Do.
81-6	Polyester-amide polymer	46 FR 12836 (2/18/81)	Apr. 5, 1981.
81-7	Generic name: Modified resorcinol resin	46 FR 12314 (2/13/81)	Apr. 26, 1981.
81-8	Generic name: Urethane resin	46 FR 12314 (2/13/81)	Do.
81-9	Generic name: Silylated phosphonate	46 FR 11352 (2/6/81)	Apr. 13, 1981.
81-10	Generic name: Sodium salt of silylated phosphonate	46 FR 11352 (2/6/81)	Do.
81-11	Polymer of: Esterdiol 204; 1,6-hexanediol; neopentyl glycol; trimethylol propane; isophthalic acid and; and dibutyl tin oxide.	46 FR 11352 (2/6/81)	Do.
81-12	Generic name: Acrylic copolymer adhesive	46 FR 12104 (2/12/81)	Do.
81-13	C_{10-16} Polypropylene ether	46 FR 12836 (2/18/81)	Do.
81-14	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and maleic anhydride.	46 FR 12315 (2/13/81)	Apr. 15, 1981
81-15	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and fumaric acid.	46 FR 12315 (2/13/81)	Do.
81-16	Generic name: Reaction product of an epoxy and a substituted amine	46 FR 13016 (2/19/81)	Do.
81-17	Generic name: Polymer of methacrylic acid, alkyl methacrylate, alkyl acrylate, and an acrylic acid derivative.	46 FR 13016 (2/19/81)	Do.
81-18	Maleic half ester of ethoxylated aliphatic alcohol emulsifier	46 FR 12104 (2/12/81)	Do.
81-19	Polymer of: Butyl acrylate, methyl acrylate, acrylonitrile, 2-hydroxyethyl acrylate, and acrylic acid	46 FR 12836 (2/18/81)	Do.
81-20	Generic name: Sodium salts of *N*-methylene phosphonic acids of a complex substituted amine mixture (a forecut form the fractionation of a crude carboheterocycle) consisting principally of 2-2'-substituted *bis* ethyl amine.	46 FR 16118 (3/11/81)	Apr. 19, 1981.
81-21	Generic name: Halogenated conjugated diene, polymer with haloalkyl benzene, and alkenoic acid	46 FR 16123 (3/11/81)	Do.
81-22	1, 3-Bis (4-hydroxybutyl)-1, 3-didecyldimethyl disoxane	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-23	Di (hydrogenatedtallowalkyl)-quaternary ammonium compounds	46 FR 16125 (3/11/81)	Do.
81-24	Ditallowalkylquaternary ammonium compounds	46 FR 16125 (3/11/81)	Do.
81-25	Generic name: Derivatized copolymer of acrylic acid and *N*-(1,1-dimethyl-3-substituted butyl) acrylamide.	46 FR 16118 (3/11/81)	Do.
81-26	Generic name: Polyfluoprohydro-carbon-methacrylic copolymer	46 FR 14952 (3/3/81)	Do.
81-27	Generic name: Alkyd resin 342-45	46 FR 16118 (3/11/81)	Do.
81-28	Generic name: Alkyd resin 343-42	46 FR 16118 (3/11/81)	Do.
81-29	Generic name: Reaction product olefins, vegetable oil, and sulfur	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-30	Generic name: Polyester resin derived from a mixture of phthalic acids with alkylene glycols and lighter polyols.	46 FR 16118 (3/11/81)	Do.
81-31	Generic name: Polyurethane polyacrylic block polymer	46 FR 14952 (3/3/81)	Do.
81-32	Generic name: (Substituted phenoxy) alkanoic acid	46 FR 16118 (3/11/81)	Do.
81-33	Generic name: Tetrahydro-acridinone	46 FR 14952 (3/3/81)	Apr. 28, 1981.
81-34	Generic name: Acridinone	46 FR 14952 (3/3/81)	Do.
81-35	Generic name: *N*-Methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carboheterocycle) consisting principally of 2, 2'-substituted *bis* ethyl amine.	46 FR 16118 (3/11/81)	Apr. 19, 1981.
81-36	Alkyl acid phosphorous esters	46 FR 16118 (3/11/81)	Apr. 28, 1981.
81-38	Bicyto(3,2,1)octan-8-ol, 1,5-dimethyl-, acetate bicyto(3,3,0)-octan-2-ol, 1,5-dimethyl-,acetate bcyto(3,3,1)nonan-1-ol, 5-methyl-, acetate,.	46 FR 16123 (3/11/81)	Do.
81-41	5-Methyl-4*H*-1,2,4-triazole-3-selenol 1,2-dihydro-5-methyl-3*H*-1,2,4-triazole-3-selone	46 FR 16123 (3/11,81)	Apr. 30, 1981.
81-42	Generic name: (Substituted-phenoxy)alkanoic acid, alkyl ester	46 FR 15944 (3/10/81)	Do.
81-43	Generic name: (Chromophore substituted poly(oxypropylene)	46 FR 16123 (3/11/81)	Do.

III. Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory.)

80-313	2-Chloro-2-sulfopropionic acid	45 FR 83662 (12/19/80)	Feb. 2, 1981.
80-314	2,4-Bis[(4-(*N*-cyano-*N*-phenylsul-fonylamino)phenyl)methyl]-*N*-cyano-*N*-phenylsulfonylbenzenamine; 4,4'-methylenebis(*N*-cyano-*N*-phenylsul-fonylbenzenamine; 4,4'-methylenebis[2-[(4-(*N*-cyano-*N*-phenylsulfonylaminojphenyl)-methyl)-*N*-cyano-*N*-phenylsulfonylbenzenamine].	45 FR 85151 (12/24/80)	Feb. 1, 1981.
80-315	4,4' -Methylenebis(*N*-cyanobenzenamine); 2,4-bis[(4-(*N*-cyanoaminojphenyl)methyl]-*N*-cyanobenzenamine; 4,4'-methylenebis [2-[(4-*N*-cyanoaminojphenyl(methyl]-*N*-cyanobenzenamine].	45 FR 85151 (12/24/80)	Do.
80-316	Generic name: Dialkyltin-dinicinoleate	45 FR 83020 (12/17/80)	Feb. 2, 1981.
80-317	Generic name: Polymer of modified resin esters and mixed oils	45 FR 83023 (12/17/80)	Feb. 3, 1981.
80-318	Dimethyl diallyl ammonium chloride-acrylamide-potassium acrylate terpolymer	45 FR 83664 (12/19/80)	Feb. 5, 1981.
80-319	Generic name: Salt form of acrylic acid-acrylate copolymer	45 FR 83661 (12/19/80)	Do.
80-320	Vanadic acid, tris(2-methylpropyl) ester	45 FR 83019 (12/17/80)	Do.
80-321	Generic name: Polymer of an alkyl acrylate, an alkyl methacrylate, and a saturated cyclic methacrylate	45 FR 82706 (12/17/80)	Feb. 10, 1981.
80-322	Generic name: Polymer of epoxidized soybean oil benzoic acid	45 FR 83021 (12/17/80)	Do.
80-323	Generic name: Acrylic emulsion	45 FR 83662 (12/19/80)	Do.
80-324	Generic name: Poly (allyl ether) hydroxy alkyl ester	45 FR 82706 (12/16/80)	Feb. 11, 1981.
80-325	Generic name: Chromophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80)	Feb. 15, 1981.
80-326	Generic name: Chromophore substituted poly (Oxyethylene)	45 FR 82706 (12/16/80)	Do.
80-327	Generic name: Toluene diisocyanate blocked prepolymer	45 FR 83020 (12/17/80)	Do.
80-328	Generic name: Unsaturated melamine formaldehyde methanol resin	45 FR 83019 (12/17/80)	Feb. 16, 1981.
80-329	Generic name: Salt of fatty acid dimer	45 FR 88022 (12/17/80)	Do.

Premanufacture Notices Monthly Status Report, February 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
80-330	Amine Alcohol	45 FR 3883 (1/16/80)	Feb. 19, 1981.
80-331	Methacrylic fatty acid adduct	46 FR 11347 (2/6/81)	Feb. 19, 1981.
80-332	Soya fatty ester	46 FR 11347 (2/6/81)	Feb. 22, 1981
80-333	Polymer of: Substituted alkanediol, alkanedioic acid, and alkanedioic acid	46 FR 6711 (1/27/81)	Do.
80-334	Polymer of: Alkanediol, alkanedioic acid, and alkanedioic acid	46 FR 6711 (1/27/81)	Do.
80-335	Polymer of: Substituted alkanediol, alkanedioic acid, and alkanedioic acids	46 FR 6711 (1/27/81)	Do.
80-336	1,2,4-Substituted anthraquinone	46 FR 6710 (1/27/81)	Do.
80-337	Acrylamid-methacrylic copolymer	46 FR 1022 (1/5/81)	Feb. 23, 1981.
80-338	Salt form of acrylic acid-acrylate copolymer	46 FR 1022 (1/5/81)	Feb. 22, 1981.
80-339	Salt form of acrylic acid-acrylate copolymer	46 FR 1022 (1/5/81)	Do.
80-340	Polymer diol, monocarboxylic acid diol, diamine, and a diisocyanate	46 FR 3883 (1/16/81)	Feb. 24, 1981.

PMN No.	Manufacturer	Chemical identity	FR citation	
80-119	CBI	Generic name: 2-[di(dimethyl, substituted carbomonocyclic alkyl)methyl, carboxy substituted]benzene, (methyl substituted)ethyl ester.	45 FR 42012 (6/27/80).	
80-121	CBI	1-Substituted-3,5-dimethyl-4-substituted benzene	45 FR 42012 (6/27/80).	
80-122	CBI	2-[3-(3,5-dimethyl-4-substituted phenyl) hydroxy alkyl]-(methyl); carboxy-substituted benzene, (methyl substituted)ethyl ester.	45 FR 42012 (6/27/80).	
80-123	CBI	2-[3-(3,5-dimethyl-4-substituted phenyl) hydroxy-alkyl]-methylsubstituted benzene.	45 FR 42012 (6/27/80).	
80-162	CBI	Lignosulfonate reaction product with an alkanoic acid and an organic salt.	45 FR 51274 (8/1/80).	
80-212	CBI	Adduct of poly tetra methylene glycol, aliphatic poly glycol aliphatic diisocyanate and an alkyl diisocyanate.	45 FR 60008 (9/11/80).	
80-273	Sybron Corp	Amines, C_{10-18} alkyldimethyl, phosphate salt, phosphoric acid, C_{10-18} alkyldimethyl amines salt.	45 FR 72128 (11/4/80).	
80-289	Air Product Chemicals	Amines, isopropyl distillation residues	45 FR 75750 (11/17/80).	
80-290	....do	Amines, ethyl distillation residues	45 FR 75750 (11/17/80).	
80-301	CBI	Cyclohexane, 1,1'methylene bis[4-isocyanato-, reaction products with 1,3-isobenzofurandione, polymer with 1,6-hexanediol, alpha-hydro-omega hydroxypolyoxy [1,4-butanediyl] and (2-hydroxyethyl)-2-propenoate.	45 FR 79152 (11/28/80)	
80-307	CBI	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride.	45 FR 81651 (12/11/80).	
80-320	Stauffer Chemical Co	Vanadic acid, tris(methyl propyl) ester	45 FR 83018 (12/17/80).	
80-336	CBI	1,2,4-Substituted anthraquinone	46 FR 6710 (1/27/81).	

[FR Doc. 81-9464 Filed 3-27-81; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51241; TSH-FRL 1782-1]

Certain Chemicals; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATE: Written comments by:
PMN 81-87—April 19, 1981.
PMN 81-96—April 27, 1981.
PMN 81-97—May 1, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room no.
81-87	Kitt Maconaughey	202-426-2606	E-210.
81-96	Rick Green	202-426-8816	E-208.
81-97	George Bagley	202-426-2606	E-210.

Mail address of notice managers: Chemical Control Division (TS-794), Office of toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50644-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data

submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determined that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51241]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 24, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-87

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 19, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—$500 million and up.

Manufacturing site—South Atlantic U.S.

Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyurethane-acrylate blocked.

Use. The manufacturer states that the PMN substance will be used in an industrial use as floor coatings.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Vapor pressure at 25°C—0-1^{-3} torr.

Density—>1.0 g/cc.

Solubility at 25°C in toluene—>10 g/lb.

Freezing point—>0.°C.

Toxicity Data

Acute dermal toxicity (male and female albino rabbits)—>2.0 g/kg.

Acute oral toxicity (male and female rats)—>5.0 g/kg.

Primary skin irritation (albino rabbits)—Slightly irritating.

Eye irritation (albino rabbits)—Minimally irritating without washout.

Exposure. The manufacturer states that during manufacture, four workers could have skin exposure for 1 hr/da, 16 da/yr, at a peak concentration of 0 to 1 ppm during discharge from reactor to drum. Because manufacture is in a closed system, exposure would be minimal.

Eight commercial users of the new chemical could have weekly skin exposure when it is used as floor coating. *Environmental Release/Disposal.* The manufacturer states that none of the new chemical will be released into the environment.

PMN 81-96

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 27, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Oxidized soy isolate.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into environment with potential skin exposure to non-chemical industrial employees and to consumers as part of an article.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information. The manufacturer states however, that the new substance is not a primary eye or skin irritant, is non-toxic by oral administration and that all components of oxidized soy isolate are approved for food additives.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-97

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 31, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Bis(substituted carbomonocyclic) substituted carbopolycycle.

Use. The manufacturer states that the PMN substance will be used as a company-limited chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	700
2d year	400	700

Production Estimates—Continued

	Kilograms per year	
	Minimum	Maximum
3d year	400	700

Physical/Chemical Properties

Melting point—>300°C.
Solubilities:
Distilled water—Approx. 0.001
DMSO—>1.0
Acetone—<0.1
Corn oil—<0.1
Octanol—<0.1

Environmental Test Data

TOD—1.66 g/g.
COD—1.95 g/g.
BOD_5—0.025 g/g.
BOD_{20}—0.035g/g.
Secondary waste treatment—A solution of 300 ppm did not affect microbiological carbon metabolism.
Acute effects on four aquatic species—A solution of 100 ppm showed no effect on four aquatic species.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Eye irritation—Slight.
Skin sensitization potential—None.
Repeated 10-day skin application—Little or no exacerbation.
Repeated 2-week feeding study (rats) 0.1% and 1.0% in diet—No significant effects.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentrations (mg/m³)	
		hour/day	day/year	Average	Peak
Manufacture: Skin and inhalation	9	2.0	1.5	0-1	0-1
Processing: Skin	4	0.5	5.0	0-1	0-1

Exposure will occur during manual and mechanical transfer operations.
Environmental Release/Disposal. The manufacturer states that a negligible amount of the new chemical will be released into the air and none into the land and water. Liquid and solid wastes containing combustible chemicals are incinerated; emissions of vapors and dust are passed through a scrubber before release into the atmosphere.

[FR Doc. 81-9459 Filed 3-27-81; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51236; (TSH-FRL 1781-5)]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after reciept. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-72—April 14, 1981. PMN 81-75, 81-76—April 19, 1981.

ADDRESS: Written comments to: Document Control Officer (TX-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager and telephone	Room No.
81-72	Mary Cusmac (202-755-9315)	E-229
81-75, 81-76	Rick Green (202-426-9816)	E-206

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the *Federal Register* nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and saftey studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review

period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51236]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 24, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-72

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. May 14, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. 2-(2-Chloro-6-cyano-4-nitrophenylazo)-5-[di(*n*-pentyl)amino] acetoanilide.

Use. The importer states that the PMN substance will be used in an industrial use as dyestuffs.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Dark green powder.
Melting point—158-160° C.
Solubilities:
Water—Insoluble.
N-Hexane—0.02 (g/100g Solvent).
Methanol—0.04 (g/100g Solvent).
Acetone—0.94 (g/100g Solvent).
Chloroform—25.1 (g/100g Solvent).

Toxicity Data

Acute oral toxicity LD_{50} (mice)—>5,000 mg/kg.

Eye and skin irritation (rabbits)—Non-irritating.

Exposure. The importer states that workers using the PMN substance could have skin and inhalation exposure during weighing and dispersing of the chemical substance, disposal, and during accidental spills.

Environmental Release/Disposal. No data were submitted.

PMN 81-75

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 19, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Annual sales—Between $10 million and $99,999,999.

Manufacturing site—West-North Central U.S.

Standard Industrial Classification Code—285.

Specific Chemical Identify. 2,2,4-Trimethyl-1,3-pentanediol, 1,6-hexanediol, isophthalic acid, terephthalic acid, and dibutyltin oxide.

Use. The manufacturer states that the PMN substance will be used in a commercial use as a high solids baking enamel.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1st year	250,000	375,000
2nd year	400,000	550,000
3d year	600,000	750,000

Physical/Chemical Properties

Molecular weight—1,000-2,000.
Non-volatile—99±1.
Viscosity—Z8 Hy.
Acid number—10 maximum.
Color—6 maximum.
Weight/gallon—9.00 lbs.
Solvent—None.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at a site controlled by the submitter, 2-3 workers in manufacturing, processing, using, and disposing of the new substance could have inhalation exposure 1-8 hr/da, 251 da/yr, at a peak concentration of 1-10 ppm. Exposure could occur during transfer and when the pigment and the cross-linking agent are being incorporated.

At a site not controlled by the submitter, workers using the PMN chemical could have inhalation exposure 8 hr/da, 251 da/yr, at a peak concentration of 1-10 ppm during application by spray painting or roller coating.

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter, less than 10 kg/yr of the new chemical will be released into the air 1 hr/day, 251 da/yr.

At a site not controlled by the submitter, less than 10 kg/yr will be released into the air, and from 10 to 100 kg/yr will be released into the water 8 hr/da, 251 da/yr.

PMN 81-76

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 19, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Annual sales—Between $10 million and $99,999,999.

Manufacturing site—West-North Central U.S.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Soya bean oil and polymer of bisphenol A, *p*-tert-butylphenol, formaldehyde.

Use. The manufacturer states that the PMN substance will be used in a commercial use as a baking varnish.

Production Estimates.

	Pounds per year	
	Minimum	Maximum
1st year	340,000	400,000
2nd year	400,000	500,000
3d year	480,000	600,000

Physical/Chemical Properties

Non-volatile—88±1.
Viscosity—W-X.
Acid number—48-52.
Color—3-4.
Weight/gallon—8.04 lbs.
Solvent:
Aromatic solvent SC #100—50%.
n-Butanol—50%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at a site controlled by the submitter, five workers manufacturing, processing, using, and disposing of the new chemical could have inhalation exposure 1-4 hr/da, 251 da/yr, at a peak concentration of 1-10 ppm. Exposure could occur when the material is being

transferred and when paint additives, solvent, driers are added.

At a site not controlled by the submitter, users of the new chemical could have inhalation exposure during application of the wet varnish.

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter, less than 10 kg/yr of the new substance will be released into the air 1 hr/da, 251 da/yr.

At a site not controlled by the submitter, less than 20 kg/yr will be released into the air and water 8 hr/day, 251 da/yr.

[FR Doc. 81-9451 Filed 3-27-81; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51236; TSH-FRL 1791-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of ten PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-73, 81-74, 81-77, 81-78, 81-80, 81-81, 81-84, 81-85, 81-86; April 14, 1981.

PMN 81-83; April 19, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-3936).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "Dates", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51236]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 24, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-73

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: *N*-Tetrasubstitutedphenyl) acetamide.

Use. The manufacturer states that the PMN substance is a site-limited chemical intermediate for use in the manufacture of another chemical intermediate. The final chemical will be

a minor constituent of an article for commercial and consumer use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	100,000
2d year	5,000	100,000
3d year	None	None

Physical/Chemical Properties

Melting point—122° C.
Solubilities:
Water—< 0.1%.
DMSO—> 10.0%.
Acetone—> 10.0%.
Corn oil—< 0.1%.
Octanol—> 0.1%.

Environmental Test Data

Chemical oxygen demand (COD)—1.27 g/g.
Secondary waste treatment—The 50% inhibition concentration for glucose metabolism was 8 ppm.
Acute effects on 5 aquatic species, 96-hour LC_{50} (minnows, Diaphnids, *Helisoma* snails, flatworms, and sideswimmers)—12.8 ppm for each species.
Acceptable water concentration guideline adopted for single or intermittent discharge of compound—0.8 ppm.

Toxicity data

Acute oral LD_{50} (rats)—> 3,000 mg/kg.
Acute dermal LD_{50}—> 1,000 mg/kg.
Skin irritation—Slight.
Repeated 10-day skin application—Moderately exacerbated the irritative response.
Skin sensitization potential—Moderate.
Eye irritation—Moderate.
Repeated 2-week feeding study (rats) 0.1% and 1.0% in diet—No significant changes.

Activity	Exposure route(s)	Maximum number exposed	Maximum duration		Concentrations (mg/m³)	
			Hour/day	Day/year	Average	Peak
Manufacture	Skin inhalation	20	1	80	1-10	1-100
Use	Skin inhalation	20	0.5	40	0-1	1-10

Environmental Release/Disposal. The manufacturer states that there will be less than 10 kg/yr of the new substance released into the water, a negligible amount into the air, and one into the land. A small amount lost during manufacturer will be sent to a secondary waste treatment facility; wastes containing the unreacted chemical will be incinerated.

PMN 81-74

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided:
Tetrasubstitutedphenol.

Use. The manufacturer states that the PMN substance is a site-limited chemical intermediate for use in the manufacture of another chemical intermediate. The final chemical will be a minor constitutent in an article of commercial and consumer use.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year	5,000	100,000
2d year	50,000	200,000
3d year	100,000	200,000

Physical/Chemical Properties

Melting point—39°C.
Solubilities:
Water—>0.1%.
DMSO—>10.0%.
Acetone—>10.0%.
Corn oil—<0.1%.
Octanol—>1.0%.

Toxicity Data

Acute oral LD_{50}—400-400 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Moderate.
Eye irritation—Strong; washing is palliative.
Skin sensitization potential—Low.
Repeated 10-day skin application—Moderate exacerbation of irritative response.
Ames *Salmonella* mutagenicity assay with and without metabolic activity—Negative.

Exposure

Activity	Exposure route(s)	Maximum number exposed	Maximum duration		Concentrations/ mg/m³	
			Hour/da	Day/yr	Average	Peak
Manufacture	Skin inhalation	50	1.0	20	0-1	1-10
Use	Skin inhalation	25	0.75	20	0-1	1-10

Environmental Release/Disposal. The manufacturer states that none of the new chemical will be released into the land, less than 10kg/yr into the air, and from 0 to 100 kg/yr into the water. Liquid and solid wastes will be incinerated.

PMN 81-77

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided:
Tetrasubstitutedphenol.

Use. The manufacturer states that the PMN substance is a site-limited chemical intermediate for use in the manufacture of another chemical

intermediate. The final chemical will be a minor constituent in an article for commercial and consumer use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	100,000
2d year	100,000	200,000
3d year	100,000	200,000

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
DMSO—>10.0%.
Acetone—>10.0%.
Corn oil—>10.0%.
Octanol—>10.0%.
Boiling point—278°C.

Toxicity Data

Acute oral LD_{50}—1,300–1,400 mg/kg.
Acute dermal LD_{50}—>20 ml/kg.
Skin irritation—Moderate.
Eye irritation—Slight.
Skin sensitization potential—None.
Repeated 10-day skin application—Strong irritation.
Skin absorption—Evident.

Exposure

Activity	Exposure route(s)	Maximum number exposed	Maximum duration		Concentrations (ppm)	
			Hour/day	Day/year	Average	Peak
Manufacture	Skin inhalation	50	0.5	20	1–10	1–10
Use	Skin inhalation	40	1.0	20	1–10	1–10

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the PMN substance will be released into the air, and none into land or water. Solid and liquid wastes will be incinerated.

PMN 81–76

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tetrasubstitutedphenol.

Use. The manufacturer states that the new chemical will be incorporated into a commercial and consumer article. The new chemical will be a minor constituent of the article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	100,000
2d year	50,000	200,000
3d year	100,000	200,000

Physical/Chemical Properties

Solubilities:
Water—<0.0002
DMSO—>10.0
Acetone—>10.0
Corn oil—<0.1
Octanol—>0.1
Melting point—143°C.

Environmental Test Data

COD—2.03 g/g
Secondary waste treatment compatibility study—A saturated solution of 500 ppb (measured concentration) did not affect microbiological carbon metabolism.
Acute effects on 6 aquatic species: fathead minnows, Daphnids, *Helisoma* snails, flatworms, asellus, and side-swimmers—No effects at <500 ppb solution concentration.
Germination effects (radish, ryegrass, lettuce)—No effects at <500 ppb solution concentration.

Toxicity Data

Acute oral LD_{50} (rats)—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Repeated 10-day skin application—No irritation or exacerbation.
Skin sensitization potential—None.
Eye irritation—Slight.
Repeated 2-week feeding study (rats) 0.1% and 1.0% in diet—No effects.

Exposure

Activity	Exposure route(s)	Maximum number exposed	Maximum duration		Concentrations (gm/m³)	
			Hour/day	Days/year	Average	Peak
Manufacture	Skin inhalation	20	1.5	60	1–10	1–10
Processing	Skin inhalation	50	4	60	0–1	0–1

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the PMN substance will be released into the air; less than 200 kg/yr will be released into water; and none into land. Disposal will be by incineration.

PMN 81–80

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstituted benzenamine.

Use. The manufacturer states that the PMN substance is a site-limited chemical intermediate for use in the manufacture of another intermediate. The final chemical will be a minor constituent in an article for commercial and consumer use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	150,000
2d year	5,000	150,000
3d year	0	0

Physical/Chemical Properties

Solubilities:
- Water—<0.1%.
- DMSO—>10.0%.
- Acetone—>10.0%.
- Corn oil—<0.1%.
- Octanol—<0.1%.
- Melting point—86°C.

Environmental Test Data

COD—2.6 g/g.

Secondary waste treatmeht compatibility study (20,000 ppm saturated solution)—31% decrease in microbial carbon metabolism.

Acute effects (96-hour LC_{50}) (fathead minnows, Daphnids, *Helisoma* snails, flatworms, pill bugs, sideswimmers)—14.2 ppm (minnows), 7.9 ppm (Daphnids), 7.9 ppm (sideswimmers), 14.2 ppm (*Helisoma* snails).

Toxicity Data

Acute oral LD_{50}—1,300–2,000 mg/kg.

Acute dermal LD_{50}—>1,000 mg/kg.

Skin irritation—Slight.

Repeated 10-day skin application—Moderate irritation.

Skin sensitization potential—Low.

Eye irritation—Slight.

Methemoglomin (1,000 mg/kg oral dose, rats)—(3/3) had 60% methemoglobinemia in 2 and 4 hours.

Ames *Salmonella* assay—Weakly positive.

Exposure

Activity	Exposure route(s)	Maximum number exposed	Maximum duration		Concentrations (mg/m³)	
			Hour/day	Days/year	Average	Peak
Manufacture	Skin inhalation	20	1	120	1–10	10–100
Use	Skin inhalation	20	0.5	60	0–1	1–10

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the PMN substance will be released to the air; none will be released to land or water. All waste will be incinerated.

PMN 81–81

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tetrasubstitutedphenol. *Use.* The manufacturer states that the PMN substance is a site-limited chemical intermediate for use in the manufacture of another chemical intermediate. The final chemical will be a minor constituent in an article for commercial and consumer use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	3,000	100,000
2d year	3,000	200,000
3d year	0	200,000

Physical/Chemical Properties

Solubilities:
- Water—<0.1%.
- DMSO—>10.0%.
- Acetone—>10.0%.
- Corn oil—<0.1%.
- Octanol—>0.1%.
- Melting point—Decoposes above 80° C.

Environmental Test Data

COD—1.06 g/g.

Secondary waste treatment compatibility study—The 50% effect concentration on glucose metabolism was 18 ppm.

Acute effects (96-hour LC_{50}) (minnows, Daphnids, scuds, *Helisoma* snails, flatworms)—15. ppm (minnows), 0.3 ppm (Daphnids), 7 ppm (scuds), 10.5 ppm (*Helisoma* snails), 2.2 ppm (flatworms).

Toxicity Data

Acute oral LD_{50} (rats)—1,600–2,600 mg/kg.

Acute dermal LD_{50}>1,000 mg/kg.

Skin absorption—Evident.

Skin irritation—Moderate.

Repeated 12 day skin application—Moderate exacerbation with hard, cracked eschars.

Skin sensitization potential—Low.

Eye irritation—Moderate to strong.

Repeated 2-week feeding study (0.1% and 1% in diet)—Weight gain: Normal; Hematology: Normal; Clinical Chemistry: Normal; Necropsy: Normal organ weights; Pathology: Minimal to mild hyperkeratosis in 5/5 animals in the high dose group; Target organ: Contact tissue (stomach). No effect dose—0.1%.

Ames *Salmonella* mutagenicity assay with and without metabolic activitation—Negative.

Exposure

Activity	Exposure route(s)	Maximum number exposed	Maximum duration: Hour/day	Maximum duration: Days/year	Concentrations (mg/m³): Average	Concentrations (mg/m³): Peak
Manufacture	Skin inhalation	20	1	40	1-10	1-10
Use	Skin inhalation	20	0.5	40	0-1	1-10

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the PMN substance will be released into the air; none will be released into land or water. Disposal will be by incineration.

PMN 81-83

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 19, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Copolyester of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical form—Solid (will be marketed as a solution in water).
Solubility—10% in water (80°C).
Acid number—10.
Saponification value—450-550 mg KOH/g.
Hydroxyl number—30-50 mg KOH/g.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at a site controlled by the submitter two workers per shift will be exposed to the PMN substance 400 man-hours per year while loading the new chemical into equipment.

At customer sites, 30 workers would be exposed from 1 to 2 hr/da, 208 da/yr, during application.

Environmental Release/Disposal. No data were submitted. The manufacturer states that at sites not controlled by the submitter closed systems will limit release into the environment, that none of the new chemical will be released into the air, and that water used in processing is released to the sewer.

PMN 81-84

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tetrasubstitutedphenol.

Use. The manufacturer states that the PMN substance will be used as an industrial chemical intermediate to produce a final chemical. The final chemical will be incorporated into an article for commercial and consumer use and will contain essentially none of the PMN substance.

Production Estimates

	Kilograms per year: Minimum	Kilograms per year: Maximum
1st year	5,000	100,000
2d year	50,000	200,000
3d year	100,000	200,000

Physical/Chemical Properties. No data were submitted.

Environmental Test Data.
COD—1.06 g/g.
Secondary waste treatment compatibility study (50% effect concentration on glucose metabolism)—18 ppm.
Acute effects (96-hour LC_{50} values) on 5 aquatic species (minnows, Daphnids, scuds, *Helisoma* snails, flatworms)—1.5 ppm (minnows), 0.3 ppm (Daphnids), 7.0 ppm (scude), 10.5 ppm (*Helisoma* snails), 2.2 (flatworms).

Toxicity Data

Acute oral LD_{50}—1,600-2,600 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin absorption—Evident.
Skin irritation—Moderate.
Repeated 12 day skin application—Moderate exacerbation with hard, cracked eschars.
Skin sensitization potential—Low.
Eye irritation—Moderate to strong.
Repeated 2-week feeding study 0.1% and 1% in diet—Weight gain: Normal; Hematology: Normal; Clinical Chemistry: Normal; Necropsy: Normal organ weights; Pathology: Minimal to mild hyperkeratosis in 5/5 animals in the high-dose group; Target organ: Contact tissue (stomach). No effect dose—0.1%.
Ames *Salmonella* mutagenicity assay with and without metabolic activation—Negative.

Exposure

Activity	Exposure route(s)	Maximum number exposed	Maximum duration: Hour/day	Maximum duration: Days/year	Concentrations (mg/m³): Average	Concentrations (mg/m³): Peak
Manufacture	Skin inhalation	100	2	20	1-10	10-100
Use	Skin inhalation	20	.5	80	0-1	1-10

Environmental Release/Disposal. The manufacturer states that none of the PMN substance would be released to the land and that less than 10 kg/yr would be released to the air and water. Disposal will be by incineration.

PMN 81-85

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Generic name provided: Trisubstitutedphenol.

Use. Claimed confidential business information. Generic use description provided: The manufacturer states that the PMN substance is a site-limited chemical intermediate for use in the manufacture of another chemical intermediate. The final chemical will be a minor constituent of an article for commercial and consumer use.

Production Estimates

	Kilograms per year: Minimum	Kilograms per year: Maximum
1st year	5,000	100,000
2d year	50,000	200,000
3d year	100,000	200,000

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
DMSO—>10.0%.
Acetone—>10.0%.
Corn oil—>1.0%.
Octanol—>10.0%.
Melting point—32°C.

Toxicity Data

Acute oral LD_{50}—1,600-2,200 mg/kg.
Acute dermal LD_{50}—<500 mg/kg.
Skin irritation—Strong.

Eye irritation—Strong (washing is palliative).
Skin sensitization potential—None.
Ames Salmonella mutagenicity assay—Negative.

Exposure

Activity	Exposure Route(s)	Maximum number exposed	Maximum duration		Concentrations (ppm)	
			Hour/date	Days/year	Average	Peak
Manufacture	Skin inhalation	75	1	20	1-10	1-10
Use	Skin inhalation	25	.75	20	1-10	1-10

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the PMN substance will be released into the air, and none into the land and water. Disposal will be by incineration.

PMN 81-86

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstituted benzenamine hydrochloride.

Use. The manufacturer states that the PMN substance is a site-limited chemical intermediate for use in the manufacture of another intermediate. The final chemical will be a minor constituent in an article for commercial and consumer use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	4,000	80,000
2d year	4,000	80,000
3d year	0	0

Physical/Chemical Properties

Solubilities:
Water—>0.1
DMSO—>10.0
Acetone—>10.0
Corn oil—<0.1
Octanol—>1.0
Melting Point—162° C.

Environmental Test Data

COD—1.81 g/g.
TOD—1.83 g/g.
BOD_5—0.09 g/g (at 50 ppm).
BOD_{20}—0.09 g/g (at 50 ppm).
Secondary waste treatment compatibility study—The 50% inhibition concentration for glucose metabolism was 11.5 ppm.
Acute effect (96-hour LC_{50}) (flathead minnows, Daphnias, *Helisoma* snails, flatworms, pill bugs, and sideswimmers)—0.32 ppm (minnows), 1.8 ppm (Daphnids), 1.0 ppm (sideswimmers), .32 ppm (flat worms), 32 ppm (Helisome snails), 32 ppm (pill bugs).

Toxicity Data

Acute oral LD_{50} (rats)—1,300-2,300 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Repeated 10-day skin Application—Strongly exacerbated the irritative response.
Skin sensitization potential—None.
Eye irritation—Strong-washing promptly was palliative.
Repeated 2-week feeding study (rats) 0.1% and 1% in diet—Weight gain: Normal; Hematology: Normal except for a slight decrease in Hgb. in the low-dose group. Clinical chemistry: Normal except for a slight decrease in GPT in the high-dose group; Necropsy: Normal organ weights except for a slight increase in relative liver and kidney weights in the high-dose group; Pathology: Slightly dark and enlarged spleens in the high-dose group and some discoloration of the skin in both groups. Splenic congestion was seen in both groups; Target organ: None identified.

Exposure

Activity	Exposure route(s)	Maximum number exposed	Maximum duration		Concentrations (mg/m^3)	
			Hour/day	Days/year	Average	Peak
Manufacture	Skin inhalation	20	1	60	1-10	10-100
Use	Skin inhalation	20	0.5	60	0-1	1-10

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the PMN substance will be released into the air; none will be released into land or water. Disposal will be by incineration.

[FR Doc. 81-9483 Filed 3-27-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51229; TSH-FRL 1791-4]

Certain Chemicals; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81-79, 81-82—April 19, 1981.
PMN 81-86—April 20, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-79	Kirk Maconaughey	(202-426-3936)	E-210
81-82	Rachel Diamond	(202-426-3980)	E-221
81-86	David Dull	(202-755-8315)	E-229

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the **Federal**

Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 8, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determined that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51239]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 24, 1981.

Edward A. Klein,
Director, Chemical Control Division.

PMN 81-79

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 19, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Indentity. Claimed confidential business information. Generic name provided: Polyurethane from substituted alkanols and an aromatic diisocyanate.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye exposure to both chemical and non-chemical industry employees and essentially no consumer contact.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	60,000	120,000
2d year	180,000	360,000
3d year	360,000	720,000

PMN 81-82

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 19, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemcial Identity. Claimed confidential business information. Generic name provided: Neutralized polymer of styrene, acrylic acid, alkyl acrylate, and alkyl methacrylate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye exposure to both chemical and non-chemical industry employees and to consumers as part of an article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	145,000	290,000
2d year	230,000	460,000
3d year	360,000	720,000

Physical/Chemcical Properties

% Total solids—70 (by weight).

Viscosity (on solution at solids shown)—X.

Flash point—69°F.

Toxicity Data. No data were submitted.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration	
		Hour/day	Day/year	Average	Peak
Manufacture: Skin and eye	77	6	10-34		
Processing: Skin and eye	139	8	36-60		
Use: Skin and eye	12	8	250		

Environmental Release/Disposal

The manufacturer states during manufacture and processing of the substance, less than 100 kg/yr may be released to air and water and from 1,040–10,400 kg/yr to land.

In a typical users' site, less than 20 kg/yr may be released to air and land and 10–100 kg/yr to water.

Physical/Chemical Properties

Total solids—37.7%.

Milliequivalents acid—0.534 MEQ acid/g.

Milliequivalents base—0.434 MEQ base/g.

ph—7.6

Viscosity—1,700 cps.

Density—8.48 lb/gal.

Flash point—130° F.

(Values at 37.7% total solids.)

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 2 manufacturing sites, 77 manufacturing workers could have skin and eye exposure to the new chemical for 6 hr/da, 10 to 89 da/yr, and that at 2 processing sites, workers could have skin and eye exposure from 6 to 14 hr/da, 50 to 83 da/yr. Exposure could occur during filling of the processing vessel, extracting samples for quality control, cleaning, and filling shipping and storage containers.

At the site of a typical user, three owrkers could have skin and eye exposure for 0.5 hr/da, 240 da/yr.

Environmental Release/disposal. The manufacturer states that at both the manufacturing and processing sites, less than 80 kg/yr of the PMN substance will be released into the air and water and from less than 10 to 1,200 kg/yr to land.

Vapors are cleaned by scrubbers, particulate emissions are controlled baghouses, and sludge and other organic wastes are landfilled, sold as fuel, or incinerated.

At the site of a typical user, less than 20 kg/yr will be released into the air and water; from 10 to 100 kg/yr will be released into the land.

PMN 81–88

The following information is taken from data submitted by the manufacturer in the PMN.

close of Review Period. May 20, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted transition metal oxide.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentrations (ppm)	
		Hour/day	Day/year	Average	Peak
Manufacture: Inhalation and skin	2	1	100	5	10
Processing: Inhalation, skin	2	1	25	5	10
Disposal: Inhalation, skin	1	2	25	5	10

Environmental Release/Disposal. The manufacturer states that there will be no release of the PMN substance to the environment during manufacture and processing. When no longer useful, the final article containing the PMN substance will be disposed by incineration or landfill.

[FR Doc. 81-9450 Filed 3-27-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51240; TSH-FRL 1791-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of six PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81–90, 81–91—April 21, 1981.

PMN 81–92—April 19, 1981.

PMN 81–93, 81–94, 81–95—April 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager and telephone	Room No.
81–90	George Bagley (202–426–2600)	E–219
81–91	Rachel Diamond (202–426–2600)	E–221
81–92	Wendy Cleland-Hamnett (202–755–8315).	E–229
81–93	Kirk Mecenaghey (202–426–2606).	E–210
81–94, 81–95	Mary Cushmac (202–755–8315)	E–229

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10,

1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will published the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51240]" and the specific PMN number. Comments received may be seen in Rm. E-105 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2004))

Dated: March 24, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-90.

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 21, 1981.

Manufacturer's Identity. W. R. Grace and Co., 55 Hayden Avenue, Lexington, MA 02173.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Oxime blocked polyurethane prepolymer, water borne.

Use. The manufacturer states that use data is not known but that possible uses for the PMN substance are as pulp additive in paper formation, coating vehicle for paper, aid in dyeing polypropylene fabric, and emulsifier/coreactant in latex manufacture.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Non-volatiles—35%.
Vehicle—Water.
Boiling point—100° C.
Vapor pressure (Hg)—21.8.
Specific gravity—1.101.

Toxicity Data

Acute oral toxicity LD_{50} (male and female rats)—>50 mg/kg.

Acute dermal toxicity LD_{50} (albino rabbits)—>200 mg/kg.

Eye irritation (albino rabbits)—Irritant.

Exposure. The manufacturer states that at a site controlled by the submitter, workers workers could have skin exposure 8 hr/da, 140 da/yr, during reactor sampling, packaging, and equipment cleaning.

At a site not controlled by the submitter, workers using the new substance could have skin and inhalation exposure during transfering, compounding, coating, saturating, or other processing.

Environmental Release/Disposal. No data were submitted. The manufacturer states that off specification waste materials will be disposed of according to State and Federal regulations.

PMN 81-91

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 21, 1981.

Manufacturer's Identity. Celanese Plastics & Specialties Company, 26 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Hydroxy aryl ether ester of alkenoic acid.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an industrial use as a component of coatings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	100
2d year	500	20,000
3d year	5,000	50,000

Physical/Chemical Properties

Non-volatile (assumed)—100%.
Viscosity at 25° C—2-500 cps.
Acid value—5.0.
Color—15 Max.
Density—1.13.

Toxicity Data

Ames *Salmonella*/microsome mutagenesis assay—Non-mutagenic.
Eye irritation study—Positive.
Skin irritation study—In progress.
Oral toxicity test—In progress.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration: Hours/day	Maximum duration: Days/year	Concentration (PPM): Average	Concentration (PPM): Peak
Manufacture: Skin and Inhalation	40	8	15		
Processing: Skin	30	8	10		
Processing (user's site): Skin	100			10-100	

Manufacturing and processing occur in closed systems, limiting worker exposure to filling, sampling, and cleaning operations.

At user's site, exposure may occur during sampling, cleaning, and transferring.

Environmental Release/Disposal. The manufacturer states that at two sites controlled by the submitter, 110 to 1,100 kg/yr of the new substance will be released into the land. Filter sludge will be disposed by landfill; cleaning solvents will be recycled, then distilled, or disposed using RCRA approved procedures.

PMN 81-82

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 19, 1981.

Manufacturer's Identity. Gulf Oil Company, P.O. Box 701, Port Arthur, TX 77640.

Specific Chemical Identity. Lithium-lime-hydrogenated castor oil-tallow-naphthenic acid.

Use. The manufacturer states that the PMN substance will be used in a commercial use as part of a compound of lubricating greases.

Production Estimates. Approximately 700,000 lbs/yr.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. No data were submitted. The manufacturer states that the new substance will be produced in a closed system, limiting worker exposure to sampling and testing.

Environmental Release/Disposal. No data were submitted.

PMN 81-83

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 27, 1981.

Manufacturer's Identity. Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic alkenyl ester polymer.

Use. The manufacturer states that the PMN substance is intended for use as an adjuvant in waste processing; not expected to come in contract with drinking water.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical form—Aqueous hydrocarbon polymer emulsion.

Boiling point, 760 mm Hg—>100° C.

Specific gravity, 20°/20° C.—1.01.

Flash point—230° F.

Polymer molecular weight—>10 million.

Environmental Test Data

Solids/water distribution—High preferential absorption on solids.

BOD, 20-day—Test in progress.

Toxicity Data

Fish toxicity 96-hour LC_{50} (fathead minnow)—560 mg/l.

Acute toxicity—In progress.

Exposure

Activity and Exposure route(s)	Maximum number exposed	Maximum duration: Hours/day	Maximum duration: Days/year	Concentrations: Average	Concentrations: Peak
Manufacture: Skin and eye	15	8	100		
Use: Skin and eye	12	8	365		

The manufacturer states that anticipated worker exposure will be accidental during manufacture, distribution, and filed use.

Environmental Release/Disposal. The manufacturer states that environmental release of the PMN substance manufacture is not expected. In commercial use, the substance is absorbed on solid waste and buried with the stabilized waste solids.

PMN 81-84

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 27, 1981.

Manufacturer's Identity. Kelco, Division of Merck & Co., Inc., 8355 Aero Drive, San Diego, CA 92123.

Specific Chemical Identity. Polymer of *D*-glucose; acetic acid; propanoic acid, 2-oxo; and arabinose; *D*-mannose; *L*-mannose, 6-deoxy; and *D*-glucuronic acid, mixed ammonium, calcium, magnesium, potassium and sodium salt.

Use. The manufacturer states that the PMN substance will be used generally as an industrial stabilizer, thickener, and suspending agent, and, more specifically, as a thickener/stabilizer/gelling agent in slurry explosives.

Production Estimates. Claimed confidential business information

Physical/Chemical Properties. The manufacturer states that the PMN substance will be sold as a powder, is soluble in water, lower alcohols, and acetone; generally insoluble in organic solvents; has essentially no vapor pressure; and decompose without melting when heated above approximately 150°C.

Environmental Test Data

BOD_5—300 mg O_2/g

COD—1,400 mg O_2/g

Toxicity Data

Acute oral toxicity LD_{50} (male and female rats)—>5,000 mg/kg.

Acute eye irritation (albino rabbits)—Mild irritant.

Draize test (rabbits)—Minimally irritating.

Acute inhalation (rats) (4-hr. exposure, dust concentration of 5.7 mg/l (0.15 mg/l gravimetric))—Non-toxic.

Exposure. The manufacturer states that at a site controlled by the submitter, two manufacturing workers could have inhalation exposure to the new substance for 0.5 hr/da during packing, sampling, and testing.

At a typical user's site, workers could have skin and inhalation exposure to the product dust during the makeup of solutions.

Environmental Release/Disposal. No data were submitted. The manufacturer states that at a site controlled by the submitter, dust collected from accidental spills and baghouses would be dumped in a municipal landfill; liquid wastes are discharged into a municipal sewage treatment plant.

PMN 81-85

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. May 27, 1981.

Manufacturer's Identity. Kelco, Division of Merck & Co., Inc., 8355 Aero Drive, San Diego, CA 92123.

Specific Chemical Identity. Polymer of *D*-glucose; succinic acid; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, magnesium, potassium, and sodium salt.

Use. The manufacturer states that the PMN substance will be used generally

as an industrial stabilizer, thickener, and suspending agent, and, more specifically, as an antimigrant in textile dyeing operations.

Production Estimates. Claimed confidential business information

Physical/Chemical Properties. The manufacturer states that the PMN substance will be sold as a powder; is soluble in water, lower alcohols, and acetone; generally insoluble in organic solvents; has essentially no vapor pressure; and decomposes without melting when heated above approximately 150°C.

Environmental Test Data

BOD_5—300 mg O_2/g

COD—1,400 mg O_2/g

Toxicity Data

Acute oral toxicity LD_{50} (male and female rats)—>5,000 mg/kg.

Acute eye irritation (albino rabbits)—Mild irritant.

Draize test (rabbits)—Minimally irritating.

Acute inhalation toxicity (rats) (4-hr exposure, dust concentration of 6.1 mg/l (0.1 mg/l gravimetric))—Non-toxic.

Exposure. The manufacturer states that at a site controlled by the submitter, 2 manufacturing workers could have inhalation exposure to the new substance for 0.5 hr/da during packing, sampling, and testing.

At a typical user's site, five workers could have skin and inhalation exposure. At a customer's site, two workers per production line would have skin and inhalation exposure. No consumer exposure is anticipated.

Environmental Release/Disposal. No data were submitted. The manufacturer states that at a site controlled by the submitter, dust collected from accidental spills and baghouses would be dumped in a municipal landfill; liquid wastes are discharged into a municipal sewage treatment plant.

[FR Doc. 81-9002 Filed 3-27-81; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-25]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 26, 1981.

Cut-off Date: May 11, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after May 11, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 11, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than the close of business on May 11, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 11, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT-810102KG (new), Decatur, Illinois, Decatur Foursquare Broadcasting, Inc., Channel 23, ERP: Vis. 405 kW; HAAT: 627 feet

BPET-810119KF (new), Seaford, Delaware, Delaware Citizens Committee, Channel 64, ERP: Vis. 140 kW; HAAT: 945 feet

*BMLET-800213KG (WITF-TV), Harrisburg, Pennsylvania, South Central Educational Broadcasting Council, Channel 33, Change city of license from Hershey, Pennsylvania

BPCT-801217KI (new), Salt Lake City, Utah, Utah Television Associates, Channel 13, ERP: Vis. 60 kW; HAAT: 3901 feet

[FR Doc. 81-9001 Filed 3-27-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-182, File No. BPH-800201AR; BC Docket No. 81-183, File No. BPH-800714AJ]

Bridgeport Broadcasting Co. and Golden Venture, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bert F. Dimock and Dan Dimock, d.b.a. Bridgeport Broadcasting Co., Bridgeport, Texas, Req: 96.7 MHz, Channel 244, 3.0 kW (H&V), 208.625 feet, BC Docket No. 81-182, File No. BPH-800201AR; and Golden Venture, Inc., Bridgeport, Texas, Req: 96.7 MHz, Channel 244, 3.0 kW (H&V), 300 feet, BC Docket No. 81-183, File No. BPH-800714AJ.

Hearing Designation Order

Adopted: March 13, 1981.

Released: March 24, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Bert F. Dimock and Dan Dimock d/b/a Bridgeport Broadcasting Co. (hereafter Bridgeport) and Golden Venture, Inc. for a new FM broadcast station at Bridgeport, Texas.

2. Analysis of the financial data submitted by Bridgeport reveals that at least $71,755 will be required to construct the proposed station and operate for three months itemized as follows:

Equipment payment	$44,555
Rental of land and buildings	Omitted
Miscellaneous	4,500
Operating costs (3 mo)	22,700
Total	71,755

Bridgeport intends to rely on a letter of credit for $71,755 and cash on hand of $34,857 to meet its construction and operating cost. While in theory the letter of credit is sufficient to cover the entire expense of construction and operation, applicant would have to draw on its cash on hand to meet the additional cost of rental of building and land, which was omitted from the original calculations. Here, however, applicant's cash on hand has not been shown to be available because its liabilities (unsegregated between current and long-term liabilities) exceed its current assets. Bridgeport also failed to substantiate the estimates of the data submitted as required by Paragraph 1(b) Section III, FCC, Form 301. Accordingly, a financial issue will be specified.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the area and populations which would receive service from the proposal. Consequently, for purpose of comparison, the area and populations which would receive FM service of 1 mV/m or greater, intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applicants are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to Bridgeport:

(a) the estimated cost for land and building;

(b) the source of availability of additional funds over and above the $71,755 indicated; and

(c) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be

heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, that the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-9629 Filed 3-27-81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81-185]

Danny L. Buster; Application; Designating Applications for Consolidated Hearing on Stated Issues

Designation Order

Adopted: March 23, 1981.

Released: March 24, 1981.

The Chief, Private Radio Bureau, has under consideration the application of Danny L. Buster, 14627 Fonseca Avenue, La Mirada, California 90638, for a Citizens Band Radio station license. The application is dated February 25, 1980.

1. Information before the Commission indicates that on January 21, 1980, Buster made radio transmissions on the frequency 27.505 MHz. That frequency has been assigned for use by Industrial Radio Service stations. Buster did not possess a license authorizing the use of that frequency. Thus, the operation was apparently in violation of Section 301 of the Communications Act of 1934, as amended.

2. Further information before the Commission indicates that on February 22, 1980, Buster again made radio transmissions on the frequency 27.505 MHz. As on the previous occasion, this operation was apparently in violation of Section 301 of the Communications Act of 1934, as amended.

3. Buster's apparent unlicensed radio operation calls into question his qualifications to become a licensee in the Citizens Band Radio Service. The Commission is thus precluded from determining that a grant of Buster's application would serve the public interest, convenience and necessity.

4. Accordingly, it is ordered, pursuant to Section 309(e) of the Communications Act of 1934, as amended, §§ 1.973(b) and 0.331 of the Commission's Rules, that Buster's application for a Citizens Band Radio Station license is designated for hearing on the issues specified below:

(a) To determine whether Danny L. Buster made radio transmissions on January 21, 1980, in willful violation of Section 301 of the Communications Act of 1934, as amended.

(b) To determine whether Danny L. Buster made radio transmissions on February 22, 1980, in willful and repeated violation of Section 301 of the Communications Act of 1934, as amended.

(c) To determine whether Danny L. Buster has the requisite qualifications to become a Commission licensee.

(d) To determine whether a grant of the application of Danny L. Buster for a station license in the Citizens Band radio service, would serve the public interest, convenience and necessity.

4. It is further ordered, that if Buster desires to be heard on the application, he must file within 20 days a written appearance, in triplicate, stating that he will appear at a hearing to present evidence on the issues specified above.[1] If a hearing is requested, the time, place and Presiding Judge will be specified by subsequent order.

5. It is further ordered, That copies of this Order shall be sent by Certified Mail Return Receipt Requested and by Regular Mail to the applicant at his address of record (shown in caption).

Chief, Private Radio Bureau.

By: W. Riley Hollingsworth,

Acting Chief, Compliance Division.

[FR Doc. 81-9630 Filed 3-27-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-178, File No. BPCT-790327LD; BC Docket No. 81-179, File No. BPCT-791026LB]

Christian Broadcasting of the Midlands, Inc. and Pappas Telecasting Inc.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Christian Broadcasting of the Midlands, Inc., Omaha, Nebraska, BC Docket No. 81-178, File No. BPCT-790327LD; and Pappas Telecasting Incorporated, Omaha, Nebraska, BC Docket No. 81-179, File No. BPCT-791026LB; for construction permit for a new television station.

Hearing Designation Order

Adopted: February 27, 1981.

Released: March 23, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications, filed by Christian Broadcasting of the Midlands, Inc. (Christian) and Pappas Telecasting Incorporated (Pappas), for a new commercial television station on Channel 42, Omaha, Nebraska.

Christian Broadcasting of the Midlands, Inc.

2. Several letters were filed on behalf of concerned religious groups in Omaha-Council Bluffs area opposing the application of Christian. Generally, these groups express concern about the increasing impact that the so-called "television ministries" are having on the concept of the local church. As a potential religious broadcaster, Christian's application is being opposed on the grounds that the proposed religious programming would not be in the public interest in the Omaha-Council Bluffs area because of the purported narrow sectarian views represented, and that the station proposed by Christian will not offer an adequate outlet for religious groups with different viewpoints and philosophies.

3. The Commission has held that the prime consideration is not the religious orientation of a licensee, but "whether the applicant, whatever his own views, is likely to give a 'fair break' to others who do not share them." *WBNX Broadcasting Co.*, 12 FCC 837, 841, 4 RR 242, 248 (1948) *Noe v. FCC* 260 F.2d 739 (D.C. Cir. 1958). Where a question has been raised regarding the applicant's willingness to provide a "fair break" to other faiths with divergent religious precepts, an applicant has been required to indicate its intentions. However, in the instant case, the objectors have not alleged any specific facts with respect to this particular applicant which would raise a question as to whether the applicant is likely to adhere to the "fair break" doctrine. Their concerns are, therefore, speculative and further inquiry is not warranted. In the event of a grant of the Christian Broadcasting application, we would expect the permittee to comply with the "fair break" doctrine and we are confident

[1] Absent a showing of good cause, if a written appearance is not filed within the specified time period, the application will be dismissed with prejudice for failure to prosecute pursuant to § 1.221 of the Commission's Rules.

that the objector's vigilance can be relied upon to assure that result.

4. The financial data submitted by Pappas indicates that $4,360,400 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment	$3,175,400
Land	182,000
Buildings	46,000
Other items	
Legal	110,000
Engineering	10,000
Installation	66,000
Miscellaneous	440,000
Total construction expenditures	4,035,400
Total operating costs for 3 months	325,000
Total proposed expenditures	4,360,400

5. Analysis of the financial data presented in paragraph 4 leads to the following conclusions:

To meet these costs, Pappas relies on a line of credit of $5,000,000 from Bank of America. Although Pappas' balance sheet shows a working capital deficit of $529,300, the Commission finds Pappas to be financially qualified because the line of credit is earmarked for the construction and operation of the proposed new station.

6. Except as indicated by the issues specified below, the Commission finds Christian Broadcasting of the Midlands, Inc. and Pappas Telecasting Incorporated legally, financially, technically and otherwise qualified. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that grant of the applications will serve the public interest, convenience and necessity. The applications must therefore be designated for hearing on the issues set out below.

7. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934 as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues: (1) To determine, on a comparative basis, which of the applications would better serve the public interest; (2) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within twenty (20) days of the mailing of this Order, shall file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, that, the applicants herein shall pursuant to Section 311(a)(2) of the Communications Act of 1934 as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-9627 Filed 3-27-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-184, File No. FNF-81-3, FCC 81-117]

Heritage Village Church and Missionary Fellowship, Inc.; Investigation

In the matter of petition of Heritage Village Church and Missionary Fellowship, Inc., CC Docket No. 81-184, File No. FNF-81-3, FCC 81-117 for emergency relief with respect to PBX interconnection to telephone service of Southern Bell Telephone and Telegraph Company.

Memorandum Opinion and Order

Adopted: March 20, 1981.

Released: March 26, 1981.

By the Commission: Chairman Ferris not participating.

1. Heritage's emergency petition, filed March 2, 1981, presents a *prima facie* case of interference with a telephone subscriber's federal, judicially upheld right to interconnect its customer-provided terminal equipment as it finds privately beneficial without being publicly detrimental. As we discuss below, Heritage's right to connect its privately owned PBX to the service provided by Southern Bell Telephone and Telegraph Company was challenged by the Fort Mill Telephone Company before the South Carolina Public Service Commission. Before Heritage's interconnection with Southern Bell is modified in any manner, we believe that Fort Mill must bear the burden of demonstrating that this privately beneficial arrangement is outweighed by the public detriment, if any, from continuing such an arrangement. Accordingly, we are setting this matter for investigation and will afford all persons and entities which may be interested a full opportunity to inform us of the relevant facts and their views. We are also directing Southern Bell to maintain the current interconnection pending our further order or decision in this matter.

Background

2. Heritage seeks, among other things, that we order Southern Bell to maintain and continue providing existing telephone services to Heritage's privately owned PBX terminal equipment switch located in North Carolina near the South Carolina border. The PBX is equipped to serve 300 telephones in Heritage's Total Living Center, a 1,050 acre complex, approximately 50 acres of which are in North Carolina and the balance of which are in South Carolina. Heritage's request for emergency relief stems from an order of the South Carolina Public Service Commission which directed Southern Bell to discontinue providing telephone service to Heritage on grounds that Southern Bell and Heritage were engaged in providing unauthorized telephone utility service within the certificated exchange area of the Fort Mill Telephone Company in South Carolina.

3. In denying rehearing, the South Carolina Public Service Commission (SCPSC) extended the time for such discontinuance 30 days, or until March 23, 1981, and conditioned the ordered discontinuance upon arrangements having been made between Heritage and Fort Mill Telephone Company to avoid interruption of service.

4. A portion of the Heritage property situated in North Carolina is wholly within the exchange territory of Southern Bell's North Carolina operations and that portion physically extending into South Carolina falls within the exchange area of Fort Mill Telephone Company. Heritage states that the South Carolina portion is a rural area which remains substantially unserved by Fort Mill Telephone Company. Heritage's Total Living Center facilities include a major administration complex and television broadcast and production facility, guest chalets, residential and semi-permanent trailers, a ranger station used for first-aid and security, a tennis pro shop, snack facilities, and other recreational facilities provided primarily for the convenience of visitors. Heritage also represents that virtually all the 300 telephones within the complex are used for its own business and administration purposes. The PBX facility is connected to 40 Southern Bell exchange trunks and 5 interstate WATS lines. The Heritage PBX terminal system of 300 telephone stations is connected to its PBX switch by customer-owned station wiring

installed by Heritage contractors. No one disputed Heritage's representation that its connection to the telephone network is in full compliance with the Federal registration rules under Part 68 of the FCC Rules and Regulations.

5. Heritage has chosen to situate its PBX in Southern Bell's North Carolina exchange area, rather than in Fort Mill Telephone Company's South Carolina exchange area, because of a community of interest with Charlotte, N.C., as well as economic, technical, and religious reasons. *See* Petition, pp. 5–7.

6. Southern Bell has advised the FCC that: its facilities have been interconnected with the Heritage PBX since about July 1, 1978; such interconnection was effected pursuant to a request for service initiated by Heritage; the PBX is registered "fully protected" equipment meeting all standards of its tariffs and Part 68 of FCC Rules; and that the customer-provided station wiring was determined to require no scrutiny nor acceptance testing by Southern Bell. It thus believed that the interconnection with Heritage's PBX was required by North Carolina statutes, its North Carolina tariff, and FCC Rules.

7. After a hearing, upon a complaint of Fort Mill Telephone Company, the SCPSC concluded that Heritage provides a telephone service to certain persons which constitutes operating telephone service for hire without authority. It further concluded that Southern Bell has, by interconnecting its trunk and interstate WATS lines with the Heritage PBX, unlawfully extended Southern Bell's telephone service into Fort Mill Telephone Company's exchange area. As previously noted, Heritage must switch its telephone connection from Southern Bell to Fort Mill Telephone Company by March 23, "provided that suitable arrangements have been made between [Heritage] and Fort Mill Telephone Company, to avoid interruption of service." The SCPSC order requires Heritage to enter into negotiations with Fort Mill Telephone Company for the purpose of obtaining PBX trunks and other telephone service from that company rather than from Southern Bell. Heritage has entered into preliminary discussions and reiterated its current requirements for service from Fort Mill Telephone Company while reserving its legal rights to seek reversal or preemption of the SCPSC order. Fort Mill Telephone Company is expediting development of a service plan for the Heritage complex.

8. In support of its petition for emergency relief, Heritage contends, among other things, that the SCPSC orders present an immediate threat to its federally guaranteed right to use and connect its privately-owned telephone terminal equipment and to its rights under Sections 201(a) and 202(a) of the Communications Act to enjoy the tariffed services of Southern Bell in a non-discriminatory manner.

9. Southern Bell is prepared to continue the interconnection with Heritage so long as the status quo remains unchanged and until final adjudication of the controversy. It states that its sole interest in the present controversy is whether it is legally obligated to interconnect its facilities with Heritage's PBX.

10. By letter dated March 12, 1981, the SCPSC stated that the Heritage petition is "inappropriate, premature, not properly before the Commission, and should be denied." The SCPSC asserts that its order maintains that there will be no interruption of Heritage's service and that the matter is within its continuing jurisdiction. Fort Mill Telephone argued in opposition to Heritage's petition that there is no emergency because the SCPSC has not ordered a discontinuance that would leave Heritage without service. Fort Mill did concede that its self-interest will be served by completing the substitute arrangements for service to Heritage at the earliest possible date.

Discussion

11. This dispute is ripe for FCC consideration. See *NCUC* v. *FCC*, 537 F.2d 787, 790–791, n. 2 (4th Cir. 1976). Petitioner Heritage relies upon the *Hush-A-Phone, Carterfone* line of cases that establish a telephone user's basic right under Section 201 of the Communications Act to connect the user's own telephone terminal equipment and systems to the telephone network. Federal courts have repeatedly found attempts to interfere with such right, without a substantive showing of harm to the public, to constitute unwarranted inteference with the consumer's federally insured rights. See *Hush-A-Phone Corp.* v. *U.S.*, 238 F.2d 266 (D.C. Cir., 1956); *Membane Home Telephone Co.* v. *FCC*, 535 F.2d 1324 (D.C. Cir., 1976); *affirming* 53 FCC 2d 473; *North Carolina Utilities Commission, supra; Puerto Rico Telephone Company* v. *FCC*, 553 F.2d 694 (1st Cir. 1977); and *North Carolina Utilities Commission* v. *FCC*, 552 F.2d 1036 (4th Cir.), *cert den.*, 434 U.S. 874 (1977).

12. Heritage has made a *prima facie* case of immediate and continuing interference with its federal, judicially upheld right to use its PBX switch as it finds privately beneficial. An outstanding order requires modification of the current interconnection by Southern Bell. The SCPSC order apparently frustrates consumer use of registered terminal equipment. In accordance with the well established federal policy, the burden now rests on Fort Mill Telephone Company to establish before the FCC that the current interconnection will result in direct, substantial and immediate injury to its telephone system and detriment to the public interest. It also has the burden of persuasion that the private benefits flowing from Heritage's present interconnection are outweighed by detrimental public considerations. See e.g., *mebane*, 53 FCC 2d 473 (1975) and *Puerto Rico Telephone Co.*, 57 FCC 2d 1202 (1976).

13. In the absence of prompt FCC action, Heritage's right to use its telephone equipment as it finds beneficial is in jeopardy. The fact that there may be no actual discontinuance of service to Heritage does not obviate the need for prompt FCC action, since the changeover to service from Fort Mill Telephone Company may in itself be an interference with Heritage's federal rights. Further, Southern Bell could be confronted with the dilemma of defying either the SCPSC or federal policy. Accordingly, we will act at this time to assure that the current interconnection between Heritage and Southern Bell shall not be modified pending a full investigation of the facts and opportunity for all interested parties to brief the issues.

14. Fort Mill Telephone Company, as a connecting carrier engaged in the provision of interstate communication service is expressly subject to the requirements of Section 201–205 of the Communications Act. It is also bound by the applicable provisions of interstate tariffs of AT&T filed with this Commission which implement the federal right of customers to interconnect their customer-provided terminal equipment to the telephone network as long as such equipment is properly registered pursuant to our registation program and Part 68 of our Rules and Regulations. Southern Bell, of course, is fully, subject to all of Title II of the Communications Act and AT&T's tariffs.

15. Accordingly, pursuant to authority in Sections 4(i), 4(j), 201, 202, 208 and 403 of the Communications Act, 47 U.S.C. 154(i), 154(j), 201, 202, 208 and 403, and §§ 1.1 and 1.2 of our Rules and Regulations, 47 CFR 1.1 and 1.2, this matter is designated for investigation.

16. It is further ordered, That comments may be filed by any interested persons identifying the

relevant issues, facts, and legal considerations. Comments shall be filed within 30 days of release of this Order. Replies may be filed no later than 15 days, thereafter.

17. It is further ordered, That Southern Bell, which is engaged in providing interstate telephone services over exchange trunks and interstate WATS lines to the Heritage PBX site at an interface point located within its service area, is directed to maintain the current interface until further order of this Commission.

18. It is further ordered, That the relief requested by Heritage Village Church and Missionary Fellowship, Inc. in its petition for emergency relief is hereby granted to the extent indicated above, and otherwise shall be held in abeyance pending our decision or further order.

19. It is further ordered, That the Secretary shall cause a copy of this Memorandum Opinion and Order to be published in the Federal Register and shall send a copy by registered mail, to Fort Mill Telephone Company and Southern Bell Telephone and Telegraph Company, South Carolina Public Service Commission and the North Carolina Utilities Commission.

20. It is further ordered, That this order is effective immediately.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 81-9534 Filed 3-27-81; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket No. 81-177, File No. 21281-CD-P-(3)-79]

Mobile Phone of Texas, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

In the matter of application of Mobile Phone of Texas, Inc., CC Docket No. 81-177, File No. 21281-CD-P-(3)-79, for a construction permit to establish a new two-way station to operate on frequencies 454.175, 454.225 and 459.225 MHz in the Domestic Public Land Mobile Radio Service at Huckabay, Texas.

Memorandum Opinion and Order

Adopted March 17, 1981.
Released March 23, 1981.

By the Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, is the above-captioned application of Mobile Phone of Texas, Inc. (Mobile Phone).

2. A brief review of the background of this application is helpful. This application was originally filed on April 3, 1978, as an application for a new two-way station to operate on frequencies 152.06, 454.225 and 459.225 MHz at Huckabay, Texas. This application was electrically mutually exclusive on frequency 152.06 MHz with an application of Arnold Anderson d/b/a Concho Communications, File No. 20780-CD-P-(2)-79. Consequently, these applications were designated for a comparative hearing in a consolidated proceeding. *Concho Communications*, 78 FCC 2d 391 (Common Carrier Bureau 1980). However, before the hearing commenced, the parties entered into a settlement agreement whereby, *inter alia*, Mobile Phone agreed to amend its application from frequency 152.06 MHz to 454.175 MHz. Thereafter, the Presiding Administrative Law Judge approved the agreement and ordered that Mobile Phone's application as amended be removed from hearing and returned to the processing line. *Concho Communications*, FCC 80M-1662, released September 11, 1980.

3. It appears that Mobile Phone's amended application for frequency 454.175 MHz is electrically mutually exclusive with the application of Jim Bob Measures d/b/a Radiofone, File No. 22038-CD-P-(2)-80, which has already been designated for comparative hearing with another application of Mobile Phone, File No. 22513-CD-P-(2)-80, in CC Docket Nos. 81-84 through 81-87, *Mobile Phone of Texas, Inc.*, Mimeo 7105, 46 FR 14068 (Common Carrier Bureau February 25, 1981).

4. In view of the foregoing, pursuant to Section 309 of the Communications Act of 1934, as amended, 47 U.S.C. 309, we find this applicant qualified to construct and operate the proposed facility. Accordingly, it is ordered, that the application of Mobile Phone of Texas, Inc., File No. 21281-CD-P-(3)-79, is designated for hearing and consolidated with the hearing in CC Docket Nos. 81-84, to 81-87 on the same issues and with the same parties as in that proceeding.

5. It is further ordered, that the applicant may avail itself of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence concerning the above-captioned application on the issues specified in CC Docket Nos. 81-84 to 81-87.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

Joseph A. Marino,
Acting Chief, Common Carrier Bureau.

[FR Doc. 81-9533 Filed 3-27-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 81-180, File No. BPH-791204AA; BC Docket No. 81-181, File No. BPH-800130AI]

Tower Power Corp. and Richard Lee Hammer, Sherry Lynne Hammer and Janie Sue Orton DBA Winnsboro Broadcasting Co.; Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of Tower Power Corporation, Winnsboro, Texas, Req: 104.9 MHz, Channel 285, 3kW (H&V), 300 feet, BC Docket No. 81-180, File No. BPH-791204AA; and Richard Lee Hammer, Sherry Lynne Hammer and Janie Sue Orton DBA Winnsboro Broadcasting Company, Winnsboro, Texas, Req: 104.9 MHz, Channel 285, 3 kW (H&V), 300 feet, BC Docket No. 81-181, File No. BPH-800130AI; for construction permit for a new FM station.

Hearing Designation Order

Adopted: March 13, 1981.
Released: March 25, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Tower Power Corporation (TPC) and Richard Lee Hammer, Sherry Lynne Hammer and Janie Sue Orton d.b.a. Winnsboro Broadcasting Company (Winnsboro).

2. *TPC.* Analysis of the financial portion of TPC's application reveals that it will require $30,000 to construct the proposed facility and operate for three months, itemized as follows:

Building	$8,000
Miscellaneous & other costs	6,000
Operating costs (three months)	16,000
Total	$30,000

TPC plans to finance construction and operation with a $50,000 loan from the First National Bank of Gilmer, Texas. However, the bank loan letter fails to comply with Paragraph 4(e) of Section III of FCC Form 301 in that it does not specify the interest rate of the loan and the terms of repayment. In addition, TPC's balance sheet does not segregate current liabilities from long-term

liabilities. Accordingly, we must assume that all liabilities shown are current. Since these liabilities exceed current assets, we find no funds available from this source. Moreover, although TPC plans to lease its equipment and land, the applicant has provided no lease agreement or other statement to support its estimate. In view of the foregoing, a financial issue will be specified.

Winnsboro. Analysis of the financial portion of Winnsboro's application reveals that it will require $30,354.50 to construct the proposed facility and operate for three months, itemized as follows:

Equipment (lease)	$12,000.00
Miscellaneous & other costs	7,200.00
Operating costs (three months)	11,154.50
Total	$30,354.50

To meet these expenses Winnsboro intends to rely on a $55,000 loan from the Winnsboro Bank & Trust Co. and $24,000 in existing capital, as provided for in the Partnership Agreement of the company. However, the bank loan letter fails to comply with Paragraph 4(e) of Section II of FCC Form 301 in that it does not specify the interest rate of the loan and the terms of repayment. Moreover, the applicant failed to file balance sheets of the partners, who are contributing $12,000 each to the company, showing current assets and current liabilities, as required by Paragraph 2(a) of Section III of FCC Form 301. In addition, Winnsboro plans to lease land and buildings but has not provided a copy of the lease or other documentation to support its estimate. Accordingly, a limited financial issue will be specified.

4. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Winnsboro published the required notice. To remedy this deficiency, Winnsboro will be required to publish local notice of its application, if they have not already done so, and to file a statement of publication with the presiding Administrative Law Judge.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to TPC:

(a) The itemized cost of leased equipment and land for the first three months of operation;

(b) The source and availability of funds to meet its expected costs; and

(c) In light of the evidence adduced pursuant to (a) and (b) above, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine with respect to Winnsboro:

(a) The itemized cost of leased land and buildings for the first three months of operation;

(b) The source and availability of funds to meet its expected costs; and

(c) In light of the evidence adduced pursuant to (a) and (b) above, whether the applicant is financially qualified to construct and operate the proposed station.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

7. It is further ordered, That Winnsboro shall publish local notice of the filing of its application with the Commission in accordance with § 73.3580(h) of the Rules and file a statement of publication with the presiding Administrative Law Judge.

8. It is further ordered, That to avail themselves of the oppportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-9529 Filed 3-27-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-636-DR]

Kentucky; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA-636-DR), dated March 17, 1981, and related determinations.

DATED: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7800.

SUPPLEMENTARY INFORMATION: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of March 17, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky resulting from sewer explosions in Louisville, on February 13, 1981, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under PL 93-288 will be limited to 75 percent of all eligible public assistance in designated areas. Federal disaster assistance will be limited to emergency sewer and related street repair under Section 306, PL 93-288.

You are directed to work with the U.S. Department of Justice, the Commonwealth of Kentucky and its political subdivisions in seeking recovery of funds expended under

this declaration from any party potentially responsible for the damage resulting from this incident in Louisville.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Thomas P. Credle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the Commonwealth of Kentucky to have been affected adversely by this declared major disaster.

Jefferson County for emergency sewer and related street repair under Section 306, PL 93–288.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718–02)

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-9443 Filed 3-27-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Central Service Corp.

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 22, 1981.

A. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Central Service Corporation, Enid Oklahoma (financing and loan activities: Oklahoma, Kansas, and Texas): to engage in the making or acquiring, for its own account or for the account of others, loans and other extensions of credit, including the purchase and discount of notes, the purchase of participations in loans, and the extension of direct loans to customers. The activities would be conducted from offices in Enid, Oklahoma, serving the State of Oklahoma, the northern portion of Texas, and the southern portion of Kansas.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9445 Filed 3-27-81; 8:45 am]

BILLING CODE 6210-01-M

Northwoods Bankshares, Inc.; Formation of Bank Holding Company

Northwoods Bankshares, Inc., Fond du Lac, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88 percent or more of the voting shares of Bank of Spooner, Spooner, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 20, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9444 Filed 3-27-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Expired Forms no Longer Having Valid GAO Clearances (FTC, ICC and NRC)

The clearances for the following five forms previously approved by the General Accounting Office, pursuant to section 409 of Public Law 93–153 (44 U.S.C. 3512), have lapsed. The agencies have not notified GAO to drop the forms from the inventory nor have the forms been resubmitted to GAO for approval for continued use. Therefore, these forms no longer have valid GAO clearances.

The agencies responsible for these forms, the specific identification of the forms, the dates they expired, and the types of respondents affected by each form are as follows:

Federal Trade Commission

Clearance for the Line of Business form which is sent to selected companies among the 1,000 largest in the manufacturing sector expired on December 31, 1979 (GAO Approval No. R0048).

Clearance for the Export Trade Association Questionnaire and Special Report which is filed by Registered Export Trade Associations orgainzed under the Federal Trade Act expired on December 31, 1980 (GAO Approval No. 488).

Interstate Commerce Commission

Clearance for the Monthly Report of Employees, Service, and Compensation, Forms A and B, required to be filed by Class I Railroads expired on December 31, 1980 (GAO Approval No. R0277).

Clearance for the Preliminary Report of Number of Employees of Class I Railroads expired on December 31, 1980 (GAO Approval No. R0278).

Nuclear Regulatory Commission

Clearance for the Control of Heavy Loads Near Spent Fuel—Letter and Questionnaire required to be filed by Power Reactor Facility Licensees expired on February 28, 1981 (GAO Approval No. R0522).

Any request for a new approval for use of these expired forms must be submitted by the above-listed agencies to the Office of Management and Budget pursuant to Public Law 96–511, effective April 1, 1981.

Norman F. Heyl

Regulatory Reports Review Officer.

[FR Doc. 81-9441 Filed 3-27-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Cancellation of Meeting; Biometry and Epidemiology Contract Review Committee

Notice is hereby given of the cancellation of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, April 16, 1981, which was published in the **Federal Register** on March 16, 1981, (46 FR 16943). For further information contact Dr. Wilna A. Woods on 301/496–7153, Westwood Building, Room 822, Bethesda, Maryland 20205. This meeting is cancelled because no contract proposals are scheduled for review at this time.

Dated: March 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-9432 Filed 3-27-81; 8:45 am]

BILLING CODE 4110-08-M

Breast Cancer Task Force Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Breast Cancer Task Force Committee, National Cancer Institute, April 6, 1981, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. to 6:00 p.m., for discussions involving chemical Carcinogen-Hormone Interaction in Transformation of Mammary Epithelial Cells In Vitro. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. D. Jane Taylor, Executive Secretary, Breast Cancer Task Force Committee, National Cancer Institute, Landow Building, Room 8C09D, 7910 Woodmont Avenue, Bethesda, Maryland 20014 (301/496–6718) will furnish substantive program information.

Dated: March 24, 1981.

Thomas E. Malone,

Deputy director, National Institutes of Health.

[FR Doc. 81-9429 Filed 3-27-81; 8:45 am]

BILLING CODE 4110-08-M

President's Cancer Panel; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel, April 13, 1981, Building 31A, Conference Room 4, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to adjournment. Agenda items will include reports by the Director, National Cancer Institute, and the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Richard A. Tjalma, Executive Secretary, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5854) will furnish substantive program information.

Dated: March 25, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-9434 Filed 3-27-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Delegation of Authority; Administrator of Health Resources Administration

Notice is hereby given that in furtherance of the delegation of November 20, 1980, by the Secretary of Health and Human Services to the Assistant Secretary for Health (46 FR 1032) the Acting Assistant Secretary for Health has delegated to the Administrator, Health Resources Administration, with authority to redelegate, all the authority delegated to the Assistant Secretary for Health under Title 5V of the Public Health Service Act (42 U.S.C. 300k *et seq.*), as amended, pertaining to national health planning and development. The delegation from the Acting Assistant Secretary for Health to the Administrator, Health Resources Administration, provides that the exercise of authorities under Section 1513(e)(2), Section 1521(d)(2), and Section 1524(c)(6) are limited to the administration of programs and functions assigned to the Health Resources Administration.

The April 20, 1979 delegation (44 FR 25930–25931), from the Assistant Secretary for Health to the Administrator, Health Resources Administration, as it pertains to authorities under Title XV of the Public Health Service Act, has been superseded. Provision has been made pending further redelegation for previous delegations and redelegations of authority under Title XV of the Public Health Service Act to other officials within the Health Resources Administration to continue in effect provided they are consistent with the delegation to the Administrator, Health Resources Administration.

The delegation to the Administrator, Health Resources Administration, became effective on March 19, 1981.

Dated: March 19, 1981.

Charles Miller,

Acting Assistant Secretary for Health.

[FR Doc. 81-9430 Filed 3-27-81; 8:45 am]

BILLING CODE 4110-83-M

Privacy Act of 1974; New System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of a new system of records: 09–25–0143: Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to establish a new system of records, 09–25–0143, Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID. We are

also proposing routine uses for this system.

This system will be used to support (1) epidemiologic, clinical and biometric investigations into the causes, nature (morbidity and mortality), outcome, therapy and cost of infectious, immunologic and related diseases; (2) review and evaluation of the progress of these research projects, and identification and planning for improvements or for additional research. The population and statistical studies supported by this system may be conducted or managed by Institute staff as well as others outside the Institute. This system comprises records maintained in a number of distinct research projects. The number and specific nature of projects will change over time as new ones are started and as work on existing projects is completed.

PHS invites interested persons to submit comments on the proposed routine uses on or before April 29, 1981.

DATES: PHS has sent a Report of New System to the Congress and to the Office of Management and Budget on March 23, 1981. The system of records will be effective May 22, 1981, unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to the National Institutes of Health (NIH) Privacy Act Coordinator at the address listed below. Comments received will be available for inspection weekdays between 9 a.m. and 3 p.m. in Room 3B03, Building 31, at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20205 (or call 301-496-4606).

SUPPLEMENTARY INFORMATION: The proposed system of records comprises research data collected on patients with infectious, immunologic (e.g. allergy) and related diseases, normal healthy volunteers who serve as controls for comparison with patients, relatives of patients and other individuals whose characteristics or conditions are being studied for possible connections with the occurrence of the diseases under investigations.

Such research will involve both scientists on the staff of NIAID and other scientists working under contracts awarded on a competitive basis to hospitals and clinics, to educational and research institutions, to Federal, state or local government agencies, and to commercial enterprises.

Records collected under this system will be organized and maintained according to the particular research project of which they are a part. Records will not be entered into a general or comprehensive data base; however, NIAID is treating the separate sets of records as a single system under the Privacy Act (1) because all of the sets of records are of the same general type and serve the same purposes, (2) in order to insure consistent policies and practices in the maintenance of such records, and (3) to make it easier for subject individuals to obtain notification of or access to their records.

The records in this system will be used to develop generalized knowledge about diseases, their causes, incidence and effects. The records will not be used to make determinations affecting the rights, benefits or privileges of specific individuals. Normally, the research records containing data used in scientific analysis will be kept separately from information, such as names, which would identify specific individuals; however, individually identified records may be retrieved when needed for purposes of verification, to obtain additional data on a given individual or to alert the volunteer subjects to findings in the study that might affect their health. Reporting of results of the research will be in aggregate and statistical form only and will not disclose identifying particulars about any individual. In addition, research data may be used for program review and evaluation in order to insure that research projects are progressing towards their goals and to determine any improvements or additional research that might be necessary.

The routine uses proposed for this system are compatible with the stated purposes of the system and with the protection of privacy. The first proposed routine use provides for disclosure to HHS contractors and collaborating researchers when this is necessary to achieve the basic research goals of the projects covered by this system. Such disclosure might be necessary in order to verify data originally submitted, to obtain additional information, to notify subjects of findings that might affect their health, or for analysis and preparation of reports.

The second proposed routine use, for quality assessments, medical audits and reviews, will enable the Department to insure that these research activities are conducted properly.

A routine use to permit disclosure for independent research by scientists who are not contractors or collaborators in a project funded by NIAID is proposed in order to further the advance of medical science in cases where scientists could use the data in the system to repond to valid and significant research questions in addition to those addressed by the original project. In such cases, NIAID will disclose data only with restrictions as to maintenance and use which are appropriate to safeguard the privacy of the subjects of the records.

The routine use for disclosure to the Department of Justice for advice on releasing information from the system in response to requests filed under the Freedom of Information Act (FOIA) protects the privacy of subjects by insuring against unwarranted releases of personal information under FOIA.

The proposed routine use for disclosure to contractors for collating, analyzing, aggregating or otherwise refining records is intended to allow the Department to contract for processing information in these system when that is necessary for the fullest possible scientific use of the research data collected. Such processing may be necessary because of complications arising during a study or when new insights gained from the study make it worthwhile to analyze the data in new ways which were not foreseen, or for activities such as microfilming the records or transferring data from original textual records into automated data files.

The proposed routine use for disclosure to the Department of Justice for defense purposes reserves the right of the Government to defend itself or its employees. The necessity for such defense would arise in connection with the system (1) if individuals allege that they were harmed mentally or physically by the clinical research activities which this system supports; (2) in any suits that result from HHS response to requests under the Privacy Act or the Freedom of Information Act; or (3) in cases that might result from actions by the agency to protect the rights of human subjects in research programs under the authority of 42 U.S.C. 289l-3, Institutional Review Boards, Ethics Guidance program.

The proposed routine use for disclosure to a congressional office would not violate the privacy of an individual because such disclosure would be made only pursuant to a request initiated by the individual.

Dated: March 24, 1981.

Jack N. Markowitz,

Acting Director, Office of Management.

09-25-0143

SYSTEM NAME:

Biomedical Research: Records of Subjects in Clinical, Epidemiologic and

Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At National Institutes of Health facilities in Bethesda, Maryland, and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating Federal agencies. Inactive records may be retired to Federal Records Centers. A list of locations is available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with infectious diseases, immunologic diseases involving adverse reactions of the body (e.g. allergic reactions) and related diseases, normal healthy volunteers who serve as controls for comparison with patients, relatives of patients and other individuals whose characteristics or conditions are being studied for possible connections with the occurrence of the diseases under investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, medical, and epidemiological information resulting from or contained in direct observations, medical records and other histories, vital statistics reports, records on biological specimens (e.g., blood, urine, etc.), personel interviews, questionnaires, progress reports, correspondence or research findings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, Research and Investigation, and 431, Establishment of Institutes, of the Public Health Service Act (42 U.S.C. 241, 289a).

PURPOSE(S):

This system will be used to support:

1. Epidemiologic, clinical and biometric investigations into the causes, nature (morbidity and mortality), outcome, therapy and cost of infectious, immunologic and related diseases;

2. Review and evaluation of the progress of these research projects, and identification of and planning for improvements or for additional research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors and collaborating researchers, who may be HHS grantees, and their staffs, in the conduct of the study and in preparation of scientific reports, in order to accomplish the research purpose for which the records are collected. The recipients will be required to maintain Privacy Act safeguards with respect to such records.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, computer-accessible forms (e.g. tapes or discs), punched cards, bound notebooks, microfilm, charts, graphs, and X-rays.

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number.

SAFEGUARDS:

Access to or disclosure of information is limited to collaborating researchers, contractors and NIAID employees who are involved in the conduct, support or review and evaluation of the research activities supported by this system. Contractors and collaborating researchers are required to comply with the provisions of the Privacy Act and with Department regulations.

Data are kept in secured areas (e.g. rooms which are locked when not in regular use, buildings with controlled access). Data stored in computer-accessible form is accessed through the use of key words known only to principal investigators or authorized personnel; all other information is stored in locked files.

These and other appropriate safeguards are implemented in each project in accordance with chapter 45-

13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13, and part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records at contractor facilities are retained and destroyed according to the contractor's records disposition schedule. Records at NIAID facilities are retained and destroyed in accordance with the authority provided in the NIH Records Control Schedule (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows the records to be kept until the system manager determines that the data has no further value for scientific research. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGERS AND ADDRESS:

Chief, Epidemiology and Biometry Branch, National Institute of Allergy and Infectious Diseases, Westwood Building, Room 730, Bethesda, Maryland 20205.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

NIAID Privacy Act Coordintor, Room 7A–03, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20016

and provide the following information:

1. System name,
2. Complete name and home address at the time of the study,
3. Birthdate,
4. Facility conducting study,
5. Disease type (if known),
6. Approximate dates of enrollment in the research study.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to 5,000 dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the system manager and reasonably identify the record, specify the information being contested and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, from physicians, research investigators and other collaborating persons and from medical records and clinical research observations at hospitals, HHS agencies, universities, medical schools, research institutions, commercial institutions, state agencies, collaborating Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-9009 Filed 3-27-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado; Craig District Advisory Council; Meeting

In accordance with Pub. L. 94–579, notice is hereby given that there will be a meeting of the Craig District Advisory Council on April 23, 1981.

The meeting will begin at 9:30 a.m. in the conference room of the Craig District Office of the Bureau of Land Management, 455 Emerson Street, Craig, Colorado.

The agenda of the meeting will include:

1. Introduce our new District Manager;
2. Status report on filing on water rights;
3. Discussion of field tour for Advisory Council;
4. Council recommendation on issues and problems to be addressed by the Advisory Council; and
5. Statements from the public.

The meeting will be open to the public and interested persons may make oral statements to the Council beginning at 3:00 p.m. The District Manager may establish a time limit for oral statements, depending on the number of people wishing to speak. Anyone wishing to address the Council or file a written statement should notify the District Manager, Bureau of Land Management, P.O. Box 248, 455 Emerson Street, Craig, Colorado 81625, by April 20, 1981.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

Frances E. Noll,

Acting District Manager.

[FR Doc. 81-9013 Filed 3-27-81; 8:45 am]

BILLING CODE 4310-84-M

North Atlantic Technical Working Group; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Public Law No. 92–463).

Name: North Atlantic Technical Working Group
Dates: 14–15 April 1981
Place: Holiday Inn-Somerville, 30 Washington Street, Somerville, Massachusetts
Times: 14 April—10:00 a.m. to 5:00 p.m. 15 April–9:00 a.m. to 12:00 p.m.

Committee membership consists of representatives from federal agencies, the coastal states of Maine through New Jersey, the petroleum industry, and other private interests.

Agenda: (14 April) Presentation on ongoing BLM funded studies in the North Atlantic region; presentation of monitoring proposal for Georges Bank. (15 April) Recommendations for monitoring on the Georges Bank.

This meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding items on the agenda should contact Richard Barnett of the New York OCS Office (212–264–1061) by 6 April 1981. Written statements should be submitted by 22 April 1981 to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by 10 June 1981 at the above address.

Frank Basile,

Manager, New York OCS Office.

[FR Doc. 81-9040 Filed 3-27-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2061, Block 321, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that The Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-9080 Filed 3-27-81; 8:45 am]

BILLING CODE 4310-31-M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Section 10(a)(c) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Thursday, April 30, 1981, 1:30 p.m., Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C.

The Commission will consider program objectives for fiscal years 1982–85, documents concerning the Convention permit system, and miscellaneous other business.

For further information contact Dr. William Y. Brown, Executive Secretary, International Convention Advisory Commission, Suite 220, 1010 Wisconsin Avenue, NW., Washington, D.C. 20007, telephone 202/343–7407. Opportunity will be given for oral or written presentations provided that appointments are made with Dr. Brown by 5:00 p.m., April 24, 1981.

Dated: March 25, 1981.

William Y. Brown,

Executive Secretary, International Convention Advisory Commission.

[FR Doc. 81-9082 Filed 3-27-81; 8:45 am]

BILLING CODE 4310-60-M

INTERSTATE COMMERCE COMMISSION

Long- and Short-Haul Applications for Relief (Formerly Fourth Section Applications)

March 25, 1981.

These applicatons for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

No. 43908, Southwestern Freight Bureau, Agent (No. B–118), reduced rates on Cement and related articles, from Stonetown, TX to stations in Southwestern and Western Trunk Line Territories, as published in Supplement 193 to its tariff ICCV SWFB 4740, scheduled to become effective April 15, 1981. Grounds for relief-market competition.

No. 43909, Southwestern Freight Bureau, Agent (NO. B–119), on carload shipments of volcanic scoria or slag, from Raton, NM to stations in Southwestern Territory, effective April 14, 1981, in supplement 246 to its tariff ICC SWFB 2004–J. Grounds for relief-market competition.

No., 43910, Southwestern Freight Bureau, Agent (No. B–120), reduced rates on Iron or Steel Articles, in carloads from Eastern Territory origins served by Conrail to Boeuf, Morgan City, Pesson and Weeks, LA as published in Supplement 570 to its tariff ICC SWFB 4950, scheduled to become effective April 22, 1981. Grounds for relief-origin rate relationship and market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary

[FR Doc. 81-9083 Filed 3-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may

have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed within 20 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: March 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14328F, filed March 5, 1980. WINTZ TRANSPORTATION CO. (Wintz) (1706 American National Bank Bldg., St. Paul, MN 55101)—PURCHASE—DENVER MIDWEST MOTOR FREIGHT, INC. (Denver) (P.O. Box 398, Denver, CO 80201) (WINTZ MOTOR FREIGHT, INC., ASSIGNOR). Representative: Brian K. Ridenour, P.O. Box 82028, 1200 N Street, 500 The Atrium, Lincoln, NE 68501. Wintz seeks authority to purchase the interstate operating rights and property of Denver. George L. Wintz, Jr., seeks authority to acquire control of said rights and property through the transaction. Wintz is purchasing the interstate operating rights of Denver that are contained in Certificates Nos. MC-127802 and MC-89488, and authority issued to Denver in MC-F-13722, which authorize the transportation, as a motor common carrier (1) over regular routes between Phoenix, AZ, Denver and Grand Junction, CO, Chicago, IL, Kansas City, KS, Auburn, Grand Island, Lincoln and Omaha, NE, and St. Paul, MN, and (2) over irregular routes transporting specified commodities between points in CO, IL, IA, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. Wintz presently holds no authority from this Commission. However, Wintz is affiliated with Wintz Motor Freight, Inc., which is authorized to operate as a motor contract carrier, over irregular routes, in the States of IA, MN, NE, ND, SD, and WI, pursuant to permits in MC-144822 and sub-numbers thereunder, and authority granted in MC-F-13999F, and as a motor common carrier, over regular and irregular routes, in the States of AZ, CA, CO, IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI, pursuant to authority granted in MC-144822, MC-F-13360, MC-F-13362, MC-F-13996F, and MC-F-13999F. Condition: The purchase of $3,945,000 agreed between the parties for the equipment that Wintz would acquire at permanent date is greater than the net book value as shown in Exhibit C-2 of the application. Under such circumstances the purchase price for the equipment must be substantiated by an appraisal report made by a disinterested qualified appraiser in accordance with Instruction 20(a)(2) of the Uniform Systems of Accounts. Accordingly, as a condition to our approval of the transaction, we will require Wintz to submit such appraisals.

Note.—(1) This notice does not purport to be a complete description of the operating rights of the carriers involved. (2) By decision served March 14, 1980, Wintz Motor Freight, Inc., was granted temporary authority to lease the operating rights and property of Denver-Midwest Motor Freight, Inc. By petition filed January 22, 1981, applicants requested leave to substitute Wintz Transportation Co., as applicant, in lieu of Wintz Motor Freight, Inc.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9688 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the

Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Dated: March 23, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC-F-14582, filed February 24, 1981. METRO HAULING INC. (Metro) (20848 77th Avenue, South Kent, WA 98031)—PURCHASE—CROCKER TRUCK LINES, INC. (Crocker) (1410 North Howe, Spokane, WA 99211). Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Metro seeks authority to purchase the interstate operating rights of Crocker Truck Lines, Inc. Michael Chimenti and Nick Jewett, the majority stockholders of Metro, also seeks authority to acquire control of said rights through the transaction. Metro seeks authority to purchase the interstate operating rights awarded to Crocker in MC-F-14157, which rights are evidenced by Certificate No. MC-141441 (Sub-No. 3), which authorizes the transportation, of brick, ground fire clay, flue lining, sewer pipe, and drain tile, between the facilities of Interpace Corporation at or near Mica, WA, on the one hand, and, on the other, points in Idaho, Montana, Oregon, and Utah.

Notes.—Application for TA has been filed.

MC-F-14592, filed December 9, 1980. FREDERICK G. LENERTZ and LAWRENCE L. LENERTZ (Individuals) (P.O. Box 479, South St. Paul, MN 55075)—CONTINUANCE IN CONTROL—LENERTZ, INC. OF IOWA (Lenertz) (1004 29th Street, Sioux City, IA 51104). Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Individuals seek authority to continue in control of Lenertz upon the institution by Lenertz of operations, in interstate or foreign commerce, as a motor contract carrier. The individuals are the sole stockholders of Lenertz and they also hold 50 percent each of the stock of Lenertz, Inc., a motor common carrier operating under authority issued in MC-142715 and sub-numbers thereunder. Lenertz filed a directly related application seeking authority to transport automotive parts and accessories, between points in the United States, under a continuing contract with Midwest Wholesale Tire of Mendota, MN. This application was assigned docket number MC-151154 (Sub-No. 1F), and was published in the Federal Register on January 6, 1981.

MC-F-14593, filed March 11, 1981. DRIVEAWAY INC. (Driveaway) (3600 N.W. 82nd Avenue, Miami, FL 33166)—CONTROL—F. J. BOUTELL DRIVEAWAY CO., INC. (Boutell) (705 South Dort Hwy., P.O. Box 308, Flint, MI 48501). Representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Driveaway, a non-career, seeks authority to acquire control of the interstate operating rights and property of Boutell through the purchase by Driveaway of all the issued and outstanding capital stock of Boutell. Ryder System, Inc. (Ryder), a non-carrier and publicly held corporation, is the sole stockholder of Driveaway and seeks to acquire control of Boutell through the transaction. Boutell is authorized to operate as a motor common carrier, pursuant to certificates issued in MC-3468 and sub-numbers thereunder, which authorize the transportation, as summarized, of (1) motor vehicles, between specified points in the United States east of the Mississippi River, (2) motor vehicles from railheads in the eastern United States to dealer destinations, and (3) imported vehicles, from eastern ports to dealer destinations in the United States. This does not purport to be a complete description of the operating rights involved. Ryder is in control of the following motor carriers: (1) Complete Auto Transit, Inc., a motor contract carrier transporting motor vehicles, over irregular routes, in both initial and secondary movements pursuant to permits issued in MC-49368 and sub-numbers thereunder; (2) Janesville Auto Transport Company, a motor contract carrier, transporting motor vehicles, in both initial and secondary movements, pursuant to permits issued in MC-119642 and sub-numbers thereunder; (3) M&G Convoy, Inc., a motor common carrier transporting motor vehicles, over irregular routes, in both initial and secondary movements, pursuant to certificates issued in MC-20722 and sub-numbers thereunder; (4) Customized Parts Distribution, Inc., a motor contract carrier transporting motor vehicle parts and accessories, liquid argon, nitrogen and oxygen, pursuant to permits issued in MC-136291 and sub-numbers thereunder; (5) The Sentinel Star Express Company, d/b/a/ Jack Rabbit Express, a motor common carrier transporting general commodities, with the usual exceptions, in limited weight shipments pursuant to certificates issued in MC-123674 and sub-numbers thereunder; (6) RDR, Inc., a motor contract carrier transporting such commodities as are dealt in by grocery houses and drug stores pursuant to permits issued in MC-140011 and sub-numbers thereunder; (7) RPD, Inc., a motor contract carrier transporting motor vehicle parts, pursuant to permits issued in MC-136051 and sub-numbers thereunder; (8) DPD, Inc., a motor contract carrier, transporting a variety of specified commodities pursuant to permits issued in MC-140902 and sub-numbers thereunder. Condition: Ryder shall continue to be required, as previously subjected in MC-F-12800, served November 23, 1976, from time to time to file such special accounting and others reports as may be required so that its relationship with carriers under its control may be observed and jurisdiction will be reserved in this respect for the imposition of such further requirements as may be necessary. Impediment: Duplications exist between the operating rights held by M & G Convoy, Inc., and those held by Boutell. Applicants requested authority to continue holding the duplicating rights. However, in order to comply with the Commission's regulations at 49 CFR 1134.51, applicants are required to submit, in greater detail, cogent and acceptable reasons why the duplicate operating rights under common control should be permitted to continue or submit a plan and timetable for the elimination of such duplications.

Note.—Applicant also seeks authority to merge, at its option, Boutell into Driveaway within a period of 2 years after consummation of the stock purchase. We are advising applicants that, after consummation of the control application, if they wish to seek authority to merge Boutell into Driveaway,

they must file an appropriate application under 49 U.S.C. 10928.

MC–F–14565, filed February 26, 1981. WEAVER TRUCKING CO., INC. (Weaver) (P.O. Box 45, Eton, GA 30724)—PURCHASE (PORTION)—W & L MOTOR LINES, INC. (W&L) (P. O. Box 3467, Hickory, NC 28601). Representatives: Archie B. Culbreth and John P. Tucker, Jr., 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Weaver seeks authority to purchase a portion of the interstate operating rights of W&L. Robert J. Weaver and E. Ann Weaver, the sole and equal shareholders of Weaver, seek authority to acquire control of said portion of the operating rights of W&L through this transaction. Weaver seeks authority to purchase W&L's Certificate No. MC–123872 (Sub-No. 78), which authorizes the transportation as a motor common carrier, over irregular routes, of *"carpets and rugs,* and *materials and supplies used in the installation* thereof, (except in bulk), from points in Bartow, Catoosa, Chattooga, Floyd, Gilmer, Gordon, Murray, Rabun, Troup, Walker and Whitfield Counties, GA, to points in IA, KS, MN, NE, ND, SD, and WI". Weaver is authorized to operate as a contract carrier pursuant to Permit Nos. MC–146701, Sub-Nos. 1F, 2F, 3F and 8F which authorize the transportation of specific commodities under continuing contracts, basically between the Southeastern U.S., on the one hand, and, on the other, the remainder of the U.S., particularly the Midwest. Impediment: Applicant states that no duplicating authority is being retained. However, Commission records indicate that W & L holds Certificate No. MC–123872 (Sub-No. 70) which authorizes, as pertinent, the transportation of carpet and rugs, and materials and supplies used in the installation of carpets and rugs, from Lyerly, GA, to points in IA, KS, and NE. This authority duplicates the authority to be transferred because Lyerly is located in Chattooga County, GA. Therefore, approval of this transaction is conditioned upon applicants submitting a plan to eliminate the split of duplicating authority.

Note.—Application for temporary authority has been filed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9439 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 C.F.R. 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 F.R. 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP5–78

Decided: March 19, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 151978, filed February 2, 1981. Applicant: ASSOCIATED VAN AND STORAGE CO., INC. 3402 SW 11 St., Lawton, OK 73505. Representative: Kenneth M. Hughen, 111 Camelot Drive, Lawton, OK 73501. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9440 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action sigificantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY4–38

Decided: March 24, 1981.

By the Commission Review Board 2, Members Carleton, Fisher, and Williams.

MC 917, filed March 3, 1981. Applicant: TURNBULL TRUCKLINE, INC., R.R. One, Axtell, KS 66403. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9437 Filed 3-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–37

Decided: March 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 3717 (Sub-1), filed March 3, 1981. Applicant: SERVICE WAREHOUSE COMPANY, INC., 112 Poinier St., Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in Hudson County, NJ, on the one hand, and, on the other, points in the U.S.

MC 28657 (Sub-5), filed March 12, 1981. Applicant: I–V COACHES, INC., 1600 Bayou St., Vincennes, IN 47591. Representative: Harry J. Harman, 700 Harrison Bldg., 143 West Market St., Indianapolis, IN 46204 (317) 634–4242. Transporting *passengers and their baggage* in the same vehicle with passengers in special, charter, and round trip operations, in sightseeing and pleasure tours, (1) between points in Bartholomew, Boone, Brown, Clay, Crawford, Dubois, Greene, Hamilton, Hancock, Hendricks, Henry, Jackson, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Owen, Parke, Perry, Posey, Putnam, Rush, Shelby, Spencer, Tipton, Vanderburgh, Vermillion, Vigo, Warrick, and Washington Counties, IN, on the one hand, and, on the other, points in the U.S., (including AK but excluding HI), and (2) between points in Breckinridge, Daviess, Hancock, Hardin, Henderson,

Hopkins, McLean, Muhlenberg, Union, and Webster Counties, KY, on the one hand, and, on the other, points in the U.S., (including AK but excluding HI), restricted in (1) above, to passengers having a prior movement by air or rail carrier.

MC 61137 (Sub-1), filed March 12, 1981. Applicant: FRANKLIN A. ZAHN, d.b.a. F. A. ZAHN TRUCKING CO., 145A Gordon Rd., Matawan, NJ 07747. Representative: Morton E. Kiel, Suite 1632, 2 World Trade Center, New York, NY 10048 (212) 466-0220. Transporting (1) *ores and minerals*, (2) *clay, concrete, glass or stone products*, and (3) *chemicals and related products*, between points in NJ, on the one hand, and, on the other, points in PA, CT, NY, DE, MD, VA, and DC.

MC 123407 (Sub-672), filed March 11, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926-7575. Transporting *furniture and fixtures*, between points in Dane County, WI, on the one hand, and, on the other, points in the U.S.

MC 134477 (Sub-439), filed March 9, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43403, St. Paul, MN 55164 (612) 457-9712. Transporting *general commodities* (except classes A and B explosives), between the facilities of Northeastern Pennsylvania Shippers' Cooperative Association, Inc. and its members, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146927 (Sub-20), filed March 9, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1128, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210 (703) 525-3042. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Can Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147547 (Sub-14), filed March 9, 1981. Applicant: R & D TRUCKING COMPANY, INC., Church Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37217 (615) 244-6100. Transporting *such commodities* as are dealt in or used by manufacturers of concrete products, between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S.

MC 151087 (Sub-5), filed March 12, 1981. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Hwy, Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603, (312) 236-0375. Transporting *metal products*, between points in IL, IN, IA, KY, MD, MI, MN, MO, NJ, NY, OH, PA, TN, WV, and WI.

MC 152187 (Sub-1), filed March 9, 1981. Applicant: GORDON TRUCKING, INC., 2205 Pacific Hwy E, Tacoma, WA 98424. Representative: Kenneth R. Mitchell (same address as applicant), (206) 922-0110. Transporting *petroleum, natural gas and their products*, between points in AZ, CA, ID, MT, NV, OR, UT and WA.

MC 154507 (Sub-1), filed March 3, 1981. Applicant: HUELLINGHOFF BROS., INC., R.R. 2, Box 168, Union, MO 63084. Representative: Anthony J. Huellinghoff (same address as applicant), (314) 636-8135. Transporting *petroleum, natural gas and their products*, between points in Madison and Saint Clair Counties, IL, on the one hand, and, on the other, points in MO.

Volume No. OPY4-39

Decided: March 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 109207 (Sub-565), filed March 10, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant), (214) 428-7661. Transporting *chemicals and related products*, between points in Pinal County, AZ, on the one hand, and, on the other, points in TX, OK, KS, and OH.

MC 119777 (Sub-527), filed March 11, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431, (502) 821-5784. Transporting *general commodities* (except classes A and B explosives), between points in Warren County, MO, on the one hand, and, on the other, points in the U.S.

MC 119777 (Sub-528), filed March 11, 1981. Applicant: LIGON SPECIALIZED HAULER, INC. Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities*, (except classes A and B explosives), between points in Pike County, MO, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority herein within its presently authorized regular route operations.

MC 123407 (Sub-670), filed March 10, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926-7575. Transporting *pulp, paper and related products*, between points in WI, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 125527 (Sub-5), filed March 13, 1981. Applicant: BUFORD OWENS AND JERRY C. OWENS, d.b.a. OWENS BROS. TRUCKING & LIME CO., P.O. Box 376, Bernie, MO 63822. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636-2321. Transporting *chemicals and related products*, between points in AR, IL, MO, KY, TN, LA and MS.

MC 127187 (Sub-54), filed March 4, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd. Suite 307, Edina, MN 55424 (612) 927-8855. Transporting *lumber and wood products*, between points in WA, OR, ID, MT and SD, on the one hand, and, on the other, points in IL, IN, IA, MN, MI, MO NE, ND, OH, SD and WI.

MC 133697 (Sub-3), filed March 4, 1981. Applicant: MILLVILLE TRUCKING COMPANY, INC., Orange St., P.O. Box 181, Millville, NJ 08332. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4024. Transporting *sand, gravel and clay*, between points in the U.S., under continuing contract(s) with Whitehead Brothers Company, Inc., of Florham Park, NJ.

MC 143287 (Sub-118), filed March 10, 1981. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th Street NW., Washington, D.C. 20005 (202) 223-6680. Transporting *building and construction materials*, between points in the U.S.

MC 154557, filed March 5, 1981. Applicant: LARRY CARPENTER, 8830 Center Hill Rd., Collierville, TN 38017. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Transporting *ores and minerals*, between points in DeSoto County, MS, on the one hand, and, on the other, points in Shelby, Fayette, Hardeman, McNairy and Hardin Counties, TN.

MC 154667, filed March 11, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant), (919) 228-2239. Transporting *general commodities*

(except classes A and B explosives), between points in the U.S., under continuing contract(s) with Warner Lambert Company, of Morris Plains, NJ.

MC 154717, filed March 9, 1981. Applicant: FRANK & RUTH McARDLE, d.b.a. McARDLE MOBILE HOMES, a Partnership, R. R. #4, Danville, IL 61832. Representative: Frank McArdle (same address as applicant), (217) 267–2546. Transporting *transportation equipment*, between points in IL and IN.

Volume NO OPY5–15

Decided: March 13, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 409 (Sub-78), filed March 3, 1981. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509, (402) 476–8062. Transporting *commodities in bulk* between points in AR, IA, IL, IN, KS, LA, MI, MN, MO, MT, NE, ND, NM, CO, OK, SD, TX, WV, WI, and WY.

MC 18099 (Sub-6), filed February 19, 1981. Applicant: HERTHA HELDT, ROLAND HELDT, AGNES HELDT, DAVID HELDT, GRACE E. KELLEY, RUTH H. HALL AND MARY ANN DAVIS, a Partnership, d.b.a. HELDT BROS. TRUCKS, P.O. Drawer 1130, Falfurrias Road, Alice, TX 78332. Representative: James R. Boyd, 1000 Perry Brooks Bldg. 8th & Brazos, Austin, TX 78701 (512) 476–8066. Transporting (1) *Mercer commodities*, (2) *earth drilling machinery*, and (3) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in CO, LA, MS, NM, OK, TX, and WY.

MC 114848 (Sub-66), filed February 23, 1981. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Ave., P.O. Box 13068, Memphis, TN 38113. Representative: Robert T. Wharton (same address as applicant), 901–948–4536. Transporting (1) *food and related products* from points in St. Bernard Parish, LA, to points in TN, and (2) *clay, concrete, glass or stone products* from points in Caldwell County, KY, to points in Weakley County, TN.

MC 117589 (Sub-75), filed February 27, 1981. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave. S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, (206) 622–3220. Transporting *food and related products* between points in WA, OR, ID, UT, CO, WY, NM, MT, and NE.

MC 121718 (Sub-7), filed March 2, 1981. Applicant: MURPHY BONDED WAREHOUSE, INC., P.O. Box 3722, Shreveport, LA 71108. Representative: Edward A. Winter, 225 Rosewood Drive, Metairie, LA 70005, 504–835–4724. Transporting *general commodities* (except classes A and B explosives), between points in Caddo and Bossier Parishes, LA, and points in AR, LA, and TX.

MC 127539 (Sub-86), filed March 4, 1981. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave. E., Tacoma, WA 98424. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, 206–622–3220. Transporting *such commodities* as are dealt in or used by grocery, drug and variety stores and food business and manufacturing houses, between those points in the U.S. in and west of MN, WI, IL, MO, AR, and LA.

MC 128008 (Sub-2), filed March 2, 1981. Applicant: VALLEY CARTAGE, INC., 960 Spruce, Terre Haute, IN 47807. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204 (317) 635–2339. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s) with Brentlinger Distributing Co., Inc., and Pfeifer Distributing Co., Inc., both of Terra Haute, IN; Lowry Wholesale Beverage, Inc., of Clinton, IN; Sullivan Co. Distributing Inc., of Sullivan, IN; and Leo J. Murphy Co., Inc., of Brazil, IN; and (2) *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Midland Glass Company, Inc., of Cliffwood, NJ.

MC 135058 (Sub-8), filed February 23, 1981. Applicant: ROCK RIVER CARTAGE, INC., R.R. #2, Box 430, Rock Falls, IL 61071. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5466. Transporting *petroleum and petroleum products* (a) between points in Dubuque and Scott Counties, IA, on the one hand, and, on the other, points in IL and WI, and (b) between points in Whiteside County, IL, on the one hand, and, on the other, points in IA and WI.

MC 136268 (Sub-29), filed March 5, 1981. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Ave., Monroe, WI 53566. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting (1) *pulp, paper and related products*, and (2) *printed matter*, between points in Green County, WI, on the one hand, and, on the other, points in the U.S.

MC 136679 (Sub-1), filed March 4, 1981. Applicant: TUKWILA KENT TRUCKING/BECKER TRANSPER, INC., 12077 E. Marginal Way S., Seattle, WA 98168. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. Transporting *general commodities* (except classes A and B explosives), between points in WA on and west of U.S. Hwy 97. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team 5 Room 6370.

MC 145068 (Sub-6), filed February 27, 1981. Applicant: S & T TRUCKLOAD, INC., 2527 N.E. 28th St., Fort Worth, TX 76106. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102 (817) 335–2506. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of picture tubes, television sets, and home entertainment systems, between points in PA and IN, on the one hand, and, on the other, points in AR, CA, GA, and TX.

MC 145219 (Sub-22), filed February 17, 1981. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 500, Camden, SC 29020. Representative: B. M. Shirley (same address as applicant) (803) 432–1400. Transporting *dental, hospital, medical and surgical supplies*, between points in Tulsa County, OK, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 146109 (Sub-1), filed March 5, 1981. Applicant: B & E MOBILE HOME SERVICE, INC., 115 Valley View Road, North Redwood, MN 56275. Representative: John H. Schnobrich, 315 South Washington, Redwood Falls, MN 56283 (507) 637–5721. Transporting (1) *transportation equipment* and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Homera, Inc., of Tracy, MN, and Schult Mobile Home Corp., of Redwood Falls, MN.

MC 147198 (Sub-11), filed February 10, 1981. Applicant: P. & E. I. TRUCK LINES, INC., P.O. Box 175, Rossville, IL 60963. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601 (312) 332–5106. Transporting *such commodities* as are dealt in or used by agricultural supply houses, between points in IL, IA, WI, MO, and IN.

MC 147259 (Sub-12), filed March 5, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16801 Van DamRoad, South Holland, IL 60473 (312) 596-9200. Transporting (1) *metal products* and (2) *rubber and plastic products*, between points in OH, on the one hand, and, on the other, points in the U.S.

MC 150006 (Sub-2), filed February 17, 1981. Applicant: KUELLA, INCORPORATED, Route 2, King City, MO 64463. Representative: Lee Reeder and Michael A. Knepper, 1221 Baltimore Ave., Suite 310, Kansas City, MO 64105 (816) 842-8674. Transporting *grass seed and fertilizer products*, between points in the U.S., under continuing contract(s) with Roll'n Grow Lawns, a Division of Memorial Heritage, Inc., of Kansas City, MO.

MC 150239 (Sub-5), filed March 6, 1981. Applicant: PACESETTER TRANSPORT DIVISION OF EDGEMERE TERMINALS, INC., 604 Stansbury Rd., Baltimore, MD 21222. Representative: R. Emery Clark, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005 (202) 296-3555. Transporting (1) *metal products*, and (2) *ores and minerals*, between those points in the U.S., in and east of TX, AR, MO, IA, and MN.

MC 150578 (Sub-13), filed February 20, 1981. Applicant: STEVENS TRANSPORT, A DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as applicant) 214-681-0454. Transporting (1) *metal products*, (2) *rubber and plastic products*, and (3) *building materials*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 150828 (Sub-1), filed March 5, 1981. Applicant: UNIQUE FREIGHT LINES, CO., INC., 18 Hackensack Ave., Kearny, NJ 07032. Representative: Pamela Selzer, 529 Park Ave., Scotch Plains, NJ 07076 (201) 889-8900. Transporting (1) *textile mill products*, and (2) *rubber and plastic products*, between points in Windham County, CT, on the one hand, and, on the other, points in the U.S.

Volume No. OPY 5-18

Decided: March 13, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 150828 (Sub-2), filed March 5, 1981. Applicant: UNIQUE FREIGHT LINES, CO., INC., 18 Hackensack Ave., Kearny, NJ 07032. Representative: Pamela Selzer, (same address as applicant), (201) 589-8900. Transporting *such commodities* as are dealt in or used by department stores, between New York, NY, on the one hand, and, on the other, points in the U.S.

MC 150949 (Sub-9), filed March 3, 1981. Applicant: NFI, INC., Box 664, S. Interstate #35, Waxahachie, TX 75165. Representative: Richard M. Parnicky, 71 West Park Ave., Vineland, NJ 08360, 609-691-7000. Transporting *Machinery*, between points in Jefferson County, AR, on the one hand, and, on the other, points in TX. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 5 Room 6370.

MC 151609 (Sub-2), filed March 6, 1981. Applicant: B. K. LEASING CO., Dutch Mill Rd., Franklin, NJ 08322. Representative: David Earl Tinker, 1000 Connecticut Avenue, NW., Suite 1112, Washington, DC 20036 (202) 887-5866. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Progresso Quality Foods, a Division of Ogden Food Products Corporation, of Vineland, NJ.

MC 151679, filed March 2, 1981. Applicant: OWEN WEINBERG, Rural Route No. 1, Box 52, Mt. Vernon, SD 57363. Representative: Thomas J. Simmons, P.O. Box 460, Sioux Falls, SD 57101 (605) 339-3629. Transporting *food and related products*, between points in SD, on the one hand, and, on the other, points in IA, MN, NE, and WI.

MC 151899 (Sub-2), filed February 23, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main St., Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 312-782-8660. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of felt, between points in the U.S., under continuing contract(s) with The Felters Company of Millbury, MA.

MC 153509 (Sub-1), filed March 2, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Rd., Louisville, KY 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202 502-587-0780. Transporting (1) *metal products*, (2) *rubber and plastic products*, (3) *machinery*, (4) *textile mill products*, and (5) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with American Can Company of Greenwich, CT, and Lexington, KY, Jaggers Equipment Co., Inc., American Cellophane & Plastics Co., and W. M. Cissell Mfg. Co., all of Louisville, KY, Union Underwear Company, Inc., of Bowling Green, KY, and Franklin Chemical Industries, Inc., and its subsidiaries, of Columbus, OH.

MC 154269, filed February 20, 1981. Applicant: ROBERT R. HAZEN, d.b.a. BOB HAZEN TRUCKING, 1172 East Drinker St., Dunmore, PA 18512. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507 (717) 343-2128. Transporting *petroleum and petroleum products*, between points in Lackawanna County, PA, on the one hand, and, on the other, points in NJ.

MC 154388, filed February 23, 1981. Applicant: K & D TRANSFER, INC., 826 Jersey Ave., Jersey City, NJ 07302. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Poggenpohl U.S.A. Corporation, of Teaneck, NJ.

MC 154389, filed February 23, 1981. Applicant: PORTER TRANSFER CO., INC., P.O. Box 110544, Nashville, TN 37211. Representative: Robert L. Baker, Sixth Fl., United American Bank Bldg., Nashville, TN 37219, (615) 255-6575. Transporting *general commodities* (except classes A and B explosives), between points in Cheatham, Davidson, Robertson, Rutherford, Sumner, Williamson and Wilson Counties, TN.

MC 154429 (Sub-1), filed March 3, 1981. Applicant: COMPASS TRUCKING CORP., 53 Hook Rd., Bayonne, NJ 07002. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Compass 1 Distribution Corp., of Bayonne, NJ.

MC 154449, filed March 2, 1981. Applicant: BASEL FARMS, INC., 4616 LaRue-Prospect Rd., Marion, OH 43302. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224-3161. Transporting *chemicals and related products*, between Columbus, OH, and points in Marion County, OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN,

MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI.

MC 154499, filed March 2, 1981. Applicant: BERK-HAUL, INC., 2764 Mauvilla Dr., Mobile, AL 36606. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Berkley Small, Inc., of Mobile, AL.

MC 154506, filed March 3, 1981. Applicant: LIMESTONE PRODUCTS, INC., P.O. Box 618, Portland, IN 47371. Representative: Alki E. Scopelitis, 1301 Merchants Plaza Indianapolis, IN 46204, (317) 638–1301. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Decatur Ready-Mix Corp., of Decatur, IN.

MC 154529, filed March 4, 1981. Applicant: LEWIS MCCULLOUGH AND JERRY VASQUEZ, d.b.a. NORTHWEST POTATO TRUCKING DIVISION, P.O. Box 26, Warden, WA 98857. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453–0312. Transporting (1) *fertilizer*, between points in Grant and Franklin Counties, WA, on the one hand, and, on the other, points in WA and ID, and (2), *building materials*, between points in ID, OR, and MT, on the one hand, and, on the other, points in Grant, Franklin and Adams Counties, WA.

MC 154549, filed February 10, 1981. Applicant: CITY OF EL PASO PUBLIC TRANSIT ADMINISTRATION, 2211 E. Missouri, Suite W–111, El Paso, TX 79903. Representative: Karl F. Tesch (same address as applicant), (915) 543–6367. Transporting *passengers and their baggage*, in special or charter operations, beginning and ending at points in El Paso County, TX, and extending to points in Dona Ana County, NM.

MC 154579, filed March 6, 1981. Applicant: A AND K TRUCKING CO., 204 River Rd., Burlington, KY 41005. Representative: Michael T. McKinney, 546 Florence Pike, P.O. Box 588, Burlington, KY 41005, (606) 586–9955. Transporting (1) *coal and coal products*, and (2) *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Boone Ready Mix Concrete Co., of Burlington, KY.

MC 154678, filed February 9, 1981. Applicant: HAYNES MOTOR LINES, INC., 8475 Florida Blvd., Baton Rouge, LA 70806. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting *general commodities* (except classes A and B explosives), between points in LA, on the one hand, and, on the other, Houston, Dallas, and Fort Worth, TX, Memphis, TN, Atlanta, GA and points in Pulaski County, AR.

Volume No. OPY 5–18

Decided: March 17, 1981.

By the Commission, Review Board No. 3 Members Krock, Joyce, and Dowell.

MC 29328 (Sub-10), filed March 9, 1981. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Ave., Joliet, IL 60432. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of toilet preparations, beauty and health care products, between points in Will and Cook Counties, IL, on the one hand, and, on the other, points in MI, IN, OH, KY, MO, IA, MN, WI, PA, WV, TN, AL, AR, OK, KS, ND, SD, LA, MS, and NJ.

MC 30618 (Sub-22), filed March 2, 1981. Applicant: HENRY V. RABOUIN, INC, P.O. Box 204, Pittsfield, MA 01201. Representative: Sherwood Guernsey, 57 Wendell Ave., Pittsfield, MA 01201, (413) 499–3810. Transporting *commodities in bulk*, between points in the U.S.

MC 64808 (Sub-49), filed March 5, 1981. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Ave., Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *food and related products*, between those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 64808 (Sub-50), filed March 6, 1981. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Ave., Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. Transporting *clay, concrete, glass or stone products*, between those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 96878 (Sub-7), filed March 10, 1981. Applicant: CONSOLIDATED TRANSFER and WAREHOUSE CO., INC., 1251 Taney, North Kansas City, MO 64116. Representative: Alfred L. King (same address as applicant), (816) 221–3411. Transporting *metal products*, between points in MO, KS, OK, TX, AR, LA, MS, AL, TN, KY, IL, IN, OH, PA, MI, MN, IA, NE, CO, FL, and CT, on the one hand, and, on the other, points in the U.S.

MC 107478 (Sub-87), filed March 9, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, 1791 Westchester Drive, High Point, NC 27261. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, 301–986–1410. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with The Nestle Company, Inc., of White Plains, NY.

MC 113666 (Sub-46), filed March 6, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, 202–223–5900. Transporting *General commodities*, (except classes A and B explosives), (a) between points in Los Angeles, Riverside, Orange, San Bernadino, and Ventura Counties, CA, Bergen, Essex, Union, Hudson, Middlesex and Passaic Counties, NJ, Kings, Queens, Bronx, Suffolk, Nassau, and Westchester Counties, NY, on the one hand, and, on the other, points in the U.S., and (b) between points in Cook, Lake, Du Page, Kane, Kendall, Will, and McHenry Counties, IL, Lake and Porter Counties, IN, on the one hand, and, on the other, points in AZ, CA, CO, ID, MA, MT, NV, NJ, NM, NY, OR, PA, TX, UT, WA, and WY.

MC 119908 (Sub-49), filed February 19, 1981. Applicant: WESTERN LINES, INC., 3523 North McCarty Dr., P.O. Box 1145, Houston, TX 77001. Representative: Wayne A. Premeaux (same address as applicant), 713–672–2481. Transporting *Metal products*, between Jefferson and Gonzales Counties, TX, and Rapides Parish, LA, on the one hand, and, on the other, points in AL, AR, GA, KS, LA, MO, MS, NM, OK, TN, and TX.

MC 123048 (Sub-493), filed March 9, 1981. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021–21st St., racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty St., Madison, WI 53703, 414–554–5400. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of agricultural, industrial, and construction equipment, between points in the U.S.

MC 133689 (Sub-350), filed March 6, 1981. Applicant: OVERLAND EXPRESS, INC., 9651 Naples St., NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612–457–9869. Transporting *foodstuffs and related products*, between points in Adams and Jay Counties, IN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 153689 (Sub-358), filed February 17, 1981. Applicant: OVERLAND EXPRESS, INC., 6051 Naples St., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6669. Transporting *such commodities* as are dealt in or used by craft and nursery stores, between those points in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, the facilities used by Franks Nursery Sales, Inc. at points in the U.S.

MC 139638 (Sub-9), filed February 24, 1981. Applicant: N. L. MONTGOMERY, INC., P. O. Box 626, Rocky Mount, VA 24151. Representative: D. R. Beeler, 1261 Columbia Ave., Franklin, TN 37064, (615) 790–2510. Transporting (1) *clay, concrete, glass or stone products*, between points in Sumter County, SC and Jefferson County, GA, on the one hand, and, on the other, points in VA and GA, and (2) *metal products*, between Roanoke County, VA, on the one hand, and, on the other, points in SC.

MC 140669 (Sub-12), filed March 2, 1981. Applicant: FIVE STAR TRUCKING INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, (216) 781–1600. Transporting (1) *clay, concrete, glass or stone products*, and (2) *chemicals and related products* between points in the U.S., under continuing contract(s) with Foseco, Inc., of Brookpark, OH.

MC 146668 (Sub-7), filed February 11, 1981. Applicant: MICHAEL BENNETT TRUCKING, INC., 16 E. Amador, Seneca, KS 66538. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–8629. Transporting *dry fertilizer and dry feed ingredients*, between points in MO, AR, KS, NE, OK, TX, and IA.

MC 147259 (Sub-11), filed February 17, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 VanDam Road, South Holland, IL 60473, (312) 596–9200. Transporting *transportation equipment*, between points in FL, on the one hand, and, on the other, points in IL, MI, WI, GA, and TX.

MC 148429 (Sub-2), filed February 17, 1981. Applicant: KAISER TRUCKING, INC., 1000 E. 5th Street, Winner, SD 57580. Representative: James W. Olson, P. O. Box 1552, Rapid City, SD 57709, (605) 342–7090. Transporting *dry fertilizer and agricultural lime*, between Minneapolis, MN, Council Bluffs and Sioux City, IA, on the one hand, and, on the other, points in Tripp, Gregory, Charles Mix, and Hutchinson Counties, SD.

Volume No. OPY5–19

Decided: March 17, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 141459 (Sub-21), filed March 9, 1981. Applicant: A.G.S. ENTERPRISES, INC., 609 Columbia Blvd., Litchfield, IL 62510. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603, 312–236–6375. Transporting *metal products*, between points in the U.S.

MC 142559 (Sub-167), filed March 9, 1981. Applicant: BRTOOKS TRANSPORTATION, INC., 3830 Kelly Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *rubber and plastic products*, between points in the U.S.

Note.—Applicant is relying on traffic studies rather than shipper support for the authority sought.

MC 143739 (Sub-47), filed March 10, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same address as applicant), (507) 465–3235. Transporting *food and related products*, between points in Sioux County, IA, on the one hand, and, on the other, points in CA, OR, and WA.

MC 143988 (Sub-16), filed March 10, 1981. Applicant: J. W. TATE, d.b.a. JAMAR TRUCKING CO., P.O. Box 18070, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *chemicals and related products* between the facilities used by Helena Chemical Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145729 (Sub-5), filed March 3, 1981. Applicant: SYMPLEX LEASING, INC., 90 East 5th St., Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Synergestic Pigment Corporation, of Bridgewater, NJ.

MC 146448 (Sub-26), filed March 13, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Bldg., McLean, VA 22101, (703) 893–4924. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Combustion Engineering, Inc., of Stamford, CT.

Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 146568 (Sub-11), filed March 3, 1981. Applicant: PHOENIX BIRD, INC., 1 Neshaminy Plaza, Suite 118, Street Rd. and Bristol Pike, Cornwells Heights, PA 19020. Representative: Joseph M. Roberts, 1730 M Street NW., Suite 501, Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with ITOFCA, Inc., of Chicago, IL.

MC 146849, filed March 11, 1981. Applicant: OMAR TRUCKING, INC., 3045 E. Bloomfield Rd., Phoenix, AZ 85032. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4691. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in the U.S., under continued contract(s) with Malanco of California, Inc., of Visalia, CA.

MC 147318 (Sub-5), filed March 9, 1981. Applicant: DEEP SOUTH TRUCKING, INC., Hwy 11 North, P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, 202 Main St., P.O. Box 696, Purvis, MS 39475, 601–794–8003. Transporting *metal products*, between points in the U.S. under continuing contract(s) with G & S International, of Houston, TX.

MC 150388 (Sub-3), filed February 19, 1981. Applicant: BOSS TRANSPORTATION CO., INC., P.O. Box 40977, Memphis, TN 38104. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, 617–742–3530. Transporting *food and related products*, between points in MA and PA, on the one hand, and, on the other, points in the U.S.

MC 150598 (Sub-2), filed March 10, 1981. Applicant: WILLIAM J. MUNGER, d.b.a. MUNGER TRUCK LINE, P.O. Box 115, Beattie, KS 66406. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *food and related products*, between points in Atchison County, KA, on the one hand, and, on the other, points in the U.S. (except AZ, AR, CA, CO, MN, MT, NE, NM, ND, OK, SD, TN, TX, UT, and WY).

MC 151759 (Sub-2), filed March 10, 1981. Applicant: BULKWAY TRANSPORT CORPORATION, 350 Central Ave., Kearny, NJ 07032. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC

20005, 202–347–9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fairmount Chemical Co., Inc., of Newark, NJ.

MC 152229 (Sub-3), filed March 9, 1981. Applicant: SALINAS TRUCK BROKERS, INC., P.O. Box 128 (730 Airport Blvd.), Salinas, CA 93202. Representative: Ben Ryburn (same address as applicant), (408) 757–2991. Transporting *general commodities* (except classes A and B explosives), between points in Hancock and Breckinridge Counties, KY, on the one hand, and, on the other, points in the U.S.

MC 152798 (Sub-1), filed March 4, 1981. Applicant: CHAS. E. LAWLER CO., INC., 320 Twelfth Ave., New York, NY 10001. Representative: Hyland Cooper, 225 W. 34th St., New York, NY 10122, (212) 244–6575. Transporting *general commodities*, (except classes A and B explosives), between points in Hudson County, NJ and New York, NY, on the one hand, and, on the other points in Nassau and Suffolk Counties, NY.

MC 154349, filed March 10, 1981. Applicant: VERNON MILLNG COMPANY, INC., Highway 18 West, P.O. Drawer R, Vernon, AL 35592. Representative: James W. Porter, 1725–28 City Federal Bldg., Birmingham, AL 35203, (205) 322–1744. Transporting (1) *food and related products*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corporation, of Mundelein, IL.

MC 154559, filed March 6, 1981. Applicant: GREENVILLE BUS LEASING, INC., d.b.a. DALMATIAN COACH SERVICE, 3147 N. Pleasantburg Drive, Greenville, SC 29609. Representative: Harry A. Chapman, Jr., 111 Toy St., P.O. Box 10224, F.S., Greenville, SC 29603, (803) 233–4500. Transporting *passengers*, between points in SC, on the one hand, and, on the other points in the U.S., under continuing contract(s) Bob Jones University, of Greenville, SC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9038 Filed 3-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3–021

Decided March 24, 1981.

By the Commission Review Board No. 1, Members Parker Chandler, and Taylor. (Member Taylor not participating).

MC 151522 (Sub-2), filed March 12, 1981. Applicant: DIRECT MOTOR EXPRESS, INC., P.O. Box 142, Marion, AR 72364. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004, (202) 347–8862. Transporting, for or on behalf of the United States Government, *general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions)*, between points in the U.S.

MC 154652, filed March 9, 1981. Applicant: PENNCO TRUCKING, INC., P.O. Box 128, New Cumberland, PA 17070. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301–797–6060. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154662, filed March 13, 1981. Applicant: THE JOHNNY LINE, INC., 1129 Errol Parkway, Apopka, FL 32703. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street, Atlanta, GA 30303. (404) 522–2322. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–022

Decided March 24, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Taylor. (Member Taylor not participating.)

MC 45893 (Sub-17F), filed March 12, 1981. Applicant: ROSS TRUCK LINES, INC., 1010 North Pearl, Paola, KS 66071. Representative: Arthur J. Cerra, 2100 CharterBank Center, Kansas City, MO 64141 (816) 842–8600. Transporting *Chemicals and related products, food and related products, machinery, metal products and mercer commodities*, between points in Anderson, Coffey and Miami Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-671), filed March 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN

46801. Representative: David D. Bishop (same address as applicant) (219) 426–2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in Will County, IL, on the one hand, and, on the other, points in KS and NE.

MC 107913 (Sub-21F), filed March 9, 1981. Applicant: F & W EXPRESS, INC., 165 S. Parkway West, Memphis, TN 38109. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103 (901) 525–6781. Transporting *metal products*, between points in Coahoma County, MS, on the one hand, and, on the other, AR, GA, TN, and TX.

MC 113362 (Sub-415), filed March 9, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912 (507) 433–3427. Transporting *such commodities* as are dealt in or used by retail and catalog department stores, between the facilities of Montgomery Ward & Company, and its subsidiaries, at points in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 124673 (Sub-60), filed March 12, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768 (512) 476–6063. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with (a) Terra Chemicals International, Inc., of Sioux City, IA, and (b) Jupiter Chemical Company, of Westlake, LA.

MC 130862 (Sub-1), filed March 11, 1981. Applicant: SCENIC TOURS, INC., 613 Oak Street, Aberdeen, WA 98520. Representative: Jeremy Khan, 1511 K Street, NW., Washington, DC 20005 (202) 683–3525. As a *broker*, at Aberdeen and Olympia, WA, in arranging for the transportation of passengers and their baggage, beginning and ending at Aberdeen and Olympia, WA, and extending to points in the U.S.

MC 135052 (Sub-36), filed March 13, 1981. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian Street, Indianapolis, IN 46204 (317) 639–4511. Transporting *Clay, concrete, glass or stone products* between points in Cleveland County, Davidson County and Mecklenburg County, NC, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK and TX.

MC 140943 (Sub-9), filed March 12, 1981. Applicant: K.T.S. TRANSPORT LTD., 505 Third Street Southwest, Room 1400, Calgary, Alberta, Canada T2P 3E6. Representative: Grant J. Merritt, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402 (612) 339–4546. Transporting *mercer commodities*, between points in MT, WA, and WY, on the one hand, and, on the other, points along the international boundary line between the United States and Canada adjacent to WA, ID, and MT.

MC 143493 (Sub-1), filed March 11, 1981. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080 (201) 757–3478. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Calgon Corporation, of Pittsburgh, PA.

MC 145042 (Sub-9), filed March 13, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2466 64th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933 (517) 489–5724. Transporting *foundry supplies* between points in AL, FL, IL, IA, KS, MI, MN, MS, NC, OH, PA, SD, TN, WV and WI.

MC 145773 (Sub-8), filed March 13, 1981. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *food and related products*, between points in Fulton County, OH, on the one hand, and, on the other, points in the U.S.

MC 151553, filed March 9, 1981. Applicant: CRUM TRANSPORT, INC., 2130 SE 5th Street, Ocala, FL 32670. Representative: Felix A. Johnston, Jr., 1030 E. Lafayette St., Suite 112, Tallahassee, FL 32301 (904) 877–7191. Transporting *citrus products* between points in FL.

MC 151703 (Sub-7F), filed March 11, 1981. Applicant: NORSUB, INC., R. D. No. 1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222 (412) 471–3300. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under a continuing contract(s) with Elwin G. Smith Division of Cyclops, of Pittsburgh, PA.

MC 154833 (Sub-1), filed March 9, 1981. Applicant: JAMES BELL AND FREDDIE BELL, d.b.a. BELL & SONS TRUCKING COMPANY, Route 2, Box 65, Aberdeen, MS 39730. Representative: Kent F. Hudson, 202 Main St., P.O. Box 696, Purvis, MS 39475 (601) 794–8003. Transporting *metal products*, between points in the U.S. under continuing contract with Walker Manufacturing Company, a division of Tenneco Corporation, of Aberdeen, MS.

MC 154883, filed March 12, 1981. Applicant: COASTAL TRANSPORTATION, INC., P.O. Box 902, Pensacola, FL 32594. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301 (404) 522–2322. Transporting *pulp, paper or allied products, and printed matter* between points in Escambia County, FL, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and TX.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9489 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each

applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition. To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–2–025

Decided: March 19, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Taylor. (Member Chandler not participating).

MC 58903 (Sub-1), filed March 11, 1980. Applicant: JERSEY DAILY EXPRESS, 66 Central Ave., East Orange, NJ 07018. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York NY 10048, (212) 466–0220. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY5–21

Decided: March 19, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce and Dowell.

MC 116048 (Sub-36), filed March 10, 1981. Applicant: JAMES ELWOOD QUINN, INC., P.O. Box 236, Beulaville, NC 28518. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 146548 (Sub-2), filed March 13, 1981. Applicant: TRUCKERS BROKERS, INC., d.b.a. BROKERS DISTRIBUTING, INC., 1020 Hall St. SW., Grand Rapids, MI 49503. Representative: Kathleen S. Eddy (same address as applicant), 616–241–6616. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 152379 (Sub-1), filed February 9, 1981. Applicant: AAVON MOVING AND STORAGE, INC., 1900 Wyott Drive, P.O. Box 503, Cheyenne, WY 82001. Representative: Mary H. Rohde (same address as applicant), (307) 634–4439. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 154679, filed March 5, 1981. Applicant: BILL DAHL FREIGHT BROKERAGE, 650 N.E. Northlake Way, Seattle, WA 98105. Representative: Jim Pitzer, Evergreen Bldg., Suite 235, 15 South Grady Way, Renton, WA 98055, 206–235–1111. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9686 Filed 3-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–2–028

Decided: March 19, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler and Taylor (Member Chandler not participating).

MC 78282 (Sub-8), filed March 9, 1981. Applicant: WEIR-COVE MOVING & STORAGE COMPANY, 4224 Freedom Way, Weirton, WV 26062. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *metal products*, between points in Licking County, OH, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MD, MI, MO, NC, NJ, NY, PA, SC, TX, VA, WV, and WI.

MC 88203 (Sub-14), filed March 10, 1981. Applicant: OTIS WRIGHT & SONS, INC., 700 East Wayne St., P.O. Box 277, Lima, OH 45802. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224-3161. Transporting *general commodities* (except classes A and B explosives), between points in Allen, Auglaize, Shelby, and Van Wert Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 110563 (Sub-324), filed March 9, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29, North, Sidney, OH 45365. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, 301-845-8565. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of all of carrier's outstanding certificates, and withdrawal of any pending applications, involving the above-specified authority. The carrier shall submit a list of all existing certificates and dates of issue to be cancelled.

MC 144472 (Sub-4), filed February 17, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant) (303) 429-4065. Transporting *ores and minerals*, between points in the U.S., under continuing contract(s) with AMAX, Inc., of Greenwich, CT.

Volume No. OPY5-20

Decided: March 19, 1981.

By the Commission, Review Board 3, Members Krock, Joyce and Dowell.

MC 97009 (Sub-32), filed February 10, 1981. Applicant: HERZOG TRUCKING COMPANY, INC., 200 Delaware St., Honesdale, PA 18431. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives) between points in NY, NJ, CT, MA, RI, ME, VT, NH, PA, DE, MD, VA, NC, SC, WV, OH, GA, FL, TN, IN, IL, MI, AR, KY, and DC.

MC 106746 (Sub-14), filed February 10, 1981. Applicant: GODDARD'S TRANSPORTATION, INC., Route 4, Fair Haven, VT 05743. Representative: John P. Monte, 61 Summer St., Barre, VT 05641, (802) 476-6671. Transporting *clay, concrete, glass or stone products*, between points in Rutland and Addison Counties, VT, on the one hand, and, on the other, points in CT, ME, MA, MI, NH, NY, OH, PA, RI, and DC.

MC 114939 (Sub-59), filed March 9, 1981. Applicant: NORCROSS INDUSTRIES LIMITED, d.b.a. THE BULK CARRIERS COMPANY, Box 10, Cooksville Post Office Mississauga, Ontario, Canada L5A 2W7. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, (313) 645-9600. In foreign commerce only, transporting *commodities in bulk*, between points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 115959 (Sub-259), filed March 12, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Proctor & Gamble Company of Cincinnati, OH, and its wholly owned subsidiaries.

MC 124809 (Sub-4), filed March 12, 1981. Applicant: WAEHLER TRUCKING SERVICE, INC., Rt. 1, Box 65, Lomira, WI 53048. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238-3119. Transporting *machinery*, between points in the U.S., under continuing contract(s) with (1) G. E. Mann, Incorporated, of Campbellsport, WI and (2) R. L. Phelon Company, of Lomira, WI.

MC 129906 (Sub-79), filed February 24, 1981. Applicant: AMERICAN FARM LINES, INC., 6125 SW. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147, (405) 787-6660. Transporting *food and related products* (1) between points in FL, IL, IN, KY, MI, MO, NJ, NY, OH, and TN, on the one hand, and, on the other, points in OK and CA, and (2) between points in OK, on the one hand, and, on the other, points in CA.

MC 143739 (Sub-48), filed March 10, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same address as applicant), (507) 465-3285. Transporting *lumber or wood products*, between points in Baxter and Izard Counties, AR, on the one hand, and, on the other, points in the U.S.

MC 144858 (Sub-42), filed March 6, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9798, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., Omaha, NE 68102, 402-348-0832. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 146758 (Sub-6), filed March 13, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie, same address as applicant, 800-533-6038. Transporting *food and related products* between Chicago, IL on the one hand, and, on the other, points in MN, CA, AZ, CO, NV, OR, WA, UT, ID, MT, NM, and TX.

MC 147378 (Sub-2), filed February 24, 1981. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115 Representative: Jack R. Anderson, Suite 305, 9 East Fourth St., Tulsa, OK 74103, (918) 583-9000. Transporting *such commodities* as are dealt in or used by food distribution centers, chain grocery stores, fast food outlets and discount stores, between points in Jackson County, MO, on the one hand, and, on the other, points in the U.S.

MC 148428 (Sub-19), filed March 9, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *such commodities* as are dealt in by wholesale and retail grocery store and food business houses and kitchen equipment, between points in Dakota, Hennepin, and Ramsey Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 148919 (Sub-1), filed March 10, 1981. Applicant: HEARTLAND EXPRESS, INC., P.O. Box 129, St. Clair, MO 63077. Representative: William H. Shawn, 1730 M Street NW., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *such commodities* as are dealt in by wholesale and retail chain grocery stores, restaurants and cleaning

supply houses, between points in AL, AR, GA, IL, IN, IA, KY, KS, LA, MI, MN, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WV, and WI.

MC 150239 (Sub-4), filed March 3, 1981. Applicant: PACESETTER TRANSPORT DIVISION, EDGEMERE TERMINALS, INC., 8004 Stansbury Road, Baltimore, MD. 21222. Representative: R. Emery Clark 366 Executive Bldg., 1030 Fifteenth Street NW., Washington, D.C. 20005, (202) 296-3555. Transporting *building materials*, between Baltimore, MD points in Anne Arundel, Washington, and Baltimore Counties, MD, Fairfax County, VA, Bucks County, PA, and Wilson and Davidson Counties, NC, on the one hand, and, on the other, points in MD, DE, NC, NJ, NY, PA, VA, WV, and DC.

MC 150339 (Sub-28), filed March 13, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant), (301) 673-7151. Transporting *general commodities* (except classes A and B explosives) between points in the U.S. under continuing contract(s) with Roper-Eastern Corporation, of Baltimore, MD.

MC 150899 (Sub-50), filed March 11, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *metal products*, between points in the U.S., under continuing contract(s) with The Jordan International Co., of New Haven, CT, and Roll Form Products, Inc., of Boston, MA.

MC 151048 (Sub-1), filed March 4, 1981. Applicant: MODERN EXPRESS, INC., 2091 Kasota Ave., St. Paul, MN 55108. Representative: David R. St. Croix, 2328 Kings Circle, Woodbury, MN 55125, (612) 646-6531. Transporting (1) *general commodities* (except classes A and B explosives) between Minneapolis/St. Paul, MN, on the one hand, and, on the other, points in MN, WI, ND, SD, IA, NE, KS, MO, IL, IN, and MI, (2) *such commodities* as are dealt in by retail drug stores, between Milwaukee, WI, on the one hand, and, on the other, points in IL, IN, and MI, and (3) *building materials*, between points in MN, WI, ND, SD, IA NE, KS, MO, IL, IN, and MI.

MC 153428 (Sub-1), filed March 11, 1981. Applicant: DESHOTEL TRUCKING COMPANY, a corporation, Rt. 5, Box 7039, Beaumont, TX 77706. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102, (817) 332-4415. Transporting (1) *petroleum, natural gas, and their products*, and (2) *chemicals and related products*, between point in Jefferson County, TX, on the one hand, and, on the other, points in AR, LA, MS, OK, and TX.

MC 154048 (Sub-1), filed March 2, 1981. Applicant: LAMAR K. HAAS, INC., R.D. 2, Box 652, Slatington, PA 18080. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting *chemicals and related products*, between Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 154558, filed February 10, 1981. Applicant: J. E. DAVIS & SONS CO., a Corporation, 4035 Griswold, Port Huron, MI 48060. Representative: James F. Schouman, 21925 Garrison, Dearborn, MI 48124, (313) 561-3548. Transporting *household goods*, between points in MI.

Agatha L. Mergenovich,
Secretary.

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[Volume No. 46]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 24, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 3581 (Sub-32)X, filed March 19, 1981. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, NE., Suite 107, Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 27F certificate to (1) broaden the commodity description from automobiles, trucks, and tractors to "transportation equipment and machinery"; (2) expand one-way authority to radial authority between points in Jefferson County, KY and points in the U.S.; and (3) remove the restriction against service to "AK and HI".

MC 5227 (Sub-85)X, filed March 16, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Applicants seeks to remove restrictions in its Sub-No. 73F certificate to (1) broaden the commodity description from "chemicals, drilling mud, and drilling mud compounds and additives" to "chemicals and related products" and (2) delete the "in bulk" restriction on its authority between points in the United States.

MC 19201 (Sub-142)X, filed March 17, 1981. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, Philadelphia, PA 19139. Representative: S. Berne Smith, P.O. Box 1166 (100 Pine Street), Harrisburg, PA 17108. Applicant seeks to remove restrictions in its lead permit No. MC 118779, and Sub-Nos. 7, 8, 9, 12F and 14F to (1) broaden the commodity description from diesel fuel and kerosene in bulk, in tank vehicles in Sub-No. 7, from diesel fuel, in bulk, in tank vehicles in Sub-No. 8 to "commodities in bulk"; (2) broaden the commodity description from general commodities (with exceptions) to "general commodities, except classes A & B explosives" in Sub-No. 9; (3) broaden the commodity description from diesel locomotive engines, generators and motors, and their parts to "transportation equipment" in Sub-No. 12F and 14F; (4) broaden the territorial descriptions in the above authorities to "between points in the U.S." under continuing contract(s) with a named shipper.

MC 22182 (Sub-40)X, filed March 3, 1981. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA

19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead and Sub-Nos. 21, 23, 25, 28, 29, 31, 32, 33F, 35F, 36F certificates and E-1 letter-notice to (A) broaden the commodity descriptions to (1) "transportation equipment" from (a) new automobiles, trucks and bodies, chassis and cabs, commercial motor vehicles, buses and bus chassis, new, used, unfinished, rejected, damaged or defective, and tank trailers, in the lead certificate and Sub-No. E-1 letter-notice; (b) motor buses, in Sub-No. 21; (c) motor homes, in Sub-No. 23; (d) motor vehicles, chassis, bodies, cabs parts and accessories, in Sub Nos. 25 and 28; (e) automobiles, in Sub-Nos. 29 and 31; (f) automobiles, trucks and motor homes, in Sub-No. 32; (g) automobiles and trucks in Sub-Nos. 33F, 35F and 36F; and (2) "machinery" from farm tractors and parts, accessories and equipment, in the lead certificate; (B) broaden the territorial description to county-wide authority in lieu of existing city-wide authority: (1) Middlesex County, MA, for Somerville, MA; Montgomery County, PA, for Landsale, PA; Davidson, Dickson, Cheatham, Rutherford, Wilson, Sumner, and Williamson Counties, TN, for Nashville, TN, Erie County, PA, for West Springfield, PA; Essex County, NJ, for Newark, NJ; Montgomery County, MD, for Chevy Chase, MD; Delaware County, PA, for Chester, PA; Chester County, PA, for Exton, PA; and Edgecombe County, NC, for Rocky Mount, NC, in the lead certificate; (2) Bergen County, NJ, for Mahwah, NJ, and Middlesex County, NJ, for Metuchen, NJ, in the lead certificate and Sub-No. 33F; (3) Lorain County, OH, for Lorain, OH, in Sub-No. 36F; (C) remove the territorial restriction which limits service to no intermediate points, to authorize service at all intermediate points along its regular route and replace one-way with two-way service between Detroit, MI and Buffalo, NY, and remove the restriction limiting service to the season of closed navigation on the Great Lakes, in the lead certificate; (D) remove the restriction limiting service to the transportation of specified commodities, in initial movement, truckaway or driveaway service, in all certificates; (E) authorize radial authority to replace existing one-way service between specified cities or counties in various combinations of eastern States and points throughout the U.S. in the irregular-route portion of its authority in the lead certificate and Sub-Nos. 21, 25, 28, 29, 31, 32, 35F, 36F, and E-1; (F) eliminate the AK and HI restriction, in the lead certificate and Sub-Nos. 21, 25, 28 and 29; (G) remove the plantsite limitation, in the lead certificate and Sub-Nos. 25, 29, 35F, 36F, and E-1, only where the limitations apply to a city or county facilities or the like; (H) remove the restriction limiting service to the transportation of traffic (a) originating at and/or destined to specified points, in the lead certificate and Sub-Nos. 21 and E-1, only where the facilities restrictions apply to a city or county or the like; and (b) having a prior movement by rail or water, in its irregular-route authority of the lead certificate; and (I) eliminate the "foreign commerce only" restriction, in Sub-No. 29 part (2).

MC 35320 (Sub-650)X, filed March 16, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 205F, 454F, 528F, and 563F certificates to (1) broaden the general commodities descriptions [with the usual exceptions and ammunition, and parts of ammunition (Sub-No. 205F)] to "general commodities and (except classes A and B explosives)"; (2) replace plantsite restrictions with city-wide or county-wide authority: Irving with Dallas County, TX in Sub-No. 205F; Palestine with Anderson County, TX in Sub-No. 454F; Somerset County, PA, and Corsicana with Navarro County, TX in Sub-No. 528F; and Beaumont, TX in Sub-No. 563F; and (3) remove the "except AK and HI" restriction in the above named subnumbers.

MC 35320 (Sub-650)X, filed March 16, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 261F, 303F, 307F, 359F, 445F, 450F and 596F certificates to (1) broaden the commodity descriptions from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in all certificates; (2) eliminate the facilities limitations in all certificates; (3) expand city-wide to county-wide authority from Santa Rosa to Sonoma County, CA in Sub-No. 261F; Ridgefield to Clark County, WA in Sub-No. 307F; Ft. Madison to Lee County, IA in Sub-No. 445F; Stoughton to Norfolk County, MA in Sub-No. 450F; and Siloam Springs to Benton County, AR in Sub-No. 596F; (4) change one-way to radial authority between Fort Smith, AR, and all points in the U.S. in Sub-No. 359F; and (5) remove the restrictions (a) against service to "AK and HI" in Sub-Nos. 261F, 303F, 307F, 359F, 445F, and 450F; and (b) "originating at or destined to" in Sub-No. 303F.

MC 67646 (Sub-96)X, filed March 16, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 55F, reacquired in MC-FC-78368, to (1) remove all exceptions in its general commodity descriptions, except classes A and B explosives; (2) serve all intermediate points on its regular-routes extending through PA, NY, and NJ; (3) delete off-route authority at Camden, NJ; (4) eliminate the "originating at, destined to" foreign commerce restriction on movements to Canada, on sheet 2; (5) remove the limitation against traffic moving radially between "Reading, PA, and Philadelphia, PA, New York, NY, and those in NJ within 10 miles of the city limits of New York, NY," and the exception to the restriction, "except traffic moving in foreign commerce destined to, or originating at, points in Canada" on sheet 2; (6) broaden the commodity description from frozen vegetables to "food and related products" on sheet 3; and (7) replace one-way authority with round-trip service authority between Seabrook, NJ and ports of entry at or near Niagara Falls, NY and Rouses Point, NY.

MC 69052 (Sub-45)X, filed March 9, 1981. Applicant: REED TRUCKING COMPANY, P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Applicant seeks to remove restrictions from its lead and Sub-Nos. 31, 35, 37F, 40F, 41F, 42F and 43 certificates to (1) broaden the commodity description from: (a) fertilizer and fungicides and insecticides, dry chemicals, lime, limestone and limestone products to "chemicals and related products" in the lead and Sub-Nos. 37F and 43F; (b) feed, raw materials used in the manufacture of feed and seed, mill feeds and materials used in the manufacture thereof, canned goods and fresh fish and shell fish, raw hides and pelts, poultry and eggs, fresh frozen foods and fresh and frozen poultry, frozen fruits and vegetables and poultry iced or frozen, dairy products, canned goods, foodstuffs, and flour to "food and related products" in the lead and Sub-Nos. 31, 35, 40F, 41F, and 42F; (c) machinery and hardware to "machinery, furniture and fixtures, and metal products" in the lead; (d) coal to "coal

and coal products" in the lead; (e) lubricating oils and greases to to "petroleum, natural gas and their products" in the lead; (f) lubricating oil and printing paper and stationery to "petroleum, natural gas and their products, pulp, paper and related products" in the lead; (g) lumber and lumber and millwork, wallboard, plaster, cement, gypsum board and steel sash to "lumber and wood products and building materials" in the lead; (h) tin cans to "metal products" in the lead; and (j) shells (for manufacturing buttons) to "such commodities as are dealt in or used by manufacturers of buttons" in the lead; (2) remove the restrictions "in containers" in the lead; and "except in bulk" in Sub-Nos. 37F, 40F, 41F, 42F and 43F; (3) replace specific point authority with county-wide authority wherever they appear in the above numbered certificates as follows: Baltimore to Baltimore County, MD; Salisbury to Wicomico County, MD; Milton, Nassau, and Stockley to Sussex County, DE; Lansdale to Montgomery County, PA; Landisville to Atlantic County, NJ; Harrisburg to Dauphin County, PA; Bradford to McKean County, PA; Milford to Kent and Sussex Counties, DE; DeVault to Chester County, PA; Chester to Delaware County, PA; from Nassau, Harrington, Townsend, and Mt. Pleasant, DE, to Sussex, Kent and New Castle Counties, DE; Newark to Hudson County, NJ; Louisville to Jefferson County, KY; Dover, Frederica, and Harrington to Kent County, DE; Albany to Albany County, NY; Schenectady to Schenectady County, NY, Rising Sun to Cecil County, MD; New Haven to New Haven County, CT; Springfield to Hampden County, MA; Bridgeton to Cumberland County, NJ; Camden to Camden County, NJ; Townsend and Mt. Pleasant to New Castle County, DE; Fruitland to Wicomico County, MD; Syracuse to Onondaga County, NY; Buffalo to Erie County, NY; Niagara Falls to Niagara County, NY; Seneca Falls to Seneca County, NY; and Cambridge to Dorchester County, MD; (4) broaden the territorial descriptions from existing one-way authority to radial authority between numerous combinations of specified cities and counties and points throughout the U.S. in the lead and Sub-Nos. 31, 35, 37F, 40F, 41F, 42F and 43F; (5) remove the facilities limitation in Sub-No. 37F and 40F; and (6) remove the restriction against the transportation for shipments from Lewes, DE, to Brundidge, AL in Sub-Nos. 35.

MC 88845 (Sub-11)X, filed March 19, 1981. Applicant: PARCEL DELIVERY SERVICE, INC., 600 Belleville Turnpike, Kearny, NY 07032. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10106. Applicant seeks to remove restrictions in its Sub-Nos. 5 and 8 permits to (1) broaden the commodity description from film, developed film, and packing materials, envelopes, and labels used in shipping exposed film, exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith (excluding motion picture film used primarily for commercial theatre and television exhibition) to "instruments and photographic goods, rubber and plastic products, and waste or scrap materials not identified by industry producing" in each permit; and (2) broaden the territorial description to between points in the U.S. under a continuing contract(s) with a named shipper in each permit.

MC 94350 (Sub-435)X, filed March 9, 1981. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Applicant seeks to remove restrictions in its lead certificate and all subs thereunder, except Sub-Nos. 72, 166, 358, and 419 to (1) broaden its commodity description (a) from trailers, except freight carrying vehicles, in secondary movements, in towaway service in its lead, and trailers designed to be drawn by passenger automobiles in Sub-No. 374, to "trailers" (removal of such commodity restrictions will subsume applicant's trailer authority in numerous other sub-numbered authorities), and (b) from buildings, in sections, mounted on wheeled undercarriages with hitch-ball connectors, prefabricated buildings in sections, and portable buildings in sections, mounted on wheeled undercarriages with hitch-ball connectors, and portable tobacco barns to "buildings and buildings in sections" in Sub-Nos. 56, 57, 59, 60, 61, 62, 64, 65, 67, 73, 74, 76, 81, 84, 87, 91, 95, 96, 97, 112, 131, 133, 190, 199, 215, 224, 227, 229, 232, 240, 243, 253, 254, 261, 262, 266, 280, 282, 290, 292, 295, 307, 329, 330, 336, 338, 341, 344, 352, 354, 360, 362F, 364, 365, 367, 369, 370, 373, 374, 376, 377, 378, 379, 381, 382, 383, 384, 385, 387, 389, 391, 393, 396, 397, 399, 400F, 401, 402, 403, 407F, 408F, 410F, 415F, 416F, 417F, 421F, 427F, 430F, 431F, and 433F; (2) change one-way authority to authorize radial operations in all Subs in section 1(b) above, generally between points in CA, MI, PA, TX, OK, AK, FL, IN, KS, GA, AL, MS, NC, SC, OR, ID and points in the U.S., or smaller areas specifically described in the respective certificates; and between points in named counties or specified portions of ID, UT, OR, WA, FL, SC, KS, MO, VA, NC, MS, NY, WI, MD, TN, CO, LA, MT, NE, KY, NH, ME, IA, TX, IN, OH, AR, NJ, and points in the U.S., or smaller areas in the U.S. specifically described in the respective certificates; (3) to remove restrictions limiting service to points of manufacture, points other than points of manufacture, traffic originating at or destined to named points, and plantsite restrictions in Sub-Nos. 56, 57, 59, 60, 61, 65, 95, 96, 97, 131, 190, 215, 224, 227, 229, 232, 240, 253, 254, 261, 262, 266, 280, 282, 290, 295, 336, 338, 341, 344, 369, 370, 373, 378, 382, 383, 389, 397, 401, and 416F; (4) expand specified points to county-wide authority; in Sub-No. 57, Canyon, Ada, Owyhee, Nez Perce, Caribou Counties, ID (Caldwell, Boise, Nampa, Lewiston, Pocatello, ID); in Sub-No. 59, Salt Lake City, Davis, Morgan, Weber, and Washington Counties, UT (Salt Lake City, Ogden, Orem, St. George, UT); in Sub-No. 60, Matilla, Tallamook, Klamath, Curry, Coos, Lane, Marion, Douglas, Jackson and Multnomah Counties, OR (Hermiston, Wheeler, Klamath Falls, Brookings, Coos Bay, Eugene, Salem, Roseburg, Medford, and Portland, OR); in Sub-No. 61, Lewis, King, Pierce, Snohomish, and Island Counties, WA (Chehalis, Kent, Tacoma, Lynnwood, Oak Harbor, WA); in Sub-No. 67, Carroll County, MO (Carrollton, MO); in Sub-No. 73, Mecklenburg County, Va (South Hill, VA); in Sub-No. 91, Wayne County, NY (Sodus, NY); in Sub-No. 95, Cecil and Baltimore Counties, MD (Elkton and White Marsh, MD); in Sub-No. 97, Larimer and Mesa County, CO (Loveland, Grand Junction, CO); in Sub-No. 112, Caddo Parish, LA (Vivian, LA); in Sub-No. 131, Cascade, Yellowstone, Custer, Fergus, and Lincoln Counties, MT (Great Falls, Billings, Miles City, Lewistown, and Libby, MT); in Sub-No. 199, Larimer County, CO (Larimer County, CO, except Loveland, CO); in Sub-No. 215, York County, NE (York, NE); in Sub-No. 252, Desota Parish, LA (Mansfield, LA); in Sub-No. 261, Brunswick County, VA (Lawrenceville, VA); in Sub-No. 336, Weld County, CO (Fort Lupton and Greeley, CO); in Sub-No. 338, Merrimack County, NH (Hooksett, NH); in Sub-No. 352, Garfield County, CO (Silt, CO); in Sub-No. 401, Clinton, Noble, and Montgomery Counties, OH (Sabina, Caldwell, and Brookville, OH); and in Sub-No. 426, Hall County, NE (Grand Island, NE).

MC 106205 (Sub-8)X, filed March 13, 1981. Applicant: HANLON AUTO TRANSPORT, INC., 112-37 Roosevelt Ave., Corona, NY 11368. Representative:

Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123. Applicant seeks to remove restrictions from its lead and Sub-Nos. 5 and 6 certificates to: (1) in its lead, broaden the commodity description from (a) animal and poultry feed, lime, fertilizer, and commodities used in the manufacture of fertilizer, and (b) fertilizer and fertilizer materials to "farm products"; remove the seasonal restrictions and expand its one-way authority to radial authority between Springfield, MA and points in MA within five miles of Springfield, and, points in Hartford and Tolland Counties, CT; between New Haven, CT, and, Athol, MA and points in Hampden, Hampshire, Bershire, and Franklin Counties, MA; between Springfield, MA and points in MA within ten miles of Springfield, and, points in Hartford, Litchfield, and Tolland Counties, CT; (2) in Sub-No. 5, broaden the commodity descriptions from (a) automobiles, trucks, chassis, and parts, in driveaway or truckaway service, (b) used automobiles and trucks, in driveaway and truckaway service, (c) new trailers, in initial movements, in truckaway service, (d) trailers, in secondary movements, in truckaway service, and (e) motorcycles, incrated, to "transportation equipment, in driveaway or truckaway service"; expand its one-way regular route authority to two-way authority: between Detroit, MI, and Boston, MA; between Detroit, MI, and Hartford, CT; between Detroit, MI, and Providence, RI; authorize service at all intermediate points on the routes described above and between Springfield, MA and Washington, DC; between East Longmeadow, MA, and Washington, DC; between Monson, MA, and Washington, DC; between Williamsett, MA, and Washington, DC; eliminate the restriction limiting service from Detroit, MI, and Buffalo, NY, to seasonal navigation on the Great Lakes; and eliminate the pick-up only restriction at Buffalo, NY, and the delivery only restriction on the off-route points within 20 miles of Boston and Springfield, MA, Hartford, CT, and Providence, RI; under its irregular routes expand its one-way authority to radial authority between Elizabeth, NJ, and 13 named States and Washington, DC; between East Springfield, MA, and, points in the U.S.; and remove the AK and HI exceptions (3) in Sub-No. 6, broaden the commodity description from used passenger automobiles, in secondary movements, in driveaway service to "transportation equipment, in drveaway or truckaway service"; and eliminate the restriction limiting service for automobile dealers and automobile rental companies.

MC 109920 (Sub-128)X, filed March 17, 1981. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 28, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 76F certificate to (1) broaden the commodity description to "food and related products" from foodstuffs and non-nutritive sweetner (except commodities in bulk), and (2) broaden the territorial description by removing the restriction limiting service to transportation of traffic originating at the named origins and destined the named destinations, substitute city-wide or county-wide authority in place of the specified facilities, and substitute radial service in place of one-way service: between New York, NY (facilities at New York, NY), Philadelphia, PA (facilities at Philadelphia, PA), Gloucester County, NJ (facilities at Pitman, NJ), and Baltimore, MD (facilities at Baltimore, MD), and points in IL, IN, KY, MI, MO, OH and WI.

MC 107544 (Sub-159)X, filed March 17, 1981. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 136 certificate to (1) broaden the commodity description to "commodities in bulk" from "activated carbon, in bulk, in tank vehicles"; (2) replace authority to serve Catlettsburg, KY, Neville Island, PA, and Bayport, TX, with Boyd County, KY, Allegheny County, PA, and Harris County, TX; (3) broaden the territorial description from one-way authority to radial authority between Boyd County, KY, Allegheny County, PA, and Harris County, TX, and, points in the United States; (4) remove the "in tank vehicles"; restriction; and (5) eliminate the "AK and HI" exceptions.

MC 106375 (Sub-46)X, filed March 16, 1981. Applicant: LEROY L. WADE & SON, INC., 10550 I Street, Omaha, NE 68127. Representative: Arnold L. Burke, 180 North La Salle Street, Suite 3520, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 11, 20, 22, and 33 certificates to (1) broaden the commodity description from new trucks and new automobiles, and used automobiles, to "transportation equipment"; (2) remove restrictions limiting the transportation to initial, secondary, truckaway or driveaway movements; (3) replace one-way authority with radial authority; (4) remove facilities restrictions and (5) remove "immediately prior movement by rail" restrictions. The territorial authority in Sub-Nos. 11 and 20 is subsumed by Sub-No. 22, which will authorize radial service between Des Moines and Council Bluffs, IA and Omaha, NE and points in IA, NE, SD, ND, and KS and a portion of MO and MN and between Clay County, MO and ND, radial service in Sub-No. 33 is between Omaha, NE and points in MN, KS, and SD (with exceptions).

MC 111231 (Sub-354)X, filed March 17, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 234F and 255F Certificates to (1) broaden the commodity descriptions from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; (2) authorize service at all intermediate points in its regular-route authority between: (a) Joplin, MO and Denver, CO, and junction MO Hwys. 171 and 96 and junction Interstate Hwy. 135 and KS Hwy. 196, in Sub-No. 234F; and (b) New Orleans, LA and Denver, CO, New Orleans, LA and junction US Hwys. 61 and 190, and junction LA Hwy. 1 and US Hwy. 71, and Lamar, CO, in Sub-No. 255F; and (3) remove the restriction limiting service for the purpose of joinder only at (a) junction KS Hwy. 196 and Interstate Hwy. 136; junction MO Hwy. 171 and 96; and, the termini, in Sub-No. 234F; and (b) junction Hwy. 10 and US Hwy. 190; junction US Hwy. 61 and US Hwy. 190; junction US Hwy. 71 and US Hwy. 82; junction Interstate Hwy. 40 and US Hwy. 270; junction LA Hwy. 1 and US Hwy. 71, and Lamar, CO; US Hwy. 160 and US Hwy. 190 in Sub-No. 255F.

MC 113460 (Sub-12)X, filed March 13, 1981. Applicant: BLACKHAWK TRANSPORTATION, INC., Box 3008, Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 1, 6, 8, 9F, and 10F certificates to (1) change the commodity descriptions from various foodstuff items, such as packinghouse products, malt beverages, meats, etc., to "food and related products"; (2) delete "except hides and commodities in bulk" from the commodity descriptions in Sub-Nos. 6 and 10F; (3) eliminate the facilities limitations in all certificates except Sub-No. 1; (4) remove the "originating at and

destined to" restrictions in all certificates except Sub-No. 1; (5) broaden city-wide authority to county-wide authority: Des Moines to Polk County, IA in Sub-Nos. 1, 6, and 8; Marshalltown to Marshall County, IA in Sub-Nos. 1 and 8; Red Oak and Chariton to Montgomery and Lucas Counties, IA in Sub-No. 8; Clarinda to Page County, IA in Sub-No. 9F; and Cedar Rapids to Linn County IA in Sub-No. 10F; and (6) expand one-way authority to two-way authority between 6 central States and 17 States located mainly in the eastern portion of the U.S. and DC.

MC 114312 (Sub-36)X, filed March 12, 1981. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, OH 43515. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 9, 10, 13, 15, 18, 23, 24, 27, 29G, 30, and 33F certificates and E–1 and E–2 letter notices to (1) broaden the commodity descriptions from (a) seed and livestock to "farm products", fence post and rough lumber to "lumber and wood products", cement to "clay, concrete, glass or stone products", fertilizer, salt, chemical fertilizer and dry fertilizer to "chemicals and related products", and canned goods to "food and related products" in the lead; (b) dry fertilizer, dry fertilizer materials and dry fertilizer ingredients, chemical fertilizer, fertilizer, fertilizer materials, and fertilizer ingredients, fungicides, herbicides, and insecticides, pesticides in mixed loads with dry fertilizer to "chemicals and related products" in Sub-Nos. 8, 9, 13, 15, 18, 23, 24, 29G, 30, 33F, E–1 and E–2; (c) feed and feed ingredients and grain products, soybean meal, and animal feed to "food and related products" in Sub-Nos. 10, 23, and 27; and (d) insulating materials to "building materials and clay, concrete, glass or stone products" in Sub-No. 33F; (2) remove the restrictions (a) "in bags" in Sub-Nos. 9, 18, 29G, 33F and E–1; (b) "in bulk, except bulk liquids in tank vehicles" in Sub-No. 9; (c) "in bulk" in Sub-Nos. 15, 18, 24, 27, 29G, 33F and E–1; (d) "except in tank vehicles" in Sub-Nos. 18 and 27; (e) "except bulk liquids" in Sub-No. 29G; and (f) "in containers, in bulk, in dump vehicles" in E–1; (3) replace city-wide with county-wide authority from Coldwater to Branch County, MI, in the lead and Sub-No. 24; Cement City to Lenawee County, MI, in the lead; Fort Wayne to Allen County, IN, in the lead and E–1; St. Clair to St. Clair County, MI, in the lead; Pioneer, Bryan, Edgerton, Blakeslee, and Edon to Williams County, OH, in the lead; Fayette and Wauseon to Fulton County, OH, in the lead and Sub-No. 33F; Columbus to Franklin County, OH, in the lead; Woodville to Sandusky County, OH in Sub-No. 8; Bascom and Fostoria to Seneca County, OH in Sub-Nos. 13 and 23; Lodi to Medina County, OH in Sub-No. 13; Joliet to Will County, IL in Sub-No. 13 and E–1; Spencerville to Allen County, OH, in Sub-No. 15; Washington Court House to Fayette County, OH, New Castle to Lawrence County, PA, Butler to Butler County, PA, New Brighton to Beaver County, PA, Kittanning to Armstrong County, PA, Canonsburg to Washington County, PA, and Danville to Vermilion County, IL in Sub-No. 18; Whiteland to Johnson County, IN in Sub-No. 18 and E–1; Bellevue to Huron County, OH in Sub-No. 23; Maumee and Silica to Lucas County, OH in Sub-Nos. 8, 23, 30 and 33F; Grand Rapids to Wood County, OH in Sub-Nos. 29G and 30; and Orville to Wayne County, OH, Marinette to Marinette County, WI, and Ft. Washington to Montgomery County, PA in Sub-No. 29G; (4) expand one-way authority to radial authority between numerous combinations of specified origins and U.S. points throughout the U.S. for example (a) Williams County, OH and points in the Lower Peninsula of Michigan, Branch County and Lenawee County, MI and points in Williams County, OH; Detroit, MI and points within three miles of Detroit, to Pioneer, OH; Allen County, IN and points in Hillsdale County, MI, and points in Williams County, OH; St. Clair, MI, and Williams County, OH; Allen County, IN, and Williams County, OH; Allen County, IN, and points in the Lower Peninsula of Michigan, and points in that part of Ohio, on, north, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Hwy. 40 to Columbus, OH, then along U.S. Hwy. 23 to Waldo, OH, then along Ohio Hwy. 98 to Bucyrus, OH, and then along Ohio Hwy. 4 to Sandusky, OH, including points on the indicated portions of said highways (with certain exceptions); and Franklin County, OH, and Allen County, IN in the lead; (b) Lucas and Sandusky Counties and Toledo, OH, and points in IN in Sub-No. 8; (e) Toledo, OH and points in PA, WV, IL, and points in WI in Sub-No. 9; Toledo, OH and points in IN and MI in Sub-No. 10; (d) Toledo, OH and points in NY; Seneca and Medina Counties, OH and points in IN and IL (with certain exceptions); Will County, IL, and points in IN, MI, and OH; Toledo, OH, and points in NY, PA, WV, IL and WI in Sub-No. 13; and various other combinations in Sub-Nos. 15, 18, 23, 24, 27, 29G, 30, 33F, E–1 and E–2; (5) remove the plantsite and warehouse facilities limitations in Sub-Nos. 18, 24, 27, 30, and 33F; and (6) remove the restrictions "originating at and destined to" in Sub-Nos. 24, 27, 29G and 30; and against transportation of shipments originating in Canada at the port of entry on the International Boundary line between U.S. and Canada located at Detroit, MI.

MC 120727 (Sub-11)X, filed March 10, 1981. Applicant: GALLATIN-PORTLAND FREIGHT LINES, INC., P.O. Box 888, Gallatin, TX 37066. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 4, 5, 8 certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 4 and 5, (b) scrap aluminum to "metal products" in Sub-No. 8; (2) remove an in bulk, in tank, restriction in Sub-Nos. 4 and 8; (3) authorize service at all intermediate points (between Gallatin, Portland, Nashville and Memphis, TN) along a described regular routes in Sub-Nos. 4 and 5; (4) authorize county-wide for city authority in the irregular route portion of its Sub-No. 4: Sumner County for Gallatin TN, and Barren County for Glasgow, KY; in Sub-No. 4; Sumner County for Hendersonville, TN, and Franklin County for Russellville, AL, in Sub-No. 8; (5) delete plantsite facilities restrictions in the irregular route portion of Sub-No. 4; (6) remove restriction limiting service to traffic originating at and/or destined to named points in Sub-No. 5; (7) authorize radial in lieu of existing one-way service between Sumner County, TN, and Franklin County, AL, in Sub-No. 8; and (8) remove interlining restriction in Sub-No. 5.

MC 123407 (Sub-668)X, filed March 4, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 19, 20, 21, 22, 24, 26, 29, 34, 36, 37, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 72, 75, 76, 77, 80, 81, 82, 84, 89, 91, 92, 94, 95, 96, 98, 101, 102, 103, 104, 105, 107, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 122, 123, 125, 129, 130, 131, 132, 134, 135, 136, 139, 141, 142, 145, 146, 149, 150, 152, 153, 156, 157, 158, 160, 161, 163, 164, 165, 166, 167, 170, 171, 173, 179, 180, 181G, 182, 183, 184, 185, 186, 188, 196, 197, 199, 201, 202, 203, 204, 205, 208, 211, 214, 215, 216, 218, 219, 220, 224, 227, 228, 230, 231, 232, 237, 238, 239, 241, 243,

244, 245, 247, 248, 251, 252, 253, 256, 257, 260, 261, 264, 265, 268, 269, 271, 272, 273, 274, 275, 279, 280, 283, 285, 286, 287, 288, 289, 291, 294, 295, 297, 298, 300, 301, 302, 304, 305, 306, 307, 308, 313, 314, 315, 316, 318, 319, 320, 322, 325, 326, 327, 328, 329, 330, 331, 333, 334, 335, 336, 337, 338, 340, 341, 342, 343, 346, 347, 348, 350, 351, 354, 355, 364, 365, 369, 369, 371, 372, 373, 374, 375, 376, 378, 382, 383, 384, 387, 388, 389, 390, 391, 392, 394, 396, 400, 402, 403, 405, 406, 409, 410, 411, 414, 415, 417, 418, 419, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 437F, 438F, 442F, 443F, 443F, 444F, 445, 446F, 447F, 448F, 449F, 451F, 452F, 453F, 456F, 457F, 460F, 461F, 463F, 464F, 466F, 467F, 468F, 469F, 470F, 471F, 472F, 473F, 474F, 475F, 476F, 480F, 481F, 482F, 483F, 484F, 486F, 488F, 489F, 490F, 491F, 492F, 493F, 494F, 495F, 500F, 501F, 502F, 503F, 507F, 508F, 510, 511F, 514, 515, 516F, 517, 518F, 520, 521F, 522F, 533F, 534, 535, 536F, 538F, 539, 540, 543F, 544, 545F, 546, 547F, 550, 551F, 552, 553F, 554F, 556F, 557F, 558F, 559F, 560F, 570F, 573F, 575F, 576, 581F, 582F, 583F, 588F, 589F, 600F, 601F, 604F, 605F, 606F, 607F, 612F, 614F, 615F, 616F, 617F, 618F, 621F, 623F, 627F, 628F, 629F, 630F, 631F, 632F, 633F, 634F, 635F, 636F, 638F, 642F, 643F, 644F, 645F, 646F, 647F, 648F, 650F, 652F, and 653F to remove (1) the "except commodities in bulk" restriction, the except "AK and HI" restriction, the "in tank vehicles or hopper type vehicles" restrictions, the "ex-water, ex-rail, and ex-air" restrictions, and the "size or weight" restrictions wherever they appear in the above ranked certificates; and (2) the "originating at or destined to" restrictions in Sub-Nos. 25, 28, 37, 59, 61, 63, 70, 75, 76, 77, 80, 89, 101, 102, 105, 116, 117, 118, 119, 122, 129, 130, 131, 132, 139, 146, 149, 150, 152, 171, 173, 180, 186, 201, 228, 232, 241, 245, 251, 275, 274, 285, 288, 301, 304, 305, 316, 319, 323, 328, 335, 343, 347, 375, 382, 385, 400, 402, 403, 419, 453F, 463F, 466F, 482F, 483F, 493F, 499F, 544, 549, 547F, and 556F. Applicant seeks to broaden its commodity descriptions (1) in the lead and Sub-Nos. 22, 28, 37, 51, 52, 59, 61, 67, 68, 91, 103, 111, 113, 115, 118, 125, 129, 139, 149, 156, 157, 158, 170, 171, 182, 198, 197, 202, 205, 230, 237, 238, 239, 249, 252, 253, 279, 283, 291, 294, 295, 315, 318, 320, 322, 327, 329, 336, 351, 364, 365, 373, 374, 384, 390, 402, 403, 405, 420, 426, 428, 433, 439F, 443F, 445F, 461F, 469F, 471F, 475F, 491F, 491F, 499F, 502F, 506F, 514, 516F, 518F, 523F, 531F, 557F, 569F, 570F, 575F, 600F, 614F, 615F, 617F, 621F, 629F, 633F, and 652F to "clay, concrete, glass or stone products" from, for example, roofing granules; gypsum products; glass glazing units; mineral wool, mineral wood products, insulating materials, mirrors, flat glass and glass doors and fittings; silicon carbide; marbel chips; (2) in the lead and Sub-Nos. 19, 21, 34, 37, 43, 46, 47, 49, 50, 55, 58, 60, 62, 64, 65, 66, 67, 68, 72, 81, 84, 91, 94, 98, 105, 109, 110, 112, 118, 119, 122, 123, 125, 139, 145, 150, 152, 153, 160, 171, 203, 204, 211, 214, 219, 220, 224, 244, 257, 261, 263, 279, 282, 287, 289, 300, 301, 302, 307, 308, 320, 325, 328, 333, 335, 341, 346, 350, 368, 371, 376, 383, 389, 391, 402, 410, 415, 423, 424, 428, 429, 431, 432, 437F, 440F, 442F, 452F, 467F, 472F, 473F, 474F, 480F, 484F, 488F, 495F, 510F, 511F, 516F, 536F, 543F, 544, 549, 553F, 556F, 575F, 581F, 606F, 616F, 623F, 631F, and 649F to "lumber and wood products" from, for example, composition building board; composition boards and materials and accessories used in the installation of composition boards; plywood; wood flooring systems; particleboard; building, wall, and insulation boards; (3) in the lead and Sub-Nos. 24, 26, 29, 36, 45, 48, 54, 56, 65, 70, 75, 78, 80, 95, 101, 105, 110, 117, 118, 122, 125, 130, 131, 132, 135, 139, 141, 142, 146, 171, 180, 183, 185, 186, 188, 201, 208, 218, 220, 227, 232, 241, 243, 245, 247, 251, 256, 264, 265, 274, 275, 283, 287, 288, 295, 305, 313, 325, 326, 334, 337, 338, 347, 349, 366, 371, 372, 382, 392, 400, 417, 418, 419, 424, 425, 442F, 444F, 446F, 451F, 466F, 469F, 475F, 476F, 480F, 482F, 486F, 488F, 490, 493F, 501F, 506F, 515, 517, 534, 535, 536F, 538F, 539, 540, 543F, 545F, 546, 547, 550, 551, 554F, 576, 601F, 604F, 605F, 612F, 616F, 630F, 635F, 636F, 642F, 650F, 652F, and 653F to "metal products" from, for example, iron and steel articles; conduit and pipe attachments, parts and fittings; metal building materials; fabricated steel; steel tubing; non-ferrous metal articles; aluminum articles; prefabricated metal buildings, knocked down or in sections; (4) in Sub-Nos. 56, 91, 95, 102, 104, 131, 132, 164, 167, 284, 273, 275, 297, 304, 305, 326, 330, 378, 414, 417, 419, 447F, 448F, 463F, 481F, 482F, 533F, 544, 545F, 557F, 589F, 607F, 623F, 644F, 649F, 652F, to "rubber and plastic products" from, for example, plastic pipe; plastic injection modings; plastic siding resin; plastic sewer pipe; plastic drain pipe, and plastic fittings; (5) in the lead and Sub-Nos. 179, 199, 235, 314, 388, 425, 470F, 483F, 533F, 535, 540, 536F, 627F, 645F, and 649F to "machinery" from, for example, agricultural implements and machinery; liquid and solid waste recycling systems; spraying equipment; sugar beet and lifter loaders, harvesters, defoliators, and toppers-windrowers; potato bulk bores, diggers, planters; (6) in the lead and Sub-Nos. 20, 22, 29, 44, 52, 61, 72, 82, 96, 107, 118, 125, 130, 171, 219, 272, 333, 340, 375, 396, 430, 434, 460F, 466F, 536F, and 628F, and to "coal and coal products" from, for example, roofing and roofing materials; paving materials; floor tile; asphalted and decorated linoleum; (7) in Sub-Nos. 20, 161, 231, 294, 400, 453F, 464F, and 552 to "petroleum and natural gas and their products" from, for example, petroleum products and lubricating oils; (8) in Sub-Nos. 20, 63, 183, 185, 269, 354, 365, 453F and 600F to "chemicals and related products" from, for example, fertilizer, ice melting compound, vermiculite; cleaning, scouring, washing, buffing or polishing compounds; (9) in Sub-Nos. 37, 67, 184, 260, 387, 453F, 500F, 544, 575F, 563F and 646F to "pulp, paper and related products" from, for example, pulpboard; waste paper; paper and paper products; (10) in the lead and Sub-Nos. 77, 166, 215, 280, 582F, and 646F to "food and related products" from, for example, animal feed, poultry feeds, animal feed ingredients and poultry feed ingredients; animal feed supplement; dry beverage preparations; non-carbonate fruit flavored beverage; (11) in Sub-No. 283 to "ores and minerals" from iron ore, zircon ore and graphite; (12) in Sub-No. 134 to "transportation equipment" from empty containers, trailers, and trailer chassis; (13) in Sub-Nos. 134 and 231 to "farm products" from agricultural commodities and sugar cane horticulture mulch; (14) in Sub-No. 643F to "furniture and fixtures" from furniture, wood, and metal knocked down and assembled; and (15) in Sub-Nos. 134, 306, 319, and 647F to "general commodities [except classes A and B explosives (and sensitive weapons, Sub-No. 647F)]" from general commodities (with the usual exceptions). Applicant also seeks to (1) change its one-way authorities (whenever they appear in the above-named certificates) to radial authorities between named points throughout the U.S. or combinations of States therein and (2) replace some cities with county-wide authority and named facilities with city-wide or county-wide authority wherever they appear in each of the above numbered certificates as follows: L'Anse with Baraga County, MI; Freeport, with Stephenson County, IL; Warren with Jo Daviess County, IL; Wausau with Marathon County, WI; Kremlin with Marinette County, WI; Minneapolis with Hennepin County, MN; St. Paul with Ramsey County, MN; Waukegan with Lake County, IL; Chicago Heights with Cook County, IL; Joliet with Will County, IL; Wilmington with Will County, IL; South Bend with Saint Joseph County, IN; Litchfield with Meeker County, MN; Dubuque with Dubuque County, IA; Clinton with Clinton County, IA; Duluth with Saint Louis County, MN; Greenville with Washington County, MS; Bartonsville

with Peoria County, IL; Rockdale with Will County, IL; International Falls with Koochiching County, MN; Bemidji with Beltrami County, MN; Floodwood with Saint Louis County, MN; Cloquet with Carlton County, MN; Mobile with Mobile County, AL; Niles with Trumbull County, OH; Taylorsville with Smith County, MS; Natchez with Adams County, MS; Florence with Boone County, KY; Harvey with Cook County, IL; Alpena with Alpena County, MI; Marrero with Jefferson County, LA; Mason City with Cerro Gordo County, IA, and Ottowa with La Salle County, IL; Toledo with Lucas County, OH; Custer with Custer County, SD; Spearfish with Lawrence County, SD, and Sturgis with Meade County, SD, Cordova with Walker County, AL; Roaring River with Wilkes County, NC; Columbus with Franklin County, OH; Superior with Douglas County, WI; Isanti with Isanti County, MN; Cleveland with Cuyahoga County, OH; Youngstown with Mahoning County, OH, Elyria with Lorain, OH; Canton with Stark County, OH, Massillon with Stark County, OH, Ferndale with Oakland County, MI, and Warren with Trumbull County, OH; Wilmington with Will County, IL, and Whiting with Lake County, IN; Newport with Washington County, MN; New Orleans with Orleans Parrish, LA; Lakeville with Dakota County, MN; Lincoln with Logan County, IL, Mt. Zion with Macon County, IL; Fredericktown with Knox County, OH, Marion with Marion County, OH, Crestline with Crawford County, OH, Shelby with Richland County, OH, Mt. Vernon with Knox County, OH, and Henryetta with Okmulgee County, OK; Charleston with Charleston County, SC, and Orangeburg with Orangeburg County, SC; Dollar Bay with Houghton County, MI; Kankakee with Kankakee County, IL; Buckhannon with Upshur County, WV; Clinton with Sampson County, NC, and Laurinburg with Scotland County, NC; Federalsburg with Caroline County, MD, and Hastings with Adams County, NE; Valparaiso with Porter County, IN; Elgin and Hampshire with Kane County, IL; Hammond with Lake County, IN; Ford City with Armstrong County, PA, and South Greensburg with Westmoreland County, PA; Carleton with Monroe County, MI; Bayport with Washington County, MN; Dover with Tuscarawas County, OH; Madison and Waunakee with Dave County, WI; Blountstown with Calhoun County, FL; Brookville with Franklin County, IN; Kansas City with Wyandotte County, KS; Coshocton with Coshocton County, OH; Bensenville with DuPage County, IL; Columbia with Boone County, MO; Coatesville with Chester County, PA, Brackenridge with Allegheny County, PA, West Leechburg and Bagdad with Armstrong County, PA, and New Castle with Henry County, IN; Buda with Bureau County, IL; Kokomo with Howard County, IN; Bedford Park with Cook County, IL; Houston with Harris County, TX; Lyons with Toombs County, GA; Forest with Scott County, MS; Crystal City with Jefferson County, MO, Cumberland with Allegany County, MD, Mt. Holly Spring with Cumberland County, PA, and Kerbert Park with Crawford County, PA; Nashville with Davidson County, TN; Cinnaminson with Burlington County, NJ, Floreffe with Clairton County, PA, and Erwin with Unicoi County, TN; Port Arthur with Jefferson County, TX; Pine Bend with Dakota County, MN; Henderson with Henderson County, KY; Lawrence with Douglas County, KS, Lee's Summit with Jackson County, MO, Syracuse with Onondaga County, NY, Midland with Midland County, MI, and Ludington with Mason County, MI; Hardin with Big Horn County, MT; Bristol with Elkhart County, IN; Belle Fourche with Butte County, SD; Upton with Weston County, WY; Lovell with Big Horn County, WY; Gascoyne with Bowman County, ND; Letohatchee with Lowndes County, AL, Aberdeen with Monroe County, MS, and White Springs with Itawamba County, MS; Columbus with Platte County, NE; East St. Louis with Saint Clair County, IL; Tulsa with Tulsa County, OK; Sebewaing with Huron County, MI; Lincoln with Lancaster County, NE, and Bloomer with Chippewa County, WI; Oskaloosa with Mahaska County, IA; Corona with Riverside County, CA; Omaha with Douglas County, NE; Sedalia with Pettis County, MO; Englewood with Arapahoe County, CO; Gering with Scotts Bluff County, NE; Pearlington with Hancock County, MS; Pauling with Shawnee County, KS; Silsbee and Bon Weir with Hardin and Newton Counties, TX; Charleston with Kanawha County, WV; Ontario with Malheur County, OR; Newark with Licking County, OH; Ashland with Ashland County, WI; Salem with Salem County, NJ; Grand Rapids with Itasca County, MN; Upper Sandusky with Wyandot County, OH; Shakopee, with Scott County, MN, Avery and Franklin with Erie and Warren Counties, OH; Glover with Iron County, MO; Port Allegany with McKean County, PA; Webster with Worcester County, MA; Selma with Dallas County, AL; Wilton with Muscatine County, IA; Jeannette with Westmoreland County, PA; Tempe with Maricopa County, AZ; Corpus Christie with Nueces County, TX; Rice Lake with Barron County, WI; Turtle Lake with Barron County, WI; Elkhart with Elkhart County, IN; Amasa with Iron County, MI; Colton with San Bernardino County, CA; Virginia with St. Louis County, MN; Montgomery with Montgomery County, AL; Dallas with Dallas County, TX; Madina with Medina County, OH; Rantoul with Champaign County, IL; Monongahela with Washington County, PA, Burnsville with Yancey County, NC, Hamilton with Skagit County, WA, Sioux Falls with Minnehaha County, SD, and Webb City, with Jasper County, MO; Jacksonville with Calhoun County, AL; Starke with Bradford County, FL, Cincinnati with Hamilton County, OH, and Mansfield with Richland County, OH; Detroit with Wayne County, MI; Niagara Falls with Niagara County, NY, Oakland with Alameda County, CA, Rodeo with Contra Costa County, CA, and West Elizabeth with Allegheny County, PA; Forest City with Saint Francis County, AR, and Louisville with Jefferson County, KY; Lafayette with Boulder County, CO; Peoria with Peoria County, IL; Fullerton and Carson with Orange and Los Angeles Counties, CA; Truesdail with Warren County, MO; Ferndale with Whatcom County, WA, Frederick with Frederick County, MD, and Umatilla with Umatilla County, OR; Riverside County, CA; Decatur with Macon County, IL; Blue Island with Cook County, IL; Owensboro with Daviess County, KY; Fargo with Cass County, ND; Carol Stream with Dupage County, IL; Kingsport with sullivan County, TN; Mt. Vernon with Posey County, IN; Macon with Bibb County, GA; Lindon with Utah County, UT; Farmingdale with Monmouth County, NJ; North Judson with Starke County, IN; Dickinson with Stark County, ND; Westmont with DuPage County, IL; Hanahan with Berkley County, SC; Mills, Colony, and Stucco with Natrona, Big Horn and Crook Counties, WY; Marysville with Marshall County, KS; Riverton with Fremont County, WY; Rapid City with Pennington County, SD; Lithonia with Dekalb County, GA; Highland with Madison County, IL; Plymouth with Marshall County, IN; Fruita with Mesa County, CO; High Point with Guilford County, NC; Florence with Fremont County, CO; Centralia with Marion County, IL; Parsons with Labette County, KS; Kingsburg with Fresno County, CA; North Kansas City with Clay County, MO; Albany with Delaware County, IN; Wheatland with Mercer County, PA; Oshkosh with Winnebago County, WI; Imvite with Nye County, NV; Newcastle with Weston County, WY; Dearborn

with Wayne County, MI; Decatur with Morgan County, AL, Casa Grande with Pinal County, AZ, Long Beach and Visalia with Los Angles and Tulare Counties, CA, Loveland with Larimer County, CO; Ocala and Plant City with Marion and Hillsborough Counties, FL, peachtree and Jonesboro with Fayette and Clayton Counties, GA, Boise and Twin Falls with Ada and Twin Falls Counties, ID, Morris and St. Charles with Grundy and Kane Counties, IL, Franklin and Bicknell with Johnson and Knox Counties, IN, McPherson with McPherson County, KS, Montevido with Chippewa County, MN; Hernando with Desoto County, MS, Dunkirk with Chautauqua County, NY, Reidsville with Rockingham County, NC, Stayton with Marion County, OR, Bloomsburg with Columbia County, PA, Denison and Mansfield with Grayson and Tarrant Counties, TX, Spokane with Spokane County, WA, and Marshfield with Wood County, WI; Beaumont with Jefferson County, TX; Grand Rapids with Kent County, MI; Lansing with Ingham County, MI; Centerville with Appanoose County, IA, and Ft. Wayne and Cicero with Allen and Hamilton Counties, IN; Jackson with Hinds County, MS; Plainfield with Will County, IL; Seattle with King County, WA; Matteson with Cook County, IL; Grambling with Lincoln County, LA; Falls City with Richardson County, NE; Council Bluffs with Pottawattamie County, IA; Coldwater with Branch County, MI; Birmingham with Jefferson County, AL, Lincoln with Talladega County, AL; Beaver Falls with Beaver County, PA, and Marietta with Lancaster County, PA; Milford with Kosciusko County, IN, Decatur with Morgan County, AL, and Watkinsville with Oconee County, GA; Grants with Valencia, NM; Pensacola with Escambia County, FL; Stroud with Lincoln County, OK; Whitestone with Gilmer County, GA; Honna (Pevely) with Jefferson County, MO, and Knoxville with Knox County, TN; Boonville with Cooper County, MO; Wichita Falls with Wichita County, TX; Medina with Medina County, OH; Troy with Madison County, IL; Adrian with Lenawee County, MI, and Butler with Butler County, PA; Nitro with Kanawha County, WV; Stone Mountain with DeKalb County, GA, and Sun Valley, Bakersfield, and Santa Ana with Los Angeles, Kern, and Orange Counties, CA; Tualatin with Washington County, OR; Oconomowoc with Waukesha County, WI; Burns Harbor with Porter County, IN; Evansville with Vanderburgh County, IN; Albion and Danville with Edwards and Vermilion Counties, IL; Broken Arrow with Tulsa County, OK; El Paso with Woodford County, IL; Bremen with Marshall County, IN, and Marion with Waupaca County, WI; Sterling with Whiteside County, IL; Clearfield with Davis County, UT; Harvey with Cook County, IL; Darlington with Darlington County, SC; Denver with Denver County, CO; Ft. Collins with Larimer County, CO; Salt Lake City with Salt Lake County, UT; Tallamadge with Summit County, OH; Camden with Camden County, NJ, Savannah with Chatham County, GA, Los Angeles with Los Angeles County, CA, Jersey City with Hudson County, NJ, Cannonsburg with Washington County, PA, and Wilmington with New Castle County, DE; Colchester with McDonough County, IL; McDonald and Lorain with Trumbull and Lorain Counties, OH; Albuquerque with Bernalillo County, NM; Imperial with Jefferson County, MO, Memphis with Shelby County, TN, and Pittsburgh with Allegheny County, PA; Hillsboro with Hill County, TX; Gerald with Franklin County, MO, and Ecorse with Wayne County, MI; Sandy Ridge with Lowndes County, AL; Belvidere with Boone County, IL; Jasper with Hamilton County, FL; Hagerstown with Washington County, MD; Galveston with Galveston County, TX; Dayton, Hamilton, Middletown, and Urbana with Montgomery, Butler, and Champaign Counties, OH; San Antonio with Bexar County, TX; East Chicago and Gary with Lake County, IN, Aurora, Alton, and Madison with Kane and Madison Counties, IL, Fontana with San Bernardino County, CA, Russellville, Anniston, and Sheffield with Franklin, Calhoun, and Colbert Counties, AL, and Marietta with Lancaster County, PA; Belleville with Saint Clair County, IL; Hope with Hempstead County, AR; Plum with Fayette County, TX; Spanish Fork with Utah County, UT; Bardstown with Nelson County, KY; St. Paul with Ramsey County, MN; DePere with Brown County, WI; Georgetown with Georgetown County, SC; Toledo with Lucas County, OH; Gridley with McLean County, IL, Jackson with Butts County, GA, and Idabel with McCurtain County, OK; LaPaorte with LaPorte County, IN; Tampa and Miami with Hillsborough and Dade Counties, FL, Stone Mountain with DeKalb County, GA, and Lancaster with Fairfield County, OH; Cicero with Cook County, IL; Pittsburgh with Allegheny County, PA, Detroit with Wayne County, MI; Andrews with Georgetown County, SC; Colfax with Guilford County, NC; Kenosha with Kenosha County, WI; Evansville with Rock County, WI; Atlanta and Savannah with Fulton and Chatham Counties, GA; Milwaukee with Milwaukee County, WI; Amasa with Iron County, MI, and Louisville with Jefferson County, KY; Madison with Dane County, WI; Erwin with Unicoi County, TN; Mt. Zion with Macon County, IL, and Springfield and Joplin with Greene and Jasper Counties, MO; Gladsone and Stephenson with Delta and Menominee Counties, MI; Corsicana with Navarro County, TX; Adrian and Constantine with Lenawee and Saint Joseph Counties, MI, and Cornwall Heights with Bucks County, PA; Middlebury with Elkhart County, IN; Bennetsville with Marlboro County, SC; Denver with Denver County, CO; Roseboro with Sampson County, NC; New London and Stevens Point with Waupaca and Portage Counties, WI; Charlotte with Mecklenburg County, NC; Memphis with Shelby County, TN; Monroe with Monroe County, MI; Cassopolis with Cass County, MI; Neenah with Winnebago County, WI; West Bend with Washington County, WI; and Haskell with Muskogee County, OK; and (3) replace facilities restrictions in the following counties or cities with county- or city-wide authority wherever as follows: Sub-No. 26, Putnam County, IL; Sub-No. 36, Portage County, OH; Sub-No. 56, Talladega and Lincoln Counties, AL; Sub-Nos. 61, 271, 443F, 453F, 490, 506F, and 515, Chicago, IL; Sub-No. 63, Wayne County, MI; Sub-No. 116, Scott County, MN; Sub-No. 141, Lauderdale County, MS; Sub-No. 150, Washburn County, WI; Sub-No. 152, Monroe County, AL; Sub-No. 160, Platte County, NE; Sub-No. 218, Carver County, MN; Sub-No. 273, Geauga County, OH; Sub-No. 282, Lucas County, OH; Sub-No. 301, McKinley County, NM; Sub-No. 319, Posey County, IN; Sub-No. 338, Liberty County, TX; and Sub-No. 546, Montgomery and Warren Counties, MO.

MC 127524 (Sub-32)X, filed March 18, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart Street, Rahway, NJ 07065. Representative: David L. Middleton (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 23F certificate to (1) broaden the commodity description from liquid chemicals, in bulk, to "commodities in bulk"; (2) replace the facilities limitation at or near Cartered, NJ, with points in Middlesex County, NJ; and (3) remove the "prior or subsequent movement by water" restriction.

MC 129063 (Sub-25)X, filed March 5, 1981. Applicant: JIMMY T. WOOD TRUCKING CO., P.O. Box 248, Ripley, TN 38063. Representative: Thomas A. Stroud, 2008 Clarktown, 5100 Poplar

Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 5, 6, 10, 11, 12, 14, 17F, 20F, and 23F to (1) broaden its commodity description from clay and shale cinders in Sub-No. 3 to "ores and minerals"; from calcium carbide residue in Sub-No. 4 and the scrap metals in Sub-No. 12 to "waste or scrap materials not identified by industry producing"; from fertilizer and dry fertilizer ingredients in Sub-No. 5, ferro alloys in Sub-No. 11, agricultural lime and limestone in Sub-No. 14, dry fertilizer in Sub-No. 17F, and dry urea in Sub-Nos. 20F and 23F to "chemicals and related products"; and from bricks, concrete blocks and light-weight aggregate in Sub-No. 6 to "clay concrete, glass or stone products"; (2) remove vehicle restrictions in Sub-Nos. 3, 4, 5, 6, 10, 11, 12, 14, 17F, 20F, and 23F; (3) remove facilities limitations at Hot Springs, AR, in Sub-No. 4, Woodstock, TN, in Sub-Nos. 11 and 23F; (4) remove the exceptions of AK, HI, and TN, from nationwide authority in Sub-No. 11; (5) substitute Shelby County, TN, for Woodstock, TN, in Sub-Nos. 4, 11, and 23F, Garland County, AR, for Hot Springs, AR, in Sub-No. 4, Madison County, TN, for Jackson, TN, in Sub-No. 12, and Mississippi County, AR, for Armorel, AR, in Sub-No. 17F; and (6) replace one-way with radial authority between (a) England and Crittendon County, AR, and part of TN, and part of MO, in Sub-No. 3; (b) Garland County, AR, and Shelby County, TN, in Sub-No. 4; (c) Memphis, TN, and AR, KY, TN, parts of MO; (d) Lonoke and Crittendon Counties, AR, and points in TN, MS, IL, KY, MO, and OK in Sub-No. 8; (e) Nashville and Memphis, TN, and West Memphis, AR, in Sub-No. 10; (f) Shelby County and points in the U.S. in Sub-No. 11; (g) Madison County, TN, and Yellow Creek Port, MS, and Newport, AR, in Sub-No. 12; (h)(1) named counties in MO, IL, KY, and TN, and (2) named counties in MO, and IL, and Fulton, KY, in Sub-No. 14; (i) Mississippi County, AR, and MO, and TN, in Sub-No. 17F; (j) Memphis, TN, and AR, LA, TX, OK, MO, IL, IN, OH, KY, AL, and MS, in Sub-No. 20F, and (k) Shelby County, TN, and AR, LA, TX, OK, MO, IL, IN, OH, KY, MS, and AL, in Sub-No. 23F.

MC 129384 (Sub-2)X, filed March 5, 1981. Applicant: BETHANY EXPRESS, INC., Box 4005, Station A, Kansas City, MO 64101. Representative: Tom B. Kretsinger, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates and its MC-14419 certificate (acquired in MC-FC-78776) to (1) broaden its commodity descriptions from general commodities with the usual exceptions to "general commodities except classes A and B explosive"; (2) authorize service at all intermediate points along specified regular-routes, between: Kansas City, MO, and Eagleville, MO; St. Joseph, MO, and Bethany, MO, in the lead certificate; junction U.S. Hwy. 69 and MO Hwy. 6, and Bethany, MO; Bethany, MO, and Yorktown, IA; junction U.S. Hwys. 136 and 169, and Mt. Ayr, IA; Hopkins, MO, and junction MO Hwy. 46 and U.S. Hwy. 69; and Kansas City, MO, and Clarinda, IA, in Sub-No. 1, and; Des MOines, IA and Lamoni, IA; and, Des Moines, IA, and Moravia, IA, in MC-14419; (3) remove restrictions limiting service at named points "for the purpose of joinder only", in the lead certificate, junction U.S. Hwys. 36 and 69, and; in Sub-No. 1, junction U.S. Hwy. 69 and MO Hwy. 6; junction MO Hwys. 246 and 46, and; Grant City, MO; and (4) remove restrictions against service between named points, in the lead certificate (Kansas City, MO-Kansas City, KS and St. Joseph, MO); and in Sub-No. 1 (Kansas City, MO commerical zone and St. Joseph, MO, commerical zone).

MC 133095 (Sub-304)X, filed February 12, 1981, previously noticed in the Federal Register of March 4, 1981, republished as corrected this issue. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., 2002 Continental Life Building, Fort Worth, TX 76102. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions from its certificates in various Sub-Nos. mentioned below by (1) broadening the commodity descriptions from (a) alcohol and alcoholic beverages, alcoholic liquors and wines, malt beverages, nutritional solutions, frozen foodstuffs, foodstuffs, meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses to "food and related products" in Sub-Nos. 7, 9, 101, 107, 110, 139, 149, 166, 177, 181F, 185F, 202F, 204F, 209F, 211F, 215F, 225F, 226F, 242F, 258F, 264F, 268F, 281F, 283F, and 292F, and in addition Sub-No. 202F, part 2 specified material used in the manufacturing and sale of alcoholic liquors to "those materials used in the manufacturing and sale of food and related products"; (b) limestone and gypsum pellets to "ores and minerals, and clay, concrete, glass, or stone products" in Sub-No. 92; (c) television sets, record players radios, home entertainment centers, and electronic equipment, electric motors, grinders, buffers, dental lathes, dust collectors and pedestals, chain saws, generators, pumps, air conditioners, heaters, power transmission machinery and cosmetic mirrors to "machinery" in Sub-Nos. 90, 99, 104, 105, 112, 150, 151, 152, 155, 157, 159, 161, 162, 190F, 194F, 199F, and 215F; (d) plastic articles to "rubber and plastic products" in Sub-Nos. 101, 227F, 234F, 241F, and 255F; (e) woven synthetic fabric to "textile mill products" in Sub-No. 269F; (f) auto parts to "transportation equipment" in Sub-No. 132; (g) distillery bottling supplies, paper and paper articles, and packaging materials to "pulp, paper, and related products" in Sub-Nos. 101, 123, 191F, 192F 196F, 221F, 229F, 233F, 247F, and 252F; (h) attachments and accessories to "metal products" in Sub-Nos. 157, 161, and 260F; (i) plumbers goods and fittings, and plumbing equipment and supplies to "lumber and wood products, metal products, rubber and plastic products, and clay, concrete, glass or glass or stone products," in Sub-Nos. 223F, 236F, and 266F; (j) household products and household articles to "household goods" in Sub-No. 215F; (k) packaging materials used in the distribution and sale of alcoholic beverage to "clay, concrete, glass or stone products, rubber and plastic products, pulp, paper and related products," in Sub-No. 253F; (L) salt and salt products, and materials and supplies used in the agricultural, water treatment, etc. when shipped in mixed loads with salt and salt products to "(1) chemicals and related products, and (2) materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with the commodities in (1) above" in Sub-No. 266F (m) pool, billiard and game tables, lighting fixtures, to "furniture and fixtures" in Sub-Nos. 131 and 161; (n) drugs, shampoo, soap, and toilet articles, hair care equipment, vehicle body sealer, cleaning compounds to "chemicals and related products" in Sub-Nos. 144, 148, 151, 152, 159, 165, 178, 194F, 204F, 215F, 233F, 235F, 261F, 277F, 286F, and 287F; (o) empty glass containers to "clay, concrete, glass or stone products" in Sub-Nos. 101, 150, 198F, and 251F; (p) lighting fixtures and doors to "building materials" in Sub-Nos. 161 and 182F; and (q) petroleum and petroleum products to "petroleum, natural gas and their products" in Sub-Nos. 210 and 233F; (r) traffic control products, pavement marking compounds, and materials, equipment and supplies used in the manufacture, installation or distribution thereof the "machinery, rubber and plastic products, clay, concrete, glass, or stone products, metal products and chemicals

and related products" in Sub-No. 281F; and (s) alcholic beverages and those materials used in the manufacture and sale of alcholic liquors to "food and related products, pulp, paper or related products, metal products, rubber and plastic products, clay, concrete, glass or stone products, printed matter and lumber or wood products" in Sub-No. 202F; (2) broadening the territorial descriptions from existing one-way authority to radial authority between numerous combinations of specified origins and U.S. points throughout the U.S. for example (a) Houston, TX and Del Rio, Eagle Pass, and El Paso, TX in Sub 9; points in 10 northeastern States to named facilities in AR, OK, and TX (with certain exceptions), in Sub-No. 52; Marion County, IA and Irvington, KY and points in the U.S. in Sub-No. 92; New York, NY, Armstrong County, PA, Louisville, and Franklin County, KY, Dearborn County, IN, Coffee County, TN and CA in Sub-No. 101; Minneapolis, MN and CO, OK and TX in Sub-No. 102; Gaston County, NC and points in that part of the U.S. in and west of ND, SD, NE, KS, OK and TX in Sub-No. 104; Armstrong County, PA, Dearborn County, IN, Franklin County and Lousiville, KY, and Coffee County, TN and NM in Sub-No. 107; Fort Worth, TX and points in CO in Sub-No. 110; Mobile County and points in MD, NJ, NY, VA, and DC, and Philadelphia, PA in Sub-No. 123; Moniteau County, MO and points in the U.S. in Sub-No. 131; Toledo, OH and La Porte County, IN and points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY in Sub-No. 132; Dallas, TX and points in KS and OK in Sub-No. 139; points in MS and those points in the U.S. in and east of AL, TN, KY, WV, and PA in Sub-No. 142; Buffalo, NY and points in the U.S in and west of WI, IL, MO, AR, and LA in Sub-NO. 144; and various other combinations in Sub-Nos. 149, 150, 151, 152, 155, 159, 165, 166, 177, 181F, 182F, 185F, 191F, 192F, 194F, 195F, 197F, 198F, 199F, 204F, 209F, 210F, 215F, 221F, 223F, 224F, 226F, 229F, 233F, 235F, 236F, 242F, 247F, 251F, 252F, 253F, 258F, 260F, 261F, 264F, 266F, 268F, 269F, 277F, 281F, 283F, 286F, 287F, 292F; (3) changing city-wide to county-wide authority from: Athens to Henderson County, TX in Sub-No. 90; Knoxville to Marion County, IA, and Irvington to Breckinridge County, KY in Sub-No. 92; Fort Smith to Sebastian County, AR, in Sub-No. 99; Schenley to Armstrong County, PA in Sub-Nos. 101, 107 and 242F; Lawerenceburg to Dearborn County, IN in Sub-Nos. 101 and 107; Frankfort to Franklin County, KY in Sub-Nos. 101, 107, 155 and 242F; Tullahoma to Coffee County, TN in Sub-Nos. 101, 107 and 242F; Gastonia to Gaston County, NC in Sub-No. 104; Sequin, to Guadalupe County, TX, in Sub-No. 105; Edistor to Middlesex County, NJ in Sub-No. 112; Mobile to Mobile County, AL in Sub-Nos. 123, 192F, 247F, and 252F; California to Montieau County, MO in Sub-No. 131; Pinola to La Porte County, IN in Sub-No. 132; Milledgeville to Baldwin County, GA in Sub-Nos. 149 and 204F; Rochester to Olmstead County, MN in Sub-No. 150; Stamford to Fairfield County, CT in Sub-Nos. 150, 151, 152, 159 and 195F; Camarillo to Ventura County, CA in Sub-Nos. 152, 159, and 194F; San Leandro to Alameda County, CA in Sub-No. 155; Cleburne to Johnson County, TX, Itasca to Hill County, TX and West to McLennan County, TX in Sub-No. 161; Oxford to Lafayette County, MS in Sub-No. 162; Florence to Boone County, KY in Sub-No. 165; Belvidere to Boone County, IL in Sub-No. 177; Avery and Clarksville to Red River County, TX in Sub-Nos. 182F and 199F; Lawton to Van Buren County, MI in Sub-No. 185F; Smith to Sebastian County, AR in Sub-No. 190F; Saddle Brook to Bergen County, NJ, Lakewood to Ocean County, NJ, and Cheshire to New Haven, County CT in Sub-Nos. 194F and 195F, Clarion to Clarion County, PA in Sub-No. 198F; Monroe to Quachita County, LA in Sub-No., 215F, Salem to Columbiana County, OH in Sub-No. 223F; Corinth to Saratoga County, NY, and Ticonderogra to Essex County, NY in Sub-No. 229F; from the facilities of Quaker State Oil Corporation in Warren County, MS to Warren County, MS, in Sub-No. 235F; Downers Grove, Naperville, and Skokie to Du Page County, IL, Versailles to Woodford County, KY, Hammond to Lake County, IN, Ossinging to Westchester County, NY, and Taunton to Bristol County, MA in Sub-No. 240F; Fresno to Madera County, CA in Sub-No. 242F; Oconto Falls to Oconto County, and Green Bay to Brown County, WI in Sub-NO. 247F; Vienna to Wood County, WV, Joliet to Will County, IL, and Coventry to Kent County, RI in Sub-No. 251F; Moss Point, to Jackson County, MS, Bastrop to Morehouse County, LA, and Springhill to Webster County, LA in Sub-No. 252F; Kentwood to Kent County, MI and Olive Branch to DeSoto County, MS in Sub-No. 255F; Eastland to Eastland County, TX and Fresco to Collin County, TX in Sub-No. 260F; Hereford to Deaf Smith County, TX and Lubbock to Lubbock County, TX in Sub-No. 268F; Palestine to Anderson County, TX in Sub-No. 281F; and Grand Saline to Van Zandt County, TX in Sub-No. 286; (4) eliminating the restrictions (a) against service to AK and HI in Sub-Nos. 90, 92, 99, 104, 105, 112, 131, 144, 150, 151, 161, 162, 224F, 227F, 229F, 233F, 234F, 240F, 241F, 242F, 251F, 260F, 261F, 266F, 269F, 277F, and 281F; (b) against "size and weight" commodities in Sub-Nos. 105, 112, 155, and 157; (c) to "ex-water" movement in Sub-No. 266; (d) "originating and destined to" in Sub-Nos. 52, 90, 99, 123, 132, 144, 151, 152, 166, 177, 178, 185F, 197F, 202F, 227F, 229F, 233F, 240F, 266F, and 283F; (e) originating at or destined to a named facility in Sub-Nos. 90, 92, 102, 107, 112, 123, 132, 144, 149, 150, 151, 152, 159, 165, 177, 178, 185F, 190F, 192F, 194F, 202F, 204F, 210F, 215F, 223F, 224F, 227F, 229F, 233F, 235F, 236F, 240F, 247F, 252F, 266F, 268F, 277F, 281F, 283F, 286F, and 287F; (f) against "commodities in bulk" in Sub-Nos. 7, 9, 52, 90, 92, 99, 102, 105, 107, 112, 114, 139, 142, 144, 157, 159, 161, 162, 166, 178, 185F, 190F, 191F, 195F, 197F, 202F, 204F, 209F, 210F, 211F, 221F, 224F, 225F, 226F, 227F, 233F 234F, 235F, 240F, 241F, 242F, 247F, 255F, 261F, 268F, 269F 281F, 283F, 287F and 292F; (g) requiring use of equipment with mechanical refrigeration in Sub-Nos. 110, 139, 144, 159, and 165; (h) limiting the transportation of drugs, toliet preparations, paper, paper products, new furniture, plumbing fixtures, materials, equipment and supplies and/or entertainment products to transportation in mixed loads with other merchandise dealt in by retail discount stores in Sub-No. 52; and (i) excepting the transportation of foodstuffs and from authority to transport such merchandise as is dealt in by retail discount stores in Sub-Nos. 52 and 102 and foodstuffs and furniture in SubNo. 224. Applicant also seeks to delete authority to transport foodstuffs in mixed loads in Sub-Nos. 52 and 102. The purpose of this republication is to correct errors in publication of commodity descriptions in Sub-Nos. 150, 223, 236, 266, 253, 261, 202, 161, countywide grants in Sub-Nos. 99, 105, and 233, removal of AK and HI in Sub-No.266, elimination of restrictions in Sub-Nos. 166, 107, 132, 152, 194, 114, and 197 and grant of radial authority in Sub-No. 155.

MC 133219 (Sub-31)X, filed March 11, 1981. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, NE 68317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 4, 7, 9, 11, 12, 13, 16, 19, 23F, 24F, 26F, 27F, 29F, and 30 certificates (1) to change the commodity descriptions from (a) anhydrous ammonia to "petroleum, natural gas and their products" in the lead; (b) liquid feed and liquid feed

supplements, edible vegetable oils and blends thereof, soybean products, edible soybean oil and blends thereof, corn and wheat products, vegetable oils, tallow, and dairy products to "food and related products" in Sub-Nos. 1, 4, 12, 16, 19, 23F, 27F, 29F, and 30; (c) dry fertilizers to "chemicals and related products" in Sub-Nos. 7 and 24F; (d) liquid feed and liquid feed supplements, edible soybean oil, and blends thereof, and soybean oil, in bulk, in tank vehicles to "commodities in bulk" in Sub-Nos. 9, 13, and 26F; and (2) remove the restrictions "in bulk, in tank vehicles" in the lead and Sub-Nos. 11, 13, 16, 23F, and 27F; "except liquid commodities in bulk" in Sub-No. 12; "in containers" in Sub-No. 19; and "in bulk" in Sub-No. 29F; (3) expand territorial descriptions from plantsite facilities or point authorities to counties: Borger to Hutchinson County, TX, Conway to McPherson County, KS, Greenwood to Lancaster County, NE, Whitting to Monona County, IA, Early to Sac County, IA, and Garner to Hancock County, IA in the lead; Fremont to Dodge County, NE in Sub-Nos. 1 and 12; Lincoln to Lancaster County, NE in Sub-Nos. 4, 9, 12, 13, and 19; Council Bluffs to Pottawattamie County, IA in Sub-No. 7, Clay Center to Clay County, KS in Sub-No. 11; Crete to Saline County, NE in Sub-Nos. 16 and 23F; Falls City to Richardson County, NE in Sub-No. 24F; Wichita to Sedgwick County, KS, and Port of Catoosa to Rogers County, OK in Sub-No. 26F; Mankato to Blue Earth County, MN in Sub-No. 27F; and Dakota City to Dakota County, NE, West Point to Cuming County, NE, Denison to Crawford County, IA, Fort Dodge to Webster County, IA, Emporia to Lyon County, KS, and Luverne to Rock County, MN in Sub-No. 29F; (4) replace one-way authority with radial authority between numerous combinations of specific origins and points throughout the U.S. for example: Hutchinson, TX and points in CO, KS, and OK; McPherson, KS and points in CO, KS, MO, and NE; Lancaster, NE, and points in CO, IA, KS, MO, NE, SD, and WY; and Monona, Sac and Hancock Counties, IA and points in IL, IA, MN, NE, ND, SD, and WI in the lead; Dodge, NE and points in AR, CO, IL, IA, KS, ND, OK, SD, WY, MN, MO, and TX in Sub-No. 1; Lancaster, NE and points in AR, AZ, CA, CO, ID, IA, KS, MN, MO, MT, NM, OK, OR, ND, SD, TX, UT, WA, and WY in Sub-No. 4; Joplin and St. Joseph, MO, Lawrence, KS, Pottawattamie County, IA and points in Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, NE in Sub-No. 7; Lancaster, NE and points in CO, IA, KS, MO, SD, and WY in Sub-No. 9; Clay County, KS and points in IA, NE, and MO in Sub-No. 11; Dodge and Lancaster Counties, NE, and points in ID, MT, WY, CO, NM, TX, OK, KS, SD, ND, MN, IA, MO, AR, IL, WI, UT, AZ, NV, WA, OR, and CA in Sub-No. 12; Lancaster, NE and points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NV, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC in Sub-No. 13; Saline, NE and points in AL, AZ, CO, FL, GA, IA, KS, LA, MN, MS, MO, NM, ND, OK, SC, SD, TX, WI, and WY, Saline, NE, and points in CA, CO, IL, IN, IA, KS, MN, MO, OH, OK, TX, and WI in Sub-No. 16; and various other combinations in Sub-Nos. 19, 23F, 24F, 26F, 27F, and 29F; (5) remove the plantsite and facilities limitations in the lead and Sub-Nos. 1, 4, 11, 12, 13, 16, 19, 23F, 29F, and 30; and (6) remove the "originating at and destined to" restrictions.

MC 135283 (Sub-66)X, filed March 16, 1981. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stuhr Road, Grand Island, NE 68801. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 56F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) eliminate the restriction "to the transportation of traffic originating at or destined to the named facilities", (3) replace the facilities with county-wide authority: Kearney, NE with Buffalo County, NE and (4) remove the AK, HI and NE exceptions.

MC 136393 (Sub-8)X, filed March 13, 1981. Applicant: NY, NJ, CONN. FREIGHT & MESSENGER CORP., 351 West 36th Street, New York, NY 10123. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3 certificates to (a) remove all exceptions in its general commodities authority except Class A and B explosives in Sub-No. 2F, (b) remove restriction requiring shipments move on freight forwarders' bills of lading in Sub-No. 2F (c) remove restriction to the transportation of traffic moving to or from a named facility in part (1), but not part (2) in Sub-No. 2F, (d) broaden commodity description from (1) wearing apparel and (2) such merchandise as is dealt in by retail department store, (excluding foodstuffs, new furniture, and alcoholic beverages) to "such merchandise as is dealt in by retail department stores", (e) and remove the restriction requiring that commodities in (2) above move in the same vehicle with wearing apparel in Sub-No. 3, and (f) change one-way to radial authority in part (2) of Sub-No. 2F to between Kansas City, KS and points in Part (1), and, points in 12 states.

MC 136264 (Sub-3)X, filed March 12, 1981. Applicant: B & E EXPRESS, INC., 175 W. Poplar Street, Newark, OH, 43055. Representative: Frank L. Calvary, 3066 N. Star Road, Columbus, OH, 43221. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description from fabricated steel to "metal products" in the lead; and plastic pipe, pipe couplings and fittings, plastic articles, and adhesive to "rubber and plastic products and metal products" in Sub-No. 1; (2) remove the "except commodities in bulk" restriction in Sub-No. 1; (3) expand city-wide to county-wide authority from Bellefontaine to Logan county, OH in the lead; Hillard to Franklin County, OH and Union Township to Licking County, OH in Sub-No. 1; (4) replace one-way authority with radial authority between logan County, OH, and points in IL (except points on and south of U.S. Hwy. 36), IN, KY, MI (except points on and south of U.S. Hwy. 21), PA (except points in the Sharon, PA, commercial zone as defined by the Commission), and WV in the lead; and (5) remove the restriction against traffic originating at the plant site and warehouse facilities in the lead.

MC 140755 (Sub-76)X, filed March 17, 1981. Applicant: BRAY TRANSPORT, INC., P.O. Box 1191, 1401 North Little Street, Cushing, OK 74023. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its MC-140755 certificate and Sub-Nos. 43, 49, 57, 59 and 61, (A) by broadening the commodity description from certified commodities in bulk such as lubricating oil and petroleum wax, to "commodities in bulk" in the lead and Sub-Nos. 43, 49, 57, 59 and 61; (B) by removing restrictions requiring the use of tank vehicles in the lead and Sub-Nos. 43, 49F, and 59F; (C) by broadening the territorial description of regular-route authority over specified routes to provide for round-trip service and to authorize service at all intermediate points (1)(a) between El Dorado, KS and Denver, CO; (b) between McPherson, KS and Denver, CO; (c) between Wichita, KS and Pritchett, CO; (d) between Ponca City and Enid, OK, El Dorado, Potwin, McPherson, Liberal, Russell and Shallow, KS and specified points in CO;

(2a) between Phillipsburg, Chanute, Neodesha, and Coffeyville, KS and specified points in CO; (3) between El Dorado, KS, Canon City and Falcon, CO; in the lead (D) by expanding irregular route authority to appropriate county-wide authority; Enid, OK to Garfield, CO, OK; Ponca City, OK, to Kay Co., OK; Potwin, KS to Butler Co., KS; Liberal, KS to Seward Co., KS; Great Bend, KS to Barton Co., KS; Arkansas City to Cowley Co., KS; Augusta and El Dorado, KS to Butler Co., KS; Wichita, KS to Sedgwick Co., KS; Hutchinson, KS, to Reno Co., KS; McPherson, KS to McPherson Co., KS; Russell, KS, to Russell Co., KS; Shallow Water, KS, to Scott Co., KS; Okmulgee, OK, to Okmulgee Co., OK; Cushing, OK, to Payne Co., OK; Rogers and Siloam Springs, AR to Benton Co., AR; Springdale and Fayetteville, AR, to Washington, Co., AR; Fort Smith, AR, to Sebastian Co., AR; Parsons, KS, to Labette Co., KS; Coffeyville, KS to Montgomery Co., KS; Clinton, OK, to Custer Co., OK; Lawton, OK, to Comanche Co., OK; Healdton, OK to Carter Co., OK, facilities near Atlas, MO, to Jasper Co., MO; facilities near Beatrice, NE, to Gage Co., NE; Etter, TX to Moore Co., TX; Pryor, OK, to Mayes Co., OK; Tonkawa, OK, to Kay Co., OK; Hutchinson, KS to Reno Co., KS; Grandview, WA, to Yakima Co., WA; Rocky Ford Co., to Otero Co., CO; facilities at South River, MO, to Marion Co., MO; Leavenworth, KS, to Leavenworth Co., KS; facilities at Fort Madison, IA to Lee Co., IA; facilities at Marshall MO, to Saline Co., MO; facilities at Borger, TX to Hutchinson, Co., TX; facilities at Conway, KS, to Summer Co., TX; facilities at Greenwood, NE, to Cass Co., NE; facilities at Whiting, Early, and Garner, IA to Minnona, Sac and Hancock Cos., IA; facilities near Dodge City, KS, to Ford Co., KS; facilities near Palmyra, MO, to Marion Co., MO; facilities at Enid, Ok, to Garfield Co., OK; facilities at Sugar Creek, MO, to Jackson Co., MO; facilities at Hoag, NE, to Gage Co., NE; facilities near Lake Charles, LA to Lake Charles, LA; Harrisburg, IL, to Saline Co., IL; facilities at Kearney, MO, to Clay Co., MO; facilities at Moberly, MO, to Randolph Co., MO; facilities at Greenwood, NE, to Cass Co., NE; facilities at Iowa City, IA, to Johnson Co., IA; Lawrence, KS, to Douglas Co., KS; Barnsdale, OK, to Osage Co., OK; Stroud, OK, to Lincoln Co., OK in the lead; facilities at Verdigris, OK, to Rogers Co., OK, in Sub-No. 43; Barnsdale, OK, to Osage Co., OK; Marcus Hook, PA, to Delaware Co., PA, and Kilgore, TX, to Gregg Co., TX, in Sub-No. 42F; El Dorado, KS, to Butler Co., KS in Sub-No. 59F; and Barnsdale, OK, to Osage Co., OK in Sub-No. 61F. (E) by broadening the irregular-route authorities in MC–140755 and Subs 43, 48, 57 and 59 from one-way to radial authorities between described territories in AR, AZ, CO, IA, KS, LA, MS, NE, NM, OK, PA, TX and WA, and described territories in AR, AZ, CA, CO, DE, FL, IA, ID, IL, IN, KS, KY, LA, MI, MD, MN, MO, MS, MT, ND, NE, NJ, NM, NY, OH, OK, PA, SD, TN, TX, UT, WI and WY; and (F) by removing the restrictions in the lead which have the effect of preventing applicant from participating in joint-line service with another carrier or from handling traffic having prior or subsequent movement by any mode of transportation or type of carrier.

MC 140952 (Sub-5)X, filed March 17, 1981. Applicant: REFRIGERATED EXPRESS, INC., 720 Twelfth Street, Huntington, WV 25701. Representative: Norma G. Wright (same address as applicant). Applicant seeks to remove restrictions in its lead and Sub-No. 2F certificate to: (1) change city-wide to county-wide authority Williamson and Logan, WV, to Mingo and Logan Counties, WV, in the lead and (2) authorize radial operations in place of existing one-way authority: between Huntington, WV, and points in WV, OH, and KY within 100 miles of Huntington, in the lead; between Huntington, WV, and points in VA and WV, in Sub-No. 2F.

MC 143708 (Sub-6)X, filed February 26, 1981, previously noticed in the Federal Register of March 6, 1981, republished as corrected this issue.

MC 143708 (Sub-6)X, filed February 26, 1981. Applicant: DUNES TRANSPORT, INC., 3965 N. Meridian St., Indianapolis, IN 46204. Representative: Warren C. Moberly, 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 4F, certificates to (1) broaden the commodity description from corn products, cornstarch to "food and related products" in all of the above authority, (2) delete the commodity restrictions of "in bulk, in tank vehicles" in the lead and Sub-No. 2; (3) replace city-wide service with county-wide authority: Marion County for Indianapolis, IN, in the lead; Linn County for Cedar Rapids, IA, in Sub-No. 2; Lake County for Lake Station, IN, in Sub-No. 4; (4) authorize radial service in lieu of existing one-way authority between the above counties, Indianapolis, IN, and Points in IL, IA, KY, MI, MO, OH, PA, TN, WI, WV, and the Lower Peninsula of MI. The purpose of this republication is to correct certain errors in the original notice.

MC 145579 (Sub-13)X, filed March 12, 1981. Applicant: D. IRVIN TRANSPORT LIMITED, Box 8, Station T, Calgary, Alberta, Canada T2H 2G7. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Applicant seeks to remove restrictions from its Sub-No. 10F certificate to broaden the commodity description in part (1) from drilling mud, drilling mud additives, oilfield chemicals, lost circulation materials, polymers, and oil well sealing fiber, to "Mercer Commodities"; and expand its one-way authority to radial authority between points in the US, and, ports of entry on the international boundary line between the US and Canada; in part (2) broaden the commodity description materials and supplies used in the construction and maintenance of oil and gas wells and pipelines, (except pipe) to "Mercer commodities"; and expand its one-way authority to radial authority between ports of entry on the international boundary line between Canada and the US in ND, MT, ID, WA, and AK, and, points in the US; and remove the exceptions AK and HI in both parts.

MC 145842 (Sub-22)X, filed March 17, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Donavan J. Olson (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 4F, 7F, 9F, 10F, 13F, 15, 16, 18 and 19 certificates to (1) broaden the commodity description to "food and related products," from meat, meat products and by-products and articles distributed by meat packing houses, as described in the *Descriptions case*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), frozen meat, and fresh meat, suspended, and hides in Sub-Nos. 4, 7, 9, 10, 15 and 19, from dairy products in Sub-No. 9, from cheese in Sub-No. 16, and from foodstuffs and frozen foods (except commodities in bulk) and non-edible products, in vehicles equipped with mechanical refrigeration in Sub-Nos. 18 and 19, and also remove the in bulk, in tank vehicle restrictions to authorize "construction materials, and equipment and supplies used in the manufacture or distribution of construction materials" in Sub-No. 13F. Applicant also seeks to broaden the territorial descriptions by: removing restrictions limiting service to the transportation of traffic originating at and destined to the named facilities or named origin points and destination States, substituting county-wide authority in place of the specified

plantsites and cities, and changing from one-way service to radial service: Sub-No. 4F, between Sioux Falls, SD (facilities near Sioux Falls, SD) and Estherville and Sioux City, IA (facilities near Estherville and Sioux City, IA), and points in IL, IN, MI, MN, MO, OH and WI, and between East St. Louis, IL (facilities near East St. Louis, IL), and points in nine States; Sub-No. 7F, between points in NE, and points in Hennepin County, MN (facilities near Golden Valley, MN); Sub-No. 9F, between Estherville and Sioux City, IA (facilities near Estherville and Sioux City, IA), and Sioux Falls, SD (facilities near Sioux Falls, SD), and points in AL, FL, GA, KY, LA, MS, NC, SC, TN, TX, and Kansas City, MO; Sub-No. 10F, between Kenosha, WI, and points in 10 States; Sub-No. 13F, between Chicago, Charleston, and Wilmington, IL (facilities near Chicago, Charleston, and Wilmington, IL), Lagro, IN (facilities near Lagro, IN), Dubuque and Ft. Dodge, IA (facilities near Dubuque and Ft. Dodge, IA), and Memphis, TN (facilities near Memphis, TN), and points in eight States; Sub-No. 15, between Minneapolis, MN, and points in IA, NE, and SD; Sub-No. 16, between Wood, Green, and Columbia Counties, WI (Marshfield, Monroe, Portage, WI), and points in Jackson, Clay, Platte and Buchanan Counties, MO (Kansas City and St. Joseph, MO), Douglas County, NE (Omaha, NE), and Woodbury County, IA (Sioux City, IA); Sub-No. 18, between Bettendorf, IA (facilities at Bettendorf, IA, and points in IA, IL, IN, KY, MI, MN, MO, NE, OH, PA, SD, WV and WI, and between Plover, WI (facilities near Plover, WI), and points in 16 States; and Sub-No. 19, between Miner and Minnehaha Counties, SD (Howard and Sioux Falls, SD), and points in IA, NE, and MN.

MC 146992 (Sub-8)X, filed March 16, 1981. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, Suite 205, 2021 Midwest Road, Oak Brook, IL 60521. Applicant seeks to remove restrictions from its Sub-Nos. 2F and 7F certificates to (1) broaden the commodity description in each certificate by removing the "in mixed loads with foodstuffs" commodity restriction, to authorize foodstuffs, cleaning compounds, napkins, tablecloths, dishes, cups, trays, and silverware; (2) broaden the territorial authority by removing restrictions limiting service to transportation of traffic originating at and destined to the named facilities at Chicago, IL in both authorities; (3) remove the exception excluding service in AK and HI in part (b) of Sub-No. 7F; and (4) substitute radial authority in place of one-way authority: Sub-No. 2F, between Chicago, IL and points in AL, AR, FL, GA, IN, KY, LA, MS, OH, TN, TX and WV; and Sub-No. 7F, (a) between Chicago, IL, and points in the United States (except AK, AL, AR, FL, GA, HI, IN, KY, LA, MS, OH, TN, TX and WV), and (b) between points in the United States, and Chicago, IL.

MC 150746 (Sub-5)X, filed February 23, 1981, previously noticed in the **Federal Register** of March 18, 1981, republished as corrected this issue. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 3F permits to broaden the commodity description in Sub-No. 3F, from coffee, tea, beverage mix, and beverage kits and parts for beverage kits to "food and related products." In the lead permit, applicant seeks to eliminate the restrictions to the transportation of shipments originating at and/or destined to named points and facilities and restrictions prohibiting transportation of specified commodities originating at and destined to named points; and, in both permits to broaden its territorial authority to "between points in the U.S.," under continuing contract(s) with named shippers. The purpose of this republication is to show the correct MC-Number to be MC-150746 (Sub-No. 5)X, in lieu of MC-141721 (Sub-No. 5)X, which was inadvertently shown.

[FR Doc. 81-9603 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are the notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-106

The following applications were filed in region 1. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 154719 (Sub-1-1TA), filed March 16, 1981. Applicant: ROBCO TRUCKING CO., INC., 79 Parker Street, Clinton, MA 01510. Representative: Anthony D. Colacchio, ADCCO Incorporated, Peabody Off. Bldg., 1 Newberry Street, Peabody, MA 01960. *Foodstuffs and plastic articles and raw materials used in the manufacture thereof* between MA on the one hand, and, on the other, points in the St. Louis, MO and Miami, FL. Supporting shipper: Van Brode Milling Co. Inc., 20 Cameron St., Clinton, MA 01510.

MC 146026 (Sub-1-5TA), filed March 16, 1981. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island Turnpike, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Paper and paper products, woodpulp, plastic and plastic products, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1) above,* between points in the U.S., restricted to traffic originating at or destined to the facilities owned, utilized, or operated by the Georgia-Pacific Company of Darien, CT. Supporting shipper: Georgia-Pacific Company, 320 Post Road, Darien, CT 06820.

MC 146284 (Sub-1-1TA), filed March 16, 1981. Applicant: JAMES A. GOULD, 3663 Mavis Road, Unit 15, Mississauga,

Ontario, CD L5A 2Y8. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier:* Irregular routes: *Lumber, brick, bagged shale, ground shale, fire clay and mortar mix* between ports of entry on the International Boundary line between the US and CD, located in MI and NY, on the one hand, and, on the other, points in IL, MI, NY, OH, and PA, under continuing contract(s) with Domtar Construction Materials of Ontario, CD, and Claybelt Lumber Limited of Ontario, CD. Supporting Shipper(s): Domtar Construction Materials, 3380 Airway Dr., Mississauga, Ontario, CD L4V 1N7; Claybelt Lumber Limited, P.O. Box 1510, Hearst, Ontario, CD P0L 1N0.

MC 154750 (Sub-1–1TA), filed March 17, 1981. Applicant: THE GATEWAY DELIVERY, INC., 1 Saratoga Court, Nanuet, NY 10954. Representative: Roy A. Jacobs, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier:* Irregular routes: *Commodities as are dealt in by a manufacturer of chemicals*, between Orange County, NY and the New York, NY commercial zone, on the one hand, and, on the other, points in the US (except AK and HI), under continuing contract(s) with Nepera Chemical Co., Inc. of Harriman, NY. Supporting Shipper: Nepera Chemical Co., Inc., Harriman, NY 10926.

MC 154763 (Sub-1–1TA), filed March 18, 1981. Applicant: JET LINE SERVICES, INC., 441 R. Canton Street, Stoughton, MA 02072. Representative: William F. Tripp (same address as applicant). *Toxic and hazardous wastes* between points in the U.S. Supporting Shipper: Recycling Industries, Inc., 385 Quincy Ave., Braintree, MA 02184.

MC 87451 (Sub-1–16TA), filed March 18, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant). *Adhesives and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except classes A & B explosives) and household goods as described by the Commission)*, between points and places in CT, DC, DE, IN, IL, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VT and WI. Supporting Shipper: Brook Adhesives Corp., 875 Washington Street, Canton, MA 02021.

MC 118371 (Sub-1–7TA), filed March 18, 1981. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 398, Clarkson, Ontario, CD L5J 2Y4. Representative: Wilhelmina Boersma, 1000 First Federal Building, Detroit, MI 48226. *Petroleum products, in bulk, in tank vehicles*, from ports of entry on the U.S./CD International Boundary line (1) on the Detroit and St. Clair Rivers in MI to the facilities of Roberts Consolidated Industries at or near Kalamazoo, MI and Dayton, OH, and (2) on the Niagara River in NY to the facilities of Robert Consolidated Industries at or near Huntingdon Valley, PA. Supporting Shipper: Roberts Company Canada, Ltd. 2070 Steeles Ave. West, Bramalea, Ontario, CD L6T 1A7.

MC 144888 (Sub-1–3TA), filed March 18, 1981. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset St., Somerville, NJ 08876. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives)*, between points in the US. Restricted to traffic originating at or destined to the facilities used or utilized by Beecham Products. Supporting shipper(s): Beecham Products, P.O. Box 1467, Pittsburgh, PA 15230.

MC 87451 (Sub-1–15TA), filed March 16, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (Same as applicant) *Contract carrier:* irregular routes: *Building materials, and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except classes A & B explosives and household goods as defined by the Commission)*, between points in ME, NH, VT, RI, CT, NY, NJ, PA, MD, DE, OH, MA and DC under continuing contract(s) with Architectural Components, Inc. of Malden, MA. Supporting shipper: Architectural Components, Inc., 263 Commercial St., Malden, MA 02148.

MC 145108 (Sub-1–17TA), filed March 16, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *(1) Elevators, escalators, and cylinders, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above*, between McKinney, TX and Moline, IL, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Montgomery Elevator Co. of McKinney, TX. Supporting shipper: Montgomery Elevator Company, 2101 Couch Drive, McKinney, TX 75069.

MC 144061 (Sub-1–11TA), filed March 17, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Road, Hawthorne, NJ 07506. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. *Contract carrier:* Irregular routes: *Amines and fatty acids* from Memphis, TN to Charleston, WV and St. Louis, MO; *Cleaning compounds* from Everett, MA to Channelview, TX, under continuing contract(s) with NL Industries, Inc. of Hightstown, NJ. Supporting shipper: NL Industries, Inc., P.O. Box 1065, Hightstown, NJ 08520.

MC 2860 (Sub-1–27TA), filed March 16, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Richard M. Parnicky (same as applicant). *Glass and glass bottles*, from Wilson, NC to Columbus, OH. Supporting shipper: Kerr Glass Manufacturing Co., Inc., South Main Street, P.O. Box 97, Sand Springs, OK 74063.

MC 147811 (Sub-1–5TA), filed March 13, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson, P.O. Box 283, Belgrade Lakes, ME 04918. *Contract carrier:* irregular routes: *Paper and paper supplies*, from Winslow, ME; and Fort Edward and Albany, NY to points in DC, DE, IN, MD, NJ, NY, NC, OH, PA, VA and WV, under continuing contract(s) with Scott Paper Company of Philadelphia, PA. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 154714 (Sub-1–1TA), filed March 16, 1981. Applicant: APACHE EXPRESS CORPORATION, P.O. Box 45, Humphrey Road, Great Valley, New York 14741. Representative: James E. Brown, 36 Brunswick Road, Depew, New York 14043. *Transportation equipment and materials, supplies and equipment used in the manufacture and distribution of such commodities* between Leroy, NY and Ellicottville, NY on the one hand, and, on the other, points in IL, IN, KY, MD, MI, MN, MO, NJ, NY, OH, PA, WI and VA. Supporting shippers: York Merit Products, Inc. 7921 E. Main Road, Leroy, NY; Leroy Machine Co., Inc. 7921 E. Main Road, Leroy, NY 14482

MC 154663 (Sub-1–1TA), filed March 11, 1981. Applicant: C.G.K. TRUCKING, INC., 210 St. Mary's Street, Lancaster, NY 14086. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Concrete additives, flooring compounds, grouting compounds and curing compounds (except commodities in bulk)*, between the facilities of Master Builders, Division of Martin Marietta Corporation located at or near Buffalo, NY and IN, MI, NY, OH and PA. Supporting shipper: Master Builders, Division of Martin Marietta Corporation,

23700 Chagrin Blvd., Cleveland, OH 44122.

MC 118803 (Sub-1–6TA), filed March 13, 1981. Applicant: ATLANTIC TRUCK LINES, 168 Town Line Road, Kings Park, NY 11754. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Such commodities as are dealt in or used by a distributor of paper, packaging products, and maintenance products,* between points in the United States, under contract(s) with Alling and Cory, Inc. of Long Island City, NY. Supporting shipper(s): Alling and Cory, Inc., 30–35 Thomson Avenue, Long Island City, NY 11101.

MC 87451 (Sub-1–14TA), filed March 11, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Contract carrier:* irregular routes: *Smoke stacks and materials, supplies and equipment used in the sale, manufacture and installation thereof, (except commodities in bulk, classes A & B explosives and household goods as described by the Commission),* between points and places in the U.S. (except AK and HI), restricted to traffic moving for the account of Alpha Environmental Services, Inc., under continuing contract(s) with Alpha Environmental Services, Inc., Boston, MA 02135.

MC 151356 (Sub-1–3TA), filed March 11, 1981. Applicant: THE BIRGE COMPANY, INC., 431 E. 16th Street, Paterson, NJ 07514. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract Carrier:* irregular routes: *Artist materials and supplies* between points in the U.S. except AK and HI, under continuing contract(s) with M. Grumbacher, Inc., of Cranbury, NJ. Supporting shipper: M. Grumbacher, Inc., Englehardt Drive, Cranbury, NJ 08512.

MC 135921 (Sub-1–1), filed March 11, 1981. Applicant: HARCO TRUCKING CORPORATION, 86 Garden Street, Westbury, NY 11590. Representative: Peter Gregory Lordi, Jr., 4 Richard Court, Butler, NJ 07405. *Contract carrier:* irregular routes: *(1) Paper and Paper Products, and (2) Equipment, material and supplies used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk in tank vehicles)* between points in AL, CT, DE, FL, GA, MA, MD, ME, NC, NJ, NJ, NY, PA, RI, SC, TN, VA, VT, and WV, under continuing contracts with Harmon Associates Corporation of Westbury, NY and Chesapeake Corporation of VA. of West Point, VA, and Harmon Associates Corporation of Westbury, NY. Supporting shipper(s): Chesapeake Corporation of VA, Box 311, West Point, VA 23181; Harmon Associates Corporation, 86 Garden Street, Westbury, NY 11590.

MC 154664 (Sub-1–1TA), filed March 11, 1981. Applicant: KIRYAS JOEL TRANSIT CORP., 4 Hayes Court, Monroe, NY 10950. Representative: Sidney J. Leshin, Esq., 575 Madison Avenue, New York, NY 10022. *Common carrier:* regular routes: *Passengers and their baggage,* commencing in the Village of Kiryas, Joel, Monroe, NY and proceeding west on NYS Route 17 to the intersection of the Interstate Hwy 87; thence south on Interstate Hwy 87 to interchange 15, thence continuing south on NJ Route 17 to Route 3; thence east on Route 3 through the Lincoln Tunnel to the Borough of Manhattan, City of NY over local streets in the Borough of Manhattan to the Borough of Brooklyn, and terminating in the Borough of Brooklyn at Rodney Street and Lee Avenue. Return in the reverse direction. Supporting shipper(s): There are 11 statements in support attached to this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 148879 (Sub-1–1TA), filed March 9, 1981. Applicant: SPRINGFIELD BEVERAGE, INC., 80 Baldarelli Court, Springfield, MA 01104. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128. *Malt beverages and related advertising material, rejected and returned empty beverage containers, plastic and plastic products which are dealt in the manufacture and distribution of plastic material (except commodities in bulk)* from MA and NY to points in ME, NH, VT, MA, CT, RI, NY and NJ. Supporting shipper: Mobil Chemical Co., P.O. Box 726, Paramus, NJ 07652.

MC 95490 (Sub-1–3TA), filed March 10, 1981. Applicant: UNION CARTAGE COMPANY, INC., 37 Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. *General commodities (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, those requiring special equipment and commodities in bulk),* between points in ME, MA, NH, RI and CT. Supporting shipper: None. Applicant has appended a statement alleging immediate and urgent need.

MC 129107 (Sub-1–1TA), filed March 11, 1981. Applicant: R. H. HARDING CO., INC., 100 Centre Drive, Rochester, NY 14623. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Used Motor Vehicles, in secondary movement in truckaway services* between all points on and East of the Mississippi River, including St. Louis, MO, restricted to used motor vehicles which originated at or are destined to automobile auctions. Supporting shipper(s): There are eight shippers in support of this application and their statements may be examined at the I.C.C. Regional Office.

MC 148883 (Sub-1–3TA), filed March 12, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 10443. *Transportation equipment, electric fans, electric heating equipment and materials, supplies and equipment used in the manufacture or distribution of such commodities* between the facilities of Markel-Nutone Division, Scovill located in Buffalo, NY and points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, WV, and WI. Supporting shipper: Markel-Nutone Division, Scovill, 601 Amherst Street, Buffalo, NY 14212.

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 154757 (Sub-II–1TA), filed March 16, 1981. Applicant: ATLANTIC TRANSPORT CO., 2152 Hanover Ave., Allentown, PA 18103. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. Contract: Irregular: *Malt beverages, used empty malt beverage containers and related advertising materials,* between PA and NJ, on the one hand, and, on the other, pts. in MD, NC, NJ, NY, PA, WI and ports of entry on the international boundary line between the US and Canada for 270 days. Supporting shipper(s): Banko Beverage Co., 2124 Hanover Ave., Allentown, PA 18103; Eagle Distributing Co., 530 Riverfront Dr., Reading, PA 19602; Stadler Distributing Co., P.O. Box 329, Route 611, Plumsteadville, PA 18949; Warren Distributing Co., 47 Readington Road, Somerville, NJ 08876.

MC 135556 (Sub-II–2TA), filed March 16, 1981. Applicant: CARPENTER BROTHERS TRUCKING, INC., 3282 S.R. 98, Bucyrus, OH 44820. Representative: Gerald P. Wadkowski, 85 E. Gay St., Columbus, OH 43215. Contract, irregular: *glass tubing and packaging material therefore,* between pts. in OH on the one hand, and on the other, pts. in KS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: the General Electric Co., Nela Park #4504, Cleveland, OH 44112.

MC 152509 (Sub-II-4TA), filed March 16, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: Michael R. Burke (Same as applicant). Contract, irregular: *General commodities (except classes A and B explosives, household goods as defined by the Commision, commodities of unusual value, commodities in bulk, and those requiring the use of special equipment)*, from points in OH and IN to points in IL, IN and KY, under a continuing contract or contracts with Rail-Van, Inc., for 270 days. Supporting shipper: Rail-Van of Cincinnati, 801B W. 8th St., Cincinnati, OH 45203.

MC 140669 (Sub-II-12TA), filed March 17, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. *Contract, irregular:* Electrical conduit, fittings, accessories and materials and supplies used in the installation, manufacture and distribution thereof. Between facilities located in Cuyahoga County, OH, on the one hand, and, on the other hand, to points in CA, OR, TX and IL, for 270 days. An underlying ETA seeks 120 days authority. Shipper: Electroline Manufacturing Inc., Electroline Corporation, 6702 Bessemer Ave., Cleveland, OH.

MC 154758 (Sub-II-1TA), filed March 16, 1981. Applicant: HARRY J. MILLER, R.D. No. 4, Box 467, Williamsport, PA 17701. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Scrap Metal*, between Williamsport, Milton and Avis, PA, on the one hand, and, on the other, NY, NJ, MD and DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Staiman Brothers, P.O. Box 1235, Williamsport, PA 17701.

MC 150339 (Sub-II-33TA), filed March 16, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Canned foodstuffs*, from Hanover, PA, to points in NC and SC, under continuing contract(s) with Hanover Brands, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hanover Brands, Inc., R.D. No. 3, Hanover, PA 17331.

MC 147655 (Sub-II-4TA), filed March 16, 1981. Applicant: PAYNE, INC., P.O. Box 112, Brandy Station, VA 22714. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. *Pallets, materials, supplies, and equipment* used in the manufacture of pallets, between Louisa County, VA, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, NE, SD, and ND. An underlying ETA seeks 120 days authority. Supporting shipper: Dominion Pallet, Route 3, Mineral, VA 23117.

MC 21866 (Sub-II-41TA), filed March 16, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Plastic products*, from the facilities of Harvel Plastics, Inc. at Fork Township (Northampton County), PA to Miami, FL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Harvel Plastics, Inc., P.O. Box 757, Easton, PA 18042.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7000, Atlanta, GA 30357.

MC 110166 (Sub-3-2TA), filed March 13, 1981. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., 40 Nance Lane, P.O. Box 100943, Nashville, TN 37210. Representative: Howard Neal (Same address as applicant). *Common* carrier: Regular routes: *Plant Growth Regulators and other agricultural related products* serving Tunica, MS via U.S. Highway 61 as an off-route point in connection with presently authorized service. Applicant plans to tack to existing authority and interline with carriers at Asheville, NC; Charlotte, NC; Columbia, SC; Knoxville, TN; Memphis, TN; Nashville, TN. Supporting shipper: Drexel Chemical, 2487 Penn., Memphis, TN 38109.

MC 106074 (Sub-3-21TA), filed March 13, 1981. Applicant: B AND P MOTOR LINES INC., Shiloh Rd. and U.S. Hwy. 221 S., Forest City, NC 28043. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. *Such merchandise as is dealt in by food business houses and materials, ingredients and supplies used in their manufacture and distribution* between pts. in the states of OH and SC on the one hand, and, on the other, pts. in the states of AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MS, MT, NC, ND, NE, NM, NV, OH, OK, OR, SC, SD, TN, TX, VT, VA, WA, WI, WV, and WY. Restricted to traffic originating at or destined to the facilities utilized by Stouffer Foods Corporation. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Rd., Solon, OH 44139.

MC 106074 (Sub-3-23TA), filed March 17, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221 S., Forest City, NC 28043. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. *Glass fiber, rovings, yarn or strand, mats or matting, glass fiber, fabric woven from glass fibers, and waste glass fiber*, between Cleveland and Davidson Counties, NC, on the one hand, and on the other, pts. in AR, IL, IN, IA, KS, LA, MI, MN, MO, NE, ND, OH, OK, SD, and WI. Supporting shipper: PPG Industries, Ind., One Gateway Center, Pittsburgh, PA 15222.

MC 124154 (Sub-3-20TA), filed March 13, 1981. Applicant: WINGATE TRUCKING CO., INC., P. O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (Same address as applicant). *Minerals, ores, refractories and refractory products, kaolin clay, chemicals, machinery, lumber and millwork* between points in Aurura and Chicago Hts., IL, Vandalia and St. Louis, MO, Camden, NJ, Pt. Kennedy, PA, Siloam, KY, Brownsville, TX, Andersonville, Sandersville and Washington, GA, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: C-E Industrial Products Group, Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482.

MC 136123 (Sub-3-13TA), filed March 13, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1056, Palmetto, FL 33561. Representative: William L. Beasley (same as above). *Commodities as are dealt in by manufacturers of skin care products and dermatological products* between the facilities of Westwood Pharmaceuticals, Inc., of Erie County, NY and points in the US. Supporting shipper: Westwood Pharmaceuticals, Inc., 464 Dewitt Street, Buffalo, NY 14213.

MC 106074 (Sub-3-20TA), filed March 13, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, S., Forest City, NC 28045. Representative: Clyde W. Carver, Atty., P.O. Box 720434, Atlanta, GA 30328. *Chemicals, dyes and related products*, from the facilities of Hoechst Fibers Industries at or near Mount Holly and Charlotte, NC to Houston, TX and pts. in IL and IA. Supporting shipper: Hoechst Fibers Industries, P.O. Box 5887, Spartanburg, SC 29304.

MC 115311 (Sub-3-20TA), filed March 13, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *White cement, in bags*, from the facilities of General Portland, Inc., Signal Mountain Division, at or near Tampa, FL to the facilities of General Portland, Inc., Signal Mountain

Division, at or near Atlanta, GA and Chattanooga and Knoxville, TN. Supporting shipper: General Portland, Inc., Signal Mountain Division, 1300 American National Bank Bldg., Chattanooga, TN 37402.

MC 121061 (Sub-3-6TA), filed March 13, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Petroleum and petroleum products and sound deadening compounds (except in bulk),* between Congo and St. Marys, WV, on the one hand, and, on the other, points in NC and SC. Supporting shipper: Stewart Supply Co., Inc., P.O. Box 5467, Charlotte, NC 28225.

MC 144715 (Sub-3-11TA), filed March 16, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Such commodities as are dealt in by institutional food distributors,* between Hurricane, WV, and points in its commercial zone, on the one hand, and, on the other, points in the US. Supporting shipper: Standard Food Service Company, Inc., 2575 Virginia Avenue, Hurricane, WV 25526.

MC 144503 (Sub-3-14TA), filed March 13, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Such merchandise as is dealt in by retail, wholesale and industrial food business houses,* between Lucas, Ottawa, Franklin and Madison Counties, OH; St. Charles, St. Bernard, Jefferson, Lafourche, St. James and Plaquemines Parishes, LA; St. Louis and St. Charles Counties, MO; Washington, Anoka, Hennepin, Ramsey, Carver, Scott and Dakota Counties, MN; Wyandotte, Leavenworth and Johnson Counties, KS; Lake, DuPage, Cook and Will Counties, IL; Roanoke, Bedford, Franklin and Montgomery Counties, VA; Gwinnett, DeKalb, Cobb, Fulton, Clayton, Muskogee and Rockdale Counties, GA; Bucks County, PA; Hillsborough, Polk and Lake Counties, FL; and, Monroe and Orleans Counties, NY, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Purex Corporation, 6120 N. Detroit, Toledo, OH 43612.

MC 148800 (Sub-3-1TA), filed March 17, 1981. Applicant: ATLANTA-CHARLOTTE EXPRESS, INC., P.O. Box 31004, Charlotte, NC 28231. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *Contract* carrier; irregular: *general commodities (except classes A & B explosives),* between points in the U.S., under continuing contract(s) with Westransco Freight Company of Los Angeles, CA. Supporting Shipper: Westransco Freight Company, P.O. Box 54810, Los Angeles, CA 90054.

MC 150235 (Sub-3-6TA), filed March 13, 1981. Applicant: POWELL TRUCKING CO., INC., Route 3, Box 13, P.O. Box 346, Sumrall, MS. 39482. Representative: Fletcher W. Cochran, 1338 Gause Blvd.—Suite 300, P.O. Box 741, Slidell, LA. 70459. *Contract:* Irregular: *Forest products, lumber and wood products* between points in the US, under a continuing contract or contracts with Alabama Wood Treating Corporation, Mobile, AL; Klumb Lumber Company, Inc., Crystal Springs, MS; and American Creosote Works, Inc., Jackson, TN. Supporting Shippers: Alabama Wood Treating Corporation, P.O. Box 310, Mobile, Al. 36601; Klumb Lumber Company, Inc., P.O. Box 550, Crystal Springs, MS. 39059; and American Creosote Works, Inc., Meadow Street, Box 1444, Jackson, TN. 38301.

MC 154749 (Sub-3-1TA), filed March 13, 1981. Applicant: G. M. LANGDON TRUCKING, INC., Route 1, Angier, NC 27501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *Fertilizer and fertilizer materials* between points in NC, SC, and VA. Supporting Shipper(s): W. R. Grace & Co., Agricultural Chemicals Group, P.O. Box 368, Wilmington, NC 28401.

MC 134038 (Sub-3-1TA), filed March 16, 1981. Applicant: MAJORS TRANSIT, INC., P.O. Box 7, Caneyville, KY 42721. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Common* carrier; regular routes; *General Commodities, except classes A and B explosives,* between Louisiville, KY (and its Commerical Zone) and Nashville, TN (and its Commercial Zone), serving the intermediate points of Bowling Green, KY and Franklin, KY: from Louisville over U. S. Hwy. 31-W to Nashville and return over the same route. Applicant intends to tack the authority sought with its existing authority and to interline with connecting carriers at Louisville, KY & Nashville, TN. Supporting Shippers: There are approximately seven statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 154751 (Sub-3-1TA), filed March 17, 1981. Applicant: SUN COAST TRANSPORT CORPORATION, 4608 Cooper Place, Tampa, FL 33684. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Citrus pellets and pulp,* between points in FL. Supporting shippers: Central Sunshine Enterprises, Inc., P.O. Box 9491, Winter Haven, FL 33880; and I.S. Joseph Co., Inc., P.O. Box 19127, Tampa, FL 33686. .

MC 39406 (Sub-3-1TA), filed March 17, 1981. Applicant: CENTRAL MOTOR LINES INCORPORATED, P.O. Box 34303, Charlotte, N.C. 28234. Representative: Garland V. Moore (same as above). *General Commodities (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment)* between points in GA, NC and SC, on the one hand, and, on the other, points in IL, IN, KY, OH, TN, VA and WV. Carrier desires to interline with connecting carriers at Asheville, NC, Chicago, IL, Charlotte, NC, Grassy Creek, NC, Greensboro, NC, Mt. Airy, NC, Reidsville, NC, Toledo, OH and Winston Salem, NC. Supporting shipper(s): Thirteen (13) certificates of support attached to this application which may be reviewed at the Atlanta, GA, regional office.

MC 117956 (Sub-3-13TA), filed March 17, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Road, SW, Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Contract Carrier: *General commodities with the usual exceptions for the account of Fraenkel Wholesale Furniture Co., Inc.,* between points in the U.S., except AK and HI under a continuing contract with Fraenkel Wholesale Furniture Co., Inc., 10600 So. Choctaw, Baton Rouge, LA 70895.

MC 7555 (Sub-3-2TA), filed March 16, 1981. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 2838. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. *Chemicals and related products (except in bulk) and materials, equipment, and supplies used in the manufacture and distribution of such commodities (except in bulk)* between the facilities of Time Chemical, Inc. at Atlanta, GA and Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. Supporting shipper: Time Chemical, Inc., 3780 Browns Mill Rd., S.E., Atlanta, GA 30354.

MC 108074 (Sub-3-22TA), filed March 17, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221 S, Forest City, NC 28043. Representative: Clyde W. Carver, Atty.,

P.O. Box 720434, Atlanta, GA 30328. *Textiles and textile products* from pts. in GA, NC and SC to pts. in the U.S. in and west of MN, IA, MO, AR and LA (except HI and AK). Supporting shippers: Phillips Fibers Corporation, P.O. Box 66, Startex, SC 29377; Spectrum Fibers, Inc., P.O. Box 509, Kings Mountain, NC 28086; Reeves Brothers, Inc., P.O. Box 1868, Spartanburg, SC 29304; Ti-Caro, Inc., P.O. Box 669, Gastonia, NC 28051; and Parkdale Mills, Inc., P.O. Drawer 1787, Gastonia, NC 28052.

MC 152150 (Sub-3–1TA), filed March 19, 1981. Applicant: KIRK TRUCKING, INC., 3584 Bellwood Cove, Memphis, TN 38128. Representative: R. Connor Wiggings, Jr., Suite 908, 100 N. Main Bldg., Memphis, TN 38103. *Manganese, silicone and silica carbide* (1) from Calvert City and Hickman, KY; Birmingham and Sheffield, AL; to facilites of Specialty Alloys Corporation at or near Gallaway, TN; and (2) from facilities of Specialty Alloys Corporation at or near Gallaway, TN; to Bessemer, Holt, Birmingham and Anniston, AL; Corsicana, Lufkin and Tyler, TX; Council Bluffs, IA; Hartford, IL; Iola, Kansas City, Coffeyville and Wichita, KS; Indianapolis, IN; Kansas City, Springfield, New Madrid and St. Louis, MO; Louisville, KY; Lynchburg, VA; Olive Branch, MS; and West Memphis, AR. Supporting shipper: Specialty Alloys Corporation, P.O. Box 56, Gallaway, TN 38036.

MC 153557 (Sub-3–2TA), filed March 19, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY. 40213. Representative: Michael Surface, 8111 Huntsman Trail, Louisville, KY. 40213. *General Commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Jefferson County, Kentucky on the one hand, and on the other, points in Warren, Barren, Allen, and Logan Counties, Kentucky on shipments having prior or subsequent movement in Interstate Commerce. There are eleven supporting shippers which are on file at the Interstate Commerce Commission Regional Office in Atlanta, GA.

Note.—Applicant intends to tack with existing authority MC–153557 and to interline at Louisville, KY.

MC 154795 (Sub-3–1TA), filed March 18, 1981. Applicant: MMR, INC., 3528 Whippoorwill Road, Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Contract carrier, *such commodities as are dealt in or used by railroads,* between Louisville, KY and its commercial zone, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, LA, MS, MO, NC, OH, SC, TN, and VA, under contract with L & N Railroad. Supporting shipper: L & N Railroad, 2500 South Floyd Street, Louisville, KY 40217.

MC 154509 (Sub-3–1TA), filed March 18, 1981. Applicant: MEMPHIS COURIER DELIVERY, 3638 Old Getwell Road, Memphis, TN 38118. Representative: Ralph D. Golden, Suite 2348, 100 North Main Building, Memphis, TN 38103. *Goods, materials, merchandise, supplies, toiletries, cosmetics, and other products manufactured, distributed, and sold by Avon Products, Incorporated* from all points in the states of TN, AR, MS, AL, and MO to all points in the states of TN, AR, MS, AL, and MO. Supporting shipper: Avon Products Inc. 2200 Cotillion, Chamblee, GA 30302.

MC 124887 (Sub-3–14TA), filed March 18, 1981. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Metal products,* from Houston, TX to points in AL, FL, GA, LA, and MS. Supporting shipper: Texas Pipe and Supply Company, 2330 Holmes Road, Houston, TX 77051; Capitol Steel, Inc. 2655 North Foster Drive, Baton Rouge, LA 70806; Trailer and Manufacturing Industries, Inc. 8516 Hempstead Highway, Houston, TX 77008.

MC 154170 (Sub-3–1TA), filed March 19, 1981. Applicant: BUNYON TRUCKING COMPANY, INC., 6500 Mt. Zion Blvd., Morrow, GA 30260. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd. NE., 5th Floor—Lonox Towers South, Atlanta, GA 30326. *Contract:* Irregular *(1) Horticultural Supplies and Equipment (except in bulk); and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except in bulk)* between Morrow, GA; Copley, OH; Philmont, NY; and Hudson, NY; on the one hand, and, on the other, points in the US. Supporting shipper: Bunyon Enterprises, Inc. and The Hyponex Company, 6500 Mt. Zion Blvd., Morrow, GA 30260.

MC 153509 (Sub-3–9TA), filed March 19, 1981. Applicant KENTUCKY DISPATCH INC., 3303 Camp Ground Rd., Louisville, KY 40216. Representative: James B. Murphy, 835 West Jefferson St., Suite 102, Louisville, KY 40202. *Contract;* irregular; *bakery goods, O/T Frozen N.O.I. item 21160 N.M.F.C. and materials, equipment, and supplies used in the manufacture of these commodities,* between Louisville, KY, on the one hand, and on the other, points in the U.S. under continuing contract with Mothers Cookie Company. Supporting shipper: Mothers Cookie Company, 2287 Ralph Avenue, Louisville, KY 40206.

MC 152630 (Sub-3–1TA), filed March 19, 1981. Applicant: KAY LEASE SERVICE, INC., P.O. Box EE, Natchez, Mississippi 39120. Representative: John Schwab, 617 North Boulevard, P.O. Box 3036, Baton Rouge, Louisiana 70821. *(1) machinery, equipment, materials, and supplies used, in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof,* between points in LA, TX, MS, and OK. Supporting shippers: There are six supporting shippers whose statements may be examined at the ICC Regional Office in Atlanta, GA.

MC 154770 (Sub-3–1TA), filed March 18, 1981. Applicant: J. B. & J. COMPANY, INC., P.O. Box 303, Tuscumbia, AL 35674. Representative: Joe Trobaugh, P.O. Box 303, Tuscumbia, AL 35674. *(1) Construction Materials, including, but Not Limited to, lumber, plywood, paneling, fiberboard, particleboard, fiberglass roofing, fiberglass panels, fiber cores, and fiber core containers; and (2) Materials, supplies and equipment used in the manufacture, sale and distribution of commodities named in (1) above (except commodities in bulk)* between points in AL, MS, GA, FL, LA, KY, and TN. Supporting shipper: Clevepak Corporation, Colbert Industrial Park, Tuscumbia, AL.

MC 107912 (Sub-3–6TA), filed March 18, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, Memphis, TN 38118. Representative: Mark R. Allen, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Textile products and materials, equipment and supplies used in the manufacture or distribution thereof,* between Batesville, MS and St. Martin County, LA. Applicant requests to tack this authority to authority held under MC–107912 and subs there to. Supporting shipper: Union Underwear Co., Inc., One Fruit of the Loom Drive, Bowling Green, KY 42101.

MC 151009 (Sub-3–2TA), filed March 19, 1981. Applicant: ATLANTA CARRIERS, INC., 1260 Southern Rd.,

Morrow, GA 30260. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. *Contract carrier;* irregular routes; *General commodities except Class A and B explosives* between points in the U.S., restricted to traffic moving under a continuing contract or contracts with PPG Industries, Inc. Supporting shipper: PPG Industries, Inc., 1377 Oakleigh Dr., East Point, GA 30344.

MC 154006 (Sub-3–1TA), filed February 11, 1981. Applicant: A. R. MANN, JR. & W. J. MANN, d.b.a. MANN TRUCKING CO., P.O. Box 277, Skene, MS 38775. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Steel nails* from Rosedale, MS, to Cleveland, MS, having a prior movement by water. Supporting shipper: Duo Fast Corporation, 800 North Pearman, Cleveland, MS 38732.

MC 59150 (Sub-3–15TA), filed March 17, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *Contract,* irregular; *General Commodities (except Classes A & B Explosives),* between points in the United States in and east of ND, SD, NE, KA, OK and TX under a continuing contract or contracts with Clow Corporation. Supporting shipper: Clow Corporation, 1211 West 22nd Street, Oak Brook, IL 60521.

MC 153677 (Sub-3–1TA), filed March 17, 1981. Applicant: BILLY HARRIS TRUCKING CO., Route 4, Box 139A, Henderson, NC 27536. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Contract carrier:* irregular routes: *General Commodities (except classes A & B explosives and hazardous wastes),* between the facilities of Rose's Stores, Inc. at or near Henderson, NC, on the one hand, and, points in the U.S., under continuing contract(s) with Rose's Stores, Inc. of Henderson, NC. Supporting shipper: Rose's Stores, Inc., Henderson, NC 27536.

MC 143351 (Sub-3–1TA) filed March 17, 1981. Applicant: DANTRAC, INC., 602 Airport Road, Greenville, SC 29606. Representative: Clyde W. Clyde, Atty., P.O. Box 720434, Atlanta, GA 30328. *Textiles and textile products* from pts. in GA, NC and SC to pts. in the U.S. in and west of MN, IA, MO, AR, and LA (except HI and AK). Supporting shippers: Phillips Fibers Corporation, P.O. Box 66, Startex, SC 29377; Spectrum Fibers, Inc., P.O. Box 509, Kings Mountain, NC 28086; Reeves Brothers, Inc., P.O. Box 1898, Spartanburg, SC 29304; Ti-Caro, Inc., P.O. Box 699, Gastonia, NC 28051; and The Bibb Company, 237 Coliseum Drive, Macon, GA 31201.

MC 143059 (Sub-3–39TA), filed March 17, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). *Metal products,* between points in the U.S. (except AK and HI), restricted to the transportation of traffic moving for the account of Metalsco, Inc. Supporting shipper: Metalsco, Inc., 111 West Port Plaza, Suite 822, St. Louis, MO 63141.

MC 154761 (Sub-3–1TA), filed March 17, 1981. Applicant: K & K WAREHOUSE CO., INC., P.O. Box 7088, Knoxville, TN 37921. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402, (615) 756–3620. *Contract carrier;* irregular routes; (A)(1) *glass and glass products and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (A)(1) above; (B)(1) food and related products and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (B)(1) above,* between points in Ventura County, CA; Hawkins, Sullivan, and Washington Counties, TN; and Taylor County, WV; on the one hand and, on the other, points in the U.S. under continuing contract(s) with (1) AFG Industries, Inc., of Kingsport, TN, (2) Saticoy Foods Corporation of Santa Paula, CA, and (3) Moody Dunbar, Inc., of Limestone, TN. Supporting shipper(s): AFG Ind. Inc., P.O. Box 929, Kingsport, TN, 2: Saticoy Foods Corporation, P.O. Box 4547, Santa Paula, CA, 93003; and Moody Dunbar, Inc., P.O. Box 88, Limestone, TN, 37681.

MC 143059 (Sub-3–40TA), filed March 17, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). *Lumber, lumber products and forest products,* from points in LA and AR, to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shippers: There are five (5) statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 143059 (Sub-3–38TA), filed March 17, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). *Laminated plywood and particle board,* from points in Elkhart County, IN, to points in MI, MD, PA, NE, TX and KS. Supporting shippers: Lasalle Deitch—Bristol Laminating Division State Road 15 N., P.O. Box 296, Bristol, IN 46507; B & P Woodgrain Paneling, Inc., 1808 Conant Street, Elkhart, IN 46517.

MC 115840 (Sub-3–11TA), filed March 17, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Plastic pipe* from Nashville, TN to points in KY, MS, FL, AL and GA. Supporting shipper: Consolidated Pipe & Supply Co., Inc., 1500 County Hospital Road, Nashville, TN 37206.

MC 154732 (Sub-3–1TA), filed March 17, 1981. Applicant: HARPER TRANSPORT, INC., 3313 Concord Corner, Conyers, GA 30208. Representative: Huey Harper (same as above). *Contract carrier,* irregular routes; *Paints, stains, varnishes and associated paint products and paint raw materials other than in bulk or in tank vehicles,* between Stone Mountain, GA, on the one hand, and, on the other, points in the U.S., except AK and HI. Supporting shipper: Southland Paint Company, Inc., 1625 Stoneridge Dr., Stone Mountain, GA 30083.

MC 148820 (Sub-3–6TA), filed March 17, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Building, 127 Peachtree Street NW., Atlanta, GA 30043. *Contract carrier,* irregular routes; *general commodities (except household goods as defined by the Commission and Classes A & B explosives),* between points in the U.S., under continuing contract(s) with United Freight, Inc., Morrow, GA. Supporting shipper(s): United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 125089 (Sub-3–3TA), filed March 17, 1981. Applicant: BEATTYVILLE TRANSPORT, INC., Ice Dam Lane, P.O. Box 352, Catlettsburg, KY 41129. Representative: Fred H. Daly, 2550 M street NW., Washington, D.C. 20037. *Animal grease, chemicals, petroleum, rolling process fluids and lubricating oils, wire drawing compounds, ingredients and raw materials used in the manufacture of rolling process fluids and lubricating oils,* between Franklin County, OH, on the one hand, and, on the other, points in the U.S. Supporting shipper: The Ironsides Co., 270 West Mound St., Columbus, OH.

MC 145408 (Sub-3–3TA), filed March 13, 1981. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box

897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 1000 Potomac St. NW., Fifth Floor, Washington, D.C. 20007. *Food and Related Products*, between points in Lee County, SC, on the one hand, and on the other, points in the U.S. Supporting shipper: South Atlantic Canners, P.O. Box 548, Bishopville, SC 29010.

MC 144026 (Sub-3-6), filed March 13, 1981. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 1000 Potomac St. NW., Fifth Floor, Washington, D.C. 20007. *Contract carrier*, irregular routes. *General Commodities (except for Class A and B explosives and hazardous materials)* between points in the U.S. under a continuing contract(s) with the A.O. Smith Company. Supporting shipper: A. O. Smith, P.O. Box 28, Kankakee, IL 60901.

MC 124835 (Sub-3-5TA), filed March 13, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Petroleum, Coal Tar, and their products, in bulk, in tank vehicles*, from Wilmington, NC, to all points in SC, and VA. Supporting shippers: Apex Oil Co., P.O. Box 3366, Wilmington, NC 28406; Travelers Oil Co., P.O. Drawer 3066, Azalea Station, Wilmington, NC 28401; Southern Wood Piedmont, P.O. Box 547, Spartanburg, SC 29304.

MC 154747 (Sub-3-1TA), filed March 13, 1981. Applicant: DANDEN RECONDITIONING CO., Rt. 1 Box 500, Trion, GA 30753. Representative: A. B. Mitchell, Jr., 504 River Lakeside Lane, Woodstock, GA 30188. *Contract carrier*: irregular: *cotton bales and other textile materials and finished products*, from Trion, GA to Ware Shoals, SC; Trion GA to Woodruff SC; Albertville, AL to Trion, GA. Supporting shipper: Riegel Fiber Corp., P.O. Box 7, Trion, GA 30753.

MC 146465 (Sub-3-3TA), filed March 16, 1981. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 877, Cleveland, GA 30528. Representative: Robert E. Born, Suite 506, 1447 Peachtree Street NE., Atlanta, GA 30309. *Metal products*, from the facilities of Kentucky Electric Steel, Inc. in Boyd Cy., KY to points in AL, GA, NC and SC. Supporting shipper: Kentucky Electric Steel, Inc., Box 3500, Ashland, KY 41101.

MC 154754 (Sub-3-1TA), filed March 17, 1981. Applicant: W & W TRUCKING, INC., P.O. Box 9623, Memphis, TN 38109. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *(1) Machinery and machinery parts and components* from Waukesha, Green Bay and Manitowoc, WI, to Memphis, TN, and its commercial zone, and, (2) *machinery and machinery parts and components and bridge beams* between points in AL, AR, IL, KY, LA, MS, MO, OK, TN, TX and IN. There are six supporting shippers.

MC 124154 (Sub-3-21TA), filed March 17, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *Agricultural insecticides, fungicides, fertilizers, etc., and industrial chemicals and materials, supplies and equipment used in the manufacture thereof*, between points in the US (except AK and HI). Supporting shipper: Faesy & Besthoff, Inc., 143 River Road, Edgewater, NJ 07020.

MC 144013 (Sub-3-4TA), filed March 17, 1981. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Road, Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Bananas*, from Gulfport, MS; Mobile, AL; Tampa, FL; Charleston, SC and Miami, FL to Forest Park, GA. Supporting shipper: General Produce, Inc., State Farmers Market, Forest Park, GA 30050.

MC 154697 (Sub-3-1TA), filed March 13, 1981. Applicant: BAKER TRUCK LEASING & SALES, INC., P.O. Box 3126, Highway 301 South, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N Street NW., Suite 700, Washington, DC 20036. *Solar heating systems and materials and supplies used in the manufacture and distribution of solar heating systems* between points in Johnston County, NC on the one hand, and, on the other, points in the U.S. Supporting shipper: Revere Solar & Architectural Products, Inc., P.O. Box 967, Kenly, NC 27542.

MC 152544 (Sub-3-10TA), filed March 13, 1981. Applicant: CYPRESS TRUCK LINES, INC., 1746 East Adams Street, Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *General commodities except classes A and B explosives and hazardous materials*, between Jacksonville, FL, Brenham, TX, Cleveland, OH, Birmingham, MI, Union City, CA, Gadsden, AL, Baltimore, MD and Massillon, OH on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating or destined to the facilities of Cleaners Hangers Co. Supporting shipper: Cleaners Hanger Co., 735 North Lane Avenue, Jacksonville, FL 32205.

MC 149218 (Sub-3-16TA), filed March 13, 1981. Applicant: SUNBELT EXPRESS INC., U.S. Hwy. 78 W., Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *(1) Pulpboard; (2) Paper Cartons; and (3) Metal containers and closures;* (1) from St. Marys, GA to TX; (2) from Newnan, GA to TX; and (3) from Houston, San Antonio and Arlington, TX to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, VA and WV. Restricted to traffic originating at the facilities utilized by American Can Company. Supporting shipper: American Can Company, P.O. Box 489, Newnan, GA 30264.

MC 133920 (Sub-3-2TA), filed March 13, 1981. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Clay products*, from Thomas County, GA to points in AL, FL and SC. Supporting shipper: Anschutz Mineral Company, P.O. Box 230, Ochlocknee, GA 21773.

MC 150885 (Sub-3-5TA), filed March 13, 1981. Applicant: ATLANTIC & WESTERN TRANSPORTATION CO., INC., 3934 Thurman Road, Forest Park, GA 30051. Representative: Ronald J. Turner (same as above). *Contract carrier*, irregular: *Furniture, Furniture Parts and Machinery used in the manufacture of furniture*, between Clinton, TN; Hamilton, OH; and St. Louis, MO, on the one hand, and, on the other, all points within the continental U.S. under a continuous contract with James David, Inc., St. Louis, MO. Supporting shipper: James David, Inc., 1950 Craig Road, St. Louis, MO 63141.

MC 147554 (Sub-3-2TA), filed March 13, 1981. Applicant: ARAB CARTAGE AND EXPRESS CO., INC, P.O. Box 217, Arab, AL 35016. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Contract carrier*: irregular: *Automotive equipment, motor vehicle parts and automotive after-market products; the parts, materials, supplies and equipment used in the manufacture, sale and distribution of the commodities above;* between the facilities of Formed Tubes, Inc., Grand Exhaust and Original Exhaust Parts and affiliated companies located in or near Haleyville, AL, Chicago, IL and Detroit, MI, on the one hand and on the other all points in states east of NM, CO, WY and MT. Supporting Shipper: Formed Tubes, Inc., P.O. Box 647, Arab, AL 35016.

MC 139743 (Sub-3-1TA), filed March 13, 1981. Applicant: GEORGIA CARPET EXPRESS, INC., P.O. Box 1660, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Floor coverings and related products, and* (2)

materials, equipment and supplies used in the manufacture or distribution of commodities named in (1) above, between points in Bartow, Catoosa, Gordon, Murray and Whitfield Counties, GA, on the one hand, and, on the other, points in AZ and CA. Supporting shipper: GAF Corporation, 1361 Alps Road, Wayne, NJ 07470.

MC 107515 (Sub-3-106TA), filed March 13, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Electrical fixtures, parts and supplies* from the facilities of Miller Lighting Company, at or near Martin, TN to points in the U.S. (except AK and HI). Supporting shipper: Miller Lighting Company, Box 50, Fulton Highway, Martin, TN 28327.

MC 107515 (Sub-3-107TA), filed March 13, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd. NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Plastic Articles and materials, supplies and equipment used in the production, sale or distribution thereof* from Chippewa Falls and Eau Claire, WI to points in the U.S. (except AK and HI). Supporting shipper: Amoco Foam, 2100 Powers Ferry Road, Suite 200, Atlanta, GA 30099.

MC 107515 (Sub-3-106TA), filed March 13, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, 3390 Peachtree Rd.NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Plastic Articles, expanded and non-expanded* between the facilities of, or those utilized by, Amoco Foam Products, on the one hand, and, on the other points in the US (except AK and HI). Supporting shipper: Amoco Products Division, Suite 200, 2111 Powers Ferry Road NW., Atlanta, GA 30339.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 8472 (Sub-4-2TA), filed March 17, 1981. Applicant: SOUTH END CARTAGE CORP. OF DELAWARE, 4222 South Knox Avenue, Chicago, Ill. 60632. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, Il 60603. *Contract: General Commodities, except Classes A and B Explosives,* between points in the U.S. Restricted to traffic moving under continuing contract with C.S. Greene and Company, and its subsidiaries. Supporting Shipper: S. S. Green and Company, and its subsidiaries., 2803 Butterfield Road, Oak Brook, IL 60521. An underlying ETA seeks 120 days.

MC 107295 (Sub-4-34TA), filed March 18, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *General commodities (except Class A and B explosives),* between points in the U.S. (except AK and HI), under continuing contract with Ardan, Inc. Supporting Shipper: Ardan, Inc., 2320 Euclid Ave., Des Moines, IA 50310.

MC 114194 (Sub-4-15TA), filed March 18, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donell (same as applicant). *Petroleum coke and lignite* from the East St. Louis, IL commerical zone to Belle, MO. Supporting Shipper: Kingsford Company, 1700 Commonwealth Bldg., Louisville, KY 40201.

MC 114194 (Sub-4-16TA), filed March 18, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, Il 62060. Representative: William J. O'Donell (same as applicant). *Chemicals, dry, in bulk, from* El Dorado, AR to Mt. Vernon, IL. Supporting Shipper: Great Lakes Chemical Corp., P.O. Box 1678, El Dorado, AR 71730.

MC 117730 (Sub-4-12TA), filed March 18, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, 33 N. LaSalle St., Chicago, IL 60602. *Canned goods, and materials, supplies, and equipment used in the manufacture and distribution of canned goods,* between the facilities of Beckman & Gast at St. Henry, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OK, PA, SC, TN, TX, VA, WV, and WI. Supporting Shipper: Beckman & Gast. P.O. Box 307, St. Henry, OH 45883.

MC 118612 (Sub-4-8TA), filed March 12, 1981. Applicant: Columbia Trucking, Inc., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. *Petroleum or coal products* Between Lake County, IN and Detroit, MI and points in the Detroit, MI commercial zone. Supporting shipper: Industrial Fuel and Asphalt of Indiana, Inc., 4240 White Oak Ave., Hammond, IN 46320.

MC 135052 (Sub-4-11TA), filed March 17, 1981. Applicant: ASHCRAFT TRUCKING, INC., 675 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. *Fiberglass and plastic reinforced products, and continuous-strand textile products, and materials, equipment and supplies used in the manufacture and sale thereof,* between Lexington, North Carolina, and Shelby, North Carolina, on the one hand, and, on the other, points in the states of IN, IL, OH, KY, MI, MO, WI and TN. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 136512 (Sub-4-3TA), filed March 17, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Paper bags, paper rolls, and materials, equipment and supplies used in the manufacture of paper bags and paper rolls,* between Hudson, WI, on the one hand, and, on the other, points in AR and OK. Supporting shipper: Duro Paper Bag Manufacturing Company, Route 1, Box 247, Hudson, WI 54016.

MC 136774 (Sub-4-6TA), filed March 17, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Liquid orange juice concentrate,* between points in FL on the one hand, and, on the other, Leavenworth County, KS. Supporting shipper: Meyer Dairy, Inc., Basehor, KS 66007.

MC 138420 (Sub-4-4TA), filed March 18, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53083. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Paper, paper products, plastic articles, and materials, equipment, and supplies used or useful in the manufacture and distribution of paper, paper products, and plastic articles* between the facilities of Continential Forest Industries, a member of Continental Group, Inc., at Reading and Philadelphia, PA; Melvindale, Midland and Three Rivers, MI; Overland, MO; Van Wert, Columbus, and Cleveland, OH; and Louisville, KY on the one hand, and on the other points in IL, IN, IA, KY, MI, MN, MO, OH, PA, TN, and WI. Supporting shipper: Continental Group, Inc.-Continental Forest Industries, Office Park 2, Greenwich, CT 06830.

MC 142310 (Sub-4-9TA), filed March 13, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Michael J. Wyngaard,

150 East Gilman Street, Madison, WI 53703. (1) *Foodstuffs* from Burley, ID, Ontario, OR, Greenville, MI, Massillon, OH Wethersfield, CT and West Chester, PA to points within the U.S. (except AK and HI). (2) *Foodstuffs, materials, equipment and supplies used or useful in the manufacture sale and distribution of foodstuffs* from points within the U.S. (except AK and HI) to Burley, ID, Ontario, OR, Greenville, MI, Massillon, OH, Wethersfield, CT and West Chester, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ore-Ida Foods, Inc., 220 W. Parkcenter Boulevard, Boise, ID.

MC 143627 (Sub-4-1TA), filed March 18, 1981. Applicant: FITZSIMMONS TRUCKING, INC., P.O. Box 128, Waseca, MN 56093. Representative: William L. Libby, 8214 West 34½ Street, St. Louis Park, MN 55426. *Air heating and filtration equipment and materials, equipment, and supplies used in the manufacture thereof,* between Waseca MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Petco, Inc., 279 West Elm Street, Waseca, MN 56093.

MC 145042 (Sub-4-6TA), filed March 17, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. *Foundry supplies and materials used in foundry production (not in bulk)* between various points in AL, FL, IL, IA, KS, MI, MN, MS, NC, OH, PA, SD, TN, WV, and WI. Supporting shipper: Carpenter Brothers, Inc., 793 W. Western Ave., Muskegon, MI 49440.

MC 146121 (Sub-4-2TA), filed March 18, 1981. Applicant: BAY CARTAGE COMPANY, 1122 East Barney, Muskegon, MI 49444. Representative: William H. Heritage, Jr., Landman, Luyendyk, Latimer, Clink & Robb, 444 Union Bank Plaza, Grand Rapids, MI 49503. *Contract: Paper and paper products and materials, equipment and supplies; plastic articles expanded, polyurethane and materials, equipment and supplies used or useful in the manufacture and distribution of the above products* between points in the U.S. under continuing contract with Scott Paper Company, Philadelphia, PA. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 146742 (Sub-4-2TA), filed March 17, 1981. Applicant: H & F TRUCKING CO., INC., R.R. #4, Mattoon, IL 61938. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. (1) *Printed matter* and (2) *materials, equipment and supplies* used in the processing and distribution of printed matter between points in Jefferson and Marion Counties, IL on the one hand, and, on the other, the Chicago, IL commercial zone. An underlying ETA seeks 120 days authority. Supporting shippers: World Color Press, Inc., P.O. Box 1246, Effingham, IL 62401, and Chi-Can Freight Forwarding Company, 3600 Southwestern Ave., Chicago, IL 60609.

MC 147284 (Sub-4-12TA), filed March 17, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Ave., Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Drugs, plastic articles, food and related products,* from Columbus, OH to points in AL, AR, GA, KY, LA, MS, and TN. Supporting shipper: Ross Laboratories, 625 Cleveland Ave., Columbus, OH 43216.

MC 148732 (Sub-4-1TA), filed March 16, 1981. Applicant: L & J TRUCKING, INC., P.O. Box 1325, Wisconsin Rapids, WI 54494. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Nonmetallic minerals and water proofing compounds* between Cleveland, OH, San Francisco, CA and Dallas, TX, on the one hand, and, on the other, points in MI, OH, IN, MO, IA, WI, MN, ND, SD, NE, KS, CO, WY, MT, ID, WA, OR, CA, NV, UT, AZ, NM, TX and OK. An underlying ETA seeks 120 days authority. Supporting shipper: Effective Building Products Inc., 2950 Metro Drive, Bloomington, MN 55420.

MC 152935 (Sub-4-2TA), filed March 17, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant). *Contract: Bathroom fixtures and furnishings,* from Torrance, CA, to points in Kent, OH; Atlanta, GA; Bridgeton, MO; Houston, TX; Detroit, MI; and Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Perma-Bilt Industries, 19306 S. Normandie Ave., Torrance, CA 90502.

MC 152935 (Sub-4-3TA), filed March 17, 1981. Applicant: HILL-ROM CO., INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant). *Contract: Bedroom furniture* from Phoenix, AZ to points in Cincinnati, Cleveland, Columbus, Dayton and Toledo, OH; South Bend and Terre Haute, IN; Louisville, KY; Rockford and Springfield, IL; Madison and Milwaukee, WI; Memphis and Nashville, TN and Cedar Rapids and Grand Mound, IA. An underlying ETA seeks 120 days authority. Supporting shipper: Woodstuff Manufacturing, 1635 So. 43rd Ave., Phoenix, AZ 85009.

MC 153156 (Sub-4-1TA), filed March 17, 1981. Applicant: KELLY TRUCKING COMPANY, INC., 162 Grand Ave., Elmhurst, IL 60126. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. *Contract: Steel sheets, coils, bars and angles,* between points in the states of IL, WI, MI, MN, IN and OH, on the one hand, and, on the other, Bensenville, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Eagle Steel Corporation, 1339 W. Irving Place, Bensenville, IL.

MC 154460 (Sub-4-1TA), filed March 18, 1981. Applicant: Q CARRIERS INC., 14086 Rutgers Street NE., Prior Lake, MN 55372. Representative: Randall Quiring, 14086 Rutgers Street NE., Prior Lake, MN 55372. *Contract: Such commodities as are dealt in or used by fabric and home sewing stores,* between points in the U.S. under continuing contract(s) with Minnesota Fabrics Inc., Charlotte, NC 28232.

MC 154740 (Sub-4-1TA), filed March 17, 1981. Applicant: LAWRENCE R. JOHNSTON d.b.a. ODESSA TRANSPORTATION, 4525 S. Halsted, Chicago, IL 60609. Representative: Robert E. Knoppe, 79 W. Monroe St., Suite 500, Chicago, IL 60603. *Contract: Bakery products, and material, equipment and supplies used in the sale, manufacture and distribution thereof* between Chicago, IL and points in KY, OH, MO, IN, MN, CO. An underlying ETA seeks 90 days authority. Supporting shipper: East Balt Commissary, Inc., 1901 W. 31st Street, Chicago, IL 60608.

MC 154769 (Sub-4-1TA), filed March 18, 1981. Applicant: ABRANAMSON EXPRESS, INC., R.R. 3, Box 43, Waupaca, WI 54981. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract: Foundry castings and foundry products, and materials, equipment and supplies used in the manufacture of foundry castings and foundry products* between Marinette and Waupaca, WI, on the one hand, and, on the other hand, points in IA, IL, IN, MN, MO and OH. Restricted to transportation to be performed under a continuing contract(s) with Waupaca Foundry, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Waupaca Foundry, Inc., Tower Road, Waupaca, WI 54981.

MC 107295 (Sub-4-35TA), filed March 19, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Lighting equipment, fixtures and materials, equipment and supplies used in the*

installation, manufacture or distribution of commodities named above, between Cochran, Conyers, and Decatur, GA; Crawfordsville, IN; Chicago, IL and Vermillion, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities utilized by National Service Industries, Inc., Lithonia Lighting Division. Supporting shipper: National Service Industries, Inc., Lithonia Lighting Div., Box A, Conyers, GA 30207.

MC 112893 (Sub-4–5TA), filed March 20, 1981. Applicant: BULK TRANSPORT COMPANY, 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. *Petroleum products* from Green Bay, WI to Menominee County, MI. Supporting shipper: Rowley Oil Co., Inc., P.O. Box 672, Marinette, WI 54143.

MC 11494 (Sub-4–17TA), filed March 19, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donell (same as applicant). *Flour, in bulk,* from Topeka, KS to Zanesville, OH. Supporting shipper: Seaboard Milling Corp., 9000 W. 67th St., Shwanee Mission, KS 66201.

MC 114632 (Sub-4–28TA), filed March 20, 1981. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same as applicant). *Lumber or Wood Products (STCC 24),* between Beltrami County, MN on the one hand, and points in IL, IN, IA, KS, KY, MI, MN, NE, ND and SD on the other. Supporting shipper: The Mead Corporation, Courthouse Plaza, NE, Dayton, OH 45463.

MC 118202 (Sub-4–19TA), filed March 19, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Edina, MN 55424. *Meat, meat products, meat by-products and related products distributed by meat packinghouses* from Holcomb, KS, to points in AL, AZ, AR, CA, CO, FL, GA, ID, LA, MS, MT, NV, NM, NC, OK, OR, SC, TN, TX, UT, WA and WY. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 133689 (Sub-4–75TA), filed March 19, 1981. Applicant: OVERLAND EXPRESS, INC., 9651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such articles as are dealt in by building and home improvements contractors and materials, supplies and equipment used in the manufacture and distribution of such articles,* between the facilities of Therma-Tru Division of L.S.T. Inc. at Van Buren, AR; Colorado Springs, CO and Toledo, OH, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Therma-Tru Division of L.S.T. Inc., 2606 N. Reynolds Rd., Toledo, OH 43615.

MC 134305 (Sub-4–2TA), filed March 19, 1981. Applicant: HAMM TRUCKING, INC., R.R. No. 1, Erie, IL 61250. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Plastic pellets or plastic powder (except in bulk) and materials and supplies used or useful in the manufacture or distribution of plastic pellets and plastic powder,* between Clinton, IA, on the one hand, and, on the other, points in MA, NH, TX, OK, AR, KS, MO, AL, GA, NC, SC, MS, and LA. Supporting shipper: Chemplex Company, 3100 Golf Road, Rolling Meadows, IL 60008.

MC 134940 (Sub-4–1TA), filed March 19, 1981. Applicant: VERNON KUFAHL d.b.a. KUFAHL TRUCKING, 4704 N. 32nd Avenue, Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract; such commodities as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products (except commodities in bulk)* between the facilities of Rhinelander Paper Company, Inc., at or near Rhinelander, WI, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, OH and TN. Restricted to a service to be performed under a continuing contract(s) with Rhinelander Paper Company, Inc., Rhinelander, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Rhinelander Paper Company, Inc., 515 West Davenport, Rhinelander, WI 54501.

MC 139928 (Sub-4–1TA), filed March 19, 1981. Applicant: AMERICAN COACH LINES, INC., 2611 West Grand Ave., Wisconsin Rapids, WI 54494. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Suite 307, Edina, MN 55424. *Common: Regular Passengers and their baggage, and express and newspapers in the same vehicle with passengers;* between Fond duLac, WI, and Milwaukee, WI, serving all intermediate points: from Fond duLac, WI, over U.S. Highway 41 to Milwaukee, WI, from Fond duLac, WI, over U.S. Highway 45 to Junction U.S. Highway 41 thence over U.S. Highway 41 to Milwaukee, WI. Applicant intends to tack to authority. Supporting shippers: There are 12 supporting shippers.

MC 144576 (Sub-4–1TA), filed March 19, 1981. Applicant: HILLSDALE COUNTY RAILWAY CO., INC., 50 Monroe Street, Hillsdale, MI 49242. Representative: John D. Heffner, Esq., Suite 307, 2011 I Street NW., Washington, DC 20006. *General commodities (except classes A & B explosives and commodities in vehicles equipped with mechanical refrigeration)* between points in Steuben County, IN, and Hillsdale and Branch Counties, MI. Supporting shipper(s): Angola Lumber Co., Angola, IN; Moore Business Forms, Angola, IN; Steuben County Farm Bureau, Angola, IN.

Note.—Applicant intends to tack this authority with its existing authority at Hillsdale, MI, and to interline with rail carriers at Detroit, MI, and Toledo, OH.

MC 144630 (Sub-4–17TA), filed March 19, 1981. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Meat and packinghouse products,* from points in IL and OH to Los Angeles, CA; Dallas, TX; and Memphis, TN. Supporting shipper: The Kroger Company, 1014 Vine Street, Cincinnati, OH.

MC 144889 (Sub-4–2TA), filed March 20, 1981. Applicant: RONWAL TRANSPORTATION, INC., 2600 Calumet Avenue, Hammond, IN 46320. Representative: Walter C. Rymarowicz (same address as Applicant). *Metal products* between points in Cook County, IL on the one hand, and on the other, points in Porter County, IN. Supporting shipper: J. & S. Tin Mill Products Company, Inc., 3400 North Powell Avenue, Franklin Park, IL 60131.

MC 145574 (Sub-4–3TA), filed March 19, 1981. Applicant: RUSS'S MOTOR SERVICE, INC., 5070 Lake Street, Melrose Park, IL 60160. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *General commodities having a prior or subsequent movement by rail or water* (except Classes A and B explosives and commodities in bulk), between Cook and Lake Counties, IL, on the one hand, and, on the other, points in OH and PA. Supporting shippers: Catalina Furniture Co., Inc., 4903 Long Beach Ave. W., Los Angeles, CA; West America Corp., 2883 E. Victoria, Compton, CA; Mozar Industries, Inc., 15002 S. Avalon Blvd., Gardena, CA; Pacific Frames, Inc., 12839 Chadron, Hawthorne, CA; and North Star Furnishings Mfg., 3816 Medford St., Los Angeles, CA.

MC 145636 (Sub-4–6TA), filed March 19, 1981. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ Plaza East, P.O. Box 676, Winona, MN 55987. (1) *Furniture* and *furniture*

parts and (2) *such articles as are used in the sale, manufacture and distribution* of those commodities named in (1) above. Between Arcadia, WI on the one hand and all points in the U.S. on the other. Supporting shipper: Ashley-Arcadia Furniture Company, Arcadia, WI 54612.

MC 145074 (Sub-4–4TA), filed March 19, 1981. Applicant: HIDATCO, INC., P.O. Box 356, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract: Lumber, lumber products and wood products,* from Minneapolis, MN and points in CA, ID, MT, OR and WA, to points in IA and WI under contract(s) with Canton Redwood Sales Co., Canton Lumber Sales Co., and Canton Redwood Yard, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Canton Redwood Sales Co., Canton Lumber Sales, Co. and Canton Redwood Yard, Inc., P.O. Box 9326, Minneapolis, MN 55440.

MC 146758 (Sub-4–4TA), filed March 18, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main Street, Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same as Applicant). *Lumber and wood products* between points in Marion and Baxter Counties, AR on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Cotter Mfg. Co., P.O. Box 100, Cotter, AR 72626.

MC 149457 (Sub-4–9TA), filed March 20, 1981. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Avenue, Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Such merchandise as is dealt in by retail department stores and materials, equipment and supples used or useful in the manufacture, sale or distribution of the involved commodities,* between Seattle, WA and points in the Seattle, WA commercial zone, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA. Underlying ETA seeks 120 days authority. Supporting shippers: Lamont's, 1511 Sixth Avenue, Seattle, WA 98101; Frederick & Nelson, 5th & Pine, Seattle, WA 98111; and The Bon, 17000 South Center Parkway, Seattle, WA 98188.

MC 149497 (Sub-4–19TA), filed March 19, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract:* Machinery between Springfield, IL and points in the U.S., under continuing contract with Fiat-Allis Construction Machinery, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Fiat-Allis Construction Machinery, Inc., 3000 South Sixth Street, Springfield, IL 62710.

MC 153148 (Sub-4–2TA), filed March 19, 1981. Applicant: MERLE HOUGH, P.O. Box 2, Detroit Lakes, MN 56501. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Machined metal parts and packaging supplies (except in bulk, in tank vehicles),* (a) from Seattle, WA, Minneapolis, MN, and Chicago, IL to Detroit Lakes, MN, (b) from Detroit Lakes, MN to points in ND, SD, WI, IL, IA, MT and WY, and (c) from Minneapolis, MN to points in WI, IA and IL. Restricted to traffic originating at or destined to the facilites of RBJ Sales, Inc., or its customers or suppliers. An underlying ETA seeks 120 days authority. Supporting shipper: RBJ Sales, Inc., P.O. Box 1360, Detroit Lakes, MN 56501.

MC 153639 (Sub-4–11TA), filed March 20, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Paperboard cartons,* from Minneapolis, MN and points in its commercial zone to Laredo, TX and points in its commercial zone. Supporting shipper: Kustom Die, Inc., 3436 North Kilmer Lane, Minneapolis, MN 55441.

MC 154205 (Sub-4–1TA), filed March 18, 1981. Applicant: MICHELSON FARMS, INC., Route 2, Elbow Lake, MN 56531. Representative: Dennis J. Helseth, Box 4002, Elbow Lake, MN 56531. *Contract: Iron, steel and concrete stairways and parts therefore,* between Chicago, IL, Commercial Zone and Minneapolis, MN. Supporting Shipper: American Stair Corporation, Inc., One American Stair Plaza, Willow Springs, IL 60480.

MC 154483 (Sub-4–1TA), filed March 19, 1981. Applicant: JUSTIN D. ATEN, 8128 Mackinaw Trail, Cadillac, MI 49601. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. *Lumber and wood products,* between points in Wexford County, MI on the one hand, and, on the other, points in IL, IN, MI and OH. Supporting shipper: Michigan Northern Railway Co., Inc., 110 W. North St., Cadillac, MI 49601.

MC 154570 (Sub-4–1TA), filed March 19, 1981. Applicant: G & G EXPRESS, 4585 S. Harding St., Indianapolis, IN 46217. Representative: Gerry Hall (same adddress as above). *Cleaning and polishing compounds* between Brazil and Terre Haute, IN, on the one hand, and, on the other, points in CO, GA, IL, MA, MI, MO, OK, PA, TN, TX, VA, WI and WV. Supporting shipper: Continental Chemical Corp., P.O. Box 994, Terre Haute, IN.

MC 154766 (Sub-4–1), filed March 16, 1981. Applicant: JOHN A. VERIHA d.b.a. PAPER RECLAIM, Rt 1 Box 271A, Porterfield, WI 54159. Representative: John A. Veriha, P.O. Box 237, Menominee, MI 49858. *Contract: Finish products manufactured by Tufco Industries, Inc. & Paper,* between the facilities of Tufco Industries, Inc. on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to the transportation of Tufco Industries, Inc. with a continuing contract. Supporting shipper: Tufco Industries, Inc., P.O. Box 1291, Green Bay, WI 54305.

MC 154772 (Sub-4–1TA), filed March 18, 1981. Applicant: CUTLER–MAGNER COMPANY, 12th Avenue and The Waterfront, P.O. Box 60807, Duluth, MN 55802. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. *Sand and concrete mix,* from Eau Claire, WI to Proctor, MN. Supporting shipper: ASDCO, Inc., P.O. Box 6186, Duluth, MN 55806.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 200 (Sub-5–100TA), filed March 20, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Pulp, paper and related products, and materials, supplies, and equipment used in the manufacture and distribution of such products,* between points in Coconino County, AZ; Los Angeles and Orange Counties, CA; Mayes County, OK; and Columbia County, OR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Orchid Paper Products, 5911 Fresca Drive, La Palma, CA 90622.

MC 15511 (Sub-5–1TA), filed March 19, 1981. Applicant: CARSTENSEN FREIGHT LINES, INC., P.O. Box 878, Highway 30, West, Clinton, IA 52732. Representative: Paul J. Maton, 10 S. La Salle St., Chicago, IL 60603. *General commodities (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, articles of unusual value, and commodities requiring special equipment),* between points in IA on and

East of U.S Hwy 169, and points in IL with service to the off-route points of Vincennes, IN, Canton, MO, Hannibal, MO, St. Louis, MO and Beloit, WI. Supporting shippers: 22.

MC 21455 (Sub-5–1TA), filed March 19, 1981. Applicant: GENE MITCHELL CO., West Liberty, IA 52776. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Food and related products and restaurant supplies and equipment,* (1) Between pts in IA, on the one hand, and, on the other, pts in AR, CA, ID, IL, IN, KY, MI, MN, MO, NY, OH, OR, PA, WA, and WI; and (2) Between pts in CA, on the one hand, and, on the other, pts in IL, IA, KS, MN, MO, NE and SD. Supporting shippers: Old Capitol Distributing Co., Inc., 125 Potomac Drive, Iowa City, IA; Hawkeye Wholesale Groc. Co., Inc., P.O. Box 1820, Hwy 6 West, Iowa City, IA.

MC 35320 (Sub-5–49TA), filed February 13, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, Lubbock, TX 79408. Representative: Kenneth G. Thomas (address same as applicant). Common, regular. *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Charlotte, NC, and its commercial zone as an off-route point in connection with carrier's otherwise authorized regular route operations. Supporting shippers: Seven.

Note.—Applicant intends to tack and interline.

MC 35320 (Sub-5–54TA), filed March 19, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same as applicant). Common, regular. *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Winchester, VA and its commercial zone as an off-route point in connection with carrier's otherwise authorized regular-route operations. Supporting shipper: Abex Corporation, 530 Fifth Ave., New York, New York.

Note.—Applicant intends to tack and interline.

MC 53965 (Sub-5–9TA), filed March 19, 1981. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Drawer 1387, Salina, KS 67401. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *General Commodities (except Classes A and B explosives)* between Shawnee County, KS, on the one hand, and points in the U.S. on the other. Supporting shipper: Volume Shoe Corp., 3231 East 6th Street, Topeka, KS 66607.

MC 55961 (Sub-5–1TA), filed March 19, 1981. Applicant: RAYFORD SADBERRY TRUCKING, P.O. Box 305, Holliday, TX 76366. Representative: Rayford Sadberry (same as applicant). Contract: Irregular. *Oilfield commodities and equipment,* between points in TX and NM, under continuing contract(s) with G & B Pipe and Equipment Co., Inc. Supporting shipper: G & B Pipe & Equipment Co., Inc., P.O. Box 2005, Wichita Falls, TX 76307.

Note.—Applicant intends to tack.

MC 61396 (Sub-5–12TA), filed March 20, 1981. Applicant: HERMAN BROS., INC., P.O. Box 391, Omaha, NE 68102. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Cement, in bulk,* from West Lake, LA to points in TX. Supporting shipper(s): Ideal Basic Industries, Cement Division (Louisiana), P.O. Box 7487, Metairie, LA.

MC 80730 (Sub-5–2TA), filed March 20, 1981. Applicant: MAGNOLIA TRANSPORTATION CO., INC., 5121 Oates Road (P.O. Box 24458), Houston, TX 77013. Representative: Lester R. Gutman, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. *Contract; irregular; Mercer commodities* between points in TX and LA, on the one hand, and, on the other, points in CA, under continuing contract(s) with Subsea International, Inc. of New Orleans, LA, and Pool Offshore Company, of Harvey, LA. Supporting shippers: Subsea International, Inc., 500 Dakin Street, Jefferson, IN 80121 and Pool Offshore Company, P.O. Box 621, Harvey, LA 70059.

MC 119399 (Sub-5–54TA), filed March 19, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Petroleum Products and Materials and Supplies used in the manufacture of Petroleum Products (except commodities in bulk)* between Spencer, IA; Omaha, NE; Olathe and Wichita, KS; on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Southwest Petro-Chem, Inc., Olathe, KS 66061.

MC 123987 (Sub-5–5TA), filed March 20, 1981. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, OK 73554. Representative: Jewett Scott Jr., P.O. Box 267, Mangum, OK 73554. *Chemicals and allied products,* between points in CO, KS, NM, OK, TX and WY. Supporting shipper: Foremost-McKesson Chemical Group, 3525 North Causeway Boulevard, Metairie, LA 70002.

MC 124174 (Sub-5–43TA), filed March 20, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *(1) Building construction, manufacturing, divider, floor, roof, wall panels and sections, and equipment materials and supplies (except liquid commodities in tank vehicles) used in the manufacture thereof (2) packaging materials and packaging machinery,* (1) between Merrimack County, NH and points in the U.S.A. and (2) from Essex County, MA to points in VT, ME, NH, CT, NY, NJ, PA, MD, IL, WI, OH, IN, FL, GA, and MN. Shipper(s): Kalwall Corp., 1111 Candia Road, Manchester, NH 03105; L. F. & P., Inc., 14 Walnut Street, Peabody, MA 01960.

MC 125350 (Sub-5–1TA), filed March 19, 1981. Applicant: D. R. BURGHER, INC., Box 65, Audubon, IA 50025. Representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, IA 50309. *Machines* from Adel, IA to pts in the U.S. Supporting shipper: Straight Engineering Co., Box 176, Adel, IA.

MC 126118 (Sub-5–58TA), filed March 20, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Beverages,* between pts in GA, on the one hand, and, on the other, pts in TN. Supporting shipper: George Dinwiddie Distributing Co., Inc., Gerald E. Brock, Office Manager, 5901 Casey Drive, Knoxville, TN 37919.

MC 128007 (Sub-5–7TA), filed March 19, 1981. Applicant: HOFER, INC., 20th and 69 ByPass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Lumber and wood products,* from points in CA, ID, MT, OR, WA and WY to points in AR, KS, MO, OK, NE and TX. Supporting shipper: Slaughter Brothers, Inc., P.O. Box 38670, Dallas, TX 76238.

MC 133562 (Sub-5–2TA), filed February 2, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, Highway 4, P.O. Box 115, Estherville, IA 51334. Representative: Merle Johnson (same address as applicant). *Absorbent ground clay* from points in GA to points in IA, MN, NE, ND and SD. *Non-exempt food and kindred products* between Cedar Rapids, IA to points in the U.S. (except AK and HI). *Petroleum products,* except in bulk, from Bradford and Oil City, PA; Congo, WV; Ashland, KY; Port Arthur, TX; Chicago, IL and its commercial zone; Ponca City, OK to points in IA, IL, MN, NE, ND and SD. *Automobile parts, materials and supplies,* from Chicago, IL; Indianapolis, IN; Kansas City, MO; St. Louis, MO and Detroit, MI and their respective commercial zones to points in IA, MN, NE, ND and SD. *Tomato paste*

and canned goods from points in CA to points in IA, MN and NE. Supporting shippers: 3.

MC 133562 (Sub-5-6TA), filed March 19, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, Highway No. 4, P.O. Box 115, Estherville, IA. Representative: Merle L. Johnson (same address as applicant). *Cotton yarn, Synthetic yarns, and Cotton Materials*, from Hickory and Laurinburg, NC; Lincolnton, GA; Brenham and Laredo, TX to Des Moines, IA. *Clothing*, from New York, NY and its commerical zone to pts in MN, WI, IA, IN, OH, ND and SD. *Snowmobiles and motorcycles, and parts, materials and supplies*, from Jacksonville, FL; Seattle, WA; Los Angeles, CA; Rock Island and Chicago, IL; Minneapolis, MN to pts in IA, MN and SD. Supporting shippers: Dickson Industries, Inc., 325 SW 5th St., Des Moines, IA; Belscot Retailers, Inc., 80 Enterprise Avenue, Secaucus, NJ 07094, and Al's Auto Service, Inc., 827 W. Central Avenue, Estherville, IA 51334.

MC 135797 (Sub-5-107TA), filed March 20, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Such commodities as are dealt in or used by manufacturers of toy and play apparatus*, between Logan County, AR on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: Wolverine Toy Co., Highway 10 East, Booneville, AR 72927.

MC 136816 (Sub-5-1TA), filed March 20 , 1981. Applicant: THE UNIVERSE COMPANY, 3523 "L" Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 8202 W. Dodge Rd., Omaha, NE 68114. *Meat and packinghouse products*, from Omaha, NE to Kansas City, MO–KS. Supporting shipper: Midwest Boneless Meat of Kansas, Inc., 5252 Speaker Road, Kansas City, KS 66106.

MC 142389 (Sub-5-1TA), filed March 19, 1981. Applicant: ELLERBROCK TRUCKING, INC., Highway 20 East, Sac City, IA 50583. Representative: Ronald R. Adams or Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Popcorn packed in oil*, between pts in Sac and Linn Counties, IA, on the one hand, and, on the other, pts in the U.S. Supporting shipper: National Oats Company, 1515 "H" Avenue N.E., Cedar Rapids, IA 52402.

MC 143257 (Sub-5-1TA), filed March 19, 1981. Applicant: CHAMBERS, LTD., 405 South DeKalb Street, P.O. Box 304 Corydon, IA 50060. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Horticultural equipment, implements, and tools*, (2) *plastic articles*, (3) *insecticides, plant foods, and fertilizer, and (4) equipment, materials, and supplies* used in the manufacture or distribution of the products in (1), (2), and (3) above, between Polk County, IA, on the one hand, and, on the other, all pts in the U.S. in and west of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of Ross Daniels, Inc. Supporting shipper: Ross Daniels, Inc., 1720 Fuller Road, West Des Moines, IA 50265.

MC 145475 (Sub-5-2TA), filed March 20, 1981. Applicant: FRONTIER LEASING, INC., Route 7, Box 173, Joplin, MO 64801. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804. *Contract* irregular *Bar stock, steel bars, springs and tooling, spring steel, wire elliptic, and motor vehicle machinery*, between points in the 48 contiguous states. Supporting shipper: Norris Industries, Incorporated, 1901 Commerce Drive, Fayetteville, AR.

MC 149169 (Sub-5-3TA), filed March 20, 1981. Applicant: INTERCOASTAL CONTAINER SERVICE CORP., 2003 MacArthur Drive, Orange, TX 77630. Representative: Harry S. Jenkins (same as applicant). *General Commodities, except household goods as defined by the Commission and Class A and B explosives, having a prior or subsequent movement by water or rail*, between Harris, Galveston, Jefferson, and Orange Counties, TX, on the one hand, and, on the other, all points in the states of OK, LA, AR, MS, and other points in TX. Supporting shipper: Orange County Navigation and Port District, 1201 Childers Road, Orange, TX 77630.

MC 149566 (Sub-5-2TA), filed March 20, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract;* Irregular. *Food Seasonings and Sauces, Chemicals, Compounds, Plastics, Resins, and Synthetic Fibers (except in bulk)*, between points in GA, LA, MI, MS, MO, NJ, PA, and VA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. Supporting shipper: Hercules Incorporated of San Francisco, CA.

MC 150678 (Sub-5-29TA), filed March 19, 1981. Applicant: STEVENS TRANSPORT, a Division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same as applicant). *Foodstuffs (except in bulk)* from Clifton, NJ to points in KS, OK, AR, TX and LA. Restricted to traffic originating at Globe Products Co., Inc. Supporting shipper: Globe Products Company, Inc., 55 Webro Road, Clifton, NJ 07015.

MC 151134 (Sub-5-2TA), filed March 19, 1981. Applicant: KARTRAN INCORPORATED, 3310 Bobie Lane, Garland, TX 75042. Representative: Kipling W. Castleberry (same as applicant). *New, used, and antique furniture, waste cloth products, and raw materials consisting of brass rod and copper tubing*, between the port of Houston, TX and Dallas, Forth Worth, and Greenville, TX, and their commercial zones, having a prior or subsequent movement by water. Supporting shippers: Sol Levine Export Co., 301 Drowdus St., Dallas, TX 75226; Joe Small Auctioneers, Inc., 3114 Garden Brook Dr., Dallas, TX 75234; Red's Antiques, Inc., IS20, Forney, TX 75126; U.S. Brass Corporation, 901 10th St., Plano, TX 75074.

Note.—Applicant intends to tack.

MC 151644 (Sub-5-3TA), filed February 27, 1981. Applicant: WILDCAT TRUCKING COMPANY, 6810 Dollarway Road, Pine Bluff, AR 71602. Representative: M. Douglas Wood, 2500 McCain Blvd., Suite 103, North Little Rock, AR 72116. *Electric transformers*, between Jefferson County, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Central Maloney Transformer Div., 2400 W. 6th St., Pine Bluff, AR 71601.

MC 153163 (Sub-5-2TA), filed March 20, 1981.Applicant: HOWARD D. and BEVERLY J. SCROGGINS, d.b.a. CROSSROADS CHARTER COACHES, Rt. 4, Box 158–A, Joplin, MO 64801 Representative: (same as applicant). *Passengers and their baggage* in special and charter operations in round-trip pleasure tours, beginning and ending at points in Newton County, MO. Supporting shippers: 5.

MC 153776 (Sub-5-1TA), filed February 12, 1981. Applicant: SOUTHLAND HOT SHOT SERVICE, INC., P.O. Box 2618, Houma, LA 70361. Representative: Janet Boles Ghambers, 8211 Goodwood Boulevard, Suite C-2, Baton Rouge, LA 70806. *Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and*

picking up thereof, between points in TX, OK, AR, MS, AL, FL, NM, CO, WY, and LA. Supporting shippers: There are fifteen supporting shippers.

MC 154115 (Sub-5–1TA), filed March 20, 1981. Applicant: SERVICE TRUCKING, INC., 502 Parke, Pratt, KS 67124. Representative: Kenneth E. Roberts (same as above). Contract; Irregular. *General Commodities, except Classes A and B explosives and hazardous waste,* between points in the U.S. Supporting shippers: Mud-Co, Inc., 110 N. Market, Suite 213, Wichita, KS 67202; Chem Serv, Inc., 110 N. Market, Suite 218, Wichita, KS 67202.

MC 154461 (Sub-5–1TA), filed March 19, 1981. Applicant: VILLAGE CHARTERS, INC., Suite 404, Colorado Derby Bldg., 202 W. First, Wichita, KS 67202. Representative: Mark S. Marney, (same as applicant). *Passengers, and their baggage,* in special and charter operations, between points in Sedgwick County, KS, on the one hand, and on the other, points in the U.S. (including AK but excluding HI). Supporting shippers: 7.

MC 154520 (Sub-5–1TA), filed March 20, 1981. Applicant: C&D DELIVERY SERVICE, INC., 5415 Maple Ave., Suite 418, Dallas, TX 75235. Representative: Curtis I. Hayes, Sr., 5415 Maple Ave., Suite 418, Dallas, TX 75235. *General commodities,* between the TOFC Ramp facilities at Dallas and Fort Worth, TX, on the one hand, and, on the other, points in TX, with a prior or subsequent movement by rail. Supporting shippers: Bay Area Piggyback, 1355 5th St., Oakland, CA 94607; National Piggyback Services, 11325 Pegasus, Suite S-118, Dallas, TX 75238; Sunbelt Consolidators, P.O. Box 201044, Dallas, TX 75220.

MC 154600 (Sub-5–1TA), filed March 19, 1981. Applicant: TOMMY L. FINDLEY, P.O. Box 51, Morrilton, AR 72110. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. *Planed Kiln Dried Hardwood, Exotic Woods and Plywood,* between Lake Village, Hamburg and Little Rock, AR on the one hand, and, on the other, points in OR, WY, WA, ID and MT. Supporting shipper: Lake Side Supply, Lake Village, AR.

MC 154765 (Sub-5–1TA), filed March 20, 1981. Applicant: NORTHSTAR TRANSPORTATION, INC., 10951 Lakeview Ave., Lenexa, KS 66219. Representative: Stanley O. Wilson (same address as applicant). Contract; Irregular. *Potting soil in packages on pallets and related supplies* between points in the U.S. except AK and HI. Supporting shipper: Stim-U-Plant Laboratories, Inc., 2077 Parkwood Ave., Columbus, OH 43219.

MC 154804 (Sub-5–1TA), filed March 19, 1981. Applicant: MARVIN H. GRIPPIN, d.b.a. LEASECO, P.O. Box 36, Farwell, TX 79325. Representative: Marvin H. Grippin (same address as applicant). (1) *Hides,* from Guymon, OK, and various points in TX to various points in CA. Supporting shipper(s): Southwestern Trading Co., P.O. Box 33279, Houston, TX 77033.

MC 154806 (Sub-5–1TA), filed March 19, 1981. Applicant: C. M. PENN & SONS, INC., Route 1, Box 249A, Greenwell Springs, LA 70739. Representative: Jackson Salasky, P.O. Box 45536, Dallas, TX 75245. Contract; irregular; *waste material, hazardous and/or non-hazardous* between AL and LA. Supporting shipper(s): Shell Oil Company, P.O. Box 2099, Houston, TX 77001; PPG Industries, Inc., P.O. Box 1000, Lake Charles, LA 70602.

MC 2900 (Sub-5–7TA), filed March 17, 1981. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, INC., 2301 McKinley St., Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45536, Dallas, TX 75245. Common; regular; *general commodities (except Classes A & B Explosives),* between Dallas, TX and Houston, TX over Interstate Hwy. 45, serving all intermediate points. Supporting shipper(s):Woodline Motor Freight, Inc., Airport Rd., Russellville, AR 72801.

Note.—Applicant intends to interline.

MC 106398 (Sub-5–64TA), filed March 18, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Metal produces and accessories* between Harris County, TX, on the one hand, and, on the other, all points in the United States (except AK and HI) Supporting shipper: United Structures of America, Inc., 1912 Buschong, Houston, TX 77039.

MC 107496 (Sub-5–57TA), filed March 17, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, Attorney, P.O. Box 855, Des Moines, IA 50304. *Barium carbonate (dry),* from Coffeyville, KS, to Circleville, OH. Supporting shipper: Sherwin Williams Co., P.O. Box 855, Coffeyville, KS 67337.

MC 129032 (Sub-5–6TA), filed March 17, 1981. Applicant: TOM INMAN TRUCKING, INC., 5656 S. 129th East Avenue, Tulsa, OK 74145. Representative: Michael H. Lennox, 8903 North Western Ave., Oklahoma City, OK 73114. *Building Materials;* from Tulsa County, OK to ID, MT, OR, WA, and WY. Supporting shipper: Dryvit Systems, Inc., 5858 S. 116th St. West Ave., Tulsa, OK 74107.

MC 138104 (Sub-5–6TA), filed March 17, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Hides,* between points in the U.S., except AK and HI, on the one hand, and, on the other, points on the International Boundary Line between the U.S. and Mexico, in TX. Supporting shipper: Harland M. Braun Company, 4010 Whiteside Street, Los Angeles, CA 90063.

MC 144117 (Sub-5–7TA), filed March 17, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers of Foodstuffs and pharmaceuticals,* Between points in Vandenburgh and Posey Counties, IN, and Green County, MO, on the one hand, and on the other, points in Middlesex County, NJ; Denver, County, CO; Norfolk County, MA; Duval and Dade Counties, FL; Mecklenburg County, NC; Dallas and Harris Counties, TX; Cook County, IL; Jackson County, MO; Hinds County, MS; Wayne County, MI; Hennepin County, MN; Fulton County, GA; Clackamas County, OR; Alameda and Los Angeles Counties, CA; Beaver County, PA; and King County, WA. Supporting shipper: Mead Johnson & Company, 2404 Pennsylvania Ave., Evansville, IN 47721.

MC 144117 (Sub-5–8TA), filed March 18, 1981. Applicant: TLC LINES, INC., 1666 Fabick Drive, Fenton, MO 63026. Representative: William D. Brejcha, Esq., 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Such commodities as are manufactured, distributed or used by manufacturers and distributors of welding equipment,* between points in Miami County, OH, on the one hand, and, on the other, points in the U.S. Supporting shipper: Hobart Brothers Co., 600 W. Main St., Troy, OH 45373.

MC 144622 (Sub-5–76TA), filed March 18, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Foodstuffs (except in bulk)* from the facilities of American Home Foods located at or near La Porte, IN to points in MO, OK, and TX. Supporting shipper: American Home Foods Division of American Home Products Corporation, 685 Third Avenue, New York, NY 10017.

MC 145240 (Sub-5-3TA), filed March 17, 1981. Applicant: J. D. BRINKMAN TRUCKING CORPORATION, 520 N. Wildwood, Irving, TX 75060. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. Contract: irregular; *foodstuffs and related products;* from the facilities of New Orleans Cold Storage and Warehouse Company, Ltd., located at or near New Orleans, LA, to points in Dallas, Ft. Worth and Paris, TX. Supporting shipper(s): New Orleans Cold Storage & Wholesale Co., Ltd., P.O. Box 895, Metairie, LA 70004.

MC 147536 (Sub-5-10TA), filed March 17, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton, P.O. Box 1567, Joplin, MO 64801 (same as applicant). *Paper and Plastic Products, Materials, Equipment, and Supplies used in the manufacture and distribution of paper and plastic products,* between points in the U.S. (restricted to the transportation of traffic originating at or destined to the facilities used by Lily Division of Owens-Illinois.) Supporting shipper: Lily Division of Owens-Illinois, P.O. Box 1035, Toledo, OH 43666.

MC 147536 (Sub-5-11TA), filed March 17, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton, P.O. Box 1567, Joplin, MO 64801 (same as applicant). *(1) Charcoal, Charcoal Products; and, (2) Materials, Equipment, and Supplies used in the manufacture and distribution of commodities in (1) above* between points in Baxter County, AR, on the one hand, and, on the other, points in AL, AZ, CA, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, and WI. Supporting shipper: Cotter Charcoal Co., P.O. Box 100, Cotter, AR 72626.

MC 151641 (Sub-5-2TA), filed March 17, 1981. Applicant: WILLIAM E. JOHNSON, d.b.a. WILLIAM E. JOHNSON TRUCKING CO., 11211 Sherman Avenue, Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Food and related products;* from 1) Liberal, KS to Houston, Temple, Sherman, Waco, Ft. Worth, and Lufkin, TX; Tulsa, Oklahoma City, Enid, and Lawton, OK and 2) from Oklahoma City, OK to Richardson, TX. Supporting shippers(s): National Beef Packing Co., Inc., P.O. Box 978, Liberal, KS 67901; Skaggs Companies, Inc., 1100 Executive, Richardson, TX 75080.

MC 153133 (Sub-5-7TA), filed March 17, 1981. Applicant: TRANS AMERICAN TRANSPORTATION SYSTEM, INC., 611 Jackson Street, Suite 108, Richmond, TX 77469. Representative: Patrica L. Altman, 2523 Avenue H, Rosenberg, TX 77471. *Iron and Steel Articles, Pipe,* and *related commodities.* (1) between points in KS, and OK, and, (2) between points in TX, on the one hand, and, points in OK, KS, and CO, on the other hand. Supporting shippers: There are seven supporting shippers.

MC 153328 (Sub-5-3TA), filed March 17, 1981. Applicant: RED K. TRANSPORT, INC., 2545 Peach Tree Street, Cape Girardeau, MO 63701. Representative: G. H. Boles, 321 North Spring Avenue, Cape Girardeau, MO 63701. *Electric motors, electrical apparatus and appliances (except commodities requiring the use of special equipment), and materials, equipment and supplies used in the manufacture and distribution thereof;* (1) between points in AR, IL, IN, IA, KS, KY, MI, MS, MO, OH, SC and TN and (2) points in (1) on the one hand, and, on the other, points in the U.S. (except AK and HI. Supporting shippers: Emerson Electric Corporation, P.O. Box 3946, St. Louis, MO 63136.

MC 154030 (Sub-5-1TA), filed March 17, 1981. Applicant: R. A. BURNS, d.b.a. RED BIRD HOT SHOT SERVICE, Route 9, Gotfried Street, Victoria, TX 77901. Representative: Robert J. Birnbaum, 3636 Executive Center Drive, Suite 151, Austin, TX 78731. *Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with, the construction, repair, servicing, maintenance, and dismantling of pipelines* between Victoria and Calhoun Counties, TX, on the one hand, and, on the other, points in the U.S. Supporting shippers: There are five supporting shippers.

MC 154442 (Sub-5-1TA), filed March 17, 1981. Applicant: K AND W CO., 3414 Willow Park, Stillwater, OK 74074. Representative: Michael H. Lennox, 8903 North Western Avenue, Oklahoma City, OK 73114. Contract; Irregular, *Farm Implements and Farm Machinery,* between OK on the one hand, and on the other, IA and IL. Supporting shippers: Longs, Inc., Box 549, Garber, OK 73738.

MC 154468 (Sub-5-1TA), filed March 18, 1981. Applicant: JOE T. LASLEY, d.b.a. LASLEY TRUCKING COMPANY, Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr., Route One, Mt. Vernon, AR 72111, (501) 849-2589. Contract; Irregular. *(1) Particleboard, (2) steel having prior water or rail movement, and (3) brass, aluminum, iron and steel articles,* (1) from Simsboro, LA on the one hand to the facilities of Virco Mfg. Corporation, Conway, AR on the other hand, (2) (a) from Memphis, TN on the one hand, to points in AR on the other hand and (b) from Little Rock, AR on the one hand to points in AR on the other hand, and (3) between the facilities of Vincent Brass and Aluminum Company, Little Rock, AR on the one hand and points in AL, MS, MO, OK, and TN on the other hand, restricted in (2)(a) and (2)(b) above to shipments destined to either Virco Mfg. Corporation, Conway, AR or Vincent Brass and Aluminum Company, Little Rock, AR, under continuing contracts with Virco Mfg. Corporation and Vincent Brass and Aluminum Company. Supporting shippers: Virco Mfg. Corporation, Hwy 65 So., P.O. Box 5000, Conway, AR 72032 and Vincent Brass and Aluminum Company, 8909 Fourche Dam Pike, Little Rock, AR 72206.

MC 154745 (Sub-5-1TA), filed March 17, 1981. Applicant: HAROLD E. or RITA M. JOHNSON, d.b.a. TRANSPORT SERVICE, 5423 South 93rd St., Omaha, NE 68127. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Automobiles and trucks, in truckaway service,* between Randolph, Atkinson, Omaha and Bellevue, NE, and Council Bluffs, IA, on the one hand, and, on the other, points in KS, CO, SD, MN, IA, MO, OK, IL, NE and WY. Supporting shippers: National Auto Sales, Bluffs Toyota, Inc., Old Mill Toyota, Galyen Motor Company, Inc., Randolph Ford-Mercury.

MC 154750 (Sub-5-1TA), filed March 17, 1981. Applicant: D & H TRUCKING, INC., P.O. Box 82, Holbrook, NE 68948. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Lumber and wood products,* from the facilities of Feeler Lumber, at or near Rolla, MO, to points in the states of CO, IA, IL, KS, and OK. Supporting shipper: Feeler Lumber, Route 2, Rolla, MO 65401.

MC 154755 (Sub-5-1TA), filed March 17, 1981. Applicant: NORTHWEST IOWA TRANSPORTATION, INC., R.R. #1, Palmer, IA 50571. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Passengers and their baggage, in round trip special and charter operations,* beginning and ending at points in Carroll, Greene, Sac, Calhoun, Webster, Hamilton, Buena Vista, Pocahontas, Humboldt, Wright,

Clay, Palo Alto, Kossuth, Hancock, Dickinson, and Emmet Counties, IA, and extending to points in the U.S. Supporting shipper(s): 14.

MC 154777 (Sub-1TA), filed March 18, 1981. Applicant: BETTY J. SETTERBERG AND ROBERT W. SETTERBERG, d.b.a. W & B EXPRESS, Summer Street, R.R. Box 864, Burlington, IA 52601. Representative: Joel H. Steiner, 39 S. LaSalle, Suite 600, Chicago, IL 60603. Contract; Irregular; *general commodities (except classes A & B explosives)* between points in the U.S. under continuing contract(s) with Sheaffer-Eaton Textron. Supporting shipper: Sheaffer-Eaton Textron, 301 Avenue H, Fort Madison, IA.

The following protests were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 154782 (Sub-6-1TA), filed March 18, 1981. Applicant: AMERICAN WEST TOURS, INC., P.O. Box 693, Albuquerque, NM 87103. Representative: Rex D. Borough, 610 Espanola, NE., Albuquerque, NM 87107. *Passengers and their baggage* in the same vehicle with passengers, limited to the transportation of not more than eleven (11) passengers (excluding the driver) in one vehicle at one time, in special operations, sightseeing, and pleasure tours between points in NM, AZ, CO, NV, and UT for 180 days. Supporting shipper: Econotours, Inc., 510 Second Street, N.W., Albuqerque, NM 87101.

MC 154783 (Sub-6-1TA), filed March 18, 1981. Applicant: CARL MOCK, d.b.a. O.C. BRUMSHIRE CO., 1115 Roma, NE., Albuquerque, NM 87106. Representative: David C. Olson, P.O. Drawer 965, Albuquerque, NM 87103. *Contract carrier,* irregular routes: *cosmetics, toilet preparations, and toilet articles, as well as equipment and supplies used in connection with these commodities,* from points in Albuquerque, Bernalillo County, NM to points throughout NM, and to points in the Counties of Montezuma, LaPlata, and Archuleta, CO, including the cities of Durango, Cortez, and Pagosa Springs, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Avon Products, Inc., 63rd and College, Kansas City, MO 61414.

MC 143537 (Sub-6-1TA), filed March 16, 1981. Applicant: CHARLES W. HOLTCAMP d.b.a. C BAR S FARMS, 15731 North County Rd 17, Wellington, CO 80549. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203. *Contract carrier,* irregular routes: *Building materials and those commodities which, because of size or weight, require the use of special handling or equipment,* from Springfield, MO, Chicago, IL, Elgin, IL, or Geneva, UT, to Cheyenne, WY, and from Cheyenne, WY, to points in CO and NE, for the account of Tri-State Steel Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Tri-State Steel Co., P.O. B. 305, Cheyenne, WY 82001.

MC 152238 (Sub-6-7TA), filed March 16, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288 Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Plastic pipe, plastic conduit, & fittings therefor; equipment, materials, supplies and accessories used in the installation thereof,* between Paramount & Woodland, CA, on the one hand and, on the other, points in AZ, CO, ID, NV, OR, UT, WA, & WY, restricted to shipments moving under continuing contract(s) with Carlon Division, Indian Head, Inc., Cleveland, OH, for 270 days. Supporting shipper: Carlon Division, Indian Head, Inc., 2320 Chagrin Blvd., Cleveland, OH 44122.

MC 152238 (Sub-6-8TA), filed March 16, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288 Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Stock steel reinforcing bar,* from Carson, CA to points in AZ & UT, restricted to shipments moving under continuing contract(s) with Soule Steel Corp., Mill Division, Carson, CA for 270 days. Supporting shipper: Soule Steel Corp., Mill Division, P.O. Box 6222, Carson, CA. 90749.

MC 140943 (Sub-6-3TA), filed March 17, 1981. Applicant: CHEYENNE ROAD TRANSPORT, LTD., 232 38th Ave. NE., Calgary, Alberta, CD T2E 2M2. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Animal and poultry feed additives, food additives* from: Springfield, MO, Gabbs, NV and Spokane, WA, to points along the international boundary line adjoining British Columbia, Alberta and Saskatchewan, for 270 days. Supporting shipper: Westhawk Traders, Ltd., 1250 Homer St., Vancouver, B.C. CD V6B 2Y5.

MC 146666 (Sub-6-1TA), filed March 17, 1981. Applicant: EDWARD R. CORCORAN, d.b.a. CORCORAN TRUCKING, P.O. Box 1472, Billings, MT 59103. Representative: Edward R. Corcoran (same address as applicant). *Meat and meat by-products,* from Billings, MT to points in AZ, CA, NM and TX for 270 days. Supporting shipper: Pierce Packing Co., 21 N. 15th, Billings, MT 59101.

MC 154735 (Sub-6-1TA), filed March 17, 1981. Applicant: JAKE'S CRANE & RIGGING, INC., 6109 S. Industrial Rd., Las Vegas, NV 89118. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Articles, the transportation of which, by reason of size or weight, requires the use of special equipment,* between points in CA, NV, AZ and UT for 270 days. Supporting shipper: There are six (6) shippers. Their statements may be examined at the regional office listed.

MC 44606 (Sub-6-6TA), filed March 17, 1981. Applicant: MILNE TRUCK LINES, INC., 2500 W. California Ave., Salt Lake City, UT 84104. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104. *Common Carrier,* Regular routes: *General Commodities,* except classes A & B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment. (1) Between San Francisco, CA and Seattle, WA, from San Francisco over Interstate Hwy 80 to junction Interstate Hwy 505, then over Interstate Hwy 505 to junction Interstate Hwy 5 to Seattle, WA and return over the same route, serving all intermediate points. (2) Between Ontario, OR and junction Interstate Hwys 5 and 205, from Ontario over Interstate Hwy 84 to Portland, OR, then over Interstate Hwy 205 to junction Interstate Hwy 5, and return over the same route, serving all intermediate points. (3) Between Spokane, WA and Ellensburg, WA, over Interstate Hwy 90, and return over the same route, serving all intermediate points. (4) Between junction Interstate Hwy 84 and U.S. Hwy 395 near Stanfield, OR and Seattle, WA, from junction Interstate Hwy 84 and U.S. Hwy 395 near Stanfield, OR over U.S. Hwy 395 to junction U.S. Hwy 730, then over U.S. Hwy 730 to junction WA Hwy 14, then over WA Hwy 14 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction WA Hwy 22, then over WA Hwy 22 to junction U.S. Hwy 97, then over U.S. Hwy 97 to junction Interstate Hwy 82, then over Interstate Hwy 82 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Seattle and return over the same route, serving all intermediate points. (5) Between junction U.S. Hwys 12 and 395 near Pasco, WA and junction U.S. Hwy 395 and Interstate Hwy 90 near Ritzville, WA, over U.S. Hwy 395 and return over the same route, serving all intermediate points, for 270 days. Authority is sought

to serve the commercial zones of all authorized points. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 52 supporting shippers. Their statements can be viewed at the regional office listed. Applicant requests authority to tack and interline.

MC 146822 (Sub-6-7), filed March 18, 1981. Applicant: EUGENE L. FRAZIER, d.b.a. SUNSET TRANSPORT SYSTEMS, 2200 N. Parmalee, Compton, CA 90222. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Food and related products* between points in CA, IA, NM, TX and WI, restricted to traffic originating from or destined to the facilities of Carnation Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036.

MC 154761 (Sub-6-1TA), filed March 17, 1981. Applicant: WALT WILSON TRUCKING, INC., 2307 East Carson St., Caron, CA 90810. Representative: Gary W. Wigland, 19051 San Antonio Dr., Suite 214, Norwalk, CA 90650. *General Commodities*, except household goods as described by the Commission, commodities in bulk, articles of unusual value, motor vehicles, and Classes A & B explosives, restricted to traffic having a prior or subsequent move by water; from, to or between points in CA, for 270 days. There are 5 shippers. Their statements may be examined at the office listed above.

MC 26396 (Sub-6-63TA), filed March 18, 1981. Applicant: THE WAGGONERS TRUCKING, P.O.B. 31357, Billings, MT 59107. Representative: Barbara S. George (Same as applicant). *(1) Dolomite, Dolomite products; and (2) materials, equipment and supplies utilized in the manufacture, distribution and sale of the commodities in (1),* between Wheatland, WY and Gouverneur, NY, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Basins Engineering Co., Inc., P.O. Box 845, Wheatland, WY 82201.

MC 26396 (Sub-6-63TA), filed March 18, 1981. Applicant: THE WAGGONERS TRUCKING, P.O.B. 31357, Billings, MT 59107. Representative: Barbara S. George (Same as applicant). *Scrap carbon, bagged*, from Niagara Falls, NY to Wilton, IA, for 270 days. Support shipper: Larpen Supply Co., Inc., 5501 West State Street, Milwaukee, WI 53208.

[FR Doc. 81-9630 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities Arts and Artifacts Indemnity Panel; Meeting

March 23, 1981.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended) notice is hereby given that a meeting of the Arts and Artifact Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506 in room 1426, from 9:00 a.m. to 5:00 p.m. on May 6, 1981.

The purpose of the meeting is to review applications for certificates of indemnity submitted to the Federal Council on the Arts and the Humanities for exhibits beginning after July 1, 1981.

Because the proposed meeting will consider commercial and financial data and because it is important to keep values of objects, methods of transportation, and security measures confidential, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 10, 1978, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 81-9633 Filed 3-27-81; 8:45 am]
BILLING CODE 7035-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17652; File No. SR-Amex-81-3]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 9, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange proposes to amend Rule 22 to make clear that Floor Officials are empowered to resolve market disputes involving Intermarket Trading System ("ITS") rules arising between Exchange members and members of other ITS participating market centers.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

Within the Amex's own market, Floor Officials have authority to resolve market disputes submitted to them by members (paragraph (c)(3) of Amex Rule 22). When the ITS rules were adopted by the Exchange, paragraph (c)(6) was added to Rule 22 to authorize Floor Officials to supervise the operation of the Intermarket Trading System on the floor of the Exchange. However, the authority of Floor Officials to resolve market disputes was not expressly extended to disputes involving ITS rules arising between Exchange members and members of other ITS participating market centers.

The proposed rule change would expressly authorize Amex Floor Officials to resolve market disputes involving ITS rules arising between members and members of other participating market centers, equivalent to the Floor Officials' authority in intra-market disputes.

The proposed amendment to Rule 22 is consistent with Section 6(b) of the Act in general and furthers the objectives of Sections 6(b) (1) and (5) in particular in

that it enhances the Exchange's ability to enforce member compliance with Exchange rules and aids in perfecting the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change by enhancing the enforcement of ITS rules, will tend to increase the increase the willingness of ITS users to transact business through the system, which in turn will tend to further, and not place burdens on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Dated of Effectiveness of the Proposed Rule Change and Timing from Commission Action

On or before May 4, 1987 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before April 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.
March 23, 1981.

[FR Doc. 81-9004 Filed 3-27-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17647; File No. SR-PSE-81-05]

Self-Regulatory Organizations; Proposed Rule Change By Pacific Stock Exchange Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 13, 1981, The Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board of Governors of The Pacific Stock Exchange Incorporated has adopted a new pilot program for the appointment of Specialists, the creation of new Specialist posts, and the evaluation of Specialist performance. This program will become effective upon approval by the Securities and Exchange Commission and will terminate not more than one year after its effective date. The terms of substance of the proposed pilot program are summarized below.

Appointment of Registered Specialists

The Equity Floor Trading Committee shall appoint Registered Specialists subject to approval by the Board of Governors of the Exchange. In order to apply for appointment as a Registered Specialist, an individual must have served as a PSE Registered Specialist within three years of the date of his application or must have had a minimum of three months' experience working as a market maker or floor broker on a National Securities Exchange or in the Over-the-Counter Market, and must pass a written examination prepared by the Pacific Stock Exchange on its rules, policies, and procedures with a passing grade of at least 80%, both within two years of the date of his application.

Before qualifying for appointment as a Registered Specialist, an individual must also function for a minimum of three months as a PSE member in a market-making capacity at a Specialist post on the floor of the Exchange. During this three-month period, the Applicant's performance will be evaluated by the Equity Listing and Allocation Committee based upon an Evaluation Questionnaire Survey and where the Applicant is trading securities which qualify, on National Market System Quote Performance and SCOREX Limit Order Acceptance Performance. The Equity Listing and Allocation Committee will then make a recommendation to the Equity Floor Trading Committee who will decide whether to qualify an Applicant Specialist to serve as a Registered Specialist subject to approval of the Board of Governors.

Creation of New Specialist Posts

Applications for the creation of a new Specialist post shall be filed with the Equity Floor Trading Committee which shall determine whether to recommend the approval of such application to the Board of Governors. If the Exchange receives more applications than it can approve because of space limitations or other constraints, the Exchange will assign posts to those Applicants it believes will provide the highest level of Specialist performance.

Evaluation of Specialist Performance

All Specialists shall be evaluated on a quarterly basis. It will be the responsibility of the Equity Listing and Allocation Committee to conduct these quarterly evaluations. The ratings received by individual Specialists in these quarterly evaluations will be considered by the Equity Listing and Allocation Committee in the assignment of new listings and will provide the basis for determining the number of dual issues each Specialist can freeze when a new Specialist post is established.

Specialist ratings shall range from 0 to 100 percent. The ratings will be based on three measures of performance:

—National Market System Quote Performance
—Specialist Evaluation Questionnaire Survey
—SCOREX Limit Order Acceptance Performance

Each Specialist shall receive a 0 to 100 percent rating on each of these three measures of performance. These three ratings will be consolidated into an overall rating using the following weighting factors:

—National Market System Quote Performance—45 perent

—Specialist Evaluation Questionnaire Survey—40 percent
—SCOREX Limit Order Acceptance Performance—15 percent

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change.* Given the importance of the Specialist to the Exchange, the complex demands of the position, and the PSE's system which allows new post to take stocks away from existing posts, the Board has concluded that the Exchange must systematically screen Applicant for Specialist positions in terms of their ability to perform as a Specialist. The proposed changes in requirements for appointment as a Registered Specialist on the Exchange necessitate a 3 to 6 month period in order to qualify an Applicant for this position. To avoid situations in which a member firm undertakes the effort of qualifying a Specialist only to find that its application for an additional Specialist post is denied due to lack of space or for some other reason, the Exchange has decided to approve applications for new posts contingent upon a member firm providing a Registered Specialist for the post within six months of the date upon which its application is approved. The Exchange would defer allocating new stocks to such a post until the Registered Specialist's application had also been approved. This new procedure will ensure that stocks are not taken from an existing Specialist post and allocated to the new Specialist post until such time as the new Specialist post has a qualified Specialist approved by the Exchange. It also allows the Exchange to continue to exercise control over the qualifications of Specialists approved for new posts since those posts could not begin operation until the Exchange had approved the appointment of the Registered Specialist.

Currently, Specialists' quarterly performance ratings are based solely on the scores received on the Specialist Evaluation Questionnaire Survey. While the Exchange believes the survey to be a relevant measure of Specialist performance; it feels that it should be supplemented by other more objective measures of performance. Under the proposed pilot program, Specialists' performance ratings will be based on three specific measures of performance which include National Market System Quote Performance, Specialist Evaluation Questionnaire Survey, and SCOREX Limit Order Acceptance Performance.

The proposed pilot program is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed pilot program will not impose any burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments were solicited from only those members who are engaged in activities on the Equity floor of the Exchange. No comments were received from any member solicited.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before May 4, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 20, 1981.

[FR Doc. 81-9402 Filed 3-27-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

March 19, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Research-Cottrell, Inc., Common Stock, $1 Par Value (File No. 7-5884)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 9, 1981, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9629 Filed 3-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21974; 70-6548]

Allegheny Power System, Inc., et al.; Filing of Application-Declaration

March 23, 1981.

In the matter of Allegheny Power System, Inc., 320 Park Avenue, New York, New York 10022; Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 27140; and West Penn Power Company, Cabin Hill, Greensburg, Pennsylvania 15601.

Notice of proposal to amend charter to increase authorized shares of common stock; proposals of subsidiaries to issue and sell common stock to parent.

Notice is hereby given that Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("PE") and West Penn Power Company ("West Penn"), public utility subsidiaries of Allegheny Power System, Inc. ("APS"), a registered holding company, have filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6, 7, 9, 10 and 12 of the Act and Rule 50(a) (3) promulgated thereunder as applicable to the proposed transaction. All interested parties are referred to said application-declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

Monongahela, PE and West Penn each propose to amend their Charters to increase the number of shares of common stock each of them is authorized to issue. Monongahela's proposed increase of its authorized shares ($50 par value) is from 3,900,000 to 5,460,000, PE's is from 10,375,000 shares (no par value) to 12,075,000 shares and West Penn's is from 11,052,923 shares (no par value) to 15,052,923 shares.

Each subsidiary proposes to issue and sell common stock to APS. APS proposes to acquire the common stock from time to time prior to December 31, 1981 in amounts not to exceed those set forth below:

Subsidiary	Maximum No. of shares	Cash amount
Monongahela	600,000	$30,000,000
PE	1,700,000	85,000,000
West Penn	3,000,000	60,000,000

Notice is further given that any interested person may, not later than April 16, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9630 Filed 3-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21973; 70-6444]

Connecticut Yankee Atomic Power Co.; Supplemental Notice of Proposed Private Placement of Debentures and Request for Exception From Competitive Bidding Requirements

March 23, 1981.

Notice is hereby given that Connecticut Yankee Atomic Power Company ("Connecticut Yankee"), P.O. Box 270, Hartford, Connecticut 06101, a subsidiary of Northeast Utilities and New England Electric System, each a registered holding company, has filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rules 50 and 100 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration which is summarized below, for a complete statement of the proposed transaction.

Connecticut Yankee is the owner of a single generating facility, a 575,000 KW nuclear-fired electric generating plant in Haddam, Connecticut, which has been in operation since January, 1968. Outstanding shares of its common stock are owned by eleven New England utility companies ("sponsors"). Connecticut Yankee proposes to negotiate, with the assistance of an investment banker, the private placement of an issue of its medium or long-term debt securities in a maximum aggregate principal amount of $75,000,000, and it therefore requests an exception from the competitive bidding requirements of Rule 50 under the Act. Since Connecticut Yankee's Mortgage Indenture effectively precludes the issuance of additional first mortgage bonds to finance plant modifications, the securities will not be secured by a mortgage on the plant.

In order to provide support for the securities in the absence of being secured under the Mortgage Indenture, Connecticut Yankee's sponsors will either provide their several but not joint guarantees of an issue of up to $75,000,000 of securities or, in the alternative, purchase their pro rata shares of the securities. The proceeds of the issue are expected to be used (i) to repay sponsor notes authorized by order dated December 29, 1980 (HCAR No. 21854) and now aggregating $21,000,000 (ii) to repay outstanding bank term loans aggregating $20,000,000 authorized by order dated September 2, 1978 (HCAR No. 20713), (iii) to repay outstanding short-term bank borrowings and (iv) to make construction or nuclear fuel expenditures. The proceeds of the sponsor notes and short-term bank borrowings have been or will be used to make construction or nuclear fuel expenditures or to make a rate case refund of approximately $10,000,000, which is presently scheduled for March, 1981. Connecticut Yankee expects that required construction expenditures will approximate $29,317,000 in 1981 and $26,711,000 in 1982. The major part of these construction expenditures result from requirements imposed by the Nuclear Regulatory Commission.

The securities to be offered will have a term of up to 16 or 17 years and a level sinking fund, which with a 16- or 17-year term would be intended to pay off 1/16th or 1/17th of the principal amount each year. The 16- or 17-year period is approximately equal to the remaining depreciable life of the Plant. The ultimate choice as to the terms of the securities, the timing of the issue or issues and the exact amount and nature of the securities will be fixed after a preliminary exploration of the market. After determination of the market for the securities, Connecticut Yankee will negotiate for their sale. It expects to utilize the services of an investment banker for this purpose. Connecticut Yankee presently intends to effect the sale of the securities in the third or fourth quarter of 1981.

Connecticut Yankee states that such an exception is necessary because, since the nuclear accident at Three Mile Island, investors are wary of investing in utilities with substantial nuclear generating capacity. Connecticut Yankee has no other capacity and no additions are planned. It also states that since the securities cannot be first mortgage bonds, it is probable that special and complex terms will be required to support whatever type of securities it is determined are best suited to the needs of Connecticut Yankee. It is stated that such negotiations will provide the parties with the flexibility required to determine the appropriate terms for the securities in light of Connecticut Yankee's circumstances and the needs of the purchasers and will enhance Connecticut Yankee's ability to consummate the proposed transaction.

Notice is further given that any interested person may, not later than April 16, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-9109 Filed 3-27-81; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 11698; 812-4801]

Putnam Daily Dividend Trust and Putnam Fund Distributors, Inc.; Filing of Application

March 23, 1981.

Notice is hereby given that Putnam Daily Dividend Trust ("Fund"), 265 Franklin Street, Boston, Massachusetts 02110, an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act") and its principal underwriter Putnam Fund Distributors, Inc. ("Distributors") (collectively "Applicants"), filed an application on January 12, 1981, and amendments thereto on February 11, 1981, and March 23, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit the Fund to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund is organized as Massachusetts business trust, and that its investment adviser is The Putnam Management Company, Inc. ("Adviser"). Applicants further state that the Fund's investment objective is to achieve as high a rate of current income as is consistent with the preservation of capital and maintenance of liquidity through investments in a portfolio of money market instruments. Applicants represent that the Fund's portfolio consists exclusively of: bank certificates of deposit, bankers' acceptances, prime commercial paper, high-grade short-term corporate obligations, securities issued or guaranteed as to principal and interest by the United States government or its agencies or instrumentalities, and repurchase agreements with respect to United States Treasury or agency obligations. Applicants state that investments in commercial paper will be limited to obligations rated Prime-1 Moody's Investors Service, Inc. ("Moody's") or A–1 by Standard & Poor's Corporation ("S&P"), or if not rated of comparable quality as determined by the Fund's board of trustees. Investments in corporate obligations will be limited to those having a maturity of one year or less and rated Aaa or Aa by Moody's or AAA or Aa by S&P.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over 60-days maturities on an amortized cost basis

(Investment Company Act Release No. 9786, May 31, 1977).

Applicants request an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit the Fund to value its portfolio securities using the amortized cost method of valuation. In support of their request, Applicants represent that the Fund's board of trustees has concluded that it would be in the best interests of its shareholders to use the amortized cost valuation method to maintain the Fund's share value at a constant $1.00. Applicants state that from their experience in the marketplace, most "money market" fund investors prefer a constant net asset value per share and their investment income to be relatively stable. In this regard, Applicants state that the amortized cost valuation method would permit daily dividends to shareholders which would not vary as a result of realized and unrealized capital gains and losses. Applicants submit that the issuance of the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the Act.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that their application meets the standards of Section 6(c) of the Act in light of the Fund's management policies, and consent to the imposition of the following conditions to any order granting the requested relief:

1. In supervising the Fund's operations and delegating special responsibilities involving portfolio management to the Fund's investment adviser, the board of trustees of the Fund undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objectives, to stabilize the Fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of the Fund shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. The Fund will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Fund will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. The Fund will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than April 17, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, and order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if

[1] To fulfill this condition, the Fund intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9697 Filed 3-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11697; (812-4814)]

Southwestern Investors, Inc., et al.; Filing of Application for an Order Exempting Proposed Transactions

March 23, 1981.

In the matter of Southwestern Investors, Inc., Southwestern Investors Income Fund, Inc., Fund of the Southwest, Inc., and Southwestern Management & Research Corp., 1907 Ross Avenue, Dallas, TX 75201.

Notice is hereby given that Southwestern Investors, Inc., Southwestern Investors Income Fund, Inc., and Fund of the Southwest, Inc. (collectively, "Funds"), each a diversified, open-end, registered management investment company, and Southwestern Management & Research Corp. ("SWMR"), the principal underwriter and investment adviser of each of the Funds (collectively with the Funds, "Applicants"), filed an application on January 30, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting from the provisions of Section 22(d) of the Act the proposed offering of shares of the Funds without sales charges to holders or beneficiaries of life insurance policies or fixed-dollar and variable annuity contracts of Southwestern Life Insurance Company ("Southwestern") who use the proceeds from those policies or contracts to purchase shares of one or more of the Funds. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Southwestern, through intervening corporations, is a wholly-owned subsidiary of Tenneco Inc., a publicly-held company, and that SWMR, through an intervening corporation, is also a wholly-owned subsidiary of Tenneco Inc.

Applicants seek an exemptive order which would permit the purchases of shares of one or more of the Funds with proceeds from death benefit payments, maturity values or cash surrender values under Southwestern's life insurance policies or fixed-dollar and variable annuity contracts, made within 60 days after the date of the checks therefor, to be effected without sales charges otherwise applicable to purchases of shares in the Funds. According to the application, in the case of an insured or a beneficiary receiving proceeds from Southwestern in the form of periodic installment payments (such as life insurance settlement options, annuity payments or similar installment arrangements), each installment will be treated as a separate receipt of proceeds for the purpose of determining eligibility to purchase shares of the Funds without sales charges. Applicants represent that the normal sales charges of the Funds vary from 7.5 percent to 1 percent of the offering price, depending on the size of the purchase being made and the number of shares of the Funds then owned by the purchaser. Applicants also represent that the premiums paid on the Southwestern policies or contracts which constitute the source of the proceeds to be applied to purchase of shares of the Funds have already been subjected to a sales charge.

Section 22(d) of the Act provides, in part, that no registered investment company or principal underwriter therefor shall sell any redeemable security issued by the company to any person except at a current public offering price described in the prospectus. Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes thereof, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that the granting of the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants believe that if the requested exemption is granted there will be no harm to the general public interest or to other investors in the Funds. Applicants state that, because of the affiliation between Southwestern and the Funds, the purchase of shares of the Funds with proceeds from the Southwestern policies or contracts here involved is a conversion of funds from one "Southwestern" medium to another. Furthermore, Applicants claim that since any Southwestern agent can become eligible to sell shares of the Funds, and many are so qualified (with a large majority of sales of the Funds being made by such agents), the customer-agent relationship has already been developed by Southwestern agents with many of the persons who will be receiving the proceeds from the policies or contracts and less sales efforts will be required by such agents in making sales of shares of the Funds to the persons receiving the proceeds from the Southwestern policies or contracts.

Notice is further given that any interested person may, not later than April 17, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personnally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9698 Filed 3-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 6303; (16-79)]

Vinson & Elkins Lawyers Retirement Plan; Filing of Application for Order Exempting Interests or Participations

March 23, 1981.

Notice is hereby given that Vinson & Elkins ("Applicant"), 2100 First City National Bank Building, Houston, Texas 77002, a law firm organized as a partnership under the laws of Texas

has, by letters dated June 16, 1980 and February 20, 1981, filed an application for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for any interests or participations issued in connection with the Vinson & Elkins Lawyers Retirement Plan (the "Plan"). All interested persons are referred to that document, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. Introduction

Applicant's Plan covers the Applicant's partners and associate lawyers, of whom approximately 122 partners and 117 associates were eligible to participate as of September 30, 1980. Participation in the Plan by eligible partners and associate attorneys of Applicant is mandatory, and each eligible lawyer is automatically admitted to participation upon the January 1st immediately following the date on which such lawyer began to practice law with the Applicant. Any lawyer who participated in the Plan prior to the termination of his employment commences participation immediately upon his re-employment.

The Plan is a trusteed profit sharing plan which covers persons (in this case the partners of Applicant) who are employees within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended (the "Code"). Therefore, even though the Plan is qualified under Section 401 of the Code, the exemption provided by Section 3(a)(2) of the Act is inapplicable to interests in the Plan absent an order of the Commission issued under Section 3(a)(2). In relevant part, Section 3(a)(2) of the Act provides that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit sharing plan which covers employees some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

II. Description and Administration of the Plan

The Plan was adopted effective as of January 1, 1966, and was amended and restated in its entirety, effective as of January 1, 1976, in order to comply with the Employee Retirement Income Security Act of 1974 ("ERISA"). Applicant has received a favorable determination letter from the Internal Revenue Service ("IRS") that the Plan, as amended and restated, is qualified and exempt under Section 401(a) of the Code.

Applicant states that all required contributions to the Plan on behalf of participating lawyers are made by the Applicant, without contribution by the participant, in an amount equal to 7½% of the participant's compensation in each Plan year or $7,500. In addition, under the Second Amendment to the Plan, each participant is permitted to make voluntary contributions in any amount which, when added to his prior voluntary contributions, does not exceed 10% of his compensation received during all of his years of participation in the Plan. Each participant may designate annually the manner in which his voluntary contributions shall be allocated among the following four options: a general investment fund, an equity fund, a fixed income fund or a fund composed of short term interest bearing securities. The participant may designate that all of his or her contributions shall be placed in one of the investment options or direct that his or her contributions be divided equally between two of the four available options. The funds created by the first three investment options may be invested in the Pooled Investment Fund maintained by the Trustee, First City National Bank of Houston. The fourth investment option may be invested by the Trustee in its Short-Term Securities Common Trust Fund. In addition, each participant may elect annually to transfer all or part of his account from one investment fund to another.

The Plan is administered by a committee (the "Committee") which currently consists of three persons appointed by the Management Committee of Applicant. The Committee has overall responsibility and authority for administering the Plan, including interpretation of the provisions of the Plan, establishment and enforcement of regulations and bylaws for the administration of the Plan, determination of the amount, manner and time of payment of any benefits under the Plan and the payment of the appropriate expenses of administering the Plan.

Applicant states that the assets of the Plan are held by the Trustee in trust for the exclusive benefit of participants in the Plan and their beneficiaries. The Committee has the power to appoint an investment manager to manage the assets of the Plan and to direct the Trustee with regard to the acquisition and disposition of Plan assets, so long as the investment manager is a registered investment adviser, a bank or an insurance company qualified to do business under the laws of more than one state. The Plan may be amended by Applicant, except that no amendment may be made which would vest in Applicant any interest in or control of Plan assets, or which would vary the Plan's exclusive purpose of providing benefits to participants and their beneficiaries, or which would permit diversion of Plan assets from that exclusive purpose. In addition, no amendment may be made which would reduce the nonforfeitable interest of a participant.

Applicant represents that the Plan is subject to ERISA, and the Applicant must comply with all applicable ERISA reporting and disclosure requirements. Applicant has provided all information required by ERISA to be given to participants in the Plan and intends to continue this practice.

III. Discussion

Applicant states that the exemption from registration afforded by Section 3(a)(2) of the Act is not available to Applicant because of the participation in the Plan of Applicant's partners, who are "employees" within the meaning of Section 401(c)(1) of the Code. If Applicant's business were organized in corporate form, interests and participations in the Plan would be eligible for the exemption from registration under the Act afforded by Section 3(a)(2). Applicant contends that the intent of Congress in drafting Section 3(a)(2) of the Act was to prevent the sale, without registration, of interests in complex investment vehicles offered on an indiscriminate basis by sponsoring financial institutions to self-employed persons who might not be sophisticated in the securities field or who might be unable to protect adequately their interests and those of their participating employees. Applicant's Plan is not a uniform prototype or master plan designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons, but is, Applicant asserts, an individualized plan covering eligible employees of Applicant only.

Applicant further represents that the Plan is subject to the fiduciary standards and reporting and disclosure requirements of ERISA and that the Applicant has retained substantial administrative control of the Plan, including ultimate control over the Plan's investment policies.

Finally, Applicant states that it is engaged in furnishing legal services of a type which necessarily involves financially sophisticated and complex matters, and for that reason is able to represent adequately its interests and the interests of its employees who are participants in the Plan.

Applicant believes that, in light of the foregoing, granting the requested exemptive order would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than April 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at its address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following April 16, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and order issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9409 Filed 3-27-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-5110]

NIA Corp.; Approval of Transfer of Control of Licensed Section 301(d) Licensee

On January 13, 1981, a notice was published in the Federal Register (46 FR 3105) stating that NIA Corporation, 2400 South Michigan Avenue, Chicago, Illinois 60606, had filed an application with the Small Business Administration (SBA), pursuant to § 107.701 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.701 (1980)), for the transfer of control of this company to Central Venture Capital Corporation.

Interested parties were given to the close of business January 28, 1981, to submit their written comments to SBA. No comments were received.

The name, address and license number of the Licensee have been changed to: Central Venture Capital Corporation, 1730 St. Bernard Avenue, New Orleans, Louisiana 70116, License No. 06/05-5110.

Notice is hereby given that, having considered the application and all other data, SBA approved the application for transfer of control effective February 24, 1981.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-9479 Filed 3-27-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[COD 81-022]

Marine Safety Council Staff; Change of Location

The permanent staff of the Marine Safety Council (G-CMC) has been relocated from room 2418 to room 4402 of the Coast Guard Headquarters Building. All regulatory dockets and comment files are available for public inspection at the new location.

The mailing address remains the same: Commandant (G-CMC), U.S. Coast Guard, 2100 2nd Street S.W., Washington, D.C. 20593.

Dated: March 24, 1981.

Bruce P. Novak,

Deputy Executive Secretary, Marine Safety Council.

[FR Doc. 81-9505 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Gates Learjet Model 55 Aircraft Certification and Availability of Documents

The formal type certification process of the Gates Learjet Corporation Model 55 has been completed. Airplane Type Certificate No. A10CE has been amended to include the Model 55.

The Director of the FAA Central Region has conducted a review of the issues involved in the Model 55 type certification program and the findings of the FAA certification team. He has also reviewed and discussed with his staff a document entitled "Decision Basis for Type Certification of the Gates Learjet Model 55 Airplane." Based on this review, the Director approved the amendment of Type Certificate A10CE to include the Model 55.

A copy of the "Decision Basis for Type Certification of the Gates Learjet Model 55 Airplane" is on file in the FAA Rules Docket. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein the manufacturer demonstrated compliance with the certification basis for the Model 55. It provides a brief overview of the type inspection test results and a compliance checklist showing the means of compliance with each paragraph of the certification basis. Oter appendices and attachments pertaining to the Model 55 type certification program are also included in the document. The document is available for examination and copying at the Rules Docket, and may be obtained from the Office of the Regional Counsel, FAA Central Region, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 18, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-9420 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) (Utilized as an Advisory Committee); Renewal

Notice is hereby given of the renewal of the Radio Technical Commission for Aeronautics (RTCA) as an advisory committee utilized by the Federal Aviation Administration (FAA) and other Government agencies. The Associate Administrator for Engineering and Development, Federal Aviation Administration, is the sponsor.

The membership of RTCA comprises over 125 Government and industry organizations. At this time, nine Government agencies, the Departments of State, Commerce, Army, Navy and Air Force; the Federal Aviation Administration (FAA) and U.S. Coast Guard of the Department of Transportation; the National Aeronautics and Space Administration (NASA); and the Federal

Communications Commission (FCC), participate in RTCA. Private sector members include Aeronautical Radio, Incorporated (ARINC); Air Line Pilots Association (ALPA); Air Transport Association of America (ATA); Aircraft Owners and Pilots Association (AOPA); the National Business Aircraft Association (NBAA); Electronics Industries Association (EIA) Members; and Affiliated Independent Members.

The objective of RTCA is to advance the art and science of aeronautics through the investigation of all available or potential applications of the telecommunication art, their coordination with allied arts, and the adaptation thereof to recognized operational requirements. To achieve this objective, the RTCA through its special committees seeks solutions to problems involving the application of electronics and telecommunications to aeronautical operations and frequently recommends technical performance standards and operational requirements for consideration by Government, industry and aviation users.

The Secretary of Transportation has determined that the utilization of RTCA is necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Except as provided in section 10(d) of the Federal Advisory Committee Act (86 Stat. 770), meetings of all RTC committees when utilized as an advisory committee, will be open to the public.

Issued in Washington, D.C. on February 23, 1981.

A. P. Albrecht,

Association Administrator for Engineering and Development.

[FR Doc. 81-9418 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment to be held on April 21-22, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Seventh Meeting Held on February 17-18, 1981; (3) Review of Second Draft Report on DABS Minimum Operational Performance Standards; (4) Discussion of Digital Test Procedures; and, (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 23, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-9418 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147 on Active Beacon Collision Avoidance System (BCAS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of RTCA Special Committee 147 on Active Beacon Collision Avoidance System (BCAS) to be held on April 23-24, 1981 in RTCA Conference 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the First Meeting Held on February 19-20, 1981; (3) Consideration of Report Material Prepared by Drafting Groups; (4) Summarize Task Assignments; (5) Discussion on Related Technical Developments; and, (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 23, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-9417 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Boise, County, Idaho, Highway Project

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Boise County, Idaho.

FOR FURTHER INFORMATION CONTACT: Ralph A. Frame, Chief, Environmental Planning Branch, Western Direct Federal Division, Federal Highway Administration, 610 East Fifth Street, Vancouver, Washington 98661, Telephone: 206-696-7751.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Idaho Transportation Department (ITD) and the U.S. Forest Service (USFS), will prepare an environmental impact statement (EIS) on a proposal to improve the Banks-Lowman Highway, Idaho Forest Highway Route 24 from Sweet Creek to Lowman, a distance of 16.6 miles.

The proposed improvement will upgrade an existing graveled roadway and provide a modern, all-weather, water-grade surfaced highway. This proposal will involve clearing, grading, surfacing, bridges, pavement and revegetation. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand of local residents, tourists, logging and mining interests. The high mountain pass along State Route 21, between Idaho City and Lowman, is often blocked by heavy snowfalls which isolates the Lowman area. Construction of the proposed water-grade highway will relieve this condition.

Alternatives under consideration include: (1) taking no action (2) construction an all-weather route following a water-grade of the South Fork Payette River with alternative alignments under consideration between Sweet Creek and Little Gallagher Creek. The balance of the construction to follow the existing roadway.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. An Environmental Assessment has been circulated and comments received from interested and concerned agencies and individuals. Public meetings have been held in Lowman, Idaho City, Garden Valley, and Boise. No other scoping meetings are proposed. A Biological Assessment has been prepared and processed in accordance with the Endangered Species Act.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: March 17, 1981.

R. A. Westby,

Acting, Division Engineer, Western Direct Federal Division, Region 17, Vancouver, Washington.

[FR Doc. 81-9245 Filed 3-27-81; 8:45 am]
BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Porsche; Petitions on Motor Vehicle Defects and Hearings; Denials

This notice sets forth the reasons for the denials of two petitions relating to safety-related defects in motor vehicles.

On October 10, 1980, Robert A Payne, an attorney in Alexandria, Virginia, submitted a petition on behalf of a client alleging that 1980 Porsche 924 passenger cars equipped with automatic transmissions contain a safety-related defect due to engine vibration and stalling problems. Informal investigation by NHTSA disclosed that only 307 of the vehicles in question had been imported and sold, and that no other complaints or reports of engine vibration or stalling were known either to NHTSA or to the importer, Volkswagen of America, with respect to both 1979 and 1980 models. Since it did not appear that an order requiring the manufacturer to notify and remedy was a possibility at the end of a formal investigation, the petition was denied on March 4, 1981.

Mike Mason of Lafayette, Louisiana, petitioned NHTSA on December 28, 1980, to hold a hearing to determine whether Volkswagen of America had reasonably met its obligation to remedy his 1974 Porsche 914 pursuant to its "HO Recall Campaign," alleging "at least nine different reports" to Volkswagen. NHTSA's inquiry revealed that the Volkswagen dealer in Lafayette did not handle the Porsche line, and hence was not the proper outlet to perform the repairs associated with the campaign. Mr. Mason was telephoned by the Porsche dealer in Baton Rouge, who had the necessary parts, and was requested to make an appointement for service. Based upon the fact that the problem was resolved without holding a hearing, the petition was denied on March 6, 1981.

(Secs. 124, 156, Pub. L. 93-492, 36 Stat. 1470 (15 U.S.C. 1410a, 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on March 23, 1981.

Lynn Sanford,

Associate Administrator for Enforcement.

[FR Doc. 81-9141 Filed 3-27-81; 8:45 am]
BILLING CODE 4910-59-M

National Highway Safety Advisory Committee; Cancellation of Site Visits

The following National Highway Safety Advisory Committee site visits are cancelled. April 2 and 3 in Albany, New York; and April 23 and 24 in Madison, Wisconsin. The notice announcing the site visit was published in the Federal Register on March 16, 1981. April 13 and 14 in Salem, Oregon; and April 15 and 16 in Olympia, Washington. The notice announcing the site visit was published in the Federal Register on March 26, 1981.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on March 25, 1981.

Robert E. Doherty,

Assistant Executive Secretary.

[FR Doc. 9480 Filed 3-27-81; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-80]

Instruments of International Traffic; Certain Steel Cores and Fabric Separators

In the matter of T.D. 75-212 amended to designate as instruments of international traffic certain steel cores and fabric separators used together to hold rayon or nylon fabric or ply.

Treasury Decision 75-212, among other things, designated as "instruments of international traffic", within the meaning of section 322(a), Tariff Act of 1930, as amended, "steel cores designed to hold rayon or nylon fabric or ply, measuring 65 inches in length and 42½ inches in circumference".

It has been established to the satisfaction of the U.S. Customs Service that the steel cores designated as instruments of international traffic in T.D. 75-212 are incapable of transporting rayon or nylon fabric or ply without damage unless used together with fabric separators which separate the rayon or nylon fabric or ply as it is wound on the core. It also has been established to the satisfaction of the Customs Service that the fabric separators, consisting of thin woven synthetic fabric, are substantial, suitable for and capable of repeated use, and used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs Regulations, I hereby amend Treasury Decision 75-212 to provide that the steel cores described in that Treasury Decision and the above-described fabric separators, when used together as an entity to transport rayon or nylon fabric or ply to be used in tire manufacture, are designated as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)), and may be released under the procedures provided for in § 10.41a, Customs Regulations. (104356).

(BOR-7-07)

Dated: March 24, 1981.

Marilyn G. Morrison,

Director, Carriers, Drawback and Bonds Division.

[FR Doc. 81-9220 Filed 3-27-81; 8:45 am]
BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Veterans Administration Medical and Regional Office Center, Fargo, North Dakota; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the new Regional Office Building at the Veterans Administration Medical and Regional Office Center (VAMROC), Fargo, North Dakota.

The project proposes to construct a New Regional Office Building, five car garage and connecting tunnel to building no. 1. Also included are outdoor parking, new roads and demolition of building no. 2 (duplex quarters and alcohol treatment center), building no. 31

(parking garage) and building no. 36 (duplex quarters). The parking garage is being relocated as a result of the proposed project. The alcohol treatment center will be relocated in the existing hospital space.

The new building will be a two-story structure consisting of a basement and first floor. An underground tunnel connection to building no. 1 and a future corridor connection to the clinical addition will be made.

Two sites were considered for the new regional office building, one directly north of building no. 9 and one directly north of building no. 1. While the site north of building no. 9 leaves more parking intact and is more suitable to site grades, the proposed site north of building no. 1 has better functional relationships and facilitates a better tunnel connection to the main hospital.

Development of the proposed project will have temporary impacts of noise, dust and fumes during the construction phase. Erosion and sedimentation may occur as a result of fill and grading. Long term impacts include the removal of several large oak trees. The proposed parking areas will have noise and visual impacts on the occupants of the surrounding buildings. Site roads and parking will be altered but should not have an adverse effect.

Temporary impacts of construction on air quality and noise levels will be reduced by control measures as specified in contract documents. Soil erosion and sedimentation controls will be implemented. Impacts of the proposed parking areas can be partially mitigated by the use of sound barrier fences and landscape techniques. Every effort should be made to incorporate into the new parking areas the existing oak trees that are significant.

To avoid an adverse aesthetic impact, materials and design compatible with the existing architectural style should be used. The height of the new structure should be lower than building nos. 1 and 9. Location of the proposed parking facilities should be reconsidered in order to save building no. 2.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC, (202) 389–2526. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW, Washington, DC, 20420.

Dated: March 23, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-9449 Filed 3-27-81; 8:45 am]

BILLING CODE 3320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 60
Monday, March 30, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1, 2
Federal Energy Regulatory Commission	3
Federal Home Loan Bank Board	4
Federal Maritime Commission	5
Federal Mine Safety and Health Review Commission	6
National Labor Relations Board	7

1

[M-310 Amdt. 2, Mar. 23, 1981]

CIVIL AERONAUTICS BOARD.

Addition of Item to the March 24, 1981 Board Meeting.

TIME AND DATE: 10 a.m., March 24, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 15a. Dockets 36267 and EAS-351, Essential Air Transportation Determination of Eureka/Arcata, California, and Notice of intent of Century Airlines, Inc. to reduce service below essential at Eureka/Arcata, California—request for instructions. (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, *the Secretary, (202) 673-5068.*

[S-602-81 Filed 3-20-81; 3:45 pm]

BILLING CODE 6320-01-M

2

[M-310 Amdt 3, Mar. 24, 1981]

CIVIL AERONAUTICS BOARD.

Deletion of Items From the March 24, 1981 Board Meeting

TIME AND DATE: 10 a.m., March 24, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: Deleted:

2. Docket 36244, Carrier Selection Case For Columbus, Hastings, Kearney and McCook, Nebraska. Instructions to the staff (BDA)

19a. Docket 35634, IATA North Atlantic cargo rate agreement (Memo 370, BIA)

STATUS: Open.

PERSON TO CONTACT: PHYLLIS T. KAYLOR, THE SECRETARY (202) 673-5068.

[S-601-81 Filed 3-25-81; 2:11 pm]

BILLING CODE 6320-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

Meeting
March 25, 1981.

TIME AND DATE: 10 a.m., April 1, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however all public documents may be examined in the Division of Public Information.

Power Agenda—485th Meeting, April 1, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 2780, Solano Irrigation District; Project No. 3220, Napa County, Calif.
CAP-2. Docket No. EL80-19, Massachusetts Municipal Wholesale Electric Co. v. Power Authority of the State of New York; Docket No. EL80-34, Connecticut Municipal Electric Energy Cooperative v. Power Authority of the State of New York
CAP-3. Docket No. EL79-31, Iowa Electric Light & Power Co.
CAP-4. Docket No. E-9601, Lake Oswego Corp.
CAP-5. Docket No. E-7631 and E-7633, City of Cleveland, Ohio v. The Cleveland Electric Illuminating Co.; Docket No. E-7712, City of Cleveland, Ohio
CAP-6. Docket Nos. ER77-486 and ER78-520 (phase II), El Paso Electric Co.
CAP-7. Docket Nos. ER77-354 and ER78-14, Missouri Utilities Co.
CAP-8. Docket No. ER79-121, Utah Power & Light Co.
CAP-9. Docket No. ER81-177-000, Southern California Edison Co.
CAP-10. Docket Nos. ER79-842, ER80-124 and ER81-166-000, Missouri Utilities Co.
CAP-11. Docket No. ER80-559, Kansas Power & Light Co.
CAP-12. Docket No. EF80-3031, Southeastern Power Administration—Jim Woodruff Project
CAP-13. Docket No. ES81-20-000, Gulf States Utilities Co.
CAP-14. Docket No. ES81-24-000 El Paso Electric Co.

Gas Agenda—485th Meeting, April 1, 1981, Regular Meeting

CAM-1. Docket No. RM80-62, Section 209(d), exemption for mechanical cogeneration facilities from the incremental pricing provision of the Natural Gas Policy Act
CAM-2. Docket No. RM80-69, proposed revision to annual report of gas supply for certain natural gas pipelines; Form No. 15
CAM-3. Docket No. RA80-1, Ron's Shell Service, Inc.; Docket No. RA80-7, Mac Hardy Oil Co.; Docket No. RA80-8, Gold Key Shell; Docket No. RA80-12, Earl McCarley Service Station; Docket No. RA80-13, Kingsport Publishing; Docket No. RA80-16, Michael Doyle; Docket No. RA80-18, Bud's "66"; Docket No. RA80-19, Diversified Properties, Inc.; Docket No. RA80-21, Saffari Mobil Service; Docket No. RA80-23, Stax Gas & Truck Stop; Docket No. RA80-25, Woodruff Standard Service Station; Docket No. RA80-30, Ceed Enterprises, Inc., d.b.a. Westside Texaco; Docket No. RA80-32, Koch's Exxon Service; Docket No. RA80-33, Phillips & Muncell Shell; Docket No. RA80-35, McKee Marathon Service Station; Docket No. RA80-37, Independent Oil & Tire Co.; Docket No. RA80-38, Bellevue Texaco; Docket No. RA80-39, Channell's Gulf Service; Docket No. RA80-40, Commodities Exchange Center; Docket No. RA80-41, Eagle's Chevron Service; Docket No. RA80-42, L&L Arco Service; Docket No. RA80-48, Bob's Philips 66 Service Station; Docket No. RA80-49, Madiros Torikian; Docket No. RA80-51, Alameda Texaco; Docket No. RA80-53, Art Frost Leasing Co., (Glendale Automotive Service); Docket No. RA80-57, Metro Car Wash; Docket No. RA80-58, A. T. Smith Mercantile; Docket No. RA80-60, Ahmad Avash, d.b.a. Shoreline Texaco; Docket No. RA80-63, Tower Park; Docket No. RA80-66, Holiday Gulf; Docket No. RA80-68, Crossroads Shell; Docket No. RA80-70, John Mrjenovich; Docket No. RA80-72, Faith Oil Co.; Docket No. RA80-73, S&R Shell Service Station; Docket No. RA80-74, Benett's Standard, Inc.—Docket No. RA80-75, Huber's Inc.; (Budget Rent-a-Car of Louisville); Docket No. RA80-78, Westwood Car Wash; Docket No. RA80-80, Staatsburg Auto; Docket No. RA80-81, Chuck & Jim's Mobil; Docket No. RA80-83, Robert F. Badders; Docket No. RA80-84, Seasweet Crabmeat; Docket No. RA80-86, Rainbow Standard Service; Docket No. RA80-88, Bill's Pershing Mobil; Docket No. RA80-89, Ron's Arco Station; Docket No. RA80-90, Vern's Service Station; Docket No. RA80-91, Arvin-Edison Water Storage District; Docket No. RA80-92, Wedge Service Station, Inc.; Docket No. RA80-94, William's Mobil Service; Docket No. RA80-97, Geneva Grain & Lumber, Inc.; Docket No. RA80-100, Food Etc.; Docket No. RA80-

101, Ferry Landing Woods; Docket No. RA80-102, Pennant Petroleum Co.; Docket No. RA80-103, Jeffrey Moore d.b.a. Moore's Arco; Docket No. RA80-104, Tom's Mobil; Docket No. RA80-105, Rick's Green Trails Texaco Service; Docket No. RA80-106, Charles Fenley Enterprises; Docket No. RA80-107, Mojave Petroleum Co.; Docket No. RA80-109, Citizen Tribune; Docket No. RA80-110, Thunderbird Chevron Service; Docket No. RA80-111, Lynn's Country Store; Docket No. RA80-112, Zanni's Chevron; Docket No. RA80-113, Melrose Park Shell Service; Docket No. RA80-114, Tom Harney Oil Co.; Docket No. RA80-115, Pioneer Mobil Service Center; Docket No. RA80-116, ABC Union Cab Co.; Docket No. RA80-117, Avco Corp.; Docket No. RA80-118, Campus Chevron; Docket No. RA80-120, William Pase, Inc.; Docket No. RA80-122, Green Springs Chevron Station; Docket No. RA80-123, Big Country Exxon; Docket No. RA80-124, Go-Clean, Inc.; Docket No. RA80-125, Super America of Flathead County; Docket No. RA80-126, Niles Avenue Standard Service; Docket No. RA80-127, R. Dale Norris d.b.a. One Stop Auto Shop; Docket No. RA81-2-000, Hergert Oil Co.; Docket No. RA80-3-000, Upper Adams School District; Docket No. RA81-4-000, American Motohol Supply Corp.; Docket No. RA81-8-000, Champion Oil Service Co.; Docket No. RA81-9-000, Academy Service Station; Docket No. RA81-10-000, Iverson Service Station; Docket No. RA81-11-000, Courtesy Fuel, Inc.; Docket No. RA81-12-000, Homewood Service Center; Docket No. RA81-13-000, Les Francis Auto Rental Leasing and Investment Corp.; Docket No. RA81-15-000, Raymond A. Lally d.b.a. Lally's Chevron, Inc.; Docket No. RA81-16-000, Toy Enterprises; Docket No. RA81-17-000, The Boeing Co.; Docket No. RA81-19-000, Hawk Oil Co.; Docket No. RA81-20-000, Read, Martin, Frandsen & Associates (The Read Group); Docket No. RA81-21-000, Robert Gregory Enterprises d.b.a. Bubble Machine; Docket No. RA81-22-000, Gilbert's Corner Exxon; Docket No. RA81-23-000, Eagle Oil Co.; Docket No. RA81-24-000, Viacom Cablevision; Docket No. RA81-27-000, J. C. Penney Co.; Docket No. RA81-28-000, Ronald J. Koch d.b.a. Eddies Market; Docket No. RA81-29-000, Start Oil Co.; Docket No. RA81-30-000, Amndt Oil Co.; Docket No. RA81-31-000, Henry's Gulf; Docket No. RA81-32-000, Pracher Oil Co.; Docket No. RA81-33-000, Advanced Sales Corp.; Docket No. RA81-34-000, Frederick G. Jackson d.b.a. Midway Oil Co.; Docket No. RA81-35-000, Wawarsing Service Station; Docket No. RA81-36-000, Diamond Gas & Fuel Co.; Docket No. RA81-38-000, Len Gregory d.b.a. Redding Uni-Hoist; Docket No. RA81-40-000, James M. Tidwell d.b.a. Spring Creek Enterprises; Docket No. RA81-41-000, Thrifty Rent-a-Car, Inc. of California; Docket No. RA81-42-000, The Filling Station;

CAM-4. Docket Nos. RA80-5 and RA80-82 (consolidated), San Ann Service, Inc.

CAM-5. Docket No. RA80-48, Alfred M. Rousseau

Gas Agenda—485th Meeting, April 1, 1981, Regular Meeting

CAG-1. Docket No. TA81-1-29-002 (PGA-1, IPR81-1, DCA81-1 and LFUT81-1), Transcontinental Gas Pile Line Corp.

CAG-2. Docket No. RP81-1-43-000, Pacific Gas Transmission Co.

CAG-3. Docket No. RP73-66, Columbia Gas Transmission Corp.; Docket No. RP67-16, Panhandle Eastern Pipe Line Co.

CAG-4. (a) Docket No. RP80-81, Consolidated Gas Supply Corp.; (b) Docket No. RP81-12-000, Consolidated Gas Supply Corp.

CAG-5. Docket Nos. RP80-85 and RP80-111, ANR Storage Co.

CAG-6. Docket No. RP80-113, Mid Louisiana Gas Co.

CAG-7. Docket Nos. RP80-133, RP67-10 and RP78-66, Texas Eastern Transmission Corp., Texas Gas Transmission Corp. and United Gas Pipe Line Co.

CAG-8. Docket No. OR78-1, Trans Alaska Pipeline System

CAG-9. Docket Nos. G-12309 and G-18706, Arco Oil & Gas Co., Division of Atlantic Richfield Co.

CAG-10. Docket Nos. CI79-552, CI79-553, CI78-758, CI78-759, CI78-882, CI78-961, CI78-816 and CI78-1191, Exxon Corp.

CAG-11. Docket Nos. CS75-285, et al., Sanford P. Pagadau, et al.; Docket No. CI78-37, The Superior Oil Co.; Docket No. CI78-435, Helmerich & Payne, Inc.; Docket No. CS80-105, Lamson/Onshore Petroleum; Docket No. CI81-61-000, Kerr-McGee Corp.; Docket No. CI81-62-000, Kerr-McGee Corp.; Docket No. CI81-63-000, Kerr-McGee Corp.; Docket No. CI81-66-000, Freeport Oil Co.; Docket No. CI81-67-000, Mesa Petroleum Co.; Docket No. CI81-68-000, Mesa Petroleum Co.; Docket No. CI81-69-000, Transco Exploration Co.; Docket No. CI81-80-000, The Superior Oil Co.; Docket No. CI77-618-003, Exxon Corp.; Docket No. CS77-679-001, Cities Service Co.; Docket No. CI80-20, Mcor Oil & Gas Corp.; Docket No. CI79-129-001, Chevron U.S.A. Inc.; Docket No. CI81-118-000, Aminoil Development, Inc.; Docket No. CI81-76-000, Texoma Production Co.; FERC Gas Rate Schedule Nos. 35 and 312, Exxon Corp.

CAG-12. Docket No. CP79-464, Florida Gas Transmission Co. and Continental Resources Co.; Docket Nos. CI73-676, et al., Continental Exploration Co.

CAG-13. Docket No. CP80-211, Florida Gas Transmission Co. and Southern Natural Gas Co.

CAG-14. Docket No. CP80-400, Panhandle Eastern Pipe Line Co.

CAG-15. Docket No. CP80-458, Mitco Pipeline Co.

CAG-16. Docket No. CP80-494, Southern Natural Gas Co., Florida Gas Transmission Co., Michigan Wisconsin Pipe Line Co., Northern Natural Gas Co., a division of Internorth, Inc. and Transcontinental Gas Pipeline Corp.

CAG-17. Docket Nos. CP81-54-000 and CP81-54-001, Southern Natural Gas Co.

CAG-18. Docket No. CP81-78-000, Mountain Fuel Supply Corp.

Power Agenda—485th Meeting, April 1, 1981, Regular Meeting

I. Licensed Project Matters

P-1. Docket No. EL79-17, Swan Lumber Co.

P-2. Project No. 2545, Washington Water Power Co.

II. Electric Rate Matters

ER-1. Docket No. ER81-141-000, Potomac Edison Co.

ER-2. Docket No. ER77-578, Kansas Gas & Electric Co.

ER-3. Docket No. ER78-522, Virginia Electric & Power Co.

ER-4. Docket No. ER78-338 (phase I), Public Service Co. of New Mexico

Miscellaneous Agenda—485th Meeting, April 1, 1981, Regular Meeting

M-1. Docket No. RM81- , Procedures for protest for stripper well natural gas

M-2. Docket No. GP80-8, Colorado Interstate Gas Co.

Gas Agenda—485th Meeting, April 1, 1981, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. TA81-1-32 (PGA81-1 and IPR81-1), Colorado Interstate Gas Co.; Docket No. TA81-1-30, Trunkline Gas Co.; Docket No. TA81-1-29, Transcontinental Gas Pipe Line Corp.

RP-2. Docket No. RP79-76 (reserved issue), Cities Service Gas Co.

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Docket No. RP73-6, Mississippi River Transmission Corp.

CP-2. Docket No. TC79-8, Transcontinental Gas Pipe Line Corp.

CP-3. Docket Nos. CP78-123, et al., Northwest Alaskan Pipeline Co.; Docket No. CP78-124, Northern Border Pipeline Co.; Docket No. CP81-18-000, Northern Natural Gas Co., a division of Internorth, Inc.; Docket No. CP79-332, Natural Gas Pipeline Co. of America, Michigan Wisconsin Pipe Line Co., Tennessee Gas Pipeline Co., a division of Tenneco Inc. and Texas Eastern Transmission Corp.

Kenneth F. Plumb,

Secretary.

[S-504-81 Filed 3-26-81; 9:23 am]

BILLING CODE 6450-85-M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 46, FR 18879, March 26, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, April 1, 1981.

PLACE: 1700 G Street N.W., Board Room, Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the bank board meeting scheduled for Wednesday, April 1, 1981.

Service Corporation Amendment No. 466, March 26, 1981.

[S-627-81 Filed 3-26-81; 2:30 pm]
BILLING CODE 6720-01-M

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 17040, March 20, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 26, 1981.

CHANGE IN THE MEETING: Withdrawal of the following item from the closed session:

1. Docket No. 78–34—Tariff FMC 6, Rule 22 of the Continental North Atlantic Westbound Freight Conference; and Docket No. 78–36—Tariff Rules Concertedly Published Defining Practices of Conferences and Rate Agreement Members Regarding the Acceptance and Responsibility for Shipper-Owned or Shipper Leased Trailers or Containers—Scope of Further Proceedings.

[S-626-81 Filed 3-26-81; 9:45 am]
BILLING CODE 6730-01-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 25, 1981.

TIME AND DATE: 10 a.m., Wednesday, April 1, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Council of the Southern Mountains v. Martin County Coal Corporation, Docket No. KENT 80–222–D. (Petition for Discretionary Review; issues include whether operator's refusal to permit non-employee representatives of miners to attend miner training sessions on company property violates section 105(c) of the 1977 Mine Act.)

2. Ideal Basic Industries—Cement Division, Docket No. SE 79–16–M (Issues include interpretation and application of 30 CFR 56.9–2).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S-628-81 Filed 3-26-81; 1:43 pm]
BILLING CODE 6820-12-M

7

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 2 p.m., Tuesday, March 31, 1981.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: To consider candidates for Regional Director, Region, 20, San Francisco, California.

CONTACT PERSONS FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; Telephone (202) 254–9430.

Dated: Washington, D.C., March 26, 1981.
By direction of the Board.
John C. Truesdale,
Executive Secretary, National Labor Relations Board.

[S-605-81- Filed 3-26-81; 11:24 am]
BILLING CODE 7545-01-M

V 4 6 / 6 0 M R 3 0 8 1 UMI

federal register

Monday
March 30, 1961

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Licensing of Ocean Thermal Energy Conversion Facilities and Plantships; Proposed Rulemaking

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 1001

Licensing of Ocean Thermal Energy Conversion Facilities and Plantships

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice of proposed rulemaking.

SUMMARY: NOAA proposes to establish a stable legal system and a streamlined licensing process to facilitate commercial development of ocean thermal energy conversion (OTEC) facilities and plantships. This Notice of Proposed Rulemaking (NPR) sets out the details of a simplified licensing system for ownership, construction, location, and operation of OTEC facilities and plantships which are associated with the United States or U.S. citizens, and is being issued in accordance with the responsibilities assigned to NOAA by the Ocean Thermal Energy Conversion Act of 1980, Public Law 96–320, ("the Act").

Interested persons are invited to review the NPR and to contribute to the development of final OTEC licensing regulations by submitting comments.

DATES:

(1) Comments on the NPR should be received by NOAA on or before May 18, 1981.

(2) NOAA will hold a public hearing on the NPR in Washington, D.C. on May 11, 1981, between 9 a.m. and 12 noon.

(3) NOAA will hold a public hearing on the NPR in San Juan, Puerto Rico, on May 1, 1981, between 10 a.m. and 1 p.m.

(4) NOAA will hold a public hearing on the NPR in Honolulu, Hawaii, on April 27, 1981, between 9 a.m. and 12 noon.

ADDRESSES:

(1) Send written comments on the NPR and requests for documents associated with this rulemaking to Robert W. Knecht, Director, Office of Ocean Minerals and Energy, NOAA, Room 410, Page 1 Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235. Please mark the outside of the envelope with "OTEC NPR."

(2) The public hearing in Washington, D.C. will be held in Room 6802, Department of Commerce Building, 14th Street between Pennsylvania and Constitution Avenue, NW, Washington, D.C.

(3) The public hearing in San Juan, Puerto Rico will be held in Room A1 and B1, Institute of Engineers and Surveyors of Puerto Rico, Antolin Nin and Eskeret Streets, Hato Rey, Puerto Rico.

(4) The public hearing in Honolulu, Hawaii will be held in U.S. District Court Room No. 4, 4th Floor, Prince Kuhio Federal Building, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Richard Norling or Lowell Martin, Office of Ocean Minerals and Energy, NOAA, Room 410, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235. Telephone: (202) 254–3483.

SUPPLEMENTARY INFORMATION:

I. Principal Author

The principal author of this proposed rulemaking is Lowell F. Martin of the Office of Ocean Minerals and Energy, NOAA, assisted by the NOAA Office of General Counsel.

II. Prior Actions in this Rulemaking

A. Environmental Scoping Process

To provide for an early and open process to determine the scope of environmental issues associated with development of OTEC licensing regulations, NOAA developed an environmental issues discussion document and held a public "scoping" meeting on October 30, 1980. Notice of the scoping meeting and the availability of the discussion paper was published at 45 FR 63543 and 63544 on September 25, 1980. (See Section VIII. D of this notice or proposed rulemaking for information on the environmental impact statement being developed as part of the rulemaking.)

B. Advance Notice of Proposed Rulemaking

To provide an early opportunity for interested persons to contribute to development of the proposed regulations contained in this NPR, NOAA published an Advance Notice of Proposed Rulemaking (ANPR) at 45 FR 77038 on November 21, 1980. The ANPR identified three general alternative regulatory approaches under consideration by NOAA as well as 20 specific issues on which NOAA sought public comment. The ANPR invited public comment and was mailed to several hundred interested persons. A public hearing was held on January 7, 1981.

III. Availability of Comments

All comments received in response to the ANPR and this NPR will be available for public examination and copying during normal business hours in Room 410, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C.

IV. Final Rules

NOAA will issue final rules to implement the Act after comments received in response to this NPR have been evaluated. Public hearings on the NPR will be held as noted in the ADDRESSES and DATES sections of this NPR. NOAA plans to issue final rules in August 1981.

V. Background

Ocean Thermal Energy Conversion (OTEC) is a process for using solar energy stored in the warm surface waters of the ocean as a renewable source of power to produce electricity or other energy intensive products such as ammonia or aluminum. The OTEC process is driven by the temperature differential between warm ocean surface waters and cold, deep waters. It can be implemented by means of an OTEC facilitiy, which is moored or fixed to the ocean bottom, or located on land with intake and discharge piping running out to appropriate locations in the ocean. OTEC plantships which float unmoored or move through the ocean can also use the OTEC process.

The OTEC principle can be applied efficiently in areas where the temperature difference between surface waters and deep waters is about 20° C or more. This makes the most probable U.S. locations for OTEC facilitaties or plantships the Gulf of Mexico area, the southeastern continental United States, and the island areas under U.S. jurisdiction such as the State of Hawaii, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands and American Samoa.

The OTEC industry is in a formative stage at present because, although the basic principles of OTEC power generation have been developed and demonstrated at sea, the hardware, engineering, and operational requirements of commercial-scale OTEC operations have not yet been fully developed, and to conduct that developement will require substantial private sector capital investment, on the order of $25–100 million or more per OTEC facility or plantship.

Estimates in the report of the House of Representative Committee on Merchant Marine and Fisheries on H.R. 6154, which was a predecessor to the OTEC Act, indicate that OTEC could provide from 5 to 20 percent of all new electrical generating capacity coming on line in the U.S. by the year 2000 if commercial development of OTEC is agressively pursued. The OTEC Research, Development and Demonstration Act, Public Law 96–310, sets a goal of 10,000 megawatts of installed U.S. OTEC capacity by the year 1999.

Meeting that goal would stimulate capital investment on the order of $25

billion in the evolving OTEC industry and its suppliers. If that projected OTEC capacity replaced the use of imported oil for electricity generation and other product production, an import reduction of 360,000 barrels per day would result, with a concurrent reduction of $4.6 billion per year in oil import costs (as $35 per barrel).

Later development of OTEC technology to produce energy intensive products, such as ammonia, could also have significant implications for reducing fossil fuel consumption in the United States. The substitution of OTEC produced ammonia for ammonia currently produced from natural gas could conserve the equivalent of 300,000 to 500,000 barrels of oil per day, based on the fact that approximately 3% of U.S. natural gas production is currently used in ammonia production.

Commercial OTEC technology also represents a major export opportunity for the United States. Approximately 70 countries and territories, many of them lesser developed counties which are now dependent on imported oil, are located near exploitable OTEC resource areas. If even a small fraction of the projected demand for new electrical generating capacity in those countries between the years 1990 and 2010 were met through export of U.S.-built OTEC facilities and plants, the OTEC export market potential would be on the order of $200–300 billion dollars.

Achieving these ambitious objectives requires governmental action where necessary to remove legal and other institutional barriers before they would seriously impede commercial OTEC development. Federal legislation which clearly states jurisdictional authority and governmental policies applicable to commercial OTEC ventures, and which, in particular, provides legal protection for OTEC facilities and plantships from interference with the thermal resource on which their economic viability depends, is a necessary prerequisite to the private capital investment necessary for OTEC commercialization. The Congress recognized and responded to this need in passing the Ocean Thermal Energy Conversion Act of 1980, Public Law 96–320 (the Act). The Act establishes United States jurisdiction over OTEC facilities located in the U.S. territorial sea or connected to the United States by pipeline or cable, OTEC facilities or plantships documented under U.S. laws, and OTEC plantships owned or operated by U.S. citizens; specifies which Federal and State laws apply to OTEC facilities under U.S. jurisdiction; and establishes a fair and expeditious "one-stop" licensing regime which will insure compliance by U.S. OTEC facilities and plantships with both U.S. and international law.

The Act assigns responsibility for establishing and maintaining the OTEC licensing regime to the Administrator of NOAA. This rulemaking responds to that responsibility and is a major step by NOAA in responding to the goal of the Act to, "establish a legal regime which will permit and encourage the development of ocean thermal energy conversion as a commercial energy technology . . .[.]"

VI. NOAA's Responses to Comments Received on the ANPR

As noted in section II.B. of this preamble, NOAA published an ANPR on the OTEC licensing program on November 21, 1980. That notice raised the general issue of the regulatory approach to be used in the licensing program and also posed twenty specific issues related to implementation of the Act for public review and comment. In response to the nine written comments received and statements made at the public hearing held in January 1981, NOAA has established positions on the issues which are reflected in this NPR.

A. General Regulatory Approach

NOAA has evaluate three general regulatory approaches to OTEC licensing: (1) establishment of initial regulations specifying the designs to be used for OTEC plant components and requiring use of specific operating procedures, (2) establishment of detailed performance standards and guidelines in initial regulations with the burden on the applicant to prove compliance with each of the detailed performance standards and guidelines as a prerequisite to obtaining a license, or (3) establishment of general guidelines and performance standards in initial regulations and use of detailed guidelines and performance standards as license terms and conditions coupled with subsequent operational and environmental monitoring to ascertain whether additional requirements are necessary in the future. All written comments received, as well as several statements made at the public hearing, encouraged NOAA to adopt the third approach as most appropriate to the developmental state of the OTEC industry and the need to accommodate to site- and technology-specific issues which will be raised when an OTEC application is submitted for licensing. NOAA has done so as reflected in this rulemaking.

B. Specific Issues Raised in ANPR

The Application and License Process

Issue No. 1: Information to be Submitted with an Application. NOAA raised the general issue of the types and level of detail of financial, technical and other information which should be reqired with an application for an OTEC license. Specific issues regarding the information necessary for the Attorney General to conduct the antitrust review required under § 104 of the Act, and the need, if any, for information related to granting of financial assistance by the Maritime Administration under Title XI of the Merchant Marine Act of 1936, were also raised. NOAA's initial view was that the information required in an application should be minimized, consistent with the requirements of the Act. Several commentors endorsed this approach and it has been adopted in this NPR.

One commentor suggested NOAA contact the Justice Department to obtain their views on necessary antitrust review information and then incorporate those requirements into the NPR. This has been done and the information requirements proposed by the Justice Department have been incorporated into the proposed regulations. These requirements include reporting on those persons with ownership or control interests in the applicant and its affiliates.

Several commentors noted that information required for granting of financial assistance under Title XI of the Merchant Marine Act of 1936 might be better provided directly to the Maritime Administration later in the OTEC licensing process since the obtaining of such assistance is optional on the part of an OTEC license applicant and since the Act does not mention financial conditions, other than antitrust considerations, as among the conditions specified for restricting issuance of a license. NOAA agrees with this view, and the proposed rules do not require submission of Title XI information with a license application. Potential applicants for Title XI assistance should be aware, however, that citizenship requirements related to eligibility for such assistance are more rigorous than those under the Act related to eligibility for an OTEC license. Early consultation with MARAD is encouraged.

The Act assigns significant responsibilities to the Secretary of the department in which the Coast Guard is operating, under Section 108, "Marine Environmental Protection and Safety of Life at Sea" and Section 109(c), "Prevention of Interference With other Uses of the High Seas", among others. NOAA has consulted with the Coast Guard to determine their views on information required in an application to enable the Coast Guard to carry out

their responsibilities. Those requirements are incorporated into the proposed rules in § 1001.190 and §§ 1001.230 through 1001.250. Similarly to the situation with respect to the MARAD citizenship requirements, Coast Guard citizenship requirements related to documentation of vessels are more rigorous than those of the Act, and early consultation with the Coast Guard by potential OTEC license applicants is encouraged.

Issue No. 2: Amount of Application Fees. Section 102(h) of the Act requires an OTEC license applicant to submit a nonrefundable application fee with the application. The Act further requires that the total fee reflect reasonable administrative costs incurred in reviewing and processing the application. NOAA has estimated those costs, including preparation of the application-specific Environmental Impact Statement required by the Act, at two hundred fifty thousand dollars ($250,000.00). Accordingly, this NPR sets the application fee at that amount.

Several commentors suggested that payment of the application fee be spread out over the license application review period and that it be based on actual incurred review costs. NOAA concurs in the concept of phased payment as a means of reducing the burden of initial capital outlay on the applicant, and that approach is reflected in § 1001.130 of this rulemaking. The initial, nonrefundable payment due with the application has been set at one-hundred thousand dollars ($100,000.00) to discourage speculative applications.

NOAA considered assessing the remainder of the application fee on the basis of actual incurred review costs rather than as a flat fee based on estimated processing costs. That concept was rejected, however, due to the increased administrative burden, and thus increased cost to the applicant, which would be associated with detailed record keeping, accounting, and billing over the license application review period.

Issue No. 3: "One-stop" Application and Licensing Process. The Act specifies that the application to NOAA constitutes application for all Federal authorizations required to be obtained by the applicant, except for those administered by the Secretary of the Department in which the Coast Guard is operating. Application to the Maritime Administration for Title XI financial assistance is also not within the ambit of the single application provided for in the Act. A further requirement of the Act is that NOAA consolidate its public hearings on a license application with those of other agencies, insofar as practicable. A number of commentors encouraged NOAA to take an active role in assuring coordinated and efficient processing of all governmental authorizations required for the applicant's OTEC proposal. NOAA has responded to those comments with the voluntary Consolidated Application Review (CAR) process proposed in *Subpart C—License Application Review Procedures* of this NPR. The proposed process involves early designation of Federal, State, and local government members to serve, with the applicant, on a CAR team for the application. NOAA would chair the CAR team, and its initial responsibility would be to develop a Joint Agreement identifying the CAR team members; specifying the responsibilities of all CAR team members, including the applicant, in the application review process; and scheduling each government member's review process for the application, including necessary hearings and decision points. The next step in the process would be holding a public meeting at which the applicant would describe the details of his OTEC proposal and the government members of the CAR team would explain their respective roles in the review process. This meeting would most likely also cover environmental issues specific to the application as part of the Environmental Impact Statement (EIS) "scoping" process mandated by the National Environmental Policy Act (NEPA). After the public meeting, the role of the CAR team would be to continue coordination and exchange of information to assure meeting the Joint Agreement schedule to the maximum practicble extent. The propsoed CAR process would provide the applicant with a single focus for processing of the application and assure that governmental review activities were integrated wherever possible. The goal of the process is to minimize the burden on the applicant by providing early identification of all steps necessary to obtain governmental approvals as well as a mechanism for setting schedule goals and meeting them. Initial contact with other Federal agencies and departments which will likely be involved in the review process has been positive with regard to employing the proposed CAR process, which is voluntary on the part of the applicant and government entities other than NOAA. NOAA feels that the approach is workable and that it will contribute significantly to an efficient OTEC license application review process.

Issue No. 4: "Land-based" OTEC Facilities. Several commentors took the position that "land-based" OTEC facilities would be adequately addressed under State building and planning codes and that further Federal regulation of them was unnecessary. One commentor felt that "land-based" OTEC facilities were not within the ambit of the Act. The Coast Guard noted that existing U.S. documentation laws do not provide for "documenting" buildings.

The legislative history of the Act demonstrates Congressional intent that, "If an OTEC facility is built on land with warm and cold water pipes extending out into the ocean, the definition includes that portion of the warm and cold water pipes, and any other parts of the facility, located seaward of the highwater mark," (House of Representatives Committee on Merchant Marine and Fisheries report on H.R. 6154, H. Rept. 96-994, p. 40). Further, a basic purpose of the Act is to establish Federal jurisdiction over U.S. OTEC activities to assure legal protection of such activities from interference with the thermal resource necessary for their economic viability. For these reasons, NOAA is of the opinion that "landbased" OTEC facilities are subject to licensing under the Act, to the extent portions of the facility are located seaward of the highwater mark. In general, the licensing requirements are not intended to preempt State or local regulations which would apply to matters such as siting the shoreside portions of land-based OTEC facilities. The information on shoreside portions of an OTEC facility required by this rulemaking is necessary to enable the NOAA Administrator to prepare the Environmental Impact Statement required by section 107(e) of the Act, and should be of use to state and local governments as they assess the suitability of an OTEC facility proposal.

Issue No. 5: Adjacent Coastal States. NOAA asked for comment with respect to whether more detailed guidance on designation of "adjacent coastal states" under section 105(a)(2) of the Act during the OTEC license review process was needed or whether the guidance provided in the Act was sufficient. Most commentors felt that the statutory guidance was adequate and NOAA has accordingly adopted it in §§ 1001.330 (a) and (b) of the proposed regulations.

Issue No. 6: Opportunities for Public Participation. No significant comments have been received by NOAA on this issue. However, the CAR process discussed in *Issue No. 3* of this preamble is designed to assure early and informed

public participation in the OTEC license application review process. In addition, NOAA will attempt to provide its preliminary views on the acceptability of the license application at or before the first NOAA public hearing on the application is held under § 1001.340 of this rulemaking. This commitment, coupled with encouragement to other involved Federal agencies and departments to make their preliminary views available in advance of public hearings, as contained in § 1001.300 of this rulemaking, should ensure that public hearings on a specific license application provide the opportunity for more informed discussion of the application.

In an earlier effort to facilitate public participation in this rulemaking NOAA announced (45 FR 70475) the availability of limited funding to compensate participants in the rulemaking who met the eligibility criteria of NOAA regulations governing "Financial Compensation of Participants in Administrative Proceedings" (15 CFR Part 904). Due to budgetary constraints, those funds are no longer available.

Approval or Disapproval of an Application

Issue No. 7: "The National Interest." As part of the license application review process, the Act requires that NOAA determine whether the application is or is not "in the national interest and consistent with national security, and other national policy goals and objectives, including energy self-sufficiency and environmental quality." In the ANPR, NOAA noted that the Declaration of Policy in the Act, the Act's criteria for deciding among multiple applications for the same site, and the findings and conclusions in the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act, Public Law 96-310, could be used as guidance in making the national interest determination. One commentor noted that the goals set out in Public Law 96-310 were demonstration goals subject to continued Federal funding for the technology development program conducted by the Department of Energy, and were thus inappropriate for use in making national interest determinations in a commercial OTEC licensing program. NOAA concurs in this view and will consider the decision criteria for multiple applications contained in section 102(i)(3) as well as the Declaration of Policy in the Act in making the national interest determination on individual OTEC license applications.

Issue No. 8: Multiple Applications for the Same Site. In the ANPR, NOAA solicited comments as to whether the guidance provided in section 102(i)(3) of the Act was sufficient for use in choosing between two or more OTEC applications at the same site. Most commentors expressed the opinion that the guidance in the Act was sufficient and NOAA has incorporated it into § 1001.480 of the proposed rules.

This issue also addressed the question of what criteria or factors NOAA should use in specifying the geographic bounds of the "application area" encompassing the site proposed in an application for an OTEC facility. Commentors proposed a variety of approaches including issuance in the licensing regulations of a specific calculational procedure by which NOAA would define the "application area." Because the potential impact of one OTEC facility on the operation of another OTEC facility is a complex issue highly dependent on the physical configuration and operational characteristics of the OTEC facility which is the subject of the application as well as the physical, chemical, and biological oceanographic conditions in the area of the proposed site, NOAA has not adopted the commentor's proposal.

In determining the "application area," NOAA must consider two projected impacts. The first is the impact of the applicant's proposed OTEC activities on the potential OTEC activities of others in the area of the proposed site. The other is the potential impact of other possible OTEC activities in the area of the proposed site on the OTEC activity proposed by the applicant. NOAA believes it must address both impact potentialities in designating the "application area." As noted earlier these impacts are highly technology- and site-specific. For that reason NOAA has incorporated a requirement into § 1001.280 of the proposed rules that the applicant provide an estimate of an appropriate "application area," along with the supporting scientific and environmental basis for it, as part of the license application. During the initial review of the application NOAA will evaluate the validity and reasonableness of the proposed application area using the best scientific and environmental judgment available and will specify a designated "application area" in the notice of receipt of a complete application provided for in § 1001.290 of the proposed rules.

General Requirements Applicable to Licensees

Issue No. 9: Diligence. The Act requires NOAA to issue regulations requiring a licensee to pursue diligently the construction and operation of the OTEC facility or plantship to which the license applies. NOAA invited comment on appropriate diligence requirements and there was general agreement among commentors that any such requirements should take account of the developmental nature of the OTEC industry, at least for the first license applicants. One commentor further suggested that NOAA refrain from enforcing any diligence requirements against a licensee unless a third party intervened claiming lack of diligence on the part of the licensee. NOAA has rejected that approach as inconsistent with NOAA's role as "trustee" for the thermal resource.

Several commentors proposed that NOAA require an applicant to provide the schedule for construction, deployment, and operation of the proposed OTEC facility or plantship and that NOAA use that schedule as the basis for establishing diligence requirements for the licensee. NOAA has adopted that approach in this NPR subject to NOAA review of the schedule for reasonableness during the application process. The final schedule agreed to by NOAA, along with appropriate provisions for dealing with unforeseeable delays, would then form the basis for diligence conditions in the OTEC license, as provided for in § 1001.520(h) of the proposed rules.

Issue No. 10: Reports and Records. This issue addresses the question of what reports and records NOAA should require of a licensee under § 112 of the Act. All commentors concurred in NOAA's initial view that such requirements should be minimized. In keeping with that approach, NOAA has reduced reporting requirements to a minimum consistent with the Act. Section 1001.520(i) of this notice requires the licensee to report such environmental monitoring information as the Administrator finds to be necessary and appropriate to assess environmental impacts of the licensee's OTEC activities. That section also requires periodic reporting of normal business records regarding electricity or product production as part of the license condition related to diligence. License conditions related to compliance with Federal law other than the Act (addressed in § 1001.520(1) of the proposed rules), may also involve reporting requirements, for instance in relation to a National Pollutant Discharge Elimination System (NPDES) permit issued for the facility or plantship under authority of the Clean Water Act.

Issue No. 11: Removal of Components. Section 101(d)(3) of the Act requires the NOAA Administrator to establish bonding requirements or other assurances to assure that a licensee properly removes or otherwise disposes of OTEC facility or plantship components upon termination, revocation, relinquishment, or surrender of a license. The one comment received on this issue encouraged the NOAA Administrator to retain the flexibility in the Act regarding imposition of bonding or other assurances regarding removal or disposal of components. This suggestion has been adopted and is incorporated in § 1001.520(b) of the proposed legislation.

Issue No. 12: Confidentiality. No commentor felt that NOAA should establish any criteria or procedures concerning confidentiality of certain types of trade secrets or commercial or financial information additional to those set out in section 112 of the Act and other existing statutes and regulations, including NOAA's general "Public Information" and Freedom of Information Act regulations. NOAA has adopted that approach and it is set out in § 1001.100 of the proposed rules.

Issue No. 13: Site Evaluation and Preconstruction Testing. Section 102(b) of the Act authorizes the NOAA Administrator, if he determines it to be necessary, to issue regulations related to site evaluation and preconstruction testing at potential OTEC facility or plantship locations. Those regulations would apply to initial activities conducted prior to issuance of a license by NOAA. Commentors who addressed this issue felt that minimal or no regulation by NOAA of initial site evaluation and preconstruction testing activities was the appropriate approach. NOAA has also consulted the Coast Guard and the Department of the Interior on this issue and been advised that they see no need for such regulation at this time. It should be noted that site preparation and OTEC construction activities conducted in the ocean by the recipient of a NOAA OTEC license can be made subject to regulation under the Act by means of license terms and conditions. For these reasons, NOAA has determined that site evaluation and preconstruction testing regulations are not necessary at this time. However, Subpart H of Part 1001 has been reserved for use in the event such regulations become necessary in the future.

Issue No. 14: Environmental Protection Measures. NOAA raised the issue in the ANPR of the types of environmental protection measures which should be applied by regulation, or as license conditions, to operation of OTEC facilities and plantships. Mention was made of the question of how any such measures should relate to the requirements of the Environmental Protection Agency under the National Pollutant Discharge Elimination System (NPDES). The possibility of imposing generic or "across the board" requirements for all OTEC facilities and plantships, such as to bury submarine cables and pipelines, to mix hot and cold ocean water discharges, or to discharge at a specified depth below the ocean surface, was suggested. A number of commentors noted that existing environmental statutes and regulations should be adequate to ensure reasonable protection of the environment from significant adverse consequences resulting from OTEC operations. Other commentors noted that additional information on environmental effects of OTEC operations was necessary before meaningful environmental protection measures could be developed for inclusion as specific OTEC license conditions.

NOAA generally concurs in both of these views and has analyzed the potential environmental impacts of OTEC operations, and the present state of information regarding them, in the Environmental Impact Statement (EIS) being prepared on development of these OTEC licensing regulations. The preliminary conclusion of that effort, as reflected in the draft EIS, is that the net environmental impact due to commercial development of OTEC is expected to be minimal compared to the impact of fossil and nuclear fueled power production. However, there are uncertainties which must be assessed associated with redistribution of large volumes of ocean water during OTEC operations.

NOAA is also developing the OTEC Environmental Effects Assessment Program Plan required by Section 107 of the Act. That activity, and the EIS work to date, confirm that existing environmental protection statutes and regulations provide a relatively comprehensive framework for controlling OTEC environmental effects. In particular, EPA's NPDES program, and the Ocean Discharge Criteria established by EPA under Section 403(c) of the Clean Water Act, provide a rational set of criteria for evaluating OTEC environmental impacts and establishing an appropriate mix of discharge conditions and monitoring requirements to assure that no unreasonable degradation of the marine environment occurs as a result of OTEC operations. However, NOAA has concluded that the complexities of the interaction between the proposed OTEC facility or plantship and its surrounding environment, including other potential OTEC activities, require that the analysis and establishment of environmental protection measures for OTEC operations be done on a case-by-case basis. For these reasons, the proposed rules require, in § 1001.260, that an applicant submit with the application to NOAA the environmental information which EPA has specified in its regulations implementing Section 403(c) of the Clean Water Act, along with a description of any studies or evaluations used in developing the information. Section 1001.260 of these regulations also requires the applicant to submit its assessment of the area of the marine environment in which the proposed OTEC operation would impact, or be impacted by, the operation of other OTEC facilities or plantships. To assist license applicants in providing the environmental information, NOAA is preparing a Technical Support Document (TSD). The TSD will provide guidance on the types of specific information and analyses an applicant might wish to provide to satisfy the requirements of § 1001.260. NOAA will make the TSD available for public comment and will have a final version available for use by potential applicants when final regulations are issued under the Act.

NOAA, in close consultation with the EPA, will use the environmental information provided by the applicant as a basis for determining the potential environmental impacts of the proposed OTEC operation, and for developing appropriate site-specific technological and monitoring requirements for incorporation as license conditions pursuant to § 1001.520 of the proposed rules. The site-specific EIS on each license application required by Section 107 of the Act will provide a mechanism for informed public involvement in this process.

Issue No. 15: Environmental Monitoring. NOAA's initial view on this issue, as expressed in the ANPR, was that a licensee should be required to implement a monitoring program sufficient to demonstrate compliance with applicable water quality standards, to provide for early detection of potential releases of pollutants from OTEC operations, and to monitor the effects of the OTEC discharge plume. Most commentors concurred in this view. NOAA has concluded it is a practical approach to developing OTEC

license conditions related to environmental monitoring, and has required, in § 1001.200 of these proposed regulations, that the applicant provide a proposed monitoring program with his application. Review of that proposal will form a part of the process discussed in *Issue No. 14* above for developing site-specific environmental protection measures.

Issue No. 16: Criteria for Immediate Suspension. NOAA invited comment in the ANPR on whether or not the criteria for immediate suspension of OTEC construction or operation activities provided in § 111(b) of the Act were sufficient. Those commentors who addressed this issue expressed the opinion that the statutory guidance was sufficient. NOAA concurs in this opinion and will use the Section 111(b) criteria in any immediate suspension action.

Issue No. 17: Prevention of Interference with Other Ocean Uses, and Other Nations. In the ANPR, NOAA raised the issue of what types of OTEC-related potential interferences with other legitimate uses of the ocean and with other nations' territorial seas of national resource jurisdiction zones NOAA should seek to prevent. Specific issues noted included the types of other ocean uses that should be specifically recognized, the criteria of standards to be used to determine significant interference, and the specific methods and/or standards which should be used to reduce or prevent interference. Most commentors stated the view that significant interference by OTEC facilities or plantships with other ocean uses was a highly complex factual issue which would not become a major problem, other than on a site-specific basis, until the OTEC industry had developed to a considerable extent. NOAA concurs in this view and adopts the position that the site-specific OTEC licensing process, including EIS preparation as required by the Act, provides an adequate forum for raising and resolving potential OTEC interference issues, at least for the near term development of the commercial OTEC industry. Accordingly, § 1001.520(d) of the proposed rules provides for inclusion of OTEC license conditions on a case-by-case basis, as necessary to prevent such interference. In addition, Subpart I of Part 1001 has been reserved for use in the event regulations specifying procedures for mediating disputes related to interference between OTEC facilities or plantships become necessary in the future.

Issue No. 18: Upper Limit on Number of OTEC Facilities and Plantships. NOAA noted in the ANPR that section 101(c)(14) of the Act provides for establishment of an upper limit on the number or total capacity of OTEC facilities and plantships, either overall or in a specific geographic area, if the NOAA Administrator determines that such a limit is necessary. NOAA's initial view was that sufficient information was not now available to support establishment of such a limit. All commentors who addressed this issue concurred in the initial NOAA view. Accordingly, this NPR does not propose any upper limit and NOAA does not contemplate establishing one in the near future. However, Subpart G of Part 1001 has been reserved for use in the event regulations establishing such a limit become necessary in the future.

Issue No. 19: Compliance Orders. NOAA requested views on criteria which should be applied under section 302(a)(2) of the Act to govern issuance of compliance orders. No commentor chose to address this issue substantively. However, one commenter noted that the language of section 302 provided sufficient guidance and another commentor indicated a desire for NOAA to issue procecures for dealing with compliance orders. NOAA has done so in § 1001.620 of *Subpart F—Enforcement Procedures* of the proposed rules.

Issue No. 20: Suspension, Revocation, or Termination of a License. No commentor substantively addressed this issue or proposed suspension, revocation, or termination criteria other than those specified in the Act. NOAA has determined that the guidance in the Act, coupled with license terms and conditions established under § 1001.520 of the proposed rules generally would provide sufficient guidance to a licensee as to what situations would warrant institution of license suspension, revocation or termination proceedings. *Subpart F—Enforcement Procedures* of the proposed rules sets out procedures for such proceedings.

VII. Organization of the Proposed Regulations

NOAA has attempted to organize these proposed regulations so that a potential applicant can readily find the information relevant to making application for an OTEC license. The provisions of the proposed regulations have been grouped into subparts, as follows, in an effort to consolidate information on procedures and information requirements to assist a potential applicant in orderly development of the application materials.

Subpart A—Definitions and General Program Requirements

This subpart describes the purposes and scope of 15 CFR Part 1001, provides definitions of terms used throughout the proposed regulations and specifies who must (must who is not required to) apply for an OTEC license. The procedures for application, amendment of an application, and withdrawal or termination of a license applications are given. The application fee and method of payment are specified.

Subpart B—Information To Be Submitted With Application

This subpart specifies what information the applicant must provide with the OTEC license application. The required information relates to the siting, design, construction and deployment of the proposed OTEC facility or plantship. Information on the financial situation and organization of the applicant is specified. Environmental information necessary to evaluate potential impacts of the proposed OTEC operation is prescribed. Information necessary to assure that the applicant's proposal complies with Federal laws and regulations other than the Act is also specified.

Subpart C—License Application Review Procedures

This subpart sets out the steps in the OTEC application review process which are mandated by the Act. The steps in the voluntary Consolidated Application Review (CAR) process which provides the applicant with the option of requesting a more integrated, coordinated review process than the minimum provided for in the Act are also prescribed.

Subpart D—Criteria for Approval or Denial of Application and Establishment of License Terms and Conditions; Renewal, Transfer, Suspension, Revocation and Termination

The subpart sets out the criteria which the NOAA Administrator will use in reaching the decision to issue or deny a particular OTEC license application. The criteria the Administrator will use for deciding among multiple applications for the same OTEC site area are also prescribed. Criteria for establishing license terms and conditions are set out. This Subpart also provides for transfer and renewal of licenses and prescribes suspension, revocation, and termination procedures.

Subpart E—Formal Hearing Procedures

Under certain circumstances a formal ajudicatory hearing on the record may become necessary as part of the OTEC licensing process. Such formal hearings are also necessary as part of the OTEC enforcement program. This subpart sets forth the procedures to be followed in such hearings.

Subpart F—Enforcement Procedures

This subpart prescribes the administrative procedures which will be followed in OTEC enforcement proceedings including those related to license suspension, termination, or revocation proceedings; to issuance of compliance orders; and to assessment of civil panalties in connection with enforcement activities. This subpart also establishes rules concerning placements of authorized Federal observers on and in OTEC facilities and plantships, and describes how a person wishing to sue an alleged violator or the Administrator must give advance notice of the intended lawsuits.

VIII. Other Actions Associated With This NPR

Subpart A—Classification Under Executive Order 12291 of February 17, 1981

The NOAA Administrator considers the regulations proposed in this NPR to be major with respect to the criteria of Executive Order 12291 (EO 12291) of February 17, 1981, because the provisions of the NPR will foster and goven development of the United States commerical OTEC industry. However, the Administrator has determined that it is impracticable for NOAA to adhere completely to the procedures of EO 12291 because to do so would conflict with deadlines imposed by the OTEC Act on issuance of these regulations.

NOAA has prepared and transmitted to the Office of Management and Budget (OMB) a preliminary Regulatory Impact Analysis as specified by Section 3 of EO 12291 and will prepare a Final Regulatory Impact Analysis, which will be transmitted, along with the final rule, to the OMB Director at least 30 days prior to the publication of the final rule. However, Section 102(a) of the OTEC Act imposes a deadline of August 3, 1981 for issuance of final OTEC licensing regulations. Compliance by the Administrator with this deadline and the requirements of the Administrative Procedures Act make it impracticable to provide for a 60 day review of the Preliminary Regulatory Analysis by OMB prior to publication of this NPR. In order to allow for a 60 day OMB review period it would have been necessary to commence the review on February 2, 1981. Therefore, the procedures outlined in Section 6(a)(2) of EO 12291 related to exemptions from its requirements apply to this rulemaking. NOAA has reported to the OMB Director its intention to satisfy EO 12291 in this manner to the maximum extent practicable.

This approach to compliance supports the underlying objectives of EO 12291 and will allow NOAA to meet its statutory obligations in a timely fashion. To delay would unnecessarily restrict the development of the private OTEC industry, which requires the legal regime proposed in this rulemaking as a prerequisite to aggressive development of commercial OTEC technology.

B. Regulatory Impact Analysis

While NOAA finds that, due to impracticability, it cannot completely adhere to the provisions of EO 12291 regarding transmittal of a draft Regulatory Impact Analysis to OMB 60 days prior to publication of the NPR in the Federal Register, NOAA has prepared a draft Regulatory Impact Analysis. This analysis, which examines the potential economic impact of the proposed regulations, is available to all interested parties. The analysis examines the various alternatives NOAA considered in preparing the regulations, considers the economic benefit and cost implications of the alternatives, and explains NOAA's reasons for making the choices reflected in this NPR. The draft analysis has been done in such a way as to include an initial regulatory flexibility analysis in compliance with the Regulatory Flexibility Act, Public Law 96-354. The major conclusions of the draft Regulatory Impact Analysis are summarized in sections V (BACKGROUND) and VI.A (GENERAL REGULATORY APPROACH) of the preamble to this NPR. Copies of the draft analysis may be obtained by writing to the Director, NOAA Office of Ocean Minerals and Energy, at the address specified in the ADDRESSES section of this rulemaking.

C. Summary of Initial Regulatory Flexibility Analysis

The major conclusions of NOAA's Initial Regulatory Flexibility Analysis are summarized in sections V (BACKGROUND) and VI.A. (GENERAL REGULATORY APPROACH) of this preamble. Because of the large size and cost of commercial OTEC projects, the primary involvement of small business concerns in the OTEC industry is expected to be as contractors or subcontractors, rather than as sole owners or operators of OTEC facilities or plantships. Only one license, obtained by the owner, is required. The general regulatory approach selected by NOAA for these proposed regulations was designed to provide the greatest flexibility for, and to minimize any adverse economic impact on, any entity—large or small—which may be involved in OTEC development. The proposed regulations do not impose any reporting, recordkeeping, or other compliance requirements on small governmental jurisdictions or small organizations. Copies of the combined Initial Regulatory Flexibility Analysis and Preliminary Regulatory Impact Analysis may be obtained by writing to the Director, NOAA Office of Ocean Minerals and Energy, at the address specified, in the ADDRESSES section of this rulemaking.

D. Paper Reduction Act of 1980 (Public Law 96-511)

NOAA anticipates a maximum of 3 OTEC license applications in the first year of the program. Because of the limited number of persons initially subject to these proposed regulations, NOAA believes they do not contain a "collection of information" request within the meaning of 44 U.S.C. §§ 3502(4) and 3502(11). The final regulations will contain the statements referred to in 44 U.S.C. §§ 3506 and 3512, as applicable.

E. Environmental Impact Statement

The NOAA Administrator considers issuance of final regulations implementing the Act to be a major Federal action significantly affecting the quality of the human environment. Accordingly, NOAA has prepared a draft Environmental Impact Statement (DEIS) under Section 102(2)(C) of the National Environmental Policy Act of 1969 as part of this rulemaking. The DEIS has been filed with the Environmental Protection Agency and is available for public comment. Copies may be obtained by writing to the Director, NOAA Office of Ocean Minerals and Energy, at the address specified in the ADDRESS section of this rulemaking.

F. 45-Day Public Comment Period

The public comment period on this rulemaking is 45 days, rather than the customary 60 day period. This is necessary to assure meeting the August 3, 1981, deadline the OTEC Act establishes for issuance of final licensing regulations while providing 30 days for OMB review of them under EO 12291. To minimize the impact of this shortened comment period, NOAA is

providing copies of this rulemaking directly to all persons who responded to the OTEC ANPR.

For the reasons set out in the preamble, it is proposed to amend Title 15 of the Code of Federal Regulations by adding a new *Part 1001, Ocean Thermal Energy Conversion Licensing Program.* The text of the proposed rules follows.

Dated: March 25, 1981.

James P. Walsh,

Signed: *Acting Administrator, National Oceanic and Atmospheric Administration.*

PART 1001—OCEAN THERMAL ENERGY CONVERSION LICENSING PROGRAM

Subpart A—Definitions and General Program Requirements

Sec.
1001.10 What are the Ocean Thermal Energy Conversion Program regulations?
1001.20 Purpose of the OTEC licensing regulations.
1001.30 Scope of the OTEC licensing regulations.
1001.40 Definitions.
1001.50 Who must apply for an OTEC license? (and who does not need one)
1001.60 Federal application.
1001.70 Pre-application consultation.
1001.80 How to apply for an OTEC license.
1001.90 Provision of additional information.
1001.100 Confidentiality of information.
1001.110 Amendment of an application.
1001.120 Termination of processing and withdrawal of an application.
1001.130 Application fees.
1001.140 Clerk, docket, and record of application proceeding.
1001.150 Public inspection and copying.

Subpart B—Information to Be Submitted With Application

1001.160 Why is this information required?
1001.170 Request for use of the Consolidated Application Review (CAR) process.
1001.180 Information about the applicant and its affiliates.
1001.190 General information about the OTEC facility or plantship.
1001.200 Requested duration of license.
1001.210 Compliance with other Federal laws and regulations.
1001.220 OTEC site information.
1001.230 Operational information.
1001.240 Design information.
1001.250 Construction and deployment procedures.
1001.260 Environmental information.

Subpart C—License Application Review Procedures

1001.270 What is the license application review process?
1001.280 NOAA review for completeness.
1001.290 Publication of notice of application; contents of notice; call for additional applications for OTEC facilities.
1001.300 Other Federal agencies and departments.
1001.310 EIS for each application.
1001.320 Antitrust review.
1001.330 Designation of adjacent coastal states.
1001.340 Informal public hearings on license application.
1001.350 Formal hearings on material factual issues.
1001.360 Timely conclusion of public hearings.
1001.370 Timely issuance of draft and final EIS's on the application.
1001.380 Steps in the Consolidated Application Review (CAR) process.
1001.390 Voluntary nature of the CAR process.
1001.400 Effect of joint Agreement on authorities.
1001.410 Request for designation of Federal CAR team members.
1001.420 Request for designation of State and local CAR team members.
1001.430 Development of joint Agreement by CAR team.
1001.440 Inter-agency CAR team meeting.
1001.450 Implementation of the CAR schedule.

Subpart D—Criteria for Approval or Denial of Application and Establishment of License Terms and Conditions; Renewal, Transfer, Suspension, Revocation, Termination, Relinquishment, and Surrender

1001.460 Timely approval or denial of application for a license.
1001.470 Criteria for approval or denial.
1001.480 Multiple applications.
1001.490 Condition precedent to issuance of license: Compliance with conditions and prior approval of changes.
1001.500 Contents of license.
1001.510 Duration of licenses and renewal.
1001.520 Terms and conditions of a license.
1001.530 Renewal of a license.
1001.540 Transfer of a license.
1001.550 Suspension, revocation, termination, relinquishment, or surrender of a license.

Subpart E—Formal Hearing Procedures

1001.560 Formal hearing procedures.
1001.570 Ex parte communications.

Subpart F—Enforcement Procedures

1001.580 General.
1001.590 Assessment procedure.
1001.600 Hearing and appeal procedure.
1001.610 License sanctions.
1001.620 Compliance orders.
1001.630 Observers.
1001.640 Advance notice of civil actions.

Subpart G—Upper Limits on the Number or Total Capacity of OTEC Facilities and Plantships To Be Licensed Under This Part [Reserved]

Subpart H—OTEC Site Evaluation and Preconstruction Testing Regulations [Reserved]

Subpart I—Procedures for Mediation of Disputes Among Licensees Regarding Interference Between OTEC Facilities or Plantships [Reserved]

Authority: Ocean Thermal Energy Conversion Act of 1980, Pub. L. 96-320, 94 Stat. 974 (42 U.S.C. 9101, *et seq.*)

Subpart A—General Program Requirements and Definitions

§ 1001.10 What are the Ocean Thermal Energy Conversion Program regulations?

(a) *Coverage.* These regulations implement NOAA's responsibilities under the Ocean Thermal Energy Conversion Act of 1980. The regulations provide the procedures and information necessary to apply to NOAA for a license for the ownership, construction, and operation of ocean thermal energy conversion (OTEC) facilities and plantships. They also establish a voluntary consolidated process for review of license applications by NOAA and other Federal, State, and local government entities; state the criteria which will be used for issuance or denial of a license; prescribe criteria for establishing license terms and conditions; prescribe procedures for enforcement of the Act and this Part, and for renewal, transfer, suspension, revocation, termination, relinquishment, or surrender of a license.

§ 1001.20 Purpose of the OTEC licensing regulations.

The regulations in this Part carry out the purposes of the Act, which include:

(a) Authorize and regulate the construction, location, ownership, and operation of OTEC facilities connected to the United States by pipeline or cable, or located in the territorial sea of the United States, consistent with the Convention on the High Seas, and general principles of international law;

(b) Authorize and regulate the construction, location, ownership, and operation of OTEC plantships documented under the laws of the United States, consistent with the Convention on the High Seas and general principles of international law;

(c) Authorize and regulate the construction, location, ownership, and operation of OTEC plantships by United States citizens, and consistent with the Convention on the High Seas and general principles of international law;

(d) Establish a legal regime which will permit and encourage the development

of OTEC as a commercial energy technology;

(e) Provide for the protection of the marine and coastal environment, and consideration of the interests of ocean users, to prevent or minimize any adverse impact which might occur as a consequence of the development of such OTEC facilities or plantships;

(f) Protect the interests of the United States in the location, construction, and operation of OTEC facilities and plantships; and

(g) Protect the rights and responsibilities of adjacent coastal States in ensuring that Federal actions are consistent with approved State coastal zone management programs and other applicable State and local laws.

§ 1001.30 Scope of the OTEC licensing regulations.

(a) *Subpart A* of Part 1001 contains definitions and basic procedures related to any application for a license for an OTEC facility or plantship, including application fees and procedures for termination or withdrawal of an application.

(b) *Subpart B* of Part 1001 prescribes the information which must be included in a license application to enable the Administrator to make the determinations required by the Act as conditions precedent to issuance or denial of an OTEC license.

(c) *Subpart C* of Part 1001 prescribes license application review procedures including the Consolidated Application Review (CAR) process which will be used by NOAA and, on a voluntary basis, by the applicant and those other Federal, State, and local government entities with authority over any aspect of the OTEC operations proposed in an application.

(d) *Subpart D* of Part 1001 contains the criteria upon which the Administrator will base the decision to issue or deny an OTEC license, including the criteria which will be used to decide among multiple applications for the same designated application area. This Subpart also prescribes criteria for establishing license terms and conditions, and for renewal, transfer, suspension, revocation, and termination of a license.

(e) *Subpart E* of Part 1001 prescribes the procedures which will be used by the Administrator to conduct any formal hearings under this Part.

(f) *Subpart F* of Part 1001 sets forth the administrative procedures which will be used for enforcement proceedings under the Act and this Part.

§ 1001.40 Definitions.

For the purposes of this Part, the following terms have the following meanings:

"Act" means the Ocean Thermal Energy Conversion Act of 1980 (Public Law 96-320; 94 Stat. 974; 42 U.S.C. 9101 *et seq.*);

"Adjacent coastal State" means any coastal State which is required to be designated as such by § 1001.330(a) of this Part or is designated as such by the Administrator in accordance with § 1001.330(b) of this Part;

"Administrator" means the Administrator of NOAA or a person to whom appropriate authority has been delegated;

"Affiliate" means any person, (A) in which the applicant or licensee owns or controls more than 5% interest, (B) which owns or controls more than 5% interest in the applicant or licensee, or (C) which is under common ownership or control with the applicant or licensee;

"Antitrust laws" include the Act of July 2, 1890, as amended, the Act of October 15, 1914, as amended, and sections 73 and 74 of the Act of August 27, 1894, as amended;

"Application" means any application submitted under this Part, (A) for issuance of a license for the ownership, construction, or operation of an OTEC facility or plantship; (B) for transfer or renewal of any such license; or (C) for any substantial change in any of the terms and conditions of any such license;

"CAR" means the Consolidated Application Review process described in subpart C of this Part;

"Cleanup" means removal of pollutants from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, public and private property, shorelines, and beaches;

"Coastal State" means a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes;

"Construction" means any activities conducted at sea to supervise, inspect, actually build, or perform other functions incidental to the building, repairing, or expanding of an OTEC facility or plantship or any of its components, including but not limited to, piledriving, emplacement of mooring devices, emplacement of cables and pipelines, and deployment of the cold water pipe, and alterations, modifications, or additions to an OTEC facility or plantship;

"Controlling interest" means a direct or indirect legal or beneficial interest in or influence over another person arising through ownership of capital stock, interlocking directorates or officers, contractual relations, or other similar means, which substantially affect the independent business behavior of such person;

"Designated application area" means the projected area or areas in which the OTEC activities of the applicant might impact so as to significantly degrade the operation of another OTEC facility or plantship, and in which the operation of another OTEC facility or plantship might impact so as to significantly degrade the OTEC operation proposed by the applicant;

"EIS" means an environmental impact statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

"Facility" means an OTEC facility;

"Governor" means the Governor of a State or the person designated by law to exercise the powers granted to the Governor pursuant to this Part;

"High seas" means that part of the oceans lying seaward of the territorial sea of the United States and outside the territorial sea, as recognized by the United States, of any other nation;

"Licensee" means the holder of a valid license for the ownership, construction, or operation of an OTEC facility or plantship that was issued, transferred, or renewed pursuant to this Part;

"Major component" means any component of an OTEC facility or plantship with a value exceeding $500,000;

"NOAA" means the National Oceanic and Atmospheric Administration;

"OTEC" means ocean thermal energy conversion;

"OTEC facility" means any facility which is standing or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such facility to use such electricity or other form of energy to produce, process, refine, or manufacture a product, and any cable or pipeline used to deliver such electricity, fresh water, or product to shore, and all other associated equipment and appurtenances of such facility, to the extent they are located seaward of the highwater mark. If part of the OTEC facility is built on land, the definition includes that portion of the warm water intake structure, cold water intake

structure, effluent discharge structure, and any other parts of the facility, located seaward of the highwater mark;

"OTEC plantship" means any vessel which is designed to use temperature differences in ocean water while floating moored or moving through such water, to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such vessel to use such electricity or other form of energy to produce, process, refine, or manufacture a product, and any equipment used to transfer such product to other vessels for transportation to users, and all other associated equipment and appurtenances of such vessel;

"Person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, or other entity organized or existing under the laws of any nation, and any Federal, State, local or foreign government or any entity of any such government;

"Plantship" means an OTEC plantship;

"Pollutant" means (A) oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with wastes; (B) dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water; and (C) hazardous substances as that term is defined in § 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510);

"Pollutant discharge" means, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of pollutants;

"Significant contract" means any contract in an amount exceeding five-hundred thousand dollars ($500,000);

"State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession over which the United States has jurisdiction;

"Test platform" means any floating or moored platform, barge, ship, or other vessel which is designed for limited-scale, at-sea operation in order to test or evaluate the operation of components or all of an OTEC system and which will not operate as an OTEC facility or plantship after the conclusion of such tests or evaluation; and

"United States citizen" means (A) any individual who is a citizen of the United States by law, birth, or naturalization; (B) any Federal, State, or local government in the United States, or any entity of any such government; or (C) any corporation, partnership, association, or other entity, organized or existing under the laws of the United States, or of any State, which has as its president or other executive officer and as its chairman of the board of directors, or holder of similar office, an individual who is a United States citizen and which has no more of its directors who are not United States citizens than constitute a minority of the number required for a quorum necessary to conduct the business of the board.

§ 1001.50 Who must apply for an OTEC license? (and who does not need one).

(a) *OTEC facilities.* No person may engage in the ownership, construction, or operation of an OTEC facility which is:

(1) Documented under the laws of the United States; or

(2) Located in the territorial sea of the United States; or

(3) Connected to any State by pipeline or cable; except in accordance with a license issued pursuant to this Part.

(b) *OTEC plantships.* No citizen of the United States may engage in the ownership, construction or operation of an OTEC plantship except in accordance with a license issued pursuant to this Part, or in accordance with a license issued by a foreign nation whose licenses are found by the Administrator, after consultation with the Secretary of State, to be compatible with licenses issued pursuant to this Part.

(c) *Activities which do not require a license.* The requirements of this section to obtain an OTEC license do not apply to the following activities:

(1) Ownership, construction, or operation of any ocean thermal energy conversion facility or plantship which the Secretary of Energy has designated in writing as a demonstration project for the development of alternative energy sources for the United States which is conducted by, participated in, or approved by the Department of Energy, for so long as the Secretary of Energy maintains such designation in effect. The Secretary of Energy, after consultation with the Administrator, will require such demonstration projects to abide by as many of the substantive requirements of Title I of the Act as he deems to be practicable without damaging the nature of or unduly delaying such projects;

(2) Ownership, construction, or operation of any test platform which will not operate as an OTEC facility or plantship after conclusion of the testing period;

(3) OTEC construction activities which are conducted on land or in a shipyard; and

(4) Manufacture or supplying of components for an OTEC facility or plantship unless such activity takes place seaward of the highwater mark.

§ 1001.60 Federal applications.

The application filed with the Administrator constitutes an application for all Federal authorizations required for ownership, construction, and operation of an OTEC facility or plantship, except for authorizations required by documentation, inspection, certification, construction, and manning laws and regulations administered by the Secretary of the department in which the Coast Guard is operating and application to the Maritime Administration for financial assistance under Title XI of the Merchant Marine Act of 1936. Procedures for review of the application by Federal agencies and departments (other than the Coast Guard) are set forth in Subpart C of this Part.

§ 1001.70 Pre-application consultation.

(a) *Consultation.* If requested, the Administrator will consult with any prospective applicant to assist the applicant in properly preparing the application.

(b) *Request.* A prospective applicant who wishes a pre-application consultation in accordance with this section should make such request in writing to the Director, Office of Ocean Minerals and Energy, NOAA, Room 410, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

§ 1001.80 How to apply for an OTEC license.

(a) *Form.* Each application must be in writing and must include the information specified in Subpart B of this Part in the order specified.

(b) *Number of copies.* 45 copies of each application must be submitted.

(c) *Where to file the application and all related documents.* Applications and all related documents shall be filed with the Administrator of NOAA, in care of the Director, NOAA Office of Ocean Minerals and Energy, Room 410, Page Building #1, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

(d) *Signature.* (1) *Who.* Each application for an OTEC license submitted under this Part shall be signed as follows:

(i) *For a corporation:* by a principal executive officer of at least the level of vice-president;

(ii) *For a partnership or sole proprietorship:* by a general partner or the proprietor, respectively;

(iii) *For a Federal, State, or local government in the United States, or any entity of any such government:* by either a principal executive officer or ranking elected official; or

(iv) *For an association or other entity:* by a principal executive officer.

(2) *Verification.* Each application shall contain a statement at the end of the application subscribed and sworn to before a notary public that the individual who signed the application has read it and that its contents are true to the individual's best knowledge and belief.

§ 1001.90 Provision of additional information.

(a) *Supplemental documents.* The Administrator may require, by written notice to the applicant, that the applicant file as a supplement to the application any analysis, explanation or detailing of information in the application or any other information determined by the Administrator to be required to review or process the application.

(b) *Other Federal and State requests.* Any Federal or adjacent coastal State department or agency may file with the Administrator a request or recommendation for further information related to its authorization(s) required for ownership, construction, or operation of the proposed OTEC facility or plantship. Requests and recommendations received by the Administrator within 30 days after notice of the initial application has been published in the **Federal Register** will be fully considered before any final determination is made to require additional information of the applicant. Requests and recommendations must contain a brief statement of the need for additional information, including the nature of any safety, health, environmental, economic, or other legitimate concerns.

(c) *Time limits.* In exercising the authority to require supplemental information under this section, the Administrator may fix a reasonable time by which an applicant must meet the requirements. If an application states that required information is not yet available but will be furnished at a later date, the Administrator may specify a reasonable time by which the information must be provided. If any requirement is not met by a time fixed in accordance with this paragraph, the Administrator shall determine whether compliance with the requirement is material to processing of the application within the time deadlines prescribed in Subpart C of this Part. If the Administrator determines that an unmet requirement for supplemental information is material, the Administrator may disapprove the application or suspend the application pending a determination that processing can be resumed. The period of any suspension shall not be counted in determining the dates of the deadlines prescribed in Subpart C of this Part.

(d) *Copies.* 45 copies of additional information required under this section will be provided unless the Administrator determines otherwise.

§ 1001.100 Confidentiality of information.

(a) *Purpose.* This section provides a procedure by which persons submitting information pursuant to this Part may request that certain information not be subject to public disclosure.

(b) *Written requests for confidential treatment.*

(1) Any person who submits any information pursuant to this Part, which information is considered by him to be a trade secret, or commercial or financial information which is privileged or confidential, may request that the information be afforded confidential treatment.

(2) Requests for confidential treatment of information must be in writing and must be submitted at the time of submission of the information. Information subject to the request must be segregated from information for which confidential treatment is not being requested, and each page (or segregable portion of each page) subject to the request must be clearly marked with the legend "Confidential Treatment Requested." Where this marking proves impracticable, a cover sheet containing the legend must be securely attached to the compilation of information.

(c) *Substantiation of request for confidential treatment.* (1) Any request for confidential treatment must include a statement of the basis for believing that the information is deserving of confidential treatment which addresses the issues relevant to a determination whether the information is a trade secret, or commercial or financial information which is privileged or confidential. Such statement itself will be treated as confidential to the extent permitted by applicable law.

(2) Issues addressed should include:

(i) The commercial or financial nature of the information;

(ii) The nature of the competitive advantage enjoyed as a result of possession of the information;

(iii) The nature of the competitive harm which would result from public disclosure of the information;

(iv) The extent to which the information has been disseminated to employees and contractors of the person submitting the information;

(v) The extent to which persons other than the person submitting the information possess, or have access to, the same information; and

(vi) The nature of the measures which have been and are being taken to protect the information from disclosure.

(d) *Requests for disclosure of trade secrets, privileged, or confidential information.* Any request for disclosure of information submitted, reported, or collected pursuant to this Part shall be made in accordance with the requirements of 15 CFR Part 903. Upon receipt of a request for disclosure, the officer authorized in 15 CFR 903.11 to make initial denials of requests for records shall determine, in consultation with the NOAA Office of General Counsel, whether confidential treatment is warranted. If the officer determines that confidential treatment is not warranted, the officer shall promptly notify the person requesting confidential treatment. Except as allowed under paragraph (e)(1)(ii) of this section, no information subject to a request for confidential treatment shall be released until the expiration of 10 calendar days from the date of issuance of such notice. In all other respects, procedures for handling requests for records containing information submitted, reported, or collected pursuant to this Part shall be in accordance with 15 CFR Part 903.

(e) *Special limitations on disclosure of certain information.* Any information submitted to, reported to, or collected by the Administrator under this Part which is exempt from disclosure pursuant to section 552(b)(4) of title 5, United States Code (relating to trade secrets and confidential commercial and financial information), will not:

(1) Be publicly disclosed by the Administrator or by any other officer or employee of the United States, unless the Administrator has:

(i) Determined that the disclosure is necessary to protect the public health or safety or the environment against an unreasonable risk of injury, and

(ii) Notified the person who provided the information 10 calendar days before the disclosure is to be made, unless the delay resulting from such notice would

be detrimental to the public health or safety or the environment, or

(2) Be otherwise disclosed except:

(i)(A) To other Federal and adjacent coastal State government departments and agencies for official use,

(B) To any committee of the Congress of appropriate jurisdiction, or

(C) Pursuant to court order, and

(ii) When the Administrator has taken appropriate steps to inform the recipient of the confidential nature of the information.

§ 1001.110 Amendment of an application.

(a) *Requirement to amend.* If information in an application becomes materially inaccurate or incomplete after it is filed but before the license application proceeding is terminated, the applicant must promptly file an amendment furnishing the corrected or additional information. Forty-five copies of the amendment must be submitted to the Administrator when the revisions are filed.

(b) *Effect of amendment.* If the administrator determines that any amendment constitutes a major and substantial change to the applicant's original proposal, the Administrator may:

(1) Suspend the time deadlines prescribed in Subpart C of this Part for processing of an application pending review of the amendment; or

(2) Require the applicant to commence a new license application proceeding.

§ 1001.120 Termination of proceeding and withdrawal of an application.

(a) An applicant may withdraw an application at any time before the license application proceeding is terminated by delivering or mailing written notice of withdrawal to the Administrator.

(b) The Administrator will terminate a proceeding if:

(1) All applications are withdrawn before the decision approving or denying them is issued; or

(2) The applicant after written notice by the Administrator pursuant to § 1001.90 of this Part does not provide adequate further information to complete the application within the time fixed in the written notice, and the Administrator elects to disapprove the application under § 1001.90(c) of this Part.

§ 1001.130 Application Fee.

(a) *Schedule of payment.* The application fee must be submitted to NOAA as follows:

(1) A nonrefundable payment of one-hundred thousand dollars ($100,000.00) must be submitted with each application for issuance of a license.

(2) An additional payment of one-hundred thousand dollars ($100,000.00) must be submitted not later than the date of the first public hearing held by NOAA on the license application in accordance with § 1001.340 of this Part.

(3) A final payment of fifty-thousand dollars ($50,000.00) must be submitted not later than 45 days after notice of completion of public hearings on the application is published in the Federal Register in accordance with § 1001.360 of this Part.

(b) *Effect of withdrawal or termination of application.* Withdrawal of the application by the applicant or termination of the application proceedings by the Administrator will reduce the application fee due to NOAA as follows:

(1) If the application is withdrawn or terminated prior to publication in the Federal Register of notice of receipt of an application which appears to be complete in accordance with § 1001.200 of this Part, the applicant will not be liable for the additional payment of one-hundred thousand dollars ($100,000.00).

(2) If the application is withdrawn or terminated before the date of the first public hearing held by NOAA on the application in accordance with § 1001.340 of this Part, the applicant will not be liable for the final payment of fifty-thousand dollars ($50,000.00).

(c) *Payment.* The fees assessed under this section must be made payable to the "National Oceanic and Atmospheric Administration, U.S. Department of Commerce."

§ 1001.140 Clerk, docket, and record of application proceeding.

(a) The mailing address for the clerk in each license application proceeding is: OTEC Docket Clerk, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Room 410, Page Building No. 1, 2001 Wisconsin Ave. NW.; Washington, D.C. 20235.

(b) The clerk will maintain a docket and the record for each license application proceeding. The docket will list each document in the record. The record will contain all documents filed or issued in the proceeding that the clerk has received and any other documents in the proceeding that are listed on the docket in accordance with this Part.

(c) Comments submitted by Federal agencies and departments on each licensing proceeding will be listed on the docket when they are received. The draft and final environmental impact statements prepared in accordance with § 1001.310 of this Part will be listed on the docket when they are transmitted to the Environmental Protection Agency.

§ 1001.150 Public Inspection and Copying.

(a) A copy of each application, except material for which protection is claimed as trade secrets or privileged or confidential information, will be available for inspection and copying at NOAA, Office of Ocean Minerals and Energy, Room 410, Page Building No. 1, 2001 Wisconsin Ave. NW., Washington, D.C. 20235.

(b) The Administrator will designate a custodian of all documents filed in a proceeding for which protection is claimed under § 1001.100 of this Part. The custodian will not make public for inspection documents for which protection is claimed nor otherwise disclose such information, unless the NOAA General Counsel is of the opinion that the requirements of § 1001.100(c) of this Part have been satisfied. The custodian will keep a record of all officers and employees of the Department having custody of any copy or copies of protected documents.

Subpart B—Information To Be Submitted With Application

§ 1001.160 Why is this information required?

(a) *Information for NOAA.* The Act requires the Administrator to make a number of factual determinations with respect to issuance of a license. This subpart prescribes the information which the applicant must provide with the application. If additional information later becomes necessary to enable the Administrator to make those determinations, the Administrator will use the procedures in § 1001.90 of this Part to obtain it from the applicant.

(b) *Information for other Federal agencies and departments.* The Act requires the Administrator not to issue a license if it is determined that the applicant cannot or will not comply with applicable laws and regulations. This Subpart prescribes information which the applicant must provide with the application to enable the Administrator to make that determination. If additional information later becomes necessary to complete the application proceeding, the Administrator will use the procedures in § 1001.90 of this Part to obtain it from the applicant.

§ 1001.170 Request for use of the Consolidated Application Review (CAR) Process.

(a) *Request.* If the applicant wishes to have the CAR process used the application shall so indicate.

(b) *CAR team representative.* If the applicant requests use of the CAR process, the applicant shall designate a

representative to the CAR team in his application.

§ 1001.180 Information about the applicant and its affiliates.

(a) *General.* The following information on the applicant and its affiliates shall be provided with the application:

(1) The name, mailing address, telephone number, citizenship, and the ownership interest in the applicant and its affiliates, of each person having any controlling interest in the applicant or its affiliates or any ownership interest in the applicant or its affiliates of greater than 5 per centum; and

(2) The name, address, and citizenship of any person with whom the applicant and its affiliates have made, or propose to make, a significant contract for the construction or operation of the OTEC facility or plantship, or for any major component of the OTEC facility or plantship, and a copy of such contract.

(b) *Proof of citizenship and authority.* (1) If the applicant is a partnership or sole proprietorship, an affidavit from each partner or the proprietor, respectively, stating that the individual is a citizen of the United States of America.

(2) If the applicant is a corporation, one copy of its charter or instrument by which the corporation is formed and organized under general corporation laws, certified by the Secretary of State or other appropriate authority of the State in which incorporated, a copy of its by-laws certified by its Secretary or an Assistant Secretary, and an affidavit from its president, or holder of similar office, and each member of its board of directors stating the individual's citizenship.

(3) If the applicant is a Federal, State, or local government in the United States, or any entity of any such government, a copy of the laws authorizing the operations detailed in the application.

(4) If the applicant is an association or other entity, a copy of its charter or instrument by which the entity is organized or existing under the laws of the United States, or of any State and an affidavit from its principal executive officer, or holder of similar office, and from each member of its board of directors, stating the individual's citizenship.

(c) *Address for service of documents.* Each application shall contain the name and address of a person upon whom service may be made if a formal hearing is to be held on the application and the name and address of a person to whom documents not required to be served may be sent.

(d) *Technical competence.* The following information on the experience of the applicant shall be provided with the application:

(1) A description of the technical competence in offshore operations of the applicant and each consultant, naval architect, or marine engineering firm, if known, that will participate in the design of the OTEC facility or plantship, with particular emphasis on involvement in offshore construction, deployment of large structures, submarine electrical transmission cables, submarine pipelines, seabed foundations, mooring systems, and other experience that would bear on one's qualifications to participate in the construction or operation of an OTEC facility or plantship.

(2) A listing and abstract of each study relied upon by the applicant and a listing and abstract of each ongoing or completed study pertaining to OTEC facilities or plantships conducted by or for the applicant.

(e) *Finances and production.* The following information on the financial situation and production history and plans of the applicant and each of its affiliates shall be provided with the application:

(1) The most recent annual financial statement of the applicant and each of its affiliates, including an income statement and a balance sheet, accompanied by an opinion of a certified public accountant;

(2) An estimate of construction costs, by phases;

(3) A detailed estimate of the cost of removal or at sea disposal of all marine components of the OTEC facility or plantship other than electrical transmission cables or pipelines lying below the seabed;

(4) Annualized projections or estimates of each of the following, for the first, third, sixth, ninth, etc. year of operation throughout the requested duration for the OTEC facility or plantship license:

(i) Total gross and net production of electricity;

(ii) Total production of other products;

(iii) Estimated unit cost to the end user of produced electricity or product;

(5) A copy of every agreement or proposal of the applicant and each of its affiliates relating to the ownership, lease, charter, or management of the OTEC facility or plantship or any of its components and to the financing of the construction or operation of the OTEC facility, plant, or plantship or component thereof, including those relating to production of electricity or other products, capital contributions, loans, guarantees, and commitments therefor;

(6) An estimate of the amount of fuel or other raw materials which would be saved or made available for other uses because of the operation of the OTEC facility or plantship, projected on an annual basis extending throughout the expected useful life of the OTEC facility or plantship. The estimates provided under this paragraph should be supported by analysis of the specific markets in which the OTEC facility or plantship would compete; and

(7) From each applicant, and each affiliate of an applicant, engaged in the production of electricity or other product to be produced by the OTEC facility or plantship which is the subject of the application, for each of the three calendar years immediately prior to the date of application, its:

(i) Locations; and

(ii) Total U.S. and total worldwide:

(A) Gross and net production of electricity; and

(B) Production of products which would be produced by the OTEC facility or plantship which is the subject of the application.

§ 1001.190 General information on the OTEC facility or plantship.

The following general information shall be submitted with the application in the order specified in this section:

(a) The proposed physical size and location (for a plantship, a description of the area in which the plantship is intended to be operated) of the OTEC facility or plantship, and the intended capacity of such facility or plantship to produce electricity, fresh water, or other products;

(b) A description of the thermal energy conversion cycle to be used by the OTEC facility or plantship;

(c) A description of any production, processing, refining, or manufacturing process which will be used to make a product;

(d) A description of the methods which will be used to deliver electricity, fresh water, or other product to shore;

(e) A general description of the major components of the OTEC facility or plantship; and any pipeline or electrical transmission system or other product transfer system associated with such OTEC facility or plantship;

(f) If construction and deployment is expected to proceed in phases, a description of each phase, including the anticipated date of completion for each phase;

(g) The intended daily volumes of warm and cold water flow through the OTEC facility or plantship;

(h) A description of the procedures to be used in constructing, operating, and

maintaining the OTEC facility or plantship, including procedures to be used to conduct any Federally permitted pollutant discharge from the OTEC facility or plantship;

(f) A description of the procedures to be used in constructing, operating, and maintaining the OTEC facility or plantship to prevent any unpermitted pollutant discharge; and

(j) An emergency pollutant discharge contingency plan which describes the equipment, training, procedures, and maintenance required to respond to or clean up any unpermitted pollutant discharge from the OTEC facility or plantship. (Standards for such a plan and for review of the adequacy of such a plan will be determined by the Coast Guard).

§ 1001.209 Requested duration of license.

The applicant shall submit with the application a statement of the requested duration of the license he is seeking, along with the economic, technical, or other basis for the requested duration.

§ 1001.210 Compliance with other Federal laws and regulations.

(a) If the proposal of the applicant is subject to regulation under the cited authority, the information specified in this section shall be submitted with the application.

(b) *Clean Water Act.* The information required to be submitted to the Environmental Protection Agency to obtain a *National Pollutant Discharge Elimination System* (NPDES) permit under section 402 of the *Clean Water Act* (Pub. L. 92–500, as amended by Pub. L. 95–217 and Pub. L. 95–570; 33 U.S.C. 1251 *et seq.*). The procedures and information required for such submittals are set out in 33 CFR Part 122, 33 CFR Part 124, and 40 CFR 125.120 *et seq.*

(c) *Clean Water Act.* The information required to be submitted to the Corps of Engineers within the Department of the Army to obtain a *Permit for Discharges of Dredged or Fill Material into Waters of the United States* under section 404 of the *Clean Water Act* (Pub. L. 92–500, as amended by Pub. L. 95–217 and Pub. L. 95–570; 33 U.S.C. 1251 *et seq.*). The procedures and information required for such submittals are set out in 33 CFR Part 320, 33 CFR Part 323, and 33 CFR Part 325.

(d) *Marine Protection, Research, and Sanctuaries Act of 1972.* The information required to be submitted to the Corps of Engineers within the Department of the Army to obtain a *Permit for Ocean Dumping of Dredged Material* under section 103 of the *Marine Protection, Research, and Sanctuaries Act of 1972*, as amended (33 U.S.C. 1413). The procedures and information required for such submittals are set out in 33 CFR Part 320, 33 CFR Part 324, and 33 CFR Part 325.

(e) *River and Harbor Act of 1899.* The information required to be submitted to the Corps of Engineers within the Department of the Army to obtain a *Permit for Structures or Work in or Affecting Navigable Waters of the United States* under section 10 of the *River and Harbor Act of 1899*, 33 U.S.C. 403. The procedures and information required for such submittals are set out in 33 CFR Part 320, 33 CFR Part 322, and 33 CFR Part 325.

(f) *Endangered Species Act of 1973.* The information required to determine whether the activities of the OTEC facility or plantship are likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of their critical habitats, as determined under the *Endangered Species Act of 1973* (16 U.S.C. 1531 *et seq.*). For the lists of endangered species, see 50 CFR Parts 17 and 222; for the lists of threatened species, see 50 CFR Parts 17 and 227; for the lists of designated critical habitats, see 50 CFR Parts 17 and 226.

(g) *Coastal Zone Management Act of 1972.* The certification or certifications required to be submitted to NOAA under section 307(c) of the *Coastal Zone Management Act of 1972* (CZMA) (16 U.S.C. 1456(c)).

(h) *Outer Continental Shelf Lands Act Amendments of 1978.* The information required to be submitted to the Corps of Engineers within the Department of the Army to obtain a *Permit for Artificial Islands, Installations, and Other Devices, Installed on the Outer Continental Shelf, which May Obstruct Navigation*, under section 4(e) of the *Outer Continental Shelf Lands Act* (16 U.S.C. 203(e)). The procedures and information required for such submittals are set out in 33 CFR Part 322.

(i) *Additional Federal authorizations required.* All other applications for Federal authorizations required for ownership, construction, location, and operation of the proposed OTEC facility or plantship not listed elsewhere in this Part.

§ 1001.220 OTEC site information.

(a) *General.* The following information on the proposed OTEC facility site or proposed OTEC plantship operating site(s), as appropriate, shall be submitted with an application.

(b) *Site plan.* Single-line drawings and descriptions showing the location and type of each major component and appurtenance of the proposed OTEC facility or plantship, including floating structures, fixed structures, electrical power transmission cables, aids to navigation, industrial process systems, offshore and onshore pipelines, electrical substations and switching stations. One of these drawings must be a large-scale nautical chart of the area in which the proposed OTEC facility or plantship would operate.

(c) *Existing human uses.* Single-line drawings of the marine area within five miles of the proposed site showing the nature and location of any cables, pipelines, offshore drilling or production platforms, aids to navigation, sewage outfalls, or other man-made structures and equipment. These drawings must also show the boundary lines and identification of each Outer Continental Shelf lease block, submarine transit lane, fishing ground, military use area, or other special area noted on navigation charts for the area covered by the drawings, or otherwise known to the applicant.

(d) *Marine components.* A description of:

(1) The proposed size and location of:

(i) All fixed and floating structures;

(ii) In the case of a moored OTEC facility, watch circles;

(iii) Maneuvering areas;

(iv) Recommended ships' routing measures considered necessary or appropriate for the protection of the OTEC facility or plantship;

(v) Recommended anchorage areas, if any;

(vi) Recommended mooring area for support vessels;

(vii) Pipelines and cables within the marine site;

(2) A reconnaissance hydrographic survey of the proposed marine site; and

(3) The charted water depth throughout the proposed marine site as verified by the reconnaissance hydrographic survey.

Note.—A requirement to submit an engineering hydrographic survey of the final marine site will be imposed as a license condition.

(e) *Soil data.* An analysis of the general character and condition of the ocean bottom and sub-bottom strata throughout the marine site and long the path of any cold or warm water intake or discharge piping, electrical transmission cable, or pipeline to the shore, including an opinion by a registered professional engineer with appropriate expertise and training, concerning:

(1) The suitability of the ocean bottom and sub-bottom strata to accommodate the anticipated design load of each

marine component that will be fixed to or supported on the ocean floor as evidenced by foundation tests, geo-hazard reports, and geo-technical reports; and

(2) The stability of the seabed when exposed to the environmental forces resulting from severe storms, or to lesser forces that continue for an extended period, including any history of accretion or erosion of the coast line proximity to the marine site.

(f) *Onshore components.* A description of the size and location of major onshore components of the OTEC facility, including:

(1) Onshore electrical transmission cables or pipelines;

(2) Electrical substations;

(3) Switching stations;

(4) Electrical transmission lines;

(5) Storage facilities; and

(6) Industrial plants.

§ 1001.230 Operational information.

(a) Each applicant shall specify the wind, wave, and current conditions during which the licensee would initiate the following actions:

(1) Shutdown of electrical power or other product production operations.

(2) Prohibition on supply vessels or product transport vessels mooring to an OTEC facility or plantship.

(3) Shutdown of all operations and evacuation of the OTEC facility or plantship.

(b) Each application shall contain a description of the calculations and other information used to specify the conditions described in paragraph (a) of this section.

§ 1001.240 Design information.

(a) The applicant shall submit the design information specified in this section with his application.

(b) *Major floating components data.* (1) A description and preliminary design drawing of each major floating component, including the electrical transmission riser cable, product transfer system, or cold water pipe suspension system if they are floating systems in whole or in part, along with any floating anchoring or securing structure.

(2) The design criteria to which each major floating component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed by or for the applicant on a major floating component.

(6) A description of safety, lifesaving, and fire fighting equipment to be used on each major floating component.

(7) The personnel capacity of each OTEC plantship.

(c) *Major fixed marine components.* (1) A description and preliminary design drawing of each major fixed marine component.

(2) The design criteria to which each major fixed marine component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed by or for the applicant for any major fixed marine component and utilized in the development of the application.

(6) A description of safety, lifesaving, and fire fighting equipment to be used on each major fixed marine component.

(7) The personnel capacity of each OTEC facility.

(d) *Major onshore components.* (1) A description and preliminary design drawing of each major onshore component.

(2) A description and the results of any design and evaluation studies performed by or for the applicant for any major onshore component and used in development of the application.

(3) A description of the safety and firefighting equipment to be used in each major onshore component.

(e) *Offshore electrical transmission cable or pipeline components.* (1) A description and preliminary design drawing of the submarine electrical transmission cable or pipeline, including size, capacity, length, depth and protective devices.

(2) The design criteria to which the submarine electrical transmission cable or pipeline is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description of the manner in which of all submerged or buried communications cables, electrical transmission cables, and pipelines will be crossed by the offshore submarine electrical transmission cable or pipeline.

(f) *Miscellaneous components data.* (1) A description of the navigation safety equipment required under 33 CFR Part 164 for a plantship.

(2) A description of aids to navigation to be established on the OTEC facility in accordance with 33 CFR Part 64 and 33 CFR Part 66.

(3) A description of the proposed navigational lighting for the OTEC plantship in accordance with the International Regulations for Prevention of Collisions at Sea, 33 CFR Part 87.

(4) A description of the radio stations or other communications facilities and the proposed method of operation to serve the OTEC facility or plantship during construction and operation, including systems to communicate with transient shipping for safety at sea.

Note.—Federal Communications Commission applications for the OTEC facility or plantship may be submitted directly to the Federal Communications Commission when sufficient technical information is available to meet the rules of that agency. The holding of appropriate Federal Communications Commission licenses will be made a condition on each OTEC facility or plantship license.

(5) A description of plans and methods of operating vessels supplying, or transporting products from, the OTEC facility or plantship.

(6) Type, size and number of vessels to be used in supplying or transporting products from the OTEC facility or plantship.

(7) A description and exact location of any shore based support facilities to be provided for vessels described in paragraphs (f)(5) and (f)(6) of this section.

§ 1001.250 Construction and deployment procedures.

A description of the locations, methods and procedures to be used in constructing and deploying each major marine component of the OTEC facility or plantship. This description must include an explanation of the method for emplacing any submarine electrical transmission cable.

§ 1001.260 Environmental information.

(a) The following environmental information shall be provided with the application:

(1) A description of the area or areas of the ocean in which the OTEC activities of the applicant might impact so as to significantly degrade the operation of another OTEC facility or plantship, and in which the potential operation of another OTEC facility or plantship might impact so as to significantly degrade the OTEC operation proposed by the applicant;

(2) The quantities, composition and potential for bioaccumulation or persistence of any pollutants which may be discharged from the facility or plantship;

(3) The potential transport of such pollutants by biological, physical or chemical processes;

(4) The composition and vulnerability of the biological communities which may be exposed to such pollutants, including the presence of unique species or communities of species, the presence of species identified as endangered or threatened pursuant to the Endangered Species Act, or the presence of those species critical to the structure or function of the ecosystems, such as those important for the food chain;

(5) The potential impacts on human health of such pollutants through direct and indirect pathways;

(6) The importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways, or areas necessary for other functions or critical stages in the life cycle of an organism.

(7) The existence of special aquatic sites which might be significantly impacted by the proposed OTEC operations including, but not limited to estuarine or marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas and coral reefs;

(8) A description of existing or potential recreational and commercial fishing areas, including finfishing and shellfishing areas which might be significantly impacted by the proposed OTEC operations;

(9) A description of expected meteorological and climatic conditions in the area(s) described in paragraph (a)(1) of this section, including estimates of the frequency and severity of extreme meteorological events;

(10) For an OTEC facility, a description of the seismological conditions at the proposed site, including estimates of the frequency and severity of extreme seismological events;

(11) A description of the physical oceanographic conditions in the area(s) described in paragraph (a)(1) of this section, including currents and tides;

(12) A description of the environmental monitoring program proposed by the applicant to:

(i) Demonstrate compliance with applicable Federal, State, or other pertinent water quality standards;

(ii) Provide for early detection of potential releases of pollutants from the OTEC facility or plantship; and

(iii) Monitor the effects of Federally permitted discharges from the OTEC facility or plantship on water, sediment, and biological quality.

(b) A description and the results of any study or evaluation used by the applicant to develop the information required by this section must be submitted with the application.

Subpart C—License Application Review Procedures

§ 1001.270 What is the license application review process?

This subpart describes the process which is used by NOAA to review an application for an OTEC license. The Act prescribed certain mandatory steps in the process and establishes deadlines for their completion. The mandatory steps in the license application review process are set out first in this Subpart in §§ 1001.280 through 1001.370. NOAA has also developed a voluntary Consolidated Application Review (CAR) process which will be used by NOAA and, on a voluntary basis, by other involved Federal, State, and local government entities, to coordinate reviews associated with all Federal, State, and local government authorizations required for ownership, construction, and operation of an OTEC facility or plantship. The steps in the CAR process are set out in this Subpart after the mandatory review procedures, beginning at § 1001.380.

§ 1001.280 NOAA Review for Completeness.

(a) Within 21 days after the receipt of an application, the Administrator will determine whether the application appears to contain all of the information required by Subpart B of this Part. In making this determination the Administrator will consult with other involved Federal agencies and departments.

(b) If the Administrator determines that such information appears to be contained in the application, the Administrator will take the actions under § 1001.290 of this Part.

(c) If the Administrator determines that all of the required information does not appear to be contained in the application, the Administrator will notify the applicant in accordance with § 1001.90 of this Part. The Administrator may decide to take no further action with respect to processing the application until such deficiencies have been remedied.

(d) The time limitations of this Subpart do not begin to run until the date on which the Administrator determines under paragraph (b) of this section that the application appears to be complete.

§ 1001.290 Publication of notice of application; contents of notice; call for additional applications for OTEC facilities.

(a) Not later than 5 days after determining under § 1001.280 of this Part that an application appears to be complete, the Administrator will publish notice of receipt of the application, together with a summary of the plans specified in the application, in the Federal Register.

(b) In the case of an application for an OTEC facility the published notice also will include:

(1) A description of the designated application area encompassing the proposed OTEC facility, and within which:

(i) The OTEC activities proposed by the applicant might impact so as to significantly degrade the operation of another OTEC facility or plantship; and

(ii) The potential operation of another OTEC facility or plantship might impact so as to significantly degrade the OTEC operation proposed by the applicant, unless the application is for a license for an OTEC facility to be located within an application area which has already been designated; and

(2) A call for submission of any other applications for licenses for the ownership, construction, and operation of an OTEC facility within the designated application area.

(c) Any person intending to file an application referred to in paragraph (b)(2) of this section shall submit a notice of intent to file an application to the Administrator not later than 60 days after the publication of notice pursuant to paragraph (a) of this section, and shall submit the completed application no later than 90 days after publication of such notice. the Administrator shall publish notice of any such application received in accordance with paragraph (a) of this section. No application for a license for the ownership, construction, and operation of an OTEC facility within the designated application area for which a notice of intent to file was received after such 60-day period, or which is received after such 90-day period has elapsed, shall be considered until action has been completed on all timely filed applications pending with respect to such application area.

§ 1001.300 Other Federal agencies and departments.

(a) At the time notice of any application is published pursuant to § 1001.290 of this Part, the Administrator will forward a copy of such application to those Federal agencies and departments with jurisdiction over any aspect of OTEC facility or plantship ownership, construction, or operation for review, comment, and recommendation as to license conditions and for such other action as may be required by law. The Federal agencies involved, shall include, but are not limited to, the Environmental

Protection Agency and the Departments of Energy, Transportation, State, the Interior, Justice and Defense.

(b) Each Federal agency or department involved (other than the Department of Justice, which shall conduct its review in accordance with § 1001.320 of this Part) shall review the application and, based upon legal considerations within its area of responsibility, recommend to the Administrator the approval, approval subject to conditions, or disapproval of the application not later than 45 days after public hearings are concluded pursuant to this Part. In any case in which an agency or department recommends disapproval, it shall set forth in detail the manner in which the application does not comply with any law or regulation within its area of responsibility and shall notify the Administrator of the manner in which the application may be amended or the license conditioned so as to bring it into compliance with the law or regulation involved.

(c) In addition to the requirements of paragraph (b) of this section, each Federal agency or department is strongly encouraged to conduct its review of the application and to make its initial or tentative recommendation of approval or denial to the Administrator before public hearings begin under § 1001.340 of this Part, so that such hearings can address those tentative recommendations. The NOAA Administrator will also attempt to make his preliminary views on the application and possible license terms and conditions available before the first public hearings is held under § 1001.340 of this Part.

§ 1001.310 EIS for each application.

(a) *General.* (1) The issuance of any license for ownership, construction, and operation of an OTEC facility or plantship will be deemed to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)(C)).

(2) Whether other actions concerning a license, such as transfer or renewal of the license, require full EIS procedures will be determined on a case-by-case basis in accordance with NEPA.

(b) *NOAA as lead agency.* For all timely applications covering proposed OTEC facilities in a single application area, and for each application relating to a proposed OTEC plantship, the Administrator will, pursuant to section 102(2)(C) of NEPA and in cooperation with other involved Federal agencies and departments, prepare a single EIS which will fulfill the requirements of all Federal agencies in carrying out their responsibilities pursuant to the Act to prepare an EIS.

§ 1001.320 Antitrust review.

(a) Promptly after determining under § 1001.280 of this Part that an application appears to be complete, the Administrator will transmit to the Attorney General a complete copy of such application.

(b) Within 90 days after receipt of the application under § 1001.300(a), the Attorney General shall conduct such antitrust review of the application as he deems appropriate, and submit to the Administrator, in writing, any advice or recommendations he deems advisable to avoid any action upon such application by the Administrator which would create a situation inconsistent with the antitrust laws.

(c) The Administrator will not issue the license during the 90-day period, except upon written confirmation by the Attorney General that he does not intend to submit any further advice or recommendation on the application during such period.

(d) If the Attorney General fails to file such views within the 90-day period, the Administrator will proceed as if such views had been received.

§ 1001.330 Designation of adjacent coastal States.

(a) *Automatic designation.* (1) The Administrator will designate as an "adjacent coastal State" any coastal State:

(i) Which would be directly connected by electric transmission cable or pipeline to an OTEC facility as proposed in an application;

(ii) In whose waters any part of such proposed OTEC facility would be located; or

(iii) In whose waters an OTEC plantship would be operated as proposed in an application.

(2) The Administrator will announce the designation of an adjacent coastal state under paragraph (a)(1) of this section in the notice of application published in the **Federal Register** under § 1001.290 of this Part.

(b) *Other designation.* (1) The Administrator will, upon request of a State, designate such State as an "adjacent coastal State" if he determines that:

(i) There is a risk of damage to the coastal environment of such State equal to or greater than the risk posed to a State required to be designated as an "adjacent coastal State" by paragraph (a)(1) of this section, or

(ii) That the proposed OTEC activities of the applicant are likely to impact at possible locations for OTEC facilities which could reasonably be expected to be directly connected by electric transmission cable or pipeline to such State, so as to significantly degrade such OTEC activities.

(2) Any State requesting designation as an "adjacent coastal State" under paragraph (b)(1) of this section must make its request to the Administrator, in writing, not later than the 14th day after the date of publication of notice of application for a proposed OTEC facility or plantship in the **Federal Register** under § 1001.290 of this Part. The request must be signed by the Governor of the requesting State, and must specify in detail the reasons why the State believes the Administrator should make a determination under paragraph (b)(1) of this section.

(3) The Administrator will make any designation required by paragraph (b)(1) of this section not later than the 45th day after the date he receives such a request from a State.

(c) *Adjacent coastal State review of application.* Not later than 5 days after the designation of an adjacent coastal State pursuant to this section, the Administrator will transmit a complete copy of the application to the Governor of such State.

(d) *Consultation with adjacent coastal States with approved Coastal Zone Management programs license conditions.* (1) The Administrator will not issue a license without consultation with the Governor of each adjacent coastal State which has an approved Coastal Zone Management (CZM) program in good standing pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*).

(2)(i) If the Governor of a State referred to in paragraph (d)(1) of this section determines that an application is inadequate or inconsistent in some respect with the State's CZM program or other applicable State or local laws, the Governor may notify the Administrator, as to:

(A) The part of the State's CZM program, or the other applicable State or local law, with respect to which the application is inadequate or inconsistent;

(B) The manner in which or reason why the application is inadequate or inconsistent; and

(C) How the application may be amended, or the license conditioned, so as to make activities conducted under the license consistent with the State's CZM program and other applicable State and local laws.

(ii) Any notice given to the Administrator by a Governor under paragraph (d)(2)(i) of this section must be in writing, and must contain the information described in paragraphs (d)(2)(i) (A) through (C) of this section.

(3) If the Governor of a State referred to in paragraph (d)(1) of this section has not transmitted his approval, or disapproval under paragraph (d)(2) of this section, to the Administrator by the 45th day after public hearings on the application are concluded under this Part, his approval shall be conclusively presumed.

(4) Upon timely receipt of notice from a Governor under paragraph (d)(2) of this section, the Administrator will condition any license granted to make activities conducted under the license consistent with the State's CZM program and other applicable State and local laws. If a license cannot be so conditioned, the Administrator will not issue the license.

(e) *Consideration of views of other States.* Any adjacent coastal State which does not have an approved CZM program in good standing, and any other interested State, will have the opportunity to make its views known in writing to, and to have them given full consideration by, the Administrator regarding any application for a license for the ownership, location, construction, or operation of an OTEC facility or plantship.

§ 1001.340 Informal public hearings on license application.

(a) *General.* (1) A license may be issued only after public notice, opportunity for comment, and public hearings in accordance with this Part.

(2) Hearings held under this Part will be consolidated insofar as practicable with hearings held by other agencies.

(b) *Multiple applications for OTEC facilities.* If two or more license applications for OTEC facilities have been filed for the same designated application area, the Administrator will consolidate the hearings on the applications.

(c) *Location.* With respect to each license application, at least one public hearing will be held in the District of Columbia and in any adjacent coastal State in which an OTEC facility which is the subject of the application is proposed to be located or to which it would be directly connected by pipeline or electric transmission cable.

(d) *Notice of public hearing.* After all applications in a proceeding are filed, the Administrator will publish a notice of public hearing in the Federal Register and mail or deliver a copy of the notice to any person who requests it and to each applicant and to the Governor of each adjacent coastal State. Each notice will list the applicant(s), state the time and place for the hearing, and describe any factual issues in the proceeding. A notice may prescribe procedural matters to govern the hearing, may designate the presiding officer assigned by the Administrator for the hearing, and may contain such other information as the Administrator determines may facilitate the conduct of the hearing.

(e) *Participation by interested persons.* Interested persons may attend any public hearing, present relevant material at the hearing, and submit written material and oral statements during the hearing at a time determined by the presiding officer.

(f) *Report of public hearing.* Within 21 days after a public hearing is completed, the presiding officer will prepare a report of the hearing. The report at a minimum will contain a summary of the materials presented and factual issues raised at the hearing and will have attached to it a transcript of the hearing and all relevant written materials submitted to the presiding officer.

§ 1001.360 Formal hearings on material factual issues.

(a) If, on the basis of the hearing report required by § 1001.340 of this Part, the Administrator determines that there exists one or more specific and material factual issues which must be resolved by a formal evidentiary hearing, he will issue a notice of formal hearing under § 1001.560(d).

(b) If the Administrator determines under paragraph (a) of this section that a formal hearing is necessary, at least one adjudicatory hearing will be held in the District of Columbia in accordance with 5 U.S.C. 554 and the procedures set forth in Subpart E of this Part. The record developed in any such adjudicatory hearing will be part of the basis for the Administrator's decision to approve or deny a license.

§ 1001.380 Timely conclusion of public hearings.

(a) All public hearings on all applications with respect to OTEC facilities for any designated application area will be concluded not later than 240 days after notice of the initial application has been published under § 1001.290 of this Part.

(b) All public hearings on applications with respect to OTEC plantships will be concluded not later than 240 days after notice of the application has been published pursuant to § 1001.290 of this Part.

(c) Upon conclusion of all public hearings with respect to an OTEC license application under this Part, the Administrator will publish a notice in the Federal Register stating that all such public hearings have been concluded and specifying the date by which recommendations or notice must be submitted under §§ 1001.300(b) and 1001.330(d)(3).

§ 1001.370 Timely issuance of draft and final EIS's on the application.

(a) *Draft EIS.* Each draft EIS relating to proposed OTEC facilities or plantships will be prepared and issued within 180 days after notice of the initial application has been published pursuant to § 1001.290 of this Part.

(b) *Final EIS.* Each final EIS shall be issued not later than 90 days following the date on which public hearings are concluded pursuant to § 1001.380 of this Part.

(c) *Extension of time periods.* The Administrator may extend the deadlines specified in paragraphs (a) and (b) of this section for issuance of a specific draft or final EIS to a later specified date if the Administrator states in writing good cause for such extension.

§ 1001.380 Steps in the voluntary consolidated application review (CAR) process.

(a) The voluntary CAR process, which supplements the preceding mandatory steps in this subpart, includes the following procedures:

(1) Early designation of a representative from each participating Federal, State, and local government entity, as well as the OTEC license applicant, to serve as members of the Consolidated Application Review (CAR) Team.

(2) Development and signing of a Joint Agreement among the participating Federal, State, and local government entities and the applicant. The Joint Agreement identifies the members of the CAR Team, details the regulatory and review responsibilities of each participating government agency having jurisdiction over any aspect of the construction or operation of OTEC facilities or plantships, and outlines the responsibilities of the applicant in the CAR process.

(3) Conducting an inter-agency meeting with all members of the CAR team which includes a briefing by the applicant on the details of the proposed OTEC facility or plantship, and a briefing by the government members on the procedures to be used in processing all necessary permits, authorizations, and approvals.

(4) Implementation of the CAR schedule, including completion of

required regulatory reviews, conduct of necessary public hearings, preparation of an Environmental Impact Statement, and other CAR Team activities necessary to ensure close coordination of the OTEC license review process.

§ 1001.390 Voluntary nature of CAR process.

(a) *Applicant.* Participation by the applicant in the CAR process is voluntary. If the applicant desires to have the application processed by the CAR process the application shall so indicate and shall contain a designation of a CAR team representative.

(b) *Other Federal, State, and local government entities.* Participation by other Federal, State, and local government entities in the CAR process is voluntary. If an applicant indicates a desire to use the CAR process, NOAA will contact other Federal, State, and local government entities with expertise concerning, or jurisdiction over, any aspect of the construction or operation of the OTEC facility or plantship proposed by the applicant and invite them to designate a representative to serve on the CAR Team for that application.

(c) *Other application review agreements.* Agreements other than the Joint Agreement may, at the option of the affected parties, be negotiated between the applicant and individual regulatory agencies, or between regulatory agencies, regarding any aspect of the regulatory reviews necessary pursuant to any government permit, license, or authorization required for construction or operation of the OTEC facility or plantship which is the subject of the application.

§ 1001.400 Effect of joint agreement on authorities.

Nothing in the Joint Agreement developed by the CAR team shall abrogate the statutory, regulatory, or administrative responsibilities and rights of any party, agency, or jurisdiction. The CAR agreement is voluntary, and all parties will, in good faith, work in a cooperative and coordinated fashion to carry out the responsibilities stated therein.

§ 1001.410 Request for designation of Federal CAR team members.

Not later than the time the Administrator forwards copies of the application to other Federal agencies and departments pursuant to § 1001.300 of this Part, the Administrator will request that each such agency and department designate a representative to serve on the CAR team for the application, if the applicant has requested that the CAR process be used for application review. Such Federal agencies and departments will be requested to make CAR team member designations within 14 days of receipt of the Administrator's request.

§ 1001.420 Request for designation of State and local CAR team members.

(a) *State members.* Not later than the time the Administrator forwards copies of the application to designated adjacent coastal States pursuant to § 1001.330 of this Part, the Administrator will request that each such adjacent coastal State designate a representative to serve on the CAR team for the application, if the applicant has requested that the CAR process be used for review of the application. Such designated adjacent coastal States will be requested to make CAR team member designations within 14 days of receipt of the Administrator's request.

(b) *Local government members.* The request from the Administrator pursuant to paragraph (a) of this section will include a request that the designated adjacent coastal State coordinate with affected local government entities within such State to assist such entities is designating CAR team members to serve on the CAR team for the application. Such designated adjacent coastal States will be requested to forward local government CAR team member designations to the Administrator within 14 days of receipt of the Administrator's request.

§ 1001.430 Development of joint agreement by CAR team.

(a) *Schedule.* Within 45 days after all members of the CAR team for the application are designated pursuant to this part, the CAR team will develop and sign a Joint Agreement among the participants.

(b) *Content.* The Joint Agreement will include, as a minimum:

(1) An identification of all members of the CAR team.

(2) A statement of the regulatory and review responsibilities of each government entity represented on the CAR team.

(3) A statement of the responsibilities of the representative of the applicant during the CAR process to be conducted on the application.

(4) A schedule of meetings, hearings, and decisions which must be completed during the CAR process.

(5) A brief description of the OTEC facility or plantship proposal which is the subject of the application.

(c) *Availability.* After the Joint Agreement is completed and signed by CAR team participants, it will be listed on the docket and made a part of the record of the application proceeding in accordance with § 1001.140 of this part. The Joint Agreement will then be available for public inspection and copying in accordance with § 1001.150 of this Part.

§ 1001.440 Interagency CAR team meeting.

(a) *Schedule.* After completion of the Joint Agreement and prior to any public hearing on the application required by the Act, the CAR team will hold a public meeting.

(b) *Content.* The inter-agency CAR team meeting will consist of a briefing by the applicant on the details of the proposed OTEC facility or plantship and briefings by each government member of the CAR team on the procedures to be used in processing all necessary permits, authorizations, and approvals.

(c) *Public participation.* Interested persons may attend the inter-agency CAR team meeting, present relevant material, and submit written and oral statements at a time determined by the presiding officer.

§ 1001.450 Implementation of the CAR schedule.

(a) *Cooperation.* All members of the CAR team will, in good faith, work in a cooperative and coordinated fashion to address the responsibilities stated in the Joint Agreement and to assure that the schedule in the Joint Agreement is adhered to.

(b) *Delays.* All parties to the Joint Agreement will make good faith efforts to adhere to the schedule agreed to therein. However, if unavoidable delays occur in submittal and review of information during the CAR process, the CAR team members will revise the Joint Agreement schedule accordingly. A copy of any such revised schedule will be listed in the docket and made part of the record of the application proceeding.

Subpart D—Criteria for Approval or Denial of Application and for Establishment of License Terms and Conditions; Renewal Transfer, Suspension, Revocation, Termination, Relinquishment, and Surrender

§ 1001.460 Timely approval or denial of application for a license.

(a) The Administrator will approve or deny any timely filed application with respect to an OTEC facility for a designated application area not later than 90 days after public hearings on the applications for that application area are concluded pursuant to § 1001.360 of this Part.

(b) The Administrator will approve or deny an application for a license for ownership, construction, or operation of an OTEC plantship not later than 90 days after the public hearings on the application are concluded pursuant to § 1001.360 of this Part.

§ 1001.470 Criteria for approval or denial.

(a) The Administrator may issue a license in accordance with the provisions of this Part unless:

(1) The Administrator determines that the applicant cannot or will not comply with applicable laws, regulations, and license terms and conditions;

(2) The Administrator determines that the construction and operation of the OTEC facility or plantship will not be in the national interest and consistent with national security and other national policy goals and objectives, including energy self-sufficiency and environmental quality;

(3) The Administrator determines, after consultation with the Secretary of the department in which the Coast Guard is operating, that the OTEC facility or plantship will not be operated with reasonable regard to the freedom of navigation or other reasonable uses of the high seas and authorized uses of the Continental Shelf, as defined by United States law, treaty, convention, or customary international law;

(4) The Administrator has been informed, within 45 days after the conclusion of public hearings on that application, or on multiple applications for OTEC facilities for the designated application area, by the Administrator of the Environmental Protection Agency that the OTEC facility or plantship will not conform with all applicable provisions of any law for which EPA has regulatory authority;

(5) The Administrator has received the opinion of the Attorney General, pursuant to § 1001.330 of this Part, stating that issuance of the license would create a situation in violation of the antitrust laws, or the 90-day period provided in § 1001.320 of this Part has not expired;

(6) The Administrator has consulted with the Secretary of Energy, the Secretary of Transportation, the Secretary of State, the Secretary of the Interior, and the Secretary of Defense, to determine their views on the adequacy of the application, and its effect on programs within their respective jurisdictions and determined on the basis thereof, that the application for a license is inadequate;

(7) The proposed OTEC facility or plantship will not be documented under the laws of the United States;

(8) The applicant has not agreed to the condition that no vessel may be used for the transportation to the United States of things produced, processed, refined, or manufactured at the OTEC facility or plantship unless such vessel is documented under the laws of the United States;

(9) When the license is for an OTEC facility, the Administrator determines that the facility, including any submarine electric transmission cables and equipment or pipelines which are components of the facility, will not be located and designed so as to minimize interference with other uses of the high seas or the Continental Shelf, including cables or pipelines already in position on or in the seabed and the possibility of their repair;

(10) The Governor of any adjacent coastal State with an approved coastal zone management program in good standing pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*) notifies the Administrator under § 1001.330(d) that the application is inadequate or inconsistent with respect to programs within his jurisdiction and the license cannot be conditioned as described in § 1001.330(d)(4);

(11) When the license is for an OTEC facility, he determines that the operations of the facility are expected to impact so as to significantly degrade the operations of any other OTEC facility already licensed or operating, without the consent of its owner;

(12) When the license is for an OTEC facility, he determines that the operations of the facility are expected to impact so as to adversely affect the territorial sea or area of national resource jurisdiction, as recognized by the United States, of any other nation, unless the Secretary of State approves such impact after consultation with such nation;

(13) When the license is for an OTEC plantship, the Administrator determines that the applicant has not provided adequate assurance that the plantship will be operated in such a way as to prevent its operations from impacting so as to significantly degrade the operation of any other OTEC facility or plantship without the consent of its owner, and from impacting so as to adversely affect the territorial sea or area of national resource jurisdiction, as recognized by the United States, of any other nation unless the Secretary of State approves such impact after consultation with such nation;

(14) When a regulation has been adopted which places an upper limit on the number or total capacity of OTEC facilities or plantships to be licensed under this Part for simultaneous operation, either overall or within specific geographic areas, the Administrator determines that issuance of the license will cause such upper limit to be exceeded;

(15) The Administrator determines that the person to whom the license would be issued is not a United States citizen; or

(16) The Administrator cannot insure that activities authorized by the license are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat of such species, unless an appropriate exemption has been granted under section 7(h) of the Endangered Species Act (16 U.S.C. 1536(h)).

§ 1001.480 Multiple applications.

(a) In the event more than one application for a license for ownership, construction, and operation of an OTEC facility is submitted for the same designed application area, the Administrator will make decisions on license applications in the order in which they were submitted, unless the Administrator determines that one or a specific combination of the proposed facilities clearly best serves the national interest.

(b) In determining whether any one or a specific combination of the proposed OTEC facilities clearly best serves the national interest, the Administrator, in consultation with the Secretary of Energy, will consider the following factors:

(1) The goal of making the greatest possible use of ocean thermal energy conversion by installing the largest capacity practicable in each application area;

(2) The amount of net energy impact of each of the proposed OTEC facilities;

(3) The degree to which the proposed OTEC facilities will affect the environment;

(4) Any significant differences between anticipated dates of commencement of operation of the proposed OTEC facilities; and

(5) Any differences in costs of construction and operation of the proposed OTEC facilities, to the extent that such differentials may significantly affect the ultimate cost of energy or products to the consumer.

§ 1001.490 Condition precedent to issuance of license: Compliance with conditions and prior approval of changes.

(a) *General.* No license will be issued under this Part unless the prospective licensee first agrees in writing that:

(1) There will be no substantial change from the plans, operational systems, and methods, procedures, and safeguards set forth in his application, as approved, without prior approval in writing from the Administrator;

(2) There will be no change in the citizenship or ownership of the licensee, as approved, without prior reporting, in writing, to the Administrator; and

(3) The prospective licensee will comply with license terms and conditions the Administrator may prescribe in accordance with the provisions of this Part.

(b) *Emergencies.* In case of an emergency posing an imminent and substantial threat of harm to the OTEC facility or plantship, to human life, or to the environment, the licensee is not required to obtain written approval from the Administrator before making a substantial change referred to in paragraph (a)(1) of this section. If circumstances allow, the licensee should seek oral approval from the Administrator before making a substantial change. The licensee must immediately notify the Administrator, orally or in writing, of each substantial change made.

§ 1001.500 Contents of license.

(a) If an application is approved, a license will be issued containing, among other information, the following:

(1) The name and number or other identification of the OTEC facility or plantship;

(2) The name of the person to whom the license is issued;

(3) If different from the person to whom the license is issued, the name(s) of the owner and operator of the OTEC facility or plantship; and

(4) Terms and conditions on the ownership, construction, location, and operation of the OTEC facility or plantship to which the license is subject pursuant to § 1001.520 of this Part.

§ 1001.510 Duration of licenses and renewals.

(a) *Original license.* Each license issued under this Part will be for such period of years as the Administrator may specify, but not exceeding 25 years.

(b) *Renewals.* Each renewal issued under this Part will be for such period of years as the Administrator may specify, but not exceeding 10 years.

§ 1001.520 Terms and conditions of a license.

(a) *General.* Each license issued for an OTEC facility or plantship will contain such terms and conditions on the ownership, construction, location, and operation of the facility or plantship as specified in this section and such other terms and conditions as the Administrator may prescribe as necessary to carry out the provisions of the Act and this Part, or which are required by any Federal department or agency pursuant to the terms of the Act and this Part.

(b) *Disposal or removal of components of OTEC facility or plantship.* The Administrator will establish as license conditions such bonding requirements or other assurances as he deems necessary to assure that, upon the revocation, termination, relinquishment, or surrender of a license, the licensee will dispose of or remove all components of the OTEC facility or plantship as directed by the Administrator. The requirement to remove or dispose of all components may be waived by the Administrator if:

(1) In the case of components another applicant or licensee requests to use, the Administrator has not yet reached a decision on the request for continued use of the components; or

(2) In the case of components lying on or in the seabed, the Administrator finds that such removal is not otherwise necessary and that the remaining components do not constitute any threat to the environment, navigation, fishing, or other uses of the seabed.

(c) *Consistency with programs of an adjacent coastal State.* If the Governor of any adjacent coastal State which has an approved coastal zone management program in good standing pursuant to the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 *et seq.*), gives timely notice to the Administrator under § 1001.330(d) of this Part that an application is inadequate or inconsistent with the State's Coastal Zone Management program or other applicable State or local laws, the Administrator will condition any license granted to make activities conducted under the license consistent with the State's Coastal Zone Management program and other applicable State and local laws.

(d) *Prevention of inference with other uses of the high seas.* Each license will include such conditions as the Adminsitrator may determine to be necessary and appropriate to ensure that construction and operation of the OTEC facility or plantship are conducted with reasonable regard for navigation, fishing, energy production, scientific research, or other uses of the high seas, either by citizens of the United States or by other nations in their exercise of the freedoms of the high seas as recognized under the Convention on the High Seas and the general principles of international law.

(e) *Discharge impacts.* [1] Each license will include such conditions as the Administrator deems necessary to ensure that Federally permitted discharges from the OTEC facility or plantship will not:

(i) Significantly degrade the operation of another OTEC facility or plantship, or

(ii) Create a significant adverse effect on the territorial sea or area of national resource jurisdiction, as recognized by the United States, of any other nation.

(f) *Additional license condition for OTEC plantships.* Each license issued for an OTEC plantship will contain a condition requiring that the licensee comply with such regulations concerning movement and navigation of OTEC plantships as the Coast Guard may issue under § 105(c) of the Act.

(g) *Monitoring of licensee's activities.* Each license will contain terms or conditions requiring the licensee:

(1) To allow the Administrator to place appropriate Federal officers or employees aboard the OTEC facility or plantship to which the license applies, at such times and to such extent as the Administrator deems reasonable and necessary to assess compliance with any terms, conditions, or regulations applicable to the license, and to report to the Administrator whenever such officers or employees have reason to believe there is a failure to comply;

(2) To cooperate with such officers and employees in the performance of monitoring functions; and

(3) To monitor the environmental effects of the operation of the OTEC facility or plantship in accordance with those terms and conditions.

(h) *Diligence.* Each license will contain a condition that the licensee diligently pursue the construction and operation of the OTEC facility or plantship to which the license applies, as determined by the Administrator's estimate of a reasonable schedule for construction and operation, based on information submitted with the application. The diligence condition established by the Administrator will allow for reasonable delay resulting from unforseeable circumstances.

(i) *Reports and records.* Each license will contain a condition that the licensee keep such records and report periodically to the Administrator such information as the Administrator finds to be necessary and appropriate:

(1) To assess compliance with diligence conditions established under paragraph (h) of this section;

(2) To assess environmental impacts of the OTEC operations of the licensee and to develop mitigation methods; and

(3) To comply with the requirements of Federal law and regulation.

(j) *U.S.-flag transportation vessels.* Each license will contain a condition that no vessel may be used for the transportation to the United States of things produced, processed, refined, or manufactured at the OTEC facility or plantship unless such transportation vessel is documented under the laws of the United States.

(k) *Foreign-flag vessels.* Each license will contain a condition that, except in a situation involving force majeure, the licensee will not permit a vessel, registered in or flying the flag of a foreign state, to call at, load or unload cargo at, or otherwise utilize the facility or plantship which is the subject of the license unless:

(1) The foreign state involved has agreed, by specific agreement with the United States, to recognize the jurisdiction of the United States over the vessel and its personnel while the vessel is located within any safety zone around the facility or plantship established by the Secretary of the department in which the Coast Guard is operating, pursuant to section 108(d) of the Act; and

(2) The vessel owner or operator has designated an agent in the United States for receipt of service of process in the event of any claim or legal proceeding resulting from activities of the vessel or its personnel while located within such safety zone.

(l) *Compliance with other Federal law.* Each license may contain conditions imposed by the Administrator as necessary to assure the compliance of activities conducted under the license with other Federal laws and regulations. Such conditions will be based upon the review of and comment upon the application as conducted by Federal agencies and departments under subpart C of this Part.

§ 1001.530 Renewal of a license.

Each licensee shall have a preferential right to renew a license subject to the requirements of this Part, upon such terms and conditions and for such period of years, not to exceed an additional 10 years for each renewal, as the Administrator determines to be reasonable and appropriate.

§ 1001.540 Transfer of license.

Upon application, a license issued under this Part may be transferred if the Administrator determines that such transfer is in the public interest and that the prospective transferee meets the requirements, and the prerequisites to issuance, of this Part. When a licensee intends to apply for transfer of the license, the licensee and the prospective transferee shall consult with the Administrator regarding applicability of the requirements of this Part to the proposed transfer.

§ 1001.550 Suspension, revocation, termination, relinquishment or surrender of a license.

(a) *Suspension or revocation.* Whenever a licensee fails to comply with any applicable provision of the Act or any applicable rule, restriction, or condition issued or imposed by the Administrator under this Part, the Administrator may request that the Attorney General file an action in an appropriate United States district court:

(1) To suspend the license; or

(2) To revoke such license, if such failure is knowing and continues for a period of 30 days after the Administrator sends notification of such failure to the licensee.

(b) *Automatic operation of license terms.* The Administrator may provide in the terms of a license for automatic suspension or termination upon the occurrence of a fixed or agreed-upon condition, event, or time. In such cases, judicial proceedings under paragraph (a) of this section are not required to effect a suspension or termination.

(c) *Emergency orders.* The Administrator may order the licensee to cease or alter construction or operation activities pending the completion of a judicial proceeding pursuant to paragraph (a) of this section if the Administrator determines that immediate suspension of such activities is necessary to protect public health and safety or to eliminate any imminent and substantial danger to the environment as recognized in any treaty or convention to which the United States is a party.

(d) *Relinquishment or surrender.* (1) Any licensee may at any time, without penalty, surrender to the Administrator a license issued to him, or relinquish to the Administrator, in whole or in part, any right to conduct construction or operation of an OTEC facility or plantship, including part or all of any right of way which may have been granted in conjunction with such license. However, such surrender or relinquishment shall not relieve the licensee of any obligation or liability established by applicable law, or of any obligation or liability for actions taken by him prior to such surrender or relinquishment, or during disposal or removal of any components required to be disposed of or removed pursuant to this Part.

(2) If part or all of a right of way which is relinquished, or for which the license is surrendered, to the Administrator under paragraph (d)(1) of this section contains an electric transmission cable or pipeline which is used in conjunction with another license for an OTEC facility, the Administrator shall allow the other licensee an opportunity to add such right of way to his license before informing the Secretary of the Interior that the right of way has been vacated.

Subpart E—Formal Hearing Procedures

§ 1001.560 Formal hearing procedures.

(a)(1) *General.* All formal hearings described in § 1001.350 are governed by 5 U.S.C. 554 through 557 and the procedures contained in this section.

(2) Hearings held under this section will be consolidated insofar as practicable with hearings held by other agencies.

(b) *Decision to hold a hearing.* (1) Whenever, after holding an informal hearing under § 1001.340 of this Part, the Administrator determines that there are one or more specific and material issues of fact pertaining to the application, which may be resolved by a formal hearing, he will provide for a formal hearing.

(2) The record developed in any such formal hearing will be part of the basis for the Administrator's decision to approve or deny issuance, transfer, or renewal of a license.

(c) *Assignment of Administrative Law Judge.* Upon deciding to hold a formal hearing, the Administrator will refer the proceeding to the NOAA Office of Administrative Law Judges for assignment to an Administrative Law Judge (judge) to serve as presiding officer for the hearing.

(d) *Notice.* (1) The Administrator will publish public notice of the formal hearing in the Federal Register at least 15 days before the beginning of the hearing, and will send written notice by registered or certified mail or by personal delivery to:

(i) Each applicant;

(ii) The Governor of each adjacent coastal State;

(iii) Each person who submitted written comments upon the application, or testified at any prior informal hearing on the application; and

(iv) Each person who requests a copy of the notice.

(2) Notice of a formal hearing will include, among other things:

(i) Time and place of the hearing;

(ii) The issues in dispute which are to be resolved in the formal hearing;

(iii) The due date for filing a written request to participate in the hearing in accordance with paragraphs (f)(2) and (f)(3) of this section, and

(iv) Reference to any prior informal hearing from which the issues to be determined arose.

(e) *Powers and duties of the administrative law judge.* Judges have all the powers and duties necessary to preside over the parties and proceedings and to conduct fair and impartial hearings, as specified by 5 U.S.C. sections 554–557 and this section, including the power to:

(1) Regulate the course of the hearing and the conduct of the parties, interested persons and others submitting evidence, including but not limited to the power to require the submission of part or all of the evidence in written form if the judge determines a party will not be prejudiced thereby and if otherwise in accordance with law;

(2) Rule upon requests submitted in accordance with paragraph (f)(2) of this section to participate as a party, or requests submitted in accordance with paragraph (f)(2) of this section to participate as an interested person in a proceeding, by allowing, denying, or limiting such participation;

(3) Hold conferences in accordance with paragraph (i) of this section for the simplification or, if appropriate, settlement of the issues by consent of the parties or to otherwise expedite the proceedings;

(4) Administer oaths and affirmations;

(5) Rule upon requests for, and issue subpoenas for the attendance and testimony of witnesses and the production of books, records, and other evidence upon proper application under paragraph (p) of this section;

(6) Rule on discovery requests, establish discovery schedules, and take or cause depositions or interrogatories to be taken;

(7) Rule on requests for protective orders to protect persons in the discovery process from undue burden or expense, or for other good cause;

(8) Require, at or prior to any hearing, the submission and exchange of evidence;

(9) Rule upon offers of proof and evidence and receive, exclude, and limit evidence as set forth in paragraph (j)(3) of this section;

(10) Introduce documentary or other evidence into the record;

(11) Examine and cross-examine witnesses;

(12) Consider and rule upon motions, procedural requests, and similar matters;

(13) Take such measures as may be necessary (such as sealing portions of the hearing record) to protect information consisting of trade secrets and confidential commercial and financial information;

(14) Schedule the time and place of the hearing (in accordance with the Act), or the hearing conference, continue the hearing from day to day, adjourn the hearing to a latter date, or a different place, and reopen the hearing at any time before issuance of the recommended or initial decision, having due regard for the convenience and necessity of the parties;

(15) Establish rules, consistent with applicable law, for media coverage of the proceedings and for the closure of the hearing in the interest of justice;

(16) Strike testimony of a witness refusing to answer a question ruled to be proper;

(17) Make and file decisions in conformity with this subpart; and

(18) Take any action authorized by the rules in this section or in conformance with 5 U.S.C. 554 through 557.

(f) *Hearings: Participation.* (1) Parties to the formal hearing will include:

(i) The NOAA General Counsel;

(ii) The applicant; and

(iii) Any other person determined by the judge, in accordance with paragraph (f)(2) of this section, to be eligible to participate as a full party.

(2) Any person desiring to participate as a party in a formal hearing must submit a request to the judge to be admitted as a party. The request must be submitted within 10 days after the date of mailing or publication of notice of a decision to hold a formal hearing, whichever occurs later. Such person will be allowed to participate if the judge finds that the interests of justice and a fair determination of the issues would be served by granting the request. The judge may entertain a request submitted after the expiration of the 10 days, but such a request may be granted only upon an express finding on the record that:

(i) Special circumstances justify granting the request;

(ii) The interests of justice and a fair determination of the issues would be served by granting the request;

(iii) The requestor has consented to be bound by all prior written agreements and stipulations agreed to by the existing parties, and all prior orders entered in the proceedings; and

(iv) Granting the request will not cause undue delay or prejudice the rights of the existing parties.

(3)(i) Any interested person who desires to submit evidence in a formal hearing must submit a request within 10 days after the dates of mailing or publication of notice of a decision to hold a formal hearing, whichever occurs later. The judge may waive the 10 day rule for good cause, such as if the interested person, making this request after the expiration of the 10 days, shows that he lacked prior knowledge of the formal hearing, and the evidence he proposes to submit may significantly affect the outcome of the proceedings.

(ii) The judge may permit an interested person to submit evidence at any formal hearing if the judge determines that such evidence is relevant to facts in dispute concerning an issue being adjudicated. The fact that an interested person may submit evidence under this paragraph at a hearing does not entitle the interested person to participate in other ways in the hearing unless allowed by the judge under paragraph (f)(3)(iii) of this section.

(iii) The judge may allow any interested person to submit oral testimony, oral arguments, briefs, or to cross-examine witnesses or participants in other ways if the judge determines:

(A) That the interests of justice would be better served by allowing such participation by the interested persons; and

(B) That there are compelling circumstances favoring such participation by the interested person.

(g) *Hearings: Certification of issues.* Whenever a formal hearing is conducted pursuant to this section, the Administrator will certify the issues for decision to the judge and the formal hearing will be limited to those issues.

(h) *Obligation to submit evidence and raise issues before a formal hearing is held.* No party or interested person may submit evidence which was not submitted previously for the administrative record as part of the comment on the application for issuance, transfer or renewal of a license, unless the judge finds that good cause exists for the failure to submit it. Good cause includes the case where the person seeking to raise the new issues or introduce new information shows that the person could not reasonably have ascertained the issues or made the information available at a prior stage in the administrative process; or that the person could not have reasonably anticipated the relevance or materiality of the information sought to be introduced.

(i) *Conferences.* (1) At any time the judge considers appropriate, he may, upon his own motion or the motion of

any party or interested person, direct the parties and interested persons, or their attorneys to meet (in person, by telephone conference call, or otherwise) in a conference to consider:

(i) Simplification of the issues;

(ii) Settlements in appropriate cases;

(iii) Stipulations and admissions of fact, and contents and authenticity of documents;

(iv) Exchange of evidence, witness lists, and summaries of expected testimony;

(v) Limitation of the number of witnesses; and

(vi) Such other matters as may tend to expedite the disposition of the proceedings.

(2) The record will show how the matters were disposed of by order and by agreement in such conferences.

(j) *Hearings: Appearance and presentation of evidence.* (1) *Representative.* A party or interested person may appear at a hearing under this Part in person, by attorney, or by other representative.

(2) *Failure to appear.* Failure of a party to appear at a hearing:

(i) Constitutes waiver of the right to a hearing under this section;

(ii) Constitutes consent of the party to the making of a decision on the record of the hearing; but

(iii) Will not be deemed to be a waiver of the right to be served with a copy of the judge's decision.

(3) *Evidence.* (i) The order of presentation of evidence will be at the judge's discretion.

(ii) The testimony of witnesses will be upon oath or affirmation administered by the judge and will be subject to such cross-examination as may be required for a full and true disclosure of the facts. The formal rules of evidence do not apply, but the judge will exclude evidence which is immaterial, irrelevant, non-probative, or unduly repetitous. Hearsay evidence is not inadmissable as such.

(iii) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, the party must state briefly the grounds for such objections. Rulings on each objection will appear in the record.

(iv) Formal exception to an adverse ruling is not required.

(v) At any time during the proceedings, the judge may require a party or a witness to state his position on any issue, and the theory in support of such position.

(vi) Upon the failure of a party or interested person to effect the appearance of a witness or the production of a document or other evidence ruled relevant and necessary to the proceeding, the judge may take appropriate action, as authorized by law.

(4) *Authority of judge to expedite adjudication.* To prevent unnecessary delays or an unnecessarily large record, the judge may:

(i) Limit the number of witnesses whose testimony may be cumulative;

(ii) Strike argumentative, repetitious, cumulative, immaterial, nonprobative, or irrelevant evidence;

(iii) Take necessary and proper measures to prevent argumentative, repetitious, or cumulative cross-examination; and

(iv) Impose such time limitations on arguments as the judge determines appropriate, having regard for the volume of the evidence and the importance and complexity of the issues involved.

(5) *Official notice.* Official notice may be taken of any matter not appearing in evidence in the record, which is among the traditional matters of judicial notice, or concerning which the Department of Commerce, by reason of its functions, is deemed to be expert, or of a non-privileged document required by law to be filed with, prepared or published by a government body, or of any reasonably available public document. The parties will be given adequate notice, at the hearing or otherwise before the judge's decision, of the matters so noticed, and upon timely request by a party will be given reasonable opportunity to show the contrary.

(6) *Record.* (i) The judge or the Administrator will arrange for a verbatim tape or other record of any oral hearing proceedings. An official transcript of the proceedings will be prepared and copies may be obtained upon written request filed with the reporter and upon payment of the fees at the rate provided in the agreement with the reporter.

(ii) The official transcript, exhibits, briefs, requests and other documents and papers filed will constitute the exclusive record for decision on the issues concerning which the hearing was held.

(iii) The record developed in any hearing held pursuant to § 1001.350 of this Part will be part of the basis for the Administrator's decision to approve or deny the license.

(k) *Interlocutory Appeals.* (1) At the request of a party or on the judge's own motion, the judge may certify to the Administrator for review a ruling which does not finally dispose of the proceeding if the judge determines that such a ruling involves a controlling question of law and that an immediate appeal therefrom may materially advance the ultimate disposition of the matter.

(2) Upon certification by the judge of an interlocutory ruling for review, the Administrator will expeditiously decide the matter, taking into account any briefs in this respect filed by the parties within 10 days after certification. The Administrator's order on an interlocutory appeal will not be considered the final decision of the Administrator except by operation of other provisions in this section.

(3) No interlocutory appeal will lie as to any ruling not certified to the Administrator by the judge. Objections to rulings not certified to the Administrator by the judge will be a part of the record and will be subject to review at the same time and in the same manner as the Administrator's review of the recommended or initial decision of the judge.

(l) *Decision.* (1) *Proposed findings of fact.* The judge will allow each party to file with the judge proposed findings of fact together with a supporting brief expressing the reasons for such proposals. Such proposals and briefs must be filed within 10 days after the hearing or within such additional time as the judge may allow. Such proposals and briefs must refer to all portions of the record and to all authorities relied upon in support of each proposal. Reply briefs must be submitted within 10 days after receipt of the proposed findings to which they respond, unless the judge allows additional time.

(2) *Recomended decision.* As soon as practicable, but normally not later than 30 days after the conclusion of the formal hearing, the judge will evaluate the record of the formal hearing and prepare and file a recommended decision with the Administrator. The formal hearing must be concluded within 240 days after the publication of the notice of application pursuant to § 1001.290(a) of this Part.

(3) *Final decision.* (i) As soon as practicable, but normally not later than 30 days after receipt of the recommended decision, the Administrator will issue a final decision. The final decision may accept or reject all or part of the recommended decision.

(ii) The Administrator will base the final decision upon the record already made, except that the Administrator may issue orders:

(A) Specifying the filing of supplemental briefs; or

(B) Remanding the matter to a judge for the receipt of further evidence, or for

other assistance in the determination of the matter.

(iii) With respect to hearings to resolve material issues of fact pursuant to § 1001.350 of this Part, the Administrator may defer announcement of his final decision on the findings of fact until the time he takes final action on the issuance, transfer or renewal of a license.

(m) *Motions and requests.* Motions and requests must be filed in writing with the judge or must be stated orally and made part of the hearing record. Each motion or request must state the particular order, ruling, or action desired, and the grounds therefor.

(n) *Witnesses and fees.* Witnesses subpoenaed will be paid the same fees and mileage, and in the same manner, as are paid for like services in the District Court of the United States for the district in which the hearing is located.

(o) *Depositions.* (1) Any party desiring to take the deposition of a witness shall make application in writing to the judge, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and mailing address of the person before whom the deposition is requested to be taken; the name and address of each witness to appear for deposition; and the subject matter concerning which each witness is expected to testify.

(2) Depositions may be taken orally or upon written interrogatories before any person designated by the judge.

(3) Such notice as the judge shall order will be given for the taking of a deposition, but this ordinarily will not be less than 5 days' written notice when the deposition is to be taken within the United States and ordinarily will not be less than 20 days' written notice when the deposition is to be taken elsewhere.

(4) Each witness testifying upon deposition will be sworn and any party will have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, will be reduced to writing, read to the witness, signed by the witness unless waived, and certified by the person presiding. Thereafter, the person presiding will deliver or mail a copy of the document to each party. Subject to such objection to the questions and answers as were noted at the time of taking the deposition which would be valid were the witness personally present and testifying, such despoition may be read and offered in evidence by any party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

(p) *Subpoenas.* A party may request the judge to issue or the judge on the judge's own motion may issue a subpoena for the attendance and testimony of witnesses and for the production of documentary or other evidence. Applications for subpoenas must be in writing, and must specify the general relevance and reasonable scope of the evidence sought to be produced.

(q) *Extension of time.* The time for the filing of any document under this section may be extended by the judge if:

(1) The request for the extension of time is made before or on the final date allowed for the filing; and

(2) The judge, after giving written or oral notice to and considering the views of all other parties (when practicable), determines that there is good reason for the extension.

(r) *Filing, submission and service of documents.* (1) Whenever the regulations in this subpart or in an order issued hereunder require a document to be filed within a certain period of time, such document will be considered filed as of the date of the postmark, if mailed, or (if not mailed) as of the date actually delivered to the office where filing is required. Time periods will begin to run on the day following the date of the document or event which begins the time period.

(2) All submissions must be signed by the person making the submission, or by the person's attorney or other authorized agent or representative.

(3) Service of a document must be made by delivering or mailing a copy of the document to the known address of the person being served.

(4) Whenever the regulations in this Subpart require service of a document, such service may effectively be made on the agent for the service of process or on the attorney for the person to be served.

(5) Refusal of service of a document by the person to be served, his agent, or attorney, will be deemed effective service of the document as of the date of such refusal.

(6) A certificate of the person serving the document by personal delivery or by mailing, setting forth the manner of the service, will be proof of the service.

(s) *Computation of time.* Saturdays, Sundays and Federal Government holidays will be included in computing the time period allowed for filing any document under this Part, but when such time period expires on such a day, such time period will be extended to include the next following Federal Government work day. Also, with respect to documents filed with the Federal Government, filing periods expire at the close of business for the office specified on the day specified.

§ 1001.570 Ex parte communications.

(a) *"Ex parte* communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include requests for status reports.

(b) Except to the extent required for disposition of *ex parte* matters as authorized by law, upon assignment of a matter to an administrative law judge and until the final decision of the Administrator is effective under these regulations, no *ex parte* communication relevant to the merits of the proceeding shall be made, or knowingly caused to be made:

(1) By the judge or by an agency employee involved in the decisional process of the proceeding to any interested person outside NOAA; or

(2) By an interested person outside NOAA to the judge or to any agency employee involved in the decisional process of the proceeding.

(c) The judge may not consult any person or party on the substance of the matter in issue unless on notice and opportunity for all parties to participate.

(d) An agency employee or judge who makes or receives a prohibited communication must place in the hearing record the communication and any response thereto, and the judge, or Administrator, as appropriate, may take action in this respect consistent with these regulations, the Act, and 5 U.S.C. sections 556(d) and 557(d).

(e) This section does not apply to communications to or from the agency representative. However, except in rulemaking proceedings under the Act and these regulations and in proceedings determining applications for initial licenses, the agency representative may not participate or advise in the initial or recommended decision of the judge or the Administrator's review thereof except as witness or counsel in the proceeding in accordance with these regulations.

(f) This section will not apply to communications concerning national defense or foreign policy matters. Any communications:

(1) On national defense or foreign policy matters to or from an agency employee; or

(2) From employees of the United States Government involving intergovernmental negotiations;

are permitted if the communicator's position with respect to those matters cannot otherwise be fairly presented for reasons of foreign policy or national defense.

Subpart F—Enforcement Procedures

§ 1001.580 General.

(a) *Purpose and scope.* (1) Section 302 of the Act authorizes the Administrator to assess a civil penalty, in an amount not to exceed twenty-five thousand dollars ($25,000) for each violation, against any person found to have committed an act prohibited by section 301 of the Act. Each day of a continuing violation is a separate offense.

(2) Section 111 of the Act describes the circumstances under which the Administrator may suspend or terminate a license; or seek revocation of a license for violation of the Act, or of any regulation, restriction or condition issued under the Act.

(3) Section 302 of the Act authorizes the Administrator to issue orders directing any person subject to section 301 of the Act to comply with the Act, or any rule, regulation, order, license, term, or condition issued under the Act. Section 302 also authorizes the Administrator to bring a civil action for appropriate relief, including temporary or permanent injunctive relief, to halt or redress any such violation.

(4) Section 110 of the Act authorizes the Administrator to place observers on ocean thermal energy conversion facilities and plantships licensed under the Act to monitor compliance and environmental effects of activities under the license.

(5) Section 114 of the Act describes the circumstances under which a person may bring a civil action against an alleged violator or against the Administrator for failure to perform a nondiscretionary duty, and directs the Administrator to issue regulations governing procedures prerequisite to such a civil action.

(6) The regulations in this Subpart provide uniform rules and procedures for the assessment of civil penalties (sections 1001.590 and 1001.600); establishment of license sanctions (section 1001.610); issuance of compliance orders (section 1001.620); placement of observers on or in OTEC facilities and plantships (section 1001.630); and the giving of advance notice of private civil actions (section 1001.640).

(b) *Filing and service of documents.* (1) Filing and service of documents required by this Subpart shall be in accordance with § 1001.560 (r) and (s) of Subpart E. The method for computing time periods set forth in § 1001.560 (r) and (s) also applies to any action or event, such as payment of a civil penalty, required by this Subpart to take place within a specified period of time.

(2) If an oral or written request is made to the Administrator within 10 days after the expiration of a time period established in this Subpart for the required filing of documents, the Administrator may permit a late filing if the Administrator finds reasonable grounds for an inability or failure to file within the time period. All extensions will be in writing. Except as provided by this paragraph, by section 1001.590(b) or by order of an administrative law judge, no requests for an extension of time may be granted.

§ 1001.590 Assessment procedure.

(a) *Notice of violation and assessment (NOVA).* (1) A Notice of violation and assessment (NOVA) will be issued by the Administrator and served personally or by registered or certified mail, return receipt requested, upon the person alleged to be subject to a civil penalty (the respondent). A copy of the NOVA will similarly be served upon an affected licensee, or the owner of an affected vessel (defined in paragraph (f) of this section), if the licensee or owner is not the respondent. Although no specific form is prescribed, the NOVA will contain:

(i) A concise statement of the facts believed to show a violation;

(ii) A specific reference to the provisions of the Act, regulation, license, or order allegedly violated;

(iii) The findings and conclusions upon which the Administrator based the proposed assessment; and

(iv) The amount of penalty proposed to be assessed.

(2) With respect to the amount of civil penalty, the Administrator will take into account information available to the agency concerning the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the respondent, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(3) The NOVA may also contain an initial proposal for compromise or settlement of the case. The Administrator may also attach documents which illuminate the facts believed to show a violation. The NOVA will advise of the respondent's rights at that point in the proceeding, and will be accompanied by a copy of regulations governing civil enforcement procedures, this Subpart, and the applicable provisions of Subpart E of this Part.

(b) *Procedures upon receipt of a NOVA.* (1) The respondent shall have 30 days from receipt of the NOVA in which to respond. During this time the respondent may:

(i) Accept the proposed penalty or compromise penalty, if any, by taking the actions specified in the NOVA;

(ii) Seek to have the NOVA amended or modified as prescribed in paragraph (b)(2) of this section;

(iii) Request a hearing, as prescribed in paragraph (b)(5) of this section;

(iv) Take no action, in which case the NOVA becomes final in accordance with paragraph (c) of this section; or

(v) Request an extension of the time allowed to respond to the NOVA under paragraph (b)(3) of this section.

Options (ii), (iii), (iv) and (v) above may also be exercised by the affected licensee or the owner of an affected vessel.

(2) The respondent, the affected licensee, or the owner of an affected vessel, may seek amendment or modification of the NOVA to conform to the facts or law as that person sees them by notifying the Administrator at the telephone number or address specified in the NOVA. Where amendment or modification is sought, the Administrator will either amend the NOVA or decline to amend it, and will so notify the respondent, affected licensee or owner, as appropriate.

(3) The respondent, affected licensee or owner of an affected vessel may, within the 30-day period specified in paragraph (b)(1) of this section, request an extension of time to respond. The Administrator may grant an extension of up to 30 days, unless the Administrator determines that the requestor could, exercising reasonable diligence, prepare a response within the 30-day period specified in paragraph (b)(1) of this section. If the Administrator does not respond to the request within 48 hours of its receipt by the Administrator, the request will be granted automatically for the extension requested, up to a maximum of 30 days. A telephonic response to the request within the 48-hour period will be considered effective responsive, and will be followed by written confirmation.

(4) The Administrator may, for good cause, grant an additional extension beyond the thirty-day period specified in paragraph (b)(3).

(5) If the respondent, the affected licensee, or the owner of an affected vessel wishes a hearing, a written and dated request shall be served, either in person or by certified or registered mail, return receipt requested, at the address specified in the NOVA. The request shall either attach a copy of the relevant NOVA or refer to the relevant NOVA case number.

(6) Any denial, in whole or in part, of any request under this section which is

based upon untimeliness will be made in writing.

(7) The Administrator may, in the Administrator's discretion, treat any communication from a respondent, an affected licensee, or owner of an affected vessel as a request for a hearing under paragraph (b)(5) of this section.

(c) *Final decision.* (1) If no request for hearing is filed under paragraph (b)(5) of this section, the NOVA becomes effective and constitutes the final decision and order of the Administrator on the 30th day after service of the NOVA, or on the last day of any delay period granted under § 1001.560(b)(2) of this Subpart or paragraph (b)(3) or (b)(4) of this section.

(2) If a request for hearing is filed in accordance with paragraph (b)(5) of this section, the date of the final decision will be as provided in Section 1001.600 of this Subpart.

(d) *Payment of final assessment.* (1) Respondent shall make full payment of the civil penalty assessed within 30 days after the date upon which the assessment becomes effective as the final decision and order of the Administrator under paragraph (c) of this section or § 1001.600(k) or, if judicial review of the assessment is initiated under section 302(b) of the Act during the 30 day period, within 10 days after the appropriate court has entered final judgment in favor of the Administrator, unless the court's order provides otherwise. Payment shall be made by mailing or delivering to the Administrator at the address specified in the NOVA a check or money order made payable in United States currency in the amount of the assessment to the "Treasurer of the United States."

(2) Upon any failure to pay the civil penalty assessed, the Administrator may request the Attorney General of the United States to recover the amount assessed in any appropriate district court of the United States, or may take action under paragraph (e) of this section. In any court action under this paragraph (d)(2), the validity and appropriateness of the final order imposing the civil penalty is not subject to review.

(e) *Compromise of civil penalty.* (1) In the Administrator's sole discretion, the Administrator may compromise, modify, remit, or mitigate, with or without conditions, any civil penalty which has been imposed under this Subpart, or which is subject to imposition.

(2) The compromise authority of the Administrator under this paragraph (e) is in addition to any similar authority provided in the Act or in these regulations, and may be exercised either upon the initiative of the Administrator or in response to a request by the alleged violator or other interested person.

(3) If the Administrator acts under this paragraph (e) prior to issuing a NOVA or after a final assessment becomes payable under paragraph (d) of this section, the Administrator will prepare a document indicating the action taken and citing this paragraph and section 302(c) of the Act as authority. Once the case has been assigned for hearing under section 1001.600(a), the Administrator will, except in unusual circumstances, defer any compromise action under this paragraph (e) until the administrative law judge has rendered an initial decision in the matter. Neither the existence of the compromise authority of the Administrator under this paragraph (e) nor the Administrator's exercise thereof at any time changes the date upon which an assessment becomes final or payable.

(f) *Application of this section to licensees and vessel owners.* (1) This section applies to affected licensees. "Affected licensee" means the holder of a license issued under this Part which license may be subject to sanctions as a result of civil penalty proceedings under this Subpart.

(2) This section also applies to owners of affected vessels. "Affected vessel" means any vessel of the United States that, under section 302(e) of the Act, may be liable *in rem* for any civil penalty assessed as a result of civil penalty proceedings under this Subpart.

§ 1001.600 Hearing and appeal procedures.

(a) *Beginning of hearing procedures.* Following receipt of a written request for hearing timely filed under § 1001.590(b), the Administrator will begin procedures under this section by forwarding the request, a copy of the NOVA, and any response thereto to the NOAA Office of Administrative Law Judges, which will docket the matter for hearing. Written notice of the referral will be given promptly to the respondent, the affected licensee, and the owner of an affected vessel (if the affected licensee or owner is not the respondent), with the name and address of the attorney representing the Administrator in the proceedings (the agency representative). Thereafter, all pleadings and other documents shall be filed directly with the NOAA Office of Administrative Law Judges, and a copy shall be served on each party.

(b) *Ex parte communications.* Upon assignment of the case to an administrative law judge, and until an assessment or other action on the matter becomes effective under these regulations as the final decision of the Administrator, *ex parte* communications are governed by § 1001.570 of Subpart E of this Part. However, § 1001.570 will not be interpreted to diminish the Administrator's compromise authority under § 1001.590(e) of this Subpart.

(c) *Duties and powers of judge.* (1) To the extent consistent with this Subpart, the administrative law judge has all powers and responsibilities enumerated in § 1001.560(e) of Subpart E of this Part, except that paragraph (e)(2) thereof does not apply. Instead, the judge has the power to rule on a request to participate as a party in the proceedings by allowing, denying, or limiting such participation, except that the respondent, the affected licensee, the owner of an affected vessel and the agency representative will be parties. The judge will, prior to ruling on a request to be admitted as a party, ascertain the views of the other parties and base the ruling on whether the request is from a person who could be directly and adversely affected by the final decision and who may contribute materially to the disposition of the proceedings.

(d) *Participation by parties.* (1) The respondent, the affected licensee, the owner of an affected vessel, the agency representative, and, to the extent permitted by the judge any other party, may appear in person, by counsel or by other representative, and may examine and cross-examine witnesses to the extent required for a full and true disclosure of the facts, present documentary or other evidence in support of that party's case or defense, and conduct oral argument at the close of testimony. This paragraph shall not be interpreted to diminish the powers and duties of the judge provided in paragraph (c) of this section

(2) Failure of any party to appear at the hearing will be deemed a waiver of the right to a hearing and consent to the making of a decision on the record of the hearing.

(e) *Appearance and presentation of evidence.* Appearance and the presentation of evidence are governed by § 1001.560(j) of Subpart E of this Part.

(f) *Settlements.* An agreement by respondent and the agency representative to settle the matter, if filed before an assessment or other action in the case becomes effective under these regulations as the final decision of the Administrator, will terminate the proceedings and vacate any initial or administrative appellate decision issued. However, if settlement is reached before the judge submits the

initial decision and certifies the record under paragraph (i) of this section, the judge may require submission of a copy of the agreement solely to assure that the judge's consideration of the case is completed and to order the matter dismissed on the basis of the agreement.

(g) *Interlocutory appeals.* Appeals of interlocutory rulings by the judge under this subpart are governed by § 1001.590(k) of Subpart E, except that objections to rulings not certified to the Administrator by the judge are subject to review at the same time and in the same manner as the Administrator's review of the initial decision of the judge upon any appeal therefrom under paragraph (j) of this section.

(h) *Proposed findings and conclusions.* Unless a different schedule is established in the discretion of the judge, the parties must file any proposed findings of fact and conclusions of law, together with supporting briefs, within 30 days after the judge closes the hearing. Any reply briefs must be submitted within 15 days after receipt of the proposed findings and conclusions to which they respond, unless the judge sets a different schedule.

(i) *Initial decision.* (1) After expiration of the period provided in paragraph (h) of this section for filing reply briefs, the judge will render a written initial decision upon the record in the case, setting forth:

(i) Findings and conclusions, and the reasons or basis therefor, on all material issues of fact, law, or discretion presented on the record. In determining the amount of a penalty assessment, the judge is not bound by the amount proposed or assessed in the NOVA, or elsewhere, but will decide the matter *de novo*, stating the reasons in view of the factors set forth in section 302(c)(2) of the Act and § 1001.590(a)(2) of this Subpart;

(ii) Reasons for the rejection of findings and conclusions proposed by the parties;

(iii) A statement of facts officially noticed and relied upon in the decision, if the parties have not previously been advised of such notice; and

(iv) Such other matters as the judge considers appropriate, including recommendations, if any, regarding license sanctions and forfeiture actions.

(2) The judge will submit the initial decision to the Administrator, serve copies on the parties, and transmit to the Administrator the record of the proceeding together with a certification to the effect that, to the best of the judge's knowledge and belief, the record is a complete and accurate compilation of all evidence and other documents in the proceeding, except in such particulars as are specified.

(j) *Appeals.* (1) Any party may appeal the initial decision of the judge by filing a notice of appeal with the Administrator within 45 days after the date of the initial decision. The notice of appeal shall concisely state such exceptions as the appellant takes to the initial decision and shall contain citations to the record or other authority relied upon. The appellant shall serve a copy of the notice of appeal on each other party.

(2)(i) The Administrator will decide the appeal upon the record already made, except that the Administrator may issue orders:

(A) Specifying the filing of supplemental briefs; or

(B) Remanding the matter to an administrative law judge for receipt of further evidence or other assistance in the determination of the matter.

(ii) The decision of the Administrator will be in writing and will state the reasons for accepting or rejecting the exceptions taken by the appellant. To the extent the Administrator's decision is silent as to a material issue of fact, law, or discretion presented on the record, the decision will be deemed to adopt the findings and conclusions thereon, and the reasons or basis therefor, contained in the initial decision.

(k) *Final decision.* (1) Unless a notice of appeal is timely filed in accordance with paragraph (j) of this section, the initial decision of the judge becomes effective and constitutes the final decision and order of the Administrator on the 45th calendar day after the date it is rendered.

(2) If a notice of appeal is timely filed as provided in paragraph (j) of this section, the Administrator's decision becomes effective and constitutes the final decision and order of the Administrator on the date the decision is issued, or as otherwise specified by the Administrator in the decision.

(3) Payment of any assessment which becomes final under this paragraph (k) shall be made in accordance with § 1001.590(d) of this Part.

(l) *Application of this section to licensees and vessel owners.* The provisions of this section apply to affected licensees and owners of affected vessels, as defined in § 1001.590(f).

§ 1001.610 License sanctions.

(a) *Application of section.* This section governs the suspension, revocation, termination or modification of any license issued under this Part for failure to comply with any provision of the Act, or any regulation, order, license condition or restriction issued under the Act.

(b) *Basis for sanctions.* (1) The Administrator may act under this section with respect to a license issued under the Act, if:

(i) The terms of the license call for suspension or termination of the license upon the occurrence of a fixed or agreed upon condition, event or time and the Administrator determines that such condition, event, or time has occurred; or

(ii) The Administrator determines in accordance with paragraph (d)(1)(ii) of this section that immediate suspension of the license, or immediate suspension or modification of any activity under the license, is necessary; or

(iii) An appropriate court issues an order of suspension or revocation with respect to the license.

(2) The Administrator may suspend a license in accordance with paragraph (b)(1) and the other provisions of this section, on the basis that the licensee has failed to pay any penalty assessed, or fine imposed, under section 302 of the Act. The license may be reinstated by affirmative order of the Administrator upon receipt, as prescribed in paragraph (d) of this section, of full payment of the penalty assessed, together with interest thereon at the annual rate provided by current regulations of the Department of the Treasury as to late payments of amounts due the Government, computed from the date payment first became overdue, or upon full payment, in accordance with any applicable court order, of the fine imposed.

(c) *Nature of sanctions.* In the Administrator's discretion and subject to the requirements of this section, the Administrator may take any of the following actions or combinations thereof with respect to a license issued under the Act:

(1) Revoke the license;

(2) Suspend the license or any activity under the license, either for a specified period of time or until certain stated requirements are met, or both;

(3) Modify the license, for example by imposing additional conditions and restrictions in order to aid future enforcement efforts; or

(4) Terminate the license in accordance with the provisions of this Subpart.

(d) *Notice of license sanction.* (1) If the Administrator determines, on the basis of available information, that the licensee is not in compliance with any applicable provision of the Act, or any regulation, order or any license condition or restriction issued under the

Act, the Administrator may issue the licensee a notice of license sanction (NOLS) stating that the Administrator has requested the Attorney General to file an action in an appropriate United States district court, seeking a sanction against the license involved. The NOLS will state the sanction proposed by the Administrator to be imposed as provided in paragraph (c) of this section, and the basis therefor and will advise that issuance of the NOLS does not preclude the Administrator from taking, at any time, any other enforcement action under section 302 or any other applicable provision of the Act.

(i) If the Administrator expects to seek revocation of the license, the NOLS will advise that:

(A) If the violation set forth in the NOLS continues for a period of 30 days from the date of issuing the NOLS, the Administrator may request the Attorney General to seek revocation of the license in an appropriate United States district court;

(B) The licensee may, within 30 days after the date of issuing the NOLS, submit to the Administrator evidence of compliance, and

(C) If the Administrator determines, on the basis of evidence submitted during the 30 day period, that the licensee has complied, the Administrator will not seek revocation of the license.

(ii) The Administrator may immediately suspend the license or suspend or modify any activity under the license pending completion of judicial proceedings under section 111(a) of the Act if the Administrator finds, and issues an emergency order summarizing the finding and the basis therefor, that such action is necessary to:

(A) Protect public health and safety: or

(B) Eliminate imminent and substantial danger to the environment.

(iii) If the Administrator acts under paragraph (d)(1)(ii) of this section, the Administrator will serve the emergency order in the manner described in paragraph (d)(4) of this section, and will seek to expedite judicial proceedings.

(iv) The licensee may request the Administrator to review any emergency order issued under paragraph (d)(1)(ii) of this section. The Administrator will determine whether any review of the emergency order should be granted, and whether any review granted will be in the form of an informal or formal hearing. The Administrator's granting of a review will not change the effective date of the emergency order unless the Administrator specifies such a change in writing when granting the review of the emergency order.

(2) If the Administrator determines, on the basis of available information, that the licensee is not in compliance with the license, and if the license provides for a license sanction on the basis of such failure to comply, the Administrator may issue a NOLS setting forth the sanction to be imposed and the basis therefor. If an opportunity for a hearing is provided by paragraph (e) of this section, the NOLS will advise that the licensee has 30 days from receipt of the notice in which to request or waive a hearing. The notice will further state the effective date of the sanction, which will not be earlier than 30 days after the date of the notice except as provided in paragraph (d)(1)(ii) of this section or in the license. If a hearing opportunity is provided and a hearing is requested in a timely manner, the sanction becomes effective under paragraph (h) of this section.

(3) If a United States district court issues an order calling for a license sanction, the Administrator will issue a NOLS setting forth the sanction to be imposed and the effective date of the sanction. The NOLS will advise that an appeal of the district court's order will not stay the taking effect of the sanction, unless provided otherwise by the court.

(4) The NOLS will be served personally or by registered or certified mail, return receipt requested, on the licensee.

(e) *Opportunity for hearing on an NOLS issued under paragraph (d)(2).* (1) The licensee has 30 days from receipt of the NOLS to request a hearing with respect to an NOLS issued under paragraph (d)(2) of this section. However, no hearing is required with respect to matters previously adjudicated in an administrative or judicial hearing in which the licensee has had an opportunity to participate.

(2) If the licensee wishes a hearing, a written and dated request shall be served on the Administrator either in person or by certified or registered mail, return receipt requested, at the address specified in the NOLS. The request shall either attach a copy of the relevent NOLS or refer to the relevent NOAA case number.

(3) If no hearing is required by or requested under paragraph (e)(1) of this section, the Administrator may nonetheless order a hearing if the Administrator determines that there are material issues of fact, law or equity to be further explored.

(4) The Administrator may apply to the administrative law judge for an interim order suspending the license, or suspending or modifying any activity under the license, pending completion of proceedings under this section if the Administrator serves prior notice of the application for an interim order on the licensee in the manner described in paragraph (d)(4) of this section. The judge may issue an interim order consistent with the purposes of the Act, unless preliminary evidence presented to the judge indicates a likelihood that the licensee will prevail in the matters at issue.

(5) If the license provides an effective date for the sanction, a request for hearing will not delay the effectiveness of the sanction, except to the extent extended by the Administrator for good cause shown.

(f) *Hearing and initial decision.* If a timely request for a hearing under paragraph (e)(1) of this section is received or the Administrator orders a hearing under paragraph (e)(3) of this section, the Administrator will appoint a hearing officer to hear the matter and render an initial decision.

(g) *Appeals.* (1) Any party may appeal the initial decision of the hearing officer by filing a notice of appeal with the Administrator within 30 days after the date of the initial decision. The notice of appeal shall concisely state such exceptions as the appellant takes to the initial decision and shall contain citations to the record or other authority relied upon. The appellant shall serve a copy of the notice of appeal on each other party.

(2)(i) The Administrator will decide the appeal upon the record already made, except that the Administrator may issue orders: (A) Specifying the filing of supplemental briefs; or

(B) Remanding the matter to a hearing officer for the receipt of further evidence, or other assistance in the determination of the matter.

(ii) The decision of the Administrator will be in writing and will state the reasons for accepting or rejecting the exceptions taken by the appellant. To the extent the Administrator's decision is silent as to a material issue of fact, law, or discretion at issue in the hearing, the decision will be deemed to adopt the findings and conclusions, and the reasons and basis therefor, contained in the initial decision.

(h) *Final decision.* (1) Unless a notice of appeal is timely filed in accordance with paragraph (g) of this section, the initial decision of the hearing officer becomes effective and constitutes the final decision and order of the Administrator on the 30th calendar day after the date it is rendered.

(2) If a notice of appeal is timely filed as provided in paragraph (g) of this

section, the Administrator's decision becomes effective and constitutes the final decision and order of the Administrator on the date it is issued, or as otherwise specified by the Administrator in the decision. The Administrator will serve notice of the decision on the licensee in the manner described in paragraph (d)(4) of this section.

§ 1001.620 Compliance Orders.

(a) The Administrator may issue a compliance order, served personally or by registered or certified mail, return receipt requested, to any person subject to section 301 of the Act who is found by the Administrator, on the basis of available information, to be in violation of the Act, or any regulation, order, license term or condition issued under the Act or this Part. Although no specific form is prescribed, the compliance order will contain:

(1) A concise statement of the facts determined to show a violation;

(2) A specific reference to the provisions of the Act, regulation, order or license determined to be violated; and

(3) The time period in which the person shall comply with the order.

(b) With respect to the time period for compliance with the order, the Administrator will specify a reasonable time period, up to 30 days, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(c) The compliance order will advise the person to whom it is issued that:

(1) Failure to comply within the specified time period will subject that person to adverse enforcement action under the Act (in addition to any such action already begun); and

(2) The order may be challenged during any enforcement proceeding brought under the Act as a result of the violation specified in the order or an alleged failure to comply with the order.

(d) The person to whom a compliance order is issued may seek amendment or modification of the order to conform to the facts or law as that person sees them by notifying the Administrator at the telephone number or address specified in the order. The Administrator will either amend the order, or decline to amend it, and will so notify the person concerned.

(e) Evidence of compliance with an order issued under this section shall be presented to the Administor in writing within the time period specified in the order. The Administrator will, as soon as practicable, determine whether or not there is timely compliance with the order, and advise the person concerned of the determination.

(f) Issuing a compliance order under this section, or complying with such an order, does not preclude other enforcement proceedings under the Act or this Part if such proceedings serve the purposes of the Act, except if expressly so stated in the order, or as provided in section 111 of the Act with respect to license revocation.

§ 1001.630 Observers.

(a) Each licensee shall allow, at such times and to such extent as the Administrator deems reasonable and necessary, an observer duly authorized by the Administrator to board, enter or accompany any OTEC facility or plantship to which a license applies, for the purposes of observing and reporting on:

(1) The effectiveness of the terms, conditions, and restrictions of the license;

(2) Compliance with the Act, regulations and orders issued under the Act and the license terms and conditions; and

(3) The environmental and other effects of the licensee's activities under the license.

(b) The Administrator may notify a licensee, by certified or registered mail, return receipt requested, that the Administrator plans to place an observer aboard the OTEC facility or plantship to which the license applies.

(c) A licensee who is notified under paragraph (b) of this section that he is required to carry an observer aboard the OTEC facility or plantship shall promptly notify the official specified in the Administrator's notice, regarding the licensee's suggested time and method for transporting the observer to the OTEC facility or plantship.

(d) Each licensee of an OTEC facility or plantship to which an observer is assigned shall:

(1) Allow the observer access to and use of the OTEC facility or plantship's communications equipment and personnel when the observer deems such access necessary for the transmission and receipt of messages;

(2) Allow the observer access to and use of the OTEC facility or plantship's navigation equipment and personnel (if any) when the observer deems such access necessary to determine the OTEC facility or plantship's location;

(3) Provide all other reasonable cooperation and assistance to enable the observer to carry out his duties; and

(4) Provide accommodations and food to the observer aboard the OTEC facility or plantship which are equivalent to those provided to officers or senior operations personnel of the OTEC facility or plantship.

(e) The Administrator will provide for payment to the licensee of all reasonable costs directly related to the quartering and maintaining of observers on board OTEC facilities or plantships.

(f) To the maximum extent practicable, observation duties will be carried out in a manner that minimizes interference with the licensee's activities under the license.

(g) Licensees and other persons are reminded that the Act (see, for example, sections 301(2) and 301(3)) makes it unlawful for any person subject to section 301 of the Act to interfere with any observer in the performance of the observer's duties.

§ 1001.640 Advance Notice of Civil Actions.

(a) *Actions against alleged violators.* (1) No civil action may be filed in a United States District Court under section 114 of the Act against any person for alleged violation of the Act, or any regulation, or license term or condition issued under the Act, until 60 days after the Administrator and any alleged violator receive written and dated notice of the alleged violation.

(2) The notice shall contain:

(i) A concise statement of the facts believed to show a violation;

(ii) A specific reference to the provisions of the Act, regulation or license allegedly violated; and

(iii) Any documentary or other evidence of the alleged violation.

(b) *Actions against the Administrator.* (1) No civil action may be filed in a United States District Court under section 114 of the Act against the Administrator for an alleged failure to perform any act or duty under the Act which is not discretionary until 60 days after the Administrator receives a written and dated notice of intent to file the action.

(2) The notice shall contain:

(i) A specific reference to the provisions of the Act, regulations or license believed to require the Administrator to perform a nondiscretionary act or duty;

(ii) A precise description of the act or duty believed to be required by such provisions;

(iii) A concise statement of the facts believed to show a failure to perform the act or duty; and

(iv) Any documentary or other evidence of the alleged failure to perform the act or duty.

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Monday
March 30, 1981

Part III

Department of Energy

Economic Regulatory Administration

Petroleum Substitute Entitlements Provisions

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-81-02]

Petroleum Substitute Entitlements Provisions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOT) is proposing to amend the Mandatory Petroleum Allocation Regulations (10 CFR Part 211) to provide that no entitlements shall be issuable to any firm with respect to a petroleum substitute for periods prior to January 28, 1981, unless prior to that date the firm satisfied all filing requirements for automatic inclusion in the entitlements program under § 211.67(a)(5) or had been designated by the ERA as an eligible recipient of entitlement benefits in an order issued pursuant to § 205.95 of 10 CFR Part 205.

DATES: Proposed effective date: Date of issuance of this notice; Comments by April 29, 1981; Requests to speak at hearing by April 9, 1981, 4:30 p.m.; Hearing date: April 15, 1981, 9:30 a.m.

ADDRESSES: Comments and requests to speak at hearing to: Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-81-02, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461. Hearing location: Room 2105, 2000 M Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Karene Walker (Office of Public Hearings Management), Economic Regulatory Administration, Room B-210, 2000 M Street, NW., Washington, D.C. 20461 (202) 653-3966;
William Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C. 20461 (202) 653-4055;
William Funk or Jack Kendall (Office of General Counsel), U.S. Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6736 (Funk); 252-6739 (Kendall).

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposal
III. Comment Procedures
IV. Procedural Matters

I. Background

Section 211.67(a)(5) of the allocation regulations provides for inclusion in the domestic crude oil entitlements program of fuels meeting the definition of the term "petroleum substitute" set forth in § 211.62. The petroleum substitute entitlements provisions provide for automatic inclusion in the entitlements program of ethyl alcohol derived from biomass when mixed with gasoline for use as fuel, solid municipal waste and solid derivatives thereof use as fuel, shale oil used in a refinery or for non-refining purposes, and methane derived from municipal sewage or landfills. The regulations also provide on a case-by-case basis for inclusion in the entitlements program of solid fuels derived from non-municipal solid waste, as well as gaseous fuels derived from any solid-waste sources, and liquid fuels derived from biomass, coal, and tar sands. Applications for inclusion in the entitlements program of those petroleum substitutes requiring case-by-case determinations must be reviewed under the ERA's published Guidelines setting forth the eligibility criteria applicable to those fuels (44 FR 6895, February 5, 1979).

Since May 1978, when the original petroleum substitute entitlements provisions became effective, one hundred twenty-one firms and other entities have qualified for automatic inclusion in the entitlements program. To date, the ERA has issued only seven decisions and orders to applicants subject to case-by-case review under the Guidelines. Of these, four approved the designation of the fuel as a petroleum substitute, and three denied the application.

On January 28, 1981, the President issued Executive Order 12287 ("E.O. 12287," 46 FR 9909, January 30, 1981), effective 12:01 a.m., January 28, 1981, exempting all crude oil and refined petroleum products from the price and allocation regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA, 15 U.S.C. § 751, *et seq.*, Pub. L. 93-159, as amended). In light of this decontrol, the President directed the Secretary of Energy promptly to revoke the regulations made unnecessary by the Order.

Since January 27, 1981, the ERA has received initial or necessary supplemental submissions from forty-one firms with respect to admission to the entitlements program under the automatic provisions of § 211.67(a)(5). In addition, at the present time, over one hundred sixty applications are being processed under the case-by-case provisions. A majority of these case-by-case applications were made more than six months ago, and several are more than a year old.

Those firms eligible to receive entitlements under the automatic provisions have in the past been issued entitlements for each month since May 1979 that they qualified for participation in the program, no matter when their submissions for entry into the program were received.

The regulations and Guidelines governing the evaluation of applications for case-by-case consideration do not specify any particular time from which entitlements shall be issuable once an application is approved. However, when the first decision and order was issued designating a fuel as a petroleum substitute on the case-by-case basis, the ERA granted the entitlements benefits retroactively to the first month following the date of application rather than prospectively from the date of approval.

II. Proposal

As was made clear in the preambles to the rules creating the petroleum substitutes program, (43 FR 21429, May 18, 1978; 44 FR 63515, November 5, 1979; 44 FR 66183, November 19, 1979), the purpose of the petroleum substitute entitlements provisions was to offset disincentives to the use of petroleum substitutes, which disincentives were themselves created by the price controls on crude oil and controlled petroleum products. The purpose was not to reward persons for past actions or to make corrections for disincentives suffered in the past. Had these been the purposes, the rule itself would have to have been retroactive. Nor was the program intended to be a subsidy for petroleum substitutes. Rather the purpose of the program was, so long as petroleum substitutes were disadvantaged by competition against petroleum products whose prices were restrained by price controls, to lessen or remove that competitive disadvantage.

When the President removed remaining petroleum price controls on January 28, 1981, the competitive disadvantage that occasioned the need for the petroleum substitute entitlements provisions was removed.

We had intended to process under the Guidelines those applications for designations as petroleum substitutes that were received on or before December 31, 1980, on the basis that those persons could still receive entitlements for all months after the date of application through January 27, 1981. Given past practice, we believed that it might be inequitable to fail to complete action on these applications

solely by reason of the end of controls. In addition, since the provisions of § 211.67(a)(5) relating to automatic inclusion state merely that entitlements shall be issuable for each month since May 1979, we initially determined to continue processing even those filings for inclusion in the program under the automatic provisions that were not complete until after January 27, 1981.

Several considerations, however, have led us to reassess our initial positions regarding the continued processing of petroleum substitute applications. First, the President, by immediately decontrolling petroleum and directing the Secretary of Energy promptly to revoke the regulations made unnecessary by the Order, expressed the intent to end as quickly as possible all elements of the price and allocation programs. However, we are continuing to receive new submissions and applications seeking entitlements under both the automatic and case-by-case aspects of the program for petroleum substitutes for periods prior to January 28, 1981. Over one hundred sixty applications are currently being processed under the case-by-case Guidelines. As indicated above, in the almost one year and a half that the case-by-case determination process has been in effect only seven decisions and orders have been issued, despite DOE's efforts to expedite and regularize the case-handling procedures. We believe that a protracted effort to process the remaining applications under the current petroleum substitute entitlements provisions would be inconsistent with the spirit of E.O. 12287.

However, even if the processing of pending applications could be sufficiently expedited, we have tentatively determined that it would be inconsistent with the original purposes of the petroleum substitute entitlements provisions to include additional petroleum substitute firms in the program—under either the automatic or case-by-case provisions—for past periods where there is no longer any prospective program. As noted above, the practice, unspecified in the regulations, of granting petroleum substitute entitlements under the Guidelines retroactively to the month following the date of application was undertaken at a time when the designation of a fuel as a petroleum substitute had prospective effect. The same was true with respect to petroleum substitutes that were granted entitlements under the automatic provisions for periods as far back as June 1979 even though their submissions may not have been received until much later. That is, in the past inclusion in the program has enabled a petroleum substitute to receive entitlements in the future to mitigate the *future* disincentives caused by the DOE's controls on the prices of crude oil and certain petroleum products. The retroactive grant of entitlements was ancillary to the prospective grant of entitlements that was the purpose of the program. Inasmuch as there is no further entitlements program for future periods and no further regulatory disincentive to petroleum substitutes, it would appear that the ancillary, retroactive grant of entitlements is no longer appropriate.

Finally, separate and distinct from considerations regarding the decontrol of crude oil and petroleum products, we have determined that the standards and criteria governing the qualification of alternate fuels as petroleum substitutes under the case-by-case determination have not best furthered the purposes of the EPAA. On the one hand, while paragraph 5(f) of the Guidelines has specified that applicants must demonstrate how, when, and the circumstances under which the petroleum substitute will be substituted for crude oil or a petroleum product, applicants have responded in varying manners to this requirement. This has resulted in some firms having their applications denied for failure to demonstrate substitution, although it is entirely possible that such firms could have qualified had they properly demonstrated substitution. Other firms, often the more sophisticated, have monitored decisions and orders and have supplemented their applications with additional information concerning substitution. Thus, by the happenstance of timing, some firms have received information and guidance not available to other firms. On the other hand, even when substitution has been demonstrated, the existing criteria for designation and the number of entitlements granted have not been adequately tailored to eliminating the regulatory disincentives to the use of petroleum substitutes while at the same time not overly burdening refiners and, consequently, consumers of petroleum products. For example, need for entitlements has not been a criterion for approval. *See Arizona Chemical Co.*, Dt. No. ERA–APS–78–6 (February 28, 1980). Thus, many firms could qualify for petroleum substitute entitlements although historically they have used substitutes and the controlled price of crude oil and petroleum products has not meaningfully retarded their use of substitutes. This is especially true where the firm essentially burns waste material generated by its primary industrial activity. Another example is the grant of entitlements on the basis of the BTU equivalence between crude oil and the substitutes consumed. *See* § 211.67(a)(5) (F) & (H). This essentially rewards inefficiency, since entitlements are earned not on the basis of the BTU's of the petroleum product which has been replaced but on the basis of the BTU's of the alternate fuel, and the more BTUs of alternate fuel that is necessary to substitute for a barrel of a petroleum product, the more entitlements that are earned.

Were controls and the entitlements program to continue indefinitely, we would propose to change the criteria and standards governing the case-by-case program. The elimination of controls and the interest in concluding all aspects of the price and allocation programs as quickly as possible, however, make this approach impracticable. Therefore, we believe it is appropriate to propose the end of the petroleum substitute case-by-case program so that the inequities contained within it are eliminated as soon as possible.

In view of the above considerations, we are proposing to amend the provisions of § 211.67(a)(5) to restrict the issuance of entitlements for petroleum substitutes for periods prior to January 28, 1981, to those firms which prior to that date had properly made all necessary certifications and filings to the ERA under the automatic provisions of § 211.67(a)(5) or had received designation under the Guidelines as an eligible recipient of entitlements.

All properly certified and completed filings requesting automatic inclusion that were received prior to January 28, 1981, have been processed. No firm that had not satisfied all filing requirements as of January 27, 1981, has been issued entitlements. We believe that our decision to discontinue the processing of any filings under the automatic provisions that were not completed prior to January 28, 1981, is appropriate and justified, since those provisions have been in existence since November 1979 and merely require that the applicant certify a limited amount of readily identifiable information. Therefore, firms could readily have complied with those provisions prior to January 28, 1981.

However, we recognize that the many firms that have case-by-case applications that were submitted in a timely manner but which are outstanding at the present time may feel that they are being treated inequitably. This is especially so because four firms,

over the past year, have received retroactive entitlements ancillary to their prospective designations. Moreover, firms with outstanding case-by-case applications may believe that their failure to receive entitlements in a timely fashion, and, if this proposed rule is adopted, to receive them at all, is solely DOE's responsibility, for which they should not be penalized. While recognizing our rule in the delays in question, we do not believe that this consideration provides an adequate basis for continuing the current method of case-by-case determination.

First, firms cannot legitimately claim that they relied on a favorable determination with respect to their application. Nothing in the regulations, Guidelines, or the practice of the Department has suggested that all applications would be granted. A large number of applications, as originally submitted, were deficient, especially in describing how, when, and under what circumstances the substitute fuel would substitute for crude oil or a petroleum product. Some decisions and orders already issued have denied participation in the program because the applicants' submissions did not provide necessary information. Many of the pending applications still reflect such deficiencies.

Moreover, because the regulations never provided for granting the case-by-case entitlements retroactively, but rather the ERA in its discretion adopted that practice while the program continued, the change of circumstances resulting from immediate decontrol is an appropriate consideration to be taken account of in terms of further exercise of that discretionary approach.

Finally, it is our determination that continuation of the petroleum substitutes entitlements program would have a major impact on those firms that have purchased and sold entitlements under the regular entitlements program in past months. This determination is based on preliminary analysis which indicates that the potential dollar amount to be awarded to petroleum substitutes if all pending applications were approved would approach $500 million. Under the adjustment mechanism for entitlements related to past periods (*see* E.O. 12287, Section 3, and notice of proposed rulemaking, 46 FR 15122, March 3, 1981) *someone* would have to purchase whatever entitlements were issued to petroleum substitute makers or consumers. Moreover, while these purchases would relate to prior months in which the substitutes were produced or consumed, the monies would have to be paid in the future by other participants in the entitlements program that would not have expected that their entitlements obligations for the past would be subject to such adjustments. This problem did not occur so long as regular entitlements notices were being published, because under the regulations adjustments for the past were made in the current entitlements notice from the pool of "deemed old oil" in the month of the notice. After March, however, there will be no more regular entitlements notices. Thus, whatever benefits were to be given to petroleum substitute makers would have to be paid by refiners with respect to past entitlements.

In sum, while applicants for petroleum substitute designation under the case-by-case method with applications outstanding may have *expected* their applications to be acted upon after decontrol such that they could receive benefits for periods after their applications were filed but before decontrol, this expectation was not founded upon any regulation. Moreover, whatever their expectation, these applicants could not have any vested interest in petroleum substitute entitlements until their applications were acted upon favorably. Regulatory programs are always subject to change, and program benefits or opportunities expected by individuals but not yet vested or finally granted can be eliminated. Finally, whatever inequity may be claimed in denying retroactive benefits to outstanding applications that might have been acted upon favorably would be outweighed by the change in circumstances and the inequity that would be suffered by other program participants in having to purchase entitlements from petroleum substitute producers and consumers for months long past.

Accordingly, in order to carry out E.O. 12287's mandate to the Secretary of Energy to take such actions as he deems necessary to ensure that the purposes of the Order are effectuated, we are proposing to amend 10 CFR § 211.67 to limit the issuance of entitlements for petroleum substitutes to those firms that prior to January 28, 1981, satisfied all filing requirements for automatic inclusion or were designated by decisions and orders on a case-by-case basis as eligible entitlements recipients. This would be done by amending paragraphs (A), (B), (C), (D), and (E) of § 211.67(a) to specify that the required certification must be made "prior to January 28, 1981," and by amending paragraphs (F), (G), and (H) of § 211.67(a)(5)(i) to add the words "before January 28, 1981" after the word "Chapter" where it appears in each of those paragraphs.

During the pendency of this rulemaking proceeding, we will not issue entitlements to any firm that did not satisfy the filing requirements of the automatic provisions prior to January 28, 1981, or was not designated by a decision and order issued prior to that date as an eligible recipient of entitlements. However, we will continue to process all outstanding case-by-case applications that were completed as of January 28, 1981, and submissions under the automatic provisions. This is to assure that if the decision is reached to continue the program, appropriate actions can be quickly taken.

III. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data views or arguments with respect to the issues set forth in this notice of proposed rulemaking. All comments should be submitted by 4:30 p.m., e.s.t., of the day specified in the DATES section, to the appropriate address indicated in the ADDRESSES section of this preamble and should be identified on the outside envelope and on documents submitted with the designation "Petroleum Substitute Entitlements Provisions," Docket No. ERA-R-81-02. Ten copies should be submitted. All comments received by the ERA will be available for public inspection in the DOE Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

You should identify any information or data considered by you to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure for requests to make oral presentations. The time and place for the hearing are indicated in the* DATES and ADDRESSES sections of the preamble. If necessary to present all testimony, the hearing will resume at 9:30 a.m. on the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation. If so, you should describe the interest concerned; if appropriate, state why you are a proper representative of a group or class of

persons that has such an interest; and provide a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing. If you are selected to be heard at the hearing, we will notify you before 4:30 p.m., April 10, 1981. You will be required to make 100 copies of your statement available in Room 2214, 2000 M Street, N.W., Washington, D.C. 20461 by 4:30 p.m., April 14, 1981.

2. *Conduct of the hearing.* We reserve the right to select the persons to be heard at the hearing (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may also submit questions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak by 4:30 p.m., April 14, 1981. If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection in the DOE Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., and in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

IV. Procedural Matters

A. Executive Order No. 12291.

Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any or all requirements of that Executive Order.

An exemption was requested of the Director for those regulations issued to implement Executive Order No. 12287. The request was granted.

B. Section 7 of the FEA Act

As required by section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended) a draft copy of this notice was submitted to the Administrator of the Environmental Protection Agency (EPA) for comments concerning the impact of this proposal on the quality of the environment. By letter dated February 19, 1981, the EPA Administrator submitted the following comments.

On the basis of our preliminary review, we do not foresee these actions having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the Environmental Protection Agency. Although we have no comments to make at this time, we reserve the right to provide further comments in accordance with out responsibilities under Section 309 of the Clean Air Act once the proposed rule has been released for more extensive review and public comment.

C. Section 102 of the NEPA

The DOE has determined that this regulation, as proposed, would not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, that the preparation of an Environmental Impact Statement for this proposal is not required under 10 CFR Part 208.

D. Section 404 of the DOE Act

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*, Pub. L. 95-91), we have referred this proposed rule, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination as to whether the proposal would significantly affect any matter within the Commission's jurisdiction.

E. Regulatory Flexibility Act

This proposed rule, if implemented, would negatively impact the approximately one hundred sixty firms with outstanding applications for case-by-case determination of their eligibility for entitlements for petroleum substitutes. In addition, forty-one firms that have made submissions for automatic inclusion in the petroleum substitutes program would be affected. Many of these firms are "small entities" within the meaning of the Regulatory Flexibility Act. However, there would be no significant impact on any of these firms. Consequently, this is a certification that this proposed rule will not have a significant impact on a substantial number of small entities.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91, Pub. L. 95-599, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended, effective on the date of issuance of this notice, as set forth below.

Issued in Washington, D.C., March 26, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

1. Section 211.67 is amended by revising paragraph (a)(5)(i) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.*

* * * * *

(5)(i) For each month, entitlements shall be issued with respect to a petroleum substitute as follows:

(A) In the case of a shale oil used as a feedstock or fuel in a domestic refinery, the refiner shall be issued, upon certification prior to January 28, 1981, the ERA that the shale oil has been used as a feedstock or fuel in a domestic refinery, that number of entitlements that would be received by the refiner if each barrel of the shale oil were a barrel of crude oil.

(B) In the case of a shale oil used or sold for use domestically as fuel other than in a refinery, the producer of the shale oil shall be issued, upon certification prior to January 28, 1981, to ERA that the shale oil has been used or sold for use domestically as fuel other than in a refinery, that number of entitlements that would be received by a refiner if each barrel of the shale oil were a barrel of crude oil.

(C) In the case of ethyl alcohol derived from domestic biomass and mixed with gasoline, the producer of the ethyl alcohol shall be issued that number of entitlements that would be received by a refiner if a barrel of ethyl alcohol were equal to 0.6189 barrels of crude oil; *provided, that,* entitlements will be issuable to a producer of ethyl alcohol only upon written certification prior to January 28, 1981, by the producer to ERA that (*1*) the producer has actually mixed the ethyl alcohol with gasoline and used the resulting mixture domestically as fuel or sold the mixture for domestic use as fuel; or (*2*), in any case where the producer sells the ethyl alcohol prior to mixing with gasoline, the producer has received written certification from a subsequent purchaser that such person (*i*) has been the first person to actually mix the ethyl alcohol with gasoline; (*ii*) has used the resulting mixture domestically as fuel or sold the mixture for domestic use as fuel; (*iii*) has based certification as to such use or sale upon documentation; and (*iv*) will maintain such documentation in a manner so as to be available for inspection at any time by the ERA within five years.

(D) In the case of municipal solid waste, the person who first processes the municipal solid waste to produce a solid fuel shall be issued that number of entitlements that would be received by a refiner if each ton of municipal solid waste processed were equal to 1.40 barrels of crude oil; *provided, that,* entitlements will be issuable to the processor of the municipal solid waste only upon written certification prior to January 28, 1981, by the processor to ERA that the processor has (*1*) actually used the solid waste or solid derivative thereof domestically to produce useful energy and that the energy thus produced has actually been used as fuel; or (*2*) sold the solid waste or solid derivative thereof or useful energy produced from either the solid waste or its derivative for domestic use as fuel.

(E) In the case of methane derived from municipal sewage or domestic landfills, the collector of the methane shall be issued, upon certification prior to January 28, 1981, to ERA that the methane has been used or sold for use domestically as fuel, that number of entitlements that would be received by a refiner if each unit of methane having a gross heating value of 5.7 million BTU's were a barrel of crude oil.

(F) In the case of solid waste or a solid or gaseous derivative thereof which has been designated as a petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981, that person designated by ERA as eligible to participate in the entitlements program with respect to such petroleum substitute shall be issued that the number of entitlements that would be received by a refiner if the unit of measurement established by ERA for that petroleum substitute were a barrel of crude oil.

(G) In the case of a liquid petroleum substitute which has been designated as a petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981, and which has a gross heating value of 5.7 million or more BTU's per barrel, that person designated by ERA as eligible to participate in the entitlements program with respect to the petroleum substitute shall be issued that number of entitlements that would be received by a refiner if a barrel of the petroleum substitute were a barrel of crude oil.

(H) In the case of a liquid petroleum substitute which has been designated as a petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981 and which has a gross heating value of less than 5.7 million BTU's per barrel, that person designated by ERA as eligible to participate in the entitlements program with respect to the petroleum substitute shall be issued that number of entitlements that would be received by a refiner if a barrel of the petroleum substitute were equal to a fraction of a barrel of crude oil, the numerator of which would be the gross heating value in BTU's per barrel of the petroleum substitute, and the denominator of which would be 5.7 million BTU's. An order issued by ERA to designate a petroleum substitute shall also designate the firm to which entitlements will be issued and the manner in which the use of the petroleum substitute by that firm shall result in entitlement issuances.

* * * * *

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Federal Register

Vol. 46, No. 60

Monday, March 30, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16852	12
16853-16876	13
16877-17008	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20
18013-18306	23
18307-18520	24
18521-18678	25
18679-18926	26
18927-19210	27
19211-19454	30

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

485 17187

3 CFR

Executive Orders:

11970 (Revoked by EO 12299) 17751
12247 (Revoked by EO 12296) 16879
12258 (Revoked in part by EO 12299) 17751
12296 15129
12297 16877
12298 16879
12299 17751
12300 18683
12301 19211

Proclamations:

4822 14885
4823 15491
4824 17009
4825 17535
4826 18013
4827 18521
4828 18523
4828 (correction) 18679
4829 18681

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981) 16235
No. 81-4 of March 5, 1981 16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981) 15855
No. 81-3 of February 27, 1981 15855

4 CFR

27 15857
28 15857

Proposed Rules:

28 15884

5 CFR

Ch XIV 17187
6 18683
213 18927-18931
550 14887
831 16853

7 CFR

Ch XVIII 17753
2 19215
331 17753
905 16237
907 ..... 15257, 16237, 17537, 18685
910 ..... 15493, 15864, 16855, 17754, 18931
959 ..... 16238, 17755
2024 15493

Proposed Rules:

930 15888
982 16040
1002 17207
1004 ..... 15713, 16266
1007 ..... 16266, 18558
1011 ..... 16266, 18558
1030 ..... 16266, 18558
1032 ..... 16266, 18558
1046 ..... 16266, 18558
1049 ..... 16266, 18558
1050 ..... 16266, 18558
1062 ..... 16266, 18558
1064 ..... 16266, 18558
1065 ..... 16266, 18558
1068 ..... 16266, 16889, 18558
1071 ..... 16266, 18558
1073 ..... 16266, 18558
1076 ..... 16266, 18558
1079 ..... 16266, 18558
1094 ..... 16266, 18558
1096 ..... 16266, 18558
1097 ..... 16266, 18558
1098 ..... 16266, 18558
1099 ..... 16266, 18558
1102 ..... 16266, 18558
1104 ..... 16266, 18558
1106 ..... 16266, 18558
1108 ..... 16266, 18558
1120 ..... 16266, 18558
1126 ..... 16266, 18558
1131 ..... 16266, 18558
1132 ..... 16266, 18558
1138 ..... 16266, 18558
1139 16890
2851 14899
2859 15512

8 CFR

214 16988
236 16856

9 CFR

75 15494
78 16885

Proposed Rules:

306 15512
317 16990
381 ..... 15512, 16990

10 CFR

20 ..... 16230, 16015, 18525
35 15683
212 15257
710 18170

Proposed Rules:

Ch. I 17566

1 16747
2 ..... 17216, 16556, 16747
30 15278
35 16750
40 15278
50 ..... 15278, 16045
51 15154
70 15278
72 15278
211 ..... 15112, 19450
212 17566
376 15484
390 15484
1060 17787

12 CFR

Ch. VII 14887
1 16240
5 16656–16661
8 16663
19 16931
21 15864
29 16932
205 19216
206 16099
211 16015
216 15864
303 ..... 17755, 17756
326 15864
510 19217
511 19217
522 19217
523 16696
541 17187
544 16881
545 ..... 17187, 16686
546 14727
556 ..... 16246, 19221
563 14727
563a 15864
611 ..... 17011, 16688
701 ..... 17187, 17537
748 15864
749 17188
1204 15131

Proposed Rules:

400 15886
545 15175
618 17022

13 CFR

123 16526

14 CFR

39 ..... 14728–14729, 15259, 17538–17540, 16247, 16248, 16881–16888, 16016–16019, 16689, 19222
71 14730–14734
73 19225
91 ..... 16666, 16888
93 19225
95 14735
97 ..... 15259, 16249, 16020
121 15480
159 19225

Proposed Rules:

Ch. I 14749, 15278, 15746, 19245
21 16279
39 ..... 15479, 19246
71 ..... 15478, 16899–16902, 16049, 16050
93 15458
159 15458
241 17022

15 CFR

4a 16251, 19227
19 19227
386 16699
388 17189
503 15496
804 16692
805 16692
935 ..... 14741, 19227
936 ..... 14741, 19227
937 14741
938 14741

Proposed Rules:

19 19266
377 17218
970 18448
1001 19418

16 CFR

1 14888
13 ..... 15261, 15262, 16692, 14741, 17189, 16691
460 18307
1000 17541

Proposed Rules:

13 ..... 16274, 16723
1206 17786
1301 19247

17 CFR

15 ..... 15132, 16255, 16528
16 16528
17 16528
18 16528
21 16528
200 16255
211 15496
230 ..... 16531, 16947, 19251
231 16670
239 ..... 17756, 16531, 16947
240 ..... 14886, 15133, 15134, 15496, 15713, 15866, 19251
241 16670
249 17756
250 ..... 16532, 19251
251 16535
259 17756
260 19251
269 17756
270 ..... 16673, 17011, 19251
274 17756
275 19251
279 17756

Proposed Rules:

1 16691
210 15278
230 16559
240 ..... 14749, 15178, 17219, 16990

18 CFR

4 15873
250 15874
260 15878
282 ..... 14742, 15496, 15879, 16256, 16011, 19228
292 19229

Proposed Rules:

Ch. I 15512
Subchapter B 16903
1 ..... 14751, 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 ..... 14751, 17023
12 17023
16 17023
25 17023
32 17023
33 17023
34 15513
35 ..... 17023, 17227
41 17023
131 15513
152 17023
153 17023
154 14899
156 17023
157 ..... 14899, 16903
158 17023
250 14899
260 14899
270 17023
271 ..... 16914, 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 ..... 16903, 17023
385 17023
388 17023

19 CFR

Ch. II 17526
200 17542
207 16022
210 17526
211 17526
353 ..... 15135, 17190
355 ..... 16099, 17014

Proposed Rules:

101 17228

20 CFR

655 16951

Proposed Rules:

655 16991

21 CFR

5 ..... 16674, 17757
50 16951
73 ..... 15500, 17758
74 16951
81 ..... 15500, 17758, 16951–16958
82 16951
175 16675
177 16675
178 17758
193 ..... 16256, 17015
430 ..... 15880, 16676
431 16676
436 ..... 15880, 16676, 16678, 16681
440 ..... 15880, 16681
442 ..... 15880, 16679
444 ..... 16676, 16680, 16681, 17758
446 16681
448 16681
449 16681
450 16681
452 ..... 16678, 16681
510 ..... 16659, 16661
520 ..... 16659, 16661–16663
522 ..... 16661, 16664
524 16664
529 16665
540 14889
556 16666
558 16666–16668
561 ..... 14889, 17015, 16023
564 14890

Proposed Rules:

Ch. I 16992
20 17063
73 16994
81 16994
106 17790
109 15518
110 15518
165 16995
180 16996
182 16996
193 15281
225 15518
226 15518
452 16692
500 15518
509 15518
601 17063
803 17063
872 15519
876 ..... 17063, 17064

22 CFR

Ch. XIV 16058, 16065
19 16666
41 15504
51 16257
191 17543
502 16970
504 16970
505 16970
525 16970

23 CFR

450 19233
630 19233
655 19232
656 19232

24 CFR

201 17190
203 ..... 14743, 16693
207 ..... 14743, 16693
213 16693
220 ..... 14743, 16693
221 16693
232 16693
234 16693
235 16693
236 16693
241 16693
242 16693
244 16693
300 15505
803 17366
888 17366

Proposed Rules:

115 16997

25 CFR

43c 14890
52 19233
53 19233

Proposed Rules:

72 16916

280.....16916
700.....15720

26 CFR

1.....15282, 15685, 16100, 17191
20.....17181
25.....17181
31.....17547
37.....17547
55.....15282
150.....16257

Proposed Rules:

1.....15692, 17229, 18998
26.....15693
31.....17586

27 CFR

72.....16536
270.....16309
275.....16309
290.....16309
295.....16309

28 CFR

0.....16100
40.....16100

Proposed Rules:

2.....14904

29 CFR

1.....16973
4.....16973
5.....16973
6.....16973
1903.....16951
1910.....14897, 16973, 16974
2200.....14744
2610.....16685, 16312
2613.....16988
2615.....16988

Proposed Rules:

92.....16827
541.....16998
1903.....16999
1952.....19000
1955.....19000
1990.....19000

30 CFR

700.....16023
716.....16023
785.....16023
936.....16536
944.....16541
950.....17191

Proposed Rules:

808.....16276

32 CFR

201.....15505
242b.....16024
286.....14890
369.....15506
762.....16313
875.....15506
817.....19234

33 CFR

1.....15685
161.....19234
230.....14745

Proposed Rules:

204.....16050

34 CFR

104.....16975
200.....16976
201.....16976
300.....16975
690.....16823

Proposed Rules:

75.....19000
76.....19000
78.....19000
104.....16321, 19000–19002
200.....19000
201.....19000
211.....19000
215.....19000
223.....19000
230.....19000
231.....19000
300.....19000–19002
305.....19000
307.....19000
309.....19000
315.....19000
318.....19000
322.....19000
324.....19000
332.....19000
338.....19000
361.....19000
362.....19000
365.....19000
366.....19000
369.....19000
370.....19000
371.....19000
372.....19000
373.....19000
374.....19000
375.....19000
378.....19000
379.....19000
385.....19000
386.....19000
387.....19000
388.....19000
389.....19000
390.....19000
395.....19000
408.....19000
525.....19000
526.....19000
527.....19000
624.....19000
643.....19000
644.....19000
645.....19000
646.....19000
649.....19000
655.....19000
656.....19000
658.....19000
660.....19000
667.....19000
668.....19000
674.....19000
675.....19000
676.....19000
682.....19000
690.....19000
726.....19000
735.....19000
740.....19000
753.....19000
757.....19000
776.....19000
778.....19000

36 CFR

7.....19233

38 CFR

1.....19234
2.....16977
3.....16101
21.....16101
36.....16686

Proposed Rules:

3.....19002
17.....16051

39 CFR

10.....17016, 18313
111.....14746, 15263, 15286, 17758

Proposed Rules:

10.....16054
111.....16560

40 CFR

52.....15136–15139, 15686, 16987, 16895–16897, 17019, 17191–17193, 17549–17557, 17777–17779, 16992
55.....15686
57.....16025
61.....14891, 14892, 15140, 16258, 17557
66.....15686, 16258, 16259
122.....16897, 16025
123.....17194, 16978
162.....15104, 17779
180.....14894, 15122–15125, 17020, 17021, 18313–18316, 16994, 16978
205.....17558
261.....17196
264.....16897, 16025
265.....16897, 16025
761.....16090
1500.....16026
1501.....16026
1502.....16026
1503.....16026
1504.....16026
1505.....16026
1506.....16026
1507.....16026
1508.....16026

Proposed Rules:

Ch. I.....16916
52.....19003
51.....16280
52.....15180, 15181, 15284, 15743, 16280, 17790, 18725
60.....14905
61.....16561
62.....16321
81.....15744, 15744
86.....15893, 16917
141.....17567
162.....16322
180.....15181, 15182, 15285, 16917, 17229, 17230
192.....16276
264.....16054
406.....17567
408.....16055
409.....17567
413.....17567
416.....17567
418.....17567
420.....17567, 18725
421.....17567
422.....17567
424.....17567
426.....17567
428.....17567
430.....15267
431.....15267
432.....17567
435.....17567
436.....17567
440.....17567
443.....17567
457.....17567
460.....17567
761.....16096
763.....14905

41 CFR

Ch. 1.....17760
Ch. 101.....17564
1–3.....17559
1–4.....16102
5–8.....17202
5A–8.....17202
5B–8.....17202
11.....17559
18.....17559
60–1.....16951
101–26.....17564
101–35.....16102
101–36.....16102
101–38.....16695
101–40.....14894

Proposed Rules:

8–4.....17232
60–1.....19004
101–7.....17791

42 CFR

110.....15141

43 CFR

9.....19233
20.....16897
2090.....19233
2200.....19233
2210.....19233
2220.....19233
2230.....19233
2240.....19233
2250.....19233
2260.....19233
2270.....19233
2300.....19233
2310.....19233
2320.....19233
2340.....19233
2350.....19233
2920.....19233

Public Land Orders:

5797.....15506
5798.....15506
5799.....15506
5802.....15506
5804.....15506
5805.....15506
5806.....15506
5808.....15506
5810.....15506
5812.....15506
5814.....15506
5817.....15506

5818.....15506
5819.....15506
5821.....15506
5824.....15506
5825.....15506
5826.....15506
5827.....15506
5828.....15506
5830.....15506
5831.....15506
5832.....15506
5833.....15506
5834.....15506
5836.....15506
5837.....15506
5838.....15506
5839.....15506
5840.....15506
5841.....15506
5842.....15506
5844.....15506
5845.....15506
5846.....15506
5848.....15506
5849.....15506
5850.....15506
5851.....15506
5852.....15506
5853.....15506
5854.....15506
5855.....15506

44 CFR

64.....15267, 15269, 17781, 17782, 18712, 18713
65.....15142, 17782, 18546, 18707
67.....18546, 18698

Proposed Rules:

60.....16692
67.....14907, 15163, 15287, 16282, 17795–17808, 18562, 18563, 18726

45 CFR

46.....19195
1060.....15270
1357.....14895
1612.....16267

Proposed Rules:

1624.....18055

46 CFR

3.....15746
4.....19235
14.....15746
24.....15746
189.....15746
401.....18716
536.....18549

Proposed Rules:

502.....17064

47 CFR

1.....18551
2.....15146, 15690, 18979
13.....18717
25.....18720
73.....15147–15151, 15271, 15707, 15709–15711, 16268, 17783–17785, 18316–18318, 18556, 18557
81.....15690, 18982
83.....15690, 18717, 18982, 18984
90.....15152, 15273
97.....15146, 18979

Proposed Rules:

Ch. I.....14907, 15184, 15296, 16692, 18737, 19005
0.....15297
22.....15749
25.....15754
61.....15297
63.....14754, 15297
67.....17568
73.....15184–15186, 15296, 15754, 15756, 15757, 17065, 17233, 17809–17811, 18737–18745, 19005, 19267–19269
83.....17233, 19007
90.....16104, 17813

48 CFR

Proposed Rules:

31.....16918

49 CFR

172.....17736, 19235
173.....17564, 19236
395.....19236
531.....18038, 18721
613.....19233
639.....19235
640.....19235
642.....19237
1003.....16200, 17785
1006.....16200, 17785
1031A.....19236
1033.....14895, 14896, 15507, 18721
1039.....15509
1056.....16200, 17785
1100.....17785
1132.....15509
1240.....15680
1243.....15681
1310.....16200, 17785
1322.....16200, 17785
1331.....15277, 16102

Proposed Rules:

23.....16282
571.....18747
583.....18059
639.....19270
640.....19270
1048.....16106
1052.....17813, 17814, 19271
1056.....16225
1057.....15300
1100.....17065
1206.....15302
1207.....15302
1245.....19273
1249.....19273
1307.....17234
1310.....17234

50 CFR

17.....19233
611.....16103
652.....15510
671.....18318

Proposed Rules:

20.....18666
216.....19282
230.....15746
410.....15188
611.....16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 18, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.

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V 4 6 1 / 6 0 M R 3 0 8 - 1

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3-31-81
Vol. 46 No. 61
Pages 19455-19612

federal register

Tuesday
March 31, 1981

Highlights

19660 **Incorporation by Reference** OFR approves certain materials in Titles 17–27, 14, 46 and 49 (Part II of this issue)

19640 **Taxes** Treasury/IRS requests comments and suggestions by 6–1–81, for improving its forms; hearings on 4–30–81

19602 **Agent Orange** HHS announces establishment of Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants

19503 **Veterans** VA proposes to amend regulations governing effective date of forfeiture of benefits for treason; comments by 4–30–81

19468 **Handicapped Discrimination** Treasury/RSO defers effective date until 6–1–81, of revenue sharing regulations

19510 **Black Lung** Labor/ESA extends comment period to 4–29–81, on proposal concerning lessor liability for payment of benefits

19501 **Cotton Dust** Labor/OSHA plans reevaluation and reconsideration of occupational health standard regulating employee exposure; comments by 5–15–81

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

19504 **Asbestos** EPA extends comment period to 4–27–81, for reporting and recordkeeping requirements; meetings on 5–14 and 5–15–81

19472 **Wiretapping** GSA describes circumstances under which listening-in or recording of telephone conservations may be performed in Government operations and prescribes policies that limit the practices within the Federal Government; effective 3–31–81

19479 **Electronic Games** FCC clarifies which games are exempted from certification; effective 4–27–81

19500 **Banks and Banking** FHLBB proposes to authorize member institutions to count Monetary Control Act reserves as liquidity; comments by 4–27–81

19638 **Securities** SEC requests comments by 4–21–81, on proposed rule change by the American Stock Exchange, Inc. relating to options openings, trading rotations and options trading practices

19640 **Treasury Notes** Treasury/Sec'y announces interest rate of 13¾ percent per annum on notes of Series G–1985

19640 **Small Businesses** SBA publishes optional peg rate of 12⅞ percent for April-June quarter of 1981

19702, 19804 **South Atlantic Continental Shelf** Interior/BLM announces proposed oil and gas lease Sale No. 56 (Part IV of this issue) and calls for nomination of and comments by 6–2–81; on areas for oil and gas leasing (Part VIII of this issue) (2 documents)

19592–19597 **Pesticides** EPA accepts requests for cancellation of registrations for products containing dibromochloropropane (DBCP) for uses other than on pineapples in Hawaii; hearing cancelled (5 documents)

Privacy Act Documents

19599 FHLBB
19636 OPM

19643 **Sunshine Act Meetings**

Separate Parts of This Issue

19660 **Part II, OFR**
19699 **Part III, USDA/FGIS**
19702 **Part IV, Interior/BLM**
19718 **Part V, USDA/APHIS**
19768 **Part VI, USDA/APHIS**
19786 **Part VII, USDA/APHIS**
19804 **Part VIII, Interior/BLM**
19808 **Part IX, DOE/WAPA (2 documents)**

Contents

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

Agency for International Development
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Agricultural Marketing Service
RULES
Milk marketing orders:
19455 Middle Atlantic; suspension

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Forest Service; Rural Electrification Administration.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
19603 April
19602 May

Alcohol, Tobacco and Firearms Bureau
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Animal and Plant Health Inspection Service
NOTICES
Animal welfare, lists:
19718 Dealers, licensed
19786 Exhibitors, licensed
19768 Research facilities, registered

Civil Aeronautics Board
NOTICES
19643 Meetings; Sunshine Act

Coast Guard
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Defense Department
NOTICES
Meetings:
19514 Women in Services Advisory Committee

Delaware River Basin Commission
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
19627 Gregoroff, Stanley, M.D.
Schedules of controlled substances:
19627 Tilidine and naloxone; international drug scheduling; inquiry

Employment Standards Administration
PROPOSED RULES
Black lung disease:
19510 Claims for benefits, mine lessor liability; clarification; extension of time

Energy Department
See Federal Energy Regulatory Commission, Western Area Power Administration.
NOTICES
Consent orders:
19641 Amerada Hess

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
19468 Ohio
Air quality planning purposes; designation of areas:
19472 Texas; clarification
PROPOSED RULES
Toxic substances:
19504 Asbestos manufacturers, importers, and processors; reporting and recordkeeping requirements; extension of time
NOTICES
Pesticide registration, cancellation, etc.:
19592–19597 Dibromochloropropane (5 documents)

Federal Aviation Administration
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Federal Communications Commission
RULES
Common carrier services:
19481 Telephone companies; uniform system of accounts; station connections
Communications equipment:
19479 Radio frequency devices; electronic games exempt from certification; clarification
PROPOSED RULES
Common carrier services:
19510 Federal-State Joint Board; general procedural rules; establishment; correction
NOTICES
Hearings, etc.:
19599 Dial Electric & Engineering, Inc.; correction

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
19474, 19476 Alabama et al. (2 documents)
19474 Minnesota et al.; correction

Flood insurance; special hazard areas:
19477 Arizona et al.
Flood insurance; special hazard areas; map corrections:
19478 Texas (2 documents)
PROPOSED RULES
Flood elevation determinations:
19505 Alabama
19506 Alabama et al.
19506 New Jersey; correction

Federal Energy Regulatory Commission
RULES
Natural Gas Policy of 1978:
19465 Incremental pricing; authority delegation for granting exemptions
NOTICES
Hearings, etc.:
19551 Altus, Okla.
19552 Ankey, Iowa
19515 Arkansas Louisiana Gas Co.
19515 Boundary Gas, Inc.
19515 Colorado Interstate Gas Co. et al.
19515 Columbia Gulf Transmission Co.
19516 Connecticut Municipal Electric Energy Cooperative
19517 Connecticut Yankee Atomic Power Co.
19517 Consolidated Gas Supply Corp.
19553–19556 Consolidated Hydroelectric, Inc. (5 documents)
19557 Consumers Power Co. (2 documents)
19557 Continental Hydro Corp. et al.
19517 Delvan Development Corp. et al.
19537 El Paso Natural Gas Co.
19575 Enagenics (2 documents)
19575 Florida Gas Transmission Co.
19537 Georgia-Pacific Corp.
19538 Great Lakes Gas Transmission Co.
19576 Hydro Development, Inc.
19577 Indianapolis Power & Light Co.
19577 Interstate Power Co.
19578 Kern County Water Agency
19578 Kern County Water Agency et al.
19587 Lamar City Utilities Board
19539 Lander, Wyo., et al.
19579 Long Lake Energy Corp.
19580 Lost Hills Water District, California
19540 Massachusetts Municipal Wholesale Electric Co.
19540 Meeker, John D.
19581 Michigan Wisconsin Pipe Line Co.
19581 MIGC, Inc.
19541 Mississippi River Transmission Corp.
19541 Mitchell Energy Co., Inc., et al.
19542 Mobil Producing Texas & New Mexico, Inc.
19542 Morris, Ill.
19543 Mountain Fuel Supply Co.
19581 Mountain Rhythm Resources
19543 Municipal Electric Power Association of Virginia
19582 Municipal Electric Power Association of Virginia et al.
19544 National Fuel Gas Supply Corp. et al.
19544 Natural Gas Pipeline Co. of America
19544 Natural Gas Pipeline Co. of America et al.
19545 Northern Natural Gas Co. (2 documents)
19583 Orange Cove Irrigation District
19546 Pacific Gas & Electric Co.
19584 Paper Service Mills Inc.
19585 Puget Sound Power & Light Co.
19546 Roaring Creek Ranch
19547 Santaquin City Corp.
19548 Southern Energy Co.
19549 Southwest Gas Corp.
19586 Sutter, Fred N., Jr.
19549 Tennessee Gas Pipeline Co.
19549, 19550 Transcontinental Gas Pipe Line Corp. (2 documents)
19550 Transok Pipe Line Co.
19586 Tulare Lake Basin Water Storage District
19588 Wilcox, Gregory
19589 Wilcox, Gregory et al.
Natural Gas Policy Act of 1978:
19518–19532, 19559 Jurisdictional agency determinations (4 documents)
19590 Transportation certificates for natural gas displacement of fuel oil; applications filed by Transcontinental Gas Pipe Line Corp. et al.

Federal Grain Inspection Service
PROPOSED RULES
19599 Rice standards; brown, milled and rough; request for comments

Federal Highway Administration
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Federal Home Loan Bank Board
PROPOSED RULES
Federal home loan bank system:
19500 Liquidity requirements; Monetary Control Act reserves
NOTICES
19599 Privacy Act; systems of records

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Federal Maritime Commission
NOTICES
19600, 19601 Agreements filed, etc. (2 documents)
19601 Agreements filed etc.; correction
Complaints filed:
19601 I.T.O. Corp. of New England
Freight forwarder licenses:
19601 Chariot Transport International et al.
19602 Shamrock International, Inc.

Federal Register Office
RULES
19600 Incorporations by reference, approval

Fish and Wildlife Service
NOTICES
19604 Endangered and threatened species permit applications

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
19466 Monensin blocks

Incorporations by reference, approval. See entry under Federal Register Office.

Forest Service
NOTICES
Environmental statements; availability, etc.:
19511 Cooperative Federal-State Spruce Budworm Intergrated Pest Management Program, Maine

General Services Administration
See also Federal Register Office.
RULES
Property management:
19472 ADP and telecommunications; listening-in and or recording telephone conservation
PROPOSED RULES
Property management:
19504 Transportation services or accomodations, unused; refund procedures

Health and Human Services Department
See also Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Health Care Financing Administration.
NOTICES
Committees; establishment, renewals, terminations, etc.:
19602 Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants Special Studies Advisory Committee

Health Care Financing Administration
NOTICES
Drugs, limitations on payment or reimbursement; maximum allowable cost:
19603 Acetaminophen etc.; hearing

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; pending nominations:
19605 Connecticut et al.

Housing and Urban Development Department
See also Federal Housing Commissioner—Office of Assistant Secretary for Housing; Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.
RULES
Low income housing:
19467 Housing assistance payments (Section 8) for disposition of HUD-owned projects; correction

Interior Department
See Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau.

Internal Revenue Service
NOTICES
19640 Tax forms Coordinating Committee; annual forms review process; hearings and inquiry

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Countervailing duty petitions and preliminary determinations:
19511 Fasteners from Japan

International Trade Commission
NOTICES
19643 Meetings; Sunshine Act
19627 Watches and watch movements from insular possessions; determination of U.S. consumption and quotas for duty free entry

Interstate Commerce Commission
RULES
Practice and procedure, etc.:
19494 Food transportation; operating authority for motor carrier owner-operators; filing requirements, etc.; 81-9497
NOTICES
Motor carriers:
19606 Agricultural cooperative transportation; filing notices
19624 Operating rights applications
19609–19613, 19618–19624 Permanent authority applications (9 documents)

Railroad operation, acquisition, construction, etc.:
19614 Auto-Train Corp.
19616 Knox & Kane Railroad Co. et al.
19618 Oregon Electric Railway Co.
Railroad services abandonment:
19625 Chicago & North Western Transportation Co.
19625 Louisville & Nashville Railroad Co. et al.
19626 Western Maryland Railway Co.
Rerouting of traffic:
19626 All railroads

Justice Department
See Drug Enforcement Administration.

Labor Department
See also Employment and Training Administration; Labor Statistics Bureau; Mine Safety and Health Administration.
NOTICES
Adjustment assistance:
19629 American Motors Corp. et al.
19632 Angela Manufacturing et al.
19630 Cyclops Corp.
19630 Exylin Co.
19631 Fabrik, Inc.
19631 General Motors Corp.
19633 National Semiconductor Large Computer Systems, Inc.
19633 New Jersey Zinc Co. et al.
19635 Pacemaker Driver Service, Inc.
19635 Timken Co.

Labor Statistics Bureau
NOTICES
Meetings:
19628 Business Research Advisory Council Committees

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
19608 South Coast Curry Timber Management Area, Oreg.

19607 Sustained Yield Unit 13 10-year timber management plan, Calif.
19607 Unita-Southwestern Utah Coal Production Region, etc., Colo. and Utah; tract description
Outer Continental Shelf; oil and gas lease sales:
19804 South Atlantic
19702 South Atlantic States; offshore
Wilderness areas; characteristics, inventories, etc.:
19605 Arizona
19605 Oregon and Washington

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
19628 Helvetia Coal Co.
19628 Keystone Coal Mining Corp.
19629 Quality Coal Co., Inc.

National Highway Traffic Safety Administration
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
19513 Gleeson, Dr. Paul

National Transportation Safety Board
NOTICES
19643 Meetings; Sunshine Act (2 documents)

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Occupational Safety and Health Administration
PROPOSED RULES
Health and Safety Standards:
19501 Cotton dust exposure; reconsideration; advance notice

Personnel Management Office
NOTICES
19636 Privacy Act; systems of records

Postal Service
NOTICES
19643 Meetings; Sunshine Act

Research and Special Programs Administration, Transportation Department
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Revenue Sharing Office
RULES
Fiscal assistance to State and local governments:
19468 Nondiscrimination for handicapped in federally assisted programs; deferral of effective date

Rural Electrification Administration
PROPOSED RULES
Electric and telephone borrowers:
19500 Wood poles, stubs, and anchor logs, etc.; (Spec. DT-5C:PE-9)
Electric borrowers:
19500 Construction and engineering services, progress reports (Bulletin 80-11)

Securities and Exchange Commission
RULES
19456 Brokers or dealers and investment advisers; service of process; duplicative rules removed
19459 Business development companies; interim notification forms and request for comments
19459 Forms; removal of obsolete material and editorial changes, etc.; correction
Financial Statements:
19456 Projections and information on the effects of changing prices; safe harbor rule
NOTICES
Hearings, etc.:
19636 Jersey Central Power & Light Co.
19637 Nationwide Life Insurance Co. et al.
19544 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
19638 American Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
19639 Aspen Financial Corp.
19639 Grocers Capital Co., Inc.
Meetings; advisory councils:
19640 Minnesota
19640 Optional peg rate

Textile Agreements Implementation Committee
NOTICES
Cotton textiles:
19513 Brazil
19513 India

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.
NOTICES
Notes, Treasury:
19640 G-1985 series

Veterans Administration
PROPOSED RULES
Adjudication; pensions, compensation, dependency, etc.
19503 Forfeiture for treason

Western Area Power Administration
NOTICES
19606 Central Valley Project, Calif., call for power application allocation applications, notice of power marketing plan hearings
19606 Fryingpan, Arkansas Project, proposed power marketing plan, proposed power rate, and call for applications for an allocation of power

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Office of the Secretary—
19514 Women in the Services Defense Advisory Committee (DACOWITS), Washington, D.C., 4-26 through 4-30-81

ENERGY DEPARTMENT
Federal Energy Regulatory Commission—
19517 Delvan Development and Ciba-Geigy Corporations, Washington, D.C., 3-27-81
19544 Natural Gas Pipeline Company of America, Washington, D.C., 4-1-81

ENVIRONMENTAL PROTECTION AGENCY
19504 Asbestos reporting and recordkeeping requirements, Washington, D.C., 5-14 and 5-15-81

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
19603 Federal Activities for Alcohol Abuse and Alcoholism Interagency Committee, 4-28-81; Federal Employees Alcoholism Programs Work Group, 4-21-81; Washington, D.C.
19602 Scientific Counselors Board, Bethesda, Md., 5-28 and 5-29-81

LABOR DEPARTMENT
Labor Statistics Bureau—
19628 Business Research Advisory Council, Economic Growth and Productivity-Foreign Labor Committees, Washington, D.C., 4-22-81 (separate meetings)

SMALL BUSINESS ADMINISTRATION
19640 Region V Advisory Council, Minneapolis, Minn., 4-23-81

HEARINGS

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Care Financing Administration—
19603 Pharmaceutical Reimbursement Board, 6-11-81

TREASURY DEPARTMENT
Internal Revenue Service—
19640 Tax Forms Coordinating Committee, 4-30-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

1 CFR
51 19660

7 CFR
1004 19455

Proposed Rules:
66 19669
1701 (2 documents) 19500

12 CFR

Proposed Rules:
523 19500

14 CFR
25 19660
91 19660
121 19660
127 19660
135 19660

17 CFR
230 (2 documents) 19456
239 19459
240 (2 documents) 19456
249 19459
250 19456
259 19459
260 (2 documents) 19456
269 19459
270 (2 documents) 19456
274 (2 documents) 19459
275 19456
279 19459

18 CFR
1 19465
282 19665
410 19660

20 CFR

Proposed Rules:
725 19510

21 CFR
1 19660
73 19660
101 19660
102 19660
103 19660
105 19660
106 19660
114 19660
122 19660
131 19660
133 19660
135 19660
136 19660
137 19660
139 19660
145 19660
146 19660
150 19660
155 19660
156 19660
161 19660
163 19660
164 19660
166 19660
168 19660
169 19660
170 19660
172 19660
173 19660
175 19660
176 19660
177 19660
178 19660
179 19660
180 19660
184 19660
186 19660
189 19660
211 19660
331 19660
436 19660
450 19660
520 19466
556 19660
630 19660
701 19660
720 19660
801 19660

22 CFR
217 19666

23 CFR
625 19666
1204 19667

24 CFR
200 19660
886 19467
3280 19660

27 CFR
13 19660
170 19660
197 19660
212 19660
245 19660

29 CFR

Proposed Rules:
1910 19501

31 CFR
51 19468

36 CFR

Proposed Rules:
3 19503

40 CFR
52 19468
81 19472

Proposed Rules:
763 19504

41 CFR
101-37 19472

Proposed Rules:
101-41 19504

44 CFR
64 (3 documents) 19474-19476
65 19477
70 (2 documents) 19478

Proposed Rules:
67 (3 documents) 19505, 19506

46 CFR
34 19660
52 19660
53 19660
54 19660
56 19660
57 19660
58 19660
59 19660
64 19660
76 19660
113 19660
160 19660
161 19660
162 19660
164 19660
194 19660

47 CFR
15 19479
31 19481

Proposed Rules:
67 19510

49 CFR
172 19660
178 19660
179 19660
192 19660
195 19660
1002 19494
1136 19494
1311 19494

Rules and Regulations

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

[Milk Order No. 4]

Milk in the Middle Atlantic Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends certain provisions affecting the regulatory status of milk plants under the Middle Atlantic Federal milk order. It permits pool plant status during March through August 1981 for any plant that was a pool plant during the prior September through February period. This action was requested by a regulated handler to facilitate continued pooling status for milk from dairy farmers who have been regularly supplying the fluid market.

DATE: Order of suspension is effective March 31, 1981, with respect to milk marketed during the March 1981 through August 1981 period.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of proposed suspension—issued March 3, 1981, published March 9, 1981 (46 FR 15713).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291. It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension on the timely basis necessary to include March 1981 in the suspension period.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Middle Atlantic marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 15713) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

§ 1004.7 [Amended]

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March 1981 through August 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1004.7(e) the words "of paragraph (e)(1)" and the words "paragraph (b) of" as they first appear in the paragraph.

Statement of Consideration

The suspension makes inoperative for March 1981 through August 1981 the provisions that limit the type of pool plant that is automatically qualified for pool plant status during such months on the basis of being a pool plant during the prior September through February period. The suspension was requested by Michaels Dairies, Inc., a proprietary handler who operates a pool distributing plant.

Under current operations, it is likely that Michaels Dairies, Inc., will fail to meet the regular pool distributing plant standard of 40 percent Class I disposition because of the loss of Class I sales volume to another pool plant. During the past few weeks, the handler has found it necessary to transfer Class I milk to another Order 4 regulated handler in order to maintain pool status for its plant and to assure continued pooling status for the milk of its producers. However, the demand for milk relative to available supplies has been declining and other Class I handlers do not now have a need for any of the reserve milk supplies associated with Michaels Dairies, Inc.

An indication of the changing supply-demand situation is that in February 1981 the market's Class I utilization percentage of 49.9 percent was down one percentage point from January and down over 4.5 percentage points from one year ago. The number of producers on the market in February 1981 was 7,371, an increase of 212 producers from one year ago. The average daily delivery per producer in February 1981 was 2,220 pounds, up 46 pounds from January and was 117 pounds or 5.6 percent above February 1980.

The suspension action will make all plants that were pool plants during the September 1980 through February 1981 period eligible for automatic pool plant status during March through August 1981. Without suspension action it is likely that producers supplying proponent's plant will not be able to share uniformly with other producers supplying the market in the proceeds from the Class I sales in the market and might get paid only the manufacturing use milk price, or about 10 percent less than what other producers would receive. Thus, suspension action is necessary to promote orderly marketing conditions.

Pennmarva Dairymen's Federation, Inc., which consists of five cooperative associations representing about three-fourths of the producers supplying the market, indicates support for the suspension. No opposition to the action has been indicated.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and

to maintain orderly marketing conditions in the marketing area in that milk of some producers who regularly supply the market otherwise would be excluded from the pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through August 1981.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on March 25, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-9699 Filed 3-30-81; 8:45 am]

BILLING CODE 3410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240, 260, 270 and 275

[Release Nos. 33-6305; 34-17659; 39-622; IC-11707 and IA-755]

Removal of Certain Duplicative Rules

AGENCY: Securities and Exchange Commission.

ACTION: Removal of duplicative rules.

SUMMARY: The Commission is amending various Parts of Title 17, Chapter II, of the Code of Federal Regulations by removing certain duplicative rules relating to consent to service of process by nonresident brokers or dealers and investment advisers. These amendments are administrative in nature and are intended solely to eliminate unnecessary duplications.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 202–272–2600.

Text of Amendments

Accordingly, 17 CFR Chapter II is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§§ 230.172 and 230.173 [Removed]

Part 230 is amended by removing §§ 230.172 and 230.173.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.0–7 [Removed]

Part 240 is amended by removing § 240.0–7.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

§§ 260.0–9 and 260.10 [Removed]

Part 260 is amended by removing §§ 260.0–9 and 260.10.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

§§ 270.06 and 270.07 [Removed]

Part 270 is amended by removing §§ 270.06 and 270.07.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

§ 275.0–1 [Removed]

Part 275 is amended by removing § 275.0–1

Since these amendments are administrative in nature, the Commission finds that notice and comment procedures are unnecessary and therefore the amendments may become effective immediately.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 27, 1981.

[FR Doc. 81-9753 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Parts 230, 240, 250, 260 and 270

[Release Nos. 33-6304; 34-17658; 35-21979; 39-621; AS-290]

Technical Amendments to Safe Harbor Rule for Projections and Information on the Effects of Changing Prices

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of technical amendments to the safe harbor rule for projections and information on the effects of changing prices adopted under the various securities acts to correct drafting errors. The technical amendments implement the Commission's intent to provide a safe harbor rule applicable to such information included in documents filed with the Commission, in Part I of a quarterly report required by the Securities Exchange Act of 1934, or in an annual report to shareholders. In addition, the safe harbor rule under the Trust Indenture Act of 1939 is revised to conform it to the rule under the Securities Act of 1933.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Linda Griggs, Office of the Chief Accountant (202/272–2130) or William E. Morley, Division of Corporation Finance (202/272–2573), Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced technical amendments to Rule 175 (17 CFR 230.175) under the Securities Act of 1933 (15 U.S.C. 77a et seq.), Rule 3b–6 (17 CFR 240.3b–6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), Rule 103A (17 CFR 250.103A) under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) and Rule 0–11 (17 CFR 260.0–11) under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.). These amendments correct drafting errors in Securities Act Release No. 6291, Accounting Series Release No. 287 (February 17, 1981) (46 FR 13988) and revise (1) the safe harbor rules included in that release [1] to make them applicable to forward-looking statements and information about the effects of changing prices included in Part I of Form 10–Q (17 CFR 249.318a), the quarterly reporting form required to be filed by most registrants, and (2) the safe harbor rule under the Trust Indenture Act to conform it to the related rules under the Securities Act, the Exchange Act and the Public Utility Holding Company Act.

In Securities Act Release No. 6291, the Commission adopted amendments to the safe harbor rule for projections to extend it to information on the effects of changing prices. Although the intent was to revise the related safe harbor rules adopted under the securities acts, inadvertently Rule 0–11 under the Trust Indenture Act was not amended. The

[1] Rule 0–9 (17 CFR 270.0–9) under the Investment Company Act of 1940 (15 U.S.C. 80–1 et seq.) is not amended because paragraph (b) of that rule states that the rule applies to information about the effects of changing prices in a document "transmitted to or filed with the Commission."

technical amendments announced herein include this extension of Rule 6-11 to information on the effects of changing prices.

In addition, the amendments announced in Securities Act Release No. 6291 inadvertently omitted references to reaffirmations of forward-looking statements or information about the effects of changing prices in Part I of a quarterly report on Form 10-Q, although shortly before, in Securities Act Release No. 6286 (February 9, 1981) (46 FR 12460), the Commission had announced amendments to Rule 175 and the related projections safe harbor rules to codify the staff's position that the safe harbor rules apply to forward-looking statements included in Part I of a Form 10-Q.[1] That codification was necessary because General Instruction E of Form 10-Q provides that information presented pursuant to Items 1 and 2 of Part I of that form is not deemed filed for purposes of Section 18 of the Exchange Act. Since the Commission intended to provide a safe harbor rule for forward-looking statements and information about the effects of changing prices in Part I of a Form 10-Q, as well as in filed documents and annual reports to shareholders, the safe harbor rule is amended to clarify this application.

Text of Amended Rules

17 CFR Chapter II is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising paragraphs (b)(1), (b)(1)(ii), (b)(2), (c), and (c)(4) of § 230.175 to read as follows:

§ 230.175 Liability for certain statements by issuers.

* * * * *

(b) * * *

(1) A forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, § 249.308a of this chapter, or in an annual report to shareholders meeting the requirements of Rules 14a-3(b) and (c) or 14c-3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward-looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking statement made prior to the date the document was filed or the date the annual report was publicly available if such statement is reaffirmed in a filed document, in Part I of a quarterly report on Form 10-Q, or in an annual report made publicly available within a reasonable time after the making of such forward-looking statement; *Provided,* That

(i) * * *

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S-K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S-K, "Supplementary financial information," and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, or in an annual report to shareholders meeting the requirements of Rules 14a-3 (b) and (c) or 14c-3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule, the term "forward-looking statement" shall mean and shall be limited to:

* * * * *

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c)(1), (2), or (3) of this section.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE OF 1934

2. By revising paragraphs (b)(1), (b)(1)(ii), (b)(2), (c), and (c)(4) of § 240.3b-6 to read as follows:

§ 240.3b-6 Liability for certain statements by issuers.

* * * * *

(b) * * *

(1) A forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, § 249.308a of this chapter, or in an annual report to shareholders meeting the requirements of Rules 14a-3(b) and (c) or 14c-3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward-looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document, in Part I of a quarterly report on Form 10-Q, or in an annual report made publicly available within a reasonable time after the making of such forward-looking statement; *Provided,* That

(i) * * *

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S-K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S-K, "Supplementary financial information," and disclosed in a document filed with the Commission, in Part I of a quarterly report on form 10-Q, or in an annual report to shareholders meeting the requirements of Rules 14a-3(b) and (c) or 14c-3(a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule, the term "forward-looking statement" shall mean and shall be limited to:

* * * * *

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c)(1), (2), or (3) of this section.

* * * * *

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

3. By revising paragraphs (b)(1), (b)(1)(ii), (b)(2), (c), (c)(4), and (d) of § 250.103A to read as follows:

§ 250.103A Liability for certain statements by issuers.

* * * * *

(b) * * *

(1) A forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, § 249.308a of this chapter, or in an annual report to shareholders meeting the requirements of Rules 14a-3 (b) and (c) or 14c-3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward-looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking

[1] Rule 175 was amended in Securities Act Release No. 6288 to implement this Commission action. The safe harbor rules adopted under the other acts, however, were not set forth correctly in that release.

statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document, in Part I of a quarterly report on Form 10–Q, or in an annual report made publicly available within a reasonable time after the making of such forward-looking statement; *Provided,* That

(i) * * *

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 or Regulation S–K, "Supplementary financial information," and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule, the term "forward-looking statement" shall mean and shall be limited to:

* * * * *

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c)(1), (2), or (3) of this section.

(d) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Public Utility Holding Company Act of 1935 and other acts referred to in section 16(b) thereof or the rules or regulations promulgated thereunder.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

4. By revising § 260.0–11 to read as follows:

§ 260.0–11 Liability for certain statements by issuers.

(a) A statement within the coverage of paragraph (b) below which is made by or on behalf of an issuer or by an outside reviewer retained by the issuer shall be deemed not to be a fraudulent statement (as defined in paragraph (d) of this section), unless it is shown that such statement was made or reaffirmed without a reasonable basis or was disclosed other than in good faith.

(b) This rule applies to the following statements:

(1) A forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, § 249.308a of this chapter, or in an annual report to shareholders meeting the requirements of Rules 14a–3(b) and (c) or 14c–3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward-looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document, in Part I of a quarterly report on Form 10–Q, or in an annual report made publicly available within a reasonable time after the making of such forward-looking statement; *Provided,* That

(i) At the time such statements are made or reaffirmed, the issuer is subject to the reporting requirements of the Securities Exchange Act of 1934 and has filed its most recent annual report on Form 10–K, or, if the issuer is not subject to the reporting requirements of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933, and

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S–K, "Supplementary financial information," and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, or in an annual report to shareholders meeting the requirements of Rules 14a–3(b) and (c) or 14c–3(a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule, the term "forward-looking statement" shall mean and shall be limited to:

(1) A statement containing a projection of revenues, income (loss), earnings (loss) per share, capital expenditures, dividends, capital structure or other financial items;

(2) A statement of management's plans and objectives for future operations;

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations included pursuant to Item 11 of Regulation S–K; or

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c) (1), (2), or (3) of this section.

(d) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Trust Indenture Act of 1939 and other acts referred to in section 323(b) thereof or the rules or regulations promulgated thereunder.

Authority

These amendments are adopted pursuant to the authority in Sections 6, 7, 8, and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; Section 20 [15 U.S.C. 79t] of the Public Utility Holding Company Act of 1935; and Section 319(a) [15 U.S.C. 77nnn(c)] of the Trust Indenture Act of 1939.

Procedural Matters

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these technical amendments on competition and has concluded that such amendments would not impose any burden on competition. Further, the Commission believes that it is appropriate to adopt these technical amendments effective immediately in order to achieve the intended purpose in

the rule changes adopted in February 1981.[3] Accordingly, pursuant to Section 553(b) of the Administrative Procedure Act ("APA") [5 U.S.C. 553(b)], the Commission for good cause finds that notice and opportunity for public comment at this time is impracticable, unnecessary and contrary to the public interest. In addition, pursuant to Section 553(d) of the APA [5 U.S.C. 553(d)], the Commission finds good cause to adopt the foregoing technical amendments effective immediately in order to achieve the intended purpose of its previous rule changes.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 27, 1981.

[FR Doc. 81-9764 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Parts 230, 240, 250, 260, 274 and 279

[Release Nos. 33-6298, 34-17623, 35-21990, 39-615, IC-11681 and IA-753]

Miscellaneous Amendments Related to Forms; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Miscellaneous amendments and editorial changes; correction.

SUMMARY: This document corrects an error in the listing of forms being removed from 17 CFR Chapter II which was published on March 20, 1981 (46 FR 17756) and lists additional forms being removed.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D. C. 20549 (202-272-2600).

Accordingly, the following corrections are made in FR Doc. 81-8627 appearing on page 17756 in the issue of March 20, 1981:

§ 274.18 [Corrected]

1. In the third column on page 17757 remove § 274.218 from the forms being removed from Part 274.

§ 279.17, 279.18, 279.19 and 279.20 [Removed]

2. In the same column Part 270 is further amended by removing §§ 279.17, 279.18, 279.19 and 279.20.

[3] See Securities Act Release Nos. 6291 and 6293.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 26, 1981.

[FR Doc. 81-9765 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 274

[Release No. IC-11703; File No. S7-880]

Interim Notification Forms for Business Development Companies

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of interim forms; request for comments.

SUMMARY: The Commission is adopting today, on an interim basis, three forms to be used by companies seeking to be regulated as business development companies under the Investment Company Act of 1940 as recently amended by the Small Business Investment Incentive Act of 1980. The three forms are a notice of intent to elect, a notification of election, and a notification of withdrawal of election. The Commission is also soliciting public comment on whether the interim forms should be adopted as permanent forms and, if so, whether the forms should be changed in any way. Finally, the Commission is making public the views of its Division of Investment Management on the adaptation of certain existing registration statement forms for use by business development companies. The Commission is taking these actions to facilitate the administration of the amendments to the Investment Company Act of 1940 and to provide guidance to companies contemplating becoming subject to those sections.

EFFECTIVE DATE: March 26, 1981. Comments on the interim forms must be received on or before June 1, 1981.

ADDRESSES: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-880 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Dianne E. O'Donnell, Special Counsel, (202) 272-2116 or Mary K. Crook, Attorney, (202) 272-2033, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is adopting today, on an interim basis, three forms to be used by companies seeking to be regulated as business development companies under new provisions of the Investment Company Act of 1940 ("1940 Act") [15 U.S.C. 80a-1 et seq. as amended by Pub. L. 96-477 (October 21, 1980)]:

(1) Interim Form N-6F [17 CFR 274.15], a form for notice of intent to elect to be subject to sections 55 through 65 of the 1940 Act [15 U.S.C. 80a-54 through 80a-64] under the 1940 Act, the regulatory provisions applied to business development companies;

(2) Interim Form N-54A [17 CFR 274.53], a form for notification of such election under the 1940 Act; and

(3) Interim Form N-54C [17 CFR 274.54], a form for notification of withdrawal of such election under the 1940 Act.

Additionally, the Commission is making known the views of its Division of Investment Management on appropriate disclosure by business development companies on registration statements filed under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a *et seq.*] and the registration of their securities under the Securities Exchange Act of 1934 ("1934 Act") [15 U.S.C. 78a *et seq.*].

Background

The Small Business Investment Incentive Act of 1980 ("the 1980 Amendments") [Pub. L. No. 96-477], *inter alia*, amended the 1940 Act by establishing a new system of regulation for certain investment companies called "business development companies." A business development company is in effect defined [1] as a domestic, closed-end company [2] that is operated for the purpose of making investments in small and developing businesses and financially troubled businesses; that makes available significant managerial assistance to its portfolio companies; and that has notified the Commission of its election to be subject to the system of regulation established by sections 55 through 65 of the 1940 Act.

Although the system of regulation in sections 55 through 65 of the 1940 Act has significant similarities to the

[1] Section 2(a)(48) of the 1940 Act [15 U.S.C. 80a-2(a)(48)].

[2] Closed-end investment companies are management companies which do not offer for sale or have outstanding any redeemable security. *See* section 5(a)(2) of the 1940 Act [15 U.S.C. 80a-5(a)(2)].

regulatory system applied to registered investment companies by sections 1 through 53 of the 1940 Act [15 U.S.C. 80a–1 through 52], there are several important differences. In general, business development companies are permitted greater flexibility in dealing with their portfolio companies,[3] issuing securities,[4] and compensating their management.[5] To be subject to these special regulatory provisions, a business development company must comply with certain provisions of the 1940 Act. A majority of a business development company's directors must not be interested persons of the company as defined in section 2(a)(19) of the 1940 Act [15 U.S.C. 80a–2(a)(19)].[6] Such a company is restricted in the kind of investments it can make, unless at the time the investment is made at least seventy percent of the company's assets (excluding assets necessary to maintain the business, such as office furniture) are represented by, in general, securities of small, developing businesses or financially troubled businesses and such liquid assets as cash or cash items, Government securities, or short-term, high quality debt securities.[7] The company must annually furnish to its shareholders a statement, in such form and manner as the Commission may prescribe by rules, about the risks involved in investing in a business development company due to the nature of its portfolio.[8]

In order to elect to be regulated as a business development company, a company must have a class of equity securities registered under section 12 of the 1934 Act [15 U.S.C. 78(*l*)] or have filed a registration statement under that section. Accordingly, business development companies must comply with the periodic reporting requirements under the 1934 Act, including annual reports (Form 10–K [17 CFR 249.310]), quarterly reports (Form 10–Q [17 CFR 249.308a]), and reports of certain material changes (Form 8–K [17 CFR 249.308]), rather than with those in section 30 of the 1940 Act [15 U.S.C. 80a–29].[9] Business development companies are not required to register as investment companies under the 1940 Act. After registering its securities under the 1934 Act, a company which meets the definition may become a business development company by filing with the Commission a notification of election to be subject to sections 55 through 65.[10]

After a company has elected to be subject to sections 55 through 65 of the 1940 Act, it may voluntarily withdraw its election by so notifying the Commission.[11] Such withdrawal is effective immediately upon receipt by the Commission. Upon its withdrawal the company may be subject to sections 1 through 53 of the 1940 Act.

Adoption of Interim Forms

Congress, in adopting the 1980 Amendments, contemplated the development of certain forms to be used by a company in connection with its election to be a business development company or its withdrawal of such an election. The reports accompanying both the House bill that was enacted as the 1980 Amendments and the substantially similar Senate bill expressed the Congressional intent that the Commission adopt new forms or adapt existing ones for these purposes on an expedited or emergency basis.[12] For this reason, and since the 1980 Amendments became effective immediately upon signing, the Commission is adopting, on an interim basis and without prior notice and opportunity for comment, three forms to be used to notify the Commission of: (1) a company's intent to file a notification of election (Form N–6F) ("Notice of Intent"); (2) a company's election to be regulated as a business development company (Form N–54A) ("Election"); and (3) a company's withdrawal from business development company status (Form N–54C) ("Withdrawal"). Although these forms are being adopted as an interim measure without prior notice, public comment is requested on whether the forms should be adopted on a permanent basis and, if so, whether the forms should be changed in any way.

Notice of Intent To Elect (Form N–6F)

Certain companies may have to make a filing with the Commission before they are ready to elect to be subject to sections 55 through 65 of the 1940 Act. A company that is excluded from the definition of investment company by section 3(c)(1) of the 1940 Act [15 U.S.C. 80a–3(c)(1)], because it has fewer than one hundred shareholders and is not making a public offering of its securities, may lose its exclusion solely because it proposes to make a public offering of securities as a business development company. To deal with this problem, section 6(f) of the 1940 Act provides that "any closed-end company which—* * * would be excluded from the definition of an investment company by section 3(c)(1), except that it presently proposes to make a public offering of its securities as a business development company, and has notified the Commission, in a form and manner which the Commission may, by rule, prescribe, that it intends in good faith to file, within 90 days, a notification of election to become subject to the provisions of sections 55 through 65, shall be exempt from sections 1 through 53, except to the extent provided in sections 59 through 65."[13]

A Notice of Intent must include basic identifying information about the company, such as its name, address, and agent for service of process. A Notice of

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[3] Business development companies have greater flexibility in dealing with their portfolio companies in that only transactions with certain affiliated persons that are deemed to have the ability to influence the company's actions require prior approval by the Commission. *See* section 57 of the 1940 Act [15 U.S.C. 80a–56] and rule 57b–1 [17 CFR 270.57b–1].

[4] The process of capital formation by business development companies is aided by modifying the restrictions placed on other investment companies by sections 18 and 23 of the 1940 Act [15 U.S.C. 80a–18, 80a–23] regarding: (a) the issuance of senior securities representing indebtedness; (b) the issuance of senior securities accompanied by warrants, options, or rights to subscribe or convert to voting securities; and (c) the sale of common stock at prices below net asset value. Sections 61(a)(1)–(a)(3)(A) (capital structure) and 63(2) (distribution and repurchase of securities) of the 1940 Act [15 U.S.C. 80a–60(a)(1) through 80a–60(a)(3)(A), 80a–62(2)].

[5] Business development companies are permitted to pay performance-based compensation in one of three ways: through a profit-sharing plan; through an executive compensation plan based on the issuance of warrants, options, or rights to purchase voting securities of the company; or through a performance fee arrangement with an external investment adviser. Sections 57(n) and 61(a)(3)(B) of the 1940 Act [15 U.S.C. 80a–56(n), 80a–60(a)(3)(B)]; section 205(C) of the Investment Advisers Act of 1940 ("the Advisers Act") [15 U.S.C. 80b–5(C)].

[6] Section 56 of the 1940 Act [15 U.S.C. 80a–55].

[7] Section 55(a) of the 1940 Act [15 U.S.C. 80a–54(a)].

[8] Section 64 of the 1940 Act [15 U.S.C. 80a–63].

[9] *See* section 54(a) of the 1940 Act [15 U.S.C. 80a–53(a)].

[10] *Id.*

[11] Section 54(c) of the 1940 Act [15 U.S.C. 80a–53(c)].

[12] H.R. Rep. No. 1341, 96th Cong., 2d Sess. 38 (1980); S. Rep. No. 958, 96th Cong., 2d Sess. 23 (1980).

[13] Section 6(f) of the 1940 Act [15 U.S.C. 80a–6(f)]. The legislative history of section 6(f) states that the section "in effect, extends the exclusion of section 3(c)(1) to a company which proposed to make a public offering of its securities as a business development company but had not yet done so. To the extent such a company needed to restructure its financial affairs or otherwise take action preparatory to its proposed offering, it would be able to do so free of the registration and other requirements of the [1940] Act, during that 90 day period." H.R. Rep. No. 1341, 96th Cong., 2d Sess. 37 (1980). Similar language appears in the report accompanying the Senate bill. S. Rep. No. 958, 96th Cong., 2d Sess. 21 (1980). Accordingly, it would appear that a company relying on the section 6(f) exemption must continue to qualify for exclusion under section 3(c)(1); that is, during the ninety day period contemplated by section 6(f), it would appear that the company should not have more than 100 beneficial owners of its securities or make a public offering. Similarly, it would appear that before making a public offering of its securities as a business development company, the company would have to file an Election.

Intent also must affirm that the company is eligible to file the notice.

Notification of Election (Form N–54A)

An Election must contain basic identifying information as well as a certification that the company is a business development company as defined in sections 2(a)(48) (A) and (B) of the 1940 Act. An Election will be effective upon receipt.

Notification of Withdrawal of Election (Form N–54C)

Form N–54C requires basic identifying information and a statement of the reason for the company's withdrawal. Disclosure as to the company's reason for withdrawal will assist the Commission in determining whether the company or its successor has become subject to sections 1 through 53 of the 1940 Act. The Withdrawal will be effective upon receipt.

Business Development Company Registration and Disclosure Under the 1933 and 1934 Acts

Congress also expressed the intent that the Commission adopt new registration forms and adapt existing ones for business development companies on an expedited basis.[14] The Commission is not adopting new registration statement forms for business development companies at this time, however, because additional experience with the operations of such companies appears necessary before new forms are developed. To provide guidance to companies that are contemplating becoming business development companies, the Commission is making public the views of its Division of Investment Management, the division responsible for processing disclosure documents and reports filed by business development companies, as to the existing registration forms that should be used by such companies. In addition, the Commission is making known the Division's views on the disclosure that may be appropriate to inform investors about the special characteristics of business development.

Deregistration Under the 1940 Act and Registration Under the 1933 and 1934 Acts

After an already existing registered investment company has filed an election to be regulated as a business development company, the Commission on its own motion will declare by order under section 8(f) of the 1940 Act [15 U.S.C. 80a–8(f)] that the company's registration under section 8 of the 1940 Act has ceased to be in effect. Such an order will be made effective retroactively, as of the time the Commission received the company's Election. The Commission will take such an action because the company will no longer be regulated as a registered investment company under the 1940 Act and because section 8 of the 1940 Act, requiring registration of investment companies, does not apply to business development companies.[15]

Business development companies are required by section 54(a) of the 1940 Act to have a class of equity securities registered under section 12 of the 1934 Act. Business development companies that do not already have a class of equity securities registered under the 1934 Act should register securities under the 1934 Act on Form 10 [17 CFR 249.210], the general form for registration of securities under the 1934 Act, or on Form 8–A [17 CFR 249.208a], the registration statement for certain classes of securities under the 1934 Act. Business development companies that plan to make a public offering requiring registration under the 1933 Act should register securities under the 1933 Act on Form N–2 [17 CFR 239.14, 17 CFR 274.11a–1], the registration form used by closed-end investment companies.

A company may register under the 1934 Act on Form 8–A if it has already filed a registration statement under the 1933 Act, or if it registers under the 1934 Act simultaneously with the filing of its registration statement under the 1933 Act and its Election under the 1940 Act. All other companies should register under the 1934 Act on Form 10. *In answering item 1 ("Business") of Form 10, a company intending to elect to be regulated as a business development company under the 1940 Act should state clearly that it is or intends to be a business development company. If a company is filing a registration statement under the 1934 Act, or registration statements under the 1933 and 1934 Acts, simultaneously with an Election under the 1940 Act, all filings should be submitted in the same package.*

A registered investment company with a class of equity securities that would have been required to be registered pursuant to section 12(g)(1) of the 1934 Act [15 U.S.C. 78*l*(g)(1)],[16] except for section 12(g)(2)(B) of that Act [15 U.S.C. 78*l*(g)(2)(B)],[17] may file an Election without filing a registration statement under the 1934 Act. Rule 12g–2 under the 1934 Act [17 CFR 240.12g–2] states that such securities will be deemed to be registered pursuant to section 12(g)(1) upon the termination of the issuing company's registration under section 8 of the 1940 Act, if at the time of such termination securities of the class are held of record by at least 300 persons. As stated above, the order terminating an investment company's registration will be made effective as of the time the company's election was received by the Commission. As a result, an investment company that meets the requirements of rule 12g–2 will have had a class of equity securities registered under section 12 of the 1934 Act as of the time its Election was filed. Of course, a registered investment company that cannot rely on rule 12g–2 (for example, because it has fewer than 300 shareholders of record at the time of its election) must file a registration statement under the 1934 Act.

The Commission is considering ways to reduce the complexities of the registration process for business development companies. In this regard, the Commission is considering whether to amend rule 12g–2 to permit registered investment companies with fewer than 300 shareholders at the time of election to rely on that rule in lieu of filing a 1934 Act registration statement, at such time as it might amend 1933 Act and 1934 Act forms to include special provisions for business development companies.

Prospectus Disclosure

Because of the special characteristics of business development companies, the disclosure they provide on Form N–2 will differ in several respects from that of registered closed-end investment companies. To provide guidance to companies contemplating making a public offering as a business development company, the areas in which the Division of Investment Management believes additional disclosure may be appropriate are listed below. The exact nature of the disclosure provided may vary significantly according to the specific circumstances of the registrant. Moreover, the Division may modify its views as it gains more experience with the operations of business development companies.

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[14] H.R. Rep. No. 1341, 96th Cong., 2d Sess. 20 (1980); S. Rep. No. 958, 96th Cong., 2d Sess. 23 (1980).

[15] *See* sections 8(f) and 59 of the 1940 Act [15 U.S.C. 80a–8(f), 80a–58].

[16] Section 12(g)(1) requires issuers with total assets exceeding $1,000,000 and a class of equity security held of record by at least 500 persons to register such security with the Commission.

[17] Section 12(g)(2)(B) exempts from the registration requirement of section 12(g)(1) "any security issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940."

1. *Special Risks.* The special risks of investing in a business development company, such as risks proceeding from a portfolio heavily invested in securities of small and developing or financially troubled businesses or in industries subject to rapid technological change, should be disclosed.

2. *Financial Information.* (a) Business development companies should include disclosure comparable to that operating companies provide pursuant to items 10 ("Selected financial data") and 11 ("Management's discussion and analysis of financial condition and results of operations") of Regulation S–K [17 CFR 229.20]. The per share table (item 3 of Form N–2) may be deleted.

(b) If not disclosed elsewhere in the prospectus, the company's Schedule of Investments should indicate investments that are not qualifying investments under section 55(a) of the 1940 Act. In a footnote, or otherwise, the significance of non-qualification should be explained.

3. *Small Business Investment Company Subsidiaries.* A business development company with a wholly-owned small business investment company subsidiary should disclose whether the subsidiary is regulated as a business development company or as an investment company registered under the 1940 Act, and what percentage of the parent company's assets are, or are expected to be, invested in the subsidiary.[18] The business development company should also describe the small business investment company's operations, including any material differences in investment policies between the business development company and its small business investment company subsidiary.

4. *Portfolio Companies.* (a) Because business development companies are likely to make investments of a long-term nature in a relatively small number of portfolio companies, the Division believes that detailed disclosure about the portfolio companies of a business development company is necessary for evaluating the nature of an investment in a business development company. Although the amount of disclosure may vary according to the extent of the business development company's investment in the portfolio company, areas of recommended disclosure include the following:

(1) The names and addresses of the portfolio companies;

(2) The nature of their businesses (including such factors as the company's relationship to its competitors, market share, dependence on a small number of customers, operating history, and particular vulnerability to changes in government regulation, interest rates, or industrial technology);

(3) The title, class, percentage of class, and value of all securities of the portfolio companies owned or held by the business development company;

(4) The amount and general terms of all loans to portfolio companies; and

(5) The relationship of the companies to the registrant. This disclosure should include a discussion of the extent to which the registrant generally makes available significant managerial assistance to its portfolio companies. Any other material business, professional, or family relationship between the officers and directors of the business development company and the portfolio company, its officers, or directors should also be disclosed.

(b) A company with an operating history should consider the effect on its operations of compliance with section 55(a) of the 1940 Act and should discuss in the prospectus anticipated changes in its operations as a result of its compliance. In particular, the company should discuss whether the required investments in qualifying assets will be consistent with its recent operating history and the extent to which changes in the company's investment policies and practices need to be made.

5. *Special Compensation.* If a business development company has a profit-sharing plan pursuant to section 57(n) of the 1940 Act [15 U.S.C. 80a–56(n)] or an executive compensation plan pursuant to section 61(a)(3)(B) of the 1940 Act, the plan should be described.

Additional Disclosure

In the registration statement, but not necessarily in the prospectus, a business development company should include information demonstrating the company's compliance with provisions of the 1940 Act with reference to any special compensation plan which the company might have (sections 57(n) and 61(a)(3)(B)); its capital structure, including warrants, options, and rights (section 61(a)(3)(A)) and asset coverage of senior securities (section 61(a)(1)); and the company's internal controls on transactions with affiliates (section 57(h) [15 U.S.C. 80a-56(h)]).

Procedural Matters

The Commission believes it appropriate in light of the enactment and effectiveness of the Small Business Investment Incentive Act of 1980 to adopt interim Forms N–6F, N–54A, and N–54C. Accordingly, the Commission, pursuant to section 4(b) of the Administrative Procedure Act [5 U.S.C. 553(b)], for good cause finds that prior notice and comment on interim Forms N–6F, N–54A, and N–54C are unnecessary and contrary to the public interest. In addition, the Commission, pursuant to section 4(d) of the Administrative Procedure Act [5 U.S.C. 553(d)], finds good cause to adopt the foregoing interim forms, effective immediately, in light of the recent enactment of the Small Business Investment Incentive Act of 1980, since any delay in such action by the Commission would, in its view, be inconsistent with the intent of Congress to facilitate the process by which issuers may elect to be regulated as business development companies.

Text of Forms

Subpart A of Part 274 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. By adding § 274.15 to read as follows:

§ 274.15 Form N–6F, notice of intent to elect to be subject to sections 55 through 65 of the Investment Company Act of 1940.

This form shall be used by a company that would be excluded from the definition of an investment company by section 3(c)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a–3(c)(1)], except that at the time of filing it proposes to make a public offering of its securities as a business development company, to notify the Securities and Exchange Commission that the company intends in good faith to file, within 90 days, a notification of election to become subject to the provisions of sections 55 through 65 of the Investment Company Act of 1940 [15 U.S.C. 80a–54 through 64].

2. By adding § 274.53 to read as follows:

§ 274.53 Form N–54A, notification of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 filed pursuant to section 54(a) of the Act.

This form shall be used pursuant to section 54(a) of the Investment Company Act of 1940 [15 U.S.C. 80a–53(a)] by a company of the type defined

[18] See, in this connection, Investment Company Act Release No. 11403 (Dec. 10, 1980) [45 FR 83479, Dec. 19, 1980] (interim adoption of rules 57b–1 and 60a–1 under the 1940 Act); Investment Company Act Release No. 11675 (Mar. 9, 1981) [46 FR 11673, Mar. 13, 1981] (permanent adoption of rules 57b–1 and 60a–1).

in sections 2(a)(48) (A) and (B) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(48) (A) and (B) to notify the Securities and Exchange Commission of its election to be subject to the provisions of sections 55 through 65 of said act [15 U.S.C. 80a–54 through 64].

3. By adding § 274.54 to read as follows:

§ 274.54 Form N–54C, notification of withdrawal of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 filed pursuant to section 54(c) of the Investment Company Act of 1940.

This form shall be used pursuant to section 54(c) of the Investment Company Act of 1940 [15 U.S.C. 80a–53(c)] by a business development company to file a notice of withdrawal of its election under section 54(a) of the Investment Company Act of 1940 [15 U.S.C. 80a–53(a)].

The text of the forms is set forth in the appendix to this release.

Regulatory Flexibility Certification

The Acting Chairman of the Commission has certified that the proposed forms, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The views of the Commission's Division of Investment Management regarding appropriate disclosure by business development companies are not rules and, therefore, not subject to the Regulatory Flexibility Act [5 U.S.C. 600 et seq.].

Statutory Authority

The Commission hereby adopts Forms N–6F, N–54A, and N–54C pursuant to section 6(f) [15 U.S.C. 80a–6(f)], section 38(a) [15 U.S.C. 80a–37(a)], section 54 [15 U.S.C. 80a–53], and section 59 [15 U.S.C. 80a–58] of the 1940 Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 26, 1981.

Securities and Exchange Commission, Washington, D.C.; Form N–6F

Notice of Intent to Elect To Be Subject to Sections 55 Through 65 of the Investment Company Act of 1940

The undersigned hereby notifies the Securities and Exchange Commission that it intends to file a notification of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 (the "Act") and in connection with such notice submits the following information:

Name: [1] ———

Address of Principal Business Office (No. & Street, City, State, Zip Code): ———

Telephone Number (including area code): ———

Name and address of agent for service of process: ———

The undersigned company hereby notifies the Securities and Exchange Commission that it intends to file a notification of election to be subject to sections 55 through 65 of the Act within ninety days of the date of this filing. The company would be excluded from the definition of an investment company by section 3(c)(1) of the Act, except that it presently proposes to make a public offering of its securities as a business development company.

Signature

Pursuant to the requirements of section 6(f) of the Act, the undersigned company has caused this notice of intent to elect to be subject to sections 55 through 65 of the Act pursuant to section 54(a) of the Act to be duly executed on its behalf in the city of ——— and the state of ——— on the — day of —, 19—.

[SEAL] Signature ———
(Name of Company)

By ———
(Name of director, officer or general partner signing on behalf of the company)

———
(Title)

Attest: ———
(Name)

———
(Title)

Instructions for Form N–6F

Read instructions carefully before preparing this notice. It may be returned as not acceptable for filing unless it is prepared, executed, and filed substantially in accordance with these instructions. This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of a notice of intent to file a notification of election. The form should be filed on paper 8½ x 11 inches in size.

(a) This form shall be used pursuant to section 6(f) of the Act to notify the Commission of the company's intent to file a notification of election to be subject to sections 55 through 65 of the Act. The form should not be filed by a company that at the time of filing has more than one hundred beneficial owners of its securities, or by a company that expects to have more than one hundred beneficial owners of its securities before a notification of election will be filed. Such a company should consider whether or not it needs to file a notification of registration under section 8(a) of the Act or a notification of election under section 54(a) of the Act.

(b) Signature.

An original and three copies of the notice of intent to file a notification of election shall be filed. The three copies may have facsimile or typed signatures. If the company is a business development company having a board of directors, the original notice of intent to file a notification of election shall be signed on behalf of the company by a director, officer, or trustee. If the company is a partnership, the original notice shall be signed by a general partner.

(c) Filing.

The notice of intent to elect and all inquiries and communication with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D.C. 20549.

(d) Fee.

There is no fee charged for filing the notice of intent to elect.

Securities and Exchange Commission, Washington, D.C.; Form N–54A

Notification of Election To Be Subject to Sections 55 Through 65 of the Investment Company Act of 1940 Filed Pursuant to Section 54(a) of the Act

The undersigned business development company hereby notifies the Securities and Exchange Commission that it elects, pursuant to the provisions of section 54(a) of the Investment Company Act of 1940 (the "Act"), to be subject to the provisions of sections 55 through 65 of the Act and, in connection with such notification of election, submits the following information:

Name: ———

Address of Principal Business Office (No. & Street, City, State, Zip Code): ———

Telephone Number (including area code): ———

Name and address of agent for service of process: ———

Check one of the following:

[ ] The company has filed a registration statement for a class of equity securities pursuant to section 12 of the Securities Exchange Act of 1934. Give the file number of the registration statement or, if the file number is unknown or has not yet been assigned, give the date on which the registration statement was filed: ———

[ ] The company is relying on rule 12g–2 under the Securities Exchange Act of 1934 in lieu of filing a registration statement for a class of equity securities under that Act.

The file number of the registration as an investment company pursuant to section 8(a) of the Act, if any, of the company: ———

The file number of the registration as an investment company pursuant to section 8(a) of the Act, if any, of any subsidiary of the company: ———

The undersigned company certifies that it is a closed-end company organized under the laws of ——— (state) and with its principal place of business in ——— (state); that it will be operated for the purpose of making investments in securities described in section 55(a) (1) through (3) of the Investment Company Act of 1940; and that it will make available significant managerial assistance with respect to issuers of such securities as represent 70 percent of the total assets of the company for purposes of the computation required by section 55(a) of the Act.

Pursuant to the requirements of the Act, the undersigned company has caused this notification of election to be subject to sections 55 through 65 of the Investment

[1] In selecting a name a company should consider the following: (a) section 35(d) of the Act; (b) the current list of companies registered under the Act (in order to ascertain if the name is similar to that of any existing company); and (c) its corporate policies.

Company Act of 1940 to be duly signed on its behalf in the city of ——— and state of ——— on the ——— day of ——— 19——.

[SEAL] Signature ———

By ———

(Name of director, officer, or general partner signing on behalf of the company)

Title ———

Attest: ———

(Name)

———

(Title)

Instructions for Form N–54A

Read instructions carefully before preparing the notification of election. A notification of election may be returned as not acceptable for filing unless it is prepared, executed, and filed substantially in accordance with these instructions. This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of a notification of election. The form should be filed on paper 8½ x 11 inches in size.

(a) This form shall be used as the notification of election to be subject to sections 55 through 65 of the Act filed with the Commission pursuant to section 54(a) of the Act.

(b) Signature.

An original and seven copies of each notification of election shall be filed. The seven copies of the notification of election may have facsimile or typed signatures. If the company is a business development company having a board of directors, the original notification of election shall be signed on behalf of the company by a director, officer, or trustee. If the company is a partnership, the original notification shall be signed by a general partner.

(c) Filing.

The notification of election and all inquiries and communications with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D.C. 20549.

(d) Fee.

There is no fee charged for filing the notification of election.

(e) Rule 12g–2.

Only companies with a class of equity securities that would have been required to be registered pursuant to section 12(g)(1) of the Securities Exchange Act of 1934 except for the exemption from registration under section 12(g)(2)(B), and that is held of record by at least 300 persons, may rely on rule 12g–2. All other companies must register a class of equity securities under section 12 of the Securities Exchange Act of 1934 before or simultaneously with the filing of this notification of election.

(f) Name.

In selecting a name a company should consider the following: (a) section 35(d) of the Act; (b) the current list of companies registered under the Act (in order to ascertain if the name is similar to that of any existing company); and (c) its corporate policies.

Securities and Exchange Commission, Washington, D.C.; Form N–54C

Notification of Withdrawal of Election To Be Subject to Sections 55 Through 65 of the Investment Company Act of 1940 Filed Pursuant to Section 54(c) of the Investment Company Act of 1940

The undersigned business development company hereby notifies the Securities and Exchange Commission that it withdraws its election to be subject to sections 55 through 65 of the Investment Company Act of 1940 (the "Act"), pursuant to the provisions of section 54(c) of the Act, and in connection with such notice of withdrawal of election submits the following information:

Name: ———

Address of Principal Business Office (No. and Street, City, State, Zip Code): ———

Telephone Number (including area code): ——

File Number under the Securities Exchange Act of 1934: ———

In addition to completing the cover page, a company withdrawing its election under section 54(a) of the Act must state one of the following bases for filing the notification of withdrawal:

A. The company has never made a public offering of its securities; does not have more than 100 securityholders for purposes of section 3(c)(1) of the Act and the rules thereunder; and does not propose to make a public offering.

B. The company (1) has distributed substantially all of its assets to its securityholders and has effected, or is in the process of effecting, a winding-up of its affairs, and (2) is not liquidating as part of a merger.

C. The company has (1) sold substantially all of its assets to another company; or (2) merged into or consolidated with another company. Give the name of the other company and state whether the other company is a registered investment company, a company excluded from the definition of an investment company by section 3(c)(1) of the Act, a business development company, or none of the above.

D. The company has changed the nature of its business so as to cease to be a business development company, and such change was authorized by the vote of a majority of its outstanding voting securities or partnership interests. Describe the company's new business. Give the date of the shareholders' or partners' meeting and the number of votes in favor of and opposed to the change.

E. The company has filed a notice of registration under section 8 of the Act. State the filing date of the company's notice of registration (Form N–8A) under the Act.

F. Other. Explain the circumstances surrounding the withdrawal of election.

Signature

Form of signature:

Pursuant to the requirements of the Act, the undersigned company has caused this notification of withdrawal of election to be subject to sections 55 through 65 of the Act to be duly signed on its behalf in the city of ——— and state of ——— on the day of ——— 19——.

[SEAL] Signature ———

(Name of company)

By ———

(Name of director, officer, or general partner signing on behalf of the company)

Title ———

Attest: ———

(Name)

———

(Title)

Instructions for Form N–54C

Read instructions carefully before preparing this notification. It may be returned as not acceptable for filing unless it is prepared, executed, and filed substantially in accordance with these instructions. This form is not to be used as a blank form to be filled in, but only a guide for the preparation of a notification of withdrawal. The form should be filed on paper 8½ x 11 inches in size.

(a) This form shall be used pursuant to section 54(c) of the Act to notify the Commission of the company's withdrawal of its notification of election to be subject to sections 55 through 65 of the Act. Such withdrawal will be effective immediately upon receipt by the Commission. Companies filing this notification should be aware that it is only a withdrawal from the regulatory system applicable to business development companies, described in sections 55 through 65 of the Act. A company which files this notification may be subject to sections 1 through 53 of the Act unless it qualifies for another exemption from those sections.

(b) Signature.

An original and three copies of the notification of withdrawal of election shall be filed. The three copies may have facsimile or typed signatures. If the company is a business development company having a board of directors, the original notification of withdrawal of election shall be signed on behalf of the company by a director, officer, or trustee. If the company is a partnership, the original notice shall be signed by a general partner.

(c) Filing.

The notification of withdrawal of election and all inquiries and communication with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D.C. 20549.

(d) Fee.

There is no fee charged for filing the notification of withdrawal of election.

(e) Incorporation by Reference.

A company may incorporate by reference any information previously filed in a current report on Form 8–K under the Securities Exchange Act of 1934 by so stating and giving the date on which the Form 8–K was filed.

Regulatory Flexibility Act Certification

I, Philip A. Loomis, Jr., Acting Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the following forms for business development companies: Form N–6F, the notice of intent to file a notification of election; Form N–54A, the notification of election to be regulated as a business development company; and Form N–54C, the notification of withdrawal of election, set forth in Investment Company Act Release No. 11703, if adopted, will not have a significant economic impact on any entity subject to their provisions, and

therefore will not have a significant economic impact on a substantial number of small entities. The reason for this conclusion is that the compliance and reporting requirements involved are minimal, as the forms require disclosure only of facts readily available to the company.

In addition, the views of the Commission's Division of Investment Management regarding appropriate disclosure by business development companies, also made public in Investment Company Act Release No. 11703, are not rules and, therefore, not subject to the Regulatory Flexibility Act.

Dated: March 26, 1981.

Philip A. Loomis, Jr.,

Acting Chairman.

[FR Doc. 81-9707 Filed 3-30-81; 8:45 am]

BILLING CODE 6310-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1 and 282

[Docket No. RM80-78; Order No. 134]

Delegation of Authority Under Natural Gas Policy Act of 1978 to Director, Office of Pipeline and Producer Regulation, To Grant Exemptions from Incremental Pricing

Issued: March 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting, as a final rule, an interim rule, issued on September 23, 1980, (45 FR 65170, October 1, 1980). This rule delegates the authority of the Commission under section 206(d) of the Natural Gas Policy Act to the Director of its Office of its Office of Pipeline and Producer Regulation to exempt on a case-by-case basis industrial fuel uses of natural gas otherwise subject to incremental pricing under section 201 of the Natural Gas Policy Act. This rule will reduce the number of applications for exemptions on which the Commission must act directly and thereby help expedite the application process.

EFFECTIVE DATE: This rule is effective April 22, 1981.

FOR FURTHER INFORMATION CONTACT:

Ronald Leach, Office of the General Counsel, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357-5417

Peter Lefkin, Office of the General Counsel, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357-8607

SUPPLEMENTARY INFORMATION: In the matter of delegation of authority under section 206(d) of the Natural Gas Policy Act of 1978 to the Director, Office of Pipeline and Producer Regulation, to grant exemptions from incremental pricing.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is adopting, as a final rule, an interim rule promulgated pursuant to its authority under section 501(a) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). The interim rule, issued on September 23, 1980, (45 FR 65170, October 1, 1980) delegated the authority of the Commission under section 206(d) of the NGPA to the Director, Office of Pipeline and Producer Regulation, (Director) to exempt on a case-by-case basis industrial facility uses of natural gas otherwise subject to incremental pricing under section 201 of the NGPA.

Section 282.206 of the Commission's regulations was revised to implement this delegation on an interim basis and to prescribe for such exemptions the same standards and procedures employed by the Director in processing requests for Staff Adjustments under section 502(c) of the NGPA and § 1.41 of the Commission's regulations.

The Commission, in accordance with 5 U.S.C. 553(b), found good cause to waive the normal notice and comment procedures and the interim rule took effect immediately on September 23, 1980. The interim rule invited interested persons to file written comments and to request the opportunity to make an oral presentation of their views at a public hearing. Both Brooklyn Union Gas Company and United Distribution Companies (UDC) requested an oral hearing but later withdrew their requests. UDC filed the only written comment in this docket.

II. Discussion of UDC's Comment

UDC's comment supported the Commission's delegation order. It agreed with the Commission that the Director should handle petitions for exemptions of individual facilities on a case-by-case basis. It further agreed with the Commission that submission of individual exemption orders to Congress is not required under the language of section 206(d).

UDC also suggested that § 1.41(d)(2)(i) of the Commission's regulations, which sets forth certain procedures applicable to exemptive orders by the Director, be amended to require service of the petition for exemption on the Applicant's supplier. Section 1.41(d)(2)(i) currently reads as follows:

(2) Service. (i) the applicant shall serve a copy of the application, or a copy from which confidential information has been deleted in accordance with paragraph (1) of the section on each person who is reasonably ascertainable by the applicant as a person who may suffer direct and measurable economic impact if the relief is granted.

UDC seeks to amend this provision by adding the following clause at the end thereof:

and on the applicant's immediate natural gas supplier.

UDC argues that the exemption of any individual facility pursuant to section 206(d) of the NGPA will directly affect the billings of the facility's gas suppliers. Consequently, UDC asserts that it is important that the supplier have prompt notice of the petition for exemption.

The Commission accepts with modification UDC's requested amendment. Section 1.41(d)(2)(i) is accordingly being amended to require service of notice to the natural gas supplier(s) of any applicant seeking an exemptive order pursuant to section 206(d). This provision is expressly limited to requests for exemptive orders pursuant to 206(d) and does not apply to any other petition filed under that section.

This provision is promulgated here on an interim basis because § 1.41 is an interim rule. At a later date, the Commission may make § 1.41 final under Docket No. RM79-32 (adjustment procedures).

Inasmuch as no other comments were filed, the Commission finds that the interim rule should be adopted as a final rule, amended as discussed above.

III. Effective Date

Since the amendment concerns a matter of agency practice and procedure, notice and public procedure thereon is unnecessary pursuant to 5 U.S.C. 553(b).

The final rule set forth below is effective on April 22, 1981.

(Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350 15 U.S.C. *et seq.* 3301-3432)

In consideration of the foregoing, the Commission amends Part 282, Subchapter I and, on an interim basis, § 1.41(d)(2)(i) Part I, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations as set forth below, effective April 22, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 282.206 is revised to read as follows:

§ 282.206 Petitions for exemptions under section 206(b).

(a) *Petitions to the Commission for exemptive rules.*

(1) *General rule.* Any person may petition the Commission to issue a rule of general applicability under the authority of Section 206(b) of the NGPA for the exemption, in whole or in part, of any non-exempt industrial boiler fuel facility or category thereof.

(2) *Filing requirements.* A petition for a general rule under this paragraph shall:

(i) conform to the requirements of § 1.7;

(ii) contain sufficient information and data to permit review of the request on the merits; and

(iii) provide an analysis of any environmental issues which are relevant to the petition.

(3) *Notice.* Public notice of the filing of a petition for a general rule of the Commission shall be given with opportunity for comment by interested persons.

(4) *Denial without prejudice.* A petition for a general rule of the Commission which is not acted upon within 90 days of the date for submission of comments shall be deemed denied without prejudice.

(b) *Petitions for exemptive orders of the Director of the Office of Pipeline and Producer Regulation.*

(1) *General rule.* Any person may petition the Commission to grant by order an exemption, under the authority of section 206(d) of the NGPA, in whole or in part, from incremental pricing, to any non-exempt industrial boiler fuel facility, in accordance with the provisions of § 1.41.

(2) *Criteria.* (i) As provided in § 1.41(h), the Director of the Office of Pipeline and Producer Regulation or a person who is designated by the Director and who is an employee of the Commission, shall grant a petition where there are sufficient facts to make a determination on the merits and where the Director, or delegate of the Director, determines that an exemption is necessary to prevent or alleviate:

(A) Special hardship;

(B) Inequity; or

(C) An unfair distributions of burdens.

2. Section 1.41, in paragraph (d)(2)(i), is revised on an interim basis to read as follows:

§ 1.41 Requests for adjustments under the NGPA.

* * * * *

(d) * * *

(2) *Service.* (i) The applicant shall serve a copy of the application, or a copy from which confidential information has been deleted in accordance with paragraph (1) of this section on: (A) each person who is reasonably ascertainable by the applicant as a person who may suffer direct and measureable economic impact if the relief is granted and (B) the applicant's natural gas supplier if the applicant is an industrial boiler fuel facility seeking exemption from incremental pricing pursuant to § 282.206(b).

* * * * *

[FR Doc. 81-9712 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Monensin Blocks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Moorman Manufacturing Co. providing for safe and effective use of a medicated block containing monensin for increased rate of weight gain in pasture cattle.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: Moorman Manufacturing Co., 1000 N. 30th St., Quincy, IL 62301, filed an NADA (115-581) providing for use of a 33⅓-pound molasses-mineral block containing 0.033 percent monensin for increased rate of weight gain in slaughter, stocker, and feeder cattle under winter-like pasture conditions requiring supplemental feed. Approval of this NADA partly relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 95-735 and 38-878. The NADA's provide for use of monensin premixes for making finished animal feeds. The feeds are also used for increased rate of weight gain. Use of the data in NADA's 95-735 and 38-878 to support this NADA has been authorized by Elanco. Because this approval provides for use of the block as an alternative form for administering monensin, the Bureau of Veterinary Medicine concludes that it poses no increased human risk from exposure to residues of the drug nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this original NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of safety and effectiveness data in NADA 95-735 or safety data in NADA 38-878.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR § 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1 (a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1448 by redesignating the existing text as paragraph (a) (1) through (4) and adding new paragraph (b). As revised § 520.1448 reads as follows:

§ 520.1448 Monensin blocks.

(a)(1) *Specifications.* Each pound of

molasses-mineral block contains 400 milligrams of monensin (0.066 percent) as monensin sodium.

(2) *Sponsor.* See 012315 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.420 of this chapter.

(4) *Conditions of use*—(i) *Amount.* 80 to 200 milligrams of monensin (0.2 to 0.5 pound of block) per head per day.

(ii) *Indications for use.* Increased rate of weight gain.

(iii) *Limitations.* Block to be fed free choice to pasture cattle (slaughter, stocker, and feeder) weighing more than 400 pounds. Provide at least 1 block per 5 head of cattle. Feed blocks continuously. Do not feed salt or minerals containing salt. Do not allow horses or other equines access to formulations containing monensin (ingestion of monesin by equines has been fatal). The effectiveness of this block in cull cows and bulls has not been established.

(b)(1) *Specifications.* Each pound of molasses-mineral block contains 150 milligrams of monensin (0.033 percent) as monensin sodium.

(2) *Sponsor.* See 021930 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.420 of this chapter.

(4) *Conditions of use*—(i) *Amount.* 50 to 200 milligrams of monensin (0.34 to 1.33 pounds of block) per head per day.

(ii) *Indications for use.* Increased rate of weight gain.

(iii) *Limitations.* Blocks to be fed free choice to cattle (slaughter, stocker, and feeder weighing more than 400 pounds) under winter-like pasture conditions requiring supplemental feed. Provide at least 1 block per 10 to 12 head of cattle. Roughage must be available at all times. Do not allow animals access to other protein blocks, salt or mineral while being fed this product. Do not allow horses or other equines access to formulations containing monensin (ingestion of monesin by equines has been fatal). Blocks' effectiveness in cull cows and bulls has not been established.

Effective date. This regulation is effective March 31, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 18, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9439 Filed 3-30-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 886

[Docket No. R-81-732]

Subpart C, Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects; Correction

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule; Notice of Correction.

SUMMARY: This document corrects an inadvertent omission in the amended rule which appeared at page 70365 in the Federal Register of Thursday, December 6, 1979, (44 FR 70365) and in subsequent issues of the CFR. The Department is correcting Part 886 to include the omitted material again without substantive change as appeared in §§ 886.324 and 886.325 prior to December 1979.

FOR FURTHER INFORMATION CONTACT: Marvin Hilman, Office of Multifamily Financing and Preservation, Housing, 451 Seventh Street, S.W., Washington, D.C., 20410, 202-755-7220. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Accordingly, the Department of Housing and Urban Development is correcting 24 CFR 886.324 and 886.325 to read as follows:

1. Section 886.324 is revised to read as follows:

§ 886.324 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.

(a) *Reexamination of family income.* Reexamination of family income, composition, and the extent of medical or other unusual expenses incurred by the family shall be made by the owner at least annually, except that such reviews may be made at intervals no longer than 2 years in the case of elderly families, and when requested by the family, and appropriate redeterminations shall be made by the owner of the amount of the gross family contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

(b) *Continued family eligibility.* A family's eligibility for housing assistance payments shall continue until the amount payable by the family equals the gross rent for the dwelling unit it occupies. However, the termination of eligibility at such point shall not affect the family's other rights under its lease nor shall such termination preclude resumption of payments as a result of subsequent changes in income or rents or other relevant circumstances during the term of the contract. The family may at any time request a redetermination of the gross family contribution on the basis of changes in family income, family composition, or other relevant circumstances.

2. Section 886.325 is revised to read as follows:

§ 886.325 Overcrowded and under occupied units.

(a) *Change in family composition, family's notification.* The family shall notify the owner of a change in family composition and shall transfer to an appropriate size dwelling unit, based on family composition, upon appropriate notice by the owner or HUD that such a dwelling unit is available. Such a family shall have priority over a family on the owner's waiting list seeking the same size unit.

(b) *Change in family composition, owner's responsibilities.* Upon receipt by the owner of a notification by the family of a change in the family size, the owner agrees to offer the family a suitable unit as soon as one becomes vacant and ready for occupancy. If the owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, HUD may assist the family in finding a suitable dwelling unit and require the family to move to such unit as soon as possible.

(c) *HUD actions if appropriate size unit is not made available.* If the owner fails to offer the family a unit appropriate for the size of the family when such unit becomes vacant and ready for occupancy, HUD may abate housing assistance payments to the owner for the unit occupied by the family and assist the family in finding a suitable dwelling unit elsewhere.

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

Issued at Washington, D.C., March 26, 1981.

George O. Hipps, Jr.,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 81-9735 Filed 3-30-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Further Deferral of Effective Date of Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Notice of further deferral of effective date of revenue sharing handicapped discrimination regulations.

SUMMARY: The effective date of the revenue sharing handicapped discrimination regulations will be delayed until June 1, 1981, pending reconsideration pursuant to Executive Order 12291, "Federal Regulation."

DATES: The effective date of the deferral of § 51.55 is March 31, 1981. The effective date of § 51.55 as published at 46 FR 1120, January 5, 1981 is deferred until June 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard S. Isen, Acting Chief Counsel, Office of Revenue Sharing;
or
Jacqueline L. Jackson, Attorney, Office of Chief Counsel for Revenue Sharing, Treasury Department, Washington, D.C. 20226, (202) 634–5182.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 1981, the Office of Revenue Sharing ("ORS") published in the **Federal Register** (46 FR 1120) final handicapped discrimination regulations, implementing Section 504 of the Rehabilitation Act of 1973, as amended, for purposes of the Revenue Sharing Program. The regulation was due to take effect on February 4, 1981. On January 29, 1981, the President issued a memorandum entitled "Postponement of Pending Regulations," which in part required the deferral for 60 days of the effective date of any final regulation pending at the date of the memorandum. Pursuant to that memorandum, the ORS filed a notice with the **Federal Register** on February 2, 1981, which was published on February 5, 1981 (46 FR 10908), that the effective date of the regulations would be deferred until March 30, 1981, to permit reconsideration by the new administration.

Deferral of Final Regulations

On February 19, 1981, the President issued Executive Order 12291 entitled "Federal Regulations" (46 FR 13193). The Executive Order requires Federal agencies to defer the effective dates of final regulations to permit reconsideration and to prepare a regulatory impact analysis. It further requires Federal agencies to decide whether to indefinitely defer the effective date of final regulations during the review period or to allow the regulations to have interim effect pending completion of reconsideration. The Department will solicit comments concerning this issue in a separate document to be published later in the **Federal Register**. In accordance with 5 U.S.C. Section 553(b), the effective date of the revenue sharing handicapped discrimination regulations will be delayed for an additional 60 days.

Notice is hereby given that the effective date of Section 51.55 has been deferred until June 1, 1981.

Authority

This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*) and Treasury Department Order No. 224 (January 26, 1973 (33 FR 3342) as amended by Treasury Department Order No. 242, Revision No. 1, May 17, 1977.

Dated: March 27, 1981.

Judith A. Denny,
Deputy Director for Policy and Compliance.
John E. Schmidt,
Acting Assistant Secretary (Domestic Finance).

[FR Doc. 81-9819 Filed 3-30-81; 8:45 am]
BILLING CODE 4810-38-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-1783-5]

Approval and Promulgation of Nonattainment Area Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of today's rulemaking is to announce final conditional approval of Rule 08 of Chapter 3745–17 of the Ohio Administrative Code for the primary total suspended particulate (TSP) nonattainment area of Middletown, Ohio and final approval of the control program and permits developed pursuant to Rule 08 for the ARMCO Middletown Works Plant. Rule 08 and the ARMCO control program were submitted to EPA as draft revisions to the Ohio State Implementation Plan (SIP) on January 6, 1981. These revisions were submitted to EPA by the State to satisfy the requirements of Part D of the Clean Air Act (Act). In the January 27, 1981 **Federal Register** (46 FR 8663), EPA proposed rulemaking on these draft SIP revisions. At that time, EPA stated that it would complete final rulemaking on Rule 08 and the ARMCO control program and permits if, after completion of all of the State's procedural requirements, the State submitted to EPA the regulatory and nonregulatory portions of this SIP revision, without any significant changes.

On February 18 and March 13, 1981 the State of Ohio submitted to EPA the adopted regulatory and non-regulatory portions of this SIP revision. In the February 24, 1981 **Federal Register** (46 FR 13735), EPA notified the public of the receipt of the February 18, 1981 submittal and alerted the public to the fact that the State would submit additional information in early March. At that time EPA extended the comment period provided in the January 27, 1981 **Federal Register** from February 26 to March 19, 1981. This was done to allow interested parties an opportunity to examine and comment on the State submittal. Based on EPA's review of these revisions EPA conditionally approves Rule 08 as it applies to the sources in Middletown, Ohio and approves the ARMCO control program and the operating permits developed pursuant to Rule 08.

EFFECTIVE DATE: This final rulemaking becomes effective March 26, 1981.

ADDRESSES: Copies of this SIP revision are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

The Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43215

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Clarizio, Air Programs Branch, Regulatory Analysis Section, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6035.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act), as amended in 1977, USEPA designated certain areas in Ohio

as nonattainment with respect to the National Ambient Air Quality Standards (standards) for total suspended particulates (TSP). At that time, the City of Middletown, located in Butler County, Ohio was designated as a primary nonattainment area for TSP.

Part D of the Clean Air Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for those areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. The requirements for an approval SIP are described in a Federal Register notice published April 4, 1979 (44 FR 20372) and are not repeated here. Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

The control strategy submitted for the Middletown primary nonattainment area consists of revised Rules 01–11 of Chapter 3745–17 of the Ohio Administrative Code, the ARMCO control program and enforceable permits developed for ARMCO pursuant to Rule 06, a commitment by Ohio EPA to submit the individual enforceable control programs required by Rule 06 for each of the other fugitive emission sources located in the primary nonattainment area, TSP monitoring data and a modeling analysis which demonstrates attainment of the primary TSP standard by December 31, 1982.

As EPA stated in the January 27, 1981 Federal Register (46 FR 8504), although rules 01–11 were submitted as part of the plan for the area, EPA is only rulemaking on Rule 06 as it applies to the Middletown area and the ARMCO control program and operating permits developed pursuant to Rule 06. Rulemaking on the adequacy of Rules 01–07, 09–11 and 06 for the remainder of the State will be discussed in a separate Federal Register notice.

Rule 06 requires the owner or operator of a fugitive dust source located in the area to develop a control program for that source. It exempts, however, from compliance, fugitive emissions from the number 3 Blast Furnace and the numbers 15 and 16 Basic Oxygen Furnaces located at ARMCO's Middletown Works Plant. These sources are permitted to operate at status quo levels. For the other fugitive sources located at ARMCO's Middletown Works Plant, ARMCO has developed, pursuant to Rule 06, a specific fugitive control program. This program, included as part of the Middletown control strategy, will reduce fugitive emissions in the area by implementing the following measures on plant property: reducing vehicular traffic, cleaning paved roads, treating unpaved surfaces with dust suppressants, reducing bare areas by means of road paving and vegetative cover and installing spray systems for coal and other storage piles. To ensure that these measures are enforceable the State submitted revised operating permits.

EPA's Evaluation and Final Determination

In the January 27, 1981 Federal Register, EPA stated that it would conditionally approve Rule 06 for the Middletown area if: (1) it were adopted by the State in the form in which it appeared on January 6, 1981; (2) the State submitted for approval or committed itself to submit on a schedule negotiated between the State and EPA, the individual enforceable control programs required by proposed Rule 06 for each of the fugitive emission sources located in the primary nonattainment area; and (3) the State submitted the modeling analysis conducted for the area. The modeling analysis was to: (a) base the modeled emission rates for the point sources located in Middletown on maximum allowable emissions contained in Ohio's current SIP; (b) follow present EPA modeling guidelines; and (c) demonstrate attainment of the TSP standard by December 31, 1982.

In addition to proposing conditional approval of Rule 06 for the Middletown area, EPA proposed to approve ARMCO's control program if it were submitted to EPA as part of the official SIP revision and if it contained enforceable measures which were consistent with the modeling analysis.

On February 18, 1981, the State of Ohio submitted to EPA adopted Rule 06. There were no changes in the rule. It was adopted and submitted to EPA in exactly the same form that it was submitted in on January 6, 1981. Additionally in the February 18, 1981 transmittal letter, the State committed itself to submit by December 31, 1981 the individual enforceable control programs required by proposed Rule 06 for each of the fugitive emission sources located in the primary nonattainment area.

Along with Rule 06, the State also submitted a modeling analysis which assesses the effectiveness of the Middletown control strategy. This analysis was performed using the maximum emission rates allowable under Ohio's current SIP for the point sources located in the area. For the fugitive sources in the area, the modeling analysis only took credit for the reductions achieved as a result of implementation of ARMCO's fugitive dust control program. Although additional reductions in TSP emissions should occur as a result of the fugitive control programs developed for the other sources in the area no credit has been taken for these additional reductions in this modeling analysis.

EPA's review of the modeling analysis indicates that it was conducted in accordance with EPA's modeling guidelines. The model used was the Climatological Dispersion Model (CDM) with a receptor network which had an 0.25km grid resolution in those areas in which maximum TSP emissions would occur. Five years of representative meteorological data were utilized. The modeling analysis predicted that by December 31, 1982 the primary TSP standard would be attained.

The State's submittal did not contain a demonstration for the secondary TSP standard. EPA will be working with the State of Ohio to continue with the ambient air quality monitoring and to demonstrate attainment for the secondary TSP standard.

On February 18, 1981, the State also submitted a copy of the ARMCO fugitive control program. Along with this program, on March 13, 1981 the state submitted operating permits which covered, among other things, process emissions from ARMCO's Middletown Works number 3 Blast Furnace and the numbers 15 and 16 Basic Oxygen Furnaces.

The permits for ARMCO's fugitive dust control program were submitted to EPA on March 13, 1981. EPA has reviewed these operating permits and has determined that they are enforceable. Furthermore, EPA had determined that the permits are consistent with the modeling analysis conducted for the area.

During the comment period provided by the January 27, 1981 Federal Register, EPA received one comment. The individual, a representative of ARMCO, noted that during the period August to November 1980 the ambient monitoring data collected for the area indicated that the adjusted geometric mean TSP concentration had improved to 70 micrograms of TSP per cubic meter of air (70 ug/m3). In the January 27, 1981 Federal Register EPA noted that the improvement was to 77ug/m3. EPA has reanalyzed the monitoring data and concurs with the commentor. No other public comments were received by EPA.

EPA approves the control program and permits developed for the ARMCO Middletown works plant. It should be

noted, however, that for federal enforcement purposes these permits will continue to be federally enforceable even after any state expiration date. EPA also approves Rule 08 for the Middletown primary nonattainment area provided the State submits to EPA by December 31, 1981 the individual enforceable control programs required by Rule 08 for each of the fugitive emission sources located in the primary nonattainment area. A notice soliciting public comment on the acceptability of this date appears in a subsequent **Federal Register**. It should be noted that EPA's approval of the ARMCO permits should not necessarily be interpreted as establishing reasonably available control technology (RACT) levels of control for these sources. RACT determinations for these sources are not required because an adequate modeling analysis showing attainment as expeditiously as practical has been supplied for the area.

A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 38583) and the November 23, 1979 **Federal Register** (44 FR 67182). A conditional approval requires the State to submit additional materials by the specified deadlines negotiated between the State and EPA prior to final rulemaking. A conditional approval will mean that the restrictions on new major source construction in the area will not apply unless the State fails to submit the necessary material by the scheduled date, or if it is not approved by USEPA. Conditional approvals will not be granted without strong assurance by the appropriate State official(s) that the deficiencies will be corrected by the date specified.

EPA will follow the procedures described below when determining if the requirements of the conditional approval have been met.

1. When the State submits the required additional documentation, EPA will review it. EPA will publish a notice of final rulemaking approving the additional documentation if it has determined that the public has had adequate opportunity to know and comment on the contents of the documentation. Otherwise, EPA will publish a notice in the **Federal Register** announcing receipt and availability of the submission and that the conditional approval is continuing pending EPA's final action on the submission.

2. EPA will evaluate the State's admission and public comments on the submission to determine if noted deficiencies have been fully corrected. After review is complete, a **Federal Register** notice will either fully approve the plan if all conditions have been met, or withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the State fails to submit the required materials according to the negotiated schedule, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce the conditional approval is withdrawn, the SIP is disapproved and the Section 110(a)(2)(I) restrictions of growth are in effect.

It should be noted that the measures promulgated today will be in addition to, and not in lieu of existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally approved SIP are different from the regulations currently being enforced by the State. In these situations, the present federally approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally approved regulations. Failure of a source to meet applicable preexisting regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is an instance of delay or lapse of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulation such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulation. In this situation, the State may exempt a source from compliance with the pre-existing regulation. Any exemptions granted will be reviewed and acted on by EPA either as part of these promulgated regulations or as a future SIP revision.

Pursuant to the provisions of 5 United States Code section 605(b), I hereby certify that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This action only approves state actions and imposes no new requirements. Furthermore, due to the nature of the federal-state relationship, as defined by the Clean Air Act, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could be improper.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by June 1, 1981. Under Section 307(b)(2) of the Clean Air Act the requirements which are the subject of today's action may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

USEPA has determined that good cause exists for making these revisions immediately effective. By making this final rulemaking immediately effective, some of the restrictions on industrial growth contained in section 110(a)(2)(I) of the Act will be lifted from this area. These restrictions are imposed for a failure to have a State Implementation Plan which meets the requirements of Part D after the final date for SIP approval specified in the Act. USEPA has determined that major portions of this SIP revision meet the requirements of Part D. Therefore, it would be contrary to the public interest to continue for thirty days after the publication of this notice the restrictions on industrial growth in the Middletown, primary TSP nonattainment areas.

Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1980. This Notice of Final Rulemaking is issued under the authority of Section 110(a) of the Clean Air Act as amended (42 U.S.C. 7410a)).

Dated: March 26, 1981.

Walter C. Barber,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52, is amended as follows:

1. Section 52.1870 is amended by adding new paragraph (c)(27) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(27) On February 18, and March 13, 1981, the Governor of Ohio submitted Rule 08 of Chapter 3745-17 of the Ohio Administrative Code for Middletown and the operating permits for the fugitive sources located at ARMCO's Middletown Works Plant.

2. Section 52.1875 is revised to read as follows:

§ 52.1875 Attainment dates for national standards.

The following table presents the latest by which the national standards are to be attended. The dates reflect the information presented in Ohio's plan except where noted.

AQCR	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Greater Metropolitan Cleveland Interstate (AQCR 174):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	e	c.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Huntington (West Virginia-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate (AQCR 103):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Mansfield-Marion-Interstate (AQCR 175):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Metropolitan Cincinnati Interstate (AQCR 076):							
a. Primary/Secondary Nonattainment Areas.	j	h	f	f	b	i	i.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Metropolitan Columbus Interstate (AQCR 176):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	d	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Metropolitan Dayton Intrastate (AQCR 173):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	d	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Metropolitan Toledo Interstate (AQCR 124):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	g	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Northwest Ohio Interstate (AQCR 177):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Northwest Pennsylvania Youngstown Interstate (AQCR 178):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Parkersburg (West Virginia)-Mariette (Ohio) Interstate:							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	b.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Sandusky Intrastate (AQCR 180):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Steubenville-Wierton-Wheeling Interstate (AQCR 181):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	d	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Wilmington-Chillicothe-Logan Intrastate (AQCR 182):							
a. Primary/Secondary Nonattainment Areas.	h	h	b	b	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Zanesville-Cambridge Intrastate (AQCR 183):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.

NOTE.—Sources subject to the plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1875 published July 1, 1978.

NOTE.—For actual nonattainment designations refer to 40 CFR Part 81.

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. Air quality levels presently below primary standards or is unclassifiable.
b. Air quality levels presently below secondary standards or is unclassifiable.
c. For Stark, and Portage Counties attainment is to be achieved by December 31, 1982. For the remaining counties attainment is to be achieved by December 31, 1987.
d. December 31, 1982.
e. For Summit County attainment is to be achieved by December 31, 1982. For Cuyahoga County the attainment date is to be achieved by December 31, 1987.
f. August 27, 1979 except for the companies listed in (1) which are subject to an attainment date of June 17, 1980, the Ashland Oil Company in Stark County which is subject to an attainment date of September 14, 1982, the companies in Summit County listed in (2) which are subject to an attainment date of January 4, 1982, and the PPG Industries, Inc. (boilers only) in Summit County, Ohio which is subject to an attainment date of August 25, 1982.
(1) Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Shelter-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E. I. duPont de Nemours and Co.; Coulton Chemical Corp.; Allied Chemical Corp.; Specialty Chemicals Division; The Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Assoc.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio Edison Co.; RCA Rubber Co.
(2) In Summit County; Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich, Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries, Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co.
g. Attainment will be specified in the future.
h. April 15, 1977.
i. December 31, 1987.
j. For the primary nonattainment area of Middletown, Ohio, located in Butler County, Ohio, attainment of the primary standard is to be achieved by December 31, 1982. For all other nonattainment areas within this AQCR the previously specified attainment date of April 15, 1977 is still applicable.

3. Section 52.1880 is amended by adding new paragraph (d)

§ 52.1880 Control strategy: Particulate matter.

* * * * *

(d) Part D—Conditional Approval—The following portions of the Ohio Plan are approved provided that the following conditions are satisfied:

(1) For the Middletown, Ohio primary nonattainment area Rule 08 of Chapter 3745–17 of the Ohio Administrative Code provided the State submits the individual enforceable control programs required by Rule 08 for each of the fugitive emission sources located in the primary nonattainment area.

[FR Doc. 81-9735 Filed 3-30-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 81

[A-6-FRL 1793-4]

Texas; Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule: Clarification.

SUMMARY: This action makes clarification to the **Federal Register** final rulemaking published on November 25, 1980, regarding the attainment status designations in the State of Texas for 10 areas with respect to total suspended particulate (TSP). The Texas Air Control Board (TACB) submitted to EPA a request to redesignate eleven (11) areas in TACB Resolution R79–2. This notice is to clarify that all the TSP areas in TACB R79–2 were approved for redesignation except the Houston 2 area which is presently under EPA's review.

FOR FURTHER INFORMATION CONTACT:
Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767–1518.

Dated: March 10, 1981.

Frances E. Phillips,
Acting Regional Administrator.

[FR Doc. 81-9649 Filed 3-30-81; 8:45 am]
BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-37

[FPMR Amendment F-47]

Telecommunications Management; Listening-in and/or Recording of Telephone Conversations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation describes the circumstances under which listening-in or recording of telephone conversations may be performed in Government operations and prescribes policies that limit the practices within the Federal Government. The intended effect is to restrict and control the practice of listening-in and recording of telephone conversations.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert R. Johnson, Procurement Policy and Regulations Branch (202–566–0194).

SUPPLEMENTARY INFORMATION: A proposed rule was published in the **Federal Register** on June 27, 1978 (43 FR 27867), which proposed to severely limit the use of these listening-in and recording devices. As a result of the comments received, FPMR Temporary Regulation F–491 was published to allow listening-in under certain circumstances when approved by the agency head.

Temporary Regulation F–491, Supplement 1 thereto, regarding information that agencies provide to the General Services Administration, are canceled and deleted from the appendix at the end of Subchapter F in 41 CFR Chapter 101. Also GSA Bulletin FPMR FPMR F–86 concerning the use of line identification equipment is canceled.

PART 101–37—TELECOMMUNICATIONS MANAGEMENT

1. The table of contents for Part 101–37 is amended to revise one entry and to add six entries as follows:

Sec.
101–37.311 Listening-in or recording of telephone conversations.
101–37.311–1 Definitions.
101–37.311–2 Nonconsensual listening-in or recording.
101–37.311–3 Consensual listening-in or recording.
101–37.311–4 Agency responsibilities.
101–37.311–5 GSA responsibilities.
101–37.313 Use of line identification equipment.

2. Section 101–37.311 is revised and §§ 101–37.311–1 through 101–37.311–5 are added to read as follows:

§ 101–37.311 Listening-in or recording of telephone conversations.

This section describes the limited circumstances under which listening-in or recording of telephone conversations may be performed by Federal agencies and prescribes policies that limit the practice within the Federal Government.

Note.—The provisions of this § 101–37.311 do not apply to telecommunications monitoring conducted in accordance with Executive Order 12036. Nothing in this regulation shall be construed as authorization for the listening-in or recording of any telephone conversations for the purpose of committing any criminal or tortious act in violation of the Constitution of the laws of the United States.

§ 101–37.311–1 Definitions.

(a) "Consensual" means that one party to a telephone conversation has given prior consent to the interception or recording of the conversation.

(b) "Nonconsensual" means that none of the parties to a telephone conversation has given consent to the interception or recording of the conversation.

(c) "Listening-in devices" as used in this subpart means such devices that can intercept any telephone communication and be used to listen-in

and/or record telephone conversations without the knowledge of one or more of the parties to the conversation.

(d) "Determination" means a written document (usually a letter) that specifies the operational need for listening-in or recording of telephone conversations, indicates the specific system and location where it is to be performed, lists the number of telephones and/or recorders involved, establishes operating times and an expiration date, and justifies the use. It is signed by the agency head or the agency head's designee.

§ 101-37.311-2 Nonconsensual listening-in or recording.

Nonconsensual listening-in or recording of telephone conversations shall be authorized and handled in accordance with the requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (18 U.S.C. 2510 et seq.), and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

§ 101-37.311-3 Consensual listening-in or recording.

Consensual listening-in or recording of telephone conversations on the Federal Telecommunications System or any other telephone system approved in accordance with the Federal Property and Administrative Services Act of 1949, section 201(a) (1) and (3) (40 U.S.C. 481(a) (1) and (3)), and implementing regulations thereof is prohibited except under the following conditions:

(a) When performed for law enforcement purposes in accordance with procedures established by the agency head, as required by the Attorney General's Guidelines for Administration of the Omnibus Crime Control and Safe Streets Act of 1968, and in accordance with procedures established by the Attorney General.

(b) When performed for counter-intelligence purposes and approved by the Attorney General or the Attorney General's designee.

(c) When performed by any Federal employee for public safety purposes and when documented by a written determination of the agency head or the designee citing the public safety needs. The determination must identify the segment of the public needing protection and cite examples of the hurt, injury, danger, or risks from which the public is to be protected. Examples of these practices are police and fire department operations, air traffic safety control, and air/sea rescue operations.

(d) When performed by a handicapped employee, provided a physician has certified (and the head of the agency or designee concurs) that the employee is physically handicapped and the head of the agency or designee determines that the use of a listening-in or recording device is required to fully perform the duties of the official position description. Equipment shall be for the exclusive use of the handicapped employee. The records of any interceptions by handicapped employees shall be used, safeguarded, and destroyed in accordance with appropriate agency records management and disposition systems.

(e) When performed by any Federal agency for service monitoring but only after analysis of alternatives and a determination by the agency head or the agency head's designee that monitoring is required to effectively perform the agency mission. Strict controls must be established and adhered to for this type of monitoring. (See § 101-37.311-4 on agency responsibilities for minimal procedures.)

(f) When performed by any Federal employee with the consent of all parties for each specific instance. This includes telephone conferences, secretarial recording, and other acceptable administrative practices. Strict supervisory controls shall be maintained to eliminate any possible abuse of this privilege. The agency head or the agency head's designee shall be informed of this capability for listening-in or recording telephone conversations.

§ 101-37.311-4 Agency responsibilities.

Each agency shall ensure that:

(a) All listening-in or recording of telephone conversations as defined in § 101-37.311-3 (c), (d), or (e) shall have a written determination approved by the agency head or the agency head's designee before operations.

(b) Service personnel who monitor listening-in or recording devices shall be designated in writing (see § 101-37.311-3(e)) and shall be provided with written policies covering telephone conversation monitoring. These policies shall contain at a minimum the following instructions:

(1) No telephone call shall be monitored unless the Federal agency has taken continuous positive action to inform the callers of the monitoring.

(2) No data identifying the caller shall be recorded by the monitoring party.

(3) The number of calls to be monitored shall be kept to the minimum necessary to compose a statistically valid sample.

(4) Agencies using telephone instruments that are subject to being monitored shall conspicuously label them with a statement to that effect.

(5) Since no identifying data of the calling party will be recorded, information obtained by the monitoring shall not be used against the calling party.

(c) Current copies and subsequent changes of agency documentation, determinations, policies, and procedures supporting operations under § 101-37.311-3 (c), (d), or (e) shall be forwarded before the operational date to the General Services Administration (CPEP), Washington, DC 20405. Specific telephones shall be identified in the documentation and/or determination to prevent any possible abuse of the authority.

(d) Procedures for monitoring performed under § 101-37.311-3(a) (law enforcement) shall contain at a minimum:

(1) The identity of an agency official who is authorized to approve the actions in advance;

(2) An emergency procedure for use when advanced approval is not possible;

(3) Adequate documentation on all actions taken;

(4) Records administration and dissemination procedures; and

(5) Reporting requirements.

(e) Requests to the General Services Administration for acquisition approval and/or installation of telephone listening-in or recording devices shall be accompanied by a determination as defined in § 101-37.311-1(d).

(f) A program is established to reevaluate at least every 2 years the need for each determination authorizing listening-in or recording of telephone conversations.

§ 101-37.311-5 GSA responsibilities.

(a) GSA's Automated Data and Telecommunications Service, Office of Policy and Planning (CPEP), will be accountable for information concerning the use of listening-in or recording of telephone conversations in the Federal Government as requested under § 101-37.311-3 (c), (d), and (e).

(b) GSA will periodically review the listening-in programs within the agencies to ensure that agencies are complying with the intent of the Federal Property Management Regulations.

(c) GSA will provide assistance to agencies in determining what communications devices and practices fall within the listening-in or recording category; i.e., those that have the capacity to listen in, monitor, or intercept telephone conversations. GSA will also help develop administrative alternatives to the listening-in or recording of telephone conversations. Requests for assistance shall be addressed to: General Services

Administration (CT), Washington, DC 20405.

(d) GSA will take appropriate steps to obtain compliance with this regulation if an agency has not documented its devices in accordance with this section.

3. Section 101–37.313 is added to read as follows:

§ 101–37.313 Use of line identification equipment.

Line identification equipment may be installed on FTS telephone facilities to assist Federal law enforcement agencies to investigate threatening telephone calls, bomb threats, and other criminal activities. No invasion of privacy is involved, and the use of this equipment does not violate the Privacy Act of 1974 or any Federal or State wiretap laws; e.g., title III of the Omnibus Crime Control and Safe Streets Act of 1968. Information and assistance may be obtained from General Services Administration (CT), Washington, DC 20405.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 6, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–9036 Filed 3–30–81; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6013]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

Correction

In FR Doc. 81–8578, at page 17781, in the issue of Friday, March 20, 1981, on page 17782, make the following corrections to the table for § 64.6:

(1) Under the "State and County" heading the thirteenth line, designated "Minnesota: Marshall", correct the entry under the heading "Effective dates of authorization/cancellation of sale of Flood Insurance in community" by changing the last word "reinforced" to read "reinstated" and

(2) Under the "State and County" heading "Kentucky: Scott", correct the entry under the heading "Effective dates of authorization/cancellation of sale of flood insurance in community" by changing the last word "reinforced" to read "reinstated".

BILLING CODE 1505–01–M

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44 CFR Part 64

[Docket No. FEMA–6019]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–8620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Johnson, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alabama:					
Baldwin	Daphne, city of	0100058	Mar. 2, 1981, suspension withdrawn	June 7, 1974, Aug. 15, 1975	Mar. 2, 1981.
Madison	Owens Cross Roads, town of	010218A	do	June 25, 1976	Do.
Arkansas: Benton	Rogers, city of	0500138	do	May 24, 1974, Feb. 27, 1976	Do.
Illinois:					
Will	Crete, village of	1707008	do	Apr. 12, 1974, June 18, 1976	Do.
Lake	Green Oaks, village of	1703648	do	Mar. 8, 1974, July 2, 1976	Do.
Kane	Hampshire, village of	1703278	do	May 3, 1974, Mar. 26, 1976	Do.
Indiana: Hamilton	Noblesville, city of	180082D	do	May 24, 1974, June 25, 1976, Sept. 16, 1977, Aug. 4, 1978.	Do.
Iowa:					
Benton	Vinton, city of	1900188	do	Apr. 5, 1974, Jan. 23, 1976	Do.
Bremer	Waverly, city of	1900308	do	Mar. 29, 1974, Apr. 30, 1976	Do.
Kansas:					
Butler	Unincorporated areas	2000378	do	Feb. 21, 1978	Do.
Douglas	do	2000878	do	June 17, 1977	Do.

[1] Date cer

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Do	Lawrence, city of	220090A	...do	Aug. 13, 1976	Do.
Jefferson	Perry, city of	2201538	...do	Dec. 7, 1973, Dec. 26, 1975	Do.
Kentucky: Scott	Stamping Ground, city of	210251A	...do	Jan. 3, 1975	Do.
Louisiana:					
Rapides Parish	Cheneyville, town of	2201468	...do	May 17, 1974 and Oct. 24, 1975.	Do.
Do	Lecompte, city of	2201508	...do	May 17, 1974 and Jan. 16, 1976	Do.
Acadia Parish	Mermentau, village of	2200068	...do	Nov. 23, 1973 and Nov. 14, 1975.	Do.
Do	Rayne, city of	2200088	...do	Mar. 29, 1974 and Mar. 5, 1976.	Do.
Maryland: Baltimore	Unincorporated areas	2400108	...do	Apr. 16, 1975 and June 4, 1976.	Do.
Michigan:					
Eaton	Delta, charter township of	260068C	...do	Sept. 13, 1974 and July 16, 1976 and Dec. 23, 1977.	Do.
Wayne	Plymouth, township of	2602378	...do	Aug. 9, 1975 and Oct. 17, 1975.	Do.
Minnesota:					
Clay	Barnesville, city of	2700788	...do	May 10, 1974 and June 4, 1976.	Do.
Anoka	Fridley, city of	2700138	...do	May 17, 1974 and May 14, 1976.	Do.
Fillmore	Mabel, city of	2701278	...do	May 17, 1974 and June 4, 1976.	Do.
Goodhue	Pine Island, city of	2701468	...do	May 24, 1974 and Aug. 8, 1976.	Do.
St. Louis	Procter, city of	2704258	...do	Apr. 5, 1974 and Mar. 19, 1976.	Do.
Anoka	St. Francis, city of	2700178	...do	June 28, 1974 and Apr. 11, 1975.	Do.
Nebraska: Lancaster	Bennet, village of	310251A	...do	Apr. 25, 1975	Do.
New Jersey:					
Somerset	Hillsborough, township of	3401668	...do	July 26, 1974, Jan. 14, 1977	Do.
Burlington	Mount Laurel, township of	3401078	...do	Jan. 9, 1974, Aug. 6, 1976	Do.
New York: Cayuga	Auburn, city of	360162C	...do	Nov. 26, 1973, Mar. 26, 1976, Dec. 24, 1976.	Do.
Oklahoma: Tulsa	Glenpool, town of	400236C	...do	June 28, 1974, May 28, 1976, June 20, 1976.	Do.
Pennsylvania:					
Lycoming	Brown, township of	4202368	...do	Aug. 9, 1974, Nov. 14, 1975	Do.
Lycoming	Moreland, township of	421046A	...do	Feb. 28, 1975	Do.
Texas:					
Hunt	Commerce, city of	4802698	...do	Mar. 8, 1974, Sept. 10, 1976	Do.
Fort Bend and Harris and Waller.	Katy, city of	480301C	...do	June 28, 1974, July 9, 1976, Jan. 24, 1978.	Do.
Vermont: Chittenden	Williston, town of	500042B	...do	Mar. 15, 1974, Mar 4, 1977	Do.
Wisconsin: Outagamie.	Black Creek, village of	550094A	...do		Do.

State and county	Location	Community number	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Illinois: Cook	Richton Park, village of	170148B	Dec. 6, 1973, emergency; Jan. 16, 1981, regular; Jan. 16, 1981 suspended; Mar. 2, 1981 reinstated.	Apr. 12, 1974 and Oct. 31, 1975.
Minnesota: Coodhue	Cannon Falls, city of	270141B	Apr. 5, 1974, emergency; Jan. 2, 1981, regular; Jan. 2, 1981, suspended; Mar. 2, 1981, reinstated.	May 28, 1974 and June 18, 1974.
Pennsylvania: Bradford	Monroe, borough of	420170A	Apr. 5, 1973, emergency; July 16, 1980, regular; July 16, 1980, suspended; Mar. 2, 1981, reinstated.	May 3, 1974.
Texas: Gregg	Unincorporated areas	480261A	Mar. 3, 1981, emergency	Jan. 3, 1978.
South Caroline: Anderson	Williamston, town of	450020C	July 16, 1975, emergency; Mar. 4, 1980, regular; Mar. 4, 1980, suspended; Mar. 4, 1981, reinstated.	May 31, 1974 and Sept. 6, 1978.
Wisconsin: Monroe	Melvina, village of	550298B	Mar. 2, 1981, emergency; Mar. 2, 1981, regular.	May 28, 1976.
South Caroline: Aiken	North August, city of	450007C	Mar. 12, 1975, emergency; Feb. 1, 1980, regular; Feb. 1, 1980, suspended; Mar. 5, 1981, reinstated.	June 28, 1974 and July 2, 1976.
New York: Cattaraugus	Lyndon, town of	360003A	Mar. 9, 1981, emergency	Apr. 2, 1976.
Minnesota: Rice	Unincorporated areas	2700488	May 30, 1974, emergency; Feb. 4, 1981, regular; Feb. 4, 1981, suspended; Mar. 6, 1981, reinstated.	Oct. 21, 1977.
Arkansas: Logan	...do	050447A	Mar. 13, 1981, emergency;	Oct. 16, 1977.
New York: Essex	Willmington, town of	361161	...do	Jan. 17, 1975.
Pennsylvania: Greene	Springhill, town of	421677	...do	Apr. 11, 1975.
Texas:				
Mitchell	Unincorporated areas	480667	...do	
Refugio	Woodsboro, town of	480667	...do	July 2, 1976.
Freestone	Wortham, town of	480626	...do	Oct. 29, 1976.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: March 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administrator.

[FR Doc. 81-9474 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA 6022]

44 CFR Part 64

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–8620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or EDS Toll Free Line 800–638–8620 for Continental U.S. (except Maryland); 800–638–8831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama:				
Baldwin County	Daphne, city of	010005	750221, emergency, 810302, regular	740807
Madison County	Owens Cross Roads, city of	010218	740806, emergency, 810302, regular	780625
Arkansas: Benton County	Rogers, city of	050013	750612, emergency, 810302, regular	740624
Illinois:				
Will County	Crete, village of	170700	750621, emergency, 810302, regular	740412
St. Clair County	East Carondelet, village of	170625	740215, emergency, 810302, regular	740503
Lake County	Green Oaks, village of	170364	740312, emergency, 810302, regular	740308
Kane County	Hampshire, village of	170327	760114, emergency, 810302, regular	740503
Indiana: Hamilton County	Noblesville, city of	180082	750612, emergency, 810302, regular	740524
Iowa:				
Benton County	Vinton, city of	190016	740716, emergency, 810302, regular	740405
Bremer County	Waverly, city of	190030	750502, emergency, 810302, regular	740329
Kansas:				
Butler County	Butler County*	200037	750623, emergency, 810302, regular	780221
Douglas County	Douglas County*	200067	750630, emergency, 810302, regular	770617
Douglas County	Lawrence, city of	200080	730615, emergency, 810302, regular	780813
Jefferson County	Perry, city of	200153	750421, emergency, 810302, regular	731207
Kentucky:				
Pike County	Pikeville, city of	210193	750613, emergency, 810302, regular	740517
Scott County	Stamping Ground, city of	210261	760428, emergency, 810302, regular	750103
Louisiana:				
Rapides Parish	Cheneyville, town of	220148	750527, emergency, 810302, regular	740517
Rapides Parish	Lecompte, town of	220150	750721, emergency, 810302, regular	740517
Acadia Parish	Mermentau, village of	220006	760112, emergency, 810302, regular	731123
Acadia Parish	Rayne, city of	220008	740827, emergency, 810302, regular	740329
Maryland: Baltimore County	Baltimore County*	240010	720324, emergency, 810302, regular	750418
Michigan:				
Eaton County	Delta, charter township of	260066	741205, emergency, 810302, regular	740813
Ingham County	Lansing, city of	260090	730308, emergency, 810302, regular	740807
Wayne County	Plymouth, township of	260237	750806, emergency, 810302, regular	750809
Minnesota:				
Clay County	Barnesville, city of	270078	740502, emergency, 810302, regular	740510
Anoka County	Fridley, city of	270013	740121, emergency, 810302, regular	740517

State and county	Location	Community	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Fillmore County	Mabel, city of	270127	740415, emergency, 810302, regular	740517
Goodhue County	Pine Island, city of	270145	740804, emergency, 810302, regular	740524
St. Louis County	Proctor, city of	270425	741121, emergency, 810302, regular	740405
Anoka County	St. Francis, city of	270017	750828, emergency, 810302, regular	740628
Fillmore County	Winston, city of	270123	740823, emergency, 810302, regular	770114
Nebraska: Lancaster County	Bennet, village of	310251	760803, emergency, 810302, regular	760425
New Jersey: Somerset County	Hillsborough, township of	340436	740618, emergency, 810302, regular	740726
New York: Cayuga County	Auburn, city of	360102	730218, emergency, 810302, regular	731128
Oklahoma: Tulsa County	Glenpool, town of	400699	760806, emergency, 810302, regular	740628
Pennsylvania:				
Lycoming County	Brown, township of	420626	730511, emergency, 810302, regular	740609
York County	Dover, township of	420820	730309, emergency, 810302, regular	740201
Lycoming County	Moreland, township of	421846	760615, emergency, 810302, regular	750228
Mifflin County	Wayne, township of	421240	740503, emergency, 810302, regular	741213
Texas:				
Hunt County	Commerce, city of	480396	750410, emergency, 810302, regular	740308
Fort Bend County	Katy, city of	480301	750213, emergency, 810302, regular	740628
Vermont: Chittenden County	Williston, town of	500043	750717, emergency, 810302, regular	740315
Virginia: Wise County	Pound, town of	510177	750124, emergency, 810302, regular	740614
Washington: Clark County	Washougal, city of	530058	740725, emergency, 810302, regular	740315
Wisconsin:				
Outagamie County	Black Creek, village of	550284	751113, emergency, 810302, regular	
Monroe County	Melvina, village of	550286	810302, emergency, 810302, regular	740630
Indiana: Lake County	Whiting, city of	180313	770308, emergency, 810302, regular	750110

*Unincorporated areas.
Total—47.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9475 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA 6021]

Notice of Communities With No Special Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administration, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with no Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5565, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION:

In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1–4 family dwelling is $.25 per $100 per coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

The entry reads as follows:

§ 65.8 List of Communities with No Special Flood Hazard Areas.

State, County, Community Name, and Date of Conversion to Regular Program

Arizona, Apache, City of St. Johns; March 30, 1981
California, Santa Clara, City of Monte Sereno; March 30, 1981
California, San Mateo, City of San Mateo; March 30, 1981
California, San Mateo, City of San Bruno; March 30, 1981
Georgia, Madison, City of Comer; June 1, 1978
Michigan, Saginaw, City of Birch Run; February 20, 1979
Minnesota, Ramsey, City of Rosenville; March 30, 1981
Missouri, Christian, City of Clever; March 30, 1981
Missouri, Webster & Greene, City of Rogersville; March 30, 1981
Oklahoma, Ellis, City of Gage; March 30, 1981
Oregon, Lane, City of Lowell; March 30, 1981
Utah, Weber, City of Pleasant View; March 30, 1981
Washington, Walla Walla, City of Walla Walla; March 30, 1981

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 12, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9487 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Harlingen, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Harlingen, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Harlingen, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-8620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485477A Panel 10, published on October 6, 1980, in 45 FR 66096, indicates that Lots 10 through 19, Block 7; Lots 15 through 27, Block 10; Lots 2 through 26, Block 16; and Lots 2 through 13, Block 17, Haverford Place, Section Six, Harlingen, Texas, as recorded in Cabinet I, Page 130-B of Map Records, in the Office of the Clerk, Cameron County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485477A Panel 10 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on October 17, 1975. The lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: March 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9488 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Cameron County, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Cameron County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Cameron County, Texas, that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-8620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 480101 Panel 0150A, published on October 6, 1980, in 45 FR 66097, indicates that Lot 28, Block 10; Lot 30, Block 13; Lot 27, Block 14; Lots 1 and 30, Block 15; Lots 1 and 27, Block 16; and Lot 1, Block 17, Haverford Place, Section Six, Cameron County, Texas, as recorded in Cabinet I, Page 130-B of Map Records, in the Office of the Clerk, Cameron County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480101 Panel 0150A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 15, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: March 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9489 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 80-436; FCC 81-108]

Radio Frequency Devices; Amendment of the Commission's Rules To Clarify Which Electronic Games Are Exempted From Commission Certification

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Commission adopted a Report and Order which changes the exemption from certification for certain electronic games. In lieu of an exemption based on "hand held", the exemption will now be based on using a clock frequency of 495 kHz or less. The revision also makes it clear that games exempt from certification are subject to verification. (The status of coin operated games, the subject of petitions RM-3736 and RM-3769, will be treated in a separate rule making proceeding.) This action is in response to a petition filed by the Toy Manufacturers Association.

DATES: Effective April 27, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Herman Garlan, Office of Science and Technology, Federal Communications Commission, Washington, DC 20554, phone 202-653-8247.

In the matter of amendment of Part 15 (Computing Devices Rules) to clarify which electronic games are exempted from Commission certification.

Report and Order

Adopted: March 11, 1981.

Released: March 24, 1981.

By the Commission:

1. A Notice of Proposed Rule Making in this proceeding was adopted on August 1, 1980 and released August 12, 1980.[1] Interested parties were invited to file comments by September 22, 1980 and reply comments by October 7, 1980.

2. Comments were received from:

Toy Manufacturers of America Inc. (TMA)
Dash, Straus and Goodhue Inc. (Dash)
Texas Instruments Inc. (TI)
Atari Inc.
Association of Maximum Service Telecasters Inc. (AMST)
Radiation Sciences Inc.
Mattel Electronics Inc. (Mattel)
Milton Bradley Co. (Bradley)

[1] 45 FR 54706, August 15, 1980.

Reply comments were received from: Toy Manufacturers of America Inc.[2] Dash, Straus and Goodhue Inc.[3]

TMA, Dash, AMST, Mattel and Bradley generally support the proposed change. Atari and TI generally oppose the change whereas Radiation Sciences calls attention to the interference produced by the AC adapters used with these games.

3. TMA, a non-profit trade association, felt that the 500 kHz criterion to be "clear, objective and easily understood". Moreover, TMA thought the ½ watt power limitation to be an effective alternative, such that electronic games and toys fully within the bounds of either requirement be excluded from Commission certification. TMA saw little advantage in using a 495 kHz line of demarcation, as opposed to the 500 kHz limit, as the output, potential for interference is "far too limited to affect the maritime distress calling band." Although it supports the amendment, TMA questions the use of the term "self-contained" which it argues is confusing and should be eliminated. TMA urges the Commission to clarify the status of games using an AC adapter, arguing that such an adapter should have no impact on the interference potential of the game pointing to the data attached to the Dash comment as supporting this contention.

4. Dash, Straus and Goodhue Inc., a corporation engaged in the design, testing and development of electronic games and toys, concurred with TMA saying that "the exemption of electronic games with clock frequencies below 500 kHz from certification makes sense." Moreover, Dash thought that using 495 kHz instead of 500 kHz was reasonable and that this change would pose no great difficulties to designers of such games. Dash questions the usefulness of ½ watts total power as an alternative limit, pointing out that using power as a limit requires a precise definition of the power to be measured. It poses the following questions that must be answered if a power limit is used. Does the limit include the power consumed by the speaker? by the lights? by LEDs? Is power measured in terms of RMS? of peak? of quasi peak? (Dash comment at paragraph 5).

5. Dash also suggests that the Commission hold open the possibility of raising the cutoff clock frequency to 1 or 2 MHz if sometime in the future it was found that these games also do not have the potential to emit significant amounts of interference radiation. Dash also questions the use of the term self contained in the proposed rule and urges the Commission either to clarify the meaning of self contained or to delete the term from the proposed rule.

6. AMST, an organization of more than 240 television broadcast stations interested in maintaining and improving technical quality in television broadcast service, stated that the 500 kHz rule, "poses very little threat to interference to the public's television service." AMST's comments are accompanied by a supporting statement from A. D. Ring and Associates, consulting radio engineers, which indicates that "low clock rates are unlikely to cause interference, since very high order harmonics, of approximately order 100, would have to be produced to cause interference to low television channels." On the other hand, AMST believes that a power based exemption would not prevent the problem of interference caused by low order harmonics produced by games with clocks of higher frequencies. According to Ring, the power in a harmonic is inversely proportional to the square of the order of the harmonic, and therefore, low order harmonics pose a greater possibility of interference. Games with high clock rates that generate relatively low order harmonics, therefore, are more likely to cause interference.

7. Mattel supports the amendment and indicates it has no objection to the use of 495 kHz as a cut-off frequency in lieu of 500 kHz. It urges that games using AC adapters be permitted to come within the exemption and points out some of the problems in making power measurements. It also calls attention to the desirability of extending the exemption to games using a higher clock, for instance 1 to 4 MHz (Mattel paragraph 3), using a combination of criteria. However, no numerical values to be used in such a combination of criteria are suggested. Bradley states that after studying the proposed rules, it has concluded that the adoption of the proposal would be in "the best interest of this company and the toy industry in general."

8. Radiation Sciences Inc. offers engineering and test services in the electromagnetic environmental sciences including electromagnetic interference. Its employees have extensive background in computer systems, electromagnetic compatibility design and testing. Radiation Sciences agrees

[2] The petition to accept a late filing submitted by TMA is granted.

[3] Although received late, this comment is accepted since the Commission indicated (NPRM paragraph 8) that it would use any information available to it as long as the information was placed in the public file.

that the exemption from certification for hand held games is undoubtedly valid for battery operated games since the potential for interference of a battery operated game is virtually negligible. However, this may not be true when the same game is operated from the AC line by means of an adapter since the AC adapter may itself be a serious source of interference. Accordingly, Radiation Sciences recommends that the exemption be limited to battery operated games that have no provision for operation by an AC adapter, and the games with provision for plugging in an AC adapter, be required to be certificated.

9. Atari, Inc. (Atari), and Texas Instruments Inc., (TI), leading computerized entertainment device manufacturers, objected strongly to the proposed rule change. Atari stated, "Existing rules allow the Commission to effectively regulate the potential interference . . . the adoption of the recommended cut-off limit of 500 kHz is certainly no assurance that a game will not emit significant levels of radiation." Atari felt that although games with clock rates below 500 kHz probably posed no significant potential to cause interference, there was likewise no data indicating that games with clock rates greater than 500 kHz caused interference. "Personal calculators, digital watches, and hand held games, generally low-power, relatively simple devices, while having an abstract potential to generate interfering RF, depending upon their proximity to susceptible receivers, do not have 'significant potential for causing interference.' " Furthermore, Atari stated that "in the event that such a hand held device is found to cause harmful interference, the Commission may require that subsequently produced units must comply with the Class B emission specifications prior to the mandatory effective date applicable to such products. Section 15.834(d)."

10. Atari felt that the rule change as proposed has been based upon the state-of-the-art in hand held game development and innovations in the game industry could allow games with clock frequencies greater than 500 kHz to radiate at levels equally low to games with clock frequencies below 500 kHz. Moreover, Atari stated that the proposed rule would "undermine the introduction of innovative characteristics in future games" by hampering designers. New electronic architectures, optimizing economics and technology in their design would be precluded due to the inherent regulatory delay associated with Commission certification. Similarly, both TI and Atari argued that ⅛ watt was not a viable alternative as a basis for exemption from certification.

11. Dash replied to TI and supported the AMST engineering statement that a game with a lower fundamental clock frequency (as below 500 kHz) had a significantly lower potential to cause harmonic interference than one with a higher clock frequency.

Discussion

12. The comments in this proceeding dealt with several questions. Most parties agreed that hand held is not sufficiently specific as a dividing line whether the game should be exempt from certification. Most parties agreed that using the fundamental clock frequency was much more definitive and hence to be preferred. There was disagreement whether the dividing line should be 495 kHz, or 500 kHz, or some higher frequency such as 1–2 MHz. No technical data or arguments are presented favoring a choice of 495 kHz or 500 kHz as the cut-off frequency. In this connection, we note that 500 kHz has been used for marine safety communications since the earliest days of radio, and that the international radio regulations allocate the band 495–505 kHz as a guard band around 500 kHz. Since no arguments favor the selection of 500 kHz over 495 kHz and since both Dash and Mattel both agree with a cut-off frequency at 495 kHz, we have decided to provide this additional protection to 500 kHz by specifying 495 kHz as the cut-off frequency for the exemption from certification. As to the argument that this choice will delay the introduction of innovative techniques requiring a higher clock frequency, we can only say that we do not believe the certification procedure to be excessively burdensome. It will be incumbent on parties using a higher fundamental clock frequency to consider the requirements of the certification program in their planning. In addition parties desiring that the exemption be extended to toys using a higher clock frequency may submit a petition for rule making to make this change. The petition must be supported, preferably by measurement of the games in question, showing that such games are not likely to become a source of interference and that verification of games operating at the proposed higher clock frequency is an adequate safeguard.

13. Use of ½ watt as a separation criterion is clearly not satisfactory. For one, there is the problem of what to measure. Secondly, it bears no relation to the interference potential for these types of games. Accordingly, we have dropped this criterion and are retaining only the clock frequency and the self-contained characteristic.

14. Several parties have requested clarification of the term self-contained. We have done this by attaching a note to this requirement which reads:

> The term self-contained means that the game is built into a single package. The use of a detachable AC adapter does not change the self-contained character of the game.

15. A question was raised concerning the interference produced by the AC adapter. We are aware of this problem and it is touched on in our proceeding in Docket 20780.[4] However, the interference produced by the AC adapter is not an inherent characteristic of the electronic game and we do not feel it is appropriate to regulate the AC adapter by imposing additional restrictions on the game. We would urge all game manufacturers who provide AC adapters with their games to take care that the AC adapter furnished to the user be relatively interference free.

16. A question was also raised about postponing the date when certification for electronic games should be required. This question was discussed in our *First Report*[5] and was reconsidered in our *Order on Reconsideration*.[6] We feel that the implementation date for certification is a matter outside the scope of this proceeding. We have already granted a number of waivers [7] of this requirement. Other parties finding compliance with this date an unusual hardship may seek a similar waiver.

17. We have taken the opportunity presented by this rule making to rewrite Section 15.834 in its entirety to clarify that verification is required for those games that are exempt from certification. This requirement was inherent in the original text of Section 15.834 but the language was obscure. We believe the revised text has eliminated this area of confusion.

18. In view of the foregoing, we have accordingly revised the text of Section 15.834 to change the exemption from certification and to base it instead on the use of a fundamental clock

[4] Notice of Proposed Rule Making in Docket 20780 *"In the Matter of Amendment of Part 15 to redefine and clarify the rules governing restricted radiation devices* adopted April 14, 1978, released April 23, 1978. 62 FCC 2d 666, 671–2 (1978); 41 FR 17038 (1976).

[5] *First Report and Order* in Docket 20780, adopted September 18, 1979, released October 11, 1979, 44 FR 59530, October 16, 1979.

[6] *Order Granting in Part Reconsideration* in Docket 20780, adopted March 27, 1980, released April 9, 1980, 45 FR 24154, April 9, 1980.

[7] *Order Granting Waiver*, FCC 80–708, adopted December 4, 1980, released December 9, 1980 at paragraph 8, 46 FR 4823, January 19, 1981, FCC Report 5031 (mimeo 04588, December 4, 1980 G).

frequency of 495 kHz. The other characteristics of the exemption are retained. We have also taken this opportunity to eliminate the ambiguous text in other parts of § 15.834. We have also reworded the text of subparagraph (3) of § 15.834(a) to clarify which peripheral equipment must be certificated. The justification for rewording subparagraph (3) is contained in a separate *Order*[*] adopted this same date.

19. Pursuant to authority in Section 4(i), 302, 303(r) of the Communications Act of 1934, as amended, IT IS ORDERED that effective April 27, 1981, Section 15.834 is amended as set out in the Appendix to this Order and the proceeding in this matter is terminated.

20. For further information about this Order contact Mr. Herman Carlan, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, phone 202-653-8247.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Section 15.834 of Part 15 is revised to read as follows:

§ 15.834 Class B Computing Device: Compliance Requirement.

(a) The following categories of Class B computing equipment which are manufactured after January 1, 1981 shall be certificated by the Commission prior to marketing pursuant to Subpart I of Part 2 of this Chapter:

(1) Electronic games (including coin operated games) exclusive of games that meet all the conditions in paragraph (d) of this section.

(2) Personal computers as defined in Section 15.4(q) of this part exclusive of hand held calculators, desk top calculators or digital clocks or watches.

(3) Personal computer peripheral equipment.

(b) A Class B computing device not listed in paragraph (a) of this Section and first placed into production after October 1, 1981 shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(c) A Class B computing device not listed in paragraph (a) of this Section and manufactured after October 1, 1983, regardless of date of first production shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(d) An electronic game meeting all the criteria listed in this paragraph is exempt from certification by the Commission but must be verified by the manufacturer:

(1) The game is self-contained.

Note.—The term self-contained means that the game is built into a single package. The use of a detachable AC adapter does not change the self-contained character of the game.

(2) The game does not use a TV receiver as a display.

(3) The game uses digital logic that generates a clock frequency below 495 kHz.

(e) A desk top calculator or a hand held calculator is not considered to be a personal computer subject to certification by the FCC. Such calculators are considered to be Class B computing devices subject to verification pursuant to the schedules in paragraphs (b) and (c) of this section.

(f) A digital clock or watch is not considered to be a personal computer subject to certification by the FCC. Such a clock or watch is considered to be a Class B computing device subject to verification pursuant to the schedules in paragraphs (b) and (c) of this section.

(g) The procedures for certification and verification are set out in Part 2 Subpart J of this chapter.

(h) Notwithstanding the above, in the event harmful interference is caused to radio communications, subsequently produced offending units may be required to comply with the technical specification herein prior to the mandatory effective date.

(i) For a Class B computing device subject only to verification, the Commission may require the manufacturer to perform additional testing and may require certification by the Commission pursuant to Subpart J of Part 2 of this Chapter, if the device has been found to cause harmful interference.

[FR Doc. 81-9648 Filed 3-30-81; 8:45 am]

BILLING CODE 6712-01-M

[*] *Order Clarifying the Rules*, Docket 20780, adopted March 11, 1981 —— FR ——.

47 CFR Part 31

[CC Docket No. 79-105; RM-3317; FCC 81-104]

Uniform System of Accounts for Class A and Class B Telephone Companies; Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Costs, Customer Provided Equipment and Sale of Terminal Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted amendments to its rules prescribing a uniform system of accounts for telephone companies. The revisions provide for a change from capitalization to expensing for the new inside wiring portion of station connections. The transition to expensing may be phased in over a four-year period. In addition, changes were prescribed in the accounting rules concerning costs and revenues related to the removal of carrier-provided terminal equipment, and treatment of costs and revenues related to sales of terminal equipment and inplace inside wiring. The Commission had observed that the amount capitalized in the station connection account was growing at a disproportionate rate. The effect of the former accounting treatment was to defer recognition of costs, burdening future ratepayers. These changes are designed to place the burden of current costs on present customers.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Wilson, Common Carrier Bureau, (202) 632-3863.

SUPPLEMENTARY INFORMATION:

First Report and Order

Adopted: November 6, 1980.

Released: March 31, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Lee dissenting and issuing a statement; Commissioner Fogarty issuing a separate statement.

I. Introduction

1. On August 14, 1979 we released a Notice of Proposed Rulemaking in this proceeding[1] wherein it was proposed to amend Part 31 of the Commission's Rules and Regulations so as to modify

[1] CC Docket 79-105, 44 FR 48088.

the accounting for station connections, and to adopt rules prescribing accounting treatment for optional payment plan revenues and related capital costs, customer provided equipment and the sale of terminal equipment.

2. Specifically, we proposed, among other things, the expensing of the entire cost of station connections recorded in account 232, "Station connections," and invited comments on: (1) how to account for several optional station connection offerings, including the sale of either the entire station connection, or only the inside wire; (2) how to differentiate between the sale of in-place connections versus the sale of new installations; (3) whether the change in accounting should be phased-in or become effective with the final decision; (4) should station connection activity be recorded in separate subaccounts of account 605, "Repairs of station equipment"; and (5) the methods and treatment appropriate to dispose of the present balance in account 232 and the related theoretical depreciation reserve, if any. We also invited comments on the appropriateness of the currently prescribed accounting for the costs of replacing aerial drop wire with buried or underground drop wire where service discontinuance is not involved, and the appropriate accounting treatment to be prescribed for the visit to remove telephone company provided equipment (TPE), only in the instance when jacks are already installed.

3. Additionally, we proposed to amend Part 31 of the Rules and Regulations to provide appropriate accounting for terminal equipment offerings including two-tier and other customer optional payment plan revenues and related capital costs, and for the sale of telephone sets, and for the provision of repair service on customer provided equipment.

4. We invited comments on all these proposals, and also requested that if new accounts or sections were suggested, the proper definition, contents, and required changes to other affected sections of Part 31 should be included with the response.

II. Background

5. This proceeding began with a petition filed by American Telephone and Telegraph Company as a result of the Commission's Phase II Final Decision and Order in Docket 19129, 64 FCC 2d 1 (1977) (Phase II Order), wherein we held that the present accounting system should be modified so as to place the burden of all costs associated with station connections on the causative ratepayer as opposed to the present system which places the burden on present and future ratepayers. In our Final Decision and Order in Docket 19129, we ordered AT&T to submit a plan for changing the accounting treatment of station connection costs (64 FCC 2d at 110).[2]

6. The Bell System filed its plan with the Commission for changing the accounting treatment of station connection costs on August 31, 1977. On November 16, 1977, the Bell System, in order to implement its plan, filed a petition for rulemaking (RM 3017) proposing that the Commission amend Part 31 of its Rules and Regulations (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to permit the adoption of their plan to change the accounting treatment of certain station connection costs currently capitalized in account 232. Essentially, Bell's proposal can be summarized as a partial expensing for certain costs involved in an initial installation of telephone service at a location, currently capitalized to account 232. The costs to be expensed are these associated with reconnections, reinstallations and extensions, as well as a number of miscellaneous costs including such activities as assignments, testing and apparatus handling. Bell considered these costs as not reusable by subsequent customers at a location and proposed a phase-in to expense of these costs over a four year period. Further, Bell would separate the total embedded investment in account 232 into two parts. The first part would include past costs that are a proper cost to be capitalized and should be depreciated over the expected life of the plant. The second part would include those costs (plus corresponding additions prior to change in treatment during phase-in period) identified to be expensed and would be amortized in equal amounts over a ten-year period.

7. In our Phase II Final Decision and Order in Docket 19129 (paras. 135–139), the principle was established that the causative ratepayer should bear the full burden of station connection costs. 64 FCC 2d at 55. Further, it was stated in Docket 19129, in reference to Docket 19528, "that the public interest would be served by permitting the connection of customer-provided equipment to the telephone network—provided such equipment has been certified in compliance with our requirements for protective circuitry to prevent harm to the telephone network."[3] Also, in Docket 19129 in reference to Docket 18128, it was held that each category of service should be priced on the basis of fully distributed costs, and thus, each service will be required to bear the burden of the costs incurred in providing that service (64 FCC 2d at 55).

8. Additionally, the Commission found in rejecting the primary instrument concept petition (Docket 78–36) that there is no valid basis for distinguishing between main stations and other extensions (67 FCC 2d 606). In fact, the comments of the New York Public Service Commission which were directed towards the Bell System's petition stated that adequate access to the network can be attained at a junction point other than at a main station. Therefore, to be compatible with our previous policies, we rejected the Bell System's proposal and substituted our own proposed amendment to Part 31, to reflect the full burden of the cost of station connections upon the causative ratepayer.

III. Summary of Comments

9. In our Notice of Proposed Rulemaking we invited interested parties to file comments on or before October 9, 1979 and reply comments on or before November 12, 1979.

10. Comments were received from the Bell System (AT&T and associated companies); GTE Service Corporation and its affiliated domestic telephone companies; New Jersey Board of Public Utilities; State of Wisconsin Public Service Commission; Rural Electrification Administration; Florida Public Service Commission; Nebraska Public Service Commission; Independent Data Communications Manufacturers Association, Inc.; National Telephone Cooperative Association; Rochester Telephone Corporation; State of California and California Public Utilities Commission; Wyoming Public Service Commission; New York State Public Service Commission; Michigan Public Service Commission; Continental Telephone Corporation; United Telecom Service, Inc.; United States Independent Telephone Association; Central Telephone and Utilities Corporation; and North American Telephone Association, Inc. Reply comments were received from State of California and California Public Utilities Commission; Iowa State Commerce Commission; Rural Electrification Administration; National Telephone Cooperative Association; United Telecom Service, Inc.; New York State Public Service Commission; GTE Service Corporation; and the Bell System.

11. In connection with resolving the station connections issues the Chief,

[2] In para. 239 of our final decision we stated "[l]ogically, such further changes to the accounting for the costs of station connection as are necessary to place the burden of such costs on the causative ratepayers would apply as well to the accounting for rearrangement and change expenses." 64 FCC 2d at 90.

[3] Docket 19129, 64 FCC 2d at 55.

Accounting and Audits Division of the Common Carrier Bureau on February 20, 1980, requested that the American Telephone and Telegraph Company and the General Telephone and Electronics Company provide revenue requirement impact studies for their respective domestic telephone systems based upon several alternative accounting assumptions. The studies were received and served on all parties of record in this proceeding during March 1980. The Common Carrier Bureau announced in a Public Notice on March 31, 1980, the receipt of the revenue requirement impact studies and that any party wishing to comment on the impact studies could do so by May 1, 1980. Two responses were received on these revenue requirement impact studies, from the State of Wisconsin Public Service Commission and the New York State Public Service Commission.

12. On our proposal to expense the entire cost of station connections, there was a consensus among the parties that telephone companies should expense only the inside wiring costs (beyond the protector), and continue to capitalize the drop and block wiring costs, up to and including the protector. Two of the parties wanted to continue capitalizing station connections as called for under the present accounting rules. Concerning whether the change in accounting should be phased-in over a period of time or become effective with the final rulemaking (flash-cut) the comments were roughly evenly divided. The primary objection to flash cut was that it would not allow sufficient time for companies to revise their tariffs to provide for the required increases in revenue. Most parties agreed that changes in station connection accounting should be prospective only and that the changeover date should be set far enough in the future to allow companies to make necessary tariff changes.

13. The majority of the parties did not comment on the question of separate subaccounts for station connection activity. Those that did, however, recommended that the subaccounts should be determined in Docket 79–196, that a functional basis be used, or that subaccounts were not desirable or needed.

14. With regard to the disposition of the present embedded cost in account 232, most parties agreed that the embedded cost should be amortized, and that 10 years was a reasonable amortization period. Other parties recommended that the embedded cost be amortized on the basis of economic life, physical life, or other specific years, i.e., 15, 18, etc.

15. Regarding the replacement of aerial drop wire with underground/buried wire, two parties agreed with our present accounting provisions. Other parties favored capitalizing either large scale replacements, or all conversion costs under betterments or retirement accounting.

16. Comments concerning two-tier and other optional payment plans fall generally into two groups. One group recommended that the recognition of costs should be over the applicable capital recovery period. The other was of the opinion that revenues should be deferred and ultimately recognized over the actual life of the equipment. Other alternatives and recommendations included combing various aspects of these two approaches. Additionally, one party believed that we were not in a position, and that it was premature, to establish accounting procedures, since interstate tariffs of this nature have not been filed. Also, one party suggested the adoption of the Financial Accounting Standards Board Statement Number 13, "Accounting for Leases," as the Commission's accounting policy in this area. Finally, several parties expressed serious concern about the implementation of unit depreciation or even establishing a unitized investment account for equipment used in these type plans.

17. In addressing the issue on the accounting treatment to be prescribed for the costs of the visit to remove telephone company provided equipment only in instances where jacks are already installed and service is not discontinued, all parties commenting on this subject agreed that said costs should be expensed.

18. Concerning the sale of terminal equipment and station connections (in-place and new), most parties agreed with our accounting treatment proposed for the selling of new equipment and connections. Some parties suggested that revenues and expenses related to sales of in-place station connections and terminal equipment be accounted for as an above-the-line transaction, and sales of new station connections and terminal equipment be accounted for as a below-the-line transaction. Other parties recommended that the sale of in-place station connections and terminal equipment be handled through the depreciation reserve as salvage, and that sales of new connections and equipment be accounted for below-the-line. One party wanted both in-place and new station connections and terminal equipment sales to be accounted for above-the-line. However, all parties in favor of the sale of station connections agreed that only the inside wiring portion of the station connection should be considered for sale. Another party suggested that the subject sales should not be addressed in this rulemaking. Comments on the question of determining the net value to be calculated for the sale of used telephones, drop and block wire, protector, and inside wire were rare. AT&T proposed that the appropriate reserve amounts should be determined on the basis of the applicable average theoretical depreciation reserve. Other parties commenting on this issue believe that the price must be based on actual market value irrespective of cost, and that as long as any gains or losses accrued to the ratepayer it is immaterial whether gains or losses are incurred.

19. Finally, the question of cost allocation safeguards for sales of terminal equipment and station connections received few comments. Those parties that did comment generally suggested: leaving the matter to the states, using fully allocated costs, performing special studies, or handling these types of transactions through a separate subsidiary.

IV. Discussion

Accounting for Station Connections

20. "Station connections" applies to costs that are currently capitalized in account 232, and consists of the original cost of inside wiring and cabling,[4] and the cost of installing or connecting items of station apparatus.[5] Generally, this includes the drop and block wires,[6] the protector or similar device and other miscellaneous items. This account reflects predominantly the cost of labor and various loadings. The labor costs are generated by activities such as assignment, testing, plant clerical, installations, travel time, apparatus handling, tree trimming, etc. The original costs of the drop and block wires, inside wiring, and other hardware items

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[4] Inside cablings are restricted to small cables used in station installations instead of wires, such as those running from wall outlets of floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includable in account 234, "Large private branch exchanges," is included in that account. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242.1, "Aerial cable."

[5] The cost of the station apparatus equipment is included in account 231, "Station apparatus."

[6] The drop and block wire could be either aerial wire or underground wire.

represent only a small fraction of the amount capitalized in account 232.

21. In our Notice of Proposed Rulemaking, we proposed the expensing of the entire cost of station connections presently being capitalized in account 232. This proposal was based upon the record and findings in Docket 19129, where we established the principle that the present accounting system should be modified to place the burden of all costs associated with station connections on the causative ratepayer rather than on all ratepayers, both present and future. In that proceeding, the Presiding Judge found, and we agreed, the 77 percent of the telephones installed during the five-year period ending December 31, 1974, did not represent increased service, but was due to churning.[7] "Churning" occurs when an existing customer moves, or the company offsets the loss of one customer with the gain of another.

22. The majority of the parties disagreed with our proposal to expense all items presently capitalized in account 232. These parties strongly advocated that the costs of station connections should be segregated, by separately identifying the portion of the station connection representing the drop and block wire up to and including the protector, from that of the inside wiring. They recommended the continued capitalization of the drop and block cost segment (referred to variously as service wire, the drop access wire, etc.) and the expensing of all other station connection activities relating to the inside wiring portion. To resolve this issue, we examined the relationship of the costs involved in the station connection activity regarding how they occur, how they change over time, and whether the asset is used by more than one customer during its service life. In our review we discerned that the majority of costs charged to account 232 were the result of the churning of station apparatus which generates costs relating to the inside wiring portion of the station connection. For example, in 1979 the Bell System installed approximately 36 million telephones and removed approximately 31 million telephones. This churning, or movement of station apparatus, resulted in a gain of only 5 million telephones.[8] When testing the cost components of account 232, AT&T's comments indicated that drop and block wire costs were only about 5% of the ongoing investment, and only approximately 15% of the total embedded investment in the account. Thus, it is apparent that much of the activity in account 232 is generated by the constant churning, and not the telephones gained. Therefore, the costs associated with frequent moves in our dynamic economy are paid for by everyone, not just the person who is moving. Further, several of the parties commenting on this issue indicated that the drop and block portion of station connections does not experience the same volatility or change as the inside wiring, and, in fact, it is rarely affected by such churning.

23. Moreover, one party pointed out the similarity of service connections made between the distribution facilities of a company in the gas and electric industry and its customer, with those made in the telephone industry. Generally, in the case of gas and electric utilities the company's interest stops at a meter usually located on, or just outside the dwelling itself. The inside wiring and pipes belong to the owner of the real property. As in the telephone industry the customer has little control over the distance of the service facilities between the main distribution facilities and the dwellings. These facilities and their placement, service life, etc., are determined by the company and are rarely changed or influenced by the customer. However, in the telephone industry, the physical placement, service life, etc. of the inside wiring is influenced directly by the customer.

24. Additionally, some parties stated that the drop and block wires, and protector are an integral part of the local distribution network and, as such, they are truly network related. NTCA stated "it is totally similar to and many times identified with the outside cable plant; in fact, when (it) can be further extended to service additional customers, it is then accounted for as an outside cable plant."[9] Some parties indicated that a major difference between the inside wiring and drop and block facilities is that the drop and block portion has a service life of many years and can serve many generations of subscribers, while the inside wire can be affected by a change in subscribers.

25. Based on these considerations, it appears that real differences do exist in the physical and investment characteristics of the drop and block wiring and the remainder of the items currently capitalized in account 232. As such, and for the reasons discussed herein, we agree with the majority of the parties that the drop and block costs up to and including the protector should continue to be capitalized and accounted for as provided by our present accounting rules.

26. In order to specifically identify these costs we direct all subject carriers to immediately begin the task of identifying and assigning their investment in account 232 into at least two subclasses: "Station connections—inside wiring," and "Station connections—other" (drop, block and protector portion). Once established, carriers are required to maintain this information on a continuous basis and be prepared to supply this information as directed by Commission staff. As this is only a first step in a series of items related to station connections, we will not, at this time, amend Part 31 to prescribe the specific details for separation of station connections into its subparts. Rather, we are requiring this information to be maintained in memorandum record form. In a separately issued Further Notice of Proposed Rulemaking, we will request that interested parties submit specific comments on the precise language change, definitions, etc. they believe are necessary to effectuate this sub-classification including any recommended alternatives.

27. At this point in time, the precise identification of a single point of demarcation to distinguish that portion of the investment which will continue to be capitalized and that portion which will be expensed cannot be made for each and every circumstance. Due to the diversity of services offered, the differences in building construction characteristics, the type of customers occupying a given building, and the ever changing methods of providing service and of constructing buildings, the decision must for the moment remain with the company. Nevertheless, within the industry, there is a common term called the "demarcation point" which can be physically identified by those familiar with actual service provision. That is, in any given structure it is reasonable to expect that if one were to ask several different telephone plant engineers to identify the demarcation point they would all identify the same point. Therefore, in the interim, we will accept this location as a reasonable

[7] A churning involves a large number of inward and outward moves of stations but only a relatively small net gain in stations.

[8] In contrast, the net gain in main telephones for the Bell System was only 2 million in the same year. We understand that main stations are synonymous with main telephones recognized by the telephone industry as telephones connected by individual or party line circuits directly to a central office switchboard or toll board. Only one telephone for each central office line is classified as main. In key systems served exclusively by central office lines, the telephones up to the number of lines are classified as main, telephones in excess of the number of lines are classified as extension. A call director connected to an individual or party line circuit is classified as a main telephone.

[9] NTCA comments, page 8.

point of departure in the carriers' endeavor to establish the required subclasses of account 232. Finally, a more precise definition of the demarcation point will be addressed in a forthcoming Notice of Inquiry concerning Part 68 of our Rules and Regulations.

28. We will now discuss the remaining station connection costs which include those costs for the installation of station apparatus, inside wiring and their related activities. Our Notice [10] essentially addressed these costs in two ways. First, we proposed to expense these costs to account 605, "Repairs of station equipment," and concurrently to allow carriers to perform this activity as a nontelephone operation by accounting for these costs in account 316, "Miscellaneous revenues." The majority of the parties commenting concurred with this proposal's general intent. However, as the comments in the Central Telephone and Utilities Corporation (CTUC) filing indicated our Notice of Proposed Rulemaking did not fully satisfy our own objective of insuring that the causative customers bear the full burden of their costs. The reason given is that under existing ratemaking, the cost, of these activities, whether capitalized or expensed,[11] are assigned to the interstate and intrastate segments via jurisdictional separations. As such, "jurisdictional seperations mandate that the causative ratepayer will not bear the full burden of the cost of station connections. Instead, approximately 25% or more of the costs (1979 estimate) will be passed on to the general body of interstate MTS and WATS ratepayers." [12]

29. Moreover, in reviewing the inside wiring costs in isolation (having removed the drop and block wire from consideration), we see a direct correlation between the cost of inside wiring and installation and the cost of the terminal equipment. That is, these costs are dictated and governed by the selection and placement of terminal equipment. Further, service life and location costs are generated and controlled by individual customers' decisions. We were concerned in Docket 20828 "that a carrier should have the same regulatory status marketing CPE as any other equipment vendor, and this should be reflected in our regulatory scheme." [13] We are also concerned that our present proposals may unnecessarily restrict other vendors in a similar type activity.

30. This precise point was raised by the National Telecommunications and Information Administration in its comments in Docket 20828, where it recommended the detariffing of inside wiring as being beneficial and an aid in eliminating the anticompetitive inequity which favors telephone companies in accessing customers. It stated further that this would increase the choice of installation arrangements for customers and the scope of business opportunities for independent suppliers of terminal equipment.

31. In sum, we have carefully and thoroughly reviewed the positions and arguments of all the parties to this proceeding. On the basis of this review, and our own study, we believe that the final answer rests not with accounting changes but rather with the ultimate deregulation of this activity. This is nothing more than a logical extension of the recommendations made by parties, our decision in Docket 20828 and our overall regulatory scheme to introduce competition whenever technological and economic circumstances are conducive to such a change. Nevertheless, it would be inappropriate and premature to order such deregulation without first allowing interested parties to comment, as well as to provide the needed input to the technical and administrative questions yet unanswered.

32. Therefore, we will extend this proceeding by separately issuing a Further Notice of Inquiry and soliciting comments for, among other things, the proposal to deregulate the customer premises portion (inside wiring) of station connections that is currently being capitalized. Further, to the extent applicable, we will request comments on, and consideration of, similar type costs reflected in account 234, "Large private branch exchanges." Also, as our original Notice of Proposed Rulemaking only addressed Part 31 of our rules, we will extend this Further Notice to include those sections of Parts 33, 34 and 35 [14] to the limited extent that they too have similar type costs currently being capitalized in their plant accounts.

33. We are still left with one problem which we believe must be at least partially addressed without having to wait for an ultimate resolution of this issue. That is, the amount capitalized in account 232 is continuing to grow at an extraordinary rate in comparison with growth in other investment categories. This growth, even for a short period of time cannot continue unchecked. Our primary objective in this proceeding emanated from our desire to have these costs borne by the immediate cost causative customer. At first glance, we believed that expensing would accomplish this goal. However, our analysis in this proceeding has indicated that expensing alone would not accomplish this. Rather, it would only assure that the burden was placed on all customers at the time the expenditures were made (as opposed to present and future customers when the costs are capitalized). Expensing, coupled with appropriate tariff action by the state commissions, would, for the most part, impose this cost on the cost causative customer. Thus, while our ultimate goal is to see that this burden is placed on the cost causative customer, the continued strict adherence to full capitalization will continue to permit this problem to grow. This is a situation which we believe is unacceptable.

34. Given the foregoing, it is our opinion that a reasonable step to ameliorate this problem is to require all subject carriers to expense to account 605, "Installations and repairs of station equipment," [15] the inside wiring portion of station connections effective October 1, 1981. However, we believe a single implementation date (flash-cut) could create an excessive burden on some carriers and regulatory agencies. Therefore, we will allow the carriers to phase-in, over a four year period, the expensing of Station connections—inside wiring with a phase-in of 25% between October 1, 1981 and September 30, 1982, 50% between October 1, 1982 and September 30, 1983, 75% between October 1, 1983 and September 30, 1984 and 100% starting October 1, 1984. During the phase-in period, subject carriers adopting this approach will determine the current month's expense for any given year (1981 through 1984) by applying the appropriate percentage rate for that year (as specified above) to the current month's additional investment in inside wiring. The amount so determined will be charged to account 605, with the remainder being capitalized as before. While the phase-in approach will not stop the growth of embedded plant as quickly as the flash-cut approach, it will slow this growth in a controlled manner with ultimate

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[10] The Notice originally included expensing of the drop and block wire.

[11] The expenses are recorded in account 605.

[12] CTUC, Comments page 9.

[13] Docket 20828 Final Decision, 77 FCC 2d 384, (1980).

[14] Part 33, *"Uniform System of Accounts for Class C Telephone Companies."*

Part 34, *"Uniform System of Accounts for Radio Telegraph Carriers."*

Part 35, *"Uniform System of Accounts for Wire Telegraph and Ocean Cable Carriers."*

[15] We are establishing a new account title for account 605, "Installations and repairs of station equipment," because a significant amount of the future costs assigned to this account will be generated by the installation of station equipment.

capping in 1984 unless inside wiring is deregulated sooner. We believe the resulting benefits of a smoothed transition from full capitalization to full expensing under the phase-in approach will significantly outweigh the effects of the limited growth in embedded plant which will occur in the interim. However, we want to allow all carriers and state regulatory agencies as much flexibility as possible in shifting from capitalization to expensing. Hence, for those carriers who feel that a flash-cut approach will not be too disruptive to their operations and who gain state regulatory approval, we will allow them to use a flash-cut approach. Carriers wishing to do so may make such accounting changes retroactive to an earlier date in calendar year 1981.

35. Additionally, as recommended by the majority of the parties commenting on this issue, we believe that the embedded investment in Station connections—inside wiring should be recovered over a ten year period. In adopting the ten-year period, and to insure that the investment is fully recovered over the ten years, we direct subject carriers to use the following amortization schedule. The company shall first determine the net book cost of station connections—inside wiring by subtracting the depreciation reserve attributable to station connections—inside wiring from the book cost of station connections—inside wiring. This net book cost shall be divided by the number of months remaining in the ten year amortization period to determine the appropriate amortization for that month. For example, the amortization amount for the first month will be determined by dividing the net book cost by 120. The second month, the net book cost will be divided by 119, the third month by 118, etc. The accounting for this amortization will be to charge account 608, "Depreciation" with corresponding credits to account 171, "Depreciation reserve." For the purpose of initiating this amortization we will allow carriers to assume that its reserve balance for this subclass is zero. However, if any reserve is identified as applicable to the station connections—inside wiring, as a result of the studies directed in Docket 20188 or through the normal represcription process it will be added to the inside wiring reserve account and should be deducted from the remaining investment to be amortized. The amortization schedule is structured so that the embedded investment on the books up to October 1, 1981 will be fully recovered by October 1, 1991. For carriers who adopt the phase-in approach the additions to investment in inside wiring between October 1, 1981 and September 30, 1982 shall be specifically identified and amortized according to the schedule noted above over ten years with full amortization completed by October 1, 1992. The additions to investment between October 1, 1982 and September 30, 1983 and between October 1, 1983 and September 30, 1984 shall be handled in this same manner. Full amortization on all inside wiring is to be completed by September 30, 1994. In instituting this mechanism, we further direct subject carriers to maintain this information in sufficient detail so that the total credits to account 171, as a result of this order, are readily identifiable and reported annually to this Commission. Further, as the changes discussed herein have significantly altered the recognition of retirements for the inside wiring portion of this account, we amend our Rules and Regulations so as to recognize retirements of station connections—inside wiring embedded investment only in those cases where physical removal, sale, destruction or abandonment takes place. Finally, the depreciation of both past embedded amounts and future capitalized additions to the investment in the "Station connections—other" category will be handled as addressed in Docket 20188.

Accounting for the Replacement of Aerial Drop Wire

36. In the Notice of Proposed Rulemaking we also proposed changes to the currently prescribed accounting for the costs of replacing aerial drop wire with buried or underground drop wire where service discontinuance is not involved. Specifically, we invited comments on whether expense accounting for changing drop and block wires should continue to be prescribed or whether provision should be made for capitalization and retirement accounting only under certain conditions.

37. The current prescribed accounting treatment for these costs calls for the costs to be charged to account 605, "Repairs of station equipment." However, in the case of extensive replacements, as described in § 31.6–64, a company may request permission to defer these costs in account 138, "Extraordinary maintenance and retirements," with subsequent amortization to account 605 over an authorized future period. Concurrent with the establishment of these requirements, the Commission called attention to this accounting anomaly and indicated that possibly the replacement of an entire station connection assembly should be treated as a plant retirement and that the installations of the new station connection should be treated as a new unit of plant. However, since an entire station connection was being infrequently or rarely replaced under such circumstances and considering the advantage of simplicity in the reporting of plant work and changes, expense accounting for these replacements was adopted. We note that several state commissions have allowed, on a case-by-case basis, the capitalization of station connections installed in conversion from aerial to buried plant, and at least one state commission has formally recognized the need for capitalization of replacements of the drop portion of station connections by amending its prescribed system of accounts accordingly.

38. Several of the parties believed that our current provisions were adequate and recommended that we not adopt any further change in this area. The remaining parties took the position that a change was desirable but differed in recommending specifics, i.e. when and what to capitalize. Comments of AT&T noted that, if our proposal to expense all of station connections is adopted, this issue of replacements is moot. It further commented that, if the drop remains capitalized, provisions should be made for capitalization and retirement accounting under certain conditions, based on established regulatory policy regarding betterments.[*] GTE stated that except for unusual replacements, all other replacement costs should be expensed, as they are incurred. Further, when an unusual replacement occurs, provisions should be made for the capitalization and retirement of the appropriate facilities as "plant betterment." Finally, the Public Utilities Commission of the State of California stated that capitalization and retirement accounting should be performed for such replacements, because the drop is likely to continue to be installed by the utility and it is normally used for customers over its life.

39. While some of the parties commented on the need for amending our present rules with regard to the replacement of aerial drop wire with buried or underground drop wire, they did not provide the specific basis upon which such amendments were necessary. That is, the parties did not provide the frequency of occurrences where aerial drops are being replaced with underground or buried drops or the

[*] "Betterment is defined as an activity and expenditure the primary aim of which is to make the property affected more useful, of greater durability, of greater capacity, or more economical in operations." (See AT&T comments p. 48 footnote).

occurrences of replacing an entire station connection assembly. With respect to those occurrences, the additional reporting of plant and work changes required for capitalization and retirement accounting versus expense accounting were likewise missing. Thus we have not been persuaded by the comments and recommendations to amend our present accounting rules. Therefore, we conclude that no change in our accounting requirements is warranted at this time since, apparently, the situation has not changed sufficiently from that upon which we based our adoption of expense accounting for such replacements.

Accounting for Two-Tier and Other Payment Plans

40. In our Notice of Proposed Rulemaking we proposed to amend Part 31 to provide appropriate accounting for several areas relating to terminal equipment offerings. Two-tier and other optional payment plan tariffs provide for a higher rate level to apply during the initial period to recover substantially all of the capital costs of the asset, and a lower rate to apply subsequently for the balance of the contract. Since the period of capital recovery is less than the useful life of the asset, and depreciation under Part 31 is recorded for some time beyond this initial period, a mismatch of revenue and expense occurs. We addressed this problem and proposed the following amendments to Part 31: (1) remove the investment in terminal equipment used in the provision covered by two-tier and other optional payment plan tariffs from the existing depreciation categories; (2) require this investment to be maintained separately; and (3) require that depreciation of this investment be recorded in line with actual capital recovery. Further, we sought comments on the accounting procedures required to safeguard against additional recovery of investment in this equipment from the general body of ratepayers in those instances where an item, the cost of which has been fully recovered, is used again in the provision of service. Because the actual recovery period is a matter of tariff, similar PBX's and other terminal equipment installed at different dates may have different recovery periods according to the applicable tariffs. Therefore, PBX's and other equipment offered under two part tariffs should be subject to a unit plan of depreciation with individually kept reserves (since the matching of revenues and expense will be different for each amortization period, requiring many classes of plant, each with its own reserve). The initial amount of the reserve for plant in service will be determined by adding the debits and credits of the existing group plan, as if it were a unit plan, and transferring that amount from the group reserve to the unit reserve.

41. Comments filed in response to our Notice of Proposed Rulemaking exhibited a noted disagreement among the parties regarding our proposed changes in this regard. The parties that disagreed with our proposals generally favored deferred revenue accounting. Under this method revenues would be spread over the life of the lease, which in many cases closely matches the actual group life depreciation rate. Further, they stated this method negates the requirement for unit depreciation of two-tier terminal equipment offerings. However, several parties recommended that if unit amortization is required, only large PBX and centrex sevice customers should be covered by this ruling. Their rationale was that these customers were easy to identify because of the tariff or contractual commitment, and the investment and associated depreciation could be controlled by a memorandum record.

42. Of the parties that supported the Commission's proposals some recommended a modified approach using Financial Accounting Standards Board Statement Number 13, "Accounting for Leases." Under this Statement, leases, from the standpoint of the lessor, would be classified under established criteria as a sale-type, direct financing, or operating lease. One of the respondents proposed that sales-type and direct financing leases be treated below-the-line, whereas, operating leases would be accounted for above-the-line.

43. All parties stated that under the accounting methods they recommended the ratepayer would be safeguarded against excessive recovery of capital. Those favoring the Commission's proposal indicated that the capital recovery would be matched more closely to the accelerated depreciation rate, whereas the parties favoring deferred revenue accounting maintained the group life depreciation method assured that there would be no excessive capital recovery even if more than one customer used the same equipment.

44. In our Final Decision in Docket 20828, Computer Inquiry II, we ordered that all carrier-provided customer-premise equipment (CPE) be detariffed and removed from the rate base of all carriers no later than March 1, 1982. 77 FCC 2d 384, 496 (1980). In addition, in Computer Inquiry II, 77 FCC 2d at 446, we stated:

> Moreover, once unbundled, CPE should be detariffed because the provision of terminal equipment should be allowed to evolve on a competitive basis. The Communications Act does not subject non-carrier vendors to rate regulation. Yet, if carriers remain subject to tariff regulation when they provide CPE it will be difficult for them to respond in a timely manner to competitive initiatives of non-carrier vendors, because the carriers would be required to comply with various notice and information filing requirements, in addition to lacking flexibility to repond to competitive price initiatives. Thus, detariffing of CPE will allow all equipment vendors to compete on an equal basis in responding to market conditions.

45. In our Reconsideration of the Final Decision in Docket 20828 (Second Computer Inquiry) adopted on October 28, 1980, we established for transition purposes a distinction between new CPE and embedded CPE. The implementation of detariffing of embedded CPE is the subject of a new proceeding to be initiated. Accordingly, we believe, it would be unwise at this time, to impose any accounting changes for two-tier and other optional payment plans, because the detariffing of new CPE is scheduled for implementation on March 1, 1982. Any changes would be short term and would impose an unnecessary burden on the carriers, which would in turn be imposed on the ratepayers.

46. Therefore, we conclude that the amendments proposed in this proceeding with respect to two-tier and optional payment plans are not necessary at present, and that companies should continue to record revenues and expenses under the existing accounting procedures pending further Commission order.

Removal of TPE When Jacks are Already Installed

47. We now address the issue of the disparate treatment between costs and revenues under currently applicable local tariffs, when telephone company provided station equipment (TPE) is removed by the telephone company in those instances when jacks are already installed. We invited specific comments on the accounting treatment to be prescribed for visits to remove the TPE, only in the instance when jacks are already installed and service is not discontinued. Seven parties addressed this issue and all recommended that the cost of this activity be charged to expense account 605, "Repairs of station equipment."

48. In 1978, the Commission approved (Common Carrier Bureau Letter to AT&T, dated 3/16/78) the expensing to account 605 of costs incurred in removing telephone company provided

station equipment (TPE) from customer premises, when replaced with customer provided equipment, including the cost of installing jacks, and related travel costs where service discontinuance was not involved. We noted that this change in accounting attempts to match revenues and costs and to charge the causative ratepayers for these costs.

49. Under the present provision of § 31.232, Note C, the cost incurred for removing TPE, except when done as part of a replacement or an inside move, is considered a cost of removal and recorded as a charge against the depreciation reserve account. In examining this issue of removing a TPE where service is not discontinued, and in light of other actions taken herein, we find no substantial reason to treat the accounting differently from that in our findings in 1978 (Common Carrier Bureau Letter to AT&T, dated 3/15/78). Accordingly, in order to correct the inequity, and the existing dichotomy that relates to the accounting for removal of TPE, we revise our present accounting rules so that the costs of all visits to remove TPE must be charged to expense account 605.

50. In our studies we have observed that various telephone companies have offered incentives or are considering offering to customers a credit of a flat amount when the customer returns a telephone set to a company's designated location in cases where service is not discontinued. It is obvious that these incentives were initiated to encourage the customer to perform the work that a company employee may otherwise be required to do. In this light, the credits are merely a substitute for the telephone company's costs. Since we have already determined that the cost of all visits required to recover a TPE should be expensed, it follows then that the above incentives instituted by the telephone companies are nothing more than a substitute to reduce their costs and should also be recognized as an expense chargeable to account 605.

51. For the foregoing reasons, there is no clear basis for perpetuating the present accounting for refunds on telephone sets, or the costs of visits to remove a TPE where discontinuance of service is not incurred. Therefore, we revise Part 31, § 31.605, to reflect the expensing of the above mentioned activities.

Sale of Telephone Sets and Inside Wire; Repair of CPE

52. In our Notice of Proposed Rulemaking we sought comments on our proposed accounting treatment for the sale of telephone sets, and inside wire and the provision of repair service on customer provided equipment. The present provisions of Part 31 provide for two possibilities to record the sale of telephone plant. The first provision covers sales of telephone plant sold without traffic, wherein § 31.171(b) provides for the proceeds from these sales to be treated as salvage with no gain or loss recognized on the sale. The second provision covers plant sold with traffic. Section 31.2-25(g)[17] recognizes gains or losses on plant sold with traffic as extraordinary income and credits a gain on the sale to account 360, "Extraordinary income credits," or if there is a loss on the sale it is charged to account 370, "Extraordinary income charges." However, neither of these provisions adequately provide a means of reviewing separately the financial impact of telephone companies selling new terminal equipment[18] or repairing customer provided equipment.

53. Our proposal was to account for sales of new telephone sets, decorator housings, new station connections, and the provision of repair service on customer provided equipment as non-telephone operations. We proposed that separate subaccounts of account 122, "Material and supplies," be established to record the cost of merchandise held for sale or for use in repair service on customer provided equipment. In addition, Account 316, "Miscellaneous income," would be expanded so that revenue and expenses associated with these operations would be separately accounted for.

54. Part 31 of our Rules was adopted in a period when telephone service was considered and thus provided as an end-to-end service. There was little if any consideration given to the sale of telephone equipment to the end user of this service. Rather, sales generally occurred only when plant was scrapped or transferred from one carrier to another. However, with the release of our *Carterfone* decision (*Carterfone*, 13 FCC 2d 420 (1968)), this Commission embarked upon a policy of permitting and facilitating competition in the terminal equipment market. Furthermore, the majority of our decisions affecting terminal equipment, up to this year, have been directed at removing tariff provisions that restricted a customer's use of non-carrier provided equipment. Also, because of the competition in the terminal equipment market and the potential loss of revenue to the carriers, some of the independent telephone companies started to sell telephones.[19] In this emerging competitive environment, we became concerned that Part 31 of our Rules did not appropriately account for these types of sales activities. Further, we questioned whether or not these sales should be accounted for as a non-telephone (non-utility) operation. These concerns led to our proposal for the revisions to Part 31 in this proceeding.

55. The majority of the parties agreed with our proposed accounting for the sale of new telephone sets and the repair of customer provided equipment. As noted by GTE[20]:

> GTE is in basic agreement with the provisions in Paragraph 10 of the Notice pertaining to below-the-line accounting treatment for sales of new telephones, inside wire, and repairs to customer owned equipment (CPE) and the Commission recognition of the requirement for establishing clearly identifiable parameters to keep non-telephone (nonutility) operations separate from telephone utility operations.

AT&T, on the other hand, noted in its comments that "While such sales may not be required to be so regulated, such sales certainly can be regulated as a common carrier activity."[21]

56. Our decision in Docket 20628 (77 FCC 2d at 447) requires:

> The separation of CPE from common carrier offerings and its resulting deregulation will provide carriers the flexibility to compete in the marketplace on the same basis as any other equipment vendor.

Thus, the deregulation of CPE means by definition that effective March 1, 1982, all sales of new terminal equipment will be accounted for as non-telephone operations which requires the use of below-the-line accounts for all carriers except AT&T. AT&T will be required to establish a separate subsidiary to engage in such sales.

57. Therefore, with the basic policy questions concerning the sale of terminal equipment answered in Docket 20628, we are left with these issues: (1) how to account for the sale of in-place terminal equipment and inside wire; (2) how to account for the sale of new terminal equipment; (3) how to account for the sale of new inside wire; and (4) how to account for the repair of customer provided equipment.[22]

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[17] This provision must be viewed in context of our decision in Docket 19129 wherein we ruled that all gains or losses realized from property sold from or previously included in a rate base account shall accrue to the ratepayers. Docket 19129, 84 FCC 2d. at 68.

[18] We will define new terminal equipment as that which has not previously been recorded in a rate base account.

[19] For example, it is our understanding that Continental Telephone presently sells telephones.

[20] See GTE comments, page 21.

[21] See AT&T comments, page 22.

[22] Because the second and fourth issues are new areas for the majority of the carriers and will be

Continued

58. For sets, connections or inside wiring sold in place the proposal was to establish separate subaccounts of account 675, "Other expenses" and account 526, "Other operating revenues" which would record the sale as telephone operations. To develop a cost for used telephones, drop and block wire and protector and inside wiring our proposal was to use the average cost per telephone or per jack and deduct this from the appropriate plant account. To calculate the applicable depreciation reserve the proposal suggested using the average depreciation reserve per telephone (calculated by adding debits and credits year by year). This reserve would be subtracted from the average book costs to develop average net book costs.

59. The majority of the parties did not agree with our proposal on recording these sales. Most of the parties favored recording these sales according to § 31.171(b) of our Rules where revenue from the sale of depreciable telephone plant is treated as salvage and credited to account 171, "Depreciation reserve." As noted by GTE [23]:

> The overriding intent of any such sales activity (in-place terminal equipment an[d] inside wires) would be capital recovery and not a separate new business which would recognize revenues and cost of sales.

60. When we released our proposal to account for the sale of sets, connections, or inside wiring sold in place we had not reached a decision in Docket 20828. With the release of this decision there is no doubt that the situation has drastically changed and many new issues concerning this area have now been raised. Recognizing this we stated in Docket 20828 our intent to initiate a proceeding to examine this area and its interrelated issues. Thus, it would be premature and inappropriate to adopt definitions and final accounting changes without the benefit and guidance of this further proceeding. Therefore, we will defer our consideration of these issues to our decision in that new proceeding.

61. However, in the interim, knowing that some states have authorized or are considering authorizing the sale of in-place sets, we feel that tariff changes required because of these sale should remain under the jurisdiction of the states. Further, we feel that our present accounting rules can adequately address these sales pending the completion of transitional activities (Docket 20828) can provide cost information that this Commission and the state commissions require to fulfill their respective responsibilities.

62. The sale of in-place inside wire poses a somewhat different problem. Section 31.232(d) provides for the retirement of a station connection only if the station associated with that connection is physically removed and service discontinued. While we do not envision a major market developing for the in-place inside wiring or that any significant financial impact will result from these sales we do believe that the sale of such wiring would present consumers with an additional option they may not presently enjoy. Thus, to the extent that state commissions desire to test this market, it is prudent for this Commission to adopt changes to Part 31 of our Rules which will provide appropriate accounting for such tests.[24]

63. Finally, since we are separately expanding our present proceeding to address the possibility of deregulating customer premise inside-wiring including its repair and maintenance, we will postpone final consideration of any other changes in the accounting for the sale of such activity until we have the benefit of further comments.

64. Having resolved the question of whether the sale of new terminal equipment, including its repair should be accounted for below-the-line we now consider the accounting for these sales. We proposed the use of account 316, "Miscellaneous income" for revenue and expenses and account 122, "Material and supplies" for inventory. All of the parties that responded favorably to below-the-line accounting agreed with our proposal for the use of account 316. Therefore, we see no reason to change our proposal and require that all revenues and all expenses associated with the sale of new terminal equipment be recorded in account 316, "Miscellaneous income." We expect account 316 to be divided into a sufficient number of subaccounts that will allow the sales activities to be auditable.

65. Our Notice proposed that a separate subaccount of account 122, "Material and supplies" be used to record the cost of merchandise held for sale or for use in repair service on customer provided equipment. However, upon reconsideration of our proposal we believe a minor change is warranted. Considering the fact that the majority of account 122 is used in the rate base [25] there is a potential for material held for sale to be charged to a wrong sub-account and appear as a cost included in the rate base. Further, since subaccounts of account 122 are not routinely reported to this Commission we would be unable to review the movement of material held for sale in this account without requesting a special study by the carriers or mandating further changes in our reporting requirements. We would be better able to monitor the activity in the inventory account if we were to establish a new account that will be used solely to record the cost of merchandise held for sale or for material for use in the repair of customer provided equipment. Thus we establish a new account, account 124, "Merchandise and material held for sale," and require applicable taxes related to this account to be charged to account 327, "Other non-operating taxes."

66. We are convinced that we have not changed our original proposal in any significant manner while we have achieved a better separation of the telephone and non-telephone operations. This will enable us to review better the sales operation and also allow us more assurance that there is less opportunity for cross-subsidization.

67. In our decision in Docket 20628 we required that AT&T handle sales of terminal equipment through a separate subsidiary.[26] This requirement is intended to, and should, minimize the possibility that monopoly ratepayers will subsidize competitive terminal equipment offerings. We established as an effective date for the creation of this separate subsidiary March 1, 1982. We established an interim period to allow AT&T sufficient lead time to establish the separate subsidiary and organize its sales efforts. In order that we continue to allow AT&T this lead time we will allow it to use the accounting established in this docket to record the sale of new terminal equipment adopted above during the transition period. However, AT&T will be required to transfer activities relating to the sale of new CPE to the separate subsidiary or subsidiaries on or before March 1, 1982.

68. In the notice of Proposed Rulemaking we solicited specific comments relating to the costing procedures to be used to ensure that both direct and overhead cost of equipment sold, as well as repair charges, are borne by the causative ratepayer. We were especially interested in insuring that no cost

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deregulated under Docket 20828 we will consider them as one for accounting purposes. That is, we will prescribe the same accounting treatment for each item.

[23] GTE Reply comments, page 12.

[24] See appendix for changes to § 31.232 of our rules to account for these sales.

[25] See Docket 19129, 84 FCC 2d at 75.

[26] See Docket 20828, 77 FCC 2d at 463; Memorandum Opinion and Order, Docket 20828 (Recon.) 46 FR 3984.

properly associated with the sales or repair operations is borne by subscribers who continue to lease their equipment and that sales operation costs not directly assignable to either telephone or non-telephone operations are equitably apportioned between them.

69. The majority of the comments in this area were vague and provided us with little guidance. We had anticipated comments that would have assisted us in developing reasonable guidelines that would have been used by all carriers to assign overhead cost of the sales activity. Some of the commenting parties indicated that their own internal cost accounting systems would allow them to assign overhead cost to sales. However, their responses gave no details about their systems nor did the responses demonstrate that their systems were flexible enough to be adopted by other carriers. AT&T even proposed that no overhead cost be assigned to the sales activity. The assignment of all appropriate cost to all services has been a goal of the Commission for many years. In Docket No. 16126 we reviewed many costing methods but determined that only a methodology designed to cover the full recorded cost of operations would constitute a proper standard. 61 FCC 2d 587 (1976). Our desire for all services to reflect their fully distributed cost was refined somewhat in our Notice of Proposed Rulemaking in Docket 79-245, 45 FR 46121.

70. We remain committed to the theory that fully distributed costs reflect the cost of each service of a carrier. Therefore, we will continue to require that allocations be made on a fully distributed basis so that all services will be assigned a fair share of their overhead cost. Therefore, we require that all sales activities bear the full cost associated with the sales or repair operations and all overhead cost not directly assignable to either telephone or non-telephone operations be equitably apportioned between them. Beyond this we will not attempt to prescribe any further constraints for distributing cost at this time. We would emphasize, however, that this decision does not contain a blanket approval for any improper pricing of services or equipment. The burden remains upon all carriers to provide any necessary cost support in a precise, logical, verifiable and understandable fashion. Failure to meet this burden may constitute grounds for disallowance of such cost in appropriate cases.

V. Ordering Clauses

71. It is ordered that, under authority contained in Sections 4(i), 4(j) and 220 of the Communications Act of 1934, as amended, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies of the Commission's Rules is amended as set forth in the attached Appendix to be effective Oct. 1, 1981, provided, however, any company desiring to, may make such accounting changes retroactive to an earlier date in calendar year 1981.

72. It is further ordered that, the Secretary shall cause a copy of this Report And Order to be published in the **Federal Register**.

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 220, 313, 314, 403, 404, 410, 602; 48 Stat as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. Section 31.01–03 is amended by revising paragraph (ee) to read as follows:

§ 31.01–3 Definitions.

* * * * *

(ee) "Service value" means the difference between the original cost and the net salvage as defined in paragraph (u) of this section.

* * * * *

2. Section 31.02–80 is amended by revising paragraph (c) to read as follows:

§ 31.02–80 Computation of depreciation rate.

* * * * *

(c) The company shall keep such records of property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service life indications by mortality, turnover, or other appropriate methods, and also such records as will reflect the percentage of salvage value, or net salvage value, as appropriate, for property retired from each class of depreciable plant. Further, the station connections—inside wiring subclass of account 232 will be amortized according to the schedule noted in account 232 (b). (See also accounts 605 and 232 for the accounting for costs incurred in the disconnection and removal of station apparatus.)

3. Section 31.02–82 is amended by redesignating and revising the existing note as Note A and adding a new Note B to read as follows:

§ 31.02–82 Classes of depreciable telephone plant.

* * * * *

Note A.—When depreciable plant carried in account 276, "Telephone plant acquired," is distributed to the appropriate plant accounts, adjusting entries shall be made covering the depreciation charges applicable to such plant for the period during which it was carried in account 276.

Note B.—The investment in account 232 shall be maintained in two separate subclasses, "Station connections—inside wiring" and "Station connections—other" (drop, block and protector portion). Depreciation of Station connections—other and the amortization of Station connections—inside wiring shall be maintained in separate subclasses of account 171, "Depreciation reserve."

4. Section 31.122 is amended by revising Note E to read as follows:

§ 31.122 Material and supplies.

* * * * *

Note E.—This account shall not include items in stock which are includible in account 231, "Station apparatus" or account 124, "Merchandise and material held for sale." Materials in stock that are normally used for station apparatus repair purposes shall be included in account 605, "Installations and repairs of station equipment," if company-held, and in this account if in stock and held by others.

5. Section 31.124 is added to read as follows:

§ 31.124 Merchandise and material held for sale.

This acount shall include the cost of all station equipment purchased for resale and the cost of material and supplies held for use in the provision of repair service on customer provided equipment. (Note account 231.) The cost shall include applicable transportation charges, sale and use taxes, cash and other purchase discounts. Inventory shortages and overages shall be charged and credited, respectively, to account 316.

Note.—The cost of material used to install and connect station apparatus shall be charged to account 316, "Miscellaneous income."

6. Section 31.231 is amended to revise paragraph (a) and Note A to read as follows:

§ 31.231 Station apparatus.

(a) This account shall include the original cost of station apparatus,

including small private branch exchanges and booths, installed either for customers' or the company's use. This account shall also include the cost of materials in stock which are normally used as station apparatus or additions thereto, except for items purchased for sale, as distinguished from items normally used for repair purposes. (Note account 124.) Items included in this account which are normally used as station apparatus shall remain herein until finally disposed of or until in such manner as to be includible in other accounts.

* * * * *

Note A.—The cost of installation (including cabling, station protectors, and wiring) shall be charged to account 232, "Station connections" and/or account 605, "Installations and repairs of station equipment," as appropriate.

* * * * *

7. Section 31.232 is amended by revising paragraphs (b), (c), (d) and Notes A and C, and adding new Notes D and E to read as follows:

§ 31.232 Station connections.

* * * * *

(b) Effective no later than later than October 1, 1981, this account shall be separated into two subclasses, "Station connections—inside wiring" and "Station connections—other." The investment in station connections—inside wiring is to be amortized to account 606, "Depreciation," with a corresponding credit to account 171, "Depreciation reserve," over a ten year period commencing no later than October 1, 1981. In calculating this amortization, the company shall first determine the net book cost of station connections—inside wiring by subtracting the depreciation reserve attributable to station connections—inside wiring from the book cost of station connections—inside wiring. This net book cost shall be divided by the number of months remaining in the ten year amortization period to determine the appropriate amortization for that month. For example, the amortization amount for the first month will be determined by dividing the net book cost by 120. The second month, the net book cost will be divided by 119, the third month by 118, etc. Carriers are to assume that the first month's reserve balance for this subclass is zero. However, if from the studies required by Docket 20188 or the results of the represcription process any reserve is identified as applicable to the station connections—inside wiring, it will be added to the inside wiring reserve and should be deducted from the remaining investment to be amortized. Also, the amounts resulting from the amortization schedule should not be considered in the determination of the separate reserves established for each category of plant. The embedded investment on the books up to October 1, 1981, will be fully recovered by October 1, 1991. For carriers who adopt the phase-in approach, the growth in investment in inside wiring between October 1, 1981, and September 30, 1982, shall be specifically identified and amortized according to the schedule noted above over ten years with full amortization completed by October 1, 1992. The growth in investment between October 1, 1982, and September 30, 1983 and between October 1, 1983, and September 30, 1984, shall be handled in the same manner with full amortization on all inside wiring completed by September 30, 1994. Under no circumstances shall the cumulative amortization credits to account 171 exceed the balance of the investment for station connections—inside wiring. The station connections—other subclass will be depreciated in accordance with § 31.02–80.

(c) Effective no later than October 1, 1981, for carriers who select a phase-in approach, when a station apparatus is installed except as part of a replacement or an inside move, the cost of the inside wiring portion of the installation cost shall be charged to this account (subclass inside wiring) on the following basis: 75% between October 1, 1981, and September 30, 1982; 50% between October 1, 1982, and September 30, 1983; 25% between October 1, 1983, and September 30, 1984; and 0% after September 30, 1984. The remaining cost not chargeable to this account shall be charged to the appropriate subaccount of account 605. Effective no later than October 1, 1981, for carriers who select a flash-cut approach, the otherwise capitalizable amount chargeable to the station connections—inside wiring subclass shall be expensed to the appropriate subaccount of account 605.

(d) When a station connection—inside wiring is physically removed, sold, destroyed, or abandoned, the original cost (actual or estimated average unit cost) carried in this account shall be credited hereto and charged to account 171, "Depreciation reserve"; or if a separate depreciation reserve account or accounts are established for station connections, the debit entry shall be made to the appropriate depreciation reserve account.

* * * * *

Note A.—Costs charged to this account prior to October 1, 1981, in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account and shall be included in whole or in part in account 232. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242.1, "Aerial cable."

* * * * *

Note C.—Provision denials of service to stations for nonpayment shall not be treated as stations disconnected unless the denials become final. Similarly, restoration of service to such stations subjected to provisional denials which have not become final shall not be treated as stations reconnected. The cost of disconnecting and reconnecting customers' lines at customers' premises to effect such provisional denials and restorations shall be charged to account 605, "Installations and repairs of station equipment." If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Note D.—Any company so desiring may make the above revisions retroactive to an earlier date in calendar year 1981.

Note E.—Effective October 1, 1981, to the extent applicable, the items shown above shall be charged to account 605, "Installations and repairs of station equipment."

8. Section 31.242:1 is amended by revising Note A to read as follows:

§ 31.242:1 Aerial cable.

* * * * *

Note A.—House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232 or account 605 (effective October 1, 1981), or the cables for subscribers' private branch exchange switchboards which are included in account 232 or account 605 (effective October 1, 1981) or account 234, as appropriate.

9. Section 31.242:2 is amended to revise Notes B and D to read as follows:

§ 31.242:2 Underground cable.

* * * * *

Note B.—The cost of small cables used in station installations is included in account 232 or account 605 (effective October 1, 1981). However, the cost of small cables used as drop wires shall be charged to account 232.

* * * * *

Note D.—House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232 or account 605, or the cables for subscribers' private branch exchange switchboards which are included in account

232, account 605 or account 234, as appropriate.

10. Section 31.244 is amended to revise Note B to read as follows:

§ 31.244 Underground conduit.

* * * * *

Note B.—The cost of pipes or other protective covering for underground drop and block wires shall be charged to account 232. However, the cost of pipes or other protective covering for inside wiring shall be charged to account 232 or account 605 (effective October 1, 1981).

11. Section 31.316 is revised to read as follows:

§ 31.316 Miscellaneous income.

(a) This account shall include in separate subaccounts revenues from and the cost of and expenses (direct and indirect) associated with the sale and installation of equipment and material initially includible in account 124, "Merchandise and material held for sale." It shall also include in separate subaccounts revenues and expenses associated with the provision of repair service on customer provided equipment.

(b) This account shall also include all other items not provided for elsewhere, properly creditable to income.

Items

(Note § 31.01–8)

Fees collected in connection with the exchange of coupon bonds for registered bonds.

Profits from the telephone operations of other companies realized by the company under contract.

Profits realized from customer work performed for others not incident to the company's telephone operations.

Profits realized on the same of temporary cash investments.

Note.—Taxes applicable to account 124 shall be charged to account 327, "Other nonoperating taxes."

12. Section 31.327 is amended by revising paragraph (b) to read as follows:

§ 31.327 Other nonoperating taxes.

* * * * *

(b) This account shall also include taxes on merchandise and material held for sale, miscellaneous physical property, taxes on wages not applicable to operations or construction and all other taxes not provided for elsewhere. (Note §§ 31.2–22(b)(8), 31.124, 31.179, 31.304, 31.307, 31.326, 31.380, 31.402 and 31.413.)

13. Section 31.6–61 is amended by revising paragraph (a), redesignating paragraph (b) as (d) and adding new paragraphs (b) and (c). Accordingly, § 31.6–61 is revised to read as follows:

§ 31.6–61 Cost of repairs.

(a) The cost of repairs chargeable to the various operating expense and clearing accounts includes: Inspecting, testing and reporting on the condition of telephone plant to determine the need for repairs, replacements, rearrangements and changes; testing for, locating and clearing trouble; routine work (note also paragraph (d) of this section) to prevent trouble, such as pulling up slack, tightening guys and raking guy stubs, trimming trees, straightening poles and crossarms, and cleaning and adjusting equipment; replacing minor items of telephone plant (note also § 31.2–25); rearranging and changing the location of property not retired; repairing material for reuse; restoring the condition of property damaged by storms, floods, fire or other casualties (note also paragraph (d) of this section); training employees for maintenance work; inspecting and testing after repairs have been made; and an equitable proportion of the cost of local plant administration, general plant supervision and engineering.

(b) The cost of repairs also includes expenses associated with the provision of repair services on customer owned telecommunications equipment. (Note also account 316.)

(c) The cost of repairs also includes the cost of installing, connecting, disconnecting, and removing station apparatus and station connection—inside wiring. (Note also accounts 231 and 605.)

(d) The cost of repairs does not include the cost of replacing items of property designated as "retirement units." (Note also Section 31.2–25.)

14. Section 31.6–64 is revised to read as follows:

§ 31.6–64 Extensive replacements.

When it becomes necessary to replace the majority of station apparatus, inside wires, or drop and block wires, in any given central office district, together with any number of such items in contiguous districts, the cost of the replacements chargeable to account 605, "Installations and repairs of station equipment," if so authorized by this Commission upon application to it, shall be charged to account 138, "Extraordinary maintenance and retirements," and cleared to account 605 over the period specified in the authority.

15. In § 31.6–65 under "Accounts for Class A companies" and "Accounts for Class B companies," the account title for Account 605 is revised to read as follows: "605 Installations and repairs of station equipment."

§ 31.6–65 Operating expense accounts to be maintained.

* * * * *

Accounts for Class A Companies

* * * * *

605 Installations and repairs of station equipment

* * * * *

Accounts for Class B Companies

* * * * *

605 Installations and repairs of station equipment

16. Section 31.605 is amended to revise paragraphs (a) and (b) and add new paragraphs (c) and (d) and revise the items list and Notes A and B to read as follows:

§ 31.605 Installations and repairs of station equipment.

(a) This account shall include the cost of installing items of station apparatus (including in account 231) and the cost of inside wiring under either the phase-in or flash-cut approach. Under the phase-in approach this installation activity shall be charged to this account on the following basis: 25% between October 1, 1981, and September 30, 1982; 50% between October 1, 1982, and September 30, 1983; 75% between October 1, 1983, and September 30, 1984; and 100% after September 30, 1984. Under the flash-cut approach all costs of this installation activity shall be charged to this account. Carriers shall maintain the cost of installing items of station apparatus (included in account 231) and the cost of inside wiring under either of the above approaches in a separate subaccount. This account shall also include the cost of reconnecting customers' lines at customers' premises (notes also account 232 and account 316).

(b) This account shall include also the costs of repairing station apparatus, station connections, and large private branch exchanges. It shall also include the cost of replacing station apparatus (excluding the cost of material other than repair parts and material in account 124) and the cost of replacing station connections.

(c) This account shall include also the cost of disconnecting or removing station apparatus and inside wiring.

(d) This account shall include also amortization of costs of extensive replacements of station apparatus, inside wires, and drop and block wires, which under conditions provided in § 31.6–64 have been included in account 138, "Extraordinary maintenance and retirements."

Items

(Note § 31.01-06)

The wires (or small cables) extending from the point of connection with (1) terminal boxes of house cables or (2) protectors or other terminating devices of service wires to station apparatus or customers' terminal equipment.

The wires (or small cables) used to connect station apparatus in the same building, such as main stations and extension stations, and stations of intercommunicating systems.

The wires (or small cables) used to connect small private branch exchange switchboards or their distributing frames (or equivalent distributing panels) with terminal stations in the same building.

The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frames (or equivalent distributing panels) to switchboards.

The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent or service wires.

Connecting blocks, jacks, ground wires, station protectors, clamps, cleats, nails, screws, and other material used in the installation of station apparatus and inside wiring.

Labor and other costs incurred in connection with station apparatus and wiring installations or additions thereto.

Brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes and other material.

Changing inside wiring and service wires.

Changing type of telephone, such as from nondial to dial or from one color to another.

Cleaning station apparatus and large private branch exchange equipment.

Connecting or installing station apparatus.

Disconnecting customers' lines at customers' premises. If the disconnection is made in a central office, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Disconnecting or removing station apparatus.

House service for public telephones.

Inspecting, testing, and reporting on condition of equipment to determine the need for repairs and replacements. (See also account 603.)

Material normally used as repair parts for station apparatus.

Moves or relocations of items of station apparatus.

Number plate changes.

Plant assignment and related clerical work (e.g., assigning plant facilities, service order dispatch, service order final completion, and assignment record administrative work).

Reconnecting customers' lines at customers' premises. If the reconnecting is made in a central office, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Removing inside wiring.

Removing sediment from and cleaning batteries.

Repainting and other repairs to booths, except those owned by others.

Repairing used station equipment for reuse.

Replacing defective station apparatus.

Replacing dry-cell batteries.

Replacing minor items of large private branch exchanges, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2-25.)

Replacing one small private branch exchange with another.

Supply expense applicable to station apparatus being reused.

Testing for, locating and clearing trouble in station apparatus and large private branch exchanges. (See also account 603.)

Note A.—Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those that run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242.1, "Aerial cable."

Note B.—Amounts charged customers for moves and changes of station apparatus and large private branch exchanges shall be credited to account 500 or to other revenue accounts appropriate for the class of service involved.

17. Section 31.606 is revised to read as follows:

§ 31.606 Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable telephone plant, except amounts chargeable to clearing accounts. The depreciation charges shall be made in accordance with §§ 31.02–60 to 31.02–62 and 31.2–23(c). This account shall also include the amount of amortization charges applicable to the accounting period for the amortization of the inside wiring portion of station connections in a separate subaccount. (Note account 232 for amortization schedule; note accounts 315 and 174 for depreciation of miscellaneous physical property.)

Dissenting Statement of Acting Chairman Robert E. Lee

In re: Deregulation of Customer Premises Inside Wiring

[CC Docket No. 79-105]

Capital recovery is one of the most complex and important areas the Commission must deal with in our common carrier regulatory scheme. Our concerns in this area relate not only to the impacts of new technologies but also to our past practices. Regardless of whatever direction we take in this area, substantial rate effects are likely to take place.

I am dissenting to the action the Commission is taking today on the basis that the piecemeal approach we are taking may, in the long run, create more burdens on the regulated entities and our fellow state Commissioners than a consolidated approach. Specifically at this time we are facing new depreciation practices in terminal equipment, the equal life group process, and the remaining life schedules. Each of these proceedings may result in rule modifications that will have substantial rate and service impacts. I believe the better policy would be to deal with all of these proceedings at one time so that the totality of the changes could be addressed and appropriate relief be granted.

I am very concerned that in this effort the Commission is instituting an "accounting change" which will not affect all telephone companies. Moreover, because the decision permits either a flash cut or a phase-in, at least three different accounting treatments for station connections may occur in a single jurisdiction. This confusion, I do not believe, necessarily comports with the public interest.

I am further concerned that the $21 billion estimated revenue requirement increase from this action alone may not be recovered through local rate proceedings, or, more importantly, the burdens may be shifted onto individual classes of subscribers. I am also concerned that the phase-in approach in the third year will result in approximately equivalent revenue requirement increases as a flash cut and in the fourth year will be substantially more than would occur under the flash cut approach. While I understand my colleagues' desire to minimize immediate rate impacts, I believe that we may be contributing to greater impacts than we are aware of. This is even more true where telephone companies will be required to go in on a yearly basis to phase in their expensing of inside wiring. This additional cost has not been calculated.

The ultimate conclusion the Commission reached today may in the long run be the correct conclusion. My opposition is based on my belief that all of these capital recovery items should be addressed at one time, that all companies should be treated in a similar manner, and finally that we can be assured that the additional revenue requirement burden is properly shared, or allocated, to the proper class of ratepayer.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's Rules and Regulations with Respect to Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Costs, Customer Provided Equipment and Sale of Terminal Equipment.

The Public interest is well-served by the Commission's decision to permit carriers to phase-in, over a four-year period, the expensing of inside wiring. It is imperative that telephone companies stop the continued

capitalization of the costs of inside wiring. However, as I have indicated previously, to require all carriers to expense inside wiring on an immediate, or "flash-cut" basis, would prove overly burdensome for telephone companies, particularly the smaller ones; for the state commissions; and ultimately, for the consumer.[27] The Commission's decision properly permits carriers and state commissions to retain the flexibility required in order to implement expensing in a fashion designed to minimize its impact on consumers. As a consequence, those carriers preferring to expense inside wiring immediately will still be permitted to do so.

The primary advantage of the four-year phase-in of inside wiring expensing is that it allows state commissions and local telephone companies to implement expensing on a gradual basis and, thereby, avoid marked increases in local rates. The flash-cut approach, on the other hand, does not have this advantage. If mandated across the board, the "flash-cut" approach would require that the states absorb a $2.6 billion additional revenue requirement in year one, while the phase-in approach would only require that they absorb a $0.3 billion additional revenue requirement in year one—a $2.3 billion difference. Admittedly, over a twenty-year period the phase-in approach would result in $3.4 billion more in revenue requirement than would the flash-cut approach due to the increased carrying charges. However, the effect of this $3.4 billion requirement spread over twenty years would be far less disruptive than would the additional $2.3 billion required in year one by the flash-cut approach. Faced with the large and immediate revenue requirement which would be created by mandating that carriers "flash-cut" inside wiring costs, many local telephone companies and state commissions would be forced to institute massive local rate increases as well as go to the expense of costly, drawn-out and acrimonious regulatory hearings. Such a result is clearly not in the public interest.

Another advantage of the phase-in approach is that although it would result in a higher revenue requirement in year four, by that time the states and the telephone companies will have had adequate opportunity to plan for this increase. Additionally, by this time the companies and the states will have had an opportunity to adjust for the impact of the deregulation of customer premises equipment, the resale of MTS/WATS, the implementation of new access charges, and changes in depreciation. Moreover, in the long run, the revenue requirement of the phase-in approach would become negative in year 13, only two years later than would the flash-cut approach.

The final advantage of permitting those carriers which might wish to phase-in the expensing of inside wiring over a four-year period, is that the ultimate decision is left where it belongs—with the local carrier and the state commission. The problem of the extraordinary increase in the amount capitalized in Account 232 is, in the end, an intrastate one. Therefore, the decision as to how the expensing of inside wiring may be best implemented is most appropriately decided on the intrastate level.

[27] Concurring Statement of Commissioner Joseph R. Fogarty, Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, (released November 6, 1980).

[FR Doc. 81-9798 Filed 3-30-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1002, 1136, and 1311

[Ex Parte No. MC-143]

Owner-Operator Food Transportation

Decided: March 20, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: This document contains final rules which implement the post-licensing conditions in sections 5(a)(3) and 10(a)(2) of the Motor Carrier Act of 1980. These sections, which amend respectively 49 U.S.C. 10922 and 10923(b), enable owner-operators to obtain operating authority from the Commission to transport food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), argicultural limestone and fertilizers, and other soil conditioners, through a fitness only application procedure. The Commission in this document (1) provides guidance as to what constitutes an "emergency situation," (2) adopts an annual reporting requirement and form, (3) establishes simplified rate filings provisions, and (4) establishes a reduced filing fee for owner-operators seeking authority under those provisions. The final rules will be made effective March 31, 1981.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Ombudsman's Office (202) 275-7440, Howell L. Sporn (202) 275-7575, Edward E. Guthrie (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Sections 5(a)(3) and (10)(a)(2) of the Motor Carrier Act of 1980, enacted July 1, 1980, provide an exception from the licensing provisions generally applicable to applicants for certificates and permits. The legislation requires only that the Commission find the owner-operator applicants fit, willing, and able properly to perform the operations described in the statutory provisions.

Congress imposed certain post-licensing requirements and conditions for owner-operators transporting regulated commodities under those provisions. To summarize, the Commission has been directed by the Congress to:

(1) provide guidance to owner-operators as to what constitutes an "emergency situation." Report of the House Committee on Public Works and Transportation, H.R. Rep. No. 6418, 96th Cong., 2d Sess., as amended, June 3, 1980, p. 17 (House Report);

(2) establish streamlined and simplified rate filing requirements for owner-operators. 49 U.S.C. 10762(g);

(3) direct owner-operators transporting commodities under section 10922(b)(4)(E) or 10923(b)(5)(A) to file only minimum rates unless we find that filing of actual rates is required by the public interest. 49 U.S.C. 10762(a)(1); and

(4) establish a streamlined and simplified annual reporting requirement to ensure compliance with the statutory provisions. 49 U.S.C. 11145(c).

On September 16, 1980, we instituted this proceeding by issuing a notice of proposed rulemaking at 132 M.C.C. 114, and 45 FR 61337. In the notice we proposed regulations to satisfy our congressional mandate, and also proposed that no filing fee be required for owner-operator fitness only applications.

Procedural Matters

The rules adopted in this proceeding will be effective March 31, 1981.

Under section 553(d)(3) of the Administrative Procedure Act [5 U.S.C. 553(d)(3)], an agency may deviate from the normal 30-day period before rules promulgated by the agency become effective "for good cause found and published in the rules."

The statutory provisions we are implementing in this proceeding are closely related to the eased entry provisions. They clarify the post-licensing requirements for owner-operators receiving authority to transport regulated commodities under the fitness only categories. Some owner-operators have already sought authority under the provisions of the new law but, until final rules are effective, owner-operators must follow the requirements for filing tariffs and schedules under 49 CFR 1307 and 1310. In fact, some newly licensed owner-operators have attempted to file tariffs in conformance with our proposed rules, only to have the tariffs rejected by the Commission because they were not in compliance with those sections.

No person will be adversely affected by our waiver of the normal 30-day notice period. The regulations do not require any individual, owner-operator, or carrier to do or refrain from doing anything. Rather, the regulations provide

guidance and establish procedures to facilitate entry into specific areas of motor common carriage by owner-operators and enable them to compete more effectively in the marketplace.

The Motor Carriers Lawyers Association (MCLA) requests oral argument in this proceeding to enable the Commission to evaluate properly the proposed regulations. Oral argument is unnecessary. In response to our previous notice we received a number of excellent public comments. We do not perceive any significant policy, legal, or factual matters not already raised that could be elucidated through oral presentation.

Related Rulemaking Proceedings

The Commission has issued final rules in Ex Parte No. 55 (Sub-No. 43), *Rules Governing Applications for Operating Authority*, 45 FR 86771 (December 31, 1980) governing the fitness only certification process. Owner-operators who obtain fitness only authority must comply with the Commission's rules concerning surety bonds and insurance for public protection (49 CFR 1043) and rules governing the designation of process agents (49 CFR 1044).

In Ex Parte No. 55 (Sub-No. 43A), *Acceptable Forms of Requests for Operating Authority*, 45 FR 86795 (December 31, 1980), we have determined that the commodity description to be used for the involved fitness only categories should be rephrased slightly from the statutory language to eliminate verbiage. Accordingly, persons applying for authority under these provisions should use these two descriptions.

1. For common carriage: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the United States.

2. For contract carriage: To operate as a *contract carriage* by motor vehicle, in interstate or foreign commerce, over irregular routes, *transporting food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the United States, under a continuing contract(s) with ———— (company) of ———— (domicile).

Definitional Issues

Two major issues are raised in connection with our proposed section 1138, designed to provide guidance to owner-operators as to what constitutes an emergency situation to trigger the exception to the statutory requirement that the owner of the vehicle be in the vehicle when the regulated movements are performed. One issue is the appropriateness of our proposed definition of "emergency situations." The second issue is what constitutes a "significant interest" for purposes of defining "owner" as it is used in the relevant statutory provisions.

1. *Emergency Situation.* In § 1138.2 (§ 1138.3 of final rules), we proposed regulations containing broad categories of situations which would qualify as "emergencies." Our definition includes the situation where the owner is incapable of operating the vehicle due to illness, unanticipated personal or family difficulties demanding personal attention, or unexpected operating conditions beyond the control of the owner-operator. Generally, we would require that the emergency situation could not have been anticipated by the owner-operator. Our proposed definition also included the statement that, "planned vacations, off-duty hours for the driver required by safety regulations of other non-driving periods scheduled of mandated by law shall not be considered as emergency situations."

All commentors agree that Congress did not intend the Commission to create an all-inclusive list of qualifying emergency situations. The issue then is whether our proposed broad categories of qualifying and non-qualifying emergency situations are consistent with the basic intent of the relevant statutory provisions. The comments we received on the emergency situation definition take one of two positions. Several parties [1] argue that the proposed definition accurately reflects the legislative directive, is broad enough to cover most situations, and would provide owner-operators with the flexibility necessary to perform successful operations. Other commentors, while agreeing with the general tenor of the definition, criticize the use of the term "unanticipated personal or family difficulties demanding personal attention." These parties [2] argue that the described part of our definition creates a large loophole.

We are convinced that our proposed definition is fully consistent with congressional intent in this area, and we will adopt it in our final regulations. We do not agree that the challenged portion of the definition will open an unnecessary loophole for licensed owner-operators. The legislation contemplates that ordinarily the owner-operator will be the driver of the vehicle but that there may be circumstances in which this will be impossible. Plainly difficulties demanding personal attention by the owner-operator can rise to the level of a personal emergency. While the emergency provisions of the law should not be broad enough to embrace situations which are planned or could have been planned, we believe that our use of the term "unanticipated" obviates any likelihood that the provision will be used to circumvent the Congressional purpose.

2. *Significant Interest.* Regarding the second issue, we observed in our notice that the term "owner" in sections 10922(b)(4)(E) and 10923(b)(5)(A) is to be given a broad interpretation. We noted that if a vehicle is owned by a husband and wife, either spouse could operate the vehicle; and if a partner owns a significant interest in the vehicle, that person would be eligible to operate the vehicle. We requested comments on what should constitute a "significant interest."

All commentors agree that we should define what constitutes a significant interest to be considered an owner of a vehicle.

Refrigerated Transport suggests that an "owner" should hold at least 50-percent of the "beneficial interest or title" to the motor vehicle. Arrow Truck Lines, *et al*, states that the Commission should look to the concept of who has legal title to the motor vehicle. Arrow takes the position that partnerships should not be treated as "owners." The ATA suggests that the Commission promulgate and adopt a definition of owner which embraces legitimate financing arrangements and business relations. The ATA and Common Carrier Conference argue that any definition should limit the application of the term "owner" by expressly precluding "ownership" in more than one motor vehicle. The MCLA suggests that a person having a "significant interest" is one who has either actual

[1] The United States Department of Transportation (DOT), the National Council of Farmer Cooperatives, the American Farm Bureau Federation, the Food and Marketing Institute, and the United Fresh Fruit and Vegetable Association (UFFVA).

[2] The American Trucking Associations, Inc. (ATA), the Common Carrier Conference-Irregular Route of The ATA, and Refrigerated Transport Co., Inc.

control or the power to exercise control [as defined in 49 U.S.C. 10102(6)] or management of the business organization to which the license is issued. Finally DOT proposes that persons who own at least 10-percent of a vehicle should be considered to have a "significant ownership interest" sufficient to permit them to operate that vehicle.

We agree with DOT's proposal, and we will incorporate the 10-percent figure as the floor for a significant ownership interest in our final regulations, as new § 1138.2. The 10-percent figure will permit easier entry to the owner-operators sector by limiting the individual capital expenditure necessary to enter the trucking business.

The proposals concerning the use of beneficial or legal title concepts are contrary to the legislative history of the statutory provisions. Congress rejected use of the term "sole owner" in the provisions because in many instances a bank or other financial organization is the real owner of a motor vehicle. House Report, p. 16. It seems clear that Congress did not want the Commission to look to who has the title to a motor vehicle in determining eligibility for obtaining a license or operating under an owner-operator fitness only certificate or permit.

We decline to limit expressly our definition of "owner" to only one vehicle by a person, partnership, or corporation. The vast majority of owner-operators function on a one person-one truck basis, rendering this issue largely academic. However, there may be circumstances where an owner-operator participates in the ownership and operation of more than one motor vehicle. We see no valid reason why such a person, partnership, or corporation should not be permitted to participate in the transportation of regulated goods under sections 10922(b)(4)(E) and 10923(b)(5)(A).

We are aware of the congressional directive to monitor licensing and operations under the involved statutory provisions to assume that sham corporations are not set up in an attempt to circumvent the intent of the provisions. House Report, pp. 16–17. We have every intention of complying with this directive, and we will consider revising our regulations if the provisions are being abused.

Annual Reporting Requirement

To implement section 11145(c), we proposed a postcard-type report form to be completed by licensed owner-operators on an annual basis. The reporting forms would be mailed automatically to owner-operators receiving authority approximately 1 year after the issuance of operating authority, and then again on approximately the same date for succeeding years. Comments on the reporting form were solicited.

Most of the comments strongly support our proposed annual report form. The form will be adopted with minor changes. First, the report incorrectly describes the test for the amount of regulated traffic an owner-operator can handle. In our proposed regulations we used the phrase "at least 50 percent of annual tonnage consisted of exempt commodities," while the Act states that an operator may transport "an amount not to exceed" exempt tonnage transported. The correct usage of the terms for the certification should be an amount not to exceed; thus, no owner-operator may transport more than the exempt tonnage handled. This small change, of course, renders our request for information on the operator's total annual tonnage transported unnecessary, and it will be deleted.

Second, the ATA and the Common Carrier Conference request the inclusion of a warning of criminal or civil liability for the filing of false information or the failure to make a true and complete response. The annual report for Class III carriers (Form M–3) contains no criminal warning, and similarly we do not believe such a warning is necessary for the involved report. We will, however, add a new section to the annual report advising that failure to file the report could result in proceedings leading to revocation of operating authority.

A number of other suggestions have been offered and have been rejected because they are clearly contrary to the terms and spirit of the legislative directive expressed in section 11145(c). Commentors suggest that the form require: (1) identification of the vehicle or vehicles used, and the name of the person or persons holding the title to those vehicles (Refrigerated Transport); (2) information on the number of times during the year persons other than the owner operated the vehicle without the presence of the owner of the vehicle due to emergency situations (Refrigerated Transport); (3) the location where the back-up records covering tonnage, rates, logs, etc., are available for inspection (Common Carrier Conference); and (4) verification of compliance with all DOT safety regulations, with any safety problems specified (Arrow). The MCLA requests that we use the annual reporting requirement as a basis to promulgate a regulation requiring that the transportation of regulated commodities by owner-operators either precede or follow the transportation of exempt commodities under 49 U.S.C. 10526(a)(6). We see no justification for these proposals, and will not burden owner-operators with additional operating restrictions or conditions not imposed in the Motor Carrier Act.

Tariff Filings

To implement section 10762(g) and 10762(a)(1) we have proposed simplified rate filings for owner-operators transporting property under sections 10922(b)(4)(E) and 10923(b)(5). We proposed in new Part 1311 to 49 CFR Chapter X to allow those owner-operators to file a statement, in letter form, containing the transportation services to be performed and the minimum rates to be applied to those services. We also proposed in that section to provide owner-operators with pricing flexibility by enabling them to make rate filings effective on the date designated on the statement, which can be the same date the statement is filed with the Commission. Comments were sought on our proposals in this area.

A number of parties [3] express support for our proposed simplified rate filing regulations. They state that our proposed new Part 1311 is clearly consistent with the congressional mandate to streamline and simplify rate filing requirements and will encourage owner-operators to seek fitness only authority.

On the other hand, the MCLA, the Common Carrier Conference, and Refrigerated Transport, argue that the proposed regulations are insufficient. The MCLA and Refrigerated Transport recommend that the licensed owner-operators be required to file schedules and tariffs in the form now required by current regulations. The MCLA suggests that the tariffs filed by common carriers contain actual rates rather than minimum rates. Arrow and Refrigerated Transport argue that the rules should contain a minimum notice period prior to the effectiveness of a tariff filing and any changes to that filing. The Food Marketing Institute requests that the Commission be prepared to take appropriate action if the regulations adopted in this area lead to widespread rate discrimination by owner-operators. Finally, the Teamsters Union urges that the minimum rate which may be filed by owner-operators under the proposed rates should be no lower than the variable costs of the involved operations.

[3] DOT, UFFVA, American Farm Bureau Federation, and the National Council of Farmer Cooperatives.

The opponents of our proposed rates procedure have ignored our congressional mandate in this area. If Congress was satisfied that the normal tariff forms and requirements would not be unduly burdensome for licensed owner-operators, it would not have enacted section 10762(g). Clearly, the terms of that section, requiring the Commission to "streamline and simplify, to the maximum extent possible, the filing requirements * * *," must have major significance.

We are satisfied that our proposed rate filing regulations are fully compatible with the involved statutory provisions, and we will adopt new Part 1311 to 49 CFR Chapter X. In doing so, we affirm our preliminary determination to allow owner-operators to file minimum rates, and to file and change tariffs and schedules without a minimum notice period. We are convinced that maximum pricing flexibility is crucial to enable owner-operators to compete effectively within their commodity authorization. Without such flexibility, the congressional initiative will be thwarted.

In a similar vein, we again emphasize that the Commission does not intend to restrict the form of the tariff set by owner-operators or services performed under the certificates or permits to traditional point-to-point rates for individual commodities. As we observed in our notice, owner-operators may, for example, file minimum rates based on mileage alone, or a combination of mileage and weight or volume, with or without reference to one or more of the authorized commodities.

Persons operating under the owner-operator provisions are not exempt from the discrimination provisions of the Act. However, the Food Marketing Institute has not provided any support for its concern that widespread price discrimination will result from our simplified rate filing requirements. The owner-operator sector is among the most competitive in the motor carrier industry and discrimination is increasingly difficult in a fully competitive environment. There is little likelihood, therefore, that individual owner-operators will be able to engage in invidious price discrimination. Moreover, in weighing the potential benefit of administrative regulation of discrimination against the dampening effect on entry and competition in this sector of the industry, we are convinced that the benefits, if any, likely to flow from regulatory action would be offset by the detriments. In sum, we are confident that shippers will receive more aid in securing economical and efficient transportation services through reliance on the increase in the competitive environment in the motor carrier industry resulting from the eased entry provisions of the Act, than through any administrative regulation we create in an attempt to prevent all instances of price discrimination.

Finally, we will not impose the requirement that all minimum rates filed be above the variable costs of the involved operations, as the Teamsters Union suggests. As the Teamsters surely recognize, any owner-operator who consistently charges less than compensatory rates will not survive in the trucking business. Economic realities render this proposal plainly unnecessary.

Filing Fees

In our previous notice, we proposed that no filing fee be required for owner-operators seeking authority under sections 10922(b)(4)(5) or 10923(b)(5)(A). We sought comments on our proposal.

Several commentors [4] agree with our proposal to waive filing fees for owner-operators. These parties state that such action would be consistent with congressional intent and will facilitate entry of independent owner-operators into the market. DOT observes that the proposal is consistent with the terms of the Act which state:

> The Commission shall streamline and simplify, to the maximum extent practicable, the process for issuance of certificates to which the provisions of paragraph (4)(E) [relating to independent owner-operators] of this subsection apply. 49 U.S.C. 10922(b)(6).

The MCLA, Common Carrier Conference, the ATA, and Arrow oppose our proposal. They argue that waiver of the filing fee for applicants under the involved statutory provisions would be discriminatory. Arrow argues that we should require all applicants to contribute at least partially to the costs of processing their applications.

Overall, we find support for our proposal. We conclude, however, that a fairer course would be to substitute a reduced filing fee for the waiver of a filing fee. It would be unfair to charge $350.00 for other fitness only applications (which include owner-operator applicants) and to charge nothing for these applications. Accordingly, we will amend 49 CFR 1002.2 to reduce the filing fee to $150.00 for owner-operator fitness only applications filed after the regulations adopted in this proceeding become effective.

[4] DOT, the National Council of Farmer Cooperatives, the American Farm Bureau Federation, and the UFFVA.

We reject the charge that our action is discriminatory. Rather, our determination is based upon what we believe to be sound policy considerations. While Congress established other exceptions to the normal licensing procedures in section 10922, it took special pains to enact provisions enabling owner-operators to operate with a minimum of Federal Government intrusion. As we have noted, the House Report (at p. 10) directs the Commission to ensure that only a minimum of regulatory burdens are placed upon owner-operators and other individuals who might wish to become new owner-operators. No party opposing our proposal challenges our assumption that the normal filing fee would serve to discourage some individuals from taking advantage of the congressional initiative to license owner-operators to haul certain regulated commodities.

Informational Resources

DOT suggests that a major effort be made to notify and educate present and potential owner-operators about the Motor Carrier Act and the new regulations. We agree.

The Commission, in conjunction with DOT's Bureau of Motor Carrier Safety and the Small Business Administration, has already devoted substantial resources to developing a two day seminar to be presented to interested owner-operators. The no-cost program will begin in the near future and will be presented at numerous locations around the country. The Commission's portion of the program will discuss many aspects and implications of the new Act which might be of interest to owner-operators. The seminar will be advertised at an appropriate time.

Additionally, our Regional and Field Offices and Small Business Assistance Office in Washington, DC, stand ready to assist present and potential owner-operators.

Environmental, Energy, and Other Considerations

We adopt our preliminary finding in our notice of proposed rules that this action will not have a significant impact on the quality of the human environment or conservation of energy resources. No commentor asserts that a contrary position is warranted. The rules merely implement post-licensing provisions adopted by Congress in mandating the issuance of operating authority to qualified owner-operators. Furthermore, these issues can be raised in connection with individual licensing proceedings.

Although not required by the Regulatory Flexibility Act (C. Pub. L. 96-354), we also conclude that this action will not have a significant adverse economic impact on a substantial number of small entities.

Adoption of Rules

Accordingly, we adopt the rules and annual reporting form set forth in the appendices.

This action is taken under the authority of 49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), 10762(a)(1), 10762(g), and 11145(c), and 5 U.S.C. 553.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham concurring in part and dissenting in part with a separate expression. Commissioner Clapp concurring with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Gresham, concurring in part and dissenting in part:

I disagree with the majority only to the extent that it defines owners by using a "substantial ownership test." In my opinion, we should define owners as the person or persons in whose name or names a vehicle is registered. This definition is clear and accurate and eliminates the need to select arbitrarily a "magic percentage figure."

Commissioner Clapp, concurring:

I support this decision except for the definition of "significant interest." In this setting, it seems unrealistic to me to define a 10% ownership of a vehicle as meeting that test. Such an action invites abuse of these procedures. I suggest that a 25% interest, which is still generous, would both be more reasonable and encompass true owner-operators, the intended beneficiaries of this proceeding.

Appendix A

49 CFR 1002 is amended by revising 49 CFR 1002.2(d)(8) as follows:

§ 1002.2 Filing fees.

* * * * *

(d) * * *

(8) A fitness-only application for motor common carrier authority under 10922(b)(4)(E) or motor contract authority under 10923(b)(5)(A) to transport food and related products	$150

* * * * *

Appendix B

In 49 CFR Chapter X is amended by adding a new Part 1138 to read as follows:

PART 1138—OWNER-OPERATOR FOOD TRANSPORTATION

Sec.

1138.1 Governing legislation.
1138.2 Definition of owner.
1138.3 Emergency situations.
1138.4 Annual reporting requirement.

Authority: 49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), 10762(a)(1), 10762(g), and 11145(c), and 5 U.S.C. 553.

§ 1138.1 Governing legislation.

Under 49 U.S.C. 10922(b)(4)(E) an owner-operator can obtain a certificate, and under 49 U.S.C. 10923(b)(5)(A) an owner-operator can obtain a permit, to transport food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs) agricultural limestone and fertilizers and other soil conditioners, through a fitness only application procedure. Transportation under those provisions must be provided by the owner in his or her own vehicle (except in emergency situations), and can only be provided to transport a total tonnage equal to the amount the owner-operator transports of exempt commodities under 49 U.S.C. 10526(a)(6). Owner-operators must certify, on an annual basis, that they are in compliance with the 50-percent tonnage requirement stated above.

§ 1138.2 Definition of owner.

For purposes of this section, any person with an ownership interest of 10-percent or greater in the motor vehicle used to provide regulated transportation under 49 U.S.C. 10922(b)(4)(E) or 49 U.S.C. 10923(b)(5)(A) shall be considered an owner of the vehicle. Any owner is eligible to operate the vehicle to provide transportation services under those provisions.

§ 1138.3 Emergency situations.

For purposes of this section, emergencies shall include those situations where the need for a substitute driver cannot be anticipated by the owner-operator. Considered under this definition would be situations where the owner-operator is incapable of operating the vehicle due to illness, unanticipated personal or family difficulties demanding personal attention, or other unexpected operating conditions beyond the control of the owner-operator which prevent the owner from operating the vehicle. Planned vacations, off-duty hours for the driver required by safety regulations or other non-driving periods scheduled or mandated by law shall not be considered as emergency situations.

§ 1138.4 Annual reporting requirement.

On an annual basis, each owner-operator providing transportation under certificates to which the provisions of 49 U.S.C. 10922(b)(4)(E) apply, and permits to which the provisions of 49 U.S.C. 10923(b)(5)(A) apply, shall complete Report Form OP-143 to certify compliance with the requirement that annual tonnage transported under these provisions does not exceed the annual tonnage transported of exempt commodities under 49 U.S.C. 10526(a)(6).

Annual Reporting Form

Owner-Operator Annual Report Form OP-143

Annual Report to the Interstate Commerce Commission

(attach address label here)

Owner-operator name and address, if different than shown.

MC Number ———————

Period covered—if this report is for less than an entire calendar year, report date operations cover.

From (month and date) ———————
To (month and date) ———————
Total tonnage transported under certificate or permit ———————
Total tonnage transported of exempt commodities (under 49 U.S.C. 10526(a)(6)) ———

Certifications

(1) I certify that I am in compliance with the provisions of 49 U.S.C. 10922(b)(4)(E) (for common carriers) or 49 U.S.C. 10923(b)(5)(A) (for contract carriers), in that the tonnage transported under the certificate or permit for the period covered by this report did not exceed the exempt tonnage transported.

(2) I certify that this report was prepared by me or under my supervision, and that I have examined it, and that the items reported on the basis of my knowledge and belief are correctly reported.

Signature ———————
Address (Street, City, State, Zip Code) ———
Date ———————
Telephone number ———————

Note.—Failure to file this report may subject owner operator to proceedings leading to revocation of operating authority.

Appendix C

49 CFR Chapter X is further amended by adding a new Part 1311 to read as follows:

PART 1311—TARIFF FILINGS FOR OWNER-OPERATOR FOOD TRANSPORTATION

Sec.

1311.1 Owner-operator food transportation.

Authority: 49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), 10762(a)(1), 10762(g), and 11145(c), and 5 U.S.C. 553.

§ 1311.1 Owner-operator food transportation.

(a) *Governing legislation and applicable provisions.* Owner-operators

transporting property under certificates or permits issued under 49 U.S.C. 10922(b)(4)(E) and 10923(b)(5)(A) may, instead of filing schedules or tariffs under the provisions of 49 CFR 1307 and 1310, file a statement, in letter form, containing the transportation services the owner-operator will perform and the minimum rates to be applied to those services.

(b) *Statement of minimum rates.* Owner-operators shall file with the Section of Tariffs, Room 4360, Interstate Commerce Commission, Washington, D.C. 20423 a signed original and a copy of their statements setting forth the services to be performed and the minimum rates to be applied to those services. Each statement must (1) contain the owner-operator's full name, address and telephone number, and certificate or permit number, and (2) contain an effective date.

(c) *Changing rates.* If an owner-operator wishes to change a minimum rate schedule or tariff on file with the Commission, a new statement shall be filed. The new statement, cancelling the old one, shall state at the top of the statement the following:

This rate and service statement cancels a rate and service statement dated (show the date of the previous statement).

The new statement shall in all respects comply with the requirements set forth in subpart (b) of this part.

[FR Doc. 81-9487 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Proposed Revision of REA Bulletin 80–11

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to issue a revision of REA Bulletin 80–11, "Reports of Progress of Construction and Engineering Services." The proposed revision would introduce a change to indicate that REA Form 178, "Report of Progress of Construction and Engineering Services," shall be prepared monthly instead of biweekly. The proposed revision would also reinstate the REA reporting requirement which was deleted when the bulletin was last revised in 1977.

DATE: Public comments must be received by REA no later than: June 1, 1981.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Dedman, telephone (202) 447–7040. The Draft Impact Analysis describing the options considered in developing this proposed rule is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 80–11, "Reports of Progress of Construction and Engineering Services." This proposed action has been issued in conformance with Executive Order 12291 and has been determined to be "not major."

Copies of the draft revised bulletin are available from the Director, Engineering Standards Division, at the above address. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: March 12, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-9734 Filed 3-30-81; 8:45 am]

BILLING CODE 3410-15-M

7 CFR Part 1701

Proposed Revision of REA Specification DT–5C:PE–9

AGENCY: Rural Electrification Administration, Agriculture.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to revise REA Specification DT–5C:PE–9, "Wood Poles, Stubs, and Anchor Logs and the Preservative Treatment of These Materials." This proposed revision would reflect changes in national standards and clarify REA's position on certain points in the previous revision.

DATE: Public comments must be received by REA no later than June 1, 1981.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270–S, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Taylor, telephone (202) 447–5160. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA proposes to revise REA Specification DT–5C:PE–9, "Wood Poles, Stubs, and Anchor Logs and Preservative Treatment of These Materials." This specification incorporates several national standards which have been revised and/or amended since REA last revised Specification DT–5C:PE–9. The major changes proposed by REA are:

a. Clarification of requirements for inspection and manufacture.

b. Provision for quality assurance plans operated by purchasers.

c. Redefinition of use of waterborne (salt) preservatives and limitation on use of chromated copper arsenates.

d. Increased preservative retention and penetration requirements in larger transmission poles.

e. Designation of air seasoning requirements to reduce the possibility of pretreatment decay in poles.

f. Requirement of copper pyridine assay technique for pentachlorophenol treatments.

g. Adoption of American National Standards Institute ANSI 05.1—1979 standard.

Copies of the draft proposal are available from the Director, Engineering Standards Division, at the above address. This proposal has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees, 10.851—Rural Telephone Loans and Loan Guarantees, 10.852—Rural Telephone Loans and Loan Guarantees, 10.852—Rural Telephone Bank Loans, and 10.853—Community Antenna Television Loans and Loan Guarantees.

Dated: March 12, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-9713 Filed 3-30-81; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 81-134]

Monetary Control Act Reserves Counting Toward Liquidity Requirements

Dated: March 12, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed regulation.

SUMMARY: These proposed amendments implement Title I of the Depository Institutions Deregulation and Monetary Control Act of 1980 ("Act") by authorizing Federal Home Loan Bank member institutions to count as liquidity certain reserves required by Title I to be maintained by member institutions, whether deposited directly or indirectly with a Federal Reserve Bank. The Board is also proposing amendments regarding

the status under the Board's liquidity regulations of vault cash maintained to satisfy the requirements of Title I of the Act.

DATE: Comments must be received by: April 27, 1981.

ADDRESS: Send comments to Information Services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Office of General Counsel, (202) 377–6461, or Richard C. Pickering, Office of Policy and Economic Research, (202) 377–6780, at the above address.

SUPPLEMENTARY INFORMATION: Title I of the Act (also cited as the "Monetary Control Act of 1980") (Pub. L. 96–221, 94 Stat. 132 (1980)) requires that Federal Home Loan Bank member institutions maintain certain reserves against transaction accounts and nonpersonal time deposits. Section 104 of the Act provides that such reserves may be in the form of balances maintained directly in a Federal Reserve Bank, or indirectly in such a Bank by means of a passthrough account at a Federal Home Loan Bank or other depository institution. Section 104 also provides that vault cash may be used to satisfy the reserve requirements of the Act. In addition, Section 104 of the Act expressly provides that such reserves held in the form of balances at a Federal Reserve Bank or in passthrough accounts may be used to satisfy liquidity requirements imposed under other provisions of Federal law, including Section 5A of the Federal Home Loan Bank Act ("Bank Act"). The Board therefore is proposing to amended 12 CFR 523.10 to include reserves maintained pursuant to Title I in the list of eligible liquid assets.

The Board is cognizant, however, of its obligation under Section 5A of the Bank Act to preserve a flexible liquidity base in order to carry out its function of regulating the flow of funds into the mortgage market. Pursuant to this obligation, the Board has encouraged the formation of liquidity portfolios that could be disposed of quickly in the market to meet changes in the need for mortgage credit. Consequently, the Board has approved as eligible liquid assets only those investments which mature quickly and, with respect to investments other than bank deposits, for which there exists an active trading market. In addition, the Board has required that a portion of the overall liquidity requirement be maintained as short-term liquid assets. Since the reserves required to be maintained under Title I, including vault cash maintained for such a purpose, may not be liquidated pursuant to an exercise of the Board's credit-regulating authority under Section 5A of the Bank Act, the Board believes that allowing the use of such reserves to satisfy short-term liquidity requirements would inhibit the Board's ability to exercise its credit-regulating function under Section 5A. To preserve its flexibility of action under Section 5A, the Board is proposing to exclude from short-term liquid assets eligibility the reserves required by the Act, whether maintained as vault cash, in passthrough accounts, or direct deposits with a Federal Reserve Bank.

The Board of Governors of the Federal Reserve System has adopted Regulation D (12 CFR Part 204) implementing Title I of the Act. The proposal incorporates the definitions of "vault cash" and "pass through account" contained in Regulation D.

In conformity with Section 605(b) of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), the Board certifies that the regulation which it proposes today will not, if promulgated, have a significant economic impact on a substantial number of small entities, because of the low level of reserve requirements imposed by Regulation D and the high level of short-term liquid assets held by insured institutions in excess of what is required pursuant to Board regulations.

Because the proposal implements a statutory change, the Board has determined that a 30 day comment period would be appropriate. Accordingly, the Board hereby proposes to amend Part 523 of Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Liquidity

Amend § 523.10 by 1. deleting the word "and" at the end of paragraph (g)(7), 2. deleting the period at the end of paragraph (g)(8) and replacing it with a semi-colon and the word "and", 3. adding a new paragraph (g)(9), and 4. amending the introductory clause of paragraph (h); to read as follows:

§ 523.10 Definitions for purposes of this section and §§ 523.11 and 523.12.

* * * * *

(g) *Liquid assets.*

* * * * *

(9) Reserves required to be maintained pursuant to Title I of the Depository Institutions Deregulation and Monetary Control Act of 1980 and established pursuant to 12 CFR Part 204, whether in the form of (i) vault cash, (ii) balances maintained directly with the Federal Reserve Bank in the district in which the member is located, or (iii) a pass through account: *provided*, that vault cash shall be included only once in calculating the aggregate amount of liquid assets. As used herein, the terms "vault cash" and "pass through account" are as defined in 12 CFR 204(2).

(h) *Short-term liquid assets.* The total of cash other than vault cash used to satisfy the reserve requirements of 12 CFR Part 204, accrued interest on unpledged assets which qualify as liquid assets under subsection (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to repurchase agreement):

* * * * *

(94 Stat. 132, Pub. L. 96–221; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 81-9705 Filed 3-30-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–052B]

Occupational Exposure to Cotton Dust

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Notice is given that the Occupational Safety and Health Administration will shortly be undertaking, through rulemaking procedures under section 6 of the Occupational Safety and Health Act of 1970, a reevaluation and reconsideration of the occupational health standard regulating employee exposure to cotton dust, 29 CFR 1910.1043. The purpose of this proceeding is to review the economic consequences of the regulation and in particular to evaluate the feasibility and utility of relying on cost-benefit analysis in setting occupational health standards, in the context of a specific regulation. At this time, public participation is invited on

the issues raised by such reevaluation and as to whether other matters relating to the hazards and regulation of cotton dust should be addressed.

DATES: Comments, suggestions and information are invited regarding this Advance Notice of Proposed Rulemaking. Comments in response to this Advance Notice should be submitted by May 15, 1981.

ADDRESSES: Comments should be submitted to the Docket Officer, Occupational Safety and Health Administration, Docket No. H–052B, Room S–6212, U.S. Department of Labor, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: James Foster, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523–8151.

SUPPLEMENTARY INFORMATION:

1. *Introduction.* On June 19, 1978, the Occupational Safety and Health Administration (OSHA) issued a final occupational health standard regulating exposure to cotton dust, 29 CFR 1910.1043, at 43 FR 27350. The new standard superseded the previous Walsh-Healey standard which had been adopted by OSHA pursuant to section 6(a) of the Occupational Safety and Health Act. The necessity for a more stringent and comprehensive regulation was based on the substantial body of scientific and medical evidence showing a severe risk of debilitating respiratory disease, particularly among cotton textile workers. The standard provides for a comprehensive regulatory program including a permissible exposure limit for airborne concentrations of cotton dust to be met through engineering controls, supplementary use of respirators, implementation of specified work practices, a medical surveillance program, and a program for employee education and training. OSHA made findings that these elements of the standard were both technologically and economically feasible; the agency also rejected the use of cost-benefit criteria in setting the standard.

The standard was immediately challenged in the courts of appeals by affected employees and various groups of affected employers. On pre-enforcement review, the United States Court of Appeals for the District of Columbia Circuit upheld the standard as it applied to the textile industry, among others. *AFL–CIO et al.* v. *Marshall et al.*, 617 F. 2d 636 (1979). The textile industry successfully petitioned for review in the Supreme Court of the United States, *American Textile Manufacturers Institute, Inc., et al.* v. *Donovan*, Nos. 79–1429 and 79–1583, in which the industry maintains that the standard is invalid because of the failure of the agency to justify it on a cost-benefit basis. The agency, adhering to its policy at the time the standard was issued, argued that such a justification could not be undertaken consistent with the Act and its purposes. This case is currently pending and no decision has been issued. Contemporaneous with this Advance Notice, the Secretary is filing with the Supreme Court a motion for leave to file a supplemental memorandum which brings to the attention of the court the Secretary's decision to reopen the rulemaking record in the cotton dust proceeding.

2. *The Proposed Rulemaking.* While the agency in the past has maintained that it would be inconsistent with the Act for OSHA to engage in cost-benefit analysis for the purpose of setting standards for exposure to toxic substances, the agency has now concluded that it would be appropriate to reexamine its previous position. That the appropriateness of cost-benefit analysis in the application of regulatory policy is of vital concern to the national welfare and the national government is evidenced by the recent establishment of the Presidential Task Force on Regulatory Relief, chaired by the Vice-President, and the recently issued Executive Order No. 12291 which mandates such analysis in certain rulemakings (46 FR 13193). The policy underlying that Order is that cost-benefit analysis is a useful device in the regulatory decision making process. Other safety and health agencies, although administering different statutes with somewhat different purposes, have found that the cost-benefit technique of variants thereof are useful in their decision making processes. See *Consumer Products Safety Commission, Proposed Methodology for Commission Consideration of Findings Under Section 9(c) of the Consumer Products Safety Act*, 45 FR 85772 (Dec. 30, 1980); *Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants; Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer*, 44 FR 58642 (1979). In consonance with the policy of the Executive Order, it is the agency's view that it is appropriate to evaluate the practicality of cost-benefit balancing by investigating the concept in the context of an actual standard such as cotton dust and in a manner which permits public comment. The agency has already produced one such report on this standard, the report requested by Congress in 1979, *Cotton Dust: Review of Alternative Technical Standards and Control Technologies* (May 1979).[1] That report, its assumptions, its methodology and its conclusions, were not subject to any public comment; nor did the report have the benefit of any recent data. Evaluations of the usefulness and limitations of cost-benefit analysis are more likely to be understood and be more meaningful if they may be illustrated by reference to a particular set of facts such as the cotton dust record.

In order to provide the most complete and comprehensive analysis, the agency feels that it would be appropriate to utilize the most recent data. To this end, the agency intends to invite the submission of information providing the most complete cost estimates associated with compliance with the standard and any other proposed means of providing protection to exposed employees. OSHA expects that much useful information will be found in the development of the compliance plans required by 29 CFR 1910.1043(e)(3). Information will also be requested which is relevant to the types of economic analysis which OSHA has traditionally engaged in, such as the financial strength of the industry, its capital needs, its structure and so forth so that the interrelationships between this type of economic analysis and cost-benefit techniques may be evaluated. A thorough cost-benefit analysis will also explore all alternatives, including the use of respirators.

In the agency's view, all this information and data, as well as the public input which will be provided in the rulemaking proceedings, will permit the agency to produce a comprehensive and thorough cost-benefit analysis. This experience, plus the comparative experience under other health and safety laws, [a comparison mandated by 29 U.S.C. 655(b)(5)], will enable the agency to decide under what circumstances it is appropriate and practical to factor such an analysis into setting toxic substances standards. Public comment will also be solicited on the issue of the extent to which cost-benefit analysis should be utilized in the setting of OSHA health standards. Based on the resolution of this important question, as well as any new information gathered in the process, the standard itself may be subject to adjustment.

[1] This report was produced at the direction of Congress after the issuance of the standard. Congress requested that the agency evaluate the standard on a cost-benefit basis, even though the agency had rejected this approach at the time it issued the standard.

In addition, at this stage of the proceeding OSHA will accept and consider suggestions as to the necessity for inquiring into other matters relevant to the enforcement of the standard. For example, this rulemaking would provide the opportunity, if necessary, to explore any problems with the vertical elutriator and Class III electrical hazards in textile mills, which was previously discussed in the Federal Register of October 10, 1980, 45 FR 67330–67340. Any other problems encountered under the monitoring provisions or in applying the concept of partial-shift use of respirators discussed at 45 FR 85736–85739 (Dec. 30, 1980), may also be pertinent topics for this proceeding.

Pending this reconsideration and reevaluation, it is the agency's judgment that the standard should remain in effect and continue to be enforced. Protection for employees at risk must be maintained as cotton dust has long been recognized as a major industrial health hazard. During the past year, employers have been obligated to bring most of the standard's protective measures into place with the exception of the requirement to install engineering controls, the completion of which was deferred for four years. There was general agreement during the rulemaking on the necessity of such provisions as repiratory usage, safer work practices, and a medical surveillance program, although the particulars may not have been resolved to the satisfaction of all affected employers. The long deferral of the next major step, engineering controls, means however that there is more than sufficient time for the agency to review the provisions of the standard as a whole and provide adequate notice if changes to the standard seem warranted. New effective dates may well be necessary in such a case. Consequently, there seems little justification for disrupting the compliance schedules and activities during this period of review. Any comments and suggestions should be sent to the Docket Office, at the address noted above, where they will be available for inspection and copying. Comments should be submitted by May 15, 1981.

3. *Authority.* This advance notice of proposed rulemaking was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Ave., NW, Washington, D.C. 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act (84 Stat. 1593; 29 U.S.C. 655).

Signed at Washington, D.C. this 27th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-9719 Filed 3-27-81; 2:15 pm]

BILLING CODE 4510-26-M

VETERANS ADMINISTRATION

38 CFR Part 3

Effective Date of Forfeiture for Treason

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration is proposing to amend its regulations governing the effective date of forfeiture of benefits for treason. The need for this action results from our determination that the current effective date regulations are not in agreement with the statute they implement.

DATES: Comments must be received on or before April 30, 1981. We propose to give this change unlimited retroactive effect.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until May 11, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202–389–3005).

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 3504(a) a person shown by evidence satisfactory to the Veterans Administration to be guilty of treasonable acts (mutiny, treason, sabotage or aiding an enemy of the U.S.) forfeits all accrued or future noncontractual benefits.

When the Veterans Administration has determined that rights have been forfeited, benefits have been discontinued effective the date the benefits were granted or the day preceding the commission of the treasonable act, whichever is later (38 CFR 3.500(s) and 3.869). We have recently had occasion to examine the legislative history and language of 38 U.S.C. 3504(a) and have decided that these effective date provisions are not supported by section 3504(a). Our analysis leads us to conclude that the correct effective date for forfeiture for treasonable acts is the date of the forfeiture decision or date of last payment, whichever is earlier. Therefore, we are proposing amendments to 38 CFR 3.500(s) and 3.869 to effectuate this decision.

We are also proposing to amend 38 CFR 3.500 to eliminate gender reference.

The agency has determined that this proposed regulation is non-major in accordance with the requirements of E.O. 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until May 11, 1981. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 18, 1981.

Rufus H. Wilson,

Acting Administrator.

PART 3—ADJUDICATION

§ 3.500 [Amended].

1. Section 3.500 is amended as follows:

(a) By removing the words "his or her" and inserting the words "the payee's" in paragraph (b)(1); by removing the words "widow or widower" and "widow's or widower's" and inserting the words "surviving spouse" and "surviving spouse's" in paragraph (e); and by removing the words "widow or widower" and inserting the words "surviving spouse" in paragraph (n)(4).

(b) By revising paragraph (s) as follows:

§ 3.500 General.

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent

will be the earliest of the dates stated in the paragraphs of this section unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit. (38 U.S.C. 3012(b))

* * * * *

(a) *Treasonable acts or subversive activities* (38 U.S.C. 3504 and 3505; §§ 3.902, 3.903). (1) *Treasonable acts.* Date of the forfeiture decision or date of last payment, whichever is earlier.

(2) *Subversive activities.* Beginning date of award or day preceding date of commission of subversive activities for which convicted, whichever is later.

* * * * *

§ 3.669 [Amended].

2. Section 3.669 is amended as follows:

(a) By removing the words "Chief Attorney" and inserting the words "District Counsel" in paragraph (a).

(b) By revising paragraph (b) as follows:

§ 3.669 Forfeiture.

* * * * *

(b) *Fraud or treasonable act*—(1) *Fraud.* If forfeiture of rights is not declared, payments shall be resumed from date of last payment, if otherwise in order. If it is determined that rights have been forfeited, benefits shall be discontinued effective the commencing date of the award or the day preceding the commission of the act resulting in the forfeiture, whichever is later.

(2) *Treasonable acts.* If forfeiture of rights is not declared, payments shall be resumed from date of last payment, if otherwise in order. If it is determined that rights have been forfeited, benefits shall be discontinued the date of the forfeiture decision or date of last payment, whichever is earlier.

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 81-9733 Filed 3-30-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS 84004A; TSH-FRL 1790-7]

Asbestos; Reporting and Recordkeeping Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule; Extension of Comment Period.

SUMMARY: EPA extends the comment period for the proposed Asbestos Reporting and Recordkeeping Rule published in the **Federal Register** of January 28, 1981 (46 FR 8200). The comment period will extend an additional 30 days beyond the date originally set by the proposal.

DATE: All comments on the proposed rule should be postmarked by April 27, 1981.

ADDRESS: Written comments should bear the document control number OPTS 84004 and should be submitted to: Document Control Officer, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, Rm. E-107, 401 M St., SW, Washington, DC 20460.

The administrative record supporting this action is available for public inspection in Rm. E-107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-136, 401 M St., SW, Washington, DC 20460, toll free: (800-424-9065), in Washington, DC: (554-1404).

SUPPLEMENTARY INFORMATION: As discussed in the preamble of the proposal (46 FR 8208), following the written comment period EPA personnel responsible for developing the proposal will be available to meet with interested persons from companies, organized labor, trade associations, and citizens' organizations. These meetings will be held by request on May 14, from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m. and on May 15 from 10:00 a.m. to 2:00 p.m. in Rm. 3906, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

All meetings will be open to the public. EPA intends to limit active participation in the meetings to those persons requesting the session and designated EPA personnel.

To request time for a meeting, interested persons should call the Industry Assistance Office, toll-free at 800-424-9065, or 554-1404 in the Washington, D.C. area. Interested persons should note that if no one requests a session, the meetings will not be held. Observers should call the Industry Assistance Office to ascertain the meeting schedule.

Dated: March 20, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-9630 Filed 3-30-81; 8:45 am]
BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Refunds From Carriers for Unused Transportation Services or Accommodations

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations to revise and improve the current procedures regarding voluntary refunds from carriers for unused transportation services or accommodations. Compliance with these revised procedures by Government agencies and the carrier industry will assure the recovery of outstanding refunds due the U.S. Government.

DATE: Comments must be received by April 30, 1981.

ADDRESS: Written comments should be sent to the General Services Administration (TACP), Chester A. Arthur Building, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Reports and Procedures Branch, Office of Transportation Audits (202-275-0664).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this proposal will not be considered a major rule under E.O. 12291 of February 17, 1981, because it is not likely to: Have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or result in significant adverse effects.

GSA proposes to amend Title 41, Part 101-41 of the Code of Federal Regulations (41 CFR 101-41) as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The table of contents for Part 101-41 is amended to add the following entry:

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

* * * * *

101–41.210–5a Carrier reimbursement when SF 1170 has not been received.

* * * * *

Subpart 101–41.2—Passenger Transportation Services Furnished for the Account of the United States

2. Section 101–41.210–1 is revised to read as follows:

§ 101–41.210–1 SF 1170, Redemption of unused tickets.

Agencies shall not revise carrier bills or require carriers to rebill items, except as provided in § 101–41.210–6, to recover from carriers the value of unused or unfurnished transportation services or accommodations but shall make demand on the carriers through the use of SF 1170. A separate SF 1170 must be used for each GTR, though more than one ticket or adjustment transaction may be related to that GTR and listed on the redemption form. Automation of certain phases of the ticket redemption procedure will be considered by GSA (TA) upon request of agencies having computer capabilities, where such automation offers potential savings.

3. Section 101–41.210–3 is revised to read as follows:

§ 101–41.210–3 Carrier processing of SF 1170.

Each carrier shall promptly refund moneys to adjust items listed on SF 1170, whether or not the related GTR has been submitted or paid. The carrier shall indicate on the original SF 1170 the amount credited to each ticket and the total amount being refunded and shall return the original with its refund to the agency. A refund that is inconsistent with the information on the SF 1170 shall be explained or computed on the SF 1170 or in an attached letter. A carrier declining to refund shall furnish an explanation on the original SF 1170. If a carrier is unable to determine which agency submitted the SF 1170, the payment and refund information shall be sent direct to the General Services Administration (TACA), Chester A. Arthur Building, Washington, DC 20406.

4. Section 101–41.210–4 is revised to read as follows:

§ 101–41.210–4 Agency processing of refunds.

Upon return of the original SF 1170 with the refund, the agency shall record and deposit the refund in conformity with its fiscal procedures and promptly forward the original SF 1170, together with any advice from the carrier regarding the basis of the refund, to the General Services Administration (TACA), Chester A. Arthur Building, Washington, DC 20406.

5. Section 101–41.210–5 is revised to read as follows:

§ 101–41.210–5 Report of carrier failure to make refund for unused transportation services or accommodations.

If, within 120 days from the time of issuance of SF 1170, the carrier has failed to make refund for unused transportation services or accommodations or to furnish satisfactory explanation as to why no refund is due, or has refused to make an adjustment, the agency shall transmit the triplicate copy of the SF 1170 and all related correspondence to the General Services Administration (TACA), Chester A. Arthur Building, Washington, DC 20406, for appropriate action.

6. Section 101–41.210–5a is added to read as follows:

§ 101–41.210–5a Carrier reimbursement when SF 1170 has not been received.

It is not necessary for a carrier to receive an SF 1170 before reimbursing the Government for unused transportation services or accommodations. When a carrier identifies a difference between the transportation service requested by the Government and the service actually provided, a refund shall be made to the Government. If an SF 1170 has not been received within 120 days from the ticket issuance date, or date of travel, whichever is later, the refund shall be sent by the carrier to the General Services Administration (TACA), Chester A. Arthur Building, Washington, DC 20406. Both the GTR number and ticket number, and the amount being refunded, must be included along with any other information pertinent to the refund.

(31 U.S.C. 244)

Dated: March 5, 1981.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Services.

[FR Doc. 81-9626 Filed 3-30-81; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–5798]

Revision of Proposed Flood Elevation Determinations for City of Montgomery, Montgomery County, Alabama Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Montgomery, Alabama.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 22969 on April 4, 1980 and in the *Montgomery Advertiser & Alabama Journal*, published on or about March 3, 1980, and March 10, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-proned areas and the proposed flood elevations are available for review at City Hall, 124 N. Perry Street, Montgomery, Alabama.

Send comments to: Honorable Emery Folmar, P.O. Box 1111, Montgomery, Alabama 36102.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Montgomery, Alabama, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground Elevation in feet (NGVD)
Alabama River	Intersection of river and center of Interstate Highway 65.	*163
	At confluence with Galbraith Mill Creek.	*168
Talapoosa River	At confluence with Oliver Creek.	*173
Catoma Creek	Intersection of creek and Georgia Railroad.	*159
	100 feet upstream from center of U.S. Highway 31 and 80.	*172
	100 feet upstream from center of Woodley Road.	*202
Caney Branch	100 feet upstream from center of U.S. Highway 80.	*159
	Intersection of branch and center of Interstate Highway 65.	*195
Geneita Ditch	Intersection of ditch and U.S. Highway 31 and 82.	*173
	100 feet upstream from center of Seaboard Coast Line Railroad.	*186
Cloverland Ditch	100 feet upstream from center of Interstate Highway 65.	*179
	100 feet upstream from center of Court Street.	*180
Wiley Creek	At confluence with Catoma Creek.	*178
	350 feet downstream from center of Teague Road.	*195
Audubon Ditch	Intersection of ditch and U.S. Highway 331	*185
	50 feet upstream from center of Augusta Drive.	*212
Baldwin Slough	100 feet upstream from center of Narrow Lane Road.	*184
	100 feet upstream from center of Kingsbury Drive.	*233
Hannon Slough	100 feet upstream from center of Sebles Road.	*182
	100 feet upstream from center of Wildwood Drive.	*219
Snowdoun Creek	At confluence with Catoma Creek.	*187
White Slough	100 feet upstream from center of Narrow Lane Road.	*187
	Intersection of slough and Vaughn Road.	*242
Ramar Creek	At confluence with Catoma Creek.	*195
West End Ditch	At confluence with Alabama River.	*160
	350 feet upstream from center of Air Base Boulevard.	*184
	50 feet upstream from center of Terminal Road.	*188
Three Mile Branch	Intersection of branch and Lower Wetumpka Road.	*169
	Intersection of branch and Seaboard Coast Line Railroad.	*196
	150 feet upstream from center of Interstate Highway 85.	*237
Sherwood Ditch	Intersection of ditch and East Haven Road.	*219
	100 feet upstream from center of Fenwood Drive.	*250
Galbraith Mill Creek.	At confluence with Alabama River	*168
	Intersection of Creek and U.S. Highway 231	*171
	Intersection of creek and Seaboard Coast Line Railroad.	*217
Oliver Creek	Intersection of creek and Georgia Railroad.	*174
	Intersection of creek and U.S. Highway 80.	*211
Pintlalla Creek	200 feet upstream from center of County Highway 26 (Wasden Road).	*183
Pine Creek	300 feet upstream from center of U.S. Highway 31 and 82.	*180
	100 feet upstream from center of Doster Road.	*221
Mill Creek	350 feet downstream from center of Seaboard Coast Line of Atlanta.	*204

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: March 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9471 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6041]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Milford, Hunterdon County, New Jersey, previously published at 45 FR 42711 on June 25, 1980.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Milford, Hunterdon County, New Jersey previously published at 45 FR 42711 on June 25, 1980, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error the elevation for the location of Downstream Corporate Limits, under the Source of Flooding of Delaware River, was incorrectly published. It should be amended to read 137 feet in elevation (National Geodetic Vertical Datum). The corresponding flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: March 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9470 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6020]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration,

National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4.

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Town of Hurtsboro, Russell County	Hurtsboro Creek	Just upstream of Seaboard Coast Line Railroad	*337
Maps available for inspection at Town Hall, Main Street, Hurtsboro, Alabama 36860.				
Send comments to Honorable John C. Williams or Ms. Wanda McCaghren, Town Clerk, Town Hall, P.O. Box 105, Hurtsboro, Alabama 36860.				
Alabama	Unincorporated areas of Macon County	Uphapee Creek	Just upstream of State Highway 49	*217
			Just upstream of County Road 39	*227
			Just downstream of State Highway 199	*234
			Just upstream of State Highway 81	*255
		Bulger Creek	Approximately 3,900 feet above the confluence with Uphapee Creek.	*225
		Calebee Creek	Just upstream of County Road 73	*254
			Just downstream of U.S. Highway 29	*296
		Persimmon Creek	Confluence with Calebee Creek	*272
			Just downstream of County Road 45	*284
		Branch One of Calebee Creek	Just upstream of State Highway 49	*302
			Just downstream of the Tuskegee Corporate Limits	*311
		Branch of Uphapee Creek	Just downstream of County Road 25	*280
		Branch Two of Calebee Creek	Just downstream of County Road 47	*312
Maps available for inspection at Macon County Courthouse, East Northside Street, Tuskegee, Alabama 36083.				
Send comments to Rev. Lawrence F. Haygood or Mr. Jed White, County Engineer, Macon County Courthouse, P.O. Box 190, Tuskegee, Alabama 36083.				
Alabama	Unincorporated areas of Montgomery County	Alabama River	Just downstream of the confluence of Catoma Creek	*156
		Tallapoosa River	Just upstream of confluence of Mill Creek	*175
			Just upstream of confluence of Miller Creek	*178
			Just upstream of confluence of Line Creek	*184
		Pintalla Creek	Just downstream of U.S. Highway 80	*183
			Just upstream of Pinchony Creek	*191
			Just downstream of U.S. Highway 31	*204
		Pinchony Creek	Just upstream of Federal Road	*208
			Just upstream of Tabernacle Road	*220
		Vickers Creek	Just downstream of U.S. Highway 31	*227
		Johnsons Creek	Just upstream of Montgomery County Road No. 2	*211
			Just upstream of Southern Railway	*226
		Mill Creek	Just upstream of Frontage Road	*195
			At Georgia Railroad	*177
		Miller Creek	Just upstream of Interstate 85	*193
			Just downstream of Highway 110	*210
		Line Creek	Just downstream of Interstate 85	*187
			Just upstream of Bargenier	*205
		Matthews Slough	Just upstream of Montgomery County Road No. 2	*210
			At Highway 110	*220
Maps available for inspection at Montgomery County Courthouse, 142 Washington Avenue, Montgomery, Alabama 36102.				
Send comments to Mr. H. W. Suddath, County Administrator or Mr. David Stockman, Assistant Administrator, Montgomery County Courthouse, 142 Washington Avenue, Montgomery, Alabama 36102.				
Alabama	City of Tuskegee, Macon County	Branch of Uphapee Creek	Just upstream of the Tuskegee Corporate Limits and State Road 199.	*280
			Just downstream of U.S. Highway 80 & 29	*294
			Just downstream of Hospital Drive	*343
		Branch One of Calebee Creek	Alabama Avenue if Extended	*318
			Tuskegee Corporate Limits	*311
		Uphapee Creek	Intersection of Auburn Wire Road and eastern Corporate Limits.	*271
Maps available for inspection at City Hall, 214 North Main Street, Tuskegee, Alabama 36083.				
Send comments to Mayor Johnny Ford or Ms. Linda Carroll, City Clerk, City Hall, 214 North Main Street, Tuskegee, Alabama 36083.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Eagar (Town), Apache County	Little Colorado River	75 feet upstream from center of a Private Road (which is at the intersection of River Road and 4th Avenue).	*6,996
			Intersection of river and center of School Bus Route	*7,081
Maps available for inspection at Department of Public Works, Harless & Central Eagar, Arizona.				
Send comments to Honorable Lloyd Ashcroft, P.O. Box 78, Eagar, Arizona 85925.				
California	Folsom (City), Sacramento County	American River	Intersection of American River and center of Greenback Lane.	*138
		Hinkle Creek	40 feet upstream from center of Oak Avenue Parkway	*270
		Humbug Creek	Intersection of Humbug Creek and Placerville Road	*286
		Willow Creek	15 feet upstream from the center of Folsom Boulevard	*164
			60 feet upstream from center of Placerville Road	*284
Maps available for inspection at Office of the City Engineer, 50 Natoma Street, Folsom, California.				
Send comments to Honorable P. Stanley Gilser, 50 Natoma Street, Folsom, California 95630.				
California	Lancaster (City), Los Angeles County	Amargosa Creek	Intersection of 6th Street West and Avenue L	#1
		Amargosa Creek Tributary	Intersection of Division Street and Avenue J	#1
		Portal Ridge Wash	Intersection of 30th Street West and Avenue H-8	*2,312
Maps available for inspection at Department of Building and Engineering Services, 237 East Avenue M, Lancaster, California.				
Send comments to Honorable Fred M. Hahn, 237 East Avenue M, Lancaster, California 93534.				
California	Palmdale (City), Los Angeles County	Amargosa Creek	Intersection of Amargosa Creek and center of Avenue N.	#1
		Amargosa Creek Tributary	Southeast corner of intersection of Valleydine Drive and Avenue M.	#1
		Anaverde Creek	Intersection of Avenue O-7 and 5th Street East	#1
		Anaverde Creek	Intersection of Division Street and Palmdale Boulevard	#1
Maps available for inspection at Department of Building Inspection, 1311 East Palmdale Boulevard, Palmdale, California.				
Send comments to the Honorable Lynda J. Cook, 1311 East Palmdale Boulevard, Palmdale, California 93550.				
California	Ridgecrest (City) Kern County	El Paso Wash	At intersection of North Inyo Street and Ridgecrest-Inyokern Boulevard.	*2,296
		West China Lake Wash	200 feet west to intersection of North Warner Street and Felsper Street.	*2,294
Maps available for inspection at City Engineer, 139 N. Balsan, Ridgecrest, California.				
Send Comments to the Honorable Harold Hockett, 139 N. Balsan, Ridgecrest, California 93555.				
Massachusetts	Wayland, Town, Middlesex County	Sudbury River	Downstream Corporate Limits	*122
			Upstream Corporate Limits	*126
		Pine Brook	Confluence with Sudbury River	*123
			Upstream of the confluence with Hayward Brook	*123
		Mill Brook	Confluence with Pine Brook	*123
			Downstream of Claypit Hill Road	*130
		Hayward Brook	Confluence with Pine Brook	*123
			Downstream of Boston Post Road	*127
			Upstream of Boston Post Road	*137
			Upstream of Rich Valley Road	*146
			Upstream of Boston and Maine Railroad	*157
		Snake Brook	Upstream of Commonwealth Avenue (downstream crossing).	*139
			Upstream of Main Street	*148
			Downstream of Commonwealth Avenue (Upstream crossing).	*160
			Upstream of Commonwealth Avenue (Upstream crossing).	*166
			Thompson Street	*172
Maps available for inspection at the Wayland Town Clerk's Office, Town Hall, Wayland, Massachusetts.				
Send comments to Honorable Catherine Seiler, Chairwoman of the Wayland Board of Selectmen, Town Hall, Wayland, Massachusetts 01778.				
New Jersey	Folsom, Borough, Atlantic County	Hospitality Branch	State Route 54	*82
			Cushion Lake Embankment	*71
			Corporate Limits	*74
		Great Egg Harbor River	State Route 54	*82
			Fourteenth Street	*70
			Corporate Limits	*72
		Great Egg Harbor Tributary	Confluence with Great Egg Harbor River	*70
			Corporate Limits	*73
Maps available for inspection at the Borough Hall, 13th Street and Mays Landing Road, Folsom, New Jersey.				
Send comments to Honorable Edward Gandolfi, Mayor of the Borough of Folsom, Borough Hall, 13th Street and Mays Landing Road, Folsom, New Jersey 08037.				
Oregon	Cornelius (City), Washington County	Tualatin River	800 feet south from the intersection of South 14th Avenue and South Dogwood Street.	*151
		Tualatin River Side Channel	700 feet west from the intersection of 9th Avenue and South Magnolia Street.	*155
		Backwater from Dairy Creek	At intersection of Council Creek and Susbauer Road	*151
Maps available for inspection at City Hall, 120 N. 13th Avenue, Cornelius, Oregon.				
Send comments to the Honorable Don Ventura, P.O. Box 607, Cornelius, Oregon 97113.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oregon	Durham (City), Washington County	Tualatin River	Intersection of river and center of Southwest Lower Boones Ferry Road.	*124
			Intersection of Fanno Creek and center of Burlington Northern Railroad.	*126
Maps available for inspection at City Hall, 17160 S.W. Upper Boones Ferry Road, Durham, Oregon.				
Send comments to the Honorable Robert D. Percy, P.O. Box 23483, Tigard, Oregon.				
Oregon	Sherwood (City), Washington County	Cedar Creek	100 feet upstream from center of State Highway 99 West.	*162
			100 feet upstream from center of West Villa Street	*166
		Rock Creek	Intersection of creek and center of Rock Creek Road	*135
Maps available for inspection at City Hall, 90 NW Park Street, Sherwood, Oregon.				
Send comments to the Honorable Clyde List, P.O. Box 167, Sherwood, Oregon 97140.				
Oregon	Wilsonville (City), Clackamas County	Willamette River	400 feet southeast of the intersection of Rose Lane and Wilsonville Road.	*90
			At the center of the Burlington Northern Railroad crossing of Willamette River.	*91
		Seely Ditch	At the intersection of Bryton and Montebello Drive	*145
		East Overflow Ditch	At the center of the Wilsonville Road crossing of East Overflow Ditch.	*145
Maps available for inspection at City Hall, 30470 SW Parkway, Wilsonville, Oregon.				
Send comments to the Honorable William G. Lowrie, P.O. Box 220, Wilsonville, Oregon 97070.				
Rhode Island	Central Falls, City, Providence County	Blackstone River	Downstream Corporate Limits	*35
			Upstream side of Pawtex Dam	*45
			Downstream side of downstream Conrail crossing	*47
			Sayles Dam	*60
			75± upstream of Broad Street	*81
			Upstream Corporate Limits	*82
Maps available for inspection at the City Hall, 580 Broad Street, Central Falls, Rhode Island.				
Send comments to Honorable Richard Bessette, Mayor of Central Falls, City Hall, 580 Broad Street, Central Falls, Rhode Island 02863.				
South Carolina	Unincorporated areas of Dorchester County	Ashley River	Approximately 1000 feet downstream of State Highway 165 (Bacon Bridge).	*14
			Just upstream of U.S. Highway 17-A (Island Bridge)	*20
			Just downstream of U.S. Highway 78	*26
		Coosaw Creek	Just upstream of Dorchester Road	*14
		Eagle and Chandler Creek Bridge Channelization.	Just downstream of Field Road	*21
			Just downstream of State Highway 642 (Dorchester Road).	*10
		Eagle Creek	Just downstream of the extension of State Road 501	*22
		Sawmill Branch	Just upstream of State Highway 165	*23
			Just downstream of Newington Boulevard	*31
			Approximately 500 feet downstream of U.S. Highway 78.	*53
		Unnamed Tributary of Ashley River	Approximately 250 feet downstream of State Road 13	*37
		Hurricane Branch	Approximately 150 feet downstream of the State Road Extrance Ramp.	*26
		Rumphs Hill Creek	Approximately 100 feet upstream of State Highway 58	*35
			Just upstream of Remen Boulevard	*56
		Negro Branch	Just upstream of the downstreammost Oakwood Drive Crossing.	*37
		Platt Branch	Approximately 150 feet downstream of State Highway 22.	*42
		Stanley Branch	Just downstream of State Highway 22	*31
Maps available for inspection at Planning Commission, 101 Ridge Street, County Courthouse, St. George, South Carolina 29477.				
Send comments to Mr. Marc Hahn, County Administrator or Mr. Charles Cuzzell, Planning Director, County Courthouse, P.O. Box 418, St. George, South Carolina 29477.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: March 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9073 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286]

Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order; Correction.

SUMMARY: We are adding an FCC Number and statement listing non-participating Commissioners to the Memorandum Opinion and Order on the Federal-State Joint Board on Jurisdictional Separations. This information should have been included in the item when it was initially released by the Commission.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, Policy and Program Planning Division, Common Carrier Bureau (202) 632-9342.

Erratum

Released: March 18, 1981.

In the matter of amendment of Part 67 of the Commission's rules and establishment of a joint board.

1. The Memorandum Opinion and Order in this proceeding adopted by the Joint Board on February 23, 1981 and inadvertently released on March 13, 1981 (46 FR 17568) without an FCC should be amended to include FCC 81-115 as the FCC Number. This item should also be amended by adding after the phrase "By the Federal-State Joint Board," the statement "Commissioner Richard D. Gravelle (California) and Commissioner Edward M. Parsons, Jr. (Wisconsin) Absent."

William J. Tricarico,

Secretary.

[FR Doc. 81-9558 Filed 3-30-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF LABOR

Employment Standards Administration

20 CFR Part 725

Claims for Benefits Under Part C of Title IV of the Federal Mine Safety and Health Act, as Amended

AGENCY: Employment Standards Administration, Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On January 27, 1981 (46 FR 8570), a notice of proposed rulemaking was published concerning those situations where a lessor of coal mining property will not be liable for the payment of Black Lung benefits to employees of the lessee. The notice provided a 60 day public comment period. During this period the Secretary of Labor received a request from the President of the United Mine Workers of America to extend the comment period.

DATE: This notice officially revises the public comment period and extends the comment period to April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Robert D. Dorsey, Chief, Operational Policies, Regulations and Procedures, Division of Coal Mine Workers Compensation, Employment Standards Administration, U.S. Department of Labor, Room C3316, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: (202) 523-9486.

Signed this 27th day of March 1981 at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-9621 Filed 3-30-81; 10:08 am]

BILLING CODE 4510-27-M

Notices

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Finding of No Significant Impact; Cooperative Federal-State Spruce Budworm Integrated Pest Management, Maine, 1981

An Environmental Assessment (EA) has been prepared that discusses the 1981 Federal-State Cooperative Integrated Pest Management (IPM) Program for the spruce budworm in Maine. Spruce budworm management alternatives considered were previously discussed in a Programmatic Environmental Impact Statement and the USDA Forest Service will consider requests for financial assistance during the next 5 years (1981 to 1985) on an annual basis.

The EA was prepared in response to a Maine Bureau of Forestry request for USDA Forest Service financial assistance for IPM in 1981. The State's request for financial assistance was received in March 1981. Through this request, the Maine Bureau of Forestry plans to provide assistance to owners of small woodlands, utilization and marketing assistance, administer timber supply and demand analyses and to apply chemical insecticides on about 1.0 million acres, and a biological insecticide, Bt (Bacillus thuringiensis), on about 100 thousand acres in Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Somerset, and Washington counties. Landowners and millowners will be applying silvicultural and utilization-marketing methods in these and other counties within the spruce-fir type to reduce losses—while implementing integrated pest management.

Copies of the EA are available for public review at the following offices:

Department of Conservation, Bureau of Forestry, State Office Building, Augusta, MA 04333;
USDA—Forest Service, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008;
USDA—Forest Service, Northeastern Area, State and Private Forestry, Federal Building, Portsmouth, NH 03801.

This EA documents the purpose of and need for IPM in 1981, and describes specific areas affected and specific methods to be used. In addition, the EA examines whether the IPM proposed by the State for 1981 meets USDA Forest Service environmental, biological, economic criteria for financial assistance and if a Federal role exists.

The factors addressed in the 1981 EA are:

(1) Specific areas to be treated with insecticides.
(2) Process used to determine areas to be treated with insecticides.
(3) Criteria used to draw up spray blocks.
(4) Chemical and biological insecticides to be used.
(5) Aircraft types to be used.
(6) Estimated duration of the spray project.
(7) Precautions to be followed during insecticide application.
(8) Environmental monitoring to be carried out on the spray project.
(9) Estimated costs of insecticide treatment.
(10) Energy requirements of insecticide treatment.
(11) The Indian Lands affected by insecticide.
(12) Distribution of human habitation.
(13) Silviculture practices being used for long-term budworm management.
(14) Utilization-marketing to reduce losses.
(15) Economic cost/benefit of the insecticide application.

The site-specific factors of the 1981 program and their impact upon the environment are discussed in the 1981 EA and compared to the spruce budworm management program discussed in the Programmatic Environmental Impact Statement. Based upon the analysis in the 1981 EA, there are no significant factors or adverse effects which have not already been addressed in the PEIS; USDA FS NA-81-01. Therefore, an environmental impact statement is not needed for the 1981 program. This determination was made considering the following factors: (a) management requirements and constraints and mitigation measures insure against significant adverse effects; (b) applications of chemicals and biologicals will comply with applicable EPA labels, and State and Federal law; (c) physical and biological effects are limited to the areas of planned treatment; and (d) all chemicals and biologicals are approved by EPA for the proposed use.

The responsible official is Allen J. Schacht, Area Director, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

Dated: March 31, 1981.

Allen J. Schacht,
Area Director, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

[FR Doc. 81-9801 Filed 3-30-81; 8:45 am]
BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Fasteners From Japan; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the countervailing duty order on certain fasteners from Japan. The review is based upon information for the period from January 1, 1978 through January 31, 1979. As a result of this review the Department has preliminarily determined the amount of the net subsidy to be 0.27 percent of the f.o.b. invoice price of the merchandise. The Department considers this rate to be *de minimis* except for fasteners classifiable under item numbers 646.54 and 646.56 of the Tariff Schedules of the United States (TSUS). For these two item numbers the Department considers this rate not to be *de minimis*. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 6, 1977 a notice of "Imposition of Countervailing Duties," T.D. 77-128, was published in the **Federal Register** (42 FR 23147). The notice stated that the Treasury Department had determined that exports of certain fasteners from Japan were provided bounties and grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Accordingly, imports into the United States of certain fasteners were subject to countervailing duties. On June 4, 1979 a second notice, "Final Countervailing Duty Determination and Suspension of Liquidation," T.D. 79-158, was published in the **Federal Register** (44 FR 31972) expanding the scope of the previous order to include other types of fasteners. Despite its title this notice did not suspend liquidation.

On January 1, 1980 the provisions of title I of the Trade Agreements Act of

1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. The Department suspended liquidation on all shipments of fasteners from Japan entered, or witdrawn from warehouse, for consumption on or after August 22, 1980. As required by section 751 of the Act, the Department has conducted an administrative review of the order on certain fasteners from Japan.

Scope of Review

Imports covered by this review are all fasteners currently classifiable under item numbers 646.54 and 646.56, and non-metric fasteners currently classifiable under item numbers 646.17, 646.40, 646.41, 646.49, 646.51, 646.53, 646.58, 646.60, 646.63, 646.65, 646.72, 646.74, 646.75, 646.76, and 646.78, Tariff Schedules of the United States (TSUS). The review is based upon information for the period January 1, 1978 through January 31, 1979, and is limited to the countervailable programs cited in T.D. 77–128 and T.D. 79–158. These programs are: (1) the deferral of income taxes on export earnings under the Overseas Market Development Reserve ("OMDR"), (2) export promotional assistance provided by the Japanese External Trade Organization (JETRO), and (3) benefits received under the "Temporary Measures Act for Small and Midsized Businesses With Regard to the High Yen Exchange Market" (High Yen Law).

Analysis of Programs

The OMDR program is offered by the Japanese government to firms with a total capitalization of 500 million yen or less. The program allows a firm the opportunity to set aside a portion of income earned on overseas operations. The amount set aside escapes taxation for up to 5 years. Twenty percent of the amount set aside has to be returned to taxable income each year with the total amount being returned by the end of the fifth year. We have treated the amounts set aside as no interest loans by the government. We have calculated the benefit under the OMDR program to be 0.1 percent. The benefit from the export promotion assistance provided by JETRO is 0.05 percent. We have found that the fasteners industry has taken advantage of three of the four methods of assistance under the High Yen Law that were cited in T.D. 79–158. These are (1) loans at preferential rates, (2) deferment of repayment of loans, and (3) the right to carry back current losses up to three years to offset income, corporate and local taxes paid in prior years. In our calculations we have aggregated the benefits derived from the loan provisions. That benefit is 0.05 percent. The benefit obtained in the form of tax refunds is 0.07 percent. The fourth method of assistance, the special government credit guarantees, was not utilized by the fastener industry.

We verified information presented by the Japanese government through examination of individual company books and records.

Preliminary Results of Review

As a result of our calculations, we preliminarily determine that the total net subsidy conferred by the programs cited above is 0.27 percent *ad valorem*.

Ordinarily, a net subsidy of this size might be considered *de minimis* in relation to the value of the merchandise concerned. However, as established by previous Department of the Treasury practice in this case, we have decided that this rate of net subsidy is significant when compared with column 1 rates of duty for TSUS item numbers 646.54 and 646.56. The respective rates of duty for those item numbers are currently 0.7 percent and 0.2 percent *ad valorem*.

Normally, the provisions of the law contained in the TAA apply only to entries made subsequent to January 1, 1980. However, T.D. 79–158 stated that the countervailing duty rates established by that order were "estimates * * * made in the absence of information regarding benefits specifically conferred on manufacturers * * *" and that those rates would be "reviewed upon receipt of information of the precise benefit by individual Japanese fastener manufactures/exporters." Accordingly, based on the present review the Department intends to instruct the Customs Service to assess countervailing duties of 0.27 percent *ad valorem* of the f.o.b. invoice price on all unliquidated entries entered, or withdrawn from warehouse, for consumption from June 4, 1979 through December 31, 1979, and currently classifiable under TSUS item numbers 646.54 and 646.56.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 0.27 percent *ad valorem* on all shipments of such fasteners entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present administrative review.

With regard to non-metric fasteners currently classifiable under TSUS item numbers 646.17, 646.40, 647.41, 646.49, 646.51, 646.53, 646.58, 646.60, 646.63, 646.65, 646.72, 646.74, 646.75, 646.76 and 646.78 the Department considers the 0.27 percent rate of net subsidy to be *de minimis*. Therefore, we intend to instruct the Customs Service to liquidate entries of such merchandise entered, or withdrawn from warehouse, from June 4, 1979 through December 31, 1979 without regard to countervailing duties. Further, we intend to instruct the Customs Service not to collect an estimated duty deposit on shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review.

The above deposit rate for fasteners under TSUS item numbers 646.54 and 646.56, and the waiver of deposit for all other fasteners, shall remain in effect until publication of the final results of the next administrative review. The present deposit requirements for both groups of fasteners at the countervailing duty rates set forth in T.D. 77–128 and T.D. 79–158 shall remain in effect and liquidation shall continue to be suspended until the publication of the final results of the present review.

The Department is reviewing its positions with regard to the countervailability under the Act of the assistance provided by JETRO and with regard to the more than *de minimis* nature of the 0.27 percent *ad valorem* net subsidy. Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

March 25, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-9884 Filed 3-30-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Dr. Paul Gleeson; Issuance of Marine Mammal Permit

On February 3, 1981, Notice was published in the Federal Register (46 FR 10520), that an application had been filed by Dr. Paul Gleeson, Laboratory of Archeology and History, Washington State University, Pullman, Washington 99164 for a permit to collect, export, and reimport specimens of various species of marine mammals for the purpose of scientific research.

Notice is hereby given that on 3/24/81, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1972 (16 U.S.C. 1531–1543) the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit for the above taking export and reimport subject to certain conditions set forth therein.

The Permit is available for review in the following offices.

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235; and

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109

Dated: March 26, 1981.

Robert K. Crowell

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-9711 Filed 3-30-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Apparel Products From India

March 25, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the consultation level for cotton skirts in Category 342, produced or manufactured in India and exported during the agreement year which began on January 1, 1981, from 700,000 square yards equivalent (39,326 dozen) to 1.5 million square yards equivalent (84,270 dozen).

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the consultation level established for cotton apparel products in Category 342 is being increased to 84,270 dozen for the agreement year which began on January 1, 1981 and extends through December 31, 1981, at the request of the Government of India.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the Federal Register (45 FR 83647) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 342, produced or manufactured in India, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, in accordance with the terms of the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the twelve-month level previously established for Category 342 to 84,270 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

March 25, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Effective on March 30, 1981, paragraph 1 of the directive of December 16, 1980 is amended to increase the level of restraint for cotton textile products in Category 342 to 84,270 dozen.[1]

The action taken with respect to the Government of India and with respect to imports of cotton textile products from India has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-9610 Filed 3-30-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Levels of Restraint for Certain Cotton Textile Products Exported From Brazil, Effective on April 1, 1981

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing an import restraint level for cotton textile products in part of Category 369 (floor coverings) exported from Brazil, effective on April 1, 1981, at 719,570 pounds.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: The Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil establishes levels of restraint for certain cotton textile products, including Category 369(pt.), produced or manufactured in Brazil and exported to the United States during the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 369(pt.) be limited to the designated twelve-month level of restraint.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

This letter and the actions taken pursuant to its are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

March 26, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 1, 1981 and for the 12-month period extending through March 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 369 pt.,[1] produced or manufactured in Brazil, in excess of 719,570 pounds.

In carrying out this directive entries of cotton textile products in Category 369 pt., produced or manufactured in Brazil which have been exported to the United States on and after April 1, 1980 and extending through March 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the 12-month period beginning on April 1, 1980 and extending through March 31, 1981. In the event the levels of restraint established for that period have been exhausted by various entries, such goods shall be subject to the levels set forth in this letter.

The level of restraint set forth above is subject to adjustment in the future according to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on Febuary 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Repubic of Brazil and with respect to imports of cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-9823 Filed 3-30-81; 8:45 am]

BILLING CODE 3510-25-M

[1] In Category 369, only T.S.U.S.A. numbers 360.2000, 360.2500, 360.3000, 360.7600, 382.6100, 361.0510, 361.1820, 361.5000, 361.5420, and 361.5630.

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 26-30 April 1981 at the Hotel Washington, Washington, D.C.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

Sunday, 26 April, 1981—Hotel Washington

12:00 noon-9:00 p.m.—Registration
3:00 p.m.—Executive Committee Meeting
4:00 p.m.-6:00 p.m.—Orientation Briefing for New Members
7:00 p.m.-8:30 p.m.—"No Host" Dinner

Monday, 27 April 1981—Hotel Washington

8:00 a.m.-12:00 noon—Registration
9:00 a.m.-9:45 a.m.—Official Opening
10:00 a.m.-12:00 noon—OSD/Service Briefings
12:00 noon-1:30 p.m.—Luncheon (By invitation only)
1:30 p.m.-2:30 p.m.—DOJ Briefing
2:30 p.m.-5:30 p.m.—Subcommittee Meetings
7:00 p.m.-10:30 p.m.—Official Department of Defense Reception and Dinner (By invitation only)

Tuesday, 28 April 1981—Quantico, Virginia

8:30 p.m.-5:00 p.m.—Field Trip to the Marine Corps Education and Development Command at the Marine Corps Base at Quantico, VA
6:30 p.m.—Subcommittee Meetings

Wednesday, 29 April 1981—Hotel Washington

8:30 a.m.-12:00 noon—OSD/Service Briefings
12:00 noon-1:30 p.m.—"No Host" Luncheon
1:30 p.m.—Subcommittee Meetings

Thursday, 30 April 1981—Hotel Washington

8:00 a.m.-9:45 a.m.—General Business Session
—Adjourn

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at the meeting:

(1) All business sessions, to include Executive Committee sessions will be open to the public.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Captain Mary J. Mayer, USAF, DACOWITS, Executive Secretary, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, (202) 697-5655 by 17 April 1981.

(4) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(5) Oral presentations by members of the public will be permitted only from 8:00 a.m. to 8:30 a.m. on Thursday, 30 April 1981 before the full Committee.

(6) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 40 copies of the presentation/statement by 17 April 1981.

(7) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(8) Members of the public will not be permitted to enter into the oral discussion conduced by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(9) Members of the public will be permitted to orally question the scheduled speakers if time allows after the official participants have asked questions and/or made comments.

(10) Questions from the public will not be accepted during the subcommittee sessions, the Executive Committee sessions, or the Business Session on Thursday, 30 April 1981.

Additional information regarding the Committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

March 26, 1981.

[FR Doc. 81-9042 Filed 3-30-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TA81-2-31-000 (PGA81-2, IPR81-2, LFUT81-2)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

March 25, 1981.

Take notice that on February 27, 1981, Arkansas Louisiana Gas Company (Arkla) tendered for filing 24th Revised Sheet No. 185 and 3rd Revised Sheet No. 185A to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X-26, to become effective April 1, 1981.

Arkla states that the purpose of 24th Revised Sheet No. 185 is to (1) reflect the cost of purchased gas for the six months period commencing April 1, 1981, (2) recover the accumulated deferred gas costs as of December 31, 1981, (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 3rd Revised Sheet No. 185A and (4) to reflect a revision in the Louisiana First Use Tax Adjustments effective April 1, 1981.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before April 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9073 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-108-001]

Boundary Gas, Inc.; Extension of Time

March 24, 1981.

On March 23, 1981, Independent Oil and Gas Association of New York, Inc. (IOGA) filed a request for an extension of time to file a petition to intervene in response to the Commission's Notice of Amendment to Application issued March 2, 1981, in the above-docketed proceeding. In support of this request, the motion states that IOGA only recently received copies of various documents related to this proceeding. The company requires additional time to review this material and the application of Boundary Gas, Inc., which raises many serious questions that may significantly impact IOGA's members.

Upon consideration, notice is hereby given that an extension of time for the filing of petitions to intervene is granted to and including April 22, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9074 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP79-59, et al.]

Colorado Interstate Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

March 25, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 9, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
3/5/81	Colorado Interstate Gas Co	RP79-59	Report.
3/9/81	National Fuel Gas Supply Corp	RP80-135	Report.
3/9/81	Tennessee Gas Pipeline Co	RP81-44-000	Report.
3/12/81	Gulf Energy & Development Corp	RP74-86-004	Report.
3/17/81	Columbia Gas Transmission Corp	TA80-1-21-000	Report.

[FR Doc. 81-9068 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-233-000]

Columbia Gulf Transmission Co.; Application

March 25, 1981.

Take notice that on March 13, 1981, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-233-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the 12-month period commencing the date of the order and operation of various field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed facilities would not exceed $2,000,000. Applicant requests a waiver of the single-project limitation of $500,000 prescribed by § 157.7(g). It proposes to increase the single project limitation to $1,000,000. Such a waiver is necessary, states Applicant, because of the continuing increases in the cost of equipment and expenses incident to the installation of equipment. Such costs, it is stated, would be financed by working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9662 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4068-000]

Connecticut Municipal Electric Energy Cooperative; Application for Preliminary Permit

March 25, 1981.

Take notice that Connecticut Municipal Electric Energy Cooperative (Applicant) filed on January 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4068 to be known as the Farmington River Project located on the Farmington River, the West Branch of the Farmington River, the Nepaug River, and Phelps Brook in Hartford and Litchfield Counties, Connecticut. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. The application is on life with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Walter V. Truitt, Jr., Executive Director, Connecticut Municipal Electric Cooperative, 288 Thomas Road, Groton, Connecticut 06340. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would include the following existing works: (1) the Collins Company Upper Dam, having a height of 32 feet and a length of 660 feet. The dam impounds a reservoir of 55 surface acres and a storage capacity of 350 acre-feet; (2) the Collins Company Lower Dam, having a height of 33 feet and a length of 400 feet. The dam impounds a reservoir of 40 surface acres and a storage capacity of 160 acre-feet; (3) the Goodwin Dam, having a height of 125 feet and a length of 900 feet. The dam impounds a reservoir of 215 surface acres and 8,900 acre-feet of storage; (4) the Nepaug Dam, having a height of 133 feet and a length of 600 feet; and (5) the Phelps Brook Dam, having a height of 67 feet and a length of 1,250 feet. The Nepaug and Phelps Brook Dams together impound a reservoir of 900 surface acres and 34,120 acre-feet of storage capacity. The project would also utilize the U.S. Army Corps of Engineers existing Colebrook River Dam and Reservoir.

Various design alternatives for the project involve the construction or reconditioning of a powerhouse with the penstock at each of the six dam sites listed above. Depending upon the design alternatives selected, total generating capacity at the project could range up to 11,000 kW.

The Applicant estimates that the average annual energy output would be 37,400,000 kWh.

Purpose of Project—Energy generated by Project No. 4068 would be used by the Applicant for public utility purposes.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project feasibility and prepare preliminary designs and environmental assessments. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental assessments. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an applicant for a FERC license. Applicant estimates that the cost of all studies under the permit, including the preparation of a license application, would be $300,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and

consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Goodwin-Colebrook Dams Project No. 3270 and the Collins Company Dams Project No. 3271, both filed on July 29, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4068. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9667 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-360]

Connecticut Yankee Atomic Power Co.; Filing

March 24, 1981.

The filing company submits the following:

Take notice that on January 21, 1981, Connecticut Yankee Atomic Power Company submitted for filing a revised summary cost of service and a substitute for page four (4) to the filed Supplemental Power Contract. Said filing is being submitted pursuant to Commission Opinion No. 102, issued November 21, 1980, in the above referenced proceeding.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before April 14, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc 81-9663 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-260-002]

Consolidated Gas Supply Corp.; Petition To Amend

March 25, 1981.

Take notice that on March 6, 1981, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-260-002 a petition to amend the order issued October 31, 1980, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the substitution by assignment of Granite State Gas Transmission, Inc. (Granite State), for Bay State Gas Company (Bay State) as recipient of the natural gas storage service authorized in said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 31, 1980, it was authorized to render long-term natural gas storage services to Bay State pursuant to a storage service agreement between Petitioner and Bay State dated February 18, 1980.

It is submitted that Granite State, an affiliate of Bay State, has proposed to effect a realignment of various gas supply, transportation, and sales arrangements between and among Bay State, Granite State and Northern Utilities, Inc., another affiliate of Bay State.

Petitioner asserts that upon consummation of the proposed realignment Bay State proposes to assign to Granite State its rights and obligations under the February 18, 1980, agreement between Petitioner and Bay State.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9664 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-68]

Delvan Development Corp., Ciba-Geigy Corp.; Third Informal Public Conference

Issued: March 24, 1981.

Take notice that on Friday, March 27, 1981, the Staff of the Federal Energy Regulatory Commission (Commission) will convene a third informal public conference concerning the matters in the above-described docket. The conference will be open to the public and will begin at 11:30 a.m. in one of the hearing rooms of the Commission, as designated on the premises.

The conferences will be held in conjunction with an informal staff conference simultaneously convened by the Staff in Docket No. SA80-8, *Wallace Energy Corporation.*

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9563 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 302]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 24, 1981.

V 46 / 61 / MR 31 81 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 24, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION								
AMERADA HESS CORPORATION					RECEIVED: 08/08/81 JAS LA			
0180364	81-854	1711280978	102		PACIANE NO 4 PACIANE RA SUA	BANCKER	641.0	LOUISIANA RESOURCES
0180362	81-873	1711280894	102		NAVARD 13700 RA SUC 01	ESTHER	1136.0	LOUISIANA RESOURCES
0180361	81-852	1711280847	102		BARRERA HEIRS 02	ESTHER	693.0	LOUISIANA RESOURCES
AMOCO PRODUCTION CO					RECEIVED: 08/08/81 JAS LA			
0180322	81-820	1705280498	103		E C MILLER SD SU N 6830 SU	SOUTH JENNINGS	179.0	UNITED GAS PIPELINE
0180370	81-864	1703281507	103		MIAMI CORPORATION NO 38	SOUTH PECAN LAKE	730.0	COLUMBIA GAS TRANSMI
0180321	81-816	1703280662	107		T D BICKHAM JR SD 10000 TUSC RA SUA	PORT HUDSON	0.0	LOUISIANA INTRASTATE
ANGELA EXPLORATION COMPANY					RECEIVED: 08/08/81 JAS LA			
0180329	81-822	1707282743	102		STEINBERG 01	TIGERS RIDGE	288.0	SOUTHERN NATURAL GAS
ANN HARRIS & ASSOCIATES INC					RECEIVED: 08/08/81 JAS LA			
0180400	81-881	1711282283	102		ERMA SIMMS JONES 01 PET RA SUSD	NORTH SHONGALOO - RED SD	10.0	UNITED GAS PIPE LINE
AD I LONG					RECEIVED: 08/08/81 JAS LA			
0180401	81-882	1708280442	102		LOUISIANA-PACIFIC 01	MCCLELLEN	20.0	UNITED GAS PIPE LINE
ARCO EXPLORATION AND PRODUCTION CO					RECEIVED: 08/08/81 JAS LA			
0180403	81-878	1709180182	102		J L SMITH JR 01 CV DAVID RB SUB	RIDDLEPORK	280.0	MISSISSIPPI RIVER TR
ASHTON INC					RECEIVED: 08/08/81 JAS LA			
0180317	81-854	1710181179	107		FAIRFAX-FOSTER-SAILEY 01	EAST FRANKLIN	0.0	
BAILEY DRILLING CO INC					RECEIVED: 08/08/81 JAS LA			
0180408	81-888	1707281649	108		AS WHITE EST 05	ROMROE GAS	20.0	MID LOUISIANA GAS CO
0180409	81-889	1707281650	108		AS WHITE EST 06	ROMROE GAS	20.0	MID LOUISIANA GAS CO
0180401	81-890	1707281658	108		AS WHITE EST 07	ROMROE GAS	20.0	MID LOUISIANA GAS CO
BENGTSON U S A INC					RECEIVED: 08/08/81 JAS LA			
0180388	81-858	1707280832	107		E A BROOKS NO 1 U TUSC RA SUB	JUDGE DIGBY	840.0	SUGAR BOWL GAS CORP
0180368	81-844	1708180582	103		FLEMING PLANTATION 1-89	SARATARIA	0.0	UNITED GAS PIPE LINE
0180365	81-838	1707282718	103		I M PRICE ET AL NO 89	COQUILLE BAY	640.0	SOUTHERN NATURAL GAS
0180368	81-858	1707280848	107		J B LOWREY 01 10300 TUSC RA SUA	ELBA	0.0	TRANSCONTINENTAL GAS
BOOTHEN PETROLEUM CORPORATION					RECEIVED: 08/08/81 JAS LA			
0180431	81-883	1708180883	103		A LESSER NO 3	CRANLEY	10.0	TENNESSEE GAS PIPELI
0180344	81-836	1708281444	103		TOOKE ET AL NO 1	ELM GROVE	880.0	SOUTHWESTERN ELECTRI
BRITISH GAS, COMPANY					RECEIVED: 08/08/81 JAS LA			
0180406	81-886	1701281484	103		HUNTER 01	ARKANA	160.0	ARKANSAS LOUISIANA G
0180407	81-887	1701281485	103		INTERNATIONAL PAPER CO B 01	ARKANA	480.0	ARKANSAS LOUISIANA G
BRITISH GAS COMPANY					RECEIVED: 08/08/81 JAS LA			
0180368	81-874	1709980848	103		S L BIGG 01 SERIAL 8170887	SIMON PASS	100.0	TEXAS GAS TRANSMISSI
BROWN L DAN					RECEIVED: 08/08/81 JAS LA			
0180315	81-886	1711281842	102		GUY BAINER ORGUSBAND B NO 1	BANCKER	720.0	LOUISIANA RESOURCES
BUTLER CO INC					RECEIVED: 08/08/81 JAS LA			
0180402	81-892	1701782428	103		B SIMPSON NO 2	GREENWOOD-WASKOM	0.0	ARKANSAS LOUISIANA G
0180360	81-842	1701782706	103		J W HODSON ETAL NO 2 PKY SUE	GREENWOOD - WASKOM	90.0	ARKLA GAS CO
0180361	81-843	1701782707	103		BONIAT SD PKY SUB N	GREENWOOD-WASKOM	90.0	TEXAS EASTERN TRANSM

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-ELI REBICH					RECEIVED: 03/09/81 JAS LA			
81200486	81-388	1703100008	108		BARLEY NO 4 (SN 111408)	CANADIAN BAYOU	10.0	TEXAS EASTERN TRANSM
-EXCALIBUR RESOURCES INC					RECEIVED: 03/09/81 JAS LA			
81200469	81-361	1703101366	103		CONTINENTAL GROUP #1	GROGAN	185.0	TENNESSEE GAS PIPELI
-EXXON CORPORATION					RECEIVED: 03/09/81 JAS LA			
81200387	81-377	1709900048	103		GOODRICH C 015 DL OPERC 8 RA SU	DUCK LAKE	4.0	UNITED GAS PIPE LINE
-FRANKS & PETROFUNDS INC					RECEIVED: 03/09/81 JAS LA			
81200480	81-372	1701300375	103		E W MERRITT A NO 1-C HOSS A SUL	WEST BRYCELAND	300.0	TEXAS EASTERN TRANSM
-FRANKS PETROLEUM INC ETAL					RECEIVED: 03/09/81 JAS LA			
81200464	81-358	1707301899	103		PARNELL A NO 1 HOSS 6000 RA SUA	NORTH CARLTON	100.0	SOUTHERN NATURAL GAS
-FRANKLEYLAND					RECEIVED: 03/09/81 JAS LA			
81200356	81-366	1701300374	103		ROCHELLE NO 1-C HOSS A SUBS	WEST BRYCELAND	300.0	LOUISIANA GAS PURCHA
-GAS RESOURCES INC					RECEIVED: 03/09/81 JAS LA			
81200441	81-333	1711102678	103		EXXON 89	MONROE GAS	10.0	INC EXPLORATION CO I
-GATOR HAWK GAS CO					RECEIVED: 03/09/81 JAS LA			
81200380	81-370	1707301847	108		BARDIN 81	MONROE	10.2	UNITED GAS PIPELINE
81200470	81-368	1707301486	108		BARDIN 83	MONROE	9.2	UNITED GAS PIPELINE
81200473	81-365	1707301429	108		BARDIN 84	MONROE	9.2	UNITED GAS PIPELINE
81200381	81-371	1707301430	108		BARDIN 85	MONROE	9.2	UNITED GAS PIPELINE
81200382	81-372	1707301431	108		BARDIN 86	MONROE	10.2	UNITED GAS PIPELINE
81200472	81-364	1707301440	108		BARDIN 87	MONROE	10.2	UNITED GAS PIPELINE
81200471	81-363	1707301441	108		BARDIN 88	MONROE	10.2	UNITED GAS PIPELINE
-GEORGE BARROW					RECEIVED: 03/09/81 JAS LA			
81200481	81-373	1709901888	103		LA PAC NO 1	ULLA	0.0	TRUNK LINE GAS CO
-GEORGE R SCHUHMAN					RECEIVED: 03/09/81 JAS LA			
81200466	81-357	1703101888	103		H J GOLBERT 88	SPIDER FIELD	300.0	LOUISIANA INTRASTATE
-GLENDA PETROLEUM CORP					RECEIVED: 03/09/81 JAS LA			
81200446	81-338	1711102866	108		BARBONNE CO 1 #1 S/N 107162	MONROE	10.2	MID LA GAS CO
81200376	81-344	1711102892	108		BARBONNE CO 82 #1 S/N 107715	MONROE	10.2	MID LOUISIANA GAS CO
81200377	81-347	1711102896	108		BARBONNE CO 82 #2 S/N 107810	MONROE	10.2	MID LOUISIANA GAS CO
81200378	81-348	1711102898	108		HAYE #3 S/N 108486	MONROE	10.2	MID LOUISIANA GAS CO
81200379	81-349	1711102899	108		HAYE #4 S/N 108807	MONROE	10.3	MID LOUISIANA GAS CO
81200440	81-332	1711102868	108		RABUN 1 #3 S/N 108103	MONROE	10.0	MID LA GAS CO
81200447	81-339	1711102883	108		RABUN 3 #1 S/N 108810	MONROE	10.4	MID LA GAS CO
81200448	81-340	1711102884	108		RABUN 3 #2 S/N 108811	MONROE	10.6	MID LA GAS CO
81200458	81-342	1711102887	108		RABUN 3 #3 S/N 108834	MONROE	10.4	MID LA GAS CO
81200449	81-341	1711102888	108		RABUN 3 #4 S/N 108838	MONROE	10.6	MID LA GAS CO
-GOLDKING PRODUCTION COMPANY					RECEIVED: 03/09/81 JAS LA			
81200433	81-335	1701900097	103		GEORGIA GRACE #1 (1043331)	HAYES	0.0	
-GRACE PETROLEUM CORPORATION					RECEIVED: 03/09/81 JAS LA			
81200380	81-340	1701702868	103		ISABELLE NO 1	LONGWOOD	320.0	ARKANSAS LOUISIANA G
81200361	81-351	1701702387	103		HONEYMAN NO 4	LONGWOOD FIELD	432.0	ARKANSAS LOUISIANA G
-GULF SOUTHERN OIL & GAS CO INC					RECEIVED: 03/09/81 JAS LA			
81200343	81-345	1703101400	103		HOLLAND #1 8490 VUA	BIG LAKE	321.0	TENNESSEE GAS PIPELI
-HUMPHREY PETROLEUM CORPORATION					RECEIVED: 03/09/81 JAS LA			
81200482	81-334	1703101303	103		BAILEY NO 1	BENSON	320.0	LOUISIANA INTRASTATE
81200483	81-344	1703101417	103		BETTY POLLOCK ET AL NO 1	SPIDER	100.0	LOUISIANA INTRASTATE
81200367	81-346	1703101169	103		FRANKLIN NO 5	EAST SPIDER	80.0	MID LOUISIANA GAS CO
81200485	81-335	1703101898	103		MARY NEWELL NO 1	WILDCAT	100.0	LOUISIANA INTRASTATE
81200344	81-346	1703101107	103		VALENTINE NO 1	WILDCAT	104.0	MID LOUISIANA GAS CO
-HUNT OIL CORPORATION					RECEIVED: 03/09/81 JAS LA			
81200366	81-356	1778700115	102		COB 51 N VOA SL 7803 WELL NO 1	CHANDELEUR SOUND BLOCK 9	550.0	SOUTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
81200458	81-346	1707502757	103		SS 7A RC SU SL 195 SS 9310	QUARANTINE BAY	55.0	UNITED GAS PIPELINE
-MILLEARD OIL & GAS INC					RECEIVED: 03/09/81 JAS LA			

JD NO	JA DKT	API NO	SEC T RGE NAME			
01R0456	81-346	17073982797 103	08 7A RC 8U 8L 193 DB 8310			
-HILLLAND OIL & GAS INC						
01R0397	80-3693	17113280994 103	T 8UIKE #1			
-HOUSTON OIL & MINERALS CORPORATION						
01R0373	81-283	17038281377 103	B L 3099 #1			
01R0372	81-282	17038281313 103	B L 7933 #1			
-JAMES A MCKINNON JR						
01R0396	81-286	17097821744 103	PELTO OIL CO ET AL NO 4			
-JIM V HARDOX						
01R0446	81-334	17113281741 106	MKITZ #1			
-JOHN L CAMPBELLAND						
01R0288	80-3811	17096801447 103	PANDEE NO 1 (16803)			
-JOSEPH-MCCABE OIL CO INC						
01R0539	81-441	17073801742 103	WILDLIFE 1 CO MA 8UD A			
-MAGGE PRODUCTION CO						
01R0325	81-337	17107803561 103	FISHER LOR CO NO 1 LPO LT 8U			
-MB EXPLORATION INC						
01R0479	81-371	17008801361 103	KNOST NO 1			
-MALMAC ENERGY						
01R0443	81-338	17113283288 106	EXXON 12 #1			
01R0445	81-337	17113283289 106	EXXON 12 #2			
01R0444	81-336	17113283266 106	EXXON 12 #3			
-MARATHON OIL COMPANY						
01R0436	81-335	17113280863 106	W DURRE NO 1 TH 8IPH BAY 1 8U			
-MARSHALL EXPLORATION INC						
01R0316	81-314	17031809914 106	P L BALKMIATH #1 PBB MA 8U 19			
01R0408	81-294	17031800440 103	PONVILLE #1 PBB MA 8U 107			
01R0399	81-291	17031800971 103	HORN #2 PBB MA 8U #1			
01R0423	81-319	17031809703 106	J A MARRIDON ET AL #1 PBB MA 8U 13			
01R0400	81-298	17031800311 103	JAMES A PAGE #1 PBB MA 8U 40			
-MICHAEL MCKINNON JR						
01R0401	81-293	17031800128 103	MATTIE MORTINE PODREE #1			
01R0396	81-290	17031800110 103	MRS TATE VANBROUGH #1 PBB MA 8U 60			
01R0486	81-318	17031809704 106	PYLE-PODREE #1 PBB MA 8U 30			
01R0421	81-313	17031809701 106	RAMSEY ET AL #1 PBB MA 8U 41			
01R0422	81-317	17031809706 106	RAMSEY ET AL #2 PBB MA 8U 16			
-MCP LOUISIANA GAS COMPANY						
01R0487	81-329	17113281308 106	MLBC PEE BAB NO 668			
01R0493	81-330	17113281701 106	MLBC PEE BAB NO 681			
01R0494	81-331	17113281706 106	MLBC PEE BAB NO 698			
01R0492	81-332	17113281707 106	MLBC PEE BAB NO 704			
01R0512	81-416	17113281708 106	MLBC PEE BAB NO 734			
01R0513	81-417	17113281709 106	MLBC PEE BAB NO 740			
01R0514	81-411	17113281710 106	MLBC PEE BAB NO 742			
01R0515	81-412	17113281711 106	MLBC PEE BAB NO 760			
01R0516	81-413	17113281712 106	MLBC PEE BAB NO 790			
01R0517	81-414	17113281713 106	MLBC PEE BAB NO 800			

FIELD NAME	RMDD	PURCHASER
GUARANTINE BAY	95.0	UNITED GAS PIPELINE
ERATH 3663	125.0	DOW CHEMICAL U S A
NORTH BASING LAKE	850.0	TRANSCONTINENTAL GAS
NORTH BASING LAKE	819.0	TRANSCONTINENTAL GAS
NORTH PATTERSAUX	0.0	SUGAR BOWL GAS CORP.
MONROE	0.0	MID LOUISIANA GAS CO
CREETON	100.0	UNITED GAS PIPE LINE
MILWAYEN	150.0	LOUISIANA INTRASTATE
LAKE POMPOSA	110.0	LEGENT RIDGE GAS CO
SOMERVILLE	109.0	
MONROE GAS	12.0	WEST MONROE GAS GATH
MONROE	6.0	WEST MONROE GAS GATH
TINSALL	3.0	UNITED GAS PIPE LINE
LOGANSPORT	10.0	TRANSCONE GAS PIPELI
LOGANSPORT	0.0	TRANSCONE GAS PIPELI
LOGANSPORT	0.0	TRANSCONE GAS PIPELI
LOGANSPORT	10.0	TRANSCONE GAS PIPELI
LOGANSPORT	35.0	COUISIANA INTRASTATE
LOGANSPORT	20.0	LOUISIANA INTRASTATE
LOGANSPORT	837.0	TRANSCONE GAS PIPELI
LOGANSPORT	19.0	SOUTHERN NATURAL GAS
LOGANSPORT	19.0	TRANSCONE GAS PIPELI
LOGANSPORT	19.0	TRANSCONE GAS PIPELI
LOGANSPORT	19.0	TRANSCONE GAS PIPELI
LOGANSPORT	16.0	TRANSCONE GAS PIPELI
MONROE FIELD	82.0	
MONROE FIELD	15.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	
MONROE FIELD	0.0	

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
01400800	01-0400	17111000000	103 RLOC PRE GAS NO 016	MONROE FIELD	10.0	
01400810	01-0410	17111000010	103 RLOC PRE GAS NO 015	MONROE FIELD	20.0	
01400820	01-0420	17111000020	103 RLOC PRE GAS NO 044	MONROE FIELD	7.0	
01400830	01-0430	17111000030	103 RLOC PRE GAS NO 045	MONROE FIELD	15.0	
01400840	01-0440	17111000040	103 RLOC PRE GAS NO 046	MONROE FIELD	6.0	
01400850	01-0450	17111000050	103 RLOC PRE GAS NO 047	MONROE FIELD	20.0	
01400860	01-0460	17111000060	103 RLOC PRE GAS NO 048	MONROE FIELD	10.0	
01400870	01-0470	17111000070	103 RLOC PRE GAS NO 049	MONROE FIELD	18.0	
01400880	01-0480	17111000080	103 RLOC PRE GAS NO 050	MONROE FIELD	20.0	
01400890	01-0490	17111000090	103 RLOC PRE GAS NO 051	MONROE FIELD	7.0	
01400900	01-0500	17111000100	103 RLOC PRE GAS NO 052	MONROE FIELD	40.0	
01400910	01-0510	17111000110	103 RLOC PRE GAS NO 053	MONROE FIELD	30.0	
01400920	01-0520	17111000120	103 RLOC PRE GAS NO 054	MONROE FIELD	70.0	
01400930	01-0530	17111000130	103 RLOC PRE GAS NO 055	MONROE FIELD	80.0	
01400940	01-0540	17111000140	103 RLOC PRE GAS NO 056	MONROE FIELD	70.0	
01400950	01-0550	17111000150	103 RLOC PRE GAS NO 057	MONROE FIELD	60.0	
01400960	01-0560	17111000160	103 RLOC PRE GAS NO 058	MONROE FIELD	70.0	
01400970	01-0570	17111000170	103 RLOC PRE GAS NO 059	MONROE FIELD	60.0	
01400980	01-0580	17111000180	103 RLOC PRE GAS NO 060	MONROE FIELD	70.0	
01400990	01-0590	17111000190	103 RLOC PRE GAS NO 061	MONROE FIELD	60.0	
01401000	01-0600	17111000200	103 RLOC PRE GAS NO 062	MONROE FIELD	70.0	
01401010	01-0610	17111000210	103 RLOC PRE GAS NO 063	MONROE FIELD	60.0	
01401020	01-0620	17111000220	103 RLOC PRE GAS NO 064	MONROE FIELD	70.0	
01401030	01-0630	17111000230	103 RLOC PRE GAS NO 065	MONROE FIELD	60.0	
01401040	01-0640	17111000240	103 RLOC PRE GAS NO 066	MONROE FIELD	70.0	
01401050	01-0650	17111000250	103 RLOC PRE GAS NO 067	MONROE FIELD	60.0	
01401060	01-0660	17111000260	103 RLOC PRE GAS NO 068	MONROE FIELD	70.0	
01401070	01-0670	17111000270	103 RLOC PRE GAS NO 069	MONROE FIELD	60.0	
01401080	01-0680	17111000280	103 RLOC PRE GAS NO 070	MONROE FIELD	70.0	
01401090	01-0690	17111000290	103 RLOC PRE GAS NO 071	MONROE FIELD	60.0	
01401100	01-0700	17111000300	103 RLOC PRE GAS NO 072	MONROE FIELD	70.0	
01401110	01-0710	17111000310	103 RLOC PRE GAS NO 073	MONROE FIELD	60.0	
01401120	01-0720	17111000320	103 RLOC PRE GAS NO 074	MONROE FIELD	70.0	
01401130	01-0730	17111000330	103 RLOC PRE GAS NO 075	MONROE FIELD	60.0	
01401140	01-0740	17111000340	103 RLOC PRE GAS NO 076	MONROE FIELD	70.0	
01401150	01-0750	17111000350	103 RLOC PRE GAS NO 077	MONROE FIELD	60.0	
01401160	01-0760	17111000360	103 RLOC PRE GAS NO 078	MONROE FIELD	70.0	
01401170	01-0770	17111000370	103 RLOC PRE GAS NO 079	MONROE FIELD	60.0	
01401180	01-0780	17111000380	103 RLOC PRE GAS NO 080	MONROE FIELD	70.0	
01401190	01-0790	17111000390	103 RLOC PRE GAS NO 081	MONROE FIELD	60.0	
01401200	01-0800	17111000400	103 RLOC PRE GAS NO 082	MONROE FIELD	70.0	
01401210	01-0810	17111000410	103 RLOC PRE GAS NO 083	MONROE FIELD	60.0	
01401220	01-0820	17111000420	103 RLOC PRE GAS NO 084	MONROE FIELD	70.0	
01401230	01-0830	17111000430	103 RLOC PRE GAS NO 085	MONROE FIELD	60.0	
01401240	01-0840	17111000440	103 RLOC PRE GAS NO 086	MONROE FIELD	70.0	
01401250	01-0850	17111000450	103 RLOC PRE GAS NO 087	MONROE FIELD	60.0	
01401260	01-0860	17111000460	103 RLOC PRE GAS NO 088	MONROE FIELD	70.0	
01401270	01-0870	17111000470	103 RLOC PRE GAS NO 089	MONROE FIELD	60.0	
01401280	01-0880	17111000480	103 RLOC PRE GAS NO 090	MONROE FIELD	70.0	
01401290	01-0890	17111000490	103 RLOC PRE GAS NO 091	MONROE FIELD	60.0	
01401300	01-0900	17111000500	103 RLOC PRE GAS NO 092	MONROE FIELD	70.0	
01401310	01-0910	17111000510	103 RLOC PRE GAS NO 093	MONROE FIELD	60.0	
01401320	01-0920	17111000520	103 RLOC PRE GAS NO 094	MONROE FIELD	70.0	
01401330	01-0930	17111000530	103 RLOC PRE GAS NO 095	MONROE FIELD	60.0	
01401340	01-0940	17111000540	103 RLOC PRE GAS NO 096	MONROE FIELD	70.0	
01401350	01-0950	17111000550	103 RLOC PRE GAS NO 097	MONROE FIELD	60.0	
01401360	01-0960	17111000560	103 RLOC PRE GAS NO 098	MONROE FIELD	70.0	
01401370	01-0970	17111000570	103 RLOC PRE GAS NO 099	MONROE FIELD	60.0	
01401380	01-0980	17111000580	103 RLOC PRE GAS NO 100	MONROE FIELD	70.0	
01401390	01-0990	17111000590	103 RLOC PRE GAS NO 101	MONROE FIELD	60.0	
01401400	01-1000	17111000600	103 RLOC PRE GAS NO 102	MONROE FIELD	70.0	
01401410	01-1010	17111000610	103 RLOC PRE GAS NO 103	MONROE FIELD	60.0	
01401420	01-1020	17111000620	103 RLOC PRE GAS NO 104	MONROE FIELD	70.0	
01401430	01-1030	17111000630	103 RLOC PRE GAS NO 105	MONROE FIELD	60.0	
01401440	01-1040	17111000640	103 RLOC PRE GAS NO 106	MONROE FIELD	70.0	
01401450	01-1050	17111000650	103 RLOC PRE GAS NO 107	MONROE FIELD	60.0	
01401460	01-1060	17111000660	103 RLOC PRE GAS NO 108	MONROE FIELD	70.0	
01401470	01-1070	17111000670	103 RLOC PRE GAS NO 109	MONROE FIELD	60.0	
01401480	01-1080	17111000680	103 RLOC PRE GAS NO 110	MONROE FIELD	70.0	
01401490	01-1090	17111000690	103 RLOC PRE GAS NO 111	MONROE FIELD	60.0	
01401500	01-1100	17111000700	103 RLOC PRE GAS NO 112	MONROE FIELD	70.0	
01401510	01-1110	17111000710	103 RLOC PRE GAS NO 113	MONROE FIELD	60.0	
01401520	01-1120	17111000720	103 RLOC PRE GAS NO 114	MONROE FIELD	70.0	
01401530	01-1130	17111000730	103 RLOC PRE GAS NO 115	MONROE FIELD	60.0	
01401540	01-1140	17111000740	103 RLOC PRE GAS NO 116	MONROE FIELD	70.0	
01401550	01-1150	17111000750	103 RLOC PRE GAS NO 117	MONROE FIELD	60.0	
01401560	01-1160	17111000760	103 RLOC PRE GAS NO 118	MONROE FIELD	70.0	
01401570	01-1170	17111000770	103 RLOC PRE GAS NO 119	MONROE FIELD	60.0	
01401580	01-1180	17111000780	103 RLOC PRE GAS NO 120	MONROE FIELD	70.0	
01401590	01-1190	17111000790	103 RLOC PRE GAS NO 121	MONROE FIELD	60.0	
01401600	01-1200	17111000800	103 RLOC PRE GAS NO 122	MONROE FIELD	70.0	
01401610	01-1210	17111000810	103 RLOC PRE GAS NO 123	MONROE FIELD	60.0	
01401620	01-1220	17111000820	103 RLOC PRE GAS NO 124	MONROE FIELD	70.0	
01401630	01-1230	17111000830	103 RLOC PRE GAS NO 125	MONROE FIELD	60.0	
01401640	01-1240	17111000840	103 RLOC PRE GAS NO 126	MONROE FIELD	70.0	
01401650	01-1250	17111000850	103 RLOC PRE GAS NO 127	MONROE FIELD	60.0	
01401660	01-1260	17111000860	103 RLOC PRE GAS NO 128	MONROE FIELD	70.0	
01401670	01-1270	17111000870	103 RLOC PRE GAS NO 129	MONROE FIELD	60.0	
01401680	01-1280	17111000880	103 RLOC PRE GAS NO 130	MONROE FIELD	70.0	
01401690	01-1290	17111000890	103 RLOC PRE GAS NO 131	MONROE FIELD	60.0	
01401700	01-1300	17111000900	103 RLOC PRE GAS NO 132	MONROE FIELD	70.0	
01401710	01-1310	17111000910	103 RLOC PRE GAS NO 133	MONROE FIELD	60.0	
01401720	01-1320	17111000920	103 RLOC PRE GAS NO 134	MONROE FIELD	70.0	
01401730	01-1330	17111000930	103 RLOC PRE GAS NO 135	MONROE FIELD	60.0	
01401740	01-1340	17111000940	103 RLOC PRE GAS NO 136	MONROE FIELD	70.0	
01401750	01-1350	17111000950	103 RLOC PRE GAS NO 137	MONROE FIELD	60.0	
01401760	01-1360	17111000960	103 RLOC PRE GAS NO 138	MONROE FIELD	70.0	
01401770	01-1370	17111000970	103 RLOC PRE GAS NO 139	MONROE FIELD	60.0	
01401780	01-1380	17111000980	103 RLOC PRE GAS NO 140	MONROE FIELD	70.0	
01401790	01-1390	17111000990	103 RLOC PRE GAS NO 141	MONROE FIELD	60.0	
01401800	01-1400	17111001000	103 RLOC PRE GAS NO 142	MONROE FIELD	70.0	
01401810	01-1410	17111001010	103 RLOC PRE GAS NO 143	MONROE FIELD	60.0	
01401820	01-1420	17111001020	103 RLOC PRE GAS NO 144	MONROE FIELD	70.0	
01401830	01-1430	17111001030	103 RLOC PRE GAS NO 145	MONROE FIELD	60.0	
01401840	01-1440	17111001040	103 RLOC PRE GAS NO 146	MONROE FIELD	70.0	
01401850	01-1450	17111001050	103 RLOC PRE GAS NO 147	MONROE FIELD	60.0	
01401860	01-1460	17111001060	103 RLOC PRE GAS NO 148	MONROE FIELD	70.0	
01401870	01-1470	17111001070	103 RLOC PRE GAS NO 149	MONROE FIELD	60.0	
01401880	01-1480	17111001080	103 RLOC PRE GAS NO 150	MONROE FIELD	70.0	
01401890	01-1490	17111001090	103 RLOC PRE GAS NO 151	MONROE FIELD	60.0	
01401900	01-1500	17111001100	103 RLOC PRE GAS NO 152	MONROE FIELD	70.0	
01401910	01-1510	17111001110	103 RLOC PRE GAS NO 153	MONROE FIELD	60.0	
01401920	01-1520	17111001120	103 RLOC PRE GAS NO 154	MONROE FIELD	70.0	
01401930	01-1530	17111001130	103 RLOC PRE GAS NO 155	MONROE FIELD	60.0	
01401940	01-1540	17111001140	103 RLOC PRE GAS NO 156	MONROE FIELD	70.0	
01401950	01-1550	17111001150	103 RLOC PRE GAS NO 157	MONROE FIELD	60.0	
01401960	01-1560	17111001160	103 RLOC PRE GAS NO 158	MONROE FIELD	70.0	
01401970	01-1570	17111001170	103 RLOC PRE GAS NO 159	MONROE FIELD	60.0	
01401980	01-1580	17111001180	103 RLOC PRE GAS NO 160	MONROE FIELD	70.0	
01401990	01-1590	17111001190	103 RLOC PRE GAS NO 161	MONROE FIELD	60.0	
01402000	01-1600	17111001200	103 RLOC PRE GAS NO 162	MONROE FIELD	70.0	
01402010	01-1610	17111001210	103 RLOC PRE GAS NO 163	MONROE FIELD	60.0	
01402020	01-1620	17111001220	103 RLOC PRE GAS NO 164	MONROE FIELD	70.0	
01402030	01-1630	17111001230	103 RLOC PRE GAS NO 165	MONROE FIELD	60.0	
01402040	01-1640	17111001240	103 RLOC PRE GAS NO 166	MONROE FIELD	70.0	
01402050	01-1650	17111001250	103 RLOC PRE GAS NO 167	MONROE FIELD	60.0	
01402060	01-1660	17111001260	103 RLOC PRE GAS NO 168	MONROE FIELD	70.0	
01402070	01-1670	17111001270	103 RLOC PRE GAS NO 169	MONROE FIELD	60.0	
01402080	01-1680	17111001280	103 RLOC PRE GAS NO 170	MONROE FIELD	70.0	
01402090	01-1690	17111001290	103 RLOC PRE GAS NO 171	MONROE FIELD	60.0	
01402100	01-1700	17111001300	103 RLOC PRE GAS NO 172	MONROE FIELD	70.0	
01402110	01-1710	17111001310	103 RLOC PRE GAS NO 173	MONROE FIELD	60.0	
01402120	01-1720	17111001320	103 RLOC PRE GAS NO 174	MONROE FIELD	70.0	
01402130	01-1730	17111001330	103 RLOC PRE GAS NO 175	MONROE FIELD	60.0	
01402140	01-1740	17111001340	103 RLOC PRE GAS NO 176	MONROE FIELD	70.0	
01402150	01-1750	17111001350	103 RLOC PRE GAS NO 177	MONROE FIELD	60.0	
01402160	01-1760	17111001360	103 RLOC PRE GAS NO 178	MONROE FIELD	70.0	
01402170	01-1770	17111001370	103 RLOC PRE GAS NO 179	MONROE FIELD	60.0	
01402180	01-1780	17111001380	103 RLOC PRE GAS NO 180	MONROE FIELD	70.0	
01402190	01-1790	17111001390	103 RLOC PRE GAS NO 181	MONROE FIELD	60.0	
01402200	01-1800	17111001400	103 RLOC PRE GAS NO 182	MONROE FIELD	70.0	
01402210	01-1810	17111001410	103 RLOC PRE GAS NO 183	MONROE FIELD	60.0	
01402220	01-1820	17111001420	103 RLOC PRE GAS NO 184	MONROE FIELD	70.0	
01402230	01-1830	17111001430	103 RLOC PRE GAS NO 185	MONROE FIELD	60.0	
01402240	01-1840	17111001440	103 RLOC PRE GAS NO 186	MONROE FIELD	70.0	
01402250	01-1850	17111001450	103 RLOC PRE GAS NO 187	MONROE FIELD	60.0	
01402260	01-1860	17111001460	103 RLOC PRE GAS NO 188	MONROE FIELD	70.0	
01402270	01-1870	17111001470	103 RLOC PRE GAS NO 189	MONROE FIELD	60.0	
01402280	01-1880	17111001480	103 RLOC PRE GAS NO 190	MONROE FIELD	70.0	
01402290	01-1890	17111001490	103 RLOC PRE GAS NO 191	MONROE FIELD	60.0	
01402300	01-1900	17111001500	103 RLOC PRE GAS NO 192	MONROE FIELD	70.0	
01402310	01-1910	17111001510	103 RLOC PRE GAS NO 193	MONROE FIELD	60.0	
01402320	01-1920	17111001520	103 RLOC PRE GAS NO 194	MONROE FIELD	70.0	
01402330	01-1930	17111001530	103 RLOC PRE GAS NO 195	MONROE FIELD	60.0	
01402340	01-1940	17111001540	103 RLOC PRE GAS NO 196	MONROE FIELD	70.0	
01402350	01-1950	17111001550	103 RLOC PRE GAS NO 197	MONROE FIELD	60.0	
01402360	01-1960	17111001560	103 RLOC PRE GAS NO 198	MONROE FIELD	70.0	
01402370	01-1970	17111001570	103 RLOC PRE GAS NO 199	MONROE FIELD	60.0	
01402380	01-1980	17111001580	103 RLOC PRE GAS NO 200	MONROE FIELD	70.0	
01402390	01-1990	17111001590	103 RLOC PRE GAS NO 201	MONROE FIELD	60.0	
01402400	01-2000	17111001600	103 RLOC PRE GAS NO 202	MONROE FIELD	70.0	
01402410	01-2010	17111001610	103 RLOC PRE GAS NO 203	MONROE FIELD	60.0	
01402420	01-2020	17111001620	103 RLOC PRE GAS NO 204	MONROE FIELD	70.0	
01402430	01-2030	17111001630	103 RLOC PRE GAS NO 205	MONROE FIELD	60.0	
01402440	01-2040	17111001640	103 RLOC PRE GAS NO 206	MONROE FIELD	70.0	
01402450	01-2050	17111001650	103 RLOC PRE GAS NO 207	MONROE FIELD	60.0	
01402460	01-2060	17111001660	103 RLOC PRE GAS NO 208	MONROE FIELD	70.0	
01402470	01-2070	17111001670	103 RLOC PRE GAS NO 209	MONROE FIELD	60.0	
01402480	01-2080	17111001680	103 RLOC PRE GAS NO 210	MONROE FIELD	70.0	
01402490	01-2090	17111001690	103 RLOC PRE GAS NO 211	MONROE FIELD	60.0	
01402500	01-2100	17111001700	103 RLOC PRE GAS NO 212	MONROE FIELD	70.0	
01402510	01-2110	17111001710	103 RLOC PRE GAS NO 213	MONROE FIELD	60.0	
01402520	01-2120	17111001720	103 RLOC PRE GAS NO 214	MONROE FIELD	70.0	
01402530	01-2130	17111001730	103 RLOC PRE GAS NO 215	MONROE FIELD	60.0	
01402540	01-2140	17111001740	103 RLOC PRE GAS NO 216	MONROE FIELD	70.0	
01402550	01-2150	17111001750	103 RLOC PRE GAS NO 217	MONROE FIELD	60.0	
01402560	01-2160	17111001760	103 RLOC PRE GAS NO 218	MONROE FIELD	70.0	
01402570	01-2170	17111001770	103 RLOC PRE GAS NO 219	MONROE FIELD	60.0	
01402580	01-2180	17111001780	103 RLOC PRE GAS NO 220	MONROE FIELD	70.0	
01402590	01-2190	17111001790	103 RLOC PRE GAS NO 221	MONROE FIELD	60.0	
01402600	01-2200	17111001800	103 RLOC PRE GAS NO 222	MONROE FIELD	70.0	
01402610	01-2210	17111001810	103 RLOC PRE GAS NO 223	MONROE FIELD	60.0	
01402620	01-2220	17111001820	103 RLOC PRE GAS NO 224	MONROE FIELD	70.0	
01402630	01-2230	17111001830	103 RLOC PRE GAS NO 225	MONROE FIELD	60.0	
01402640	01-2240	17111001840	103 RLOC PRE GAS NO 226	MONROE FIELD	70.0	
01402650	01-2250	17111001850	103 RLOC PRE GAS NO 227	MONROE FIELD	60.0	
01402660	01-2260	17111001860	103 RLOC PRE GAS NO 228	MONROE FIELD	70.0	
01402670	01-2270	17111001870	103 RLOC PRE GAS NO 229	MONROE FIELD	60.0	
01402680	01-2280	17111001880	103 RLOC PRE GAS NO 230	MONROE FIELD	70.0	
01402690	01-2290	17111001890	103 RLOC PRE GAS NO 231	MONROE FIELD	60.0	
01402700	01-2300	17111001900	103 RLOC PRE GAS NO 232	MONROE FIELD	70.0	
01402710	01-2310	17111001910	103 RLOC PRE GAS NO 233	MONROE FIELD	60.0	
01402720	01-2320	17111001920	103 RLOC PRE GAS NO 234	MONROE FIELD	70.0	
01402730	01-2330	17111001930	103 RLOC PRE GAS NO 235	MONROE FIELD	60.0	
01402740	01-2340	17111001940	103 RLOC PRE GAS NO 236	MONROE FIELD	70.0	
01402750	01-2350	17111001950	103 RLOC PRE GAS NO 237	MONROE FIELD	60.0	
01402760	01-2360	17111001960	103 RLOC PRE GAS NO 238	MONROE FIELD	70.0	
01402770	01-2370	17111001970	103 RLOC PRE GAS NO 239	MONROE FIELD	60.0	
01402780	01-2380	17111001980	103 RLOC PRE GAS NO 240	MONROE FIELD	70.0	
01402790	01-2390	17111001990	103 RLOC PRE GAS NO 241	MONROE FIELD	60.0	
01402800	01-2400	17111002000	103 RLOC PRE GAS NO 242	MONROE FIELD	70.0	
01402810	01-2410	17111002010	103 RLOC PRE GAS NO 243	MONROE FIELD	60.0	
01402820	01-2420	17111002020	103 RLOC PRE GAS NO 244	MONROE FIELD	70.0	
01402830	01-2430	17111002030	103 RLOC PRE GAS NO 245	MONROE FIELD	60.0	
01402840	01-2440	17111002040	103 RLOC PRE GAS NO 246	MONROE FIELD	70.0	
01402850	01-2450	17111002050	103 RLOC PRE GAS NO 247	MONROE FIELD	60.0	
01402860	01-2460	17111002060	103 RLOC PRE GAS NO 248	MONROE FIELD	70.0	
01402870	01-2470	17111002070	103 RLOC PRE GAS NO 249	MONROE FIELD	60.0	
01402880	01-2480	17111002080	103 RLOC PRE GAS NO 250	MONROE FIELD	70.0	
01402890	01-2490	17111002090	103 RLOC PRE GAS NO 251	MONROE FIELD	60.0	
01402900	01-2500	17111002100	103 RLOC PRE GAS NO 252	MONROE FIELD	70.0	
01402910	01-2510	17111002110	103 RLOC PRE GAS NO 253	MONROE FIELD	60.0	
01402920	01-2520	17111002120	103 RLOC PRE GAS NO 254	MONROE FIELD	70.0	
01402930	01-2530	17111002130	103 RLOC PRE GAS NO 255	MONROE FIELD	60.0	
01402940	01-2540	17111002140	103 RLOC PRE GAS NO 256	MONROE FIELD	70.0	
01402950	01-2550	17111002150	103 RLOC PRE GAS NO 257	MONROE FIELD	60.0	
01402960	01-2560	17111002160	103 RLOC PRE GAS NO 258	MONROE FIELD	70.0	
01402970	01-2570	17111002170	103 RLOC PRE GAS NO 259	MONROE FIELD	60.0	
01402980	01-2580	17111002180	103 RLOC PRE GAS NO 260	MONROE FIELD	70.0	
01402990	01-2590	17111002190	103 RLOC PRE GAS NO 261	MONROE FIELD	60.0	
01403000	01-2600	17111002200	103 RLOC PRE GAS NO 262	MONROE FIELD	70.0	
01403010	01-2610	17111002210	103 RLOC PRE GAS NO 263	MONROE FIELD	60.0	
01403020	01-2620	17111002220	103 RLOC PRE GAS NO 264	MONROE FIELD	70.0	
01403030	01-2630	17111002230	103 RLOC PRE GAS NO 265	MONROE FIELD	60.0	
01403040	01-2640	17111002240	103 RLOC PRE GAS NO 266	MONROE FIELD	70.0	
01403050	01-2650	17111002250	103 RLOC PRE GAS NO 267	MONROE FIELD	60.0	
01403060	01-2660	17111002260	103 RLOC PRE GAS NO 268	MONROE FIELD	70.0	
01403070	01-2670	17111002270	103 RLOC PRE GAS NO 269	MONROE FIELD	60.0	
01403080	01-2680	17111002280	103 RLOC PRE GAS NO 270	MONROE FIELD	70.0	
01403090	01-2690	17111002290	103 RLOC PRE GAS NO 271	MONROE FIELD	60.0	
01403100	01-2700	17111002300	103 RLOC PRE GAS NO 272	MONROE FIELD	70.0	
01403110	01-2710	17111002310	103 RLOC PRE GAS NO 273	MONROE FIELD	60.0	
01403120	01-2720	17111002320	103 RLOC PRE GAS NO 274	MONROE FIELD	70.0	
01403130	01-2730	17111002330	103 RLOC PRE GAS NO 275	MONROE FIELD	60.0	
01403140	01-2740	17111002340	103 RLOC PRE GAS NO 276	MONROE FIELD	70.0	
01403150	01-2750	17111002350	103 RLOC PRE GAS NO 277	MONROE FIELD	60.0	
01403160	01-2760	17111002360	103 RLOC PRE GAS NO 278	MONROE FIELD	70.0	
01403170	01-2770	17111002370	103 RLOC PRE GAS NO 279	MONROE FIELD	60.0	
01403180	01-2780	17111002380	103 RLOC PRE GAS NO 280	MONROE FIELD	70.0	
01403190	01-2790	17111002390	103 RLOC PRE GAS NO 281	MONROE FIELD	60.0	
01403200	01-2800	17111002400	103 RLOC PRE GAS NO 282	MONROE FIELD	70.0	
01403210	01-2810	17111002410	103 RLOC PRE GAS NO 283	MONROE FIELD	60.0	
01403220	01-2820	17111002420	103 RLOC PRE GAS NO 284	MONROE FIELD	70.0	
01403230	01-2830	17111002430	103 RLOC PRE GAS NO 285	MONROE FIELD	60.0	
01403240	01-2840	17111002440	103 RLOC PRE GAS NO 286	MONROE FIELD	70.0	
01403250	01-2850	17111002450	103 RLOC PRE GAS NO 287	MONROE FIELD	60.0	
01403260	01-2860	17111002460	103 RLOC PRE GAS NO 288	MONROE FIELD	70.0	
01403270	01-2870	17111002470	103 RLOC PRE GAS NO 289	MONROE FIELD	60.0	
01403280	01-2880	17111002480	103 RLOC PRE GAS NO 290	MONROE FIELD	70.0	
01403290	01-2890	17111002490	103 RLOC PRE GAS NO 291	MONROE FIELD	60.0	
01403300	01-2900	17111002500	103 RLOC PRE GAS NO 292	MONROE FIELD	70.0	
01403310	01-2910	17111002510	103 RLOC PRE GAS NO 293	MONROE FIELD	60.0	
01403320	01-2920	17111002520	103 RLOC PRE GAS NO 294	MONROE FIELD	70.0	
01403330	01-2930	17111002530	103 RLOC PRE GAS NO 295	MONROE FIELD	60.0	
01403340	01-2940	17111002540	103 RLOC PRE GAS NO 296	MONROE FIELD	70.0	
01403350	01-2950	17111002550	103 RLOC PRE GAS NO 297	MONROE FIELD	60.0	
01403360	01-2960	17111002560	103 RLOC PRE GAS NO 298	MONROE FIELD	70.0	
01403370	01-2970	17111002570	103 RLOC PRE GAS NO 299	MONROE FIELD	60.0	
01403380	01-2980	17111002580	103 RLOC PRE GAS NO 300	MONROE FIELD	70.0	
01403390	01-2990	17111002590	103 RLOC PRE GAS NO 301	MONROE FIELD	60.0	
01403400	01-3000	17111002600	103 RLOC PRE GAS NO 302	MONROE FIELD	70.0	
01403410	01-3010	17111002610	103 RLOC PRE GAS NO 303	MONROE FIELD	60.0	
01403420	01-3020	17111002620	103 RLOC PRE GAS NO 304	MONROE FIELD	70.0	
01403430	01-3030	17111002630	103 RLOC PRE GAS NO 305	MONROE FIELD	60.0	
01403440	01-3040	17111002640	103 RLOC PRE GAS NO 306	MONROE FIELD	70.0	
01403450	01-3050	17111002650	103 RLOC PRE GAS NO 307	MONROE FIELD	60.0	
01403460	01-3060	17111002660	103 RLOC PRE GAS NO 308	MONROE FIELD	70.0	
01403470	01-3070	17111002670	103 RLOC PRE GAS NO 309	MONROE FIELD	60.0	
01403480	01-3080	17111002680	103 RLOC PRE GAS NO 310	MONROE FIELD	70.0	
01403490	01-3090	17111002690	103 RLOC PRE GAS NO 311	MONROE FIELD	60.0	
01403500	01-3100	17111002700	103 RLOC PRE GAS NO 312	MONROE FIELD	70.0	
01403510	01-3110	17111002710	103 RLOC PRE GAS NO 313	MONROE FIELD	60.0	
01403520	01-3120	17111002720	103 RLOC PRE GAS NO 314	MONROE FIELD	70.0	
01403530	01-3130	17111002730	103 RLOC PRE GAS NO 315	MONROE FIELD	60.0	
01403540	01-3140	17111002740	103 RLOC PRE GAS NO 316	MONROE FIELD	70.0	
01403550	01-3150	17111002750	103 RLOC PRE GAS NO 317	MONROE FIELD	60.0	
01403560	01-3160	17111002760	103 RLOC PRE GAS NO 318	MONROE FIELD	70.0	
01403570	01-3170	17111002770	103 RLOC PRE GAS NO 319	MONROE FIELD	60.0	
01403580	01-3180	17111002780	103 RLO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
81Ø8408	81-8ØØ	17111128613	108		HOPKINS ESTATE #6	MONROE	11.0	TEXAS GAS TRANSMISSI
81Ø8407	81-8Ø9	17111128669	108		J D TAYLOR #2	MONROE	10.0	TEXAS GAS TRANSMISSI
81Ø8413	81-8Ø8	17111128611	108		J D TAYLOR #3	MONROE	11.0	TEXAS GAS TRANSMISSI
81Ø8418	81-8Ø4	17111128887	108		J D TAYLOR #8	MONROE	10.0	TEXAS GAS TRANSMISSI
81Ø8404	81-8Ø6	17111128164	108		GLINKRAFT #1	MONROE	11.0	TEXAS GAS TRANSMISSI
81Ø8409	81-8Ø7	17111128165	108		GLINKRAFT #2	MONROE	13.0	TEXAS GAS TRANSMISSI
81Ø8411	81-8Ø3	17111128818	108		T BAKER #2	MONROE	11.0	TEXAS GAS TRANSMISSI
*RELIANCE TRUSTS					RECEIVED: 07/17/80 JAS LA			
81Ø8355	80-8836	17111128097	108		GLINKRAFT #34	MONROE	11.0	TEXAS GAS TRANSMISSI
*RELIANCE TRUSTS					RECEIVED: 03/06/81 JAS LA			
81Ø8414	81-8Ø6	17111128109	108		GLINKRAFT #35	MONROE	11.0	TEXAS GAS TRANSMISSI
81Ø8415	81-8Ø7	17111128531	108		T L JAMES #2	MONROE	11.0	TEXAS GAS TRANSMISSI
*RICHARD B NELSON ET AL					RECEIVED: 03/06/81 JAS LA			
81Ø8397	81-8Ø9	17111Ø8Ø833	103		BURDON HEIRS A NO 1	ADA	139.0	ARKANSAS LOUISIANA G
*RODERICK WELL SERVICE					RECEIVED: 03/06/81 JAS LA			
81Ø8496	81-8Ø8	17073Ø81648	103		PENNZOIL OSTERLAND #2	MONROE	10.1	UNITED GAS PIPELINE
81Ø8497	81-8Ø6	17073Ø81647	103		PENNZOIL OSTERLAND NO 1	MONROE	10.1	UNITED GAS PIPELINE
81Ø8498	81-8Ø7	17073Ø81649	103		PENNZOIL OSTERLAND NO 3	MONROE	10.1	UNITED GAS PIPELINE
81Ø8499	81-8Ø8	17073Ø81650	103		PENNZOIL OSTERLAND NO 4	MONROE	10.1	UNITED GAS PIPELINE
81Ø8500	81-8ØØ	17073Ø81648	103		PENNZOIL OSTERLAND NO 6	MONROE	10.1	UNITED GAS PIPELINE
81Ø8500	81-8Ø9	17073Ø81649	103		PENNZOIL OSTERLAND NO 7	MONROE	10.1	UNITED GAS PIPELINE
*SEWARD COMPANY INC					RECEIVED: 03/06/81 JAS LA			
81Ø8392	81-884	17007Ø8ØØ8	103		BOSSMAN EST NO 1 GUILLORY SU 8	SAVOY FIELD	75.0	TEXAS EASTERN TRANSM
81Ø8371	81-861	17001Ø8Ø78	103		M B VAUTROT EST NO 3	BAYOU MALLET	183.0	MONTEREY PIPELINE CO
81Ø8384	81-874	17Ø3Ø8Ø819	103		J B LAPLEUR NO 1 CC RA SUB	NORTH SAVOY FIELD	248.0	TEXAS EASTERN TRANSM
*SHELL OIL CO					RECEIVED: 03/06/81 JAS LA			
81Ø8Ø88	81-881	17ØØ3Ø8ØØ3Ø	107		M E CARAWAY NO 1	WILDCAT (NATCHEZ AREA)	30.0	
81Ø8Ø19	81-826	17Ø478Ø8Ø1	102		WILBERT NO 241 SERIAL NO 160734	WHITE CASTLE	0.0	FLORIDA GAS TRANSMIS
*SIGNAL PETROLEUM					RECEIVED: 03/06/81 JAS LA			
*81Ø8Ø38	81-840	17Ø75Ø8Ø76Ø	103		LN 81 RA SU 8/L 2104 Ø10	LAKE WASHINGTON	66.0	SOUTHERN NATURAL GAS
81Ø8389	81-881	17Ø75Ø8Ø47Ø	103		VUI 8/L 2028 Ø16	LAKE WASHINGTON	73.0	SOUTHERN NATURAL GAS
*SOURCE PETROLEUM INC					RECEIVED: 03/06/81 JAS LA			
81Ø8378	81-868	17ØØ38Ø191	103		JAMES POURTEAU ET AL NO 1	BUNCHY CREEK	0.0	
*SOUTH LOUISIANA PRODUCTION CO INC					RECEIVED: 03/06/81 JAS LA			
*81Ø8367	81-857	17Ø33Ø8ØØ99	107		MCCOLLESTER #1 17000 TUSC RA SUC	IRENE	0.0	TRANSCONTINENTAL GAS
*SOUTHERN NATURAL GAS COMPANY					RECEIVED: 03/06/81 JAS LA			
81Ø8440	81-832	17109Ø82187	103		EXXON FEE RD 1-0 MTC TEX W SU	MONTEGUT	15.3	SOUTHERN NATURAL GAS
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/06/81 JAS LA			
81Ø8488	81-831	17Ø31Ø1198	103		D N BELL NO 1	TRENTON	75.0	TENNESSEE GAS PIPELI
81Ø8467	81-889	17ØØ38Ø434	103		DELHI UT NO 118-B "	DELHI	0.0	TEXAS EASTERN TRANSM
*TEXACO INC					RECEIVED: 03/06/81 JAS LA			
81Ø8463	81-853	17109Ø82320	103		CAILLOU ISLAND NO 12 SL 2986	CAILLOU ISLAND	87.0	KAISER ALUMINUM & CH
81Ø8344	81-846	17113Ø8Ø99Ø	103		FELIX VALLOT B	GROSSE ISLE	15.2	
81Ø8379	81-860	17097Ø1644Ø	103		LATERRE CO INC 271	GOLDEN MEADOW	73.0	KAISER ALUMINUM & CH
*81Ø8Ø48	81-847	17101Ø11Ø1	103		MIAMI CORPORATION G TR-B 6	COTE BLANCHE ISLAND	0.0	SUGAR BOWL GAS CORP
81Ø8468	81-868	17109Ø8Ø41	103		RABBIT ISLAND 8193 SL 340	RABBIT ISLAND	14.4	KAISER ALUMINUM & CH
81Ø8477	81-869	17109Ø8Ø48	103		RIB 10000 AB RD SU SL 340 ND 194	RABBIT ISLAND 7870	491.5	KAISER ALUMINUM & CHEM
81Ø8393	81-888	17109Ø8Ø33	103		RIB 9700 RDL SU SL 340 ND 184	RABBIT ISLAND	100.0	KAISER ALUMINUM & CHEM
81Ø8478	81-878	17109Ø8Ø34	103		RIB 9700 RR SU SL 340 ND 190	RABBIT ISLAND	348.0	KAISER ALUMINUM & CHEM
*THE STONE OIL CORPORATION					RECEIVED: 03/06/81 JAS LA			
81Ø8427	81-819	17057Ø1717	107		SABINE CORPORATION #2	RACELAND	0.0	
*UNION OIL COMPANY OF CALIF					RECEIVED: 03/06/81 JAS LA			

PROD	PURCHASER
40.0	UNITED GAS PIPE LINE
200.0	TEXAS GAS TRANSMISSI
870.0	UNITED GAS PIPE LINE
10.0	
35.0	COLUMBIA GAS TRANSMI
10.0	SUGAR BOWL GAS CORP
0.0	LOUISIANA INTRASTATE
75.0	LOUISIANA INTRASTATE
100.0	LOUISIANA INTRASTATE
0.0	LOUISIANA INTRASTATE

FIELD NAME	SA DIST	API NO	SEC D WELL NAME
GOOD HOPE	01-010	17000000489	103 GATX NO 19 P RA SUU
LAKE PAGIE	01-0110	17100000875	103 LATERRE C WELL NO 12 LPG SU
TINBALIER BAY	01-0086	17007811568	103 STATE LEASE 3000 WELL NO 16
EAST WHITE LAKE	01-0004	17111381041	103 VERMILION SCHOOL BOARD A 016
SWEET LAKE	01-0007	17108381148	103 YOUNT LEE OIL COMPANY NO 46
PRICE LAKE	01-0072	17005900466	106 R J P STURLEE B-1 VUA 0119013
	CONT'D PUBLISHER		REQUESTED) 09/09/81 JAI LA
	CONT'D LA	CLOVELLY	REQUESTED) 09/09/81 JAI LA
SOUTH CLARKO	01-0056	17001100070	103 MIN 01
SOUTH CLARKO	01-0057	17001100711	103 MIN 03 LA [ILLEGIBLE]
	CONT'D LA	PRODUCTION COMPANY	REQUESTED) 09/09/81 JAI LA
SECOND BAYOU	01-0013	17008301100	107 J H HIGGINBOTHAM NO 4
NORTH CRIOLA	01-0048	17003301304	102 RUDD NO 1 CLARK RA SUC
NORTH CRIOLA	01-0053	17003301868	102 VALLETTE NO 1 CLARK RA SUC

OTHER PURCHASERS VOLUME NO 1392

01203D0 LOUISIANA GAS INTRASTATE INC
01203G2 SOUTHERN NATURAL GAS CO
01203G7 TEXAS GAS TRANS CORP
01203G01 TENNESSEE GAS PL CO
01203G21 TEXAS GAS TRANS CORP
01203G38 TENNESSEE GAS TRANS CO
01203G42 CHEVRON CHEMICAL CO
01203G45 ASHLAND OIL INC

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[FR Doc. 81-
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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9088 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 393]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 24, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD						
ELF AQUITAINE INC			RECEIVED: 03/09/81 JA: MS			
0180484	1-81-463	2306720038 102	RALPH THOMAS 3-10	CALEDONIA	168.5	
GULF OIL CORPORATION			RECEIVED: 03/09/81 JA: MS			
0180488	10-80-11	2307320822 103	MRS L T SIMPSON NO 12	BAXTERVILLE	0.0	UNITED GAS PIPE LINE
KILROY CO OF TEXAS			RECEIVED: 03/09/81 JA: MS			
0180484	5-81-561	2308920002 102	R D SANDERS #2	SLANCY	500.0	MISSISSIPPI FUEL CO
MOCCO OIL CO INC			RECEIVED: 03/09/81 JA: MS			
0180481	118-80-32	2306320898 102	LOGAN A NO 2 WELL	RODNEY FIELD	175.0	LOCUST RIDGE GAS PRO
0180481	118-80-32	2306320898 103	LOGAN A NO 2 WELL	RODNEY FIELD	175.0	LOCUST RIDGE GAS PRO
MYSTIK FUELS INC			RECEIVED: 03/09/81 JA: MS			
0180483	6-81-420	2306320160 107	WALTER JONES 2500 WELL NO 1	HOLIDAY CREEK FIELD	98.0	
TOMLINSON INTERESTS INC			RECEIVED: 03/09/81 JA: MS			
0180488	9-81-467	2309120121 107	JERRY THORNHILL #2	EAST MORGANTOWN	0.0	TRANSCONTINENTAL GAS
MONTANA BOARD OF OIL & GAS CONSERVATION						
HAPER PRODUCTION COMPANY			RECEIVED: 03/10/81 JA: MT			
0180492	11-80-831	2510181817 102	BRANNER #1-34	WILDCAT	28.8	MONTANA POWER CO
0180491	11-80-832	2510181879 102	WILSON #1-4	ANTELOPE COULEE	17.3	MONTANA POWER CO
0180490	11-80-830	2510181788 102	NOWLRABE #1-8	WILDCAT	104.0	MONTANA POWER CO
OKLAHOMA CORPORATION COMMISSION						
CHERRY PETROLEUM CORP			RECEIVED: 03/05/81 JA: OK			
0180456	07878	3504722013 103	KENNEMUND NO 6-1	SOONER TREND	0.0	UNION TEXAS PETROLEU
EARL E BUNDELL			RECEIVED: 03/05/81 JA: OK			
0180464	07438	3504721989 103	WINCHESTER #3	SOONER TREND	36.5	UNION TEXAS PETROLEU
CHAMPLIN PETROLEUM COMPANY			RECEIVED: 03/05/81 JA: OK			
0180453	07818	3507300000 108	CHARLES A HARRIS NO 1	DOVER-HENNESSEY	6.0	MUSTANG FUEL CORP
0180448	07819	3507300000 108	CHARLES A HARRIS NO 2	DOVER-HENNESSEY	6.0	MUSTANG FUEL CORP
0180464	07800	3508300000 108	W E C GATRON NO 1	CASHION	80.0	CITIES SERVICE OIL C
CHASE EXPLORATION CORP			RECEIVED: 03/05/81 JA: OK			
0180463	07864	3507121600 103	DAY 02-28	NEVA	1.0	CITIES SERVICE GAS C
0180462	07865	3507121644 103	EKLUND 02-11	NEVA	0.0	CITIES SERVICE GAS C
0180471	07864	3507121640 103	NEAL 02-15	NEVA	3.1	CITIES SERVICE GAS C
0180466	07860	3507121160 103	ROWE 01-34	NEVA	0.0	CITIES SERVICE GAS C
0180478	07868	3507121533 103	VOEGELE 03-01	NEVA	0.0	CITIES SERVICE GAS C
COTTON PETROLEUM CORPORATION			RECEIVED: 03/05/81 JA: OK			
0180481	07800	3513901897 103	COOPER NO 1	SPOONY	0.0	KANSAS NEBRASKA NATU
C L BROOKS			RECEIVED: 03/05/81 JA: OK			
0180440	07871	3507322940 103	BRECKENRIDGE 1-26	SOONER TREND	0.0	DMG WESTERN INC

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
EASON OIL COMPANY			RECEIVED: 03/05/81 JA: OK			
0180473	07883	3504908111 103	LEDGERWOOD #1	GOLDEN TREND	18.0	CITIES SERVICE GAS
EDMISTON OIL COMPANY			RECEIVED: 03/05/81 JA: OK			
0180474	07885	3504908111 103	LEDGERWOOD #1	GOLDEN TREND	18.0	CITIES SERVICE GAS
ENSERCH EXPLORATION INC			RECEIVED: 03/05/81 JA: OK			
0180460	07880	3507322940 103	BRECKENRIDGE 1-26	SOONER TREND	0.0	DMG WESTERN INC
0180461	07881	3507322940 103	BRECKENRIDGE 1-26	SOONER TREND	0.0	DMG WESTERN INC
0180462	07882	3507322940 103	BRECKENRIDGE 1-26	SOONER TREND	0.0	DMG WESTERN INC

JD NO	JA DKT	API NO	SEC	D WELL NAME		
-EASON OIL COMPANY				RECEIVED: 03/09/81	JA: DK	
8180573	07883	3504902111	103	LEDGERWOOD #1		
-GULF OIL CORPORATION				RECEIVED: 03/09/81	JA: DK	
8180536	07428	3507322983	103	P M PATTERSON #1-12		
-HARPER OIL COMPANY				RECEIVED: 03/09/81	JA: DK	
8180576	07008	3509321343	103	DAISY #1		
-8180586	03644	3504781613	103	RALPH T SPONHER #3		
-HELMERICH & PAYNE INC				RECEIVED: 03/09/81	JA: DK	
8180544	10430	3500980311	107	CUPP NO 2 & VIOLA		
-HEXTON OIL CO				RECEIVED: 03/09/81	JA: DK	
8180588	07089	3511181050	108	HARRIS #13-1		
-IMPERIAL OIL COMPANY				RECEIVED: 03/09/81	JA: DK	
8180552	07328	3515180578	108	HOLBANOTT #1-13		
-J.C CO EXPLORATION INC				RECEIVED: 03/09/81	JA: DK	
8180567	07443	3507322519	103	JICO-HARRIS #1		
-L. O HARD				RECEIVED: 03/09/81	JA: DK	
8180580	07491	3502700000	103	KING #1-9		
-MAGGET & MAGGET				RECEIVED: 03/09/81	JA: DK	
8180569	07473	3504722139	103	NELSON #1 DTC 9067-00194		
-MAY PETROLEUM INC				RECEIVED: 03/09/81	JA: DK	
8180578	07534	3501181445	103	COMPTON #1		
8180579	07533	3501181037	103	WINKLE #1		
-MORGAN & STEINERT INC				RECEIVED: 03/09/81	JA: DK	
8180588	07472	3507322408	103	WEST PUMA #1		
-NRM PETROLEUM CORPORATION				RECEIVED: 03/09/81	JA: DK	
8180568	07469	3500721707	103	LULA #1		
-PORTS OF CALL OIL CO				RECEIVED: 03/09/81	JA: DK	
8180581	10142	3501320963	107	TOM CAT NO 14-1		
8180559	07468	3501721534	103	WOODS BROS #4-2		
8180556	07467	3501721537	103	WOODS BROS #8-3		
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED: 03/09/81	JA: DK	
8180579	07521	3501721368	103	DARLA SUE NO 1		
-RESOURCES INVESTMENT CORPORATION				RECEIVED: 03/09/81	JA: DK	
8180557	07460	3502700000	103	NELSN #1		
-RESKO EXPLORATION CO				RECEIVED: 03/09/81	JA: DK	
8180578	02828	3515180103	108	TRISSELL 7A		
-ROGER N WHEELER				RECEIVED: 03/09/81	JA: DK	
8180577	07492	3504700000	103	BIRCHALL-CARISTENSEN #1		
-SAMEDAN OIL CORPORATION				RECEIVED: 03/09/81	JA: DK	
8180561	07501	3501721476	103	C MEYERS NO 1-25		
-SAMSON RESOURCES COMPANY				RECEIVED: 03/09/81	JA: DK	
8180560	07500	3507720207	103	GOLDEN UNIT NO 1		
8180587	06988	3507720370	103	HANMOND NO 1		
-TENNECO OIL COMPANY				RECEIVED: 03/09/81	JA: DK	
8180591	07493	3506320955	103	WILBANKS E-30		
-TEXAS PACIFIC OIL COMPANY INC				RECEIVED: 03/09/81	JA: DK	
8180563	07046	3501320819	103	MILLER #1		
-TONNER PETROLEUM CO				RECEIVED: 03/09/81	JA: DK	
8180580	07388	3501120147	103	PAULSEN #29-1		
-TRANSIERRA EXPLORATION CORP				RECEIVED: 03/09/81	JA: DK	
8180562	07048	3504722177	103	PAUL MARINER NO 2		
8180578	07498	3506121048	103	STATE SCHOOL LAND NO 2		

FIELD NAME	PROD	PURCHASER
GOLDEN TREND	18.0	CITIES SERVICE GAS
ALTONA	214.0	OKLAHOMA NATURAL GAS
RINGWOOD	23.0	PHILLIPS PETROLEUM C
SOONER TREND	36.0	ARKANSAS LOUISIANA G
S W MAYFIELD	200.0	MICHIGAN WISCONSIN P
W BEGGS	0.0	PHILLIPS PETROLEUM
HOLBANOTT	17.0	PANHANDLE EASTERN PI
SOONER TREND	38.0	GASON OIL CO
SOUTHWEST CORN	91.3	SUN GAS CO
SOUTH DRUMMOND	100.0	PHILLIPS PETROLEUM C
WATONGA-CHICKASHA	100.0	DELHI GAS PIPELINE C
WATONGA TREND	200.0	DELHI GAS PIPELINE C
SOONER TREND	100.0	PANHANDLE EASTERN PI
MOCANE-LAVERNE	200.0	NORTHERN NATURAL GAS
WILD CAT	0.0	MICHIGAN WISCONSIN P
N W YUKON	200.0	MOBIL OIL CORP
N W YUKON	128.0	MOBIL OIL CORP
EAST YUKON	9.3	PHILLIPS PETROLEUM C
N W NORMAN	100.3	SUN GAS CO
SAND CREEK - GUINLAND	13.0	WESTERN FARMERS ELEC
S DRUMMOND	0.0	CITIES SERVICE GAS C
	0.0	DELHI GAS PIPELINE C
KINTA	0.0	ARKANSAS LOUISIANA G
SOUTH MCCURTAIN	51.1	ARKANSAS LOUISIANA G
HILL TOP SW	95.4	
N E VERDEN	18.0	MOBIL OIL CORP
NORTH OAKWOOD	108.3	DELHI GAS PIPELINE C
BARBER FIELD	72.0	ATLANTIC RICHFIELD C
SW PRAIRIE BEN FIELD	9.0	SUN OIL CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WILLIAM M FULLER(ADEMAR CO)					RECEIVED: 03/05/81 JA: OK			
0180835	07415	3515321073	103		EASON NO 1	SHARON WEST	365.0	NORTHERN NATURAL GAS
-WILLIAM M88 PROPERTIES INC					RECEIVED: 03/05/81 JA: OK			
0180800	05048	3507322339	103		WLADIK 3 NO 1 (RED FORK)	SOONER TREND	32.0	PHILLIPS PETROLEUM C
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-FOX OIL & GAS INC					RECEIVED: 03/13/81 JA: PA			
0180880	5133	3712981484	108		DON MEFFE 01	SOUTH HUNTINGDON	12.0	LOUDEN PROPERTIES CO
UTAH DIVISION OF OIL,GAS, & MINING								
-FRANK B ADAMS					RECEIVED: 03/06/81 JA: UT			
0180898	K-104-1(B)	4301930891	108		ADAMS & BIDDAR 01 JOUPLAS	GREATER CISCO AREA	0.0	NORTHWEST PIPELINE C
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
-ALPHA TWENTY-ONE PRODUCTION CO					RECEIVED: 03/06/81 JA: NM 4			
0180000	NM 1706-80	3000586784	103		HARRISON FEDERAL NO 3	YATES - SEVEN RIVERS - J	30.0	EL PASO NATURAL GAS
-AMERADA HESS CORPORATION					RECEIVED: 03/06/81 JA: NM 4			
0180004	NM-1841-80	3003981369	108		J APAGAE M TR 2 03	SOUTH BLANCO	15.1	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 03/06/81 JA: NM 4			
0180000	NM-1670-80	3004522989	108		A L ELLIOTT E WELL 01	BLANCO PICTURED CLIFFS	81.0	EL PASO NATURAL GAS
0180040	NM 1704-80	3004524382	103		ELLIOTT GAS COM N NO 1E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
0180050	NM-1781-80	3004524428	103		GALLEGOS CANYON UNIT NO 109E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
0180016	NM 1749-80	3004524800	103		GALLEGOS CANYON UNIT NO 109E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
0180040	NM 1706-80	3003981999	103		JICARILLA CONTRACT 148 NO 17	OTERO-CHACRA	90.0	EL PASO NATURAL GAS
0180041	NM-1795-80	3003982000	103		JICARILLA CONTRACT 148 NO 18	BASIN DAKOTA	90.0	EL PASO NATURAL GAS
-ARCO OIL AND GAS COMPANY					RECEIVED: 03/06/81 JA: NM 4			
0180894	NM-0881-80	3003982699	108		LANGLEY DEEP 01 (DEVONIAN)	LANGLEY (DEVONIAN)	130.0	EL PASO NATURAL GAS
-BILLY J KNOTT					RECEIVED: 03/06/81 JA: NM 4			
0180887	NM-1787-80	3004523684	108		KNOTT 01	NAN FRUITLAND	81.0	EL PASO NATURAL GAS
-BRADLEY M KEYES					RECEIVED: 03/06/81 JA: NM 4			
0180000	NM-1714-80	3004506350	108		YOCKEY 01	FULCHER KUTZ PC	10.0	EL PASO NATURAL GAS
0180010	NM-1715-80	3004506371	108		YOCKEY 04	FULCHER KUTZ PC	11.0	EL PASO NATURAL GAS
-BTA OIL PRODUCERS					RECEIVED: 03/06/81 JA: NM 4			
0180020	NM 1783-80	3002527031	103		7406 JV-S LEA 21 03	TANSILL-YATES (CONANCHE-	36.7	EL PASO NATURAL GAS
0180021	NM 1784-80	3002527041	103		7406 JV-S LEA 21 04	TANSILL-YATES (CONANCHE	36.7	EL PASO NATURAL GAS
-CITIES SERVICE COMPANY					RECEIVED: 03/06/81 JA: NM 4			
0180040	NM-0889-81	3001923252	108		GOVERNMENT AR 01	WILDCAT	30.0	
-CONOCO INC.					RECEIVED: 03/06/81 JA: NM 4			
0180830	NM 1703-80	3003526941	103		BRITT B NO 27	NMFU - ABO	613.0	EL PASO NATURAL GAS
-CONSOLIDATED OIL & GAS INC					RECEIVED: 03/06/81 JA: NM 4			
0180834	NM-1788-80-A	3004524321	103		CAIN #1-E	GALLUP	0.0	SOUTHERN UNION GATHE
0180835	NM-1788-80-B	3004524321	103		CAIN 1-E	BASIN-DAKOTA	0.0	SOUTHERN UNION GATHE
-EL PASO NATURAL GAS COMPANY					RECEIVED: 03/06/81 JA: NM 4			
0180011	NM-1717-80	3003980792	108		CANYON LARGO UNIT NP 0838	GONZALES MESA VERDE	17.0	EL PASO NATURAL GAS
0180007	NM-1837-80	3004520906	108		DAY A 018	BLANCO-PICTURED CLIFFS G	20.0	EL PASO NATURAL GAS
0180047	NM-1810-80	3004520922	108		HARDIE E 04	SOUTH BLANCO PICTURED CL	19.0	EL PASO NATURAL GAS
0180048	NM-1803-80	3004520216	108		MEATON 003	AZTEC PICTURED CLIFFS	10.0	EL PASO NATURAL GAS
0180092	NM 002-81-ER	3004507181	108		NOWELL 2	BLANCO-MESAVERDE, SOU	0.0	EL PASO NATURAL GAS
0180046	NM-1809-80	3003980904	108		LINDRITH UNIT 003	SOUTH BLANCO - PICTURED	28.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0180898	NM-1883-80	3004521101	108		NUDGE 033	BLANCO - PICTURED CLIFFS	17.0	EL PASO NATURAL GAS
0180045	NM-1808-80	3004521025	108		NUDGE 038 PC	BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
0180050	NM-1821-80	3003907002	108		RIPLEY 03	BLANCO - MESA VERDE	19.0	EL PASO NATURAL GAS
0180013	NM 1745-80	3003981856	103		SAN JUAN 27-4 UNIT 0134			

JD NO	JA DKT	API NO	SEC	D	WELL NAME
01800940	NM-1825-80	3000981101	100		MUDGE #33
01800948	NM-1823-80	3000981088	100		RIPLEY #3 PC
01800949	NM-1821-80	3000981086	100		SAN JUAN 27-4 UNIT 613A
01800953	NM-1828-80	3000981088	103		SAN JUAN 27-5 UNIT 61G
01800957	NM-0838-81	3000980978	100		SAN JUAN 27-5 UNIT 66G
01800962	NM-1822-80	3000980974	100		SAN JUAN 28-5 UNIT 63G
01800969	NM-1818-80	3000980787	100		SAN JUAN 28-5 UNIT 63G
01800994	NM-1841-80	3000980106	100		SAN JUAN 28-5 UNIT 07Y
01800995	NM-1879-80	3000980780	100		SAN JUAN 28-5 UNIT 09
01800996	NM-1823-80	3000980788	100		SAN JUAN 28-7 UNIT 02G
01800997	NM-1808-80	3000980771	100		SAN JUAN 28-7 UNIT 010I
01800998	NM-1813-80	3000980779	100		SAN JUAN 28-5 UNIT 01I
					-SAN JUAN INC
01800999	NM-0319-80	3001382999	102		BIG EBBY UNIT NO 73
					-SOUTHLAND ROYALTY CO
01800997	NM-1834-80	3000980017	100		HANKS 04
01800953	NM-1800-80	3000981308	100		PAGE GRY
01800958	NM-1839-80	3000980680	100		PIERCE 04
					-SUN OIL COMPANY (DELAWARE)
01800958	NM-1837-80	3000980483	103		NEW MEXICO FEDERAL -NC- NO 8E
01800953	NM-1838-80	3000980303	103		NEW MEXICO FEDERAL -NC- NO 3E
01800957	NM-1831-80	3000980333	103		NEW MEXICO FEDERAL -NC- NO 6E
					-SUPRON ENERGY CORPORATION
01800961	NM 1838-80	3000980921	103		NEWSOM A-#1
					-TENNECO OIL COMPANY
01800963	NM-1836-80	3000980000	100		BASSETT COM 01
					-AZTEC PETROLEUM
01800966	NM-1836-80	3000980000	100		BUTTRAM FEDERAL 08
01800910	NM 1746-80	3000980131	103		FEDERAL 9I
01800996	NM-0913-80	3000981991	100		FULLER FEDERAL 01
					-MOBIL PROD TEXAS & NEW MEXICO INC
01800997	NM-1837-80	3000980438	100		OTERO FEDERAL 05
01800998	NM-1838-80	3000980439	100		JICARILLA 9 NO 7
01800937	NM-1790-80	3000980438	100		JICARILLA OTERO FEDERAL NO 2
					-MONTHWEST PIPELINE CORPORATION
01800933	NM-1833-80	3000980798	100		SAN JUAN 30-5 027 NW 8 DK
					-PAUP R BLAS
01800979	NM-0319-80	3001382999	102		BIG EBBY UNIT NO 73
					-SOUTHLAND ROYALTY CO
01800997	NM-1834-80	3000980017	100		HANKS 04
01800953	NM-1838-80	3000981308	100		PAGE GRY
01800958	NM-1839-80	3000980680	100		PIERCE 04
					-SUN OIL COMPANY (DELAWARE)
01800958	NM-1837-80	3000980483	103		NEW MEXICO FEDERAL -NC- NO 8E
01800953	NM-1838-80	3000980303	103		NEW MEXICO FEDERAL -NC- NO 3E
01800957	NM-1831-80	3000980133	103		NEW MEXICO FEDERAL -NC- NO 6E
					-SUPRON ENERGY CORPORATION
01800961	NM 1838-80	3000980921	103		NEWSOM A-#1
					-TENNECO OIL COMPANY
01800963	NM-1836-80	3000980000	100		BASSETT COM 01
					-AZTEC PETROLEUM
01800966	NM-1836-80	3000980000	100		BUTTRAM FEDERAL 08
01800910	NM 1746-80	3000980131	103		FEDERAL 9I
01800996	NM-0913-80	3001382999	102		FULLER FEDERAL 01
					-MOBIL PROD TEXAS & NEW MEXICO INC
01800997	NM-1837-80	3000980438	100		OTERO FEDERAL 05
01800998	NM-1838-80	3000980439	100		JICARILLA 9 NO 7
01800937	NM-1790-80	3000980438	100		JICARILLA OTERO FEDERAL NO 2
					-MONTHWEST PIPELINE CORPORATION
01800933	NM-1833-80	3000980798	100		SAN JUAN 30-5 027 NW 8 DK
					-PAUP R BLAS
01800979	NM-0319-80	3001382999	102		BIG EBBY UNIT NO 73
					-SOUTHLAND ROYALTY CO
01800997	NM-1834-80	3000980017	100		HANKS 04
01800953	NM-1838-80	3000981308	100		PAGE GRY
01800958	NM-1839-80	3000980680	100		PIERCE 04
					-SUN OIL COMPANY (DELAWARE)
01800958	NM 1838-80	3000980771	103		FEDERAL 07
01800910	NM 1838-80	3000980771	103		FEDERAL 03
					-ALL MAN INC
01800963	NM-1836-80	3000980000	100		SCHWERTFEGER 08-9
					-MUSKY OIL COMPANY
01800910	NM 1738-80	3000980000	100		VALENCIA CANYON UNIT 03A
01800926	NM-1760-80	3000981648	100		VALENCIA CANYON UNIT 03A
01800928	NM-1768-80	3000981308	100		ROBLERO 01
01800925	NM-1768-80	3000981000	100		BURKE 08
01800922	NM-1761-80	3000980803	100		GENERAL E 03
					-JEROME P MCHUGH
01800913	NM 1749-80	3000980000	100		SCHWERTFEGER 08-9
					-MUSKY OIL COMPANY
01800910	NM 1738-80	3000980771	103		FEDERAL 07
01800910	NM 1738-80	3000980771	103		FEDERAL 03
					-ALL MAN INC

FIELD NAME	PROD CODE	PURCHASER
BLANCO - PICTURED CLIFFS	17.0	EL PASO NATURAL GAS
BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	19.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
TAPACITO PICTURED CLIFFS	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	12.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	18.0	EL PASO NATURAL GAS
BASIN-DAKOTA	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE	18.0	EL PASO NATURAL GAS
BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	19.0	EL PASO NATURAL GAS
BASIN - DAKOTA	19.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE GAS	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
BASIN-DAKOTA	18.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
TAPACITO PICTURED CLIFFS	18.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	19.0	EL PASO NATURAL GAS
BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
BLANCO - PICTURED CLIFFS	17.0	EL PASO NATURAL GAS
BASIN DAKOTA	11.0	EL PASO NATURAL GAS
BASIN DAKOTA	17.0	EL PASO NATURAL GAS
TAPACITO PICTURED CLIFFS	17.0	NORTHWEST PIPELINE C
BASIN DAKOTA	17.0	EL PASO NATURAL GAS
BASIN DAKOTA	11.0	EL PASO NATURAL GAS
BLANCO MESA VERDE/GAVALI	10.7	NORTHWEST PIPELINE C
BASIN DAKOTA	10.0	NORTHWEST PIPELINE C
BASIN MESAVERDE & DAKOTA	10.0	EL PASO NATURAL GAS
NILDCAT MORROW	400.0	NATURAL GAS PIPELINE
PULCHER RUIZ	10.0	SOUTHERN UNION GATHE
BLANCO	13.0	SOUTHERN UNION GATHE
BLANCO	20.0	SOUTHERN UNION GATHE
BASIN DAKOTA	110.0	EL PASO NATURAL GAS
BASIN DAKOTA	176.0	EL PASO NATURAL GAS
BASIN DAKOTA	11.0	EL PASO NATURAL GAS
BASIN DAKOTA	276.0	SOUTHERN UNION GATHE
BASIN DAKOTA	280.0	SOUTHERN UNION GATHE
BASIN DAKOTA	581.0	SOUTHERN UNION GATHE
BASIN DAKOTA	11.0	EL PASO NATURAL GAS
PRUITLAND	11.0	EL PASO NATURAL GAS
CHOZA MESA PICTURED CLIF	3.0	EL PASO NATURAL GAS
BASIN DAKOTA	20.0	EL PASO NATURAL GAS
CHOZA MESA PICTURED CLIF	7.0	EL PASO NATURAL GAS
CHOZA MESA PICTURED CLIF	0.0	EL PASO NATURAL GAS
BASIN DAKOTA	17.0	EL PASO NATURAL GAS
W KUTZ CANYON - DANCIA	17.0	EL PASO NATURAL GAS
CHAVEROO (SAN ANDRES)	110.0	TRANSWESTERN PIPELIN
CHAVEROO (SAN ANDRES)	130.0	TRANSWESTERN PIPELIN
BLANCO - MESAVERDE	16.0	EL PASO NATURAL GAS
BASIN - DAKOTA	19.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE GAS	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
BASIN-DAKOTA	18.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	18.0	EL PASO NATURAL GAS
TAPACITO PICTURED CLIFFS	18.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	19.0	EL PASO NATURAL GAS
BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
BLANCO - PICTURED CLIFFS	17.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC D WELL NAME	PROD	PURCHASER
81800A8	NM-0003-81	3004500000	108 DAY #1	19.0	NORTHWEST PIPELINE C
81800A6	NM-1067-00	3004500000	108 DELMI TAYLOR E #1	19.0	EL PASO NATURAL GAS
81800B0	NM-1770-00	3004500000	108 FLORANCE #86	20.0	EL PASO NATURAL GAS
81800B2	NM-1768-00	3004500000	108 FLORANCE #98	28.0	EL PASO NATURAL GAS
81800A7	NM-1750-00	3004500000	108 MELEN JACKSON #3	18.0	EL PASO NATURAL GAS
81800B6	NM-1701-00	3004500000	108 NANDFIELD #2	50.0	NORTHWEST PIPELINE C
81800B8	NM-1769-00	3004584185	103 MOORE #6-E	500.0	EL PASO NATURAL GAS
81800B9	NM 1769-00	3004584205	103 PRICE #4	500.0	EL PASO NATURAL GAS
81800A0	NM 1857-00	3004584020	103 PRICE COM #6	500.0	EL PASO NATURAL GAS
81800A5	NM-1082-00	3004584478	103 SCHNEROTEFEDER COM #1	500.0	EL PASO NATURAL GAS
*UTAH PETROLEUM CORPORATION			RECEIVED: 03/06/81 JA	0.0	TRANSWESTERN PIPELIN
81800A2	NM 1775-00	3001585307	103 FEDERAL AD #6	0.0	TRANSWESTERN PIPELIN
81800A3	NM-1776-00	3001585861	103 FEDERAL CH-9 #5	0.0	TRANSWESTERN PIPELIN
81800A1	NM 1774-00	3001585860	103 FEDERAL CH-4 #6	0.0	TRANSWESTERN PIPELIN
81800A4	NM-0018-81	3000560700	102 POWERS DL FEDERAL #1	47.0	
** U.S. GEOLOGICAL SURVEY - CASPER,WY				400.0	WESTERN GAS PROCESSO
*KERR-MCGEE CORPORATION		3305301038	102 FEDERAL NO 1	802.0	PANHANDLE EASTERN PI
81800T0	NO 041-0		RECEIVED: 03/09/81 JA	375.0	NORTHWEST PIPELINE C
*TENNECO OIL COMPANY		3300700343	102 STUART USA 31-10	180.0	NORTHWEST PIPELINE C
81800A0	NO774-0		RECEIVED: 03/09/81 JA	175.0	NORTHWEST PIPELINE C
*ANADARKO PRODUCTION COMPANY		4003781540	102 FIREPLACE ROCK UNIT	400.0	NORTHWEST PIPELINE C
81800A9	NM0880-0		RECEIVED: 03/09/81 JA	800.0	NORTHWEST PIPELINE C
*AMERADA HESS CORPORATION					
81800T6	NM 1767-0	4003580586	103 FEDERAL 10-17		
81800T7	NM 1769-0	4003580546	103 FEDERAL 10-18		
81800T8	NM 1766-0	4003580597	103 FEDERAL 10-8		
81800T9	NM 1771-0	4003580598	103 FEDERAL 40-6		
81800T5	NM 1772-0	4003580587	103 FEDERAL 40-7		
*TMC REMEMBER COAL COMPANY			RECEIVED: 03/09/81 JA		
81800T3	NM 1780-0	4000780483	107 BARREL SPRINGS UNIT		
81800T2	NM 1797-0	4000780482	107 BARREL SPRINGS UNIT		
81800T1	M 793-0	4000780480	107 BARREL SPRINGS UNIT		
*W E BAUER			RECEIVED: 03/09/81 JA		
81800T4	M 799-0	4005811171	108 FEDERAL PAAR 1-H	100.0	NORTHERN UTILITIES I

OTHER PURCHASERS

8120546 EXXON CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indiates that other purchasers are listed at the end of the notice.

The applications for determinatin in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9589 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 24, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
NYSDEC	PPI OIL & GAS BOARD					
*PRUET PRODUCTION CO			RECEIVED: 03/11/81 JA: MB			
0181870	87-80-803	2304300078 102	UNITED STATES LUMBER COMPANY UNIT 1	SOUTH PRENTISS FIELD	292.0	FRM INC
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION						
*LENAPE RESOURCES CORP			RECEIVED: 03/11/81 JA: NY			
0181886	1131	3118113068 103	WALTER C GOTARIE #1	LEICESTER	20.0	ELIZABETHTOWN GAS CO
*LOCAL ENERGY INC			RECEIVED: 03/11/81 JA: NY			
0181323	827	3101313698 108	BRIGGS #1	LAKE SHORE	5.0	NATIONAL FUEL GAS DI
*PARAGON RESOURCES INC			RECEIVED: 03/11/81 JA: NY			
0181325	198	3101311110 108	UNIT NO 106 - KENNETH QUINN	LAKESHORE	4.0	NATIONAL FUEL GAS DI
0181326	199	3101311078 108	UNIT NO 107 - FRANK KOPTA	LAKESHORE	5.3	NATIONAL FUEL GAS DI
0181304	200	3101310697 108	UNIT NO 108 - PAUL KOPTA	LAKESHORE	3.2	NATIONAL FUEL GAS DI
0181305	201	3101310890 108	UNIT NO 111 - MURRAY J VOLK	LAKESHORE	7.0	NATIONAL FUEL GAS DI
0181879	264	3101310869 108	UNIT NO 118 - JAMES L BEAKIN	LAKESHORE	6.0	NATIONAL FUEL GAS DI
0181880	272	3101311482 108	UNIT NO 120 - DONALD WELLMAN	LAKESHORE	1.0	NATIONAL FUEL GAS DI
0181306	202	3101310064 108	UNIT NO 124 - LEON MEEDER	LAKESHORE	0.6	NATIONAL FUEL GAS DI
0181307	203	3101310067 108	UNIT NO 125 - M VOLK	LAKESHORE	4.0	NATIONAL FUEL GAS DI
0181874	248	3101310937 108	UNIT NO 140 - FRANK STRAIGHT	LAKESHORE	0.2	NATIONAL FUEL GAS DI
0181875	249	3101311004 108	UNIT NO 141 - ARVID STEINHOFF	LAKESHORE	0.7	NATIONAL FUEL GAS DI
0181876	251	3101311005 108	UNIT NO 148 - RONALD CAVE	LAKESHORE	0.5	NATIONAL FUEL GAS DI
0181881	275	3101311039 108	UNIT NO 150 - NEIL JOHNSON	LAKESHORE	0.1	NATIONAL FUEL GAS DI
0181308	204	3101310934 108	UNIT NO 162 - DANIEL DELANGER	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181309	205	3101310771 108	UNIT NO 163 - LEON MEEDER	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181871	236	3101311197 108	UNIT NO 168 - ALBERT J ENDRES	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181310	206	3101310900 108	UNIT NO 166 - RALPH S PLUMB	LAKESHORE	0.7	NATIONAL FUEL GAS DI
0181311	207	3101310876 108	UNIT NO 167 - NORMAN P PRATT	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181300	209	3101310772 108	UNIT NO 169 - GEORGE E TEUFEL	LAKESHORE	0.2	NATIONAL FUEL GAS DI
0181301	210	3101311079 108	UNIT NO 171 - ALICE TANNER	LAKESHORE	1.0	NATIONAL FUEL GAS DI
0181302	211	3101311023 108	UNIT NO 172 - GARY GREEN	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181303	212	3101311130 108	UNIT NO 174 - LAWRENCE POST	LAKESHORE	1.0	NATIONAL FUEL GAS DI
0181892	213	3101311117 108	UNIT NO 177 - ANDY MEEDER	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181893	214	3101311043 108	UNIT NO 178 - JOAN MEEDER	LAKESHORE	1.0	NATIONAL FUEL GAS DI
0181894	215	3101311000 108	UNIT NO 179 - RAYMOND CHYLINSKI	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181895	216	3101311030 108	UNIT NO 180 - WILMER ROACHE	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181897	223	3101310998 108	UNIT NO 181 - DEMETER BORIA	LAKESHORE	1.0	NATIONAL FUEL GAS DI
0181896	218	3101310999 108	UNIT NO 182 - RAYMOND CHYLINSKI	LAKESHORE	1.0	NATIONAL FUEL GAS DI
0181877	222	3101311198 108	UNIT NO 184 - DOROTHY ADAMAN	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181897	219	3101311048 108	UNIT NO 186 - KENNETH QUINN	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181898	220	3101311096 108	UNIT NO 193 - GENEVIEVE BIBBEE	LAKESHORE	0.0	NATIONAL FUEL GAS DI

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
0181899	221	3101311136 108	UNIT NO 194 - GENEVIEVE BIBBEE	LAKESHORE	3.0	NATIONAL FUEL GAS DI
0181888	228	3101311137 108	UNIT NO 195 - DONALD BEELEY	LAKESHORE	0.0	NATIONAL FUEL GAS DI
0181878	265	3101310549 108	UNIT NO 196 - MARSHALL E PLAIR	LAKESHORE	4.0	NATIONAL FUEL GAS DI

JP NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
811	821	2103123124	108	UNIT NO 194 • GENEVIEVE GIBBEE	LAKESHORE	3.0	NATIONAL FUEL
811	822	2103123137	108	UNIT NO 195 • DONALD BEELEY	LAKESHORE	0.0	NATIONAL FUEL
811	845	2103123569	108	UNIT NO 196 • MARSHALL E PLAIR	LAKESHORE	0.0	NATIONAL FUEL
811	846	2103123580	108	UNIT NO 2 • LEE RAIER	LAKESHORE	0.2	NATIONAL FUEL
811	870	2103123617	108	UNIT NO 202 • CHAUT FOREST PRODUCTS	LAKESHORE	1.1	NATIONAL FUEL
811	1	2103123677	108	UNIT NO 203 • HAROLD BAITH	LAKESHORE	0.7	NATIONAL FUEL
811	179	2103123685	108	UNIT NO 207-ROBERT EIMERS	LAKESHORE	0.0	NATIONAL FUEL
811	181	2103123686	108	UNIT NO 210 • CALVIN DOWEN	LAKESHORE	0.7	NATIONAL FUEL
811	856	2103123687	108	UNIT NO 211 • HAROLD MCCUTCHEON	LAKESHORE	0.0	NATIONAL FUEL
811	857	2103123688	108	UNIT NO 212 • JOHN T DIETEMAN	LAKESHORE	0.0	NATIONAL FUEL
811	858	2103123689	108	UNIT NO 213 • GEORGE FREEMAN	LAKESHORE	0.0	NATIONAL FUEL
811	859	2103123690	108	UNIT NO 214 • EDWARD T RYAN	LAKESHORE	0.0	NATIONAL FUEL
811	860	2103123691	108	UNIT NO 215 • THOMPSON PRODUCTS	LAKESHORE	0.0	NATIONAL FUEL
811	861	2103123692	108	UNIT NO 216 • WAYNE BENTLEY	LAKESHORE	0.0	NATIONAL FUEL
811	862	2103123693	108	UNIT NO 217 • JERROLD LONES	LAKESHORE	0.0	NATIONAL FUEL
811	863	2103123694	108	UNIT NO 218 • WILLIAM BRINNER	LAKESHORE	0.0	NATIONAL FUEL
811	864	2103123695	108	UNIT NO 219 • RONALD BRADLEY	LAKESHORE	0.0	NATIONAL FUEL
811	865	2103123696	108	UNIT NO 220 • ROBERT MCGUINN	LAKESHORE	0.0	NATIONAL FUEL
811	866	2103123697	108	UNIT NO 221 • HARRIS CHARNIER	LAKESHORE	0.0	NATIONAL FUEL
811	867	2103123698	108	UNIT NO 222 • HANS RAYNOR	LAKESHORE	0.0	NATIONAL FUEL
811	868	2103123699	108	UNIT NO 223 • GEORGE SHEPARD	LAKESHORE	0.0	NATIONAL FUEL
811	869	2103123700	108	UNIT NO 224 • RONALD VELIA	LAKESHORE	0.0	NATIONAL FUEL
811	870	2103123701	108	UNIT NO 225 • DONALD WELLMAN	LAKESHORE	0.0	NATIONAL FUEL
811	871	2103123702	108	UNIT NO 226 • RALPHED JOHNPHON	LAKESHORE	0.0	NATIONAL FUEL
811	872	2103123703	108	UNIT NO 227 • HERMAN SHARON	LAKESHORE	0.0	NATIONAL FUEL
811	873	2103123704	108	UNIT NO 228 • DONALD HELLMAN	LAKESHORE	0.0	NATIONAL FUEL
811	874	2103123705	108	UNIT NO 229 • JAMES BAIER	LAKESHORE	0.0	NATIONAL FUEL
811	875	2103123706	108	UNIT NO 230 • BURTON AUSTIN	LAKESHORE	0.0	NATIONAL FUEL
811	876	2103123707	108	UNIT NO 231 • BURTON AUSTIN	LAKESHORE	0.0	NATIONAL FUEL
811	877	2103123708	108	UNIT NO 232 • HAROLD SPINLER	LAKESHORE	0.0	NATIONAL FUEL
811	878	2103123709	108	UNIT NO 233 • PAUL JACOBS	LAKESHORE	0.0	NATIONAL FUEL
811	879	2103123710	108	UNIT NO 234 • JOHN DEDERICK	LAKESHORE	0.0	NATIONAL FUEL
811	880	2103123711	108	UNIT NO 235 • PAUL LANPHERE	LAKESHORE	0.0	NATIONAL FUEL
811	881	2103123712	108	UNIT NO 236 • EDGAR FORBES	LAKESHORE	0.0	NATIONAL FUEL
811	882	2103123713	108	UNIT NO 237 • JOHN CALIMO	LAKESHORE	0.0	NATIONAL FUEL
811	883	2103123714	108	UNIT NO 238 • CLARK GODWICH	LAKESHORE	0.0	NATIONAL FUEL
811	884	2103123715	108	UNIT NO 239 • RAYMOND LANDON	LAKESHORE	0.0	NATIONAL FUEL
811	885	2103123716	108	UNIT NO 41 • RAYMOND V CHYLINSKI	LAKESHORE	0.0	NATIONAL FUEL
811	886	2103123717	108	UNIT NO 418 • ALOYSIUS LEWANDKI	LAKESHORE	0.0	NATIONAL FUEL
811	887	2103123718	108	UNIT NO 419 • MARION CROFOOT	LAKESHORE	0.0	NATIONAL FUEL
811	888	2103123719	108	UNIT NO 438 • HOWARD ROBERTS	LAKESHORE	0.0	NATIONAL FUEL
811	889	2103123720	108	UNIT NO 440 • BENJAMIN NICHOLS	LAKESHORE	0.0	NATIONAL FUEL
811	890	2103123721	108	UNIT NO 447 • ERNEST MABLACH	LAKESHORE	0.0	NATIONAL FUEL
811	891	2103123722	108	UNIT NO 449 • OTTO BELDEN	LAKESHORE	0.0	NATIONAL FUEL
811	892	2103123723	108	UNIT NO 450-A-JEANIE PALMER	LAKESHORE	0.0	NATIONAL FUEL
811	893	2103123724	108	UNIT NO 466 • EDWARD DEERING	LAKESHORE	0.0	NATIONAL FUEL
811	894	2103123725	108	UNIT NO 468 • ARTHUR MODLON	LAKESHORE	0.0	NATIONAL FUEL
811	895	2103123726	108	UNIT NO 470 • OVIDIO BAICCO	LAKESHORE	0.0	NATIONAL FUEL
811	896	2103123727	108	UNIT NO 471 • ERNEST SCHNOEDER	LAKESHORE	0.0	NATIONAL FUEL
811	897	2103123728	108	UNIT NO 481-RAYMOND MINKLE	LAKESHORE	0.0	NATIONAL FUEL
811	898	2103123729	108	UNIT NO 486-MARVIN GARDDT	LAKESHORE	0.0	NATIONAL FUEL
811	899	2103123730	108	UNIT NO 486-ANTHONY LEONE	LAKESHORE	0.0	NATIONAL FUEL

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0181365	348	3101312239	108		UNIT NO 487-FREDERICK N SOMMERTON	LAKESHORE	1.5	NATIONAL FUEL GAS DI
0181366	349	3101312241	108		UNIT NO 489-WILLIAM H TRONT	LAKESHORE	0.1	NATIONAL FUEL GAS DI
0181367	350	3101312242	108		UNIT NO 490 - GEORGE BALL	LAKESHORE	0.9	NATIONAL FUEL GAS DI
0181350	352	3101312244	108		UNIT NO 492 - RAFAEL DZYDLO	LAKESHORE	6.6	NATIONAL FUEL GAS DI
0181351	353	3101312246	108		UNIT NO 494 - THOMAS FITZGERALD	LAKESHORE	0.5	NATIONAL FUEL GAS DI
0181352	354	3101312364	108		UNIT NO 497 - BRUCE FAIRBANKS	LAKESHORE	0.7	NATIONAL FUEL GAS DI
0181353	355	3101312426	108		UNIT NO 499 - HENRY DOEBRALSKI	LAKESHORE	3.0	NATIONAL FUEL GAS DI
0181354	357	3101312602	108		UNIT NO 507 - ERNEST NICKERSON	LAKESHORE	5.8	NATIONAL FUEL GAS DI
0181324	105	3101310332	108		UNIT NO 91 - CLAUDE SMITH	LAKESHORE	4.8	NATIONAL FUEL GAS DI
0181355	361	3101312606	108		UNIT NO 511 - HAROLD HALL	LAKESHORE	6.7	NATIONAL FUEL GAS DI
0181325	106	3101310370	108		UNIT NO 92 - CLAUDE SMITH	LAKESHORE	5.6	NATIONAL FUEL GAS DI
0181356	368	3101312614	108		UNIT NO 530 - NORMAN WEILMAN	LAKESHORE	7.8	NATIONAL FUEL GAS DI
0181358	370	3101313079	108		UNIT NO 545 WILLIAM DEPEW	LAKESHORE	0.5	NATIONAL FUEL GAS DI
0181359	371	3101313360	108		UNIT NO 547 - A ALLENBRAND	LAKESHORE	1.6	NATIONAL FUEL GAS DI
0181322	465	3101310786	108		UNIT NO 89 - WALTER HEGEDEN	LAKESHORE	9.7	NATIONAL FUEL GAS DI
0181304	107	3101310832	108		UNIT NO 93 - ANDY REEDER	LAKESHORE	4.8	NATIONAL FUEL GAS DI

OKLAHOMA CORPORATION COMMISSION

-ANOCO PRODUCTION CO				RECEIVED: 03/13/81	JAS OK			
0181391	01163	3504580693	103	STATE OF OKLAHOMA L #2		MOLANE-LAVERNE GAS AREA	208.0	NORTHERN NATURAL GAS
-ANADON CORPORATION				RECEIVED: 03/13/81	JAS OK			
0181375	07748	3501580740	103	KAPPLE #1		WATONGA	61.1	MUSTANG FUEL CORP
-ANADARKO PRODUCTION COMPANY				RECEIVED: 03/13/81	JAS OK			
0181376	07744	3500781648	103	SHADDEN A NO 1		MOCANE	73.0	COLORADO INTERSTATE
-B R POLK INC				RECEIVED: 03/13/81	JAS OK			
0181379	07738	3508300000	103	SADE #3		LOVELL	94.8	EASON OIL CO
-BERRY PETROLEUM CORP				RECEIVED: 03/13/81	JAS OK			
0181388	07676	3509381694	103	ED WOLTING #1-1		SOONER TREND	190.0	UNION TEXAS PETROLEU
-BROWN & BORELLI INC				RECEIVED: 03/13/81	JAS OK			
0181386	04722	3507382378	102	MUDICK #1		SOONER TREND	368.0	PHILLIPS PETROLEUM C
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 03/13/81	JAS OK			
0181396	07186	3515100000	108	CLEO CAMPBELL		STATE LINE	5.0	PANHANDLE EASTERN PL
-CHASE EXPLORATION CORP				RECEIVED: 03/13/81	JAS OK			
0181398	07899	3507181881	103	HAMLE #1-18			38.0	CITIES SERVICE GAS C
-CALCO PETROLEUM INC				RECEIVED: 03/13/81	JAS OK			
0181380	04043	3507382296	103	STRUCK #1		SOONER TREND	91.3	CALCO PETROLEUM US L
-DAVIS OIL COMPANY				RECEIVED: 03/13/81	JAS OK			
0181400	07878	3501700000	103	POTTER NO 1		NORTH FORK	190.0	PHILLIPS PETROLEUM C
-EARLSBORO OIL AND GAS CO INC				RECEIVED: 03/13/81	JAS OK			
0181394	07343	3515118031	108	RANSOM-OLSON NO 1		NORTHEAST WAYNOKA	11.0	PANHANDLE EASTERN PI
-ENTEX OIL COMPANY				RECEIVED: 03/13/81	JAS OK			
0181381	07698	3513782281	103	ED MARTIN NO 13		SHO-VEL-TUM	18.0	LONE STAR GAS CO
-ENSIGN SOUTHERN ENTERPRISES INC				RECEIVED: 03/13/81	JAS OK			
0181382	07696	3514700000	103	PAT A1		PAT A1	0.0	KANDKLA ENERGY CORP
0181383	07693	3514781617	103	PAT 2A		PAT 2A	0.0	KANDKLA ENERGY CORP
-HARPER OIL COMPANY				RECEIVED: 03/13/81	JAS OK			
0181378	07751	3507382563	103	BUCHANAN A-1		SOONER TREND	63.0	PHILLIPS PETROLEUM C
0181377	07864	3504700000	103	ETHEL #1		N E ENID	63.0	CHAMPLIN PETROLEUM C
-HOLDEN ENERGY CORP				RECEIVED: 03/13/81	JAS OK			
0181386	07724	3501900000	103	REED 33-1		JOINER CITY	13.9	ARINGIL USA INC
-L B WILLIAMS OIL COMPANY INC				RECEIVED: 03/13/81	JAS OK			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0181406	07687	3501781606	103		LAMB #19-6	YUKON	200.0	PHILLIPS PETROLEUM C
0181377	07741	3501781622	103		LAMB 19-7	YUKON	0.0	PHILLIPS PETROLEUM C
0181410	07686	3501781314	103		WRIGHT #33-6	YUKON	40.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME			FIELD NAME	PROD	PURCHASER
8181404	07687	3501721404	103		LAMB #19-6			YUKON	200.0	PHILLIPS PETROLEUM C
8181377	07741	3501721422	103		LAMB 19-7			YUKON	0.0	PHILLIPS PETROLEUM C
8181410	07686	3501721314	103		WRIGHT #33-6			YUKON	40.0	PHILLIPS PETROLEUM C
8181378	07740	3501721313	103		WRIGHT 33-5			YUKON	0.0	PHILLIPS PETROLEUM C
*LINCOLN RESN CORP					RECEIVED: 03/13/81	JA: DK				
8181402	05808	3500580891	102		HEFNER #3			NORTHEAST MARIETTA	20.0	CIMARRON TRANSMISSIO
8181403	05801	3500580332	102		MULLIGAN #2			NORTHEAST MARIETTA	10.0	CIMARRON TRANSMISSIO
*MACMILLAN INC					RECEIVED: 03/13/81	JA: DK				
8181399	07658	3507322808	103		POST #2			SOONER TREND	0.0	CITIES SERVICE GAS C
*NATIONAL OIL COMPANY					RECEIVED: 03/13/81	JA: DK				
8181401	07627	3502720370	103		TROUT #027-00000				1.1	SUN GAS CO
*PASCO OIL & GAS CO					RECEIVED: 03/13/81	JA: DK				
8181400	07626	3500321819	103		EDWARDS #3			CHEYENNE VALLEY	0.0	PHILLIPS PETROLEUM C
*PETRO-LEWIS CORPORATION					RECEIVED: 03/13/81	JA: DK				
8181406	02120	3500100000	103		FRITTS #3			MARLOW	900.0	ARKANSAS LOUISIANA G
*RICHO EXPLORATION CO					RECEIVED: 03/13/81	JA: DK				
8181373	10007	3501521014	107		BERTIE MINTON #1			N CEMENT	310.0	SOUTHERN NATURAL GAS
*RUSSELL V JOHNSON JR					RECEIVED: 03/13/81	JA: DK				
8181390	01970	3515100000	108		#1 EARNEST			SOUTH TEAGARDEN	13.0	PANHANDLE EASTERN PI
*SANSON RESOURCES COMPANY					RECEIVED: 03/13/81	JA: DK				
8181407	07699	3501520794	103		CROY UNIT NO 1			EAST BINGER	102.0	TRANSOK PIPE LINE CO
*SEARCH DRILLING CO					RECEIVED: 03/13/81	JA: DK				
8181398	07604	3500721788	103		MILLIKIN #1-16			ROCANE-LAVERNE	133.0	EL PASO NATURAL GAS
*SENECA OIL COMPANY					RECEIVED: 03/13/81	JA: DK				
8181396	06468	3500321581	102		CLABSEN NO 1-17			S E BADD	9.0	PANHANDLE EASTERN PI
8181397	06463	3500321615	102		THOMPSON NO 1-18			S E BADD	47.0	PANHANDLE EASTERN PI
*SULLIVAN AND CO					RECEIVED: 03/13/81	JA: DK				
8181400	07638	3500181047	103		CLETA #2			SOUTHWEST PRAIRIE BEN	193.0	SUN OIL CO
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/13/81	JA: DK				
8181408	07691	3500120000	103		NORGE MARCHAND UNIT TRACT 28			CHICKASHA NW	37.0	TRANSOK PIPELINE CO
8181378	07693	3500120000	103		NORGE MARCHAND UNIT TRACT 45			CHICKASHA NW	102.0	TRANSOK PIPELINE CO
*TENNECO OIL COMPANY					RECEIVED: 03/13/81	JA: DK				
8181393	07689	3501700000	108		HILL M SMITH #8			CADDO	0.0	UNION OIL CO OF CALI
*UNION TEXAS PETROLEUM					RECEIVED: 03/13/81	JA: DK				
8181398	07810	3500320631	103		LEON PECHA NO 2			CHANEY DELL EAST DEC II	40.0	PANHANDLE EASTERN PI
*WALKER & WITHROW INC					RECEIVED: 03/13/81	JA: DK				
8181384	07684	3501700000	103		PARIZEK 32-1			RICHLAND	219.0	CONOCO INC
*NAVAL PETROLEUM RESERVES IN CALIFOR					RECEIVED: 03/10/81	JA: CA	8			
*8181366		0400700000	103		13Z - 0378			ELK HILLS	29.2	
**********										
** DEPARTMENT OF ENERGY										
**********										
*NAVAL PETROLEUM RESERVES IN CALIFOR					RECEIVED: 03/10/81	JA: CA	9			
*8181362		0400700000	103		168-08RN			ELK HILLS	0.0	CHEVRON USA INC
*8181363		0400700000	102		168-011			ELK HILLS	0.7	CHEVRON USA INC
*8181364		0400700000	102		23R - 0334			ELK HILLS	109.3	CHEVRON USA INC
*8181365		0400700000	102		24R - 0338			ELK HILLS	146.0	CHEVRON USA INC
*8181366		0400700000	102		26R-0336			ELK HILLS	11000.0	CHEVRON USA INC
*8181369		0400700000	103		24Z - 0345			ELK HILLS	149.0	CHEVRON USA INC
*8181368		0400700000	102		26R - 0326			ELK HILLS	219.0	CHEVRON USA INC
*8181370		0400700000	102		26R - 0348			ELK HILLS	256.0	CHEVRON USA INC
*8181367		0400700000	102		26R-0313			ELK HILLS	201.0	CHEVRON USA INC

VOLUME 395 PAGE 005

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8121861		04082900000	102		348-8348	ELK HILLS	0.2	CHEVRON USA INC
*8121866		04082900000	103		398 - 8348	ELK HILLS	0.0	CHEVRON USA INC
*8121860		04082900000	102		36R - 8322A	ELK HILLS	368.0	CHEVRON USA INC
*8121867		04082900000	103		368 - 8316X	ELK HILLS	0.0	CHEVRON USA INC
*8121864		04082900000	103		7R - 8367	ELK HILLS	0.1	CHEVRON USA INC
*8121865		04082900000	103		7R - 8375	ELK HILLS	88.0	CHEVRON USA INC
*8121863		04082900000	103		7R-8387	ELK HILLS	0.7	CHEVRON USA INC

OTHER PURCHASERS	VOLUME NO
8121253	GETTY OIL CO
8121254	GETTY OIL CO
8121255	GETTY OIL CO
8121256	GETTY OIL CO
8121257	GETTY OIL CO
8121258	GETTY OIL CO
8121259	GETTY OIL CO
8121260	GETTY OIL CO
8121261	GETTY OIL CO
8121262	GETTY OIL CO
8121263	GETTY OIL CO
8121264	GETTY OIL CO
8121265	GETTY OIL CO
8121266	GETTY OIL CO
8121267	GETTY OIL CO
8121268	GETTY OIL CO
8121269	GETTY OIL CO
8121286	NEW JERSEY NATURAL GAS
8121381	OKLAHOMA NATURAL GAS CO
8121382	CITIES SERVICE GAS CO
8121383	CITIES SERVICE GAS COMPANY
8121385	PANHANDLE EASTERN PIPELINE COMPANY

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

R: Revision of Re-determination by Jurisdictional Agency
C: Correction to Prior Fed. Reg. Notice

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL REGISTER	
81-14894	NM	Southern Union Exploration Co	State 17 #1	368	02-20-81	C: 107 Only
81-14165	LA	Midway Production Co IV	Ledoux-Brockman #6	364	02-18-81	C: Applicant Name
81-14168	LA	Midway Production Co IV	Ledoux-Brockman #7	364	02-18-81	C: Applicant Name
81-15626	TX	Pegasus Energy Corp	Worthington-Edwards G #1	371	02-27-81	C: 103 and 102
81-16215	TX	Pale Petroleum Inc	Lewallen #2	372	03-02-81	C: 103 Only
81-16230	TX	Phillips Petroleum Co	N Pennell #76	372	03-02-81	C: Well Name
81-00581	OK	Kaiser-Francis Oil Co	Erwin #1	300	10-22-80	C: 103 & 102

BILLING CODE 6450-85-C

The above-listed determinations were received from the Jurisdictional Agency designated to the Natural Gas Policy Act and 18 CFR 275.202 and 275.203 determinations will become effective after the end of the 45-day period for production in excess of 1,000 feet (MMcf) per day. Any person control numbers, prices, Btu's, purchasers, or any other matter notice.

The applications for determination these procedures are available for or description of the agency's record on file with it, except to were made. Persons may inspect except to the extent such material treated as confidential by the FERC 275.206, at the Federal Energy Public Information, 825 North Capitol D.C. 20426.

Persons may participate in determination by submitting a protest 18 CFR 275.204 or 275.205. protest with the Federal Energy before April 30, 1981.

Please reference the Jurisdictional Number (JD) and/or Docket Number related to the application in any Kenneth F. Plumb, Secretary.

[FR Doc. 81-9[illegible] Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-183]

El Paso Natural Gas Co.; Application to Amend

March 25, 1981.

Take notice that on March 16, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-183 an amendment to its pending application in Docket No. CP81-183 filed on August 29, 1980, pursuant to Section 7(c) of the Natural Gas Act so as to delete from its application of the time and cost of certain construction facilities which may be accomplished without prior notice set forth in Section 157.208 of the Commission's Regulations and is on file with the Commission and open to public inspection.

Petitioner's application filed on August 29, 1980, in Docket No. CP81-183 was authorized to construct and operate and/or modify certain facilities consisting of compression, dehydration, and measurement facilities at its existing Sanders Compressor Station in Apache County, Arizona, and at certain points on its Mainline pipeline system in New Mexico and Arizona. It was also authorized to operate under such application certain facilities previously constructed by Applicant pursuant to the blanket certificate issued in Docket No. CP77-435 (58 FPC 2769) and to construct and operate certain additional facilities. Applicant states that it has determined that the facilities authorized to be constructed and operated under the blanket certificate in Docket No. CP77-435 will not be required. Applicant therefore proposes to delete from its application in Docket No. CP81-183 the facilities authorized to be constructed and operated under the blanket certificate in Docket No. CP77-435.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application in this proceeding is on file with the Commission and open to public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9[illegible] Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9000 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-337-002]

El Paso Natural Gas Co.; Petition to Amend

March 25, 1981.

Take notice that on March 6, 1981, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-337-002 a petition to amend the order issued August 29, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an extension of the time period within which construction and operation of facilities may be accomplished, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued August 29, 1980, in the instant docket it was authorized to construct, operate and/or modify certain pipeline, compression and meter facilities on its existing San Juan Triangle and San Juan Mainline pipeline transmission systems located in Colorado, New Mexico and Arizona. It is further submitted that under such order Petitioner was directed to construct and place in actual operation the certificated facilities for the initial expansion phase within one year and the remaining facilities within eighteen months of the date of the order.

Petitioner also states that it has been advised by Natural Gas Corporation of California (NGC) that NGC does not wish to commit to firm transportation capacity through the San Juan Triangle but rather intends to continue operating under existing arrangements on a best-efforts basis. It is further stated that Petitioner has been advised by Pacific Interstate Transmission Company that the facilities necessary on Petitioner's system to transport the authorized firm contract quantity of 230,000 Mcf per day should be in place no later than November 1, 1981, in lieu of July 1, 1981, coincident with the understood completion of certain "western leg" facilities on Northwest Pipeline Corporation's (Northwest) existing system.

Petitioner proposes to construct and have operational on or before November 1, 1981, all of the facilities authorized in Docket No. CP79-337 with the exception of (1) 14.4 miles of the 20-inch O.D. loop pipeline authorized to be installed downstream of Petitioner's proposed Bondad Compression Station to be located in La Plata County, Colorado, and (2) 2.3 miles of the 34-inch O.D. loop pipeline authorized to be installed downstream of Petitioner's White Rock Compressor Station located in San Juan County, New Mexico. Specifically, Petitioner proposes to construct and operate on or before November 1, 1981, (1) two 3,500 horsepower centrifugal compressor units at its proposed Bondad Compressor Station in La Plata County, Colorado, (2) one 1,100 horsepower centrifugal compressor unit at Petitioner's existing San Juan River Plant in San Juan County, New Mexico, (3) approximatley 3.61 miles of 24-inch O.D. loop pipeline from Northwest's Ignacio Compressor Station to Petitioner's proposed Bondad Compressor Station, (4) approximately 15.9 miles of 20-inch O.D. loop pipeline downstream of Petitioner's proposed Bondad Compressor Station, (5) approximately 24.3 miles of 34-34-inch O.D. loop pipeline downstream of Petitioner's White Rock Compressor Station, and (6) certain measuring and appurtenant facilities on both the San Juan Triangle and San Juan Mainline systems. Petitioner would also uprate on or before November 1, 1981, one 7,040 horsepower centrifugal compressor unit at Petitioner's Gallup B Compressor Station in McKinley County, New Mexico, to 9,150 horsepower and would uprate approximately 30.3 miles of the Ignacio to Blanco pipeline to allow for increased operating pressures, it is asserted. Petitioner asserts that the facilities proposed for construction and operation on or before November 1, 1981, would provide Petitioner with a maximum capability to receive at Ignacio and transport up to approximately 406,000 Mcf of natural gas per day.

Petitioner further proposes to have installed and operational on or before November 1, 1982, facilities with a maximum southflow capacity from Ignacio of up to 464,000 Mcf per day to accommodate future additional supplies. It is explained that such additional facilities were also authorized by order issued August 29, 1980, in the instant docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9560 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4149-000]

Georgia-Pacific Corp.; Application for Preliminary Permit

March 25, 1981.

Take notice that Georgia-Pacific Corporation (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4149 to be known as Thunder Creek Hydroelectric Development located on Thunder, South Fork and Survey Creeks in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Georgia-Pacific Corporation, P.O. Box 1236, Bellingham, Washington 98227.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) three reinforced concrete diversion weirs with slide gates and steel trash racks located, one each, on Thunder Creek, Survey Creek, and South Fork Creek; (2) a four-mile long pipeline paralleling an existing logging road; (3) a surge tank; (4) a 4,000-foot long penstock; (5) a powerhouse containing two generating units with total rated capacity of 12 MW; (6) a switchyard; and (7) a 115-kV transmission line extending from the switchyard, a distance of about 200 yards to tie in with an existing 115-kV line of the Puget Power Company. The applicant estimates that the average annual energy output would be 60 million kWh.

Purpose of Project—Project energy would either be sold to a private utility or used by the Applicant.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that none of these studies will have any significant environmental impact, and that no new roads or any other major disturbance to the project area is anticipated.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the other Federal, state, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $500,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Puget Sound Power and Light Company's Project No. 3913 on Thunder Creek in Skagit County, Washington under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d)(1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to interven in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before, May 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4149. Any commments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representaive of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9589 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-225-000]

Great Lakes Gas Transmission Co.; Application

March 25, 1981.

Take notice that on March 6, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP81-225-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas with Inter-City Gas Corporation (Inter-City), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation and exchange agreement with Inter-City dated October 15, 1980, Applicant would receive from Inter-City a maximum of 400,000 Mcf of natural gas during the summer period at a rate of 1,000 Mcf per day during the 1981 summer period and up to 2,000 Mcf per day during each summer period thereafter. Applicant states that it would receive such deliveries at an existing interconnection of the facilities of Applicant and Inter-City near Cloquet, Minnesota. Applicant states it would transport thermally equivalent quantities to ANR Storage Company (ANR) at an existing interconnection of the facilities of Applicant and ANR in Crawford County, Michigan. It is stated that Inter-City has a gas storage arrangement with ANR pursuant to a gas storage agreement between the parties dated October 31, 1980.

It is further stated that during the winter period Applicant would accept from ANR at the Crawford interconnection up to 8,000 Mcf of

natural gas per day and would redeliver to Inter-City by displacement a thermally equivalent quantity of natural gas at either or all three of the interconnection points located in Cloquet, Grand Rapids and Thief River, Minnesota.

Applicant proposes to charge Inter-City at a rate of 25.868 cents per Mcf for deliveries made to ANR at the Crawford interconnection. No rate would be charged for redeliveries of natural gas to Inter-city at the Cloquet, Grand Rapids or Thief River Falls interconnections which would be considered exchange volumes, it is stated.

It is asserted that the proposed transportation service would enhance Inter-City's ability to meet the peak day and winter period requirements of its customers and would enable it to make more efficient use of gas available during the summer period.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, File with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9987 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3860-000]

City of Lander, Wyoming and Wyoming Hydro, Inc.; Application for Preliminary Permit

March 25, 1981.

Take notice that City of Lander, Wyoming and Wyoming Hydro, Inc., (Applicant) filed on December 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–825(r)] for proposed Project No. 3860 to be known as the Jackson Lake Project located on the Snake River in Teton County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Myles A. Duffy, Wyoming Hydro, Inc., c/o P.O. Box 765, Alamo, California 94507. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Jackson Lake Dam and Reservoir and would consist of: (1) new penstocks utilizing two existing outlet works tunnels; (2) a new powerhouse containing generating units having a total rated capactiy of 8,500 kW; (3) a tailrace; (4) a new underground transmission line, approximately 300 feet long, connecting to existing 12.47 kV lines; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 36,000,000 kWh.

Purpose of Project—Project energy would be sold to Lower Valley Power and Light Cooperative or other power companies.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant will prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be between $106,000 and $160,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applicants—This application was filed as a competing application to Pacific Northwest Generating Company's Application for Project No. 3505 filed on September 26, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of

these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3660. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9664 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4042-000]

Massachusetts Municipal Wholesale Electric Co.; Application for Preliminary Permit

March 25, 1981.

Take notice that Massachusetts Municipal Wholesale Electric Company (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4042 to be known as the Barre Falls Project located on the Ware River in the town of Barre, Worcester County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Phillip C. Otness, General Manager, Massachusetts Municipal Wholesale Electric Company, Stony Brook Energy Center, P.O. Box 426, Ludlow, Massachusetts 01056. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Army Corps of Engineers' Barre Falls Dam and the associated reservoir and would consist of a new powerhouse containing a single turbine-generator with a total rated capacity of 1.5 MW and a transmission line. The Applicant estimates that the average annual energy output would be 6,450,000 kWh.

Purpose of Project—Energy generated at the project would be utilized by the Applicant for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Barre Falls Project No. 3340 filed on August 19, 1980, by Water Power Development Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4042. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9660 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4007-000]

John D. Meeker; Application for Preliminary Permit

March 25, 1981.

Take notice that John D. Meeker (Applicant) filed on January 12, 1981, application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4007 to be known as Lost Creek Water Power Project located on Lost Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary R. Kalsbeek, G K Engineering, 1304 East Street #207, Redding, California 96001. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) a 5 to 8-foot high, 20 to 30-foot long concrete diversion dam; (b) a 30-inch diameter penstock; (c) a powerhouse containing a single generating unit with a rated capacity of 700 kW; and (d) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6 million kWh.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 30-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $47,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mr. Floyd M. Bidwell's Project No. 3863 on Lost Creek in Shasta County, California, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to particpate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4007. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9589 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-22-000]

Mississippi River Transmission Corp.; Tariff Filing

March 24, 1981.

Take notice that on March 13, 1981, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis, Missouri 63124, submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective April 15, 1981.

Third Revised Sheet No. 35
Fourth Revised Sheet No. 36
Third Revised Sheet No. 38
Fourth Revised Sheet No. 39

The instant filing is being made to reflect changes in the Index of Protected Essential Agricultural Use (Step 10) Entitlements and in the Index of High Priority (Step 11) Entitlements to be effective during the period April 15 through October 31, 1981, pursuant to paragraph 8.2(a)(i) of Mississippi's curtailment plan. Copies of this filing are on file with the Commission and are available for public inspection.

Any person desiring to be heard or to protest said filing should on or before March 30, 1981, file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9595 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3694-000 and 3953-000]

Mitchell Energy Company, Inc.; Ensgenics; Extension of Time

March 24, 1981.

On March 19, 1981, Salt River Project Agricultural Improvement and Power District (Salt River District) filed a request for an extension of time to file comments in response to the Commission's Notices of Application for Preliminary Permit issued January 30, 1981 and February 23, 1981, in Project No. 3694-000 and Project No. 3953, respectively. The motion states that additional time is required because of a delay in the Salt River Project's receipt

of these applications and because these applications raise significant and complex issues which will require careful evaluation. The motion further states that the Water Power and Resources Service of the U.S. Department of Interior does not oppose this extension request.

Upon consideration, notice is hereby given that an extension of time for the filing of comments in the above-proceedings is granted to and including April 20, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9575 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-11-000]

Mobil Producing Texas & New Mexico, Inc.; Petition for Declaratory Order

Issued: March 24, 1981.

On February 17, 1981, Mobil Producing Texas & New Mexico, Inc. (MPTM), Nine Greenway Plaza, Suite 2700, Houston, Texas 77046, filed a petition for a declaratory order pursuant to §§ 1.7(c) and 1.43 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

MPTM alleges the following facts: Mobil Oil Corporation sold natural gas in intrastate commerce to Channel Industries Gas Company (Channel) from the Old Ocean Unit, Brazoria and Matagorda Counties, Texas, under a contract dated August 1, 1972, as amended. On July 1, 1974, the contract was extended for a term ending December 31, 1979. The contract price in effect on November 9, 1978, was $2.11 per MMBtu at 14.73 psia. Effective December 31, 1979, the contract term was extended until December 31, 1984. As of January 1, 1980, MPTM succeeded to the interest of Mobil Oil as the seller under the Channel contract. The contract provided for a 40 MMcf average daily contract quantity. However, gas was sold under the contract only to the extent it was surplus to prior Mobil Oil or MPTM contract commitments to other purchasers.

MPTM submits that the gas sold under the contract originally qualified only for the maximum lawful price of section 105(b)(2) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301 *et seq.* (Supp. II, 1978)), but qualified for the NGPA section 106(b) price beginning on December 31, 1979 when the contract allegedly rolled-over. MPTM submits further that the applicable NGPA maximum lawful price on January 1, 1981, for the average daily quantity of gas sold under the contract (40 MMcf) was $2.387 per MMBtu at 14.73 psia.

MPTM states that Mobil Oil and MPTM sold gas in intrastate commerce from the same unit to Texas Electric Service Company (TESCO) under a contract between Mobil Oil and TESCO dated May 1, 1969. The price under the TESCO contract is stated as $.295 per Mcf at 14.65 psia on November 9, 1978, and was the contract price in effect when the contract term expired on January 1, 1981.

MPTM further states that the Channel contract also permitted additional deliveries of up to 120 percent of the 40 MMcf daily contract quantity as well as certain deliveries in excess of the 120 percent limitation. MPTM asserts that when Mobil Oil or MPTM had such additional gas for sale, Channel had the right to, and did on occasion, purchase such additional volumes.

MPTM submits that volumes in excess of the 40 MMcf daily contract quantity available for sale after the expiration of the TESCO contract qualified for the NGPA section 105(b)(2) price. It also asserts that the excess volumes qualify under NGPA section 106(b) for a maximum lawful price of $2.387 per MMBtu at 14.73 psia effective January 1, 1981, the date the contract allegedly rolled-over.

MPTM requests that the Commission issue an order:

(1) confirming that the 40 MMcf per day volumes qualified for the maximum lawful price under NGPA section 105(b)(2) under the terms of the Channel contract as they existed on November 9, 1978;

(2) confirming that the applicable maximum lawful price for the sale of said volumes is now the price under NGPA section 106(b);

(3) determining the maximum lawful price under NGPA section 106(b) applicable to the volumes previously sold to TESCO in excess of 40 MMcf per day commencing January 1, 1981; and

(4) determining whether the price determined in number (3) above is the maximum lawful price MPTM can charge for the volumes in excess of 40 MMcf per day, irrespective of who the buyer is.

Any person desiring to be heard or to protest this petition must file a petition to intervene or a protest in accordance with §§ 1.8 or 1.10 of the Commission Rules of Practice and Procedure. All petitions or protests shall be filed with the Secretary of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C., 24026 on or before April 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to this proceeding. Any person desiring to become a party must file a petition to intervene. Copies of the petition in this docket are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9576 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4212-000]

City of Morris, Illinois; Application for Preliminary Permit

March 25, 1981.

Take notice that The City of Morris, Illinois (Applicant) filed on February 17, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4212 to be known as the Dresden Island Lock and Dam Project located on the Illinois River in Grundy County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael E. Ament, Shive-Hattery and Associates, P.O. Box 1803 Cedar Rapids, Iowa 52406. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Dresden Island Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse, to be located downstream of the dam, containing eight generating units with a total installed capacity of 17.6 MW; and (2) appurtenant facilities.

The applicant estimates that the average annual energy output would be 93 GWh.

Purpose of Project—Applicant proposes to sell energy produced to Commonwealth Edison Company.

Propose Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates cost of studies under its permit would be approximately $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives

the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company's Project No. 3569 filed on October 14, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4212. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9885 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-36-001]

Mountain Fuel Supply Co.; Amended Tariff Sheet Filing, Effective April 1, 1981

March 25, 1981.

Take notice that on March 16, 1981, Mountain Fuel Supply Company (Mountain Fuel), pursuant to § 1.11(a) of the Regulations of the Federal Energy Regulatory Commission (Commission), filed Substitute Twelfth Revised Sheet No. 3-A to its FERC Gas Tariff, Original Volume No. 1. Mountain Fuel states that the filed tariff sheet reflects a correction to the Unrecovered Purchased Gas Cost Account of Rate Schedule X-20. The tariff sheet reflects a net increase from that currently being collected of $.06435/Mcf (Rate Schedule X-4), and $.06434/Mcf (Rate Schedule X-5) and a net decrease of $.45690/Mcf (Rate Schedule X-20) all to be effective April 1, 1981.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Mountain Fuel Supply Company's Tariff Filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9877 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4152-000]

Municipal Electric Power Association of Virginia; Application for Preliminary Permit

March 25, 1981.

Take notice that Municipal Electric Power Association of Virginia (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4152 to be known as the John W. Flannagan Project located on the Pound River in Dickenson County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: R. Michael Amyx, Municipal Electric Power Association of Virginia, 311 Ironfronts, Post Office Box 753, Richmond, Virginia 23206. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' John W. Flannigan Dam and would consist of: (1) a new steel liner through the existing outlet tunnel and a short penstock; (2) a new powerhouse containing generating units having a rated capacity of 9,000-kW; (3) a tailrace; and (4) appurtenant facilities. The Applicant would deliver project energy to main transformers and switching equipment adjacent to the powerhouse, and it is anticipated that transmission lines would extend one to two miles from the switchyard to an interconnection with an existing transmission system. The Applicant estimates that the average annual energy output would be 24,000,000 kWh.

Purpose of Project—The Applicant would utilize the project energy within its municipal systems.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. The Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evaluation, consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an

environmental report. The Applicant estimates the cost of studies under the permit would be about $230,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Continental Hydro Corporation Project No. 3369 filed on August 25, 1980, under 18 CFR 4.33(1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4152. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9562 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-492]

National Fuel Gas Supply Corp.; Penn-York Energy Corp.; Shortening Comment Period

March 24, 1981.

On March 20, 1981, National Fuel Gas Supply Corporation and Penn-York Energy Corporation filed a request for a shortening of the comment period on the offer of settlement filed March 20, 1981, in the above-docketed proceeding. In support of this request, the motion states that expedited approval of this Offer of Settlement is required in order to implement construction services proposed in a related offer of settlement filed in Docket No. CP80-65, whose effectiveness is conditioned upon approval of the settlement filed in Docket No. CP76-492. The motion further states that Commission Staff does not oppose this request to shorten the comment period.

Notice is hereby given that comments on the Offer of Settlement shall be filed on or before March 30, 1981. Reply comments shall be filed on or before April 9, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9575 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-107, et al.]

Natural Gas Pipe Line Co. of America; Informal Settlement Conference

March 24, 1981.

Take notice that on April 1, 1981, at 10:00 a.m., a further settlement conference will convene in the above-captioned docket. All interested persons are invited to attend this conference. The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Customers and other interested persons will be permitted to attend but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9569 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-322-001]

Natural Gas Pipeline Co. of America, et al.; Amendment to Application

March 25, 1981.

Take notice that on January 13, 1981, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-322-001 an amendment to their application filed in the instant docket pursuant to Section 3 of the Natural Gas Act so as to reflect changes in agreements to purchase natural gas from ProGas Limited (ProGas), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that their original application requested authorization for the importation of Canadian natural gas purchased from ProGas. Applicants state that they have entered into a September 17, 1980, letter of understanding with ProGas which sets forth the various agreements of the Applicants and ProGas to amend existing agreements and to enter into additional agreements to implement the

import proposal. Applicants herein propose to revise the gas purchase contracts in order to reduce the total maximum volume of gas to be imported between the date of first delivery and November 1, 1982, from 300,000 Mcf per day to 150,000 Mcf per day.

Applicants also assert that Natural and Mich Wis have agreed to assign their rights and obligations to purchase gas under their gas purchase contracts for the period November 1, 1980, through October 31, 1982, to Tennessee and Texas Eastern and that Tennessee and Texas Eastern have agreed to assume those rights and obligations. It is stated that Natural proposes to take delivery of the gas which it purchases from ProGas at Monchy, Saskatchewan, border point and have such gas delivered from there to its facilities by Northern Border Pipeline Company (Northern Border) and Northern Natural Gas Company, Division of InterNorth, Inc. It is stated that to provide for the eventuality that Northern Border is not able to transport such gas as early as the time that deliveries to Natural are to begin, the assignment provides for Natural to be able to receive gas through the Emerson, Manitoba, border point with deliveries from that point by Great Lakes Gas Transmission Company and relative to further such transportation by Mich Wis.

Applicants also state that the agreement provides for the transportation of volumes to be imported by Natural by prebuilt southern portions of the Alaska Natural Gas Pipeline System (Northern Border and Foothills Pipeline (Yukon) Ltd.) as soon as they are able to carry out such transportation thus assisting that pipeline system to be built. Moreover, it is stated that Applicants have entered into contracts with ProGas which reduce the minimum take-or-pay levels in the original gas purchase contracts thus increasing the flexibility of the United States purchasers to tailor purchases to gas requirements.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before, April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9005 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-230-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

March 25, 1981.

Take notice that on March 11, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-230-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor facilities and for permission and approval to abandon certain other compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon one 703 horsepower compressor unit and one 783 horsepower compressor unit at its No. 2 compressor station in Hutchinson County, Texas. Applicant further proposes to construct and operate one 247 horsepower compressor unit and one 496 horsepower compressor unit as replacements for the abandoned units. Applicant contends that the new facilities would compress declining volumes of natural gas and would provide flexibility to Applicant's Fuller system gathering field which delivers gas to the Hutchinson County No. 2 plant for compression.

It is asserted that the existing compressor units are currently compressing volumes which have declined to a level which reduces the utilization and efficiency of the units because unit suction pressure and volume deliverability have declined significantly in the last five years.

It is stated that both the 247 horsepower and 496 horsepower compressor units would provide the operational flexiblity required for the next five years.

Applicant estimates the construction costs of the proposed facilities to be $1,076,800 which would be financed from cash on hand. It is further stated that the estimated cost to abandon and remove the subject facilities is $57,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the juridiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be repesented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9006 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-236-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

March 25, 1981.

Take notice that on March 16, 1981, Northern Natural Gas Company Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-236-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a limited-term and best-efforts basis to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated February 2, 1981, Applicant proposes to sell up to 100,000 Mcf of natural gas per day to El Paso on a best-efforts basis. Applicant asserts that the proposed sale would extend through October 31, 1983. It is further asserted that the gas to be sold to El Paso would be surplus to the needs of Applicant's existing customers and that such volumes would be marketed from Applicant's general system supply without jeopardizing service to Applicant's customers.

Applicant proposes to deliver the subject gas to El Paso at any one or any combination of (1) the Keystone delivery point located in Winkler County, Texas; (2) the Plains delivery point located in Yoakum County, Texas; and (3) the Ignacio delivery point, an existing interconnection between Northwest Pipeline Corporation and El Paso, in La Plata County, Colorado.

Applicant proposes to charge El Paso the currently effective Section 102 price of the Natural Gas Policy Act of 1978.

Applicant asserts that in instances when it cannot provide total requested deliveries to its off-system sales customers due to the volume demand of its general system requirements, it would apply any excess volumes in a *pro rata* manner to off-system customers.

It is stated that El Paso would utilize the subject gas in its general system supply to minimize the curtailment El Paso has projected over the term of this sale.

Applicant further seeks authorization for its proposed treatment of revenues to be received from the proposed off-system sale. It is asserted that Applicant would refund all off-system sales revenues received in excess of the sum of (a) any incremental cost incurred in making the sales, (b) the variable cost reflected in Applicant's rates, and (c) certain offsets for Applicant's actual cost of service not recovered through the sales refund obligation provisions in Docket No. RP80-88 Stipulation and Agreement approved by the Commission on February 20, 1981.

It is stated that the proposed sale would reduce Applicant's take-or-pay deficiency payments and would provide a market for Applicant's short-term surplus of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9869 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-346-000]

Pacific Gas and Electric Co.; Filing

March 25, 1981.

The filing Company submits the following:

Take notice that on March 16, 1981, Pacific Gas and Electric Company (PG&E) tendered for filing a contract dated January 28, 1981, entitled "Agreement for Sale of Electric Capacity and Energy by Pacific Gas and Electric Company to City of Santa Clara" (Agreement). The Agreement cancels and supersedes the Agreement for Sale of Electric Capacity and Energy by PG&E to City of Lompoc, dated November 8, 1955, as amended on August 24, 1966. The agreement provides for all Power requirements of the City of Lompoc (City) to be obtained from PG&E, under the terms and conditions of the Agreement. In addition, the Agreement provides for the conversion of the City's facilities from 12 kv capacity to 70 kv capacity with provision for later conversion to 115 kv deliveries.

Rates will continue to be those rates contained in the Rate Schedule R-1 of PG&E's FPC Electric Service Tariff, Original Volume No. 2. Section 2 of said schedule is the basis for the voltage discount which will now apply to the City. PG&E has requested waiver of the notice requirements pursuant to § 35.11 of the Commission's Regulations to permit an effective date of April 1, 1980.

Copies of the filing were served upon City and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9867 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4155-000]

Roaring Creek Ranch; Application for Preliminary Permit

March 25, 1981.

Take notice that Roaring Creek Ranch (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4155 to be known as Roaring Creek Project located on Roaring Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Larry Pane, 1707 Lacer Street, Reeding, California 96001. Any person who wishes to file a response to this notice

should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: 1) a 2-foot high rock-and-concrete diversion structure; 2) a 2,750-foot long and 47-inch diameter conduit; 3) a 450-foot long steel penstock; 4) a powerhouse containing one generating unit rated at 1,075 kw; and 5) a 0.5 mile long transmission line.

The Applicant estimates that the average annual energy output would be 5.8 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, geological, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 20, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before May 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4155. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9879 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3934-000]

Santaquin City Corp.; Application for Preliminary Permit

March 25, 1981.

Take notice that Santaquin City Corporation (Applicant) file on January 6, 1981, application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3934 to be known as Santaquin Project located on Summit Creek in Utah County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Clark M. Mower, Water Power Company, P.O. Box 22208, Salt Lake City, Utah 84122. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing rock diversion dike, 3 feet high and 25 feet long; (2) an existing intake structure; (3) a new 14,000 foot long penstock; (4) a new powerhouse having an installed generating capacity of 1,300 kW; discharging into (4) an existing concrete lined canal; (5) new transmission lines; and (6) appurtenant works. The existing structures are owned and operated by the Santaquin Irrigation and Canal Company. The applicant estimates that the average annual energy output would be 4,250,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company.

Project Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time Applicant will investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $22,200.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the

proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3934. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9880 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-224-000]

Southern Energy Co.; Application

March 25, 1981.

Take notice that on March 4, 1981, Southern Energy Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-224-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 280 horsepower compressor unit, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued January 16, 1981, in Docket No. CP81-139-000, Applicant and Boston Gas Company (Boston Gas) were authorized to engage in an emergency delayed exchange of a quantity of liquefied natural gas (LNG) equivalent to approximately 1,300,000 Mcf of vaporous gas. It is further submitted that under its agreement with Applicant Boston Gas is permitted to redeliver to Applicant a quantity of LNG above the quantity received from Applicant. Applicant states that in the event Boston Gas delivers additional LNG to Applicant Applicant would deliver for the account of Boston Gas a thermally equivalent quantity of natural gas to a third party transporter interconnected with Southern Natural Gas Company's pipeline system.

Applicant asserts that if Boston Gas arranges for delivery of additional LNG to Applicant's LNG terminal, the maximum amount of LNG to be delivered by Boston Gas would be the equivalent of approximately 2,500,000 Mcf of natural gas and that such a quantity added to that presently in storage at Applicant's LNG terminal would increase its LNG inventory to the extent that Applicant would have LNG in all its storage tanks.

Applicant states that under a current conservation plan daily deliveries of regasified LNG by Applicant have been reduced to the maximum extent possible by limiting such deliveries to the quantity of LNG which vaporizes in its storage tanks. It is asserted that the increased quantity of LNG vaporizing in its storage tanks resulting from additional LNG delivered by Boston Gas would exceed the capacity of the unit used to compress such gas to pipeline pressure.

Applicant states that in order to be able to deliver this gas it has arranged to lease an additional 280 horsepower compressor unit for a term of six months at a monthly rental of $4,400. It is submitted that these facilities would be installed at Applicant's LNG terminal at Elba Island, Georgia, and that if Applicant exercises its option to purchase the unit a portion of each rental payment would be applied to the purchase price.

Applicant estimates the cost of installing the proposed facilities to be $74,000 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9870 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-228-000]

Southwest Gas Corp.; Application

March 25, 1981.

Take notice that on March 9, 1981, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP81-228-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 4 new high-pressure tap facilities to provide additional points of delivery to residential customers in Pershing and Washoe Counties, Nevada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate 4 new high-pressure taps to facilitate natural gas delivery to residential customers in Pershing and Washoe Counties, Nevada. Applicant states that one tap would be located on Applicant's Elko Lateral to deliver gas to Pershing County customers. It is further stated that three taps would be located on Applicant's North Lake Tahoe Lateral to facilitate gas deliveries to Washoe County customers. Applicant asserts that the facilities downstream of the taps would be constructed in an area certificated by the Public Service Commission of Nevada (PSCN). It is further submitted that the sale of gas would be made pursuant to existing authority from the PSCN.

Applicant states that the cost of the Elko Lateral facility would be approximately $915 while the cost of the North Lake Tahoe Lateral taps would be approximately $1,950 each. The total cost of $6,765 would be financed by customer advances made to Applicant, it is stated.

Applicant states the volumes to be delivered would be for Priority 1 use with a total annual usage of 1,351 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9862 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-65]

Tennessee Gas Pipeline Co.; Shortening Comment Period

March 24, 1981.

On March 20, 1981, Tennessee Gas Pipeline Company filed a request for a shortening of the comment period on the Offer of Settlement filed March 20, 1981, in the above-docketed proceeding. In support of this request, the motion states that the company wants to expedite a decision in this proceeding in order to implement vital transportation services to its customers. The motion further states that all parties, including Commission Staff and National Fuel Gas Supply Corporation, support this request for a shortening of the comment period.

Notice is hereby given that comments on the Offer of Settlement shall be filed on or before March 30, 1981. Reply comments shall be filed on or before April 9, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9861 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-223-000]

Transcontinental Gas Pipe Line Corp.; Application

March 25, 1981.

Take notice that on March 4, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-223-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurenant facilities located offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 2.61 miles of 12-inch pipeline and appurtenant metering, regulating and other facilities to attach new gas supplies located in Mustang Island Block 762, offshore Texas, (Block 762) and two adjoining blocks. Applicant states that it plans to purchase gas supplies from Transco Gas Supply Company which has purhcased the gas from the Atlantic Richfield Company (ARCO), the owner of 100 percent interest in the reserves of Mustang Island Blocks 757, 762 and 763. It is stated that the quantities would be transported to onshore points through (a) the facilities proposed herein extending from Block 762 to adjoining Block 758; (b) certain proposed facilities to be jointly owned by Applicant, Southern Natural Gas Company, (Southern), Natural Gas Pipeline Company of America and Northern Natural Gas Company, Division of InterNorth, Inc., extending from Block 758 to Matagorda Island Block 686; and (c) the existing Matagorda Offshore Pipeline System owned by Northern, Southern, and Florida Gas Transmission Company (Florida) extending from Block 686 to an onshore connection with

Florida. It is further stated that such facilities would connect with the ARCO "A" platform in Block 762 and extend to a subsea tie-in with the jointly owned facilities to be constructed in adjoining Block 758.

It is stated that ARCO believes that proven reserves in Mustang Island Blocks 757, 762 and 763 are about 23,500,000 Mcf with maximum deliverability of approximately 46,000 to 49,000 Mcf per day. Applicant states that under the anticipated operating conditions of the proposed facilities during the 1981–82 winter, the pipeline would accommodate a flowing gas volume of 20,000 Mcf per day from Block 762. It is stated that production from Blocks 757 and 762–C would be ready to begin in mid or late 1982 and Applicant has designed the proposed pipeline facilities with the capacity to accommodate the additional volumes from these blocks.

Applicant estimates the cost of the proposed facilities to be $3,560,000 which would be financed initially through short-term loans and available cash with permanent financing undertaken as part of an overall long-term financing program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9883 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-231-000]

Transcontinental Gas Pipe Line Corp.; Application

March 25, 1981.

Take notice that on March 12, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in docket No. CP81-231-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional facilities at Applicant's new Village delivery point to Elizabethtown Gas Company (Elizabethtown) in Warren County, New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate additional metering and regulating equipment to be located at Applicant's existing New Village delivery point to Elizabethtown. Applicant states that it has agreed to transport for Elizabethtown up to 30,000 dekatherms equivalent of natural gas per day on an interruptible basis for which Applicant requires the additional facilities. It is stated that such quantities would be received by Applicant from Natural Gas Pipeline Company of America (Natural) for the account of Elizabethtown at an existing interconnection point between Applicant and Natural in Cameron Parish, Louisiana, for delivery to Elizabethtown at New Village.

Applicant further states the facilities are estimated to cost $176,000 which would be reimbursed by Elizabethtown. Applicant submits, however, that it would retain ownership, operation and maintenance rights of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9884 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-181-000]

Transok Pipe Line Co.; Application for Approval of Rates

March 25, 1981.

Take notice that on February 25, 1981, Transok Pipe Line Company (Applicant), 600 South Main Street, Tulsa, Oklahoma 74101, filed in Docket No. ST81-181-000 an application pursuant to Section 311(a) of the Natural Gas Policy Act of 1978 (NGPA) and § 284.123(b)(2) of the Commission's Regulations thereunder for approval of its rates for the transportation of natural gas on behalf of United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a contract with United dated October 20, 1980, which provides for the transport of up to 105 billion Btu of natural gas per day by Applicant on behalf of United for a period of two

years. It is submitted that under such agreement, Applicant would take delivery of the gas at or near the wellhead and redeliver such gas for the account of United to Panhandle Eastern Pipe Line Company (Panhandle) at mutually agreeable points on Panhandle's system in Oklahoma. It is further submitted that the redelivered volumes would be reduced by 2 percent for company use and fuel.

Applicant asserts that United would be permitted to tender gas in excess of 105 billion Btu per day and that Applicant would have sole discretion to accept it. It is also stated that initial deliveries of gas would begin on or about February 25, 1981, ending two years from such date.

Applicant states that it is required to construct, operate and maintain an $8,100,000 extension to its pipeline system in order to connect its existing intrastate system to the primary redelivery point. It is submitted that the extension would be a 20-inch line approximately 25 miles in length extending from Applicant's existing system to a point of intersection with Panhandle's existing system. Applicant anticipates that the new extension would be used exclusively to transport gas on behalf of United.

Applicant asserts that the transportation rate which it would charge for gas redelivered to United would be 23.2 cents per million Btu. It is submitted that Applicant would also impose a monthly demand charge of $2.776 per million Btu for the maximum daily quantity specified in the contract commencing with the initial flow of gas.

It is further stated that if the volumes transported by Applicant in the new facilities during any month are less than 105 billion Btu on an average daily basis as a result of *force majeure* or the failure of any company selling gas to be transported to deliver such gas to United, the minimum monthly bill would be reduced by an amount equal to the product of (a) the demand charge then specified in Section 3.1 of the agreement divided by 30.4 and (b) the difference between the quantities of gas actually transported during said month and 105 billion Btu times the number of days in said month.

Applicant asserts that the installation of compression facilities would be necessary in order to permit Applicant to redeliver gas volumes to Panhandle for the account of United and that accordingly, Applicant has agreed to install and operate such facilities. It is submitted that United's compression charge would be Applicant's actual cost of the compression and related facilities plus labor, overheads, and a return on investment. It is also submitted that the compression charge is specified in a compression agreement dated October 19, 1979, as amended February 9, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9831 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3329-001]

City of Altus, Oklahoma; Application for Preliminary Permit

March 26, 1981.

Take notice that the City of Altus, Oklahoma (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3329 to be known as the Altus Hydro Project located on North Fork of Red River in Jackson County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Application should be directed to: Mr. Ron Bourbeau, City Administrator, City of Altus, P.O. Box 914, Altus, Oklahoma 73521. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Water Power Resources Services existing multipurpose Altus Dam and Reservoir and would consist of: 1) a powerhouse measuring 50 by 30 feet located immediately downstream; 2) one 915–kV turbine/generator unit; 3) a substation; 4) one transmission line several miles long and 5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 1,978,600 kwh.

Purpose of Project—Power would be used by the Applicant for municipal purposes.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a prelimianary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies, concerning the potential environmatal effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $38,000.

Purpose of Preliminary Permit—A perliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to detemine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comment should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to

interverne or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 [1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3329. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

[FR Doc. 81-9883 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4039-000]

City of Ankeny; Notice of Application for Preliminary Permit

March 26, 1981.

Take notice that the City of Ankeny (Applicant filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4039 to be known as Saylorville Dam located on Des Moines River in Polk County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ollie J. Weigel— Mayor—City of Ankeny—City Hall, Ankeny, Iowa 50021. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse containing generating units having a total installed capacity of 6 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located on U.S. lands. The Applicant estimates that the average annual energy output would be 27,594,000 kWh.

Purpose of Project—The energy produced at the project would be sold to Iowa-Illinois Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months. During that time studies would be made to determine the economic, environmental, and engineering feasibility of the project. In addition, Federal, State, and local government agencies would be consulted to determine the environmental effects of the project. Applicant estimates the cost of the studies would be approximately $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No. 3566 filed on October 22, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 28, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4039. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20425. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9286 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4262-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on February 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4262 to be known as Scotish Creek, Humboldt, located on Scotish Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) 78-foot long; 5-foot high, 8-foot wide concrete diversion structure; (3) a 4,000-foot long diversion conduit or channel; (4) a 600-foot long, 35-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 1,600 kW; and (6) a 0.5 mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 0.2 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed; but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4262. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9288 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4260-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on February 26, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4260 to be known as Campbell Creek, Humboldt located on Campbell Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 60-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 4,100-foot diversion conduit or channel; (4) a 1,060-foot long, 27-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 1,500-kW; and (6) a 0.6 mile long, 12.5 kV

transmission line. The Applicant estimates that the average annual energy output would be 5.9 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary period for a period of 36 months, during which it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertake the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must confrom with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4260. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9865 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4261-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 27, 1981.

Take notice that Consolidated Hydroelectric Inc. (Applicant) filed on February 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4261 to be known as Bull Creek, Humboldt located on Bull Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 55-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 3,550-foot long diversion conduit or channel; (4) a 900-foot long, 28-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,100-kW; and (6) a 0.1 mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 8.4 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that recieve this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4281. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing applications, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9994 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4283-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 27, 1981.

Take notice that Consolidated Hydroelectric Inc. (Applicant) filed on February 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4283 to be known as Slate Creek, Yuba located on Slate Creek in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., Suite 206, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 135-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 3,500-foot long diversion conduit or channel; (4) a 500-foot long, 42-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 3,500-kW; and (6) a 2.5 mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 13.7 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $20,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all

capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4263. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing applications, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9883 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4230-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 26, 1981.

Take notice that Consolidated Hydroelectric Inc. filed on February 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4230 to be known as McKinney Creek, Siskiyou Power Project located on McKinney Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure within the east bank of the McKinney Creek; (2) a 7,000-foot long conduit or channel; (3) a 37-inch diameter, 1,100-foot long penstock; (4) a powerhouse containing generating units with a total rated capacity of 3,500-kW; and (5) a 1.3-mile long, 12.5 kV transmission line connecting the powerhouse with an existing Pacific Power and Light Company's (PP&L) transmission line north of the proposed project. The Applicant estimates that the average annual energy output would be 14 million kWh.

Purpose of Project—Project energy would be sold to PP&L.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be between $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4230. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing applications, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9885 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-34-000]

Consumers Power Co.; Notice of Application

March 25, 1981.

Take notice that Consumers Power Company ("Consumers") on March 20, 1981, filed an Application for Authority pursuant to Section 204 of the Federal Power Act to enter into the following financing agreement.

Consumers intends to enter into a credit agreement (the "Credit Agreement") with Southern Michigan Energy Corporation, a special purpose Delaware corporation (the "Issuer") and Westdeutsche Landesbank Girozentrale, New York Branch (the "Agent Bank"), and First National Bank in St. Louis, Gulf International Bank B.S.C., Hessische Bank, The Royal Bank of Canada, New York Agency, Union Bank (Los Angeles) and such additional or replacement banks as the officers of the Applicant may choose (the "Lending Banks") for the purpose of financing Consumers' current transactions as set forth in Exhibit K of the Credit Agreement. Concurrently with the execution of the Credit Agreement, Consumers will enter into a guaranty (the "Guaranty") in favor of the Agent Bank and the Lending Banks and a pledge and security agreement (the "Pledge and Security Agreement") with the Issuer, the Agent Bank and Morgan Guaranty Trust Company of New York (the "Collateral Agent"). Pursuant to the Credit Agreement, the Issuer may issue commercial paper, payment of which is guaranteed by Consumers, and advance the proceeds to Consumers, or the Agent Bank and the Lending Banks may make a loan to Consumers, the amount of such advance or such loan, not to exceed $100,000,000, either severally or in aggregate. The commitment of the Agent Bank and the Lending Banks to support any such commercial paper or to make such loan will be available to Consumers until 364 days from the date of execution of the Credit Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR Sections 1.8 and 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9982 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES 81-32-000]

Consumers Power Co.; Notice of Application

March 26, 1981.

Take notice that Consumers Power Company (Consumers) on March 18, 1981, filed an application for authorization to enter into a nuclear fuel leasing arrangement with Mid-Michigan Energy Company (MMEC), a Michigan corporation, organized solely for the purpose of receiving and holding title to nuclear fuel, leasing the fuel to Consumers, and making loans to Consumers to be evidenced by Promissory Notes maturing in less than 12 months. Consumers states that a similar existing nuclear fuel leasing arrangement with MMEC will expire on May 29, 1981. Accordingly, Consumers requests authority to enter into the new nuclear fuel leasing arrangement effective May 30, 1981.

The purpose of the nuclear fuel leasing arrangement is to finance the acquisition of nuclear fuel assemblies at favorable rates. MMEC will make payments to suppliers of nuclear fuel and reimburse Consumers for payments made by Consumers for nuclear fuel, provided that the payments by MMEC do not exceed $140,000,000 outstanding in aggregate at any one time.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9974 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3776-000 and 3996-000]

Continental Hydro Corp. and Enagenics; Applications for Preliminary Permit

March 26, 1981.

Take notice that Continental Hydro Corporation (CHC) and Enagenics (Applicants) filed on November 25, 1980, and January 13, 1981, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 3776 and 3996, respectively, to be known as Patoka Lake Dam Project, located on the Patoka River in Dubois County, Indiana. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109 or Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize an existing U.S. Army Corps of Engineers' dam, and the Applicants' facilities would be located mostly on U.S. lands.

Continental Hydro Corporation Project No. 3776 would consist of: (1) a proposed powerhouse, located at the northwest end of the existing dam, with generating units having a total installed capacity of 2.8 MW; (2) a proposed penstock extending from the inlet channel to the powerhouse; (3) proposed transmission lines; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output of the project would be 5,200 MWh.

Enagenics Project No. 3996 would consist of : (1) a proposed powerhouse, located at the northwest end of the existing dam, with generating units having a total installed capacity of 3.2 MW; (2) a proposed gate control tower, located at the intersection between the existing dam and inlet channel; (3) proposed transmission lines. and (4) appurtenant facilities. The Applicant estimates that the average annual energy output of the project would be 5,300 MWh.

Purpose of Projects—Energy produced at Project No. 3776 would be sold to the Indiana Statewide Rural Electric Cooperative. Energy produced at Project No. 3996 would be sold to the Public Service Company.

Proposed Scope and Cost of Studies under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time they would determine the economic feasibility of the project, apply for DOE funding, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project and prepare an application for FERC license, including an environmental report. CHC estimates the cost of the studies for the project would be approximately $48,000. Enagenics estimates the cost of the studies would be approximately $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3776 and 3998. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9999 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 25, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						
=PETROLEUM ENTERPRISES			RECEIVED: 03/11/81 JA: KS			
0180868	K-79-0016	1509581010 102	MITTLE #1 SEC 20 T33S R4E	POSEY	300.0	COLONIAL CORP
OKLAHOMA CORPORATION COMMISSION						
=A F E ENGINEERING			RECEIVED: 03/06/81 JA: OK			
0180743	07074	3500321187 103	THORNTON #1-28	S W HILLTOP	100.0	AMELA EXPLORATION CO
=APOLLO PRODUCTION LTD			RECEIVED: 03/09/81 JA: OK			
0180771	07078	3507322644 103	WOODWINE NO 28-2	NORTHEAST SHAWNEE	99.0	PHILLIPS PETROLEUM C
=BERRY PETROLEUM CORP			RECEIVED: 03/09/81 JA: OK			
0180790	06981	3504722047 103	MOLLE #1-1	SOONER TREND	0.0	GRACE PETROLEUM CORP
0180789	06982	3504722804 103	SCHROEDER NO 1-1	SOONER TREND	150.0	GRACE PETROLEUM CORP
=BLUE QUAIL ENERGY INC			RECEIVED: 03/06/81 JA: OK			
0180693	07070	3501721342 103	ATWOOD #1	SE YUKON C SE SW SEC	450.0	PHILLIPS PETROLEUM C
=BROWN & BORELLE INC			RECEIVED: 03/06/81 JA: OK			
0180784	07083	3507322437 103	PERDUE #1	SOONER TREND	94.0	PHILLIPS PETROLEUM C
=DYA OIL PRODUCERS			RECEIVED: 03/09/81 JA: OK			
0180774	07077	3505120089 103	BAKER #3 7703	N W ALEX	984.0	MOBIL OIL CORP
=GGA OIL COMPANY			RECEIVED: 03/06/81 JA: OK			
0180703	07098	3510323421 103	JOHNSON #1	NOWATA CLABETT	20.0	A-B SYSTEMS INC
=GGA OIL COMPANY			RECEIVED: 03/09/81 JA: OK			
0180765	07072	3510300000 103	LINVILLE #1	NOWATA CLABETT	10.0	A-B SYSTEMS INC
=GANADIAN EXPLORATION CORP			RECEIVED: 03/09/81 JA: OK			
0180782	07032	3501721409 103	HYATT NO 2-1	NORTH YUKON	60.0	CONOCO INC
=CHAMPLIN PETROLEUM COMPANY			RECEIVED: 03/06/81 JA: OK			
0180711	07069	3504722131 103	SARAH REBIER NO 2	N E ENID	80.0	CHAMPLIN PETROLEUM C
=CHASE EXPLORATION CORP			RECEIVED: 03/06/81 JA: OK			
*0180714	07083	3507120908 103	MONICK #2-21	NEVA	1.0	CITIES SERVICE GAS C
*0180715	07085	3507121403 103	MONICK #2-22	NEVA	2.9	CITIES SERVICE GAS C
*0180706	07090	3507121114 103	JOHNSON #1-15	NEVA	4.0	CITIES SERVICE GAS C
*0180716	07081	3507121280 103	LUTE #1-23	NEVA	5.1	CITIES SERVICE GAS C
*0180717	07084	3507120986 103	STOCKTON #1-24	NEVA	2.0	CITIES SERVICE GAS C
=CHASE EXPLORATION CORP			RECEIVED: 03/09/81 JA: OK			
0180701	07080	3507121833 103	NORTH #2-7	NEVA	1.3	CITIES SERVICE GAS C
0180760	07082	3507121734 103	CLINE #1-18	VIOLA	7.7	CITIES SERVICE GAS C
=CLARK RESOURCES INC			RECEIVED: 03/06/81 JA: OK			
0180731	07098	3504722170 103	MEDDERS 4-1	SOONER TREND	107.0	CITIES SERVICE GAS C
0180730	07099	3504722114 103	WINBURN 34-1	SOONER TREND	1000.0	EASON OIL CO
=CLARK RESOURCES INC			RECEIVED: 03/09/81 JA: OK			
0180776	07103	3507322836 103	BURDICK 17-1	SOONER TREND	109.5	CITIES SERVICE GAS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8120767	07702	3509321670	103		DTT 27-1
-D & B GAS & OIL CO					RECEIVED: 03/06/81 JA: DK
8120768	07561	3504721650	103		JOHNSON #1
-DAVID MORGAN					RECEIVED: 03/06/81 JA: DK
8120723	07532	3507322513	103		WILCOX #1
-EL PASO NATURAL GAS COMPANY					RECEIVED: 03/06/81 JA: DK
8120747	07587	3500923441	108		FRANCIS #1
-EL PASO NATURAL GAS COMPANY					RECEIVED: 03/09/81 JA: DK
8120781	10519	3500920369	107		REUBIN POTTER #1
-EXXON CORPORATION					RECEIVED: 03/09/81 JA: DK
8120780	10543	3518920450	107		DAUER #1
-FITKIN PETROLEUM CORP					RECEIVED: 03/06/81 JA: DK
8120719	07581	3510920356	103		PHIL DAUGHERTY TRUSTEE NO 1
-GULF OIL CORPORATION					RECEIVED: 03/06/81 JA: DK
8120755	07427	3507322320	103		GOODEN ET AL M J NO 1-10
8120750	07598	3505900000	108		HIERONYMOUS F #1
8120751	-07595	3505120006	108		JOHN COURTNEY #1
8120752	07607	3501181015	103		JOHN EPLER ETAL #1-11
8120749	07593	3500700000	108		NEAL J C #1
-HELMERICH & PAYNE INC					RECEIVED: 03/09/81 JA: DK
8120763	10517	3516920090	107		DAVID RO 1-13
-HESTON OIL CO					RECEIVED: 03/09/81 JA: DK
8120762	07755	3507322536	103		HEDGECOCK 824-1
-HUNT ENERGY CORPORATION ET AL					RECEIVED: 03/06/81 JA: DK
8120716	07607	3501520661	103		DAVIDSON #1-6
-JONES & PELLOW OIL CO					RECEIVED: 03/09/81 JA: DK
8120750	07628	3501922016	103		SULLIVAN #27-2
-L & B WILLIAMS OIL COMPANY INC					RECEIVED: 03/09/81 JA: DK
8120775	07685	3501781315	103		WRIGHT #33-7
-MACKELLAR INC					RECEIVED: 03/09/81 JA: DK
8120777	07714	3508321359	103		HULO #1
-MARSHALL OIL CORP					RECEIVED: 03/09/81 JA: DK
8120786	07539	3509320190	102		BEARD #1
8120787	07538	3509320209	102		BEARD #2
8120788	07540	3509320201	102		COX #1
8120784	07541	3509320214	102		COX B-1
8120793	07523	3509320233	102		DANIEL #1
8120792	07528	3509320248	102		FLYNT #1
8120785	07537	3509320193	102		GOLDFEDER #1
8120789	07536	3509320229	102		LITTLE #1
8120790	07531	3509320211	102		PERONICA #1
8120791	07529	3509320202	102		SORRELL #1
-MASSEY & MASSEY					RECEIVED: 03/06/81 JA: DK
8120700	07476	3504722138	103		CLARA #1 DTC 0047-00193
*8120698	07478	3509321812	103		NOLTING #1 DTC 0093-00200
8120699	07479	3504721991	103		SHIRLEY #1
*8120701	07477	3504722008	103		TRAYLOR #1 DTC 047-00256
-MUSTANG PRODUCTION CO.					RECEIVED: 03/06/81 JA: DK
8120697	07481	3501181081	103		KEELEY #2-7
-NORTEX GAS & OIL CO					RECEIVED: 03/06/81 JA: DK
8120702	07657	3500781838	103		HUEBNER A NO 1-18
-NOVA ENERGY CORPORATION					RECEIVED: 03/09/81 JA: DK

FIELD NAME	PNOU	PURCHASER
BOONER TREND	40.0	CITIES SERVICE GAS C
EAST MARSHALL	0.0	AMINOIL U S A INC
BOONER TREND	110.0	PANHANDLE EASTERN PI
ERICK SOUTH-BROWN DOLOMI	10.0	EL PASO NATURAL GAS
ELK CITY ATOKA	365.0	EL PASO NATURAL GAS
E REYDON (SWEETWATER)	20.0	
NE ORCHARD CITY FIELD	200.0	
OMEGA WEST	129.0	OKLAHOMA NATURAL GAS
OOBY SPRINGS NE	0.0	TRANSWESTERN PIPELIN
MIDDLEBURG	14.0	AGGIL OIL CORP
	120.0	OKLAHOMA NATURAL GAS
LOGAN SW	0.0	PHILLIPS PETROLEUM C
MORROW-SPRINGER	0.0	MICHIGAN WISCONSIN P
BOONER TREND	185.0	EASON OIL AND GAS
E EARLY	430.0	MICHIGAN WISCONSIN P
VIOLA	30.0	OKLAHOMA NATURAL GAS
YUKON	200.0	PHILLIPS PETROLEUM C
BOONER TREND	0.0	EASON OIL CO
ISON SPRINGS	100.0	NATURAL GAS PIPELINE
ISON SPRINGS	127.0	NATURAL GAS PIPELINE
ISON SPRINGS	10.0	NATURAL GAS PIPELINE
ISON SPRINGS	10.0	NATURAL GAS PIPELINE
ISON SPRINGS	273.0	NATURAL GAS PIPELINE
ISON SPRINGS	24.7	NATURAL GAS PIPELINE
ISON SPRINGS	23.0	NATURAL GAS PIPELINE
ISON SPRINGS	91.3	NATURAL GAS PIPELINE
ISON SPRINGS	10.3	NATURAL GAS PIPELINE
ISON SPRINGS	187.0	NATURAL GAS PIPELINE
SOUTH DRUMMOND	100.0	PHILLIPS PETROLEUM C
N W LAHOMA	100.0	PANHANDLE EASTERN PI
SOUTH DRUMMOND	100.0	PHILLIPS PETROLEUM C
SOUTH DRUMMOND	100.0	PANHANDLE EASTERN PI
GREENFIELD	300.0	DELHI GAS PIPELINE C
EAST LORENA	811.0	INTERNORTH INC

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8120794	07524	3509320264	102		WILLIAMS #1
-PETROLEUM PRODUCTION MGMT					RECEIVED: 03/09/81 JA: DK
8120704	07574	3504722139	103		BOWLES #1
-PHILLIPS PETROLEUM CO					RECEIVED: 03/09/81 JA: DK
8120705	07573	3504722140	103		BOWLES #2
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120706	07572	3504722141	103		BOWLES #3
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120707	07571	3504722142	103		BOWLES #4
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120708	07570	3504722143	103		BOWLES #5
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120709	07569	3504722144	103		BOWLES #6
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120710	07568	3504722145	103		BOWLES #7
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120711	07567	3504722146	103		BOWLES #8
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120712	07566	3504722147	103		BOWLES #9
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120713	07565	3504722148	103		BOWLES #10
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120714	07564	3504722149	103		BOWLES #11
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120715	07563	3504722150	103		BOWLES #12
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120717	07562	3504722151	103		BOWLES #13
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120718	07561	3504722152	103		BOWLES #14
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120795	07522	3509320265	102		WILLIAMS #2
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120796	07521	3509320266	102		WILLIAMS #3
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK
8120797	07520	3509320267	102		WILLIAMS #4
-PRIDE ENERGY CO					RECEIVED: 03/09/81 JA: DK

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PNDD	PURCHASER
0120779	06165	3505120943	103		WEAVER #1-19	NATONSA CHICKASHA TREND	0.0	DELHI GAS PIPELINE C
=T II LTD					RECEIVED: 03/09/81 JA: DK			
0120773	07634	3507833129	103		SEIS #16-1	SOONER TREND	65.0	PHILLIPS PETROLEUM C
0120772	07633	3507322067	103		SCOTT #35-1	SOONER TREND	30.0	PHILLIPS PETROLEUM C
=T LTD &o					RECEIVED: 03/06/81 JA: DK			
0120739	07634	3504722186	103		CHESNUT #31-1	SOONER TREND	180.0	HELLMEAD ENTERPRISES
=PACIFIC OIL & GAS CO					RECEIVED: 03/06/81 JA: DK			
0120738	07632	3509321907	103		BOEHM #1	CHEYENNE VALLEY	270.0	PHILLIPS PETROLEUM C
=PHILLIPS PETROLEUM COMPANY					RECEIVED: 03/06/81 JA: DK			
0120710	07683	3501721477	103		HUFNAGEL B #1	N CONCHO	0.0	PANHANDLE EASTERN PI
0120709	07684	3501721943	103		HUFNAGEL C #1	N CONCHO	0.0	PANHANDLE EASTERN PI
0120708	07682	3501721541	103		ZUM HALLEN E #1	N CONCHO	0.0	PANHANDLE EASTERN PI
=PIONEER PRODUCTION CORPORATION					RECEIVED: 03/06/81 JA: DK			
0120705	04404	3515181048	102		KAY CARTER #1-21	N E FARRY	65.0	PANHANDLE EASTERN PI
=RICHO EXPLORATION CO					RECEIVED: 03/06/81 JA: DK			
0120733	07644	3515321079	103		MILLER FARMS 32B	N SHARON	10.0	PHILLIPS PETROLEUM C
=S E TUTHILL & B J BARBEE					RECEIVED: 03/06/81 JA: DK			
0120730	07496	3515180998	103		#1-7 HODGSON	NORTH EDITH	75.0	NORTHERN NATURAL GAS
=SCARAB PETROLEUM CORP					RECEIVED: 03/06/81 JA: DK			
0120728	07518	3507181461	103		SCARAB 79-1 #3		30.0	CONOCO TRANSMISSIO
0120727	07513	3507181922	103		SCARAB 79-4 #1	HOTSON	0.0	CONOCO TRANSMISSIO
0120726	07514	3507181986	103		SCARAB 79-4 #2	NEVA	30.0	CONOCO TRANSMISSIO
0120725	07505	3507181981	103		SCARAB 79-4 #3	NEVA	30.0	CONOCO TRANSMISSIO
=SEARCH DRILLING CO					RECEIVED: 03/06/81 JA: DK			
0120733	07687	3500721793	101		BARTEL #1-16	N ELMWOOD	33.0	PHILLIPS PETROLEUM C
=SEMCO OIL COMPANY					RECEIVED: 03/06/81 JA: DK			
0120698	04944	3509300000	102		RITTER NO 1-34	S E BADD	304.5	PANHANDLE EASTERN PI
=STONE RIVER ENERGY CORP					RECEIVED: 03/06/81 JA: DK			
0120724	07517	3504722194	103		POSPISIL #1	SOONER TREND	110.0	UNION TEXAS PETROLEU
=SULLEVAN AND CO					RECEIVED: 03/06/81 JA: DK			
0120707	07681	3500121040	103		J INGRAM #4	SOUTHWEST PRAIRIE DEM	437.0	SUN OIL CO
=SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/06/81 JA: DK			
0120735	07824	3505300000	108		HANLEY WEST UNIT WELL NO 27-1	HANLEY	0.1	CITIES SERVICE GAS C
0120734	07823	3505300000	108		HANLEY WEST UNIT WELL NO 32-1	HANLEY	0.1	CITIES SERVICE GAS C
0120736	07822	3505300000	108		HANLEY WEST UNIT WELL NO 40-1	HANLEY	0.1	CITIES SERVICE GAS C
0120740	07543	3504320953	103		WILLIS BARNES NO 1	OSWEGO	43.0	WESTERN FARMERS ELEC
=SUNDANCE ENERGY CORP					RECEIVED: 03/09/81 JA: DK			
0120776	07715	3504722003	103		MONEY #1-8	SOONER TREND	40.0	CHAMPLIN PETROLEUM C
=SUPRON ENERGY CORPORATION					RECEIVED: 03/06/81 JA: DK			
0120712	07604	3508350046	108		OSWALD NO 1	SOONER TREND	11.6	CONOCO INC
0120704	07708	3507330083	108		RUDD NO 1	SOONER TREND	8.4	CONOCO INC
=TAYLOR OIL CO					RECEIVED: 03/06/81 JA: DK			
0120740	07647	3510322404	103		TAYLOR NO 1	NOWATA-CLAGGETT (MSSP)	45.0	FUEL PRODUCTS INC
=TENNECO OIL COMPANY					RECEIVED: 03/06/81 JA: DK			
0120720	07545	3509920226	108		ART HEPNER UNIT 1-19	LOVEDALE NW	10.0	MICHIGAN WISCONSIN P
0120723	07484	3515180419	108		CHARLES COMLMIA 1-17	WAYNOKA NE	0.0	DELHI GAS PIPELINE C
0120737	07487	3504320408	108		ERNEST CRAIG #1-17	PUTNAM	1.5	PHILLIPS PETROLEUM C
=TEXACO INC					RECEIVED: 03/06/81 JA: DK			
0120721	07584	3501721519	103		ANNA MOUSER EST B NO 1	YUKON NORTH	190.0	DELHI GAS PIPELINE C
0120722	07542	3507322389	103		D F FOSTER NO 4	LINCOLN SE	10.0	GASON OIL CO
=TEXACO INC					RECEIVED: 03/09/81 JA: DK			
0120764	07543	3507322409	103		SCHROEDER C A NO 2	OKARCHE NE	0.0	PHILLIPS PETROLEUM C
=TEXAS OIL & GAS CORP					RECEIVED: 03/06/81 JA: DK			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0120732	07369	3504381070	103		BECKLOFF #1	NO EAGLE CITY	0.0	DELHI GAS PIPELINE C
0120737	07623	3506180344	103		REAGNOR #1	KINTA	183.0	
0120694	06459	3500721728	102		SAM #1	SOUTH ELMWOOD	230.0	
=TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 03/06/81 JA: DK			
0120742	07649	3501520612	103		CECIL SIMMONS #1	N E VERDEN	23.0	MOBIL OIL CORP
0120741	07648	3501520700	103		G W TIPPETT #1	N E VERDEN	13.7	MOBIL OIL CORP
=THE SMK COMPANY					RECEIVED: 03/06/81 JA: DK			
0120713	10407	3500920332	107		BARNAR 1-32	CARPENTER	144.5	
=UNIT OPERATIONS					RECEIVED: 03/09/81 JA: DK			
0120770	07756	3504722140	103		EASTERLY #3-1	N E ENID	73.0	CHAMPLIN PETROLEUM C
=VULCAN ENERGY CORP					RECEIVED: 03/06/81 JA: DK			
0120695	07483	3507322332	103		HAZEL KING #1	SOONER TREND	100.0	CONOCO
=W B OSBORN JR (OPERATOR)					RECEIVED: 03/09/81 JA: DK			
0120768	07718	3507300000	103		PERDUE #1	S W LOYAL	50.0	MUSTANG FUEL CORP
=WALKER & WITHROW INC					RECEIVED: 03/06/81 JA: DK			
0120736	07485	3501721522	103		TAYLOR 18-2	NORTH YUKON	59.0	DELHI GAS PIPELINE C
=WEBSELY ENERGY CORPORATION					RECEIVED: 03/09/81 JA: DK			
0120764	07688	3504921351	103		BELL NO 1-11 049-01068	GOLDEN TREND	18.0	WARREN PETROLEUM CO
=WILLIAM M DAVIS					RECEIVED: 03/06/81 JA: DK			
0120744	07560	3508320561	103		BONERS NO 1	NAKITA TREND	140.0	CITIES SERVICE GAS C
0120745	07563	3508320603	103		RAGAINS NO 1	NAKITA TREND	140.0	CITIES SERVICE GAS C
=WILLEAM M DAVIS					RECEIVED: 03/09/81 JA: DK			
0120769	07731	3508320613	103		SCHUERMANN NO 1	NAKITA TREND	140.0	CITIES SERVICE GAS C
=WILLEAM M LANGDON					RECEIVED: 03/09/81 JA: DK			
0120783	07689	3504900000	108		MCDANIEL NO 1	EAST ANTIOCH	0.0	WARREN PETROLEUM COR
=WILLEAM WOOD PROPERTIES INC					RECEIVED: 03/09/81 JA: DK			
0120796	07648	3507322339	102		WLADIK 3 NO 1 (RED FORK)	SOONER TREND	320.3	PHILLIPS PETROLEUM C

TEXAS RAILROAD COMMISSION

=ADOBE OIL & GAS CORPORATION					RECEIVED: 03/09/81 JA: TX			
0121008	3D376	4213332469	102		SNEED D2	RANSUM NORTH (3200)	77.0	UDESSA NATURAL CORP
=AMERICAN DELTA CORP					RECEIVED: 03/09/81 JA: TX			
0121017	28777	4205130490	102		KOEPPEN #1 (12300)	SIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING PI
=AMERICAN QUASAR PETROLEUM CO					RECEIVED: 03/09/81 JA: TX			
0121007	28758	4240300000	103		SHURLEY RANCH WELL 3-4	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
=AMINOIL USA INC					RECEIVED: 03/09/81 JA: TX			
0120806	28875	4229732068	102		AMINOIL USA INC ET AL NO 4 - EL PAS	CHAPA EAST (12600)-PROPO	709.0	EL PASO NATURAL GAS
=AMOCO PRODUCTION CO					RECEIVED: 03/09/81 JA: TX			
0120998	28418	4234931867	102		DOROTHY CLARK OIL UNIT /B/ #1	CHENEYBORO/COTTON VALLEY	800.0	LONE STAR GAS CO
0121011	28734	4228330781	102		EMANUEL WASHINGTON GAS UNIT NO 1	BLOCKER /COTTON VALLEY/	896.0	UNITED GAS PIPE LINE
0121126	30446	4213333418	103		GOLDSMITH LANDRETH DEEP UNIT #196	GOLDSMITH (CLEARFORK)	84.0	PHILLIPS PETROLEUM C
0121018	28735	4234931167	102		H P BONNER OIL UNIT/A/NO 1	CHENEYBORO/COTTON VALLEY	37.0	LONE STAR GAS CO
0120997	28409	4234931212	102		JOHN D CUNNINGHAM NO 4	CHENEYBORO/COTTON VALLEY	800.0	LONE STAR GAS CO
0121124	30441	4234931159	102		KATHRYN LOPER WELL NO 1	CHENEYBORO/COTTON VALLEY	100.0	LONE STAR GAS CO
0121063	30336	4213900000	108		MARGARETE BRUNER WELL #1	MANGFORD (MORROW LOWER)	10.0	NORTHERN NATURAL GAS
0120947	27045	4234730469	102		MAX M HART JR #2	APPLEBY M /TRAVIS PEAK/	144.0	
0120946	27044	4234730489	102		NEOTENA OIL & GAS CO #7	ALTA MESA MD(6100)	80.0	SO TEX NATURAL GAS G
0120941	19546	4213333837	103		NORTH CONDEN UNIT #106B	CONDEN NORTH	1.0	PIONEER NATURAL GAS
0121128	30448	4234930448	103		PRENTICE NORTHEAST UNIT #108	PRENTICE/6700/	4.0	AMOCO PRODUCTION CO
0121050	29818	4207931242	103		W R BLAKE #11	SLAUGHTER	5.1	AMOCO PRODUCTION CO
0121056	29813	4207931243	103		W R BLAKE #12	SLAUGHTER	1.1	AMOCO PRODUCTION CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0121010	28733	4234931166	102		W P BONNER OIL UNIT/A/NO 2	CHENEYBORO/COTTON VALLEY	37.0	LONE STAR GAS CO
0121009	28732	4234931165	102		W P BONNER OIL UNIT/A/NO 3	CHENEYBORO/COTTON VALLEY	37.0	LONE STAR GAS CO
0121125	30442	4234931158	102		WILLIE MAE BRUNER WELL #1	MANGFORD (MORROW LOWER)	100.0	LONE STAR GAS CO
0121127	30447	4234930447	103		WILLIE MAE BRUNER WELL #2	MANGFORD (MORROW LOWER)	10.0	NORTHERN NATURAL GAS
0121129	30449	4234930449	103		WILLIE MAE BRUNER WELL #3	MANGFORD (MORROW LOWER)	10.0	NORTHERN NATURAL GAS
0121130	30450	4234930450	103		WILLIE MAE BRUNER WELL #4	MANGFORD (MORROW LOWER)	10.0	NORTHERN NATURAL GAS
=ARCO OIL & GAS CO					RECEIVED: 03/09/81 JA: TX			
0121004	28810	4207931248	102		ADAMS #1	WILDCAT	0.0	
=ARMSTRONG ENERGY CORP					RECEIVED: 03/09/81 JA: TX			
0121005	28811	4207931249	102		ADAMS #2	WILDCAT	0.0	
=ARMSTRONG ENERGY CORP					RECEIVED: 03/09/81 JA: TX			
0121006	28812	4207931250	102		ADAMS #3	WILDCAT	0.0	
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0121051	28822	4207931287	102		ADAMS #44	WILDCAT	0.0	
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JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
=ANGEL T FULLER					RECEIVED: 03/09/81 JA: TX			
0181032	25440	4246900000	102		BRAJSTRIA-AIKESKA #1	ELOISE SW	40.0	UNITED GAS PIPELINE
=ARCO OIL AND GAS COMPANY					RECEIVED: 03/09/81 JA: TX			
0181045	29549	4229530742	103		CRUISE C DUKE NO 1-U	BRADFORD (CLEVELAN) FIEL	219.0	PHILLIPS PETROLEUM C
0181221	30714	4200332890	103		EMMA CONDER GAS (GRAYBURG)	EMMA (GRAYBURG)	0.0	EL PASO NATURAL GAS
0180032	26408	4221530993	102		J A SORENSON #1	DONNA (0200)	180.0	TENNESSEE GAS PIPELI
0181844	30795	4223531595	103		J R SCOTT ESTATE 24 WELL 02	SPRABERRY (TREND AREA)	20.0	J L DAVIS
0181840	30791	4223531596	103		J R SCOTT ESTATE 32 WELL 01	SPRABERRY (TREND AREA)	18.0	J L DAVIS
0181842	30793	4223531597	103		J R SCOTT ESTATE 32 WELL 02	SPRABERRY (TREND AREA)	18.0	J L DAVIS
0181843	30794	4223531594	103		J R SCOTT ESTATE 34 WELL 02	SPRABERRY (TREND AREA)	20.0	J L DAVIS
0181847	30798	4223531484	103		J R SCOTT ESTATE 36 WELL 02	SPRABERRY (TREND AREA)	20.0	J L DAVIS
0181846	30797	4223531588	103		J R SCOTT ESTATE 72 WELL 06	SPRABERRY (TREND AREA)	18.0	J L DAVIS
0181845	30796	4223531589	103		J R SCOTT ESTATE 72 WELL 07	SPRABERRY (TREND AREA)	20.0	J L DAVIS
0181840	30799	4223531590	103		J R SCOTT ESTATE 72 WELL 08	SPRABERRY (TREND AREA)	18.0	J L DAVIS
0181841	30792	4223531597	103		J R SCOTT ESTATE 74 WELL 04	SPRABERRY (TREND AREA)	20.0	J L DAVIS
0181820	30713	4223531592	103		W H NOELKE ESTATE WELL NO 1148-1	CAL (CANYON)	10.0	NORTHERN NATURAL GAS
=B D K PRODUCTION CO INC					RECEIVED: 03/09/81 JA: TX			
0180040	29967	4205130502	102		HUGH SCHUMACHER ET AL WELL NO 1	BEDDYN	148.0	FERGUSON CROSSING PI
=BAR H PETROLEUM CO INC					RECEIVED: 03/09/81 JA: TX			
0180068	28238	4226300000	102		DODIE C LEASE #1C	HARRY (1300)	93.0	BAR H PETROLEUM CO I
=BARBOUR ENERGY CORP					RECEIVED: 03/09/81 JA: TX			
0180060	21486	4223300000	103		JARVIS #1	SHIRLEY & TONKAWA CLEVEL	54.0	TRANSWESTERN PIPELIN
=BORDER EXPLORATION CO					RECEIVED: 03/09/81 JA: TX			
0181068	30007	4214330676	103		C W HAULDIN GAS UNIT #2	X-RAY (MARBLE FALLS)	73.0	VALERO ENERGY CORP
=BRIGHT & COMPANY					RECEIVED: 03/09/81 JA: TX			
0180965	27597	4221531049	102		B FLORES JR NO 2-A	SULLIVAN CITY (VICKSBURG	48.0	TENNESSEE GAS PIPELI
0180965	27597	4221531049	103		B FLORES JR NO 2-A	SULLIVAN CITY (VICKSBURG	48.0	TENNESSEE GAS PIPELI
=BTA OIL PRODUCERS					RECEIVED: 03/09/81 JA: TX			
0180924	26098	4247532025	103		HOWE #1 8001	HOWE (ATOKA)	0.0	LONE STAR GAS CO
=CABOT CORP					RECEIVED: 03/09/81 JA: TX			
0181073	30090	4215131131	103		J F DOZIER NO 1	SYLVESTER (STRAWN)	91.0	PALO DURO PIPELINE C
=CANADIAN RIVER & MAIL					RECEIVED: 03/09/81 JA: TX			
0180964	27794	4221131203	102		SHELL FEE NO 1-U (80383)	CANADIAN WEST (MORROW UP	308.0	DIAMOND SHAMROCK COR
=CANYO PETROLEUM INC					RECEIVED: 03/09/81 JA: TX			
0180939	26528	4235500000	102		ALEX NEIL JR ET AL GAS UNIT #1	BAKER (10900 PRIO)	368.0	UNITED GAS PIPE LINE
=CARTER ENERGY CORP					RECEIVED: 03/09/81 JA: TX			
0180970	27974	4236731737	103		J W LYNN NO 1	RENO (CONGL)	44.0	TEXAS UTILITIES CO
=CHAMPLIN PETROLEUM COMPANY					RECEIVED: 03/09/81 JA: TX			
0180973	27981	4243130890	103		R L COPE 84	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
0180969	27966	4243130660	103		R L COPE NO 8	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
=CIRCLE SEVEN PRODUCTION CO					RECEIVED: 03/09/81 JA: TX			
0181049	30020	4223700000	103		R W LORD ET AL NO 1 (72898)	MARINA-MAG (CONGLOMERATE	0.0	SOUTHWESTERN GAS PIP
=CITIES SERVICE COMPANY					RECEIVED: 03/09/81 JA: TX			
0181121	30419	4217900000	108		ARCHER B & C - B01	PANHANDLE GRAY	7.7	CITIES SERVICE CO
0181120	30418	4217900000	108		ARCHER B & C - B03	PANHANDLE GRAY	4.8	CITIES SERVICE CO
0181119	30417	4217900000	108		ARCHER B & C - B04	PANHANDLE GRAY	8.3	CITIES SERVICE CO
0181118	30416	4217900000	108		ARCHER B & C - B05	PANHANDLE GRAY	8.2	CITIES SERVICE CO
0181117	30415	4217900000	108		ARCHER B & C - B06	PANHANDLE GRAY	8.4	CITIES SERVICE CO
0181116	30414	4217900000	108		ARCHER B & C - C01	PANHANDLE GRAY	4.8	CITIES SERVICE CO
0181115	30413	4217900000	108		ARCHER B & C - C03	PANHANDLE GRAY	3.8	CITIES SERVICE CO
0181114	30412	4217900000	108		ARCHER B & C - C04	PANHANDLE GRAY	8.7	CITIES SERVICE CO
0181113	30411	4217900000	108		ARCHER B & C - C07	PANHANDLE GRAY	8.3	CITIES SERVICE CO

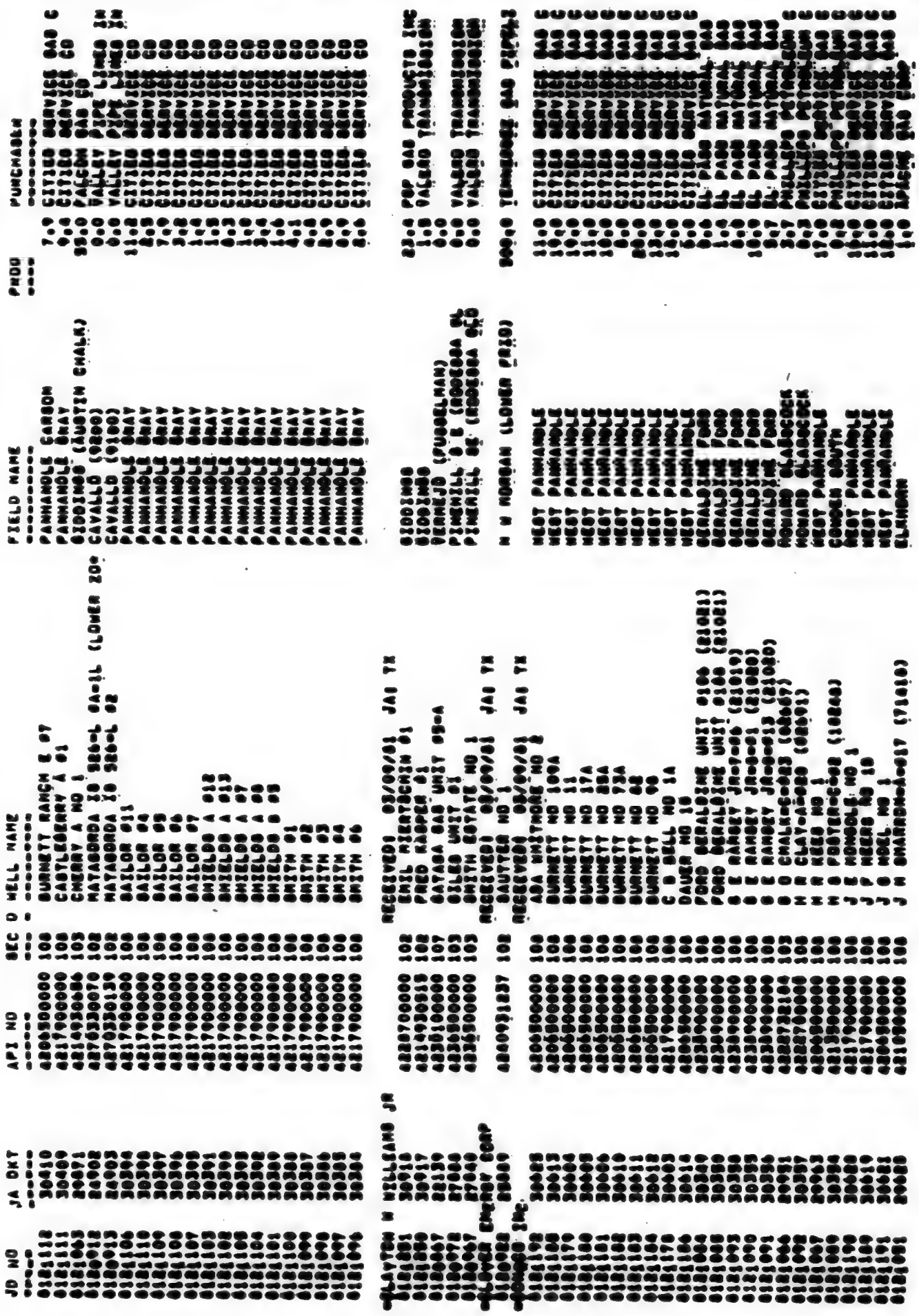

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8181187	30617	42065000000	108		JORDON NO 1	WEST PANHANDLE	17.0	CITIES SERVICE GAS C
8180975	28020	42135334418	103		KLOH-A-99 (00818)	CONDEN NORTH (DEEP)	0.4	AMOCO PRODUCTION CO
8181188	30618	42065000000	108		M L LANE NO 2	WEST PANHANDLE	12.0	CITIES SERVICE GAS C
8181088	30383	42135000000	104		MRS L E WIENT-A-DEA (23778)	CONDEN NORTH	0.8	AMOCO PROD CO
8180964	27596	42479000000	108		MED WILSON ET AL (00065)	WIL-JOHN	1.5	CLAJON GAS CO
8181049	29681	42501000000	108		R M KENDRICK-000-07 (61076)	WASSON	1.2	SHELL OIL CO
8181050	29682	42501000000	108		R M KENDRICK -000- 010 (61076)	WASSON	2.5	SHELL OIL CO
8181090	28486	42501000000	108		R M KENDRICK-000-09 (61076)	WASSON	1.0	SHELL OIL CO
8181086	29733	42105328726	103		TODD GRINDIDAL UNIT #43 (02D14)	TODD	10.4	PERMIAN CORP
8180827	17022	42105321116	103		TODD GRINDIDAL UNIT #39 (00002014	TODD DEEP (GRINDIDAL)	20.1	PERMIAN CORP
8181024	28971	42479321702	102		VAQUILLAS RANCH A2 NO 4	PENDING	720.0	E I DUPONT DE NEMOUR
8180993	28389	42003328307	103		W M BOWER-A-037 (01663)	PUMPMAN-RASCHO	4.4	PHILLIPS PETROLEUM C
8181084	30381	42135000000	104		WIGHT UNIT #130 (20061)	CONDEN NORTH	0.8	AMOCO PROD CO
8181087	30382	42135000000	104		WIGHT UNIT #138 (20061)	CONDEN NORTH	1.2	AMOCO PROD CO
•BROWN EXPLORATION CO					RECEIVED: 03/09/81 JAI TX			
8180989	28388	42099000000	102		BROWN A NO 3 (00000)	BAIRD EAST (STRAWN SAND)	100.0	LONE STAR GAS CO
•BURNT RESOURCES					RECEIVED: 03/09/81 JAI TX			
8180989	17860	42233000000	103		BOARD 2-44	S W NORSE (BRN DOLO)	100.0	NORTHERN NATURAL GAS
•DALLAS PRODUCTION INC					RECEIVED: 03/09/81 JAI TX			
8181046	29583	42221320087	102		CRAWFORD NO 1 (00000)	BRANDBURY NORTH (STRAWN)	40.0	ENRON PIPELINE CORP
8181078	30244	42503330434	103		LITTLEPAGE NO 1 (19030)	JEAN N (NIBS)	8.0	GAS ASSOCIATED 07076
8181077	30245	42503330926	103		LITTLEPAGE NO 2 (19030)	JEAN N (NIBS)	8.0	GAS ASSOCIATED 07076
•DEETER IMPROVEMENT INC					RECEIVED: 03/09/81 JAI TX			
8180983	28181	42047320069	102		ZAMORA NO 1	LOMA BLANCA NORTH (6500)	53.0	HOUSTON PIPELINE CO
•DELRAY OIL INC					RECEIVED: 03/09/81 JAI TX			
8181129	30449	42003328213	103		BERTIE E STONE WELL NO 11	COLEMAN COUNTY REGULAR	0.0	LONE STAR GAS CO
8181128	30448	42003328215	103		BERTIE E STONE WELL NO 12	COLEMAN COUNTY REGULAR	0.0	LONE STAR GAS CO
8181018	28048	42003328209	103		BERTIE E STONE WELL NO 15	COLEMAN COUNTY REGULAR	12.0	LONE STAR GAS CO
•DIAMOND SHAMROCK CORPORATION					RECEIVED: 03/09/81 JAI TX			
8180968	21916	42357330018	103		MARY T MORRISON A NO 3	MORRISON RANCH	480.0	
8180917	28804	42357331024	103		CGC A NO 2-T60	ELLIS RANCH	48.0	NATURAL GAS PIPELINE
8180948	20317	42233000000	108		STEWART NO 26	PANHANDLE	1.0	NORTHERN NATURAL GAS
•DONALD M JACKSON					RECEIVED: 03/09/81 JAI TX			
8180907	24890	42065000000	108		BIGGS HOLCOMB NO 1 (20767)	PANHANDLE WEST	0.0	GETTY OIL CO
•DUNN L COX					RECEIVED: 03/09/81 JAI TX			
8180943	19700	42335331437	102		KELLY NO 2 WELL	CORPUS CHRISTI WEST (FRI	300.0	UNITED GAS PIPE LINE
•EL PASO NATURAL GAS COMPANY					RECEIVED: 03/09/81 JAI TX			
8181065	29966	42433332353	103		WARD D8	SONORA CANYON UPPER	97.0	EL PASO NATURAL GAS
•ENERGY DEVELOPMENT CORPORATION					RECEIVED: 03/09/81 JAI TX			
8181130	30383	42097320076	102		POWDERHORN RANCH NO 1	POWDERHORN BN (FRIO)	273.0	DOW CHEMICAL CO
8181136	30582	42097320075	102		POWDERHORN RANCH NO 3	POWDERHORN BN (FRIO 1820	182.5	DOW CHEMICAL CO
•ENERGY RESERVES GROUP INC					RECEIVED: 03/09/81 JAI TX			
8181178	30891	42303331608	103		RUPERT P RICKER 82	CALVIN (DEAN)	21.2	UNION TEXAS PETROLEU
•ENERTEK OIL & GAS CORP					RECEIVED: 03/09/81 JAI TX			
8180833	18416	42047320706	102		M A EMLERS NO 1 04801	EMLERS (MONACEK)	270.0	CHANNEL INDUSTRIES G
•ERGO INC					RECEIVED: 03/09/81 JAI TX			
8181053	29709	42365000000	107		CARTHAGE UNIT WELL 030	CARTHAGE	360.0	TENNESSEE GAS PIPELI
•ESTATE OF GEORGE M GRAVES					RECEIVED: 03/09/81 JAI TX			
8181123	30430	42487321380	102		DANIEL ALVARADO UNIT WELL NO 1	ALVARADO	110.0	VALERO INTERSTATE TR
•EXXON CORPORATION					RECEIVED: 03/09/81 JAI TX			
8180869	22365	42365330902	103		A L DAVIS D2 (CYPC 061)	CARTHAGE (COTTON VALLEY)	660.0	ARMCO STEEL CO
8181167	30579	42003330000	103		B M ALEXANDER 09	HASTINGS WEST	47.6	HOUSTON PIPE LINE

FIELD NAME	VOLUME 396	PAGE 009	PURCHASER
LIVINGSTON (WILCOX 1)		30.0	UNITED TEXAS TRANSMI
CANDELARIA (K-05)		103.0	NATURAL GAS PIPELINE
CONROE		20.0	HOUSTON UTILITIES
HOWARD BLACKBURN		0.1	PHILLIPS PETROLEUM C
FULLERTON		32.0	PHILLIPS PETROLEUM C
FULLERTON		11.0	PHILLIPS PETROLEUM C
HANKINS		110.0	ARKO OIL
HANKINS		7.0	ARKO OIL
HANKINS		130.0	ARKO OIL
HANKINS		190.0	ARKO OIL
HANKINS		70.0	ARKO OIL
HANKINS		15.0	ARKO OIL
HANKINS		55.0	ARKO OIL
HANKINS		72.0	ARKO OIL
HASTINGS WEST		58.0	HOUSTON PIPELINE
CARTHAGE (COTTON VALLEY)		670.0	ARKO OIL
HASTINGS WEST		20.0	HOUSTON PIPELINE
THOMPSON		55.0	
MEANS		0.0	PHILLIPS PETROLEUM C
ROBERTSON N (CLEARFORK 7		18.0	PHILLIPS PETROLEUM C
HASTINGS WEST		834.7	HOUSTON PIPELINE
SANTA FE (ZONE 2 LOWER)		75.0	NATURAL GAS PIPELINE
SANTA FE (6000)		500.0	NATURAL GAS PIPELINE
TRAVICA (JAMES)		200.0	ARKO OIL
TRAVICA (TRAVIS PEAK)		600.0	ARKO OIL
EDWARDS RANCH (COMBL 980		0.0	SOUTHWESTERN GAS PIP
RHODA WALKER (CANYON 900		11.0	UNITED TEXAS TRANSMI
LONG MOTT WEST (E-8)		108.0	UNITED TEXAS TRANSMI
HEAT HAND)		188.0	E L & P LTD
DIPE SPRINGS		3.4	LONE STAR GAS CO
DEED (GRAY)		10.0	UNION TEXAS PETROLEU
SAN MANUEL FIELD		20.0	TEXAS EASTERN GAS TR
FALDRILL (AUSTIN CHALK)		104.0	CHAMPLIN PETROLEUM C
TIDWELL		1.2	BIG RICHARDSON CARBO
COMOTA		100.0	ARKO OIL
CANAN (STRAWN OIL)		0.0	ARKO OIL
CANAN (STRAWN OIL)		0.1	ARKO OIL
CANAN (STRAWN OIL)		0.1	ARKO OIL
CANAN (STRAWN OIL)		0.1	ARKO OIL
CANAN (STRAWN OIL)		0.1	ARKO OIL
N CANAN (CANYON SAND)		0.1	ATLANTIC RICHFIELD C
N CANAN (CANYON SAND)		0.1	ARKO OIL
N CANAN (CANYON SAND)		0.8	ARKO OIL
N PORT NEAVITT (CANYON		0.8	ARKO OIL
DOVE CREEK (CANYON 8)		7.0	GAS INC

JD NO	JA DKT	API NO	SEC D WELL NAME	
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01000278	000000	4285730056	103	C H ARMSTRONG #6 (07501)
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01003444	000000	4285730373	103	HANKINS FIELD UNIT #3300
01003452	000000	4285730374	103	HANKINS FIELD UNIT #3310
01003460	000000	4285730375	103	HANKINS FIELD UNIT #3320
01003478	000000	4285730376	103	HANKINS FIELD UNIT #3330
01003486	000000	4285730377	103	HANKINS FIELD UNIT #3340
01003494	000000	4285730378	103	HANKINS FIELD UNIT #3350
01003502	000000	4285730379	103	HANKINS FIELD UNIT #3360
01003510	000000	4285730380	103	HANKINS FIELD UNIT #3370
01003528	000000	4285730381	103	HANKINS FIELD UNIT #3380
01003536	000000	4285730382	103	HANKINS FIELD UNIT #3390
01003544	000000	4285730383	103	HANKINS FIELD UNIT #3400
01003552	000000	4285730384	103	HANKINS FIELD UNIT #3410
01003560	000000	4285730385	103	HANKINS FIELD UNIT #3420
01003578	000000	4285730386	103	HANKINS FIELD UNIT #3430
01003586	000000	4285730387	103	HANKINS FIELD UNIT #3440
01003594	000000	4285730388	103	HANKINS FIELD UNIT #3450
01003602	000000	4285730389	103	HANKINS FIELD UNIT #3460
01003610	000000	4285730390	103	HANKINS FIELD UNIT #3470
01003628	000000	4285730391	103	HANKINS FIELD UNIT #3480
01003636	000000	4285730392	103	HANKINS FIELD UNIT #3490
01003644	000000	4285730393	103	HANKINS FIELD UNIT #3500
01003652	000000	4285730394	103	HANKINS FIELD UNIT #3510
01003660	000000	4285730395	103	HANKINS FIELD UNIT #3520
01003678	000000	4285730396	103	HANKINS FIELD UNIT #3530
01003686	000000	4285730397	103	HANKINS FIELD UNIT #3540
01003694

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0180083	23629	4215100000	100		J R HALLINS NO 9	RAVEN CREEK	0.0	BIG RICHARDSON CARBO
0181016	28764	4233300000	100		LAKE TRAMMEL UNIT NO 25	WEST LAKE TRAMMEL (CANYO	0.1	EL PASO NATURAL GAS
0181018	28733	4233300000	100		LAKE TRAMMEL UNIT NO 33	WEST LAKE TRAMMEL (CANYO	0.1	EL PASO NATURAL GAS
0180911	24029	4233300000	100		NORTH NENA LUCIA UNIT 944	NENA LUCIA (STRAWN REEF)	0.0	WEST LAKE NATURAL GA
0180988	23688	4233300000	100		NORTH NENA LUCIA UNIT NO 100	NENA LUCIA (STRAWN REEF)	1.3	WEST LAKE NATURAL GA
0181013	28760	4233300000	100		NORTH NENA LUCIA UNIT NO 30	NENA LUCIA	0.0	WEST LAKE NATURAL GA
0180981	23686	4233300000	100		NORTH NENA LUCIA UNIT NO 93	NENA LUCIA (STRAWN REEF)	0.0	WEST LAKE NATURAL GA
=COLORING PRODUCTION COMPANY					RECEIVED: 03/09/81 JA: TX			
0180844	21786	4200931073	102		LEO ORLIN ET AL NO 2 OBS844	FRNKA (6300)	140.0	HOUSTON PIPE LINE CO
=ORACE PETROLEUM CORPORATION					RECEIVED: 03/09/81 JA: TX			
0180830	17780	4223732784	103		RUNNAMS A 1	LUCKY RIDGE (BN CONGL 01	100.0	NATURAL GAS PIPELINE
=GULF OIL CORPORATION					RECEIVED: 03/09/81 JA: TX			
0181071	30082	4233330830	103		C L DIAL 0279	PANHANDLE HUTCHINSON	4.0	PHILLIPS PETROLEUM C
0181173	30887	4217900000	100		CULLER 01	PANHANDLE GRAY	3.0	SETTY OIL CO
0181079	30880	4247332014	103		HUTCHINGS STOCK ASSN WELL NO 1031	RARO-ESTES NORTH	21.0	CABOT CORP
0181178	30884	4247332151	103		HUTCHINGS STOCK ASSN WELL NO 1109	HASON WHEEL (PENN)	98.0	CABOT CORP
=GUNN OIL CO					RECEIVED: 03/09/81 JA: TX			
0181060	29848	4220930008	103		GUNN OIL COMPANY - S B BURNETT B-2	TOM (B CONGL)	360.0	LONE STAR GAS
=H G SLEDGE					RECEIVED: 03/09/81 JA: TX			
0180968	27858	4243100000	103		JANN 01	BIG SALUTE (CANYON)	183.7	VALERO ENERGY CORP
0180969	27868	4243100000	103		JENNIE RAY 01	BIG SALUTE N (CANYON)	0.0	VALERO ENERGY CORP
=HAN OIL CO					RECEIVED: 03/09/81 JA: TX			
0181074	30003	4208531102	103		M MALONE DORRIS 01	WILDCAT (ABOVE 3800)	70.0	VALERO TRANSMISSION
=HARINE CORP					RECEIVED: 03/09/81 JA: TX			
0180988	28182	4223931334	102		SORENSON UNIT (057880)	BENNVIEW NORTH (8300)	90.0	TENNESSEE GAS PIPELI
=HARKEN OIL & GAS INCORP					RECEIVED: 03/09/81 JA: TX			
0180980	27104	4214330428	103		STEWART-CREECH 01 (060871)	GAP OAK (DUPPER)	0.0	NORTHERN GAS PRODUCT
=HARMAN-TUCKER CO					RECEIVED: 03/09/81 JA: TX			
0181196	30046	4249130074	103		GOVER CURRY & SEALS B	R L B (CANYON LOWER)	1.0	UNIONA NATURAL CORP
=HAROLD D COURSON					RECEIVED: 03/09/81 JA: TX			
0181193	30026	4217900000	100		CARPENTER GAS (057795)	PANHANDLE EAST	5.5	COLTEXO CORP
0180828	17027	4233700000	100		LAMASTER 01	PERRYTON/WEST MORROW	10.0	NORTHERN NATURAL GAS
=HAYDEC OIL & GAS					RECEIVED: 03/09/81 JA: TX			
0181072	30076	4240900000	103		BARLAND MOLLON 01	NATRIS E	78.0	VALERO INTERSTATE TR
=HILL PRODUCTION CO					RECEIVED: 03/09/81 JA: TX			
0181194	30029	4223931334	103		JACK M BARRETT 01 (163274)	NOODLE N W (CANYON SAND	17.0	PALO DURO PIPELINE C
0181195	30030	4223931350	103		L B KLEMCKE 01 (163277)	CULLERS & BAILEY (CANYON	34.0	PALO DURO PIPELINE C
=HILLIARD OIL & GAS INC					RECEIVED: 03/09/81 JA: TX			
0181022	28944	4230131762	102		NICKS 01 (58602)	BRAHANEY (DEVONIAN)	10.0	SHELL OIL CO
0181021	28940	4230131644	102		WEBB 01-X	BRAHANEY (DEVONIAN)	10.0	SHELL OIL CO
0181019	28910	4230131784	102		WEBB A 01	BRAHANEY (DEVONIAN)	10.0	SHELL OIL CO
=HONGHO INTERNATIONAL CORP					RECEIVED: 03/09/81 JA: TX			
0181068	29858	4247931349	103		M K WITHERS NO 1	NABUELITOS	0.0	HOUSTON PIPE LINE CO
0181061	29854	4247932814	103		WITHERS NO 1	NABUELITOS	103.0	HOUSTON PIPE LINE CO
=HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 03/09/81 JA: TX			
0180871	22876	4270330809	102		STATE TRACT 526-L SN/A #10	CAVALLO (9100 SD) FIELD	730.0	VALLEY PIPE LINE CO
0180870	21068	4270330187	102		STATE TRACT 526-L SN/A 09	CAVALLO (9200 SD)	0.0	VALLEY PIPE LINE CO
=HUMBLE EXPLORATION CO INC					RECEIVED: 03/09/81 JA: TX			
0180834	18886	4214900000	102		CHICKEN RANCH 01 - 12044	SIDDINGS	190.0	PHILLIPS PETROLEUM
0180836	18885	4214900000	103		CHICKEN RANCH 01 - 12044	SIDDINGS	196.0	PHILLIPS PETROLEUM
0180832	18189	4214930308	102		DIANA 01-18183	SIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEUM
0180838	18189	4214930308	103		DIANA 01-18183	SIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEUM

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER	
0120838	19246	4228730312	102		FALLON #1 = 11875	SIDDINGS	262.0	PHILLIPS PETROLEUM	
0120838	19246	4228730312	103		FALLON #1 = 11875	SIDDINGS	262.0	PHILLIPS PETROLEUM	
0120835	18967	4247730316	102		JEAN ADAMS = 12373	SIDDINGS	0.0	PHILLIPS PETROLEUM	
0120835	18967	4247730316	103		JEAN ADAMS = 12373	SIDDINGS	0.0	PHILLIPS PETROLEUM	
0120837	19244	4214930378	102		JEAN DILLARD #1 = 12816	SIDDINGS	0.0	PHILLIPS PETROLEUM	
0120837	19244	4214930378	103		JEAN DILLARD #1 = 12816	SIDDINGS	0.0	PHILLIPS PETROLEUM	
0120844	19917	4228730467	102		SHEILA #1 = 85784	SIDDINGS AUSTIN CHALK GA	0.0	PHILLIPS PETROLEUM	G C
0120844	19917	4228730467	103		SHEILA #1 = 85784	SIDDINGS AUSTIN CHALK GA	0.0	PHILLIPS PETROLEUM	
0120839	19887	4228730498	102		VESTA #1 = 12363	SIDDINGS	0.0	PHILLIPS PETROLEUM	
0120839	19887	4228730498	103		VESTA #1 = 12363	SIDDINGS	0.0	PHILLIPS PETROLEUM	
-HUNT OIL COMPANY									
0121147	30558	4221330280	103		RECEIVED: 03/09/81 JAS TX FAIRWAY (JAMES LIME) UNIT 0446-2	FAIRWAY (JAMES LIME) UNI	175.0	LONE STAR GAS CO	
0121146	30557	4221330284	103		FAIRWAY (JAMES LIME) UNIT 0735-2	FAIRWAY (JAMES LIME) UNI	100.0	LONE STAR GAS CO	
-INTREPID OIL & GAS CO					RECEIVED: 03/09/81 JAS TX				
0121131	30483	4209900000	103		FRED DANIEL #1	PUTNAM NE (NIOB)	215.0	LONE STAR GAS CO	
-J CLEO THOMPSON					RECEIVED: 03/09/81 JAS TX				
0120969	20232	4210533016	102		UNIVERSITY 18-1	UNIVERSITY 31 STRAWN-DST	0.0	PHILLIPS PETROLEUM	C
0120968	20098	4210532796	102		UNIVERSITY 19-1A	UNIVERSITY 31 STRAWN-DST	164.0	PHILLIPS PETROLEUM	C
0120979	20095	4210532935	102		UNIVERSITY 22-1	UNIVERSITY 31 STRAWN-DST	201.0	PHILLIPS PETROLEUM	C
0120965	20175	4210500000	102		UNIVERSITY 25-1	UNIVERSITY 31 STRAWN-DST	188.0	PHILLIPS PETROLEUM	C
0120978	20094	4210532960	102		UNIVERSITY 26-1	UNIVERSITY 31 STRAWN-DST	186.0	PHILLIPS PETROLEUM	C
0120990	20233	4210533015	102		UNIVERSITY 27 N-2	UNIVERSITY 31 STRAWN-DST	137.0	PHILLIPS PETROLEUM	C
0120987	20177	4210532936	102		UNIVERSITY 27-1	UNIVERSITY 31 (STRAWN-DS	430.0	PHILLIPS PETROLEUM	C
0121130	30478	4210532884	107		UNIVERSITY 3-1	OZONA CANYON	158.0	PHILLIPS PETROLEUM	C
0120984	20176	4210532961	102		UNIVERSITY 34-1	UNIVERSITY 31 - STRAWN-D	248.0	PHILLIPS PETROLEUM	C
0120981	20097	4210532997	102		UNIVERSITY 35E-2	UNIVERSITY 31 STRAWN-DST	170.0	PHILLIPS PETROLEUM	C
0120980	20096	4210532914	102		UNIVERSITY 39-1	UNIVERSITY 31 STRAWN-DST	164.0	PHILLIPS PETROLEUM	C
0121023	20468	4210533068	102		UNIVERSITY 36N - 2A	UNIVERSITY 31 - STRAWN D	17.0	PHILLIPS PETROLEUM	C
-J D PICKETT					RECEIVED: 03/09/81 JAS TX				
0120896	20306	4208932836	103		J W BOOTH NO 1	PUTNAM N E (CONGLOMERATE	100.0	DELHI GAS PIPELINE C	
-J R HAMILTON					RECEIVED: 03/09/81 JAS TX				
0120965	27914	4213100000	102		OLVERA GAS UNIT NO 1	J R FIELD	100.0	VALERO TRANSMISSION	
-JACKSON EXPLORATION INC					RECEIVED: 03/09/81 JAS TX				
0121164	30878	4232930848	103		ERWIN #1	SPRABERRY (TREND AREA)	20.0	PHILLIPS PETROLEUM C	
-JAY-BEE PRODUCING CO					RECEIVED: 03/09/81 JAS TX				
0121047	20586	4200500000	103		BURNETT P-93 #2	PANHANDLE	60.0	PHILLIPS PETROLEUM C	
0121048	20587	4200500000	103		BURNETT P-93 #3	PANHANDLE	60.0	PHILLIPS PETROLEUM C	
-JOHN DEERE R					RECEIVED: 03/09/81 JAS TX				
0120948	19587	4233531458	102		KOENNING NO 2	AGUA DULCE (7000)	0.0	HOUSTON PIPELINE CO	
-JOHN L COX					RECEIVED: 03/09/81 JAS TX				
0121020	20923	4238331711	103		JOHN CARR #1	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS	
-JOHN T PALMER					RECEIVED: 03/09/81 JAS TX				
0121127	30449	4241900000	102		IRION UNIT #1	CENTER WEST (TRAVIS PEAK	230.0	TEXAS EASTERN TRANSM	
-JONES CO					RECEIVED: 03/09/81 JAS TX				
0121004	20589	4205532391	102		MACK 2284 WELL #1 (05908)	MACK (ELLEN)	500.0	DELHI GAS PIPELINE C	
0121005	20590	4241733070	102		WALKER-BUCKLER 78 #2 (05836)	ROCKWELL (CADDO)	700.0	DELHI GAS PIPELINE C	
-KEITH D GRAHAM					RECEIVED: 03/09/81 JAS TX				
0121140	30524	4205131114	102		FRITSCHE UNIT #1	SIDDINGS (AUSTIN CHALK)	134.0	CHAMPLIN PETROLEUM C	
0121055	20725	4208130883	102		RALPH JUNEK NO 1	SIDDINGS (AUSTIN CHALK)	133.0	FERGUSON CROSSING PI	
-KEN PETROLEUM CORP					RECEIVED: 03/09/81 JAS TX				
0121007	20629	4223931521	103		DOEHN WELL NO 1	SANDS EAST (FRIO LOWER)	25.0	LONE STAR GAS CO	
-KELLAM & HURD LTD					RECEIVED: 03/09/81 JAS TX				
0120926	20136	4247932832	102		A N BRUNI ESTATE 1971 WELL NO 3	JUANITA (LOBO)	500.0	UNITED TEXAS TRANSMI	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0128068	26047	4247932823	102		BRUNI MINERAL A WELL NO 2	JUANITA (LOBO)	160.0	HOUSTON PIPE LINE CO
0128090	26158	4247932810	102		BRUNI MINERAL A WELL NO 3	JUANITA (LOBO)	360.0	HOUSTON PIPE LINE CO
0128098	26259	4247932516	102		BRUNI MINERAL B WELL NO 5	JUANITA (LOBO)	0.0	HOUSTON PIPELINE CO
0128091	26257	4247932596	102		BRUNI MINERAL C WELL NO 2	JUANITA (LOBO)	0.0	HOUSTON PIPE LINE CO
0128027	26210	4240931553	103		MURPHY TRUST WELL NO 2	RICHARD ADCOCK (FRIO 808	250.0	VALERO TRANSMISSION
=L R SPRADLING					RECEIVED: 03/09/81 JA: TX			
0128068	26033	4200300000	103		BRYAN NO 1	PANHANDLE - CARSON COUNT	0.0	
=LANGFORD OIL CO					RECEIVED: 03/09/81 JA: TX			
0128027	26076	4210300000	103		OZONA TOWNSITE NO 2	OZONA (CANYON)	103.0	INTRATEX GAS CO
=LESLIE OIL & GAS INC					RECEIVED: 03/09/81 JA: TX			
0128010	25992	4210301791	103		UNIVERSITY 308 #3	FARMER (SAN ANDRES)	10.0	J & L DAVIS
=LEWIS B BURLESON					RECEIVED: 03/09/81 JA: TX			
0128078	26125	4237132838	106		TEXACO #1	ABELL (CLEAR FORK 3200)	7.0	EL PASO NATURAL GAS
0128066	26256	4210331240	106		TRINITY UNIVERSITY #1	HOMANN (YATES)	0.0	PHILLIPS PETROLEUM C
=MARIANAS OPERATING CO INC					RECEIVED: 03/09/81 JA: TX			
0128196	26033	4200331814	102		HUCKABEE #1 (19421)	LITTLE LONGHORN (MORRIS)	80.0	COSDEN NATURAL GAS
=MCCORMICK OPERATING CO					RECEIVED: 03/09/81 JA: TX			
0128092	26252	4230331114	102		BALSOM NO 1	N STREETMAN	110.0	LONE STAR GAS CO
=MOBIL OIL CORP					RECEIVED: 03/09/81 JA: TX			
0128044	26369	4232930898	103		STINSON-BURLEY B #1	SPRABERRY (TREND AREA)	13.0	
=MURRAY OIL CORP					RECEIVED: 03/09/81 JA: TX			
0128078	26028	4205130948	102		HARTT NO 1	CALDWELL (AUSTIN CHALK)	860.0	CLAJON GAS CO
=NETCHELL ENERGY CORP					RECEIVED: 03/09/81 JA: TX			
0128108	30580	4249700000	108		E MOORE GAS UNIT #1 (20736)	BOONSVILLE (BEND CONGL 8	19.7	NATURAL GAS PIPELINE
0128144	30537	4249700000	108		FERGUSON GAS UNIT #1 (04110)	FALLON (TRAVIS PEAK)	8.0	SOUTHWESTERN GAS PIP
0128041	26030	4236731910	103		HOWARD SPRAGUE #1	RENO (CONGL)	150.0	
0128142	30538	4249700000	108		GRAN SPEER GS (30990)	ALVORD SOUTH (CADDO LIME	11.0	NATURAL GAS PIPELINE
0128140	30536	4236731093	103		PAUL P BALLARD #1	BOONSVILLE (BEND CONGL 8	300.0	
0128143	30536	4249700000	108		R J ALEXANDER #1 (28853)	BOONSVILLE (BEND CONGL 8	11.0	NATURAL GAS PIPELINE
0128026	29050	4228700000	103		R L PASKE #1	SIDDINGS (AUSTIN CHALK)	30.0	
0128077	26067	4236731907	103		R R HOWARD #1	BEYNEOSA SOUTHWEST (STRA	200.0	
0128014	26063	4236731028	103		VERNELL WASON #1U 01018	LAKE MINERAL WELLS (3100	200.0	NATURAL GAS PIPELINE
=NEVIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 03/09/81 JA: TX			
0128030	26317	4228931208	102		E M STOLZE NO 8	LA GLORIA	87.2	NATURAL GAS PIPELINE
0128043	29360	4237133173	103		EPPIE POTTS SIBLEY B NO 6	COYANOSA N (DELAWARE)	18.4	EL PASO NATURAL GAS
0128008	26715	4239131373	102		F B ROOKE & SONS NO M-1	ROOKE RANCH NE	97.1	UNITED GAS PIPE LINE
0128137	30519	4240131908	103		TXL 7 NO 3	DAVIS (ELLENBURGER)	3.7	EL PASO NATURAL GAS
0128197	30537	4210300000	108		VIRGINIA HUDSON NO 1	HANSFORD NORTH/MORROW	19.6	PANHANDLE EASTERN PI
=NORRIS MCGOWACK OIL & GAS CORP					RECEIVED: 03/09/81 JA: TX			
0128033	26415	4247900000	102		HUBBARD FP #1	LIZ (9800) FIELD	3.7	TENNESSEE GAS PIPELI
=NORMAN EXPLORATION INC					RECEIVED: 03/09/81 JA: TX			
0128030	29248	4238300000	108		WILDE #1	SPRABERRY (TREND AREA)	7.8	PHILLIPS PETROLEUM C
=NORRAS					RECEIVED: 03/09/81 JA: TX			
0128066	22958	4200700000	108		GORDON NO 1 & ID NO 69712	EAST PANHANDLE	0.0	EL PASO NATURAL GAS
=NRJ PRODUCING COMPANY					RECEIVED: 03/09/81 JA: TX			
0128084	26183	4217300000	103		BUTLER #1	SPRABERRY TREND AREA	97.0	EL PASO NATURAL GAS
0128088	26277	4217331050	103		TXL 39 #3	SPRABERRY TREND AREA	40.0	TEXACO INC
=NORTH AMERICAN ROYALTIES INC					RECEIVED: 03/09/81 JA: TX			
0128174	30508	4239131309	103		A E REILLY #3 (90468)	AUSTWELL (FRIO 9500)	79.0	ENERGY DEVELOPMENT C
=NORTHERN NATURAL GAS CO					RECEIVED: 03/09/81 JA: TX			
0128039	26691	4221131161	103		LOCKHART #1-86	FELDMAN (MORROW LOWER)	600.0	INTERNORTH INC
=NUSSUP ENERGY INC					RECEIVED: 03/09/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME
0120089	26164	4200730634	102		BETTY UNIT #1
0120037	26930	4214930500	102		L B KNIGHT #2
0120087	23913	4200730620	102		T K SANTY A 1
-BJB INC					RECEIVED: 03/09/81 JAS TX
0120044	26933	4210500000	108		J M HENDERSON #2 (07766)
0120045	26936	4210500000	108		J M HENDERSONS3 (66616)
0120046	26937	4210500000	108		VADA BEAN #1-31 (66619)
-OLYMPIA OIL CO					RECEIVED: 03/09/81 JAS TX
0120062	27504	4205900000	102		IDENHOKER ET AL NO 1-R (07716)
0120061	27503	4205932664	102		RUTHERFORD NO 1 (13733)
-OVERLY OPERATING CO					RECEIVED: 03/09/81 JAS TX
0121000	26035	4217531376	103		BLUNTZER MIZER UNIT WELL NO 2
-OWL PETROLEUM CO					RECEIVED: 03/09/81 JAS TX
0121038	26140	4200930069	108		KREMER-LEMMER NO 1 (01101)
-PALO PETROLEUM INC					RECEIVED: 03/09/81 JAS TX
0121230	30779	4217300000	103		CALVERLEY #1
-PANAFFINE OIL CORP					RECEIVED: 03/09/81 JAS TX
0121134	30808	4205731084	103		P M WELDER C 1-U
-PENNYMAN & MURCHISON					RECEIVED: 03/09/81 JAS TX
0120010	25805	4200531031	102		EDWARD SUGAREK WELL NO 2
0120010	25805	4200531031	103		EDWARD SUGAREK WELL NO 2
-PENNYMAN OPERATING CO INC					RECEIVED: 03/09/81 JAS TX
0120030	26564	4221300000	102		DAVID L BOWORTH NO 1 (06617)
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 03/09/81 JAS TX
0121200	30649	4219500000	108		ATKINS C #4
0120047	26883	4219500000	108		CLAWSON B #1
0121040	29318	4217900000	108		DAN JOE #3
0121211	30678	4213500185	108		SS ANDERSON SP-10 (21193)
-0121199	30648	4223500000	108		JOHNSON B #1
0121210	30675	4206104161	108		M PENDROCK B 010-02 (03013)
0121219	30704	4219500000	108		PEARSON #3
0120040	10884	4217900000	108		PHIL-PAMPA UNIT 07-13
0121201	30680	4217900000	108		PHIL-PAMPA UNIT 58-13
0121209	30673	4236310206	108		ZULETTE #18 (03903)
-PICKENS PETROLEUM CORP					RECEIVED: 03/09/81 JAS TX
0121036	20130	4200500000	103		PICKENS #4
-PIONEER PRODUCTION CORPORATION					RECEIVED: 03/09/81 JAS TX
0120958	27878	4220530619	103		COOCH #2
0120959	27879	4220530644	103		L M DRAPER 02-1041
0120950	27498	4220530643	103		REBELSPERGER 04-950
0120960	27500	4220530660	103		SCHULTZ UNIT 02-950
-R H ENGELKE					RECEIVED: 03/09/81 JAS TX
0121076	30126	4240931417	103		WARREN BALL NO 1
-R H SIEGFRIED INC					RECEIVED: 03/09/81 JAS TX
0120908	24868	4223700000	108		CHERRYHOMES (13706) NO 1
0120904	24869	4223700000	108		CHERRYHOMES (13706) NO 3
0120904	24907	4223700000	108		CHERRYHOMES (13706) NO 4
0120903	24886	4223700000	108		CHERRYHOMES (13706) NO 5
0120908	24888	4223700000	108		CHERRYHOMES (13706) NO 6
0120916	25122	4223700000	108		CHERRYHOMES (18503) T NO 8
0120915	25121	4223700000	108		CHERRYHOMES (18503) T NO 7
0120898	24383	4223700000	108		HENNONT - A - (13501) NO 1A

FIELD NAME	PROD	PURCHASER
SIDDINGS (AUSTIN CHALK)	38.3	CLAJON GAS CO
SIDDINGS (AUSTIN CHALK)	47.1	PHILLIPS PETROLEUM C
SIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
SIDNA (CANYON SAND) FIEL	13.0	NORTHERN NATURAL GAS
SIDNA (CANYON SAND) FIEL	8.0	NORTHERN NATURAL GAS
SIDNA (CANYON SAND) FIEL	10.5	NORTHERN NATURAL GAS
SUTNAM S E (BUFFER)	0.0	DELHI GAS PIPELINE C
SUTNAM S E (BUFFER)	0.0	DELHI GAS PIPELINE C
SOEHLER (DES N 9100 SAS)	130.0	UNITED GAS PIPELINE
LYDIA (3979)	7.0	LONE STAR GAS CO
SPRAYBERRY TREND	0.0	EL PASO NATURAL GAS
NEYSER SE (0-9)	40.0	FLORIDA GAS TRANSMIS
YOUGEEN S W FIELD	72.0	UNITED GAS PIPE LINE
YOUGEEN S W FIELD	72.0	UNITED GAS PIPE LINE
THOMAS LAKE (COTTON VALL	275.0	TEXAS UTILITIES FUEL
NITCHLAND 6040	21.1	MICHIGAN WISCONSIN P
NORTH FARWELL CREEK (UPP	18.6	MICHIGAN WISCONSIN P
PANHANDLE GRAY	1.0	
GOLDSMITH (CLEARFORK)	18.0	EL PASO NATURAL GAS
PANHANDLE WEST	21.4	EL PASO NATURAL GAS
SPRADBERRY (TREND AREA)	1.0	NORTHERN NATURAL GAS
TEXAS HUGOTON	10.6	PANHANDLE EASTERN PI
PANHANDLE GRAY	0.3	BETTY OIL
PANHANDLE GRAY	0.7	BETTY OIL CO
SPRADBERRY (TREND AREA)	18.0	NORTHERN NATURAL GAS
PANHANDLE	127.0	TUCO INC
N MAMMOTH CREEK	300.0	NORTHERN NATURAL GAS
N MAMMOTH CREEK	100.0	NORTHERN NATURAL GAS
N MAMMOTH CREEK	400.0	NORTHERN NATURAL GAS
N MAMMOTH CREEK	400.0	NORTHERN NATURAL GAS
VICTORIA NORTH (3300)	10.3	TENNESSEE GAS PIPELI
CHERRYHINK (CONGL)	6.7	NATURAL GAS PIPELINE
CHERRYHINK (CONGL)	5.8	NATURAL GAS PIPELINE
CHERRYHINK (CONGL)	9.8	NATURAL GAS PIPELINE
CHERRYHINK (CONGL)	8.8	NATURAL GAS PIPELINE
CHERRYHINK (CONGL)	15.0	NATURAL GAS PIPELINE
CHERRYHINK (CONGL)	7.0	CITIES SERVICE GAS C
CHERRYHINK (CONGL)	7.0	CITIES SERVICE GAS C
WIZARD WELLS (CADDO 6000	0.7	NATURAL GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME
0120911	24885	4223700000	108		CHERRYHOMES (13706) NO 9
0120912	24887	4223700000	108		CHERRYHOMES (13706) NO 10
0120913	24889	4223700000	108		CHERRYHOMES (13706) NO 11
0120914	24890	4223700000	108		CHERRYHOMES (13706) NO 12
0120917	25123	4223700000	108		CHERRYHOMES (18503) T NO 9
0120918	25124	4223700000	108		CHERRYHOMES (18503) T NO 10
0120919	25125	4223700000	108		CHERRYHOMES (18503) T NO 11
0120920	25126	4223700000	108		CHERRYHOMES (18503) T NO 12
0120921	25127	4223700000	108		CHERRYHOMES (18503) T NO 13
0120922	25128	4223700000	108		CHERRYHOMES (18503) T NO 14
0120923	25129	4223700000	108		CHERRYHOMES (18503) T NO 15
0120924	25130	4223700000	108		CHERRYHOMES (18503) T NO 16
0120925	25131	4223700000	108		CHERRYHOMES (18503) T NO 17
0120926	25132	4223700000	108		CHERRYHOMES (18503) T NO 18
0120927	25133	4223700000	108		CHERRYHOMES (18503) T NO 19
0120928	25134	4223700000	108		CHERRYHOMES (18503) T NO 20
0120929	25135	4223700000	108		CHERRYHOMES (18503) T NO 21
0120930	25136	4223700000	108		CHERRYHOMES (18503) T NO 22
0120931	25137	4223700000	108		CHERRYHOMES (18503) T NO 23
0120932	25138	4223700000	108		CHERRYHOMES (18503) T NO 24
0120933	25139	4223700000	108		CHERRYHOMES (18503) T NO 25
0120934	25140	4223700000	108		CHERRYHOMES (18503) T NO 26
0120935	25141	4223700000	108		CHERRYHOMES (18503) T NO 27
0120936	25142	4223700000	108		CHERRYHOMES (18503) T NO 28
0120937	25143	4223700000	108		CHERRYHOMES (18503) T NO 29
0120938	25144	4223700000	108		CHERRYHOMES (18503) T NO 30
0120939	25145	4223700000	108		CHERRYHOMES (18503) T NO 31
0120940	25146	4223700000	108		CHERRYHOMES (18503) T NO 32
0120941	25147	4223700000	108		CHERRYHOMES (18503) T NO 33
0120942	25148	4223700000	108		CHERRYHOMES (18503) T NO 34
0120943	25149	4223700000	108		CHERRYHOMES (18503) T NO 35
0120944	25150	4223700000	108		CHERRYHOMES (18503) T NO 36
0120945	25151	4223700000	108		CHERRYHOMES (18503) T NO 37
0120946	25152	4223700000	108		CHERRYHOMES (18503) T NO 38
0120947	25153	4223700000	108		CHERRYHOMES (18503) T NO 39
0120948	25154	4223700000	108		CHERRYHOMES (18503) T NO 40
0120949	25155	4223700000	108		CHERRYHOMES (18503) T NO 41
0120950	25156	4223700000	108		CHERRYHOMES (18503) T NO 42
0120951	25157	4223700000	108		CHERRYHOMES (18503) T NO 43
0120952	25158	4223700000	108		CHERRYHOMES (18503) T NO 44
0120953	25159	4223700000	108		CHERRYHOMES (18503) T NO 45
0120954	25160	4223700000	108		CHERRYHOMES (18503) T NO 46
0120955	25161	4223700000	108		CHERRYHOMES (18503) T NO 47
0120956	25162	4223700000	108		CHERRYHOMES (18503) T NO 48
0120957	25163	4223700000	108		CHERRYHOMES (18503) T NO 49
0120958	25164	4223700000	108		CHERRYHOMES (18503) T NO 50
0120959	25165	4223700000	108		CHERRYHOMES (18503) T NO 51
0120960	25166	4223700000	108		CHERRYHOMES (18503) T NO 52
0120961	25167	4223700000	108		CHERRYHOMES (18503) T NO 53
0120962	25168	4223700000	108		CHERRYHOMES (18503) T NO 54
0120963	25169	4223700000	108		CHERRYHOMES (18503) T NO 55
0120964	25170	4223700000	108		CHERRYHOMES (18503) T NO 56
0120965	25171	4223700000	108		CHERRYHOMES (18503) T NO 57
0120966	25172	4223700000	108		CHERRYHOMES (18503) T NO 58
0120967	25173	4223700000	108		CHERRYHOMES (18503) T NO 59
0120968	25174	4223700000	108		CHERRYHOMES (18503) T NO 60
0120969	25175	4223700000	108		CHERRYHOMES (18503) T NO 61
0120970	25176	4223700000	108		CHERRYHOMES (18503) T NO 62
0120971	25177	4223700000	108		CHERRYHOMES (18503) T NO 63
0120972	25178	4223700000	108		CHERRYHOMES (18503) T NO 64
0120973	25179	4223700000	108		CHERRYHOMES (18503) T NO 65
0120974	25180	4223700000	108		CHERRYHOMES (18503) T NO 66
0120975	25181	4223700000	108		CHERRYHOMES (18503) T NO 67
0120976	25182	4223700000	108		CHERRYHOMES (18503) T NO 68
0120977	25183	4223700000	108		CHERRYHOMES (18503) T NO 69
0120978	25184	4223700000	108		CHERRYHOMES (18503) T NO 70
0120979	25185	4223700000	108		CHERRYHOMES (18503) T NO 71
0120980	25186	4223700000	108		CHERRYHOMES (18503) T NO 72
0120981	25187	4223700000	108		CHERRYHOMES (18503) T NO 73
0120982	25188	4223700000	108		CHERRYHOMES (18503) T NO 74
0120983	25189	4223700000	108		CHERRYHOMES (18503) T NO 75
0120984	25190	4223700000	108		CHERRYHOMES (18503) T NO 76
0120985	25191	4223700000	108		CHERRYHOMES (18503) T NO 77
0120986	25192	4223700000	108		CHERRYHOMES (18503) T NO 78
0120987	25193	4223700000	108		CHERRYHOMES (18503) T NO 79
0120988	25194	4223700000	108		CHERRYHOMES (18503) T NO 80
0120989	25195	4223700000	108		CHERRYHOMES (18503) T NO 81
0120990	25196	4223700000	108		CHERRYHOMES (18503) T NO 82
0120991	25197	4223700000	108		CHERRYHOMES (18503) T NO 83
0120992	25198	4223700000	108		CHERRYHOMES (18503) T NO 84
0120993	25199	4223700000	108		CHERRYHOMES (18503) T NO 85
0120994	25200	4223700000	108		CHERRYHOMES (18503) T NO 86
0120995	25201	4223700000	108		CHERRYHOMES (18503) T NO 87
0120996	25202	4223700000	108		CHERRYHOMES (18503) T NO 88
0120997	25203	4223700000	108		CHERRYHOMES (18503) T NO 89
0120998	25204	4223700000	108		CHERRYHOMES (18503) T NO 90
0120999	25205	4223700000	108		CHERRYHOMES (18503) T NO 91
0121000	25206	4223700000	108		CHERRYHOMES (18503) T NO 92
0121001	25207	4223700000	108		CHERRYHOMES (18503) T NO 93
0121002	25208	4223700000	108		CHERRYHOMES (18503) T NO 94
0121003	25209	4223700000	108		CHERRYHOMES (18503) T NO 95
0121004	25210	4223700000	108		CHERRYHOMES (18503) T NO 96
0121005	25211	4223700000	108		CHERRYHOMES (18503) T NO 97
0121006	25212	4223700000	108		CHERRYHOMES (18503) T NO 98
0121007	25213	4223700000	108		CHERRYHOMES (18503) T NO 99
0121008	25214	4223700000	108		CHERRYHOMES (18503) T NO 100

FIELD NAME	PROD	PURCHASER
WIZARD WELLS (CADDO 6000	0.7	NATURAL GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120894	20382	4223700000	108		HENMONT - A - (13541) NO 2	WIZARD WELLS (CADDO 6900	2.2	NATURAL GAS PIPELINE
-R K S ENGINEERING INC					RECEIVED: 03/09/81 JA: TX			
8121037	20170	4218730000	103		COTULLA	CATARINA SW (OLMOS)	5.0	VALERO TRANSMISSION
-R LACY INC					RECEIVED: 03/09/81 JA: TX			
8121094	20359	4230331094	103		JONES ESTATE WELL #1 (90371)	CARTHAGE SOUTH (TRAVIS P	320.0	ARKANSAS LOUISIANA G
-RAIDER OIL CORP					RECEIVED: 03/09/81 JA: TX			
8121025	20997	4228931281	103		A C TORRANS #3	TEGENELIA (3200)	140.0	VALLEY GAS TRANSMISS
8120942	20652	4228931115	103		RISINGER GAS UNIT NO 1-C	SAN DIEGO EAST (6200)	102.5	TENNESSEE GAS PIPELI
-RALPH L NAY INC					RECEIVED: 03/09/81 JA: TX			
8121836	20770	4238331879	103		UNIVERSITY 90 87	FARMER (SAN ANDRES)	5.0	NORTHERN NATURAL GAS
8121837	20771	4238331880	103		UNIVERSITY 90 88	FARMER (SAN ANDRES)	0.3	NORTHERN NATURAL GAS
-RK PETROLEUM CORP					RECEIVED: 03/09/81 JA: TX			
8121806	20657	4238331314	103		LEONARD NO 1 WELL (07730)	CALVIN (DEAN)	10.0	EL PASO NATURAL GAS
8121808	20656	4217330053	103		LEONARD NO 2 WELL (07730)	CALVIN (DEAN)	15.4	EL PASO NATURAL GAS
8121806	20659	4238331315	103		PAN AM NO 1 WELL (07731)	CALVIN (DEAN)	10.2	EL PASO NATURAL GAS
8121807	20658	4238331316	103		PAN AM NO 2 WELL (07731)	CALVIN (DEAN)	27.4	EL PASO NATURAL GAS
8121804	20653	4238331298	103		STANOLIND NO 3 WELL (00971)	CALVIN (DEAN)	18.0	EL PASO NATURAL GAS
8121803	20654	4238331317	103		STANOLIND NO 4 WELL (00971)	CALVIN (DEAN)	7.3	EL PASO NATURAL GAS
-ROBERTS & HANNACK INC					RECEIVED: 03/09/81 JA: TX			
8121006	20602	4228900000	108		M T BROWN NO 1	RED OAK (SUB-CLARKSVILLE	22.0	LONE STAR GAS CO
-RUTHERFORD OIL CORP					RECEIVED: 03/09/81 JA: TX			
8121238	20760	4240931898	102		AUGUST GAUGLER NO 1	COLETTO CREEK E (2900) F	20.0	HOUSTON PIPE LINE CO
-SANTA FE ENERGY COMPANY					RECEIVED: 03/09/81 JA: TX			
8121135	20500	4219931486	102		WALKER PETTIT KIRBY NO 1	SOUR LAKE E (KIRBY)	730.0	TEXAS GAS CORP
-SAXON OIL COMPANY					RECEIVED: 03/09/81 JA: TX			
8121169	20582	4240131633	103		WINDHAM B NO 1	SPRABERRY (TREND AREA)	17.5	EL PASO NATURAL GAS
-SEAGULL INTERNATIONAL EXPLORATION I					RECEIVED: 03/09/81 JA: TX			
8120980	20602	4230300000	102		CECIL CASSITY GAS UNIT WELL 1-T	PINEHILL S E (TRAVIS PEA	0.0	UNITED GAS PIPELINE
-SENTINEL PETROLEUM CORP					RECEIVED: 03/09/81 JA: TX			
8120921	20379	4213330703	102		AUTRY #1 - 13997	HANSUM WEST (3100)	74.2	COSSA NATURAL CORP
-SHELL OIL CO					RECEIVED: 03/09/81 JA: TX			
8121003	20803	4218100000	108		B M C STRAHN I UNIT 0428	B M C (STRAHN I)	0.0	UNION TEXAS PETROLEU
8120962	21764	4216130672	103		BIG MINERAL CREEK S SAND UNIT 0341	BIG MINERAL CREEK (S SHS	37.0	UNION TEXAS PETROLEU
8120961	21717	4246131519	103		COWDEN 20 #1	SPRABERRY TREND AREA	0.0	PHILLIPS PETROLEUM C
8121165	20577	4213300000	108		EAST HARPER UNIT NO 248	HARPER	0.0	PHILLIPS PETROLEUM C
8121164	20576	4213300000	108		EAST HARPER UNIT NO 258	HARPER	0.0	PHILLIPS PETROLEUM C
8121163	20575	4213300000	108		EAST HARPER UNIT NO 303	HARPER	0.4	PHILLIPS PETROLEUM C
8121162	20574	4213300000	108		EAST HARPER UNIT NO 333	HARPER	0.3	PHILLIPS PETROLEUM C
8121161	20573	4213300000	108		EAST HARPER UNIT NO 375	HARPER	0.2	PHILLIPS PETROLEUM C
8121160	20572	4213300000	108		EAST HARPER UNIT NO 403	HARPER	0.2	PHILLIPS PETROLEUM C
8121159	20571	4213300000	108		EAST HARPER UNIT NO 404	HARPER	0.3	PHILLIPS PETROLEUM C
8121157	20569	4213300000	108		EAST HARPER UNIT NO 422	HARPER	0.2	PHILLIPS PETROLEUM C
8121156	20570	4213300000	108		EAST HARPER UNIT NO 423	HARPER	0.2	PHILLIPS PETROLEUM C
8121154	20568	4213300000	108		EAST HARPER UNIT NO 424	HARPER	0.3	PHILLIPS PETROLEUM C
8121155	20567	4213300000	108		EAST HARPER UNIT NO 425	HARPER	0.3	PHILLIPS PETROLEUM C
8121154	20566	4213300000	108		EAST HARPER UNIT NO 427	HARPER	0.2	PHILLIPS PETROLEUM C
8121153	20565	4213300000	108		EAST HARPER UNIT NO 432	HARPER	0.2	PHILLIPS PETROLEUM C
8121152	20564	4213300000	108		EAST HARPER UNIT NO 434	HARPER	0.3	PHILLIPS PETROLEUM C
8121151	20563	4213300000	108		EAST HARPER UNIT NO 437	HARPER	0.3	PHILLIPS PETROLEUM C
8121150	20562	4213300000	108		EAST HARPER UNIT NO 438	HARPER	0.3	PHILLIPS PETROLEUM C
8121149	20561	4213300000	108		EAST HARPER UNIT NO 448	HARPER	0.3	PHILLIPS PETROLEUM C
8120999	20449	4216900000	108		PLANADAN UNIT 076	PLANADAN	0.6	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME
0180063	21765	4210332498	103		MITCHELL 109 #2
0180078	23087	4247331632	103		SEALY SMITH FOUNDATION #165
-SOUTHLAND ROYALTY CO					RECEIVED: 03/09/81 JA: TX
0181148	30539	4210300000	103		BRYANT 20 #3
0180048	20530	4240300000	106		J C LOVETT A #3
-SOUTHWESTERN GAS EXPLORATION CORP					RECEIVED: 03/09/81 JA: TX
0180077	23226	4214330453	103		C F KEETH #4
0180046	20376	4208900000	103		A C ROSS 110 #1
0180078	23242	4236331768	103		ELIZABETH HEATH #4
0180076	23210	4233732399	103		FERRELL-RICHARDS #2
0180075	23207	4230731864	103		S D WILEY #1
0180099	24468	4230731863	103		S D WILEY #4
0180097	24403	4233732737	103		LINDSEY RANCH #4
0180073	22860	4228100000	103		M PEVELER #3
-SPENCER & HUTSON					RECEIVED: 03/09/81 JA: TX
0180079	23416	4214900000	103		BROCHSTEIN WELL #1
-STAYBAR PRODUCTION CO					RECEIVED: 03/09/81 JA: TX
0181042	29331	4209330610	103		HAROLD PIERSON -A- #2
-STOVERS OIL & GAS					RECEIVED: 03/09/81 JA: TX
0180080	23467	4217930754	103		VANDERBURG WELL #2 04250
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/09/81 JA: TX
0181033	30732	4228731848	103		A C JONES AC 73
0181030	30728	4218731930	103		BIG WELLS UNIT WELL NO 8128
0181029	30727	4218731929	103		BIG WELLS UNIT WELL NO 8124
0181026	30726	4218731943	103		BIG WELLS UNIT WELL NO 8009
0181027	30725	4218731942	103		BIG WELLS UNIT WELL NO 8002
0181028	30730	4218731940	103		BIG WELLS UNIT WELL NO 3108
0181031	30729	4218731939	103		BIG WELLS UNIT WELL NO 3607
0181024	30724	4218731885	103		BIG WELLS UNIT WELL NO 4710
0181025	30723	4218731886	103		BIG WELLS UNIT WELL NO 4719
0181022	30720	4218731887	103		BIG WELLS UNIT WELL NO 5002
0181023	30721	4218731888	103		BIG WELLS UNIT WELL NO 5049
0181024	30722	4218731889	103		BIG WELLS UNIT WELL NO 5058
0181034	30735	4213933191	103		E GOLDSMITH HOLT UT NO 24-13L
0181177	30599	4203330839	103		I B MCMILLIN A/C 2 #8
0180078	22703	4240931444	103		M V COFFEY NO 11-L
-T D ANDERSON					RECEIVED: 03/09/81 JA: TX
0180934	26522	4220100000	103		L M JOSEY AC C-1
-TENNECO OIL COMPANY					RECEIVED: 03/09/81 JA: TX
0180923	26054	4248731404	102		T D BLOCK ESTATE NO 72
-TEXACO INC.					RECEIVED: 03/09/81 JA: TX
0180971	27675	4250303038	106		J D JENNINGS 0277
0180974	27940	4250303017	106		J D JENNINGS 0300
0181012	30680	4221938087	103		MONTGOMERY EST DAVIES MCT-2 #65
0181013	30687	4221938930	103		MONTGOMERY EST DAVIES MCT-2 #66
0181170	30854	4207932161	103		STATE OF TEXAS BP #4
0181038	29018	4203130096	103		STERLING N FEE #1
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 03/09/81 JA: TX
0181039	30780	4213100000	106		FITZSIMMONS #13
-TEXAS OIL & GAS CORP					RECEIVED: 03/09/81 JA: TX
0181176	30905	4223931382	102		MOLINA B U #1
0180996	28394	4226100000	103		STEWART B #3

FIELD NAME	PROD	PURCHASER
BROWN BASSETT (ELLENBURG	298.0	EL PASO NATURAL GAS
MONAHANS (CLEAR FORK)	93.0	EL PASO NATURAL GAS
CRAHAN	80.0	EL PASO NATURAL GAS
HERMIT	8.0	CABOT CORP
MORGAN MILL (MARBLE FALL	10.6	ENERGY PIPELINE
CALLAHAN CO REGULAR (OIL	35.0	
PALO PINTO CO REGULAR (G	278.6	SOUTHWESTERN GAS PIP
JACKSBURG SE (5870)	104.0	SOUTHWESTERN GAS PIP
S D WILEY #1	8.0	SOUTHWESTERN GAS PIP
CARTER CREEK (DENO CONGL	113.2	
JACK COUNTY REGULAR (OIL	7.3	SOUTHWESTERN GAS PIP
MCINTOSH (BIG SALINE)	87.3	SOUTHWESTERN GAS PIP
SIDDINGS (AUSTIN CHALK)	13.1	
ZOURETTE (MARBLE FALLS)	69.0	ENERGY PIPELINE CORP
WEST PANHANDLE	898.0	NORTHERN NATURAL GAS
JONES	278.0	
BIG WELLS	19.0	HOUSTON PIPE LINE CO
BIG WELLS	58.0	HOUSTON PIPE LINE CO
BIG WELLS	36.0	HOUSTON PIPE LINE CO
BIG WELLS	27.0	HOUSTON PIPE LINE CO
BIG WELLS	13.0	HOUSTON PIPE LINE CO
BIG WELLS	21.0	HOUSTON PIPE LINE CO
BIG WELLS	23.0	HOUSTON PIPE LINE CO
BIG WELLS	9.0	HOUSTON PIPE LINE CO
BIG WELLS	68.0	HOUSTON PIPE LINE CO
BIG WELLS	38.0	HOUSTON PIPE LINE CO
BIG WELLS	29.0	HOUSTON PIPE LINE CO
GOLDSMITH E (HOLT)	3.6	PHILLIPS PETROLEUM CO
FRANKIRK (ELLENBURGER)	0.8	CITIES SERVICE CO
REVEER (6800)	636.0	TENNESSEE GAS PIPELI
JOSEY RANCH (HOSEYS BRAN	819.0	HOUSTON PIPELINE CO
HINDE	899.0	TENNESSEE GAS PIPELI
JENNINGS N	0.6	TENNESSEE GAS PIPELI
JENNINGS N	1.7	TENNESSEE GAS PIPELI
LEVELLAND	16.0	AMOCO PRODUCTION CO
LEVELLAND	31.0	AMOCO PRODUCTION CO
CAPRITE (DELHARE RIDDLE)	67.0	PIONEER NATURAL GAS
CONGER (PENN)	111.0	
THOMAS LOCKHART	3.3	VALERO TRANSMISSION
ANITA 6400	0.0	UNITED GAS PIPELINE
SANTA ROSA (10700)	0.0	TEXAS EASTERN TRANSM

JD NO	JA DKT	API NO	SEC	D	WELL NAME
-TEXOMA PRODUCTION CO					RECEIVED: 03/09/81 JA: TX

FIELD NAME	PROD	PURCHASER

JC NU	YA DKT	API NU	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXOMA PRODUCTION CO					RECEIVED: 03/09/81 JA: TX			
0120936	26529	4232130964	102		FLORENCE TRULL #2	SIMPSONVILLE (9000)	182.0	NATURAL GAS PIPELINE
-THOMAS B COFFMAN INC					RECEIVED: 03/09/81 JA: TX			
0120926	027353	4214930370	102		BROWNING NO 1 (061606)	SIDDINGS (AUSTIN CHALK)	41.0	SOUTH CEN-TEX GAS CO
0120933	027348	4214930400	102		BRUNNER A NO 2 (063461)	SIDDINGS (AUSTIN CHALK)	419.0	SOUTH CEN-TEX GAS CO
0120934	27340	4214930670	102		MAJOVSKY NO 1 (067810)	SIDDINGS (AUSTIN CHALK)	3.5	CLAJON GAS CO
0120900	26464	4205130316	102		LISA A NO 2 064802	SIDDINGS (AUSTIN CHALK)	4.0	FERGUSON CROSSING PI
0120901	26466	4205130668	102		LISA B NO 6	SIDDINGS (AUSTIN CHALK)	18.0	FERGUSON CROSSING PI
0120898	26463	4205130306	102		LISA UNIT NO 1 064539	SIDDINGS (AUSTIN CHALK)	3.0	FERGUSON CROSSING PI
0120928	26120	4205130722	102		MADDOX UNIT NO 1 070040	SIDDINGS (AUSTIN CHALK)	91.0	FERGUSON CROSSING PI
0120927	027337	4205130707	102		ROBERTSON UNIT NO 1 (068473)	SIDDINGS (AUSTIN CHALK)	84.3	FERGUSON CROSSING PI
0120930	027336	4205130702	102		SLOVACEK NO 1 (068203)	SIDDINGS (AUSTIN CHALK)	18.3	FERGUSON CROSSING PI
-THREE-C OIL CO					RECEIVED: 03/09/81 JA: TX			
0121070	30050	4237133184	103		PAYTON POOL YATES SAND 917-6 (04457	PAYTON (YATES) FIELD	68.0	EL PASO NATURAL GAS
-TIERRA EXPLORATION INC					RECEIVED: 03/09/81 JA: TX			
0121049	30041	4208300000	103		D N GOULD NO 2	COLEMAN COUNTY REGULAR	0.0	LONE STAR GAS CO
-TREK PETROLEUM INC					RECEIVED: 03/09/81 JA: TX			
0121141	30526	4210300000	103		YARBROUGH & ALLEN 040	ARMER (GLORIETA)	2.1	WARREN PETROLEUM CO
-UNION EXPLORATION					RECEIVED: 03/09/81 JA: TX			
0121001	28498	4205932616	102		BROOKS #1 (125846)	BONNE (CADDO)	20.0	LONE STAR GAS CO
0121002	28499	4205932183	102		ROGERS A #A-1 (125315)	BONNE (CADDO)	51.0	LONE STAR GAS CO
-W HALDO LYNCH					RECEIVED: 03/09/81 JA: TX			
0120921	28869	4250731584	102		LAMANTIA NO 6	LAMANTIA (SAN MIGUEL)	180.0	VALERO TRANSMISSION
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 03/09/81 JA: TX			
0121171	30505	4210330830	103		M M MADDELL TR 3 WELL NO 1120	UNIVERSITY MADDELL (DEVO	41.0	EL PASO NATURAL GAS
-WILLEAM PERLMAN					RECEIVED: 03/09/81 JA: TX			
0120826	13998	4210300000	103		FIELDS 30-2	SANYER (CANYON)	0.0	EL PASO NATURAL GAS
0120801	00677	4243300000	103		FIELDS 31 NO 3	SANYER (CANYON)	0.0	EL PASO NATURAL GAS
0120818	00703	4243332042	103		FIELDS 31-4 80426	SANYER (CANYON)	75.0	EL PASO NATURAL GAS
0120815	00708	4210331910	102		GENERAL CRUDE ET AL 8 NO 1A 83229	WILDCAT DIONA (CANYON)	20.0	EL PASO NATURAL GAS
0120814	00707	4210332049	102		GENERAL CRUDE 8-2 83228	DIONA (CANYON)	45.0	EL PASO NATURAL GAS
0120804	00689	4243300000	103		HUDSPETH MEM HOSP A-1	WHITEHEAD (STRAWN)	0.0	EL PASO GAS TRANSPOR
0120807	00693	4243300000	102		IDA CAUTHORN 138-1	SHURELY RANCH (CANYON)	370.0	EL PASO NATURAL GAS
0120825	13967	4210332888	103		L M HUDSPETH MEM HOSP P NO 1-83759	SANYER (CANYON)	20.0	EL PASO NATURAL GAS
0120805	00690	4243300000	103		LILLO M HUDSPETH MEM HOSP A 02	WHITEHEAD (STRAWN)	0.0	EL PASO NATURAL GAS
0120806	00692	4243300000	103		LILLO M HUDSPETH MEM HOSP B 01	WHITEHEAD (STRAWN)	0.0	EL PASO NATURAL GAS
0120797	00672	4243300000	102		MACK CAUTHORN 112-1	SHURELY RANCH (CANYON)	100.0	EL PASO NATURAL GAS
0120798	00674	4243300000	102		MACK CAUTHORN 112-2	SHURELY RANCH (CANYON)	275.0	EL PASO NATURAL GAS
0120799	00675	4243331491	102		MACK CAUTHORN 129-1 78586	SHURELY RANCH (CANYON)	200.0	EL PASO NATURAL GAS
0120800	00676	4243332046	102		MACK CAUTHORN 129-2 76622	SHURELY RANCH (CANYON)	400.0	EL PASO NATURAL GAS
0120811	00697	4243332095	102		MACK CAUTHORN 129-3 79841	SHURELY RANCH (CANYON)	275.0	EL PASO NATURAL GAS
0120810	00696	4243332099	102		MACK CAUTHORN 129-4 (79840)	SHURELY RANCH (CANYON)	125.0	EL PASO NATURAL GAS
0120813	00704	4243300000	102		MACK CAUTHORN 130 NO 2	SHURLEY RANCH (CANYON)	45.0	EL PASO NATURAL GAS
0120812	00704	4243300000	103		MACK CAUTHORN 130 NO 2	SHURLEY RANCH (CANYON)	45.0	EL PASO NATURAL GAS
0120809	00695	4243331931	102		MACK CAUTHORN 130-1 76214	SHURELY RANCH (CANYON)	45.0	EL PASO NATURAL GAS
0120808	00694	4243332065	102		MACK CAUTHORN 130-2 76703	SHURLEY (CANYON)	150.0	EL PASO NATURAL GAS
0120803	00688	4243332071	103		STELLA KEENE 77-1 82667	SANYER (CANYON)	45.0	EL PASO NATURAL GAS
0120802	00686	4243300000	103		W E SANYER 190 NO 2	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
-WILLIAMS PETROLEUM CO					RECEIVED: 03/09/81 JA: TX			
0121064	29931	4230300000	103		NO 1 DOUG DUKE (029213)	PK RAH (CONGLOMERATE A)	300.0	TEXAS UTILITIES FUEL
-WINDSOR GAS CORP					RECEIVED: 03/09/81 JA: TX			
0120819	00187	4243300000	108		DUKE WILSON 173-1	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS

VOLUME 394 PAGE 016

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0120818	80166	4243300000	108		DUKE WILSON 174-1	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
0120822	80518	4243300000	108		DUKE WILSON 186-4	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
0120817	80165	4243300000	108		DUKE WILSON 186-2	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
0120823	80519	4243300000	108		DUKE WILSON 187-3	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
0120824	80520	4243300000	108		DUKE WILSON 188-2	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
0120820	80169	4243300000	108		DUKE WILSON 21 1/2-3	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
0120816	80170	4243300000	108		DUKE WILSON 21-3	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
0120821	80190	4243300000	108		DUKE WILSON 60-2	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
[illegible]	[illegible]	[illegible]	[illegible]		RECEIVED: 03/09/81 JAI TX			
0121841	80324	4800338146	103		G T HALL A 83	BLOCK A-36 (YATES)	4.2	EL PASO NATURAL GAS

OTHER PURCHASERS VOLUME NO 1394

0120698	UNION TEXAS PETROLEUM
0120701	EXXON CO U S A
0120706	CHASE GATHERING SYSTEMS INC
0120714	CHASE GATHERING SYSTEMS INC
0120715	CHASE GATHERING SYSTEMS INC
0120717	CHASE GATHERING SYSTEMS INC
0120718	CHASE GATHERING SYSTEMS INC
0120823	CHANNEL INDUSTRIES GAS CO
0120851	E I DUPONT DE NEMOURS & CO INC
0120852	E I DUPONT DE NEMOURS & CO INC
0120853	E I DUPONT DE NEMOURS & CO INC
0120854	E I DUPONT DE NEMOURS & CO INC
0120855	E I DUPONT DE NEMOURS & CO INC
0120856	E I DUPONT DE NEMOURS & CO INC
0120857	E I DUPONT DE NEMOURS & CO INC
0120858	E I DUPONT DE NEMOURS & CO INC
0120859	E I DUPONT DE NEMOURS & CO INC
0120860	E I DUPONT DENEMOURS & CO INC
0121042	DELHI GAS PL CORP
0121081	E I DUPONT DE NEMOURS & CO INC
0121082	E I DUPONT DE NEMOURS & CO INC
0121138	PUBLIC SERVICE ELECTRIC & GAS CO
0121139	PUBLIC SERVICE ELECTRIC & GAS CO
0121140	FERGUSON CROSSING P L CO
0121199	PANHANDLE EASTERN PL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9972 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4233]

Enagenics; Application for Preliminary Permit

March 27, 1981.

Take notice that Enagenics (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4233 to be known as the Maxwell Lock and Dam Project located on the Monongahela River in Fayette County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Maxwell Lock and Dam and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 12.0 MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 48.9 GWH.

Purpose of Project—Project energy would be sold to the West Penn Power Company or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Atlantic Power Development Corporation's Maxwell Project No. 3517 filed on October 1, 1980, under 18 CFR (1980), and, therefore no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 29, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4233. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9967 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4235-000]

Enagenics; Application for Preliminary Permit

March 27, 1981.

Take notice that Enagenics (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4235 to be known as the Monongahela River Lock & Dam No. 3 Project located on the Monongahela River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clark, Jr., President, Enagenics, 1727 Q Street NW.,

Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Monongahela River Lock and Dam No. 3 and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 6 MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 28.2 GWH.

Purpose of Project—Project energy would be sold to the West Penn Power Company or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Mononghela River Lock and Dam 3. Project No. 3753 filed on November 18, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4235. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9555 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP75-79-007]

Florida Gas Transmission Co.; Tariff Filing

March 26, 1981.

Public notice is hereby given that on March 17, 1981, Florida Gas Transmission Company (FGT) tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1 to be effective March 1, 1981. The revised tariff sheet is Third Revised Sheet No. 22-L.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a futher petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9579 Filed 3-30-81; 8:45 am]

[BILLING CODE 6450-85-M]

[Project No. 4184-000]

Hydro Development, Inc.; Application for Preliminary Permit

March 27, 1981.

Take notice that Hydro Development, Inc. (Applicant) filed on February 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4184 to be known as Roaring River Project located on the Roaring River in Clackamas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to:

Howard L. Stone, Hydro Development, Inc., Suite 711, Kirkeby Center, 10889 Wilshire Boulevard, Los Angeles, California 90024. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a concrete diversion structure; (2) an 18,000-foot long and 6-foot wide canal; (3) a concrete pressure box; (4) a 48-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 5,000 kW; and (6) a tailrace. The Applicant estimates that the average annual energy output would be 30 million kWh.

Applicant proposes to study an alternative proposed project which would consist of: (1) a concrete diversion structure; (2) an 8,000-foot long and 6-foot wide canal; (3) a 48-inch steel penstock; (4) a powerhouse containing one generating unit rated at 3,000 kW; and (5) a tailrace. The Applicant estimates that the average annual energy output would be 15 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Portland General Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would conduct engineering and geotechnical studies, consult with agencies, conduct environmental studies, do a comparison analysis, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A peremit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4184. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9701 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-31-000]

Indianapolis Power & Light Co.; Application

March 26, 1981.

Notice is hereby given that on March 17, 1981, Indianapolis Power & Light Company (Applicant) filed an application with the Commission seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance, from time to time, of up to $100,000,000 principal amount of unsecured short-term promissory notes and other short-term obligations with a final maturity date of not later than June 30, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9677 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-33-000]

Interstate Power Co.; Application

March 26, 1981.

Take notice that on March 18, 1981, an application was filed with the Federal Energy Regulatory Commission pursuant to section 204(a) of the Federal Power Act by Interstate Power Company (Applicant), seeking an order authorizing the issuance and sale of 200,000 shares of additional Common Stock, with a par value of $3.50 per share, pursuant to its Employee Stock Ownership Plan ("ESOP").

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9873 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4152-000]

Kern County Water Agency; Application for Preliminary Permit

March 27, 1981.

Take notice that Kern County Water Agency (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4125 to be known as Onyx Project located on Kern River in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert E. McCarthy, President, Kern County Water Agency, P.O. Box 58, Bakersfield, California 93302. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 40-foot high diversion dam, impounding a small reservoir; (2) a 17,000-foot long low pressure pipeline; (3) surging facilities; (4) a penstock; (5) a powerhouse containing one generating unit rated at 3,500 kW; and (6) a 3000-foot long transmission line. The Applicant estimates that the average annual energy output would be 10 million kWh.

Purpose of Project—The energy output of the project would be sold to the Southern California Edison Company or to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would perform hydrological, geotechnical, field, and other preliminary studies, conduct environmental studies, prepare a feasibility analysis, consult with agencies, and prepare an FERC license application. Field studies to be performed for the new dam include topographical surveys, geologic surface investigations, and test borings. No new roads would be required to conduct the studies. The cost of the studies to be performed under the preliminary permit is estimated to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertake the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Fluid Energy Systems' Project No. 3592 filed on October 20, 1980, under 18 CFR (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must confrom with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4125. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9872 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4122-000 and 4123-000]

Kern County Water Agency, Olcese Water District; Applications for Preliminary Permit

March 26, 1981.

Take notice that Kern County Water Agency (Kern) and Olcese Water District (Olcese) filed on February 5, 1981, and February 6, 1981, respectively, applications for preliminary permit [pursuant to the Federal Power Act, 16

U.S.C. 791(a)–825(r)] for proposed Projects Nos. 4122 and 4129 to be known as Rio Bravo Project located on the Kern River in Kern County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with Kern should be directed to: Robert E. McCarthy, Kern County Water Agency, P.O. Box 58, Bakersfield, California 93302. Correspondence with Olcese should be directed to: Owen Goodman, 1518 18th Street, Room 207, Bakersfield, California 93301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Proposed Project No. 4122 would consist of: (1) a concrete diversion dam; (2) a 9,000-foot long pipeline; (3) a surge tank; (4) a powerhouse containing a generating unit rated at 12,000 kW; and (5) a 4,000-foot long transmission line. Applicant estimates that the average annual energy output would be 40 million kWh.

Proposed Project No. 4129 would consist of: (1) an 8-foot high concrete diversion dam; (2) an intake structure; (3) an 8,500-foot long canal; (4) a small forebay; (5) two 500-foot long penstocks; (6) a powerhouse containing two generating units each rated at 3,500 kW; (7) a tailrace; and (8) a 2,400-foot long transmission line. Applicant estimates that the average annual energy output would be 31.37 million kWh.

Purpose of Project—The energy generated by each project would be sold to either the Pacific Gas and Electric Company or the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Kern seeks issuance of a preliminary permit for a period of 36 months and Olcese seeks issuance of a preliminary permit for a period of 18 months, during which time each Applicant would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. Kern proposes no ground disturbing studies for the new dam. Olcese proposes to do test borings at the dam, canal, afterwards. Kern estimates its cost of studies to be $100,000 and Olcese estimates its cost of studies to be $765,000. No new roads would be required to conduct the studies.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Fluid Energy Systems, Inc.'s Project No. 3515, filed on September 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely filed a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 28, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS,", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 4122 and 4129. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any petitions to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9559 Filed 3-30-81; 8:45 am]

[BILLING CODE 6450-85-M]

[Project No. 4247-000]

Long Lake Energy Corp.; Application for Preliminary Permit

March 27, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4247 to be known as the Newport Hydroelectric Power Project located on the West Canada Creek in Herkimer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposal project would consist of: (1) the existing Newport Dam, an 8-foot high concrete gravity dam having a crest length of 250 feet; (2) the existing reservoir having a storage capacity of 66 acre-feet at a mean elevation of 660.0 feet (U.S.G.S. datum); (3) the existing control gates; (4) the existing rectangular raceway, 24 feet wide and 180 feet long, leading to; (5) an existing powerhouse, with new turbines and generators, having an installed generating capacity of 1400 kW; (6) the existing transmission lines and switchyard equipment; and (7) appurtenant facilities. The existing powerhouse site is owned by the Village of Newport. The Newport Dam is owned by the Mohawk Data Sciences Corporation. The Applicant estimates that the average annual energy output would be 6,700,000 kWh.

Purpose of Project—Project energy would be sold to the Niagara Mohawk Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4247. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9705 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4205]

Lost Hills Water District, California; Application for Preliminary Permit

March 26, 1981.

Take notice that Lost Hills Water District, California (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4205 to be known as Lost Hills One Powerplant located on the California Aqueduct in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joe Steele, Engineer-Manager, Lost Hills Water District, 2100 24th Street, Suite 2, Bakersfield, California. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: 1) an existing 72-inch diameter concrete pipeline 10,190 feet long, conveying irrigation water from a California Aqueduct turn out into the Districts' canal distribution system; 2) a proposed powerhouse to be constructed adjacent to the pipeline near its outlet containing one generating unit rated at 450 kW; and 3) approximately one-half mile of transmission line to connect to the existing utility transmission. The Applicant estimates that the average annual energy output would be 1.36 million kWh.

Purpose of Project—The energy output of the project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, do preliminary designs, prepare a feasibility report, conduct environmental studies, negotiate arrangements for transmission and sale of energy, and prepare an FERC license application.

The estimated cost of the work to be preformed under the preliminary permit is $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that recieve this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4205. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9369 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-47-000]

MIGC, Inc. (Formerly)—McCulloch Interstate Gas Corp.; Purchased Gas Adjustment Clause

March 26, 1981.

Take notice that on March 17, 1981, MIGC, Inc., tendered for filing copies of Twenty-Second Revised Sheet No. 32 to its FERC Gas Tariff Original Volume No. 1, as required under the Commission's Rules and Regulations under the Natural Gas Act.

MIGC, Inc.'s Twenty-Second Revised Sheet No. 32 provides for a Purchased Gas Adjustment rate of (15.79¢) per MMBtu effective May 1, 1981. MIGC, Inc.'s filing is made in order to: (1) recover the balance in MIGC, Inc.'s Unrecovered Purchased Gas Cost Account as of January 31, 1980 and January 31, 1981; (2) to provide for a current Gas Cost Adjustment in order to permit MIGC, Inc. to reflect the higher cost of gas purchases; and (3) to recover a carrying surcharge as permitted under FERC Order No. 47 (Table VI), as set forth in MIGC, Inc.'s First Revised Sheet No. 31a to its FERC Gas Tariff Original Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9370 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-35-001]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 26, 1981.

Take notice that on March 19, 1981, Michigan Wisconsin Pipe Line Company refiled proposed changes to its F.E.R.C. Gas Tariff, Original Volume No. 1.

Michigan Wisconsin asserts that this filing is being submitted for the sole purpose of revising the interest rate under Section 6.3 *Interest on Unpaid Amounts* and Section 6.6 *Errors in Billing* of the General Terms and Conditions to conform to the refund methodology set forth in the Commission's Order No. 47 at Docket No. RM77-22.

Michigan Wisconsin requests that the tariff sheets be made effective May 1, 1981.

Michigan Wisconsin further asserts that copies were served upon its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before April 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9371 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4270-000]

Mountain Rhythm Resources; Application for Preliminary Permit

March 26, 1981.

Take notice that Mountain Rhythm Resources (Applicant) filed on February 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4270 to be known as Boulder Creek Water Power Project located on Boulder Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Mr. William L. Devine, 8040 Mt. Baker Highway, P.O. Box 68, Maple Falls, Washington 98266. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3-foot high, 100-foot long prefabricated concrete gravity dam; (2) a 24-inch diameter, 6,600-foot long penstock; (3) a concrete powerhouse containing generating units with a total rated capacity of 1,500 kW; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 9.32 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of a geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $105,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4270. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9999 Filed 3-99-81; 8:45 am]

BILLING CODE 9999-99-99

[Project Nos. 4067-000 and 4239-000]

Municipal Electric Power Association of Virginia and City of Philippi, West Virginia; Applications for Preliminary Permit

March 26, 1981.

Take notice that Municipal Electric Power Association of Virginia (MEA) and City of Philippi, West Virginia (CPW) (Applicants) filed on January 28, 1981 and February 23, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Projects Nos. 4067 (MEA) and 4239 (CPW) to be known as the Tygart Hydro Project located on the Tygart River in Taylor County, West Virginia. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: R. Michael Amyx, Executive Secretary/Treasurer, Municipal Electric Power Association of Virginia, 311 Ironfronts, Post Office Box 753, Richmond, Virginia 23206 (MEA) and Joseph P. Mattaliano, City Manager, City of Philippi, 106 North Main Street, Philippi, West Virginia 26416 (CPW). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Tygart Lake Dam and Reservoir and would consist of: (1) a powerhouse containing generating units having a total rated capacity of 25,000 kW (MEA) and 20,000 kW (CPW); (2) a tailrace; (3) new transmission lines; and (4) appurtenant facilities. The Applicants estimate that the average annual energy output would be 105,000,000 kWh (MEA) or 48,000,000 kWh (CPW).

Purpose of Project—Project energy would be retailed by 15 municipal members of MEA, and others; whereas, in the case of CPW, project energy would be retailed locally, and excess

energy would be wholesaled to public and private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicants seek issuance of a preliminary permit for a period of three years (MEA) or two years (CPW), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, the successful Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies would be $250,000 (MEA) or $100,000 (CPW).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (Copies of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to West Virginia Renewable Resources, Inc., application for Project No. 3417 filed on September 2, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 28, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 4067 and 4239. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9979 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4224-000]

Orange Cove Irrigation District; Application for Preliminary Permit

March 20, 1981.

Take notice that Orange Cove Irrigation District (Applicant) filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4224 to be known as the Kings River Siphon Project located on the Friant-Kern Canal in Fresno County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Edward C. Bickmore, Manager, Orange Cove Irrigation District, 1130 Park Blvd., P.O. Box 308, Orange Cove, California 93646. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse containing a single 600-kW generating unit located adjacent to the existing headworks of the Kings River Siphon at Mile 28.53 of the Water and Power Resources Service's Friant-Kern Canal and approximately 3,500 feet of transmission line. The Applicant estimates that the average annual energy output would be 2,500 MWh.

Purpose of Project—Project power would be sold to the Pacific Gas and Electric Company or other power purchaser.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed feasibility study including engineering, environmental, and marketing analysis. Applicant estimates the cost of the studies and preparation of a license application to be approximately $70,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the

competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4224. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing applications, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-9660 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4211-000]

Paper Service Mills Inc.; Application for Preliminary Permit

March 26, 1981.

Take notice that Paper Service Mills Inc. (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4211 to be known as the Robertson Hydro Project located on the Ashuelot River in Cheshire County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary O'Neal, Paper Service Mills Inc., Hinsdale, New Hampshire 03451. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two dam structures, one, the Robertson Dam, is 150 feet long and 17 feet high; the other would be reconstructed at a breached site about 3000 feet upstream; (2) two reservoirs, the Robertson Reservoir would cover 8.5 acres with a storage volume of 63 acre-feet and extend about one-half mile; the other would cover less than 10 acres and also have a small storage capacity: (3) new powerhouses, intake works and penstocks and (4) turbine/generator units with total rated capacities between 2.0 and 4.0 MW.

The Applicant estimates that the average annual energy output would be between 7,000,000 and 14,000,000 kWh.

Purpose of Project—Project power would be sold to the Public Service Company of New Hampshire.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be between $20,000 and $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE

COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4211. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9881 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4221-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

March 26, 1981.

Take notice that Puget Sound Power & Light Company filed on February 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4221 to be known as Swift Creek Project located on Swift Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President—Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 15-foot high, 50-foot long concrete arch or gravity diversion dam; (2) a 4,000-foot long, 108-inch diameter low pressure concrete pipe; (3) a 3,000-foot long, 87-inch diameter penstock; (4) a concrete powerhouse containing a single generating unit with a rated capacity of 8,700 kW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 47 million kWh.

Purpose of Project—Project energy would be utilized to serve Applicant's customers.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $300,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4221. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9881 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4283-000]

Fred N. Sutter, Jr.; Application for Preliminary Permit

March 27, 1981.

Take notice that Fred N. Sutter Jr. (Applicant) filed on March 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4283 to be known as Sutters Mill located on Millseat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred N. Sutter Jr., P.O. Box 137, Shingletown, California 96088. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 30-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 2,000-foot long, 40-inch diameter penstock; (4) a powerhouse containing generating equipment with a combined capacity of 125-kW; and (5) a 0.1 mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 0.8 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertake the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4283. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9999 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4252-000]

Tulare Lake Basin Water Storage District; Application for Preliminary Permit

March 26, 1981.

Take notice that Tulare Lake Basin Water Storage District (Applicant) filed on February 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4252 to be known as Lateral A Hydroelectric Project located on the California Aqueduct in Kings County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Brent L. Graham, Manager, Tulare Lake Basin Water Storage District, 1109 Whitley Ave., Corcoran, California 93212. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing California Aqueduct turn out; (2) a 9,250-feet long penstock; (3) a powerhouse with a total rated capacity of 2,010 kW; and (4) appuntenant facilities. The Applicant estimates that the average annual energy output would be 6.2 million kWh.

Purpose of Project—Project energy would be sold to a private or public utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field

surveys, and preparing designs is estimated by the Applicant to be 100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertake the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4252. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9882 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3983-000]

Utilities Board of the City of Lamar; Application for Preliminary Permit

March 27, 1981.

Take notice that the Utilities Board of the City of Lamar (Applicant) filed on January 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3983 to be known as the Trinidad Dam Project located on the Purgatoire River in Las Animas County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bill D. Carnahan, Superintendent; Lamar Utilities Board; 100 North Second St.; Lamar, Colorado 81052. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Army Corps of Engineers' Trinidad dam and reservoir, and would consist of: (1) a powerhouse containing generating units having a rated capacity of 825 kW; (2) transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,739,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant and/or sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be between $15,000 and $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33

(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 14, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3983. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9704 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3879-000]

Gregory Wilcox; Application for Preliminary Permit

March 27, 1981.

Take notice that Gregory Wilcox (Applicant) filed on December 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3879 to be known as the Pineview Hydro Project located on the Ogden River in Weber County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gregory Wilcox, Attorney-at-law, 506 15th Street, 5th Floor, Oakland, California 94612. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resource Service's Pineview Dam and Reservoir, operated and maintained by the Ogden River Water Users Association, and would consist of: (1) a new penstock utilizing the existing outlet works in the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 500 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4,000,000 kWh.

Purpose of Project—Project energy would be sold to the City of Ogden and possibly other communities in the area. Additional potential markets will be investigated.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 2 years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Utah Hydro Corporation's application Project No. 3543 filed on October 8, 1980 under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION",

"COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3679. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9703 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3634-000, etc.]

Gregory Wilcox, et al.; Applications for Preliminary Permit

March 26, 1981.

In the matter of Gregory Wilcox (Project No. 3634-000), Mitchell Energy Company, Inc. (Project No. 3698-000), Hydroelectric Constructors Inc. (Project No. 3915-000), ENAGENICS (Project No. 4137-000).

Take notice that Gregory Wilcox (GW), Mitchell Energy Company, Inc. (ME), Hydroelectric Constructors Inc. (HC) and Enagenics (EN) (Applicants) filed on November 3, 1980, November 7, 1980, December 31, 1980, and February 6, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 USC 791(a)-825(r)] for proposed Project Nos. 3634 (GW), 3698 (ME), 3915 (HC), and 4137 (EN) to be known as the Taylor Park Hydro Project located on the Taylor River in Gunnison County, Colorado. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Gregory Wilcox, Attorney-at-Law, 506 15th Street, 5th Floor, Oakland, California 94612 (GW); Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116 (ME); Mr. Glen G. Dorman, President, Hydroelectric Constructors Inc., Box 18, 5353 W. Dartmouth Avenue, Denver, Colorado 80227 (HC); and Mr. Thomas H. Clarke, Jr., President, Enagenics, 1717 Q Street, NW., Washington, D.C. 20009 (EN). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Taylor Park Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 1,800 kW (GW), 1,800 kW (ME), 1,800 kW (HC) and 5,350 kW (EN); (3) a tailrace; (4) a new 69 kV transmission line, approximately 20 miles long; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 10,300,000 kWh (GW and ME and HC) and 11,250,000 kwh (EN).

Purpose of Project—Project energy would be sold to public and private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicants seek issuance of a preliminary permit for a period of two years (GW and ME) or three years (HC and EN), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, the successful Applicant would prepare an application for an FERC license. The Applicants estimate the cost of the studies under the permit would be $50,000 (GW and ME), $200,000 (HC), and $40,000 (EN).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3634, 3698, 3915 and 4137. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch,

Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9867 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RM79-34 and Docket No. ST81-120 et seq.]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Transcontinental Gas Pipe Line Corp.; Self-Implementing Transactions

March 20, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commissions Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123 (b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested person may file a complaint concerning such transactions pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interestate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

DOCKET NO. | TRANSPORTER/SELLER | DATE FILED | PART 284 SUBPART | EXPIRATION DATE * | TRANSPORTATION RATE (CENTS/MCF)

DOCKET NO.	TRANSPORTER/SELLER	DATE FILED	PART 284 SUBPART	EXPIRATION DATE *	TRANSPORTATION RATE (CENTS/MCF)
ST81-120	TRANSCONTINENTAL GAS PIPE LINE CORP.	12/29/80	B	-	-
ST81-121	EL PASO NATURAL GAS CO.	12/29/80	F	-	-
ST81-122	NORTHERN NATURAL GAS CO.	12/29/80	B	-	-
ST81-123	NORTHERN NATURAL GAS CO.	12/29/80	B	-	-
ST81-124	TRANSCONTINENTAL GAS PIPE LINE CORP.	12/29/80	B	-	-
ST81-125	SEA ROBIN PIPELINE CO.	01/07/81	G	-	-
ST81-126	TENNESSEE GAS PIPELINE CO.	12/30/80	G	-	-
ST81-127	COLUMBIA GAS TRANSMISSION CORP.	12/30/80	G	-	-
ST81-128	NATURAL GAS PIPELINE CO. OF AMERICA	01/02/81	G	-	-
ST81-129	NATURAL GAS PIPELINE CO. OF AMERICA	01/02/81	G	-	-
ST81-130	NATURAL GAS PIPELINE CO. OF AMERICA	01/05/81	G	-	-
ST81-131	MICHIGAN CONSOLIDATED GAS CO.	01/07/81	G(HS)	-	-
ST81-132	UNITED GAS PIPE LINE CO.	01/08/81	G	-	-
ST81-133	UNITED GAS PIPE LINE CO.	01/08/81	G	-	-
ST81-134	TENNESSEE GAS PIPELINE CO.	01/09/81	G	-	-
ST81-135	SOUTHERN NATURAL GAS CO.	01/09/81	G	-	-
ST81-136	TRANSCONTINENTAL GAS PIPE LINE CORP.	01/09/81	H	-	-
ST81-137	SOUTHERN NATURAL GAS CO.	01/09/81	G	-	-
ST81-138	HOUSTON PIPE LINE CO.	08/27/79	C	-	-
ST81-139	TEXAS EASTERN TRANSMISSION CORP.	12/31/80	F	-	-
ST81-140	TRANSWESTERN PIPELINE CO.	01/15/81	B	-	-
ST81-141	NORTHERN NATURAL GAS CO.	01/12/81	G	-	-
ST81-142	NATURAL GAS PIPELINE CO. OF AMERICA	01/16/81	G	-	-
ST81-143	COLUMBIA GULF TRANSMISSION CO.	01/16/81	G	-	-
ST81-144	TENNESSEE GAS PIPELINE CO.	01/16/81	F	-	-
ST81-145	DELHI GAS PIPELINE CORP.	01/21/81	C	-	-
ST81-146	DELHI GAS PIPELINE CORP.	01/21/81	C	06/21/81	29.50
ST81-147	PANHANDLE EASTERN PIPE LINE CO.	01/22/81	G	-	-
ST81-148	NATURAL GAS PIPELINE CO. OF AMERICA	01/22/81	B	-	-
ST81-149	ONG WESTERN, INC.	01/22/81	C,D	06/22/81	10.00
ST81-150	NATURAL GAS PIPELINE CO. OF AMERICA	01/26/81	H	-	-
ST81-151	UNITED TEXAS TRANSMISSION CO.	01/26/81	C	-	-
ST81-152	MOUNTAIN FUEL SUPPLY CO.	01/29/81	G	-	-

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* THE INTRASTATE PIPELINE HAS SOUGHT COMMISSION APPROVAL OF ITS TRANSPORTATION RATE PURSUANT TO SECTION 284.123(B)(2) OF THE COMMISSION'S REGULATIONS (18 CFR 284.123(B)(2)). SUCH RATES ARE DEEMED FAIR AND EQUITABLE IF THE COMMISSION DOES NOT TAKE ACTION BY THE DATE INDICATED.

[FR Doc. 81-9339 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-C

ENVIRONMENTAL PROTECTION AGENCY

[OPP 68003C; PH-FRL 1793-1]

Dibromochloropropane; Withdrawal of Intent To Cancel Registrations for Use on Pineapples in Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 5, 1981, EPA withdrew its Notice of Intent to Cancel registrations for pesticide products containing dibromochloropropane (DBCP) for use on pineapples. Elsewhere in the **Federal Register** today are four other notices related to the registrations of pesticide products containing DBCP.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A-132), Office of General Counsel, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION: Based upon the information available to the Agency and the amended terms of registration of DBCP for use on pineapples, the Administrator has determined that continued use of DBCP in pineapple culture does not appear to result in unreasonable adverse effects on the environment. Therefore, the Administrator has withdrawn the Notice of Intent to Cancel registration of pesticide products containing DBCP for use on pineapples. This decision makes reference to a number of publications which follow immediately.

References

1. Apt, W. J., 1980. Preliminary Report of the Application of Nematicides by Drip Irrigation. University of Hawaii, Honolulu, Hawaii (Unpublished data).

2. Awai, *et. al.*, 1980. Motion to Intervene. In re Amvac Chemical Co., *et al* FIFRA Docket Nos. 402, *et al.*

3. California Department of Health Services, 1980. Movement of DBCP Through Soil. California Department of Health Services, Sanitary Engineering Section, Berkeley, CA. (Unpublished data).

4. Cohen, S. Z., 1981. Findings on DBCP Contamination of Groundwater in Hawaii. (Memorandum) United States Environmental Protection Agency, Washington, D.C.

5. Ely, C., 1981. Letter Enclosing Sampling and Analytical Procedures Employed in the DBCP Water Monitoring Studies in Hawaii. (Procedures provided by Dr. Lyle Wong, Hawaii Department of Agriculture.)

6. Filleman, T., Nemecek, E. A., 1980. Hydrologic Analysis of Water Sampling Program for DBCP, Summer 1979, Maricopa County, Arizona. Arizona Water Commission.

7. Hadeed, S. J., 1979. Dibromochloropropane (DBCP) Well Sampling Program for Yuma County, Arizona. Bureau of Water Quality Control Division of Environmental Health Services, Arizona Department of Health Services.

8. Heath, R., 1981. Statistical Analyses of Molokai Sperm Count Data in "Final Draft" Report by Takahashi *et al.*, Occurrence of Spermatogenic Abnormalities in an Insular Population. (Memorandum) United States Environmental Protection Agency, Washington, D.C.

9. Horst, J., 1980. Update of Economic Analysis of Cancellation of DBCP for use on Pineapple. (Memorandum) United States Environmental Protection Agency, Washington, D.C.

10. Jelinek, C. F., 1979. FDA Survey for Dibromochloropropane (DBCP) in Peaches and Pineapples. (Letter) United States Environmental Protection Agency, Washington, D.C.

11. Love, T. D., 1979. Dibromochloropropane (DBCP) Well Sampling Program for Maricopa County, Arizona. Bureau of Water Quality Control Division of Environmental Health Services, Arizona Department of Health Services (Unpublished data).

12. Mink, J.F., 1979. Pineapple Growers Association Groundwater Sampling Program. Pineapple Growers Association of Hawaii.

13. National Cancer Institute/National Toxicology Program, 1980. Bioassay of Dibromochloropropane (Inhalation) for Possible Carcinogenicity. Carcinogenesis Testing Program, National Cancer Institute, Bethesda, Maryland and National Toxicology Program, Research Triangle Park, North Carolina.

14. NIOSH, December 1980. Proposed Protocol. NIOSH, Region IX.

15. Pinto, E., 1980. Report of Groundwater Contamination Study in Wicomico County, Maryland. Environmental Health Division, Wicomico County Health Department, Salisbury, Maryland.

16. Takahashi, W., *et al.*, 1980. Occurrence of Spermatogenic Abnormalities in an Insular Population: A Pilot Study. (Final Draft). Hawaii Epidemiologic Studies Program, Pacific Biomedical Research Center and Department of Obstetrics & Gynecology, John A. Burns School of Medicine, University of Hawaii, Honolulu (Unpublished data).

17. Takashige, S.H., 1981. Procedures Used for Collection of Samples and Determination of DBCP Residues in Pineapple Leaf Tissue and Fruit. (Memorandum) Del Monte Corporation, Hawaii.

18. Takashige, S.H., 1980. Report on DBCP Residues in Pineapple from a Field Drip Applied with DBCP. (Memorandum). Del Monte Corporation, Kunia, Hawaii.

19. Takashige, S.H., 1981. Report on DBCP Residues in Pineapple Plant Material. (Memorandum). Del Monte Corporation, Kunia, Hawaii.

20. Takashige, S.H., 1980 Study on DBCP Levels During DBCP Injection Thru Drip Irrigation (Special Report) Del Monte Corporation, Kunia, Hawaii.

21. Williams, D.D.F., 1980. DBCP in the Air Over a Field Injected with DBCP Under Mulch Film. Maui Pineapple Company, Ltd. Honolua Plantation, Field 65 (Unpublished data).

22. Wong, L., December 11, 1980. DBCP data (Tables summarizing test results, to date, for DBCP/EDB in water.) (Memorandum) Department of Agriculture, Honolulu, Hawaii.

23. Melius, James M., M.D. January 22, 1981. Letter to Edwin Johnson, EPA, re: NIOSH response to request for assessment of exposure to DBCP during pineapple culture in Hawaii.

Withdrawal of Notice of Intent To Cancel DBCP Registrations for Use on Pineapples in Hawaii

Background

Dibromochloropropane (DBCP) is the common name for the pesticide 1,2-dibromo-3 chloropropane, a soil fumigant used as a nematicide. On October 29, 1979, Administrator Costle issued the final decision of the Environmental Protection Agency suspending all uses of DBCP not previously suspended or cancelled except for use in pineapple culture in Hawaii. The suspension was based upon the statutorily-mandated finding that the suspended used of DBCP present an imminent hazard during the period in which cancellation proceedings could be conducted. With respect to DBCP use on pineapples during the suspension period, the Administrator found that DBCP use in pineapple culture was not likely to result in residues of DBCP in the fruit, that the relatively few workers potentially exposed were not likely to experience exposure in excess of 1 part per billion DBCP as an eight hour average and that hydrologic and geologic considerations unique to Hawaii warrant resolving any uncertainties about groundwater contamination in favor of continued registration on an interim basis.

At the same time as he issued the final order suspending all other uses of DBCP, the Administrator issued a notice of intent to cancel all uses of DBCP not previously cancelled and stated his conclusion that use of DBCP in accordance with current terms and conditions of registration and widespread and commonly recognized practice appears to generally cause unreasonable adverse effects on the environment, as that term is defined in § 2(bb) of FIFRA and that the labeling of DBCP products does not comply with the provisions of FIFRA. 44 FR 65170 (November 9, 1979).

The Administrator's findings were based upon the evidence of record in the suspension proceeding. Based upon that record, he found that DBCP causes cancer in laboratory animals and must be regarded as posing risks of cancer to

humans; that DBCP is a testicular toxin in humans which is capable of adversely affecting testicular function and interfering with spermatogenesis; and that DBCP is an animal and human mutagen which causes mutations both in somatic (body) cells and gametic (reproductive) cells—the latter of which can result in the transmission of heritable defects to future generations. 44 FR 65170 (November 9, 1981).

In the period since the close of the suspension record, the Agency has received a report of an additional bioassay of DBCP for possible carcinogenicity conducted by the National Institutes of Health (NIH) which exposed rats and mice to DBCP vapor through inhalation. (13) This inhalation study yielded results consistent with the previous NIH dietary study of DBCP; under the conditions of the bioassay, DBCP was carcinogenic for male and female rats.

The toxic properties of DBCP are such that any human exposure to the chemical is a matter of concern to the Agency, and the October 29, 1979 Notice of Intent To Cancel all remaining uses of DBCP included the finding that human exposure to DBCP may occur as the result of consumption of drinking water contaminated with DBCP; consumption of residues of DBCP in crops grown in soil treated with DBCP; inhalation of ambient air levels of DBCP in or around treated fields; and dermal contact with DBCP either during application and related procedures, or from residues in soil or on bark and foliage.

Basis for Withdrawal of Notice of Intent To Cancel DBCP for Use on Pineapples

The registrants of DBCP whose registrations of DBCP for use on pineapples have not been previously cancelled by operation of law have submitted to the Agency requests for amendments to their DBCP registrations for use on pineapples such that the labelling differs markedly from the previous labelling of this product. Moreover, additional information has been supplied to the Agency regarding potential exposures to DBCP associated with its use in pineapple culture in Hawaii. Finally, the Agency has developed requirements for additional data on potential DBCP exposures from use on pineapples and the registrants have indicated a readiness to comply with these requirements. These data requirements are in addition to an extensive data gathering effort which is being undertaken by the National Institute of Occupational Safety and Health.

Based upon the information available to the Agency at this time and the amended terms of registration for DBCP use on pineapples, I have decided to withdraw the notice of intent to cancel the remaining registrations of DBCP for use on pineapples. My reasons for so doing are elaborated below.

Because of the toxicity of DBCP, my determination that use of DBCP in Hawaiian pineapple culture in accordance with the amended terms of registration does not result in unreasonable adverse effects to man or the environment is based on an evaluation that exposure to DBCP can be maintained at extremely low levels as a result of the amended terms and conditions of registration and my comparison of the resulting risks to the benefits of continued DBCP use in Hawaiian pineapple culture. Potential exposure to DBCP from pineapple use in Hawaii could be from contaminated drinking water, contaminated pineapple food or feed products, or exposures associated with the handling and application of the chemical during agricultural use. Each of these potential routes of exposure and my basis for concluding that they do not result in unreasonable adverse effects is addressed below.

Potential Exposure From Drinking Water

Because of the demonstrated problem with DBCP contamination of public drinking water sources from agricultural use in California, Arizona, and certain other locations, [44 FR 65153–54 65166 (November 9, 1979) 7,11,6,3,15] continued use of the pesticide in Hawaiian pineapple culture must be considered in light of the question of whether that use creates a potential public health hazard by contamination of drinking water. At the time of the Administrator's final decision in the DBCP suspension hearing permitting continued DBCP use on pineapples during the pendency of the cancellation proceeding, he concluded that, based on evidence of record in that proceeding, geological and hydrological characteristics unique to Hawaii made contamination of public drinking water unlikely. Efforts to monitor drinking water sources in Hawaii which had been reported in the suspension proceeding had yielded results consistent with this conclusion.

In the time period since October of 1979, extensive additional monitoring of Hawaii drinking water supplies has been conducted by the State of Hawaii and others. (12,22,4) The results of these monitoring efforts do show some DBCP contamination of public drinking water sources in Hawaii, but they do not reveal contamination of the type of extent which presently represents a significant human health risk from widespread and commonly recognized practices DBCP use in Hawaii. No positive groundwater samples have been found from monitoring on Lanai or Molokai, both islands with extensive pineapple culture. Of sixty-eight "sites" [1] sample, ten reveal concentrations of DBCP greater than or equal to 0.02 ppb. These represent seven potential drinking water sites and three non-drinking water sites. Most of the positive samples are at low levels; the median of all positive samples is 0.051 ppb (excluding the results from the well at Kunia). In particular, DBCP contamination of underground water has been found in the following circumstances:

(1) A Del Monte well at Kunia on Oahu has contained levels of DBCP as high as 14 parts per billion (ppb). This well, which taps a basal aquifer, was the site of a 1977 major accidental spill of ethylene dibromide (an alternative nematocide used in Hawaiian pineapple culture) which apparently contained a small proportion of DBCP as a contaminant. Analyses of the well structure, pumping test results and the results of soil sampling and sampling of other wells using the same aquifer are all consistent with the explanation that the well at Kunia was contaminated as a result of the 1977 spill. It also appears that DBCP spillage has occurred in the past from a nearby storage and mixing area associated with experimental field plots. Consequently this contamination likely resulted primarily from misuse of the pesticide EDB and, in any event, not from widespread and commonly recognized practices of DBCP use.

(2) Sampling sites located within or just downgradient from pineapple fields on East Maui have shown levels of contamination usually below 1 ppb, although exceeding that value on one occasion. These contaminated springs are within 3–4 miles of each other and come from the perched aquifer and had not been thought to be public drinking water sources. It now appears that one spring at Maliko Gulch is used as a domestic water source. (2) One non-drinking water site on West Maui has also shown contamination.

(3) The Maui High School well has shown levels of contamination below 1 ppb. This well is poorly constructed compared to other wells in Hawaii, and the likely route of contamination is through the annular space around the well casing near the soil surface. The Maui High School well is used as an occasional public drinking water source.

(4) Two Waialua Sugar Co. irrigation wells on northern Oahu have shown levels of contamination under 50 parts per trillion DBCP. Although these wells tap the perched aquifer, at least one is soundly constructed with casing down to more than 800 feet below the soil surface. Therefore, the

[1] Some of the "sites" may represent sampling from essentially the same area, such as the sites in Maliko Gulch on Maui which are all within a few miles of each other.

contamination at this irrigation well could be an indication of DBCP movement through Hawaiian soil for several hundred feet.

The Agency has evaluated the monitoring efforts in Hawaii to date for adequacy of design and analytical methods and finds them acceptable. (5)

In addition to reviewing and evaluating the results of ground water monitoring efforts in Hawaii, the Agency has considered relevant hydrologic and soil characteristics in an effort to determine whether drinking water contamination by DBCP is likely from continued use of the pesticide. (12,4) Pineapples have been grown extensively on the islands of Lanai, Maui, Molokai, and Oahu. These islands are the tops of ancient, weathered volcanic peaks. This fact is the principal determinant of the hydrology of these islands. The pineapple areas often lie above the sugarcane fields and below upper elevations of steep terrain and rainforests. Thus, pineapple fields usually occur in areas between 1,000 feet and 3,000 feet elevation with rainfall of 30–60 in/yr. Return of surface water to ground water (recharge) occurs extensively in higher elevations, but also in pineapple areas. It has been demonstrated that irrigation water from cultivated fields in Hawaii reaches groundwater. Thus there is a possible path for DBCP to contaminate ground water in Hawaii.

Aquifers in these islands can be classified in two categories—basal and high level. Both can serve as drinking water supplies although most present or planned drinking water sources in Hawaii tap the basal aquifer. Basal aquifers are fresh water aquifers which float on top of the more dense sea water. High level aquifers are discontinuous with sea water, i.e., at higher elevations than basal aquifers. High level water supplies can occur as dike water—ground water which has been impounded by old lava flows that have hardened in vertical fissures. Perch water (a type of high level aquifer) is usually smaller pockets of ground water which sit on top of high level, low permeability material.

The soil layer is relatively thin in Hawaii (1' to 15') and consists of silty clay or textures similar thereto. The clay fraction (kaolinite) is a type which is conducive to leaching of organic compounds such as DBCP. Below the soil layer lies varying thicknesses of broken, weathered rock known as saprolite. High level ground water can occur in this region. Below the saprolite and other overburden material is the bedrock material which contains the basal aquifers.

These hydrologic and soil properties in Hawaii do not permit a conclusion that DBCP contamination of public drinking water sources in Hawaii cannot occur. However, based upon the Agency's evaluation of the results of extensive monitoring conducted to date, I have concluded that the present evidence does not indicate that DBCP contamination of drinking water in Hawaii is likely to present a significant risk to public health. Contamination detected to date has been limited to a very few geographic areas and has generally been at low levels. However, the results of monitoring efforts and the characteristics of Hawaiian hydrology and soil properties do present enough concern that future use of DBCP in Hawaii (or parts thereof) could lead to contamination of basal aquifers or other potential public drinking sources that further investigation is prudent. Accordingly, Agency scientists have worked with the State of Hawaii to design an on-going monitoring program and certain special investigatory tests aimed at furthering the understanding of DBCP activity in Hawaiian soils. The program will include extensive, periodic, routine water sampling at several selected sites throughout the islands as well as intensive soil monitoring at one specific site. These monitoring and investigatory efforts are being required of the DBCP registrants and the State of Hawaii has agreed to conduct them. Results of these investigations will be reviewed by the Agency to determine whether additional regulatory action on DBCP use on pineapples is warranted in the future.

Potential Exposure from Food Residues

The Administrator's decision suspending all remaining uses of DBCP except the use on Hawaiian pineapples noted that residues of DBCP in food crops pose a serious likelihood of exposure through ingestion, but that the record of the suspension proceeding indicates that DBCP use in pineapple culture is not likely to result in DBCP residues in the fruit. 44 FR 65165 (November 9, 1979) Data presented during that hearing showed no detectable DBCP residues in pineapple fruit or bran except for apparent residues ranging from trace amounts to 0.8 ppb measured in certain dust-covered fruit taken from the edge of a field just downwind from a newly treated field. In addition, the record of that proceeding describes cultural practices which result in a significant time lag, often more than two years, between the application of DBCP and the harvest of any fruit. Since the suspension proceeding, additional data have been presented to the Agency which report no detectable residues (limit of detection = .05 ppb) in pineapple fruit from fields to which DBCP was applied through drip irrigation 300 days before harvest of the fruit. (18,17) Samples of leaf tissue taken approximately 500 days following drip application of DBCP showed no detectable residues at a .01 level of detection. (19,17) In addition, an FDA survey of pineapples harvested in 1979 (following DBCP treatment in 1977) reported no detectable DBCP residues in ten samples at a 1 ppb level of detection. (10)

The amended registrations for use of DBCP on pineapples which I have accepted require a significant lag between treatment and harvest by providing for no application of DBCP less than 270 days prior to harvest. In addition, no application to adjacent fields is permitted less than four weeks prior to harvest. The available residue data and these use precautions support the conclusion that detectable DBCP residues in pineapples are unlikely. However, the residue data produced to data are limited in scope, and it is prudent to determine through more thorough and extensive testing whether detectable residues in pineapple food or feed products are a potential problem.

Therefore, the Agency is also requiring pursuant to § 3(c)(2)(b) of FIFRA that registrants conduct appropriate residue studies designed to evaluate food residue potential under the range of application practices authorized by the label.[2] These studies must utilize protocols and analytical methods acceptable to the Agency. The Pineapple Growers Association has agreed to undertaken the work required by these studies.

These studies will permit the Agency to more fully assess the potential for food residues on pineapples and to publish a tolerance [3] for DBCP *per se* in pineapples. Published tolerances for DBCP in pineapples have heretofore been established as tolerances for inorganic bromides (Br.) in or on raw agricultural commodities grown in soil

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[2] Among other things, these residue data are to reflect the maximum number of permitted applications, the maximum permitted quantity per application and the minimum permitted time interval from last application to harvest. Analysis of fresh fruit, foliage, shells and bran are required. Detection of any residues in bran or foliage will result in a requirement that animal metabolism and feeding studies be conducted.

[3] A tolerance is the maximum residue level of a pesticide which can legally remain in or on a food commodity shipped in interstate commerce and is set pursuant to the Federal Food, Drug, and Cosmetic Act.

treated with DBCP and have permitted 50 parts per million Br in pineapples. 40 CFR 180.197. Because no tolerance for DBCP *per se* in pineapples have been established, the residue data ordinarily required by the Agency before the setting of a tolerance have never been generated.

The Agency expects that the results of the required residue studies will provide the information upon which a tolerance for DBCP in pineapples can be established if the data reveal an acceptably low residue level. In the event that these studies reveal a public health concern from residues in pineapples fruit or bran, the Agency will, of course, reassess its regulatory position on DBCP use in pineapples culture.

Potential Occupational Exposure

Humans are potentially exposed to DBCP during agricultural use of the product for pineapple culture. Those workers with apparent potential for exposure include workers transferring and loading DBCP, workers operating application equipment, workers performing maintenance or repairs on DBCP-related equipment, and workers involved in other tasks in or near pineapple fields during the period of application and after application.

In his decision exempting the pineapple use from the suspension of all outstanding DBCP registrations pending cancellation proceedings, the Administrator found that only a small number of pineapple workers were likely to experience exposure and that they were unlikely to experience exposures in excess of the 1 ppb standard (over an eight hour time-weighted average) set by the Occupational Safety and Health Administration. The record of the suspension proceeding contains evidence that operations at Maui Pineapple Company have resulted in application techniques capable of achieving ambient air concentrations less than 1 ppb (over an eight hour time-weighted average) during chisel application with plastic mulch overlay. Data from a 1977 study by Fred Hertlein and Associates and tests in 1979 by Maui Pineapple Company at several sites were presented to demonstrate the capability of achieving the 1 ppb (8 hour time-weighted average) standard. 44 FR 65152–65153 (November 9, 1979).

Since the suspension decision, the Pineapple Growers have submitted some additional data to the Agency which tend to confirm the technological feasibility of achieving a 1 ppb eight-hour average exposure during application of DBCP. These data include the results of an air monitoring study completed in November of 1980 by Maui Pineapple Company (21) and a 1980 report of air monitoring results following drip irrigation application by Del Monte Corporation. (20) All of the monitoring data reflect ambient air levels well below 1 ppb. However, these data are limited in scope, since they measure only ambient air levels at certain points in time during and following application. Some data extend for more than sixty days following application. No data are presently available to the Agency on potential exposure levels during transfer and loading, during equipment repair, or for the full range of permissible dose rates and application methods.

As noted earlier, the Occupational Safety and Health Administration has promulgated a workplace exposure standard for DBCP of 1 ppb as an eight hour time weighted average. 43 FR 11514 (March 17, 1978). OSHA did not find that exposure to DBCP at or below this level would eliminate all human health risk. Indeed, OSHA found that "no data is presently available to indicate that any given level of exposure to DBCP would, in fact, be free of carcinogenic risk to exposed individuals." 43 FR 11520 (March 17, 1978). Instead, OSHA, consistent with its statutory framework, set the permissable exposure limit for DBCP at the lowest level technologically feasible. 43 FR 11521 (March 17, 1978). Since 1978, therefore, all manufacturing workers working with DBCP have been protected from DBCP exposures in excess of an average of 1 ppb over eight hours. Equivalent protection of agricultural workers in pineapple culture appears technologically feasible and will therefore be accepted by the Environmental Protection Agency as a basis for continued registration of DBCP for use on pineapples.

The amended registrations for DBCP use on pineapples expressly requrie that the user (i.e., the pineapple growers) maintain exposure to all workers at or below 1 ppb average for eight hours and require periodic monitoring to demonstrate compliance. In addition to this requirement of performance in maintaining specified exposure levels, the labelling requires closed loading, transfer, and application systems. Protective clothing is required for loading, transferring and repair work involving the potential for DBCP leakage from equipment. Special requirements for equipment design, testing, and for such procedures as washing of protective gear are also included in the labelling. An extensive training program and medical monitoring are required for all potentially exposed workers by the amended labelling.

In connection with the issues relating to potential worker exposure to DBCP in pineapple culture, the Agency has carefully evaluated the results of a pilot study conducted by researchers at the University of Hawaii [4] (16) which examined sperm counts and other indicators of sperm conditions in pineapple workers and certain residents on the island of Molokai. The pilot nature of this study and major difficulties with estimating DBCP (and other chemical) exposure history of any of the workers involved make any conclusions from the study very tentative at best. In addition, the Agency's statistical analyses of the results reveal that no statistically significant differences in sperm counts between the worker group and the Molokai residents can be shown without deleting known marijuana users reporting marijuana use above an apparently arbitrarily chosen two marijuana cigarettes per week. (8) Nevertheless, the sperm count information for the workers involved does reveal unusually low sperm counts among this group of thirteen pineapple field workers. These sperm counts are consistent with sperm count results from studies of agricultural workers in selected mainland areas reported by the Agency in the suspension proceeding. 44 FR 65143 (November 9, 1979). Accordingly, the study raises questions whether exposure to DBCP for agriculture workers in Hawaiian pineapple fields can reliably be kept to the OSHA workplace standard and/or whether adverse health effects relating to spermatogenesis can occur in humans at dose rates below the OSHA standard.

In this regard, the National Institute of Occupational Safety and Health (NIOSH) has underway an effort to conduct a comprehensive study of exposure levels and associated sperm evaluations for men working in pineapple culture who are potentially exposed to DBCP. (14) NIOSH has informed the Agency that it is prepared to conduct these studies for each of the types of application practices employed in Hawaiian pineapple culture. (23) When completed, the NIOSH studies should provide data regarding exposure levels for all types of workers over the

[4] This study entitled "Occurrence of Spermatogenic Abnormalities in an Insular Population: a Pilot Study", was partially funded under a Cooperative Agreement between EPA and Pacific Biomedical Research Center. However, the work was not conducted or directly controlled by EPA and the report of the study, available as a final draft, does not reflect EPA review or approval.

entire time period of interest. Moreover, health effects monitoring associated with known exposure levels should help to answer questions about DBCP's potential to cause sperm effects at very low levels. In light of NIOSH's expertise and the thoroughness of their study design, the Agency has determined that it is unnecessary at this time to require that similar data be gathered by registrants.

Balance of Risks and Benefits

As set forth above, application of DBCP to pineapples in Hawaii in accordance with the amended terms of registration does not appear likely to result in significant exposure potential from contaminated drinking water, contaminated food or feed or occupational sources. Extensive further study is underway to monitor and evaluate exposure potential from each of these routes. However, I cannot conclude that total potential exposure and therefore that potential adverse health effects are zero or near zero. Accordingly, I also take note that the effects of cancellation of DBCP use on pineapples to the Hawaii growers have been estimated by Agency analysts to represent an annual yield loss of about 18% on those acres treated with DBCP or about 9% of the total annual pineapple crop during all years after the completion of one four-year cycle without DBCP. These annual yield losses are estimated at approximately $4 million in 1978 dollars. (9) While these estimates are fairly rough, they indicate a real benefit of DBCP use to the growers. (1) They may inherently underestimate the benefits associated with certain application practices, such as drip irrigation application, which can assure a commercially viable second ratoon crop (third harvest from a single planting.) (9) Although the contribution of pineapple purchases to the average American food budget is so small that consumer costs associated with any yield losses would be negligible, I find that the economic benefits to Hawaiian pineapple growers outweigh the remaining risks associated with use of DBCP on pineapples under the amended terms of registration.

Conclusion

As described above, I am hereby withdrawing the Notice of Intent to Cancel pesticide products containing DBCP for use on pineapples. Under the amended terms of registration submitted by the remaining registrants, continued use of DBCP in pineapple culture does not appear to result in unreasonable adverse effects on the environment. Based upon the information available to the Agency and the amended terms of registration of DBCP for use on pineapples, I have concluded that it is no longer appropriate to cancel the remaining DBCP registrations for use on pineapples.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, United States Environmental Protection Agency.

[FR Doc. 81-9019 Filed 3-30-81; 8:45 am]
BILLING CODE 6560-32-M

[OPP 60000; PH FRL 1782-8]

Dibromochloropropane; Acceptance of Requests for Cancellation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 5, 1981, EPA accepted the requests by all registrants of pesticide products containing dibromochloropropane (DBCP) that all their registrations for DBCP pesticide products for uses other than on pineapples in Hawaii be cancelled. Elsewhere in the **Federal Register** today are four other notices related to the registrations of pesticide products containing DBCP.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A–132), Office of General Counsel, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202–426–9448).

SUPPLEMENTARY INFORMATION:

Statement of Acceptance of Requests for Cancellation of Certain Registrations for Pesticide Products Containing DBCP

The United States Environmental Protection Agency hereby accepts the requests by all registrants of pesticide products containing 1,2 dibromo-3-chloropropane (DBCP) that all their registrations for DBCP pesticide products for uses other than on pineapples in Hawaii be cancelled. These registrants of DBCP products for uses other than pineapples are Amvac Chemical Corporation, the Gowan Company, and Shell Chemical Company. Shell Chemical Company has requested complete cancellation of its remaining registration, which was for use on turf only.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

[FR Doc. 81-9019 Filed 3-30-81; 8:45 am]
BILLING CODE 6560-32-M

[OPP 170000; PH-FRL 1782-9]

Dibromochloropropane; Administrator's Statement Regarding Amvac Chemical Corporation's Nematocide Crop Guide for Bananas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Amvac Chemical Corporation has voluntarily withdrawn its U.S. dibromochloropropane (DBCP) registrations for all uses other than on pineapples and has developed a Crop Guide for DBCP use on bananas outside the United States. While EPA has no jurisdiction to regulate pesticides outside the United States and lacks adequate information to make full risk/benefit assessments for pesticide use in other nations, EPA agreed to evaluate Amvac's Nematocide Crop Guide for bananas. EPA has concluded that use of DBCP as suggested in the Crop Guide will reduce risks associated with DBCP as much as practicable. Elsewhere in the **Federal Register** today are four other notices related to the United States registrations of pesticide products containing DBCP.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A–132), Office of General Counsel, Environmental Protection Agency, 401 M. St., SW., Washington, D.C. 20460, (202–426–9448).

SUPPLEMENTARY INFORMATION:

Administrator's Statement Regarding Amvac Chemical Corporation's Nematocide Crop Guide for Bananas

Based upon its understanding of the circumstances of banana culture outside the United States, the Environmental Protection Agency ("Agency") has concluded that the use of DBCP in accordance with the directions and recommendations contained in the Amvac Chemical Corporation ("Amvac") Nematocide Crop Guide for Bananas will reduce the risks associated with DBCP use as much as practicable.

The Agency does not have statutory jurisdiction to regulate pesticides outside the United States. Furthermore, while the Agency has been given certain information about nematode control practices overseas, the Agency lacks adequate information to make any statements as to risk/benefit associated with local conditions such as geography, climate, living conditions and agricultural expertise. Nevertheless, the Agency is experienced in regulating agricultural pesticides from the standpoint of safety, health and

environmental concerns and is knowledgeable about risks associated with DBCP application.

As there is essentially no commercial banana culture in the United States, Amvac has voluntarily withdrawn its U.S. DBCP registration and has developed a Crop Guide for DBCP use on bananas outside the United States. Pursuant to Amvac's request, and because of the Agency's interest in worker safety regardless of where the worker lives, the Agency agreed to evaluate Amvac's Nematocide Crop Guide for Bananas. In addition to providing the Crop Guide, Amvac provided background documentation and provided for informal exchanges of information about cultural practices and DBCP use on bananas outside the United States by inviting knowledgeable personnel from international banana growing companies to meet with Agency personnel.

Given its understanding of realities of banana culture outside the United States, the Agency has concluded that use of DBCP in accordance with directions and recommendations contained in the Crop Guide will reduce risks associated with DBCP use as much as practicable.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

[FR Doc. 81-9021 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-38-M

[OPP 32014; PH-FRL 1793-2]

Dibromochloropropane; Approval of Amended Terms and Conditions for Registration of Pesticide Products for Use on Pineapples in Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 5, 1981, EPA approved requests by Amvac Chemical Corporation, the Gowan Company, and the Pineapple Growers' Association of Hawaii that their registrations for pesticide products containing dibromochloropropane (DBCP) be amended to provide for use on pineapples in Hawaii under specified terms. Elsewhere in the Federal Register today, are four other notices related to the registrations of pesticide products containing DBCP.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A-132), Office of General Counsel, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION:

Statement of Approval of Amended Terms and Conditions for Registration of Pesticide Products Containing DBCP for Use on Pineapples in Hawaii

The United States Environmental Protection Agency hereby approves the requests dated January 19, 1981 by Amvac Chemical Corporation (Amvac) and the Gowan Company (Gowan), and the request dated January 22, 1981 by the Pineapple Growers' Association of Hawaii (PGAH), that their registrations for pesticide products containing 1,2 dibromo-3-chloropropane (DBCP) be amended to provide for use solely on pineapples in Hawaii in accordance with the terms and conditions reflected in the labelling submitted with those requests by each of these registrants. I have found that use of DBCP in accordance with these amended terms and conditions or registration will not cause unreasonable adverse effects on the environment and would comply with the Federal Insecticides, Fungicide, and Rodenticide Act.

I am directing the Office of Pesticide Programs to notify the Registrants that these amendments have been accepted, effective today.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

[FR Doc. 81-9020 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP 50008A; PH-FRL 1792-7]

Dibromochloropropane; Order Terminating Cancellation Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 5, 1981, EPA terminated the administrative hearing concerning registrations of pesticide products containing dibromochloropropane (DBCP). All outstanding disputes which provided a basis for these proceedings have been resolved. Elsewhere in the Federal Register today are four other notices that give the details of the resolutions.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A-132), Office of General Counsel, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION:

Order Terminating the DBCP Cancellation Hearing

(In re: Amvac Chemical Corp., et. al. FIFRA Docket Nos. 402 et al.)

This Order terminates the administrative hearing arising out of notices of intent to cancel all outstanding registrations of pesticide products containing dibromochloropropane (DBCP) issued pursuant to section 6(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. 136d(b)). I have decided to terminate this hearing because my decision to accept the requests for voluntary cancellation of the registrations of all remaining DBCP pesticide products for uses other than on Hawaiian pineapples and the modifications of labeling of DBCP pesticide products for use on Hawaiian pineapples has resolved all outstanding disputes which provided a basis for these proceedings.

The continued registrations of products containing DBCP has been the subject of a number of previous administrative actions. On October 27, 1977 Administrator Douglas M. Costle, after providing an opportunity for an expedited hearing, issued, under FIFRA section 6(c)(1), an order suspending the registrations of 19 food crops and imposing restrictions on remaining uses, pending completion of cancellation proceedings 42 FR 57543 (November 3, 1977). The Administrator under FIFRA section 6(b)(1) also issued a notice of intent to cancel registrations of products containing DBCP, proposing to cancel the registrations for 19 food crops outright, and proposing to permit the remaining uses to continue, but only under certain conditions ("conditionally cancelled" uses). 42 FR 57545 (November 3, 1977). The Agency deferred holding the hearing on the notice of intent to cancel pending completion of the Agency's review of the risks and benefits of DBCP products under the Agency's Rebuttable Presumption Against Registration Process.[1]

Upon completion of the RPAR review, the Administrator, on September 6, 1978, issued an amended notice of intent to cancel, adding 4 crops to the list of crops for which unconditional cancellation

[1] "RPAR" is an acronym for "rebuttable presumption against registration." Under the RPAR process, the Agency issues an RPAR upon determining that a pesticide exceeds certain risk criteria. The subsequent administrative process provides an opportunity for registrants and other interested parties to submit their views and information concerning whether or not the registrations should be cancelled or restricted. The RPAR provisions are set out in 40 CFR 162.11.

was proposed for a total of 23 crops, proposing to impose tighter restrictions on the remaining crops and setting a date by which requests for a hearing must be submitted.[2] The only unconditionally cancelled use for which a hearing request was timely received was for tomatoes.

On April 16, 1979, the Agency's judicial officer issued an accelerated Decision in FIFRA Docket Nos. 401 et al., in which he ruled in effect that the 22 other uses were unconditionally cancelled as a matter of law because no hearing was timely requested as to them within the statutory deadline prescribed in FIFRA section 6(b).[3] The cancellation proceeding for the tomato use was pending (although no evidence had been taken) when the Administrator issued a second notice of suspension on July 18, 1979, in response to additional information on the hazards of DBCP. In this notice of intent to suspend, the Administrator stated that his analysis of the available information indicated that the conditions required by the existing suspension order regarding the conditionally suspended uses were inadequate to reduce the risks associated with continued use of DBCP even on an interim basis. 44 FR 43335, 43337–38 (July 24, 1979). Therefore, the Administrator issued a notice of intent to unconditionally suspend all uses of DBCP. *Id.* at 43339. Formal evidentiary hearings were concluded on October 12, 1979 and the record of the suspension hearing comprises some 7,300 pages of testimony and 90 exhibits. The Administrative Law Judge issued his initial decision on October 20, 1979, recommending the immediate suspension of all registrations. 44 FR 65136, 65169 (November 9, 1979). On October 29, 1979, the Administrator issued his final decision suspending all uses of DBCP except on pineapples in Hawaii (*Id.* at 65169). He also issued the notice of intent to cancel all remaining uses which commenced the present proceeding. *Id.*[4]

A hearing on the final proposed cancellations was requested by three registrants, Amvac Chemical Corporation (Amvac), the Gowan Company (Gowan), and the Pineapple Growers Associations of Hawaii (PGAH),[5] and by six user groups, five of whom contested the cancellations of Amvac registrations and one who contested the cancellation of a Shell Chemical Company (Shell) registration for the turf use only. The PGAH hearing request was joined in by the State of Hawaii. The Amvac, Gowan, Shell and PGAH registrations for which a hearing has been requested therefore remained in effect while all other registrations were cancelled by operation of law under FIFRA section 6(b) (7 U.S.C. 136d(b)). An additional user group and two groups opposed to DBCP use[6] intervened in the ongoing cancellation proceeding, but their intervention did not affect the scope of the proceeding. *See* 40 CFR 164.31(a). The Secretary of Agriculture also intervened in the proceeding but did not take a position on the merits of any issue.

Prehearing conferences were held on January 22 and April 30, 1980, and the record of the suspension proceeding has been admitted into evidence subject to objection. The evidentiary hearing, however, has not yet commenced. On January 19, 1981 Amvac and Gowan submitted requests that their outstanding DBCP registrations be cancelled for all uses except the pineapple use and that the registrations be amended to permit use on pineapples in Hawaii in accordance with certain terms and conditions of use. By request dated January 22, 1981, PGAH also seeks amendment of their registrations to reflect the same terms and conditions of use. These amendments will affect only registrations for the pineapple use in Hawaii and will allow the continued use of DBCP for this purpose, subject to certain labelling requirements designed to limit human exposure. In addition, a long term environmental monitoring program and the development of certain residue data are required. On January 19, 1981 Shell requested that its registration for use on turf be voluntarily cancelled. I have today determined to accept these amendments and voluntary cancellations.

Acceptance of these voluntary cancellations has resulted in the elimination of all registrations for any use other than for pineapples in Hawaii. Amvac, Gowan, and PGAH have also voluntarily amended the terms of registration for the use of DBCP on pineapples in Hawaii to include additional safeguards and it now appears to me that DBCP use on pineapples in Hawaii in accordance with the amended label directions does not cause unreasonable adverse effects on the environment. Accordingly, I have determined to withdraw the notice of intent to cancel the registration for the pineapple use and have set out my reasons for so doing in an accompanying notice. PGAH and Hawaii have also withdrawn their request for a hearing on the October 29, 1979 Cancellation Notice as it relates to certain labels for registrations held by Shell Chemical Company and Dow Chemical Company and for which PGAH has held state-issued section 24 registrations. Therefore, no outstanding disputes concerning the cancellation of existing registrations remain to provide a basis for further proceedings in the DBCP Cancellation Hearing (FIFRA Docket No. 402 *et al.*).

The right of any party to compel that a hearing continue must be premised on some dispute concerning an existing registration. In *McGill v. Environmental Protection Agency*, 593 F.2d 631 (5th Cir. 1979), the court of appeals held that when a voluntary cancellation of Mirex resolved all disputes addressed in an ongoing proceeding, the parties to the hearing representing user groups had no independent right to prevent the termination of the hearing. *Id.* at 634, 636 & 637. Since all outstanding registrations except that for the pineapple use have been voluntarily cancelled by the registrants and since all the registrants have stated that they do not concur with any request by any interested person that these registrations be continued in effect, no controversy within the

[2] The 23 food crops for which unconditional suspension was proposed were broccoli, brussel sprouts, cabbage, carrots, cauliflower, celery, cucumbers, eggplant, endive, lettuce, melons, parsnips, peanuts, peppers, radishes, squash, strawberries (but not nursery stock), tomatoes, turnips, limabeans, okra, snap beans, and southern peas.

[3] Amvac, however, has contended that its objection and request for a hearing applied to all uses proposed to be unconditionally cancelled, not just the tomato use, and in the alternative, that Amvac should have been permitted to amend its request to include all uses proposed for unconditional cancellation. Amvac has brought suit in the United States District Court for the Central District of California and the United States Court of Appeals for the Ninth Circuit to contest the Agency's interpretation. Neither court has yet reached the merits of the question, but the Ninth Circuit has recently held that the appropriate forum is the district court. *Amvac Chemical Corp.* v. *EPA*, No. 79–7270 (9th Cir. December 1, 1980). Consistent with the voluntary cancellation by Amvac and others of all existing registrations (except for the pineapple use), Amvac no longer seeks to maintain the registrations which are the subject of the lawsuit. Amvac has indicated that it will request the district court to dismiss the case.

[4] The remaining end uses subject to this proceeding are: cotton, soybeans, citrus, grapes, pineapples, peaches, nectarines, plums, almonds, berries (blackberries, blueberries, loganberries, dewberries, boysenberries, raspberries), strawberry nursery stock, apricots, cherries, figs, walnuts, bananas, turf (commercial and residential) ornamentals (commercial and residential) and tomatoes.

[5] The registrations held by PGAH are registrations issued by the state in accordance with section 24 of FIFRA. These registrations are deemed equivalent to federally issued registrations for all purposes under FIFRA.

[6] One citizens' group, Amaya, *et al.*, consists of a combination of farmworkers, farmworker groups, and individuals interested in farmworker matters; the other, Awai *et al.* is composed of several individual citizens of Hawaii.

Agency's jurisdiction concerning the voluntarily cancelled uses can remain.

All parties interested in maintaining the sole remaining registrations, those for the pineapple use in Hawaii, have voluntarily submitted modifications in the terms and conditions of these registrations and have withdrawn their request for a hearing on the October 29, 1979 Cancellation Notice as it applied to registrations for which no amendment is sought. The only remaining parties who could object to continued DBCP use on pineapples in Hawaii are intervenors and as such are limited to addressing the issues legitimately presented in the notice of cancellation and raised by the parties with a right to compel a hearing. 40 CFR 164.31(c). Since the Agency has determined to withdraw the cancellation notice for the pineapple use, as well as to accept the voluntary cancellation of registrations for all other uses, no actual controversies of material fact within the scope of the hearing remain and therefore it is appropriate for me to terminate the hearing.

My acceptance of the voluntary cancellations by the registrants is not a decision based on an evidentiary record made in a cancellation proceeding and is without prejudice to the statutory right of any person to file an application for a registration under section 3 of FIFRA (7 U.S.C. 136a) or any other section of the Act for permission to sell, distribute or use DBCP for any of the cancelled uses. Any such application would, of course, be subject to the applicable substantive and procedural requirements of the statute and the Agency's regulations.[1]

Accordingly, since no disputes concerning outstanding registrations remain to be resolved, it is ordered that this hearing on the notice of cancellation of pesticides containing DBCP is hereby terminated.

[1] Since the cancellation of DBCP registrations are based on voluntary cancellations rather than a decision following the full cancellation hearing, Subpart D of Part 164, which requires that any reregistration of a pesticide cancelled after a hearing be based on "substantial new evidence" and the results of a public hearing, is not applicable. 40 CFR 164.131. For any interested person who desires to examine the major information on DBCP uses which the Agency has received since the close of the suspension record, several important documents have been filed by the Office of General Counsel with the Hearing Clerk. A list of those documents is available there. The Agency is also completing the water monitoring study for DBCP in groundwater in Florida, Georgia, and South Carolina. Results from that study will be made available to any interested person.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

[FR Doc. 81-9817 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[FR Docket No. 81-120, File Nos. 42191-IB-85, 42192-IB-85, and 42193-IB-85]

Dial Electric & Engineering, Inc.; for Renewal of Business Radio Station Licenses KN-2705, KII-93 and KRK-902; Correction

Adopted: March 20, 1981.

Released: March 23, 1981.

The Chief, Private Radio Bureau released a Designation Order on March 12, 1981 (46 FR 17878, March 20, 1981). The Order is corrected as follows:

1. The caption on page one is corrected to read as: "Dial Electric & Engineering, Inc."

2. The first paragraph on page one is corrected to read as:

"The Chief, Private Radio Bureau, has under consideration the applications of Dial Electric & Engineering, Inc., 7020 Beach Street, Westminister, Colorado 80030, dated May 7, 1980, to renew the Business Radio Service licenses issued to it on June 13, 1975, for five year terms.[1 2]"

Chief, Private Radio Bureau.

W. Riley Hollingsworth,

Acting Chief, Compliance Division.

[FR Doc. 81-9972 Filed 3-30-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 81-174]

Privacy Act of 1974; Establishment of Records System for Office of Internal Evaluation and Compliance

Dated: March 24, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Establishment of new record system.

SUMMARY: The Board is proposing to establish a new system of records to permit access and indexing to records collected by the Board's Office of Internal Evaluation and Compliance. The records will contain information related to alleged irregularities including possible fraud and waste, or to alleged criminal misconduct.

DATE: Comments must be received by May 30, 1981.

ADDRESS: Send comments to Office of the Secretariat, FHLBB, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Richard Gordon, Office of Internal Evaluation and Compliance, FHLBB, telephone number: (202) 377-6101.

SUPPLEMENTAL INFORMATION: The Privacy Act of 1974 (5 U.S.C. 522a) requires agencies to publish notice of proposals to establish or alter any system of records containing information about individuals, which information is retrained by the name of individual or some identifying number, symbol, or other identifying particular assigned to such individual, and to provide opportunity for interested persons to submit written data, views, or arguments to this agency.

Under the proposal the Board would establish a system of records to permit the retrieval by name of records collected by the above office in its effort to prevent waste and fraud in the operations of the Board, the Federal Savings and Loan Insurance Corporation, and the twelve regional FHL Banks. Some records or portions of records may be exempt in accordance with 5 U.S.C. 522a(k) (2) and (5).

Accordingly the Board hereby proposes to establish a system of records, designated Investigation Files, as described below.

SYSTEM NAME:

Investigation files.

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Bank Board under investigation and such other persons involved in Bank System and FSLIC operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information concerning investigation of alleged irregularities in the operations of the Federal Home Loan Bank Board, the FSLIC, and FHLBs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. section 301, 44 U.S.C. section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law,

whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charge with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. A record from a system of records maintained by this agency may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from a system of records maintained by this agency may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision.

4. Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents in file folders.

RETRIEVABILITY:

Filed by name of person under investigation and by case number.

SAFEGUARDS:

Records are maintained in locked file cabinets in secured rooms with access limited to those persons whose duties as approved by the Director require access.

RETENTION AND DISPOSAL:

Retained in office for 1 year after administrative closing of file. Retained by Record Center for 14 additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Internal Evaluation and Compliance, 1700 G Street, N.W., Washington, D.C. 20552.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager.

RECORDS ACCESS PROCEDURES:

Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or description of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See access procedures.

RECORD SOURCE CATEGORIES:

Subject individuals, employees and officers of the Board and the FHLB's employees and officers of insured S&LAs, and borrowers and other persons having transactions with insured S&LAs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 522a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempt from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and section 505a.12 of the agency regulations in order for the Board's staff to perform its functions properly.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 81-9710 Filed 3-30-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, NY.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 20, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-21-9.

Filing party: Mr. Ronald L. Laumbach, Assistant General Counsel, Cargill, Inc., Law Department, P.O. Box 9300, Minneapolis, Minnesota 55440.

Summary: Agreement No. T-21-9, between Sacramento-Yolo Port District (Port) and Cargill, Inc. (Cargill), modifies the basic agreement between the parties which provides for the lease to Cargill of a grain terminal facility at Sacramento, California. The purpose of the modification is to provide for Cargill's exclusive use of approximately 11,000 metric tons of storage space, to be used for the storage of Cargill's non-grain feed ingredients or substituted grain (hereinafter called "NGFI"). Port shall make such storage space available to Cargill for one year, or until such "NGFI" is loaded upon vessels, whichever shall last occur. The parties agree that during the term of the agreement, Cargill shall transport by water a minimum of 40,000 metric tons of "NGFI" or pay liquidated damages for any amount less than the minimum, in accordance with terms of the agreement. The parties further agree to terms and conditions of daily receiving operations, applicable tariff assessments, monthly storage charges, wharfage, service and facilities charges and other terms and conditions provided for in the agreement.

Agreement No. T-3661.

Filing party: Mr. H. H. Wittren, Assistant Director of Real Estate, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3661, between Port of Seattle (Port) and Hanjin container Lines, Ltd. (Hanjin), provides for the preferential assignment to Hanjin of approximately ten acres within Terminal 18/20, located at the Port of Seattle, Washington.

The premises will be used for the storage and other necessary functions of Hanjin's containers and chassis. The agreement further provides for Hanjin's use, pursuant to the Port's tariffs, of Berths 3, 4, 5, or 6 at Terminal 18 on a preferential basis and a container crane on a common-user basis. As compensation, the Port will receive a monthly rental of $22,916, plus applicable taxes, for the preferentially assigned area, and all applicable port tariff charges for Hanjin's use of the berths, aprons and container crane. The parties further agree to indemnification, subletting and assignments, easements and other terms provided for in the agreement. The term of the agreement is one year, four months.

Agreements Nos. T-3958 and T-3958-A.

Filing party: Timothy Trushel, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

Summary: Agreement No. T-3958, between the Port of Longview (Port) and International Raw Materials, Ltd. (International), provides for International's exclusive use of certain terminal facilities upon 48 hours notice to the Port of its intention to use these facilities. International, in its capacity as a commodities trader, will use these facilities for the export movement of dry bulk products which have been purchased from U.S. producers for resale to foreign purchasers. International will pay Port usage charges based upon volume of tonnage moved as set forth in the terms of the agreement. The initial term of the agreement is 5 years with renewal options for two consecutive 5-year periods.

Agreement No. T-3958-A is an operating agreement providing that the Port will maintain the facilities and will furnish all manpower and equipment necessary to handle International's dry bulk export cargoes from time of receipt thereof at truck and rail dumps to the time of delivery of same to ships at the end of the bulk loading conveyer. International's exclusive use of the facility is provided for in corresponding Agreement No. T-3958. International will compensate the Port of its services based upon a volume of cargo handled formula set forth in the terms of the agreement. Agreement No. T-3958-A is co-terminus with Agreement No. T-3958, i.e., 5 years with two 5-year renewal options.

By Order of the Federal Maritime Commission.

Dated: March 25, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 9543 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed; Correction

Agreement No. 5600-41.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: The notice of the filing of Agreement No. 5600-41 appeared in the Federal Register on March 17, 1981, Page 17137, which incorrectly stated that the agreement would, among other things, eliminate the unanimity requirement for effecting changes in the basic agreement. It should have read "Agreement No. 5600-41 would amend various articles of the Philippines North America Conference Agreement for the purpose of (1) allowing each group to permit operations via substituted overland service, either at origin or destination; (2) changing the voting requirement for effecting decisions at conference meetings on matters relating to general conference business, general rate increases, open rates and tariff matters; (3) changing the voting and time requirements necessary for effecting decisions by telephone ballot; (4) eliminating the provision which permits the use of a circular ballot; and (5) interposing a cargo-lifting requirement in lieu of a sailing requirement in order to maintain voting privileges."

Dated: March 25, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9544 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-24]

I.T.O. Corp. of New England v. Port of Boston Marine Terminal Association and Massachusetts Port Authority; Filing of Complaint and Assignment

Served: March 26, 1981.

Notice is given that a complaint filed by I.T.O. Corporation of New England against Port of Boston Marine Terminal Association and Massachusetts Port Authority was served March 25, 1981. Complainant alleges that respondent's Terminal Tariff No. 2 Indemnity provision is unjust and unreasonable in violation of sections 16 and 17 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9542 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

Chariot Transport International, et al.; Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Chariot Transport International (Kevin Jones, dba), 5511 W. 104th St., Los Angeles, CA 90045

Associated Forwarders, Inc., 100 I.T.M. Bldg., #2 Canal Street, New Orleans, LA 70130, Officers: Arthur B. Bornstein, President

Barberan Shipping (Theresa H. Barberan, dba), 19 Lexington Avenue, Staten Island, NY 10302

Phoenix International Freight Services, Ltd., 1812 Elmhurst Road, Elk Grove Village, IL 60007, Officers: William McInerney, President; Edward Zahorik, Vice President; Maureen McInerney, Secretary/Treasurer; Douglas C. Schaff, Assistant Secretary.

Dated: March 26, 1981.

By the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9662 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

Seapac Container Service, S.A. and Seatrain Pacific Services, S.A.; Agreements

Filing Party: James P. Moore, Esquire, Kirlin, Campbell & Keating, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Effective December 23, 1980, Seapac Container Service, S.A. succeeeded to the business of Seatrain Pacific Services, S.A. in the following agreements:

57	80791-2
9981	80792-2
10032	80796
10305	80841
10401	80850-2
T2480	80856-2
T2481-1	80862
T3038	80863-2
T3760	80883

80971	81388
80983-1	81406
81036-1	81408
81037	81416-1
81077	81416-2
81083-2	81421
81103	81440
81135	81440-1
81218	81442
81230	81443-1
81317-1	81443-2
81318	81454
81328	81507
81330	81538
81331	81544
81341	81545
81344	81547
81353	81571
81367	81760

Dated: March 26, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9660 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2210]

Shamrock International, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Shamrock International, Inc. was cancelled effective March 20, 1981.

By letter dated March 16, 1981, Shamrock International, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2210 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Shamrock International, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2210 be and is hereby revoked effective March 20, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2210 issued to Shamrock International, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Shamrock International, Inc.

Daniel J. Connors,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-9664 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Committee on Special Studies Relating to the possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants

AGENCY: Office of the General Counsel, HHS.

ACTION: Notice of Advisory Committee Establishment.

PURPOSE: The Advisory Committee on Special Studies Relating to the possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants shall advise the Secretary and the Chair of the Interagency Work Group to Study the possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants (Work Group) concerning the Advisory Committe's oversight of the conduct of the Epidemiologic Study of Ranch Hand Personnel by the Air Force. The Advisory Committee shall also provide technical assistance to the Air Force in its conduct of the study. The Advisory Committee shall perform the same functions with respect to its oversight of any other studies in which the Work Group believes involvement of the Advisory Committee is desirable.

DATES: The Charter for this Committee was signed by the Secretary of Health and Human Services on January 19, 1981. It will terminate five years from the date of signature by the Secretary, and will be renewed every two years in compliance with Pub. L. 92-463.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie A. Platt, Deputy General Counsel for Legal Counsel, DHHS, Room 716E, 200 Independence Avenue, S.W., Washington, D.C. 20201, 202-245-7542.

SUPPLEMENTARY INFORMATION: The Committee is being formed to advise the Secretary and the Chair of the Work Group. The Work Group is comprised of Representatives of the Departments of Health and Human Services and Defense and the Veterans Administration, and is under the leadership of the Secretary of Health and Human Services. It is chaired by the General Counsel of the Department of Health and Human Services. Representatives from the Departments of Agriculture and Labor, the Environmental Protection Agency, the Office of Science and Technology Policy and Congress' Office of Technology Assessment have observer status on the Work Group.

Ranch Hand personnel applied Herbicide Orange in Vietnam between 1962 and 1971. The results of this study are expected to provide useful information about the long-term health effects of exposure of veterans to Agent Orange in Vietnam.

Dated: March 25, 1981.

Jean A. del Raal,

Acting General Counsel.

[FR Doc. 81-9665 Filed 3-30-81; 8:45 am]

BILLING CODE 4110-60-M

Alcohol, Drug Abuse, and Mental Health Administration

Board of Scientific Counselors; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of May 1981.

Board of Scientific Counselors, NIMH

May 28-29; 9:30 a.m.

Conference Room 1B-07, Building 36, National Institutes of Health, Bethesda, Maryland 20205

Open—May 28; 9:30 to 9:45 a.m.

Closed—Otherwise

Contact: John C. Eberhart, Ph.D., Building 36, Room 1A-05, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-3501.

Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda: The Board will meet in Conference Room 1B-07, Building 36, Bethesda, Maryland, for approximately 15 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the two-day session will be devoted to a review of the intramural research projects from the Laboratory of Developmental Psychology, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration,

pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 94-463.

Substantive information may be obtained from the contact person listed above. Summaries of the meeting and a roster of committee members will be furnished upon request by the NIMH Committee Management Office, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-4333.

Dated: March 25, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration

[FR Doc. 81-9589 Filed 3-30-81; 8:45 am]

BILLING CODE 4110-88-M

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of April 1981.

The Federal Employee Alcoholism Programs Work Group—Interagency Committee on Federal Activities for Alcohol abuse and Alcoholism

April 21; 1:00 p.m.—Open

Hubert H. Humphrey Building, 200 Independence Avenue SW., Conference Room 337/339-A, Washington, D.C. 20201

Contact: Lisa Teems, Room 509-F, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201 (202) 245-7153.

Purpose: The Federal Employee Alcoholism Programs (FEAP) Work Group evaluates the adequacy and technical soundness of all internal programs dealing with employee alcoholism within all Federal military and civilian organizations of 1,000 employees or more; provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; seeks to coordinate efforts among Federal agencies for internal employee alcoholism programs; and submits reports and recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda: The meeting will consist of a discussion on the development of regional representation for this Work Group, and a discussion of the future directions of Federal employee alcoholism programs, and the appropriate role of the FEAP Work Group.

Substantive information may be obtained from the contact person listed above. Summaries of the meeting and a roster of Committee members will be furnished upon request by Ms. Helen Garrett, Committee Management Officer, NIAAA, Room 16C-21, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2860.

Interagency committee on Federal Activities for Alcohol Abuse and Alcoholism

April 23; 9:30 a.m.—Open

Hubert H. Humphrey Building, 200 Independence Avenue SW., Conference Room 403-A, Washington, D.C. 20201

Contact: James Vaughan, Room 16C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-3557.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism, and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: The meeting will consist of a discussion of activities of the several Work Groups and presentation of the Fourth Special Report to the Congress and Alcohol and Health, and the Annual Report to the Congress on Federal Activities on Alcohol Abuse and Alcoholism.

Substantive information may be obtained from the contact person listed above. Summaries of the meeting and a roster of Committee members will be furnished upon request by Ms. Helen Garrett, Committee Management Officer, NIAAA, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2860.

Dated: March 25, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-9591 Filed 3-30-81; 8:45 am]

BILLING CODE 4110-88-M

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Proposed Maximum Allowable Cost (MAC) Limits and Announcement of Public Hearing

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: The Pharmaceutical Reimbursement Board (PRB) proposes maximum allowable cost limits on the drugs specified below and announces a public hearing with regard to these proposed MAC limits.

DATES: Hearing—June 11, 1981 (10 a.m.–5 p.m.). End of comment period: May 22, 1981. End of period for submission of requests to appear at the hearing: May 22, 1981.

Interested persons and organizations are invited to submit in writing comments on the proposed MAC limits. All comments received by May 22, 1981 will be considered and will be maintained for public inspection in the Pharmaceutical and Medical Services Reimbursement Branch Bureau of Program Policy, HCFA.

A public hearing on the proposed MACs will be held on June 11, 1981. Persons or organizations wishing to make presentations must submit to the Board's Executive Secretary by May 22, 1981, at least 20 copies of the proposed oral presentation in its entirety together with all supporting studies and materials and the names and addresses of proposed participants. The Board will grant every request to appear if the presentation is relevant to the proposed MAC limits.

PLACE OF HEARING: Room 171, 1st Floor, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

FOR FURTHER INFORMATION CONTACT: Charles Spalding, Executive Secretary, Pharmaceutical Reimbursement Board, 1-D-5 East Low Rise, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-5403.

SUPPLEMENTARY INFORMATION: The Pharmaceutical Reimbursement Board has been established within the Health Care Financing Administration for the purpose of setting MAC limits on certain multiple source drugs for which reimbursement is provided under Medicaid, Medicare and other programs administered by the Department. In accordance with 45 CFR 19.5, the Pharmaceutical Reimbursement Board proposes the following MAC limits:

Drug and Proposed MAC Limit

Acetaminophen w/Codeine, oral tablet, 300 mg/30 mg—$0.0649 per tablet.
Acetaminophen w-Codeine, oral tablet, 300 mg/60mg—$0.1458 per tablet.
Ampicillin, oral capsule, 250 mg—$0.0420 per capsule.
Ampicillin, oral liquid, 125 mg/5 ml—$0.0114 per milliliter.
Penicillin VK, oral tablet, 250 mg—$0.0395 per tablet.
Penicillin VK, oral tablet, 500 mg—$0.0649 per tablet.
Penicillin VK, oral liquid, 125 mg/5 ml—$0.0109 per milliliter.
Tetracycline HC1, oral capsule, 500 mg—$0.0394 per capsule.

The Board originally identified these multiple source drugs as drugs for which significant amounts of Federal funds are expended and for which there are significantly different prices. The Food and Drug Administration has advised the Board that there is no regulatory action, either pending or under consideration, that would be a reason for delaying or withholding the establishment of MAC limits on the drugs listed above. In making the initial determination of the lowest unit price at which each of the drugs is widely and consistently available from any formulator or labeler, the Board relied on two sources: A HCFA survey and *Drug Topics Red Book*. The HCFA survey is a summary, updated monthly, of pharmacy invoice prices obtained by HCFA under contract with IMS America. The HCFA survey price is based on the 70th percentile of invoice prices from a panel of 1,000 pharmacies nationwide. *Drug Topics Red Book*, published annually and updated monthly, is an authoritative and recognized listing of advertised prices.

1. *Acetaminophen w/Codeine, oral tablet, 300 mg/30 mg.* The Board proposes a MAC limit of $0.0649 per tablet. At this limit, the HCFA survey shows that the product is available from Smith Kline, the fourth largest ethical drug firm and Parke Davis and Lederle, subsidiaries of the tenth and eighteenth largest ethical drug firms. Forty percent of the leading supplier's product has been purchased at this limit. Small independent pharmacies have purchased the product at or below the proposed limit. The *Red Book* lists three other suppliers at or below the proposed limit.

2. *Acetaminophen w/Codeine, oral tablet, 300 mg/60 mg.* The Board proposes a MAC limit of $0.1458 per tablet. At this limit, the HCFA survey shows that the product is available from Smith Kline and Burroughs Wellcome, the fourth and fifteenth largest ethical drug firms. Over eighty percent of the purchases from the category "all other brands" were at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit. The *Red Book* lists two others suppliers at or below the proposed limit.

3. *Ampicillin, oral capsule, 250 mg.* The Board proposes a MAC limit of $0.0420 per tablet. At this limit, the HCFA survey shows that the product is available from Wyeth, Bristol, Parke Davis and Lederle, subsidiaries of the second, nineth, tenth, and eighteenth largest ethical drug firms. Over sixty percent of the purchases of the product were made at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit.

4. *Ampicillin, oral liquid, 125 mg/5 ml.* The Board proposes a MAC limit of $0.0114 per milliliter. At this limit, the HCFA survey shows that the product is available from Smith Kline and Squibb, the fourth and sixteenth largest ethical drug firms, and from Wyeth, Parke Davis and Lederle, subsidiaries of the second, tenth, and eighteenth largest ethical drug firms. Over seventy percent of the purchases of the product were made at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit.

5. *Penicillin VK, oral tablet, 250 mg.* The Board proposes a MAC limit of $0.0395 per tablet. At this limit, the HCFA survey shows that the product is available from Smith Kline and Squibb, the fourth and sixteenth largest ethical drug firms and from Pfipharmecs, a subsidiary of the twelfth largest ethical drug firm. Forty percent of the total market and over ninety percent of the category "all other brands" were purchased at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit.

6. *Penicillin VK, oral tablet, 500 mg.* The Board proposes a MAC limit of $0.0649 per tablet. At this limit, the HCFA survey shows that the product is available from Upjohn and Squibb, the eighth and sixteenth largest ethical drug firms and from Parke Davis, a subsidiary of the tenth largest ethical drug firm. Over thirty percent of the total market and over ninety percent of the category "all other brands" were purchased at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit.

7. *Penicillin VK, oral liquid, 125 mg/5 ml.* The Board proposes a MAC limit of $0.0109 per milliliter. At this limit, the HCFA survey shows that the product is available from Smith Kline and Squibb, the fourth and sixteenth largest ethical drug firms and from Parke Davis and Lederle, subsidiaries of the tenth and eighteenth largest ethical drug firms. Over thirty percent of the total market and eighty percent of the category "all other brands" were purchased at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit. The *Red Book* lists eight other suppliers at or below the proposed limit.

8. *Tetracycline HCl, oral capsule, 500 mg.* The Board proposes a MAC limit of $0.0394 per capsule. At this limit, the HCFA survey shows that the product is available from Smith Kline, the fourth largest ethical drug firm, and from Wyeth and Parke Davis, subsidiaries of the second and tenth largest ethical drug firms. Over thirty percent of the total market and over eighty percent of the category "all other brands" were purchased at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit. The *Red Book* lists eleven other suppliers at or below the proposed limit.

The FDA advice and the economic data listed above are available for inspection in the Pharmaceutical and Medical Services Reimbursement Branch, Bureau of Program Policy, HCFA and a limited number of copies are available upon written request.

Dated: January 5, 1981.

Peter J. Rodler,

Chairman, Pharmaceutical Reimbursement Board.

[FR Doc. 81-9005 Filed 3-30-81; 8:45 am]
BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Denver Wildlife Research Center, Bldg. 16, Denver Federal Center, Denver, CO 80225.

The applicant requests an amendment to their Marine Mammal Permit PRT 2-4405 to authorize export of salvage specimens of West Indian manatees (*Trichechus manatus*). No animals would be killed or harmed under this authorization.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N.

Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-4405. Interested persons may comment on this application on or before April 30, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 25, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81-9981 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 20, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 15, 1981.

Carol Shull,

Acting Chief, Registration Branch.

CONNECTICUT

Hartford County

Hartford, *Municipal Building*, 550 Main St.

New Haven County

Meriden, *Curtis Memorial Library*, 175 E. Main St.

Prospect, *Hotchkiss, David, House*, Waterbury Rd.

Tolland County

Rockville, *Old Rockville High School and East School*, School and Park Sts.

INDIANA

Allen County

Fort Wayne, *Swinney, Thomas W., House*, 1424 W. Jefferson St.

KENTUCKY

Lyon County

Eddyville, *Old Eddyville Historic District*, Off KY 730

NEVADA

Carson City (independent city)

Glenbrook, The, 600 N. Carson St.

NEW YORK

Westchester County

Scarsdale, *Wayside Cottage*, 1039 Post Rd.

UTAH

San Juan County

Blanding vicinity, *Butler Wash Archeological District*

Bluff vicinity, *Sand Island Petroglyh Site*

[FR Doc. 81-9982 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

Arizona Announcement of Amended Unit Acreage for Palo Verde-Dever's Special Wilderness Inventory, Phoenix District

The Bureau of Land Management announces amended acreages for Wilderness Study Areas (WSAs) within the Palo Verde-Dever's Special Wilderness Inventory Area.

The Special Inventory began before guidance was produced by the final *Wilderness Inventory Handbook* and Organic Act Directive 78-61, Changes 1, 2 and 3. The criteria in these guidelines have now been applied to the Palo Verde-Dever's Special Inventory.

The amended acreages are:

Inventory unit no.	Previous acres	Final acres	Reasons for change
AZ-020-127...	95,000	91,930	Vehicles access routes which were judged ways have now been confirmed roads. Expanded boundaries in some areas to the edge of physical impacts.
AZ-020-128...	112,000	120,925	A more accurate method was used to calculate acreage. No boundary adjustments were made.
AZ-020-129...	29,660	36,800	Boundaries were extended to the edge of the physical impacts.
AZ-020-126...	5,100	5,500	A more accurate method was used to calculate acreage. No boundary adjustments were made.

The boundary and detailed description of each of the WSAs are on file and available for inspection in the Phoenix District, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017; phone (605) 241-2501.

The decision for each inventory unit is considered independent and separate from the decision for every other inventory unit. These decisions will become effective on April 30, 1981, unless timely protest is submitted to the State Director.

Persons wishing to protest decisions herein must file a written protest with the State Director to be received by, or postmarked no later than, the close of business April 30, 1981.

The protest must specify the specific inventory unit to which it is directed. It must include a clear and concise statement and reason for the protest as well as data supporting the reason.

At the conclusion of the protest period, the State Director will publish in the **Federal Register** a notice of those decisions which are not protested and have become final and those decisions which are under formal protest. The notice will identify those inventory units under protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

The State Director will issue a written decision on any protest which is filed according to above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest. Any person adversely affected by the State Director's decision may appeal such decision under the provision of 43 CFR Part 4.

All WSAs or inventory units under protest or otherwise not formally dropped from further consideration are subject to certain management and use restrictions as identified in the Interim Management Policy published December 12, 1979.

Clair M. Whitlock,

State Director.

March 19, 1981.

[FR Doc. 81-9999 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

Oregon and Washington; Intensive Wilderness Inventory; Responses to Protests to Final Intensive Inventory Decisions

Final decisions on the intensive wilderness inventory of 266 inventory units in Oregon, 44 units in Washington and one unit in both states were announced in the **Federal Register** on November 14, 1980, pages 75597-75602. A follow-up notice was published in the **Federal Register** on January 29, 1981, page 9789, identifying units and parts of units for which the decisions became effective on January 29, 1981, and units or parts of units for which the decisions

were formally protested to the Oregon State Director. This notice presents our response to those protests.

A. The November 14, 1980, decisions for the following areas were to identify them as wilderness study areas (WSA's). After reviewing information in the letters of protest concerning these areas, and re-evaluating earlier inventory findings, our determination continues to be that the areas are wilderness in character. I, therefore, sustain the November 14, 1980, decisions to identify the following inventory units and subunits as wilderness study areas:

Oregon

Number	Name	Acres
	Lakeview District	
1-24	Sand Dunes	15,520
1-101	Abert Rim	22,240
Total		37,760
	Burns District	
2-72C	Sheepshead Mountains	54,190
2-72D	Sheepshead Mountains	36,000
2-72F	Sheepshead Mountains	20,330
2-72I	Sheepshead Mountains	38,855
2-72J	Sheepshead Mountains	7,755
2-73A	Winter Range	21,366
2-73H	Winter Range	14,840
2-74F	Alvord Desert Addition	63,080
2-77B	Mahogany Ridge	27,370
2-78D [1]	Red Mountain	2,720
2-78F	Red Mountain	14,730
2-84A	Basque Hills	138,420
2-85F	South Steens	65,940
2-85G	South Steens	35,850
2-85H	South Steens	24,990
2-86E	Blitzen River	52,060
2-86F	Blitzen River	9,380
2-87I	Bridge Creek	14,080
Total		640,765

[1] This subunit is part of a single, larger WSA which also includes Unit NV-020-859 in Nevada and Unit 3-153 in Oregon's Vale District.

	Vale District	
3-53	Dry Creek	22,800
3-75	Slocum Creek	7,800
3-77A	Honeycombs	38,200
3-77B	Honeycombs	12,500
3-110	Lower Owyhee Canyon	72,200
3-111	Saddle Butte	87,500
3-120	Clarks Butte	31,500
3-128A	Jordan Craters	28,700
3-153 [2]	Disaster Peak	13,300
Total		315,300

[2] This unit is part of a single, larger WSA which also includes Unit NV-020-859 in Nevada and Subunit 2-78D in Oregon's Burns District.

	Prineville District	
5-31A	North Fork	10,745
5-33	South Fork	19,631
5-34	Sand Hollow	8,791
5-35	Gerry Mountain	20,700
Total		59,867
Oregon Total	33 WSA's	1,053,692

Washington

Number	Name	Acres
	Spokane District	
13-2	Chopaka Mountain	5,520

B. The November 14, 1980, decisions for the following areas were to eliminate them from further wilderness review. After reviewing information in the letters of protest concerning these areas, and re-evaluating earlier inventory findings, our determination continues to be that these areas do not possess wilderness characteristics. I, therefore, sustain the November 14, 1980, decisions to eliminated the following inventory units and subunits from further wilderness review:

Oregon

Number	Name	Acres
	Lakeview District	
1-9	Bull Lake	32,360
1-12	Lost Forest Adjacent Lands	6,840
1-84	Poker Jim Flat	14,360
1-85	ZX Ranch	21,120
1-114	Warner Lakes	33,660
1-115A	Guano Slough	47,360
1-115B	Guano Slough	88,120
1-117A	Monument Flat	16,240
1-134	Lone Grave Butte	25,440
1-159	Catlow Valley	58,000
Total		313,980
	Burns District	
2-19	Silvies River	7,530
2-43A	Wagontire Mountain	9,560
2-43B	Wagontire Mountain	10,600
2-43F	Wagontire Mountain	13,100
2-57	Jackass Creek	19,256
2-61A	Foster Flat	5,660
2-61D	Foster Flat	8,270
2-61E	Foster Flat	15,470
2-61F	Foster Flat	7,360
2-64A	Buzzard Creek	14,140
2-64B	Buzzard Creek	14,570
2-66	Deep Canyon	8,218
2-68	Smokey Hollow	8,225
2-69	Devils Canyon	14,015
2-70	Wilson Butte	9,745
2-71	Goose Egg	15,930
2-72G	Sheepshead Mountains	10,035
2-72H	Sheepshead Mountains	11,410
2-72K	Sheepshead Mountains	2,315
2-72L	Sheepshead Mountains	1,185
2-72M	Sheepshead Mountains	1,190
2-72N	Sheepshead Mountains	5,310
2-75C	Black Point	28,320
2-85I	South Steens	10,030
Total		249,450
	Vale District	
3-41A	Keeney Creek	14,740
3-44	Star Mountain	14,360
3-121	Deadman Creek	8,440
Total		37,540
	Prineville District	
5-20	Alkali Flat	7,035
	Medford District	
11-16	Zane Grey	18,460
	Coos Bay District	
12-10A	Pistol River-Myers Creek Rocks.	5
12-12A	Lone Ranch Rocks	4
12-13A	Harris Island	2
12-14A	Table Rock	1
12-15	Fish Rock	1
Total		13
Oregon Total	44 decisions to eliminate	626,418

Washington

Number	Name	Acres
	Spokane District	
13-1	Juniper	7,805
13-3	Lumni Rocks	8
13-4	Blind Island	2
Washington Total	3 decisions to eliminate	7,815

C. The November 14, 1980, decision concerning Inventory Unit 3-47, Cedar Mountain, was to identify a wilderness study area of 46,300 acres and to eliminate 10 acres from further wilderness review. After reviewing information in a protest letter and re-evaluating earlier inventory findings, we have revised the earlier decision. My revised decision for Unit 3-47 is to identify a wilderness study area with 33,000 acres and to eliminate 13,310 acres from further wilderness review.

D. The November 14, 1980, decision concerning Inventory Subunit 3-173A, Upper West Little Owyhee, was to identify a wilderness study area of 87,200 acres and to eliminate 1,160 acres from further wilderness review. After reviewing information in a protest letter and re-evaluating earlier inventory findings, we have revised the earlier decision. My revised decision for Subunit 3-173A is to identify a wilderness study area with 86,060 acres and to eliminate 22,300 acres from further wilderness review.,

A number of general protests were received. None of them contained information about the wilderness characteristics of specific inventory units. Therefore, the inventory findings for the affected areas were reviewed to ensure that all inventory procedures had been followed and that the decisions were consistent with the inventory findings. The November 14, 1980, decisions for all areas mentioned in the general protests have been sustained.

Those individuals and organizations who submitted protests which we did not sustain have been notified that they may take an appeal to the Department of the Interior Board of Land Appeals.

Those individuals or organizations who are adversely affected by the change in the decision for portions of Inventory Units 3-47 and 3-173A and who believe the revised decision is not correct may appeal that decision to the Interior Board of Land Appeals, Office of the Secretary of the Department of the Interior, in accordance with the regulations in 43 CFR Part 4, Subpart E. If an appeal is taken, the Notice of Appeal must be filed within 30 days of the date of publication of this notice in

the Oregon State Office, BLM, (not directly with the Board) so that the official record of the decision can be sent to the Board. The address is: State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208. Copies of all appeal documents must also be sent to the Associate Solicitor, Division of Energy and Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

If the procedures set forth in the regulations are not followed, an appeal is subject to dismissal.

William G. Lawrell,

State Director.

[FR Doc. 81-9112 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

Sustained Yield Unit 13; 10-Year Timber Management Plan; Availability of Final Environmental Impact Statement

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Ukiah District, Bureau of Land Management, Department of the Interior, has prepared a final environmental impact statement for the proposed 10-year timber management program on 48,600 acres of public land.

DATES: A record of decision will be prepared not less than 30 days after the Environmental Protection Agency publishes the availability of the final environmental impact statement in the Federal Register (40 CFR 1506.10(b)(2)).

ADDRESSES: A limited number of copies of the draft environmental impact statement (DEIS) and the final environmental impact statement (FEIS) are available from the District Manager, Ukiah District Office, Bureau of Land Management, P.O. Box 940, Ukiah, California 95482. Public reading copies are available for review at the following locations: Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C. 20240, Phone: (202) 343-4151; Bureau of Land Management, California State Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825; and Bureau of Land Management, Ukiah District Office, 555 Leslie Street, Ukiah, California 95482. Copies will also be available at Federal depository libraries and many of the community libraries within the boundaries of Sustained Yield Unit 13.

FOR FURTHER INFORMATION CONTACT: Van W. Manning, District Manager, Ukiah District Office, Bureau of Land Management, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, Phone: (707) 462-3873.

SUPPLEMENTARY INFORMATION: Most of the public lands in SYU 13 lie in a scattered ownership configuration, intermixed with privately owned lands in Mendocino, Humboldt, Sonoma, and Trinity Counties, California. The statement analysis excludes the King Range National Conservation Area (SYU 8).

The changes suggested by public comments on the draft environmental impact statement (DEIS) did not require a major rewrite or additional analysis. Therefore, an abbreviated format is used for the final environmental impact statement (FEIS). The FEIS must be used in conjunction with the DEIS.

The potential environmental effects of six timber management alternatives, including a proposed action, were analyzed. The proposed action would have a 10-year allowable cut of 97 million board feet (MMBF) (Scribner log rule). The five alternatives to the proposed action are:

1. No Action. The no action alternative would essentially be the continuation of past harvest levels and management intensity and would have a 10-year allowable cut of 78 MMBF.

2. Limited Investment. Under the limited investment alternative, timber would be managed on a natural stand basis. Investments would be limited to those associated with harvest and artificial reforestation. The 10-year allowable cut would be 65 MMBF.

3. Accelerated Harvest No. 1. The accelerated harvest No. 1 alternative would have an accelerated allowable cut of 105 MMBF for the 10-year period.

4. Accelerated Harvest No. 2. The accelerated harvest No. 2 alternative would have an accelerated allowable cut of 146 MMBF for the 10-year period.

5. Managed Old-Growth. The managed old-growth alternative would be intensive timber management, similar to the proposal, but would retain 12 trees per acre over two rotations. The 10-year allowable cut would be 85 MMBF.

Dated: March 18, 1981.

James R. Ruch,

State Director.

[FR Doc. 81-9107 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado, Utah; Amended Legal Descriptions for Tracts Proposed for Coal Lease Sale

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

This amends the notice which appeared on page 14457 of the Federal Register, Vol. 46, No. 39, on Friday, February 27, 1981. That notice announced the availability of the final EIS for a proposed coal lease sale in the Uinta-Southwestern Utah Coal Region and gave legal descriptions of tracts under consideration.

At its March 4, 1981, meeting in Salt Lake City, the Uinta-Southwestern Utah Regional Coal Team amended the delineation of the Cottonwood tract to include outcroppings. The new legal description for this tract follows.

Final delineation and legal description for the North Horn Mountain tract will be determined and announced following completion of the Geological Survey drilling program, analysis of data and concurrence of the government agencies involved.

Correct legal descriptions for two other tracts listed incorrectly in the previous notice are also listed here.

Cottonwood Tract-U-49179

T. 17 S., R. 7E., SLM, Utah,
Sec. 27, S½NW¼, N½SW¼;
Sec. 28, S½N½, S½;
Sec. 29, S½N½, S½;
Sec.30, Lot 4, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 31, Lot 1, E½;
Sec. 32, All;
Sec. 33, N½, SW¼, W½SE¼;
Sec. 34, NW¼NW¼, S½NW¼;
T. 18 S., R. 7E., SLM, Utah,
Sec. 4, Lots 2-4;
Sec. 5, Lots 1-4, S½NW¼.
Containing 3,347.31 acres Emery County.

Emery North Tract

T. 22 S., R. 6E., SLM, Utah,
Sec. 1, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, SE¼NW¼, E½SE¼;
Sec. 12, NE¼, S½;
Sec. 13, E½, N½NW¼, SW¼NW¼, N½SE¼NW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼;
Sec. 14, SW¼NW¼, NW¼SW¼, SE¼SW¼, S½SE½;
Sec. 15, NE¼NW¼;
Sec. 22, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 23, NE¼NW¼.
Containing 2,161.00 acres Emery County.

Slaughterhouse Canyon Tract

T. 13 S., R. 7E., SLM, Utah,
Sec. 19, SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, E½.
Containing 440.00 acres Carbon County.
Dated: March 26, 1981.

Ed Hastey,

Director, Bureau of Land Mangement.

[FR Doc. 81-9108 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 81-12; 1791 (922)]

Final South Coast Curry Timber Management Environmental Impact Statement; Availability

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the South Coast-Curry EIS area. The proposal involves implementing a 10-year timber management plan on public lands within the Coos Bay District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management; Office of Public Affairs; 18th and C Streets, NW., Washington, D.C 20240
Bureau of Land Management, Office or Public Affairs, 729 N.E. Oregon Street, Portland, OR 97208
Bureau of Land Management, Coos Bay District Office 333 S. Fourth Street, Coos Bay, OR 97420
Oregon State Library, State Library Building, Salem, OR 97310
Oregon State University Library, Government Document Section, Corvallis, OR 97331
Portland State University Library, 724 S.W. Morrison, Portland, Oregon
University of Oregon Library, Government Document Section, Eugene, OR 97403
Lane Community College Library, Eugene, OR 97401
Southern Oregon State College Library Ashland, OR 97520
Southwestern Oregon Community, College Library, Coos Bay OR 97420 Umpqua Community College Library, Roseburg, OR 97420
Bandon Public Library Bandon, OR 97411
Brookings Public Library, Brookings, OR 97415
Coos Bay Public Library, 525 W. Anderson, Coos Bay, OR 97420
Douglas County Library, County Courthouse, Roseburg, OR 97470
Gold Beach Public Library, Colvin St., Gold Beach, OR 97444
North Bend Public Library, 1925 McPherson Ave., North Bend, OR 97459

A limited number of copies are availale upon request from the Bureau of Land Management, Oregon State Office, or the Coos Bay District Office at the about addresses.

Due to the addition of two new alternatives, a 60-day comment period on the FEIS is established. Comments will be accepted by the Coos By District Manager until May 29, 1981.

Dated: March 19, 1981.

William G. Leavell,

State Director.

[FR Doc. 81-9837 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: March 26, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Delta Agricultural Co-Op: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations, 12815 South Boulter St., Draper, Utah 84020: Principal Mailing Address (Street No., City, State, and Zip Code); 12815 South Boulter St., Draper, Utah 84020: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code); Delta Ag. Co-Op (Jack P. Kartchner) 12815 South Boulter St., Draper, Utah 84020: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

2. Land O'Lakes, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations; P.O. Box 116, Minneapolis, MN 55440; Principal Mailing Address (Street No., City, State, and Zip Code); 4001 Lexington Ave. N., Arden Hills, Minnesota 55112: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code); Harold O. Hoelscher, P.O. Box 116, Minneapolis, MN 55440: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

3. Mayflower Farms: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations, 2720 S.E. 6th Ave., Portland, Oregon 97202: Principal Mailing Address (Street No., City, State, and Zip Code), 2720 S.E. 6th Ave., Portland, Oregon 97202: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code); Walter C. Tuthill, P.O. Box 42269, Portland, Oregon 97242: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

4. Miss-Ala Agricultural Distributors, LTD Plymouth Agricultural Transportation Services, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations., P.O. Box 947, Plymouth, NC 27962: Principal Mailing Address (Street No., City, State, and Zip Code); Plymouth Agricultural Transportation Services, Inc., Highway 64 W. Plymouth, North Carolina 27962: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code); Donald W. Spell, P.O. Box 947, Plymouth, NC 27962: Person to Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

5. Nationwide Distributors, Inc. (A Cooperative Association): Complete Legal Name of Cooperative Association or Federation of Cooperative Associations, 28 Willis St., Framingham, MA 01701: Principal Mailing Address (Street No., City, State, and Zip Code), 28 Willis St., Framingham, MA 01701: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code), Gene S. Bula, Rt. 1, Plainfield, WI: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9812 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave

must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. OP3–6208

Decided: March 20, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 134064 (Sub-34), filed February 4, 1980, previously published in the FR issues of May 1, 1980 and February 18, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *alcoholic liquors*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of alcoholic liquors (except commodities in bulk, in tank vehicles), (a) between Ft. Smith, AR, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX, (b) between Bardstown and Louisville, KY, on the one hand, and, on the other, points in AR, IL, IN, MI, OH, NY, PA, GA, SC, FL, LA, MS, KS, CO, NE, MN, CT, MA, IA, NJ, MD, DE, and AL, (c) between New Orleans, LA, on the one hand, and, on the other, points in AR, MS, AL, FL, OK, KS, CO, NE, IA, MN, MO, MI, OH, KY, IN, IL, GA, and SC, and (d) between Plainfield, IL, on the one hand, and, on the other, points in MI, MO, IA, NE, KS, CO, OK, AR, LA, and KY, restricted in (a), (b), (c) and (d) above to traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc.

Note.—this republication indicates the correct territorial description in (c) above.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9813 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the

Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–3824

Decided: March 20, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 117415 (Sub-6), filed March 13, 1981. Applicant: JENSEN TRUCKING CO., INC., P.O. Box 402, American Fork, UT 84003. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111, (801)766-5308. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9814 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–362

Decided: March 25, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 108587 (Sub-34), filed February 5, 1981. Applicant: SCHUSTER EXPRESS, INC., 48 Norwich Ave., Colchester, CT 06415. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street NW., Washington, DC 20005. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between State Road, DE, and Norfolk, VA, over U.S. Hwy 13, serving all intermediate points, and off route points in those portions of VA and MD east of the Susquehanna River and the Chesapeake Bay; (2) between Wilmington, DE, and Norfolk, VA: from

Wilmington over Interstate Hwy 95 to Richmond, VA, then over Interstate Hwy 64 to Norfolk, serving all intermediate points, and off route points in MD, VA, and DC; (3) between Harrisburg, PA, and Baltimore, MD, over Interstate Hwy 83, serving all intermediate points, and off route points in MD and PA; (4) between Baltimore, MD, and Roanoke, VA: from Baltimore over Interstate Hwy 70N to junction U.S. Hwy 340, at or near Frederick, MD, then over U.S. Hwy 340 to junction Interstate Hwy 81, at or near Stephens City, VA, then over Interstate Hwy 81 to Roanoke, serving all intermediate points, and off route points in MD and VA; (5) between Washington, DC, and junction Interstate Hwys 66 and 81 near Strasburg, VA: from Washington over U.S. Hwy 50 to junction Interstate Hwy 66, then over Interstate Hwy 66 to junction VA Hwy 55, at or near Gainesville, VA, then over VA Hwy 55 to junction U.S. Hwy 340, at Front Royal, VA, then over U.S. Hwy 340 to junction Interstate Hwy 66, then over Interstate Hwy 66 to junction Interstate Hwy 81 at or near Strasburg, serving all intermediate points, and off route points in VA; (6) between Harrisburg, PA, and Roanoke, VA, over Interstate Hwy 81, serving all intermediate points, and off route points in MD, PA, and VA; (7) between Lancaster and Pittsburgh, PA, over U.S. Hwy 30, serving all intermediate points, and off route points in PA; (8) between Scranton and Pittsburgh, PA: from Scranton over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction Interstate Hwy 279, and then over Interstate Hwy 279 to Pittsburgh, serving all intermediate points, and off route points in PA; (9) between Albany, NY and the port of entry on the international boundary line between the U.S. and Canada, at or near Rouses Point, NY, over Interstate Hwy 87, serving all intermediate points, and off route points in NY; and (10) between Syracuse, NY, and the port of entry on the international boundary line between the U.S. and Canada, at or near Ogdensburg, NY: from Syracuse over Interstate Hwy 81 to junction NY Hwy 12, then over NY Hwy 12 to junction NY Hwy 37, then over NY Hwy 37, to the above named port of entry, serving all intermediate points, and off route points in NY.

Note.—Applicant states it intends to tack the authority here with its existing authority, and to interline with other authorized carriers.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9884 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 85771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP44-40

Decided: March 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 134477 (Sub-433), filed February 17, 1981, and noticed in the Federal Register issue of March 10, 1981, and republished this issue. Applicant: SCHANNO TRANSPORTATION, INC. 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164 (612) 457-9700. Transporting *freezers,* between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly reflect the territorial description.

MC 144017 (Sub-3), filed February 10, 1981, and previously noticed in the Federal Register issue of March 10, 1981. Applicant: GEORGE W. NOFFS MOVING AND STORAGE, INC., 1735 R. Davis St., Arlington Heights, IL 60005. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036, (202) 463-6044. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *household goods,* as defined by the Commission, between Chicago, IL and points in Boone, McHenry, Lake, Winnebago, Ogle, Lee, De Kalb, Kane, Du Page, Kendall, Will, Grundy, La Salle, Bureau, Putnam, Marshall, Woodford, Livingston, McLean, Ford, Iroquois, Kankakee, Vermilion and Champaign Counties, IL, points in Kenosha, Racine, Walworth, Milwaukee, Waukesha, Jefferson and Rock Counties, WI, Cass, Van Buren, and Berrien Counties, MI, Warren, Benton, Newton, Jasper, Lake, Porter, La Porte, Starke, Pulaski, White, Carroll, Tippecanoe, Cass, Fulton, Marshall, St.

Joseph, Elkhart and Kosciusko counties, IN, on the one hand, and, on the other, points in TX, MD, CA, AZ, CO, AR, OK, NV, UT, LA, WA, OR, ID, WY, NM, NE, MS and DC.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Volume No. OP44–41

Decided: March 25, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 112107 (Sub-17), filed March 3, 1981. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., Wallington, NJ 07057. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MN 20760, (201) 778–5000. Transporting *general commodities* (except classes A and B explosives), between points in Providence County, RI, on the one hand, and, on the other, points in ME, NH, and VT.

Note.—The applicant intends to tack this authority with its existing regular route.

MC 114457 (Sub-585), filed March 3, 1981. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant), (612) 645–0323. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMS, Inc., of Washington, DC.

MC 119917 (Sub-67), filed March 9, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: W. F. Dudley (same address as applicant). Transporting *chemicals and related products*, between points in Jefferson Parish, LA, on the one hand, and, on the other, Atlanta, GA, and points in Harris County, TX.

MC 123407 (Sub-669), filed March 9, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926–7575. Transporting *metal products*, between points in MN, on the one hand, and, on the other, points in the U.S.

MC 123407 (Sub-671), filed March 16, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926–7575. Transporting *pulp, paper and related products*, between the facilities of Hexagon Honeycomb Corporation, on the one hand, and, on the other, points in the U.S.

MC 124247 (Sub-22), filed March 9, 1981. Applicant: DAN LODESKY TRUCKING, INC., P.O. Box 236, Gurnee, IL 60031. Representative: Edward G. Baxelon, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, MI, and WI.

MC 147147 (Sub-1), filed March 16, 1981. Applicant: RONALD R. CREED, R.R. 1, Bern, KS 66408. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233–0629. Transporting (1) *clay, concrete, glass or stone products*, and (2) *waster or scrap materials* not identified by industry producing, between points in Pawnee and Richardson Counties, NE, on the one hand, and, on the other, points in Washington, Nemaha, Marshall, and Brown Counties, KS.

MC 148647 (Sub-22), filed March 16, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank IL 60459. Representative: Arnold L. Burke, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Harvester Company, of Chicago, IL, and Lithonia Lighting Products, of Conyers, GA.

MC 149497 (Sub-6), filed March 16, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Intertrac America Corporation, of New Berlin, WI.

MC 151707 (Sub-6), filed March 4, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor; Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant), (215) 985–6853. Transporting *food and related products*, between points in the U.S, under continuing contract(s) with Country Home Bakery, Inc., of Bridgeport, CT.

MC 151707 (Sub-7), filed March 4, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant), (215) 985–6853. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Texize, Division of Morton Norwich, of Greenville, SC.

MC 153827 (Sub-1), filed March 10, 1981. Applicant: TRIO-MOTOR TRANSFER, INC., Box 982, Barre, VT 05641. Representative: David M. Marshall; 101 State St., Suite 304; Springfield, MA 01103, (413) 732-1136. Transporting *such commodities* as are dealt in by manufacturers and distributors of stone and stone products, between points in Westchester, Rockland, Dutchess, Greene, Sullivan, Orange, Ulster, Columbia, Rensselaer, Schenectady, Washington, Saratoga, Warren, Putnam, Albany, Amsterdam, Fulton, Schoharie, Herkimer, Franklin, Hamilton, Chenago, Madison, Oneida, St. Lawrence, Clinton and Essex Counties, NY, and points in ME, NH, VT, MA, CT, and RI.

MC 154647, filed March 9, 1981. Applicant: THE LENDEL VINES CO., INC., 103 Henson Dr., Paris, AR 72855. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Transporting *food and related products*, between points in Crawford County, AR, on the one hand, and, on the other, points in TX, OK, MO, LA, KS, and TN.

Agatha L. Mergenovich

Secretary.

[FR Doc. 81-9688 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-094

Decided: March 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 154800, filed February 4, 1981. Applicant: GULF-ATLANTIC TRANSPORTATION SYSTEMS, INC., P.O. Drawer 2025, Mobile, AL 36601. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, GA 30326, (404) 262-7855. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-3-023

Decided: March 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Member Taylor not participating.)

MC 110563 (Sub-320), filed January 29, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Victor J. Tambascia (same address as applicant), (513) 492-6181. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP5-79

Decided: March 23, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 143059 (Sub-156), filed January 29, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant). Transporting *general commodities*, between Hamil, Pocahontas, Grundy Center, Garrison, Audubon, Atlantic, Adair, Stuart, Homestead, Colfax, Pella, Monroe, Carlisle and Bonaparte, IA, Elsmere, Ramah, Seibert and Bethune, CO, Steptoe, WA, Rokeby and Prairie Home, NE, Kelliher, MN, Yarnall, Vega, Soncy and Boydston, TX, Bard and Lesbia, NM, Ethlyn, S. Troy and Jamesport, MO, Ray, Greenfield, Kemper, Mont, Geneseo and Annawan, IL, Tannehill, Lillie, Barnice, Dubach, Ansley, LA, Ruleton, Gem, S. Dodge and Wilrosda, KS, Hext, Elk City, Wetherford, Meno, Hitchcock, Ft. Reno and Watonga, OK, and Clay, VA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for complete abandonment of rail carrier service.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9057 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(E). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], do not compute (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in

interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-093

Decided: March 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 150231 (Sub-8), filed January 21, 1981. Applicant: MAVERICK TRANSPORTATION, INC., 1803 E. Broad St., Texarkana, AR 75502. Representative: Lawrence R. Leahy (same address as applicant), (501) 773-7638. Transporting *metal products*, between points in Madison and Stanton Counties, NE, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NM, ND, OH, OK, SD, TN, TX, and WI.

MC 152280, filed February 23, 1981. Applicant: ALASKA RAPID TRANSPORT, INC., 1717 Tidewater Ave., #1, Anchorage, AK 99501. Representative: Julian C. Rice, 330 Wendell St., Fairbanks, AK 99701, (907) 279-9691. Transporting *general commodities* (except classes A and B explosives), (1) between points in AK, and (2) between points in AK, on the one hand, and, on the other, points in WA, OR and CA.

MC 153111, filed December 10, 1980. Applicant: TWC TRUCK LINES, INC., 927 South Mocassin Place, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *metal products* and *machinery*, between points in the U.S., under continuing contract(s) with Wachob Industries, Inc. of Sapulpa, OK.

MC 153611 (Sub-1), filed February 6, 1981. Applicant: H. STANLEY EDINGER, d.b.a. EDINGER TRUCKING, RD #1, Route 80, Tully, NY 13159. Representative: John L. Afano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Camden Wire Co., Inc., and Laribee Wire Mfg. Co., Inc., both of Camden, NY.

Volume No. OPY-2-024

Decided March 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor (Member Taylor not participating).

MC 153822 (Sub-2), filed January 12, 1981. Applicant: RICHARD A. JONES, d.b.a. JONES TRUCK LINE, 1206 ½ 3rd Ave., NW, Fort Dodge, IA 50501. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *such commodities* as are used in the manufacture and canning of pet foods, between points in IL, MO, NE, KS, MN, and WI, on the one hand, and, on the other, points in Webster County, IA; and (2) *food and related products*, between points in Webster County, IA, on the one hand, and, on the other, points in WI, MO, and OH.

Volume No. OP4-75

Decided March 23, 1981.

By the Commission, Review Board No. 3, Members Chandler, Eaton and Liberman.

MC 37896 (Sub-40), filed January 29, 1980, and noticed in the **Federal Register** issue of Febrary 26, 1981, and republished this issue. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Cyanamid Company, its affiliates and its subsidiaries, of Wayne, NJ.

Note.—The purpose of this republication is to include the affiliates and subsidiaries of American Cyanamid Company.

MC 153286 (Sub-1), filed February 4, 1981, previously noticed in the **Federal Register** issue of February 26, 1981, and republished this issue. Applicant: RICHARD G. CONAWAY, R.D. #1, Box 108, Frenchville, PA 16836. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting (1) *coal and coal products*, and (2) *machinery*, between points in Clearfield and Centre Counties, PA, on the one hand, and, on the other, points in NY.

Note.—The purpose of this republication is to correct the commodity description.

MC 149406 (Sub-6), filed February 6, 1981, previously noticed in the **Federal Register** issue of March 5, 1981, and republished this issue. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Transporting *lumber and wood products, metal products*, and *building materials*, between points in CO, IA, ID, IL, IN, MN, MT, NE, ND, OR, SD, WA, WI, and WY.

Note.—The purpose of this republication is to correct the state of SD in lieu of SC.

MC 149406 (Sub-7), filed February 6, 1981, previously noticed in the **Federal Register** issue of March 5, 1981, and republished this issue. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 212 S. 8th St., Minneapolis, MN 55402. Transporting *machinery; metal products;* and *lumber and wood products*, between points in Yankton County, SD, on the one hand, and, on the other, points in the U.S. Note: The purpose of this republication is to correctly reflect Yankton County as a point in SD rather than in SC as originally published.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-9633 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29604]

Auto-Train Corporation—Temporary Exemption Under 49 U.S.C. 10901; Decision-Notice.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce temporarily exempts Auto-Train Corporation (Auto-Train) from the requirement that it receive prior approval under 49 U.S.C. 10901 to transport unaccompanied automobiles in conjunction with Central Florida Coach Line, Inc. (Auto-Bus).

DATE: The exemption is effective at 12:00 a.m. March 28, 1981, and will remain in effect until the Commission decides Auto-Train's pending petition for modification of authority under 49 U.S.C. 10901, unless earlier revoked. Petitions for reconsideration of this exemption must be filed within 20 days of the date of this publication.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th St. and Constitution Ave., NW., Washington, D.C. 20423, and

Petitioner's representative: Murray Drabkin, 1801 K St., NW., Washington, D.C. 20026

Pleadings should refer to Finance docket 29604.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: We are granting a temporary exemption to allow Auto-Train to continue service in conjunction with Auto-Bus. This service was initially allowed pursuant to Service Order No. 1374, *Auto-Train Authorized to Transport Automobiles Between Alexandria (Lorton), Virginia and Sanford, Florida*, issued April 12, 1979, as amended May 14, 1979 and January 9, 1981. Service Order No. 1374

was issued at Auto-Train's request and in anticipation of its petition of May 21, 1979, seeking to modify its existing certificate to allow the service permanently.[1] Because Service Order No. 1374 is due to expire on March 27, 1981, and we will not have decided the May 21 petition by that time, a temporary exemption is necessary to avoid a disruption in rail service until we can decide the petition.

Background

Auto-Train holds authority to transport (1) automobiles and their passengers between Alexandria, VA and Sanford, FL, and (2) unaccompanied automobiles between Alexandria and Sanford when an airline is simultaneously transporting, under joint-booking, the owners or drivers between substantially the same locales. In its petition of May 21, 1979, Auto-Train requested modification of its certificate to permit the transportation of unaccompanied automobiles tendered to it by Auto-Bus, when Auto-Bus is simultaneously transporting the owners or drivers of the automobiles between Florida and northern points.

Auto-Bus holds authority to transport passengers by bus and automobiles by automobile transporters, between northern points (including its terminals at Hazleton, PA and Fredericksburg, VA) and Florida points (including its terminal at Cocoa Beach). Auto-Bus wants to be able to use Auto-Train to Transport its patron's automobiles between Alexandria and Sanford, when it is tendered more automobiles than it can handle.

From April 12, 1979 through December, 1979, Auto-Train transported under temporary authority, 1,414 automobiles for Auto-Bus patrons. By agreement dated May 10, 1979, Auto-Train has agreed to hold space until 30 days before departure, for at least 18 automobiles tendered by Auto-Bus. Auto-Bus has agreed to use only Auto-Train as a substitute carrier on movements between Alexandria and Sanford and to tender it at least 15 automobiles per month.

On November 29, 1979, in Finance Docket No. 29482, we decided that evidence on Auto-Train's petition for modification should be gathered through written verified statements. Auto-Bus and Auto-Train each filed verified statements on January 21, 1980. Autolog Corporation, a motor common carrier, field a verified statement in opposition on February 20, 1980. No other party opposes the petition. Auto-Train filed rebuttal on April 2, 1980.

On September 8, 1980, Auto-Train filed a petition in Bankruptcy. By letter-petition filed February 2, 1981, Auto-Train's Trustee requests an immediate decision on Auto-Train's petition for modification, in order to assure its customers continued service after Service Order No. 1374 expires.

Discussion and Conclusions

Because Auto-Train's financial and corporate position has drastically changed since evidence was filed in Finance Docket No. 29482, we must obtain new evidence before we can decide the petition for modification of Auto-Train's certificate. This evidence shall be obtained through supplemental written verified statements. A schedule for submission of these statements shall be issued shortly in a separate decision. Therefore, we will not be able to decide Auto-Train's request for permanent authority by the time the current Service Order expires.

We also cannot extend Service Order No. 1374. The Staggers Rail Act of 1980 (Pub. L. No. 96-448, October 14, 1980) limits our authority to issue service orders under 49 U.S.C. 11123(a) to emergency situations of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States. Auto-Train's proposed operation would fail to meet the new criteria for issuance of an emergency service order; its current Service Order must therefore expire as scheduled on March 31, 1981.

The evidence in both the Service Order request and the petition for modification indicates that there is a significant public need for Auto-Train's continued operations. Termination of its service may substantially impair the future usefulness of Auto-Train's authority and its service to the public.[2] In addition, the evidence indicates that the service proposal would enhance the inherent advantages of both Auto-Train's and Auto-Bus' operations. Auto-Bus claims it is better equipped to transport passengers by bus than to transport automobiles by automobile transporters. It also states that transporting its patrons' automobiles by Auto-Train, rather than by its own vehicles, is more fuel-efficient and economical and does not inconvenience users. Auto-Bus' operations will be enhanced, and the public better served, if it has flexibility to tender excess automobiles to Auto-Train. On the other hand, Auto-Train is better equipped to transport automobiles on its trains than passengers. It now uses about 73 percent of its capacity for transporting automobiles, and could handle the additional traffic with ease. The proposed arrangement will provide Auto-Train an additional source of income at minimal additional cost and without prejudicing its existing operations.

While we lack sufficient evidence to decide whether Auto-Train's petition for permanent expanded authority should be granted, we have sufficient evidence to conclude that there is a need for its continued temporary service until we can resolve that issue.

Since we cannot extend Service Order No. 1374, the only way service may be continued is through issuance of a temporary exemption under 49 U.S.C. 10505. That section, as modified by section 213 of the Staggers Rail Act of 1980, provides that the Commission "shall" exempt a transaction from the application of any provision of the Interstate Commerce Act when it finds that (1) continued regulation is not necessary to carry out the rail transportation policy in 49 U.S.C. 10101a, and (2) either the transaction is of limited scope or regulation is not necessary to protect shippers from the abuse of market power. We can issue the exemption on our own initiative. 49 U.S.C. 10505(b).

We believe Auto-Train's service proposal satisfies the criteria of 49 U.S.C. 10505. Exempting Auto-Train from the requirements of 49 U.S.C. 10901 for a short time period will merely continue service to the public until we can consider Auto-Train's request for permanent authority to provide such service. Our approval prior to Auto-Train's operation is not necessary to carry out the objectives listed in the rail transportation policy of section 10101a. The service proposal will not eliminate "effective competition" between Auto Train and Auto-Bus. Rather, it will provide users of Auto-Bus' service an alternative mode of transporting their vehicles when Auto-Bus is unable to do so.

Our exempting the proposal will facilitate at least three of the policy objectives of section 10101a: (1) minimizing the need for regulatory control and rendering expeditious decisions when regulation is necessary; (2) ensuring effective competition and coordination between rail carriers and other modes; and (3) encouraging and promoting energy conservation. See 49

[1] Finance Docket No. 29482, *Auto Train Corporation, Operation, Rail Passenger and Automobile Transport Service Between Alexandria, Va and Sanford, FL.*

[2] Additionally, the Trustee's letter of February 2, 1981 indicates that continued transportation of automobiles for Auto-Bus passengers is a critical component of Auto-Train's overall service program.

U.S.C. 10101a(2), (5), and (15). The arrangement provides for a complementary handling of excess passengers and automobiles. Without such an arrangement, users might have to drive independently over great distances.

Additionally, the transaction is of limited scope. Our exemption is limited in time to the period necessary to decide the petition for modification. While the service proposal will provide Auto-Train with additional income of $1,500 to $3,000 a month, this amount is not large enough to significantly improve Auto-Train's financial difficulties or its ability to compete with other carriers. In fact, because Auto-Train will continue transporting only those automobiles tendered by Auto-Bus, the arrangement should have no effect on other carriers. The fact that only one carrier has opposed Auto-Train's request for permanent authority supports this conclusion. The sole protesting motor carrier has not shown us that it would potentially transport any of the traffic Auto-Bus will tender to Auto-Train.

Having concluded that the proposal is of limited scope, we need not determine whether our prior approval of the operation is necessary to protect shippers from the abuse of market power. We note, however, that Auto-Bus' substitution of Auto-Train's service will be with its customers' knowledge and consent. We believe, moreover, that becaue the exemption will provide the public an alternative and more economical means of moving their automobiles, the public can only benefit from our action here.

In light of these findings we will temporarily exempt this transaction. To avoid a disruption in service this exemption will become effective on April 1, 1981, and continue until we issue a decision on Auto-Train's pending petition for modification of its operating certificate.

Our granting this exemption is not meant to prejudge our ultimate decision on whether to grant the requested modified certificate. It does not resolve the financial and operational fitness issues concerning Auto-Train, or that the proposed arrangement involves the pooling of traffic and joint rates and may be a pooling agreement under 49 U.S.C. 11342. We have merely determined that these issues are unlikely to caue harm to the public during the limited duration of this exemption, while our failure to grant the exemption and the resultant loss of service is likely to cause harm to the public.

Section 10505 enables us to revoke an exemption if we find the exempted provisions necessary to carry out the rail transportation policy. We will permit interested parties to file petitions for reconsideration alleging that granting the exemption harms our ability to carry out the rail transportation policy.

Labor protection. In granting this exemption we may not relieve a carrier of its obligation to protect the interests of its employees. See 49 U.S.C. 10505(g)(2). However, amended section 10901(e) indicates that the imposition of labor protective conditions is discretionary when authority is sought, as here, to operate over a rail line. Since no obligation exists, Auto-Train has not been relieved of any obligation by this temporary exemption. Furthermore, since the arrangement will simply enable Auto-Train to continue transporting Auto-Bus' excess automobile traffic for a limited time period, it will not adveresely affect Auto-Train's employees. If anything, it is likely to indirectly benefit Auto-Train's employees by providing additional traffic and revenues. Therefore, employee protective provisions are not necessary to protect the involved railroad employees and will not be imposed here.

We Find

(1) The application of the requirements of 49 U.S.C. 10901 that Auto-Train receive prior authority to provide service in conjunction with Auto-Bus as described is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to relieve Auto-Train from an obligation to provide contractual terms for liability and claims which are consistent with 49 U.S.C. §11707, or to protect the interests of its employees.

(4) This decision will not significantly affect either energy consumption or the quality of the human environment.

It is ordered: (1) Pursuant to 49 U.S.C. 10505 we exmpt from 49 U.S.C. 10901 the operation by Auto-Train of the service to be provided in conjunction with Auto-Bus described above.

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register for publication.

(3) This decision shall be effective at 12:00 a.m. March 28, 1981.

(4) This exemption will continue in effect until or unless (1) revoked or (2) we issue a decision under 49 U.S.C. 10901(c) granting or denying Auto-Train's petition for authority to modify its service.

(5) Petitions to reopen this proceeding for reconsideration must be filed no later than 20 days following the date of publication in the Federal Register.

Dated: March 25, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9971 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29509]

Knox & Kane Railroad Co.—Gettysburg Railroad Co.—Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901, 11343 and 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of its prior review and approval: (1) under 49 U.S.C. § 10901, the acquisition by Knox & Kane Railroad Co. (Knox), a noncarrier, of 79 miles of track of the Pittsburgh and Western Railroad Company and the Baltimore and Ohio Railroad Company (collectively B&O) between Knox and Mt. Jewett, PA; (2) under 49 U.S.C. § 10901, the construction of a 950-foot connection at Shippersville, PA with Consolidated Rail Corporation (Conrail); (3) under 49 U.S.C. § 11343, the common control by two individuals of Knox and Gettysburg Railroad Co. (Gettysburg); and (4) under 49 U.S.C. § 11301, the issuance by Knox of up to $1 million in securities to finance the transactions.

DATES: These exemptions will be effective 30 days from the date of publication in the Federal Register. Petitions for reconsideration of this action must filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Avenue, N.W., Washington, D.C 20423, and

(2) Petitioners' representatives: Daniel J. Sweeney, Steven J. Kalish, 1750 Pennsylvania Avenue, N.W., Washington, D.C 20006.

All pleadings should refer to Finance Docket No. 29509.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Knox and Gettysburg filed a joint petition on October 24, 1980, requesting that we use

our authority under 49 U.S.C. § 10505 to exempt certain transactions from the provisions of 49 U.S.C. §§ 10901, 11343, and 11301.

Exemption Request

Gettysburg is a rail carrier operating 23.4 miles of track between Gettysburg and Mount Holly Springs, PA, having gross revenues of approximately $727,000 in 1979. It is wholly owned by two individuals, Sloan Cornell and his wife, Clara Cornell.

Knox is a Pennsylvania corporation not presently conducting any railroad business, and is also wholly-owned by Sloan and Clara Cornell. Both Gettysburg and Knox have the same officers (Sloan Cornell, President; O.L. Anderson, Vice President; and Clara Cornell, Treasurer & Secretary).

Knox has signed a letter of intent with B&O to purchase, subject to the Commission approval, approximately 79 miles of track between Knox and Mt. Jewett, PA for $600,000. That track has been listed in Category 1 of B&O's System Diagram Map (evidencing an intent to seek abandonment of the line within 3 years). See 49 C.F.R. 1121.20.

The consideration for the sale of the properties will be $600,000. Of that amount $30,000 is to be paid upon the signing of the formal agreement; the remaining $570,000 is to be held by B&O at 8 percent interest (and is refundable to Knox, with interest, in the event the Commission does not approve the transaction, or the B&O and Knox decline to consummate the transaction). The major movements over the line are coal shipments which originate on the line and terminate at Lake Erie.

Knox has also reached a tentative agreement with Conrail to construct, subject to Commission approval, a short (950 feet) connection at Shippensville, PA, between Conrail's track and the track to be purchased by Knox.

To finance the transaction, Knox plans to issue up to $1 million in debt and equity securities. The proceeds from the sale will, among other things, be used to pay for the purchase of the track from B&O and for the construction of the connection to Conrail's track. At least 51 percent of the stock issued by Knox will be sold to Sloan and Clara Cornell. All debt securities will be issued to these two individuals.

The Statute

The acquisition by a noncarrier of a line of railroad and the construction of a rail line require Commission approval under 49 U.S.C. § 10901.[1] To obtain compliance with the procedures set forth at 49 CFR Part 1120 (1979). The issuance of securities by a corporation organized to provide rail transportation requires our approval under 49 U.S.C. § 11301. The acquisition of control of a rail carrier by persons controlling one or more other rail carriers requires our approval under 49 U.S.C. § 11343, in accordance with regulations contained in 49 CFR Part 1111 (1979) (*Consolidation Procedures*). (See also *Railroad Consolidation Procedures*, 363 I.C.C. 200 (1980)).

Section 10505 (amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448, October 14, 1980) allows the Commission to exempt a transaction if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101a; and (2) either the transaction is limited in scope, or regulation is not needed to protect shippers from the abuse of market power.

Discussion and Conclusions

Rail Transportation Policy

The proposed transactions will have no impact on interstate commerce or the national rail industry. They are purely local transactions that will have no effect on the existing competitive situation, since the line owned by Gettysburg and the short line to be purchased by Knox do not connect and are not parallel. Our prior approval of the transactions is not necessary to carry out the goals of the rail transportation policy outlined in section 10101a. Indeed, or exempting the transactions will facilitate at least one of the policy objectives of section 10101a—to minimize the need for regulatory control and to require expeditious decisions when regulation is necessary. The transactions moreover will significantly benefit all the involved parties. The track to be purchased is listed for abandonment by B&O because it has not found the line profitable. By contrast, Knox anticipates a profitable operation because of significantly improved routing capabilities made possible by the connection to be built.

Limited Scope and Abuse of Market Power

Petitioners must also demonstrate that their proposal is either of limited scope or that regulation is not necessary to protect shippers from the abuse of market power. The proposed transactions satisfy both of these criteria.

The proposal involves two small railroads and a limited geographic area. Gettysburg is a Class III common carrier by railroad which operates a 23.4 mile line. The B&O track (which has been designated for abandonment) to be purchased by Knox is 79 miles long and does not connect with the Gettysburg line. Both Knox and Gettysburg are owned by the same individuals and the request for approval of common control is pertinent only to them. The proposed acquisition, construction, and common control between the two railroads will not cause a change in the competitive balance with carriers besides Knox and Gettysburg or result in a significant change in rail operations or the level of existing service. Nor will there be an adverse effect on energy consumption or on the environment. For these reasons, we conclude that the proposal is of limited scope.

We also conclude that our regulation of the proposed transactions is not necessary to protect shippers from the abuse of market power. The proposed acquisition will enable shippers along the involved B&O line to retain service. The proposed construction of a connecting line to Conrail's track will result in improved service for coal shippers along the B&O line since it will provide them with a much more direct and cost-efficient routing (to Lake Erie) than is now available under B&O's routing.[2] The proceeds from the proposed securities issuance will be used mainly to finance the proposed acquisition and construction of the Conrail connection. There is no indication that the shipping public will be harmed in any way by our exempting the securities issuance from the application requirements of 49 U.S.C. § 11301.

Labor Protection

In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. Subtitle IV. See 49 U.S.C. § 10505(g)(2). We have determined that the employee protective provisions developed in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. § 11347 for protection of employees involved in rail transactions for which approval is

[1] See *Prairie Trunk Railway—Acquisition and Operation*, 348 I.C.C. 852, 850-851 (1977).

[2] The proposed construction of the connection with the Conrail track may also qualify for exemption under 49 U.S.C. § 10907(b). That section exempts from the Commission's jurisdiction the construction, acquisition and operation of spur, industrial, team, switching, or side tracks if (as here) the track is to be located entirely in one State. However, since we have already determined that the proposed connecting line meets the exemption criteria of 49 U.S.C. § 10505, we need not determine whether it falls within section 10907(b).

sought under 49 U.S.C. § 11343, *et seq.* (except trackage rights and lease situations). Accordingly, these employee protective provisions will be imposed here as a condition to exemption of the common control transaction.

We find no need, however, to require employee protection as a condition to exempting the proposed acquisition and construction transactions. The imposition of labor protection in situations governed by 49 U.S.C. § 10901 is discretionary. (See 49 U.S.C. § 10901(e) as amended by the Staggers Act). In the past, we have not found it necessary to impose employee protective conditions in most section 10901 transactions, and there is nothing in the petition to indicate a need for imposing such conditions here. The exemption of the proposed acquisition and construction transactions from the requirements of section 10901, therefore, will not be subject to any employee protective provisions. We are willing, however, to reconsider our position in light of any comments which we receive on this matter.

We Find

(1) The application of the requirements of 49 U.S.C. § 10901, § 11343, and § 11301 to the transactions described above are not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101a.

(2) Regulation of the transactions described is not necessary to protect shippers from the abuse of market power.

(3) The transactions described are of limited scope.

(4) This decision will not relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. § 11707 or (b) to protect the interest of employees as required by 49 U.S.C., Subtitle IV.

(5) This action will not significantly affect either energy consumption or the quality of the human environment.

It is ordered: (1) Pursuant to 49 U.S.C. 10505, we exempt:

(A) the acquisition by Knox of a 79-mile segment of B&O between Knox and Mt. Jewett, PA, and the construction of a 950-feet connecting track at Shippenville, PA, between the acquired track and Conrail's line, from the requirements of 49 U.S.C. § 10901;

(B) the approval of common control between Knox and Gettysburg from the requirements of 49 U.S.C. § 11343, subject to the conditions for the protection of railroad employees set forth in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979); and

(C) the issuance by Knox of maximum of $1 million in securities from the requirements of 49 U.S.C. § 11301.

(2) If these transactions are consummated, Knox, Gettysburg, and B&O shall, within 60 days of consummation, submit 3 copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action here shall be given to the general public by delivery of the copy of this decision to the Director, **Federal Register** for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. The parties must consummate these transactions during that time in order to take advantage of the exemptions we have granted.

(5) This decision shall be effective 30 days from its date of publication in the **Federal Register.**

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days following the date of publication in the **Federal Register.**

(7) Petitions to reopen this proceeding must be filed no later than 20 days following the date of publication in the **Federal Register.**

Dated: March 18, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9870 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29566]

Oregon Electric Railway Company—Merger—Oregon Trunk Railway; Notice of Exemption

March 25, 1981.

On March 2, 1981, the Oregon Trunk Railway (OT) and Oregon Electric Railway Company (OE) jointly filed a notice of exemption of the proposed merger of OT into OE, under 49 CFR 1111.5(c)(3), as amended by *Railroad Consolidation Procedures*, 363 I.C.C. 200, 224 and 226 (1980), 45 FR 6299 (September 23, 1980).

OT and OE are wholly owned non-operating subsidiaries of Burlington Northern, Inc. (BN). NB operates the 152.02 miles of OT's line between Wishram, WA and Bend, OR as well as the 199.84 miles of OE's line between Portland and Eugene, OR with branch lines to Sweet Home, OR and Forrest Grove, OR.

The proposed merger is intended to simplify the BN corporate structure. It will involve no changes in operations and will have no impact on shippers or rail service. The merger benefits are limited to administrative and incidental savings resulting from corporate simplification, the elimination of separate record keeping, intercompany billing and accounting, and the administrative burden of maintaining the separate corporate existence of OT. However, because all OT and OE functions are presently performed by BN personnel, no savings due to the elimination of employees or duplicate officers will be involved.

This is a transaction within a corporate family which is exempt because it does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family (49 CFR 1111.5(c)(3)).

Under 49 U.S.C. § 10505, as amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448 (1980), the Commission cannot exempt a transaction if it will relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. The Commission has determined that the employee protective provisions in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements for the protection of employees involved in merger transactions. Failure to provide this level of employee protection may be grounds to revoke the exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9869 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 48]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 25, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to

conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal satutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 8973 (Sub-80)X, filed March 9, 1981. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Avenue, Fairview, NJ 07022. Representative: Morton E. Kiel Suite 1632, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 27, 29, 31, 34G, 35, 37, 38, 39, 40, 42G, 44G, 45, 46, 47, 48F, 50F, 51F, 52F, 54F, 55F, 57F, 58F, 62, 64, 65F, 66F, 68F, 69F, 70F, 71F, 72F, 73F, 74, and 75F, to (A) broaden the commodity descriptions to (1) "lumber and wood products" from (a) cord wood and lumber, in the lead certificate, (b) composition boards, in Sub-Nos. 12, 13, 14, 22 and 34G, (c) battery boxes, in Sub-No. 51, fibre board and wall board in Sub-No. 10, (2) "waste or scrap materials" from (a) scrap film, in the lead certificate, (b) scrap rubber, in Sub-No. 40, and (c) scrap, in Sub-No. 47; (3) "farm products" from nursery products, in the lead certificate; (4) "ores and minerals" from top soil, in the lead certificate; (5) "clay, concrete, glass or stone" from (a) gypsum and gypsum products, in Sub-Nos. 6, 8, 12, 14, 22, 34, 37, and 38, (b) brick, in Sub-No. 27, (c) concrete cinder and slag products, in Sub-No. 29, and (d) battery jars, in Sub-No. 51F; (6) "rubber and plastic products" from (a) urethane foam, urethane and urethane products, in Sub-Nos. 6, 12, 14, 22 and 34G, (b) crude rubber, in Sub-Nos. 9 and 40, (c) plastic articles, in Sub-Nos. 15, 34G, 45, 46, 52F, 57F, and 64, (d) plastic pellets and plastic hose, in Sub-No. 35, (e) expanded plastic products, in Sub-No. 48, (f) plastic products, in Sub-No. 55F, (g) rubber, in Sub-No. 57F, (h) plastic and plastic materials, in Sub-No. 58F, (i) battery covers, in Sub-No. 51F, and (j) plastic bags and film, in Sub-No. 72F; (7) "forest products" from balata gum, in Sub-Nos. 9 and 40; (8) "building materials" from (a) insulating materials, in Sub-Nos. 12, 14, 22, and 34G, (b) roofing and roofing materials, in Sub-No. 22; (9) "chemicals and related products" from (a) calcium carbide, in Sub-No. 11, (b) resins, in Sub-Nos. 40 and 52F, (c) chemicals, in Sub-Nos. 52F, 54F, 55F, 62, and 65F; (10) "petroleum, natural gas and their products" from asphalt and composition roofing products, in Sub-Nos. 12, 14 and 34G; (11) "metal products" from (a) aluminum sheet, in Sub-Nos. 31 and 42G, (b) aluminum articles and products, in Sub-Nos. 46 and 52F, (c) aluminum ingots, sheet metal, plate and industrial foil, in Sub-No. 47, and (d) wire and cable, in Sub-Nos. 50F and 52F; (12) "such commodities as are sold in hardware stores" from hardware, in Sub-Nos. 15 and 34G; (13) "leather and leather products" from sole crepe, in Sub-No. 40; (14) "building materials and such commodities as are sold in hardware stores" from such aluminum sheet as is building materials, and such aluminum sheet as is hardware, in Sub-No. 42G; (15) "materials, equipment and supplies used in the manufacture and sale of rubber and plastic products" from materials, equipment and supplies used in the manufacture and sale of plastic articles, in Sub-No. 44; (16) "commodities used in the manufacture and sale of rubber and plastic products" from plastic articles and hardware used in the manufacture and sale of plastic articles, in Sub-No. 44; (17) "coal and coal products" from coal tar products, in Sub-Nos. 52F and 62; (18) "chemicals and related products, and coal and coal tar products" from such building materials, etc., as are chemicals or coal tar products, and such asphalt, etc., as are chemicals or coal tar products, in Sub-No. 52F; and (19) "machinery" from batteries and accessories, in Sub-No. 73F; (B) eliminate the restriction prohibiting the transportation of Mercer commodities, in Sub-No. 54F; (C) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (a) with the usual exceptions, in Sub-Nos. 11, 21, 62, 66F, 68F, 70F and 71F, and (b) except those injurious or contaminating to other lading, in Sub-No. 11; (D) eliminate the restriction prohibiting the transportation of commodities, (a) in bulk, in Sub-Nos. 6, 8, 9, 10, 12, 13, 14, 15, 29, 34G, 37, 38, 39, 40, 44G, 46, 48G, 51F, 52F, 55F, 57F, 58F, 64F, 65F and 74, (b) in tank vehicles, in Sub-Nos. 6, 8, 35, 45, and 62, (c) liquid, in bulk, in Sub-Nos. 35 and 45, (d) in containers, in Sub-Nos. 52F, 62 and 69F, (e) in tank or hopper containers, in Sub-No. 54F, (f) requiring special equipment, in Sub-Nos. 34G and 44G, and (g) household goods, in Sub-No. 34G; (E) eliminate the restriction limiting the transportation of traffic to that (a) having a prior movement by water, in Sub-Nos. 9, 40 and 52F, and (b) moving in mixed loads, in Sub-Nos. 14 and 35; (F) remove the restriction prohibiting service to AK and HI, in Sub-Nos. 46, 50F, 51F, 52F, 54F, 55F, 57F, 64, 65F, 68F, 70F, 71F, 72F, 73F, and 75F; (G) eliminate the restriction limiting the transportation of traffic originating at and/or destined to named points, in Sub-Nos. 37, 38, 39, 40 and 51F; (H) remove the plantsite restrictions, in Sub-Nos. 12, 14, 15, 22, 29, 31, 37, 38, 40, 42G, 44G, 45, 46, 47, 48F, 55F, 58F, 64, and 71F; and (I) authorize county-wide authority in lieu of existing plantsite or city-wide service: (a) Bergen County, NJ for Wood Ridge, NJ, in the lead certificate; (b) Essex, Hudson and Sussex Counties, NJ for Port Newark, Jersey City and Sparta, NJ, in Sub-No. 9; (c) Broome County, NY for Deposit, NY, in Sub-Nos. 10 and 14; (d) Union County, NJ for Hillside, NJ, and Westchester County, NY for Tarrytown, NY, in Sub-No. 11; (e) Middlesex County, NJ for Garteret, NJ and Luzerne and Northumberland Counties, PA for Pittston and Sunburry, PA, in Sub-No. 14; (f) Midlesex County, NJ for Woodbridge, NJ, in Sub-Nos. 15, 31, and 46; (g) Coles County, IL for Charleston, IL, in Sub-No. 22; (h) Orange County, VA for Gordensville and Somerset, VA, in Sub-No. 27; (i) Hudson County, NJ for South Kearney, NJ, in Sub-No. 31; (j) Bergen County, NJ for Ridgefield, NJ, in Sub-Nos. 35 and 45; (k) Burlington County, NJ for Burlington, NJ, in Sub-Nos. 37 and 38; (l) Rockingham County, NH for Portsmouth, NH and Erie County, NY for Clarence Center, NY, in Sub-Nos. 38 and 39; (m) Montgomery County, PA for Hatfield, PA, in Sub-Nos. 9 and 40; (n) Oswego County, NY for Oswego, NY, Trumbull County, OH for Warren, OH, and Marion County, WV for Fairmont, WV, in Sub-Nos. 31, 42G and 47; (o) Washoe County, NV for Sparks, NV, in Sub-No. 45; (p) Lawrence County, OH for Hanging Rock, OH, in Sub-No. 48F; (q) Union County, NJ for Hillside, NJ, in Sub-No. 50F; (r) Mercer and Union Counties, NJ for Trenton, Cranford and Clark, NJ, in Sub-No. 51F; (s) Blue Earth County, MN for Mankato, MN, Licking County, OH for Newark, OH, Worcester County, MA for Clinton, MA, Grundy, Peoria and Bartlett Counties, IL for Morris, Mapleton and Streamwood, IL, in Sub-No. 55F; and (j) expand one-way

authority to authorize radial service between specified cities or counties in numerous eastern and central States and various combinations of points throughout the U.S., and points in the U.S., in the lead and Sub-Nos. 6, 8, 9, 10, 11, 12, 13, 14, 22, 27, 29, 31, 34G, 37, 38, 39, 40, 42G, 44G, 46, 48F, 50F, 51F and 52F.

MC 32882 (Sub-161)X, filed March 16, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lester, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 79, 105F, 111F, and 142F certificates to (1) broaden its commodity descriptions in each of the above sub-numbers, from several commodities such as insulation and insulated panels and boards, roofing panels, and equipment materials, and supplies used in the installation thereof (except commodities in bulk), treated wood poles, and prefabricated log structures, to "building materials"; (2) replace its facilities and cities with county-wide and city-wide authority (a) in Sub-No. 105F, facilities at or near Chicago, IL, Atlanta, GA, Dallas, TX, Salt Lake City, UT, and DC, with Chicago, IL, Atlanta, GA, Dallas County, TX, Salt Lake County, UT, and DC, (b) in Sub-No. 111F, facilities at or near Boise, ID, with Ada County, ID, and (c) in Sub-No. 142F, Phoenix, AZ, Corona and Woodland, CA, Greely, CO, Americus, GA, Fruitland, ID, Bristol, IN, Saline, KS, Vicksburg, MS, Lakeview and Newburg, OR, and Mansfield, TX, with Maricopa County, AZ, Riverside and Yolo Counties, CA, Weld County, CO, Sumter County, GA, Payette County, ID, Elkhart County, IN, Saline County, KS, Warren County, MS, Lake and Yamhill Counties, OR, and Tarrant County, TX; (3) change its one-way authority to radial authority (a) in Sub-No. 79, between Tacoma, WA, and points in Salt Lake and Davis Counties, UT, and points in AZ, CA, CO, ID, MT, NM, OK, TX, and WY, (b) in Sub-No. 105F, between the above named cities and counties in IL, GA, TX, UT, and DC, and points in the U.S. and (c) in Sub-No. 111F, between Ada County, ID, and points in CO, MT, NE, ND, SD, and WY; (4) in each sub-number, eliminate the originating at and destined to restrictions; and (5) in Sub-Nos. 105F and 142F, remove the AK and HI exceptions.

MC 50244 (Sub-112)X, filed March 18, 1981. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. 2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 64F, 71F, 79F, 90F, and 98F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in its lead; (2) remove the "originating at and/or destined to" restrictions in Sub-Nos. 64, 71, 79 and 90; (3) expand the territorial description to authorize county-wide service for city-wide service, or in place of plantsite restrictions: in Sub-No. 64, Coles County for Mattoon, IL; in Sub-Nos. 71 and 90, Franklin County for Columbus, OH; in Sub-No. 79, Macon County for Decatur, IL; in Sub-No. 98, Marion County for Indianapolis, IN; (4) remove restrictions against the transportation of commodities in bulk in Sub-Nos. 64, 71, 79 and 98; (5) replace one-way authority with radial service between the counties named above and points in NY, NJ, PA, MD, DE, VA, WV, IN, DC, in Sub-Nos. 71, 79, 90, and 98.

MC 56270 (Sub-54)X, filed March 18, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., 1401 State St., P.O. Box 2385, Green Bay, WI 54306. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 42F certificate to (1) broaden the commodity description to "pulp, paper, and related products" from such commodities as are used by manufacturer or distributor of paper and paper products, and (2) broaden the territorial description to authorize service radially between points in MI, PA, TX, LA, OH, SC, NJ, GA, KY, MO, and TN, and Appleton, WI.

MC 69650 (Sub-1)X, filed March 17, 1981. Applicant: TWIGG TRANSFER, INC., 174 Ridgeway Drive, Bridgeport, WV 26330. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead certificate acquired pursuant to MC-F-76206, to (1) delete all exceptions to its general commodities authority, except classes A and B explosives and (2) replace city authority with county-wide authority: Harrison County, WV for Clarksburg, WV.

MC 107757 (Sub-35)X, filed March 18, 1981. Applicant: M. C. SLATER, INC., 2200 West Chain of Rocks Road, Granite City, IL 62048. Representative: Carl L. Steiner, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1, 7, 16, 19, 22, 23, 24, and 28 certificates to (1) remove all restrictions in its general commodities authority "except classes A and B explosives, and household goods as defined by the Commission" in Sub-Nos. 7 and 22, and "except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk" in Sub-No. 28; (2) broaden the commodity descriptions in Sub-Nos. 16, 19, and 24 to "metal products" from iron and steel articles (except those requiring special equipment or handling), and materials, equipment and supplies used in the manufacturing and processing of iron and steel articles, and in Sub-No. 23 to "stone, clay and glass products" from refractories, and remove the restriction against transportation of commodities in bulk in Sub-No. 24; (3) broaden the territorial description in Sub-No. 1, sheet 2, by removing limitations which specify service at some or no intermediate points, to authorize service at all intermediate points on regular routes between Chicago and Gilman, IL, Peoria and Askum, IL, and Peoria and Lincoln, IL; (4) remove the restriction limiting service to transportation of traffic originating at or destined to the named origins and destinations in Sub-No. 24, substitute county-wide authority in place of the named cities and plantsites, and authorize radial service in place of one-way authority: Sub-No. 16, between Chicago, IL and points in Will and Lake Counties, IL (Joliet and Waukegan, IL), and points in Laclede and Greene Counties, MO (Lebanon and Springfield, MO); Sub-No. 24, between Putnam County, IL (plantsite in Putnam County, IL), and points in MO. Applicant also seeks to broaden the territorial descriptions of its off-route authority by removing the restrictions limiting service to transportation of shipments originating at and destined to a named plantsite in Sub-No. 22, and remove limitations requiring that service be limited to a named plantsite, to instead authorize off-route service to: Sub-No. 22, Burns Harbor, IN (plantsite of Bethlehem Steel in Burns Harbor, Porter County, IN); and Sub-No. 28, Bridgeton, MO (plantsite of Hussman Refrigerator at Bridgeton, St. Louis County, MO).

MC 111231 (Sub-355)X, filed March 16, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 34, 40, 51, 52, 58, 59, 60, 64, 65, 71, 72, 88, 108, 123, 139, 143, 145, 175, 178, 191, 198, 216, 233F, 244, 264F, 284F, and 316F certificate to (1) broaden the commodity descriptions in each of the above numbered certificates from frozen foods, canned goods, cheese, beverages, etc., and materials, equipment, and supplies (in some instances), to "food and related products"; (2) remove restrictions to the

commodity descriptions (e.g. commodities in bulk, in tank vehicles, in vehicles with mechanical refrigeration, etc.) in Sub-Nos. 52, 60, 65, 68, 120, 143, 145, 175, 178, 191, 216, 233F, 264F, and 316F; (3) replace authority to serve specified facilities at named points and authority to serve specified points with county-wide authority: in Sub-No. 34, Kansas City, KS, with Wyandotte County, KS, and Wichita, KS, with Sedgewick County, KS; in Sub-Nos. 40, 51, and 52, facilities at Springdale, AR, with Washington County, AR; in Sub-No. 58, Russellville, AR, with Pope County, AR; in Sub-No. 59, Kansas City, KS, with Wyandotte County, KS; in Sub-No. 60, facilities at Denison, TX, with Grayson County, TX; in Sub-No. 64, facilities at Ft. Smith, AR, with Sebastian County, AR; in Sub-No. 65, facilities at Garden City, KS with Finney County, KS; in Sub-Nos. 71 and 72, Lindale, TX with Smith County, TX; in Sub-No. 108, Fort Smith and Springdale, AR with Sebastian and Washington Counties, AR; in Sub-No. 123, facilities at Chickasha, OK with Grady County, OK; in Sub-No. 139, facilities at Fort Smith, AR with Sebastian County, AR and Springdale, AR, with Washington County, AR; in Sub-No. 143, Muskogee, OK with Muskogee County, OK; in Sub-No. 175, from facilities at Alma and Van Buren, AR, with Crawford County, AR, and Kansas and Proctor, OK, with Delaware and Adair Counties, OK; in Sub-No. 178, Neosho, MO, with Newton County, MO; in Sub-No. 191, facilities at Wichita, KS with Sedgewick County, KS; in Sub-No. 198 and 244F, Monett, MO, with Barry County, MO; in Sub-No. 233F and 264F, Lawton, MI, with Van Buren County, MI; in Sub-No. 244F, Carthage, MO, with Jasper County, MO; in Sub-No. 264F, Facilities at Westfield, NY and North East, PA, with Chantanqua County, NY, and Erie County, PA; and in Sub-No. 316F, facilities at Benton Harbor, Frankfort, and Hart, MI with Berrin, Benzie, and Oceana Counties, MI, and Logansport and South Bend, IN with Cass and St. Joseph Counties, IN; (4) authorize radial service in place of existing one-way authority between specified counties and cities throughout AR, KS, IN, MI, MO, OK, NY, PA, and TX, and, specified states located throughout the U.S.; and (5) remove "originating at and destined to" and facilities restrictions from Sub-Nos. 52, 58, 60, 64, 65, 123, 139, 175, 178, 191, 198, 216, 233F, 244F, 264F, 284F, and 316F.

MC 118516 (Sub-6)X, filed March 16, 1981. Applicant: MAMMOTH OF ALASKA, INC., 1048 Whitney Road, Anchorage, AK 99501. Representative: Arthur R. Hauver, Suite 200, 750 West Second Avenue, Anchorage, AK 99501. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions); and (2) replace Seward, Anchorage and Valdez, AK with the Third Judicial District, State of Alaska.

MC 119792 (Sub-70)X, filed March 16, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 53 certificate (acquired in MC-F-12678), to (1) broaden its commodity description from confectionaries (except commodities in bulk) and dessert preparations to "food and related products"; (2) to remove the facilities restriction; (3) to remove the originating at and destined to restriction; and, (4) replace one-way authority with radial authority between Chicago, IL and Hammond, IN, and 15 southern States.

MC 120237 (Sub-89)X, filed March 18, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Applicant seeks to remove restrictions in its Sub-No. 15 certificate to (1) broaden the commodity description from plastic pipe, to "pipe"; (2) remove the exceptions of service to AK, HI, & TX; (3) broaden the territorial description by authorizing county-wide authority for city-wide authority: Harris County for Houston, TX, and (4) authorize radial service in lieu of existing one-way authority between Harris County, TX and points in the U.S.

MC 121496 (Sub-71)X, filed March 18, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 10F certificate, to (1) broaden the commodity description from petroleum, petroleum products, vehicle sealers, and sound deadener compounds, in bulk, in tank vehicles, to "commodities in bulk", and (2) broaden Jasper, TN to county-wide authority of Marion County, TN; eliminate the AK and HI exceptions; and replace one-way authority with radial authority between Marion County, TN, and points in the U.S.

MC 121496 (Sub-72)X, filed March 18, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 36 certificate to (1) broaden the commodity description to "commodities in bulk" from acids, chemicals, and petroleum products, in bulk, in tank vehicles, and (2) broaden the territorial description by substituting county-wide authority for the named plantsite near Brownsville, TX, remove the exception excluding service in AK and HI, and authorize radial service in place of existing one-way service: between points in Cameron County, TX, and points in the U.S.

MC 126255 (Sub-11)X, filed March 13, 1981. Applicant: BUTLER-JONES AIR FREIGHT, INC., P.O. Box 1964, Salisbury-Wicomico Airport, Salisbury, MD 21801. Representative: Peter A. Greene, 1920 N Street, NW., Suite 700, Washington, D.C. 20036. Applicant seeks to remove restrictions and broaden authorities in Sub-Nos. 1, 4, 6F, 7F, 8F, 9 (incorrectly issued as Sub-No. 82) and 10 (incorrectly issued as Sub-No. 83) by: (1) elimination of all exceptions to general commodities authorizations other than "classes A and B explosives;" in all referenced authorities; (2) elimination of the restriction against handling traffic other than that having an immediately prior or subsequent movement by air in Sub-Nos. 1, 4, 6F, 7F, and 8F; (3) changing authorized service points from named airports to specified counties or cities served by those airports: Baltimore, MD for Friendship International Airport or Baltimore Washington International Airport in Sub-Nos. 1, 4, 7F and 9F (former Sub-No. 82); Washington, DC for Washington National Airport in Sub-Nos. 1, 4, 7F and 9F (former Sub-No 82); Philadelphia, PA, for Philadelphia International Airport in Sub-Nos 6 and 10 (former Sub-No. 83); Wicomico County, MD, for Salisbury-Wicomico County Airport in Sub-No. 1, 4, 6F and 7F; Fairfax and Loudoun Counties, VA, for Dulles International Airport in Sub-Nos. 4; and (4) broadening authority in Sub-No. 4 to serve all of Somerset County, MD rather than only that portion beyond a radius of 25 miles from Salisbury-Wicomico Airport, Salisbury, MD.

MC 129461 (Sub-16)X, filed March 16, 1981. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, 406 World Center Building, 918—16th Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-Nos. 3, 6, 7, 8, 14, and 15

permits to: (1) eliminate the "bulk" restrictions in Sub-Nos. 3 and 14; (2) expand the commodity description (a) from thermoplastic materials and compounds and thermoplastic products to "chemicals and related products and rubber and plastic products," and from wooden crates and boxes to "lumber and wood products" (Sub-No. 3), (b) from aircraft seating to "furniture and fixtures" (Sub-No. 6), (c) from new furniture, home furnishing accessories, electrical appliances, and commodities dealt in by retail mail order houses to "furniture and fixtures; machinery; clay, concrete, glass or stone products; metal products; leather and leather products; rubber and plastic products; lumber and wood products; textile mill products; pulp, paper and related products; and commodities dealt in by retail mail order houses" (Sub-No. 7), (d) from plastic and rubber automotive accessories to "rubber and plastic products" (Sub-No. 8), (e) from feed and feed ingredients to "food and related products" (Sub-No. 14), and (f) from wood sawing machines, pumps, generators, compaction equipment, concrete vibrators, lawn care equipment, accessories and parts thereof to "machinery"; and (3) expand the territorial descriptions to "between points in the U.S. under continuing contract(s) with named shippers" in each of the above-numbered permits.

MC 133689 (Sub-361)X, filed March 16, 1981. Applicant: OVERLAND EXPRESS, INC., 6651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 153 and 275F certificates to (1) eliminate all restrictions in its general commodities authority except "classes A and B explosives"; (2) (a) remove restrictions limiting service to traffic originating and/or destined to facilities of exempt shipper's association or a named cooperative association and (b) authorize county-wide for city-wide authority and substitute radial authority for existing one-way authority in both Sub-Nos. to authorize service between: Hartford County, CT (Berlin, CT) and Hampton County, MA (Springfield, MA) and Minneapolis, MN, and SD in Sub-No. 153; and (1) points in CT and RI and Hartford County, CT (Berlin, CT) and Fairfield County, CT (Danbury, CT), and (2) Hartford and Fairfield Counties, CT (Berlin and Danbury) and points in the U.S. in and east of ND, SD, NE, KS, MO, AR, and LA (with exceptions) in Sub-No. 275F.

MC 133689 (Sub-363)X, filed March 19, 1981. Applicant: OVERLAND EXPRESS, INC., 6651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 80 and 89 certificates to (1) remove the restrictions against transporting commodities in bulk and foodstuffs; (2) replace city-wide or plantsite restrictions with county-wide authority: Crawfordsville with Montgomery County, IN, Kansas City, MO, and Brookings with Brookings County, SD, in Sub-No. 80; and Duluth with St. Louis County, MN, in Sub-No. 89; and (3) change its one-way authorities to radial authorities between: (a) points in Montgomery County, IN, Brookings County, SD and Kansas City, MO, and, points in the eastern part of the U.S., in Sub-No. 80; and (b) points in St. Louis County, MN, and, points in eastern part of the U.S., in Sub-No. 89.

MC 135170 (Sub-58)X, filed March 19, 1981. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 46F permit to (1) remove the "in bulk" restriction and the "size and weight" restriction and (2) broaden the territorial description to "between points in the U.S." under continuing contract(s) with a named shipper.

MC 136161 (Sub-37)X, filed March 18, 1981. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 Mc Lachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 19F certificate to (a) broaden the commodity description from chemicals, chemical compounds, antifreeze, plastics and plastic products in part (1) of the certificate to "chemicals and related products and rubber and plastic products"; (b) remove the restriction against the transportation of commodities in bulk; (c) remove the facilities limitation and expand city-wide to county-wide authorization as follows: Mankato, MN, to Blue Earth County MN; Newark, OH, to licking County, OH; Clinton, MA, to Worcester County, MA; Morris and Mapleton, IL, to Grundy and Peoria Counties, IL (d) remove the limitations against service to AK and HI.

MC 136161 (Sub-38)X, filed March 18, 1981. Applicant: ORBIT TRANSPORT, INC., P.O. Box 136, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 Mc Lachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 29F certificate to (1) remove the restriction against the transportation of "commodities in bulk, in tank vehicles", (2) delete the exception of service to AK and HI, and (3) replace a plantsite restriction located in Des Plains, IL, with Cook County, IL, to authorize service between Cook County and points in the U.S.

MC 136343 (Sub-232)X, filed March 18, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Stan C. Geist (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 78 certificate to (1) broaden the commodity description from pulpboard to "pulp, paper and related products"; and (2) remove the facilities limitation of Coshocton, OH, and expand to Coshocton County, OH.

MC 138836 (Sub-7)X, filed March 19, 1981. Applicant: NARO ENTERPRISES, INC., R.D. 1, Box 192, Gouldsboro, PA 18424. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. Applicant seeks to remove retrictions in its Sub-No. 6F certificate to (1) remove the "except those requiring special equipment" restriction; and (2) expand city-wide to county-wide authority from Daleville to Lackawanna County, PA.

MC 141034 (Sub-6)X, filed March 13, 1981. Applicant: MARGIN LEASING, INC., 21 Baltic Road, Worcester, MA. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Applicant seeks to remove restrictions in its lead (authority acquired in MC-FC-75639, issuance of permit pending) and Sub-Nos. 4 and 7F permits to (1) broaden its commodity description to "beverage and beverage containers" from: (a) malt beverage and soft drinks, empty beverage containers and malt beverages in lots of not less than 20,000 pounds, in the lead; (b) malt beverages in Sub-No. 4; and (c) malt beverages and brewery supplies in Sub-No. 7F; (2) to broaden the territorial description to "between points in the U.S." under continuing contracts with unspecified shippers in the lead; and (3) expand the territorial description to "between points in the U.S." under continuing contract(s) with a named shipper in Sub-No. 4 and Sub-No. 7F.

MC 144643 (Sub-15)X, filed March 19, 1981. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Applicant seeks to remove restrictions in its Sub-No. 9F to broaden the territorial scope to service between all points in the U.S., under continuing contract(s) with a named shipper.

MC 145054 (Sub-43)X, filed March 9, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., 1600 Lincoln Center Bldg., Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 6, 12, 14, 16, 18F, 29F, 31, 33F, and 34F permits in No. MC 139407 to (1) broaden the commodity description to "food and related products" from (a) malt beverages and related materials, equipment, and supplies in Sub-Nos. 1, 12, 14, 16, and 29F; (b) from cheese and cheese products, pizza materials and supplies and standardized milk products in Sub-No. 3; from confectionery, chocolate, chocolate coating, cocoa, cocoa compounds, chocolate compounds, cocoa butter, and flavoring syrup in Sub-No. 6; and from prepared frozen foods in Sub-No. 18F; (2) remove all exceptions in its general commodity authority, except classes A and B explosives in Sub-Nos. 31 and 33F; (3) remove the language referring to STCC No. in the commodity description in Sub-No. 34F; and (4) broaden the territorial description to "between points in the U.S." under continuing contract(s) with named shippers in all subs.

MC 146230 (Sub-1)X, filed March 19, 1981. Applicant: J & V TRUCKING COMPANY, INC., 617 River Rouge Drive, Nashville, TN 37209. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to remove restrictions in its MC 146230F permit to (1) broaden the commodity description from rubber articles, and materials, equipment and supplies used in the manufacture, sale, and distribution of rubber articles (except commodities in bulk, in tank vehicles) to such commodities as are dealt in or used by manufacturers of rubber articles; and (2) broaden the territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

MC 146402 (Sub-30)X, filed March 16, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 15F, 16F and 21F, (1) by broadening the commodity description in Sub-No. 15F from paper and paper products, plastic film, machinery and chemicals to "pulp, paper and related products, chemicals and related products, rubber and plastic products and machinery," (2) by broadening the commodity description in Sub-No. 16F from paper and paper articles, wood pulp, plastic and plastic products to "forest products, lumber and wood products, pulp, paper and related products, rubber and plastic and (3) by broadening the commodity description in Sub-No. 21F from electric storage batteries, parts for electric storage batteries, battery fluid, battery boxes, battery covers and battery vents to "machinery, waste or scrap materials not identified by industry producing," (4) by removing all "in bulk" restrictions in Sub-Nos. 15F and 16F, (5) by removing a restriction against the handling of "size and weight" commodities in Sub-No. 15F, (6) remove the "in tank vehicle" restriction in Sub-Nos. 15 and 16 and (7) remove the exceptions of service to AK and HI in Sub-Nos. 15, 16, and 21.

MC 146880 (Sub-35)X, filed March 17, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (a) broaden the commodity description from chemicals, chemical compounds, antifreeze, plastics, and plastic products in part (1) of the authority to "chemicals and related products and rubber and plastic products"; (b) remove the "except commodities in bulk" restrictions in parts (1) and (2) of the authority; (c) expand city-wide to county-wide authority from Mankato to Blue Earth County, MN; Newark to Licking County, OH; Clinton to Worcester County, MA; Morris to Grundy County, IL; and Mapleton to Peoria County, IL; and (d) remove the restriction against service to AK and HI.

MC 148023 (Sub-3)X, filed March 19, 1981. Applicant: RAY HACKE, d.b.a. HACKE TRUCKING, 3742 Wadsworth Rd., Waukegan, IL 60085. Representative: Joel H. Steiner, Suite 600, 39 South LaSalle, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F permit to broaden the territorial description on movement of radioactive waste to "between points in the U.S.," under continuing contract(s) with a named shipper.

[FR Doc. 81-9887 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 C.F.R. 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-209

Decided: March 18, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 98154 (Sub-21), filed January 27, 1981, previously noticed in Federal Register on February 25, 1981. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 E. Washington Road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *such commodities* as are dealt in or used by department stores (1) between the facilities of Montgomery Ward & Co., Inc., in Eaton County, MI, on the one hand, and, on the other, points in Allen, Butler, and Miami Counties, OH, and (2) between the facilities of Montgomery Ward & Co., Inc., in Eaton County, MI, and St. Joseph and Wayne Counties, IN.

Note.—This republication corrects the territorial description to Butler County, instead of Warren County, OH.

MC 107295 (Sub-1016), filed February 2, 1981, previously published in the Federal Register of February 24, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *composition board*, between Sanford, ME, on the one hand, and, on the other, points in the U.S.

Note.—This republication modifies the commodity description.

MC 124004 (Sub-65), filed January 19, 1981, previously published in the Federal Register of February 24, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: Richard Dahn (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of the International Paper Company, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9099 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 C.F.R. 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 F.R. 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3011

Decided: March 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 135524 (Sub-166), filed February 10, 1981. Applicant: G. F. TRUCKING COMPANY, a corporation, 1028 W. Rayen Ave., P.O. Box 228, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509, (216) 747-4461. Transporting *general commodities*, between McMurray, Library Junction, Library, Coverdale, and Brightwood, PA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9098 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP1-095]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 109400 (Sub-22F) (republication), filed October 9, 1980, published in the Federal Register November 4, 1980, and republished this issue. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53962. Representative: Ronald E. Laitsch, 117 S. Third Street, Watertown, WI 53094. A decision by the Commission, Division 2,

decided March 9, 1981, served March 20, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cheese and cheese products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, between points in Wisconsin, on the one hand, and, on the other, points in the United States. The purpose of this republication is to reflect the expand authority sought.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9999 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 196F)]

Chicago and North Western Transportation Company Abandonment Between Northline and Spooner, Wis.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided March 23, 1981, a finding was made by the Commission, Review Board Number 1, stating that the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of segment of its line between Northline and Spooner, WI, a distance of 76.7 miles in St. Croix, Polk, Barron and Washburn Counties, WI, subject to the conditions for the protection of employees discussed in *Oregon Short Lines R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment 15 days after this decision becomes final. However, issuance may be stayed if: (1) an appeal is filed and considered; or (2) within 15 days from the date of publication the Commission further finds that:

(a) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(b) it is likely that such proffered assistance would:

(i) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(ii) cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9011 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-No. 29F); et al.]

Louisville and Nashville Railroad Co.—Abandonment—Between Bruceton and Rose Hill, TN; et al.; Notice of Findings

In the matter of Docket No. AB-2 (Sub-No. 29F), Louisville and Nashville Railroad Company—abandonment—between Bruceton and Rose Hill, TN; Docket No. AB-2 (Sub-No. 30F); Louisville and Nashville Railroad Company—abandonment—between Dresden and Union City, TN; Docket No. AB-2 (Sub-No. 31F), Louisville and Nashville Railroad Company—abandonment—between Paducah and Murray, KY; Docket No. AB-43 (Sub-No. 68F), Illinois Central Gulf Railroad Company—abandonment—between Fordsville and Owensboro, KY; Docket No. AB-43 (Sub-No. 69F), Illinois Central Gulf Railroad Company—abandonment—at Elizabethtown, KY; and Docket No. AB-43 (Sub-No. 70F), Illinois Central Gulf Railroad Company—abandonment—between Hopkinsville, KY, and Nashville, TN.

Notice is hereby given pursuant to 49 U.S.C. 10903 that by decision decided March 10, 1981, a finding which is administratively final was made by the Administrative Law Judge, starting that the public convenience and necessity permit the abandonments by (1) Louisville and Nashville Railroad Company in docket No. AB-2 (Sub-No. 29) of a portion of branch line from milepost 87.92 at Bruceton to milepost 142.39 at Rose Hill, in Carrol, Henderson and Madison Counties, TN, a distance of 54.47 miles; (2) L&N in docket No. AB-2 (Sub-No. 30) of a portion of branch line from milepost 131.30 near Dresden to milepost 154.62 at Union City in Obion and Weakley Counties, TN, a distance of 23.32 miles; (3) L&N in docket No. AB-2 (Sub. No. 31) of a portion of branch line from milepost 0.29 at Paducah and milepost 38.34 near Murray in McCracken, Graves, Marshall and Calloway Counties, KY, a distance of 38.05 miles, and to discontinue its operations over the Paducah and Illinois Railroad Co (P&I) at Paducah, KY; (4) Illinois Central Gulf Railroad Company in docket No. AB-43 (Sub-No. 68) of a portion of branch line from milepost 15.6 at Fordsville to milepost 41.02 at Owensboro in Ohio anda Davies Counties, KY, a distance of 25.42 miles; (5) ICG in docket No. AB-43 (Sub-No. 69) of a portion of branch line from milepost 5.3 west of Elizabethtown and milepost 8.18 at Elizabethtown in Hardin County, KY, a distance of 2.88 miles; and (6) ICG in docket No. AB-43 (Sub-No. 70) of a portion of branch line from milepost 131 at Hopkinsville, KY, to milepost 205.76 at Nashville, TN, in Christian County, KY, and Montgomery, Cheatham and Davidson Counties, TN, a distance of 74.76 miles, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), *provided further*, that in docket Nos. AB-2 (Sub-No. 29) and AB-43 (Sub-No. 70), the applicants shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts on the lines described for a period of 180 days from April 19, 1981, in order to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. Certificates of abandonment will be issued to the Louisville and Nashville Railroad Company and the Illinois Central Gulf Railroad Company based on the above-described findings of abandonment, 30 days after publication of this notice,

unless within 15 days from date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicants, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any postion of such line of railroad.

If the Commission so finds, the issuance of certificates of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9889 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. 78; Under Service Order No. 1344]

Rerouting Traffic

To All Railroads: In the opinion of Joel E. Burns, Agent, Virginia and Maryland Railroad Company is unable to transport promptly all traffic over its car float between Norfolk (Little Creek) Virginia and Cape Charles, Virginia, due to the sinking of one of its car floats.

It is ordered, (a) *Rerouting traffic.* Virginia and Maryland Railroad Company being unable to transport promptly all traffic over its car float between Norfolk (Little Creek) Virginia and Cape Charles, Virginia, that line and its connections are hereby authorized to divert or reroute such traffic over any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipment as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:30 p.m., March, 13, 1981.

(g) *Expiration date.* This order shall remain in effect until 11:59 p.m., April 12, 1981, unless otherwise modified, amended or vacated by order of this Commission.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-9810 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-69 (Sub-No. 8F)]

Western Maryland Railway Co.; Abandonment Near Eckhart Junction in Allegany County, Md; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided March 25, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Western Maryland Railway Company of a line of railroad known as: Eckhart Branch, from railroad milepost 0.00, at or near Eckhart Junction, MD, to the end of line at railroad milepost 1.46, a distance of 1.46 miles, in Allegany County, MD. A certificate of public convenience and necessity permitting abandonment was issued to the Western Maryland Railway Company. Since no investigation was instituted, the requirements of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as

filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 9491 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

Watches and Watch Movements From Insular Possessions

In the matter of determination of apparent U.S. consumption of watch movements in 1980 and of quotas for duty-free entry of watches and watch movements from insular possessions in 1981.

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the U.S. International Trade Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1980 was 72,465,000 units.

The determination was derived as follows:

Item	*1,000 units*
U.S. production	
Plus inventory decrease	
Less exports of domestic merchandise	
Apparent U.S. consumption of domestic units	
U.S. imports	
Less reexports of foreign merchandise	
Net imports	
Shipments from Virgin Islands, Guam, and American Samoa	
Apparent U.S. consumption	

[1] Official statistics of the U.S. Department of Commerce were adjusted to compensate for a number of shipments for which information was erroneously reported.

[2] During 1980 only the Virgin Islands shipped watches and watch movements.

The number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during calendar year 1981 under headnote 6(b) of subpart E of the TSUS is as follows:

	Units
Virgin Islands	7,045,000
Guam	871,000
American Samoa	336,000

Issued: March 26, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-9004 Filed 3-30-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Notification of Proposed Inclusion of Preparations Containing Tilidine and Naloxone in Schedule III of the Single Convention on Narcotic Drugs, 1961 and of That Convention as Amended by the 1972 Protocol

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice.

SUMMARY: The Secretary-General of the United Nations informed all Parties to the Single Convention on Narcotic Drugs that the Government of Belgium had submitted information and a notification recommending the inclusion of a preparation containing tilidine and naloxone in Schedule III of the Single Convention. The Government of the United States is preparing a position on this issue. Comments may be made to the Drug Enforcement Administration.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On April 17, 1980, the Secretary of State of the United States was informed by the Secretary-General of the United Nations that tilidine had been placed in Schedule I of the Single Convention on Narcotic Drugs, 1961, as amended. Because the United States is a Party to this Convention, tilidine was placed in Schedule I of the Controlled Substances Act of 1970, effective December 1, 1980 (45 FR 64571).

On November 26, 1980, the Secretary-General transmitted to the Secretary of State a notification from the Government of Belgium in which it was proposed that preparations of tilidine and naloxone (the latter substance present in an amount of 8–9% of the quantity of tilidine present) be included in Schedule III of the Single Convention. Currently, under the Convention, all preparations of tilidine are subject to those controls required by Schedule I. Therefore, the effect of including the tilidine-naloxone preparation in Schedule III of the Convention would be to significantly lessen the controls imposed on this preparation. Because no tilidine preparations are legitimately marketed in the United States at the present time, the results of the proposed action should not require any domestic scheduling action by the Drug Enforcement Administration in the near future.

The Government of the United Stated is a member of the Commission on Narcotic Drugs, the decision-making body under the Single Convention. Thus, the United States will participate in the CND deliberations on the Belgium proposal.

Interested persons are invited to submit their comments in writing regarding this issue in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 Eye Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative on or before June 1, 1981.

Dated: March 25, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-9023 Filed 3-30-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-27]

Stanley Gregoroff, M.D.; Hearing

Notice is hereby given that on August 25, 1980, the Drug Enforcement Administration, Department of Justice, issued to Stanley Gregoroff, M.D., Atlanta, Georgia, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's Certificate of Registration AG 1167217, issued to him pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, April 7, 1981, in Hearing Room No. 401, Interstate Commerce Commission, 1776 Peachtree Street, N.W., Atlanta, Georgia.

Dated: March 25, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-9822 Filed 3-30-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council Committees; Meetings and Agenda

The spring meetings of the Committees on Productivity-Foreign Labor and Economic Growth will be held in room N5437, Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda of the meetings are as follows:

Wednesday, April 22, 1981

9:30 a.m.—Committee on Productivity-Foreign Labor

1. Comparison of BLS and other researchers procedures for developing multifactor productivity measures.
2. Developmental work on state and local government productivity measures.
3. Future of the Trade Monitoring System.
4. Other Business.

Wednesday, April 22, 1981

1:30 p.m.—Committee on Economic Growth

1. Election of Officers.
2. Discussion of Revisions—1990 Macro Projections.
3. 1990 Industry Projections.
4. Progress on Selection of Replacement of BLS Macro Model.
5. Other Business.

The meetings are open to the public. It is suggested that persons planning to attend these meetings as observers contact Kenneth G. Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559.

Signed at Washington, D.C., this 25th day of March 1981.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 81-9889 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-81-51-C]

Helvetia Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Helvetia Coal Company, Box 729, Indiana, Pennsylvania 15701 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Lucerne No. 6, 8 and 9 Mines located in Indiana County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner's mining heights range from 40 to 60 inches with uneven top and bottom conditions.

3. Petitioner states that installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety because:

a. The canopies impair the equipment operator's vision, jeopardizing his or her safety and the safety of nearby miners;

b. Equipment operators lean out from the equipment to maneuver, exposing themselves to possibly striking the rib or other equipment;

c. Cramped operator compartments contribute to fatigue, reducing alertness which increases the chances of an accident;

d. Canopies could strike roof support and cause a roof fall.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 30, 1981. Copies of the petition are available for inspection at that address.

Dated: March 23, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-9888 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-52-C]

Keystone Coal Mining Corp.; Petition for Modification of Application of Mandatory Safety Standard

Keystone Coal Mining Corporation, 655 Church Street, Indiana, Pennsylvania 15701 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Emilie Nos. 1, 2 and 4 Mines, Jane Nos. 1 and 2 Mines, Margaret No. 11 Mine and Urling No. 3 Mine, all located in Armstrong County, Pennsylvania and to its Urling Nos. 1 and 2 Mines located in Indiana County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner's mining heights range from 36 to 62 inches, with uneven top and bottom conditions.

3. Petitioner states that installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety because:

a. The canopies impair the equipment operator's vision, jeopardizing his or her safety and the safety of nearby miners;

b. Equipment operators lean out from the equipment to see to maneuver, exposing themselves to possibly striking the rib or other equipment;

c. Cramped operator compartments contribute to operator fatigue, reducing alertness which increases the chances of an accident;

d. Canopies could strike roof support and cause a roof fall.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 30, 1981. Copies of the petition are available for inspection at that address.

Dated: March 23, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-9887 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-69-C]

Quality Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Quality Coal Company, Inc., Box 828, Whiteburg, Kentucky 41858 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 6 located in Letcher County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's scoops and cutting machine.

2. Petitioner states that installation of cabs or canopies on the scoops or cutting machine would result in a diminution of safety because:

a. Due to the coalbed height, canopies would hamper the equipment operator's visibility;

b. Due to the uneven top and bottom conditions, the canopy could strike roof supports, creating the danger of a roof fall.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 30, 1981. Copies of the petition are available for inspection at that address.

Dated: March 23, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-9669 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-9688, TA-W-9689-9712, et al.]

American Motors Corp.; National Parts Distribution Center and American Motors Sales Corp., Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of American Motors Corporation, National Parts Distribution Center Milwaukee, Wisconsin; TA-W-9689-9712, American Motors Sales Corporation, Houston, TX (TA-W-9689), McLean, VA (TA-W-9690), Burlingame, CA (TA-W-9691), Portland, OR (TA-W-9692), Warrendale, PA (TA-W-9693), Warrendale, PA (TA-W-9694), Sharon Hill, PA (TA-W-9695), King of Prussia, PA (TA-W-9696), Elmsford, NY (TA-W-9697), Minneapolis, MN (TA-W-9698), Memphis, TN (TA-W-9699), Carson, CA (TA-W-9700), El Segunda, CA (TA-W-9701), Overland Park, KS (TA-W-9702), Detroit, MI (TA-W-9703), Southfield, MI (TA-W-9704), Denver, CO (TA-W-9705), Dallas, TX (TA-W-9706), Cincinnati, OH (TA-W-9707), Elk Grove Village, IL (TA-W-9708), Mansfield, MA (TA-W-9709), Westwood, MA (TA-W-9710), North Miami Beach, FL (TA-W-9711), Stone Mountain, GA (TA-W-9712).

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 4, 1980 in response to worker petitions which were filed on behalf of workers and former workers distributing automotive parts for vehicles produced by American Motors Corporation (AMC) at the National Parts Distribution Center in Milwaukee, Wisconsin of AMC (TA-W-9689), and on behalf of workers and former workers selling new AMC vehicles and distributing parts for these vehicles at the zone sales offices and parts warehouses of the American Motors Sales Corporation.

Since workers at these facilities did not produce an article within the meaning of section 222(3) of the Trade Act, they may be certified only if their separation was importantly caused by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

In the following determinations, without regard to whether any of the other criteria have been met for workers at the National Parts Distribution Center, Milwaukee, Wisconsin, and at the zone parts warehouses of the American Motors Sales Corporation the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A recent Department certification of workers at the sole assembly plant of the American Motors Corporation (AMC) was based on a finding of import injury which was limited to certain lines of cars, trucks, and other vehicles produced during model years [1] (MY) 1979 and 1980.

The National Parts Distribution Center and the zone parts warehouses of American Motors Sales Corporation distribute replacement parts for cars and Jeeps produced by AMC. None of the parts sold by these facilities are used as original equipment on trade-impacted vehicles. A major portion of the parts handled by these facilities are produced by firms not corporately affiliated with AMC. The proportion of total parts sales by these facilities devoted to warranty work is not significant. Consequently, a direct and significant connection cannot be established between layoffs at both the National Parts Distribution Center and the zone parts warehouses of the American Motors Sales Corporation and the production declines at the certified assembly and component plants of AMC.

For workers engaged in employment related to the sale of new AMC vehicles at the zone sales offices of the American Motors Sales Corporation, all of the criteria have been met.

The American Motors Sales Corporation handles the distribution and sale of automobiles and Jeep vehicles produced by American Motors Corporation (AMC). In a recent determination issued on September 15, 1980, workers assembling automobiles at the Kenosha, Wisconsin plant (TA-W-9316) of AMC were certified as eligible to apply for adjustment assistance. The certification was based on increased imports of subcompact, intermediate, and four-wheel drive pick-up vehicle categories.

Decreasing sales of trade-impacted vehicles and reduced production at the certified assembly plant have led to reductions in services at the zone sales offices of the American Motors Sales Corporation. Workers at the zone sales offices provide services which are

[1] Model Year runs from October 1 through September 30.

directly and substantially related to the production of trade-impacted subcompact cars, intermediate cars, and four-wheel drive pick-up vehicles by AMC.

Because U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features and each market class of vehicles has changed substantially. As a result, the continuation of the recent impact of import competition that existed in MY 1979 amd MY 1980 may not continue in MY 1981.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with subcompact cars, intermediate cars, and four-wheel drive pick-up trucks produced at final assembly plants of the American Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation or workers at the zone sales offices of the American Motors Sales Corporation listed below. In accordance with the provisions of the Act, I make the following certification:

All workers at the following zone sales offices of American Motors Sales Corporation who became totally or partially separated from employment on or after the respective impact dates and before November 1, 1980 are eligible to apply for adustment assistance under section 223 of the Trade Act of 1974.

Zone Sales Offices and Impact Date

Houston, TX (TA-W-9689), June 20, 1979
McLean, VA (TA-W-9690), May 1, 1980
Portland, OR (TA-W-9692), May 1, 1980
Warrendale, PA (TA-W-9694), May 1, 1980
King of Prussia, PA (TA-W-9696), May 1, 1980
Elmsford, NY (TA-W-9697), June 20, 1979
Minneapolis, MN (TA-W-9698), May 1, 1980
El Segundo, CA (TA-W-9701), December 1, 1979
Overland Park, KS (TA-W-9702), May 1, 1980
Southfield, MI (TA-W-9704), April 1, 1980
Denver, CO (TA-W-9705), March 1, 1980
Dallas, TX (TA-W-9706), May 1, 1980
Cincinnati, OH (TA-W-9707), May 1, 1980
Elk Grove Village, IL (TA-W-9708), June 20, 1979
Westwood, MA (TA-W-9710), May 1, 1980
North Miami Beach, FL (TA-W-9711), June 20, 1979
Stone Mountain, GA (TA-W-9712), May 1, 1980

I further determine that all workers at the National Parts Distribution Center of the American Motors Corporation in Milwaukee, Wisconsin, and all workers at the following zone parts warehouses of the American Motors Sales Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

McLean, VA (TA-W-9690), Burlingame, CA (TA-W-9691), Portland, OR (TA-W-9692), Warrendale, PA (TA-W-9693), Sharon Hill, PA (TA-W-9695), Elmsford, NY (TA-W-9697), Minneapolis, MN (TA-W-9698), Memphis, TN (TA-W-9699), Carson, CA (TA-W-9700), Overland Park, KS (TA-W-9702), Detroit, MI (TA-W-9703), Denver, CO (TA-W-9705), Dallas, TX (TA-W-9706), Cincinnati, OH (TA-W-9707), Elk Grove Village, IL (TA-W-9708), Mansfield, MA (TA-W-9709), Stone Mountain, GA (TA-W-9712)

Signed at Washington, D.C., this 24th day of March 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-9043 Filed 3-30-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-7456]

Cyclops Corp., Empire Steel Division, Portsmouth, Ohio; Negative Determination on Reconsideration

On February 4, 1981, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at the Portsmouth, Ohio facility of the Empire Steel Division of the Cyclops Corporation. This determination was published in the **Federal Register** on February 13, 1981 (46 FR 12362).

The company claims that the Department did not address in its denial notice the loss of the pig iron market and the resultant shutdown of the Portsmouth, Ohio facility because of imports from Brazil.

The Department's review showed that the predominant share of pig iron produced at Portsmouth was used internally for the making of ingots, the majority of which were shipped to another plant of the Empire Steel Division at Mansfield, Ohio for use in the production of galvanized sheet, cold rolled sheet and strip, first operation blanks, stainless sheet, silicon electrical sheet and hot rolled sheet. Given Portsmouth's integration into the production process of Mansfield, the Department conducted a survey of Mansfield's customers and found that the "contribute importantly" test of the Act was not met for any of Mansfield' products. Mansfield's customers of finished steel products were generally not switching to directly competitive imported products. The possibility that the import impact might be falling on Portsmouth at the ingot stage of production was dismissed because U.S. imports of semi-finished carbon steel products (which includes ingots) decreased both absolutely and relative to domestic shipments in 1979 compared to 1978 and in the first half of 1980 compared to the same period in 1979. Thus the increased import criterion was not met for ingots.

On reconsideration, the Department found that there was a major decrease in demand for ingots by the Mansfield plant where the major share of Portsmouth's ingot production was shipped. The Department also found that production of pig iron at Portsmouth actually increased in 1979 compared to 1978 while sales of pig iron decreased by 23.5 percent during the same period. However, pig iron sales increased in the first three months of 1980 compared to the same period in 1979. Further, pig iron sales to outside customers in the last full calendar year of operations accounted for less than 15 percent of Portsmouth's total pig iron production. Under the circumstances, it would seem unlikely that even the loss of this market would have caused the closure of the plant. In order to increase the sales of pig iron and to justify the use of the blast furnaces because of Mansfield's lower requirements for ingots, the company reportedly entered into an arrangement with a selling agent in mid-1979 and made them the exclusive selling agent for Portsmouth's pig iron. The projections were to increase outside sales of pig iron threefold in 1980. However, these projected sales were not realized. Under the Trade Act of 1974 the failure to realize a sales potential would not provide an adequate basis for certification.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers at the Portsmouth, Ohio facility of Cyclops Corporation's Empire Steel Division.

Signed at Washington, D.C. this 23d day of March 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-9044 Filed 3-30-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-10,417]

The Exylin Co., Miami Lakes, Florida; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the

Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 25, 1980 in response to a petition which was filed on behalf of workers at the Exylin Company, Miami Lakes, Florida. The workers produce women's raincoats.

U.S. imports of women's, girls', and infants' cloth raincoats increased absolutely and relative to domestic production and consumption from 1976 through 1979. The ratio of imports to domestic production was over 90 percent in both 1978 and 1979.

U.S. imports of rubber and plastic wearing apparel increased absolutely in 1979 compared to 1978 and increased relative to domestic production in every year from 1976 through 1978 when compared with the previous year. The ratio of U.S. imports to domestic production was over 130 percent in each year from 1976 through 1978.

The Exylin Company's sales of imported raincoats increased in every quarter from the fourth quarter of 1979 to the fourth quarter of 1980 compared to the same quarter of the previous year and increased in 1979 and 1980 compared to the previous years. Company sales of imported raincoats represented a substantial and increasing percentage of total sales in 1978, 1979, and 1980.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's raincoats produced at the Exylin Company, Miami Lakes, Florida contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Exylin Company, Miami Lakes, Flordia who became totally or partially separated from employment on or after December 8, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-9645 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8982]

Fabrik, Inc., Seattle, Washington; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 23, 1980 in response to a petition which was filed by the United Steel Workers on behalf of workers at Fabrik, Incorporated, Seattle, Washington. The workers produce stoneware dinnerware.

The investigation revealed that criterion (3) has not been met.

The Department of Labor surveyed customers of Fabrik, Incorporated. The survey results revealed that customers which increased imports of stoneware dinnerware and decreased purchases from all domestic sources in January–June 1980 compared to the same period in 1979, accounted for a small portion of Fabrik's total sales. In addition, in aggregate, the survey respondents decreased their reliance on imported stoneware relative to their total purchases during this period.

Total company sales at Fabrik, Incorporated increased in value from 1978 to 1979 and from 1979 to 1980. Likewise, the average number of workers employed at Fabrik increased in 1979 compared to 1978 and remained the same in 1980 compared to 1979. Sales and employment declines that occurred in the second quarter of 1980 compared to the second quarter of 1979 were of a temporary nature, due to general business fluctuations. This downturn was followed by increased levels of sales and employment in the third and fourth quarters of 1980.

Conclusion

After careful review, I determine that all workers of Fabrik, Incorporated, Seattle, Washington are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-9646 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9678]

General Motors Corp., Harrison Radiator Division, Divisional Administration Office, Lockport, New York Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 19, 1981, applicable to all workers in the Divisional Administrative Office of the Harrison Radiator Division of the General Motors Corporation at Lockport, New York. The Notice of Certification was published in the Federal Register on January 30, 1981 (46 FR 10025). Previously, the Department had issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 13, 1980 (45 FR 35050), covering the same group of workers.

The Department, having reviewed the certifications, found that the workers at the Divisional Administrative Office at Harrison Radiator in Lockport, New York, were already covered under the original certification and that TA–W–9678 was redundant. It was not the Department's purpose to create a condition of double coverage for workers at Harrison Radiator. Therefore, the Department hereby merges TA–W–9678 into the Department's certification TA–W–7050.

Signed at Washington, D.C., this 19th day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-9869 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 9, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 9, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23d day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Angela Manufacturing (ILGWU)	Windber, Pa	3/16/81	3/11/81	TA-W-12,488	Ladies' dresses.
Bobbie Brooks, Inc. (ILGWU)	Cleveland, Ohio	3/16/81	3/12/81	TA-W-12,494	Sportswear.
Cuddle Coat (ILGWU)	New York, N.Y	3/16/81	3/12/81	TA-W-12,496	Ladies' coats.
Delson Lumber Co., Inc. (workers)	Olympia, Wash	3/17/81	3/9/81	TA-W-12,466	Finished lumber and cedar siding.
Fairy Tale Childrens Wear (ILGWU)	New York, N.Y	3/16/81	3/11/81	TA-W-12,467	Childrens wear.
Hunter Offshore Enterprises (workers)	Fields Landing, Calif	3/5/81	2/24/81	TA-W-12,468	Bottom fish.
Miami Express, Inc. (workers)	Hialeah, Fla	3/16/81	3/9/81	TA-W-12,469	Jeans, dresses, pants, blazers.
Mold Masters Co. (workers)	Ionia City, Mich	3/16/81	3/11/81	TA-W-12,500	Mold maker.
Rutgers Cloak Manufacturing Co., Inc. (ILGWU)	East Brunswick, N.J	3/16/81	3/6/81	TA-W-12,501	Girls' and ladies' jackets and coats.
Thom McAn Shoe Co. (Teamsters)	Auburn, Mass	3/17/81	3/10/81	TA-W-12,502	Distribution of shoes to retail stores.
Universal Steel, Inc. (workers)	Kokomo, Ind	3/13/81	3/4/81	TA-W-12,503	Scrap steel for remelting purposes.
Cleveland Steel Tool Co. (workers)	Cleveland, Ohio	3/12/81	3/7/81	TA-W-12,504	Punches and dies for all types of industries.
Ex-Cell-O Corp., Workcenter Division, Howell Operation (UAW).	Howell, Mich	3/12/81	3/6/81	TA-W-12,505	C&C machining centers.
Ford Tractor Operations—Southwestern District Sales Office (company).	Dallas, Tex	3/16/81	3/11/81	TA-W-12,506	Sales of tractors, loaders, and backhoes.
Ford Tractor Operations, Northeast District Sales Office (company).	Cohoes, N.Y	3/16/81	3/11/81	TA-W-12,507	Sales of tractors, loaders, and backhoes.
Ford Tractor Operations, South Central District Sales Office (company).	Memphis, Tenn	3/16/81	3/11/81	TA-W-12,508	Sales of tractors loaders, and backhoes.
Gallant International (ILGWU)	New York, N.Y	3/13/81	3/11/81	TA-W-12,509	Ladies' coats and suits.
Longview Booming Stakeandll (workers)	Longview, Wash	3/12/81	3/6/81	TA-W-12,510	Reasen and taper seam shakes.
Metalloy Corp. (workers)	Shannon, Miss	3/12/81	3/6/81	TA-W-12,511	Intake manifolds.
Powder River, Inc. (workers)	Sumner, Wash	3/12/81	3/6/81	TA-W-12,512	Outerwear.
Bethlehem Mines Corp., Hanover Quarry (USWA)	Hanover, Pa	3/16/81	3/16/81	TA-W-12,513	Processing limestone and metallurgical stone.
Chrysler Corp., Export Plant (UAW)	Detroit, Mich	3/17/81	3/11/81	TA-W-12,514	Automobile component parts.
Dayton Industries, Inc. (ILGWU)	Passaic, N.J	3/19/81	3/17/81	TA-W-12,515	Ladies' sportswear.
Mac Truck, Inc., Mac Western Division (UAW)	Hayward, Calif	3/17/81	3/2/81	TA-W-12,516	Assemble trucks.
Marcraft Recreation Corp. (company)	Garfield, N.J	3/18/81	3/3/81	TA-W-12,517	racquetball paddles and racquets.
Parr, Inc. (East) (company)	Cleveland, Ohio	3/12/81	3/6/81	TA-W-12,518	Rust preventatives, spotweld sealer paints.
Parr, Inc. (West) (company)	Cleveland, Ohio	3/12/81	3/6/81	TA-W-12,519	Rust preventatives, spotweld sealer paints.
Stutz Products Corp. (workers)	Hartford City, Ind	3/13/81	3/10/81	TA-W-12,520	Beef slicing knives and circular knives.
Wilcox Forging, Inc. (workers)	Mechanicsburg, Pa	3/19/81	3/16/81	TA-W-12,521	Drop forgings.
Chrysler Corp., St. Louis Parts Depot (Teamsters)	Hazelwood, Mo	3/16/81	3/11/81	TA-W-12,522	Warehousing and sale of replacement parts for Chrysler autos and trucks.
Babcock & Wilcox, Tubular Products Division, (USWA).	Beaver Falls, Pa	3/16/81	3/16/81	TA-W-12,523	Rings and forgings.
Rockwell Automotive Operations (workers)	Troy, Mich	3/16/81	3/10/81	TA-W-12,524	Headquarters for automotive operations and also testing facility.

[FR Doc. 81-9864 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,222]

National Semiconductor Large Computer Systems, Inc. (Currently Known as National Advanced Systems), San Diego, Calif.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on August 25, 1980 in response to a petition which was filed on behalf of workers at National Semiconductor Large Computer Systems, Incorporated, San Diego, California. The workers produce computers and memory systems.

The investigation revealed that criterion (3) has not been met.

U.S. imports of computers decreased, in value, absolutely and relative to U.S. shipments in 1979 compared to 1978. In 1978 and 1979, imports were less than 5 percent of U.S. shipments of computers.

Sales and production at National Semiconductor Large Computer Systems increased in the first half of 1979 compared to the first half of 1978. Production and employment declines in the second half of 1979 at National Semiconductor Large Computer Systems are attributable to the volatile state of the industry that year and to the resulting declines in sales of the Data Products Group of Itel Corporation, the sole distributor of National Semiconductor computers.

In October 1979 National Semiconductor Corporation took over the Data Products Group of Itel and formed a subsidiary, National Advanced Systems, to market the computers produced at National Semiconductor Large Computer Systems as well as to market the Hitachi computers imported from Japan, which had also previously been marketed by Itel.

The computers produced by National Semiconductor Large Computer Systems differed from the Hitachi imported computers. The imported computers performed in a different range of mips or million instructions per second and were directed at a different market segment than the computers produced at National Semiconductor Large Computer Systems.

Subsequent to the formation of National Advanced Systems, production at National Semiconductor Large Computer Systems increased in each of the first three quarters of 1980 compared to the preceding quarter.

Employment of salaried workers declined in the second quarter of 1980 compared to the first quarter of that year. The declines of salaried employees were due to the termination of a computer development program at National Semiconductor Large Computer Systems. This developmental computer was an attempt to increase the line of computers marketed by National Advanced Systems and was intended for a different market segment than that to which National Advanced Systems targets the domestic and imported computers. Due to rapid changes in technology in the computer industry, experimental projects are often discontinued, resulting in large, temporary fluctuations in employment. The experimental computer of National Semiconductor was not yet in the production stage when it was terminated. The program was dropped in April 1980 and layoffs of salaried employees occurred at that time. Subsequently, employment of salaried employees remained fairly constant in each month of the third quarter of 1980.

Conclusion

After careful review, I determine that all workers of National Semiconductor Large Computer Systems, Incorporated, (currently known as National Advanced Systems) San Diego, California are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of March 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-9889 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,251, 11,271, 11,513, and 11,165]

New Jersey Zinc Co. and Chestnut Ridge Railway Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation of TA-W-10,251 was initiated on August 18, 1980 in response to a petition which was filed on behalf of workers at the Palmerton, Pennsylvania plant of the New Jersey Zinc Company. Workers at the Palmerton plant produce primarily slab zinc, zinc dust and zinc oxide.

The investigation of TA-W-11,165 was initiated on October 6, 1980 in response to a petition which was filed by the United Transportation Union on behalf of workers at the Chestnut Ridge Railway Company, Palmerton, Pennsylvania. The investigation revealed that the subject firm is a wholly owned subsidiary of the New Jersey Zinc Company. Workers of the Chestnut Ridge Railway Company provide rail services for the Palmerton, Pennsylvania plant of the New Jersey Zinc Company.

The investigation of TA-W-11,271 was initiated on October 14, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Austinville, Virginia plant of the New Jersey Zinc Company. Workers at the Austinville plant produce zinc concentrate which was primarily shipped to the Palmerton plant of the New Jersey Zinc Company.

The investigation of TA-W-11,513 was initiated on October 31, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Ogdensburg, New Jersey plant of the New Jersey Zinc Company. Workers at the Ogdensburg plant produce zinc ore which is shipped to the Palmerton plant of the New Jersey Zinc Company.

A. Slab Zinc and Zinc Dust

The investigation revealed that, with respect to workers producing slab zinc, and zinc dust, criterion (3) has not been met.

The Department surveyed customers representing a significant portion of Palmerton's zinc sales. Most customers indicated that they did not reduce purchases of zinc from the subject firm in favor of imports. Most customers who reduced purchases from New Jersey Zinc prior to the shutdown at Palmerton also reduced purchases of imports. Increases in customer imports subsequent to the shutdown at Palmerton are due to the lack of availability of domestically refined zinc.

U.S. imports of slab zinc declined both absolutely and relative to domestic production in 1979 compared to 1978 and declined absolutely in 1980 compared to 1979. In 1980, the industry experienced a severe decline in demand for zinc. Contractions within the steel, automotive and rubber industries (major consumers of zinc) resulted in a 30 percent decline in U.S. consumption of zinc from 1979 to 1980. This is reflected in declines in both U.S. production and imports of zinc in 1980. The fact that U.S. production declined at a greater rate than imports, resulting in a relative increase in imports vis a vis U.S. production and consumption is attributable to the termination of slab zinc production at the Palmerton plant in 1980 and the shutdown of another major domestic producer in December, 1979.

U.S. imports of zinc dust declined absolutely and relative to domestic production from 1978 to 1979 and remained relatively stable from 1979 to 1980.

Notwithstanding recent declines in domestic consumption, the U.S. producers' price for zinc remained stable from 1979 to 1980. Imports of zinc are affected by the differential between the domestic price of zinc established by U.S. producers and the price established by the London Metal Exchange. When the LME price drops more than the estimated transportation cost of five cents per pound below the U.S. producers' price, the demand for imported zinc increases. In 1979 and in 1980, the price differential averaged less than five cents per pound.

Average production costs at the Palmerton refinery exceeded the average U.S. producers' price for zinc the 12 month period ending July 1980. In light of increasing costs and declining U.S. consumption, the decision was made to terminate slab zinc production at Palmerton.

Gulf and Western (the parent firm) will continue to produce slab zinc at another corporately related zinc refinery in Clarksville, Tennessee. The Clarksville facility is one of the newest and most technically advanced refineries in the industry. Palmerton will continue to produce zinc dust and zinc oxide. Slab zinc required for the production of zinc dust and zinc oxide at Palmerton will be purchased by New Jersey Zinc from other domestic producers.

The Ogdensburg, New Jersey facility of New Jersey Zinc (TA-W-11,513) supplies Palmerton with zinc ore, which is used in the production of slab zinc, zinc dust and zinc oxide. Ogdensburg will continue to ship ore to Palmerton for use in the production of zinc dust and zinc oxide. Although the Palmerton plant imports some zinc ore, these imports declined in the first seven months of 1980 compared to the like period of 1979.

The Austinville, Virginia plant of New Jersey Zinc (TA-W-11,271) supplied Palmerton with zinc concentrate which was used in the production of slab zinc. Since September, 1980 concentrate from Austinville has been shipped only to the Clarksville refinery. Prior to that date, declines in shipments of concentrate were attributable to the termination of slab zinc production at Palmerton.

The intermediate products produced at Austinville and Ogdensburg are directly intergrated into Company production of zinc products and are not sold to outside customers.

B. Zinc Oxide

With respect to workers producing zinc oxide, criterion (2) has not been met.

Sales and production of zinc oxide and chemical by-products remained relatively stable in quantity and increased in value in 1979 compared to 1978 and during the period Janaury to August, 1980 compared to the like period in 1979.

Workers at the Palmerton plant of New Jersey Zinc are not separately identifiable by product line. Workers produce various chemcial by-products accounting for a relatively small percentage of total production. Those chemicals include ammonia, sulfuric acid and carbon dioxide. Any import influence in these product lines could not have contributed importantly to overall employment declines at the firm.

C. Auxiliary Services

The Chestnut Ridge Railway Company, Palmerton, Pennsylvania provides rail transportation services integral to the production of slab zinc, zinc dust, zinc oxide and chemical by-products at the Palmerton, Pennsylvania plant of the New Jersey Zinc Company.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall,* 608 F.2d 525 (1st Cir. 1979). However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

Workers at the Chestnut Ridge Railway (TA-W-11,165) provide rail services for that company's parent firm, the New Jersey Zinc Company. The services provided by the railroad are integral to the production of slab zinc, zinc dust, zinc oxide and chemical by-products at the Palmerton, Pennsylavania plant of the New Jersey Zinc Company (TA-W-10,251). Workers at the Palmerton plant of the New Jersey Zinc Company are being denied eligibility to apply for adjustment assistance benefits. This means that workers at the Chestnut Ridge Railway Company do not meet the conditions outlined above necessary to be certified eligible to apply for worker adjustment assistance.

Conclusion

After careful review, I determine that all workers of the Palmerton, Pennsylvania, Austinville, Virginia, and the Ogdensburg, New Jersey plants of the New Jersey Zinc Company and all workers of the Chestnut Ridge Railway Company, Palmerton, Pennsylvania are denied eligibility to apply for adjustment

assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of March, 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Policy.

[FR Doc. 81-9999 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,837]

Pacemaker Driver Service, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

The investigation was initiated on September 22, 1980 in response to a petition which was filed by the Teamsters on behalf of workers engaged in the transportation of steel products to and from the Indianapolis Supply Center of the U.S. Steel Corporation's Steel Supply Division. The investigation revealed that the workers are employees of the Pacemaker Driver Service, Incorporated, Indianapolis, Indiana driving under an operational agreement between the Pacemaker Driver Service and the U.S. Steel Corporation.

The Pacemaker Driver Service, Incorporated does not produce an article within the meaning of Section 222(3) of the Act. The Department of Labor has consistently determined that the performance of services does not constitute production of an article, as required by Section 222 of the Trade Act of 1974; and this determination has been upheld in the U.S. Court of Appeals. Therefore, workers of Pacemaker Driver Service, Incorporated may be certified only if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

Even if, in this case, the Department could have found that the petitioning employees were *de facto* employees of the U.S. Steel Corporation, they still would not be eligible for trade adjustment assistance. The three-year contract betwen U.S. Steel and Pacemaker specified that Pacemaker had to supply four union drivers to U.S. Steel's Indianapolis Supply Center.

All workers at the Indianapolis Supply Center of the U.S. Steel Corporation's Steel Supply Division were previously denied eligibility to apply for adjustment assistance on May 17, 1980 (TA-W-7382).

Conclusion

After careful review, I determine that all workers of Pacemaker Driver Service, Incorporated, Indianapolis, Indiana driving under an operational agreement between the Pacemaker Driver Service and the U.S. Steel Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of March, 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-9991 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9660]

Timken Co., Roller Bearing and Specialty Steel Plants; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 28, 1980 in response to a petition which was filed by the United Steelworkers on behalf of workers at the Timken Company Plants, Canton, Ohio. Workers at the Canton plants produce tapered roller bearings and specialty steel.

The investigation revealed that criterion (3) has not been met.

A. Tapered Roller Bearings

Production of tapered roller bearings at Timken increased in value in 1979 compared to 1978, and in the first half of 1980 compared to the same period in 1979.

A Department of Labor survey revealed that Timken's surveyed customers reduced their overall reliance on imported tapesed roller bearings in the first half of 1980 compared to the same period in 1979

Imports of tapered roller bearings by the Timken Company accounted for an insignificant portion of Timken's production.

B. Specialty Steel

The majority of the specialty steel products manufactured by Timken is sold to outside customers. A portion of the production is shipped to other Timken facilities for use in the manufacture of roller bearings.

Imports of alloy steel bars declined absolutely and relative to domestic shipments in 1979 compared to 1978, and declined absolutely in 1980 compared 1979. Relative alloy bar imports were stable in 1980 compared to 1979 at about six percent of domestic shipments.

Imports of alloy steel pipe and tubing declined absolutely in 1979 compared to 1978, and absolutely and relative to domestic shipments in the first nine months of 1980 compared to the same period in 1979.

Imports of roller bearings declined in quantity in 1979 compared to 1978, and in the first half of 1980 compared to the same period in 1979.

Conclusion

After careful review, I determine that all workers of the Timken Company, Roller Bearing and Specialty Steel Plants, Canton, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of March, 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-9662 Filed 3-30-81; 8:45 am]

BILLING CODE 4810-28-M

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Amendment of Notice of System of Records

AGENCY: Office of Personnel Management.

ACTION: Notice; Amendment of Notice of System of Records.

SUMMARY: The purpose of this notice is to amend a previously published notice of a system of records by changing the system's name, by adding a clarifying word and sentence to the categories of individuals covered section, and by adding a sentence to the categories of records section that was inadvertently omitted.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: William H. Lynch, Work Force Information Division (202) 254-9790/9793.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its annual notices of Privacy Act systems of records on November 25, 1980 (45 FR 78378). Among those notices appeared OPM/GOVT-4, Executive Branch Public Financial Disclosure Records. The Office now intends to change the name of this system to make it more complete and to add a clarifying word and sentence to the "categories of individuals covered" section. Additionally, one sentence of the "categories of records" section was inadvertently omitted from that notice. The clarifying word and sentence will better describe covered individuals, while the omitted sentence stated that records developed in the course of administering the Act would, in addition to information furnished directly by the data subject, also be in this system of records. These changes are considered administrative in nature and do not require a filing of a report with Congress and the Office of Management and Budget. The complete text of the system name, categories of individuals covered, and categories of records sections, with revisions in italics appears below.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

OPM gives notice of a change to the system name, categories of individuals covered, and the categories of records sections of OPM/GOVT-4, Executive Branch Public Financial Disclosure Records system, as follows.

OPM/Govt-4

SYSTEM NAME:

Executive Branch Public Financial Disclosure *Reports and Other Ethics Program Records.*

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains *financial* records on: The President, Vice President, and candidates for those offices; officers and employees, including special Government employees, whose positions are classified at grades GS-16 and above or at an equivalent rate under another pay schedule; officers or employees in a position determined by the Director of the Office of Government Ethics to be of equal classification to GS-16; Administrative Law Judges; employees in the excepted service in positions which are of a confidential or policymaking nature unless an employee or group of employees is exempted by the Director of the Office of Government Ethics; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; the Postmaster General, the Deputy Postmaster General, Governor of the Board of Governors of the U.S. Postal Service, and each officer or employee of the United States Postal Service whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16; the Director of the Office of Government Ethics and officials designated to act as agency ethics officers [designated agency ethics officials]; and nominees for positions requiring Senate confirmation. This system includes both former and current employees in these categories who have filed financial disclosure statements under the requirements of the Ethics in Government Act of 1978, as amended. *For the purpose of administering all provisions of the Ethics in Government Act of 1978, as amended, the system may contain information on any officer or employee of the Executive Branch.*

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains financial information such as salary, dividends, receipts from the purchase or sale of land, exchange of property, spouse's and children's interest earnings, funds from trust accounts, gifts, reimbursements, interest on property, and compensation for duties performed; information relating to liabilities in excess of $10,000; information about positions as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business, nonprofit organization, labor organization, or educational institution; information about non-Government employment agreements, such as leaves of absence to accept Federal service, continuation of payments by non-Federal former employers, and participation in prior non-Federal employer welfare and benefit plans; information about assets placed in trust pending disposal; *and other documents developed by the Director, Office of Government Ethics, or agency ethics officials in administering the Ethics in Government Act of 1978, as amended. Such other documents may include, but will not be limited to, information necessary for the rendering of advice or formal advisory opinions, or the resolution of complaints.*

* * * * *

[FR Doc. 81-9663 Filed 3-30-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-10878]

Jersey Central Power & Light Co.; Notice of Application and Opportunity for Hearing

March 24, 1981.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L") has filed an application pursuant to Section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York ("U.S. Trust") under two existing indentures of JCP&L is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify U.S. Trust from acting as trustee under both of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in that Section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign.

Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualifed indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities or certificates of interest or participation in any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that its trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both of such indentures.

JCP&L alleges that:

(1) Effective July 31, 1973, New Jersey Power & Light Company ("NJP"), a New Jersey corporation, was merged into JCP&L, a New Jersey corporation, the applicant herein, pursuant to a Certificate of Merger filed July 30, 1973 to become effective July 31, 1973.

(2) An aggregate of $72,000,000 principal amount of Debentures are currently outstanding under the JCP&L Indenture, dated as of October 1, 1903, as supplemented by five Supplemental Indentures thereto (the "JCP&L Debenture Indenture"). U.S. Trust is acting as Successor Trustee under the JCP&L Debenture Indenture, which is qualified under the Act.

(3) An aggregate of $7,460,000 principal amount of Debentures are currently outstanding under the Indenture, dated as of July 1, 1904, to The Chase Manhattan Bank (now The Chase Manhattan Bank (National Association)), Trustee, as amended by two Supplemental Indentures thereto (the "NJP Debenture Indenture"). The NJP Debenture Indenture is qualified under the Act.

(4) Upon the effectiveness of the merger of NJP into JCP&L, JCP&L assumed all of NJP's obligations under the NJP Debenture Indenture.

(5) The Chase Manhattan Bank (National Association), Trustee, under the NJP Debenture Indenture, has indicated to JCP&L that it desires to resign as Trustee, and U.S. Trust has indicated its willingness to assume the role of Successor Trustee under the NJP Debenture Indenture.

(6) The Debentures issued under the JCP&L Debenture Indenture and the Debentures issued under the NJP Debenture Indenture are unsecured obligations, of equal rank and without priority or preference of either one over the other.

(7) The default provisions of JCP&L and NJP Debenture Indentures are substantially similar.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is a public document on file in the office of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than April 16, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9230 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11701; (812-4821)]

Nationwide Life Insurance Co. and MFS Variable Account; Notice of Filing of Application Pursuant to Section 11 of the Act for an Order Approving Certain Offers of Exchange

March 24, 1981.

Notice is hereby given that Nationwide Life Insurance Company ("Nationwide"), a stock life insurance company organized under the laws of Ohio, and MFS Variable Account ("Variable Account"), a separate account of Nationwide registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (collectively "Applicants"), filed an application on February 11, 1981, pursuant to Section 11 of the Act for an order approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Variable Account was established by Nationwide in connection with the sale of individual deferred variable annuity contracts (the "Contracts"). Purchase payments under the Contracts are allocated to the Fixed Account and/or the Variable Account. Variable Account purchase payments are invested in share of one or more mutual funds which are registered under the Act. Under an order granted pursuant to Section 11 of February 12, 1979 (IC Release No. 10590), Contract Owners may request transfers of contract value between the Fixed Account, consisting of all the general assets of Nationwide other than those held in a segregated Variable Account, and any one or more of the sub-accounts of the Variable Account, each of which is comprised of the shares of one of eight mutual funds. Owners may also request transfers of Variable Account contract value among the Variable Account sub-accounts. With the addition to the Variable Account of a ninth mutual fund sub-account, the Massachusetts Financial International Trust ("MFI"), Applicants request approval of similar offers of exchange under Section 11.

Applicants request an order pursuant to section 11(a) and 11(c) to permit Contract Owners, upon written request, to transfer part or all of the MFI sub-account value to Nationwide's general account, or part or all of their general account contract value to the MFI sub-account. Such transfers must be made prior to the earlier of the annuity commencement date or the death of the designated annuitant. However, no such transfers will be premitted prior to the first contract anniversary, or within 6 months of any prior transfer. Applicants also propose to permit transfers of Variable Account contract values among the sub-accounts of the Variable Account, including the new MFI sub-account, pursuant to such terms and conditions as may be imposed by the mutual funds in which the sub-accounts of the Variable Account are invested. Both of the types of transfers described above shall be effected with no assessment of any kind of transaction or sales charge against Contract Owners for effecting such transfers.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company

to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(A) shall be applicable to any type of offer of the exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants assert that the proposed transfer rights will afford Contract Owners the flexibility of choice between Nationwide's general account investments and the shares of mutual funds having different investment objectives; and that the granting of these rights is in recognition of the potentially changing nature of the Contract Owner's investment objectives and retirement needs over the years.

Applicants further assert that the proposed transfers involve only a change in the Contract's underlying accumulation units, which are merely accounting units of measure to quantify contract value, and, thus, do not involve an exchange of a unit investment trust security for the security of any other investment company. However, to avoid any questions that might be raised as to the applicability of Section 11, Applicants are requesting an Order pursuant to Section 11, to the extent necessary, to permit the proposed offer of transfer rights described above.

Notice is further given that any interested person may, not later than April 17, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 17, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Managment, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9637 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–17653; File No. SR–Amex–81–4]

Self Regulatory Organizations; Proposed Rule Changes;

Proposed rule change by the American Stock Exchange, Inc.

American Stock Exchange, Inc., relating to options openings, trading rotations and options trading practices. Comments requested on or before April 21, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 16, 1981, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed changes to Rule 917 will amend procedures during opening rotations. First, the rule standardizes the use of the modified trading rotation in connection with all delayed openings, halts or suspensions of the underlying stock and after delayed openings, halts or suspensions of any option series listed for trading on the Exchange.

In addition, the rule changes require Specialists to announce to the trading crowd (i) prior to opening the first option series, any material imbalances in any series to be opened, and (ii) prior to opening each option series, any material imbalance in each such series. The rule also requires the Specialist to announce to the trading crowd a price indication which is at the tightest bid/ask interval (one-eighth point or one-sixteenth point), prior to effecting a transaction in an option series during a rotation.

The proposed changes to Exchange Rule 950 affect trading practices of Registered Options Traders ("ROTs"). Proposed Rule 950(b)(1) prohibits ROTs from leaving with the Specialist any market or limit orders in any option series of the same underlying security or from modifying any orders previously left with the Specialist after an opening indication has been announced in the first option series to be opened until the commencement of free trading in that series. After the opening indication is announced in the first series to be opened (but before free trading in a series) ROTs will be required to have their orders represented in the crowd. This rule does not in any way limit or prohibit the cancellation of ROT orders previously left with the Specialist.

Proposed Rule 950(b)(2) establishes a rule of precedence between ROTs. The rule grants precedence to market orders of ROTs left with the Specialist prior to the opening, over bids and offers of ROTs in the crowd. The rule in no way changes any existing rules of priority, parity or precedence between ROTs and public or off-Floor orders.

Proposed Rule 950(b)(3) deems opening market orders of ROTs left with the Specialist prior to the indication in the first series to be opened as "at the opening only orders". Such orders are not guaranteed complete executions at the opening, even though they are "market orders", and are cancelled to the extent they are not completed at the opening.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule changes are intended to improve the quality and efficiency of the Exchange's options marketplace, with special emphasis on option trading openings.

More specifically, the proposed changes are intended to standardize trading procedures, expedite openings,

and encourage a more competitive marketplace at the opening.

All these proposed rule changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to Exchange in that they facilitate options openings, encourage the more active paticipation at openings, standardize opening procedures to aid in greater public understanding, and will result in fair, orderly and more competitive openings. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule amendments are intended to encourage participation by and competition among Registered Options Traders which will add additional depth and liquidity and, thus, better the options marketplace.

(C) Statement on Comments Received from Members Participants or Others

The proposed rule changes were considered and approved by the Exchange's Options Committee which is composed of Amex members and representatives of Amex organizations, after endorsement by that Committee's Sub-Committee on Trading Practices and Procedures. The Sub-Committee discussed the changes for many months with ROTs, Specialists and Floor Brokers prior to recommending the rule changes.

Comments on these proposed changes were solicited by the Options Committee but no written comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statement with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 24, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9526 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0241]

Aspen Financial Corp.; Issuance of a License To Operate as a Small Business Investment Company

On October 21, 1980, a notice was published in the Federal Register (45 FR 69618), stating that an application had been filed by Aspen Financial Corporation, Suite 300, 654 East Northbelt, Houston, Texas 77060, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business November 5, 1980, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0241, on March 10, 1981, to Aspen Financial Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-9560 Filed 3-30-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers), 2801 S. Eastern Avenue, Los Angeles, California 90040, a Federal License under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1981)) for approval of a conflict of interest transaction.

Grocers proposes to loan $95,000 to Goodwin & Sons, Inc., 2299—190th Street, Crestline, California 90278. The proceeds of the loan will be used to purchase grocery store equipment from Grocers Equipment Company (G.E.C.).

All of Grocers stock is owned by subsidiaries of Certified Grocers of California, Ltd. (Certified), a retailer-owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of SBA Rules and Regulations. As a result, Grocers financing of Goodwin & Sons, Inc. falls within the purview of § 107.1004(b)(5) of the SBA Regulations. Grocers loan to Goodwin & Sons, Inc., requires prior written apprval of SBA.

Notice is hereby given that any person may not later than 15 days from the date of this Notice submit written comments to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C., 20416.

A similar Notice shall be published in a newspaper of general circulation in the Crestline, California area.

(Catalog of Federal Domestic Assistance Programs, No. 59.001, Small Business Investment Companies)

Dated: March 24, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-9661 Filed 3-30-81; 8:45 am]

BILLING CODE 8025-01-M

Optional Peg Rate; April–June Quarter, 1981

The Small Business Administration publishes on a quarterly basis an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted-average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans.

For the April-June quarter of 1981, this rate will be twelve and seven-eighths (12⅞) percent.

Dated: March 24, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Financial Assistance.

[FR Doc. 81-9657 Filed 3-30-81; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Minneapolis, Minnesota, will hold a public meeting from 10:00 a.m. to 2:00 p.m., on Thursday, April 23, 1981, at the U.S. Small Business Administration, 100 North Sixth Street, Minneapolis, Minnesota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Paul W. Jansen, District Director, U.S. Small Business Administration, 100 North Sixth Street, Minneapolis, Minnesota 55403—(612) 787–3531.

Dated: March 24, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-9659 Filed 3-30-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Forms Coordinating Committee; Public Hearings and Request for Forms Suggestions

As part of its annual forms review process, the Internal Revenue Service will hold public hearings to receive comments and suggestions concerning its tax return forms, instructions, and related schedules. It should be emphasized that the comments may apply to any tax form issued by IRS. The hearings will be held in 4 separate cities on Thursday, April 30, 1981. The hearings will be held in Philadelphia, Pennsylvania, Dallas, Texas, St. Louis, Missouri, and Los Angeles, California beginning at 10 a.m. local time.

A person wishing to speak at one of these hearings should write or call the Internal Revenue Service at the address or phone number given below for the city of the particular hearings he or she plans to attend. If IRS is contacted by letter, the letter should be marked "Public Hearings on Forms" and should give both the return address and telephone number of the person desiring to speak.

The addresses and phone numbers to contact IRS regarding the hearings, as well as the hearing locations, are listed below:

Philadelphia

Internal Revenue Service, Attn: Public Affairs, P.O. Box 12899, Philadelphia, Pennsylvania, 19108; Phone: (215) 597–4245. *Hearing location:* Internal Revenue Service, Room 3306/10, 600 Arch Street, Philadelphia, Pennsylvania, 19106.

Dallas

Internal Revenue Service, Attn: Public Affairs, Mail Code 410, 1100 Commerce Street, Dallas, Texas, 75242; Phone (214) 729–1424. *Hearing location:* Earl Cabell Federal Building, Room 7A23, 1100 Commerce Street, Dallas, Texas, 75242.

St. Louis

Internal Revenue Service, Attn: Public Affairs, Box 1147, Central Station, St. Louis, Missouri, 63188; Phone: (314) 425–5000. *Hearing location:* University of Missouri—St. Louis, J. C. Penny Building Auditorium, 8001 Natural Bridge Road, St. Louis, Missouri, 63121.

Los Angeles

Internal Revenue Service, Attn: Public Affairs, P.O. Box 361, Los Angeles, California, 90053; Phone: (213) 688–4113. *Hearing location:* Los Angeles Federal Building, Room 8544, 300 N. Los Angeles Street, Los Angeles, California, 90012.

Although not required, it would be helpful to receive a copy of any written comments and suggestions a speaker may prepare. These should be sent to the appropriate mailing address listed above or may be left with the hearing panel on the day of the hearing.

In order to afford as many speakers as possible a chance to participate, each speaker's remarks will be limited to 10 minutes. Persons who have advised IRS that they wish to speak at the hearings will be notified in advance concerning the approximate time for their scheduled appearance. The last date for submitting requests to speak is April 22, 1981. However, it there is time remaining after scheduled speakers have been heard, the remaining time will be offered to persons in attendance not previously scheduled who wish to speak.

The panel for each hearing will be made up of representatives from the District Director's Office concerned and the National Office in Washington, D.C.

Request for Written Forms Suggestions

In addition to receiving comments at the public hearings, the Service also desires to receive written comments and suggestions for improving its tax return forms, instructions, and related schedules from those persons unable to attend the hearings. Again, it should be emphasized that the comments may apply to any tax form issued by IRS. The written submissions should be self-explanatory and in sufficient detail to communicate clearly what is being suggested. Careful consideration will be given to all comments and suggestions received. However, individual responses to the submissions will not be made because of the volume of correspondence involved.

In order to meet our work schedule and early printing deadlines, it is requested that written submissions be made on or before June 1, 1981.

Comments and suggestions should be sent to the Chairman, Tax Forms Coordinating Committee, Room 5577, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C 20224. Further information concerning this notice may be obtained by calling 202–566–6254.

Dated: March 26, 1981.

Approved:

Robert I. Brauer,

Director, Tax Forms and Publications Division.

[FR Doc. 81-9709 Filed 3-30-81; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 8–81]

G–1985 Series; Treasury Note

March 25, 1981.

The Secretary announced on March 24, 1981, that the interest rate on the notes designated Series G–1985, described in Department Circular—Public Debt Series—No. 8–81 dated March 12, 1981, will be 13⅜ percent. Interest on the notes will be payable at the rate of 13⅜ percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,
Fiscal Assistant Secretary.

[FR Doc. 81-9999 Filed 3-30-81; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF ENERGY

Notice of Action on Consent Order With Amerada Hess Corporation

AGENCY: Department of Energy (DOE).

ACTION: Adoption of Proposed Consent Order As Final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR § 205.199J that it has adopted the Consent Order with Amerada Hess Corporation, executed on January 6, 1981 and published for comment in 46 F.R. 8095 on January 26, 1981 as a final order of the DOE. The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations for the period March 6, 1973 through July 31, 1980. In consideration for the Consent Order, Amerada Hess has agreed to refunds totalling $35 million.

As required by the regulation cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Five comments were received. OSC has considered those comments and determined that the Consent Order should be made final without modification. The Consent Order is effective as an order of the DOE on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT:
Leslie Wm. Adams, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3115, Washington, D.C. 20461, (202) 633-0165.

Copies of the Consent Order may be received free of charge by written request to: Hess Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3100, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981, OSC published notice in the Federal Register at page 8095, announcing the execution of a Consent Order between Amerada Hess and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Amerada Hess' compliance with the Mandatory Petroleum price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period March 1973 through July 1980 (the audit period). The Consent Order resolves all civil issues not previously resolverd concerning the allocation and sale of covered products during the audit period.

2. Refunds of $32 million will be made to public utility and state and local government purchasers of various fuel oil products.

3. $3 million will be paid to the Defense Fuel Supply Center.

4. Amerada Hess is to deduct $100 million from its bank of unrecouped increased costs of motor gasoline.

5. In addition to the foregoing, Amerada Hess is to commit, prior to December 31, 1982, to make investments of $400 million for new, expanded or accelerated projects for the production and enhanced recovery of domestic oil and gas and increased refinery capacity.

6. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Amerada Hess' obligations under certain DOE record keeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Amerada Hess. The Consent Order also provides that the company has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Amerada Hess, or a finding by OSC, of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

OSC received three comments which were specifically addressed to this Consent Order, one from a manufacturer and two from public utilities. In addition, two organizations, the Transportation Group and the National Consumer Law Center, submitted comments that were addressed generally to all nine Consent Orders published for comment on January 26, 1981.

The Transportation Group, is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are major consumers of refined petroleum products. The Transportation Group expressed its approval of OSC's enforcement efforts and the settlement process which resulted in the consent orders announced in the January 26, 1981 Federal Register notices. The organization also evinced the following concerns regarding the nine consent orders: OSC should try to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. To the extent that the Department's expedited audits identified violations to individual purchasers or classes of purchasers, the consent orders contain restitutionary remedies on their behalf. However, the audits cannot always establish an identification of specific overcharged customers.

The reasons the audits do not ordinarily result in the identification of specific customers are as follows: First,

audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of the regulations, would require tracing the violation to specific product sales, a difficult, if not impossible, task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies which achieve some form of restitution, wherever possible. In order to effect an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportation Group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulated transportation companies and their applicable regulations indicate that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC contacted the public service commissions for the states in which the recipient utilities were located as well as a number of utilities themselves. They have agreed that receipt of any refund is contingent upon the passthrough of the refunds by the utilities to consumers. It has been determined that the customers of the utilities will receive the benefit of the refunds by operation of a fuel adjustment clause in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, reflected as direct credit to customers. OSC also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

The Transportation Group's comment with regard to other remedies, e.g., that any benefit to the bank reduction remedy is compromised and made meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, submitted comments that, while generally addressing all nine Consent Orders published for comment on January 26, 1981, raised several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complains that the consent orders and Federal Register notices are "extremely skimpy on relevant detail. * * *" The DOE regulations, at 10 CFR § 205.199J(a), require that a Consent Order "set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that "[i]t settles and finally resolves all civil and administrative claims and disputes * * * relating to Amerada Hess' compliance with the federal petroleum price and allocation regulations * * *" and further lists in ¶304 some of the audit areas covered in OSC's audit of Amerada Hess. Because the Consent Order constitutes neither an admission by the company nor a finding by DOE that Amerada Hess has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, as NCLC acknowledges, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and Federal Register notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the consent orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. NCLC seeks renegotiation of the agreements to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition, allocation and carryover of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carryover or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: the legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlement, OSC determined the amount of cash refund necessary to reasonabley settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. In negotiating the bank reduction in this case, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase prices as a result of the existence of banks. In the case of Amerada Hess, the Consent Order requires a bank reduction of $100 million to be implemented at the end of the first calendar month following the month in which the consent Order is made effective. That amount was determined to be a satisfactory settlement of the outstanding cost issues. We disagree that these provisions are "essentially worthless", as alleged by NCLC. It is true that, in light of decontrol, the bank reduction cannot have the *prospective* effect anticipated at the time the Consent Order was executed: If the bank reduction were to take place while gasoline were still controlled, the reduction in the bank of costs available to support prices would have placed a restriction on Amerada Hess's ability to increase prices. However, Amerade Hess's pricing practices since the close of the Consent Order period, July 31, 1980, remain subject to audit. The pricing of gasoline by Hess during this intervening period necessarily contemplated the requirement that at least $100 million of accured costs remain to satisfy the reduction in banks called for by the Consent Order. Accordingly, the terms of the order calling for bank reductions have

conferred a benefit on Amerada Hess purchasers during the last 6 months of price controls.

NCLC questioned the use of capital investment commitments on similar grounds. The investment commitments are not directly restitutionary in nature. Rather, they work to the indirect benefit of the public by providing incremental domestic exploration and production, and expanded or improved refining capacity, all of which are designed to reduce dependence on foreign crude oil and foreign petroleum products.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points concerning the settlements' cash components. Of relevance here, the NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refunds through to ultimate consumers. OSC chose as conduits, regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers and state and local government entities that purchased petroleum products in their proprietary capacities. Specifically identifying the refund recipients in the consent orders would not only be cumbersome in those instances in which there are a large number of such recipients, but by revealing a firm's customers it would also disclose confidential and proprietary commercial information. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that did occur.

The comment received from the industrial concern, a paper and chemical producer, was that refund recipients should include industrial customers who made significant purchases.

OSC's policy is stated in some detail in response to the comment by the Transportation Group and the NCLC. The guiding principle has been to afford restitution wherever possible but to assure benefit to the ultimate consumer in as efficient a manner as possible.

OSC designated public utilities as the recipients of payments as a means of benefiting ultimate consumers, which includes commercial and industrial concerns. Virtually all public utilities are regulated to limit rates through the use of cost passthrough mechanisms, such as fuel adjustment clauses or rate making hearings. Increases and decreases are passed through to the public in the form of adjustments on their utility bills. As noted above, OSC has been assured that all money returned to utilities will be passed through to consumers. The public utility commissions have been most cooperative in our efforts to ensure that the public will be the beneficiary of the refunds.

The other refund mechanisms, to state and local governments and transportation firms, were also adopted for their ability to benefit the public. While we have provided for refunds to major industrial customers where the purchases are significant, and readily indentifiable, to assure public benefit, we have emphasized refunds where passthrough can be predetermined.

Comments from public utilities questioned the amount of the refunds they are to receive as a result of the volumes purchased during the period covered by the Consent Order. This matter has been reconciled in our audit of the allocation of the refunds. It should be noted that volumes purchased after decontrol of a particular product were not taken into account in determining the amount of the refund.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Amerada Hess should be made final without modification, effective upon publication of this notice.

Issued in Washington, D.C. March 27, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-9852 Filed 3-30-81; 10:47 am]

BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
International Trade Commission	2
National Transportation Safety Board	3, 4
Postal Service (Board of Governors)	5
Securities and Exchange Commission	6

1

[M-310 AMDT 4]

CIVIL AERONAUTICS BOARD.

Addition and closure of items for the March 24, 1981 meeting

March 25, 1981.

TIME AND DATE: 10 a.m., March 24, 1981.

PLACE:

Room 1027 (Open Meeting)—1825 Connecticut Avenue, N.W.
Room 1012 (Closed Meeting)—Washington, D.C. 20428.

SUBJECT:

Addition: 25. OMB request for comments of DOT bill to accelerate the sunset of the Board and the transfer of its remaining functions to October 1, 1982. (OGC)
Addition and closure: 26. Discussion of CAB legislative package concerning early sunset (OGC)
Addition and closure: 26a. Draft bill on subsidy cost reduction (OGC, BDA)

STATUS: Items 26 and 26a are closed.

PERSON TO CONTRACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-513-81 Filed 3-27-81; 3:57 pm]

BILLING CODE 6320-01-M

2

[USITC SE-81-7]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, April 9, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation TA-203-7 (Nonrubber Footwear)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-509-81 Filed 3-27-81; 11:10 am]

BILLING CODE 7020-02-M

3

[NM-81-10]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Tuesday, April 7, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Ramming of the Sunshine Skyway Bridge by the Liberian Bulk Carrier *Summit Venture*, Tampa Bay, Florida, May 9, 1980, and *Recommendations* to the U.S. Coast Guard, the Federal Highway Administration, and the State of Florida.
2. *Railroad Accident Report:* Rear-End Collision of Union Pacific Railroad Company's Freight Train Extra 3749 West with Extra 3557 West, Near Hermosa, Wyoming, on October 16, 1980, and *Recommendations* to the Union Pacific Railroad Company and the Association of American Railroads.
3. *Marine Accident Report:* United States Tankship S/S *Texaco North Dakota* and Artificial Island EI-361-A, Collison and Fire, Gulf of Mexico, August 21, 1980, and *Recommendations* to the U.S. Coast Guard, the Defense Mapping Agency, and Texaco, Inc.
4. *Special Study:* Motor Vehicle Collisions With Trees Along Highways, Roads, and Streets: An Assessment, and *Recommendations* to the Federal Highway Administration, the National Highway Traffic Safety Administration, the National League of Cities, the National Association of Towns and Townships, the National Association of Counties, and the International Association of Chiefs of Police.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

March 27, 1981.

[S-510-11 Filed 3-27-81; 11:48 am]

BILLING CODE 4910-58-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-11]

TIME AND DATE: 9 a.m., Friday, April 10, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Brazilian Bulk Carrier M/V Protalesta Collision with Portuguese Freighter M/V *Cuene*, January 22, 1980; Resolution of issuing majority opinion with report.
2. *Letter* to Air Line Pilots Association regarding Petition for Reconsideration of Probable Cause, National Airlines, Inc., Boeing 727, NA7444A, Escambia Bay, Pensacola, Florida, May 8, 1978.
3. *Recommendation* to the Federal Aviation Administration regarding Dissemination of Information on Dynamic Rollover Characteristics of Single-Rotor Helicopters.
4. *Special Study Proposal:* Excess Flow Valves in Gas Distribution Systems.
5. *Letter* to American Train Dispatchers Association regarding Petition for Reconsideration of Findings Contained in *Railroad Accident Report* Head-End Collision of Nine Burlington Northern Locomotive Unit With a Standing Freight Train, Angora, Nebraska, February 16, 1980.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

March 27, 1981.

[S-511-81 Filed 3-27-81; 11:48 am]

BILLING CODE 4910-58-M

5

POSTAL SERVICE.

Board of Governors Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 3:00 P.M. on Monday, April 6, in Room 900, and at 9:00 A.M. on Tuesday, April 7, 1981, in Room 923, at Eastern Regional Headquarters, 1845 Walnut Street, Philadelphia, Pennsylvania. Except as indicated in the following paragraphs, these meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about these meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

At its meeting of March 2 and 3, 1981, the Board of Governors of the United

States Postal Service unanimously voted to close to public observation its meeting scheduled for April 6, 1981. Each of the members of the Board present voted in favor of closing the meeting, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Ching, Hughes, Hyde, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

One portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations. Another portion will consist of a discussion of prospects for identifying additional measures to curb postal deficits.

Agenda

Monday Afternoon Session (Closed)

1. Discussion of Possible Strategies and Positions in Anticipated Bargaining Negotiations.
2. Discussion of prospects for identifying measures to deal with appropriations reductions and other revenue deficiencies.

Tuesday Session (Open)

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Compensation Adjustment for Officers.
(The Board will discuss adjustments in the compensation of certain officers.)
4. Report on Finance Group Programs.
(Mr. Finch, Senior Assistant Postmaster General, will provide a report on certain programs of the Finance Group.)
5. Report of the Regional Postmaster General.
(Mr. Carlin, Regional Postmaster General, will report on postal conditions in the Eastern Region.)
6. Discussion of Rate Incentives for Use of Expanded ZIP Code.
(The Board will review a proposed filing with the Postal Rate Commission on rate changes for use of expanded ZIP Code.)
7. Capital Investment Project.
Reconsideration of Boiler Plant at the Chicago Main Post Office
(The Board will reconsider the capital investment approved last August for a new boiler plant at the Chicago Main Post Office in light of the question whether the plant should be fueled by natural gas.)

Louis A. Cox,
Secretary.

[S-813-81 Filed 3-27-81; 2:58 pm]
BILLING CODE 7710-12-M

6

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 20, 1981.

CHANGES IN THE MEETING: Additional meeting. The following item was considered at a closed meeting scheduled for Wednesday, March 25, 1981, at 3:30 p.m.

Formal order of investigation, trading suspension, litigation, and injunctive action.

Commissioner Friedman, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272-2178.

March 26, 1981.

[S-809-81 Filed 3-27-81; 10:28 am]
BILLING CODE 8010-01-M

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federal register

Tuesday
March 31, 1981

Part II

Office of the Federal Register

Approved Incorporations by Reference in Titles 17-27, 14, 46, 49.

Title 14 Chapter I—Federal Aviation Administration, Department of Transportation

Title 18 Chapter III—Delaware River Basin Commission

Title 21 Chapter I—Food and Drug Administration, Department of Health and Human Services

Title 22 Chapter II—Agency for International Development, International Development Cooperation Agency

Title 23 Chapter I—Federal Highway Administration, Department of Transportation

Chapter II—National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation

Title 24 Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

Chapter XX—Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development.

Title 27 Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

Title 46 Chapter I—Coast Guard, Department of Transportation

Title 49 Chapter I—Research and Special Program Administration, Department of Transportation

OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51

Approval of Incorporations by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference.

SUMMARY: The Director of the Federal Register has received requests from several agencies to approve materials for incorporation by reference into Titles 17 through 27 of the *Code of Federal Regulations* (CFR). This document contains a table of items that have been approved by the Director for Titles 17 through 27 as well as some approvals for Titles 14, 46, and 49 of the CFR.

EFFECTIVE DATE: The director approves the following incorporations by reference for one year effective April 1, 1981, unless otherwise noted.

FOR FURTHER INFORMATION CONTACT: Rose Anne Lawson, (202) 523–4534.

SUPPLEMENTARY INFORMATION:

Authority

Each agency that wishes material incorporated by reference in the CFR to remain effective must submit, annually, to the Director a list of the material and the date of the applicable edition (1 CFR 51.13).

The materials included on the table below are incorporated by reference in the CFR under 5 U.S.C. 552(a) and 1 CFR Part 51. These procedures provide that material approved for incorporation by reference by the Director of the Federal Register has the same legal status as if it were published in full in the **Federal Register**.

Availability

Before an agency may incorporate by reference any material into the CFR, it must make the material reasonably available to the class of persons affected by it.

Agencies have indicated where each item included in the table may be obtained. The materials approved for incorporation by reference are on file at the Office of the Federal Register, 1100 L Street, NW, Washington, DC.

Amendments

If the producer of materials approved for incorporation by reference changes or updates the material and the agency wishes to enforce the changed or updated version, the agency must publish an amendatory document in the **Federal Register** indicating that the material is amended. The agency is also responsible for making this material reasonably available to the affected public, and must indicate where the material may be obtained. Amendments are not properly incorporated until the amendatory document is published in the **Federal Register**, and the amended material is filed at the Office of the Federal Register and is made available to the public.

Extensions

The Director has granted extensions of approval with respect to some materials. These extensions are necessary in order to complete the review process under 1 CFR 51.13. Materials to which an extension applies are marked in the table.

Other CFR Titles

For materials approved for incorporation by reference in Titles 28 through 41 of the CFR, see documents published on June 30, 1980, at 45 FR 44000; on July 14, 1980, at 45 FR 47111; and on September 9, 1980, at 45 FR 59297.

For materials approved for incorporation by reference in Titles 42 through 50 of the CFR, see documents published on September 30, 1980, at 45 FR 64816; on October 31, 1980, at 45 FR 72464; on December 1, 1980, at 45 FR 79489, on December 10, 1980, at 45 FR 81484; and on December 31, 1980, at 45 FR 86672.

For materials approved for incorporation by reference in Titles 1 through 16 of the CFR, see documents published on December 31, 1980, at 45 FR 86672 and January 30, 1981, at 46 FR 10110.

Problems

If anyone seeking the incorporated material encounters difficulties, the agency should be notified. If the material is not available at all, notify the Director of the Federal Register (NARS), Washington, DC 20408, or call (202) 523–4534.

John E. Byrne,

Director of the Federal Register.

14 CFR (Parts 25, 29, 91, 121, 127, 135—Federal Aviation Administration, Department of Transportation

	CFR Citation
The following documents were approved for incorporation by reference into 14 CFR Parts 25, 29, 91, 121, 127, and 135 on March 2, 1981.	
Federal Aviation Administration-DOT	
800 Independence Avenue, S.W., Washington, D.C. 20509	
	CFR Citation
TSO-C10b—Aircraft Altimeter, Pressure Actuated, Sensitive Type (9-1-59).	91.36; 127.103
TSO-C-74c—Airborne ATC Transponder Equipment (2-20-73)	91.24; 121.345; 127.123; 135.143
TSO-C-77—Gas Turbine Auxiliary Power Units (5-20-73)	25.1522; 29.1522
TSO-C88—Automatic Pressure Altitude Digitizer Equipment (2-10-67)	91.36; 127.103
TSO-C91—Emergency Locator Transmitters (10-21-71)	25.1415; 29.1415; 91.52; 121.339; 121.353; 135.167
TSO-C92b—Ground Proximity Warning—Glide Slope Deviation Alerting Equipment (8-19-76).	121.360

18 CFR Chapter III (Parts 400-499)—DELAWARE RIVER BASIN COMMISSION

Delaware River Basin Commission	
P.O. Box 7360, West Trenton, NJ 08628	
Basin Regulations—Water Quality, as amended through May 24, 1978	410.1

21 CFR Chapter I (Parts 0-1299)—Food and Drug Administration

Academic Press, Inc.	
111 Fifth Ave., New York, N.Y. 10003	
Method published in "Methods in Hormone Research," New York, Academic Press, Volume II, p. 286 (1962).	556.540(b)
Acoustical Society of America	
355 E. 45th St., New York, N.Y. 10017	
American Standard for Specifications of Hearing Aid Characteristics, ASA STD 7-1976.	801.420(c)(4)
American Association of Oil Chemists	
36 East Wacker Drive, Chicago, IL 60601	
AOCS Method Tria-64T "Titer Test"	178.3780(b)(2)
AOCS Method Tila-64T "Saponification Value"	178.3780(b)(3)
American Pharmaceutical Association	
2215 Constitution Ave., NW., Washington, DC 20037	
"Outline of Details for Official Microbiological Assays of Antibiotics," A. Kirshbaum and B. Arret, "Journal of Pharmaceutical Sciences," Vol 56, No. 4, April 1967, p. 512.	436.102(b)
American Public Health Association	
1015 18th St. NW., Washington, DC 20036.	
Standard Methods for the Examination of Water and Wastewater. 13th Ed., 1971.	630.74
14th Ed., 1975	103.35(b), (c), (d)(1)(ii), and (e)(2)
American Society for Testing and Materials (ASTM)	
1916 Race Street, Philadelphia, PA 19103	
ASTM:	
D-412-68 Standard Method of Tension Testing of Vulcanized Rubber	801.410
D-445-74 Test for Kinematic Viscosity of Transparent and Opaque Liquids.	177.1430(a)(2); 177.1520(d)(5); 178.3740(b)
D-566-78 Standard Method for Dropping Point of Lubricating Grease	178.3690(b)(1); 1788.3770 (a)(1), (b)(1)
D-1388-78 Standard Test Method for Saponification Number (Empirical) of Synthetic and Natural Waxes.	178.3690(b)(2); 178.3770(a)(2); 178.3770 (b)(2)
D-1387-78 Standard Test Method for Acid Number (Empirical) of Synthetic and Natural Waxes.	178.3690(b)(3); 178.3770(a)(3); 178.3770(b)(3)
D-1415-68 Test for International Hardness of Vulcanized Rubber	801.410

21 CFR Chapter I (Parts 0–1299)—Food and Drug Administration—Continued

	CFR Citation
D–1962–67 Saponification Value of Drying Oils, Fatty Acids, and Polymerized Fatty Acids.	178.2010(b)
D–2133–66 Specifications for Acetal Resin Injection Molding and Extrusion Materials.	177.2480(c)(4)
D–2236–70 Standard Method of Test for Dynamic Mechanical Properties of Plastics by Means of a Torsional Pendulum.	177.1810(c)(1)(i)
D–2857–70 Standard Method of Test for Dilute Solution Viscosity of Polymers.	177.2440(a)
E–11–70, Table 1, Annual Book of ASTM Standards, Part 30 (1972)	137.105(a)
E–28–67 Standard Test Method for Softening Point by Ring and Ball Apparatus.	178.3870(f)(5)
F34–76 Standard Test Methods for Liquid Extraction of Flexible Barrier Materials.	177.1330(e)(4)
American Statistical Association	
806 15th St. NW., Washington, DC 20005	
Cornfield and Mantel's Modification of Karber's Method published in the "Journal of the American Statistical Association," Vol. 45, pp. 194–210 (1950).	450.240(b)(4)(ii)
Association of Official Analytical Chemists	
P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044	
Official Methods of Analysis, 11th Edition, 1970.....	105.65(c); 131.110(d); 131.115(d); 131.135(d); 131.145(d); 131.150(c); 131.155(c); 131.157(c); 131.160(c); 131.162(c); 131.180(c); 131.185(c); 131.187(c); 139.117(a); 145.3 (m), (n); 145.110(a); 145.145(a); 145.145(c); 150.140(d); 150.160(d); 155.120(b); 155.130(b); 155.130(c); 155.192(a); 156.145(a); 166.110(a); 166.111(d); 177.2450(b); 135.130 (c), (d); 131.127(d); 133.129(a); 146.120(a); 146.133(a); 166.120(d); 172.320(d); 331.22.
Official Methods of Analysis, 12th Edition, 1975.....	101.9(c); 102.23(c); 114.90(a)(c); 131.120(c); 131.122(c); 131.123(d); 131.125(c); 131.127(d); 131.130(d); 131.132(d);

21 CFR Chapter I (Parts 0-1299)—Food and Drug Administration—Continued

	CFR Citation
	131.147(d);
	131.149(c);
	135.110(d);
	135.130(c);
	136.110(d);
	136.160(a);
	146.114(a);
	150.110(d);
	155.120(b);
	161.173(c);
	172.372(d);
	172.860(c);
	173.395(d);
	178.3690(b);
	189.130(c);
	189.135(c);
	189.145(c);
	189.155(c);
	189.165(c);
	189.175(c);
	189.190(c);
	168.120(d);
	168.122(d);
	184.1333(b);
	184.1259(b).
Official Methods of Analysis, 13th Edition, 1980	101.25(e);
	106.30(b);
	131.111;
	131.112;
	131.136;
	131.138;
	131.144;
	131.146;
	131.170;
	131.200;
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21 CFR Chapter I (Parts 0-1299)—Food and Drug Administration—Continued

	CFR Citation
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Department of Anatomy, New Haven, CT 06520
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22 CFR Chapter II (Parts 200-299) Agency for International Development

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American National Standards Institute 1430 Broadway, New York, New York 10018 ANSI A117.1-1961, R1971 Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.	217.23(c)

23 CFR Chapter I (Parts 625 and 633)—Federal Highway Administration, Department of Transportation

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American Association of State Highway and Transportation Officials (AASHTO) 444 N. Capitol St., N.W., Suite 225, Washington, D.C. 20001 The following materials are incorporated by reference in 23 CFR 625.3(a).	
A Policy on Geometric Design of Rural Highways, AASHO 1965.	
A Policy on Design of Urban Highways and Arterial Streets, AASHO 1973.	
Geometric Design Standards for the National System of Interstate and Defense Highways, AASHO 1967.	
Geometric Design Standards for Highways Other Than Freeways, AASHO 1969.	
Geometric Design Guide for Local Roads and Streets, AASHO 1970.	
A Policy on the Accommodation of Utilities on Freeway Rights-of-Way, AASHO 1969.	
A Policy on U-Turn Median Openings on Freeways, AASHO 1960.	
A Policy on Access Between Adjacent Railroads and Interstate Highways, AASHO 1960.	
A Policy on Design Standards for Stopping Sight Distance, AASHO 1971.	

23 CFR Chapter I (Parts 625 and 655)—Federal Highway Administration, Department of Transportation—Continued

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An Informational Guide for Roadway Lighting, AASHTO 1976.	
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Guidelines for Skid Resistant Pavement Design, AASHTO 1976.	
Highway Design and Operational Practices Related to Highway Safety, Report on the Special AASHTO Traffic Safety Committee, AASHTO 1974.	
Guide for Selecting, Locating, and Designing Traffic Barriers, AASHTO 1977.	
Standard Specifications for Transportation Materials and Methods of Sampling and Testing, AASHTO 1978, Part I and Part II.	625.3(d)
AASHO Highway Definitions, AASHO 1968	625.3(e)
A Guide on Safety Rest Areas for the National System of Interstate and Defense Highways, AASHO 1968.	625.3(e)
A Guide for Bicycle Routes, AASHTO 1974	663.7(b)
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Standard Specifications for Movable Highway Bridges, AASHO 1970.	
Standard Specifications for Welding of Structural Steel Highway Bridges, Second Edition, AASHTO 1977.	
Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, AASHTO 1975.	
A Guide for Protective Screening of Overpass Structures, AASHO 1969.	
American Welding Society	
2501 Northwest 7th Street, Miami, Florida 33125	
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Federal Highway Administration	
Washington, D.C. 20590	
Policy on Interstate System Projects, FHWA, FHPM 6-3-2-4, 1967	625.3(a)
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23 CFR Chapter II—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

	CFR Citation
Federal Highway Administration (FHWA)	
400 Seventh Street, S.W., Washington, D.C. 20590	
Standard Alphabets, 1966	1204.4
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Federal Standard No. 595a, Color 37038	1204.4

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner

CFR Citation

(The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS). The MPS are in turn incorporated by reference in 24 CFR Part 200, Subpart S. The MPS may be purchased from the U.S. Government Printing Office, Washington, DC 20402. It is available for public inspection at the HUD Information Center, Room 1202, 451 Seventh St., SW, Washington, DC, at each HUD Regional, Area, and Insuring Office, and at the Office of the Federal Register, 1100 L St., NW, Washington, DC. The individual standards referenced in the MPS are available at the addresses contained in the following table. They are available for public inspection at the HUD Office of Technical and Credit Standards, Room 6156, 451 Seventh St., SW, Washington, DC, each Regional and Area Office, and the Office of the Federal Register.)

An extension to June 1, 1981 has been granted for the Minimum Property Standards and all standards contained therein to complete the review process under 1 CFR 51.13.

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

CFR Citation

Air Conditioning and Refrigeration Institute (ARI)—
1815 North Fort Myer Drive, Arlington, Virginia 22209
ARI 210-66 Unitary Air Conditioning Equipment
ARI 240-77 Unitary Heat Pump Equipment
ARI 270-67 Sound Rating of Outdoor Unitary Equipment
ARI 320-76 Water Source Heat Pumps
ANSI/ARI 1010-78 Drinking Water Coolers (ANSI A112.11.1)

Air Conditioning Contractors of America (ACCA)—
1228 17 St., N.W., Washington, DC 20036
Manual J—Load Calculation for Residential Winter and Summer Air Conditioning—1981

Air Movement and Control Association, Inc. (AMCA)—
30 West University Drive, Arlington Heights, Illinois 60004
Standard 210-74 Laboratory Methods of Testing Fans for Rating Purposes
Publication 261-80 Directory of Products Licensed to Bear the AMCA Certified Ratings Seal
Standard 300-67 Test Code for Sound Rating Air Moving Devices

Aluminum Association (AA)—
818 Connecticut Ave., N.W., Washington, DC 20006
Aluminum Formed Sheet Building Sheathing Design Guide—1969
Specifications for Aluminum Structures—1976
Aluminum Standards and Data—1979
Welding Aluminum—1972
Aluminum Sheet Metal Work In Building Construction—1980
Aluminum Construction Manual—1971

American Concrete Institute (ACI)—
P.O. Box 19150, Redford Station, Detroit, Michigan 48219
ACI 211.1-77 Recommended Practice for Selecting Proportions for Concrete
ACI 211.2-77 Recommended Practice for Selecting Proportions for Structural Lightweight Concrete
ACI 213-79 Guide for Structural Lightweight Concrete
ACI 214-77 Recommended Practice for Evaluation of Compression Test Results of Field Concrete
ACI 301-79 Specifications for Structural Concrete for Buildings
ACI 302-1R-80 Guide for Concrete Floor and Slab Construction
ACI 305R-77 Hot Weather Concreting
ACI 306R-78 Cold Weather Concreting
ACI 311-4R-80 Guide for Concrete Inspection
ACI 315-80 Manual of Standard Practice for Detailing Reinforced Concrete Structures
ACI 318-77 Building Code Requirements for Reinforced Concrete
ACI 322-72 Building Code Requirements for Structural Plain Concrete
ACI 347-78 Recommended Practice for Concrete Formwork
ACI 504R-77 Guide to Joint Sealants for Concrete Structures
ACI 506-78 Recommended Practice for Shotcreting
ACI 515-66 Recommended Practice for the Application of Paint to Concrete Surfaces
ACI 531-79 Building Code Requirements for Concrete Masonry Structures and Commentary—ACI 531R
ACI 533-1R-69 Quality Standards and Tests for Precast Concrete Wall Panels
ACI 533-2R-69 Selection and Use of Materials for Precast Concrete Wall Panels
ACI 533-3R-70 Fabrication, Handling and Erection of Precast Concrete Wall Panels
ACI 304-78 Recommended Practice for Measuring, Mixing and Placing Concrete

American Gas Association (AGA)
1515 Wilson Boulevard, Arlington, Virginia 22209
Directory of Certified Appliances and Accessories, January 1, 1981

American Institute of Steel Construction (AISC)
400 N. Michigan Avenue, Chicago, Illinois 60611
Specification for the Design, Fabrication and Erection of Structural Steel for Buildings—1978
Steel Construction Manual—1974

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

CFR Citation

American Institute of Timber Construction (AITC)
333 W. Hampden Avenue, Englewood, Colorado 80110
Timber Construction Manual—1974

American Iron and Steel Institute (AISI)
1000 16th St., NW., Washington, DC 20036
Specification for the Design of Cold-Formed Steel Structural Members—1980
Specification for the Design of Cold-Formed Stainless Steel Structural Members—1974
Design Manual for Structural Steel Tubing—1976

American National Standards Institute (ANSI)
1430 Broadway, New York, New York 10018
A 17.1–78 Elevators, Dumbwaiters, Escalators and Moving Walks
A 42.3–71 Lathing and Furring for Portland Cement-Lime Plastering, Exterior (Stucco) and Interior
A 58.1–72 Minimum Design Loads in Buildings and Other Structures
A 108.1–78 Installation of Glazed Wall Tile, Ceramic Mosaic Tile, Quarry Tile and Paver Tile with Portland Cement Mortar
A 108.4–78 Installation of Ceramic Tile with Water-Resistant Organic Adhesives
A 108.5–78 Installation of Ceramic Tile with Dry-Set Portland Cement Mortar or Latex-Portland Cement Mortar
A 108.6–78 Installation of Ceramic Tile with Chemical Resistant, Water Cleanable Tile-Setting and Grouting Epoxy
A 112.1.2–79 Air Gaps in Plumbing Systems
A 112.19.5–79 Trim for Water Closet Bowls, Tanks and Urinals
A 112.19.1M–79 Enameled Cast Iron Plumbing Fixtures
A 112.18.1M–79 Finished and Rough Brass Plumbing Fixture Fittings
A 112.19.3–76 Stainless Steel Plumbing Fixtures
A 112.19.4–77 Porcelain Enameled Formed Steel Plumbing Fixtures
A 112.19.2–73 Vitreous China Plumbing Fixtures
A 117.1–80 Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People
A 118.1–78 Specifications For Dry-Set Portland Cement Mortar
A 118.3–78 Specifications For Chemical Resistant Water Cleanable Tile-Setting and Grouting Epoxy of Ceramic Tile
A 136.1–72 Standard for Organic Adhesives for Installation of Ceramic Tile
A 156.2–78 Standard For Locks and Lock Trim
A 161.1–80 Recommended Construction and Performance Standards For Kitchen and Vanity Cabinets
A 208.1–79 Mat Formed Wood Particleboard
B 15.1–72 Safety Standard for Mechanical Power Transmission Apparatus
O 10.2–75 Laminated Hardwood Block Flooring
Z 21.10.1–75 Gas Automatic Storage Type Water Heaters
Z 21.10.3–75 Gas Instantaneous and Large Automatic Storage Type Water Heaters
Z 21.22–79 Relief Valves and Automatic Gas Shutoff Devices For Hot Water Supply Systems
Z 21.40.1–74 Gas Fired Absorbtion Summer Air Conditioning Appliances
Z 26.1–77 Glazing Materials for Glazing Motor Vehicles Operating on Land Highways
Z 34.1–47 American Standard Practice For Certification Procedures
Z 124.1–80 Plastic Bathtub Units
Z 124.2–80 Plastic Shower Receptors and Shower Stalls
Z 223.1–78 National Fuel-Gas Code

American Plywood Association (APA)
P.O. Box 1170, Tacoma, Washington 98411
APA APG–01 Adhesives For Field-Gluing Plywood to Wood Framing—1974
APA C50 Plywood Floor Systems—1979

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

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APA E30 Design/Construction Guide—Residential and Commercial—1980
APA S811 Design and Fabrication of Plywood Curved Panels—1979
APA S812 Design and Fabrication of Plywood-Lumber Beams—1979
APA U310 Plywood Diaphragm Construction—1978
APA U450 Glued Floor System—1980
APA U813 Design of Plywood Stressed Skin Panels—1978
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APA Y510 Plywood Design Specification—1980

American Society for Testing and Materials (ASTM)
1916 Race Street, Philadelphia, Pennsylvania 19103
A 27–80 Mild- to Medium-Strength Carbon-Steel Castings for General Application
A 36–77 Structural Steel
A 53–80 Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless
A 74–80 Cast Iron Soil Pipe and Fittings
A 82–79 Cold-Drawn Steel Wire for Concrete Reinforcement
A 116–73 Zinc-Coated (Galvanized) Iron or Steel Farm-Field and Railroad Right-of-Way Wire Fencing
A 148–80 High-Strength Steel Castings for Structural Purposes
A 167–80 Stainless and Heat-Resisting Chromium-Nickel Steel Plate, Sheet and Strip
A 184–79 Fabricated Deformed Steel Bar Mats for Concrete Reinforcement
A 242–79 High-Strength Low-Alloy Structural Steel
A 268–80 Seamless and Welded Ferritic Stainless Steel Tubing for General Service
A 307–80 Carbon Steel Externally Threaded Standard Fasteners
A 325–80 High-Strength Bolts for Structural Steel Joints
A 361–76 Steel Sheet, Zinc-Coated (Galvanized) by the Hot-Dip Process for Roofing and Siding
A 412–80 Stainless and Heat-Resisting Chromium Nickel-Manganese Steel Plate, Sheet, and Strip
A 416–80 Uncoated Seven-Wire Stress-Relieved Strand for Prestressed Concrete
A 421–80 Uncoated Stress-Relieved Wire for Prestressed Concrete
A 441–77 High-Strength Low-Alloy Structural Manganese Vanadium Steel
A 446–76 Steel Sheet, Zinc-Coated (Galvanized) by the Hot-Dip Process, Structural (Physical) Quality
A 449–80 Quenched and Tempered Steel Bolts and Studs
A 490–80 Quenched and Tempered Alloy Steel Bolts for Structural Steel Joints
A 500–80 Cold-Formed Welded and Seamless Carbon Steel Structural Tubing in Rounds and Shapes
A 501–80 Hot-Formed Welded and Seamless Carbon Steel Structural Tubing
A 502–76 Steel Structural Rivets
A 514–77 High-Yield Strength, Quenched and Tempered Alloy Steel Plate, Suitable for Welding
A 525–80 Steel Sheet, Zinc-Coated (Galvanized) by the Hot-Dip Process, General Requirements
A 529–72 Structural Steel with 42,000 PSI (290 MPa) Minimum Yield Point (½ in. (12.7mm) Maximum Thickness)
A 570–78 Hot-Rolled Carbon Steel Sheet and Strip, Structural Quality
A 572–77 High-Strength Low-Alloy Columbium-Vanadium Steels of Structural Quality
A 588–80 High-Strength Low-Alloy Structural Steel with 50,000 PSI Minimum Yield Point to 4 in. Thick
A 606–71 Steel Sheet and Strip, Hot-Rolled and Cold-Rolled High Strength, Low-Alloy, with Improved Corrosion Resistance
A 607–70 Steel Sheet and Strip, Hot-Rolled and Cold-Rolled, High Strength, Low-Alloy Columbium and/or Vanadium
A 611–72 Steel, Cold-Rolled Sheet, Carbon, Structural

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

	CFR Citation
A 615–79 Deformed and Plain Billet-Steel Bars for Concrete Reinforcement	
A 616–79 Rail-Steel Deformed and Plain Bars for Concrete Reinforcement	
A 617–79 Axle-Steel Deformed and Plain Bars for Concrete Reinforcement	
A 618–73 Hot-Formed Welded and Seamless High-Strength Low-Alloy Structural Tubing	
A 668–79 Steel Forgings, Carbon and Alloy, for General Industrial Use	
B 88–80 Seamless Copper Water Tube	
B 227–70 Hard-Drawn Copper-Clad Steel Wire	
B 370–77 Copper Sheet and Strip for Building Construction	
B 587–80 Welded Brass Tube	
C 4–62 Clay Drain Tile	
C 5–79 Quicklime for Structural Purposes	
C 6–74 Normal Finishing Hydrated Lime	
C 12–77 Installing Vitrified Clay Pipe Lines	
C 14–79 Concrete Sewer, Storm Drain, and Culvert Pipe	
C 22–77 Gypsum	
C 28–76 Gypsum Plasters	
C 32–73 Sewer and Manhole Brick (Made from Clay or Shale)	
C 33–79 Concrete Aggregates	
C 34–62 Structural Clay Load-Bearing Wall Tile	
C 35–76 Inorganic Aggregates for Use in Gypsum Plaster	
C 36–80 Gypsum Wallboard	
C 37–80 Gypsum Lath	
C 53–64 Gypsum Partition Tile or Block	
C 55–71 Concrete Building Brick	
C 56–71 Structural Clay Non-Load Bearing Tile	
C 57–57 Structural Clay Floor Tile	
C 61–76 Gypsum Keene's Cement	
C 62–75 Building Brick (Solid Masonry Units Made From Clay or Shale)	
C 64–72 Refractories for Incinerators and Boilers	
C 73–67 Calcium Silicate Face Brick (Sand-Lime Brick)	
C 76–79 Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe	
C 79–76 Gypsum Sheathing Board	
C 88–76 Soundness of Aggregates by Use of Sodium Sulfate or Manganese Sulfate	
C 90–70 Hollow Load-Bearing Concrete Masonry Units	
C 91–71 Masonry Cement	
C 94–80 Ready-Mixed Concrete	
C 126–71 Ceramic Glazed Structural Clay Facing Tile, Facing Brick, and Solid Masonry Units	
C 129–71 Non-Load Bearing Concrete Masonry Units	
C 139–73 Concrete Masonry Units for Construction of Catch Basins and Manholes	
C 143–71 Slump of Portland Cement Concrete	
C 144–76 Aggregate for Masonry Mortar	
C 145–71 Solid Load-Bearing Concrete Masonry Units	
C 150–80 Portland Cement	
C 157–75 Length Change of Hardened Cement Mortar and Concrete	
C 206–79 Finishing Hydrated Lime	
C 207–79 Hydrated Lime for Masonry Purposes	
C 208–72 Insulating Board (Cellulosic Fiber), Structural and Decorative	
C 209–72 Insulating Board (Cellulosic Fiber), Structural and Decorative	
C 212–75 Structural Clay Facing Tile	
C 216–79 Facing Brick (Solid Masonry Units Made from Clay or Shale)	
C 220–77 Flat Asbestos-Cement Sheets	
C 221–77 Corrugated Asbestos-Cement Sheets	
C 222–76 Asbestos-Cement Roofing Shingles	
C 223–76 Asbestos-Cement Siding	
C 260–77 Air-Entraining Admixtures for Concrete	
C 270–80 Mortar for Unit Masonry	
C 315–78 Clay Flue Linings	

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

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C 317–76 Gypsum Concrete
C 330–79 Lightweight Aggregates for Structural Concrete
C 332–77 Lightweight Aggregates for Insulating Concrete
C 355–64 Water Vapor Transmission of Thick Materials
C 377–77 Precast Reinforced Gypsum Slabs
C 412–79 Concrete Drain Tile
C 425–77 Compression Joints for Vitrified Clay Pipe and Fittings
C 428–80 Asbestos-Cement Nonpressure Sewer Pipe
C 444–79 Perforated Concrete Pipe
C 475–64 Joint Treatment Materials for Gypsum Wallboard Construction
C 476–80 Mortar and Grout for Reinforced Masonry
C 494–80 Chemical Admixtures for Concrete
C 495–77 Compressive Strength of Lightweight Insulating Concrete
C 508–78 Asbestos-Cement Underdrain Pipe
C 509–79 Cellular Elastomeric Preformed Gasket and Sealing Material
C 514–77 Nails for the Application of Gypsum Wallboard
C 516–75 Vermiculite Loose Fill Insulation
C 530–75 Structural Clay Non-Load Bearing Screen Tile
C 549–73 Perlite Loose Fill Insulation
C 564–76 Rubber Gaskets for Cast Iron Soil Pipe and Fittings
C 587–68 Gypsum Veneer Plaster
C 588–80 Gypsum Base for Veneer Plasters
C 595–79 Blended Hydraulic Cements
C 618–80 Fly Ash and Raw or Calcined Natural Pozzolan for Use as a Mineral Admixture in Portland Cement Concrete
C 630–76 Water-Resistant Gypsum Backing Board
C 652–77 Hollow Brick (Hollow Masonry Units Made from Clay or Shale)
C 654–79 Porous Concrete Pipe
C 655–77 Reinforced Concrete D-Load Culvert, Storm Drain and Sewer Pipe
C 666–77 Resistance of Concrete to Rapid Freezing and Thawing
C 700–76 Vitrified Clay Pipe, Extra Strength, Standard Strength, and Perforated
C 803–79 Penetration Resistance of Hardened Concrete
C 840–79 Application and Finishing of Gypsum Board
C 841–80 Installation of Interior Lathing and Furring
C 842–79 Application of Interior Gypsum Plaster
C 844–76 Application of Structural Insulating Board (Fiberboard) Sheathing
C 902–79 Pedestrian and Light Traffic Paving Brick
C 926–80 Standard Specification for the Application of Portland Cement Based Plastering
D 173–80 Woven Cotton Fabrics Saturated with Bituminous Substances for Use in Waterproofing
D 224–75 Smooth-Surfaced Asphalt Roll Roofing (Organic Felt)
D 225–78 Asphalt Shingles Surfaced with Mineral Granules
D 226–77 Asphalt-Saturated Organic Roofing Felt for Use in Membrane Waterproofing and Built-Up Roofing
D 227–56 Coal-Tar Saturated Roofing Felt for Use in Waterproofing and Constructing Built-Up Roofs
D 250–80 Asphalt-Saturated Asbestos Felts for Use in Waterproofing and in Constructing Built-Up Roofs
D 312–71 Asphalt Used In Roofing
D 371–80 Wide-Selvage Asphalt Roll Roofing Surfaced with Mineral Granules
D 449–79 Asphalt Used in Dampproofing and Waterproofing
D 450–71 Coal-Tar Bitumen Used in Roofing Dampproofing, and Waterproofing
D 994–71 Preformed Expansion Joint Filler for Concrete (Bituminous Type)
D 1037–78 Wood-Base Fiber and Particle Panel Materials
D 1143–74 Piles Under Axial Compression Load
D 1194–72 Bearing Capacity of Soil for Static Load on Spread Footings

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

	CFR Citation
D1557-78 Moisture-Unit Weight Relations of Soils, and Soil-Aggregate Mixtures Using 10-lb (4.5 kg) Rammer and 18-in. (457-mm) Drop	
D 1593-81 Nonrigid Vinyl Chloride Plastic Sheeting	
D 1751-78 Preformed Expansion Joint Fillers for Concrete Paving and Structural Construction (Nonextruding and Resilient Bituminous Types)	
D 1752-67 Preformed Sponge Rubber and Cork Expansion Joint Fillers for Concrete Paving and Structural Construction	
D 1861-77 Homogeneous Bituminized Fiber Drain and Sewer Pipe	
D 1862-77 Laminated-Wall Bituminized Fiber Drain and Sewer Pipe	
D 1863-80 Mineral Aggregate Used On Built-Up Roofs	
D 2103-67 Polyethylene Film and Sheeting	
D 2216-80 Moisture Content of Soil	
D 2311-77 Perforated Homogeneous Bituminized Fiber Pipe for General Drainage	
D 2316-75 Installing Bituminized Fiber Drain and Sewer Pipe	
D 2321-74 Underground Installation of Flexible Thermoplastic Sewer Pipe	
D 2417-77 Laminated-Wall Bituminized Fiber Perforated Pipe for Agricultural, Land, and General Drainage	
D 2487-69 Soils for Engineering Purposes	
D 2488-69 Soils (Visual-Manual Procedure)	
D 2661-78 Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste, and Vent Pipe and Fittings	
D 2665-78 Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings	
D 2729-78 Poly(Vinyl Chloride) (PVC) Sewer Pipe and Fittings	
D 2751-77 Acrylonitrile-Butadiene-Styrene (ABS) Sewer Pipe and Fittings	
D 2898-77 Accelerated Weathering of Fire-Retardant Treated Wood for Fire Testing	
D 2949-78 3-in. Thin Wall Poly(Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings	
D 3110-72 Adhesives Used in Nonstructural Glued Lumber Products	
D 3462-76 Asphalt Shingles Made From Glass Mat and Surfaced With Mineral Granules	
D 3656-78 Insect Screening and Louver Cloth Woven From Vinyl-Coated Glass Fiber Yarn	
D 3679-79 Rigid Polyvinyl Chloride (PVC) Siding	
E 72-77 Strength Tests of Panels for Building Construction	
E 84-80 Surface Burning Characteristics of Building Materials	
E 90-75 Airborne-Sound Transmission Loss of Building Partitions	
E 96-66 Water Vapor Transmission of Materials in Sheet Form	
E 108-80 Fire Tests of Roof Coverings (NFPA 256)	
E 119-79 Fire Tests of Building Construction and Materials	
E 136-79 Behavior of Materials in a Vertical Tube Furnace at 750° C	
E 149-76 Bond Strength of Mortar to Masonry Units	
E 154-75 Materials for Use as Vapor Barriers Under Concrete Slabs and as Ground Cover in Crawl Spaces	
E 162-79 Surface Flammability of Materials Using a Radiant Heat Energy Source	
E 163-80 Fire Tests of Window Assemblies	
E 283-73 Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors	
E 330-79 Structural Performance of Exterior Windows, Curtain Walls, and Doors by Uniform Static Air Pressure Difference	
E 331-70 Water Penetration of Exterior Windows, Curtain Walls, and Doors by Uniform Static Air Pressure Difference	
E 380-76 Metric Practice	
E 413-73 Sound Transmission Class	
E 447-80 Compressive Strength of Masonry Prisms	
E 492-72 Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine	
F 405-77 Corrugated Polyethylene (PE) Tubing and Fittings	
F 462-79 Slip-Resistant Bathing Facilities	

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

CFR Citation

F 628–79 Acrylonitrile-Butadiene Styrene (ABS) Plastic Drain, Waste, & Vent Pipe Having a Foam Core
STP 479–70 Special Procedures for Testing Soil and Rock for Engineering Purposes

American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.
345 East 47th Street, New York, New York 10017
ASHRAE 15–78 Safety Code for Mechanical Refrigeration (ANSI/ASHRAE 15) (ANSI B 9.1)
ASHRAE 52–76 Method of Testing Air Cleaning Devices
ASHRAE 62–73 Standards for Natural and Mechanical Ventilation (ANSI/ASHRAE 62) (ANSI B 194.1)
ASHRAE 90 A–80 Energy Conservation in New Building Design
ASHRAE Handbooks-Fundamentals 1977, Applications 1978, Equipment 1979, Systems 1980
ASHRAE Cooling and Heating Load Calculations Manual—1979

American Society of Mechanical Engineers, Inc.
345 East 47th Street, New York, New York 10017
Code for Low Pressure Heating Boilers—1980

American Society of Sanitary Engineers, Inc.
P.O. Box 9712, Bay Village, Ohio 44140
ANSI/ASSE 1001–80 Pipe Applied Atmospheric Type Vacuum Breakers (ANSI A 112.1.1)
ANSI/ASSE 1002–79 Water Closet Flush Tank Ball Cocks
ANSI/ASSE 1003–75 Water Pressure Reducing Valves (ANSI A 112.26.2)
ANSI/ASSE 1006–80 Household Dishwashers (ANSI A 197.1) (ANSI/AHAM DW–2PR)
ANSI/ASSE 1007–80 Home Laundry Equipment (ANSI A 197.2) (ANSI/AHAM HLW–2PR)
ANSI/ASSE 1008–80 Household Food Waste Disposer Units (ANSI A 197.3) (ANSI/AHAM FWD–2PR)
ANSI/ASSE 1011–70 Hose Connection Vacuum Breakers (ANSI A 112.1.3)
ANSI/ASSE 1014–79 Hand Held Showers
ANSI/ASSE 1016–79 Individual Shower Control Valves, Anti-Scald Type
ANSI/ASSE 1017–79 Thermostatic Mixing Valves, Self Actuated for Primary Domestic Use
ANSI/ASSE 1018–78 Trap Seal Primer Valves
ANSI/ASSE 1019–78 Wall Hydrants, Frost Proof Automatic Draining, Anti-Backflow Types
ANSI/ASSE 1020–76 Vacuum Breakers, Anti-Siphon, Pressure Type (ANSI A 112.1.7)
ANSI/ASSE 1023–79 Hot Water Dispensers, Household Storage Type, Electrical
ANSI/ASSE 1025–78 Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications

American Water Works Association
6666 W. Quincy Avenue, Denver, Colorado 80235
AWWA C 106–80 Cast-Iron Pipe Centrifugally Cast in Metal Molds, for Water or Other Liquids (ANSI/AWWA C 106) (ANSI A 21.6)
AWWA C 151–76 Ductile Iron Pipe Centrifugally Cast in Metal Molds or for Water or Other Liquids (ANSI/AWWA 151) (ANSI A 21.51)
AWWA C 203–78 Standard for Coal-Tar Protective Coatings and Linings for Steel Water Pipelines Enamel and Tape-Hot-Applied (ANSI/AWWA C 203)
AWWA C 204–75 Chlorinated Rubber-Alkyd Paint System for the Exterior of Above Ground Steel Water Piping

American Welding Society, Inc.
2501 N.W. 7th Street, Miami, Florida 33125
ANSI/AWS D 1.1–81 Code for Welding in Building Construction
ANSI/AWS D 1.4–79 Recommended Practice for Welding Reinforcing Steel, Metal Inserts and Connection in Reinforced Concrete Construction

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

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American Wood-Preservers' Association
Suite 4444, 7735 Old Georgetown Rd., Bethesda, Maryland 20014
AWPA C 20 Structural Lumber Fire-Retardant Pressure Treatment—1974
AWPA C 27 Structural Plywood Fire-Retardant Pressure Treatment—1974

American Wood Preservers Bureau
Box 6085, 2772 S. Randolph Street, Arlington, Virginia 22206
LP 2–80 Standard for Softwood Lumber, Timber and Plywood Pressure Treated with Water Borne Preservatives for Above Ground Use
LP 3–78 Standard for Softwood Lumber, Timber and Plywood Pressure Treated with Light Hydrocarbon Solvent Penta Solution for Above Ground Use
LP 4–78 Standard for Softwood Lumber, Timber and Plywood Pressure Treated with Volatile Hydrocarbon Solvent Penta Solution for Above Ground Use
LP 22–80 Standard for Softwood Lumber, Timber and Plywood Pressure Treated with Water Borne Preservatives for Ground Contact Use
LP 33–78 Standard for Softwood Lumber, Timber and Plywood Pressure Treated with Light Hydrocarbon Solvent Penta Solution, Ground Contact Use
LP 44–78 Standard for Softwood Lumber, Timber and Plywood Pressure Treated with Volatile Hydrocarbon Solvent Penta Solution for Ground Contact Use

American Wood Preservers Institute
1651 Old Meadow Road, Mclean, Virginia 22101
Pile Foundation Know-How—1969

Architectural Aluminum Manufacturers Association
35 East Wacker Dr., Chicago, Illinois 60601
ANSI/AAMA 302.9–77 Prime Windows (ANSI A 134.1)
ANSI/AAMA 402.9–77 Aluminum Sliding Glass Doors and Frames (ANSI A 134.2)
ANSI/AAMA 1002.10–80 Storm Windows (ANSI A 134.3)
ANSI/AAMA 1102.7–77 Aluminum Storm Doors and Frames (ANSI A 134.4)
AAMA 809.2–1976 Non Drying Sealants
AAMA 804.1–1976 Ductile Preformed Non Curing Type, Back Bedding Glazing Tape
AAMA 807.1–1976 Cured Rubber Type Glazing Tape
AAMA SG–1–76 Specifications for Dense Rubber-Like Compression Gasket Materials
AAMA 1976 Metal Curtain Wall, Window, Store Front and Entrance Guide Specification Manual
AAMA 1402.3–1975 Specifications for Aluminum Siding and High Performance Coating for Aluminum Siding
AAMA 1403.2–1975 Installation Specifications for Residential Aluminum Siding
AAMA 1502.6–77 Insulating Windows and Sliding Glass Doors

Asphalt Institute, The
Asphalt Institute Building, College Park, Maryland 20740
Thickness Design—Full-Depth Asphalt Pavement Structures for Highways and Streets—8th Edition 1970

Asphalt Roofing Manufacturers Association
1800 Massachusetts Avenue, N.W., Washington, D.C. 20036
Manufacture, Selection and Application of Asphalt Roofing and Siding Products—1974
Residential Asphalt Roofing Manual—1980

Association of Home Appliance Manufacturers
20 North Wacker Drive, Chicago, Illinois 60606
ANSI/AHAM RAC–1–72 Room Air Conditioner Standard (ANSI Z 234.1)

Brick Institute of America
1750 Old Meadow Road, McLean, Virginia 22102

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

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Recommended Practices and Guide Specifications for Cold Weather Masonry—1973
Construction Building Code Requirements for Engineered Brick Masonry—1969

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National Academy of Sciences, 2101 Constitution Ave., N.W., Washington, DC 20006
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Criteria for Selection and Design of Residential Slabs-on-Ground, National Academy of Sciences #1571—1968

Canadian Wood Council
85 Albert Street, Ottawa, Ontario K1P 6A4
Canadian Dimension Lumber—Data Book—1979

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310 Holiday Ave., Box 2048, Dalton, Georgia 30720
Specifier's Guide to Contract Carpet Installations—1980

Cast-Iron Soil Pipe Institute
1499 Chain Bridge Road, Suite 203, McLean, Virginia 22101
CISPI HS 74 Specifications for Cast-Iron Soil Pipe and Fittings For Hub and Spigot Sanitary System—1978
CISPI HSN Specifications for Neoprine Rubber Gaskets for Hub and Spigot Cast Iron Soil Pipe Fittings—1978
CISPI 301 Standard Specification for Cast Iron Soil Pipe and Fittings For Hubless Cast Iron Sanitary Systems—1978
CISPI 310 Specifications for Cast Iron Soil Pipe Institute's Patented Joint For Use In Connection With Hubless Cast Iron Sanitary Systems—1978
CISPI Cast Iron Soil Pipe and Fittings Handbook—Vol. 1—1976; Vol. 2—1979

Ceramic Tile Institute
700 North Virgil Avenue, Los Angeles, California 90029
CTI R8–103 Standard Specifications for the Installation of Tile Lined Shower Receptors—1969

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National Bureau of Standards, Washington, DC 20234
CS 242–62 1¾" Thick Steel Doors and Frames

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500 Fifth Avenue, New York, NY 10036
Pamphlet P–2.1—1967

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401 M St., S.W., Washington, DC 20460
EPA 430/9–74–007 Manual of Individual Water Supply Systems—1974

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Washington, D.C. 20472
TR 20 (Vol. 1) Fallout Radiation Shielding—June 1976

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Naval Publication and Forms Center, 5801 Tabor Road, Philadelphia, PA 19120
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L–F–00450A Flooring, Vinyl Plastic
L–F–475A Floor Covering Vinyl, Surface (Tile and Roll) with Backing
L–P–375C Plastic Film, Flexible, Vinyl Chloride
L–P–512C Plastic Sheet (Sheeting): Polyethylene
L–S–125B Screening Insect, Nonmetallic
R–P–381A Pitch, Coal-Tar: (For) Aggregate Surfaced Built-Up Roofing, Waterproofing and Dampproofing
DD–G–451D Glass, Float or Plate, Sheet, Figured (Flat, For Glazing, Mirrors and Other Uses)
DD–G–1403B Glass, Plate (Float), Sheet, Figured, and Spandrel (Heat Strengthened and Fully Tempered)
FF–B–561C Bolts, (Screw), Lag

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

	CFR Citation
FF-N-105B Nails, Brads, Staples and Spikes: Wire, Cut, and Wrought	
FF-S-111D Screw, Wood	
HH-F-341F Fillers, Expansion Joint: Bituminous (Asphalt and Tar) and a Nonbituminous	
HH-I-515D Insulation Thermal (Loose Fill For Pneumatic Or Poured Application) Cellulosic or Wood Fiber	
HH-I-521E Insulation Blankets, Thermal (Mineral Fiber, for Ambient Temperatures)	
HH-I-524B Insulation Board, Thermal (Polystyrene)	
HH-I-525A Insulation Board, Thermal (Cork)	
HH-I-526C Insulation Board, Thermal (Mineral Fiber)	
HH-I-530A Insulation Board, Thermal (Urethane)	
HH-I-545B Insulation, Thermal and Acoustical (Mineral Fiber, Duct Lining Material)	
HH-I-551E Insulation Block and Boards, Thermal (Cellular Glass)	
HH-I-558B Insulation Blocks, Boards, Blankets, Felts Sleeving (Pipe and Tube Covering), and Pipe Fitting Covering, Thermal (Mineral Fiber, Insulation Type)	
HH-I-574B Insulation, Thermal (Perlite)	
HH-I-585C Insulation, Thermal (Vermiculite)	
HH-I-1030A Insulation, Thermal (Mineral Fiber, For Pneumatic or Poured Application)	
HH-I-1252B Insulation, Thermal, Reflective (Aluminum Foil)	
HH-R-590B Roofing Felt (Asbestos, Asphalt Saturated)	
HH-R-595B Roofing Felt, Coal Tar and Asphalt Saturated Organic Felts, Rolls	
QQ-C-576B Copper Flat Products With Slit, Slit and Edgerolled, Sheared, Sawed, or Machined Edges, (Plate, Bar, Sheet, and Strip)	
QQ-T-201E Terne Plate, For Roofing and Roofing Products	
RR-F-191B Fencing, Wire and Post, Metal (Chain-Link Fence Accessories)	
RR-H-1070B Holder, Garbage Can	
RR-W-365A Wire Fabric (Insect Screening)	
SS-A-666D Asphalt, Petroleum (Built-Up Roofing, Waterproofing, and Dampproofing)	
SS-C-161A Cement, Keene's	
SS-C-450A Cloth, Impregnated (Woven Cotton Cloth, Asphalt Impregnated: Coal Tar Impregnated)	
SS-L-30D Lath, and Board Products, Gypsum	
SS-P-361E Pipe, Clay (Vitrified Fittings, and Perforated Pipe)	
SS-P-402A Plaster: Gypsum	
SS-P-1540B Pipe, Bituminized Fiber (and Fittings)	
SS-R-601D Roofing Felt, Asphalt-Prepared Smooth Surfaced	
SS-R-630D Roofing Felt (Roll, Asphalt-Prepared, Mineral Surfaced)	
SS-S-118A Sound Controlling Blocks and Boards (Acoustical Tiles and Panels, Prefabricated)	
SS-S-291D Shingles: Asbestos-Cement, (Roofing)	
SS-S-346C Siding (Shingles, Clapboards, and Sheets) Asbestos-Cement	
SS-T-312B Tile Floor: Asphalt, Rubber, Vinyl-Asbestos	
SS-T-315B Tile, Gypsum (Interior: Floor and Roof, Precast)	
TT-C-598B Calking Compound, Oil and Resin Base Type (For Masonry and Other Structures)	
TT-C-1085A Coating System—Decorative and Protective, Seamless	
TT-S-227B Sealer Compound; Rubber-Base Two Component (For Calking, Sealing) and Glazing in Building Construction	
TT-S-230A Sealing Compound; Synthetic Rubber Base, Single Component, Chemically Curing for Calking, Sealing, and Glazing in Building Construction	
TT-S-1543A Sealing Compound: Silicone Rubber Base (For Calking, Sealing, and Glazing in Buildings and Other Structures)	
TT-S-1657A Ceiling Compound: Single Component Butyl Rubber Based Solvent Release Type for Buildings and Other Types of Construction	
UU-B-790A Building Paper, Vegetable Fiber: (Kraft, Waterproofed, Water Repellent and Fire Resistant)	

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

CFR Citation

WW-P-405B Pipe, Corrugated (Iron or Steel, Zinc Coated)
WW-P-406D Pipe, Steel (Seamless and Welded) (For Ordinary Use)
WW-P-541D Plumbing Fixtures
CCC-W-408A Wall Covering, Vinyl-Coated
LLL-I-535B Insulation Board, Thermal Cellulosic Fiber
LLL-F-1238A Floor, Covering Linoleum
PPP-B-1055B Barrier Material, Waterproofed, Flexible

Fir and Hemlock Door Association
Yeon Building, Portland, Oregon 97204
FHDA-7-79 Fir and Hemlock Door Association Standard

Flat Glass Marketing Association
White Lakes Professional Building, 3310 Harrison Street, Topeka, Kansas 66611
Glazing Manual—1980
Glazing Sealing Systems Manual—1970

The Hydronics Institute (Formerly Institute of Boiler and Radiator Manufacturers)
35 Russo Place, Berkeley Heights, New Jersey 07922
IBR Guides:
No. H-21 Heat Loss Calculations—1980
No. 200 Installation of Residential Hydronic Heating Systems (Steam and Hot Water)—1980
No. C-30 Cooling Load Calculations—1973
IBR Rating Booklets:
Boiler Ratings—IBR Cast Iron and SBI Steel Boilers—1978
IBR Baseboard and Finned Tube (Commercial) Ratings—1980

Illuminating Engineering Society
345 East 47th Street New York, New York 10017
Lighting Handbook—1981

International Conference of Building Officials
5360 S. Workman Mill Road, Whittier, California 90601
UBC 24-13 Reinforced Gypsum Concrete and Precast Reinforced Gypsum Slabs Poured Gypsum Roof Diaphragms—1979
UBC 24-26 Testing Gypsum & Gypsum Products—1979
UBC 30-1 Veneer Application, Recommended Standards of ICBO—1979
1973 Uniform Building Code—Seismic Design
1970 Uniform Building Code—Seismic Design

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Research Foundation, 627 Southlawn Lane, Rockville, Maryland 20850
Insulation Manual for Homes and Apartments—Recommended Reference Guide—1979

National Board of Boiler and Pressure Vessel Inspectors
1055 Crupper Avenue, Columbus, Ohio 43229
1978 Safety Valve and Safety Relief Valve Relieving Capacity

National Bureau of Standards
Technology Building B166, VPS Program, Washington, DC 20234
NBS SP 330 The International System of Units—1977
NBS Dust Spot Method of Testing Air Filters—1957
ANSI/NBS 211 Building Code Requirements for Masonry (ANSI A 41.1)—1954
ANSI/NBS Handbook H 74 Building Code Requirements for Reinforced Masonry (ANSI A 41.2)—1960

National Concrete Masonry Association
P.O. Box 781, Herndon, Virginia 22070
Specifications for the Design and Construction of Load Bearing Concrete Masonry—August 1979

National Electrical Manufacturers Association (NEMA)
2101 L St., N.W., Washington, DC 20037
NEMA LD-3 High Pressure Decorative Laminates—1975

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

CFR Citation

National Fire Protection Association
470 Atlantic Avenue, Boston, Massachusetts 02210
NFPA 10–78 Installation of Portable Fire Extinguishers (ANSI Z 112.1)
NFPA 13–75 Standard for the Installation of Sprinkler Systems (ANSI A 54.3)
NFPA 14–78 Standard for the Installation of Standpipe and Hose Systems (ANSI Z 273.1)
NFPA 31–78 Standard for the Installation of Oil Burning Equipment (ANSI/NFPA 31) (ANSI Z 95.1)
NFPA 54–80 National Fuel Gas Code (ANSI Z 223.1)
NFPA 58–79 Liquefied Petroleum Gases, Storage and Handling (ANSI/NFPA 58) (ANSI Z 106.1)
NFPA 70–81 National Electric Code (ANSI/NFPA 70)
NFPA 72 A–79 Installation, Maintenance and Use of Local Protective Signaling Systems for Guard's Tour, Fire Alarm and Supervisory Service (ANSI SE 3.3)
NFPA 72 B–79 Installation, Maintenance and Use of Auxiliary Protective Signaling Systems for Fire Alarm Service (ANSI SE 3.4)
NFPA 72 C–75 Installation, Maintenance and Use of Remote Station Protective Signaling Systems (ANSI SE 3.5)
NFPA 72 D–79 Installation, Maintenance and Use of Proprietary Protective Signaling Systems (ANSI SE 3.6)
NFPA 72 E–78 Standard on Automatic Fire Detectors (ANSI SE 3.13)
NFPA 80–77 Standard for Installation of Fire Doors and Windows (ANSI A 2.7)
NFPA 82–77 Incinerators, Rubbish Handling (ANSI/NFPA 82)
NFPA 90 A–78 Air Conditioning and Ventilating Systems (ANSI NFPA 90 A) (ANSI B 144.2)
NFPA 90 B–80 Warm Air Heating and Air Conditioning (ANSI/NFPA 90B) (ANSI B 144.3)
NFPA 101–76 Life Safety Code (ANSI A 9.1)
NFPA 211–80 Chimneys, Fireplaces & Vents (ANSI/NFPA 211) (ANSI A 82.1)
NFPA 252–79 Standard Methods of Fire Tests of Door Assemblies
NFPA 253–78 Standard Methods of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
NFPA 701–77 Standard Methods of Test for Flame-Resistant Textiles and Films

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1619 Massachusetts Ave., N.W., Washington, DC 20036
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National Design Specifications for Wood Construction—1977
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804 Sterick Building, Memphis, Tennessee 38103
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1515 North Harlem Avenue, Oak Park, Illinois 60302
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Suite 15, 3166 Des Plaines Avenue, Des Plaines, Illinois 60018
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400 West Madison Street, Chicago, Illinois 60606
IS 1–80 Industry Standard for Wood Flush Doors
IS 2–80 Industry Standard for Wood Window Units (ANSI/NWMA IS 2) (ANSI A 200.1)
IS 3–70 Industry Standard for Wood Sliding Patio Doors (ANSI/NWMA IS 3) (ANSI A 200.4)

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

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20 North Wacker Drive, Chicago, Illinois 60606
PCI MNL 116 Manual for Quality Control for Plants and Production of Precast Prestressed Concrete Products—1977
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PS 20–70 American Softwood Lumber Standard
PS 27–70 Mosaic-Parquet Hardwood Slat Flooring
PS 32–70 Hinged Interior Wood Door Units
PS 51–71 Hardwood and Decorative Plywood
PS 56–73 Structural Glued Laminated Timber (ANSI A 190.1) (ANSI/PS–56)
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1030 15th Street, NW., Suite 350, Washington, D.C. 20005
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1640 West 32nd Avenue, Hialeah, Florida 33012
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8224 Old Courthouse Road, Vienna, Virginia 22180
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Duct Sizing Procedure Guide—BHCB—1975
Fibrous Glass Duct Construction Standard—1979
HVAC Duct System Design Manual—1977
HVAC Duct System Tables & Charts Manual—1980
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Low Pressure Duct Construction Standard (with supplements)—1976
Load Calculation Guide—BHCB—1975
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Southern California Association of Cabinet Manufacturers (SCACM)
1933 S. Broadway, L. 39, Los Angeles, California 90007
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P.O. Box 52466, New Orleans, Louisiana 70152
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Standard Specifications, Load Tables and Weight Tables for Steel Joists and Joist Girders—1980

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171 Second Street, San Francisco, California 94105
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221 North LaSalle St., Chicago, Illinois 60601
1976 Domestic Sump Pump Standards

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

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Box 326, Princeton, New Jersey 08540	
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Handbook for Ceramic Tile Installation—1981	
Underwriters Laboratories	
333 Pfingsten Road, Northbrook, Illinois 60062	
UL 58-76 Steel Underground Tanks for Flammable and Combustible Liquids (ANSI B 137.1) (ANSI/UL 58)	
UL 70-70 Bituminous Coated Metal Septic Tanks (ANSI A 162.1) (ANSI/UL 70)	
UL 80-80 Steel Inside Tanks for Oil-Burner Fuel (ANSI B 110.1) (ANSI/UL 80)	
UL 127-71 Factory Built Fireplaces (ANSI A 121.3) (ANSI/UL 127)	
UL 142-72 Steel Above Ground Tanks for Flammable and Combustible Liquids	
UL 174-70 Household Electric Storage Tank Water Heater (ANSI C 33.67) (ANSI/UL 174)	
UL 181-74 Factory Made Air Duct Materials and Air Duct Connectors	
UL 217-80 Single and Multiple Station Smoke Detectors	
UL 268-80 Smoke Detectors for Fire Protective Signaling Systems	
UL 296-80 Oil Burners (ANSI Z 95.2) (ANSI/UL 296)	
UL 465-78 Central Cooling & Air Conditioners (ANSI B 144.1) (ANSI/UL 465)	
UL 484-72 Room Air Conditioners (ANSI/UL 484) (ANSI C 33.14)	
UL 559-75 Heat Pumps (ANSI B 181.1) (ANSI/UL 559)	
UL 726-75 Oil-Fired Boiler Assemblies (ANSI Z 95.3) (ANSI/UL 726)	
UL 727-80 Oil-Fired Central Furnaces (ANSI Z 95.1) (ANSI/UL 727)	
UL 729-76 Oil-Fired Floor Furnaces (ANSI Z 95.4) (ANSI/UL 729)	
UL 730-76 Oil-Fired Wall Furnaces (ANSI Z 95.5) (ANSI/UL 730)	
UL 732-75 Oil-Fired Storage Tank Water Heaters (ANSI Z 95.3) (ANSI/UL 732)	
UL 737-76 Fireplace Stoves (ANSI/UL 737) (ANSI A 163.1)	
UL 790-76 Tests for Fire Resistance of Roof Covering Materials	
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UL 1096-81 Electrical Central Air Heating Equipment (ANSI C 33.104) (ANSI/UL 1096)	
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5360 S. Workman Mill Road, Whittier, California 90601	
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HDQA, DAEN: MPE-S, 20 Massachusetts Avenue, N.W., Washington, D.C. 20314	
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Washington, D.C. 20234	
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U.S. Department of Health and Human Services	
300 Independence Avenue, S.W., Washington, D.C. 20204	
Public Health Service No. (HRA) 79-14500, Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities—August 1979	
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451 7th Street, S.W., Washington, D.C. 20410	

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

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- 4075.6 Criteria for Compacted Fills—6/19/73
- 4075.7 Slope Protection for Residential Developments—5/31/73
- 4075.8 Engineering Soil Classification for Residential Developments—7/16/74
- 4135.1 Procedures for Approval of Single Family Proposed Construction Applications in New Subdivisions—10/2/79
- 4145.1 Architectural Processing and Inspections for Home Mortgage Insurance—6/17/80
- 4150.1 Valuation Analysis for Home Mortgage Insurance—10/11/79
- 4460.1 Architectural Analysis and Inspections, Section 207—6/23/79
- 4900.1 Minimum Property Standards for One- and Two-Family Dwellings—November 1980
- 4905.1 Requirements for Existing Construction—9/28/79
- 4910.1 Minimum Property Standards for Multifamily Housing—1973 Rev
- 4920.1 Minimum Property Standards for Care-Type Housing—1973 Rev
- 4930.1 Manual of Acceptable Practices—1973 Rev.
- 4930.2 Intermediate Minimum Property Standards Supplement for Solar Heating and Domestic Hot Water Systems—1977
- 4940.1 Minimum Property Standards for Semi-Private Swimming Pools and Wading Pools—10/5/73
- 4940.2 Minimum Property Standards for Community Water Supply Systems—8/2/73
- 4940.3 Minimum Design Standards for Community Sewerage Systems—12/11/72
- 4940.4 Minimum Design Standard for Rehabilitation—1973 Rev.
- 4950.1 Technical Suitability of Products Program—Processing Procedure—1979 Rev
- 4950.2 Design Criteria for Trussed Rafters—1/3/73

Guide HM-G-7482.2 HUD Assisted Housing Maintenance Guide on Seamless Coating System—12/13/71

Use of Materials Bulletins:
- 17E Concrete Roofing Tile—7/17/74
- 28A Mat-Formed Wood Particle Board for Floor Underlayment—1/26/67
- 38H Grademarking of Lumber—7/31/79
- 39Labels of Independent Programs for Certifying Aluminum Windows and Sliding Glass Doors—9/15/64
- 40B Grademarking of Plywood—6/5/75
- 44C HUD/FHA Standard for Carpet and Carpet Certification Program—2/22/78 (Plus Addendum 1 & 2)
- 48 Labels of Independent Programs for Certifying Pressure-Treated Lumber and Plywood—11/15/67 (Plus 5 Supplements)
- 52A Quality Certification and Labelling for Wood Flush Doors—10/7/75
- 57A Combination Subfloor/Underlayment Particleboard for Factory Built Modular Housing Units—11/27/73
- 58A Acrylic Plastic Sheets for Glazing—6/2/75
- 59A Labels Identifying Independent Certification of Wood Windows—7/16/74
- 60 Field Glued Plywood & Wood Frame Structural Floor Systems—12/9/70 (Plus 2 Supplements)
- 62A Factory-Applied Laminated Roofing Systems Based on Chlorosulfonated Polyethylene (CSPE)—11/16/72
- 64B Textured Plywood Panel Siding—6/13/75
- 65 Controlled Density Cellular Concrete Floor Fill—10/11/73
- 66A Plywood Combination Subfloor/Underlayment Floor Panels—12/6/78
- 67 Polycarbonate Plastic Sheets for Glazing—6/3/75
- 69 Self Adhering Vinyl Asbestos Floor Tile—1/6/77
- 70 Particleboard Interior Stair Treads—8/16/78
- 71 Polystyrene Foam Insulation Sheathing Board—1/10/77

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

CFR Citation

72 HUD Standard for Carpet Cushion—2/6/80
73 Plastic Bathtubs, Plastic Shower Stalls and Receptors, and Plastic Lavatories—4/27/78
74 Thermal Insulation, Urea-Based, Foamed in Place—10/13/77
76 Chlorinated Poly (Vinyl Chloride) CPVC and Polybutylene (PB) Hot and Cold Water Distribution Piping—4/25/78
77A Cast Iron Sanitary Drainage System with Hubless Pipe and Fittings—3/28/80
78 Polyethylene (PE), Acrylonitrile-Butadiene-Styrene (ABS), Poly (Vinyl Chloride) (PVC) and Polybutylene (PB) Plastic Piping and Domestic Cold Water Service—4/25/78
79 Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings—4/25/78
80 Spray Applied Cellulosic Thermal Insulation—10/31/79

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475 L'Enfant Plaza, SW., Washington, DC 20024
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477 East Butterfield Road, Lombard, Illinois 60148
WQA S-100 Water Softeners—1975
WQA S-200 Water Filters—1973

Wood Moulding and Millwork Producers, Inc.
P.O. Box 2578, Portland, Oregon 97225
WM 2-73 Vinyl Wrapped Interior Moulding and Millwork
WM 3-79 Exterior Wood Door Frames

The following standards are referenced in the Intermediate Minimum Property Standards for Solar Heating and Domestic Hot Water Systems:

American Association of State Highway and Transportation Officials
341 National Press Building, Washington, DC 20004
AASHTO H22-40 Standard Specification for Highway Bridges

American National Standards Institute, Inc.
1430 Broadway, New York, New York 10018
ANSI A13.1-75 Scheme for the Identification of Piping Systems
ANSI A112.1.2-72 Air Gaps in Plumbing Systems (Reaffirmation and redesignation of A40.4)
ANSI B16.18-78 Cast Bronze Solder Joint Pressure Fittings
ANSI B31.1-80 Piping and Piping Systems—Section, 1 Power Piping
ANSI B96.1-80 Specification for Welded Aluminum-Alloy Field-Erected Storage Tanks
ANSI S2.8-72 Guide for Describing the Characteristics of Resilient Mountings
ANSI Z97.1-75 Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings

American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.
345 East 47th Street, New York, New York 10017
ANSI/ASHRAE 37-78 Method of Testing for Unitary Air Conditioning and Heat Pump Equipment
ANSI/ASHRAE 55-78 (ANSI B193.1) Thermal Environmental Conditions for Human Occupancy
ANSI/ASHRAE 93-77 (ANSI B 198.1) Methods of Testing Solar Collectors Based on Thermal Performance
ANSI/ASHRAE 94-77 (ANSI B 199.1) Method of Testing Thermal Storage Devices Based on Thermal Performance

Air-Conditioning and Refrigeration Institute
1815 North Fort Myer Drive, Arlington, Virginia 22209
ARI Standard 280-75 Standard for Application, Installation, and Servicing of Unitary Systems
ARI Standard 410-72 Forced Circulation Air-Cooling and Air-Heating Coils
ARI Standard 760.80 Standard for Solenoid Valves for Use with Volatile Refrigerants and Water

American Society of Mechanical Engineers, Inc.
345 East 47th Street, New York, New York 10017
ASME SA-53-80 Boiler and Pressure Vessel Code, Section VIII

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

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American Society of Sanitary Engineers, Inc.
P.O. Box 9712, Bay Village, Ohio 44140
ASSE 1012-78 Performance Requirements for Backflow Preventers with Intermediate Atmospheric Vent
ASSE 1013-80 Performance Requirements for Reduced Pressure Principle Back Pressure Backflow Preventers
ASSE 1015-80 Performance Requirements for Double Check Value Type Back Pressure Backflow Preventers

American Society for Testing and Materials
1916 Race Street, Philadelphia, Pennsylvania 19103
ASTM D661-75 Evaluating Degree of Resistance to Cracking of Exterior Paints
ASTM D714-74 Evaluating Degree of Blistering of Paints
ASTM D772-75 Evaluating Degree of Flaking (Scaling) of Exterior Paint
ASTM D882-75 Recommended Practice for Operating Light-and Water-Exposure Apparatus (Carbon-Arc Type) for Testing Paint, Varnish, Lacquer, and Related Products
ASTM D1308-78 Test for Effect of Household Chemical on Clear and Pigmented Organic Finishes
ASTM D2247-73 Testing Coated Metal Specimens at 100 Percent Relative Humidity
ASTM D2570-73 Simulated Service Corrosion Testing of Engine Coolants
ASTM D2776-78 Tests for Corrosivity of Water in the Absence of Heat Transfer (Electrical Methods)
ASTM G46-76 Recommended Practice for Examination and Evaluation of Pitting Corrosion
ANSI/ASTM C739-77 Cellulosic Fiber (Wood-Base) Loose-Fill Insulation Section 10.4, Flame Resistance Permanency
ANSI/ASTM D471-79 Test for Rubber Property—Effects of Liquids
ANSI/ASTM D660-44 Evaluating Degree of Resistance to Checking of Exterior Paints
ANSI/ASTM D750-68 Recommended Practice for Rubber Deterioration in Carbon-Arc or Weathering Apparatus
ANSI/ASTM D1081-60 Test for Evaluating Rubber Property—Sealing Pressure
ANSI/ASTM D1149-78 Test for Accelerated Ozone Cracking of Vulcanized Rubber
ANSI/ASTM D1384-71 Corrosion Test for Engine Coolants in Glassware
ANSI/ASTM E424-71 Test for Solar Energy Transmittance and Reflectance (Terrestrial) of Sheet Materials
ANSI/ASTM F146-80 Test for Fluid Resistance of Gasket Materials
ANSI/ASTM G1-72 Recommended Practice for Preparing, Cleaning and Evaluating Corrosion Test Specimens
ANSI/ASTM G16-71 Recommended Practice for Applying Statistics to Analysis of Corrosion Data

American Water Works Association
6666 W. Quincy Avenue, Denver, Colorado 80235
AWWA C506-78 Backflow Prevention Devices-Reduced Pressure Principle and Double Check Valve Types
AWWA D100-79 Steel Tanks—Standpipes, Reservoirs and Elevated Tanks for Water Storage
ANSI/AWWA D102-78 Painting and Repainting Steel Tanks, Standpipes, Reservoirs, and Elevated Tanks for Water Storage

Federal Specifications
Naval Publication and Forms Center, 5801 Tabor Road, Philadelphia, PA 19120
FS-TT-P-95 C(1)-77 Paint, Rubber: For Swimming Pools and Other Concrete and Masonry Surfaces
FS-TT-S-1543(a)-71 Sealing Compound: Silicone Rubber Based (For Caulking, Sealing, and Glazing in Buildings and Other Structures)
FS-WW-U-516B-74 Unions, Brass and Bronze, Threaded Pipe Connections and Solder-Joint Tube Connections

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner—Continued

CFR Citation

FS-WW-U-531E-76 Unions, Pipe, Steel or Malleable Iron: Threaded Connection, 150 lbs and 250 lbs

FS-WW-V-35E(1)-75 Valve, Ball

International Association of Plumbing and Mechanical Officials
5032 Alhambra Avenue, Los Angeles, California 90032

IAPMO PS 31-37 Specification for Backflow Prevention Devices

IAPMO PSI-74 Prefabricated Concrete Specific Tanks

Military Specifications
Naval Publication and Forms Center, 5801 Tabor Road, Philadelphia, PA 19120

MIL-T-52777 February 21, 1974 Military Specifications for Tanks: Storage, Underground, Glass Fiber Reinforced Plastic

National Fire Protection Association
470 Atlantic Avenue, Boston, Massachusetts 02210

NFPA 89M-76 Clearances for Heat Producing Appliances

NFPA 321-76 Basic Classification of Flammable and Combustible Liquids

ANSI/NFPA 30-76 (ANSI Z 209.1) Flammable and Combustible Liquids Code

Society of Automotive Engineers, Inc.
400 Commonwealth Drive, Warrenton, PA 15096

SAE J447A Prevention of Corrosion of Metals

SAE J20E Coolant System Hoses

Underwriters Laboratories
333 Pfingsten Road, Northbrook, Illinois 60062

ANSI/UL 296-80 (ANSI Z 96.2) Standard for Oil Burners

ANSI/UL 573-72 (ANSI C33.12) Standard for Electric Space-Heating Equipment

ANSI/UL 900-71 (ANSI B124.1) Safety Standard for Air Filter Units

National Academy of Science
Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20418

Water Quality Criteria 1972, National Academy of Science and National Academy of Engineering

24 CFR Chapter XX (Parts 3200-3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

CFR Citation

An extension is granted for all standards listed below until June 1, 1981 to complete the review process under 1 CFR 51.13.

Aluminum Association, (AA)
818 Connecticut Ave., N W., Washington, DC 20006

AA-1971, Aluminum Construction Manual, Specifications for Aluminum Structures. 3280.304(b)(1)

American Institute of Steel Construction, (AISC)
1221 Avenue of the Americas, New York, New York 10020

AISC-1973, Specification for the Design, Fabrication, and Erection of Structural Steel for Buildings, with Supplements 1, 2 and 3. 3280.304(b)(1)
Also available From: Steel Joist Institute, 1703 Parthem Road, Suite 204, Richmond, VA 23229

AISC-1973, Standard Specifications for Open Web Steel Joists, J- and H-Series. 3280.304(b)(1)

American Iron and Steel Institute (AISI)
1000 16th Street, N W., Washington, D.C. 20036

AISI-1968, Specification for the Design of Cold-formed Steel Structural Members, with Supplement 1. 3280.304(b)(1)

AISI-1972, Specification for the Design of Light-Gage Cold-formed Stainless Steel Structural Members. 3280.304(b)(1)

AISI-1973, Criteria for Structural Applications of Steel Cables for Buildings. 3280.304(b)(1)

American Institute of Timber Construction (AITC)
333 W. Hampden Avenue, Englewood, Colorado 80110

24 CFR Chapter XX (Parts 3200–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

	CFR Citation
AITC–100–1972, Timber Construction Standards	3280.304(b)(1)
AITC 200–1973, Timber, Structural Glued Laminated—Inspection	3280.304(b)(1)
American National Standards Institute (ANSI) 1430 Broadway, New York, New York 10017	
ANSI–A95.1–1974, Installation of Oil Burning Equipment	3280.703
ANSI–A58.1–1972, Unclassified: Building Code requirements for Minimum Design Loads in Buildings and other Structures.	3280.304(b)(1)
ANSI–A112.5.1–1971, Cast Iron Soil Pipings and Fittings	3280.604(a)
ANSI–A112.14.1–1975, Backflow Prevention Devices	3280.604(a)
ANSI–A112.19.1–1973, Enameled Cast Iron Plumbing	3280.604(a)
ANSI–A112.19.2–1973, Vitreous China Plumbing Fixtures	3280.604(a)
ANSI–A131.1–1971, Factory-built Chimneys	3280.703
ANSI–A131.2–1973, Gas Vents	3280.703
ANSI–A131.3–1971, Factory-built Fireplaces	3280.703
ANSI–A147.1–1969, Liquid Fuel-burning Heating Appliances for Mobile Homes and Travel Trailers.	3280.703
ANSI–A200.1–1974, Wood window units	3280.304(b)(1)
ANSI–B2.1–1968, Pipe Threads (except dry seal)	3280.604(a); 3280.703; 3280.705(e)
ANSI–B16.3–1971, Malleable Iron Screwed Fittings	3280.604(a)
ANSI–B16.4–1971, Cast Iron Screwed Fittings	3280.604(a)
ANSI–B16.15–1971, Cast Bronze Threaded Fittings 150 and 300 pound	3280.604(a)
ANSI–B16.18–1972, Cast Brass Solder-joint Pressure Fittings	3280.604(a)
ANSI–B16.22–1973, Wrought Copper and Bronze Solder-joint Pressure Fittings.	3280.604(a)
ANSI–B16.23–1969, Cast Bronze Solder-joint Drainage Fittings, DWV	3280.604(a)
ANSI–B16.26–1967, Cast Bronze Fittings for Flared Copper Tubes	3280.604(a)
ANSI–B16.29–1966, Wrought Copper and Wrought Copper Alloy Solder-joint Drainage Fittings.	3280.604(a)
ANSI–B36.2–1969, Welded Wrought Iron Pipe	3280.604(a)
ANSI–B36.10–1970, Wrought Steel and Wrought Iron Pipe	3280.604(a); 3280.703; 3280.706(b)(1)
ANSI–B125.1–1972, Welded and Seamless Steel Pipe	3280.604(a)
C72.1–1972, Household Automatic Electric Storage Type Water Heaters.	3280.707(d)
ANSI–H23.1–1973, Seamless Copper Water Tube	3280.604(a)
ANSI–H23.4–1973, Wrought Seamless Copper and Copper Alloy Tube	3280.604(a)
ANSI–H23.6–1973, Copper Drainage Tube (DWV)	3280.604(a)
ANSI–H26.1–1973, Seamless Copper, Pipe, Standard Sizes	3280.604(a)
ANSI–H27.1–1973, Seamless Red Brass Pipe, Standard Sizes	3280.604(a)
ANSI–Z21.1–1972 with addenda 1a–1974, Household Cooking Gas Appliances.	3280.703
ANSI–Z21.5.1–1972 with addenda 1a–1973 and 1b–1974, Gas Clothes Dryers.	3280.703
ANSI–Z21.10.1–1974; Z21.10.1a–1975, Automatic Storage Type Water Heaters with Input Less than 75,000 Btu/h.	3280.703; 3280.707(d)(2)
ANSI–Z21.15–1974, Manually Operated Gas Valves	3280.703
ANSI–Z21.19–1971 with addenda 19a–1972 and 19b–1973, Refrigerators Using Gas Fuel.	3280.703
ANSI–Z21.20–1971 with addenda 20a–1972 and 20b–1974, Automatic Gas Ignition Systems and Components.	3280.703
ANSI–Z21.21–1974, Automatic Valves for Gas Appliances	3280.703
ANSI–Z21.22–1971 with addenda 22a–1972 and 22b–1974, Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems.	3280.703
ANSI–Z21.23–1971 with addenda 23a–1972 and 23b–1974, Gas Appliance Thermostats.	3280.703
ANSI–Z21.24–1973, Metal Connectors for Gas Appliances	3280.702(a)(17); 3280.703
ANSI–Z21.40.1–1973 with addenda 1b–1974, Gas-Fired Absorption Summer Air Conditioning Appliances.	3280.703; 3280.714(a)(2)
ANSI–Z21.44–1973 with addenda 44a–1974 and 44b–1975, Gas-Fired Gravity and Fan-Type Sealed Combustion System Wall Furnaces.	3280.703
ANSI–Z21.47–1973 with addenda 47a–1974, Gas-Fired Gravity and Forced Air Central Furnaces.	3280.703
ANSI–Z34.1–1947, American National Standard Practice for Certification Procedures.	3280.403(i)

24 CFR Chapter XX (Parts 1900-1999)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

	CFR Citation
ANSI–Z97.1–1972, Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings.	3280.403(i); 3280.114; 3280.304(b)(1); 3280.403(b)(3)(i); 3280.604(a); 3280.607(b)(3)(iii)
ANSI–A106.1–1974, Storage and Handling of Liquefied Petroleum Gas	3280.703; 3280.704(b)
ANSI–Z124.1–1974, Plastic Bathtub Units	3280.604(a)
ANSI–Z124.2–1967, Gal-coated Glass-fiber Reinforced Polyester Resin Shower Receptor and Shower Stall Units.	3280.604(a)
ANSI–Z223.1–1974, Installation of Gas Appliances, Gas Piping in Buildings.	3280.703
American Plywood Association, APA 1119 A Street, Tacoma, Washington 98401	
APA–1974, Design Specifications for Plywood-Lumber Components	3280.304(b)(1)
APA–1975, Fabrication Specifications of Plywood-Lumber Components	3280.304(b)(1)
APA–1975, Plywood Residential Construction Guide	3280.304(b)(1)
APA–124–1974, All Plywood Beams for Mobile Homes	3280.304(b)(1)
Air Conditioning and Refrigeration Institute, ARI 1815 Ft. Myer Drive, Arlington, VA 22209	
Standard for Unitary Air Conditioning Equipment, 210–74	3280.714(a)(1)
Standard for Unitary Heat Pumps, 240–74	3280.714(a)(1)(ii)
American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) 345 East 47th Street, New York, New York 10017	
ASHRAE, 1972, Handbook of Fundamentals	3280.506
American Society of Mechanical Engineers (ASME) 345 East 47th Street, New York, New York 10017	
ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, "Rules for Construction of Unfired Pressure Vessels".	3280.704(b)(2)
American Society for Testing and Materials (ASTM) 1916 Race Street, Philadelphia, Pennsylvania 19103	
A53–1972a, Welded and Seamless Steel Pipe	3280.604(a)
A72–1966, Welded Wrought Iron Pipe	3280.604(a)
A74–1972, Cast Iron Soil Piping and Fittings	3280.604(a)
A120–1972a, Black and Hot dipped Zinc-coated (galvanized) Welded and Seamless Steel Pipe.	3280.604(a); 3280.703
A539–1973, Electric-Resistance Welded Coiled Steel Tubing for Gas and Fuel Oil Lines.	3280.703; 3280.705(b)(4); 3280.705(b)(3); 3280.706(b)(3)
B42–1972, Seamless Copper Pipe, Standard Sizes	3280.604(a); 3280.703
B43–1966, Standard Sizes and Specifications for Seamless Red Brass Pipe.	3280.705(b)(1)
B–43–1972, Seamless Red Brass Pipe, Standard Sizes	3280.604(a)
B88–1972, Seamless Copper Water Tube	3280.604(a); 3280.703; 3280.705(b)(3); 3280.706(b)(3)
B251–1971, Wrought Seamless Copper and Copper Alloy Tube	3280.604(a); 3280.703
B280–1973, Seamless Copper Tube for Air Conditioning and Refrigeration Field Service.	3280.703; 3280.705(b)(3); 3280.706(b)(3)
B306–1973, Copper Drainage Tube (DWV)	3280.604(a)
C36–80, Gypsum Wallboard	3280.304(b)(1)
C564–1970, Rubber Gaskets for Cast Iron Soil Pipe Fittings	3280.604(a); 3280.611(d)
D781–1966, Puncture and Stiffness of Paperboard, Corrogated and Solid Fiberboard.	3280.305(g)(4)
D2261–1973, ABS Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
D2662–1973, Polybutylene (PB) Plastic Pipe (SDR–PR)	3280.604(a)
D2235–1973, Solvent Cement for ABS Plastic Pipe and Fittings	3280.604(a)
D2564–1973, Solvent Cement for PVC Plastic Pipe and Fittings	3280.604(a)
D2665–1973, PVC Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
D2846–1973, Chlorinated poly (vinyl/chloride) (CPVC) Plastic Hot Water Distribution Systems.	3280.604(a)
D3110–1972, Standard Specification for ADHESIVES Used in Nonstructural Glued Lumber Products.	3280.403(b)(1)(i)
D3309–1974, Polybutylene (PB) Plastic Hot Water Distribution Systems.	3280.604(a)
E–84–1977, Standard Method of Test for Surface Burning Characteristics of Building Materials.	3280.203(a)

24 CFR Chapter XX (Parts 3280–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

	CFR Citation
E162–1976, Standard Method of Test for Surface Flammability of Materials Using a Radiant Heat Energy Source.	3280.203(a)(4); 3280.203(b)
E283–1973, Standard Method of Test for Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors.	3280.403(c)(3); 3280.405(e)(2)(iii)
E330–1979, Standard Method of Test for Structural Performance of Exterior Windows, Curtain Walls, and Doors Under the Influence of Wind Loads.	3280.403(c)(2); 3280.405(e)(2)(ii); 3280.405(e)(2)(i)
E331–1970, Standard Method of Test for Water Penetration of Exterior Windows, Curtain Walls, and Doors by Uniform Static Air Pressure Difference.	3280.405(e)(2)(iv)
E547–1975, Standard Method of Test for Water Penetration of Exterior Windows, Curtain Walls and Doors by Cyclic Static Air Pressure Differential.	3280.403(c)(4)
Cultured Marble Institute (CMI)	
230 North Michigan Avenue, Chicago, Ill. 60601	
CMI–LS–1–1975, Cultured Marble Lavatory	3280.604(a)
Commercial Standards (CS)	
National Bureau of Standards	
Washington, DC 20234	
CS–136–1955, Insect Wire Screening	3280.403(e)(2)
CS–236–1966, Mat-formed Wood Particleboard	3280.304(b)(1)
CS–243–1962, Stainless Steel Plumbing Fixtures-Residential Use	3280.604(a)
CS–248–1964, Vinyl-coated Glass Fiber Insect Screening and Louver Cloth.	3280.403(e)(2)
Federal Specification (FS)	
General Services Administration, Specifications Branch, Building 197, Washington Navy Yard, Washington, D.C. 20407	
L–P–320–B–1973, PVC Plastic Drain, Waste, and Vent Pipe and Fittings.	3280.604(a)
L–P–322B–1973, ABS Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
L–S–125A, Screening, Insect, Non-metallic	3280.403(e)(2)
DD–G–1403A, Glass, Plate (Float), Sheet, Figured, and Spandrel (Heat Strengthened and Fully Tempered).	3280.403(b)(3)
FF–N–105B, Nails, Brads, Staples and Spikes, Wire, Cut and Wrought	3280.304(b)(1)
HH–C–536 A–1954 or TT–F–1536A, Plumbing Fixture Setting Compound.	3280.604(a)
QQ–S–781H, Strapping, Steel, and Seals	3280.306(g)(2)
WW–N–351B(1), Pipe, Nipples, Threaded	3280.604(a)
WW–P–377D–1962, Seamless Copper Pipe, Standard Sizes	3280.703
WW–P–401D–1969, Cast Iron, Soil Piping and Fittings	3280.604(a)
WW–P–406D–1973, Black and Hot Dipped Zinc-coated (galvanized) Welded and Seamless Steel Pipe for Ordinary Uses.	3280.703
WW–P–541D–1971, Plumbing Fixtures for Land Use	3280.604(a)
WW–V–54D–1973, Valve, Bronze, Gate 125—150 and 200 pound	3280.604(a)
WW–V–58B–1971, Valve, Cast Iron Gate, Threaded and Flanged	3280.604(a)
ZZ–R–765B, Rubber Silicone	3280.611(d)
DD–G–451D–1968, Glass, Float or Plate, Sheet, Figured (flat, for glazing, mirrors and other uses.	3280.403(b)(3)(iii)
Gas Appliance Laboratory, (GAL)	
3138 East Olumpic Blvd., Los Angeles, CA 90023	
Standard for Fireplace Stoves for Installation in Mobile Structures	3280.703
Hardwood Plywood Manufacturers Association (HPMA)	
Box 6246, Arlington, Va. 22206	
HPMA–SC–1971, Structural Design Guide for Hardwood Plywood	3280.304(b)(1)
HUD–FHA Use of Materials Bulletin	
Department of Housing and Urban Development, Washington, D.C. 20410	
HUD–FHA Use of Materials Bulletin–UM–25d, Application and Fastening Schedule: Power Driven, Mechanically Driven and Manually Driven Fasteners.	3280.304(b)(1)
International Association of Plumbing and Mechanical Officials (IAPMO)	
5032 Alhambra Avenue, Los Angeles, California 90032	
PS–2–1966, Cast Brass and Tubing P-Traps	3280.604(a)
PS–4–1966, Drains for Prefabricated and Precast Showers	3280.604(a)
PS–5–1966, Special Cast Iron Fittings	3280.604(a)
PS–5–1967, Formed Metal Porcelain-Enameled Sanitaryware	3280.604(a)
PS–9–1966, Diversion Tees and Twin Waste Elbow	3280.604(a)
PS–14–1971, Flexible Copper Water Connectors	3280.604(a)

24 CFR Chapter XX (Parts 3280-3282)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

	CFR Citation
PS-17-1971, ABS Plastic Drain, Waste and Vent Pipe and Fittings	3280.604(a)
PS-18-1972, Cultured Marble Lavatory	3280.604(a)
PS-23-1966, Dishwater Drain Airgaps	3280.604(a)
PS-27-1969, PVC Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
PS-31-1971, Backflow Prevention Devices	3280.604(a)
TSC-8-1972, Coated Flexible Metal Gas Connectors for Exterior Use	3280.604(a)
TSC-23-1972, Porcelain Enameled Formed Steel Plumbing Fixture	3280.604(a)
Military Specifications (MIL)	
Naval Publications Information Center, 5801 Tabor Rd., Philadelphia, PA. 19120	
MIL-L-10547, Liners, Case, and Sheet, Overwrap; Water-Vaporproof or Waterproof, Flexible.	3280.611(d)
National Fire Protection Association (NFPA)	
470 Atlantic Avenue, Boston, Mass. 02110	
NFPA-31-1974, Installation of Oil Burning Equipment	3280.703
NFPA-54-1974, Installation of Gas Appliances, Gas Piping in Buildings	3280.703
NFPA-58-1974, Storage and Handling of Liquefied Petroleum Gas	3280.703; 3280.704(b)(3)
NFPA-70-1975, National Electrical Code	3280.801(b); 3280.806(a)
NFPA-90B-1973, Resident Type Warm Air Heating and Air Conditioning.	3280.703
National Forest Products Association (N)FPA	
1619 Massachusetts Avenue, N.W., Washington, D.C. 20036	
Structural Design Data—Wood (N)FPA-1970	3280.304(b)(1)
Span Tables for Joists and Rafters (PS 20-70) (N)FPA-1973	3280.304(b)(1)
Stress Grade Lumber and its Fastenings National Design Specifications for (and supplement) (N)FPA-1973.	3280.304(b)(1)
Working Stresses for Joists and Rafters (N)FPA-1974	3280.304(b)(1)
National Particleboard Association (NPA)	
2306 Perkins Place, Silver Spring, Md. 20910	
NPA-1-1973, Particleboard for Mobile Home Decking	3280.304(b)(1)
National Sanitation Foundation (NSF)	
3475 Plymouth Road, Ann Arbor, Michigan	
NSF-4-1967, Commercial Cooking and Warming Equipment	3280.703
NSF-5-1969, Hot Water Generating Equipment for Food Establishments Using Spray Type Dishwashers.	3280.703
NSF-14-1970, ABS Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
NSF-14-1970, PVC Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
NSF-14-1970, Solvent Cement for ABS Plastic Pipe and Fittings	3280.604(a)
NSF-14-1970, Solvent Cement for PVC Plastic Pipe and Fittings	3280.604(a)
NSF-14-1970, Chlorinated Poly (vinyl/chloride) (CPVC) Plastic Hot Water Distribution Systems.	3280.604(a)
NSF-24-1972, Stainless Steel Plumbing Fixtures—Residential Use	3280.604(a)
NSF-24-1972, Anti-siphon Trap Vent Device	3280.604(a)
NSF-24-1972, Drains for Preiabricated and Precast Showers	3280.604(a)
NSF-24-1972, Performance Specifications and Methods of Test for Safety Glazing.	3280.604(a)
National Woodwork Manufacturers Association (NWMA)	
40 West Madison Street, Chicago, Illinois 60606	
NWMA I.S. 1-1974, Wood Flush Doors (interior, exterior)	3280.304(b)(1)
NWMA I.S. 2-1973, Wood Window Units	3280.304(b)(1)
NWMA I.S. 3-1970, Wood Patio Doors	3280.304(b)(1)
NWMA I.S. 4-1970, Water Repellent Preservative Treating for Millwork.	3280.604(b)(1)
Product Standards (PS)	
Standards marked with asterisk (*) are available from: U.S. Government Printing Office, Washington, D.C. 20402	
Other standards are available from: National Bureau of Standards, Washington, D.C. 20234	
PS-1-1974, *Construction and Industrial Plywood	3280.304(b)(1)
PS-51-1971, Hardwood and Decorative Plywood	3280.304(b)(1)
PS-56-1973, Structural Glued Laminated Timber	3280.304(b)(1)
PS-56-1973, *Basic Hardwood	3280.304(b)(1)
PS-59-1972, *Prefinished Hardboard Paneling	3280.304(b)(1)
PS-60-1973, *Hardboard Siding	3280.304(a)

24 CFR Chapter XX (Parts 3200–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

	CFR Citation
Society of Automotive Engineers (SAE) 400 Commonwealth Drive, Warrendale, Pa. 15096	
SAE–J533a, Flares for Tubing	3280.705(f)(1) and (2)
Truss Plate Institute (TPI) Suite 200, 7100 Baltimore Avenue, College Park, Md. 20740	
TPI–1972, Span Tables for Light Metal Plate Connected Wooden Trusses.	3280.304(b)(1)
TPI–1974, Design Specifications for Light Metal Plate Connected Wood Trusses.	3280.304(b)(1)
Underwriters' Laboratories, Inc. (UL) 207 East Ohio Street, Chicago, Illinois 60611	
UL–94–1974, Tests for Flammability of Plastic Materials for Parts in Devices and Appliances.	3280.703; 3280.715(e)(1)
UL–103–1971, Factory-built Chimneys	3280.703
UL–109–1972, Tube Fittings for Flammable and Combustible Fluids and Refrigeration Service.	3280.703
UL–127–1971, Factory-built Fireplaces	3280.703
UL–167–1974, Smoke Detectors, Combustion Products Type for Fire Protective Signaling Systems.	3280.208(c)
UL–168–1971, Smoke Detectors, Photoelectric Type, for Fire Protective Signaling Systems.	3280.208(c)
UL–181–1972, Factory-made Air Duct Materials and Air Duct Connectors.	3280.715(e)
UL–214–1971, Flame Tests of Flame-resistant Fabrics	3280.703
UL–307a–1969, Liquid Fuel-burning Heating Appliances for Mobile Homes and Travel Trailers.	3280.703
UL–307(b)–1965, Gas-heating Appliances for Mobile Homes and Travel Trailers.	3280.703
UL–311–1971, Roof Jacks for Trailer Coaches	3280.703
UL–441–1973, Gas Vents	3280.703
UL–465–1975, Air Conditioners, Central Cooling	3280.703
UL–559–1975, Heat Pumps	3280.703
UL–569–1973, Pigtails, Expansion Coils, and Flexible Hose Connectors for Liquefied Petroleum Gas.	3280.703
UL–1025–1973, Electric Air Heater	3280.703
UL–1042–1972, Electric Baseboard Heating Equipment	3280.703
UL–1096–1973, Electric Central Air, Heating Equipment	3280.703
Group 5, "Classification of Comparative Life Hazards of Various Chemicals".	3280.714(a)(1)(ii); 3280.714(a)(3)

27 CFR Chapter I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

	CFR Citation
American Institute of Homeopathy 7297–6H Lee Highway, Falls Church, VA 22042	
The Homeopathic Pharmacopoeia of the United States, Volume I, 6th Edition, 1979.	197.3(b); 197.5; 197.90; 197.109
American Society of Brewing Chemists 3340 Pilot Knob Road, St. Paul, MN 55121	
Methods of Analysis of the American Society of Brewing Chemists, 7th Edition, 1976.	245.135
American Society for Testing and Materials (ASTM) 1916 Race Street, Philadelphia, PA 19103	
ASTM D86–78 Standard Specification for Distillation of Petroleum Products.	212.81
ASTM D836–77 Standard Specification for Industrial Grade Benzene	212.69
ASTM D1153–77 Standard Specification for Methyl Isobutyl Ketone	212.83
ASTM D1655–80a Standard Specification for Aviation Turbine Fuels	212.81
ASTM D3127–77 Standard Specification for Ethyl Acetate (90% Grade).	212.78
ASTM D3699–78 Standard Specification for Kerosene	212.81
ASTM E100–72 Standard Specification for ASTM Hydrometers	13.24
ASTM D302–58 Standard Specification for Ethyl Acetate (85 to 88 Percent Grade).	
Association of Official Analytical Chemists (AOAC) 11 North 19th Street, Suite 210, Arlington, VA 22209	
AOAC Method 25.020, Gutzeit Method, Official Methods of Analysis, 13th Edition, 1980.	212.90

27 CFR Chapter I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY—Continued

	CFR Citation
Alcohol, Tobacco, and Firearms Administration	
Available From: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402	
Gauging Manual Embracing Instructions and Tables for Determining Quantity of Distilled Spirits by Proof and Weight, ATF Publication 5110.6 (November 1978).	13.1
United States Pharmacopeial Convention, Inc.	
12301 Twinbrook Parkway, Rockville, MD 20852	
The United States Pharmacopeia (USP XX), 20th Revision, 1980, and the National Formulary (NFXV), 15th Edition, 1980; Compendia.	170.614; 197.3(a); 197.5; 197.36; 197.109; 212.1a(b)

46 CFR CHAPTER I—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

The following materials were approved for incorporation by reference into 46 CFR on January 25, 1981.

	CFR Citation
AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME)	
United Engineering Center, 345 East 47th St., New York, N.Y. 10017	
ASME BOILER AND PRESSURE VESSEL CODE	
Nuclear Power Plant Components, Section III, 1980. ASME BPV III–NCA and Summer 1980 addenda.	Part 52, 56.95–10; 58.30–15; 59.10–5.
Heating Boilers, Section IV, 1980, ASME BPV IV and Summer 1980 Addenda.	Part 53; 59.01–3; Part 54; 56.01–6; 56.30–10; 56.30–30; 56.60–1; 56.95–10; 58.30–15; 59.10–5; 64.5; 64.7; 64.11; 64.21; 64.25; 64.31; 64.61.
Recommended Rules for Care of Power Boilers, Section VII, 1980, ASME BPV VII.	Same as above.
Pressure Vessels, Section VIII, 1980, ASME BPV VIII–1 and Summer 1980 Addenda.	Same as above.
Welding and Brazing Qualifications, Section IX, 1980, ASME BPV IX and Summer 1980 Addenda.	Part 57; 56.70–5; 56.70–20; 56.75–20; 56.85–10; 59.10–5.
FEDERAL SPECIFICATIONS	
Naval Publications Forms Center, Customer Service Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
L–P–375C, Plastic Film, Flexible, Vinyl Chloride, 1970 with 1979 Amendment 3.	160.002–1; 160.005–1; 160.047–1; 160.048–1.
L–P–390C, Plastic, Molding and Extrusion Material, Polyethylene and Copolymers (Low, Medium, and High Density), 1971 with 1976 Amendment 1.	161.010–1.
L–P–393a, Plastic Molding Material, Polycarbonate, Injection and Extrusion, 1964 with 1970 Amendment 2.	161.010–1.
T–R–605b, Rope, Manila and Sisal, 1968 with 1973 Amendment 3	160.017–1; 160.031–1; 160.009–1.
V–T–276H, Thread, Cotton, 1970	160.001–1; 160.010–1.
V–T–285D, Thread, Polyester, 1975	160.001–1; 160.009–1.
W–B–101H, Battery, Dry, 1973	161.006–1; 161.010–1.
GG–K–391a, Kits (Empty), First-Aid, Burn-Treatment, and Snake-Bite (Unit-Type), 1954 with 1963 Interim Amendment 4.	160.041–1.
HH–M–351e, Millboard, Asbestos, 1976 with 1977 Amendment 2	164.009–3.
TT–E–489G, Enamel, Alkyd, Gloss (For Exterior and Interior Surfaces), 1980.	160.001–1; 161.010–1.
TT–P–59E, Paint, Ready-Mixed, International Orange, 1975 with 1977 Amendment 1.	160.035–1.
TT–W–572B, Wood Preservative: Water-Repellent, 1969 with 1972 Amendment 1.	160.017–1.
VV–G–671E, Grease Graphite, 1978	161.001–1.
WW–C–521E, Coupling Assembly, Hose, (Fire, Woven Jacketed, Rubber or Cambric Lined and Unlined), 1973 with 1976 Amendment 1.	162.027–1.

	CFR Citation
46 CFR CHAPTER I—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION—Continued	
ZZ–H–451F, Hose, Fire, Woven Jacketed Rubber or Latex or Rubber Coated Fabric Lined, with Couplings, 1976 with 1978 Interim Amendment.	34.10–10; 76.10–10; 95.20–5; 107.45–5; 181.15–10; 193.10–10.
CCC–C–426D, Cloth, Drill, Cotton, 1970	160.048–1; 160.049–1; 160.055–1.
CCC–C–443E, Cloth, Duck, Cotton (Single and Plied Filling Yarns, Flat), 1974 with 1977 Amendment 1.	160.009–1.
CCC–C–700G, Cloth, Coated, Vinyl, Coated (Artificial Leather), 1975 with 1977 Amendment 1.	160.048–1; 160.049–1; 160.055–1.
GGG–A–926c, Ax, (Single Bit, Double Bit, Pick Head and Mattock Head), 1961.	160.013–1.
FEDERAL STANDARD	
Naval Publications Forms Center, Customer Service Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120	
595a, Colors, Volume 1, 1979 with 1979 Change Notices (2), (3), (4), (5)	160.050–1; 160.009.
MILITARY SPECIFICATIONS	
Naval Publications Forms Center, Customer Service Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120.	
MIL–B–18D, Batteries, Dry, 1963 with 1965 Amendment 1, 1967 Amendment 2, and 1965 Supplement 1.	160.001–1; 160.010–1.
MIL–C–83125, Cartridges for Cartridge Actuated/Propellant Actuated Devices, 1969.	160.040–1.
MIL–D–3716A, Dessicants, Activated for Dynamic Dehumidification, 1959 with 1962 Amendment 2.	160.001–1.
MIL–D–5531E, Desalter Kits, Sea Water, Mark 2, 1970	160.056–1.
MIL–E–15090B, Enamel, Equipment, Light-Gray (Formula No. 11), 1952 with 1952 Amendment 2.	160.025–1.
MIL–I–16923G, Insulating Compound, Electrical, Embedding, 1972 with 1976 Amendment 1.	161.01–1.
MIL–L–17653B, Life Preservers, Vest, Work Type, Unicellular Plastic, 1959 with 1965 Amendment 3.	160.053–1.
MIL–L–45505A, Line-Throwing Apparatuses, Rocket and Projectile Units, 1971.	160.040–1.
MIL–P–17549C (Ships), Plastic Laminates, Fibrous Glass Reinforced, Marine Structural, 1960 with 1966 Amendment 2.	160.035–1.
MIL–P–18006B, Plywood, Ship and Boat Construction, 1965	160.035–1.
MIL–P–19644C, Plastic Molding Material (Polystyrene Foam, Expanded Bead), 1970.	160.035–1.
MIL–R–2765C, Rubber Sheet, Strip, Extruded, and Molded Shapes, Synthetic, Oil Resistant, 1965.	161.001–1.
MIL–R–7575C, Resin Polyster, Low-Pressure Laminating, 1966 with 1977 Amendment 2.	161.035.1.
MIL–R–16847e, Ring Buoys, Lifesaving, Unicellular Plastic, 1961 with 1966 Amendment 2.	160.050–1.
MIL–V–17501e (Ships), Valves, Globe, Hydraulically Operated Piston and Diaphragm Type, Magazine and Hanger Deck Sprinkling, 1970.	194.10–30.
MIL–W–16878D (Navy), Wire, Electrical, Insulated, High Temperature, 1961 with 1961 Supplement 1A.	113.05–10.

49 CFR Chapter 1, Subchapter C, Hazardous Materials Regulations, Department of Transportation

The following documents were approved for incorporation by reference into 49 CFR Subchapter C on March 20, 1981.

AMERICAN SOCIETY FOR TESTING AND MATERIALS	CFR Citation
1916 Race Street, Philadelphia, PA 19103	
ASTM A200–69, Seamless and Welded Austenitic Stainless Steel Tubing for General Service.	179.12
ASTM A285–78, Pressure Vessel Plates, Carbon Steel, Low- and Intermediate-Tensile Strength.	179.100; 179.200; 179.220; 172.300
ASTM A300–68, Notch Toughness Requirements for Normalized Steel Plates for Pressure Vessels.	179.102
ASTM A302–78, Pressure Vessel Plates, Alloy Steel, Manganese-Molybdenum and Manganese-Molybdenum-Nickel.	179.100; 179.200; 179.220
ASTM A333–67, Seamless and Welded Steel Pipe for Low-Temperature Service.	178.45
ASTM D374–57T, Thickness of Solid Electrical Insulation	178.241

49 CFR Chapter 1, Subchapter C, Hazardous Materials Regulations, Department of Transportation—Continued

	CFR Citation
ASTM D882-81T, Tensile Properties of Thin Plastic Sheeting	178.241
ASTM D1505-63T, Density of Plastics by the Density-Gradient Technique.	178.19
ASTM D1709-62T, Impact Resistance of Polyethylene Film By the Free Falling Dart Method.	178.241

49 CFR CHAPTER I, Subchapter D, Pipeline Safety, RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

The following documents were approved for incorporation by reference into 49 CFR Parts 192 and 195 on January 28, 1981.

AMERICAN NATIONAL STANDARDS INSTITUTE, INC.

1430 Broadway, New York, New York 10018

Note: Formerly the United States of America Standards Institute (USASI). All current standards issued by USASI and ASA have been redesignated as American National Standards (ANSI) and continued in effect.

	CFR Citation
ANSI A21.11, Rubber-Gasket joints for Ductile-Iron and Grey Iron Pressure Pipe and Fittings, 1976.	192.277
ANSI A21.50, Thickness Design of Ductile-Iron Pipe, 1976	192.119; 192.557
ANSI A21.52, Ductile-Iron Pipe, Centrifugally Cast in Metal Molds for Sand Lined Molds for Gas, 1976.	192.119; 192.277; App. B to Part 192
ANSI B16.1, Cast Iron Pipe Flanges and Flanged Fittings, 1975	192.275
ANSI B16.5, Steel Pipe Flanges, Flanged Fittings, 1977	192.147
ANSI B16.9, Factory Made Wrought Steel Butt-Welding Fittings, 1978	195.118
ANSI B16.24, Bronze Pipe Flanges and Flanged Fittings, 1979	192.147
ANSI B31.4, Liquid Petroleum Transportation Piping Systems, 1979	195.110
ANSI B36.10, Wrought Steel and Wrought Iron Pipe, 1979	192.279
ANSI C101-67 Thickness Design of Cast Iron Pipe (R 1977)	192.117; 192.557

AMERICAN PETROLEUM INSTITUTE (API)

1801 K Street, N.W., Washington, D.C. 20006

300 Corrigan Tower Building, Dallas, Texas 75201

API 5A, Specification for Casing, Tubing, and Drill Pipe, 1979	192.177
API 6A, Specification for Wellhead Equipment, 1979	192.145
API 6D, Specification for Pipeline Valves, 1977	192.145; 195.116
API 5L, Specification for Line Pipe, 1980	192.113; App. B to Part 192; 195.106
API 5L1, Recommended Practice for Railroad Transportation of Line Pipe, 1972.	192.65
API 5LS, Specification for Line Pipe, 1980	192.113; App. B to Part 192; 195.106
API 5LX, Specification for High-Test Line Pipe, 1980	192.55; 192.113; App. B to Part 192; 195.106
API 1104, Standard for Welding Pipe Lines and Related Facilities, 1980.	192.225; 192.227; 192.229; 192.241; App. B to Part 192 195.222; 195.228;

AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME)

United Engineering Center, 345 East 47th Street, New York, New York 10017

ASME, Boiler and Pressure Vessel Code, Section 8 Division 1 Pressure Vessels, 1977.	192.153; 192.165; 192.227; 192.239; 195.2145; 195.124
ASME, Boiler and Pressure Vessel Code, Section 9, Welding and Brazing Qualifications, 1977.	192.225; 192.227; App. B to Part 192;

AMERICAN SOCIETY FOR TESTING AND MATERIALS

1916 Race Street, Philadelphia, Pennsylvania 19103

ASTM A53, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, 1979.	192.113; App. B to Part 192; 195.106
ASTM A106, Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service, 1979.	192.113; App. B to Part 192; 195.106
ASTM A134, Standard Specification for Electric-Fusion (Arc)-Welded Steel Plate Pipe, Sizes 16 in. and Over, 1974.	192.113; App. B to Part 192; 195.106

49 CFR CHAPTER I, Subchapter D, Pipeline Safety, RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION—Continued

	CFR Citation
ASTM A135, Standard Specification for Electric-Resistance-Welded Steel Pipe, 1979.	192.113; App. B to Part 192; 195.106
ASTM A139, Standard Specification for Electric-Fusion-(Arc)-Welded Steel Pipe, Sizes 4 in. and Over, 1974.	192.113; App. B to Part 192; 195.106
ASTM A671, Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures, 1977.	192.113; App. B to Part 192; 195.106
ASTM A672, Electric-Fusion-Welded Steel Pipe for High Pressure Service at Moderate Temperatures, 1979.	192.113; App. B to Part 192; 195.106
ASTM A691, Carbon and Alloy Steel Pipe Electric-Fusion Welded for High Pressure Service at High Temperatures, 1979.	192.113; App. B to Part 192; 195.106
ASTM A211, Standard Specification for Spiral-Welded Steel or Iron Pipe, 1975.	192.113; App. B to Part 192; 195.106
ASTM A333, Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service, 1979.	192.113; App. B to Part 192; 195.106
ASTM A372, Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessel, 1978.	192.177; App. B to Part 192
ASTM A377, Standard Specification for Cast Iron and Ductile Iron Pressure Pipe, 1979.	App. B to Part 192
ASTM A381, Standard Specification for Metal-Arc-Welded Steel Pipe for High-Pressure Transmission Systems, 1978.	192.113; App. B to Part 192; 195.106
ASTM A539, Standard Specification for Electric Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines, 1979.	App. B to Part 192
ASTM B42, Standard Specification for Seamless Copper Pipe, Standard Sizes, 1980.	App. B to Part 192
ASTM B68, Standard Specification for Seamless Copper Tube, Bright Annealed, 1980.	App. B to Part 192
ASTM B75, Standard Specification for Seamless Copper Tube, 1980	App. B to Part 192
ASTM B88, Standard Specification for Seamless Copper Water Tube, 1980.	192.125; App. B to Part 192
ASTM B251, Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube, 1979.	App. B to Part 192
ASTM D638, Standard Test Method for Tensile Properties of Plastic, 1980.	192.283
ASTM D2513, Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings, 1978–ES.	192.63; 192.281; 192.283; App. B to Part 192
ASTM D2517, Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings, 1973 (R 1979).	192.191; 192.281; App. B to Part 192

MANUFACTURERS STANDARDIZATION SOCIETY OF THE VALVE AND FITTING INDUSTRY (MSS)

1815 North Fort Myer Drive, Arlington, Virginia 22209

MSS SP-25, Standard Marking System for Valves, Fittings, Flanges, and Union, 1978.	192.63
MSS SP-44, Steel Pipe Line Flanges, 1975	192.147
MSS SP-70, Cast Iron Gate Valves Flanged and Threaded Ends, 1978	192.145
MSS SP-71, Cast Iron Swing Check Valves Flanged and Threaded Ends, 1976.	192.145
MSS SP-75, Specification for High-Test Wrought Welding Fittings, 1976.	195.118
MSS SP-78, Cast Iron Plug Valves, 1977	192.145

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

470 Atlantic Avenue, Boston, Massachusetts 02210

NFPA 30, Flammable and Combustible Liquids Code, 1977	192.735
NFPA 58, Standard for the Storage and Handling of Liquefied Petroleum Gases, 1979.	192.11
NFPA 59, Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, 1979.	192.11
NFPA 59A, Storage and Handling Liquefied Natural Gas, 1979	192.12
NFPA 70, National Electric Code, 1978	192.163; 192.165

[FR Doc. 81-9050 Filed 3-30-81; 8:45 am]

BILLING CODE 1505-01-M

federal register

Tuesday
March 31, 1981

Part III

Department of Agriculture

Federal Grain Inspection Service

U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice; Request for Public Comment

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DEPARTM

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AGENCY: F
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ACTION: Pr
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SUMMARY:
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DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice; Request for Public Comment

AGENCY: Federal Grain Inspection Service.[1]

ACTION: Prenotice: Review of existing regulations.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) proposes studying and evaluating the U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice to determine their effectiveness and responsiveness to the needs of the rice industry. Views and comments are solicited from interested parties to help in the study and evaluation of present grading practices relating to the standards for rice and in the development of any recommendations for change.

DATE: Written comments must be submitted on or before June 1, 1981.

ADDRESS: Comments should be submitted in writing, in duplicate, to the Director, Issuance and Coordination Staff, Federal Grain Inspection Service, USDA, Room 1127, Auditor's Building, 1400 Independence Avenue SW., Washington, D.C. 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

James L. Driscoll, Director, Standardization Division, FGIS, USDA, Richards-Gebaur Air Force Base, Building 221, Grandview, Missouri 64030. Telephone (816) 348-2861.

SUPPLEMENTARY INFORMATION: The U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice have been established under the authority of the Agricultural Marketing Act of 1946, as amended, (7 U.S.C. 1621 *et seq.*). To comply with Departmental policy that no regulation exists for more than 5 years without review or repromulgation, the Federal Grain Inspection Service proposes to review the U.S. Standards for Rough Rice (7 CFR 68.201-68.213), Brown Rice for Processing (7 CFR 68.251-68.264), and Milled Rice (7 CFR 68.301-68.318) during 1981.

This review will include a determination of the continued need for the standards; the potential for clarifying or simplifying the language of the standards; a review of changes in marketing practices and functions affecting the standards; a review of changes in technology and economic conditions in the area affected by the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate end-use properties. The objective is to assure that the standards continue to serve the needs of the market to the greatest possible extent.

The public is further advised that several specific issues with respect to the standards for rice have been identified by interested parties, as stated below. Information and data are specifically requested on these issues, in addition to other recommendations which should be considered by FGIS in this review.

U.S. Standards for Rough Rice

Develop and incorporate into the standards a revised milling yield appraisal to reflect improvements in commercial milling equipment.

U.S. Standards for Brown Rice for Processing

1. Revise the standards so that grading factors are determined on a milled portion of the sample.

2. Establish standards for brown rice for direct human consumption in addition to the standards for brown rice for processing.

U.S. Standards for Milled Rice

1. Provide separate grade limits and factors for parboiled milled rice.

2. Revise foreign material grade limits to provide for identification of related and unrelated foreign material.

3. Remove the standard for the Class Second-Head Milled Rice.

It should be noted that FGIS is presently studying the effects of a temporary suspension of that portion of the definition of milled rice (7 CFR 68.301) which requires that a part of the germ be removed from the kernels. Notice of this action was published in the July 9, 1980, issue of the **Federal Register** (45 FR 46332) and the comment period closed November 30, 1980.

This prenotice does not constitute notification that changes to the standards are or will be proposed. Any action proposed with respect to the existing standards will be published in the **Federal Register** at a later date. The actions which may be proposed at that time can include continuation of the standards without change; revision in whole or in part; or elimination.

The U.S. Department of Agriculture encourages citizen participation and solicits the public's views on any changes which may improve the official grading standards for rice.

(Secs. 203 and 205, Pub. L. 79-733 (1946), 60 Stat. 1087, 1090)

Done in Washington, D.C., on: March 25, 1981.

D. R. Galliart,

Acting Administrator.

[FR Doc. 81-9603 Filed 3-30-81; 8:45 am]

BILLING CODE 3410-02-M

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621-1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

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federal register

Tuesday
March 31, 1981

Part IV

Department of the Interior

Bureau of Land Management

Outer Continental Shelf Offshore the South Atlantic States; Proposed Oil and Gas Lease Sale No. 56

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Outer Continental Shelf Offshore the South Atlantic States; Proposed Oil and Gas Lease Sale No. 56

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected states the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. 56 in the waters offshore of the South Atlantic States. This notice is hereby published as a matter of information to the public.

Dated: March 24, 1981.

Ed Hastey,

Acting Director, Bureau of Land Management.

Approved:

James G. Watt,

Secretary of the Interior.

BILLING CODE 4310-84-M

solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted

PROPOSED SALE NOTICE - 56

1. Authority. This notice is published pursuant to the Outer Continental

PROPOSED SALE NOTICE - 56

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., August 3, 1981, or by personal delivery to the Louisiana Superdome, Gate "C", Hyatt Ramp, Level 200, Rooms 4 and 5, 1500 Poydras Street, New Orleans, Louisiana between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., August 4, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., August 4, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR _____ 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., August 4, 1981" must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. An example of the form for tracts offered under the Net Profit Share Bid with a fixed cash bonus is provided in Attachment A hereto. The net profit share bid should be expressed in percent, to a maximum of 3 decimal places after the decimal point, e.g., 50.123%. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 56-133, 56-134, 56-138, 56-140, 56-142, 56-143, 56-151, 56-154, 56-156, 56-158, 56-175, 56-177, 56-178, 56-181, 56-183, 56-185 and 56-187 are to be submitted on a cash bonus basis with a fixed net profit share rate of 45 percent and a 0.50 capital recovery factor. The net profit share payment shall be calculated according to Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980). Bids on tracts 56-80 through 56-130 are to be submitted on a cash bonus basis with a fixed net profit share rate of 30 percent and a 1.50 capital recovery factor. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Net Profit Share Bidding with a Fixed Cash Bonus. Bids on tracts 56-131, 56-132, 56-135, 56-136, 56-137, 56-139, 56-141, 56-144, 56-145, 56-146, 56-147, 56-148, 56-149, 56-150, 56-152, 56-153, 56-155, 56-157, 56-159, 56-160, 56-161, 56-176, 56-179, 56-180, 56-182, 56-184, 56-186, and 56-188 must be submitted on a variable profit share basis with a capital recovery factor of 0.50 and a fixed cash bonus of $4 million.

The Department of Energy is under court order to publish final regulations for this system by May 25, 1981. Proposed regulations for this system (10 CFR 376 and 390) appeared in the Federal Register on March 5, 1981, at 46 FR 15484. The Federal government is seeking Supreme Court review of this order and the opinion of the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, Civil No. 79-1633, which it implements. Tracts are proposed to be offered under the variable net profit share bid system to facilitate their inclusion in Sale No. 56, subject to the status of Supreme Court review. A final decision on the offering of tracts under this system will be announced in the Notice of Sale to be published in July 1981.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on tracts 56-40 through 56-45 and 56-189 through 56-286 must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $8 per hectare or fraction thereof.

(d) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $8 per hectare or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., e.s.t., August 4, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

6. Bid Opening. Bids will be opened on August 4, 1981, beginning at 10:00 a.m., e.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, August 4, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $62 or more per hectare or fraction thereof.

PROPOSED TRACT LIST

OCS SALE NO. 56

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.3.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

Outer Continental Shelf Official Protraction Diagrams:

NJ 18-11 Currituck Sound
NI 18-2 Manteo
NI 18-5
NI 18-4 Beaufort
NI 18-7 Cape Fear
NI 17-12 James Island
NH 17-6
NH 17-2 Brunswick
NH 17-5 Jacksonville

These sell for $2 each.

12. Tract Descriptions. The tracts offered for bid are as follows: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice.

PROPOSED TRACT LIST

OCS SALE NO. 56

OCS OFFICIAL PROTRACTION DIAGRAM, CURRITUCK SOUND NJ 18-11
(Approved October 31, 1974; Revised December 6, 1976; Revised June 22, 1977; Revised April 25, 1978)

Tract	Block	Description	Hectares
56-1	777	All	2304
56-2	821	All	2304
56-3	865	All	2304
56-4	909	All	2304
56-5	953	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NORTH NI 18-2
(Approved October 31, 1974)

Tract	Block	Description	Hectares
56-6	246	All	2304
56-7	247	All	2304
56-8	290	All	2304
56-9	291	All	2304
56-10	334	All	2304
56-11	335	All	2304
56-12	378	All	2304
56-13	379	All	2304
56-14	422	All	2304
56-15	423	All	2304
56-16	466	All	2304
56-17	467	All	2304
56-18	510	All	2304
56-19	511	All	2304
56-20	553	All	2304
56-21	554	All	2304
56-22	555	All	2304
56-23	597	All	2304
56-24	598	All	2304
56-25	640	All	2304
56-26	641	All	2304
56-27	642	All	2304

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OCS OFFICIAL PROTRACTION DIAGRAM, NI 18-5
(Approved August 1, 1975)

Tract	Block	Description	Hectares
56-28	709	All	2304
56-29	710	All	2304
56-30	751	All	2304
56-31	752	All	2304
56-32	753	All	2304
56-33	754	All	2304
56-34	794	All	2304
56-35	795	All	2304
56-36	796	All	2304
56-37	837	All	2304
56-38	838	All	2304
56-39	839	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, BEAUFORT NI 18-4
(Approved August 1, 1975)

Tract	Block	Description	Hectares
56-40	566	All	2304
56-41	567	All	2304
56-42	610	All	2304
56-43	611	All	2304
56-44	654	All	2304
56-45	655	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, CAPE FEAR NI 18-7
(Approved June 11, 1975; Revised January 27, 1976; Revised June 3, 1976)

Tract	Block	Description	Hectares
56-46	175	All	2304
56-47	176	All	2304
56-48	219	All	2304
56-49	220	All	2304

CAPE FEAR NI 18-7 (continued)

Tract	Block	Description	Hectares
56-50	262	All	2304
56-51	263	All	2304
56-52	264	All	2304
56-53	306	All	2304
56-54	307	All	2304
56-55	308	All	2304
56-56	350	All	2304
56-57	351	All	2304
56-58	352	All	2304
56-59	393	All	2304
56-60	394	All	2304
56-61	395	All	2304
56-62	396	All	2304
56-63	437	All	2304
56-64	438	All	2304
56-65	439	All	2304
56-66	440	All	2304
56-67	481	All	2304
56-68	482	All	2304
56-69	483	All	2304
56-70	484	All	2304
56-71	524	All	2304
56-72	525	All	2304
56-73	526	All	2304
56-74	527	All	2304
56-75	528	All	2304
56-76	568	All	2304
56-77	569	All	2304
56-78	570	All	2304
56-79	571	All	2304
56-80	611	All	2304
56-81	612	All	2304
56-82	613	All	2304
56-83	614	All	2304
56-84	615	All	2304
56-85	654	All	2304
56-86	655	All	2304
56-87	656	All	2304
56-88	657	All	2304
56-89	658	All	2304
56-90	698	All	2304
56-91	699	All	2304
56-92	700	All	2304
56-93	701	All	2304
56-94	702	All	2304
56-95	741	All	2304
56-96	742	All	2304
56-97	743	All	2304
56-98	744	All	2304

CAPE FEAR NI 18-7 (continued)

Tract	Block	Description	Hectares
56-99	745	All	2304
56-100	746	All	2304
56-101	747	All	2304
56-102	748	All	2304

CAPE FEAR NI 18-7 (continued)

Tract	Block	Description	Hectares
56-99	745	All	2304
56-100	746	All	2304
56-101	747	All	2304
56-102	785	All	2304
56-103	786	All	2304
56-104	787	All	2304
56-105	788	All	2304
56-106	789	All	2304
56-107	790	All	2304
56-108	791	All	2304
56-109	828	All	2304
56-110	829	All	2304
56-111	830	All	2304
56-112	831	All	2304
56-113	832	All	2304
56-114	834	All	2304
56-115	872	All	2304
56-116	873	All	2304
56-117	874	All	2304
56-118	875	All	2304
56-119	876	All	2304
56-120	916	All	2304
56-121	917	All	2304
56-122	918	All	2304
56-123	919	All	2304
56-124	960	All	2304
56-125	961	All	2304
56-126	962	All	2304
56-127	963	All	2304
56-128	1004	All	2304
56-129	1005	All	2304
56-130	1006	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, JAMES ISLAND NI 17-12
(Approved June 11, 1976)

Tract	Block	Description	Hectares
56-131	242	All	2304
56-132	243	All	2304
56-133	244	All	2304
56-134	245	All	2304
56-135	246	All	2304
56-136	247	All	2304
56-137	285	All	2304
56-138	286	All	2304
56-139	287	All	2304

JAMES ISLAND NI 17-12 (continued)

Tract	Block	Description	Hectares
56-140	288	All	2304
56-141	289	All	2304
56-142	290	All	2304
56-143	291	All	2304
56-144	329	All	2304
56-145	330	All	2304
56-146	331	All	2304
56-147	334	All	2304
56-148	335	All	2304
56-149	373	All	2304
56-150	374	All	2304
56-151	800	All	2304
56-152	841	All	2304
56-153	842	All	2304
56-154	843	All	2304
56-155	844	All	2304
56-156	885	All	2304
56-157	886	All	2304
56-158	887	All	2304
56-159	888	All	2304
56-160	929	All	2304
56-161	930	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NH 27-6
(Approved June 11, 1976)

Tract	Block	Description	Hectares
56-162	181	All	2304
56-163	182	All	2304
56-164	224	All	2304
56-165	225	All	2304
56-166	226	All	2304
56-167	268	All	2304
56-168	269	All	2304
56-169	312	All	2304
56-170	313	All	2304
56-171	356	All	2304
56-172	356	All	2304
56-173	357	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, BRUNSWICK NH 17-2
(Approved April 29, 1975; Revised September 1, 1978)

Tract	Block	Description	Hectares
56-175	256	All	2304
56-176	257	All	2304
56-177	298	All	2304
56-178	299	All	2304
56-179	300	All	2304
56-180	301	All	2304
56-181	341	All	2304
56-182	342	All	2304
56-183	343	All	2304
56-184	344	All	2304
56-185	345	All	2304
56-186	386	All	2304
56-187	387	All	2304
56-188	388	All	2304
56-189	695	All	2304
56-190	696	All	2304
56-191	697	All	2304
56-192	738	All	2304
56-193	739	All	2304
56-194	740	All	2304
56-195	741	All	2304
56-196	781	All	2304
56-197	782	All	2304
56-198	783	All	2304
56-199	825	All	2304
56-200	826	All	2304
56-201	827	All	2304
56-202	910	All	2304
56-203	911	All	2304
56-204	914	All	2304
56-205	916	All	2304
56-206	917	All	2304
56-207	952	All	2304
56-208	953	All	2304
56-209	954	All	2304
56-210	955	All	2304
56-211	960	All	2304
56-212	961	All	2304
56-213	962	All	2304

BRUNSWICK NH 17-2 (continued)

Tract	Block	Description	Hectares
56-214	993	All	2304
56-215	994	All	2304
56-216	995	All	2304
56-217	996	All	2304
56-218	997	All	2304
56-219	998	All	2304
56-220	999	All	2304
56-221	1000	All	2304
56-222	1002	All	2304
56-223	1006	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE NH 17-5
(Approved April 29, 1975)

Tract	Block	Description	Hectares
56-224	24	All	2304
56-225	27	All	2304
56-226	28	All	2304
56-227	29	All	2304
56-228	30	All	2304
56-229	31	All	2304
56-230	32	All	2304
56-231	33	All	2304
56-232	37	All	2304
56-233	69	All	2304
56-234	70	All	2304
56-235	71	All	2304
56-236	72	All	2304
56-237	73	All	2304
56-238	74	All	2304
56-239	79	All	2304
56-240	80	All	2304
56-241	113	All	2304
56-242	114	All	2304
56-243	115	All	2304
56-244	116	All	2304
56-245	117	All	2304
56-246	126	All	2304
56-247	158	All	2304
56-248	159	All	2304
56-249	160	All	2304
56-250	161	All	2304
56-251	162	All	2304

JACKSONVILLE NH 17-5 (continued)

Tract	Block	Description	Hectares
56-252	163	All	2304
56-253	164	All	2304
56-254	165	All	2304
56-255	166	All	2304
56-256	167	All	2304
56-257	168	All	2304
56-258	169	All	2304
56-259	170	All	2304
56-260	171	All	2304
56-261	172	All	2304
56-262	173	All	2304

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 56-1 through 56-39, 56-46 through 56-130, and 56-162 through 56-173, will be for an initial term of 10 years. All other leases issued as a result

JACKSONVILLE NH 17-5 (continued)

Tract	Block	Description	Hectares
56-252	203	All	2304
56-253	204	All	2304
56-254	205	All	2304
56-255	206	All	2304
56-256	207	All	2304
56-257	247	All	2304
56-258	248	All	2304
56-259	249	All	2304
56-260	250	All	2304
56-261	251	All	2304
56-262	253	All	2304
56-263	292	All	2304
56-264	293	All	2304
56-265	294	All	2304
56-266	295	All	2304
56-267	296	All	2304
56-268	340	All	2304
56-269	382	All	2304
56-270	426	All	2304
56-271	431	All	2304
56-272	432	All	2304
56-273	465	All	2304
56-274	470	All	2304
56-275	475	All	2304
56-276	476	All	2304
56-277	509	All	2304
56-278	513	All	2304
56-279	514	All	2304
56-280	515	All	2304
56-281	516	All	2304
56-282	561	All	2304
56-283	601	All	2304
56-284	602	All	2304
56-285	645	All	2304
56-286	646	All	2304

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 56-1 through 56-39, 56-46 through 56-130, and 56-162 through 56-173, will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on (1) a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a); and (2) a net profit share basis with a fixed Cash Bonus, listed in paragraph 4 (b), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due".

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of _____ percent with a _____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this proposed sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager for Field Operations, Eastern Region, U. S. Geological Survey and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM has reason to believe that a site, structure or object of historical or archaeological significance (hereinafter referred to as "cultural resource"), may exist in the lease area and gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement (hereinafter in this stipulation referred to as "operation") the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to affect adversely the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse affect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

Prior to any drilling activity or the construction or placement of any structure for exploration or development on a lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DCM as part of his exploration and/or development plan a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 m radius of the proposed exploration or production activity site.

For the purpose of this stipulation, live bottom areas are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DCM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DCM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) The relocation of operations to avoid live bottom areas;
(b) The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) The transportation of drilling fluids and cuttings to approved disposal sites; and
(d) The monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation No. 3

(To be included only in leases resulting from this sale for tracts 56-1 through 56-19, 56-21 and 56-22).

Stipulation No. 4

(To be included only in leases resulting from this sale for tracts 56-28 through 56-130).

Stipulation No. 3

(To be included only in leases resulting from this sale for tracts 56-1 through 56-19, 56-21 and 56-22).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Fleet Area Control & Surveillance Facility, Virginia Beach, VA.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commander, Fleet Area Control & Surveillance Facility, Virginia Beach, VA., to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Commander, Fleet Area Control and Surveillance Facility, Virginia Beach, VA., on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 4

(To be included only in leases resulting from this sale for tracts 56-20 through 56-130).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Marine Corps Air Station, Cherry Point, N.C.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commanding General, Marine Corps Air Station, Cherry Point, N.C., to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Commanding General, Marine Corps Air Station, Cherry Point, N.C., on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 5

(To be included only in leases resulting from this sale for tracts 56-131 through 56-161).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Charleston Operating Area Coordinator, Charleston, S.C.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Charleston Operating Area Coordinator, Charleston, S.C., to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Charleston Operating Area Coordinator, Charleston, S.C., on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 6

(To be included only in leases resulting from this sale for tracts 56-162 through 56-286).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Fleet Area Control and Surveillance Facility, Jacksonville, FL.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commander, Fleet Area Control and Surveillance Facility, Jacksonville, FL., to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Commander, Fleet Area Control and Surveillance Facility, Jacksonville, FL., on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 7

(To be included only in leases resulting from this sale for tracts 56-1 through 56-7, 56-14 through 56-16, 56-18, 56-23, 56-24, 56-27, 56-117

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM. Where

Stipulation No. 7

(To be included only in leases resulting from this sale for tracts 56-1 through 56-7, 56-14 through 56-16, 56-18, 56-23, 56-24, 56-27, 56-117 through 56-119, 56-122 and 56-123).

Portions of this lease may be subject to mass movement of sediments related to unstable slopes with associated shallow faulting. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block until the lessee has demonstrated to the DCM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellhead and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DCM may also require soil testing before exploration and production operations are allowed.

Stipulation No. 8

(To be included in any lease resulting from this proposed sale for tracts 56-167, 56-169, 56-171, 56-172 and 56-174).

The lessee shall conduct remote sensing and/or other surveys as specified by the DCM to determine the existence of any unexploded ordnance. The lessee's report to the DCM should document all indications of magnetic or side scan sonar anomalies on the sea floor.

Stipulation No. 9

Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying such pipelines is technically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. The lessor's decision regarding the selected means of transportation will be made within the context of an intergovernmental planning process for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of federal, state, and local government and the industry. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a).

Stipulation No. 10

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraphs 4(a) and 4(b) of this notice).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Lessees. The Department of the Interior will seek the advice of the States of North Carolina, South Carolina, Georgia, and Florida, and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the Deputy Conservation Manager for Field Operation, USGS, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM, the States, EPA, and other Federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the OCS Lands Act, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(a) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Bidders are advised that the West Indian manatee (sea cow) is a marine mammal which is officially listed as an Endangered Species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (87 Stat. 884, 16 U.S.C. 1531-1543), and the Marine Mammal Protection Act of 1972, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other State and Federal laws and regulations. On October 22, 1979, (44 FR 60963) Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, the Florida Manatee Sanctuary Act of 1978 declares the entire State of Florida a "refuge and sanctuary for the manatees." A cooperative agreement between Interior and Florida on endangered species became effective on June 23, 1976. A similar cooperative agreement with the State of Georgia became effective on October 6, 1977.

For those tracts listed in paragraph 13 above providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to USGS either an exploration plan or a general statement of exploration intentions prior to the end of the tenth lease year.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Atlantic Area Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Attachment A
Suggested Bid Form
for Net Profit Share Bidding with a Fixed Cash Bonus

Attachment A
Suggested Bid Form
for Net Profit Share Bidding with a Fixed Cash Bonus

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Percent Net Profit Share Bid (1)	Amount of fixed Cash Bonus Submitted with Bid
_____	_____	_____

Proportionate Interest of Company(s) Submitting Bid

Qualification No._____ Company _____

Percent Interest _____ Address_____

_____

_____

_____
Signature

(Please type signer's name under signature)

(1) Express in percent to a maximum of 3 decimal places after the decimal point, for example: 30.123%.

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federal register

Tuesday
March 31, 1981

Part V

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Dealers

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Dealers

The following list is being published to give notice to the public of dealers curently licensed under the Animal Welfare Act (7 U.S.C. 2131 et seq.). Such notice is exempt from the regulatory freeze of February 17, 1981, and does not come under E.O. 12291, since it is not a rule. Therefore, pursuant to the provisions of the Animal Welfare Act and the regulations thereunder (9 CFR Part 2), notice is hereby given that the dealers listed below are licensed under said Act:

(Section 3, 80 Stat 351, as amended (7 U.S.C. 2133))

Done at Washington, D.C., this 12th day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

ALABAMA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
64A2	BARKER, NM	BROKEN PINE RABBITRY	RT 1 BOX 59A	CHELSEA	35043
64A22	BRADFORD, N	BRADFORD KENNELS	RT 3 BOX 644	WARRIOR	35180
64A13	COOK, R & L	R & L KENNEL	PO BOX L	ALICEVILLE	35442
64A11	EMERSON, J		RT 6	HAMILTON	35570
64B37	FOURNIER, SE	PET SAFARI	100 BROADWAY	HOMEWOOD	35209
64B34	FOWLER, TW		RT 2 BOX 438A	THEODORE	36582
64A26	HURST, R	FOUR SEASON RABBITRY	219 BAKER DRIVE	EUFAULA	36027
64A8	JOHNSON, C		RT 3 BOX 18A	LUVERNE	36049
64B38	LEE, RE	LEE'S RABBITTRY	PO BOX 544	THEODORE	36582
64A21	NELSON, YB		205 WHITING CT	DAPHNE	36526
64A1	NORWOOD, H		2309 31ST STREET SW	BIRMINGHAM	35221
64B27	PORT OF PETS		608 BROOKWOOD VILLAGE	BIRMINGHAM	35209
64A24	RANDLE, F	R & Y RABBITRY	RT 2 BOX 181-A	AUBURN	36830
64A18	SCOTT, D & A	OWL HOLLOW KENNELS	RT 7 BOX 909	FORT PAYNE	35967
64B12	SPILLER PET CENTER		36 MCFARLAND MALL	TUSCALOOSA	35401
64A16	TALLENT, F & M	TALLENT'S RABBIT FARM	RT 2 BOX 164	CENTRE	35960
64A25	TREANOR, S		1454 FLEETWOOD DR EAST	MOBILE	36605
64A7	WAGER, MW		1707 FAIRMONT ST	DOTHAN	36301
64A17	WELLS, G		BOX 369 WELLS CIR. NE	RAINESVILLE	35986
64B7	WHITE, CG	ALAQUATICS PET CENTER	1012 3RD AVE W	BIRMINGHAM	35204

ARKANSAS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
71B22	ANIMAL BEHAVIOR ENTERPRISES INC		4600 ALBERT PIKE	HOT SPRINGS	71901
71A86	AUL, B & J	SHADY REST KENNELS	RT 3 BOX 89	MAMMOTH SPRINGS	72554
71A62	BAIRD, P	MARTIN CREEK KENNELS		WILLIFORD	72482
71B35	BAKER, MR. & MRS. ANDREW	PEACEFUL VALLEY KENNELS	RT 1 BOX 366	BENTONVILLE	72712
71B40	BARBEE, BETTY		RT 1 BOX 167	DECATUR	72722
71A104	BARNES, MR. & MRS. G.L.		P.O. BOX 648	SILOAM SPRING	72761
71A74	BENEGAR, HJ & LC		RT 2	HUNTSVILLE	72740
71A102	BLAKEMAN, AC	TWIN OAKS KENNEL	STAR RT	VAN BUREN	72956
71B32	BRITTON, J	FARAWAY FARMS	P.O. BOX 113	FLORAL	72534
71B34	BROWN, K	LAZY VH KENNELS	BOX 421	GENTRY	72734
71A92	BRUCE O & I		2310 CHURCH ST	BARLING	72923
71A123	BRYSON, THELMA & JOHN	BRYSON'S COCKER SPANIELS	RT 2 BOX 197	GENTRY	72734
71A134	BURNS, I		RT 3	VAN BUREN	72956
71A76	CAMPBELL, E		1809 N SHORT L ST	FT SMITH	72901
71A115	CASTER, D & D		RT 3 BOX 354	ROGERS	72756
71A124	CENTRAL BAPTIST HOSPITAL	JEFFERSON PROFFESSIONAL SERVICES	PO BOX 3297	LITTLE ROCK	72203
71EC	CHATTERTON, E	HILLSIDE KENNEL	DELMAR STAR ROUTE	HARRISON	72601
71B12	CHERRY, M	CHERRY'S RABBITRY	STAR ROUTE 7	SEARCY	72143
71A112	COLLINS, MR & MRS D		RT 2 BOX 215	PEA RIDGE	72751
71B6	CORBIT, MRS JM	CORBIT RABBITRY	ROUTE 2 BOX 279	SEARCY	72143
71A132	COWART, M & L & BEELER, JOE	SHAWNEE'S KENNELS	209 KIMBERLY LANE	ROGERS	72756
71A34	DAVIS, WJ & JP	JANBILS KENNELS		GARFIELD	72732
71A75	DECKER, WE	CHESTNUT CREEK KENNEL	BOX 4192	FAYETTEVILLE	72701
71A79	EHRHEART, A	ROMANEE KENNELS	R 1	MT VERNON	72111
74A117	ELERY, MRS G		RT 5 BOX 161A	SPRINGDALE	72764
71A108	FLYNT, TW		RT 9 BOX 444	FAYETTEVILLE	72701
71A82	FULTON, A	PINE TREE KENNEL	BOX 175	OMAHA	72662
71B30	GARNER, S & G	FOURCHE VALLEY KENNEL	STAR RT	HARVEY	72941
71A106	GLENN, MARSHA	GLENN'S KENNELS	RT 2	WESTFORK	72774
71A9	GORSLINE, CR		RT 2 BOX 68	GRAVETTE	72736
71A118	GRAHAM, V		RT 2 BOX 22	GRANETTE	
71A113	GRIGSON, T	TOMMIE'S KENNELS	RT 2 BOX 98	LINCOLN	72744
71A51	GROGAN, D & D	WINN CREEK KENNELS	RT 2	PRAIRIE GROVE	72753
71A127	GUSTIN, A	KINGS RIVER KENNELS	RT 5	BERRYVILLE	72616
71A125	HANEY, M	HANEY'S KENNELS	RT 2 BOX 123	ELKINS	72727
71A130	HANSEN, JUDITH	JUDITH HANSEN KENNELS	RT. 2 BOX 968	GENTRY	72734
71A122	HARP, BETTY	HARP'S KENNELS	RT 4 BOX 3938	FAYETTEVILLE	72701
71B31	HAYS, P	WAR EAGLE KENNELS	STAR ROUTE	VAN BUREN	72956
71AA	HOLCO, INC		P.O. BOX 186	FAYETTEVILLE	72701
71A89	HOLLAND, D	HOLLAND KENNELS	RT 2	LINCOLN	72744
71A129	HOLZKAMPER, S & F	ROCKY TOPS KENNELS	RT 2 BOX 256	GENTRY	72734
71A63	HUBBARD, M	DOUBLE M KENNEL	PO BOX 389	MOUNTAINSBURG	72946
71B35	HUGHES, C & L	CHARLYNN'S KENNELS	RR1,BOX 678	ROGERS	72756

ARKANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
71A129	BIMEL, G & L	BIMEL'S KENNELS	602 N 13TH	ROGERS	72756
71A80	JACOBS, A	MORNING STAR KENNEL	RT 2 BOX 270A	BENTONVILLE	72712
71A32	JESTER, W	FLYING W KENNELS	R 4	BENTONVILLE	72712
71A135	JOHNSON, MR. & MRS. WLM		5316 S 10TH	FORTH SMITH	72901
71A102	KORNES, W & R	FERNDALE FERRET FARM	23001 CHANDLER DR	LITTLE ROCK	72210
71A19	KRATZ, D	S&D COMMERCIAL RABBITRY	RT 2 BOX 229	MALVERN	72104
71B39	LAMONT, ELIZABETH	LAMONT KENNELS	RT 2 BOX J 121	FORT SMITH	72916
71A114	LAWRENCE, D		RT 4 BOX 360	FAYETTEVILLE	72701
71A80	LIPE, D	CEDARS KENNELS	STAR RT BOX 161B	VAN BUREN	72956
71A109	MARTIN, A	MAPLE HILL SHIH-TZU FARM	RT 1 BOX 31	SULPHUR SPRINGS	72768
71A94	MAY, J & V	MAY'S KENNELS	107 I ST NE	BENTONVILLE	72712
71A55	MCARDELL, L	LARDELL KENNELS	BOX 99	CANE HILL	72717
71A100	MCCOWN, M	OZARK'S SHADOW	RT 2 BOX 266B	GENTRY	72734
71A107	MCMASTER, F		GENERAL DELIVERY	CEDARVILLE	72932
71A72	MCMASTERS, JD	MCMASTERS KENNELS	RT. 1 BOX 161	SULPHER SPRINGS	72768
71B1	MILLER, M	MA-HA KENNELS	BOX 111 RT N	YELLVILLE	72687
71A91	MOORE, C	RITZ COMMUNITY	J.C. ROUTE BOX 75	BOLES	72926
71A27	MOREFIELD, D	DAISY KENNELS	BOX 283	GENTRY	72734
71A120	MULKEY, GLEN		RT 2 BOX 264	BENTONVILLE	72712
71B24	NOLAN, G & A	WILDWOOD KENNEL	STAR ROUTE	VAN BUREN	72956
71PF	PEL-FREEZ RABBIT MEAT INC		PO BOX 68	ROGERS	72756
71A11	PLATT, R	PLATT'S KENNELS	R 2	PRAIRIE GROVE	72753
71A35	PROPHET, EBA	PROPHET KENNELS	609 NORTH 16TH ST	VAN BUREN	72956
71A87	REMINGTON, H	HUGH REMINGTON KENNELS	RT 2	PRARIE GROVE	72753
71BC	ROBISON, R	BRYANT COVE KENNEL	RT 1 BOX 47	CASA	72025
71A26	ROUSE, GE	ROUSE KENNEL	RT 1	FARMINGTON	72730
71A39	SAGARSEE, R		LOST BRIDGE RD. NO. 127	GARFIELD	72732
71A42	SANDERSON, G		RR 1	LONDON	72847
71A89	SHEPARD C		2801 SO. 56 ST.	FT. SMITH	72903
71B29	SHEPARD, M	ROSEWOOD KENNEL	RT. 1 BOX 367	ALMA	72921
71BS	SMALL STOCK INDUSTRIES, INC		PO BOX 157	PEA RIDGE	72751
71A85	SMYTHE, W & O	SHADOW VALLEY KENNELS	RT 1 BOX 318	GRAVETTE	72736
71B33	STEPHENS, LEROY		RT 4 BOX 196-A	BENTONVILLE	72712
71A66	SUTTON, R&L	SHAN-RIC SHELTIES	RT 1 BOX 155	LOWELL	72745
71A69	TAYLOR, J & N		PO BOX 345	WALNUT RIDGE	72476
71A68	TEMPELMEYER, R & YANCEY, B	DRACHENFELS KENNELS	BOX 281 RT 1	PRARIE GROVE	72753
71A131	TIPTON, FRANCES	TIPTON KENNELS	RT 1 BOX 307	BLOOMBURG	76536
71A48	TISDALE, G		RT 2 BOX 280	GENTRY	72734
71B38	VAN WINGLE, J D	J. D. VAN WINGLE'S CAVES	START RT. BOX 54	OIL TROUGH	72564
71B38	VANWINGLE, J		STAR RT BOX 54	OIL TROUGH	72564
71A38	WARD, B	WARD'S KENNELS	RT 2 BOX 231	GRAVETTE	72736
71A71	WARNER, E		P.O. BOX 447	GENTRY	72734
71A66	WEBB, J	WEBB'S KENNEL	P.O. BOX 66	HIWASSE	72739
71A119	WHITE, B		RT 2 BOX 252	SPRINGDALE	72764
71A121	WILLIAMSON, DENISE		RT 1	OLA	72853
71A50	WINNINGHAM, RM		RT 3	GENTRY	72736

ARIZONA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
86A15	ABRAHAMS, CI		2742 E. SOUTHERN	PHOENIX	85040
86A11	COX, N&G	BORDER-N-KENNELS	BOX 144	NACO	85620
86B14	DUNBAR, IO	DUNBAR'S KAY DOT RABBITRY	6710 N WAYCROSS	TUCSON	85704
86A20	ELLIOT, L & M		RT 1 BOX 231	CHANDLER	85224
86A28	FITZPATRICK, P	FITZ-BRIM BREEDING RANCH	5315 W TANGERINE RD	TUCSON	85704
86A14	HENRY, L	HENRY'S KENNELS	P.O. BOX 72	BUCKEYE	85326
86B19	HIGGINS, R	A BAR A DOGGIE DUDE RANCH	1301 W. HATCHER RD	PHOENIX	85021
86A4	JETER, MM & WS	SOUTHWESTERN RESEARCH ANIMALS	4634 E GLENN ST	TUCSON	85712
86B20	LUDLOW, G	GREG LUDLOW & ASSOCIATES	P.O. BOX 900	GOODYEAR	85338
86A32	MERTES, R & J	A RABBITRY & SUPPLY	PO BOX 6498-CRB	TUCSON	85738
86A7	OLLSON, LM	OLLSON'S RARE BIRD FARM	RT 1 BOX 152	GLENDALE	85301
86B25	OLSON, G & J	OLSON'S RABBITRY	RT 1 BOX 434	FLAGSTAFF	86001
86B33	OLSON, K	BLUE RIBBON RANCH	622 N FORGEUS	TUCSON	85716
86A31	ROBERTSON, J		3547 W REDFIELD RD	PHOENIX	85023
86A30	SINGLETON, B & E	STATE SECURITY KENNELS	RT 1 BOX 39	HIGLEY	85236
86B1	SOUTHWESTERN SCIENTIFIC CO		4345 E. IRVINGTON RD	TUCSON	85714
86B6	WAHRENDORF, W & K	PET'S PARADISE	4631 W TIERRA BUENA	GLENDALE	85306
86A13	YAROLEM, WLS		8001 W. MEDLOCK DR	GLENDALE	85301

CALIFORNIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
93B46	ABERNATHY, JD		175 EAST ST	NORCO	91760
93B44	AM NAT'L HERPETOLOGICAL SOC		PO BOX 240	GLENDORA	91740
93B95	ANDREWS, WT & E		1187 MERRILL RD	SAN JUAN BAUTISTA	95045
93A91	BARR, B & M		1515 ARDMORE AVE	MODESTO	95350
93B42	BENTLEY, E & E	VALLEY LABORATORY SUPPLY	4903 BAIN ST	MIRALOMA	91752
93B87	BERG, R & L	O'BRIENS GUARD DOG SERVICE	9636 FLORIN RD	SACRAMENTO	95826
93A99	BESSEY, ROSCOE		26712 7TH	CORCORAN	93212
93B79	BISHOP, G & C	BISHOP'S PET CENTER	1777 WINCHESTER BLVD.	CAMPBELL	95008
93B84	BLISS, C	CAREY'S WILD ANIMALS	3510 EL RICON WAY	SACRAMENTO	95825
93A78	BORDEN, D & J		6908 W VELMA LN	TRACY	95376
93A102	BOSWELL, BERRY		BRYSON-STAR ROUTE	BRADLEY	93426
93A76	BRISTOW, T	CHER MAR KENNEL	4856 PIONEER AVE	HUGHSON	95326
93B7	CAL-LUMINUM, INC		11835 S MORNING AVE	DOWNEY	90241
93B26	CAMPBELL, AB	ABC RABBITRY	11203 ROSWELL AVE	POMONA	91766
93A96	CANINE COUNTRY CLUB, INC		42116 4TH STREET EAST	LANCASTER	93534

CALIFORNIA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
93B103	CHAMPAGNE, C & HOFFMAN, E	BONNY DOON LLAMAS	121 MCGIVERN PLACE	SANTA CRUZ	95060
93B61	CHRISTENSEN, E & G	CALIFORNIA BIOLOGICAL SUPPLY CO.	PO BOX 1799	VISTA	92083
93B66	CODY, R & C		15603 ALONDRA BLVD	LA MIRADA	90638
93A61	COSTLEY, I		821 FRANZI CT	MODESTO	95351
93A73	COVELLO, A	STEVINSON RABBITRY	23891 SECOND AVE	STEVINSON	95374
93B29	CURD, ME	CURD'S CAVIARY & ANIMAL SUPPLY.	757 S 4TH AVE	LA PUENTE	91746
93B74	DALRI, JR., CS	EXOTICS OF CALIFORNIA	4588 ROSE GATE WAY	PLEASANTON	94566
93A97	DAVIS, W E		14021 S HIGHLAND	SELMA	93662
9385	DE BORONDY, L	CASA DE PETS	PO BOX 1663	STUDIO CITY	91604
9386	DENIO'S ROSEVILLE FARMERS MKT.		PO BOX 666	ROSEVILLE	95678
93B66	DOYLE, M		13641 ERWIN ST	VAN NUYS	91401
93B54	DUNN, R	LA PETS	19419 MONTAGUE	ARLETA	91331
93B48	ENGLISH, V	LEOPARD CAT INFORMATION CENTER.	PO BOX 3832	HOLLYWOOD	90028
93A51	ERDTSIECK, AA	SAFE HAVEN RABBITRY	295 BAILEY AVE	PETALUMA	94952
93A96	FORCE, J D		179 E. CORDOBA	SAN CLEMENTE	92672
93B96	FURZER, RICHARD	PETMART	1054 AVIATION BLVD	HERMOSA BEACH	90254
93B51	GIACINTO, J	EXOTIC ANIMALS	19400 SANTA RITA	TARZANA	91356
93B90	GILLETTE, W & N	PARADISE HAMSTERY	2913 PARADISE RD	MODESTO	95351
9384	GOEBEL, AR	CAMEL FACTORY	1096 N MAIN	PORTERVILLE	93257
93B58	GOEBEL, EL		P.O. BOX 70	TEHACHAPI	93561
93B43	GOEBEL, L		PO BOX 4186	THOUSAND OAKS	91360
93B99	GOLD, R & N	THE BOSTON MONKEY SCHOOL	3521 66TH STREET	SACRAMENTO	95820
93B99	GRANDPRE, MILLER		PO BOX 1540	FONTONE	92335
93B66	GRAYSON, W & V		672 REBOTA ST	HAYWARD	94545
93A89	HATTENSCHWILLER, G	RANCHO GATO	28477 GOETZ RD	QUAIL VALLEY	92380
93A22	HENDRICKS, W & G	CREST CAVIARY	4128 OAK GROVE SCHOOL RD	RAYMOND	93653
93A3	HERBERT, V & M	HERBERT'S RABBITRY	PO BOX 364	PLYMOUTH	95669
93A60	JOLLY, RI		8341 DENNI ST	CYPRESS	90630
93B20	JUNGLELAND PETS, INC.)1	JUNGLELAND PETS	6066 SAN JUAN AVE	CITRUS HEIGHTS	95610
9388	JUSZYK, C&J		PO BOX 6262	THOUSAND OAKS	91359
93B90	K-9 DOGS OF SACRAMENTO, INC		1912 O STREET	SACRAMENTO	95814
93A26	KAUFFMAN, W	LORIE'S STABLES	STAR RT 2 BOX 316	LA HONDA	94020
93EK	KEARLEY, EO		P.O. BOX 2069	TURLOCK	95380
93A11	KELLEY, JO		609 F ST	GALT	95632
93A109	KING, B	ANIMALS WEST	P.O. BOX 732	SOQUEL	95073
93HK	KNUDSEN, HH	KNUDSEN'S	15466 S HARLAN RD	LATHROP	95330
93A67	KURZ, E		2970 WOOD VALLEY RD	SONOMA	95476
93B69	LANG, P	LAN-MILLER RANCH	1936 LAKE DRIVE	BEVERLY HILLS	90210
93A9	LOMA LINDA UNIVERSITY		ANIMAL CARE FACILITY	LOMA LINDA	92354
93B45	MAGNOLIA BIRD FARM INC		8888 CERRITOS AVE	ANAHEIM	92804
93A84	MARSH, C	CLOVERDALE FARM	PO BOX 912	HOLLISTER	95023
93A80	MAYNARD, J		STAR RT 1 BOX 84	ROSAMOND	93560
93A101	MCDONALD, WILLIAM		9202 E SHAW AVE	CLOVIS	93612
93A83	MERWIN, JE	HILLS OF HOME RANCH	20837 DEERHORN VALLEY RD	JAMUL	92035
93A89	MEYERDICK, C&F	CFM RABBITRY	1447 MIDWAY RD	VACAVILLE	95688
93A7	MILLER, DR	RANCHO DE CONEJO	1345 SUNSET DR	VISTA	92083
93B36	MISSION LABORATORY SUPPLY INC		2800 RIVER AVE	ROSEMEAD	91770
93B60	MOOTNICK, A	GIBBONS & GALLINACEOUS BIRD CNTRL.	BOX 249	BAUGUS	91950
93A104	MURRAY, DEAN	MURRAY & CO RABBIT FARMS	CRESTON STAR RT	PASO ROBLES	93446
93B100	MUSTOE, KEN		RT. 4 5200 B AVE	MODESTO	95351
93A31	NORTHRUP, I	KING & NORTHRUP KENNEL	3035 S. TRINITY	KERMAN	93630
93B97	ORTIZ, GREGORY JR		341 HAWTHORN STREET APT 1A	SOUTH PASADENA	91030
93A62	OSCISLAWSKI, L&M	L&M PETS & SUPPLIES	15917 SIERRA VISTA CT.	LA PUENTE	91744
93B13	PARROT MOUNTAIN, INC.		38521 MONTEZUMA VALLEY RD	RANCHITA	92066
93A92	PEIZOTO, J		19961 REDWOOD RD	CASTRO VALLEY	94546
93A87	PHILLIPS, J	PHILLIPS RABBITRY	339 TWIN LANES	SOQUEL	95073
93A100	POND, ELVA	CARBON COPY KENNELS	PO BOX 413	EL DORADO	95623
93B91	POREC, R 7 MAPLES, T		16567 ORANGE ST	BLOOMINGTON	92316
93B94	REYNOLDS, BARBARA		21930 S ELM	LATON	93242
93A93	ROBINSON, K	KAJAC KENNELS	1965 SANDRIDGE RD	PLACERVILLE	95667
93B17	ROSKILLY, GB	GLENS PETS & PET SUPPLY	12137 LOPEZ CANYON RD	SAN FERNANDO	91342
93B102	ROUGHEN, TONY		6345 GRANT AVENUE	CARMICHAEL	95608
93B92	RUNDEL, R	SONOMA BIRD FARM	18295 CARRIGER	SONOMA	95476
93A82	SAND, WC & RH		10442 MOUNTAIN LION LANE	GRASS VALLEY	95945
93A4	SIMONSEN LABORATORIES INC		1180C DAY RD	GILROY	95020
93A42	SIMUNEK, R&J		872 BUSCH DRIVE	VISTA	92083
93A28	SINNETT, AH	WAGGIN TAIL KENNEL	3324 BARNHART RD	DENAIR	95316
93B66	SPARROW, E & M	CROWN ANIMALS	250 SECOND AV	SAN LEANDRO	94577
93A74	STARR, P	ELKHORN RABBITRY	8295 STARR WAY	WATSONVILLE	95076
93A43	TAYLOR, S	RIVERHOLE LLAMASARY	5100 VOLKERTS RD	SEBASTOPOL	95472
93A95	TERRY, E & BOWERMAN, H	E & H RABBITRY	2185 150TH	SAN LEANDRO	94578
93B67	TRENT, G&H	TRENT'S CAVIARY	508 FAIRLAND AVE	MODESTO	95351
93SC	UNIV OF S CALIFORNIA		UNIVERSITY PARK	LOS ANGELES	90007
93A26	USREY, A&D	PEACEFIELD FARMS	562 MIMOSA AVE	VISTA	92083
93B18	VALLEY PET SUPPLY		1200 ZEPHYR AVE	HAYWARD	94544
93A91	WAKEFIELD, WM R		17127 LAWSON VALLY RD	JAMUL	92035
93B101	WALKER, F		P.O. BOX 3425	POPLAR	93257
93A106	WALSH, DORRIE		STAR ROUTE 1 BOX 800-40	TEHACHAPI	93561
93A96	WEISBROOT, JULIANNA	HOPPING 'W'	1169 S LAKE AVE	KERMAN	93630
93B14	WESTERN SCIENTIFIC SUPPLY,INC		PO BOX 661	WEST SACRAMENTO	95691
93A17	WESTERVELT, MR	NITABELL RABBITRY	25215 TAYLOR AVE	HAYWARD	94544
93A77	WHITTEN, MC	PETS UNLIMITED	536 E TAYLOR RD	CERES	95307
93B82	WILLIAMS, A	ANDIE'S CRITTERS & VARMINTS	5542 COFFEE RD	MODESTO	95355
93A105	WILLIAMS, K & M	K & M WILD CRITTER FARM	1981 GREEN SPRINGS RD	FOLSOM	95630
93A16	ZIGLAR, HG & EI	EZH CAVIARY	BOX 99	WILLIAMS	95987

COLORADO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
84A70	BENSELY, J & W		2808 TERRY LAKE RD.	FT. COLLINS	80524
84A44	CIOCCHETTI, ANTHONY	DOGGIE VILLAGE KENNELS	11440 W 44TH AVE	WHEATRIDGE	80002
84A71	CRAIG, PATRICK	BOULDER ZOOLOGICAL PRESERVE.	7718 VALMONT DR.	BOULDER	80301
84A23	ELARS BIO-PHARMACEUTICS, INC		225 COMMERCE DR	FORT COLLINS	80524
84A49	ENOS, H&M	ENOS' ROCKY MOUNTAIN RABBITRY.	3704 RICHMOND DR.	FORT COLLINS	80521
84A36	ESSARY, A & E	TAG-A-LONG DOG RANCH	RT 1 BOX 5-C	LA ANIMAS	81054
84A11	FREEMYER, MI	HIGH PLAINS KENNELS	RT 2 BOX B-15	HAXTUN	80731
84A55	HILL, RA	SEDALIA HILLS RABBITRY	2968 W WOLFENBERGER RD.	SEDALIA	80135
84A06	HOWLAND, R & D	HAVEN OF HAPPINESS KENNEL	PO BOX 995	HOLLY	81047
84A41	KUTCHINSKY, L	DAISY HILL INC	5771 E 112 AVE	NORTHGLENN	80233
84A39	LEVIN, K & G	PAMPERED PETS	3081 SO SPRUCE WAY	DENVER	80231
84A42	LIMBERG, BRADLEY G		1600 W EVANS SUITE C	DENVER	80110
84A07	MCGEE, J & M	MCGEE KENNELS	RT 1 BOX 21	HOLLY	81047
84A30	MILLIKEN, JT	RIFFLES DOG RANCH	RT 2 BOX 151	ROCKY FORD	81067
84A16	MURPHY, HJ		BOX 280 724 LOCUST	WINDSOR	80550
84A62	PARK, JE	BIOLOGICAL RESEARCH LABORATORIES.	6700 SIMMS PO BOX 1374	ARVADA	80001
84A38	PATTERSON, JE	PATTERSON KENNELS	R 2 BOX 76	YUMA	80759
84A09	ROSS, B & W	VON ROSS DACHSHUND KENNEL	P.O. BOX 7	CROWLEY	81033
84A8	WERNIMAN, G & B		RT 1 BOX 74C	HAXTUN	80731
84A00	WOLFF, M		RT 3	HAXTUN	80731
84A32	WOODS, E	ALLDOG KENNEL	BOX 112	EASTLAKE	80614
84A38	WOOLINGTON, E & BOSSEN, D	AICHER'S RABBITRY	BOX 5	HEREFORD	80732
84A34	YOST, SIDNEY	ROCKY MOUNTAIN STUDIO	23601 STRANSKY RD. P.O. BOX 89	EVERGREEN	80439
84A66	ZAMORA, J	JULIE'S COCKER RANCH	ROAD 20796 HWY 50	ROCKY FORD	81067

CONNECTICUT

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
16B20	BERARDO, TR	TENDER LOVE & CARE PETS & PL	69 MERIDEN RD.	WATERBURY	06705
16B17	JOHNSON, O & STROUT, F	INTERNATIONAL PET & ZOO SUPPLY CO.	GATEWAY CENTER	WILTON	06897
16A13	MACY, NANCY	CALICO DREAM RABBITRY	RFD 1 BOX 279	ASHFORD	06278
16B22	PARLEE, W & PATTERSON, T	EXOTIC FIN & FEATHER	529 BURNSIDE AVE	E HARTFORD	06108
16A12	RUSSO, ANN M	RUSSO'S RABBITRY	FOX ROAD RR 1	PUTNAM	06260
16B2	TODD, EW	BIRCHWOOD KENNELS	551 SKOKORAT RD	BEACON FALLS	06403
16A11	VAIL, JEANNE	VAIL'S SUNNY FARM	RFD 1 RT 4	GOSHEN	06756

DELAWARE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
50A7	BAILEY, R	TREASURE ISLAND TROPICALS	RT 2 BOX 338A	SEAFORD	19973
50B7	BAILEY, RD	LITTLE ACRE ANIMAL FARM	RT. 2 BOX 338A	SEAFORD	19973
50A5	BEACHY, L		RD 1	GREENWOOD	19950
50A1	HAZEL DEL FARMS INC		RD 1 BOX 198C	HARTLY	19953
50A8	PERSINGER, L	LARRY'S BEAGLES	BOX 1182 AIRPORT RD	SEAFORD	19973
50B12	WISEMAN, CE & SON	FLORA-DEL RANCH	PO BOX 81	GREENWOOD	19950

FLORIDA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
59HS	ALENTADO, A		9584 SW 58 ST.	MIAMI	33173
59DT	BAETJER, B	CHRISTIAN'S COMPOUND	13955 - 113 - STREET	FELLSMERE	32948
59IA	BARLACES, L		1950 PALM DALE COURT	WEST PALM BEACH	33411
59BV	BARTECKI, M	THE PAMPERED PET	1104-C KEY PLAZA	KEY WEST	33040
59HY	BAUDY, R E	RARE FELINE BREEDING COMPOUND.	P.O. BOX 132	CENTER HILL	33514
59AO	BOMAR INDUSTRIES INC		2751 SUNSET BLVD.	NAPLES	33942
59HZ	BRADFORD MARINE	BRADWOOD FARM	3051 STATE RD 84	FT. LAUDERDALE	33312
59CS	BRAMCO INC		P.O. BOX 206	GIBSONTON	33534
59GS	BRYANT, A & J	JODY'S RABBITRY	RT 2 BOX 333	WAUCHULA	33873
59GO	BRYANT, P	ARCADIA SMALL ANIMALS	RT 1 BOX 380	ARCADIA	33821
59GC	BUCK, WE		RR 11 BOX 242	FLORAL CITY	33636
59AF	CAMPBELL, WH		1775 12TH ST. SE	LARGO	33541
59CI	CARRIER, W		1300 S.E. DARLING RD.	STUART	33494
59AG	CHARLES P CHASE CO INC		7200 NW 46TH ST.	MIAMI	33166
59IJ	COOPER, V & S	PINE WHISPER RABBITRY AND SUPPLIES.	2330 SERVICE ROAD	OPALOCKA	33054
59GE	COOPER,P	PAT'S K-9 KENNEL	120 DAIRY RD	AUBURNDALE	33823
59BA	CUMMINGS, ML	CUMMINGS RABBITRY	18001 GERACI RD	LUTZ	33549
59GJ	DAMM, JA	ALPINE RANCH & KENNEL	BOX 1002	NEWBERRY	32669
59AA	DAWSON RESEARCH CORPORATION		PO BOX 6272	ORLANDO	32806
59IH	DIAZ, RAMON	INTERAB	5480 S.W. 118TH AVE	MIAMI	33165
59HK	DINTER, D	PET POURRI	6399 SW 40TH ST	MIAMI	33155
59CN	DOBSON, N	DOBSON'S PETTING ZOO	205 BURBANK DR.	MILTON	32570
59FE	DOUGLAS, S & ENGLER, W	MARLOT BREEDING FARM	RT 5 BOX 130 A1	ORLANDO	32807
59DD	FL MONKEY SANCTUARY, INC		PO BOX 1357	VENICE	33595
59AU	FLORIDA ALLIGATOR FARM		RT 1 BOX 236	CALLAHAN	32011
59AS	FLORIDA REPTILE LAND		RT 1 BOX 312	LAWTEY	32058
59HP	FRANK M THOMPSON, INC		13605 S.R. NO. 64	BRADENTON	33508
59ID	GABLER, J & MILSTREY,		P.O. BOX 1299	EUSTIS	32726
59AL	GATORS OF MIAMI INC	GATORS OF MIAMI, INC.	9500 NW 74TH AVE	MIAMI	33166
59GI	GEIGER, JW & CB		1110 GEIGER CEMETERY RD	ZEPHYRHILLS	33599
59FM	GILLER, LA		5305 SW 76TH AVE	DAVIE	33328

FLORIDA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
58IF	GILMAN, S,H, & C	GILMAN PAPER CO.	111 WEST 50TH STREET	NEW YORK	10020
58CX	GLOBAL FISH IMPORTS		3680 NW 188TH ST	MIAMI	33056
58GW	GOLDSTINE, G & R	FISH NUT HUT	3475 LAUREL LANE	LAKE PARK	33410
58GM	GRAY, CB	PETLAND CLEARWATER	1954 A US 19N	CLEARWATER	33515
58FY	GREENBERG, L	PURR-FECT PETS OF S FLORIDA	4851 SW 160 AVE	FORT LAUDERDALE	33313
58EB	GRODZINSKI, E	HIDDEN ACRES RABBITRY	RT 4 BOX 360	OCALA	32671
58GX	HALDI, B & GONZALEZ R	LAS PALMAS FARMS	28800 SW 167 AVE	HOMESTEAD	33031
58CZ	HATFIELD, KI&JC	EXOTIC FELINE FARM	1991 SW 136TH AVE	DAVIE	33325
58HV	HEROY, H S		160 LEMON LANE	CASSELBERRY	32707
58FA	HORTON, D		RT 1 BOX 184A3	BUNNELL	32010
58BS	HOUSE OF HAMSTERS		282 NW 2ND ST	DEERFIELD BEACH	33441
58IB	HUDSON, K & KENNY, R	THE CRITTER SHOP	3407 HENDERSON BLVD.	TAMPA	33609
58DA	JOHSTON, B		PO BOX 198	ELLENTON	33532
58BO	JULIAN, LL	STUART PET CTR	BOX 616	PALM CITY	33490
58HT	KALICHMAN, R & S		6670 SW 41 CRT	DAVIE	33314
58AV	KELLEY, KC	KEL FARM	RT 1 BOX 108A	ALACHUA	32615
58AR	KINDT, CR	EXOTIC CATS AND CROSSBREEDS	18065 DUBOIS RD	JUPITER	33469
58HQ	KOVNER, R		290 SW 68ST	MARGATE	33068
58BM	L.D. PUPPY SHOP, INC.		4302 SW 8TH ST	MIAMI	33134
58GG	LALUZERNE, E	PETLAND NORTHGATE	9019 N FLORIDA AVE	TAMPA	33604
58EU	LANGIERI, BM	RBC RANCH	9065 S TAMIAMI TRAIL	VENICE	33595
58FN	LARAKIS, A		INGHAM RD BOX 22 RTE 1	NEW SMYRNA BEACH	32069
58IE	LASHLEY, VERGAL		617 POINSETTIA ROAD	AUBURNDALE	33823
58EQ	LAYMAN, L		160 SUNSET DR	CASSELBERRY	32707
58DZ	LIBBY, SR., R & I		6660 OGDEN AVE	ORLANDO	32810
58HC	LIFE FELLOWSHIP CHURCH INC		RT 1 BOX 84-N	SEFFNER	33584
58GF	LIGHTSEY CATTLE CO		2230 SAM KEEN RD.	LAKE WALES	33853
58HM	LUCAS, D & P	LUCAS ANIMAL FARM	PO BOX 167	GROVELAND	32736
58IK	MAEAYA, MARCELO & ZEIDA	LA CARIDAD BOTANICA	18817 NW 42 AVE	CAROL CITY	33055
58GP	MANATEE RABBIT FARM		3141 27TH ST. E	BRADENTON	33508
58HO	MARMOSET BREEDING FARM, INC.		PO BOX 1104	RIVERVIEW	33569
58BI	MARSH, J	HAPPYLAND PET SHOP	RT. 1 BOX 28	FT PIERCE	33450
58BW	MCAULEY, RL	ROGER'S PET PARADISE	2714 APT. 4 S. MAC DILL AV	TAMPA	33609
58FQ	MIAMI RARE BIRD FARM INC		189 CARIBBEAN RD	NAPLES	33940
58IM	MOORE, J & M	FINE FEATHERED FRIENDS	1100 NE 164TH STREET	NORTH MIAMI BEACH	33162
58HG	MORRIS, A & SMITH, S	S & M ENTERPRISES	651 NE 27TH ST	POMPANO BEACH	33064
58HU	NATIONAL WILDLIFE RESERVE TEAM		18600 SW 197 AVE.	MIAMI	33187
58GT	NEIDHOEFER, J	FINE FISH FARMS, INC.	3475 N.W. 187TH ST.	OPA LOCKA	33056
58BR	NELSON, R	EXOTIC BREEDERS	P.O. BOX 137	NOBLETON	33564
58GQ	NEWMAN, D		1107 HWY. 92W	SEFFNER	33584
58CE	NOELL, RM & AM	NOELL'S ARK CHIMPANZEE FARM.	PO BOX 366	TARPON SPRINGS	33589
58HW	OEHLERKING, CHERIE	PUPPY LUV KENNEL	1680 SE 12TH AVE	OCALA	32670
58AD	PARROTT, J & T		3660 COUNTRY CLUB LANE	PEMBROKE PARK	33009
58GK	PET BIRDS INC		7780 NW 58 ST.	MIAMI	33166
58AQ	PET FARM INC	BLUE RIBBON PET FARM	7000 NW 68 AVE	MIAMI	33166
58DH	PET HAVEN, INC.		3321 N FED HWY	POMPANO BEACH	33064
58AW	PET RANCH OF AMERICA		145 E. MERRITT AVE	MERRITT ISLAND	32952
58GU	POWELL, D	WAUCHULA HILLS RABBITRY	RT)1 BOX 225	WAUCHULA	33873
58HE	RATNER, S	ONE OF THE FAMILY INC	4551 PONCE DE LEON BLVD	CORAL GABLES	33146
58AC	RESEARCH LIVESTOCK LABS, INC		P.O. BOX 981	CITY LOCKA	33054
58HH	RHODES, D	COURT HILL KENNELS	RT 2 BOX 357C	GAINESVILLE	32602
58FT	RICE, L	BOB'S PUPPY CENTER	2945 N. EDGEWOOD	JACKSONVILLE	32205
58AI	RIDER, JR. VD		RR 2 BOX 515	BROOKSVILLE	33512
58GY	ROBERTS, J & T	THE RABBIT HUTCH	16001 SW 240 ST	HOMESTEAD	33031
58GA	RODRIGUEZ, D		12700 SW 184 AVE	MIAMI	33187
58HB	ROONEY, G	ANIMAL BAZAAR	RT. 29 BOX 418	FT MYERS BEACH	33931
58FV	ROTH, R	ANIMALS OF DISTINCTION	RT 4 BOX 341	FT PIERCE	33450
58II	SHIVAK, P & B	ARMADILLO ACRES	11635 S.W. 190TH TERRACE	MIAMI	33127
58GL	SIGNORELLI, MH	FILEX	12200 SW 46TH ST	MIAMI	33175
58EE	SINGLETON & CO., INC.		PO BOX 248	RIVERVIEW	33569
58FF	SLOCUM, II, BR & L	QUALITY BIRD CO.	6960 NW 70TH ST	MIAMI	33166
58DW	SMITH, JR. DC	SHANK'S PET LAND	P.O. BOX 231	ARCADIA	33821
58HN	SMITH, R & G		19199 SW 216TH ST	GOULDS	33170
58AJ	SOUTH AMERICAN PRIMATES, INC		PO BOX 570766	MIAMI	33157
58BB	SPINOSO, PJ		4215-83RD AVE N	ST. PETERSBURG	33714
58HJ	STEBBINS, N & B	LAKE KER RABBIT RANCH	RT 3 BOX 585	FT MCCOY	32637
58FD	STEWART, S	RAINBOW KENNELS	RT 1 BOX 127A	DOVER	33527
58AM	TAMPA LIVESTOCK DISTRIBUTORS, INC.	HARTZ MOUNTAIN	PO BOX 22007	TAMPA	33622
58AZ	TROPICAL ANIMALS DIST, INC		156 N.W. 37TH STREET	MIAMI	33127
58HR	TROPIQUARIUM INC		14396 BISCAYNE BLVD	N MIAMI BEACH	33181
58HX	TROUTMAN, B & N		500 ST PETERSBURG DR W BOX 508.	OLDSMAR	33557
58HI	ULVANO, L	HOME AQUATICS	1370 NW 168 TERR	MIAMI	33169
58IC	WALKER, D	PJ'S PET SHOP	P.O. BOX 909	FT. WALTON	32549
58EW	WARD, M	GARDENVILLE SMALL STOCK FARM.	RT 3 BOX 357	RIVERVIEW	33569
58HA	WARD, M		P.O. BOX 66	O'BRIEN	32071
58GV	WILDLIFE DISTRIBUTORS INC		7975 NW 58 ST.	MIAMI	33166
58DI	WOLF, R	JOY'S PETLAND	4329 CLEVELAND AVE. EDISON MAL.	FORT MYERS	33901
58HD	WOOD, R & P		6309 FIRESTONE RD	JACKSONVILLE	32210
58IG	WORLDWIDE PRIMATES, INC		7769 NW 52 STREET	MIAMI	33166
58AH	ZITO, JJ	TIGER PARK	2910 NE 17 CT	FT LAUDERDALE	33305

GEORGIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
57A31	BARNES, MRS. J.		RT 1 BOX 82	WARMSPRING	31830
57A4	COOK, W.		5250 MACLAND RD RT 1	POWDER SPRINGS	30073
57A25	CRAWFORD, JW	BUSY BEE RABBITRY	RT 2 BOX 110A	CARLTON	30627
5781	DAVIES, H.		PO BOX 107	STOCKBRIDGE	30281
57A37	EARLES, MILDRED		RT 4	THOMASTON	30286
57A11	GILREATH, C & H.	THE CIRCLE (G) RABBIT RANCH	RT. 1 BOX 486	MONROE	30655
57A35	HATCHETT, MRS K.	BOW WOW KENNELS	RT 2 BOX 84	THOMASTON	30286
57A34	HOLCOMB, E & S.	HILLTOP KENNEL	RT 1 MACLAND RD	DALLAS	30132
57A32	KELLER, MR & MRS E R.		366 MIZE RD.	TOCCOA	30577
57A15	LAWTON, M.		PO BOX 116	MOUNTAIN CITY	30562
57A36	LOWE, GINA	JD FARMS	110 DAVIS PLACE	ATHENS	30606
57A12	MARTIN, BB		RT 3 BOX 47	FLOWERY BRANCH	30542
57A39	MCCURLEY, CYNTHIA		OLD DAVIS MILL ROAD	RT 2 DALLAS	30132
57A19	PICKELSIMER, C.	FT MOUNTAIN GERBIL RANCH	R 1 BOX 29	CHATSWORTH	30705
57A34	POSEL, RC		41C E BROAD ST.	SPARTA	31087
57A33	SMITH, M.		114 SANDERS ST.	THOMASTON	30286
5789	SOUTHEAST AQUARIES		18C ROYAL DRIVE	FOREST PARK	30050
5786	STEPHENS, R.	ATLANTA WILDLIFE EXCHANGE	P.O. BOX 48406	ATLANTA	30362
57B10	SUNNEX INTERNATIONAL	R.C. RANCH RABBIT PROCESSING PLANT.	STAR ROUTE 45	HARLEM	30814
57A38	WAGONER, GLEN		1701 WOODBERRY AVE	EAST POINT	30344

IOWA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
42UAC	A & M KENNELS	A & M KENNELS	BOX 217	VENTURA	50482
42FAW	ANDERSEN, MI.			DELAWARE	52036
42NAV	ANDERSON, MG		RR 1	DAYTON	50530
42RAP	ANDREASEN, J.		RR 2 BOX 149	AUDUBON	50025
42VAU	ANKENY, B	BRENDA'S PET FARM	RR 2	BUFFALO CENTER	50424
42AAN	ARENDS, M		RR 1	DIKE	50624
42MAD	ARENDS, TONY		RR 2 BOX 199	SAC CITY	50583
42BAZ	ASK, D & M		RR 4 BOX 214	HARLAN	51537
42EU	AUERBACH, LEE		RT 1	LEWIS	51544
425X	BAIRD, BA		R 2 MORTON MILLS	VILLISCA	50864
42LAS	BAKER, D.		RT 2	HARTLEY	51346
42NAJ	BARNARD, D.	HIDDEN ACRE KENNEL	RR 6	MUSCATINE	52761
42RAU	BAUDLER, J.			FONTANELLE	50846
42JY	BECKER, W&C	BECKER KENNELS	RR 1	KNOXVILLE	50138
42PAO	BEDWELL, BL	BEDWELL'S BLUE KENNEL	RT 2	ST. CHARLES	50240
42MW	BENTON, DG & RE		RR 3 BOX 49	GUTHRIE CENTER	50115
42WAK	BERHOW, R & M	M & R KENNELS	RR 1 BOX 77	CYLINDER	50528
42NAD	BIEGHLER, R	ARTIC NOOK KENNEL	4132 E 27TH	DES MOINES	50310
42WAN	BINGHAM, G		RT 1 BOX 11C	CHARITON	50049
42GAS	BLACKFORD, Z.		RT 1	INDIANOLA	50125
42BQ	BLACKMAN, RT.		910 FIRST ST.	LEWIS	51544
42WAF	BLANK, M & MOORLAN	BLANK AND MOORLAN PET KENNELS.	RR 2	GOODELL	50439
42TO	BLANSHAN, CK		RR 1 BOX 137	SCRANTON	51462
42RAY	BOHL, TJ	BOHL'S K-9 KENNELS	RR 2	LAKE MILLS	50450
42SAX	BOLL, R & AD		BOX 67	ARION	51520
42TAX	BOSWELL, M & C.		RT 4	CORNING	50841
42OAR	BRADLEY, MSD	DUSTY ROAD KENNEL	RR 1 BOX 224	WEVER	52658
42GT	BRAND, CD		RT 3	NEWTON	50208
42BAH	BRANDHORST, MRS. H J & J L		4106 MCKELLER RD	WATERLOO	50702
42PB	BRANDT, PE & B	SNOPEKE KENNEL	BOX 697	WALNUT	51577
42KD	BRANT, L		RR 1	GLIDDEN	51443
42KAW	BREUER, DM	SUSSA'S KENNEL	BOX 123	SPERRY	52650
42OV	BRITTEN, H.		RT 1	CRESTON	50801
42TAN	BROCKHART, G.	CRAWFORDSVILLE KENNELS	RT 1 BOX 9	CRAWFORDSVILLE	52621
42JAJ	BROWN, RP		RR 1	DOW CITY	51528
42KO	BURG, LJ	BURG KENNELS	BOX 69	BRIDGEWATER	50837
42MAY	BURK, EL		RR 1	HAMILTON	50116
42OK	BURNETT, E.		RR 2	KNOXVILLE	50138
42ZU	CARPENTER, DG		RR IOWA CENTER	MAXWELL	50161
42WAZ	CARTWRIGHT, D D.	PINE LANE KENNELS	RT 1	LELAND	50436
42PAK	CHAPMAN, B & BLESL, J		RR	KINGSLEY	51028
42FAH	CHATFIELD, RA		RURAL ROUTE 2 BOX 258	KEOKUK	52630
42IAP	CLARK, C.	CLARK'S KENNEL	RR 1	PROMISE CITY	52583
42UAL	CLAUSEN, DA		RR 1	IDA GROVE	51445
42ON	COCKBURN, RW&D		RT 1	CORRECTIONVILLE	51016
42HH	CODDINGTON, L	SALTON KENNEL	RR 1	HASTINGS	51540
42DAR	CONNER, W & M		R 5 BOX 204	MT PLEASANT	52641
42GA	CONRAD, EL&D			KEOTA	52248
42CH	COOPER, CS	COOPER KENNELS	PO BOX 117	MYSTIC	52574
42DAA	COOPER, WD.		RURAL ROUTE 2	NORWALK	50211
42XAU	COSE, KARLA		RT 1	DENISON	51442
42SAR	CRAVEN, D.		BOX 201	OGDEN	50212
42EZ	DAMON, D	DAMON'S KENNELS	RR 4	KNOXVILLE	50138
42KAF	DAVIS, VM		909 E HOWARD ST	CRESTON	50801
42TAI	DE BRUIN, O.		RT 5	ALBIA	52531
42BX	DE FOSSE, C		RR 2	MEDIAPOLIS	52637
42HAT	DEAN, AL		1810 LINCOLN	CEDAR FALLS	50613
42CAN	DEBOLT, BK	LLOYDS KENNELS	RT 1 BOX 4	NEOLA	51559
42SAN	DEBRUIN, M & B		RT. 2	OSKALOOSA	52577
42LB	DEBRUIN, R	OAKVIEW HUNTING CLUB & KENNEL	RT 2	PRAIRIE CITY	50228
42WAR	DEMBURGER, SHEILA		RT 5	OSKALOOSA	52577
42VAT	DERRY, L & M		RR 1 BOX 133	BAGLEY	50026

IOWA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
42TAE	DESEMNA, N & MAYNARD, R	PRIMACANA KENNELS	2635-40TH	DES MOINES	50310
42VAC	DEVORE, P		RR 1	PROMISE CITY	52583
42VAB	DEVORE, W		RT 1	PROMISE CITY	52583
42TAC	DIRKS, K	K D KENNELS	RR 1 BOX 17	FONDA	50540
42WAX	DOCTER, S	DOCTER KENNELS	410 2ND ST. SE	ORANGE CITY	51041
42LG	DODD, D&R		RT 4 BOX 98	BOONE	50036
42NX	DOUESLAGER, G		1360 N. MAIN	SIOUX CENTER	51250
42CAW	DONAHUE, K		224 OAK ST.	NORTH ENGLISH	52316
42UAA	DOWNING, D & C		509 WEST 7TH ST	ADAIR	50002
42WF	DRAPER, P		RT. 2	PRESCOTT	50859
42KA	DUDLEY, WI	DUD-LEE'S KENNELS	RT 2	CRESTON	50801
42DR	DUELING, R		RT 1 BOX 325	ALLERTON	50008
42PAL	DUGGER, B	DUGGER FUR FARM	RT 1	BARNES CITY	50027
42JAN	DUIT, AD		R 1 BOX 11	MONTICELLO	52310
42FAA	EADES, PE		584 SUPERIOR	STORM LAKE	50588
42YB	EARLES, R	IOWA SMALL ANIMAL ENTERPRISES.	1720 SO 17TH ST	FT DODGE	50501
42EO	ECK, DA	SUGAR CREEK KENNEL	RR 1	MONTROSE	52639
42JAK	ECKHOFF, B		RR 1	SIBLEY	51249
42LAI	ECKLOR, P	MISTY MEADOW KENNELS	RT4	MARSHALLTOWN	50158
42GL	ELBERT, G			RODMAN	50580
42HB	ELLIS, NJ		813 LAKE RD	OTTUMWA	52501
42QH	ELLWANGER, R		BOX 148 R1	GRAND JUNCTION	50107
42HM	ELSNER, MRS. A		615 ONEIDA ST	STORM LAKE	50588
42ZO	EMMONS, M & SCHLIENZ, S	BRIARCREEK KENNEL	RR 1 BOX 63	SOLON	52333
42XAI	EVENSON, JOYCE & RICK		1754 100TH PLACE	DES MOINES	50322
42OAG	FALES, L	FALES KENNELS	BOX 276	ALBERT CITY	50510
42PAW	FARNUM, NR		RT 1	CARLISLE	50047
42VAJ	FARRELL, R		RR 2 BOX 29	ELKADER	52043
42TAY	FAWCETT, J	CROSSVIEW KENNELS	RT 3	NEW SHARON	50207
42LAK	FERRISS, WJ	FERRISS WILD ANIMAL FARM	RT 1	TOLEDO	52342
42RS	FINCH, A&D		RR 1	KELLY	50134
42OAQ	FISHER, D	FISHER KENNELS	R 1 BOX 116	WEST POINT	52656
42XS	FITZPATRICK, K	HI VU KENNELS	RT 2	DENISON	51442
42WAB	FLAUGH, C & V		RR 3	NORWALK	50211
42OAD	FORTUNE, JL	FORTUNE KENNEL	RT. 3	CHARITON	50049
42QB	FOX, CC		R 2	FOREST CITY	50436
42AH	FOX, EARL JR		RT 5	FOREST CITY	50436
42CM	FOX, J	FOX'S FORBOSH KENNELS	RT 3	CENTERVILLE	52544
42WAT	FREESE, K & W	FREESE DACHOUND KENNEL	RT 1	VAIL	51465
42ZC	FUHRMEISTER, L		RR 2	IOWA CITY	52240
42JAV	FULLENWORTH, G	FULLENWORTH KENNEL	RR 3	STORM LAKE	50588
42XK	GARDNER, MJ		R-2	DIAGONAL	50845
42AN	GARNER, D		RT. 5	OSCEOLA	50213
42GAU	GATES, R & P		2119 BOYD ST	DES MOINES	50317
42FAQ	GIGLER, B	BARB'S KENNELS	RR	TITONKA	50480
42UAI	GIHRING, R	SHADY ACRES	RR 1	GARRISON	52229
42SY	GILBERT, H			KEOSAUQUA	52565
42JAS	GILMORE, BL		4090 NE 46TH	DES MOINES	50317
42GAK	GLASS, JL		RR 1	BROOKLYN	52211
42SAQ	GOKEN, CJ		RT. 1 BOX 78	DYSART	52224
42VAN	GOOD, C & D	SUMMIT VIEW KENNELS	RR 4 BOX 179	CHEROKEE	05012
42NAS	GOODWIN, BM		RT 2 BOX 130	GLIDDEN	51443
42NAH	GOODWIN, J		402 WOODMANESE ST	MACEDONIA	51549
42MJ	GOSCH, M & E	GOSCH'S K-9S	RR 2	IDA GROVE	51445
42OAW	GRADY, R&D	DEE'S KENNEL	RR 1 BOX 73	OTHO	50569
42KAQ	GRAEVE, M	GRAEVE KENNEL	RR 1	EARLING	51530
42YAA	GRAU, C	MARDI-GRAU KENNEL	RR 2	NEWELL	50568
42MN	GRAY, JT & JA		RR 1	DUNLAP	51529
42EM	GREEN, H		RR 1	PLANO	52581
42FAM	GREIMANN, RL			KELLERTON	50133
42UAQ	GROEN, C & V		RR 1	LITTLE ROCK	51243
42UAT	GROEN, L		RR 1 BOX 36	LITTLE ROCK	51243
42VE	GROTEWOLD, D		RR 2	LAKE MILLS	50450
42CAU	GRUENHAGEN, G		RT 2	WALCOTT	52773
42PH	GUDE, J		RR 2B	EXIRA	50076
42JG	HALL, H & H		RT. 2 BOX 2	VILLISCA	50864
42JB	HAMRICK, HM		RT 1	ACKWORTH	50001
42KAZ	HANNA, JOHN & JOAN		RR 2	LAKE MILLS	50450
42XO	HANNY, R		601 WALKER ST.	WOODBINE	51579
42RU	HANSEN, D&D	HANSEN KENNELS	RR 3	EXIRA	50076
42GAV	HARDISTY, D		RR 3	CORNING	50841
42OAL	HARRIS, H & S	WOODSIDE KENNELS	RR 2	WOODBINE	51579
42VAY	HARTE, LF & D	HARTELAND KENNELS	RR 1	REMSEN	51050
42OD	HAVICK, M		RT 1	SHELBY	51570
42CAV	HAYES, C & GRAHAM, C	WOLF POINT KENNEL	RR 1	ACKWORTH	50001
42PAM	HEADLEY, K&D	HAMILTON CO	RR 1	ELLSWORTH	50075
42UAH	HEIL, L		RT 1	MARSHALLTOWN	50158
42XAF	HENNINGSEN, K & D		RR 1 BOX 19	DELOIT	51441
42ET	HESS, J M		RT 1	WASHINGTON	52353
42TAR	HESS, K		307 S 7TH ST	DUNLAP	51529
42UH	HIGHLAND, DE	HIGHLAND KENNEL	RT4 BOX 217	HARLAN	51537
42CQ	HIXENBAUGH, B	LAKEVIEW KENNEL		PLANO	52581
42YAC	HOBBS, CHRIS		1310 OAK PARK RD	COUNCIL BLUFFS	51501
42UAF	HOLST, L	LAND D KENNEL	BOX 10	BOUTON	50039
42XQ	HOLTORF, DR		RR BOX 46	CALLENDER	50523
42KZ	HOLTZ, MRS. CLARENCE	BOTNA VALLEY KENNELS	RR 2	AVOCA	51521
42WE	HOMANDBERG, A			INWOOD	51240
42HAF	HOOVER, B		1408-13TH ST	MILFORD	51351
42WR	HOOVER, FR		BOX 154	OTHO	50569

IOWA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
42QS	HORMAN, C	HORMAN'S SUNNY DALE KENNELS	RT 3	PELLA	50219
42LAT	HUFFER, J		RT 1	ST. CHARLES	50240
42EAW	HUSMAN, D	HUSMAN AQUATIC'S	625 4TH AVE	SHELDON	51201
42AAO	HUMMEL, CA		RT 4	WINTERSET	50273
42UAY	HUMMEL, D & V	VIDON KENNEL	RT 1 BOX 212	STANTON	51579
42ID	JACOBSON, A&J	WINNEBAGO CO	RR 1	LAKE MILLS	50450
42WAC	JACOBSON, R & P	HILLTOP KENNEL	RT. 3 BOX 215A	COUNCIL BLUFFS	51501
42BAX	JANSSEN, S		RR 2	LAKE CITY	51449
42WAN	JANSSEN, S & R	FOUR PAWS KENNEL	RR 1 BOX 45A	DOON	51235
42BR	JARVIS, JA		719 3RD AVE N	MT VERNON	52314
42XAH	JENSEN, MARY	J & M ENTERPRISES	RT 1 BOX 269J	HONEY CREEK	51542
42LAE	JOBE, JA	BY-JOBE KENNELS & STABLE	BOX 291	TABOR	51653
42XAM	JOHANSEN, GLENDA		RT 5 BOX 304	CHARITON	50049
42XAS	JOHNSON, CAROL		BOX 115	CLIO	50052
42DAO	JOHNSON, G	RED BRIDGE KENNEL	RR 1 BOX 49	SMITHLAND	51055
42MO	JOHNSON, H & B	LEE BEE KENNELS	RR 4	GRINNELL	50112
42EAU	JOHNSON, J&J	JD & JONS KENNEL	206 W DES MOINES ST	ELDON	52554
42AU	JOHNSON, RC		RR 2	ALBIA	52531
42QAC	JOHNSON, LR	JOHNSON KENNELS	1623 VICTORIA ST	HARLON	51537
42KAK	JOHNSTON, LL	PINE KNOLL KENNEL	606 WEST STANFORD ST	JEFFERSON	50129
42WAQ	JONES, K & S	TUCKS KENNEL	RT 3	NEWTON	50208
42ZF	JONES, RJ		RT 1	ACKWORTH	50001
42CR	JUDGE, L	JUDGES KENNELS		MORAVIA	52571
42UQ	KAMERMAN, A			ORANGE CITY	51041
42WAL	KARSTENS, V		RR 1 BOX 92	LAKEVIEW	51450
42CJ	KAUFFMAN, H	KAUFFMAN KENNELS		WAYLAND	52654
42UAQ	KAUFFMAN, J		R 1 BOX 229A	WAYLAND	52654
42VAA	KELLER, NANCY A		RT 1 BOX 36	GRAND RIVER	50108
42FAT	KELLY, B			CLARENCE	52216
42BK	KELLY, R G	KELLEY'S KENNELS		KELLERTON	50133
42WAS	KENKEL, G & J	PAL J'S KENNEL	BOX 267	EARLING	51530
42BW	KENKEL, L & A		RR 2 BOX 73	HARLAN	51537
42QAS	KING, S		R 2	WEST POINT	52656
42SAV	KINNEY, G & M	HORSE SHOE KENNELS	RR 1	LEWIS	51544
42OAC	KLABUNDE, M & K	CEDARWOOD KENNELS	RR 1	HONEY CREEK	51542
42LX	KLAGE, BJ	HI-KLAGE KENNELS	RR 4	FT DODGE	50501
42MAC	KLOSNAK, V		BOX 178	HAMILTON	50116
42RAO	KNUDSON, M		RR 4	RED OAK	51566
42UAD	KOHL, CRAIG	MIDWEST BIOLOGICAL	574 32ND ST. NE	CEDAR RAPIDS	52402
42HAS	KOONTZ, OL & P	PAT-O-PAL KENNEL	RR 1 BOX 167C	PROLE	50229
42XAE	KORVER, MARTIN	KORVER CATTERY	RR 1	ALTON	51003
42LV	KOTZ, G		RR 1	KIRON	51448
42AAS	KRABILL, A		RT 3	MT PLEASANT	52641
42OAX	KRAGELUND, M		RT 1	WIOTA	50274
42TAZ	KRAMER, J	KRAMER KENNELS	RT 5 BOX 147	OSAGE	50461
42OAK	KRAMER, V		BOX 62	FOSTORIA	51340
42NAF	KRAUSE, F	KRAUSE SUNRISE KENNEL	RR 1 BOX 20	MASSENA	50853
42LF	KRAUSE, R		BOX 119 RFD	FENTON	50539
42TQ	KROUGH, RH		926 CEDAR ST	STORY CITY	50248
42UAQ	KRUEGER, DAN	IOWA ECOLOGY FARMS	RR 2	WALTON	52778
42HAQ	KRUID, G		RR 2 BOX 151	IRETON	51027
42IR	KRUSE, GM		RR1 BOX 95	SALEM	52649
42UAX	LALONE, L & R		RR 1	ARTHUR	51431
42PS	LANG, JH & JL		502 N MARION AVE	WASHINGTON	52353
42OAM	LANG, R&C	LANG'S KENNEL	1816 E 12TH ST	DES MOINES	50316
42DL	LANGSTRAAT JR, H		RT 1	OTLEY	50214
42EAO	LATTA, F		RT 1	MONTICELLO	52310
42LR	LAVERMAN, MRS W		RR 1	SULLY	50251
42AR	LEAS, NO	LUTZHAUS KENNELS	5622 ASHWORTH RD	WEST DES MOINES	50265
42AW	LEE, E	LEES KENNEL	106 LEE ST	SEYMOUR	52590
42FE	LEINEN, LJ	PARSOUGH KENNELS		HARPER	52231
42AAJ	LITTLE, LD		BOX 186	BARNES CITY	50027
42SS	LIVINGSTON, MRS	WINCREST KENNEL	ROUTE 3	INDIANOLA	50125
42OAI	LIVINGSTON, K		BOX 67	FARRAGUT	51639
42UAV	LOE, N & R		BOX 217	VENTURA	50482
42XAO	LOMBARD, CAROL		RFD BOX 2	LEHIGH	50557
42VAW	LONG, I & I		BOX 16	SHARPSBURG	50867
42XAR	LOYNACHAN, K & J		RR 3 BOX 219A	CHARITON	50049
42QW	LOYNACHAN, T		RT 3 BOX 276	CHARITON	50049
42HAH	LUNDSTROM, D		BOX 311	SPIRIT LAKE	51360
42FZ	LYNCH, H		RR 1	W BRANCH	52358
42AO	LYONS, W		RT 1	EXLINE	52555
42MAX	MADSEN, S		RR 1	AUDUBON	50025
42PJ	MARLIN, G	MARLIN WILD ANIMAL FARM	RT 1	CRESTON	50801
42XAS	MARTIN, T & J		RT 1	WALNUT	51577
42CAR	MAUDLIN, P			REDDING	50860
42OV	MCCLAIN, A	MCCLAIN KENNELS	RR 1 BOX 7	HARRIS	51345
42BL	MCCOMBS, SD		RT 1	ACKWORTH	50001
42KAS	MCCREARY, JA		RR 1	MT AYR	50854
42XC	MCCULLOUGH, R		RT 2 BOX 71	MOULTON	52572
42EG	MCDERMOTT, R		RT 2	ATLANTIC	50022
42HAY	MCGRANN, J		RT 1	MYSTIC	52574
42IS	MCINTOSH, R&S	SANRON KENNELS		FARMINGTON	52626
42EAJ	MCKAMEY, N		RR 1 BOX 185	BETTENDORF	52722
42TA	MEADE, HG		RT 6 LINDER LN	IOWA CITY	52240
42HAC	MEANS, V		BOX 241	CARBON	50839
42ZQ	MEEVES, RE		RR 2	IDA GROVE	51445
42JE	MEYER, A		70 ALLVIEW DRIVE SW	CEDAR RAPIDS	52404
42LAR	MEYER, K		RT 1	BRANDON	52210

IOWA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
42FAF	MICHAEL, FD		RT 2	ELKHART	50073
42MI	MILES, D & J		RR 2	IDA GROVE	51445
42XAT	MILLER, ANNETTE C.	PLEASANT VALLEY KENNEL	RT 4	HARLAN	51537
42GAN	MILLER, DW		RR 2	KEOTA	52248
42VAG	MILLER, G		RR 2 BOX 325	KALONA	52247
42AAC	MILLER, JF & J		RR 1	DUNLAP	51529
42TAT	MOORE, JD		R 2 BOX 69B	WAPELLO	52653
42FAC	MOORE, M		BOX 226 RT 1	CENTERVILLE	52544
42XAB	MOORE, T & R		RT 3 BOX 47	CORNING	50841
42TAU	MORGAN, R & D		BOX 3 RR 1	OTO	51044
42CV	MORRISON, L		RR 1	GRAND RIVER	50108
42BY	MORRISON, MC	MORRISON RABBITRY	RR 1	WEST LIBERTY	52776
42LC	MOULDS, SE	WESTROAD KENNEL	RR 1 BOX 31	LAKE CITY	51449
42JD	MOYER, PL&RM		RT 1	PROLE	50229
42WAM	MUFF, J K	MUFF'S KENNELS	RT. 1	DUNLAP	51529
42IX	NARIGON, AG	NARIGON RENE KENNEL'S OF PRESCOTT.	BOX 184	PRESCOTT	50859
42OG	NEALEY, CM		RR 2	DANVILLE	52623
42BZ	NEJDL, RN	LEDJEN HILLS KENNEL	PO BOX 1185	CEDAR RAPIDS	52406
42UAK	NELSON, G & M	SPRING RIDGE FUR FARM	R 1	BIRMINGHAM	52535
42RAN	NELSON, LD		800 NORTH ST	WALNUT	51577
42WAH	NEPERENY, M & M			STRATFORD	50249
42NB	NIKKEL, L		RR 1	SULLY	50251
42OAY	NORDBY, M&D	HIDDEN HOLLOW KENNEL	RT 1	KIMBALLTON	51543
42FO	NORMAN, RE&CM	NAMRON KENNELS	RT 2 BOX 223	AFTON	50830
42OAE	OLDENKAMP, K&M	OLDENKAMP KENNELS	RR 2	ORANGE CITY	51041
42MD	OVERTON, P			ALLERTON	50008
42YAD	OWENS, R & V	RIVERHILLS KENNELS	3001 MALLOY RD.	SIOUX CITY	51103
42HE	PAPLOW, M		RR 2	SIBLEY	51249
42NW	PARDEKOOPER, B		BOX 101 207 WEST NORTH STREET.	LINDEN	50146
42QC	PATTEN, AB&E		RR 1	AUBURN	51433
42LAQ	PELZER, LJ		RT. 2 BOX 140	GRISWOLD	51535
42UR	PENNINGS, M			ORANGE CITY	51041
42PP	PETERSON, BW		BOX 28A	GLIDDEN	51443
42WAY	PETERSON, C C	CAROLS KENNELS	RR 4 BOX 112	FOREST CITY	50436
42BAI	PETTY, D			SIOUX RAPIDS	50585
42RAH	PHILLIPS, BJ	B.J. KENNELS	RFD 1	ROSE HILL	52586
42RW	PHILLIPS, MK	PHILLIPS KENNELS	R-2 BOX 191 TOWNSHIP RD	KEOKUK	52632
42TAK	PIERCE, R		RT 1	COLFAX	50054
42MH	PILLING, DG			MEDIAPOLIS	52637
42JAG	PLUMB, D	PLUMB'S KENNEL	ROUTE 1	HARLAN	51537
42UAN	POL, M		RT 1	SULLY	50251
42NE	POLDBERG, D & M		RR 2 BOX 66	HARLAN	51537
42WQ	PORTER, A & E		BOX 582	DAYTON	50530
42SAY	PORTER, B			CUMBERLAND	50843
42KB	PORTER, FE		ROUTE 1	LACONA	50139
42UAU	POWERS KENNEL		BOX 18	TABOR	51653
42TAL	PROKOP, J & J		117 WASHINGTON ST.	ROCKWELL CITY	50579
42NAI	PULVER, R		RT 1 BOX 23A	RUNNELS	50237
42XAA	PURCELL, C	DE FELIS CATTERY	101 FRANK ST.	COUNCIL BLUFFS	51501
42KAU	PURDUM, G&J		RR 1 BOX 147	NEWTON	50208
42JAY	QUALE, I		1439 E DUNKERTON RD	WATERLOO	50701
42UX	RANKIN, M		1454 E 21ST ST	DES MOINES	50317
42GAM	RED ROCK COON HUNTERS ASSN		RT 1	LACONA	50139
42MAQ	REED, L	LE-RE KENNEL	RT 5 BOX 341	CHARITON	50049
42LA	REIMER, H	REIMER KENNEL	ROUTE 1	AFTON	50830
42PZ	REMILLARD, DS		RR 3	ALTA	51002
42LAY	REYNOLDS, R		RT 2	CARLISLE	50047
42AZ	RHOADS, L	RHOADS KENNEL		NUMA	52575
42DA	RICHARDSON, I	J&R KENNELS	RT 1	LINEVILLE	50147
42KAX	ROBERTSON, GL&KB	TURKEY CREEK KENNELS	RT 1	ELK HORN	51531
42IF	ROEGLIN, L	ROEGLIN KENNELS	RR 2	KEOKUK	52632
42RJ	ROETMAN, G	COACHLITE KENNELS		HULL	51239
42MG	ROSENTHAL, C&J	CHARLEY HORSE ACRES	RR 1	STORM LAKE	50588
42MY	ROSSMANITH, H		RR 1	GOWRIE	50543
42WAU	ROUDABUSH, E & C		RT 2	BROOKLYN	52211
42UT	ROYCE, S		RR 1 BOX 122	GRAND JCT	50107
42VAM	ROYER, L		RR 3	GUTHRIE CENTER	50115
42EAC	ROYSTER, PK	LAZY R KENNEL	RR 1	DUNCOMBE	50532
42CAI	ROZENDAAL, EA		RT 1	LYNNVILLE	50153
42GO	RUBY, LC		RR 3	NEW SHARON	50207
42OAH	RUDE, M & B & B	B&B BUNNY BARN	RR 1	ELLSWORTH	50075
42LAD	RUPP, DE		RT 2	CORNING	50841
42RAT	SANDERS, R&J		RT 1 BOX 53B	COUNCIL BLUFFS	51501
42LM	SAVAGE, D	CEDAR CROFT KENNEL		SALEM	52649
42OO	SCANLAN, DP		930 N CENTER ST	LAKE CITY	51449
42IW	SCHENK, N & B	PUPPY VILLA	RR 1	SIOUX CENTER	51250
42YAB	SCHMALE, HAZEL	NISHNA VALLEY KENNELS	PO BOX 268, 904 S. AVE	EMERSON	51533
42CAO	SCHMITH, D		1214 MAPLE	HULL	51239
42NP	SCHOLTE, A. M. CLARK	CLARK'S KENNEL	401 WATERS ST	ALDEN	50006
42XAC	SCHOSSOW, CECIL		RT 2 BOX 34	LAURENS	50554
42LAH	SCHOTT, JR&TM	OAKRIDGE ACRES	RR 1 BOX 71	OTHO	50569
42BG	SCHRADER, P MRS	SCHRADER KENNELS	RR 2	BATTLE CREEK	51006
42WAW	SCHROETER, N & L		RR	BRAYTON	50042
42XAJ	SCHULTE, CLEMENT	PUPPYLAND	6890 NW 6 DRIVE	ANKENY	50021
42LJ	SEA, J	SEA'S PRAIRIE JCT KENNELS	RT 2	HEDRICK	52563
42FAS	SEIVERT, E	SEIVERT KENNELS INC.	RR 2	SANBORN	51247
42EAZ	SHADA, G & M	SHANSI KENNEL	RR 1	CENTER POINT	52213
42TAW	SHANNON, BJ	OAK RIDGE KENNELS	R-2 BOX 159	SIGOURNEY	52591

IOWA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
42QD	SHARP, B	BOB SHARP KENNELS	RT 2	CHARITON	50049
42MP	SHARP, SL		RT 1	ARION	51520
42XT	SHEETS, VIMRF	CHARES KENNELS	RR 2	IOWA CITY	52240
42RAK	SHIELDS, DSC	SHIELDS KENNEL	RT 1 BOX 6	LOGAN	51546
42ND	SIEFKEN, E		RR 2	GILMORE CITY	50541
42VAW	SIEMER, J	LITTLE ACRE'S KENNEL	RR J1	DOW CITY	51428
42WAD	SIETSTRA, MRS W		RR 1	BOYDEN	51234
42SM	SIMPSON, L	SIMPSON KENNEL	BOX 9441	SPIRIT LAKE	51360
42AW	SMITH, DC & MM		2010 SE 61ST AVE	DES MOINES	50320
42EAM	SMITH, KBM			WASHTA	51061
42VAX	SMITH, R		RT 1	ALBIA	52531
42PAN	SONDAG, G		BOX 147	BRANDON	52210
42TI	SORENSEN, EKM		RT 2 BOX 88	COON RAPIDS	50058
42XAL	SPEER, L & L		BOX 474	COLWELL	50620
42FAL	SPINA, BA	TU SHOW PEKINGESE & SHIH TZU.	1822 HAMILTON STREET SW	CEDAR RAPIDS	52404
42HAU	SPITLER, D	SPITLER-DOG & HUNTING SUPPLY.	BOX 95	BLAIRSBURG	50034
42XAN	SPOELSTRA, R		RR 3	NEW SHARON	50207
42BAP	SPORRER, M		RT 4	DENISON	51442
42TAV	SPRENGER, R & K	BURGDORF KENNELS	RT 2	FREDERICKSBURG	50630
42BAP	STAUFFER, MI	MAJESTA KENNEL	RR 1 BOX 122	FONDA	50540
42IAL	STEFFENS, J		BOX 3 RR	MACEDONIA	51549
42DAP	STIMSON, F			BLANCHARD	51630
42CY	STRAIGHT, P			KELLERTON	50133
42RAX	STREIT, J & WINKOWITSCH, J	KNICK KENNELS		SIBLEY	51249
42SH	STRICKLAND, D		RT 1 BOX 174	ANITA	50020
42ZY	STRIEGEL, E	STRIEGELS TOY DOGS	RR 1 BOX 129	EARLY	50535
42AM	STRUNK, G & P		BOX 303	CALLENDER	50523
42PAG	STRUVE, D		RR 1	VAN HORNE	52346
42ER	STUEKERJUERGEN, JJ&JV	CORNER VIEW KENNELS	RR J1 BOX 155A	DONNELLSON	52625
42RAJ	STUFFLEBEAN, RAJ	RIVER VIEW KENNEL	RR 2	DUNCOMBE	50532
42WAV	STUIT, A			HOSPERS	51238
42ZK	SUNKEN, R	SUNKENS GREENBELT KENNELS	RR 2	IOWA FALLS	50126
42HD	SWANTZ, G		RR 2	KALONA	52247
42OAA	TAYLOR, DJ		RR 2 BOX 104	NEOLA	51559
42OAF	TAYLOR, J	YEAGER CREEK YORKIES	5010 SW 9TH ST	DES MOINES	50315
42UZ	TE STROETE, G	ARLO FARMS		SIOUX CENTER	51250
42KG	TESTROET, P&L	COUNTRY KENNEL INC.	BOX 89	AUDUBON	50025
42XN	THACKER, J	BRAVO COUNTRY KENNELS	RR 1	DOUDS	52551
42TAA	THOMPSON, C	G.T. KENNELS	RR 1	SPENCER	51301
42YF	THOMPSON, CAE	CHARESTA'S KENNEL	RR J1	RANDOLPH	51649
42WAG	THOMPSON, J		RR 3	BOONE	50036
42TN	THOMSEN, R	THOMSEN KENNELS	RR 4	HARLAN	51537
42ZZ	TILLER, WALLACE	TILLER ENTERPRISE	1702 HILLCREST	BELLEVUE	68005
42CD	TJADEN, G		R 1 BOX 67	FLOYD	50435
42XR	TRAVIS, BL			LEWIS	51544
42KAH	TROWER, L		RT 1 BOX 64	GRAND RIVER	50108
42VAL	TYSSELING, M & C	TYSSELING KENNELS	RT 2	PELLA	50219
42GK	ULMER, M&S	GOLDEN KENNELS	BOX 66	ARION	51520
42XAW	UPAH, WDG	VINE RIDGE KENNELS	212 E VINE STREET	TOLEDO	52342
42VAI	VAN DER POL, H & B		RR 1	MONROE	50170
42EAV	VAN DORLAND, W		RT 1	EDDYVILLE	52553
42SAL	VAN DRUNEN, P		RT. 2	PELLA	50219
42LAF	VAN GORP, SR., L		RT 1	REASNOR	50232
42MAJ	VAN KOOTEN, G&H		RT 3	OSKALOOSA	52577
42SAF	VAN LANINGHAM, D		R 4 BOX 105E	FAIRFIELD	52556
42SAE	VAN LANINGHAM, S	DAVIS COUNTY KENNELS	R 4	BLOOMFIELD	52537
42KAT	VAN WYK, WSC		RT. 4	PELLA	50219
42PAU	VAN ZEE, R	VALLEY VIEW KENNELS	RT 2 BOX 16	ROCK VALLEY	51247
42QZ	VANCE, MA	SUMMITVILLE KENNELS	RR J2 BOX 163	KEOKUK	52632
42BV	VANDENBERG, G & M	VAN'S KENNELS	RT 5	ALBIA	52531
42LAQ	VANDEWATER, LJ		RR 2 BOX 169	GREENFIELD	50849
42UAJ	VANWYK, LM		RT 1	SULLY	50251
42NAY	VAUGHN, AM	WILDWOOD KENNELS	RR 4 BOX 586	DAVENPORT	52804
42VM	VERHEY, B&J		RT 1	SULLY	50251
42NM	VOEGE, D & S		RR 2	MANILLA	51454
42XAV	VOS, M & L		R 3	PELLA	50219
42NG	VOS, R	JE-RO-NA-KENNEL	BOX 36 CLAREMORE MOBILE HM PK.	SIBLEY	51249
42JT	WALDRON, KM	BROOKVIEW KENNELS	BOX 75	AYRSHIRE	50515
42NAB	WALRAD, L	LADOWA KENNELS	RT 5 BOX 173	OSCEOLA	50213
42EK	WEAR, E&J	HAPPY VALLEY SALES	1434 SPRUCE ST	IOWA CITY	52240
42UAZ	WEAVER, ML		BOX 130	RIPPEY	50235
42LAU	WEBB, P			KELLERTON	50133
42YA	WEHRSPAN, K	KAY'S KENNEL	515 NICKELLANE	EAGLE GROVE	50533
42WI	WEISSHAAR, JR		ROUTE 2	CRESTON	50801
42RV	WELSCH, JM		RR 1 BOX 49	GREENFIELD	50849
42FS	WELSH, CO	WELSH'S KENNELS	RR 1	BLAKESBURG	52536
42XAP	WHISTLER, MR & MRS LOYD	HOME AMERICA RABBIT ENTERPRISE.	RR 1 BOX 112	LOWDEN	52255
42XAK	WHITHAM, MARLENE		ROUTE 1	WOODBURN	50275
42OAJ	WIESE, L&N	CLEMENTINE'S KENNEL	RFD 1	HOLSTEIN	51025
42CB	WILLEY, EF	BLACK SHADOW KENNEL	600 E COLUMBUS	MT AYR	50854
42RF	WILLIAMS, L			LARCHWOOD	51241
42SP	WINEY, C		R 1	DELOIT	51441
42ZJ	WOOD, F			EXLINE	52555
42OAB	WOOD, LF		RR 2	CASTANA	51010
42HX	WOOD, MJ		RR 1	CINCINNATI	52549
42PO	WOOD, ML	YORKWOOD KENNELS	839 OAK ST	AINSWORTH	52201
42IAU	WOODS, RM		RT 1	CARLISE	50047
42XAY	WOODY, L & K		RT 1	REASNOR	50232

IOWA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
42GAX	WOSOBA, N			MONMOUTH	52309
42SAS	WUNSCHEL, D & P		RR 1 BOX 25	IDA GROVE	51445
42DAT	WYNN, JE	WYNN KENNELS	BOX 295 RR 4	W BURLINGTON	52655
42FAV	YARRINGTON, S		RR 4	CORNING	50841
42VAZ	YARRINGTON, R & S	YARRINGTON'S KENNELS	BOX 133	BRIDGEWATER	50837
42PAH	YOUNG, JM	WINDY ACRES KENNELS	R 1 BOX 4C	SPERRY	52650
42OAZ	ZENOR, L		RT 1	OGDEN	50212
42OAZ	ZOET, J&P		RR 2	HULL	51239
42UW	ZOMERMAAND, J	ROYAL DUTCH KENNELS	BOX 1	STRUBLE	51057
42XAX	ZOOK, MARGARET OR RUSSELL	ZOOK'S ANIMAL WORLD	RR 1	AINSWORTH	52201
42RAV	ZORTMAN, G	KNOB HILL KENNELS	RR 1 BOX 195	HORNICK	51026

IDAHO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
82A3	ADAMS, C & E	A&K LAB ANIMALS	3215 N 8 ST	COEUR D'ALENE	83814
82A19	JOYCE, J & S	BRIARWOOD KENNELS	RT. 2 BOX 6663	BLANCHARD	83804
8285	KORN, J & S	CHF A GROWING CONCERN	BOX 201	CAMBRIDGE	83610
8281	LEWIS-CLARK ANIMAL SHELTER INC		PO BOX 994	LEWISTON	83501
82A2	MEEKS, E&V		RT 2	POST FALLS	83854
82912	MERICLE, JACK & PENNY		R 1	KUNA	83634
82A5	NOBLE, C	NOBLE KENNELS	RT 4	RUPERT	83350
8289	RAVENSCROFT, A & J	MALAD RIVER KENNEL	TUTTLE ROUTE	BLISS	83314
8286	STAV, E	SAGEBRUSH KENNELS	RT 1 BOX 415	ARCO	83213
8288	TROUTMAN, J	F-J'S KENNEL	5254 COLFAX	COEURD'ALENE	83814
8287	W.E. ARRINGTON, INC	ARRINGTON'S ANIMAL PARK	BOX 861	IDAHO FALLS	83401
82A11	WYCKOFF, E	WYCKOFF KENNELS	7016 HILL RD	BOISE	83703

ILLINOIS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
33897	ANIMAL WORLD INC		7525 N HARLEM AVE	NILES	60648
33A205	APPLEBY, AL	AA CATTERY	BOX 99 404 W MYRTLE ST	ELIZABETH	61028
33833	ARK PET CENTER		5753 N CLARK	CHICAGO	60660
338154	BADER, J			SCALES MOUND	61075
33A78	BARTLETT, JW		RR 1 BOX 54	SPRINGFIELD	62707
338184	BATTLES, D & M	WHITE OAK KENNELS	RR 3	VANDALIA	62471
3385	BEAN, GE & HK	JERI-ELEN KENNELS	ROUTE 7	MT VERNON	62864
33A251	BETTINGER, K		RR 5 BOX 29	MAHOMET	61853
33848	BOEBEL, FW	SLEEPY HOLLOW CATTERY & KENNELS.	RT 2 BOX 73	MUNDELEIN	60060
338176	BRACKETT, R L & D B		RFD NO. 2	WINCHESTER	62694
338177	BRISCOE, D	BRISCOE KENNELS	RT 3	SULLIVAN	61951
33A239	BROOKS, K & C		RT 6 BOX 310	NEWTON	62448
33A168	BROWN, RM		R2 BOX 200	NORRIS CITY	62869
33A229	BUSHMAN, DH & B	DOG PATCH KENNELS	BX 121 RT 1	MILLEDGEVILLE	61051
338180	CENTRAL SCIENTIFIC CO		11222 MELROSE AVE	FRANKLIN PARK	60131
33A178	COCHRAN, J	JOAN COCHRAN KENNELS	1018 E NORTH AVE	OLNEY	62450
338164	COE-PALM BIO. SUPPLY		1130 MILWAUKEE AVE	CHICAGO	60622
33A256	COGGINS, ETTA		RR 1	HOPEDALE	61747
33874	CONSOLIDATED PET SUPPLY, INC		956 W. HURON	CHICAGO	60622
33A245	COOPER, C & B	COOPER BROS. KENNEL	1403 INDIANA	WINDSOR	61957
338167	CWAYGEL, JM	SAILFIN PET SHOP	104 HESSEL BLVD	CHAMPAIGN	61820
338114	DALE, DM	DALE'S KENNEL	R 1 BOX 159	MACEDONIA	62860
33A21	DANIELS, EJ	DANIELS KENNELS	RR 2	COLCHESTER	62326
33A242	DAVIS, D	BOOMER'S RABBITRY	5602 N ARROW DRIVE	PEORIA	61614
33A244	DAVIS, G		123 W JEFFERSON	MASON CITY	62664
338148	DAY, A	DAY'S KENNEL	221 N 5TH ST	GREENVILLE	62246
33871	DEBOLT, MD		BOX 9	STEWARDSON	62463
338161	DOBILL, JM		RR 32	VALMEYER	62295
33A183	ECHTERNKAMP, FW		R 4	QUINCY	62301
33A254	ELLISON, C & JITER, J	CHET & JIM'S RABBITRY	RT 4	SHELBYVILLE	62565
33A23	FEWELL, D&M	MERRY DAWN KENNEL	RR 2	MINONK	61760
338170	FISHER SCIENTIFIC CO		711 FORBES AVE	PITTSBURGH	15219
33A224	FRITCHIE, D	FRITCHIES KENNEL	105 E MAIN	BIRDS	62415
33A184	GAJEWSKI, T		RR 1	WOODLAWN	62898
33A10	GENERAL FOODS CORP	GAINES NUTRITION CENTER	ROUTE 3	ST ANNE	60964
338162	GERHARDT, S	HAPPY HILL KENNEL	RR BOX 18	NIOTA	62358
338122	GOODMAN-JURY, K A	GOODMAN KENNELS	660 S. BURCHARD	FREEPORT	61032
33A252	GOODMAN, C & M		258 BETTY-PARK CTY MOBILE HOMES.	PARK CITY	60085
35846	GUNDERSON, R & J	KANTON KENNEL	RT 1 BOX 93	MUSCODA	53573
338179	HADLEY, G	TROPICAL KINGDOM	236 DUNDEE AVE	ELGIN	60120
33818	HALE, R		1340 WALNUT	CARTHAGE	62321
338110	HANNA, E	TROPICAL TREASURES	3842 W. 147TH ST.	MIDLOTHIAN	60445
338186	HARRIS, FLOYD R	DAISY MAE KENNELS	RR 2 BOX 55A	PAXTON	60957
33A253	HARTKE, M L		ROUTE 4	EFFINGHAM	62401
33A220	HARVEY, J	ECHO VALLEY DANES	R J4 BOX 255	MARSHALL	62441
33A257	HAUK, K & L		1020 W NORTHLAND	SHELBYVILLE	62565
338175	HENDEE, C	HENDEE ZOOLOGICAL CO	1944 A LEHIGH	GLENVIEW	60025
33A74	HITCHCOCK, L & J	SUNDOWN KENNELS	RR 1	NAUVOO	62354
338141	HOCHMUTH, W	SUBURBAN PET CITY	6343 W CERMAK	BERWYN	60402
33A123	HOLMES, HN & B	GUNSMOKE KENNELS	RR1	PAWNEE	62558
33A235	HUFFMAN, E & KUNKEL, B	ED AND BLAIRS CAVIARY	BOX 62	SORENTO	62086
338174	HUSEMANN, D & C		BOX 49 RR 1	COATSBURG	62325
338155	HUTCHINS, A		RT. 8 BOX 328	DECATUR	62522
33846	ISAACS, B&A	ISAAC' RABBITRY	202 N WELCH ST	HILLSBORO	62049
33821	ISAACS, TE	ISAACS LAB STOCK	608 N. JACKSON	LITCHFIELD	62056

ILLINOIS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
33A19	JACKSON, L	JACKSON KENNEL	R 4	MACOMB	61455
33B176	JOHNSON, C & R	JOHNSON LABORATORIES, INC	18516 STEDHALL	HOMEWOOD	60430
33A180	JOHNSON, H		R2	BUNCOMBE	62912
33B188	JOHNSON, R	HARDROCK GAME FARM	RR 4 BOX 248 NIMTZ RD	ROCKFORD	61111
33A149	JOHNSTON, O	GREEN ACRE PETS	RR 4	CARLINVILLE	62626
33A161	JONES, OA	JONES KENNELS	RR 1	FOWLER	62338
33A140	JONES, P & J		BOX 13	PARKERSBURG	62452
33A4	KAISER, H		RR 3 BOX 130	PANA	62557
33A232	KEERAN, M & G	KEERAN'S KENNELS	R.R.	INDUSTRY	61440
33A206	KEBLER, M	KELS-RU KENNELS	1007 E NORTH AVE	OLNEY	62450
33B77	KRAUSE, RC&MC	NOAH'S ARK PET CENTERS	3430 EAST OAKTON ST	ELK GROVE	60007
33B186	LAFINE SCIENTIFIC CO.		6001 S. KNOX AVE	CHICAGO	60629
33B138	LEMEN, Y	COUNTRY KENNELS	3430 WEST MACON	DECATUR	62522
33B185	LEVY,BARRY	APET, INC.	86 A LIVELY BLVD	ELK GROVE VILLAGE	60007
33A129	LEWIS, CE		1003 1ST AVE	MENDOTA	61342
33B169	LEWIS, R/CRAWFORD CO. DOG POUND.		R.R. 2 CRAWFORD CO. DOG POUND.	ROBINSON	62454
33A239	LITTLE, GR	LITTLE ACRES KENNEL	RR 2	LA HARPE	61450
33B84	LOMAX, G			OPDYKE	62872
33A141	MARKS, DJ	DIANA MARKS SM. ANIMAL BREEDER.	2311 W. DICKENS	CHICAGO	60647
33B182	MCDOWELL, CLAYTON		RT 1	WEST SALEM	62476
33A246	MCDUFFIE, CE	MCDUFFIE'S RABBITRY	RR 1	MAHOMET	61853
33A15	MCKAY, MM	COLONIAL KENNELS	R 1 BOX 34A	QUINCY	62301
33B42	MCKINZIE, R&E	MCKINZIE KENNELS	ROUTE 7 BOX 136	CENTRALIA	62801
33A171	MCMURTREY, G		RR 1	POCAHONTAS	62275
33A215	MILLER, P		23321 281 ST. N.	CORDOVA	61242
33A256	MORFORD, G & CARLSON, R		RT 2	SHELBYVILLE	62565
33A186	MOSSMAN, L		BOX 547	RIDGWAY	62979
33B95	MOTSINGER, R	MOTSINGER KENNELS	RR 2	ST JOSEPH	61873
33B173	MOWEN, L	MOWEN'S KENNEL	R 1	CLAYTON	62324
33A226	MUELLER, R		301 N SPRUCE	STEWARDSON	62463
33B119	MUNTZ, DK	DONS BAIT AND BUNNY FARM	RR 1 BOX 270	CARROLLTON	62016
33B171	MURFIN, CAROLYN	KAROLYN'S KENNELS	R 1	HOPEDALE	61747
33A167	MYERS, EA		RR 2 BOX 93	CARMI	62821
33A133	NEUMANN, S		R 2	GREENVILLE	62246
33B183	PAWLEY, R	ZOOLOGICAL CENTER, INTERNATIONAL.	15W506 W 63RD	HINSDALE	60521
33B11	PEPPER, MM	PEPPERIDGE ZOO FARM	RR 2	DANVILLE	61832
33B60	PHILLIPS, T	PHILLIPS SALE CO	RR 1	GOOD HOPE	61438
33A234	PRASUN, L	L & B RABBIT RANCH	RT 1 BOX 62	TAYLORVILLE	62568
33A230	PROCYK, WM		RT 1 PARKER RD	MOKENA	60448
33A36	RAPP, C	RAPP'S SNOW WHITE ESKIMOS	RT 1	BLUFORD	62814
33B36	RESEARCH INDUSTRIES CORP		PO BOX 66	MONEE	60449
33A209	RICHARDS, JA		311 AVONDALE	CHAMPAIGN	61820
33A248	RINSCH, S		RT 1	FLAT ROCK	62427
33A241	ROE, MRS. A	AUDREY'S HIGHWAY KENNEL	PO BOX 46	FLAT ROCK	62427
33A217	ROWE, RA & BD	ROWES RABBITRY	6380 N GUN CLUB RD RT 3	MORRIS	60450
33A66	RUNQUIST, C	RUNQUIST'S KENNELS	R 2 BOX 178A	MENDON	62351
33A132	RUSSELL, H	RUSSELLS' KENNEL	RR 11	BUNCOMBE	62912
33A7	SANCHEZ, B	BEN'S PUPPYLAND	113 BABCOCK ST	ELBURN	60119
33A178	SANDERS, BJ	TIPTOP KENNEL	RT 2	MULKEYTOWN	62865
33A243	SANDERS, D & WRIGHT, A		RR 1 BOX 144	BUFFALO	62515
33B193	SARGENT-WELCH SCIENTIFIC CO.		7300 N LINDER AVE	SKOKIE	60077
33B150	SCHAFER, AM	SCHAFERS KENNELS	303 S WARD ST	BENTON	62812
33B20	SCIENTIFIC SMALL ANIMAL LAB & FARM INC.		401 W GOLF RD	ARLINGTON HEIGHTS	60005
33B146	SELBY, W L	O'HARE TROPICAL IMPORTS, INC.	11211 FRANKLIN AVE	FRANKLIN PARK	60131
33B156	SHORT, M	SHO-MAC KENNELS	PO BOX 712	MT VERNON	62864
33A211	SIKKEMA, L&D	PUPPY LOVE ACRES	RT 2	WALNUT	61376
33B100	SMITH-DOUGLASS DIV BORDEN CHM		RR 1	ELGIN	60120
33A221	SMITH, P	KAMP KREEK KENNEL	RR 4	MACOMB	61455
33B183	SPRINGGATE, R A		909 S HOUSTON	TAYLORVILLE	62568
33B172	STANFIELD, J		RR 12	PARIS	61944
33A207	STEFFEN, D		RT 3	EFFINGHAM	62401
33A256	SYMMONDS, J & D	TWIN OAKS KENNEL	RR 1	WARSAW	62379
33B83	THOMAS, L&R		RR 1	STRASBURG	62465
33A28	THOMPSON RESEARCH FOUNDATION		PO BOX 66	MONEE	60449
33B152	TOMS, SJ	ST KENNELS	RR 2	BENTON	62812
33A236	VOIGTLANDER, D		902 W. PENNSYLVANIA	URBANA	61801
33B66	WARREN, LH		PO BOX 125	PANA	62557
33B6	WARSAW COON HUNTERS ASSOC			WARSAW	62379
33B181	WHITE, T		172 S. WEST	WARRENSBURG	62573
33B41	WILDWOOD ENTERPRISES, INC.	WILDWOOD KENNEL	RR 1 BOX 173	MAKANDA	62958
33B157	WILSON PET SUPPLY INC.		639 NORTH THOMAS DR.	BENSENVILLE	60106
33A247	WINSLOW, W		1301 SO 3RD ST WEST	SHELBYVILLE	62565
33A169	WOLFE, MB		RR 2	FLORA	62839

INDIANA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
32B40	BANE, G		BOX 25	MEDORA	47260
32A78	BENNETT, NORMA J		RR 12 BOX 476	COLUMBUS	47201
32A50	BLEEMEL, HJ		5361 E STOP 11 RD	INDIANAPOLIS	46227
32B18	BOOTH, J & C	CLIFTY ACRES ZOO	R. 4	RUSHVILLE	46173
32B21	BOTKIN, M		RR 1	SELMA	47383
32A73	BOWMAN, L	L B'S RABBITRY	PO BOX 142	BRAZIL	47834
32A29	BROOKING, M		RR 17	BEDFORD	47421
32A62	BUTTS, MRS C		RT 4 BOX 97	RUSHVILLE	46173

INDIANA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
32A49	CANNON, GW		RR 2	ROSEDALE	47874
32A30	CARVER, L	CARVERS' KENNELS	R.R. 12 BOX 141	BEDFORD	47421
32B36	CLARK, OE		225-400 E	DANVILLE	46122
32A1	COVAL, D & M	PIN OAK FARM	RR 3 BOX 402	SHERIDAN	46069
32B37	COX, C		PO BOX 660	FARMERSBURG	47850
32B44	DAY, M	DAY-Z-MAY	RR 4	NORTH MANCHESTER	46962
32B23	DEMAREE, JT	J.T. DEMAREE PET FARMS	RR 1 BOX 66	MADISON	47250
32B29	DENNISTON, K	LAWRENCE COUNTY KENNELS	RR 17 BOX 562	BEDFORD	47421
32A66	ELROD, RG	WHITE KNIGHT KENNEL	R 2 BOX 460	SALEM	47167
32A3	ENGLE LABORATORY ANIMALS, INC.		RR 1 BOX 23	FARMERSBURG	47850
32A12	ESSIG, MK		RR 2	NOBLESVILLE	46060
32B8	FIELDS, A	FIELDS KENNELS	RR 3 BOX 7	PORTLAND	47371
32A8	FISHER, B		RR 1	SHIRLEY	47384
32A52	FOX, D		RT 3 BOX 277	MORGANTOWN	46160
32A65	GLESSNER, RALPH	GLESSNER RABBITRY	RR 2 BOX 13	MONTPELIER	47368
32A48	GOEBEL, V J		RR 1 BOX 108	HAUBSTADT	47639
32A56	GREENE, G		RR 2 BOX 204	SHELBURN	47879
32B27	GREINER, J&M		RT 2	CONNERSVILLE	47331
32A63	HARLAN INDUSTRIES, INC.		PO BOX 29178	INDIANAPOLIS	46229
32B46	HARP, WM. E. & GARY E.	WM. E. HARP & SONS INC.	1309 N. GREENRIVER RD.	EVANSVILLE	47715
32A37	HARRELL, A		RR 17	BEDFORD	47421
32A45	HARTINGER, B		RR 3	MADISON	47250
32A79	HELMUTH, GLEN	PUPPY-LOVE KENNEL	RR 2 CR66 30369	NAPPANEE	46550
32A85	HIRCHERT, W & M		RR 1 BOX 376A	WILKINSON	46186
32A81	HOBBLE, WARREN		2302 E ARROWHEAD DR	NEW ALBANY	47150
32A84	HUNTER, J & D & A	HUNTER HILL KENNELS	PO BOX 44	COVINGTON	47932
32A23	IRVING, CC	IRVING GAME FARM	RR 6	GREENFIELD	46140
32A74	KAUFFMAN, K & E	INDIAN CREEK RABBIT FARM	4601 N 250 WEST	WEST LAFAYETTE	47906
32A77	KELLEY, D & J	KELLEY'S RABBITRY	RT 2 HOOPTOWN RD.	LACONIA	47135
32A70	KOENIG, JIM		RR 1	CARLISLE	47838
32A6	KUIPER, G	KUIPERS RABBIT RANCH	5317 W 41ST ST	GARY	46408
32A83	LABORATORY SUPPLY CO.		3750 KENTUCKY AVE	INDIANAPOLIS	46241
32B24	LACKEY, JC		101 N GLADSTONE AVE	COLUMBUS	47201
32B45	LYNCH, J S M & BOTTORFF, L		R 1 BOX 76	REELSVILLE	46171
32B42	MANOR, G	MANOR'S COUNTRY KENNEL	RR 2 BOX 141A	PORTLAND	47371
32A80	MARTIN, ALONA		RR 4 BOX 98	RUSHVILLE	46173
32A67	MARTIN, J & L	LEJUPEKA KENNELS	RR 2 BOX 409C	PENDLETON	46064
32A68	MCCAMMON, L	HOMESTEAD KENNEL	RT 23 BOX 256	TERRE HAUTE	47802
32B17	MCVAY, J & BLEVINS, J	J & J ANIMAL LAND	BOX 78	LAKE CICOTT	46942
32B28	MODESITT, WR	NORTHSIDE KENNELS	RR 16 BOX 4	BRAZIL	47834
32A75	MOELLER, L E		RR 14 BOX 447	WEST TERRE HAUTE	47885
32A26	MOOREFIELD, B	WOLF-A-DOG KENNEL	RT 5 BOX 239	HUNTINGTON	46750
32A36	MORELAND, J		RR 24 BOX 286	TERRE HAUTE	47802
32A19	MORRIS, BF		1215 VIRGIL BLVD	PRINCETON	47670
32A2	MURPHY BREEDING LABS., INC.		2246 N CENTER ROAD	PLAINFIELD	46168
32A62	NELSON, M & C	COUNTRYLANE KENNELS	RR 2 BOX 296	SALEM	47167
32B36	NOE, O		R J1	RISING SUN	47040
32A9	PARKE, RA	PARKEWOOD KENNELS	RR 10 BOX 94	GREENFIELD	46140
32A78	PRESNELL, MARY ANN		RT 24 BOX 396	TERRE HAUTE	47802
32A61	PRUNTY, V		GENERAL DELIVERY	AVACO	47420
32A71	RICKETTS, E	THE ROCKING 'R' KENNEL	RR 1	COVINGTON	47932
32B22	RIEDEL, L		RT 8 BOX 183	GREENSBURG	47240
32A57	ROSE, W	ROSE KENNEL	R J1	DILLSBORO	47018
32A84	RUBLE, CECIL			NEW POINT	47263
32B26	SCHNEPP, RE	LAZY 'S' KENNEL	RR 5	DECATUR	46733
32B43	SCOTT, J	SCOTTS KENNELS	2900 WASHINGTON AVE	TERRE HAUTE	47803
32B33	SEARS, E	FROSTY ROSE KENNEL	RR 12 BOX 337	BEDFORD	47421
32A47	SEWARDS, B M	KY-LIN FARM	BOX 272 R 2	SPENCERVILLE	46788
32B11	SMITH, GT		R 1 BOX 138A	GALVESTON	46932
32A15	SMITH, MD		3750 W 97TH ST	CARMEL	46032
32A54	STAHL, K	REDWOOD GROOMING SALON	1198 N STATE	SULLIVAN	47882
32B30	STEVENS, S		R 17 BOX 363	BEDFORD	47421
32B9	STEWART, R	STEWART'S PET SHOP	1013 S WALNUT	BLOOMINGTON	47401
32A53	SUTHERLAND, HJ		143 HILLCREST DR.	VINCENNES	47591
32B6	THOMPSON, N&N	SPEEDWAY PET SHOP	3566 W 16TH ST	INDIANAPOLIS	46222
32A60	TREIBLE, J	TREIBLE KENNEL	RR 2 BOX 20	NORTH MANCHESTER	46962
32A33	TUMILTY, LL		505 N. CARVER ST	GREENSBURG	47240
32A69	VERMILLION, M & E	VERMILLION VALLEY KENNELS	RR 4	ROCKVILLE	47872
32A58	WELLS, B & H	FLYING W KENNELS	R 2 BOX 346	LAWRENCEBURG	47025
32B41	WELLS, J		818 W WALLEN RD	FORT WAYNE	46825
32A72	WHITE, B		RT 1 NORTHVIEW ESTATES	SHIPSHEWANA	46565
32A42	WHITE, TW		RR 2 BOX 133	MITCHELL	47446
32B1	WILSON, DW	WILSON SMALL ANIMAL FARM	PO BOX 65	VINCENNES	47591
32B4	WINDSOR, AS	WINDSOR BIOLOGY GARDENS	4399 E MOORE'S CREEK RD	BLOOMINGTON	47401
32B12	WOOD, HB&MI		RR 4 BOX 450	ALEXANDRIA	46001
32A51	WOODINGS, M		RR 23 BOX 203	TERRE HAUTE	47802
32A50	ZARSE, C		RT 1 BOX 34	WHITESTOWN	46075
32A27	ZENTZ, D	SILVER LAWN KENNELS	RR 2	NAPPANEE	46550
32B2	ZOOK, HK	MAPLE HILL KENNEL	4010 RED BUD LANE	MORGANTOWN	46151

KANSAS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AY33	ABEL, A & M		RR 1	HOLTON	66436
48AL15	ADKINS, N & L		RT 1	CLIFTON	66937
48AI35	AL & ESTATE OF JOHN M LOEHR	LOEHR KENNELS	RFD 2 BOX 38	YATES CENTER	66783
48AJ37	ALBER, G		RT 1	STERLING	67579
48AR81	ALEXANDER, J & L		1013 LOCKSTONE CT BOX 1212	JUNCTION CITY	66441
48AP08	ALEXANDER, M		RR 1	GARFIELD	67529

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AA99	ALLEN, E	ALL-KEN KENNELS	RT 1	SOLDIER	66540
48AD66	ALLEN, HW	ALLEN KENNEL	RT 1 BOX 118	ST. GEORGE	66535
48AB60	ALLEN, WJ & G	CASA DE PERO KENNEL	RT 2	CENTRALIA	66415
48AB18	AMON, J			NETAWAKA	66516
48AV41	AMOS, E & DEWEY A		R 1	OSWEGO	67356
48AX27	APEL, PE		RR 2 BOX 58 N. PARK AVE	SEDAN	67361
48AX29	AREA, R & G		RR 1	MAYETTA	66509
48AS27	AREA, RM			HAVENSVILLE	66432
48AY48	ASHTON, L & R		BOX 64	POWHATTAN	66527
48BD48	AURAND, M	AURAND'S KENNEL	RR 1 BOX 111A	BELLEVILLE	66935
48BD69	AUTRY C & J	C & J KENNELS	RR 1	VALLEY FALLS	66088
48AP11	AYERS, F & M		RT 2 BOX 61	WELLSVILLE	66092
48AK18	BADDERS, LC	GREENLAWN KENNELS	614 MYRTLE	PRATT	67124
48AK29	BAIRD, OR	BARD KENNELS	RT 2	DODGE CITY	67801
48AK82	BAKER, AY		R1	IOLA	66749
48AW89	BAMBERGER, DA	PRAIRIE PEKES	RT 2 BOX 280	JETMORE	67854
48AZ04	BANAKA, J	WAGGIN TAIL PUPPY FARM	RT 2	NETAWAKA	66516
48BA48	BANKS, CL	SELRAHC KENNELS		WHITING	66552
48AL09	BANTZ, RA		RR 1	HOWARD	67349
48AW21	BARCLAY R & K		102 SO. PLUMMER	CHANUTE	66720
48AT81	BARKER, F & N	BUSY B KENNEL	RT 1 BOX 42	LARNED	67550
48AA89	BARNES, C & C	DELTA KENNELS	RT 2	VALLEY FALLS	66088
48AA85	BARNES, L & PATTON, D		RT 1	WETMORE	66550
48AT95	BARRICKLOW, MB	BARRICKLOW KENNELS	RT 1	RAYMOND	67573
48BA49	BARTA, RA		RR 2 BOX 185	INDEPENDENCE	67301
48AZ39	BARTLEY S & J	J & S RABBITRY	RT. 2	WAMEGO	66457
48BD41	BATES, GR	K-9 KENNELS	S STAR RT	GARDEN CITY	67846
48AH67	BAUGHN, O		RT 4 BOX 21	CHANUTE	66720
48AZ72	BAYNE, B	BAYNE KENNEL	RR 1	PROFECTION	67127
48AW05	BEAL, R&R	R&R KENNELS	RT 2	EFFINGHAM	66023
48AL82	BEAMAN, CL		RT 1	WHITING	66552
48AV76	BEAVER, N & DAY, SL	WOODWIND KENNELS	PO BOX 16	LAHARPE	66751
48AS95	BECK, G			CORNING	66417
48DA89	BECK, ME	SUNNYSIDE KENNELS	BOX 335	ATTICA	67009
48AY02	BECK, VE & L		RT 1	CORNING	66417
48AE95	BECKMON, R & E		BOX 114	COLONY	66015
48AP20	BEHRENS, G SR		RT 3	MARYSVILLE	66508
48AA89	BELL, MS		RT 2 BOX 69A	LINCOLN	67455
48AB42	BENDER, N			WETMORE	66550
48AT89	BENEDICT E		RT 3	ELKHART	67950
48AH95	BENNETT, P		RT 2 BOX 129	VALLEY CENTER	67147
48AC95	BERG, GT		RR 1	BLAINE	66410
48AD21	BERG, H			WHEATON	66551
48AD46	BERG, L			ONAGA	66521
48AD27	BERG, M	MILTON BERG KENNELS		BLAINE	66410
48AD86	BERG, W			BLAINE	66410
48VA84	BERGES, D		BOX 61	ONAGA	66521
48AZ97	BERLIN, D	BERLIN KENNELS	RT 2	OSAWATOMIE	66064
48AF84	BERNRITTER, B		RR	HAVENSVILLE	66432
48AZ99	BERNTSEN, BERNITA		RT 1	LAHARPE	66751
48AQ74	BICKEL, RR	BICKEL KENNELS	RT 1	DODGE CITY	67801
48AJ94	BILLINGS, GL		RT 2	DOWNS	67437
48AE27	BILLINGS, W&V	SABAKI SEVERA KENNEL	BOX 35	LANCASTER	66041
48AW80	BISHOP, DM		RT 1 BOX 123	HAVENSVILLE	66432
48AC66	BLACK, M&H		RFD 1	FRANKFORT	66427
48BC10	BLACKBURN, M		RT 4	INDEPENDENCE	67301
48AY95	BLACKWOOD, C		R 1	SOLDIER	66540
48AI74	BLAIR, M&G	GAND M KENNELS	RT 1 BOX 235	PITTSBURG	66762
48AJ09	BLAND, R			LUCAS	67648
48AZ89	BLANTON, E & L		RT 1 BOX 78	TROY	66087
48AZ92	BLANTON, J		RT 1	TROY	66087
48AZ78	BLANTON, LAWRENCE & MARY LOU		RT 1 BOX 71	TROY	66087
48AE48	BLANTON, LJ		RR 1	TROY	66087
48AE36	BLANTON, WM		RR 2	ROBINSON	66532
48AD18	BLENN, L		RT 1	WESTMORELAND	66549
48AH61	BLOOM, DE	SUNDANCE SETTERS	LAKE O'SHAWNO	CARBONDALE	66414
48BH	BLOOMER, JC			LEBANON	66952
48AH99	BLUMENSTEIN, RD	LAKEVIEW KENNELS	RT 2 BOX 24	COFFEYVILLE	67337
48AP81	BLUTHARDT, A		RT 1	ST GEORGE	66535
48AM24	BODEN, N			HAVENSVILLE	66432
48AA101	BOEHN, C & R		RT 1	ONEIDA	66522
48AM30	BOEKEN, T & F		BOX 1	LORRAINE	67459
48AV90	BOETTCHER, R & V	BLUESTEM KENNEL	RR 5 BOX 165H	EMPORIA	66801
48AE06	BOLAN, B		RT. 1	LYNDON	66451
48AW02	BOLAND, E	BOLAND KENNEL	RFD	ALTON	67623
48AV71	BOLDT, W	BOLDT KENNELS		CHASE	67524
48AP99	BOLEN, F			MOUND CITY	66056
48AA88	BOLING, D		RT 1	HOYT	66440
48AY29	BOLLIG, S		310 E 4TH	CHANUTE	66720
48AX86	BONE, P	PAUL'S KENNELS	R 4 BOX 21	GIRARD	66743
48AX88	BONTRAGER, D		RR 1	WHITING	66552
48AB39	BONTRAGER, P		RT 1	WETMORE	66550
48AT73	BOSS, J		701 LINCOLN	CLAY CENTER	67432
48AY92	BOSSE, L		R 1	WHEATON	66551
48AM42	BOWEN, ML & CW		RR 1	SYLVIA	67581
48BB04	BOX, VL		423 E. MILL	COLUMBUS	66725
48BA26	BOYD, RK	BOYDS KENNELS	RR 1 BOX 37	BEATTIE	66406
48AY36	BRACKEN, P & G		RT 1	FALL RIVER	67047
48BC02	BRAYMEN, R A	VAIL KENNEL, INC.	2220 VAIL ST	TOPEKA	66608
48BB40	BRAZZLE, B & W	MEADOW WINDS KENNELS	R.R. 1	WAMEGO	66547

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ZIP CODE
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KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AA45	BREAKER, K	BREAK-R-DA KENNELS	R 1 BOX 46	DOUGLASS	67039
48AF67	BREES, DG		RT 1	EMMETT	66422
48BC	BRINK, C		RT 2 BOX 13	PAOLA	66071
48AH26	BRISKEY, G		5707 S SENECA	WICHITA	67217
48AW67	BROWN, H&P	YANKEE HILL KENNELS	3845 SE WOODRING RD	BERRYTON	66409
48AT96	BROWN, M	MAR-J KENNEL	RT 4	BELOIT	67420
48AS79	BROWN, RE & BJ		RT. 4 BOX 98	CHANUTE	66720
48AT88	BROWN, W&E		BOX 21	PERU	67360
48AY22	BRUNGTON, J & L		R 1	LIBERTY	67351
48AA40	BRUNA, A	BRUNA'S DOG KENNEL		HANOVER	66945
48AX41	BRUNA, A & L		RR 1 BOX 193	WATERVILLE	66548
48AZ85	BRUNKOW, B	COTTONWOOD KENNEL	RT. 1	ONAGA	66521
48AD14	BRUNKOW, CEJ		RT 2	WAMEGO	66547
48AM90	BRYANT, H&G	BRYANT'S KENNELS	RR 5 BOX 70	HUTCHISON	67501
48AR51	BUCKLEY, H		1947 S STREET	BELLEVILLE	66935
48AX06	BUCKNER, S		201 W. MILL	COLUMBUS	66725
48AG66	BURCH, R		BOX 64	ROXBURY	67476
48AX86	BURD, E	WONDER KENNELS	RT 1	JENNINGS	67643
48AI75	BURDICK, R & W		109 E 20TH ST	PITTSBURG	66762
48AZ79	BURTON, JILL L		PO BOX 625	ABILENE	67410
48BA20	BURTON, WW	BURTON'S KENNELS	RT 2 WEST PARK ST	DODGE CITY	67801
48AF54	BUTERBAUGH, M			AURORA	67417
48AR21	BUTSCHLE, JR WA&FL	WILL-LOU KENNELS	RT 2 BOX 42	SALINA	67401
48AS63	BUZARD, R		RT. 1	WEIR	66781
48BA01	C & R KENNELS INC		BOX 129	BARNES	66833
48AL58	CALLAWAY, JR&F		312 CAMPBELL ST	IOLA	66749
48AI12	CAMARATTA, E		BOX 123	BRONSON	66716
48BB98	CAMERON, R & D	KITTYLAND PERSIANS	2045 MISSION RD	SALINA	67401
48AH27	CAMPBELL, IM	RENEGADE FRONTIER KENNELS	4403 W PAWNEE	WICHITA	67209
48AD01	CANFIELD, W	CANFIELD KENNELS	RT. 1 BOX 229	CLIFTON	66937
48AY46	CAREY, BR		1201 MONEY AVE LOT L9	AUGUSTA	67010
48AY84	CARGILE, J	J-BAR KENNEL	RT 4	INDEPENDENCE	67301
48AZ95	CARLBURG, D & K		409 MONROE	FREDONIA	66736
48AP44	CARLBURG, I		RT 2 BOX 25	FREDONIA	66736
48AZ96	CARLBURG, RON		2902 S. SANTA FE	CHANUTE	66720
48AX52	CARLTON, W & J		RT. 1 BOX 8	JUNCTION CITY	66441
48AF69	CARSON, RF		RT. 2 BOX 84	BERRYTON	66409
48AT21	CARTER, J	CARTER'S KENNELS	R 2	BELOIT	67420
48AX42	CENTRAL ANIMAL RESEACH FACILITY, INC.		PO BOX 3532	SHAWNEE	66203
48AA57	CHANNEL, AL	CHANN KENNELS		CENTRALIA	66415
48AV81	CHAPIN, M&P		RT 2	WASHINGTON	66968
48BB80	CHAPMAN, CM		3536 SEWARD AVE	TOPEKA	66616
48AH26	CHASE, VM		6308 S SENECA	WICHITA	67217
48AQ84	CHEGWIDDEN, D		R 2	RUSSELL	67665
48AX88	CHICK, L		1720 NICKERSON BLVD	HUTCHINSON	67501
48A447	CLARK, E		P.O. BOX 736	MILDRED	66056
48AF27	CLARK, L		R 1 BOX 115	GLASCO	67445
48AA26	CLARK, LL&T	L & T KENNEL	BOX 111	GREENLEAF	66943
48AT12	CLARK, MA		RR. 2 BOX 7	TROY	66087
48AJ43	CLARK, RL & ML		416 N 3RD	STOCKTON	67669
48AZ70	CLARKE, T & J		RT 1 BOX 175A	ATCHISON	66002
48AZ25	CLAUSEN, C			PORTIS	67474
48AD47	CLAY, C & M		RR 1	ONAGA	66521
48BB37	CLAY, LS&FM		R 4	PARSONS	67357
48AZ97	CLAYCAMP, E		RT 1 BOX 38	GOTT	66428
48BB73	CLAYCAMP, E & E		RR 1	GOFF	66429
48AB49	CLAYCAMP, ER		RT 3 BOX 43A	SENECA	66538
48AY50	CLOTHIER, H & G	WALNUT CREEK KENNEL	RT 3 BOX 174	GREAT BEND	67530
48BB23	CLOUSTON, V	CLOUSTON KENNELS	RT 1	NESS CITY	67560
48AA105	COCHRAN, B		16511 W 87TH S	CLEARWATER	67026
48AF97	COLE, B	COLES KENNEL		BEVERLY	67423
48AJ95	COLLE, C & D	CAMDEN KENNELS	RT 1 BOX 146	MEDICINE LODGE	67104
48AZ48	COLLINS, P & N		RT 1	PIQUA	66761
48AY95	COLSTON, G		BOX 147	HAMILTON	66853
48AW51	COMBS, M&C	COMBS KENNEL	R 1	CENTRALIA	66415
48AR46	COMPTON, SC&ML		R 5	HIAWATHA	66434
48AL76	CONARD, C	CONARDS KENNELS		TIMKEN	67582
48AY77	COOAN, CJ & MJ	M & C KENNEL	RR 1	SUPERIOR	68978
48AI11	COOK, M&P		RT 3 BOX 58	FORT SCOTT	66701
48AL85	COOPER, K		RR 2	CHAPMAN	67431
48BA54	COOPMAN, R	COOPY'S KENNELS	RR 3	WAVERLY	66871
48AZ30	CORNWELL, L & SCHOEN, R		RT 2 BOX 28	OSBORNE	67473
48AX48	COTTONGIM, D		R 2 BOX 10	CHERRYVALE	67335
48AC18	COTTRELL, A			CORNING	66417
48AW04	COUNTRYMAN, D&B	DA-BE-LI KENNELS	RT 1 BOX 75	ESBON	66941
48AA62	COVERDALE, GV		RR 2	SOLDIER	66540
48AJ51	CRAFT, CC		RT 1	EDSON	67733
48AY83	CRAIN, J	A-LE-JEANS KENNELS	RT 1 BOX 72A	CHETOPA	67336
48AC42	CROME, GILBERT			HERKIMER	66433
48AC43	CROME, GORDON MRS			HERKIMER	66433
48AC38	CROME, K			BREMEN	66412
48BA58	CRONE, A	ALBERTA CRONE KENNELS	RT 1	GREAT BEND	67530
48BA98	CRONE, R		RT 3	GREAT BEND	67530
48AG02	CROSS, D		RT 2	CENTRALIA	66415
48AC09	CROSS, R		RR 1 BOX 137	SENECA	66538
48AC45	CUDNEY, DARRELL	DAR-MAR INC	PO BOX 383	MARYSVILLE	66508
48AJ20	CULBERTSON, J		RT. 4 BOX 169	FREDONIA	66736
48AE87	CUNNINGHAM, DL		RT 1	PRINCETON	66078
48AC06	DALINGHAUS, DF		RT 3 BOX 37	SENECA	66538

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AB99	DALINGHAUS, MF		RR 1	BAILEYVILLE	66404
48AD88	DAWDSON, A		RT 1	BURLINGAME	66413
48AZ81	DAWDSON, E		2403 LINCOLN	HAYS	67601
48AC76	DAVIS, D			LUCAS	67648
48AM12	DAVIS, JR&W		RT 3 BOX 450	INDEPENDENCE	67301
48AH28	DAVIS, TSE		901 E 59TH ST SOUTH	WICHITA	67216
48AX94	DEAN, L & CROSSON, S & S	CROSSON KENNEL	RT 3	MINNEAPOLIS	67467
48AN89	DEBEY, L	MEL-LENA KENNEL	616 W. BEALE ST.	DOWNS	67437
48AZ77	DEETER, C & M		1430 NE 54TH	TOPEKA	66617
48BA49	DEINLEIN, K		RT 2 BOX 186E	NEODESHA	66757
48AP07	DELKER, ML		RR 2	JETMORE	67854
48AZ01	DENK, C		RT 1	AGENDA	66930
48AF82	DERUSSEAU, S	SONDEE CATTERY	BOX 215	CLYDE	66938
48AB84	DETERS, GA		BOX 2	BAILEYVILLE	66404
48AC82	DETERS, L		BOX 127	BAILEYVILLE	66404
48AW48	DETTKE, D&M		R 4	MARYSVILLE	66508
48AZ89	DEVADER, R & M		RT. 1	HOLTON	66436
48AE82	DICK, LR&CO		7401 PARKVIEW	KANSAS CITY	66109
48AN37	DICKSON, BD		RT 2 BOX 111	INDEPENDENCE	67301
48AA48	DITMARS, L	DITMARS' KENNELS	RT 2 BOX 188	WASHINGTON	66968
48AJ88	DOLEZAL, R&&R	R&R KENNELS	RT 1 BOX 76	KANOPOLIS	67454
48AW88	DONALS, B & P	DONALS' HILLTOP KENNELS	RT. 4 BOX 178	WINFIELD	67156
48AD89	DORR, D		RR 2	BURLINGAME	66413
48AR36	DORSEY, DL&W	DORSEY'S PERSIANS	750 SOUTH SANTA FE	SALINA	67401
48AG44	DOTY, RL & S	ARDEE KENNELS	RT 2 BOX 156	SALINA	67401
48AA37	DOUPNIK, B	ELK CREEK KENNELS	BOX 79	AGENDA	66930
48AD95	DREYER, M		602 YUBA	BURLINGTON	66839
48AA41	DUENSING SI & V		BOX 116	BREMEN	66412
48BA62	DULING, O		RT 1	WALNUT	66780
48AD86	DUNCAN, DE	DUNCAN'S KENNELS	RT 2	WAMEGO	66547
48AX85	DUNHAM, T & M	SPORTSMAN KENNEL	RFD 1	EUREKA	67045
48AY18	DUNIGAN, J		2540 S.E. 32 ST	TOPEKA	66605
48AE25	DUNN, NL		RT 2	EFFINGHAM	66023
48BA38	DYE, RW		RT 3 WILROADS GARDENS	DODGE CITY	67801
48AB85	EAKINS, AL		RT. 1 BOX 73A	CLYDE	66938
48BC08	EATON, L		RT 1 BOX 146	SCAMMON	66773
48AY15	ECKELS, WJ RE	S & R KENNEL	321 N 6TH	NESS CITY	67560
48AZ21	EDMONSON, D & R	DAYBREAK KENNEL	RT 2 BOX 46	LOUISBURG	66053
48AZ45	EDWARDS, L		RR 1	NETAWAKA	66516
48AX91	EGGERS, L	FAIRVIEW KENNELS	RT 1 BOX 91	BELLEVILLE	66935
48AM79	EIFERT, A	ANNAROSA KENNEL	RT.1	SEVERY	67137
48AA42	ELDER, G	JERRYS KENNELS	RT 1	HUMBOLDT	66748
48AW33	ELDER, J&L	L&J KENNEL	RR	MORROWVILLE	66958
48BA76	ELDRIDGE, V	SANDY RIDGE KENNEL	RT 5 BOX 152	HUTCHINSON	67501
48AV42	ELLISON, D&P	SILVER CREEK KENNEL	BOX 82	PRESTON	67569
48AE99	ELSTROM, T & B	EL CLOUD KENNEL	RT 1	CONCORDIA	66901
48AZ26	EMERSON, M & L	INGLESTONE KENNEL	RT 2 BOX 87	BURRTON	67020
48AZ22	ENGELKE, C		RFD 2	KENSINGTON	66951
48AL17	ENGELKEN, L		RT 1	FRANKFORT	66427
48AY85	ENGLISH, C & J	ENGLISH'S KENNEL	PO BOX 104	NEAL	66863
48AC12	ENNEKING, L		512 S. 6TH	SENECA	66538
48AN49	ENNEKING, MJ	ENNEKING KENNEL		CENTRALIA	66415
48AY16	ENRIGHT, C & MRS. NEIL		RT 1	SOLOMON	67480
48AL82	EVARTS, VD	EVARTS KENNELS	318 MAIN	WALTON	67151
48AA89	FADELY, L		RT 1	SEDAN	67361
48AF08	FALDER, LA			BEVERLY	67423
48AD22	FALK, DI			WHEATON	66551
48AW05	FARLEY, J&J	JE-MI-JAC KENNELS	RT 1	TESCOTT	67484
48AM76	FARMER, J & M		RT 1 BOX 51B	ALTOONA	66710
48AX88	FARR, G		RT. 1	OBERLIN	67749
48BA80	FEE, B		423 N KANSAS	COLUMBUS	66725
48AC34	FELDHAUSEN, R		RT. 1	BREMEN	66412
48AY71	FELDKAMP, K & M		RT 1	CENTRALIA	66415
48AX32	FENGEL, M		RT. 1	OAKHILL	67472
48AX56	FEWINS, P & D		R 2	HUMBOLDT	66748
48AX84	FINLEY, M	FINLEY KENNELS	RT 1	MORGANVILLE	67466
48AH88	FINLEY, VM		BOX 165	WALNUT	66780
48AV40	FISCHER, A			WHEATON	66551
48AV67	FLICKINGER, JA & DEAL, K		RR 1	HARVEYVILLE	66431
48AJ86	FORD, WA		323 S OAK	MEDICINE LODGE	67104
48AX04	FORESTER, G & M		R 4	FT. SCOTT	66701
48AM02	FOWLER, D		P.O. BOX 1508	LIBERAL	67901
48AK36	FOWLER, P		756 S CAIN	LIBERAL	67901
48AH44	FRAME, P		618 BOX ELDER	MULVANE	67110
48AS39	FRASER, B	EARB FRASER KENNEL	BOX 28	AMES	66931
48AY09	FRASER, J & B		RT 5	CLAY CENTER	67432
48BA58	FRAUENFELDER, RG		RR 1	WAKEFIELD	67487
48AJ18	FREEMAN, S		RT 1 BOX 1	FREDONIA	66736
48AW16	FREIDENBERGER, A&A	FREIDENBERGER KENNELS	BOX 52	EBON	67520
48AY86	FULLER, J & F	STARBOND ACRES	RT 2 BOX 161	SYLVAN GROVE	67481
48AF76	FUND, MRS. JAMES		RR 1	NETAWAKA	66516
48AA08	FUNKE JR, E		RR 2	WASHINGTON	66968
48AT18	GAY, R & R		20915 SO. MOONLIGHT RD.	GARDNER	66030
48AC87	GEER, M		RT 1	CLAY CENTER	67432
48AZ36	GEHLEN, A & C	ACE KENNELS	RT 1 BOX 146	MEDICINE LODGE	67104
48AM71	GEIER, C		RT 4	GIRARD	66743
48AR27	GIBBS, L	TWIN RIVERS KENNEL	PO BOX 414	NEODESHA	66757
48AX89	GIDEON, A & D	POTAGOLD CATTERY	RT 1	PAXICO	66526
48AW41	GIEFER, CM		210 SOUTH 32ND ST	PARSONS	67357
48AJ77	GIEFER, M		RR 1	KINGMAN	67068

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AR87	GILBERT, M		RT. 1 BOX 56-A	REXFORD	67753
48AY20	GILLIS, H & W		BOX 56 RR3	AUGUSTA	67010
48AI93	GILMORE, G		RT 2	LARNED	67550
48AH45	GLENN, VL	GLENNEDEN KENNELS	R 1	MAYFIELD	67103
48AY55	GOERTZEN, S	SUNNY ACRES	RT 1	BUHLER	67522
48AX06	GOLDEN, TL		RT 3 BOX 29AA	LAWRENCE	66044
48AM89	GOODIN, RD		RT 2	DERBY	67037
48AZ91	GOODWIN, BOBBY	YUCCA KENNELS	303 HILLSIDE	GARDEN CITY	67846
48AM36	GOODWIN, M		BOX 113	SUMMERFIELD	66541
48AX80	GORDON, T & C		R 4 BOX 111	COFFEYVILLE	67337
48AK72	GOSNELL, J		509 LINCOLN	INDEPENDENCE	67301
48AK84	GRANNEMANN, R		RT 2	WALNUT	66780
48AV21	GRANT, EL		402 NO LOGAN PO BOX 331	ATTICA	67009
48AZ50	GRAVES, S		RT 2 BOX 123F	TONGANOXIE	66086
48AJ44	GRECIAN, NV			PALCO	67657
48AJ92	GRIFFITH, JL	GRIFFITH'S KENNELS	RT 1 BOX 17	WAKEENEY	67672
48BB61	GRIFFITHS, R&L	GRIFF'S KENNELS		CENTRALIA	66415
48AQ30	GROSSNICKLE, R & L		RT 1	CORNING	66417
48AX19	GUHR, H&D	FOX WOOD KENNELS	RT 3 BOX 139	HILLSBORO	67063
48AW36	GULLEY, M&C	GULLEYS KENNEL	RTE 3 BOX 198A	LAWRENCE	66044
48AY51	GUNN, NJ		320 CRESTLINE DR	LAWRENCE	66044
48BB39	GUNNELLS, M	ROCKY TOP KENNELS	RT. 1 BOX 88	CARBONDALE	66414
48AJ78	GURTNER, H		RT 2	KINGMAN	67068
48AZ63	HAHN, D & R		RT 1	HOLTON	66436
48AH49	HALL, J&J		2107 IDA ST	WICHITA	67211
48AY72	HANEL, K		RR	COURTLAND	66939
48AW59	HANEY, E&V	HANEY LANE	BOX 1	CONWAY SPRINGS	67031
48AN66	HARDESTY, A		RT 2	GARNETT	66032
48AJ10	HARMON, J		RT 1	ALTAMONT	67330
48AQ48	HARRIS, BA		BOX 45	PALMER	66962
48AY24	HARRIS, R	RITA'S KENNEL	RT. 1 BOX 92-1A	TONGANOXIE	66086
48AZ82	HARRIS, S		BOX 68	BURR OAK	66936
48AH31	HARRY, M		1140 DAYTON	WICHITA	67213
48AG45	HARTENSTEIN, M	HARTS KENNEL	1005 NW 4TH STREET	ABILENE	67410
48AG05	HARTER JE & MJ	SWISS EIRE KENNEL	RT 2	BERN	66408
48AN52	HARTMAN, CL		620 W NEW YORK ST	SMITH CENTER	66967
48AW17	HARTMAN, K&G	K&G KENNELS	RFD	SHIELDS	67874
48BB29	HARTMAN, KC & ML	HARTMAN KENNELS		SHIELDS	67874
48AY18	HATCH, EL		RT 4 BOX 215	LAWRENCE	66044
48AJ06	HATCH, MK	HATCHES KENNEL	306 N GROVE	YATES CENTER	66783
48AP67	HAUG, G	FALL VIEW KENNEL	BOX 41	COTTONWOOD FALLS	66845
48AG70	HAUG, L	HAUG KENNELS	210 NW 10TH	ABILENE	67410
48BC03	HAUGSNESS, N E	POODLE ETCETERA	901 HENRY ST	ATCHISON	66002
48AG31	HAVERKAMP, A		R 3 BOX 73	SENECA	66538
48AB86	HAVERKAMP, EW	HAVERKAMP KENNELS	RT 1	CORNING	66417
48AB77	HAVERKAMP, R		RT 2 BOX 337	CENTRALIA	66415
48BA42	HAY, F E			ONAGA	66521
48AX34	HEGER, RK	HEGER'S KENNEL	RT 1 BOX 81	HUGOTON	67951
48AB85	HEIMAN, T		RR 3 BOX 139	SENECA	66538
48AZ40	HELLER, J	WINDY RIDGE KENNEL	RFD 1	HUNTER	67452
48BA07	HELMBRECHT, D&M	DEN-MAR KENNELS	BOX 396 WEST 8TH ST	BELOIT	67420
48AW88	HENDERSON, RJ & S		BOX 2	SOLOMON	67480
48AX89	HENNINGSEN, R	IONIA KENNELS		MANKATO	66956
48AQ29	HENRY, JA		505 S. 3RD ST	SENECA	66538
48AX03	HENRY, KJ		RT 1	CENTRALIA	66434
48AV08	HERDER, G & R		RT 1	HUMBOLDT	66748
48AZ90	HERRMAN, G & B		RR 1	ST GEORGE	66535
48AV39	HERRMAN, H&W		309 WESTERN	ONAGA	66521
48AH20	HESTER, K		RT 1	PLEVNA	67568
48AG94	HINDE, CE	CALMAR KENNELS	BOX 94	CASSODAY	66842
48AG47	HINDE, MC		222 W 7TH	FLORENCE	66851
48AS01	HINDERER, VM	HINDERER'S KENNELS	RT 1 BOX 144	WAKARUSA	66546
48AA96	HITTLE, B & A		RR 2 BOX 108	MAYETTA	66509
48AK16	HODGKINSON, R		RR 2	PRATT	67124
48AC77	HOLLMAN, LL		RT. 1 BOX 49	WATERVILLE	66548
48AI63	HOLROYD, H		RT 1	SEDAN	67361
48AQ44	HOLTHAUS, A		RT 1	SENECA	66538
48AP47	HOLTHAUS, C		RR 3 BOX 135	SENECA	66538
48AW18	HOLTHAUS, JL		RT. 3 167	SENECA	66538
48AG07	HOLTHAUS, JM		ROUTE 1	SENECA	66538
48AI04	HOOBLER, A & B		RT 2	OSWEGO	67356
48AL46	HOWARD, E		RT 2	ONAGA	66521
48AT51	HOWARD, R&G	MISTY MORNING KENNELS	R1 BOX 81C	NEOSHO RAPIDS	66864
48BA72	HOWE, E	HOWE'S KENNEL		WEBBER	66970
48AG48	HOWIE, JE&R	J&R PETS	RT 3	ABILENE	67410
48BB85	HUFF, A	H & H PET SHOP	515 MATTHEW	CONCORDIA	66901
48AD09	HUGUNIN, LL		RT 1 BOX 53	LEONARDVILLE	66449
48AK95	HULL, KW	HULL'S KENNELS	RT. 2 BOX 200	BELLEVILLE	66935
48AA83	HUND, MA		307 IOWA	HOLTON	66436
48AY09	HURT, R & M	RO MAR KENNELS	R 4, BOX 251	CHANUTE	66720
48AL21	HUSTON, JR	ESTES GATE KENNEL	RT 1	MILFORD	66514
48AZ31	HUTFLES, S & S	S & S KENNEL	PO BOX 131	MERIDEN	66512
48AW29	ILLINGWORTH, DE & B	ILLINGWORTH CATTERY	627 PARK PLACE	SALINA	67401
48AY88	IRVIN, ML		RR 1	HOYT	66440
48AW98	IRWIN, MD	HAVEN HILL KENNEL	R 1 BOX 98	TECUMSEH	66542
48AI54	JACKSON, D&J	JU-JA'S KENNELS	RT 1 BOX 18	SEDAN	67361
48AY96	JACKSON, L		RT 2	CLIFTON	66937
48AX93	JACKSON, RE		BOX 125	HARVEYVILLE	66431
48AI53	JACOBS, VS		BOX 175	FAWNEE ROCK	67567
48AA19	JANDERA, RF		RR 1 BOX 57	HANOVER	66945

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AZ51	JANTZ, B & S		10515 LORI LN	MULVANE	67110
48AZ84	JETT, STEPHEN		5911 N MAIZE RD	MAIZE	67101
48AD51	JOHNSON, AE		RT 1 BOX 184	RANDOLPH	66554
48AJ69	JOHNSON, C & V	LAZY-J KENNELS		LEBANON	66936
48AS11	JOHNSON, IS & RJ	BERTH CREEK KENNEL	RR 1 BOX 63	OLSBURG	66520
48AR66	JOHNSON, N	TUIA CATTERY	RT 1	FORMOSO	66942
48AD66	JOHNSON, P	HILL TOP KENNELS	5223 NW TOPEKA	TOPEKA	66617
48AV80	JOHNSTON, M&T		R 2 BOX 31	COFFEYVILLE	67337
48AB29	JONES JR, HH		ROUTE 1	WETMORE	66550
48AX36	JONES, AM		3315 N 115TH ST	KANSAS CITY	66109
48AC30	JONES, CJ	ROUBIDOUX LANE KENNEL	RR 1 BOX 24	BEATTIE	66406
48BA10	JONES, D	JONES KENNELS INC.		NETAWAKA	66516
48AP87	JONES, E		BOX 234	MCCUNE	66753
48AM04	JONES, L		509 S EXCHANGE	ST JOHN	67576
48AY41	JONES, R		R 1	ELK CITY	67344
48AW67	JONES, WEM		RR 2	DOUGLASS	67039
48BB47	JOSSERAND, JBL	LOU JAC PETS	7560 SO. BROADWAY	WICHITA	67223
48AD72	KAHRS, G		RT. 1 BOX 212	CLIFTON	66937
48AY86	KAMER, MICHEAL & PEGNA		4440 N.E. CROCO RD	TOPEKA	66617
48AA103	KAPPLER, J	WEE ONES	2318 W WYATT EARP	DODGE CITY	67801
48AX22	KASSELMAN, W & L	KASSELMAN KENNELS	RT. 1 BOX 105	OLSBURG	66520
48AX30	KEEGAN, D & K	KALEIDOSCOPE KENNEL	RT. 1	BAILEYVILLE	66404
48AC91	KEISWETTER, D&H		RFD 2	NORTON	67654
48BA05	KELLER, K	KENNY'S KENNELS	R 2	ST JOHN	67576
48AZ10	KELLER, R	BLUE HILL KENNEL	RR 1	HUNTER	67452
48AA15	KELLEY, W		RT 2 BOX 55	CLIFTON	66937
48AV92	KELLY, GL & DA	COUNTRY KENNELS	RT 1	HOLTON	66436
48AT22	KENNEDY, ML	L&M KENNEL	RT 2 BOX 60-A	LYONS	67554
48AT86	KERR,ML		R1	SILVER LAKE	66539
48BB64	KIEFFER, J	WACONDA KENNELS	BOX 102	GLEN ELDER	67446
48AK11	KILGORE, T		RT 1	MULLINVILLE	67109
48AT88	KILLOREN, E	KILLOREN KENNELS		POWHATTAN	66527
48AZ54	KINGERY, S & J & B	KINGERY KIDS KENNELS	RFD 1 BOX 10E	SYLVAN GROVE	67481
48BC06	KINGSBURY, J & G	JO-GLEN KENNELS	RR 2	SMITH CENTER	66967
48AZ92	KINGSBURY, M & L	L & M KENNEL	RR	SMITH CENTER	66967
48AX96	KINNAMON, D & D	KINNAMON'S KENNELS	RT 4 BOX 102	INDEPENDENCE	67301
48AK36	KINNEY, AR		BOX 5	PERRY	66073
48AG73	KISSINGER, MRS. DAIN		RR 1 BOX 275	MULVANE	67110
48AY94	KLASSEN, RE		RT 1	INMAN	67546
48BB65	KLINGENBERG, K&E	BETKEN KENNELS	ROUTE 4 BOX 215	LAWRENCE	66044
48AZ18	KLINKER, S & M	KLINKER RABBIT TREE	822 BERTRAND	MANHATTAN	66502
48AI89	KNAPP, HW & B	SHADY OAKS KENNEL	RT 3	CHANUTE	66720
48AI78	KNOPP, VJ & J		RT 1 BOX 190A	HAYS	67601
48BA24	KNOX, SD	ROSNOX KENNELS	PO BOX 147	VALLEY FALLS	66088
48AT04	KNOX, SL	KNOX'S COUNTRY KENNELS	R 1	AGENDA	66930
48AD28	KOCH, SJ			BLAINE	66410
48AC26	KOCH, T		RT 2	AXTELL	66403
48AG74	KOEHN, MSMJ	KOEHN KENNEL	RT 2 BOX 68	MOUNDRIDGE	67107
48AR07	KOEHN, RA&CE		R2 BOX 808	INDEPENDENCE	67301
48AZ73	KOOPS, R & A		RR 2	CAWKER CITY	67430
48AZ75	KOPSA, CINDY			CUBA	66940
48AT63	KORNFIELD, J	HIGHLANDER COLLIES	ELM ST	EVEREST	66424
48AP83	KRAFT, PL		RR 1	JETMORE	67854
48AZ99	KRAFT, T & K		BOX 139	GRAINFIELD	67737
48AE39	KREBS, CE & SON		RT 1	POWHATTAN	66527
48AT52	KREHBIEL, D & D	KREHBIEL'S KENNELS	RT 2	KINGMAN	67068
48AK22	KRIER, LM&AL		BOX 323 1217 BIRCH	ASHLAND	67831
48AC27	KROGMAN, E	KROGMAN'S KENNELS		AXTELL	66403
48BB32	KRUCKENBERG, SM		2851 OREGON LANE	MANHATTAN	66502
48AG32	KUEHL, E&C	KUEHL & KUEHL		ONAGA	66521
48AD11	KUEHL, L			ONAGA	66521
48AW40	KUNZLER JE & MCKINLEY BS	K&M RABBITRY	RT 1 BOX 142	GARDNER	66030
48BB43	LAMBERT, RE	LAMBRIAR KENNELS	GEN DEL	MAHASKA	66955
48AZ96	LANE, M & D	WEST SIDE OF TOWN	BOX 306	ST FRANCIS	67756
48AN85	LANOUE, J		RR 3	CONCORDIA	66901
48AN59	LANTIS, RW	4-L KENNELS	BOX 624 RT 3	OTTAWA	66067
48AZ43	LARRISON, E		426 E. 6TH	HOLTON	66436
48AA81	LARSEN, D & D	LARSEN KENNELS	RT 2	HOLTON	66436
48AT53	LARSH, S		BOX 97	LONGTON	67352
48BA36	LARSON, J	LARSON KENNELS	R 3 BOX 44	LAWRENCE	66044
48AP13	LARSON, LD&EE		RR 1	WATERVILLE	66548
48AI85	LAWRENCE, E	SILVER STAR KENNELS	RR 1 168-AA	SEDAN	67361
48AQ89	LAWRENCE, J		RT.2 BOX 264	WINFIELD	67156
48AG11	LEAMING, E			PLEASANTON	66075
48AM26	LEDIG, W		RT 3	CLAY CENTER	67432
48AW45	LEIS, JA		RR 1	GARDEN PLAIN	67050
48AY07	LEWMAN, V & R	R-VEE KENNEL	RR 1	DELIA	66418
48AP12	LIERZ, J		RT 1 BOX 38A	FRANKFORT	66427
48AY23	LINDEN, BF & R	BUNNY'S COUNTRY KENNEL	RR 2 BOX 54	CUMMINGS	66016
48AC46	LINKUGEL, D		RT 2	MARYSVILLE	66508
48AS12	LINNEMAN, F	LOCK LIN HE KENNELS	119 N MONROE	SMITH CENTER	66967
48AV78	LITTLE, R	DUSTY ACRES KENNEL	R.R.1	CENTRALIA	66415
48AW86	LOGUE, D&R	LOGUE'S KENNEL	R 2 HOLLYWOOOD ADD	DODGE CITY	67801
48AA71	LONG, E			CIRCLEVILLE	66416
48AT54	LONG, M&F		R 1	SEVERANCE	66081
48AT05	LOOSE, FE		PO BOX 8	NASHVILLE	67112
48AZ29	LOTZ, D	DEE'S KENNEL	RT. 1 BOX 115	EDNA	67342
48AZ26	LOVELAND, H	RED HOUSE	R 1 BOX 136	RILEY	66531
48AQ76	LOWE, CR		RR 2 BOX 140	CHANUTE	66720
48AH85	LOWE, M	MEL'S KENNELS	RT 4 BOX 12	GIRARD	66743

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AZ02	LOWE, V & H		R 2 BOX 250	CHANUTE	66720
48AH81	LUCKE, E		RT 2	GIRARD	66743
48AY47	LUHMAN, GW & DM		RT 1	RICHMOND	66080
48BB14	LUMBERT'S KENNELS		RT 1 BOX 270	WINFIELD	67156
48AI87	LUMLEY, I&N		RT 1 BOX 78	PERU	67360
48AS29	LUSK, RL		RT 2	OLPE	66865
48AY36	LUTHER, F & E & A	LU'S KENNELS	R 2 BOX 167	CHANUTE	66720
48AX18	LUTHI, H&S		RR 2	MADISON	66860
48AT91	LYONS, V&B	HAPPY VALLEY KENNELS	RT 1 BOX 199	OSAWATOMIE	66064
48AB05	LYTLE, J&E		RT 2	HOLTON	66436
48AH78	MADL, C		RT 1	WALNUT	66780
48BB08	MAIKE ENTERPRISES INC	MAIKE HUNTING CLUB	RT 2 BOX 91	ALMA	66401
48AN83	MAIKE, A		R 1 BOX 108	ALMA	66401
48AJ52	MAKINGS, A	DA-AN KENNELS	RT 2 BOX 110A	GOODLAND	67735
48AZ38	MALOTTE, P & T		RFD 2 BOX 159	MARYSVILLE	66508
48AP45	MANZ, C		RT 1	ESKRIDGE	66423
48AI20	MARCOTTE, V		RT 1	ALLEN	66833
48AZ39	MARING, E & J		RT 1	WAMEGO	66547
48AX53	MARK, I & G	MARK'S KENNELS	R 1	BURLINGTON	66839
48AH11	MARLER, MRS. E	TURTLE CREEK KENNEL	RT 2	BURDEN	67019
48AD97	MARPLE, LB		BOX 207	WAKARUSA	66546
48AD05	MARSHALL, LL	MARSHALL'S KENNELS	RR 1	EMMETT	66422
48BA09	MARSHALL, P		11910 HOLLINGSWORTH RD	PIPER	66106
48AG33	MARTEN, RC		RT 2	ONAGA	66521
48AZ83	MARTIN, B		RT 1	BLUE RAPIDS	66411
48AZ83	MASON, D & J		909 E. 2ND	HOISINGTON	67544
48AZ27	MASSEY, T & WOLFE, L	M & W KENNELS	RR 1	CEDAR	67024
48AF04	MAY, BL		RT 1	MANKATO	66956
48VA06	MAYFIELD, AR	DRAGONWEIR KENNELS	3435 S VANDALE	WICHITA	67217
48AI54	MC CARTER, H&G	COUNTRY HOME KENNEL	RT 1 BOX 55	GREAT BEND	67530
48AG52	MCADAM, EE		RT 3	HOLTON	66436
48AA102	MCALEXANDER, B		PO BOX 273	ERIE	66733
48AD90	MCBURNEY, TM		5345 NW TOPEKA AVE	TOPEKA	66617
48AC32	MCCALL, FM&PM		RT 1 BOX 58	CEDAR VALE	67024
48AY53	MCCALL, JL & S		RR 1 BOX 66B	CEDAR VALE	67024
48AX29	MCCLASKEY, M & D	MAC'S KENNELS	RR 3	GIRARD	66743
48AT62	MCCLINTOCK,TA		RR1	HOLTON	66436
48AM84	MCCLURE, T	SING SANDY RANCH	RT 1	KINGMAN	67068
48BB86	MCCORKLE, C & D	COUNTRY ACRES KENNELS	8301 S WOODLAWN	DERBY	67037
48AT46	MCCORMICK, RD	MI-DE-PA KENNELS	R 2 BOX 91C	LOUISBURG	66053
48AI32	MCCORMICK, VT&CE	MCCORMICK KENNEL	R 1	YATES CENTER	66783
48AM97	MCDANIEL, DL			EDSON	67733
48AP50	MCDONALD, W		RT. 5	ABILENE	67410
48AC50	MCGEENEY, A & F		RT 2	SUMMERFIELD	66541
48AW53	MCGRATH, J&J			EMMETT	66422
48AZ85	MCINTEER, JESSIE		RT 1 BOX 68	RANDOLPH	66554
48AG13	MCKIBBEN, MJ		RT 2	GARNETT	66032
48AZ36	MCMAHAN, GALE		RT 1	CLAY CENTER	67432
48AD38	MCNALLY, DT			HAVENSVILLE	66432
48AX75	MCNICKLE, R&C	M KENNELS	RT 2	CHERRYVALE	67335
48AL81	MCPHAIL, E		BOX 725	ASHLAND	67831
48BC05	MEHL, J & D	J & D PERSIANS	RR 1	LORRAINE	67459
48AX36	METTLEN, D & B		RT. 1	SYLVAN GROVE	67481
48AX81	MEYERS, M & R		BOX 67-2A	SUBLETTE	67877
48AY27	MICHEL, R & J		RT 2 BOX 4	LUCELL	67744
48AV32	MILES, C&M		RT 2 BOX 289	BELLEVILLE	66935
48AY04	MILLER, C & M		RT 2	CONCORDIA	66901
48AX61	MILLER, V & N	CEDARCREST KENNEL	RT. 1	BLUE MOUND	66010
48AI83	MILLS, B&P	MILLS KENNELS	R 4 1700 WEST OAK	INDEPENDENCE	67301
48AB78	MILLS, EM			CENTRALIA	66415
48AZ41	MILLS, S	MILLS KENNEL	1320 ACACIA	GOODLAND	67735
48AW38	MITCHELL, C&S	KINGDOM KENNELS	RT 2	VALLEY FALLS	66088
48AC93	MOFFITT, RG & B		RT 2 BOX 98	WASHINGTON	66868
48AN62	MONTGOMERY, EM		RT. 3 BOX 342	OTTAWA	66067
48AN12	MOODY, GK		RT 1	HOLTON	66436
48AR54	MOORE, JE		409 W VERMONT	OSBORNE	67473
48AF56	MOORE, LK		BOX 214	HIGHLAND	66035
48AD18	MOORE, PL		RT 2	WESTMORELAND	66549
48BB77	MOORE,MF	D & M KENNELS	R 1	UNIONTOWN	66779
48AW71	MOOTS, B&S	LAZY M KENNEL	RT 5 BOX 141	HUTCHINSON	67501
48BA91	MORLAND, LJ		207 E SOUTHERN BLVD	GIRARD	66743
48AQ84	MORRIS KENNELS	MORRIS KENNELS	RT 1	HOLCOMB	67851
48AJ19	MORRIS, E		RT 4	FREDONIA	66736
48AV94	MORRISON, KJ		150 COTTONWOOD DR	COLBY	67701
48AV83	MOSER, D & G		RT 1 BOX 135	WASHINGTON	66868
48AA104	MOSER, DON		RT 2	WASHINGTON	66868
48AY78	MOSES, J	MOSES KENNEL	1441 MAPLE	HOXIE	67740
48AS30	MOSHER, HD & M	MOSHERS KENNELS	RT 1	MERIDEN	66512
48AX67	MOSIER, S & D	MOSADOS DOGS	RT. 1 BOX 101	STERLING	67579
48AB58	MOSTELLER, O			BERN	66408
48BA61	MULLER, C	IZZY'S POODLE PARLOR	R 1	SOLOMON	67480
48AY78	MUNK, P	TERRY KENNELS	BOX 4	MENLO	67746
48AI95	MURDIE, LE	SIR LIL LIN KENNEL	BOX 153	GARFIELD	67529
48AW94	MURPHY, S		420 W. 12TH ST.	JUNCTION CITY	66441
48BB06	MYERS, J&G	MYERS KENNELS	R 1	ELSMORE	66732
48BB76	NELSON, C & G	DREAM LAND KENNEL	RT 1 BOX 130	NEODESHA	66757
48AL71	NELSON, RA	NELSON KENNEL	824 CENTRAL PO BOX 156	HUMBOLDT	66748
48AD02	NEWELL, L		RT 1	CLIFTON	66937
48AZ20	NEWHALL, S	NEWHALL'S KENNELS	RR 1	GREAT BEND	67530
48AA85	NEWMAN, DH	LAKE VIEW KENNELS	ROUTE 1	HOLTON	66436

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AT86	NEWMAN, R		PO BOX 173	VALLEY FALLS	66088
48AP85	NEWTON, EMV		1315 N. PLK ST	TOPEKA	66608
48AI89	NIBLACK, TSE	NIGHAN HILLSIDE KENNELS	RT 2 BOX 17	SEDAN	67361
48AX48	NICHOLS, C	JACONIC, INC	RT. 3	RUSSELL	67665
48AY89	NIEMEIER, R		RT 1 BOX 169	WATERVILLE 66548,48AY	66469
48AY91	NOBLE, D		RT 2	WALNUT	66780
48AW24	NONDORF, JEM	SHADY LANE KENNELS	R 1	SCANDIA	66966
48AZ13	NORDQUIST, K & J	NORDQUIST'S KENNELS	RT 1 BOX 100	WATERVILLE	66548
48AV22	NORRIS, LG		RR 1	ROSSVILLE	66533
48AV23	NORRIS, LK		RR 1 BOX 38	WINCHESTER	66097
48AZ57	NOTT, LAWRENCE		RR 1	SOLDIER	66540
48AN59	NOYES, CM		BOX 147	JAMESTOWN	66948
48AY70	OBORNY P & K	WALNUT VALLEY KENNEL	RR 2	TIMKEN	67562
48AX79	OETINGER, R			GREEN	67447
48AX74	OGLE, DSP		RT 4 BOX 66	FREDONIA	66736
48AZ58	OLDRIDGE, ELAINE		RT. 5	HIAWATHA	66434
48AP57	OLLER, MSM	SHADY NOOK KENNEL	BOX 214	CUNNINGHAM	67035
48AC38	OLSON, GAE		RT 1	AXTELL	66403
48AZ48	OSBURN, L		RT 1 BOX 97	PAXICO	66526
48AA84	OSHEA, N			MAYETTA	66509
48AX39	OSNER, M	OSNER KENNELS	RR 2	CUNNINGHAM	67035
48AB40	OSTERHAUS, MA		BOX 72	WETMORE	66550
48AK44	OSWALD, R		315 N SECOND	CONWAY SPRINGS	67031
48AW08	OTTE, GEJ	WALNUT VALLEY KENNELS	RR 1 BOX 229	GREAT BEND	67530
48AR49	PALECEK, M	MARGE'S KENNEL	RT 1	MUNDEN	66966
48AS18	PALENSKE, R & T	COUNTRYSIDE KENNELS	RT 3	SCOTT CITY	67871
48AM69	PALMER, G		ROUTE 4	ABILENE	66506
48AT28	PALMER, K		RT. 1 BOX 6	COFFEYVILLE	67337
48AF32	PALMQUIST, L & L	PALMRIDGE FARM KENNEL	R R 2	CONCORDIA	66901
48AW44	PARADIER, A		BOX 144	MAYETTA	66509
48AY12	PARRETT, R & M	PARRETTS KENNEL	R 1	CIRCLEVILLE	66416
48AV21	PATTERSON B & JOSEPH R	B & R KENNEL	BOX 267	CHASE	67524
48AO15	PATTERSON, D & O		RT 2	ANTHONY	67003
48AE46	PEDEN, R	PEDEN KENNELS	RT 2	TROY	66087
48AZ42	PERKINS, S	CRITTER CLINIC	615 N 2ND	HILL CITY	67642
48AX54	PETERS, D & A		RR 1 BOX 29	CUBA	66940
48AS99	PETERS, D & J	PETERS KENNEL	RT 1 BOX 30	OLSBURG	66520
48AI87	PETERSON, H		BOX 23	GARFIELD	67529
48AR31	PETERSON, L		RT 1 BOX 59	SYLVAN GROVE	67481
48AA44	PHILLIPS, C & E	HAPPY HOLLOW KENNEL	3266 N 115TH	KANSAS CITY	66109
48AX37	PICKETT, SJ		R 1	LONGTON	67352
48AY84	PILKINGTON, DP		RT 1	MOUND VALLEY	67354
48AY28	PITMAN, RL		303 POPLAR PO BOX 274	MINNEOLA	67865
48BA18	PITZER, WJ	PITZERS KENNELS	RT 1	CONCORDIA	66901
48AW10	PLATTNER, D		R 1	ONEIDA	66522
48AA89	POLLOCK, E			SOLDIER	66540
48AX99	POOL, SM		RT 2	GIRARD	66743
48AW76	PORTENIER, H & D	FORT BISSELL KENNELS	RT 3 BOX 12A	PHILLIPSBURG	67661
48BA15	PORTER, L & A		RT 1	GOFF	66428
48AZ28	PRALLE, J & C	SPRING CREEK KENNELS	RT 3 BOX 27	MARYSVILLE	66508
48AZ53	PRUETT, B J	B J KENNELS	RT 3 BOX 256	ARKANSAS CITY	67005
48AJ12	PTACEK, ER	CEDAR CREEK KENNEL	RT 3	RUSSELL	67665
48AM82	PUGH, M		RT 2 BOX 183	MAYETTA	66509
48BB66	QUIRK, W	QUIRKS KENNELS	RR 2	READING	66868
48AZ80	RATHKE, MRS. LOUISE	RATHKE'S KENNEL	RT 1	MADISON	66860
48AY01	RAVEN, HM		RT 2 BOX 10	EDNA	67342
48AC84	RAY, RL & A		RT 1	VALLEY FALLS	66088
48AE89	REED, LS		BOX 514 RR 1	TONGANOXIE	66086
48AD82	RENFRO, DJ		1131 N KANSAS AVE	TOPEKA	66608
48AD83	RENFRO, GS	RENFRO'S KENNELS	1135 N KANSAS AVE	TOPEKA	66608
48AW58	RENN, JCST		R 2 BOX 270-D	PITTSBURG	66762
48AQ88	REYNOLDS, BES		RT 4	CUBA	66940
48AI25	REYNOLDS, FBV	WI'S POM HOUSE	BOX 86	LONGTON	67352
48AT44	REYNOLDS, P		BOX 111	CUBA	66940
48AZ74	RHINE, DEBBIE		RT 1	MAHASKA	66955
48AA52	RICARD, W			WASHINGTON	66968
48AB27	RICE, N		ROUTE 1 BOX 123	MERIDEN	66512
48AH24	RICH, J		4401 N HALSTEAD	HUTCHINSON	67501
48AY43	RICHARDSON, WD		3119 N HALSTEAD	HUTCHINSON	67501
48AZ09	RICKARD, MRS. LOWELL		RT 1 BOX 33	PARADISE	67658
48AF60	RODGERS, JE	JER MAY KENNELS	RT 1	CONCORDIA	66901
48BB78	ROEVER, A			ODELL	66415
48AZ38	ROGERS, P & E	ROGER'S KENNEL	RT 2	DODGE CITY	67801
48AD88	RONSSE, E		RR 1	ST MARY'S	66536
48AD73	ROSE, L			WASHINGTON	66968
48BB39	ROSS, F		BOX 6	PAWNEE ROCK	67567
48BA16	ROTTINGHAUS, G		RR 3	SENECA	66538
48AC11	ROTTINGHAUS, GF		RR 1 BOX 28	BERN	66408
48AR84	ROUSE, G	CEE-MAR KENNEL	RT 4	BELOIT	67420
48AI71	ROUTH, V		RT 1	SEDAN	67361
48AG19	ROWLAND, S & J		RT 1	MARYSVILLE	66508
48AB34	RUDOLPH, D	RUDOLPHS KENNELS	RT 1	LINCOLNVILLE	66858
48AA49	RUETTI, RL		306 E. 6TH ST.	FRANKFORT	66427
48AR16	RULE, A	RULES KENNELS	RR 2	NORTON	67654
48BB67	RULE, J & P		702 N YORK	OBERLIN	67749
48AY11	RULE, R & E		RT 3	NORTON	67654
48AF34	SALLMAN, E	SALLMAN KENNELS	BOX 64	AURORA	67417
48AT87	SALYER, SL	HAPPY HILL KENNELS	RFD 1 BOX 157F	LAWRENCE	66044
48AQ89	SAND, L	OLEO ACRES KENNEL	RR 3 BOX 63A	MCPHERSON	67460
48AE22	SANDERS, JE	POTTER VIEW KENNEL	R 3 BOX 79	ATCHISON	66002

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AG81	BANFORD, CR&JM		RT 2 BOX 198	BELLEVILLE	66935
48AG62	BATTERTHWAITE, P	BATTERTHWAITE KENNELS	RT 2	UDALL	67146
48AG58	BAUCIER, R		RT 3	ABILENE	67410
48AW89	BAUVAGE, H & M			HAVENSVILLE	66432
48AX27	BAUVAGE, KE	ROCK HILL KENNEL	RR 1	ONAGA	66521
48AA89	BAVAGE, L		RR 2	SOLDIER	66540
48AA13	BAWIN, DE		RT. 2	WASHINGTON	66968
48AK03	BCHIFF, D & J			SHARON	67138
48AZ76	BCHIBBLER, J		696 NORTH CABS	OBERLIN	67749
48AB83	BCHMELZLE, GJ	RED VALLEY KENNEL	RR 1 BOX 38	CORNING	66417
48AY05	BCHMIDT, RA		RT 2 BOX 47	NEWTON	67114
48AG39	BCHMITZ, L		RT 1	BAILEYVILLE	66404
48AZ34	BCHRAG, D & C	ALASKAN KENNELS	RT 2 BOX 176	MOUNDRIDGE	67107
48AZ39	BCHRAG, M		RT. 4 BOX 38	GALVA	67443
48AZ47	BCHULTE, C	CINDY'S POODLES	RFD 1	TIPTON	67485
48AP94	BCHULTEJANS, C & B		RT 2	GOFF	66428
48AZ67	BCHULTZ, R & N		RR 1 BOX 144	LUCAS	67648
48AR09	BCHWINN, M	S&S KENNELS	R 1 BOX 168C	ST GEORGE	66535
48AZ98	BCOFIELD, JANE		RT 2 BOX 212	COLUMBUS	66725
48BB30	BCOTT, HD		R 1 BOX 43	MANKATO	66956
48AF20	BCOTT, HD&JE	JARL'S KENNELS	RT 2 BOX 43	MANKATO	66956
48AP38	BCOTT, RE		329 SO. LORRAINE	HUTCHINSON	67501
48AH74	BEARS, ZL		RT 1 BOX 20	ERIE	66733
48AT47	BEE, WL&T	WHEATLAND COLLIE FARM	RT 1	SCOTT CTY	67871
48BB88	BELFRIDGE, K&J	SELFRIDGE PUPPY FARM	BOX 215	DIGHTON	67839
48AY62	BHAFFER, CA		211 EAST FREMONT	BURLINGAME	66413
48AT33	BHEAHAN, E		RR 1 528 WEST G ST	KINGMAN	67068
48AW75	BHEETS, D&C	CHAR D KENNELS	RT 1 BOX 221	ABGARIA	67416
48AA48	BHELL, H		BOX 133 RR 2	VALLEY FALLS	66088
48AJ36	BHIELDS, F	PUPPY LOVE KENNEL		GLADE	67639
48BB62	BHROYER, D	NORTH GATE KENNELS	RR 2	MILTONVALE	67466
48AF93	BHUGHART, DL	DELTAIRE KENNELS	ROUTE 1 BOX 207	PERRY	66073
48AL31	BHUTE, E	JERI'S KENNELS	RT 1	RED CLOUD	68970
48AA100	BIEBS, R & B		414 ROANOAK	SENECA	66538
48AH44	BINCLAIR, F OR K		RT 2	IOLA	66749
48AW81	BINCLAIR, HL		311 SO VERMONT	IOLA	66749
48AY34	BINCLAIR, JR & ME	OWL CREEK KENNEL	R 1 BOX 170	HUMBOLDT	66748
48AL32	BIPES, M		RT 1	ST MARYS	66536
48AY86	BKELTON, L & J	SANTA FE KENNEL	RT 3	LARNED	67550
48AZ23	BLOAN, MR & MRS	KAPRICKORN KENNELS	RT 2 WEST PARK	DODGE CITY	67801
48AP37	BMART, LE	SMART'S HILLTOP KENNELS	RR 1 BOX 102	BURLINGTON	66839
48AE96	BMETHERS, GM & LW		RR 2	GARNETT	66032
48BA08	BMITH ENTERPRISES, INC		RT 1 BOX 80BB	GARDEN PLAIN	67050
48AF36	BMITH, DA		BOX 28	SCOTTSVILLE	67477
48BA73	BMITH, E		RT 2	ERIE	66733
48BA18	BMITH, H	YOCKEY CREEK KENNEL	RT 1 BOX 149	DELPHOS	67436
48AV75	BMITH, J&B	WINDY HOLLOW KENNELS	RFD1, BOX 76	FAIRVIEW	66425
48AF37	BMITH, L	SMITH'S KENNELS	RT 3	CLYDE	66938
48AR05	BMITH, M		605 NO PRAIRIE	ST JOHN	67576
48AY75	BMITH, OW		501 BEECH	OTTAWA	66067
48AM66	BMITH, ZM		705 N SYCAMORE	IOLA	66749
48AV17	BMODGRASS, V&G		923 KING	ATCHISON	66002
48AX24	BNYDER, M & E		RT. 4	BELOIT	67420
48AG23	BOBBA, DJ		RR 1	RICHMOND	66080
48AY14	BOMMER, M		217 OHIO	NEODESHA	66757
48BC04	BOUTHERLAND, R & SELLS, J	VALLEY VIEW KENNEL	BOX 8	SEDAN	67361
48BA05	BPARKS, B	SPARKS KENNELS INC	RT 4 BOX 1154	SALINA	67401
48AQ81	BPEAR, A & D	LAZY S KENNEL	RT 1	CONCORDIA	66901
48AX91	BPEER, R & S		RT 2 BOX 77	ELK CITY	67344
48AE19	BPITTLES, LM	SPITTLES KENNELS	ROUTE 1	ALTA VISTA	66834
48AW82	BPRESSER, A&N	SPRESSER KENNELS	5TH & MINN. ST	SELDEN	67757
48AT31	BTACKLEY, E & P	HOSTA'S KENNEL	R 4	EL DORADO	67042
48AB74	BTALLBAUMER, J		R R 2 BOX 16	SENECA	66538
48AK85	BTALLBAUMER, P		RT 1	CENTRALIA	66415
48AV90	BTANGE, LH		R 1	ELSMORE	66732
48AZ59	BTEELE, W & M	STEELE ANIMAL FARM	RR 1	ATWOOD	67730
48AZ94	BTEINBERGER, A		RT 2	WAMEGO	66547
48AB89	BTEINLAGE, F		RT 1	CORNING	66417
48AB50	BTEINLAGE, M		1106 WALNUT ST	SENECA	66538
48AY17	BTELLWAGEN, L & B		RT 1	SILVER LAKE	66539
48BA50	BTEPHENS, H	STEPHENS KENNELS	RT 1 BOX 130A	INDEPENDENCE	67301
48AA73	BTEVENS, AT&GR	STEVENS KENNELS	R 1	VALLEY FALLS	66088
48AZ86	BTEVENSON, DALE		RT 1	EDNA	67342
48AX16	BTEVENSON, V&J		R 1	NIOTAZE	67355
48AC87	BTOLTE, E		RT 1 BOX 149	LINN	66953
48BA28	BTONE, LK			LEONARDVILLE	66449
48AE33	BTRAHM, JD & G	G&J KENNELS	RT 5	HIAWATHA	66434
48AX47	BTRAWN, P & J	STRAWN'S KENNELS	R 4	YATES CENTER	66783
48AG85	BTUHLSATZ, JP		RT 1	GARDEN PLAIN	67050
48AH46	BUBERA, A & OM		RT. NO. 3 BOX 58	CALDWELL	67022
48AY58	BUMMER, L & N		RR 1	HAVENSVILLE	66432
48AL44	BUTTON, C	SKYVIEW KENNEL	RT 1	MARYSVILLE	66508
48AW01	BWEARINGEN, D		R 3	INDEPENDENCE	67301
48AP28	BWEET, MY	SWEET'S CATTERY	RT 2 BOX 43	PORMOSO	66942
48BC09	BWIERCINSKY, J & L		RT 1	REPUBLIC	66964
48AA70	BWISHER, G		RR 1 BOX 88B	DELIA	66418
48AV45	SYNOGROUND, R & C	THE KENNEL	99 N 81ST ST	KANSAS CITY	66102
48AG80	TAYLOR, IL & EA		RT 1	SOLOMON	67480
48AY97	TEEGARDEN, F & BAILEY, G	LAKESIDE ACRES KENNELS	RR 3	KINGMAN	67068
48AL72	TEETZEN, WE		R 1 BOX 23	JUNCTION CITY	66441

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48D060	TEFFLANDER, MRK		R 1 BOX 40	MCCUNE	66753
48AY21	TESELLE, JL	TESELLE'S KENNELS	BOX 191	DOWNS	67437
48AN06	TESSENDORF, L		RR 1 BOX 74	CIRCLEVILLE	66416
48AZ24	TESSENDORF, R		RT 1 BOX 177	PERRY	66073
48AZ98	TETER, R & D		RR 1	MAIZE	67101
48BA21	THERACON INC		PO BOX 1483	TOPEKA	66601
48AB67	THIEME, L			BERN	66408
48AC59	THIEME, M		RT. 1	WETMORE	66550
48AA91	THIRY, RM		RT 1 BOX 104	MCLOUTH	66054
48AJ73	THOMPSON, MRS P	TOY ACRES KENNELS	RT 2	HARPER	67058
48AW56	THOMPSON, OM & PA	HILLSIDE KENNEL	RT 2	CONCORDIA	66901
48BA14	TINKLIN, G	TINKLIN DOG KENNEL INC.	RT 2	GOFF	66428
48AK87	TODD, J & O		RT 2	FORMOSO	66942
48AJ54	TOMPKINS, A&V	TNT KENNELS	BOX 115	ATHOL	66932
48BC07	TOOTHMAN, MRS. LARRY	LARRY'S PERSIAN'S	405 PURDUE	SALINA	67401
48AJ74	TOWER, ME	T 3 KENNELS	RT 1	ANTHONY	67003
48BA13	TRAILANE KENNELS INC		RT 1	SOLDIER	66549
48AZ49	TRAUTLOFF, R	COUNTRY GIRL KENNEL	RT 4 BOX 143	ATCHISON	66002
48BB89	TREGELLAS, D & SMITH, L	ELK HORN KENNELS	RT 2	HAVILAND	67059
48AK57	TROUTMAN, D & N		BOX 14	ALTOONA	66710
48BB30	TUCKER, U	TUCKER ST BERNARD FARM	RT 1 BOX 5	WELDA	66091
48BB82	TURK, DJ		RT 1	BARNES	66933
48AZ94	TURLEY, RUTH		RFD 1	SCOTT CITY	67871
48AZ71	TURNER, M & I	CEDARCREST FARMS	RFD 1 BOX 28	BURRTON	67020
48AD19	UBEL, S		RT 2	WESTMORELAND	66549
48AE12	ULLERY, L		RR 2	SCRANTON	66537
48AX12	UMRUH, CJ			ARLINGTON	67514
48AL86	USHER, CB		309 BRADLEY RR 2	SEDAN	67361
48BA89	UTTINGER, JR	DICK'S ANIMAL WORLD	18144 EAST KELLOGG	WICHITA	67230
48AE34	VAN EPPS, J		ROUTE 1	ROBINSON	66532
48AB25	VAN GOSEN, B		RT 2 BOX 52	MCLOUTH	66054
48AR56	VAN LOENEN, GO		BOX 153	BOGUE	67625
48AZ44	VESTAL, K & S	VESTAL'S MINI RANCH	RR 3 BOX 25 701 SO. 5TH	LINCOLN	67455
48AS36	VINSONHALER, S		509 N A STREET	SMITH CENTER	66967
48AT41	VISONHALER, J		RT. 1 BOX H1	GAYLORD	67638
48AG81	VLK, W	VLK'S HAMSTERY	704 N. CEDAR RT. 3	MARION	66861
48AR34	WACKER, LER	SMOKY RIVER KENNELS	BOX 73	KANOPOLIS	67454
48AV39	WAGNER, D		305 UTAH ST	HIAWATHA	66434
48AJ84	WAITE, O		RT 2	KINGMAN	67068
48AF86	WALBRIDGE, R		ROUTE 2	MCLOUTH	66054
48AF51	WALKER, DC&JS	HIGHLAND CREEK KENNEL	BOX 472	MACKSVILLE	67557
48AX36	WALTON, S		R 4 BOX 102A	FREDONIA	66736
48AL98	WARNICA, RE		RT 1 BOX 51	MARION	66861
48AV19	WARREN, L	W-S KENNELS	RT 2	IOLA	66749
48AB98	WASSENBERG, A	BLACKTOP KENNELS	RT 1	BAILEYVILLE	66404
48AF40	WATERMAN, E&M		RR 1 BOX 135	GLASCO	67445
48AS80	WATKINS, G & A		RT 1	HOLTON	66436
48BC11	WEATHERHEAD, J		RT 2	CONCORDIA	66901
48AT05	WEBB, W & D	WJ KENNELS	2421 NO 6TH	DODGE CITY	67801
48AV48	WEBER, WBJ		115 N CHESNUT	BELOIT	67420
48AS70	WEBSTER, MRW	WEBSTER'S KENNEL	R 2 BOX 102	CHANUTE	66720
48AY89	WEDEL, S	DOG PATCH KENNELS	RR 2 BOX 52	MCPHERSON	67460
48AN89	WEIKELMAN, RD		5843 NW LEEDY RD	TOPEKA	66618
48BB09	WELLCOME RESEARCH LAB		2000 SOUTH 11TH ST	KANSAS CITY	66103
48AX36	WELLS, H & S		FORT DODGE RD	DODGE CITY	67801
48AE41	WENGER, VC		RT 1	POWHATTAN	66527
48AW82	WEST, RR	WEST KENNELS	RT 2	COLONY	66015
48AX23	WHITE, R & S		1101 SO. HIGHLAND	CHANUTE	66720
48AT28	WHITWAM, D		1528 E 22ND ST	TOPEKA	66605
48AW83	WIESNER, DJ		316 N. CEDAR	HOISINGTON	67544
48AC88	WIETHARN, C		RR 1	CLAY CENTER	67432
48AI73	WIGTON, B	WIGTON'S CHIHUAHUAS	RT 2 BOX 106	COLUMBUS	66725
48AZ82	WILLIAMS, C & T		413 KICKAPOO	HIAWATHA	66434
48AS35	WILLIAMS, E & I		315 W BUFFALO	GIRARD	66743
48AG36	WILLIAMS, L		ROUTE 4	HIAWATHA	66434
48AS85	WILSON, F	LAZY ACRES KENNELS	BOX 109D RT 2	LOUISBURG	66053
48BC91	WILSON, G & D	ELMWOOD KENNELS	R 1 BOX 28	JEWELL	66949
48AW79	WILSON, L		RR 1	SCRANTON	66537
48AY74	WILTFONG, RE		BOX 283	LONGTON	67352
48BB96	WISE, JL	PATS POODLE PARLOR	1827 N MAIN	ST JOHN	67576
48AX76	WISE, WLZ	WINDY HILL KENNEL	RR 3 BOX 152A	LAWRENCE	66044
48AW99	WISEMILLER, W&R	RUMAX KENNELS	RT. 3 BOX 17	SABETHA	66534
48AD17	WITT, EJ		ROUTE 2	WAMEGO	66547
48AC98	WOERNER, R		RR 1 BOX 62	LINN	66953
48AG25	WOLF, P		BOX 46	MORGANVILLE	67468
48AY93	WOOD, DL	SHADY LANE KENNEL	2800 N. 131ST	KANSAS CITY	66109
48AV86	WOODS, D&E	D&L KENNELS	BOX 421	ELKHART	67950
48AW19	WORM, L			WEBBER	66970
48AJ89	WORTMAN, L		RT 1 BOX 111	MEDICINE LODGE	67104
48AJ91	WRAY, JA	WRAY'S KENNELS	RT 2	NORTON	67654
48AW37	WRAY, WBJ		315 OKLAHOMA	LAWRENCE	66044
48AV01	WRIGHT, JG	WRIGHT-WAY KENNELS	RT 1 BOX 90	HOME	66438
48AC73	WULLSCHLEGER, P & M & J		RT. 1 BOX 95B	HOME	66438
48AZ52	WYLIE, R & M		706 OAK ST	WAMEGO	66547
48AW86	YACKO, L		302 OAK ST BOX 98	CAWKER CITY	67430
48AM59	YARNELL, V		R 1 BOX 196	ERIE	66733
48AR46	YONKING, BJ		RT 2	WESTMORELAND	66549
48AX40	ZABEL, E & D	RUD - EZ FARMS	RFD 1	WHEATON	66551
48AM20	ZEINER, E		1000 RICE RD	TOPEKA	66607
48AJ82	ZENGER, C & A		900 AVENUE A WEST	KINGMAN	67068

KANSAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48AZ35	ZERGER, M & K	KANDY KANE KENNELS	RR 2 BOX 147A	MOUNDRIDGE	67107

KENTUCKY

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
61B4	HOFFMAN, J	A-1 TROPICAL FISH & PET CENTER	BOX 501	CORBIN	40701
61A8	JACKSON, J		P.O. BOX 69	KENTON	41030
61BA	NORTHCUTT, ME	GOODWILL KENNELS	RT 6 BOX 109	CYNTHIANA	41031
61B6	ROBINSON, R	W KY RABBIT AND WORM RANCH	ROUTE 2	WEST PADUCAH	42086
61BH	SMITH, L E	S & S RES ANIMALS, HILLTOP KENNELS	PO BOX 151	LAGRANGE	40031
61B2	WILLIAMS, J & A	WILLIAMS KY CAVIES	7811 DOBSON RD	FERN CREEK	40291
61A6	WOOD, JK		RT 1	BAGDAD	40003

LOUISIANA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
72B11	BAILEY, V	BAILEY'S KENNEL	RT 2 BOX 788	HAYNESVILLE	71038
72B1	BISTINEAU TROPICAL FISH, INC		PO BOX 5987	BOSSIER CITY	71010
72A15	ELROD, N	REDWOOD KENNEL	RT 1 BOX 30	WINNSBORO	71295
72B4	GULF SOUTH RESEARCH INSTITUTE		PO BOX 1177	NEW IBERIA	70560
72A4	HARTNESS, L		903 N CENTER ST	RUSTON	71270
72B2	OZONE PET SUPPLY		PO BOX 798	LACOMBE	70445
72A14	SMITH, DK		RT 1 BOX 1086	LAKE CHARLES	70601
72A8	SUMNER, C & E	ALPHA KENNELS	RT 1 BOX 29	IDA	71044
72A16	THORPE, S	CAJUN CAVIES	822 MAXINE DR	BATON ROUGE	70806
72B5	WAUBUN LABORATORIES		DRAWER C	SCHRIEVER	70395

MASSACHUSETTS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
14B66	ALEXION, ALEX	BROADWAY PETS	34 MARKET STREET	LYNN	01901
14B63	ARMSTRONG, J	ARMSTRONGS ANIMALS	408 ESSEX ST	SALEM	01972
14B13	BACHAND, R	BIRDLAND AVIARY	22 LAURA KEENE RD	ACUSHNET	02743
14A72	BERRY, R	BOB'S BUNNY BARN	161 MATFIELD ST	W BRIDGEWATER	02379
14A74	BIO-RES INC/BIO-RES CONS INC		9 COMMERCIAL AVE	CAMBRIDGE	02141
14B45	BOSTON PET SUPPLY		200 FIRST STREET	CAMBRIDGE	02142
14A22	BOWS, RC	ARI/BREEDING LAB	364 CHATHAM W DR	BROCKTON	02401
14A26	CHARLES RIVER BREEDING LABORATORIES, INC.		251 BALLARDVALE STREET	WILMINGTON	01887
14B25	CONNECTICUT VALLEY BIOLOGICAL SUPPLY COMPANY, INC.		VALLEY ROAD	SOUTHAMPTON	01073
14A81	DIV. OF LAB. ANIMAL MED		360 HUNTING AVE 21 MUGAR BLDG.	BOSTON	02115
14B51	DUSSEAULT, J & T	GARDNER'S TURKEY FARM	1765 BAY ST	TAUNTON	02780
14B30	ELM HILL BREEDING LAB		71 ELM ST	CHELMSFORD	01824
14B1	EXOTIC FISH & PET WORLD, INC		49 RUSSELL STREET	HADLEY	01035
14B3	FAY JR, AL		11 RAYMOND RD	BURLINGTON	01803
14B26	FERRIS, PG		195 N MAIN ST	MIDDLETON	01949
14B4	FINCH, AC	PINELAND FARM KENNELS	83 LEONARD ST	RAYNHAM	02767
14A79	FITZGERALD, E		834 KING PHILIP ST	FALL RIVER	02724
14B22	GAULITZ, DE		154 PINE ST	FRANKLIN	02038
14A80	GRAPH-TECH, INC		ONE DIX ST	WORCESTER	01608
14B23	JENKS, FH		21 JAMES ST	FEEDING HILLS	01030
14B65	JURCZYK, JAMES		16 OAK	MONSON	01057
14B7	LANDRESS, M	MARGARET'S HOME FARM	RT 2A BOX 237	ATHOL	01331
14A82	LOMBERTO, D		395 LINCOLN STREET	FRANKLIN	02038
14B2	MASSON, PP	MASSON'S SMALL ANIMAL FARM	75 GOODHUE AVE	DRACUT	01826
14B52	PLATT, AR	PINE ACRE RABBITRY	299 EAST MAIN ST	NORTON	02766
14B19	RESEARCH RESOURCES & SERVICES FOUND., INC.		ONE PINE HILL DR	SOUTHBOROUGH	01772
14A77	RODDY, J		30 VINAL ST	DRACUT	01826
14A76	RUSHFORTH, B & A	HARE HAVEN RABBITRY	711 PLYMOUTH ST	MIDDLEBORO	02346
14B64	THORSEN, G	THORSEN BREEDING LABS	110 TURNPIKE ROAD	FAYVILLE	01745
14B55	TUCKER F & WOODFORD EJ	RESEARCH DONOR SERVICE	908 HANCOCK ST	ABINGTON	02351
14B58	TUFTS-NEW ENGLAND MED CTR INC		171 HARRISON AVE	BOSTON	02111
14A16	TUMBLEBROOK FARM, INC		RFD 1 BOX 9	WEST BROOKFIELD	01585
14A78	WHIGHAM, D & A		WAITE CORNER RD	NORTH BROOKFIELD	01535

MARYLAND

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
51CM	CHAUVENET, DS		BOX 454	CHESTERTOWN	21620
51AD	COMMANDO FARMS		P.O. BOX 475	CLINTON	20735
51AA	ECKERT, WL		HARNEY ROAD	TANEYTOWN	21787
51AR	FRYE, WE	B & H RABBITRY	13700 TRAVILAH RD	ROCKVILLE	20850
51A4	GRIFFITH, KATHLEEN	GRIFFITHS KENNEL	RT 3 BOX 510	BOONSBORO	21713
51CS	HICKMAN, F		RT. 1 BOX 760	CHESTERTOWN	21620
51CD	J.E.M. RESEARCH,INC.		3830 KNOWLES AVE	KENSINGTON	20715
51CX	LITTON BIONETICS INC		5516 NICHOLSON LANE	KENSINGTON	20795
51A8	SHAW, R & R	SPRING VALLEY FARM	1600 FANNIE DORSEY RD	SYKESVILLE	21784
51A5	THE JOHN HOPKINS UNIV		CHARLES & 34 TH ST	BALTIMORE	21218
51BD	TROPICAL FISH CITY INC		13312 LAUREL BOWIE RD	LAUREL	20811
51AS	ZOOLOGICAL CONSORTIUM, INC	FAUNA LIMITED	13019 CATOCTIN FURNACE RD	THURMONT	21788

MAINE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
11A7	BOUCHER, AF	HIDE-A-WAY RABBITRY	RR 2 BOX 460A	SO WINDHAM	04062
11A41	BROWN, R	TWIN BROOKS RABBITRY	BOX 621	LEVANT	04456
11B18	DEMERITT, FRANK		PO BOX 739	YORK BEACH	03910
11B17	DYNATECH DIAGNOSTICS, INC		RR 1 1 INLAND FARM DR	SO WINDHAM	04062
11A39	GOLDMAN, M & E	LUCKY FOOT RABBITRY	RFD 1 BOX 217	BURNHAM	04922
11A3	HERGONEN, DA		RT 1 BOX 144	TURNER	04282
11A28	KELLY, FC		52 WESTMINSTER ST	PORTLAND	04103
11A40	LOTHRIDGE, K	RED PINE RABBITRY	RT 1A	GARDINER	04345
11B6	MAINS, E		RFD 1 LINE RD	GORHAM	04038
11A36	MAINS, R	MAINS PEKINGESE KENNEL	LINE RD RFD 1	GORHAM	04038
11A27	MCLAREN, G&R	THUMPER FARM	RFD 1 BOX 115	HARRISON	04040
11A42	POORE, BRYANT	DRIFTWOOD RABBITRY	WALTHAM ROAD	ELLSWORTH	04605
11B10	SEGALL, S	HOMEDUKE ENTERPRISE	RD 2 BOX 120-A	GREENE	04236
11B9	SHAWLEY, J & J	COTTONTAILS	130 FALVEY ST	BANGOR	04401
11B15	SKIBICKI, J		5 SAYWARD ST	KENNEBUNK	04043
11A1	THE JACKSON LABORATORY			BAR HARBOR	04609
11A38	VARGA, S	HARMONY HILL RABBITRY	RFD 1 BOX 141	CORNISH	04020
11B2	WAYCOTT, BR ME		BUXTON ROAD	SACO	04072
11B4	WRIGHT, S		HEATH RD	KENNEBUNK	04043

MICHIGAN

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
34AD04	ALBER, H		RR 5	ANN ARBOR	48104
34BD13	ANN ARBOR BIOLOGICAL CENTER, INC		6780 JACKSON ROAD	ANN ARBOR	48103
34AD06	BAILEY, FRAN		6385 ALASKA	ALTO	49302
34AD13	BEEKMAN, A		3665 N PILLON RD	MUSKEGON	49445
34BD29	BEHLEN, H	BEHLEN'S RABBITRY	3180 E HOUGHTON LAKE RD	LAKE CITY	49651
34BD37	BOLLON, VERNON		2345 CLARK ROAD	LAPEER	48446
34BD34	BRIEL, J H	WONDERLAND PET CENTER	2082 COLLINGWOOD SW	WYOMING	49509
34BD26	COOPER, EJ		12596 BUDD RD	BURT	48417
34AD37	CUNNINGHAM, C	OAKRIDGE KENNELS	415 N. GROVER RD	MUSKEGON	49442
34AD29	DAY, LA	DAYS RABBIT FARM	7686 N SHERIDAN RD	EDMORE	48829
34BD24	DEBHONE, JAM	PARADISE COVE ANIMALS	PO BOX 566	PINCONNING	48650
34AD5	DETTMER, DJ	DETTMERS BUNNY PATCH	BOX 109 GARFIELD RD	CARSON CITY	48811
34BD32	DIXON, D	D.J. PETS	2200 FRED MOORE HWY	ST CLAIR	48079
34BD11	EWERT, M	EWERT ENTERPRIESE	2059 S. 3RD ST	NILES	49120
34AD40	HENNIP, W		3388 18TH	WAYLAND	49348
34AB	HODGINS, GE & FR	HODGINS KENNEL	6300 LANGE RD	HOWELL	48843
34AD16	HUNT, DJ		6237 VINTON AVE	COMSTOCK PARK	49321
34BD4	INTERNATIONAL ANIMAL EXCHANGE, INC.		1499 E NINE MILE RD	FERNDALE	48220
34BD19	INTERNTL RES & DEV CORP		500 N MAIN ST	MATTAWAN	49071
34BD30	KAMPFERT, WR	BILL'S MAGIC & EXOTIC ANIMALS	38443 UPLAND CT	WAYNE	48184
34AD36	KUCERA, L & J	L.J.K. RABBITRY	P.O. BOX 143	IRONS	49644
34BD5	LABORATORY ANIMALS INC		P.O. BOX 2467	GRAND RAPIDS	49501
34JK	LABORATORY RESEARCH ENTERPRISES, INC.		6321 SOUTH 6TH STREET	KALAMAZOO	49009
34AD4	LANGSHAW, M & D	LANGSHAW FARMS	R1 BOX 256	AUGUSTA	49012
34AD48	LANWOOD, S	LU-LIN'S TITTS	7474 ARNOLD	MARINE CITY	48039
34BD33	LEMPICKI, L	HOUSE OF PETS NO. 2	29500 FORD ROAD	GARDEN CITY	48135
34BD36	MARTIN, ROBERT	PECULIAR PETS	5150 HIGHLAND RD	PONTIAC	48054
34AD30	MI DEPT OF PUBLIC HEALTH	BUR OF DIS CONTROL & LAB SER	3500 N LOGAN ST PO BOX 30035	LANSING	48909
34BD25	MISSLER, GERALD	MISSLER AND SONS SPORTLAND	437 TECUMSEH ST	DUNDEE	48131
34AD49	MOORE, J R		6303 N. NEFF RD.	EDMORE	48829
34AD42	PRENTICE, V		411 SO ALP ST	BAY CITY	48706
34EF	RADZILOWSKI, E	MEADOWBROOK FARMS & CO	10533 GRATIOT ROAD	RICHMOND	48062
34AD47	REED, C	PUPPY PRIDE KENNELS	RT 2 1757 HAYES TOWER	GAYLORD	49735
34AD39	RIDDD, C & R	AUTUMN KENNELS	4726 WHEELER RD	STANDISH	48658
34AD45	RUSSELL, A & C		8669 VERMONTVILLE HWY	VERMONTVILLE	49096
34AD46	SCHNEIDER, L & B	HI-HOPES KENNELS	2224 S ENNIS RD	ITHACA	48847
34BD31	SCHREIB, V	SHAGGY ACRES	BOX 142	PERKINS	49872
34AD11	SHANNON, E	SHANNONS RABBITRY	8412 WESTMINSTER	WARREN	48089
34AD38	STURGILL, C		6140 DUNN RD	MUNITH	49259
34AD35	TAFT, MT	A & M KENNELS	RT. 1 BOX 467	ESCANABA	49829
34AD41	TERPENING, J		908 ELSWORTH RD	PETOSKEY	49770
34BD21	ULRICH, ME	CHERI-HILL KENNEL & SUPPLY	R.R. 2	STANWOOD	49346
34AD25	VITEK, R & C	VITEK'S RABBITRY	R 2 1570 S AIRPORT RD	ST. JOHNS	48879
34BD3	WALLACE, KD	OAKHILL RABBIT RANCH	1753 105 AVE	OTSEGO	49078
34RS	WOUDENBERG, RJ&RL	R & R RESEARCH	19256 W KENDAVILLE RD	HOWARD CITY	49329

MINNESOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
41E74	ANDERSON, R & M	ROGER'S GAME FARM	RR 2 BOX 171	STARBUCK	56381
41A82	BANKE, HW	HAROLD'S RABBITRY	206 S HICKORY ST	LESTER PRAIRIE	55354
41AF	BEBE, M	BEBE KENNELS	410 CREEK LANE	JORDAN	55352
41B100	BENSON, K	THE SKUNK WORKS AND MORE		COTTON	55724
41A124	BERGLAND, K		RR 1 BOX 21	ELLENDALE	56026
41B31	BIO LAB CORPORATION		8238 CENTERVILLE ROAD	ST PAUL	55110
41B42	BLAINE MIDWAY ALL PETS INC		10911 RADISSON RD. NE	BLAINE	55434
41A143	BLETH, JE & ZB	SNOWCREST KENNEL	RT 6 BOX 552	BEMIDJI	56601
41A185	BLOWERS, PATRICIA		RR 9 BOX 472	INTERNATIONAL FALLS	56649
41A178	BOMBARD, S E	SANDEL CATTERY	RTE 1, BOX 207	PINE CITY	55063
41A161	BRANDT, V	PRETTY PINK CATTERY	RT 2 BOX 271	AUSTIN	55912
41A51	BRAUN, O		R 2 BOX 199	WORTHINGTON	56187
41B63	BROLIN, B & D	BROLIN PETS	1229 PORTLAND AVE	ST. PAUL	55104
41B88	BROWN, J & M	MINNESOTA PINES KENNELS	RT 3 BOX 43	WORTHINGTON	56187

MINNESOTA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
41B24	BRUST, PS	OAK CREST KENNELS	4770 S ROBERT ST	INVER GROVE HGTS	55075
41A184	BUNN, R & J	RIVER VIEW KENNEL	BOX 194 ROUTE 4	MONTEVIDEO	56265
41B67	CAPRANOS, T	T&T HAMSTER HUT	1980 4TH AV NW	AUSTIN	55912
41B1	CHANCE, W		RT 3	ST. JOSEPH	56374
41B6	CITY OF ST. JAMES	CITY OF ST JAMES	1002 7TH AVE N	ST JAMES	56081
41B110	CLUTH, J & S	RABBITS, ETC	RT 7	ST CLOUD	56301
41A176	CUPERUS, S & S	OAK RIDGE KENNEL	RR 3	JACKSON	56143
41A31	DAVIDSON, GN	DAVIDSON'S FUR FARM	RT 2 BOX 294	ANNANDALE	55302
41A166	DICKMAN, O & M	OAK GROVE KENNELS	R 1 BOX 79A	PIERZ	56364
41A104	DIEPOLD,S		RR1	STEWART	55385
41A174	DODDS, C & W	BOOGAROO RANCH	RT 1 BOX 111	CLEARBROOK	56634
41B64	DRAEGER, D & MORTENSON, F	DAD & MACK PETS	14915 CROSSTOWN BLVD.	ANOKA	55303
41B56	EGGESTEIN, R	CC FARM & KENNEL	R 2	ANNANDALE	55302
41A163	EHRHORN, JR., H	NORTH COUNTRY KENNEL	RR 4 BOX 169	GRAND RAPIDS	55744
41B4	FERGUSON, R		RT 1	CLEARWATER	55320
41B99	FISCHER, R & R	ALEXANDRIA KENNELS	RT 7 BOX 772	ALEXANDRIA	56308
41B68	FISHER, R	GEM ANIMAL FARMS	BOX 236	HUTCHISON	55350
41B79	GIESE, C	OAK RIDGE GAME FARM		DONNELLY	56236
41A102	GLESNE, D	EVANSLAND KENNELS		SUNBURG	56289
41A187	GULDEN, M & S	THE DOG HOUSE	RT 1	KANDIYOHI	56251
41A167	HABBEN, A & M	AJ ENTERPRISES	RT 4 BOX 70	AUSTIN	55912
41B6	HAMLETT L & MYERS C	OAK CREST RABBITRY	5725 BLAKE RD. APT 206	EDINA	55436
41A114	HARRINGTON, D		RR 2	CALEDONIA	55921
41B78	HAWLA, C & S	HAWLA'S ROYAL OAK KENNELS	RT. 1 BOX 219	ROYALTON	56373
41B107	HEGG, E & B	SLEEPY HOLLOW KENNELS	RT 1 BOX 56	LAPORTE	56461
41A182	HENDERSON, BERNARD	BELKAYS KENNELS	STAR RT 1 BOX 115	BEMIDJI	56601
41A29	HERNESS, G	SEWELL LAKE KENNEL	BOX 34	DALTON	56324
41AE	HIPPERT, D		RT. 1	KASSON	55944
41B104	HIPPERT, M		2526 S BRIDGE ST	NEW ULM	56073
41B87	HOCHMAYR, F&J	DEER FOREST	BOX 48	NISSWA	56468
41A20	HUBNER, B	HUBNER HOUSE KENNEL	R4 BOX 125	PIPESTONE	56164
41A125	HUNTER, R & W	HUNTER'S MAPLE LANE KENNEL	RT 1 BOX 148	WAVERLY	55390
41B108	HUTTON, G	PRAIRIE DOG SUPPLY CO	1456 FLAG AVE SOUTH	ST LOUIS PARK	55426
41B41	INTERNATIONAL BIOLOGICS, INC		531-9TH ST NW	NEW BRIGHTON	55112
41A179	JELLISON, D	JELLISON'S FUR RANCH	RT 1	CAMBRIDGE	55008
41A162	JONES, G & C	WISHBONE CREEK KENNEL	RT 2 BOX 227	LAKE CRYSTAL	56055
41A175	KIEL, R & S	PINE ACRES KENNEL	RR 3	PINE CITY	55063
41A147	KLENKE, N		NORTH OAK STREET	RACINE	55967
41B55	KRAFT, KG	KRAFT'S GAME FARM	RR 1	RACINE	55967
41A25	KROHNBERG, LE		RR 2	BLOOMING PRAIRIE	55917
41A177	KUYAVA, G		960 W. WABASHA RD.	DULUTH	55803
41A96	LACY, RL	3-K GERBIL RANCH	3498 CORNISEY ST	ST PAUL	55113
41A41	LAMBERTSON, V		BOX 173 RR 2	STEWART	55385
41A172	LARSEN, T & D	TRYOLIAN KENNELS	RT 1	CUSHING	56443
41A189	LATZIG MINK RANCH INC		RT. 1 BOX 87	HOWARD LAKE	55349
41B95	LETOURNEAU, V H	BOOMERANG 11 RABBITRY	RR 3 BOX 112	HECTOR 55342	55342
41B93	LOSS, MT	TOTAL LOSS GAME FARM	RT 10 BOX 63	BRAINERD	56401
41A164	LOUCKS, R		R 7 BOX 370	MANKATO	56001
41B28	LUCHT, W		R 3	OSSEO	55369
41B90	MALZAHN, JW	SUNNY ACRES RABBITRY	850 GREAT PLAINS, BLVD	CHASKA	55318
41A185	MARLETTE, C L	TRIPLE-M-KENNELS	RR 2 BOX 70	HANLEY FALLS	56245
41A145	MATTER, A	MATTER'S KENNEL	RT 5 BOX 92	AUSTIN	55912
41B38	MATY, AL		1075 OTTO	ST PAUL	55116
41A83	MATZ, H & FREDERICK, S	MATZ FUR FARM		WALTERS	56092
41B27	MCALLISTER, R&J		3989 L40TH ST NW	PRIOR LAKE	55372
41A111	MCCONKEY, GW	C & J KENNELS	RR 2	BREWSTER	56119
41B96	MELLEMA, N		R4 BOX 36	WORTHINGTON	56187
41A186	MENNING, RONALD		RR 1 BOX 300C	EDGERTON	56128
41A121	MILLER, T&J&CHAMPLIN, F	MILL-CHAMP KENNELS	RT 3 BOX 67A	AUSTIN	55912
41B73	MINNESOTA PET BREEDERS, INC	CRUME KENNELS	RT 2 BOX 102	GLYNDON	56547
41B52	NURMI, WW	THE PET MENAGERIE	RT. 1 BOX 147	TWO HARBORS	55616
41B19	PANKRATZ, HH		RR 1	MT LAKE	56159
41B105	PERRY, JT		9884 CENTRAL AVE	MINNEAPOLIS	55432
41A55	PERRY, L&M		ROUTE 1 BOX 194	MORA	55051
41B106	PETERSON, A & J	A & J KENNELS	RR 1 BOX 229	BROWNTON	55312
41A180	PROMERSBERGER, J	VOYAGEUR QUARTER KENNELS	RT 1 BOX 34	LITTLEFORK	56653
41A158	PUDENZ, JA	NORTHWIND KENNEL	RR 1	JEFFERS	56145
41B35	REEK, OG	REEKS TROPICAL FISH & SUPPLY	530 NIAGARA LANE NO	MINNEAPOLIS	55441
41B109	REGENOLD, JEFF	J.R. RABBITRY	1831 SPRUCE CT.	WHITE BEAR LAKE	55110
41B72	RENNER, WI		STAP. RT BOX 118	DETROIT LAKES	56501
41A86	ROOK, W	BIG STONE KENNELS	RT 1	BEARDSLEY	56211
41B94	ROTHER, L & L	VERMILLION RIVER KENNEL	409 8TH ST	JARMINGTON	55024
41A181	RUTLEDGE, ROSE	CHU CHI KENNELS	ISLAND VIEW ROUTE	INTERNATIONAL FALLS	56649
41B103	SAWYER, S	WILDWOOD KENNEL		BACKUS	56435
41B40	SCHADE, E & L	AQUARIUS KENNELS	RR 1	RUTHTON	56170
41B34	SCHEILLER, SM	RODENT RANCH	4088 HWY. 52N	MINNEAPOLIS	55422
41A115	SCHOONOVER, DF	OAKLANE KENNELS		HOLLANDALE	56045
41B17	SCHROEDER, A		RT 1 BOX 154	KIESTER	56051
41A138	SCHULTZ, A & A		RR 3 BOX 104	WORTHINGTON	56187
41A173	SELTUN, G		RR1 BOX 32	WALTERS	56092
41B92	SPARK, W		RR 3	GLENWOOD	56334
41A156	STOKES, JP & LJ	SUNSHINE KENNEL	RT 4 BOX 78	BEMIDJI	56601
41A30	STROM, H		ROUTE 1	RANDALL	56475
41B47	STROMBERG, L	STROMBERG PETS UNLIMITED	50 LAKES RT	PINE RIVER	56474
41B83	SWANSON, J, R & M	ROCKY TOP KENNELS	RR 2	WINDOM	56101
41A13	SWANSON, WE	OAK RIDGE KENNELS	1640 GAME FARM RD N	MOUND	55364
41B102	TAYLOR'S PETS II INC		R2 BOX 122	PERHAM	56573
41A17	TILBURY, J		R 1	GRASSTON	55030
41B49	TOENGES, CH		RR 1	ALDEN	56009
41B66	TRINKO, JR. J		7811 KNOX AVE. NO. 217	RICHFIELD	55423

MINNESOTA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
41A88	TROM, SL	STOCKBURY KENNELS	1027 SEVENTH STREET NW	ROCHESTER	55901
41B101	TROUMBLY, R	NORTHLAND WILDLIFE	RT 1 BOX 211T	BOVEY	55709
41A166	VANDEER, ELVA MARIE		RT 1	ALDEN	56009
41B94	VIERSMAN, M	BOW WOW VILLAGE	R. R. 3	LUVERNE	56156
41A171	VOLBY, S & V		RT 2 BOX 187	CHASKA	55318
41A169	WALKER, VD		RT 1 BOX 121	WARBA	55789
41A170	WARNKE, T		9943 221ST AVE NW	ELK RIVER	55330
41B70	WEINKAUF D	DOUBLE D KENNEL	RR 1 BOX 85	EAGLE LAKE	56024
41B90	WENSMANN, G&A	HIGHLAND HILLS KENNEL	BOX 200 RT 1	MELROSE	56352
41B75	WENZEL, W	A & W KENNELS	RT 1	ALPHA	56111
41A161	WILSON, LK	PUPPY GARDEN	323 19TH ST SE	BRAINERD L	56401
41A70	WRIGHT, NS		RR 1	GRAND MEADOW	55936
41A163	YATES, R & M			BADGER	56714
41A59	ZELINSKY, A & G	CEDAR RIDGE KENNEL	ROUTE 1 BOX 237	MANKATO	56001

MISSOURI

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
43SAV	ACKMANN, A & M	NORM-AL ACRES KENNEL	RT 1 BOX 3A	ROSEBUD	63091
43DK	ALLEN, W		RR 2	LUCERNE	64655
43ZV	ANDERSON, HA		ROUTE 2 BOX 177	ELKLAND	65644
43OO	ANESI, JL	JO'S KENNEL	RR 3	KIRKSVILLE	63501
43LAO	ANIMALS AND POULTRY, INC		PO BOX 423 RR 2	GRAY SUMMIT	63039
43GEE	APSHER, H	RANCHETT KENNEL	RT 1	IONIA	65335
43GGE	APSHER, HELEN	RANCHETTE KENNEL	RT. 1	IONIA	65335
43XAF	ARMSTRONG, C	ARMSTRONG KENNEL	R 4 BOX 179	ROCKPORT	64482
43TC	AYE, F		RT 1 BOX 69	WILLOW SPRINGS	65793
43DDN	BAILEY, D	HILLTOP KENNEL	RT 1 BOX 116	BLACKBURN	65321
43DAE	BANKER, AM	BANKER KENNELS	RT 1	CLARK	65243
43WV	BARNETT, RT		RT. 1	LOWRY CITY	64763
43EAE	BARNFIELD, W	BAR WAN KENNELS	BOX 158	CROCKER	65452
4311R	BASLER, R & R		RT 1 BOX 124	BONNE TERRE	63628
43AS	BAUM, F		RT 2	AURORA	65605
43DAA	BEACH, M		RR 2	UNIONVILLE	63565
43CCB	BEALMER, M & D		RR 2 BOX 54	ATLANTA	63530
43EAF	BEARDEN M		R 3 BOX 187	SALISBURY	65281
43IAE	BECHTOLD, MR. & MRS.	BECHTOLD KENNEL	RT 1	KIDDER	64649
43HAF	BECKETT, ML & MW	SO BIG KENNEL	R 7 BOX 354	JOPLIN	64801
43PAU	BEHRENDS, R		R2 BOX 165-9	OZARK	65721
43EEX	BERGFIELD, V		BOX 113 RR 1	ANABEL	63431
43LAK	BERNARD, MR & MRS. L		RT 1	FAIR GROVE	65648
43TAF	BERWICK, P		HOBSON STAR RT 2 BOX 62	ROLLA	65401
43GGF	BEVERLIN, S & C	BEVERLIN STOCK FARM	RT 1 BOX Z31	SHELL KNOB	65747
43PV	BIAS, KF	A&T AUCTION	RT. 2	HOLTS SUMMIT	65043
43KL	BILLUPS, G		RFD 1	CANTRIL	52542
43WJ	BIXENMAN, ES		RR 2 BOX 76	BYNUMVILLE	65236
43PAV	BLACKETER, E		RT 4 BOX 153	BOLIVAR	65613
43HAK	BLAKELEY, BW		6701 NE 48TH ST	KANSAS CITY	64119
43RAD	BLANKENSHIP, L	BLANK'S KENNEL	RT 1	SMITHTON	65350
43MC	BORGHARDT, RD		ROUTE 1	IANTHA	64753
43DDY	BOSWELL, V & M	BOSWELL'S BUNNY FARM	RT 1 BOX 33	PACIFIC	63069
43XAK	BOWERS, W&M		RT 2	PRINCETON	64673
43FFJ	BOWMAN, R	BOWMAN'S RED PALACE KENNELS.		ROCKY COMFORT	64861
43RAF	BRADSHAW, ME		RT 1	BIRCHTREE	65438
43WAB	BRAUER, E&R	BRAUERVILLE KENNEL	RT 3	COLE CAMP	65325
43UAW	BRAWNER, L		RR 2	GREENTOP	63546
43WAM	BRODERSON, M			OTTERVILLE	65348
43BBR	BROOKS, C	BROOKS PUPPY EMPORIUM	RT. 1 BOX 348A	WEBB CITY	64870
43SAX	BROWN, CG & SK			DUNNEGAN	65640
43VAD	BROWN, E		RT 1 BOX 226	PLEASANT HILL	64080
43HHF	BROWN, G	REBEL RIDGE KENNEL	RR 1 BOX 86	DARLINGTON	64438
43BAK	BROZ, B	VMK KENNEL	RT 1 BOX 126A	HAWK POINT	63349
43PN	BRYANT, T			BARING	63531
43VAA	BUCKNER, M		RR 1 BOX 50	HUMPHREYS	64646
43MAH	BUEHLER, BJ		RR 2 BOX 20	AURORA	65605
43DAQ	BURD, L		RT 1	META	65058
43FE	BURKHARDT, F		R 4	MACON	63552
43YAE	BURKS, GA	A&B KENNEL	RT. 7 BOX 225-D	SPRINGFIELD	65802
43EEH	BURNS, B		RR 1	ANABEL	63431
43GGC	BURROWS, JL		RT 1 BOX 351	PEARIDGE	72751
43FFW	BUSCHKOETTER, C		RR 1	HUNTSVILLE	65259
43NU	BUSHNELL, MRS. LLOYD JR		R 2 BOX 186	QUEEN CITY	63561
43TAP	BYERS, S & J	SUE BEE'S DOG KENNEL	RT 1 BOX 265	RT 1 BOX 674	63379
43IL	CAMDEN, RN		RR 1	GLENWOOD	63541
43KAO	CAMPBELL, E		RT 2 BOX 226	WILLARD	65781
43DOE	CAMPBELL, ME		124 E HELM ST	BROOKFIELD	64628
43XAA	CARENDER, H&C	MART-N-DALE ACRES	RT 1	RUSSELLVILLE	65074
43KAZ	CARTER, M		RR 1	ELMER	63539
43GGG	CASSIDY, F	CASSIDY'S KENNELS		EXCELLO	65247
43FAY	CATES SR, ME		RT 10 BOX 823	SPRINGFIELD	65803
43DDG	CHAMBERS, J	ROCKING CHAIR RANCH	ROUTE 1	AMSTERDAM	64723
43JJK	CHANEY, ZULA		R 1	NOEL	64854
43DDH	CHAPMAN, B		RT 1 BOX 108	JANE	64846
43IIS	CHRISTENSEN, K		R.R.	CLEARMONT	64431
43TAL	CHRISTENSEN, W		RT 1	KEYTESVILLE	65261
43HD	CLAIR, JP		R 2 BOX 118	HURDLAND	63547
43RA	CLAPP, L		RT. 4	BUTLER	64730
43PW	CLARK, EJ		RT 2	MERCER	64661

MISSOURI—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
43PAM	CLARK, H	DOG PATCH KENNELS	RT 2 BOX 284	KEYTESVILLE	65261
43UAQ	CLARKE, K		RR 1	ANABEL	63431
43FFM	CLARY'S KENNEL			LA GRANGE	63448
43GAX	CLAXTON, R	V & R COUNTRY KENNELS	RT. 1 BOX 244A	SEYMOUR	65746
43EER	CLEM, C	CLEM'S K-9 KENNELS	RR 1 BOX 88	HUMPHREY	64646
43DDS	CLEVENGER, C & L	CLEVENGER COUNTRY KENNEL	RR 2	BRAYMER	64624
43EEQ	CLEVENGER, D		RT 1	BRAYMER	64624
43LAG	CLICKNER, C		RR 1	CARO	65239
43EE	CLUBINE, BM		BOX 139	GREENTOP	63546
43IIT	CLUBINE, H L		P.O. BOX 94	LANCASTER	63548
43BBW	COFFEY, K		RT. BOX 168	EXETER	65647
43JJD	COLE, DEE	SCOTTDEL KENNEL	RT. 3	LEBANON	65536
43IIO	COLE, MRS CAROLYN	SHOW ME LAB. RABBITS	RR 5 BOX 216A	FULTON	65251
43KM	COLLIS, G	WHITE OAK KENNEL	RR 2	QUEEN CITY	63561
43CCE	COLVILLE, P & J		BOX 211	PINEVILLE	64856
43QAG	CONSTANT, R & J	CONSTANT KENNEL	RT 5	CHILLICOTHE	64601
43RZ	COOK, A		RR 6	KIRKSVILLE	63501
43ZAR	COOKSEY, R&L		RT 5 BOX 61	TRENTON	64683
43GGH	COULTER, A & D	COULTER KENNEL	RT 1 SO 169 HWY	ST JOSEPH	64507
43QAX	COURTNEY, D	TLC KENNEL	RTE 2 BOX 175	TIPTON	65081
43DDX	CRAWFORD, H & D		RR 1 BOX 21	[illegible]	63540
43JJL	CROSS, IRWIN	OAK GROVE KENNEL	R 1	CALLAO	63534
43MAC	CULLER, R		ROUTE 2	SHELBYVILLE	63469
43HN	CULLUM, J		RT 1	UNIONVILLE	63565
43GGI	CUMMINGS, V		RT 1 BOX 36	CARL JUNCTION	64834
43IIP	CURL, DAVID		907 COUNTRY LANE	MT VERNON	65712
43VAU	DABROWSKI, E	CATADAMAR KENNEL	RT 2	GRANBY	64844
43JAP	DAGGS, BC		RFD 1 BOX 40	EWING	63440
43ZAY	DAVENPORT, LK	DIAMOND D. KENNEL	BOX 37	DIAMOND	64840
43IIJ	DAVIS, K & R		RT 1 BOX 209	WHEATLAND	65779
43ZT	DAVIS, LH		R 2 BOX 125	MILLER	65707
43ZAG	DAWSON, RD & CH	CAMP BRANCH KENNEL	RR 1	SEVER	63532
43HHJ	DECKER, J & P		RT 3	APPLETON CITY	64724
43BBE	DECKER, R&P		RT 1	BONNE TERRE	63628
43DW	DEIERLING, IS		BOX 18 RT 1	QUEEN CITY	63561
43IIH	DELANEY, JUDY		RFD 2	HURDLAND	65647
43HHY	DOSS, J & D		BOX 127	BARING	63531
43EEC	DOUGLAS, M & B		R 1 BOX 242	SELIGMAN	65745
43WAA	DOUGLAS, VB		RT 2	LINCOLN	65338
43SM	DOWELL, O		RT 2	BROOKFIELD	64628
43LQ	DOZIER, J	HILLY HAVEN KENNEL	RT 3	COLUMBIA	65201
43LAQ	DREBES, HL		RFD 3	PALMYRA	63461
43GGZ	DUFF, S		RR 2	CENTRALIA	65240
43FAH	DUNCAN, MG		RR 1 BOX 16	BOLCKOW	64427
43GO	DUNLAP, ME	BURDETT'S KENNELS	6942 E 95TH ST	KANSAS CITY	64129
43YAT	DYE, A		RFD 3	EDINA	63537
43DP	EASTER, RG	EASTER ANIMAL FARMS	PO BOX 297	LIBERAL	64762
43BAH	EATON, AM	EATON KENNELS	RT 2 BOX 214	ST PETERS	63376
43QAR	EDLEN, L		RFD 1	ALEXANDRIA	63430
43XAL	EDWARDS, L&EV		RT 1 BOX 95	AURORA	65605
43HHA	EHRART, P			CAULDFIELD	63626
43FFK	EICHOR, E & V		RFD 1	MAYWOOD	63454
43LAH	ELDRIDGE LAB. ANIMAL, INC.		7395 RIDGEFIELD RD.	BARNHART	63012
43DDB	ELLENWOOD, RO	ROCKY VALLEY KENNEL	STAR RT, BOX 11	PINEVILLE	64856
43OG	ELLIS, A		RT 1 BOX 130X	PINEVILLE	64856
43HHT	ELLIS, C	CAL-LU KENNEL	RT 2 BOX 414	AVA	65608
43HAB	ELLIS, OC		POB 76	DUENWEG	64841
43OK	ELLIS, EE		RT 3	ANDERSON	64831
43IA	ENGLAND H	H & L KENNEL	ROUTE 2	CENTRALIA	65240
43HHG	ENGLAND, J		RR 2	CENTRALIA	65240
43UAC	ESSICK, B&D	BOONDOCKS PUPPY FARM	BOX 129	HIGHLANDVILLE	65669
43FO	EURITT, O	OAK GROVE KENNEL	RT 1	KIRKSVILLE	63501
43DAB	EVERMAN, JR., PW		RT 2	GALLATIN	64640
43CCZ	EWART, EM & HM		RFD 3 BOX 143	KAHOKA	63445
43FFL	EWING, C & P		RT 2	NEVADA	64772
43VAJ	FAIRBANKS, L & B		RT 1	KING CITY	64463
43KU	FEHLING, RJ	R J'S KENNEL	RT 1	ARMSTRONG	65230
43QAS	FELIN, C	HILLCREST KENNEL	RR 2	ELKLAND	65644
43OB	FENIMORE, JM		RR 4	LA PLATA	63549
43UAU	FIELD, M		RR 2 BOX 78	MOUND CITY	64470
43GGT	FIGGE, A R		BOX 85, R 1	LANCASTER	63548
43IO	FLAXBEARD, V & DICKENS, W			ROCKY COMFORT	64861
43DJ	FORD, L		RT 1 BOX 82	GLENWOOD	63541
43MAZ	FORNER, M		1685 CATALINA	SPRINGFIELD	65804
43HS	FOSTER, DD	WHITE GATE KENNELS	RR 3	MACON	63552
43HZ	FOSTER, J	CEDAR HILL KENNEL	ROUTE 4	CENTRALIA	65240
43KAF	FOSTER, Z	VALLEY HIGH KENNELS	RR 5 BOX 30	UNIONVILLE	63565
43CAB	FRANCIS, R	HILLTOP KENNELS	RR 2 BOX 236	PIERCE CITY	65723
43IIU	FREDERICK, B C	DOG PATCH KENNELS	R.R. 1	GORIN	63543
43IIA	FREDERICK, R		RR 1	GORIN	63543
43ML	FRIEDEN, VJ		RR 3 BOX 95A	KAHOKA	63445
43QAI	FRIEL, JT	FRIEL'S KENNEL	BOX 151	NEVADA	64772
43TF	FRY,J		RT 3	ELDON	65026
43ZAM	FUGATE, J		RR 2	CALLAO	63534
43IAB	GALLET, DM		RT. 1	COLLIN	64739
43SAA	GERKE, T		RT 1	BUNCETON	65237
43LAR	GIBBS, A&P	GIBBS SMALL DOG KENNEL	BOX 9 RT. 2	FRANKFORD	63441
43VAW	GIBSON, S		RR 1 BOX 179	LAMONI	50140
43XAR	GOOCH, M&P		RR 2	PURDIN	64674
43SO	GOODWIN, T		PO BOX 16	KNOX CITY	63446

MISSOURI—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
43YAE	GRAY, L & B	HICKORY RIDGE KENNELS	RR 1	SUMNER	63674
43WAJ	GREER, RM		RT 2	KNOB NOSTER	65336
43WG	GRUENEFELD, W		RT 1 BOX 149	JONESBURG	63351
43QGD	GURLEY, B		RT 2	PURDY	65734
43JJO	HAGEL, MR & MRS WILLIAM	SIEGFRIED KENNELS	4210 NO. ELMWOOD STREET	KANSAS CITY	64117
43HHH	HALL, L	HALL'S KENNEL	RT 3 BOX 30	PURDIN	64674
43DDK	HALL, R & D		RR 1	HUNTSVILLE	65259
43UAV	HALLEY, L		RR 2	UNIONVILLE	63565
43LK	HAMILTON, LB		RT 1 BOX 161	GOODMAN	64843
43JJP	HAMM, RUTH ANN			RUTLEDGE	63563
43VAZ	HAMM, VBO	GIN-DALE KENNEL	RT 3 BOX 280	BOLIVAR	65613
43HM	HAMMOND, DE	H & M KENNELS	PO BOX 84	RUTLEDGE	63563
43BL	HARMON, AM	DUN-ROVIN KENNELS	RT 1	SYRACUSE	65354
43DDD	HARRELL, D & N		ROUTE 1	ROCKY COMFORT	64861
43AC	HARRIS, DL	I-DEL KENNEL	RT 2 BOX 203	JAMESPORT	64648
43FAX	HARRIS, S		RT ONE	STARK CITY	64866
43UW	HARRISON, J		RT 2	MARCELINE	64658
43WAO	HARRISON, K		329 E CHICAGO	MARCELINE	64658
43HHU	HARRISON, K		RT 3	MARCELINE	64658
43EEU	HAYDOCK, J		RT 2 BOX 163-02	OZARK	65721
43NAJ	HELMS, L		RT 1	MOORESVILLE	64664
43VH	HENDERSON, R		RT 2	JAMESPORT	64648
43UAE	HENDERSON, S	GROOVY ACRES KENNEL	RT 1 BOX 130	EWING	63440
43FFX	HENRY, S		RT 1	COWGILL	64637
43EB	HENSLEY, DE	TAIL-WAGGER KENNEL	RT. 4 BOX 98	GRANT CITY	64456
43FY	HERRING, J		RT 1 BOX 134	EVERTON	65646
43BAI	HERRING, J	JAMEY'S KENNEL	RR 2	STEWARTSVILLE	64490
43KJ	HETTINGER, BK		RFD 2	RUTLEDGE	63563
43RG	HETTINGER, R		RR 1	BRASHEAR	63533
43ZR	HILL, R		RT 1	AMORET	64772
43DM	HILLERMAN, JEW	HILLERMAN KENNELS	708 INDIANA	MONTROSE	64770
43BV	HIRST, I & K		P.O BOX 95	NOEL	64854
43111W	HOBBS, BEA	HOBBS KENNEL	313 E CENTRAL	CRONOGO	64855
43EAX	HOEFENER, D	SANDY'S KENNEL		LATHAM	65050
43KP	HOFFER, MJ		RT 2	GREENFIELD	65661
43KD	HOLCOMB, J & M		RR 4	TRENTON	64683
43BX	HOWELL, B & J		R 1 BOX 7	ANABEL	63431
43FFN	HOWERTON, J & HAIGH, S		RR 1	HURDLAND	63547
43FN	HOWERTON, MY		R J1 BOX 96	NIXA	65714
43CCY	HOYT, L		RFD 2	BROOKFIELD	64628
43FFQ	HUFFMAN, D	HUFFMAN'S HILLTOP KENNEL	RR 3 BOX 249	WILLOW SPRINGS	65793
43WH	HUFFSTUTLER, RB	OZARK RESEARCH SUPPLIER	RR 3	VIENNA	65582
43HE	HUGHES, JSS	DO BO TRI KENNELS	RT 1	PURDY	65734
43YAN	HUGHS, LC		RT 5 BOX 124	TRENTON	64683
43XAT	HUGHS, JJ		RR 1 BOX 5	BRIMSON	64636
43IY	HULEN, PW		RR 1	LANCASTER	63548
43WQ	HULTZ, CARLENE		RR 2 BOX 232	DURHAM	63458
43EAR	HUMPHREY, T		BOX 39	MONTICELLO	63457
43QAO	HUNT, JS & GB	FIRETOWER KENNELS	RT 1 BOX 65	NOEL	64854
43BC	HUTCHENS, BILL	LITTLE PRAIRIE KENNEL	RT 1	STARK CITY	64866
43HHK	HUTCHERSON, N		RT 1 BOX 244	HALE	64643
43EAQ	HYLE, DBP	HYLE KENNEL	RT 4	UNIONVILLE	63565
43EEB	INOUYE, H	BELL ACRE KENNEL	RT ONE BOX 262	MILLER	65707
43YAD	JAMES, E		RT. 4	CHILLICOTHE	64601
43UP	JARMAN, M		RT 1	MONROE CITY	63456
43MN	JEFFRIES, E		RT 1	GREENTOP	63546
43CCL	JENNINGS, CE & E		RR 1	BEVIER	63532
43FFI	JENSEN, MRS J		BOX 228 117 E WINSON	CORDER	64021
43GGQ	JOHNS, T		RT. E. BOX 517	CAULFIELD	65626
43EEO	JOHNSON FARMS INC		RT 1	BUCKLIN	64631
43HHX	JOHNSON, M	JOHNSONVILLE KENNEL	BOX 15	CLEARMONT	64431
43HAM	JOHNSON, MM		RT 1	MEADVILLE	64658
43BBZ	JOHNSON, W	WIL-A-WAN KENNEL	RT. 1 BOX 49-A	WEBB CITY	64870
43VU	JOHNSTON, N		RR1	POWERSVILLE	64672
43LUE	JONES, A E	J J'S KENNEL	RT 1 BOX 295A	OZARK	65721
43LL	JONES, DA		R.R. 2 BOX 196	PARIS	65275
43DC	JONES, ME		RFD 1	LANCASTER	63548
43WAX	JONES, W		BOX 288	ELDON	65026
43XAB	JOYCE, SA		RR 2	GREEN RIDGE	65332
43JU	KENNEDY, S & L		R 1 BOX 125	JERICO SPRINGS	64756
43HHB	KENSLOW, C & T	CAL-TAM KENNEL	RT 3 BOX 288	VERSAILLES	65084
43EEQ	KERR, H & D		RT 1 BOX 295	OZARK	65721
43BBU	KERR, O		RT. 3	COLE CAMP	65325
43EEN	KERSHNER, R	KERSHNER KENNELS	RT. 1 BOX 181	AMSTERDAM	64723
43HHR	KIDD, J		R 5 BOX 27	TRENTON	64683
43HV	KIDDOO, MM		RFD 2 BOX 54	MEMPHIS	63555
43JM	KIMMEL, D & K		RR 5	UNIONVILLE	63565
43BBD	KING, M & K		RR 1	MACON	63552
43BJ	KINZER, T		RT 2 BOX 131	SHELBINA	63468
43VAN	KUNETOBE, B	KENNEL OF LOVE	RT 1	WILLIAMSBURG	63388
43DDW	KNIGHT, R		RT 2 BOX 64A	MTN. VIEW	65548
43CCF	KNIGHT, W & THORNTON, A	A-W KENNELS	RT. 1 BOX 1663	NEOSHO	64850
43CAP	KOCH, JG & KG	JULI'S KENNEL	RT 1	HAMBURG	51640
43ZAI	KOCH, PJ		RT 5 BOX 199	TRENTON	64683
43BAQ	KOWESKI, EL	HOUND HAVEN KENNEL	BOX 119 A HAYDEN RD	DIXON	65459
43JK	KRAMER, J	KRAMER KENNELS	R 1	APPLETON CITY	64724
43GGL	LACK, F & J	CRIPPLE CREEK RABBITRY	RT 1 BOX 21	PEA RIDGE	65685
43YY	LAFEVERS, MRS. GERALD		86 RT BOX 73	WEST PLAINS	65775
43DQ	LAIRD, GL		RT 2	HURDLAND	63547
43FFS	LAMB, J		BOX 436	LANCASTER	63548

MISSOURI—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
43BAG	LANGERUD, F		RT 2 BOX 66	PARIS	65275
43XAP	LANSAW, S		1201 ORR	JOPLIN	64801
43JJO	LATHAM, WLM. & FREUGH, E.M	COUNTRY KENNELS	RT 2 BOX 231	NEOSHO	64850
43NI	LATIMER, NS	CEDARWOOD KENNELS	PO BOX 664	KIRKSVILLE	63501
43TAS	LAYTHAM,E		RT. 4 BOX 9	MOBERLY	65270
43RH	LEE-DON KENNEL INC	LEE-DON KENNELS INC	116 COUNTRY CLUB DR	TRENTON	64683
43WZ	LEFTRIDGE, L			CLARENCE	63437
43DDJ	LEWIS, DM	LEWIS KENNEL		PINEVILLE	64868
43ZP	LEWIS, E		RFD 2	HURDLAND	63547
43GGM	LEWIS, EE	LEWIS KENNEL	RT 4 BOX 164	SEDALIA	65301
43DD	LEWIS, VM&SMART, M		509 CHESTNUT	HOLDEN	64040
43OAX	LIEDORF, D		1145 PINE	BROOKFIELD	64628
43GGY	LIGHT, B & L	LIGHT RABBITRY	BOX 284	BELL	65013
43FFC	LIGHTFOOT, S	DAWNETTE'S KENNEL		POLK	65727
43RB	LINDQUIST, GE	QUALITY RESEARCH DOGS	RT 1	HALLSVILLE	65255
43FZ	LINDQUIST, L	LINDQUIST KENNELS	RR 1	GREENTOP	63546
43TAU	LINDSEY, Y		RFD 1	BETHEL	63434
43ZI	LINK, J		RT 2 BOX 135	BILLINGS	65610
43BAS	LINKEMANN, LF	LINKS KENNEL	RT 1	MEADVILLE	64659
43TAJ	LISLE, S		RT 1	TRENTON	64683
43GAZ	LIVEZEY, JA		RT 1 BOX 64	FAIRPLAY	65649
43XAQ	LIVEZEY, T		R R1 BOX 59A	FAIR PLAY	65649
43GGN	LLOYD, J		RT 1 BOX 327A	SELIGMAN	65745
43EI	LONG, A			ROCKY COMFORT	64861
43JV	LONG, J		RT 4 BOX 354	EL DORADO SPRINGS	64744
43CI	LONG, M & L			ROCKY COMFORT	64861
43OD	LOVE, J		RFD 1	NEWARK	63458
43VZ	LOWE, ML		BOX 122 R 1	GREENTOP	63536
43OAU	LOYD, E	RED BARN KENNEL	RT 1 BOX 43	LA RUSSELL	64848
43IY	LUCKE, B & C	LUCKY CREEK KENNEL	BOX 269	DIAMOND	64840
43BAM	LUCKY LOCUST FARMS INC		12529 CONWAY RD	ST LOUIS	63141
43BBT	LUEDDERS, P		RT. 1	HALLSVILLE	65255
43OAZ	MABERRY, B		RT 2	DAWN	64638
43YC	MADISON, LF		RR 3 BOX 389	LAMAR	64759
43ZAH	MALEAR, R		RT 1 BOX 667	ELDON	65026
43JP	MANN, V		407 E 4TH ST	APPLETON CITY	64724
43EEZ	MANSKER, N	OAK HILL MANSION	NO 1 OAKHILL DR	MACON	63552
43OAR	MAPLES, J&N		RT. 5 BOX 126	TRENTON	64683
43JJR	MARCHETTI, J & L	MARCHETTI'S MISSOURI RIVER KENNELS	RR 1 BOX 126 E	LEXINGTON	64067
43UAH	MARRS, D & EC		SPICKARD	S PICKARD	64679
43FFE	MARSHALL, Z		RT 5 BOX 574	CAULFIELD	65626
43SAZ	MARSHELL, JL	STAR J KENNELS	ROVER RT BOX 226	W PLAINS	65775
43FF	MARTENS, P		RT 1	BRASHEAR	63533
43JAE	MARTIN, B&DOHN, DJ		RT 1 MARTIN RD	SMITHVILLE	64089
43SAC	MAST, EH		RR 2	JAMESPORT	64648
43KAV	MATTINGLY, DW		RT 1 BOX 220	ST MARYS	63673
43SAS	MAWBY, FR	SHO-ME KENNELS	RT. 2	GRAIN VALLEY	64029
43HHS	MC DEVITT, W D	WM D MCDEVITT RABBITRY	16886 WILD HORSE CREEK RD	CHESTERFIELD	63017
43KW	MCBEE, K&F	MCBEE KENNELS	RT 1	BRAYMER	64624
43HAV	MCBRIDE, F		ROUTE 2	MADISON	65263
43ODA	MCCAMMON, C		RT 1 BOX 338	AMORET	64722
43FFO	MCCLEARY, JA		RT 4 BOX 2948	NEOSHO	64850
43FFY	MCCOY, C	OAK CREEK KENNEL	RT 1 BOX 185A	LAMON	50140
43TAE	MCCULLAH, JR		RT 2 BOX 329	ASH GROVE	65604
43EEJ	MCCULLICK, L		RT 2	ELDORADO	64744
43IIZ	MCFARLAND, B & L		RT 1	NOVINGER	63559
43CCC	MCHAFFIE, T & D	VALLEY VIEW KENNELS	STAR RT. BOX 81	BRUNER	65620
43XV	MCINTOSH, D & S		RT 1 BOX 58	MACOMB	65702
43HHC	MCMAUAMA, J & D	D & J KENNELS	RR 2	CENTRALIA	65240
43GAJ	MCNEELY, G		RT 1	JAMESON	64647
43HHM	MCVEIGN, G	LTD KENNELS	RR 3 BOX 178A	MEMPHIS	63555
43HHL	MCVEIGN, J	MCVEIGN BROTHERS	RR 3 BOX 178A	MEMPHIS	63555
43GGW	MEAD, E & W		116N BARR	CENTRALIA	65240
43SK	MEANS, G		RT 1	ATLANTA	63530
43FFV	MEEKER, RR		1211 WIGGINS	TRENTON	64683
43GGB	MERSHON, E & P	BRIAR HILL RABBITRY	RT 1 BOX 343	TROY	63379
43EEY	MESSINGER, G	BOONSLICK ENTERPRISES	610 SPRUCE	BOONVILLE	65233
43MAB	METSKER, P&D	PERDOT ACRES	RT 2 BOX 120	TROY	63379
43HHW	MEYER, J		RT 1	TAYLOR	
43SF	MIDDLETON, RE		RFD 2	LANCASTER	63548
43KY	MILLER, L		R 3	SHELBYVILLE	63469
43XAY	MILLER, WL	HICKORY HILL SHEPHERDS	RT 1 BOX 169	FRANKFORD	63441
43PAB	MILLION, WK & WOODARD, K	MILLWOOD KENNELS	RR1	HOLIDAY	65258
43OJ	MINOR, L		321 E ROGERS	MONROE CITY	63456
43JJF	MITCHELL, D	DOGWOOD ACRES KENNEL	RT 1 BOX 225A	NOEL	64854
43ODM	MITCHELL, R & M	ROCK HILL KENNELS	RT 2 BOX 369	FAIR GROVE	65648
43XA	MONER, M&E		RT 2	MEADVILLE	64659
43KZ	MORROW, M		RFD 1	KNOX CITY	63446
43FP	MOSS, P		RT 2 BOX 680	LAMAR	64759
43SX	MOUTRAY, E		3740 PETTIS RD	ST JOSEPH	64503
43BBC	MUCK, L		RT 1	MEADVILLE	64659
43ON	MULLEP, C&D	RELLUM ACRE KENNELS	RR 1	ROCKPORT	64482
43TAC	MULVANIA, L&NR	SUNVALLEY FARM KENNEL	RR 1	ROCKPORT	64482
43ODF	MUSGRAVE, AE		RT. 1 BOX 443	GOODMAN	64843
43BBB	NEED, T&M	NEED'S BLUE HAVEN KENNELS	RT 2	HIGGINSVILLE	64037
43IX	NELSON, M		RR 2	MACON	63552
43SAP	NELSON, MA		RR 1	ATLANTA	63530
43QAJ	NEWMAN, RM & DJ	FOX RIVER KENNELS	RFD 3 PO BOX 28	KAHOKA	63445
43NK	NICHOLS, K		RR 1	STURGEON	65284

MISSOURI—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
43BO	NORDEEN, V	NORDEEN KEESHONDEN	RT 3 BOX 65	MIDDLETOWN	63359
43KQ	NORTON, J		RFD 1	KNOX CITY	63446
43KR	NORTON, V		RFD 1	KNOX CITY	63446
43BBH	NOTEWARE, DE	DAN-DEE'S KENNEL	RT. 1	HUMANSVILLE	65674
43EEP	NOVINGER, S	SANDRA'S KENNEL	RR 1 BOX 3	NOVINGER	63559
43EAQ	NYCUM, S		NOBLETON	EDWARDS	65326
43RU	OAK HILL KENNELS		4242 SHAWNEE DR.	BROOKLINE	65619
43QAS	OBRIEN, C		BOX 151	LEWISTOWN	63452
43CCK	ODLAND, D		RT 5 BOX 186	NEOSHO	64850
43OAZ	ORR, ABK	KRAGELUND KENNEL	RT 1	KODDER	64649
43WAS	OSBORN, DR	OSBORN 'S KENNEL	RT 3	CALIFORNIA	65018
43MF	OSHNER, S	OSHNER'S KENNEL		KNOX CITY	63446
43OAM	OTHIC, MRS		ROUTE 2	BROOKFIELD	64628
43ME	OWEN, BARBARA	BARB'S SWEET WATER	RT 4 BOX 382	NEOSHO	64850
43GGJ	PARDA, S		601 W BRANDWAY	MADISON	65263
43YAR	PARK, J		RT 3	OSCEOLA	64776
43TG	PARMLEY, W		RT. 1	GREEN CASTLE	63544
43PG	PARRISH, EE		R 1	NEWARK	63458
43RF	PASS PETS UNLIMITED		2305 MILLPARK DR.	MARYLAND HEIGHTS	63043
43NAP	PATRICK, MJ		RT 1 BOX 170	REED'S SPRING	65737
43BBS	PAWLAK, E & C	E & C RABBITRY	2909 OLD HUNNING RD.	HIGH RIDGE	63049
43DO	PAYNE, LM		R 1 BOX 166-3	OZARK	65721
43BBO	PAYTON, J	PAYTON KENNELS	RR 3 BOX 227A	NOVINGER	63559
43NAO	PAYTON, L		R5 BOX 295	NEOSHO	64850
43JJA	PEARISH, L		R 1	GOODMAN	64843
432L	PEART, J	PEART'S KENNEL	RT 1	SALISBURY	65281
43CAX	PENDLETON, O		RT 3 BOX 127	DIXON	65459
43GK	PERLOW, PSE	THE LIL COUNTRY KENNEL	BOX 66	TROY	63379
43LD	PERRY, DD	D-D KENNELS	RFD 1	KNOX CITY	63446
43BBN	PERRY, J		RR 1	BRASHEAR	63533
43EU	PETERS, H		RT 1	KEYTESVILLE	65261
43WN	PFEIFER, MS		711 ADAIR ST	BEVIER	63532
43MB	PHELPS, LOIS	MEADOW LANE KENNEL	1 CHERRY LANE	KIRKSVILLE	63501
43HKO	PIERCE, B & J	PIERCE'S SHADY ACRES	RR 2 BOX 152	MOBERLY	65270
43ZAZ	PIERCE, EBO		RR 2 BOX 152A	MOBERLY	65270
43RAU	POOL, S & N	POOL KENNELS	BOX 57	CAIRO	65239
43CN	POOR, MRS J		RFD 1	NOVELTY	63460
43KAX	POOR, RL		RR 3	MACON	63552
43FH	PORE, J		RT 1	ROTHVILLE	64676
43BQ	PORTER, J		RT 2	DAWN	64638
43PAK	PORTER, JH		RT 1	BUTLER	64730
43OAY	POWELL, CE		R 1 BOX 223	WEBB CITY	64870
43GQP	PRICE, D		607 W HAMPSHIRE	KING CITY	64463
43JQ	PRICE, N		RR 1 BOX 82	MENDON	64660
43YAM	PRICE, P	HARMONY ACRES KENNEL	RR 1 BOX 30	RAVENWOOD	64479
43MN	PUPPY PALACE ENTERPRISES, INC	ARAPAHOE KENNELS	927 EAST TERRA LANE	O'FALLON	63366
43TAY	PURDUN, D & V		R 1 BOX 77	GRANT CITY	64456
43BBF	PURTELL, JBJ	PURTELL'S DOUBLE J KENNEL	RT. 3 BOX 71	PRINCETON	64673
43UU	PUTTHOFF & SMITH, J	PUTTHOFF KENNELS	7TH & INDIANA	MONTROSE	64770
43KB	RANSDELL, M		RT 2	HOLLIDAY	65256
43NA	REDMAN, JR., R		RT 2	KING CITY	64463
43OV	REED, MD		RT 1 BOX 579A	SPRINGFIELD	65803
43LP	REED, MJ	REEDGATE KENNEL	RT 2 BOX 179	LAMAR	64759
43EET	REYNOLD'S, T	REYNOLD'S KENNELS	R 1	LACLEDE	64651
43GGR	RHINE, R & P		RT. E. BOX 585	CAULFIELD	65626
43FFP	RICHARDSON, JB		RT 1	MONROE CITY	63456
43XU	RICHARDSON, KM		RT 1	BLYTHEDALE	64425
43XAI	RIDER, G	RIDER KENNEL	RT 2	WALKER	64790
43YAU	RIDER, W & L	PLEASANT INN KENNELS	BOX 156P	BRONAUGH	64728
43XAM	RILEY, G & C	HILLTOP KENNELS	ROUTE 1	ATLANTA	63530
43HHQ	RILEY, L C		RT 1 BOX 177	LEBERAL	64762
43TAR	RILEY, Y		RT 1 BOX 115	MULBERRY	66756
43JJQ	ROBBERSON, B & K	ROBBERSON'S KENNEL	RT 1	PURDY	65734
43IS	ROBERSON, R		BOX 25 RFD 1	WILLIAMSTOWN	63473
43TX	ROBERTS, K		RR 3	RUTLEDGE	63563
43FFZ	ROBINSON, B		RT 3 BOX 271	LAMAR	64759
43RAG	ROGERS, MRS	D-WAH HU KENNEL	RT. 3 BOX 118 DDD	ROGERSVILLE	65742
43VAL	ROMINE, F	ROMINE FARMS	RT 2	CENTRALIA	65240
43JJN	RUDD, JEANNE	J & B KENNELS	RR 3	MEXICO	65265
43CCB	RUDHOFF, J & E	RUDHOFF'S KENNEL	RT. 1	NEW FRANKLIN	65274
43FT	RUMMERFIELD, DG		413 N. BALTIMORE	KIRKSVILLE	63501
43NAH	RUSH, R&GARDNER, LC	SHADY OAKS KENNEL		TUSCUMBIA	65082
43TAX	RYALS, GR		PO BOX 224	UNIONVILLE	63565
43IB	SANDEFUR, L		RT 1	GREENTOP	63546
43ZC	SANDERS, J & P & D		RT 2	NIXA	65714
43JJS	SCHANY, JEANE		R 2 BOX 280A	NEOSHA	64850
43RAN	SCHLOMAN, J & J		RR 2 BOX 178	HIGGINSVILLE	64037
43KD	SCHMITTER, R&D		RR 3	LANCASTER	63548
43PAZ	SCHOWENGOERTT, G		RR 1 BOX 443	ROLLA	65401
43OR	SCHRAGE, MR		RFD 1	EDINA	63537
43ZAB	SCHROEDER, LE	HILLTOP RABBITRY	P.O. BOX 33	HOUSE SPRINGS	63051
43BW	SCOTT, LG	JONLEA KENNELS	RT 3 BOX 206	CALIFORNIA	65018
43WAF	SCOTT, WS		RT 2	GREENTOP	63546
43OAG	SEAY, JBJ		RR 5	KIRKSVILLE	63501
43HAI	SEDERBURG, MO		RT. 1	MT. STERLING	52573
43HAN	SELLENS, L		RT. 1 BOX 90	BETHEL	63434
43HHD	SEVIER, E		RT 3 BOX 55	PURDIN	64674
43HHP	SHAEFER, J	PET STOCK	3 DOE LANE	FESTUS	63028
43RL	SHARP, SW		409 N FULTON ST	EDINA	63537
43FU	SHATZER, BD		BOX 124	ANABEL	63431

MISSOURI—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
43XY	SHAW, I			DOWNING	63536
43LI	SHEARER, I		RFD 1	KNOX CITY	63446
43III	SHIRK, MIKE & MADYLEN		RT 1 BOX 286	JOPLIN	64801
43DDC	SHOULTS, NL	POM-A-DOR POMERANIANS	1670.00	LANCASTER	63548
43JB	SHULTZ, EL		RFD 2 BOX 113	RUTLEDGE	63563
43YAC	SILLMAN, CR	CAR-DEL KENNELS	RT 3 BOX 20	WILLOW SPRINGS	65793
43YAZ	SILVEY, A		BOX 286	LANCASTER	63548
43IIK	SILVEY, DAVID		RT 2 BOX 131	SENECA	64865
43DDI	SIMMONS, B & J	B & J KENNEL	RR 1 BOX 60	UNION STAR	64484
43IIM	SIMS, R & E		RR 2 BOX 85	LAMAR	64759
43IAI	SKURVIN, M H		P.O. BOX 14A RT 2	ELSBERRY	63343
43FFD	SLONICKER, L		RT 1 BOX 134	REEDS	64859
43XR	SMITH, AV		RT 1	HIGBEE	65257
43XAW	SMITH, G	SKYVIEW KENNELS	R 1	DIAMOND	64840
43WAL	SMITH, H	DU-JARO KENNELS	RT 1 BOX 205	CALIFORNIA	65018
43EED	SMITH, W & M		RT 2	MOBERLY	65270
43NAX	SPAIN,JE	LYNN-DEE-LOU KENNELS	RT 4 BOX 564	CARTHAGE	64836
43III	SPARKMAN, J & T	FLYING ACRES KENNELS	RT 1 BOX 116	BROOKLINE	65619
43FFQ	SPEER, S		RT 1 BOX 66	WASHBURN	65772
43ZAD	ST CLAIR, SR		RR 1	MOBERLY	65270
43GAY	ST. CLAIR, S		RFD 1 BOX 90	WYACONDA	63474
43VAV	STAHL, ML		RT 1	SYRACUSE	65364
43ZAE	STALKER, C	PJ'S KENNEL	RT 1	HALFWAY	65663
43JJC	STEFFEN, B L		RT. 2 BOX 1788	VERSAILLES	65084
43CCX	STILL, CLARENCE	HI-VALLEY KENNEL	R)1 BOX 206E	EXETER	65647
43DDU	STILL, V	STILLS ROLLING ACRES KENNEL	RT)1	EXETER	65647
43OAD	STOKES, EJ		RT. 1 BOX 133	VERSAILLES	65084
43ZAA	STONE, B	WILOBAR KENNEL	RR 2 BOX 200	MOUND CITY	64470
43HHV	STRAUSBAUGH, T & L		607 N. KAREN DR.	CARL JUCTION	64834
43YS	STRIBLING, D		RR 4	KIRKSVILLE	63501
43EB	STRICKLER, E		RFD 1 BOX 137	KAHOKA	63445
43FFS	STUMPFF, BJ		RT 3	CASSVILLE	65625
43EEF	SUMPTER, C		R 2 BOX 136	HIGBEE	65257
43FFR	SUTTON, JF	BIG CREEK KENNEL	RT 1 BOX 76	BUNKER	63629
43YAA	SWETMAN, CL	PINE-TREE KENNEL	RT 1 BOX 251	ROLLA	65401
43IIK	SWOFFORD,Y		RT 2	EXETER	65647
43TAM	SYKES, G		RT. 1	DAWN	64639
43HAA	TAYLAR, O & H	TY-PHIL-DON'S KENNEL	RT 7 BOX 309	SPRINGFIELD	65802
43RY	TAYLOR, MYRA		RT 4	LAPLATA	63549
43IIL	THOMAS, G & D		RT 1	NOEL	64854
43RAL	THOMAS, J	OZARK HONEY DEW KENNEL	RR 1 BOX 129	SUGLAND	65644
43PAA	THORESON, S	THORESON KENNEL	RT 4	EL DORADO SPRINGS	64744
43KG	THROCKMORTON,R		R 2, BOX 136	LABELLE	63447
43JJH	TOLLERTON-SMITH, A		RT. 1	LINNEUS	64653
43YT	TRACY, L	TRACY'S GUARDIAN KENNELS	RT 1	WINSTON	64689
43MAQ	TRIPLETT, E		RT 3 BOX 46	LANCASTER	63548
43JJB	TUCKER, L		RT 2 BOX 57	HUMANSVILLE	65674
43IIF	TWENTER, JO ANN	RAINBOW KENNEL	304 WEST HARRIS STREET	PILOT GROVE	65276
43NAR	URFER, WR	URFER KENNELS	STAR RT 2 BOX 136A	BRANSON	65616
43GS	VAN HOOZER, V		RR 1	OSBORN	64474
43UZ	VAUGHN, R & VINYARD, J	GOLDEN RULE KENNEL	RR 3 BOX 236	STOCKTON	65785
43UAL	VEATCH, PP		PO BOX 68	GLENWOOD	63541
43GGA	VETTER, E & N		RT 1 BOX 160	STARK CITY	64866
43HHI	WADLEY, M		RT 2 BOX 233	ANDERSON	64831
43HG	WAIT, IM	WAIT'S KENNELS	BOX 802 N HWY 63	KIRKSVILLE	63501
43TH	WALLACE, G&R		R 1	NOVINGER	63559
43MX	WAMSLEY, D		RFD 1	NEWARK	63458
43OT	WEAVER, BA		RR 1	GLENWOOD	63541
43IU	WEAVER, E			CLARENCE	63437
43FFA	WEBB, J	SHADY OAK KENNEL	R1 BOX 375	JOPLIN	64801
43CCJ	WEBER, G	SUNDOWNER KENNEL	RT 1 BOX 215	GOODMAN	64843
43CCH	WEIMER, J&D		RR 3	MACON	63552
43OAL	WELBORN, CB		RR 4	BUTLER	64730
43BP	WELLMAN, E	WELLMANS KENNEL	RT 1	KIRKSVILLE	63501
43HA	WELLS, M		RR 3	MACON	63534
43WAH	WENDLETON, D		RT 1	BUTLER	64730
43IIG	WENTE, ARLENE			CLARENCE	63437
43DDV	WEST, C & L	C & L TEDDY BEAR BARN	2275 ASHBY RD	OVERLAND	63114
43JDL	WESTMORELAND, SM		RR 1	KIRKSVILLE	63501
43BBL	WHEELER, R & M	WHEELER KENNEL	RT. 2	NORBORNE	64668
43GGX	WHITE, WJ		RT 5 BOX 23A	TRENTON	64683
43EEM	WHITLOW, J		RT 2 BOX 203-A	BILLINGS	65610
43YAB	WIENHAUS, LM		RT 4	SALISBURY	65281
43UL	WILLIAMS, CE		1602 E NORMAL	KIRKSVILLE	63501
43JJI	WILLIAMS, F E	SUNNY ACRES PONY FARM & KENNELS.	RR 2 BOX 176	KIRKSVILLE	63501
43GGO	WILLIAMS, M	WILLIAMS LITTLE ACRE KENNEL	RT 6 BOX 372	CARTHAGE	64836
43CCI	WILSON, C&D		RT 1 BOX 125A	AURORA	65605
43PM	WILSON, J		BOX 27	FRANKFORD	63441
43PAN	WILSON, VM		RR 1 BOX 1908	ELKLAND	65644
43YN	WINANS, OV&E		RT 1 BOX 90	CARTHAGE	64836
43EEA	WINKLER, U		GENERAL DELIVERY	ALEXANDRIA	63430
43CCU	WINTER, W	WINTERVALE KENNELS	RT 2 BOX 166	STRAFFORD	65757
43FC	WISDOM, JW		RR 3	MACON	63552
43GAP	WOLFINGTON, H		RR 1	MULBERRY	66756
43ZAJ	WOOD, A			BETHEL	63434
43GAL	WOOD, J		RR 2	LA PLATA	63549
43EEW	WOOD, J	PJ'S PET FARM	RR 2	LAPLATA	63549
43MB	WOOD, JC	WOOD KENNELS	RT 1	LA PLATA	63549
43TE	WOOD, M		RFD 1	BETHEL	63434

MISSOURI—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
43BAC	WOOD, R		RR1	BRASHEAR	63533
43HIZ	WOODS, D & M S		RR 1	HUNTSVILLE	65259
43VAY	WOODY, O & A		RR 2	GALT	64641
43BBI	WORTHINGTON, BJ		RT. 1	ELDORADO SPRINGS	64744
43FFT	WORTHINGTON, W		R 2 BOX 27A	ELDORADO SPRINGS	64744
43VV	WRIGHT, CE	4 ACRE KENNELS	ROVER RT. BOX 286	WEST PLAINS	65775
43UAO	YOUNG, EK		RR 3	MOVINGER	63559
43WK	YOUNG, HO	SUNNY SLOPE FARM	RR 2	ROCHEPORT	65279
43NN	ZUSPANN, V		RFD 3 PO BOX 34	EDINA	63537

MISSISSIPPI

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
65A76	BENTZ, EJ	PET POURRI KENNELS	RT 2 BOX 66	LONG BEACH	39560
6581	BICKHAM, RD	YELLOW BIRD FARM	RT 2 BOX 186G	PURVIS	39475
65A77	BROWN, MRS. H.		RT 1 BOX 84	WALNUT	38683
65A68	DOTSON, R		PO BOX 1267	CORINTH	38834
65A22	GRAYSON, W	LOVE-N-CARE KENNELS	RT. 1 BOX 184	QUITMAN	39355
6585	GRECO, S	THE MENAGERIE	2985 MCDOWELL RD	JACKSON	39212
65A85	HARNESS, K	KERMIT KENNELS	RT 5,BOX 197-D	VICKSBURG	39180
65A81	HASE, DIETER A	GULF COAST BAIT & ECOLOGY FARMS.	6201 BROWN ROAD	OCEAN SPRINGS	39564
65A79	HOLCOMB, D		BOX 157	DUCAN	38740
65A21	HORN, RW	HILLHAVEN KENNELS	PO BOX 444	RIDGELAND	39157
65A75	HUFFMAN, J	WHIPPOORILL FARM KENNELS	RT 2	GRAND JUNCTION	38039
65A48	JONES, MB		ROUTE 2 BOX 17	BRAXTON	39764
65A11	LAMPLEY, J		2729 AIRDALE DR.	GREENVILLE	38701
65A62	LANCASTER, KENNETH		RT 5 BOX 296	CORINTH	38834
65A6	LEWIS, DE	TRIPLE-A KENNEL	RT 2 BOX 109	COLUMBIA	39429
65A76	LIKE, J	RIVERVIEW FARMS	RT 1 BOX 584	COLDWATER	38618
65.M	MARTIN, JB		125 MARTIN ST	RIPLEY	38663
65A7	PARKER, TP		RT 1 BOX 169	LAWRENCE	39336
65A69	PARRISH, DEE		1900 DROKE RD	CORINTH	38834
65A84	PHILLIPS, R		RT 4 BOX 32	CORINTH	38834
65A4	REYER, H	DOGWOOD KENNELS	RT 2 BOX 305	COLUMBIA	39429
65A85	SCOTT, R		RT 6 BOX 406	CORINTH	38834
65A66	SCRUGGS, W A	SCRUGGS'S RABBITRY	RT. 6 BOX 1	BRANDON	39042
65A58	SIMMONS, J & BYRD, J	J & J KENNELS	RT 1 BOX 311-D	COLUMBIA	39429
65A35	STEINHAUSER, R & J	RUJAM CATTERY & KENNELS	RT 1 BOX 604	LELAND	38756
65A27	SWEARINGIN, D	SWEARINGIN KENNELS	RT 2 BOX 231A	RUTH	39662
65A51	THOMPSON, PL		RT 1 BOX 201	LUMBERTON	39455
65AA	VANLANDINGHAM, HI	WEB ANIMAL SHELTER	PO BOX 133	VARDAMAN	38878
6583	VIALL, CB	PET KINGDOM	BOX 22	DELHI	71233
65A37	WILLIAMS, JA	TAR RIVER KENNELS	RT 1 BOX 154	CROSBY	39633

MONTANA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
81B2	CORBETT, P & C	SAFARI COUNTRY	RT 62 BOX 3205	LIVINGSTON	59047
81A7	ROSECRANS, RC		PO BOX 950	HAMILTON	59840

NORTH CAROLINA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
55A58	ALLSBROOK, AC	MAGADA PINES KENNEL	RT 1 BOX 275	SCOTLAND NECK	27874
55B13	AQUA-RAMA PET CENTER INC		4947 BRAGG BLVD	FAYETTEVILLE	28303
55A59	BAXTER, S & R	BAR B R KENNELS	RT 6 BOX 240	FAIRVIEW	28730
55B11	BERRY WATER GARDENS INC		PO BOX 607	KERNERSVILLE	27284
55A36	BILLINGSLEY, JP	B & B HAMSTERS	RT 5 BOX 40	REIDSVILLE	27320
55B52	BROWN, RC	BROWN'S BUNNY BARN	RT. 1 BOX 54B	FRANKLINVILLE	27248
55A83	CANTRELL, E		RT4	FOREST CITY	28043
55B10	CAROLINA BIOLOGICAL SUPPLY CO		2700 YORK ROAD	BURLINGTON	27215
55B57	CAROLINA PUPPY OUTLET		1009 HOMELAND AVE	GREENSBORO	27405
55B38	CLEVELAND COUNTY HEALTH DEPT	CLEVELAND COUNTY AN. SHELTER.	315 GROVER STREET	SHELBY	28150
55A78	COLE, G & H	COLE BROTHERS KENNELS	RT 2 BOX 152	DENTON	27239
5588	COOKE, AB	BUFFALO RANCH TRADING POST	RT 7 BOX 203 HWY 49	CONCORD	28025
55A77	COOKE, JOHN E		RT 2 BOX 455	HUNTERSVILLE	28078
55B28	CORAL SEAS ENTERPRISES, INC		3629 NORTH BLVD.	RALEIGH	27604
55A88	CRAWFORD, R	CRAWFORD'S RABBITRY	RT 5 BOX 76A	BURLINGTON	27215
55A71	CROSSLEY, GH	CROSSLEY RABBITRY	320 CEDARWOOD TRAIL	HIGH POINT	27260
55A74	DAIL, B	DAIL'S RABBIT FARM	RT 2 BOX 451	SNOW HILL	28580
55A81	DALY, ALBERT	DALY'S RABBITRY	RT 1 BOX 185 BB	FARMVILLE	27828
55A79	DEHOOG, MRS MARIE	EAST CAROLINA KENNELS	RT 1 BOX 61	PANTEGO	27860
55A72	DYSART, C	DYSART'S WOLF SHEPHERD KENNEL.	BOX 597	HENRIETTA	28076
55A58	FAIRCLOTH, BC	ROCK HILL RD	RT 9 BOX 191	FAYETTEVILLE	28301
55B15	FRANKLIN, L & J	FRANKLIN'S RABBITRY AND SUPPLY.	PO BOX 1067	WAKE FOREST	27587
55B41	GORDON, GR	SMALL STOCK FARM PET SHOP	RT 6 BOX 93	SHELBY	28150
55B33	GRAVITT, M	BAUX MT BEAGLE FARM	RT 2 BOX 187	GERMANTON	27019
55A64	HARDIN, MR & MRS W	HARDIN'S RABBITRY	RR 2 BOX 337	PLEASANT GARDEN	27313
55A78	HAYES, JOSEPHINE	HAY-HO KENNEL	RT 4 BOX 315	WHITEVILLE	28472
55A61	LOVELACE, K		BOX 53	ELLENBORO	28040
55A70	LOWERY, C	C & J KENNELS	RT 1 BOX 241	FOREST CITY	28043
55A17	MCLAURIN, A	MCLAURINS KENNEL	RT I BOX 150	WADE	28395

NORTH CAROLINA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
55A75	MUNDY, E J	V.I.P. KENNEL	RT 8 BOX 1048	MONROE	28110
55A55	OWENS, R & WOOTEN, T	MOUNTAINEER KENNEL	RT 4 BOX 467 B	KINGS MTN	28086
55B56	PATTERSON, P & J		87 CROWN POINT RD	HUBERT	28539
55AE	PHILLIPS, B Z	PEARCROFT CATTERY	RT 1 BOX 466	BEAUFORT	28516
55A89	REID, C	GLENLINET KENNEL	RT 67 BOX 8	CULLOWHEE	28723
55B16	RILEY, GF	RILEYS BUNNY HAVEN	RT. 2 BOX 519	DURHAM	27705
55B63	RUCKART, J	PETS UNUSUAL	RT 4 BOX 481A	CONCORD	28025
55B39	SCHABER, RM	RARE ENDANGERED FELINES	110 N BETTY	SPRING LAKE	28390
55A50	SCRUGGS, C		RT 2 BOX 156	SHELBY	28150
55A64	SHEPHERD, SR. C	HARROFF, JC	RT. 1 BOX 580	CONCORD	28025
55A15	SINGLETON,A	SINGLETON KENNELS	R 1 BOX 2708	FAYETTEVILLE	28301
55AF	SOUTHEASTERN LABORATORY ANIMAL FARM INC.		9029 TRAIL RIDGE DR	RALEIGH	27612
55B58	SUMMERLIN, S	ROCK REST RABBITRY	RT 1 BOX 246	MONROE	28110
55B58	TAYLOR, E & M	FISH & PETS	603 GREENVILLE HWY	HENDERSONVILLE	28739
55A73	THOMPSON, N J	IN-THE-VALLEY KENNELS	1420 NORTH FORD RD	BLACK MOUNTAIN	28711
55B59	TOWN & COUNTRY PET WORLD		814 ELM ST.	FAYETTEVILLE	28301
55A62	TURNER, E	TURNER'S TOYS	14 CHIMNEY ROCK ROAD	RUTHERFORDTON	28139
55A67	VAN VALEN, E & G	JANDELO KENNELS	PO BOX 32	FAIRVIEW	28730
55B60	VERHAEGHE, MARK		RT 2 BOX 1648	HORSE SHOE	28742
55B64	WINCHESTER, D & B	PINEVIEW KENNELS	RT 2 BOX 120	ELLENBORO	28040
55B37	WISE, A	TARHEEL CATTERY	RT 11 BOX 60E	BENSON	27504
55B45	WOOD, MR	BUSH HILL RABBITRY	306 ENGLEWOOD DR	ARCHDALE	27263

NORTH DAKOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
45D6	BRYANT, E		BOX 237	ST. JOHN	58369
45A27	DESLAURIERS, A & D	NORTHLANDER RANCH KENNELS	RT 1	SURREY	58785
45A28	FOSS, C		RR 1 BOX 38A	ROLETTE	58366
45A24	GUST, R	SIRIUS KENNELS	RT 1 BOX 22	KRAMER	58748
45B4	HIATT, S	HIATT'S BORDER KENNELS		BOTTINEAU	58318
45B5	JOHNSON, T & J	DAKOTA KENNELS	BOX 151	ROLETTE	58366
45A21	JOHNSON, T L		RR 1	WOLFORD	58386
45A31	JORGENSON, SUSAN & FERRELL, MICHELLE	DAKOTA PRAIRIE KENNEL		LEEDS	58346
45A15	LANDSEM, H & L		RR 1	EDMORE	58330
45A22	LOTHSPEICH, R & J	BADLANDS FUR FARM	RT 2	BELFIELD	58622
45B3	MICHAUX, A		BOX 44	BOTTINEAU	58318
45A29	POLLERT, D	COUNTRY ROADS KENNEL		PINGREE	58476
45A16	SERR, T&S	PRARIE VIEW KENNELS		HAZELTON	58544
45A30	THOMAS, E & P	CENTRAL DAKOTA KENNELS	RR	BORDULAC	58417
45A8	WYCKOFF, G	C-BAR-H CATTERY	RT 1 BOX 210A	BOTTINEAU	58318

NEBRASKA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
47AB42	ANDERSON, GP & SR	HIGHLAND FARMS	RT 2	PLATTSMOUTH	68048
47AC77	ANDERSON, S & D	SUN SHINE KENNEL	BOX 143	CLEARWATER	68726
47A93	ANDREWS, M&M		RT 1 BOX 106	ALBION	68620
47AC96	ANGELL, D & D		1014 6TH ST	FAIRBURY	68352
47AD07	ARGO, J			OKETO	68518
47AC60	ASH, L		802 WEST 27TH	SCOTTSBLUFF	69361
47AB32	BAILEY, LL	L&L KENNELS		EDGAR	68935
47AD10	BARGER, J		RR 1	CULBERTSON	69024
47A97	BECK, M	SANDHILLS KENNELS	STAR ROUTE	PARKS	69041
47A98	BEMIS, J			RISING CITY	68658
47AC97	BENNETT, C & S		RT 4	FAIRBURY	68352
47B29	BIOLOGICS CORP		8447 LAKE ST	OMAHA	68134
47AC86	BLANK, H & K	BAR 20 KENNELS	RFD1	AINSWORTH	69210
47AC11	BLECHA, O	RIVERVIEW KENNELS	RT 3 BOX 100	HUMBOLDT	68376
47AB74	BLOBAUM, R & M		RT 4	FAIRBURY	68352
47AC04	BOHLING, A&W		RT 3	TECUMSEH	68450
47AC35	BRAUCH, GN		RT 1	HEBRON	68370
47AB30	BREEDEN, JE	BREEDEN'S KENNELS	RR) 1	STEELE CITY,	68440
47AD22	BROOKS, DIANE	ROSEMONT K-9 KENNELS	RT 2 BOX 101	BLUE HILL	68930
47A84	BROSCH, D & M J	BROSCH'S KENNELS	RR 3	FENDER	68047
47A92	BRUNING, S	BRUNING KENNELS	RT 2 BOX 14	SHICKLEY	68436
47AD21	BURKINSHAW, PATSY	PLEASANTVIEW KENNEL	STAR ROUTE	NEWPORT	68759
47AC60	BUSCH, RL		RR 3	KEARNEY	68901
47AD12	BUSS, W & P		RT 1	ADAMS	68301
47AD27	CARLSON, D J	CARLSON'S CANINES	BOX 72	HAY SPRINGS	69347
47B34	CENTRAL BIOLOGICAL CO		8935-7-J ST	OMAHA	68172
47AB98	CHLOUPEK, R		RT 1 BOX 66	LITCHFIELD	68852
47AB6	COOK, L		RT 1	SUTHERLAND	69165
47AC75	COOK, MR	PAWNEE KENNELS	RT 1	PLEASANT DALE	68423
47AC92	CUDNEY, G & C	ROCK RIDGE KENNEL	RR3 BOX 51	FALLS CITY	68355
47A17	CUMRO, S	INDIAN CREEK KENNELS	BOX 13	ODELL	68415
47B20	CYRIUS, INC	NEBRASKA SCIENTIFIC CO	3710 D ST	OMAHA	68107
47AB63	DARROW, CE		RT 4 BOX 17	FAIRBURY	68352
47A72	DAUBERT, E		6229 S 43RD	OMAHA	68107
47AC44	DEKE, B	TRIPLE D FARMS	RT. 1 BOX 17	OHIOWA	68416
47A53	DIETZ, B	HILLTOP KENNELS	RT 2 BOX 58	ORLEANS	68966
47AC70	DIETZ, J		RT 1 BOX 111	ORLEANS	68966
47AB6	DIETZ, JR		RFD 1	STAMFORD	68977
47AD38	DREESSEN, MARLENE	DREESSEN KENNELS		STAMFORD	68977
47A44	DUENSING, LJ		RR 1 BOX 46	BYRON	68325
47A41	DURST, GD & LJ		BOX 8	VIRGINIA	68458

NEBRASKA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
47AC15	DVORAK, O&C	DVORAK'S KENNELS	RR 2	ATKINSON	68713
47AC08	ECKSTEIN, LJ		RR 1 BOX 67-A	LINWOOD	68036
47AD19	FARR, MITCH		20 SOUTH STREET	MCCOOK	69001
47AC28	FERGUSON, L&P	IDLE ACRES KENNELS	RT 1	BRADY	69123
47AC76	FETT, D & I		RT 1 BOX 87	HEBRON	68370
47AD17	FILPI, ELIZABETH		RR 2	CRETE	68333
47AB84	FLEISCHER, W R	S MAR KENNELS	STAR ROUTE	GOTHENBURG	69138
47AC01	FLETCHER, H	DEL ARROW KENNELS		LITCHFIELD	68852
47A81	FRITZ, MK			BARTLEY	69020
47AC22	GITTINGER, W & K	DIS 'N DAT KENNELS	RT 3	AUBURN	68305
47AC06	GILL, K & J		RR 3	BLOOMFIELD	68718
47A71	GORACKE, R	GORACKE'S KENNELS	315 NORTH 4TH	TECUMSEH	68450
47AC20	GRAY, JO		RT 8	LINCOLN	68506
47AB46	GRUNTORAD, E		RT. 3 BOX 20	SEWARD	68434
47AD15	GRUNTORAD, R & L	VALLEY VIEW KENNELS	RT 1 BOX 44	LEXINGTON	68850
47AC03	HALLER, V	ELMTREE KENNEL	BOX 2A ANTIOCH RT	LAKESIDE	69351
47AB96	HARRINGTON, DD	HARRINGTON'S KENNELS	RT 2 BOX 121	NELSON	68961
47AC09	HASLEY, P	RED BARN KENNELS	RT 1 BOX 199	JANSEN	68377
47AD20	HAWKINS, D & B		RT 1	WYMORE	68466
47AC25	HAYNES, MARY LOU		RT 1	AUBURN	68305
47AC01	HERR, JA		RT 1, BOX 140	HUMBOLDT	68376
47AB93	HERR, RL	HERR'S KENNEL	RR 1 BOX 147	HUMBOLDT	68376
47B31	HEYNE, W	AMMPET KENNELS	830 N. MAIN	WEST POINT	68788
47A80	HOFFMAN, J		ROUTE 3 BOX 182A	NORFOLK	68701
47AC09	HOHNSTEIN, R & P		421 WEST 6TH ST	IMPERIAL	69033
47AB17	HOWE, MA		615 N 5 ST	BEATRICE	68310
47AD02	IMM, R & J	COTTONWOOD KENNELS	RT 1 BOX 71C	STAMFORD	69977
47AD25	JANZEN, KATHY	JANZEN'S KENNELS	RT 1 BOX 162	DONIPHAN	68832
47AC26	JOHANSEN, R & G	JJ KENNEL'S	10402 NORTH 156TH ST	BENNINGTON	68007
47AC04	JOHNSON, D & W	CIRCLE J KENNEL	CIRCLE J KENNEL	BENEDICT	68316
47AB91	JOHNSTON, R&K	JOHNSTON KENNELS	R 1	CORTLAND	68331
47B33	JONES, J	TAMARISK KENNEL	242 PINE ST.	CHADRON	69337
47AD14	KAHLO, DIAN		RT 1	STANTON	68779
47AD28	KARDELL, MARGIE A		RT 2	LAUREL	68745
47AB08	KARMANN, MH		RT 1 BOX 64	CEDAR RAPIDS	68627
47AC54	KASSEBAUM, C & D	ANN-MARIE KENNELS	BOX 182	HEBRON	68370
47AB18	KENYON, M		BOX 1115 16TH ST	MITCHELL	69357
47AC01	KESTER, H & S		RT 2 BOX 59	CAMBRIDGE	69022
47AD09	KINSELLA, T		2521 HANSCOM BLVD		
47AD00	KIRBY, R & B	KIRBY KENNELS	BOX 54	SARONVILLE	68975
47AC85	KLEIN, WH		BOX 381	LOUP CITY	68853
47AC74	KLEVELAND, J & C	KLEVELAND KENNELS	1512 N 11TH ST	NEBRASKA CITY	68410
47AD04	KOTSCHWAR, A		ROUTE 1	FARNAM	69029
47AB86	KRENK, E	PAMPERED PETS	1404 S CENTER	BEATRICE	68310
47AC28	KUESTER, R&D	HUMBUG CREEK KENNEL	RR 1 BOX 83	PILGER	68768
47A79	KUHL, J&A			ORLEANS	68966
47A19	KUHLMANN, JM	COUNTRYSIDE KENNELS	RR 2 BOX 40	HUMBOLDT	68376
47AB50	KUMPOST, HE	KUMPOST KENNELS	403 S 7TH	PIERCE	68767
47AC12	LAMPRECHT, L		RFD 12, BOX 123	OXFORD	68967
47AB82	LINDEKEN, T	LINDEKEN'S HILLSIDE KENNELS	RT 1 BOX 222	SCOTTSBLUFF	69361
47AC58	LOOMIS, P	FOXFIRE TOY POODLES	MARPLE RT BOX 66A	ALLIANCE	69301
47AB03	MADOUX, T			PALISADE	69040
47AD19	MAJORS, JOYCE F	RAINBOW KENNEL	RR 2	WAUNETA	69045
47A90	MCCORD, V	BLUE HILL KENNEL	BOX 110 RR 4	FAIRBURY	68352
47AK3	MCMILLAN, J&J	MCMILLAN KENNELS		ARTHUR	69121
47AC15	MCROBERTS, J	MCROBERTS GAME FARM		GURLEY	69141
47AB49	METZNER, M & V	SUNNY SLOPE KENNEL	RR 1	FALLS CITY	68355
47AC46	MEYER, D & J	PONDEROSA KENNELS	RT 2 BOX 54	SIDNEY	69162
47AD03	MINNIG, G	MINNIG KENNEL		CHESTER	68327
47AC57	MONASMITH, ML & J			CHAMPION	69023
47AB14	MONNETTE, DM		RT 1 BOX 69	STELLA	68442
47AD18	MOORE, H		RT 1	BROWNVILLE	68321
47AC14	MORROW, C&M	MORROW KENNELS	RR 1 BOX 84	TEKAMAH	68061
47AC93	MOSER, B & J	BAR-JO PRAIRIE VIEW KENNEL	RT 2	ELGIN	68636
47AD25	MUCK, R & S		RT A BOX 50	GORDON	69343
47AD01	MUMFORD, COLEEN			CHAMPION	69023
47AB59	MURRAY, A	MURRAY'S CHARLIE BROWN KENNEL	BOX 55	POTTER	69156
47AD04	NAAKE, K OR D	NAAKE KENNELS	RT 3 BOX 14	FAIRBURY	68352
47AD24	NATHAN, MARTY	HILLSIDE KENNELS	RT 2	STANTON	68779
47A94	NICHOLSON, MA	NICHOLSONS KENNEL		LEBANON	69036
47AD01	NOEL, P		R 1	BEAVER CITY	68926
47AC73	NOLZE, R & J & BLANK, M	CRIPPLE CREEK CRITTER CENNEL	RR 1	CLEARWATER	68726
47B27	NORDEN LABS, INC		PO BOX 80809	LINCOLN	68501
47AC79	NORRIS, NF		RR 1 BOX 54A	YUTAN	68073
47B11	PACKER, J		RT 2 BOX 246	WOODRIVER	68883
47AB85	PLATT, V & F	PLATT KENNEL		HAY SPRINGS	69347
47A89	PLEAS, MRS G		RT 1	OXFORD	68967
47AC85	POHLMAN, R		RT 2	STANTON	68779
47AC94	POMAJZL, R		429 N. FRANKLIN	WILBER	68465
47AC85	POST, TJ	SAM-BO KENNELS	BOX 197	NAPONEE	69060
47AC42	RATHJEN, R & D	TRIPLE R KENNEL	RT. 2 BOX 116	ULYSSES	68669
47A07	REARS, MRS O			STELLA	68442
47AD29	REUTER, R & K	K & R KENNELS	RT. 1	UNADILLA	68454
47AC17	REZNICEK, B&W	BOSENDY ACRES KENNEL	RR 2	DODGE	68633
47B25	RHONE, D		RT 2 BOX 117A	COZAD	69130
47AC83	RIEKE, WW		BOX 81	CHESTER	68327
47AC09	RIESSLAND, D & C	LITTLE ACORN KENNELS	RR 1 BOX 111	LITCHFIELD	68852
47AC82	RIESSLAND, M & R		RR 1 BOX 110	LITCHFIELD	68852
47AC85	ROUSE, B & P	CROWN KENNELS	914 S 9TH	MCCOOK	69001

NEBRASKA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
47AD06	ROWE, K & S		RT 1	DAWSON	68326
47AB99	SASCO INC		612 N 16TH ST	OMAHA	68102
47AC43	SAWYER, K	LAKAR'S KENNELS	BOX 65	ST. EDWARDS	68660
47AD33	SCARROW, L & S		R 2 BOX 122	GIFFORD	68837
47A06	SEJKORA, H			BURCHARD	68328
47B62	SEKUTERA, C	DIAMOND KENNEL	RT 1 BOX 28	LITCHFIELD	68852
47B63	SHRADER, D	DUANE SHRADER & SONS	8295 ROCA RD	ROCA	68430
47AC32	SHRIVER, T&E	OREGON TRAIL KENNELS	RT 1 BOX 48	HASTINGS	68901
47B6	SINGLETON, BM	SINGLETON RANCH	RFD 1 BOX 70	DIX	69133
47A32	SINN, W	GREEN ACRE KENNEL	RT. 1 BOX 89	FAIRBURY	68352
47AC71	SMEAL, JW	SMEAL'S KENNEL	RR 2 BOX 13AD	DODGE	68633
47AC56	SOWARDS, JJ	J'S KENNEL	ROUTE 2 BOX 51	HEBRON	68370
47AC61	STANLEY, D		RT 1	CRAB ORCHARD	68332
47A12	STEVENSON, R	NEBRASKALAND KENNELS		RICHLAND	68657
47AC81	STIERS, D & S	NEMAHA VALLEY KENNELS	RR 1 BOX 49	NEMAHA	68414
47AC45	SULLIVAN, D & B	BARSENDALE KENNELS	RT 2	PALMER	68864
47AB82	SUTTON, B C	SANDHILLS PUPPY RANCH	SOUTH ROUTE	ASHBY	69303
47AD32	TEPLY, TERRIE			CHAMPION	69023
47AD13	TIEDJE, D		RT 1	BENNINGTON	68007
47AC84	TOPP, E & E		RT 2	TECUMSEH	68450
47AC47	TOPP, R&C		RT 2	TECUMSEH	68450
47AD05	TOWNS, M & STOKES, D		RT 2	SCHUYLER	68661
47AC86	URLING, RC	KATHIE'S KENNEL	ROUTE 1 BOX 54	WILSONVILLE	69046
47AB09	VLASIN, RJ&EB		RT 1	CRETE	68333
47AC76	WEGNER, I	WEGNER KENNEL		SCRIBNER	68057
47AD23	WHITE, DALE & VIRGINIA	WHITE'S K-9 KENNELS	RR 1	HASTINGS	68901
47AD28	WILKINS, D		RT. 1 BOX 16	KENNARD	68034
47AB53	WILLMS, J & R	WILLMS KENNELS	2106 KEENE DR	COLUMBUS	68601
47AD11	WOLF, H	WOLF'S KENNELS	NORTH STAR RT	NEWPORT	68759
47AC87	WOODWARD, L		RT 1	GUIDE ROCK	68942
47AC72	WORTHINGTON, EK	PEKE PALACE	RT 2	HEBRON	68370
47B12	WRIGHT, E			STAMFORD	68977
47A46	YAW, B			CHAMPION	69023
47A57	YAW, C			NEWPORT	68759
47AB97	ZEIGLER, NM			NELSON	68961
47AC58	ZEIGLER, S		RT 1 BOX 104	LAWRENCE	68957
47AB99	ZIMMERMAN, M&L	ZIMMERMAN KENNELS	RFD 3	NEBRASKA CITY	68410
47AB36	ZIVERTS, K&V		130 E ST	LINCOLN	68508

NEW HAMPSHIRE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
12A41	BATEMAN, M		69 GARLAND RD	RYE	03870
12A66	KELLY, L		P.O. BOX 369 HUBBARD RD	GREENVILLE	03048
12A21	LEITH, M		RT 9 BOX 422	EPPING	03042
12A42	MASTINE, R	ROSIE'S PIGGIES & PETS	62 WARREN ST	LACONIA	03246
12B23	MONTI, L		RT 126	BARRINGTON	03825
12A67	SNELLING, G		RFD 2, BOX 141	CLAREMONT	03743
12B5	TRUSTEES OF DARTMOUTH COLLEGE		PO BOX 492	HANOVER	03755
12B22	WOOD, BD	NINE ACRES RABBITRY	RIVER RD	LYME	03768

NEW JERSEY

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
22B37	ALLISON, H		HEMLOCK RD RTE 46	BELVIDERE	07823
22F	BARTON'S WEST END FARMS INC		RD 1 BOX 381	OXFORD	07863
22B39	BIO/DYNAMICS, INC		METTLERS RD	EAST MILLSTONE	08873
22A16	BIOLOGICAL SYSTEMS INC		2367 LAKEWOOD RD	TOMS RIVER	08753
22B2	BRUNDA, P & M	MARLAND BREEDING FARM, INC	46 ALLEN DRIVE	WAYNE	07470
22N	BYRNES, J	VALLEY FARMS	P.O. BOX 586	W PATERSON	07424
22B34	CAMDEN COUNTY COLLEGE			BLACKWOOD	08012
22A28	CAMM RESEARCH INSTITUTE, INC		414 BLACK OAK RIDGE RD	WAYNE	07470
22A26	CEDAR KNOLL FARMS	HOLTON INDUSTRIES, INC	RT 513	FRENCHTOWN	08825
22B31	CHAMPLAIN BIO. SERV. INC			GLEN GARDNER	08826
22B	CLAUSS, GJ	APPALACHIAN FARMS	RD 1 WARWICK TURNPIKE	WARWICK	10990
22A25	EDINGTON, R	CONVEREX	BOX 326 LAKE RD	NEWFIELD	08344
22B23	FEDECHKO, G	SOUTH JERSEY BIOLOGICAL FARM	DORNER RD BOX 316	WILLIAMSTOWN	08094
22B	FOOD & DRUG RESEARCH LAB INC		69 EVERGREEN PL	EAST ORANGE	07018
22B39	FC ?, RUSSELL		195 W MAIN STREET	MAPLE SHADE	08052
22A7	FL , & W	DAVIDSON'S MILL FARM	RD 1 BOX 184	JAMESBURG	08831
22A1	GU PERZ, E	CHICK LINE CO	604 EAST GARDEN RD	VINELAND	08360
22B18	HANNA, TR		RD 10	NESHANIC STATION	08853
22B29	LEIBOWITZ, A	QUALITY KENNELS	1595 HIDER LANE	LAUREL SPRINGS	08021
22A29	LIBERTY LABORATORIES		P.O. BOX 1	LIBERTY CORNER	07938
22B25	MCGEE, M	BREEZY ACRE FARMS	PO BOX 69	CHATHAM	07928
22A24	MERRILL, HD	PEACEABLE ACRES	PO BOX 154	STANTON	08885
22B36	MOORE, J	ALLENDALE AVIARIES	59 COTTAGE PLACE	ALLENDALE	07401
22B35	MUNSTER, J	G.C.A. INC	792 BURNT TAVERN RD	BRICKTOWN	08723
22B38	NABISCO, INC		RIVER ROAD	EAST HANOVER	07936
22A22	ORTHO PHARMACEUTICAL CORP	ORTHO RESEARCH FARM		RARITAN	08869
22A30	PALAZZO, ROBERT & VERA		MT PLEASANT RD BOX 84	COLUMBIA	07832
22B4	PRIMELABS, INC		MONMOUTH CT AIRPORT BOX 648	FARMINGDALE	07727
22B19	RIESCHL, WH	REPTILE PLACE	391 ISLAND RD	MAHWAH	07430
22B32	SCHERING CORP		PO BOX 32	LAFAYETTE	07848
22A21	SILVERMAN, S	SILVER-MANOR PERSIANS	396 PLAINFIELD RD	EDISON	08817
22A3	TINBERGEN, K	SUNRISE LABORATORY ANIMALS	RIDGE RD RD 2	WHITEHOUSE STA	08889
22A9	TRIPLE R RABBITRY		PO BOX 301	MARMORA	08736

NEW JERSEY—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
22A19	TURNER, V		230 E HIGH ST	GLASSBORO	08028
22821	VRANA, R		BOX 427A RD 1	MILLVILLE	08332
22A	WEST JERSEY BIOLOGICAL SUPPLY		BOX 6	WENONAH	08090
2286	WHALEY, MT	SUMMIT VIEW FARM	RD 1 BOX 269	BELVIDERE	07823
221	WILLIAMS, JE	HILLDALE FARMS	BOX 990, RD NO. 1 DUTCH MILL R.	FRANKLINVILLE	08322
22A4	ZUCCA'S HAMSTERY, INC		1641 S ALLEN AVE PO BOX 907	VINELAND	08360

NEW MEXICO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
8231B	CAPSHAW, K	CAPSHAW ENTERPRISES	ROUTE 6 BOX 29-C	SANTA FE	87501
8230A	CORGAN, D & S	CORGAN'S RABBITRY	RT. 2 BOX 294	LAS CRUCES	88001
8234B	FERGUSON, O & J	MAGIC GARDENS OF TULAROSA	PO BOX 1227	TULAROSA	88352
8232B	KERNS, R	AIR-VIEW RABBITRY	BOX 11 NORTH RT	EDGEWOOD	87015
8232B	MC CALLISTER, H L	MAC'S MINI FARM	6705 CENTRAL AVE. NW	ALBUQUERQUE	87105
8234A	MCKEAN, D & C	KACTUS KENNELS	PINE SPRINGS RT	CARLSBAD	88220
8227A	RABBIT RANCHES, INC		PO BOX 306	ORGAN	88052
8221A	RUEBUSH, CL	KEENRIDGE RABBIT RANCH	BOX 286	EDGEWOOD	87015

NEVADA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
88A1	DEAN, D & B	RANCHO DECANO	5000 AMY ROAD	RENO	89510
8881	NEVADA LLAMAS		PO BOX 1608	CARSON CITY	89701

NEW YORK

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
21GL	AGWAY INC	AGWAY TECHNICAL CENTER	PO BOX 4933	SYRACUSE	13221
21GY	ANCARE CORP		47 MANHASSET AVENUE	MANHASSET	11030
21JJ	AURORA SCIENTIFICS INC		P.O. BOX 239	EAST AURORA	14052
21AT	BEAN, AG		RD NO. 3 BOX 223	MORAVIA	13118
21GS	BECKEN, ROBEN	BECKENS RESEARCH ANIMAL FARM.	2585 UPPER MT RD	SANBORN	14132
21KJ	BODDIS, G	BODDIS FARMS	BOX 378A COUNTY RD 11	CRARYVILLE	12521
21CR	BOWLEY, C		6774 CICERO-BRIDGEPORT RD.	CLAY	13041
21JB	BRACKETT, CE		95 JUDSON ST	CANTON	13617
21FF	BRONSON, JE	BRONSON TROPICAL BIRDS	70 NAGLE AVE	NEW YORK	10040
21FE	BUCKBERG LAB ANIMALS INC		FREEHILL RD	TOMKINS COVE	10986
21CK	CATSKILL WILD ANIMAL SUPPLY, INC		RD 1 BOX 92	CATSKILL	12414
21AK	CORNELL UNIVERSITY	CORNELL DOG FARM	124 DAY HALL	ITHACA	14853
21CY	CRIDDLE, W	WINONA CRIDDLES CAVIARY	BOX 200 TUNNEL RD RD 1	PORT CRANE	13833
21EK	DUMBLETON, D&F	WINDY NOB FARM	5164 LINDEN RD	E BETHANY	14054
21NY	ENGSTROM, R		1795 HOAGLAND RD	MT MORRIS	14510
21BF	FABRY, EG	FAB LABS	BOX 233	NEW CITY	10956
21MT	FARLEY, JW		20 CORONET COURT	SCHENECTADY	12309
21LN	FUGLE, H		EAGLE RD	BLISS	14024
21CK	HARGROVE, BRUCE E	NEW YORK STATE RABBIT DEVELOPMENT.	BOX 33 WEST MAIN STREET	HARTWICK	13348
21CG	HINDERER, RR	RICHARD'S COMMERCIAL RABBITRY.	RD 2	ASHVILLE	14710
21CA	HUDSON, S & Z	ZELSON KENNEL	RT 3	FORT PLAIN	13339
21FY	JC SCHULZ, INC		RD 1 BOX 92	CATSKILL	12414
21HK	JOHNSON, R & B	JOHNSON'S FOLLEY	5038 HADDEN RD	SAVANNAH	13146
21CI	KOLB, JOHN		111 HARRISON AVE	RENSSELAER	12144
21BX	KRUTULIS LABORATORIES INC		PO BOX 153	BRIDGEPORT	13030
21OL	LACROSSE, STEVEN	LACROSSE LABORATORY ANIMALS.	369 CONSAUL ROAD	SCHENECTADY	12304
21OE	LAG BIOLOGICALS INC	LAG BIOLOGICALS INC	725 W 172 ST	NEW YORK	10032
21NE	MARKS, K & E		73 MOON RD	ARGYLE	12809
21AP	MARSHALL RESEARCH ANIMALS INC		RR 1 BOX 91	NORTH ROSE	14516
21MV	MERZACCO, EJ	PET LOVERS PARADISE	2309 ELMWOOD AVE	KENMORE	14217
21JM	MILLSTONE FARMS CORP		RD 2	AMSTERDAM	12010
21NV	NIAGARA AQUARIUM CO, INC		1345 MILITARY RD	KENMORE	14217
21NW	NOLAN, R		53 LAMSON RD	TONAWANDA	14223
21BP	PRIMATE IMPORTS CORPORATION		34 MUNSON ST	PORT WASHINGTON	11050
21GP	RIO, HR		RD 1	CENTRAL SQUARE	13036
21NR	ROSIER, G	LITTLE LOVE TOYS & THINGS	17029 GULF RD	HOLLEY	14470
21NN	SCHMIDT, LL	SCHMIDT'S RABBITRY	6390 GOODRICH RD	CLARENCE CT	14032
21MO	SCIENCE KIT INC		777 EAST PARK DR	TONAWANDA	14150
21CH	SMITH, D & J	DONS RABBITRY	P O BOX 15	WATERLOO	13165
21MH	ST LAWRENCE VALLEY ETV COUNCIL INC.	WNPE-WNPI PUBLIC TELV	PO BOX 114	WATERTOWN	13601
21AR	STUMBO, DL	STUMBO FARMS	O'NEIL RD	LIMA	14485
21BE	THE MARY IMOGENE BASSETT HOSPITAL			COOPERSTOWN	13326
21ES	THOMPSON, C & P	GREENWOOD GAME FARM	RD 1 BOX 166	NEWARK VALLEY	13811
21MQ	TRANS-AMERICAN PET DIST., INC		9811-4TH AVE	BROOKLYN	11209
21FK	VAN WARNER, R & E	RIVER VIEW KENNELS	RD 1 BOX 211	NEW BERLIN	13411
21BY	WARDS NATURAL SCI ESTAB INC		PO BOX 1712	ROCHESTER	14603
21DP	WEBB, F		55 NEW HARTFORD ST	NEW YORK MILLS	13417
21AF	WELLS, EE		BOX 174	SPRINGFIELD CENTER	13468
21BT	ZEEHANDELAAR, FREDERIK		6 SICKLES AVE	NEW ROCHELLE	10801

OHIO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
31A63	BAILEY, ZE		2166 US 68 SOUTH	XENIA	45385
31A39	BAKER, F		6917 SR 56	LEESBURG	45135
3181	BALL, A JR	KIBER LAKE KENNELS	BOX 641	ST. PARIS	43072
31A404	BAZELL, J & T	CHEVINGTON HILLS FARMS	PO BOX 597	LOGAN	43138
3183	BLUE, C	BLUES ANIMAL FARM	16841 ROBINSON RD	PLAIN CITY	43064
31A402	BOWERS, PATRICIA	BOWERS RABBITRY	3-100-78-F	DELTA	43515
31A30	BOWMAN, HH		STAR ROUTE BOX 44	MILLERSBURG	44654
31A277	BROXTERMAN, JA		4214 ZAGAR DR	CINCINNATI	45245
31B260	BURRIER, D&L	LINDAUE KENNEL	R 1	NEW COMERSTOWN	43832
31B98	CARR, GC		4957 RUTHERFORD RD	POWELL	43065
31B329	CLAYTON, L	VARIETY PET	2137 BROADVIEW RD	CLEVELAND	44109
31A373	CLOSE, O	H. HILL SCH. FOR C.DOG	541 ROAD 1041	NOVA	44859
31B346	COLLIER, JE & BR	COLLIER'S RABBITRY	PO BOX 30	CABSTOWN	45812
31B377	COOK, L		434 N FOURTH	TIPP CITY	45371
31A299	COX, FB		6315 S.R. 26 RT 1	LEESBURG	45135
31A230	DAULTON, JE		4578 C.R. 51	GALION	44833
31B328	DIPAINE, P	FINS, FEATHERS & FURRY THINGS	2085 GRAHAM RD	STOW	44224
31B96	DRUM, OL		6454 STATE RD NO. 46	CORTLAND	44410
31B199	DURIGG, WILLIAM		83 SPRAGUE RD	BEREA	44017
31B242	ECHELBARGER, S	LITTLE ACRES KENNEL	1-16858-USA-80	WAUSEON	43567
31B383	FLEMING, RJ	MOJEANS NATURE WORLD	4756 BLUE ROCK ROAD	CINCINNATI	45239
31B170	FORTUNATO, DD		4015 MASSILLON RD	UNIONTOWN	44685
31B382	FOX, KW		20890 ILESBORO RD	LOGAN	43138
31A396	FOX, T C	JEFF'S RABBITRY	16898 STR. 224	DEERFIELD	44411
31B358	FREY SCIENTIFIC CO INC		905 HICKORY LANE	MANSFIELD	44905
31A303	FULLER, E&V	FULLERS KENNELS	RT 2 BOX 286	SHILOH	44878
31A213	GARRETT, WR		8080 KILBY RD	HARRISON	45030
31A140	GENTER, OV		2-3902-19	ARCHBOLD	43502
31A399	GILTZ, LA	WINDWARD WAY FARM	19009 GRILL RD	DOYLESTOWN	44230
31A149	GOTTLIEB, H		284 BRANDTSON AVE	ELYRIA	44035
31B284	GREEN, HW		1859 E HIGH AV	NEW PHILADELPHIA	44663
31A342	GROSS, AJ & V	GROSS'S RABBITRY	7041 TUCK'S LN	HILLSBORO	45133
31A46	GRUBAUGH, R&J		10750 W VERSAILLES RD	COVINGTON	45318
31A323	GUTMAN, H&E	H. & E. RABBITRY	16146 ROCK CREEK RD	THOMPSON	44086
31A339	HABYAN, PJ	BROOKLINE KENNELS	752 HORNING RD	ATWATER	44201
31A345	HARMON, D		684 WOOSTER RD	MT. VERNON	43050
31B32	HEIGHTS PET WORLD INC		4016 MAYFIELD RD	SOUTH EUCLID	44121
31B100	HERRICK, T & D	BEAUMANOR FARMS	9576 MULBERRY RD	CHESTERLAND	44026
31A400	HINDMAN, T	HINDMAN'S KENNEL	BOX 708	GNADENHUTTEN	44629
31A150	HONOSHOFSKY, G		946 W. CAPEL RD	GRAFTON	44044
31B406	HONOSHOFSKY, M & D	MI-DEE ACRES	40330 WEBSTER ROAD	LAGRANGE	44050
31B181	HONOSHOFSKY, MJ	WEST RIDGE CAVY RANCH	6804 W RIDGE RD	ELYRIA	44035
31B371	HORNG, M	AMERICAN ASIAN IMPT-EXPT CO	1317 EASTWOOD AVE	MAYFIELD HTS	44124
31A401	JOHNSON, GEORGE		16730 TWP. ROAD 217	MT VICTORY	43340
31B386	KATAKOS, H	THE BIRD NEST PET SHOP	6256 SYLVIA DR	BROOK PARK	44142
31A387	KEMPF, E	KEMPF KENNELS	RR 1	KEY	43549
31A24	KING, B&C	KING'S WHEEL RABBITRY	6086 CAMP RD RT 5	MT VERNON	43050
31B364	KRAHL, HL		2566 WADSWORTH RD	NORTON	44203
31B330	LAKE, A	TWO LAKES CRITTERS	4024 COLBY AVENUE	COLUMBUS	43227
31A35	LANIER, GL & SL		RT 2 BOX 900 DEBBY DR	GALLIPOLIS	45631
31A399	LAWTON, J	LAWTON'S LOPITRY	3870 WARNER ST	MOGADORE	44260
31B154	LOVELAND PET PRODUCTS INC		MONTGOMERY RD	LOVELAND	45140
31A395	MCGINNIS, B		2236 CHARLES	BUCYRUS	44820
31B396	MEDICAL COLLEGE OF OHIO	DIV. OF LAB ANIMAL MED	CS 10008	TOLEDO	43699
31B328	MILLIKEN, G & N	POCKET'S PET SHOP	1420 S. OHIO AVE	WELLSTON	45692
31A300	MODEN, R&M		1-9818-17-S	WAUSEON	43567
31B393	NOTTKE, R	TROPICAL LOVERS AQUARIUM	11786 HARBOUR LITE DR	N ROYALTON	44133
31B336	NUGENT, J	MILFORD AQUARIUM	927C STATE RT. 28	MILFORD	45150
31B18	PETLAND INC		195 N. HICKORY ST	CHILLICOTHE	45601
31A315	PLUMMER, HF	PLUMMERS RABBIT RANCH	RT 4 BOX 648	PEEBLES	45660
31A259	POHLMAN, JM		9930 STITT RD	WHITEHOUSE	43571
31B325	REBER, MK	PET EMPORIUM	4832 BRINTHAVEN	SYLVANIA	43560
31A378	REEDER, RD	TURTLE CREEK FARMS	4507 N REMAR RD	MILLBURY	43447
31A151	RODY, H		BOX 282	SPENCER	44275
31B252	RUEVE, F & C	DRIFTWOOD PET SHOP	3964 N. DIXIE DR	DAYTON	45414
31A286	RUTHERFORD, LC	RUTHERFORD'S RABBITRY	916 OHIO AV	ELMORE	43416
31B228	SAINT LUKE'S HOSPITAL		11311 SHAKER BLVD	CLEVELAND	44104
31B376	SCHLABACH, D	J & J RESEARCH FARMS	1787 MORMAN RD	HAMILTON	45013
31A251	SCHULTZ, SJ		2974 KENNEDY RD	MEDINA	42256
31B142	SEES, RL	TANKS-A-LOT PET STORE	1479 ASTER AVE	AKRON	44301
31B334	SHEETS, D	DON SHEETS RABBITRY	RT 5 BOX 412	CHILLICOTHE	45601
31A343	SMEBY, P & R	CRAWLYKINS KENNELS	36801 RIVIERA RIDGE RD PO BOX	WILLOUGHBY	44094
31B406	SNYDER, C J	CLAY KNOLL KENNEL	7495 ST. RT. 187	MECHANICSBURG	43044
31A269	STADTLANDER,GJ		2981 FROST RD	MANTUA	44255
3184	STERRETT, AW	LABORATORY ANIMALS	2224 SAVOY AVE	AKRON	44305
31A220	STINEHELFER, M	MIKE'S RABBITRY MIKE'S PET SHOP.	426 UNION AVE	BUCYRUS	44820
31A120	STUTZMAN, LE		BOX 41	MT HOPE	44660
31B267	TROUT, S	TROUT'S PETS	5119 RANSON RD	SANDUSKY	44870
31A365	TURPIN, MR. & MRS. ED		RR 2 BOX 248	NEW PARIS	45347
31A291	VILLALOVOS, J		1-5780-16	WAUSEON	43567
31A410	WALLACE, RUTH		4170 DUCHESS ROAD SW	CANTON	44675
31B398	WALLS, V		9085 RADFORD RD	ATHENS	45701
31A370	WENGERD, EJ	MAR-KAY KENNELS	BOX 5	MT HOPE	44660
31B52	WENTE, J	BERT'S PET CT.	3232 GALLIA ST	NEW BOSTON	45662
31B344	WICKHAM, M & D	PETS UNLIMITED	212 CENTER ST	ASHLAND	44805
31B180	WILLOUGHBY, R & J	WILLOUGHBY RABBITRY	3804 S.R. 72 N	SABINA	45169
31A347	WILSON, CJ	CHRIS'S RABBITRY	7521 STAFFORD RD.SW	GREENFIELD	45123
31B365	WILSON, SR., R	SERVICE OF OHIO	12781 BROSIUS RD	GARRETTSVILLE	44231
31B256	WITCHEY, SR., JE	ROLLING VALLEY ANIMAL FARM	9670 NEWTON FALLS RD	RAVENNA	44266

OHIO—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
31B374	WRIGHT, R & M	RED'S PETS & SUPPLY HOUSE	141 OVERMONT SW	MASSILLON	44646
31A256	ZIMMERLY, L		2527 E. MESSNER RD	WOOSTER	44691

OKLAHOMA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
72BZ	ABBOTT, BRUCE		RT 3 BOX 444	STILLWELL	74960
73AS	ABLES, G & J	JODY'S POODLE PARLOR	BOX 504	LINDSAY	73052
73CE	ADCOCK, G & C	G & C KENNEL	RT 2 BOX 1194	LOCUST GROVE	74352
73AA317	ANDERSON, OJ		RT 2 BOX 94	HULBERT	74441
73AA381	BACK, J & K	K'S KENNEL	RR 1	ADAIR	74330
73AA398	BACK, V & R		RT 1	ADAIR	74330
73AA270	BAILEY, T & J	HIDDEN VALLEY KENNELS	RT 2 BOX 109F	HULBERT	74441
73AA274	BAKER, H & T		RT 3	EUFAULA	74432
73BR	BARNETT, CE	PINETREE KENNELS	RT 5 PLEASANT VIEW	PONCA CITY	74601
73AA327	BAUER, F & M		RR 1 BOX 199	MIAMI	74354
73AA214	BELLOWS, JL		RR L BOX 104	FARGO	73840
73AA272	BENSON, EC	BAREFOOT ACRES KENNELS	RT 2 BOX 445	BRISTOW	74010
73AA397	BENSON, J		RT 1	RALSTON	74650
73AA39	BENNET, D		515 N SEMINOLE	CLAREMORE	74104
73AA286	BRADY, S	BRADY KENNELS	STAR ROUTE	EVANSVILLE	72729
73AA162	BRANTLEY, J		RT 2 BOX 471	SALINA	74365
73AA188	BUCHANAN, J	J & J KENNELS	316 N MAIN	MEDFORD	73759
73AA179	BULLOCK, R	BULLOCK'S HILLTOP KENNEL	RT 2 BOX 549	BRISTOW	74010
73AA145	BURGESS, W	WAYNE BURGESS KENNEL	RT 1 BOX 134	BOKCHITO	74726
73AA336	BURNETT, RUTH		RT 1	MEAD	73449
73AA117	BURNS, ON		RT 1 BOX 317	CLAREMORE	74017
73AA344	BUTLER, G		RT 1 BOX 248	QUAPAW	74363
73AA289	CALDWELL, E & L	CALDWELLS ROUND MTN. KENNEL	RT 2 BOX 1041	SAND SPRINGS	74063
73AA301	CALDWELL, HE & SA	WOODCREST KENNEL	RR 2 BOX 1040	SAND SPRINGS	74063
73AA185	CALLICOAT, K		RT 5	ATOKA	74525
73AA219	CALLISON, R		RT. 2 BOX 102	PRYOR	74361
73AA384	CAMPBELL, J.O. JR.	CAMPBELL'S KENNELS	RT 2 BOX 52	SPIRO	74959
73AA01	CARTER, MJ		RT 7 BOX 346	CLAREMORE	74017
73AA159	CHAPMAN, EK		RT 2 BOX 88	PONCA CITY	74601
73AA394	CLOUD, CATHERINE		RT 1	BLUEJACKET	74333
73AA101	COLLINS, CE	RED HILL KENNEL	PO BOX 551	ELK CITY	73644
73AA318	COOMBES, P	MI-PAW KENNELS	RT 3 BOX 196D	MIAMI	74354
73AA328	COOPER, EDMUND M		RT 1 BOX 701	COPAN	74022
73AA226	COULTER, F & M	COULTER'S KENNEL	RT 1 BOX 70D	COLAGAH	74053
73AA173	CURL, CBR	3-C KENNELS	R 1 BOX 220	VINITA	74301
73AA338	DANIEL, PEGGY	DANIEL'S CHOWS	336 N BELL PO BOX 252	VINITA	74301
73AA113	DAVIS, MRS. M L		2112 W MAPLE	COLLINSVILLE	74021
73AA328	DAVIS, S		RT 1 BOX 21	BEAVER	73932
73AA240	DEBUSE, W & S	MARSHIRE KENNELS	RT 2 BOX 662	TISHOMINGO	73460
73AY	DECHANT, A	DECHANT'S LUV-A PET	ROUTE 2 BOX 449	GROVE	74344
73AA74	DEFOOR, NP & GN		RT 4	ATOKA	74525
73AA118	DESAUTELL, MR	LADY'S CIRCLE D	STAR RT 2	PRYOR	74361
73AA318	DEXTER, MJ & ROUNTREE, H		320 IVANHOE	PERRY	73077
73AA311	DIXON, C		RT 1 BOX 239	MIAMI	74354
73AA157	DOCKERY, G	DOC'S DOGS	430 S MORROW	DRUMRIGHT	74030
73AA190	DRY, MRS C	DRY'S POODLE SHOP	221 LAKE MURRAY DRIVE	ARDMORE	73401
73AA221	DRYDEN S & RYAN S	SKYLINE ACRES KENNELS	12709 TEAKWOOD	EDMOND	73034
73AA182	DUBOIS, H		BOX 5	SALINA	74365
73AA180	DUBOIS, R		STAR RT 2	SPAVINAW	74366
73AA144	DUGAN, N & R		RT 2 BOX 309	PONCA CITY	74601
73AA36	ELSBERRY, T	STONY ACRES KENNELS	RT 2 BOX 153A	CHOUTEAU	74337
73AA280	ERWIN, LH	STILLWATER ANIMAL CLINIC	PO BOX 1126	STILLWATER	74074
73AA325	EVANS, P		RT 4	ATOKA	74525
73AA339	FAIRBANKS, P & J		BOX 97	KANSAS	74347
73AA321	FERGUSON, G		RT 1 BOX 63	VINITA	74301
73AA57	FOBES, AA	FOBES KENNELS	RT 1 BOX 255	BRISTOW	74010
73AA232	FUSTON, C	CHARLES FUSTON KENNEL	RT. 1 BOX 89A	ANTLERS	74523
73AA92	GAHAGAN, NC		RT 3 BOX 53R	DUNCAN	73533
73AA323	GLENN, S		RT 1	JAY	
73AA290	GORDON, H & T		710 E TAHLEQUAH	VINITA	74301
73AA285	GRAY, M		RT 1	MCALESTER	74501
73AA84	GRAYBILL, EJ		RT 1 BOX 21	CAMERON	74932
73AA115	GRIFFITH, JH	CIRCLE G KENNELS	RT. 3 BOX 576	PRYOR	74361
73AA03	GRIGSBY, ML	MARY'S KENNELS	512 A ST SW	MIAMI	74354
73AA195	GUTHRIE, K	GUTHRIE'S KENNELS	P.O. BOX 445	PRYOR	74361
73AA210	HALL, DL & ME	TRA MAR	RT 3 BOX 369	COLLINSVILLE	74021
73AA263	HANSCHE, BR	HANSCHE KENNELS	RR1 BOX 219AA	RAMONA	74061
73AI	HARDING, J		RT 3 BOX 237N	SEMINOLE	74868
73AA309	HARDY, J & M	SANDYHILL KENNELS	RR 3 BOX 131	WOODWARD	73801
73AA197	HARPER, S		RT 1	INDIANOLA	74442
73AA142	HARRIS, G		RT 1 BOX 591	COOKSON	74427
73AA41	HARRIS, L		911 S DEWEY	WAGONER	74467
73AA237	HAWTHORNE, E & M	HAWTHORNE'S CASTLE FARM KENNELS.	RT 1 BOX 117	RED OAK	74563
73AA182	HEREFORD M & HEATHERLY F		RT 2	NOWATA	74048
73BX	HESS, S	HESS NOR-SAN KENNELS	RT 1 BOX 1289	OWASSO	74055
73AA304	HICKS, JAMES	PIT BULL KENNELS UKC	STAR ROUTE 1 BOX 4	EUCHA	74342
73AA320	HOFFNER, P	SHADY LANE KENNELS	RT 3 BOX 127	WOODWARD	73801
73AR	HOLMAN, R	ROCKY-COR KENNELS	RT 1	ROCKY	73661
73AA228	HOPKINS, CW		RT 1 BOX 704	COPAN	74022
73AU	HORNOK, EC	COVENTRY FORGE KENNELS	RD 2	INOLA	74036
73AA78	HORTON, M		R1 BOX 64	BOKCHITO	74726

OKLAHOMA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
73AA102	HOWELL, L		RT. 2	CORDELL	73632
73AA225	HOWELL, TL		917 MAPLE	ALVA	73717
73AA131	HUNT, L		R 1 BOX 176	DEWEY	74029
73AA277	INGE, CF	SUNSET HILL KENNEL	R 1 BOX 105	SPIRO	74959
73AA238	JAMES, J		RT. 1 BOX 118	WELCH	74369
73AA234	JENSON, N&C	JENSON'S KENNELS	306 E. ZULKEY	SALLISAW	74955
73AA305	JOHNSON, G		BOX 623	WESTVILLE	74965
73AA283	JOHNSON, L	WAG-UN TAILS KENNEL	908 SO. MISSOURI	WAYNOKA	73860
73AA72	JOHNSON, O		RT 2 BOX 94	OKMULGEE	74447
73AA167	JONES, RL	COTTONWOOD KENNEL	423 N BROAD	GUTHRIE	73044
73BT	JSR INC	ANIMAL HOUSE LTD.	7124 SO MEMORIAL	TULSA	74133
73AA204	KASPAREK, GM	KASPAREK'S KENNELS	RR 1	BURLINGTON	73722
73BF	KEESEE, J	K' KENNEL	809 E IRIS	HOBART	73651
73AA47	KIDDY, LA		2116 SALLIE	MUSKOGEE	74401
73BN	KISSELBURG, R & E	KISSELBURGS KENNELS	STAR RT BOX 180	VIAN	74962
73AA341	KLEEMAN, H & J		RT 2 BOX 104	RT 2 BOX 104	74361
73AA261	KNOTT, J & G	LAZY K KENNEL	ROUTE 2, BOX 342	LOCUST GROVE	74352
73AA303	KOON, K & D		704 E. TAHLEQUAH	VINITA	74301
73AA293	KORTHALS, L		RT 2 BOX 240	CHOUTEAU	77664
73AA337	LANE, NORRIS		RT 2	ATOKA	74525
73AA315	LANGSTON, BJ	BABE'S KENNEL	RT 2 BOX 457	SALINA	74365
73AP	LANGSTON, S	LANGSTON'S PUPPY RANCH	STAR RT E PO BOX 339	LOCUST GROVE	74352
73AA76	LAWSON, OE	SONNY'S OODLES OF POODLES	214 WEST STONEWALL	MCALESTER	74501
73BI	LINK, H W	AQUARIUM INTERIORS	5619 N WESTERN	OKLAHOMA CITY	73118
73AA282	LOCKRIDGE, J&S		7306 S. 33 W. AVE	TULSA	74132
73BD	LYND, IB	LYND ENTERPRISES	STAR ROUTE A BOX 95C	SKIATOOK	74070
73AA276	MANN, J & D		RT 1	BLUEJACKET	74333
73AA332	MARTIN, MARIE		RT 1 BOX 99	COLCORD	74338
73AA297	MASS, D		RT 1 BOX 95	SPIRO	74959
73AA335	MAYES, J & B		RT 2	VINITA	74301
73AA73	MCANULTY, MRS. C J		BOX 267	LEHIGH	74559
73AA302	MCCLENDON, I		RT 2 BOX 938	CLAREMORE	74017
73AA129	MCCOY, AL	ANNIE DOG PATCH	RT 1 BOX 179A	DRUMRIGHT	74030
73AA322	MCDONALD, WM & J		PO BOX 26	GORE	74435
73AA312	MCGUIRE, W & T		RT 3 BOX 467A	BRISTOW	74010
73AA56	MCLENDON, LA	MCLENDON'S KENNELS	RT 1 BOX 254	BRISTOW	74010
73BO	MERRITT, N		403 WEST BRULE	BUFFALO	73634
73AA276	METHVEN, J P		RT 2 BOX 1042	SAND SPRINGS	74063
73AA242	MILLER, D		1207 WEST KIAMICHI	HUGO	74743
73BW	MILLS, K & S	KEWAYLYN KENNELS & KINDLING	RT 1 BOX 118	ADAIR	74330
73AA218	MOODY, D	MOODY'S BERRYHILL KENNEL	RT 1	DRUMRIGHT	74030
73AA07	MOORE, OJ	KE-BON KENNELS	P.O. BOX 517	HENRYETTA	74437
73AA241	MOORE, WO & P		1005 N. OKLAHOMA	GUYMON	73942
73AA340	MUSTAIN, K & C		STAR RT. 1 BOX 127B	PRYOR	74361
73AA06	NEIL, M		BOX 253	WELCH	74369
73AA174	NEILL, L&A	CLEAR CREEK KENNELS	RT 1 BOX 148	WELCH	74369
73AA75	NORTON, L&H	NORTON KENNELS	ROUTE 1	LANE	74555
73AA286	OVERALL, G & H		137 RANCH DR RR 4	PONCA CITY	74601
73AA251	PARKER, R		RT 2	ATOKA	74525
73AA135	PETERSON, DW		2923 NW 32ND	OKLA CITY	73112
73BB	PIERCE, C&L	CARLOU KENNELS	RT 3 BOX 334	COLLINSVILLE	74021
73CB	PLAIN, V	RED CARPET KENNEL	R.R. E BOX 34A	BEAVER	07392
73AA147	READY, F		HOTEL FRANKLIN BOX 220	MANGUM	73554
73AQ	REESE, MA	REESE'S KENNEL	RT 1 BOX 30	WATTS	74964
73BU	REYNOLDS, M	WILLOW POOL KENNEL	GENERAL DELIVERY	HUGO	74743
73BG	RICHARDS, P		RT. 1 BOX 110	HUGO	74743
73AA200	RICHMOND, W&A		1520 NORTH 68TH EAST AVE	TULSA	74115
73AA150	RILEY, JW	MOMMA KAT CHOW KENNELS	RR1 BOX 125	WAKITA	73771
73CA	ROACH, D K	CRITTERS EXOTIC	512 S. WASHINGTON	STILLWATER	74074
73AA247	ROBERTS, MRS. R. E		RT. 1	SHIDLER	74652
73AA211	ROBERTS, S&S	PEEK-A-BOO KENNELS	RT 2 BOX 7	EUFAULA	74432
73AA34	SARTIN, RD	TSARIN KENNEL	RT 1 BOX 73	SEDAN	67361
73AA296	SCHAEFER, J		RT 1 BOX 71	WELCH	74369
73AA184	SCHMIDT, F, P & S		RT. 2 BOX 1196	LOCUST GROVE	74352
73AA269	SCHROEDER, P		RT 1 BOX 256	PERKINS	74059
73AA271	SCHWEITZER, E		RR 5	VINITA	74301
73AA12	SCISM, M		RT 2 BOX 141	BEGGS	74421
73CC	SELF, JOE & LINDA	JOE'S FISH & PETS PETSHOP	631 SOUTH 9TH	DURANT	74701
73AA256	SHEPHERD, B	H & B STATE LINE KENNEL	RT 2 BOX 70	GAGE	73843
73AA329	SHUMATE, EDITH	ROWDY-O-KENNEL	RT 1 BOX 403B	CLAREMORE	74017
73AA201	SIMPSON, M		STAR ROUTE SOUTH BOX 114D	LOCUST GROVE	74352
73AA331	SIMPSON, VONDA LEE		RT 2 BOX 1054	LOCUTS GROVE	74352
73AA35	SLAPE, P		RT 1 BOX 8	BRAGGS	74423
73BQ	SMITH, L	SMITH'S KENNEL	R)1	WESTVILLE	74965
73AA306	SPEARS, K & R		RT 3 BOX 178	TAHLEQUAH	74474
73AA15	SPRINKLES, L		RT 2 BOX 351	BIXBY	74008
73AA316	STAMBAUGH, M		RT 3 BOX 165	WOODWARD	73801
73AA287	STAMPS, W & M	STAMPS DACHSHUND KENNEL	RT)1 BOX 88A	PRYOR	74361
73AA300	STILES, L & J	PRAIRIE BELL KENNELS	RT 1 BOX 109-C	SPIRO	74959
73AA324	SUMMERS, T & D		RT 2	SILOAM SPRINGS	72761
73AA275	THOMAS, CJ		RT 2 BOX 117	SKIATOOK	74070
73AA148	THOMAS, HM	CALAMITY KENNELS	BOX 614	HOOKER	73945
73AA330	THOMAS, JAMES B	THOMAS HILLTOP KENNELS	R2 BOX 106A	PRYOR	74361
73AA254	THOMAS, S		BOX 53	WELCH	74369
73AA170	THOMASON, A&V	GREEN COUNTRY KENNELS	RT 1 BOX 209	SALLISAW	74955
73BL	THOMASON, LW & D	OAK RIDGE KENNELS	RT 1 BOX 209	SALLISAW	74955
73AA257	THOMPSON, HA		RT 3 BOX 570	BROKEN ARROW	74012
73AA314	TIPPIE, S		1586 S 67 EAST AVE	TULSA	74112
73BE	TUCKER, MRS. L	TIDBITS OF THE TIBET KENNEL	RT 2 BOX 71	ELKHART	67950
73CD	U.S. AQUATICS		2550 W-I-40	OKLAHOMA CITY	73108

OKLAHOMA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
73AA319	VANDERPOOL, A & M	AL'S RABBIT HUT RABBITRY	3031 SW 14TH	OKLAHOMA CITY	73108
73AA90	VIAN, EJ			MUSE	74949
738Y	WALKER, E L		RT. 5 BOX 82C	SHAWNEE	74801
73AA209	WALKER, ED		304 S.E. 2ND	MARIETTA	73448
73AA307	WEATHERSPOON, A		BOX 397	COPAN	74022
73AA191	WEAVER, M		RT 2 BOX 110	PRYOR	74361
73AA89	WEBSTER, EM		BOX 584	BARNSDALL	74002
73AA16	WEEKS, FF		RT 1	WESTVILLE	74965
73AA187	WICKHAM, W		STAR RT. BOX 139	KANSAS	74347
73AA222	WILLIAMS, C	CLARA'S KENNELS	RR 1	FREEDOM	73842
73AA308	WILLYARD, B & V	POOR BOY KENNEL	RT 2 BOX 111H	PRYOR	74361
73AA249	WILMOTH, L & GELVIN, K		RT 1 BOX 387	FAIRLAND	74343
73AA328	WILSEY, CHRIS		RT 1	STILLWELL	74960
73AA284	WISHARD, M		1100 INDUSTRIAL	SAND SPRINGS	74063
73AA233	WOMACK, BEVERLY		RT 1	MORRISON	73061
73AA313	WRIGHT, H & D		BOX 215	WYNONA	74084

OREGON

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
92A48	ADNEY, RR		PO BOX 340	HUBBARD	97032
92A114	ANDERSON, G		89469 FIR BUTTE RD	EUGENE	97402
92A88	APLET, F		39141 GOLDEN VALLEY DR	LEBANON	97355
92221	BAILEY, JL & PK		4716 HWY. 238	JACKSONVILLE	97530
92A71	BARROWCLIFF, ER		RT. 1 BOX 529	HUBBARD	97032
92A147	BLOMQUIST, G		1227 RIFLE RANGE RD	ROSEBURG	97470
92231	BOYD, RA & RC	BOYDS PET SHOP	6540 E BURNSIDE ST	PORTLAND	97215
92A134	BOYER, RN		6231 VENTURA LANE	CENTRAL POINT	97502
92A138	BROWNE, R	BEAU COEUR KENNEL	1695 QUEENS BR. RD	ROGUE RIVER	97537
92A140	BROWNING, J		PO BOX 197	CANYONVILLE	97417
92A166	BUCKHAULTS, MAE		1015 NE KLAMATH AVE	ROSEBURG	97470
92879	BUCKLEY, R & P	PET AND POND	14405 SW PACIFIC HWY	TIGARD	97223
92827	CAMPBELL, S		19700 SO. END RD	OREGON CITY	97045
92A82	CLARK, A&P	UMPQUA KENNELS	STAR RT BOX 120A	UMPQUA	97486
92A166	COLE, SUSANNE K		2460 W IRWIN WAY	EUGENE	97402
92A5	CONNER, BA	MEE JAE KENNELS	2560 KINCAID RD	WILLIAMS	97544
92A32	CONRAD, M	MARCO KENNEL'S	3398 BELLINGER LANE	MEDFORD	97501
92A39	CRAWFORD, PA		6800 RED PRAIRIE RD	SHERIDAN	97378
92A52	CRIST, LE		2160 16TH ST.	BAKER	97814
92A115	CURTIS, JE		11700 HILLCREST	MEDFORD	97501
92A165	DANIELS, M & MAHONEY, S	SAMPICO KENNELS	333 WESTVIEW DRIVE	ROSEBURG	97470
92A155	DAVID, M	LONE PINE KENNELS	1417 NE RIFLE RANGE RD	ROSEBURG	97470
92A159	DICKINSON, BARBARA	FELSPAR KENNELS	15852 RAMSER RD	CENTRAL POINT	97501
92A33	DURRELL, RM	CHERRY HILL KENNEL	2160 AIRPORT RD	PHILOMATH	97370
92A156	EPPER, G	THREE PINE ACRES KENNEL	7211 HUGO RD	GRANTS PASS	97526
92A158	FARMER, D	DIXIES' KENNEL	481 FRANKHAM	GRANTS PASS	97526
92A144	FITHIAN, L E	FITHIANS FERRETS	89591 SUTTON LAKE RD.	FLORENCE	97439
92A148	FUEGAL, J		BOX 231	GRANDE RONDE AGENCY	97347
92844	FULLERTON, H & D	OLD MAC DONALDS FARM	RT 1 BOX 298	SHERIDAN	97378
92A130	GARRETT, MRS. D		2116 HERBERT ST	KLAMATH FALLS	97601
92858	GODFREY, HH	POLLYWOG PETS	85280 HWY 101S	FLORENCE	97439
92A102	GREGORY, L&D	BOX KAI KENNELS	3078 CAPE ARAGO HWY	COOS BAY	97420
92A160	HANNEMAN, MRS	SAUSAGE STABLES	456 E VILLAS RD	CENTRAL POINT	97502
92A7	HANSEN, C	HANSENS KENNEL	1070 LOCKWOOD RD	ROSEBURG	97470
92A169	HANSON, MR. & MRS. DAVID L		65815 BEND - REDMOND HWY	BEND	97701
92A170	HARTLEY, RONALD	RINGO ROCK RANCH	27642 S RINGO RD	MULINO	97042
92A133	HERTEL, V & C	VANNER RABBITRY	RT. 2 BOX 239-H	FOREST GROVE	97116
92560	HICKEY, JW		36320 HWY 34	LEBANON	97355
92A36	HOWLETT, GJ	ROSE-ROGUE KENNEL	3835 CRATER LAKE HWY	MEDFORD	97501
92560	JOHNSON, SL	SCALES & TAILS EXOTIC IMPORTS	9265 SW CARRIAGE WAY	BEAVERTON	97005
92572	JOHNSTON, SJ		312 N. 10TH AVE	CORNELIUS	97113
92A161	JOHNSTON, R & H	ROBLEN KENNELS	4925 TIOGA WAY	CENTRAL POINT	97502
92A141	KEIPER, IF	SHER-PAT KENNELS	SRS BOX 158	SOUTH BEACH	97366
92A150	KEITH, MR & MRS A	ALDEE'S PYGMY GOATS	29706 S GRAYS HILL RD	COLTON	97017
92A80	KILMER, REV	DOUBLE V KENNEL	4888 DELANEY RD SE	SALEM	97302
92A146	KING, B		176 DEVON DR	GRANTS PASS	97526
92A84	KIRKPATRICK, MC	LE-PEUPLE'S TOY POODLES	288 CRESTVIEW LOOP	GRANTS PASS	97526
92A121	KOLB, CH & M	FIR TREE RABBITRY	25126 SW GAGE RD	WILSONVILLE	97070
92A69	KRAMER, D	PUR-FECT CAT HAVEN	2312 S PACIFIC HWY	TALENT	97540
92A149	KRUSE, P		505 PECO RD	GRANTS PASS	97526
92566	LACKEY, C	RON DEL KENNELS	9350 SO PACIFIC HWY	MEDFORD	97501
92A16	LAMBERT, M	MARY LAMBERT KENNEL	470 CALIFORNIA AVE	GRANTS PASS	97526
92565	LARSON, JL	JAN'S RABBITS	4876 VALLEY VIEW RD. SE	TURNER	97392
92A171	LINDGREN, BARBARA	LINDGREN KENNEL	8466 ANTELOPE ROAD	EAGLE POINT	97524
92A164	LIVELY, S	NO-NAME KENNEL	SOUTH MYRTLE RT BOX 206	MYRTLE CREEK	97457
92877	LIVINGSTON, S & V	BUDS BUNNY RANCH	3362 CORDON RD NE	SALEM	97303
92881	LONG, L & H	LIL' CRITTERS	312 E FIRST	NEWBERG	97132
92A109	LYMAN, PBF		2286 PINEGROVE RD	ROGUE RIVER	97537
92A67	MARTIN, PE		989 TOLMAN CREEK RD	ASHLAND	97520
92A167	MCCUBBINS, FRANK	GLACIER SPRINGS FARM	43474 AMES CREEK DR	SWEET HOME	97386
92A131	MCDONALD, D	TRIPLE TALISMAN KENNEL	1001 BARLYNN	MEDFORD	97501
92A61	MESSINGER, FD	WEEPING BIRCH KENNEL	PO BOX 191	TALENT	97540
92A145	MEZA, M	MY-O-KENNELS	12234 SUMMIT LOOP SE	TURNER	97392
92567	MILHOAN, ML	ROGUELAND KENNEL	1272 GIBSON RD	CENTRAL POINT	97502
92539	MILLER, PA	ALOHA KENNEL & CATTERY	2525 NW CORNELIUS PASS RD	HILLSBORO	97123
92A168	MINEAR, DOROTHY		123 ROSEWOOD	GRANTS PASS	97526
92847	MOL ENTERPRISES, INC		PO BOX 25348	PORTLAND	97225
92563	MONARCH SEED & FEED CO	BIG Y GARDEN CENTER	1948 N. PACIFIC HWY.	MEDFORD	97501
92A39	NELSON, DJ	BREANN KENNEL	TOKETEE RT. BOX 67A	IDLEYLD PARK	97447

OREGON—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
92A157	NICHOLS, C & W	OAK CREEK KENNELS	11232 N. UMPQUA HWY	ROSEBURG	97470
92B76	PAUL, C & B	NORTHWEST PET SUPPLY	PO 305	BORING	97009
92B13	PINNEY, R	PINNEYS KENNEL	6702 WESTSIDE ROAD	CAVE JUNCTION	97523
92A152	POTTER, S & B		38080 RICHARDSON GAP RD	SCIO	97374
92B24	RAMSEY, BI	RABBIT RESOURCES	41045 MCKENZIE HWY	SPRINGFIELD	97477
92A129	RANDLES, MRS. Z		118 S. HILLTOP RD	TALENT	97540
92A93	RINEAR, R&M		11500 REDWOOD HWY PO BOX 282	WILDERVILLE	97543
92A122	ROBERTS, S & PIAZZA, K	HIGH OAKS KENNEL	RT.3 BOX 3967 B	ROSEBURG	97470
92A143	SCHAECHER, C & G	GAY-LEN'S EROTIC FELINE FARM	10715 SE ORIENT DR	BORING	97009
92B75	SCHROEDER, DJ & HURD, B	BISON-TEN-YAL FARMS	485 W. 12TH	JUNCTION CITY	97448
92B11	SHERWOOD, CL	SHERWOOD KENNELS	8421 CAROLINA DRIVE	CENTRAL POINT	97502
92B78	SHIMANOFF, LT COL & A	ADELE'S ADORABLES	3490 SO RIVER RD	GRANTS PASS	97526
92A138	SILVA, M & F	SILVA'S HALF PINE RABBITRY	12411 S.E. STEELE ST	PORTLAND	97236
92A113	SMART, J&E	SMART'S KENNEL	PO BOX 91	KENO	97627
92A106	SMID, H & E		69472 DEMMING RD	ELMIRA	97437
92A62	SMITH, WD JR	SMITH KENNELS	39943 ALMEN DR	LEBANON	97355
92B68	SPIVEY, MA&L	MT RUEBEN KENNELS	BOX 112 MT. REUBEN RD	GLENDALE	97442
92A127	STANIFORTH, S & D	ALPEN HAUS KENNELS	202 E. HILLTOP RD	TALENT	97540
92A96	STEWART, JM	PEKING DRAGON RANCH	5715 BEAGLE RD	CENTRAL POINT	97502
92A36	STOUT, FM	SUNDRIFT RANCH	RT 1 BOX 172	ALSEA	97324
92A72	SULLIVAN, C&N	SULLY'S BOARDING - GROOMING KENNELS	7901 WASHBURN WAY	KLAMATH FALLS	97601
92A120	THOMAS, PJ	NICKLE MT. KENNEL	PO BOX 422	RIDDLE	97469
92A85	WALKER, NL		404 SANDSTONE LN.	COOS BAY	97420
92A123	WARD, MH		PO BOX 149	GOLD HILL	97525
92A154	WEBER, MR & MRS F	DEERGARDEN FARMS	RT 2 BOX 1230 NE 365TH	CORBETT	97019
92A162	WENCH, J & J	J WENCH AND ASSOCIATES	2035 AUBURN STREET	KLAMATH FALLS	97601
92B74	WEST COAST PET SUPPLY INC	SAFARI PETS & SUPPLY INC.	1420 LLOYD CT	PORTLAND	97232
92B34	WHITESIDE, J & L	HAMSTER FACTORY	RFD 2 BOX 448M	MOLALLA	97038
92A2	WILLIAMS, J	LAUREL ACRES KENNEL	9980 BLACKWELL RD	CENTRAL POINT	97502
92A1	WILSON, RD	WILLOGLEN KENNEL	34080 ADLER LANE	CRESWELL	97426
92B83	WIRTH, M & R		RT 4 BOX 1884	GRESHAM	97030
92A153	WIT, KATHERINE		7085 RED PRAIRE RD	SHERIDAN RD	97379
92B82	WRIGHT, GEORGE & KERRI	WRIGHT FAMILY FARMS, INC.	RT 1 BOX 98	KINGS VALLEY	97370
92B80	YUNGKANS, R & N	FOXEY FERN	1067 SUNCREST	TALENT	97540

PENNSYLVANIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
23DY	ACE ANIMALS INC		RD 1 P.O. BOX 122	BOYERTOWN	19512
23A37	ALLGYER, S&R		RD 1 BOX 329	GAP	17527
23A95	BAILY, J & KOWALSKE, D	JEN DA CAN RABBITRY	RD 1	BOALSBURG	16827
23AT	BENDER, S&A		STAR ROUTE	SPRINGS	15562
23CL	BIO-MEDICAL ASSOCIATES, INC		PO BOX 46	FRIEDENSBURG	17933
23GG	BLACK'S LIVESTOCK INC.		BOX 226	SKIPPACK	19474
23GH	BLANTZ, G E	VALLEY VIEW KENNEL	RD 1 BOX 645-B	ANNVILLE	17003
23DL	BRENNEMAN, S		RD 1 BOX 304	SALISBURY	15558
23BL	BUCKSHIRE CORPORATION		2025 RIDGE RD	PERKASIE	18944
23A108	BURKHOLDER, PAUL M.		RD 4 BOX 878	EPHRATA	17522
23GJ	CABLE, LARRY	LA-MAR KENNELS	RD 2 BOX 197	BROOKVILLE	15825
23EA	CANNON, GE	CANNON FARMS	PO BOX 3627	READING	19605
23GA	CLARK, BRUCE JR.		BOX 284 RD 11	SCOTTDALE	15683
23GB	COCALICO WOODCHUCK FARMS		BOX 157A RD 1 WHITEHALL RD	REINHOLDS	17569
23A54	CUTRELL, O		R 1 BOX 254A	SCOTTDALE	15683
23A1	DEPTA, MA		R.D. 11	SCOTTSDALE	15683
23FP	DONEY, S&A	STEPHANIE'S RABBITRY	RD 1 BOX 83	SMITHTON	15479
23A100	DUHON, F		BOX 119	CHESTNUT	15422
23CH	DUTCHLAND LAB ANIMALS, INC		BOX 139-A SWAMPBRIDGE RD	DENVER	17517
23A35	EILER, HH		441 E NEW CASTLE ST	ZELIENOPLE	16063
23BJ	ESPOSITO, S	QUAKER FARM KENNELS	RD 1 BOX 137A	QUAKERTOWN	18951
23A67	FABER, U	FABER'S RABBITRY	RD 3	HONEY BROOK	19344
23EX	FEDERATED MEDICAL RESOURCES		RD 2 BOX 74	HONEY BROOK	19344
23EJ	FERGUSON, RW	FERGUSON'S RESEARCH SUPPLY	RD 4	DOYLESTOWN	18901
23GK	FISANICK, M	KUDDLY K-9 KENNEL'S	RD 1 BOX 52AA	PATTON	16668
23A76	FOEKS, AR & CR	LOWER BURRELL 15068	209 MILLERS LANE	LOWER BURREL	15068
23A88	FORD & WESSNER, INC.	VINELAND CANINE CENTER	RD2 BOX 74	NEW HOPE	18938
23FR	FRYE, H			HOLBROOK	15341
23CO	GINGRICH, H	GINGRICH ANIMAL SUPPLY	RD 1 BOX 435	FREDERICKSBURG	17026
23GI	GOSSERY, H		1 RT 340	GAP	17527
23EU	GREGORY, B	TIMBERLEA KENNELS	RD 1 BOX 519	YORK HAVEN	17370
23GE	HAIDUK, W & SCHOBER, F	EASTERN ANIMAL DISTRIBUTOR	54 WEST MAIN ST	MOUNTVILLE	17554
23BB	HAYCOCK KENNELS INC		APPLE RD RD 4	QUAKERTOWN	18951
23A77	HELF, N		PO BOX 729	QUAKERTOWN	18951
23GD	HERMAN, AM	GROFFDALE KENNEL	RD 3 BOX 714	NEW HOLLAND	17557
23A91	HILLEGAS, LS		BOX 131	KULPSVILLE	19443
23CJ	HILLTOP LAB ANIMALS INC		RD 1 PO BOX 195	SCOTTDALE	15683
23A25	HIX, EK		RD 1 BOX 143A	HAMBURG	19526
23BV	HOCKENBERRY, C	PERRY VALLEY KENNEL		BLAIN	17006
23AJ	HOFFER, W		RD 2	LIGONIER	15658
23A101	HURST, A	SLEEPY HOLLOW KENNELS	BOX 436	EAST EARL	17519
23BM	HUTTON, RB		713 APPLE WAY RD.	ST THOMAS	17252
23A75	KEATON, SA		RD 1 BOX 178	MASONTOWN	15461
23A81	KING, WA		RD 1 BOX 343	WORTHINGTON	16262
23DB	KINSINGER, DS		RD 1 BOX 48	MEYERSDALE	15552
23AJ	KINSINGER, HR		ROUTE 1 BOX 226-A	MEYERSDALE	15552
23AW	KINSINGER, I & A		R 1 BOX 235	MEYERSDALE	15552
23A79	KNEPPER, RS		605 W. USBORN RD	MECHANICSBURG	17055
23FW	KRESSLY, A P	TAMARACK FARMS	BOX 8	LYNNPORT	18061

PENNSYLVANIA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
23A94	LAPP, J K JR	LAPP'S QUALITY PUPPIES	NO. 1 BOX 429	NEW HOLLAND	17557
23A110	LAPP, SAMUEL S		2194 S HARVEST DRIVE	RONKS	17572
23A111	LATTA, N & WITHERS, L	GREEN MEADOWS RABBITRY	5245 LOGANS FERRY	MURRYSVILLE	15668
23A83	LONG, GEORGE & ELIZABETH		RT 2 BOX 180A	ZIONSVILLE	18092
23BZ	LOWREY,JC	DALMATIAN RESEARCH FOUNDATION.	730 WOODBERRY RD	YORK	17403
23A80	LUDWICK, M & D	DEE-MAR RABBITRY & WORM FARM.	BOX 205 A, RT 1	EAST BERLIN	17316
23A69	MADRIGAL, R&D		BOX 110 RD 3	SCHUYLKILL HAVEN	17972
23FU	MCCANN, G		RD2	LEESPORT	19533
23A34	MCCARTHY, JE & CD	MCCARTHY'S COMMERCIAL RABBITRY.	RD 3 BOX 448	CONNEAUT LAKE	16316
23A78	MEADOWCROFT, J		P O BOX 139	CLAYSVILLE	15323
23A49	MISTRETTA, S & E	TWIN MOUNTAIN RABBIT FARM	RR 1 BOX 102B	PALMERTON	18071
23FI	MURPHY, G		RD 1 BOX 248C	VANDERBILT	15486
23A66	NOLT, M		RD 1	EAST EARL	17519
23A58	NOLT'S PONDS INC		3706-12 QUARRY RD	SILVER SPRING	17575
23EY	PEACHEY, EI		RD 2 BOX 291	HUNTINGDON	16652
23EG	PENNABECKER, W	PEN DUTCH LAB ANIMALS	536 S 4TH ST	DENVER	17517
23DQ	PERFECTION BREEDERS, INC		PO BOX 75	DOUGLASSVILLE	19518
23FB	PRICE, DF	FISH DIMENSIONS	358C WHITESTOWN RD	BUTLER	16001
23AY	REICHERT, CF		RD 4 BOX 339	BOYERTOWN	19512
23DO	RESEARCH ANIMALS INC		P.O. BOX 801	BRADDOCK	15104
23A41	RITENOUR, LV		457 REDMORE RD	SO CONNELLSVILLE	15425
23CS	ROCKLAND, INC		P.O. BOX 316	GILBERTSVILLE	19525
23A89	ROEDEL, C		BOX 138 STATE RD	COOPERSBURG	18036
23CC	ROTZ, SK		RD 2	SHIPPENSBURG	17257
23A71	SACKS, L	SACK'S FARM	RD 3	EVANS CITY	16033
23FY	SADLER, S G JR	PUPPY LOVE KENNELS	6034 NASSAU RD	PHILADELPHIA	19151
23E8	SCHILL, GV	THE HOP SHOP	3923 NEW TEXAS RD	PITTSBURGH	15239
23A93	SCHOBER, J	DUTCH HAMSTERS	729 N DUKE ST	LANCASTER	17602
23A83	SHADRON, R		RD 2 BOX 269	LIGONIER	15658
23GC	SHEPPARD, RE	PUPPY PLACE	122 E MAIN ST	LEOLA	17540
23A97	SHIRK, J		RD 1	LEOLA	17540
23CU	SHOWVAKER,GRAHL	BUNNYVILLE FARM	RD 2 BOX 404	LITTLESTOWN	17340
23AF	SMITH, GJ & FERGUSON, R	BEDMINSTER RABBITRY	PO BOX 16	BEDMINSTER	18910
23FN	SMITHKLINE CORP		1500 SPRING GARDEN ST	PHILADELPHIA	19101
23A105	STOLTZFUS, ABE F		1 AMISH ROAD	GAP	17527
23A102	STOLTZFUS, JOHN		102 B N NOLLANDER RD	GORDONVILLE	17529
23BH	THREE SPRINGS KENNEL CO INC		RD 1	BUTLER	16001
23AR	TODD, H		RD 4 BOX 331	BELLE VERNON	15012
23A16	TRINCA, GL	SCIENTIFIC BREEDERS	228 GREEN ST	SELLERSVILLE	18960
23DI	UNRUH, RH	SKIPPACK FARMS		SKIPPACK	19474
23A29	VON NIEDA, A	VON ECHO CATTERY & KENNELS	937 MADISON AVE	READING	19601
23EZ	WALNEY, VW & F	VAL & FRAN'S BUNNY FARM	RD 1 BOX 233A	KENNERDELL	16374
23EL	WEAVER, CZ	SCHOENECK LABS	RD 2	EPHRATA	17522
23A92	WEAVER, D M		600 S MARKET ST	EPHRATA	17522
23A107	WERNER, PAUL		RD 2 BOX 395	MT JOY	17552
23A98	WERTZ, J		BOX 29	STRASBURG	16579
23A88	WHALEN, T		BOX 415 RD 1	BARNESVILLE	18214
23AA	WHITE EAGLE LABS INC		2015 LOWER STATE RD	DOYLESTOWN	18901
23ER	WILBURN, RL		133 MINE ROAD	QUAKERTOWN	18951
23FO	WRIGHT, B&C	WRIGHT'S PLOTT KENNEL	RD 3 BOX 261	DOVER	17315
23A4	YODER, J		421 WOODLAWN AVE	MEYERSDALE	15552
23A106	YODER, K		RT 1 BOX 110	MEYERSDALE	15552
23A73	YODER, M&C		RD 1 BOX 104	GRANTSVILLE	21536
23BI	ZARTMAN, MU	ZARTMAN'S FARMS	355 TOLL GATE RD.	DOUGLASSVILLE	19518
23CE	ZARTMAN, MU	GILBERTSVILLE SALES STABLES	3 TOLL GATE RD	DOUGLASSVILLE	19518
23A96	ZIMMERMAN, A	ZIMMERMAN'S KENNEL	R 2	EAST EARL	17519
23A100	ZIMMERMAN, ALLEN		RD 1 BOX 219	EAST EARL	17519
23A85	ZIMMERMAN, S & S	ZIMMERMAN'S RABBITRY	254 JAMESON PL	READING	19601
23A109	ZIMMERMANN, DAVID M		RD 3 BOX 35	EPHRATA	17522
23A44	ZOOK, A		R 1 BOX 249	MEYERSDALE	15552
23AU	ZOOK, F		R 1 BOX 249	MEYERSDALE	15552

PUERTO RICO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
94B6	ALTURAS DE FLAMBOYAN	SUPER BIRDS PETS	ST. 23 BL. N7	BAYAMON	00619
94B60	ALVARADO, A. E.	MUNDO PECES	CALLE LA TORRE BLG EE NO 18	CAROLINA	00530
94B69	BURES, HECTOR	LA PECERA	MARGINAL 85 FOREST HILLS	BAYAMOS	00918
94B23	CASA AGRICOLA ARECIBO, INC.		CERVANTES NO 50	ARECIBO	00612
94B28	DE VICTORIA, DL	TAINO PET SHOP	CERRO PIO C-30	CAROLINA	00630
94B9	DOMINGUEZ, GR	ARECIBO PET SHOP	312 PEREZ FREYTES ST	AREIBO	00612
94B63	FEBLES-PADILLA, D	BONNEVILLE AQUARIUM	CALLE 39 VV 15	BONNEVILLE HEIGHTS	00625
94A8	FLORES-DIAZ, I	GRANJA LOS NIETUS	BZ 286 BO JAGUAS	GURABU	00658
94B10	FOY, V & TORRES, M	SANTURCE PET & HOBBY SHOP	PONCE DE LEON 1501 STOP 22	SANTURCE	00909
94B56	FUSARO, J	LA JUNGLA AQUARIUM/PET SHOP.	DOMENECH 284	HATO REY	00918
94B34	FUSTER RIVERA, A	EXOTICO	PINERO AVE J286 HYDE PARK	RIO PIEDRAS	00618
94B59	FUSTER, ARTURO	LAKE SIDE PETS	ANISETO DIAZ ST D3	TRUJILLO ALTO	00760
94B49	GARCIA, H L		CALLE LAMELA J157	QUEBRADILLAS	00742
94B44	GEIGEL, LE	ANIMAL WORLD	MAYAQUEZ ST NO 42	HATO REY	00917
94B47	GLOBAL ENTERPRISES	PETERSON PET SUPPLY	P.O. BOX 29821 65TH INF. STA.	RIO PIEDRAS	00929
94B39	GONZALEZ, MP	TROPI-FUANA PET CT	627 VILLA NAVARRA	RIO PIEDRAS	00924
94B52	LEYTE-VIDAL, J	FISH BOWL AND PET SHOP	AVE ESMERALDA 1988	GUAYNABO	00657
94B4	LUZON BERRE, MA	COUNTRY CLUB PET SHOP	GJ-6 COUNTRY CLUB AVE	CAROLINA	00630
94B64	MARQUETTI, ELADIO	EL ACUARIO PET SHOP	DE DIEGO 509	PUERTO NUEVO	00920
94B5	MCFALINE, C	VIEBAY PET SHOP	85 AVE BETANCES HNAS DAVILA	BAYAMON	00619
94A9	MEDINA, JUAN A. FELIX	GRANJA JUSU JAM	PROJECTO CALABAZA BOX 233	YABUCOA	00767

PUERTO RICO—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
94B66	NIEVES, NESTOR A		BARRIO SANTANA 101A	ARECIBO	00612
94B20	PALACIOS, I & ALLONGO, M	ISLA VERDE PET SHOP	PO BOX 1661 HATO REY STA	HATO REY	00919
94B35	PEREIRA, P	PONCE PET CENTER	BARGAIN TWN BLDG L H	PONCE	00731
94B69	PHOEBUS, E & VALERIOTE, M	PRIMATE RECLAMATIONS OF PUERTO RICO	RT 2 BR 505 BO CANDELARIA	LAJAS	00667
94B38	PONCE, RA	ALERS AQUARIUM	DR. JIMENEZ99	MAYA GUEZ	00708
94A4	RAMOS-PEREZ, M		PARCELAS NAVAS CALLED NO. 67	HATO ARRIBA ARECIBO	00612
94B24	RAMOS, DV		BUZON 730 SECTOR CRUZ ALEMAN	TRUJILLO ALTO	00760
94B65	RAUL-MARTINEZ, LUIS	MAYAQUEZ AQUARIUM & PET SHOP	CALLE 11 DE AGOSTO 31A	MAYAQUEZ	00708
94A7	RENTAS, F P	ROBIN RABBIT FARM	PO BOX 5677	CAGUAS	00625
94B54	RIVERA, FJ	CAMPO ACUARIO	RR 3 BUZON 76	SAN SEBASTIAN	00756
94B57	RIVERA, W	MONILLOS Y BOSCIO INC	PO BOX 63	CAGUAS	00625
94B62	RODRIGUEZ, R	RH PET SUPPLY	JARDINES VALENCIANO A-5	JUNCOS	00666
94B56	RODRIGUEZ, W	PUPPY WORLD INC	PO BOX 1905	CAROLINA	00630
94B27	RODRIQUEZ, MG		PO BOX 171	ST JUST	00750
94B67	SAN JOSE SELF SERVICE INC	CASA DEL AGRICULTOR	PARQUE EESO VALLEJO 153	RIO PIEDRAS	00925
94A3	SANCHEZ-COLON, D		BO CALABAZAS BUZON 481-17	YABUCOA	00767
94B22	SANTIAGO, JA	CUTE GROOMING SALON & PET CENTER	1712 PARINA ST	RIO PIEDRAS	00926
94B50	SANTIAGO, O	CASA PURINA & PETS	PO BOX 716	GUAYAMA	00654
94B58	SUAREZ, J	PUERTO RICO PET CENTER	AVE. ITURREGUI MC8	RIO PIEDRAS	00924
9481	SUPER PET CENTER INC		SAN PATRICIO SHOPPING	COVAR	00922
94B43	TELLEZ, F	SUPER FISH AQUARIUM & PET CT	AVE ESMERALDA 196 B	URB PONCE DE LEON, GUAYNABO	00657
94B61	TORRES-MENDEZ, M	CENTRO DEL AGRICULTOR	1 SEVERO ARANA ST	SAN SEBASTIAN	00756
94B46	TORRES, J G		A-5 SAN LUCAS NOTRE DAME	CAGUAS	00625
94B42	VELAZQUEZ, E	CARIBBEAN PETS	BH-24 114ST. JARDINES C. CLUB	CAROLINA	00630

RHODE ISLAND

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
1589	A & K ENTERPRISES INC		RFD 1 SKUNK HILL RD	HOPE VALLEY	02832
1583	BURKE, JL	SHANGRI LA KENNELS	BOX 7103	JOHNSTON	02919
15811	LACHAPELLE, K & MEVNIER, E	LACHAPELLE'S RABBITS	8 LEDGEMONT DRIVE	LINCOLN	02865
1585	RUMFORD AQUARIUM, INC		22 FIRST STREET	EAST PROVIDENCE	02914

SOUTH CAROLINA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
5682	ALEXANDER, WT	A&A PET & SUPPLY DISTRIBUTOR	1208 REYNOLD ST	GREENWOOD	29646
56A15	ASHLEY, L		602 GLENWOOD AVE	ANDERSON	29621
5686	CAROLINA TROP FISH & SUPP INC		R D 2 BOX 613	ORANGEBURG	29115
56B22	CARVER, GREG		RT 3 BOX 664	SPARTANBURG	29301
56A6	COOK, LJ & H	COOK'S RABBITRY	RT 2 BOX 225	BARNWELL	29812
5689	DANN, AL		1500 OLD TOWNE ROAD	CHARLESTON	29407
56B12	DEAN, FW	TRAVELERS REST PET & SUPPLIES	33 HENDERSON DR	TRAVELERS REST	29690
56A11	EAGLESON, EM		E. 730 FLAT ST	ALLENDALE	29810
56B21	FIRESTINE, D D	PET-O-TEL	HWY 501, 450 WATERSIDE DR	MYRTLE BEACH	29577
56B14	GRAHAM, P & F	FRAN GRAHAM FARM	7232 LAKE MARION CIRCLE	COLUMBIA	29204
56A3	HAYES, NW		ROUTE 1	PELION	29123
56A18	KREBS, J & A	ANIMAL FRIENDS	BOX 225	RION	29132
56A13	MCGEE, G	SUMMITT PET FARM	RT 3 BOX 413	LEESVILLE	29070
5685	MEEKS, DR	M & M ZOO	RT 1 BOX 351	WELLFORD	29385
56B18	MEEKS, J	M & M PET FARM & ZOO	RT 1 BOX 354	WELFORD	29385
56A17	MONTGOMERY, JOHN L		RT 2 BOX 367	GROVER	28073
56A16	REEVES, MRS WE		RT 1 BOX 320	RAVENEL	29470
56B20	RIVERS, D	INTERNATIONAL REPTILE EXCHANGE	PO BOX 67	CHESTERFIELD	29709
56B17	SEEGARS, T		RT 1 BOX 63B	FORT LAWN	29714
5683	TERRY, A	ALLEN TERRY'S WILDLIFE PETS	P O BOX 2001	SOUTH GREENWOOD	29646
56A7	VINCENT, FM	VINCENT'S RABBITRY	RT 1 BOX 490	BONNEAU	29431
56A14	WILSON, L	LAREE'S STARR KENNEL	RT 2	STARR	29684

SOUTH DAKOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
46A60	ASSMUS, JR, R		BOX 44	STICKNEX	57375
46A83	BEVERS, R & J		BOX 282 310 W DAKOTA	PIERRE	57501
46A54	BORNS, G		RR 1	DELL RAPIDS	57022
46A63	BRANDNER, J		613 E 2ND ST	REDFIELD	57469
46B16	CAPP, DAVID		RR 1	NISLAND	57762
46A11	CARMODY, S		RR 5	MILLER	57362
46A73	CLEMENS, D & B		RR 1	WAGNER	57360
46A76	CREAMER, DELOUIS		RR 1 BOX 40	CHAMBERLAIN	57325
46A93	DE LANGE, J	DELANGE'S KENNEL		CORSICA	57328
46A26	DECKERT, RJ			MARION	57043
46A52	DITHMER, LM	PASS CREEK KENNELS		WANBLEE	57577
46A46	DOERING, R & S	PONDEROSA KENNELS	RR 3	MITCHELL	57301
46A79	DUBOIS, D & S	KOUNTRY KENNEL	FT 1 BOX 109	DIMOCK	57331
46A88	FELZ, H & B & I		BOX 95	BUFFALO GAP	57722
46A89	FINKBEINER, L		RT 2 BOX 94	ROSCOE	57471
46A35	FISCHER, MRS D	WAPPEN KENNEL		MT VERNON	57363
46A61	FROHREICH, W & B	FROHREICH KENNELS	RT 2 BOX 369	YANKTON	57078

SOUTH DAKOTA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
46A70	GRUENEWALD, D			NEW HOLLAND	57364
46A43	HAMMRICH, C&S	DOGPATCH	RR 2	EUREKA	57437
46A66	HECKENLIABLE, G			FREEMAN	57029
46A89	HOFFMAN, K C	DOCATA KENNELS		HARRISBURG	57032
46A72	HOLLEMAN, L			HARRISON	57344
46A91	IRWIN, P			ARDMORE	57715
46A74	JOHNSON, J & S	SIOUXLAND SHELTIES	RR 1 BOX 43A	BALTIC	47003
46A87	JORGENSON, KL & G	GREENLEAF KENNEL	BOX 66	WAUBAY	57273
46A49	KAUL, K & M	KATHYS KLIP KORRAL	1125 KENNEL DR	RAPID CITY	57701
46A57	KLEIN, R			STICKNEY	57375
46A76	KLEIN, W		RR 1	STICKNEY	57375
46A37	KOENIG, W	LAURA KOENIG PUG KENNEL	RR 2	CARTER	57526
46A84	KRANZ, D & S	DAKOTA KENNELS	RT 1 BOX 17C	VOLGA	57071
46A69	LAUBACH, D&P	ROYAL LINE KENNELS	RR 3 BOX 83	ABERDEEN	57401
46A60	LUND, LILY		RR 1 BOX 34	CARTHAGE	47323
46A71	MURNEKE, E & G			HARRISON	57344
46A77	MYER, SHIRLEY		121 N CHILMAN	MITCHELL	57301
46A85	OPITZ, H & S	LAKE AREA KENNEL	RT 1	EDEN	57232
46B13	OVERWEG, M			NEW HOLLAND	57364
46A67	PEACOCK, M	PEACOCK'S KENNELS	BOX 486	WILMOT	57279
46A18	PEKAREK, JM			HIGHMORE	57345
46A86	PETERSEN, M & S		RFD 1 BOX 28	HURLEY	57036
46A88	PFEIFLE, D & L	PFEIFLE'S KENNELS	BOX 139 R 1	EUREKA	57437
46A83	POWER, R		259 WISCONSIN NW	HURON	57350
46A68	PRINS, D K		RR 1	CLEAR LAKE	57226
46A94	PUTZIER, H & S		6324 COUNTRY LANE	ABERDEEN	57401
46A90	REYNOLDS, C & B		RR 3 BOX 121	MONTROSE	57048
46A82	SCHNEIDERMAN, J			DAVIS	57021
46A42	SCHOENWALD, GM			SALEM	57058
46B17	SCHULTE, LINDA	LNT CATTERY	RR 1 BOX 14	FREEMAN	57029
46A09	SCHUT, G	HIGGA MEADOWS PUPPY RANCH	RT 1 BOX 240	RAPID CITY	57701
46A29	SLOUKA, NJ		BOX 129	DALLAS	57529
46A96	SOWARDS, K			HAYES	57537
46A21	SPAANS, D		RR 1 BOX 64	STICKNEY	57375
46A59	STELLMACHER, H	SHIRLEY'S WHEEL IN KENNELS	RR 2 BOX 69A	REDFIELD	57469
46A97	STREICH, ARTHUR		3504 LARCH NO. 11	SIOUX FALLS	57106
46B15	STUNES, L & S		913 N GAMBLE	MITCHEL	57301
46A58	SURRELL, A		RT 3, BOX 66	VIBORG	57070
46A81	SWENSON, J & V	HERITAGE KENNELS	RT. 1 BOX 139A	YANKTON	57078
46A44	THOMPSON, LG	THOMPSONS KENNELS	RR1	WINFRED	57076
46A20	TRAVNICEK, R&B	MEADOW BROOK KENNELS	RT 4 BOX 42	DALLAS	57529
46A98	TROUT, R. THOMAS		402 S TYLER	PIERRE	58501
46A75	VANZEE, H & J		BOX 58	HARRISON	57344
46A25	WAGNER, RL	WAGNER'S KENNELS	ROUTE 5	WATERTOWN	57201
46A62	WILSON, M & L		RR 1 BOX 16A	COLUMBIA	57433

TENNESSEE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
63A9	CLEVENGER, LK	TVC PET SUPPLIES	3906 HARRIS RD.	KNOXVILLE	37914
63B13	EADER, M	BIOLOGICS UNLIMITED	1715 TEMPLE AVE	NASHVILLE	37216
63A10	GRABEEL, T		235 N COLLIERVILLE-AR. RD	COLLIERVILLE	38017
63A8	GRAVES, C	CLAY GRAVES RABBITRY	RT. 3 BARKER RD	CORRYTON	37721
63B4	HANCOCK, NB	BIG BELL RANCH-SPRING CREEK RANCH.	2556 POPLAR AVE	MEMPHIS	38112
63B6	HARGROVE, WL	U.S. RESEARCH FARM	151 CUNNINGHAM	MILAN	38358
63BJ	HILL, K & VENABLE, WE	MISTY HILL KENNEL	4703 PLEASANT RIDGE RD	MILLINGTON	38053
63A11	ISBELL, MRS. J		SPRING HILL DR. P.O. BOX 282	WINCHESTER	37398
63B2	JOHNSON, C		RT 10 BOX 275	SPARTA	38583
63B11	LANGLEY, D		RT 5	BROWNSVILLE	38012
63BH	MCDANIEL, DJ	KEN-DORA KENNELS	RT. 2 BOX 431	BRIGHTON	38011
63B8	SHADOW, D		RT 1	WINCHESTER	37398
63A1	SHANKLIN, MRS. JH	HILLTOP RABBIT RANCH	MOORESVILLE PIKE RT 6 BOX 66B	COLUMBIA	38401
63B1	SOUTHERN BIOLOGICAL SUPPLY CO		P O BOX 66	MCKENZIE	38201
63A12	WALLACE, R R	RANDY'S KENNEL		QUEBECK	38579

TEXAS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
74AA297	ACORN RESEARCH LAB		3639 WESTLAKE	AUSTIN	78705
74AA902	ALBRIGHT, E	FLAMES PAMPERED PETS	PO BOX 17636	EL PASO	79917
74AA824	ANDIS, BBV	HIP-O-RANCH KENNELS	RT 1	CLARENDON	79226
74AA211	ANGLEY, MG	ANGLEYS KENNELS	RT 3 BOX 161	BUNA	77612
74AA842	APPLEGATE, RODNEY	WESTSIDE PET SHOP	4033 ELDRIDGE	FT WORTH	76107
74AA439	ARABIYAMA WEST INSTITUTE		PO BOX 856	DILLEY	78017
74AA801	ASHCRAFT, J & C	ASHCRAFT'S RABBIT RANCH	RT 1 BOX 82	BUFFALO	75831
74AA86	BANDY LABORATORIES INC		2114 S 1ST ST	TEMPLE	76501
74AA292	BANKS, J		P.O. BOX 202	EDDY	76524
74AA130	BARGER, ML		RT 1 BOX 171E	DENISON	75020
74BU	BAYLOR COLLEGE OF MEDICINE		1200 MOURSUND AVENUE	HOUSTON	77030
74AA170	BAYNE, DW	BIG TREE ACRE ZOO FARM	1711 CONNORVALE RD.	HOUSTON	77039
74AA834	BEARD, J	J & L RABBIT RANCH	2504 SPENCER ROAD	DENTON	76201
74AA817	BELCHER, W		PO BOX 586	BRACKETTVILLE	78832
74AA120	BELL, JL	HORN-B GAME RANCH	1600 CHRISTINE ST	PAMPA	79065
74AA807	BELLOWS, E		PO BOX 332	BOWIE	76230
74AA845	BLOM, A	AL BLOM RABBITRY	7903 STEBBINS DRIVE	SAN ANTONIO	78240
74AA838	BOYKIN, RUTH	ALTA VISTA KENNEL	PO BOX 582	FALFURRIAS	78355
74AA155	BRACEY, RL		RR	MABANK	75147

TEXAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
74AA418	BROWN, M		RT 5 BOX 349	JACKSONVILLE	75766
74AA416	BROWN, M		RT 5 BOX 350	JACKSONVILLE	75766
74AA412	BRUCE, C & D	BRUCE'S COUNTRY KENNEL	RT 1 BOX 11	MURDAY	76371
74AA425	BRUCE, P & L	VARMITS 'N' THINGS	14121 BURTCLIFF	HOUSTON	77080
74AA298	BUSBY, D	HICKORY HILL RABBITRY	RT. 1 BOX 195	FLINT	75762
74AA432	BUSSELL, J L	BUSSELL'S BUNNEY BARN	RT 2 BOX 84	GARLAND	75040
74AA245	CAREY, J & K	CAREY'S RABBITRY	BOX 67	ROPESVILLE	79358
74AA290	CHANG, E		PO BOX 20731	HOUSTON	77019
74AA12	CITY OF LUBBOCK		PO BOX 2000	LUBBOCK	79457
74AA78	CLARK, C & BEARD, P	BRUSHY CREEK RABBITRY AND CAVIARY.	202 WILLIS AVENUE	YOAKUM	77995
74AA303	COREY, R & G	COREY'S CRITTER FARM	RT 2 BOX 699 A	CONROE	77302
74AA296	CUNNINGHAM, D		STAR RT 1-A BOX 376	DRIPPING SPRINGS	78620
74LD	DAVIS, LT		2500 W MORTON ST	DENISON	75020
74AA441	DEATON, HERB	FIN FEATHER & FUR	PO BOX 1032	SILSBEE	77656
74AA428	DOZIER, OE JR	K & S RABBIT RANCH	12A SMITHVILLE	SUGARLAND	77478
74AA229	ELLIOTT, H	PINE FOREST KENNEL	4125 LAKEVIEW CUTOFF	VIDOR	77662
74AA5	EVRIDGE, J	JOE EVRIDGE ANIMALS	RT 3 BOX 209	COMANCHE	76442
74AA427	FILLIP, WILLIAM JR	PETS, ETC.	2936 PALMER HWY	TEXAS CITY	77590
74AA440	GARZA, AL S	WESTSIDE FEED STORE	516 NORTH ZARZAMORA STREET	SAN ANTONIO	78207
74AA15	GENTRY'S INC	GENTRY'S GDN CTR & PET SHOP	PO BOX 2629	LAREDO	78041
74AA242	GIGLIOTTI M & BERLIN G	EXOTIC WATERHOLE	30019 ROSEBUD	MAGNOLIA	77355
74AA249	GLASCO L & BROWN J	PINE BEE KENNELS	RT 1 BOX 207	HAWKINS	75765
74AA443	GRAHAM, C & L	WOLF CREEK RABBITRY	RT 2 BOX 228-B	PALESTINE	75801
74AA426	GRAY, JUDY		617 HIGH SCHOOL	SEAGOVILLE	75159
74AA160	GREEN, RM		P.O. BOX 31	BANGS	76823
74AA110	H & L SALES COMPANY	PATIO RANCH	PO BOX 21100	SAN ANTONIO	78221
74AA294	HAILEY, R	WHISPERING PINES RABBIT FARM.	RT. 11 BOX 160CD	TYLER	75708
74AA37	HANDL, CJ	K-9 KENNEL & HORSE CARE CENTER.	RT 11,BOX 159A	LUBBOCK	79407
74AA123	HARRIS, DM		2511 FT WORTH HWY	WEATHERFORD	76086
74AA306	HIPS, VM	EXOTIC BIRDS	16240 SAN PEDRO	SAN ANTONIO	78232
74AA252	HORTON, R	CHARLOTTE'S PET SHOP	11031 ODETTE AVE	DALLAS	75228
74AA217	HUDDLESTON, R&N		1034 19TH NW	PARIS	75460
74AA405	JONES, EMMETT	TRIPLE J RANCH	BOX 128	DOBBIN	77333
74AA140	KEETON, OG	K&K KENNELS	RT 2 BOX 169	LUBBOCK	79415
74AA88	KIRBY, AH	KIRBY K-9 KENNEL	120 N ELM	PERRYTON	79070
74AA133	LAMKIN, M	LAMKIN WILDLIFE COMPANY	2522 N. BOLTON	AMARILLO	79107
74AA267	LARABELL, J	JDL RABBITRY	RT 5, BOX 1186	BURLESON	76028
74AA235	LEE, M	D & M KENNELS	RT 2 BOX 51A	NEW BOSTON	75570
74AA9	LOCKE, OM		PO BOX 731	NEW BRAUNFELS	78130
74AA299	LODEN, W	LODEN'S KENNEL	BOX 25 PEARL STAR RT	GATESVILLE	76528
74AA429	LOTT, J & J	J & J RABBITRY	PO BOX 737	BASTROP	78602
74JM	MARKHAM, R L	HIGH PLAINS LAB. ANIMALS	BOX 7	CANYON	79015
74AA400	MARSHALL, W & L	L & W BREEDING FARMS	PO BOX 462	ANGLETON	77515
74AA421	MATTHES, RUSSELL		1811 MERLIN	BAY CITY	77414
74AA40	MECOM, JW	MECOM RANCH WILDLIFE PRESERVE.	PO BOX 2986	HOUSTON	77001
74AA232	MITCHELL, L		RT 6 BOX 549A	TEXARKANA	75501
74A104	MOORMAN, LJ	BRADY CREEK RANCH	2002 N 8 C BUILDING	SAN ANTONIO	78205
74AA239	MORGAN, E&R		PO BOX 63	CARROLLTON	75006
74AA139	NEWSON, HR	NEWSOM'S VARMINTS THINGS	13018 KALTENBRUN RD	HOUSTON	77066
74AA94	NICHOLS, R	RAY NICHOLS RABBITRY	1380 W. WALTON RD	LUMBERTON	77656
74AA185	PENA, T	BIG SKY KENNELS	PO BOX 5455	AMARILLO	79107
74AA141	PENN, P	PENN ACRES RANCH	RT 1 NO. 20 HILL COUNTRY RANCH.	WIMBERLY	78676
74AA262	PENNY, C		RT 1 BOX 78	GATESVILLE	76528
74AA202	PET SHOP & BIRD CLINIC, INC		3116 SMITH	HOUSTON	77006
74AA145	PETSICK, J		BOX 634	COMANCHE	76442
74AA231	PIRKEY, DW		RT 2 BOX 311	DE KALB	75559
74AA423	POWELL, RAYFORD & JEWELL	JEWELL'S GREEN HOUSES	4113 COMMERCIAL	SAN ANTONIO	78221
74AA233	PRINCE, L		1011 WINGO RESERVE RD	FARENS	79838
74AA42	RANA LABORATORIES		P O BOX 3103	BROWNSVILLE	78520
74AA415	REEVES, H		6510 BROADWAY	AMARILLO	79108
74AA190	RHOTEN, RT	REX-EM-KENNELS	10 N KOOPMAN	PHILLIPS	78071
74AA413	RICHARDSON, B	BONNIE RICHARDSON WILDLIFE	10196 CORRAN	KINGSVILLE	78363
74AA419	ROBBINS, G	ROBBINS KENNELS	PO BOX 388	GOLDTHWAITE	76844
74AA255	SALMON, B & M	COTTONWOOD KENNELS	BRICE ROUTE	CLARENDON	79226
74AA85	SCHREINER III, C	Y O RANCH	YO RANCH	MT HOME	78058
74AA81	SHANDE, KE	KANINE KOIFFURES	3555 NO LAMAR E119	AUSTIN	78751
74AA439	SHATTO, DA	PETS UNLIMITED	1430 W MORTON ST	DENISON	75020
74AA274	SHERBURN, J & HAGAN, T	SOUTHWEST RESEARCH ANIMALS	P.O. BOX 10485	FT WORTH	76114
74AA29	SLOVAK, R	RICH GLO LAB ANIMALS	RT 2 BOX 161A	EL CAMPO	77437
74AA237	SMITH, C	SUNNY ACRES RABBITRY	RT 19 BOX 508	TYLER	75706
74AA422	SMITH, G.H.	HAWK'S HARE HAVEN	RT 1 BOX 10	MCCOY	78053
74AA105	SMITH,T	VERDE VALLEY RANCH	1ST NAT'L BANK BLDG. SUITE 320.	HOUSTON	77002
74AA254	SMOKE RISE FARM, INC		2901 W. 6TH ST., SUITE E	FT WORTH	76107
74AA409	SORENSEN, A	SOMEDAY FARMS	ROUTE 2 BOX 107	ANNA	75003
74AA309	SORET, T	SORET ANIMAL AND BIRD FARM	780 RIO GRANDE	EAGLE PASS	78852
74AA424	STALLING, MRS HENRY	STALLING KENNELS	RT 5 BOX 84	JACKSONVILLE	75766
74AA435	STARLING, CURTIS	STARLING FLYING SQUIRREL RANCH.	PO BOX 8	NECHES	75779
74AA188	STILLMEADOW, INC		9825 TOWN PARK DR	HOUSTON	77036
74AA411	STINNETT, R	STINNETT MONKEY FARM	650 SPRINGDALE	VIDOR	77662
74AA162	STOWER, MG	BAMBOO PET SHOP	3555 W. LOVER'S LN	DALLAS	75209
74AA61	SW FOUND. FOR RES. & EDUC		P O BOX 28147	SAN ANTONIO	78284
74AA436	THACKER, V		RT. 1	LAKE CREEK	75450
74AA4	THUNDERBIRD KENNEL		7229 BARKER ROAD	EL PASO	79915
74AA3	TROOP, E	TROOPS PET SHOP	BOX 51	BRUNI	78344
74AA403	VARNADO, LM	KENTREE KENNELS	14234 VERA AVE	HUMBLE	77338

TEXAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
74AA7	WILD ANIMALS, INC		P O BOX 220	LORENA	76655
74AA98	WALKER G & SCHOO J	G & J FARMS	ROUTE 2	JONESBORO	76538
74AA158	WALKER, ER		1302 W 16TH ST	AMARILLO	79102
74AA101	WATERS, D	WATERS RANCH	BOX 131	MOUNTAIN HOME	78058
74AA247	WATERS, M	TRIPLE M KENNEL	STAR RT. BOX 78	LORENZO	79343
74AA31	WEBB, HE	B&W TROPICAL FISH & SUPPLY CENTER.	3520 25TH ST	PORT ARTHUR	77640
74AA431	WEEKS, GAIL		BOX 98	PREMONT	78375
74AA293	WELSH, J	ARIAMINE KENNELS	P.O. BOX 35	WARREN	77562
74AA437	WENK, TED		PO BOX 17882	AUSTIN	78760
74AA381	WEST, S G	S & G KENNEL	RT 4	HEREFORD	79045
74AA18	WHEELER, PMB	CAMP COOLEY RANCH	RT 3	FRANKLIN	77856
74AA388	WHITLOCK, AL	EXOTIC CAT HAVEN	1310 N TEXAS ST	ODESSA	79761
74AA291	WIDNER, P		RT. 1 BOX 299	ENNIS	75119
74AA351	WILEY, CB	WILEY & SONS EXOTIC GAME RANCH.	RT. 1 BOX 96	WILLS POINT	75169
74AA414	ZINCKY, A	A-Z WILDLIFE RANCH	RT 2	VALLEY MILLS	76689

UTAH

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
87S1	ALLISON, CL & E	ALLISON KENNELS	3902 W 9000 SO	WEST JORDAN	84084
87A11	CHOULES, EA	LAB ANIMAL PRODUCTS	1085 S MCCLELLAND ST	SALT LAKE CITY,	84105
87A6	HILL, GF	S KIMO KENNELS	235 EAST 12900 SO	DRAPER	84020
87A9	WHITE, GS	THE RABBIT TREE	PO BOX 452	PEOA	84061

VIRGINIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
52B15	CHANDLER, WR		RT 1 BOX 426 B	MECHANICSVILLE	23111
52AG	CORELL, JC	OLD DOMINION CAVY FARM	RT 1 BOX 213	WAYNESBORO	22980
52AAD	CRUTCHFIELD, LW	GREEN SHADOWS CATTERY	RD 1 BOX 176	PALMYRA	22963
52BJ	DAVIS-DECK, W	ROANOKE PET CENTER AND AQUARIUM.	PO DRAWER 12545	ROANOKE	24027
52A17	DUNCAN, J F	LEGACY FARM	RT 1 BOX 7	LOVETTSVILLE	22080
52DJ	ENVIRONMENTAL CONSULTANTS INC.		1022 W.34TH ST	NORFOLK	23516
52B16	FARMER ENTERPRISES LTD	PARADISE FISH AND PET SHOP	RT 3 BOX 320	HILLSVILLE	24343
52B16	FARMER ENTERPRISES LTD	PARADISE FISH & PET SHOP	ROUTE 3	HILLSVILLE	24343
52DL	FLOW LABORATORIES INC		7655 OLD SPRINGHOUSE RD	MCLEAN	22102
52AE	HALEY, J	HALEY FARM	RT 2 BOX 61	HURT	24563
52B17	HAYNES, CC SR	HAYNE'S RABBITRY	STAR ROUTE, BOX 111	LOCUST GROVE	22508
52AD	HAZLETON RESEARCH ANIMALS INC		9200 LEESBURG TURNPIKE	VIENNA	22180
52BA11	HUTCHISON, CW		2810 DENISON RD	RICHMOND	23231
52A15	KIRBY, M		RT 2 BOX 286	MAX MEADOWS	24360
52BA	LEACH, NE	LEACH KENNELS	RT 3 BOX 70	CHASE CITY	23924
52A16	MANN, R	AMERICAN SMALL ANIMAL FARM	6900 GRAVES RL	ETTRICK	23803
52DN	MID-ATLANTIC PET DIST.,INC		PO BOX 1286 5418 PORT ROYAL RD.	SPRINGFIELD	22151
52B14	RAY, JR		100 ROCK RD. RT. 611	DUBLIN	24084
52BV	ROY, ML	ROY'S RABBITRY	RT. 2 BOX 109	WARRENTON	22186
52AW	SCHMIDT, E	SPRING VALLEY FARM		HOWARDSVILLE	24562
52B19	SMITH, J B	S & S RABBITRY	13800 N. ENON CH. RD.	CHESTER	23831
52AI	STINSON, E & D	STINSON'S RABBITRY	GENERAL DELIVERY	MINE RUN	22568
52A18	SWANE, D	EAST COAST RABBITRY	RD 1 BOX 119	RHOADESVILLE	22542
52BG	TURNER, RW & TURLEY, DG	CLOVERDALE ANIMAL SUPPLY	17401 HULL ST ROAD	MOSELEY	23120
52BH	WILMOTH, WE	SNAKES AND THINGS LTD	PO BOX 476	MONETA	24121
52B18	WORLD SAFARI, INC		953 N. FREDERICK ST.	ARLINGTON	22205
52BA9	ZAZZARETTI, FS	BEECHWOOD RABBITRY	BOX 54	CLAREMONT	23899

VERMONT

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
13B24	ALEXANDER, W		RFD 3	BRATTLEBORO	05301
13A86	BLAIR, ARTHUR		64 1/2 SEYMOUR ST	MIDDLEBURY	05753
13A84	CARBONNEAU, SJ		BOX 836	BARRE	05641
13A61	CARLSON, C		PO BOX 172	PUTNEY	03546
13B35	CLOUGH, E		RFD 4	ENOSBURG	05450
13A62	HAHN, J & BUTCHELDER, V	ROARING BROOK FARM		BRADFORD	05033
13A36	JONES, A		BOX 94	CASTLETON	05735
13B23	LAMOILLE LAND FL. & SALVAGE	LAMOILLE KENNELS	BOX 224 RT 2	MORRISVILLE	05661
13A49	LAMPHERE, L	PEACEFUL ACRES RABBITRY	RFD1	LOWELL	05847
13B30	LAROSE, J		77 EASTERN AVE	RICHFORD	05476
13A15	MAYHEW, HR		98 PARK ST	RUTLAND	05701
13A58	MCELROY, S & D	SEV'S RABBIT RANCH	BOX 29,VALLEY RD.	LOWELL	05847
13B28	MENDEZ, MANUEL ROBERT	BUNNY HOP FARM	RFD 1	E HARDWICK	05836
13A60	MOULTON, V		PO BOX 107 RT 17	NEWHAVEN	05472
13B27	NIGHTINGALE, W	PINE ACRES RABBITRY	LEE RD. BOX 186 RFD 2	WEST BRATTLEBORO	05301
13B9	PARADIS, R		BOX 100	ENOSBURG FALLS	05450
13B19	PLUMMER, JH & KM	PLUMMERS RABBITRY		GRAFTON	05146
13B26	RANDALL, R		RD 3 BUTTERNUT RIDGE	MIDDLEBURY	05753
13B11	REYNOLDS, D		RD 1	CAMBRIDGE	05444
13A65	REYNOLDS, MORTON		RFD 2	MILTON	05468
13A22	SKINNER, M		BOX 563	ST ALBANS	05260
13A41	SPAULDING, CA		19 UNDERHILL RD	BELLOWS FALLS	05101
13A24	SUDOL, T & J		RD 2	ENOSBURG	05450
13A63	SWEET, E		RFD 2	ENOSBURG	05450

VERMONT—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
13B22	TUZZO, R	THE RABBIT HUTCH	RFD 1	ST JOHNSBURY	05819
13B13	WESTON, FA	CIRCLE W RABBITRY	RFD 1 BOX 137	UNDERHILL	05489
13B29	WETHERBY, OLA	RAILSIDE RABBITRY	79 EASTERN AVE	RICHFORD	05476

WASHINGTON

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
91B19	ANDERSON, RJ	R&R RABBITRY	20003 24TH N.W.	STANWOOD	98292
91A33	ANDERST, J & L	WALDEN WEST	870 W HIGHWAY 20	COUPEVILLE	98239
91B22	AVI-CULT CORPORATION		P.O. BOX 571	DUVALL	98019
91A26	BREESE, C	WASHINGTON PET FARM	8116 176TH ST E	PUYALLUP	98371
91A10	BUTTERFIELD, G	BUTTERFIELD'S TOY KENNELS	2308 COOK HILL RD	CENTRALIA	98531
91A24	CARLMAS, M & R	CARLMAS RABBITRY	27545 48TH SO	AUBURN	98002
91B16	CITY OF CLARKSTON	ANIMAL SHELTER	830-6TH ST	CLARKSTON	99403
91B5	CITY OF COLFAX		P O BOX 229	COLFAX	99111
91B1	COLLEGE BIOLOGICAL SUPPLY, INC		21707 BOTHELL WAY	BOTHELL	98011
91B6	COWAN, HD	SHOWLINE BEAGLES	18015 140TH AVENUE SE	RENTON	98055
91B21	DEWITT, E & K	REDMOND KENNELS	20515 NE UNION HILL RD	REDMOND	98052
91A18	DRY, RL & MF	EVERGREEN CAVIES	RT 3 BOX 74	COLBERT	99005
91B15	DRYKE, CH	SUNNYDELL KENNELS	RT 6 BOX 275	SEQUIM	98382
91A32	DYSON'S HAMSTERS AND GERBELS	DYSON'D HAMSTERS AND GERBELS.	23828 7TH AVE. WEST	BOTHELL	98011
91B25	FORD, TIM	SOUTH WHIDBEY RABBITRY	2986 E GUIGLEY ROAD	LANGLEY	98260
91B24	HALLER, GLENN		3506 E 120TH ST	TACOMA	98446
91A31	HARRIS, H & M	HBARH LLAMAS	2701 176TH E	TACOMA	98445
91B20	HATCH, R	HATCH CO.	P.O. BOX 157	LANGLEY	98260
91A27	HAUSER, E	HAUSER'S EXOTIC FELIAC FARM	14622 NE 99 STREET	VANCOUVER	98662
91A22	HENDERSHOT, A & P	THE RABBIT HUTCH	15000 CASCADIAN WAY	LYNNWOOD	98036
91A21	JORGENSEN, A	TRIPLE J RANCH	23404 NE 8TH	REDMOND	98052
91B18	LOTZE, P & J	WINEBURG KENNELS	RT 2 BOX 304	COLVILLE	99114
91B3	MASON, GH	MASONS NORTHWEST RABBITRY	5112 21ST NE	PUYALLUP	98371
91A28	MCBAIN, E		28838 18TH AVE SO	FEDERAL WAY	98003
91B10	MOERY, WR	CASCADE KENNELS	8425 208TH AVE. N.E.	REDMOND	98052
91A23	OLSON, K	OLSON'S HAMSTERS	5621 204TH SWA	LYNNWOOD	98036
91A17	OUR PEOPLE'S COOP		1625 5TH ST	CLARKSTON	99403
91A30	ROWBOTHAM, M	WINDWARD FARM	RT 4 BOX 191	ELLENSBURG	98926
91A19	STARNS, T & S	COUGAR MT. BREEDING CMPD & SANC.	19835 LONGMIRE RD. SE	YELM	98597
91A34	THOMSEN, M & J	MORRISON RANCH	BOX 185	QUINCY	98848
91B11	TOWN OF COLTON		706 BROADWAY	COLTON	99113
91A14	VEITENHEIMER, C	CA-JI SHEPHERDS	RT 1 BOX 116	COLBERT	99005
91A5	WACENSKE, LR	PINEHILL KENNEL	RT 1	CHATTAROY	99003

WISCONSIN

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
35B2	ANDERSON, W		ROUTE 2	RICHLAND	53581
35B41	BARTHMAN, V & K	HAY VALLEY GAME FARM	RT 1	CLEAR LAKE	54005
35A64	BOEHM, RA	MOOSE LAKE WILDLIFE SANCTUARY.	RT 4 BOX 124	HAYWARD	54843
35A120	BOHL, C	LAZY-LANE KENNELS	PO BOX 269 RT 1	GRESHAM	54128
35A129	BOUDWIN, S & FISCHER, L	SUPERIOR KENNELS	RT 1 BOX 163E	ASHLAND	54800
35A122	BUCK, A	BUCK'S BUNNIES	R 2	HAYWARD	54843
35A137	BUSSIAN, AMY		RT 2 BOX 91	CLINTONVILLE	54929
35B28	CZARNECKI, RA	SOUTH MILWAUKEE PET CENTER	907 MILWAUKEE AVE	SOUTH MILWAUKEE	53172
35A135	DAHL, A		R 2 BOX 88	CLEAR LAKE	54005
35A77	DAUL, DR		RT 1	LUXEMBURG	54217
35A139	EBERT, V		R 2 BOX 102	CLINTONVILLE	54929
35A112	ERTEL, G & D	ZAHY DEE ZHEE KENNEL	R1 BOX 146A	HILLPOINT	53937
35B36	EVANS, J&B	MERRY HILL KENNEL	RT 1 4256 HWY TT	SUN PRAIRIE	53590
35A136	FARKAS, AGNES	MOQUAH GOLDEN KENNELS	R 3	ASHLAND	54806
35A127	FERKEY, A		RT 2 W2281 10 MILE AVE	WISCONSIN RAPIDS	54494
35B17	FORSTHAUS KENNELS, INC		R 1 BOX 65	MILLADORE	54454
35B42	GRASKA BIOLOGICAL SUPPLIES, INC		6750 HIGHWAY 21	OMRO	54963
35A111	HALL, L		RT 1 BOX 207B	DRESSER	54009
35A97	HALVERSON, RD		R 1 BOX 64	DODGEVILLE	53533
35A128	HATCH, C & J	TIE-TO RANCH	N64 W21040 MILL RD	MENOMONEE FALLS	53051
35A123	HAVENS, C	LITTLE 'H' RANCH	1315 VILAS AVE	MADISON	53715
35B46	HOLUBIW, L		RT 1 BOX 152	BOULDER JUNCTION	54512
35A88	HYDE, D	HYDE RABBITRY	34076 HIDDEN VALLEY DR	DOUSMAN	53118
35B47	JACOBS, LYNNE	WINDE-HILL KENNEL		SHELL LAKE	54871
35A92	KLUBERTANZ, E	KLUBERTANZ'S	1165 HWY 73	EDGERTON	53534
35A80	KNORR, DA	KANANGNARK KENNELS	PO BOX 102	SHEBOYGAN	53081
35A132	KOSTOHRYZ, J		RT 1 BOX 86	BLACK RIVER FALLS	54615
35A93	KREIF, C	RABBIT HILL	N 5588 HWY 84	FREDONIA	53021
35A114	KRETSCHMAN, TJ & HIMSEL, O	HOPPERS UNLIMITED	2019 SUGAR RIVER RD RT 9	VERONA	53593
35A131	LAMBERT, CINDY		RT 1	WARRENS	54666
35B29	LAVEAU, D & S		RT 1	SHELL LAKE	54871
35A130	LAVIGNE, D & J	KOUNTRY KENNELS	12411 52ND ST. S	WISCONSIN RAPIDS	54494
35B31	LEIBEL, D & G	BIRCHWOOD FARM	RT. 2 BOX 713	GRANTSBURG	54840
35A25	LESSER, C&B	LESSER'S RABBITRY	18403 WASHINGTON AVE. HY.20	UNION GROVE	53182
35B39	LEWER, I	CIRCLE (D) KENNELS	RT 5 BOX 38A	MARSHFIELD	54449
35A104	LITTLE, K & D	PUPPY LAND KENNELS	RT. 1 BOX 130	WITHEE	54498
35A115	LOPER, R	MESA KENNELS	RT 2 LOPER RD	SAUK CITY	53583
35A91	LOWE, W		RT 4 BOX 206	BEAVER DAM	53916
35A113	MANECKE, R	RIVERVIEW KENNEL	R 1 BOX 342	RICE LAKE	54868
35B35	MELTON, SM	SHARON'S PUPPYLAND	RT 1 BOX 187A	SPOONER	54801
35A75	MIKULA, I		RT 3	CHETEK	54728

[FR Doc. 81-
BILLING CO

WISCONSIN—Continued

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
35A108	MILLER, E	VALLEY FUR FARM	RT. 2 BOX 125	SPRING VALLEY	54767
35A43	MILLER, J	HILLSIDE KENNEL	RT 3 BOX 201	GREENWOOD	54437
35B43	MOLDENHAUER, B & M	MELBAR KENNELS & CATTERY	RT 2	OSSEO	54758
35A116	MONTAG, E	BLUE SPRUCE KNNLS & GAME RAN.	RR 1	CHILE	54420
35A119	MYERS, B	B.R.A.T KENNELS	RT 1 BOX 42	ARCADIA	54612
35B1	NASCO INTERNATIONAL, INC		901 JANESVILLE AVE	FORT ATKINSON	53538
35A22	O'BRIEN, M		2257 SYENE RD	MADISON	53711
35A105	OLSON, J	KUTE & KUDDLY KENNELS	PO BOX 484	PORTAGE	53901
35B37	PETZ, W & J	SUNNY VALLEY KENNEL	RT 1	SHELL LAKE	54871
35B8	PEUSCHEL, W		13101 N WAUWATOSA RD. 76 W	MEQUON	53092
35A102	PRELIPP, AW		RFD 1	SEYMOUR	54165
35A121	RADDANT, L		RT 1 BOX 55	GRESHAM	54128
35A9	RIDGLAN FARMS, INC		301 WEST MAIN STREET	MT HOREB	53572
35A96	ROBERTSON, WH&L		RT. 2 BOX 116	OGEMA	54459
35A57	ROGGE, E	HAPPY ACRES KENNELS	R 2 BOX 418C	WISCONSIN DELLS	53965
35A82	RUEDINGER, J		ROUTE 1 BOX 70	ARPIN	54410
35B20	SCHOEBEL, LL	FUR & FEATHER GAME FARM	RT 2	NESHKORO	54960
35B33	SCHOEBEL, M		RT 1	NESHKORO	54960
35A3	SKAW, E		RT]1	NEW AUBURN	79604
35B34	SOLIS, E	EL RANCHITO KENNEL	RT 1 BOX 22	HILLPOINT	53937
35B9	STEBANE, ERVIN		WEST 2053 NORTH COUNTY LINE RD.	KAUKAUNA	54130
35A126	STRANGFELD, E & M	MOUND VIEW KENNEL	RR 4 BOX 243	NEILLSVILLE	54456
35B40	TAMEL, JA	GIANT ELM RABBITRY	STAR RT	LILY	54445
35B44	VAASSEN, THOMAS		RR 2 BOX 54	CASSVILLE	53806
35A116	WELLS, M		1018 16ST	MONROE	53566
35A100	WERY, F		RT 4	LUXEMBURG	54217
35A117	WIERSMA, GD		RT 1 BOX 171 A	RANDOLPH	53956
35A134	WILK, K & J		RT 1 BOX 9D	HOLCOMBE	54745
35A133	WINCENTSEN, LINDA		RFD 2 BOX 36A	BIRNAMWOOD	54414

WEST VIRGINIA

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
54A16	ANSELL, W	M&W KENNELS	BOX 162A1 RT 2	MILTON	25541
54A1	BERST, HJ	TOWN HILL RABBITRY	BOX 12	THREE CHURCHES	26765
54B12	BURK, DWIGHT	PETLAND OF HUNTINGTON	932 4TH AVE	HUNTINGTON	25701
54B1	CUSTER, EJ	CUSTER'S KENNELS	1073 MCCOLLOCH ST	WHEELING	26003
54B2	HILL, EF		5071 GUYAN RIVER ROAD	HUNTINGTON	25702

WYOMING

REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
63A1	SANDERS, N	SANDERS KENNELS	BOX 127	LAGRANGE	82221
63A7	SHERARD, AL		BEAR CREEK ROUTE	LA GRANGE	82221

[FR Doc. 81-9775 Filed 3-30-81; 8:45 am]

BILLING CODE 3410-34-C

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federal register

Tuesday
March 31, 1981

Part VI

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Research Facilities

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Research Facilities

The following list is being published to give notice to the public of research facilities curently registered under the Animal Welfare Act (7 U.S.C. 2131 et seq.). Such notice is exempt from the regulatory freeze of February 17, 1981, and does not come under E.O. 12291, since it is not a rule. Therefore, pursuant to the provisions of the Animal Welfare Act and the regulations thereunder (9 CFR Part 2), notice is hereby given that the research facilities listed below are registered under said Act: (Section 8, 80 Stat 351, as amended (7 U.S.C. 2136))

Done at Washington, D.C., this 12th day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

ALASKA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	9601	UNIVERSITY OF ALASKA			COLLEGE	99701

ALABAMA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	645	AUBURN UNIVERSTIY			AUBURN	36830
A	641	SOUTHERN RESEARCH INSTITUTE		2000 NINTH AVE S	BIRMINGHAM	35205
A	6410	THE JIM DANDY CO		P.O. BOX 10887	BIRMINGHAM	35202
A	649	THE UNIVERSITY OF ALABAMA		PO BOX 2846	UNIVERSITY	35486
A	642	TUSKEGEE INSTITUTE			TUSKEGEE	36088
A	644	UNIV OF AL IN BIRMINGHAM		1919 7TH AVE SOUTH	BIRMINGHAM	35233
A	648	UNIVERSITY OF SOUTH ALABAMA		307 GAILLARD BLVD	MOBILE	36688

ARKANSAS

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	713	ANIMAL BEHAVIOR ENTRP INC		4500 ALBERT PIKE	HOT SPRINGS	71901
A	711	UNIVERSITY OF ARKANSAS			FAYETTEVILLE	72701

ARIZONA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	862	ARIZONA STATE UNIVERSITY			TEMPE	85281
A	8613	ARMOUR AND COMPANY	ARMOUR RESEARCH CENTER	15101 N SCOTTSDALE ROAD	SCOTTSDALE	85260
A	8611	BIOMED. RES. & EDUC. PROG.		421 NORTH 18TH ST SUITE 115	PHOENIX	85006
A	865	NORTHERN ARIZONA UNIVERSITY			FLAGSTAFF	86001
A	8612	SAMARITAN HEALTH SERVICES	DESERT SMARITAN HOSPITAL	1410 NORTH 3RD STREET	PHOENIX	85006
A	866	ST. JOSEPH'S HOSP & MED. CTR.		350 W. THOMAS RD.	PHOENIX	85013
A	8610	ST. LUKE'S HOSPITAL MED CTR.		1820 E. POLK	PHOENIX	85006
A	863	UNIVERSITY OF ARIZONA			TUCSON	85721
A	869	W. L. GORE & ASSOCIATES, INC.		1505 N. FOURTH STR. BOX 1389	FLAGSTAFF	86002

CALIFORNIA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	9387	ALLERGAN PHARMACEUTICALS		2525 DUPONT DR.	IRVINE	92664
A	9387	ALPHA GAMMA LABS		160 E. MONTACITO AVE.	SIERRA MADRE	91024
A	93155	ALPHA THERAPEUTIC CORP.		5555 VALLEY BLVD.	LOS ANGELES	90032
A	9356	ALZA CORPORATION		950 PAGE MILL RD.	PALO ALTO	94304
A	93121	AMERICAN EDWARDS LABORATORIES		17221 RED HILL AVE.	SANTA ANA	92705
A	9371	AMERICAN MCGAW		2525 MCGAW AVE.	SANTA ANA	92711
A	93158	ANTIBODIES INCORPORATED		BOX 442	DAVIS	95616
A	9352	APPLIED BIO. SCI. LAB., INC.		8320 SAN FERNANDO RD.	GLENDALE	91201
A	9389	BARLOW HOSPITAL		2000 STADIUM WAY	LOS ANGELES	90026
A	9362	BARNES-HIND PHARMACY, INC.		895 KIFER RD.	SUNNYVALE	94086
A	9374	BECKMAN INSTRUMENTS, INC.		2041 E. LAMBERT RD.	LA HABRA	90631
A	9393	BENTLEY LABORATORIES, INC.		17502 ARMSTRONG AVE.	IRVINE	92705
A	93141	BIO-RAD LABORATORIES		2200 WRIGHT AVE.	RICHMOND	94804
A	9372	BIO-SCIENCE LABORATORIES		7600 TYRONE AVE.	VAN NUYS	91405
A	9395	BIO-TECHNICS LABS., INC.		1139 CRENSHAW BLVD.	LOS ANGELES	90019
A	93106	BUREAU OF PUBLIC HEALTH LAB.		313 N. FIGUEROA ST.	LOS ANGELES	90012
A	9399	C.R. DREW POST-GRAD MED. SCH.		1621 E. 120TH ST.	LOS ANGELES	90059
A	93123	CALBIOCHEM		PO BOX 12087	SAN DIEGO	92112
A	9328	CALIFORNIA INSTITUTE OF TECH.		1201 E CALFI BLVD.	PASADENA	91125
A	9339	CALIFORNIA STATE COLLEGES		5670 WILSHIRE BLVD.	LOS ANGELES	90036
A	9332	CEDARS-SINAI MEDICAL CENTER		8720 BEVERLY BLVD.	LOS ANGELES	90048
A	9330	CHILDREN'S HOSP MEDICAL CTR.		51ST & GROVE STREETS	OAKLAND	94609
A	9311	CHILDRENS HOSP OF LOS ANGELES		4650 SUNSET BLVD.	LOS ANGELES	90027
A	9334	CHLDNS HOSP OF SAN FRANCISCO		P.O. BOX 3805	SAN FRANCISCO	94119
A	937	CITY OF HOPE MEDICAL CENTER		1500 E. DUARTE RD.	DUARTE	91010
A	93126	CLAREMONT MEN'S COLLEGE		11TH & DARTHMOUTH AVENUES	CLAREMONT	91711
A	93144	CLINICAL IMMUNO-DIAGS., INC.		1378-D LOGAN AVE.	COSTA MESA	92626
A	93111	CLMG, INC.		2222 OCEAN VIEW AVENUE	LOS ANGELES	90057
A	93157	COLL OF OSTEOPATH MED/PACIFIC		309 POMONA MALL	EAST POMONA	91766
A	93116	COMPTON COMMUNITY COLLEGE		1111 E. ARTESIA BLVD.	COMPTON	90221
A	9380	CONSUMNES RIVER COLLEGE		8401 CENTER PARKWAY	SACRAMENTO	95823
A	93147	COOPER LABORATORIES INC		455 EAST MIDDLEFIELD RD.	MOUNTAIN VIEW	94043
A	93133	COUNTY OF SAN DIEGO		5565 OVERLAND AVE BLDG. 4	SAN DIEGO	92123
A	93148	CRYOVITA LABS		UNIT 1304 4000 N. PALM ST.	FULLERTON	90242
A	9318	CUTTER LABORATORIES, INC.		4TH & PARKER STS.	BERKELEY	94710
A	93104	DIAGNOSTIC DATE, INC.		518 LOGUE AVE.	MOUNTAIN VIEW	94043
A	93146	DYNAPOL		1454 PAGE MILL RD.	PALO ALTO	94304
A	93161	E-Y LABS, INC.		127 N AMPHLETT	SAN MATEO	94401
A	9394	ENDOCRINE SCIENCES		18418 OXNARD ST.	TARZANA	91356
A	93101	ESTELLE DOHENY EYE FOUNDATION		1355 SAN PABLO ST.	LOS ANGELES	90033
A	93136	FOOTHILL COLLEGE		12345 EL MONTE RD.	LOS ALTOS HILLS	94022
A	93153	GIBBONS & GALLINACEOUS BD CTR.		BOX 93	CHATSWORTH	91311
A	93138	GROSSMONT COMMUNITY COLLEGE		8800 GROSSMONT COLLEGE DR.	EL CAJON	92020
X	9355	HOAG MEM. PRESBYTERIAN HOSP.		301 NEWPORT BLVD.	NEWPORT BEACH	92660

CALIFORNIA—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	0360	HOLLYWOOD PRESBYTERIAN HOSPITAL		1322 N. VERMONT AVE.	LOS ANGELES	90027
A	92163	HUBBS/SEA WORLD RESEARCH INST.		1700 SOUTH SHORES RD	SAN DIEGO	92109
A	92166	HUMAN/DOLPHIN FOUNDATION	MARINE WORLD	BOX 4172	MALIBU	90265
A	0336	HUNTINGTON INST/APLD MED RES		734 FAIRMOUNT AVE.	PASADENA	91105
A	92164	HUTTON, D.	CLONAL RESEARCH LTD.	1602 MONROVIA AVE	NEWPORT BEACH	92663
A	0335	INST MED/RES SANTA CLARA CO.		751 S. BASCOM AVE.	SAN JOSE	95128
A	0317	INSTITUTE OF MEDICAL SCIENCES		2200 WEBSTER ST., RM 310	SAN FRANCISCO	94115
A	92113	INTER SCIENCE INST.		2000 COTNER AVE.	LOS ANGELES	90025
A	0366	INTERNATIONAL MED SYSTEMS LTD		1986 SANTA ANITA AVE.	SOUTH EL MONTE	91733
A	92132	JANUS LABS.		1250 PIONEER WAY	EL CAJON	92020
A	92135	KAISER FOUNDATION HOSPITALS		ORDWAY BLDG.	OAKLAND	94666
A	92109	KEARLEY, D.V.M., EDWARD O.		690 QUINCY RD.	TURLOCK	95380
A	92122	L. PAULING INST. OF SCI & MED.		2700 SAND HILL RD.	MENLO PARK	94025
A	0316	L.A. COUNTY HARBOR GEN. HOSP.		1000 W. CARSON ST.	TORRANCE	90509
A	92165	LA JOLLA CANCER RESEARCH FOUND		2945 SCIENCE PARD RD	LA JOLLA	92037
X	0386	LA VERNE COLLEGE		1950 THIRD ST.	LA VERNE	91750
A	0349	LEE PHARMACEUTICALS		1444 SANTA ANITA AV.	SOUTH EL MONTE	91733
A	92152	LITTLE, JF	FELINE HOME STUDIES	4640 OLNEY ST	SAN DIEGO	92109
A	036	LOMA LINDA UNIVERSITY			LOMA LINDA	92354
A	0353	LOS ANGELES PIERCE COLLEGE		6201 WINNETKA BLVD	WOODLAND HILLS	36413
A	0362	LOYOLA UNIVERSITY		7101 W 80TH ST	LOS ANGELES	90045
A	0356	MEDI-PHYSICS, INC.		5855 CHRISTIE AVE.	EMERYSVILLE	94608
A	0343	MEMORIAL HOSP. OF LONG BEACH		2501 ATLANTIC AVE	LONG BEACH	90806
A	0390	MERCY SAN JUAN HOSPITAL		6501 COYLE AVE.	CARMICHAEL	95608
A	039	MOUNT ZION HOSP. & MED. CTR		1600 DIVISADERO ST	SAN FRANCISCO	94115
A	92117	MT. SAN ANTONIO COLLEGE		1100 N. GRAND AVE.	WALNUT	91789
A	92110	MURPHY, HOWARD F.		400 N. LA COSTA DR.	CARLSBAD	92008
A	0368	NEWPORT PHARM. INTL., INC.		1590 MONROVIA BLVD	NEWPORT BEACH	92660
X	0382	NICHOLS INST./ENDOCRINOLOGY		1300 S. BEACON ST	SAN PEDRO	90731
A	92145	NORTH AMERICAN SCIENCE ASSOC. OF CA., INC.		1582 DERRE AVE.	IRVINE	92714
A	92106	OCCIDENTAL COLLEGE		1600 CAMPUS RD.	LOS ANGELES	90041
A	0345	OLIVE VIEW HOSPITAL		14445 OLIVE VIEW DRIVE	SYLMAR	91342
A	92159	ORTHOPAEDIC HOSPITAL		2400 SO FLOWER ST	LOS ANGELES	90007
A	92166	OXIMETRIC INC.		1212 TERRA BELLA AVE.	MOUNTAIN VIEW	94043
A	0341	PALO ALTO MED. RES. FOUND.		860 BRYANT ST.	PALO ALTO	94301
A	92103	PASADENA CITY COLLEGE		1570 E. COLORADO BLVD.	PASADENA	91106
A	0324	PASADENA FOUND./MEDICAL RES.		99 N. EL MOLINO AVE.	PASADENA	91101
A	0363	PHARMASEAL LABORATORIES		4401 FOXDALE AVE.	IRWINDALE	91706
A	92160	POINT LOMA COLLEGE	ANNEX LABORATORY	3900 LOMALAND DRIVE	SAN DIEGO	92106
A	0364	POMONA COLLEGE			CLAREMONT	91711
A	0366	RADIOSRAY SYSTEMS LAB., INC.		1511 E. DEL AMO BLVD.	CARSON	90746
A	0337	RANCHO LOS AMIGOS HOSP. INC.		7413 GOLONDRINAS ST	DOWNEY	90242
A	92107	RANCHO SANTIAGO COMM COL DIST.		17TH ST AT BRISTOL	SANTA ANA	92706
X	0391	REDKEN LABORATORIES, INC.		14721 CALIFA ST.	VAN NUYS	91401
A	0366	SALK INST. FOR BIO. STUDIES		PO BOX 1809	SAN DIEGO	92112
A	92108	SAN BERNARDINO VALLEY COLLEGE		701 SO. MT. VERNON AVE.	SAN BERNARDINO	92403
X	0383	SAN DIEGO BIO-MED. RES. INST.		2802-1ST AVE. RM 104	SAN DIEGO	92103
A	92124	SAN DIEGO MESA COLLEGE		7250 MESA COLLEGE DR	SAN DIEGO	92111
A	92143	SAN DIEGUITO ANIMAL CARE CTR.		PO BOX 64	RANCHO SANTE FE	92067
A	0347	SANGUM CLINIC RES. FOUND.		2219 BATH ST.	SANTA BARBARA	93102
X	92114	SANTA BARBARA CITY COLLEGE		721 CLIFF DR.	SANTA BARBARA	93109
A	92169	SCIENCE APPLICATIONS, INC.		484 PROSPECT ST P.O. BOX 1454	LAJOLLA	92038
A	0315	SCRIPPS CLINIC & RES. FOUND.		476 PROSPECT ST.	LA JOLLA	92037
A	0313	SHELL DEVELOPMENT COMPANY		P.O. BOX 4248	MODESTO	95353
A	92167	SINCLAIR, E	ALPHA RESEARCH	218 7TH ST	HUNTINGTON BEACH	92648
A	92140	SMITH KLINE INSTRUMENTS, INC.		485 POTRERO AVE	SUNNYVALE	94086
A	92150	SOCIETY OF SCI. CARE, INC.		PO BOX 7535	SAN DIEGO	92107
A	031	SONOMA STATE HOSPITAL			ELDRIDGE	95431
A	92127	SOUTHERN CA COLL OF OPTOMETRY		2001 ASSOCIATED RD	FULLERTON	92681
A	92137	SOUTHERN CA. PERM. MED. GROUP		9985 SIERRA AVE.	FONTANA	92335
A	92130	SOUTHWESTERN COLLEGE		900 OTAY LAKES RD.	CHULA VISTA	92010
A	92118	ST. JOHN'S HOSP. & HEALTH CTR.		1328 22ND ST.	SANTA MONICA	90404
A	0342	ST. MARY'S HOSP. MEDICAL CTR.		2200 HAYES ST.	SAN FRANCISCO	94117
A	0365	STANDARD OIL COMP. OF CA.		576 STANDARD AVE., RM 5201	RICHMOND	94802
A	0326	STANFORD RESEARCH INSTITUTE		333 RAVENSWOOD AVE.	MENLO PARK	94025
A	034	STANFORD UNIVERSITY		STANFORD MEDICAL CTR. LOC30	STANFORD	94305
A	0364	STAR-KIST FOODS, INC.		820 BARRADUCA	TERMINAL ISLAND	90731
A	0325	STATE OF CA/DEPT. OF HEALTH		2151 BERKELEY WAY	BERKELEY	94704
A	0331	STAUFFER CHEMICAL COMPANY		1200 SOUTH 47TH ST	RICHMOND	94804
A	92134	SUMMERS, JOHN E.		4100 HOLLISTER AVE.	CARMICHAEL	95608
A	023	SUTTER COM HOSP OF SACRAMENTO		52ND & F STS.	SACRAMENTO	95816
A	92120	SYLVAN CORNERS VET. HOSPITAL		7548 OLD AUBURN BLVD	CITRUS HEIGHTS	95610
A	0329	SYNTEX (U.S.A.) INC.		3401 HILLVIEW AVE.	PALO ALTO	94304
A	0361	SYVA CORPORATION		3151 PASTEUR DR.	PALO ALTO	94304
A	0373	TERA PHARMACEUTICALS, INC.		6920 STANTON AVE.	BUENA PARK	90621
A	92162	THE GORILLA FOUNDATION		PO BOX 3002	STANFORD	94305
X	035	THE HINE LABORATORIES, INC.		TEHAMA ST.	SAN FRANCISCO	94103
A	0344	THE REGENTS OF THE UNIV OF CA		UNIVERSITY HALL	BERKELEY	94720
A	92154	UNILAB RESEARCH	E S UNILAB RESEARCH, INC.	2800 SEVENTH ST.	BERKELEY	94710
A	92131	UNIVERSITY OF SAN DIEGO		ALCALA PARK	SAN DIEGO	92110
A	0377	UNIVERSITY OF SAN FRANCISCO			SAN FRANCISCO	94117
A	0350	UNIVERSITY OF THE PACIFIC		751 BROOKSIDE RD	STOCKTON	95207
A	0354	VALLEY CHILDNS HOSP & GMD CTR		3151 N. MILLBROOK	FRESNO	93703
X	92129	VASCOR		4633 E. LA PALMA AVE.	ANAHEIM	92807
A	92115	VICTOR VALLEY COLLEGE			VICTORVILLE	92392
A	92109	VITAMINERALS, INC.		1815 FLOWER ST.	GLENDALE	91201
A	0348	WHITE MEMORIAL MEDICAL CENTER		1720 BROOKLYN AVE	LOS ANGELES	90033
A	0367	WHITTIER COLLEGE			WHITTIER	90608
A	92156	WST COL/ALLIED HLTH CAREERS		4000 EL CAMINO AVE	SACRAMENTO	95821
A	0378	YUBA COLLEGE		LINDA & BEALE ROADS	MARYSVILLE	95901
A	92151	ZOOLOGICAL SOC. OF SAN DIEGO		PO BOX 551	SAN DIEGO	92112

COLORADO

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	8432	AMC CANCER RESEARCH CENTER AND HOSPITAL		6401 WEST COLFAX AVE	LAKEWOOD	80214
A	8419	ARAPAHOE COMMUNITY COLLEGE		5900 S. SANTA FE DR	LITTLETON	80120
A	8413	BEL RAE INSTITUTE		9870 E. ALAMEDA AVE	DENVER	80231
A	8430	BIOLOGICAL RES. LABS.		6700 SIMMS AVE	ARVADA	80004
A	8427	CHILDREN'S HOSPITAL		1056 EAST 19TH AVE	DENVER	80218
A	849	CHLDNS ASTHMA RES INST & HOSP		3401 W. 19TH AVE	DENVER	80204
A	8424	COBE LAB./ANIMAL LABORATORIES		1201 OAK ST	LAKEWOOD	80215
A	8412	COLORADO MOUNTAIN COLLEGE			GLENWOOD SPRINGS	81601
A	847	COLORADO SERUM COMP		4950 YORK ST	DENVER	80216
A	843	COLORADO STATE UNIVERSITY			FORT COLLINS	80521
A	8417	COMMUNITY COLLEGE OF DENVER		12900 W SIXTH ST	GOLDEN	80401
A	8416	DENVER DEPT OF HEALTH & HOSP		WEST 8TH AVE. & CHEROKEE ST	DENVER	80204
A	8426	ELARS BIO RESEARCH LAB		225 COMMERCE DR	FORT COLLINS	80521
A	8421	FORT LEWIS COLLEGE			DURANGO	81301
A	8410	MERIDIAN BIO-MEDICAL, INC		3278 S. WADSWORTH	DENVER	80227
A	841	NAT'L JEWISH HOSP		3800 EAST COLFAX AVE	DENVER	80206
A	8423	OTERO JUNIOR COLLEGE		18TH & COLORADO AVE	LA JUNTA	81050
A	8415	PENROSE HOSPITAL		2215 N. CASCADE AVE	COLORADO SPRINGS	80903
A	8420	REGIS COLLEGE		WEST 50TH & LOWELL BLVD	DENVER	80221
A	845	ST. JOSEPH HOSPITAL		1835 FRANKLIN ST	DENVER	80218
A	8414	THE COLORADO COLLEGE			COLORADO SPRINGS	80903
A	848	UNIV OF NORTHERN COLORADO			GREELEY	80631
A	846	UNIVERSITY OF COLORADO			BOULDER	80302
A	8431	VALLEYLAB INC		5920 LONGBOW DR	BOULDER	80301
A	8433	VIPONT CHEMICAL CO		220 EAST OLIVE	FORT COLLINS	80524
A	8429	WESTERN RESEARCH CORP		2300 N. HWY 287, PO BOX 1255	FORT COLLINS	80522
A	8411	WESTERN STATE COLLEGE CO			GUNNISON	81230

CONNECTICUT

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	1629	BOEHRINGER INGELHEIM LTD		90 EAST RIDGE, P.O. BOX 368	RIDGEFIELD	06877
A	1616	CT STATE DEPT OF HEALTH		PO BOX 1689	HARTFORD	06101
A	1623	FAIRFIELD UNIVERSITY			FAIRFIELD	06430
X	169	HAMILTON STANDARD			WINDSOR LOCKS	06096
A	167	HARTFORD HOSPITAL		80 SEYMOUR ST	HARTFORD	06115
A	164	J. B. PIERCE FOUND. OF CT		290 CONGRESS	NEW HAVEN	06519
A	1624	NEW ENGLAND INST., INC.		90 GROVE ST	RIDGEFIELD	06877
A	1626	QUINNIPIAC COLLEGE		555 NEW ROAD	HAMDEN	06518
A	1627	RIBICOFF RESEARCH CENTER		NORWICH HOSPITAL, BOX 508	NORWICH	06360
A	162	ST. FRANCIS HOSP. RES. LAB.		114 WOODLAND ST	HARTFORD	06105
A	1619	ST. MARY'S HOSPITAL		56 FRANKLIN ST	WATERBURY	06702
A	168	THE UNIVERSITY OF CONNECTICUT			STORRS	06268
A	1628	UNITED STATES SURGICAL CORP		106 COMMERCE RD	STAMFORD	06902
A	1625	UNIV OF CT HEALTH CENTER		CENTER FOR LAB ANIMAL CARE	FARMINGTON	06032
X	1611	UNIVERSITY OF HARTFORD		200 BLOOMFIELD AVE	W. HARTFORD	06117
A	161	YALE UNIVERSITY		333 CEDAR ST	NEW HAVEN	06510

DISTRICT OF COLUMBIA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	DC7	AMERICAN UNIVERSITY		MASSACHUSETTS & NEBRASKA AVES.	WASHINGTON	20016
A	DC3	CHILDREN'S HOSP. OF THE D.C.		2125-13TH ST., NW	WASHINGTON	20009
A	DC5	GEORGE WASHINGTON UNIVERSITY			WASHINGTON	20006
A	DC4	GEORGETOWN UNIVERSITY		3900 RESERVOIR RD. N.W.	WASHINGTON	20007
A	DC9	HOWARD UNIVERSITY/COLLEGE OF MEDICINE.		520 W STREET N.W.	WASHINGTON	20059
A	DC2	JACKSON LABORATORIES, INC.		2612-28TH ST NE PO BOX 10238	WASHINGTON	20018
A	DC6	NATL FOOD PROCESSORS ASSN		1133-20TH ST., N.W.	WASHINGTON	20036
A	DC1	WASHINGTON HOSPITAL CENTER		GEORGE HYMAN MEMORIAL RESEARCH	WASHINGTON	20010

DELAWARE

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	509	ALFRED I DU PONT INSTITUTE		ROCKLAND RD	WILMINGTON	19803
A	508	DU PONT EXPERIMENTAL STATION		NEW MURPHY RD	WILMINGTON	19898
A	501	E.I. DUPONT DE NEMOURS & CO.		PO BOX 30	NEWARK	19711
A	503	ICI AMERICAS, INC.		CONCORD PIKE & NEW MURPHY RD.	WILMINGTON	19897
X	505	STERWIN LABORATORIES, INC.		DUPONT HWY	MILLSBORO	19966
A	504	UNIVERSITY OF DELAWARE			NEWARK	19711
X	506	WILMINGTON MEDICAL CTR., INC.		14TH & WASHINGTON STS	WILMINGTON	19899

FLORIDA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	5843	ALL CHILDREN'S HOSPITAL		801 6TH STREET SOUTH	ST PETERSBURG	33701
A	5832	BARRY LABORATORIES, INC.		461 N.E. 27TH ST.	POMPANO BEACH	33064
X	584	BIGGER'S SMALL ANIMAL HOSP.		2933 S. 4 ST.	FORT PIERCE	33450
X	5818	CAPE LABORATORIES, INC.		BOX 81	VENICE	33595
A	5824	CHEMIE HAUS, INC.		160 CONCORD DR.	CASSELBERRY	32707
A	5844	CLEARWATER MARINE SCIENCE CENTER		249 WINDWARD PASSAGE	CLEARWATER	33515
A	5819	CORDIS CORP.		PO BOX 370428	MIAMI	33137

FLORIDA—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	5848	CRITIKON, INC.		1410 NORTH WESTSHORE BOULEVARD.	TAMPA	33607
A	5838	DADE DIV AM HOSP SUPPLY CORP		PO BOX 520672	MIAMI	33152
A	582	DAWSON RESEARCH CORP.		PO BOX 6272	ORLANDO	32809
A	5810	ECKERD COLLEGE		PO BOX 12560	ST. PETERSBURG	33733
A	5826	FL INJURED WILDLIFE SANC. INC.		BOX 280,RT. 1	MELBOURNE	32935
A	5812	FLORIDA A&M UNIV.			TALLAHASSEE	32307
A	5835	FLORIDA ATLANTIC UNIVERSITY			BOCA RATON	33431
A	5820	FLORIDA INST. OF TECHNOLOGY		BOX 1150 COUNTRY CLUB ROAD	MELBOURNE	32901
A	5836	FLORIDA INTERNATIONAL UNIV.		TAMIAMI TRAIL	MIAMI	33199
A	5817	FLORIDA MED. ENTOMOLOGY LAB.		PO BOX 520-OSLO RD.	VERO BEACH	32960
A	581	FLORIDA STATE UNIVERSITY			TALLAHASSEE	32306
A	5827	HOWARD HUGHES MEDICAL INST.		P.O. BOX 330637	COCONUT GROVE	33133
A	5845	INSTITUTE FOR DELPHINID RES.		P.O. BOX DOLPHIN	MARATHON SHORES	33052
A	5831	JACKSON VETERINARY PRACTICE		RFD 5 BOX 9	ST. AUGUSTINE	32084
A	5836	KNOWLES ANIMAL CLINIC		1000 NW 27TH AVE	MIAMI	33125
A	5839	LARY, M.D., BG.		7400 N KENDALL	MIAMI	33156
A	5837	LEO GOODWIN INST FOR CANC RES		3301 COLLEGE	FT. LAUDERDALE	33314
A	5847	LIFE SCIENCES, INC.		1509 49TH STREET SOUTH	ST PETERSBURG	33707
A	5821	MANNHEIMER PRIMATE FOUND.		20255 S.W. 360TH ST.	HOMESTEAD	33030
A	5846	MEDICAL RESEARCH FOUNDATION OF ST. PETERSBURG, INC.		501 11TH ST. N.	ST PETERSBURG	33705
A	5825	MERIEUX INSTITUTE INC.		15990 N.W. 15 AVE.	MIAMI	33169
A	589	MIAMI HEART INSTITUTE		4701 N. MERIDIAN AVE.	MIAMI BEACH	33140
A	5841	MOTE MARINE LABORATORY, INC.		1600 CITY ISLAND PARK	SARASOTA	33577
A	585	MT. SINAI HOSPITAL RES. LAB.		4300 ALTON RD.	MIAMI BEACH	33140
A	5829	N. AMERICAN BIOLOGICALS, INC.		16500 NW 15 AVE.	MIAMI	33169
A	5840	NATIONAL BIOLOGICALS, INC.		13710 49TH STREET NORTH	CLEARWATER	33520
A	5833	PAPANICOLAOU CANCER RES INST.		1155 NW 14TH ST PO BOX 226188	MIAMI	33123
A	5822	ROLLINS COLLEGE			WINTER PARK	32789
A	5834	SANDERS MED. RES. FOUND. INC.		33 SE 3RD ST.	BOCA RATON	33432
A	5842	SHANK, J.		3225 NO ANDREWS AVE.	FT LAUDERDALE	33309
A	5814	SHERWOOD MED INDUSTRIES, INC.		PO BOX 2078	DELAND	32720
A	5823	ST. PETERSBURG JR. COLLEGE		PO BOX 13489	ST. PETERSBURG	33733
A	5830	STATE OF FL, DIV. OF HEALTH		4000 W. BUFFALO AVE.	TAMPA	33614
X	5813	SUNLAND HOSPITAL		PO BOX 3513	ORLANDO	32802
A	5816	UNIV. OF CENTRAL FLORIDA		PO BOX 25000,ALAFAYA TRAIL	ORLANDO	32816
A	583	UNIVERSITY OF FLORIDA		OFFICE OF THE PRESIDENT	GAINESVILLE	32601
A	587	UNIVERSITY OF MIAMI			CORAL GABLES	33124
A	5815	UNIVERSITY OF SOUTH FLORIDA		4202 FOWLER AVE.	TAMPA	33620

GEORGIA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	5713	ATLANTA UNIV. CENTER		360 WESTVIEW DR. SW	ATLANTA	30314
A	573	EMORY UNIVERSITY			ATLANTA	30322
X	579	GEORGIA COLLEGE			MILLEDGEVILLE	31061
A	5710	GEORGIA INST. OF TECHNOLOGY			ATLANTA	30332
A	5712	GEORGIA STATE UNIVERSITY		UNIVERSITY PLAZA	ATLANTA	30303
A	574	MERCER UNIVERSITY SYSTEM			MACON	31207
A	5711	OXFORD CHEMICALS	DIVISION OF CONSOLIDATED FOODS.	PO BOX 80202	ATLANTA	30366
A	576	PALMER CHEM. & EQUIP. CO. INC.		PO BOX 667	DOUGLASVILLE	30134
A	575	UNIVERSITY OF GEORGIA SYSTEM			ATHENS	30601

HAWAII

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	5512	HAWAII DEPT. OF AGRICULTURE		1428 S. KING ST.	HONOLULU	96814
X	656	KUAKINI HOSPITAL & HOME		347 N. KUAKINI ST.	HONOLULU	96817
A	653	QUEEN'S MEDICAL CENTER		PO BOX 861	HONOLULU	96808
A	5511	RES. CORP. OF THE UNIV OF HI.		1110 UNIVERSITY AVE.	HONOLULU	96817
A	657	ST. FRANCIS HOSP RES LAB		2260 LILIKA ST.	HONOLULU	96817
A	652	UNIVERSITY OF HAWAII		PACIFIC BIOMEDICAL RES. CTR.	HONOLULU	96813

IOWA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	4202	COL OF OSTEOPATHIC MED & SURG.		3200 GRAND AVE.	DES MOINES	50312
A	4205	DRAKE UNIVERSITY			DES MOINES	50311
A	4209	FORT DODGE LAB., INC.		800 FIRST ST., N.W.	FORT DODGE	50501
A	4214	GRAND VIEW COLLEGE		1200 GRANDVIEW AVE.	DES MOINES	50316
A	4203	IOWA STATE UNIVERSITY			AMES	50010
A	4211	LUTHER COLLEGE			DECORAH	52101
A	4212	SALSBURY LABORATORIES		2000 ROCKFORD RD.	CHARLES CITY	50616
A	4213	ST. LUKE'S METHODIST HOSP.		1026 A AVENUE NE	CEDAR RAPIDS	52402
A	4201	SYNTEX (U.S.A.), INC.		PO BOX 863	DES MOINES	50304
A	4204	UNIVERSITY OF IOWA			IOWA CITY	52240

IDAHO

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	6201	IDAHO STATE UNIVERSITY			POCATELLO	83201
A	6203	LONG, CO.		101 N. GARDEN ST.	BOISE	83704
A	6204	NORTHWEST NAZARENE COLLEGE			NAMPA	83651
A	6202	UNIVERSITY OF IDAHO			MOSCOW	83843

ILLINOIS

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	3358	A.E. STALEY MFG. CO.		22ND & ELDORADO BLDG] 60	DECATUR	62525
A	3325	ABBOTT LABORATORIES		1400 SHERIDAN RD.	NORTH CHICAGO	60064
A	3315	AMERICAN CAN CO.		4221 S. WESTERN BLVD.	CHICAGO	60609
A	3369	AMERICAN DENTAL ASSOCIATION		211 EAST CHICAGO AVE	CHICAGO	60611
X	331	AMERICAN MEDICAL ASSN.		535 N. DEARBORN ST.	CHICAGO	60610
A	3320	ARGONNE NATIONAL LABORATORY		9700 SOUTH CASS AVE.	ARGONNE	60439
X	3333	ARMOUR PHARMACEUTICAL CO.		US ROUTE 54	BRADLEY	60915
A	3334	ARNAR-STONE LAB.		1600 WAUKEGAN RD.	MCGAW PARK	60085
A	3378	BIOLABS, INC.		2910 MACARTHUR BLVD.	NORTHBROOK	60062
A	3352	BLACKBURN COLLEGE			CARLINVILLE	62626
A	3366	BORDEN INC.		RR 1	ELGIN	60120
A	3359	BRADLEY UNIVERSITY			PEORIA	61606
X	3372	CHICAGO BOARD OF HEALTH		CHICAGO CIVIC CENTER	CHICAGO	60602
A	3316	CHICAGO COLLEGE OF OSTEOPATHY		1122 E. 53 ST.	CHICAGO	60615
X	3374	CHICAGO INST. FOR ANIMAL RES.		4701 W. GRAND AVE.	CHICAGO	60639
A	3327	CHICAGO MEDICAL SCHOOL		5030 W OGDEN AVE	CHICAGO	60612
A	336	CHILDREN'S MEMORIAL HOSPITAL		2300 CHILDREN'S PLAZA	CHICAGO	60614
A	3341	COOK CO. GRAD. SCHOOL OF MED.		707 S. WOOD ST.	CHICAGO	60612
A	3383	DE PAUL UNIVERSITY		1036 W. BELDEN AVE.	CHICAGO	60614
A	3311	EDGEWATER HOSPITAL		5700 N. ASHLAND	CHICAGO	60626
A	3370	ELMHURST COLLEGE			ELMHURST	60126
A	3364	EUREKA COLLEGE		300 E. COLLEGE	EUREKA	61530
A	3313	EVANSTON HOSPITAL		2650 RIDGE AVE.	EVANSTON	60201
A	3328	G.D. SEARLE & CO.		BOX 5110	CHICAGO	60680
A	3331	GENERAL FOODS CORP.		C/O GAINES RES. KENNELS RR 3	ST. ANNE	60964
A	335	GEORGE WILLIAM COLLEGE		555-31ST ST.	DOWNERS GROVE	60515
A	3336	HEKOTOEN INST./COOK CO. HOSP.		627 S. WOOD ST.	CHICAGO	60612
A	338	IIT RESEARCH INST.		10 WEST 35 ST.	CHICAGO	60616
A	3357	IL. DEPT. OF PUBLIC HEALTH		535 W. JEFFERSON ST.	SPRINGFIELD	62706
A	3356	IL. STATE PSYCHIATRIC INST.		1601 W. TAYLOR ST.	CHICAGO 606L	62202
A	3371	ILLINOIS BENEDICTINE COLLEGE			LISLE	60532
A	3345	ILLINOIS INST. OF TECHNOLOGY		3300 S. FEDERAL ST.	CHICAGO	60616
A	333	ILLINOIS STATE UNIVERSITY			NORMAL	61761
A	3353	ILLINOIS WESLEYAN UNIV.			BLOOMINGTON	61701
A	3343	KENDALL RESEARCH CENTER		411 LAKE ZURICH ROAD	BARRINGTON	60010
A	3369	KNOX COLLEGE			GALESBURG	61401
A	3344	KRAFT INC.		801 WAUKEGAN RD.	GLENVIEW	60025
A	3349	LAKE FOREST COLLEGE			LAKE FOREST	60045
A	3384	LARABIDA UNIV OF CHICAGO INST		5801 SOUTH ELLIS AVE.	CHICAGO	60637
A	3385	LOKE-ERICKSON LABS., INC.		112 N. 10TH AVE.	MELROSE PARK	60160
A	3324	LOYOLA UNIVERSITY		1400 S. FIRST AVE.	HINES	60141
A	330	M. REESE HOSP. & MED. CENTER		29 & ELLIS	CHICAGO	60616
A	3387	MEDI-PHYSICS, INC.		3359 NORTH RIDGE AVE.	ARLINGTON HEIGHTS	60004
A	3377	MEMORIAL HOSPITAL		4601 NORTH PARK DR.	BELLEVIEW	62221
A	3347	MERCY HOSPITAL & MEDICAL CTR.		STEVENSON EXPRESS. AT KING DR.	CHICAGO	60616
A	3326	MT. SINAI HOSP. MEDICAL CTR.		CALIFORNIA AVE. AT 15TH ST.	CHICAGO	60608
A	3342	N.M. PERCY MED. RES. FOUND.		411 W. DICKENS	CHICAGO	60612
A	3379	NORTHEASTERN ILLINOIS UNIV.		BRYN MAWR AT ST. LOUIS	CHICAGO	60625
A	3367	NORTHERN ILLINOIS UNIVERSITY			DEKALB	60115
A	3340	NORTHWESTERN UNIVERSITY		616 CLARK ST.	EVANSTON	60201
A	3322	PRESSYTERIAN-ST. LUKE'S HOSP.		1753 W. CONGRESS PARKWAY	CHICAGO	60612
A	3381	QUAKER OATS CO.		617 W. MAIN ST.	BARRINGTON	60010
A	3354	QUINCY COLLEGE			QUINCY	62301
X	334	ROSNER-HODSON LABORATORIES		3570 N. AVONDALE AVE.	CHICAGO	60618
A	3351	SANGAMON STATE UNIVERSITY			SPRINGFIELD	62703
X	3363	SHERMAN HOSPITAL		934 CENTER ST.	ELGIN	60120
A	3375	SLEEPY HOLLOW KENNEL/CATTERY		ROUTE 2, BOX 73	MUNDELEIN	60060
A	3314	SOUTHERN ILLINOIS UNIV.			CARBONDALE	62901
A	3368	SOUTHERN ILLINOIS UNIVERSITY			EDWARDSVILLE	62025
A	3338	ST. FRANCIS HOSPITAL		355 RIDGE AVE.	EVANSTON	60202
A	3348	ST. FRANCIS HOSPITAL		530 NE GLEN OAK AVE.	PEORIA	61603
X	3319	ST. JOHN'S HOSPITAL		1111 N. LINCOLN ST.	SPRINGFIELD	62707
A	3393	TECHNAM, INC.		2405 BOND STREET	PARK FOREST SOUTH	60337
A	3390	TOX MONITOR LAB., INC		112 N 10TH AVE	MELROSE PARK	60160
A	3391	TOXIGENICS INC.		1600 EAST PERSHING RD	DECATUR	62526
A	3323	TRAVENOL LABORATORIES, INC.		6301 LINCOLN AVE.	MORTON GROVE	60053
A	3336	UNIV OF IL AT CHICAGO CIRCLE		2833 UNIVERSITY HALL	CHICAGO	60680
A	3330	UNIVERSITY OF CHICAGO		5801 S. ELLIS AVE.	CHICAGO	60637
A	3318	UNIVERSITY OF ILLINOIS		833 S. WOOD ST.	CHICAGO	60612
A	3329	UNIVERSITY OF ILLINOIS			URBANA	61801
A	3362	WESTERN ILLINOIS UNIVERSITY			MACOMB	61455
A	3388	WHEATON COLLEGE			WHEATON	60187
X	3373	WIDEMAN, FE		1520 7TH ST., SUITE 404	MOLINE	61265
X	3332	WILSON & CO., INC.		4200 S. MARSHFIELD AVE.	CHICAGO	60609

INDIANA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	3221	AMERICAN MONITOR, INC.		5425 W. 84TH ST.	INDIANAPOLIS	46268
A	3211	BALL STATE UNIVERSITY			MUNCIE	47306
A	3210	BUTLER UNIVERSITY		4600 SUNSET	INDIANAPOLIS	46208
A	322	CENTRAL SOYA COMPANY, INC.			DECATUR	46733
X	324	EARLHAM COLLEGE			RICHMOND	47374
A	323	ELI LILLY & CO.		740 S. ALABAMA	INDIANAPOLIS	46206
A	3212	FT. WAYNE SURGICAL ASSOC. INC.		3124 E. STATE BLVD.	FT. WAYNE	46805
A	3223	IMC CHEMICAL GROUP, INC.		PO BOX 207,1331 S. FIRST ST.	TERRE HAUTE	47808
A	3219	INDIANA STATE UNIVERSITY			TERRE HAUTE	47809
A	326	INDIANA UNIVERSITY			BLOOMINGTON	47401
A	3224	LAFAYETTE PHARMACAL, INC.		526 N. EARL AVE.	LAFAYETTE	47902
A	325	MEAD, JOHNSON & COMPANY		2404 PENNSYLVANIA AVE.	EVANSVILLE	47721

INDIANA—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	329	METHODIST HOSP. OF INDIANA INC.		1604 N. CAPITAL AVE.	INDIANAPOLIS	46202
A	3215	MICHIGAN ROAD ANIMAL HOSP.		7720 N. MICHIGAN RD.	INDIANAPOLIS	46268
A	321	MILES LABORATORIES, INC.			ELKHART	46514
A	327	PURDUE UNIVERSITY			LAFAYETTE	47907
A	328	ROSE-HULMAN INC. OF TECH.		5500 WABASH AVE.	TERRE HAUTE	47803
A	3222	ST. VINCENT HOSPITAL		3001 W. 86TH ST.	INDIANAPOLIS	46268
A	3220	TOXICOLOGY/PATHOLOGY SER. INC.		PO BOX 333	MT. VERNON	47620
A	3216	UNIVERSITY OF NOTRE DAME			NOTRE DAME	46556
A	3214	VALPARAISO UNIVERSITY			VALPARAISO	46383
A	3217	WABASH COLLEGE			CRAWFORDSVILLE	47933

KANSAS

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	485	SAYVET CORP.		PO BOX 380	SHAWNEE MISSION	66201
A	4820	BETHEL COLLEGE			NORTH NEWTON	67117
A	4819	CEVA LABORATORIES, INC.		10560 BARKLEY	OVERLAND PARK	66212
A	4811	DOUGLAS PHARMACAL IND., INC.		8906 ROSEHILL RD.	LENEXA	66215
A	4815	EMPORIA STATE UNIVERSITY		1200 COMMERCIAL ST.	EMPORIA	66801
A	4817	FORT HAYS STATE UNIV.			HAYS	67601
A	4810	INTERX RESEARCH CORP.		2201 W. 21 ST.	LAWRENCE	66044
A	4812	JENSEN-SALSBERY LAB.		2000 S. 11TH ST.	KANSAS CITY	66102
A	481	KANSAS STATE UNIVERSITY			MANHATTAN	66502
A	4813	KRUCKENBERG, S.M.		2851 OREGON LANE	MANHATTAN	66502
A	484	MOBAY CHEMICAL CORP.		PO BOX 1930	STILWELL	66085
A	489	PARSONS STATE HOSPITAL			PARSONS	67357
A	4818	PITTSBURG STATE UNIVERSITY		1701 SOUTH BROADWAY	PITTSBURG	66762
A	483	UNIV. OF KANSAS MED. CTR.		RAINBOW BLVD. AT 39TH ST.	KANSAS CITY	66103
A	482	UNIVERSITY OF KANSAS			LAWRENCE	66044
A	4821	WASHBURN UNIVERSITY OF TOPEKA	HENDERSON LEARNING RESOURCE CENTER	1700 COLLEGE	TOPEKA	66621
A	4814	WITCHITA STATE UNIVERBITY		1845 FAIRMOUNT	WICHITA	67208

KENTUCKY

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	815	GOODWILL KENNELS		R5 BOX 109	CYNITUANA	41031
X	813	HARLAN APPALACHIAN REG. HOSP.			HARLAN	40831
A	814	MOREHEAD STATE UNIVERSITY			MOREHEAD	40351
A	812	UNIVERSITY OF KENTUCKY			LEXINGTON	40506
A	811	UNIVERSITY OF LOUISVILLE		101 CHESTNUT	LOUISVILLE	40202

LOUISIANA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	721	ALTON OCHSNER MEDICAL FOUND.		1520 JEFFERSON HWY.	NEW ORLEANS	70121
A	726	GULF SOUTH RES. INSTITUTE		PO BOX 1177	NEW IBERIA	70560
A	7215	HART-DELTA, INC.		5055 CHOCTAW DR.	BATON ROUGE	70805
A	723	LOUISIANA STATE UNIV. SYSTEM			BATON ROUGE	70803
A	7210	LOUISIANA TECH. UNIVERSITY			RUSTON	71270
K	725	LOYOLA SCHOOL OF DENTISTRY		6363 ST. CHARLES AVE.	NEW ORLEANS	70118
A	7213	NICHOLLS STATE UNIVERSITY		BOX 3031 UNIVERSITY STA.	THIBODAUX	70301
A	729	NORTHEAST LOUISIANA UNIV.		4001 DESIARD	MONROE	71201
A	726	NW STATE UNIV. OF LA.			NATCHITOCHES	71457
A	724	TOURO RESEARCH INSTITUTE		1400 FOUCHER ST.	NEW ORLEANS	70115
A	722	TULANE UNIVERSITY			NEW ORLEANS	70118
A	7212	UNIVERSITY OF NEW ORLEANS			NEW ORLEANS	70122
A	727	UNIVERSITY OF SW LOUISIANA			LAFAYETTE	70501
A	7211	XAVIER UNIVERSITY			NEW ORLEANS	70125

MASSACHUSETTS

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	1491	ACKERMAN NUCLEAR INC.		5 DEANGELO DRIVE	BEDFORD	01730
A	145	ARTHUR D. LITTLE, INC.		25 ACORN PARK	CAMBRIDGE	02140
A	141	ASTRA PHARMACEUTICAL PROD INC.		7 1/2 NEPONSET ST.	WORCESTER	01606
A	1426	AVCO EVERETT RESEARCH LAB.		2385 REVERE BEACH PKWY.	EVERETT	02149
A	1473	BECKER JUNIOR COLLEGE		1003 MAIN ST.	LEICESTER	01524
A	1415	BETH ISRAEL HOSPITAL		330 BROOKLINE AVE.	BOSTON	02215
A	1454	BIO-RESEARCH INSTITUTE, INC.		9 COMMERCIAL AVE.	CAMBRIDGE	02141
A	1483	BIOASSAY SYSTEMS CORP.		225 WILDWOOD AVENUE	WOBURN	01801
A	1486	BIOTEK, INC.		P.O. BOX 191	WILMINGTON	01887
A	1489	BOSTON BIOMEDICAL RES. INST., INC.		20 STANIFORD ST.	BOSTON	02114
A	1433	BOSTON CITY HOSPITAL		818 HARRISON AVE.	BOSTON	02118
A	1450	BOSTON COLLEGE		140 COMMONWEALTH AVE.	CHESTNUT HILL	02167
A	1417	BOSTON UNIVERSITY		705 COMMONWEALTH AVE.	BOSTON	02215
A	1430	BRANDEIS UNIVERSITY			WALTHAM	02154
A	1469	CAMBRIDGE NUCLEAR RADIOPHARMACEUTICAL CENTER		575 MIDDLESEX TURNPIKE	BILLERICA	01821
A	143	CHILDREN'S CANCER RES. FOUND.		35 BINNEY ST.	BOSTON	02115
A	1420	CHILDREN'S HOSP. MEDICAL CTR.		300 LONGWOOD AVE.	BOSTON	02115
A	1428	CLARK UNIVERSITY		950 MAIN ST.	WORCESTER	01610
A	1475	COLLABORATIVE RESEARCH, INC.		1365 MAIN ST.	WALTHAM	02154
A	1410	EYE RESEARCH INST./RETINA FOUNDATION		20 STANIFORD ST.	BOSTON	02114
A	1480	FINDLEY RESEARCH INC.		PO BOX 375	ASSONET	02702
A	1437	FORSYTH DENTAL CENTER		140 THE FENWAY	BOSTON	02115

MASSACHUSETTS—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	1476	GAMMA DIAGNOSTIC LABS., INC.		50 WALTON ST.	ATTLEBORO	02703
A	1472	GTE LABORATORIES, INC.		40 SYLVAN ROAD	WALTHAM	02154
A	1419	HARVARD UNIV. MED. SCHOOL		25 SHATTUCK ST.	BOSTON	02115
A	1474	HOLLISTON JUNIOR COLLEGE		100 SUMMER ST.	HOLLISTON	01746
A	1425	HOLYOKE COMMUNITY COLLEGE		303 HOMESTEAD AVE.	HOLYOKE	01040
A	1471	JOSLIN DIABETES FOUND., INC.		1 JOSLIN PL.	BOSTON	02215
A	1416	LAHEY CLINIC FOUNDATION		605 COMMONWEALTH AVE.	BOSTON	02215
A	144	LEMUEL SHATTUCK HOSPITAL		170 MORTON ST.	JAMAICA PLAIN	02130
A	1487	LIBERTY MUTUAL RESEARCH CT.		71 FRANKLAND RD.	HOPKINTON	01748
A	146	MASON RESEARCH INSTITUTE, INC.		21 HARVARD ST.	WORCESTER	01609
A	147	MASS. COLLEGE OF PHARMACY		179 LONGWOOD AVE.	BOSTON	02115
A	1453	MASS. DEPT. OF PUBLIC HEALTH		375 SOUTH ST.	JAMAICA PLAIN	02130
A	1422	MASS. EYE & EAR INFIRMARY		243 CHARLES ST.	BOSTON	02114
A	1418	MASS. INSTITUTE OF TECHNOLOGY		77 MASSACHUSETTS AVE.	CAMBRIDGE	02139
A	1414	MASSACHUSETTS GENERAL HOSP.			BOSTON	02114
A	1484	MILLIPORE CORPORATION		ASHBY ROAD	BEDFORD	01730
A	1490	MOUNT IDA JUNIOR COLLEGE		777 DEDHAM STREET	NEWTON CENTER	02159
A	1424	MT. HOLYOKE COLLEGE			SOUTH HADLEY	01075
A	1444	NEW ENGLAND DEACONESS HOSP.		185 PILGRIM RD.	BOSTON	02215
A	1423	NEW ENGLAND NUCLEAR CORPORATION		601 TREBLE COVE RD.	NORTH BILLERICA	01862
A	1421	NORTHEASTERN UNIVERSITY		360 HUNTINGTON AVE.	BOSTON	02115
A	1449	PONDVILLE HOSPITAL		BOX 111	WALPOLE	02081
A	1479	RED ACRE FARM INC.		RED ACRE RD.	STOW	01775
A	148	SHARPS ASSOCIATES		767-8 CONCORD AVE.	CAMBRIDGE	02138
A	1432	SHRINERS BURNS INSTITUTE		99 BLOSSOM ST.	BOSTON	02114
A	1478	SHRIVER CTR., MENT RETARD INC.		200 TRAPELO ROAD	WALTHAM	02154
A	1486	SIMMONS COLLEGE	PARK SCIENCE CENTER	300 THE FENWAY	BOSTON	02115
A	1461	SMITH COLLEGE			NORTHHAMPTON	01060
A	1413	ST. ELIZABETH'S HOSPITAL		736 CAMBRIDGE ST.	BRIGHTON	02135
A	1481	ST. MARGARET'S HOSP FOR WOMEN		90 CUSHING AVE.	DORCHESTER	02125
A	1411	ST. VINCENT HOSPITAL		25 WINTHROP ST.	WORCESTER	01610
A	1439	STONEHILL COLLEGE			NORTH EASTON	02356
A	1477	THE MEMORIAL HOSPITAL		119 BELMONT ST.	WORCESTER	01605
A	1445	TRUSTEES OF HAMPSHIRE COLLEGE			AMHERST	01002
A	1464	TUFTS UNIVERSITY		BALLOU HALL	MEDFORD	02155
A	1462	TUFTS-NEW ENG MED CTR, INC		BOX 257-171 HARRISON AVE	BOSTON	02111
A	1481	UNIVERSITY OF LOWELL		450 AIKEN ST.	LOWELL	01854
A	1435	UNIVERSITY OF MASSACHUSETTS			AMHERST	01002
A	1459	WILLIAMS COLLEGE			WILLIAMSTOWN	01267
A	1466	WORCESTER POLYTECHNIC INST.		WEST ST.	WORCESTER	01609
A	1412	WORCHESTER FOUND FOR EXP. BIO.		222 MAPLE AVE.	SHREWSBURY	01545

MARYLAND

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	5126	AM. TYPE CULTURE COLLECTION		12301 PARKLAWN DR.	ROCKVILLE	20852
A	5121	AMERICAN RED CROSS		9312 OLD GEORGETOWN RD.	BETHESDA	20014
A	MDR32	BIOCON, INC.		649 LOFSTRAND LANE	ROCKVILLE	20850
A	5124	BIOTECH RESEARCH LABS., INC.		12901 TWINBROOK PKWY	ROCKVILLE	20852
A	5127	BORRISTON RESEARCH LABS, INC.		9080 BEECH PL.	TEMPLE HILLS	20031
A	5129	BURTON, PARSONS & CO., INC.		120 WESTHAMPTON AVE.	SEAT PLEASANT	20027
A	MDR33	CARNEGIE INST. OF WASHINGTON		115 W UNIVERSITY PARKWAY	BALTIMORE	21210
X	5123	COPPIN STATE COLLEGE			BALTIMORE	21216
A	51R20	ESSEX COMMUNITY COLLEGE		7201 ROSSVILLE BLVD.	BALTIMORE	21237
A	511	FLOW LABORATORIES, INC.		1710 CHAPMAN AVE.	ROCKVILLE	20852
A	5118	FRIENDS MED. SCI. RES CTR INC		22 BLOOMSBURY AVE	BALTIMORE	21228
A	51R34	GENEX CORPORATION		12300 WASHINGTON AVE	ROCKVILLE	20852
A	5125	GILLETTE COMP. RESEARCH INST.		1413 RESEARCH BLVD.	ROCKVILLE	20850
X	5119	HARFORD COMMUNITY COLLEGE		401 THOMAS RUN ROAD	BEL AIR	21014
X	5110	HITTMAN ASSOCIATES, INC.		PO BOX 810	COLUMBIA	21043
A	5128	HYNSON, WESTCOTT/DUNNING INC.		CHARLES & CHASE STS.	BALTIMORE	21201
A	5130	INST. FOR BEHAVORAL RES. INC.		2429 LINDEN LANE	SILVER SPRING	20910
A	516	JOHN HOPKINS UNIVERSITY		34TH & CHARLES ST.	BALTIMORE	21218
A	5122	LITTON BIONETICS, INC.		9516 NICHOLSON LN.	KENSINGTON	20795
A	5116	MD. PSYCHIATRIC RESEARCH CTR.		PO BOX 3236	BALTIMORE	21228
A	513	MICROBIOLOGICAL ASSOC., INC.		9221 RIVER ROAD	BETHESDA	20016
A	5117	PENINSULA GENERAL HOSPITAL		S. DIVISION & W. LOCUST STS.	SALISBURY	21801
A	5115	PHARMACOPATHICS RES. LAB. INC.		1261 N. WASHINGTON BLVD.	LAUREL	20810
X	517	SACRED HEART HOSPITAL		900 SETON DR.	CUMBERLAND	21502
A	5111	SINAI HOSPITAL OF BALTIMORE		BELVEDERE & GREENSPRING AVES.	BALTIMORE	21215
A	5112	ST. JOSEPH HOSPITAL		7620 YORK RD.	BALTIMORE	21204
A	MDR27	THE UNION MEMORIAL HOSPITAL		201 E UNIV. PKWY.	BALTIMORE	21218
X	5120	TOWSON STATE COLLEGE			BALTIMORE	21204
A	5114	UNIVERSITY OF MARYLAND		C/O DR GERALD M WARD, DIR	COLLEGE PARK	20742

MAINE

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	1111	ATLANTIC ANTIBODIES		52 ANDERSON RD.	WESTBROOK	04092
A	118	BATES COLLEGE			LEWISTON	04240
A	119	BODIL SCHMIDT-NIELSEN		MT. DESERT ISLAND BIOLOGICAL L.	SALSBURY COVE	04672
A	113	BOWDOIN COLLEGE			BRUNSWICK	04011
A	112	MAINE MEDICAL CENTER		22 BRAINHALL ST.	PORTLAND	04102
A	115	NASSON COLLEGE			SPRINGVALE	04083
A	1110	NEW ENGLAND COL OF OSTEOP MED.		605 POOL ROAD	BIDDEFORD	04005
A	1112	NORTHEAST BIOMEDICAL LABS INC		RR 1 INLAND FARM DR.	SO WINDHAM	04062
A	111	THE JACKSON LABORATORY			BAR HARBOR	04609

MAINE—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	116	UNIVERSITY OF MAINE			ORONO	04473
A	1113	VENTREX LABS INC		217 READ ST	PORTLAND	04103

MICHIGAN

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	3420	ALBION COLLEGE			ALBION	49224
A	347	BLODGETT MEMORIAL HOSPITAL		1840 WEALTHY, S.E.	GRAND RAPIDS	49506
A	3429	BUTTERWORTH HOSPITAL		100 MICHIGAN N.E.	GRAND RAPIDS	49503
A	3448	C.S. MOTT COMMUNITY COLLEGE		1401 E. COURT ST.	FLINT	48503
A	3444	CENTRAL MICHIGAN UNIVERSITY			MT. PLEASANT	48858
A	3436	CHILDREN'S HOSP. OF MICHIGAN		3901 BEAUBIEN	DETROIT	48201
A	3445	DELTA COLLEGE		UNIVERSITY CENTER, R STA.	BAY CITY	48710
A	3439	DETROIT-MACOMB HOSP. ASSN.		7815 E. JEFFERSON	DETROIT	48214
A	3449	DORNER LABORATORIES		3203 W. COLUMBIA	BATTLE CREEK	49017
A	348	DOW CHEMICAL CO			MIDLAND	48640
A	3432	DOW CORNING CORPORATION		SOUTH SAGINAW RD.	MIDLAND	48640
A	3419	FERRIS STATE COLLEGE			BIG RAPIDS	49307
A	3450	FOUNDATION FOR BEHAVIORAL RESEARCH.		BOX 248, 600 CHERRY ST.	AUGUSTA	49012
A	3452	GENERAL MOTORS RESEARCH LABS.		12 MILE & MOUND RDS.	WARREN	48090
A	3440	GRAND VALLEY STATE COLLEGE		COLLEGE LANDING	ALLENDALE	49401
A	3410	HENRY FORD HOSPITAL & EDSEL B. FORD INSTITUTE FOR MEDICA.		2799 W. GRAND BLVD.	DETROIT	48202
A	3435	HOPE COLLEGE			HOLLAND	49423
A	3447	HUTZEL HOSPITAL		432 E. HANCOCK	DETROIT	48201
A	3418	INGHAM MEDICAL HOSPITAL		401 W. GREENLAWN	LANSING	48910
A	343	INTERNATIONAL RES. & DEV CORP		900 MAIN ST.	MATTAWAN	49071
A	3441	JAFFEE, MARTIN D.		2110-16TH ST.	BAY CITY	48706
A	3456	KERN HOSPITAL		21230 DEQUINDRE	WARREN	48091
A	3434	LABORATORY RES. ENTERP. INC.		6251 SOUTH 6TH ST.	KALAMAZOO	49001
A	3411	LAFAYETTE CLINIC		951 E. LAFAYETTE	DETROIT	48207
A	3443	LAKE SUPERIOR STATE COLLEGE			SAULT STE. MARIE	49783
A	3455	LOWE, HENRY E	RESEARCH & PRODUCT DEVELOPMENT CT.	21725 ALLEGHENY STREET	CASSOPOLIS	49031
A	3453	MARQUETTE GENERAL HOSPITAL			MARQUETTE	49855
A	3451	MCLAREN GENERAL HOSPITAL		401 S. BALLENGER HWY.	FLINT	48502
A	3427	MI. DEPT OF PUBLIC HEALTH		3500 N. LOGAN	LANSING	48914
A	3439	MICHIGAN CANCER FOUNDATION		110 EAST WARREN AVE.	DETROIT	48201
A	3417	MICHIGAN STATE UNIVERSITY			EAST LANSING	48823
A	3442	MICHIGAN TECHNOLOGICAL UNIV.			HOUGHTON	49931
A	3412	MT. CARMEL MERCY HOSPITAL		6071 W. OUTER DRIVE	DETROIT	48235
A	3421	NORTHERN MICHIGAN UNIVERSITY			MARQUETTE	49855
A	3438	OAKLAND UNIVERSITY			ROCHESTER	48063
A	349	PROVIDENCE HOSPITAL		16001 NINE MILE RD.	SOUTHFIELD	48075
A	346	SINAI HOSPITAL OF DETROIT		6767 W. OUTER DR.	DETROIT	48235
A	3454	TOXICITY RESEARCH LAB.		510 WEST HACKLEY	MUSKEGON	49444
A	3424	UNIVERSITY OF DETROIT		4001 W. MCNICHOLS RD.	DETROIT	48221
A	341	UNIVERSITY OF MICHIGAN			ANN ARBOR	48104
A	3415	UPJOHN COMPANY		301 HENRIETTA ST.	KALAMAZOO	49001
A	345	WARNER-LAMBERT/PARK-DAVIS		GPO BOX 1047	ANN ARBOR	48106
A	3418	WAYNE COUNTY GENERAL HOSPITAL			ELOISE	48132
A	3414	WAYNE STATE UNIVERSITY			DETROIT	48202
A	3433	WESTERN MICHIGAN UNIVERSITY			KALAMAZOO	49001
A	3437	WILLIAM BEAUMONT HOSPITAL		3601 W. 13 MILE RD.	ROYAL OAK	48073

MINNESOTA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	4121	APPLIED CARDIOPULMONARY RES.		2545 CHICAGO AVE SUITE 111	MINNEAPOLIS	55404
A	4110	AUSTIN COMMUNITY COLLEGE		1600-8TH AVE., N.W.	AUSTIN	55912
A	4120	BIO-MEDICUS, INC.		15307 MINNETONKA INDUSTRIAL RD.	MINNETONKA	55343
A	4122	CARDIAC PACEMAKERS, INC		4100 N HAMLINE AVE	ST PAUL	55108
A	4123	DAIG CORPORATION		14901 INDUSTRIAL RD	MINNETONKA	55343
A	4119	KALLESTAD LABORATORIES		1000 LAKE HAZELTINE DR.	CHASKA	55318
A	4114	MANKATO STATE UNIVERSITY			MANKATO	56001
A	416	MAYO FOUNDATION		200 FIRST ST. S.W.	ROCHESTER	55901
A	4115	MEDTRONIC, INC.		1500 NORTHDALE BLVD NW	MINNEAPOLIS	55433
A	417	MINNEAPOLIS MED RES FOUND INC		619 S. 5TH ST.	MINNEAPOLIS	55415
X	419	MT. SINAI HOSPITAL		22ND & CHICAGO AVE.	MINNEAPOLIS	55404
X	412	N STAR DIV MIDWEST RES INST		10701 RED CIRCLE DR	MINNETONKA	55343
A	4118	NORTHWESTERN HOSPITAL		810 E. 27TH ST.	MINNEAPOLIS	55407
A	418	RIKER LABORATORIES, INC.		3M CENTER, BLDG. 218-3	ST PAUL	55101
A	4112	SOUTHWEST STATE UNIVERSITY			MARSHALL	56258
A	4111	ST. JOHN'S UNIVERSITY			COLLEGEVILLE	56321
A	411	ST. LUKE'S HOSPITAL		915 EAST FIRST ST.	DULUTH	55805
X	414	ST. MARY'S HOSPITAL		2414 S. SEVENTH ST.	MINNEAPOLIS	55406
A	413	ST. PAUL-RAMSEY HOSPITAL		640 JACKSON ST.	ST. PAUL	55101
A	415	UNIVERSITY OF MINNESOTA			MINNEAPOLIS	55455

MISSOURI

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	4310	CURATORS OF THE UNIV. OF MO.			COLUMBIA	65201
A	431	INST. OF MED. EDUCATION & RES		1605 S. 14TH ST.	ST. LOUIS	63104
A	437	JEWISH HOSPITAL OF ST. LOUIS		216 S. KINGSHIGHWAY BLVD.	ST. LOUIS	63110
A	4301	JR COLL. DIST OF JEFFERSON CO			HILLSBORO	63050
A	4321	KANSAS CITY COLL/OSTEOP. MED.		2105 INDEPENDENCE BLVD.	KANSAS CITY	64124

MISSOURI—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	4312	KIRKSVILLE COLL/OSTEOP & SURG			KIRKSVILLE	63501
A	4332	LOGAN COLLEGE OF CHIROPRACTIC		1851 SCHOETTLER RD	CHESTERFIELD	63017
A	435	MALLINCKRODT CHEMICAL WORKS		2ND & MALLINCKRODT STS	ST. LOUIS	63160
A	4329	MAPLE WOODS COMMUNITY COLLEGE		2601 NE BARRY RD	KANSAS CITY	64156
A	4324	MARION LABORATORIES, INC		10236 BUNKER RIDGE RD	KANSAS CITY	64137
A	439	MIDWEST RESEARCH INSTITUTE		425 VOLKER BLVD	KANSAS CITY	64114
A	4323	MISSOURI ANALYTICAL LAB, INC			ST. LOUIS	63103
A	4333	MONSANTO COMPANY		800 N LINDBERGH BLVD	ST LOUIS	63166
A	4330	NORTHEAST MISSOURI STATE UNIV			KIRKSVILLE	63501
A	4314	PHILIPS ROXANE, INC		2621 N. BELT HIGHWAY	ST. JOSEPH	64502
A	436	RALSTON PURINA CO		CHECKERBOARD SQUARE	ST LOUIS	63188
A	432	SCIENTIFIC ASSOCIATES, INC		6200 S. LINDBERGH	ST. LOUIS	63123
A	4325	SIGMA INTERNATIONAL, LTD		3500 DEKALB ST	ST. LOUIS	63129
A	4315	ST. JOHN'S MERCY HOSPITAL		621 S. NEW BALLAS ROAD	ST. LOUIS	63141
A	433	ST. LOUIS COLLEGE OF PHARMACY		4588 PARKVIEW PLACE	ST. LOUIS	63310
A	4311	ST. LOUIS UNIVERSITY		1402 S. GRAND AVE	ST. LOUIS	63104
X	4327	ST. MARY'S HOSPITAL		101 MEMORIAL DR	KANSAS CITY	64108
A	438	WASHINGTON UNIVERSITY		LINDELL & SKINKER BLVDS	ST. LOUIS	63130
A	4322	WILLIAM JEWELL COLLEGE			LIBERTY	64068
A	4326	YOUNGER LABORATORIES, INC		123 CLIFF CAVE RD	ST. LOUIS	63129

MISSISSIPPI

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	652	MISSISSIPPI STATE UNIVERSITY		DRAWER G	STATE COLLEGE	39762
A	651	UNIVERSITY OF MISSISSIPPI		OFFICE OF THE CHANCELLOR	UNIVERSITY	38677
A	654	UNIVERSITY OF SOUTHERN MISSISSIPPI		SOUTHERN STATION	HATTIESBURG	39401

MONTANA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	812	MONTANA STATE UNIVERSITY			BOZEMAN	59715
A	811	UNIVERSITY OF MONTANA			MISSOULA	59801

NORTH CAROLINA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	5515	APPALACHIAN STATE UNIVERSITY			BOONE	28608
A	559	BURROUGHS WELLCOME CO		3030 CORNWALLIS RD	RES. TRIANGLE PARK	27709
A	5514	CARNIVORE EVOLUTIONARY RESEARCH INSTITUTE		ROUTE 3 BOX 180	PITTSBORO	27311
A	5518	CENTRAL CAROLINA TECH INST		1105 KELLY DR	SANFORD	27330
A	5517	CHEM RIDUS INST OF TOXICOLOGY		PO BOX 12137	RES. TRIANGLE PARK	27709
A	553	DUKE UNIVERSITY			DURHAM	27706
A	5510	EAST CAROLINA UNIVERSITY			GREENVILLE	27834
A	5513	GREER LABORATORIES, INC		BOX 800	LENOIR	28645
A	5516	HEINEMAN MED. RES. CNTR		CHARLOTTE MEMORIAL HOSP	CHARLOTTE	28234
A	5511	LORILLARD RESEARCH CENTER		420 ENGLISH ST	GREENSBORO	27420
A	555	N. CAROLINA STATE UNIVERSITY		P.O. BOX 5356	RALEIGH	27607
A	552	RESEARCH TRIANGLE INSTITUTE		PO BOX 12194	RES. TRIANGLE PARK	27709
A	557	UNIV. OF N.C. AT CHARLOTTE			CHARLOTTE	28205
A	5512	UNIV. OF N.C. AT WILMINGTON		7205 WRIGHTSVILLE AVE	WILMINGTON	28401
A	554	UNIVERSITY OF NORTH CAROLINA			CHAPEL HILL	27514
A	551	WAKE FOREST UNIVERSITY			WINSTON-SALEM	27109
A	5519	WESTERN CAROLINA UNIVERSITY			CULLOWHEE	28723

NORTH DAKOTA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	453	MINOT STATE COLLEGE			MINOT	58701
A	452	NORTH DAKOTA STATE UNIVERSITY			FARGO	58102
A	451	UNIVERSITY OF NORTH DAKOTA		SCHOOL OF MEDICINE	GRAND FORKS	58201

NEBRASKA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	4710	BURNS-BIOTEC LABS INC		220 & WEST CENTER RD	ELKHORN	68022
A	4712	CENTRAL BIOLOGICAL CO		6936 J ST	OMAHA	68127
A	4702	CREIGHTON UNIV/SCHOOL OF MED		629 N. 27TH ST	OMAHA	68131
A	4708	DANA COLLEGE			BLAIR	68008
A	4705	DELLEN, INC		77TH & SERUM AVE	RALSTON	67127
A	4709	FATHER FLANAGAN'S BOYS' HOME			BOYS TOWN	68010
X	4703	HARRIS LABORATORIES, INC		PO BOX 427, 624 PEACH ST	LINCOLN	68501
A	4711	MIDLAND LUTHERAN COLLEGE		720 E. 9TH	FREMONT	68025
X	4707	NEBRASKA WESLEYAN UNIVERSITY		50TH & ST. PAUL AVE	LINCOLN	68504
A	4704	UNIVERSITY OF NEBRASKA		3835 HOLDREGE	LINCOLN	68503

NEW HAMPSHIRE

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	121	DARTMOUTH COLLEGE		PO BOX 432	HANOVER	03755
A	122	KEENE STATE COLLEGE			KEENE	03431
A	123	UNIVERSITY OF NEW HAMPSHIRE		SPAULDING BLDG	DURHAM	03824

NEW JERSEY

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	2274	ALLIED CHEMICAL CORP		PO BOX 1057R	MORRISTOWN	07960
A	2213	AMR BIOLOGICAL RESEARCH INC		629 SOUTH CLINTON AVE	TRENTON	08611
A	2241	BECTON, DICKINSON & COMPANY		MACK CENTRE DRIVE	PARAMUS	07652
A	2260	BERLEX LABORATORIES INC		110 E HANOVER AVE	CEDAR KNOLLS	07927
A	2263	BIO-SAFETY RESEARCH LABS		MILK & BROAD STS	BRANCHVILLE	07826
A	2233	BIO/DYNAMICS INC		METTLERS RD	EAST MILLSTONE	08873
A	2281	BIOLOGICAL CORP OF AMERICA		40 MARKLEY ST	PORT READING	07064
A	2260	BLOOMFIELD COLLEGE	DEPT. OF BEHAV. BIOLOGY/ PHARMACOLOGY.		BLOOMFIELD	07003
A	2279	BOOZ, ALLEN & HAMILTON, INC		55 HANOVER RD	FLORHAM PARK	07932
A	2221	BRISTOL-MYERS PRODUCTS		225 LONG AVE	HILLSIDE	07205
A	2276	CAMDEN COUNTY COLLEGE		PO BOX 200	BLACKWOOD	08012
A	2223	CAMPBELL SOUP COMPANY		CAMPBELL PLACE	CAMDEN	08101
A	2214	CIBA PHARMACEUTICAL CO		556 MORRIS AVE	SUMMIT	07901
A	2290	CLINICAL SCIENCES, INC		30 TROY RD	WHIPPANY	07981
A	2266	COLL OF MED & DENISTRY OF NJ		PO BOX 101	PISCATAWAY	08854
A	2269	CONSUMER PROD. TESTING CO, INC		1275 BLOOMFIELD AVE. BLDG. 12	FAIRFIELD	07006
A	2273	COSMOPOLITAN SAFETY EVAL. INC		76 FOURTH ST	SOMERVILLE	08876
A	2272	COUNTY COLLEGE OF MORRIS		RT 10 & CENTER GROVE RD	DOVER	07801
A	2210	CYANAMID PHDN. FOR AGRL DEV		PO BOX 400	PRINCETON	08540
A	2212	ETHICON RESEARCH FOUNDATION		U.S. HIGHWAY 22	SOMERVILLE	08876
A	2229	FAIRLEIGH DICKINSON UNIV		1000 RIVER ROAD	TEANECK	07666
A	2256	FOOD & DRUG RES. LAB., INC		60 EVERGREEN PLACE	EAST ORANGE	07018
A	2264	FRAZIER TOXICOLOGY LABORATORIES, INC.		BOX 269	BRANCHVILLE	07826
A	2275	GIBRALTAR BIO LAB, INC		23 JUST RD	FAIRFIELD	07006
A	2278	HAZLETON/PRIME LABS, INC		PO BOX 646	FARMINGDALE	07727
A	2277	HILLSIDE ACRES INC		GREEN POND RD BOX 52	BUTTZVILLE	07829
A	2242	HOECHST-ROUSSEL PHARMACEUT		RT. 202-206 NORTH	SOMERVILLE	08876
A	2232	HOFFMAN-LA ROCHE, INC		340 KINGSLAND ST	NUTLEY	07110
A	2237	INSTITUTE FOR MEDICAL RES		COPEWOOD ST	CAMDEN	08103
A	2216	JOHNSON & JOHNSON RES. FNDN		ROUTE 1	N. BRUNSWICK	08903
A	224	LEBERCO LABORATORIES		123 HAWTHORNE ST	ST ROSELLE PARK	07204
A	2271	LEVER BROS. CO		45 RIVER RD	EDGEWATER	07020
X	2240	MANZIANO, DR. CLARENCE F		603 WESTSIDE AVE	JERSEY CITY	07304
A	2230	MERCK & CO., INC		126 E. LINCOLN AVE	RAHWAY	07065
X	2235	MONMOUTH MEDICAL CENTER		3RD & PAVILION AVE	LONG BRANCH	07740
A	2220	N.J. COLLEGE OF MEDICINE/DEN		100 BERGEN ST	NEWARK	07103
A	225	N.J. STATE DEPT. OF HEALTH		BOX 1540	TRENTON	08625
A	2231	NEWARK BETH ISRAEL HOSPITAL		201 LYONS AVE	NEWARK	07112
A	2262	NUTRITION INTERNATIONAL	PRODUCT SAFETYLABS	725 CRANBURY ROAD	EAST BRUNSWICK	08816
A	2256	ORGANON, INC		375 MT. PLEASANT AVE	WEST ORANGE	07052
A	2284	ORTHO DIAGNOSTIC SYSTEMS INC		ROUTE 202	RARITAN	08869
A	226	ORTHO RESEARCH INSTITUTE		U.S. HIGHWAY 202	RARITAN	08869
A	2278	PHARMACIA INC		800 CENTENNIAL AVE	PISCATAWAY	08854
A	2244	PITMAN-MOORE, INC		PO BOX 344	WASHINGTON CROSSING	08560
A	2249	REED & CARNRICK		30 BORIGHT AVE	KENILWORTH	07033
A	2225	RUTGERS, THE STATE UNIVERSITY			NEW BRUNSWICK	08903
A	2246	S. MOUNTAIN LIFE SCIENCES, INC		1102 INDUSTRIAL PKWY	BRICKTOWN	08723
A	229	SANDOZ PHARMACEUTICALS			HANOVER	07936
A	2238	SCHERING CORP		60 ORANGE ST	BLOOMFIELD	07003
A	2245	SETON HALL UNIVERSITY			SOUTH ORANGE	07079
A	2228	SOUTH MOUNTAIN LABS, INC		360 LACKAWANNA PL	S ORANGE	07079
A	2239	SOUSSE AGRL RESEARCH CNTR		3 BRIDGES RD	THREE BRIDGES	08887
A	2215	ST. BARNABAS MEDICAL CENTER		OLD SHORT HILLS ROAD	LIVINGSTON	07039
X	227	ST. MICHAEL'S HOSPITAL		306 HIGH ST	NEWARK	07102
A	2222	TRUSTEES OF PRINCETON UNIV		NEW SOUTH BLDG	PRINCETON	08540
A	2250	U.S. TESTING CO., INC		1415 PARK AVE	HOBOKEN	07070
A	2236	UNIVERSITY LABORATORIES, INC		610 N. SECOND AVE	HIGHLAND PARK	08904
A	2267	VINELAND LABORATORIES, INC			VINELAND	08360
A	222	WARNER-LAMBERT RESEARCH INST		170 TABOR RD	MORRIS PLAINS	07950
A	2211	WELLS LABS., INC		25-27 LEWIS AVE	JERSEY CITY	07306
A	2265	WILLIAM PATERSON COLLEGE		300 POMPTON RD	WAYNE	07470

NEW MEXICO

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	850	EASTERN NM UNIVERSITY			PORTALES	88130
A	851	LOS ALAMOS SCIENTIFIC LAB		PO BOX 1663	LOS ALAMOS	87545
A	853	LOVELACE FOUNDATION		5200 GIBSON BLVD	ALBUQUERQUE	87108
A	857	N.M. INST. OF MINING & TECH			SOCORRO	87801
A	8528	REGENTS OF NM STATE UNIV		BOX 3699	LAS CRUCES	88003
A	852	UNIVERSITY OF NEW MEXICO			ALBUQUERQUE	87106

NEVADA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	881	UNIVERSITY OF NEVADA			RENO	89507

NEW YORK

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	21131	AGWAY RESEARCH LABORATORY		777 WARREN RD	ITHACA	14850
A	2189	ALBANY COLLEGE OF PHARMACY		106 N. SCOTLAND AVE	ALBANY	12208
A	21103	ALBANY MEDICAL COLLEGE		47 NEW SCOTLAND AVE	ALBANY	12208
A	2163	ALFRED UNIVERSITY			ALFRED	14802
A	21106	AM STANDARDS TESTING BUR. INC		40 WATER ST	NEW YORK	10004
A	2154	AM. MUSEUM OF NATURAL HISTORY		CENTRAL PARK WEST AT 79 ST	NEW YORK	10024
A	2124	AMERICAN CYANAMID CO		N. MIDDLETOWN RD	PEARL RIVER	10965

NEW YORK—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	21146	AMERICAN HEALTH FOUNDATION		320 EAST 43RD ST.	NEW YORK	10017
X	2194	ANIMAL MEDICAL CENTER		510 E. 62ND ST.	NEW YORK	10021
A	21163	ANIMAL RESOURCES INC		10 WALNUT PLACE	THORNWOOD	10594
A	2138	ARNOT-OGDEN MEMORIAL HOSPITAL		ROE AVE.	ELMIRA	14901
A	2116	ASSOCIATED UNIVERSITIES, INC.			UPTON	11973
A	2190	AVON PRODUCTS, INC.		9 W. 57TH ST.	NEW YORK	10019
A	21139	AYERST RESEARCH LABORATORIES			CHAZY	12921
A	21152	BARBARA KOPP GERIATRIC RES CT		169 THORNTON AVE.	AUBURN	13021
A	2133	BETH ISRAEL MEDICAL CENTER		10 NATHAN D. PERLMAN PL.	NEW YORK	10003
A	21156	BIOSPHERE RESEARCH CENTER, INC.		216 CONGERS ROAD	NEW CITY	10956
A	2141	BOYCE THOMPSON INSTITUTE		TOWER ROAD	ITHACA	14853
A	2148	BRISTOL LABORATORIES		PO BOX 657	SYRACUSE	13201
A	2145	BRONX-LEBANON HOSPITAL CENTER		1276 FULTON AVE.	BRONX	10456
A	2159	BROOKDALE HOSPITAL CENTER		BROOKDALE PLAZA	BROOKLYN	11212
A	21116	BUFFALO GENERAL HOSPITAL		100 HIGH ST.	BUFFALO	14203
X	21150	BUFFALO TESTING LABS., INC.		902 KENMORE AVENUE	BUFFALO	14216
A	21134	BUREAU OF LABS., CITY OF NY		455 FIRST AVENUE	NEW YORK	10016
A	2146	CANISIUS COLLEGE		57 UNION ST.	BUFFALO	14208
A	21127	CARTER-WALLACE, INC.		HALF ACRE RD.	CRANBURY	08512
A	2147	CATTARAUGUS COUNTY LABORATORY.		302 LAURENE ST.	OLEAN	14760
A	21162	CHARLES RIVER RESEARCH PRIMATES CORP.		P.O. BOX 416	PORT WASHINGTON	11050
A	21136	CHILDRENS HOSP. OF BUFFALO		219 BRYANT ST.	BUFFALO	14222
A	21142	CITY UNIVERSITY OF N.Y.		1515 BROADWAY	NEW YORK	10036
A	21110	COLD SPRINGS HARBOR LAB.		P.O. BOX 100	COLD SPRINGS HARBOR	11724
A	212	COLGATE UNIVERSITY			HAMILTON	13346
A	21164	COLGATE-PALMOLIVE COMPANY		300 PARK AVE.	NEW YORK	10022
A	2135	COLUMBIA UNIVERSITY		115 W. 68TH ST.	NEW YORK	10023
A	21114	CORNELL UNIV. MEDICAL COLLEGE		1300 YORK AVE.	NEW YORK	10021
A	21119	CORNELL UNIVERSITY			ITHACA	14850
A	2182	CORNING GLASS WORKS		SULLIVAN PARK	CORNING	14830
A	21161	CSH2 TOXICOLOGY RESEARCH, INC.		903 RIVER STREET	ROCHESTER	14612
X	2158	D'YOUVILLE COLLEGE		320 PORTER AVE.	BUFFALO	14201
A	21158	DAVID J. KELMAN RESEARCH FOUND.		180 EAST 68TH ST.	NEW YORK CITY	10022
A	2162	EASTMAN DENTAL CENTER		800 MAIN ST., E.	ROCHESTER	14603
A	2187	EASTMAN KODAK CO.		KODAK PARK	ROCHESTER	14650
A	2190	ELMIRA COLLEGE		COLLEGE AVENUE	ELMIRA	14901
A	21154	EM INDUSTRIES, INC.		35 CHANNEL DRIVE	PORT WASHINGTON	11050
A	21115	ENDO LABORATORIES, INC.		1000 STEWART AVE.	GARDEN CITY	11533
A	2110	ERIE COMMUNITY COLLEGE		4140 S WESTERN BLVD.	ORCHARD PARK	14127
A	2169	ERIE COUNTY MEDICAL CTR.		462 GRIDER ST.	BUFFALO	14215
A	21148	FORDHAM UNIVERSITY		E. FORDHAM RD.	BRONX	10458
A	2139	GENERAL FOODS CORP.		250 NORTH STREET	WHITE PLAINS	10625
A	2173	GENESEE HOSPITAL		224 ALEXANDER ST.	ROCHESTER	14607
A	21160	GUERRA, LADISLAO A.	LAG BIOLOGICALS, INC.	725 W 172ND STREET	NEW YORK	10032
A	21125	HEALTH RESEARCH, INC.		EMPIRE STATE PLAZA TOWER BLDG.	ALBANY	12201
A	2161	HOBARTH & WM. SMITH COLLEGES		ST. CLAIR ST.	GENEVA	14456
A	2186	HOFSTRA UNIVERSITY		HEMPSTEAD TPK.	HEMPSTEAD	11550
A	21151	HOUGHTON COLLEGE			HOUGHTON	14744
A	2193	HUDSON VALLEY COMM. COLLEGE		80 VANDENBURGH AVE.	TROY	12180
A	2184	JAMESTOWN COMMUNITY COLLEGE		525 FALCONER ST.	JAMESTOWN	14701
A	21129	JEWISH HOSP/MED CTR/BROOKLYN		555 PROSPECT PLACE	BROOKLYN	11238
A	2196	KINGSBROOK JEWISH MED. CNTR.		86 E. 49TH ST.	BROOKLYN	11203
A	2191	LENOX HILL HOSPITAL		100 E. 77TH ST.	NEW YORK	10021
A	21157	LINCOLN MEDICAL MENTAL HLTH CT		234 EAST 149ST.	BRONX	10451
A	21117	LONG ISLAND COLLEGE HOSPITAL		340 HENRY ST.	BROOKLYN	11201
A	21137	LONG ISLAND JEWISH MED. CNTR.		270-05 76 AVE.	NEW HYDE PARK	11040
A	21122	LONG ISLAND UNIVERSITY		UNIVERSITY CENTER	BROOKVILLE	11548
A	2176	MAIMONIDES MEDICAL CENTER		4802 TENTH AVE.	BROOKLYN	11219
A	21112	MARY IMOGENE BASSET HOSPITAL		ATWELL RD.	COOPERSTOWN	13326
A	2117	MASONIC MEDICAL RESEARCH LAB.		BLEECKER ST.	UTICA	13501
A	2167	MEDICAL FOUNDATION OF BUFFALO		73 HIGH ST.	BUFFALO	14203
A	2142	METHODIST HOSP. OF BROOKLYN		506 80XTH ST.	BROOKLYN	11215
A	211	MILLARD FILLMORE HOSPITAL		3 GATES CIRCLE	BUFFALO	14207
A	21153	MOBIL OIL CORP.	ENVIRON. & TOXICOL. DPT.	150 EAST 42 ST.	NEW YORK	10017
A	2181	MONTEFIORE HOSP. & MED. CNTR.		111 E. 210 ST.	BRONX	10467
A	2140	MT. SINAI SCHOOL OF MEDICINE		100 ST. & 5TH AVE.	NEW YORK	10029
A	21133	N.Y. DEPT. OF MENTAL HYGIENE		44 HOLLAND AVE.	ALBANY	12229
A	2128	N.Y.C. HEALTH & HOSP. CORP.		125 WORTH ST.	NEW YORK	10013
A	2179	NACC TESTING & RESEARCH LAB.		80 HANSON PL.	BROOKLYN	11217
A	2174	NASSAU COUNTY MEDICAL CTR.		2201 HEMPSTEAD TURNPIKE	EAST MEADOW	11554
X	2149	NASSAU HOSPITAL		FIRST ST.	MINEOLA	11501
A	2160	NEW YORK MEDICAL COLLEGE		FIFTH AVENUE AT 106 ST.	NEW YORK	10029
A	21118	NEW YORK UNIVERSITY		WASHINGTON SQUARE	NEW YORK	10003
A	21107	NORTH SHORE HOSPITAL		VALLEY ROAD	MANHASSET LONG IS.	11030
A	2122	NORWICH PHARMACAL CO.	PRODUCT SAFETY LABS	PO BOX 191	NORWICH	13815
A	21124	NYS DEPARTMENT OF HEALTH		EMPIRE STATE PLAZA	ALBANY	12237
A	2188	PFIZER, INC.		235 E. 42ND ST.	NEW YORK	10017
A	21123	PHILIP D. WILSON RES. FNDN.		541 E 71ST	NEW YORK	10021
X	2123	POLYTECHNIC INST. OF BROOKLYN		333 JAY ST.	BROOKLYN	11201
A	21135	PUBLIC HEALTH RES INST OF NYC		455 FIRST AVENUE	NEW YORK	10016
A	21155	QUEENS CHILDREN PSYCHIATRIC CT		74-03 COMMONWEALTH BLVD.	BELLEROSE	11426
A	21109	QUEENS HOSPITAL CENTER		82-68 164TH ST.	JAMICA	11432
A	21130	RENSSELAER POLYTECHNIC INST.			TROY	12181
X	2119	RES INST FOR SKELETOMUSCULAR DIS.		1919 MADISON AVE.	NEW YORK	10035
A	2143	REVLON RESEARCH CENTER, INC.		945 ZEREGA AVE.	BRONX	10473
A	21140	ROCHESTER GENERAL HOSPITAL		1425 PORTLAND AVE.	ROCHESTER	14621
A	21126	ROCHESTER INSTITUTE OF TECH.		1 LOMB MEMORIAL DR.	ROCHESTER	14623
A	2136	ROCKEFELLER UNIVERSITY		YORK AVE. AT 66TH ST.	NEW YORK	10021
A	2158	SCHWARTZ COLL. OF PHARMACY		75 DEKALB AVE.	BROOKLYN	11201

NEW YORK—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	21100	SKIDMORE COLLEGE			SARATOGA SPRINGS	28661
A	2172	SLOAN-KETTERING INST./CANCER		410 E. 68TH ST.	NEW YORK	10021
X	2178	ST. BARNABAS HOSPITAL		183RD & THIRD STS.	BRONX	10457
A	2156	ST. BONAVENTURE UNIVERSITY			ST. BONAVENTURE	14778
A	2157	ST. JOHN FISHER COLLEGE		3690 EAST AVE.	ROCHESTER	14618
A	2112	ST. JOHN'S UNIVERSITY		GRAND CENTRAL UTOPIA PARKWAYS.	JAMAICA	11432
A	21141	ST. LAWRENCE UNIVERSITY			CANTON	13617
A	2171	ST. LUKE'S HOSPITAL CENTER		AMSTERDAM AT W. 114TH ST.	NEW YORK	10025
A	2125	ST. MARY'S HOSPITAL		89 GENESEE ST.	ROCHESTER	14611
A	2164	ST. VINCENT'S HOSP & MED CNTR		153 W. 11TH ST.	NEW YORK	10011
A	2137	STANDARD BRANDS, INC.		625 MADISON AVE.	NEW YORK	10022
A	2114	STARK, DR. DM		ROCKEFELLER UNIV. 66TH ST & YO.	NEW YORK	10021
A	21126	STATE UNIVERSITY OF NEW YORK		UNIVERSITY PLAZA RM. 415-S	ALBANY	12201
A	2111	STERLING DRUG, INC.		COLUMBIA TURNPIKE	RENSSELAER	12144
A	21150	SURGICAL DESIGN CORP		24-05 JACKSON AVE	LONG ISLAND CITY	11101
A	21128	SYRACUSE UNIVERSITY		130 COLLEGE PL.	SYRACUSE	13210
A	216	THE NEW BLOOD CENTER		310 E. 67 ST.	NEW YORK	10021
A	217	TISSUE CULTURE ASSOC., INC.	W. ALTON JONES CELL SCIENCE CT., INC.	7611 KNOX AVE. S NO.	LAKE PLACID	12946
A	2170	TRUDEAU INSTITUTE, INC.		ALGONQUIN AVE.	SARANAC LAKE	12983
A	21104	TRUSTEES OF COLUMBIA UNIV.		BOX 20, LOW MEMORIAL LIBRARY	NEW YORK	10023
A	21149	UNION CARBIDE CORP.		401 THEODORE FREMD AVE.	RYE	10580
A	21109	UNIVERSITY OF ROCHESTER		RIVER BLVD.	ROCHESTER	14627
A	213	USV PHARMACEUTICAL CORP.		1 SCARSDALE RD.	TUCKAHOE	10701
X	2175	WESTCHESTER COUNTY MED. CNTR.			VALHALLA	10595
A	2134	WESTWOOD PHARMACEUTICALS, INC.		468 DEWITT ST.	BUFFALO	14213
A	2166	WILSON MEM HOSP HEART-LUNG LB			JOHNSON CITY	13790
A	21132	YESHIVA UNIVERSITY		55 FIFTH AVE.	NEW YORK	10003

OHIO

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	31R90	ADRIA LABORATORIES, INC.		6071 ST. RT. 161 E.	PLAIN CITY	43064
A	31R33	AKRON CITY HOSPITAL		525 E. MARKET ST.	AKRON	44309
X	3151	AKRON GENERAL MEDICAL CENTER		400 WABASH AVE.	AKRON	44307
A	31R72	ALLERGY LABS. OF OHIO, INC.		623 E. 11 AVE.	COLUMBUS	43211
X	31R74	BALDWIN-WALLACE COLLEGE			BEREA	44017
A	31R21	BATELLE MEMORIAL INSTITUTE		505 KING AVE.	COLUMBUS	43201
A	31R47	BEN VENUE LABS. INC.		270 NORTHFIELD RD.	BEDFORD	44146
A	31R26	BOWLING GREEN STATE UNIV.			BOWLING GREEN	43402
X	3139	CAPITAL UNIVERSITY			COLUMBUS	43209
A	31R28	CASE WESTERN RESERVE		UNIVERSITY CIRCLE	CLEVELAND	44106
A	31R65	CENTRAL STATE UNIVERSITY		BANNEKER SCIENCE HALL	WILBERFORCE	45384
A	31R73	CHARLES F. KETTERING RES. LAB.		150 E. SOUTH COLLEGE ST.	YELLOW SPRINGS	45387
A	31R11	CHILDREN'S HOSPITAL		ELLAND AVE. & BETHESDA	CINCINNATI	45229
A	31R13	CHILDREN'S HOSPITAL		561 S 17TH ST.	COLUMBUS	43205
A	31R36	CHILDREN'S HOSPITAL OF AKRON		BUCHTEL AVE. AT BOWERY ST.	AKRON	44308
A	31R67	CHRIST HOSP. INST. OF MED RES		2141 AUBURN AVE.	CINCINNATI	45219
A	31R59	CINCINNATI MILACRON, INC.		4701 MARBURG AVE.	CINCINNATI	45209
A	31R17	CLEVELAND CLINIC FOUNDATION		2020 E. 93RD ST.	CLEVELAND	44120
A	31R58	CLEVELAND STATE UNIVERSITY		1983 E. 24TH ST.	CLEVELAND	44115
A	31R54	COLLEGE OF WOOSTER			WOOSTER	44691
A	31R56	COLUMBUS TECHNICAL INSTITUTE		550 E. SPRING ST.	COLUMBUS	43215
X	31R69	CREATIVE BIOLOGY LAB., INC.		3070 CLEVELAND-MASSILON RD.	BARBERTON	44203
X	31R67	CUYAHOGA COMMUNITY COLLEGE		700 CARNEGIE AVE.	CLEVELAND	44115
A	31R42	DENISON UNIVERSITY			GRANVILLE	43023
A	31R91	DIAMOND SHAMROCK CORP.		PO BOX 348	PAINESVILLE	44077
A	31R44	ELYRIA MEMORIAL HOSPITAL		630 E. RIVER ST.	ELYRIA	44035
A	31R03	FAIRVIEW GENERAL HOSPITAL		18101 LORAIN AVE.	CLEVELAND	44111
A	31R48	GIBCO DIVISION		P.O. BOX 200	CHAGRIN FALLS	44022
A	31R22	GOOD SAMARITAN HOSPITAL		3217 CLIFTON AVE.	CINCINNATI	45220
A	31R57	GRADY INVESTMENT CORP.		9211 WINTON RD.	CINCINNATI	45231
A	31R09	HILL TOP RESEARCH, INC.			MIAMIVILLE	45147
A	31R53	HIRAM COLLEGE BIOLOGICAL STA.		PO BOX 1838	HIRAM	44234
A	31R63	HURON ROAD HOSPITAL		13951 TERRACE ROAD	CLEVELAND	44112
A	31R50	JOHN CARROLL UNIVERSITY			CLEVELAND	44118
A	31R30	KENT STATE UNIVERSITY			KENT	44240
A	31R70	LAKELAND COMMUNITY COLLEGE			MENTOR	44060
X	3183	MARIETTA COLLEGE			MARIETTA	45750
A	31R43	MEDICAL COLLEGE OF OHIO		PO BOX 6190	TOLEDO	43614
A	31R84	MERRELL-NATIONAL LABORATORIES		110 E. AMITY RD.	CINCINNATI	45215
A	31R29	MIAMI UNIVERSITY		OFFICE OF THE PRESIDENT	OXFORD	45056
A	31R60	MIAMI VALLEY HOSPITAL		1 WYOMING ST.	DAYTON	45409
A	31R25	MT. SINAI HOSPITAL		UNIVERSITY CIRCLE	CLEVELAND	44106
A	31R78	MUSKINGUM COLLEGE			NEW CONCORD	43762
A	31R88	NORTH AM. SCIENCE ASSOC., INC.		2261 TRACY RD.	NORTHWOOD	43605
A	31R92	NORTHEASTERN OHIO UNIV.		RT 44	ROOTSTOWN	44272
A	31R35	OBERLIN COLLEGE			OBERLIN	44704
A	31R93	OH AGRICULT RESEARCH/DEVEL CT			WOOSTER	44691
A	34R88	OHIO DEPARTMENT OF HEALTH		1571 PERRY ST., PO BOX 2966	COLUMBUS	43216
A	31R40	OHIO NORTHERN UNIVERSITY			ADA	45810
A	31R14	OHIO STATE UNIVERSITY		190 N OVAL DR.	COLUMBUS	43210
A	31R82	OHIO UNIVERSITY			ATHENS	45701
A	31R49	OHIO WESLEYAN UNIVERSITY			DELAWARE	43015
A	31R71	OTTERBEIN COLLEGE			WESTERVILLE	43081
A	31R45	PHONE-POULENC INC.		ROUTE 250	ASHLAND	44805
A	31R10	PROCTOR & GAMBLE CO.		PO BOX 39175	CINCINNATI	45239
A	31R24	SHADRACK BIOLOGICALS		7580 CHAGRIN RD.	CHAGRIN	44022
A	31R16	SPRINGBORN INST. FOR BIO. RES.		553 N. BROADWAY ST.	SPENCERVILLE	45887

OHIO—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	31R31	ST. LUKE'S HOSPITAL		11311 SHAKER BLVD	CLEVELAND	44104
A	31R62	ST. THOMAS HOSPITAL OF AKRON, OHIO.		444 NORTH MAIN ST	AKRON	44310
A	31R01	ST. VINCENT CHARITY HOSPITAL		2351 E. 22ND ST.	CLEVELAND	44115
A	31R61	ST. VINCENT HOSPITAL & MEDICAL CENTER.		2213 CHERRY ST	TOLEDO	43608
A	31R19	UNIVERSITY OF AKRON			AKRON	44304
A	31R27	UNIVERSITY OF CINCINNATI		CLIFTON AVE	CINCINNATI	45221
A	31R79	UNIVERSITY OF DAYTON		300 COLLEGE PARK	DAYTON	45469
A	31R06	UNIVERSITY OF TOLEDO		2801 W. BANCROFT ST	TOLEDO	43606
A	31R89	W.I.L. RESEARCH LABS., INC.		3154 EXON AVE	CINCINNATI	45241
A	31R81	WITTENBERG UNIVERSITY			SPRINGFIELD	45501
A	31R55	WRIGHT STATE UNIVERSITY		COL. GLENN HIGHWAY	45435	45435
A	31R85	XAVIER UNIVERSITY		VICTORY PARKWAY	CINCINNATI	45207
A	31R66	YOUNGSTOWN STATE UNIVERSITY		410 WICK AVE	YOUNGSTOWN	44503

OKLAHOMA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	736	BAPTIST MEMORIAL HOSPITAL		5800 NW GRAND BLVD.	OKLAHOMA CITY	73112
A	7312	DEAN MCGEE EYE INST.		608 STANTON YOUNG DR	OKLA CITY	73104
A	7313	IMMUNO-MYCOLOGICS, INC.		P.O. BOX 1191	NORMAN	73070
A	7310	OK COLL/OSTEOP. MED & SURGERY		1111 W. 17TH ST.	TULSA	74101
A	732	OK MEDICAL RESEARCH FOUND.		825 NE 13TH ST.	OKLAHOMA CITY	73104
A	738	OK STATE DEPT. OF HEALTH		3400 N. EASTERN	OKLAHOMA CITY	73105
A	731	OK STATE UNIV/AGR. & APP. SCI.			STILLWATER	74074
A	734	OKLAHOMA CITY UNIVERSITY		2501 N. BLACKWELDER	OKLAHOMA CITY	73106
A	7311	ORAL ROBERTS UNIV	BIOMEDICAL RESEACH CTR	7777 S LEWIS	TULSA	74171
A	733	SOUTHWESTERN STATE COLLEGE			WEATHERFORD	73096
A	737	UNIVERSITY OF OKLAHOMA		660 PARRINGTON OVAL	NORMAN	73069

OREGON

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	9219	ANIMAL FOUNDATION INC		621 RIVER AVENUE	EUGENE	97404
A	9216	ANIMAL HEALTH LABORATORY		635 CAPITOL ST NE	SALEM	97310
A	9215	BIOPRODUCTS, INC.		BOX 429	WARRENTON	97146
A	922	GOOD SAMARITAN HOSP & MED CTR		1015 NW 22ND AVE	PORTLAND	97210
A	9220	LINFIELD COLLEGE			MCMINNVILLE	97128
A	9210	OR REGIONAL PRIMATE RES. CTR		505 NW 185TH AVE	BEAVERTON	97006
A	9214	OREGON COLLEGE OF EDUCATION		345 MONMOUTH AVE	MONMOUTH	97361
A	925	OREGON STATE UNIVERSITY			CORVALLIS	97331
A	923	PACIFIC UNIVERSITY			FOREST GROVE	97116
A	9213	PCL-RAJINC.		220 NE RUSSELL	BANKS	97106
A	927	PORTLAND STATE UNIVERSITY		PO BOX 751	PORTLAND	97207
A	9212	PROVIDENCE MEDICAL CENTER		700 N.E. 47TH AVE.	PORTLAND	97213
A	9218	REED COLLEGE		3203 S.E. WOODSTOCK BLVD	PORTLAND	97202
A	926	UNIV OF OREGON DENTAL SCHOOL		611 SW CAMPUS DR.	PORTLAND	97201
A	921	UNIV/OREGON MED SCHOOL		3181 SW SAM JACKSON PK RD	PORTLAND	97201
A	928	UNIVERSITY OF OREGON			EUGENE	97403
A	9217	WILLAMETTE LABORATORIES		2480 NE FREMONT	PORTLAND	97212

PENNSYLVANIA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	2332	ALBERT EINSTEIN MEDICAL CNTR		YORK & TABOR RDS.	PHILADELPHIA	19141
A	2322	ALLEGHENY-SINGER RESEARCH CORP.		320 E. NORTH AVE	PITTSBURGH	15212
A	2365	ALLEN PRODUCTS CO., INC.		PO BOX 2187,RD [illegible]	ALLENTOWN	18001
A	23102	ALLENTOWN AND SACRED HEART HOSPT. CT.		1200 SOUTH CEDAR CREST BLVD	ALLENTOWN	18105
A	2381	ARCO MEDICAL PRODUCTS CO.		RT 66 & RIVER RD.	LEECHBURG	15656
A	2369	ARGUS RESEARCH LABORATORIES INC.		2925 RIDGE RD	PERKASIE	18934
A	2362	BIOSEARCH, INC.		PO BOX 8098	PHILDELPHIA	19101
A	2374	BRYN MAWR COLLEGE			BRYN MAWR	19010
A	2346	BUCKNELL UNIVERSITY			LEWISBURG	17837
A	2378	BUCKSHIRE CORPORATION		2025 RIDGE RD.	PERKASIE	18944
A	2398	BURRON MEDICAL INC		624 TWELFTH AVE	BETHLEHEM	18018
A	2352	CALIFORNIA STATE COLLEGE			CALIFORNIA	15419
A	2342	CANNON LABORATORIES		PO BOX 3627	READING	19605
A	2324	CARNEGIE-MELLON UNIVERSITY		5000 FORBES AVE	PITTSBURGH	15213
A	2380	CDC RESEARCH, INC.		PO BOX 368	CLARKS SUMMIT	18411
A	2353	CENTRE SQU. VETERINARY CLINIC		1030 DEKALB PIKE	CENTRE SQUARE	19422
A	2333	CHILDREN'S HOSP OF PHILA.		1 CHILDRENS CENTER	PHILADELPHIA	19104
A	2301	CHILDREN'S HOSP. OF PITT.		125 DESOTO ST	PITTSBURGH	15213
A	2363	COLLEGE MISERIOCORDIA			DALLAS	18612
A	2384	CONNAUGHT LABORATORIES, INC.			SWIFTWATER	18370
A	2329	CONTRIBUTORS TO THE PA HOSP.		8TH & SPRUCE STS.	PHILADELPHIA	19107
A	2370	CORATOMIC, INC.		PO BOX 434	INDIANA	15701
X	2314	D. GUTHRIE FNDN. FOR MED. RES.		800 S. WILBUR AVE	SAYRE	18840
A	2341	DALMATIAN RESEARCH FOUND.	DALMATIAN RESEARCH FOUNDATION.	720 WOODBURY RD	YORK	17403
A	2364	DEBORAH HOSPITAL FOUNDATION	DEBORAH HEART & LUNG CTR.	1715 ARCH STREET	PHILADELPHIA	19103
A	2326	DREXEL UNIVERSITY		32ND & CHESTNUT ST.	PHILADELPHIA	19104
A	2313	DUQUESNE UNIVERSITY			PITTSBURGH	15219
A	2310	EASTERN PA PSYCHIATRIC INST.		HENRY AVE. & ABBOTTSFORD	PHILADELPHIA	19129
A	2396	EYE AND EAR HOSPITAL		230 LOTHROP STREET	PITTSBURGH	15213
A	2368	FASO, J		3216 STATE ST	ERIE	16508

PENNSYLVANIA—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	2367	FEDERATED MEDICAL RESOURCES		RD 2	HONEY BROOK	19344
A	2367	FISHER SCIENTIFIC CO.		711 FORBES AVE.	PITTSBURGH	15219
A	2377	GENERAL ELECTRIC CO.		VALLEY FORGE SPACE CENTER	KING OF PRUSSIA	19406
A	2331	HAHNEMANN MED. COLLEGE & HOSP.		230 N. BROAD ST.	PHILADELPHIA	19102
A	23104	HALLORAN, W. ROBERT & ELIZABETH.		RT. 29, P.O. BOX 111	SOUTH MONTROSE	18843
A	2378	HARCUM JUNIOR COLLEGE		MORRIS & MONTGOMERY AVE.	BRYN MAWR	19010
A	2376	INDIANA UNIV. OF PENNSYLVANIA			INDIANA	15701
A	2358	INSTITUTE FOR CANCER RESEARCH		7701 BURHOLME AVE.	PHILADELPHIA	19111
A	236	INSTITUTE, GEISINGER MEDICAL CNTR.		THE GEISINGER MEDICAL CNTR.	DANVILLE	17821
A	233	LANKENAU HOSPITAL		LANCASTER & CITY LINE AVES.	PHILADELPHIA	19151
A	2317	LAWALL/HARRISON RES. LABS INC		2505 CHRISTIAN ST.	PHILADELPHIA	19146
A	2364	LEHIGH UNIVERSITY			BETHLEHEM	18015
R	2371	LINCOLN UNIVERSITY			LINCOLN UNIVERSITY	19352
A	2350	LYCOMING COLLEGE			WILLIAMSPORT	17701
A	2369	M.B. RESEARCH LAB INC.		PO BOX 176 STEINBERG WENTZ RD.	SPINNERSTOWN	18968
A	2361	M.B. RESEARCH LABS., INC.		STEINSBURG & WENTZ ROADS	SPINNERSTOWN	18968
A	2360	MAGEE-WOMENS HOSPITAL		FORBES & HALKET STS.	PITTSBURGH	15213
A	2315	MCNEIL LABORATORIES, INC.		CAMP HILL RD.	FT. WASHINGTON	19034
A	2375	MEDIAN SCH. OF HEALTH CAREER		12 EIGHT ST.	PITTSBURGH	15222
A	235	MEDICAL COLLEGE OF PENNA.		3300 HENRY AVE.	PHILADELPHIA	19129
A	2336	MERCY CATHOLIC MEDICAL CENTER		LANSDOWNE AVE.	DARBY	19023
A	2368	MONELL CHEMICAL SENSES CTR		3500 MARKET ST.	PHILADELPHIA	19104
A	2362	MONTEFIORE HOSPT. ASSOC/WSTN. PA.		3459 FIFTH AVE.	PITTSBURGH	15213
A	2357	MORAVIAN COLLEGE		MAIN & ELIZABETH AVE.	BETHLEHEM	18018
A	2369	PA COLLEGE OF PODIATRIC MED.		8TH AT RACE ST.	PHILADELPHIA	19107
A	23100	PENN COLLEGE OF OPTOMETRY		1200 WEST GODFREY AVE	PHILADELPHIA	19141
A	2354	PENNSYLVANIA DEPT. OF HEALTH		PICKERING WAY & WELSH POOL RD.	LIONVILLE	19353
A	2321	PENNSYLVANIA STATE UNIVERSITY		207 OLD MAIN	UNIVERSITY PARK	16802
A	2335	PENNWALT CORPORATION		3 PENN CENTER	PHILADELPHIA	19102
A	2356	PENROSE RESEARCH LABORATORY		34TH ST. & GIRARD AVE.	PHILADELPHIA	19104
A	2360	PHARMACHEM CORP.		BOX 1035 719 STEFKO BLVD.	BETHLEHEM	18018
A	2366	PHARMACOLOGY RESEARCH, INC.		21 MAIN ST.	DARBY	19023
A	2345	PHARMAKON LABORATORIES		1140 QUINCY AVE.	SCRANTON	18510
A	231	PHIL. COLL. OF PHARM & SCIENCE		43RD ST. & KINGSESSING AVE.	PHILADELPHIA	19104
A	2325	PHILA. COLL. OF OSTEOP. MED.		4150 CITY LINE AVE.	PHILADELPHIA	19139
A	2319	PRESBYTERIAN-UNIVERSITY OF PA		51 N. 39TH ST.	PHILADELPHIA	19104
A	2367	PRODUCT INVESTIGATIONS, INC.	HALLOWELL LABORATORIES	151 EAST TENTH AVE	CONSHOHOCKEN	19428
A	2347	RACHELWOOD WILDLIFE PRESERVE		RD 1	NEW FLORENCE	15944
A	2337	ROHM & HAAS COMPANY		NORRISTOWN & MCKEAN RDS.	SPRINGHOUSE	19477
A	2396	SACKS, L.	SACKS FARM	RD3	EVANS	16033
A	2312	SMITH, KLINE & FRENCH LABS.		1500 SPRING GARDEN ST.	PHILADELPHIA	19101
A	2388	ST. VINCENT COLLEGE			LATROBE	15650
A	2348	SUSQUEHANNA UNIVERSITY			SELINSGROVE	17870
X	2362	SYNCOT LABORATORIES		1075 NEW DEHAVEN RD.	W. CONSHOHOCKEN	19428
A	2327	TEMPLE UNIVERSITY		BROAD & MONTGOMERY STS.	PHILADELPHIA	19122
A	2365	THE GRADUATE HOSPITAL		19TH & LOMBARD STS.	PHILADELPHIA	19146
A	230	THE MERCY HOSPITAL OF PITTSBURGH.		1400 LOCUST ST.	PITTSBURGH	15219
A	2311	THOMAS JEFFERSON UNIVERSITY		1025 WALNUT ST.	PHILADELPHIA	19107
A	2316	UNIV. HEALTH CENTER OF PITTS.		TERRACE & DESOTO STS.	PITTSBURGH	15213
A	2322	UNIVERSITY OF PENNSYLVANIA		101 COLLEGE HALL	PHILADELPHIA	19104
A	23103	VILLANOVA UNIVERSITY		MENDEL HALL ROOM G -11	VILLANOVA	19085
A	2349	W. L. CAPPEL LABS., INC.		THUD RIDGE FARM	COCHRANVILLE	19330
A	2329	WESTINGHOUSE CORP.		1310 BEULAH RD.	PITTSBUGH	15235
A	23101	WHITE EAGLE LABS, INC.		2003 LOWER STATE RD.	DOYLESTOWN	18901
A	239	WILLIAM H. ROREP, INC.		500 VIRGINIA DR.	FORT WASHINGTON	19034
A	2372	WILLS EYE HOSP. RESEARCH INST.		1601 SPRING GARDEN ST.	PHILADELPHIA	19130
A	2355	WISTAR INSTITUTE		36TH & SPRUCE STS.	PHILADELPHIA	19104
A	2318	WYETH LABORATORIES, INC.		PO BOX 8299	PHILADELPHIA	19101

PUERTO RICO

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	94R8	DADE DIAGNOSTICS INC.		RD 11 5 KM 22.6	AGUADA	00602
A	94R4	EX-LAX, INC.		CALL BOX 1020	HUMACAO	00661
A	94R3	INSTITUTE OF HEALTH LABS.		PO BOX 10427, CAPARRA HEIGHTS.	SAN JUAN	00922
A	94R2	LILLY INDUSTRIES, INC.		PO BOX 71325	SAN JUAN	00936
A	94R6	OMNI RESEARCH, INC.		PO BOX 1156	SAN GERMAN	00753
A	94R9	UNIVERSIDAD CENTRAL DEL CARIBE		SCHOOL OF MEDICINE, BOX 935	CAYEY	00633
A	94R1	UNIVERSITY OF PUERTO RICO			RIO PIEDRAS	00931

RHODE ISLAND

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	153	BROWN UNIVERSITY		79 WATERMAN ST. BROWN STA.	PROVIDENCE	02912
A	1512	CARTER LABORATORIES INC		103-105 HIGGINSON AVE.	LINCOLN	02865
A	1511	CURRAN, ALTON J. M.D.		314 ANGELL ST.	PROVIDENCE	02906
A	156	MEMORIAL HOSPITAL		PROSPECT ST.	PAWTUCKET	02860
A	155	MIRIAM HOSPITAL		164 SUMMIT AVENUE	PROVIDENCE	02906
A	1510	RHODE ISLAND COLLEGE			PROVIDENCE	02908
A	152	RHODE ISLAND HOSPITAL		593 EDDY ST.	PROVIDENCE	02903
A	157	ROGER WILLIAMS GENERAL HOSP.		825 CHALKSTONE AVE.	PROVIDENCE	02908
A	154	UNIVERSITY OF RHODE ISLAND			KINGSTON	02881

SOUTH CAROLINA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	562	CLEMSON UNIVERSITY			CLEMSON	29631
A	561	MEDICAL COLLEGE OF S. CAROLINA		80 BARRE ST.	CHARLESTON	29401
A	564	TRI COUNTY TECH COLLEGE		BOX 87	PENDLETON	29670
A	563	UNIVERSITY OF SOUTH CAROLINA			COLUMBIA	29208

SOUTH DAKOTA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	462	SOUTH DAKOTA STATE UNIVERSITY			BROOKINGS	57006
A	461	UNIVERSITY OF SOUTH DAKOTA			VERMILLION	57069

TENNESSEE

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	638	BAPTIST MEMORIAL HOSPITAL		899 MADISON AVE.	MEMPHIS	38103
A	631	BEECHAM LABORATORIES		501 FIFTH ST.	BRISTOL	37620
A	6311	EAST TENNESSEE STATE UNIV			JOHNSON CITY	37601
A	632	MEHARRY MEDICAL COLLEGE		1005 16TH AVE. NORTH	NASHVILLE	37208
A	636	MEMPHIS STATE UNIVERSITY			MEMPHIS	38111
A	633	OAK RIDGE ASSOC. UNIVERSITIES		PO BOX 117	OAK RIDGE	37830
A	6310	PLOUGH, INC.		3099 JACKSON AVE.	MEMPHIS	38112
A	637	ST. JUDE CHILDREN'S RES HOSP		PO BOX 318	MEMPHIS	38101
A	634	UNIVERSITY OF TENNESSEE			KNOXVILLE	37916
A	635	VANDERBILT UNIVERSITY			NASHVILLE	37203

TEXAS

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	7456	ACORN RESEARCH LAB.		3410 OWEN	AUSTIN	78705
A	7411	ALCON LABORATORIES, INC.		PO BOX 1959	FORT WORTH	76101
A	7439	BAYLOR COLLEGE OF DENTISTRY		800 HALL ST.	DALLAS	75235
A	7428	BAYLOR UNIVERSITY			WACO	76703
A	7418	BAYLOR UNIVERSITY COLLEGE OF MEDICINE.		1200 MOURSUND AVE.	HOUSTON	77025
A	7434	BROWNSVILLE ANIMAL RES. CNTR.		1910 CENTRAL AVE.	BROWNSVILLE	78520
A	7444	CARWILE, DVM, HF	BETHYL LABS INC.	P.O. BOX 821	MONTGOMERY	77356
A	7454	DALLAS CO. COMM. COLLEGE DIST.		701 ELM	DALLAS	75202
A	7443	FRANKLIN LABORATORIES		PO BOX 999	AMARILLO	79105
A	7436	HELENA LABORATORIES		1530 LINDBERGH DR.	BEAUMONT	77704
A	7442	IMMUNO-REAGENTS ASSOC., INC.		1008 N. RIVER ST.	SEGUIN	78155
A	7457	INTERMEDICS, INC.		PO BOX 617	FREEPORT	77541
A	7453	JOHN H. SHEETS, M.D., ASSOC.		PO BOX 7616	ODESSA	79760
A	7459	KALLESTAD	KALLESTAD LABORATORIES, INC.	2000 AUSTIN NAT'L BANK TOWER	AUSTIN	78701
A	7455	LAMAR UNIVERSITY		BOX 10087 BIOLOGY DEPT	BEAUMONT	77710
A	7430	METHODIST HOSPITAL OF DALLAS		PO BOX 5999	DALLAS	75222
A	7433	NORTH TEXAS STATE UNIVERSITY		BOX 5218 NT STATION	DENTON	76203
A	7452	PAN AMERICAN UNIVERSITY			EDINBURG	78539
A	7431	RICE UNIVERSITY		PO BOX 1892	HOUSTON	77001
A	7408	SCOTT & WHITE MEMORIAL HOSP.		2401 S. 31ST ST.	TEMPLE	76501
A	7432	SOUTHERN METHODIST UNIVERSITY			DALLAS	75222
A	7403	SOUTHWEST FOUNDATION FOR RES. & ED.		P.O. BOX 28147	SAN ANTONIO	78284
A	7425	SOUTHWEST RESEARCH INSTITUTE		8500 CULEBRA RD.	SAN ANTONIO	78206
A	7448	SOUTHWEST TEXAS STATE UNIV.			SAN MARCOS	78666
A	7406	ST. JOSEPH'S HOSPITAL		1919 LA BRANCH	HOUSTON	77002
A	7415	ST. PAUL HOSPITAL		5909 HARRY HINES	DALLAS	75235
A	7449	STILLMEADOW, INC.		3223 LACOSTA DR.	MISSOURI CITY	77459
A	7407	TECHNOLOGY, INC.		511 WEST RAPSODY	ST. ANTONIO	78216
A	7412	TEXAS A&M UNIVERSITY			COLLEGE STATION	77843
A	7446	TEXAS CHRISTIAN UNIVERSITY			FT. WORTH	76129
X	7451	TEXAS EASTERN UNIVERSITY		3900 UNIVERSITY BLVD.	TYLER	75701
A	7437	TEXAS HEART INSTITUTE			HOUSTON	77002
A	7401	TEXAS RESEARCH INSTITUTE OF MENTAL SCIENCES.		1300 MOURSUND	HOUSTON	77025
A	7445	TEXAS STATE TECHNICAL INST.		JAMES CONNALLY CAMPUS	WACO	76705
A	7447	TEXAS TECH UNIVERSITY			LUBBOCK	79409
A	7440	TEXAS WOMAN'S UNIVERSITY		BOX 23971, TWU STATION	DENTON	76204
A	7427	TRINITY UNIVERSITY		715 STADIUM DR.	SAN ANTONIO	78212
A	7450	TX TECH. UNIV HEALTH SCI CNTR		PO BOX 4569	LUBBOCK	79409
A	7420	UNIVERSITY OF HOUSTON		3801 CULLEN BLVD.	HOUSTON	77004
A	7429	UNIVERSITY OF TEXAS SYSTEM		PO BOX 7999	AUSTIN	78712
A	7458	VACCINES, INC.		2114 SO. 1ST	TEMPLE	76501
A	7438	WADLEY INSTS OF MOLECULAR MED.		9000 HARRY HINES	DALLAS	75235
A	7435	ZOECON INDUSTRIES, INC.		12200 DENTON DR.	DALLAS	75234

UTAH

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	873	BRIGHAM YOUNG UNIVERSITY		RM 679 WIDTSOE BLDG.	PROVO	84601
A	875	INTERMOUNTAIN LABORATORIES		670 E. 7200 SOUTH	MIDVALE	84047
A	874	LATTER-DAY SAINTS HOSPITAL		325-8TH AVE.	SALT LAKE CITY	84103
A	879	MIDECO		391 CHIPETA WAY SUITE B	SALT LAKE CITY	84108
A	876	PRIMARY CHILDREN'S HOSPITAL		320 TWELFTH AVE.	SALT LAKE CITY	84103
A	871	UNIVERSITY OF UTAH		308 PARK BLDG.	SALT LAKE CITY	84112
A	8710	UNIVERSITY OF UTAH RES. INSTITUTE.		520 WAKARA WAY	SALT LAKE CITY	84108
A	872	UTAH STATE UNIVERSITY			LOGAN	84321
A	878	WEBER STATE COLLEGE		3750 HARRISON BLVD.	OGDEN	84403

VIRGINIA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	527	A.H. ROBINS CO. INC.		1211 SHERWOOD AVE.	RICHMOND	23220
A	5217	BLUE RIDGE COMMUNITY COLLEGE		PO BOX 80	WEYERS CAVE	24486
A	5214	COLLEGE OF WILLIAM AND MARY			WILLIAMSBURG	23185
A	528	EASTERN VA MEDICAL AUTHORITY		P.O. BOX 1980 OLNEY RD.	NORFOLK	23501
A	VAR20	ENVIRONMENTAL CONSULTANTS INC.		1022 W 24TH ST.	NORFOLK	23517
A	VAR21	FLOW LABORATORIES, INC.		7655 OLD SPRINGHOUSE ROAD	MCLEAN	22102
A	5219	GEORGE MASON UNIVERSITY		4400 UNIVERSITY DR.	FAIRFAX	22030
A	5218	GLENN H. SHEPARD, M.D. INC.		314 MAIN ST.	NEWPORT NEWS	23601
A	VAR6	HAZELTON LAB., INC.		P.O. BOX 30	FALLS CHURCH	22046
A	52R22	HAZLETON/PRIMELABS, INC.		MONMOUTH COUNTY AIRPORT	FARMINGDALE	07727
X	5216	LYNCHBURG COLLEGE			LYNCHBURG	24504
A	5210	MELOY LABS., INC.		6715 ELECTRONIC DR.	SPRINGFIELD	22151
A	5213	OLD DOMINION UNIVERSITY		PO BOX 6173	NORFOLK	23508
A	VAR11	UNIVERSITY OF VIRGINIA	VIVARIUM FARM	MEDICAL CNTR/P.O. BOX 450	CHARLOTTESVILLE	22908
A	VAR7	VA COMMONWEALTH UNIV.		12TH & BROAD STS.	RICHMOND	23219
A	525	VIRGINIA POLYTECHNIC INST.			BLACKSBURG	24061
A	5211	WASHINGTON AND LEE UNIVERSITY			LEXINGTON	24450

VERMONT

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	135	INST FOR MED RES/BENNINGTON		DEWEY ST.	BENNINGTON	05201
A	133	MIDDLEBURY COLLEGE			MIDDLEBURY	05753
A	131	UNIV OF VT & STATE AGRL COLL.			BURLINGTON	05401
A	128	VERMONT TECH. COLLEGE		RANDOLPH CTR.	VERMONT	05061

WASHINGTON

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	9120	BIO MEDICAL RESEARCH LABS.		1115 E. PIKE ST.	SEATTLE	98122
A	919	EASTERN WASHINGTON STATE COLLEGE.			CHENEY	99004
A	9118	FORT STEILACOOM COMMUNITY COLLEGE.		BOX 99186	TACOMA	98499
A	9111	HOLLISTER-STIER LABORATORIES		BOX 3145 TERMINAL ANNEX	SPOKANE	99220
A	9122	LOWER COLUMBIA COLLEGE		1600 MAPLE ST.	LONGVIEW	98632
A	916	PACIFIC NORTHWEST LABS.		PO BOX 999	RICHLAND	99352
A	915	PACIFIC NW RESEARCH FNDN.		1102 COLUMBIA ST.	SEATTLE	98104
A	9121	PHYSIO-CONTROL CORP	EVERGREEN VET HOSPITAL	11811 WILLOWS RD.	REDMOND	98052
A	913	PROVIDENCE HOSPITAL RES. CTR.		528 18TH AVE.	SEATTLE	98166
A	9119	PUGET SOUND BLOOD CENTER		TERRY AT MADISON	SEATTLE	98104
A	9114	SEATTLE-KING CO. HEALTH DEPT.		1303 PUBLIC SAFETY BLDG.	SEATTLE	98104
A	9112	ST. JOSEPH HOSPITAL			TACOMA	98405
A	911	UNIVERSITY OF WASHINGTON			SEATTLE	98101
A	917	VIRGINIA MASON RESEARCH CNTR.		1000 SENECA ST.	SEATTLE	98101
A	912	WASHINGTON STATE UNIVERSITY			PULLMAN	99163
A	9117	WESTERN WASH. UNIV.			BELLINGHAM	98225
A	9110	WEYERHAEUSER COMPANY		PO BOX 420	CENTRALIA	98531

WISCONSIN

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	3515	ALTECH LABORATORIES		RT. 4 SYENE RD.	MADISON	53711
A	3523	APPLETON MEMORIAL HOSP. ASSOC.		1818 N. MEADE ST.	APPLETON	54911
A	3519	BELLIN MEMORIAL HOSPITAL		744 S. WEBSTER AVE.	GREEN BAY	54301
A	3521	BELOIT COLLEGE			BELOIT	53511
A	354	CENT. WI CT FOR DEVEL. DISABLED		317 KNUTSON DR.	MADISON	53704
A	3512	FROMM LABORATORIES, INC.			GRAFTON	53024
A	3511	MARQUETTE UNIVERSITY		1217 W. WISCONSIN AVE.	MILWAUKEE	53233
A	358	MARSHFIELD MEDICAL FOUND.		630 S. CENTRAL AVE.	MARSHFIELD	54449
A	3529	MEDICAL COLLEGE OF WISCONSIN, INC..		8701 WATERTOWN PLANK RD.	MILWAUKEE	53226
A	3526	MILWAUKEE CHILDREN'S HOSPITAL		1700 W. WISCONSIN AVE.	MILWAUKEE	53233
A	359	MT. SINAI HOSPITAL		948 N. 12TH ST.	MILWAUKEE	53233
A	351	REGENTS OF THE UNIV. OF WISC.		750 UNIVERSITY AVE.	MADISON	53706
A	3527	S.C. JOHNSON & SON, INC.		1525 HOWE ST.	RACINE	53403
A	3524	ST. JOSEPH'S HOSPITAL-LAB.		5000 W. CHAMBERS ST.	MILWAUKEE	53210
A	3516	VOC., TECH., & ADULT EDUC.		211 N. CARROLL ST.	MADISON	53703
A	3525	WAUSAU HOSPITAL CENTER			MAPLE HILL	54401
A	3520	WISCONSIN DEPT. OF AGRICULTURE		801 W. BADGER RD.	MADISON	53713

WEST VIRGINIA

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	54RE	MARSHALL UNIVERSITY			HUNTINGTON	25701
A	541	WEST VIRGINIA UNIVERSITY		MEDICAL CENTER	MORGANTOWN	26506
A	542	WV SCHOOL OF OSTEOP. MEDICINE		400 N. LEE ST.	LEWISBURG	24901

WYOMING

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	832	CASPER COLLEGE		125 COLLEGE DR.	CASPER	82601
A	834	EASTERN WYOMING COLLEGE			TORRINGTON	82240
A	833	LARAMIE CO. COMMUNITY COLLEGE		1400 EAST COLLEGE DR.	CHEYENNE	82001

WYOMING—Continued

STATUS	REGISTRATION NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
A	831	UNIVERSITY OF WYOMING			LARAMIE	82070

[FR Doc. 81-9783 Filed 3-30-81; 8:45 am]

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ZIP CODE
92070

federal register

Tuesday
March 31, 1981

Part VII

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Exhibitors

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Exhibitors

The following list is being published to give notice to the public of exhibitors curently licensed under the Animal Welfare Act (7 U.S.C. 2131 et seq.). Such notice is exempt from the regulatory freeze of February 17, 1981, and does not come under E.O. 12291, since it is not a rule. Therefore, pursuant to the provisions of the Animal Welfare Act and the regulations thereunder (9 CFR Part 2), notice is hereby given that the exhibitors listed below are licensed under said Act:

(Section 3, 80 Stat 351, as amended (7 U.S.C. 2133))

Done at Washington, D.C., this 12th day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

ALASKA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
96C2	EDEN, P	ALASKA WILD BERRY PRODUCTS	PO BOX 574	HOMER	99603
96C1	FULBUNCH INC.	THE MONKEY WHARF	528 C ST	ANCHORAGE	99501

ALABAMA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
64C1	CITY OF BIRMINGHAM	BIRMINGHAM ZOO	409 GRAYMONT AVE. WEST	BIRMINGHAM	35204
64C3	MONTGOMERY ZOO		PO BOX ZEBRA	MONTGOMERY	36109
64C6	UNIV OF NORTH ALABAMA			FLORENCE	35630

ARKANSAS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
71C6	BRIDGES, J & E	ARKANSAS ALLIGATOR FARM	847 WHITTINGTON AVE	HOT SPRINGS	71901
71C1	CITY OF LITTLE ROCK	ZOO OF ARKANSAS	11 JONESBORO ST	LITTLE ROCK	72205
71C12	CROSSLAND ZOO		1262 ELM ST	CROSSETT	71635
71C5	DOGPATCH ANIMAL WORLD	DOGPATCH USA		DOGPATCH	72648
71C11	ELNA M. SMITH FOUND.	CHRIST OF THE OZARKS	P.O. BOX 471	EUREKA SPRINGS	72632
71C14	GALLAGHER, VR		RT STAR BOX 103	WINTHROP	71866
71C7	I.Q. ZOO, INC		4800 ALBERT PIKE	HOT SPRINGS	71901
71C10	MAGIC ANIMALS INC	MAGIC SPRINGS THEME PARK	4800 ALBERT PIKE	HOT SPRINGS	71901
71C8	SPA ATTRACTIONS, INC	ANIMAL WONDERLAND	4800 ALBERT PIKE	HOT SPRINGS	71901
71C2	TATUM, E	HOLIDAY ISLAND EXOTIC ANIMAL PARK.	RT 3 BOX 202	HOLIDAY ISLAND	72632
71C4	WILMOTH, RL	WILD WILDERNESS	RT 3 BOX 309	GENTRY	72734

ARIZONA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
86C1	ARIZONA ZOOLOGICAL SOCIETY	PHOENIX ZOO	PO BOX 5155	PHOENIX	85010
86C3	ARIZONA-SONORA DESERT MUSEUM		RT 9 BOX 900	TUCSON	85704
86C2	CITY OF TUCSON	REID PARK ZOO	900 SO RANDOLPH WAY	TUCSON	85716
86C6	EL ZARIBAH-AL JONDI		1502 W. WASHINGTON	PHOENIX	85007
86C16	HENRY, CARMELA & IVAN	HENRY'S CHIMPS/HENRY BROS. CIRCUS.	1445 N SAN MARCOS DRIVE	APACHE JUNCTION	85220
86C11	MARTIN, D	BRADSHAW MOUNTAINS	9039 WEST NORTHERN AVE	GLENDALE	85303
86C15	MUHLHAUSER, C		P.O. BOX 11	CAVE CREEK	85331
86C17	SWENSON, L	PAYSON EROTIC STUDIO ANIMALS	ST RT BOX 75	PAYSON	85541
86C14	TORZEWSKI, W & S		2339 N 14TH ST	PHOENIX	85006
82C11	TUCKITT, D & D	SAFARI GARDENS	BOX 1388	STAR	83669
86C12	VAN SINDEREN, C	VANTEEN & CO. SHOWS	P.O. BOX 6795	CATALINA	85738
86C13	WALKER, PATRICIA		PO BOX 406	PEARCE	85625
86C8	WHITMAN, P & D	GRAND CANYON DEER FARM	100 DEER FARM RD.	WILLIAMS	86046
86C4	WYCKOFF, C & P	TROPIC GARDEN ZOO	3111 NORTH 33RD PLACE	PHOENIX	85018

CALIFORNIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
93C9	ALLEN'S PET ZOO INC		PO BOX 91	PIXLEY	93256
93C172	AMERICAN WILDLIFE RESCUE SERVICE INC.		1298 CONFERENCE DRIVE	SCOTTS VALLEY	95066
93C81	ARLEN, D		20365 RIDER RD. 8	PERRIS	92370
93C150	ATKINSON, JM	OAK TREE VILLAGE	38480 OAK GLEN RD.	YUCAIPA	92399
93C10	BABY ZOO, INC	SAN JOSE BABY ZOO	1300 SENTER RD.	SAN JOSE	95112
93C113	BALDWIN, JR	BALDWINS CHARMING CHIMPS	2364 INGELOW CT.	THOUSAND OAKS	91360
93C149	BARTON, WM		14651 CAMPETO ESTE	SAN DIEGO	92129
93C116	BAUMAN, T		666 SAN FERNANDO RD.	LOS ANGELES	90065
93C41	BERWICK, R		UNIVERSAL STUDIO TOURS	UNIVERSAL CITY	91608
93C89	BIG BEAR VALLEY PARK DIST	MOONRIDGE ZOO	PO BOX 2832	BIG BEAR LAKE	92315
93C34	BIG JOHN A. STRONG & SON CIRCUS, INC.		37689 OAK GLEN RD.	YUCAIPA	92399
93C108	BLAIR, R & P	THE BLAIR BUNCH, INC.	7361 WOODMAN PL	VAN NUYS	91405
93C190	BROLIN, J & J		865 BUENA VISTA AVE	MONTECITO	93108
93C204	BUCKLEY, CAROL		15874 MARICOPA HWY	OJAI	93023

CALIFORNIA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
93C171	BURNHAM, V & SEARS, L	BURNHAM & SEARS EXOTICS	1900 ASHBY RD. SO)61	MERCED	95340
93C168	BUTLER, S & G		PO BOX 112	LA HONDA	94020
93C127	CAMPOLONGO, J	SEA-ARAMA MARINEWORLD	P.O. BOX 5378	GALVESTON	77551
93C162	CHARBONNEO, ROY	PINE SPRINGS RANCH	PO BOX 37	MOUTAIN CENTER	92361
93C13	CHILD'S ESTATE FOUNDATION		PO BOX 4758	SANTA BARBARA	93103
93C165	CHILDRESS, J & ECHART, DJ		17860 STRICKLAND	LAKE ELSINORE	92330
93C57	CIRCUS VARGAS CORP		5150 CANDLEWOOD SUITE 5	LAKEWOOD	90712
93C24	CITY OF ATASCADERO	CHARLES PADDOCK ZOO	P.O. BOX 747	ATASCADERO	93422
93C7	CITY OF EUREKA	SEQUOIA PARK ZOO	PO BOX 1018	EUREKA	95501
93C16	CITY OF FOLSOM	FOLSOM CITY ZOO	50 NATOMA STREET	FOLSOM	95630
93C84	CITY OF MERCED	APPLEGATE PARK ZOO	PO BOX 2068	MERCED	95340
93C124	CITY OF NATIONAL CITY		1243 NATIONAL CITY BLVD	NATIONAL CITY	92050
93C5	CITY OF OAKLAND	OAKLAND ZOO/KNOWLAND PARK	1520 LAKESIDE DR	OAKLAND	94612
93C27	CITY OF ROSEVILLE	ROSEVILLE CITY ZOO	316 VERNON ST	ROSEVILLE	95678
93C164	CITY OF WALNUT CREEK	ALEXANDER LINDSAY JR. MUSEUM.	1901 FIRST AVE	WALNUT CREEK	94596
93C125	CITY OF WHITTIER	STORYBOOK ZOO	13230 E PENN ST	WHITTIER	90602
93C182	COLETTE, M	WILDLIFE WAYSTATION	14831 LITTLE TUJUNGA CANYON RD.	SAN FERNANDO	93142
93C102	COUNTY OF ORANGE EMA/DEVEL	IRVINE REGIONAL PARK	10852 DOUGLASS RD.	ANAHEIM	92608
93C107	COX, L	THE LION WILD ANIMAL RENTALS	PO BOX 259	HOLLYWOOD	90068
93C56	DI SESSO, M	TRAINED WILD LIFE FILM LIBRARY	24233 OLD RD	NEWHALL	91321
93C173	DOURIS, G		17860 STRICKLAND AVE	ELSINORE	92330
93C82	DOWNEY, M		P.O. BOX 221 31812 2ND ST.	ACTON	93510
93C160	DRAKE, D	DRAKES EXOTIC ANIMALS	PO BOX 485	TEHACHAPI	93561
93C118	DRAKE, E		P O BOX 485	TEHACHAPI	93561
93C44	EARNEST, K	CALIFORNIA ALLIGATOR FARM	7671 LA PALMA AVE BOX 236	BUENA PARK	90620
93C158	EAST BAY ZOOLOGICAL SOCIETY	OAKLAND BABY ZOO	PO BOX 5238	OAKLAND	94605
93C161	EGAN, LW & BL	SCHOOL JUNGLE SAFARI	PO BOX 502	LAHONDA	94020
93C134	EGEDI, KW		1526 GRAND AVE	FILLMORE	93015
93C194	EWING, R		20501 CALLON DR	TOPANGA	90290
93C196	FATINO, LAWRENCE		24681 CLINTON KEITH ROAD	WIDOMAR	92395
93C104	FAWCETT, B		18267 HAWTHORNE AVE	BLOOMINGTON	92316
93C100	FISHER, F		P.O. BOX 774	MERCEDES	78570
93C145	FOERDER, LJ		9000 BEACHY AVE	ARLETA	91331
93C47	FRANK INN, INC		12265 BRANFORD	SUN VALLEY	91352
93C142	GALLO GLASS CO	GALLO ZOOLOGICAL GARDEN	P.O. BOX 1230	MODESTO	95353
93C91	GATTI PRODUCTIONS, INC		PO BOX 611	ORANGE	92666
93C166	GAYLORD, JOHN	HOLY ORDER OF MARY	2625 LEEWARD	HAYWARD	94545
93C76	GENTLE JUNGLE, INC		P.O. BOX 38797	HOLLYWOOD	90038
93C157	HANFORD ELEM SCHOOL DIST	FORT ROOSEVELT	PO BOX G1067	HANFORD	93230
93C146	HANNA-BARBERA MARINELAND		P.O. BOX 937	RANCHO PALOS VERDES	90274
93C79	HORNOK, JR	AMERICAN ANIMAL ENTERPRISES	BOX 337	LITTLEROCK	93543
93C98	HORTON, RB	HORTON'S WONDER BEARS	302 17TH STREET	SAN DIEGO	92101
93C109	HORTON, RB&OK		302-17TH ST	SAN DIEGO	92101
93C1	JETT, A	JETT'S PETTING ZOO	11025 CYPRESS	FONTANA	92335
93C88	JOHNSON, G	JOHNSON BROS ELEPHANTS	14331 CHESTNUT)3	WESTMINSTER	92683
93C78	JOHNSON, H		20725 NANDINA	PERRIS	92370
93C169	JOSEPHINE D. RANDALL JUNIOR MUSEUM.		199 MUSEUM WAY	SAN FRANCISCO	94114
93C195	JUSTESEN, L		1606 GUNNERSON ST.	LAKE ELSINORE	92330
93C83	KAYE, PV	ENTERTAINMENT ENTERPRISES & KAYE CONT. CIR.	1680 N VINE ST, SUITE 519	HOLLYWOOD	90028
93C197	KHEEL, M	CNTR. FOR NON-BROADCAST TV. INC.	2617 COLLEGE AVE. APT. 11	BERKELY	94704
93C20	KNOTT'S BERRY FARM		8039 BEACH BLVD	BUENA PARK	90620
93C80	KUTCHELL, J		20725 NANDINA	PERRIS	92370
93C201	LAMARR NAUD, J & M		12265 BRANDFORD STREET	SUN VALLEY	91352
93C154	LAUREN, M	ANIMALS BY MO	16820 SOLANA LANE	CANYON COUNTRY	91351
93C126	LILLE, G & C		2608 READ AVENUE	BELMONT	94002
93C14	LION COUNTRY SAFARI, INC		8800 IRVINE CENTER DR	LAGUNA HILLS	92653
93C148	LIVING DESERT RESERVE		PO BOX 1775	PALM DESERT	92261
93C86	LOS ANGELES COUNTY FAIR ASSOCIATION.		BOX 2250	POMONA	91766
93C43	LOS ANGELES ZOO		5333 ZOO DR	LOS ANGELES	90027
93C58	MADONNA, A	MADONNA INN	MADONNA RD & HIGHWAY 101	SAN LUIS OBISPO	93401
93C119	MARINE WORLD AFRICA USA	MARINE WORLD/AFRICA USA	MARINE WORLD PARKWAY	REDWOOD CITY	94065
93C21	MARINE WORLD AFRICA USA		MARINE WORLD PARKWAY	REDWOOD CITY	94065
93C183	MARRIOTT'S GREAT AMERICA		PO BOX 1776	SANTA CLARA	95052
93C97	MARSHALL, N	LION'S ETC	6867 SOLEDAD CANYON RD	ACTON	93510
93C51	MARTIN, S	STEVE MARTIN'S WORKING WILDLIFE.	PO BOX 65	ACTON	93510
93C87	MCDERMOTT, CD	THE COLD NOSE FIVE DOG ACT	4515 HARRISON AVE	REDDING	96001
93C170	MENDES, T & D		31404 RD 132	VISALIA	93277
93C36	MEREDITH, G	JUNGLE EXOTICS	STAR RT. BOX 96	ORO GRANDE	92368
93C191	MIKUS, D & GRABAR, T		2004 NINA COURT	HAYWARD	94541
93C93	MILHOUS BOYS RANCH		24077 STATE HWY 49	NEVADA CITY	95959
93C181	MILLER, K	ANIMAL ACTION	9125 CRANFORD AVE	ARLETA	91331
93C203	MITCHELL, KARL J		12615 FOOTHILL BLVD	SYLMAR	91342
93C200	MOORE, MR. & MRS. BOB	BOB MOORE'S MONGREL REVIEW	10025 HEMLOCK	FONTANA	92335
93C189	MOORPARK COLLEGE		7075 CAMPUS RD.	MOORPARK	93021
93C184	NAUD, J		14831 LITTLE TUJUNGA CANYON RD.	SAN FERNANDO	91342
93C175	NETTLEMAN, B & B		15495 BELNAP DR	SARATOGA	95070
93C176	OLDER, M		STAR RT BOX 96	ORO GRANDE	92368
93C53	OXLEY, RL		7433 SOLEDAD CANYON RD	ACTON	93510
93C193	PASTERNAK, ALEX		16332 ARMINTA AVE	RESEDA	91335
93C74	PAT DERBY ENTERPRISES, INC.	HOWLING WOLF LODGE	RT. 1 BOX 24 P.O. BOX 269	LEGGETT	94544
93C179	PETTER, D & E		3601 ROSECRANS APT 1	HATWTHORNE	90250
93C187	QUATE, S		PO BOX 632	BELLA VISTA	96008

CALIFORNIA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
93C202	RAGEN, WAYNE		82-347 HWY. 111	INDIO	92201
93C178	RENZO, P		GEN. DELIVERY AL TAHOE STA	SO. LAKE TAHOE	95702
93C31	REYNOLDS, A		5423 E LAUREL	FRESNO	93727
93C105	RIGGINS, CAROL W.	RON OXLEY'S COMPOUND	16241 RAVENGLEN RD	CANYON COUNTRY	91351
93C115	RIVERS, B	ANIMAL SPECIALTY ACTS	10940 RIVERSIDE AVE	BLOOMINGTON	92316
93C4	ROEDING PARK ZOO		894 W. BELMONT	FRESNO	93728
93C9	SACRAMENTO CITY ZOO		3930 W LAND PARK DR	SACRAMENTO	95822
93C136	SACRAMENTO SCIENCE CENTER & JR. MUSEUM.		3615 AUBURN BLVD	SACRAMENTO	95821
93C3	SAN FRANCISCO ZOOLOGICAL GARDENS.		ZOO ROAD & SKYLINE BLVD	SAN FRANCISCO	94132
93C6	SAN JOAQUIN COUNTY PKS & REC.	MICKE GROVE ZOO	4520 W EIGHT MILE ROAD	STOCKTON	95209
93C101	SANTA ANA ZOO		1700 E FIRST ST	SANTA ANA	92705
93C196	SAVAGE, JP		16315 OAK CANYON DRIVE	MORGAN HILL	95037
93C52	SCHUMACHER, LM	SCHUMACHER ANIMALS RENTALS	PO BOX 642	BALDWIN PARK	91706
93C89	SEA WORLD INC		1720 S SHORES DR	SAN DIEGO	92109
93C166	SHAMBAUGH, V		1280 EDGAR AVE	BEAUMONT	92223
93C56	SHAWVER, C	CARLISLE WILD ANIMAL FARM	1221 GRANT ST	SANTA MONICA	90405
93C11	SIX FLAGS MAGIC MOUNTAIN		P.O. BOX 5500	VALENCIA	91355
93C81	SKY FOREST PACE	SANTA'S VILLAGE	PO BOX 639	SKYFOREST	92385
93C45	SMIEYA-BLASZAK, A		426 WATER ST	BARABOO	53913
93C33	SNYDER, F	YVETTES MINI CIRCUS REVUE	PO BOX 2058	CYN COUNTRY	91351
93C185	SWEAZEA, B		RT 1 BOX 900	GRIDLEY	95948
93C205	TELINJECT USA, INC.		16133 VENTURA BLVD SUITE 625	ENCINO	91436
93C22	TOTH, GN	COUGAR HILL RANCH	P.O. BOX 132	LITTLEROCK	93543
93C153	TRANTHAM, C	FOOTHILL GAME FARM	PO BOX 577	OREGON HOUSE	95962
93C96	WALLER PARK		600 GOODWIN RD	SANTA MARIA	93454
93C159	WARDEN, LE & D		24047 ALICE STREET	HAYWARD	94541
93C158	WEBER, N	ROYAL LICHTENSTEIN CIRCUS	PO BOX 26306	SAN JOSE	95159
93C199	WEINHART, J		9479 BELLEGRAVE AVE	RIVERSIDE	92509
93C54	WELLS, HG	ANIMAL ACTORS OF HOLLYWOOD	864 CARLISLE RD	THOUSAND OAKS	91360
93C177	WELLS, R & S		17211 ROBERTO ST	CASTRO VALLEY	94546
93C111	WHITE, D&J		6722 WINTER GDNS BLVD	LAKESIDE	92040
93C90	WHITFIELD, RW & RR	MARINE WORLD AFRICA U.S.A.	MARINE WORLD PARKWAY	REDWOOD CITY	94065
93C183	WIENER, M		PO BOX 395	ACTON	93510
93C147	WILSON, JA		10437 ESCADERA DR	LAKESIDE	92040
93C140	WOLF, R&C		13555 E. LAKE VIEW RD	LAKESIDE	92040
93C174	YANKEE-FLOTO CIRCUS CORP		37099 OAK GLEN RD	YUCAIPA	92399
93C123	ZANGER JR., HG, JA & EA	CASA DE FRUTA	6580 PACHECO PASS HWY	HOLLISTER	95123
93C162	ZOELLER, J		PO BOX 277	ALPINE	92001
93C40	ZOOLOGICAL SOCIETY OF SAN DIEGO		PO BOX 551	SAN DIEGO	92112

COLORADO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
84C1	CHEYENNE MOUNTAIN ZOOLOGICAL PARK.		BOX 158	COLORADO SPRINGS	80906
84C6	CITY OF ENGLEWOOD	ENGLEWOOD CHILDRENS ZOO	3400 S. ELATI	ENGLEWOOD	80110
84C7	CITY OF PUEBLO ZOO		CITY PARK OFFICE	PUEBLO	81005
84C2	DENVER ZOOL FDN	DENVER ZOOL. GARDENS	DENVER CITY PARK	DENVER	80205
84C3	FOSSCECO, A	GRANEROS CANYON GAS&CURIO SHOP.	PO BOX 29	COLORADO CITY	81019
84C5	SANTA'S WORKSHOP COLO CORP			NORTH POLE	80909
84C4	WILKINSON, E	ERNEST'S TAXIDERMY & OUTDOOR TOURS.	3596 W.US HWY 160	MONTE VISTA	81144

CONNECTICUT

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
16C7	CHILDREN'S MUSEUM OF HARTFORD		950 TROUT BROOK RD	W HARTFORD	06119
16C2	CITY OF BRIDGEPORT	BEARDSLEY ZOOLOGICAL GARDENS.	NOBLE AVE	BRIDGEPORT	06610
16C15	CITY OF NEW HAVEN	WEST ROCK NATURE REC. CT	PO BOX 2968	NEW HAVEN	06515
16C17	CITY OF NEW LONDON	H. F. MORAN NATURE CTR & ZOO	MUNICIPAL BLDG	NEW LONDON	06320
16C16	CITY OF NORWICH	MOHEGAN PARK ZOO	CITY HALL ANNEX	NORWICH	06360
16C6	COMMERFORD, R W & SONS		RT 4	GOSHEN	06756
16C11	COPACO		335 COTTAGE GROVE RD	BLOOMFIELD	06002
16C21	DENISON PEQUOTSEPOS NAT CTR		PO BOX 122 PEQUOTSEPOS RD	MYSTIC	06355
16C4	EMERSON, JR., RL	EMERSONS CIRCUS & MENAGRIE EXHS.	2545 BERLIN TNPK	NEWINGTON	06111
16C12	GOODWIN, R		BOX 524	ENFIELD	06082
16C26	LUTZ JR MUSEUM		126 CEDAR ST	MANCHESTER	06040
16C19	NATURE CTR FOR ENVIR ACT INC		10 WOODSIDE LN PO BOX 165	WESTPORT	06880
16C22	NEW BRITAIN YOUTH MUSEUM		30 HIGH STREET	NEW BRITAIN	06051
16C25	SEA RESEARCH FOUNDATION, INC			MYSTIC	06355
16C13	SHELDEN, DD & FM		33 PERRY DR	MONROE	06468
16C18	STAMFORD MUSEUM & NATURE CTR		39 SCOFIELDTOWN RD	STAMFORD	06903
16C9	STEMPIEN, AC	WILLINGTON WILD ANIMAL FARM	OLD FARMS RD	WILLINGTON	06279
16C24	THAMES SCIENCE CENTER		GALLOWS LANE	NEW LONDON	06320

DELAWARE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
58C0	NEW CASTLE CO. DEPT. OF PARKS & REC.	BRANDYWINE ZOO	801 MCKENNANS CHURCH RD	WILMINGTON	19808

FLORIDA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
58EL170	ABC LEISURE ATTRACTIONS, INC.		PO BOX 370	SILVER SPRINGS	32688
58EL132	ADAMS, JR., E	ERIK ADAMS CHIMPS	P.O. BOX 595	GIBSONTON	33534
58EL4	ADAMS, SR, E		PO BOX 595	GIBSONTON	33534
58EL142	ALBERT, MARIE		1991 S.W. 136TH AVE.	DAVIE	33325
58EL111	ALEXANDER, R		P.O. BOX 1264	OKLAWAHA	32679
58EL122	ALLIGATOR LAND SAFARI		P.O. BOX 819	KISSIMMEE	32741
58EL34	ANTALEK, M		10906 CHURCH ST. PO BOX1	GIBSONTON	33534
58EL162	ANTALEK, P		PO BOX 3185	DE LAND	32720
58EL117	ANTHONY, P		BOX 19A RT 4	RIVERVIEW	33569
58EL105	AQUARAMA WALTZING WATERS		339 RIVERSIDE DR	FORT MYERS	33905
58EL145	ARIA, M&J		BOX 1057	HAINES CITY	33844
58EL160	BAHIA SHRINE TEMPLE	BAHIA SHRINE CAMEL HERDERS	60 WEST GORE AVE	ORLANDO	32806
58EL181	BAIN, S	SUNSHINE RESEARCH LABS	6600 SW 18ST	MIRAMAR	33023
58EL164	BALDWIN, HR	CAPT. HARRY BALDWIN	PO BOX 27096	JACKSONVILLE	32205
58EL82	BENGTSSON, K & LINARES, K		BOX 125 RT 3	SARASOTA	33580
58EL166	BERMAN, E	HELEN BERMAN UNLIMITED	6603 S.W. 112 PL	MIAMI	33173
58EL42	BERTEL, M		RR 2 BOX 297P	SARASOTA	33577
58EL207	BERWIN, BERNARD		PO BOX 1421	GIBSONTON	33534
58EL186	BILLIE, J		6350 NW 32 ST	HOLLYWOOD	33024
58EL24	BLANCHARD, C & P		85 ARAPAHO AVE	ST AUGUSTINE	32084
58EL85	BOARD OF COUNTY COMMISSIONERS	HARDEE COUNTY PIONEER PARK	412 WEST ORANGE STREET	WAUCHULA	33873
58EL199	BORGUS, L & R	DOLPHINS PLUS	614 15TH PLACE	KENOSHA	53140
58EL17	BOWEN, JC	EVERGLADES GATORLAND	BOX 279	SOUTH BAY	33493
58EL188	BOYD, R	CLYDE BEATTY-COLE BROS. CIRCUS	P.O. BOX 1750	DELAND	32720
58EL75	BROOKS, HW	GATOR JUNGLE	P.O. BOX 209	CHRISTMAS	32709
58EL157	BUFFALO TRADING & WILD WEST ENTERPRISES	FERNWOOD GARDENS	7800 SW 117 AVE	MIAMI	33183
58EL36	CENTRAL FLORIDA ZOOL SOCIETY	CENTRAL FLORIDA ZOOL. PARK	PO BOX 2078	SANFORD	32771
58EL2	CITY OF JACKSONVILLE	JACKSONVILLE ZOOL. PARK	CITY HALL BAY ST.	JACKSONVILLE	32202
58EL89	CITY OF TAMPA	LOWRY PARK ZOO	NORTH BLVD & SLIGH AVE	TAMPA	33604
58EL174	CLEMONS, C	GATORAMA	P.O. BOX 126	PALMDALE	33944
58EL80	CLYDE BEATTY-COLE BROS. CIRCUS		PO BOX 1570	WINTER PARK	32790
58EL44	CRISTIANI ELEPHANTS, INC.		RT. 1 BOX 29-A	MYAKKA CITY	33551
58EL11	CRISTIANI, DR	CONSOLIDATED AMUSEMENT CO	PO BOX 877	RIVERVIEW	33569
58EL95	CRISTIANI, L		1024 STOEBER AVE	SARASOTA	33580
58EL83	CRISTIANI, O		1747 RIVIERA CIRCLE	SARASOTA	33580
58EL131	DAM, C		P.O. BOX 547	GIBSONTON	33534
58EL204	DELISA, WILLIAM M		266 NE 141 STREET	N. MIAMI	33161
58EL129	DISKEN, RM	KING KONG ZOO	RT 1 BOX 567Z20	MASARYKTOWN	33512
58EL206	DORF, L & H		700 N.W. 214 STREET]712	MIAMI	33169
58EL40	DUBSKY, H	GINA'S ROYAL PALACE LEOPARDS	3110 47TH ST	SARASOTA	33580
58EL39	DUBSKY, J	JANOS & COMPANY	4103 BRAZILNUT AV	SARASOTA	33580
58EL102	EDWARDS, TR		PO BOX 336 3256 C ROAD	LOXAHATCHEE	33470
58EL118	ENGESSER, D&R	ENGESSER'S EXOTIC FELINES	RT]2 BOX 500	TRENTON	32693
58EL191	ENGESSER, G. G.	GEE GEE ENGESSER	BOX 1654	GIBSONTON	33534
58EL140	ESTEP, J	MONKEY JUNGLE	P.O. BOX 1552	GIBSONTON	33534
58EL20	FEE, HW		BOX 493	GIBSONTON	33543
58EL201	FLORIDA'S CYPRESS GARDENS	FLORIDA'S CYPRESS GARDENS	PO BOX 1	CYPRESS GARDENS	33880
58EL185	FORD, DOUGLAS		240 N. ELM ST.	ENGLEWOOD	33533
58EL37	FOSSETT, A & I		637 CONRAD AVE	SARASOTA	33577
58EL63	FRANCIS, FA		510 2ND AVE	MELBOURNE	32951
58EL197	FRITZ, J	BEACH PLAZA HOTEL	1401 COLLINS AVE	MIAMI BEACH	33139
58EL25	GARVIN, C	FLORIDA REPTILE LAND	RT 16	BOWLING GREEN	42101
58EL33	GATOR WORLD/FLAMINGO GAR INC		3782 FLAMINGO RD	DAVIE	33330
58EL26	GATORLAND ALLIGATOR FARM		US 1 NORTH	ST. AUGUSTINE	32084
58EL14	GOOWIN'S GATORLAND, INC		HWY 441 NORTH	KISSIMMEE	32741
58EL180	GOOD, L	SUGARLOAF LODGE	PO BOX 148	SUGAR LOAF SHORES	33044
58EL184	GULF EXHIBITION CORP	GULFARIUM		FORT WALTON BEACH	32548
58EL35	HANNEFORD CIRCUS, INC.		BOX 52J	OSPREY	33559
58EL126	HANNEFORD, G	HANNEFORD FAMILY CIRCUS	BOX 909	NOKOMIS	33555
58EL134	HARRIS, S & INOGALIERO, S	PET VILLAGE	409 VANDER KLOOT DR	OSPREY	33559
58EL146	HARVELL, D & J	OCELOTS PLUS	RT. 1 BOX 727-L5	SUMMERFIELD	32691
58EL100	HERRIOTT, M	HERRIOTT'S PERFORMING ANIMALS	RT 3 BOX 94	SARASOTA	33580
58EL170	HOLLOWAY, D		RT 1 BOX 126 KNIGHTS GRIFFIN R	THONOTOSASSA	33592
58EL72	HOMOSASSA SPRINGS INC	NORIN CORP	P.O. BOX 8	HOMOSASSA SPRINGS	32647
58EL81	HOOVER, DC	DAVE HOOVER'S WILD ANIMALS	665 W 36TH ST	HIALEAH	33012
58EL143	HORWATH, J		P.O. BOX 1551	GIBSONTON	33534
58EL151	HOUGH, CA		RT 5 BOX 68A	ST AUGUSTINE	32084
58EL10	HOUSER, F	HOUSER'S GROVES & ZOO	9230 NEW HAVEN AVE	MELBOURNE	32901
58EL103	INSTITUTE OF DELPHINID RES	FLIPPERS SEA SCHOOL	PO BOX DOLPHIN	MARATHON SHORES	33052
58EL51	JOHNSON, RA		P.O. BOX 936	GIBSONTON	33534
58EL74	JOYCE, E	WONDERFUL WORLD OF DOGS	BOX 302	GIBSONTON	33534
58EL79	JUNGLE LARRY'S SAFARI LAND, INC	JUNGLE LARRY'S AFRICAN SAFARI	P.O. BOX 7129	NAPLES	33940
58EL113	JUNGLE QUEENS INC	JUNGLE QUEEN VILLAGE	800 E BROWARD BLVD]301	FT. LAUDERDALE	33301
58EL203	KAPLAN, S T		4705 WOODLOND BLVD.	TAMARAC	33319
58EL107	KRAUSE, J		PO BOX 2512	SARASOTA	33578
58EL48	KRISTENSEN, S & L		PO BOX 725	BRANDON	33511
58EL8	L.B.T. CORP.	HOXIE BROS. CIRCUS	9140 SW 59TH AVE.	MIAMI	33156
58EL153	LA TORRES, JM		P.O. BOX 1721	GIBSONTON	33534
58EL125	LEE, B & B	THE B-LEES	RT 1 BOX 334 C	MYAKKA CITY	33551

FLORIDA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
58EL159	LENZ, R & S	RINGLING BROS CIRCUS	PO BOX 1528	VENICE	33595
58EL155	LOPEZ, J		1284 SPOTTS WOOD RD	RIVERVIEW	33569
58EL150	MAGANA, AR	PANCHO MAGANA	4004 IOLA DR	SARASOTA	33581
58EL147	MARINE EXHIBITION CORPORATION	MIAMI SEAQUARIUM	4400 RICKENBACKER CAUSEWAY	MIAMI	33149
58EL73	MARINELAND, INC		RFD 1, BOX 122	ST. AUGUSTINE	32084
58EL82	MASTERPIECE GARDENS, INC		PO BOX 1230	LAKE WALES	33853
58EL175	MATHEWS, K		10510 NW 34 AVE	MIAMI	33147
58EL54	MCCLOSKEY, BC & MJ	ZOOLAND	RT 1 BOX 306 US HWY 98	GULF BREEZE	32561
58EL187	MCCURDY, W	SARASOTA JUNGLE GARDENS	3701 BAYSHORE RD	SARASOTA	33580
58EL205	MCMULLEN, JAMES P		3014 44TH TERRACE SW	NAPLES	33999
58EL200	MCNULTY, SCOTT		RT 1 BOX 167E	BELL	32619
58EL78	METRO-GOLDWYN-MAYER FILM CO	MGM'S BOUNTY EXHIBIT	10202 W. WASHINGTON BLVD	CULVER CITY	90230
58EL6	METROPOLITAN DADE COUNTY	CRANDON PARK ZOO	4000 CRANDON BLVD	KEY BISCAYNE	33149
58EL166	MOGYOROSI, F		2905 BAY ST.	SARASOTA	33580
58EL13	MONKEY JUNGLE, INC		PO BOX 246	MIAMI	33170
58EL161	MORGAN, MA		3209 HENRIETTA PL	SARASOTA	33580
58EL123	MORRIS WG	NATIONAL AMUSEMENT	PO DRAWER 10	EDGEWATER	32032
58EL112	NIED, SR		620 NE 2ND ST	POMPANO BEACH	33060
58EL196	OBRIEN, R		2750 NW SOUTH RIVER DR	MIAMI	33125
58EL178	OCEAN REEF CLUB		DRAWER AA	HOMESTEAD	33030
58EL32	OCEAN WORLD INC		1701 SE 17TH ST	FT. LAUDERDALE	33316
58EL193	OSCARIAN BROS. CIRCUS		4705 PALM RIVER RD	TAMPA	33619
58EL43	PARNELL, G		PO BOX 994	GIBSONTON	33534
58EL69	PIPER, BILL & LESTER	EVERGLADES WONDER GARDENS	P.O. BOX 262	BONITA SPRINGS	33923
58EL58	POTTER, D		PO BOX 1062	GIBSONTON	33534
58EL136	RICE, L		PO BOX 10171	SARASOTA	33582
58EL135	RIEGER, R & P & M		2750 NW SO RIVER DR	MIAMI	33125
58EL179	RIGGS, C & L	AQUATIC MAMMAL ENTERPRISES	1025 GIBRALTAR RD	KEY LARGO	33037
58EL106	RINGLING BROS.-BARNUM & BAILEY		3201 NEW MEXICO AVE. NW	WASHINGTON DC	20016
58EL195	RIVERS, J		PO BOX 296	MCINTOSH	32664
58EL22	ROBINSON, RA&S		BOX 1176	GIBSONTON	33534
58EL114	ROSS ALLEN SOUTH INC	FORT MYERS WILDLIFE GARDENS	2905 N TAMIAMI TRAIL	N. FT. MYERS	33903
58EL3	SALISBURY, DL	ROYAL PANTHERS	1519 CAMBRIDGE DR	COCOA	32922
58EL108	SANTA FE COMM COLL TEACH ZOO		3000 NW 83RD ST	GAINESVILLE	32601
58EL1	SCHACHT, F & P		PO BOX 1333	BRANDON	33511
58EL23	SCHILE, EB&DJ	MUSEUM OF THE SEA & INDIAN	STAR ROUTE BOX 611	DESTIN	32541
58EL189	SCHMITT, E		318 HOWELL PLACE	SARASOTA	33580
58EL41	SCHMITT, R		318 HOWELL PL	SARASOTA	33580
58EL48	SCHREIBER, B	CAPT SCHREIBER'S CHIMPANZEES	RT. 3 BOX 48-X	ST AUGUSTINE	32084
58EL149	SCOTT, J & F		RT 2 BOX 1A	OLD TOWN	32680
58EL77	SEA WORLD OF FLORIDA		7007 SEA WORLD DR	ORLANDO	32809
58EL12	SEBOLT, D	SNAKE-A-TORIUM	PO BOX 9253	PANAMA CITY BCH	32407
58EL127	SEIDEN, HM	VCM ENTERPRISES	8425 SW 108TH ST	MIAMI	33156
58EL128	SEIGLE, A		732 NW 29TH TERRACE	MIAMI	33127
58EL163	SELPH, CARL D	GULF WORLD, INC	15412 W HWY 98	PANAMA CITY BEACH	32407
58EL137	SINK, R		PO BOX 10171	SARASOTA	33578
58EL86	SIPEK, S		3384 C RD	LOXAHATCHEE	33470
58EL158	SKARBECKI, A		PO BOX 1680	VENICE	33595
58EL178	SOUTH FLORIDA MUSEUM/BISHOP PLANETARIUM		201 10TH ST W	BRADENTON	33505
58EL167	SPRINGMYER, L	GREEN THUMB NURSERY	8975 SO. DIXIE HWY.	MIAMI	33156
58EL96	SPYKE, HH	SPYKE'S GROVE	7250 GRIFFIN RD	DAVIE	33314
58EL87	ST AUGUSTINE ALLIG. FARM INC		P.O. DRAWER E A1A SOUTH	ST AUGUSTINE	32084
58EL97	STEBBINS ROYAL EUR. CIRCUS INC		PO BOX 249	SARASOTA	33578
58EL84	STEELE, B	BOB STEELE ANIMAL PROMOTIONS	3256 C RD. BOX 336	LOXAHATCHEE	33470
58EL38	STRAZAN, H & E	ERNA'S CHIMPANZEES	725 N CONRAD AVE	SARASOTA	33577
58EL85	STUDIO ANIMAL RENTALS, INC		70 WEST 64 STREET	HIALEAH	33012
58EL86	SUNKEN GARDENS, INC		1825 4TH ST NO	ST PETERSBURG	33704
58EL91	SZYMONSKI, K		2022 DODGE AVE	SARASOTA	33580
58EL172	TABRAUE, MS		37350 SW 214 AVE	FLORIDA CITY	33033
58EL109	TALLAHASSEE JR MUSEUM		3945 MUSEUM DR	TALLAHASSEE	32304
58EL162	THEATER OF THE SEA, INC		PO BOX 407	ISLAMORADA	33036
58EL50	THOMAS, HO		P.O. BOX 2406	SARASOTA	33578
58EL104	TIKI GARDENS INC		19601 GULF BLVD BOX 6	INDIAN SHORES	33535
58EL115	TOOLE, EH	THE KAROLY FAMILY	PO BOX 188	FORT WHITE	32038
58EL130	UPTON, SD		5628 BLOUNT AVE	SARASOTA	33581
58EL144	VAZQUEZ, R		PO BOX 1602 8148 ISABEL AVE	GIBSONTON	33534
58EL59	VIELE, CE	VIELE GROVES	6990 GRIFFIN RD	FORT LAUDERDALE	33314
58EL76	WALT DISNEY WORLD CO		P.O. BOX 40, ATTN: LEGAL DEPT	LAKE BUENA VISTA	32830
58EL82	WATSON, W		16731 LAKESHORE DRIVE	TAMPA	33624
58EL173	WATT, B		626 NW 179 ST.	N MIAMI	33169
58EL190	WEDGE, D		PO BOX 151	LOUGHMAN	33858
58EL15	WEED, F		RT 2 BOX 505	IMMOKALEE	33934
58EL67	WEEKI WACHEE SPRINGS INC	A B C LIESURE ATTRACTIONS	BOX 97 HWY. 19 SO.	BROOKSVILLE	33512
58EL56	WELDE, J		PO BOX 547	GIBSONTON	33534
58EL177	WHITE, E		6350 62ND ST N	PINELLAS	33565
58EL118	WILLIAMS, IW		PO BOX 2039	DELAND	32720
58EL19	WILLIAMS, R		RT 1 BOX 556C	MYAKKA CITY	33551
58EL93	WILNOW, E & A		861 OAK STREET	FT MYERS BEACH	33931
58EL5	WILSHIRE CORPORATION	LION COUNTRY SAFARI INC	PO BOX 16066	W PALM BEACH	33406
58EL194	WOODCOCK, WM		BOX 818	RUSKIN	33570
58EL21	WYNN, F & L		400 E ORANGE AVE	LONGWOOD	32750
58EL192	ZABRISKIE, C	SAFARI WORLD	RT 6 LISA LANE	OKEECHOBEE	33472
58EL198	ZAMPERLA, J		4949 N TUTTLE	SARASOTA	33580
58EL171	ZEEMAN, LA		10158 HERITAGE RD	LAKE WORTH	33463
58EL28	ZERBINI, T		RT 7 BOX 8	SARASOTA	33582
58EL138	ZOO. SOC. OF BROWARD CO., INC	MARKHAM PARK ZOO	16001 W. STATE RD. 84	FORT LAUDERDALE	33326
58EL7	ZOOL SOC/PALM BEACHES, INC	DREHER PARK ZOOL GARDENS	1301 SUMMIT BLVD	W PALM BEACH	33405

FLORIDA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
56EL156	ZOPPE, AG		3129 PEARL AVE	TAMPA	33611

GEORGIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
57C7	BAUMANN, R&L	LIN-RICH ANIMAL CIR & PET'EM ZOO.	RT 1 BOX 74	ELLERSLIE	31807
57C20	BUCKNER, G		R 3 BOX 306	JACKSON	30233
57C1	CITY OF ALBANY	CHEHAW WILD ANIMAL PK	PO BOX 447	ALBANY	31701
57C4	CITY OF ATLANTA	ATLANTA ZOO. PARK	800 CHEROKEE AV. SE	ATLANTA	30315
57C11	EVANS, R	MONKEY PALACE	2222 PALMYRA RD	ALBANY	31702
57C15	FRED, G		R 1	JULIETTE	31046
57C21	JOHNSON, R		RT 1 NELMS RD	FAYETTVILLE	30214
57C17	KETCHAM, L		PO BOX 847	WOODSTOCK	30188
57C14	OATLAND ISLAND EDUCATION CT		208 BULL STREET	SAVANNAH	31401
57C13	RUMLEY, B	GEORGIA GAME PARK	BOX 85	RISING FAWN	30738
57C8	SEARS,R	NOAH'S ARK WILD ANIMAL SHOW	131 SHANNON RD.	ELLABELL	31308
57C9	SHIRLEY, CJ		RT 8 HICKORY FLAT RD.	CANTON	30114
57C12	SIX FLAGS OVER GEORGIA		PO BOX 43187	ATLANTA	30336
57C5	STONE MOUNTAIN GAME RANCH INC		1 ROST. E. LEE BLVD	STONE MOUNTAIN	30086
57C18	THOMAS, T		PO BOX 326	CARNESVILLE	30521
57C16	WALKER, W		310 CREST DRIVE	CALHOUN	30701

HAWAII

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
95C1	CITY OF HONOLULU	HONOLULU ZOO	151 KAPAHULU AVE	HONOLULU	96815
95C2	COUNTY OF HAWAII	PANAEWA RAINFOREST ZOO	25 AUPUNI ST	HILO	96720
95C7	COUNTY OF MAUI	MAUI ZOOL & BOT GARDENS		WAILUKU	96793
95C3	ISLAND HOLIDAYS, LTD	COCO PALMS RESORT HOTEL	PO BOX 631	LIHUE	96766
95C13	KAHALA HILTON		5000 KAHALA AVE	HONLULU	
95C9	KOOLAU PETS, INC		53-039 KAM HWY.	PUNALUU	96717
95C5	MEADOW GOLD DAIRIES-HAWAII	MEADOW GOLD DAIRIES	RR 1 BOX 224	HALEIWA	96712
95C8	MOLOKAI RANCH WILDLIFE PARK		PO BOX 8	KAUNAKAKAI	96748
95C6	PEARL CITY TAVERN		PO BOX 246	PEARL CITY	96782
95C10	PIPER PRODUCTIONS		235 ELELUPE RD	HONOLULU	96821
95C11	SEA LIFE PARK		WAKAPUU POINT	WAIMANALO	96795
95C12	WAIKIKI AQUARIUM		2777 KALAKAUA AVE	HONOLULU	96815

IOWA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
42S6L	CITY OF MUSCATINE	WEED PARK ZOO	CITY HALL	MUSCATINE	52761
42S4L	DES MOINES CHILDREN'S ZOO		7401 SW 9TH ST	DES MOINES	50315
42S0L	ELDORA CITY PARK		1702 15TH ST	ELDORA	50627
42S4L	LYON COUNTRY CONSERVATION LEAGUE.		C/O ROCK RAPIDS STATE BANK	ROCK RAPIDS	51246
42S2L	SEABOLD, J	SEABOLD ANIMAL FARM	VALLEY RD RT 1	KEOKUK	52632

IDAHO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
82C6	BOISE CITY ZOO		1104 ROYAL BLVD	BOISE	83706
82C3	CITY OF POCATELLO	ROSS PARK ZOO	BOX 4169	POCATELLO	83201
82C10	KRAMER, C		STAR ROUTE	NAPLES	83847
82C5	TAUTPHAUS PARK ZOO		PO BOX 220	IDAHO FALLS	83401
82C9	Y-J FOODS INC		BOX 357	COEUR D'ALENE	83814

ILLINOIS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
33C13	ANIMAL KINGDOM, INC	ANIMAL KINGDOM EXHIBITS	2990 N MILWAUKEE AVE	CHICAGO	60618
33C57	BRACKETT, DONNA	LITTLE PONDEROSA ZOO	RR 2	WINCHESTER	62694
33C20	BURKEMA ACE HARDWARE	BURKEMA ACE HARDWARE	1030 N. WASHINGTON ST.	NAPERVILLE	60540
33C4	CHICAGO PARK DISTRICT	LINCOLN ZOOL. PARK	2200 N CANNON DR	CHICAGO	60614
33C3	CHICAGO ZOOLOGICAL PARK		3300 S GOLF RD	BROOKFIELD	60513
33C27	CITY OF AURORA	PHILLIPS PARK ZOO	44 EAST DOWNER PLACE	AURORA	60504
33C8	CITY OF BLOOMINGTON	MILLER PARK ZOO	PO BOX 3157	BLOOMINGTON	61701
33C33	CITY OF ELGIN	LORDS PARK	150 DEXTER CT	ELGIN	60120
33C40	DECATUR PARK DISTRICT		PO BOX 1136	DECATUR	62525
33C43	DEPT OF VETERANS AFFAIRS	ILLINOIS VETS HOME	208 WEST COOK ST.	SPRINGFIELD	62706
33C32	DUNDEE TOWNSHIP PARK DISTRICT	RANDALL OAKS PARK & ZOO	21 N WASHINGTON ST	CARPENTERSVILLE	60110
33C24	EDLUND, L & R	WHITE PINES DEER PARK	R 3 BOX 259	OREGON	61061
33C25	FOREST PARK FOUNDATION	WILDLIFE PRAIRIE PARK	4801 N. PROSPECT RD	PEORIA HEIGHTS	61614
33C26	FOREST PRESERVE DIST/COOK CO		536 NO HARLEM AV	RIVER FOREST	60305
33C53	HAWTHORN CIRCUS CORP		RT 1 BOX 32H	GRAYSLAKE	60030
33C55	HOFFMANN, BILL	ANIMAL KINGDOM, INC.	PO BOX 56097	PO BOX 56097	60656
33C56	JOHN G. SHEDD AQUARIUM		1200 SOUTH LAKESHORE DR.	CHICAGO	60605
33C21	KRAUSE, R & M	NOAH'S ARK PET CENTER	4N706 POWIS RD	WAYNE	60184
33C34	LAMBS, INC		BOX 520	LIBERTYVILLE	60048
33C44	LASALLE COUNTY PARKS	ENVIRONMENTAL CENTER	RT 4	OTTAWA	61350
33C39	MARTINEZ, CA		1648 CENTRAL	NORTHBROOK	60062
33C50	NAGHTIM, W		1648 CENTRAL AVE.	NORTHBROOK	60062
33C29	NORTH POLE CORP	SANTA'S VILLAGE	RT 72 & 25	E DUNDEE	60118

ILLINOIS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
33C1	PEORIA PARK DISTRICT	GLEN OAK ZOO	2218 NO PROSPECT RD	PEORIA	61603
33C8	POZEN, G		439 BUCKEY DR	WHEELING	60090
33C45	REDING, M	FISHERMAN'S DUDE RANCH	9800 GOLF RD	DES PLAINES	60016
33C42	ROCK ISLAND CO FOREST PRES	NIABI ZOOL. PRESERVE	1504 3RD AVE	ROCK ISLAND	61201
33C30	ROCKPORT PARK DISTRICT	CHILDREN'S FARM	1401 N SECOND ST	ROCKFORD	61107
33C9	SCIENTIF SM AN LAB & FM INC	HUME'S EXOTIC WILDLIFE RANCH	401 W GOLF RD	ARLINGTON HEIGHTS	60005
33C38	SHEPPARD, JA		RR 4 NORTH LAKE RD.	SPRINGFIELD	62707
33C35	SPRINGFIELD PARK DISTRICT	HENSON ROBINSON ZOO	PO BOX 5052	SPRINGFIELD	62705
33C54	STEFFEN, R		8214 TRYON GROVE RD	RICHMOND	60071
33C41	TALBOTT, G		RR2	MANITO	61546
33C10	VOKOUN, WF	PINE HILL BIRD FARM & ZOO	2606 63RD ST	DOWNERS GROVE	60515
33C5	WATSON, L	PLAINSMEN ZOO	RT 4 BOX 151	ELGIN	60120
33C15	WHEATON PARK DIST	COSLEY CHILDREN'S ANIMAL FARM	026 SO MAIN ST	WHEATON	60187
33C2	WONDERFUL WORLD OF ANIMALS		RR 2 BOX 329	PEORIA	61614

INDIANA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
32C47	AMISHVILLE U.S.A.		RR 2 BOX 255	GENEVA	46740
32C6	BIGGS, M		BOX 18	RUSSELLVILLE	46175
32C42	BOOKER, C	STORYBOOK VILLAGE		DUGGER	47848
32C43	BOYD, RO	SILVERMOON ROLLER RINK	BOX 98	WATERLOO	46793
32C49	BRITTON,II,JD	BEAR ACHERS	RR 15 BOX 31	BRAZIL	47834
32C40	CHILDREN'S MUSUEM, INC		3000 N. MERIDIAN	INDIANAPOLIS	46208
32C11	CITY OF EVANSVILLE	MESKER PARK ZOO	CIVIC CENTER COMPLEX	EVANSVILLE	47737
32C10	CITY OF MICHIGAN CITY	WASHINGTON PARK ZOO GDNS	LAKEFRONT DRIVE	MICHIGAN CITY	46360
32C3	CITY OF RICHMOND	GLEN MILLER PARK	PARK & REC DEPT	RICHMOND	47374
32C51	D.J. COUNTRY -- BUCK LAKE		P.O. BOX 440	ANGOLA	46703
32C36	DEPT. OF NATURAL RESOURCES	POKAGON STATE PARK	616 STATE OFFICE BLDG	INDIANAPOLIS	46204
32C16	DRAKE, BW&J	HILL HAVEN GAME FARM & ZOO	RR 51 BOX 699	TERRE HAUTE	47805
32C52	FORBES, H. DENNIS		1928 N 3RD STREET	TERRE HAUTE	47804
32C5	FT WAYNE CHILDRENS ZOOL. GDNS		3411 SHERMAN ST	FORT WAYNE	46808
32C2	HARDING, WB & ME		382 W MAIN ST	PERU	46970
32C26	IND DEPT OF NATURAL RESOURCES	JASPER-PULASKI FISH & WILD AREA	607 STATE OFFICE BLG	INDIANAPOLIS	46204
32C1	INDIANAPOLIS ZOOL. SOC., INC		3120 E 30TH ST	INDIANAPOLIS	46218
32C29	KELLY, PB	KELLY WINTER CIRCUS	6125 SO. 31	PERU	46970
32C24	LAFAYETTE BOARD OF PARKS & REC	COLUMBIAN PARK ZOO	1915 SCOTT ST	LAFAYETTE	47904
32C19	LAKE COUNTY FAIRGROUNDS		669 S COURT ST	CROWN POINT	46307
32C6	N AM. WILDLIFE PARK FNDN. INC	WOLF PARK		BATTLE GROUND	47920
32C38	PARISH, B		RT 1	KINGMAN	47952
32C45	PICKETT, N		236 NORTH DEPOT ST	BRAZIL	47834
32C27	POTAWATOMI ZOO		301 SO. SAINT LOUIS BLVD	SOUTH BEND	46617
32C53	RETTIG, MAX		1531 N GIRLS SCHOOL RD.	INDIANAPOLIS	46224
32C28	SANTA CLAUS LAND INC		P.O. BOX 36	SANTA CLAUS	47579
32C39	SCHAFFER, M		4512 W 131ST ST	WESTFIELD	46074
32C12	SMITH, GT		RT. 1 BOX 138A	GALVESTON	46932
32C33	SMITH, K		R 13 BOX 72	MUNCIE	47302
32C41	STRONG, DC	BEARCREEK FARMS	R 1	BRYANT	47326
32C44	TAYLOR, KJ	TAYLOR ENTERPRISES	RT 1 BOX 151	CARBON,	47837
32C34	TURNER, RK		RR 1 BOX 223	WALTON	46994
32C21	VOLZ, HC		RR 2 BOX 430	BATESVILLE	47006
32C20	WEBERDING, W		RT 3 BOX 117	BATESVILLE	47006
32C46	WILDLIFE EDUCATIONAL SERV		5559 W. MARKET ST	INDIANAPOLIS	46224
32C31	WISE, D		R 1 BOX 416	MUNCIE	47302
32C32	WOODARD, E & B	SPRUCE HILL FARMS	RR 7 BOX 206	MARTINSVILLE	46151
32C23	ZOPPE, SR., J & DE		RR 2 BOX 326	ROCHESTER	46975

KANSAS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
48CA06	BRIT SPAUGH ZOO		BOX 215	GREAT BEND	67530
48CA17	CITY OF CLAY CENTER	CLAY CENTER MUNICIPAL ZOO	PO BOX 117	CLAY CENTER	67432
48CA13	CITY OF HUTCHINSON PK DPT	CAREY PARK	PO BOX 1567	HUTCHINSON	67501
48CA09	CITY OF INDEPENDENCE	RALPH MITCHELL ZOO	RT 4	INDEPENDENCE	67301
48CA12	CITY OF MANHATTAN	SUNSET ZOOLOGICAL PARK	11TH & POYNTZ PO BOX 748	MANHATTAN	66502
48CA16	CITY OF OVERLAND PARK		8500 SANTA FE DRIVE	OVERLAND PARK	66212
48CA10	DAVIS, B&K	HAPPY HOLLOW ZOO	101 HAPPY HOLLOW LANE	FORT SCOTT	66701
48CA14	EMPORIA PARK DEPT	EMPORIA ZOO	BOX 928	EMPORIA	66801
48CA07	FARMER, LR	PRAIRIE DOG TOWN	I-70 & HWY 83	OAKLEY	67748
48CA08	LEE RICHARDSON ZOO		P.O. BOX 499	GARDEN CITY	67846
48CA15	NOEL, F	NOEL'S SPECIALTY ACTS	RT 2 BOX 567	MULVANE	67110
48CA05	SEDGWICK COUNTY ZOOLOGICAL SOCIETY.		5555 ZOO BLVD	WICHITA	67212
48CA18	STIMAX, M & W	WONDERFUL WORLD OF WHAT'S HAPPENING NOW	PO BOX 442 1602 SOUTH H ST	ARKANSAS CITY	67005
48CA03	TOPEKA ZOOLOGICAL PARK	GAGE PARK ZOO	635 GAGE BLVD	TOPEKA	66606

KENTUCKY

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
61C8	LOUISVILLE ZOO. GARDEN		1100 TREVILIAN WAY	LOUISVILLE	40213

LOUISIANA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
72C1	ALEXANDRIA ZOOLOGICAL PARK		PO BOX 71	ALEXANDRIA	71301
72C4	AUDUBON PARK COMMISSION	AUDUBON PARK & ZOOL. GARDENS.	PO BOX 4327	NEW ORLEANS	70178
72C2	CITY OF MONROE	LOUISIANA PURCHASE GARDENS & ZOO.	PO BOX 123	MONROE	71201
72C3	GREATER BATON ROUGE ZOO		PO BOX 60	BAKER	70116
72C6	HAYNES, S	FAN FAIR PARK	6475 FLORIDA BLVD.	BATON ROUGE	70806
72C9	PLAYLAND AMUSEMENTS, INC		PONTCHARTRAIN BCH LAKESHORE DR.	NEW ORLEANS	70122
72C7	WHITE, G	GULF COAST SERPENTARIUM	RT 1 BOX 455	SLIDELL	70458

MASSACHUSETTS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
14C9	AQUARIUM OF CAPE COD, INC	AQUA CIRCUS	RT 28	WEST YARMOUTH	02673
14C7	BOSTON MUSEUM OF SCIENCE	LIVE ANIMAL CENTER	SCIENCE PARK	BOSTON	02114
14C6	CAPON PARK ZOO		COUNTY ST	ATTLEBORO	02703
14C11	CHILDREN'S MUSEUM		300 CONGRESS ST.	BOSTON	02210
14C17	CITY OF NEW BEDFORD	BUTTONWOOD PARK ZOO	133 WILLIAM ST.	NEW BEDFORD	02740
14C21	CITY OF PITTSFIELD	DEPT OF PARKS & RECREATION	874 NORTH ST	PITTSFIELD	01201
14C16	CITY OF WORCESTER	GREEN HILL PARK	455 MAIN STREET	WORCESTER	01608
14C10	EDAVILLE CORP		BOX 7 RTE 58	SOUTH CARVER	02366
14C30	ESTES, KL	MOHAWK TEPEE GIFT SHOP	RT 2 MOHAWK TRAIL	SHELBURNE FALLS	01370
14C4	FOREST PARK ZOOL. SOCIETY	JAMES PHEADY CHILDREN'S ZOO	SOUTH GREETING RD	SPRINGFIELD	01108
14C15	FRANK NEWHALL LOOK MEM. PARK		300 N MAIN ST	FLORENCE	01060
14C38	GLEASON, J	PROVINCETOWN MARINE AQUARIUM.	BOX 324	PROVINCETOWN	02657
14C22	H. K. WEBSTER CO., INC		32 WEST ST	LAWRENCE	01842
14C35	LEFRANCOIS, P & D	IT'S AN ANIMAL'S WORLD	10 WHITCOMB ST	WEBSTER	01570
14C27	MASSACHUSETTS AUDUBON SOCIETY		SO. GREAT RD	LINCOLN	01773
14C1	METROPOLITAN DIST COMM	FRANKLIN PARK ZOO		DORCHESTER	02121
14C18	MT. WACHUSETT ANIMAL FOREST INC.		OLD PRINCETON RD BOX 51	HUBBARDSTON	01452
14C12	NEW ENGLAND AQUARIUM CORP		CENTRAL WHARF	BOSTON	02110
14C24	NORTH ATTLEBORO PARK COMMISSION.	WORLD WAR 1 MEMORIAL PARK	43 SOUTH WASHINGTON ST.	NORTH ATTLESBORO	02760
14C26	SMITHSON, GM	BASSETT WILD ANIMAL FARM	620 TUBMAN RD	BREWSTER	02631
14C34	SOUTHWICK BIRDS & ANIMALS INC		RFD	BLACKSTONE	01504
14C20	SPRINGFIELD SCI. MUSUEM		236 STATE ST	SPRINGFIELD	01103
14C14	WALTHAM PK & REC DEPT		314 TOTTEN POND RD	WALTHAM	02154
14C32	WATSON, B	EAST COAST CAMEL CO	POND STREET	ESSEX	01929
14C5	WORCESTER SCIENCE CTR	WORCESTER NAT HIS SOC	222 HARRINGTON WAY	WORCESTER	01604

MARYLAND

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
51C8	BALTIMORE ZOO		DRUID HILL PARK	BALTIMORE	21217
51C14	BOYER, NANCY		275 W PASADENA RD	MILLERSVILLE	21108
51EAF	DAVIS, G & J	TRIO-D-FARM SUPPLY	PO BOX 325 RB STATION	PASADENA	21122
51RE12	ENCHANTED FOREST		10040 BALTO NATL PIKE	ELLICOTT CITY	21043
51EAE	HINKLE, J		1023 MD AVE	HAGERSTOWN	21740
51C15	INTERNATIONAL WILDLIFE PARKS INC.		13710 CENTRAL AVE.	LARGO	20870
51EAD	LEWIS, JL	BIG VALLEY RANCH	BOX 1156 LAKE SHORE	PO BOX 1156	21122
51RE5	SALISBURY ZOO		750 S. PARK DRIVE	SALISBURY	21801
51RE3	ZOOLOGICAL CONSORT OF MD. INC.	CATOCTIN MOUNTAIN ZOO	13019 CATOCTIN FURNACE RD.	THURMONT	21788

MAINE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
11C14	ALLEN, ROBERT	ALLEN'S FARM AND GARDEN SHOP.	201 GRAY ROAD	CUMBERLAND	04021
11C4	ANIMAL FOREST PARK		BOX 404	YORK BEACH	03910
11C1	FRASER, CH	LUDLOW BEAR FARM	RFD 11 BOX 166	HOULTON	04730
11C8	GALLOP, V	GALLOP'S ANIMAL RANCH	RFD 2	HOULTON	04730
11C12	GATES, L	SEA WORLD	JFK MALL	WATERVILLE L	70490
11C13	GOLDBERG, AD	SIMPSONS ANIMAL PARK	OLD BATH RD	BRUNSWICK	04011
11C10	LAUPPE, A	SIMPSON'S WILD ANIMAL PARK	OLD BATH ROAD	BRUNSWICK	04011
11C9	MCKENNA, E	RUMFORD ZOO	RT 2	RUMFORD POINT	04279
11C7	MERRILL, C&E	MERRILL WILDLIFE CT	RFD 2	LISBON FALLS	04252
11C11	PRIME, E	ROSELEDGE FARM	RFD 5	AUGUSTA	04330
11C8	SEALAND OF CAPE COD INC.	AQUALAND WILDLIFE PARK	RT 6A	BREWSTER	02636
11C5	SKIBICKI, J		5 SAYWARD ST	KENNEBUNK	04043

MICHIGAN

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
34CE8	CITY OF DETROIT		BOX 39	ROYAL OAK	48068
34CE10	CITY OF GRAND RAPIDS	JOHN BALL ZOOL GARDENS	301 MARKET ST SW	GRAND RAPIDS	49502
34CE15	CITY OF LANSING	POTTER PARK ZOO	1301 S PENN AVE	LANSING	48933
34CE17	CITY OF THREE RIVERS	SCIDMORE PARK	333 W MICHIGAN AVE	THREE RIVERS	49093

MICHIGAN—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
34CE9	DEER FOREST PARK INC		BOX 817	COLOMA	49038
34CE3	DEER PARK FUNLAND INC		4750 WHITEHALL RD	MUSKEGON	49445
34CE20	DINGMAN, ROBERT	DINGMAN'S GAME FARM	8249 COUNTY PARK DRIVE	GOODELLS	48027
34CE19	HAUGEN, D & L	HAUGEN'S WORLD OF PETS, INC.	3100 PLATT RD PO BOX 1998	ANN ARBOR	48106
34CE1	HEIDE, K	GAME HAVEN	13750 SHIRE RD	WOLVERINE	49799
34CE15	SONGER, R	JACKSON WILD ANIMAL KINGDOM INC.	2401 HILTON	JACKSON	49201
34CE21	SOULES, GERARD		7456 NORTHWAY	UNION LAKE	48085
34LE18	SPIETH, LAVERN		RT 1	LITCHFIELD	49252

MINNESOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
41C41	BARSNESS, P & P		RT 1 BOX 217	BOVEY	55709
41C42	BICKFORD, LEROY			HACKENSACK	56452
41C32	BLUE MOUND INN		NORTH HWY 75	LUVERNE 56L	56156
41C43	BRAINERD BAXTER CORPORATION	PAUL BUNYAN AMUSEMENT CENTER.	PO BOX 563	BRAINERD	56401
41C17	CAMPBELL, D	MILLIKEN CREEK	RR 1 BOX 104	WEST CONCORD	55985
41C27	CITY OF LITTLE FALLS		100 NE SEVENTH AVE	LITTLE FALLS	56345
41C40	CITY OF VIRGINIA		OLCOTT PARK	VIRGINIA	55792
41C34	CITY OF WADENA		BOX 30	WADENA	56482
41C10	COOK, V & M	COLD SPRINGS, INC.		ORR	55771
41C14	EGGLESTON, O&D		DEER VALLEY	WALKER	56484
41C31	GIGSTEAD, G S	NEEDLEWOODS WILDLIFE RANCH.	STAR ROUTE	DETROIT LAKES	56501
41C45	GOPHER CAMPFIRD WILDLIFE SANCTUARY.	GOPHER CAMPFIRE WILDLIFE SANCTUARY.	122 NORTH MAIN STREET	HUTCHINSON	55350
41C39	HIGH FALLS & TRADING POST, INC.			GRAND PORTAGE	55605
41C36	HIMES, D	TRAPPER HIMES WILD		RAY	56669
41C44	KRACHEY, M & D	AQUA PARK AQUARIUM & DEER FARM.	1008 E 1ST STREET	PARK RAPIDS	56470
41C16	LABARGE, L&R	SMOKEY HOLLOW ANIMAL HAVEN.	RT 1 BOX 56	CHISHOLM	55719
41C25	LENZ, FC	DEER FOREST	PO BOX 134	NISSWA	56468
41C26	LENZ, W	WILLY LENZ CHIMPANZEE ACT	BOX 134	NISSWA	56468
41C35	LIESTMAN, D & D	THE FARM SUPPER CLUB INC	RT 4	PRINCETON	55371
41C9	MARKKANEN, R	10,000 SEA SHELLS	RT 1 BOX 282	EVELETH	55734
41C22	MCGREGOR DAIRY QUEEN, INC.		BOX 66	MCGREGOR	55760
41C38	MURRAY, JACK	FORT DETROIT	RT. 3	DETROIT LAKES	56501
41C37	NELSON, I		RT 1 BOX 17	ST. PETER	56082
41C5	ROLLIE WESTMAN ENT INC	WILDWOOD	ROUTE 1	CENTER CITY	55012
41C24	SIMPSON, D & D	DEER TOWN	RT 2	PARK RAPIDS	56470
41C20	SMUDA, F & L		RT 3 BOX 244	LITTLE FALLS	56345
41C19	STATE OF MINNESOTA	MINN ZOOLOGICAL GARDEN	12101 JOHNNY CAKE RIDGE RD	APPLE VALLEY	55124
41C3	TANK, GA	DEERLAND ENT	RT 7 BOX 11	BRAINERD	56401
41C6	TRYON, R	HIGH TOWN DEER PARK	RT 3 BOX 160	BEMIDJI	56601
41C11	VALLEYFAIR INC.		1 VALLEYFAIR DRIVE	SHAKOPEE	55379
41C18	WALTERS, C	RIVERSIDE INN	PO BOX 96	SIDE LAKE	55781

MISSOURI

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
4360L	ACTION ADVERTISING CO.		2001 S WESTWOOD	POPLAR BLUFF	63901
4358L	ANHEUSER-BUSCH, INC.		721 PESTALOZZI ST	ST. LOUIS	63118
4353L	CAMPBELL, D & S	ANIMAL WORLD		ELDON	65026
4381L	CARDEN-JOHNSON CIRCUS CORP		RT. 2 BOX 80	WILLARD	65781
4378L	HALE, D	5-H RANCH ZOO	RT 2	CAPE GIRARDEAU	63701
4368L	JACKSON CO. PARK DEPT.		BOX 124 RT 1	BLUE SPRINGS	64015
4354L	JONES, J		R 1	STRAFFORD	65757
4382L	KANSAS CITY ZOO. GARDEN		SWOPE PARK	KANSAS CITY	64132
4379L	KRUSE, M	HOMESTEAD FARM	RT. 2 BOX 306	BLUE SPRINGS	64015
4352L	MAY ALLEN'S ZOOLOG. GARDENS	P.O. BOX 51		ELDON	65026
4385L	MCLANAHAU, V	NOAH'S ARC ANIMAL LAUD	R 3	LEBANON	65536
4362L	MURRAY HILL ENTERPRISES	MURRAY HILL ENTERPRISES	RT. 1 BOX 248A	FORDLAND	65652
4386L	SILVER DOLLAR CITY	MARVEL CAVE PARK		BRANSON	65616
4350L	SIX FLAGS OVER MID-AMERICA INC		PO BOX 666	EUREKA	63025
4351L	SPRINGFIELD PARK BOARD	DICKERSON PARK ZOO	1923 NORTH WELLER	SPRINGFIELD	65803
4361L	ST LOUIS ZOOLOGICAL PARK		FOREST PARK	ST. LOUIS	63110

MISSISSIPPI

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
65C8	BRELAND, MA	THE CABIN STORE	HWY 29-NORTH	WIGGINS	39577
65C2	CITY OF HATTIESBURG	KAMPER PARK & ZOO	107-17TH AVE	HATTIESBURG	39401
65JZ	CITY OF JACKSON	JACKSON ZOOLOGICAL PARK	2918 W CAPITOL ST	JACKSON	39209
65C1	CITY OF MERIDIAN	MERIDIAN ZOO	PO BOX 4153 W. STATION	MERIDIAN	39301
65C9	COLLINS, O	COLLINS PARK PLAZA	RT 3 BOX 129	GRENADA	38901
65C7	GRIZZARD, H & J	FANTASY LAND	RT 5 BOX 86	FLORENCE	39073
65C5	MARINE ANIMAL PRODUCTIONS INC		150 DEBUYS RD	BILOXI	39531
65C8	NESHOBA COUNTY PARK & REC	PHILADELPHIA PARK & ZOO	RT 6 BOX 5	PHILADELPHIA	39350

MONTANA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
81C4	GREBE, LR		BOX 187	MELSTONE	59054
81C3	MAYES, LEROY M		FAIRMONT HOT SPRINGS	ANACONDA	59711

MONTANA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
81C2	RED LODGE ZOO		BOX 820	RED LODGE	59068
81C1	THE TRAP INC		5850 HWY 2 EAST	COLUMBIA FALLS	59912

NORTH CAROLINA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
55C25	BOWIE, F		862 SHAW MILL RD	FAYETTEVILLE	28301
55C18	CARRADO, JR, N	CARRADO ENTERPRISES	PO BOX 894	CARTHAGE	28327
55C9	CITY OF ASHEVILLE	NATURE CENTER	GASHES CREEK ROAD	ASHEVILLE	28805
55C28	CITY OF CHARLOTTE	HORNET'S NEST PARK	310 N KINGS DR	CHARLOTTE	28204
55C23	CITY OF GREENSBORO	NATURAL SCIENCE CTR OF GREENSBORO.	4301 LAWNDALE	GREENSBORO	72706
55C22	FECK, GT		RT #2 BOX 152 A	SYLVA	28779
55C24	HAMPTON, H & R & J	HAMPTON ENTERPRISES	RT 1	MT ULLA	28125
55C17	JOHNSON, RE & HH	FT CHEROKEE TRADING POST	5625 CAROLINA BEACH RD	WILMINGTON	28403
55C10	JOHNSON, SR, CH	JOHNSON'S ZOO & ANIMAL FARM	BUFFALO RD RT 3 BOX 464	SMITHFIELD	27577
55C15	LEE, M	RAINBOW TRAVELING SHOW	RT 2 SLEEPY CREEK	DUDLY	28333
55C16	LYONS, D	SANTA'S LAND ZOO	BOX 134A	CHEROKEE	28719
55C3	MILLER, JP	SOCO GARDENS ZOO	RT 1 BOX 356	MAGGIE VALLEY	28751
55C13	MOORE, V	VIC MOORE INTER. KARATE	120 DONALDSON ST	FAYETTEVILLE	28301
55C14	MORGAN, TM & LT	EXOTIC BIRDLAND	RT 1, BOX 156	LAURINBURG	28352
55C7	N. CAROLINA ZOOLOGICAL PARK		RT 4 BOX 73	ASHEBORO	27203
55C29	NATURE SCIENCE CNTR OF FORSYTH CO., INC.		MUSEUM DR	WINSTON-SALEM	27105
55C27	QUINLAN, R	QUINLAN MARINE ATTRACTIONS	RT 3 BOX 540	LINCOLNTON	28092
55C26	ROWAN COUNTY PARKS & REC	DAN NICHOLAS PARK NATURE CT	RT 10 BOX 832	SALISBURY	28144
55C20	THE MCADENVILLE FOUNDATION			MCADENVILLE	28101
55C5	TOMS, L	RUTHERFORD CO ZOO	RT 3 BOX 306	FOREST CITY	28043
55AG	TREGEMBO, GR&J	TOTE-EM-IN-ZOO	5545 CAROLINA BCH RD	WILMINGTON	28401
55C8	TRUESDELL, T	SAUNOOKE BEAR LAND	P.O. BOX 795	CHEROKEE	28719
55C6	TWEETSIE RAILROAD INC	THE DEER FARM	P.O. BOX 388	BLOWING ROCK	28605
55C11	UNDERWOOD, W & B		RT 2	VASS	28394
55C12	WILSON, E & H	PLAYTIME ANIMAL CIRCUS	P O BOX 1167	CONCORD	28025

NORTH DAKOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
45C1	CHAHINKAPA ZOO ASSN	CHAHINKAPA ZOO	BOX 101	WAHPETON	58075
45C3	DAKOTA ZOOLOGICAL SOC, INC	DAKOTA ZOO	PO BOX 711	BISMARCK	58501
45C2	GOLD SEAL CO	MEDORA ZOO		MEDORA	58645
45C4	MINOT PARK DISTRICT	ROOSEVELT PARK ZOO	BOX 538	MINOT	58701
45C5	SPRING LAKE ZOO		BOX 1308	WILLISTON	58801

NEBRASKA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
47C02	AGER MEMORIAL ZOO		1300 S 27TH ST	LINCOLN	68502
47C1	ARNOTT R. FOLSOM ZOOL. SOC	FOLSOM CHILDREN'S ZOO	2800 A ST	LINCOLN	68502
47C06	BROZOWSKY, L & A	A & B MONKEY HAVEN	309 BURLINGTON	YORK	68467
47C07	CITY OF BROKEN BOW		PO BOX 504	BROKEN BOW	68822
47C05	CITY OF NORTH PLATTE	CODY PARK ZOO	211 WEST 3RD ST	NORTH PLATTE	69101
47C08	CITY OF SCOTTSBLUFF		1818 AVENUE A	SCOTTSBLUFF	69361
47C03	HENRY DOORLY ZOO	RIVERVIEW PARK		OMAHA	68107

NEW HAMPSHIRE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
12C1	BENSON WILD ANIMAL FARM, INC		27 KIMBALL HILL RD	HUDSON	03051
12C6	BRADY, J	SIX GUN CITY	RT. 2 BOX 114	JEFFERSON	03583
12C9	CLARK'S TRADING POST		RTE. 3	LINCOLN	03251
12C5	FOX, B	FRIENDLY FARM	BOX 76	DUBLIN	03444
12C2	LIN-WOOD INVESTORS, INC	FANTASY FARM-NATURELAND	RT 3	LINCOLN	03251
12C14	MOGYOROSI, FRANK		38 KIMBALL HILL ROAD	HUDSON	03051
12C11	MORRELL CORP	STORYLAND	BOX 1776 RTE 16	GLEN	03860
12C7	SANTA'S VILLAGE INC		PO BOX 8	JEFFERSON	03583
12C4	SQUAM LAKES SCIENCE CENTER		PO BOX 146	HOLDERNESS	03245
12C9	WEIRS SPORTS CENTER, INC	STORYBOOK FOREST	P.O. BOX 278	WEIRS BEACH	03246

NEW JERSEY

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
22C9	ANIMAL ACTORS INTERNATIONAL, INC.		RD 3 BOX 221	WASHINGTON	07882
22C22	BERGEN CO. PARK COMM	VAN SAUN PARK ZOO	327 EAST RIDGEWOOD AVE	PARAMUS	07652
22C15	BRIDGETON CITY PARK	COHANZICK ZOO	CITY PARK	BRIDGETON	08302
22C37	BROWN, D & SOUTHREY, WR	ANIMAL ATTRACTIONS UNLIMITED	BOX 365 A-RD 4	PLEASANTVILLE	08232
22C35	BURGER, J & F		RD 1 BOX 431-A	BLACKWOOD	08012
22C36	CAPEMAY COUNTY PARK ZOO		RT 9	CAPE MAY COURT HOUSE	08210
22C25	CITY OF TRENTON	CADWALADER PARK	CITY HALL E STATE ST	TRENTON	08608
22C42	CLARK, T		BOX 59	ROSEMONT	08556
22C20	COLLINS, B		BOX 550 RT 23	OAK RIDGE	07438
22C16	DAWN ANIMAL AGENCY, INC	MEADOW GATE FARM	CROSS RD	COLTS NECK	07722
22C40	DIETCH, R		41-23 GIEGER PLACE	FAIR LAWN	07410
22C11	ESSEX COUNTY PARK COMM	TURTLE BACK ZOO	115 CLIFTON AVENUE	NEWARK	07104

NEW JERSEY—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
22C29	GIORDANO, S&R		RD 1 BOX 106-E	FRANKLIN	07416
22C12	GREAT ADVENTURE INC		P.O. BOX 120	JACKSON	08527
22C21	HUNT'S CIRCUS, INC		P.O. BOX E	KENTON	19955
22C14	JONES, R		101 N ANNAPOLIS AVE	ATLANTIC CITY	08401
22C27	MARASEK, JB		P.O. BOX 1025	FREEHOLD	07728
22C28	MCMILLAN, D	GREAT ADVENTURE	RT 1 ORR RD	ALLENTOWN	08501
22C23	MIDDLESEX CO. PKS./REC. DEPT		PO BOX 681	NEW BRUNSWICK	08903
22C43	NAUD, JAN	STEEL PIER	75 HAVERFORD	MARGATE	08402
22C38	POPCORN PARK ZOO		PO BOX 43	FORKED RIVER	08731
22C4	ROSE, C & M	ROSE'S ANIMAL FARM	HOBSON AVENUE	TRENTON	08610
22C30	SILS, JR		OLD YORK RD	BORDENTOWN	08505
22C2	SPACE, F	SPACE WILD ANIMAL FARM INC	RFD 8 BOX 135 BEEMERVILLE RD	SUSSEX	07461
22C41	STELPSTRA, REV. WM	BETHEL RANCH	1005 UNION RD	WEST MILFORD	07480
22C17	TERRY, FT&EL	TERRY LOU ZOO	1451 RARITAN RD	SCOTCH PLAINS	07076
22C32	TOWN OF KEARNY	RIVERBANK PARK ZOO	BERGEN AVENUE	KEARNY	07032
22C7	WHITCRAFT, JR	MONKEY BUSINESS	MAIN ST BOX 3	JULIUSTOWN	08042
22C13	WINTERS, R		17 LINCOLN ST	RAMSEY	07446
22C39	YOUNG, PM	MISTY HOLLOW FARM	RD 1 BOX 275	FLEMINGTON	08822

NEW MEXICO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
85C3	CITY OF ALAMOGORDO	ALAMEDA PARK ZOO	511 TENTH ST	ALMOGORDO	88310
85C1	CITY OF ALBUQUERQUE	RIO GRANDE ZOOL PK	PO BOX 1293	ALBUQUERQUE	87102
85C6	CITY OF CLOVIS	HILLCREST PARK ZOO	PO BOX 760	CLOVIS	88101
85C4	LIVING DESERT STATE PARK		PO BOX 100	CARLSBAD	88220
85C5	SPRING RIVER PARK & ZOO		CITY HALL	ROSWELL	88201
85C2	STARKEY, EB	FLYING W'S EXOTIC GAME FARM	3406 ENGLISH RD	FARMINGTON	87401

NEVADA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
88E7	AUBAIN, CL		115 E WIGWAM AVE	LAS VEGAS	89119
88E5	AUGSPURG, C		6772 EASTERN AVE	LAS VEGAS	89119
88E24	BECK, C		6086 ELKHORN RD	LAS VEGAS	89106
88E25	BEROSINI, B	BOBBY BEROSINI LTD	2716 E RENO AVE	LAS VEGAS	89120
88E12	DETROY, G	MARQUIS CHIMPANZEES	2971 SANTA MARGARITA	LAS VEGAS	89102
88E11	EVANS, K	CATS	5936 BARRY LANE	LAS VEGAS	89119
88E20	HANTIGOVA, O & D		2225 MONTESSOURI	LAS VEGAS	89107
88E23	HINMAN, A & J		STAR RT BOX 7562	PAHRUMP	89041
88E26	KERR, T & I	THE KERR CORP	2939 RICHMAR	HENDERSON	89015
88E29	LEE, BERRI		7825 WISHING WELL ROAD	LAS VEGAS	89119
88E13	LEVINSON, A&S	BONNIE SPRINGS RANCH		OLD NEVADA	89004
88E15	MEYER, L	PARADISE PET CLINIC	2115 MOHEGAN WAY	LAS VEGAS	89109
88E19	POST, H		10890 CHESTNUT RD	RENO	89506
88E14	RUBY, J & M	RANCHO LOS LOBOS	PO BOX 95	MOAPA	89025
88E22	SCHEPOK, K	THE ANDEN'S POODLES	4096 SYRACUSE DR	LAS VEGAS	89121
88E6	SIEGFRIED & ROY, ENT. INC		1639 NO VALLEY DR	LAS VEGAS	89106
88E4	SPARKS NUGGET, INC		PO BOX 797	SPARKS	89431
88E17	VARGAS, J & P		192 ERIE AVE	LAS VEGAS	89119
88E3	WINICKY, J		3131 S JONES BLVD	LAS VEGAS	89102
88E21	WYNN, EE		PO BOX 1274	WINNEMUCCA	89445

NEW YORK

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
21JT	ALL-TAME ANIMALS, INC		59 OLD WELL RD	PURCHASE	10577
21CP	ANIMAL LAND INC		RT. 9 RD 2	GLENS FALLS	12801
21LW	BARRA, JE		1721 ST. PAUL ST	ROCHESTER	14621
21ME	BOARD OF TRUSTEES	WILDCLIFF MUSEUM	WILDCLIFF RD	NEW ROCHELLE	10805
21KW	BURKE, S & J		RR 1 BOX 152	WINDHAM	12496
21CL	CATSKILL GAME FARM INC		RD 1 BOX 92	CATSKILL	12414
21KA	CHATEAU STABLES, INC		609 W 48TH ST	NEW YORK	10036
21OC	CHOVANIC, D & D	INTERNATIONAL LION SHOW, INC	43-67 147TH ST	FLUSHING	11355
21JB	CITY OF KINGSTON	FORSYTH PARK ZOO	467 BROADWAY	KINGSTON	12401
21FW	CITY OF NEW YORK	CENTRAL PARK ZOO	830 FIFTH AV	NEW YORK	10021
21CW	CITY OF UTICA	UTICA ZOOLOGICAL SOCIETY	STEELE HILL RD	UTICA	13501
21FA	CITY OF WATERTOWN	THOMPSON PARK ZOO	245 WASHINGTON ST	WATERTOWN	13601
21NL	CROSS, L & R	FORT RICKEY GAME FARM	RD 95	ROME	13440
21OJ	DOGGETT, ROBERT		169 MAIN STREET	NEW YORK MILLS	13417
21NO	ECUYER, L	ZIPPY ENTERPRISES	439 GUY LOMBARDO AVE	FREEPORT	11520
21JC	FANTASY ISLAND, INC		2400 GRAND ISLAND BLVD	GRAND ISLAND	14072
21DX	FRONTIER TOWN PROD., INC			NO HUDSON	12855
21HT	GILLETTE, AE	MAGIC FOREST	151 SAMPSEN PKWY	PITTSFIELD	01201
21OD	HAUPT, RONALD	THE BARNYARD, INC	RD 2 BOX 462	NEWARK VALLEY	13811
21NA	LITTLE LION LAND, INC		1134 UNION AVE	NEWBURGH	12550
21NZ	LOLLYPOP FARM OF ROCHESTER INC		99 VICTOR RD	FAIRPORT	14450
21GZ	LONG ISLAND GAME FARM INC		CHAMPMAN BLVD	MANORVILLE	11949
21JA	MILLBROOK SCHOOL		MILLBROOK SCH RD	MILLBROOK	12545
21KS	MOREAU, PJ	JOY & THE MOREAU BOYS	1807 16TH ST	NIAGARA FALLS	14305
21DY	MUSEUM OF THE HUDSON HIGHLANDS	MUSEUM OF THE HUDSON HIGHLANDS	THE BOULEVARD	CORNWALL-ON-HUDSON	12520
21BW	NEW YORK ZOOLOGICAL SOC		185TH ST&SOUTHERN BLVD	BRONX	10460
21NX	NEWMAN, B	BETTE & HER HOLLYWOOD PALS	32-76 36TH ST	ASTORIA	11106
21DM	ONONDAGA COUNTY DEPT OF PARKS & REC	BURNET PARK ZOO	P.O. BOX 146	LIVERPOOL	13088

NEW YORK—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
21KZ	OPPENHEIM ZOOLOGICAL SOC.		2007 NIAGARA FALLS BLVD	NIAGARA FALLS	14304
21DW	PALISADES INTERSTATE PARK COMMISSION.	BEAR MOUNTAIN TRAILSIDE MUSEUMS.		BEAR MOUNTAIN	10911
21KR	POPOLIZIO, GR		ROUTE 1 BOX 62	HOLMES	12531
21KY	RIX, A	RIX PERFORMING BEARS	R.D. 1 BOX 12	MIDDLETOWN	10940
21OG	ROBINSON, WLM		7470 GLASCO TURNPIKE	SAUGERTIES	12477
21LE	SABO, D		RT 44 BOX 181	AMENIA	12501
21EM	SANTA'S WORKSHOP,INC			NORTH POLE	12946
21NU	SEA RESEARCH FOUND., INC	AQUARIUM OF NIAGARA FALLS NY	701 WHIRLPOOL ST	NIAGRAA FALLS	14301
21BZ	SENECA PARK ZOO		2222 ST. PAUL ST.	ROCHESTER	14621
21LF	SERGENT, D		RT 44 BOX 181	AMENIA	12501
21FL	SNYDER DARIEN CORP.		9993 ALLEGHENY RD	CORFU	14036
21EA	SOUTHERN TIER ZOOLOGICAL SOC.	ROSS PARK ZOO	185 PARK AVE.	BINGHAMTON	13903
21HY	STATEN ISLAND ZOOLOGICAL SOC.		614 BROADWAY	LONG ISLAND	10310
21DS	STERLING AK FUR/GAME FARM INC.		17 SARANAC AV	LAKE PLACID	12946
21EP	STORYTOWN FUN PARK	STORYTOWN FUN PARK	LAKE GEORGE RD.	GLENS FALLS	12801
21NI	TOWN OF HARRISON	WEST HARRISON MEMORIAL PARK.	1 HILLSIDE AVE	HARRISON	10528
21ML	VEIT, JM	CANDY CANE VILLAGE	1945 EDEN EVANS RD	EDEN	14057
21KT	VIDSEL, AEJ		RR 1 BOX 251	WINDHAM	12496
21OF	WIDMARK, H & S	WIDMARK FARMS	RT 55	GARDINER	12525
21FJ	ZOOL. SOC. OF BUFFALO, INC.	BUFFALO ZOOL GARDENS		BUFFALO	14214

OHIO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
31C407	AMUSEMENT CORPORATION OF AMERICA		801 MICHAELS ROAD	FREMONT	43420
31C366	BARR, L		1025 WALL STREET	MAUMEE	43537
31C408	BUCKHOLZ, RICHARD	GOLD STAR PRODUCTIONS	7017 ENGLE ROAD	MIDDLEBURG HEIGHTS	44130
31C6	CITY OF AKRON PARKS & REC BUREAU.	AKRON CHILDRENS ZOO	1436 TRIPLETT BLVD BLG 1A	AKRON	44306
31C350	CLARE-MAR-LAKES		RD)1 NEW LONDON EASTERN RD.	NEW LONDON	44851
31C5	COLUMBUS ZOOLOG. GARDEN	COLUMBUS ZOO	9990 RIVERSIDE DR	POWELL	43065
31C380	CONLEY, CE	LIMITED ZOOLOGICAL EXHIBIT	2835 NORTON RD	KENT	44240
31C239	CULLISON, K		1949 IOM DR	AKRON	44312
31C205	DIAMOND K DONKEY BALL CO.		R 1	WAPAKONETA	45895
31C27	DIAMOND O RANCH, INC.	BUCKEYE CIRUS CORP.	1000 WARNER RD. SE	CANTON	44707
31C282	DODGE, G & H	GORDON'S AMUSEMENTS	PO BOX 104	BURTON	44021
31C338	DORMAN, R	VANISHING SPECIES, LTD.	4401 MANCHESTER RD	AKRON	44319
31C361	DOWNIE, M	SPORTSMAN'S JUNCTION	25715 BROOKPARK EXTENSION	N. OLMSTED	44070
31C403	DURBIN, WALTER E		4318 PACKARD ROAD	TOLEDO	43612
31C332	EBENHACK, TE		28901 EBENHACK RD	CIRCLEVILLE	43113
31C311	EGGERS, DG	MOTHER NATURES MENAGERIE	695 WEBER AVENUE	AKRON	44303
31C380	FIKES, D	F & S ANIMAL FARM	468 W STEELES CORNERS RD	CUYAHOGA FALLS	44223
31C321	FOLLIN, WJ	A-1 DONKEY BALL CO	BOX 159	UNIOPOLIS	45888
31C367	GOSHEN, T		3822 CANTERBURY RD	WESTLAKE	44145
31C357	HEIDELBERG, RF	BRUKNER NATURE CT	5995 HORSESHOE BEND RD	TROY	45373
31C184	HOSKINSON, SF	ANIMALS OF DISTINCTION	4 HOMESTEAD	SEVILLE	44273
31C369	HOWD, R	PETE AND POP	282 HIGHGROVE BLVD	AKRON	44312
31C164	LAGOON DEER PARK INC		1502 MARTIN'S PT RD	SANDUSKY	44870
31C331	LEDUC, P		PO BOX 69	ATLANTA	43104
31C284	LEIGHTON, H		FOXBORO RD	GATES MILLS	44040
31C362	LOWE, JT		1192 EAST 40TH ST	CLEVELAND	44114
31C17	METROPARKS ZOOLOGICAL PARK	BROOKSIDE PARK	BOX 99040	CLEVELAND	44109
31C214	PICARD, J & B	PARKMAN ZOOLOGICAL GARDENS	16639 MAIN MARKET RD.	WEST FARMINGTON	44491
31C218	SAUDER MUSEUM		R 2	ARCHBOLD	43502
31C349	SEA WORLD OF OHIO		1100 SEA WORLD DRIVE	AURORA	44202
31C306	SEDIVY, R		15281 MAIN MARKET	BURTON	44021
31C290	SEELEY, DV	FARMER DON'S RESTRAURANT	2838 STATE RT. 7	NEW WATERFORD	44445
31C391	SHAFFER, R		610 SALT SPRINGS YOUNGSTOWN RD.	MINERAL RIDGE	44440
31C392	STRONG, T		4030 SNYDER-DOMER RD	SPRINGFIELD	45502
31C168	TAFT BROADCASTING CO.	KINGS ISLAND	1906 HIGHLAND AVE.	CINCINNATI	45219
31C158	THE HIRAM HOUSE		33775 HIRAM TRAIL	CHAGRIN FALLS	44022
31C7	TOLEDO ZOOLOGICAL SOCIETY		2700 BROADWAY	TOLEDO	43609
31C351	WOLFREY, A D JR.	ANIMAL CRACKER PARK	9827 VORIS RD.	LOGAN	43138
31C336	YOXALL, L	Y-BAR ENTERPRISES	9139 MAYFIELD	CHESTERLAND	44026
31C20	ZOO SOC OF CINCINNATI		3400 VINE ST	CINCINNATI	45220

OKLAHOMA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
73EZ11	ALBRO, A	BUFFALO RANCH		AFTON	74331
73EZ10	BARREDA, J		PO BOX 361	EDMOND	73034
73EZ4	CARSON & BARNES CIRCUS, INC.		PO BOX J	HUGO	74743
73EZ14	CITY OF ADA	WINTERSMITH PARK	13TH & TOWNSEND	ADA	74820
73EZ6	CITY OF ALVA ZOO		415 4TH ST	ALVA	73717
73EZ2	CITY OF OKLAHOMA CITY	OKLAHOMA CITY ZOO TRUST	2101 N.E. 50TH ST.	OKLAHOMA CITY	73111
73EZ3	CITY OF TULSA	TULSA ZOOLOGICAL PARK	5701 E 36TH ST	TULSA	74115
73EZ12	HAGEE, J	ARBUCKLE WILDERNESS	RT 2 BOX 84	EDMOND	73034
73EZ15	MADISON, E	TAMMY-LINN YOUTH FASHIONS	7800 NORTH MAY AVE	OKLAHOMA CITY	73116
73EZ13	THE FRANK PHILLIPS FOUNDATION, INC.	WOOLAROC WILDLIFE REFUGE	BOX 1647	BARTLESVILLE	74003
73EZ7	WARD, R		RT 1 BOX 110	LOCUST GROVE	74352

OREGON

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
92C5	CITY OF KLAMATH FALLS	MOORE PARK	226 S. 5TH	KLAMATH FALLS	97601
92C26	CRAIG, HC		PO BOX 493	WINSTON	97496
92C30	ENSOR, A & M & OBRIEN, J & V	SEASIDE ACQUARIUM	200 N PROMENADE	SEASIDE	97138
92C12	FIEBER, B	OREGON COAST SAFARI		BLETZ	97380
92C8	HOLLAND, L & L	DEERLAND PARK	BOX 77	CHILOQUIN	97624
92C24	HURDY GURDY CIRCUS, INC		1303 SW 16TH	PORTLAND	97201
92C9	INDIAN FOREST INC		88493 HWY 101	FLORENCE	97439
92C14	JACOBS, JR., T	CANDYLAND CIRCUS	RT 4, BOX 652	GRESHAM	97030
92C1	METROPOLITAN SERVICE DISTRICT	WASHINGTON PARK ZOO	4001 S.W. CANYON RD	PORTLAND	97221
92C13	TENNEY, R	WEST COAST GAME PARK	RT 1, BOX 1230	BANDON	97411
92C28	TROUTMAN INVESTMENT CO	OPERATION SANTA CLAUS	BOX 5457	EUGENE	97405
92C25	W. DEER PK. & ARBORETUM LTD		RT 1 BOX 44	SHERIDAN	97378
92C10	WILDLIFE SAFARI		PO BOX 600	WINSTON	97496
92C29	WILDS, J & R	WILDS ANIMALS	P.O. BOX 553	MOSIER	97040
92C21	WOODLAND DEER PARK	WOODLAND DEER PARK	27895 REDWOOD HIGHWAY	CAVE JUNCTION	97523
92C31	WOODMARK, JOHN D.	DEPOE BAY AQUARIUM	PO BOX 88	DEPOE BAY	97341

PENNSYLVANIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
23E66	ACDMY OF NAT SCIENCES		19TH & THE PARKWAY	PHILADELPHIA	19103
23E71	ALLEGHENY CY PK RE CN		345 COUNTY OFF BLDG	PITTSBURGH	15219
23E24	ANIMAL KINGDOM TALENT SERVICE		RD 2 BOX 61	TIOGA	16946
23E44	BLUBAUGH, CR	TWIN K9S9 DRIVE-IN	7321 ANTHONY HWY.	WAYNESBORO	17268
23E36	BODINE, SR., GS	ANIMALAND	RD 6 BOX 225	WELLSBORO	16901
23E12	BOROUGH OF NORRISTOWN	ELMWOOD PK ZOO	256 EAST AIRY ST	NORRISTOWN	19401
23E19	BRUBAKER, RM		RT 30	610 PENRYN ROAD	17545
23E83	BRUMBAUGH, S		RD 1 BOX 514	ROARING SPRING	16673
23E81	BUTTON, DE	BUTTONS PRE XMAS S CLAUSE SER	RD 1 BOX 63	MILLERTON	16936
23E42	CANOUSE, R & V	MOON VALLEY PARK	RR2 BOX 71	MILFORD	18337
23E32	CITY OF SCRANTON	NAY AUG PARK ZOO	CITY HALL	SCRANTON	18510
23E2	CLYDE PEELING'S REPTILAND LTD		PO BOX 66	ALLENWOOD	17810
23E58	CORNWALL JR.,RA		20 RIVERSIDE DR	WARREN	16365
23E92	DUTCH WONDERLAND		2249 LINCOLN HWY EAST	LANCASTER	17602
23E3	ERIE ZOOLOGICAL SOCIETY		663 SHUNPIKE RD	ERIE	16506
23E50	EXHIBITS INC	DORNEY PARK ZOORAMA	DORNEY PARK ZOORAMA	ALLENTOWN	18104
23E46	FAIRYLAND FOREST		C/O ASSOCIATED GAMES	CONNEAUT LAKE PK	16316
23E72	FANTASYLAND, INC		PO BOX 339	GETTYSBURG	17325
23E25	FOREST ZOO INC		BOX 79 RD 31	ASHVILLE	16613
23E57	FORKER, T		BOX 125 STAR RT 30	TIONESTA	16353
23E56	FUNCK, RS		RT. 2 BOX 309	ANNVILLE	17003
23E60	GREGG, PC & J	KLONDIKE GIFT SHOP	KINZUA HTS	BRADFORD	16701
23E26	HALL, V	CLAWS & PAWS WILD ANIMAL FARM	R D 1	LAKE ARIEL	18436
23E51	HAVERSACK, WC			HYDE	16843
23E73	HEASLEY, JE & EM	HEASLEY'S TRADING POST	RD 1	LEWIS RUN	16738
23E82	HECK, T		400 KIDDER ST.	WILKES-BARRE	18702
23E59	HERCO, INC	T/A ZOOAMERICA	300 PARK BOULEVARD	HERSHEY	17033
23E77	HILTS, LR		RD 2 MISTLETOE FARMS	MIDDLEBURY CENTER	16935
23E38	HOCK, R	PEACOCK CNR GAME FARM	RD 34	BLOOMSBURG	17815
23E47	HOLLER, J	DEER STOP	RD 1	EASTON	18042
28E1	HOLMBERG, WC	FRONTIER ZOO	BOX C	UGONIER	15656
23E94	INSULATION FOAM INC.	NOAH'S ARK CHILDREN'S ZOO	RD 31	CENTRAL CITY	15926
23E18	KIRACOFE, J & V	BOILING SPRINGS ZOO PARK	RD 1	BOILING SPRINGS	17007
23E34	KISER, LL	KISER WILDLIFE RANCH	RD 1 BOX 117	CAIRNBROOK	15924
23E69	KISTLER R	75 DAIRY DINE	RD 1	E WATERFORD	17021
23E43	LEHMAN, HW &FM	BLACK FOREST TRADING POST	RD 1 BOX 130	ULYSSES	16948
23E89	LIPKO, COL. J	LIPKO'S CHIMPS	BOX 74	BARNESVILLE	18214
23E85	MARTIN'S AQUARIUM, INC		101 OLD YORK RD	JENKINTOWN	19046
23E61	MCDANIEL, JH	JIM MACK'S ICE CREAM	RD 324 BOX 84	YORK	17406
23E70	MEALY, R & L	LAKE LUCY PARK	RD 1 BOX 121	TIONESTA	16353
23E13	MERCERBURG SPORTSMENS ASSN.,INC.		BOX 33	MERCERSBURG	17236
23E84	MOMYER, R		208 S. WHITEHOUSE RD.	PHOENIXVILLE	19460
23E64	MONTGOMERY CO COMM	UPPER SCHUYLKILL VALLEY FARM PK.	ONE MONTGOMERY PLAZA	NORRISTOWN	19404
23E93	MORRONE, J		1016 EARLINGTON RD	HAVERTOWN	19083
23E67	MOUNT AIRY LODGE			MT POCONO	18344
23E17	PITTSBURG ZOO		CITY-COUNTY BLDG	PITTSBURGH	15219
23E23	POCONO SNAKE COUNTRY INC		PO BOX 236	MARSHALLS CREEK	18335
23E87	POCONOS MAGIC VALLEY INC		WINONA FALLS RD RT 209	BUSHKILL	18324
23E55	PYMATUNING DEER PK		R.D.2	JAMESTOWN	16134
23E35	ROSAIRE, SR., D & FAMILY		P.O. BOX 3612	SARASOTA	33578
23E96	ROSH, BUD		BOX 485 B	SAYRE	18840
23E95	RUTTER, BARBARA A	WOLFDEN RETREAT	SQUAB HOLLOW ROAD RD. 1	KERSEY	15846
23E91	SHURTZ, R		934 WYOMING ST	ALLENTOWN	18103
23E97	SICO, MR. CARMIN R		586 DORSEYVILLE RD.	PITTSBURGH	15238
23E11	SIMPSON, RR		R 5 BOX 548	GETTYSBURG	17325
23E31	STORY BOOK FOREST, INC		BOX F	UGONIER	15658
23E88	THE AMISH FARM & HOUSE		2395 LINCOLN HY E	LANCASTER	17602
23E14	TOBIAS, DR & JR	LAKE TOBIAS & ANIMAL HAVEN	RD 34	HALIFAX	17032
23E22	TREXLER LEHIGH CO GAME PRES		RT 1	SCHNECKSVILLE	18078
23E30	UNION CO. SPORTSMENS CLUB INC		RD 1	MILLMONT	17845
23E21	WAMPLER, DD	WAMPLERS WILD ANIMALS	RD 2 BOX 354	ANNVILLE	17003
23E6	WAYNESBORO FISH & GAME PROT ASSOC INC.		PO BOX 388 RT 5	WAYNESBORO	17268
23E20	WEAVER, IS	CHUKAR HILL WILD AN RANCH	RD 1 EAST BOX 443	EAST EARL	17519
23E40	YOUNG, L	STORYLAND		SCHELLSBURG	15559

PENNSYLVANIA—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
23E38	YOUNG, WC		RD 1 BOX 81	NICHOLSON	18446
23E8	ZIMMERMAN, RJ	GETTYSBURG GAME FK	RD 1	FAIRFIELD	17320
23E7	ZOOLOGICAL SOC OF PHILADELPHIA	PHILADELPHIA ZOOL. GARDENS	34TH ST & GIRARD AV	PHILADELPHIA	19104
23E90	ZUENDEL, RR & AL	ZUENDEL'S GROCERY	STAR RT 1	TIONESTA	16353

PUERTO RICO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
94EL6	AMADOR, FJ	EL ARCA DE NOE	BOX 84	QUEBRADILLAS	00742
94EL7	ANIMAL WORLD, INC.		CALLE MAYAGUEZ NO. 42	HATO REY	00619
94EL9	CONGREGACION MITA, INC		235 DUARTE ST	HATO REY	00917
94EL12	DIEZ, R	PARADISE CIRCUS	CALLE 4 #117	CAROLINA	00630
94EL11	JARDIN ZOOLOGICO DE PUERTO RICO	JARDIN ZOOLOGICO DE P. R.	APARTADO 1086	MAYAQUEZ	00708
94EL9	MARCAN, CR		818 13TH AVE	GREEN BAY	54304
94EL15	MARQUEZ, L		BOX 786	ARECIBO	00612
94EL14	MUNIZ, M	URB. PINERO	CALLE COSTA RICA 16A	HATO REY	00917
94EL13	SUAREZ, J	LA CUEVA DEL INDIO	BUZON 380 ISLOTE	ARECIBO	00612

RHODE ISLAND

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
15C1	CITY OF PAWTUCKET/PARKS & REC. DEPT.	SLATER MEMORIAL PARK	271 ROOSEVELT AVE.	PAWTUCKET	02860
15C5	ENCHANTED FOREST OF RI		RTE 3 P.O. BOX 524	HOPE VALLEY	02832
15C7	GRAY, A & GREENE, J	GRAY AND GREENE ANIMAL SHOWS.	RT 3 NORTH BROAD STREET	ASHAWAY	02804
15C2	RECORDS, LH		173 BOSTON NECK RD.	NO. KINGSTOWN	02852
15C3	ROCKY POINT AMUSEMENTS, INC			WARWICK	02889
15C4	ROGER WILLIAMS PARK ZOO		ELMWOOD AVE	PROVIDENCE	02905

SOUTH CAROLINA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
58C11	BRICKLE, W A		P.O. BOX 28	COPE	29038
58C6	BROOKGREEN GARDENS			MURRELLS INLET	29576
58C10	CHARLESTOWNE LANDING ANIMAL FOREST.		1500 OLD TOWNE RD	CHARLESTON	29407
58C9	CITY OF GREENVILLE ZOO		CLEVELAND PARK	GREENVILLE	29601
58C2	COLLINS, SH	CIRCLE C ANIMAL FARM & ZOO	RT 3	CAMPOBELLO	29322
58C5	CROMER'S PEANUTS, INC		PO BOX 163	COLUMBIA	29201
58C12	LEIGH, JOHN Z	OLD MILL STREAM INN	RT 2 HIGHWAY 14	GREENVILLE	29607
58C3	MARVIN, F		PO BOX 82	HOLLYWOOD	29449
58C13	MURCHISON, BILLY & SONS	STATE LINE ZOO	RT 1 BOX 72	STAR	27356
58C1	RIVERBANKS PARK COMMISSION	RIVERBANKS ZOO	500 WILDLIFE PARKWAY	COLUMBIA	29210
58C8	WALL, J		116 CHESTER ST	SPARTANBURG	29301
58C14	WARNER, JEAN		C/O LOG CABIN FLEA MARKET 17 S.	SURFSIDE BEACH	29577

SOUTH DAKOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
46C6	ABERDEEN PARKS & REC. DEPT.	WYLIE PARK ZOO	MUNICIPAL BLDG	ABERDEEN	57401
46C5	BEAR COUNTRY USA		R 2 BOX 628	RAPID CITY	57701
46C1	CITY OF WATERTOWN	BRAMBLE PARK ZOO		WATERTOWN	57201
46C4	GREAT PLAINS ZOO		800 EAST 7TH	SIOUX FALLS	57102
46C2	HOLM, JC		615 E DAKOTA AVE	PIERRE	57501
46C7	ROEBUCK, E I	ROEBUCK'S DEERLAND	RR 1	JAVA	57452
46C8	THOMAS, RALPH	MARINE LIFE	134 A KEYSTONE RT.	RAPID CITY	57701

TENNESSEE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
63EL17	BLANKENBECLER, C		621 BRANCH ST	KINGSPORT	37660
63EL14	CITY OF CHATTANOOGA	WARNER PARK ZOO	1100 MCCALLIE AVE	CHATTANOOGA	37404
63EL1	CITY OF KNOXVILLE	KNOXVILLE ZOOLOGICAL PARK	CITY HALL PARK	KNOXVILLE	37901
63EL8	CUMBERLAND MUS. & SCI. CENTER		800 RIDLEY AVE	NASHVILLE	37203
63EL19	DELOZIER, BILL	OLD MCDONALD FARM	PARKWAY	PIGEON FORGE	37863
63EL5	LIBERTYLAND	ANIMAL PALS PETTING ZOO	PO BOX 14808	MEMPHIS	38114
63EL4	MEMPHIS ZOO. & AQUARIUM		2000 GALLOWAY AVE	MEMPHIS	38112
63EL7	MILLS, B	MILLS BROS. GIFT SHOP	RT 1	ROCKWOOD	37854
63EL3	OPRYLAND USA		PO BOX 2138	NASHVILLE	37214
63EL18	PORPOISE ISLAND INC		PO BOX 976	PIGEON FORGE	37863
63EL10	RUCKER, H	RUCKERS UNCAGED LEOPARD		WATERTOWN	37184
63EL16	SEXTON, C		3368 GUERNSEY	MEMPHIS	38122
63EL11	SORELL, E	BUCK SORELL ENTERPR. ET AL	P.O. BOX 77	WHITE HOUSE	37188
63EL2	TYTLANDSVIK, L & PETERSON, L	TENNESSEE GAME FARM	RT. 2 BOX 192	JOELTON	37080

TEXAS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
74ZA11	ABILENE ZOOLOGICAL SOCIETY		PO BOX 60	ABILENE	79604
74LE34	ALLEN, DIANNE WILSON	WILSON'S PETS	PO BOX 971	DONNA	78537

TEXAS—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
74ZA12	AMARILLO PARKS AND RECREATION DIVISION.	AMARILLO STORY ZOO	PO BOX 1971	AMARILLO	79105
74LE35	ASTROWORLD		9001 KIRBY DRIVE	HOUSTON	77054
74LE40	BURNS, S & SNOW, R	GIANT SNAKES & OTHER THINGS	1201 N FAIRGROUNDS	TAYLOR	76574
74ZA18	CALDWELL SCHOOLS INC	CALDWELL ZOO	PO BOX 439	TYLER	75701
74LE11	CIRCUS ROYAL		PO BOX 274	LA GRANGE	78945
74LE25	CITY OF AUSTIN/PARKS & RECREATION DEPT.		401 DEEP EDDY AVE	AUSTIN	78703
74ZA2	CITY OF DALLAS	DALLAS ZOO	621 E CLARENDON DR	DALLAS	75203
74ZA14	CITY OF EL PASO	EL PASO ZOOL PARK	NO 2 CIVIC CENTER PLAZA	EL PASO	79905
74ZA7	CITY OF GAINESVILLE	FRANK BUCK MEMORIAL ZOO	PO BOY 338	GAINESVILLE	76240
74ZA5	CITY OF HOUSTON	HOUSTON ZOOL GARDENS	PO BOX 1562	HOUSTON	77001
74ZA15	CITY OF LUFKIN	ELLEN TROUT ZOO	PO BOX 190	LUFKIN	75901
74ZA6	CITY OF WACO	CENTRAL TEXAS ZOO	RT 10 BX 173 E	WACO	76708
74LE18	CLARK, M		RT 5 BOX 195	MCKINNEY	75069
74ZA30	CRAWFORD, RC	SLATON ZOO	107 N 9TH	SLATON	79364
74LE14	CRUZ-AYALA, JL	ALDINE ANIMAL CLINIC	4202 ANGE ST	HOUSTON	77039
74LE9	FINLAY, GM		BOX 237	SAN MARCOS	78666
74ZA4	FT WORTH ZOOL PK		2727 ZOOL PK DR	FORT WORTH	76110
74ZA3	GLADYS PORTER ZOO		500 RINGGOLD ST	BROWNSVILLE	78520
74LE24	HALL, C		R 3 BOX 762	MESQUITE	75149
74LE2	HALL, J		RT 3 BOX 762	MESQUITE	75149
74LE26	HALL, J		R3 BOX 762	MEZQUITE	75149
74LE22	HARMON, R		405 C PINE CREST	MARSHALL	75670
74LE37	HARTMAN, JOE		9530 MCCLUNG	DALLAS	75217
74ZA35	HIX, RW & MORRON, EM	THE BELL COUNTY ZOO	RT 4 BOX 4264T	BELTON	76513
74LE7	JOHANN, PH	DOGANA CIRCUS	RT 1 BOX 99	KOUNTZE	77625
74LE23	KEITH, BD		22719 ALDINE WESTFIELD	HUSTON	77373
74LE32	LEASE, THOMAS R	COUGARS UNLIMITED	1915 ROOSEVELT DRIVE	ARLINGTON	76010
74LE27	LEMKE, J		2807 PEACHTREE RD	MESQUITE	75149
74ZA36	MANTZEL, THOMAS	WATERFALL RANCH	2500 FORT WORTH NAT'L BANK BLD.	FORT WORTH	76102
74LE30	MARSHALL, H & J	GLEANNLOCH MANNOR	6310 GLEANNLOCH RD	SPRING	77379
74LE5	MONKEY WORLD INC		RT 1 BOX 26-AB	QUINLAN	75474
74LE19	NEW WORLD PRIMATE		14706 HERMIT THRUSH	TOMBELL	77375
74LE36	PARSONS, AC	SEVEN GABLE RANCH	RT 2	CLIFTON	76634
74LE15	PINSON, D & J		RT 1 BOX 306	GAINSVILLE	76204
74LE1	RAGEN, WS		17911 SAMWOOD	HOUSTON	77090
74LE4	RAY, G & BAKER, S	CHECKERS & PATCHES CIRCUS CLOWNS.	PO BOX 6166	ARLINGTON	76010
74ZA1	SAN ANTONIO ZOOLOG SOC	SAN ANTONIO ZOO	3903 N ST MARY'S ST	SAN ANTONIO	78212
74ZA20	SEA ARAMA MARINEWORLD		PO BOX 3068	GALVESTON	77551
74ZA21	SOUTH TEXAS ZOOLOGICAL SOCIETY	TEXAS ZOO	110 MEMORIAL DR	VICTORIA	77901
74ZA9	SPRING LAKE PARK ZOO		PO BOX 1967	TEXARKANA	75501
74LE3	SPRINGDAY SIMIAN/AVIAN SNT INC	SPRINGDAY SIMIAN & AVIAN SANCTUARY INC	4036 NEW BOSTON RD BOX 2630	TEXARKANA	75504
74LE16	STEELE, B		BOX 26	SEAGOVILLE	75159
74LE31	STEEPLES, E		RT 2 BOX 253 BECKETT RD	SEAGOVILLE	75159
74LE20	STOOGHILLS, T & E	STOOGHILLS RANCH	RT 2 HWY 34	QUINLAN	75474
74LE17	TATA, B		P.O. BOX 284	SEAGOVILLE	75157
74LE28	TERRANOVA, D K		RT 2, BOX 80	WILLARD	65781
74ZR1	TESKA, J & B	SNAKE FARM	RT 6 BOX 487	NEW BRAUNFELS	78130
74LE39	TOSTI, IRVING & PAULA	TOSTI'S LIVING MENAGERIE	PO BOX 1015	MERCEDES	78570
74ZA19	TOWN OF PECOS CITY		PO BOX 929	PECOS	79772
74ZA33	WALKER, WE	ZOOLAND PETTING ZOO	PO BOX 3704	ODESSA	79760
74LE33	ZOPPE, R & P	ZOPPES ARABIAN RIDERS	2807 HWY 175	SEAGOVILLE	75159

UTAH

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
87C7	CITY OF LOGAN	WILLOW PARK ZOO	61 WEST FIRST NORTH	LOGAN	84321
87C4	GLEDHILL, J	BIG ROCK CANDY MT RESORT	BIG ROCK CANDY MTN RESORT	MARYSVALE	84750
87C2	LAGOON CORP	WILD KINGDOM TRAIN	PO BOX N	FARMINGTON	84025
87C5	SEUS, D & L	WASATCH WILDLIFE	RFD DANIELS	HEBER	84032
87C1	UTAH ZOOLOGICAL SOCIETY	HOGLE ZOOLOGICAL GARDEN	PO BOX 8475	SALT LAKE CITY	84108
87C9	UTAH ZOOLOGICAL SOCIETY	TRACY AVIARY	PO BOX 8475	SALT LAKE CITY	84108
87C10	WEILENMANN, M	HARE HOLLOW RESTAURANT INC.	6121 HIGHLAND DR	SALT LAKE CITY	84121

VIRGINIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
52C17	BRADSHAW, J		RT 1 BOX 117-F	NEW CANTON	23123
52E5	CHILDRESS, FB	SNAKE & MONKEY FARM	RT 1 BOX 166	NEW MARKET	22844
52E3	CITY OF HAMPTON	BLUEBIRD GAP FARM	DEPT. OF PARKS	HAMPTON	23669
52E6	CITY OF NEWPORT NEWS		2400 WASHINGTON AVE	NEWPORT NEWS	23607
52CE	CITY OF NORFOLK	LAFAYETTE ZOOLOGICAL PARK	3600 GRANBY ST	NORFOLK	23508
52E1	CITY OF STAUNTON	STAUNTON CITY ZOO	P.O. BOX 58	STAUNTON	24401
52CD	KINGS DOMINION		RFD 168	DOSWELL	23047
52C15	MARJEC INC. SHAWNEE LAND		MTN FALLS FT BOX 98	WINCHESTER	22601
52E12	MARTIN, JR		6725 COMMODORE DR	NORFOLK	23503
52CF	MAYMONT FOUNDATION		1700 HAMPTON ST	RICHMOND	23220
52CA	MILL MOUNTAIN ZOO, INC	MILL MOUNTAIN PARK	PO BOX 13484	ROANOKE	24034
52CB	NATURAL BRIDGE ZOOL PARK		BOX 580	NATURAL BRIDGE	24578
52E4	PENINSULA NATURE & SCI CTR		524 J CLYDE MORRIS BLVD.	NEWPORT NEWS	23601
52C16	PET FARM INC		1228 HUNTER MILL ROAD	VIENNA	22180
52CH	WALTERMYER, BP	ALL STAR RANCH	PO BOX 142	TROUTVILLE	24175
52CG	WILSON, B	WILSON'S PET FARM	RT 1 BOX 272-A	WINCHESTER	22601
52C19	WINDSOR, DENNIS		RT 1 BOX 202	MONTOE	24574

VERMONT

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
13C3	SANTA'S LAND INC		RT 5	PUTNEY	05346
13C2	TRUSTEES, VT VETS HOME		325 NORTH ST	BENNINGTON	05201

WASHINGTON

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
91C10	AHERN, M & C	WESTPORT AQUARIUM	321 HARBOR STREET	WESTPORT	98595
91C11	B & I REALTY CO.		8012 SO TACOMA WAY	TACOMA	98499
91C9	BETTS, B	ENCHANTED VILLAGE	36201 KIT CORNER RD. S.	FEDERAL WAY	98003
91C19	DAILY, MM		N 7120 SMITH	SPOKANE	99207
91C15	HATCH, J		N 4328 HAVANA	SPOKANE	99207
91C13	HITE, O & D	HITE'S GAME FARM	BOX 415	KETTLE FALLS	99141
91C16	HUBBARD, R		16234 42ND AVE S	SEATTLE	98188
91C14	INLAND EMPIRE ZOOL. SOC.		PO BOX 14258	SPOKANE	99214
91C2	LOBO WOLF FOUNDATION	LOBO LAND USA	RT 2 BOX 378	SEQUIM	98382
91C3	METRO PARK DIST TACOMA	POINT DEFIANCE ZOO	POINT DEFIANCE PK	TACOMA	98407
91C12	MORGAN, BRUCE		PO BOX 98291	SEATTLE	98198
91C7	NIEMELA, A		530 W. WASHINGTON SPACE 19	SEQUIM	98382
91C4	NORTHWEST TREK		P.O. BOX 580	EATONVILLE	98328
91C8	OLYMPIC GAME FARM		363 WORD RD.	SEQUIM	98382
91C5	PEDERSEN, D		PO BOX 40	GRAHAM	98338
91C17	RADONICH, BOB	JAVA JIVE	2102 SOUTH TACOMA WAY	TACOMA	98409
91C1	WOODLAND PARK ZOOL. GARDENS		5500 PHINNEY AVE N	SEATTLE	98103

WISCONSIN

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
39C51	ARCADIA SPORTSMAN CLUB			ARCADIA	54612
39C33	ASHBECK, AR	HILLTOP SUPPER CLUB	RT 1	WABENO	54566
39C36	BAMBI-LAND INC.		RR 1 BOX 15	TREGO	54888
39C73	BAY BEACH WILDLIFE SANCTUARY		SANCTUARY RD.	GREEN BAY	54302
39C88	BEHN, W	BEHN GAME FARM	RT 1	ANIWA	54408
39C53	BROWN COUNTY PARK COMMISSION	BROWN COUNTY REFORESTATION CAMP.	RT 4	GREEN BAY	54304
39C80	BRUNETTE, LG		RT 1	RICE LAKE	54868
39C24	CARLINO, JR, CJ	CARLINO'S 82	RT 2	OXFORD	53952
39C29	CARSON INTERNATIONAL INC.	HONEY BEAR FARM		POWERS LAKE	53159
39C8	CHEVRIER, JR., WJ	WALLY'S BAIT SHOP	RT BOX 78	CHIPPEWA FALLS	54729
39C46	CITY OF ASHLAND	PRENTICE PARK		ASHLAND	54806
39C13	CITY OF BARABOO	OCHSNER PARK	903 PARK ST	BARABOO	53913
39C44	CITY OF BLACK RIVER FALLS		PO BOX 229	BLACK RIVER	54615
39C89	CITY OF BLAIR		122 S URBERG AVE	BLAIR	54616
39C15	CITY OF CHIPPEWA FALLS	IRVINE PARK ZOO	JEFFERSON AVE	CHIPPEWA FALLS	54729
39C27	CITY OF FON DU LAC	LAKESIDE PARK ZOO	76 E SECOND ST	FOND DU LAC	54936
39C43	CITY OF LACROSSE	MYRICK PARK		LACROSSE	54601
39C41	CITY OF MANITOWOC	LINCOLN PARK ZOO	736 REVERE DR.	MANITOWAC	54220
39C16	CITY OF MARSHFIELD	WILDWOOD PARK & ZOO	112 E 2ND ST	MARSHFIELD	54449
39C17	CITY OF OSHKOSH	MENOMINEE PARK ZOO	215 CHURCH AVE	OSHKOSH	54901
39C31	CITY OF RACINE	RACINE ZOOLOGICAL PARK	2131 N. MAIN STREET	RACINE	53401
39C38	CITY OF STANLEY		116 EAST THIRD AVE	STANLEY	54768
39C18	CITY OF WI RAPIDS MUN. ZOO		211-12TH AVE SOUTH	WISCONSIN RAPIDS	54494
39C90	CORNFORD, MJ & AH		RT 1	RANDOLPH	53956
39C54	COTTON PATCH SUPPER CLUB		2003 LAKE DRIVE	SHAWANO	54166
39C72	DEER PARK ATHLETIC CLUB			DEER PARK	54007
39C79	EDGERTON CONSERVATION CLUB		BOX 3	EDGERTON	53534
39C2	FAWN-DOE-ROSA		BOX 328	ST. CROIX FALLS	54024
39C61	FOREST COUNTY DEER FARM		COURTHOUSE	CRANDON	54520
39C38	FOWLER, D & A			TOMAH	54660
39C42	FRANZEN, M & W	FRANZEN BROS. CIRCUS, INC.	RT. 1 BOX 173	AMHERST	54407
39C85	G & G ENTERPRISES	PUBLIC NATATORIUM	626 N. BROADWAY	MILWAUKEE	53202
39C32	HAZEN, V	TUNDRA SO. WILDLIFE PARK	RT. 3 BOX 520	POYNETTE	53955
39C21	HENRY VILAS PARK ZOO		702 S. RANDALL AVE.	MADISON	53715
39C23	ISENRING, L&D	BLACKHAWK RIDGE	BOX 92	BAUK CITY	53583
39C90	JANESVILLE CONSERVATION CLUB		BOX 129	JANESVILLE	53545
39C14	JO-DON FARMS INC		6907 NICHOLSON RD	FRANKSVILLE	53126
39C28	JOHNSON, LO	A & W RESTAURANT	423 MERTON AVE	HARTLAND	53029
39C57	JUEDS, A		RT 1	MARION	54950
39C82	KAMPS, M	BUCK & DOE FOREST	HWY 455	EAGLE RIVER	54521
39C45	KLING, D			MERRILLAN	54754
39C52	KRAMER, W		190 ORCHARD DRIVE	SISTER BAY	54234
39C36	KREMSREITER, N	WARBONNET ZOO & GIFT SHOP INC.	STAR RT BOX 09	HAZELHURST	54531
39C83	LANGE, E		1623 SAEMAN AVE	SHEBOYGAN	53081
39C58	LINK BROS. INC.		P.O. BOX 37	MINONG	54859
39C62	LUDWIG BROS., INC		S107 W 16311 LOOMIS RD	HALES CORNERS	53130
39C40	MENOMONIE LIONS CLUB		BOX 44	MENOMONIE	54751
39C20	MILWAUKEE COUNTY ZOOLOGICAL GARDENS.		10001 WEST BLUEMOUND RD	MILWAUKEE	53226
39C83	NATTER, R		3401 MILTON AVE	JANESVILLE	53545
39C75	NELSON, J	RED ROSE BAR	RT 1	WABENO	54566
39C86	NORTHWEST INDIAN TRADING POST INC.	THE ENCHANTED FOREST/ PREHISTORIC LAND.	PO BOX 36 STAND ROCK ROAD	WISCONSIN DELLS	53965
39C87	P - M INC.	EAGLE PASS PARK	BOX 177	EAGEL RIVER	54521
39C22	P.A.W.S.		PO BOX 121	NEW BERLIN	53151
39C55	PUSKA, L		7394 DEER RD.	CUSTER	54423
39C35	PORTAGE COUNTY PARKS		1516 CHURCH ST	STEVENS POINT	54481
39C59	RADIS, MRS. R A		RT 1	MARION	54950
39C89	RAUCHHOT, J	J R RANCH	RT. 2	HUDSON	54016

WISCONSIN—Continued

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
35C48	SETCHELL, V		RT 1	CHETEK	54728
35C49	SHAY, WL	LAUREL SUPPER CLUB	ROUTE 3 HWY 64	NEW RICHMOND	54017
35C69	SIMPSON, M & W	J R'S SPORTSMAN'S BAR & GAME FARM	RT 4	WAUPACA	54981
35C64	SOMMERS, R P			RANDOM LAKE	53075
35C66	STATE OF WISCONSIN	STEENBOCK MEMORIAL LIBRARY	UNIV. OF WI - 550 BABCOCK DRIV	MADISON	53706
35C70	STREBLOW, R	CIRCLE R CAMPGROUND	5703 KNAPP ST RD	OSHKOSA	54901
35C11	THE RANCH, INC.	THE RANCH, INC.	PO BOX 502	MENOMONEE FALLS	53051
35C34	TIMBERWOLD PRESERVATION SOCIETY, INC.		6666 SOUTH 76TH ST	GREENDALE	53129
35C78	TOLLAKSEN, P		R 1 BOX 19	WISCONSIN DELLS	53965
35C65	VILLAGE OF SURING PARK			SURING	54174
35C91	WAWRZNIAK, R M	JUMP RIVER ROSE'S DEER FARM	ROUTE 2, BOX 341	LADYSMITH	54848
35C71	WEBER, E	WEBER'S WILDLIFE	BOX 37	SAYNER	54560
35C29	WEISER, A	WEISER'S BILL'S LANDING	RT 3	HAYWARD	54843
35C74	WELCH, FRANCIS	MUSEUM BAR	LUGER STAR ROUTE BOX 259	PHILLIPS	54555
35C30	WEST SALEM ROD & GUN CLUB	LA CROSSE CO. FARM		WEST SALEM	54669
35C96	WHITE BIRCH FISHERIES INC		BOX 267	BOULDER JUNCTION	54512
35C81	WHITNEY, H	BLACKHAWK CAMP GROUNDS	BOX 125	MILTON	53563
35C84	WILDERNESS WALK		RT 2	HAYWARD	54843
35C12	WILKINSON GIFT SHOP INC		BOX 71	WASCOTT	54890
35C77	WILLE, G	WILLE'S GAME FARM	RT 1	BRANDON	53919
35C67	WILWOOD-WILDLIFE KINGDOM		10094 HWY 70 WEST BOX 179	MINOCQUA	54845
35C47	WOODSIDE RANCH	WOODSIDE RANCH	RT 3	MAUSTON	53948

WEST VIRGINIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
54EAA	CROSIER, JM	HAWKS NEST ZOO	RT 1	ANSTEAD	25812
54EAB	WHEELING PARK COMMISSION	OGLEBAY'S GOOD ZOO	OGLEBAY PARK	WHEELING	26003

WYOMING

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY	ZIP CODE
83C1	CITY OF CHEYENNE PARKS/REC DEPT	LIONS PARK NATIVE ANIMAL DISPLAY	610 W 7TH ST	CHEYENNE	82001

[FR Doc. 81-9783 Filed 3-30-81; 8:45 am]
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federal register

Tuesday
March 31, 1981

Part VIII

Department of the Interior

Bureau of Land Management

South Atlantic Outer Continental Shelf; Call for Nominations of and Comments on Areas for Oil and Gas Leasing

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

SOUTH ATLANTIC OUTER CONTINENTAL SHELF
(TENTATIVE SALE NO. 78)

CALL FOR NOMINATIONS OF AND COMMENTS ON
AREAS FOR OIL AND GAS LEASING

Purpose of Call

Section 102 of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 629) describes the purposes of that Act. One of the purposes is to establish policies and procedures intended to expedite exploration and development of the Outer Continental Shelf (OCS) in order to achieve national economic and energy policy goals, assure national security, reduce dependance on foreign sources, and maintain a favorable balance of payments in world trade. Equally important purposes include balancing energy resource development with the protection of the human, marine and coastal environments, as well as assuring States and local governments the opportunity to review and comment on decisions relating to OCS activities. To assist the Secretary of the Interior in carrying out these purposes, and pursuant to 43 CFR 3313.1, nominations are hereby requested for areas offshore of the South Atlantic States, OCS, for possible oil and gas leasing under the OCS Lands Act (43 U.S.C. 1331-1343) as amended. The Secretary is also requesting comments on the possible environmental impacts and potential use conflicts in specified areas.

Description of Areas

Nominations will be considered for any or all of the blocks seaward of the three mile line, which are to be found on the OCS Official Protraction Diagrams listed below. The area is generally bounded by the 37° N. latitude line on the north, the 28° N. latitude line on the south, and extends eastward to the base of the Continental Slope, including the western edge of the Blake Plateau.

These blocks may be found on the following OCS Official Protraction Diagrams, which may be purchased for $2.00 each from the Manager, New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana, 70130.

OCS OFFICIAL PROTRACTION DIAGRAMS

		Latest Approval or Revision Date
NH 17-2	Brunswick*	9/1/78
NH 17-3		6/11/75
NH 17-5	Jacksonville	4/29/75
NH 17-6		6/11/75
NH 17-8	Daytona Beach	4/29/75
NH 17-9		7/21/75
NH 17-11	Orlando	6/11/75
NH 17-12		7/21/75
NH 18-1		7/21/75
NI 17-9	Georgetown	6/11/75
NI 17-11	Savannah	9/1/78
NI 17-12	James Island	6/11/75
NI 18-2	Manteo	10/31/74
NI 18-3		10/31/74
NI 18-4	Beaufort	8/1/75
NI 18-5		8/1/75
NI 18-7	Cape Fear	6/3/76
NI 18-8		8/1/75
NI 18-10		7/5/77
NJ 18-11	Currituck Sound (Except Blocks 5 to 481)	4/25/78
NJ 18-12	(Except Blocks 1 to 433)	10/31/74

Instructions on Call

Nominations must be described by referring to the OCS Official

Use of Information From Call

Nominations will be evaluated and used along with other geologic

Instructions on Call

Nominations must be described by referring to the OCS Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks may be nominated. Those nominating twelve blocks or more are requested to arrange their nominations into three groups according to the priority of their interest.

In addition to nominations, we are seeking comments about particular geological, environmental, biological, archaeological, socio-economic conditions or problems, or other information which might bear upon potential leasing and development of particular blocks. Comments should be as specific as possible in identifying individual blocks or areas which should receive special concern and analysis.

Nominations and/or comments must be submitted not later than June 2, 1981, in envelopes labeled "Nominations of Tracts for Leasing in the OCS South Atlantic Area" or "Comments on Leasing in the OCS South Atlantic Area", as appropriate. They must be submitted to the Manager, New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Copies should be sent to the Director, Attention 541, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, and to the Conservation Manager, U. S. Geological Survey, Eastern Region, 1725 K Street, N.W., Suite 204, Washington, D.C. 20006, and to the Director, U. S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Use of Information From Call

Nominations will be evaluated and used along with other geologic and geophysical information to determine what, if any, tracts should be tentatively selected for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and the OCS Lands Act, as amended. Generally, because of limits on the geographic scope of areas which can be successfully planned for a single sale, only a portion of the tracts nominated are selected for further environmental analysis and possible leasing. Although individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

Comments will be considered along with other relevant information available to the Secretary to determine what tracts should be designated for further environmental analysis and study. As a general rule, tracts which are believed to have potential for the production of hydrocarbons are not excluded from further environmental study unless the Secretary has sufficient information to conclude that it is not possible for those tracts to be developed in an environmentally safe manner.

In any event, selection of tracts for further environmental analyses does not insure that the tracts will be subsequently offered for lease or that they will be deleted for environmental or use conflicts. It simply insures that more information will be available when that decision is made. In performing the additional environmental analyses leading to a sale decision, the Department will take into account comments received as it determines particular areas and issues for attention.

I-813-RM-1614

Final selection of tracts for competitive bidding will be made only at a later date after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Nominations and comments are also specifically requested on the possible leasing of tracts larger than the standard maximum size of 5,760 acres. Under section 8(b)(1) of the OCS Lands Act (43 U.S.C. 1337) as amended, the Secretary may find "that a larger area is necessary to comprise a reasonable economic production unit." Nominations may be submitted for groupings of blocks into larger areas and should be clearly identified as groups to be considered for leasing as larger sized units. Such nominations of larger areas should refer to block numbers on applicable leasing diagrams and should be submitted at the same time as the single block nominations solicited by this notice and the envelope should be labeled "Group Nomination." Supporting rationale for such nominations is also requested as well as any general comments about the problems and opportunities of this leasing technique. This notice does not constitute a commitment by the Secretary to use this concept. In general, the Department is aware that exploration and development costs are significantly greater in deeper water. What may be an economical or efficient project may vary with these depths as well as other factors. Nominations and comments should address this question only for areas in excess of 200 meters water depth. The public is reminded that the Secretary could tentatively select individual tracts for further study and yet delay making a decision about whether larger leasing areas would be offered until a later date.

Nominations and comments are also requested on the leasing of tracts with terms of longer than 5 years pursuant to section 8(b)(2) of the OCS Lands Act (43 U.S.C. 1337) as amended.

Acting Director, Bureau of Land Management

Dated: MAR 27 1981

Approved:

Deputy Assistant Secretary of the Interior

[FR Doc. 81-9790 Filed 3-30-81; 8:45 am]
BILLING CODE 4310-84-C

federal register

Tuesday,
March 31, 1981

Part IX

Department of Energy

Western Area Power Administration

Proposed Power Marketing Plan, Power Rate and Call for Applications for an Allocation of Power for the Fryingpan-Arkansas Project and Call for Power Allocation Applications, Power Marketing Plan Hearings and Draft Plan Recommendations for Central Valley Project, Calif.

DEPARTMENT OF ENERGY

Western Area Power Administration

Call for Power Allocation Applications, Notice of Power Marketing Plan Hearings and Draft Plan Recommendations

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Call for Power Allocation Applications—Announcement of Filing Dates, and Notice of Applicant Profile Data and Notice of Power Marketing Plan Hearings—Central Valley Project, California.

SUMMARY: The Western Area Power Administration (Western) is developing a power marketing plan for power resources marketed by Western's Sacramento Area Office. Western hereby announces filing dates for applications for power, states the applicant profile data to be included in the applications, and announces the subsequent hearing dates for the power marketing plan.

Applications for power will be accepted from eligible preference entities between August 10, 1981, and September 15, 1981; applications must be received in the Sacramento Area Office no later than 5 p.m., Pacific daylight time, September 15, 1981, to ensure consideration. Applications will be evaluated by the Administrator based upon criteria to be announced in a future **Federal Register** notice, applicable laws, the Administrator's judgment, and the final power marketing plan for the Sacramento Area Office.

The Sacramento Area Office of Western primarily markets the Federal hydroelectric power developed by the Central Valley Project. Under a recent settlement of a lawsuit entitled *The City of Santa Clara v. Duncan, et al.*, Civil Action No. C–75 1574SC, Western has the option of marketing 102 MW of additional power which includes 46 MW of power allocated to, but currently unused by, the Westlands Water District. The power marketing plan will also analyze and develop the procedures for the treatment of approximately 642 MW of power currently sold under contracts that will expire before 1995.

The draft plan was made available at a public information forum held on January 14, 1981, in Sacramento, California. Written comments were due by March 6, 1981. An oral comment forum regarding the draft plan was held on March 3, 1981. The proposed allocation criteria for the 102 MW and the application format will be published in late April prior to the June 2, 1981, public information forum.

DATES: A public information forum will be held on June 2, 1981, beginning at 9:30 a.m. in the Mariposa/Sonora Rooms, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California. The proposed plan will be made available at this forum. Written comments are due by July 27, 1981.

A public comment forum will be held on July 14, 1981, beginning at 9:30 a.m. in the Sutter Mill Room, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California.

ADDRESS: For further information concerning the public information forum or the public comment forum, contact: Mr. David G. Coleman, Area Manager, Western Area Power Administration, U.S. Department of Energy, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Written comments and requests to speak at the public comment forum should also be sent to the above address.

SUPPLEMENTARY INFORMATION: Western was established on December 21, 1977, under the Department of Energy Organization Act of 1977 (DOE Act, 42 U.S.C. 7101, et seq.). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to, among other things, the power marketing functions of the Bureau of Reclamation (now the Water and Power Resources Service) including the construction, operation, and maintenance of transmission lines and attendant facilities. Western was established to administer those functions transferred from the former Bureau of Reclamation.

Western's Sacramento Area Office sells power generated at 10 hydroelectric powerplants of the Central Valley Project and power purchased from a coal-fired powerplant located in Centralia, Washington. Through an arrangement with the Pacific Gas and Electric Company, Western currently provides firm power to 77 preference customers located in northern and central California.

The maximum simultaneous customer demand which is sold by Western under contracts with the preference customers is 1,050 MW. However, under a recent settlement agreement between the various parties to the lawsuit entitled *The City of Santa Clara* v. *Duncan, et al.*, Western has the option of raising the maximum simultaneous demand to 1,152 MW. Thus, Western has the option of allocating an additional 102 MW of power. In addition, a number of Western's contracts will expire before 1995. The amount of power sold under these contracts is approximately 642 MW.

The purpose of developing the power marketing plant is to develop the procedures for the allocation or reallocation (if any) of the 102 MW which is potentially available pursuant to the settlement agreement and the 642 MW which is potentially available due to expiring contracts. To prepare initially for the development of its marketing plan and to solicit suggestions and comments from customers and interested parties, Western held two informal public information forums in Sacramento—the first on July 11, 1980, and the second on September 15, 1980. On November 25, 1980, an informal public comment forum was held in Sacramento to allow further customer and interested party comment.

On January 14, 1981, Western held a formal public information forum and released its Draft Power Marketing Plan. Written comments were due by March 6, 1981. A public comment forum was held on March 3, 1981.

At the public information forum to be held on June 2, 1981, Western will present its detailed proposed power marketing plan. Staff members will make presentations to explain the proposed plan and the basis therefore. If there is time, questions from interested persons will be allowed. If a question cannot be answered by the staff present, it will be considered and addressed by Western either in writing, in the record, or by making relevant documents available for inspection or copying. The public information forum will be transcribed; copies of the transcript will be available from the transcription service. Written comments will be received for at least 30 days following the public information forum.

The public comment forum to be held on July 14, 1981, will be nonadjudicatory in nature. Persons wishing to comment should make their request to the Area Manager at least 15 days before the date of the comment forum. Requests may be made by letter or telephone to the address mentioned above. The Administrator will appoint a forum chairperson. At the start of the forum, the chairperson shall briefly explain the procedures and rules. Commentators having questions regarding the marketing plan shall state them for the record and Western will consider each comment carefully in the future development of the plan. The chairperson will allow interested parties to comment who have not made a request to speak, as time permits during the forum. The comment forum will be transcribed; copies of the transcript will

be available from the transcription service.

Notice of Call for Applications: In the event the final marketing plan provides for allocation of the 102 MW, application should be made to the Area Manager, Mr. David G. Coleman, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825. The format of the application will be specified in the Federal Register notice that will be published in late April. Applications should contain the following information to ensure consideration by Western:

Applicant Profile Data

1. *Eligibility.*

A statement of eligibility as a preference entity under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. *Organization.*

A brief description of the organization that will interact with Western on contracts and billing matters.

3. *Loads.*

a. Number and type of customers served: residential, commercial, industrial, military base, and agricultural.

b. Maximum demand and energy use for 1978, 1979, and 1980 versus contact rate of delivery (CRD).

c. 24-hour load curves for winter and summer peak days in 1978, 1979, and 1980.

d. 1975–1980 projected average annual and monthly load factors for your total system. Projected load factors should be for the 1981–1994 period.

e. Projected monthly capacity and energy demand, 1981–1994. Indicate forecasting method and basic assumptions.

4. *Resources.*

a. List of operating resources—capacity, location, and 1980 availability factor.

b. List of future firm and planned resources—capacity, location, scheduled operation date, and expected annual average lifetime capacity factor.

c. Percent of total supply received from Western, 1981–1994.

d. Status of power supply contracts with parties other than Western.

5. *Transmission.*

a. Voltage of service required and possible delivery points.

b. A brief description of the type of transmission service being requested to Western—direct or wheeled.

6. *Renewable Resources, Conservation, and Cogeneration Efforts.*

A list of renewable resource, conservation, and cogeneration efforts and a discussion of the likelihood of such programs/projects being implemented.

Applications for power will be accepted from eligible preference entities between August 10, and September 15, 1981.

The above items are provided at this time to allow applicants leadtime to assemble their data. The list is not to be considered all inclusive, as Western reserves the right to request further information as reasonably necessary.

Previously Filed Applications: All previously filed applications for the 102 MW or any other power not currently under contract will not be considered by Western.

Power Marketing Plan Schedule: The following schedule was distributed at the March 3, 1981, public comment forum.

April 30—Publish Federal Register Notice
- Proposed Allocation Criteria
- Application Format

June 2—Information Forum
- Present Proposed Plan

July 14—Comment Forum
August 3—Publish Adopted Allocation Criteria
August 10 to September 15—Receive Applications for Allocations
September 30—Publish Final Plan
October—Allocations and Renewals, If Any Begin Contracting

Availability of Information: All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the power marketing plan are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Issued at Golden, Colorado, March 27, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-9873 Filed 3-30-81; 11:03 am]
BILLING CODE 6450-01-M

Proposed Power Marketing Plan, Proposed Power Rate, and Call for Applications for an Allocation of Power—Fryingpan-Arkansas Project

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of proposed power marketing plan, proposed rate, and call for applications for an allocation of power from the Fryingpan-Arkansas project.

SUMMARY: On March 9, 1976, a proposed marketing plan, which included a proposed method of allocation of power from the Fryingpan-Arkansas Project (Fry-Ark), and a proposed Fry-Ark power rate were published in the Federal Register (41 FR 10116). Changing power supply conditions and consideration of public comments have prompted a review of that marketing plan and resulted in redefinition of the marketing area, services available, and power allocation procedures. By an all-customer letter dated March 17, 1978, the Western Area Power Administration (Western) announced a meeting which was held on April 12, 1978, to present a modified marketing plan. An additional meeting was announced by a second all-customer letter dated September 4, 1980, and was held on September 30, 1980, to obtain current information which was also considered in development of the marketing plan.

The proposed market area, character of service offered, allocation procedures, and contract conditions are described more fully below in the section entitled Supplementary Information. In addition, a brochure is available which more fully describes the reasons and basis for the proposals.

The proposed rate for Fry-Ark power has changed from previous proposals due to increased project costs. The proposed rate is $3.11 per kilowatt of contract rate of delivery (CROD) per month for capacity without energy. This rate is based on a July 31, 1980, repayment study. Subsequent to that study a reallocation of some project costs has been proposed. This could result in an increase from $3.11/kW-month to $3.55/kW-month. A decision on the reallocation of costs and the revised rate will not be available in time for use in the initial contracts. The proposed rate will be established by the Assistant Secretary for Conservation and Renewable Energy in accordance with Delegation Order No. 0204–33, 43 FR 60636 (December 28, 1978) as amended by a recent Departmental reorganization effective February 24, 1981, and the "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (Procedures) at 10 CFR Part 903. Written public comment on these proposals is invited.

A public information forum and a public comment forum will be held to provide for public input on both the proposed market plan and rate. Applications for power will be received until May 15, 1981. The procedures for submitting applications are detailed below in the sections entitled Dates and Locations and Supplementary Information.

DATE AND LOCATIONS: A public information forum at which Western

representatives will explain and answer questions about the proposed marketing plan and the proposed rate is scheduled for April 8, 1981, at 9:30 a.m., at the Holiday Inn Thornton, (Marabella Room), I–25 and 120th Avenue (Exit 233), Thornton, (Marabella Room), I–25 and 120th Avenue (Exit 233), Thornton, Colorado.

A public comment forum at which all interested persons attending may make comments on the proposed marketing plan and the proposed power rate is scheduled for April 29, 1981, at 9:30 a.m., at the Holiday Inn Thornton, Colorado.

Written comments on the proposed power marketing plan and proposed rate for Fry-Ark power must be received at the Loveland-Fort Collins Area Office, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522, by May 15, 1981, to be assured of consideration.

Application for allocations of Fry-Ark power may be found in the appendix of the brochure and are also available upon request. Applications for allocations of Fry-Ark power will not be considered unless received at the Loveland-Fort Collins Area Office, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522 by 4 p.m., May 15, 1981.

BROCHURE AVAILABLE: A brochure describing the project, the marketing plan, the repayment study, and the proposed power rate, and containing an application for allocation of power will be available at the public information forum. Brochures may be obtained from Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 2650, Fort Collins, CO 80522, Phone: (303) 493–7716

Mr. H. E. Hood, Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231–1545.

SUPPLEMENTARY INFORMATION: Western was established on December 21, 1977, under the Department of Energy Organization Act of 1977 (DOE Act). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to, among other things, the power marketing functions of the Bureau of Reclamation including the construction, operation, and maintenance of transmission lines and attendant facilities. Western was established to administer those functions transferred from the former Bureau of Reclamation.

Western's Loveland-Fort Collins Area Office now markets power generated at 15 hydroelectric powerplants in Colorado and Wyoming to 56 customers in a 200,000-square mile service area.

The Fry-Ark power marketing plan and rate are being developed by the Western Area Power Administration pursuant to the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565, 42 U.S.C. 7101, et seq.), and the Reclamation Act of 1902, (32 Stat. 388, 43 U.S.C. 372, et seq.), as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1194, and 1198, 43 U.S.C. 485h(c)) and the Fryingpan-Arkansas Project Acts (Pub. L. 87–590, 76 Stat. 389 (August 16, 1962) and Pub. L. 93–493, 88 Stat. 1486 (October 27, 1974)).

The Secretary of the Department of Energy delegated to the Assistant Secretary for Resource Applications, by Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636 (December 28, 1978)), the authority to develop, acting by and through the Administrator of Western, and to confirm, approve, and place in effect on an interim basis Western's power rates; and to the Federal Energy Regulatory Commission the authority to confirm and approve on a final basis, or disapprove, such rates. Due to a Department of Energy organizational realignment effective February 24, 1981, this authority of the Assistant Secretary for Resource Applications has been transferred to the Assistant Secretary for Conservation and Renewable Energy.

The regulations of the Department of Energy entitled "Subpart A—Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions for the Alaska, Southeastern, Southwestern, and Western Area Power Administrations" (Procedures) (45 FR 86976 (December 31, 1980) 10 CFR Part 903) establish procedures for confirmation and approval on an interim basis by the Assistant Secretary for Resource Applications (now by the Assistant Secretary for Conservation and Renewable Energy) for new, revised, or extended power and transmission rates and provide for opportunities for interested members of the public to participate in the development of such rates. These procedures supplement Delegation Order No. 0204–33 with respect to the activities of the Assistant Secretary and the power marketing administrations.

Before the creation of the Department of Energy in 1977, the responsibility for marketing Fry-Ark power was with the Bureau of Reclamation in the Department of the Interior. In 1976, the Bureau of Reclamation published a proposed power marketing plan and rate for power from the Fryingpan-Arkansas Project.

After reviewing the proposal and the comments on that proposal, Western held a public meeting on April 12, 1978, and presented a modified plan for marketing Fry-Ark power. Delays in the scheduled date of commercial operation for the powerplant triggered corresponding delays in completing the marketing plan. Upon receipt of a new scheduled inservice date for the powerplant, Western reviewed the changing power supply conditions in the area and determined that additional public involvement was needed to match the available Fry-Ark resources to the area's need. On September 30, 1980, a public information meeting was held and responses were solicited.

The various features of this proposed marketing plan were developed by considering a number of factors including: specific legislation; Western's established power marketing policies; responses received as a result of the September 30, 1980, public information meeting; collective load and resource evaluations; administrative impacts; the nature of the Fry-Ark resource; and operational contraints on the Fry-Ark resource. Details are given in the brochure.

At the public information forum to be held on April 8, 1981, Western will present its proposed marketing plan for the Fry-Ark Project and the proposed rate for power. Staff members will make presentations to explain the proposed plan and rate and the basis therefor. Questions from interested persons will be allowed. If a question cannot be answered by the staff present, it will be considered and addressed by Western either in writing, or by making relevant documents available for inspection or copying. The public information forum will be transcribed; copies of the transcript will be available from the transcription service for a fee. Written comments will be received until May 15, 1981.

The public comment forum to be held on April 29, 1981, will be nonadjudicatory in nature. Persons wishing to comment should make their request to the Area Manager at least 5 days before the date of the comment forum. Requests may be made by letter or telephone to the address mentioned above. The Administrator will appoint a forum chairperson. At the start of the forum, the chairperson shall briefly explain the procedures and rules. Commentators having questions or

comments regarding the proposed marketing plan or rate shall state them for the record. Questions will not ordinarily be answered at the comment forum. Western will consider each comment carefully in the development of the final plan. The chairperson will allow interested parties to comment who have not made a request to speak, as time permits during the forum. The comment forum will be transcribed; copies of the transcript will be available from the transcription service upon payment of the required fee.

Description of Project

The Fryingpan-Arkansas Project is a multipurpose, transmountain diversion development in the central and southeastern part of Colorado. The project diverts water from the Colorado River Basin on the West Slope of the Rocky Mountains to the Arkansas River Basin on the East Slope. The water diverted from the West Slope, together with regulated Arkansas River water, will provide supplemental irrigation, municipal and industrial water supplies, and produce hydroelectric power. Flood control, fish and wildlife enhancement, and recreation development are other important purposes of Fry-Ark.

The Mt. Elbert Powerplant is the principal electrical power feature of the project. The Mt. Elbert Powerplant is a pumped-storage facility, and is designed to operate by recycling water between two reservoirs. Water will be released from the higher reservoir, the Mt. Elbert Forebay, during hours when it is desired to produce electrical power—generally during the onpeak daytime and evening hours of high demand. Approximately this same amount of water will then be pumped back from Twin Lakes (which is the lower reservoir or afterbay) to the forebay during offpeak hours of low demand for electrical power.

An additional average 164,500 acre-feet of water per year will flow through the Mt. Elbert Powerplant and will not be pumped back into the Mt. Elbert Forebay. Because of this flow-through water, Mt. Elbert is not a pure pumped-storage powerplant, but is a modified in-line hydroelectric powerplant, meaning that part of the generation is provided by the flow-through water. If Mt. Elbert had been constructed as a conventional hydroelectric powerplant, this amount of flow-through water would have supported a powerplant with a capacity of about 30 MW of producing energy of about 60 million kWh each year, based on 8 hours of operation daily for 5 days per week throughout the year. The additional 170 MW capacity in Mt. Elbert is provided by the afterbay and forebay arrangement for pumping back water during offpeak hours and generating additional capacity during onpeak hours.

The Mt. Elbert Powerplant will have two units. Each unit is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The scheduled inservice date for the first Mt. Elbert unit is July 1981, and for the second unit is August 1983.

There are environmental factors to be considered in the operation of the Mt. Elbert powerplant. Twin Lakes, the afterbay, is an excellent trout fishery, dependent upon the existence of Mysis shrimp in the food chain. To mitigate adverse impacts to the Mysis shrimp, and, ultimately, the trout fishery, it may be necessary in June, July, and August, to restrict operation of the pumping mode of the powerplant between the hours of midnight and 2 a.m.

Proposed Marketing Plan for the Fryingpan-Arkansas Project

1. Market Area: The market area for power from the Fryingpan-Arkansas Project shall be the portion of the States of Colorado and Wyoming east of the Continental Divide, the portion of the State of Nebraska west of the 101st meridian, and western Kansas.

2. Service Seasons: The summer season shall be the 6-month period from the first day of the April billing period to the last day of the September billing period. The winter season shall be the 6-month period from the first day of the October billing period to the first day of the March billing period of the next succeeding calendar year.

3. Resource Available: The resource available for sale from Fry-Ark, after project use, is expected to be 200 MW of capacity from the first day of commercial service of the second unit through the 1989 summer season. The capacity available for sale from the first day of commercial service of the first unit until the first day of commercial service of the second unit shall be 100 MW. Actual operating experience may require changes in anticipated capacity due to environmental or operated restraints. Any change in capacity will be prorated among the allottees in the ratio of each allotee's initial allocation to the total initial allocation. Western will be obligated to deliver capacity only during hours in which Fry-Ark power units would normally be in the generation mode or could be placed in the generation mode without adversely affecting project operations, as determined by Western. Western will not be oligated to deliver capacity when the power units are down for maintenance.

4. Service Available: Initially, 200 MW of capacity without energy will be allocated. Customers will be required to furnish reserves, emergency and maintenance service, and pump-back energy. Energy produced by flow-through water will be used to reduce the amount of pump-back energy required to be returned by each customer. Western will also offer to assist customers in obtaining any reserves needed for Fry-Ark capacity, return energy, emergency assistance and maintenance services.

5. Scheduling and Accounting: Electric service may be scheduled at any time the powerplant is or can be placed in the generating mode if the customer has a positive balance in his energy account. Each customer will be deemed to have 14 kWh per kW of contract rate of delivery (CROD) in his energy account on the date of first delivery.

Each customer must apply the energy to replenish the energy in his account. Based upon projected equipment efficiencies and crediting flow-through water proportionately, the initial replenishment to utilization ratio is 1.2 to 1. The replenishment to utilization ratio may be adjusted based on actual versus estimated equipment efficiencies. Customers may not accumulate more than 14 kWh/kW of CROD in their energy account any may not schedule return energy at a rate greater than 1.2 times their CROD.

Pump-back energy to replenish energy accounts may be scheduled when the powerplant is or can be placed in the pumping mode. Pumping may be restricted between the hours of midnight and 2 a.m. during the months of June, July, and August for environmental reasons.

Western will meet with customers, after the contracts are executed, to further develop the operating and accounting procedures which will achieve the most efficient mode of operating the powerplant in coordination with the allottees' peakload needs and the scheduling of return energy.

6. Allocation Procedures: Allotment of available capacity will be made first to preference entities in the market area.

a. Undersubscription: If preference entities in the market area do not subscribe for all the capacity available, the remaining capacity will be offered on a 3-year basis, subject to withdrawal, first to preference entities outside the market area, then to nonpreference entities.

b. Oversubscription: If the total amount of capacity applied for exceeds the capacity available, a percentage of the total available capacity shall be reserved for the group of requesting

preference entities having 1980 market area peakloads of 20 MW or less. The percentage to be reserved for this group of small customers shall be determined by considering the number of members of this group, the total number of requesting preference entities, the total capacity requested by members of this group, and to the total capacity requested by all preference entities. If all of the capacity reserved for this group is not subscribed for, the remainder will be added to the amount available for the group with loads greater than 20 MW.

Capacity available for each group shall be apportioned among the members of the group using the following formula:

$$\text{Fry-Ark Allocation} = \frac{\text{CROD}_i}{\text{Load}_i} \times \frac{\text{CROD}_T + \text{CROD}_A}{\text{Load}_T}$$

Fry-Ark Allocation = amount of Fry-Ark capacity allocated to the individual group member
Load_i = 1980 market area load of individual group member
CROD_i = Federal resources serving Load_i
Load_T = total 1980 market area load of all members of the group
CROD_T = total Federal resources serving Load_T
CROD_A total Fry-Ark capacity available for allocation to the group.

If use of this formula results in a negative allocation to any group member, that member shall receive a zero allocation. The remaining allocations shall then be recomputed using the above formula.

No requesting entity shall receive an allocation larger than that for which it applied.

7. Delivery Conditions:

a. Fry-Ark power will be delivered over project transmission facilities from the Mt. Elbert Powerplant to Public Service Company of Colorado's (Public Service) Malta Substation. The United States and Public Service have entered into long-term contractual agreements which provide for Public Service to transmit Fry-Ark generation from the Malta substation to other points of interconnection between the United States and Public Service, and to transmit pumping energy from the points of interconnection to Malta Substation. The customer shall bear transmission costs and losses incurred by the United States in transmitting generation and pumping energy between the Malta Substation and Fry-Ark points of interconnection. The cost of the transmission to and from the Fry-Ark points of interconnection under the United States-Public Service contact is 1 mill/kWh and 5-percent losses in each direction.

The initial Fry-Ark points of interconnection are as follows:

Malta Substation—230 kV bus.
Midway Substation—115 kV. 230 kV bus.
Weld Substation—115 kV. 230 kV bus.
Rifle Substation—230 kV bus.
Beaver Creek Substation—115 kV bus.
Eric Substation—115 kV bus.
Summit Substation—115 kV bus.
Poncha Junction—115 kV bus.

b. Additional transmission beyond the Fry-Ark points of interconnection will require arrangements to be made by the customer.

8. Dates of Availability of Power: Dates of availability of power to be allocated will be determined by the actual commercial operation date of each of the two generating units at the Mt. Elbert Powerplant. One hundred megawatts of capacity will be available on the inservice date of the first unit, scheduled for July 1981. An additional 100 megawatts of capacity will be available on the inservice date of the second unit, scheduled for August 1983.

9. Term of Contract: contracts for allocated Fry-Ark capacity will be entered into on or before the inservice date of the first Mt. Elbert pumped-storage unit. the term of these contracts will be through the 1989 summer season.

Western reserves the right to rescind any allotment of power if, by the inservice date of the first Mt. Elbert unit, the allottee has not entered into a contract to take or pay for his allotted capacity from and after the time specified in such contract. Power which is allocated, but not contracted for by the allottee before the inservice date of the first Mt. Elbert unit, will be reallocated. Power which has been allocated and contracted for may be sold by Western, subject to withdrawal, until the date of initial service specified in the contract.

Proposed Power Rate for the Fryingpan-Arkansas Project

Western is proposing an initial rate for the Fry-Ark Project of $3.11 per kilowatt of contract rate of delivery per month for capacity without energy. The proposed rate for Fry-Ark power has been developed pursuant to the authorizing act which requires repayment of project costs within 50 years after commercial operation. The proposed rate is based on a power repayment study dated July 21, 1980. Subsequent to that study, the Water and Power Resources Service (formerly the Bureau of Reclamation) proposed to reallocate some project costs, an action which has the effect of increasing the power rate from $3.11/kW-month to about $3.55/kW-month. A decision on the reallocation of project costs and the associated rate will not be available in time for use in the initial contracts.

This proposed rate is for a minor new service as defined under the Procedures, because it is for a new power system which will have less than 100 million kWh of annual sales. The significance of this classification is that interested persons will be allowed until May 15, 1981, to consult with and obtain information from Western, to examine backup data, and to make suggestions for modification of the proposed power rates.

Notice of Call for Applications

Applications for an allocation of Fry-Ark capacity are to be made to Mr. Peter G. Ungewrman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, 2301 South College Avenue, P.O. Box 2850, Fort Collins, CO 80522.

The application can be found in the appendix of the brochure. Applications are also available upon request. Applications will be accepted at the Loveland-Fort Collins Area Office (address given above) until 4 p.m., Mountain standard time, May 15, 1981.

Availability of Information: Brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the power marketing plan and the proposed rates are and will be available for inspection and copying at the Loveland-Fort Collins Area Office, 201 South College Avenue, P.O. Box 2850, Fort Collins, CO 80522.

Issued at Golden, Colorado, March 27, 1981.

Robert L. McPhail,
Administrator.

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Reader Aids

Federal Register

Vol. 46, No. 61

Tuesday, March 31, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17006	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20
18013-18306	23
18307-18520	24
18521-18678	25
18679-18926	26
18927-19210	27
19211-19454	30
19455-19812	31

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

51	19660
485	17187

3 CFR

Executive Orders:

11970 (Revoked by EO 12299)	17751
12247 (Revoked by EO 12296)	16879
12258 (Revoked in part by EO 12299)	17751
12296	15129
12297	16877
12298	16879
12299	17751
12300	18683
12301	19211

Proclamations:

4822	14885
4823	15491
4824	17009
4825	17535
4826	18013
4827	18521
4828	18523
4828 (correction)	18679
4829	18681

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981)	16235
No. 81-4 of March 5, 1981	16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981)	15855
No. 81-3 of February 27, 1981	15855

4 CFR

27	15857
28	15857

Proposed Rules:

28	15884

5 CFR

Ch XIV	17187
6	18683
213	18927-18931
550	14887
831	16653

7 CFR

Ch XVIII	17753
2	19215
331	17753
905	16237
907	15257, 16237, 17537, 18685
910	15493, 15884, 16655, 17754, 18931
959	16238, 17755
1004	19455
2024	15493

Proposed Rules:

68	19699
930	15888
982	18040
1002	17207
1004	15713, 16266
1007	16266, 18558
1011	16266, 18558
1030	16266, 18558
1032	16266, 18558
1046	16266, 18558
1049	16266, 18558
1050	16266, 18558
1062	16266, 18558
1064	16266, 18558
1065	16266, 18558
1068	16266, 16689, 18558
1071	16266, 18558
1073	16266, 18558
1076	16266, 18558
1079	16266, 18558
1094	16266, 18558
1096	16266, 18558
1097	16266, 18558
1098	16266, 18558
1099	16266, 18558
1102	16266, 18558
1104	16266, 18558
1106	16266, 18558
1108	16266, 18558
1120	16266, 18558
1126	16266, 18558
1131	16266, 18558
1132	16266, 18558
1138	16266, 18558
1701 (2 documents)	19500
1139	16690
2851	14899
2859	15512

8 CFR

214	18988
238	16656

9 CFR

75	15494
78	18685

Proposed Rules:

308	15512
317	18990
381	15512, 18990

10 CFR

20	16230, 18015, 18525

35 15683
212 15257
710 18170

Proposed Rules:

Ch. I 17566
1 18747
2 ..... 17216, 18558, 18747
30 15278
35 18750
40 15278
50 ..... 15278, 18045
51 15154
70 15278
72 15278
211 ..... 15112, 19450
212 17566
376 15484
390 15484
1060 17787

12 CFR

Ch. VII 14887
1 16240
5 16656–16661
8 16663
19 18931
21 15864
29 18932
205 19216
206 16099
211 18015
216 15864
303 ..... 17755, 17756
326 15864
510 19217
511 19217
522 19217
523 18686
541 17187
544 16881
545 ..... 17187, 18686
546 14727
556 ..... 16246, 19221
563 14727
563a 15864
611 ..... 17011, 18688
701 ..... 17187, 17537
748 15864
749 17188
1204 15131

Proposed Rules:

523 19500
400 15888
545 15175
618 17022

13 CFR

123 18526

14 CFR

25 19660
39 ..... 14728–14729, 15259,
91 19660
121 19660
127 19660
135 19660
17538–17540, 16247, 16248,
16881–16888, 18016–18019,
18689, 19222
71 14730–14734
73 19225
91 ..... 16666, 16888
93 19225
95 14735
97 ..... 15259, 16249, 18020
121 15480
159 19225

Proposed Rules:

Ch. I 14749, 15278, 15746,
19245
21 16279
39 ..... 15479, 19246
71 ..... 15478, 16899–16902,
18049, 18050
93 15458
159 15458
241 17022

15 CFR

4a 16251, 19227
19 19227
386 16669
388 17189
503 15496
804 16892
805 16892
935 ..... 14741, 19227
936 ..... 14741, 19227
937 14741
938 14741

Proposed Rules:

19 19266
377 17218
970 18448
1001 19418

16 CFR

1 14888
13 ..... 15261, 15262, 16892,
14741, 17189, 18691
460 18307
1000 17541

Proposed Rules:

13 ..... 16274, 18723
1208 17788
1301 19247

17 CFR

15 ..... 15132, 16255, 18528
16 18528
17 18528
18 18528
21 18528
200 16255
211 15496
230 ..... 18531, 18947, 19251,
19456
231 16670
239 ..... 17756, 18531, 18947,
19459
240 ..... 14888, 15133, 15134,
15496, 15713, 15866,
19251, 19456
241 16670
249 ..... 17756, 19459
250 ..... 18532, 19251, 19456
251 18535
259 ..... 17756, 19459
260 ..... 19251, 19456
269 ..... 17756, 19459
270 ..... 16673, 17011, 19251
19456
274 ..... 17756, 19459
275 ..... 19251, 19456
279 ..... 17756, 19459

Proposed Rules:

1 16691
210 15278
230 18559
240 ..... 14749, 15178, 17219,
18990

18 CFR

1 19465
4 15873
250 15874
260 15878
282 ..... 14742, 15496, 15879,
16256, 18011, 19228
19465
292 19229
410 19660

Proposed Rules:

Ch. I 15512
Subchapter B 16903
1 ..... 14751, 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 ..... 14751, 17023
12 17023
16 17023
25 17023
32 17023
33 17023
34 15513
35 ..... 17023, 17227
41 17023
131 15513
152 17023
153 17023
154 14899
156 17023
157 ..... 14899, 16903
158 17023
250 14899
260 14899
270 17023
271 ..... 16914, 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 ..... 16903, 17023
385 17023
388 17023

19 CFR

Ch. II 17526
200 17542
207 18022
210 17526
211 17526
353 ..... 15135, 17190
355 ..... 16099, 17014

Proposed Rules:

101 17228

20 CFR

655 18951

Proposed Rules:

655 18991
725 19510

21 CFR

1 19660
5 ..... 16674, 17757
50 18951
73 ..... 15500, 17758, 19660
74 18951
81 ..... 15500, 17758, 18951–
18958
82 18951
101 19660
102 19660
103 19660
105 19660
106 19660
114 19660
122 19660
131 19660
133 19660
135 19660
136 19660
137 19660
139 19660
145 19660
146 19660
150 19660
155 19660
156 19660
161 19660
163 19660
164 19660
166 19660
168 19660
169 19660
170 19660
172 19660
173 19660
175 ..... 16675, 19660
176 19660
177 ..... 16675, 19660
178 ..... 17758, 19660
179 19660
180 19660
184 19660
186 19660
189 19660
193 ..... 16256, 17015
211 19660
331 19660
430 ..... 15880, 16676
431 16676
436 ..... 15880, 16676, 16678,
16681, 19660
440 ..... 15880, 16681
442 ..... 15880, 16679
444 ..... 16676, 16680, 16681,
17758
446 16681
448 16681
449 16681
450 ..... 16681, 19660
452 ..... 16678, 16681
510 ..... 18959, 18961
520 ..... 18959, 18961–18963,
19466
522 ..... 18961, 18964
524 18964
529 18965
540 14889
556 ..... 18966, 19660
558 18966–18968
561 ..... 14889, 17015, 18023
630 19660
701 19660
720 19660
801 19660
864 14890

Proposed Rules:

Ch. I 18992
20 17063
73 18994
81 18994
106 17790
109 15518
110 15518

165.....16665
180.....16666
182.....16666
193.....15281
225.....15518
226.....15518
452.....16662
500.....15518
509.....15518
801.....17063
803.....17063
872.....15519
876.....17063, 17064

22 CFR

Ch. XIV.....16058, 16065
19.....16668
41.....15504
51.....16257
191.....17543
217.....19066
502.....16970
504.....16970
505.....16970
525.....16970

23 CFR

450.....19233
625.....19066
630.....19233
655.....19232
656.....19232
1204.....19667

24 CFR

200.....19660
201.....17190
203.....14743, 16693
207.....14743, 16693
213.....16693
220.....14743, 16693
221.....16693
232.....16693
234.....16693
235.....16693
236.....16693
241.....16693
242.....16693
244.....16693
300.....15505
803.....17386
886.....19467
888.....17386
3280.....19660

Proposed Rules:

115.....16997

25 CFR

43c.....14890
52.....19233
53.....19233

Proposed Rules:

72.....16916
260.....16916
700.....15720

26 CFR

1.....15262, 15685, 16100, 17191
20.....17191
25.....17191
31.....17547
37.....17547
55.....15262
150.....16257

Proposed Rules:

1.....15892, 17229, 18998
25.....15893
31.....17566

27 CFR

13.....19660
72.....18536
170.....19660
197.....19660
212.....19660
245.....19660
270.....18309
275.....18309
290.....18309
295.....18309

28 CFR

0.....16100
40.....16100

Proposed Rules:

2.....14904

29 CFR

1.....18973
4.....18973
5.....18973
6.....18973
1903.....18951
1910.....14897, 18973, 18974
2200.....14744
2610.....16685, 18312
2613.....18968
2615.....18968

Proposed Rules:

92.....16827
541.....18998
1903.....18999
1910.....19501
1952.....19000
1955.....19000
1990.....19000

30 CFR

700.....18023
716.....18023
785.....18023
936.....18536
944.....18541
950.....17191

Proposed Rules:

906.....16276

31 CFR

51.....19468

32 CFR

201.....15505
2425.....18024
286.....14890
369.....15506
762.....18313
875.....15506
817.....19234

33 CFR

1.....15685
161.....19234
230.....14745

Proposed Rules:

204.....18050

34 CFR

104.....18975
200.....18976
201.....18976
300.....18975
690.....16823

Proposed Rules:

75.....19000
76.....19000
78.....19000
104.....18321, 19000–19002
200.....19000
201.....19000
211.....19000
215.....19000
223.....19000
230.....19000
231.....19000
300.....19000–19002
305.....19000
307.....19000
309.....19000
315.....19000
318.....19000
322.....19000
324.....19000
332.....19000
338.....19000
361.....19000
362.....19000
365.....19000
366.....19000
369.....19000
370.....19000
371.....19000
372.....19000
373.....19000
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395.....19000
406.....19000
525.....19000
526.....19000
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624.....19000
643.....19000
644.....19000
645.....19000
646.....19000
649.....19000
655.....19000
656.....19000
658.....19000
660.....19000
667.....19000
668.....19000
674.....19000
675.....19000
676.....19000
682.....19000
690.....19000
726.....19000
735.....19000
740.....19000
753.....19000
757.....19000
776.....19000
778.....19000

36 CFR

7.....19233

38 CFR

1.....19234
2.....18977
3.....16101
21.....16101
36.....16666

Proposed Rules:

3.....19002, 19503
17.....18051

39 CFR

10.....17016, 18313
111.....14746, 15263, 15266, 17758

Proposed Rules:

10.....18054
111.....18560

40 CFR

52.....15136–15139, 15666, 16667, 16695–16697, 17019, 17191–17193, 17549–17557, 17777–17779, 18692, 19468
55.....15666
57.....18025
81.....14891, 14892, 15140, 16258, 17557, 19472
86.....15666, 16258, 16259
122.....16697, 18025
123.....17194, 18978
162.....15104, 17779
180.....14894, 15122–15125, 17020, 17021, 18313–18316, 18694, 18978
205.....17558
261.....17196
264.....16697, 18025
265.....16697, 18025
761.....18090
1500.....18026
1501.....18026
1502.....18026
1503.....18026
1504.....18026
1505.....18026
1506.....18026
1507.....18026
1508.....18026

Proposed Rules:

Ch. I.....16916
52.....19003
51.....16280
52.....15180, 15181, 15284, 15743, 16280, 17790, 18725
60.....14905
61.....18561
62.....18321
81.....15744, 15744
86.....15893, 16917
141.....17567
162.....18322
180.....15181, 15182, 15285, 16917, 17229, 17230
192.....16278
264.....18054
406.....17567
408.....18055
409.....17567
413.....17567
416.....17567
418.....17567
420.....17567, 18725

421.....17567
422.....17567
424.....17567
426.....17567
428.....17567
430.....15287
431.....15287
432.....17567
435.....17567
436.....17567
440.....17567
443.....17567
457.....17567
460.....17567
761.....16096
763.....14905, 19504

41 CFR

Ch. 1.....17780
Ch. 101.....17564
1-3.....17559
1-4.....16102
5-8.....17202
5A-8.....17202
5B-8.....17202
11.....17559
16.....17559
60-1.....18951
101-26.....17564
101-35.....16102
101-36.....16102
101-37.....19472
101-38.....18695
101-40.....14894

Proposed Rules:

8-4.....17232
60-1.....19004
101-7.....17791
101-41.....19504

42 CFR

110.....15141

43 CFR

9.....19233
20.....16897
2090.....19233
2200.....19233
2210.....19233
2220.....19233
2230.....19233
2240.....19233
2250.....19233
2260.....19233
2270.....19233
2300.....19233
2310.....19233
2320.....19233
2340.....19233
2350.....19233
2920.....19233

Public Land Orders:

5797.....15506
5798.....15506
5799.....15506
5802.....15506
5804.....15506
5805.....15506
5806.....15506
5809.....15506
5810.....15506
5812.....15506
5814.....15506
5817.....15506
5818.....15506
5819.....15506
5821.....15506
5824.....15506
5825.....15506
5826.....15506
5827.....15506
5828.....15506
5830.....15506
5831.....15506
5832.....15506
5833.....15506
5834.....15506
5836.....15506
5837.....15506
5838.....15506
5839.....15506
5840.....15506
5841.....15506
5842.....15506
5844.....15506
5845.....15506
5846.....15506
5848.....15506
5849.....15506
5850.....15506
5851.....15506
5852.....15506
5853.....15506
5854.....15506
5855.....15506

44 CFR

64.....15267, 15269, 17781, 17782, 18712, 18713, 19474-19476
65.....15142, 17782, 18546, 18707, 19477
67.....18546, 18698
70.....19478

Proposed Rules:

60.....16692
67.....14907, 15183, 15287, 16282, 17795-17808, 18562, 18563, 18726, 19505, 19506

45 CFR

46.....19195
1060.....15270
1357.....14895
1612.....16267

Proposed Rules:

1624.....18055

46 CFR

3.....15746
4.....19235
14.....15746
24.....15746
34.....19660
52.....19660
53.....19660
54.....19660
56.....19660
57.....19660
58.....19660
59.....19660
64.....19660
76.....19660
113.....19660
160.....19660
161.....19660
162.....19660
164.....19660
189.....15746
194.....19660
401.....18716
536.....18549

Proposed Rules:

502.....17064

47 CFR

1.....18551
2.....15146, 15690, 18979
13.....18717
15.....19479
25.....18720
31.....19481
73.....15147-15151, 15271, 15707, 15709-15711, 16268, 17783-17785, 18316-18318, 18556, 18557
81.....15690, 18982
83.....15690, 18717, 18982, 18984
90.....15152, 15273
97.....15146, 18979

Proposed Rules:

Ch. I.....14907, 15184, 15296, 16692, 18737, 19005
0.....15297
22.....15749
25.....15754
61.....15297
63.....14754, 15297
67.....17568, 19510
73.....15184-15186, 15298, 15754, 15756, 15757, 17065, 17233, 17809-17811, 18737-18745, 19005, 19267-19269
83.....17233, 19007
90.....16104, 17813

48 CFR

Proposed Rules:

31.....16918

49 CFR

172.....17738, 19235, 19660
173.....17564, 19236
178.....19660
179.....19660
192.....19660
195.....19660
395.....19236
531.....18038, 18721
613.....19233
639.....19235
640.....19235
642.....19237
1002.....19494
1003.....16200, 17785
1005.....16200, 17785
1031A.....19238
1033.....14895, 14896, 15507, 18721
1039.....15509
1056.....16200, 17785
1100.....17785
1132.....15509
1138.....19494
1240.....15880
1243.....15881
1310.....16200, 17785
1311.....19494
1322.....16200, 17785
1331.....15277, 16102

Proposed Rules:

23.....16282
571.....18747
583.....18059
639.....19270
640.....19270
1048.....16106
1052.....17813, 17814, 19271
1056.....16225
1057.....15300
1100.....17065
1206.....15302
1207.....15302
1245.....19273
1249.....19273
1307.....17234
1310.....17234

50 CFR

17.....19233
611.....16103
652.....15510
671.....18318

Proposed Rules:

20.....18666
216.....00000
230.....15746
410.....15188
611.....16107

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 18, 1981

Just Released

Code of Federal Regulations

Revised as of October 1, 1980

Quantity	Volume	Price	Amount
_____	Title 45—Public Welfare (Parts 100 to 149)	$7.50	$_____
_____	Title 45—Public Welfare (Parts 1200 to End)	7.50	_____
_____	Title 46—Shipping (Parts 30 to 40)	4.75	_____
		Total Order	$ _____

V 46/61 M R

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

SOUTH ATLANTIC OUTER CONTINENTAL SHELF
(TENTATIVE SALE NO. 78)

CALL FOR NOMINATIONS OF AND COMMENTS ON
AREAS FOR OIL AND GAS LEASING

Purpose of Call

Section 102 of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 629) describes the purposes of that Act. One of the purposes is to establish policies and procedures intended to expedite exploration and development of the Outer Continental Shelf (OCS) in order to achieve national economic and energy policy goals, assure national security, reduce dependence on foreign sources, and maintain a favorable balance of payments in world trade. Equally important purposes include balancing energy resource development with the protection of the human, marine and coastal environments, as well as assuring States and local governments the opportunity to review and comment on decisions relating to OCS activities. To assist the Secretary of the Interior in carrying out these purposes, and pursuant to 43 CFR 3313.1, nominations are hereby requested for areas offshore of the South Atlantic States, OCS, for possible oil and gas leasing under the OCS Lands Act (43 U.S.C. 1331-1343) as amended. The Secretary is also requesting comments on the possible environmental impacts and potential use conflicts in specified areas.

Description of Area

The area offered for nominations and comments is the unleased blocks, or portions of blocks, beyond the three mile line, which are to be found on the OCS Official Protraction Diagrams listed below. The area is generally bounded by the 37° N. latitude line on the north, the 28° N. latitude line on the south, and extends eastward to the base of the Continental Slope, including the western edge of the Blake Plateau.

These blocks may be found on the following OCS Official Protraction Diagrams, which may be purchased for $2.00 each from the Manager, New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana, 70130.

OCS OFFICIAL PROTRACTION DIAGRAMS

		Latest Approval or Revision Date
NH 17-2	Brunswick	9/1/78
NH 17-3		6/11/75
NH 17-5	Jacksonville	4/29/75
NH 17-6		6/11/75
NH 17-8	Daytona Beach	4/29/75
NH 17-9		7/21/75
NH 17-11	Orlando	6/11/75
NH 17-12		7/21/75
NH 18-1		7/21/75
NI 17-9	Georgetown	6/11/75
NI 17-11	Savannah	9/1/78
NI 17-12	James Island	6/11/75
NI 18-2	Manteo	10/31/74
NI 18-3		10/31/74
NI 18-4	Beaufort	8/1/75
NI 18-5		8/1/75
NI 18-7	Cape Fear	6/3/76
NI 18-8		8/1/75
NI 18-10		7/5/77
NJ 18-11	Currituck Sound (Except Blocks 5 to 481)	4/25/78
NJ 18-12	(Except Blocks [illegible] to 433)	10/31/74

Instructions on Call

Nominations must be described by referring to the OCS Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks may be nominated. Those nominating twelve blocks or more are requested to arrange their nominations into three groups according to the priority of their interest.

In addition to nominations, we are seeking comments about particular geological, environmental, biological, archaeological, socio-economic conditions or problems, or other information which might bear upon potential leasing and development of particular blocks. Comments should be as specific as possible in identifying individual blocks or areas which should receive special concern and analysis.

Nominations and/or comments must be submitted not later than June 2, 1981. In envelopes labeled "Nominations of Tracts for Leasing in the OCS South Atlantic Area" or "Comments on Leasing in the OCS South Atlantic Area", as appropriate. They must be submitted to the Manager, New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Copies should be sent to the Director, Attention 541, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, and to the Conservation Manager, U. S. Geological Survey, Eastern Region, 1725 K Street, N.W., Suite 204, Washington, D.C. 20006, and to the Director, U. S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Use of Information From Call

Nominations will be evaluated and used along with other geologic and geophysical information to determine what, if any, tracts should be tentatively selected for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and the OCS Lands Act, as amended. Generally, because of limits on the geographic scope of areas which can be successfully planned for a single sale, only a portion of the tracts nominated are selected for further environmental analysis and possible leasing. Although individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

Comments will be considered along with other relevant information available to the Secretary to determine what tracts should be designated for further environmental analysis and study. As a general rule, tracts which are believed to have potential for the production of hydrocarbons are not excluded from further environmental study unless the Secretary has sufficient information to conclude that it is not possible for those tracts to be developed in an environmentally safe manner.

In any event, selection of tracts for further environmental analyses does not insure that the tracts will be subsequently offered for lease or that they will be deleted for environmental or use conflicts. It simply insures that more information will be available when that decision is made. In performing the additional environmental analyses leading to a sale decision, the Department will take into account comments received as it determines particular areas and issues for attention.

Final selection of tracts for competitive bidding will be made only at a later date after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Nominations and comments are also specifically requested on the possible leasing of tracts larger than the standard maximum size of 5,760 acres. Under section 8(b)(1) of the OCS Lands Act (43 U.S.C. 1337) as amended, the Secretary may find "that a larger area is necessary to comprise a reasonable economic production unit." Nominations may be submitted for groupings of blocks into larger areas and should be clearly identified as groups to be considered for leasing as larger sized units. Such nominations of larger areas should refer to block numbers on applicable leasing diagrams and should be submitted at the same time as the single block nominations solicited by this notice and the envelope should be labeled "Group Nomination." Supporting rationale for such nominations is also requested as well as any general comments about the problems and opportunities of this leasing technique. This notice does not constitute a commitment by the Secretary to use this concept. In general, the Department is aware that exploration and development costs are significantly greater in deeper water. What may be an economical or efficient project may vary with these depths as well as other factors. Nominations and comments should address this question only for areas in excess of 200 meters water depth. The public is reminded that the Secretary could tentatively select individual tracts for further study and yet delay making a decision about whether larger leasing areas would be offered until a later date.

Nominations and comments are also requested on the leasing of tracts with terms of longer than 5 years pursuant to section 8(b)(2) of the OCS Lands Act (43 U.S.C. 1337) as amended.

Acting Director, Bureau of Land Management

Dated: MAR 27 1981

Approved:

Deputy Assistant Secretary of the Interior

[FR Doc. 81 9780 Filed 3-30-81; 8:45 am]
BILLING CODE 4310-84-C

federal register

Tuesday,
March 31, 1981

Part IX

Department of Energy

Western Area Power Administration

Proposed Power Marketing Plan, Power Rate and Call for Applications for an Allocation of Power for the Fryingpan-Arkansas Project and Call for Power Allocation Applications, Power Marketing Plan Hearings and Draft Plan Recommendations for Central Valley Project, Calif.

DEPARTMENT OF ENERGY

Western Area Power Administration

Call for Power Allocation Applications, Notice of Power Marketing Plan Hearings and Draft Plan Recommendations

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Call for Power Allocation Applications—Announcement of Filing Dates, and Notice of Applicant Profile Data and Notice of Power Marketing Plan Hearings—Central Valley Project, California.

SUMMARY: The Western Area Power Administration (Western) is developing a power marketing plan for power resources marketed by Western's Sacramento Area Office. Western hereby announces filing dates for applications for power, states the applicant profile data to be included in the applications, and announces the subsequent hearing dates for the power marketing plan.

Applications for power will be accepted from eligible preference entities between August 10, 1981, and September 15, 1981; applications must be received in the Sacramento Area Office no later than 5 p.m., Pacific daylight time, September 15, 1981, to ensure consideration. Applications will be evaluated by the Administrator based upon criteria to be announced in a future **Federal Register** notice, applicable laws, the Administrator's judgment, and the final power marketing plan for the Sacramento Area Office.

The Sacramento Area Office of Western primarily markets the Federal hydroelectric power developed by the Central Valley Project. Under a recent settlement of a lawsuit entitled *The City of Santa Clara v. Duncan, et al.*, Civil Action No. C–75 1574SC, Western has the option of marketing 102 MW of additional power which includes 46 MW of power allocated to, but currently unused by, the Westlands Water District. The power marketing plan will also analyze and develop the procedures for the treatment of approximately 642 MW of power currently sold under contracts that will expire before 1995.

The draft plan was made available at a public information forum held on January 14, 1981, in Sacramento, California. Written comments were due by March 6, 1981. An oral comment forum regarding the draft plan was held on March 3, 1981. The proposed allocation criteria for the 102 MW and the application format will be published in late April prior to the June 2, 1981, public information forum.

DATES: A public information forum will be held on June 2, 1981, beginning at 9:30 a.m. in the Mariposa/Sonora Rooms, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California. The proposed plan will be made available at this forum. Written comments are due by July 27, 1981.

A public comment forum will be held on July 14, 1981, beginning at 9:30 a.m. in the Sutter Mill Room, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California.

ADDRESS: For further information concerning the public information forum or the public comment forum, contact: Mr. David G. Coleman, Area Manager, Western Area Power Administration, U.S. Department of Energy, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Written comments and requests to speak at the public comment forum should also be sent to the above address.

SUPPLEMENTARY INFORMATION: Western was established on December 21, 1977, under the Department of Energy Organization Act of 1977 (DOE Act, 42 U.S.C. 7101, et seq.). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to, among other things, the power marketing functions of the Bureau of Reclamation (now the Water and Power Resources Service) including the construction, operation, and maintenance of transmission lines and attendant facilities. Western was established to administer those functions transferred from the former Bureau of Reclamation.

Western's Sacramento Area Office sells power generated at 10 hydroelectric powerplants of the Central Valley Project and power purchased from a coal-fired powerplant located in Centralia, Washington. Through an arrangement with the Pacific Gas and Electric Company, Western currently provides firm power to 77 preference customers located in northern and central California.

The maximum simultaneous customer demand which is sold by Western under contracts with the preference customers is 1,050 MW. However, under a recent settlement agreement between the various parties to the lawsuit entitled *The City of Santa Clara* v. *Duncan, et al.*, Western has the option of raising the maximum simultaneous demand to 1,152 MW. Thus, Western has the option of allocating an additional 102 MW of power. In addition, a number of Western's contracts will expire before 1995. The amount of power sold under these contracts is approximately 642 MW.

The purpose of developing the power marketing plant is to develop the procedures for the allocation or reallocation (if any) of the 102 MW which is potentially available pursuant to the settlement agreement and the 642 MW which is potentially available due to expiring contracts. To prepare initially for the development of its marketing plan and to solicit suggestions and comments from customers and interested parties, Western held two informal public information forums in Sacramento—the first on July 11, 1980, and the second on September 15, 1980. On November 25, 1980, an informal public comment forum was held in Sacramento to allow further customer and interested party comment.

On January 14, 1981, Western held a formal public information forum and released its Draft Power Marketing Plan. Written comments were due by March 6, 1981. A public comment forum was held on March 3, 1981.

At the public information forum to be held on June 2, 1981, Western will present its detailed proposed power marketing plan. Staff members will make presentations to explain the proposed plan and the basis therefore. If there is time, questions from interested persons will be allowed. If a question cannot be answered by the staff present, it will be considered and addressed by Western either in writing, in the record, or by making relevant documents available for inspection or copying. The public information forum will be transcribed; copies of the transcript will be available from the transcription service. Written comments will be received for at least 30 days following the public information forum.

The public comment forum to be held on July 14, 1981, will be nonadjudicatory in nature. Persons wishing to comment should make their request to the Area Manager at least 15 days before the date of the comment forum. Requests may be made by letter or telephone to the address mentioned above. The Administrator will appoint a forum chairperson. At the start of the forum, the chairperson shall briefly explain the procedures and rules. Commentators having questions regarding the marketing plan shall state them for the record and Western will consider each comment carefully in the future development of the plan. The chairperson will allow interested parties to comment who have not made a request to speak, as time permits during the forum. The comment forum will be transcribed; copies of the transcript will

be available from the transcription service.

Notice of Call for Applications: In the event the final marketing plan provides for allocation of the 102 MW, application should be made to the Area Manager, Mr. David G. Coleman, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825. The format of the application will be specified in the Federal Register notice that will be published in late April. Applications should contain the following information to ensure consideration by Western:

Applicant Profile Data

1. *Eligibility.*

A statement of eligibility as a preference entity under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. *Organization.*

A brief description of the organization that will interact with Western on contracts and billing matters.

3. *Loads.*

a. Number and type of customers served: residential, commercial, industrial, military base, and agricultural.

b. Maximum demand and energy use for 1978, 1979, and 1980 versus contact rate of delivery (CRD).

c. 24-hour load curves for winter and summer peak days in 1978, 1979, and 1980.

d. 1975–1980 projected average annual and monthly load factors for your total system. Projected load factors should be for the 1981–1994 period.

e. Projected monthly capacity and energy demand, 1981–1994. Indicate forecasting method and basic assumptions.

4. *Resources.*

a. List of operating resources—capacity, location, and 1980 availability factor.

b. List of future firm and planned resources—capacity, location, scheduled operation date, and expected annual average lifetime capacity factor.

c. Percent of total supply received from Western, 1981–1994.

d. Status of power supply contracts with parties other than Western.

5. *Transmission.*

a. Voltage of service required and possible delivery points.

b. A brief description of the type of transmission service being requested to Western—direct or wheeled.

6. *Renewable Resources, Conservation, and Cogeneration Efforts.*

A list of renewable resource, conservation, and cogeneration efforts and a discussion of the likelihood of such programs/projects being implemented.

Applications for power will be accepted from eligible preference entities between August 10, and September 15, 1981.

The above items are provided at this time to allow applicants leadtime to assemble their data. The list is not to be considered all inclusive, as Western reserves the right to request further information as reasonably necessary.

Previously Filed Applications: All previously filed applications for the 102 MW or any other power not currently under contract will not be considered by Western.

Power Marketing Plan Schedule: The following schedule was distributed at the March 3, 1981, public comment forum.

April 30—Publish Federal Register Notice
- Proposed Allocation Criteria
- Application Format

June 2—Information Forum
- Present Proposed Plan

July 14—Comment Forum
August 3—Publish Adopted Allocation Criteria
August 10 to September 15—Receive Applications for Allocations
September 30—Publish Final Plan
October—Allocations and Renewals, If Any Begin Contracting

Availability of Information: All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the power marketing plan are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Issued at Golden, Colorado, March 27, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-9573 Filed 3-30-81; 11:03 am]
BILLING CODE 6450-01-M

Proposed Power Marketing Plan, Proposed Power Rate, and Call for Applications for an Allocation of Power—Fryingpan-Arkansas Project

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of proposed power marketing plan, proposed rate, and call for applications for an allocation of power from the Fryingpan-Arkansas project.

SUMMARY: On March 9, 1976, a proposed marketing plan, which included a proposed method of allocation of power from the Fryingpan-Arkansas Project (Fry-Ark), and a proposed Fry-Ark power rate were published in the Federal Register (41 FR 10116). Changing power supply conditions and consideration of public comments have prompted a review of that marketing plan and resulted in redefinition of the marketing area, services available, and power allocation procedures. By an all-customer letter dated March 17, 1978, the Western Area Power Administration (Western) announced a meeting which was held on April 12, 1978, to present a modified marketing plan. An additional meeting was announced by a second all-customer letter dated September 4, 1980, and was held on September 30, 1980, to obtain current information which was also considered in development of the marketing plan.

The proposed market area, character of service offered, allocation procedures, and contract conditions are described more fully below in the section entitled Supplementary Information. In addition, a brochure is available which more fully describes the reasons and basis for the proposals.

The proposed rate for Fry-Ark power has changed from previous proposals due to increased project costs. The proposed rate is $3.11 per kilowatt of contract rate of delivery (CROD) per month for capacity without energy. This rate is based on a July 31, 1980, repayment study. Subsequent to that study a reallocation of some project costs has been proposed. This could result in an increase from $3.11/kW-month to $3.55/kW-month. A decision on the reallocation of costs and the revised rate will not be available in time for use in the initial contracts. The proposed rate will be established by the Assistant Secretary for Conservation and Renewable Energy in accordance with Delegation Order No. 0204–33, 43 FR 60636 (December 28, 1978) as amended by a recent Departmental reorganization effective February 24, 1981, and the "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (Procedures) at 10 CFR Part 903. Written public comment on these proposals is invited.

A public information forum and a public comment forum will be held to provide for public input on both the proposed market plan and rate. Applications for power will be received until May 15, 1981. The procedures for submitting applications are detailed below in the sections entitled Dates and Locations and Supplementary Information.

DATE AND LOCATIONS: A public information forum at which Western

representatives will explain and answer questions about the proposed marketing plan and the proposed rate is scheduled for April 8, 1981, at 9:30 a.m., at the Holiday Inn Thornton, (Marabella Room), I–25 and 120th Avenue (Exit 233), Thornton, (Marabella Room), I–25 and 120th Avenue (Exit 233), Thornton, Colorado.

A public comment forum at which all interested persons attending may make comments on the proposed marketing plan and the proposed power rate is scheduled for April 29, 1981, at 9:30 a.m., at the Holiday Inn Thornton, Colorado.

Written comments on the proposed power marketing plan and proposed rate for Fry-Ark power must be received at the Loveland-Fort Collins Area Office, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522, by May 15, 1981, to be assured of consideration.

Application for allocations of Fry-Ark power may be found in the appendix of the brochure and are also available upon request. Applications for allocations of Fry-Ark power will not be considered unless received at the Loveland-Fort Collins Area Office, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522 by 4 p.m., May 15, 1981.

BROCHURE AVAILABLE: A brochure describing the project, the marketing plan, the repayment study, and the proposed power rate, and containing an application for allocation of power will be available at the public information forum. Brochures may be obtained from Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 2650, Fort Collins, CO 80522, Phone: (303) 493–7716

Mr. H. E. Hood, Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231–1545

SUPPLEMENTARY INFORMATION: Western Area Power Administration (Western) was established by Secretary of Energy Order No. 0204–4, dated August 4, 1977 (42 FR 40295 (August 9, 1977)). The Secretary of Energy delegated to the Administrator of Western the power marketing functions of the Secretary of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts specifically applicable to the project involved, all transferred to and vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.).

functions transferred from the former Bureau of Reclamation.

Western's Loveland-Fort Collins Area Office now markets power generated at 15 hydroelectric powerplants in Colorado and Wyoming to 56 customers in a 200,000-square mile service area.

The Fry-Ark power marketing plan and rate are being developed by the Western Area Power Administration pursuant to the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565, 42 U.S.C. 7101, et seq.), and the Reclamation Act of 1902, (32 Stat. 388, 43 U.S.C. 372, et seq.), as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1194, and 1198, 43 U.S.C. 485h(c)) and the Fryingpan-Arkansas Project Acts (Pub. L. 87–590, 76 Stat. 399 (August 16, 1962) and Pub. L. 93–493, 88 Stat. 1486 (October 27, 1974)).

The Secretary of the Department of Energy delegated to the Assistant Secretary for Resource Applications, by Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636 (December 28, 1978)), the authority to develop, acting by and through the Administrator of Western, and to confirm, approve, and place in effect on an interim basis Western's power rates; and to the Federal Energy Regulatory Commission the authority to confirm and approve on a final basis, or disapprove, such rates. Due to a Department of Energy organizational realignment effective February 24, 1981, this authority of the Assistant Secretary for Resource Applications has been transferred to the Assistant Secretary for Conservation and Renewable Energy.

The regulations of the Department of Energy entitled "Subpart A—Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions for the Alaska, Southeastern, Southwestern, and Western Area Power Administrations" (Procedures) (45 FR 86976 (December 31, 1980) 10 CFR Part 903) establish procedures for confirmation and approval on an interim basis by the Assistant Secretary for Resource Applications (now by the Assistant Secretary for Conservation and Renewable Energy) for new [illegible]

Bureau of Reclamation in the Department of the Interior. In 1976, the Bureau of Reclamation published a proposed power marketing plan and rate for power from the Fryingpan-Arkansas Project.

After reviewing the proposal and the comments on that proposal, Western held a public meeting on April 12, 1978, and presented a modified plan for marketing Fry-Ark power. Delays in the scheduled date of commercial operation for the powerplant triggered corresponding delays in completing the marketing plan. Upon receipt of a new scheduled inservice date for the powerplant, Western reviewed the changing power supply conditions in the area and determined that additional public involvement was needed to match the available Fry-Ark resources to the area's need. On September 30, 1980, a public information meeting was held and responses were solicited.

The various features of this proposed marketing plan were developed by considering a number of factors including: specific legislation; Western's established power marketing policies; responses received as a result of the September 30, 1980, public information meeting; collective load and resource evaluations; administrative impacts; the nature of the Fry-Ark resource; and operational contraints on the Fry-Ark resource. Details are given in the brochure.

At the public information forum to be held on April 8, 1981, Western will present its proposed marketing plan for the Fry-Ark Project and the proposed rate for power. Staff members will make presentations to explain the proposed plan and rate and the basis therefor. Questions from interested persons will be allowed. If a question cannot be answered by the staff present, it will be considered and addressed by Western either in writing, or by making relevant documents available for inspection or copying. The public information forum will be transcribed; copies of the transcription service for a fee. Written comments will be received until May 15, 1981.

The Public comment forum to be held on April 29, 1981, is legislative in nature. Persons wishing to comment should make their plans to be present at the time the forum begins. [illegible]

Code of Federal Regulations

comments regarding the proposed marketing plan or rate shall state them for the record. Questions will not ordinarily be answered at the comment forum. Western will consider each comment carefully in the development of the final plan. The chairperson will allow interested parties to comment who have not made a request to speak, as time permits during the forum. The comment forum will be transcribed; copies of the transcript will be available from the transcription service upon payment of the required fee.

Description of Project

The Fryingpan-Arkansas Project is a multipurpose, transmountain diversion development in the central and southeastern part of Colorado. The project diverts water from the Colorado River Basin on the West Slope of the Rocky Mountains to the Arkansas River Basin on the East Slope. The water diverted from the West Slope, together with regulated Arkansas River water, will provide supplemental irrigation, municipal and industrial water supplies, and produce hydroelectric power. Flood control, fish and wildlife enhancement, and recreation development are other important purposes of Fry-Ark.

The Mt. Elbert Powerplant is the principal electrical power feature of the project. The Mt. Elbert Powerplant is a pumped-storage facility, and is designed to operate by recycling water between two reservoirs. Water will be released from the higher reservoir, the Mt. Elbert Forebay, during hours when it is desired to produce electrical power—generally during the onpeak daytime and evening hours of high demand. Approximately this same amount of water will then be pumped back from Twin Lakes (which is the lower reservoir or afterbay) to the forebay during offpeak hours of low demand for electrical power.

An additional average 104,500 acre-feet of water per year will flow through the Mt. Elbert Powerplant and will not be pumped back into the Mt. Elbert Forebay. Because of this flow-through water, Mt. Elbert is not a pure pumped-storage powerplant, but is classified as a hydroelectric powerplant, meaning that part of the water passing through it is put to use by the flow through. Mt. Elbert is a hydroelectric powerplant, this amount of water during offpeak hours and generating additional capacity during onpeak hours.

The Mt. Elbert Powerplant will have two units. Each unit is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The scheduled inservice date for the first Mt. Elbert unit is July 1981, and for the second unit is August 1983.

There are environmental factors to be considered in the operation of the Mt. Elbert powerplant. Twin Lakes, the afterbay, is an excellent trout fishery, dependent upon the existence of Mysis shrimp in the food chain. To mitigate adverse impacts to the Mysis shrimp, and, ultimately, the trout fishery, it may be necessary in June, July, and August, to restrict operation of the pumping mode of the powerplant between the hours of midnight and 2 a.m.

Proposed Marketing Plan for the Fryingpan-Arkansas Project

1. Market Area: The market area for power from the Fryingpan-Arkansas Project shall be the portion of the States of Colorado and Wyoming east of the Continental Divide, the portion of the State of Nebraska west of the 101st meridian, and western Kansas.

2. Service Seasons: The summer season shall be the 6-month period from the first day of the April billing period to the last day of the September billing period. The winter season shall be the 6-month period from the first day of the October billing period to the first day of the March billing period of the next succeeding calendar year.

3. Resource Available: The resource available for sale from Fry-Ark, after project use, is expected to be 200 MW of capacity from the first day of commercial service of the second unit through the 1989 summer season. The capacity available for sale from the first day of commercial service of the first unit until the first day of commercial service of the second unit shall be 100 MW. Actual operating experience may require changes in anticipated capacity due to environmental operational constraints. Any changes in capacity will be determined during the allocation study for each allocation. Western will be obligated to deliver capacity and energy only to the extent of the resource available.

4. Service Available: Initially, 200 MW of capacity without energy will be allocated. Customers will be required to furnish reserves, emergency and maintenance service, and pump-back energy. Energy produced by flow-through water will be used to reduce the amount of pump-back energy required to be returned by each customer. Western will also offer to assist customers in obtaining any reserves needed for Fry-Ark capacity, return energy, emergency assistance and maintenance services.

5. Scheduling and Accounting: Electric service may be scheduled at any time the powerplant is or can be placed in the generating mode if the customer has a positive balance in his energy account. Each customer will be deemed to have 14 kWh per kW of contract rate of delivery (CROD) in his energy account on the date of first delivery.

Each customer must apply the energy to replenish the energy in his account. Based upon projected equipment efficiencies and crediting flow-through water proportionately, the initial replenishment to utilization ratio is 1.2 to 1. The replenishment to utilization ratio may be adjusted based on actual versus estimated equipment efficiencies. Customers may not accumulate more than 14 kWh/kW of CROD in their energy account any may not schedule return energy at a rate greater than 1.2 times their CROD.

Pump-back energy to replenish energy accounts may be scheduled when the powerplant is or can be placed in the pumping mode. Pumping may be restricted between the hours of midnight and 2 a.m. during the months of June, July, and August for environmental reasons.

Western will meet with customers, after the contracts are executed, to further develop the operating and accounting procedures which will achieve the most efficient mode of operating the powerplant in coordination with the allottees' peakload needs and the scheduling of return energy.

6. Allocation Procedures: Allotment of available capacity will be made first to preference customers in the marketing area on a nondiscriminatory basis. If preference applications for the initial allocation of capacity exceed the amount available, the marketing authority will be offered

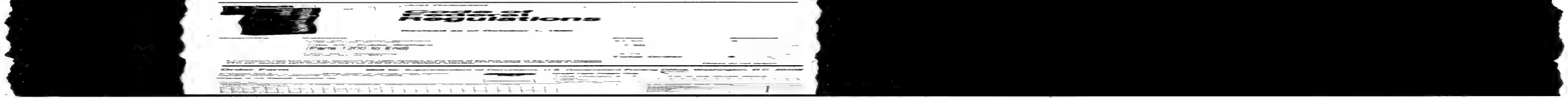
Federal
Regulations

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

SOUTH ATLANTIC OUTER CONTINENTAL SHELF
(TENTATIVE SALE NO. 78)

CALL FOR NOMINATIONS OF AND COMMENTS ON
AREAS FOR OIL AND GAS LEASING

Purpose of Call

Section 102 of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 629) describes the purposes of that Act. One of the purposes is to establish policies and procedures intended to expedite exploration and development of the Outer Continental Shelf (OCS) in order to achieve national economic and energy policy goals, assure national security, reduce dependence on foreign sources, and maintain a favorable balance of payments in world trade. Equally important purposes include balancing energy resource development with the protection of the human, marine and coastal environments, as well as assuring States and local governments the opportunity to review and comment on decisions relating to OCS activities. To assist the Secretary of the Interior in carrying out these purposes, and pursuant to 43 CFR 3313.1, nominations are hereby requested for areas offshore of the South Atlantic States, OCS, for possible oil and gas leasing under the OCS Lands Act (43 U.S.C. 1331-1343) as amended. The Secretary is also requesting comments on the possible environmental impacts and potential use conflicts in specified areas.

Description of Areas

Nominations will be considered for any or all of the blocks seaward of the three mile line, which are to be found on the OCS Official Protraction Diagrams listed below. The area is generally bounded by the 37° N. latitude line on the north, the 28° N. latitude line on the south, and extends eastward to the base of the Continental Slope, including the western edge of the Blake Plateau.

These blocks may be found on the following OCS Official Protraction Diagrams, which may be purchased for $2.00 each from the Manager, New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana, 70130.

OCS OFFICIAL PROTRACTION DIAGRAMS

		Latest Approval or Revision Date
NH 17-2	Brunswick	9/1/78
NH 17-3		6/11/75
NH 17-5	Jacksonville	4/29/75
NH 17-6		6/11/75
NH 17-8	Daytona Beach	4/29/75
NH 17-9		7/21/75
NH 17-11	Orlando	6/11/75
NH 17-12		7/21/75
NH 18-1		7/21/75
NI 17-2	Georgetown	6/11/75
NI 17-11	Savannah	9/1/78
NI 17-12	James Island	6/11/75
NI 18-2	Manteo	10/31/74
NI 18-3		10/31/74
NI 18-4	Beaufort	8/1/75
NI 18-5		8/1/75
NI 18-7	Cape Fear	6/3/76
NI 18-8		8/1/75
NI 18-10		7/5/77
NJ 18-11	Currituck Sound (Except Blocks 5 to 481)	4/25/78
NJ 18-12	(Except Blocks [illegible] to 433)	10/31/74

Instructions on Call

Nominations must be described by referring to the OCS Official

Use of Information From Call

Nominations will be evaluated and used along with other geologic

Instructions on Call

Nominations must be described by referring to the OCS Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks may be nominated. Those nominating twelve blocks or more are requested to arrange their nominations into three groups according to the priority of their interest.

In addition to nominations, we are seeking comments about particular geological, environmental, biological, archaeological, socio-economic conditions or problems, or other information which might bear upon potential leasing and development of particular blocks. Comments should be as specific as possible in identifying individual blocks or areas which should receive special concern and analysis.

Nominations and/or comments must be submitted not later than June 2, 1981, in envelopes labeled "Nominations of Tracts for Leasing in the OCS South Atlantic Area" or "Comments on Leasing in the OCS South Atlantic Area", as appropriate. They must be submitted to the Manager, New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Copies should be sent to the Director, Attention 541, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, and to the Conservation Manager, U. S. Geological Survey, Eastern Region, 1725 K Street, N.W., Suite 204, Washington, D.C. 20006, and to the Director, U. S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Use of Information From Call

Nominations will be evaluated and used along with other geologic and geophysical information to determine what, if any, tracts should be tentatively selected for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and the OCS Lands Act, as amended. Generally, because of limits on the geographic scope of areas which can be successfully planned for a single sale, only a portion of the tracts nominated are selected for further environmental analysis and possible leasing. Although individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

Comments will be considered along with other relevant information available to the Secretary to determine what tracts should be designated for further environmental analysis and study. As a general rule, tracts which are believed to have potential for the production of hydrocarbons are not excluded from further environmental study unless the Secretary has sufficient information to conclude that it is not possible for those tracts to be developed in an environmentally safe manner.

In any event, selection of tracts for further environmental analyses does not insure that the tracts will be subsequently offered for lease or that they will be deleted for environmental or use conflicts. It simply insures that more information will be available when that decision is made. In performing the additional environmental analyses leading to a sale decision, the Department will take into account comments received as it determines particular areas and issues for attention.

Final selection of tracts for competitive bidding will be made only at a later date after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Nominations and comments are also specifically requested on the possible leasing of tracts larger than the standard maximum size of 5,760 acres. Under section 8(b)(1) of the OCS Lands Act (43 U.S.C. 1337) as amended, the Secretary may find "that a larger area is necessary to comprise a reasonable economic production unit." Nominations may be submitted for groupings of blocks into larger areas and should be clearly identified as groups to be considered for leasing as larger sized units. Such nominations of larger areas should refer to block numbers on applicable leasing diagrams and should be submitted at the same time as the single block nominations solicited by this notice and the envelope should be labeled "Group Nomination." Supporting rationale for such nominations is also requested as well as any general comments about the problems and opportunities of this leasing technique. This notice does not constitute a commitment by the Secretary to use this concept. In general, the Department is aware that exploration and development costs are significantly greater in deeper water. What may be an economical or efficient project may vary with these depths as well as other factors. Nominations and comments should address this question only for areas in excess of 200 meters water depth. The public is reminded that the Secretary could tentatively select individual tracts for further study and yet delay making a decision about whether larger leasing areas would be offered until a later date.

Nominations and comments are also requested on the leasing of tracts with terms of longer than 5 years pursuant to section 8(b)(2) of the OCS Lands Act (43 U.S.C. 1337) as amended.

Acting Director, Bureau of Land Management

Dated: MAR 27 1981

Approved:

Deputy Assistant Secretary of the Interior

[FR Doc. 81-9790 Filed 3-30-81; 8:45 am]
BILLING CODE 4310-84-C

federal register

Tuesday,
March 31, 1981

Part IX

Department of Energy

Western Area Power Administration

Proposed Power Marketing Plan, Power Rate and Call for Applications for an Allocation of Power for the Fryingpan-Arkansas Project and Call for Power Allocation Applications, Power Marketing Plan Hearings and Draft Plan Recommendations for Central Valley Project, Calif.

DEPARTMENT OF ENERGY

Western Area Power Administration

Call for Power Allocation Applications, Notice of Power Marketing Plan Hearings and Draft Plan Recommendations

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Call for Power Allocation Applications—Announcement of Filing Dates, and Notice of Applicant Profile Data and Notice of Power Marketing Plan Hearings—Central Valley Project, California.

SUMMARY: The Western Area Power Administration (Western) is developing a power marketing plan for power resources marketed by Western's Sacramento Area Office. Western hereby announces filing dates for applications for power, states the applicant profile data to be included in the applications, and announces the subsequent hearing dates for the power marketing plan.

Applications for power will be accepted from eligible preference entities between August 10, 1981, and September 15, 1981; applications must be received in the Sacramento Area Office no later than 5 p.m., Pacific daylight time, September 15, 1981, to ensure consideration. Applications will be evaluated by the Administrator based upon criteria to be announced in a future **Federal Register** notice, applicable laws, the Administrator's judgment, and the final power marketing plan for the Sacramento Area Office.

The Sacramento Area Office of Western primarily markets the Federal hydroelectric power developed by the Central Valley Project. Under a recent settlement of a lawsuit entitled *The City of Santa Clara v. Duncan, et al.*, Civil Action No. C–75 1574SC, Western has the option of marketing 102 MW of additional power which includes 46 MW of power allocated to, but currently unused by, the Westlands Water District. The power marketing plan will also analyze and develop the procedures for the treatment of approximately 642 MW of power currently sold under contracts that will expire before 1995.

The draft plan was made available at a public information forum held on January 14, 1981, in Sacramento, California. Written comments were due by March 6, 1981. An oral comment forum regarding the draft plan was held on March 3, 1981. The proposed allocation criteria for the 102 MW and the application format will be published in late April prior to the June 2, 1981, public information forum.

DATES: A public information forum will be held on June 2, 1981, beginning at 9:30 a.m. in the Mariposa/Sonora Rooms, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California. The proposed plan will be made available at this forum. Written comments are due by July 27, 1981.

A public comment forum will be held on July 14, 1981, beginning at 9:30 a.m. in the Sutter Mill Room, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California.

ADDRESS: For further information concerning the public information forum or the public comment forum, contact: Mr. David G. Coleman, Area Manager, Western Area Power Administration, U.S. Department of Energy, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Written comments and requests to speak at the public comment forum should also be sent to the above address.

SUPPLEMENTARY INFORMATION: Western was established on December 21, 1977, under the Department of Energy Organization Act of 1977 (DOE Act, 42 U.S.C. 7101, et seq.). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to, among other things, the power marketing functions of the Bureau of Reclamation (now the Water and Power Resources Service) including the construction, operation, and maintenance of transmission lines and attendant facilities. Western was established to administer those functions transferred from the former Bureau of Reclamation.

Western's Sacramento Area Office sells power generated at 10 hydroelectric powerplants of the Central Valley Project and power purchased from a coal-fired powerplant located in Centralia, Washington. Through an arrangement with the Pacific Gas and Electric Company, Western currently provides firm power to 77 preference customers located in northern and central California.

The maximum simultaneous customer demand which is sold by Western under contracts with the preference customers is 1,050 MW. However, under a recent settlement agreement between the various parties to the lawsuit entitled *The City of Santa Clara* v. *Duncan, et al.*, Western has the option of raising the maximum simultaneous demand to 1,152 MW. Thus, Western has the option of allocating an additional 102 MW of power. In addition, a number of Western's contracts will expire before 1995. The amount of power sold under these contracts is approximately 642 MW.

The purpose of developing the power marketing plant is to develop the procedures for the allocation or reallocation (if any) of the 102 MW which is potentially available pursuant to the settlement agreement and the 642 MW which is potentially available due to expiring contracts. To prepare initially for the development of its marketing plan and to solicit suggestions and comments from customers and interested parties, Western held two informal public information forums in Sacramento—the first on July 11, 1980, and the second on September 15, 1980. On November 25, 1980, an informal public comment forum was held in Sacramento to allow further customer and interested party comment.

On January 14, 1981, Western held a formal public information forum and released its Draft Power Marketing Plan. Written comments were due by March 6, 1981. A public comment forum was held on March 3, 1981.

At the public information forum to be held on June 2, 1981, Western will present its detailed proposed power marketing plan. Staff members will make presentations to explain the proposed plan and the basis therefore. If there is time, questions from interested persons will be allowed. If a question cannot be answered by the staff present, it will be considered and addressed by Western either in writing, in the record, or by making relevant documents available for inspection or copying. The public information forum will be transcribed; copies of the transcript will be available from the transcription service. Written comments will be received for at least 30 days following the public information forum.

The public comment forum to be held on July 14, 1981, will be nonadjudicatory in nature. Persons wishing to comment should make their request to the Area Manager at least 15 days before the date of the comment forum. Requests may be made by letter or telephone to the address mentioned above. The Administrator will appoint a forum chairperson. At the start of the forum, the chairperson shall briefly explain the procedures and rules. Commentators having questions regarding the marketing plan shall state them for the record and Western will consider each comment carefully in the future development of the plan. The chairperson will allow interested parties to comment who have not made a request to speak, as time permits during the forum. The comment forum will be transcribed; copies of the transcript will

be available from the transcription service.

Notice of Call for Applications: In the event the final marketing plan provides for allocation of the 102 MW, application should be made to the Area Manager, Mr. David G. Coleman, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825. The format of the application will be specified in the Federal Register notice that will be published in late April. Applications should contain the following information to ensure consideration by Western:

Applicant Profile Data

1. *Eligibility.*

A statement of eligibility as a preference entity under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. *Organization.*

A brief description of the organization that will interact with Western on contracts and billing matters.

3. *Loads.*

a. Number and type of customers served: residential, commercial, industrial, military base, and agricultural.

b. Maximum demand and energy use for 1978, 1979, and 1980 versus contact rate of delivery (CRD).

c. 24-hour load curves for winter and summer peak days in 1978, 1979, and 1980.

d. 1975–1980 projected average annual and monthly load factors for your total system. Projected load factors should be for the 1981–1994 period.

e. Projected monthly capacity and energy demand, 1981–1994. Indicate forecasting method and basic assumptions.

4. *Resources.*

a. List of operating resources—capacity, location, and 1980 availability factor.

b. List of future firm and planned resources—capacity, location, scheduled operation date, and expected annual average lifetime capacity factor.

c. Percent of total supply received from Western, 1981–1994.

d. Status of power supply contracts with parties other than Western.

5. *Transmission.*

a. Voltage of service required and possible delivery points.

b. A brief description of the type of transmission service being requested to Western—direct or wheeled.

6. *Renewable Resources, Conservation, and Cogeneration Efforts.*

A list of renewable resource, conservation, and cogeneration efforts and a discussion of the likelihood of such programs/projects being implemented.

Applications for power will be accepted from eligible preference entities between August 10, and September 15, 1981.

The above items are provided at this time to allow applicants leadtime to assemble their data. The list is not to be considered all inclusive, as Western reserves the right to request further information as reasonably necessary.

Previously Filed Applications: All previously filed applications for the 102 MW or any other power not currently under contract will not be considered by Western.

Power Marketing Plan Schedule: The following schedule was distributed at the March 3, 1981, public comment forum.

April 30—Publish Federal Register Notice
- Proposed Allocation Criteria
- Application Format

June 3—Information Forum
- Present Proposed Plan

July 14—Comment Forum
August 3—Publish Adopted Allocation Criteria
August 10 to September 15—Receive Applications for Allocations
September 30—Publish Final Plan
October—Allocations and Renewals, If Any Begin Contracting

Availability of Information: All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the power marketing plan are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Issued at Golden, Colorado, March 27, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-9873 Filed 3-30-81; 11:03 am]
BILLING CODE 6450-01-M

Proposed Power Marketing Plan, Proposed Power Rate, and Call for Applications for an Allocation of Power—Fryingpan-Arkansas Project

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of proposed power marketing plan, proposed rate, and call for applications for an allocation of power from the Fryingpan-Arkansas project.

SUMMARY: On March 9, 1976, a proposed marketing plan, which included a proposed method of allocation of power from the Fryingpan-Arkansas Project (Fry-Ark), and a proposed Fry-Ark power rate were published in the Federal Register (41 FR 10116). Changing power supply conditions and consideration of public comments have prompted a review of that marketing plan and resulted in redefinition of the marketing area, services available, and power allocation procedures. By an all-customer letter dated March 17, 1978, the Western Area Power Administration (Western) announced a meeting which was held on April 12, 1978, to present a modified marketing plan. An additional meeting was announced by a second all-customer letter dated September 4, 1980, and was held on September 30, 1980, to obtain current information which was also considered in development of the marketing plan.

The proposed market area, character of service offered, allocation procedures, and contract conditions are described more fully below in the section entitled Supplementary Information. In addition, a brochure is available which more fully describes the reasons and basis for the proposals.

The proposed rate for Fry-Ark power has changed from previous proposals due to increased project costs. The proposed rate is $3.11 per kilowatt of contract rate of delivery (CROD) per month for capacity without energy. This rate is based on a July 31, 1980, repayment study. Subsequent to that study a reallocation of some project costs has been proposed. This could result in an increase from $3.11/kW-month to $3.55/kW-month. A decision on the reallocation of costs and the revised rate will not be available in time for use in the initial contracts. The proposed rate will be established by the Assistant Secretary for Conservation and Renewable Energy in accordance with Delegation Order No. 0204–33, 43 FR 60636 (December 28, 1978) as amended by a recent Departmental reorganization effective February 24, 1981, and the "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (Procedures) at 10 CFR Part 903. Written public comment on these proposals is invited.

A public information forum and a public comment forum will be held to provide for public input on both the proposed market plan and rate. Applications for power will be received until May 15, 1981. The procedures for submitting applications are detailed below in the sections entitled Dates and Locations and Supplementary Information.

DATE AND LOCATIONS: A public information forum at which Western

representatives will explain and answer questions about the proposed marketing plan and the proposed rate is scheduled for April 8, 1981, at 9:30 a.m., at the Holiday Inn Thornton, (Marabella Room), I–25 and 120th Avenue (Exit 233), Thornton, (Marabella Room), I–25 and 120th Avenue (Exit 233), Thornton, Colorado.

A public comment forum at which all interested persons attending may make comments on the proposed marketing plan and the proposed power rate is scheduled for April 29, 1981, at 9:30 a.m., at the Holiday Inn Thornton, Colorado.

Written comments on the proposed power marketing plan and proposed rate for Fry-Ark power must be received at the Loveland-Fort Collins Area Office, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522, by May 15, 1981, to be assured of consideration.

Application for allocations of Fry-Ark power may be found in the appendix of the brochure and are also available upon request. Applications for allocations of Fry-Ark power will not be considered unless received at the Loveland-Fort Collins Area Office, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522 by 4 p.m., May 15, 1981.

BROCHURE AVAILABLE: A brochure describing the project, the marketing plan, the repayment study, and the proposed power rate, and containing an application for allocation of power will be available at the public information forum. Brochures may be obtained from Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 2650, Fort Collins, CO 80522, Phone: (303) 493–7716

Mr. H. E. Hood, Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231–1545.

SUPPLEMENTARY INFORMATION: Western was established on December 21, 1977, under the Department of Energy Organization Act of 1977 (DOE Act). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to, among other things, the power marketing functions of the Bureau of Reclamation including the construction, operation, and maintenance of transmission lines and attendant facilities. Western was established to administer those functions transferred from the former Bureau of Reclamation.

Western's Loveland-Fort Collins Area Office now markets power generated at 15 hydroelectric powerplants in Colorado and Wyoming to 56 customers in a 200,000-square mile service area.

The Fry-Ark power marketing plan and rate are being developed by the Western Area Power Administration pursuant to the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565, 42 U.S.C. 7101, et seq.), and the Reclamation Act of 1902, (32 Stat. 388, 43 U.S.C. 372, et seq.), as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1194, and 1198, 43 U.S.C. 485h(c)) and the Fryingpan-Arkansas Project Acts (Pub. L. 87–590, 76 Stat. 389 (August 16, 1962) and Pub. L. 93–493, 88 Stat. 1486 (October 27, 1974)).

The Secretary of the Department of Energy delegated to the Assistant Secretary for Resource Applications, by Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636 (December 28, 1978)), the authority to develop, acting by and through the Administrator of Western, and to confirm, approve, and place in effect on an interim basis Western's power rates; and to the Federal Energy Regulatory Commission the authority to confirm and approve on a final basis, or disapprove, such rates. Due to a Department of Energy organizational realignment effective February 24, 1981, this authority of the Assistant Secretary for Resource Applications has been transferred to the Assistant Secretary for Conservation and Renewable Energy.

The regulations of the Department of Energy entitled "Subpart A—Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions for the Alaska, Southeastern, Southwestern, and Western Area Power Administrations" (Procedures) (45 FR 86976 (December 31, 1980) 10 CFR Part 903) establish procedures for confirmation and approval on an interim basis by the Assistant Secretary for Resource Applications (now by the Assistant Secretary for Conservation and Renewable Energy) for new, revised, or extended power and transmission rates and provide for opportunities for interested members of the public to participate in the development of such rates. These procedures supplement Delegation Order No. 0204–33 with respect to the activities of the Assistant Secretary and the power marketing administrations.

Before the creation of the Department of Energy in 1977, the responsibility for marketing Fry-Ark power was with the Bureau of Reclamation in the Department of the Interior. In 1976, the Bureau of Reclamation published a proposed power marketing plan and rate for power from the Fryingpan-Arkansas Project.

After reviewing the proposal and the comments on that proposal, Western held a public meeting on April 12, 1978, and presented a modified plan for marketing Fry-Ark power. Delays in the scheduled date of commercial operation for the powerplant triggered corresponding delays in completing the marketing plan. Upon receipt of a new scheduled inservice date for the powerplant, Western reviewed the changing power supply conditions in the area and determined that additional public involvement was needed to match the available Fry-Ark resources to the area's need. On September 30, 1980, a public information meeting was held and responses were solicited.

The various features of this proposed marketing plan were developed by considering a number of factors including; specific legislation; Western's established power marketing policies; responses received as a result of the September 30, 1980, public information meeting; collective load and resource evaluations; administrative impacts; the nature of the Fry-Ark resource; and operational contraints on the Fry-Ark resource. Details are given in the brochure.

At the public information forum to be held on April 8, 1981, Western will present its proposed marketing plan for the Fry-Ark Project and the proposed rate for power. Staff members will make presentations to explain the proposed plan and rate and the basis therefor. Questions from interested persons will be allowed. If a question cannot be answered by the staff present, it will be considered and addressed by Western either in writing, or by making relevant documents available for inspection or copying. The public information forum will be transcribed; copies of the transcript will be available from the transcription service for a fee. Written comments will be received until May 15, 1981.

The public comment forum to be held on April 29, 1981, will be nonadjudicatory in nature. Persons wishing to comment should make their request to the Area Manager at least 5 days before the date of the comment forum. Requests may be made by letter or telephone to the address mentioned above. The Administrator will appoint a forum chairperson. At the start of the forum, the chairperson shall briefly explain the procedures and rules. Commentators having questions or

comments regarding the proposed marketing plan or rate shall state them for the record. Questions will not ordinarily be answered at the comment forum. Western will consider each comment carefully in the development of the final plan. The chairperson will allow interested parties to comment who have not made a request to speak, as time permits during the forum. The comment forum will be transcribed; copies of the transcript will be available from the transcription service upon payment of the required fee.

Description of Project

The Fryingpan-Arkansas Project is a multipurpose, transmountain diversion development in the central and southeastern part of Colorado. The project diverts water from the Colorado River Basin on the West Slope of the Rocky Mountains to the Arkansas River Basin on the East Slope. The water diverted from the West Slope, together with regulated Arkansas River water, will provide supplemental irrigation, municipal and industrial water supplies, and produce hydroelectric power. Flood control, fish and wildlife enhancement, and recreation development are other important purposes of Fry-Ark.

The Mt. Elbert Powerplant is the principal electrical power feature of the project. The Mt. Elbert Powerplant is a pumped-storage facility, and is designed to operate by recycling water between two reservoirs. Water will be released from the higher reservoir, the Mt. Elbert Forebay, during hours when it is desired to produce electrical power—generally during the onpeak daytime and evening hours of high demand. Approximately this same amount of water will then be pumped back from Twin Lakes (which is the lower reservoir or afterbay) to the forebay during offpeak hours of low demand for electrical power.

An additional average 184,500 acre-feet of water per year will flow through the Mt. Elbert Powerplant and will not be pumped back into the Mt. Elbert Forebay. Because of this flow-through water, Mt. Elbert is not a pure pumped-storage powerplant, but is a modified in-line hydroelectric powerplant, meaning that part of the generation is provided by the flow-through water. If Mt. Elbert had been constructed as a conventional hydroelectric powerplant, this amount of flow-through water would have supported a powerplant with a capacity of about 30 MW of producing energy of about 60 million kWh each year, based on 8 hours of operation daily for 5 days per week throughout the year. The additional 170 MW capacity in Mt. Elbert is provided by the afterbay and forebay arrangement for pumping back water during offpeak hours and generating additional capacity during onpeak hours.

The Mt. Elbert Powerplant will have two units. Each unit is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The scheduled inservice date for the first Mt. Elbert unit is July 1981, and for the second unit is August 1983.

There are environmental factors to be considered in the operation of the Mt. Elbert powerplant. Twin Lakes, the afterbay, is an excellent trout fishery, dependent upon the existence of Mysis shrimp in the food chain. To mitigate adverse impacts to the Mysis shrimp, and, ultimately, the trout fishery, it may be necessary in June, July, and August, to restrict operation of the pumping mode of the powerplant between the hours of midnight and 2 a.m.

Proposed Marketing Plan for the Fryingpan-Arkansas Project

1. Market Area: The market area for power from the Fryingpan-Arkansas Project shall be the portion of the States of Colorado and Wyoming east of the Continental Divide, the portion of the State of Nebraska west of the 101st meridian, and western Kansas.

2. Service Seasons: The summer season shall be the 6-month period from the first day of the April billing period to the last day of the September billing period. The winter season shall be the 6-month period from the first day of the October billing period to the first day of the March billing period of the next succeeding calendar year.

3. Resource Available: The resource available for sale from Fry-Ark, after project use, is expected to be 200 MW of capacity from the first day of commercial service of the second unit through the 1989 summer season. The capacity available for sale from the first day of commercial service of the first unit until the first day of commercial service of the second unit shall be 100 MW. Actual operating experience may require changes in anticipated capacity due to environmental or operated restraints. Any change in capacity will be prorated among the allottees in the ratio of each allotee's initial allocation to the total initial allocation. Western will be obligated to deliver capacity only during hours in which Fry-Ark power units would normally be in the generation mode or could be placed in the generation mode without adversely affecting project operations, as determined by Western. Western will not be oligated to deliver capacity when the power units are down for maintenance.

4. Service Available: Initially, 200 MW of capacity without energy will be allocated. Customers will be required to furnish reserves, emergency and maintenance service, and pump-back energy. Energy produced by flow-through water will be used to reduce the amount of pump-back energy required to be returned by each customer. Western will also offer to assist customers in obtaining any reserves needed for Fry-Ark capacity, return energy, emergency assistance and maintenance services.

5. Scheduling and Accounting: Electric service may be scheduled at any time the powerplant is or can be placed in the generating mode if the customer has a positive balance in his energy account. Each customer will be deemed to have 14 kWh per kW of contract rate of delivery (CROD) in his energy account on the date of first delivery.

Each customer must apply the energy to replenish the energy in his account. Based upon projected equipment efficiencies and crediting flow-through water proportionately, the initial replenishment to utilization ratio is 1.2 to 1. The replenishment to utilization ratio may be adjusted based on actual versus estimated equipment efficiencies. Customers may not accumulate more than 14 kWh/kW of CROD in their energy account any may not schedule return energy at a rate greater than 1.2 times their CROD.

Pump-back energy to replenish energy accounts may be scheduled when the powerplant is or can be placed in the pumping mode. Pumping may be restricted between the hours of midnight and 2 a.m. during the months of June, July, and August for environmental reasons.

Western will meet with customers, after the contracts are executed, to further develop the operating and accounting procedures which will achieve the most efficient mode of operating the powerplant in coordination with the allottees' peakload needs and the scheduling of return energy.

6. Allocation Procedures: Allotment of available capacity will be made first to preference entities in the market area.

a. Undersubscription: If preference entities in the market area do not subscribe for all the capacity available, the remaining capacity will be offered on a 3-year basis, subject to withdrawal, first to preference entities outside the market area, then to nonpreference entities.

b. Oversubscription: If the total amount of capacity applied for exceeds the capacity available, a percentage of the total available capacity shall be reserved for the group of requesting

preference entities having 1980 market area peakloads of 20 MW or less. The percentage to be reserved for this group of small customers shall be determined by considering the number of members of this group, the total number of requesting preference entities, the total capacity requested by members of this group, and to the total capacity requested by all preference entities. If all of the capacity reserved for this group is not subscribed for, the remainder will be added to the amount available for the group with loads greater than 20 MW.

Capacity available for each group shall be apportioned among the members of the group using the following formula:

$$\text{Fry-Ark Allocation} + \frac{\text{CROD}_i}{\text{Load}_i} = \frac{\text{CROD}_T + \text{CROD}_A}{\text{Load}_T}$$

Fry-Ark Allocation = amount of Fry-Ark capacity allocated to the individual group member
Load_i = 1980 market area load of individual group member
CROD_T = Federal resources serving Load_i
Load_T = total 1980 market area load of all members of the group
CROD_T = total Federal resources serving Load_T
CROD_A total Fry-Ark capacity available for allocation to the group.

If use of this formula results in a negative allocation to any group member, that member shall receive a zero allocation. The remaining allocations shall then be recomputed using the above formula.

No requesting entity shall receive an allocation larger than that for which it applied.

7. Delivery Conditions:

a. Fry-Ark power will be delivered over project transmission facilities from the Mt. Elbert Powerplant to Public Service Company of Colorado's (Public Service) Malta Substation. The United States and Public Service have entered into long-term contractual agreements which provide for Public Service to transmit Fry-Ark generation from the Malta substation to other points of interconnection between the United States and Public Service, and to transmit pumping energy from the points of interconnection to Malta Substation. The customer shall bear transmission costs and losses incurred by the United States in transmitting generation and pumping energy between the Malta Substation and Fry-Ark points of interconnection. The cost of the transmission to and from the Fry-Ark points of interconnection under the United States-Public Service contact is 1 mill/kWh and 5-percent losses in each direction.

The initial Fry-Ark points of interconnection are as follows:

Malta Substation—230 kV bus.
Midway Substation—115 kV. 230 kV bus.
Weld Substation—115 kV. 230 kV bus.
Rifle Substation—230 kV bus.
Beaver Creek Substation—115 kV bus.
Eric Substation—115 kV bus.
Summit Substation—115 kV bus.
Poncha Junction—115 kV bus.

b. Additional transmission beyond the Fry-Ark points of interconnection will require arrangements to be made by the customer.

8. Dates of Availability of Power: Dates of availability of power to be allocated will be determined by the actual commercial operation date of each of the two generating units at the Mt. Elbert Powerplant. One hundred megawatts of capacity will be available on the inservice date of the first unit, scheduled for July 1981. An additional 100 megawatts of capacity will be available on the inservice date of the second unit, scheduled for August 1983.

9. Term of Contract: contracts for allocated Fry-Ark capacity will be entered into on or before the inservice date of the first Mt. Elbert pumped-storage unit. the term of these contracts will be through the 1989 summer season.

Western reserves the right to rescind any allotment of power if, by the inservice date of the first Mt. Elbert unit, the allottee has not entered into a contract to take or pay for his allotted capacity from and after the time specified in such contract. Power which is allocated, but not contracted for by the allottee before the inservice date of the first Mt. Elbert unit, will be reallocated. Power which has been allocated and contracted for may be sold by Western, subject to withdrawal, until the date of initial service specified in the contract.

Proposed Power Rate for the Fryingpan-Arkansas Project

Western is proposing an initial rate for the Fry-Ark Project of $3.11 per kilowatt of contract rate of delivery per month for capacity without energy. The proposed rate for Fry-Ark power has been developed pursuant to the authorizing act which requires repayment of project costs within 50 years after commercial operation. The proposed rate is based on a power repayment study dated July 21, 1980. Subsequent to that study, the Water and Power Resources Service (formerly the Bureau of Reclamation) proposed to reallocate some project costs, an action which has the effect of increasing the power rate from $3.11/kW-month to about $3.55/kW-month. A decision on the reallocation of project costs and the associated rate will not be available in time for use in the initial contracts.

This proposed rate is for a minor new service as defined under the Procedures, because it is for a new power system which will have less than 100 million kWh of annual sales. The significance of this classification is that interested persons will be allowed until May 15, 1981, to consult with and obtain information from Western, to examine backup data, and to make suggestions for modification of the proposed power rates.

Notice of Call for Applications

Applications for an allocation of Fry-Ark capacity are to be made to Mr. Peter G. Ungewrman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, 2301 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522.

The application can be found in the appendix of the brochure. Applications are also available upon request. Applications will be accepted at the Loveland-Fort Collins Area Office (address given above) until 4 p.m., Mountain standard time, May 15, 1981.

Availability of Information: Brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the power marketing plan and the proposed rates are and will be available for inspection and copying at the Loveland-Fort Collins Area Office, 201 South College Avenue, P.O. Box 2650, Fort Collins, CO 80522.

Issued at Golden, Colorado, March 27, 1981.

Robert L. McPhail,

Administrator.

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Reader Aids

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
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Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MARCH

14727-14884	2
14885-15128	3
15129-15256	4
15257-15490	5
15491-15684	6
15685-15854	9
15855-16098	10
16099-16234	11
16235-16652	12
16653-16876	13
16877-17008	16
17009-17186	17
17187-17534	18
17535-17750	19
17751-18012	20
18013-18306	23
18307-18520	24
18521-18678	25
18679-18926	26
18927-19210	27
19211-19454	30
19455-19812	31

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

51	19680
485	17187

3 CFR

Executive Orders:

11970 (Revoked by EO 12299)	17751
12247 (Revoked by EO 12298)	16879
12258 (Revoked in part by EO 12299)	17751
12296	15129
12297	16877
12298	16879
12299	17751
12300	18683
12301	19211

Proclamations:

4822	14885
4823	15491
4824	17009
4825	17535
4826	18013
4827	18521
4828	18523
4828 (correction)	18679
4829	18681

Administrative Orders:

Presidential Determinations:

No. 81-2 (Supplemented by No. 81-4 of March 5, 1981)	16235
No. 81-4 of March 5, 1981	16235
No. 73-10 (Amended by No. 81-3 of February 27, 1981)	15855
No. 81-3 of February 27, 1981	15855

4 CFR

27	15857
28	15857

Proposed Rules:

28	15884

5 CFR

Ch XIV	17187
6	18683
213	18927-18931
550	14887
831	16853

7 CFR

Ch XVIII	17753
2	19215
331	17753
905	16237
907	15257, 16237, 17537, 18685
910	15493, 15864, 16655, 17754, 18931
959	16238, 17755
1004	19455
2024	15493

Proposed Rules:

68	19699
930	15888
982	18040
1002	17207
1004	15713, 16266
1007	16266, 18558
1011	16266, 18558
1030	16266, 18558
1032	16266, 18558
1046	16266, 18558
1049	16266, 18558
1050	16266, 18558
1062	16266, 18558
1064	16266, 18558
1065	16266, 18558
1068	16266, 16689, 18558
1071	16266, 18558
1073	16266, 18558
1076	16266, 18558
1079	16266, 18558
1094	16266, 18558
1096	16266, 18558
1097	16266, 18558
1098	16266, 18558
1099	16266, 18558
1102	16266, 18558
1104	16266, 18558
1106	16266, 18558
1108	16266, 18558
1120	16266, 18558
1126	16266, 18558
1131	16266, 18558
1132	16266, 18558
1138	16266, 18558
1701 (2 documents)	19500
1139	16690
2851	14899
2859	15512

8 CFR

214	18988
238	16856

9 CFR

75	15494
78	18685

Proposed Rules:

308	15512
317	16990
381	15512, 16990

10 CFR

20	16230, 18015, 18525

35 15683
212 15257
710 18170

Proposed Rules:
Ch. I 17566
1 16747
2 ..... 17216, 18558, 18747
30 15278
35 18750
40 15278
50 ..... 15278, 18045
51 15154
70 15278
72 15278
211 ..... 15112, 19450
212 17566
376 15484
390 15484
1060 17787

12 CFR

Ch. VII 14887
1 16240
5 16656–16661
8 16663
19 18931
21 15864
29 18932
205 19216
206 16099
211 18015
216 15864
303 ..... 17755, 17756
326 15864
510 19217
511 19217
522 19217
523 18686
541 17187
544 16881
545 ..... 17187, 18686
546 14727
556 ..... 16246, 19221
563 14727
563a 15864
611 ..... 17011, 18688
701 ..... 17187, 17537
748 15864
749 17188
1204 15131

Proposed Rules:
523 19500
400 15888
545 15175
618 17022

13 CFR

123 18526

14 CFR

25 19660
39 ..... 14728–14729, 15259,
91 19660
121 19660
127 19660
135 19660
17538–17540, 16247, 16248,
16881–16888, 18016–18019,
18669, 19222
71 14730–14734
73 19225
91 ..... 16666, 16888
93 19225
95 14735
97 ..... 15259, 16249, 18020
121 15480
159 19225

Proposed Rules:
Ch. I 14749, 15278, 15746,
19245
21 16279
39 ..... 15479, 19246
71 ..... 15478, 16899–16902,
18049, 18050
93 15458
159 15458
241 17022

15 CFR

4a 16251, 19227
19 19227
386 16669
388 17189
503 15496
604 16892
605 16892
935 ..... 14741, 19227
936 ..... 14741, 19227
937 14741
938 14741

Proposed Rules:
19 19266
377 17218
970 18448
1001 19418

16 CFR

1 14888
13 ..... 15261, 15262, 16892,
14741, 17189, 18691
460 18307
1000 17541

Proposed Rules:
13 ..... 16274, 18723
1208 17788
1301 19247

17 CFR

15 ..... 15132, 16255, 18528
16 18528
17 18528
18 18528
21 18528
200 16255
211 15496
230 ..... 18531, 18947, 19251,
19456
231 16670
239 ..... 17756, 18531, 18947,
19459
240 ..... 14888, 15133, 15134,
15496, 15713, 15866,
19251, 19456
241 16670
249 ..... 17756, 19459
250 ..... 18532, 19251, 19456
251 18535
259 ..... 17756, 19459
260 ..... 19251, 19456
269 ..... 17756, 19459
270 ..... 16679, 17011, 19251
19456
274 ..... 17756, 19459
275 ..... 19251, 19456
279 ..... 17756, 19459

Proposed Rules:
1 16691
210 15278
230 18559
240 ..... 14749, 15178, 17219,
18990

18 CFR

1 19465
4 15873
250 15874
260 15878
282 ..... 14742, 15496, 15879,
16256, 18011, 19228
19465
292 19229
410 19660

Proposed Rules:
Ch. I 15512
Subchapter B 16903
1 ..... 14751, 17023
1b 17023
2 17023
3 17023
3a 17023
3c 17023
4 ..... 14751, 17023
12 17023
16 17023
25 17023
32 17023
33 17023
34 15513
35 ..... 17023, 17227
41 17023
131 15513
152 17023
153 17023
154 14899
156 17023
157 ..... 14899, 16903
158 17023
250 14899
260 14899
270 17023
271 ..... 16914, 17023
275 17023
281 17023
282 17023
284 17023
286 17023
292 17023
375 ..... 16903, 17023
385 17023
388 17023

19 CFR

Ch. II 17526
200 17542
207 18022
210 17526
211 17526
353 ..... 15135, 17190
355 ..... 16099, 17014

Proposed Rules:
101 17228

20 CFR

655 18951

Proposed Rules:
655 18991
725 19510

21 CFR

1 19660
5 ..... 16674, 17757
50 18951
73 ..... 15500, 17758, 19660
74 18951
81 ..... 15500, 17758, 18951–
18958
82 18951
101 19660
102 19660
103 19660
105 19660
106 19660
114 19660
122 19660
131 19660
133 19660
135 19660
136 19660
137 19660
139 19660
145 19660
146 19660
150 19660
155 19660
156 19660
161 19660
163 19660
164 19660
166 19660
168 19660
169 19660
170 19660
172 19660
173 19660
175 ..... 16675, 19660
176 19660
177 ..... 16675, 19660
178 ..... 17758, 19660
179 19660
180 19660
184 19660
186 19660
189 19660
193 ..... 16256, 17015
211 19660
331 19660
430 ..... 15880, 16676
431 16676
436 ..... 15880, 16676, 16678,
16681, 19660
440 ..... 15880, 16681
442 ..... 15880, 16679
444 ..... 16676, 16680, 16681,
17758
446 16681
448 16681
449 16681
450 ..... 16681, 19660
452 ..... 16678, 16681
510 ..... 18959, 18961
520 ..... 18959, 18961–18963,
19466
522 ..... 18961, 18964
524 18964
529 18965
540 14889
556 ..... 18966, 19660
558 18966–18968
561 ..... 14889, 17015, 18023
630 19660
701 19660
720 19660
801 19660
864 14890

Proposed Rules:
Ch. I 18992
20 17063
73 18994
81 18994
106 17790
109 15518
110 15518

165 18995
180 18996
182 18996
193 15281
225 15518
226 15518
452 16892
500 15518
509 15518
601 17063
603 17063
872 15519
876 ..... 17063, 17064

22 CFR

Ch. XIV 16058, 16065
19 18966
41 15504
51 16257
191 17543
217 19666
502 18970
504 18970
505 18970
525 18970

23 CFR

450 19233
625 19666
630 19233
655 19232
656 19232
1204 19667

24 CFR

200 19660
201 17190
203 ..... 14743, 16893
207 ..... 14743, 16893
213 16893
220 ..... 14743, 16893
221 16893
232 16893
234 16893
235 16893
236 16893
241 16893
242 16893
244 16893
300 15505
803 17366
886 19467
888 17366
3280 19660

Proposed Rules:

115 18997

25 CFR

43c 14890
52 19233
53 19233

Proposed Rules:

72 16916
260 16916
700 15720

26 CFR

1 ..... 15262, 15685, 16100, 17191
20 17191
25 17191
31 17547
37 17547
55 15262
150 16257

Proposed Rules:

1 ..... 15892, 17229, 18998
26 15893
31 17566

27 CFR

13 19660
72 18536
170 19660
197 19660
212 19660
245 19660
270 18309
275 18309
290 18309
295 18309

28 CFR

0 16100
40 16100

Proposed Rules:

2 14904

29 CFR

1 18973
4 18973
5 18973
6 18973
1903 18951
1910 ..... 14897, 18973, 18974
2200 14744
2610 ..... 16685, 18312
2613 18988
2615 18988

Proposed Rules:

92 16827
541 18998
1903 18999
1910 19501
1952 19000
1955 19000
1990 19000

30 CFR

700 18023
716 18023
785 18023
936 18536
944 18541
950 17191

Proposed Rules:

806 16276

31 CFR

51 19468

32 CFR

201 15505
242b 18024
286 14890
369 15506
762 18313
875 15506
817 19234

33 CFR

1 15685
161 19234
230 14745

Proposed Rules:

204 18050

34 CFR

104 18975
200 18976
201 18976
300 18975
690 16823

Proposed Rules:

75 19000
76 19000
78 19000
104 ..... 18321, 19000-19002
200 19000
201 19000
211 19000
215 19000
223 19000
230 19000
231 19000
300 19000-19002
305 19000
307 19000
309 19000
315 19000
318 19000
322 19000
324 19000
332 19000
338 19000
361 19000
362 19000
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674 19000
675 19000
676 19000
682 19000
690 19000
726 19000
735 19000
740 19000
753 19000
757 19000
776 19000
778 19000

36 CFR

7 19233

38 CFR

1 19234
2 18977
3 16101
21 16101
36 16686

Proposed Rules:

3 ..... 19002, 19503
17 18051

39 CFR

10 ..... 17016, 18313
111 ..... 14746, 15263, 15266, 17758

Proposed Rules:

10 18054
111 18560

40 CFR

52 ..... 15136-15139, 15686, 16687, 16895-16897, 17019, 17191-17193, 17549-17557, 17777-17779, 18692, 19466
55 15686
57 18025
81 ..... 14891, 14892, 15140, 16258, 17557, 19472
86 ..... 15686, 16258, 16259
122 ..... 16897, 18025
123 ..... 17194, 18978
162 ..... 15104, 17779
180 ..... 14894, 15122-15125, 17020, 17021, 18313-18316, 18694, 18978
205 17558
261 17196
264 ..... 16897, 18025
265 ..... 16897, 18025
761 16090
1500 18026
1501 18026
1502 18026
1503 18026
1504 18026
1505 18026
1506 18026
1507 18026
1508 18026

Proposed Rules:

Ch. I 16916
52 19003
51 16280
52 ..... 15180, 15181, 15284, 15743, 16280, 17790, 18725
60 14905
61 18561
62 18321
81 ..... 15744, 15744
86 ..... 15893, 16917
141 17567
162 18322
180 ..... 15181, 15182, 15285, 16917, 17229, 17230
192 16278
264 18054
406 17567
408 18055
409 17567
413 17567
416 17567
418 17567
420 ..... 17567, 18725

421 17567
422 17567
424 17567
426 17567
428 17567
430 15287
431 15287
432 17567
435 17567
436 17567
440 17567
443 17567
457 17567
460 17567
761 16096
763 ..... 14905, 19504

41 CFR

Ch. 1 17780
Ch. 101 17564
1-3 17559
1-4 16102
5-8 17202
5A-8 17202
5B-8 17202
11 17559
16 17559
60-1 18951
101-26 17564
101-35 16102
101-36 16102
101-37 19472
101-38 18695
101-40 14894

Proposed Rules:

8-4 17232
60-1 19004
101-7 17791
101-41 19504

42 CFR

110 15141

43 CFR

9 19233
20 16897
2090 19233
2200 19233
2210 19233
2220 19233
2230 19233
2240 19233
2250 19233
2260 19233
2270 19233
2300 19233
2310 19233
2320 19233
2340 19233
2350 19233
2920 19233

Public Land Orders:

5797 15506
5798 15506
5799 15506
5802 15506
5804 15506
5805 15506
5806 15506
5809 15506
5810 15506
5812 15506
5814 15506
5817 15506
5818 15506
5819 15506
5821 15506
5824 15506
5825 15506
5826 15506
5827 15506
5828 15506
5830 15506
5831 15506
5832 15506
5833 15506
5834 15506
5836 15506
5837 15506
5838 15506
5839 15506
5840 15506
5841 15506
5842 15506
5844 15506
5845 15506
5846 15506
5848 15506
5849 15506
5850 15506
5851 15506
5852 15506
5853 15506
5854 15506
5855 15506

44 CFR

64 ..... 15267, 15269, 17781, 17782, 18712, 18713, 19474-19476
65 ..... 15142, 17782, 18546, 18707, 19477
67 ..... 18546, 18698
70 19478

Proposed Rules:

60 16692
67 ..... 14907, 15183, 15287, 16282, 17795-17808, 18562, 18563, 18726, 19505, 19506

45 CFR

46 19195
1060 15270
1357 14895
1612 16267

Proposed Rules:

1624 18055

46 CFR

3 15748
4 19235
14 15748
24 15748
34 19660
52 19660
53 19660
54 19660
56 19660
57 19660
58 19660
59 19660
64 19660
76 19660
113 19660
160 19660
161 19660
162 19660
164 19660
189 15748
194 19660
401 18716
536 18549

Proposed Rules:

502 17064

47 CFR

1 18551
2 ..... 15146, 15690, 18979
13 18717
15 19479
25 18720
31 19481
73 ..... 15147-15151, 15271, 15707, 15709-15711, 16268, 17783-17785, 18316-18318, 18556, 18557
81 ..... 15690, 18982
83 ..... 15690, 18717, 18982, 18984
90 ..... 15152, 15273
97 ..... 15146, 18979

Proposed Rules:

Ch. I 14907, 15184, 15296, 16692, 18737, 19005
0 15297
22 15749
25 15754
61 15297
63 ..... 14754, 15297
67 ..... 17568, 19510
73 ..... 15184-15186, 15298, 15754, 15756, 15757, 17065, 17233, 17809-17811, 18737-18745, 19005, 19267-19269
83 ..... 17233, 19007
90 ..... 16104, 17813

48 CFR

Proposed Rules:

31 16918

49 CFR

172 ..... 17738, 19235, 19660
173 ..... 17564, 19236
178 19660
179 19660
192 19660
195 19660
395 19236
531 ..... 18038, 18721
613 19233
639 19235
640 19235
642 19237
1002 19494
1003 ..... 16200, 17785
1005 ..... 16200, 17785
1031A 19238
1033 ..... 14895, 14896, 15507, 18721
1039 15509
1056 ..... 16200, 17785
1100 17785
1132 15509
1138 19494
1240 15880
1243 15881
1310 ..... 16200, 17785
1311 19494
1322 ..... 16200, 17785
1331 ..... 15277, 16102

Proposed Rules:

23 16282
571 18747
583 18059
639 19270
640 19270
1048 16106
1052 ..... 17813, 17814, 19271
1056 16225
1057 15300
1100 17065
1206 15302
1207 15302
1245 19273
1249 19273
1307 17234
1310 17234

50 CFR

17 19233
611 16103
652 15510
671 18318

Proposed Rules:

20 18666
216 00000
230 15746
410 15188
611 16107

V 46 / 61 / M R 3 1 8 1 UMI

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Last Listing March 18, 1981

V 46/61 MR31 81 UMI

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